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SENATE—*Monday, August 10, 1970*

The Senate met at 10:30 a.m. and was called to order by Hon. SPESSARD L. HOLLAND, a Senator from the State of Florida.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in whom we live and move and have our being, turn our minds inward that we may be aware of the mysterious resources with which Thou hast endowed us. Turn our minds outward that we may behold the world's need. Turn our minds upward to behold Thy majesty, glory, and power which is sufficient for all mankind.

May we be captive this day to the Master of life—

"In hope that sends a shining ray
Far down the future's broadening way;
In peace that only Thou canst give,
With Thee, O Master, let me live."

In His name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 10, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SPESSARD L. HOLLAND, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HOLLAND thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 7, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Ohio (Mr. YOUNG) there be a period for the transaction of routine morning business, with a time limitation of 3 minutes on statements made therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the calendar for unobjected-to bills under rule VIII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

OFFICE OF EMERGENCY PREPAREDNESS

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination on the Executive Calendar.

The assistant legislative clerk read the nomination of Darrell M. Trent, of Kansas, to be Deputy Director of the Office of Emergency Preparedness.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

U.S. AIR FORCE

The assistant legislative clerk read the nomination of Brig. Gen. Roy M. Terry—colonel, Regular Air Force, chaplain—U.S. Air Force, to be a major general.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I make the same request for those nominations.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I make the same request for those nominations.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished Senator from Iowa (Mr. HUGHES), I would like to call up Calendar No. 1077, S. 3835, but before that, with his approval, I would like to make a brief statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of my statement Calendar No. 1077, S. 3835, be laid before the Senate as the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NONAGGRESSION PACT BETWEEN THE SOVIET UNION AND WEST GERMANY

Mr. MANSFIELD. Mr. President, last week, the Soviet Union and West Germany initiated a nonaggression pact. The agreement still awaits formal signature and ratification by both nations.

Nevertheless, the initialing of the pact is in itself an event of great importance. That such is the case is indicated by the comments of both the West German Foreign Minister Walter Scheel and his Soviet counterpart, Andrei Gromyko, when, after 12 days of negotiations, they concluded the agreement.

According to press reports, the pact encompasses the usual provisions for renunciation of force in settling disputes. It goes beyond, however, to include a mutual pledge to accept Europe's current national borders and to work for an improvement in East-West European relations. The pact leaves open the door to eventual German reunification. Finally, it offers assurance that the rights of the Western Allies of World War II in the Berlin situation will not be impaired.

This agreement seems to me to operate in concert with two decades of Presidential pronouncements regarding this Nation's policies. It is a landmark in the detente which has been in progress for many years in Europe, between East and West. It appears to be a link in the evolution of European relations toward an all-European approach to a stable peace. These relations have emerged from the fear and hostility of the immediate post-World-War-II years via the routes of commerce, travel, and cultural interchange between East and West. Now, the initiating of this agreement may well point toward a full European diplomatic reconciliation.

In that sense, the German-Soviet pact underscores what so many in the Senate have been urging for so long. It is urgent that this Nation readjust its policies to the changing realities in Europe, and notably as they involve a massive and costly U.S. troop deployment in Western Europe. In great measure this expenditure has been more than a needless drain on our dwindling resources. In the rigidity with which it has been maintained, the deployment has acted to reduce the relevance of U.S. policy to the flow of events in Europe.

The $14 billion annual drain on U.S. resources is made even more anachronistic by the latest development in West Germany-Soviet relations. It would be my hope that the executive branch will now be moved to act promptly to begin an orderly and a planned reduction of the over 500,000 U.S. forces and dependents in Western Europe, to the end that this excessive and wasteful expenditure of resources may be made to serve more useful purposes, defense and nondefense.

I cannot stress too much the Senate's interest in this matter. It is not unrelated to the military authorizations and appropriations which are now moving through the Congress. May I say that if the President takes an Executive initiative which would act to redirect the usage of some of this needlessly excessive expenditure in Europe, he can count on the full cooperation of the Senate in bringing about the adjustment.

I thank the distinguished Senator for yielding.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

The ACTING PRESIDENT pro tempore. Under the previous order, S. 3835 will be stated by title and will become the pending business.

The assistant legislative clerk read as follows: Calendar No. 1077 (S. 3835) a bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare, with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

This Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970".

TITLE I—FINDINGS AND DECLARATION OF PURPOSES

SEC. 101. The Congress hereby finds that—

(a) Alcohol abuse and alcoholism are increasing throughout the country. Alcohol abuse can seriously impair health and can lead to alcoholism. Alcoholism is an illness or disease that requires treatment through health rehabilitation services.

(b) Alcoholism treatment and control programs should, whenever possible, be community based; provide a comprehensive range of services, including emergency treatment, under proper medical auspices on a coordinated basis; and be integrated with and involve the active participation of a wide range of public and nongovernmental agencies.

(c) Existing laws and their implementation have not been adequate to prevent alcohol abuse or to provide sufficient education, treatment, and rehabilitation of alcoholics. Increasing education, treatment, and rehabilitation services, and closer coordination of efforts, offer the best possibility of reducing alcohol abuse and alcoholism. A major commitment of health and social resources and Government funds is required to institute an adequate and effective Federal program for the prevention and treatment of alcohol abuse and alcoholism.

(d) Present Federal programs for alcohol abuse and alcoholism are relegated to a low level of priority and remain uncoordinated within the Government. Therefore, existing Federal research, social, health, and rehabilitation laws have not adequately been used to attack alcohol abuse and alcoholism. This has contributed to the failure of public and private State and local agencies, institutions, and organizations to recognize their responsibilities for meeting these problems.

(e) Federal officials have failed to effectively handle alcoholism among those for whom the Government has special responsibility—civilian employees, military personnel, veterans, Federal offenders, American Indians, and Alaskan Natives.

(f) The criminal law is not an appropriate device for preventing or controlling health problems. Therefore dealing with persons who are guilty of no more than public intoxication as criminals is improper, essentially unproductive, and wasteful. The recognition of this fact and the concurrent establishment of modern public health programs for the medical management of alcohol abuse and alcoholism will facilitate (1) early detection and prevention of alcoholism and effective treatment and rehabilitation of alcoholics, and (2) early diagnosis and treatment of other concurrent diseases.

(g) Handling alcohol abusers and alcoholics primarily through health and other rehabilitative programs relieves the police, courts, correctional institutions and other law enforcement agencies of a burden that interferes with their ability to protect citizens, apprehend law violators, and maintain safe and orderly streets.

SEC. 102. The Congress declares that—

(a) There shall be established and maintained in the Public Health Service, a National Institute for the Prevention and Treatment of Alcohol Abuse and Alcoholism, through which the Secretary shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treatment of alcohol abuse and alcoholism and administer the programs and authorities established by this Act.

(b) Major Federal action and Federal assistance to State and local programs shall be undertaken to engage in and encourage planning, coordination, statistics, research, training and education with respect to alcohol abuse and alcoholism, and to provide equal access to humane care, effective treatment, and rehabilitation for all alcoholics regardless of their circumstances.

(c) In addition to the provisions of this Act, other Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in the fields of health, education, welfare, rehabilitation, and highway safety shall be utilized to reduce alcohol abuse and alcoholism.

TITLE II—DEFINITONS

SEC. 201. For the purposes of this Act—

(a) "Alcohol abuse" means any use of any alcoholic beverage that results in intoxication which endangers persons or property.

(b) "Alcoholic" means any person whose repetitive use of alcohol causes him physical, psychological, or social harm.

(c) "Alcoholic beverage" includes alcoholic spirits, liquors, wines, beer, and every liquid or fluid, patented or not, containing alcoholic spirits, wine or beer which is capable of being consumed by human beings and produces intoxication in any form or in any degree.

(d) "Alcoholism" means any condition characterized by the repetitive use of alcohol to an extent that causes the drinker physical, psychological, or social harm.

(e) "Courts" includes all Federal courts, including any United States magistrate.

(f) "Department" means the Department of Health, Education, and Welfare.

(g) "Emergency medical services" includes all appropriate short-term services for the acute effects of alcohol intoxication which (1) are available twenty-four hours a day, (2) are community based and located so as to be quickly and easily accessible to patients, (3) are affiliated with, and constitute an integral (but not necessarily physical) part of, the general medical services of a general hospital, and (4) provide detoxification and other appropriate medical care and treatment, professional examination, evaluation, diagnosis and classification with respect to possible alcoholism, and referral for other treatment and rehabilitation.

(h) "Inpatient services" includes all treatment and rehabilitation services for alcohol abuse and alcoholism provided for a resident patient while he spends full time in a treatment institution, which is, preferably, community based and located so as to be quickly and easily accessible to patients.

(i) "Institute" means the National Institute for the Prevention and Treatment of

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Alcohol Abuse and Alcoholism in the Public Health Service.

(j) "Intermediate care services" includes all treatment and rehabilitation services for alcohol abuse and alcoholism for a resident patient while he spends part time in a treatment institution (including but not limited to a halfway house, hostel, or foster home) which is community based and located so as to be quickly and easily accessible to patients.

(k) "Outpatient services" includes all treatment and rehabilitation services (including but not limited to clinics, social centers, vocational rehabilitation services, welfare services, and job referral services) for alcohol abuse and alcoholism provided while the patient is not a resident of a treatment institution, which are community based and located so as to be quickly and easily accessible to patients.

(l) "Prevention and treatment" includes all appropriate forms of educational programs and services (including but not limited to radio, television, films, books, pamphlets, lectures, seminars, workshops, conferences, adult education, and school courses); planning, coordinating, statistical, research, training, evaluation, reporting, classification, and other administrative, scientific, or technical programs or services; and screening, diagnosis, treatment (emergency medical services, inpatient services, intermediate care services, and outpatient services), vocational rehabilitation, job training and referral, and other rehabilitation programs or services.

(m) "Secretary" means the Secretary of Health, Education, and Welfare.

(n) "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

TITLE III—NATIONAL INSTITUTE FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

ESTABLISHMENT OF THE INSTITUTE

SEC. 301. (a) There is hereby established in the Public Health Service, a National Institute for the Prevention and Treatment of Alcohol Abuse and Alcoholism to administer the programs and authorities assigned to the Secretary by this Act. The Secretary, acting through the Institute, shall develop and conduct a comprehensive health, education, research, and rehabilitation program for the prevention and treatment of alcohol abuse and alcoholism.

(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

(c) The Institute and its programs and services shall be staffed with an adequate number of personnel, who shall possess appropriate qualifications and competence, and some of whom may be recovered alcoholics. Prior alcohol related criminal arrests or convictions shall not be a bar to such employment.

ADMINISTRATIVE FUNCTIONS OF THE SECRETARY

SEC. 302. It shall be the duty of the Secretary, acting through the Institute, with respect to his administrative functions to—

(a) assist Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services in accordance with section 304(a) of this Act;

(b) review and provide in writing an evaluation of the adequacy and appropriateness of any provisions relating to the prevention and treatment of alcohol abuse and alcoholism of all comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including but not limited to those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, section 501 of this Act, section 604 of the Public Health Service Act, Section 1902(a) of title XIX of the Social Security Act, and section 204 of part A of the Community Mental Health Centers Act;

(c) administer the grants and contracts authorized under title V of this Act; and

(d) provide assistance to any other service or program, or take any other action, consistent with the intent and objectives of this Act.

PLANNING FUNCTIONS OF THE SECRETARY

SEC. 303. It shall be the duty of the Secretary, acting through the Institute, with respect to his planning function to—

(a) develop a detailed and comprehensive Federal alcohol abuse and alcoholism prevention and treatment plan to implement the objectives and policies of this Act. The plan shall be submitted to Congress as soon as practicable, but not later than one year after the enactment date of this Act. Other responsibilities of the Secretary, as set out in this Act, shall not be interrupted or delayed pending the initial development of such a plan. The plan shall be reviewed annually and submitted to Congress with any appropriate revisions as part of the Secretary's annual report. The Secretary shall, in developing the comprehensive Federal plan, consult and collaborate with all appropriate public and private departments, agencies, institutions, organizations, and individuals. The plan shall specify how all available health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal legislation, should be utilized;

(b) carry out a complete evaluation of existing and ongoing alcohol education materials and programs, and alcohol abuse and alcoholism prevention compaigns;

(c) develop models of alcoholism prevention and treatment legislation for State and local governments, which utilize the concepts incorporated in this Act;

(d) develop model alcohol abuse and alcoholism prevention and treatment plans for State and local governments, utilizing the concepts incorporated in the comprehensive Federal plan. The model plans shall be reviewed on a periodic basis and revised to keep them current. They shall specify how all types of community resources and existing Federal legislation may be utilized;

(e) provide assistance and consultation to State and local governments and private organizations, agencies, institutions, and individuals with respect to the prevention and treatment of alcohol abuse and alcoholism; and

(f) encourage and promote, throughout the country, public health procedures for the treatment of alcoholics as alternatives to present criminal procedures.

COORDINATION FUNCTIONS OF THE SECRETARY

SEC. 304. It shall be the duty of the Secretary, acting through the Institute, with respect to his coordinating functions to—

(a) upon request, assist the Civil Service Commission, the Department of Defense, the Veterans' Administration, and other Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse and alcoholism pursuant to title IV of this Act;

(b) serve in a consulting capacity to all Federal courts, departments, and agencies, and be responsible for assisting in the development and coordination of a full range of programs, facilities, and services available to them for education, diagnosis, planning, counseling, treatment, and rehabilitation with respect to the alcohol abuse and alcoholism problems they encounter;

(c) coordinate all Federal social, health, rehabilitation, and other efforts to deal with alcohol abuse and alcoholism;

(d) encourage and assist State and local government programs and services, and programs and services of public and private agencies, institutions, and organizations for the prevention and treatment of alcohol abuse and alcoholism;

(e) stimulate more effective use of existing resources and available services for the prevention and treatment of alcohol abuse and alcoholism;

(f) cooperate with the National Advisory Council on Alcohol Abuse and Alcoholism the Civil Service Commission, and other appropriate Federal departments and agencies to develop a policy consistent with this Act with regard to Federal civilian employees who are alcohol abusers or alcoholics, involving appropriate programs and services for the prevention and treatment of alcohol abuse and alcoholism among such employees; and

(g) assist State and local governments in coordinating programs among themselves for the prevention and treatment of alcohol abuse and alcoholism.

STATISTICAL FUNCTIONS OF THE SECRETARY

SEC. 305. It shall be the duty of the Secretary, acting through the Institute with respect to his statistical functions to—

(a) gather and publish statistics pertaining to alcohol abuse and alcoholism;

(b) promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted on a voluntary basis by public and private departments, agencies, organizations, practitioners, and other persons with respect to alcohol abuse and alcoholism. Such statistics and reports shall not reveal the identity of any patient or alcoholic or other confidential information.

RESEARCH FUNCTIONS OF THE SECRETARY

SEC. 306. It shall be the duty of the Secretary, acting through the Institute with respect to his research functions to—

(a) conduct and encourage all forms of research, investigations, experiments, and studies relating to the cause, epidemiology, sociological aspects, prevention, diagnosis, and treatment of alcohol abuse and alcoholism;

(b) conduct, and encourage and assist others to conduct, all forms of research, investigation, experiments, and studies relating to the toxicology, pharmacology, chemistry, and effects on the health, of alcohol abuse and alcoholism;

(c) coordinate such research with research conducted by other Federal and State and local agencies, public and private agencies, institutions, organizations, and individuals. To facilitate this activity the Secretary shall establish and maintain a complete and current register of all practitioners and other qualified investigators engaged in any form of research on alcohol abuse and alcoholism;

(d) make available research facilities and resources of the Secretary to appropriate authorities, health officials, and individuals engaged in special studies related to the purposes of this Act;

(e) make grants to public and private nonprofit agencies, organizations, and institutions, and contracts with public or private agencies, institutions, organizations, and individuals, for such research;

(f) establish an information center on such research, which will gather and contain, and disseminate where appropriate, all available published and unpublished data and information. All Federal departments and agencies shall send to the Secretary any unpublished data and information pertinent to the cause, prevention, diagnosis, and treatment of alcohol abuse and alcoholism and the toxicology, pharmacology, epidemiology, and incidence of alcohol abuse and alcoholism, and studies, reports and other research on other alcohol problems such as those pertaining to traffic safety, and the Secretary shall make such data and information widely available;

(g) establish and maintain research fellowships in the administration and elsewhere, and provide for such fellowship through grants to public and private nonprofit agencies, institutions, and organizations:

(h) investigate methods for determining more rapidly and precisely the extent of alcohol consumption by an individual in a given time period and the degree of intoxication which individuals are likely to experience from such alcohol consumption, and publish on a current basis information concerning uniform methodology and technology for making such determinations;

(i) any information obtained through investigation or research conducted pursuant to this Act shall be used in ways so that no name or identifying characteristics of any person shall be divulged without the approval of the Secretary and the consent of the person concerned. Persons engaged in research pursuant to this section shall protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons engaged in such research shall protect the privacy of such individuals and may not be compelled in any Federal, State, civil, criminal, administrative, legislative, or other proceeding to identify such individuals; and

(j) evaluate existing and proposed new programs and services for the prevention and treatment of alcohol abuse and alcoholism.

TRAINING FUNCTIONS OF THE SECRETARY

SEC. 307. It shall be the duty of the Secretary, acting through the Institute, with respect to his training functions to—

(a) establish training programs, including interdisciplinary and bilingual training programs for professional and paraprofessional personnel with respect to alcohol abuse and alcoholism;

(b) encourage the establishment of training courses, including interdisciplinary and bilingual training programs, for professional and paraprofessional personnel by State and local governments with respect to alcohol abuse and alcoholism; and

(c) establish and maintain training fellowships in the Administration and elsewhere, and provide for such fellowships through grants to public and private institutions.

EDUCATIONAL FUNCTIONS OF THE SECRETARY

SEC. 308. It shall be duty of the Secretary, acting through the Institute, with respect to his educational functions to—

(a) develop model curricula including bilingual curricula which reflect social, geographic, and economic variables of the alcohol abuse and alcoholism problem, and which include relevant data and other information, for utilization by elementary and secondary schools for instructing children about alcohol abuse and alcoholism:

(b) develop model curricula, including bilingual curricula, which reflect social, geographic and economic variables of the alcohol abuse and alcoholism problem, and which include relevant data and other information, for utilization by parent-teacher associations, adult education centers, private citizen groups, or other State or local sources, for instructing parents and other adults about alcohol abuse and alcoholism;

(c) prepare a broad variety of educational materials including bilingual materials, which reflect social, geographic, and economic variables of the alcohol abuse and alcoholism problem, for use in all media and to reach all segments of the population, that can be utilized by public and private agencies in educational programs with respect to alcohol abuse and alcoholism;

(d) establish educational courses and guidelines, including relevant data and other information, on the causes and effects of, and treatment for, alcohol abuse and alcoholism, for Federal law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officers, and other law enforcement personnel), Federal welfare, vocational rehabilitation, military, veterans, civil service, transportation, economic opportunity, housing personnel, and other Federal officials who come in contact with alcohol abuse and alcoholism problems;

(e) develop educational courses and guidelines, reflecting the social, geographic, and economic variables of the alcohol abuse and alcoholism problem, and including the provision of relevant data and other information, on the causes and effects of, and treatment for, alcohol abuse and alcoholism for use by appropriate States and local government and private agencies, institutions, and organizations, for State and local law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials, and other law enforcement personnel), State and local welfare, vocational rehabilitation, veterans, civil service, transportation, economic opportunity, and housing personnel, and other State and local officials and community leaders;

(f) serve as a clearinghouse for the collection, preparation and dissemination of all information relating to alcohol abuse and alcoholism, including State and local alcohol abuse and alcoholism treatment plans, availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

(g) recruit, train, organize and employ professional and other persons, including recovered alcoholics, to organize and participate in programs of public education in relation to alcohol abuse and alcoholism;

(h) coordinate activities carried on by all departments, agencies, and instrumentalities of the Federal Government with respect to health education aspects of alcohol abuse and alcoholism;

(i) promote the implementation of bilingual educational programs in carrying out the provisions of this section; and

(j) undertake such other activities as the Secretary may consider important to a national program of education relating to alcohol abuse and alcoholism.

REPORTING FUNCTIONS OF THE SECRETARY

SEC. 309. It shall be the duty of the Secretary, acting through the Institute, with respect to his reporting functions to—

(a) submit an annual report to Congress, which shall specify the actions taken and services provided and funds expended under each provision of this Act and an evaluation of their effectiveness, and which shall contain the current Federal alcohol abuse and alcoholism prevention and treatment plan;

(b) submit to Congress on or before June 30, 1971, a report (1) containing current information on the health consequences of using alcohol, and (2) containing such recommendations for legislation and administrative action as he may deem appropriate;

(c) submit such additional reports as may be requested by the President of the United States or by Congress; and

(d) submit to the President of the United States and to Congress such recommendations as will further the prevention, treatment, and control of alcohol abuse and alcoholism.

TITLE IV—PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM FOR FEDERAL EMPLOYEES

ALCOHOL ABUSE AND ALCOHOLISM AMONG FEDERAL GOVERNMENT EMPLOYEES

SEC. 401. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and with other Federal agencies and departments, appropriate policies and services for the prevention and treatment of alcohol abuse and alcoholism among Federal civilian employees, consistent with the purposes and intent of this Act. Such policies and services shall make optimal use of existing governmental facilities, services, and skills. Federal civilian employees who are alcohol abusers or who are alcoholics shall retain the same employment and other benefits as other persons afflicted with health problems and illnesses, and shall not lose, solely because they are alcohol abusers or alcoholics, pension, retirement, medical, or other rights. A good faith attempt shall be made to find appropriate nonsensitive work within the Government during the employee's rehabilitative treatment, rather than placing him on sick leave.

(b) The Secretary, acting through the Institute, shall be responsible for fostering similar alcohol abuse and alcoholism prevention, treatment, and rehabilitation services in State and local governments and in private industry.

(c) No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the ground of prior alcohol abuse or alcoholism, except with regard to extremely sensitive positions specified in regulations promulgated by the department or agency in which he is employed.

(d) Nothing herein shall prohibit the dismissal from employment of a Federal civilian employee who, as a result of alcohol abuse or alcoholism and failure to accept appropriate treatment, cannot properly function in his employment.

HEALTH AND DISABILITY INSURANCE PLANS FOR FEDERAL EMPLOYEES

SEC. 402. All health and disability insurance policies and plans for Federal civilian employees hereafter contracted or renegotiated shall cover alcoholism in the same way as other health problems, illnesses, and diseases that are not self-inflicted.

CONFIDENTIALITY OF RECORDS

SEC. 403. (a) All patient records prepared or obtained pursuant to this Act, and all information contained therein, shall remain confidential and may be disclosed, with the patient's consent only to medical personnel and only for purposes of diagnosis and treatment of the patient, or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his alcoholism or, for research purposes, to public or private research organizations, agencies, institutions, or individuals whose competence and research programs have been approved by the Secretary. Disclosure may be made for purposes unrelated to such treatment, benefits, or research upon an order of a court after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, to the physician-patient relationship, and to the treatment service, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate criminal charges against a patient under any circumstances.

(b) All patient records and all information contained therein relating to alcohol abuse or alcoholism prepared or obtained by a private practitioner shall remain confidential, and may be disclosed only with the patient's consent and only to medical personnel for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his alcoholism.

TITLE V—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—COMPREHENSIVE STATE PLANS

COMPREHENSIVE STATE PLANS

SEC. 501. Section 314(a) (2) of the Public Health Service Act is amended by adding at the end thereof:

"(L) provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem, such plan to (i) estimate the number of alcohol abusers and alcoholics within the various areas within the State and the extent of the health problem caused, (ii) establish priorities for the improvement of the capabilities of State and local governments and public and private agencies, institutions, and organizations with respect to prevention and treatment of alcohol abuse and alcoholism, and (iii) specify how all available community health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal and State legislation, are to be used for these purposes."

PART B—FORMULA GRANTS

AUTHORIZATION

SEC. 511. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, the sum of $20,000,000; for the fiscal year ending June 30, 1972, the sum of $25,000 000; for the fiscal year ending June 30, 1973, the sum of $30,000,000 for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs to deal with alcohol abuse and alcoholism.

STATE ALLOTMENT

SEC. 512. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 511 among the States on the basis of the relative population, financial need, and need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any fiscal year shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year may be realloted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this title, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such two additional years, which the Secretary determines will remain unobligated at the close of the second of such additional years may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such additional years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this title, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is greater, shall be available for such purpose for such year.

STATE PLANS

SEC. 513. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) will have authority to carry out such plan in conformity with this part;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of alcohol abuse and alcoholism, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a survey of need for the prevention and treatment of alcohol abuse and alcoholism, including a survey of the health facilities needed to provide services for alcohol abuse and alcoholism and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(6) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(7) provide that the Comptroller General of the United States or his duly authorized represenaives shall have access for the purpose of audit and examination to the records specified in paragraph (6);

(8) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary;

(9) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(10) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

APPLICATIONS AND CONDITIONS

SEC. 514. (a) For each project pursuant to a State plan approved under this part for which a grant is sought from an allotment under section 512, there shall be submitted to the Secretary, through the State agency designated in accordance with section 513, an application by the State or a political subdivision thereof or by a public or other nonprofit agency, institution or organization.

(b) The Secretary shall approve such application if (1) there remains sufficient balance in the allotment (available for the purposes of this part) determined for such State; (2) he finds that the application is in conformity with the State plan under section 513; (3) he obtains assurances that any facility or portion thereof to be constructed or modernized and any program to be carried out will be available to all persons residing in the territorial area of the applicant; and (4) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require. The Secretary may to the extent he determines it would not interfere with the objectives of this title, base his findings and determinations under this subsection on certifications by the State agency.

(c) No application under this section shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

(d) Amendment of an approved application shall be subject to approval in the same manner as an original application.

PART C—PROJECT GRANTS

GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

SEC. 520. There are hereby authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1971; $100,000,000 for year ending June 30, 1972; and $160,000,000 for the fiscal year ending June 30, 1973, to carry out the provisions of this part. Any appropriated funds shall remain available until expended.

Sec. 521. (a) The Secretary, acting through the Institute, is authorized to make grants to public and private non-profit agencies, organizations and institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals for the prevention and treatment of alcohol abuse and alcoholism to assist State and local governments and public and private organizations, agencies, institutions, or individuals to——

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(1) (a) meet the costs of constructing and equipping treatment and rehabilitation facilities, including but not limited to emergency medical, inpatient, intermediate care, and outpatient facilities for alcohol abusers and alcoholics, and (b) to assist them to meet, for the temporary periods specified in subsection (c) of this section, a portion of the costs of compensation of personnel and other operating costs for the initial operation of such facilities, and of new services in existing facilities for alcohol abusers and alcoholics;

(2) conduct research, demonstration, and evaluation projects, including surveys and field trials, looking toward the development of improved, expanded, and more effective methods of prevention and treatment of alcohol abuse and alcoholism;

(3) provide education and training for mental health personnel and for professional personnel, including medical, psychiatric, vocational rehabilitation, and social welfare personnel, in academic and professional institutions and in postgraduate courses, about the prevention and treatment of alcohol abuse and alcoholism, and provide training for such personnel in the administration, operation, and supervision of programs and services for the prevention and treatment of alcohol abuse and alcoholism;

(4) recruit, educate, train, organize, and employ community alcohol abuse and alcoholism prevention and treatment personnel to serve with and under the direction of mental health personnel and professional medical, psychiatric, vocational rehabilitation, and social welfare personnel in alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs. Prior alcohol abuse or alcoholism and prior alcohol related criminal arrests or convictions shall not be a bar to such employment;

(5) provide services in correctional and penal institutions for the prevention and treatment of alcohol abuse and alcoholism;

(6) provide services, in cooperation with schools, law enforcement agencies, courts, and other public and private agencies, for the prevention and treatment of alcohol abuse and alcoholism among juveniles and young adults. These services, where feasible, shall include curriculum, including bilingual curriculums, for alcohol education in elementary and secondary schools, and among parents and other adults;

(7) provide programs and services, in cooperation with local law enforcement agencies, the courts, and other public and private agencies, for the instruction of law enforcement officers, prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials and legal aid, public defender, and neighborhood legal services attorneys with respect to the causes, effects, prevention, and treatment of alcohol abuse and alcoholism. Such programs and services shall include, where possible, a full range of services available to State and local courts for diagnosis, counseling, and treatment for alcohol abuse and alcoholism for persons coming before the courts;

(8) provide services for outpatient counseling of alcohol abusers and alcoholics to include employment, welfare, legal, education, and other assistance, in cooperation and coordination with welfare and rehabilitation personnel;

(9) develop or evaluate curricula, including bilingual curricula, on alcohol abuse and alcoholism prevention and treatment, including the preparation of new and improved curricula materials for use in elementary, secondary, higher, and adult education programs and pilot projects designed to demonstrate and test the effectiveness of such curricula (whether developed with assistance under this Act or otherwise);

(10) develop or evaluate a program of dissemination of curricular material and other significant information regarding alcohol abuse and alcoholism;

(11) provide preservice and inservice training programs on alcohol abuse and alcoholism (including courses of study, institutes, seminars, films, workshops, and conferences) for teachers, counselors, and other educational personnel;

(12) provide community education programs on alcohol abuse and alcoholism (including courses of study, institutes, seminars, films, workshops, and conferences) especially for parents and other adults in the community;

(13) enable a State government agency to assist local education agencies in the planning, development, and implementation of alcohol abuse and alcoholism education programs; and

(14) develop educational material and programs about the prevention and treatment of, and problems arising from, alcohol abuse and alcoholism, for use or distribution by any form of mass media.

(b) Projects for which grants or contracts are made under this part shall, whenever possible, be community based, provide a comprehensive range of services, and be integrated with, and involve the active participation of, a wide range of public and nongovernmental agencies, organizations, institutions, and individuals.

(c) The amount of any Federal grant made under subsection (a) of this section, except with regard to certain grants made under paragraph (1) of subsection (a), shall not exceed 100 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1) (a) of subsection (a) of this section to meet costs of constructing and equipping the facilities referred to in such paragraph shall not exceed 90 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1) (b) of subsection (a) of this section to meet the costs of compensation of personnel and other operating costs may be made only for the period beginning with the first day for which such a grant is made and ending with the close of eight years after such first day; and such grants may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

(d) An amount, not to exceed 5 per centum of the amount appropriated pursuant to the provisions of this part for any fiscal year, shall be available to the Secretary to make grants to local public or non-profit private agencies, organizations, and institutions to cover up to 100 per centum of the costs (but in no case to exceed $100,000) of projects for assessing local needs for programs of services for alcohol abusers and alcoholics, designing such programs, obtaining local financial and professional assistance and support for such programs in the community, and fostering community involvement in initiating and developing such programs in the community. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project.

APPLICATION FOR FINANCIAL ASSISTANCE FROM UNITS OF LOCAL GOVERNMENT AND PRIVATE ORGANIZATIONS

SEC. 522. (a) In administering the provisions of this part, the Secretary shall require coordination of all applications for programs in a State and, in view of the local nature of alcohol abuse and alcoholism, shall not give precedence to public agencies over private agencies, or to State agencies over local agencies.

(b) Each applicant from within a State, upon filing its application with the Secretary, shall submit a copy of its application for review by the State agency designated in accordance with section 513, and if no such agency exists, by the State agency responsible for administering the State comprehensive plan for treatment and prevention of alcohol abuse and alcoholism, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation may include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of alcohol abuse and alcoholism. The State shall furnish the applicant a copy of any such evaluation. A State, if it so desires, may, in writing, waive its rights under this section.

(c) Approval of any application by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

(1) provide that the activities and services for which assistance under this title is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(4) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this part, and will in no event supplant such State, local, and other non-Federal funds.

APPROVAL BY NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

SEC. 523. The Secretary, upon the recommendation of the National Advisory Council on Alcohol Abuse and Alcoholism, is authorized to make grants under part C of this title.

PART D—GENERAL

SEC. 531. (a) Whenever the Secretary finds a failure to comply with the terms of a grant or contract made or entered into under this title, he shall, after reasonable notice and opportunity for a hearing, terminate payments until he is satisfied that there will no longer be any failure to comply.

(b) The exclusive remedy of anyone adversely affected by a final action of the Secretary under subsection (a) of this section is to appeal to the United States court of appeals for the circuit in which it is located by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file with the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or set it aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts shall be conclusive if supported by substantial evidence, but the court, for good cause shown, may remand the case to the Secretary to take further

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evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

ADMISSION OF ALCOHOL ABUSERS AND ALCOHOLICS TO PRIVATE AND PUBLIC HOSPITALS

Sec. 532. (a) Alcohol abusers and alcoholics shall be admitted to and treated in private and public general hospitals on the basis of medical need and shall not be discriminated against solely because of their alcoholism. No hospital that violates this section shall receive Federal financial assistance under the provisions of this title or any other Federal law administered by the Secretary. No such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and provided an opportunity for correction or a hearing.

(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by section 531(b) of this title.

TITLE VI—THE NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

ESTABLISHMENT OF COUNCIL

Sec. 601. (a) Section 217(a) of the Public Health Service Act is amended—

(1) in the first sentence thereof, by inserting "the National Advisory Council on Alcohol Abuse and Alcoholism," immediately after "the National Advisory Mental Health Council,"; and

(2) in the second sentence thereof, by inserting "the National Advisory Council on Alcohol Abuse and Alcoholism," immediately after "the National Advisory Mental Health Council,", and by inserting "alcohol abuse and alcoholism," immediately after "psychiatric disorders,".

(b) Section 217(b) of such Act is amended, in the second sentence thereof, by inserting "alcohol abuse and alcoholism," immediately after "mental health,".

(c) Section 217 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) The National Advisory Council on Alcohol Abuse and Alcoholism shall advise, consult with, and make recommendations to the Secretary on matters relating to the activities and functions of the Service in the field of alcohol abuse and alcoholism. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of alcohol abuse and alcoholism and recommend to the Secretary, for prosecution under this Act, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of alcohol abuse and alcoholism, and (2) to collect information as to studies being carried on in the field of alcohol abuse and alcoholism and, with the approval of the Secretary, make available such information through the appropriate publications for the benefit of health and welfare agencies or organizations (public or private), physicians, or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of alcohol abuse and alcoholism; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council."

APPROVAL BY COUNCIL OF CERTAIN GRANTS UNDER COMMUNITY MENTAL HEALTH CENTERS ACT

Sec. 602. Section 266 of part E of the Community Mental Health Centers Act is amended—

(1) by striking out "Grants" and inserting in lieu thereof

"(a) Except as otherwise provided in subsection (b), grants"; and

(2) by adding at the end thereof the following new subsection:

"(b) Grants made under this title which are primarily intended for use in the prevention or treatment of alcohol abuse or alcoholism may be made only upon recommendation of the National Advisory Council on Alcohol Abuse and Alcoholism established by section 217(a) of the Public Health Service Act."

TITLE VII—INTERGOVERNMENT COORDINATING COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

Sec. 701. (a) For the purpose of coordinating all Federal Government prevention, treatment, and rehabilitation efforts with respect to alcohol abuse and alcoholism, of coordinating such Federal efforts with State and local government efforts, and of developing an enlightened policy and appropriate programs for Federal civilian employees for the prevention and treatment of alcohol abuse and alcoholism and the rehabilitation of alcoholics, there is hereby established an Intergovernment Coordinating Council on Alcohol Abuse and Alcoholism consisting of the Secretary who shall serve as Chairman, the Director of the National Institute for the Prevention and Treatment of Alcohol Abuse and Alcoholism, the Director of the National Institute of Mental Health, four representatives of Federal departments or agencies, and four representatives of State and local government departments or agencies.

(b) The President shall designate the four representatives of Federal departments or agencies who shall serve on the Coordinating Council, and shall appoint the four representatives of State and local government departments or agencies. The State and local government representatives shall serve for terms of five years, staggered so that one vacancy occurs each year. A State or local government representative may be reappointed immediately after serving less than a full term, and may be reappointed after a five-year hiatus after serving a full term.

(c) The Coordinating Council may appoint such technical consultants as are deemed appropriate for advising the Council in carrying out its functions. The services of consultants obtained under this section may be obtained in accordance with section 3109 of title 5, United States Code, at rates for individuals not in excess of the daily equivalent paid for positions in GS–18 of the General Schedule in section 5332 of title 5, United States Code.

Sec. 702. The Coordinating Council is authorized and directed to—

(a) assist the Secretary in carrying out his function of coordinating all Federal prevention, treatment, and rehabilitation efforts to deal with alcohol abuse and alcoholism;

(b) assist the Secretary in carrying out his function of coordinating such Federal efforts with State and local governments;

(c) engage in educational programs among Federal civilian employees, and in other appropriate activities, designed to prevent alcohol abuse and alcoholism;

(d) implement programs for the rehabilitation of Federal civilian employees who are alcohol abusers or alcoholics;

(e) develop and maintain any other appropriate activities consistent with the purposes of this Act.

TITLE VIII—GENERAL

Sec. 801. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

Sec. 802. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

Sec. 803. Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

Sec. 804. (a) Section 7352 of title 5 of the United States Code is hereby repealed.

(b) Section 8102(a) of title 5 of the United States Code is amended to read as follows:

"§ 8102. Compensation for disability or death of employee

"(a) The United States shall pay compensation as specified by this subchapter for the disability or death of an employee resulting from personal injury sustained while in the performance of his duty, unless the injury or death is—

"(1) caused by willful misconduct of the employee;

"(2) caused by the employee's intention to bring about the injury or death of himself or of another."

(c) Paragraph 2 of section 5(d) of the Peace Corps Act is hereby amended to repeal the clause ", or unless intoxication of the injured volunteer is the proximate cause of the injury or death".

PRIVILEGE OF THE FLOOR

Mr. HUGHES. Mr. President, I ask unanimous consent that during the consideration of S. 3835 members of the staff of the Committee on Labor and Public Welfare may be permitted the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR STATEMENTS TO BE PRINTED IN THE RECORD

Mr. HUGHES. Mr. President, I also ask unanimous consent that at the conclusion of the discussion on S. 3835, and at an appropriate place in the Record, in context, certain prepared remarks by the distinguished Senator from West Virginia (Mr. Randolph) be incorporated as a part of the Record. He was unable to be present this morning and wanted to have those comments entered into the Record at the appropriate place.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I make a similar request for remarks by the Senator from Texas (Mr. Yarborough), who is the chairman of the Committee on Labor and Public Welfare.

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The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **HUGHES**. Mr. President, I am pleased to have the opportunity this morning to present this measure, with the ranking Republican member of both the Committee on Labor and Public Welfare and that committee's Subcommittee on Alcoholism and Narcotics, the Senator from New York (Mr. JAVITS). I am also pleased to see here this morning the Senator from Colorado (Mr. DOMINICK), these two distinguished gentlemen have labored long and hard on this particular piece of legislation. They also devoted much attention to this area prior to my coming to the Senate.

S. 3835, the proposed Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, represents a new and comprehensive approach to meeting what Dr. Roger Egeberg, the Government's highest ranking health official, termed in testimony before the Senate Subcommittee on Alcoholism and Narcotics the Nation's No. 1 health problem.

It is a realistic, practical design at the Federal level for setting in motion throughout the Nation the mechanisms to deal with a deadly, costly disease that has become epidemic in our time.

Alcoholism is in many ways a unique problem in our society, but it is also a microcosm of the many other social problems that debilitate our strength as a people. Decisive action to meet this long neglected blight may well show the way to the realistic handling of other compelling national problems. In its comprehensiveness, in its flexibility, particularly with reference to the interworking with State and local governments, and in its careful planning of expenditures, it is, I believe, a template of its kind of legislation.

Despite the scope and seriousness of the problem, it has long been neglected at all levels of government. Special credit should be given, therefore, to those who have pioneered in this field, such as the Senator from New York (Mr. JAVITS), the Senator from Utah (Mr. MOSS), who is unable to be with us this morning, and the distinguished Senator from Colorado (Mr. DOMINICK).

I must also pay tribute to the patient and dedicated work of the Subcommittee on Alcoholism and Narcotics and the expeditious handling of the bill by the parent Labor and Public Welfare Committee under the able chairmanship of the Senator from Texas (Mr. YARBOROUGH) who is also a member of the subcommittee.

I commend to you the committee report on S. 3835, which I believe faithfully and concisely summarizes the committee's findings and recommendations.

To begin with, S. 3835 establishes the administrative framework for a massive, nationwide, intergovernmental effort to control alcoholism and alcohol abuse in our country.

The controlling agency is a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism within the Public Health Service.

Through this Institute, the Secretary of Health, Education, and Welfare would coordinate all Federal Health, rehabilitation, and other social programs related to the control of alcoholism and administer the programs specifically established by the bill.

The legislation provides for extensive Federal assistance to State and local programs designed to promote effective treatment and rehabilitation of alcoholics throughout the Nation, and help for private, nonprofit agencies to use and develop the expertise and the techniques that they have for dealing with this particular problem.

It requires the utilization of all existing Federal legislation for programs related to alcoholism in such fields as health, education, welfare, and highway safety. There are many such provisions in the law, but the programs they authorize have had little activation heretofore.

Considering the scope of the legislation and the seriousness of the problem it attacks, I believe the funding has been carefully and frugally planned, with every dollar a working dollar.

Let me cite a few quick facts to picture the immensity of the problem with which we are working.

It is now estimated that there are over 9 million alcoholics in the United States, and approximately another 9 million chronic problem drinkers.

Consider the family members and others affected by the impact of alcoholism on our society and you are talking about a total of perhaps 50 million people adversely affected by overuse of alcohol.

One out of three arrests in America is for simple public intoxication—throwing an intolerable burden on our system of criminal justice.

The economic waste caused by alcohol abuse has been estimated to be as high as $7 billion annually.

Highway safety experts have estimated that as many as 50 percent of our highway fatalities are connected with problem drinking. This is about 25,000 deaths annually—substantially more than the fatalities in Vietnam. Problem drinking is involved in some 800,000 auto crashes each year, in this country.

Alcoholism is now rated our fourth major disease in terms of seriousness and numbers of people affected.

I could go on with other statistics documenting the prodigious cost in human life and economic waste of our most neglected national health problem.

And even these figures do not tell half the story of the terrible toll in wasted lives, broken homes, destruction of youth, misery, and heartache.

In the hearings of our Subcommittee on Alcoholism and Narcotics, held in such cities as Los Angeles, New York, Denver, and Des Moines, we heard the testimony of many former narcotic addicts. I was struck with the fact that in most instances, the addicts, many of them young people, had begun their careers of drug abuse with alcohol. This seems to be the starter drug of the drug cycle, if such can be named.

We tend to lose sight of the fact that alcohol is the most widely abused dangerous drug in America.

We are not suggesting prohibition—we have been through the Volstead Act, and that experiment was a failure. We are suggesting something that would be substantially less costly and infinitely more effective—sensible, realistic legislation for the control and prevention of an illness that would be recognized as having reached epidemic proportions if it were typhoid or tuberculosis, or another disease.

I would like to point out that, as with other diseases, if we simply treat the disease, we do nothing to stop the input, and the disease becomes more crippling year after year. So, prevention is an important part of the attack on the disease of alcoholism.

Medical authorities, including the American Medical Association, the American Hospital Association, and the American Psychiatric Association recognize alcoholism as a disease, not a behavioral problem.

This fact is now generally recognized by enlightened people throughout the civilized world.

What is not so generally recognized is that it is a disease from which the patient, in the vast majority of instances, can recover.

We know that alcoholic patients, with the proper help and treatment, can get well.

We know that with the proper help and treatment, they can learn to control their illness so that they can live normal and productive lives.

We know a great deal about effective programs of prevention and about the kind of research that is needed to make our other efforts more efficient.

In short, we know what to do about alcoholism in our society; what has been lacking is the commitment to do it.

As I said when I introduced this legislation, I believe S. 3835 is a vehicle by which the Congress can face its responsibility for decisive action to meet one of the Nation's most urgent health problems.

And if there has ever been legislation to strike a blow for economy, I believe this bill must be so regarded.

Every dollar soundly invested to control this costly plague will be returned to society at all levels many times over.

I believe that in order to give the administrative entity established by this legislation the stature, visibility, permanence, and prestige required to do the massive job envisioned, the committee felt it essential to give it institute status.

In this and others of its recommendations, the committee was mindful that we are contemplating a vast, nationwide, public health effort to combat a disease affecting millions of Americans. A partial effort would duplicate shortcomings of the past and would mean that funds, however modest, would be wasted.

In the past, alcoholism has had a seat far to the rear so far as funding is concerned. For fiscal year 1970, alcoholism received far less Federal funding than other diseases that have a much smaller impact on the Nation.

The solution, in the committee's judgment, is not to neglect these other diseases, by any means, but to fund alcoholism programs at a level commensurate with the seriousness of its impact on our Nation.

In S. 3835, the committee would authorize grants totaling $75 million over the next 3 years to help States develop and administer programs dealing with alcoholism. These formula grants to States would run $20 million for fiscal 1971, $25 million for fiscal 1972 and $30 million for fiscal 1973.

Grants totaling $320 million over the next 3 years would be authorized for State and local agencies, both public and private, to help finance specific projects. For such project grants to public and private nonprofit agencies, organizations, and institutions, the amounts would be $60 million for fiscal 1971, $100 million for fiscal 1972, and $160 million for fiscal 1973.

I would call attention to certain other provisions of the bill that the committee felt essential in mounting a massive Federal attack on the growing problem of alcoholism in the Nation.

The bill requires the Secretary of Health, Education, and Welfare to submit to Congress, by June 30, 1971, a report on the health consequences of the use of alcohol, similar to the Surgeon General's report on smoking and the forthcoming report on the use of marihuana.

It also requires Federal agencies to establish programs for dealing with alcohol abuse among Federal employees and directs the U.S. Civil Service Commission to guarantee persons afflicted with alcoholism the same employment conditions and benefits as persons who are ill from other causes.

In order to assure proper coordination and sound on-going policy for this vast public health effort, the bill would establish an independent National Advisory Council and an Intergovernmental Coordinating Council on Alcohol Abuse and Alcoholism.

S. 3835 is cosponsored by 52 Members of the Senate. The bill has been strongly endorsed by the American Medical Association, the North American Association of Alcoholism Programs, the National Council on Alcoholism, the National Association of State Mental Health Program Directors, the American Public Health Association, and a number of individual citizens.

The committee report contains a quotation by Mr. Justice Marshall that—

> The picture of the penniless drunk propelled aimlessly and endlessly through the law's "revolving door" of arrest, incarceration, release, and rearrest is not a pretty one.

The Justice made note of the urgent need for "some clear promise of a better world for these unfortunate people."

Mr. President, I believe that by the enactment of S. 3835, Congress would take a significant step toward providing that "better world" for the millions of Americans afflicted by this common but deadly and long-neglected disease.

At the same time, I am convinced that we can save lives on our public highways, reduce crime, relieve some of the unnecessary burden on our criminal justice system, cut down an appalling annual economic waste, and effectively contribute to a happier and healthier society by making this legislation the law of the land.

Mr. President, I would like to use a portion of the remainder of my time for my distinguished colleagues on the minority side to comment on this issue.

Mr. JAVITS. Mr. President, first, I should like to make a personal statement about the Senator from Iowa. He is very generous in his remarks about Senator DOMINICK, Senator Moss, and myself, and I appreciate it, and I am sure my colleagues appreciate it very much. In a few minutes Senator DOMINICK, who has been very active in the work of the subcommittee, will address himself to the bill.

I have had this experience before, where a good idea lies fallow, or almost so, for a long time, until a combination of events and a particular personality bring it into focus and cause unprecedented action.

The Senator from Utah (Mr. Moss) and I collaborated upon this matter—to establish alcoholism as an acknowledged illness which needs to be treated on the basis of medical care, research, and rehabilitation rather than on the revolving door basis of a police station and jail—and introduced the first bill in 1966. In 1967, interest had grown so that S.1508 had 35 cosponsors. In 1969, interest had grown to 41 cosponsors when we introduced S. 1997, the Alcoholism Care and Control Act of 1969.

We did get some results, certain provisions of the bill were enacted into law on March 13, 1970, as Public Law 91-211, the Community Mental Health Centers Amendments of 1970. In the fiscal year 1971 budget this resulted in $6 million being devoted to alcoholism through the community mental health program. However, until the matter was put in hand, through a special subcommittee headed by Senator HUGHES, who had a unique, not only long-standing but also lifetime concern with this as a mission and as an objective, nothing major really happened. When he did take over the subcommittee, of which I have the honor to be the ranking minority member, something did happen, and this pending legislation is the fruition of that work. We are now on the threshold, should this become law—and I see no reason why it should not—of what is properly called in the report a massive Federal approach, to attack the dread illness of alcoholism in this country.

This is an historic change. I have had a previous experience with the same thing. Since 1949 and up to 1965, I carried on a campaign for a national arts foundation of some kind for the United States. I got nowhere for 16 years. That is a long time for a legislator to persist, but it shows how long it can take. It was not until there came upon the scene Senators PELL, CLARK, and HUMPHREY, and, in the House, Representatives CELLER, THOMPSON, and others of the same point of view, that the longstanding effort which had gone on for a decade and a half was brought to fruition.

Mr. President, all honor and credit are due to those who make these things happen in history, and I think Senator HUGHES is one of them. I pay great tribute and great credit to him for his persistence, his imagination, and the initiative which resulted in this special subcommittee and will, hopefully, result in this legislation being enacted into law.

I hasten to add that his work and our work is not over. A law is like a directive in Washington. It is good for 2 weeks, unless you do something with it. Notwithstanding the passage of this bill into law, there will yet be the appropriation side, no matter how conservative we may think our authorizations to be. Then we will face the sheer matter of getting States interested, as this is very heavily premised—as are other measures here—upon State action. Then we will face yet the other challenge of the imaginative implementation by the Federal Government, including the critically important aspect of education in this bill.

So I want to say to my colleague that his labor is just beginning today; it is hardly over. But we will join him in it; and I am very hopeful that we may see in our lifetimes a very measurable improvement and a new horizon opened up to these miserable people who are alcoholics, with shining examples of what can be done for themselves with proper medical aid, if the resources and facilities are available, and a tremendous reduction in the unbelievably horrific figure of 9 million—which, incidentally, I might say to my colleague, is almost double the previous classic estimate in this field. Indeed, the doctor—Morris E. Chafetz, director of Clinical Psychiatric Services, Massachusetts General Hospital—who testified to the 9 million figure made that clear. For example, he said at page 110 of the hearing record:

> Most of us for decades have used the often quoted figure of 4,500,000 to 5,000,000 alcoholic people in this country. But a recently completed scientific study shows the figure to be beyond nine million.

That is a very interesting statement, because either the figure has burgeoned because of the pressures of the times, which is what has brought us into this dread period of narcotic addiction and drug abuse, or we really have underestimated the number of alcoholic people for all these years. Whichever way it is, 9 million—and these are essentially adults; they are not children—out of an employable population of 70 million is a staggering figure. And none of this takes into consideration the effects on the families and the children of the alcoholics—the hopelessness and despair which exist in many of them—which continues day after day over a period of many years. I am sure that other countries may do worse in proportion, but that is no excuse for us.

Mr. President (Mr. SPARKMAN), this is a milestone which we are facing not so much in the declaration of alcoholism as a disease or an illness or a public health problem—because the courts have recognized that and we have recognized it in the law to which I previously referred, Public Law 91-211, which was passed in 1970—but in the size and scope of the treatment we are prepared to afford and

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the resources we have prepared to make available at this time. Whether or not the issue of resources is challenged, I should like to address myself to that—that is, the authorization for appropriations—because it is only fair to our colleagues that an explanation should be of record.

Some of the best testimony on this score comes from the department itself, and I ask unanimous consent to have printed in the Record the letter addressed to me, dated June 19, 1970, by Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Health,
Education, and Welfare,
Washington, D.C., June 19, 1970.

Hon. Jacob Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: This letter is in response to the questions you raised on May 25, 1970, on the legislative objectives of S. 3835.

In regard to the issue raised by question number two, we would defer to the opinions of the United States Civil Service Commission.

Question No. 1: "What level of Federal funding would you estimate could be effectively used to meet each of the following legislative objectives of S. 3835:

a. To stimulate research on control and prevention of alcoholism.

b. To improve treatment services for alcoholics.

c. To accelerate communication and application of research findings to research programs.

d. To develop training programs for scientific professional and non-professional.

e. To modify public attitudes through expanded programs of education."

Answer: The needs implied by the legislative objectives of S. 3835 are extremely substantial. A history of neglect by the Nation's health service system creates a need for rather enormous Federal investments to seek solutions to the problems of alcohol abuse and alcoholism. A degree of professional judgment is required to estimate the level of Federal funding which could be *effectively* used to meet the legislative objectives of S. 3835. It is recognized that the Department has not requested authorizations or appropriations with these specific objectives in mind, and the following estimates are made exclusively on the basis of professional judgment relating to the *effective* use of Federal funds.

Fiscal Year 1972

Objective:	*Millions*
(a) To stimulate research on control and prevention of alcoholism	$2
(b) To improve treatment serivces for alcoholics	18
(c) To accelerate communication and application of research findings to research programs	1
(d) To develop training programs for scientific professional(s) and non-professional(s)	5
(e) To modify public attitudes through expanded programs of education	1.5

Question No. 3: "Will the cost of Medicare and Medicaid programs be increased by declaring an alcoholic as eligible for coverage as provided for by Section 501 of the bill? If so, to what extent? If not, is this because in practice, alcoholism is already covered but defined as another form of illness?"

Answer: *Medicare:* Assuming that Section 501 applies only to alcoholics who are age 65 or over (since no provision is made to change the age requirement for eligibility under Medicare) and only to the hospital insurance plan (since essentially all persons age 65 or over are now eligible to enroll in the medical insurance plan), there would be no significant additional cost to the Medicare program. Possibly a small number who are ineligible under present law might be eligible under Section 501. Essentially, however, to the extent that alcoholics age 65 or over have need of the services covered under the hospital insurance plan and a physician certified to such need, the services are presently being provided.

Medicaid: Section D–5140 (Interpretation of Regulations) of the Handbook of the Public Assistance Administration states that "Limitations may not be set by eliminating certain groups of patients or certain diagnoses, from coverage." Thus, if an eligible Medicaid patient receives one of the basic five services or an additional service included in the State plan, coverage for his care and treatment is subject only to the usual limitations on such services. Therefore, if treatment is provided by a clinic which meets the State standards for licensing, it would be covered under Medicaid if clinic services are included in the State plan.

Section 501(b) of S. 3835 would mandate inclusion in State plans of a provision for the prevention and treatment of alcohol abuse and alcoholism. We question the advisability of singling this category of diseases out for mandatory coverage at the potential expense of other equally important disease categories. Enactment of this section would involve an increase in costs in those States which do not currently cover additional services (particularly clinic services). Information is not available at this time whch would allow us to accurately forecast this cost increase.

Question No. 4: "Will the cost of social security disability benefits be increased by declaring an alcoholic eligible (as provided for by Secton 502 of the bill)? If so, to what extent? If not, is this because in practice, alcoholism is already covered but defined as another form of illness?"

Answer: To be eligible for social security disability benefits a worker must be disabled as defined in the law and must meet the disability insured status requirements.[1]

Section 502 of S. 3835 states that an alcoholic shall be regarded as eligible for social security disability benefits and the benefits shall not be barred on the ground that alcoholism is a self-inflicted disability. As we see it, this language would not change the effects of present law and thus would not increase the cost of the social security disability provisions. However, if the language of this section were modified or were to be interpreted to permit an alcoholic to qualify for social security disability benefits without meeting the requirements of present law it would significantly increase the cost of the disability program. Moreover, there would be serious objections on grounds that provisions giving special treatment under social security to one category of impairment would be inequitable to persons with other types of serious conditions who do not meet the definition of total disability or the insured status requirements of present law.

Question No. 5: "Will the cost of vocational rehabilitation benefits be increased by declaring alcoholism as eligible for coverage (as provided for by Section 504 of the bill)? If so, to what extent? If not, is this because in practice, alcoholism is already covered but defined as another form of illness?"

Answer: Under the Federal-State program of vocational rehabilitation, alcoholics are accepted as eligible because alcoholism is recognized as an illness in itself and services are provided on the same basis as for any other disability. As is true for any disability category, costs increase as numbers accepted increase. However, alcoholism is not one of the more expensive disabilities for the rehabilitation program. While alcoholics require a substantial amount of counseling and other specialized services, relatively little physical restoration is involved.

Question No. 6: "Would you agree that a hospital has a community responsibility to admit and treat alcoholics on the basis of medical need and if it fails to meet this community responsibility, the facility should be 'cut-off' from any further Federal financial assistance (as provided for under Section 611 of the bill)? If not, why?"

Answer: Section 611 of S. 3835 provides that "alcohol abusers and alcoholics shall be admitted to and treated in private and public hospitals on the basis of medical need and shall not be discriminated against solely because of their alcoholism." The same Section further provides that "no hospital that violates this Section shall receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary."

Federal policy which prohibits discrimination on the basis of diagnosis is valid and justifiable. It is our opinion that alcoholics should be admitted to medical care facilities on an equal basis as persons who suffer other illlnesses and that alcoholics should not be refused admission on the basis of their alcoholism. We fully agree that hospitals should admit and treat alcoholics on the basis of medical needs.

Sincerely yours,
Roger O. Egeberg, M.D.,
Assistant Secretary for Health and Scientific Affairs.

Mr. JAVITS. Mr. President, Dr. Egeberg, whom we all respect very highly and is an outstanding authority, addressed himself only to the first year and the immediate need for Federal funds. He addressed himself to fiscal 1972 and for that he gives us an estimate in round figures of about $27.5 million—the first year estimate for the Federal program—which is spending for prevention, treatment, and rehabilitation of alcohol abuse and alcoholism of $3 per alcoholic. That is essentially what Dr. Egeberg addressed himself to, which we have in our bill of $60 million; but yet, I respectfully submit, the estimate of Dr. Egeberg bears out the amount we have set up in the bill, and for this reason. While his figures on the basic stimulation of research, the communication of research findings, and the training program for scientific and nonprofessional personnel concerning alcoholism, may be accepted as authoritative, they come to only $8 million of the $27.5 million; but when we get to the area of the other two critical items, to improve treatment services for alcoholics and to modify the public attitude through expanded programs of education, there, I think, our judgment, with all respect, has a right to be considered better than Dr. Egeberg's, at least, I would not be quite so restrained by departmental considerations, and so forth, as he might be. For his estimate on its face, is patently low.

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[1] The social security law defines disability generally as the inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment that has lasted or is expected to last at least 12 months, or to result in death. A disabled worker is insured for disability benefits if (1) he has at least as many quarters of coverage as the number of calendar years that elapsed after 1950 (or the year he reached age 21, if later) and up to the year in which he became disabled; and (2) he had substantial recent work covered under social security before he became disabled. To meet the latter requirement, a worker disabled at age 31 or later needs at least 20 quarters of coverage during the period of 40 calendar quarters ending with the quarter in which he became disabled. (Workers disabled before age 31 can be insured with quarters of coverage in half of a period shorter than 10 years.)

He gives us $18 million to improve treatment services for alcoholics. That is $2 per alcoholic per year. We have just devoted $6 million to the same purpose, and it has hardly been heard of, let alone made a ripple. Thus, it seems to me that at the least, and in the most elementary sense, that figure should be doubled or tripled, and even that would only be $6 per alcoholic per year.

Then, as to the modification of the public attitude through expanded programs of education, bearing in mind the enormous scope of the problem nationwide and the great number of people involved, the fact that education should take place not only through industrial agencies—that is, agencies operating in the business world—but also in schools and colleges, Dr. Egeberg gives us $1,500,000.

With all respect, that figure again would not only fail to make a ripple, it would be literally unknown, at least at the minimum, the figure of $10 million for that purpose, in my judgment, would be an elementary starting figure.

Accordingly, Mr. President, based upon those analyses, I deeply believe that the figures we have been given by Dr. Egeberg, though they seem to reduce materially the figures in the bill, go far to sustain them rather than the other way.

The second item of appropriation deals with the State program, the State formula grants. In that respect, I should like to point out that the formulation of those grants is a very important one. That is the basis upon which they will be given. For it relates to relative population, financial need, and, very importantly, the need for more effective prevention, treatment, and rehabilitation programs in the alcoholism field.

There, I believe, is a key element in what we must try to accomplish. For we have found that the carrot and the stick approach with the States is extremely persuasive and extremely helpful. We offer each State as much as $200,000 as a basic formula grant, but if the State is to participate, and we have a right to expect that its own people will urge the State effectively to participate, then the States must really establish, under the bill, a comprehensive program for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem in the particular State. The specifications are very exact and constructive, which will bring the State into the scheme of effort to enforce what we are seeking to bring about in an effective way.

To indicate the amounts which are available under the $20 million, first year authorization to the States, I ask unanimous consent to have printed in the Record a table of estimated formula pared by the Department at our request but does not represent a commitment to grants to the States. This table was pre- them to seek such funding appropriations.

There being no objection, the table was ordered to be printed in the Record, as follows:

200,000 MINIMUM PER/STATE

State	Region	Amount
Total		20,000,000
1. Alabama	4	383,354
2. Alaska	9	200,000
3. Arizona	9	200,000
4. Arkansas	7	217,877
5. California	9	1,470,043
6. Colorado	8	200,000
7. Connecticut	1	261,062
8. Delaware	2	200,000
9. District of Columbia	3	200,000
10. Florida	4	562,564
11. Georgia	4	447,621
12. Hawaii	9	200,000
13. Idaho	8	200,000
14. Illinois	5	829,603
15. Indiana	5	423,918
16. Iowa	6	235,899
17. Kansas	6	200,000
18. Kentucky	3	323,518
19. Louisiana	7	374,264
20. Maine	1	200,000
21. Maryland	3	297,487
22. Massachusetts	1	424,692
23. Michigan	5	696,830
24. Minnesota	6	313,847
25. Mississippi	4	289,036
26. Missouri	6	401,359
27. Montana	8	200,000
28. Nebraska	6	200,000
29. Nevada	9	200,000
30. New Hampshire	1	200,000
31. New Jersey	2	542,149
32. New Mexico	7	200,000
33. New York	2	1,356,894
34. North Carolina	3	517,638
35. North Dakota	6	200,000
36. Ohio	5	878,837
37. Oklahoma	7	241,244
38. Oregon	9	200,000
39. Pennsylvania	2	981,946
40. Rhode Island	1	200,000
41. South Carolina	4	290,373
42. South Dakota	6	200,000
43. Tennessee	4	404,947
44. Texas	7	1,019,679
45. Utah	8	200,000
46. Vermont	1	200,000
47. Virginia	3	421,809
48. Washington	9	270,293
49. West Virginia	3	200,000
50. Wisconsin	5	355,764
51. Wyoming	8	200,000
52. Guam	9	12,994
53. Puerto Rico	3	337,162
54. Virgin Islands	3	6,875
55. American Samoa		4,027

Mr. JAVITS. Mr. President, the primary sponsor of the bill, the Senator from Iowa (Mr. Hughes), spoke of the economic cost to business alone, let alone the cost in ruined lives and families—and, incidentally, the welfare cost, which is tremendous—but the cost of judicial administration through the courts and the jails in the country—one out of three arrests being for public drunkenness—is horrendous.

Mr. President, I should like to give one estimate of these loss figures as compiled by the health department of New York City—for New York City alone, which represents 5 percent of the population of the country. The department estimates are as follows:

Welfare costs—$150 million.

Lowered job productivity—$260 million.

Yearly deaths (loss of record)—$210 million.

Traffic fatalities—$50 million.

Injuries and property damage—$210 million.

That comes to a figure of $880 million, approximately $1 billion a year, for New York City alone, attributable directly to alcoholism. Indeed, a phrase has been coined for the loss to American business at the national level of the economic waste due to alcoholism, "industry's $7 billion hangover."

As a measure of demonstrating precisely what is at stake, in his report in the letter which I have had placed in the Record, Dr. Egeberg states:

> The needs implied by the legislative objectives of S. 3835 are extremely substantial. A history of neglect by the Nation's health service system creates a need for rather enormous Federal investments to seek solutions to the problems of alcohol abuse and alcoholism.

That, I think, symbolizes what we have tried to accomplish in respect to the bill.

I might say that I consider it a matter of single achievement by us, and the fact that the Senator from Colorado (Mr. Dominick) who, on our committee, I think, stands preeminent in the scrupulous care he has taken in doing his homework in respect to authorizations for particular measures in which we are engaged, finally came to the conclusion, after profound consideration, that the amounts in the authorizations were appropriate.

Thus, Mr. President, I sum up as follows:

I support and urge the Senate to enact the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (S. 3835), a critical milestone in the commitment of the United States to declaring war on alcoholism as a disease.

It is an effective approach attributable, in my judgment, to the gifted and important leadership in consolidating and crystallizing what has gone before him by the Senator from Iowa (Mr. Hughes), who is a new Member of the Senate. Those of us who have been here a long time get considerable satisfaction in that kind of development with our new Members, regardless of party.

If we give the Nation the necessary legislative oversight and follow through on our promises, and if we implement the appropriations with suitable legislative and executive action, the legislative action being effective oversight, this has great promise of really reversing the trend which has been going on so heavily against us, in respect of alcoholism, and in cutting down remarkably on its incidence and the gross waste both in terms of money and ruined lives which ensue from this dreadful blight with which we are trying to deal today.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HUGHES. I thank the distinguished ranking minority member of the committee and subcommittee, the Senator from New York, for his comments and particularly for the contribution he has made this morning to an understanding of the need for an appropriate level of funding.

I would like to point out that there has been real cooperation between the majority and minority members on this particular piece of legislation, including the area of funding, on which I imagine the Senator from Colorado will comment. I think the conclusions we have arrived at will bear up under the closest inspection.

I thank the Senator from New York for the very kind comments he has made about me personally, and also for the great contribution he has made to the legislation.

Mr. JAVITS. I thank the Senator.

Mr. DOMINICK. Mr. President, along with the distinguished Senators from New York and Iowa, I think this bill is of enormous importance. I second what the Senator from New York has had to say concerning the leadership and flexibility shown by the Senator from Iowa.

This is not an easy bill to give consideration to. It is not easy because we are trying to correlate a broad range of different approaches to the problem of the prevention and treatment of alcoholic abuse.

It involves jurisdictional problems within the Federal Government. It involves the question of whether we should operate solely through the States or solely through the local communities. It involves the question of whether there should be a great degree of participation by the mental health centers in the communities.

We found in the hearings that people affected with alcohol or drug addiction problems resent in many cases being treated in mental health centers.

Early last year and this year in the consideration of the community mental health center bill, questions were raised as to whether we should do anything about funding alcoholic health treatment centers under that bill because we did have a comprehensive bill on alcoholism coming out.

The Senator from Iowa (Mr. HUGHES), the Senator from New York (Mr. JAVITS) and I got together and decided that in order to persuade people that we were neither going to lessen our initiative in this matter nor were we going to relinquish committee jurisdiction over alcoholism we should provide funds for mental health centers and make it plain, as we did in the report on that bill, that we were not ending our efforts in the endeavor to resolve the problems of alcoholism.

The flexibility of both the Senator from New York and the Senator from Iowa in trying to work out these problems and getting the bill cosponsored by 52 Senators, reported unanimously by the committee, is in my opinion a real tribute to both of the Senators. I put that statement in the RECORD plainly and flatly.

I am encouraged not only by the emphasis given to the problems of alcoholism by the bill, but also the fact that the working operations, the mechanics, of trying to effect some rehabilitation and cures, and hopefully some prevention, are concentrated at the local level.

Surely, we operate through the States. And certainly, we have an instiute set up in the Public Health Service and the Department of Health, Education, and Welfare. But the rehabilitation effort is designed to work through and with the local communities where the alcoholics live, and where they can more easily receive all necessary treatment and help.

I think the importance of the bill can be summarized by pointing out two matters in addition to the remarks by the Senator from Iowa and the Senator from New York.

The damage to our Nation shows itself in many ways. One of the most damaging areas is in auto safety. Some national estimates indicate that 30 percent of all traffic fatalities occur with alcohol related to the cause. In a recent year in Colorado, 60 percent of fatal accidents took place with drivers whose blood alcohol levels would fail to meet permissible levels, under the current relevant statute. This is not a unique statistic. The harm caused by such drivers to themselves, their families, innocent victims, and to property, is immense.

The effects of alcoholism are also seen in the great burdens placed by it on our criminal justice system, our mental institutions, and our welfare system. In our State, between 50 and 75 percent of all arrests were alcohol related in a recent year. Many of those arrested are repeaters—unfortunate people caught in an alcoholic revolving door. Clearly this results in an unproductive use of our criminal justice system.

We must, through the mental health field, do something about this problem and make a sufficient number of people aware of the dangers and the problems of alcoholism so that they will be able not only to exercise judgment as to whether they should use it, but will also be able, if they do get caught in the alcoholic trap, to find a satisfactory method of receiving treatment and care.

The need for comprehensive Federal legislation to combat the problem of alcoholism in our Nation is clear. During hearings held around the country by the Special Subcommittee on Alcoholism and Narcotics, we were presented with evidence which exposed the great damage caused by the abuse of alcohol both in terms of the human pain and anguish suffered by alcoholics and those who live and work with them, and the tremendous burden which alcoholism places on all of the institutions of our society.

Mr. President, the bill before us is a bipartisan bill ably led through and over several hurdles by the chairman of our subcommittee, Senator HUGHES and the ranking Republican, Senator JAVITS, and a bill which, although comprehensive in scope, operates primarily through local communities in an effort to provide remedies for the damage which alcohol creates.

The effects of alcoholism are also seen in the great burdens placed by it on our criminal justice system, our mental institutions, and our welfare system. In our State, between 50 and 75 percent of all arrests were alcohol related in a recent year. Many of those arrested are repeaters—unfortunate people caught in an alcoholic revolving door. Clearly this results in an unproductive use of our criminal justice system. These arrests occupy much of the time of our law enforcement judicial and penal systems which could be utilized in handling many of our other pressing criminal justice needs.

The same is true in the mental health field. Our mental institutions contain many people whose illness is alcohol related. These patients require a great commitment of resources—personnel, space, and funds. Solving the alcoholism problem of these people would permit better utilization of these mental health resources.

I believe the programs provided for in this bill will meet many of these alcohol-related problems. While the Institute established by this bill will have important responsibilities in terms of comprehensive planning, education, research, coordination functions, and training functions, the greatest impact of the Institute will be in its activities on the local community level. Through the funds provided by the project grant sections of this bill, the Institute will be able to help the local communities and the institutions in the local communities, both public, and private, get aid to the alcoholic. The Institute will help local communities develop physical facilities, train personnel, and provide research assistance, and knowledge. On the local level, the Institute will be charged with the responsibility of bringing together all of the resources needed to achieve comprehensive treatment and rehabilitation. These resources may include medical treatment, mental health facilities, private agencies such as Alcoholics Anonymous or halfway houses.

Another benefit of gearing this program to the local level is that the law enforcement agencies will be able to cooperate directly with treatment agencies in getting aid to the person who goes in and out of jail for drunkenness. In having treatment facilities available in the local community, the courts will have a realistic alternative to the drunk tank and the pressure on our legal system will be eased.

While this bill provides a broad legislative approach to the alcoholism problem, the success of its programs will depend primarily on the vigorous efforts of the Department of Health, Education, and Welfare. The committee did not specify the level at which this program should be placed within the Public Health Service. However, it is the intent of the committee that the Institute and its programs be given a high priority consistent with the great magnitude of our needs in this field. I am confident that the Secretary of the Department of Health, Education, and Welfare will provide the leadership necessary to make the expectations of the committee a reality. If this is done, much of the human suffering and economic loss caused by the abuse of alcohol will be overcome.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. HUGHES. Mr. President, I would like to point out to the Senate that the distinguished Senator from Colorado was on all the field trips that the subcommittee made and was in attendance at all sessions and regularly contributed to the research and work of this subcom-

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mittee. Without his able and dedicated assistance it would have been impossible for us to reach as fine a product as the piece of legislation being considered today.

As the chairman of the subcommittee, I certainly want to express my deep appreciation to the Senator from Colorado for his interest and dedication in this particular matter and for his donation of time and expertise.

Mr. DOMINICK. Mr. President, I thank the Senator from Iowa very deeply. As I said before, I accept these accolades with a degree of modesty, because he is the leader in achieving the passage of this legislation, and we know it.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. BYRD of West Virginia. Mr. President, I want to commend the very distinguished and very able Senator from Iowa (Mr. HUGHES) for his outstanding work in the area of alcohol abuse and its prevention and treatment.

Our distinguished colleague has brought to the Senate's attention today the results of his comprehensive and diligent study into one of the most dangerous health problems confronting the Nation, and through his unique expertise and understanding of all facets of the disease of alcoholism, not only will the 9 million Americans currently suffering from the affliction of alcoholism benefit, but so will tens of millions of other Americans who are relatives, friends, or innocent bystanders.

This bill is a major legislative initiative with regard to a previously much neglected national health problem. Two of the legislation's most important findings are: First, that alcoholism is a medical-social problem, rather than a legal-criminal problem; and second, that the alcoholic should be given medical and rehabilitative treatment, instead of being treated as a criminal. In addition, S. 3835 will authorize the establishment of a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism within the Public Health Service through which a Federal effort will be made to promote effective treatment and rehabilitation programs for alcoholics throughout the country.

Mr. President, a national policy which would effectively reduce the incidence of alcohol abuse and alcoholism throughout the country is long overdue. I am pleased to support this legislation, and I again commend the junior Senator from Iowa for his zeal and persistence, diligence, and wisdom in bringing this bill to the Senate floor and for his masterful, forceful, and effective work in managing the bill. He has performed a great service, and I hope that the other body will act favorably and quickly so that the Nation may reap the benefits therefrom.

Mr. President, the able Senator from New York (Mr. JAVITS) referred to the problem of funding the authorizing legislation should it be enacted into law.

I assure the Senator that, as a member of the Appropriations Committee and as chairman of the Subcommittee on Deficiencies and Supplementals, I will do everything within my power as one Senator to aid in securing the funds for this measure when the occasion arises.

Mr. JAVITS. Mr. President, having had a great deal of experience with the Senator from West Virginia, I know that when he makes that kind of statement, it is worth millions of dollars to the program and will help to get it off the ground very quickly.

I am very grateful to the Senator from West Virginia.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HUGHES. Mr. President, I wish to thank the distinguished Senator from West Virginia not only for the statement he has just made and the very kind his deep interest over the course of the last year. Both he and the majority leader have spoken time and time again remarks about me personally, but also for on the floor of the Senate to help get funding for this subcommittee. In the beginning we were trying to work without any specific funding. In the absence of the majority leader I wish to also mention specifically his pleas on the floor of the Senate that we should pursue this subject matter and do something about it. I am very grateful to the distinguished Senator from West Virginia. I look forward to his able leadership as this measure becomes law, in helping us to obtain adequate funding.

Mr. President, I would like to suggest the absence of a quorum.

Mr. JAVITS. Mr. President, will the Senator withhold that request?

Mr. HUGHES. I withhold my request.

Mr. JAVITS. Mr. President, I have asked that the Senator withhold his request so that we might be certain that all Members who are here who desire to speak have spoken. I know that both the Senator and I agree that there should be a brief quorum call to let Senators know that there is no desire to pass this bill under cover of darkness. I would like the RECORD to show that there was an agreement entered into that this measure would be called up at 10:30 Monday morning, so Senators were apprised in advance and they had the weekend to think about the matter. When we have the quorum call I hope we will let it go for a while so that every Senator will be apprised that the bill will be reached for final passage after that.

Mr. BYRD of West Virginia. Mr. President, anent the statement of the distinguished Senator from New York with respect to notification of Senators, on Friday it was expressly stated on the floor of the Senate that we would come in this morning at 10:30 a.m. for the purpose of considering this bill. Therefore, all Senators were clearly put on notice; and I, as the acting assistant majority leader, on Friday discussed with attachés on the minority side the fact that this bill was to be considered. And it was then agreed that the bill would be brought up today. So I think all Senators have had ample opportunity to be prepared.

I hope the quorum will not extend overly long because the distinguished Senator from Missouri (Mr. EAGLETON), under a previous order, is to be recognized today circa 11 a.m. I hope the quorum call will be brief.

Mr. HUGHES. Mr. President, I would like to join the Senator from New York in the request, with the agreement and understanding that certainly this matter has been fully called to the attention of all Members of the Senate.

Prior to the request for the quorum I think it would be proper to have the committee amendment presented.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. HUGHES. Mr. President, could we have third reading?

Mr. JAVITS. Mr. President, I would not want to cut off amendments.

The PRESIDING OFFICER. The Chair advises the Senator from New York that amendments are already cut off.

Mr. DOLE. Mr. President, alcoholism is a complex and tragic illness. It was long misunderstood and made the subject of punishment rather than treatment. Alcoholism is indiscriminate, afflicting young and old, rich and poor, of every race.

That such a widespread and serious public health problem has gone without a comprehensive Federal program to combat it is a serious blight on our Nation's health care record.

S. 3835 is a major step toward erasing this mark. By establishing a comprehensive approach to alcoholism it offers real hope of relief to the individuals who suffer from the disease and a realistic basis for reducing its impact in our country. Its threeefold approach, through prevention, treatment and rehabilitation, shows a modern and enlightened appreciation of the problems we are facing.

By providing extensive assistance to State and local programs, the bill assures maximum impact at the points and in the forms which can be most beneficial and effective. The national advisory council on alcohol abuse and alcoholism, which the bill establishes, will provide the first coordinating services in this field on a nationwide basis.

A full and productive life for every citizen is one of the most precious goals of a free society. Alcoholism has robbed countless individuals and their families of any hope of achieving that goal. It has inflicted economic ruin and often death on its victims. The costs to our country have been incalculable in terms of wasted lives and lost contributions to personal, family and community welfare.

By providing a coordinated and broadly based approach to alcoholism, S. 3835 will lay the foundation for significant progress in our efforts to control this disease.

I urge approval of this urgently needed legislation.

Mr. PERCY. Mr. President, the passage of this bill is of the utmost importance. Alcohol abuse and alcoholism are rapidly increasing throughout the country. Alcoholism is now rated the fourth ma-

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jor killing illness in America. It takes an incalculable toll in ruined lives, lost profits, broken homes, and destruction of youth. One of its more important effects, and one I should like to emphasize today, is the effect of alcohol and alcoholism on automobile accidents.

According to Dr. William Haddon, Jr., former director of the National Highway Safety Bureau, problem drinking is "the No. 1 problem on our highways." Approximately 50 percent of all highway fatalities can be attributed to problem drinking.

A report by the U.S. Department of Transportation to the Congress in 1968, entitled "Alcohol and Highway Safety," stated:

> The use of alcohol by drivers and pedestrians leads to some 25,000 deaths and a total of at least 800,000 crashes in the United States each year. Especially tragic is the fact that much of the loss in life, limb, and property damage involves completely innocent parties.

Mr. President, several particularly good articles for the St. Louis Globe-Democrat, on the problem of alcohol and driving have come to my attention. In my opinion, they further indicate the strong need for the bill which we are considering today and which I have cosponsored. I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Louis Globe-Democrat]

ALCOHOL AND HIGHWAY HOMICIDE: AN ESTIMATED 56,900 PEOPLE WILL DIE IN AUTO CRASHES IN THE UNITED STATES IN 1969 AND DRUNKEN DRIVERS WILL CAUSE MORE THAN HALF—35,000—OF THESE TRAFFIC FATALITIES

(By Sue Ann Wood)

If a mysterious epidemic were to sweep across the nation killing more than 1,000 men, women and children a week, the public would rise in arms and demand that a cure be found.

If jet airplanes started falling out of the sky at a rate of 10 a week, more than one every day, the national outcry would spur Congress and officials at every level to immediate action.

And yet . . .

More than 1,000 men, women and children in the United States are dying violent, agonizing deaths each week from an epidemic of auto crashes sweeping the nation's streets and highways.

The same disease is causing injury and disfigurement to 10,000 people every day.

It would require 500 jet airliner crashes a year, 10 every week, to equal the number of persons killed in auto crashes in this country.

Yet there is no public demand for action.

The casualty toll from auto accidents each week is nearly five times the number of Americans killed weekly in Vietnam.

Almost 10 times as many persons are injured every week in highway crashes in the United States as are hurt in all crimes of violence, including homicide, armed robbery and assaults.

Yet when most Americans are asked what are the greatest national concerns at the moment, they are likely to say either the war in Vietnam or "crime in the streets." They demand solutions to both of these national problems.

"We have a tradition," Dr. William Haddon Jr., until recently national director of highway safety, acknowledged sadly, "of saying we cannot do anything about highway crashes."

"Too many people have been prepared to believe," Alan S. Boyd, former U.S. Secretary of Transportation, said recently, "that these losses of human life and national wealth are just the price you have to pay for mobility."

He pointed out that Americans seem almost to be "conducting some sort of military campaign against ourselves, for the pain, the human tragedy and the destruction are warlike in their dimensions.

"In money terms alone, crashes cost us over $13 billion per year in medical bills, lost wages, property damage, claims processing, police service and operations of traffic courts."

Direct economic losses from crashes total nearly $1 billion a month, safety experts estimate. In 1967, auto collisions cost U.S. citizens more than $34 million every day, nearly half the daily cost of the Vietnam war.

"In money terms alone, crashes cost us over $13 billion per year in medical bills, lost wages, property damage, claims processing, police service and operation of traffic courts."

Still the public attitude is one of apathy. What can be done? We're a mobile society; people must drive and accidents are a necessary evil—so the argument goes.

Or are they?

A growing body of evidence is pointing to a single cause of more than 50 per cent of all highway fatalities in the United States. If that one factor could be successfully eliminated, more than 25,000 lives could be saved annually.

That one cause is alcohol.

This year, it is estimated that 56,900 will die in auto crashes.

And intoxicated drivers will cause more than half—35,000—of these traffic fatalities, statistics from every part of the nation reveal. That term "intoxicated" doesn't mean a person who has had "one or two drinks" but a driver who is really blind, staggering drunk.

For years, safety officials pointed to speed or the vague term "driver error" as chief culprits in the highway death toll. Then, as more and more areas began taking breath and blood tests to determine whether persons in auto crashes had been drinking, overwhelming proof began to build up pointing out alcohol—large quantities of it—as the real cause in many fatal crashes.

Contrary to popular belief, the average "social drinker" is not the one primarily at fault in these cases, although anyone who has had even a few drinks is a more dangerous driver than someone who is sober.

A Department of Transportation report to Congress last year on alcohol and traffic safety revealed this startling fact:

"Research shows that more than half of adults use the highways at least occasionally after drinking (but) . . . the problem is primarily one of persons, predominantly men, who have been drinking heavily, to an extent rare among drivers not involved in crashes.

"Alcoholics and other problem drinkers . . . account for a very large part of the overall problem . . . Fatal and other crashes of teenagers and young adults also frequently involved hazardous amounts of alcohol . . ."

Former St. Louis County Coroner Raymond I. Harris, now chief legal investigator for the new county medical examiner's office, has made a careful study of factors involved in traffic fatalities.

"Definitely over 50 per cent of the fatalities in St. Louis County involve alcohol," Harris declares. "Last year, we had 147 fatalities and in 75 per cent of the crashes, alcohol was a factor."

He bases his figures on tests showing alcohol content in the blood, which is accepted by legal and scientific authorities as proof of the degree of intoxication.

Especially tragic in most alcohol-involved crashes, as Harris and other officials note, is the fact that much of the loss in life, limb and property damage involves completely innocent people.

Quite often the drunken driver survives a bloody crash that he caused, killing innocent children and adults. However, the drunk also is a frequent victim, particularly in single-car crashes with fixed objects at roadside.

Dr. Haddon says: "If we can find acceptable ways to identify the drunken driver and remove him from the highways until cured, we could save more than 25,000 lives each year"—including the lives of many of those same drunken drivers.

ALCOHOL AND HIGHWAY HOMICIDE: BREATH TEST IS EFFECTIVE TOOL IN PULLING DRUNK DRIVER OFF ROAD

"But officer, I'm not drunk. I've only had a couple of beers."

This is the common claim that police officers hear when they make an arrest for driving while intoxicated. It often is spoken in a slurred, tongue-thick tone that belies the claim.

For many years, police had only their powers of observation on which to base a charge of drunken driving, after having a suspect walk a straight line or take another familiar test.

When a case went to court, the defendant—sober and clear-voiced—would repeat his claim of having had only "a couple of beers" and not being intoxicated. It was the police officer's word against his. Judges and juries, more often than not, chose to give the defendant the benefit of the doubt and freed him—to drink and drive again.

Now, law enforcement officials have an effective tool to provide proof of intoxication—the chemical breath test.

These tests, used in almost every state including Missouri, are simple to give and to take, involving a few deep breaths blown into a tube connected to a small machine, either a breathalyzer or a slightly more complex intoximeter.

A sample of the exhaled air goes into a tube containing a chemical that changes color when exposed to alcohol. By measuring how much of the chemical changes color, operators of the machine can calculate accurately how much alcohol is in the blood of the person taking the test.

In Missouri, drunken drivers who take the breath test still get the benefit of the doubt, because a very high reading—.15 per cent—is required before the law considers it clear evidence of intoxication. A lower reading of .10 per cent can be considered, but only along with other evidence, the law states.

Scientific research has shown, beyond a shadow of a doubt, that the brain is affected by a blood alcohol level of only .04 per cent.

"After your blood alcohol level has reached .04 per cent, you are a highway hazard," a recent article in a leading medical magazine reported, "and your chances of an accident rise sharply after that if you continue drinking."

A special study done for the U.S. Department of Transportation showed that a driver's likelihood of causing a highway accident "begins to increase noticeably at about .04 per cent; at .06 per cent, it is twice as great as at .04 per cent; at .08 per cent, it is about four times as great; at .10 per cent, more than six times as great, and at .15 per cent, about 25 times as great."

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The national highway safety standards call for all state laws to set .10 per cent as evidence of intoxication, instead of the higher .15 per cent that Missouri and several other states now have.

Anybody who has been drinking enough to show a blood-alcohol content of .10 per cent is a deadly menace behind a car's wheel, safety experts say.

Slowed reflexes and an impaired "sense of the car," which are basic to driving skill, are the main effects of alcohol in a driver's blood. Tests on professional racing drivers, who volunteered to drive over a test course after drinking various amounts, showed a definite drop in their driving ability at blood alcohol levels between .04 and .08 percent.

Some European countries, most recently Great Britain, have set .08 per cent and even lower levels as evidence of intoxication. Persons arrested after tests showing these blood-alcohol contents are subject to severe penalties.

In Missouri, the minimum penalty for driving while intoxicated is a $100 fine and automatic revocation of driving license for one year. Anyone who refuses to take a breath test after arrest on this charge also is subject to license revocation for a year. A person whose license is revoked can appeal to the court to have it reinstated if its loss is a "hardship," and the court usually grants the request.

Most persons convicted on a charge of drunken driving in Missouri have registered .15 per cent, or well above that level, in a breath test.

How much do you have to drink before your blood-alcohol content reaches that legally hazardous point of .15 per cent? It depends, mainly, on three factors: How much you weigh; how fast you drink and whether you drink after a full meal or on an empty stomach.

Alcohol goes directly into the blood stream after reaching the stomach and is absorbed by the body at a steady rate. Normally, about one ounce of whisky or one bottle of beer can be absorbed by a person of average weight in about an hour.

To reach a blood-alcohol content of .15 per cent, a 120-pound person has to have four drinks within an hour; a 150-pounder requires six drinks an hour and a 200-pounder, seven drinks. That's a lot more than the average "social drinker" drinks safety experts note.

Col. E. I. Hockaday, superintendent of the Missouri State Highway Patrol, reports that of more than 5,000 persons taking breathalyzer tests given by the patrol last year, 3,464 had blood-alcohol levels of .15 or over; 854 were between .10 and .15 per cent; 223 were under .10 and 55 were under .05 per cent.

A similarly high percentage of persons who are given the intoximeter test in St. Louis register above the .15 per cent mark, department records show.

"The simple fact is," Dr. William Haddon, former national director of highway safety, point out, "that the bulk of the problem is coming from people who have been drinking far more than what you would normally think of . . ."

In other words, a lot more than "a couple of beers."

Alcohol and Highway Homicide: Flaw in Law Frees Drunken Drivers

Because of a flaw in the Missouri law, some persons charged with drunken driving are getting off scot-free even though breath tests showed they were very intoxicated at the time of their arrest.

This seems to be happening most often in St. Louis County, where last year an estimated 75 per cent of the traffic fatalities were caused by drunken driving.

In St. Louis and other parts of the state the flaw in the law is proving less of a problem in prosecuting cases of driving while intoxicated (DWI).

The loophole through which some persons charged with DWI are crawling to acquittal is a phrase in the statute requiring that the results of breath tests in DWI cases must be expressed in terms of "milligrams of alcohol per 100 milligrams of blood."

However, Missouri Division of Health regulations, under which operators of breath tests are licensed, state that alcoholic content of blood is based on "milligrams of alcohol per 100 milliliters of blood."

In other words, the statute requires a breath test reading based on weight of blood, while the actual tests produce results stated in terms of blood volume.

The difference, chemists and other experts agree, is minimal.

But it can loom large in legal procedure, as County Prosecuting Attorney Gene McNary and his assistants have learned.

"When defense lawyers started raising this defect in the intoxication test," McNary said, "we had to revert back to evidence based on overt signs of intoxication noted by the arresting officer.

"The test is no longer viable; we need a change in the law to make it read 'milliliters' instead of 'milligrams.' That would make it all right."

A simple change, but one that failed to pass when introduced in the last regular session of the State Legislature. McNary is hoping it will be introduced again and pass. Meanwhile, he is seriously hampered in prosecution of DWI cases.

Assistant Prosecuting Attorney Donald J. Weyerich said only about 20 per cent of the DWI cases now are going to trial. Of the rest, he said, about 25 per cent are convicted on pleas of guilty and the rest are being prosecuted on reduced charges—mainly because the prosecutor can no longer use breath tests results as reliable evidence in court.

McNary and Weyrich are hoping that television films made during questioning of drunken driving suspects can be a useful prosecution tool, if accepted as evidence, to support testimony by an arresting officer.

In a recent memorandum to all police chiefs in the county, McNary urged officers to "make detailed notes of subjects' actions" after DWI arrests. He also urged them to take suspects to a hospital to have a sample of blood drawn for alcohol-content testing in any cases involving a traffic fatality.

"Though our job of getting the drunken driver off the street is complicated by some inept legislation," McNary declared, "we must not let this deter us from stringent law enforcement and vigorous prosecution of the drunken driver."

Col. E. I. Hockaday, head of the Missouri State Highway Patrol, agrees that the state law needs a change to clarify wording in regard to breath tests. The difference between milligrams and milliliters is "so small you can dismiss it," he says, but the discrepancy can be used as a means of getting DWI cases dismissed or a drunk driving charge reduced.

The City of St. Louis has a good record of convictions in spite of the flaw in the law, Thomas W. Shannon, city prosecuting attorney, reports. He noted that many persons charged after a high reading on a breath test plead guilty. Last year his office handled 268 DWI cases and won 244 convictions, many on guilty pleas.

The county prosecutor's office has handled 526 DWI cases so far this year; of these 194 pleaded guilty and 71 went to trial. Reduced charges were filed for 261, because the prosecutor felt unable to present a good case without breath test results. Of those tried, 42 were convicted and 30 were acquitted.

Gerald L. Birnbaum, assistant prosecuting attorney, attributes much of the city's success in DWI cases to the type of intoxication test given by the St. Louis Police Department. He feels it is superior to the breathalyzer used in the county.

Also, Birnbaum said, a police chemist is available for testimony as an expert witness in DWI court hearings. The chemist simply transposes the intoximeter test results into milligrams through use of a mathematical formula, meeting requirements of the state law, he explained.

McNary said his office tried to use the county's one police chemist as an expert witness in a DWI case that was appealed from conviction in a magistrate court to a county circuit court. The higher court judge accepted the defense argument that the breathalyzer test was invalid under wording of the state law and ordered the jury to disregard the chemist's testimony.

The defendant, whose blood alcohol reading had been .24 per cent—well above the intoxication level—was acquitted.

Alcohol and Highway Homicide: Stiff Fines, Jail Terms Reduce Drunken Driving

The scene is a highway in Central Missouri. A car is weaving along from one traffic lane to the other, over the center line into the path of oncoming traffic. A highway patrolman spots the car before the almost inevitable crash occurs and orders the driver to the side of the road.

When the patrolman tells the driver, whose breath reeks of alcohol, that he is under arrest for driving while intoxicated, the driver looks at him anxiously and asks:

"My God, am I in Callaway County?"

The reason for the question is obvious to anyone knowing Magistrate Hugh P. Williamson, of Fulton, Mo., who hears most cases involving a charge of driving while intoxicated (DWI) in Callaway County.

During the last eight years, Judge Williamson has gained a reputation as a "tough" judge in drunken driving cases. It is a reputation he gladly acknowledges.

He believes that "drastic punishment does reduce drunken driving, which is a great menace . . . one of the most frequent causes of injury and death."

Under state law, the minimum punishment for DWI conviction is a fine of $100 and automatic revocation of a driver's license for a year. Williamson usually gives that minimum to persons charged with DWI who have taken a breathalyzer test registering .08 to .10 per cent alcohol content in the blood.

The law specifies that .15 per cent shall be considered clearcut evidence of intoxication. Amounts down to .05 per cent may be considered along with other evidence.

Williamson usually gives a stiff fine—$250 to $300—and a six-month jail term to persons with a blood-alcohol level of .15 per cent or above at time of arrest.

"I make them serve a portion of this term," Williamson said. "We have a system permitting them to come into jail at noon Saturday and stay until 5 p.m. Sunday, so they can hold a job and still serve time.

"Unless there are unusual circumstances, they serve four to six weekends. Then I usually suspend the rest of the sentence, but we still have a hold on them for all six months."

While Williamson believes his strict sentencing policy has reduced drunken driving in Callaway County, the lower number of DWI cases in his court in recent years may be caused, in part, by a practice that infuriates the magistrate. Some lawyers, he said, are being hired by DWI defendants to get a change of venue from Williamson's court to circuit court, by filing "a false affidavit" that the magistrate is prejudiced against their clients.

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In the circuit court, Williamson said, DWI offenders rarely are given more than the minimum penalty and some cases "never come up for trial."

This lenient attitude toward drunken drivers has been more common in Missouri than the strict attitude of Magistrate Williamson, safety experts observe ruefully. DWI suspects whose cases are heard before juries also have a traditionally easier time getting an acquittal.

The reason for this lenient approach to drunken driving, most experts believe, is the mistaken impression most people have that drunken drivers are, like themselves, persons who just drink a little, socially.

The usual jury attitude, encouraged by astute defense lawyers, is, "There but for the grace of God go I," as they recall times they also drove a car after a few drinks.

What they fail to realize, safety experts point out, is that anybody with a blood-alcohol content of 10 per cent or more is drunk far beyond the limits of normal social drinking and is a serious hazard on the highway.

A flaw in the Missouri law that causes confusion about blood-alcohol tests is another factor defense lawyers use to get acquittal particularly from lenient judges and juries, in DWI cases.

These difficulties in getting conviction on DWI charges discourage police and prosecutors, observers point out. Much as they would like to take drunken drivers off the streets—seeing too many bloody crashes they have caused—police officers are undermined by the knowledge that a suspect might get off easily in court.

However, some magistrates believe that the automatic year's revocation of driver's license for a DWI conviction is too drastic a punishment in some drunken driving cases. This is why they sometimes will acquit a man when they know loss of a driver's license will cause loss of a job or other hardship.

St. Louis County Magistrate Harry J. Stussie, regarded as "tough" on drunken drivers, is one who believes the law should be changed to give judges more discretion in punishment.

It isn't fair, Stussie believes, for the same punishment to be given "to a guy who injures six people and a man who wiggles over a road line."

On the other hand, most law and safety officials believe that license revocation is the most effective means of keeping drunken drivers off the highways and that strict law enforcement reduces accidents.

A person who "wiggles over a line" because he is too drunk to drive properly might well have gone on to injure six persons—or kill that many—had he not been arrested, for DWI, they point out.

In Sweden, a person convicted of drunken driving gets a prisoner or "Work" sentence; even a prosperous businessman can be seen on a jail work crew if he has been caught for DWI. As a result, Swedes take their drunken driving laws so seriously, they arrange for a cab—or a car driven by a sober friend—to take them home if they have been drinking at a party or tavern.

Sweden's traffic fatality rate is half that of the United States.

In Great Britain, a recently passed law sets a blood-alcohol level of .08 per cent as proof of intoxication and forbids driving a car with that amount of alcohol or more in the blood. British police officers carry portable breath testing devices, which they use to screen possible violators of this law at the scene of the arrest.

In the first year the law was in effect, 1967, British traffic deaths fell 10 per cent—meaning 1,152 fewer persons were killed than in the previous year.

ALCOHOL AND HIGHWAY HOMICIDE: IT'S ALL TOO EASY FOR REPEATERS

A man arrested recently in St. Louis after his car went through a red traffic light, struck another car and killed its driver was found to have a record of 70 previous traffic arrests.

He had been convicted once of manslaughter, in a car crash that killed his own son, and had been convicted three times before for driving while intoxicated.

His license was under suspension at the time of his latest fatal crash and he was driving with an apparently fraudulent receipt for a chauffeur's license.

The public, appalled that a man with such a record still would be able to drive—and kill—again and again, asks how such a thing can happen.

The answer: All too easily.

In fact, safety experts and researchers have found that drivers with long histories of arrests and serious accidents related to heavy drinking cause a very large number of the auto fatalities in this country.

The 1968 Alcohol and Highway Safety Report, made to Congress by the Department of Transportation, reviewed existing research and made this statement:

"Alcoholics and other problem drinkers, who constitute but a small minority of the general population (about 4 per cent), account for a very large part of the overall problem. . . .

"There are at present virtually no programs in the country in which alcoholism specialists and medical and behavioral scientists participate in the evaluation of people coming to attention because of alcohol-related highway problems, to determine the types of drinkers involved, and to reduce repetition in the future. . . ."

Ordinary forms of traffic law enforcement and punishment on conviction prove to have little effect on the habitual heavy drinker, the report also notes. Perhaps, it suggests, corrective measures such as referral to alcoholism treatment centers may have greater success.

Dr. Norvin C. Kiefer, chief medical director of the Equitable Life Assurance Society, agrees with this suggestion, saying:

"A drunken driver may be fined or imprisoned. He or his friends pay the fine or he serves his prison term, but he still is an alcoholic. His license to drive may be revoked; frequently he continues to drive without it. The fundamental need is to control his basic disease: alcoholism."

And Dr. William Haddon Jr., who was the first director of the National Highway Safety Bureau, gives these views on the subject:

"Alcoholics, that is, sick drinkers, account for at least 60 per cent of the alcohol-involved serious crashes. . . . Experts on alcoholism, physicians and psychologists should be working with police groups, licensing agencies and the court in trying to identify kinds of drinkers. . . . It doesn't make sense to risk an alcoholic to control himself. He needs treatment."

(Dr. Haddon left the national bureau post this year to become president of the Insurance Institute for Highway Safety. As yet, President Nixon has appointed nobody to replace him.)

St. Louis has an internationally recognized treatment center for alcoholics at the bottom rung of society's ladder, the Skid Row variety. It is called the St. Louis Detoxification Center, located on the grounds of St. Louis State Hospital.

Dr. Joseph B. Kendis, medical director of the detoxification center, said in a recent interview he sees no reason why alcoholics involved in serious highway crashes could not be treated effectively in a program designed for that purpose.

The detoxification center, set up to treat persons picked up for public drunkenness, would not be the appropriate place for an alcoholic driver program, Dr. Kendis said.

But he added that the state has excellent alcoholism treatment centers at each of its state hospitals that probably could provide this service.

Acknowledging that little research has been done by alcoholism experts on the problem of drunken driving, Dr. Kendis said it is possible that alcoholics feel a compulsion to drive just as they do to drink. After all, he noted, "an alcoholic is a person running away from reality," and an auto represents a means of flight.

"It would be an excellent idea to evaluate persons involved in alcohol-related accidents to find out if they are hard-core drinkers," the physician said. "This can be done by talks with family, working associates, the person himself. . . ."

Raymond I. Harris, a former St. Louis County magistrate and now chief investigator for the medical examiner's office, would like to see reinstated a program he started in 1954, of substituting a driver-education course for a fine or jail sentence in traffic cases.

Incorporated in such an adult driving course could be discussion of the problem of drunken driving, perhaps with a psychiatrist or psychologist, he said.

The Insurance Institute for Highway Safety, identifying the alcoholic or problem drinker as a "major factor in fatal crashes," suggests that state and local programs could be developed to cope with this serious problem.

Such a program, the institute says, could be "aimed at identifying, isolating and treating alcoholics and pre-alcoholics discovered on the highway, possibly substituting therapy for fines, jail sentences or revocation of licenses. . . ."

Also suggested is an enforcement or probational program "designed to keep unlicensed drivers off the road while they are under suspension of revocation, including the possibility of suspending the registration plates of the offender's vehicle."

What is important, all the experts agree, is to keep the alcoholic from driving until he can be cured of alcoholism.

DRUNK DRIVING—THE SURE ROAD TO SORROW

Anybody who doubts that alcohol plays a dominant role in the causes of fatal highway crashes should go to the City Morgue and read over a few inquest reports.

Time after time he will see a pencilled notation that a blood-alcohol test was made on a driver killed in a crash that probably killed others too.

Such tests are not always made, morgue officials say, because crash victims sometimes die several days after the accident, or else they are too young to have been drinking.

However, in nearly 20 per cent of the tests made on persons who have died in St. Louis this year from highway collisions, the blood-alcohol content was .10 per cent or above—evidence of heavy drinking.

St. Louis Police Department records for last year show that of the 115 persons fatally injured in city accidents, blood-alcohol analysis was procured from 61 persons; of these, 33—or 54.1 per cent—had a blood-alcohol content of .06 to .33 per cent.

The St. Louis County medical examiner's office records show that as of Sept. 1 this year, 35 of the 101 traffic fatalities in the county "definitely involved alcohol."

All the records show that the largest number of traffic fatalities occur in the late-night, early-morning hours, on weekends and holidays—all times when the most people are drinking.

Former County Coroner Raymond I. Harris feel that almost all serious crashes involving young drivers are alcohol-related.

"Drinks affect teen-agers differently from adults," Harris points out.

It takes less alcohol to intoxicate a teenager, for one thing, he noted, and youngsters rarely are alone in a car; they usually have several friends or a date, and especially after drinking, want to "show off" by speeding and taking unnecessary risks.

Even at a low level of intoxication, alcohol slows the reflexes of an adult or youngster, Harris pointed out; for example, it takes an intoxicated driver longer to get his foot off the accelerator and onto the brake.

"Anyone with enough alcohol in his system to register .15 per cent on a breath test," Harris said, "has reflexes that are slowed three times what they would be when he's sober. At 60 miles per hour, it normally takes about one second to put on the brakes. It takes a drunk driver three seconds.

"Since a car going 60 mph travels 90 feet a second, this means that the car goes 270 feet before the driver has reacted properly to a situation."

That situation could be a child darting into the street, a sharp curve in the road or a slower moving vehicle just ahead.

The problem is a nationwide one. At least half of all U.S. traffic fatalities each year are related to drinking.

About 44 per cent of the drivers killed in crashes are innocent victims of drunken drivers, according to national surveys of traffic fatalities.

The problem is—How to get drunk drivers off the roads?

This series has posed that question to a wide variety of experts in the field of traffic safety and law enforcement. Their answers vary but all agree that solutions to this problem must be found.

Here are some of the necessary steps they say must be taken in Missouri:

One. A change in the state law to clear up confusion over breath tests given in driving-while-intoxicated cases: if one word, "milligrams," were changed to "milliliters," a flaw in this law now hampering prosecution of DWI cases would be corrected.

Two. Lowering of the legal definition of positive intoxication from the present .15 per cent reading in a breath test to .10 per cent, which is only reached after a person has had much more to drink than the normal social drinker and his driving ability is badly impaired.

Three. Strict law enforcement, vigorous prosecution and uniformly severe sentencing on conviction of drunken driving.

Four. Simpler procedures for giving breath tests, possibly with portable equipment for police officers like that being used for screening drunk driving suspects in Britain.

Five. A program of treatment for alcoholics and problem drinkers arrested for traffic violations, to keep them off the highways until they are cured of the disease of alcoholism.

Six. Increased awareness by everyone who drives after drinking, even occasionally, that his chances of causing a serious accident are far greater than when he is sober.

Anyone who feels he must drive after drinking should at least wait an hour, without having anything to drink or sipping some non-alcoholic beverage like coffee, before he takes the wheel. Good hosts and hostesses should make their guests' "last one for the road" coffee.

What is needed most of all, safety experts stress, is an end to public apathy about the nation's traffic death toll.

Officials of Allstate Insurance Co., which is conducting a vigorous promotion campaign against drunken driving, estimate that 56,900 Americans will die in traffic crashes this year and 35,0000 of those crashes will involve drunk drivers.

No wonder they feel, as does everyone who studies the reasons behind the rising rate of highway homicide, that the drunk is the No. 1 menace on the roads today.

Mr. CRANSTON. Mr. President, I support S. 3835, the proposed "Federal Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970," which I am privileged to cosponsor. The energy which Senator Hughes has displayed in assembling this broad program to combat the destructive effects of alcohol on 9 million Americans is characteristic of the courage, imagination, and leadership with which he is serving the needs of the American people.

Alcohol abuse, the fourth most serious illness in America in terms of fatalities, is a complex social and medical problem costing an unbearable toll in human suffering, wasted resources, and wasted lives. S. 3835, with its far-reaching provisions for research, treatment, and prevention of alcoholism, can significantly reduce this toll on American society.

The cost to the American economy through the drain of Federal, State, and local resources attributed to the misuse of alcohol is enormous. In Los Angeles County alone, in excess of $73 million was spent on alcohol-related government services, including court and legal expenses, law enforcement functions, and hospital services during 1968–69.

In San Diego County, the burden of alcoholism and alcohol-related problems has increased significantly in recent years. Over the past 5 years, the county's alcoholic detoxification case load has doubled. It has been estimated that 80,000 of the county's 1.4 million residents are alcoholics. This year the county plans to expand and improve its detoxification program in order to increase its ability to provide medical care for those apprehended as a result of drunkeness, to reduce the number of alcoholics receiving criminal records, and provide a more positive environment in which to motivate patients to help themselves. The funds authorized in S. 3835 are most important to the success of this and similar efforts on the local and State levels.

Similarly, in San Francisco there are an estimated 48,000 alcoholics and 100,000 problem drinkers. According to the San Francisco branch of the National Council on Alcoholism, the programs and approaches contained in S. 3835 are vital to any effort to deal effectively with this grave social problem.

Alcohol also presents a serious problem to industry, resulting in an estimated $7 billion annual loss through alcohol-associated absenteeism, accidents, and reduction in worker efficiency.

While this cost in economic resources is vast, the cost in human suffering is far more disastrous. In the past 9 years, 437,000 Americans have died on the Nation's highways—more than 10 times the toll of the war in Vietnam. More than 30 percent of all traffic fatalities are caused by drunken drivers.

The millions of Americans in mourning for family members killed in automobile accidents are joined by millions whose lives, along with the lives of those close to them, have been more subtly destroyed by alcohol abuse. Alcohol abuse, destroying family relations, often rendering an individual unfit for employment, takes a terrible toll in wasted lives, from the skid-row derelict to the white-collar commuter who escapes through alcohol.

Consumption of alcohol is so pervasive at all levels of our society—and unlike the problems of drug abuse is not commonly associated with crime—that Americans have tended not to regard alcoholism as appropriate for urgent national attention and action. In recent years, however, alcoholism has begun to be approached as a medical problem, and progress has been made in developing psychiatric and medical treatments for alcohol abuse and alcoholism.

S. 3835 will authorize appropriation of funds necessary for giving rehabilitation services to all those who need help. The bill firmly establishes that alcohol abuse is a medical, not a criminal problem, and sets an example for the rest of the country in its treatment of alcoholism among employees of the Federal Government.

In addition, the provision for research gives great hope for discovery of the biological basis of chronic alcoholism, the key to a medical cure.

In my statement of May 14, when Senator Hughes introduced S. 3835, I offered caveats on a number of provisions of S. 3835, many of them dealing with veterans' matters which are presently under study by the Subcommittee on Veterans' Affairs, of which I am chairman. I have been conferring with officials in the Veterans' Administration and elsewhere about these provisions, which have been deleted from the reported bill. They will be dealt with separately in the Veterans' Affairs Subcommittee in coordination with Senator Hughes' subcommittee.

In addition, I am pleased to note that the provision for expansion of health insurance plans available to Federal employees, which, in the original bill could have been construed to apply to existing as well as future policies and plans, has been made applicable to prospective insurance policies only in the reported bill.

There are few problems facing American society that are as destructive of human and economic resources and yet hold as great a promise for solution as that of alcohol abuse and alcoholism. The bill which Senator Hughes has proposed is a long needed first step in attacking this vicious problem. I congratulate and thank the distinguished Senator from Iowa for his outstanding leadership on this bill.

I also wish to extend my appreciation to the distinguished Senator from New York (Mr. Javits) the ranking member of both the full committee and the subcommittee, and the Senator from Colorado (Mr. Dominick). Their sustained interest and bipartisan cooperation was most helpful in the consideration of this legislation.

I ask unanimous consent that a letter and resolution I recently received from the county of San Diego in support of S. 3835 be printed at this point in the Record.

There being no objection, the letter

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and resolution were ordered to be printed in the Record, as follows:

August 6, 1970.

Dear Senator Cranston: On August 4, 1970 the San Diego County Board of Supervisors passed a resolution supporting Senate Bill 3835, "The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970."

This bill has particular significance to the County of San Diego. Recent estimates indicate that 80,000 of our 1.4 million residents are alcoholics. During the period July, 1968 through February, 1969, there were 5,315 drunk bookings in the San Diego City jail and an additional 5,200 bookings for drunk driving. These statistics only serve to echo the extent of the problem indicated in the hearings of the Senate Subcommittee on Alcoholism and Narcotics.

Over the past five years the County's alcoholic detoxification case load has doubled. Most treatment has taken place in our jail facilities. However, this year we plan to move the detoxification program into a new center separate from the jail. Persons apprehended as a result of drunkenness will be given the option to be admitted to the detoxification center rather than go to jail. This will increase our ability to provide medical care, reduce the number of alcoholics receiving criminal records, and provide a more positive environment in which to motivate patients to help themselves.

We have budgeted $125,700 for the detoxification program this fiscal year. However, Federal and State assistance, as proposed in S. 3835, will be necessary to meet the full budgeted amount.

We know that as a sponsor of the bill, you will give it your full support when it comes before the Senate. I hope the formal endorsement by the Board of Supervisors will be of assistance toward that end. If I can help in any way, please give me a call.

Sincerely,

Roger F. Honberger,
Deputy Administrative Officer,
County of San Diego.

Resolution Urging Congress to Enact U.S. Senate Bill 3835, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970

On the motion of Supervisor Craven, seconded by Supervisor Austin, the following resolution is adopted:

Whereas, the Congress of the United States finds that Alcohol abuse and alcoholism are illnesses or diseases that require treatment through health rehabilitation services and are rapidly increasing throughout the country; and

Whereas, Alcohol abuse and alcoholism are found in virtually every community and should be treated and controlled utilizing the full range of health services provided by both governmental and private agencies; and

Whereas, Members of the United States Senate have introduced S. 3835 the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970" which provides for Federal Support of State, Local Government and Private Agency Alcoholism treatment and control programs; and

Whereas, the County of San Diego, aware of the severity of Alcohol abuse and alcholism, has a program for the medical and professional treatment of Alcoholism and is continuing in its efforts to develop a comprehensive alcoholism treatment program.

Therefore, be it resolved by the Board of Supervisors of the County of San Diego:

That this Board does hereby urge the enactment by the Congress of the United States of S. 3835, the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970", introduced by Senator Hughes and 37 other Senators.

Be it further resolved and ordered, that the Clerk of the Board of Supervisors is directed to send copies of this Resolution to the co-authors of S. 3835, Chairman of the committees which will hear S. 3835 and other State and Federal agencies as are appropriate.

Passed and adopted by the Board of Supervisors of the County of San Diego, State of California, this 4th day of August, 1970, by the following vote:

Ayes: Supervisors Boney, Scheidle, Austin, Craven.

Noes: Supervisors, None.

Absent: Supervisor Walsh.

In accordance with the previous order, the following statement of Senator Yarborough is printed in the Record at this point:

Mr. Yarborough. Mr. President, S. 3835 is before the Senate for consideration this morning largely due to the untiring efforts and perseverance of Senator Harold Hughes of Iowa, Chairman of the Special Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare. I wish to express my deep appreciation to the Senator from Iowa for the dedication and single-mindedness with which he has urged the committee to develop legislation to meet this most serious problem of alcoholism. Senator Hughes has dramatically brought home to the Senate of the United States the scope of this blight from which over nine million Americans suffer.

Since I appointed Senator Hughes Chairman of the Special Subcommittee on Alcoholism and Narcotics in April 1969, he has held extensive hearings in Los Angeles, New York City, and Washington, D.C. As a member of the subcommittee I had the pleasure of participating in many of these hearings. They were among the most informative I have ever attended, and they produced an invaluable record which for the first time has gathered together in one place a large body of information on alcoholism. This information will enable the Senate to act on a truly informed basis.

There is strong support for S. 3835. It has the endorsement of the American Medical Association, the North American Association of Alcoholism Programs, the National Council on Alcoholism, the National Association of State Mental Health Program Directors, the American Public Health Association and many other organizations and individuals.

The hearings held by Senator Hughes brought out the fact that alcoholism costs our society from $4 to $7 billion every year in economic waste: absenteeism, sick benefits, accidents on the job, mistakes in industrial production.

The hearings also showed that alcoholism is the number one problem on our public highways. Approximately 50% of all highway fatalities can be attributed to problem drinkers. Eight hundred thousand crashes and 25,000 deaths each year are attributed to problem drinking or alcoholism. No one can calculate the cost to our nation in broken families, early deaths, mental illness, emotionally disturbed children, loss of human dignity and respect, which is the result of the dread disease of alcoholism.

Dr. Roger O. Egeberg, Assistant Secretary of Health, Education and Welfare, testified that alcoholism is "one of the most prevalent, destructive, costly, and tragic forms of illness in the United States."

To meet the problem of alcoholism it will take a total effort of the entire Nation, at all levels of government, to make significant progress in controlling alcoholism. The legislation presently before the Senate sets out a plan by which the Federal Government can assume its appropriate responsibility and leadership in this effort.

The bill would:

Establish a national health institute for dealing specifically with alcoholism—the National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism,

Require the Secretary of HEW to submit to the Congress, by June 30, 1971, a report on the health consequences of the use of alcohol, similar to the Surgeon General's report on smoking and the upcoming report on the use of marijuana,

Require the U.S. Civil Service Commission to guarantee persons afflicted with alcoholism the same employment conditions and benefits as persons who are ill from other causes,

Require federal agencies to establish programs for dealing with alcohol abuse among federal employees,

Authorize grants totaling $75 million over the next three years to help states develop and administer programs for dealing with alcoholism,

Authorize grants totaling $320 million over the next three years to state and local agencies, both public and private, to help finance specific projects,

Establish an independent National Advisory Council on Alcohol Abuse and Alcoholism and an Intergovernmental Coordinating Council on Alcohol Abuse and Alcoholism to insure coordination of federal efforts.

Mr. President, I again congratulate the Senator from Iowa for his perseverance, legislative ability and diligence in bringing this bill to the Senate floor for our consideration.

I heartily recommend the passage of S. 3835.

In accordance with the previous order, the following statement of Senator Randolph is printed in the Record at this point.

Mr. Randolph. Mr. President, I join the distinguished Chairman of the Special Subcommittee on Alcoholism and Narcotics, on which I am privileged to serve, in commending to the Senate the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970."

There are approximately 9 million Americans suffering from compulsive overuse of alcohol. However, the numbers of persons actually directly affected by alcoholism in our society is many times that number—families, victims of highway accidents, victims of crime in which alcohol is a contributory factor, and the employer whose business operations are crippled by absenteeism and inefficiency. It has been estimated that 75 million Americans are directly and tragically affected by this illness. Alcoholism has been classified as our Nation's 4th most serious health problem. Last year, more than half of the 56,400 highway deaths came in accidents caused by drinking drivers—most of them problem drinkers. The human waste caused by alcoholism is tragic. Equally unacceptable is the economic waste which has been estimated at $7 billion a year.

The legislation before us today will provide the necessary means for a coordinated and effective attack on the problems of alcoholism in America at the Federal, State, and local levels. It is long overdue. Of primary importance in this effort is the official recognition of alcoholism as an illness and not a crime. The bill will establish a National Institute for the Prevention and Control of Alcoholic Abuse and Alcoholism within the Public Health Service to coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treat-

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ment of alcohol abuse and alcoholism. It will provide Federal assistance to State and local programs to promote effective treatment and rehabilitation programs for alcoholics throughout the country. It sets out procedures for prevention and treatment of alcohol abuse and alcoholism among all Federal Government employees.

The time has come to put as great an effort and investment in curing people and saving lives as we have been putting into apprehending and punishing those caught up in this addiction.

Alcoholism is a problem of our entire society. It will require a total effort and commitment by our whole Nation. We must be prepared to invest at all levels of our government in contrast to the relative pittance that is being put into existing programs.

I am confident that this measure will provide the necessary mandate to begin to resolve this crisis situation in America. The landmark legislation before us is a tribute to the leadership and dedication of the Chairman of the Special Subcommittee (Mr. HUGHES). His efforts in this field will be the lifeline for many Americans.

Mr. HUGHES. Mr. President, I ask unanimous consent that comments that would have been made by the distinguished Senator from New Jersey (Mr. WILLIAMS) be printed in the RECORD at this point. The Senator from New Jersey is absent from the Senate because, as chairman of the Special Committee on Aging, he is away from the city conducting hearings and is unable to be present.

There being no objection, the statement of Mr. WILLIAMS of New Jersey was ordered to be printed in the RECORD, as follows:

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LANDMARK IN SOCIAL-MEDICAL LEGISLATION

Mr. WILLIAMS of New Jersey. It is with a great deal of pleasure that I rise to support passage of S. 3835, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

The Bill is the first substantive Federal legislation to declare unequivocally that alcoholism is a disease and then provides for medical treatment of this disease on a national scale. The Courts have addressed themselves to this problem but response to their decisions has been far less than the needs this Bill is designed to meet.

I wish to commend the distinguished Chairman of the Special Subcommittee on Alcoholism and Narcotics, Senator Hughes, for his tireless dedication, legislative skill and deft handling of this bill from date of introduction only three months ago to its consideration on the floor of the Senate today.

I am truly impressed with the skill with which this Bill has been guided through hearings and executive session consideration. Senator Hughes' willingness to hear all viewpoints and to work with all interested in the Bill has resulted in legislation that is truly a milestone in the field of social-medical legislation.

It is significant that the Bill was reported unanimously by both the Subcommittee and the full Labor & Public Welfare Committee. And again, tribute must be paid to Senator Hughes for a unanimity achieved with no sacrifice of a single significant particular of the Bill.

As an original co-sponsor of S. 3835, I am very pleased to see it include establishment of the National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism. Institute status should insure high visibility for this program and will permit line item consideration of funding for research and rehabilitation technique development. I am confident that the discretion the Bill affords to the Secretary of H.E.W., in placing this institute in its proper structural and administrative position within the Department, will be justified. It is essential that the Secretary declare the Department's deep commitment to the philosophy and programs contained in S. 3835. This can best be done by insuring the independence of the Institute and supporting full appropriations for the educational, rehabilitation and program coordination efforts of the Institute and the National Advisory Council on Alcohol Abuse and Alcoholism.

Congress has legislated previously in P.L. 89–749; P.L. 90–174; P.L. 9–574, and other laws, to help solve the problem of alcohol abuse and rehabilitation. But, admittedly, there was not sufficient momentum or follow-up. The problem was and is massive and these prior legislative efforts were just not up to the task. However, in S. 3835, we have the comprehensive and coordinated national effort that we so urgently need.

I wholeheartedly support this legislation and urge its immediate passage by the Senate. Both Senate and House must have the opportunity to legislate on this important issue in this Congress. I support the Bill and urge Members of both Houses to do so.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 3835) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HUGHES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Missouri is recognized.

AMENDMENT OF DISTRICT OF COLUMBIA COOPERATIVE ASSOCIATION ACT—CONFERENCE REPORT

Mr. EAGLETON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17711) to amend the District of Columbia Association Act. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of August 6, 1970, p. 27622, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. EAGLETON. Mr. President, I move that the Senate agree to the conference report.

The motion was agreed to.

ABM REVISITED

Mr. EAGLETON. Mr. President, once again the logic of military technology tempts us to build what can be built, whether we need it or not.

Once again our fears in an unstable world urge us to take steps willy-nilly which can only make the world more fearsome and unstable.

Once again we are asked to deny the American people the use of their own wealth for things that really count in human terms, and to spend it instead for protection against a threat generated in part by our own past military authorizations.

And once again we have an opportunity to assert some mastery, however small at first, over the continuing arms cycle that has engulfed us.

The history of the ABM offers an instructive lesson in the insidious mechanism of the arms race. Advances in technology made an anti-ballistic-missile system an interesting scientific possibility—"one rifle bullet hitting another" as scientists put it in 1955.

This concept has grown and changed during the intervening 15 years. As the Nike-Zeus begat the Nike X, and the Nike X begat the Sentinel, and the Sentinel begat the Safeguard, now the Safeguard has begotten this year's limited Safeguard.

Spurred on by the possibility of an ABM, technology has simultaneously produced ABM counterweapons—MRV's, MIRV's, penetration aids of all sorts, and a myriad of other sophisticated plans to neutralize it.

Penetration methods sketched out on drawing boards in the late 1950s and early 1960s are now deadly reality. They are being tested and deployed.

In one example of this phenomenon—perhaps the most ludicrous investment in national insecurity ever made by any country, anytime, anywhere—the U.S.S.R. deployed fewer than 64 ABM's around Moscow. In response, over 5,000 additional MIRV'ed warheads will be added to our arsenal to "insure penetration and a continued high level of assured destruction capability."

Now, in 1970, MIRV's and ABM's threaten to set off another round in the arms race—a totally useless round, because it will not give us more protection. The Pentagon predicates its ABM case on the fear that the United States will not be able to absorb a first strike and still maintain assured destruction capability—the ability to destroy 25 percent of the Soviet population and at least 50 percent of Soviet industry.

Of course, our assured destruction capability must be maintained. If it is not, and we revert to the "launch on sighting" doctrine, the decision to end civilization may be made by some machine. The time between sighting incoming enemy missiles and the decision to launch before the impact is so short that Dr. Herbert York states:

> The decision to launch our missiles must be made either by a computer, by a preprogrammed President, or by some preprogrammed delegate of the President. There will be no time to stop and think about what the signals mean or to check to see whether they might somehow be false alarms. The decisions will have to be made on the basis of electronic signals electronically analyzed, in accordance with a plan worked out long before by a political analyst in an antiseptic and unreal atmosphere. In effect, not even the President, let alone the Congress, would really be a party to the ultimate decision to end civilization.

I would vote for Safeguard if it were necessary to maintain the credibility of our deterrent.

But it is not.

Our second strike retaliatory capability is not based solely—or even primarily—on ICBM's, which the ABM is designed partially to protect.

And I have yet to hear anyone argue persuasively that our 41 Polaris submarines with their 900 nuclear warheads—about 5,500 when Poseidon is added by the mid-1970's, our Strategic Air Force bombers, tactical nuclear weapons in Europe, capable of reaching the Soviet Union, and an unspecified number of nuclear weapons at other foreign bases can all be almost simultaneously obliterated.

However, if indeed our deterrent is threatened and if indeed we must protect our Minuteman missiles, Safeguard is far from the best way to do it.

As I stated of the ABM last year:

> Its indispensible components are a complex radar system and its complex computers. Each ABM site depends on one radar and should it break down or be destroyed, all intercept missiles would be useless.
>
> And yet this extremely expensive radar system, according to most estimates, is ten times more vulnerable than the offensive missiles it must defend. The Soviet Union could target their SS–11's with far smaller payloads against the radar, either exhausting the supply of missiles available to protect it or destroying it with a smaller payload carried by the SS–11. In so doing, the Soviets would be able to target the larger SS–9 at the missile silos where the larger 5-megaton warhead is essential.

I see nothing in the testimony offered this year to indicate this major problem has been overcome.

In fact, certain developments have made this fragile radar even more vulnerable. For instance, on August 1 the Washington Post reported the new version of Russia's SS–11 ICBM carrying multiple reentry vehicles was fired into the Pacific test area twice that 1 week.

According to this report, the reentry vehicles were new devices intended to fool Safeguard antimissile radars. Further, the Post reported that highly authoritative sources confirmed that each missile carried more than one such vehicle and described the new penetration aids as pretty good ones, indicating that they were heavier and more sophisticated than such relatively simple devices as balloons and wire chaff that are often used to foil radars.

Obviously, pretty good SS–11 decoys will pose an even greater threat to the survival of Safeguard's lone radar or the effectiveness of its limited number of interceptors.

Prominent members of the scientific community have adjudged that Safeguard is not cost effective. As Sidney Drell, a member of the O'Neill panel on Safeguard convened by Dr. John Foster, stated in June of this year:

> All analyses of which I am aware make it clear that if defense of Minuteman is the principal or sole mission of Safeguard, its further deployment cannot be justified.

Further indictments of Safeguard's adequacy come from Jerome B. Weisner, Presidential Science Advisor to Presidents Kennedy and Johnson; Herbert F. York, Director of Defense Research and Engineering under President Eisenhower; Wolfgang K. H. Panofsky, director of the Stanford Linear Accelerator; Marvin L. Goldberger, member of the O'Neill panel on Safeguard, and Herbert Scoville, Jr., former Deputy Director of Research for the CIA, and former Assistant Director of Science and Technology at the Arms Control and Disarmament Agency, all of whom joined to state:

> The protection offered by Safeguard for the Minuteman is negligible. Even if Safeguard functions perfectly, it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed. For Safeguard to have any significant effectiveness at all in protecting Minuteman, the Soviets would have to "tailor" their threat to correspond to it.

The point is this: Safeguard is not needed—it evolved.

In 1955, an area defense role against Russia was envisioned for the Nike Zeus. But its four cumbersome radars and its one-on-one missile concept were both costly and technologically infeasible. Then Nike X added the Sprint missile and its missile site radar—MSR—to the carryover Zeus interceptor.

With the subsequent discovery that the larger Spartan warhead could kill incoming missiles "out of atmosphere" with the help of a perimeter acquisition radar—PAR—the Spartans and PAR's were joined with the short range Sprint and the MSR's in what was considered a quantam jump in ABM technology.

Dubbed the Sentinel in 1967, 480 Spartans and 192 Sprints were to provide a limited area defense against "the Chinese threat."

When public outcry arose against Sentinel—because it required giant nuclear warheads to be stationed in the suburbs—the rationale changed again.

The "versatile" Safeguard was unveiled soon thereafter. Safeguard was supposed to protect our land-based retaliatory forces against direct Soviet attack, the American people against "primitive" Chinese attack, and the United States against accidental attack or an attack from any other source.

The major components of Safeguard have been around for quite some time; only the rationale and mix have changed, apparently to protect continued deployment.

This year, the basic Safeguard system was left intact, but the rationale changed again. Two of the three reasons designated by President Nixon in his March 14, 1969, statement—light area defense against Communist China and general protection against an accidental attack—were rejected by the Armed Services Committee, further compromising a bad system. For if area defense is not required, the long-range Spartan missile needed to kill incoming missiles far from cities makes little sense in a system which can allow a near miss.

Instead of addressing themselves to whether Safeguard is needed, will work, or is the best system to protect our land-based deterrent, should that necessity arise, the proponents of expansion have fallen back to yet another rationale: "The ABM is needed as a 'bargaining chip' in SALT talks."

What kind of "bargaining chip" is Safeguard?

I believe a negligible one.

If we accept the administration arguments that the Russians fear Safeguard only because it might be extended nationwide to threaten the Soviet second strike capability, then the Senate Armed Services Committee has itself taken away the greatest supposed "bargaining chip" by refusing to authorize further area defense.

The Senate Armed Services Committee report also states:

> The Secretary of Defense, the Director of the Arms Control and Disarmament Agency and others argued forcefully that unilateral termination of the Safeguard program would undermine the American negotiating posture and diminish, rather than increase the likelihood of a successful agreement (at SALT).

If we accept this, there is no need to vote against Hart-Cooper because Hart-Cooper does not call for "unilateral termination" of the Safeguard program. In fact, it authorizes:

Continued research and development.

Continued deployment of phase I of Safeguard.

An accumulative investment of $2 billion since fiscal year 1970.

Deployment of several times the number of deployed Soviet antiballistic missiles.

This is hardly "unilateral suspension." Considering the infirmities of Safeguard, I do not think Hart-Cooper goes far enough. I have therefore joined with Senator HUGHES in an amendment that would apply the new Pentagon slogan "Fly before you buy" to the ABM by requiring further research and development before deployment.

But perhaps the most farfetched question was rhetorically offered to the Members of this body last Wednesday:

> If the Senate stops the forward motion of the Safeguard program, what are our negotiators in the SALT talks going to offer the Russians as an inducement to stop building their SS–9's?

That inducement, quite simply, is the knowledge that we, in the United States, have the economic resources and the technological ability to do what is necessary to protect our security—and to do it in an effective manner.

They know, as we do, that unless reasonable men agree to limit the weapons of destruction, we can and will build more—to everyone's detriment.

Do we really believe that because the Senate refuses to expand the questionable system, the United States no longer cares to maintain an adequate deterrent? I think not. And the Soviets are not so naive.

They know, as surely as we do, that if we enter into competition for a new generation of weapons of destruction, security for everyone is diminished.

And they know, as I know we do, that there is much work that both governments must be about. Inflation, pollution, education, health, and a myriad of other problems which breed discontent all require a more rational distribution of national resources to meet national needs.

This knowledge on both sides is why we bargain.

We have already begun to deploy MIRV's on Minuteman III and Poseidon. Work on ULMS continues. And we have the technical ability to eventually build a hard-point missile defense to do what Safeguard cannot. We are not standing still.

Yes, we both have the ability to build new and even more deadly systems of death if we must.

But in the final analysis, if agreement is to be reached—either implicit through mutual restraint or explicit through formalized SALT agreements—it is this knowledge that will bring the arms race to an end.

XUM

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio (Mr. YOUNG) is recognized for 30 minutes.

SEA BURIAL OF NERVE GAS ROCKETS WHICH NEVER SHOULD HAVE BEEN PURCHASED AND STORED

Mr. YOUNG of Ohio. Mr. President, it is amazing and terrifying that Army officers are now in the process of shipping 3,000 tons of nerve gas rockets encased in sealed concrete and steel coffins or boxes to Florida from whence all this lethal material will then be conveyed, according to the present plans, some 250 miles out into the Atlantic and sunk. It is claimed that these tons of nerve gas rockets can be safely transported by rail from its present storage depots at Anniston, Ala., and Lexington, Ky., through North Carolina and other Southern States to this destination.

Mr. President, I denounce Department of Defense officials for purchasing and maintaining this huge amount of nerve gas for possible use in putting down riots in our country and for possible use in warfare. Pentagon officials disclose that this is but one-ninth of the total amount of nerve gas which had been purchased with American taxpayers' money.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. YOUNG of Ohio. I yield.

Mr. DOMINICK. I think I heard the Senator correctly, but I just want to make sure. I may be wrong, but I thought I heard the Senator say the nerve gas was to be used for putting down riots in our country. That is not so. It was for possible use in war.

Mr. YOUNG of Ohio. I hope the Senator from Colorado is correct. I was told by a Pentagon official that that was one purpose of it, but I hope that is not true. I hope the Senator from Colorado is right, because it was shocking to me to be told that.

Mr. DOMINICK. The nerve gas, of course, was produced many years ago. It is nothing new. In other words, it was not produced under this administration or this Secretary of Defense.

Mr. YOUNG of Ohio. Yes, indeed. I did not mean to imply, nor would I assert, that the present administration had anything to do with the accumulation of the nerve gas. It had been going on over many years preceding the present administration.

Mr. DOMINICK. I thank the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, there is no rhyme nor reason nor cause for our procuring these nerve gas rockets in the first instance at great expense to our taxpayers.

In addition, the American people should know that the United States is not a signatory to the Geneva Convention outlawing the use of chemical and biological materials in warfare. The truth is that of all the great nations of the world, the United States stands alone among the great powers in failing to enter this covenant.

I hope that will be changed within the near future.

Mr. President, there should be a congressional investigation to determine what poison gases Pentagon officials have purchased and still have in the vaults at various Army bases in our country and overseas. Then, of course, the facts disclosed should be revealed to the American people. Our citizens are entitled to be fully informed regarding operations of top officials of our Defense Department in procuring and storing such huge amounts of nerve gas.

MURDER ON KENT STATE UNIVERSITY CAMPUS

Mr. YOUNG of Ohio. Mr. President, officials of the Department of Justice have made an extensive investigation of the tragedy on the campus at Kent State University on May 4, 1970. Shortly after high noon on that beautiful, warm Monday, at a time the university was in operation and students were attending classes and had every right to be on their own campus and many were necessarily there going to and from classes, Ohio National Guardsmen at about 12:22 p.m. shot a volley killing four students and seriously wounding nine others.

More than 100 FBI agents made on-the-spot investigations interviewing students, members of the faculty, guardsmen and officers of the Ohio National Guard. Their investigation covered a period of 2 weeks. In fact, they took the statements of many hundreds of witnesses including members of the Ohio State Highway Patrol who were present throughout Monday, May 4. Also, they interviewed helicopter pilots of the Ohio State Highway Patrol who had been flying back and forth over the university buildings and campus for many hours throughout May 3 and from early morning May 4 right up to the time the National Guard unit fired a volley into defenseless students who were not rioting. Many of these students had just come from classes and others who were on the commons had been verbally heckling the National Guardsmen. Many were simply on the commons out of curiosity.

The observations made from helicopters and by faculty members and others who were present throughout the morning hours of May 4 proved that there was no sniper fire as falsely alleged by Adjutant General Del Corso, who later admitted this statement was not true.

Mr. President, the facts are as stated by the FBI and also by the seven investigative reporters of the Knight newspapers, including staff reporters from the Miami Herald, Detroit Free Press, Akron Beacon Journal and other metropolitan newspapers, that the four students who were shot to death were unarmed and had harmed no one and that the 10 students wounded by National Guardsmen were not rioting. Nine of the students suffered serious disabling wounds. In fact, the FBI report clearly states that there was no riot on the campus of Kent State University at any time Monday, May 4, and that the shooting by the Ohio National Guard was "not necessary and not in order."

Officials of the U.S. Department of Justice have reported that six National Guardsmen could be criminally charged with murder in the second degree and with shooting to kill. This is according to my present information.

Those who were killed by Ohio National Guardsmen were Allison Krause, 19-year-old coed of Pittsburgh; Sandra Scheuer, 20-year-old coed of Youngstown; William Schroeder, 19-year-old student of Lorain, and Jeffrey Miller, 20-year-old student from Plainview, N.Y.

Only four of 14 students were shot in front. All others were struck in the side or in the back.

The facts are, Mr. President, that Robert Stamps of Cleveland who was seriously wounded by a rifle bullet was 610 feet away from the frontline of the National Guard. That is approximately the distance of two football fields. He was struck in the rear by a bullet entering his buttocks and missing his spinal column by approximately an inch or an inch and a half and this rifle bullet emerged from the front part of his body. He is still disabled and under treatment. Does that political Adjutant General Del Corso have the arrogance to claim that some guardsmen shot Robert Stamps in self-defense?

Mr. President, Kent State University is within 35 minutes drive from my home in Shaker Heights, a suburb of Cleveland. This university is located in Portage County adjacent to Cuyahoga County. I predict that within the near future that a team of lawyers from the Department of Justice will work with Robert B. Krupansky, U.S. attorney for the northern district of Ohio, and a Federal grand jury will be convened in the Federal Building in Cleveland to make a complete and thorough investigation to determine whether there is probable cause to indict six or more officers and members of the National Guard for the crime of murder in the second degree or shooting to kill, or both.

One hundred FBI operatives who made this thorough investigation have reported that the National Guard unit on the campus was not surrounded by demonstrators, that the National Guardsmen had not run out of tear gas and that they could have controlled the situation without any shooting whatever.

It is stated that the report of the FBI agents is so detailed and extensive that it covers 7,500 pages. I have not read that report; I only know somewhat of a summary of it.

I know that the official report has been summarized in a 14 page report; and I, as senior Senator from the State of Ohio, made it my business to ascertain all that I could about this tragedy. I dispatched staff members from Ohio immediately to the campus, and they remained on the campus until the dormitories were locked and everyone was barred. I am familiar also with the statements in this summarized 14-page report.

It is most unfortunate that Gov. James A. Rhodes on the preceding Saturday night, May 2, was negligent and displayed an abominable lack of judgment in ordering from Cleveland the National Guard unit which he had summoned from their homes to go to my home city, Cleveland, on the preceding April 29. At that time two factions of the Teamsters Union were battling. There was a wildcat strike, accompanied by assaults and shootings. Trucks on the turnpike from Cleveland to Toledo, in Cleveland and on other freeways within the city and suburbs had been overturned and burned and drivers assaulted. Throughout Thursday and Friday these truckdrivers and their friends roughed up many National Guardsmen, inflicting some injuries, and the National Guardsmen and their officers, trying hard to end the violence and restore order, were able to have but little sleep on Thursday and Friday nights. Some had not fully recovered from their injuries by late Saturday when the two factions of Teamsters composed their differences and the wildcat strike ended.

Word that this wildcat Teamsters strike had ended evidently reached the Governor's mansion in Columbus Saturday evening, when, perhaps, the Governor was relaxing at home. On that Saturday and the preceding Friday night, it is true that there had been some students rioting in the center of the city of Kent, some distance from the commons or campus of Kent State University.

Evidently the mayor called and asked the Governor to send in some guardsmen to help maintain law and order in Kent. Mr. President, Gov. James A. Rhodes and Adj. Gen. Sylvester T. Del Corso are guilty of the grossest sort of negligence and bad judgment in that they ordered this wornout 2d Squadron, 107th Armored Cavalry Regiment which had been mauled by various teamsters and truckers in the course of the wildcat Teamsters strike. These were the guardsmen Governor Rhodes through Adjutant General Del Corso ordered from Cleveland to Kent Saturday night but a few hours after the wildcat strike in Cleveland ended. This, despite the fact that there were numerous other National Guard units including military police in Cleveland and in other cities close to Kent, located in fact in counties adjoining Portage County. We have some 1,500 National Guardsmen in Cleveland. If the Governor and his adjutant general had exercised ordinary care and judgment these various Cleveland or other National Guard units should have been called into active duty instead of this wornout Guard unit, it is highly probable that the tragedy and murder on the campus of Kent State University on Monday, May 4, would never have occurred.

Also, it appears an outrageous lack of judgment and ordinary care as there were many National Guard companies in cities closer to Kent than Akron where the 1st Battalion, 145th Infantry, and 2d Squadron, 107th Armored Cavalry Regiment were based. In nearby Warren, county seat of Trumbull County, there was an entire military police battalion. I repeat, military police trained in riot control and arrest of violators of law and order. In Alliance, in adjoining Stark County, there was a platoon of National Guardsmen and in Canton, also in Stark County, there was another platoon of guardsmen. Governor Rhodes could have ordered any one of these units to Kent had he exercised ordinary care and used any sort of good judgment. Furthermore, Adjutant General Del Corso was derelict in his duty in subjecting this one tired and weary unit to further active duty when there were so many other fresh National Guard units available.

Adjutant General Del Corso must share the blame for this and for what occurred on Monday. I believe, Mr. President, that it was unnecessary to send in any National Guard unit and that the hundreds of members of our State highway patrol and additional deputy sheriffs or special duty sheriffs along with the members of the police department of Kent could readily have maintained law and order on the campus or commons of Kent State University throughout all of Monday, May 4. I repeat, there was no riot there at any time Monday, May 4.

Mr. President, we have a State highway patrol in Ohio—a fine outfit of men, who have made a career of making arrests on the highways of Ohio, when there is violence, and of maintaining order on all our highways. All of those members should have been called out to be in Kent. That would have been very proper. They are fine career men, older men, men of judgment, and in addition they have helicopters to fly around in making observations.

In truth and in fact, the FBI investigators report that there was not any rioting on the campus on May 4, the day of the shooting. They report that about 200 demonstrators, who were verbally heckling the guardsmen on their own campus during a time when the university was in full operation, could readily have been dispersed if arrests had been made or more tear gas fired. On that Monday, the guardsmen did hurl many tear gas canisters. There was quite a distance, 75 yards or more usually, separating the front rank of the National Guardsmen from any of the students. Frequently, some of these students, though affected by the fumes of the gas, hurled back the half empty canisters and those canisters rolled along the ground and guardsmen felt the effects of tear gas, receiving some of their own medicine, as the saying is. This evidently further angered them.

Mr. President, the FBI report states that not one guardsman was hurt by flying rocks or projectiles and not one guardsman was in danger of his life at the time of the shooting on Monday, May 4. The report is that there was no hail of rocks beforehand, as claimed by Adj. Gen. Del Corso. One guardsman, according to the testimony fired his rifle at a student who was making an obscene gesture toward that guardsman.

Another guardsman fired at a student preparing to throw a rock. I have obtained many, many statements from students and professors and eye witnesses and also from a few guardsmen and, according to my information, perhaps as many as 15 to 17 stones were thrown by students toward the National Guardsmen, not one of them striking a guardsman. The FBI report also says that not one rock hit a guardsman.

Not one National Guardsmen on Monday, May 4, at any time throughout the morning or up to the time of the fatal shooting, which was about 12:22 p.m., was injured in any manner whatever. Not one required first-aid treatment on that day. It is said that one National Guardsman fainted and one had a heart attack at the time or directly after the guardsmen fired their rifles, loaded with live ammunition, at unarmed students, boys and girls, on their own campus.

Mr. President, Gov. James A. Rhodes has said that Monday, May 4, the day that National Guardsmen on the campus of Kent State University shot and killed four Students and seriously wounded nine others, was the saddest day of his life. This should be the saddest day in his life. He manifested poor judgment, in the first place, in calling out armed Ohio Guardsmen on the preceding Saturday night to Kent and to Kent State University, and in particular abominable judgment in calling to move immediately from Cleveland to Kent these guardsmen, sleepless and worn out from strike duties over preceding days and nights. Also, there was grosser negligence in permitting those Guardsmen to have rifles loaded with live ammunition and permitting them to fire without a direct order to fire.

It is true that there had been disorder in downtown Kent on Friday evening, May 1. Students had broken windows in some business buildings, and the ROTC building, which is located 1 minute's walk from the Kent police station, was burned by some students.

I have statements of witnesses that policemen were present and did nothing to interfere, nor did they arrest any students charging them, as they should have, with malicious destruction of property. It is stated that this 23-year-old building was regarded as an eyesore by city officials of Kent and businessmen of that city. Whether that is true or not, I have no use whatever for any students who destroy any property of the university that he has attended. I have stated that I know lawyers in Cleveland who could not have made it, who could not have secured their education and become lawyers, except for the ROTC. So I feel that anyone who damages or burns an ROTC building in any university in our country not only should be expelled by the president of that university but also should be prosecuted if there is sufficient evidence to prove that he participated in that action. I believe that in matters of that sort, certain punishment, like a shadow, should follow the commission of any act of violence.

It is to the discredit of Governor Rhodes that in the first place he called out the National Guard to take over the campus of Kent State University with their bullhorns and tear gas. He compounded this blunder by calling into further service a worn out, angered outfit when he had fresh military police guardsmen who presumably had been trained for riot control available.

XUM

The overwhelming weight of evidence produced by the FBI and other investigators is that there was no riot whatever on the campus of Kent State University at any time that morning or early afternoon of May 4; yet, National Guardsmen called there on order of Governor Rhodes shot to kill students on the campus of their own university, not one of whom had injured any national guardsman. The fact is that the first coed, a young girl, who was shot and killed had just walked onto the commons, with her schoolbooks under her arm. She had been attending her speech class. After the Guard's volley of shots, she lay dead, covered with blood, her schoolbooks beside her. That was what the FBI found in their report.

MAKING PENTAGON PINCH LESS PAINFUL

Mr. YOUNG of Ohio. Mr. President, Jack Anderson, in his nationally published column, the Washington Merry-Go-Round, wrote a most interesting and most important column commenting on the extravagance and waste which is the way of life of the top brass and bureaucrats in the Department of Defense.

This column, under the caption "Making Pentagon Pinch Less Painful," exposes luxurious living of U.S. soldiers, sailors, and airmen, particularly the officers and men of our Armed Forces who are still standing watch on the Rhine and the Riviera joyfully joined by some 225,000 dependents.

Jack Anderson is rendering a needful public service in exposing the inexcusable, extravagant, and unnecessary expenditure of billions of dollars of taxpayers' money. I hope that many Americans, heavily burdened with taxes, will read this expose of gracious living at tremendous cost.

Mr. President, I ask unanimous consent that this column be printed in the RECORD at this point.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 4, 1970]

MAKING PENTAGON PINCH LESS PAINFUL

(By Jack Anderson)

The budget pinch has stirred the brass hats and bureaucrats, all too typically, to scramble for economies that won't interfere with their special privileges.

The brass, for instance, want to cut out social programs on military bases, such as day camps for underprivileged youngsters and employment programs for disadvantaged youths. But no move has been made to reduce the number of enlisted men who serve as chauffeurs, waiters, bartenders, orderlies, and handymen for the brass.

The Pentagon has also persuaded President Nixon to pull 20,000 troops out of Korea, where living conditions are austere and the duty is rugged. But scarcely a man will be called home from Japan and Germany, where Americans live in luxury.

The brass, quite naturally, prefer the beerhalls of Berlin and the geisha houses of Tokyo to the grim garrisons on the Korean demarcation line.

But 20,000 troops could be spared more logically from Japan which has no demarcation line to guard. South Korea also desperately needs the $160 million that the troop withdrawal will cost its struggling economy. The Japanese economy, in contrast, is booming.

Along Korea's 38th parallel, of course, the terrain is rough, the weather harsh, the nights menacing. Nearby Seoul offers more attractions for Americans. Still only 7,945 dependents have joined the 62,000 U.S. troops stationed in Korea.

In comparison, 41,856 dependents eagerly share the happy life of the 39,000 servicemen pulling duty in Japan.

DUTY ON THE RHINE

There are even more compelling reasons why the 20,000 troops should be pulled out of Europe, where American garrisons have become an absurd anachronism. Yet 295,000 U.S. soldiers, sailors and airmen are still standing watch on the Rhine and the Riviera, joyfully joined by some 225,000 dependents.

These troops are engaged in a game of military make-believe that does little but fill the continental coffers at U.S. expense. In theory, they are stationed in Europe to prevent an armed takeover by the Russians. But most observers think the Soviet conventional war threat to Europe now is minimal, to say the least. Most of the troops are stationed in West Germany, which is about to sign a nonaggression pact with the Kremlin.

No one really believes that four American divisions, plus a few additional scattered units, are going to intimidate the Red Army, which could throw 175 divisions into European conflict. The Russians have a greater respect, no doubt, for the 7,000 nuclear weapons we keep in Europe. These thunderbolts of war, more than the presence of peacetime GIs, are keeping the Red Army in its place.

At most, the American presence merely symbolizes our commitment to defend Europe, much as the appearance of grizzly cubs alert forest creatures that Mama Bear is around to back their play. A couple of regiments—enough troops, say to man the nuclear weapons—should make just as convincing symbols as four divisions.

But Europe has been a pleasant fortress for the American military since the end of World War II, and the brass have no wish to leave. They live unbelievably well within easy distance of Europe's pleasure spots.

GRACIOUS LIVING

Military bases form American enclaves with schools, churches, movie houses, and clubs to make living gracious. Around cities like Frankfurt, there are noisy beerhalls and sprawling red light districts. As Senator Stephen Young (D-Ohio) has said: "The officers never had it so good. They and their wives and children, with German servants, live high on the hog."

The cost of keeping a peacetime army in Europe, of course, has been a continuing drain on U.S. gold reserves and is largely responsible for the unfavorable balance of payments that has worried our leaders. But when cutbacks were ordered, the brass hastily suggested that 20,000 troops could best be spared from Korea.

The State Department, too, has developed a taste for gracious living. Our diplomats are rotated more to suit their own convenience than the national need. The pleasant posts, such as Paris, Rome, London, Bonn and Vienna, are overstaffed. The disagreeable places all too often are neglected.

For instance, a happy total of 104 people are assigned to the embassy in Rome, where they are occupied largely stuffing themselves with Chianti and calories. Yet across the Mediterranean, the embassy in Tel Aviv has only 45 people engaged in the delicate diplomacy of bringing peace to the Middle East.

In Paris, four agriculture attaches and two secretaries are assigned to report on French farming. In Nairobi, a single attache and a secretary tried, until recently, to keep up with the agriculture of seven countries. Now agriculture attaches have been sent to most of her African neighbors.

All this has blunted the effectiveness of the State Department, whose vital mission is to keep the earth from being blown up.

WASTED LIVES

Mr. YOUNG of Ohio. Mr. President, due to the use of helicopters as ambulances in Cambodia, Laos, and South Vietnam to remove the wounded within minutes or at most within an hour, the death rate of wounded GI's is but 2.3 percent compared to nearly 5 percent in World War II. Deaths in combat are down but GI's who would have been mortally wounded and would have died within hours in World War II now survive due to instant evacuation by helicopter and the advance of medical science. Yet for 50 years to come "basket cases" and GI's helplessly and hopelessly maimed for life will survive, many spending all of their remaining days in Army hospitals. This is a most terrifying and horrible end result of our fighting a major war in Southeast Asia which was commenced by intervention in a civil war in Vietnam, a faraway Asiatic country of no importance whatever to the defense of the United States.

Mr. President, that is a most unfortunate aspect of this undeclared, immoral, and most unpopular war. American families 50 years hence will still be paying burdensome taxes as a result of maintaining these unfortunate men who are helplessly and hopelessly maimed for life, fighting in a little country which is not worth the priceless life of one American GI.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. YOUNG of Ohio). Under the previous order, the Senate will now proceed to the consideration of routine morning business with a time limitation of 3 minutes therein.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HOLLAND) laid before the Senate the following message from the President of the United States, submitting, pursuant to Public Law 91-224, section 204, a report of the Council on Environmental Quality, which message, together with the report, were referred jointly to the Committees on Agriculture and Forestry, Commerce, Interior and Insular Affairs, and Public Works:

To the Congress of the United States:

This first report to the Congress on the state of the Nation's environment is an historic milestone. It represents the first time in the history of nations that a people has paused, consciously and systematically, to take comprehensive stock of the quality of its surroundings.

It comes not a moment too soon. The recent upsurge of public concern over environmental questions reflects a belated recognition that man has been too cavalier in his relations with nature. Unless we arrest the depredations that have been inflicted so carelessly on our natural systems—which exist in an intricate set of balances—we face the prospect of ecological disaster.

The hopeful side is that such a prospect *can* be avoided. Although recognition of the danger has come late, it has come forcefully. There still are large gaps in our environmental knowledge, but a great deal of what needs to be done can be identified. Much of this has already been begun, and much more can be started quickly if we act now.

SCOPE OF THE COUNCIL'S REPORT

The accompanying report by the Council on Environmental Quality seeks to describe the conditions of our environment, and to identify major trends, problems, actions under way and opportunities for the future. This first report by the Council is necessarily incomplete in some respects, especially in the identification of trends. The National Environmental Policy Act, which created the Council, became law only at the beginning of this year. Existing systems for measuring and monitoring environmental conditions and trends, and for developing indicators of environmental quality, are still inadequate. There also is a great deal yet to be learned about the significance of these facts for the human condition.

However, the report will, I think, be of great value to the Congress (and also to the Executive Branch) by assembling in one comprehensive document a wealth of facts, analyses and recommendations concerning a wide range of our most pressing environmental challenges. It should also serve a major educational purpose, by clarifying for a broad public what those challenges are and where the principal dangers and opportunities lie.

Substantively as well as historically, this first report is an important document. No one can read it and remain complacent about the environmental threats we confront, or about the need both to do more and to learn more about those threats.

GETTING AT THE ROOTS

"Environment" is not an abstract concern, or simply a matter of aesthetics, or of personal taste—although it can and should involve these as well. Man is shaped to a great extent by his surroundings. Our physical nature, our mental health, our culture and institutions, our opportunities for challenge and fulfillment, our very survival—all of these are directly related to and affected by the environment in which we live. They depend upon the continued healthy functioning of the natural systems of the Earth.

Environmental deterioration is not a new phenomenon. But both the rate of deterioration and its critical impact have risen sharply in the years since the Second World War. Rapid population increases here and abroad, urbanization, the technology explosion and the patterns of economic growth have all contributed to our environmental crisis. While growth has brought extraordinary benefits, it has not been accompanied by sufficiently foresighted efforts to guide its development.

At the same time, in many localities determined action has brought positive improvements in the quality of air or water—demonstrating that, if we have the will and make the effort, we can meet environmental goals. We also have made important beginnings in developing the institutions and processes upon which any fundamental, long-range environmental improvement must be based.

The basic causes of our environmental troubles are complex and deeply imbedded. They include: our past tendency to emphasize quantitative growth at the expense of qualitative growth; the failure of our economy to provide full accounting for the social costs of environmental pollution; the failure to take environmental factors into account as a normal and necessary part of our planning and decision-making; the inadequacy of our institutions for dealing with problems that cut across traditional political boundaries; our dependence on conveniences, without regard for their impact on the environment; and more fundamentally, our failure to perceive the environment as a totality and to understand and to recognize the fundamental interdependence of all its parts, including man himself.

It should be obvious that we cannot correct such deep-rooted causes overnight. Nor can we simply legislate them away. We need new knowledge, new perceptions, new attitudes—and these must extend to all levels of government and throughout the private sector as well: to industry; to the professions; to each individual citizen in his job and in his home. We must seek nothing less than a basic reform in the way our society looks at problems and makes decisions.

Our educational system has a key role to play in bringing about this reform. We must train professional environmental managers to deal with pollution, land planning, and all the other technical requirements of a high quality environment. It is also vital that our entire society develop a new understanding and a new awareness of man's relation to his environment—what might be called "environmental literacy." This will require the development and teaching of environmental concepts at every point in the educational process.

While education may provide ultimate answers to long-range environmental problems, however, we cannot afford to defer reforms which are needed now. We have already begun to provide the institutional framework for effective environmental improvement.

ORGANIZING FOR IMPROVEMENT

As my first official act of the decade, on January first I signed into law the National Environmental Policy Act. That Act established the Council on Environmental Quality. I have charged the Council with coordinating all environmental quality programs and with making a thorough review of all other Federal programs which affect the environment.

Federal agencies are now required to file with the Council and the public a statement setting out in detail the environmental implications of all proposals for legislation and for other major activities with a significant environmental impact. With the help of this provision, I intend to ensure that environmental considerations are taken into account at the earliest possible stage of the decision-making process.

On July 9 I sent to the Congress a reorganization plan which would establish an Environmental Protection Agency, consolidating the major environmental pollution responsibilities of the Federal Government. This reform is long overdue.

Responsibility for anti-pollution and related programs is now fragmented among several Departments and agencies, thus weakening our overall Federal effort. Air pollution, water pollution and solid wastes are different forms of a single problem, and it becomes increasingly evident that broad systems approaches are going to be needed to bring our pollution problems under control. The reorganization would give unified direction to our war on pollution and provide a stronger organizational base for our stepped-up effort.

The Council on Environmental Quality has begun the vital task of identifying indicators of environmental quality and determining the requirements for monitoring systems, in order to enable us to assess environmental trends. These systems are needed to give early warning of environmental problems. They will provide data for determining environmental needs and establishing priorities, and for assessing the effectiveness of programs to improve the environment. The development of such monitoring systems is essential to effective environmental management.

There is also a need to develop new knowledge through research. We need to know far more, for example, about the effects of specific pollutants, about ecological relationships, and about human behavior in relation to environmental factors. The Environmental Protection Agency should develop an integrated research program aimed at pollution control. The Council on Environmental Quality will continue, in cooperation with the Office of Science and Technology, to review and coordinate our overall environmental research effort, as well as to undertake its own environmental studies and research.

These actions represent important additions to the institutional, procedural, and informational base for effective environmental management. They hold the promise of a real leap forward in the years to come. At the same time, we must move ahead now in those areas in which we already possess the knowledge and capability for effective action.

RECENT ACTIONS AND RECOMMENDATIONS

On February 10 of this year, I sent to the Congress a special message on the environment. This presented a 37-point action program, with special emphasis on strengthening our fight against water and air pollution.

In the field of water pollution, my major legislative recommendations included:

—Authorization of $4 billion to cover the Federal share of a $10 billion program to provide treatment facilities.

—Establishment of an Environmental Financing Authority to help finance the State and local share of treatment plants.

—Reform of the method by which funds are allocated under the treatment grant programs.

—Greatly strengthened enforcement authority, including provisions for fines of up to $10,000 a day for violations.

Among my major legislative recommendations for the control of air pollution were:

—More stringent procedures for reducing pollution from motor vehicles.

—Establishment of national air quality standards.

—Establishment of national emissions standards for extremely hazardous pollutants.

—A major strengthening of enforcement procedures, including extension of Federal air pollution control authority to both inter- and intra-state situations and provision for fines of up to $10,000 a day for violators.

Other legislative actions recommended in my February 10 message included:

—Appropriation in 1971 of the full $327 million authorized under the Land and Water Conservation Fund to provide additional parks and recreation areas, with increased emphasis on locating new recreation facilities in crowded urban areas.

—Establishment of new procedures to encourage and finance the relocation of Federal facilities now occupying land that could better be turned to public recreational use.

—Authorizing the transfer of surplus real property to State and local governments for park and recreational purposes at public benefit discounts of up to 100 percent.

In addition, the message spelled out 14 separate measures I was taking by administrative action or Executive Order. These included such wide-ranging initiatives as launching an extensive Federal research and development program in unconventionally-powered, low-pollution vehicles, requiring the development of comprehensive river basin plans for water pollution control, re-directing research on solid waste management to place greater emphasis on re-cycling and re-use, and the establishment of a Property Review Board to recommend specific Federal properties for conversion to recreational use.

I again urge the Congress to act soon and favorably on the legislative proposals contained in that message. They are vital to our growing effort to protect and improve our environment.

I consider the recommendations in my February 10 message only a beginning—although an important one. I said at the time that we must do much more and that we would do more as we gained experience and knowledge. Our Administration is living up to that commitment.

Previously, on February 4, I had issued an Executive Order directing a prompt clean-up of air and water pollution caused by Federal agencies. This task is well underway. As I said then, the Federal Government should set an example for the rest of the country. We are doing so.

On April 15, I sent legislation to the Congress that will, if enacted, bring to an end the dumping of dredged spoils into the Great Lakes as soon as disposal sites are available. At the same time, I directed the Council on Environmental Quality to make a study of ocean disposal of wastes and report to me by September 1.

On May 19, I proposed enactment of a special tax on lead additives in gasoline, to encourage industry to provide low or non-leaded gasoline.

On May 20, I sent to the Congress a special message dealing with oil pollution caused by marine transportation of oil. The comprehensive, 10-point program set out in the message included legislative proposals, the announcement of administrative actions, and the forwarding to the Senate of two international conventions and amendments to a third for ratification. The nations of the world must take aggressive action to end the growing pollution of the oceans.

On May 23, I announced that the United States would propose a new treaty placing the natural resources of the deep sea bed beyond the 200 meter depth under international regulation.

On June 4, a revised National Contingency Plan for dealing with oil spills was announced at my direction by the Chairman of the Council on Environmental Quality.

On June 11, I sent a message to the Congress requesting the enactment of legislation cancelling twenty Federal oil leases for off-shore drilling which had been granted in 1968 in the Santa Barbara Channel and creating a Marine Sanctuary.

As I mentioned above, on July 9 I sent to the Congress a reorganization plan to create a new Environmental Protection Agency. On the same date, I sent another reorganization plan to consolidate Federal marine resource management functions in a National Oceanic and Atmospheric Administration, within the Department of Commerce. This would provide better coordination and direction of our vital ocean resource programs.

TOWARD A LAND USE POLICY

Lately, our attention as a people has repeatedly and insistently been seized by urgent concerns and immediate crises: by the sudden blanketing of cities or even whole regions with dense clouds of smog, for example, or the discovery of mercury pollution in rivers. But as we take the longer view, we find another challenge looming large: the mounting pressures of population. Both the size and the distribution of our population have critical relevance to the quality of our environment and thus to the quality of our lives.

Population growth poses an urgent problem of global dimensions. If the United States is to have an effective voice in world population policies, it must demonstrate willingness to face its own population problems at home.

The particular impact of any given level of population growth depends in large measure on patterns of land use. Three quarters of our people now live in urban areas, and if present trends continue most of them in the future will live in a few mammoth urban concentrations. These concentrations put enormous pressure on transportation, sanitation and other public services. They sometimes create demands that exceed the resource capacity of the region, as in the case of water supply. They can aggravate pollu-

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tion, overcrowd recreation facilities, limit open space, and make the restorative world of nature ever more remote from everyday life. Yet we would be blind not to recognize that for the most part the movement of people to the cities has been the result neither of perversity nor of happenstance, but rather of natural human aspirations for the better jobs, schools, medical services, cultural opportunities and excitement that have traditionally been associated with urban life.

If the aspirations which have drawn Americans to the city in the first instance and subsequently from the city core to the suburbs are often proving illusory, the solution does not lie in seeking escape from urban life. Our challenge is to find ways to promote the amenities of life in the midst of urban development: in short, to make urban life fulfilling rather than frustrating. Along with the essentials of jobs and housing, we must also provide open spaces and outdoor recreation opportunities, maintain acceptable levels of air and water quality, reduce noise and litter, and develop cityscapes that delight the eye and uplift the spirit.

By the same token, it is essential that we also make rural life itself more attractive, thus encouraging orderly growth in rural areas. The creation of greater economic, social, cultural and recreational opportunities in rural parts of the country will lead to the strengthening of small cities and towns, contributing to the establishment of new growth centers in the nation's heartland region.

Throughout the nation there is a critical need for more effective land use planning, and for better controls over use of the land and the living systems that depend on it. Throughout our history, our greatest resource has been our land—forests and plains, mountains and marshlands, rivers and lakes. Our land has sustained us. It has given us a love of freedom, a sense of security, and courage to test the unknown.

We have treated our land as if it were a limitless resource. Traditionally, Americans have felt that what they do with their own land is their own business. This attitude has been a natural outgrowth of the pioneer spirit. Today, we are coming to realize that our land is finite, while our population is growing. The uses to which our generation puts the land can either expand or severely limit the choices our children will have. The time has come when we must accept the idea that none of us has a right to abuse the land, and that on the contrary society as a whole has a legitimate interest in proper land use. There is a national interest in effective land use planning all across the nation.

I believe that the problems of urbanization which I have described, of resource management, and of land and water use generally can only be met by comprehensive approaches which take into account the widest range of social, economic, and ecological concerns. I believe we must work toward development of a National Land Use Policy to be carried out by an effective partnership of Federal, State and local governments together, and, where appropriate, with new regional institutional arrangements.

RECYCLING OF WASTES

The prospect of increasing population density adds urgency to the need for greater emphasis on recycling of "waste" products. More people means greater consumption—and thus more rapid depletion—of scarce natural resources; greater consumption means more "waste" to dispose of—whether in the form of solid wastes, or of the pollutants that foul our air and water.

Yet much of this waste is unnecessary. Essentially, waste is a human invention: Natural systems are generally "closed" systems. Energy is transformed into vegetation, vegetation into animal life, and the latter returns to the air and soil to be recycled once again. Man, on the other hand, has developed "open" systems—ending all too often in an open sewer or an open dump.

We can no longer afford the indiscriminate waste of our natural resources; neither should we accept as inevitable the mounting costs of waste removal. We must move increasingly toward closed systems that recycle what now are considered wastes back into useful and productive purposes. This poses a major challenge—and a major opportunity—for private industry. The Council on Environmental Quality is working to foster development of such systems. Establishment of the proposed Environmental Protection Agency would greatly increase our ability to address this need systematically and creatively.

EVERYONE'S TASK

As our government has moved ahead to improve our environmental management, it has been greatly heartening to me to see the extent and effectiveness of citizen concern and activity, and especially the commitment of young people to the task. The job of building a better environment is not one for government alone. It must engage the enthusiasm and commitment of our entire society. Citizen organizations have been in the forefront of action to support strengthened environmental programs. The Citizens Advisory Committee on Environmental Quality, under the chairmanship of Laurance S. Rockefeller, has provided an important link between the Federal Government's effort and this broad-ranging citizen activity.

Similarly, the active participation of the business community is essential. The government's regulation and enforcement activities will continue to be strengthened. Performance standards must be upgraded as rapidly as feasible. But regulation cannot do the whole job. Forward-looking initiatives by business itself are also vital—in research, in the development of new products and processes, in continuing and increased investment in pollution abatement equipment.

On the international front, the level of environmental concern and action has been rapidly rising. Many of our most pressing environmental problems know no political boundaries. Environmental monitoring and pollution of the seas are examples of major needs that require international cooperation, and that also provide an opportunity for the world's nations to work together for their common benefit.

In dealing with the environment we must learn not how to master nature but how to master ourselves, our institutions, and our technology. We must achieve a new awareness of our dependence on our surroundings and on the natural systems which support all life, but awareness must be coupled with a full realization of our enormous capability to alter these surroundings. Nowhere is this capability greater than in the United States, and this country must lead the way in showing that our human and technological resources can be devoted to a better life and an improved environment for ourselves and our inheritors on this planet.

Our environmental problems are very serious, indeed urgent, but they do not justify either panic or hysteria. The problems are highly complex, and their resolution will require rational, systematic approaches, hard work, and patience. There must be a *national* commitment and a *rational* commitment.

The accompanying report by the Council describes the principal problems we face now and can expect to face in the future, and it provides us with perceptive guidelines for meeting them. These deserve the most careful consideration. They point the directions in which we must move as rapidly as circumstances permit.

The newly aroused concern with our national environment embraces old and young alike, in all walks of life. For the young, it has a special urgency. They know that it involves not only our own lives now but the future of mankind. For their parents, it has a special poignancy—because ours is the first generation to feel the pangs of concern for the environmental legacy we leave to our children.

At the heart of this concern for the environment lies our concern for the human condition: for the welfare of man himself, now and in the future. As we look ahead to the end of this new decade of heightened environmental awareness, therefore, we should set ourselves a higher goal than merely remedying the damage wrought in decades past. We should strive for an environment that not only sustains life but enriches life, harmonizing the works of man and nature for the greater good of all.

RICHARD NIXON.

THE WHITE HOUSE, *August 10, 1970*.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HOLLAND) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

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COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HOLLAND) laid before the Senate the following letters, which were referred as indicated:

Report on Fiscal Year 1970 Outlay Limitation

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, an interim report on fiscal year 1970 outlay limitations as of June 30, 1970 (with an accompanying report); to the Committee on Appropriations.

Report of the Federal Home Loan Bank Board

A letter from the Chairman, Federal Home Loan Bank Board, transmitting, pursuant to law, the annual report of the Board for the calendar year 1969 (with an accompanying report); to the Committee on Banking and Currency.

Proposed Restrictions on Disruptive Occurrences in or near Offices of the U.S. Government

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to amend section 4 of the act of June 1, 1948, to increase the penalty provisions for the violation of rules or regulations promulgated under authority of said act, and to make restrictions on disruptive occurrences in and near premises upon which offices of the U.S. Government are located and to fix penalties for breach (with accompanying paper); to the Committee on Government Operations.

Arapaho National Forest, Colorado

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to extend the boundaries of the Arapaho National Forest in the State of Colorado, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of Claims Paid by the Panama Canal Company

A letter by the President, Panama Canal Company, transmitting, pursuant to law, a report of claims paid by the Company for the period July 1, 1969, to June 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

S. 3906. A bill to authorize the government of the District of Columbia to fix certain fees (Rept. No. 91–1076); and

H.R. 15381. An act to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies (Rept. No. 91–1077).

By Mr. EAGLETON, from the Committee on the District of Columbia, with an amendment:

S. 3905. A bill to authorize the District of Columbia Council to fix the rates charged by the District of Columbia for water and water services and for sanitary sewer services (Rept. No. 91–1078).

By Mr. EAGLETON, from the Committee on the District of Columbia, with amendments:

S. 3903. A bill to provide additional revenue for the District of Columbia, and for other purposes (Rept. No. 91–1079).

By Mr. TYDINGS, from the Committee on the District of Columbia, with an amendment:

S. 2336. A bill relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia (Rept. No. 91–1081).

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S. 336. A bill to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding $500,000 in aggregate amount, from the provisions of such act (Rept. No. 91–1082).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 2176. A bill to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes (Rept. 91–1083).

AMENDMENT OF MERCHANT MARINE ACT, 1936—REPORT OF A COMMITTEE—ADDITIONAL VIEWS (S. REPT. NO. 91–1080)

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably, with amendments, the bill (H.R. 15424) to amend the Merchant Marine Act, 1936, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the additional views of Senators GRIFFIN, HART, and HARTKE.

The PRESIDING OFFICER (Mr. BOGGS). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

AMENDMENT OF BANK HOLDING COMPANY ACT OF 1956—REPORT OF A COMMITTEE—SUPPLEMENTARY AND INDIVIDUAL VIEWS (S. REPT. NO. 91–1084)

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes, and I submit a report thereon.

I ask unanimous consent that the report be printed, together with supplementary and individual views, and that the committee have until midnight tonight to deliver the copy for printing purposes.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Alabama.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BELLMON:

S. 4203. A bill to amend the Food and Agriculture Act of 1965 so as to provide for the establishment of a feed bank, an emergency livestock feed program to be carried out in connection with the diverted acreage program in effect for feed grains, wheat, and cotton; to the Committee on Agriculture and Forestry.

(The remarks of Mr. BELLMON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. CANNON, Mr. GOODELL, Mr. HATFIELD, Mr. MOSS, Mr. PELL, Mr. PERCY, Mr. SAXBE, and Mr. YARBOROUGH):

S. 4204. A bill to provide for the efficient disposal and recycling of motor vehicles, and for other purposes; to the Commitee on Public Works by unanimous consent.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SCOTT:

S. 4205. A bill for the relief of Garrit Kleinburink; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 4206. A bill to amend the Federal Water Pollution Control Act in order to authorize the Secretary of the Interior to incur obligations for construction grants under section 8 of such act, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MURPHY:

S. 4307. A bill to permit expenditures in connection with the provision of certain public improvements or public facilities in the city of Hayward, Calif., to be counted as local grants-in-aid to federally assisted urban renewal projects in the city of Hayward, Calif.; to the Committee on Banking and Currency.

By Mr. MURPHY (for himself, Mr. PROUTY Mr. DOMINICK, Mr. JAVITS, and Mr. SAXBE):

S. 4208. A bill to amend title VII of the Public Health Service Act by providing for the establishment of a family physician scholarship and fellowship program; to the Committee on Labor and Public Welfare.

(The remarks of Mr. MURPHY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 4209. A bill to provide for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission Docket numbered 279–A, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PERCY:

S. 4210. bill to amend the act of March 3, 1899, relating to penalties for wrongful deposit of certain refuse, injury to harbor improvements, and obstruction of navigable waters; to the Committee on Public Works.

(The remarks of Mr. PERCY when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 4203—INTRODUCTION OF A BILL—TO ESTABLISH A NATIONAL FEED BANK ON AMERICAN FARMS AND RANCHES

Mr. BELLMON. Mr. President, today, I am introducing legislation to establish a national feed bank on American farms and ranches. The purpose of this legislation is to encourage and enable livestock and feed producers to grow and store an extra supply of forage in the good years and have it available when feed production is low.

Throughout much of our farming and ranching areas, climatic conditions vary from season to season. Almost every year, parts of America's great farming industry are damaged by drought, insect pests, floods, or plant diseases.

Mr. President, according to figures from the U.S. Department of Agriculture, there is a disaster in American agriculture somewhere every year.

The record shows: In 1964, there were 1,230 counties in 34 States declared disaster areas for the grazing and haying programs, and 704 counties in 33 States declared disaster areas under the livestock feed program.

In 1965, there were 856 counties in 30 States declared disaster areas for the grazing and haying program, and 253 counties in 22 States declared disaster areas under the livestock feed program.

In 1966, there were 1,042 counties in 35 States declared disaster areas for the grazing and haying program, and 265 counties in 20 States declared disaster areas under the livestock feed program.

In 1967, there were 443 counties in 14 States declared disaster areas for the grazing and haying program, and 43 counties in six States declared disaster areas under the livestock feed program.

In 1968, there were 300 counties in 21 States declared disaster areas for the grazing and haying program, and seven counties in three States declared disaster areas under the livestock feed program.

In 1969, there were 357 counties in 19 States declared disaster areas for the grazing and haying program, and 96 counties in 10 States declared disaster areas under the livestock feed program.

Mr. President, to show how widespread the disaster areas are, let me read a list of the States involved:

Alabama, Arkansas, Georgia, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Virginia, West Virginia.

In 1970, as of August 6, there are 40 counties in four States declared disaster areas for the grazing and haying program. The livestock feed program is usually effective in the fall and winter, so that no figures are available yet for this program in 1970.

The cost to the Federal Treasury of these programs is impossible to calculate because of the complexity of the program, but it runs into many millions of dollars in an average year.

In spite of the cost, the programs, while helpful to farmers in stricken areas, fall short of meeting the needs when a disaster of major proportions strikes.

Mr. President, I hold in my hand a copy of publication No. PA533 entitled "What the United States Department of Agriculture Can Do When Natural Disaster Strikes." This is an enlightening document, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks, together with a letter detailing information on USDA drouth relief programs, from Mr. Harold V. Hunter, Oklahoma Director of the Agricultural Stabilization and Conservation Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BELLMON. Mr. President, these documents detail the various programs the USDA administers for the benefit of rural people and other citizens who are the victims of natural disasters. These are well-intended and beneficial programs. They have been widely used and have lessened the impact of natural disaster for millions of Americans, but they have fallen short of the need. As a result, large numbers of food producers have been forced out of business by adverse weather conditions.

Mr. President, the feed bank which I am proposing to establish can become a valuable additional tool for rural America and can be of major benefit to urban food consumers, as well, by stabilizing food production. The problem with current disaster relief programs is that when drouth strikes, no feed grows on either private or Government-controlled lands. Permission to graze or harvest forage from diverted or retired acres may mean little if a drouth has scorched the land or if these acres are being held in a fallow condition, in accordance with program requirements. As a result, frequently, when there is a declaration that an area is a disaster zone, hay prices shoot up and livestock producers pay more—not less—for feed, even after receiving USDA help.

Mr. President, under the terms of this proposal, every agricultural community in this Nation can produce and have available in sealed storage an extra supply of forage. When disaster strikes, as it has frequently in the past and will again in the future, every producer can have available on his own land, and at no cost to the Government, the forage he needs to feed his herd through the drouth or until more feed can be produced.

The effect of this legislation is to give every livestock or forage producer the authority and the resources to provide his own insurance against disaster.

Some will ask why each farmer does not already provide for his own "feed bank." There are two basic reasons: The first is that at the present time, 378,000 tenants operate farms or ranches in this country. In most cases, these operators cannot construct storage on land they do not own, for reserve feed supplies, and they do not have available additional land to produce extra feed.

Also, due to generally low prices and poor economic conditions, most American farmers and ranchers are hard pressed for operating funds and do not have funds available for use in building the storage needed for holding extra feed.

Mr. President, this legislation is not lengthy, and I ask unanimous consent that the language of the feed bank bill be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). Without objection, the bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD at this point.

The bill (S. 4203) to amend the Food and Agriculture Act of 1965 so as to provide for the establishment of a feed bank, an emergency livestock feed program to be carried out in connection with the diverted acreage program in effect for feed grains, wheat, and cotton, introduced by Mr. BELLMON, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 4203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Food and Agriculture Act of 1965, as amended, is amended by adding at the end of title VII a new section as follows:

"SEC. 710. (a) Notwithstanding any other provision of law, any producer who is participating in the feed grain program under title III of this Act, in the cotton program under Title IV of this Act, or in the wheat program under Title IV of the Act, shall, in any year in which an acreage diversion program is in effect, under either such program in which such producer is participating, be permitted, subject to the conditions prescribed in subsection (b) of this section, to plant and harvest forage from an acreage on the farm equal to 25 per centum of the acreage on the farm diverted from production under such programs or 25 acres, whichever is greater.

"(b) Any producer who elects to plant and harvest forage on diverted acreage must first agree not to use any forage harvested from such acreage unless authorized to do so by the Secretary.

"(c) When any diverted acreage has been planted and harvested under authority of this section, the forage harvested therefrom shall be stored in sealed storage on the farm in accordance with such regulation as the Secretary may prescribe and shall be available for use during periods of emergency declared by the Secretary. In order to avoid deterioration of forage stored on the farm for emergency purposes pursuant to this section, the Secretary may permit such forage to be removed and used or sold from time to time so long as an amount of forage equal to the amount removed is previously placed in storage and sealed.

"(d) Any farmer who has forage stored on his farm for emergency purposes pursuant to this Act may remove such forage from storage and use it whenever the Secretary has (1) designated as an emergency area the area in which such farm is located, and (2) specifically authorized the use of emergency forage by farmers in the area.

"(e) The Secretary of Agriculture is authorized to make or guarantee loans to farmers, both tenants and landowners, to assist such farmers in the construction of storage facilities on the farm for the storage of emergency forage pursuant to the provisions of this section if such farmers are unable to obtain loans from commercial sources at reasonable rates and on reasonable terms and conditions. Loans made by the Secretary under this subsection shall be made at the current rate of interest for periods not exceeding 10 years, and on such other terms and conditions as the Secretary may prescribe."

Mr. BELLMON. Mr. President, the type of construction contemplated by this legislation need not be expensive or complicated to build. In fact, most farmers or ranchers with the help of neighbors can construct the needed structure. One suggested plan is described in publication No. 1000 of Oklahoma State University Extension Service. I ask unanimous consent that a copy of this document be printed at this point in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

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POLE BARN PLANS FOR OKLAHOMA

(By Pat Lewis and George W. A. Mahoney)

The following pole barn plans are similar in design and construction. The basic plan for each barn is 39′–0 wide and 60′–0″ long, and can be extended (in 15′–0″ units) to the length desired.

[Illustrations not printed in RECORD.]

These plans include details for changing the structures shown to 52′–0″ width barns by adding a 13′–0″ wide shed to the open side of the barn. Plans No. 5781 and 5782 would require raising the basic building approximately 5′–0″ to obtain a 9′–0″ clearance at the open front. For such an alteration, be sure and order poles 5′–0″ longer than shown in the basic plan.

There are double rafters fastened to each 6″ minimum top quality pressure treated pole to form the main structure. The 2″x6″ purlins (24″ o.c. laid perpendicularly on the rafters) are then added, with corrugated metal or other suitable material used for the roofing. The barn may be completely enclosed or enclosed on three sides, as shown, with the open side to the south or east. The movable feed racks may be used if the barn is for feeding and hay storage.

An important factor in any pole barn is the alignment and anchorage of the poles. First, the four corner poles are lined up, plumbed and backfilled before the intermediate poles are erected. It is recommended that concrete be used for the backfill. This insures better stability against wind and other loads, and eliminates the laborious task of tamping earth back in around the poles. Concrete fill increases the resistance to uplift approximately 4 times over well tamped earth or gravel backfill.

Ring shank (30d or larger) type nails, bolts, or lag screws should be used when fastening the rafters to the poles. Screw shank nails with lead or neoprene washes should be used when nailing the corrugated metal to the purlins.

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DESIGN LOAD

Design loads for this structure as shown are for 10 lb. per square foot snow loads, which are 25 year occurrence loads for the southern two-thirds of Oklahoma. For the northern one-third of Oklahoma, or for a greater safety factor for the entire state, use 2 by 12-inch rafters and increase the bolts to seven (7) in each truss heel joint. Rough (undressed) 2 by 10 inch, No. 1 members would also satisfy with no increase in bolts. Purlin sizes need not be increased, since the maximum load will occur when you are working on the center of the span. No. 1 grade lumber is required for the purlins. If a lower grade lumber is used, use the next larger size member, or use rough, graded lumber.

The 17″ x 22″ blueprints for each plan may be obtained by writing to Oklahoma State University Plan Service, Extension Agricultural Engineering Department, Box 1008, Stillwater, Oklahoma 74074. Please order by plan number.

Mr. BELLMON. Mr. President, I also have a letter from Mr. Charles W. Nichols, Oklahoma State University Extension Service, relating to the feeding value of hay stored for extended periods. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OKLAHOMA STATE UNIVERSITY,
UNIVERSITY EXTENSION,
July 31, 1970.

Mr. HAROLD V. HUNTER,

DEAR MR. HUNTER: Enclosed is a Fact Sheet which discusses various aspects of hay quality.

Hay stored out of the weather should lose little nutritive value except for carotin or vitamin A. Either prairie hay or alfalfa would have lost little in value except a good part of its vitamin A after 2 years.

If the hay is used in a mixed ration or fed with other feed supplements it is fairly easy and inexpensive to supplement vitamin A.

If a large volume of hay of unknown quality is to be fed a protein analysis should be made.

Sincerely,

CHARLES W. NICHOLS,
Extension Animal Breeding Spec.

Mr. BELLMON. Mr. President, to sum up, the bill contains three provisions:

First. It allows cooperators in our farm program permission to plant and harvest up to 25 percent of the diverted acreage of their farm and store the forage in sealed, weatherproof storage.

Second. It permits the Secretary of Agriculture to make feed bank storage construction loans.

Third. It permits the use or rotation of forage out of the feed bank when the Secretary of Agriculture decrees.

Traditionally, rural Americans have been self-reliant and able to cope with the vagrancies of nature. This tradition still lives. The establishment of a national feed bank will provide a valuable tool to help our Nation's food producers cope with the uncertainties of nature and assist them in producing a dependable supply of low-cost products for city consumers.

EXHIBIT 1

AGRICULTURAL CENTER OFFICE BUILDING,
Stillwater, Okla., August 4, 1970.

Subject: Proposal to design an ASCS program to provide a "hay bank" program so hay might be on hand in cases of drouth such as now exists in western Oklahoma.

Hon. HENRY BELLMON,
U.S. Senate,
Oklahoma City, Okla.

DEAR SENATOR: The present situation has pointed up that provisions for grazing and haying of acreages diverted under ASCS programs do not substantially alleviate drouth problems because many of these acres have little, if any, grazing capacity when a drouth occurs.

As you have suggested, the "Hay Bank" program might provide a supply of hay to be made available when drouth conditions were declared in an area. Such a program might provide (1) construction of facilities in which hay might be stored, and (2) low cost financing using the stored hay as collateral for the loan.

Questions to resolve would be:

1. Would it be necessary that such hay be released only when a drouth occurred?
2. Would it be possible that after a specified number of years such hay could be released even though the area had not been designated as a drouth area during that time?
3. What would provide motivation to the farmer to participate in such a hay bank program?
4. Would the possibility of having the hay on hand if a drouth occurred be sufficient to cause the farmer to harvest and store such hay?

Attached is some information from the Extension Service relating to the above, and a summary of recommendations for disaster designation from 20 western counties.

Sincerely,

HAROLD V. HUNTER,
State Executive Director.

WHEN NATURAL DISASTER STRIKES

SEVERE WINDSTORMS OR FLOODS

When hurricanes, tornadoes, or hailstorms strike, or floods overrun the land, the Department of Agriculture can:

Provide food from Consumer and Marketing Service donated supplies for emergency group feeding to assist the homeless, evacuees, or others affected by the disaster.

Arrange Farmers Home Administration credit to eligible disaster-stricken farmers for operating expenses, replacing lost or destroyed livestock, and repairing or replacing damaged or destroyed buildings and farm equipment.

Donate Government-owned feed grain for starving livestock through the Agricultural Stabilization and Conservation Service.

Sell Government-owned feed grain at reduced prices, through ASCS, to needy livestockmen unable to pay market prices.

Permit, through ASCS, grazing or haying on land otherwise retired from crop production under Department programs.

Approve ACP (Agricultural Conservation Program) cost sharing for authorized soil conservation practices.

Give practical advice on necessary repairs and on cleaning up after storm damage.

Make emergency loans and provide other assistance, through the Rural Electrification Administration, for repair and replacement of damaged rural electric or telephone facilities. In nearly all States, electric cooperatives have well-established plans whereby they assist a system hit by disaster.

Make Federal Crop Insurance indemnity payments on insured crops damaged or destroyed by storms.

Allow credit after hailstorms, through FHA, for reseeding land.

Give assistance after floods, through the Soil Conservation Service, in planning and carrying out measures for flood prevention, erosion control, and drainage. SCS can also help with reclamation of land overlaid by sand and other flood debris.

The educational program of Cooperative Extension Service agents and specialists help people understand the danger of possible disasters. They make plans to minimize danger and loss, and they provide technical information after a disaster on problems involved in getting back to normal.

DROUGHT

As drought conditions develop, the Department helps first with credit and grazing assistance.

If conditions grow worse, special feed programs may be authorized.

The Department, through ASCS county offices, can grant permission to harvest hay or graze cattle on land retired by Department programs.

ASCS county offices may be authorized to sell CCC-owned grains at reduced prices.

ACP can give help by cost sharing in restoring pastures.

FHA can arrange emergency loans to farmers whose needs cannot be met locally.

FCIC can make indemnity payments on insured crops damaged or destroyed by drought.

C&MS can seek freight rate reduction for moving hay or feed into an area or livestock to other pasture or forage.

Farmworkers and others whose income is seriously reduced may become eligible for family food donations or the food stamp program, where these activities are operating through local welfare agencies.

RURAL FIRES

When fires break out in or near National Forests, the Forest Service provides leadership in fire control or helps local fire units.

After a fire, ASCS, SCS, and FS assist with flood control on burned areas by planting trees, seeding grass, and building reservoirs.

EARTHQUAKES

After earthquake disasters the Department can provide emergency food for group feeding to assist the homeless, evacuees, and others.

It can arrange FHA emergency loans to disaster-stricken farmers for operating expenses, replacing lost or destroyed livestock, repairing or replacing damaged or destroyed buildings and farm equipment.

It can donate Government-owned feed grain at reduced prices through ASCS to needy livestockmen unable to pay market prices.

PRESIDENTIAL DECLARATION OF DISASTER

State and local agencies have primary responsibility for disaster relief. They are expected to use their own resources, facilities, and funds to the maximum extent.

Under the Federal Disaster Act, however, the President can bring all the resources of the Federal Government to bear in a disaster situation by declaring a major disaster. He can use emergency funds provided for this purpose.

If stricken area warrants it, the Governor of a State asks the President for a declaration under the major disaster law. If the President finds that the situation calls for emergency action, he issues a declaration to that effect.

The Governor certifies to the Department and agency heads the need for certain types of aid, such as the sale of livestock feed at reduced prices in specific counties and donation of livestock feed in others. Emergency aid funds are provided to State and local government units who work with the affected individuals. These funds do not go directly to individuals.

CIVIL DEFENSE

Disaster relief operations of USDA serve to train officials who will be responsible for similar work in a nuclear attack. Many services needed as a result of sudden natural disasters are much the same as those which would be needed in the event of enemy attack.

Where possible, an official charged with a specific defense task is responsible for the corresponding function in a natural disaster. The Department's disaster assistance is coordinated under the Secretary's assistant for defense mobilization.

STEPS YOU TAKE TO GET USDA HELP

Food. State agencies distributing foods donated by the Consumer and Marketing Service for school lunch and needy persons can release these food stocks for emergency group feeding.

To obtain this help, contact your local agencies—disaster relief agency, civil defense, American Red Cross, or Salvation Army. Local school lunch or welfare offices have authority from the State agenices to release USDA-donated foods.

Credit. The Farmers Home Administration can make 3 percent emergency loans in authorized areas when needs cannot be met locally. Local FHA offices recommend to the State Director who recommends to the national office.

To obtain this help, contact your nearest field office of FHA. It is usually located in the county seat. If not, any USDA local office can direct you to the proper location.

(*Note:* Federal Crop Insurance policies are good collateral for crop loans from banks, Production Credit Associations, FHA, and other lenders.)

Feed and Forage. In disaster areas designated by the Secretary, emergency assistance may include either or both of the following:

1. Sale of Government-owned feed grains at reduced prices to approved livestockmen.
2. Seasonal grazing and haying on retired or diverted cropland with a reduction in diversion payments, or for a short period at no reduction in payment following a sudden disaster such as a tidal wave or severe flood.

When the President declares a "major disaster" area. Government-owned feed grains may be donated to prevent death of livestock.

To obtain such help, contact your local ASCS office. It is usually located in the county seat.

ACP Emergency Cost Sharing. The Government can share emergency conservation costs to rehabilitate damaged farmland. The Secretary designates counties for cost-sharing assistance.

To obtain this help, contact your local ASC Committee, usually located in the county seat.

Soil Conservation. The Soil Conservation Service can give technical help and, in the Great Plains Conservation Program areas, it can also offer financial aid. It can help plan and carry out flood prevention projects. During flood emergencies its engineers can supervise the construction of levees, bridges, and dikes.

To obtain this help, contact your local Soil Conservation District or area, or State office of SCS.

Forest Disasters. The Forest Service can help suppress fires, conduct rescue operations, prevent and/or remove avalanche debris; assist in flood, hurricane, and earthquake emergencies; mobilize its communications system for rapid action; and take other actions in or near National Forests or elsewhere as directed by the President.

To obtain this help, contact your nearest District Ranger, Forest Supervisor, or Regional Forester.

Diseases and Insects. The Agricultural Research Service has veterinarians, plant pathologists, and entomologists skilled at crop and livestock protection.

To obtain their help, contact your practicing veterinarian, State or Federal veterinarian, or county extension agent who will arrange for needed assistance.

Insect Damage. Federal Crop Insurance protects against loss from insect damage to the extent of the crop production costs. Insurance must be applied for before planting in counties where it is available.

To obtain this help, contact your nearest FCIC representative or the Crop Insurance State Director for your State. Any USDA local office can direct you to the proper location.

Information. The Cooperative Extension Service can advise on cleaning up damaged property, on sanitary measures, on water supply and sewage disposal, insect infestation, feed and water for livestock, substitute planting for damaged crops, grain storage, and other disaster problems.

To obtain this help, contact your county agricultural agent, home economics agent, or the director of extension at the State land-grant university or college.

PRECAUTIONS AGAINST NATURAL DISASTERS

Precautions can be taken against natural disasters.

Insurance

Carry machinery, building, and crop insurance (hail and all-risk).

DISEASE CONTROL

Report outbreaks of unusual plant and animal diseases to your county agent or veterinarian so that action can be taken to prevent such diseases from spreading.

FLOOD CONTROL

When floods threaten, strengthen embankments and levees, open drains and ditches, brace buildings, protect wells by sandbagging. As necessary, move household goods, feed supplies, and machinery to higher ground or upper stories of substantial buildings.

Drought

Develop sources of emergency water for community and agricultural needs such as larger farm ponds or sediment pools at floodwater structures in upstream projects.

Fire Control

Have an emergency plan for action in event of fire. Post fire-warning notices around woodlands. Remove dead trees and branches regularly. Discuss woods-fire problem with your local forest fire warden or State forester.

EXAMPLES OF HELP GIVEN

When Hurricane Betsy devasted the Louisiana Gulf coast in September 1965, over 5½ million pounds of USDA foods were made available to help feed and rehabilitate nearly 320,000 victims of the disaster—the largest emergency feeding activity in USDA's history. A few months later, when a typhoon struck American Samoa, over 300 tons of USDA foods were rushed from the State of Hawaii to assist the 12,000 victims.

A series of tornadoes struck 11 counties in southern Michigan with little warning April 11, 1965. The storms killed several people and thousands of livestock.

Many buildings containing hay, grain, mixed feeds and ensilage were destroyed or damaged.

The Governor certified the need for temporary grazing of land previously withdrawn from production under USDA programs, for a short-term feed grain donation program, and for the livestock feed program under which sales of CCC-owned grain could be made to eligible farmers at reduced prices. The Secretary of Agriculture approved the requests for all three programs.

* * * * *

For several mid-June days in 1965 torrential rains threatened land protected by the 90 floodwater retarding structures in Colorado's Kiowa, Big Sandy, and Franktown-Parker watershed projects. The 1965 Kiowa area flood approached the severity of a 1935 storm which took seven lives and caused property damage in excess of $2 million. The 1965 Kiowa flood caused total damage of $72,000, one-tenth of the estimated damage that would have occurred without the Kiowa project. The Big Sandy project prevented an estimated $500,000 loss. Similar protection was afforded property in the Franktown-Parker project area.

* * * * *

In the summer of 1964, a forest fire burned 70,000 acres of critical watershed lands on the edge of Santa Barbara, Calif. The Forest Service rushed to reseed and repair the water shed ahead of fall rains that could have brought greater destruction from flooding than from the fire itself. More than 40 construction workers and engineers worked 12 hours a day for 2 months. By December 11, just ahead of the rains, 69,000 acres had been seeded and other repair work had been done.

* * * * *

Disastrous floods in Colorado, Kansas, Nebraska, and Missouri during the spring and summer of 1965 wiped out millions of dollars worth of crops. Farmers who had protected themselves with Federal All-Risk Crop Insurance were able to get back the production expenses on crops washed away by the flood waters.

AGRICULTURAL CENTER OFFICE BUILDING,
Stillwater, Okla., July 30, 1970.

Hon. HENRY BELLMON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This relates to our recent conversation regarding USDA programs available to producers during times of drought.

The use of acreage diverted under various programs administered by ASCS and livestock feed programs are aids that may be made available to alleviate hardship because of drought.

Seasonal Haying and Grazing of Wheat and Feed Grain—The national procedure provides that acreage diverted under annual ASC programs may be offered for haying and/or grazing by county ASC committees. The Oklahoma State ASC Committee has established a policy that county committees will not make this acreage available without the concurrence of the State committee. The reason for this is to maintain some control and also take some of the pressures from the county ASC committees. When haying and grazing are approved for the county, the producer makes application to the county ASC committee and, if approved, is charged for the use of the acreage. The amount of the charge is derived from the fair value of the forage expected to be removed from the diverted acreage.

Haying of Cropland Conversion Program Acres—This acreage is available to the producer for grazing the year round without charge. It may be made available for haying under the same conditions as above for wheat and feed grain diverted acreage.

Cropland Adjustment Program—Acreage diverted under this program may be made available to producers suffering from prolonged drought upon a recommendation from the County Disaster Committee, approval of the State Disaster Committee, a certification from the Governor that a drought situation exists, and the approval of the Secretary of Agriculture. The County Disaster Committee is composed of the Chairman of the County ASC Committee, the county FHA Supervisor and the County Extension Director. The State Disaster Committee is composed of the Chairman of the State ASC Committee, the State FHA Director, and the Director of the Cooperative Extension Service. Charges are made for the use of this acreage the same as acreage diverted under the wheat and feed grain programs.

Disaster Feed Program—There is a provision for furnishing feed grains to producers who have suffered crop losses due to prolonged drought, insect infestation, and other crop damage. Under this provision, grain from CCC stocks can be furnished producers to maintain basic herds at a reduced price. This program is designed to be used where, due to natural disaster, producers are experiencing undue financial hardships in caring for their cattle, or where the disaster is causing the liquidation of herds. The pricing of this grain for 1970 and until further notice is based on the local county loan rate plus 13 and 19 cents per bushel, respectively, for barley and corn, and 34 cents per hundredweight for grain sorghum. This cost to the producer for primary stocks (foundation herds) would be 80 percent of this figure. For other than foundation or primary livestock, the cost to the producer is 105% of the county loan rate plus the adding on of the amount shown above. In order for this program to be operated in any area it must be recommended by the County Disaster Committee, approved by the State Disaster Committee, certified by the Governor that disaster conditions exist, and approved by the Secretary of Agricuture. There are two methods of furnishing grain under this program. The producers may purchase the whole grain or the grain may be purchased in mixed feeds.

Enclosed is a memorandum from Mr. Herman Bartell of the Farmers Home Administration, giving a summary of emergency credit provisions that are available from that agency. Also enclosed is a pamphlet which summarizes programs available to victims of natural disaster.

Until this year the procedure for declaration of a county as a disaster area for drought and the subsequent provision for grazing of (1) acres diverted under annual programs and (2) those diverted under the Cropland Adjustment Program, were similar in nature. This year the regulations were changed to provide that grazing could be permitted on diverted acres under the anual feed grain and wheat programs upon the determination of need exercised by the county ASC committee. However, in cases involving lands diverted under CAP, the more cumbersome method of determination involving county and State disaster committee action, certification by the Governor, and authorization by the Secretary of Agriculture was retained. The enclosed excerpts from the legislation governing such action will indicate probably why no change was made to simplify authorization for grazing under the CAP Program. It would appear to me that if simplification is desired, an amendment to the Law relating to the Cropland Adjustment Program would make this possible.

If further information is needed, please contact us.

Sincerely,

HAROLD V. HUNTER,
State Executive Director.

STILLWATER, OKLA.
July 27, 1970.

Re Drought Condition.
Mr. HAROLD HUNTER,
State Executive Director, ASCS,
Stillwater, Okla.:

This has reference to your telephone call of this date.

This office is concerned about the continuing drought conditions in Western Oklahoma and have this date requested our District Supervisors to obtain reports from each of the counties concerning the drought conditions and need for emergency credit.

These reports should all be received on or before August 10, 1970. At that time, we will have a good current picture of conditions and the need for emergency credit.

In those counties where it appears that drought conditions have caused considerable production losses and there is a need for emergency loans from the Farmers Home Administration, we will recommend to the Farmers Home Administration national office that such counties be designated. The national office, if they concur, will also recommend to the Secretary of Agriculture that designation for emergency loans be made.

The Farmers Home Administration State Director can authorize emergency loans in non-designated areas provided the natural disaster is not general to the county and it is determined that not more than 25 applicants will receive emergency loans.

The Agency's authority for making emergency loans when designated is subject to producers being unable to obtain needed credit from other established lending sources. Such loans may be made for the purchase of feed, seed, fertilizer, replacement of equipment, livestock, and for other items needed to maintain normal operations. Loans are scheduled for repayment when income from crops or livestock financed is normally received. The interest rate on these loans is three percent.

HERMAN M. BARTELL,
Acting State Director.

ACT OF 1965

CROPLAND ADJUSTMENT PROGRAM

(b) The producer shall agree (1) to carry out on a specifically designated acreage of land on the farm regularly used in the production crops (including crops, such as tame hay, alfalfa, and clovers, which do not require annual tillage and which have been planted within five years preceding the date of the agreement), hereinafter called "designated acreage", and maintain for the agreement period practices or uses which will conserve soil, water, or forest resources, or establish or protect or conserve open spaces, natural beauty, wildlife or recreational resources, or prevent air or water pollution, in such manner as the Secretary may prescribe (priority being given to the extent practicable to practices or uses which are most likely to result in permanent retirement to non-crop uses); (2) to maintain in conserving crops or uses or allow to remain idle throughout the agreement period the acreage normally devoted to such crops or uses; (3) not to harvest any crop from or graze the designated acreage during the agreement period, unless the Secretary, after certification by the Governor of the State in which such acreage is situated of the need for grazing or harvesting of such acreage, determines that it is necessary to permit grazing or harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and consents to such grazing or harvesting subject to an appropriate reduction in the rate of payment; and (4) to such additional terms and conditions as the Secretary determines are desirable to effectuate the purposes of the program, including such measures as the Secretary may deem appropriate to keep the designated acreage free from erosion, insects, weeds, and rodents. Agreements entered into under which 1966 is the first year of the agreement period (A) shall require the producer to divert from production all of one or more crops designated by the Secretary; and (B) shall not provide for diversion from the production of upland cotton in any county in which the county committee by resolution determines, and requests of the Secretary, that there should not be such diversion in 1966.

(c) Under such agreements the Secretary shall (1) bear such part of the average cost (including labor) for the county or area in which the farm is situated of establishing land maintaining authorized practices or uses on the designated acreage as the Secretary determines to be necessary to effectuate the purposes of the program, but not to exceed the average rate for comparable practices or uses under the agricultural conservation program, and (2) make an annual adjustment payment to the producer for the period of the agreement at such rate or rates as the Secretary determines to be fair and reasonable in consideration of the obligations undertaken by the producers. The rate or rates of annual adjustment payments as determined hereunder may be increased by an amount determined by the Secretary to be appropriate in relation to the benefit to the general public of the use of the designated acreage if the producer further agrees to permit, without other compensation, access to such acreage by the general public, during the agreement period, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations. The Secretary and the producer may agree that the annual adjustment payments for all years of the agreement period shall be made either upon approval of the agreement or in such installments as they may * * *.

EXCERPT FROM THE LAND USE SECTION OF THE LAW PERTAINING TO WHEAT

AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

SEC. 339. (a) (1) As a condition of eligibility for wheat marketing certificates with respect to any farm, the producers on such farm shall be required to divert from the production of wheat to an approved conservation use an acreage of cropland on the farm equal to the number of acres determined by multiplying the farm acreage allotment by the diversion factor, and to participate in any program formulated under subsection (b) to the extent prescribed by the Secretary. Such diversion factor shall be determined by dividing the number of acres by which the national acreage allotment (less an acreage equal to the increased acreage allotted for 1966 pursuant to section 335) is reduced below fifty-five million acres by the number of acres in the national acreage allotment (less an acreage equal to the increased acreage allotted for 1966 pursuant to section 335). (7 U.S.C. 1339(a)(1).)

(2) The Secretary may require that the acreage on any farm diverted from the production of wheat be land which was diverted from the production of wheat in the previous year, to the extent he determines that such requirement is necessary to effectuate the purposes of this subtitle. (7 U.S.C. 1339(a)(2).)

(3) The Secretary may permit the diverted acreage to be grazed in accordance with regulations prescribed by the Secretary. (7 U.S.C. 1339(a)(3).)

S. 4204—INTRODUCTION OF MOTOR VEHICLE DISPOSAL ACT—REFERRAL TO COMMITTEE ON PUBLIC WORKS

Mr. JAVITS. Mr. President, on August 6, 1970, the Senator from West Virginia (Mr. BYRD) asked and was granted unanimous consent that the bill of the Senator from Florida (Mr. GURNEY), S. 4197, the "Motor Vehicle Disposal Assistance Act," be referred to the Committee on Public Works.

Mr. President, I have also previously introduced a measure dealing with the same problem. I reintroduce it now, in slightly modified form, and, as there are hearings on the subject tentatively scheduled this month before the Public Works Committee, I ask unanimous consent that this bill likewise be referred to the Committee on Public Works.

I am joined in this bill by Senators CANNON, GOODELL, HATFIELD, MOSS, PELL, PERCY, SAXBE, and YARBOROUGH.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The bill will be received; and, without objection, the bill will be referred to the Committee on Public Works.

The bill (S. 4204) to provide for the efficient disposal and recycling of motor vehicles, and for other purposes, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

S. 4206—INTRODUCTION OF A BILL TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill which would amend the Federal Water Pollution Control Act.

This year, Congress is considering the most far-reaching amendments to the Federal Water Pollution Control Act since the Water Quality Act of 1965 and the Clean Water Restoration Act of 1966. On April 28 I appeared before the Subcommittee on Air and Water Pollution and described the progress that Metropolitan Seattle has been able to make in improving water quality. The results from a plan approved in 1958 have been dramatic, but Seattle, like every other major metropolitan area in this country, has a long, long way to go to achieve and maintain consistently high water quality standards. To achieve this goal a number of significant improvements will have to be made in the statutory base underlying our water pollution control programs. Among these will be "contract authority" or some similar precommitment technique which will permit and encourage planning for the use of funds over a period of several years. This will provide a much sounder and more efficient approach for our metropolitan areas. There will have to be, also, more money. Fiscal 1971 is the last year of the 5-year program approved by Congress in 1966 and an appropriation of $1.25 billion is authorized. The full authorized amount must be appropriated and at the same time we must legislatively lay new goals for the next several years.

The first section of the bill introduced today is the authorization section for funding of the Federal assistance for the construction of municipal waste treatment facilities. The range of proposals pending before the subcommittee at the moment is from the administration's 4-year, $1 billion program—for a total of $4 billion in Federal funds—to Senator MUSKIE's proposal in S. 3687 for a 5-year, $2.5 billion program—for a total of $12.5 billion in Federal funds. Last year the Senate voted to appropriate $1 billion for waste treatment facilities. This figure finally had to be compromised with the House at $800 million.

This year, fiscal 1971, an appropriation of $1.25 billion is authorized. It is clear to me, and I think to each one of us who has followed the fight against pollution that we must appropriate the full $1.25 billion. At the same time, in all future years we must meet, if not exceed, $1.25 billion annually. It is my judgment that Senator MUSKIE's proposed figure of $2.5 billion is realistic, but I left the figure open in my proposal so that I would have a chance to more carefully review other alternatives that will be before the committee and which will be presented shortly to the Senate.

My testimony on April 28 before the subcommittee was also for the purpose of introducing Mr. C. V. "Tom" Gibbs, executive director of the municipality of metropolitan Seattle and chairman of the steering committee of the association of Metropolitan Sewerage Agencies—AMSA. Mr. Gibbs' very excellent statement proposed two major changes in the Federal Water Pollution Control Act.

The first of these is an amendment to subsection (f) of section 8 of the Federal Water Pollution Control Act. It would authorize a special 20 percent incentive grant for new construction of pollution abatement works by any municipality which has built sewerage projects since 1956 that qualified for Federal assistance at the time they were built but did not in fact receive the 30 percent Federal grant then authorized. The total of these incentive grants for new construction would be limited to the total amount of Federal grants for which such municipalities were shortchanged over the period since 1956.

There is, of course, something basically unfair about penalizing those communities—for the most part large metropolitan areas requiring tremendous expenditures—which responded at an early stage to their local community needs and the concept underlying the Federal supporting program. Those communities did not receive the full Federal incentive grants due them under the program; this was not because of any failure on their part but, rather, because of the lack of full funding for the authorized program and the additional dollar ceiling imposed on all project grants—an obvious discrimination against the major metropolitan areas. Those cities which have, therefore, committed their resources and in effect mortgaged their bonding and financing ability for the future in order to initiate a program of water pollution control should, in my view, be given an opportunity to continue their efforts on the same scale available for those communities which did not respond and which did not take the initiative under the early Federal programs. Such a provision would not be supportable—and it certainly would not be incorporated in the bill that I introduce today—if the proposed incentive grants were to be paid into the general funds of the community. But, under the amendment that I proposed, the incentive grants would redress the discrimination and the past failure to fund the program adequately by facilitating the future construction of authorized facilities. Under the proposed amendment, the supplemental grant could not exceed 20 percent of any new project.

Cutoff dates always create difficulties; but where, as here, participants in a Federal program have been discriminated against through no fault of their own, I think it is imperative that we find a fair, equitable, and constructive way of redressing the situation. The amendment suggested by the Association of Metropolitan Sewerage Agencies and incorporated in my bill provides a proper way of doing so.

The second change is an amendment to subsection (c) of section 23 and would permit Federal funding of projects directed toward the solution of the combined sewer problem. Large cities will only be able to deal effectively with the problem of raw sewage overflows if they can either separate the combined flows of sanitary and storm sewers so that all of the sanitary sewage can flow to treatment plants, or provide for storage of heavy combined sewer flows during rain storms which can then be spread out for orderly delivery to disposal plants.

Recent research by AMSA indicates that 27 large metropolitan complexes—most of which exceed 500,000 in population—in the United States need almost $11.7 billion in the next 10 years for waste treatment works alone. These same 27 metropolitan areas serve 32 percent of the Nation's sewered population and have performed 24 percent of the Nation's pollution control work. Unfortunately, as of last September they had received only 6 percent of the Federal funds distributed for that type of work. Another fact included in the AMSA statement is that from 1956 to 1969, municipalities of over 250,000 population, which contain more than 35 percent of the sewered population of the United States, received less than 8 percent of all Federal grant dollars for waste treatment. During the same period, cities under 50,000 population, with less than 35 percent of the sewered population of the United States, received more than 70 percent of all Federal waste treatment dollars. It is clear that a game of catchup has to be played by the Federal Government to enable large metropolitan areas to clean up some of the Nation's dirtiest waters. The bill introduced today, along with prompt funding and wise administration, will go a long way toward effective corrective action.

Finally, Mr. President, a word about two important matters which are currently being considered by the Department of the Interior, Federal Water Quality Administration, and the Subcommittee on Air and Water Pollution. Mr. Gibbs, on behalf of AMSA, testified in support of river basin planning and a charge to waste discharges for the cost of pollution abatement. These are important concepts and ones which I hope the committee and the Senate will be able to give the administration guidance on handling. It is my judgment that a payment in proportion to pollution would rationalize our pricing structure and improve the efficiency of many operations. Sewer service charges, it seems to me, can make two major contributions: First, sewerage charges are capable of raising substantial funds, and second, sewerage charges based on the volume of waste delivered will discourage the amount of waste production.

The concept of river basin planning integrates pollution control and abatement plans into a much broader perspective and will help identify priorities and include such necessary dimensions as the political, social, and economic realities of a broader area.

S. 3687, introduced by Senator Muskie and four of his colleagues from the subcommittee, establishes an incentive program which will encourage the development of river basin planning and the utilization of user charges. This is an appropriate means of achieving these goals.

Mr. President, AMSA's testimony helps redirect much of our energies and resources to the major metropolitan areas, which is where the problem of water quality really has to be fought and won. It is my privilege to have worked with them in developing this legislative program and to introduce it today.

I urge all my colleagues to consider this measure carefully and specifically urge the Public Works Committee to include in its overall program the two major proposals envisioned by this measure.

One final word: Senator Muskie and Senator Cooper and their colleagues on the Air and Water Pollution Subcommittee are to be congratulated on the comprehensive and thorough job they are doing. Controlling water pollution and improving water quality involves difficult decisions based on complex and sometimes conflicting values. It takes time and extensive homework to sort through the facts, issues, and priorities involved in achieving high water quality. The subcommittee has given this kind of time and done this kind of work and deserves the gratitude of all of us.

The PRESIDING OFFICER (Mr. Boggs). The bill will be received and appropriately referred.

The bill (S. 4206) to amend the Federal Water Pollution Control Act in order to authorize the Secretary of the Interior to incur obligations for construction grants under section 8 of such act, and for other purposes, introduced by Mr. Magnuson, was received, read twice by its title and referred to the Committee on Public Works.

S. 4208—INTRODUCTION OF THE "FAMILY PHYSICIAN SCHOLARSHIP AND FELLOWSHIP PROGRAM ACT"

Mr. MURPHY. Mr. President, I introduce today the "Family Physician Scholarship and Fellowship Program Act." The bill is cosponsored by my colleagues, Senators Prouty, Dominick, Javits, and Saxbe.

Under this measure, family physician scholarships and fellowships would be offered to young men and women who agree to practice in areas designated as physician-shortage areas or to serve migratory agricultural workers and their families. For the first year, approximately 500 scholarships and 200 fellowships would be offered at a total cost of $4.5 million. The number of scholarships and fellowships would be increased until by the 4th year 1,000 scholarships and 500 fellowships would be authorized. In addition to migrant areas, these areas may also be an isolated rural community, an Indian reservation, or a poverty area of a central city. The basic purposes of the bill are:

First, to help with the physician-shortage problem in general;

Second, to encourage and increase the number of individuals entering the family physician specialty in particular;

Third, to attack the problem of the maldistribution of physicians by encouraging the location of doctors in physician-shortage areas;

Fourth, to increase the number of lower income and minority individuals in the medical profession; and

Fifth, to tap the idealism, social commitment, and energies of youth to serve where the medical needs of the country are the greatest.

Scholarship not to exceed $5,000 would be available to individuals agreeing to serve in physician-shortage or migrant areas. For each year of the scholarship, 1 year of service is required in a physician-shortage or migrant area.

Two types of postgraduate fellowships, intern and residency, are also provided. Since attracting medical school graduates into physician-shortage areas for their graduate work is a desirable goal in itself, no additional service requirement is demanded under the fellowship program. The fellowship program, then, will assist in providing needed medical assistance to physician-shortage areas or to the migrant population. Since there is a correlation between practice location and the location of internship and residency programs, this fellowship program should be a positive influence in attracting and hopefully attaching the doctors to physician-shortage and migrant areas.

As an inducement to encourage those who have been in the scholarship program to continue in the fellowship program, a year of their service obligation under the scholarship program is eliminated for those who complete their postgraduate work in this manner.

In keeping with the purposes of the measure, the following priorities for selecting individuals for the scholarships—and fellowships—are provided:

First, individuals from lower income families who reside in physician-shortage areas and who agree to return to those areas to practice;

Second, other individuals from physician-shortage areas who agree to return to those areas to practice;

Third, individuals from lower-income families who reside in nonphysician-shortage areas who agree to practice in a physician-shortage area; and

Fourth, other individuals from nonphysician-shortage areas who agree to practice in a physician-shortage area.

PHYSICIAN SHORTAGE PROBLEM IN GENERAL

Mr. President, today it is estimated that the need exists for 50,000 additional physicians. According to the Public Health Service, approximately 297,000 physicians were actively engaged in practice in 1966 and 50,000 were needed to meet increasing demands for health care. This survey estimated that 400,000 physicians would be required by 1975 to meet demands for personal health care, for teaching, research, medical administration, and public health and military service. Yet, the U.S. Public Health Service warned:

> The output of U.S. medical schools at presently planned levels, even with the continued immigration of foreign physicians, will provide no more than 360,000 physicians by 1975, a figure far short of meeting estimated needs.

Mr. President, I ask unanimous consent that a Library of Congress chart illustrating physician needs be printed in the Record at this point in my remarks.

There being no objection, the chart was ordered to be printed in the Record, as follows:

PHYSICIAN NEEDS

	Physicians	
	1968	1975
Estimated need	363,000	400,000
Estimated supply	311,000	358,000
Estimated shortage	52,000	42,000

Mr. MURPHY. Mr. President the National Advisory Commission on Health Manpower in its November 1967 report said this about the physician shortage:

> The Commission believes that there is currently a shortage of physicians, and this shortage will worsen in relation to the growing demand, despite the expected shortage in the supply of physicians in the years ahead.

This Commission cited a number of factors responsible for the physician shortage, one of which was the continuing trend toward specialization. As the Commission stated:

> Specialization has decreased the number of physicians available to provide care for the entire family, and has resulted in a reduction of the number of persons seen per family.

FAMILY PHYSICIAN SHORTAGE IN PARTICULAR

Mr. President, my bill responds to these developments. It does not yet respond to the physician shortage problem in general; its focus and thrust is aimed at the family physician shortage in particular. One of the measure's primary purposes is to reverse the alarming decline in the percentage of physicians in family practice. In 1931, 75 percent, or three out of four, of the doctors in the Nation were family practitioners; only 15 percent specialized. By 1949, or nearly two decades later, only 50 percent of the doctors were in general practice with 29 percent specializing. By 1967, again approximiately two more decades later, only 21.3 percent, or approximately one out of five, of the physicians were in general or family practice. According to figures in the report of the Citizens Commission on Graduate Medical Education, known as the Millis Report:

> In recent classes of medical school graduates, only 15 per cent have planned to enter general practice.

The trend is obvious; in my judgment, it must be reversed, if our health care system is to enjoy optimum health.

Recent testimony before the Senate Health Subcommittee indicated that the family physician "is capable of treating 85 percent of the illnesses that beset mankind." Yet, indications are that only 15 percent of our medical students will become family practitioners. Thus, it seems clear to me that we need more family physicians, capable of treating the "85 percent of the illnesses besetting mankind." Even in this age of specialization, the family doctor is a critical and central figure. I believe these statistics should make that self-evident.

My bill, Mr. President, then would recognize the primary role of the family physician. It seeks to reverse the trend away from family practice by providing scholarships for young people who want to become family physicians. Recent developments, including the following, convince me that we can attract more medical students into family practice:

First. The AMA approved the essentials for graduate training programs in family practice, December 1968;

Second. The American Board of Family Practice was established and approved in 1969 making family practice a specialty;

Third. The American Board of Family Practice offered examinations for certification of practice to eligible candidates in March 1970;

Fourth. A Residency Review Committee for Family Practice has been established and has members from the AMA Council on Medical Education, the American Council of General Practice, and the American Board of Family Practice; and

Fifth. Legislation, S. 3418, which has been introduced by Senator YARBOROUGH and cosponsored by me and which will provide grants to medical schools to establish programs in the family practice, was recently reported to the full Senate by the Labor and Public Welfare Committee.

My bill recognizes that there will not be enough graduate programs in the family physician specialty immediately, and therefore properly makes other primary-care physicians—pediatricians, obstetricians, and internists—eligible for the fellowship programs.

MALDISTRIBUTION OF DOCTORS

Mr. President, my measure has a sharper focus than merely providing more doctors, although more doctors are needed. My bill specifically focuses on the family-physician shortage and also addresses itself to the critical problem of the distribution of doctors. Some suburban communities have adequate numbers of doctors, while many rural areas or poverty areas of our cities may not have a single physician. My research reveals that in some areas of Los Angeles near the U.S.C. medical school, the ratio of physicians is one to 3,000 patients whereas the county average is one to 600. This means that in the East Los Angeles area and the Watts area, it is five times as difficult to find a doctor as it is in Los Angeles County. My proposal is an attempt to move doctors into the Watts and East Los Angeles areas and other areas of the country where they are needed the most.

Dr. B. L. Bible, who is on the staff of the Department of Community Health, Division of Health Services, American Medical Association, in a January 1970 article stated:

> Because of the tendency of physicians, like other professionals, to settle in urban areas, and because of the problems in communities and transportation experienced by rural dwellers, rural people, particularly those in isolated areas, have only one-half the access to physicians and other health resources that the rest of the nation has.

The Library of Congress, which has been so helpful to me in gathering background information on this proposal, attempted research on the number of communities across the country without a physician. It reported that:

> Little research has been published on physician-shortage in small communities, and definitive statistics indicating the number of communities across the country without physicians could not be located.

My attention, however, was directed to a 1965 survey of more than 1,600 towns and cities in Minnesota, North Dakota, South Dakota, and Montana. The survey's investigators found that more than a thousand of the towns studied had no physician and 224 towns had only one physician. The physicians were usually older in relation to the rest of the physicians in the States. A median age of physicians in one-physician towns was 55 in Minnesota; whereas the median age of the total pysicians in the State was 46.5. In North Dakota the median age of physicians in one-physician towns was 54; the median age of the total number of active physicians in the rest of the State was 41. In South Dakota the median ages were the same. In Montana the median age was slightly younger.

The size of the town and the physician's age were also related. The smaller the town, the older the physician for the most part. In towns of less than 500 in population, the median age of the physician was 58; in towns with population of between 501 and 1,000, the median age was 47; the median age was 44.5 in towns of 1,001 to 1,250 population. This survey not only identified the 1,000 towns without a physician towns would soon become no-physician towns as the older physicians die or retire. These communities, unless we provide the incentive, are not likely to attract replacements for their older doctors.

My proposal, as I have indicated, has built-in various inducements to deal with the distribution problem. First, the scholarships are only available to students who agree to serve in physician-shortage and migrant areas. Years of expensive education are thus provided in return for a commitment by the student to serve in these areas. Students are also encouraged to continue their post-graduate service in physician-shortage areas by the offering of competitive intern and residency fellowships.

A recent report published in the Public Health Reports in January 1970 discusses the question, how does the physician select a location for his practice? It is based on a research project sponsored by the American Medical Association's Council on Rural Health. A random sample was taken of "all physicians in private practice who reside in non-metropolitan counties of the United States" as available in AMA records. The random sample totaled 2,468 such physicians. Significantly, over 25 percent of the physicians surveyed in response to the question of how they decided upon their present practice location indicated that they were practicing in the area in which they were reared. That is why in designing my priorities, I have given first and second priority to students from physician-shortage areas. The study's results also indicated that "once a physician establishes a practice, he is unlikely to move." The study went on to say:

> At least 63 per cent of the physicians had not moved from their original practice location. This percentage was consistent regardless of community size. A more detailed breakdown of the area showed that about one-fourth of the physicians in non-metropolitan areas had practiced twenty years or more in the same place.

This same report indicated that:

> Physicians who practice in small towns are more likely to have rural rather than urban backgrounds . . . rural physicians have predominantly rural backgrounds and metropolitan physicians generally had urban locations during their youth.

The following hypothesis was offered:

> Physicians who practice in small towns are likely to have rural backgrounds.

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Statistics from the report indicated that 49 percent of the physicians surveyed who were practicing in communities of less than 2,500 were raised in a small town. Therefore, the study concluded:

> Physician recruitment for rural areas would be enhanced if more young men with rural backgrounds were encouraged to enter the medical profession.

Based on this information, and I believe what commonsense would tell us. I have designed the priorities for the scholarship and fellowship program so that first choices would come to individuals from physican-shortage areas. I believe if we can offer them a scholarship and in turn secure from them a commitment to spend 4 years in an area, they will be more likely to continue to practice in that area after their obligation ends.

Furthermore, we also learned from this information that the longer we can attach a physician to an area, the more likely he is to stay there. Who could be greater motivated than a man or woman from an area to serve the people from the vicinity in which he was reared

ATTRACTING LOWER INCOME AND MINORITY STUDENTS

Mr. President, there is a need in the country to attract more lower-income and minority youngsters into the medical profession. An additional and attractive feature of my bill is that it would have the effect of attracting more of these young adults into the medical profession.

In its 1968–69 survey of medical education, the American Medical Association asked the medical schools to report the racial origin of its medical students. Ninety-six out of 99 schools replied. Although the results may not be completely valid because most schools do not require their students to report their race, the survey said:

> Of the total medical school enrollment of the 96 reporting schools, 2.2% are Afro-American. Excluding the two predominantly Negro schools, only 0.8% of the total enrollment is Afro-American. Three regions, East North Central, South Atlantic, and Pacific, show a 1% Afro-American enrollment. The Pacific region also has a 6% Oriental enrollment. The Mountain region, which has 0.1% Afro-American enrollment, shows a 2% Oriental enrollment. The East North Central region has a 1% Oriental enrollment. Only the West South Central region has as much as 1% Mexican-American student enrollment in its medical schools.

President Nixon in his outstanding Indian message of July 8 to the Congress said:

> Almost unbelievable—we are presently able to identify in this country only thirty physicians and fewer than four hundred nurses of Indian descent.

Medical education is expensive making it difficult for lower income and minority individuals to enter the medical profession. Great efforts are being made. For example, in my State of California, the University of California has five medical schools in its system. Only eight minority students were enrolled on the five medical school campuses of the University of California system in 1968, and they were all at the San Francisco campus. By 1969, 54 minority students were enrolled, with each of the five campuses showing minority enrollment. By 1970, the number had increased to 93. The percentage of the minority enrollment varied from 13 to 25 percent, which shows that great efforts are being made in this direction.

TAPPING THE IDEALISM AND ENERGIES OF YOUTH

Mr. President, we know that many young people today are filled with idealism and have a strong commitment to help make this country a better place in which to live. I have talked to some of the medical students and found that there is a great interest and desire among them to serve the disadvantaged to meet the medical needs of the citizens of this country. Their commitment to service is great indeed, and they seem willing to forgo some of the more lucrative locations in order to have an opportunity to serve. My measure would provide a means to channel their talents, energies and idealism into the communities of the country which are crying for medical attention.

My measure is designed to train more doctors and to direct these doctors into the right places.

CONCLUSIONS

Mr. President, the Scripps-Howard newspapers recently concluded a monthlong survey of doctors, both in private practice and working in government. Mr. Donald Kirkman writing in the July 7, 1970, Washington Daily News said:

> With surprising unanimity, those interviewed agreed that: The U.S. needs an immediate crash program to increase the number of health workers, with primary emphasis on doctors;
>
> Doctors in the U.S. are over-concentrated in suburbia and most have little desire to practice in ghetto and rural areas;
>
> Many of the nation's medical colleges and other health education institutions are on the verge of bankruptcy;
>
> Medical education is so costly that Negroes, the children of other minority groups, and poor whites are prevented from becoming doctors and dentists;
>
> The number of Negro and minority doctors is not keeping pace with the increase in the nation's Negro and minority population.

I believe, Mr. President, that my measure responds to most of the needs which the survey indicates are recognized by the doctors themselves.

As a member of the Senate Labor and Public Welfare Subcommittee on Health, I have supported and helped to shape the various programs that have been enacted to advance medical research, to provide the medical manpower necessary to do the job. Only recently I supported the Health Training and Improvement Act, a bill to extend and improve the allied health professions program which was initially enacted in 1966.

Recent years have seen a quantum leap in the demand for health services. This is as it should be as the nation moves to provide quality medical care and treatment for all its citizens. Although the medical care in this country is the finest in the world, our medical system does have serious problems. One of the most serious problems, which has already reached the crisis stage in many areas of the Nation, is the medical manpower shortage. The demand for more and better medical care and services is likely to continue and accelerate. A serious obstacle to meeting that growing demand is, and will be, unless steps are taken, this medical manpower shortage.

Dr. Egeberg emphasized this point when he said:

> I don't care what Congress does with medicare, medicaid and all the other programs. Nothing is going to improve the country's medical system until we get more doctors.

Mr. President, no one can say for certain that a new proposal, such as I advance today, will prove one hundred percent successful. Based on the evidence and surveys available, as well as common sense, I believe the program will work. It will help with the family physician shortage problem; it will help to redirect physicians to serious physician-shortage areas; and it will provide greater opportunity for lower income and minority students to enter the medical profession. I discussed this proposal with the California Medical Association, and I am very encouraged with their reaction, encouragement and support.

Mr. President, I am also delighted with the encouragement I have received from deans of medical schools in California. I sincerely hope that the medical community, the administration and my congressional colleagues study this measure and join me in working for its enactment.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. BOGGS). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4208) to amend title VII of the Public Health Service Act by providing for the establishment of a family physician scholarship and fellowship program, introduced by Mr. MURPHY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Family Physician Scholarship and Fellowship Program Act".

SEC. 2. Title VII of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART H—FAMILY PHYSICIAN SCHOLARSHIP AND FELLOWSHIP PROGRAM

"SCHOLARSHIP AND FELLOWSHIP GRANTS

"SEC. 799a. (a) In order to promote the more adequate provision of medical care for persons who—

"(A) reside in a physician shortage area (as determined pursuant to section 799c (b));

"(B) are migratory agricultural workers or members of the families of such workers;

the Secretary is authorized, in accordance with the provisions of this part—

"(C) to make scholarship grants to individuals who are medical students and who agree, after completion of their professional

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training, to engage in the practice of family medicine (i) in a physician shortage area, or (ii) at such place or places, such facility or facilities, and in such manner, as may be necessary to assure that, of the patients receiving medical care in such practice a substantial portion will consist of persons referred to in clause (B); and

"(D) to make fellowship grants to individuals who (while undergoing training, or receiving professional experience, designed to prepare them to engage in the practice of family medicine) are serving as interns or residents in public or nonprofit private hospitals which (i) are located in a physician shortage area, or (ii) a substantial portion of the patients of which consists of persons referred to in clause (B).

For purposes of subparagraph (D) of the preceding sentence, training or experience in obstetrics, pediatrics, or internal medicine shall be considered to be training or experience preparing an individual to engage in the practice of family medicine.

"(b)(1) Scholarship grants under this part shall be made with respect to academic years, and fellowship grants under this part shall be made with respect to 12-month periods.

"(2) The amount of any medical student scholarship grant under this part to any individual for any full academic year shall not exceed $5,000; the amount of any intern fellowship grant under this part to any individual for any 12-month period shall not exceed $9,000; and the amount of any resident fellowship grant under this part to any individual for any 12-month period shall not exceed $10,000 (in the case of an individual who, for a preceding 12-month period, has not received a resident fellowship grant under this part), or $12,000 (in any other case).

"(3) The Secretary shall, in awarding medical student scholarship grants under this part, accord priority to applicants as follows:

"(A) first, to any applicant who (i) is from a low-income family, (ii) resides in a physician shortage area, and (iii) agrees that, upon completion of his professional training, he will return to such area and will engage in such area in the practice of family medicine;

"(B) second, to any applicant who meets all the criteria set forth in subparagraph (A) except that prescribed in clause (i);

"(C) third, to any applicant who meets the criterion set forth in clause (i), and

"(D) fourth, to any other applicant.

"(c)(1) Any medical student scholarship grant awarded to any individual under this part shall be awarded upon the condition that such individual will, upon completion of his professional training, engage in the practice of family medicine—

"(A) in the case of any individual who, in applying for a medical student scholarship grant under this part, met the criteria set forth in subparagraph (A) or (B) of subsection (b)(3), in the physician shortage area in which he agreed (pursuant to such subparagraph) to engage in such practice; and

"(B) in the case of any individual who did not agree (pursuant to such subparagraph (A) or (B)) to engage in such practice in any particular physician shortage area or has been waived (pursuant to paragraph (4)) to engage in such practice in any particular physician shortage area—

"(i) in any physician shortage area, or

"(ii) at such place or places, in such facility or facilities, and in such manner, as may be necessary to assure that, of the patients receiving medical care provided by such individual, a substantial portion will consist of persons who are migratory agricultural workers or are members of the families of such workers;

for a 12-month period for each full academic year with respect to which he receives such a scholarship grant. For purposes of the preceding sentence, any individual, who has received a medical student scholarship grant under this part for 4 full academic years and who has received fellowship grants under this part for 3 full 12-month periods, shall be deemed to have received a medical student scholarship grant under this part for only 3 full academic years.

"(2) The condition imposed by paragraph (1) shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's professional training, as the Secretary shall by regulations prescribe.

"(3) If any individual to whom the condition referred to in paragraph (1) is applicable fails, within the period prescribed by paragraph (2), to comply with such condition for the full number of months with respect to which such condition is applicable, the United States shall be entitled to recover from such individual—

"(A) an amount which bears the same ratio to the aggregate of (i) the amounts of the medical student scholarship grant or grants (as the case may be) made to such individual under this part plus (ii) the amount of interest which would be payable on such amounts if such amounts had been loans bearing an interest rate of 7 per centum per annum and the interest thereon had been payable annually, as

"(B) (i) the number obtained by subtracting from the number of months to which such condition is applicable a number equal to one-half of the number of months with respect to which compliance by such individual with such condition was made, bears to (ii) the number of months with respect to which such condition is applicable.

"(4) (A) Any obligation of any individual to comply with the condition applicable to him under the preceding provisions of this subsection shall be cancelled upon the death of such individual.

"(B) The Secretary shall by regulations provide for the waiver of suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"(d) In awarding intern and resident fellowship grants under this part, priority shall be given to interns and residents in hospitals a substantial portion of the patients of which are economically disadvantaged persons.

"ADMINISTRATION; CONTRACTURAL ARRANGEMENTS

"SEC. 799b. The Secretary may, in the administration of this part, enter into agreements with schools of medicine, hospitals, or other appropriate public or nonprofit private agencies under which such schools, hospitals, or other agencies will, as agents of the Secretary, perform such administrative functions as the Secretary may specify. Any such agreement with any school, hospital, or other agency may provide for payment by the Secretary of amounts equal to the expenses actually and necessarily incurred by such school, hospital, or other agency in carrying out such agreement.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 799c. (a) For the purpose of making medical student scholarship grants under this part, there is authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1971, $3,000,000 for the fiscal year ending June 30, 1972, $4,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and for each succeeding fiscal year, such sums as may be necessary to continue to make such grants to students who (prior to July 1, 1974) have received such a grant and who are eligible for such a grant under this part during such succeeding fiscal year.

"(b) For the purpose of making intern and resident fellowship grants under this part, there is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971, $3,000,000 for the fiscal year ending June 30, 1972, $4,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and for each succeeding fiscal year, such sums as may be necessary to continue to make such grants to interns and residents who (prior to July 1, 1973) have received such a grant or a medical student scholarship grant under this part, and who are eligible for such a grant under this part during such succeeding fiscal year.

"DEFINITIONS

"SEC. 799d. (a) For purposes of this part—

"(1) the term 'nonprofit', as applied to any hospital, means a hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

"(2) the term 'practice of family medicine' means the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance.

"(b)(1) The term 'physician shortage area', when used in this part, refers to an area within a State which is determined, in accordance with this subsection—

"(A) to have an insufficient number of physicians practicing their profession therein so as adequately to meet the need for medical care of the population of such area; and

"(B) in which the ratio of physicians to population is lower than in other areas of the State.

"(2) The Secretary shall, in making determinations under this subsection, accept (in the case of any State) the determination, as to the number and location of physician shortage areas in such State, recommended to him by—

"(A) the State planning agency for such State (as designated pursuant to section 314 (a)(2)(A)), or

"(B) if in such State there is no such agency, or if such agency fails or refuses to make a recommended determination to the Secretary within such reasonable time as he shall prescribe, by such other agency of such State as the Secretary finds to be qualified to make such a recommended determination and as the Governor of such State shall have designated to make such a recommended determination; but only if—

"(C) such agency, in making such recommended determination, has sought and obtained the advice and assistance of the State medical society for such State;

"(D) such agency, in making such recommended determination, classifies each area which it determines to be a physician shortage area as to the degree of the physician shortage therein as compared with other areas which such agency determines to be physician shortage areas; and

"(E) the Secretary is satisfied with the adequacy of the criteria employed by such agency as the basis upon which such recommended determination was made.

"(3) If, in the case of any State, the Secretary does not receive (within such reasonable time as he shall prescribe) a recommended determination with respect to such State which meets the requirements of paragraph (2), he shall (after seeking the advice and assistance of the State medical society for such State) determine the number and location of the physician shortage areas (if any) of such State on the basis of the most current and appropriate data available to him."

S. 4210—INTRODUCTION OF A BILL TO AMEND THE ACT RELATING TO PENALTIES FOR WRONGFUL DEPOSIT OF CERTAIN REFUSE, INJURY TO HARBOR IMPROVEMENTS, AND OBSTRUCTION OF NAVIGABLE WATERS

Mr. PERCY. Mr. President, too often we refuse to face a particular problem until it becomes a crisis. Because of this tendency, we often lack the necessary tool to deal effectively with it. An example of a problem that has been ignored too long is found in the crisis over mercury pollution.

Mercury has been found in our rivers, lakes, and fish. It is not unusual to find some mercury in our waters, since it is a natural component of the rain, the sea, the earth's crust, and its water resources. However, the mercury that has recently been found in fish has appeared in much greater quantities than the .5 part per million which the Food and Drug Administration recommends as the acceptable safe limit for human consumption.

As a result, many American citizens are now eating fish which have dangerously high concentrations of mercury. They are potential victims of mercury poisoning, which can result in premature senility, deafness, and death.

Despite this very great danger to the health of our Nation, the only law under which violators can be prosecuted is an 1899 law referred to as the Refuse Act. This act provides a maximum penalty of $2,500 upon conviction. Because of the ineffectiveness of such a penalty, the Justice Department is merely using this law as a basis to obtain a cease and desist order against eight firms charged with violations.

It is obvious that a stiffer and more effective penalty is needed. For this reason, I am today introducing legislation which would provide for a fine of up to $10,000 per day upon conviction in the future.

Though I hope that this penalty will never have to be imposed, and that neither individuals nor corporations will willfully discharge dangerous substances into our Nation's waters, I believe that it is incumbent upon Congress to provide effective remedies for this situation should it arise again.

Mr. President, I ask unanimous consent that the text of the bill be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Dole). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4210) to amend the act of March 3, 1899, relating to penalties for wrongful deposit of certain refuse, injury to harbor improvements, and obstruction of navigable waters, introduced by Mr. Percy, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 4210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 411), is amended by striking out in the first sentence thereof the following: "twenty-five hundred dollars nor less than five hundred dollars," and inserting in lieu thereof "$10,000," and by inserting immediately after such first sentence the following new sentence: "In the case of any violation which continues over a period of time, each day such violation continues shall be a separate violation for the purposes of this section."

ADDITIONAL COSPONSORS OF BILLS

S. 2045

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maryland (Mr. Tydings), I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. Williams) be added as a cosponsor of S. 2045, to establish an Office of Consumer Affairs.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

S. 3311

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maryland (Mr. Tydings), I ask unanimous consent that, at the next printing, the names of the Senator from Missouri (Mr. Eagleton), the Senator from Michigan (Mr. Hart), the Senator from Oregon (Mr. Packwood), and the Senator from New Jersey (Mr. Williams) be added as cosponsors of S. 3311, the Crime Insurance Act of 1970, to allow storeowners and homeowners to obtain crime insurance at reasonable rates.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

S. 3724

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wyoming (Mr. McGee), I ask unanimous consent that, at the next printing, the name of the Senator from Vermont (Mr. Prouty) be added as a cosponsor of S. 3724, to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements.

The PRESIDING OFFICER (Mr. Young of Ohio). Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENTS

AMENDMENT NO. 829

Mr. HUGHES (for himself, Mr. Cranston, Mr. Nelson, Mr. Goodell, Mr. Eagleton, and Mr. Inouye) submitted an amendment intended to be proposed by them, jointly, as an amendment, in the nature of a substitute, for amendment No. 819, proposed by Mr. Cooper (for himself and other Senators), to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selective Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Hughes when he submitted the amendment appear later in the Record under the appropriate heading.)

AMENDMENT NO. 830

Mr. BROOKE submitted an amendment, intended to be proposed by him, as an amendment, in the nature of a substitute, for amendment No. 819, proposed by Mr. Cooper (for himself and other Senators) to House bill 17123, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 831 AND 832

Mr. HUGHES subsequently submitted two amendments, intended to be proposed by him, to the amendment No. 819, proposed by Mr. Cooper (for himself and other Senators) to House bill 17123, supra, which were ordered to lie on the table and to be printed.

(The remarks of Mr. Hughes when he submitted the amendments appear later in the Record under the appropriate heading.)

ANNOUNCEMENT OF HEARINGS ON THE FIRST ANNUAL REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Mr. JACKSON. Mr. President, for the information of Members of the Senate and the public, the Senate Interior and Insular Affairs Committee will be holding a hearing on Thursday, August 13, to receive testimony from the members of the Council on Environmental Quality and to review the first annual report of the Council on Environmental Quality. The Council's report together with the President's message to the Congress were transmitted to the Congress earlier today. The hearing will be open to members of the public and will be held in room 3110 of the New Senate Office Building at 10 a.m., August 13.

URUGUAY BAND KILLS MITRIONE, HOLDS TWO OTHERS

Mr. TALMADGE. Mr. President, this afternoon's Washington Evening Star has a headline entitled "Kidnaped American Found Slain." The story emanates from Montevideo, Uruguay. It reads in part:

> The Tupamaro guerrillas executed American police expert Daniel A. Mitrione during the night because the Uruguayan government refused to release an estimated 150 political prisoners as ransom for him and two other kidnaped foreign officials.

Mr. President, I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

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Kidnaped American Found Slain

Uruguay Band Kills Mitrione, Holds Two Others

Montevideo, Uruguay.—The Tupamaro guerrillas executed American police expert Daniel A. Mitrione during the night because the Uruguayan government refused to release an estimated 150 political prisoners as ransom for him and two other kidnaped foreign officials.

Mitrione's body was found bound and gagged in a bloodstained car parked on a city street. He had been shot twice in the head. A bandage covered the chest wound he suffered when he was kidnaped July 31 while driving to work.

Police sealed off the area, removed the body from the car and declined to say where they had taken it. They refused to give official confirmation that it was Mitrione's, but police officials told newsmen there was little or no doubt.

A U.S. Embassy spokesman announced later that the body had been identified by a friend as that of Mitrione.

SECOND BODY REPORTED

Unconfirmed reports circulated that a second body had been found, but the police said nothing.

The car in which Mitrione's body was found was left parked at an intersection in a poor worker's residential section. It had been stolen yesterday. Police closed off the intersection, declaring it a "military zone."

People living in the area said they had heard two shots about 1:30 a.m. They did not hear a car driving off, indicating that the Tupamaros had departed on foot. Apparently, no one investigated immediately, and the police said a passing police patrol car made the discovery a few hours later.

The patrolmen were looking for stolen cars. They spotted bloodstains on the parked car, and the body inside.

Beside being bound and gagged, the body's eyes were covered with a bandage. It was dressed in a blue suit and wrapped in a blanket.

BELIEVED KILLED AFTER DEADLINE

Witnesses who saw the body before police rushed it away said the hair was black. This apparently made first identification uncertain. Mitrione, a tall, heavy-set man, had white hair. The Tupamaros apparently dyed it to facilitate hiding Mitrione during his 10 days of captivity.

Mitrione apparently was killed more than 12 hours after the deadline of noon yesterday set by the Tupamaros for his execution.

The Tupamaros have said nothing about what they plan to do with their other captives—Brazilian Consul Aloysio Mares Dias Gomide, 41, and Claude Fly, 65, of Fort Collins, Colo., a U.S. soil expert working for the Uruguayan government.

Dias Gomide was kidnaped July 31, the day Mitrione was seized. Fly was kidnaped from his laboratory last Friday by men claiming to be bodyguards assigned by the government.

Mitrione, 50-year-old former police chief of Richmond, Ind., is the second foreigner killed in the wave of Latin-American political kidnapings that began last September. Guatemalan rebels killed the West German ambassador, Count Karl von Spreti, last April after the Guatemalan government refused to release 17 political prisoners.

Local radio stations received several anonymous telephone calls shortly after the deadline yesterday reporting that Mitrione had been slain. The callers also said the other two hostages would be killed but the Tupamaros issued no communique to confirm either report.

Meanwhile, 5,000 troops and police kept up a street-by-street search. They arrested more than 100 persons yesterday, including nine suspected Tupamaros and a doctor believed to have treated Mitrione for a bullet wound in the chest he got when kidnaped.

Mitrione was sent to Montevideo by the U.S. Agency for International Development as an adviser to the Uruguayan police. Tupamaro communiques accused him of being a spy for the U.S. government and said he had admitted "providing lethal weapons to repress the Uruguayan people."

Mitrione's wife is in Montevideo with four of their nine children. The other five are in the United States.

(They are Mrs. Maria Hennequin, 26, of Hyattsville; Mrs. Linda Tarter, 24, of Forestville; Melanie Mitrione, 21, of Portsmouth, Va.; Dan Jr., 23, and David, 18, both of Mount Rainier.)

MRS. FLY GETS LETTER

Fly's wife, in Montevideo, received a letter from her husband yesterday. He wrote, "Please don't worry. I am well. Pray for me and wait. Go home, they are feeding me. Help me please. Always my love, Claude."

In a postscript, he added: "They have my glasses. I cannot read without my old pair, but they won't give them to me."

The Tupamaros, a leftist guerrilla group organized seven years ago, demanded the release of all political prisoners held by the government. President Jorge Pacheco Areco refused, saying the Tupamaros were "common criminals" and those held by the government were not political prisoners.

Pacheco Areco met with his 11 Cabinet members and other top officials last night and called a joint session of Congress today to suspend such individual rights as trial guarantees and habeas corpus.

DEATH PENALTY PROPOSED

Several congressmen proposed reinstatement of the death penalty, which was banned many years ago. There was also an unconfirmed report that a group of right-wing extremists calling themselves the "Death Squad"—like the killer squads of police vigilantes in Brazil—had threatened reprisals against the families of suspected Tupamaros.

Mr. TALMADGE. Mr. President, our country should not maintain diplomatic relations with any country that is incapable of protecting American diplomats within that country. If our diplomats cannot be protected, it seems to me that the President and the State Department should forthwith order all Americans home from that country with the statement that we will not permit Americans to remain there as agents of the U.S. Government until that Government demonstrates clearly and unequivocally that it can protect the lives of American diplomats domiciled within that country.

It is the height of folly for Americans to go to foreign countries to carry out and represent the policies of the U.S. Government within those nations and be subjected to the savagery of executions by persons within those countries.

We have had too much of that in recent years. The time to stop it is long overdue. In my judgment, we could do so if we withdrew our diplomats immediately.

ARTISTS' EFFORTS FOR PEACE

Mr. JAVITS. Mr. President, within the last few weeks a group of distinguished artists from all segments of the American arts community, and of art dealers, directors, and educators, met with the chairman of the Arts and Humanities Subcommittee, the Senator from Rhode Island (Mr. Pell), and with me, the ranking minority member, to express their deep concern regarding U.S. policy in Indochina and in behalf of peace. They had the idea that they had to make some demonstration or sit-in or engage in some other activity to call this matter to the attention of Congress. We told them that was not at all necessary, that we would be glad to introduce their views into the Record. We were impressed with the depth of the feeling and the sincerity of purpose manifested by this delegation with whom we participated in a detailed and fruitful discussion on the subject.

In keeping with their request and the pledge made to them, I am, on behalf of myself and Mr. Pell, bringing to the attention of the Congress the concern which has moved these artists and art dealers and their associates who so fervently feel that U.S. involvement in Indochina should be terminated. A petition presented to us eloquently summed up the feelings of the group—"a war so senseless abroad cannot help but tear us apart at home."

Also, I append two explanatory articles which appeared in the press further detailing their concern and a list of those who met with Senator Pell and me. I ask unanimous consent that this material appear as part of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times]

Art World Seeks Ways To Protest War

(By Grace Glueck)

Petitions are circulating. Paintings are coming off gallery walls. Posters are rolling off the presses. The city's art community is mobilizing for an all-out protest, aimed at war, racism and oppression.

Planned activities range from the carrying out of several resolutions passed at a general meeting of the art community Monday evening to staging special exhibitions by art students, released early from their spring terms. Debate is active on how best to get protest points across.

One resolution at the Monday meeting called for * * * galleries Friday as a protest gesture. However, none of the city's six major art institutions has made a decision to close—although two, the Jewish and the Whitney, have had shows canceled by exhibiting artists.

Instead of shutting down, the Museum of Modern Art will open on Friday a "pro-youth" photographic exhibition, "May 2 through May 9, 1970," concerning events in Cambodia, at Kent State and in other areas during that week. It will present a special film program, which may include a recent picture by the Japanese government on the bombing of Hiroshima.

TRUSTEES COULD DECIDE

Acknowledging "the difficulty, indeed the impossibility, of conducting business as usual," John Hightower, the Modern's director, said:

"Museums provide all of us with a positive form of intensely human communications. I intend to do all I can to see that arts institutions address themselves to relieving the sense of hopelessness we all share."

Museums that receive financial aid from the city, such as the Metropolitan and the Brooklyn Museum, so far have no plans to close either. A spokesman for August Heckscher, administrator of recreation and cultural affairs, noted that any request for permission to close from a museum board of trustees would be honored.

The Whitney Museum, which will decide tomorrow whether to close, plans to give over a ground floor wall for the display of peace propaganda. At the request of its staff, it is also displaying prominently in its lobby an antiwar painting by Peter Saul entitled "Saigon."

A number of museum staff members have been active in signing and circulating antiwar petitions. One, declaring that "this society is being weakened immeasurably by the war in Indochina," will be printed in newspapers as an advertisement, if enough money and signatures are collected.

ONE CLOSING INDEFINITE

Many art galleries in the city, particularly those dealing with young avant-garde artists, will make the Friday closing gesture. Several, in fact, will close for longer than that. At the request of all its exhibiting artists, the Reese Pallye Gallery, 93 Prince Street, has closed completely for an indefinite period, with the enthusiastic endorsement of its proprietor.

But on the other hand, while the Bykert Gallery, 24 East 81st Street, has also closed is group show until June 1 at the request of its artists, Klaus Kertess, the gallery's director, calls it a self-defeating gesture.

"The activity of artists is a positive one," he notes. "Art is one of the first things repressed by a totalitarian regime."

Art schools around the city have plunged into protest activity, too. Interior design students at Pratt Institute, for instance, have organized a movement called "Design for Peace." As one of its activities, the group makes contact with professionals in the field, urging them to sign a petition promoting the Hatfield-McGovern amendment to halt funding of military operations in Southeast Asia.

And at the Parsons School of Design, students voted to suspend classes two weeks ago, and dropped plans for their annual exhibit. Instead, they prepared a protest show, "My God! We Are Losing a Great Country," that drew 1,500 visitors. Now closed, it will soon be reopened at the New School, with which Parsons is affiliated.

"As commercial art students they've been studying propaganda to sell corn flakes," explains David Levy, the school's president. "Now they've decided to use their skills to sell peace."

[From the New York Times, June 6, 1970]

ARTISTS TO WITHDRAW WORK AT BIENNALE

(By Grace Glueck)

Twenty artists of the 44 selected so far to show in the American Pavilion at this year's Venice Biennale have withdrawn their work "as an act of dissociation from United States Government sponsorship," according to the Emergency Cultural Government Committee of the New York Art Strike.

The committee hopes instead to exhibit at a New York museum this summer. The Biennale opens on June 24.

In behalf of the 20 artists, including such well-known names as Roy Lichtenstein, Claes Oldenburg, Robert Rauschenberg, Robert Morris, Andy Warhol and Robert Motherwell, the committee has sent a telegram to representatives of the international art program of the Smithsonian Institution, which sponsors United States art programs abroad.

The telegram says that the artists "are denying the use of their art as a cultural veneer to cover policies of ruthless aggression abroad and intolerable repression at home."

SHOW WILL GO ON

Officials of the art program said yesterday, however, that they planned to go ahead with the show.

"I feel that each artist should speak directly for himself," said Lois Bingham, the program's chief. "We'll only consider a direct request from each individual sufficient reason for canceling loan agreements." So far, she said, only Jim Dine and Ron Kitaj, both of whom are living in England, have sent in such requests.

Miss Bingham added that a letter to all participants was to go out today, explaining the purpose of the Biennale exhibition, and asking artists to share their views with her individually. In response to student-artist demonstrations that almost shut the Biennale down in 1968, the United States exhibition has been reformulated this year as an "experimental project."

Eschewing the "star" system of displaying paintings and sculpture by a few artists, it will consist of a graphic arts workshop, plus an exhibition of 75 to 100 contemporary United States prints.

KEEPING ELEMENTS DISCRETE

"The emphasis will be on creative experimentation in a nonpolitical setting and the exchange of concepts and ideas," Miss Bingham says. "For nearly 20 years the international program has worked hard to separate art from politics. I hate to see it get back into the political arena."

The Emergency Cultural Government Committee, which lists as its steering members the artists Irving Petlin, Frank Stella and Robert Morris, and the art critic Max Kozloff, is a subgroup of the New York Artists Strike Against Racism, Sexism, Repression and War.

The latter group, formed May 18 after a meeting of more than 1,000 members of the New York art community, called for a general art strike on May 22 that closed many galleries and two of the city's major museums.

In a manifesto it is sending out to artists across the country, the emergency committee says that it will "challenge the U.S. Government for the loyalties of American artists in each and every upcoming international art even in which Government sponsorship is a criterion for participation."

Asking for artists' support of its "general principle," the manifesto says that the committee is determined "to end all complicity with a government whose politics we consider illegitimate." It declares that it seeks to function as the "American artists agency" for organizing American participation in international art events formerly sponsored by the government.

Members of the group say that on June 16 they, in conjunction with several representative dealers, museum officials and critics, will try to meet in Washington with the Senate Subcommittee on Cultural Affairs to ask for its support.

They will also try to have the work of all American artists exhibited in United States embassies abroad recalled.

"Artists can no longer bear the onus of showing with our Government," Mr. Petlin said yesterday. "We'll carry out our own plans until this crisis ends."

Henry T. Hopkins, exhibition chief for the United States Pavilion, said that though artists had withdrawn from the print exhibition, the workshop program was at the moment "intact."

Mr. Hopkins, who is director of the Fort Worth Art Center Museum, said that for his part he had taken on "the professional responsibilities of seeing this project through," adding: "In every instance the art program has acted professionally and with integrity concerning its sympathies with dissident artists. I hope there is room for negotiations."

LIST OF ANTI-INDOCHINA WAR DELEGATION

Rauschenberg, Robert, painter.
Morris, Robert, sculpture.
Karp, Ivan, dealer.
Castelli, Leo, dealer.
Petersen, Robert, painter.
Cooper, Paula, dealer.
Neufeld, Tanya, artist.
Koppedge, Arthur, artist.
Johnson, Poppy (female), artist.
Kertess, Klaus, dealer.
Hopps, Walter, museum director.
O'Daughtery, Brian, NEA.
Jevis, Caryl, dealer.
Lichtenstein, Roy, artist.
Berkowitz, Leon, artist.
Greenly, Colin, artist.
Koslow, Max, artist.
Petlin, Irving, artist.

A RATIONAL CALL FOR ACTION

Mr. JAVITS. Mr. President, recently, Whitney M. Young, Jr., executive director of the National Urban League, in his keynote address to its 60th annual convention in New York entitled "A Strategy for the 1970's: Unity, Coalition, Negotiation," issued a stirring call for all Americans to work together for the elimination of poverty, crime, and racism.

In his address, Mr. Young stressed that blacks must unite and engage in a strategy of negotiation with white society to confront injustice. In addition, Mr. Young advocates a new coalition with other minorities to eliminate the problems of poverty and crime which imprison Americans of all colors and races. He outlines a vital leadership role for the prestigious Urban League he has headed in such a distinguished way for so long.

Also, Mr. Young's approach for a "Marshall plan" for the slums and ghettos of America—originally conceived by the Harriman Commission and by the Philip Randolph Institute and supported by me and other Senators—is finally brought to the center stage by this speech, is one which is badly needed in this time of division and strife. Moderating forces on all sides must seize the initiative and work out solutions which will bring peace and prosperity to all Americans. I commend Mr. Young's address to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A STRATEGY FOR THE SEVENTIES: UNITY, COALITION, NEGOTIATION

(Address by Whitney M. Young, Jr.)

There comes a time in the life of every great nation when it finds itself at the crossroads—on one side, the path of division, decline, and oblivion; on the other, the path of progress, purpose, and decency. There is every indication that this nation, almost two centuries after its birth by fire, is at that crossroads.

At every hand we see chaos instead of concern, drift instead of decision, and hate instead of hope. It may well be that we are witnessing the exhaustion of the American spirit; the full-scale retreat by a people nurturing false dreams of superiority; a retreat from the responsibilities and decency that characterize true greatness.

Six renowned historians recently probed the confused spirit of our country in a national weekly. One called this "The Age of Rubbish." Another proclaimed 'the end of the American era." Another said we are experiencing "a massive breakdown." Yet another said we suffer from "a case of hypochondria." All, Conservative and Marxist alike, agreed there is a crisis of confidence. The overwhelming impression one gets from

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their comments is doubt that the quality of national leadership today is adequate to the magnitude of the challenges faced.

The signs, then, are unmistakable that this unhappy land, this bitterly polarized society, seems incapable of living up to the ideals and dreams that it purportedly held for so long.

A hateful war that no one wants has spread to neighboring lands. A public inured to "body counts" and "enemy kills" has found that its own children—at Kent State and Jackson—form a new set of body count numbers.

A country whose very survival depends upon the reconstruction of its young, its poor, and its neglected non-white minorities seems only capable of hate rather than love, isolation rather than reclamation, and killing rather than saving.

Repression is rampant. Americans—for the first time in decades—now have their own "show" trials, political prisoners, and midnight police raids that kill people in their beds, people whose crime was dissent from a society that persecuted them.

And fanning the flames of repression have been the mindless pseudo-revolutionists of the left whose idea of changing society is to plant bombs where they might kill the innocent—and the mindless pseudo-conservatives of the right whose idea of standing up for the democracy they are sworn to protect is to destroy it through division and hate. Those super-patriots who yell "America, love it or leave it" ought to recognize the words of the great French philosopher Albert Camus who said: "I would like to be able to love my country and justice at the same time."

This is an America that generously supports a giant welfare subsidy program for the rich in the form of unbridled defense spending, space programs, and supersonic planes, while refusing funds to feed starving black kids in Mississippi or housing to shelter the poverty-stricken of the rural areas and cities.

It is a nation whose answer to a disturbing inflation is to create an even more dangerous recession. It tinkers with the economic system to artificially induce unemployment, to bring housing construction to a virtual end, and to drive all hope from the hearts of the poor. And in so doing, it may yet create the Depression that will rob it of the wealth it tries so hard to protect.

Beset by the twin evils of repression and recession, black people today are fearful that the limited gains of the sixties are in danger. We have seen that in spite of legal and legislative victories, racism is still alive in new and different forms.

We know all too well that the cost of liberty is less than the price of repression, and that the cost of economic justice is but a fraction of the price of racial privilege and exploitation.

It has become more clear than ever, that the black man's fight for respect and for manhood is also a fight to right the wrongs of a bloated, sick society, and to bring it back to its senses.

Our task at this Conference will be to devise the strategies that will ensure that the cause of equality, for which so much blood and tears have been shed, will triumph in this land. In our sessions and workshops we will question the prevailing myths that entangle current thinking on economic and political problems afflicting blacks and other minorities, and we will continue to move beyond the narrow limits of debate to get at the roots of the problem of bringing power to the powerless.

I am hopeful that out of this Conference will come strategies for the seventies; the framework for organizing for results, results that will have an impact upon the millions of victims of racism and neglect, a neglect sometimes called "benign" but more accurately called "callous."

The Urban League, at this stage of its history, has the responsibility to continue in its efforts to pull together America's minority communities in order to mobilize its enormous reservoir of talent and skills to win political, economic, and social victories.

The Urban League is in position to assert such leadership, not only because of its historic strengths, its dedicated staff of full-time experts and the devoted cooperation of its thousands of volunteers, but also because of its own experience with change; its own success in developing a new thrust into the ghettos of America.

For, in this our sixtieth year, the Urban League has evolved far from the limited functions envisioned by its founders. The social services we once provided newcomers to the cities of the North have had to be supplemented and replaced by a much more comprehensive organization of the black community. Two years ago, we organized our New Thrust program to do just that. The Urban League moved into the ghetto—physically and spiritually—and is serving as an enabling vehicle for a black community determined to win unity, dignity, and power. We responded to that need. We responded with vigor, and with the realization that we exist to serve the community, to identify with it, and to provide the technical assistance and know-how to enable the community itself to organize for successful action.

For we believe that "Power to the People" is but an empty phrase unless the people can be provided with the mechanism, technical assistance, and opportunities to make that power work for them in their own communities, on their own terms, under their own leadership. And a clenched fist is useless, if, when forced open, it is found to be empty of the resources of money, intellect, and the will to do the job.

New Thrust has proved itself. In city after city, local affiliates have become more relevant to the needs of the ghetto. In city after city, while continuing to keep vital channels of communication with the white community open, we have served as the catalyst that brought blacks together to win victories.

The Urban League movement continues to be flexibile, relevant, and vital. We have successfully shifted gears from treating the results of racism and poverty to mounting a full-scale attack on the causes of racism and poverty. The Urban League has taken on a commitment to change the institutions and the society that perpetuates injustice.

And that is not a short-term commitment. The New Thrust activities that started as a laboratory for community change are now part and parcel of our movement. New Thrust is no longer a separate program; it is structurally a part of our ongoing operations, and its spirit and thinking permeate every facet of our movement.

In order to insure our increased effectiveness, we have implemented structural changes within the National Office, beginning with the addition of a competent Deputy Director, that will increase our accountability and provide better planning and operating procedures. Our new Departments of Research, Personnel and Training, and our strengthened Washington Bureau—together with a redefining of our program planning and operating procedures—will make possible more effective services to our now-almost 100 affiliates.

The past year also saw the Urban League initiate a broad coalition of groups to influence what we tried to make the first accurate Census count of non-white peoples in the history of the nation. The "Make Black Count" campaign was founded on the realization that by undercounting the actual numbers of blacks and browns in America, the government, in effect, was withholding from them the federal aid distributed on a per capita basis. Black communities across the land were not getting their fair share of hospital and school monies, or even proper representation in Congress and State Legislatures. The figures are not all in yet, but the "Make Black Count" staff will be "riding herd" on the Census Bureau to insure that blacks—for a welcome change—get a fair count.

But equal to the importance of the count itself was the way the campaign was able to bring black people together, making it possible to deal with the Census Bureau from a position of strength.

The "Make Black Count" campaign has been a unified effort of the black community. It has been a coalition of all representative groups—organized welfare mothers, street gangs, church members, sororities, civil rights organizations, and others. The Urban League was the catalyst, the enabler, the provider of resources and technical assistance. We were content to take a back seat in this. Our intent was not to hog headlines or be pictured on television. All literature, posters, publicity, etc., highlighted the coalition, not the Urban League. Our goal was to bring the community together on a vital issue, and to set in motion the national and local coalitions that will become the basis for further cooperation and unity. Our experience in this campaign convinces me that our purpose has been successful, and we shall build upon it in the coming months.

We joined, also, with others to mount campaigns to protest the willful murders of Black Panthers and black college students by our home-grown version of the SS, and to successfully protest the nomination of insensitive judges to the Supreme Court that protects our liberties from the very system of racism they represent.

The Urban League is active on a broad series of fronts:

At the request of key Congressional leaders we are submitting to the Congress a detailed agenda for an updated Domestic Marshall Plan which we first proposed in 1964 to do for the victims of American racism and the poor of all colors what America so willingly did for the European victims of World War II.

We have started the National Urban League Housing Foundation to expand the supply of low and moderate income housing and to give black people a share in the building and control of their own housing.

We took a giant step toward strengthening black colleges through the Black Executive Exchange Program that brings blacks who have made it in the competitive give-and-take of the professions and business to lecture and advise students and faculty at black institutions of higher education.

And we have served the needs of ghetto youth in a variety of ways, including consultation and assistance for Youth Organizations United, the national federation of over 200 city street gangs that is helping to channel the energies of these youngsters into constructive action on behalf of their communities.

And, further serving youth, our summer student program brought 100 college student leaders again into the ghettos of America in a constructive program to help organize the black community, and to place the talent and spirit of campus youth at the service of their brothers and sisters.

We moved to fill the nationwide vacuum in child care through a Day Care Center Corporation that promises to fill a crying need for neighborhood day care centers operated and controlled by the community.

Our new Consumer Protection Program is designed at organizing the exploited minority community to a new awareness of making the most effective use of their scarce dollars and ending the callous preying upon the poor that typifies so much of the economic life of the ghetto.

The Urban League's pioneering Street Academies will come to many more communities through the establishment of an Urban Education Institute that will provide the framework for planning and consulting with other institutions and the community in order to duplicate many times over our successes in helping deprived youngsters to recover from the failures of the heartless educational bureaucracies, and go on to higher educational goals.

Our Labor Education Advancement Program (LEAP) is responsible for the greatest breakthrough of black apprentices into the building trades in history, while at the same time creating and supporting black contractors.

Our On-the-Job Training programs are the most efficient in the country, with the highest retention rate at the lowest cost per trainee.

Other Urban League programs are helping to develop black businessmen, bring new opportunities to returning veterans, and family planning and mental retardation services to the black community under its own control for the first time. And our various job placement and training programs pumped $400 million of cool, green cash into the black community in new and added wages and salaries.

But we cannot be complacent about our successes, accomplished with limited resources. They represent a challenge for still greater efforts in the future; a base from which we must build the coalitions and unity without which racism will remain supreme, and poverty will possess the souls of the real forgotten Americans—the blacks, the browns, and the reds of the rural and urban ghetto.

This new decade could bring promise of a new era in the relations between the races. Just as the nation as a whole is at a crossroads, so, too, black people face a new turning point, a decisive strategic moment that may put us on a new path to freedom. Just as there is some doubt whether the nation will choose the right path to greatness there must be doubts, especially in the light of the historic racism of America, that the seventies will bring true equality for black people. But while we may question the future, it becomes our duty to mobilize and steel ourselves for a new phase of struggle.

Black Americans first pursued a *strategy of conciliation*. Fresh from the prison of slavery, the Freedmen and their sons tried to work with whites and convince them to act with decency. Whites remained in basic control of all matters affecting blacks, and the strategy of conciliation became, above all, a strategy of survival a strategy to squeeze short-term gains under adversity.

Then there came a *strategy of organization*. Blacks created the institutions without which there can be no community and no progress in a hostile society. These were the years that saw the birth of the NAACP, the Urban League, and educational, civil, religious and business associations. The institutional structure of the black community took shape, and, abandoned by white society, blacks came together to build strength for the inevitable future confrontation with unbridled white power.

The next phase was the *strategy of confrontation*, in which the institution of the black community staged a frontal assault on the pillars of racism. This was the era of the boycott, the sit-in, ride-ins, wade-ins, lie-ins and all the other disruptive tactics that confronted Americans not with the pliant, silent oppressed blacks they wanted, but with the proud, determined black men and women who insisted on equality.

We will be forever grateful for the dedicated, fearless warriors of CORE, SNCC, SCLC, the NAACP and the Urban League who fought the evils of racism on its home grounds—in the Southern Black Belt, and in the rigged courts and bigoted cities of the North.

And, basically, this strategy worked. To it we owe the destruction of the formal, legal structure of racism in America. To it we owe the passage of laws and the legal decisions that provide a framework from which we can pursue the goals of complete equality. To it we owe the world-wide realization that America is plagued by racism, and our country has won not the respect, nor even the envy, of the world's peoples, but their pity that so great a nation can be so incapable of morality and action to end poverty and bigotry.

The suspicions harbored by black people of this Administration's intentions, suspicions that are supported by many of its actions, have led to intensified confrontations. Last year, at our annual Conference in Washington, I recited a long list of administration actions and warned that black people would not stand for a reversion to official attitudes and actions directed against them. A few weeks ago Bishop Spottswood, chairman of the NAACP, reasserted the widespread black disillusionment with the Administration in a forceful indictment that accurately reflected much of the mood of black people today. This mood was further reflected in the Gallup Poll of last week which shows the overwhelming majority of black people dissatisfied with the current Administration.

It is obvious that where blacks are concerned, the Administration faces a credibility gap of enormous proportions. But it persists in claiming that the record does not justify this suspicion; that progress is being made, and that it does not intend to abandon blacks to the evil expedient of a Southern strategy that tries to out-Wallace Wallace.

The record is sometimes muddied. As critical as I have been of Administration actions, I do admit that there are some signs that elements of this Administration are moving forward to bring about change. In recent weeks there have been indications that tax-exemptions for the South's private "Hate Academies" will be cut off; that school desegregation might be implemented; that the government proposes to move more strongly against job discrimination. And there are indications that agencies such as OEO and HEW will channel new funds and programs into black organizations that have the expertise and the community's respect to do the job that others failed to do.

All these may be but straws in the wind, but it would be a mistake for us to fail to recognize that within every Administration there are contending forces. To cease to fight for our victories and to fail to negotiate with those in power is to leave the field to the political Neanderthals that so far seem to have dominated decision-making in the past few years.

Early in his Administration, the President asked black Americans to judge him by his deeds and not his words. We have done that—and we have been greatly disappointed. Both words and deeds have left a bitterness that must now be transcended. Black people have—with justification—always judged white America with suspicion and disappointment. Promises have rarely led to performance, and words as well as well-meaning deeds have often been traps to further ensnare us.

We have been forced by this Administration to react with defensive measures, if not actual confrontation, and perhaps now a new strategy would be more fitting. For these tactics were based on protest born of powerlessness. I believe that we have demonstrated that we do have some power now—power to make America sit and listen, and to negotiate with us as equal partners. America can no longer afford to ignore its awakened black masses. And no Administration—unless it is willing to preside over the destruction of American democracy, can afford to refuse the just demands of its neglected minorities.

While we would hope that the nation's leadership would exercise the kind of determined, crusading sense of mission that is the hallmark of great leadership, it is a fact of life that there is developing a national stand-off between those of us who are fighting for justice and those who want to maintain the status quo.

This is an impasse that leads nowhere, unless it be to further polarization, further division, further bitterness. White society has shown that it lacks the courage and the imagination to break this impasse by moving constructively. It is up to the black community to show the way.

Our cause is just. But white America still possesses the power. We must forge the union of justice with power. In the words of Pascal: "Justice and power must be brought together, so that whatever is just may be powerful, and whatever is powerful may be just."

I propose that the just and the powerful deal with each other as equals in a *strategy of negotiation*.

White society has the trappings of power—its police, its army, its law. But blacks have demonstrated effectively that unless our just demands are dealt with, these trappings of power only make a society muscle-bound; only drive it into displays of raw, naked power, displays that solve nothing and tear apart everything.

The two Americas—black and white—need each other. Let us break the rigid confines of charges and countercharges, protest and neglect. Let us negotiate our way out of the impasse that threatens to split the country apart.

By all means, we must continue to confront injustice. A strategy of negotiation does not imply weakness; on the contrary, it implies strength—the strength a unified black community can demonstrate. In the words of John F. Kennedy: "Let us never negotiate out of fear; but let us never fear to negotiate." Such a strategy demands from white America that it face up to the realities of a situation in which black young men are sent thousands of miles from home to fight and die for a cause labeled democracy, while democracy is denied them in the swollen ghettos of New York and in the sullen farmlands of Mississippi.

It demands from white America that it implement a massive Domestic Marshall Plan that will rescue all Americans from poverty and disease.

And above all, it demands from white America that it demonstrate the will, the honesty, and the sincerity to face its black brothers on equal terms, as peers in a joint effort to rid the nation of the cancer of racism.

A strategy of negotiation demands from black America the power to negotiate from a position of strength. I believe we have demonstrated that power. In one sense, we have amply demonstrated a power to disrupt. In another sense, we have demonstrated, through the election of black mayors and legislators, political strength, and through the relentless accomplishment of our people against great odds, a changing economic and educational strength. We have made the most of the limited opportunities available to the point where we have the pride, the strength, and the accomplishments which should compel white leadership to sit down with us as equals.

A strategy of negotiation demands of black leadership a sense of unity and purpose, without which we will be subject to the old divide-and-conquer tactics oppressors have always used. It will demand of us a discipline and a willingness to rise above differences of doctrine and personality for the greater

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good of all black people. We must, more than ever, impose upon ourselves and our organizations a community of spirit and a fraternal bond that will enable us to better negotiate from a base of strength and unity.

Because we believe so strongly in the need for a unified black community to negotiate from a position of strength, we here and now issue a *Call to Black Leadership* to meet and to discuss an agenda for change.

We want to arrive at a broad consensus of positions that can be negotiated with white America.

We call for a meeting of blacks that includes all points of view from all shades of the spectrum of opinion.

We would like to cooperate with our brothers and sisters of all persuasions. We seek peaceful dialogue, not only with those whose opinions we share, but with all representative elements of the black community.

In unity there is strength, and we seek to help to bring about a unified black position with which White Society can be confronted and with which it must negotiate.

It will not be easy to achieve such unity, because there are those whose experiences have led them to despair of White America ever acting in a decent way. But I have confidence that black people will muster the courage and the strength to make one last effort, based on our common sufferings, to stand united against the system that oppresses us.

And for America, this may be the last opportunity she has to deal with black Americans and to negotiate with leaders responsible to their people, before the terrifying prospect of internal strife, armed suppression and needless destruction descend fully upon us all.

Black unity is essential for black progress. This is no time for divisions. This is no time for us to mimic the polarization of white society. Only by unified action can we break the bonds that chain us. Only by unified action can we force America to become moral. Only by unified action can we forge the alliances across racial lines that promise progress.

And only through unity can we cut through the undergrowth of myth and misunderstanding and unite with other minorities to forge a new coalition for a better tomorrow.

I know that blacks have often been suspicious of such alliances. We have become contemptuous of an America that has "discovered" its problems so recently, although we have struggled with them for so long. We sense that other causes have higher priority than our own—that the motives of others are not always the same as ours, and that our suffering is so much more intense, and has been so prolonged.

But we must not let ourselves become imprisoned by concepts of race that ignore the other causes of our misery. As W. E. B. DuBois pointed out: "Back of the problem of race and color lies a greater problem which both obscures and implements it: and that is the fact that so many civilized persons are willing to live in comfort even if the price of this is poverty, ignorance, and disease of the majority of their fellow-men."

The economic and power dimensions of the problems facing us can be met through alliances with others in this twisted society who are hurting, too.

The problems of poverty are not black alone. There is hunger in the tenements and shacks of whites and browns and reds as well. There is misery in Appalachian ghost-towns, in the barrios of the West, in migrant labor camps, and in Indian reservations. And there is misery here in New York's Harlem, South Bronx, and Bedford Stuyvesant.

America has grown fat and heavy with the sweat and labor of all minorities now she must grow proud and strong through an alliance based on our realism and sense of purpose. There is at hand the raw material for building the strong alliance for social justice that is essential if America is to be saved—and we must save her if we are not *all* to go down the drain. While it is an historic fact that we came here on different ships, it is imperative that we realize that we're in the same boat now.

Coalitions for action can be formed with those whose frustrations may be somewhat different from those of minorities and the poor. White workers are hurting economically—just as we are. The top five percent of the population makes twenty percent of the income; the bottom twenty percent makes only five percent of the income. And that hasn't changed despite the New Deal, the Fair Deal, and all the other efforts at reform in the past. The white working class must be helped to understand that they, too, are dying in Vietnam; they, too, are hurting from the recession; and that they, too, are plagued by many of the problems that plague black people.

The white working class can also unite with us to combat crime. For all the talk of crime in the streets, it is the black community that suffers disproportionately from crime. If you are black, the chances that you will be robbed are triple those if you are white; the chances you'll know burglary and car theft are almost double. If you make less than $3,000 your chances of being robbed are five times higher than if your income is over $10,000; your chances of being raped are four times as high; and your chance of being burglarized, double. Blacks and whites can join together to combat the fear that grips both our communities.

Moreover, the deep frustrations caused by the expanding war; the horror of the Jackson and Kent State killings; the growing unemployment and recession; the stock market's steep decline; and the dissatisfaction with the rampant materialism that poisons the environment have convinced millions of Americans that you cannot tolerate injustice to the few without encouraging the erosion of justice for the many. Affluent Americans are beginning to see these connections, and they are beginning to listen to their children, who are not only concerned with the poverty of the ghetto, but also are angry at the poverty of the spirit that afflicts their elders.

I believe that the time is now for broad coalitions.

I believe that the many disparate and contending forces in our society today, the diverse people and groups trying to change some small corner of American life, can be brought to see how racism and mindless materialism work hand-in-hand to turn the American dream into a nightmare.

And I believe that—whether because they pursue their own self-interest or because they move their idealism to a higher, more realistic plane—a new coalition can be forged that will once more return America to a sense of purpose and a will to justice.

I believe the time has come when black people must unite, must create coalitions in order to negotiate a peace that will settle the issues that divide the country and, by so doing, bring us together.

The proud black spirit of today seeks justice and decency. It seeks to move beyond racism to a new era of progress and reconciliation. It seeks power not for its own sake, but in order to use it wisely and to prevent its misuse by racism. It seeks peace with honor, justice with respect. It seeks a newer world, and a better tomorrow.

"And for that tomorrow,
God, give us men,
Men who are proud of their Godliness,
Yet humble in their humanity;
Men who know themselves, but who in knowing themselves
Do not ignore others;
Men who are conscious of others, not only of what
They can derive from them, but also give to them;
God give us men,
Men like Abraham Lincoln, Frederick Douglass,
Franklin D. Roosevelt and John Brown
Who would not stop at the cheap art of espousing causes,
But who championed men among the anonymous mass of men;
Men like these whose piety
Lay not only in credal affirmation, but rather in the Confirmation of their deeds.
To this end,
We need Thy help,
And with Thy help we may yet, all of us, become men;
All of us brothers,
All of us Thy children;
All of us truly human."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LONG MEMORIES

Mr. BELLMON. Mr. President, "Memory," said Freud, "is selective." We tend to repress unpleasant facts and think of only the good.

Some things, however, can never be forgotten, no matter how horrible they are to contemplate. One of these is the fate of our servicemen held captive by Hanoi.

We know they are suffering terrible deprivations.

We know they are tortured.

We know they are kept incommunicado from their families and friends.

These facts are unpleasant to think about. All Americans recoil at the treatment of our men held by the North Vietnamese. If Hanoi believes, however, that we will forget these men merely because we are revolted by their condition, they are sadly mistaken.

Our concern for their welfare will not diminish until their release. We will not allow our memories to become clouded by "pleasant thoughts" until the barbaric treatment of our men has ended.

Freud was wrong.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIGRATORY FARMWORKERS

Mr. HOLLAND. Mr. President, last Tuesday, August 4, 1970, during the course of the debate on the conference report on H.R. 14705, the unemployment compensation bill, which was adopted by the Senate 50 to 19 and cleared for the

President, I spoke in support of the action of the conference committee in deleting the amendment adopted by the Senate to cover certain agricultural workers—including migratory workers—under the bill. I also mentioned at that time the fact that the two documentary films that have been made in Florida on the living conditions of the migratory farmworkers were grossly unfair and not typical of the general situation in our State.

Mr. President, it is true that additional work must be done in improving the conditions of migratory farmworkers in Florida. Unfortunately, in depicting the living conditions of migratory workers, no effort has been made to show the good efforts in Florida that have succeeded in obtaining better housing, hospitalization, child care and education, along with much more adequate wages. Neither is the fact made clear that the migratory farmworkers must receive the minimum wage as provided under the Fair Labor Standards Act and that in many cases they receive substantially higher pay either on a daily or piece rate basis.

Mr. President, to emphasize the efforts that have been made to unfairly slant the story of the migratory farmworkers, which has been done throughout the television and news media, I ask unanimous consent to have an article written by Margaret Shaleuly, entitled "Migrant Tour 'Carried Hate'" appearing in the August 5, 1970, issue of Today, a daily newspaper, published in Cocoa, Fla., be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Migrant Tour "Carried Hate"

(By Margaret Shaleuly)

A Cocoa High School dean blasted Brevard Junior College students Tuesday night for "carrying hate instead of encouragement" to fruit pickers.

Ruth Anderson, dean of women at the new Cocoa High School, was the only community representative on a two-day, BJC-sponsored tour of living quarters for fruit pickers in Frostproof and Avon Park last weekend.

Miss Anderson, a Brevard teacher for 10 years, said the delegation of five students and two professors "was more interested in furthering its own goal—which I haven't yet identified—instead of the human good."

She attacked their attempts to manage news coverage, the manner of questioning and the purpose of the trip.

Students limited their visits to groves belonging to Minute Maid—a subsidiary of the Coca-Cola Food Products Division.

Students were Leonard Smith, student government association president; Rick McDevitt, Jim King, Guy Tewksbury and Norman McDonald.

Black Student Council leader Nat Sanders and math teacher Jerome Cardell were the professors accompanying the students.

Smith said the group spent $200 funded from the school.

News media were verbally assaulted by the delegation trying to influence coverage, Miss Anderson said.

"I heard a reporter called an obscenity, a hypocrite, and attacked with statements such as 'I dare you to print this.'

"A reporter was riding in my car and we were having a discussion about the conditions seen with two of the students. We disagreed, but it was a calm, peaceful discussion.

"At the next gas stop, the first students were replaced with McDevitt and Sanders who forcefuly shouted their arguments," Miss Anderson said.

Miss Anderson said she was taking a picture of a house in Alpine Quarters and "a student told me not to include a late model car—that would be damaging."

"They didn't ask. They demanded.

"I just can't believe BJC contributed to finance this trip," said Miss Anderson who paid her own way.

"I heard students say things like 'capitalistic pigs,' referring to the Coca-Cola officials—'capitalism has got to go—socialism is in.'"

Group members, she said, had a preconceived idea of what they wanted to find.

The two places visited had only year-round resident pickers who lived in free housing. Migrant workers had moved on to other fields.

Lemon picking was to have started Monday.

"In two hours, we rushed into the lives of these people and tried to convince them they were destitute and enslaved," she said describing the visit to Maxcy Quarters in Frostproof.

Students promised "the big corporation which makes $124 million a year" would change conditions soon.

"Some of the people were afraid a change might come—officials would tear down the free housing and they would have to find their own housing in town."

Students failed to visit other areas—where the transients were housed or where pickers lived in rented housing.

Behind the Maxcy Quarters the group saw "ratty trailers, but they were unoccupied and we didn't know if they were ever occupied."

"I did notice that if a person was black and did not feel he was completely disenchanted with life and Coca-Cola, he was called a 'Tom' by the group," Miss Anderson said.

"And a white person was a redneck."

Several times people asked, "What's with Coca-Cola—there are worse conditions in other groves," she said.

"They didn't have to use school money, spend two days and travel 150 miles to find houses without plumbing and unpaved streets. They could look in their own backyard and see worse conditions."

Students "overlooked some of the people had pride in being good pickers or had planted flowers and gardens around their houses.

"I went into one house which was filthy. And another which was immaculate."

Leading questions were asked, she said.

"Instead of just asking, 'What's it like to be a picker?', group members asked, 'Do you feel you've been forced to live below human dignity?'

"A girl with two years of college started to answer the question and she was told to either say 'yes or no.'

"I couldn't help but wonder what the pickers thought these young people could do for them—the pickers were neater, better dressed and more polite," she said.

Smith, Sanders and McDevitt could not be reached for comment Tuesday night.

Mr. HOLLAND. Mr. President, I asked that this article be printed in the Record for I believe that the manner in which the delegation of students and one or more teachers conducted the sponsored tour to view migratory farm workers' living conditions is typical of the approach and desired effect that the producers of the two documentary films wished to depict, rather than to show the true picture and the sincere and successful efforts which have been made to improve the living and working conditions of the migrants.

Mr. President, I also ask unanimous consent to have printed in the Record at this point an editorial response televised over Station WJXT, Jacksonville, Fla., on July 31 and August 1, 1970. I ask that this editorial response be inserted in the Record as it shows clearly that WJXT, after presenting editorials, provides time for contrasting views as expressed in this case by Mr. Al Alsobrook, information officer of the Florida Farm Bureau.

There being no objection, the editorial response was ordered to be printed in the Record, as follows:

Editorial Response

Newsman. In order to provide a better understanding of public issues, WJXT presents views contrasting with those expressed in our editorials. Responding to a recent WJXT Editorial, here is Al Alsobrook, information director of the Florida Farm Bureau Federation.

Mr. Alsobrook. NBC, in its so-called white paper on migrant labor in Florida, says that Florida has about 200,000 migrant workers and implied that all of them live in appalling misery, poverty and neglect. WJXT in an editorial tended to agree. What are the facts?

At the peak of the harvest season there are no more than 100,000 farm workers in Florida and of these roughly 30,000 can be truly classified as migrant. Admittedly some Florida farm workers, and they are in the great minority, are poor and ill-housed. But it is unfair to condemn the agricultural program of an entire state by suggesting the worst elements represent average conditions. That's about as fair as holding up the slum conditions of Jacksonville to nation-wide view, implying that such conditions represent the Bold New City of the South.

There's every good reason and the responsibility of news media to attack those areas in which the migrant or anyone else is a hapless target for abuse. To film, as NBC did, a part-time construction worker who has lived in the same area of Florida nearly all of his life and to imply to the nation that this man is an example of a migrant worker in Florida is more than unfair and borders on the dishonest. We are distressed that any representative of the news media would draw such an unbalanced, untrue picture.

It is shocking and indefensible to have people living in shacks and roach-infested houses, whether they be on Florida Avenue in Jacksonville or U.S. 27 in South Florida. It is also shocking that a major television documentary would claim that no progress has been made when in fact more than $61 million has been spent on farm labor housing over the past 10 years and nearly a million dollars is spent annually on health programs for Florida farm workers and their families.

Yes, there is poverty in all of Florida, but thankfully it is the exception rather than the rule. Would that the non-farm poor in the metropolitan areas received as much journalistic attention and could make as much progress as their counterparts down on the farm.

Mr. HOLLAND. Mr. President, I find no fault in the presentation of the bad side of the migratory picture so long as it is truthfully told as not typical of the whole picture and so long as the successful efforts being made to improve the conditions under which many and I believe most migratory farmworkers live in Florida are also expressed in order that the public may obtain a true and unbiased picture of the whole situation.

Unfortunately, this has not been the case in the instance of the two documentaries on the subject.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that notwithstanding that the morning hour will expire in a few minutes, at 12:30 p.m. today, the period for the transaction of routine business be extended, with statements made therein limited to 3 minutes; upon the conclusion of which the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

A DISTURBING ACCOUNT OF CONDITIONS IN GREECE

Mr. FULBRIGHT. Mr. President, the former director of the British Broadcasting Corp., Sir Hugh Greene, has written a perceptive and profoundly disturbing account of the conditions in Greece. The article was published in the London Sunday Telegraph of August 2, 1970.

It is embarrassing to find our country supporting actively, with large amounts of material and money, such an antidemocratic, oppressive regime as that now imposed upon the people of Greece.

Twice Members of this body have sought to restrict our assistance until the regime modified its tyranny, but each time a slim majority has supported the colonels. It raises serious questions about our sense of perspective and our judgment in selecting our allies.

I ask unanimous consent that the article by Sir Hugh Greene be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GREEK DICTATOR DROPS THE MASK

(By Sir Hugh Greene)

In an exclusive interview (the first according to his entourage, that he has granted for a year or more) the Prime Minister of Greece, Mr. George Papadopoulos, gave notice in effect that he sees no end at any time in the near future to his tenure of absolute power.

He abandoned the phrases he has previously used, particularly for the benefit of the Americans, about a timetable, however gradual, for the restoration of parliamentary democracy, and he justified the continuation of martial law as a means of keeping the Greek people under the control of his regime.

Mr. Papadopoulos is not noted for the clarity with which he uses the Greek language. But no other interpretation can be put on what he said to me. In other words, the dictator was dropping the mask.

I felt myself in the presence of a man who is full of self-confidence after more than three years of absolute power and who no longer considers it necessary to maintain some of his previous pretenses. He is, I would judge, a man who is emerging from the chrysalis stage of the consummate conspirator he used to be into an absolute ruler fanatically convinced of the blessing and protection of God as well as of the tanks of his army and the massive security apparatus of his police state.

One sign of this new self-confidence was that I was not asked for my questions in advance in accordance with what I gathered had been his previous practice (I should not have agreed if I had been) and that we were alone apart from an interpreter. We talked for exactly an hour on a day when he had taken over the Foreign Office following the death of Mr. Pipinelis, and was also, no doubt, concerned about the situation created at Athens Airport by the Palestinian hijackers.

I was talking not only to the Prime Minister of Greece but to the Minister of the Ministry to the Prime Minister (responsible among other things for the Civil Service, the Intelligence Service, Press and Information, athletics and archaeology), the Minister of Defence and the Foreign Minister. He had just that morning divested himself of his duties as Minister of Education. But the concentration of power remained a formidable one by any standards.

DANGER FROM COMMUNIST ACTIVITY

Mr. Papadopoulos is a small man with receding black hair, a somewhat muddy complexion and a military moustache. He has expressionless eyes which do not change when he smiles. But he is not without considerable charm. Whatever one may think of his methods, his enemies have certainly tended to underestimate his capacities.

I asked him whether he still regarded his régime as a provisional one and the answer I got was anything but categorical. It was his Government's ultimate objective, he said, to provide the nation with those conditions that were essential for the function of the State within the framework of the Constitution of 1968. In that sense the present form of government was provisional.

I ask whether he had a firm timetable in mind for an evolution toward a parliamentary form of government. So far as the successive stages which had to be followed, said Mr. Papadopoulos, he did. But as regards the definite time to be allotted to each of those stages, the Government could not possibly maintain a fixed time schedule.

This means, I am sure, that the hope of elections in 1971, previously encouraged by Mr. Papadopoulos for the sake of foreign opinion, can be written off. It was in any case a completely unrealistic hope based on wishful thinking. No dictator commits suicide while his power is still unchallenged.

In a disquisition which followed, Mr. Papadopoulos made the interesting admission that in the years before his seizure of power democracy in Greece had not been in danger of being overthrown through the *direct* activities of Communism. That is undoubtedly true, but coming from him it was at least a change of emphasis.

ABSENCE OF PARTY BASIS IS A WEAKNESS

I asked him whether he saw himself at any time in the future emerging as the leader of a political party and fighting an election himself. He replied that he hoped it would not be necessary for him to continue to govern the country as a political Prime Minister. By that time his job should be done and he should be able to leave to others the continuation of the government.

I did not feel that I was talking to a man who was working on the assumption that that time was very close. I wondered while he spoke whether he did not see himself rivalling in his tenure of power a Franco or Salazar—even though he may lack the astuteness of the one and the intellectual grasp of the other.

I asked him whether he thought that the absence of a party political basis for his régime was a weakness. I was thinking of other dictators in recent European history such as Hitler and Mussolini whose power was firmly based on a party structure. He replied that it was indeed a weakness, but as his aim was to mitigate party political passions it was a weakness he had to put up with.

Did he genuinely believe, I asked him, in a democratic system as being preferable to an authoritarian one? With what seemed to me to be complete sincerity this strange man replied that he did indeed believe in a democratic system as the safest, in so far as it ensured conditions that were the most satisfactory as regards justice, freedom, security and human dignity. But he somewhat spoiled the effect of this by discoursing on the need for the elected representatives of the people to be "imbued with a deep sense of their responsibility" and "ideals" and not to be motivated by the sole desire to be reelected.

It was not hard to draw the conclusion that in his eyes Greek politicians lacked all these rather vague qualifications.

We come now to what seemed to me to be, perhaps, the key passage in the whole interview. I asked whether he considered it imperative that martial law should be maintained indefinitely. Martial law, he said, was now a mere shadow and he hoped it would not be necessary to keep it much longer.

Since he described martial law as a mere shadow, I said, why did he not eliminate it right away? The necessity, he replied, was psychological. The spirit of anarchy was still intense. "Men are restrained by this mere shadow of martial law more than they would be by the whole normal legal structure."

This from a man who claims to have 92 percent of the Greek nation behind him is a remarkable admission of the need to maintain the whole apparatus of terror: the need for what Mr. Papadopoulos has called on another occasion "the element of fear."

I asked him about political prisoners and detainees. Could he show clemency? "Time alone," he replied, "will show." He fully intended to free himself of this matter at the earliest date possible—a somewhat ambiguous response.

We had a long discussion about his political thinking and the reading from which it derives—psychologically interesting, for this is a strange man. He clearly believes from his reading of ancient Greek history and philosophy in some sort of continual historical flow between democracy, anarchy and authoritarianism. But, unlike other dictators, he has no idealogy, apart from a rather curious mixture of Christianity and a belief in the eternal virtues of everything "Greek," and what is or is not "Greek" he would probably wish to determine himself.

My last question was whether he felt that the arms embargo (imposed after his *coup d'état*) embarrassed him in any way or weakened his position. "I always try," he replied, "to see things in as realistic a way as possible. The situation can be compared with that of a man who wishes to guard his estate from an enemy. If he considers it wise to provide the guard with a gun so that he may the better protect his own cottage as well as the estate he should then give the guard a powerful gun. If the guard has no gun he will still try to defend both his own cottage and the estate as well as he can, but his prospects of success will be very poor."

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WHERE THE ARMS WILL COME FROM

In the last war, said Mr. Papadopoulos, Greece had defended herself against German aggression although very inadequately armed, and the arms she possessed had mostly come from Germany before the war. He smiled broadly. "Please," he said, "do not draw the conclusion that we shall now buy Russian arms. We can get what we want from one or the other of our allies (he no doubt had France particularly in mind) and I expect England will now be one of the first to do a deal.

"Some of our allies," he went on, "think that they can exert pressure on us by refusing to provide us with arms. But military aid is not an essential factor. No arms embargo can ever pressurise my Government or check its work and progress."

So there we have it in what for Mr. Papadopoulos are very plain words. He was, in effect, giving notice that he would not, as some of the former Greek politicians who have honourably refused to co-operate with his régime had hoped he might, trade a firm date for parliamentary elections against renewed arms deliveries from the United States.

At the beginning of our interview he had made one other comment on Greek foreign policy which is worth reporting. He had, he said, taken over the Foreign Office himself on the death of Mr. Pipinelis, whose name was linked with the *détente* with Turkey over Cyprus at the end of 1967, in order to stress the continuity of Greek foreign policy in just those two particular aspects, Turkey and Cyprus.

So it looks more and more as if the Colonels will not be a temporary phenomenon on the Greek scene as other military dictatorships have been. Having on April 21, 1967, pre-empted a generals' strike, which would probably have had the support of the King, the Colonels have shown a staying-power which few people at the time would have foreseen. "Long Live April 21st" proclaim posters all over Athens—not a very inspiring slogan, but perhaps a prophetic one.

The results for Greece, as those who at any other time would have been its élite see it, are sad and may well be sadder yet. Democracy is being strangled, not cured. Political life, and Greeks love politics, is stifled. Intellectual life—and there had been a great flowering of the arts before 1967—is pretty well dead. Education is perverted and Greek children are being brought up on new textbooks of which decent teachers are ashamed.

The most prominent illustrations in a history text-book for sixth forms which I saw was a full-page photograph of that former Minister for Education, Mr. Papadopoulos—not, perhaps, what one would expect of a "provisional" régime. Everything has to be "Greek" and the teaching of modern mathematics has been permitted only because somebody was ingenious enough to produce "proofs" that it had been invented in ancient Greece.

Day after day in their newspapers (and Greeks remain great newspaper readers even though any opposition Press has been smothered) people read that their country is a haven of peace in a disorderly world.

While I was in Athens a front-page editorial in the Government paper *Nea Politia* informed its readers that "Britain has been picked these days as the target of those forces which are striving to undo democratic principles in the West, using the method of upheaval aimed at dislocating the economies of free countries." The trade unions were defying the verdict of the majority and striking a blow at the new Government to prevent the implementation of its policies. Italy was disintegrating. Hence, declared the paper, a change in the attitude of Europe towards Greece.

"Most Europeans now feel that Greece is no longer the country which has abolished democracy to replace it with an authoritarian regime, as the opponents of the Revolution at first wanted to have people think. Greece is the country that first diagnosed the nature of the menace to democratic freedom and took the necessary steps. European peoples no longer look upon Greece as an example to avoid but as one to follow. They envy her for the tranquillity, order and continuous progress which she enjoys."

An example to follow? Since I spent five and a half years in Nazi Germany in the 'Thirties I was naturally tempted all the time to make comparisons between the Germany of that period and the Greece of the Colonels. It is a temptation which on the whole one should avoid, because the differences are at least as striking as the resemblances.

The number of political prisoners and detainees in Greece today (at a conservative estimate about 1,900) is, in relation to the sizes of the population, probably no less than it was in Germany in the middle 'Thirties. Many of the best and noblest people in the country have been sentenced to long terms of imprisonment, have been detained without trial, or sent into exile in remote mountain villages or island concentration camps. The greatest living Greeks cannot obtain passports to go abroad without, as they see it, going on their knees to Mr. Pattakos, the Deputy Prime Minister and Minister of the Interior.

The apparatus of terror—aided by modern technology—is, or is thought to be, all-pervading. As one small businessman (anything but an intellectual) said to me, on every bus at the rush-hour there is someone listening for subversive conversation—or people think there is; in every block of flats there is someone keeping an eye on visitors or anything else that may be going on—or people think there is.

Every police station holds the files of all the people living in its area. Without a certificate of political reliability from the police a student or school-leaver cannot get a job; you cannot even get a driving licence. Under this system the petty tyranny in the small towns and villages of Greece is probably worse than in Athens.

All the stories of police brutality and torture, which led to the decision to expel Greece from the Council of Europe, were confirmed to me in every detail by relatives and friends of those concerned. They have shown a remarkable courage in their appeals to world opinion. Much information circulates in the underground Press, which persists in spite of many arrests. One information leaflet which I was shown gave details of the 69 women still held for political reasons in Greek prisons last may, many of them suffering from tuberculosis, cancer, arthritic conditions, ulcers, angina pectoris, intestinal ailments and other diseases all aggravated by the conditions of their imprisonment and unsuitable diet.

I suppose it would be fair to say that, in the face of all this, the bulk of the population is apathetic or cowed, a small minority supports the regime and another minority is strongly opposed. The future is made more dark by the increasing organisation of children in the Corps of Alkimi, a jackbooted copy of the Hitler Youth.

One searches constantly for a bright side. There have been no political executions—and that is no small thing. Greece is not an aggressive power: indeed from the external point of view the present regime has been a stabilising influence in the Eastern Mediterranean. Some people say that there are less graft and corruption involved in everyday dealings with officials than there were before: some people say the opposite. There are plenty of stories of nepotism in the sense of favours done to relatives of leading members of the regime, and there are certainly plenty of jobs for members of the new military Establishment—even in control of the arts.

One thing that Greeks much resent is what they describe as the American theory that Greece has always been much the same under any regime and that the Colonels are nothing new and no worse than many of their predecessors. Indeed, one result of the last three years is a growing anti-Americanism, for America is associated, justly or unjustly, with support for the Colonels.

THE SHEPHERD WHO WAS NO SHEEP

Under any dictatorial system political jokes make an interesting study. In Greece they seem to centre round Mr. Pattakos, the robust and outspoken (in Greece you will hear worse adjectives) Minister of the Interior, as in Nazi Germany they did around Göring. Indeed, you will sometimes hear people calling Greece Pattakistan. It is said that Mr. Pattakos was once driving through northern Greece when his car was held up on the road by a flock of sheep. Improving the occasion, as he always does, he engaged the shepherd in conversation.

"You know," said Mr. Pattakos, "that if we had not come to power the Communists would have taken your sheep."

"But they are not my sheep," said the shepherd.

"Then they would have taken your house," said Mr. Pattakos.

"But it is not my house," said the shepherd.

"Then," said Mr. Pattakos desperately, "they would have raped your wife."

"So," said the shepherd, "you mean to say that you have made all this mess for the sake of my wife's virtue?"

But, being a liberal shepherd, he used a grosser name.

NATIONAL ACADEMY OF SCIENCES NAMES PANEL TO PROBE INTERNATIONAL ENVIRONMENTAL ACTIVITIES

Mr. MAGNUSON. Mr. President, every Senator recognizes how important the issue of environmental quality has become in the past few years. In meeting this issue, we have confined most of our efforts to work at the national or subnational level. Yet the problems of global pollution, and the need for international environmental cooperation, have become obvious to members of the scientific community and to many members of the Government.

It was with this realization in mind, that pollution knows no national boundaries, that 40 Members of the Senate cosponsored my Senate Resolution 399, which I submitted on April 27 of this year. Senate Resolution 399 calls attention to the global nature of human ecology, and advocates that a World Environmental Institute be established, both for the purpose of gathering and disseminating environmental data, and to serve as a center for research on global environmental problems.

Some form of global environmental authority is inevitable, and that new authority will have to perform, as a minimum, the functions outlined in Senate Resolution 399.

The growing activity designed to create a global environmental agency has been

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the subject of many of my remarks during the past 2 months, and today I am happy to share with the Senate the latest and perhaps most hopeful development in this urgent quest for worldwide environmental sanity.

The National Academy of Sciences has recently appointed a distinguished group of scholars and officials from a variety of disciplines to facilitate American participation in current and anticipated international environmental activities. This group, known as the Committee for International Environmental Programs—IEPC—will be headed by Dr. Thomas F. Malone, who is a Deputy Foreign Secretary of the NAS and chairman of the NAS Advisory Committee on International Organizations and Programs. The Executive Director of the IEPC will be Dr. Henry J. Kellermann, who served until recently as the Special Assistant to the Secretary of State for Environmental Affairs. Dr. Kellermann's brilliant performance in the State Department is in part responsible for the upgrading of the Special Assistant post to that of Assistant Secretary for Environmental Affairs.

I congratulate the National Academy, and the members of the IEPC, on the formation of this committee. Its task will not be an easy one, but the role that the IEPC will play in bringing the United States to active international environmental leadership is a crucial one.

I hope that the IEPC will recognize the support that this international effort has here in the Senate, and I hope that the committee will consider Senate Resolution 399 as a flexible and supportive piece of legislation. The resolution aims less at a specific form for the impending global environmental authority than it does at facilitating an affirmative diplomatic effort by the United States. Creation of the IEPC demonstrates that this effort has already begun, at the nongovernmental level at least. The success of the IEPC could very well lead to more active leadership on the part of the Department of State and other Government agencies.

Mr. President, I ask unanimous consent that a press release announcing the creation of IEPC be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

CREATION OF IEPC

WASHINGTON.—A committee to facilitate the participation of the U.S. scientific community in international environmental activities has been formed by the National Academy of Sciences (NAS).

The Committee for International Environmental Programs (IEPC) will also advise the Federal government in this area, act as an adhering group in the United States for international ecological programs on a nongovernmental level, and develop and maintain a clearinghouse for information on nongovernmental ecological activities.

Global environmental programs are increasing at a rapid rate. New and planned activities include a conference on the human environment to be sponsored by the United Nations in 1972; an intergovernmental research program called "Man and the Biosphere," now being organized by UNESCO to start in 1972; a meeting on problems of the environment scheduled for 1971 by the Economic Commission for Europe; and the Scientific Committee on Problems of the Environment (SCOPE), newly created by the International Council of Scientific Unions.

The new NAS committee, established under the joint auspices of the Environmental Studies Board and Office of the Foreign Secretary, is headed by Thomas F. Malone, Professor of Physics and Consultant to the President of the University of Connecticut. Dr. Malone is widely experienced in international scientific affairs, being a Deputy Foreign Secretary of the NAS and Chairman of the Advisory Committee on International Organizations and Programs. A past president of the American Geophysical Union and the American Meteorological Society, he also served as chairman of the U.S. National Commission for UNESCO.

Henry J. Kellermann, a former senior Foreign Service Officer and U.S. Permanent Representative to UNESCO, has been appointed Executive Director of IEPC. He has been Special Assistant for Environmental Affairs in the Department of State and Chairman of the Interdepartmental Committee on International Aspects of Environmental Quality of the Federal Council for Science and Technology.

Members of the new committee come from a variety of disciplines, including the natural and social sciences, law, and medicine. This group will be supplemented as the program develops with special panels on such topics as international institutional arrangements, legal implications and instrumentalities, economic aspects of environmental changes, and environmental education.

Regular members of IEPC, in addition to the chairman, are Ivan Bennett, Director, New York University Medical Center; Lynton K. Caldwell, Professor of Government, University of Indiana; Robert A. Charpie, President, Cabot Corporation, Boston, Mass.; Abraham Chayes, Professor, Harvard School of Law; John P. Holdren, Sherwood Physics Group, Lawrence Radiation Laboratory, Livermore, Calif.; Hans Landsberg, Director, Appraisals Program, Resources for the Future, Inc., Washington, D.C.; George Lithcott, Associate Dean, College of Physicians and Surgeons, Columbia University; John P. Milton, Deputy Director for International Programs, The Conservation Foundation, Washington, D.C.; Walter O. Roberts, President, University Corporation for Atmospheric Research, Boulder, Colo.; Frederick Sargent II, Provost, Western Washington State College; Frederick E. Smith, Professor, Graduate School of Design, Harvard University; and M. G. Wolman, Professor, Department of Geography and Environmental Engineering, The Johns Hopkins University.

Participating as ex officio members of the committee are W. Frank Blair, Chairman, U.S. National Committee for the International Biological Program; Harrison Brown, Foreign Secretary of the NAS; David Gates and Harold Gershinowitz, Chairman and former Chairman respectively of the Environmental Studies Board; Arthur D. Hasler, President, International Association for Ecology; Bruce Old, Foreign Secretary of the National Academy of Engineering; Roger Revelle, Deputy Foreign Secretary of the NAS; Gilbert White, Chairman, UNESCO Natural Sciences Resources Board; and Carroll Wilson, U.S. Representative to the U.N. Advisory Committee on the Application of Science and Technology to Development.

TELEVISION TIME FOR "THE OPPOSITION"

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an editorial entitled "The Opposition on TV," published in the Christian Science Monitor of August 8, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, this is a very thoughtful editorial. I wish to make only one comment. There has been a misconception about my proposal regarding television time, in that it was not intended simply to answer the President on any specific point or in general. It was intended to furnish to the legislative branch of our Government a reasonable time for Members of either body, selected by the body itself, to have an opportunity to give expression to their views upon matters of public importance. It is not restricted to nor intended to be a means to answer the present President or any other President.

EXHIBIT 1

THE "OPPOSITION" ON TV

In the crescendoing American debate over how much television time should be accorded Congress—or the "loyal opposition"—for answering the President of the United States, one fact becomes immediately apparent. It is that there are no simple answers. All sorts of considerations impinge.

For instance: who shall be the chosen spokesman to represent Congress, or the "loyal opposition," or the Democratic Party? Also, when shall it be determined that the President of the United States is speaking partisanly, and not dealing with accepted policy and national concern, and therefore requiring to be "answered"? Again, shall President and opposition be accorded "free" time in all circumstances? And again still, shall there be different TV rules to govern allocations during the height of the campaign season, when most appearances on the tube would be presumed to have political intent?

In this complexity, the British experience is instructive. The British networks, government and commercial, allocate equally a definite number of "political broadcasts" to the two major parties, a lesser number to the smaller Liberal Party. But the prime minister may appear on TV-radio at any time, if dealing with a matter of national interest such as Rhodesians sanctions or a general strike. Legitimate political news is regularly covered by TV. And there are searching nightly quiz shows, on which political and other personalities appear.

The President has virtually automatic access to television whenever he requests. There is no reason why the Congress, another power source in the divided-powers system of American government, should not have somewhat similar access, when there is legitimate reason. Senator Fulbright is wrong in declaring that presidential access to TV has given the executive branch a "dangerous and unchecked power." But his proposal that the networks give Congress four television opportunities a year to present its views affords a worthwhile basis for discussion.

The decision as to who shall speak for Congress or the opposition is a rough one. When Lyndon Johnson ruled the Senate as Majority Leader, he was not about to share party-policy prerogatives with Adlai Stevenson, the party's titular head. But the choice could depend on the subject under discussion—whether Senator Fulbright on foreign policy, Senator Muskie on environmental topics, Senator Stennis on defense, or party Chairman O'Brien if he can avoid slashing political attack when the debate is higher-leveled.

More thoughtful discussion is called for. Nor should Congress—and the Democrats—

overlook the point that more complete television exposure of Senate and House hearings and debate would help, persuasively, to present the congressional viewpoint.

A VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, as the debate on Senate amendment No. 765 draws closer and a vote to effect an all-volunteer Armed Force becomes more imminent, I would like to commend to the attention of Senators the prepared testimony of Mr. Ralph Rudd, offered on behalf of the Friends Committee on National Legislation, and a letter from Edward F. Snyder, executive of the same organization. I ask unanimous consent that the two statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT IN SUPPORT OF TERMINATION OF CONSCRIPTION

This statement is offered in support of the proposal by Senator Hatfield and others to terminate military conscription in the United States by adopting the recommendations of the President's Commission on an All Voluntary Armed Force. It is offered on behalf of the Friends Committee on National Legislation, 242 Second Street, N.E., Washington, D.C. 20002. I am a member of its Policy Committee.

I am Ralph Rudd. I live in Willoughby, Ohio. I make this statement not only as a Friend, a member of the Cleveland Meeting of the Religious Society of Friends, but also as an attorney who has had an extensive practice in the field of Selective Service Law. I have spent I suppose thousands of hours seeking to help registrants, many of them conscientious objectors, obtain recognition of their rights under the Selective Service law. Through my clients I have often experienced the satisfaction of successful advocacy in showing them how to present the facts and law of their cases more clearly. Sometimes I have written to their local boards or other Selective Service officials myself. On the other hand, I have experienced many injustices and errors that could be avoided by better administrative structure and practice. I have observed inequities that are inherent in the statistics of conscription. I have recognized hardships and wrongs that are inherent in conscription itself.

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EXCLUSION OF COUNSEL

The single most glaring injustice that could be remedied by changing the administrative structure and practice, it seems to me, is the refusal of the Selective Service System to permit counsel to appear with a registrant in his personal appearance before the local board. This is written into the official regulations. 32 CFR § 1624.1(b). To change this rule would be expensive, for no doubt if registrants were permitted counsel in their appearances before the local boards the local boards would have to be supplied with counsel likewise. But the expense of fair administrative procedure and structure is usually regarded as well worthwhile in protection of the rights of the people who deal with and are affected by administrative agencies. In this case the validity of that view is very apparent. For from the lack of counsel in registrants' personal appearances before local boards flow many wrongs: Ignorance of the most elementary principles of the Selective Service statute and regulations on the part of many Selective Service local board members; application of erroneous standards of decision by local boards; a great shortage of attorneys in civilian practice who understand Selective Service law and regulations, inability on the part of many registrants to find competent counsel, and consequent loss of rights; the dragging out of review procedures over periods of many months and sometimes years simply because of legal error in initial decisions by local boards.

INADEQUATE CONSIDERATION

Another injustice that could be cured by an improvement in administrative structure and practice lies in the fact that apparently most local boards and appeals board members do not read the files they rule on. Very few of my clients who have asked local boards at personal appearances whether the board members had read their files have got unequivocably affirmative answers. Apparent failure to read the files has been covered by such euphemisms as "it has been read" (meaning, perhaps, that the board's clerk had read it), "we've gone over it," or "we know generally what's in it." This injustice might appear less frequently if counsel were present to exhort the board members to do their homework, but fundamentally it requires the creation of more boards or panels of boards, or else the employment of full time board members so that they may have time to give adequate attention to each case.

SURPLUS MANPOWER

Another kind of inequity is inherent in the statistics that relate to Selective Service. I refer to the fact that at force levels in effect during the past 20 years and at those projected for the future, the number of men in active duty is less than 12% of the total male population 18–45 years of age. Except in the years after the Korean War, it is less than 10%. See the report of the President's Commission on an All Voluntary Armed Force, Table 4–I. This inevitably creates a difficult problem of selection. Equity may be thought to require equal treatment of all who are similarly situated. We don't find advocates of women's rights urging that women should be included in the draft, but the logic of their position and the logic of the prohibition of discrimination on account of sex recently enacted into Federal law would seem to suggest that they should be. Yet that would only double the difficulty. Already it is impossible for the Army to use all of those even 19–26 years old who are mentally and medically qualified. For a long time the Selective Service law reduced the surplusage by allowing deferments for fatherhood, occupation, and student status. The law and regulations now frankly acknowledge the surplus and have resorted to the blind chance of the lottery to establish an order of call among those who are available and thus leave the surplus manpower uncalled. With this, steps have been taken by changes in the regulations to curtail deferments for fatherhood, occupation, and graduate study; and statutory changes are proposed to curtail deferments for undergraduate study. These curtailments of deferments for cause will enlarge the number of persons whose call-up is avoided for no cause, that is by lottery.

Lest my words be thought to suggest that I am entirely opposed to the lottery let me add that I recognize that the former process of selection by deferment involved the injustice of drafting only those who could not afford to go to college. It also involved the injustice of deferment by standards imperfectly understood and unequally applied by different local boards. These considerations only emphasize the difficulty of establishing and administering a just system of selection.

INHERENT DEPRIVATION OF LIBERTY

But the greatest injustice lies in the fundamental nature of conscription itself. For the young man who is drafted it means being taken from his home, his parents, his wife, his church, his work, his union, his political activity, and now his children and graduate study and perhaps soon his undergraduate education. He is taken to a distant Army base where he loses a great deal of his opportunity for independence and initiative, where he is dependent on the Army organization for his food, clothing, shelter and medical care with little opportunity for choice, where he is subject to a disciplinary regimen emphasizing unquestioning obedience and is indoctrinated in the psychology and arts of war to bring him to the ultimate effectiveness of a soldier as a killer. He is taught and ordered to obey the law of the jungle—the antithesis of the laws of civilization—that he must kill or be killed, and too often the truth is that he must kill *and* be killed.

This loss of freedom is surpassed otherwise only on arrest or conviction for crime.

It is inherent in the fundamental concepts of liberty that government may not deprive a person of his freedom without a justifying necessity to do so. In our Constitution this is articulated in the concepts of substantive due process under the Fifth Amendment provision that no person shall be deprived of life, liberty or property without due process of law.

Courts presented with the claim that conscription is not necessary and is therefore unconstitutional have refused to second guess Congress, holding, rightly or wrongly, that the degree of necessity is a legislative question. This casts on Congress the ultimate responsibility in this case or protecting the people's rights under the Constitution.

CONSCRIPTION NOT NECESSARY

For a number of years a growing number of members of the House and Senate have pressed for repeal of the draft on the ground that it was not necessary and could be supplanted by an all voluntary armed force. Their arguments have been gathered up and expanded and developed further by the Gates Commission, the President's Commission on an All Voluntary Armed Force, and the report of that Commission seems to convince nearly all who read it that the all-voluntary armed force is a thoroughly practical and far more just solution to the problem of providing whatever level of national defense Congress may deem it necessary to provide, in the absence of an all-out conflict requireing total mobilization.

The religious beliefs of Friends provide other grounds for advocating the abolition of conscription, but believe in personal freedom is fundamental to Friends and provides a ground for draft repeal that we share with the community at large and its representatives in Congress. This ground is amply sufficient.

The draft encompasses many administrative inequities and injustices and is fundamentally violative of human liberty. Under traditional democratic concepts it cannot be tolerated except under the direst necessity. The Commission report shows that that necessity does not exist. Therefore conscription should be ended.

Respectfully submitted,

RALPH RUDD.

FRIENDS COMMITTEE ON NATIONAL LEGISLATION,
Washington, D.C., August 10, 1970.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: We appreciate the leadership which you and the 12 cosponsors have taken in proposing amendment No. 765 to implement the recommendations of the Gates Commission and end the military draft.

Since the Armed Services Committee has not held hearings on the draft this year as promised, we are enclosing a statement of our views on the draft by Ralph Rudd which we hope you and other Senators will consider as the Senate debates this subject.

In general we support amendment No. 765. We would prefer to see the entire Selective Service System abolished rather than being put on a standby basis as is proposed. And instead of increasing military spending to support a voluntary military we believe the better policy would be to reduce U.S. military forces and concentrate on priorities at home and nonmilitary actions abroad at no overall increase in spending. But we believe adoption of your amendment is an extremely significant step for the Senate at this time.

We believe Section 603 of your amendment is one of the most important, for it restores the proper balance of powers between the Executive and Legislative Branches. Under the existing situation it has been possible for the Executive Branch to send more than half a million men to Southeast Asia without any real Congressional authorization other than the ambiguous Gulf of Tonkin Resolution. If your amendment had been in effect the President would have been required to ask Congress for authority to reinstitute the draft, and Congress would have had to take affirmative action to involve the nation deeply in a war in Southeast Asia.

In this age when wars are waged but not declared, Congress and the public require some device to assure adequate consideration before commitments are made—commitments which led in Korea to 136,000 casualties and to the still-growing total of more than 310,000 casualties in Vietnam. Your amendment provides assurance of adequate Congressional debate before such major foreign military policies are undertaken.

Sincerely yours,

Edward F. Snyder.

UNFAIR SCHOOL DESEGREGATION ENFORCEMENT POLICIES IN THE SOUTH

Mr. TALMADGE. Mr. President, the Columbus, Ga., Enquirer of August 5, contains an editorial protesting administrative and judicial policies affecting school desegregation in the South. It should be noted that these policies, requiring the busing of school children and their teachers out of their neighborhoods from one side of town to the other, are being enforced in the South alone.

It appears that neighborhood schools are acceptable in New York, Chicago, Philadelphia, and scores of other cities outside the South, but they are not acceptable to the courts or the Justice Department when they occur in the South. This, of course, is extreme hypocrisy. Thus, we have Federal agents swooping down on schools in one part of the country to enforce laws and court decrees that apparently have no bearing anywhere else.

Schoolchildren and teachers have been made pawns in a gigantic political struggle. They are the ones who suffer, and I think it can be said without exaggeration that education has been relegated to secondary importance in our schools.

As this editorial points out, the President himself said last March:

> Demands that an arbitrary "racial balance" be established as a matter of right misinterpret the law and misstate the priorities.

This was a sound statement but, unfortunately, neither his administration nor the courts apparently intend to pay much attention to it, although I would hope that more emphasis in the months ahead will be placed upon educating children at the neighborhood level and less on uprooting schoolchildren and teachers in order to achieve some kind of mathematical racial balance.

I bring this editorial to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Bar Politics From Schoolyards

What is so terribly wrong with just having schools? It wouldn't seem to be an oppressive manifestation of a sick nation to have predominantly white or black, or plaid schools if the neighborhoods or constituencies they serve happen to be white, or black, or polka-dot.

Rather, such schools would simply reflect the realities of economics and the quite real existence of individual preferences people have for where they live, economics aside.

When the matter has run its full course, in fact, that is exactly what the situation will finally be. Parents are going to become completely fed up with their children being used as pawns in this argument between adults.

Political realities are bound to come eventually. What has kept a national revulsion from happening so far was the hypocritical cowardice of the Supreme Court in making that silly definition of segregation de jure—where it comes as a result of a situation created by past law, as in the South—and segregation de facto, where it comes as an outcome of rather natural population groupings, as in every other part of the United States.

Making one kind immune to the attention of posses of federal agents while making the other kind the object of special legal oppression is too much to expect a voting public to stomach forever. When the matter is nationally understood, the harrying of the South will cease.

Until that happy day, however, one could do worse than to clip out the words spoken by President Richard Nixon on this subject as late as March and to send them to him. He may need his memory jogged, what with school opening coming with apparently as many federal marshals, lawyers and missionaries appearing as school children when the opening bells ring.

In March, the President said: "One of the mistakes of past policy has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. Children in many instances have not been served, but used—in what has proved a tragically futile effort to achieve in the schools the kind of a multiracial society which the adult community has failed to achieve for itself.

"If we are to be realists, we must recognize that in a free society, there are limits to the amount of government coercion than can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury . . . Demands that an arbitrary 'racial balance' be established as a matter of right misinterpret the law and misstate the priorities."

It is a long, long time from March until September. Perhaps it is time for the President and his administration to review what he said last March, one of the wisest statements in many years on this matter concerning our schools.

As of now, there really isn't a single federal court decision which doesn't fly in the face of that policy. As of now there isn't a single planned federal action for the coming school year which doesn't auger to make that statement into a myth, at best, and, a falsehood, at worst.

There has been enough stupidity about our schools. Let them teach the children in the communities where they are located. Let the parents in those communities have their schools back as a center of community interest and activity, a worthy possession which has been stolen from them already. Let the President remember what he said last March and tell Attorney General John Mitchell what the contents of that message was before this fall's threatened onslaught becomes an insane reality.

PETITION IN SUPPORT OF CHURCH-COOPER AND McGOVERN-HATFIELD AMENDMENTS

Mr. INOUYE. Mr. President, two of my constituents, Jeffrey N. Watanabe and James A. King, have forwarded to me a petition in the form of a short legal memorandum that they have circulated within the Hawaiian legal community in support of the Church-Cooper and McGovern-Hatfield amendments.

As a cosponsor of amendment 609, the Amendment to End the War, I am gratified by this positive response in the Hawaiian legal profession. The two young lawyers who undertook this project should be commended for their initiative and forceful response to the continuation of this tragic war in Southeast Asia.

Lawyers have a special responsibility in this country because they exercise an influence disproportionate to their numbers. We lawyers participate in every phase of business, labor, Government, and teaching. Those of us who are in a position to decide what polices our Nation should follow have a crucial role to play.

Our experiences in Vietnam have shown, if nothing else, that a war of this kind transcends purely military strategy and policy. Decisions will affect the interrelation of ethnic groups, the relations between generations, and indeed the basic quality of our life. It is incumbent upon every citizen to participate in the decisionmaking processes and to bring his opinions against the continuation of this war to bear on those who formulate policies. These lawyers have chosen to follow the ancient and hallowed tradition of petitioning the leaders of our Nation and to inform them of their strong opposition to our actions in Southeast Asia. These lawyers have concluded, quite correctly, that Congress under the Constitution has the right to withhold funds for the continuation of the war. They cite two instances as examples of the proper exercise of Congress' foreign policy powers. I strongly endorse their stand and their deep concern with the policies that this administration is pursuing.

I ask unanimous consent that the text of the petition and the names of the petitioners be printed in the Record.

There being no objection, the petition was ordered to be printed in the Record, as follows:

Petition

We, the undersigned lawyers urge Congress to enact the Church-Cooper Amendment (amendment to H.R. 15628—Military Sales

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Act) and to enact the Amendment to End the War (amendment S. 609 to H.R. 17123—Military Procurement Authorization Act.)

Congress has the power, under the Constitution, to enact the Amendments. The framers of the Constitution granted Congress the sole power to raise and support armed forces and, to ensure popular control, provided that no such appropriation could be for longer than two years. U.S. Const. art. I, § 8. Since the Congress has the undoubted power to appropriate funds to raise and maintain armed forces, it has the power not to appropriate such funds, or to condition its appropriations on the size of American armed forces, and how and where they should be employed.

There are numerous instances in American history wherein Congress has, through the appropriation power, limited the uses made of the armed forces. For example, in 1909 Congress restricted an appropriation so that Marines could be used only in a specific way; in response to a request for ruling the Attorney General concluded that since Congress had the power to determine whether there would be any Marines at all, it had the constitutional power to limit the uses to which they would be put. In 1970 President Nixon himself, in signing without objection the Defense Appropriations Act with an amendment denying funds to "finance the introduction of ground combat troops into Laos or Thailand," recognized the power of Congress to so condition its provision for the armed forces.

We therefore conclude that the Congress has the power to pass, and should enact the Church-Cooper Amendment and the Amendment to End the War.

Jeffrey N. Watanabe, Donald K. O. Wong, Patricia Park, Walter W. Y. Hong, Olen E. Leonard, Jr., T. M. Pico, Wayne Minomi, Gerald Chiang, Sidney Ayabe, Gary Shigemura, Daniel Ukeshima, Ben Matsubara, Clifford L. Nakea, E. John McConnell, Roy N. Miyamoto, A. Akana, Edward C. Kemper, Hiromu Suzawa, Larry L. Myers, and John A. Chanin.

Peter C. P. Char, Hale H. Hitchcock, Kenneth Y. Sugita, Harvey E. Hutcheson, Jr., Roy L. Fanon, Steven Kroll, Gerald Y. Sekiya, Paul Alston, Robert G. LeClair, Ronald W. K. Yee, Wesley W. Ichida, John R. Gibbs, Gerald Sumida, Stephen M. Okano, Robert Toyofuku, James I. Kabita, James Conahan, Richard P. Schulze, Jr., Boyce R. Brown, Jr., Marshall Goodsill, C. Jepson Garland, and Gary S. Okabayashi.

Ray M. Anderson, Vernon Y. T. Woo, James Stubenberg, Durell Dovtry, Randall Ching, Robert G. Johnston, Bill Brainard, Andrew Levin, Jay Wilson, Gary T. Moen, Philip H. Lowenthal, Allen Wong, James A. King, Hideki Nakamura, Max N. Garcia, Edward Nakamura, Harriet Bouslog, Myer C. Symonds, and O. Vincent Esposito.

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MAJORITY SUPPORT PRESIDENT NIXON

Mr. DOLE. Mr. President, there were skeptics, to be sure, when President Nixon ordered the incursion into Cambodia in an effort to protect American forces in South Vietnam and to keep the Vietnamization program on schedule.

The latest Harris survey indicates that 61 percent believe President Nixon was justified in moving into Cambodia. In addition, other questions of interest indicate broad support for President Nixon.

I ask unanimous consent to have printed in the Record an article concerning the Harris survey, published in the Washington Post this morning.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Harris Survey—61 Percent Now Believe Nixon Justified in Cambodia Move

(By Louis Harris)

In the aftermath of the U.S. move into Cambodia, 61 per cent of the American people believe that President Nixon was "justified" in ordering the action.

Perhaps the most significant finding of a special Harris Survey on Cambodia is that Mr. Nixon has scored an impressive turnaround in what seemed to be a growing credibility gap over the Vietnam war.

Between May 25 and 30, after the dispatch of troops into Cambodia and again between July 25 and 30, after their return, cross sections of households across the nation were asked:

"As far as the war in Vietnam and Cambodia is concerned, do you think President Nixon has been frank and straightforward about the war, or do you think he has not told the American people the real truth about the situation there?"

[In percent]

	July	May
Frank and straightforward	48	42
Not told real truth	38	46
Not sure	14	12

Not only did the President's credibility rating sharply improve, but confidence that he would keep his pledge of troop withdrawal from Vietnam also turned completely around. The two cross sections were asked:

"President Nixon has said that we still will be able to withdraw 150,000 U.S. troops from Vietnam by next May. In view of the operations in Cambodia, do you think he will be able to bring back the 150,000 U.S. troops by then or not?"

[In percent]

	July	May
Will be able to	50	38
Won't be able to	30	49
Not sure	20	13

They were also asked:

"In undertaking the military operations in Cambodia, do you think the Vietnam war has now been widened into a bigger war in all of Indochina, including Laos and Cambodia, or do you think the move into Cambodia prevented a widening of the war?"

[In percent]

	July	May
Prevented widening of war	42	33
War has been widened	29	53
Not sure	29	14

By 57 to 23 per cent, a majority believe that U.S. troops were successful in destroying North Vietnamese bases in Cambodia. By 56 to 24 per cent, the public also denies the allegation that the incursion was a "mistake." In addition 55 per cent agree with Mr. Nixon's claim that by moving into Cambodia, "the lives of American fighting men in Vietnam were protected."

Just after the action started, most people believed that Mr. Nixon "had widened the war in Indochina—by 53 to 33 percent. But now that U.S. troops have been taken out of Cambodia and the fighting in Vietnam has tended to wind down, a plurality of the public (42 to 29 per cent) holds the view that "the war has been prevented from widening."

The public also has reversed its view that Mr. Nixon "did not act properly by not asking permission of Congress to commit U.S. troops in Cambodia." Just after the action started, a majority was critical of the propriety of Mr. Nixon's action, by 54 to 37 per cent. Now, by a narrow 45 to 42 per cent, most people say the President's course of action was "proper," even though Congress was bypassed.

TRIBUTE ON RICHARD RODGERS' 50TH ANNIVERSARY

Mr. RIBICOFF. Mr. President, 50 years ago, America's most outstanding theater composer, Richard Rodgers, began his illustrious career. I am sure many of us would like to mark this happy occasion with some thoughts about both the man and his achievements.

The statistics alone are staggering. And most unbelievable. To date, Richard Rodgers has created the music for no less than 36 musicals on Broadway, three in London, nine on film, and two for television. Nineteen motion pictures have been adapted from his stage successes. He has been the producer or coproducer of 17 musicals and plays, nine of which also found him serving as composer. He has also written the scores for a ballet, a night club revcnue, and two television documentaries. During World War II, he wrote the Bombardier song for the Air Force, the P.T. Boat song for the Navy, a song for the Army, and a special theme for the Fifth War Loan Drive.

The film version of "The Sound of Music" is the most successful motion picture of all time, and its soundtrack recording has been bought by more people—over 12 million—than any other album in the history of the recording industry. The original stage version has the distinction of being both the longest running American musical ever shown in London and the second longest running musical regardless of origin.

By achieving a run of 2,212 performances on Broadway, "Oklahoma!", Rodgers' first musical with Oscar Hammerstein, Second, broke the record for musical show longevity in New York. It held the No. 1 position for 15 years. Outside New York, the musical toured for 10½ years, playing in 163 cities in the United States and Canada.

For two television documentaries, "Victory at Sea" and "Winston Churchill—The Valiant Years," Rodgers was required to supply almost 13 hours of music for each series. His efforts resulted in the two longest orchestral works ever composed, each one only a little short of the entire "Ring" cycle by Richard Wagner.

More statistics? For almost 10 years, from April 1947, to January 1956, only musical plays with scores by Rodgers and Hammerstein were shown at London's historic Drury Lane Theater. In Tokyo alone, there have been five Japanese language versions of Richard Rodgers musicals, with one of them, "Oklahoma!", performed by an all-girl company. In the concert field, a recent survey of American symphony orchestras conducted by Broadcast Music, Inc., reveals that Rodgers ranks first among the most frequently performed composers of works written since 1940.

As for awards, Rodgers has been honored with two Pulitzer Prizes—a special one for "Oklahoma!" and a regular one for "South Pacific"—four "Tony's"—for "South Pacific," "The King and I," "The Sound of Music," and "No Strings"—and three Drama Critics Circle citations—for "Carousel," "South Pacific," and "Pal Joey." The Academy Award "Oscar" for best film song was won by Rodgers and Hammerstein's "It Might as Well Be Spring"; in 1965, the best film of the year was judged to be "The Sound of Music." Television's Sylvania and Peabody awards went to Rodgers' score for "Victory at Sea," which was also responsible for the composer winning the Navy Department's Distinguished Public Service Medal. In 1960, the "Emmy" for the best television score was awarded to Rodgers for "Winston Churchill." The record industry has also recognized Rodgers' achievements by giving him the "Grammy" award for "The Sound of Music" and "No Strings."

Of course, as I have already noted, Richard Rodgers has been composing for a scant 50 years, and he is still a young man. So there is plenty of time for new statistics to be added, new records to be broken, new laurels to be won. To paraphrase one of his most haunting ballads, the sweetest sound he will ever hear may still be inside his head.

Rodgers' bow as a composer for the Broadway musical theater took place in July 1920. The production was a barely remembered item called "Poor Little Ritz Girl," and Rodgers was all of 17 when he was signed to write the score. Within a relatively short period of time he would become the most significant force in the history of the musical stage.

The great influence that Richard Rodgers has had in the development of this uniquely American art form stems mainly from his constant experimentation in dramatic form, subject matter, and musical expression. Both during his partnerships with Lorenz Hart and Oscar Hammerstein, and later on his own, Rodgers has been a restless innovator. From the very beginning of his career, he has led a continuing rebellion against the sameness and the tameness of the commercial theater, completely oblivious to the accepted rules of what the public would and would not accept. His only rule has been:

> "This has never been tried before. I like it. Let's do it."

Rodgers and Hart first won recognition for their brash and impudent score for the "Garrick Gaieties" in 1925. But instead of following it up with something equally modern and youthful, the team next came up with a charmingly unpretentious operetta, "Dearest Enemy," dealing with what was then considered an uncommercial subject, the American Revolution.

More surprises followed. "Peggy-Ann", the very next year, was a strikingly original concept set almost entirely in a Freudian dreamworld. As early as 1928, the partners inserted a note in the program for "Chee-Chee" advising audiences that the musical numbers were so interwoven with the plot that they felt it would be confusing to list the individual titles of the songs. Sheer heresy. After "talkies" were introduced, Rodgers and Hart journeyed to Hollywood where, among other assignments, they created a score for the brilliant musical, "Love Me Tonight," that was a giant leap forward in the use of music as an integral part of the story.

After the team returned to New York in the mid-1930's they turned their attention first to a circus spectacular called "Jumbo," and then to a pioneering spoof of ballet called "On Your Toes." Here Rodgers used his "Slaughter on 10th Avenue" dance not only as an applause-catching specialty but as a vital scene within the framework of the plot. The tradition of the high-kicking chorus line was done away with in "Babes in Arms." "The Boys from Syracuse," based on "The Comedy of Errors," became the first musical comedy derived from a play by Shakespeare. The same year, "I Married an Angel" made further advances in the use of ballet and also, for the first time, skillfully employed music to heighten spoken dialog. In 1940, Rodgers and Hart created their masterpiece, "Pal Joey," which dared to examine unpleasant, three-dimensional characters without the customary musical comedy sugar coating.

Innovations in technique and subject matter continued in the musicals Rodgers wrote with Hammerstein. Though their first work, "Oklahoma!" had a simple story, it expanded the horizon of the musical stage by its innovation of a dream ballet and the close weaving of its story, songs, and dances. "Carousel" was a bitter-sweet fantasy whose "hero" committed suicide midway through the second act. Two years later, the sadly neglected "Allegro" dared to offer an epic tale dealing with the important issue of integrity in today's world. Both "South Pacific" and "The King and I" had worthwhile things to say about the need for understanding between peoples of different backgrounds. For their final collaboration, "The Sound of Music," took up the dilemma of freedom-loving people suddenly caught under the heel of a dictatorship.

Two years after Hammerstein's death in 1960, Rodgers returned to the theater with "No Strings." He also brought along a brand new lyric-writing partner—Richard Rodgers. Here there were many original touches in stagecraft, particularly in the utilization of musicians both backstage and onstage. The play's theme also took courage: an interracial love affair set against the corruptive influence of modern European society. Right now Rodgers is busily working on a new musical with Martin Charnin and Peter Stone based on the story of Noah. Of two things we can be sure: It will have music we can remember and it will be different from anything Rodgers has ever done before.

While Rodgers is probably too occupied with the future to bother about an occasion celebrating the past—even a 50th anniversary—we should not let this milestone pass without expressing our gratitude to the man and his remarkable accomplishments. Long may the sound of his music be heard.

THE AMERICAN SST

Mr. MAGNUSON. Mr. President, in the July issue of Aerospace magazine, the distinguished Senator from Alaska (Mr. GRAVEL) published a most informative and accurate article on the supersonic transport.

Since much of what has been said in opposition to this program has served to cloud what scientific and technical information we do have, this article should go a long way toward clarifying many of the issues.

Mr. President, the supersonic transport will soon be a fact of aviation life. The Russian and the British-French programs are progressing very satisfactorily. Those of us who believe in an American SST recognize that developmental problems will be encountered—that questions about environment must be answered. But, in the true American tradition, we must press forward to meet these challenges—to answer these questions—and perfect a technology with vast promise for all people. A "heads-in-the-sand" attitude at this point would be a gross waste of our resources and our potential.

Therefore, to help to bring more enlightenment on this matter, I ask unanimous consent that Senator GRAVEL's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SUPERSONIC TRANSPORT—THE ECOLOGY AND ECONOMICS

(By Senator MIKE GRAVEL)

The United States Supersonic Transport will pollute the atmosphere less than any other known transportation means.

One SST carrying 300 passengers at 1,780 miles an hour will emit no more pollutants than three automobiles traveling at 60 miles an hour.

The entire contemplated fleet of SST's will put into the stratosphere in one day about the same amount of water vapor introduced by a single large thunderstorm—and there are some 3,000 to 6,000 thunderstorms active around the Earth continuously.

These and other facts established during intensive studies by both the U.S. Department of Transportation and the Boeing Company, prime contractor for the SST, have been somewhat obscured by recent criticisms of the program which claim the SST will further aggravate the nation's serious problems with the environment.

In recent months, during debate over the Federal budget and national spending priorities, a wide range of allegations has been made against the SST, by persons in and out of public life who believe that the supersonic transport will contribute heavily to air pollution, create unendurable noise, wreak havoc with its sonic boom—causing cattle to stampede, damaging structures, and so forth—and even change the weather adversely, by introducing large amounts of water vapor into the upper atmosphere.

All of these concerns, however well motivated, are the result of misinformation. Many misconceptions regarding noise and sonic boom arise because critics persistently cite some unfavorable results of military supersonic flights made several years ago. These research missions, flown at relatively low altitudes over populated areas, bear little relation to the planned utilization of the SST, which will not reach supersonic speed until it is at 60,000 feet altitude and in any case will travel supersonically only over the oceans or above the Arctic Circle. Thus, the critics in effect are begging the question.

Here are some of the most common myths, and the corresponding facts.

Myth: SST's will add greatly to air pollution through the discharge of chemical material from their engines.

Fact: Automobile engines convert 30 to 50 percent of the fuel they consume into air pollutants. Aircraft turbine engines convert less than one percent of fuel consumed into pollutants. The air transport fleet—including future SST's—emits less pollution per 1,000 seat miles than any other mode of transportation yet devised. The smoke from today's jet aircraft indicates inefficient burning of fuel. A new combustor currently is being retrofited on transports already in service. The new-technology jet engines do not smoke, and by the time the SST enters commercial service in the late 1970's it is expected that there will be no visible emissions.

A study by Professor R. F. Stewart of the University of California shows that carbon monoxide and hydrocarbon emissions for today's jet engines during cruise conditions are under one percent of average automobile emissions. The SST will be equipped with emission controls at least as effective as those now being implemented.

Myth: SST sonic booms over land will break windows, crack walls and stampede cattle. The boom paths will cover practically everything. Even wilderness areas will offer no escape. Booms over the oceans will cause enormous vibrations which will disperse fish concentrations.

Fact: Damage has been caused in the past by sonic booms from military aircraft flying at low altitude. However, the force created by such aircraft is 10 to 50 times more powerful than that which the SST will produce.

The SST simply is not built to fly supersonically at low altitudes. It is designed to perform around airports just like subsonic jets, and normally will require about 100 miles to achieve supersonic speed after takeoff.

Because its boom, although not destructive to property, might annoy people on the ground, the SST will fly over land (except above the Arctic Circle) at a speed of about 700 mph. This is too slow to create a boom effect.

Above the Arctic Circle, of course, there are relatively few farmlands, reservations, or national parks.

Over the oceans, the boom will be mild—about one-fourth ounce per square inch, comparable to the impact of a fisherman's spinning lure hitting the water. Marine life will not be harmed. Porthole windows on ships are designed to withstand forces 100 times stronger than the overpressure created by the SST at cruise altitude.

Myth: There is evidence that the SST will pollute the upper atmosphere in such a way as may result in terrible alterations of global weather.

Fact: This allegation apparently relates to controls (condensation trails) from engines at high altitudes. What it overlooks is that these trails of water vapor seldom if ever form at the cruise altitude of the SST—60,000 to 70,000 feet.

The daily stratospheric water input by the SST fleet, as mentioned earlier, will be about the same as that created by one large thunderstorm. It has been theorized that water vapor from the SST's would form a global layer of cirrus clouds, and thus alter the climate. This claim, however, was based on an estimate that water vapor would remain in the stratosphere for 10 years. Recent studies show that the circulation time is more nearly one and a half years, which rules out any significant accumulation of vapor. Two scientific groups—the National Research Council of the National Academy of Sciences, and the Office of Meteorological Research—have studied the situation and report that there will be no appreciable disturbance of the Earth's normal atmospheric balance by a fleet of SST's making 1,600 flights per day.

Myth: At takeoff, the SST would be much louder than the noisiest jet now in commercial service.

Fact: The powerful engines on the SST, with a total thrust of about 250,000 pounds, will enable the aircraft to climb quickly after takeoff. The engine sound will be less than that of today's jets at the standard measuring point from the end of the runway—usually three and a half miles after the takeoff run starts. On landing, the plane's design (wide span with separate tail and high-lift devices) will provide excellent low-speed handling characteristics allowing the pilot to cut power for landing. Also, approach noise will be reduced substantially because of the unique engine inlet required for supersonic flight.

Thus, most people living in the vicinity of airports served by the SST will be exposed to less community noise than they hear today.

The same engine power that provides rapid and steep climbout, cutting down on community noise, would create considerable airport (sideline) noise—if unsuppressed. With today's technology, that sideline noise would be susbtantially greater than that generated by jets now in commercial use. The SST airframe contractor believes that the noise level can be reduced significantly before the supersonic plane is slated to go into commercial service eight years from now. The airframe and engine contractors are working with other industry firms and the government to attain this goal.

Any major new technological development, in transportation or any other activity, should be subject to careful examination to determine whether it represents real progress—that is, whether its benefits can be expected to greatly exceed any potential drawbacks from the point of view of the general welfare.

From the standpoint of ecology, results of current studies indicate that air travel in general has proven to be not only efficient in travel time and cost, but also the most efficient means of travel known to man in terms of minimal impact upon the environment. The SST should further improve upon this remarkable record.

ECONOMICS OF THE SST

The greatest single consideration involved in America's Supersonic Transport program is technological: Whether the United States will continue to maintain its dominant position in the development and production of commercial transport aircraft for the world—with all that this means to the health of the domestic economy and the U.S. position in international markets.

Over the next two decades, the level of the world's commercial airline traffic is expected to gain by a factor of six as a result of increases in population, business activity, individual income, and leisure time. The SST is a logical and inevitable step forward to meet the demands of this new volume of air travel—regardless of who builds it.

The situation is highly competitive. Both an Anglo-French and a Soviet version of the SST have already been test-flown and are going into production. Last year, there was considerable skepticism that either of these aircraft would achieve such a degree of success; largely beacuse of this, members of a special Presidential SST Review Committee expressed doubts in early 1969 that the U.S. SST would be beneficial to the nation's balance-of-trade position. They argued that even if the U.S.-produced aircraft were sold abroad in the numbers forecast, increasing tourism by Americans traveling abroad in SST's would more than offset the benefit derived from SST sales to other countries.

However, the Committee observed, if the foreign-made aircraft flew successfully American tourism would increase regardless. That is the prospect for the near future. Since the U.S. SST—which is expected to fly more passengers farther and faster than either of the foreign-built aircraft—will not be available before 1978, the longer-range question is whether American air carriers in the late 1970s and the 80s will be purchasing the American SST or a second-generation version of those already being produced abroad. They simply will have to have supersonic transports, from whatever source, in order to remain competitive.

Should the U.S. fail to build SST's and sell them overseas, and American carriers be forced to buy foreign-built aircraft, it is estimated that the total damage to the balance of trade by 1990 would be $22 billion. If, on the other hand, the projected U.S. program is successfully carried out and approximately 500 SST's are sold (270 of these to foreign airlines), the U.S. may expect to obtain at least $20 billion of the anticipated $25-billion world market through 1990.

(The importance of aircraft to U.S. exporting is shown by the fact that in 1969 they accounted for nearly $2 billion in foreign sales. Without these sales, the United States would have had a critical negative balance of trade.)

The potential return to the Government is about $1 billion more than its investment in the development program, and will generate an additional $5.4 billion in federal tax revenues, and state and local governments will receive an estimated $1.3 billion in taxes.

On the domestic economic front, the SST program represents employment for more than 150,000 persons. Some 50,000 of these will be on the payrolls of the prime contractors and first-level subcontractors; more than 100,000 will be employees of other subcontractors, manufacturers of ground support equipment and installation facilities, and basic industrial manufacturers.

The combined and cumulative income of the direct and supplemental labor force involved in more than 6,000 companies may well exceed $33 billion in 1990.

This employment will be distributed among virtually all of the 50 states. By its nature, it will be high in quality as well as quantity, helping to nurture higher education and skill levels. The results will add to the economic health and wealth of our society, and thereby help to finance programs to meet our urgent domestic needs for social betterment.

Less easy to assess than employment in dollar terms, but of great consequence, are the advances the SST will bring in aviation technology. These will occur in the areas of sustained higher cruising speed, improvement of existing materials and development of new materials with wide applications beyond aviation. Aircraft safety and reliability will be enhanced through advancement of instrument and flight control systems (which coincide with the increasingly critical needs created by today's air traffic congestion), and development of larger, more efficient powerplants for both subsonic and supersonic aircraft.

For the air traveler, the SST will mean flying from the U.S. to Paris in less than three hours compared with more than seven hours aboard present jets. Time advantage is commercial aviation's most important product. Shorter travel times will be all the more attractive to the traveler for whatever purpose.

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Although the U.S. SST is small in passenger-carrying capacity than the 747 (300 passengers compared with 440 in typical configuration), it will fly three times as fast. Although it will cost less than twice as much as the 747, it will be twice as productive: during a given time period it can carry twice as many people over a specific range. In the long run, the most productive aircraft is the most economical to operate, even if its initial cost is higher.

All studies of the SST in commercial operation have assumed no increase in fares over current rates.

The SST would become a prime national asset, a generator to the entire national economy with effects far beyond its primary mission of advancing air transportation.

BUSINESS AND THE ARTS

Mr. PERCY. Mr. President, on April 14, Mr. Robert O. Anderson, chairman of the Atlantic Richfield Co. and chairman of the Business Committee for the Arts, spoke before the Seattle, Wash., Chamber of Commerce. In his speech, Mr. Anderson noted that the increasing involvement of business with the arts is indicated by the fact that, in 1968, approximately 80 percent of American corporations made contributions to the arts which totaled almost $85 million.

This substantial involvement of American business is extremely important in the United States where, as Mr. Anderson notes, "responsibility for the artistic life of the country has never been fixed." Despite the increasing appreciation for and eagerness to participate in the arts, Government support is in relative decline. As a result, many cultural groups find themselves on the brink of financial disaster.

The problem presented by the lack of adequate governmental support is particularly acute here in Washington. In a city where the largest "industry" is the Federal Government, the potential for significant corporate support is lacking and there are few foundations of significant size. Thus, the symphony, the ballet, opera, the theater groups, the Performing Arts Society, and the Corcoran Gallery face a continuing struggle for their very existence.

There can be no doubt that Washington would be a less attractive place to live if these cultural organizations did not exist. Every other great capital in the world possesses a firstrate symphony, ballet, opera, and theater. But, in every instance there is a large direct Government subsidy. And, even in our own country, in New York, the Metropolitan Museum receives more than $1 million from the city's budget.

Mr. President, the plight of the arts in the Washington area is a real one. As Mr. Anderson's speech indicates, the business community is attempting to do its part. If our concern for the quality of American life is a real one, the Federal Government should do more to accept its part of the responsibility for the continued health and vitality of the arts in this country.

Mr. President, I ask unanimous consent that Mr. Anderson's excellent speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ARTS—THE CHALLENGE TO BUSINESS

(By Robert O. Anderson)

It is hardly news that the arts in this country are in serious trouble. The two weeks of testimony taken by the Special Sub-Committee on Arts and Humanities has been more than sufficient to bear out the warnings issued by arts leaders, foundation experts, and businessmen involved with the arts.

The indications are, that in this decade, many arts organizations will face dissolution unless an enlarged and dependable financial base can be established. Most important, the loss of opportunities to participate in the arts may have far greater effect on the health of society than a reduction in the number of concerts or museum hours might indicate.

A major premise of the Business Committee for the Arts, as stated by its first chairman, C. Douglas Dillon, is that "The arts are a major and effective weapon in any effort to improve the human condition."

We know there is nothing in any corporate charter that obliges business to support the arts. But members of the Business Committee believe that in many instances there may be no better way for a corporation to help enrich the lives of young people, people with increasing leisure time, the disadvantaged, and the aged than through the arts. And participation in the arts need not mean reshuffling priorities. Many corporations—as well as government agencies and foundations—have found that arts projects and social projects are not mutually exclusive.

However, in spite of the variety and vitality which the arts have achieved in this country, they are capable of far greater contributions to the quality of our society than they have yet been able to make. The real danger in the developing financial crisis is not only the loss of the arts institutions themselves, but the loss of their services to a society that is in need of positive approaches which emphasize the best that is within man.

For example, all available estimates indicate that the amount of leisure time Americans now enjoy will increase. The ways in which this time is used are an important issue of public concern. The arts are being called upon to help in solving this problem.

The arts will also play an important role in the attempt to halt the deterioration of our physical environment, which is certainly one of the major tasks of business and government in the years to come.

Some cities have found that not only do the arts aid in redevelopment; redevelopment can also provide for the arts by including arts facilities and programs in urban planning. The arts have also helped to ease the tensions of urban living—not simply as mass entertainments but as constructive outlets for creative energy and as sources of community pride.

The field of education offers examples both of promising successes and widespread failures in integrating the arts into the general curriculum. In recent years, the arts have been recognized not only as an important subject in their own right, but as a useful approach to other kinds of material. And educational programs which employ the artistic resources of a community also help to broaden the audience and the base of support for local arts groups.

However, one of the problems in the commendable effort to provide free exposure to the arts is that the issue of support tends to be obscured. Programs financed by Federal grants do not always encourage communities to consider how they will provide services in the arts in the event that such funds are no longer available.

While those concerned for the arts hope that public funds will become a dependable source of support, government leaders on all levels acknowledge that public agencies are often limited by the uncertainties of politics and the nature of bureaucracy. Our most persistent social problems must be attacked at the local level; they cannot be solved entirely by national fiat.

We also know that the technological and managerial resources of business can be applied to local problems of blight, pollution, and poverty. Many corporations have already committed some of their resources to dealing with these problems.

THE ARTS IN SOCIAL ACTION

But government agencies have also discovered that funds and buildings are not enough. In any program of social action, the "human element" must be the starting point. There must be provision for the spirit.

Almost every corporation involved with the arts is aware of the arts' relation to the social health of the community. While the arts cannot be regarded as a miracle drug that will halt all forms of social disintegration, they do present one avenue of approach that can yield dividends far beyond the cost of an individual project.

In fact, the funds necessary for the arts, while urgently needed, are not so great as to require a drastic reorganization of either corporate or federal priorities. Part of the tragedy of our current crisis in the arts is that a solution is well within our capacity. Hundreds of arts organizations that are curtailing services or facing dissolution could be preserved and strengthened with relatively little expenditure. Unfortunately, the crisis in the arts is not as dramatic as the challenges of the ghetto or the exploration of space. At the same time, the arts, however needy, require nowhere near the funds necessary to eradicate slums or collect lunar samples.

Almost all of our arts organizations face not only an annual operating deficit, or "income, but an alarming net deficit after all additional sources of income, such as gifts from individuals, foundation grants, and corporate contributions, have been counted. When an individual buys a seat at the orchestra, the opera, ballet or repertory theatre, he is actually receiving a matching grant, about equal to the price of his ticket, from a variety of other sources.

A recent study of five major orchestras estimates that they will either have to double their income from grants and contributions or seriously deplete what reserves they have been able to accumulate. These five orchestras will need almost four million dollars to meet outstanding obligations in this year alone. And if this money is taken from endowment funds, the financial burden in future years will only be greater.

It has often been pointed out that the arts are a craft industry in the machine age. An expansion of services does not necessarily mean a reduction in costs through increased volume. Recent estimates place museum attendance at about six hundred million in 1968—a threefold increase since the beginning of the decade. However, rather than increasing revenue, these growing crowds require greater expenditures for instructors, guards, administrative staff, insurance and construction.

NEED FOR OUTSIDE SOURCES OF SUPPORT

Under any social system in any historical period, the arts have depended for survival upon support from outside sources. Only the commercial theatre and the art market operate under the laws of supply and demand.

In Canada, Europe and many less developed areas, a minimum level of responsibility for the arts has become fixed at some point or points—whether in city government, in national boards, ministries of culture, or some combination.

In the United States, responsibility for the artistic life of the country has never been fixed. Views on support range from complete government subsidy to indifferent Darwinism.

In many ways, however, our pluralistic system—perhaps "situation" would be a better term—offers the arts the optimum potential for both support and freedom. But this potential will only be realized if all the elements of our pluralism are more deeply involved.

As individuals, of course, American businessmen have been a sustaining force in the arts for a long time. And businesses have always employed the arts more or less consciously in design, marketing and manufacturing But most businessmen have only recently become aware of the value of the arts to the business and social concerns of their corporations.

This important change—the interest of the corporation *itself* in the condition of the arts—has already had an impact on the support of the arts in America.

During this past year, two surveys have been published which indicate that business involvement with the arts is not only greater than had been expected, but is increasing rapidly. For many years, the National Industrial Conference Board has conducted triennial surveys of corporate contributions to all philanthropies. In 1959 and 1962, gifts for cultural purposes were not even a separate category in the triennial survey, but were included under the heading of "Civic Causes"—a category which accounted for only three percent of total corporate giving. In 1965, the first year in which "Culture" was assigned a separate column, the arts alone received three percent of the total. In that year, 540 companies surveyed gave about six million dollars to the arts. In the 1968 Survey, published this year, 400 corporations reported grants to the arts of over thirteen million dollars, or about five percent of their total giving.

A rough translation of these figures into national terms can be obtained by applying the five percent figure to the estimate for total corporate giving of 900 million dollars offered by the American Association of Fundraising Council. The resulting figure—forty-five million dollars—is our estimate of corporate contributions to the arts in 1968.

However, even this considerable sum is only a part of the total, as the triennial survey includes only those commitments to the arts which were reported as contributions. A more detailed survey undertaken by the Business Committee indicates that projects in the arts reported as business expenses involved expenditures of about forty million dollars—almost as much as was reported under contributions.

INCREASING BUSINESS SUPPORT

One firm conclusion of these studies is that business is involved with the arts to a substantial and increasing degree. Another is that support of the arts is not the exclusive property of a few well-known companies. Eight out of ten corporations surveyed by NICB contributed operating funds, and four out of ten made capital gifts to the arts. And it is interesting that smaller companies tended to assign a higher percentage of their contributions to the arts than did large ones.

It would appear from these figures that a substantial beginning has been made. Some eighty percent of American corporations made a contribution to the arts, and the total amount given in 1968 alone was close to eighty-five million dollars.

Yet, when one has looked closely at the state of the country's arts institutions, and is aware of the enormous contributions which the arts are capable of making to our society, it becomes essential to regard these figures only as a beginning.

The arts simply cannot be left to the marketplace. As with schools, libraries, and hospitals, the higher the quality offered and the wider the public reached, the more support is needed.

The fundamental task of the Business Committee is to broaden and increase the base of corporate involvement with the arts. A country of two hundred million people spread unevenly over three and one-half million square miles cannot be served by a few national artistic organizations—even if these are among the best in the world. Each community—and the businesses which prosper there—must be concerned for the quality of cultural life available to its citizens and their children.

REVERSAL OF MIGRATION FLOW TO CROWDED CITIES

Mr. McCLELLAN. Mr. President, at a recent meeting with the Northern Plains States Governors in Fargo, N. Dak. President Nixon spoke of the administration's program of reversing the migration flow of our people into the crowded cities.

The President also indicated that an effort was underway to develop a new, progressive policy which would provide good jobs and greater opportunities for our people in the rural areas of America.

I am encouraged by the President's remarks, and am hopeful that the administration will accept—and implement—a vigorous program aimed at reversing the migration of our people into America's congested metropolitan areas.

In an address delivered on the Senate floor on March 3 of this year, I urged the administration to adopt such a policy and to explore the use of existing Federal programs in an effort to decentralize our overly concentrated population and industrial centers, and to encourage the growth and development of our rural areas—see the CONGRESSIONAL RECORD, page 5597. In that address I suggested that consideration be given to the use of existing Federal programs—grants-in-aid—Federal procurement practices—and land-use policies—to accomplish an orderly and better balanced population growth in the United States.

I am convinced that the implementation of such a policy would ease the population pressures on our cities, the prime source of congestion and pollution, and increase and enhance the opportunities for providing a better environment and more meaningful way of life for all our citizens. A more dispersed population might also improve efforts to control the accelerating and intolerable incidence of crime in the United States. Many other benefits would, I am sure, accrue from a coordinated, determined Federal effort in this sphere of opportunity and responsibility.

Mr. President, I ask unanimous consent to have printed in the RECORD, the brief and informal remarks President Nixon made on this issue at Fargo, N. Dak., on July 24, and an editorial on the President's statement entitled, "Migration Reversal," published in the Washington Daily News of July 29.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE PRESIDENT'S INFORMAL REMARKS AT THE CIVIC CENTER BEFORE HIS MEETING WITH THE NORTHERN PLAINS STATES GOVERNORS, JULY 24, 1970

I always like to talk to young people and I think that young people here are really with it in terms of their understanding of national issues, their interest in them and the like.

Sometimes people who live in Washington, New York, other cities, they get out to the Midwest, particularly North Dakota and Wyoming, and they think that that is sort of the sticks. It is not true anymore. This is really one country.

This is a country where, by reason of the communication, television and the rest, there is a tremendous interest in all the national issues here, just like there is in other places.

Let me say, too, that it was very interesting to find, as I went through the crowd, and I thought very encouraging, that a number of people who had lived in places like Los Angeles, St. Louis, one from Connecticut, had moved to North Dakota. We hear about the out-migration. I am convinced now that our program, which we are going to discuss in here now, our program of reversing the migration flow, so that for what is called rural America—and, of course, Fargo is a big city but it is part of rural America—this process of reversing the migration flow really can work, because the attraction, of course, is quite obvious. You have jobs, you have clean air, you have opportunity, you have schools, you have more of an opportunity than you would have in a much larger city to control your own future.

I think that is one of the reasons people like it here. I have always liked it here because they have always been good to me.

I want to say this, Governor, that I recall you as a young Republican. You have always been telling us how great this country was. You have been strong for your State, for this part of the country. And one of the reasons that I have developed this Rural Affairs Council, which, as you know, is something new in the Federal Government, and now bringing the Government of the United States, rather than just sitting there in Washington and waiting for people to come in—is bringing the Government to the country so that we can see what the country is like. You have to see it and feel it. You can read about it in a 150-page document, but there is nothing like talking with people, seeing people, seeing their faces, to know what their attitudes really are. That is something that we have been working for.

I think that leadership of men like yourself, and the other Governors that we are going to meet, can develop a new, progressive policy where this—what is called the great heartland of America, which has so much to offer in the way of good life—can have the good jobs and the greater opportunity that will bring people from the overcrowded cities back to the country where they will have a better life.

That is our program. And I think your 150-page document probably deals with that.

[From The Washington Daily News, July 29, 1970]

MIGRATION REVERSAL

Exhilarated, possibly, by the good breathing air of the Great Plains, President Nixon last week in North Dakota threw out some ideas about "reversing the migration flow."

This, it appears, would involve not only slowing down the trend from the country to cities, but inducing a trend in the other direction—a program to "bring people from the overcrowded cities back to the country where they will have a better life."

To punctuate his theme, Mr. Nixon said at one point:

"I don't see any smog here."

It is an interesting theme, with some obvious appeal.

It already is possible to spot part of such a trend. Population figures, for instance, indicate many big cities are losing people, or barely holding their own, or gaining very little. (And some local politicians, afraid of losing handouts from Uncle Sam, are screaming "foul" at the Census Bureau.)

Trouble is, the shift seems headed for the suburbs, rather than the country. Agricultural areas continue to lose people. But, at least, in some cases people are fleeing the "overcrowded cities."

It is plain, of course, that life in a city has its drawbacks: Polluted air, traffic congestion, usually a higher cost of living. But a good many people depend for a living on locating their trade or business where there are a lot of other people.

It is plain, of course, that in small communities, the air is better, traffic moderate, living less complex and less expensive. But if you move many more people into a small community it no longer would be small.

Planners have been planning and idealists ideating on this problem for some time. And Mr. Nixon thinks the right government policies and leadership can bring about his "migration reversal."

Maybe so. But people tend to go where they think they can best make a living, or most likely pursue their ambitions. It will require a considerable change in the structure of the country, it would seem, to alter these tendencies on any appreciable scale.

By raising a few questions, we are not trying to be hostile to Mr. Nixon's objective, nor disdainful of his ideas. We simply are trying to contemplate the enormity and complexity of the proposition if it is to be managed on a scale that will do any real good. And by all means, let's hear more, Mr. President.

HERMAN KENIN: A LABOR LEADER WHO WILL BE MISSED

Mr. HATFIELD. Mr. President, I wish to pay tribute to Herman D. Kenin, president of the American Federation of Musicians, who died recently. Mr. Kenin grew up in Oregon and, although he lived in Connecticut from 1958 until his death, I know he remained an Oregonian in heart and spirit.

Mr. President, one of Mr. Kenin's journalist friends, Hilmar Grondahl, music editor of the Oregonian, summed up the feelings of many musicians in an article published in the Oregonian on August 2, 1970. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Kenin Won Hearts Of Music Associates

(By Hilmar Grondahl)

Herman Kenin's position as president of the American Federation of Musicians took him away from Portland during his latter years. But his affection for this city endured, and it was his expressed hope to re-establish himself here after retirement.

While he was a Portland resident his participation in civic activities was broad, with particular emphasis on its music. We recall with what energy and enterprise he worked for the reactivation of the Portland Symphony Orchestra in 1947 after its decade of somnolence. The six summers of outdoor concerts by the Stadium Philharmonic were a special project in which his ingenuity and effort were involved.

Those of us who knew him from his young manhood onward were aware of his direct participation in music; as a violinist and a bandleader, as one who made dancing a pleasure at the Multnomah Hotel, who toured and recorded with his ensemble.

His training experience fitted him uniquely not only for his leadership of local 99 of the AFM in Portland, but for the presidency of the 300,000 member international union.

Kenin was diplomatic yet tough minded, realistic yet compassionate, qualities which served admirably in seeking the advancement of union members in an insufficiently-appreciated cultural art. As a musician he was involved with the cultural aspects of music, and as a union leader he knew his concern was needed to bring the musician's compensation in line with the years of required training and his responsibilities as a performer.

It is said that Herman Kenin was unable to complete all of the many projects he had assigned himself and his co-workers. But that he improved the image and status of a great profession in the years available to him, is beyond question.—H.G.

Mr. HATFIELD. Mr. President, at the funeral of Herman Kenin on July 24, 1970, his good friend, Walter H. Evans, Jr., a Portland attorney, delivered a moving tribute which capsuled the feelings of all those who knew Mr. Kenin. I ask unanimous consent that the remarks of Mr. Evans be printed in the Record.

There being no objection, the eulogy was ordered to be printed in the Record, as follows:

Herman David Kenin

The friends of Herman David Kenin need no reminder of his outstanding qualities as a person, but I have been asked to share some memories with you.

He was born in Vineland, New Jersey, on October 26, 1901, the son of Samuel and Ada Kenin. When he was about eight years of age, the family moved to Portland, where he, his brothers Harry and Frank, and his sisters Fanny and Ida, were graduated from Elliot Grade School, Jefferson High School, and Reed College. Herman was graduated from Northwestern College of Law in 1931.

He married Maxine Bennett, a Portland girl, and they have two children, both boys. He and his family lived in Portland until 1956, when they moved to Los Angeles, and from there to New York City, finally residing in Westport, Connecticut. Herman Kenin died early in the morning of July 21st, 1970.

In 1936, he was elected President of Local 99, the Portland local of the American Federation of Musicians. In 1943, he was appointed to the Federation's International Executive Board, and in 1958 he became its President, a position he held through reelection until his death. While President of the Federation, he was elected a Vice President of the AFL–CIO, a responsible position he also held until his unexpected death this week.

There are those of us who knew Herman as a successful officer in his specialized field of union leadership, as a confidant of national figures, an internationally-recognized, skillful negotiator, and as a seasoned diplomat. The quality of his leadership is evident from the manner in which his union met the challenges of new technologies and not only survived, but grew. The pension plans, the collective-bargaining agreements, the period of unprecedented tranquility and prosperity all demonstrate his success as a gifted leader.

He was the recipient of many high public honors. He was appointed by Presidents Eisenhower, Kennedy and Johnson to national Cultural and Fine Arts Councils. He was named by President Truman as one of the two worker delegates to the International Labor Organizations conference in Geneva, Switzerland. Despite all these and other honors, Herman Kenin retained his approachability . . . he was still Herman Kenin from Portland, Oregon. Appropriately, it was in this city in 1963 that more than 600 friends from all over the United States gathered at an impressive testimonial dinner.

There are those of us who knew him professionally, since his admission as a member of the Oregon State Bar, in September, 1931. We respected his ability, his professional standing, and his unquestioned integrity. We valued his friendship and counsel, whether it was over a cup of coffee at Mannings or by long distance phone from Los Angeles or New York City.

There are those of us who remember Herman as the private citizen, as the family man . . . a devoted son and brother, a warm and loving husband and father, and as a good neighbor in every sense of the word. We recall his kindness, his generosity, his superb ability as a raconteur, with an inexhaustible supply of anecdotes, each precisely suited to the particular occasion.

We remember his warmth, his understanding, his wit, his intelligence, his strong sense of family, and his participation in all forms of good citizenship, whether it was the neighborhood P.T.A., the Portland Symphony Board, or the summer concerts in the park. We shall always recall his love of music, both classical and popular. Herman and his band played at the Indian Grille of the Multnomah Hotel, and before that, at the old Oregon Hotel, with George Olson. He played at the Coconut Grove in the Ambassador Hotel in Los Angeles, and I am sure that some of you will recall that he played at the opening of the Gearhart Hotel in 1926. His name was, and always will be, synonomous with good music.

We remember him, above all, as the devoted brother of Fanny and Frank, the loving husband of Maxine, and the proud, proud father of David and Jim.

Each one of us, by our attendance here, joins in extending love and sympathy to his family, especially to his wife, his sons, his sister, and his brother. Each one of us pays tribute to his life, and recognizes that Portland, and indeed this country, to a measurable degree, is a better place to live because of Herman Kenin.

Herman was a good man, who gave of himself to all who needed his help or counsel. He enjoyed his life . . . he loved people . . . and he took great pride in his heritage. We will miss him.

As we honor his memory today, we say it was a privilege to have known him. . . . to have loved him. These words cannot add to his stature . . . it needs no addition. We are proud to have been friends of Herman Kenin.

Mr. HATFIELD. Mr. President, I ask unanimous consent that an editorial about Herman Kenin, published in the Oregon Journal, an obituary notice from that paper; and an article from the AFL–CIO News of July 25, 1970; be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Oregon Journal, July 23, 1970]

The Fruits of Fiddling

Herman D. Kenin had one of those mothers who insist that all her children learn music.

The career he started as a boy fiddler in Portland took Kenin all the way to the presidency of the 239,000-member American Federation of Musicians, the position he held when he died in New York Tuesday. Along the road his music helped him pay his way through Reed College and Northwestern College of Law, and to establish a national reputation as an orchestra leader in the late 1920s and early 1930s.

Kenin always kept his ties to Portland. He was a graduate of the old Eliot School—since replaced—in Albina, and of Jefferson High School, in the days of which survivors endlessly delight in telling of rock fights with the kid gangs from rival schools.

As an official of the Portland Musicians Union he helped establish summer band concerts here and to revive the Portland Symphony Orchestra after World War II. His new job required him to move East when he was named president of the national union in 1958 as the hand-picked successor to the celebrated "czar" James Caesar Petrillo.

No doubt there are boys today whose twiddlings with an electrified guitar will lead them into rewarding careers like Kenin's.

[From the Oregon Journal, July 22, 1970]

Unionist Kenin Dies at 69

New York.—Herman Kenin, 69, who began his musical career in Portland, Ore., and rose to become president of the American Federation of Musicians, was found dead in his hotel room here Tuesday, apparently victim of a heart attack.

Kenin grew up in Portland and received his law degree from Northwestern College of Law.

While in college, he played the violin in a dance band and later was a member of the George Olsen orchestra. During the big band era of the 1920s and 1930s he headed his own band in Portland and played along the West Coast.

He began the practice of law in Portland in 1931 and was a member of the AFM's Portland Local No. 99. He was elected president of the local in 1936 and headed the union for 20 years, during which the membership climbed from 500 to 1,300.

Kenin succeeded James C. Petrillo, long the AFM's national leader, in 1958.

Kenin was appointed by President Eisenhower to the National Cultural Center Advisory Committee and was reappointed to that position by the late President Kennedy. In 1965, he was appointed by President Johnson to the Fine Arts Council.

Kenin was an advocate of the use of tax money to support the performing arts. He referred to the performing arts as a "cornerstone of our heritage."

Funeral service will be held Friday at 10 a.m. at Holman and Son Funeral Service for Herman Kenin, 68, of Westport, Conn., president of the American Federation of Musicians. He died Monday in Westport.

Mr. Kenin attended Eliot Grade School, Jefferson High School, and Reed College in Portland. He was active in getting outdoor summer operas for Washington Park.

In 1947 he was appointed by President Truman as one of two worker delegates to the International Labor Organization's Conference in Geneva.

He worked with representatives of other countries on problems affecting musicians.

He was instrumental in establishing pension funds for musicians, eliminating cut-rate foreign music in commercial scoring, improving musicians' wage scales and working conditions, setting up scholarships for young musicians, eliminating the 20 per cent cabaret tax, and creating a national endowment for the arts and humanities.

He referred to the performing arts as a "cornerstone of our heritage."

Survivors include his wife, Maxine; two sons, James of Washington, D.C., and David, New York City; a brother, Frank of Portland; and a sister, Mrs. Max (Fannie) Friedman of West Linn.

Interment will be at Neveh Zedek Cemetery in Portland. Remembrances may be made to Reed College.

[From the AFL–CIO News, July 25, 1970]

Musicians' President Herman D. Kenin Dies

New York.—AFL–CIO Vice Pres. Herman D. Kenin, who guided the Musicians to new heights in membership and program, died in his sleep at a hotel here. He was 69 and had been AFM president since 1958.

A message of sympathy from Federation Pres. George Meany and Sec.-Treas. Lane Kirkland expressed "deep sadness . . . at the tragic death of our colleague and warm friend."

His years of service to the AFM, they said, were matched "by his service to the entire trade union movement." The message recalled that "to every assignment he brought calm and thoughtful competence, and deep compassion for his fellow man."

Kenin was "a true trade unionist and a fine gentleman, and we shall miss him," the federation officers said. They conveyed "our sincere regret" to AFM officers and members and the family. Survivors include his wife, Mrs. V. Maxine Kenin, sons David and James, brother Frank K. and sister Fanny Friedman, Portland, Ore.

The family asked that instead of flowers, memorial tributes be sent in Kenin's name to Reed College, Portland, Ore. 97202.

To meet the emergency caused by Kenin's death, Sec.-Treas. Stanley Ballard and the officers called a special board meeting for July 29.

In his lifetime Kenin combined a career as violinist, orchestra leader and practicing attorney to become an influential labor leader. He had been an AFM officer since 1943.

Born in Vineland, N.J., he was the son of a member of the Cigar Makers when it was headed by Sam Gompers. He went to school in Portland, attended Reed College, and in 1930, following three years as a night student at Northwestern College of Law, was admitted to the Oregon bar.

During his college and law school days, Kenin played with the George Olsen Orchestra, then led his own band on hotel, radio, theater and club dates on the West Coast. He practiced law starting in 1931 but kept up his membership in AFM Local 99, and in 1936 was elected its president.

Kenin gave up his law practice at the request of AFM Pres. James C. Petrillo in 1943 to become a board member of the union. He was elected president in 1958 succeeding Petrillo and helped guide the 300,000-member union during its period of greatest growth.

Under his leadership the union became a major force in efforts to establish the National Endowments for the Arts and Humanities. Also it won a long battle in Congress to reduce the 20 percent cabaret tax, established pension trust funds for musicians, persuaded television networks to eliminate foreign-produced music from their programing in favor of "live" domestic music, achieved major gains in salaries and conditions for symphony musicians, and set up scholarship and student-aid programs like the world-renowned Congress of Strings.

He was largely responsible for negotiating agreements with the major television networks and film studios, and with recording firms that fortified the role of the musician in those industries.

Kenin's death brought messages of sympathy from several world labor groups. Sec.-Gen. Arturo Jauregui of the Inter-American Regional Organization of Workers—ORIT—cabled "heartfelt condolence on the death of a great leader and devoted trade unionists, also . . . a valued friend."

Kenin played a leading role in founding the Inter-American Federation of Entertainment Workers and the International Secretariat of Entertainment Trade Unions. He was past president and, at his death, treasurer of the AFL–CIO Council for Scientific, Professional & Cultural Employes.

IDAHO UNDERSTANDS

Mr. CHURCH. Mr. President—

> Future historians may look upon the withdrawal of American troops from Cambodia as the end of an *error* as well as an *era*.

That is the opening sentence of an editorial published in Rexburg, Idaho, Standard. The editorial goes on to declare:

> This time in history may signify the close of a period of widespread action abroad backed by popular support at home.

The Cooper-Church amendment, which the Senate adopted overwhelmingly on June 30 of this year, is hailed as a symbol of this new mood. The editorial declares:

> The amendment aims to restore to Congress, or at any rate to reaffirm, some of its constitutionally delegated power over foreign operations.

In a similar vein, the Idaho Statesman expresses its approval of the President's plan to withdraw 20,000 American troops from South Korea—about 40 percent of those now garrisoned there. The Statesman appropriately asks:

> How can we withdraw from Vietnam, if we can't withdraw from Korea?

The President's Korean decision is a welcome one. As far back as April, 1964, I first suggested that troop reductions be made in Korea. In an article written for the Nation, entitled "The Korean Paralysis: Mired Troops and Frozen Policy," I suggested that American foreign policy "tends to maintain fixed positions long after these have ceased to serve our best interests," and cited the stationing of two full combat divisions—52,000 American troops—in South Korea as evidence.

Mr. President, I ask unanimous consent that the two newspaper editorials and the Nation article be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Rexburg, Idaho, Standard, July 7, 1970]

The Cambodian Catalyst

Future historians may look upon the withdrawal of American troops from Cambodia as the end of an error as well as an era. For those who contend that the administration was mistaken in undertaking the Cambodian operations, the error is now over; only its long-run consequences remain to be reckoned with

What is clear is that the Cambodian venture—from its swift beginning, followed by unprecedented domestic turmoil—does mark the end of an era: the post-World War II era of Pax Americana and an American big stick policy. The foremost indicator of this is the Cooper-Church amendment, which passed the Senate with a wider margin than had been expected.

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The thrust of this amendment is to restore to Congress, or at any rate to reaffirm, some of its constitutionally delegated power over foreign operations. Even if it does not survive the Senate-House conference, it still serves to mark a significant turning point in foreign affairs.

The amendment is not and should not be interpreted as a slap against either President Nixon or the office or powers of the presidency. Rather, it is the result of a process that has been building up over the past decade in reaction to the ever-growing imbalance between presidential and congressional authority. We are witnessing a reversion to a safer point of equilibrium.

It thus appears that future analysts of American foreign policy may view the present moment as signifying the close of a period of widespread action abroad backed by popular support at home. Some now see this as neo-isolationism, but that strikes us as inaccurate. Whatever one calls what is happening, it is evident that the Cambodian operation was only the element that was needed to catalyze a change.

[From the Idaho Statesman, July 17, 1970]

KOREAN TROOPS WITHDRAWALS

If it is still necessary to keep 55,000 U.S. troops in South Korea, how long will it take to withdraw our force from Vietnam? Or, putting it another way, how can we withdraw from Vietnam if we can't withdraw from Korea?

Those questions may have something to do with a decision to withdraw 40 per cent of our troops in South Korea, despite the opposition of the Korean government.

The withdrawal plan lends credibility to President Nixon's promises to Vietnamize the war in Vietnam. South Korea has nearly 200,000 more men under arms than North Korea and has received about a billion dollars worth of U.S. military aid.

Under those circumstances the Koreans ought to be able to accept a larger share of responsibility for their own defense. If the withdrawal of 20,000 U.S. troops from South Korea means the country is in danger, then hopes for successful withdrawal from Vietnam are probably a pipe dream.

A South Korean force of 37,000 has fought well in Vietnam, giving some support to Mr. Nixon's idea of letting Asians do more in the defense of Asia.

Bringing the U.S. troops home should help trim our military costs and ease the foreign exchange problem.

If the North Koreans should renew the conflict the South Koreans could not expect, and shouldn't need, the massive participation of our forces.

To assure that South Korea could not defend itself now would be to write off the entire Nixon concept that it will be possible for Asia nations to provide most of their own defense.

[From the Nation, Apr. 6, 1964]

THE KOREAN PARALYSIS: MIRED TROOPS AND FROZEN POLICY

(By Senator FRANK CHURCH)

American foreign policy tends to maintain fixed positions long after these have ceased to serve our best interests. An example of this rigidity is the continued stationing of two full combat divisions—some 52,000 American troops, including various supporting units—in South Korea.

I neither challenge nor disclaim our basic commitment to defend, by whatever means may be necessary, the integrity of the Republic of Korea. The fixed position to which I refer is not our commitment to defend the country, but the means by which we have chosen to do so. The perpetuation of these means is, I believe, demonstrably unsound, excessively costly and long since unnecessary.

Why does the United States need two full combat divisions in Korea? Since the end of the Korean fighting in 1953, we have given nearly $5 billion dollars in aid to South Korea; more than $2 billion of this aid has been used to equip their army. Today, the ROK army, numbering nearly 600,000 men, is the fourth largest in the entire world! It far outnumbers the entire North Korean armed forces of approximately 350,000 men, and is surpassed only by the United States, the Soviet Union and Communist China. We have made the South Korean Army combat-ready, and equipped it with the most modern weapons; it should, by now, be more than a match for the smaller North Korean force. If it is not, the American people are entitled to know how and where their money has been squandered.

The argument that we must leave 50,000 American sentinels on the front line in Korea to guard against, not a North Korean attack, but the possibility of another invasion by Communist China, is transparently weak. Against an all-out Chinese attack, two divisions of American troops would never suffice. Should Korea be so invaded again, the United States would have to intervene with the whole of her military might. To pretend otherwise is merely to tempt fate.

If another armed challenge of this dimension were to occur in South Korea, We would have to respond with forces now stationed outside that country. And we are prepared to do so. Our armed forces are far stronger and more mobile than in 1950, when the last invasion occurred. Our formidable base and staging area at Okinawa is within easy reach. Moreover, the success of the recent "Operation Big Lift," which flew a whole division from Texas to West Germany, indicates how swiftly we can move our troops from one part of the globe to another. Should a big new invasion ever require it, we could quickly airlift formidable numbers of American soldiers into the Korean peninsula.

The customary retort to these acknowledged facts is that two American divisons must none the less remain in Korea as a psychological deterrent to any future Communist adventures, and to keep the South Koreans reassured of our determination to defend their country. As to the latter, one wonders why further reassurance should be needed after so vast an outpouring of American life and fortune in the Korean War; as to the former, if we accept the argument that our continued presence in Korea is required to make our commitment credible to the potential enemy, then it follows that American forces will have to patrol the 38th Parallel indefinitely—at least until such time as Korea's Communist neighbors either disarm or disappear!

I find neither of these propositions convincing. But, to play it absolutely safe, let us concede that the continued presence of American troops in Korea does offer further proof, to friend and foe alike, of our determination to uphold that country. Does it follow that we must keep two full divisions there? Surely, one regimental combat team would serve the purpose. With our capacity for rapid reinforcement from bases nearby, we can give South Korea the same guarantee of security, with far fewer American troops actually garrisoned there. It doesn't take a whole American Army to provide a "tripwire."

Withdrawing the remainder of these two divisions to locations from which they could be speedily airborne would also add to our general mobility. Our troops now on the line in Korea can be used only to defend that country. They are dug deeply into the hillsides. Ironically, we have limited their utility by miring them down in a region of the world where, their instant availability for use in a crisis, somewhere else around the run of China, could mean the difference between success and failure.

Moreover, the case against the frozen deployment of two whole divisions in Korea is not limited to the benefits to be derived from a more fluid strategic position. There are pressing financial, as well as sound military reasons for reducing the level of American troops in that country.

The cost of maintaining our military forces abroad is a far greater burden to our balance-of-payments problem than our total outlay each year in foreign aid. For instance, in 1962, our balance-of-payments deficit was $2.18 billion. The drain on the balance from foreign-based military expenditures was more than $3 billion. In 1961, our balance-of-payments deficit was $2.37 billion, while our foreign-based military costs contributing to this deficit exceeded $2.93 billion. In both years, we would have had a balance-of-payments surplus, had it not been for the cost of our garrisons in other countries. Retaining two whole divisions in Korea adds more than $100 million each year to our balance-of-payments deficit.

The United States has sustained a deficit in its balance of payments consistently since 1950. As a result, we have accumulated more than $25 billion in short-term obligations abroad, while our gold reserves have dwindled to less than $16 billion. If we subtract the $12 billion in gold bullion earmarked by law to back the currency in our own country, we now have less than $4 billion in gold reserves with which to redeem our outstanding obligations to foreign creditors. During the past five years, our gold reserves have been diminishing at an alarming rate. We have suffered a gold outflow of more than $7 billion since 1958!

All this is not to say that, wherever our vital interests require it, we should not continue to station American troops in other countries. But it is to say that the size of these garrisons should be reduced, wherever possible, to a prudent minimum.

I submit that a sound assessment of our position in Korea calls for the withdrawal of the bulk of our troops, for the following reasons:

The South Korean Army can repel a North Korean invasion.

An invasion by Communist China would require us to make an effort of an entirely different magnitude than is implied by the two divisions currently quartered in Korea.

A regiment of American combat troops on the front line in Korea would serve just as effectively as a "trip-wire" deterrent to the Communists.

Removing the remaining units from their trenches in Korea would add to the mobility of our military posture in Asia.

A reduction in the number of American troops stationed in Korea would mitigate our serious balance-of-payments problem.

CRASH PRIORITY PROGRAM ON ELIMINATION OF DREAD DISEASES

Mr. PERCY. Mr. President, we Americans are a security conscious people. We want to secure peace so we spend billions of dollars on weapons. We want safe streets so we hire more policemen. We want financial security so we invest, save, insure. In many ways our behavior is dominated by fear.

Perhaps no fear is more universal than the fear of disease. Cancer, stroke, heart disease evoke images of suffering and death for us all. Yet, these diseases have become such a fact of life that we can now predict with a high degree of accuracy how many Americans will die of each of these diseases every year.

I have known may of these Americans. My predecessor at Bell & Howell, Joseph H. McNabb, died of cancer. Within the past month, I served as pallbearer for his wife and son, both of whom passed on from cancer. Three out of four members of the same family dead from the same disease. This is a tragedy we can prevent in the future only by dedicating ourselves to an effort to eliminate this dread disease.

On August 3, I sponsored, with the Senator from South Dakota (Mr. McGOVERN), a resolution making it the sense of Congress that we adopt a national crash priority program on dread diseases as a beginning for this effort. The resolution stipulates that it is our goal to eliminate these diseases by 1976. What better 200th anniversary present could the Nation give itself than the reassurance that we are free from the fear of cancer, stroke, and heart disease.

A resolution alone will not accomplish this goal. While it will authorize the Surgeon General to report on the funding and extent of programs designed to discover and prevent the causes of these diseases, only additional research and more doctors can eliminate the diseases.

The National Advisory Council on Health Manpower conservatively estimates a shortage of 50,000 doctors. That means that at present we have only about 80 percent of the health manpower we require. Yet, each year, thousands of qualified American college graduates are being turned away from medical school because there is not room for them. Last year alone, 2,000 Americans were studying in foreign medical schools because they could not gain entrance to a school in their own country.

The shortage of doctors is keenly felt in large metropolitan areas where the actual numbers of physicians have declined. For instance, in 1930, Chicago had more than 6,000 doctors practicing in the city, while today there are only about 4,000.

The consequences of doctor and facility shortages were pointed out in a frightening situation earlier this year when Cook County Hospital, in Chicago, the largest public hospital in the country, announced that admissions in all but emergency cases would be closed. An outbreak of winter illnesses, understaffing, and financial problems forced the hospital actually to close its doors during two critical periods.

Each Member of the Senate could undoubtedly point out numerous examples within his own State of how a lack of money, medical manpower, and facilities have resulted in less than adequate health care for our people. Each of these deficiencies, I would propose, stems from a lack of direction in health care and a lack of national resolve that these problems will be eliminated.

We owe to all those who have known the suffering of dread diseases a thorough and serious consideration of the difficulties facing our medical delivery system and the first vital step toward eliminating them.

I believe that the resolution providing for a national crash program on dread diseases is a necesary step. I would urge every Senator to recognize the duty that is ours and the tragic results of our continued inadequate action.

THE ROLE OF VOLUNTARY ASSOCIATIONS IN THE STRUGGLE FOR HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, human rights can be achieved only through the determination of many committed individuals. Throughout our history, we can see the fruits of intelligent organization. The women's rights and labor movements have shown skill in the use of grassroots communication with those people who need to get the message and who have the ultimate power of the vote.

That same set of tools are now necessary to educate many segments of America to the need for international human rights covenants. Some people feel a mistrust and fear that come from an easily aroused sense of insecurity over the possible impact of these treaties on American life.

One group of citizens in particular have contributed greatly to the never-ending drive for ratification of the human rights treaties. I speak today of the Ad Hoc Committee on Human Rights and Genocide Treaties. Based in New York City, with local organizations all over the country, the ad hoc committee is not concerned with perpetuating its existence long after a cause is won or lost. They are, rather, an intensely committed group of associations, banded together in this alliance for the specific purpose of using their tools of concern, determination, education, and motivation to put the case for the Genocide Convention and other pending Human Rights Conventions before the American people.

I ask unanimous consent that the names of the participating members of the Ad Hoc Committee on Human Rights and Genocide Treaties be printed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Member organizations: American Civil Liberties Union, American Ethical Union, American Federation of State, County and Municipal Employees, AFL–CIO, American Federation of Teachers, AFL–CIO, American Friends Service Committee, American Humanist Association, American Jewish Committee, American Jewish Congress, American Roumanian National Committee, American Veterans Committee, Americans for Democratic Action, B'nai B'rith, Brotherhood of Sleeping Car Porters, AFL–CIO, The Episcopal Church, Farband, Labor Zionist Order, Friends Committee on National Legislation, General Board of Christian Social Concerns, the Methodist Church, Hadassah, the Women's Zionist Organization of America.

Industrial Union Department, AFL–CIO, International Ladies' Garment Workers' Union, AFL–CIO, International Rescue Committee, International Union of Electrical Workers, AFL–CIO, Jewish Labor Committee, Jewish War Veterans, League for Industrial Democracy, National Association of Negro Business and Professional Women's Clubs, National Association for the Advancement of Colored People, National Board, YWCA, National Catholic Conference for Interracial Justice, National Community Relations Advisory Council, National Conference of Christians and Jews, National Council of Jewish Women, National Spiritual Assembly of the Baha'is of the U.S.

Quaker UN Program, Retail, Wholesale and Department Union, AFL–CIO, Textile Workers Union of America, AFL–CIO, Ukrainian Congress Committee of America, Ukrainian National Association, Union of American Hebrew Congregations, Unitarian-Universalist Association, United Automobile Workers of America, AFL–CIO/United Church of Christ, United World Federalists, Women United for the United Nations Women's International League for Peace and Freedom, Workers Defense League, Workmen's Circle, World Jewish Congress, American Section, Advisory Members: Catholic Association for International Peace, Conference of UN Representatives of the Council of Organizations, UNA-USA, National Council of the Churches of Christ in the U.S.A.

WHY DOES NOT THE PUBLIC KNOW?

Mr. HANSEN. Mr. President, in recent weeks there has been much talk about television and its use for political or partisan purposes.

Such talk has involved the questions of equal time, the fairness doctrine, the right to free time, the moral obligation to sell time, who shall answer the President, who shall speak for the political parties, and other related topics.

Mr. President, events of recent days prove that there is much justification in raising these issues, if the public's right to know is to be assured.

Because, unfortunately, the oldest medium and in some ways the most respected medium, and surely the medium that is most capable of giving us all the news, is not living up to its responsibilities.

I refer, of course, to the newspapers. And I do so most reluctantly. I believe wholeheartedly not only in the freedom of the press, but also in the right of the editor to exercise editorial judgment regarding what is news and what is not news.

Unfortunately, even those things in which we believe most strongly, even those things which we would not change if we could, can sometimes be abused.

I am convinced that the press, at least that segment of it that circulates in Washington, is abusing its rights.

It is doing so by presenting only one side of an argument.

A very important argument—one that involves winning the peace or alternatively, suing for peace at any price.

I am sure most informed residents of the Washington area are aware of the misnamed "end the war amendment," more commonly known as the McGovern-Hatfield amendment. I suspect that most of them know it is designed to force the President to withdraw all American troops from Vietnam before next July 1.

But what they probably do not know is that there is major opposition to this amendment; that many of those who are aware of it think it is ill-conceived; that it is in effect a retreat-and-surrender amendment; and it usurps the prerogatives of the Chief Executive. Some of us also think it could result in a massacre, not only of retreating American troops, but also of hundreds of thousands of South Vietnamese, whose only crime is that they prefer even an imperfect form of democracy to the totalitarian communism practiced by the North Vietnamese.

Why does not the public know there is opposition to the McGovern-Hatfield amendment, both in this Chamber and outside?

The answer is simple. The media have blacked it out. There have been one or two remarks on radio, but so far as I can tell, there has been nothing on television and even less in the newspapers.

Yet, in the last 2 weeks this has happened: The Administrator of the Veterans' Administration, Mr. Donald Johnson, took exception to the McGovern-Hatfield amendment and those who support it. Not one word of that speech, made in Los Angeles, appeared in the newspapers or the television available to Washington area residents.

A few days later there was a colloquy on the floor of the Senate, during which the Senator from South Dakota (Mr. McGovern), the Senator from Oregon (Mr. Hatfield), and other Senators took strong exception to the words of the Veterans' Administrator. Other Senators in the Chamber floor defended him. No word of that debate appeared in the newspapers.

Last Thursday the chairman of a group called "Tell It To Hanoi" held a press conference in Washington. He was flanked by close to 20 leaders of groups that support the President. His purpose was to announce the beginning of a major advertising campaign against the McGovern-Hatfield amendment. Again, not a word in the newspapers or on television, although stories about advertising by the McGovern-Hatfield forces have appeared in the papers.

Finally, on Friday, the junior Senator from Kansas (Mr. Dole) held a news conference, at which he announced that he had prepared spots for television and had received free time from many television stations in which to reply to the spots prepared by the McGovern-Hatfield amendment supporters, spots which incidentally received good press and TV coverage.

Again, the press and local TV failed to mention the Senator from Kansas' news conference or to treat his spots as news.

Why?

Mr. President, can all of these events lack newsworthyness? Is opposition to the Hatfield-McGovern amendment not worthy of any mention on television or in the newspapers? I cannot believe that this is the case. If one side of any controversy deserves coverage, then surely both sides should be covered.

Then what is the answer? I cannot believe there is a conspiracy among the liberal reporters and editors of Washington. Although if I charged that that is the case, I might turn this speech into a news story.

But if there is not a conspiracy, what is there? Have all the editors and reporters in Washington who would ordinarily cover these events or bring them to the attention of the public decided that they are not newsworthy?

Or are they consciously and deliberately setting out to help adopt the McGovern-Hatfield amendment by blacking out the opposition to this ill-conceived piece of legislation? Are they afraid to give the people the facts and let them judge for themselves? Have they put theyselves in the business of propagandizing the people in order to attain their own selfish ends?

Mr. President, I do not have the answers to these questions. And if I had to depend on newspapers and on television, I would not even have the facts.

This, Mr. President, brings me back to my original remarks—the importance of insuring fairness in the licensed medium—television—since we cannot do it in the unlicensed medium—the press.

As we all know, the channels available to television are limited in number. They belong to all the people. That is why the people have a right to say how they shall be used. That is why the people have a right to demand that on television and radio all sides of major issues be presented and presented fairly.

That is why all the talk these days about the fairness doctrine, equal time, and similar subjects is so important. I believe it is up to all Members of Congress to make sure that the licensed information medium lives up to its responsibilities to be fair.

The fate of our Nation hinges on an informed electorate. We cannot force the press to keep us informed. We can see to it that radio and television live up to that responsibility.

THE FITZGERALD CASE: 260 DAYS AND STILL NO ACTION FROM THE JUSTICE DEPARTMENT

Mr. PROXMIRE. Mr. President, on November 22, 1969, I wrote to the Justice Department requesting the Attorney General to investigate the intimidation and firing of A. Ernest Fitzgerald. Since that time, 260 days—more than 8 full months—have elapsed and still the Justice Department has taken no action on my request.

Six days after my initial request the Justice Department informed me that they had the case "under review." One month later, I was told that "when all available evidence is reviewed, a definite conclusion will be made as to whether the facts show a violation of the Federal criminal code." Mr. President, I still have not received word of any type of conclusion—definite or indefinite. In fact, I have not received any word at all.

When will the Justice Department act? When will they arrive at a definite conclusion in this case? The time for positive action is long overdue. I shall look forward to a decision by the Department on this case in the very near future.

PETER LISAGOR—EXCEPTIONAL NEWSMAN

Mr. PERCY. Mr. President, this week's issue of Time magazine pays a much-deserved tribute to Peter Lisagor, chief of the Washington Bureau of the Chicago Daily News, calling him "the newspaper correspondent conceded by his colleagues to be Washington's all-round best" and "the most popular newsman in town."

Mr. President, having had Pete Lisagor later report accurately in his newspaper what I thought were just casual conversations, I can testify to his reportorial enterprise. Having often been the subject of his stories, I can vouch for his fairness even though it sometimes hurts. And having known him for several years, I can support Time's opinion of his popularity and well understand the reasons for it.

Mr. Lisagor is an exceptional newsman and an extraordinary human being. In order that Senators may come to know him better, I ask unanimous consent that the Time article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE PRESS

Washington, D.C., is a city of hustlers and manipulators, full of pitfalls for the journalist, and covered by some of the most experienced reporters in the U.S. It stands to reason that the newspaper correspondent conceded by his colleagues to be Washington's all-round best would be cynical and a bit smug. He isn't. The Chicago *Daily New's* Peter Lisagor, 55, has made his mark by 20 years of hard work and humor, and if he has scooped every competitor and pulled every beard in the capital, he remains the most popular newsman in town.

Laughter is Lisagor's calling card. He has stepped on Khrushchev's foot, fallen asleep in the Taj Mahal and walked head-on into a lamppost (with bloody consequences) while recording the words of Lyndon Johnson. He tells terrible jokes and laughs so hard at them that everyone laughs with him. Still no member of the press corps makes the mistake of writing off "Old Pete" as a buffoon. They all laughed when he foiled security by slipping his rented car, crudely lettered State Department 1-A, into a key position in Krushchev's 1959 motorcade through Des Moines, but the joke was on them. It usually is.

WHISPERS WITH J.F.K.

The lighthearted Lisagor is admired as a great generalist in a field where specialists are taking over. As chief of the *News's* five-member bureau, he practices what he calls "horizontal" journalism—he and his reporters follow their stories wherever they lead rather than sticking to narrow beats, as they might at a large "vertical" bureau. Pete himself covers the White House, foreign policy, Washington politics and whatever captures his fancy. He is reputed to have the widest range of true friends in the Government's employ of any correspondent in D.C. L.B.J. has called him "brilliant." To the consternation of Lisagor's colleagues. John Kennedy used to call him aside for lengthy whispered consultations. J.F.K., a fellow sufferer, was actually asking about Pete's bad back. "I always told the other reporters it was a privileged conversation about Berlin or Cuba or the cold war," Lisagor recalls gleefully, "and that I couldn't divulge any part of it."

Lisagor modestly attributes his popularity to the fact that he works for a provincial paper. None of his sources, he claims, ever see what he writes. But being a "busher" in the bailiwick of the Eastern press giants has had its drawbacks. Lippmann or Reston could get a Cabinet member by phone, but Lisagor once waited weeks trying to see John Foster Dulles. He got an interview immediately when, on the strength of a New York *Times* Sunday Magazine assignment, he identified himself as Mr. Lisagor for the *Times*.

XUM

On another occasion, the wire services entirely ignored one of its scoops—the discovery that President Syngman Rhee had refused the offer of Indian troops at the height of the Korean War—until he leaked it to the New York *Herald Tribune*. By 1966, when he beat everyone with the first authentic account of the Jackie Kennedy-William Manchester squabble, A.P. and U.P.I. were finally paying attention.

RON'S BAD NEWS

Outside the profession, much of Lisagor's recognition and prestige is due to his appearances on television, which he pretends to disparage. "I belong to the dirty-fingernail set," he boasts. "Those who work with pencil and notebook, as opposed to the folk heroes on TV. I'm a working stiff, a shoe-leather man." He is embarrassed when little girls recognize him and ask for his autograph. Nevertheless, he does a weekly report for NET and is the most frequent guest journalist on NBC's *Meet the Press*, a program that displays Lisagor's most conspicuous talent: he is far and away the most skillful interrogator in the business. On TV, at press conferences, and at the now-famous breakfasts run by Godfrey Sperling of the *Christian Science Monitor*, he breaks through the reserve of official after official with the wit, insight and irreverence of his questions.

"After a year," he asked an evasive Daniel P. Moynihan, "how does it feel to be the house liberal?" Lisagor had used the approach before. "If you were Secretary of State," he asked Johnson Adviser McGeorge Bundy several years ago, "would you want a McGeorge Bundy in the White House?" And when Nixon Press Secretary Ron Ziegler began a song and dance about how General Lewis Hershey had not actually been canned as Selective Service director but promoted to a higher advisory post, Lisagor stopped the nonsense and broke up the house by asking quietly: "How did he take the bad news, Ron?"

XUM

SHORN OF BRITCHES

Those fortunate enough to catch Lisagor in print (his features and weekend columns are syndicated in 90 cities but seldom appear in D.C. or New York) find Pete hanging on no ideological peg. An apolitical anomaly in a highly partisan town, he is praised by Bill Buckley's *National Review* and is quoted by the liberal *New Republic*. "An old editor once told me to walk down the middle of the street and shoot windows out on both sides," he says. "I guess that's about what I try to do." He will agonize for hours over his lead. One colorful effort dramatized L.B.J.'s technique of silencing the G.O.P. by stealing its issues: "There is no other word for it—the Republicans have been held up in broad daylight by a daring political desperado from Texas, Lyndon B. Johnson has shorn them of their britches, in the patois of the Pedernales."

Pete Lisagor's "plain folks" pose is an honest one. He was a 14-year-old orphan when he went to Chicago from the West Virginia coal fields in 1930. He played pro baseball "for $65 a month and hamburgers" in Iowa, until he saved enough money to go to the University of Michigan. With time out for the Army and a Nieman Fellowship at Harvard, he has worked for the *News* almost continually since 1939. In Washington, Old Pete never flaunts his unique eminence, but he obviously enjoys it. When a friend called to ask if a big story had been leaked to him—he had a 24-hour beat on it—he chuckled comfortably and replied: "They don't leak stories to me. I'm just a barefoot boy from over the mountains."

DAN A. KIMBALL

Mr. MURPHY. Mr. President, this past week America suffered the loss of one of her finest sons, Dan A. Kimball. Dan Kimball died after a full life devoted to his country, and we are the richer for his having been with us these 74 years.

Dan Kimball was born in the Midwest, but was a Californian since childhood, so our State has suffered a special loss in his passing. Dan was a friend to many of us in this Chamber, including myself. He also was a fierce fighter for that in which he believed and his contributions to our Nation's safety as Secretary of the Navy and head of Aerojet-General Corp. were manifold.

About an hour and a half after Dan passed away, a thunderstorm came up rather quickly near the home of one who had known him since childhood, and the remark was made, "there goes Mr. Kimball—fighting his way into heaven." That is the way it was with Dan. This almost involuntary statement was not made in a facetious or disrespectful way. To the contrary, the one who said it did so with tears in his eyes. What was deeply felt was that Dan Kimball would wrestle the Devil and St. Peter both if necessary to accomplish a goal that was right. He was that kind of man.

Dan Kimball stood six-foot-three and weighed more than 200 pounds, but in the hearts of those who knew him he was much bigger. He worked hard for his country with mind and heart and he was very active in the politics of California. Dan and I were on opposite sides of the political fence, but he never fought a political battle in any way other than by the rules of fairness and mutual respect.

Mr. President, we of the Senate, the people of California, and our Nation have lost one of our champions. We have lost a kind friend. We shall miss Dan Kimball, but we are grateful for having been able to walk part of life's way with him.

Mr. President, I ask unanimous consent that an article published in the Los Angeles Times of July 31, 1970, which details some of the highlights of the career of Dan Kimball, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dan Kimball Dies; Ex-Navy Secretary

Washington.—Dan A. Kimball, 74, former Secretary of the Navy and retired industrialist, died Thursday at Georgetown University Hospital.

Secretary of Defense Melvin R. Laird said Mr. Kimball's death "marks the loss of an outstanding American.

"His term as secretary of the Navy was marked by significant accomplishments in the maintenance of a strong naval force for this country's defense. His devotion to country and tireless efforts in behalf of it extended beyond his years of government and beyond his activities in defense matters" Laird said in a statement.

Mr. Kimball was a retired president and chairman of Aerojet-General Corp. The company's headquarters in Azusa, Calif., announced his death.

A spokesman for the hospital said Mr. Kimball was admitted Sunday with internal bleeding. The exact cause of death was not determined.

Mr. Kimball was Navy secretary from July, 1951, to January, 1953, under President Truman. He had previously served as assistant secretary and undersecretary of the Navy.

Mr. Kimball had been a long-time manager of western interests of General Tire & Rubber Co., Aerojet's parent company. He retired from Aerojet about a year ago after being "one of the company's leading lights for about a half-century," a spokesman said.

As head of the Aerojet Engineering Corp. for many years, he played a leading part in development of rocket engines for the giant diversified firm.

Mr. Kimball, a high school dropout, was a World War I Army pilot.

Mr. Kimball was a noted philanthropist and was active in California Democratic Party circles for years.

He was born in St. Louis, March 1, 1896, to a pioneer family in the Mississippi-Missouri river valleys.

He left St. Louis public schools to work fulltime and completed his education through correspondence courses.

Mr. Kimball had been a California resident since about 1917 except for time spent in Washington. He served several years ago as a member of the State College Board of Trustees.

EQUAL RIGHTS FOR WOMEN—ADDRESS BY SENATOR TOWER

Mr. TOWER. Mr. President, I had expected to be in St. Louis, Mo., today to address the convention of the American Bar Association on the subject of equal rights for women. I felt it necessary, however, to cancel that scheduled appearance because of the activity here on the military procurement bill. Since I did not have the opportunity to present my address personally to the American Bar Association, I ask unanimous consent that the remarks I had prepared for delivery there be printed instead in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Speech Before American Bar Association in St. Louis

THE EQUAL RIGHTS AMENDMENT

(By Senator John Tower)

It is widely thought today among various disaffected elements in our society that our system of government by law and ordered change is not sufficient to meet the challenge of providing social justice for all Americans and that this situation calls for the use of violence to destroy that system. I firmly believe that such a philosophy is not soundly based, and that our system *can* absorb the changing values of the American culture and intellect within reasonable periods of time, at the same time preserving the basic stability and order that are requisite for individuals to function in society in a positive and meaningful manner. I will discuss one such change today which is currently proceeding through the established mechanisms of our governmental system, and, by comparison with similar changes in the past, argue that, if given adequate time and a solid basis in our current cultural and intellectual milieu, such a social change can and will be brought about in an orderly manner.

I refer, of course, to the growing movement for "women's liberation" as embodied in the legal concept of a Constitutional Amendment for Equal Rights. This Amendment, currently in the Senate Judiciary Committee, states that:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several states shall have the power, within their respective jurisdictions, to enforce this article by appropriate legislation.

As lawyers, you realize, of course, that the explicit nature of this Amendment is not actually necessary, since the Fifth and Fourteenth Amendments could easily be construed by the Supreme Court to cover state and federal discrimination on the basis of sex. However, this Amendment *can* serve as a source of momentum for the Supreme Court and the lower courts to actually so extend the Fifth and Fourteenth Amendments, should they see fit at a date earlier than the eventual passage and ratification of the Equal Rights Amendment.

The aspect of this Amendment and the "women's liberation" movement that I would especially like to comment on today is that of historical perspective. I believe that the expansion of educational and economic opportunity for women, along with the corresponding assumption of full civil duties and obligation, is a necessary and desirable step in the further extension of the full rights and privileges of citizenship in the United States. At the same time, I would caution that this expansion is, and should be, a dynamic process, based on gradual changes in values of the bulk of the American people and, as such, cannot be suddenly effected simply through amending the Constitution.

The cultural concept of greater equality for women has been developing gradually over the last hundred years, marked fifty years ago by the major legal change in suffrage accomplished by the Nineteenth Amendment. More minor liberalizations of laws, federal and state, have been occurring in the meantime, gradually wearing away the concept of distinction in the rights and privileges of men and women. Greater education and widespread communications facilities have also helped erode the rigid role of women as purely homemakers and childraisers.

This dynamic social process will ultimately bring about the adoption of an Equal Rights Amendment or a comparable Supreme Court decision, but this will be more of a result of changing cultural values than a cause of this change. Adoption of an Equal Rights Amendment will be a historical marker of sorts and will formally state society's recognition of the full citizenship and rights of women. Yet the important social concepts on which an Amendment will be based will be standing on their own merits, independent of the Amendment. Moreover, they will continue to progress on their own merits.

The nature of the evolution of our Constitutional and common law concepts as the result of the continuing process of cultural and intellectual change is an obvious fact. Yet it may be worthwhile to review some of our history in this regard to put the current women's rights movement in proper perspective.

Let us go back to the *Magna Carta* for a moment. In 1215, the major social concerns of the English people were probably their religion and their property rights.

Hence it is not surprising that the great document that we count as one of the origins of our own Constitutional concepts was primarily concerned with freeing the Church from the King and with clarifying certain property rights of the nobility. The Charter had detailed provisions for the passage of the property at death, the financial obligations of nobles to the King, creditor's rights, the obligations of tenancy, and so on.

But a few sections of the Charter were of deeper significance and initiated the modern tradition of setting down in a declarative document the personal and procedural rights of the people against their government.

One provision signaled the beginning of the English concept of representative government:

No scutage nor aid shall be imposed on our Kingdom, unless by common counsel of our Kingdom. . . .

Various elements of our own Bill of Rights will be recognized in other Magna Carta provisions:

No constable or other bailiff of ours shall requisition corn or other supplies from anyone without immediately paying money therefor, unless the seller voluntarily consents to deferred payment.

No sheriff or bailiff of ours shall take the horses or carts of any freeman for transport duty, against the will of said freeman.

But the Great Charter went deeper than these provisions and is the document it is today because of this one provision:

No freeman shall be taken or imprisoned or desseised or exiled or in any way destroyed, nor will we go upon him nor send upon him, *except by the lawful judgment of his peers and by the law of the land*.

"Except by the lawful judgment of his peers and by the law of the land." I don't think we are overstating the case to say that this is probably the most important and potent phrase in the history of Western civilization. Closely related to its long history of progressively stronger implementation is the development of the great democracies of the world. However, in 1215, this clause did not have nearly the substantive content we ascribe to it today. And, in 1215, this "rule by law" really extended only to the freemen, who were all those above the status of villein. It was not a concept of "people's rights" as we know it today.

However, English intellectual and cultural progress were on the move as Europe progressed out of the Dark Ages, and both the content and application of the clause expanded in conjunction with the growth of a more powerful Parliament, a more competent judicial system, and a profession of law. Over a period of three hundred years, all Englishmen became freemen, and the substance of due process was built up gradually through case law.

We picked up the due process clause in our Constitution over five hundred years later, but even at that late date we had not progressed so far as to extend major personal rights to a whole class of our people, the slaves. Yet we have continuously expanded the meaning and application of this clause and our other Bill of Rights guarantees through the orderly processes of Constitutional amendments, legislation, and case law, to create and protect what we now consider fundamental personal rights for all of our citizens. Who can say that violence is justified as a political tool when the existing system so faithfully and consistently incorporates the changing and increasingly humanitarian values of society into its legal framework without any need for disorder or bloodshed? Changing the laws and policies of our government is a matter of patience and persistent work, not of violence and disorder.

The women's rights movement is at such an advanced level in the general establishment of fundamental rights that it is of minor significance when considered in the context of history and the establishment of major personal rights over the last eight or nine hundred years. American women today have all the major personal rights that were hammered out with great difficulty and sacrifice for all of these hundreds of years, as our political heritage shifted from the rule of man to the rule of law. It is a great tribute to the flexibility and adaptability of our system of government that today we can turn peacefully to the process of fine-tuning our rights and privileges to allow everyone to have a more equal opportunity for educational and economic advantages in our country.

Primary personal legal rights have been largely secured: we are now talking about a relatively minor adjustment in our legal structure to allow better access to schools and jobs for women.

Hence I refer to the need for a little historical perspective in this drive for women's rights. Massive changes in human rights have been going on for hundreds of years, and this latest of human rights movements is actually an outgrowth of the general cultural change in the role of women which has occurred over the last hundred years. Their full access to educational and economic opportunities will come about, largely in this decade, as a result of their process. The feeling that appears to possess some in this movement, as well as other people in other movements, is that there should be instantaneous access to a right or a privilege the moment that a group of people intellectually determine that it should be so. Now, they may very well be right on the merits of the case, as women are at this time, but the bulk of the American people need to appreciate the need for a given type of social reform before it can feasibly be accomplished. Our country is realizing the legitimacy of the claims to fuller women's rights, and the political processes will respond with appropriate action when our culture is sufficiently infused with this new value. This would not appear to be far away, but, as I have been trying to indicate, there is bound to be some time lag between the germination of a concept like this and its acceptance by the bulk of the people—those who will have to accept it before it become institutionalized. I think that if the advocates of human rights causes realise this fact fully, they will be more patient and understanding with the political processes by which we assimilate these cultural changes into our legal system. Women, so far, have generally followed the legal route to reform; I only wish that others bent on reform could similarly appreciate the great value of our system.

But, to turn from history to the more immediately pressing concerns of the women's rights movement, we are effectively talking about legislation under the aegis of the interstate commerce clause.

One of the most significant laws passed in recent years relating to the position of women in the labor force is the Equal Pay Act of 1963, amending the Fair Labor Standards Act of 1938. It specifically prohibits the employer from discrimination on the basis of sex in payment of wages for equal work on equal jobs in similar working conditions. In 1964, an even more important law dealing with equal employment opportunity was passed—the Civil Rights Act of 1964. Title VII of that Act prohibits discrimination on the basis of sex in private employment by industries engaged in interstate commerce. This measure also applies to labor organizations and employment agencies. The Federal Government, through an Executive Order, acted to ban discrimination on the basis of sex in its own employment, employment on federally-assisted construction and employment by Federal contractors and subcontractors. In addition to such federal laws, there are numerous state and local laws banning discrimination by sex. Thirty-five states have enacted equal pay laws; sixteen have adopted fair labor employment laws which specifically relate to women. On paper, these laws appear to give ample guarantee that a woman with the same qualifications as a man will be considered equally with that man for a particular position, will probably receive the same pay as that man would in that job, and would have initially the same chance for advancement.

Now let's look at the facts in this area vital to economic livelihood. There are 31 million women in America's labor force—or 38% of the total number of workers.

This represents an increase during the last few decades and, therefore, a fuller use of our nation's labor potential.

Women over sixteen are concentrated in the field of clerical work. In fact, this constitutes about 34% of the women's working force. Since this field is commonly grouped with white collar jobs, and since white collar work often is more remunerative than blue collar work, the large number of women clerical workers would appear to be in a good economic position. However, the median wage of full-time, year-round workers who are women was $4,789 in 1968, while men in this field were earning $7,351.

Unfortunately, the situation is not improving over time despite the enactment of legislation like the Equal Pay Act and the Civil Rights Act specifically relating to sex discrimination in employment. In 1955 the median salary of full-time, year-round workers was $2,719 for women and $4,252 for men. Women were then receiving 63.9% of what men were earning. In 1968, the median salary for women increased in real terms to $4,457; however, that of men had reached $7,664. In other words, women in 1968 received only 58.2% of what men were earning, speaking in terms of median wage.

One traditional and important job field for women in past years has been teaching; it seems somewhat easier to combine this career with family life. Even here, however, there appears to be bias. The National Education Association found that in 1965–66 the median wage of women who were members of teaching staffs in colleges was less than that of men on all professional levels. In fact, women who were full professors had a median annual salary of $11,649 and men, $12,768.

In overall occupational patterns, the position of women in the labor force has deteriorated in recent years. Since the period before World War II, women have become increasingly concentrated in service trades and clerical work; however, their position in professional and technical work areas has become worse over the years—in fact, it dropped from 45% in 1940 to 38% in 1968. If there were a substantial rationale for such differences in occupations and salary levels, there might be some justification for the existing situation. Instead, more education and more freedom from homemaking tasks indicate the position of women in the labor force should have improved over time.

Also, women have tended to show up as well or better than men in time-on-the-job studies, and their turnover rates are comparable to men's. In fact, women show less tendency to leave jobs as they acquire higher responsibility.

In another important field, we also find evidence which tends to show a biased treatment of the female—education.

Education is a major key to individual success in our society besides being vital to our technological, sociological and psychological progress as a nation. Hearings before the House Special Subcommittee on Education last month indicated that higher levels of previous achievement are required of women in order to gain admission to a college or university. In fact, many schools admit fixed proportions of men and women each year—in favor of men.

The courts have not been of much assistance in solving the discrimination problem in either labor or education. Women's work rights have generally not been considered to be covered under the "equal protection" clause. In *Muller* v. *Oregon*, a leading 1908 Supreme Court case, the Court upheld a limitation on the number of hours a woman could work in a bakery, declaring that sex was a valid basis of classification. Not until passage of the Civil Rights Act of 1964 was this doctrine seriously challenged; however, the EEOC, which has the authority to enforce Title VII of the Act, has not been very successful to date in winning court cases which it has initiated in response to specific complaints. Only recently has the Supreme Court agreed to hear a Title VII case.

The situation is similar in the field of college admissions. As recently as ten years ago, the Supreme Court declined to hear a case in which the Texas Court of Civil Appeals had upheld the exclusion of women from a state college, Texas A&M.

Thus, in labor and education, which are vehicles to economic advancement in our nation, women do not yet have full opportunity—and this inequality has a great deal to do with their sex, rather than their ability and intelligence. Unfortunately, in their civil and political roles also men and women often receive different treatment—a treatment incongruous with the stage of sophistication and civilization achieved by our society. There are still four states which require court approval, sometimes in conjunction with the consent of the husbands, before a woman can go into independent business. In most states, women now serve on juries; however, until 1966, three states would not even allow women to serve on juries. Even today some twenty states and the District of Columbia treat women differently as jurors than men.

Some of this discrimination will no doubt be eliminated by further legislation and more aggressive court action, as the concept of full rights and responsibilities for women continues to gain acceptance in our cultural value system. At the same time, the support for the Amendment will continue to increase and the likelihood of its ultimate passage and ratification within the reasonably near future will improve correspondingly.

It is true that the Equal Rights Amendment may remove some privileges which women previously enjoyed, such as the institution of alimony and ineligibility for the draft. Yet women today seem to be ready to leave behind the special privileges of the past for full economic opportunity in the future and for the sense of pride and integrity that will accompany it. Our system of popular government and its provisions for orderly change will assure them that they will have their full rights in the not too distant future.

This is the strength of our democratic system, and it is because of this strength that there is no need for violent efforts toward change. Some patience is required to allow the system to change. But the system *will* change. It will meet social equality needs, as soon as the majority of the populace realize the need, practice equality and fairness in their personal lives and support legislators and administrators who are willing to seek equality.

In the example of women's rights, I have shown that there is definite room for improvement. The Constitutional amendment to which I earlier referred focuses upon improvement and that is why I am a cosponsor of the resolution calling for the amendment. The resolution will be effective even if it should not achieve Constitutional status because it focuses public attention on existing inequality, and thus encourages more equality in the practical application of our existing Constitutional guarantees.

Change is continually evolving in a nonviolent and responsible manner in our society. As lawyers, you all play a significant role in this evolutionary process. I compliment the legal community on its responsible activities in this regard and implore you to continue to approach social change with determination tempered with reason.

THE ECONOMIC CRISIS FACING THE TEXTILE INDUSTRY

Mr. THURMOND. Mr. President, Mr. John K. Cauthen, executive director of the South Carolina Textile Manufacturer's Association, recently testified before a committee of the South Carolina General Assembly.

A report on his testimony written by staff writer Frank Adams, and published in the State newspaper, Columbia, S.C., on July 30, 1970, clearly indicates the crisis the textile industry is facing.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Committee Hears Gloomy Report From Textile Industry

(By Frank Adams)

"We are facing economic disaster in South Carolina if the textile industry continues to decline," John K. Cauthen told a committee Wednesday formed by the South Carolina General Assembly to study the state's textile industry.

The committee was formulated earlier this year in an attempt to alleviate pressing problems of South Carolina's textile industry which has been hit very hard by rising foreign imports into the country.

Bernard F. Burtland, Director of Communications of the Greenville-based Phillips Fibers, told the committee imports of foreign man-made fibers have risen 300 per cent during the first five months of 1970 compared to the identical period in 1969.

"My business is being hurt and hurt badly." Phillips Fibers president and committee member Al J. Head said.

Committee chairman Sen. John D. Long III said the committee was taking a "double-barreled" approach to the mounting textile imports.

While hoping for passage of the Mills bill which will impose textile import quotas, the committee will seek a personal audience with President Richard M. Nixon.

The bill currently faces difficulties as Nixon was vowed to veto the bill because measures for leather import quotas are imposed in addition to textile import quotas. Long said he added that the textile industry lacked the strength in Congress to assure passage of the bill and accepted leather support in hopes of acquiring the necessary votes.

The committee had communicated its desire to meet with Nixon to members of the state's Congressional delegation.

Sen. Strom Thurmond replied that Nixon could not meet with every delegation supporting textile quota restrictions. Thurmond said that the information had been passed to the White House.

Long said the committee is the only one authorized by a state legislature and that Nixon would meet with it if he knew that the committee was formulated to protect the interests of the people of South Carolina.

The committee desires the meeting with the President so that they can document the downward turn of the state's textile industries and the effects upon South Carolina's economy.

"The responsibility of this committee lies not only with textile manufacturers but with the people of South Carolina as the very economy of the state is at stake," committee member Rep. T. W. Edwards Jr. explained.

Edwards said the decline of textiles will be felt not only by the industry but also by the citizens of South Carolina. Every state agency would be affected if taxes from the textile industry were to be reduced, according to Edwards.

"We need to show the President the people and the economy side of this situation, not just the dollars-and-cents side," Edwards said.

Cauthen told the committee that 7,000 workers have joined the state's unemployment rolls this year because of the "disas-

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trous" effect foreign textile imports have had on the state's economy. "More and more, gloom is spreading in the textile communities."

Cauthen said he could remember the arrival of the textile industry in the South from New England. "It is not hard to conjecture the move of the textile industry from this country."

Long said that the United States lost a splendid * * * the Japanese to accept voluntary textile quotas. "We gave them Okinawa and asked for nothing in return."

"We must somehow get the ear of the President and ask for temporary limitations applying only to textiles. President Nixon has every legal basis to exercise his emergency powers. His executive action would extricate himself from a political mess because he would grant textiles relief and would not be forced to offend the leather industry by his veto," Long said.

The committee will seek to obtain an audience with the President and voted unanimously to send telegrams to Thurmond and Presidential Counsellor Harry S. Dent seeking their help.

During the meeting three members of the committee telephoned presidential assistant Niles Jackson. Jackson told them they should contact Dent.

Cauthen told the committee that time is essential as textile profits in the state have declined to practically nothing. Many firms have curtailed operations from a six-day basis to a five-day work-week which means that the workers lose 12 hours (with overtime) each week.

These measures result in less state revenues, less construction, less money spent in the state and less money for workers, Edwards said.

South Carolina's present situation was compared to West Virginia, which when faced with the collapse of its coal industry, fell into immediate economic decline. Cauthen said that the federal government is now pouring money into the region through its Appalachian Program. "South Carolina may require an Appalachian Program for itself if the textile industry continues to decline," Cauthen said.

At the next meeting textile manufacturers will be invited to testify about their troubles. Also invited will be representatives from the state unemployment agency and tax agency.

ACTIVITIES OF SUCCESSFUL BUSINESSMEN WHO SEEK TO SAVE OUR COUNTRY

Mr. FULBRIGHT. Mr. President, Mr. William H. Jones, a Washington Post staff writer, has written an excellent article on the activities of successful businessmen who are seeking to save our country, especially our private enterprise system, from the disaster threatened by the war in Asia.

Led by the energetic and dedicated Harold Willens, of California, these businessmen are taking their civic duties seriously, and all of us should encourage them in their efforts.

Mr. Willens and Henry E. Niles, of Baltimore, are devoting their time and efforts to help to get our country back on a course of commonsense.

I ask unanimous consent that the article, entitled "Businessman Opens Doors To Sell 'Peace' Candidates," published in the Washington Post of Sunday, August 9, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUSINESSMAN OPENS DOORS TO SELL "PEACE" CANDIDATES

(By William H. Jones)

If, in the next few weeks, your mail brings a request for cash contributions to the campaigns of 8 or 10 U.S. Senators who oppose the war in Vietnam, your correspondent is likely to be California businessman Harold Willens

Willens has created a "Task Force/Peace Chest" designed to concentrate on keeping the anti-war spokesmen in the Senate. "This is no year," says Willens, "to pour money and energy into contests between two good men, either of whom would effectively carry the peace banner. At a time like this, it matters little that one good anti-war candidate may be slightly more 'pure' than the other."

This Willens venture, backed as well by a number of California businessmen, is only the newest facet of Willens' long campaign to change the attitudes of the American business structure on the issues of war and peace.

Willens' list of candidates for election or re-election to the Senate includes Quentin Burdick, N.D.; Rev. Joseph Duffy, Conn.; Albert Gore, Tenn.; Phil Hart, Mich.; Vance Hartke, Ind.; Phil Hoff, Vt.; Joe Josephson and Wendell P. Kay, Ala.; Frank Moss, Utah; Adlai Stevenson III, Ill.; John Tunney, Calif.; Harrison Williams, N.J., and Joseph Montoya, N.M.

Says Willens: "One of our last hopes is the business community . . . the odds are long . . . we have no choice but to try."

A resident of Los Angeles, a Marine captain during World War II and a Phi Beta Kappa graduate of the University of California, Willens has made it as a businessman on two fronts: he has been president, since 1949, of Factory Equipment Supply Corp., Los Angeles, and is an owner-developer of commercial property in Southern California along Wilshire Boulevard. He had invested in the property before going to war and Wilshire subsequently became one of Los Angeles' main thoroughfares.

Since 1967, however, Willens has had little time for his business interests. His whole life now is devoted—he candidly admits he can afford such devotion—to ending the war in Vietnam, preventing future Vietnams, and trying to convince top business executives that they have a responsibility to speak their minds in opposition to government war policies.

Willens describes himself as "the old pro" among businessmen, speaking publicly "first against the Vietnam war and then against the American militarism which guarantees other Vietnams."

With Henry E. Niles, former board chairman of the Baltimore Life Insurance Co., Willens founded in the 1967 the group, Business Executives Move for Vietnam Peace (BEM).

As Willens describes it, BEM saw the Vietnam war in "its true light: a mistake of historical magnitude, a military blunder and political scandal, as damaging to the economy as it was proving to be to our international standing. We decided not to leave protest to the pickets."

An additional organization was formed in 1969 because "it was plain that additional and longer-range programs to arrest American militarism were needed," says Willens. It was called Businessmen's Educational Fund (BEF) and Willens is now its chairman.

At the core of the businessmen's educational effort is the view that a whole new idea of corporate responsibility needs to be established; through this new channel of business activity, company executives should strive for "more relevant" national policies and priorities, he says.

Willens believes a truly responsible American business leader must "crash the facade of corporate cowardice" and introduce "free-swinging self-honesty into the political scene . . . businessmen can't hide inside the economy."

"Corporate responsibility is not a public relations game any more," he continues. "It must become a social creature." In the past, he notes, businessmen embraced corporate responsibility "only when the company's welfare seemed threatened by aroused public opinion."

Even now, Willens calls out to the practical sense of businessmen in urging them to take part in the debates over war and national priorities. No businessman would continue operations in the wake of a failure in his firm similar to the national failure in Southeast Asia, he says; no businessman wants "erosion" of the Bill of Rights or "Rebellion in the Cities"; the next generation is "taking careful note" of what business does and what it doesn't do.

The warning is clear: either businessmen change their ways or the disaffection of young people will ultimately spell doom for their companies.

"These sober young people," Willens wrote recently, "are not to be dismissed as innocent idealists. On the contrary, they see clearly what their elders do not, that inaction is itself a form of action, and that silence in the face of enormities amounts to tacit approval."

The Willens idea of corporate responsibility, however, is not a widely accepted concept. Critics of mixing business and social responsibility have argued that in a free enterprise atmosphere it's only wishful thinking to try for goals other than those related to improving shareholders' profits.

Said Kurt Bloch, associate editor of Barron's, the business weekly published by Dow Jones & Co., Inc., in a recent exchange with Willens: "Most businessmen, we suspect, simply are not capable of being both 'socially responsible' and 'capable managers.'"

Willens had submitted an essay on his "corporate responsibility" theory, but Bloch replied that Barron's "will not be responsible for spreading the message of BEM . . . social responsibility clearly demands that he who favors to practice it, analyze the results of what action he favors, i.e., distinguish between purposes and consequences. I fail to see that you or BEM live up to that responsibility."

Throughout the world of big business Willens and his associates in BEM and BEF have hit similar stone walls of public opposition (or indifference), although Willens claims that in private many of the nation's leading corporate executives despise what America has done in Southeast Asia and want to reorder national priorities. Some big businessmen, Willens adds, secretly have been giving funds to support his groups.

Businessmen avoid involvement on the "truly momentous issues of our day," Willens says, for several reasons: (1) a "lack of practice in speaking out boldly on matters that do not directly affect one's business"; (2) stockholders or customers might be offended; (3) the "chronic American aversion" to boat-rocking; (4) fear of what will be said in the locker room at the club.

"Perhaps it was foolish for a few worried businessmen to believe that something significant could be done toward turning the country around," Willens says. "But I think that the failure rests far less in holding to such a conviction than in a failure of nerve on the part of businessmen."

Until several months ago, Willens lamented the fact that not one chief executive of any corporation among Fortune magazine's top-listed American firms had spoken out publicly against the war. "It is, in all candor, a record of failure," said Willens.

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BEF and BEM membership includes prominent businessmen, to be sure, but they are with relatively small concerns—such as Gordon B. Sherman, president of Midas International Corp.; Alfred P. Slaner, president of Kayser-Roth Corp.; Max Palevsky, president of Xerox Data Systems, Inc. and Joseph E. McDowell, board chairman of Servomatron Corp.

But just as Willens was looking back on the three years "since I shifted my money-earning activities into neutral and went into the anti-war business; a kind of anniversary," some blue chip ice was broken by the board chairman of the Bank of America, No. 1 on Fortune's list of the biggest 50 commercial banks.

In testimony before the Senate Foreign Relations Committee on April 25, Louis B. Lundborg said that regardless of who was responsible for the Vietnam war, "the rest of us have gone along pretty supinely. . . . If anyone is to blame, it is people like me for not speaking up and not speaking out sooner—for not asking, 'What goes on here?' "

Said Willens: "We have been waiting a long time for Mr. Lundborg and his colleagues in the top tier of the corporate hierarchy to speak out." It wasn't long before a handful of giant company executives followed with their first public statements of war opposition.

In early June, Thomas J. Watson Jr., board chairman of International Business Machines Corp., told the Foreign Relations Committee that Vietnam presented the "major obstacle" to the nation's economic health and had threatened "irreparable" damage to the country's social fabric.

Some 48 hours later Charles B. McCoy, president of E. I. du Pont de Nemours & Co., Inc., told an industry meeting that the war "is tearing at the whole fabric of our social and political and economic life . . . Major domestic needs are not getting the attention they should have . . ."

Willens has found these public statements, and such events as the recent gathering on Capitol Hill of corporate officers to lobby against the war, as slight rays of hope. "How do we know how many Lundborgs there are?" he asked recently.

To find out, the BEF is continuing its drive to expand membership and raise funds. From an original 15 members (who put up a minimum of $25,000 each) the BEF has grown to more than 400 (all must contribute $100 or more).

Willens nurtures the hope that President Nixon will take into consideration the growing outspokenness of American businessmen on the war issue, and the potential of an executive suite revolt of proportions similar to what's happened on college campuses.

At the same time, Willens and his colleagues appear to be resigned to a belief that such a corporate uprising is not a realistic goal.

NO ONE CAN EVER WIN

Mr. BROOKE. Mr. President, one of the most perceptive articles of our generation was published last Thursday in the Boston Globe. Written by Mrs. Marian Cannon Schlesinger, and entitled "A 1945 Memory—and the Lesson," it defines with clarity and poignancy the central fact and lesson of our age.

We have lived so long with nuclear threats and theories that most of us have almost forgotten how we felt when it all began. It does us good, sometimes, to recall that simpler age when, no matter what happened, we could say "life must go on"—and we knew it would.

Nuclear power, as Mrs. Schlesinger points out, has changed all that. We are now responsible not only for our own lives, but for the lives of all mankind. Our science and our technology have forced us to face the central fact of maturity—that in our relations with other people there is no winning or losing in any absolute sense. The "victor" must heed the needs of the vanquished; the strong must help the weak.

Nuclear power, if we can refrain from using it for self-destruction, may yet lead us into a new and more relevant morality. That is the central theme of this thoughtful article. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A 1945 Memory—And the Lesson

(By Marian Cannon Schlesinger)

It was one of those deceptively soft, warm days in August in New Hampshire, when it seemed as through summer might go on forever in spite of the warning signs: wispy fog in the valley in the early morning, the sumac slightly reddened, and the rash of goldenrod already beginning to spread across the fields and along the stone walls.

I can remember the feeling of the pine needles under my bare feet as I walked to the mail box, hoping for a letter from Europe. It had rained the night before and it was damp under the pines that lined the road. There was a smell of freshly washed leaves and grass in the air, which was utterly still, except for the hum of bumblebees in a patch of blackberry bushes.

I remember it so vividly, I suppose, because it was the last time I would ever see or feel it like that again for a long time if, indeed, ever again. For, in the New York Herald-Tribune, in screaming headlines, was announced the dropping of the atomic bomb on Hiroshima.

One read it in dazzled, uncomprehending wonder at the magnitude of the scientific daring and accomplishment, in sickening horror at the enormity of the slaughter, and relief at the shortening of the agonizing war, and then slowly, like the great expanding mushroom of the bomb itself, one was flooded with the realization that one's life and everything one cared about on earth had changed irrevocably and forever.

In that searing flash, the past, the present and the future were revealed as in a dream and one knew that the world had been totally transformed. For, in the hands of man were the tools, not only of his own total destruction, but of all living things and matter as well as the planet itself.

I can remember being overwhelmed by a sense of bottomless desolation, of incredible intensity and poignancy. With the dropping of the bomb, history was rendered meaningless; all art and literature, all human learning, all that enhanced our lives, nature itself, were as dust and ashes. For history and human culture are premised on the simple, fundamental fact that man goes on living without fear of absolute extermination.

One realized in a single nightmarish moment how fragile were all the assumptions by which one lived; the inevitability of the seasons, the flight of birds in spring, the turning of leaves in autumn, even the blades of grass poking up between the cracks in a city sidewalk in the heat of summer, all the signs by which we mark off the days and years of our lives; above all, the presumption of perpetual life on earth no matter how we misused and abused the gifts of nature. We took it for granted that it would go on forever. And now man and his institutions were exposed in all their profound vulnerability and mortality.

Suddenly we were no safer than a colony of ants under the shadow of a giant hobnailed boot which could crush and annihilate us at any moment. And like the ants, programed by nature to go through certain unchanging motions, we too were pursuing the age old patterns of human activity in the context of expectations which no longer existed. For the past had become irrelevant, human knowledge pointless, human striving ridiculous. The unknown is known, and all is desolation!

Such were the thoughts which overwhelmed one's mind. We knew then that we were alive only on sufferance. Those of us who experienced the first awful insight lived with it at the top of our consciousness for a long time. We were obsessed and could think of nothing else. But no one could exist at such an unbearable pitch and after a time we chose to muffle the fact in our day to day discourse, slowly papering it over, encapsulating it in some secret recess of our subconscious. People seldom speak of atomic holocaust today, but it is THE BASIC FACT of our age.

I think it is the reason why youth today feels the futility of learning, the hopelessness of art, the transience of human relationships.

They have never lived in a world in which absolute doom has not been an ever possible fate. And they sense as well as their elders that all that has gone before is in final essence, meaningless, as a guide to their lives.

They know how implausible the concept of limited war, is like children playing toy soldiers in a grown-up world totally menaced by hydrogen bombs. All the wornout 19th century shibboleths by which the nations of the world have been carrying on their mutual affairs of war and peace in these last decades ludicrous in the face of this appalling incubus. The old power alignments and the old power thinking are archaic when tomorrow we could blow the world to bits and in the process be blown to bits ourselves. No one ever wins in an atomic world!

Is this not the lesson and the opportunity of the late 20th Century? Is this not the moment for men to put away childish things, stop playing childish games and move beyond adolescence into adulthood? For truly mature people know and accept the truth that no one, in the larger sense, can indeed ever win. It does not mean that one is necessarily immobilized as a result. One is, in fact, freed by the knowledge. For winning is a childish concept, best restricted to games and footraces.

Perhaps we are being propelled willy-nilly by the horror of the atomic threat into a new adulthood and collective responsibility which nothing else in the history of this fated planet could have brought to pass. Perhaps, but the signs are not encouraging! If not, we will no doubt be just another burned out star observed a billion light years from now in some unknown universe.

FARM SUBSIDY PAYMENTS IN OREGON

Mr. HATFIELD. Mr. President, in a recent statement, I placed in the Record some statistics regarding the payment of Federal agricultural subsidies in 1969. The statistics pointed to the fact that a small number of farmers in cotton, wheat, and feed grains are receiving a great amount of the total subsidy payments.

I have just received some statistics compiled by the Agricultural Department to supplement my earlier report. These statistics show that a very high percentage of the recipients of subsidy

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payments in Oregon are receiving less than $500. It is interesting to note that 52.5 percent of all payees receive less than $500 in payments. These payments, however, amount to only 6 percent of the total amount of subsidy money paid. At the same time, 7.3 percent of all payees received over $5,000, but this group collected 50.5 percent of the total amount paid to all payees.

I ask unanimous consent that these statistics be printed in the RECORD.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, FREQUENCY DISTRIBUTION OF ALL ASCS PRODUCER PAYMENTS EXCLUDING PRICE SUPPORT LOANS FOR CALENDAR YEAR 1969

OREGON

Range of total payments		Number of payees	Percent distribution	Total amount dollars	Percent distribution
From	Through				
(1)	(2)	(3)	(4)	(5)	(6)
Less than	$100.00	3,422	21.77	146,884	0.62
$100	$199.99	1,792	11.40	261,095	1.10
$200	$499.99	3,049	19.40	1,016,080	4.28
$500	$699.99	1,198	7.62	714,078	3.01
$700	$999.99	1,254	7.98	1,050,599	4.43
$1,000	$1,999.99	2,077	13.22	2,942,582	12.41
$2,000	$2,999.99	881	5.61	2,150,054	9.07
$3,000	$3,999.99	522	3.32	1,813,950	7.65
$4,000	$4,999.99	370	2.35	1,663,165	7.01
$5,000	$7,499.99	505	3.21	3,078,974	12.98
$7,500	$9,999.99	245	1.56	2,113,624	8.91
$10,000	$14,999.99	232	1.48	2,792,350	11.77
$15,000	$19,999.99	80	0.51	1,370,770	5.78
$20,000	$24,999.99	43	0.27	959,547	4.05
$25,000	$49,999.99	40	0.25	1,262,449	5.32
$50,000	$99,999.99	6	0.05	381,102	1.61
Total		15,716	100.00	23,717,303	100.00

Note.—The above statistics show the number of farmers in Oregon receiving over $20,000 in subsidy payments to be 89. This figure is slightly different from an earlier report which shows the same category to be 86. The difference stems from the fact that the 86 comes from a State report and the 89 is a sum of the county reports. (Bi-county farmers result in the higher figure in the county report.)

THE JUNK MERCHANTS

Mr. BROOKE. Mr. President, we are all becoming more aware of the pressing drug problem facing the Nation and in fact plaguing much of the world at an ever-increasing rate. It is of the utmost importance that we have knowledge of the situation—a knowledge based on concrete facts that can be used by the United States and other nations in a united effort against this booming industry which is baffling our law-enforcement efforts and corrupting our youth.

We do not have to go very far to see the impact of illegal drug distribution. It is becoming increasingly more visible and alarming. A recent series of articles entitled "The Junk Merchants," written by John Hughes, and published in the Christian Science Monitor gives a clear picture of the scope and the complexity of drug operations on the international level. The illegal nature of the problem and the difficulty in obtaining facts make this series of particular importance. It is my hope that through such thorough studies we will be more prepared to recommend action and to support the international efforts which are presently being initiated at the United Nations and in various countries.

I ask unanimous consent that the text of the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WORLD "JUNK" TRAFFIC: "WE ARE DEALING WITH AN EPIDEMIC"

BEIRUT, LEBANON.—During the past few months enough heroin has been smuggled into the United States to supply 150 million individual shots for addicts. In other words, enough for all the young people in the U.S. between the ages of 15 and 24 to have at least four "fixes." Staff correspondent John Hughes has followed the narcotics trails round the world. In the first of 10 reports he spells out the international drug situation.

A five-month investigation by this newspaper into the international narcotics traffic reveals that illicit drugs are swirling like a floodtide down the clandestine channels that lead to the addict user.

To the United States, the principal consuming country, the flow is massive, and increasing.

True, seizures are up. Heroin seizures by American customs agents have increased 1,200 percent over the past five years.

The Nixon administration is devoting major effort to disrupting the traffic. At home and abroad, American narcotics agents are doing a yeoman job. Whether shooting it out with opium traffickers in Turkey, or penetrating the heroin factories of Marseille, France, they are often men of remarkable courage, working undercover for long periods at considerable risk.

But the market for narcotics has expanded phenomenally, too. Some believe it has doubled in the past six months. It now caters to 11- and 12-year-olds. President Nixon says 180,000 Americans are addicted to heroin. Each requires several "fixes" a day of the white powder that has brought death to hundreds and so-called "living death" to thousands more.

So far as "soft" drugs are concerned, more than 6 million Americans are using marijuana, according to a United States congressional committee of inquiry.

FLOW INCREASED

Ironically, increased governmental attention to the drug traffic has boosted the current flow. Traffickers fear that traditional sources and channels may be sealed off. So they have been moving large consignments while they can.

Narcotics agents believe 3,500 kilos of heroin have been hastily funneled down the pipeline from Turkey to the United States in the past few months. When diluted, that is enough to supply more than 150 million individual shots of heroin to addicts.

Turkey is the largest grower of illegal opium. France is the major converter of opium into heroin. The process is dominated by a tough Corsican underworld ring operating in Marseille. From these two countries originates 80 percent of the heroin used in the United States. Much of the balance comes from Mexico. Two other countries with booming opium production—Iran and Afghanistan—are likely to cause trouble.

But even if production could be wiped out overnight, enough has been stockpiled to meet world demand for several years. Buried in remote areas of Turkey are several hundred tons of opium. It is guarded by fierce hill folk for whom defiance of authority is practically a point of honor. They can dispose of their caches at leisure. Neither opium, nor morphine (its next stage), nor heroin (the end product) deteriorates with age.

The United Nations says the drug traffic is snowballing and that it is "imperatively urgent" to find ways to cope with it.

A top American narcotics agent puts it more bluntly. "We're dealing," he says, "with an epidemic."

The United Nations estimates illegal production of opium at 1,200 tons a year. Many experts find that calculation conservative. As for marijuana, it grows untended like a weed in dozens of countries.

Last year a startled London housewife found two stands of it growing 6 feet high in her back garden. In New Orleans, agents picked up a college professor and his wife found growing 260 marijuana plants. Across the Mexican border alone, authorities believe, some 1,000 tons of marijuana flow into the United States each year.

For the past several months I have been exploring the pipelines down which this illegal traffic flows and the men who control them. In the course of a round-the-world trip I found that with no especial entrée to underworld circles it was possible, with time and money, to buy every major illegal drug.

In Afghanistan, Pakistan, and Thailand, I came easily to the point of purchase for opium. In Laos I could have bought it by the small planeload.

Sometimes there were difficulties when sellers suspected me of being an undercover narcotics agent or a police officer. But with only a little more effort, I could have bought opium in India, Turkey, and Mexico. In Hong Kong I need walk but a few steps from my office to get the distinctive scent of smoking opium from the neighborhood vendor.

In Beirut a Western diplomat offered me introductions to cocaine sellers in a number of nightclubs.

Second-grade heroin in small doses was easily obtained in Mexico and Hong Kong. But in Marseille I could have bought top-grade heroin by the kilo (2.2 pound). It would have taken an advance payment of $3,000 and several days isolation in a hotel room while the sellers checked me out. If they were satisfied, I could have been reasonably sure of emerging with a kilo of pure heroin. So skillful and careful are the traffickers, however, that the transaction would have been completed without my ever meeting the deliverer.

The movement of heroin from southern France to the United States was once domi-

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nated by the American Mafia. But now the Corsican heroin manufacturers have so much to sell that they meet all the Mafia's requirements and have plenty to spare. So in addition, they sell to Cuban, American Negro, and Puerto Rican buying rings who have newly set up shop around Marseille, as well as to "independent" purchasers.

As for hashish and marijuana, I could have bought this as easily as toothpaste or candy throughout much of Asia, the Middle East, and parts of Mexico. In Afghanistan, hashish sellers distribute pamphlets advertising their own special brands. Hospitable policemen offer foreign hippies a puff of "hash." In Nepal, hashish comes cheaper than tobacco. In Pakistan, a police officer opposed to the narcotics traffic told me he had sold a kilo of hashish to make money for his son's birthday present.

CHILDREN ACCOSTED

For the new synthetic drugs—the amphetamines, the barbiturates, the hallucinogens—the trail started no farther than the beach in front of my home in Hong Kong. There the pushers are trying to proposition American children from the international school nearby. American schools in Bangkok, Thailand and Ankara, Turkey, have encountered similar problems.

One finding of this Monitor survey is that in addition to the traffic in cultivated drugs, there is a sharp upsurge in the movement of the synthetics. Pioneered in the United States, they are flowing in particular across the borders of Western Europe.

A leading Italian psychologist says 30 percent of young people between 14 and 22 in Rome are using some kind of drug. Use of stimulants is so serious in Sweden that the Swedish Government is in the forefront of a campaign for strict new international controls. Deaths from heroin use have startled France.

Even the Soviet Union has admitted some "thefts of narcotic drugs from pharmacies and hospitals." The Soviets say illicit traffic poses "no problems" in their country. Other sources say Soviet officials are quietly concerned about the smuggled inflow of drugs from the West.

Pep pills are in vogue with some Czechoslovakian youths. The Prague weekly Kvety says drug addiction in the capital is reaching alarming proportions. Some addicts have been getting high on cactus extract stolen from Prague botanical gardens.

There may be one positive aspect to this. European governments, which until now have paid only lip service to drug abuse and traffic, are beginning to take it more seriously.

Though it is relatively easy to buy illegal narcotics, smuggling them across international borders, and particularly into the United States, is a much more hazardous business.

In countries like Turkey and Lebanon, the narcotic seller is often an informer, too, particularly upon small-time or amateur traffickers. Having made the sale, he tells the police. For this service, he gets immunity prosecution. But the buyer is picked up.

In some countries, the police go out of their way to arrest foreigners. This help builds their case that foreigners, not local citizens, are responsible for the narcotics traffic.

Several hundred Americans have had tormented personal experience of this. They are serving long sentences for narcotics offenses in such hellholes as Sands prison, just outside Beirut.

Crammed 40 to 50 in a cell, the prisoners have one hole in the floor for a toilet, one faucet for a shower. Many have suffered the humiliation of violent homosexual assault. A fortunate few have bribed their way into mental institutions, where treatment is better.

Despite the hazards, the profits from drug smuggling are immense. If transported successfully to the United States and "cut" into 45,000 packets for individual users, a kilo of heroin that costs a few thousand dollars in Marseille sells for more than a quarter of a million dollars.

With this kind of money to be made, involvement in the narcotics traffic extends into the most pseudo-respectable circles and into the highest ranks of a number of governments.

In Lebanon, a leading politician is one of the laregst owners of hashish-producing land.

The uncle of one Middle Eastern monarch reputedly controls the transportation of narcotics through his country.

The sister of another head of state is persistently linked to the operation of a morphine-producing factory.

In one Asian country, an American diplomat told me:

"We want the drug traffic out of here stopped. But we have a problem. If American narcotics agents start nosing around here too closely, they're going to uncover some links to pretty high places."

In Laos the Army is involved in the opium business, and Lao Air Force planes transport opium.

In Thailand the massive outflow of narcotics could hardly take place without collaboration at fairly high levels. In the past, involvement in the drug traffic has extended into the Cabinet. It may still today.

AMBASSADOR ARRESTED

The diplomatic bag, immune from customs scrutiny, is an ideal vehicle for narcotics traffic. A number of Latin-American diplomats have been caught moving narcotics, including ambassadors from Mexico, Guatemala, and Uruguay.

This year Italian police arrested a Pakistani ambassador on narcotics charges. Other diplomats are being watched. Personnel of a number of international agencies with diplomatic privileges, particularly in Southeast Asia, are under suspicion.

In Lebanon, the traveler in trouble with the law who needs new documents can visit the ambassador of one Central-American country. No questions are asked. The fee for a brand-new passport of that country is $1,000 in cash. One recent purchaser was an LSD chemist on the run from British police. He used his new passport to travel to North America.

Money, however, is not always the reason for involvement in the drug traffic. Sometimes the motive is political or ideological.

Western agents, for instance, believe the Israeli intelligence service permits Arab smugglers to move shipments of narcotics across Israeli-held territory. The smugglers are Bedouin tribesmen. In return for the transit route, they give the Israelis military information about Arab positions.

There is also narcotics-smuggling across the Arab-Israeli border for straight gain. The hashish that visiting Jewish hippies buy in Israel comes from Lebanon.

In Laos, some of the main growers of illegal opium are tough mountain tribesmen upon whom the American Central Intelligence Agency (CIA) relies heavily in the campaign against the Communists. Opium is the principal cash crop in the non-Communist part of the country. Clearly, the CIA is cognizant of, if not party to, the extensive movement of opium out of Laos.

One charter pilot told me that "friendly" opium shipments get special CIA clearance and monitoring on their flights southward out of the country. The same source alleged two or three flights without this "protection" crashed under mysterious circumstances.

Communist intelligence agents are similarly involved with the use and transportation of narcotics.

Soviet agents posing as newsmen in India are known to have made use of narcotics in the course of their intelligence work. In the no-holds-barred world of espionage, it is a logical instrument.

The Soviets accuse the Chinese Communists of manufacturing narcotics and unloading them on the world market with political design. The Chinese undoubtedly do manufacture drugs. But there is no evidence that they are employing them abroad on such a massive scale, for instance, as did the Japanese prior to their invasion of China in the 1930's. Before their military onslaught, the Japanese poured in opium to sap Chinese resistance.

SANCTUARIES PROVIDED

For drug smugglers from Turkey and the Middle East, Communist countries on the road route to Western Europe are a sanctuary. Opium shipments are stored there, road trailers dropped off or switched, and truck registration papers and license plates changed.

A café in Sofia, Bulgaria, is the known haunt of Arab smugglers. Yet rarely do the Communists interfere with narcotics shipments from Middle Eastern countries for whose friendship they are anxious.

Whatever their motivation, the merchants engaged in this multimillion-dollar "junk," or narcotics, business resort to the most bizarre, the most extreme, the most ingenious methods to get their wares through.

Along the Turkish-Syrian border, the authorities have strung barbed wire and planted minefields. But the smugglers moving convoys of raw opium snip the wire and drive herds of goats ahead of them to explode the mines.

Camels carry opium in metal cylinders in their stomachs. One cheerful Afghan showed me how to slit the skin of a sheep, slip a wad of opium in, and sew the skin up again before herding the shaggy animal across the border into Iran.

From Laos, charter pilots air-drop opium in watertight bags in the Gulf of Siam. Deep-sea fishing boats from Thailand pick it up, sail to Hong Kong, then sink it in shallow water off the coast. Chinese fishing junks trawl for it later and quietly run it ashore.

HIDING PLACES ARE MANY

Narcotics are smuggled in hollowed-out books, in scuba tanks, and molded into chessboards. They are disguised as lemons, and hidden in pierced watermelons, and sealed in cans of peaches, coffee, and olive oil. They are carried in dolls, and toy horses, and even in babies' diapers.

Women couriers conceal them in girdles and brassieres. California customs agents caught one "pregnant" woman coming off a President liner with 40 pounds of narcotics in a false stomach. In Turkey, police found a "hunchback" with nine pounds of narcotics to his "hump."

From Colombia, one smuggler tried to ship 95 pounds of marijuana into the United States in a crate full of boa constrictors.

Others have tried molding narcotics as rosary beads.

But still favorite hiding places for traffickers are the false-bottomed suitcase and the concealed compartment in a truck or automobile. A surprisingly large amount of narcotics travels through the international mail labeled as innocent gifts. In one big haul in Hong Kong, narcotics were packed as insulation in the walls of a shipment of refrigerators.

One more interesting fact about the major criminals behind the narcotics traffic: Rarely do they use drugs themselves. They know better.

INTERNATIONAL "MERCHANDISE"

Narcotics: Opium, which when processed becomes morphine, and finally heroin ("junk," "H," "horse").

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From cannabis comes marijuana ("pot," "grass," "weed") and its stronger strain, hashish. Though pharmacologically a hallucinogenic drug, marijuana is regulated in the same way as a narcotic.

Similarly cocaine, though technically a stimulant, is considered for law-enforcement purposes a narcotic.

Amphetamines: Stimulants, usually pills, also known as "bennies" and "pep pills." Taken to stave off fatigue and sleepiness. Also by teen-agers to boost energy and "nerve."

Barbiturates: Sedatives, usually prescribed by medical practitioners to calm, tranquilize, and induce sleep. Also known as "goof balls" and "barbs." One of the most frequently used agents for suicide in the Western world.

Hallucinogens: Usually LSD ("acid") or similar synthetic drugs, but also mescaline and peyote (from cactus) and psilocybin (from mushrooms).

TURKEY PRINCIPAL U.S. SOURCE: LEGAL OPIUM PRODUCTION SPAWNS ILLEGAL TRAFFICKING

(By John Hughes)

ISTANBUL.—American tourists breathlessly pounding the Mediterranean circuit probably give little thought to the ownership of the pleasant hotel near Istanbul's Taxim Square where many of them stay.

Undoubtedly, they would be startled to learn that it is owned by one of Turkey's major traffickers in narcotics and built with the proceeds of the heroin trade to the United States.

Besides the hotel business, Turkey's "junk," or narcotics, merchants are involved in a shipping company, a trucking firm, an export-import agency, and a string of other lawful enterprises.

The names of the top 9 or 10 men behind the Turkish narcotics racket are known to American, Turkish, and other narcotics agents. But there is little hope of catching them. Aloof behind a facade of respectability, they are protected by bodyguards from their competitors and by clever attorneys from the law. They are rich. And they are powerful.

This is the organizational, and money, end of the business which makes Turkey one of the world's principal suppliers of illegal opium, and thus the origin of some 80 percent of heroin used in the United States.

"BIG NAMES" NEVER CAUGHT

Like major traffickers everywhere, the big names in the Turkish narcotics business are never caught in possession of their merchandise, never tainted with the smell, like fresh-cut hay, of newly gathered opium.

They are the wheeler-dealers who finance, buy, sell, and arrange transit out of the country. It is the middle-men, the small-fry couriers, the growers, who run the risk.

Each year on the eve of the opium-planting season, the men who mastermind the Turkish narcotics business dispatch their "commission" men to the growing areas. The bright lights of Istanbul are put behind. The city's skyline, with its soaring spires and minarets and Islamic domes of exquisite contour, recede beyond the Bosporus.

The "commission" men head out across Anatolia toward southern Turkey into some of the most wild and craggy country in the world. Mountain streams twist and turn through the terrain in frenzy, rushing through gullies and leaping down into gorges. Goat tracks snake upward to peaks which afford smugglers total vantage and total surprise.

PEOPLE HIGHLY SUSPICIOUS

The Turks who live here are jealous of their independence and suspicious of intruders. Says one law enforcement officer:

"They come out with their hunting dogs snarling and their guns blazing. Later, they ask questions."

Provinces like these—Afyon, Usak, Konya, Denizli—are the heart of the opium country. "Afyon" in fact means "opium." Here the "commission" men, renewing their long-standing contacts, set their quotas for the amount of illegal opium they will buy, and that therefore the farmer must grow, in the coming year.

Usually this illegal quota is a percentage diverted from the crop which the farmer grows quite lawfully for the government. Some 110,000 farmers grow opium in Turkey, which is a major producer for medicinal purposes, as well as the foremost illegal source of narcotics for the American market.

Turkey's legitimate opium production has been running at more than 100 tons a year. But the farmer in legal production plants a few more hectares of opium for his private use.

His legal output he must sell to the government. The price he gets is around $10 a kilo. For whatever he can divert and sell to the illegal buyers from Istanbul, he gets around $30 a kilo.

Opium production is supposed to be controlled by Toprak, the Turkish Government Land Office. Farmers are licensed and in theory must hand over their entire crop to the state buying organization. But in practice there is little policing. The growing areas are remote from central authority. The Toprak agent on the scene may be paid to keep quiet about illicit production. If he reports evasion, he may be killed.

Turkish policemen are vulnerable. A city cop earns about $40 a month. That is somewhat less than the earnings on an energetic shoeshine boy hustling tourists. A police captain with long service may make $100 a month.

In the countryside, some of the gendarmerie earn 36 cents a month. Often they are assigned to their own villages. And as one lawman says, "they're unlikely to turn in their own fathers and brothers."

HARVEST LOOSELY SUPERVISED

There are brave and honest policemen in Turkey. But they are short of equipment to hunt down illegal opium-growers and smugglers. This shortage the United States now is beginning to remedy. Until the United States started distributing new Smith and Wesson .38's, a Turkish policeman could not be sure that his ancient revolver would not explode in his hand when fired.

Thus it is that when the Turkish opium farmer harvests his crop, about this time of year, he does so with little supervision from the government.

The poppy plants have grown to their full height and flowered in delicate shades of mauve and pink. Soon after the petals fall, the farmer and his family move in, carefully slitting the pods of the poppies which are left behind.

Out through the incision oozes a milky liquid. This is opium. For a few hours it is allowed to harden. During this time it turns dark brown. Then, from each pod, it is scraped off and kneaded into a ball until the farmer has collected a lump several pounds in weight.

In this manner begins the long journey which terminates with the injection of heroin into the veins of the quivering, shaking "junkie" in New York, or one of a dozen other American cities.

Legally grown opium is turned in to the government buying station. But for illegal opium, the next step is delivery of the agreed quotas to the "commission" men from Istanbul.

At a quiet meeting place, usually at night, they take it over and make payment. Everyone is armed, everyone suspicious. This is the time for a doublecross, or an ambuish by narcotics agents who have penetrated the organization. When agents do spring a trap, the firefight is usually furious.

NEXT STEP THE BORDER

If the transaction goes through without incident, the opium moves by truck or van on the next stage of its journey out of the country.

Traditionally, the opium smugglers' route has been to Kilis, in Gaziantep Province, on Turkey's border with Syria. Specialists there move the loads—as much as a man or mule can comfortably carry—across into Syria. It is a dangerous business, because both governments have strung the border with barbed wire, sewn it with mines, and dotted it with machine-gun posts.

But some border guards can be bribed, and even the honest ones cannot be everywhere at once. The smugglers know the best times and places to cross. They evade patrols, snip the wire, and drive sheep, goats, or other animals ahead of them to clear a path through the minefields.

Once into Syria, the opium is handed over either to an agent of the Istanbul drug merchants, or an agent of a new ring which has brought the shipment. In a primitive laboratory or at a well-guarded camp, remote in the hills, the opium is converted into morphine.

It is a simple chemical process. In a series of steps the morphine content is boiled, filtered, and precipitated out of the opium. About 10 parts opium made one part of morphine base. In the Middle East it is shipped onward as yellowish powder, in plastic bags. In Asia, the morphine is packed into rectangular blocks.

Besides being much smaller to carry and conceal, the morphine base now is more valuable. Ten kilos of opium at $30 a kilo are worth $300 in Turkey. Converted into a kilo of morphine, they are worth $500. Delivered to Marseille to the Corsican narcotics ring which will convert it to heroin, the same kilo of morphine doubles its value to $1,000.

But getting it there taxes the drug smugglers' ingenuity. After conversion to morphine base in Syria, the traditional route has been down into Lebanon. There the morphine is smuggled aboard ships bound for Marseille, France, or other convenient ports in the western Mediterranean. There has also been some conversion from morphine to heroin in Lebanon itself.

But Lebanese authorities, stung by international criticism, have lately cracked down on the morphine traffic.

SMUGGLING MORE DIFFICULT

Captain Antoine Saadi, chief of the Lebanese police narcotics bureau, says Lebanon's own heroin factories have been put out of business. Only one heroin chemist is still at large. He is Omar Makkouk, hiding across the Syrian border. Though an elderly man, he is renowned throughout the international underworld for the quality of his heroin.

Last year, Lebanese police seized couriers carrying 10 kilos of Makkouk's heroin. But 49 kilos of the batch had already gone through undetected, via Amsterdam and Curacao, to Miami.

Though the flow of hashish is still rampant through Lebanon, the crackdown on morphine and heroin has caused traffickers to develop alternative routes for these "hard" drugs. The morphine laboratories still operate in Syria, but now once opium has been converted to morphine the morphine is often smuggled back into Turkey for movement to France by road or sea. Lebanon is considered risky.

Recently one Lebanese trafficker made

plans for processing morphine with maximum security. The laboratory equipment was sealed in watertight containers and sunk at sea. It was to be brought up and used only when a shipment came in from Syria, and then submerged again. But his Syrian supplier balked.

"Bring morphine into Lebanon these days!" said the supplier. "You must be crazy."

With their penchant for trade and finance, the Lebanese still act as brokers and financiers in the narcotics traffic. They bring buyers and sellers together. They underwrite shipments themselves. Occasionally they slip. One, caught in France last year, got five years in jail and a fine of $200,000.

But the Turks have recently been developing and managing their own transportation routes. Many tons of Turkish opium flow eastward into Iran. But to the west, and in the heroin-hungry market of the United States, lies the big money.

SHIPS HARD TO SEARCH

Ships are still especially good bets for smuggling narcotics. They have thousands of hiding places. Two Turkish vessels, the Karadeniz and the Akdaniz which regularly cruise westward through the Mediterranean, are held suspect by narcotics agents.

Agents caught two French traffickers red-handed with 86 kilos of morphine as they tried to get it ashore from the Karadeniz in Marseille. Recently, agents seized 125 kilos from the Akdaniz. But she carried 400 kilos more which the agents did not get. This was dropped overboard and retrieved by scuba divers in the employ of narcotics merchants.

Many narcotics shipments now travel by road from Turkey to Western Europe. One advantage for the smugglers is that part of the route lies through Communist countries where Western narcotics agents find it difficult to operate. Agents may have a narcotics shipment under surveillance as it enters Bulgaria from Turkey. But they lose it until it emerges in a non-Communist country at the other end of Europe.

Thus traffickers sometimes send a truck through with two trailers. One is "clean" (without narcotics), the other "dirty" (carrying morphine). In one or other of the Communist countries, the "dirty" trailer is dropped off.

TRUCKS WELL DISGUISED

The traffickers wait to see if the truck with the "clean" trailer gets "hit" (thoroughly searched) at a Western European customs post. If not, it means narcotics agents are unaware of the shipment. So the second, "dirty" trailer is sent through on another truck.

Besides dropping off shipments for storage in Communist countries, traffickers also use the opportunity to do paint jobs and switch license plates and registration papers. Thus agents may have complete details of a truck with narcotics aboard when it enters Bulgaria. But when it emerges in Italy or Germany, it may have different drivers, different papers and be a different color.

Turkey's smugglers have developed specialists who concentrate on various parts of vehicles. Some split gasoline tanks on cars and trucks and fit secret compartments almost impossible to find even with steel probes. Others suspend "traps" from various parts of a chassis. Still other build undetectable boxes into drivers' cabs.

In one case, American and French agents seized a truck carrying watermelons from Turkey to France. They slashed open every watermelon—and found nothing. Then agents ran tape measures over the inside and outside of the truck. They came up with an abnormal discrepancy. Then they ripped open the built-in compartment which hid 525 kilos of opium and 54 kilos of morphine.

A large migrant Turkish community in Western Europe also offers traffickers an opportunity.

More than 200,000 Turks work in West Germany. They travel back and forth to their homeland. As they do, some of them smuggle narcotics. Out of Turkey they carry morphine. Back to Turkey they smuggle weapons. These are high-priced and in big demand in a gun-conscious country. A Smith and Wesson revolver worth $80 in the United States sells for $400 in Turkey.

With the production and smuggling of narcotics so widespread and blatant, what is the Turkish Government doing to cut back traffic?

In 1967 the Turks announced they would get out of the opium business altogether by the crop of 1970–71. This seemed to mean that they would reduce the areas of legal opium cultivation until by 1971 nothing would be left.

From 21 opium-growing provinces in 1967 they did cut back to 18 provinces in 1968, 11 provinces in 1969, and 9 this year. The target for next year is 7 provinces.

FARMERS NOT LIGHTLY ALIENATED

Then the big question is: What happens after that? In theory the legal opium crop should have been eliminated. In practice it looks unlikely that it will be. While legal production continues, illegal production appears inevitable.

In an obvious attempt to jog the Turks along, United States narcotics chief John E. Ingersoll issued some sharp comments at a press conference earlier this year. Director of the Justice Department's Bureau of Narcotics and Dangerous Drugs, Mr. Ingersoll charged that provinces to which opium production had been limited were in fact the most productive.

He said efforts to wipe out opium production had become bogged down in Turkish politics.

Mr. Ingersoll's remarks needed little interpretation here in Turkey. The hard-core, opium-growing provinces are of considerable political significance to the government of Premier Suleyman Demirel and his ruling Justice Party. Turkish opium farmers number some 110,000. No government lightly alienates them.

Further, Mr. Ingersoll's criticism came in the midst of a government crisis. Right-wing rebels in the Justice Party were challenging Premier Demirel's authority. Obviously no government was anxious at that particular juncture to press such a manifestly unpopular issue as elimination of the opium crop.

There was in Mr. Ingersoll's comment, however, a phrase which stirred some Turks.

UNITED STATES SENDING AID

"We're asking a great deal of them [the Turks]," said Mr. Ingersoll. "But they've got the courage to do it." That touched a chord in a nation with martial leanings, where bravery and honor are highly prized.

With the political crisis behind him, Premier Demirel now has the opportunity to show how serious he is about taking Turkey out of the opium business.

The United States is giving him help. About $1 million of a $3 million American loan for opium-eradication has already been advanced. Half the money goes on a program to substitute other crops for opium. The other half is spent on boosting the anti-narcotics effort of the Turkish police.

The Turkish national police force has assigned 420 men to a new narcotics bureau, and specially trained 330 gendarmes in narcotics work. The United States has helped with training and equipment. Washington has supplied police cars, new weapons, and a spotter plane from which police will be able to detect illegal opium plots.

This program is about one-third operational. As the Turks implement it successfully, additional equipment and funds will be doled out.

Some observers think the Turks are tackling the difficult opium problem about as speedily as they can, and that the government's intentions are good. Others are impatient.

One thing seems clear. Even if legal production should be eliminated, there will still be illegal growers ready to take high risks for high profits. Says one American narcotics expert:

"Even if we knock out most of Turkey's opium production, the traffickers will still be in business somehow."

Marseille—Hub of Heroin Industry: Risks Greater but Profits Fatter

(By John Hughes)

Marseille, France.—As chill night turned to dank dawn, the narcotics agents worked their way through the French woods.

To ensure total surprise, they had left their cars several miles away.

Now, through high-powered glasses, they had under observation the isolated villa which was their target.

Inside the house they could see three men working amid all the paraphernalia of a chemical laboratory: gas burners, glass flasks and tubes, suction pumps, scales, vials of chemicals.

The men wore white coats and rubber gloves. One thing more showed they were no ordinary chemists. Each of them wore a gas mask. It was to protect them from the fumes and effect of their product: heroin.

For their highly profitable, but illegal activity, the heroin chemists had chosen their site well. Only 30 miles from the big French seaport of Marseille, the village of Notre Dame des Anges is nevertheless off the beaten track. The villa the heroin chemists selected there was on a hill, reached by a country road along which only one or two cars traveled each day.

Even so the heroin chemists were extra-cautious. Even now as the French and American agents positioned themselves, a rare car passed by. Immediately the chemists stopped work. One came outside to check. Reassured, they continued.

POLICE RAIDS CURBED

Carefully, the narcotics agents checked their time. (French law bars police raids on a man's home between 9 o'clock at night and 6 o'clock in the morning.) Then they rushed the villa.

The three chemists caught now are serving lengthy prison sentences. Their heroin was seized and is one batch which will never be pumped into the veins of American addicts.

This recent seizure is one of the brighter chapters in the story of the war against the international "junk," or narcotics, merchants. Another heroin laboratory was put out of business about the same time. In this case, the illegal chemists were more brazen. They were working from a three-story house in the suburbs of Marseille itself.

Hidden behind high walls, this was a house particularly difficult for surveillance. But narcotics agents caught the heroin manufacturers in the act there, too. These chemists also are serving long prison terms.

Successful though these operations were, they but scratched the surface of a highly organized crime ring which makes Marseille the center of the heroin-manufacturing industry. Eighty percent of the heroin used by addicts in the United States is produced in and around Marseille from morphine and opium which originate in Turkey.

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Controlling the ring are Corsican criminals of cunning and ruthlessness. Says one crack American agent, grudgingly:

"I guess they have to be rated the most adept criminals in the world."

INFORMATION IS THE KEY

The Corsicans who mastermind this ugly traffic in Marseille are tight-knit. Information is the key to successful antinarcotics operations, but from the Corsicans it is difficult to acquire. A non-Corsican has little hope of penetrating the organization.

For a Corsican to inform on his own gang members there is little inducement, but great peril. The money narcotics agents offer in return for information is insignificant compared with the money a gang member makes from trafficking. And when a Corsican is caught informing, gang retribution is instant and final.

In one of the raids mentioned earlier, one gang member had the misfortune to be absent from the heroin laboratory when narcotics agents smashed in. His body was found next day with six bullets in it. He had been murdered by his fellow gangsters because they suspected him of having tipped off the agents, and then evaded arrest. He was not, in fact, the informant.

When information is forthcoming from within the ring it is usually from a gang member jealous over a stolen woman, or disaffected over some other affront, and bent on personal revenge.

OPPORTUNITIES ABOUND

It is not difficult to see why Marseille has become the hub of the heroin-manufacturing industry. Even without the Corsican underworld community, it is a city renowned for its tough and bawdy waterfront dives where any criminal transaction is easily arranged.

It is a sprawling port, cluttered with miles of gray dericks and cranes, which afford unlimited opportunity for smuggling. Ocean-going ships of every kind, and from every country, load and unload here. In and out of the old harbor there are hundreds of motor cruisers, yachts, and fishing boats with a pattern of movement through coastal waters impossible to track.

Under cover of darkness it is easy to take delivery of a shipment of yellow morphine hidden aboard a ship just in from Turkey, or to stash a parcel of heroin aboard one bound for Mexico, Canada, or the United States. A gentle splash, as a waterproof bundle is dropped over a ship's side, or a thud as a package is thrown from a dark spot over the port fence, and the job is done.

Marseille also is an easy delivery point for smugglers who move shipments of narcotics overland from Turkey. It is linked to the road network which laces the French Riviera. A truck or car carrying hidden morphine merges easily with the traffic surging across southern France.

An old World War II resistance center, Marseille is full of hiding places, criss-crossed by drains and sewers. During the war, resistance fighters led allied agents through this underground network and whisked German prisoners and bodies away through it. Today these tunnels serve the junk merchants who use them to move narcotics and the materials necessary to process heroin.

For security, supplies are dispersed and brought together only for the actual conversion. Once delivered in Marseille, morphine is cached in one spot. The laboratory is somewhere else. Acetic anhydride acid, needed in substantial quantities to make heroin, is stored elsewhere. Finished heroin is quickly moved out to yet another hiding place.

Conversion of morphine into heroin is much more sophisticated than the rough-and-ready process by which opium is turned into morphine. The heroin process demands chemical skills and is dangerous.

The chemists risk addiction through fumes and powdered heroin particles in the air. This is why they wear masks. Beyond this, a slip can cause fatal explosion.

But if the risks are high, so are the profits.

The Corsicans who run the business find little difficulty in acquiring chemists, either from their own ranks, or hired from outside, to undertake the illicit operation.

To elude detection, the heroin merchants have developed many techniques. One clue to the existence of a heroin laboratory is the vast amount of electric power it uses, far more than would be normal in an ordinary household.

So the heroin chemists tap the main power lines, stealing their electricity from the city. They are careful to pass a normal amount of electricity through the meter in their premises. Police checking consumption thus find no unusual telltale usage.

WATER WASTE WATCHED

Another giveaway is water waste from the heroin laboratories. The chemists cannot dump it into city sewers for fear police will detect, and trace, the large amount of acetic anhydride acid in it. For every kilo of heroin produced, the chemists must use two kilos of acid. Their usual disposal method is to run it off, via long hoses, onto waste ground or, in the case of a country villa, down the side of a hill or mountain.

Police also try to keep an eye on unusually large purchases of acetic anhydride. But the acid is bought for many legitimate purposes. It is used by fertilizer and plastics manufacturers. In the United States its sale is legal. Its purchase specifically for heroin manufacture is difficult to trace.

With money and organization and ruthlessness on their side, the Corsicans are formidable foes. In challenging them, the French police clearly face some genuine problems. But in the view of many, the French Government's efforts to eliminate the Marseille heroin business has till recently lacked application and serious effort.

The French narcotics bureau is understaffed and ill-equipped. For its whole operation in southern France it has relied on 11 agents with three cars between them. Some are deskbound. Manpower available for surveillance and detection of narcotics traffickers has thus been negligible. In the French capital itself there have been hardly a dozen narcotics agents at work.

Lately there have been indications that Paris is stirring on the narcotics problem.

In part this is due to unfavorable international publicity about France's role in heroin production. In part it is due to sudden French recognition that heroin addiction is not exclusively a foreign, and specifically American, problem. Last year two French teen-agers from middle-class families died on the Riviera from overdoses of heroin.

BUREAU BOLSTERED

With the resulting hullabaloo, and encouragement from Washington, the French have announced they will boost their antinarcotics effort. A new chief has taken over the narcotics bureau in Marseille. New agents are promised.

Throughout the country some 350 narcotics specialists are supposed to have been assigned. But these "specialists" are regular policemen who have been given short courses in narcotics work. If, in the course of their duties, they run across a narcotics case, they are better equipped to investigate it. They are not, however, narcotics experts in the true sense, devoting their full time to narcotics work.

The real question now is whether the French are prepared to devote more than lip service to the elimination of the narcotics traffic. At least six illicit heroin factories are believed to be still in operation in the vicinity of Marseille. Experts concede there could be double that number.

Though Marseille's Corsican underworld runs the heroin racket, Corsicans are not basically in the business of transporting narcotics to the United States. They prefer to produce and sell. Principal buyer is the American Mafia which also masterminds organized smuggling of narcotics into the United States.

U.S. OFFICIAL COMMENTS

Says John T. Cusack, chief of the American antinarcotics network in Europe: "We're up against a hard-core, well-entrenched, affluent, powerful criminal element."

Based in Paris, as European regional director of the United States Bureau of Narcotics and Dangerous Drugs Mr. Cusack is widely credited with having masterminded the American role in persuading the Turkish Government to cut back on opium production.

Besides the Mafia, other buying rings have set up shop in southern France. They include Cubans, Puerto Rican, and Negros, and "independent" buyers who run their own transit routes. When the Corsicans arrange delivery of heroin in the United States, rather than France, the price is much higher.

Mafia narcotics-smuggling routes run via Canada and Mexico to the United States, and directly through American East Coast ports.

But there are many variations. Some air shipments are routed from France to the Netherlands or Switzerland, then to the Caribbean, and into the States through Florida. Sometimes narcotics couriers stop off in the Republic of Ireland. An Irish aircraft landing at Boston or New York tends to get more cursory examination than one coming in from France.

One heroin-smuggling ring used a Trans World Airlines route from West Germany to Kansas City, Mo. The couriers carried their narcotics in flight bags. Shortly before arrival in New York they hid their packages in the aircraft's toilet. Then they went through New York customs confidently.

DOMESTIC FLIGHT TAKEN

After clearing customs and reboarding the aircraft, they retrieved their heroin from the toilet. From Kansas City they took a domestic flight back to New York, delivering their wares with little risk.

Their method was discovered when the TWA flight developed engine trouble on one occasion in New York, and the company ordered a plane change. The couriers panicked, tried to get their heroin off the discarded aircraft, and were caught red-handed by customs agents.

Another smuggling route is from Europe over the pole to the American West Coast, then by domestic flight back to New York.

There are 390 ports of entry in the United States. Through them pass 220 million travelers each year. Clearly, the smugglers' chances of getting at least some of their merchandise through are good. The standard yardstick custom agents use is that they seize about one-tenth of the contraband funneling into their country.

To move heroin into the United States, the junk merchants use scores of couriers who carry packets taped to their legs, or concealed in special vests, bags, or false-bottomed suitcases. For the junk merchants it is a gamble, but one loaded with the odds in their favor. They can afford to lose a large number of couriers and still make vast profits out of the shipments that get through.

OPERATORS PAY NO TAXES

Those that are lost are written off to operating costs in a business in which the operators pay no taxes anyway. Arrest of a

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courier rarely imperils the big-time criminals behind the traffic. Most couriers are given only the skimpiest information of the operation they are involved in, and have little to pass on to custom and narcotics agents.

In one case, all eight couriers involved in a shipment of heroin were picked up by American narcotics agents. None could pinpoint the supplier or the addressee.

In another case a narcotics courier facing an Italian murder charge was desperate to cooperate with narcotics agents in a bid to prevent his arraignment in an Italian court. But he had no information of value. All he could reveal was that he had been given the narcotics to carry, in a room of Rome's Excelsior Hotel, by a man he had never seen before and whose name he did not know.

As couriers, the traffickers recruit seamen, airline crew members (one Alitalia steward had direct links to the Mafiosi of Brooklyn), respectable-looking business executives, and even diplomats. The latter are especially useful. Their luggage is usually scrutiny free when it goes through customs.

One courier ring smuggling heroin into New York via the West Coast from Hong Kong included three former Australian police officers. Even a former "playmate" from Playboy magazine is languishing in a Greek jail for carrying narcotics.

SURVEILLANCE PURSUED

While transporting heroin, couriers are often under surveillance by other members of the underworld network. If a courier is "busted" (arrested), the junk merchants are usually aware of it immediately. If the courier agrees to lead government agents to his contact, by the time they get there the trail is cold.

Aside from their own Sicilian dialect, Mafia junk merchants use a jargon almost incomprehensive to outsiders and eavesdropping narcotics agents.

Says one Mafia member to another, in a long-distance call from New York to Sicily: "I need a dozen white shirts. Tell Toto everything's taken care of on the mountain." Translated, that means: "Ship a dozen kilos of heroin. Tell our Corsican supplier in Marseille that I've deposited the cash for them in the usual numbered Swiss bank account."

The American Mafia lean heavily on blood ties in their native Sicily for logistical support in Europe. Thus some heroin shipments are backtracked from France to Italy, and then moved out to the United States.

Experts say actual production of heroin in Italy now is rare. For helping stop Italian production they give credit to former American Ambassador Clare Booth Luce. They also credit Italian authorities for cracking down on known Mafia members with sentences of "obligatory sojourn" in remote areas. Under this system, a suspect is removed from big-city contact and required to report daily at the police station in his area.

Even so, the Mafiosi are wily, and the movement of narcotics in and out of Italy continues.

HONEYMOON IN SICILY

In one case, an American of Sicilian origin carried a large heroin consignment for his family without ever knowing it. His father, a prominent New York Mafia member, sent him back to Sicily for his honeymoon. With the bridal couple went a handsome new American car.

After a few days a relative in Sicily insisted on removing the car to get it washed and serviced.

Overnight, Mafia members took the car apart and fitted it with secret compartments full of heroin. Unknowing, the son shipped his car back to the States, passing uneventfully through customs.

A little later, his father asked to borrow the car. The heroin was recovered by the American Mafia, the car returned, and the innocent son took up his business unaware that for the price of a honeymoon to Sicily, the Mafia had imported a massive shipment of heroin.

Other bulk shipments come by diverse routes. French and American agents broke one ring airfreighting heroin from Paris to New York hidden in electronic oscilloscopes. Some heroin travels southward to Spain from Marseilles before being moved on to the United States. One big haul was made in a shipment of canned fish imported from Spain by a Whitestone, N.Y., dealer.

MAFIA "SCATTERS SHOT"

Earlier this year, American custom agents made the largest seizure of hashish in the history of the service at Boston's Logan Airport. Inspectors found 600 pounds of hashish in false bottoms of crates of musical instruments from India. This was a spot check, without any advance information from agents abroad.

Although the Mafia scatter their shot with couriers on planes, cars are much favored for smuggling narcotics. Thousands of them are brought in and out of the United States each year. Though some are searched, the United States is wooing foreign tourists, and custom agents cannot tear every visitor's car apart.

The advantage to the Mafia is that a car can transport a much larger heroin shipment than can be concealed by a courier. One Volkswagen 1300 carried 54 kilos of heroin concealed in its door panels and in special compartments under its seats—in other words, a shipment about the size of a small man.

If agents seize an auto shipment, the loss to the Mafia is much greater than loss of a two or three-kilo packet strapped to a courier's leg. But the Mafia can afford to lose several carloads and still make money on the one that gets through.

From one French Citroen, agents extracted 112 kilos of heroin. That was a major haul. But the same car had successfully carried heroin shipments for five previous years.

With bigger shipments, the risks are greater, but the profits are fatter. Such are the odds that keep the junk traffic flowing out of Marseilles.

IRAN'S STRICT DRUG CONTROLS: GOOD INTENTIONS NO BARRIER TO TRAFFICKERS

(By John Hughes)

TEHRAN, IRAN.—As the first light of day streaked the Persian sky, the prisoners were led out. There were 10 of them: an Army captain, two lieutenants, seven civilians. Grim faced, they took their last look at the soft hills around them, still swathed in morning mist.

The firing squad was drawn up. At a sharp order, the soldiers leveled their rifles. Another order, and the shots rang out.

The first traffickers to face punishment under Iran's tough new laws against narcotics smuggling had been executed.

Under this law, anyone in Iran caught carrying more than two kilos of opium, or more than 10 grams of heroin, morphine, or cocaine, is subject to capital punishment.

The soldiers had been stopped with a massive load of opium—272 kilos—hidden in their Army jeep. Then they tried to shoot it out with gendarmes, who arrested them.

Since the execution of this first group of offenders, the Iranian Government has had more than two dozen narcotics traffickers shot. More cases are pending.

Says a Foreign Ministry official: "We are very serious about this. We're going to execute every one of them we catch. We've caught a woman smuggler. And we've caught foreigners. They'll all get the same treatment. It's a matter of life and death."

The severity of the punishment underlines the Iranian Government's intention, since it passed its new laws last year, to deal harshly with narcotics traffickers.

Yet ironically, Iran is one of the countries international experts are most concerned about as they ponder sources of illegal drugs in the years ahead. For hand in hand with its new crackdown on smuggling, the government authorized peasants to start growing opium after a 13-year ban. This apparently anomalous decision could lead to massive production again in a country which was once among the world's leading growers and exporters of opium.

The green light has been given only for legal opium production. This is opium which will be sold to the state, to be used for Iran's own registered addicts and utlimately for export for medicinal purposes.

But, critics argue, there is always leakage from legalized production. The United Nations Commission on Narcotic Drugs says it is "very disturbed" about the Iranian decision, which it terms a "sharp disappointment."

Harry J. Anslinger, a former chief of the American Bureau of Narcotics, is similarly outspoken. He says that Iran has a "moral obligation" not to produce opium. He describes the Iranian decision to resume as the "greatest blow to narcotics control" he has ever known. This regret is echoed by Jean Nepote, chief of Interpol, the international police organization. He terms the Iranian action a "retrogressive step."

Mr. Anslinger declares bluntly Iran's good name has been "put in jeopardy" by its decision to grow opinion again. To this international criticism, Iranians are highly sensitive. They argue they are taking careful measures to control production. Only government-licensed farmers will be allowed to grow opinion. Police will supervise the harvesting. The entire crop will be sold to a state-run monopoly.

For illicit cultivation or withholding, the government will impose strict penalties. And as it has already shown, it will take extreme action against illegal traffickers.

Foreign critics, however, argue that despite Iran's good intentions, a substantial amount will seep away onto the illegal market. Turkey has a similar system of controls on its licit opium production—yet Turkey is a major source of illegal opium. Any increase in opium production anywhere, say narcotics agents, spells more trouble for them.

So far there is little evidence that the newly grown opium in Iran is finding its way in quantity onto the international market. But as yet the crop is small.

Last year the government authorized opium growing on only 4,200 hectares. The result was about nine tons of opium. This year the government authorized an additional 6,000 hectares. With 10,000 hectares under opium this nation is already back to almost half the acreage it had under opium in the boom years of the 1950's. On that acreage Iran was producing between 900 and 1,200 tons of opium a year.

Beyond the prospect of new Iranian opium seeping onto the illegal market, there is another, and ominous, aspect.

The Iranian crop presumably will make surplus about 300 tons of opium a year which has been flooding into Iran from its neighboring countries of Turkey on the one side and Afghanistan on the other. If the Iranian market dries up, here is another 300 tons of opium each year available to international buyers at cut-rate prices.

It was pique with its neighbors, particularly Turkey, that motivated Iran's decision to get into the opium business again. Prior to 1955, Iran was a major producer, with 25,000 hectares under opium poppy cultivation. In its last year of cultivation—1955—Iran produced 1,180 tons of opium. Legally, and for medicinal purposes, it exported about 100 tons a year.

The opium business was profitable for some. Several wealthy landowners made $50,000 a year from it. But it was degradation and hopelessness for many thousands more. Iran had a staggering opium addiction problem of its own. According to the Iranian Medical Association, some 1.5 million Iranians (in a population which then stood around 20 million) were addicts.

Outraged and concerned, Shah Mohammad Reza Pahlavi in 1955 banned opium production outright. His decision won worldwide acclaim. In Iran it cut back addiction. The Iranian Medical Association says that, though the population had increased, the number of drug addicts has dropped from 1.5 million to half a million.

But 500,000 addicts still need a lot of opium. And tragically, there has been a substantial shift to heroin, made in illegal laboratories from illegally imported opium.

The smug and conscienceless exploiters of this situation have been the Turkish and Afghan junk merchants who have poured their opium into Iran, even as Iran outlawed its own production. Flocks of sheep, with opium blocks sewn into their skin, have been herded across Iran's borders. Wild Afghan horsemen have come whooping over with opium-filled saddlebags. Whole convoys of pack animals have been led across in darkness.

Of course, Iranians are in the business, too. In 1968, 15 illegal heroin laboratories were destroyed. Many more went undiscovered. The ownership of some is said to extend into the highest ranks of the Shah's government.

But the police are active in combating the narcotics traffic. Even prior to the country's tough new narcotics laws, they were picking up some 18,000 people a year for drug operations. In 1968 they seized 3,600 kilos of opium, and in the first half of last year alone, 8,840 kilos. There are wild gun battles as Iranian gendarmes tangle with lawless smugglers trying to shoot their way across the country's borders with loads of opium. In some, Iranian law officers have been killed.

It is this smuggling from Turkey and Afghanistan, and a real loss to Iran in hard cash, that caused the exasperated Shah to rescind his ban on opium production last year. One Foreign Office official, Undersecretary Fereydoun Hoveyda, calculated that illicit purchase of Turkish and Afghan opium lost Iran $10 million a year in foreign exchange. Prior to the 1955 ban, Iran had been earning $40 million from opium. Dr. M. H. Sahez-Zamain, chief of the Iranian Mental Health Commission, sets the loss higher at $15 million a year.

One problem: The smugglers demand payment in gold. Thus the smuggling of opium has generated another smuggling racket, gold. The buyer must get gold to get opium.

"We have," says another Foreign Office official, "paid a very high price for banning opium production. But our neighbors simply replaced us in the world market. Now we've started again. But we give this undertaking: The day others stop producing, we will."

The Iranian newspaper Kayhan reflects official thinking. Says the newspaper editorially:

"Iran has waited 13 years, during which international agencies and neighboring countries have done nothing to desist. Iran has lost a substantial market for medicinal opium. It loses millions of dollars in gold, which leaves the country to pay for illegally imported opium. And drug addicts have turned to heroin."

The newspaper approves of renewed Iranian production, with strict controls over growing, collection, marketing, and export. "We will cease," says Kayhan, "when our neighbors do so."

That prospect is not likely. The Turkish Government is on record with its intention to get out of the opium business, but illegal production in Turkey will certainly continue.

The capacity of the Afghan Government to curb opium production and smuggling is limited. Even given the will, the Kabul government is powerless to enforce such a decision throughout great swaths of the country where wild tribesmen reign independent.

So Iranian production will continue and increase, and with it a mounting opportunity for diversion to the illegal market.

If a halt to production is unlikely, one way to keep the crop down would be to reduce the number of Iran's addicts, and therefore the demand. But despite brave words, Iran's addiction problem looks like one of some duration.

The government has allocated $8 million for the treatment of young addicts. Dr. H. A. Azarakhch, one of the country's leading narcotics experts and a delegate to the United Nations Commission on Narcotic Drugs, says 10 percent of all hospital beds are reserved for addicts.

Even so, Seyd Mohammad Tabatabai, secretary-general of the Iranian Medical Association, estimates that with existing facilities it would take 104 years to wipe out drug addiction in Iran. He thinks much more urgent measures are required. He suggests the government should use the money it will make from opium sales to finance addiction treatment centers.

The government certainly appears eager to reduce the number of addicts. Only people over 60 years of age, and those considered to have a medical need, are permitted to buy opium, at 23 cents a gram, on a quota basis from government-licensed shops. Their registration, which has been taking place this year, is a pitiful business.

One 65-year-old woman staged a sit-in at a registration center because clerks refused to issue her an opium permit without a photo. "I'm a servant," she cried. "I can't work without eating opium every morning."

An elderly man said he had been an addict for 45 years. "I have smoked opium," he said, "since I was 20. And I'll do it until I die."

With others, the government is taking a tougher line. Addicts in government service have been given a deadline to break the habit. A government official who remains on narcotics stands to lose his job. He may also lose his property and lands.

The result is that many Iranian drug users are hiding their addiction. They are not registering as addicts for fear of government retaliation. By March of this year, only 32,000 addicts had appeared for registration throughout the entire country. Dr. Azarakhch thinks the figure may go as high as 100,000.

Even so, that would leave another 400,000 Iranians who until recently were drug addicts. Either they have suddenly cured their problem or, more likely, they are acquiring drugs illegally.

Thus the prospect for a curb on opium production in Iran is not bright.

Some foreign observers hold that the Iranian Government has not thoroughly considered the implications of its decision. For instance, the government talks of exporting opium for medicinal purposes. This presumably means selling it at around $10 a kilo. Yet the cost of opium to the Iranian Government is much higher than that.

According to Dr. Azarakhch, the government is currently paying opium farmers about $90 a kilo for opium latex which is still impure, with about 30 percent moisture in it. On this basis, export is a money-losing venture.

Some of these foreign observers feel that if a graceful opportunity afforded itself, the Iranian Government would even now opt out of the opium business again. But with the acreage under opium doubling up each year, Iran is heading fast into big-time production.

The somber prospect is that the international traffickers will get their claws deep in the country's opium business before the Shah can get his country out of it.

Ominous Trend: Young People on "Pot Trail" Graduate to Narcotics Smuggling

(By John Hughes)

Kabul, Afghanistan.—All along the "pot trail" the story is the same.

From Istanbul an American girl mails her friends a few hashish-plant leaves "for a joke." Turkish authorities do not find it so funny. They jail her for three years for narcotics possession, with another 10 years for exporting.

A Peace Corps worker saves a Norwegian hippie's life. The Norwegian tried to jump off a building while on a "trip."

An American dope addict goes on a shooting spree, killing three Turkish policemen and wounding seven other people before he is himself shot and killed.

In Thailand a young American, already jailed on a narcotics offense, seriously mutilates himself with a razor blade while on a "trip." Thai authorities give him medical treatment, but resist American Embassy pleas for his release.

Into the American Embassy in Afghanistan staggers a young girl. Her mind is "blown" by drugs. She is pregnant. She has been used as a prostitute for months. In response to the embassy's cabled appeal for help, her parents disown her.

STORY GROWS COMPLICATED

The length of the "pot trail" is littered with tragedies such as these. They are by no means unrepresentative. All are traceable to narcotics.

Drug usage by these youthful wanderers through Asia and the Middle East is often tragic enough. But the story does not end there. A new and more serious factor is the extent to which many are trafficking in narcotics across international borders.

Some have been recruited by big-time narcotics merchants to smuggle drugs into the United States on a professional basis. One such team of couriers is working for a narcotics ring on the American West Coast. They carry round-the-world tickets. They stay at luxury hotels like the Intercontinental in Karachi. If caught, bail and legal defense are quickly forthcoming. They keep quiet. They do not tell the name of their employer.

At present, hashish is the main merchandise they carry. Derived from the resin of the cannabis plant and with much more "kick" than marijuana, it fetches hefty prices on the American market.

Earlier this year, American customs agents made one of their biggest hashish hauls ever at Boston's Logan Airport. Ripping into wooden crates of musical instruments airfreighted from India, they found false bottoms filled with 600 pounds of hashish. Smart follow-up work by Indian customs officials and police uncovered another 745 pounds in New Delhi, ready for shipment.

The focus of this series is mainly on "hard"

XUM

drugs like heroin. But the booming hashish trade is ominous. Hashish users are formerly marijuana smokers seeking a stronger "kick." When hashish begins to pall, it is to the "hard" drugs that the confirmed user must next look.

BIG-TIME PROSPECTS LOOM

If the demand for opium increases, or traditional sources are pinched off, experts foresee Afghanistan leaping into the big-time illicit narcotics business.

Technically illegal in Afghanistan, opium production is rife, particularly in such provinces as Badakhshan, Herat, and Nanghar. Already, perhaps 150 tons a year is smuggled over the border into Iran. Across Afghanistan's border with Pakistan, wild Pathan tribesmen roam with contemptuous disregard for authority, running opium, guns, gold, transistor radios, and whatever else makes money.

If the demand for Afghan opium (and its end product, heroin) grows in the West, the channels for smuggling already are being established. The hippie hashish couriers are paving the way.

The International Narcotics Control Board of the United Nations says it is "much disquieted" by the opium situation in Afghanistan. The Afghan Government admits that illicit production is beyond its control. But, says Foreign Ministry spokesman Amanulah Hasrat, "We don't have the equipment for detection and control. We need help, and we've appealed to the United Nations."

If opium production is to be wiped out in Afghanistan, the whole economy needs a sharp uplift. So far, there is no sign of the kind of broad, foreign-aided program that would make that possible.

The "pot trail" begins in Europe and winds down through the lands where drugs are cheap and easy to come by: Turkey, Lebanon, Iran, Afghanistan. Kabul, the Afghan capital and a haven for drug users, is known as the "Big K."

The trail continues through the Khyber Pass to Pakistan and on through India to Nepal, another pothead paradise. For some, the trail goes even farther, to Thailand and Laos.

EASY PROFITS TEMPTING

Surging back and forth along this trail, on foot, hitchhiking, or by train or rickety bus, are thousands of young people from Europe and the United States. Some are students, seeing the world during vacation time. Others are hippies, beaded flower children, and dropouts from society, with no plans to go home. Not all are potheads.

But users and nonusers alike are tempted by the quick profits to be made from smuggling a kilo or two of drugs from a country where the supply is great to one where demand is high.

They move through countries where, despite official tut-tutting, the attitude toward narcotics is largely permissive. Drugs come easier than chewing gum.

Outside the Afghan capital of Kabul, the opium poppy sprouts in valleys almost within eyesight of government ministries. In adjacent Pakistan, children buy opium both from government-licensed dealers and illegal merchants.

Government spokesmen argue that drug taking is alien to local culture and has been stimulated by the inflow of Western hippies. Says one Pakistani official: "We are still modernizing ourselves. Alcohol and narcotics are equally taboo in our society."

Nevertheless some government officials in Pakistan themselves smoke hashish. So do Army generals in Afghanistan. Technically illegal, hashish is nevertheless readily available. At one party in the Pakistani capital of Islamabad, the host sent out for a kilo. The price: $15.

Hashish (known as "charas" in India and Pakistan) is the more potent product of the cannabis plant, derived from the resin. But the milder cannabis leaf ("bhang") is not controlled. Ground up with almond and pistachio, and diluted with milk, it is guzzled by the gallon.

TRUCK DRIVERS INVOLVED

Pakistani truck drivers are usually good for a couple of lumps of hashish. Their transport network makes it easy for them to move it from one end of the country to the other. They also use it themselves. One explained:

"The only way we can make any money is by driving round the clock. We use hashish to stay awake at night."

Hospitable policemen in both Afghanistan and Pakistan sometimes offer hippies a joint of "hash."

With this lax approach to drug use, some hippies have scented easy money for little risk. A couple of kilos of hashish, bought cheaply in Pakistan or Afghanistan, may fetch enough in the United States to support them for a couple of years. Some students have sought to finance their college studies with the profits from hashish smuggling.

GROUND RULES VARY

In many cases, the risk is greater than they imagined. Some countries are easy-going on drug users but throw the book at traffickers. Some countries still give a wrist slap for narcotics offenses. But others like Iran have introduced capital punishment—and apply it.

Some governments are particularly rough on foreigners. They go looking for them to show that foreigners, and not local citizens, are responsible for their narcotics problem. Often the pusher who sells drugs to the foreigner tips off the police.

In Pakistan—a good source of hashish—penalties for trafficking are still light. Karachi's police chief, Deputy Inspector General Mahommed Yusuf Orakzai, says he thinks they should be tougher. But at present, an offender spends only a few months in jail.

In Afghanistan, the foreigner caught trafficking by customs officers may simply be given a scare, then get sent on his way. Some hippies found with drugs at Kabul Airport have got off with a night at the police station, seizure of their baggage, and expulsion on the next plane.

The story is much different in Turkey, Lebanon, and other countries where a foreigner may get 10 years to life imprisonment for trafficking in narcotics.

More than 400 Americans are currently in foreign jails for narcotics offenses. The conditions are often indescribable. Cells are overcrowded, filthy, ridden with rats. Food is foul. Homosexual assault is common. Parole and remission of sentence are rare. Says one observer in Lebanon:

"In this country they don't give prisoners time off for good behavior. They give them more time for bad behavior."

Foreign embassies can do little when their citizens fall foul of the narcotics laws in such countries. Though harassed by influential parents, congressmen, and senators, American consular officials explain that there is little alternative but for American youths to serve their sentences.

SPREADING THE WORD

What some governments are trying to do is drive home in advance to young travelers the omnious consequence of drug smuggling. In British and American embassies, notices warn visitors of the penalties. Visitors collecting mail are given similar information slips. In some countries there now are warning boards at the borders.

Last year the American consul general in Istanbul devised a plan to warn American hippies that Istanbul was not a "friendly and congenial place" for drug users and traffickers.

A retired Peace Corps worker circulated in hippie haunts explaining legal risks and penalties. He probably saved a number of Americans from being arrested. The American embassy in Spain sent one of its officers on a similar educational tour of hippie-frequented areas.

With many hippies, the narcotics smuggling is relatively small-scale stuff.

In Pakistan, hashish comes in a sole-shaped pack about half an inch thick. The hippie tries to get through customs hiding a kilo for himself, and perhaps a kilo or two to sell.

Methods are amateur. Many hide hashish in their portable transistor radios. But the word has gone out to customs officers. Now that is often the first place they look.

Many hippies travel barefoot, or in sandals. One with boots may have his heels full of hashish.

Others roll hashish in their prayer beads. Or stuff it in the back of picture frames.

One Dutch hippie in Afghanistan was even caught with a plaster cast on his foot full of hashish.

PROS ENLARGE SHIPMENTS

As the professionals take over, the shipments get bigger. Recently Pakistani police found 160 pounds of hashish stuffed in a leather Oriental cushion, consigned as part of a furniture shipment. Other shipments range up to 60 or 70 kilos.

A bomb scare at Beirut Airport cost one syndicate two suitcases full of hashish. Carried by a girl courier en route to Geneva from Kabul, the bags were held by Lebanese airport officials for additional excess baggage charges.

Then a bomb scare triggered a luggage search. Police found no bombs—but did get the hashish.

Here and there, the professionals lose a shipment. But there are loopholes and contradictions enough in the narcotics laws of different countries for them to weave their way through. Professional traffickers are usually better able to exploit these than the amateur, hippie smuggler caught with a kilo or two of hash.

India, for example, has been complimented on its opium-control system. Some 170,000 Indian farmers grow opium legally, according to D. P. Anand, chairman of the Central Board of Exise. They sell it to the state, which makes $10 million a year shipping it abroad for legitimate, medical purposes. For higher yields per acre, the farmers get more money. This incentive system has apparently done much to curb illicit diversion.

Foreign law-enforcement officers are enthusiastic about the thoroughness of Indian police on major antinarcotic investigations.

Yet hashish flows like a tidal race through India from neighboring Nepal. From the seaport of Calcutta it is shipped clandestinely to destinations all over the world. The Indian Government makes representations to Nepal.

But these are muted because India's relations with Nepal are delicate and nurtured. Just the other side of Nepal lies Communist China. It too is wooing the border-straddling country.

SUNFLOWERS SUBSTITUTED

In Lebanon, authorities have cut back heroin production. In hopes of eradicating cannabis production of hashish, the government has substituted sunflowers. Their seeds, for vegetable oil, fetch good prices. Lebanon has won international plaudits for its enterprise.

Mahmoud el-Banna, director general of the internal-security force, says he hopes cannabis will be completely wiped out by next year. But influential Lebanese politicians are substantial landowners in the cannabis-growing area around Baalbek.

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Sunflowers are certainly being grown—but in between them are rows of cannabis. Some experts say this year's cannabis crop is a bumper one.

In countries like Pakistan and Afghanistan the narcotics trafficker who gets caught serves only a short sentence, perhaps only pays a fine, before he is back in illegal business. One American found smuggling out two kilos of hashish in his shoes was told by Pakistani customs officers: "Next time, don't carry so much."

Without tighter laws and stiffer sentences, the narcotics flow out of this part of the world seems destined to continue and probably grow.

Thailand: "Four-Lane" Drug Highway

(By John Hughes)

Bangkok, Thailand.—Opium pours through Thailand. It is grown in unreachable and little-controlled areas of Burma, Laos, and Yunnan province in Communist China. Some also is grown in Thailand. In these countries narcotics trafficking involves people in high places.

For the junk merchants of Southeast Asia, Thailand is the corridor through which their illegal merchandise must pass to Hong Kong and the lucrative markets of America.

But to many, Thailand seems less a corridor than a four-lane highway down which narcotics shipments roll with ease.

Of course, there are tolls. The police must be paid off. Experts in the business say the going price is \$5 per kilo of opium at each of five checkpoints between the opium-growing borderlands of the north and the capital city of Bangkok. But \$25 a kilo in payoffs is small enough overhead in a business where the profit rolls in by hundreds of thousands of dollars.

Some Thai officials are clearly in this business up to their elbows. One recent incident illustrates the point.

Thai residents of a Bangkok suburb noted suspicious activity at a godown (warehouse) in their neighborhood. A helicopter kept fluttering down. There was furtive unloading. They told the police and the police, suspecting an illegal liquor racket, raided the warehouse. Instead of liquor, they found it stocked with fresh opium.

The embarrassing point of the story is that in Thailand only the border police and the Army operate helicopters.

In earlier years, the opium traffic in Thailand was practically a monopoly of the police. Involvement in the trade extended into the Cabinet. Just where it stops today is difficult to state. Says one Thai official warningly: "There's a line above which you cannot investigate the business."

Publicly the government has set itself against the opium traffic. Thailand has 200,000 drug addicts of its own. Heroin addiction is increasing sharply, particularly among young Thais. This government is, as a United Nations report puts it, "alive to the problem."

It has cut back imports of acetic anhydride, a necessary agent for processing heroin. An Anti-Narcotic Drugs Association has been set up to combat addiction. There are drug seizures by the Thai police. But the UN report concludes gloomily that the "situation has not materially improved" in recent years and has even been "exacerbated."

THAI OUTPUT RATED LOW

The Thais argue that their country is a transit route for illicit narcotics and that their neighbors are much bigger opium producers than they are.

The argument is valid. Of the 400 to 600 tons of opium which comes out of Southeast Asia each year, Burma and Laos grow the bulk. Thailand produces only between 15 and 50 tons. In Burma the government is incapable of halting production, while in Laos the Army is engaged in the opium traffic and the Air Force helps transport the crop.

For much of this production, Thailand is the conduit. Some Thais are profiting handsomely from the passage of opium through their country. Law-enforcement officers elsewhere in Asia are divided as to how much more the Thai Government could do to pinch off the traffic. Some credit Thai authorities with increased effort.

Others are harsher in their judgments. Says the narcotics chief of one Southeast Asian country:

"There are only three main routes running down Thailand. If they really wanted to, the Thais could stop a lot more narcotics."

So far as the United States is concerned, Southeast Asia till now has been a minor producer for the American heroin market. Eighty percent of American heroin originates in Turkey. Perhaps another 15 percent comes from Mexico. Experts calculate that the remaining 5 percent comes from Southeast Asia.

Now some think they may have underestimated the Southeast Asian figure.

One obvious danger: as American pressure cuts back production in countries like Turkey and Mexico, the demand for opium and heroin out of Thailand will grow. The morphine content of Southeast Asian opium is lower than that of Turkish. But the price is competitive with the European product.

International narcotics rings are already buying export-quality heroin in Bangkok at \$2,250 a kilo for shipment to the United States. Once there, its wholesale value jumps to more than \$10,000 a kilo. By the time it is "cut," or diluted, with milk, sugar, and quinine, it will fetch \$225,000 in individual shots.

The opium road in Southeast Asia begins in rugged hill country where four countries converge: Thailand, Laos, Burma, and Communist China. Borders are ill defined. Across them roam the Meos and the Yaos in Laos and Thailand, the Karens and the Shans from Burma.

They practice primitive slash-and-burn agriculture. They know little about the glittering world of Bangkok, let alone the junkie's way of life in New York City.

What they do know is that for growing opium poppies they can get the old Burmese silver coins which represent affluence in their society.

The opium seeds are planted in August. They need little weeding or care. By December or January the plant has grown to about 4 feet. The poppy flowers. The pink, white, and mauve petals fall.

BURMA IS TOP PRODUCER

Then the remaining pods are slit, not horizontally as in Turkey, but vertically with a three-pronged knife. The resin which oozes out is allowed to harden overnight. Next morning it is scraped off.

Most of the crop comes from Burma. The Burmese Government talks bravely of stamping out the production. The problem is that the opium grows in tribal areas over which the Rangoon government has little control. Tribesmen in northeast Burma move their opium crop out over jungle trails directly into Laos and Thailand.

If their government in Rangoon poses no threat, there are nevertheless other hazards along the route.

This is wild and lawless country. The opium moves in caravans of 50 to a 100 ponies and is worth a great deal. There is the danger of attack and hijacking by rival groups. Thus the caravans go heavily armed and protected, with escorts carrying machine guns and sometimes mortars.

Dominating the protection business are Chinese Nationalist soldiers left over from the war with the Communists.

They hire out units 100- to 200-strong to guard the opium caravans winding their way into Thailand. They bring forceful persuasion to bear on opium runners who try to do without their services.

A few years ago small-scale warfare broke out between the Chinese and tribesmen over opium dues. Casualties were heavy. Fighting spilled into Laos and ended only after air strikes by T-28's of the Lao Air Force.

The Laotians are not entirely disinterested parties. They, too, are deeply engaged in the opium business. Their hill tribes have long grown the opium poppy and continue to do so. At about 180 tons a year, it is the poverty-stricken country's best export.

One problem is that the tribesmen who grow it in the non-Communist part of Laos are some of the most effective resistance fighters against North Vietnamese and Pathet Lao troops in the Communist-held areas. These tribesmen are the special allies of the United States Central Intelligence Agency. Clearly the CIA is not eager to alienate them by demanding they stop growing the opium, which has become part of their tribal culture and livelihood.

MOVEMENT BY MILITARY

The Lao Army is deep in the money-spinning opium business, and Lao Air Force planes transport opium. Some private pilots say the Air Force's opium runs are made with CIA "protection."

During this year's Communist offensive, the military cut back on its opium activities. The main reason was not, according to one well-placed source, because they were preoccupied with the Communists. It was concern lest a wave of newspaper correspondents, in town for the crisis, got wind of the opium operations.

The Communists in Laos must be beset by a similar situation. Tribesmen in their areas are of the same culture and inclination as those in the non-Communist regions. It is difficult to imagine the Communists have persuaded them to abandon the opium poppy.

The same problem presumably challenges the Chinese Communists in their province of Yunnan.

In Peking, the Communist regime has imposed stiff penalties for drug usage and illegal production. But that Peking can effectively police the opium growers of Yunnan seems doubtful. There must also be substantial authorized production for the medicinal needs of more than 700 million Chinese. This affords the opportunity for diversion to illegal use. Thus China undoubtedly makes its contribution to the illegal narcotics traffic.

But there is no evidence of a massive and calculated campaign by Peking to flood non-Communist countries with debilitating narcotics. Some Westerners have charged the Chinese with just such a plan. But interviews with hundreds of narcotics experts in the past five months have failed to produce the proof.

Says one non-American expert: "With their U-2's, their satellites, the Americans would soon have evidence of any large-scale opium production in China. Presumably they would be happy to make it public. Certainly, drugs come out of China. But there's no proof the Peking regime is organizing it all."

Thus the opium comes down the trails through Burma and Laos. Some bypasses Thailand. It is flown out of Laos by pilots of fortune of various nationalities operating a fictitious airline called "Air Opium." Some cargoes are dropped in watertight bags in the Gulf of Siam and picked up by rendezvousing ships. Others are flown into Vietnam. Opium worth \$100 a kilo in Bangkok sells for three times the price in Saigon.

But the bulk of the opium heads on into Thailand. The town of Tak is a main collection center. Other shipments funnel into Chiang Rai and Chiang Mai. After that the destination is Bangkok, or sometimes on down the Malaysian Peninsula. Small boats operating from islands off Malaysia move the cargoes onward from there.

Some opium is packaged specifically for smoking. Addicts in Southeast Asia have favorite brands, like Lucky and OK. A packet of Lucky brand I handled was colorfully labeled, with its own promotional advertising in Chinese.

CONVERSION INTO MORPHINE

Part of the opium crop is converted into morphine base at crude laboratories in northern Thailand. Then, about a tenth the weight of the original opinion, it moves on in yellow block form bearing the "999" stamp distinctive to morphine from the Southeast Asia region.

In Bangkok's twin city of Thonburi is hidden a clandestine laboratory which converts morphine to heroin. Local addicts buy red or purple, or No. 3, heroin, about 60 to 70 percent pure. White, or No. 4, heroin is purer and of export grade. This is destined for the American market.

White heroin is smuggled to the United States by couriers on commercial or military flights. Purple heroin, morphine, and opium destined for such local markets as Hong Kong travels by sea. Usually it goes on deep-sea trawlers from a fishing port near Bangkok.

How to reduce the traffic?

A decision by Lao atuhorities to get out of the opium business would help. More vigorous action by the Thai Government against traffickers would contribute.

A United Nations survey recommends upgrading the living standards of the hill tribes and substituting cash crops like peas, tobacco, tea, and coffee for opium. But this is a long-term program and would cost millions. With present uncertainties in Indo-China, great areas of opium-growing country would remain unreachable.

For the moment, eradiction seems unattainable. Hope must be placed on seizures by Asian narcotics officers and on American narcotics agents assigned to such cities as Bangkok, Singapore, Saigon, and Hong Kong to gather and coordinate intelligence on traffickers. The other part of the solution lies in the education and reform of drug-users themselves.

But that is another story.

HONG KONG'S THRIVING OPIUM TRAFFIC: FOCAL POINT FOR FAR EAST NARCOTICS

(By John Hughes)

HONG KONG.—Sleet slashes down. Wind whips the wave tops into frenzied spray. On the heaving waters of the South China Sea, the government launch rolls, tosses, pitches, and shakes itself free of the sea with a series of tormented shudders.

In the wheelhouse, the Preventive Service officers, clinging to handgrips, can barely see the outlines of Hong Kong island behind them. But for the moment their interest does not lie landward. It is concentrated on the deep-sea trawler wallowing several hundred yards ahead.

The trawler is from Thailand. It carries an illicit cargo of opium and morphine. But it is steaming carefully outside Hong Kong's territorial waters. It will continue to do so as long as the Preventive Service launch is on scene. On its present course, the trawler cannot be searched by Hong Kong authorities.

Eventually, out of sheer exhaustion on part of the crew and for want of fuel and supplies, the Preventive Service launch will have to head for home.

Then the trawler will make its bid. The tactics vary.

The Thai vessel may rendezvous at sea with a Hong Kong fishing junk owned or chartered by narcotics traffickers. More than 10,000 such junks move constantly through Hong Kong's coastal waters.

The trawler may run its cargo ashore on one of the more than 200 small islands lying within the Hong Kong territory. Later, from a deserted beach, the shipment will be picked up by a local fishing boat.

Or the trawler may simply dump its illegal cargo at a prearranged spot in about 10 fathoms of water. The cargo will be sealed in water tight drums, weighing about 80 pounds apiece. Linked by strong rope or cable, they will lie hidden on the seabed.

After the trawler has gone, a Hong Kong junk will grapple for them, haul them in, and carry them into port.

Whichever plan is used, the junk making the final run into Hong Kong harbor will probably carry the narcotics slung beneath its hull. If the junk is challenged by a cruising Preventive Service launch, the ropes holding the cargo will be slashed. The compromising evidence will sink to the seabed, and the junk crew will be "clean."

SETTING ROMANTICIZED

Such are the frustrations confronting Preventive Service (customs) officers and detectives of the Royal Hong Kong Police Narcotics Bureau as they seek to stem the massive flow of illegal drugs into Hong Kong.

Perched on the rim of Communist China, Hong Kong has long been romanticized as the setting for all kinds of mysterious Oriental pursuits. Its narrow, winding streets are supposed to harbor espionage agents of many countries, smugglers, convicts-on-the-run, and kings and queens of vice. Some of the stories are true, some less accurate.

What is only too tragically correct, however, is that Hong Kong has been nurtured on the opium trade and is still today a focal point for the flow of narcotics throughout the Far East.

Its own addicts (80,000 in a population of 4 million) give Hong Kong one of the highest narcotics addiction rates in the world. To satisfy these alone, traffickers smuggle in each year more than 10 tons of opium and four tons of heroin (or the morphine base to make it).

But drugs are also transshipped through Hong Kong to other destinations in Asia, and to the profitable markets of the United States and Canadian west coasts. Couriers in one ring smuggling heroin from Hong Kong to the United States were former Austrialian policemen. The ring was cracked by Hong Kong detectives and American narcotics agents.

For the international trafficker, Hong Kong has a number of attractions. Six thousand oceangoing ships pass through its cluttered harbor each year. Dozens of planes land and take off each day from Kai Tak Airport. A free port, which must trade to live, it surges with merchandise. A hub of air and sea traffic in the Far East, it hosts thousands visiting tourists and businessmen each year.

All this activity is good cover for drug traffickers. Beyond this, Hong Kong is a free-currency area where foreign moneys are changed and transferred with ease. Payment for drugs can be switched to any currency and deposited with discretion at one of a string of Hong Kong banks.

DETECTION RISKED

The disadvantage of moving drugs through Hong Kong, rather than bypassing it, is that the shipment may be detected by local officials. The risk exists, but the odds are in the traffickers' favor.

Police seize only a fraction of what comes in. Last year, they seized neary $7 million worth of illegal narcotics in the colony. For them it was a particularly good year. Yet Hong Kong's addicts alone consumed an estimated $38 million worth of narcotics last year.

Nobody knows how much went out undetected and on to other markets. The flow from Southeast Asia across the Pacific to the United States is minor compared with American imports from Europe and the Near East.

But if the narcotics routes from Turkey and France to the United States are pinched off, the Asian traffic will pick up speed and volume.

Since early last century, Hong Kong has been deeply involved in the opium traffic.

Opium had been used in China for many years. But with the opening of the sea routes, European traders began delivering it by the shipload to the Chinese. The British dominated the profitable trade, selling to a ring of Chinese merchants in the port of Canton, north of Hong Kong.

When Chinese authorities tried to suppress the trade, violence led to the first Opium War. It ended with the treaty of Nanking in 1842, under which Britain got legal posession of Hong Kong.

Despite official British disapproval of the traffic thereafter, Hong Kong flourished as a center of the opium trade. Warehouses were built to house the opium crop imported from India. At one time 80 opium-carrying clipper ships were operating from the colony.

REFUGEES SWARM IN

With the colony's economy initially dependent on the opium business, it is hardly surprising that addiction to opium over the years has become widespread, although its sale has been illegal since 1946.

With the fall of China to the Communists, refugees from the mainland swamped the colony. Many found themselves helpless, and eventually hopeless, in an overcrowded and fiercely competitive society. They turned to narcotics for escape.

On hand, too, were drug traffickers eager to lead them beyond opium to more powerful narcotics like heroin. Refugees from China included heroin chemists from cities such as Shanghai. After fleeing the mainland, they simply set up shop again in Hong Kong.

Today, three-quarters of Hong Kong's narcotics addicts have forsaken opium for heroin. Usually they take red, or purple, heroin, which is 60 to 70 percent pure. Unlike high-grade white heroin, which is exported and injected into the addict's vein, red heroin is smoked in a method called "chasing the dragon."

With a base powder, usually barbitone, the heroin is heated on a piece of tinfoil. Then the addict inhales the fumes through a tube of rolled paper the size of a drinking straw. The mixture rolls back and forth on the foil. The fumes waver in the air as the addict chases them. Hence the name: "chasing the dragon."

NARCOTICS USE SPREADS

The problem now is that narcotics are no longer confined to the broken, the disillusioned, the coolie who sees little ahead but a decade of ricksha-pulling.

Ten percent of Hong Kong's addicts are under 19 years old. Some are affluent and educated. Expensive high schools, particularly those catering to children of wealthy Chinese families and the foreign community in Hong Kong, are concerned about circulation of amphetamines, barbiturates, and hallucinogenic drugs.

Today the addict is to be found not only in the clandestine opium "divans," or smoking places, but also in the discotheques and bars frequented by the swinging teen-age set.

Longtime Hong Kong residents sometimes suggest that behind this massive narcotics business is a "Mr. Big," a Chinese millionaire master criminal who controls the whole

Oriental drug network. "Mr. Big," it is suggested, hides behind a facade of respectability, living in spendor in a mansion high on Hong Kong's exclusive "Peak."

Veteran antinarcotics officers discount the theory. Superintendent G. J. Riddell of the police narcotics bureau says:

"There is no reason to believe one particular individual controls the traffic. There are many organizations in the field. They are well organized, efficiently run, and their members work under a strict code of discipline."

Narcotics officers have their own list of suspected narcotics bosses. Many of these "bosses" live high, with no visible income. The income comes, of course, from drug trafficking. But the bosses are cautious and do not incriminate themselves. Meantime, the police watch and wait.

Says one veteran police officer: "If there were a 'Mr. Big' in Hong Kong, there would be no need for the police to take care of him. The narcotics gangs are pretty rough boys. His rivals would take care of him for us."

ROUTES IDENTIFIED

Prominent in the narcotics business are the Chiu Chau. These are tough Chinese from the Swatow area of Fukien. They are conveniently spread throughout Thailand as well as Hong Kong. They have a built-in network for transporting opium and morphine from Thailand for consumption and transshipment in Hong Kong.

Experts in Hong Kong find little evidence that narcotics enter the colony directly from Communist China. Though some opium is probably grown in China's Yunnan Province, main source in Southeast Asia is the border area where Burma, Thailand, Laos, and China converge. Transit routes thereafter run through Thailand and the Malaysian peninsula to ports from which the illegal produce can be exported.

The cargo is usually opium, or morphine base for conversion into heroin in illicit Hong Kong laboratories.

Most make the journey by sea. Couriers on commercial airlines can carry only small amounts. Bulk drops by air off Hong Kong pose problems for the traffickers because the colony's radar tracks unidentified aircraft within a 200-mile radius.

Sea shipments vary. Freighters are full of hiding places. Seamen hide narcotics in tanks and hatches, steam pipes, and hollowed-out capstans.

Freighter cargoes offer the opportunity for smuggling bigger loads, but this requires more extensive organization, sometimes involving the establishment of dummy corporations and importing companies.

SHIPMENT SUSPECTED

Two of the biggest narcotics hauls ever made in Hong Kong were seized from just such cargoes.

Government agents became suspicious of a shipment of refrigerators from Malaysia. Ripping into them, they uncovered 1¼ tons of opium and morphine. In a separate cargo of bamboo poles, police found 3,000 pounds of opium.

With 6,000 ships calling at Hong Kong each year, the 200-man Preventive Service clearly faces a mammoth task spot checking ships. They have little hope of detecting anything but a percentage of narcotics on the water. But they devote special attention to vessels coming from "black" ports—ports like Bangkok and Singapore which are traditional shipment points for drugs.

Preventive Service officials also have developed a small but comprehensive research section which closely follows the pattern of trade through Hong Kong. They obtain cargo manifests in advance of a ship's arrival. They check out the shipper and the importer. They keep a tally on world prices. If movement of a particular consignment does not seem economic, or if the companies involved with it are suspect, the cargo gets special scrutiny.

Preventive Service officers say that by these methods they have reduced drug smuggling aboard oceangoing ships entering Hong Kong harbor.

"What we've done," say one, "is force the narcotics traffickers onto the beaches. They don't get as much in through the port now."

Whatever the merit of this claim, the most favored method of smuggling now is by trawler from Thailand. By one of the methods detailed earlier the trawler transfers its cargo in waters off Hong Kong and does not itself enter port.

Unless the Thais themselves crack down harder on their own traffickers, the key to drug smuggling at the Hong Kong end is the Hong Kong-based fishing boat. With thousands of these chugging through coastal waters each day, random checks turn up little.

What the police need is information. For leads on delivery times, rendezvous points, and transshipment arrangements, the narcotics bureau pays well. But the traffickers' security precautions are tight. A boatman hired to bring in a drug shipment will get little chance to tip off the police. If his bosses suspect him of informing, his body will be washed up one day on one of Hong Kong's outlying beaches.

REDUCTION OUTLOOK SLIM

Prospects of substantially reducing the drug traffic into and through Hong Kong do not look good. Some accuse the British colonial government of paying only lip service to solving the problem. A semiofficial survey last year revealed widespread public cynicism about the government's determination. Of the people questioned 86 percent believed the government could stop drug trafficking if it really wanted to.

Within the police narcotics bureau there are officers who feel it is the "poor relation" of the force. For the task set it, the Preventive Service works with slender resources.

Meanwhile, there are critics who believe much tougher action is required against convicted traffickers. The colony's leading newspaper, the South China Morning Post, earlier this year stated:

"There are maximum fines of $100,000 Hong Kong [$16,666 U.S.] and prison terms of 15 years. . . . But it is not just the scale of fines, but the level of fines imposed by the courts that will impress."

The newspaper was irate over the sentencing of a 22-year-old man for possession of narcotics. The evidence was discovered in his pocket by the parents of a 14-year-old girl found under the influence of drugs. The man got a fine of just $250 Hong Kong ($41 U.S.).

That kind of sentencing seems hardly likely to wipe out a narcotics business that in Hong Kong alone brings traffickers some $38 million a year.

UN HAS LITTLE POWER TO CURB TRAFFICKING: ONUS FOR ANTINARCOTIC ACTION RESTS ON INDIVIDUAL GOVERNMENTS

(By John Hughes)

GENEVA.—At first glimpse, Geneva seems far removed from the sordid world of the drug trafficker.

It is a city with all the well-ordered stability of the Swiss.

Parks are trim. Streets are spotless. Traffic flows without a hitch along the shores of Lac Léman. Officials are polite, hotel service impeccable.

Geneva's busy burghers are steeped in the traditions of industry, economy, propriety, and can hardly, one imagines, provide the local police force with much in the way of electrifying crime or midnight shenanigans.

Occasionally some African delegate to the United Nations swirls through town in a blaze of golden kente cloth. Or there is the flash of exotic Oriental silk on some Asian emissary to one or other of the international conferences to which Geneva plays host.

Yet this peaceful city is in one sense the headquarters of the international effort to cut back the world's narcotics traffic. The action takes place at the European headquarters of the United Nations, on the outskirts of the city.

LEGAL PRODUCTION TABULATED

This is the home of the UN's Commission on Narcotic Drugs, and of the International Narcotics Control Board. The commission is the UN's watchdog on narcotics. It drafts international treaties on narcotics and oversees their application. The International Control Board monitors legal production for medicinal purposes.

As the basis for their operations, the two agencies draw on a string of international conventions and agreements over the years, consolidated in the 1961 Single Convention on Narcotic Drugs. This agreement limits narcotics to medical and scientific use. It provides international supervision over production, trade, and possession.

Countries which legally produce raw narcotics are obliged to keep the control board informed of estimated production and stockpiles. The board also keeps close tabs on legal requirements throughout the world. When production exceeds demand, the board is supposed to negotiate cutbacks with the producing countries involved.

Valuable though all this may be, it does nothing to touch the vast illegal narcotics production. This production, according to the International Control Board, is "extensive and prolific" and "constitutes an enormous reserve."

Thus the UN assessment is gloomy.

Many narcotics-growing areas are remote and beyond the reach of their respective governments. In some countries, such as Laos, Burma, and Thailand, opium is the growers' livelihood, their sole cash crop.

A problem of this scale and intricacy, says the control board, will not yield to "peremptory treatment." It is too much to expect that progress toward its solution can be other than "very gradual indeed."

All this makes an early start more imperative. Both UN agencies involved in the antinarcotics campaign have repeatedly called on governments to tackle a problem which "year by year becomes more imperatively urgent."

Herein lies the rub. Though the UN agencies may have done good work, they are themselves toothless and without real power. The UN is no more than a collection of diverse governments. Upon the sincerity and energy of those individual governments depends the vigor with which the campaign against illegal production and trafficking is prosecuted.

USEFUL MACHINERY

Over the years the UN agencies have built up some useful antinarcotics machinery. UN laboratories at Geneva undertake important research. By analysis, chemists can detect which country, and sometimes which region, a specific shipment of narcotics came from.

Experts and chemists from different countries are brought to Geneva for periods of specialized training. The UN itself assigns experts in various phases of narcotics control to countries which welcome them.

The UN agencies are also able to exert pressure in their various reports. A country which does well in limiting narcotics production gets a public bouquet. Lebanon's attempts to replace hashish-producing cannabis with sunflowers has drawn warm comment. India has been complimented for its incentive system of licensing under which its 170,000 opium farmers get higher rates for higher yields turned over to the state.

By contrast, the UN agencies have been thoroughly put out with Iran for resuming legal opium-production after banning it for 13 years. The International Narcotics Control Board called the decision a "sharp disappointment."

Afghanistan is another country rebuked. The control board says it is "much disquieted" by the extensive flow of illegal opium out of that country.

Nevertheless, diplomatic delicacies make the finger-pointing necessarily cautious.

As their weapons, the UN agencies have persuasion of member governments, publicity for defaulters, support and encouragement for countries making special efforts. These are slender weapons. If governments choose to ignore the UN's exhortations and injunctions, there is little in the way of UN muscle to make them comply.

The UN's own reports are littered with complaints from the Secretariat about governments which have failed to submit statistics on narcotics production, or whose reports are inadequate.

The control board reports bleakly that it is without information from Communist China (which creates a "lacuna of great importance") and North Vietnam. Some governments are late sending in their required reports. Others "fail for no apparent reason to reply, perhaps for several months, to requests from the board."

The control system, it warns, can only succeed "if all national administrations can be brought to a reasonable standard of efficiency and recognize that wholehearted participation is an obligation which they owe to others."

Despite cajoling, nudging, and judicious snapping, by the UN, it is thus upon individual governments that the responsibility for cutting back narcotics production primarily falls. Only one, that of the United States, has the inclination and the finance to send narcotics agents of its own beyond its own borders.

American agents are stationed in such cities as Paris, Marseilles, Rome, Istanbul, Beirut, Bangkok, Hong Kong, and Mexico City. In many other countries, the tendency is to dismiss the narcotics traffic as an "American problem." The argument is that as most illegal drugs are consumed in the United States, it is the responsibility of the United States, not the producing country, to halt the flow.

This attitude changes sharply when addiction figures soar at home. A number of West European countries now are taking much keener interest in the problem, following the discovery of a burgeoning addiction problem within their own borders.

TROUBLE IN SWEDEN

One country particularly afflicted by the use of synthetic drugs, especially the amphetamines, is Sweden. Swedish officials have reported to the UN Commission on Narcotic Drugs that a "grave situation" has been created in their country. Thousands of young Swedes are dissolving amphetamine tablets in water and taking them by intravenous injection. This, say the Swedes, has created "acute health problems."

According to the official Swedish report, the effect among many users has been one of "hyperactivity which was almost maniac, accompanied by feelings of omnipotence, and lack of judgment."

The Swedish report described users as becoming aggressive, roaming the streets, driving dangerously, causing accidents, and even attacking peaceful pedestrians.

Sweden has thus been one of the most vigorous proponents of a new international treaty to control the so-called psychotropic drugs—LSD, the amphetamines, and barbiturates. If enacted, this would place them under similar international control to that presently applied to opium and other "hard" drugs.

The UN Commission on Narcotic Drugs hammered out a draft treaty in Geneva early this year. This has been passed to the UN's Economic and Social Council. Next step would be a conference, early next year, to adopt the treaty. It could be in force within a year or two.

One controversial aspect is likely to be the control over barbiturates, or sleeping pills. Some countries with major pharmaceutical industries—the United States among them—are ready to argue that less stringent controls should be applied to barbiturates than to amphetamines and the hallucinogenic drugs like LSD.

Such measures as the new treaty on psychotropic drugs underline the constructive aspects of the UN role. But the UN can only draft the laws and guidelines. It has no power at its disposal to enforce them.

There is little prospect of the UN's becoming its own policeman of the international narcotics traffic. That puts the ball right back in the laps of individual governments.

U.S. AND MEXICO FIGHT TRAFFICKERS: OPERATION NOW UNDERWAY

(By John Hughes)

MEXICO CITY.—In the communications center, warning lights flicker. Electronics sensors, sown along the border, have detected infiltration across an isolated sector.

At the same time, a blip shows up on the edge of a radar screen. It is an unidentified aircraft coming in fast and low in the darkness. Buttons are punched. Telephones jangle. Messages are flashed to the Air Intelligence Center. A helicopter is sent clattering into the air to check the ground probe. A pursuit plane is launched to try to force down the incoming aircraft.

Vietnam? Not at all. All this is happening on the American side of the Mexican-United States border. The infiltrators are not North Vietnamese guerrillas, but Mexican "burros," or smugglers, trying to make it into the United States with an illicit load of narcotics.

The plane, chartered by narcotics traffickers and flown by an American mercenary, is trying to evade the border patrol's radar net. If it succeeds, it will put down at a remote airstrip with a full load of smuggled drugs for American addicts.

RUNNING FIGHT WAGED

Incursions like these are routine today along the United States' 1,800-mile border with Mexico. U.S. customs officers, border guards, and narcotics agents are waging a running war against traffickers intent on maintaining a massive illegal flow of drugs across America's southern border.

The contest is mostly uneven. Despite heightened effort and tightened security, the lawmen are spread thin. Wild terrain favors the smugglers. Much of the time it is the smugglers who win.

American and Mexican authorities seize some shipments and their increased effort has forced traffickers to vary their methods. As the heat is put on land and air routes across the border, there are indications that traffickers are making greater use of the sealanes.

Thousands of pleasure and fishing boats operate in the coastal waters off Southern California and in the Gulf of Mexico. Besides fish and weekend sailors, some carry narcotics.

One boat owner on the Mexican side of the border was propositioned recently by a California syndicate to run five tons of marijuana up the coast.

But for every shipment detected, many more get through. Across the Mexican border, narcotics flow into the United States like water through a broad-gauged sieve.

Fifteen percent of all heroin used in the United States comes from Mexico. All of Texas and California are served from Mexico. In the Mexican states of Sonaloa, Durango, Sonora, Nayarit, and Chihuahua, some 2,000 peasants grow opium illegally.

Converted into heroin in clandestine laboratories, it is smuggled across the border at such crossing points as San Ysidro, Calexico, Nogales, El Paso, Eagle Pass, and Laredo. From the American border towns it is quickly moved on to San Diego, Los Angeles, Denver, Phoenix, Albuquerque, Houston, Fort Worth, and Dallas.

Mexico is also a transshipment point for heroin from France en route to the United States. European heroin comes in by sea through the eastern part of Veracruz, or by air through Mexico City. Then it is smuggled north and on to cities on the U.S. Eastern seaboard, usually New York.

Mexico supplies most marijuana, or "pot," used in the United States.

Marijuana grows everywhere in Mexico, but particularly in the states of Guerrero, Jalisco, Sinaloa, and Tamaulipas. More potent than American-grown marijuana, it finds a ready market. Some experts say as much as 1,000 tons a year floods across the border.

A presidential task force concluded recently that the "ready availability" of Mexican marijuana has "significantly affected the increase in drug abuse" in the United States.

Major road route for narcotics on the Mexican side of the border is via Route 15 to Santa Ana in the state of Sonora. Then the traffic moves on up Route 15 to Nogales or via Route 2 western Arizona and California.

DISTRIBUTION SKETCHED

In the United States, San Diego and Los Angeles have become marijuana distribution points for the rest of the country.

Mexico is also a transit point for cocaine shipments to the United States from Latin America, primarily Bolivia and Peru. Also in the narcotics package moved across the border are amphetamines and barbiturates. Sometimes these are produced in Mexico itself. Ironically, some are made in the United States. Exported legally to Mexico, they are being illegally smuggled back into the United States for use by addicts.

Despite increased vigilance by law-enforcement officers, narcotics traffickers are still moving most of their merchandise over land routes into the United States.

Much travels blatantly by car through regular checkpoints on main highways across the border.

THE JUNK MERCHANTS—INTERNATIONAL NARCOTICS TRAFFIC

Thousands of American tourists and thousands of Mexican workers cross the border each day. They are impossible to screen.

Says one top narcotics agent:

"You can't search every truck and car. What you need is inside information about a specific shipment. Without it, a lot obviously gets through."

Thus the innocent-looking weekend camper, the visitor to a Mexican bullfight, the serviceman heading for Tijuana could each carry a couple of kilos of heroin back to the United States, or even a trunkload of marijuana.

Other loads are carried across the border on foot by Mexican "burros," or smugglers. They choose remote, unfenced sectors and slip through under the cover of darkness. These, however, are lowly couriers considered expendable by the big-time traffickers. They have little inside knowledge of the organizations for which they work. Their capture rarely imperils the major racketeers.

The traffickers have a much heavier investment in drug cargoes slipped across the border by private aircraft. These planes are generally rented or leased in the United States and flown to makeshift airstrips in Mexico to pick up shipments of narcotics.

Their pilots weave their way through mountain passes, or fly low at night, in an effort to evade detection. Once back in the United States, they land on highways, or at little-used country airports, or air-drop their cargoes at prearranged points.

The U.S. Immigration and Customs services operate a number of aircraft along the lengthy border, but most are for observation, and only a few have pursuit capability. However, dossiers on suspect pilots are continually updated at the Air Intelligence Center in Yuma, Ariz., where files are kept on more than 73,000 private aircraft and pilots.

RESOURCES CALLED INADEQUATE

Now there is a new factor. This is the prospect of increased smuggling through coastal waters. Thousands of pleasure boats clutter harbors in southern California. They are difficult to police and slip back and forth between Mexico and their home ports with little hindrance.

Alarmed by the drug flow from Mexico, the Nixon administration last year launched a campaign to cut back the traffic. A top-level task force presented President Nixon with a somber report, Narcotics smuggling across the Mexican border, it warned, was "increasing at an alarming rate." The problem, it said, was becoming "more serious and of greater magnitude."

Despite American encouragement, declared the task force's report bluntly, Mexican resources and effort "continue to be inadequate in the face of the problem."

The task force made several recommendations for increased security and surveillance along the U.S.-Mexican border. Soon after, the United States Government launched Operation Intercept, a much-publicized experiment in which travelers to the United States from Mexico were subjected to intensified search at the border. Cars were stacked up for hours on end. Normal traffic was disrupted.

The experiment was short lived. Clearly no professional trafficers sent shipments through the checkpoints when they were under such close scrutiny.

But the object of Operation Intercept was not so much to arrest drug-smuggling amateurs, as to jog the Mexican Government itself into action. In this respect, it succeeded.

Operation Intercept was quickly superseded by Operation Cooperation. The United States and Mexican Governments agreed on a bilateral program to cut back the drug traffic. Government liaison at high level has continued since.

While the United States has tightened security on its side of the border, the Mexicans have pledge to hunt traffickers on their side and step up campaigns to eliminate their opium and marijuana crops.

Since the agreement, Mexican police have publicized a number of seizures. Public bonfires of captured marijuana have been ostensibly lit. Mexican Attorney-General Julio Sanches Vargas said recently 165 tons of marijuana have been confiscated since the start of Operation Cooperation.

Mexican police smashed a heroin ring in Tijuana and put a heroin laboratory out of business.

The Mexican Army has launched drives, with up to 10,000 soldiers sweeping through the mountains in search of illicit marijuana and opium planations. Planes have dropped leaflets to farmers in remote areas, warning them to get out of the narcotics business.

LONG STRUGGLE SEEN

The United States is making available aircraft, sensing devices, and various other kinds of equipment to help the Mexicans in their drive.

All this is welcome progress. But the flow of drugs across the border has to date shown no appreciable decline.

Experts believe Mexico faces a long, hard struggle against the narcotics producers and traffickers. Despite the penalties, marijuana and opium are cash crops for Mexican peasants hard put to make ends meet.

One problem is the slender size of the police force dealing with narcotics offenders in Mexico. Enforcement of federal narcotics laws is the responsibility of the Federal Judicial Police, or Federales. These number some 250 men, and only a handful of these are on narcotics duty. Local police forces sometimes refuse to cooperate with the Federales on narcotics cases.

As with many poor countries, there is the problem of corruption among the police. Some policemen, though ill paid, wear well-cut suits and own luxurious houses which clearly could not have been financed on their official salaries.

Says one high-placed Mexican: "If you've got money in this country, you can carry on any racket. And if you get caught, you can get off. It depends who you know, and how much you pay."

Another problem is political uncertainty which is hindering implementation of the antinarcotics program. In January, Luis Echeverra is expected to become Mexico's new president. But in the meantime there is hesitation in government circles about launching Mexico on a program which could undergo major revision and change in January.

Personnel trained now might well be replaced early next year by other appointees. The program's direction and emphasis could shift.

Despite Mexico's declared good intentions, factors such as these make experts skeptical of any dramatic cutback in the flow of drugs across the United States's southern border.

REFORM OF ADDICT WILL CURB TRAFFICKING: "SOLUTION TO HIS PROBLEM MUST BE A METAPHYSICAL ONE"

(By John Hughes)

WASHINGTON.—In the course of this series I have talked with hundreds of people deeply involved with the international narcotics traffic.

On the one hand there have been pushers, junkies, Mafia types. On the other there have been undercover narcotics agents, doctors, police chiefs, government officials.

The interview which stands out above all others, however, is one which took place on a spring day in the Swiss city of Geneva, the United Nations European headquarters.

A senior international civil servant, with long experience in the narcotics field, was analyzing the problem.

"In the long run," he said reflectively, "the solution must be worked out on the metaphysical level. Programs to cut back the flow of drugs are important. Those of us involved in them are fascinated by the technique. But this is basically cops-and-robbers stuff.

"It all ends up with the user, the addict. The solution to his problem must be a metaphysical one. He has to work out the riddle: what is man? And can he find himself through drugs?

"The drug is no more than a placebo. Medical experiments show you can get the same effect on a user by injecting ordinary water. What the addict is seeking is escape, and the ultimate escape into oblivion is suicide. Many of them attempt this. But clearly, it's not the answer."

CRUX OF PROBLEM INDICATED

Five months of investigation into the narcotics traffic around the world lead one to a similar conclusion: that the crux of the problem is the education and regeneration of the actual user—and perhaps, too, of the society which contributes to his degradation.

At the other end of the pipeline, much more can be done to eliminate the sources of narcotics. More can be done, too, to disrupt the traffic en route to major consuming areas like the United States and Western Europe.

But if one looks to these two aspects alone, the prospect of substantially reducing, let alone eliminating, drug addiction is dismal. As long as there is a market, the junk merchants will somehow get some of their high-paying "merchandise" through.

The gloomiest of those in the antinarcotics business argue that without reform of the addict, successful disruption of the narcotics traffic would create crisis in such countries as the United States. Says one:

"We'll get drugstores held up, and doctors and hospitals will be robbed as addicts try to get their hands on anything they can."

Whether or not this picture is overdrawn, elimination of the illegal inflow of narcotic drugs seems hardly an early prospect.

Opium is still pouring out of Turkey, the main source of naturally produced narcotics for the American and West European markets. Despite government promises to get out of the business, Turkey still produces opium legally for medical needs. Along with this goes a massive flow of illegally grown opium, which the government has proved unable to halt.

Turkish politics complicates the issue. Prime Minister Suleyman Demirel is under public fire. He needs all the support he can get, and he is unlikely to alienate 110,000 Turkish opium farmers just at this moment by banning their principal crop.

France, whose clandestine laboratories around Marseille turn opium and morphine into heroin for the American market, is the other big offender. The French have promised a more vigorous drive against narcotics traffickers, but the resources and manpower of their police narcotics squads are slender. Promises have yet to become reality.

OTHER COUNTRIES INVOLVED

While 80 percent of heroin used in the United States comes from Turkey and France, Mexico cuts itself a substantial 15 percent share of the American heroin market.

The Mexican Government, too, has pledged itself to eliminate opium crops and cut back the narcotics flow into the United States. But these good intentions are snarled in a web of bureaucracy, lethargy, and corruption. So far there has been no significant decline in drug traffic across the border.

Should these traditional sources be eliminated, growers and traffickers have stockpiled enough narcotics to keep the existing market supplied for several years.

New sources beyond this are not difficult to pinpoint. The flow of opium out of Afghanistan is practically uncontrolled and could be expanded.

Iran, once one of the world's major opium producers, is back in the legal business after banning opium production for 13 years. Despite harsh penalties for trafficking, legal production will probably mean some diversion to the illegal market.

Beyond this are the opium-growing lands of Burma, Laos, and Thailand. American syndicates are already showing interest in this Southeast Asian source.

As for cannabis, the plant which provides marijuana and hashish, this sprouts like a weed in countries throughout the world.

Against this background, top narcotics agents are cautious in their claims for the future. Not a single one I have talked to speaks of total eradication. Says one agent:

"The best we can hope for is to disrupt the traffic, to keep the producers and the traffickers off balance. The rest of the job has to be done at home."

CROSS SECTION OF EXPERT OPINION

This is not to say that disrupting the traffic is not important. Here, extracted from a cross section of expert opinion, are some moves that might help:

1. A bigger role for the United Nations. Member nations are never likely to give the UN a policeman's assignment, with UN narcotics agents deployed operationally. But the UN could do more to replace opium with better, cash-paying crops.

Afghanistan says it would welcome UN help—although it is reluctant to make any contribution of its own. One way to reduce opium growing in backward countries is to uplift the economy in general. The UN could assist.

This involves a great deal of money, and thus a far deeper commitment on the part of member nations to narcotics eradication. It is also a long-term project.

2. More pressure on major offending countries. Some of this could come from the UN. Says one narcotics expert:

"If the UN had been tougher about Turkey earlier, we would be further ahead than we are today."

Most of the pressure now comes from the United States. John E. Ingersoll, the dynamic director of the United States Justice Department's Bureau of Narcotics and Dangerous Drugs, has spoken out publicly and bluntly about Turkey's performance. Those around him believe he will not stop there. Says a U.S. narcotics agent:

"The time has come to stop being nice guys around the world. This problem is too serious."

But though President Nixon is personally enthusiastic about the antinarcotics campaign, other U.S. Government agencies have differing priorities.

Turkey may be the source of murderous heroin, but it plays a key role in NATO. It has a strategic position in the eastern Mediterranean at a time when Soviet influence and military power in the area are expanding fast. The State Department does not want the present Turkish administration ruffled.

DEVELOPMENT LOAN AUTHORIZED?

Therefore the White House has just reportedly authorized a new $40 million development loan to Turkey. Narcotics officials would like to see that kind of money used to exert leverage on the Turks to hasten their exit from the opium business.

More overt pressure from countries other than the United States might also help. But these have so far tended to dismiss the narcotics traffic as primarily an American problem. This may change. Some of these countries now have discovered they too have serious addiction problems.

3. Strengthening of antinarcotics agencies. In the United States this is being done, largely as the result of public concern over the narcotics problem.

At a time when other departments are fighting for funds, the Bureau of Narcotics budget is booming. This year it is $27 million compared with $18 million last year. The bureau has 835 agents in the field, and between 50 and 60 in Washington.

Earlier this month, the bureau chalked up a major success with nationwide raids against a ring of narcotics wholesalers. Federal agents arrested some 130 people and seized substantial quantities of heroin and cocaine.

But even when funds are on hand, it takes time to train good new agents, and more time for them to become experienced. One possible shortcut: more office staff and backup personnel for agents in the field who complain they spend too much time at their desks.

The Treasury Department's Bureau of Customs also got an additional $8,750,000 this year for antinarcotics works. As a result, it is boosting its personnel by 879.

Though some other countries are spending more than previously on antinarcotics work, none is putting this kind of effort into the task.

PROMISING DEVICES PRODUCED

4. Research. So far the scientists have made no dramatic breakthroughs with equipment that might eliminate the narcotics traffic. But they should go on trying.

The Vietnam war has produced several promising devices, notably ground sensors to monitor movement across remote borders, as well as "sensing," or "sniffing" devices to detect opium and marijuana growth from the air.

The Atomic Energy Commission is working on a portable atomic camera to pinpoint narcotics shipments hidden in cargoes and suitcases.

Research is under way to trace chemical waste from clandestine heroin factories.

Most of all this is still in the experimental stage. Best results so far have come from the old-fashioned police dog, specially trained to sniff out narcotics.

5. Stiffer legislation and court action. This is a tricky area. Almost without exception, narcotics officers feel restricted and on the defensive when they go into court these days. Almost unanimously they want tougher legislation against narcotics offenders. If they do not have the "no-knock" provision when raiding suspect narcotic dives, for example, they contend traffickers can always get rid of drugs (usually down the toilet) before opening up to lawmen.

Narcotics agants are frustrated, for instance, when a San Bernardino, Calif., judge throws out a case in which they discovered heroin being smuggled in a baby's diapers. The judge ruled the search unconstitutional because the nine-month-old baby did not consent to the search.

CLEANUP OF CRIMINALS ORDERED

Agents complain that some judges undermine their work. Last fall President Nixon ordered a cleanup of criminals in the Washington area. The Bureau of Narcotics moved in crack agents, expended considerable time and money, and brought 42 alleged traffickers to court. Today 38 of them are out on bond. Those who are traffickers are presumably back pushing drugs.

The problem, of course, is that the desire for tougher action against narcotics offenders runs slap into the opposition of groups and individuals sensitive to any diminution of civil liberties.

Even so, the trend in a number of countries is toward tougher penalties for traffickers, with greater leniency for drug users. This is the pattern of new legislation in Britain, where drug addiction has suddenly emerged as a major problem.

Some lawmen, like Paris-based Interpol chief Jean Népote, want improved extradiction procedures for traffickers. Mr. Népote favors more severe penalties for traffickers. He would like to see them punished not only for narcotics crimes in the country of arrest, but also for offenses committed previously in other countries.

If these suggestions proved acceptable and desirable, and could be implemented, they still, however, would not touch the problem of the addict's own reform.

Is the addict "sick" or a "criminal"? How best can he be reached? Young dabblers in narcotics, particularly those on "soft" drugs like marijuana, are often "turned off" by drug-education lectures that "preach."

What role can reformed addicts play in getting through to potential addicts? How about pop disc jockeys? Some radio programs, both commercial and underground, have encouraged drug taking. Now a number of disc jockeys are working with narcotics officials to combat this trend.

What can industry and business do? They should be concerned. According to the Research Institute of America, leading American companies now consider drug taking by employees a serious problem.

Along the international narcotics trail, brave young agents can work long and difficult hours, sometimes putting their lives on the line, to brake the traffic.

But their dedication is meaningless unless questions like these are answered at home.

THE PENN CENTRAL CRISIS

Mr. HART. Mr. President, many people today are pondering the Penn Central crisis and asking: "Why?"

That is good—if this interest will not be limited to mere morbid curiosity or fodder for academic theses.

Penn Central's demise is not merely a happening. It is a symptom. There are lessons to be learned that go far beyond the rise and fall of one railroad.

These lessons bear on the effectiveness—or even need of—Government regulation, on the basic philosophy of our transportation system and more importantly, on the structure of our economy.

Perhaps the best lesson we could learn is that disasters of this type are not inevitable—but that more may occur unless we act.

I am hopeful we will learn, as the Penn Central demonstrates, what happens when warning signs are not heeded.

In 1962 the late Senator Estes Kefauver, with several cosponsors, proposed a railroad merger moratorium bill, S. 3097. This bill would have amended section 7 of the Clayton Act to prohibit the ICC from approving mergers creating railroads with combined assets over $200,000,000 unless the firm acquired was in bankruptcy or receivership. Hearings were held in 1962 by the Antitrust Subcommittee and a report was issued in 1963.

The report and the expert witnesses who appeared before the subcommittee were remarkably accurate in predicting what happen if the then-pending merger proposals in the railroad industry were permitted. One proposed merger dwelt upon was Penn Central.

Evidence suggested that substantial diseconomies arise in the railroad industry as a direct effect of increasing scales of size. The reason, according to Prof. Kent T. Healy of Yale University, is the nature of the industry. To quote him:

> The Railroad industry is one producing service, not goods. The quality is not as rigorously controllable through material inspection and rejection techniques as in manufacturing output. Larger organizations

> "by more layers in the vertical and vastly wider spread in the horizontal lines of authority and communications introduce frictions and inertia that make slower responses, less sense of urgency and responsibility, less individual initiative, and more of what are known as bureaucratic tendencies." For a railroad which is performing a service, the delays cannot be shunted off and the human aspects of performance are an integral part of the performance. (Committee Rep., Pp 55–56)

Prof. John R. Meyer of Harvard University raised some highly significant points which may go a long way to explain why the merged Penn Central has proved to be much less than the sum of its parts. Professor Meyer said:

> [I]t can be wondered whether many of the merger proposals now extant in the railroad industry do not attempt to deal with symptoms rather than causes of railroad ailments. A great deal of wishful thinking would appear to exist in both transportation and financial circles on the beneficial effects that might be achieved by mergers. For example, the view seems to be widely held, at least for public consumption, that mergers are an automatic and simple road to the achievement of lower costs. This is not at all obvious.

Professor Meyer went on to describe the managerial and cost problems that would arise as the result of huge transportation mergers:

> If there is a single truism that holds for transportation mergers, it would appear to be that the managerial problem faced by a consolidated firm after merger almost invariably will be greater than the sum of the individual managerial problems faced by the separate firms before merger. In short, a very large interaction effect exists: different managerial teams must be reconciled and fitted together; seniority and other prerogatives of the different labor groups must be adjusted to one another, etc. Indeed, it is difficult to see how any cost economics will be achieved if presently unwieldy and large enterprises are merged into even larger and more unwieldy operations.
>
> It is at least somewhat relevant that a considerable body of evidence has accumulated recently to the effect that very large transportation firms tend to be less efficient than their smaller competitors, particularly if the large firms have some protected market and earnings. The costs incurred at a specific level of output seem to be quite similar for small and medium-sized firms in most sectors of transportation; however, when the cost of output relationships defined by the experience of these medium-sized firms is extrapolated to the two or three largest firms engaged in the same type of transportation activity, the largest firms (with the notable exception of those that are facing extensive competition from other carriers within their own modes) almost invariably incur higher costs per unit of output than that forecasted by the cost—output relationships for the medium-sized firms. Field surveys, and other direct checks on the operations of larger transportation firms, strongly suggest that their relatively poor cost performance is attributable to three factors:
>
> (a) Difficulty in controlling large organizations.
>
> (b) A tendency in large firms not confronted with any serious intramodel competition for costs to rise to the level permitted by current gross earnings; and,
>
> (c) A reluctance or inability on the part of larger firms to reduce excess capacity or, alternatively, in sectors of transportation still undergoing growth, a greater willingness or ability to undertake the financing of capacity expansion far ahead of immediate needs. (Hearings p. 26)

The report and much of the testimony, particularly that of Professors Healy and Meyer as well as Professors William M. Leonard of Hofstra and James C. Nelson of Washington State University, read like the scenario of the Penn Central from merger to financial and management breakdown. Diseconomies of scale caused by sheer size and bureaucracy, made the merged Penn Central a "heck of a way to run a railroad."

Implicit in the conclusion of the subcommittee report is the assumption that bigness in the railroad industry is economically bad. While all of us are fond of the cliche, "bigness is not necessarily bad," it is important to understand that the converse is equally true that "bigness is not necessarily good." Yet, this is the standard that Congress has adopted for railroad mergers—that bigness is to be encouraged even though several experts have stated that there is a direct correlation between size and diseconomies. This is the standard that Congress has adopted even though there is mounting evidence that economic concentration can have dire economic, political, and social consequences.

The Supreme Court found in *County of Marin* v. *United States*, 356 U.S. 412, 78 Sup. Ct. 880, 2 L. Ed 2d 879 (1958):

> The Congressional purpose in the sweeping revision of Section 5 of the Interstate Commerce Act in 1940 . . . was to facilitate merger and consolidation in the national transportation system. The very language of the amended "unification section" expresses clearly the desire of the Congress that the industry proceed toward an integrated national transportation system through substantial corporate simplification.

That standard is found in section 5 of the Interstate Commerce Act, 49 U.S.C., section 5. Section 5, paragraph 2 of the act authorizes the ICC to approve railroad mergers and acquisitions it finds "will be consistent with the public interest." Inter Alia, the Commission is directed to "give weight" to: First, the effect of the proposed transaction upon adequate transportation service; second, the effect upon the "public interest" of including or failing to include other railroads in the region; third, the total fixed charges resulting from the proposed transaction; and, fourth, the interest of the carrier employees affected.

In addition, the Supreme Court has held the ICC must also give weight to the merger's effect upon competition. *United States* v. *ICC*, 90 Sup. Ct. 708, 719 (1970). The mix of these standards is left up to the ICC and, as the most recent litigation in the field has demonstrated—United States against ICC—there is no legal standard by which a court can adequately evaluate whether the ICC has applied an appropriate standard—or a consistent standard. Of even greater import is the fact that nowhere is the ICC bound to investigate the relationship between diseconomies and size. Nor is it bound to establish any size beyond which railroad mergers should be banned because of the adverse consequences of sheer concentration. In effect, the ICC has been approving giant rail combinations without adequate and objectively obtained measurements of predicted economic efficiencies or disefficiencies. The courts have been sanctioning the action of the ICC since there is no legal standard for judicial review of such mergers. And, Congress has been left holding the bag when promised efficiencies turn into monumental bankruptcy cases that only provides long term unemployment insurance for lawyers and pleas for Government subsidies.

In addition, approval of the Penn-Central merger, coupled with the 1967 relaxation of the Pennsylvania Corp. law, allowed Penn Central to reorganize in 1968 so that assets could be controlled by a holding company and the company could leap on the conglomerate bankwagon. The Penn Central management candidly pointed out an additional advantage of reorganization in its 1969 notice of annual meeting:

> The issuance of securities by a railroad requires the prior approval of the Interstate Commerce Commission. Due to the restrictions applicable to the issuance of securities by a railroad for non-railroad purposes, it would be difficult for the Penn-Central to carry out a diversification program by issuance of its securities. Even if the Interstate Commerce Commission asserts jurisdiction over any phase of the transaction contemplated by the Plan . . . the proposed holding company would not be a railroad subject to restriction applicable to the issue of securities for non-railroad purposes.—Penn Central Company, Notice of Annual Meeting and Election, P. 5 (April 10, 1969).

I objected to this kind of a maneuver in 1968 when an attempt was made to amend section 19a of the Interstate Commerce Act in order to relax the railroad industry's reporting of financial information. Senators **Magnuson**, **Hartke**, and I filed individual views urging the Senate to reject a bill which would have minimized financial reporting to the ICC by "runaway railroad conglomerates"—Senate Report 1373, page 15, 90th Congress, 2d session. After cataloging the diversification program of a number of roads—including the Penn Central—we observed:

> The rail conglomerate situation raises at least two serious issues. First, under what circumstances should a regulated industry such as the railroads be permitted to evolve into large conglomerates? Second, if railroads are permitted to become conglomerates, what controls should be imposed to prevent rail revenues and earnings from being drained out of the rail industry to the disadvantage of the public? (S. Rep. 1373, P. 16.)

The ICC was seeking approval of that bill. Consequently, Penn Central had little to fear from the ICC in 1969 when the railroad reorganized into a holding company to escape reporting requirements.

Fears which provoked our opposition to the relaxed reporting requirements were not unfounded. There is a long history of railroad reorganizations in order to drain a going company of its assets, restructure the railroad company on a sea of water stock, and then spirit the

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valuable assets out of sight and reach of innocent creditors and shareholders when the inevitable bankruptcy reorganization takes place.

Is the Penn Central such a case? It seems reasonable to ask that Congress, the ICC and the bankruptcy court look long and hard. The maneuver of forming a holding company in 1969 to escape ICC regulation, the alleged insider trading by 15 executives reported by the Wall Street Journal of July 14, 1970, the interlocks between the Penn Central board and major eastern industrial and financial concerns, the surprisingly large amounts of credit extended by certain banks, and the use of railroad properties to secure loans all seem sufficient smoke to keep the Congress, the SEC, the ICC, the Justice Department, and the bankruptcy court at work for years.

Is all this a price of bigness? Is all this a cost of unchecked conglomerate growth? Is this a risk of unchecked and uncontrolled mergers fostered and blessed by public regulatory bodies which have lost sight of the public interest? Must we endure the inefficiencies of such economic concentration and aid and abet the opportunity to harm the innocent investor and creditor—and, then be asked to foot the bill for the results of such schemes?

If the public is to be spared the economic, fiscal, and social crises of great railroad reorganizations; if the Congress is to be spared the agony of ad hoc solutions to economic failure in the transportation field; if the investors and employees of railroads are to be spared the anxiety of financial crises in their company; and if the courts are to be spared the lifelong task of rehabilitating and reorganizing complex and giant railroad enterprises, it is time we began listening to the evidence provided by the experts. It is time to reexamine the basic assumption that economies of scale are realized by the creation of large, regional, or national railroads. It is time to check conglomerate growth of large carriers which may jeopardize the lifeline of the whole region of the Nation which they serve. Penn Central's financial and managerial anguish presents the opportunity for a perfect case-study of whether this was a merger-induced crisis. Witnesses before the Senate Antitrust Subcommittee in 1962 predicted the events of 1970. The warning in 1963 of Senator Kefauver and the majority was that it was then time to "stop, look, and listen" on railroad mergers—hearings, page 8. How sad it was not heeded.

If anything meaningful is to be generated by the current crises of the Penn-Central, I recommend these steps for Congress, the executive branch, and the ICC:

First. The ICC immediately suspend all railroad merger proceedings except in cases of extreme financial emergency.

Second. The ICC and the executive branch immediately begin studies of the optimum size of railroads vis-a-vis economic efficiency and the political and social well-being of the public.

Third. The ICC examine the advisability of recommending to the bankruptcy court dissolution of the merger as a long-term solution to the plight of the Penn Central.

Fourth. The committees of Congress investigating the Penn Central should consider inviting witnesses such as Professors Healy, Leonard, Meyer, and Nelson who can examine the relationship of the merger to the financial and management crisis of the Penn Central.

Fifth. The Senate and House consider the passage of railroad merger moratorium legislation which would prohibit rail mergers for a specified term so that the lessons learned from the Penn Central fiasco may be expressed in appropriate legislative changes.

Sixth. The Senate and the House should consider amendments to section 5 of the Interstate Commerce Act which would require the Commission to give greater weight to interrail competition; intermodal competition, and the relationship of firm size to economic and management efficiencies. Section 5 of the Interstate Commerce Act is in need of serious revision requiring the Commission to make specific findings on measurable legal standards that reflect the economic realities of the transportation industry and the crying need for competition in transportation.

Seventh. Congress should explore seriously the advisability of preventing carriers, rail and otherwise, from evolving into conglomerate enterprises or from being taken over by conglomerate enterprises. Such legislation might take the form of an amendment to section 5(2)(c) of the Interstate Commerce Act—49 U.S.C., section 5(2)(c)—and closely regulate or prohibit conglomerate acquisitions of or by carriers.

Eighth. In no case should a regulated carrier escape full disclosure of its relationship to and the assets of acquiring or acquired noncarrier lines of business. As indicated earlier, historical evidence indicates that the potential for abuse because of the conglomerate interests of carriers or the owners of carriers, justified severe regulation. In order to curb the potential for this type of abuse, Congress should seriously consider amending section 19a of the Interstate Commerce Act, and require full disclosure of all investments and financial transactions by common carriers and their parents and subsidiaries.

Ninth. The Congress should begin immediately a long-term study to develop a realistic and practical national transportation policy—stressing the interrelationship of the different modes of transportation and the most efficient use to be made of each. It is becoming clear that there is an overall breakdown in all major phases of our transportation system. The problems of automobile use from construction to insurance and repair, and the planning of highways to drive upon; air transportation, from airport planning and safety to rate regulation, mergers, and rational research and development of planes; ocean transportation, from maintaining a viable merchant marine to building mothballed nuclear ships; railroads from insuring minimal safety and maximum use to securing financial and managerial stability; pipelines from insuring any regulation to preserving our environment; and inland waterways, from eliminating wasteful subsidization to insuring efficient utilization—all are areas closely interdependent. It is clear that each has serious problems and that those problems are gradually strangling us in a hopeless entanglement of inefficiencies. It is a fact of human history that the construction of efficient and viable transportation and communication systems precedes the development of a prosperous and affluent society. The converse is also true—the decay and irrational stagnation of transportation and communication foretell blight, economic decay and social disaster.

Tenth. The Congress should begin immediately a thorough investigation of the desirability of deregulation of the transportation industry. The study should consider the advisability of the remedies ranging from minimizing ICC authority over rates, mergers and acquisitions, to outright abolition of the ICC and Government interference with market forces in the transportation industries.

There is an increasing body of evidence suggesting that Government interference in the marketplace—in the form of affirmative regulation—is counterproductive. What was launched in the zeal of protecting the public from exploitation by a monopoly—in this case the ICC—may become a body dedicated to the preservation of a cartel—in this case the railroad industry. For example, the antitrust subcommittee has received numerous complaints that the ICC allowed the Penn Central to structure its rates in such a way as to favor the Northeast over the Midwest; or, that, the Penn Central has been allowed to create a rate structure in favor of eastern parts to the detriment of the development of inland parts along the St. Lawrence Seaway. Such a policy would not only have an adverse impact upon the economic development of the Midwest parts but it also would constitute a serious dereliction of statutory duties on the part of the ICC. The economic ripples, in the form of area development, plant location, and employment are of vast consequence to geographical areas like Michigan and the rest of mid-America. Rather than provoke regional struggles over transportation rates and a welter of controversy over the details of such a debate, perhaps it is time for Congress to remove artificial interferences with the allocation of costs and resources and let the "devil take the hindmost." As a Senator from Michigan, proud of the industriousness of the people and companies of that State, I am willing to wager we will not even feel the devil's hot breath.

There is increasing concern in this Nation over economic concentration. In the past few weeks, testimony has been heard before the Joint Economic Committee on the relationship of economic

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concentration and inflation. There have been calls for the establishment of a second Temporary National Economic Committee. Debate rages as to why we have the pain of rising unemployment at the same time that we are experiencing the tax of inflation. The administration persists in applying traditional monetary and fiscal controls despite evidence that the assumptions behind these remedies are no longer true and new means must be found to minimize unemployment, control inflation, and mitigate artificial and planned economic dislocation.

For the past decade the antitrust subcommittee has been holding hearings exploring the economic and social impact of concentration. These hearings have produced a long and exhaustive record—a record which has won favorable notice in academic circles but has only now begun to filter through to the Congress. The time has come for action, not replowing of alreadly well-plowed fields if we are to deal rationally with the consequences of economic concentration and prevent future Penn Central type disasters. Penn Central presents a case study of the consequences of economic concentration and uncontrolled mergers. Its history is well documented; the antitrust subcommittee provided a bluprint which essentially predicted the route of the Penn Central from merger to bankruptcy. It is likely that the agony of reorganization will be studied, and examined ad infinitum, ad nauseam. The time has come to make use of this information and for Congress to assert its constitutional duty to regulate and protect interstate commerce. If action is not taken, the economy will continue to suffer; national security will continue to be jeopardized; and the fundamental structure of the transportation industry will remain unchanged and vulnerable to disaster. Do we act, or do we continue to run the economic, social, and political risks of concentration?

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABM: A BILLION-DOLLAR MISTAKE

Mr. YOUNG of Ohio. Mr. President, very shortly the Senate will be called upon to decide what to do with the so-called Safeguard anti-ballistic-missile system. This could well be the most important single issue to come before the 91st Congress. Last year the Senate agreed to the so-called phase-I deployment of the Safeguard system. This decision came only after much discussion and then only with the greatest reluctance and by the narrowest of margins. In the ensuing year much has happened to strengthen the case against Safeguard. It is now time for the Senate to take positive action to curb the development of this dangerously costly and ineffective toy.

We all remember that in 1969, Congress asked Defense Department officials to halt the Sentinel program because of the grassroots opposition against it in areas such as Los Angeles, Chicago, and Boston. When there was a proposal to place one in Seattle, even the distinguished Senator from Washington (Mr. JACKSON), who is considered a warhawk by many Senators, let out an uproar and protest so those plans were abandoned because of local opposition; the Safeguard system is nothing more than the same Sentinel system with a new name.

The administration and their Pentagon cronies seem to be unable to decide exactly why the Safeguard system should be accepted and extended. At various times the Congress and the country have been told that Safeguard was needed as a defense against the Chinese, as a guard against an accidental launching or attack from abroad, as a protection of our nuclear retaliatory deterrent force, and, more recently, as a bargaining chip for the SALT talks.

Mr. President, The Senate Armed Services Committee, after much careful study, wisely decided to reject the administration's argument that an extension of Safeguard was absolutely essential to defend the country against a possible Chinese ICBM attack. Dr. Wolfgang K. H. Panofsky, director of the Stanford University Linear Accelerator Center and one of America's leading scientists, outlined the case against Safeguard in testimony before both the Senate Armed Services Committee and the Senate Foregin Relations Committee's Subcommittee on Arms Control. Dr. Panofsky made it eloquently and dramatically clear that Safeguard could never be an effective, impenetrable defense against any potential Chinese attack and that, in fact, any expansion of Safeguard could dangerously escalate the arms race. He also gave convincing reasons why deployment of the so-called Safeguard antiballistic missile could not be really effective as a defense against an accidental launching from abroad. Obviously the administration and Pentagon officials have seriously misled the American people in claiming that Safeguard is necessary as a protection against Chinese attack or accidental launching.

Another factor often emphasized by the administration and Pentagon officials in their search for a justification for the Safeguard ABM system is the need to protect our nuclear retaliatory deterrent force from the Soviet Union. This argument has been presented in many forms and with numerous variations—the particular version one hears apparently depends upon not only who is speaking before what audience on which occasion, but also upon which of the other justifications for Safeguard is currently in official vogue. Basically, however, this line of reasoning holds that the United States has lost all its nuclear superiority, in fact is either now or soon will become a second-rate nuclear power, and Safeguard is desperately needed to insure that enough of our nuclear force is protected from possible Soviet attack to give us a viable and realistic retaliatory deterrent force.

Those war hawks in the Pentagon and their public relations fancy Dans claim that either now or soon the United States will become a second-rate nuclear power; and, of course, we hear more of such talk just before there will be a vote in the Senate on the deployment of the Safeguard system. All along, in the months intervening, we do not hear much about it. Then the full force of the Pentagon comes to try to terrify people at a time when they are seeking to have a vote in the Senate of the United States, hoping that will give a majority to those who are seeking to deploy this so-called Safeguard ABM, formerly called Sentinel.

Mr. President, very definitely this country should do everything humanly possible to maintain a credible deterrent force in order to discourage the Soviet Union from entertaining any thoughts of launching a first strike. Certainly no Member of the U.S. Senate wishes to leave this Nation open to the possibility of nuclear blackmail from any foreign power. Supporters of the Safeguard are filling the air with cries of hysterical terror over the new Russian capability as they seek to justify the ABM system. However, before we vote to spend billions of dollars on this new version of an old military toy, we would do well to take a closer look at the real nature of the Soviet threat and determine if the Safeguard ABM system actually is necessary to help meet that threat.

Over the past few months various members of the administration and Pentagon officials have charged repeatedly that in the last 5 years the United States has been in neutral gear in the deployment of our strategic offensive forces. Speeches are made, press conferences are held, and charts are prepared, all purporting to show that the United States is in great danger of becoming a second-rate nuclear power, if indeed has not already. Secretary of Defense Laird charges that by the mid-1970's the Soviet Union will have 1,250 land-based ICBM's and 300 submarine-launched ICBM's. The United States, we are told, is doing nothing to counter the growing Soviet threat.

Mr. President, very definitely the facts do not support these charges. In light of this Nation's unpublicized deployment of the A–3 MIRV missiles on our Polaris fleet, the MIRV'ing of our Minuteman III missiles which is already underway, and the developing of MIRV capability for our nuclear submarines—for which this current budget alone allocates $2 billion—one can scarcely say that we are in "neutral gear." Surely the Russians know of these developments and do not think the United States is standing still. In fact a comparison of the number of "force-loadings," that is nuclear warheads ready for delivery, reveals that, according to Secretary Laird's own figures given in testimony before the House Armed Services Committee this year, the United States has 4,200 to only 1,350 for the Soviet Union. Is this an indication that we have lost superiority?

According to the London Office of Strategic Studies, adjusting rubles for dollars and for lower Russian wage levels, the Soviet Union is now spending about $40 billion per year on defense, about half the amount we are spending. The U.S. budget for strategic forces alone rose from $6.8 billion in 1965 to $9.1 billion in 1969 to $9.6 billion in 1970. The United States has held far more nuclear tests in the 5 years since 1965 than in the previous 20 years, including 24 tests in the first 6 months of 1970. We have begun deployment of ABM and MIRV, and we plan a three-fold increase in our stockpile of nuclear warheads. Is this standing still?

Mr. President, it is simply not true that the United States has been in neutral gear in developing our strategic arsenal over the last 5 years. In 5 years we have expanded the number of warheads on our Polaris fleet by 250 percent. We now hold a 6-to-1 advantage over the Russians in numbers of launchers for submarine launched ballistic missiles—656 to 110—and an incredible 15-to-1 edge in the number of warheads for those launchers. Because the rapidly increasing accuracy of missiles may soon make land-based ICBM's vulnerable to a first strike no matter what defense is built, the retaliatory force available from submarines and strategic bombers becomes even more important. Thus the increase in this Nation's undersea strategic potential takes on a crucial role.

Of the 656 launchers on our Polaris fleet, 448 now have the A–3 missile. This missile, while not MIRV'ed, has three separate independently targeted warheads which thus triples the punch on each Polaris launcher, and it can deliver an explosive force of 0.7 to 1 megaton on each warhead. The Russians have nothing similar. With the 208 single warhead A–2 missiles and the triple headed A–3 launchers our submarine fleet thus can deliver 1,552 nuclear warheads, to the 110 available to the Soviet submarine force.

In addition, the A–2 missile has a range of 1,500 miles, the A–3 has a range of 2,500 miles. Even the armament of the latest Soviet submarines, the so-called *Yankee*-class, has a range equal to only one-third that of the A–3. The Soviet Union lags behind in range, too. In January, 1971, the Navy will begin to replace the A–3 missiles on Polaris submarines with the Poseidon missile. The Poseidon, which has twice the payload and twice the accuracy of the A–3, can carry from 10 to 14 MIRV'ed warheads. Moreover, planning and research is already underway on a successor to the Polaris/Poseidon, the so-called improved underwater launched missile system, or the ULMS. The ULMS could carry 24 launchers versus the 16 on Polaris, and will be outfitted with advanced equipment which will make the craft virtually invulnerable to any antisubmarine threat.

Mr. President, it is obvious that the United States has hardly been standing still with our undersea strategic arsenal. However, Secretary of Defense Laird and others have also charged that this country is falling dangerously behind because of the 1,240 land-based missile launchers available to the Russians. Very definitely that number is highly misleading in terms of what it reveals about the real Soviet threat. As I. F. Stone has pointed out with great care, it is not the total number which is relevant but rather the various types of missiles included within that total.

Of that total of 1,240 land-based missile launchers in the Russian arsenal, 220 are old-fashioned missiles, the SS–6's, SS–7's, SS–8's, all similar to our old Titan missiles. None of these are in hard silos, and indeed the SS–6 is now regarded as a space-launch vehicle rather than a weapon. These are all the earliest, most cumbersome types of missiles, hardly designed to constitute a first-strike capability.

Very recently the administration and the Pentagon have been emphasizing the growing threat posed by the SS–9 missiles; at the present time according to best estimates the Russians have 275 SS–9's operational or under construction. In fact, in the most recent briefing on Safeguard of congressional leaders by the administration, Henry Kissinger took special pains to play up the danger of the Soviet SS–9 fleet, a danger which according to the administration can only be met by Safeguard.

Mr. President, talk of the SS–9 threat is only the modern day equivalent of crying wolf. The SS–9 is a storable liquid fuel rocket which carries a 15 to 25 megaton warhead. It is, in fact, according to testimony from Dr. John Foster, Pentagon Director of Defense Research and Engineering, only a large imitation of our old Titan II. The United States phased out most of our old liquid fuel missiles—Atlas, Thor, Jupiter, Titan I—long ago because they are cumbersome, inefficient, and pose great logistical problems in launching. We have maintained some of our Titan II's because until 1967 we had nothing to cover some of the targets within Titan II's 6,100 mile range. Now, however, we have Minuteman III and Poseidon and soon Titan II will be a thing of the past. In reality, it has been obsolete and worthless for some months and perhaps years past.

Mr. President, the SS–9's do not represent the latest in weapon technology. They are costly to operate and they lack flexibility and accuracy. Furthermore, the stored liquid fuel has many grave disadvantages. Because the fuel is corrosive, the lines have to be maintained with great care. More important, it takes 10 to 20 minutes to fire such a missile—it is not an instantaneous weapon. This is the weapon over which the Defense Department is wringing its hands. It all seems so silly, but of course it is obvious they intend to back up the military-industrial complex and secure more billions of dollars of taxpayers' money.

There is no obvious reason why the Russians should be continuing the SS–9, but many scientists believe it was originally designed to penetrate the old Nike-Zeus city defense or to attack launch-control facilities. Furthermore, there is some reliable evidence that SS–9 production is actually tapering off. The current production is less than that of 1965, the peak year, and no new SS–9 complexes have been started in the last 9 months.

Much is made of some future potential for the SS–9, such as a MIRV capability. There is at this time no evidence that the SS–9 is to be developed to carry three reentry vehicles. Right now it would take one SS–9 to destroy one Minuteman silo. Furthermore, although the Russians are now testing MIRV's, they do not yet have a workable, ready MIRV, nor is there any evidence that they plan to MIRV the SS–9. The United States, on the other hand, began testing MIRV 2 years ago and this June began deploying MIRV's on our Minuteman III force. The SS–9 is the only Soviet missile which has the power to endanger our Minuteman force. Without a MIRV capability, it is difficult to see any grave threat to our land-based ICBM force from the SS–9.

The fact is, Mr. President, that the SS–9 does not constitute a threat sufficient to justify the expenditure of billions of dollars on an unworkable Safeguard ABM System. The testimony given on various occasions by Dr. Sidney D. Drell, deputy director of the Stanford Linear Accelerator Center, and Dr. M. L. Goldberger, professor of physics at Princeton University and a long-time student of the ABM, clearly indicate that the SS–9 is essentially a useless weapon, is not a threat, and in no case should be considered a justification for the Safeguard System.

The remainder of that 1,240 total number of missile launchers available to the Soviets consists primarily of smaller, Minuteman-type missiles, the SS–11 and SS–13. In May 1969, in testimony before the House Appropriations Committee, Secretary of Defense Laird said that the SS–11, which is also a liquid fuel missile, does not pose a threat to our Minuteman forces with its current warhead yield and accuracy. He went on to say that the SS–13, a solid fuel missile, has a smaller yield and no better accuracy

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than the SS-11 and is thus even less of a threat to our Minuteman force. Compare this to the fact that the United States has almost 1,000 Minuteman-class missiles, and we have already procured one-third of the projected Minuteman III total force. Furthermore, we have already begun deploying Minuteman III's armed with triple MIRVed warheads. It should be clear then, that the 1,240 land-based Soviet missile launchers do comprise a powerful force that could inflict horrible damage on the United States. They do not, however, constitute either overwhelming nuclear superiority or even the means for a first-strike capability.

Here it is relevant to take note of Secretary Laird's challenge that the United States has reduced its megatonnage 40 percent in the last 5 years while the Russians have quadrupled theirs. That is a fact, Mr. President, but it is a misleading fact, for improvements in the accuracy of weapons are much more important than increases in megatonnage. A twofold increase in accuracy is equivalent to a tenfold increase in megatonnage yield. The truth is that the United States has concentrated on improving the accuracy of our strategic weapons rather than on increasing the megatonnage. The trend is toward smaller warheads on more accurate weapons—indeed, the improvement in accuracy is threatening to make land-based missiles obsolete by making them too vulnerable to direct attack.

Mr. President, a twofold increase in accuracy would make a Minuteman III with a MIRV capability a weapon with first-strike capability. Work is going forward on the ABRES, the advanced ballistic missile reentry system, which would increase the accuracy and guidance necessary to give us a first-strike capability. No doubt the Russians are worrying over that possibility. The United States is far from being in neutral gear as a second-class power; so far in fact that one is led to wonder what the Nixon administration really seeks in its strategic arms policy, the "sufficiency" so loudly proclaimed or a new "superiority."

There is also talk of the ABM system which the Russians have built around Moscow. In the first place, this "Galosh" ABM system has only a limited defensive capability and the Russians show no signs of expanding it beyond Moscow. It constitutes no threat to the United States, and in any case the Safeguard or any other ABM system would not be the best response to it. We responded to the Russian ABM system by developing a MIRV capability to insure that our missiles could penetrate such a system. The Russians gained no increase in security with their ABM; they merely triggered a new escalation in the arms race by causing us to develop MIRV. There is ample evidence that any further work on the Safeguard ABM system by this country would have identical results.

As I have said before, Safeguard ought to be called the civil service system, because it will not work and no one can fire it.

Mr. President, it should be crystal clear that the Soviet Union does possess an awesome and powerful strategic nuclear force. It should be equally clear, however, that a threat to our Minuteman force or our strategic bomber force or our undersea force alone is not the same as a first-strike capability.

Mr. President, in truth and in fact there has been a great change in the Soviet Union since the terrorist days of Dictator Stalin. The Soviet Union is no longer a have-not nation. It is a have nation. And in recent days those in power in the Soviet Union have been veering toward capitalism. They have been emphasizing the improvement in the living conditions and the standard of living of their people. That is a fact that has been acknowledge in Europe, in Asia, and in all the capitals of the world.

Mr. President, I shall not take the time now to go into detail, but it is a well-known fact that the Russians in recent months have withdrawn divisions from Eastern Europe and placed those divisions on the 6,500-mile common border between the Soviet Union and Communist China. Constantly in recent months there has been fighting along those borders. Chinese leaders claim the Soviet Union is gobbling off slices of territory in mainland China. So there is no possibility of any monolithic Communist conspiracy such as the "Birch sappers," or members of the John Birch Society some years back, and other idiotic extremist groups, used to claim. None of that is possible. On the contrary, there is much likelihood of an all-out war between the Soviet Union and Communist China. I have spoken at length today and I will not dwell on that further.

Mr. President, a true first-strike capability would require the ability to destroy our Polaris/Poseidon fleet which is capable of remaining beneath the surface of the sea for as many as 300 days; decimate our strategic bomber force and tactical aircraft carrying nuclear weapons in sufficient numbers to allow the Russian air defenses to handle the survivors; and, knock out our Minuteman force. This would, moreover, have to occur simultaneously, for under current U.S. policy each of these three retaliatory forces is designed with the capability to inflict unacceptable damage on the U.S.S.R. or China. Each can absorb a first strike and still be an effective deterrent and within a matter of hours destroy the installations and the cities of the Soviet Union or of mainland China.

Mr. President, such an attack on the United States by the Soviet Union, or allegedly by Communist China with its crude nuclear capacity, is simply not technically possible because of U.S. early warning capabilities. If our strategic bombers were attacked first by submarine-launched ballistic missiles, our land-based ballistic missiles would be left intact. If the attempt were made to attack our land-based missiles with ICBM's and simultaneously hit our bombers, the bombers could take off in the period between the enemy ICBM launch—with a 3-minute flight time—and the arrival on target of any submarine-launched ballistic missile—15-minute flight time. Even without our Polaris force a first strike sounds implausible, if not actually impossible.

A true threat to Polaris would require a simultaneous destruction of all the submarines, and there is absolutely no intelligence available or any technical invention now known that would indicate such a threat to the security of our Polaris fleet.

Mr. President, the officials of the Soviet Union have been acting as sane men since Stalin died. The Soviet Union simply does not possess at this time a first-strike capability. Furthermore, there is no indication that they desire such a capability or could possess such a capability even if they wished before 1975. We do not seek a first strike against any nation in the world. That is beyond the thought of anyone in this country. We have a tremendous and all-powerful defense against the Soviets, and they could have no possible first-strike capability until 1975 at the earliest, even if we were to be sleeping all the time between now and then.

With all the known faults in the Safeguard system, one wonders why the administration is pushing with such urgency for a defense which will not work for a potential threat which most experts agree could not conceivably materialize.

The facts are clear, Mr. President. As of September 1969, the United States had in its total nuclear strategic arsenal 4,200 deliverable warheads; the U.S.S.R. had 1,350. The latest strategic survey from the Institute for Strategic Analysis in London indicates that by 1975 the United States will have 11,000 deliverable nuclear warheads, the Russians only about 5,000. The United States is ahead in the number of independent warheads, the U.S.S.R. in total explosive power—megatonnage. However, when speaking of deterrent power, the most important element is the number of warheads, not the total explosive power. It is estimated that between 200 and 400 warheads would be necessary to destroy the Soviet Union as a civilization; in other words, to obliterate its cities and to kill most, if not all, of its men, women, and children, destroy its railroads, its airfields, peasant homes, and farms.

Any attack which left such a number of warheads for retaliation would result in mutual annihilation. The Soviet Union is increasing its arsenal, Mr. President, but they simply do not have the power to accomplish such a knock-out. The United States already possesses a nuclear arsenal greatly in excess of that needed for deterrent only.

Mr. President, our ability to survive a nuclear attack with enough retaliatory force to inflict unacceptable damage and loss on the attacker is the cornerstone of policy of deterrence and survival. No reasonable man suggests that we should seek a first-strike capability. Our deterrent must be protected. We must not be frightened or stampeded or terrorized into anything by an imaginary danger brought before us now by the power and might of the industrial-military complex to scare the American people at a time when we in the Senate are voting on appropriations for the Department of Defense.

Dr. Drell and Dr. Goldberger have testified and demonstrated on several occasions that the U.S. deterrent is simply not seriously threatened either now or in the foreseeable future by any possible combination of Soviet offensive or defensive weapons systems, and that in any case Safeguard would do nothing to change the situation.

Even if the U.S.S.R. could knock out or neutralize our strategic bombers and our Polaris/Poseidon force, they would still have to be able to knock out at least 700 of our 1,000 Minuteman missiles if they were to avoid being destroyed in retaliation. The motives of the Russians may remain a mystery, but even if one imagines the Russians desiring to accomplish such a feat, it would be virtually impossible to do. Mr. President, where is the threat that justifies the expenditure of billions of dollars on a costly, unworkable Safeguard system?

There is no such threat. On the rollcall vote in the Senate this Wednesday further deployment of the Safeguard system should be defeated and I believe it will be defeated.

I yield the floor.

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ORDER FOR RECOGNITION OF SENATOR FANNIN ON WEDNESDAY, AUGUST 12, 1970

Mr. BYRD of West Virginia. Mr. President, on Wednesday next at 3:30 p.m. the Senate is scheduled to vote on the amendment offered by the able Senator from Kentucky (Mr. COOPER) and the able Senator from Michigan (Mr. HART).

I ask unanimous consent that when the vote is announced on that amendment the able Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM TOMORROW UNTIL WEDNESDAY, AUGUST 12, 1970 at 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in recess until 10 o'clock on Wednesday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

ARMS AND THE PEOPLE

Mr. GORE. Mr. President, since those two fateful days, August 6 and 9, 1945, when American planes dropped atomic bombs on Hiroshima and Nagasaki, the United States and the Soviet Union have engaged in what is potentially the most suicidal military struggle ever known to man. Like two mad, and often seemingly half-blind giants, they have piled nuclear armaments on top of nuclear armaments, and together have spent nearly a trillion dollars each in trying to get the better of the other.

The weapons that have been engendered by this mad race to see which nation can lure the other into the abyss are now many hundreds of times more destructive than those which in 1945 caused more devastation in a shorter length of time than the world had ever previously experienced. As if in a saga left over from the Dark Ages, the two powers seemed to have delighted in counting up their kilotons and megatons each night after the world had gone to bed and chalking up a victory sign at the birth of each new and more destructive weapon. The entire course of events for the innocent bystanders, that is, the people of the globe, assumed the dimensions of some vast cosmic nightmare in which humanity found itself again and again being hurled down into a chasm of hopeless destruction. Against the background of the awesome mushroom cloud, the cold war terrified people everywhere.

Always, good news for one rival power was bad news for the other; that we had the "bomb" made them want their own; their Sputnik frightened us; their alleged superiority in missiles made us not only seek to close the "gap" but to open it again—only in our favor; their ABM meant our MIRV and our ABM. The very terms "we" and "they," "ours" and "theirs," "us" and "them" seemed to provide sufficient justification for insoluble hatreds—insoluble except by our destruction of them, or vice versa: mistrust was the only apparent common ground between the two powers. It was a rivalry in folly.

There has been some progress achieved in retreating from universal Armageddon. Both the partial Test-Ban Treaty and Nuclear Nonproliferation Treaty are now in force. Also, the first bilateral treaty, the Consular Convention, and the Outer Space Treaty have been signed and approved by the Senate. Many cultural exchanges as well as some trade relations have been established. There is, thus, some small hope that other more positive steps will follow.

The "rite of passage" that may have launched us into adulthood was the Nuclear Test Ban Treaty signed on August 5, 1963, and ratified for the United States on October 10 of that year. As of the beginning of 1970, more than 100 countries were parties to this treaty. This is by definition, a limited agreement, and its limitations have been well understood by both sides; but it is nevertheless an important step toward full maturity. It has radically reduced the number of tests in which otherwise both powers would certainly have engaged. Our bombs and theirs, would surely now be more destructive were it not for the mutually accepted sanctions that the treaty enforced. But both would be less, not more, secure.

More concretely, by stopping atmospheric tests, dangers to the health of both nations, including that of unborn generations, have been radically averted. In the fifties and early sixties the most potentially dangerous augmentation of pollution over the surface of the earth was coming not from industrial wastes or other manufacturing processes, but from contamination of the atmosphere by radioactive fallout. True, it will be decades before the effects of bombardment from strontium-90, the deadly bone destroyer, will no longer be harmful. But iodine-131 has already virtually disappeared from our milk supply.

As chairman of the Arms Control Subcommittee of the Foreign Relations Committee, I remain acutely conscious of the dismal and unsettling fact that the nuclear arms race continues and that negotiations with the Soviets remain problematic. If one must resolve this dilemma, as one must, it can only be through the realization that excessive caution ought never to jeopardize reasonable negotiations.

And I am profoundly convinced that any such future negotiations are in grave danger of being undermined by insistent proposals for the deployment of an antiballistic missile weapons system. I have, therefore, publicly deplored and criticized the decision of the Nixon administration to snatch up this discredited and partially discarded Johnson program. To me such an action was tantamount to turning back the clock, and meant a step away from arms control and perhaps, therefore, from peace.

President Johnson had recommended an ABM system—called the "Sentinel"—as a possible defense against a Chinese missile attack. The idea was not well received in the area of three of our larger cities, around Boston, Chicago, and Seattle. City dwellers and suburbanites alike, who were not much impressed by the imminence of the Chinese threat, did not want nuclear weapons installations of questionable effectiveness, and possible accidental dangers, cluttering up their landscapes. President Johnson's successor hoped to sell his product under the brand name "Safeguard" a more appealing label, it was thought, than "Sentinel." If space allowed, one might profitably digress here on the need for a truth-in-packaging law since, thus far, Mr. Nixon has not made clear whether his more or less "invisible shield" of ABM's will in fact safeguard us against Russia, against China, or against the accidental firing of a missile by someone unknown. He has thus far not even settled on whether his system is to be an area defense, "thin" or "thick"—as the strategists say—or merely a "spot" safeguard for a few of our offensive missiles.

I have referred to President Nixon and "his" system, but perhaps I should more accurately refer to it as the Pentagon's project. But, of course, as always, it is the people's system—in fact their millstone. The cost has been estimated at upwards of $8 billion for the original "teaser" system, while a defense system even partially effective against any conceivable attack would cost truly astronomical amounts.

It was against this background of confusion and contradiction, of costly error and of gross danger, that I recommended that the Arms Control Subcommittee take the issue to the people in public hearings. The result of that national debate was an unprecedented public involvement in a technical issue. President Nixon won his go-ahead when the tie vote was broken by the Vice President, Mr. AGNEW. After so vigorous a battle and so close a vote, one would have thought the administration would hardly dare only a few months later to ask for a considerably expanded ABM system, yet it did. The administration itself thus seemed to be validating the charge that its earlier request for only two sites was in fact a planned foot-in-the-door maneuver.

There were a year ago, and there still are, other sharply critical technical questions which have never been answered satisfactorily by the Defense Department. For example, the "Safeguard" ABM system depends upon a single, very expensive—$200 million—radar for each Minuteman complex, with a small number—the number is still classified—of Sprint missiles to protect the silos, and an even smaller number to protect the radar.

But failure of the radar or its destruction would mean collapse of the whole operation. This problem was compounded by the fact that the Soviet Union's more cheaply developed and numerous SS-11 missiles, while not of sufficient explosive power and accuracy to endanger our siloes, are of sufficient power to destroy the radar installations. The missile-site radar, then, was much "softer" and thus easier to destroy than the silos it was supposed to protect. This was the weak point of the whole concept of the ABM, a weakness obviated by the more traditional strategy of "diversity of deterrents" whereby the missiles would be widely dispersed and therefore a sufficient number would remain operational and could retaliate for any conceivable enemy attack.

The final argument, which the administration has also thus far failed to counter is based on the fact that the "Safeguard" system, in order to be reliable, must be in a constant state of readiness, and therefore dependent on the most highly sophisticated computer systems. Such refinement of computer technology, which was gravely doubted a year ago, is even more dubious now. And since we have had no experience with actual deployment upon which to base any further expansion, I cannot see that the administration has proved or even strengthened its case.

Moreover, evidence indicates that if the threat of the Soviet SS-9—a much more powerful weapon than the SS-11—against the Minuteman silos greatly increases, then the ability of Safeguard thick or thin, to protect the missiles from nuclear assault would be entirely canceled out. Thus, dispersion and/or mobility remains the only effective deterrent strategy. And if it could be proved that the Soviets were targeting SS-9 missiles against all of our Minuteman silos, some other tactic, perhaps mobile Minuteman or more submarine missiles, would necessarily have to be considered.

It is true that some technical witnesses had testified that an effective defense of the silos against SS-9 attack could be made by employing many small radar systems rather than one large one; which, of course, would obviously render the entire defensive operation less susceptible to failure. Nor would a system of this kind have to play the dual role of hard-point defense—that is, defense of our offensive deterrent weapons—and population defense at the same time, and therefore would not be a threat to the Soviet deterrent—a perfectly legitimate argument that President Nixon stressed when choosing the Safeguard system over former President Johnson's Sentinel.

Nevertheless, should the Soviet deployment of SS-9 missiles create an imbalance in the deterrent ratio—which cannot now be ruled out unless controls are agreed upon at the Strategic Arms Limitation Talks—SALT—Conference—then, as I have said, something other than ABM deployment would appear far more effective, far less risky, and perhaps even necessary. I suggest that mobile offensive power would have a greater deterrent effect upon both Russia and China than an untested antiballistic missile defensive system. And it goes without saying that the American people are surely more concerned about Soviet intercontinental ballistic missiles and nuclear submarines than they are about her own anti-ballistic-missile sites around Moscow. And presumably the same is true of the Russian people and their leaders.

I had the impression throughout the hearings that Secretary Melvin Laird's arguments indicated he believed the way to stop an arms race is to win it. Indeed, I suspected that the real motivation may have been to gain a bargaining position against the Soviets, which is precisely the reason President Johnson, according to former Vice President Humphrey, advocated the Sentinel ABM system.

I pointed out to the Secretary that with the multiple warheads being developed for our missiles, the United States would soon have 6,500 thermonuclear weapons constantly on the alert and on the move in our submarine fleet, in addition to 3,000 landbased missiles. In addition, we have 1,000 nuclear warheads ready to be delivered by bombers, as well as 7,000 "tactical" nuclear weapons in Europe. No conceivable number of Soviet antiballistic missile systems could constitute a real shield against all these nuclear weapons. The ultimate absurdity of the administration proposal is obvious to anyone who has not entirely abandoned simple mathematics and logic: no attack from any foreign country or combination of countries could in the foreseeable future neutralize a nuclear force of this strength and diversity.

The most disturbing aspect of this almost irrational advocacy of ABM is its possible effect on the larger issues of our foreign policy, and this not merely in terms of the dangers of any nuclear escalation, but even more so with regard to the premises on which our entire strategic posture is based. It is my belief that President Nixon raised very serious questions about our basic postulate of retaliatory deterrence by his statement on January 31, 1970, that the Safeguard system should be expanded in order to provide a "credible foreign policy in the Pacific area." He went on to add that such an area defense would be "virtually infallible"—the latter phrase one can charitably interpret as merely another instance of ad lib hyperbole, as I have since heard no one either in the administration or out of it uphold, or even attempt to uphold it.

The notion of making our Asiatic foreign policy credible by nuclear weapons is entirely different from—and, indeed, more shocking than—the mere advocacy of a limited ABM system. If the new Nixon doctrine for Asia means that the United States will not commit substantial ground troops in Southeast Asia in the future, the President would seem to be proposing that undesirable moves by Communist forces in that area will be met by the threat of nuclear attack. He thus seems to have abandoned our deterrent strategy and embraced that of massive retaliation. How true it is that the more Republican administrations change, the more they remain the same. Furthermore, one wonders how such a threat could be made credible in order to discourage a possible Chinese attack against her neighbors, if we cannot even rely—as Safeguard proponents affirm—upon our destructive nuclear arsenal to deter a Chinese attack upon the United States, even when China has only a few such weapons.

We have been hearing about the Chinese nuclear threat for several years now. It has become the new club which the military-industrial complex flauntingly wields to win greater and greater appropriations from the Congress. But I question whether the execution of the threat is in any way imminent, and I incline to believe that we do have a considerable time factor in our favor. It still seems to me that it would be suicidal for the Chinese to unloose a few nuclear weapons upon the United States and thus invite retaliatory destruction. This is completely contrary to the commonsense foundation of the theory of deterrence, unless, of course, one accepts the

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old racist canard that the Chinese—with their teeming population, ant-hill existence, et cetera—place no value whatever on human life.

A little more than a year ago when the Senate was considering the initial authorization for deployment of the Safeguard ABM system, I described Safeguard as a weapons system in search of a mission which it surely had not found. The search, Mr. President, continues. The mission has not been found.

The ABM system was first supposed to protect the population of this country against a presumptive Chinese missile threat, even though the Chinese still have not yet tested an ICBM. Then it was supposed to protect some of our missiles against a Soviet attack. Then it was supposed to protect our population against a presumptive Chinese attack or an accidental launch, and our missiles against a Soviet attack. Now it is supposed to protect some of our missiles against a Soviet attack, providing that the attack is not too large for the Safeguard system to handle, and to give us a "bargaining chip" in the strategic arms limitation talks with the Soviet Union. If these talks succeed, and produce an agreement limiting ABM systems and offensive missiles, then the work that has been done on deploying the system will have to be stopped, at a nonrecoverable cost of just under $3 billion, to cite the figure used by Secretary Laird before the Armed Services Committee. If the talks fail, and no limitation on offensive and defensive weapons results, the system will have to be replaced because it will not be able to handle the threat that will confront this country, according to most of the best informed and most experienced scientists in this country. In other words, if we do not need it, it is useless. On the other hand, if we need such a defense, then it is hopelessly and totally inadequate.

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Many of these eminent scientists have appeared before the Subcommittee on Arms Control, International Law, and Organization which I have the honor to chair. Beginning in early February and continuing until late June, the subcommittee conducted an extensive set of hearings on "ABM, MIRV, SALT and the Nuclear Arms Race." Among the scientists who appeared before the subcommittee were three of the four former Presidential Science Advisers—Dr. Donald F. Hornig, president of Brown University; Dr. George Kistiakowsky, of Harvard University; Dr. Jerome Weisner, provost of MIT, a former director of Defense Research and Engineering; Dr. Herbert York, director and deputy director of the Stanford Linear Accelerator Center; Dr. Wolfgang Panofsky; Dr. Sidney Drell; and Prof. Marvin Goldberger of Princeton University, a member until recently of the President's Science Advisory Committee. In addition, testifying before the committee on the broader implications of the Safeguard question were two experts on China, A Doak Barnett of the Brookings Institution, and Mrs. Alice Langley Hsieh of the Institute for Defense Analyses; the former Deputy Director of the Arms Control and Disarmament Agency, Dean Adrian Fisher; a former Assistance Director of the Arms Control and Disarmament Agency who is an expert on verification, Dr. Herbert Scoville of the Carnegie Endowment for International Peace; a former assistant to President Kennedy and to President Johnson for National Security Affairs, McGeorge Bundy, now president of the Ford Foundation; and the director of the Russian Institute at Columbia University, Dr. Marshall Shulman. In addition, the subcommittee met in executive session and received classified briefings on Soviet and Chinese strategic capabilities from Richard Helms, the Director of CIA, and on the SALT talks by Gerard Smith, Director of the Arms Control and Disarmament Agency. The Defense Department's case for the Safeguard system was presented in public sessions of the committee by Secretary of Defense Laird and Dr. John S. Foster, Jr., Director of Defense Research and Engineering.

With the understandable exception of Secretary Laird and Dr. Foster, the witnesses who appeared unanimously opposed any expansion of the Safeguard system. Those with a scientific background pointed out the technical deficiencies of the system. These were, to sum up, that the Safeguard defense of Minuteman depends on a $200 million MSR radar for each Minuteman complex and on a small number of Sprint missiles to protect the Minuteman silos and the radar. Since the radar is "softer," meaning more vulnerable to attack, than the missile silo it defends, an attack on the radar would be an attractive enemy tactic. Soviet SS–11 missiles have sufficient accuracy and power to destroy the radar, although they do not at present have the capability of endangering the Minuteman silos. Thus, the Soviets could use the large number of SS–11 missiles in their arsenal to destroy the MSR, leaving the larger SS–9's free to attack the Minuteman. In addition, it was pointed out by many witnesses that the performance of the PAR radar could be impaired by the proximity of nuclear explosions. The conclusion of all of these scientists was that the Safeguard system could not defend Minuteman. One phrase, formulated almost identically, appeared in their testimony. To use the formulation employed by Dr. Hornig:

> During the last year, it has become clear beyond reasonable doubt that if the defense of Minuteman were the only, or even the principal, function of Safeguard, its deployment could not be justified.

This conclusion was underlined graphically by a chart prepared by Dr. Panofsky which appears on page 430 of the subcommittee hearings. The chart shows that if the deployment of SS–9's levels off or is limited by a SALT agreement, then the danger level of potentially lethal attacks against Minuteman silos—defined as the number of warheads capable of knocking out 700 Minuteman silos—would never be reached. On the other hand, if the Soviets decide to put a large effort into deploying MIRV's on their SS–9's, if they continue or increase the deployment rate of SS–9's or if they improve the accuracy of their SS–11 missiles, which recent tests suggest they may well be doing, then the danger level could be reached before the middle of this decade, which means before the Safeguard system could be deployed. Thus, for Safeguard to have any significant effectiveness at all, the Soviets would have literally to tailor their threat to the deployment schedule and capabilities of the system—our system, that is. Could the Soviets be relied upon for such accommodation? Thus, once again, it is revealed that if Safeguard is needed, it is inadequate. If it is not needed, it is expensive and superfluous.

Dr. Drell put the case succinctly when he told the subcommittee:

> There have been extensive studies, and I believe it is fair to say that all now recognize that Safeguard, even working perfectly, and with a full nationwide Phase II deployment costing about $10 billion can be effective in preserving 300 Minuteman missiles, which is deemed adequate as a retaliatory force, against only a very narrow band of models of an assumed Soviet strike. Against lesser threats it is not needed and against greater threats it is ineffective.

It is interesting to note that when I suggested last year that a primary motivation for ABM deployment was an "arm to parley" notion the denial was quick and vehement. This now seems to be avowed. Once again, as is the case in instance after instance, what we, the critics of ABM, said of it a year ago is now acknowledged by the Defense Department, either explicitly or implicitly.

The effectiveness of the system seems to me to be one significant argument against its value as a bargaining chip, even if such a strategy were viable. A second argument against the claim that Safeguard is a valuable bargaining chip is a direct result of the action taken by the Armed Services Committee in limiting the Safeguard system to the defense of Minuteman and in deciding that "there is no compelling need to move now to the deployment of an area defense of our population against Chinese Communist ICBM attack." This statement of the Committee on Armed Services is directly contrary to the position of the Defense Department.

If the Soviets fear our ABM deployment, which I question, it is likely to be their concern that it could be developed into a thick area, or population, defense system which would increase the invulnerability of the United States to a second strike and thus, it might be argued, put us in the position of being able to launch a first strike without fear of retaliation. Soviet fear of Safeguard could not be logically based on concern that the system will provide effective protection of Minuteman missiles and leave the United States free to launch a retaliatory second strike. But the Armed Services Committee has knocked out the population defense potential of the Safeguard system—which President Nixon advocates—and left only the theoretical possibility of Minuteman defense—which almost all competent scientists deny. Thus it is the Armed Services Committee that has already taken away the bargaining chip—if, indeed, ABM could ever have been regarded as a bargaining chip. Safeguard, limited to the defense of Minuteman, is hardly a weapon calculated to give us bargaining leverage. As the distinguished junior Senator from Washington (Mr. Jackson) told the Senate on August 5:

> The Committee has, to my mind, completely removed any reason for objecting to Safeguard on the grounds that the Soviets will find it 'provocative' . . . The Soviets are well aware that since Safeguard offers only incidental protection—

I read this, Mr. President, again, to emphasize that this is the distinguished junior Senator from Washington (Mr. Jackson), the champion of ABM deployment, whom I am quoting. Let me read that sentence again:

> The Soviets are well aware that since Safeguard offers only incidental protection to the tiny fraction of our population living on or near one of the Air Force bases where Safeguard will be installed, the Soviet assured destruction capability will in no way be imperiled.

Mr. Adrian Fisher, former Deputy Director of the Arms Control and Disarmament Agency, stated:

> I am aware of the argument . . . that it is necessary to go ahead with authorizing the proposed Modified Phase II Safeguard item in order to strengthen our bargaining position in Geneva. I don't believe that is persuasive.

I digress to recall to the Senate again that when, a year ago, I suggested that this was one of the real motivations of ABM deployment, it was vehemently denied.

To continue with the statement of Dean Fisher:

> As a practical matter, authorizing armaments so that they can be included in a disarmament program soon reaches the point of diminishing returns and that point may well have been reached, passed, well-passed, with the approval of Phase I. If both sides were to play this game of proceeding with further weapons systems to strengthen their hands in negotiations you would have a gigantic buildup, just so you would have something in the SALT talks and far from being a help to peace they would be a greater threat to the world. It would be an excuse for both sides to build up now, each saying, "I hate to do it but I have to do it so I have something to bargain with in Vienna." (Page 247, Gore Subcommittee hearings.)

There is, of course, another argument for not proceeding with any further deployment of the Safeguard system that has nothing to do with bargaining chips, and that is the wisdom of being reasonably sure that an expensive weapon system works in the first place before it is expanded, at great cost and great risk. Testifying before my subcommittee last year, Deputy Secretary of Defense Packard said that the plan that was being recommended at that time—

> Was developed, in part, so that we can get a complete system together at the earliest possible date and shake it down. Then we will be in a position so that if the President decides that additional deployment is necessary, it will be possible to proceed with that deployment earlier than if we had waited to test the whole system.

He subsequently said at the same hearing:

> We are proposing that we proceed with Phase I; that is, deployment around two Minuteman wings, and providing funds to acquire the land for the remaining sites. This initial move gives limited protection to all our Minuteman. It gives us the opportunity to get these two systems put together, shake out the bugs and put them underway.

Dr. Packard also showed the subcommittee a chart, reproduced on page 293 of last year's hearings on "Strategic and Foreign Policy Implications of ABM Systems," which stated that Phase I of Safeguard, involving missile sites at two Minuteman wings, had two purposes. The first was that Phase I "gives limited MM protection," meaning Minuteman protection. But the second was, and I am quoting the words which appear on the chart, "provides operational experience."

What has been the "operational experience" to date? The answer is none. In the words of a Defense Department statement, "No Safeguard components are installed and operated now at Phase I sites." In fact, the contracts for construction were let only this spring.

Where then, Mr. President, is the experience, is the shakedown, is the testing, which Congress was promised would be undertaken before further deployment or expansion? They do not exist.

Dr. Panofsky dealt with the question of experience to date in his testimony before the subcommittee in the following statement which appears on page 178 of the subcommittee hearings:

> Where, then, is the new experience on which the decision to expand ABM deployment now was to be based? There also have been no production of radars or missiles; the contract to develop the first site for future technical use was awarded by the Army just 2 weeks ago. The date at which equipment can be received at the sites has slipped by almost 1 year. None of the technical results in the ongoing development work have made Safeguard look better. On the contrary, several factors exist which tend to degrade the expected performance of Safeguard: The ability of the PAR, perimeter acquisition radar, to function in the presence of nuclear explosions is highly dubious, and the computer severely limits the performance of the system in handling large attacks; also, costs have risen substantially.

Dr. Drell told the Subcommittee:

> One major argument for last year's deployment decision as stated by Secretary Packard in testimony before the House Armed Services Committee on April 6, 1969, was that this is a very complex system and actual operational sites are needed to put together the complex computer and radar components into an actual operating system. Today I am here to oppose strongly the proposed expansion not only because of the known technical inadequacies but because, in fact, we have yet to gain any of the experience motivating the Phase I decision that was promised as part of a phased deployment program. At this time no equipment is in place, no parts of the system are complete, and its operating capability is still under study. What then have we learned to support the expanded deployment?

Mr. President, the inescapable conclusion of the subcommittee's 2-year examination of the Safeguard system is that the workability of Safeguard as designed is extremely doubtful and that even if it were to do so it would not protect us against the threat that we will face in the future if the SALT talks do not succeed. As for the "bargaining chip" argument, the Armed Services Committee's action in clearly restricting Safeguard to Minuteman defense deprived that argument of any force, if it ever had any. It has also deprived the Safeguard system of any justification for its existence, let alone its expansion. Dr. Drell told the subcommittee:

> All analyses of which I am aware make it clear that if defense of Minuteman is the principal or sole mission of Safeguard, its further deployment cannot be justified.

The O'Neill report, drawn up by an ad hoc group of scientists organized by the Department of Defense, reached exactly the same conclusion.

> If the only purpose of Safeguard is defined to be to protect Minuteman, Phase II–A as defined in March 1969 should not proceed,

the report said.

The search for a mission for Safeguard thus goes on. The mission has obviously not yet been found.

Aside from all the sophisticated technicalities, Mr. President, I ask whether our people are concerned about questionable deployment of Soviet ABM missiles around Moscow that have no capacity to hit the United States and which we could quickly exhaust with our massive offensive capability, or are we concerned with Russian ICBM and submarine capability to hit devastating blows on the United States? If we are primarily concerned about the possibility of an attack on our country, as I believe, then is it not reasonable to conclude that the Soviets have similar concern? I pose these questions, Mr. President, to illustrate once again my belief that reliance upon an anti-missile-missile defensive strategy is a maginot line concept. In my view, the best defense is a powerful offensive capability with an unquestioned will to use it in case of a nuclear attack upon the United States—that is, with the potential enemy having no doubt that the United States has the will to use its retaliatory capacity. This is our real deterrence.

So, the ABM defense, instead of being "virtually infallible," turns out to be fallibly virtual—that is, in theory illogical, and in practice ineffective. For myself, unless our security requires it—and ABM is surely not required—I see no reason for feeding the flames of international hostility by the continued piling of weapons system on top of weapons system. And at such a cost!

Domestic needs, which have been unmet for years, cry out for solution. Unfortunately, to President Nixon $1 spent on educating our children or on needed social security benefits is highly inflationary, while $10 spent for useless and potentially dangerous weapons is, somehow, not inflationary. This I totally reject.

But the most serious implication of any ABM development is its possibly adverse effect upon the prospects for successful conclusion of an agreement at the Strategic Arms Limitation Talks or at whatever subsequent arms-control negotiations may ensue. The implications will be equally grave whether ultimately a thick or thin ABM system is created. For the level of ABM defenses which may be successfuly negotiated at the SALT, or other similar such conferences, might well determine the limitations on offensive and defensive strategic weapons that are subject to mutual agreement. The more uncertainty aroused by the ABM deployment, the greater will be the insistence both in the United States and in the Soviet Union for "damage limiting" defensive deployment. And the more defensive deployment, the more offensive deployment will be necessary to retain either "balance" or "superiority" or "sufficiency" in nuclear arms.

Now is the time to call a halt to this seemingly endless escalation. More than a year ago former Secretary of Defense Clark Clifford observed:

> The hard fact is that we may never again expect to be in as favorable a position as we now enjoy for entry into talks about a freeze in strategic nuclear armaments. Technological developments may well make any arms limitation agreement more difficult to develop and enforce a year from now, or six months from now, than it is today.

That "today" has long since passed.

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Of course, there are still some people, I am sorry to say, both in and out of Government, who feel that "it is impossible to do business with the Russians" on any basis. And they are so distrustful of our ability to protect our own interests in negotiations that they feel it best not even to enter into preliminary discussions. This is both ridiculous and dangerous—for us and for the rest of the world. As William C. Foster, former Chairman of our Arms Control and Disarmament Agency, wrote in Foreign Affairs—April 1969:

> Many people have the impression that dealing with the Soviets is like dealing with creatures from another planet. That has not been the experience of this observer. On the whole they have shown much the same personal reactions as Westerners. Moreover, they respect candor about basic conditions which cannot be waived in a negotiation—just as they respect those who keep their confidences.

This in general reflects my own experience with Soviet negotiators—with whom I have had a good deal of contact both at the U.N. and as Senate delegate-adviser to various Geneva conferences on nuclear weapons—and leads to my belief that the political leaders of this country would do well not to abet and exploit the popular American apprehensions about being "unable to do business with the Russians."

I call upon President Nixon for enlightened leadership such as he spoke of in his good speech in Rumania last year.

There is apprehension and distrust on both sides of what is becoming an ever thinner, though still existent, iron curtain. Because of this mutual distrust, both nations have habitually kept ready or in development almost every new weapon its strategists, whether military or civilian, want to test and deploy. There can never be a "sufficiency" to use President Nixon's expression, for these strategists—not from here to doomsday, which quite simply is where we have been heading.

Any agreement with the Soviets—on arms limitations or on anything else—should be one that is capable of verification. I have insisted upon this. This was a major reason for the Nuclear Test Ban Treaty, as I insisted at the time, should not include underground tests. Neither side was sure that a violation by the other would go undetected. But we can detect an atmospheric test, or one under water, or in space.

Any agreement with the Soviets must serve and protect our national interests; similiarly, we cannot expect them to agree to anything that fails to safeguard what they regard as their vital concerns. But there are areas in which there is a mutuality of interest. Surely both we and they share an interest in halting dangerous and costly escalation of the nuclear arms race, under conditions by which neither side would gain an advantage. In fact, never in history have there been two nations with a greater mutuality of interest, in that never have two great nations had as much to lose from all-out war, or from a continued drain on those national resources that might well be applied to constructive purposes.

Agreement can come only when there is relative parity. We have a sort of parity now in the sense that each side can destroy the other several times over. Those who believe that ABM, or the next round, or the next, will place us in such a strong position that we could, and would, be able to engage in nuclear blackmail to compel submission of our adversaries, misread the history of the nuclear arms race and of human nature as well.

A brief chronicle of our race to the top of the nuclear volcano will support my sharply critical judgment above. In 1961 the Soviets had but a small number of ICBM's, but the United States, not believing that a small number would "satisfy the Russians" and feeling that we might be overtaken, undertook a gigantic expansion of the Minuteman and Polaris forces. We ended up with many more weapons than were needed to destroy Russia several times over. Then the Soviets responded to our increased efforts by intensifying their own ICBM program and building their own nuclear submarine fleet. The age of overkill was upon us. Both psychologically and factually, this is a terrifying situation since either side may regard or delude itself as being in a position to launch a successful "first strike."

The Soviets now seem to be developing a "fractional orbital bombardment system" which theoretically would be almost impossible to detect and destroy, since the assault weapons may come in at a low level, at a relatively flat angle. Conceivably, such a system would threaten our bomber fleet on the ground. Thus, again, a "first-strike" capability could be said to be in the process of development. And, of course, we will react in kind. Of course, but why always "of course"? There are no absolutes, as far as I know, in military technology. Is it not time that this game of technological leapfrog was brought to an end? It adds nothing to the security of anyone elsewhere in the world, and it destroys the possibility of "domestic tranquillity" at home by reason of its astronomical costs.

The domestic needs of our society and the peace of the whole world are too great for any nation to squander its riches on destructive weapons or on futile efforts to protect against such weapons. The only true protection against nuclear exchange is the prevention of that exchange. Once it has started, both sides have lost: all will have been lost.

The search for some formula to bring nuclear weapons under control has been an urgent task of four administrations, beginning with President Eisenhower. Despite a commendable start by President Nixon, the task remains. Whether it will be successfully prosecuted by the present administration is still uncertain.

Still one must have faith in the future, faith not in patrician groups or elites—a given government, the military, the scientific community, and so forth—but in the people. President Nixon won the first round with his ABM proposal. He will lose the second, I believe, on Wednesday.

The American people are too aware of their humanity, of their needs which are common to all peoples. The sentiment for a reordering of priorities runs very deep in the people of this Nation, and in the people of Tennessee. And so, too, does commonsense, that commonsense which no longer blindly trusts the words of the experts, of the professional planners, of the "new mandarins," who have led us into this valley of the shadow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I would like to begin by complimenting the distinguished Senator from Tennessee. Although I was not in the Chamber to hear the entirety of his speech, the great portion I did hear certainly indicated a very thorough and precise look into the problem of the ABM. As usual, the distinguished Senator from Tennessee presented before this body a remarkable context of all the reasonable arguments of why this is another gigantic mistake we would make if we were to approve this system as requested.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. GORE. Mr. President, I am grateful for the very generous remarks of the able Senator from Iowa. I have spent a great deal of time on the question of ABM deployment. The subcommittee of which I am chairman has conducted extensive hearings, both public and executive. I am confident that the conclusions I stated are shared by a majority of the members of the subcommittee. It, indeed, would be a grave error further to expand the ABM system.

THE SAFEGUARD ABM SYSTEM

Mr. HUGHES. Mr. President, once again we are debating approval of the Safeguard anti-ballistic-missile system. Once again we are being told of an increased threat from the Soviet Union.

But however familiar the arguments may seem, conditions have changed. Our debate this year takes place in a different context. The events of the past 12 months have strengthened my conviction that Safeguard would be a tragic waste of resources.

In short, the changes that have occurred are in the direction of reinforcing the very substantial case against Safeguard.

What has changed in the past year? Supporters of Safeguard argue that the Russians have continued their construction and deployment of offensive missiles. If this is true, it would only be in line with my prediction of last year. At that time I said: "Inevitably, if we deploy a new weapon system, the Soviets will take measures to catch up." Soviet military planners have the same distrust of us as our planners do of them. This is why there are arms races: each side wants to get ahead of the other.

We now have a chance to stop this spiral. I hope that we will take it.

Another change in the past year has been an increase in the projected costs of Safeguard. Last year we were told that the total cost of the system would be about $10 billion. This year the estimates have risen over $2.3 billion. If we examine the history of military cost increases, so ably exposed by the distinguished Senator from Wisconsin (Mr. PROXMIRE), we can confidently predict that the costs of Safeguard will rise much further in the future. My good friend from Michigan, Senator HART, said last week that the ultimate cost might reach $50 billion.

We should not be misled, since the costs seem relatively small now, into thinking that another $5 or $10 billion will satisfy the every-increasing appetite for funds. This year's billion-dollar request is only the second installment on a costly house of cards.

When will it all end? Only when we vote to stop it.

Last year, many intelligent men—experts on the technical questions of radars, computers, and deterrence—told us that Safeguard was not likely to work in actual combat conditions. They testified that Safeguard was not cost-effective, because it could easily and cheaply be overwhelmed. They concluded that Safeguard was a wasteful and unreliable system.

I will not pretend that I have fully understood all these technical arguments. But I have been waiting for administration supporters to come up with reasonable answers to these sensible objections. So far they have not.

In fact, the administration now seems to be acting as if the deficiencies pointed out last year are fully recognized.

Last year, opponents of the ABM stressed the vulnerability of the missile site radars—MSR—and suggested that a better and cheaper defense could be built with a less complicated but specialized radar designed for Minuteman defense. Deputy Secretary Packard and Dr. Foster, Director of Defense Research and Engineering, both said that they had considered the use of smaller and cheaper radars, but had decided to try to get the MSR to do the job. This year they have gone ahead with active programs to develop such smaller and cheaper radars.

Last year, the administration discounted proposals to develop a specialized ABM defense specifically designed to protect Minuteman missiles. This year, both the Air Force and Army are actively investigating such possibilities.

Although the Senate Armed Services Committee saw "no compelling need to move now to the deployment of an area defense," the bill before us does not impose that restriction on the Pentagon. In fact, administration witnesses never relented from their support of a full system of area defense. And the four sites sanctioned by this bill can still be the building blocks for such an area defense.

Our doubts about Safeguard are still unresolved. Whenever scientists raise technical objections, we are assured by the Pentagon that the bugs will be eliminated, given time and enough money.

Let me say in passing that it seems strange that Secretary Laird believes in a "fly before you buy" policy for other weapons systems, but not for the Safeguard. If ever we needed to avoid excessive costs and guarantee effective performance, it is in the ABM.

Another change since last year has occurred in the rationale for Safeguard. In recent months, we have heard three different justifications for the ABM from Administration officials. President Nixon continues to argue that the system is necessary to defend U.S. cities against a potential Chinese attack. Secretary Laird has dropped that argument—as has our Armed Services Committee—and now says that Safeguard is supposed to protect U.S. missile sites against Soviet attack. Since that objective has been seriously questioned, Dr. Kissinger now says that we need an ABM as a stimulus to an agreement with the Russians on arms limitation.

The administration no longer uses the Chinese threat, the possibility of accidentally launched ICBM's, or defense of U.S. bombers to support the need for the Safeguard system.

What are we really supposed to be buying with these billions of dollars? The administration has no clear and consistent rationale for this system. The rationale seems to be shifting according to what arguments the public seems likely to buy, rather than according to real defense needs. The ABM promises to cure more ills than the snake oil once sold by itinerant peddlers—and with about as much effectiveness, in my opinion.

There seem to be two major arguments left to be answered—the strategic argument, that Safeguard is necessary to defend the Minuteman; and the diplomatic, that Safeguard is needed to insure agreement in the SALT negotiations.

Safeguard must stand or fall on its effectiveness in the defense of the Minuteman. For that purpose, however, it is poorly designed, grossly extravagant, and of the most limited effectiveness.

The perimeter acquisition radars—PAR—which cost about $150 million each, and the Spartan missiles, which cost at least $3 million each, are almost totally irrelevant to Minuteman defense. The PAR's are not needed and could well be ineffective because of the likelihood of a radar blackout produced by high altitude nuclear bursts. The Spartans would be ineffective against even the simplest kinds of penetration aids. The administration seems to admit the irrelevance of these two components, since it wants to add only Sprint missiles to the sites approved last year.

The missile site radars—MSR—is the heart—or, more accurately, the Achilles heel—of the Safeguard. But it is so expensive that only one is planned for each defense site. And the destruction of this radar would render the whole defense of its ICBM complex totally ineffective.

Such destruction would be a relatively easy task. The radar is so soft that there is no need for either high accuracy or large warheads in order to destroy it. Thus, the radars could be destroyed and the whole Safeguard defense negated without use of any of the SS–9 missiles about which we have heard so much recently. The SS–11 missiles, which the Soviet Union possesses in much larger numbers, would have a much more than adequate yield and accuracy to destroy the MSR's.

There is also a problem with the fourth major component of the Safeguard system—the Sprint interceptor missiles. Here the problem is simply inadequacy in numbers. While the administration has not seen fit to make public the number of these interceptors that are being procured, it is clear that they could be exhausted by a very modest attack. Moreover, because of their limited range, only a fraction of the Minutemen in each ICBM complex can be defended.

Although the Safeguard would not likely be totally useless in the defense of Minuteman, at best it would be useful only against a very narrow range of threats. Beyond a certain point which is far in the future, only a few months' production of more Soviet missiles would offset whatever effectiveness Safeguard could have.

This is not my judgment alone. In fact, it is the judgment of the Defense Department's own Ad Hoc Group on Safeguard. The distinguished Senator from Arkansas (Mr. FULBRIGHT) has

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added greatly to our understanding of these points by telling us about the O'Neill report from that group. That report said:

> The group believes that a more cost-effective system for the active terminal defense of Minuteman than Phase IIA of Safeguard can be devised.

The report also said:

> If the only purpose of Safeguard is defined to be to protect Minuteman, Phase IIA as defined in March 1969 should not proceed.

If the Soviet threat should develop as feared by Secretary Laird, there are preferable alternatives to Safeguard. Lt. Gen. A. W. Betts, Chief of Army Research and Development, admitted that earlier this year. He said:

> When you get that kind of threat, then Safeguard is not the way to defend.

These preferable alternatives could include superhardening of the Minuteman sites so that they would be more resistant to the effects of nuclear blasts. Almost certainly, a superhardening program would be less expensive than Safeguard, more effective, and attainable on a much shorter time scale than the Safeguard Deployment.

Another possibility would be to go ahead with the Navy's underwater long-range missile system—ULMS. While the Soviet Union obviously now has the technology to cope adequately with Safeguard, there is no evidence whatever that they have antisubmarine warfare capabilities to cope adequately with even our present submarine force, much less with the projected ULMS.

There is also the option of simply building more Minutemen or submarines, if the Vienna talks should fail and if we feel that our deterrent is becoming jeopardized. Secretary Laird has claimed that the Soviet Union can build new ICBM's in about 18 months. It is hard to see why it would take the United States much longer. We could thus build more missiles on a much shorter time scale than would be required for Safeguard deployment.

These alternatives would be necessary only if the SALT negotiations fail. But what we all want is for those talks to succeed. Thus we must answer the question: Will rejection of Safeguard destroy the possibility of a strategic arms limitation agreement?

I believe that the answer to that question is no. Our real leverage at Vienna comes from our overall strategic position and from our capacity to meet any increased threat, not with one questionable system, but with a whole array of alternatives. The Soviet Union and the United States did not sit down in Helsinki and Vienna simply to get agreement restricting ABM's, but to stabilize the number of warheads. Both nations recognize that it is in their interest to get some kind of agreement on this vital point in order to halt the arms race.

The bargaining card argument is as spurious as it is prevalent.

All along, the men in the Pentagon have said that we must judge our adversaries by their actions and capabilities, rather than by their intentions. But what if the men in the Kremlin accept the same principle? What would they see?

They would see that the United States now leads the Soviet Union in terms of deliverable warheads. We have an overkill capacity that would deter any rational man from attempting an attack on us. Even if all our Minuteman missiles were destroyed, we would still have our submarine-launched missiles and our strategic bombers to wreak unacceptable havoc on the Soviet Union.

Both nations are now moving to halt the arms race through the SALT negotiations. No one in this Chamber would want to do anything that would jeopardize those talks. But while we proceed with those vital negotiations, the administration is also proceeding with the development, testing, and deployment of the very weapons which the negotiations are intended to control.

Such a contradictory policy destroys our credibility at the bargaining table and jeopardizes the chances for success. We must not only say that we want mutual restrictions on armaments; we must also act as if we mean it.

How can we justify expanding our arsenal in order to reduce it? That kind of military logic is tragically similar to the tactic of destroying a village in Vietnam in order to save it.

Halting further construction or deployment of the Safeguard system will not endanger a SALT agreement. The Russians have reasons far more compelling than the American ABM for reaching some agreements on arms limitations. They—and we—can save billions and can free resources for domestic development if the arms race can be halted. Both nations have powerful incentives to reject notions of superiority in strategic weapons and accept instead sufficiency in deterrence.

If the Russians use our denial of ABM funds—except for research and development—they should know that the consequences will be expensive and dangerous. Both nations would feel compelled to continue the arms race and move into a new and costly generation of deadly weapons.

Mr. MAGNUSON. Mr. President, will the Senator yield for a question? I have to go to a committee meeting, and will not be able to hear the rest of his speech. But I was impressed with what the Senator from Iowa said regarding the workability of this matter. I hope he might even go farther.

What has impressed me, in some of the hearings and the executive sessions on this matter, even last year, was that in the discussions as to workability—on which I agree with the Senator from Iowa in his conclusions—another point was added, in that there were several of the witnesses who said, "Well, even if we make it work, assuming that everything were solved, we are not so sure that we would not, by that time, be defending something that is obsolete in itself."

That is what really bothers me about it.

Mr. HUGHES. That speculation has been brought up many times, as we both realize.

Mr. MAGNUSON. Yes. Which adds another factor to it: Even if we assume that we got everything moving and ready, and it all was there and working as intended, we still might be talking about the defense of an obsolete war weapon.

Mr. HUGHES. I wholeheartedly agree with the Senator from Washington.

Mr. President, the history of arms control efforts since World War II should have taught us that we can reach effective agreements with the Russians only through a policy of mutual restraint. We achieved the Nuclear Test Ban Treaty and the Nonproliferation Treaty only by declaring a moratorium on testing and on the spread of weapons until the professed willingness of both sides could be formalized in a treaty.

We will obtain an arms limitation agreement only if we now show mutual understanding and restraint rather than mutual suspicion and impulsiveness.

Approval of the expansion of ABM—far from making agreement more likely—actually would jeopardize the negotiations. At a time when we should be downshifting, we would be moving into high gear.

The distinguished Senator from Arizona (Mr. GOLDWATER) expressed a common argument of Safeguard supporters when he said last Friday:

> Safeguard is our principal bargaining card.

That argument, in my opinion, is an expensive illusion. From all that has been said about the dubious reliability of Safeguard, I cannot see how anyone could believe that we have an ace up our sleeve. We know—and the Russians know—that the Safeguard is only a deuce. We would be bluffing only ourselves if we relied upon it to secure an agreement.

These are our answers to the major arguments against a halt in the expansion of Safeguard. I wish, in return, to pose some questions for the supporters of this expensive and dubious system to answer.

Why would the Russians abandon SALT if we stopped Safeguard? If they had strong reasons for entering into discussions, these reasons would not have been changed.

Is not the administration's policy fundamentally contradictory? Nations do not arm in order to disarm. Nor do they trust others who begin a new cycle in the arms race while saying they want to stabilize the balance of terror.

Finally, and perhaps most important, are there not better ways to spend this money? If our negotiations should fail, it seems undeniable that there are better ways to spend money on Minuteman defense. And in any event, there are far better and more productive ways to help our own people.

With the billion dollars in this bill this year, we could provide full-time preschool education for 500,000 children. Or we could provide nutritional supplements to needy pregnant women, nursing mothers, and small infants and still dou-

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ble the existing food assistance programs. Or we could build an additional 350 comprehensive neighborhood health care centers. Or we could assist rural development by providing community facilities, special housing, and family farm assistance.

We could do these things; we could do other things. We all have ideas for improving the quality of life in America, and for taking steps to restore a healthy environment so that we may continue to survive.

But we must also try to survive the threat of nuclear war. To do this, we must halt the arms race.

There is no deadline for action on ABM this year. We still have time to give peace a chance, to give negotiations a chance. Before we start down the path of phases II, III, IV, and so on, I hope that Senators will give earnest and careful consideration to the proposal to stop all deployment of the ABM. Last year was not soon enough. Next year will certainly be far too late.

Mr. President, I ask unanimous consent to have printed in the RECORD the amendment that I now submit and intend to propose at the appropriate time.

The PRESIDING OFFICER (Mr. BOGGS). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 829) is as follows:

Amendment No. 829

On page 2, line 2, of the amendment, strike out "838,600,000" and insert in lieu thereof "381,200,000".

On page 2 of the amendment, beginning with line 8, strike out all down through and including line 20 and insert in lieu thereof the following:

"TITLE IV.—PROHIBITION ON USE OF FUNDS FOR DEPLOYMENT OF SAFEGUARD SYSTEM

"SEC. 401. None of the funds appropriated pursuant to this or any other act may be used for the purpose of deploying a safeguard system at any site."

Mr. HUGHES. Mr. President, I ask unanimous consent that the name of the Senator from Hawaii (Mr. INOUYE) be added as a cosponsor of my amendment.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

AMENDMENTS NOS. 831 AND 832

Mr. HUGHES subsequently said: Mr. President, I send to the desk two amendments intended to be proposed by me and ask that they be received and printed.

The PRESIDING OFFICER (Mr. DOLE). The amendments will be received and printed, and will lie on the table.

Mr. HUGHES. Mr. President, this morning's Washington Post carried, among its letters to the editor, a most enlightened and rational statement about the true significance of ABM in the context of the SALT negotiations.

The conclusion of the five distinguished gentlemen who signed the letter is that "a Senate vote against the ABM is a vote for success in SALT."

This is precisely the conclusion which I have tried to advance today, but since their argument is more eloquent and persuasive than mine could be, I ask unanimous consent that their letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

The ABM Vote and the SALT Talks

Recently administration spokesmen have been insisting that unless the Congress authorizes the continued construction and expansion of the Safeguard ABM, it will not be possible to negotiate an agreement with the Soviets at SALT to limit strategic armaments. They argue that the negotiators need the Safeguard bargaining chip to induce the Russians to halt the deployment of their large SS–9 ICBMs.

This would appear to be an attempt to exploit the desire of the Senate and the public to achieve success in SALT in order to rescue the Safeguard program from defeat. The administration has always defended the Safeguard ABM defense of Minuteman sites on the basis that it was not a threat to the U.S.S.R. If true, why then should the continuation of this program be a chip to induce the Soviets to agree to limit their offensive missile deployment?

The major U.S. threat to Soviet security lies in the deployment of the U.S. MIRV systems. On April 9, 1970, the Senate passed a resolution by a vote of 72 to 6 urging that the President propose to the U.S.S.R. an immediate suspension by both countries of further deployment of *all* offensive and defensive nuclear strategic weapons systems. Yet this MIRV chip has been thrown away by the accelerated deployment of the Minuteman III and Poseidon missiles with their MIRV warheads and by the reported proposal that any MIRV limitations must be accompanied by Soviet acceptance of extensive inspection of both offensive and defensive missile sites. There is no security justification for such urgent MIRV deployment since the heavy Soviet ABM which they were designed to penetrate could not be deployed and become operational for many, many years.

It has also been reported that the possible outcome of SALT would be an agreement that henceforth the United States and the U.S.S.R. will limit their ABMs to the defense of their capitals. The continued deployment of Safeguard at the Minuteman sites will not in any way contribute to the defense of Washington, and the Senate is being asked to endorse the expenditure of funds for useless hardware if SALT is successful and for an admittedly at best marginally effective system if it is unsuccessful. Why the U.S. should try to get the Soviets to agree to the deployment of ABM defenses for Washington and Moscow instead of a complete ABM ban is not clear, since the defense of Washington will not accomplish any of President Nixon's three objectives for an ABM system. A complete ban would eliminate the need for MIRVs and simplify the problems of verification by obviating any possible need for inspection. It is reported that the Soviets have indicated interest in such a complete ban.

Finally, history has unmistakably demonstrated that restraints, not accelerated weapons programs, pave the road to arms control. Overwhelming superiority did not induce the Soviets to accept the Baruch plan. On the other hand, President Kennedy's American University pledge to halt atmospheric nuclear testing as long as the Soviets did the same rapidly produced agreement to negotiate the Limited Test Ban Treaty in 1963. Similarly, the Senate passage without dissenting vote of the Pastore Resolution in 1966 endorsing efforts to halt the spread of nuclear weapons broke the ice toward starting serious U.S.-U.S.S.R. negotiations on the Nonproliferation Treaty.

If the Senate wishes to conserve funds and make a maximum contribution toward improving U.S. security by achieving arms limitations and agreement at SALT, it will refuse authorization of funds for the expansion of Safeguard and forbid the expenditure of additional funds for the continued deployment at the two Safeguard sites approved last year until it is satisfied that the negotiators have not been able to persuade the Soviets to agree to limitations on offensive and defensive missile systems.

In our judgment, a Senate vote against the ABM is a vote for success in SALT.

W. AVERELL HARRIMAN.
KARL KAYSEN.
ADRIAN S. FISHER.
FRANKLIN A. LONG.
HERBERT SCOVILLE, Jr.

Washington.

Mr. HUGHES. Mr. President, another important contribution to the debate over the wisdom of proceeding with Safeguard is contained in the current issue of The New Republic. In that publication, Ralph E. Lapp cogently argues the case against ABM, declaring at one point in his article that:

> The Pentagon, having gotten the camel's head under the tent, is trying to ram through at least a hump.

Nothing has been completed in Montana or North Dakota.

Lapp writes:

> Nothing works—but now the Defense Department summons forth Phase II to cram more short-range Sprint missle interceptors into the Montana-North Dakota sites, and seeks to establish a brand new Safeguard site to protect the Whiteman AFB in Missouri.

The aptness of the article is such that I would like to share it with my colleagues, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Salt Chips and Safeguard

(By Ralph E. Lapp)

The US Senate is now debating Phase II of the Safeguard anti-ballistic missile program. Phase I of this ABM effort squeaked through the Senate last year by the narrowest of margins and, anticipating another close vote, the Senate Armed Services Committee has pared back the program hoping that a more modestly priced system will win support.

In reporting out the authorization bill, Senator John Stennis, chairman of the Armed Services Committee, claimed that the new version of Safeguard would cost only $6.5 billion as opposed to $10.7 billion for the full system. In making this cutback the Committee has once more shifted its stance on ABM, this time abandoning the 12-site area defense system (including protection against Red Chinese missiles) in favor of a 4-site deployment of radars and missiles. These will be aimed at defending part of the Minuteman ICBM force against the threat of a first strike by the Soviet Union. Senator Stennis maintains that the missile defense of Minuteman is absolutely essential to the survival of the United States—a thesis held with equal fervor by Defense Secretary Melvin Laird who has based his case for Safeguard on the first-strike potential of the mighty SS–9 Soviet missiles, as projected to

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the mid-1970s. But Sen. Stennis and Safeguard backers made no secret of the fact that their strongest argument is that the ABM system is a cardinal bargaining chip in the SALT talks, which seek to limit strategic arms. Defeat Safeguard, Sen. Stennis argued on the Senate floor, and "We would have a situation where Congress would deny to our President the very item—the major item, I believe—of the bargaining arrangement."

In response to the bargaining chip argument, Senator J. W. Fulbright highlighted the illogic of the concept: "They say that this money is to be only for hard-point defense for missile sites for Minuteman; and the very same day in a different context, you have Dr. Kissinger, the principal adviser to and spokesman for the President, saying, 'We are considering restricting ABM to the defense of Washington if the Russians only want it for the defense of Moscow'." Ironically, the Washington ABM site is one abandoned in Phase II of the latest Safeguard plan. So it's difficult to see how a failure to fund Phase II this year has any chip-value at all. For that matter there is no ascribable value to either Phase I or Phase II since each now seeks only to defend Minuteman silos—and not to protect cities against atomic attack. The bargaining power of Phase II has to be related to the SS–9 and to further deployments of this offensive missile, but nothing coming out of the SALT talks at Vienna suggests such a deal.

Assuming, however, that the SALT agreement pointed to matching a Washington, D.C. ABM defense against the 64-Galosh missile system (ABM–1) deployed around Moscow, would this mean stopping work on the US sites planned to protect Minuteman? That's hardly a bargain that President Nixon could go for, especially since he has placed so much emphasis on the Soviet strategic threat to these Minuteman bases.

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Encouraged by the one-vote margin of loss in last year's Safeguard vote, opponents of the ABM program had been eager to press for denial of further funds to Phase I ($1.0 billion) and new funds of $0.4 billion for Phase II. The former funds one site to defend Minuteman missiles at the Malmstrom Air Force Base in Montana, and a second site at Grank Forks, AFB, North Dakota. Last year, in urging approval of funds for Phase I, Secretary Laird pleaded: "Let us deploy Phase I. Let us complete it. Let us finish it. Let us see how it works and after that decide whether to go ahead." This year the Pentagon, having gotten the camel's head under the tent, is trying to ram through at least a hump. Nothing has been completed in Montana or North Dakota; nothing works—but now the Defense Department summons forth Phase II to cram more short-range Sprint missile interceptors into the Montana-North Dakota sites, and seeks to establish a brand new Safeguard site to protect the Whiteman AFB in Missouri. This 3-site ABM system will cost $5.9 billion, plus $0.9 billion for nuclear warheads for a total of $6.8 billion. There's even provision in Phase II authorization for preliminary work on another ABM site for the Warren AFB in Wyoming—the other hump of the camel!

On July 31, Senators Sherman Cooper (R, Ky.) and Philip A. Hart (D, Mich.) revealed their ABM opposition strategy, when they introduced an amendment to prohibit any new ABM sites from being constructed—beyond the two authorized in Phase I. Their amendment allows addition of more Sprints to the Montana-North Dakota sites, and is aimed at countering the don't-steal-the-President's-chips argument. That has become the mainstay of the Safeguard case, as illustrated by Senator Stennis' admonition on July 30th when he summed up a pro-ABM speech: ". . . I warn again, as strongly as I can, that a vote in the Senate against the ABM means sudden death at this sitting, at least, of the SALT talks in Vienna."

The history of the ABM project is tortuous, but never has a weapons system's justification shifted so abruptly to a basis of arms limitation.

It's tempting for a critic of Safeguard to analyze the new crop of inconsistencies, sudden swerves and policy twists in the program, but such an exercise merely underlines the irrationality of the whole program. Rather than attempt to follow the switchbacks and U-turns of Safeguard evolution, it is prudent to direct an analysis to the cost effectiveness of Safeguard, assuming the 3-site system is built and that it works.

The key question to ask about the Safeguard system is "How much does an ABM chip cost us—and how much will it cost the Soviets to match us?" Or, as Dr. John Foster, Jr., director of the Pentagon's research and development programs, put it: "—how much does it cost to add an extra defensive missile and how much to add an offensive missile?"

Dr. Foster gave his answer—$3 to $5 million for a US interceptor and $10 million for a Soviet attacking warhead. His chip cost is two or three to one in our favor. But he is also chief salesman for the Safeguard and as such he may be swept up in his own promotional zeal. Therefore, we shall examine the Safeguard system and make an independent assay of the chip cost.

First, let's look at our costs. To do this, we need to examine the US ABM system in some detail.

Phase I of Safeguard consists of the following hardware items for the Malmstrom and Grand Forks bases:

One PAR (Perimeter Acquisition Radar) for long-range detection and tracking of hostile warheads.

One MSR (Missile Site Radar) for directing missiles to intercept the detected incoming warheads.

One battery of long-range Spartan interceptors designed primarily for area defense of the United States.

Three batteries of short-range Sprint interceptors to back up the Spartans and to provide an active defense of the system radars.

The radars are the eyes of the Safeguard and they are also its Achilles' heel. Without electronic vision the giant missile system is blind and helpless to defend the Minuteman missile silos. Unlike the latter, which are underground silos built of reinforced concrete, the radars are ten times more vulnerable to a nuclear blast. As Defense Secretary Laird explained: "That is why most of our Sprint missiles will be deployed to provide protection for those MSRs."

In fact, Phase II of Safeguard adds four more Sprint batteries to the Montana and North Dakota sites to beef up the system. And in its initial version, Phase II sought to add ABM bases to protect the Whiteman (Missouri) and Warren (Wyoming) Minuteman fields. However, the Administration sensed the temper of the Senate and modified this deployment to include only the Whiteman site, reserving Warren for a future budget.

As it now stands, the Safeguard system will consist of 3 sites designed to protect 500 Minuteman missiles at a total cost of $6.8 billion. This figures out to be about $13 million to protect each Minuteman, but the figure is too low because there are fewer than 500 Sprints and Spartans in the system available to defend the silos. The Sprints are limited to defense of only one Minuteman squadron (50 silos) at a time.

If the Soviets target their attack on the weakest link in the Safeguard chain, they would aim to destroy the radars. Therefore, the number of interceptor missiles capable of fending off such an attack is the critical figure to use in calculating the cost of an ABM defense chip. The Pentagon refuses to disclose the number of Sprints and Spartans being produced in Phase I and II, presumably to keep the Soviets in the dark. Disclosure of the number would strengthen the hand of Safeguard opponents who maintain that the system is too thin to provide a thick defense of a critical component like MSR. In any event, the Soviets will know the number soon enough when the Sprint-Spartan cells are constructed and made visible to orbital photographic inspection.

It will be assumed that the total number of killer missiles available for MSR defense is 100 per base or 300 for all three ABM installations.

Assuming that each killer interceptor knocks out one incoming warhead, we divide $6.8 billion—the system cost—by 300 to obtain a chip cost of $22 million for the defense. This figure is many times that given by Dr. Foster and is to be explained by the fact that he made only marginal allowance for radar costs and neglected the total systems cost. There is no military experience in the anti-missile field, although the use of surface launched missiles in attacking aircraft shows that it takes as many as 50 defensive missiles to knock out one aircraft. The one-for-one ratio that Dr. Foster assumes is a most optimistic forecast. Should it require two Sprints to kill off one warhead, then the chip cost escalates to $45 million apiece.

Dr. Foster has minimized the U.S. chip cost; how valid is his $10 million estimate for the matching Soviet chip? Estimating Soviet costs is a perilous accounting practice, but we shall proceed by using the very same figures that Dr. Foster cites for Soviet weapons. These are $30 million for the monstrous SS–9 missile, which carries three 5-megaton warheads, and $10 million for the SS–11 missile which mounts a 1-megaton warhead.

Megaton-class warheads are essential for silo-busting—for digging Minuteman out of the ground—but they are overkill weapons when targeted on vulnerable radars. A warhead of one-tenth megaton delivered two-thirds of a mile off-target would destroy an MSR. Therefore the Soviet have a variety of offense options in staging an attack on Minuteman if they wish to knock out the ABM system. They could allocate a small number of SS–9s to a radar-busting attack, equipping these missiles with many 0.1-megation warheads. These need not all be MIRVed, i.e., independently targeted reentry vehicles; they could be partly clustered warheads like those carried in our A–3 Polaris submarine-launched ballistic missile. The US Poseidon missile, successor to Polaris, can mount a maximum of 14 warheads (MIRVs) per missile, so it is not unreasonable to assume that the much more massive SS–9 missile could carry twice as many warheads.

The Poseidonizing of the SS–9 was actually anticipated in the *Report on Military Spending* (to be discussed in a forthcoming article in *The New Republic*) released last month by Members of Congress for Peace through Law. This report put the cost of an SS–9 fitted with 20 warheads as $35 million. Thus each attacking warhead would cost about $2 million if allowance is made for launch failures.

A second Soviet option would be the employment of SS–11 missiles to carry, say, a cluster of five warheads. The Soviets have already deployed more than 830 of the SS–11s and allocation of a small fraction of these to radar-busting would make little impact on their inventory. They could also use the newer SS–13, a solid-fueled ICBM first deployed in 1968, to carry a multiple warhead. Such options would yield unit costs of about $2 million per attacking warhead.

Such offensive options are by no means far-fetched; they are within easy reach of Soviet technology and must be considered as realistic threats to Safeguard. The Soviets could also employ decoys in an attack on MSR, but we shall restrict the analysis to live warheads as stipulated by Dr. Foster.

The above reckoning gives the Soviets a unit cost of $2 million per warhead vis-a-vis $22 million for a U.S. killer missile. That's an eleven-to-one cost advantage for the Soviet. My estimate and Dr. Foster's are widely divergent, differing by a factor of 22.

Senator Stuart Symington (D, Mo.), former Secretary of the Air Force, was much concerned with offense-defense cost ratios and subjected Dr. Foster to a barrage of barbed questions in the course of a Senate inquiry. Dr. Foster countered by saying: "The way to overcome your particular concern, Senator Symington, is to put in enough missiles for defense at half the price of the offense." But if the criterion used is correct, then there is something terribly wrong with the Pentagon's arithmetic.

The criterion used by Dr. Foster is backed by the Senate Armed Services Committee, for on page 21 of its authorization report we find: "The Committee accepts the view that the relevant criterion for the evaluation of a system of active defense is not the defense cost per Minuteman silo saved, or the relationship between the cost of the protection and the cost of the missile itself. It is, rather, a comparison of the cost of the defense to the cost of the offense to offset that defense." But the Committee provides no cost figures to support its case. Instead its chairman switches to a political base, namely, the President needs Safeguard as a bargaining chip at the SALT table.

Given the corkscrew course of the U.S. ABM program, one may wonder if the bargaining chip argument is bona fide. If it is then one may ask: How many bargaining chips do we need?

As will be shown in my critique of the MCPL (*Report on Military Spending*), the Administration is proceeding to acquire major strategic weapons systems—Minuteman III and Poseidon—whose chip value must impress the Soviets. Given the military worth of offensive missiles, the Soviets may be pardoned if they view Minuteman III and Poseidon as prime pieces on the strategic chess board and ABM as simply pawns.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. HUGHES. I am happy to yield to the Senator from California.

Mr. CRANSTON. I want first to thank the Senator from Iowa for the leadership he has provided on the ABM issue in offering this amendment. I believe that it is vitally important that the facts as he has stated them be considered and recognized by the Senate, and that we support this amendment as the soundest approach to the vast expenditure of funds that would seem to serve no constructive purpose, if ABM were continued as proposed in the pending measure. So I rise to support the Hughes amendment, of which I was the first cosponsor.

Mr. HUGHES. I wish to thank the distinguished Senator for the comments he has made regarding my approach to the amendment this year, for his continuing support, and for his concise look into the problems of this gigantic system in America which does not seem to be successful or to have the probability of success. I am grateful to the distinguished Senator for his comments of support today as in the past.

Mr. SCOTT. Mr. President, the statement has been made that nations do not arm in order to disarm. I am bound to say that I disagree with that. The entire history of conflict is to the contrary.

We armed belatedly in the First World War, only to disarm thereafter. We armed belatedly in the Second World War, only to disarm precipitately thereafter. In years almost too short to count, we armed hastily again for the Korean war, and we proceeded to cut down on forces and then armed again for the Vietnam war. The SALT talks are an effort to persuade the Russians and ourselves to disarm partially, to agree on a plateau of disarmament.

I never speak on any matters regarding the defense of the United States without wishing that I could support disarmament. The Russians for years have contended that we ought to have unilateral and complete disarmament, meaning that we disarm and they arm.

It would be far easier for me, especially in an election year, simply to say that I agree with all the proposals to disarm—let us turn the swords into plowshares and till the soil while other nations remain strong. I wish I could do that. It would make a very good argument for me in an election year.

I really wish I could support all the simplistic proposals to tie one hand behind our back and then try to move just as surely as possible into negotiation. But the evidence is indisputable to me that the one thing which has carried the SALT talks toward success has been the evidence which the Russians have seen on the part of the United States to maintain a minimal defensive posture. We are only talking about phase I of the ABM and not the so-called Chinese menace embodied in phase II.

I would hope that the SALT talks could come to an end so that we would know exactly what is expected of us, as Americans, with the deepest concern which every Member of this Chamber shares for the proper defense of the United States. But when we speak of expecting the restraint to be shown by other nations, it sounds like ancient history, to go back to 1922. That was the year, I believe, of the Treaty of Washington, and the great powers gathered and discussed naval disarmament. Then, practically everybody in America was for the most peaceful solution. Practically every Senator then, in those days, was for disarmament, and we did not have the close division of disagreement. We decided to trust everyone else. The arguments, I am sure, must have sounded as they have sounded in this year of 1970: What are we afraid of? What are we concerned about? If we disarm, they will disarm, too. They are only afraid of us.

We know what happened. We sank our battleships. We stopped the construction of other great ships on the ways. We had Colonel Mitchell go out with his flimsy plane and drop some bombs on the *Ostfriesland*, a captured German battleship, dropped some bombs on other vessels, and we sank them in the Chesapeake.

Everyone said, "The nations will not make war any more, and they will beat their swords into plowshares, and we will follow in the ways of peace." The Japanese did not destroy any vessels. They destroyed only the blueprints. The Imperial German Government did not destroy any vessels. It destroyed only the blueprints.

Now it is proposed not only that we destroy blueprints but also that we destroy our arms, that we cease to build, and that we do not defend the United States as our Defense Department says it must be defended.

I would rather have the other side of this argument. It is the popular side. It is the side on which people all say, "Never mind the defense of the United States. Nobody will hurt us."

We bought one big war and two little ones because we believed that argument before, and we will buy other wars if we believe it again. Just as surely as we stand here, we will be saying to those who are of an aggressive frame of mind, of a warlike nature, "The United States has done it again—in 1917 and 1940 and 1950 and 1961. So now we do it again, and we save money. We put it into things that we ought to put it in." I agree. We ought to put it into this and that and the other, and they all need it. But not one of them would be worth anything and not a domestic benefit would exist if this country lay prostrate at the feet of an alert and aggressive foe. No, I do not think we should go further than the Armed Services Committee has gone, but we ought to go at least that far.

We ought to remember the Naval Conference of 1922 and apply what happened after the Treaty of Washington to all the arguments being made here. I do not know of any acid that would more successfully dissolve most of the arguments we are hearing than the recollection of the United States one more time deciding that it will deal not from strength but from weakness—from the sure strength that we believe in our principles, from the certain strength that we will defend ourselves, and from the complete determination that we will not make war upon anyone else, that we wish no nation's soil, and that we wish to give no offense to any peoples.

But, surely, there is a minimal line, and here we are in disagreement—honest, concerned Senators, all men of good will—as to where the line needs to be drawn. For me, I will draw it where the Armed Services Committee has drawn it. I will support the decision to continue only with the deployment of phase I. I will hope that the SALT agreements may make it possible for nations to forget this dreadful rollcall of alphabets—the ABM, the ICBM, and the rest of the mutual horror with which we are confronting ourselves—and it can be done.

But it is, in my opinion, unlikely to be done if the Russian Government is convinced that the Congress of the United States is unwilling to defend the United States with adequate, needed, deterrent weaponry.

I wish I did not have to make this speech. I would far rather be making the others. If I could bring myself to believe it, I could make a better speech on the other side. But my trouble is, I cannot believe it. Being unable to believe it, I can only say what I have to say. I may add it is against the advice of most of the people in my own office that I am making this speech, and against the advice of the so-called public relations people I know, who say that I should listen to the letters and the protests, that I should listen to all those people who will help me get reelected.

I wish I could. But, there is a little matter of the oath of office. Each of us here separately is responding to his concept of that oath. So am I.

I will have to support the committee.

Mr. HUGHES. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I am glad to yield to the Senator from Iowa.

Mr. HUGHES. I should like to indicate to the distinguished Senator from Pennsylvania that the junior Senator from Iowa very highly values his opinions in regard to this or any other problem our Nation may face. Certainly, in the common interest of all the people, his long experience and years of study and expertise in all these fields have brought him to a position of leadership in the Senate.

I respect him for the courage he has displayed in going against the advice of his public relations friends and most of the people in his office, but I should like to make a simple request of the Senator from Pennsylvania: that he read the speech I have just delivered on the floor of the Senate—I am sure he did not have the opportunity to hear it all—and if there is any indication in that speech that I advocated in any way the disarmament of this Nation, or in any way to lessen the capacity of this Nation to respond to initiatives by other countries, or in any way to abandon the maintenance of adequate military capability of this Nation, under all circumstances, I hope that he would so indicate to me, because it certainly is not my intention to indicate anything like that.

The discussion and debate over the ABM system, on phase I, II, or III, I think, as the distinguished Senator indicated, has the potential result that honest men, with the common security of their nation as the reason for their statements, might arrive at different conclusions.

I thank the Senator from Pennsylvania for yielding to me.

Mr. SCOTT. I want to say to the distinguished Senator from Iowa that I shall read his speech and shall read it with a great deal of interest. I did read a part of it. As the distinguished Senator knows, I have not and certainly would not imply that there is lessening, or any less interest on the part of any Senator, or on the part of any other Senator, for the protection of this Nation. I had hoped to make clear my belief that a certain level of protection of our country is the minimal level I could support, that we do disagree, and that others have a view as to other levels which they believe to be adequate.

This is the high tradition of the Senate, that Senators disagree without being disagreeable about it, that we respect the conscience and concerns of each other, as I do the deep and the scholarly way in which the distinguished Senator from Iowa has approached the subject, quietly and reasonably. Therefore, it will be a pleasure, indeed, to become acquainted with the entire statement which the Senator has made.

Mr. MURPHY. Mr. President, will the Senator from Pennsylvania yield for a question?

Mr. SCOTT. I am happy to yield to the Senator from California.

Mr. MURPHY. I was impressed with the recitation of the distinguished Senator from Pennsylvania about the experiences of the past, where the United States had taken the lead in giving concrete evidence that we are not a warlike nation, that we seek peace, that we destroyed our armaments while others tore up only their blueprints. I wonder whether I am correct in saying that the latest experience, I recall, had to do with the Nuclear Test Ban Treaty of 3 or 4 years ago during the preparation of which, during all the advance talks leading up to the meetings, and during the meetings themselves, we found that the Soviet Union had, during all that time, been preparing for tests which gave them a great advantage in the nuclear field. Is that not quite right?

Mr. SCOTT. My recollection agrees with that of the distinguished Senator from California. That is how I so understand it.

Mr. MURPHY. The evidence is that during the entire time when we were taking the lead and once again saying, "Let us make every effort toward peace. Let us stop everything. Let us achieve peace. Let us achieve this hoped for, sought for, and prayed to objective where we can, gradually do away with armaments." But, during the time of those meetings and all those preparations, the high-yield tests by the Russians were actually ongoing and must have been of No. 1 importance in order to have been achieved at the time they were going on. Is that not the Senator's recollection?

Mr. MURPHY. I thank my distinguished colleague.

Mr. SCOTT. My recollection is the same as that of the distinguished Senator from California.

Mr. STENNIS. Mr. President, I want to make this statement so that it will appear in the RECORD at this point, that the statement just made by the Senator from Pennsylvania is one of the best, particularly from the standpoint of leadership. It is also one of the best analyses, at the same time, of the situation with which we find ourselves confronted. I appreciate very much his strong stand here to meet what, unfortunately, is our first obligation in the Senate; namely, to protect the security of this Nation.

I know there are others who disagree with that who are equally as sincere as I am, but I think the Senator's statement is something to point to.

In this whole debate, the statement of the Senator from Pennsylvania is the stake to which the welfare of our country can be tied, and I commend him and at the same time thank him for expressing his fine sentiments.

Mr. CRANSTON. Mr. President, I want first to say that I share with the Senator from Iowa (Mr. HUGHES), my colleague from California (Mr. MURPHY), and the Senator from Mississippi (Mr. STENNIS), the esteem they have expressed for the Senator from Pennsylvania, the distinguished Republican leader. He has set forth a viewpoint in regard to this legislation that merits the most careful consideration by the Senate and the country.

I know of no Senator in this body—and I am sure he knows of no Senator either—who advocates any form of unilateral disarmament by the United States. I believe that every Senator in this body knows that, and recognizes that the United States must have adequate strength to defend itself in a world of anarchy.

The Senator from Pennsylvania stated that it would be vastly dangerous if others in this world were given the impression that the Senate did not recognize the United States must have "adequate, needed, deterrent weaponry."

I would most certainly agree with that statement, but I do not see how that statement can relate to the discussion on the ABM system since I think the Department of Defense itself, in testimony rendered this year to the Armed Services Committee, indicated grave doubt as to the adequacy of the present proposed ABM system and its ability to do its performed task.

If that is true, it is certainly not needed. If that is true, it is not a deterrent. If that is true, it seems to me it cannot be classified as weaponry in the sense that we would mean by weaponry, weapons that can really serve fully the defense of this country in a time of trial.

Mr. President, I rise in support of the Hughes amendment, of which I was the first cosponsor.

Last year, during the heated debate over the ABM system, a bumper strip appeared with the caption "The ABM Is an Edsel."

A year later I have concluded that this phrase was an insult to the Ford Motor Co.

The Edsel was designed to be an automobile, and it worked.

It is still unclear what the Safeguard system was designed to do.

Safeguard was conceived originally for one mission—the defense of our cities.

When it was found that Safeguard could not do this job, it was given another assignment—the defense of our Minuteman sites.

Now there is clear and compelling evidence that it will not be able to do this job either, and that there are less costly and more effective ways to handle the defense of our Minuteman.

The Safeguard system then is still, this year, as it was last year, a weapons system in search of a mission.

We have heard many arguments advanced in favor of ABM over the past years.

The defense of our cities, protection from the threat of a Chinese nuclear attack, the defense of our own land-based missiles, and so forth.

In fact, there never has been a major weapons system for which so many dis-

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ingenuous and conflicting claims have been advanced.

The latest and perhaps the most ludicrous argument advanced in favor of the ABM is that we need it as a bargaining chip for the SALT negotiations in Vienna.

This argument would be genuinely funny if it were not for the tragic consequences which could flow from it.

Those who advance it believe that we can negotiate successfully with the Soviet Union only if we do so from a position of strength.

The fact is, however, that negotiation from a position of strength has never worked in nuclear negotiations between the United States and the Soviet Union.

As Dr. Adrian Fisher points out, the Soviets rejected the Baruch plan in 1946 because they felt acceptance of the plan would make them a second-class power.

Similarly, we rejected Soviet overtures for a restriction of strategic nuclear delivery systems in 1957, because of our fears that they were ahead of us in delivery systems at that time.

In fact, arms limitation arguments have been successfully concluded between the Soviet Union and the United States only in those instances when both sides approached negotiations with an attitude of restraint.

Mr. MURPHY. Mr. President, will my distinguished colleague yield for a question?

Mr. CRANSTON. I am happy to yield to my distinguished colleague.

Mr. MURPHY. Mr. President, I would be most interested in knowing what arms limitations conferences my distinguished colleague considers to be successful.

Mr. CRANSTON. Mr. President, I am just going on to cite some that were successful. My analysis of them as being successful is based on my reading of current history and the remarks on the ABM debate by Dr. Adrian Fisher, who was the principal negotiator for the United States with the Soviet Union, some of which negotiations were successful.

Mr. MURPHY. Mr. President, was he the chairman of the Arms Control and Disarmament Agency?

Mr. CRANSTON. No. He was an adviser in the State Department.

Mr. MURPHY. He was connected with the Department of State and not with the Department of Defense?

Mr. CRANSTON. The Senator is correct.

Mr. MURPHY. I thank my distinguished colleague.

Mr. CRANSTON. As an example of the times when we did not negotiate from a position of superstrength—and not from a position of weakness—but of restraint, I will cite the Antarctic Treaty, the Test Ban Treaty, and the Treaty on the Nonproliferation of Nuclear Weapons.

One of the most impressive pieces of evidence Dr. Fisher advances to support his contention that arms limitation negotiations are more successful when conducted in an atmosphere of restraint is the importance he attaches to the Pastore resolution in clearing the way for the nonproliferation treaty.

Mr. MURPHY. Mr. President, would my distinguished colleague yield for a question?

Mr. CRANSTON. I yield.

Mr. MURPHY. Mr. President, was my distinguished colleague in the Chamber when I referred to the Test Ban Treaty and pointed out that during the times of the talks and the meetings and all during the preparations for them, the tests which the Soviet Union conducted at that time and just before gave them a great advantage in the high yield atmospheric nuclear test? In other words, we had had a great advantage up to that point. But there is still some question as to whether they were successful negotiations from the standpoint of the United States of America.

I wonder if my distinguished colleague recalls that as to the nonproliferation treaty—and, from my standpoint, it was not a successful treaty from the standpoint of the United States—that all that treaty would do, once it was signed, would be to make the United States immediately involved if a nonnuclear nation was attacked by a nuclear power. We would have to go to the defense of the nonnuclear nation.

Then, as I recall, two nations—the French and the Chinese, both of whom had nuclear capability—said in essence they would not be a party to the treaty.

All the treaty actually did was to make it impossible for some of our potential allies in Europe ever to get nuclear capability.

There was some question in my mind as to whether that treaty was successful and whether it was to the advantage of the United States—if it was a treaty, in fact—and to the advantage of our allies in the free world.

I merely point that out because I know there has been so much discussion of these things and so much honest difference among those both for and against, that I wanted to make certain that as much of the history as I have been able to pick up is all made clear in the process of this debate so that with the good Lord's help, we might come up with the right answer. This is one area in which we dare not make a mistake.

I thank my distinguished colleague.

Mr. CRANSTON. Mr. President, I thank my distinguished colleague. I simply would say to him that the Test Ban Treaty and the Nonproliferation of Nuclear Weapons Treaty were successful in that the basic objective was accomplished after substantial time had passed following negotiations and the Senate proceeded to ratify these treaties. Apparently the Senate by a vote of more than the two-thirds which is required felt that all in all, taking into account certain unhappy events that may have transpired during the negotiations, it was in our national interest to sign the treaties and have them in effect.

I know that my colleague is deeply concerned about pollution in this Nation. He has done a great deal of work in this regard. It was because of the elimination of nuclear tests in the atmosphere that create such a threat to mankind that we felt that treaty was necessary. Regardless of what may have happened during the time of the negotiations, it was felt that we should get it ratified.

In regard to the nonproliferation treaty, it was deemed to our advantage to have proliferation halted to the degree that it could be by those nations who were willing to sign the treaty. Not all of the nations have signed it. The greater the proliferation, the more danger there would be to mankind.

Mr. MURPHY. Mr. President, I completely agree with the thesis and the conclusions of my distinguished colleague.

My only point is that with respect to an approach to a hopeful and final solution of these armaments, so often we hear people say, "Well, if we will make the first move and set a good example, the others will follow."

Unfortunately, in my lifetime, I recall so often that we made the first move and other nations did not follow.

I am just wondering whether another approach might be more successful and more productive. For example, there was discussion in the debate here as to whether the first phase of the ABM would or would not help the SALT talks. Everyone in this Chamber wanted the SALT talks to take place and to be successful.

There is still a difference of opinion on the matter, depending upon which expert one listens to, as to whether the first phase of the ABM helped the SALT talks. I am under the impression that they did help the talks and that the talks proceeded to a greater and more successful degree because of the ABM than they would have had we not voted for the ABM.

As my distinguished colleague knows, and perhaps better than I, this is an international poker game. I think the main target and desire of the United States is clearly stated; the object must be recognized for all who wish to recognize it. However, we often find on the other side suspicions with respect to whether it is real or whether it is for the purpose of facade. We always hear the same argument: "We will impress them that we want to be honest, decent, and fair and then they will react the same way." My concern is that that has not been so over the years. They are always testing and they will operate in their self-interest, as a nation.

At the moment I am concerned as a member of the Committee on Armed Services because of the conditions that exist in the Soviet Union and the ascendancy of the military group to the politburo, and the fact that they are building their military establishment not only at a fast rate but at a faster rate than our intelligence thought possible until 6 months ago. Also, at home we know that within the Soviet Union they have economic programs with very great and widespread problems, and with these conditions put together throughout history they have always resulted in serious trouble in the world.

So reading from the lessons of history and putting all of this together it

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is possible the Senator from California may be supersensitive in his desire with respect to the outcome of this agreement, but it is hoped that we will come up with the proper answer that will insure properly and safely the national security of the United States, for if that is destroyed I am afraid the main cause of peace throughout the world will be destroyed.

I thank the Senator.

Mr. CRANSTON. The senior Senator from California and the junior Senator from California are totally together in being determined to do whatever is necessary for the security of our Nation, the final point my colleague touched upon. Our only difference is that sometimes we have different theories as to how best to achieve that end.

On the matter of negotiations I will grant that the question of how the other side will react to a particular set of circumstances can never be known until you are at the bargaining table. But in looking at history, in five efforts at negotiations with the Soviet Union two were unsuccessful where one side was trying to negotiate from a position of overwhelming strength and three have been successfully negotiated without the other side seeking to get the best of the other.

Thus, in the case I was last discussing before entering into colloquy with my distinguished colleague from California, it was only after the Pastore resolution was adopted by the Senate that the way was clear for negotiations leading to the nonproliferation treaty.

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Only when we made it clear that we had no intention of transferring our nuclear weapons to other powers did the negotiations begin to move ahead in earnest.

I am convinced that the negotiation through strength approach is discredited both by experience and by commonsense.

I realize, however, that many of my colleagues disagree.

And I should like to leave one final thought with those who hold to a different view:

Does the deployment of a costly, noncost effective ABM system which demonstrably cannot do the job it is supposed to do increase America's strength?

My conviction is that it does not, that it is just another costly and needless mistake.

The Russians, whatever else they may be, are not stupid.

They know, as well as we do, the limits of an ABM system.

After all, they stopped building one of their own.

This being the case, it seems to me that our own ABM is a pretty soggy chip to try to cash in at the SALT talks.

Mr. President, my firm belief is that there is neither safety nor security for any of us in a continuing arms race.

I believe responsible men in all nations are coming more and more to this view.

I realize, however, that pending the day when comprehensive arms reduction agreements are negotiated, we will have to continue to spend billions for our national defense.

But let us not bemuse ourselves into thinking that pouring billions into weapons systems which do not work will afford us any additional security.

Mr. President, we have already poured enough money down the drain on Safeguard. For the reasons I advanced and the reasons so eloquently and articulately advanced by the Senator from Iowa, let us not waste any more money now.

LETTER OF SECRETARY OF DEFENSE LAIRD ON SAFEGUARD ABM

Mr. JACKSON. Mr. President, I want to place in the RECORD today a letter to me from Secretary of Defense Melvin Laird expressing the Secretary's view that diversion of the $365 million in Safeguard research and development funds to a program of R. & D. on hardsite defense would "necessitate cancellation of the phase 1 deployment."

Senator STENNIS and I had expressed the same view on the floor of the Senate last Wednesday, August 5, in commenting on the Hart-Cooper amendment to the Defense Procurement Act, and on the explanations given by the sponsors in support of that amendment.

In his letter, Secretary Laird also points out that the development of a hardsite defense system is not envisaged as a replacement for Safeguard. The Secretary wrote:

> Far from rendering Safeguard obsolete, hardsite components if deployed in combination with the Safeguard defense of Minuteman would provide a formidable counter to a severe threat, should it materialize.

Secretary Laird's letter confirms my view, expressed on the floor of the Senate last Wednesday. The Secretary states that in the event of a severe and rapid increase in the Soviet threat to Minuteman:

> We could strengthen the four-site Safeguard defense of Minuteman by deploying more Sprints and more MSRs in the same four Minuteman fields.

I ask unanimous consent that the full text of Secretary Laird's letter of August 7 be placed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., August 7, 1970.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SCOOP: I am writing in answer to your questions about the impact of amending the authorization bill to redirect $365 million in Safeguard Fiscal 1971 RDT&E funds to development of a dedicated hardsite defense system.

Redirection of these funds would require that we stop deployment of Phase 1. Without funds for completing the relatively small amount of development work remaining and without funds for continuation of test and evaluation of system operation we could not field a completed system. This would, in turn, require that the contractors disband the skilled work force and specialized facilities assembled to produce Safeguard components.

The reason the impact is so severe is that redirection of the Safeguard RDT&E funds would preclude completion of Safeguard development and would bring to an immediate halt our test and evaluation program at Meck Island in the Kwajalein Atoll. There would be no further flight tests of the prototype system on Meck Island. I think you know that we have installed on Meck Island the essential elements of Minuteman defense—an MSR, its test data processor, initial software, Spartan launchers and Sprint launchers. We are now integrating this complex into a working system and have already passed the first milestone of a successful space point intercept with a Spartan missile under control of the Missile Site Radar and its data processor. It is absolutely essential that we complete this test and evaluation work, which gives us a very early look at the system performance. I am completely confident that the Meck Island tests will demonstrate continuing success; however, further confirmation by field testing is essential, and we want to get on with it. We must have the RDT&E funds that pay for operation of the Meck Island complex, for the Spartan and Sprint missiles flown in the test, special test targets, etc. Also, the RDT&E funds are needed to continue software development for the operational sites and to continue development of the Modified Spartan.

In the matter of developing a dedicated hardsite defense system, I fully support the development, and on numerous occasions Mr. Packard and I have so testified. We have tried to make clear the role hardsite defense plays vis-a-vis Safeguard defense of Minuteman. Safeguard is the earliest effective defense of Minuteman we can deploy. It will be effective against the likely threat of the middle 1970s, and for moderate threat levels Safeguard is economical.

It is important to understand two things: (1) dedicated hardsite defense cannot be available as early as Safeguard, and (2) hardsite is economical only if needed and deployed to counter very high threat levels. We do not expect these very high threat levels in the middle 1970s. Rather, we would expect them to develop later, if at all. But as a hedge against the possibility that the Strategic Arms Limitation Talks fail to limit Soviet ICBM deployment and that our Safeguard deployment in defense of Minuteman fails to discourage Soviet ICBM proliferation, we are developing a hardsite system that could augment Safeguard, if necessary.

Incidentally, I have read some recent press stories stating that hardsite is intended to replace Safeguard. This is incorrect. Far from rendering Safeguard obsolete, hardsite components if deployed in combination with the Safeguard defense of Minuteman would provide a formidable counter to a severe threat, should it materialize. Should the threat grow with extreme and unexpected rapidity so that it exceeds the Safeguard defense level before hardsite is available—something we do not predict at this time—we could strengthen the four-site Safeguard defense of Minuteman by deploying more Sprints and more MSRs in the same four Minuteman fields. We have no plan to do this, and we do not expect that it will be necessary; however, it is important to note that the option is available.

We are making good progress with the hardsite R&D program. It is now in the concept formulation stage, and we are defining a hardsite design which would be optimum for economical defense of Minuteman against very heavy threats. In addition we have funded some R&D work in technology areas which we are certain will be essential in developing hardsite system hardware and software.

We have not yet worked out detailed costs and schedules. But it appears that the development program will lead to a system which would become available, if needed, in the late 1970s, several years later than Safeguard. I have heard the comment of some who believe that we could make the hardsite system available sooner, even as soon as Safeguard. These comments overlook, for example, the fact that a full-scale prototype of the Safeguard Missile Site Radar has been under test on Meck Island for almost two years now while the hardsite system is today only a concept in the early stage of definition. Hardsite hardware has yet to be constructed for test and evaluation.

Also, redirection of the $365 million of Safeguard RDT&E funds to support hardsite development is unnecessary. As we have testified, we have in the Advanced Ballistic Missile Defense line item of our budget $158 million in FY 71 R&D funds, of which $58 million is set aside for development of a hardsite defense system. This amount was chosen to be wholly adequate for this phase of the program. Additional funding at this time would not expedite the hardsite program.

In summary, redirection of the Safeguard FY 71 RDT&E funds would necessitate cancellation of the Phase 1 deployment and all further deployment options. The diversion of these funds to the hardsite program would not expedite the development because it is fully funded for Fiscal 1971.

Sincerely,

MEL LAIRD.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I should like to conduct a colloquy with the Senator from Iowa concerning the time to vote on Wednesday, a matter that I think will be of interest to Senators.

Mr. President, the Senator from Iowa has an amendment which he has just explained. Referring to the unanimous-consent agreement, there is a special provision for 1 hour to each side on the Hughes-Brooke amendments.

The Senator from Iowa made a suggestion to see what would be the situation about coming to that amendment on Wednesday and getting it disposed of well ahead of the vote on the Cooper-Hart amendment.

Will the Senator state the proposal now?

Mr. HUGHES. Mr. President, as the distinguished Senator has indicated, trying to accommodate the number of Senators who wish to be present for the vote on the Hughes amendment on Wednesday, it becomes apparent that, if we could reach an agreement that we would not take up the amendment until 11:30 a.m., it would probably be the most convenient time, thereby bringing it to a final vote at about 1:30 in the afternoon. If that could be arranged with the distinguished Senator from Mississippi and the distinguished Senator from Kentucky (Mr. COOPER) I think it would be convenient, if it is also in keeping with whatever the nature of the objectives might be.

Mr. STENNIS. I think we should not try to change the unanimous-consent agreement. All we could do would be to have an understanding that the author of the amendment and the manager of the bill will work to that end. This would leave 2 hours before 3:30, the time for the vote on the Cooper-Hart amendment. The proposal has appeal to me. The Senator from Kentucky is in the Chamber as is the Senator from Texas (Mr. TOWER). They might have some comment to make.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. TOWER. I have not had an opportunity to discuss this matter with the Senator from Massachusetts (Mr. BROOKE), but I understood his amendment would be called up subsequent to the amendment of the Senator from Iowa, in which case it would seem to me, considering the time expended to vote, that the Hughes amendment should come up earlier and be voted on Wednesday, but somewhat earlier than 1:30. As I said, I have not had an opportunity to discuss this with the Senator from Massachusetts.

Mr. HUGHES. The Senator from Iowa is willing to give the Senator an opportunity to speak with the Senator from Massachusetts, or with whomever he wishes, to work toward this end.

The purpose of the colloquy is to see if it is possible if we could bring it up before 11:30.

Mr. TOWER. I understand the agreement specifies no time, except, from the standpoint of debate time, that they should be disposed of prior to the vote set at 3:30 on the Cooper-Hart amendment, as conceivably amended or not amended.

My suggestion is this: It is conceivable that the amendment of the Senator from Iowa and the amendment of the Senator from Massachusetts could be brought up in turn and debated, with the vote being postponed until the debate on all amendments has been concluded, and then the debate on each amendment in turn being voted on, arriving at the vote on the Cooper-Hart amendment at, say, 3:30.

Mr. STENNIS. May I call attention to the fact that, although I called it the Brooke amendment, it is altogether different from the Hughes amendment. It is an amendment to the bill; it is not an amendment to the Cooper-Hart amendment. The amendment of the Senator from Iowa is an amendment to the Cooper-Hart amendment. I think they are two separate and distinct matters, even though I used the name of the Senator from Massachusetts.

Mr. TOWER. It was my understanding, though, when we got the consent agreement, that the time on all the amendments would be limited to 1 hour except that there would be a limitation of 2 hours on the amendments of the Senator from Massachusetts and the Senator from Iowa, which would imply that the Senator from Iowa intended it as a substitute or as an amendment to the Cooper-Hart amendment. Otherwise it would not apply here. If it were an amendment to the bill only, it could be brought up at a subsequent time to the vote on the Cooper-Hart amendment.

Mr. STENNIS. The Senator from Massachusetts is in town. Perhaps he should be notified.

Mr. COOPER. The Senator from Massachusetts (Mr. BROOKE) is not present at this time. I understood him to say he would offer his amendment to the bill. Would it be helpful if the Senator from Mississippi, the Senator from Texas, the Senator from Iowa, the Senator from Michigan, and I could meet here at a stated time tomorrow and see if we could work out the schedule for Wednesday's vote in a more satisfactory manner?

Mr. STENNIS. I think so. If it could be done this afternoon, it would be much better, because so many Senators want to know.

Mr. COOPER. At the conclusion of the speech of the Senator from Kansas, I shall try to reach the Senator from Michigan (Mr. HART) and the Senator from Massachusetts (Mr. BROOKE).

Mr. TOWER. Mr. President, if the Senator will yield, it makes very little difference to me how it is done. I am simply trying to protect the Senator from Massachusetts. I would like to ascertain whether he intends to offer his amendment prior to the vote on the Cooper-Hart amendment or subsequently. It was my understanding, when the original consent agreement was propounded, that it would be offered as an amendment to the amendment of the Senator from Kentucky and the Senator from Michigan. Otherwise, it would not have been included in the consent agreement.

Mr. COOPER. Mr. President, I wish to make this statement on behalf of the Senator from Michigan (Mr. HART) and myself.

On August 5, Senators JACKSON and STENNIS raised a question about our amendment No. 819 to the military procurement bill, H.R. 17123. We wish to assert once again, as we did in a press statement that day, that the Hart-Cooper amendment does not restrict the use of the $365 million requested by the Department of Defense for research and development on Safeguard. It is the view of Senator HART and myself that research and development should be directed toward the deployment of an effective system specifically designed for the protection of the Minuteman deterrent, but our amendment does not compel the Department of Defense to use the research and development funds in this way.

The language of the Hart-Cooper amendment makes this statement clear: that it does not affect or restrict in any way the use of the funds provided in the bill for phase I, including the use of those funds for research, development, testing, and evaluation.

I ask unanimous consent that the amendment be printed at this point in the RECORD.

There being no objection, the amendment (No. 819) was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 819

On page 7, line 1, strike out "$1,031,600,000" and insert in lieu thereof "$638,600,000".

On page 16, line 8, strike out "$322,000,000" and insert in lieu thereof "$192,800,000".

On page 17, beginning with line 15, strike out all down through line 5 on page 18, and insert in lieu thereof the following:

"SEC. 402. (a) No funds appropriated pursuant to this or any other Act may be obligated or expended in connection with deployment of the Safeguard antiballistic missile system, or any part or component thereof, at any site other than the two sites at which deployment was heretofore authorized by law(Malmstrom Air Force Base, Great

Falls, Montana, and Grand Forks Air Force Base, Grand Forks, North Dakota).

"(b) The provisions fo subsection (a) shall not apply to the obligation or expenditure of funds for research, development, testing, and evaluation activities carried out in support of any advanced antiballistic missile program at sites heretofore established for such purpose."

Mr. STENNIS. Mr. President, I appreciate the Senator's viewpoint. I thank him for putting that matter in the RECORD as a part of the history. We will have to refer to that again at an appropriate time.

THE SAFEGUARD SYSTEM

Mr. DOLE. Mr. President, last year I spoke of the need for authorizing the deployment of the first phase of the Safeguard ABM system. As you recall, the debate of this issue was long and heated. As I said last year:

> Spirited debate is inevitable when we are confronted with a problem of such technical magnitude and scientific complexity as our deterrent defense system.

We are now considering an authorization to continue work on the Safeguard system, a step which represents the minimum response to an urgent need.

The President has made a clear and persuasive case for this continuation of Safeguard. As in the past, he has been reasonable, prudent, and realistic in his proposals.

It is unbelievable that the Senate is now trying to handcuff President Nixon in light of what he has achieved in the last 18 months.

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First, the President has a plan for peace in Vietnam, and it is working.

Second, an Arab-Israel ceasefire began Friday night as a result of Mideast peace proposals prepared by the Nixon administration.

Third, progress is being made at the Strategic Arms Limitation Talks—begun under the Nixon administration—in Vienna.

In view of these developments, it seems indefensible that the President's judgment, motives, or wisdom would be questioned now with reference to Safeguard.

CRUCIAL MOMENTUM

Last year, by a narrow majority, authorization was granted to begin work on two sites—Grand Forks Air Force Base, N. Dak., and Malmstrom Air Force Base, Mont. That work has begun and much has been accomplished. Most importantly, the Safeguard program has developed the momentum so necessary for the timely and orderly prosecution of the deployment. Thousands of Government and contractor personnel have been employed. Production lines have been established. Site construction has been initiated. Getting all of this started and keeping it going in an orderly, coordinated fashion is no easy job. It is a stupendous management task that, once interrupted, is extremely difficult, costly, and time consuming to resume.

Just as we have established a momentum with the ABM, so have the Soviets, since 1965, built up a momentum in developing and deploying their strategic offensive force. This momentum is most disturbing as it applies to the installation of the giant SS-9 ICBM. If this momentum continues, we face the prospect in a very few years of a real threat to our Minuteman ICBM force—the backbone of our deterrent.

This year we are considering additional authorization to continue the momentum established by the work already authorized. This authorization, as recommended by the Armed Services Committee, would permit work to continue on the previously authorized sites at Malmstrom and Grand Forks and also authorize full deployment at Whiteman and advanced preparation at Warren Air Force Base. In making its recommendation, the committee stressed the urgent need to provide for the defense of our land-based deterrent.

THE SAME ISSUE

Mr. President, the issue before us now has not changed from last year. The issue revolves around the strategic reality of our defense posture. The time has again come when the Senate of the United States either gives the President the tools to bring peace and security, or denies them. In this respect, nothing has changed. Nothing has happened since last year to justify altering the course we established then. The threat has not disappeared—it has increased. We do not have an arms limitation agreement with the Russians, and we do not know when we will. We were confident the system would work last year. We are more confident than ever this year of its effectiveness. In short, if there was a valid reason to begin deployment last year, there is certainly a valid reason to continue, uninterrupted, at least the minimum deployment needed to preserve our security.

Now, let us look at some of the more prevalent arguments that have been raised by those who oppose the system.

TECHNICAL CAPABILITY

Perhaps the most frequent charge leveled at Safeguard is the assertion that it will not work, and that the Minuteman defense part of Safeguard is composed of castoff equipment designed to defend cities rather than hardened silos. These assertions are not true. Safeguard radars and missiles are made of components well within our current state of the art with performance characteristics well matched to the multiple mission requirements of Safeguard. In other words, current, proven technology is being employed in the development of the system. This development is drawing to a close as far as the major subsystems—the radars, computers, and Spartan and Sprint missiles are concerned. Integration of these subsystems into a prototype ABM at Kwajalein Atoll has begun, and the test programs of both hardware and software have progressed extremely well to date. In short, we have overwhelming technical evidence that the system will perform its assigned missions.

MINUTEMAN DEFENSE

The assertion that Safeguard equipment is not designed to defend hardened Minuteman silos is equally false. The requirement to provide for defense of hard targets was established in the early days of the Nike X research and development program. Nike X components were developed from the outset with the dual requirements of providing hard target and city defense capability. Sentinel built on Nike X components and provided an option for Minuteman defense. Sentinel sites were planned for this capability.

When the Nike-Zeus program was reoriented toward the Nike X program, Secretary McNamara in his statement to the House Appropriations Committee on February 6, 1963, stated:

> The revised program pursues certain specific developments in radar technology and will be oriented toward the defense of hard sites, such as missile bases and command posts, against ballistic missile attack.

Regarding Sentinel, Secretary Clifford stated in his January 1969, statement on the fiscal 1970 defense budget:

> The Sentinel System would also have a number of other advantages. It would serve as a foundation to which we could add a defense of our Minuetman and bomber forces if that later becomes desirable.

In effect, Safeguard defense of Minuteman exercises the Minuteman defense option that was always part of the Sentinel design.

DEFENSE OF RADAR

Another argument leveled at the system is that the missile site radar is not as hard as the Minuteman silo it defends. The survivability of the Safeguard radars does not rely on hardening but on defending them with Sprint missiles. The radars are hardened to the level required to utilize the capability of Sprint to defend them. For the offense to be confident of destroying the radars he is forced to target enough missiles to exhaust the defense missiles stockpiles whether he attacks the radars of the Minuteman silos.

ADDITIONAL RADAR

Critics of Safeguard sometimes say the projected threat to Minuteman is unreal and that no defense is needed. At other times they say that the projected threat could "overwhelm" Safeguard and presumably destroy Minuteman too. Another favorite criticism is that Safeguard is effective only against a "narrow band of threats." It is true that Soviet forces operational today do not require Safeguard, but their threat continues to grow. It is true also that Safeguard, like any defense system, can be exhausted if the threat grows indefinitely. The Safeguard defense of Minuteman was chosen to cope with neither the extreme of no threat growth nor maximum conceivable threat growth. The Safeguard deployment is aimed at threat growth between these extremes and—perhaps more important—is aimed at discouraging the endless proliferation of Soviet hard target killers. Nevertheless, if the threat should grow significantly larger than the level against which the Safeguard Minuteman defense is designed, additional radars could be added to provide even greater leverage in the price charged the offense to penetrate. New, less expensive components dedicated to hard target defense are being developed as a hedge against a massive threat to Minuteman.

PROTECTION AGAINST "BLACKOUT"

In addition to charging that the radars are vulnerable because they are "soft," opponents of the Safeguard system also say that its radars can be "blacked out" by large precursor warheads detonated at high altitudes specifically for that purpose. They also contend that self-blackout may result from Spartan warheads detonated against the first enemy reentry vehicles.

The truth is that over the past several years, extensive analyses have been made of the effect on the ABM radar of both self-blackout and precursor blackout. On the basis of the studies, it was concluded that the fully deployed Safeguard system would not be seriously limited by self-blackout effects during attacks up to the maximum postulated Chinese Communist threat level as long as proper decisions are made concerning intercept doctrine. The same conclusion is true for the estimated heavier attack against the defended Minuteman force. This is because we would primarily use the low yield Sprint whose blackout effect on the defense is minimal.

A further conclusion of past studies is that precursor attack planning must take into consideration the attacker's operational difficulty in mounting such an attack with high confidence that his attack will succeed. Since the success of a precursor attack depends on getting a series of reentry vehicles in front of the Safeguard radars in a critical timing sequence, the enemy planner must program his force to give him a high probability of achieving this sequence without a single failure, or "hole," which would cause the attack to fail. Studies show that to achieve a high expectation of a successful precursor attack on one target, an enemy planner would have to expend a great many warheads in the attempt. This is especially true because he must allow for failures of his own missiles if he is to be reasonably sure of maintaining the blackout. His planning would be further complicated because he must consider the capability of Safeguard to "look around" the blackout cloud, a tactic which is possible because of the overlapping coverage and data-sharing capability of the perimeter acquisition radars—PAR's. Furthermore, some interruption of radar data can be tolerated as long as the system is designed to cope with interruptions—and it is. Consequently, the numbers of reentry vehicles required for a high-confidence precursor attack is well beyond the expected size of the Chinese ICBM force for some years to come. Also, a Soviet submarine-launched precursor attack against Safeguard is self defeating because the time required to set up and complete the precursor attack would enable many SAC aircraft to fly away from their bases. Defense of Minuteman against a Soviet attack is primarily based on the Sprint missile, which, with the missile site radar—MSR—will perform adequately in spite of interrupted perimeter acquisition radar—PAR—data during the engagement. Because the MSR utilizes a higher frequency than the PAR, the blackout problem is negligible.

SAFEGUARD AND THE SALT TALKS

Finally, I would like to discuss an area in which, in my opinion, considerable misunderstanding still exists. That is the role of our ABM in the current talks with the Russians regarding strategic arms limitation. In our past experience in dealing with the Soviets—both as allies in World War II and as adversaries in the cold war, one central fact of life has emerged; and that is that they give up nothing without receiving something in return. This is especially true when the defense of Mother Russia is involved. I cannot, for the life of me, understand how so many of us fail to appreciate this. In order to conduct successful negotiations, both parties must have something to negotiate with—something so important to the other side that he is willing to give up something for it. Make no mistake, my friends. The Russians are not in Vienna today out of concern for us. They are there for their own advantage, not ours.

If, as has been suggested by some, we cancel, delay or put in escrow funds for further ABM deployment in the hope that this will facilitate negotiations we would be guilty of the sheerest folly. Safeguard in escrow is the same as national security in escrow.

To explore this further, let us strip the SALT talks to their bare essentials—what do we want and what do we have to give up in order to get what we want?

Our prime objective in these talks is to constrain the Soviets from achieving a first-strike capability against us. We would accomplish this through negotiated limitations in their strategic offensive weapons—primarily the SS–9 ICBM.

Our best hope for achieving such limitations is to negotiate Safeguard. Safeguard is the one major ongoing U.S. program that the Russians are interested in restricting. Were we to do this unilaterally for them, we would be voluntarily stripping ourselves of our negotiating capability. Why then would the Soviets want to restrict their SS–9 deployment? Certainly not for anything we could do for them. That would have already been done.

CONCLUSION

Mr. President, at the beginning of my speech I mentioned a momentum—I believe Secretary McNamara referred to it once as a "mad momentum"—in our ABM program and the Russian's ICBM program. No one would like to see that momentum dampened more than I. I am sure both we and the Soviets could make better use of the enormous resources that are being expended for these awesome weapons. For this reason, I hope and pray that the SALT talks are successful, and that we can devote more energy to solving our many other problems.

But I am a realist. I know that no solution to any of these other problems would be worth the price of living in a world in which the Soviet Union could act as it wished, unafraid of our retaliation. I imagine, if you will, the outcome of the Cuban crisis had this been the case. President Kennedy would have been faced with two unacceptable options: First, abject surrender; or second, thermonuclear war with Russia. Both of these are unthinkable and unnecessary. We can, with the Safeguard system, maintain the strategic balance which so far has prevented a nuclear holocaust. If, later, a successful agreement is reached in the SALT talks, and the Soviets are willing to stop the construction of their large SS–9 missiles, we could conceivably consider reducing our ABM deployment.

We should be aware, however, of the fact that it is relatively easy to stop something like the Safeguard program. It is another thing to start it up again after we have stopped. We cannot turn the program on or off at will like a water faucet. If we interrupt the program, we had best be prepared for a long and costly delay before we can start it up again. We had best be sure the threat has stopped growing. Until then, prudence dictates that we maintain the momentum of the program.

In conclusion, Mr. President, I support, as I did last year, President Nixon's request for the additional deployment of Safeguard.

I would also agree with the senior Senator from Pennsylvania, who pointed out earlier that whether we are discussing the ABM or the so-called "end-the-war amendment"—I designate it the "lose-the-peace amendment"—which will follow later, the easy argument today in America is to forget national security, and discuss reordering of our priorities, to put national security on the back burners and to hope and pray that we will live in peace, while the other side is developing more weapons systems, while we do nothing.

I do not question the motives of any Member of this body as Congress has a great responsibility to give direction to our military and foreign policy. But it does appear, as I stated at the outset, that we should look at what President Nixon has accomplished in 18 short months. He is winding down the war in Southeast Asia. We do have a ceasefire in the Middle East. We are making some progress at the SALT talks. Why should we, in Congress, in view of these accomplishments, seek to impose our judgment on the country when it comes to the ABM or some other weapons systems, defensive in nature, not offensive? The ABM deals with protecting our deterrent, not a first strike capability.

This should be paramount in our minds as we prepare to vote upon this critical issue.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. MURPHY. I would like to ask the distinguished Senator from Kansas this question: Is it not true that every argument that is being raised this year with regard to the Safeguard system was raised and debated at length last year?

Mr. DOLE. The Senator knows that last year the principal argument was that if we approved the ABM, it would disrupt the SALT talks. It was argued they will never start; never get off the ground. As we all know, the SALT talks have pro-

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ceeded, and we are making progress. Those who used that argument last year have turned it around now. I believe we are making progress in the SALT talks because we are proceeding with deployment of ABM. It can be stopped very quickly but in view of the progress being made at the SALT talks, I would hope that we, in our wisdom, would approve the second phase of ABM.

Mr. MURPHY. I ask the distinguished Senator, further, is it not the opinion of some of those involved in the SALT talks that the fact that we did have the ABM, that it was voted, seemed to impel the Soviets to be more amenable and more anxious to conduct the talks and has actually been the cause of much of the progress that is hopefully being made?

Mr. DOLE. Again, there is no doubt about it, so far as the junior Senator from Kansas is concerned.

The committee report, on pages 22 and 23, the committee makes the same finding. We have had progress in SALT talks because we are dealing from strength, because we are, in an orderly way, with the direction of Congress, proceeding with our ABM. This has been largely responsible for the progress made. But what will we have to negotiate with if the Senate negotiates the President right out of the ballgame?

Mr. MURPHY. I agree with the distinguished Senator.

I should like to ask one further question. We have heard from one set of scientists testimony which is opposed diametrically by another set of scientists of equal reputation and capability, I would say. Last year, one set of scientists never opposed the research and development. They only opposed the deployment. In other words, they said, "Test it, but don't build it."

We have almost the same situation this year, with the continuation of the Safeguard system, by the same set of scientists. Another set of scientists has said, "By all means, research, develop, and test it, build it, deploy it." But we only seem to hear testimony from one group who oppose.

Is it the judgment of the Senator from Kansas that possibly those who are in favor of Safeguard have just as much right to speak for the scientific community and just as fine reputations in their scientific endeavors and achievements as those who oppose it?

Mr. DOLE. The obvious answer is, "Yes."

I would point out to the distinguished senior Senator from California that on last Friday, the distinguished junior Senator from Texas (Mr. TOWER) delivered an excellent speech on the floor of the Senate in which he discussed those scientists who said "No" and those who said "Yes." He made the very argument the Senator from California is now making—certainly, the arguments of those who say we should proceed are entitled to as much credence as those who say we should not.

For some strange reason, in the New York Times-Washington Post axis these views are never heard. Those who oppose the ABM are heard. Those who oppose the President are heard, but seldom are those who support the President and those scientists who support proceeding with the ABM. For some reason, this is not news. It is only news when the President is lambasted.

Mr. MURPHY. If my distinguished colleague will be patient with me for another moment, I should like to say that last week, in flying back to California, I had the good fortune to be seated next to a very highly rated scientist. From Dulles Airport almost to the Colorado River, he told me all the arguments against proceeding with the Safeguard, none that I had not heard before.

I then asked him whether or not he thought we needed a defense, and he agreed that we do. I then asked whether in the scientific community there is any other suggestion of a defense that would be practical, not an offensive weapon, not to make war on anybody, not to attack anybody, but to have it there in case anybody, for whatever reason—through bad judgment, through insecurity—should have the unfortunate desire to attack this country, so that we would be able to defend our capability to strike back. He agreed that we should keep this capability. I said:

"What would you suggest, other than the Safeguard?"

He was again at a loss. He said:

"Well, we could harden the silos, harden them to a degree where an enemy missile could not harm them."

Nobody is quite sure whether that is possible. Nobody is quite certain whether it is feasible. Nobody is quite certain as to what it will cost. As a matter of fact, once the program is started, I believe the costs will be greater than the continuation of Safeguard. I have come to this conclusion after hours of hearings, as a member of the Committee on Armed Services.

So I say to my distinguished colleague, once again, that I wish I could find the basic reasoning behind this opposition. I wish I could find a place where possibly I am wrong in my conclusion. Again, I hear the same record being played over and over again. I hear the objection that there is no attempt to weaken the security of America. I am certain that is true. I am certain there is no Member of this body that would ever want to put the future security of this country in jeopardy. But it is a question of judgment. I submit, if we have to make a mistake, if there must be an error, that that error must be in favor of the security of the United States of America, No. 1. No. 2, I think that the lessons of the past have shown us, as my good friend has pointed out, that when we negotiate with the Soviet Union, the stronger our negotiating hand, the more apt we are to come out with a protective conclusion at the end of those negotiations, not the contrary.

I thank my colleague from Kansas for his patience.

Mr. DOLE. I think my distinguished colleague from California, and would add that, in any event, we must take appropriate measures to guarantee the survivability of our retaliatory capability. That is the key argument. I do not question the judgment or the motives of a scientist who says "No." The Senate is evenly divided and it can be assumed everyone here is concerned about the safety and the welfare of America and our posture in the world. But if 50 scientists say "yes" and 50 scientists who say "no," perhaps that testimony should be disregarded unless there is some strong reason, but the final judgment must be made in the Congress.

I am certainly not a technician or an expert in all the areas concerning Safeguard, with reference to radar or the missiles themselves, but it appears that in a close decision, as President Johnson decided when he said that Sentinel was necessary, I supported President Johnson on that, although a member of another party. I happen to believe that whoever the President may be, whatever party he belongs to, his chief consideration is always the security of the Nation. It makes no difference whether he be a Republican or Democrat, a liberal or a conservative, I would give any President the benefit of doubt. It is a difficult decision involving the spending of millions and millions of dollars that could be used for domestic programs, or that could be used, I would add, to help reelect that President. So all the temptations are there to make a decision against Safeguard or against Sentinel and to use the money for domestic programs that have political appeal.

The President who makes the determination that we should go forward with the Sentinel, as President Johnson did—and he had my support; that we should proceed with Safeguard, as President Nixon did, and as the Senate, in a close vote and the House, by a large vote, authorized; then, again, this year, as President Nixon and the Secretary of Defense and others directly responsible for the safety and security of this country make this decision, that decision should carry very great weight with all Senators.

I recognize the right and at times the obligation to disagree when one feels strongly on an issue. I only suggest that where the scales can tip either way, the matter should be resolved in favor of the national security and resolve it as the President decides, whether it be Kennedy, Johnson, or Nixon, or whoever.

But, it is a difficult decision. It does involve the spending of additional millions and millions of dollars, which money could be used for hundreds and hundreds of domestic programs. It is difficult, when the American people are tired of the war in Southeast Asia and when the American people want to withdraw from Southaest Asia, to talk about more money for defense. But, in the long run, we must be alert. We must be concerned with the ultimate security of this country.

As has been suggested by the Senator from Pennsylvania (Mr. SCOTT), millions of dollars could be saved and those millions of dollars might be invested in domestic programs.

But what happens if, for some reason not conceived by any of us, we lose our liberty or our freedom, or our national security should be seriously threatened, what good, then, would $100 million be

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for urban renewal, or $100 million for the poverty program, or $100 million for an agricultural program, if our national security is threatened or endangered?

Mr. MURPHY. Mr. President, will the Senator from Kansas yield at that point?

Mr. DOLE. I yield.

Mr. MURPHY. Over the weekend, I had occasion to spend some hours with some of those who have the responsibility for our entire space program. They were some of the men who gathered together and made the initial commitment, organized it, and put together the systems teams that made it possible. These are men who have been dedicated to the service of their country all their lives and who have made a record that outdistances any record of any other group I know of in actual accomplishment.

These men continually came back to one point that disturbed and worried them—if they were the type to be afraid, they would be frightened—on one basic point; namely, that some years ago, our military establishment had a 4 to 1 advantage over any other military establishment in the world, not for the purpose of making war but for the purpose of guaranteeing the peace.

Now we can no longer make that claim. Our Military Establishment has been permitted to dwindle away, some in hopes of setting a good example for the adversaries, and some because they felt it was impractical to spend so much money. Of course, I must say, since I have served on the Armed Services Committee, I find we are spending an awful lot of money buying theories and ideas and not nearly so much on hardware as I would have expected for the dollars spent. But this group of men were so concerned because the entire balance had changed and that there was danger, a danger, as I pointed out in this Chamber early today, that the adversary is building his establishment at a rate faster than we thought possible, and he continues the posture of an adversary, so far as we are concerned. Very seldom has there ever been any concrete evidence of true friendship or a true desire to find a peaceful solution to the world's problems which we have hoped to solve for so long in this country. These men—experienced, experts, knowledgeable, and dedicated—these men are worried. They are concerned that we not let it slip any further.

Certainly, as my distinguished colleague has said, the time has come when I feel that we must certainly, without any question, find a way to guarantee our power and our capability to defend ourselves, in case that should be necessary.

I thank my colleague from Kansas for his patience. As he has pointed out, what good will it be if we make a mistake in this judgment and one day find that we have lost our liberty, that we no longer have a great country enjoying freedom. People say that is ridiculous, that it could not happen. I think my colleague will agree with me that it can happen and that it can happen quickly, with the speed of communications nowadays and with the speed of change going on.

We had better be sure that we are right. We had better not make a mistake on this one, or a few million dollars one way or another, as my colleague has said, will not make any difference.

Mr. DOLE. Mr. President, in closing, let me again thank my colleague from California. I know of no one in this illustrious body who has a longer or more active concern for the freedom of America.

Mr. THURMOND. Mr. President, I commend the able Senator from Kansas for the splendid presentation he has made here today. I would like to also commend the distinguished and able Senator from California for the splendid colloquy he has carried on with the Senator from Kansas.

There is no question, in my judgment, in the minds of the people of America that they want this country preserved. They are willing to pay for this protection to our Nation.

It is important that we remain prepared. The former President of the United States and the present President of the United States both recommended that we go forward with the antiballistic missile.

The former Secretary of Defense and the present Secretary of Defense have recommended it.

The Chairman and the members of the Joint Chiefs of Staff under the former President and the Chairman and the members of the Joint Chiefs of Staff under the present President have recommended this.

It is true that some of these people have knowledge that the public does not. But all of these people in a position to know and to understand this serious problem feel that we should not delay the ABM. It is my hope that we will not delay it further.

I felt this matter so keenly that back in 1963, in presenting top secret information to the Senate, I asked that the doors of the Senate be closed.

At that time I spoke on the ABM. I brought out the threat of the Soviets and revealed that the Soviets—and this was top secret information at the time—had established an ABM in the Soviet Union.

Mr. President, it is important that we not delay this matter.

I again commend the distinguished Senators from Kansas and California for their splendid presentation and colloquy here which I hope that every Member of the Senate will read.

Mr. DOLE. Mr. President, I thank the distinguished Senator from South Carolina.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, the debate of the Cooper-Hart amendment which would delete phase II of the Safeguard ABM has now been in progress for over a week.

In this debate, Mr. President, three points raised by the opponents need to be answered. These arguments offered by the opposition are as follows:

First. If the ABM is so important, why is the Nixon administration willing to negotiate on it at the SALT meetings in Vienna?

Second. The radar for Safeguard will not work; and,

Third. Delay of phase II would not be harmful to our national security.

It is my belief that there is considerable misunderstanding regarding the role of our Safeguard ABM in the current talks with the Russians regarding strategic arms limitation.

Based on debate last week, it appears many have the mistaken idea that these talks arbitrarily pair the negotiation of our offensive weapons with Soviet offensive weapons and similarly the negotiation of our defensive weapons with their defensive weapons. This is not true.

One of our prime objectives in SALT is to constrain a Soviet offensive first-strike capability through negotiated limitations in their strategic offensive weapons—primarily the SS–9 ICBM. Our best hope for this kind of a settlement is to negotiate on Safeguard, a defensive system.

In this context, there is a close interrelationship between strategic offensive and defensive systems, and the United States-Soviet agreement to begin SALT negotiations specified that SALT would deal with both offensive and defensive systems.

Mr. President, our overall objective, with or without SALT, is to deter the Soviets from launching a first-strike at us with the hope to destroy or neutralize our capability to retaliate. There is more than one way to accomplish this objective. Until we have a satisfactory agreement in SALT, we must take steps to insure that a significant portion of our strategic offensive force would survive a Soviet first strike.

The proposed Safeguard deployment would go far toward achieving this goal. Since we do not have any formal agreement now with the Soviets, it is only prudent that we continue our work on Safeguard. We certainly cannot gamble on the assumption, or hope, that a suitable agreement will make its deployment unnecessary.

If, on the other hand, the Soviets are willing to stop the construction of their large SS–9 missiles—in other words cease action to endanger our deterrent capability—then we could conceivably consider reducing our ABM deployment. I most emphatically do not favor abandoning our ABM altogether.

The important question to ask yourself in this regard is, "What have we accomplished by all this?" If, through successful negotiation, we have succeeded in achieving our objective of maintaining our deterrent posture with a limitation or reduction in strategic force levels, then a reduction in our ABM deployment would not endanger our national security.

Mr. President, in order to achieve a successful agreement, however, both sides must have something to negotiate. In order for us to persuade the Russians to do what we want them to—cease deploying SS–9's, we must be prepared to offer them in return something in which they are interested. As it happens, Safeguard is the major on-going U.S. strategic program which the Soviets are interested in restricting. This bears out the wisdom of past supporters of the ABM. With a strong bargaining tool, such as Safeguard, the United States could exert considerable leverage in getting Soviet

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agreement to limit the buildup of their offensive systems—which, as I said earlier, is our prime objective in SALT. This is why, in the absence of an agreement, it is so important that we maintain the momentum already built up in deploying the Safeguard system.

Finally, if we voluntarily inhibit this momentum, we would be removing the prime incentive for the Soviets to reach a timely agreement. It would serve to signal to the Soviets the advantage of further delaying or blocking the program by drawn-out, protracted negotiations—while their own missile deployment continues to move forward at a good pace.

Mr. President, I fear that whatever reputation we as Americans may have earned in the past as for driving hard bargains would be quickly dissipated by such a horse trade.

Mr. President, there are those who question the capability of the Safeguard radars to perform effectively and I would like to speak to that point briefly.

The two radars used in the Safeguard system are both characterized as "phased array." This new type of radar has a fixed face and no large moving parts such as we were used to seeing on older vintage radars. The radar beam is moved electrically rather than mechanically. Having fixed components actually enhances the radars' hardness or survivability in the environment in which they may be called upon to operate.

All major Safeguard system components, including the radars, have undergone extensive research and development testing which has already progressed to the point where the design of critical items has been validated.

The perimeter acquisition radar, or PAR, is the longer ranged of the systems' two radars, and tracks incoming targets. We may recall that, in the interest of both economy and time, a full working model of the actual PAR was not built for testing in the system's development. However, a similar model radar has been constructed by the Air Force and has been used for some time at Elgin Air Force Base, Fla. A limited engineering developmental model of the PAR was constructed and activated at the Syracuse General Electric plant during last year. No serious technical problems have been encountered in this development, and we have confidence that the equipment readiness date will be met at the first PAR site. Presently certain important components are being tested and, by September of this year, about 95 percent of the PAR components are scheduled to be released for production.

Mr. President, the other radar is the MSR, or missile site radar. It is shorter ranged than the PAR. It is also responsible for guiding the interceptors to the proper point, in addition to tracking the targets. A prototype MSR was constructed on Meck Island, on Kwajalein Atoll in the Pacific. It has been working since September of 1968. Checkout of the MSR as well as integration with other system components has continued since then. I note that the radar has met or surpassed its design objectives and no major problems have been encountered.

Beginning in March of 1968, checkout of the MSR data processing system was initiated and integrated operation of four data processing units has been achieved. The software for the first part of the system test program has been installed. Commencing in July of last year, tracking of local targets was accomplished with the initial software in operation. In December of 1969 two ICBM's launched from Vandenberg Air Force Base were tracked. So the capability of tracking ICBM targets has already been exhibited.

Mr. President, just recently the MSR and its computer guided a Spartan missile on a planned space point intercept. This took place on June 24, 1970.

The latest test which exercised the MSR's tracking capabilities took place on July 23. The radar tracked a reentry vehicle and associated tank which were launched by a Minuteman missile from Vandenberg Air Force Base, Calif. Preliminary information made available indicates that all test objectives were achieved. System integration test continue at Meck Island.

Mr. President, in summary, of this point, confidence in the Safeguard radar components is very high. The system is progressing well. Its radars have met the standards expected of them at this point in the program. There is every reason to believe that we can expect the system to continue to perform as required in the future.

Mr. President, the Hart-Cooper amendment on the anti-ballistic-missile system would authorize only the continued deployment of phase I of the Safeguard system for this fiscal year, rather than proceed with the modified phase 2 increment proposed by the Senate Armed Services Committee.

In other words, it is proposed to do nothing in this fiscal year other than continue work on the initial two sites at Grand Forks and Malmstrom Air Force Bases.

Mr. President, as the Senate knows, the committee proposal would authorize continued work on phase 1. It would also authorize work to start on a third ABM site at Whiteman Air Force Base, Mo., and advance preparation work to start at a fourth ABM site at Warren Air Force Base, Wyo. Both of these ABM sites would be established to protect Minuteman missiles at these Air Force bases. The committee proposal would also provide for additional Sprint missiles at the currently approved phase 1 sites.

The impact of this amendment—that is, to continue only phase 1 work—would be significant on two points. First, costs and schedules, and second, our national security. I would like to briefly summarize the impact the Hart-Cooper amendment would have in these two areas.

First, with regard to cost and schedules. The two-site phase 1 deployment would be completed as presently contemplated. The initiation of any work beyond this phase 1 deployment could not be undertaken during fiscal year 1971. If it were later decided to grant authorization and funds, say in fiscal year 1972, to proceed as rapidly as possible with a four-site deployment, that deployment could not be completed until late 1977 or approximately 12 months later than currently possible. Its cost would be about $0.3 billion higher than under current possibilities.

With respect to a full 12-site deployment, if later authorized in fiscal year 1972, the cost would be increased by $0.4 to $0.5 billion. Also, the delay would amount to some 18 months over that possible if the modified phase 2 requested in fiscal year 1971 were authorized.

Second, the impact on our national security. The Soviets have a considerable offensive missile force size and a momentum built up in the continuing deployment of these forces. If this continues or is qualitatively upgraded it will pose a severe threat by the mid-1970's to the Minuteman deterrent. Delay of the defense of our Minuteman with ABM's beyond our present two-site deployment will result in an unacceptable period of Minuteman vulnerability. Such an unwise action would also delay countering the Soviet threat to our bombers and the Chinese Communist threat to our population should it later be decided to deploy the 12-site Safeguard full phase 2.

Mr. President, after consideration of these impacts—particularly as they effect the vulnerability of our Minuteman force, I urge the Senate to reject this amendment and permit Safeguard deployment to proceed as proposed by the committee.

Mr. FULBRIGHT. Mr. President, I wish to make a few comments with regard to the ABM.

According to witnesses who appeared before the Gore subcommittee of the Committee on Foreign Relations, the principal reason the Soviets are concerned about the Safeguard is their concern that it might be developed into a thick area or population defense system which would make the United States invulnerable to a second strike and thus put us in a position of being able to to launch a first strike without fear of retaliation. In other words, they fear that our ABM might destroy the capacity for deterrence that their own ICBM capability presently gives them.

Soviet concern about Safeguard is not based on the concern it would provide effective protection of Minuteman missiles which would leave the United States free to launch a retaliatory second strike.

This is perfectly obvious because Minuteman is only one of three segment of our deterrent striking power. The Polaris fleet now being equipped with Poseidon missiles is far less vulnerable to any known destructive capacity. And we have, in addition, hundreds of bombers representing an additional deterrent force.

The Armed Services Committee, however, has knocked out the population defense potential of the Safeguard system and left only the theoretical possibility of Minuteman defense. Thus, it is the Armed Services Committee which has already taken away the bargaining chip—if it ever was a chip. Safeguard limited to the defense of Minuteman is no bargaining chip at all.

The "bargaining chip" argument distracts attention from the moot questions of whether the Safeguard system will work and whether it will protect our Minuteman force even if it works per-

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fectly. Furthermore, it locks us into a position in which we are logically obligated to go ahead and build the system, even if it is no good, if the SALT talks do not produce an agreement.

One "bargaining chip" must surely lead to another. If we must negotiate from strength, can the Soviets afford to do less? If we go ahead with Safeguard, there is every logical reason for the Soviets to proceed with the development and testing of more accurate missiles or missiles with larger payloads or both to negate the effect of what they fear may grow to be an area defense system.

The administration has argued that the Soviets feared MIRV's and that the threat of their deployment was a good bargaining chip. In this connection, Dr. Foster told the Gore subcommittee in early June that in his judgment the effect of the deployment of MIRV's "will be to help the U.S. position in the SALT talks." Now MIRV's have been deployed and the fact of their deployment has made it virtually impossible to control the spread of that weapon through a mutual agreement.

Mr. Gerard Smith, head of ACDA, in a statement before the Armed Services Subcommittee on the SALT talks which was included in the hearing record of the Armed Services Committee, said:

> I don't think I go as far as some people would who think that you ought to go ahead faster with Safeguard to step up the bargaining leverage. I think that the bargaining leverage at the present, and the sort of approaches that I have heard about in connection with Safeguard, is going to be quite adequate.

If both the Soviet Union and the United States insist on proceeding with the development of weapons system in order to strengthen their hands in negotiations, the effect of the SALT talks will be to accelerate the arms race, not control it.

In testimony before either the full committee or the Gore subcommittee, the following witnesses have said that they do not agree with the bargaining chip argument: Ambassador Kennan, Marshall Shulman, McGeorge Bundy, Dr. Wolfgang Panofsky, Adrian Fisher, Dr. Donald Hornig, and Dr. M. L. Goldberger. Pertinent excerpts from their statements follow, and I ask unanimous consent to have them printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

George F. Kennan, former Ambassador to the Soviet Union:

"I would not, normally speaking, try to depreciate in any way the value of having good bargaining cards in your hands when you deal with the Russians, provided these are real ones. But I think that in the present instance, with these SALT talks, if there is going to be any favorable prospect for their success, our position as we go into them ought to be very clear, and it ought to be a position of readiness to stabilize, if they are willing to stabilize. What gives me anxiety is the fear that if we go on with the development of these systems they won't know exactly what we are doing, and there will be a feeling on their part, 'Well, goodness knows what they are trying to get away with. Are these talks merely a means of stalling us off while they try to get some new technological edge on us?' In other words, I think just at this time, just as the talks are about to begin in all seriousness, is a good time for us not to take new initiatives in the weapons field." (Testimony before the Committee on Foreign Relations, February 6, 1970.)

Marshall Shulman, Director, Russian Institute, Columbia University:

"The argument that we should proceed with MIRV, and also with Safeguard Phase II, in order to have a bargaining counter in our hand is short-sighted. To enter upon these programs in order to have something to bargain with, or in order to apply pressure upon the Russians, is likely to have an effect opposite to what is intended. A logical Soviet reaction to such actions would be to question our real intentions, and to redouble their own military efforts. If SALT proceeds over a long period, as it may do, and if both sides argue the need for continuing their buildup to improve their bargaining advantage, the effect of the SALT negotiations will be to leave us both worse off than if they had never been begun. Negotiating about strategic weapons is not entirely like a poker game—both sides *can* lose." (Page 25, Gore Subcommittee hearings.)

McGeorge Bundy, Special Assistant to President Kennedy for National Security Affairs.

"We should be especially on guard, I think, against the notion that it is useful to press the development or deployment of any given weapons system because of its value as a bargaining counter for SALT. It is quite true that if we get nowhere in SALT and if Soviet strategic expansion continues, we shall have to take careful stock of our own needs. But there is no evidence at all that pressing the deployment of systems we do not yet need is likely to have a constructive effect on Soviet behavior in SALT. There are times and topics for toughness with Moscow, but SALT in April is not one of them, and many of those who urge this tactic are men who do not want SALT to succeed. It will be very hard to get a good agreement even if we do only what we have to do in our own weapons development. It will probably be impossible if we provide unnecessary ammunition to Soviet weapon lovers by pressing our own deployments relentlessly throughout the talks." (Page 90, Gore Subcommittee hearings.)

Dr. Wolfgang Panofsky, Director, Stanford Linear Accelerator Center:

"The argument for an expensive but technically ineffective expansion of Safeguard in order to 'negotiate from a position of strength' has little merit: although the Soviets have greater total explosive power than we do in their nuclear arsenal, we have numerical superiority of 3 to 1 in nuclear warheads, and U.S. MIRVs are ready for deployment. . . . My personal view is that at present no further increases in numbers of warheads, or in ABM deployment, are needed to negotiate from a position of strength. I think this is an unequaled opportunity to negotiate from a position where both sides can feel with confidence they have a secure deterrent." (Page 179, Gore Subcommittee hearings.)

"While emphasizing the negotiability of ABM deployment the President and DOD witnesses urged an expanded Safeguard system now, in spite of the obvious technical inadequacies, in order to be in a position of negotiating from strength at SALT. The expressed fear is that since the Soviet strategic forces are growing in numbers, while the $7 billion U.S. strategic budget is only buying qualitative improvements, the Soviets will not feel under sufficient military pressure to negotiate a limitation of strategic arms under terms acceptable to the United States. But are we really negotiating from weakness? Quite apart from MIRV deployment, the status of United States versus Soviet intercontinental strategic offensive forces is given in the following table . . . the total number of deliverable warheads as of September 1969 is 4200 on the side of the United States, and 1350 on the side of the Soviets. This belies the fact that the United States is in an inferior position." (Page 191, Gore Subcommittee hearings.)

"We here are saying that Safeguard is not useful in any major way to protect Minuteman, but the Soviet in looking at it will say if it is not useful for that purpose, then what are the Americans doing, why are they making this designed compromise? The reason we are making the designed compromise is because we want to have the option of quickly going into the city defense mode. . . . This is the dichotomy: we are saying rationally that we don't think it's as much protection, but the Soviets are saying it may grow into some protection; similarly, when we are talking about the Soviet ABM we are saying we don't think it is much good, but it may become good so we had better buy MIRV. It is just this kind of double thinking by which the arms race becomes accelerated through these arguments." (Page 216, Gore Subcommittee hearings.)

Mr. Adrian Fisher, former Deputy Director, Arms Control and Disarmament Agency:

"I am aware of the argument . . . that it is necessary to go ahead with authorizing the proposed Modified Phase II Safeguard item in order to strengthen our bargaining position in Geneva. I don't believe that is persuasive. As a practical matter, authorizing armaments so that they can be included in a disarmament program soon reaches the point of diminishing returns and that point may well have been reached, passed, well-passed, with the approval of Phase I. If both sides were to play this game of proceeding with further weapons systems to strengthen their hands in negotiations you would have a gigantic buildup, just so you would have something in the SALT talks and far from being a help to peace they would be a greater threat to the world. It would be an excuse for both sides to build up now, each saying, 'I hate to do it but I have to do it so I have something to bargain with in Vienna.'" (page 247, Gore Subcommittee hearings)

Dr. Donald Hornig, President, Brown University and Special Assistant to President Johnson for Science and Technology:

"It is sometimes argued that it will improve our bargaining position at SALT. I am not an expert on Russian psychology but it really doesn't make sense to me to expedite arms control costs by deploying major new weapons systems. Nor does it make sense to spend billions of dollars to accumulate hardware so that we will have something to bargain away at the conference table. In fact, that seems downright wasteful and we don't have that much to waste right now—except, perhaps, in the Department of Defense." (page 388, Gore Subcommittee hearings)

It seems to me the history of the arms race is such that either the circumstances are propitious now for negotiation or they aren't. It scarcely seems likely to me that military initiatives on our side are likely to improve the climate for negotiations. It surely isn't true that our suspicions that the Russians were accelerating their deployment of SS-9's, which they may have thought of as negotiating from strength. It certainly hasn't improved the climate here for negotiating. So I simply find it very hard to believe that initiating new arms moves is a way to take steps toward arms reduction." (page 405, Gore Subcommittee hearings)

Dr. Marvin L. Goldberger, former Chairman, Jason Division of IDA, Member, President's Science Advisory Committee 1965–1969:

"It has been reported in the press that the Soviets have expressed considerable concern about our proposed ABM deployment. It has been also stated frequently that our decision

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> to go ahead with Safeguard gives us an important 'blue chip' to be used in the negotiations. For example, in the discussion following Dr. Foster's June 4 statement to this Subcommittee, he argued that it was important to go ahead with Safeguard at this time because the Soviets would not be inclined to limit ABM deployment by agreement if they could get the same advantages without one. I am not an expert on Soviet psychology or on negotiations, so I won't speculate on the validity of this argument. . . . In connection with Safeguard, however, we should not insist on deploying an ineffective system just for bargaining purposes. Safeguard should stand or fall on its own merits. Should a SALT agreement be reached which precluded ABM, it is certainly just as easy to stop building or tear down an effective ABM system as a defective one." (page 532, Gore Subcommittee hearings)

Mr. FULBRIGHT. Having thus cited what I believe to be the transparent weakness of the administration's "bargaining chip" justification for Safeguard, I wish to say a few words about the numerous technical weaknesses of the Safeguard system.

Dr. Panofsky pointed out to the Armed Services Committee the principal new technical criticisms which have emerged since last year's debate. These were that Safeguard defense of Minuteman depends on a single $200 million MSR radar for each Minuteman complex and on a small, classified, number of Sprint missiles to protect the Minuteman silos and the radar. Attack on the MSR radar is an attractive enemy tactic since it is softer than the missile silo it defends. Soviet SS–11 missiles are of sufficient accuracy and power to destroy the MSR, although they do not endanger the Minuteman silos. In addition, the performance of the PAR radar could be impaired by the proximity of nuclear explosions. Dr. Panofsky concluded that "if the defense of Minuteman were the only or even the principal, function of Safeguard, its deployment clearly could not be justified."

Dr. Panofsky's chart—found on pages 430 and 544 of the Gore subcommittee hearings—shows that if one assumes that Soviet installation of SS–9's will level off or be limited by SALT, the "danger level," of potentially lethal attackers against Minuteman silos, will never be reached. On the other hand, if the Soviets decide to put a very large effort into deploying MIRV's for the SS–9's or if they upgrade the SS–9 force or the SS–11 force with extremely high accuracy reentry vehicles, then the danger level can be reached before the middle of this decade. For Safeguard to have any significant effectiveness at all, the Soviets would have to tailor their threat to correspond to a small area.

Dr. Panofsky also told the Gore subcommittee that—

> The total schedule for deploying the Safeguard phase I defense is not controlled by providing the hardware—that is, the missile and radars—but is paced by the unprecedented complexity of the computer and the associated programming which is required to control the system.

The Defense Department's answer to this, found in the armed services hearings, was that "The schedule for deploying Safeguard is not controlled by software availability" and that "software development does not pace the deployment of subsequent sites." Dr. Panofsky said, in surrebuttal, that—

> The fact is that the performance of the system is limited at this time against sophisticated attacks by anticipated software capability.

And he added that if the Defense Department were to make available the classified calculations of the capability of Safeguard to handle incoming threatening objects that one single MSR must defend, the argument could be pursued.

Dr. Hornig made the flat statement in Armed Services Committee hearings that "aside from inappropriate design and vulnerability—the Safeguard system is ineffective even if it works as planned." He also refered to "the question of whether a system so complex, and so difficult to test, can possibly be counted on for first-time successful operation" and commented:

> None of our experience with other complex weapons systems suggests that this is the case . . . in most systems statistical reliability is enough. We can live with a 15-percent failure rate on offensive missile by taking it into account in our force level planning. But in the highly integrated system placing a threat of uncertain dimensions we must reckon with the possibility of catastrophic failure.

In the same Armed Services Committee hearings Dr. Hornig also referred to the computer programs as "the pacing item for Safeguard deployment." He said:

> Even the design objective currently will limit it to handling (deleted) re-entering objects, including both real warheads and decoys, per Minuteman squadron of 50 silos. This is really a very small number, corresponding perhaps to only three ICBM attackers if effective decoys are used.

Dr. Hornig summed up his technical criticisms of the Safeguard system during his testimony before the Gore subcommittee by pointing out that the number of attacking missiles destroyed and the number of Minutemen saved would be negligible compared to the cost of the system, that the defense of each Minuteman complex depends on a single expensive radar more vulnerable than the missile silo it defends, thus a substantial part of the already limited supply of Sprints must be devoted to protecting the radar, that the Soviet SS–11 missiles have the power and accuracy to destroy the radar, that the computers system is so complex and the programing problems so staggering that those experienced in the field have no faith that the system would actually work properly when called upon. He said, in conclusion:

> During this last year it has become clear beyond reasonable doubt that if the defense of Minuteman were the only, or even the principal, function of Safeguard, its deployment could not be justified.

Dr. Marvin Goldberger, appearing before the Gore subcommittee, noted that recent theoretical work had indicated that the PAR performance would be so degraded by the nuclear explosion environment produced by both offensive and defensive missiles that its contribution to Safeguard performance was highly questionable and that problems had arisen in connection with the computer which would seriously limit the system's ability to handle large attacks.

Dr. Sidney D. Drell, Deputy Director of the Standard Linear Accelerator Center and also a witness of the Gore subcommittee, said that even if Safeguard worked perfectly it would do so "against only a very, very narrow band of models of an assumed Soviet strike. Against lesser threats it is not needed and against greater threats it is ineffective." He pointed specifically to the "gross mismatch of a few very expensive, very sophisticated, relatively vulnerable radars defending many missiles that are hardened and relatively cheap." He said that "there is grave doubt that the PAR will serve any purpose for Minuteman defense beyond that of supplementing the other existing or planned systems that provide early warning of an enemy attack" because of the computer limitations in digesting information provided by the PAR and because the radio waves from the PAR are severely bent by the ionospheric disturbances accompanying high altitude nuclear bursts which would seriously degrade the PAR performance in a nuclear environment.

Because the advocates of the Safeguard system have laid such great emphasis on the nature of the Soviet strategic threat in an apparent attempt to frighten the American people and the Senate into acceptance of Safeguard, it is worthwhile to note the testimony to date on that subject.

First, according to Defense Department testimony before the Armed Services Committee, the deployment of SS–9's in 1969 is greater than in 1968 but "less than that which occurred in 1965, the year of peak deployment." Dr. George B. Kistiakowsky, a distinguished former Special Assistant to the President for Science and Technology, provided the Gore subcommittee with a chart showing trends in ICBM forces and said that the figures showed that the curve was "leveling off."

Second. Dr. Herbert York, dean of the graduate school of the University of California at San Diego, and former Director of Defense Research and Engineering, told the Gore subcommittee that "the killing power of a warhead against a hard target, such as a missile silo, depends much more critically on accuracy than on yield." He said that any conservative Russian planner looking at accuracy figures "would have to conclude that in a relatively short time U.S. technology could improve missile accuracy by another factor of 2 or 4 and thus convert not only the Minuteman MIRV but even the Poseidon MIRV into a missile silo destroyer.

Dr. Panofsky has also said that "what counts is the number of warheads not the total explosive power." And Dr. Goldberger referred to the SS–9 as an "essentially useless vehicle."

Third. Secretary Laird laid some stress on the fact that the Soviets have tested both a depressed trajectory ICBM and

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a factional orbital bombardment system or FOBS. On the other hand, Dr. Scoville, former Assistant Director for Science and Technology of the Arms Control and Disarmament Agency, told the Gore subcommittee that FOBS was, in a sense, another form of ICBM requiring that accuracy and yield be sacrificed. FOBS was available, he said, for surprise attack only against relatively soft targets and did not in any way threaten our deterrent force. According to Dr. Scoville, "It is just not a counterforce type of weapon."

Fourth. As far as the Soviet "henhouse" radars are concerned, Dr. Wiesner told the Gore subcommittee that we have known about the radars "for a great many years" and that they seemed totally defenseless and easy to penetrate. In reply submitted to questions by Senator COOPER, the Defense Department said that "the Soviet 'henhouse' is, because of its lower frequency, more susceptible to degradation caused by nuclear burst than the PAR."

Since the appearance of the "Fitzgerald report" on the reorganization of the Defense Department, the administration has, with great fanfare, adopted what it describes as a "fly before you buy" policy. The application of this policy to this year's Safeguard proposal reveals a strong need for testing of Safeguard before further deployment is authorized.

First. Testifying before the Gore subcommittee last year, Deputy Secretary of Defense Packard said that the plan that was being recommended at this time "was developed, in part, so that we can get a complete system together at the earliest possible date and shake it down. Then we will be in a position so that if the President decides that additional deployment is necessary, it will be possible to proceed with that deployment earlier than if we had waited to test the whole system.

He subsequently said at the same hearing:

> We are proposing that we proceed with phase I; that is, deployment around two Minuteman wings, and providing funds to acquire the land for the remaining sites. This initial move gives limited protection to all our Minutemen. It gives us the opportunity to get these two systems put together, shake out the bugs and put them underway.

On page 293 of last year's Gore subcommittee hearings there appears a chart entitled "Phases and Options With Costs." Phase I, sites at two Minuteman wings, is for the objective stated as follows: "gives limited MM protection, provides operational experience."

Second. Summing up the research and development milestones in Safeguard, the Defense Department said in testimony before the Armed Services Committee that the MSR had tracked local targets in the Kwajalein Atoll and two ICBM's launched from California, the PAR was under fabrication, a limited engineering development model of the PAR was operating at the contractor's facility, eight Spartan flights had been conducted since mid-May 1969 of which six were successful and two were failures, and eight Sprint flights had been conducted since late May 1969 of which five were successful, one a partial success and two failures. The missile site data processor at Meck had operated with three of its four processors.

Third. Commenting on the experience to date, Dr. Panofsky stated to the Armed Services Committee:

> The President promised last year that this program will be reviewed annually from the point of technical progress and the evolving threat. What, then, is the new experience on which the decision to expand ABM deployment now was to be based? There has been no construction activity on the sites authorized last year; the contractor developed the first site for future technical use as awarded by the Army less than one month ago. The date at which equipment can be received at the sites the slipped by almost one year. None of the technical results in the ongoing development work has made Safeguard look better.

The same statement was made to the Gore subcommittee by Dr. Panofsky.

Arguing in favor of research and development and not deployment, Dr. Panofsky told the Gore subcommittee:

> I do not believe a deployed system is the way to learn from the mental performance. . . . First, you can't test as well. We can't fire into the deployed sites. . . . Second, the actual deployed sites will be under the management of routine Army forces; deployment has to be combined with troop training using standardized manuals, and so forth, because personnel keep being rotated. Therefore, all the procedures have to be worked out to be independent of the detailed skill and training of the personnel because they are rotated. You, actually, have available less flexibility, after deploying military systems.

Dr. Drell told the Gore subcommittee:

> One major argument for last year's deployment decision as stated by Secretary Packard in testimony before the House Armed Services Committee on April 5, 1969 was that this is a very complex system and actual operational sites are needed to put together the complex computer and radar components into an actual operating system. Today I am here to oppose strongly the proposed expansion not only because of the known technical inadequacies but because, in fact, we have yet to gain any of the experience motivating the Phase I decision that was promised as part of a phased deployment program. At this time no equipment is in place, no parts of the system are complete, and its operating capability is still under study. What then have we learned to support the expanded deployment?

Another important element in our consideration of the Safeguard decision are the costs involved. As is usually the case. the Defense Department has only told the Senate and the American people part of the story.

First. The usual cost figure put out by the Defense Department for the full Safeguard system is $12 billion—$10.7 billion for the Department of Defense acquisition cost and $1.2 billion for the AEC cost. These figures were given to the Armed Services Committee by Secretary of the Army Resor, Secretary Laird and the Department of Defense in formal statements. These figures do not, however, include: the cost for the improved Spartan warhead, the annual operating cost which Secretary Laird estimated at about $370 million, the indirect costs for the manpower overhead.

Second. As far as manpower overhead is concerned, in a prepared reply to the question, the Defense Department told the Gore subcommittee that when the two phase I sites become fully operational, about 2,900 military and 2,260 civilians will be employed for a total of 5,160 Government-employed personnel at an annual direct personnel cost of about $23 million and $30 million for civilians. If all 12 sites become operational, some 7,250 military and 4,500 civilians will be employed—a total of 11,750 Government-employed personnel. But these are just the personnel required to man and operate the tactical sites. To keep the entire system in operational readiness would require a total of about 9,500 military and 9,250 civilians or about 18,800 Government-employed personnel. The total annual direct personnel costs related to these strengths would be about $64 million for military and $123 million for civilians.

Third. Secretary Laird said that if we continue with phase I until June 30, 1971 and then cancel it, the nonrecoverable funds would amount to $2.76 billion. If phase II–A were authorized and the whole program were then canceled on June 30, 1971, the nonrecoverable funds involved would be $2.96 billion.

Fourth. The Defense Department said in a formal reply to a question from Senator Gore's subcommittee that the Safeguard system had cost $5.7 billion since 1958 in amounts approved from Army development and deployment of ballistic missile defense systems.

Finally, Herbert York told the Gore subcommittee that he estimated the total cost of the Safeguard system at $50 billion.

Mr. President, I have called particular attention to the statements of these noted scientists, all of whom have played important roles in our Government over the past 20 years, because these men are no longer employed by the Defense Department or by the Government. They are, therefore, free to give their individual judgment without fear of embarrassing an executive department as a member of that department.

Last year and earlier this year in debate, it has been pointed out—and I only wish to reiterate—that practically all of the scientific support for the concept of the Safeguard system has come from scientists who are in the employ of the Defense Department.

Dr. John S. Foster, Jr., director of the Research and Development for the Department of Defense, of course supports the expansion of Safeguard deployment. It is to a great extent at least, one of his concepts; and while I do not wish to denigrate Dr. Foster as a scientist, I simply think that it is a part of our great bureaucratic system that if you are going to play a part at all, you cannot afford to take issue with your superiors on matters of this kind—especially in a case where you have yourself originated a system or a concept. I can understand, moreover, how such men have great curiosity to see whether their ideas can be brought to fruition.

As against that, I submit that the overwhelming evidence from all of the principal scientists who have interested themselves in this field is that, given the present state of the art, the Safeguard system is ineffectual, the concept itself is faulty, and the only thing that really should be pursued at this time, in view of the tremendous costs involved, is further research and development.

I believe that Senators who oppose the further deployment of these systems at this time, are in unanimous agreement with this view. But most of them feel and are convinced that the weight of the evidence that it would be a great waste of our very limited resources if we proceed to deploy, at this stage, the Safeguard system.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DOLE). The Senator from California is recognized.

Mr. MURPHY. Mr. President, I have a statement here from a scientific group which I have read with a great interest, and I should like to remark upon its contents and certain comments therein. This statement was released on August 3, 1970.

I note with a great deal of interest that an organization which calls itself the Federation of American Scientists has released a statement opposing Safeguard signed by a group of scientific opponents of the system. I note that this statement very carefully indicates that it was based on excerpts from the report of the Armed Services Committee hearings compiled by one Jeremy Stone, who is apparently the secretary of the Federation of American Scientists.

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It is not clear from reading their statement whether or not the scientists involved actually signed or are in complete agreement with this statement. The highly publicized scientific opponents to the Safeguard system, according to this release are: Jerome Weisner, W. H. K. Panofsky, Marvin Goldberger, Herbert F. York, and Herbert Scoville, Jr. All of these gentlemen have had a long and exceptionally busy interest in opposing Safeguard, both in the press and in periodicals, and before the Congress during the past 2 years. The utterances of some of these gentlemen take on added importance because they are publicized as having been scientific advisers to former Presidents of the United States—I might say with a fine bipartisan balance.

There does not seem to this Senator to be anything particularly new in the opposing statements which they have attempted to put together out of the testimony in the hearings. Many of the arguments raised were the same arguments raised 2 years ago, again last year and seem to have already been heard and discredited for all practical purposes.

The main objection which comes to mind, of course, was the statement that we heard continually during the debate last year on phase 1 of the Safeguard that if this phase 1 was voted by the Senate it would hinder the SALT negotiations now taking place between the United States and the U.S.S.R. This, of course, has been demonstrated to be completely untrue.

As a matter of fact, it appears that one of the most important aspects of the entire SALT negotiations has been created by the very fact that a year ago Safeguard was started. The opponents however seem to be quite willing to discard any old discredit arguments and attempt to invent new ones as they go along, and there always seems to be a strange mixture of political opinion and philosophy added to the scientific knowledge for which these men and their capabilities are being heard in this matter.

The statement of August 3 seems to be based completely on the argument that Safeguard would be ineffective as a defense of Minuteman even if the system would work perfectly as it was designed. It is quite obvious that this is a matter of opinion, and the proof may not be even in keeping with present knowledge or experience. I assure my distinguished colleagues that there is another group of scientists who are just as fervent in their position that the Safeguard will do the job. Indications at the moment, from the knowledge to which I have been subjected, would lead me to have confidence in the Safeguard system.

I would also submit that there is still another list of scientists of high reputation who would completely disagree with the conclusion of the Federation of American Scientists. As one who has listened carefully at the hearings of the Armed Services Committee and during the extended debate of last year, I have every confidence that Safeguard will do the job for which it is designed.

Also, on several occasions I have suggested that if there is a better system either in concept or imagined at the present time in the minds of some of these scientists, they please bring it forward as quickly as possible and let us have a look at it, because there can be no question that the present world conditions demand that the United States of America do everything practical and possible to defend itself in case of aggression.

The present basis of the opponents' argument is in quotations of the statements of Secretary of Defense, Melvin Laird: Director of Defense Research and Engineering, John S. Foster, Jr.; and the chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS). They attempt to prove, by the statements of these gentlemen, that in effect Safeguard can be overwhelmed if the Soviet threat grows sufficiently large. I have read this carefully to try to understand exactly what they mean. It appears to me that they mean that if the Safeguard deployment is carried out as presently proposed, without changes, and the Soviet threat continues to expand and grow and contain added improvements, at some point Safeguard would not be adequate for the desired job. Now, I would think that it would be perfectly obvious, not only to highly publicized scientists but even to a layman such as myself that any particular defense could be overwhelmed if its strength, capability, and condition remain constant while the offense of the enemy was permitted to grow and expand and improve, to conditions that we do not even bother to study or imagine.

I would think that we would have to assume that this was certainly a fair statement under any circumstances or any phase of defense, whether it be the Safeguard or any other of our weapons systems.

I was interested in the various quotations, selected by Mr. Stone apparently, and possibly agreed to by the scientists—all historic opponents of the ABM—to justify their positions. All seem to be discussions of the level of threat which Safeguard is designed to handle. Thus, Secretary Laird's statement on page 36 of the hearings report shows clearly that if the Soviets deploy MIRV warheads on the SS-9 and greatly improve the accuracy of SS-11 and improve the accuracy of their ICBM force, and continue to deploy additional ICBM's, then and then only does the Safeguard defense, as presently proposed, need to be augmented in order to do the job. It then becomes obvious that if we wish to maintain an effective defense for our Minuteman missiles against these very high-threat levels, the Safeguard would have to be and could be augmented.

Secretary Laird shows in his testimony that this augmentation could be most effectively done by the use of new, more numerous, and less expensive radars. Again, this scientific group made reference to a statement by Dr. Foster that Safeguard can be "completely overwhelmed." It is not quoted in its entirety for, I believe, reasons that should be obvious to all and, in effect, Dr. Foster's statement says about the same thing that Secretary Laird's statement said. When we reexamine Dr. Foster's statement carefully, we find that he was only referring to the case—which he spells out—where the Soviets: First, could be deploying accurate MIRV's on the SS-9, second, have increased the accuracy of the SS-11, and third, have continued to deploy many additional ICBM's.

There does not seem to be anything new or startling in this disclosure. As I pointed out previously, it is only fair to surmise that unless we arrive at a stage of purposeful agreement in the SALT talks, the arms race—at least so far as the United States is concerned—the preparations for our defense, must continue to improve, and must be the concern of all who wish to preserve the future of this Nation in the face of the present and growing threat.

The statement which is quoted from Senator STENNIS's remarks, in my opinion, is even more out of context. Senator STENNIS is quoted as having told the Senate on July 30:

> The Soviet Union now has enough ICBM's, ballistic missile launchers, which with qualitative improvements could pose a serious, and perhaps deadly, threat to our Minuteman deterrence by the mid-1970's and beyond. The Department of Defense advises that these qualitative improvements can be made much faster than we can develop and deploy a system to counter them.

From this, the Federation of American Scientists draws the conclusion that even if the Soviet Union deploys no more missiles, it could, by qualitative improvements, make Safeguard obsolete before it is built.

Senator STENNIS, and quite rightly, in the next unquoted sentence draws the conclusion that since the Soviets could threaten an undefended Minuteman by qualitative improvements, we had better get about building our defenses and doing it right away.

He states:

> In other words, it is vital that we take the appropriate steps now so that, in the not too distant future, we will not be in a position of having a vulnerable, land-based Minuteman force.

Very simply, the honorable Chairman of the Armed Services Committee is urging the continued deployment of the Safeguard in order to protect the Minuteman strike force.

As I read the Senator's statement, I find nothing that would justify the conclusion that Safeguard is obsolete or will become obsolete in the immediate future.

It is possible that it may come into being later than we wish and it may need to be augmented if the threat of the Soviet SS–9's and SS–11's with improved accuracy continues, along with the continued deployment of both. But, in my opinion, Safeguard will not become obsolete because its deployment makes an excellent nucleus for the additional components which can be supplied when and if they are needed to meet a growing threat.

The final statement by these illustrious gentlemen of science says that this very large threat requiring Safeguard's augmentation is, in the words of the Federation of American Scientists, "the expected and possible threat." Now this is not what the spokesmen for the Department of Defense and Senator STENNIS have said. They have said, rather, that the continuation of all adverse deployment, with all the dire possibilities that can be scientifically constructed is a "worst case threat" to which we can react if necessary, but only if the future conditions establishes the necessity.

In the meantime, there are just as many scientists who believe that Safeguard will be effective against the more moderate expected or possible threat and who believe that Safeguard can be augmented if the "worst case possible" threat should emerge.

IF SALT TALKS WORK—WE CAN FORGET IT

Summarizing, quoted statements out of context to prove Safeguard will be overwhelmed by what is considered the "expected threat" only proves that the opponents are willing and seem almost anxious to shade responsible statements to buttress their position. Safeguard as now conceived will be effective in countering present threats and moderate growth threats and is as capable of augmentation if required to counter the very high growth threats.

And in closing, I would point out that as far as this Senator is concerned I have listened attentively and patiently to those who oppose the deployment of the Safeguard system. I would say, that during the debate of last year no one opposed the research and development of the proposed Safeguard system, but the objections were only aimed at the deployment or construction of the proposed cites. Now, 1 year later, we find the same voices being raised against continuance of the deployment of this same system in keeping with phase 2 as requested by the administration.

I would also point out that, just as in the case of last year, with all due respect, that within the scientific community there seems to be no other system which all can agree upon which would better preserve the national security than the present Safeguard.

Therefore, Mr. President, I hope that my colleagues will understand that this group, calling themselves the Federation of American Scientists has not come forward with anything startling or new and no one should be surprised at their continued opposition to the further development and deployment of Safeguard. It is only consistent with their decisions over the years. I would further point out that in the light and knowledge of the present day, until a better system has been presented, we should proceed with all speed, not only for the purpose of protecting this great Nation but also as has been demonstrated for the purpose of hopefully bringing productive agreements out of the SALT talks.

It has become apparent, when dealing with the Soviets, they like to negotiate from strength. It is also apparent that they respect and respond to an adversary who seems to deal from the same position.

Mr. FULBRIGHT. Mr. President, will the Senator from California yield?

Mr. MURPHY. I yield.

Mr. FULBRIGHT. I wanted to ask the Senator this question: The Senator has made reference several times to other scientists who take the opposite view to the views I mentioned. I cited their names—Drs. Panofsky, York, Wiesner, Drell, and Goldberger. The Senator from California did not mention whom he had in mind. Were these people employees of the Pentagon, or independent of the Pentagon?

Mr. MURPHY. I do not know where the Senator from Arkansas referred to some of his employees being at the Pentagon. I had thought my remarks were not referring to the names my colleague recited. I was referring to the names I presented here on this notice I received from the Federation of American Scientists. I would not know as to the employment of these men. I do know that last year, before the Armed Services Committee, we had a long table of scientists, I believe, four on each side, and they all seemed to be of equal standing in their communities. They seemed to be in complete disagreement. Dr. Teller might be named as one in favor of Safeguard. Dr. McMillan of ULCA was another. Others included Dr. Wigner, Dr. O'Neil, Dr. Wohlsletter, and Dr. Kahn—if I am not mistaken. There seemed to be a complete balance at that table of witnesses as to their position with regard to the effectiveness of Safeguard. That is what I was referring to.

Mr. FULBRIGHT. I wondered who they were. The Senator had not mentioned any names. I wondered who they were, to whom he had reference.

Mr. MURPHY. Before my distinguished colleague came into the Chamber today, I recited an experience I had a week ago, on an airplane, with a distinguished scientist from California, who was objecting to Safeguard. He explained his objections. At long last I said to him, "Well, is there another alternative?" All seem to agree that there must be some Safeguard, that there should be a defensive weapon. I know some opponents last year said, "Well, we could build more offensive weapons." I do not think that is the answer. I think that might really disturb the SALT talks. But he referred, when I asked him if there was another system, to the hardening process which as my distinguished colleague probably knows we have listened to and gone into.

I am not certain, one, whether they would be effective; or, two, as to the cost. I seem to recall in testimony that there was evidence the cost might be even greater than the proposed cost of Safeguard. I am always a hopeful soul. I continue to hope, as the President has said and promised, that once the SALT talks begin to achieve their purpose and it becomes unnecessary to continue with this defensive system, will be stopped and it can be stopped without a grave expenditure of money, which all of us deplore, in the event that becomes necessary.

Mr. FULBRIGHT. I may say to the Senator that some of these gentlemen who are opposed to Safeguard have suggested there is an alternative of a defensive nature, and much more economical in order to preserve a deterrent and to prevent a first strike capability, and that would be alternate mobile land-based or sea-based offensive missiles.

But there is also the further suggestion that if we must have a defensive ABM system with more or less the function of the ABM, then it would be far better to redesign it and have multiple small radars, that is, practically one radar for every missile site, a radar that costs much less than the MSR designed for the Safeguard system. These very highly-trained and highly reputable scientists said:

> If you must go this way, that is the way to go.

I think they call it the "hard point" defensive system which is now being developed or experimented with.

Mr. MURPHY. Mr. President, we listened in the committee to all the evidence we could find with regard to the hard site system. I am glad to see that the distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), is present. I think that he would bear out the statement that it was the decision of the committee at long last that the Safeguard was in our judgment the more practicable, the more feasible, and the more compelling one to consider.

I do not wish to indicate or to preclude the fact that there will not be a better system just around the corner.

Mr. FULBRIGHT. Mr. President, the Senator said that those who opposed it had not come up with a better system. These gentlemen who have been some of the most reputable scientists in the country say:

> If you must have this, the "hard point" defense is the system.

However, they say it needs further refinement and research.

Their real objection, and mine, and the real objection of many Senators, is that the Defense Department is proceeding to deploy a system, which at best, is very questionable, and at worst, is wholly impracticable. It is a carryover of an old design for area defense. It is kind of old Nike-Zeus system which, as I understand it, the Armed Services Committee concluded is not an acceptable concept at this time. If I understand the conclusion of the Armed Services Committee, they concluded that they would not support an area defense system. That reduces the question to one of defending Minuteman.

These scientists say:

> If that is your objective, the Safeguard is not well designed for that. It ought to be abandoned and you ought to proceed with the "hard point" system.

The whole purpose is not to precipitate an argument among the scientists but rather to get the best available scientific judgment, since this involves untold billions of dollars. Under the present conditions, it seems to me that this is sufficiently important to warrant a little more research.

Mr. MURPHY. Mr. President, if the Senator would yield for a moment, last year during the debate there were continual references to great numbers of billions of dollars.

Last year, as I recall, no one disagreed with the fact that the research and development should continue.

Mr. FULBRIGHT. The Senator is correct.

Mr. MURPHY. The difference in cost between research and development and deployment in last year's appropriations bill, I believe, was somewhat under $400 million.

The request this year, I think, would only raise that amount less than $200 million.

I acknowledge the total cost of the entire system, if it be carried through to the worst possible conclusion, would cost billions of dollars.

I do not think at the present time that this is what we are concerned with, as we were last year. We argued at great length about a matter of less than $400 million. That is a very important sum, but it is not untold billions of dollars. I am always heartened by the fact that on many occasions the President has said that just as soon as the necessity for this defensive weapon ends, this system can be shut off and discontinued.

Mr. FULBRIGHT. The Senator knows that is not the history of these programs. To cite one that I know of, there was a piece in the paper today concerning the TFX. That was, and is, a very controversial weapon. The Committee on Government Operations went into this matter. I thought they proved that it was a questionable program. Nevertheless, it was continued.

This morning I noticed that the Australians had made a bargain to lease the phantom jets because they do not believe the TFX is any good. Yet we put billions of dollars into that program.

Mr. MURPHY. Mr. President, if the Senator will yield, I will be glad to tell him that last Saturday, a week ago, I went to Nellis Air Force Base, Nev., and spent the day there. I was concerned about the matter. I had read about the TFX and had listened to the questions that had been raised about it.

I must say that I came away convinced that this is without question at long last—even at three times the original cost—the only system we have at the present time to do the particular job for which it was designed. And it will do that job, I am quite convinced, better than any other aircraft in the world.

It is not a fighter aircraft and should not have been designed as a fighter aircraft. It is an attack bomber. It has remarkable capability.

Mr. FULBRIGHT. Why do the Australians refuse to take delivery of a plane on which they have already laid down $200 million and say that they want the Phantom E?

Mr. MURPHY. For the reason that we have had trouble with it. We have reworked the wing boxes and have made other changes which, I am assured—not by the scientists, but by the pilots who fly the aircraft—will correct the problem.

Mr. FULBRIGHT. I thought they were all grounded. I did not know that there were any flying.

Mr. MURPHY. If the Senator will let me finish, they flew one then and are now once again operational.

Mr. President, before the Senator from Arkansas leaves, I would like to point out that I am just as sensitive to history as he is. I know the danger of these problems once they start.

I have talked for a long while—perhaps not as effectively as my distinguished friend, the Senator from Arkansas—about the strength and complexity of bureaucracy. Bureaucracy goes into the Department of Defense, the Pentagon, and all over this huge Government of ours. I opposed it with as loud a voice as I could over the past 25 years.

I opposed the TFX 2 years ago and last year in the committee. And in spite of that fact that they have an excellent aircraft, the difference lies in the fact that once there is another system that is better, we will and must proceed to it.

Unfortunately, we had nothing else. In the past year we find that our B-52's are now 16, 18, and 20 years old. If we had been as careful with upgrading our new plans for aircraft, we might not have to stay so long with the F-111 or the TFX, as it used to be called.

The Safeguard is a new system. I assure my esteemed colleague, with all the honor I can summon, that the day a better program comes along, I will say, "Shut this off," and the day hopefully when the world situation indicates that we do not need this program and can enter into peaceful cooperation and coexistence and understanding with other nations, I will be the first to remind the President—and I hope that he is still President and in his first term when that time comes—that we do not need the Safeguard. I am sure that the Senator from Arkansas would join in that hope.

Mr. FULBRIGHT. Mr. President, I would certainly join in that hope. Indeed, I would.

Mr. MURPHY. Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colo., and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Aspinall, Mr. Johnson of California, Mr. Haley, Mr. Saylor, and Mr. Hosmer were appointed managers on the part of the House at the conference.

The message also announced that the House agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 689) providing for an adjournment of the House from August 14, 1970, until September 9, 1970, or sooner if reassembled by the Speaker.

ORDER FOR RECOGNITION OF SENATOR CHURCH TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the disposition of the reading of the Journal on tomorrow, the able Senator from Idaho (Mr. Church) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McGOVERN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Idaho (Mr. Church) on tomorrow, the able Senator from South Dakota (Mr. McGovern) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator from South Dakota (Mr. McGovern) tomorrow, the Senator from Ohio (Mr. Young) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the Senator from

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Ohio (Mr. YOUNG) tomorrow there be a period for the transaction of routine morning business with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HANSEN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the period for the transaction of routine morning business tomorrow the unfinished business be laid before the Senate, at which time the Senator from Wyoming (Mr. HANSEN) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. Mr. President, there have been various inquiries from Senators, as well as conferences with authors of various amendments that come under the unanimous-consent agreement whereby the Senate will vote on Wednesday. A reading of the unanimous-consent agreement shows there is no time set for the voting on any particular amendment, except that voting will start not later than 3:30 p.m.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MURPHY. Is the Senator aware that there is a very important luncheon downtown which should be completed by 2 o'clock?

Mr. STENNIS. Yes. I am very conscious of the luncheon, but we are bound by this unanimous-consent agreement involving a great many Senators and quite a number of amendments. It is binding on all of us, and we are committed under the unanimous-consent agreement.

From what I can determine from these conferences, voting may start around 12 noon on Wednesday. It could be that my estimate is off some, but in order to get these amendments disposed of under the unanimous-consent agreement according to its terms, voting may start as early as 12 o'clock noon. I make that statement for the information of Senators.

Mr. MURPHY. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. MURPHY. Would it be improper for the Senator from California to suggest further unanimous consent that out of respect for those who would like to attend this luncheon honoring Representative MENDEL RIVERS there be no voting between 12 noon and 2 p.m. as an accommodation to them?

Mr. STENNIS. I would like very much to go to the luncheon. It is an important affair. I think that if we were to amend the unanimous-consent agreement we could only do it by notifying the leadership and the great number of Senators involved in these amendments. That would be the only fair way to approach it.

Mr. MURPHY. I agree with the Senator.

Mr. STENNIS. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. The Senator indicated that voting on Wednesday "may" start as early as 12 noon.

Mr. STENNIS. Yes.

Mr. BYRD of West Virginia. Does not the Senator agree it is possible under the unanimous-consent agreement for voting to start as early as 11 a.m.?

Mr. STENNIS. That is entirely possible, yes.

Mr. BYRD of West Virginia. Because any Senator could offer an amenment—aside from the amendments by the Senator from Iowa (Mr. HUGHES) and/or the Senator from Massachusetts (Mr. BROOKE)—either of whose amendments requires 2 hours under the previous agreement, all other amendments requiring 1 hour.

So, in view of the recess the night before and the laying of the unfinished business before the Senate immediately upon the convening of the Senate on Wednesday following the prayer, a Senator could offer an amendment at 10 a.m. and after 1 hour of debate there could be a vote. Therefore, voting could begin at 11 a.m.

Mr. STENNIS. The Senator is correct. I was addressing my remarks to the known amendments, to those most likely to be offered.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MURPHY. Will there be a morning hour on Wednesday?

Mr. BYRD of West Virginia. There will not be a morning hour on Wednesday prior to the scheduled vote at 3:30 p.m. There will be a period for the transaction of morning business sometime during the afternoon subsequent to the vote on the amendment offered by the Senator from Kentucky (Mr. COOPER) and the Senator from Michigan (Mr. HART).

Mr. STENNIS. We are all locked in and bound by the terms of the unanimous-consent agreement. We could not alter it except by unanimous consent after notice.

ORDER FOR RECOGNITION OF SENATOR COOPER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Wyoming (Mr. HANSEN) tomorrow, the able Senator from Kentucky (Mr. COOPER) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ALLOTT TOMORROW

Mr. STENNIS. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. Mr. President, will the Senator make a request that the Senator from Colorado (Mr. ALLOTT) be recognized following the Senator from Kentucky? The Senator from Colorado wishes to be recognized for 1½ hours.

Mr. BYRD of West Virginia. Yes. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator from Kentucky (Mr. COOPER) tomorrow the able Senator from Colorado (Mr. ALLOTT) be recognized for not to exceed 90 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDITIONS IN SOUTHEAST WASHINGTON, D.C.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Whites in Far SE Bitter, Estranged" published in the Washington Post on August 4, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITES IN FAR SE BITTER, ESTRANGED

(By Carl Bernstein)

For the white resident of Anacostia and adjacent Congress Heights—across the Anacostia River in the far Southeast—"race is the primary fact of life," observes the Rev. Samuel Frazier.

The white pastor of a predominantly Negro church in Anacostia, Mr. Frazier says race "colors" the white resident's thinking "at almost every level," from where he drinks his beer to where he worships his God.

Indeed, largely because of considerations of race, the whites of the far Southeast have developed a life style that, as black City Councilman Stanley J. Anderson puts it, "is different than the way people live anywhere else in this city."

There are other factors, of course, not the least of which is that the estimated 7,500 to 10,000 whites of the far Southeast represent the largest single concentration of blue collar whites in the city.

Here, white teen-agers and young adults share a mania for customized cars, the corner gas station is a place to hang out, and the white school dropout rate, according to school officials, is the highest among whites in the city. In the three "white" bars of Congress Heights, the jukeboxes feature country music, not rock, and ducktails and tattoos are high fashion. On the streets, one hears the hard-edged twang that is native of the Southern Marylanders and to white Washingtonians who never went to boarding school.

"Their hearts are in Prince George's County," says Mr. Fraizer, in a telling observation about the whites of the far Southeast.

They live in neat red-brick bungalows that sit high above the city on Congress Heights, in pockets of poverty near the Anacostia River flats, in clusters of modest apartments and small frame houses in the area known as Hillcrest. Most are working-class people who drive trucks, plaster walls, drive cabs, repair cars, fix plumbing or otherwise use their hands or their backs to earn a living. Some are unemployed; others, like the 43-

year-old woman who drives an ice cream truck with her younger sister, are underemployed.

Though many are either native Washingtonians or have roots in the city that predate World War II, they shop in Maryland, socialize in Maryland and, often, are buried in Maryland. Though they live within the city's boundaries they have all but abandoned Washington, a city they believe has abandoned them. Ten years ago, they comprised 65 per cent of the population of the far Southeast; today they represent less than 5 per cent.

Frustrated over what they regard as a lack of influence in city hall, "they have this feeling of 'what's happening to my world?' " as Mr. Frazier puts it. They see school discipline and educational quality sliding; vital services—like street cleaning, garbage collecting, even police protection—deteriorating. They see apartment units that 10 years ago housed small, white families fall apart as poor Negro families with six and seven children move into one and two-bedroom units.

Thirty-seven years ago, J. A. Streifus moved to Washington from his native Indiana and began driving a Diamond Cab. For the last 11 years he has lived in Congress Heights, the section of Southeast bounded by the Anacostia River, St. Elizabeth's Hospital and the Maryland line at Southern Avenue.

"I've seen Washington go from the most law-abiding city to the least," says Streifus, a tall, 60-ish white man with a full head of gray hair. "I used to like the Heights. This was a fine community, good decent folks. Not any more.

"We were at 741 Alabama Ave., and it went all black," says Streifus, who now lives in a comfortable one-bedroom garden apartment in the 500 block of Mellon Street.

"The big problem is the kids. They make nasty remarks to my wife if she tries to so much as sit on the porch or go to the store. "I'm fixing to move to Prince George's County. I have no alternative than to attribute it to the blacks. They'll tell you the same thing about the kids, the good ones. Blacks are the victim of the same thing, probably more than whites. We got Filipinos here and even they're moving out.

"It's nice to live in Spring Valley and not be a racist. But it's different if you have to live out here."

Along the rows of neat houses with flowers growing in the front yards on Lebaum and Orange and Mellon Streets in Congress Heights, the whites are especially bitter. A decade ago the population of the Heights was between 90 and 95 per cent white.

Councilman Anderson recalls being literally run out of Congress Heights as a Negro boy growing up in the far Southeast when it was rigidly segregated.

Today, the population of Congress Heights is at least 95 per cent black.

Geraldine Bishop is 22, married, the mother of two children, the wife of a mechanic. She has lived in Congress Heights for five years.

"I hate it," she says of the neighborhood. "It's like little Africa. This whole place is infested," says Mrs. Bishop, like many whites, who moved to the far Southeast from economically depressed towns in West Virginia, southern and western Maryland, and Virginia.

Like many of her neighbors, Mrs. Bishop says the only reason she remains in Congress Heights is the low rent, usually less than $100 a month for a relatively spacious one-bedroom apartment that would cost at least 25 per cent more in the suburbs.

She and many other whites in Congress Heights and Anacostia regard the stores, shops and services near their homes as either Negro or white—a division that, by Mrs. Bishop's count, leaves the whites with three bars along Nichols Avenue and little else.

"People here shop in Eastover or Marlow Heights" in Prince George's says Mrs. Bishop.

"No there's nothing to do around here," she says. "There's a movie house, but it's colored. The schools are all colored. The skating rink is colored. The swimming pool is colored. The playground is colored. I sit in the house at night and watch television. There's nothing else to do except go up to Walker's (one of the three Nichols Avenue bars) on Thursday and Friday, when there's a country music band."

SENSE OF ISOLATION

The sense of idleness and isolation expressed by Mrs. Bishop seems to be a basic tenet of life among the whites of far Southeast, especially those who have yet to reach middle age.

"If you don't go drinking you work on your car or go visiting," says Wayne Carroll, 23, a plumber who lives in the same neighborhood as Mrs. Bishop. "We drive around a lot," he says. "Lot of times we'll go down to Waldorf"—the strip of restaurants and clubs along Rte. 301 in Charles County or to the drive-in in Oxon Hill in Prince George's County.

Carroll, who dropped out of school after finishing the ninth grade at Hart Junior High, is among the regulars who hang out at the Scot gas station on Nichols Avenue, the hub of social life for some whites in Southeast.

Like Carroll, most of the regulars at the station cling to the dress and hair styles that, in the big eastern cities, are associated with the 1950s. In Carroll's case, the uniform consists of heavy white socks, thick-soled, pointed black loafers, white short-sleeved shirt unbuttoned over a white tee-shirt, slim-jim continental pants and longish hair slicked back into a ducktail.

This contrast to the long-haired white youths of Cleveland Park and Georgetown is consistent with the values shared by most whites in far Southeast.

"Hippies are scarce as hen's teeth up here," says Eva Rutherford, who has lived in Congress Heights since 1950.

"I guess it's because they come from a richer class. You got to be a college student or somebody who had it easy to be a hippie. That's not true of our people up here. We didn't go to college. We worked hard for a living. This country has been good to us. We pay our taxes and expect other people to do the same.

"If you asked anybody up here why people burn the flag and do things like that, I'd expect they'd tell you those people are crazy."

OUTSIDERS BLAMED

Like many homeowners in Congress Heights, Mrs. Rutherford, who is 64, attributes most of the problems of her neighborhood to outsiders.

"The people in this neighborhood are all right," she says. "Color's got nothing to do with it. White boys come through here raising cain sometimes, too. Next door, the colored folks are as nice as can be. But the kids in Southeast are terrible. You go down this street three blocks and see how they tore up those apartments, the black kids that live there.

"Some of them took my pocketbook and just beat the sap out of me in my own back yard. Those teen-age kids are always smart-alecking. We sit in the yard and they come cussing and threatening.

"We need a whole new round of judges. I want that in the paper with my name under it. If they would hang 'em or shoot 'em or something it would stop some of this foolishness."

The problem is so severe, maintains Mrs. Rutherford, that two years ago she and her husband, a retired boiler room engineer at the Metropolitan Club, bought the house next door to the one they had lived in for 15 years—"so nobody with a lot of kids would move in."

The Rutherfords, who had planned to retire on a small pension and Social Security, have financed the purchase by caring for St. Elizabeth's outpatients in both houses. More than 150 families in Congress Heights and Anacostia, most of them white, supplement their incomes by caring for outpatients, for which St. Elizabeths pays "foster home" owners $125 a month for each patient.

"Don't think we did it because we like the neighborhood," says Mrs. Rutherford. "We stayed here because we had no choice. I'm too old now to do anything different and my husband hasn't been too well. We're not going to pull up stakes this late in the day . . . Besides, I'd keep this place until it plumb rots down before I'd pay the real estate man for points. We've been on this street since 1950 and we didn't get points when we paid $15,000 for the (first) house.

"We put a lot of money into it ourselves. I don't think we could get our money out of it if we sold."

ATTITUDE TOWARD D.C.

If the whites of the far Southeast feel estranged from their own neighborhoods, their attitude toward the rest of the District of Columbia is characterized by downright antipathy.

In the common parlance of Anacostia or Congress Heights, when a resident talks about "Washington," he means that section of the city north of the Anacostia River.

"It's pretty over there," says Geraldine Bishop, "but Washington is for big shots"—an attitude shared by many of her neighbors.

"I know of people who pay $225 a month for a one-bedroom apartment!" she says. "I used to go over there every once in a while to see the monuments and museums. But now, I don't go into Washington but once every two or three months."

"Why should I give a damn about Washington, D.C.," asks Don Luber, 34, an auto mechanic who has lived in the 400 block of Mellon Street for 17 years. "I lived in Southwest, we moved here so we could be out of the slums. Now its getting to be a slum here.

"I don't see the government of Washington, D.C., doing anything for me. I see them paying a lot of other people money not to work. I see them letting the criminals go free.

"When I was a boy I used to go fishing sometimes instead of going to school. You know what they did to me? They sent me to the old Industrial Home School. I don't see them doing that anymore."

Luber, a District native, is part of what Mr. Frazier calls "that rare breed"—whites who were either born in the District or have been here most of their lives and still live east of the Anacostia River.

STRICT SEGREGATION

"They're the ones who got left behind," says the minister, who next month will become associate director of the Washington Urban League. "Most of them" he believes, "are either older or couldn't afford to move to Prince George's like their friends who left in the '50s and '60s."

Until then, the far Southeast had been known as one of the most rigidly segregated areas of Washington, although substantial numbers of Negroes had lived there since the Reconstruction era.

When Uniontown, as Anacostia was originally called, was surveyed and laid out as a community in 1854, the deeds to the lots in the original subdivision provided that no land would "be conveyed to any Negro, mulatto, or person of African blood."

However, in 1869, about 150 Negro families, among them Councilman Anderson's grand-

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father, accepted the offer of the Freedmen's Bureau of "four acres and a mule" on the Anacostia tract then and now known as Barry Farms.

Immediately Irish newcomers, some of whose descendents still live in Anacostia today, objected to having Negro neighbors.

Nevertheless blacks comprised about one-fifth of the far Southeast's population by 1900 and the rigid segregation that was to persist there through midcentury was firmly established.

"Congress Heights was always a white community." Councilman Anderson, 41, remembers, noting that it is separated from Anacostia by a wall running along the grounds of St. Elizabeths.

"As kids growing up, we didn't go beyond that wall," he recalls. "When I went up there I was run back, physically. The only black people who went up there were service people like my father, who was a janitor up there."

CHASED FROM POOL

In 1949, when the Interior Department ordered that the Anacostia public swimming pool be opened to all persons, 50 Negro boys paid the small fee and attempted to enter. They were chased out by white bullies as park police looked the other way. That evening an angry crowd of Negroes collected and were dispersed by mounted police.

The upshot was the closing of the pool for the rest of the summer while the Jewish Community Council conducted a human relations course for the police and the Amerivan Veterans Committee devised a set of rules for conduct at the pool. It reopened a year later without incident.

Shortly after, Maj. Gen. Ulysses S. Grant III, whose grandfather had been President when Negroes first moved to Anacostia, announced plans by the National Capital Planning Commission to relocate "thousands of members of the colored population . . . . in the rear of Anacostia."

Later, Grant declared that there had been a misunderstanding of the planning commission's proposal for the relocation of Negroes who would be displaced by the renewal of Southwest Washington. He denied that the redevelopment area would be a magnificent white metropolis with servants' quarters at the rear.

Nonetheless, that is substantially what happened as thousands of blacks, dispossessed by the rising of the "New Southwest," moved to Anacostia in the 1950s.

OVERCROWDING BEGINS

The exodus from Southwest marked the beginning of the overcrowding that today afflicts most sections of Anacostia and Congress Heights.

While the population of other large sections of the city remained almost static, the Anacostia-Congress Heights complex grew from 85,000 in 1950 to 125,000 in 1960, 35 per cent of it Negro.

Today with little appreciable new construction since 1960, at least 200,000 persons live in the far Southeast.

"The real change began around '56 in Anacostia," Councilman Anderson recalls. "School integration had started in '54 and (white) people started leaving wholesale."

Later, thousands of white civilian and military personnel left the far Southeast as the naval gun factory was closed, the Navy Band moved from its home next to Bolling Air Force Base and Bolling's personnel list was cut back sharply.

Through the exodus, the District government accelerated its policy of locating most of the city's public housing across the Anacostia River where today 7,500 families—three-fourths of the public housing tenants in the city—live. There was no comparable increase in school classrooms, city services, transportation, recreation or other facilities to keep pace with the population growth, Anderson says.

"A typical mistake," says the councilman, "was the purchase of Valley Green," a 350-unit apartment complex in Congress Heights bought by the city for public housing in 1964. "Of course Valley Green is a slum now," he says. "That place wasn't meant for large families. It wasn't built for the plumbing and heating to be used by that many people all the time."

WATCHES TRANSITION

From the porch of her simple frame home on Milwaukee Place at the edge of Congress Heights, Vera Naylor, a 56-year-old native Washingtonian, the mother of eight children aged 14 to 35, watched the transition.

"It used to be a lovely place here," Mrs. Naylor, the wife of a retired pipefitter, says. "It was settled people then. Now it's all congested with traffic and people and very noisy. No, I don't say I care for it any more. Quite a few places have closed. Now the Peoples Drug at Nichols Avenue and Portland Street is closing down.

"I feel this way. I was born and raised here and I'm definitely not prejudiced. I want a chance to live and let live. Maybe it would have been just as difficult if whites were put into conditions like that, I don't know. But it's been very difficult since the blacks moved in.

"My husband, he got beaten severely going to the Safeway. My 14-year-old grandson, he isn't getting any education at Hart (Junior High School). He's always getting kicked down and beaten up. We transferred him but it wasn't any better where he was, so now he's back in Hart and scared to death.

"My son, the youngest, the other day he was going to the field to play ball and three boys took his money and hurt his arm. He had to go to Cafritz (Hospital) too. The hospital bills are enormous. I can't take care of it any more. My husband was in there for weeks.

"I don't think my son will ever get over his fright. They held a gun on him. There's nothing being done about this problem. It used to be people would go to court and it was effective.

"Something is wrong somewhere because people seem to be lost. It's a hard situation out here—I've seen too much. Nobody is getting a decent education in this city. There aren't enough recreational facilities and the ones that exist, my children get run off of. My kids are down as far as education is concerned. Nope, I don't like it here any more . . ."

In 1823, inspired by the spectacular view of the Anacostia and the capital city across the water, John Howard Payne, another Anacostia resident who lived only a few hundred yards from where Mrs. Naylor sits on her front porch today, wrote these now-famous words to a song:

> Mid pleasures and places
>   Although I may roam
> Be it ever so humble
>   There's no place like home.

"All I can say is, times are not like they used to be," Vera Naylor says.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess pending the call of the Chair, with the understanding that the recess not extend beyond 10 minutes from now.

The motion was agreed to; and at 5:28 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 5:31 p.m., when called to order by the Presiding Officer (Mr. CRANSTON).

ADJOURNMENT TO TOMORROW AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 32 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, August 11, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 10, 1970:

IN THE AIR FORCE

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, Title 10, United States Code, with a view to designation under the provisions of section 8067, Title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be major (dental)

Corrigan, William J., 180261676.
Rinaldi, Phillip G., 345227473.

To be captain (dental)

Lepore, Marion, 292304219.

To be captain (medical)

Shakian, Barry N., 135269903.

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, Title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

Aber, Leland A., 266707645.
Adam, Gary G., 527646484.
Adamson, James I., 468502494.
Affonso, William G., 576423417.
Aguilera, Joseph L., 484400424.
Aguire, Richard F., 262685004.
Alexander, Michael E., 450700012.
Alexander, Richard D., 435706977.
Allaman, Peter M., 298360980.
Allan, Howard R., 118306644.
Allen, Henry L., 266603546.
Allen, Larry L., 344384999.
Allen, Lewis H., III, 107343737.
Allevato, John T., 232669883.
Allison, John D., 570542540.
Allum, Alvin L., 444429644.
Ambrose, Richard F., 067343382.
Ambrose, Richard W., 145368280.
Amos, Charles A., 219446803.
Anderson, Charles A., Jr., 317421715.
Anderson, Gerald J. F., 571584384.
Anderson, Irvin A., 272383467.
Anderson, James E., 476466119.
Anderson, John A., 395428917.
Anderson, John H., 478424186.
Anderson, Kelly D., 473483287.
Anderson, Kurt B., 504481159.
Anderson, Louis A., 520482666.
Anderson, Monnie F., 465683730.
Anderson, Neal T., 097346277.
Anderson, Robert R., 533407979.
Anderson, Stanley I., 519522507.
Anderson, Thomas E., 350341811.
Andrews, Robert S., 558624848.
Andrews, Terence M., 145386370.
Andrus, Guy R., Jr., 158321130.
Annesser, James W., 372423869.
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Ashe, Anthony B., 551620019.
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Bagby, Alva E., III, 267643946.
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Baker, Henry D., III, 231581516.
Baker, James R., 234704555.
Baker, John W., 497468131.
Baker, Norman D., 036260248.
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Banker, Leon J., Jr., 108324233.
Baran, Robert W., 224563918.
Baranowski, Bronislaw F., 027342850.
Barber, David E., 449665887.
Barclay, Douglas G., 031305567.
Barker, Bruce W., 047345052.
Barker, Henry H., 282405913.
Barksdale, William S., III, 261721900.
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Barton, Frederick E., 354341158.
Barton, Lloyd H., 550528474.
Bassett, Loyal G., 345326686.
Battiston, John J., 089388271.
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Beach, David A., 406566806.
Beacht, Russell W., 217429771.
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Beck, Peter M., 571604037.
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Bell, Alan F., 395403252.
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Benton, Mark J., 140342217.
Berg, Howard G., 290387504.
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Bieringer, Gerald F., 327365340.
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Blair, Carlton W., 252641610.
Blair, John R., 295388322.
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Blaschke, Robert E., Jr., 552584831.
Blase, Carlton G., Jr., 275405865.
Blewett, Timothy E., 569602348.
Blinn, Roger K., 442420550.
Bliss, Thomas F., 204348057.
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Bond, Dennis G., 482484828.
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Bordeau, Wayne R., 065341514.
Borland, Dennis P., 515444582.
Boshears, Willis M., Jr., 253723820.
Boswell, Gorden F., 394449707.
Bouch, Kevin S., 543463681.
Bouchard, Peter A., 100309058.
Boucher, Jean A., 007383236.
Bouthillier, Raymond A., 045323881.
Bowers, John V., Jr., 174340064.
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Brock, Carol B., 443341875.
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Brockardt, Frank G., Jr., 236683135.
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Brunt, Curtis W., Jr., 169365008.
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Butcher, James L., 264762875.
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Chisholm, Frederick L., 043345417.
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Clark, Jess R., 4433666273.
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Collins, Rolland C., 077340721.
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Comstock, William P., 524562957.
Congleton, Jerome J., 306468020.
Conlon, Michael E., 040343144.
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Conner, Wayne M., 051361567.
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Connors, Danny T., 386421958.
Conroy, Wayne F., 488481067.
Conte, Ralph, 132325289.
Converse, Elliott V. III, 534464757.
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Cook, Lynn S., 528560753.
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Cornelius, Samuel B., 460623217.
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Couture, James E., 008302720.
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Crone, Ronald M., 310485025.
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Cunningham, David H., 302363759.
Cunningham, Jerald L., 364421617.
Curry, Gary L., 235701721.
Cushing, George, 118341244.
Czyzak, Stanley R., 271480248.

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Declue, David J., 500422560.
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Edwards, Raymond G., 465589308.
Efferson, Bobby L., 437625676.
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Epstein, Samuel P., 358368047.
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Herndon, Robert N., 248723430.
Herrell, Dennis E., 437624496.
Hess, Michael E., 212448743.
Hester, John M., 266664261.
Hickey, Terrance, 138340174.
Hicks, Arthur G., Jr., 326383340.
Hicks, Robert G., Jr., 499462424.
Hielscher, Dalton W., Jr., 457701134.
Higgins, Gary L., 369445440.
Higgins, Keith L., 483525661.
Hill, John O., Jr., 459688536.
Hill, John R. M., 536421667.
Hill, Ralph D., 525889951.
Hill, Randall M., 344346419.
Hill, Walter C., 216384337.
Hille, Donald R., 309424522.
Hilt, Barry L., 532409951.
Hind, Edwin A., Jr., 256667231.
Hines, William C., Jr., 422605455.
Hinkle, David S., 026304624.
Hirschorn, Stephen I., 049324810.
Hirshberg, Sidney S., 116344708.
Hise, Jerry K., 422568741.
Hitchcock, Charles H., 226582504.
Hladky, Paul D., 483486877.
Hoberman, Barry, 056367085.
Hoch, Karl J., Jr., 199346074.
Hoch, Ronald C., 191340550.
Hoem, Robert J., 537449179.
Hoff, James S., Sr., 261667569.
Hoffman, Irving L., 235604484.
Hoffman, Robert E., Jr., 068369605.
Hoffman, Robert P., 267584327.
Hofmann, John R., 399400044.
Hofmann, Thomas H., 029324952.
Hoge, Calvin V., 239689195.
Hogle, Walter S., Jr., 116346057.
Holaday, Kent T., 311504228.
Holcomb, Robert J., 346369060.
Holland, Chaz M., Jr., 452662874.
Hollingsworth, Ronald E., 305506710.
Holmes, Ned D., 520548651.
Holser, Paul R., 108347495.
Holt, William H., Jr., 412705598.
Holtzman, William A., 395407397.
Honeycutt, David F., 241666275.
Hopler, Edwin A., 149345471.
Hoppe, Darrell R., 130367863.
Hoppe, David L., 559585262.
Horkavi, George D., 315447907.
Horn, Grat H., Jr., 224608427.
Hornor, Edward G., 563608606.
Hornung, Thomas A., 266663064.
Hortenstine, Joseph G., 341363391.
Hout, George W., 497426857.
Howard, Carlton T., 249745320.
Howard, Gary W., 491449525.
Howard, Jimmy H., 418568914.
Howard, Phil T., 243682600.
Howe, Gary R., 494463502.
Howe, John J., 052361090.
Huber, Donald L., 495444526.
Hubert, Henry S., 010347700.
Hudler, Dale B., 239685452.
Hughes, Harry H., 232721897.
Humphrey, Robert L., 245662841.
Hunter, Gary K., 176366159.
Hunziker, Richard D., 333386362.
Hutchinson, Donald D., 369345632.
Hutchinson, Robert E., 374427570.
Hutchison, Terry L., 409701284.
Hutter, Andrew C., Jr., 512423945.
Hutton, William E., 297361607.
Hyle, Stephen B., 290388912.
Ingelido, Michael J., II, 577622125.
Inscoe, Willard D., 238702603.
Irwin, George E., Jr., 248707772.
Iskra, Thomas M., 188404109.
Iversen, Richard D., 538408900.
Iversen, Robert L., 485468212.
Iwamura, James K., 575441348.
Izatt, John D., II, 154321905.
Jackson, John E., Jr., 540480764.
Jackson, Larry L., 282409455.
Jacoby, George A., 472486660.
James, Barry N., 466649443.
Jameson, David M., Jr., 262626883.
Janeway, Bobby D., 464560113.
Jardine, Edwin P., 719169410.
Jaspers, David A., 504481752.
Jenkins, Maurice A., 528628052.
Jenkins, Robert G., 225500689.
Jensen, Shelton C., 547625133.
Jeu, Frederick, 459688192.
Jewett, Stephen E., 506547697.
Jinright, Wendell F., 254406670.
Johansen, Olaf K., 122325560.
Johnson, Carl G., 518543036.
Johnson, Carrol R., 509403640.
Johnson, Charles E., Jr., 230569229.
Johnson, Clinton E., Jr., 266620379.
Johnson, Dale G., 435644514.
Johnson, Edward K., 362406344.
Johnson, James A., Jr., 018306667.
Johnson, James R., 285369747.
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Johnson, William G., II, 509447397.
Johnston, Charles L. G., II, 410666465.
Johnston, Jerry W., 263625008.
Joiner, Larry W., 426922875.
Jonak, Thomas E., 346364846.
Jones, Claude S., 500485685.
Jones, Edmund R., 147348565.
Jones, Howard L., 267688031.
Jones, John M., 409708822.
Jones, Robert P., 052344719.
Jones, Robert W., 183345028.
Jones, William A., Jr., 232662184.
Jordan, Gene A., 271389275.
Jorgensen, Alvin W., 537429043.
Jorgensen, Samuel C., 222261836.
Josey, Ben E., 255680246.
Kabler, John F., 224603438.
Kaiser, Donald W., 509481665.
Kaliher, Donald E., 473487905.
Kaluza, Michael E., 089369123.
Kanaster, Larry D., 552668080.
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Kane, Kenneth P., 022340125.
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Karas, Wayne J., 338367924.
Karlin, Francis L., 522568808.
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Katz, Richard A., 464662721.
Keeler, John J., 527569069.
Kehnle, Anthony C., 413662221.
Keith, James D., 345329295.
Kelley, Richard D., 571560606.
Kelly, Frank K., 434621142.
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Kendall, Paul S., 484504835.
Kendrick, Charles V., 455664507.
Kennedy, Daniel, Jr., 228564204.
Kennedy, Gordon H., 509422221.
Kennedy, Robert B., Jr., 214344290.
Kennedy, William E. C., III, 514423232.
Kester, Ernest E., 308448383.
Ketchum, Leongirard R., 393445329.
Kiermaier, Robert G., 264626738.
Kiley, James T., 028327829.
Kilgo, John L., Jr., 266685533.
Killworth, Michael N., 517505928.
King, Donald, 366501590.
King, Richard C., 495445755.
King, Ronald, 374501313.
Kinnear, William P., Jr., 272382870.
Kinnebrew, Lee, III, 438627987.
Kipp, Marvin L., 484582760.
Kirkland, Clayton M., 540503827.
Kirkland, Malcolm E., 444422918.
Klausz, Steve, 283361589.
Klein, William D., 525946452.
Kleinhenz, William J., Jr., 288389355.
Klement, Richard C., 124342487.
Klemp, Arthur K., 392427420.
Klos, Jerry F., 445449279.
Knaub, Michael H., 507460165.
Knepper, John R., 330384153.
Knight, Billie G., 263669058.
Knight, Delbert L., Jr., 521584850.
Knight, John W., 448424221.
Knight, Warren V., 230606126.
Knittel, Paul F., 280389411.
Kuntsen, Eric V., 068347043.
Kobernus, George M., 545586991.
Koch, Perry L., 524528051.
Konegen, Rudolf R., 157300403.
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Kossey, Paul A., 163322235.
Kramer, Willard P., 519502606.
Kraske, Gary E., 483504262.
Kratzer, Ronald M., 436560854.
Krecic, Ronald J., 293386867.
Krenzel, Arthur E., 501461143.
Kroese, Ted R., 508564377.
Krueger, Richard D., 298407146.
Krzymowski, Victor K., 158304812.
Kuenning, Thomas E., Jr., 577628155.
Kuhns, Robert M., 274388914.
Kullberg, James E., 505523182.
Kurina, Jerry W., 469583421.
Kutner, Michael B., 546585579.
Kwiatkowski, Leonard F., 110365977.
Kyle, James S., 511447612.
Labbous, Salem E., Jr., 423568406.
Lacey, Michael F., Jr., 485500940.
Lackey, William E., 461683284.
Laflamme, Herbert E., 21640906.
Laframboise, James F., 368466389.
Lamb, Allan R., 533424901.
Landes, Clifford W., 167347945.
Lane, Jimmy N., 450706412.
Lane, Robert A., 566562237.
Lang, Roy E., 031325526.
Lange, Robert A., 329364714.
Larsen, Roger H., 155321861.
Lascala, Ronald, 054327551.
Lasky, Robert J., 023323373.
Laszynski, Thomas F., 374407939.
Lau, Leo E., 57542962.
Lavin, Paul M., 029329579.
Lawder, Shelby D., 343343205.
Lawhern, Richard A., 565627890.
Lawyer, David F., 499421890.
Lea, Joseph D., Jr., 223560229.
Leatherwood, David, A., 415724181.
Lecki, Ronald C., 313444491.
Lee, Jeffrey F., 331348888.
Lee, Larry O., 516524843.
Lee, Robert E., Jr., 534401080.
Lee, Thomas W., 266700867.
Lefforge, Jack A., 557522451.
Leithiser, William A., Jr., 215427217.
Lemoine, Gaston J., Jr., 438585178.
Lentz, Richard A., 192284630.
Leone, James W., 390424871.
Lewis David E., 523567336.

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Lewis, Dean W. Jr., 526607732.
Lewis, James R., 281382085.
Lewis, John S., 333369394.
Lewis, Joseph W., 221280530.
Lewis, Tommy L., 562545835.
Libert, William J., 557607093.
Linville, Ray P., 239763121.
Lipp, George B., 547660870.
Lipton, Howard N., 391389524.
Lisle, William C., 480527026.
Little, James E., 241705473.
Littlefield, Laurence D., 007365119.
Litts, Phillip E., 555589989.
Lomax, Francis E., 295420684.
Long, Harlan E., 360322203.
Long Stephen G., 543482700.
Lono, Antonio E., Jr., 435665091.
Loomis, Lee H., 516462989.
Loose, Chester S., 300383858.
Loose, William E., 409727898.
Lopp, James K., 562583858.
Love, David D., Jr., 388427590.
Lovell, Jack R., 563624071.
Lowry, Norman L., III, 339367885.
Luczak, Ralph J., 496480301.
Lueders, Denis A., 523589712.
Lund, Stuart A., 533461475.
Lundmark, Dennis P., 477464566.
Lung, Emmet G., 305469621.
Lutter, Charles W., Jr., 398408018.
Lutton, Lyle D., III, 412700104.
Lynett, James E., 189342899.
Lyons, Stanley B., 440427633.
Maage, Donald W., 471503995.
Machmer, Paul D., 526680635.
Magee, Edward B., 169345947.
Maginal, Robert H., 462700434.
Magliolo, Andrew J., Jr., 467663953.
Magness, William M., Jr., 219447575.
Mahan, James B., III, 317421340.
Mahler, Michael E., 135365351.
Maki, Dennis A., 370504040.
Makinney, Charles F. K., 575460024.
Malcolm, Hugh S., 464700784.
Malone, Michael W., 463667204.
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Mannix, James P., 080363944.
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Marstall, James B., 498441360.
Martens, John D., 509346156.
Martin, Michael D., 525982596.
Martin, Michael F., 082342812.
Martin, Michael T., 227565273.
Martino, Frank E., Jr., 201349309.
Marvin, Carroll C., 266746262.
Mascari, Phillip L., 150348504.
Masters, Francis M., 456667437.
Masterson, Mark W., 547641908.
Maxon, Gary L., 494460340.
May, Alvin H., III, 434640997.
Maze, Walter W., 575442746.
McAdams, Martin J., 144364480.
McCarron, William E., 034306542.
McCarron, William J., Jr., 264689602.
McCarthy, Stephen P., 106363529.
McCarty, Curtis, 439624451.
McCarty, Joseph, 158309976.
McClure, Roger L., 511466807.
McCoy, Johnny M., 462644018.
McCrea, Thomas E., 267648189.
McCulloch, William A., 402522600.
McCutcheon, Robert H., Jr., 214409528.
McDaniel, Kenneth K., 251782330.
McDaniel, Larry T., 429807041.
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McDonald, David A., 465668380.
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McCeneany, Dennis P., 261764814.
McGann, James M., 023365223.
McGarvey, Richard G., 209348000.
McIntyre, Andrew J., Jr., 216426071.
McIntyre, Henry J., 226541040.
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McKenzie, Francis P. Jr., 420584079.
McKercher, David B., 315445875.
McKnight, William A., 124346970.
McLain, Albert H., 005420611.
McLargin, Gary E., 290380818.
McLean, Donald P. Jr., 303445849.
McLeod, Marion C., Jr., 262569928.
McLeroy, Joe C., 528502023.
McMahon, Dennis J., 542505141.
McMillen, Victor R., 447442003.
McMillin, Harry C., 426826012.
McMullin, Joseph R., 169342270.
McNabb, John T., II, 236704219.
McWilliams, David R., 559585241.
McWilliams, John F., 559609543.
Mead, Charles H., 339362368.
Mead, Michael J., 540503057.
Megow, John R., 398383263.
Meier, Daniel T., 101321789.
Meisten, John N., III, 113341517.
Melchoir, Richard B., 196329453.
Melchisedeck, Jerry L., 534380627.
Melton, Thornton C., Jr., 224564995.
Mendenhall, Laurence D., 543449112.
Merkel, James J., 102366444.
Meroney, Virgil K., III, 499467956.
Merrell, William M., 315423672.
Merriott, Charles R., 445467879.
Mesaris, Harold L., 421540213.
Meserow, Louis H., 523602415.
Metz, Thomas L., 290428619.
Metzker, Paul F., 567606184.
Meyer, Herbert F., Jr., 496469084.
Michelson, James A., 387460152.
Micklas, Paul J., Jr., 046348961.
Middleton, James M., 307443200.
Middleton, Robert R., 547627291.
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Milam, Alvin L., 230445592.
Milbrandt, Gordon K., 503504283.
Miller, Arthur L., II, 252648473.
Miller, Charles G., III, 522546942.
Miller, Edward B., 314429850.
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Miller, Ernest R., II, 223640617.
Miller, Harvey J., 479504949.
Miller, John P., 266680512.
Miller Lloyd D., 460602135.
Miller, Ronald D., 524521212.
Miller, Stanley E., 303443541.
Mills, Allyn K., 369409950.
Minks, John A., 463729855.
Mirrer, Keith S., 120324494.
Misek, Eileen F., 125349916.
Mitchell, Edwin D., II, 467729971.
Mitchell, Harry R., 223584662.
Mitchell, James D., 456682895.
Mitchell, Louis J., 255700699.
Mitchell, Ronnie D., 498428265.
Mize, Mark, Jr., 222249804.
Modlin, Edwin H., 242760967.
Moffitt, Michael C., 285384124.
Moha, John R., 378447925.
Molbert, Lennet J., Jr., 437683667.
Monroe, Gilbert L., 290387359.
Montague, Lyle L., Jr., 317442864.
Moore, James C., 104342065.
Moore, Philip W., 458742646.
Moore, Warren W., 441426725.
Morgan, Dennis P., 475487144.
Morgan, Geraldine S., 240625079.
Morgenstern, David H., 348326627.
Moriarty, Joseph M., 414787512.
Morley, Charles F., 498445554.
Morris, Charles E., 245685147.
Morris, William W., 505561192.
Morrison, Jimmie G., 242645616.
Morrissey, Francis I., 022320618.
Morrow, Donald B., 160366739.
Morsics, Frank, Jr., 154326620.
Motonaga, Bert T., 576449589.
Moyer, James D., 185344613.
Muehring, Paul E., 548606539.
Muellner, George K., 340364452.
Mullen, James M., 062382310.
Mullen, Russell E., 072365794.
Muller, Alvin D., 335362837.
Mullikin, Michael O., 543499720.
Mullin, Jonathan B., 178364722.
Mulvaney, James A., 355348538.
Mundt, Henry G., II, 462668790.
Munson, Robert R., 559487978.
Murdock, Louis J., III, 541505703.
Murphy, Jerry M., 480520874.
Murphy, John E., 085366633.
Murray, Goodwill S., 263661154.
Murray, Phillip C., 308441167.
Murray, William J., Jr., 326364216.
Murray, Woodrow E., 465665380.
Musgrove, Gary M., 253686228.
Mustakas, George T., III, 438624751.
Myers, David R., 212461327.
Nalley, Bobby L., 251723571.
Naue, Dennis A., 319360583.
Neal, Robert F., 243666247.
Nelson, Eric E., 499485995.
Nelson, Gary W., 562581235.
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Nettleton, James F., 538386841.
Newell, Paul C., 535406856.
Newman, Douglas E., 409668379.
Newton, Peter J., Jr., 247705863.
Nicholau, William A., 566567231.
Nichols, Esau, 262689831.
Nicholson, George E., III 237648505.
Nickel, Kenneth F., 463764080.
Nicklas, John G., 150345638.
Nield, Thomas V., 270426950.
Nielsen, Jim L., 475463286.
Nieser, Tracy, 402523037.
Nimmo, Edward J., 542489488.
Norman, James C., 506520016.
North, William E., 089322528.
Norton, Frederick P., 330368281.
Novak, John A., 362404449.
Null, James C., 447440639.
Nulty, Frank T., 443425286.
Numoto, John M., 538404947.
Oates, Garland S., Jr., 280424595.
Oates, Norman C., 465642995.
O'Bryan, Donald J., 401622541.
O'Connell, Francis J., 010348626.
O'Connell, Paul D., 337345133.
O'Connor, William P., 306441002.
Odell, Thomas M., 110341829.
Odell, William L., Jr., 413684954.
Odle, Dick E., 481522837.
Ohlsen, Michael C., 563560555.
O'Keefe, Gerard P., 010341008.
Orchard, Stetson J., 007408748.
Orekar, John A., 380404581.
Orlando, Robert A., 383424284.
Orton, Robert B., 548609240.
Ostergren, Lawrence D., 527676243.
O'Sullivan, John F., Jr., 315443393.
Otterbein, James E., 173348420.
Owings, Markley J., Jr., 160347319.
Paddock, Richard S., 465705840.
Page, Warren L., 361340279.
Paige, Frederick D., IV, 047360045.
Palmer, Russell R., 432808016.
Palmer, Thomas A., 267665350.
Parks, Bennie F., 262681720.
Parks, Edward B., 030345336.
Patterson, Arthur W., 463686358.
Patterson, Charles N., Jr., 458702291.
Patterson, Marshall S., 424542421.
Paul, Richard R., 492466689.
Pauls, James F., 231561304.
Peddle, Mark J., III, 047345715.
Pedone, Stephen P., 241729135.
Pedtke, Thomas R., 318364301.
Peloquin, Michael R., 056366448.
Penny, Luther R., 439627708.
Perrilliat, Clairborne W., 439602573.
Perry, John S., Jr., 264688982.
Peters, Eric A., 263689876.
Peterson, Peter E., 048343867.
Peterson, Russell L., 553606382.
Petrusky, Robert J., 325381339.
Pettit, James R., 500443769.
Pettyjohn, Daniel E., 359347218.
Phalen, Michael J., 531423687.
Phelps, Terrance J., 078362770.
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Phillips, Robert A., 102364582.
Pierce, James A., 449721196.

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Pitzer, Peter G., 536402843.
Pleggenkuhle, Daryl A., 479504852.
Plott, Frank L., 225569291.
Plowman, Leland H., 423544490.
Poe, Rodger B., 417560114.
Poe, Thomas A., 417566583.
Poindexter, William R., Jr., 216426167.
Pollock, Robert M., Jr., 500484135.
Poplin, James F., 242682310.
Porter, Dennis A., 398381791.
Porter, Donald L., 186323749.
Poth, Gregory E., 500482780.
Powers, Russell J., 011348634.
Powers, William J., Jr., 009308343.
Pozzo, Louis R., 563567430.
Price, Jerry L., 572603777.
Price, Lansing B., 267703706.
Prout, Donald G., 561626956.
Punches, John M., 557563566.
Putnam, John C., 445448217.
Puzas, David L., 527585183.
Quance, Thomas P., 307466544.
Quebe, John C., 522564987.
Quisenberry, Charles M., 403584004.
Rechmel, Lee W., 225528734.
Rafuse, Harold E., 211326845.
Rail, David R., 547609558.
Ralls, Charles D., 526568073.
Ralph, George R., 273401686.
Ramey, Steven C., 514424469.
Randel, James M., 143345046.
Rannazzisi, Santo J., 146360676.
Rans, Stephen J., 311425130.
Ranson, James M., 352324193.
Rapp, Robert L., 405563181.
Rarick, Kenneth R., 288385978.
Rawcliffe, William E., 066349677.
Rea, Michael W., 357325230.
Reaver, Kenneth A., 587103919.
Reddan, Michael M., 577569800.
Reding, Jerry W., 305464548.
Reed, Earl S., Jr., 262661993.
Reeh, Charles D., 466667022.
Reese, Michael A., 516483230.
Reese, Pat L., 455648864.
Reichman, James G., 560643230.
Reid, James E., 574161924.
Reid, Richard D., 513421434.
Reiter, Thomas E., 264727922.
Reuper, Richard H., 070366735.
Reynard, Robert L., 313460819.
Rian, Richard C., 389426423.
Rice, Harold D., Jr., 416581826.
Rich, Robert D., 414667521.
Richards, Hugh J., 019325422.
Richardson, Darrell L., 535406289.
Richmond, Don C., 427864125.
Ridge, William J., 514426682.
Riely, Michael W., 501483137.
Riffe, Thomas W., 509524162.
Riggins, Dennis D., 485480438.
Riley, Earl W., 239703687.
Riley, John F., 135400504.
Pinella, Joseph T., 345348907.
Ringstrom, Ronald J., 470605215.
Riopelle, Martin A., 299386544.
Riordan, Monti J., 530283142.
Ritter, Arthur W., 473462818.
Roa, John P., 261881888.
Robert, Wade H., III, 226583810.
Roberts, David W., 283347947.
Roberts, Duane C., 520465162.
Roberts, James O., Jr., 273403076.
Roberts, Richard A., 289387754.
Robinson, Alan M., 575440949.
Rodgers, Jimmie A., 536343619.
Roecker, Lloyd L., 393441723.
Roen, David T., 453701841.
Robers, Owen, 124342367.
Rogers, Steven B., 346387349.
Rogers, Tate M., Jr., 240687095.
Rogers, Victor M., 276423969.
Roller, Russell F., 472482748.
Romaglia, Frank J., 144342606.
Rooney, Michael R., 500480509.
Rose, Allen E., 508520043.
Rose, Charles A., 413682203.
Rose, Peter N., 081365465.
Rose, Stephen R., 228562764.
Rosenthal, Marvin H., 564581702.
Roshak, Robert W., 147349537.
Roth, John W., 309460541.
Roth, Kenneth E., 500442019.
Rougeau, Joseph M., 554529290.
Rous, Robert K., 214445972.
Rovenstine, Jay A., Jr., 565564064.
Royer Peter M., 572646028.
Ruddy, William A., 577588616.
Rumberg, Robert E., 040361076.
Runkle, Jack R., 305429130.
Ruppert, Peter J., 064325323.
Rush, Dean R., 316429743.
Russell, Evan, Jr., 162282932.
Russo, Daniel L., Jr., 038262251.
Rust, Steven K., 471508853.
Rutenberg, David C., 117364727.
Rutledge, Larry D., 441422023.
Ryals, Allen C., 260681234.
Ryan, Harold D., 462669506.
Ryland, William K., 422607698.
Sagsveen, John A., 501548691.
Salge, Alvin A., 451669427.
Salminen, Frank W., Jr., 475465674.
Sampson, Ronald T., 293408626.
Sanborn, Alvin M., 551743492.
Sanford, Gary M., 457707658.
Sargent, William D., 542506234.
Sarkozy, Lawrence J., Jr., 046343965.
Sasman, Edward D., 406561572.
Sasnett, Rufus P., 258788957.
Saunders, Larry W., 236687777.
Saunders, Robert G., II, 230541971.
Savacool, Donald J., 431781072.
Sawaya, George J., 520448235.
Schaefer, William L., Jr., 448441714.
Schaffer, James C., 210348573.
Schaffer, Raymond C., 514428282.
Scheafer, Harry A., 299380127.
Schellhase, Milton G., 539404298.
Schering, Roy F., 057367149.
Schildmeyer, David L., 542424001.
Schlobohm, Christian P., 263721298.
Schmidt, Jerry L., 505568065.
Schnee, Walter L., 278383041.
Schneider, Michael D., 523567791.
Schrepel, Milton F., 512441323.
Schufman, Joseph L., Jr., 471502624.
Schuh, Ronald B., 321380887.
Schuster, Harve J., 102343996.
Schuyten, Peter, 363446215.
Schweitzer, John F., 190342157.
Scott, Robert W., 159302089.
Seals, Daniel P., 257686020.
Seaton, Gary G., 340302562.
Sechler, Duard L., Jr., 255665906.
Seck, Harry F., Jr., 441462923.
Seda, Joseph E., 507580174.
Seidler, Richard B., 571584100.
Seifer, Robert J., 307469500.
Seines, John D., 516466791.
Sergent, Robert E., 143346773.
Shale, Douglas A., 236687887.
Shaner, Richard L., 167349711.
Shanklin, William M., Jr., 235645000.
Shea, Clifton L., 028326817.
Shea, James M., 483585910.
Shea, William M., 031329513.
Shepard, Joel E., 077366166.
Shepard, Kenneth E., 267507264.
Shepherd, Gerald C., 517460101.
Shepherd, Robert E., 550547193.
Shermer, Caton A., 223541366.
Shiker, Jack D., 378447089.
Shively, Robert A., II, 303489560.
Shotwell, Lance D., 521566178.
Shultz, Cletus E., 515423062.
Siders, Stephen R., 357347253.
Sides, Robert R., 457689146.
Siegfried, Donald R., 171369490.
Silliman, James R., 561642975.
Simko, Charles G., 296362553.
Simmons, Clayton D., 504487129.
Simmons, Eugene B., Jr., 230529387.
Simms, John G., Jr., 267662682.
Simon, Attila T., 522562223.
Simon, Philip O., 558584424.
Simons, George W., 233668020.
Skala, Kenneth E., 354302398.
Skar, John M., 533423238.
Skersick, Richard K., 546561192.
Skinner, Charles R., 275400918.
Skluzacek, Eugene W., 476508075.
Slaughter, William J., 57403123.
Sloan, Johnny B., 315429124.
Sloan, Ronald V., 519448940.
Sloan, William T., 544480621.
Small, William R., 264627405.
Smartt, Daniel K., 454702840.
Smith, David L., 381421221.
Smith, Douglas B., 535385999.
Smith, Edward M., 039285452.
Smith, James M., 442443266.
Smith, Jerry L., 264829114.
Smith, John A., 238661042.
Smith, Leland T., 454702276.
Smith, Michael D., 538424562.
Smith, Omer L., 378365282.
Smith, Ronald H., 413724443.
Smith, Thoms J., 412763124.
Smith, W. S., II, 256689324.
Smith, Walter E., 259725006.
Smith, Wyatt S., 244661408.
Snyder, Robert M., 287407309.
Snyder, William W., 251682068.
Socha, Leon P., 044322932.
Soebbing, Dennis R., 357343984.
Soldmann, William T., III, 567665787.
Soucy, Robert B., 523564758.
Spates, Frederick R., Jr., 027322610.
Spencer, David D., 305389715.
Spitler, William M., 312449346.
Spooner, Donald A., 507520600.
Spratlen, Terence C., 508526773.
Sprick, Charles D., 490460639.
Stajdel, Patrick J., 265682215.
Stamler, Richard D., 098340644.
Stange, Kenneth C., 350363085.
Stanley, Samuel D., 234666328.
Stark, Rodney L., 508567078.
Stauffer, Roger K., 535400295.
Steele, John B., 048347174.
Stephens, Raymond L., 460681765.
Stephens, Roy L., 253688121.
Stephenson, James L., 553662939.
Stevens, Steve F., 570606069.
Stewart, Burrell H., Jr., 212428702.
Stewart, John H., II, 524585948.
Stewart, Leroy, 246647986.
Stewart, William B., 460726993.
Stewart, William E., 560524066.
Stiles, James V., 526663877.
Stocks, Gary E., 541482221.
Stockton, Michael L., 454747098.
Stormo, Douglas D., 504589013.
Stovall, Glen W., Jr., 453628863.
Stover, Evan P., III, 300360140.
Strawmyer, Jan N., 571525273.
Strayhorne, George V., Jr., 228587815.
Stromain, Paul T., 434729206.
Stroschein, Larry A., 193328322.
Stubblefield, Thomas B., 345343358.
Stubbs, David K., 475487149.
Stubbs, Gregory D., 540562743.
Studwell, Victor E., 234702634.
Styler, Brent A., 529544680.
Suda, Lawrence L., 501526205.
Sullivan, Joseph W., Jr., 110362209.
Sullivan, Michael A., 312424789.
Sullivan, Raymond F., Jr., 015344183.
Swettenam, Fredrick L., 512442952.
Swisher, James H., 579565178.
Sykes, Edward L., 406602878.
Tadd, Roland F., 468488086.
Takakawa, Rodney N., 575467762.
Talbert, Glenn B., 471480838.
Talbert, Michael B., 317464932.
Talbott, James D., 321365365.
Tate, Michael D., 324347422.
Taylor, George W., 416543425.
Terrell, Frank M., 307389000.
Thisius, Dennis L., 474403617.
Thomas, Allan, 302387976.
Thomas, John C., 559607744.
Thomas, Neal M., 529409937.
Thomas, William S., Jr., 576443119.
Thomley, Alan M., 266806795.
Thompson, Kenneth R., 295387744.
Thompson, Paul R., 174365900.
Thompson, Ralph C., 412762591.
Thorp, Donald K., 372424203.
Thorson, Delmar D., 479522801.
Thrash, Joseph P., 449723536.
Thurston, Marland C., 510428670.

XUM

Thyng, Daniel L., 301422396.
Tichenor, James C., 266525990.
Tiedemann, Thomas W., 317425477.
Tiernan, Robert K., 560562458.
Tihomirov, Michael L., 537443919.
Tillstrom, Richard P., 384340409.
Tilma, Teddy G., 512422578.
Timko, Andrew, 163341623.
Tirone, Joseph M., 042346382.
Titus, William E., Jr., 430780248.
Tobey, Carl P. Jr., 526627562.
Toles, Stephen L., 527603079.
Tolin, Anthony J., 437647431.
Tolle, Tommy J., 442464058.
Tomlinson, Edward M., 230601175.
Tompkins, Rodney P., 570600969.
Toran, Isaiah, 412647530.
Torkelson, Leon A., 512444025.
Travis, Ralph D., 105340138.
Travitz, David H., Jr., 252706821.
Trentham, Robert D., 409702545.
Tucker, Charles G., 461661896.
Tucker, Lloyd E. III, 432787496.
Tudor, David K., 585106191.
Tusinski, Joseph A., 073348328.
Tuttle, Bruce C., 506544578.
Tyler, Robert H., 254744304.
Tysinger, William C., 577567183.
Vallas, Theodore G., 555583433.
Vanderwilt, Philip B., 479444690.
Vandoyen, Johannes, 372465905.
Vergin, James R., 310429865.
Vermeiren, Richard M., 019368637.
Vernor, Alois C., Jr., 452780355.
Verso, Thomas J., 072303444.
Vizi, Donald A. 078349343.
Volk, Douglas L., 506568162.
Volpe, John L., 522465171.
Vonkrosigk, Rodney K., 520464697.
Voth, Dennis J., 398424722.
Wadlington, James T., Jr., 412680488.
Wadsworth, Richard A., 093363349.
Wagner, Paul A., 272367658.
Walilko, Thomas J., 377447646.
Walker, John A., 481561442.
Walker, John A., 051369781.
Walker, Robert A., 555607155.
Wall, Richard L., 526568477.
Wallace, John R., 433623485.
Wallace, William F., 552622937.
Walsh, Robert P., 102365059.
Washburn, Frederick D., 398422844.
Wasniewski, Andrew S., 085343371.
Watson, Gary G., 321369582.
Watson Robert G., 175344522.
Weaver, Billy H., 424567723.
Weaver, Bruce W., 379460653.
Webb, Danny W., 456662435.
Weiss, Marc H., 277405330.
Weller, Frederik,, 529467114.
Wells, Michael L., 218420689.
Welsh, Billy A., 430683259.
Wendt, Howard W., 329363405.
Wendt, James C., 387448722.
West, Donald E., 482540657.
West, John F., III, 191323833.
Westerville, Karl E., 161346602.
Whalen, Joseph E., 387445486.
Wheeler, Michael I., 517549972.
Whiat, Murray R., 546569895.
Whitby, David M., 192347851.
White, Arthur P., 310407157.
White, Frank O. H., 569626300.
White, Harry A., III, 419661417.
White, Homer E., Jr., 521527865.
White, Hubert W., III, 474487261.
White, James P., 414724359.
White Neil R., 091345121.
White, Richard A., 326321819.
Whitehouse, Robert E., 547620155.
Whitesell, Donald E., 444428124.
Whitley, Donald F., 428906388.
Whittaker, Loren F., 541507922.
Widders, John L., 168363116.
Wiese, Craig S., 542480705.
Wiesner, Larry E., 503524073.
Wikheim, John A., 536406473.
Wilber, John W., 371446872.
Wilder, Lawrence T., 578582241.
Wildermuth, Paul S., 567569693.
Wiles, Charles J., 305426969.
Wilkinson, Spencer W., 224603960.
Wilks, Phillip G., 459685717.
Willett, Robert V., Jr., 517481051.
Williams, Edward L., Jr., 281424204.
Williams, John B. III, 246620485.
Williams, John C., 150324382.
Williams, Robert S., 458686117.
Williamson, Marshall D., 525984534.
Willis, Herbert P., 130326951.
Willits, James L., 508544967.
Wilmot, James H., 585095742.
Wilson, Bobby G., 456545622.
Wilson, Garth L., 518501845.
Wilson, Orren D., 185342396.
Wilson, Robert R., 261648079.
Wilson, Stephen E., 532427170.
Wilson, Woodrow, Jr., 417566104.
Winge, Gaylord H., Jr., 265689107.
Winkler, Paul H., 090363406.
Winnik, Laurence N., 560605164.
Winston, William S., 416585154.
Wirth, Larry G., 483540347.
Wise, Jeffrey D., 232782977.
Wise, Keith R., 337340777.
Wise, Michael G., 289404723.
Wise, Richard A., 524563191.
Wise, William M. III, 018345659.
Witek, Edward, 021342836.
Withrow, William E. III, 214424662.
Wittmayer, Roger N., 501349920.
Wohlwend, James P., 474503189.
Wolf, Stephen H., 513408210.
Wollam, Russell G., 585016124.
Wollaston, John F., 209325196.
Woodall, James D., 264721955.
Woods, Gavan D., 366405073.
Woods, Jerry D., 557589544.
Woody, William E., 295388174.
Woolard, Lynn P., 431762260.
Woolever, Edwin E., 523546797.
Woolf, Robert W., 279388389.
Worden, Jerry D., 376443747.
Wright, Dennis D., 515345403.
Wyatt, John H., 426742328.
Yamanaka, Osamu C., 322369600.
Yanagihara, Peter V., 575441986.
Yarborough, Thomas R., 523602204.
Yeakel, Richard E., 557609459.
Yoggerst, Denis M., 345367341.
Younce, Henry S., 558502964.
Young, Everett W., 308483179.
Young, Larry R., 374406206.
Young, Lee R., Jr., 461729025.
Young, Robert A., Jr., 461720556.
Zalace, Stanley W., 460682678.
Zdradzinski, Stephen F., Jr., 195323533.
Zeigler, Troy D., 510427704.
Zelenski, Stanley S., 180345388.
Zellmer, Dennis M., 476508955.
Zesinger, George R., III, 200346522.
Ziegler, Kenton R., 478543832.
Zimmerman, Leon I., 540421965.
Zinkus, John C., 236683006.
Zuber, William G., 555626895.
Zuleeg, Ralph C., 051340028.
Zura, Gary B., 353367610.

To be second lieutenant

Aakhus, Donovan E., 546665818.
Abair, Michael A., 006362338.
Accurso, Steven A., 480503969.
Ackerman, Robert F., 292366470.
Adams, Charles E., 510449825.
Adamson, Anthony L., 031322460.
Agnor, Raymond M., Jr., 407628680.
Aikman, Rex, Jr., 457729401.
Akins, John P., 255687127.
Albertini, Victor D., 517501636.
Algire, Richard G., 217406225.
Alleman, Darryl D., 530287873.
Alpert, Thomas J., 372424031.
Alton, Jack W., Jr., 491461657.
Amato, Leonardo, 004402413.
Amlicke, Bruce B., 140385043.
Anderegg, Clarence R., 211340392
Anderson, David B., 510443724.
Anderson, David M., 501489151.
Anderson, Jeffrey W., 449762303.
Anderson, Jon A., 515403139.
Anderson, Russell C., 500466042.
Andreoli, Leopold J., 190343652.
Andrews, Duane P., 267706239.
Angel, Bernard B., 571627825.
Angerman, George G., 497446603.
Angier, Franklin E., Jr., 521600404.
Anton, Thomas J., 330380928.
Apgar, Richard, 308442380.
Arnold, William R., Jr., 575502350.
Ashbaugh, Dennis M., 494584317.
Ashby, James C., 405620325.
Ashford, Harvey M. H., 461682484.
Askew, John E., 345361363.
Asmus, Hans J., 561546026.
Atherton, Michael E., 264588297.
Atkinson, William B., Jr., 262727707.
Bachelor, Robert R., 331400961.
Back, James W., 406588382.
Badgley, James L., 147345286.
Baenziger, Clayton M., 370481823.
Bafus, James R., 536468979.
Bagnetto, Thomas A., 451827196.
Bair, David S., 358366829.
Baker, Fred L., 522609537.
Baker, Gary H., 413687207.
Baker, Michael L., 284409406.
Baker, Robert W., 539409634.
Baker, Warren E., Jr., 220407425.
Baki, Richard K., 386428649.
Balkovec, Steve L., 506543188.
Ball, Michael J., 055362944.
Ballard, Leroy D., 409762121.
Ballew, Joseph E., 404522330.
Bambury, John J., 084363649.
Banks, Calvin Jr., 256636034.
Barker, Duane A., 556626287.
Barnes, George A., 401602320.
Barranco, John R., Jr., 346345857.
Barrett, Andrew J., II, 045365679.
Barrick, Samuel L., Jr., 270409665.
Barry, John M., 126345636.
Barry, Steven T., 533446990.
Barton, John V., 211340085.
Barton, Leroy H., III, 565644396.
Bates, John F., 021360615.
Batie, Gary J., 383440067.
Battle, Jack M., 261669189.
Baugh, John R., 462721601.
Bayless, James E., 585100639.
Beachem, Eugene R., 181325956.
Bearley, John W., 306427685.
Beinecke, Terry A., 002325741.
Bell, Terry R., 253701960.
Bell, Walter D., 526706196.
Bendlin, Gary R., 387465310.
Benjamin, Harry E., 542467953.
Bennett, Charles L., Jr., 272369096.
Bennett, Warren A., Jr., 230606021.
Bennett, William R., 564583430.
Benson, George G., 243761617.
Benten, John B., 283401273.
Bentley, Philip S., 579569632.
Benz, John C., 547649934.
Bergs, John, 032343270.
Berry, Dennis J., 288383998.
Bertram, Heinz D., 049324901.
Bertrand, Randall L., 136342697.
Berty, Barry J. T., 181342461.
Beshore, Eric A., 108368616.
Besold, Barry B., 068343907.
Betz, William D., 511462926.
Bevan, Steven B., 518469418.
Bickley, Frederick L., 267709900.
Bishop, David E., 354367789.
Bishop, Stanley T., 404622619.
Blackburn, Michael P., 350365708
Blackman, William J., 326381252.
Blair, David G, 331381680.
Blais, Gerard C., Jr., 122386605.
Blakely, Milo R. B., 409680050.
Blakely, Thomas J., 440424192.
Blanchard, James R., 436643927.
Blanco, James P., 413727327.
Blank, Jere F., 026343228.
Blanks, Randolph M., 231566833.
Blauch, James L., 214466595.
Blaxton, Eldon C., 394428695.
Blight, Clark W., 565623663.
Bliquez, Terry O., 484481545.
Block, John R., 325380047.
Bloodworth, Donald B., 545628631.
Bloom, Jay E., 038280631.
Boesz, Daniel L., 155302429.

Bogard, Earl C., Jr., 460545894.
Bohlmann, Richard G., 397424878.
Bohnsack, Richard D., 356348538.
Boling, Rodney E., 532420900.
Bomberger, John F., 554648388.
Bortner, Jonathan J., 165364460.
Bound, Ronald J., 136285559.
Bower, William R., 302361597.
Bowie, Claude P., Jr., 426849182.
Bowman, Gerald L., 017340594.
Braa, Arthur J., 504522968.
Bradford, Barry C., 152344397.
Brady, James F., 230563617.
Branscome, Claude E., 178342238.
Breen, Timothy J., 512505757.
Brestle, Daniel J., Jr., 158320609.
Bridewell, Alexander C., III, 212461029.
Bridges, John F., 247742392.
Brightfelt, Robert W., 183347250.
Brigman, Marvin J., Jr., 263622195.
Brinkley, Michael E., 463662927.
Brittelli, Joseph L., 398383087.
Brocato, Thomas A., 433629991.
Brody, Robert D., 136341602.
Brotzman, Robert L., 203342501.
Brown, Glenn R., 568402737.
Brown, Harold R., Jr., 408767149.
Brown, Herbert W., Jr., 423522872.
Brown, James F., 065340762.
Brown, Paul W., 466684345.
Brown, Tommy G., 536447498.
Brown, William L., 223589533.
Browning, Jeffrey F., 494507440.
Browning, Robert W., Jr., 125349475.
Brunsting, James A., 480549362.
Bryan, Edwin B., 042366132.
Buchanan, James D., 232760883.
Buchholz, David E., 476462970.
Bumbulis, Gunars, 321363845.
Burke, David K., 542488913.
Burke, William J., Jr., 048348599.
Burkel, Louis A., III, 506523603.
Burnette, Joe D., 290402699.
Burns, Herman W., 417582741.
Butchart, James F., 448426777.
Butterbrodt, Vaughn L., 482584184.
Button, Gary D., 512482782.
Buzze, Charles L., 212461104.
Byers, Joseph M., 198367251.
Byrd, Emerson E., 566449644.
Byrne, Thomas J., 055362505.
Byrns, William G., 498467595.
Caldwell, Douglas E., 227607979.
Calvert, William H., 499349142.
Campbell, Harry G., 202341376.
Cardiel, Richard B., 457685876.
Carellas, James G., 256623958.
Carellas, James G., 256623958.
Carman, Philip L., 274388261.
Carnevali, Tony, 559580181.
Carothers, Noble E., 411768662.
Carr, Randell E., Jr., 429825923.
Carroll, Leo T., III, 030322119.
Carter Lloyd L., 330349198.
Carter, Stephen F., 439627097.
Caruthers, John E., Jr., 430801982.
Cason, Benjamin B., 260761606.
Caspar, William D., 509482520.
Catherwood, Dwight W., 542484603.
Cathey, Thomas N., 241745231.
Cattolica, Vincent J., 563589563.
Cawood, Harry E., 485463262.
Cecil, Richard L., 432809694.
Chabot, Ferdinand J., 481521239.
Chandler, Edward L., 419588421.
Chandler, William J., Jr., 451709554.
Chary, Henry A., 070384692.
Cheatwood, B. W., 250747609.
Cherry, Eileen P., 044364270.
Cherry, Robert E., 439640511.
Cheshire, James C., III, 265602069.
Christensen, Boyd J., 518461149.
Christon, Christopher L., 037283877.
Churchill, Carl R., 463748341.
Churchill, Carl R., 463748341.
Clark, Freddie W., 311449164.
Clark, Glen W., Jr., 521687641.
Clark, Milton S., Jr., 237747023.
Clark, William M., 407583619.
Clavenna, James F., 497467215.
Clee, John C., III, 365429233.
Clements, Morris E., Jr., 226545051.
Clevesy, John W., 548585751.
Clifton, Kirby R., 409680847.
Clough, Fred A., III, 006443706.
Clutter, Bertley A., III, 476469920.
Coakley, Donald J., 221309520.
Cole, Edward D., 501464661.
Cole, Julian W., 420488353.
Coleman, Maurice A., Jr., 521567878.
Collins, Perry B., III., 255689168.
Colpitts, Charles D., 540405717.
Comite, Carmen A., 020320371.
Compton, Munson G., Jr., 462727412.
Comstock, Robert W., Jr., 317428729.
Condit, Thomas H., 217447907.
Cone, Milton L., 488504476.
Confer, James A., 273408661.
Conlan, George I., 564601978.
Connelly, Thomas T., 287381927.
Connor, John M., 218462601.
Contreras, Raul, 554606320.
Cook, Glenn R., 238681818.
Cooley, John D., 271408291.
Cooper, John E., 218464306.
Coppock, William J., 484500207.
Corban, William J., 255660095.
Corney, John K., 113341409.
Corrigan, Robert L., 039285277.
Cottam, Eleanor I., 473440529.
Coulter, Gary R., 512463922.
Courreges, Fleetwood M., 464669254.
Cox, Bruce N., 213461895.
Cox, James B., 100225703.
Cox, James W., 192384473.
Coyle, Jeffrey W., 106346050.
Crane, Charles L., 496384078.
Crane, Gregory L., 541484493.
Crawford, Kenneth R., 260706186.
Croach, Robert E., 263702465.
Cronk, Bradley A., 398425893.
Cross, Roderick S., 004421477.
Crumm, William J., II, 231561164.
Cummings, David D., 459725285.
Curran, Craig V., 351349326.
Currier, Cyrus R., III, 004426055.
Curry, William S., 569484549.
Curtis, Edward E., 008284294.
Cuthrell, Luther G., 244701054.
Dahm, Joseph M., 358349367.
Dahms, Arthur R., III, 391425963.
Daluz, Antonio V., Jr., 573445055.
Damron, Richard L., 467721395.
Danahey, James A., Jr., 171364972.
Daniel, William L., II, 319382464.
Davern, James J., 058322569.
Davidson, Dale A., 515446586.
Davis, Chris G., 562584425.
Davis, Gary E., 244704360.
Davis, Marvin L., 490481978.
Davis, Michael H., 562565301.
Davis, Simeon B., III, 242721088.
Dawsey, Donald J., 131344062.
Dayton, Frank H., Jr., 418586199.
DeAlmeida, Victor J., 491529080.
DeAscenti, Anthony F., 094369172.
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DeJong, Lloyd E., 503563640.
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Dietrich, Richard T., 189349542.
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Downs, Robert G., 187346538.
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Drewry, David R., 427809204.
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Eddins, William N., III, 515445808.
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Errico, Michael L., 149365491.
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Friedlander, Leonard, 105303312.
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Kunkel, Edward P., 473444174.
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Larson, Larry D., 469527674.
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Lindsey, Hugh A., 230549367.
Link, Joseph V., 188326766.
Linville, James G., 241703313.
Little, Charles P. III, 224587336.

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Primrose, Ronnie L., 252747581.
Prodell, Aaron, 388369495.
Pruitt, Richard T., Jr., 225620623.
Purdy, James A. II, 430860418.
Quinn, James D., 002320324.
Ragan, Michael J., 166367718.
Raines, Norman W., Jr., 248687745.
Rainville, Paul J., 017341780.
Ranaudo, Richard J., 044342974.
Raphael, Christopher H., 518508802.
Ratcliff, David D., 463727826.
Ratts, Larry J., 519509154.
Rauch, James O., 490483016.
Ray, Hubert L., 247742151.
Ray William D., 264748118.
Raycraft, James B., 548643090.
Raymond, Neil V., 225586750.
Raymond, William C., 163344465.
Reedy, Rodger A., 295427757.
Reger, Charles B., 248764737.
Register, Perry L., 256648077.
Reichal, Joseph C., Jr., 444447102.
Remy, Thomas J., 004360042.
Rice, Rob R. III, 453643728.
Richardson, James C., 522546916.
Richey, Chester R., Jr., 449729752.
Ricketson, Robert C., 146366956.
Rider, Warrick W., 520462981.
Rigby, David J., 157367605.
Riley, Michael A., 200346822.
Riordan, Valentine W. II, 125364349.
Ritter, James W., Jr., 025347539.
Ritter, Robert J., Jr., 248787302.
Rivolo, Arthur, 054369671.
Roark, David O., 499445871.
Roark, Robert L., 472566356.
Robbert, Albert A. III, 424561905.
Roberts, George R., 463764647.
Roberts, Harold I., 548622966.
Roberts, James W., Jr., 406601687.
Robertson, Herschel E., Jr., 587205895.
Robey, William A., 226609518.
Robinson, Clark W., 491481244.
Robinson, Mark, 297409695.
Rodenhauser, Karl J., 227600900.
Rodgers, Robert M., 461662496.
Roe, Fay A., 080344860.
Roll, David F., 205340193.
Rundeau, Daniel M., 520505241.
Ross, Michael I., 561623242.
Russ, Thomas L., Jr., 248744187.
Roswell, Donald F., 014342683.
Rubus, Gary M., 548605463.
Rudolph, Franklin A., 571667099.
Runyon, David C., 513427433.
Rupp, Kenneth D., 509462731.
Rupp, Robert J., 166307383.
Rupright, William E., 307465286.
Russell, Clark B., 068364284.
Rustemeyer, William G., 404423644.
Ruzicka, Joseph L., Jr., 249740635.
Ryan, Thomas G., 401603425.
Rygielski, Joseph J., 077346931.
Sackvillewest, Arthur J., III, 538420833.
Sams, John B., Jr., 252706470.
Samson, David R., 274382391.
Sander, John L., 103368455.
Sanders, Ernest L., 425549949.
Sanders, George A., III, 262588362.
Sands, Gene C., 447405925.

XUM

Sandstrom, Kerry R., 033324773.
Sannes, Lydell D., 502468004.
Sauvain, Claude R., Jr., 522402571.
Schaad, Richard M., 055364938.
Scherer, David P., 517487043.
Schindler, James C., 533461609.
Schmicker, William D., 303448727.
Schmitt, Harold R., Jr., 497501805.
Schneider, Joseph A., Jr., 445421001.
Schreck, Dan R., 514489322.
Schreiber, David F., 539405656.
Schrettenbrunner, Michael K., 069321797.
Schryer, Donald R., 512443588.
Schultz, Terry L., 303448021.
Schwab, Ronald P., 507567826.
Schwertfeger, William R., 441448499.
Scoskie, Robert R., 137361358.
Seagroves, Michael A., 318364213.
Seidel, Lee F., 125363059.
Seitz, Robert A., 489488557.
Selig, Kenneth R., 284368511.
Sert, Louis R., 212480021.
Setzekorn, Richard R., 329368956.
Sharpe, Ervin C., Jr., 263584119.
Shaw, Graham, 568643178.
Shaw, Gregory R., 356363317.
Shearin, Rudolph T., 244684068.
Sheeran, Edward J., 568529148.
Sherman, John L., 566603574.
Sherry, Robert R., 381466101.
Shields, Edward J., Jr., 171344718.
Shields, Kent L., 515461309.
Shipe, John A., 204344598.
Shradel, Jan M., 483507669.
Shull, Walter B., 491460994.
Siers, Edwin Jr., 458725632.
Sievers, Stanley E., 478600825.
Sigler, James A., 441464665.
Silver, Richard C., 195342343.
Sims, Theron L., 511440414.
Sipos, Larry, 288401625.
Sizemore, Edward J., Jr., 267746029.
Skiver, Ernest H., Jr., 098366758.
Skluzacek, Roger J., 475483583.
Slattery, Neil A., 537382059.
Slocum, Norman M., 424547086.
Smith, James A., 094340149.
Smith, James L., 341364064.
Smith, James O., 228463543.
Smith, James V., Jr., 237664053.
Smith, Lyndell D., 259686453.
Smith, Norman D., 503502191.
Smith, Richard L., 441462207.
Smith, Robert H., 277405726.
Smithwick, James, 112349651.
Soo, Raymond M., 213407466.
Sornberger, John T. Jr., 039284324.
Southwick, Larry E., 563609307.
Sparks, Terry G., 246788497.
Speight, Larry N., 489469379.
Spell, Clyde, 262581452.
Spinney, Franklin C., Jr., 216446568.
Spitz, Frederick L., 525968379.
Stacy, Robert A., 526603899.
Stalnaker, Gerard W., 422587439.
Standish, Richard W., 091364525.
Stanley, Andrew M., Jr., 576441804.
Stark, Philip E., 123329856.
Starr, George T., 205306825.
Stenberg, William D., 532420506.
Stevens, Gary L., 427946581.
Stewart, James B., 438685103.
Stewart, Michael, 533465933.
Stewart, Raymond, 097362974.
Stewart, Warren E., 345369910.
Stiles, Shelley I, III, 411706512.
Stohlmann, Lyle A., 506541147.
Stolz, Lawrence G., 316464799.
Stone, Bruce H., 170346654.
Stone, Michael E., 296385191.
Stoops, Carl E., 548620642.
Strohm, David A., 574148325.
Stromain, Roberta L., 128348222.
Stubblefield, William G., 410689646.
Stuermer, Thomas D., 503500540.
Sturtevant, James S., 069365437.
Sugarman, Carl M., 265682274.
Sullivan, Paul J., 034322633.
Survillas, Roy G., 349342198.
Swadley, Leonard R., 444326928.
Sweet, David E., 083381655.
Swierzbin, Ronald W., 032302532.
Swiney, John F., Jr., 566582067.
Tafs, William D., Jr., 136380219.
Tarbell, Terry C., 467688224.
Tart, Howard G., 239683791.
Tate, Stephen B., 226585329.
Tawes, John P., Jr., 585107594.
Taylor, Donald R., 565647078.
Taylor, Douglass A., 144363356.
Taylor, Emerson B., Jr., 217446253.
Taylor, James M., 258665749.
Taylor, Michael J., 384449466.
Teach, Everett A., Jr., 275382221.
Tenney, Mahlon O., 019283082.
Terrell, John C., 261689250.
Test, Thomas A., 382469526.
Thomas, Donald S., Jr., 424644980.
Thomas, George R., 438643029.
Thomas, Roger J., 103348973.
Thomas, Ronald N., 397262142.
Thompson, Donald D., 505567092.
Thompson, Norman T., 189345718.
Thorey, Volker, 527648207.
Thornhill, John D., 284409606.
Thorpe, Jack A., Jr., 553645237.
Tillman, Donald E., 433663125.
Tillman, Luther J., 267645158.
Tirado, Jesus S., 061365820.
Toavs, Dwight V., 516586305.
Tockston, John G., 342343556.
Tomasetti, Robert J., 150348325.
Townsend, Jack B., 166367979.
Townsley, William E., 561582420.
Treadwell, Benjamin B., III, 220464639.
Trimble, Thomas N., 483402133.
Tripp, Robert S., 369462395.
Trujillo, Henry P., 265666600.
Trussell, Paul, Jr., 428906575.
Turk, Robert A., 456724407.
Turner, James F. A., 371363314.
Turner, Michael W., 148389252.
Tutt, George T., 315427813.
Tye, Donald M., 256661484.
Tyson, John P., 467760394.
Underwood, Gary R., 567646448.
Upchurch, James R., Jr., 248947659.
Uptegraph, Clarence E., Jr., 463741578.
Urbach, Keith J., 517469327.
Urban, Joseph J., 170362607.
Vairo, Vincent R., 305468514.
Valentino, Rudolph J., 436683418.
Vanleeuwen, James R., 014343072.
Vanotten, George A., 541509597.
Vanover, Fairly, 408688719.
Van Wagenen, Michael D., 535405827.
Vaughn, David L., 307461699.
Veeder, Robert N., 015346177.
Vega, Manuel F., 581887652.
Vertenten, James A., 335363130.
Vickers, Richard N., 264621220.
Viers, Marion A., Jr., 293382682.
Vincent, Joseph P., 408728019.
Vliek, Bruce J., 362441354.
Voellger, Gary A., 563626925.
Vogt, Richard J., 446444348.
Wagner, Paul D., 540522670.
Waite, Robert L., 558626385.
Walen, Darrell J., 502323992.
Walker, Billy F., 522584130.
Walker, Douglas M., 535426490.
Wall, David N., 276408541.
Walls, Leonard L., 134346932.
Walters, Charles W., 331328857.
Walters, John D., 511420870.
Wansack, James K., 271406175.
Ward, Theron D., 252744966.
Warden, Wayne E., 293406121.
Washburn, John D., 435601087.
Washburn, Robert L., 543464018.
Waters, James T., 051380431.
Waypa, John, Jr., 144343210.
Weaver, Donald R., 245689417.
Weaver, Richard A., 337366040.
Weber, Paul R., 520468551.
Weber, Ralph H., II, 507563722.
Webster, Dale D., 220400541.
Webster, John G., 334363472.
Wehrle, John R., 395421268.
Weiland, John D., 394441446.
Weiss, Edward D., 390426724.
Weiss, Edward H., 089366285.
Welch, Thomas D., 043343600.
Wells, Roger L., 232663337.
Welsh, Robert D., 441428442.
Westenbarger, Martin L., 570645370.
Westerbeck, John W., 522586286.
Westerfield, Melvin L., 428829892.
Westergom, Earl L., 558621517.
Weston, Joseph 200343499.
Weustermann, Elsa J., 526682639.
Wheeler, Steven L., 544503001.
Whipple, Larry K., 549488405.
White, John L., 446442473.
Whitley, Willard H., 245740681.
Whitman, Charles T., Jr., 409647409.
Whitney, Randle L., 466662381.
Will, Joseph H. M., 069366907.
Willhoite, Robert R., 440401082.
Williams, Charles B., 432828153.
Williams, John B., 506542388.
Williams, Philip J., 045365500.
Williams, Robert D., 268426090.
Wilmoth, Harrington L., 431806803.
Wilson, Bruce A., 084368334.
Wilson, Charles G., Jr., 266708795.
Wilson, David B., 184368585.
Windham, Thomas D., 483506292.
Winfield, David D., III, 230581661.
Wise, Chesley G., Jr., 242661204.
Wittel, Edward F., Jr., 265728674.
Woelfel, John G., 309466204.
Wolf, Robert E., 056363693.
Wolfe, James L., 183364279.
Woodard, Wendell O., 002325897.
Woodhouse, Dennis M., 483468968.
Worden, Douglas L., 051341824.
Woronicz, Robert C., 356361895.
Worrall, Gary R., 517506034.
Wright, David L., 459745464.
Wright, Kenneth L., 577627722.
Wyper, Andrew, III, 418626035.
Yohman, James M., 294425982.
Young, Gerald T., 513441478.
Zebelean, John P., III, 215502676.
Zehr, Frederick J., Jr., 059405610.
Zeldin, Melvin D., 084349675.
Zimmerman, Paul J., 161369985.

The following distinguished graduates of the Air Force officer training school for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Cummings, Howard W., Jr., 467662142.
Escajeda, Luis J., 452548949.
Foster, Charles R., 444422867.
Frost, Folteen F., 002327580.
Mann, John R., 163382659.
McGrath, Roger B., 348407316.
Melody, Thomas J., 108341364.
Paquette, Edward J., Jr., 015344796.
Schelhaas, Douglas P., 475509850.
Travis, William J., 186363526.
Traylor, Marvin L., Jr., 356389319.
Witherell, Thomas J., 285421873.

Subject to medical qualification and subject to designation as distinguished graduates, the following students of the Air Force Reserve Officer Training Corps for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of chapter 103, title 10, United States Code, with dates of rank to be determined by the the Secretary of the Air Force:

Abshier, Stephen E., 512488228.
Bedrick, James R., 535507319.
Berrenberg, John L., 585183181.
Fraass, Ronald G., 513489553.
Hall, Billy J., Jr., 265922610.
Lutz, Terry L., 367489589.
MacFarlane, William D., 424626936.
Mills, Larry J., 442469572.
Price, Stanley C., 485567207.
Ross, Wayne A., 507649812.
Schultz, Alfred C., 502549927.

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

LINE

To be captain

Aars, Rallin J., 467728743.
Abata, Ralph R., 385407568.
Abbott, Douglas A., 363429156.
Abbott, James E., 324323747.
Abbott, Robert L., Jr., 479403510.
Abell, David C., 191322411.
Abernathy, Albert L., 532407017.
Abt, Peter F., 060324873.
Achter, Gilbert J., Jr., 573566248.
Adams, Andrew J., Jr., 228528100.
Adams, Thomas H., 418421689.
Adams, Thomas R., 243667889.
Adkins, Ben F., 549521242.
Ahern, Donald E., 571544362.
Ahlstrom, Frank C., 348326951.
Ahrens, Darrell J., 508405494.
Aitken, Douglas C., 276381035.
Alberts, Donald J., 172327207.
Albright, William F., Jr., 260582278.
Alderman, Jerald R., 265663835.
Aldrich, Robert M., 387363709.
Alenduff, Joseph R., 317408838.
Alexander, William R., III, 253602368.
Alford, Lester D., 262641366.
Alfred, Gerald O., Jr., 539389907.
Aliano, Joseph D., 017343531.
Allee, William S., 442421053.
Allen, Charles W., 123281884.
Allen, Eugene D., 184263085.
Allen, Gerald, 314343519.
Allen, James S., 016303225.
Allen, John R., 527526258.
Allen, John R., 293381836.
Allen, Kent R., 507504146.
Allen, Robert D., 208324936.
Alley, Ronald G. 548506408.
Allison, Jeffrey B., 261687418.
Almaguer, Mario, Jr., 449540922.
Almassy, Robert J., 381426121.
Alpers, John H., Jr., 523467634.
Alspaugh, Donald H., 456600718.
Alt, William E., 523447302.
Altenhof, Bruce D., 190329806.
Aman, Alroy A., 503465123.
Ammerman, David E. 093328557.
Amos, Thomas H., 495380196.
Anders, William H., 198325978.
Andersen, David M., 357325531.
Andersen, Ernest F., 543448719.
Anderson, Carl E., 024306182.
Anderson, Carson E., 517406591.
Anderson, Gary L., 524540497.
Anderson, George W., 163323551.
Anderson, James B., 133329831.
Anderson, James D. 485460471.
Anderson, James N., 329323685.
Anderson, Kenneth A., 332360791.
Anderson, Norman E., Jr., 153320397.
Anderson, Peter J., 150326673.
Anderson, Reed M., 559609673.
Anderson, Richard D., 025289275.
Anderson, Robert J., 115300246.
Anderson, Stanley L., Jr., 438589077.
Anderson, Wayne R. 354346395.
Andreski, Philip J., 130329996.
Andrews, Adolphus, 265622078.
Andrews, Francis J., Jr., 205324086.
Andrews, Roland D., 255642578.
Anker, Peter B., 520442119.
Anthony, John T., 547607862.
Antonow, Walter, 153307100.
Apel, Charles L., 253667562.
Aplin Charles C., 416568311.
Arbuckle, James H., 189348107.
Areffi, Patrick A., 070324833.
Arey, Laird C., 227485844.
Armstrong, Jacob C., Jr., 534384439.
Armstrong, Malcolm B., 438607184.
Armstrong, Robert M., 411641658.
Arnold Roy G., 562543513.
Arrington, Donald R., 252626609.
Arshinkoff, Nicholas T., 293361719.
Asboth, Julius, Jr. 374382657.
Ash, Robert P., Jr., 513405380.
Ashcraft, Boyd L., 303445153.
Ashdown, Floyd A., 345349119.
Aspenson, Donald L., Jr., 482507558.
Assenheimer, Perry J., 072328071.
Atkinson, Larry B., 529440240.
Aube, Richard M., 009229229.
Auer, George A., 503403771.
Aulwurm, Henry C., 267606190.
Austin, Edward G., 250547223.
Baboyian, Hrant K., 216409901.
Bacchieri, Roger G., 023325285.
Badger, Jimmy L., 494406089.
Baer, Lester H., 145323088.
Bailey, George H., 494461896.
Bailey, John C., 172347655.
Bailey, John W., 382425101.
Bailey, Richard C., 528501309.
Bailey, William F., 273385488.
Bainter, Billy D., 357346293.
Bainter, Jimmy R., 491449769.
Biather, Richard A., 307384693.
Baker, Dan S., 526549784.
Baker, Doyle D., 447388281.
Baker, Jeffrey D., 573568140.
Baker, Norman D., 343347071.
Baker, William C., 053324102.
Bakke, Karlton I., 477469032.
Balazs, Arthur J., 337349987.
Ball, Henry A., Jr., 165344976.
Ballard, John L., 168305447.
Balsamo, Salvatore R., 013304158.
Bangs, Stephen J., 214424720.
Bankus, Gerald K., 434609303.
Barber, John E., 570549648.
Barbin, Albert R., Jr., 011326805.
Bargmeyer, Robert W., 310462172.
Barich, Dewey J., 385389283.
Barker, Edward R., 519426684.
Barkley, William H., 524563005.
Barlow, Frederick J., 058346943.
Barnes, Barry L., 231502546.
Barnett, Glenn R., 123325366.
Barnett, Miles T., Jr., 428801522.
Barnhill, Billie G., 492360613.
Barrett, Billy A., 361305130.
Barrett, Robert P., 532401824.
Barrilleaux, Earl R., 455647973.
Barrineau, William E., Jr., 239681562.
Barrios, Flurencio P., Jr., 500460273.
Barruqueiro, Silverio A., 040346691.
Barrow, James R., 575421637.
Bart, Richard L., 555481144.
Bartlett, Frank R., 001305982.
Bartlett, Michael W., 507461814.
Bartless, William E., Jr., 419526232.
Barton, Robert A., 463525450.
Barwick, Leon S., Jr., 250625007.
Basden, Bruce K., 245686376.
Basler, Edward W., 335364295.
Bass, David, 440425554.
Bassett, Rubert D., 464641160.
Batterson, Paul N., 465683993.
Battista, William G., 207304457.
Battle, Bobby E., 245568016.
Baur, Byron D., 211341990.
Bavaria, Joseph A., 165306792.
Bayer, Curtis K., 001326793.
Bayless, William D., Jr., 074340263.
Beadle, Leonard C., III, 430740841.
Bear, William M., 499408842.
Beard, Preston S., 459487845.
Bearden, David A., 442329016.
Beardslee, Stephen A., 544427957.
Beasley, Thomas A., 409645431.
Beatty, Frederick M., 234666282.
Bechtel, Bruce C., 286365149.
Bechtol, Joseph J., 526501226.
Beck, James N., Jr., 213405042.
Beck, Louis R., 255608225.
Beck, Paul A., 013321951.
Beck, Roger A., 485461876.
Becker, Henry R., 083341604.
Becker, Leo E., 200320256.
Becker, Walter A., 524563004.
Bedarf, Richard A., 524563003.
Beddingfield, Frederick C. J., 237484616
Beebe, David A., 275361293.
Beecher, John C., Jr., 085340989.
Begg, Ronald B., 501461318.
Behl, John H. III, 188342864.
Belardo, Dominick S., Jr., 146324387.
Belden, Kenneth R., 555586642.
Belisle, Charles A., 021306462.
Bell, Jackie D., 466626594.
Bell, Jeffrey, 524503579.
Bell, Larry A., 267624127.
Bell, Robert C., 253645277.
Belmont, Paul A., 224529235.
Bender, Thomas G., 559540940.
Benedict, Rettig J., Jr., 022349478.
Bennett, Barry D., 499427054.
Bennett, Charles A., 250642197.
Bennett, Richard B., 549545253.
Bennett, Richard J., 534409463.
Benson, Karl T., 230563590.
Benson, Ross E., 555603128.
Bentley, Stewart W., Sr., 248586491.
Benzinger, Richard, Jr., 054342002.
Berard, Robert D., 519466292.
Berger, Charlie T., 461606041.
Berry, Donald R., 434587718.
Berry, Leonard E., 253544010.
Berry, Terry M., 467586046.
Bertram, Bruce M., 561502828.
Besch, Lawrence E., 058344316.
Bevelhymer, Herbert L., 269381663.
Bevens, Stanley W., 544408852.
Beverly, Bobby Jr., 463645680.
Bias, Robert S., 234503105.
Biebel, William J., 397382506.
Bieber, Robert A., Jr., 031306599.
Billesbach, Robert L., 506440366.
Billingsley, Roy C., 423446438.
Billingsley, Charles E., 421460892.
Bingham, Wendell R., 460400979.
Biniewski, Daniel J., 544464433.
Bishop, Douglas C., 565561855.
Bittenbinder, David M., 524563002.
Bixler, Christie E., II, 281366238.
Blackledge, Ronald G., 456740313.
Blackwell, Reginald T., 500424583.
Blair, John D., Jr., 148308717.
Blair, Robert L., 512409107.
Blair, William L., 260503904.
Blanchard, Paul D., 079329315.
Blankenship, Norman R., 233568106.
Blaylock, Arden L., 513409870.
Bledsoe, Gleyn E., Jr., 536389333.
Bledsoe, Peter T., 432761539.
Billa, Terry A., 203328452.
Bliss, Ronald G., [illegible]20449346.
Block, David M., 378407140.
Bloemke, Carl F., 179345673.
Blomberg, Dale R., 345262501.
Blomme, Francis M., 475448330.
Blummers, James J., 479447136.
Blume, Jay D., Jr., 461608055.
Blunt, Raymond S., 319366652.
Boardman, Harold F., Jr., 208320077.
Boatman, Alfred L., 426844278.
Bobka, Ronald F., 340341130.
Bocook, Charles R., Jr., 406463987.
Bode, William H., 364444969.
Bodrak, Gilbert C., 518383002.
Boergert, John R., 314443865.
Boesen, Dennis L., 518461950.
Bogart, William M., 511426021.
Bohn, Bruce J., 197301383.
Bolen, Paul S., 252569863.
Boles, John H., 567563794.
Boles, John L., Jr., 456647782.
Bollenback, George W., 318281382.
Bolliger, Ronald E., 529402458.
Bolt, Jerry D. S., 223568896.
Bonar, Richard J., 164262229.
Bonck, Lionel N., 439602955.
Bonfanti, Harry J., 142347820.
Bonner, Walter B., 256509634.
Bookman, Thaddeus A., 341349805.
Boole, Douglas S., 566488260.
Boone, Jimmie A., 429645215.
Borgatti, Joseph L. J., 062342970.
Bornmann, Edgar L., 439564902.
Boscia, Michael J., 055320214.
Boughn, Stephen R., 563528980.
Boulware, John H., 216407407.
Bourne, Alan M., 404580503.
Bourne, Robert B., 238629008.
Bowen, Robert L., III, 219383107.
Bowen, Ronald S., 234663558.
Bower, Frank H., 537388399.

Bowersox, Terry L., 171321397.
Box, David M., 302322533.
Boyd, Billy M., 427866468.
Boyett, Randall H., 514385863.
Boyle, James, 138324973.
Bradfield, William R., 357322449.
Bradford, William S. 554585241.
Bradley, Charles W., 191344011.
Brady, Francis T., Jr., 520442081.
Braguglia, Raymond J., Jr., 119328576.
Brailey, William E., 572688342.
Branch, Charles L., 510389430.
Branch, George H., III, 272382128.
Brande, Wendell S., 244740806.
Brandl, Jimmie R., 543407104.
Brandon, Eric H., 428709133.
Brandt, Bruce A., 506540244.
Brandt, Ronald L., 355347687.
Brannan, Timothy J., 010309308.
Brannon, Roger P., 552521343.
Brant, Donald R., 195322163.
Branzell, Marshall E., Jr., 014289909.
Bray, Richard A., 293360547.
Brazy, Joseph P., 390381060.
Brecht, Robert D., 485468662.
Breeding, John C., 401563621.
Brekke, Ronald H., 517482244.
Brenneman, David W., 218381925.
Brewer, Michael F., 432709838.
Brian, Elton L., 466466524.
Brice, Richard L., 231540130.
Bridston, Ronald K., 570486303.
Bright, Harry W., 492443636.
Brigman, James L., 228462323.
Briley, Wilson D., Jr., 429723763.
Brimacombe, James R., 312347044.
Brisby, Johnny M., 454641753.
Briscoe, Jerald D., 444363285.
Britt, Wayne I., 436506969.
Brogdon, James E., 491442761.
Broglie, James R., 056325924.
Bron, Robert P., 049302239.
Bronowski, James P., 506520229.
Bronson, Thomas E., 067343287.
Bronstein, Abraham, 125321224.
Brooks, David H., 320368008.
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Brooks, Harry W., 245626441.
Brooks, Neil R., 023309289.
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Brookshear, Robert D., 463621078.
Brothers, Alfred S., Jr., 015323166.
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Brown, David E., 244521862.
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Brown, Harry M., 433589808.
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Bruhn, Peter C., 390387352.
Brumble, Michael R., 542444140.
Brunello, Lawrence F., 394389097.
Brunson, Leslie S., 246584761.
Bryan, Dale K., 267443576.
Bryant, Jascha M., 256541668.
Bryant, William L., 258608016.
Buchanan, Ellis G., 403481498.
Buchfinck, Lloyd L., Jr., 507504133.
Buckey, Jerome V., 501465585.
Buckingham, Fredric N., 315427867.
Buckner, Dean T., 528504204.
Buczak, Stanley J., 035280439.
Budd, Phillip R., 325320835.
Buhl, Paul C., 281329389.
Bunch, John H., Jr., 426806649.
Bunch, Ronald L., 225540238.
Burger, Douglas A., 170321739.
Burgess, Floyd K., 463602637.
Burgess, Malcolm A. 434561196.
Burgett, James S., 525964491.
Burkard, Dick J., 497363892.
Burkhardt, John T., 287368131.
Burleson, Glynn W., 416569525.
Burnette, Herman C., Jr., 244628691.
Burnette, William R., 231522587.
Burnham, Hathorne A., 034307050.
Burnham Robert F., Jr., 579564558.
Burns, William A., 284341088.
Burr, Alan L., 043328019.
Burrell, Donald E., 105301511.
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Burrill, Lanny L., 542422934.
Burroughs, Mark M., 196308821.
Burton, Larry D., 512341202.
Busch, Jon T., 265348914.
Buser, Lamoyne G., 482480682.
Bush, Dennis K., 509364555.
Bush, Don G., 405507131.
Bush, Howard J., 139321784.
Bushnell, Mart H., 552463260.
Busse, Daniel E., 475461066.
Butler, David H., 285324602.
Butler, Jerome J.,, III, 228564323.
Butterfly, Glenn M., Jr., 443385268.
Buttimer, Neil J., 337341057.
Buys, Richard E., 470425479.
Byars, Henry W., 413543823.
Byrs, Arden L., 329347623.
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Cachuela, Jose M., Jr., 567522666.
Cada, Larry C., 508547491.
Caffarelli, Charles J., 177327626.
Caffrey, Dennis F., 092326656.
Cage, Allan L., 190307281.
Caldarelli, Pete D., 525902923.
Caldwell, Rubert O., 318329487.
Callanan, Anthony P., 482461933.
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Carmeron, John R., 349303602.
Campbell, Alfred Q., III, 408641537.
Canavan, Thomas E., 343345243.
Cannella, Salvatore T., 109344755.
Cannon, Kirby H., 528486454.
Cannon, Wilbert W., 252605860.
Capillupo, Frank J., 523489747.
Capitano, John S., Jr., 261649115.
Carco, Woodrow R., 426827815.
Carey, John F., Jr., 239647249.
Carl, Ronald W., 571563140.
Carlson, James F., 217421454.
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Carlson, Robert W., Jr., 330288011.
Carlstrom, Fronk C., 508444482.
Carmichael, Thomas O., 451640321.
Carmine, Henry E., Jr., 216384408.
Carnaghie, John A., 265601679.
Carney, John T., Jr., 048302198.
Carney, William L., 303421641.
Carpenter, Richard J., Jr., 006385998.
Carr, John W., 241623777.
Carr, Philip T., 474466651.
Carson, Donald D., 223548250.
Carter, Alfred W., 719169673.
Carter, Allison B., Jr., 507422020.
Carter, Robert W., Jr., 230545386.
Carver, Charles F., III, 219383105.
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Casey, Francis J., 556549596.
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Cashel, William F., 060322486.
Casker, Thomas W., 159301293.
Casper, John R., 398407100.
Cassidy, Francis M., 408686230.
Castle, Francis M., 531303147.
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Cataliotti, Anthony J., 132320625.
Catchings, Douglas S., 560563964.
Catren, Gary G., 341340109.
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Celec, Frederick, S., 292381731.
Cenac, Dennis L., 436543025.
Cerrow, Peter P., 126302331.
Cervantes, Joaquin A., 463623135.
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Chandler, Rubert W., 569501731.
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Chapman, Wilbur E., 186288992.
Charneco, Humbert R., 580944383.
Chasse, Thomas A., 010304100.
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Chesley, Larry J., 519382316.
Chesney, Gary W., 334327776.
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Christensen, Carl R., 372425369.
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Christner, Craig D., 269409493.
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Christopher, Robert L., 080344161.
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Churchill, James M., 126325227.
Churnell, Robert F., 140349391.
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Cirilis, Eugene, 180346626.
Cisler, Jan E., 478506323.
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Coberly, Camden A., II, 213504072.
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Coker, Artis B., Jr., 261623531.
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Colwell, Robert F., 535407924.
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Combs, Ronald H., 215381670.
Comeau, Allen R., 017323031.
Compton, David F., Jr., 187340963.
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Conner, Leland W. C., 037268768.
Connor, Victor J., Jr., 079342434.
Consoli, Angelo L., 102320932.
Cook, David J., 519423674.
Cook, James R., 213409288.
Cook, Peter A., 578546920.
Cook, Robert O., 112300167.
Cooper, Rolfe T., 331321252.
Cooprider, Charles E., 058345423.
Copeland, Jackie L., 298387563.
Cordano, Robert A., 055347020.

Corder, Wayne D., 324346891.
Corea, Anthony N., 176329145.
Corrion, James R., 385346574.
Cortez, Robert, 569364087.
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Cote, Robert T., 004404268.
Cote, Ronald J., 001327227.
Cottingham ,James D., 388406909.
Cottrell, Kit G., 266682373.
Cougill, Roscoe M., 354302213.
Cournoyer, Ronald C., 017322384.
Cousin, Edwin F., 433580550.
Couture, Louis C., 029326246.
Covais, Anthony, 114326841.
Cowan, Carlton B., 458583511.
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Cowell, Myron D., 331364245.
Cowger, Ronald I., 520400457.
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Cox, George W., 261563740.
Cox, Juanita R., 483529955.
Cox, Lawrence D., 447404122.
Crabb, Charles C., Jr., 445402970.
Crabtree, Hugh L., 225622447.
Craddock, Dabney S., III, 243627443.
Craig, Robert E., 049320300.
Crandall, Winston K., 007366549.
Crane, Dale A., 518420097.
Crawford, Charles K., 486429145.
Crawford, Murray D., Jr., 142342808.
Creath, Garry S., 456601648.
Crecca, Joseph, Jr., 138328229.
Cremin, John M., Jr., 526564825.
Cress, Ted S., 534409639.
Crigger, James C., Jr., 226505271.
Croft, Joseph W., Jr., 466624645.
Croker, Stephen B., 4835024040.
Cronenberg, David A., 048304390.
Crook, Kenneth L., 412605197.
Cross, Granville J., 358265982.
Crouch, Thomas J., 438648749.
Crowder, Arnold G., 316360361.
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Crowder, Robert W., 465686491.
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Cuellar, Fernando D., 465627613.
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Culosi, Salvatore J., 059346585.
Culpepper, Julius L., 435541334.
Cummings, William C., 431561088.
Cundey, William R., 136340569.
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Cunningham, Charles A., 135329873.
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Curd, James L., Jr., 564508711.
Curington, Eldon B., 463649860.
Curp, Richard E., 161323865.
Curran, Michael T., 511480207.
Curtis, Lewis E., III, 425682494.
Curtis, Theodore T., 151320132.
Cutts, John A., III 249706398.
Cwalina, Bruce A., 135322231.
Cybulski, Frank J., 034283185.
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Dailey, Donald D., 540426707.
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Dalrymple, Garry R., 053267321.
Dansby, Jesse L., Jr., 422540680.
Darcy, Vincent J., 096323480.
Darden, Russell B. G., 410700806.
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Daugherity, Reed F., 542469191.
Davidson, James F., 429747920.
Davies, Kenneth R., 208322989.
Davis, Charles F., Jr., 493445128.
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Dean, David, 097307032.
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Denko, John, Jr., 155305917.
Dennin, Thomas H., 261581343.
Dennis, Guy S. G., 395384242.
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DePaul, Michael J., 265604336.
Derboghossian, Zaven C., 131304924.
Dermody, Richard F., 008304255.
Dervaes, Joseph R., 265625764.
Desiderio, John R., Jr., 213429616.
Desloge, John M., Jr., 493422480.
Dettmar, Robert L., Jr., 225542789.
Devine, Jerry A., 301369711.
Dewey, George R., 428688856.
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Dickerson, Ivan W., 500421695.
Dickey, William P., 084348514.
Diefenbach, David E., 328346006.
Diekman, Jack L., 509444618.
Dierksen, Larry A., 514382231.
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Dillon, John P., 207260328.
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Dinsmore, Richard C., 522488916.
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Dorris, Ronald R., 352301483.
Dothard, Raymond D., Jr., 418603101.
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Dunlap, Michael L., 315447729.
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Durbin, Richard W., 493469394.
Durick, Patrick W., 502445692.
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Durst, Carl E., 286362742.
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Dynes, Clifford E., Jr., 070348372.
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Eckert, Henry B., Jr., 219326807.
Eckholdt, Don C., 526423190.
Edmonds, Albert J., 252566555.
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Edwards, David S., 558546201.
Edwards, William L., 422540800.
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Egle, Valdis, 086343137.
Eichner, Walter R., 143303321.
Eichor, Perry R., 528403914.
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Elwell, Bruce C., 138344722.
Embrey, Wallace D., 440338074.
Emmerich, Frank R., 402549668.
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Endicott, Richard E., 542465474.
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England, Robert E., 319308256.
Engle, Kenneth W., 206280154.
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Ericson, Arthur G., 325345819.
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Erwin, Roy W., Jr., 585012249.
Evans, Bob C., 428728030.
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Fair, John P., 505463795.
Fairhurst, William S., 224544552.
Fargarson, Aubrey L., 455660640.
Farmer, Bufford D., 254525480.
Farmer, George W., Jr., 296408404.
Farmer, James A., 115307419.
Farney, Gerald R., 463620999.
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Felderman, Harold J., 524521723.
Felix, Gerald H., 376423835.

Fenlon, James P., 398404441.
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Ficke, Wayne L., 428446158.
Fields, Ronald W., 242462115.
Fields, Vollie C., Jr., 430600999.
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Filbin, Jaul W., 205346606.
Filiatreau, Thomas R., 400483690.
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Finkenstaedt, Robert L., Jr., 357321447.
Finta, Alexander S., 573525773.
Finuf, Bernard D., 511421798.
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Fischel, Edward A., 106309312.
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Flechsig, Richard L., 511429263.
Fleischhacker, Peter R., 394383983.
Flint, Russell L., 302387513.
Flood, William G., B., 266626524.
Flower, Terrence F., 524562993.
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Floyd, David R., 251661205.
Folz, Ronald W., 306420482.
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Ford, Beverly E., 433641058.
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Foster, David, 416426669.
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Fox, Lowry S., Jr., 439626554.
Foxwell, Mark B., 564583144.
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Francis, John E., 235585669.
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Freewald, Robert C., 480464766.
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Freisinger, John J., 339343327.
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Lambert, Clifford E., 309444291.
Lamonthe, Eugene G., 050347185.
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Landaiche, Allen W., 435589873.
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Larchevesque, Charles D., 015281798.
Laroche, Robert P., 030260763.
Larson, Allen L., 503501316.
Larson, Robert V., 471301300.
Larue, Robert D., 566565261.
Lasalle, Charles C., 461527046.
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Lasocki, Richard P., 384460091.
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Lauchner, Ronald E., 585015907.
Lauducci, James R., 07735517.
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Lawrence, Kenneth R., 516423495.
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Layton, John F., Jr., 211244222.
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Lee, Robert M., 533403461.
Leggat, Robert, 528505454.
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Leonard, Wilson L., 244545556.
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Letellier, Patrick J., 013321542.
Letzelter, Cyril J., II, 172322261.
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Levins, Robert, III, 143324394.
Levy, Jeffrey A., 120328401.
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Lichacz, John, 045345037.
Liebner, Manfred A., 088329565.
Liegl, John B., 509427082.
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Lightner, Jeffrey L., 524545898.
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Lindquist, Erik J., 005301207.
Linkner, Herbert L., Jr., 524563027.
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Little, Robert G., Jr., 247665508.
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Melikan, Mark G., 010345533.
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Merrill, John K., 160325382.
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Mollenkopf, Dale L., 189346885.
Monnett, James F., 286288757.
Monroe, Robert C., 528545301.
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Moon, Albert J., 252542488.
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Morehouse, Daniel O., 124322294.
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Myers, Porter C., Jr., 434566234.
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Pinkerton, Harlan S., Jr., 447403125.
Pipkins, Daniel W., 428786042.
Pippin, Ernest H., Jr., 566460276.
Pitt, Ronald E., 400448936.
Plante, Ronald E., 023328068.
Pluchinsky, Richard E., 063307443.
Plummer, James T., 443448388.
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Pogacar, Francis J., 091324975.
Polk, Albert C., III 263586104.
Pollari, Ray W., 325321998.
Pollock, Eugene J., Jr., 266681141.
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Porter, Donald D., 537301765.
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Porter, William J., 220361184.
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Pothier, Harvey G., 436501464.
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Potts, Paul J., Jr., 244589608.
Povich, Michael J., 166346459.
Powers, Duane P., 509347504.
Powers, Steven T., 311384444.
Prahm, Richard L., 525643106.
Prater, Gladstone J., Jr., 253645541.
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Prather, Roger L., 544482404.
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Pratt, Everett H., Jr., 257640526.
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Prevatt, Banks G., 574124566.
Pribula, Stephen J., 579622247.
Price, Charles R., 240622139.
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Pringle, Sammie, 249644683.
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Puckett, Richard A., 512340082.
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Shorey, Gerald M., Jr., 041304867.
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Trout, David T., 153266168.
Troutman, Vance G., 506529428.
Trower, William W., 241526831.
Troy, Stephen R., 069342855.
Trujillo, Joe E., 521544656.
Tuck, Alan O., Jr., 561580084.
Tucker, George L., 179321637.
Tucker, Jerome W., 035266041.
Tucker, John E., 447408328.
Tucker, John M., Jr., 228563926.
Tucker, Larry M., 521541143.
Tudor, Ray G., 439566982.
Tuffey, Patrick J., 087322152.
Tuntland, Darrell I., 502489048.
Turner, Frances S., 578600010.
Turner, James M., 256629260.
Turner, John A., 522382498.
Tyl, Charles, 316422669.
Ubl, Marlowe E., 476420901.
Uksti, Thomas M., 138340560.
Ulrich, Charles C., 388404738.
Underhill, Greg L., 571565412.
Underwood, Maurice E., Jr., 239608132.
Upchurch, John P., 462641488.
Uridel, Richard K., 189306628.
Vaeth, Randall W., 089345297.
Valasek, Jon E., 268384298.
Valerian, Robert J., 274386687.
Valko, Jerry C., 521420215.
Vanbennekum, Jan G., 146325163.
Vance, Cyrus B., II, 574141302.
Vance, Richard R., 410689626.
Vanderhider, Carl R., 459608076.
Vanderwerf, Howard T., 471363679.
Vandette, Michael A., Jr., 123328678.
Vanpelt, John R., 238685536.
Vansickel, Jerry D., 519345693.
Vantilborg, Dale W., 513405979.
Vargas, Santiago, Jr., 547460383.
Vaughn, James E., 450628482.
Vedvick, Lars V., 539383259.
Veilleux, John M., 004428322.
Vergamini, Michael G., 507549901.
Vergho, Gary L., 265687654.
Verstreate, James P., 095328249.
Veteikis, John C., 201328404.
Vick, John R., 465724677.
Vick, Jonathan C., 067341630.
Vick, Russell W., 438580245.
Vickerman, Bruce E., 518425286.
Vincent, Cecil E., Jr., 424508109.
Vinkels, Gunars, 047300454.
Violette, James G., 517408524.
Vlasak, Stanley J., 176341915.

XUM

Vogler, George J., 145329651.
Volberding, Elroy W., 356307585.
Vopalinsky, Robert A., 540425826.
Vycital, Mark A., 319323508.
Waddington, William J., 504341052.
Wade, William J., 306420368.
Wagner, Frederick H., IV., 573527152.
Wagner, Robert M., 157304759.
Waltman, Lemuel R., 402582299.
Wakeham, Ernest W., 564525736.
Waldon, Jesse J., Jr., 243544307.
Walk, Wayne D., 234538320.
Walker, Elbert S., Jr., 255543634.
Walker, Fred W., 275388455.
Walker, Jerry L., 521422839.
Walker, Joseph P., Jr., 333341853.
Walker, Lester L., 311400205.
Walker, Michael S., 435663117.
Walker, Ralph J., 269368407.
Walker, William H., II, 239683668.
Walks, Ronald E., 516380318.
Wallace, David M., 411628312.
Wallace, Gary H., 363364096.
Wallace, Jere T., 505506945.
Wallace, Luther E., 451606774.
Wallace, Thomas G., 569525604.
Waller, Thomas S., 266680535.
Wallerstedt, John R., 488447709.
Walls, Charles N., 440428332.
Walls, Leonard J., 314409380.
Walsh, Edward M., 236687832.
Walsh, Edward F., 728127784.
Walsh, Richard C., 365422807.
Walsh, Thomas H., Jr., 018328839.
Walter, Richard C., 184308789.
Walters, Charles M., 244526111.
Walters, William T., Jr., 264581481.
Walterscheid, Richard L., 554560188.
Wampler, Howard W., 212406319.
Wankerl, Max W., 318324998.
Wanless, Ronald H., 295369732.
Wanner, Thomas D., 154309199.
Ward, Alan A., 215389636.
Ward, Stephen E., 100320674.
Ward, George H., 381408811.
Ware, William J., 149321077.
Wargo, Joseph P., 168323171.
Waters, Joseph G., 413622270.
Watkins, Robert H., 462564458.
Watson, Frank C., 499440412.
Watson, Brian D., 385405262.
Watson, Wilbur W., 539304636.
Watson, Harold E., 312420291.
Watts, Wayne E., 468489574.
Weatherly, Stephe G., 291388107.
Weaver, Windol C., 456602621.
Webb, Francis R., 428661705.
Webber, John S., 726074595.
Webster, Edward R., 194324716.
Webster, Kenneth I., 242627265.
Webster, Robert A., 316381989.
Webster, Thomas L., 234644603.
Wecker, James C., 519480448.
Wees, Edward L., 533344266.
Wege, Robert W., 399343371.
Weinberg, Lawrence, 020301902.
Weiner, Sigmund T., 457682320.
Welch, David N., 196308073.
Welch, Richard E., Jr., 126327096.
Welliver, George H., Jr., 026288063.
Wells, Hewett S., Jr., 276388744.
Wells, Rodney A., 353324869.
Welsh, Jay B., 201324833.
Welshan, John T., 562527153.
Welter, Clarence J., Jr., 476469627.
Welty, Terrence A., III, 233642703.
Wendfeldt, Larry S., 468467757.
Wenker, Kenneth H., 554542505.
Werner, Thomas J., 271365421.
West, Hirum E., 461546191.
West, Hugh C., 230527292.
Western, Robert W., 420546032.
Westover, Timothy O., 462628812.
Wetterstroem, Albert, III, 267608591.
Whatley, Hugh C., 526564853.
Wheatley, Robert L., Jr., 220381825.
Wheaton, Eric E., 551560532.
Wheeler, James F., 281380047.
Wheeler, James C., 021304777.
Wheeler, William L., 487427606.
Whitaker, Fred H., Jr., 241528468.
White, James B., 461625914.
White, Lawrence L., 188327197.
White, Louis E., 446442944.
White, Neil W., 053328733.
White, Raymon M., Jr., 457548567.
White, Robert A. M., 301366204.
White, Walter E., Jr., 248687780.
White, William C., 044327101.
Whitehead, Charles W., 350323066.
Whitehead, Charles L., 443361406.
Whitehead, Richard J., 338288372.
Whitehurst, James L., 228466382.
Whiteley, Andre B., 446401845.
Whitney, Donald K., 085327653.
Whitney, Raymond J., Jr., 070347446.
Wicks, Kenneth P., 274385948.
Widger, James L., 521529819.
Widic, Frank A., Jr., 216388160.
Widmayer, Karl C., III, 556561026.
Wieck, Gary M., 473467030.
Wiedemeier, Dennis W., 524563010.
Wiegard, Don W., 533361144.
Wiener, Dale O., 481425798.
Wiess, Martin P., 148328873.
Wilbert, Jan J., 403663889.
Wilburn, William N., 165348683.
Wilcox, Joel G., 046300936.
Wild, Robert E., 157324234.
Wilder, Richard H., 024304820.
Wildes, James S., 471461555.
Wilen, John G., 485400330.
Wiles, John A., 585052316.
Wiley, Robert E. 248721861.
Wilfung, Richard N., 233669285.
Wilkerson, David A., 301341257.
Wilkinson, Peter R., 125308931.
Wilkinson, Roger K., 455563134.
Willems, Richard L., 542442704.
Williams, Clifford E., 418568425.
Williams, David H., 267660154.
Williams, Donald E., 510365564.
Williams, Douglas C., 064345188.
Williams, George B., Jr., 243625030.
Williams, Henry M., 264442792.
Williams, James L., 503484599.
Williams, John U. S., 049360907.
Williams, John J., 358343861.
Williams, John H., 566607562.
Williams, Jonathan D., 262664523.
Williams, Jonathan F., 416488501.
Williams, Norman R., Sr., 119302274.
Williams, Richard T., 346345130.
Williams, Richard M., 060329220.
Williams, Ronald M., 414621675.
Williamson, Charles A., 290383780.
Williamson, John M., 455720515.
Willis, Arthur J., 113322813.
Williss, William B., 516442437.
Wilson, Charles L., 210283747.
Wilson, Charles E., 443400435.
Wilson, Charles H., 358321254.
Wilson, Ernest C., 446400663.
Wilson, Scott C., 520422179.
Wilson, William E., 540448508.
Wiltsie, Theodore E., 082305754.
Wimer, Glenn C., 508489551.
Wimer, James K., 429802406.
Winburn, Edwin G., 482507056.
Windedahl, Layne C., 504449036.
Windham, James E. Jr., 429747587.
Winegar, Rodger A., 484466018.
Winkelmann, James D., 507529895.
Winkler, Frank P., 547540654.
Winkler, Robert E., 565569606.
Winn, Robert W., 259609992.
Winters, George R., II, 190325306.
Wisdom, William A., Jr., 525900081.
Wise, Anthony C , 236586419.
Wisely, Donald E., 495427249.
Wiseman, Omar R., 241689329.
Wisler, Walter D., 234640416.
Wistrom, William W., 047322880.
Wiswell, Robert A., 572529186.
Withrow, Robert E., 238560517.
Wittenberg, Frederick F., 113324940.
Wittress, William M., Jr., 200328157.
Wohnsigi, John R., 118322702.
Wojnaroski, John W., 200325781.
Wold, Hal W., 392406745.
Wolfe, Dale E., 190322809.
Wolfe, Thad A., 535382846.
Wolfrom, James A., 126325903.
Wolniewicz, Richard, 327323089.
Wonner, Michael H., 296362760.
Wood, Bruce D., 526569210.
Wood, Donald J., 430645047.
Wood, James M., 450700756.
Wood, Phillip D., 410668421.
Woodbury, Elmer E., 001242654.
Woodrow, Robert A., 521487405.
Woodruff, Dennis P., 206320342.
Woods, Robert V., 509401816.
Worgo, Ronald T., 174345917.
Workman, Allen L., 524563009.
Worley, Gary G., 197304020.
Worth, Arthur L.,538341412.
Wozniak, Frederick J., 372427599.
Wrede, Harry, Jr., 052389043.
Wright, Donald E., 215363577.
Wright, Dwain C., 351324548.
Wright, Lynn P., 133327510.
Wright, Peter W., 185323505.
Wright, Thomas P., Jr., 258566836.
Wright, William C., Jr., 429662978.
Wright, William W., 508505444.
Wrigley, Miles N., 193325800.
Wurzburger, Nils L., 357343622.
Wyatt, James A., 251646385.
Wyatt, Milton R., 423486261.
Yager, Charles A., 531429332.
Yagley, John A., III, 382307464.
Yajko, John A., 176325253.
Yax, Thomas J., 505483085.
York, Ernest D., 499444634.
Young, Barclay B., 012301512.
Young, Edward A., 216389749.
Young, James R., II, 511401587.
Young, Truman R., Jr., 228528583.
Young, William C., 559545620.
Youngblood, Robert W., 503483806.
Younginer, Jacob M., 248643028.
Younkin David L., 268367679.
Yuknas, Joseph A., 205284244.
Yurkiewicz, Joseph A., 169321414.
Zaiser, Alan R., 265583421.
Zambo, Leslie J., 160348457.
Zamboni, William A., 567481866.
Zaniboni, Robert J., 01[illegible]309908.
Zazworsky, Raymond M., 135346881.
Zeigler, Gary S., 539385312.
Zella, Kenneth B., 369424816.
Zeller, Robert A., 119303524.
Zenkus, Joseph A., 205322586.
Zertuche, Leopoldo Jr., 454582632.
Zgonc, Frank, 274389621.
Ziccardi, Vincent A., 144288881.
Ziemniak, Edward M., 312348164.
Zimer, Milan, 298327305.
Zimmer, Karl E., 119324705.
Zimmerman, Carl S., 041324514.
Zimmerman, Lynn A., 192301543.
Zimmermann, Hanspeter, 119327765.
Zionic, Gerald A., 336345960.
Zolondek, Leonard D., 501429154.
Zucchetti, Sergio, 106340637.
Zutell, Eugene G., 155244166.

CHAPLAINS

Arnold, Charles L., 516300215.
Bogaard, Calvin L., 559423481.
Brodeur, Richard E., 019241361.
Drag, Rayner R., 043242757.
Fruechte, Leland L., 475366680.
Grusse, David G., 195268334.
Holtzclaw, Morris J., 402544057.
Hunter, Donald E., 401424897.
Kelly, Michael J., 425962008.
Kennedy, Clayton M., 429603720.
Luck, Robert O., 146221091.
Midile, Anthony R., 172282059.
Millsaps, James W., 408745649.
Oatis, Stephen J., 475580557.
Scherf, James C., 481481027.
Schuermann, William S., 230380204.
Solano, John D., 523286531.
Stephenson, Norman D., 388344661.
Wiegele, Lloyd W., 347227883.
Wilson, Donald L., 259409972.

DENTAL CORPS

Anselmo, Joseph A., 535384050.
Curtis, Howard F., 544463820.
Dufrane, Michael H., 396383783.

XUM

Federico, Roland A., 264649968.
Lowery, Huey P., 426701295.
MacDonald, Gerald B., 538421916.
Noren, Gaylord D., 357349360.
Paetz, Bill L., 480484371.
Parsley, John M., 204320812.
Strosnider, Roger K., 267621788.

MEDICAL CORPS

Adams, Michael, 565405628.
Behringer, Blair R., 094283657.
Dean, Gilbert O., Jr., 430786616.
Denmark, Thomas C., 569523536.
Fruelicher, Victor F., Jr., 208329600.
Galbert, Michael W., 104328697.
Gates, George F., III, 459628781.
Giller, Walter J., Jr., 430661239.
Harris, Gary D., 505468028.
Hauth, John C., 422569012.
Hrumyak, George F., Jr., 110349651.
Ingram, James C., Jr., 524562984.
Jackson, James E., 401563048.
Kocher, David B., 389384717.
Maulsby, Gilbert O., 256583345.
Mitchell, Dun Q., 425748688.
O'Connell, Leo P., 146307626.
Risch, Edward D., 524563037.
Rogers, Woods W., III, 161342370.
Smith, Hugh N., 415664763.
Warren, M. Charles, Jr., 056322977.
Wicks, Dennis R., 517504456.
Wiley, John K., 513349024.

NURSE CORPS

Adams, Annette J., 260466020.
Andino, Maria I., 581901962.
Andrews, Kay E., 365405276.
Auvil, Mary L., 244508540.
Ayers, Lowell E., 266624273.
Beahan, Alice L., 175261515.
Blanchard, Charles C., III, 198281223.
Blasczyk, Luis K., 470445524.
Bradley, Dawn R., 194322458.
Breasure, Margaret E., 222245303.
Brigham, Joyce A., 119309353.
Brooks, Barbara M., 543462846.
Byrk, James C., 052329961.
Casey, Kathleen F., 023309904.
Connelly, Judith A., 029308004.
Corrado, Vivien P., 074282626.
Deemer, Mary T., 196282343.
Dehaemers, Robert J., 509426403.
Farnham, Marcel M., 282342554.
Feneley, Patricia A., 296329522.
Fletcher, David R., 534382090.
Galford, James R., 220341853.
Gartside, Leona G., 487449183.
Geberl, Helen H., 070345527.
Goldman, Sheila A., 016282796.
Gruber, Edward P., 502441237.
Hall, Jerrie J., 422463079.
Hardy, Mary P., 004402065.
Harrison, Laquita A., 236568325.
Hartwick, Rayna L., 147328413.
Heaney, Sylvia A., 027261331.
Kerr, Nancy J., 372380366.
Kiszonak, Loraine E., 006404442.
Kuhn, Larry L., 302281997.
Lambert, Margaret A., 473448739.
Last, Geraldine M., 146281803.
Latham, Bessie W., 244482642.
Legault, Albert L., 013300195.
Leiby, Jo Ann, 176261110.
Lucisano, Michael J., 282344771.
Luttman, Phyllis A., 136265345.
Manucy, Judith M., 263540909.
Marick, Thomas D., 371368183.
Marshall, Frances L., 065345301.
Matt, Lois A., 209286348.
Meier, Karen A., 446409629.
Mitchell, Marguerite A., 261768239.
Murphree, Kay R., 452584539.
Nixon, Mildred D., 245629832.
Ollino, Tilu, 149308210.
Peake, Ruth A., 163343760.
Reynolds, Zelma W., 247608746.
Robertson, Theresa M., 267600858.
Scardina, Anna V., 165301992.
Segura, Charles F., 438503248.
Shelton, Patsy R., 267483423.
Smith, Elaine R., 384345465.
Smith, Martin O., 302283644.
Stange, Melba J., 150309589.
Tanida, Kathleen R., 575421049.
Teesdale, Thomas E., 365406535.
Tesoriero, Lynn, 066343800.
Trugillo, Lee E., Jr., 461665629.
Walsh, Mary C., 118323028.
Waring, Richard I., 043261923.
Weatherford, Sara E., 249522301.
Wilson, Charles L., 275284464.
Wiseman, Patricia J., 263521145.
Wolf, Carol A., 090283283.
Wyman, Craig A., 195301299.
Yamasaki, Joyce T., 576386907.
Yamashita, Agueda C., 504485464.
Yates, Donna M., 539385400.
Yonker, Barbara J., 166321576.

MEDICAL SERVICE CORPS

Anzai, Rodney K., 576383568.
Armstrong, Robert C., 205320293.
Chasen, Marvin H., 114329586.
Collier, Robert L., 464584805.
Covey, Richard W., 556520057.
Dressler, Forrest G., Jr., 230383003.
Ellis, James A., 459326607.
Grinstaff, Harold W., 462506052.
Hanify, Edward B., 013323017.
Hummer, Robert J., 418468058.
Johnson, Gerald A., 318360519.
Krewson, Charles F., III, 162269594.
Lembke, Russell W., 524488528.
Leuthold, Peter P., 040360344.
Lombardo, Raymond B., 039187947.
Madory, James R., 055321296.
McClean, Raymond R., 282307789.
Miller, Roger T., 402521625.
Moncrief, Hugh, 467688173.
Muser, Dennis J., 503382530.
Oatley, Theodore W., 385327607.
Rheinscheld, John H., 300327234.
Richey, Wayne L., 303385907.
Sarbach, Douglas L., 296322090.
Satterfield, Glenn T., 243466323.
Schindel, Donald L., 359328162.
Schmigel, Donald P., 217386648.
Shoffner, Robert F., 262448242.
Smith, Collins E., Jr., 422502762.
Trezza, Anthony, Jr., 153288100.
Velthuis, Philip B., 220402996.
Wylie, John V., 376422303.
Zizzi, Martin E., 444426056.

VETERINARY CORPS

Adams, George E., 255627751.
Amster, Robert L., 400402217.
Davis, Jerry W., 347321462.
Ekstrom, Merlin E., 501486085.
Cardin, David E., 418467033.
Heading, Thomas D., 272400553.
Hubbard, Gene B., 501446156.
Lance, William R., 430765187.
Myers, Ronald D., 523525286.
Obeck, Douglas K., 152301546.
Rogers, James E., 265520970.
Sullivan, Raymond E., 405300641.
Tate, Samuel W., 224542755.
Wilson, William C., 503480349.

BIOMEDICAL SCIENCES CORPS

Birch, Shelton R., 439605872.
Bomar, John B. Jr., 420546771.
Bullock, Charles W., 245641744.
Collins, David H., 214364628.
Curtis, Harry G. 522466152.
Davis, Dauglas J., 249560532.
Dobbs, Melvin B., 432662161.
Genco, Louis V., 327347611.
Hunter, John S. III, 523545540.
Ladd, Sheldon L., 566603694.
MacNaughton, Mich G., 219385663.
Ohearn, Thomas P., Jr., 094324212.
Parker, Frank M. III, 218409097.
Pettit, Robert A., 150322397.
Provines, Wayne F., 327320995.
Reid, Reford G., 54844192.
Riccardi, Richard M., 154329599.
Ryan, Michael J., 495448525.
Stone, Kenneth M., 009286509.
Thornell, Michael J., 422503414.
Tremblay, Roland A., 003302710.
Welsh, Kenneth W., 385381179.

Yale, L. Klugman, 213260404, for appointment in the Regular Air Force in the grade of major, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform medical duties, with date of rank to be determined by the Secretary of the Air Force.

Thomas, D. Edmonds, 018306560, a distinguished graduate of the Air Force Officer Training School, for appointment in the Regular Air Force in the grade of second lieutenant under the provisions of section 8284, title 10, United States Code, with date of rank to be determined by the Secretary of the Air Force.

IN THE ARMY

The following-named person for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Tate, Alice M., 208–30–1413.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Cook, Kenneth E., 163–26–6864.
Walker, Wiley W., 411–38–3247.
Zandiotis, Angelo T., 228–24–7470.

To be captain

Alexander, Richard R., 253–56–9902.
Assenberg, Harry J., 554–44–5290.
Barnard, John D., 457–70–3425.
Bell, Kenneth D., 189–28–5397.
Bierbaum, Carl R., 344–24–1392.
Booth, Van D., 431–68–7395.
Branson, Robert V., 460–68–5504.
Brooks, Ronald A., 236–52–5830.
Cates, William E., Jr., 442–36–9350.
Conte, Ronald D., 092–26–3240.
Cramer, Carl L., 149–22–2973.
Dahl, Hans E., 123–24–6462.
Dick, John H., 233–56–3201.
Dougherty, Thomas J., 391–28–5241.
Gall, Frank, Jr., 146–32–7968.
Gifford, Ronald M., 485–38–7642.
Grant, Clarence, Jr., 261–48–9881.
Hawley, Robert I. C., III, 414–64–4448.
Hinson, Joel H., 428–76–5424.
Hood, Charles M., Jr., 228–44–5205.
Johnson, Wallace, 447–34–1069.
Joy, James R., 532–36–6124.
Kennedy, Albert G., Jr., 248–54–0137.
Kyle, Walter F., Jr., 219–26–6840.
McConnell, Michael A., 122–36–5623.
McFadden, William W., 010–30–5200.
McGlone, Mark E., 503–34–5709.
Moe, John A., 501–34–3974.
Monsees, Stephen K., 497–36–2382.
Morkovsky, Paul E., 463–62–8316.
Morton, Arthur R., Jr., 525–64–7252.
Nardi, James A., 105–32–0372.
Norman, James F., Jr., 056–32–6427.
Ramos-Acosta, Francisco E., 226–82–7766.
Remick, Lawrence E., Jr., 528–44–8233.
Rivera, Morales Aida L., 580–82–0169.
Robinson, John R., Jr., 579–50–7857.
Rogers, Mark W., 463–64–7308.
Storey, Thomas P., 373–34–1120.
Sullivan, Roger J., 015–26–9173.
Wallenborn, Frederick R., 555–48–8010.
Young, Frank R., 141–28–2717.
Zynda, Gerald I., 393–38–6526.

To be first lieutenant

Anderson, Jerry F., 451–62–2707.
Armstrong, Douglas W., 132–30–5167.
Bagbey, Stanley R., 476–44–8156.
Baker, Ralph K., Jr., 230–44–6599.
Barnes, James H., 487–46–8810.
Bentz, Curtis L., 504–50–9601.
Blue, Donald G., 554–56–8915.
Braze, David J., 346–32–3012.
Briggs, James B., 462–58–1119.

Briggs, Roderick C., 552-56-0262.
Brown, Joseph E., 285-36-7264.
Campbell, Edward P., Jr., 060-32-7524.
Casper, Charles S., II, 574-14-7255.
Chung, Norman K., Jr., 576-38-2964.
Clements, Donnell S., 264-64-0671.
Cox, Floyd D., 553-60-4471.
Croy, Roy D., Jr., 269-32-8981.
Davis, Richard N., 466-58-5202.
Dull, Dolan J., 365-36-7791.
Evans, Thomas C., 221-26-5660.
Fisher, Jon G., 382-40-3973.
Forbes, Gary L., Sr., 447-40-0646.
Frazier, Willie, Jr., 266-60-2681.
Frenn, Gary A., 534-38-0348.
Froderman, Theodore H., 455-62-2372.
Gaines, Rodney R., 533-32-4743.
Gentilini, Raymond E., 520-46-6831.
Glass, Mavin F., 059-34-4079.
Goodridge, James P., 122-30-7304.
Godownes, Fowler L., 416-50-2466.
Green, Alex C. II, 527-60-3536.
Hall, William C., 201-32-0724.
Hanna, Jerry N., 458-54-9175.
Hardee, Forest E., 250-68-8495.
Harasym, Myron, 333-36-2149.
Harvey, Thomas D., 004-42-7402.
Higginbotham, Norman D., 423-54-3043.
Hoffelt, Donald J., 335-32-4147.
Hopper, Allan D., 137-36-1007.
Howell, Kent P., 266-60-0350.
Johnson, Donald L., 506-56-7307.
Joiner, James C., 264-44-8110.
Jones, Jackie G., 406-46-1986.
Kelley, Michael P., 531-42-4516.
Kraemer, William J., 036-26-4304.
La Bounty, Gary L., 479-42-5247.
La Nasa, Francis M., 077-34-8248.
Lane, Carl D., 348-30-8574.
Leavitt, Ronald N., 559-56-1592.
Lewis, John D., 380-40-0416.
Lindfors, Thomas E., 223-54-8610.
Mackey, John C., 236-76-6517.
Martino, Louis A., 233-64-5739.
Mason, Louis G., 218-40-2698.
Mayhue, Norman L., 495-40-3718.
Maxfield, Douglas L., 539-38-6583.
Milkowski, Stanlis D., 163-34-8702.
Miller, Gary E., 491-44-2245.
Mills, Thomas C., 165-36-7664.
Moore, Richard N., 225-54-7970.
Mullis, Richard L., Jr., 247-68-0123.
Nickerson, Robert F., 013-30-4446.
Norton, Frank, 256-66-6915.
Novak, Leo C., Jr., 523-54-1239.
Okeefe, John J., 503-34-8812.
Person, Bruce P., 149-34-7895.
Phister, Leonard P., 224-48-6395.
Reichert, Herbert W., Jr., 253-62-7745.
Reifsynder, Richard E., 510-44-5500.
Richardson, Harold N., 383-40-8791.
Roberson, Hugh B., 464-56-4635.
Roberts, Francis H., Jr., 016-32-2646.
Rodrigues, Robert S., 575-44-7517.
Rollins, Gordon C., 012-32-0206.
Schiller, Arthur A., Jr., 180-34-4481.
Schweppe, Howard B., 384-44-9704.
Sherrod, Susie M., 252-64-7994.
Shovar, George P., 267-58-8419.
Shutty, Bernard J., 207-32-5780.
Simpson, Kenneth W., 568-52-9125.
Smith, Alan C., 503-38-6156.
Smith, Carlton H., 263-52-6696.
Staber, Daniel E., Jr., 535-42-2885.
Steffensen, Lynn A., 529-50-4884.
Stevens, Douglas L., 507-52-6429.
Terrell, George H., 513-44-6834.
Thomas, Buddy G., 257-60-9892.
Todd, David M., 263-66-1917.
Trawick, John L., 135-34-3196.
Trent, Alexander B., 221-22-3841.
Trujillo, Arthur H., 525-68-6197.
Vail, Richard H., 008-30-6423.
Waldrop, Gerry L., 467-62-9290.
Waters, Steve R., 238-58-5621.
Watson, Harvey D., 091-36-0806.
Weise, David G., 470-44-3438.
Wheeler, Louis O., 385-42-2788.
Wheeler, Thomas H., 039-26-7995.
Whitney, Robert C., Jr., 123-32-6932.
Williamson, Donald R., 456-56-1290.
Windle, Joseph C., 423-58-6865.
Zeiner, Sharon A., 312-42-0324.

To be second lieutenant

Bruns, Robert D., 484-52-6258.
Bryant, Scott A., 005-46-5210.
Crocker, Stanley A. J. W., 557-58-4356.
Green, Bernard W., 035-28-4624.
Keith, Lewis C., 189-34-8045.
La Comb, Augustus J., III, 105-32-4742.
Lawless, Patrick B., 567-60-5027.
Link, James M., 216-42-6061.
Macias, Julian G., Jr., 525-96-9737.
Menasco, Michael B., 567-62-7824.
Merkel, John, Jr., 531-42-0433.
Mochow, Charles M., 415-70-0207.
Morbitzer, Christopher G., 227-62-8636.
Reed, John L., 296-36-9944.
Spearman, Johnnie J., Jr., 535-40-4899.
Tackaberry, Burt S., 263-96-5634.
Tackaberry, Kief S., 263-96-5640.
Thornton, Robert E., 420-68-3815.
Vinci, James D., Jr., 434-62-2537.
Wynne, Oscar B., III, 263-66-5671.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Acker, Charles D., 289-40-6775.
Albert, Michael R., 312-48-4612.
Aldridge, George W., III, 423-64-7178.
Appleby, Charles C., 267-76-4826.
Arroyo, Amauri A., 580-98-3294.
Austin, Joe N., Jr., 227-66-2165.
Back, William W., Jr., 431-90-3518.
Baker, Donald C., Jr., 333-44-4236.
Becker, Kenneth S., 317-48-9858.
Birden, Larry R., 448-44-7392.
Biser, Kenneth M., 389-42-2992.
Booth, Bernard M., 255-78-3971.
Boston, James D., III, 439-80-7591.
Bradley, Layne C., 467-70-6221.
Bratton, John M., 493-48-9106.
Brownlee, David M., 449-76-7745.
Bux, Robert C., 546-70-5280.
Carden, John M., 257-80-5767.
Carden, Kenneth D., 496-52-5022.
Carmichael, Paul D., 253-72-7071.
Childers, Melvin L., 434-72-6373.
Childs, James E., 432-90-9116.
Courtney, Patrick J., 129-38-9900.
Crissey, James E., 252-78-6772.
Crosby, Stephen K., 429-90-1765.
Dawson, James P., 046-40-7405.
Dickson, David L., 253-78-0814.
Diggs, Mark D., 430-84-8288.
Eichorn, Raymond M., 261-94-3887.
Esto, David H., 096-42-1092.
Gautreaux, Colbert T., 437-68-0840.
Gibson, Lee P., Jr., 226-76-1191.
Gile, Douglas L., 524-58-6500.
Goldsmith, Edward A., 449-84-6438.
Grace, William V., Jr., 228-58-6169.
Groom, Charles H., 170-38-3748.
Hagan, Richard G., 523-52-3620.
Hamrick, Gayle B., 254-88-3296.
Hatrak, George M., Jr., 136-40-2783.
Jones, Robert D., 254-76-6051.
Kachline, William E., 189-36-4854.
Keeley, Virgil D., Jr., 431-92-6889.
Kovacic, Charles R., Jr., 560-76-5432.
Kringle, William F., 399-48-3987.
Kuper, Hans D., 501-54-4734.
Mackelprang, Ronald B., 528-60-1063.
Madden, Donald R., 465-74-7485.
Maddox, William T., 468-50-4633.
Martinez, Jose M., 583-32-5568.
McClintock, Darius G., 266-98-9884.
McKnight, Calvin C., III, 254-80-7636.
Mele, Thomas J., 437-70-9398.
Moore, Larry D., 413-78-7940.
Myers, Russell F., 267-74-7226.
Nerren, George N., Jr., 411-72-4803.
Newsome, Kenneth A., 577-66-8388.
Obrey, Stanley L., 576-46-6749.
Osborne, Samuel C., 568-66-6879.
Owen, Peter W., 217-52-7142.
Owens, Seth M., Jr., 246-70-0340.
Pace, William T., 498-44-6336.
Parker, David D., 280-42-2469.
Parker, Joe R., 413-80-2092.
Pearson, Larry D., 478-64-3900.
Pendrak, Gary A., 228-64-8970.
Percy, John C., 437-68-1108.
Porzak, Glenn E., 350-40-1645.
Prendergast, Charles F., 463-70-0150.
Pucci, Louis A., 266-80-1003.
Radau, Gene S., 436-70-2593.
Regan, David, 566-74-2496.
Reilly, Kenneth J., 387-46-6936.
Ricer, Terry L., 270-44-1534.
Richards, David F., 296-42-6108.
Rowlette, Ronald L., 410-78-2877.
Ruth, Henry C., 414-74-3670.
Salzman, Jeffrey J., 537-44-0397.
Scianna, Philip P., 084-42-3036.
Self, Robert R., 430-82-7273.
Snyder, Philip H., Jr., 171-40-5423.
Spaker, Thomas J., 128-36-2338.
Spence, George F., 169-38-2740.
Stanton, Shelby L., 415-80-4102.
Staples, David R., 256-78-3577.
Strohbusch, Michael J., 396-46-4337.
Taucher, John H., II, 184-38-6320.
Thornton, Richard G., 442-50-8791.
Timmons, Ronald D. 480-60-0616.
Tindall, Dan S., 412-76-2857.
Turney, Jerry D., 430-90-5207.
Underwood, Charles C., Jr., 462-82-3850.
Wiley, William S. III, 574-18-5407.
Winfrey, John C., 463-80-3992.
Young, James A., 393-42-6775.
Ziegler, Fritz B., 433-74-6975.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Bond, William L., 542-54-4943.
Casey, Michael P., 296-42-4152.
Ellis, Lehman L., Jr., 450-88-6026.
Holmes, King D., Jr., 044-36-6072.
Jew, Michael D., 526-74-3078.
Maddrey, Kenneth D., 237-76-3596.
Nichols, James H., Jr., 262-98-7976.
Ozolek, David J., 273-44-7850.
Tichenor, Arthur H. III, 317-52-2634.
Woodruff, Martin B., 458-78-0612.

In the Army

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be lieutenant colonel

Kurata, Joseph Y., 566-20-0285.

To be major

Bankit, Paul, 395-24-2113.
Frownfelter, James O., 276-30-1514.
Gibbons, Bruce H., 380-32-7839.
Hacking, David, 528-40-3427.
Jackson, Paul E., 515-32-4238.
Jones, Bernard P., 052-22-7405.
Kuykendall, William K., 463-42-2488.
Little, Ronald W., 440-26-3146.
Mathias, Robert E., 162-20-2327.
Schmidtke, John W., 473-22-0579.
Walter, Milton H., 518-32-2987.
Wetherbie, Robert F., 574-10-2931.

To be captain

Acree, Charles D., 537-34-1662.
Allen, Carl R., 035-26-0897.
Antopol, Michael R., 024-30-1341.
Arsenault, Philip N., 021-30-6537.
Badzinski, Richard V., 081-32-5339.
Baird, John C., 465-62-0509.
Ball, John H., 234-62-7858.
Barbour, Martin W., 290-36-9442.
Beattie, Robert J., 515-38-9731.
Beieler, John A., 523-40-5820.
Blackwell, Philip A., Jr., 427-66-0662.
Boyd, Thomas C., 315-38-3367.
Burch, John T., Jr., 223-34-0053.
Burlton, Rogers C., 465-46-4705.
Chier, James K., 470-44-4128.

Cornell, Gerald, 160-30-4684.
Cotner, Jimmy W., 442-40-6042.
Doyle, Bernard K., Jr., 381-34-8736.
Farris, Billy D., 451-56-0627.
Ferguson, Donald W., 182-26-8139.
Finkbeiner, Ronald J., 171-34-0318.
Finn, John M., II, 522-36-0105.
Fox, Brian K., 338-32-5238.
Fremstad, Clifford, 571-40-2218.
Givetz, Stanley S., 561-50-0247.
Grobe, Leroy L., 392-30-9753.
Hagan, Jerome D., 542-34-5398.
Hamilton, Victor A., 264-54-0493.
Hammons, Richard D., 533-36-8731.
Harris, Arnom H., Jr., 241-56-0739.
Hasslinger, John B., 471-38-8489.
Hempel, Donald R., 519-34-3634.
Holloman, Lyndon E., 231-38-5663.
Hughes, Billie L., 509-30-4698.
Hunter, William W., Jr., 536-34-3998.
Jungck, Robert R., 392-28-3878.
Kays, John M., 142-24-8722.
Kummer, David W., 177-34-7904.
McKesson, Edward L., Jr., 376-40-5112.
Merrill, Pauline D., 543-34-2822.
O'Shea, Robert W., 110-28-8944.
Porter, James W., 429-72-7235.
Schindler, John C., 363-40-2369.
Sewell, James W., 488-52-5156.
Short, Joseph F., 035-22-7106.
Silsby, Harry D., 490-40-7209.
Swofford, Ralph P., III, 500-46-9860.
Theisen, David J., 472-36-1649.
Thompson, Kenneth G., 116-32-6042.
Trocki, John A., Jr., 144-32-8583.
Walker, Reuben P., 237-54-8708.
Watson, James D., 113-22-1193.
Williams, Daniel H., 152-28-1916.

To be first lieutenant

Adams, Richard M., 247-52-9684.
Alishouse, Harvel F., 524-52-0082.
Andersen, Timothy W., 537-42-8997.
Austin, Andrew L., 263-50-4845.
Azuma, Eric K., 575-42-6282.
Ballard, Joe N., 438-62-7544.
Barbone, Anthony F. Jr., 221-28-3253.
Bates William M., 483-50-6415.
Bentz, Kenneth Jr., 447-34-4321.
Berganini, Steven J., 560-62-2887.
Boggs, David L., 290-38-1886.
Bolin, Harold E., 486-40-8988.
Bonney, Charles E., 455-56-0233.
Bowman, William J., 448-36-0456.
Breeden, Linda J., 406-54-2854.
Brodie, Michael A., 167-34-4486.
Brohm, Gerard P., 149-34-3172.
Brown, Floyd L., 374-38-0643.
Bunch, James S., 569-50-8424.
Burnside, John G., 529-50-9397.
Butler, Steven M., 418-58-1322.
Callaghan, John J. III, 171-34-0100.
Carden, Joe B., 543-46-6658.
Carlisle, Eddie L., 422-46-2725.
Carr, Terry A., 238-60-5619.
Chafen, Less T., 227-54-1053.
Christman, Laurence M. Jr., 263-60-6753.
Church, Zaidos N., 381-42-3906.
Clark, James W., 209-34-2728.
Cobb, Douglas, H., 250-70-6229.
Coleman, James P., 548-62-4729.
Collins, Philip R., 077-32-5481.
Cooke, John R., 427-74-4529.
Cooper, James P., 418-58-3808.
Cottrell, Peter J., 295-38-6208.
Crean, Thomas M., 073-32-4148.
Dacey, Richard P., 118-30-6025.
Damron, Ronald K., 461-54-5687.
Daniels, William E., 240-68-2788.
Davis, Burrell T., 529-46-8129.
Dean, Byron K., 233-64-5262.
Deloatche, James L., 225-58-4951.
Dennis, Ronald L., 500-38-4694.
Desrosiers, Henry P., 038-28-4504.
Drake, James M., 246-58-3495.
Dunlap, Elijah T. Jr., 445-42-3191.
Edson, Paul R., 462-54-6019.
Ely, Joseph T. Jr., 255-70-0586.
Endrijonas, Audris A., 349-36-2258.
English, Lamont B., 445-42-1269.
Estep, Robert L., 230-46-5166.
Eversman, James F. Jr., 213-42-0049.
Farmer, David E., Jr., 248-76-5878.
Feuerborn, Thomas L., 422-34-7417.
Fields, Clifford L., 217-34-5244.
Fitzgerald, John D., Jr., 412-78-6523.
Ford, Jerry D., 451-68-1969.
Fowler, Zachary S., 254-64-1657.
Frazier, Edwin M., 434-46-3129.
Freedman, Gary M., 375-44-5305.
Gecowetts, Bernard E., 280-34-7816.
Gibson, Ronald H., 408-68-5864.
Ginn, Richard V. N., 267-68-3369.
Goligoski, Josephine A., 516-36-9595.
Gordon, Stanley J., 529-62-4035.
Haley, Richard L., 233-62-9330.
Hall, John E., 448-42-2724.
Hamel, Eric P., 576-44-2373.
Harp, William J., 552-54-4812.
Harrison, Bruce, 260-56-8884.
Hartsell, Carroll F., 431-74-8684.
Hassen, David E., 005-36-8422.
Hauck, Robert L., 417-56-1716.
Hawbaker, John W., 324-36-2098.
Hazer, Kaleem, Jr., 457-70-3989.
Hedges, William T., Jr., 404-56-7132.
Heil, James R., 183-34-8438.
Hembree, Stephen C., 246-58-0354.
Hengen, Orville J., Jr., 504-50-2431.
Heyer, Paul J., 298-36-5762.
Hickok, Stephen W., II, 409-68-0224.
Higbee, James W., 565-42-7430.
Howard, Thomas W., III, 231-50-1216.
Huett, Judson L., Jr., 424-46-7407.
Hurley, Robert D., 250-64-0198.
Jackson, Jerry F., 555-46-8688.
Jenkins, Joseph S., 170-34-6737.
James, Larry R., 461-62-5373.
Johnson, Kenneth R., 450-66-0704.
Jolet, Earn A., 433-52-3408.
Kavanaugh, Kenneth J., 166-34-4723.
Keenan, James N., 020-32-3399.
Kelsey, Arthur W., 176-32-6595.
Kennedy, Leslie D., 505-44-7955.
Kerr, Laurence M., 272-36-4160.
Kessler, Kenneth C., 383-36-3052.
Koy, Kenneth C., 341-34-1221.
Kirkman, Elaine M., 350-30-2525.
Kornreich, Leonard M., 267-80-8979.
Kunstel, Kenny J., 512-46-9449.
Latta, Jerry B., Jr., 105-32-1794.
Lawrence, Roy G., Jr., 457-64-3283.
Lind, Herbert E., 508-48-1342.
Long, Rayburn E., 438-60-7132.
Lowery, Sammy L., 435-60-1431.
Manning, James G., Jr., 436-56-0107.
Mauldin, George R., 417-50-4964.
McGregor, Stewart K., 208-34-1243.
McLean, John M., 449-62-8254.
Michaud, Robert R., 004-44-4889.
Miller, Gene L., 483-50-7445.
Mirgeler, Frank R., Jr., 357-32-3822.
Moberley, Ben E., 465-62-5675.
Mrozinski, Joseph D., 186-34-6494.
Muhlethaler, Robert C., 517-38-8954.
Newton, Lud A., 466-66-6567.
Noyes, James L., 578-52-6507.
O'Connell, Paul V., 525-98-8172.
O'Connor, David E., 298-36-5633.
Ortiz, Luis R., 582-64-6260.
Pavulak, Paul E., 136-34-4741.
Pickens, Joe A., 497-38-1031.
Prather, Ted W., 439-62-5566.
Priest, Robert W., 238-50-3933.
Puckett, Michael R., 427-90-2312.
Purcell, John P., Jr., 267-68-6901.
Quisenberry, James D., 401-58-3439.
Rickman, Alfred C., 405-58-6888.
Rittenhouse, David L., 530-22-4583.
Roach, Frank L., 177-34-4219.
Russell, Richard D., 445-40-6726.
Sapp, David C., 141-30-3423.
Sater, Derrol H., 451-24-2280.
Scharding, John H., 412-74-5206.
Schmidt, James E., 493-44-2309.
Seaton, James A., 147-34-5298.
Shepard, Stephen E., 466-64-9651.
Socky, Lloyd, 224-54-3851.
Sparks, William T., 467-64-5164.
Specht, William T., 219-40-3343.
Stanley, Richard A., 042-32-0230.
Stevens, James E., Jr., 226-58-4274.
Stirling, William W., 069-34-3587.
Sullivan, Thomas J., Jr., 213-42-4227.
Thomas, Clifford M., 235-66-0897.
Thompson, Grover F., 483-42-0943.
Tiggle, Charles B., 227-46-0858.
Turk, John D., 388-36-5391.
Uhler, Karen T., 300-38-7312.
Urban, Dennis E., 273-34-7848.
Vanderpool, Jack R., 415-70-0109.
Vollman, Dennis E., 557-58-8672.
Wagner, Jimmie R., 264-60-9418.
Warren, Stephen F., 230-54-4178.
Webster, Jimmy N., 362-42-9893.
Wentz, William G., 200-34-8398.
Wilson, William F., 206-32-6392.
Yates, Theodore W., 417-50-8248.
Young, Robert H., 132-30-1259.
Youngblood, George L., Jr., 247-76-9763.

To be second lieutenant

Carbone, Joseph D., 068-36-9189.
Dionne, Raoul B., 002-30-8917.
Doherty, Thomas, 130-34-9628.
Drain, Cecil B., 481-52-0071.
Eggers, John L., 240-62-3820.
Everette, Kirby L., 222-54-4281.
Forshey, David L., 374-40-5087.
Gustine, James E., 451-66-3579.
Henderson, John H., 278-38-6558.
Hesson, Philip A., 310-46-6919.
Hiner, William O., Jr., 177-34-1840.
Hollar, Reinhardt, 267-78-4370.
Holmes, Frederick T., 545-64-4132.
Hopkins, Johnny L., 299-40-7879.
Hunter, Cardell S., 478-58-4891.
Jeter, Manning T., III, 417-62-4548.
Johnson, Ronald A., 313-46-9879.
Kling, Gary L., 188-32-4171.
Kray, Jerome G., 054-36-5616.
Lindley, Richard B., 432-90-1463.
Ludlam, Louis C., 077-34-3646.
Mason, Daniel O., 456-70-7609.
Newton, John H., 263-56-2186.
North, Teddy R., 451-76-4135.
Owen, Kenneth A., 442-44-9289.
Parrish, Maurice B., 424-54-7051.
Stephenson, Michael T., 569-68-4785.
Vibbert, Dallas M., 527-62-2479.
Wilson, Thomas A., 467-76-1792.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10. United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Brown, Bryan R., 367-50-9445.
Egan, Michael C., 302-48-7386.

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Aabye, William Walter
Adams, David Earl, Jr.
Adams, Dennis Jack
Adams, James Leo
Adams, Joe Richard
Adams Loran McLean
Adamson, John Chauncey
Ahern, Richard Terry
Alasin, Ronald Alexander
Aldridge, Randolph Clay
Allbert, Eugene Lee
Allen, Charles Luther, Jr.
Allen, George Tyler
Allen, Kenneth Eugene
Allen, Robert Ripley
Allen, Terry Jon
Alley, Lindsey Davis
Alley, Ronald Dean
Almy, John Hale, II
Amidon, Robert Bruce
Anderson, Gary Keith
Anderson, Jon Eric
Anderson, John Frederic, Jr.
Anderson, Randall Montgomery
Anderson, Stephen Gary
Appleyard, Russell Loring
Arcana, Stephen Michael
Arlett, Stephen McLean
Arneson, Robert Jeffrey

Arnold, James Laurence
Arnold, Joe Gary
Arnold, Thomas Edward
Arnow, Fredric Grant
Anderson, John Frederic, Jr.
Asmus, Lawrence James
Atchison, Donald Lee
Atkins, Terrence Grant
Ayd, Edward Harold
Back, Ronald Clayton
Bacon, Garwood William
Badman, Fred Sweet
Bahringer, James Paul
Bailey, Chester Hinton
Bailey, Robert Chalmers
Baity, A. Thomas
Baker, Clyde Ernest
Baker, Donald Charles
Ball, Michael Ernest
Bambenek, Charles Lee
Banks, Stephen Anthony
Bannister, Clarence Quincy
Barabash, Jay
Baran, Robert Austin
Barasha, Lewis Michael, Jr.
Barber, James Walter
Barber, Leland Ray
Bardal, David Lavern
Bargar, William Lamont
Barlow, Terrell Wayne
Barnes, John Brooks
Barnes, Larry Ronald
Barrett, John Graham
Barrett, John David
Barron, Floyd Archie
Bartlett, Paul Robert
Barwick, James Francis
Basquin, Philip Ward
Bast, William Victor
Bates, Charles Kirk
Baugh, Frederick Henry
Baum, Julian Elwood, III.
Baum, Raymond Ernest, Jr.
Bauman, Ronald Bruce
Bayer, Frederick Barnhart, III
Bayer, Ronald Keith
Beabout, Robert Franklin
Beakley, James Edwin
Beam, Alan Robert
Beaty, William Everett, III
Bechtel, Richard Craig
Beck, Scott Arthur
Becker, Gerard Frederick
Becker, John Joseph, Jr.
Becker, Peter Joseph
Beckwith, Robert William
Beedle, Darvin Elno, II
Bellech, Dewey Eldridge, Jr.
Bell, John Franklin
Belitz, William Russell
Bender, Richard James Alexande
Bennett, Richard Wayne
Berg, Richard Paul
Berg, Robert Dewayne
Berg, Sigval Manford, Jr.
Bergner, Jon Clark
Berning, Ronald Charles
Berns, Thomas Herbert
Berry, Carl Thomas, Jr.
Beverage, Parker Joy
Bibbo, Peter Paul
Bieger, George Robert
Bierbower, William Bruce
Billones, August John
Bishop, Donald Clifford
Bishop, George Robert, Jr.
Bishop, Kenneth Ralph
Bishop, Peter Birney
Black, Gerald Lee
Black, Harold David
Black, Roy Willard
Black, Terrence Wade
Blackburn, William Rockwell
Blackwood, Donald William
Blair, Dennis Cutler
Blair, William Allen
Blake, Frank J.
Blake, Richard Earl
Blanchard, Robert Charles
Bland, Richard David
Blank, Vincent Earl
Blankenship, Leroy William
Blankenship, Mark Russell
Blatt, Norman William
Blenkle, William George
Bliss, Albert McChesney
Blodgett, George Richard
Blume, George Herman, II
Board, George Robert
Bobo, Ronald Brown
Bodenhorn, Gregory Stuart
Boehler, Don William, Jr.
Boger, Dan Calvin
Bogert, James Arthur
Boggs, H. Glenn, II
Bogle, William Thomas Randolph
Bohlig, James William
Boire, Paul Maurice
Bomarito, Douglas Michael
Bonas, Gerhard Hubert, Jr.
Bonny, Ross Frederick, Jr.
Booher, Stephen Reed
Boorom, Robert Francis
Boorum, Peter Galloway
Booth, Robert Walter
Born, John Julius
Borowiec, Richard Raymond
Boswell, Charles Maurice
Bott, Robert Francis
Bowden, John Robert
Bower, Duane Bruce
Bowers, John Courtney
Bowers, William Charles
Boyce, Michael Thomas
Boyd, David Edwin
Boyd, Richard Allen
Boykin, William Swift, Jr.
Boylan, Harold Gerard, Jr.
Bradford, James Charles
Bradley, Fred H., Jr.
Bradley, John Earl, Jr.
Bradley, Samuel A.
Brady, Donald Robert
Bramblett, Jack
Brandon, David Randall
Brandt, Robert Eugene, Jr.
Bratsch, Roger Donley John
Bratzler, David Karl
Bray, John Kenneth
Breeden, George Leakin, II
Brengle, James Kenneth
Brennan, Edward Joseph
Brennon, Roy Leslie, Jr.
Brett, Joseph Donnis
Brewer, Norman Kent
Brickler, Gilbert Jerome, Jr.
Briscoe, James William
Brletich, Frank Richard
Broadhead, Joseph James, III
Brodeur, Joseph Paul
Brooke, John Richard
Brooks, Clinton Walter, Jr.
Brotherton, James Douglass
Brown, Gerald Allen
Brown, James Willard
Brown, James Michael
Brown, Richard Mitchell, III
Brown, Robert Leslie
Brown, Robert Edward
Brown, Roger Conway
Brown, William Andrew
Bryant, Gary Ward
Bryant, Kenneth Paul
Bryden, Kenneth Chester
Buchanan, Richard Alan
Buck, Steven Lee
Budney, Albert Joseph
Bulkeley, Peter Wood
Bulman, Melvin John
Burda, Alois John, III
Burger, Gary Conrad
Burgess, Benjamin Franklin, III
Burin, James Michael
Burkett, Jerome Phillip
Burks, John Smeallie
Burnett, David Silas, Jr.
Burns, Charles Alan
Burns, Richard Francis, Jr.
Burrow, Barry Valle
Busby, Douglas Lee
Busby, John Carroll, III
Buss, Phillip Terry
Butler, William Henry
Butler, William Russell, Jr.
Buzhardt, Harry Olin, Jr.
Buzzell, Richard Howard
Byam, John Winthrop, Jr.
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Byrd, Carroll David
Byrd, William Joseph
Cahill, Michael Joseph
Cahn, Robert Solomon
Caldwell, Ellis Alton
Caldwell, Joseph Wallace
Caloway, Grover Randolph
Camp, Richard Michael
Campbell, Darrell Wayne
Campbell, Jay Alan
Cannon, William James
Carlin, William Philip
Carlson, Robert Stanley
Carman, Ernest Westervelt, II
Carmody, James Albert
Carpenter, Harold Francis
Carpenter, Lee Allan
Carroll, James Chester
Carron, Michael Joseph
Carter, Lynn, II
Carter, Richard Bruce
Carter, Robert Keith
Cartwright, John Beck
Cartwright, William Fuller
Casey, James Francis, Jr.
Catania, John Jacob
Cates, Clifton Bledsoe, III
Cavanaugh, Michael Patrick
Celmer, John Anthony
Center, William Dillard
Cepeda, William Lohr
Chaisson, James Edgar
Chaloupka, Allan Bischof
Chaney, Dennis Allen
Charuhas, Richard Brian
Chatham, Howard Maitland
Chavez, Angelo
Cheek, Manson Harold
Chernegie, Michael Alexander
Chesnut, Wilbur Eugene
Chester, Robert Allen
Chisholm, Christopher Ian
Christopher, Angelus Demetri
Church, John Henry, Jr.
Church, Michael Arthur
Clabaugh, Cecil Allen
Clapp, William Reynold
Clark, James Samuel
Clark, Philip Spratt, Jr.
Clark, William Stanton, Jr.
Clarke, Edwin Alfred
Cleal, Stephen Roger
Clefton, Gordon Allen
Clements, Jerry Allen
Climer, Clyde Hollis
Clover, Richard Samuel, III
Coats, Michael Loyd
Cobb, William Wilson, Jr.
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Coffey, Philip George, III
Cohen, Jay Martin
Cohlmeyer, Chris Harold
Colbourn, Thomas Adams
Cole, Frederick Byron
Cole, Peter William
Cole, Richard John, II
Cole, Richard Ward
Coleman, Richard Lewis
Coles, Julian Ralph
Collins, James Lloyd
Collins, William Thomas, Jr.
Colvert, Robert Gary
Comer, Thomas Arthur
Conaway, Robert Michael
Connellan, Joseph Peter
Connelly, John Thomas
Connors, Bruce Hartmann
Conrad, Raymond Paul
Conway, Joseph Vincent, Jr.
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Cook, Jeffrey Alan
Cook, Ronald Earl
Cookinham, James Bryan Hulburd

Cooley, George Cornelius
Cooley, John Sharpe
Cooper, Bruce Paul
Cooper, Harold Lambert
Cooper, William Richard
Corey, Robert Orrin, Jr.
Cornett, Ronald Jerry
Corr, Howard Alan
Corrigan, Gerard Michael
Cosgrove, John Patrick
Cosgrove, Robert Michael
Costlow, Allan James
Cottle, William Thomas
Couch, Charles Andrew
Coumatos, Michael James
Courville, James Dewey
Cowan, Robert Lee, Jr.
Coyle, Daniel Charles, Jr.
Crabtree, Michael Calvin
Craig, David Michael
Craig, James Robert
Crapps, Clark Peat
Crawford, Jerry Wayne
Crawshaw, Robert Ord
Crego, Howard Lawrence
Cristina, Anthony Edward
Crotteau, Robert Allen
Crumrine, James Everett
Cullen, James Stephen
Cummins, Eugene Joseph, Jr.
Cunningham, Reed Ligon
Cunningham, Kenneth Newton
Cunningham, David Lynn
Curran, William Maurice
Curtis, Lee Ross
Curtis, Philip James
Curtis, Richard Mark
Cyrus, David Eugene
Daigle, Noel Anthony
Dale, John Lipscomb
Daly, Thomas Milton
Dam, Allan Scott
Danberg, Robert Benell
Danesi, Michael Edmund
Danna, Richard John
Dantone, Harold Brelsford
Dantzler, Herman Lee, Jr.
Dare, James Ashton, Jr.
Darsney, David Paul
Daughenbaugh, John Stewart
David, King Jack
Davies, Gregory John
Davis, Dudley Leroy
Davis, Edward Lyle
Davis, Gary Malcolm
Davis, Henry Louis
Davis, John Philip
Davis, Robert Glenn
Davis, William Randall
Davis, William Aaron, Jr.
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Deimler, James Dennis
Delaney, Kevin Francis
Deleeuw, William
Dempsey, John Garrett
Dengler, Frank Gavin
Dennis, Jackie Lee
Derry, John Harry, Jr.
Desautels, Jeffrey Henry
Desilets, Robert Auguste
Dettmann, Terry Robert
Devlin, Joseph Vincent
Devries, James Floyd
Dew, John Robert
Dexter, Donald Nelson
Dibiase, Gene Frederick
Dickinson, John Duff
Dickover, David George
Diefendorf, Peter Barry
Diffley, Peter
Dilley, Dennis Patrick
Dilley, Robert Thatcher, II
Dimock, James Robert
Dinkelspiel, Robert Louis
Dinwiddie, Hugh Norman
Divine, Thomas Frank
Dix, Richard Jack
Dixon, William Paul
Doctor, Laird Ashley
Dodd, James Lee
Dodson, Timothy Joe
Doe, James Ernest
Donga, John Leonard
Donlon, Thomas Francis, Jr.
Doolin, Edward Hamilton, III
Dormer, James Warren
Dorratcague, Dennis Eugene
Dorsett, Lawrence Preston
Doss, David Leon
Doty, Anthony Orr
Dougherty, Anthony W.
Douglas, Charles Owen
Douglas, Robert Eugene
Dow, William Craig
Downey, John Bernard
Downing, William Milnor, IV
Doyle, John Stuart, Jr.
Doyle, Robert Charles
Dozier, Edward Chris
Drain, Jesse Cyrus, III
Drake, Frank David
Drake, John Oliber, Jr.
Dranchak, John Charles
Drew, Richard, II
Drew, Ronald Lewis
Drury, John Lee
Dry, Melvin Spence
Dudderar, Raymond Albert, Jr.
Duecy, Charles Patrick
Duensing, James Allyn
Dufford, George Chester, Jr.
Duffy, Timothy William
Duggan, Robert Francis
Duke, Clinton Harrison, Jr.
Dumas, Jeffrey Mack
Duminiak, Robert Francis
Duncan, John Hollis
Duncan, Michael Joseph
Dunker, William Lawrence
Dunn, James Thomas
Durgin, Harlan Michael
Dusa, Ronald John
Dutton, Hubert Langston, Jr.
Dwyer, Kevin Richard
Dwyer, Stephen Michael
Dyckman, Dennis Vincent
Earle, Otis Keener
East, Richard Hackett
Easterling, Lael Ray
Eastman, Guy Arthur
Eastman, Jon Andrew
Eaves, Robert Arthur, Jr.
Eberth, Robert William
Edwards, Arthur Lee
Edwards, Brian Alfred
Edwards, David Anthony
Edwards, Robert Andrew
Edwards, Wilbur Everette, Jr.
Eiserloh, Philip Lawrence
Eisold, John Francis
Ekstrom, Robert Harry
Eldred, William Lester
Elliott, Lawrence Bruce
Elliott, Richard Francis
Elliott, Robert Russell
Elliott, Ross Tompkins
Ellis, Charles Eugene
Ellis, Howard Dorf
Elmendorf, Jon Rice
Elsner, James Allen
Emery, Sidney Williams, Jr.
Enderlein, William Phillip
Engle, Edward Charles
Englebretson, Ronald Earl
Enright, Thomas Howard
Ensminger, Gerald David
Erb, Robert Stephen
Erickson, Richard Clark
Errickson, Wayne
Escajeda, Ruben
Eskew, John Daniel
Esposito, John Philip
Etter, Steven Milton
Evans, Patrick Lewis
Evans, Robert Stacy
Evert, Richard Downey
Every, Robert Eugene
Ewers, Benjamin James, Jr.
Fagyal, Edward Alexander, Jr.
Fal, James Stanley
Farina, John Francis
Farrell, Frank John
Farrell, James Peter
Fastabend, Gerald Earl
Fates, Richard Janney
Faulkner, George Pruitt, Jr.
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Fedie, Michael Lee
Felger, Herman Victor
Fellner, William Stolk
Fenton, John Ward
Ferenchick, Richard John
Ferguson, Robert Andrew, Jr.
Fernandez, William, II
Ferrell, David Michael
Ferris, Richard Lee
Fessenden, Richard Mial
Felter, Gregory Philip
Fetterly, Larry Robert
Finney, Edwin Carlton, Jr.
Fischer, Edward Bussey
Fischer, Edward Francis
Fisher, Mark Wayne
Fishman, Gary Lance
Fish, Stephen Wallace
Fitzgerald, John Stephen
Fitzgerald, Michael Joseph
Flaherty, Dennis James
Flaherty, James Thomas
Flaherty, Michael Bart
Flanagan, Nathan Barney
Flandreau, Mark Endicott
Flarey, Anthony James
Fletcher, Michael Henry
Flick, Hugh Meredith, Jr.
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Folker, Stanley Frank, Jr.
Fontanier, Charles Eugene
Fontz, Charles Roy
Forbes, Jimmy McMillan, Jr.
Forbes, Keith Cary
Fossum, Anton Phillip
Fossum, Leon Keith
Foulsham, Charles Kenneth
Fowler, Jonathan Peters
Fowler, Michael Dulany
Fox, James Richard
Fox, Steven Merritt
Foye, Brian Asa
Francis, Gary Edward
Frank Joe Lee, III
Frank, Timothy Michael
Frederick, Ronald Jon
Freeland, Charles Douglas
Freeman, Floyd Eugene
Freeswick, Douglas John
French, Richard Wayne
Freudenthal, Paul Edward
Froggett, Stephan John
Fromme, Benjamin Charles
Frostad, Theodor Bernard
Fry, Eldon James
Fry, Joseph Francis
Fry, Robert Marvin
Fulghum, Robert Dale
Fullar, William John
Gaffney, Paul Golden, II
Gaines, Carl Amos, Jr.
Gaines, Gary West
Galentine, Paul Guy, III
Gallery, Philip Daly, Jr.
Gardner, George Henry, III
Garrett, Cain, Jr.
Garrett, Charles Edward
Garrigues, Ned William
Garrison, Alan Willard
Gartner, Jeffrey Winter
Garwood, Richard Mallery
Gaston, Everett Blair
Gates, John Kenneth
Gaul, Michael Terrence
Geer, George Barnash
Geiger, Frederick John
Gelsomino, Michael Joseph
Gemelli, Ralph Joseph
Genstil, Stephen Michael
German, James Jay
Germani, Thomas Robert
Gibbs, Dennis Keith
Giffin, Bryant Wayne
Gilbert, George Roland
Gililland, Robert Patrick

Gillaspie, Robert Morton
Gilleskie, Robert Joseph
Gillespie, Lindsay Moore
Gilliam, Nicholas Barnet
Gilmartin, Joseph William, Jr.
Gingrich, Stewart Lee
Gisch, Robert Gary
Givens, Larry Russell
Gladics, John Steven
Glaser, Richard James
Glidden, Stephen William
Glisan, Duane Leon
Glover, Terry Lee
Glutting, Joseph Christopher
Glynn, Hugh Francis
Gmeiner, Rocklin Everett, Jr.
Goetz, Daryl Lee
Goldberg, Ira Edward
Goldfinch, Albert Louis
Goldmeyer, Frederick Richard
Good, David Stanley
Good, Paul Alan
Goode, Eugene Francis
Goodman, Sheldon J.
Goodsell, Charles Michael
Gordon, Lyman Crandon, Jr.
Gorham, Lawrence Morrison
Gottschalk, Glenn Fredric
Gowen, Charles Thomas
Grabill, Charles Eugene, Jr.
Graham, Daniel Earl
Graham, Roy Edward, Jr.
Grannis, William Walter
Grant, Gary Maxwell
Graves, William Roberts
Gray, Craig Albert
Gray, Lawrence Alan
Green, Thomas Frederick
Green, William John
Greenberger, David
Greene, Darold Price
Greer, James Walter, Jr.
Griffin, Robert Edward, Jr.
Grimes, John David
Grimm, Barry Reid
Grimm, William Frank
Grinnell, Raymond James, Jr.
Gross, Christian Robert
Grulli, Michael David
Grun, William Frederick
Guilbert, Shelby Sanders
Gump, Robert Edgar
Gunter, James William, Jr.
Gunther, Martin Albert
Gurley, Zenas Norman
Gustafson, Harry Leonard, III
Gygax, Felix Stephen
Habel, Paul Grimmer
Hagan, Edward Francis
Hagen, Michael Francis
Hagenbruch, Robert Henry
Haggland, Alan Lee
Haglund, Bruce Thadd
Haines, Stephen George
Hall, Dale Thomas
Hall, Marshall Vansant
Hall, Robert Carter
Hallauer, Russell Lewis
Hallman, Denis Stilwell
Hamilton, Jerry Allen
Hamilton, John Wesley
Hamilton, Reed Duncan, Jr.
Hamilton, Steven Monroe
Hamm, Roger Harold
Hammer, Don Charles
Hammond, Rayford Earl
Hampshire, Eddie Walter
Hampson, James Price
Hamre, Peter Eugene
Hankins, Irvin White, III
Hannifin, Steven Patrick
Hannigan, James John, III
Hanrahan, John Dennis
Hanssen, Henry Raphael, Jr.
Harden, Charles Edward
Hardin, Larry Kenneth
Hardin, Tommie Dean
Harding, Wynn Allen
Harford, Joseph Lee
Harmes, William Andrew
Harmon, Billy Ward
Harmon, James William, Jr.
Harmon, Rockne Patrick
Harper, James Edward
Harper, Weldon Lee
Harrell, Sidney Lawrence
Harris, George Scott
Harris, Joe Newton
Hart, Larry Joe
Harty, John, III
Harvell, Michael Cleland
Harvey, Edwin Jackson
Harvey, James Robert
Harville, Robert Albert
Hassell, Thomas Jerrold
Hatcher, Douglas Carlton
Haverland, Mark Albert
Hawkins, Robert Baran
Hay, Donald Ross
Hayes, Jack Douglas
Hayes, John McWane
Hayes, Robert Leslie
Hayes, Thomas
Haynsworth, Perry Beattie, Jr.
Hayward, Bruce Winslow
Healy, Donald Jeremiah
Hearn, Thomas William
Hebblewhite, Harry Rives
Heckert, Craig Robert
Heffernan, Ralph Richard
Heid, William John
Heil, Charles Clayton, Jr.
Heilmann, Thomas Carl
Heintz, John Wade, Jr.
Heinzel, John Thomas
Heitzman, Gordon E
Heitzman, Jerry Lee
Helfrich, Patrick Clyde
Heller, David Alan
Helm, John L.
Hemken, Leonard Fred
Henderson, Joseph Kee
Henderson, Robert Dale
Hendricks, Dale Wayne
Hendrix, Royal Felix III
Henrickson, Thomas Eric
Hepler, Richard Brian
Herriford, Jimmy Lewis
Herzberg, Donald Dale
Hester, William Leon, Jr.
Heubach, James William
Hewlett, Edward Malcolm
Hicks, Stormy Thomas William
Higgins, James Francis, Jr.
Higgs, Alfred Henry, Jr.
Highsmith, Raymond Carl, Jr.
Hildebrandt, Philip Clay
Hill, Carl Clifton, III
Hill, David George
Hill, Donal McIlvaine
Hill, William Foster
Hillard, John Rains
Hinkle, James Bruce
Hinsman, Donald Ernest
Hinson, Louie Caldwell
Hintz, Edward Joseph, Jr.
Hoban, William James
Hodges, George Lee, Jr.
Hodgson, David Alan
Hodson, Eric Staf
Hoeche, John Wayne
Hoffman, Herbert Stewart, III
Hoffman, Robert Emmett
Hofwolt, Gerald Lee
Hogan, John Patrick
Hogan, Richard Harden, Jr.
Hogan, Walton Lewis, Jr.
Holden, Hugh Frederick
Hollan, Francis Kevin
Holihan, Robert George, Jr.
Hollenbeck, Bernard Guy, Jr.
Hollerbach, Robert John
Holliday, Thomas Baird.
Hollyfield, Edward Reid.
Holmberg, Arvid Leroy.
Holmes, Richard Thor
Holmes, Robert Allen
Holzapfel, Bruce Matthew
Honigschmidt, James Otto
Honour, Craig Gibson
Hood, Edward Francis Miller
Hooker, Gilbert Norman
Hoover, Harwood, Jr.
Hopcroft, Harry Joseph, Jr.
Hopkins, Raymond Joseph
Horn, Thomas James
Horne, Kenneth Alfred
Horne, Lance Cameron
Horney, Gregory
Horton, William Glennwood
Hosp, Howard Lynn
Hotaling, Andrew Jay
Hough, Phillip Geoffrey
Houghton, Thomas Christopher
Houin, Eric Joseph
Howe, William Bruce
Howell, Michael Wayne
Howell, Ralph Marion
Howland, Roger Jensen
Huban, George Hambre, Jr.
Huber, Elbert William
Hubert, David Leroy
Hudgens, Ambrose William, Jr.
Hudson, Carl Eugene
Hudson, Gerald Peter
Huey, Forrest Randall
Huffaker, Douglas Dean
Huggins, Robert Lloyd
Hughes, John Farrell
Hughes, Joseph Dennis
Hughes, Roger Neal
Hull, Roger Kermit
Hulme, Woodrow Wilson, II
Humphreys, Alvin Norman
Humphreys, James Arthur, III
Hunnicutt, John Osborne, III
Hunter, Gerald Franklin, Jr.
Hunter, John David
Huntington, George William
Hurst, Dennie Wayne
Hurston, James Edward
Hutchins, John Gardner
Hyde Richard Webster, Jr.
Hydinger, John Paul
Ihli, Carl Bolton, Jr.
Ilgenfritz, Kenneth William
Inglis, Thomas Nelson, III
Inouye, Lance Masao
Irelan, Dennis Wayne
Iversen, Gary Kenneth
Jackson, Joseph Ingram, Jr.
Jackson, William Henry, Jr.
Jacobs, Francis Theodore
Jacobs, Frederick Thomas
Jacobson, Mark Ernst
James, Bruce Edward
Jankovic, Oleg
Janov, Bernard
Jantz, Michael William
Jedrlinic, John Anthony
Jenkins, Eben Kenneth
Jensen, Gary Dean
Johann, Robert Kaylor
Johns, Vernon Michael
Johnsen, Robert Lynn
Johnson, Adrian Warren, Jr.
Johnson, Gordon James
Johnson, James Walter
Johnson, Jay Lynn
Johnson, John Michael
Johnson, Jon Craig
Johnson, Lairy Adrian
Johnson, Paul Francis
Johnson, Quentin Charles
Johnson, Robert Stephen
Johnson, Ronald Ross
Johnson, Stephen Alger
Joines, James Junior
Jonasson, William Bradford, Jr.
Jones, Alfred Anthony
Jones, Harland Wilber, Jr.
Jones, Michael Alan
Jones, Richard Leonard
Jones, Stephen King
Jonik, Philip Anthony
Joyce, Kevern Richard
Kadlick, Richard Mark
Kalashian, Daniel
Kaler, Robert Larry

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Kambic, William Joseph
Kane, John Edward, Jr.
Kane, William John
Katauskas, Philip John
Katsetos, Chris Louis
Kavale, Joseph John
Keagy, Thomas James
Keane, Walter Francis, Jr.
Keaton, William Creath
Keef, Mark Byron
Keefe, Richard Joseph
Keefer, Richard Lee
Keith, Philip Allen
Keithly, John Luther
Kellett, Raymond Arthur, Jr.
Kelly, James Scott
Kelly, Lawrence Michael
Kelsey, David Bruce
Kemp, John Melton
Kennedy, John Francis
Kennedy, John Patrick
Kern, James Franklin
Kerr, Thomas Webster
Kersey, Michael Laurence
Kevan, Mark Richard
Kick, Nelson Joseph, Jr.
Kidd, Raymond Charles
Kiechel, Walter, III
Kiernan, Loyd Julian, III
Kiffer, James Christian
Kilmartin, Hugh Edward, Jr.
Kimball, David Patten
Kincaid, Thomas Richard
Kinney, Richard Stephen
Kinnison, Gary J.
Kirkendall, James Edward, Jr.
Kivlin, Philip Burge
Kjeldsen, Richard Christian
Klausner, James John
Klein, Johnu Charles, III
Knapp, John Charles
Knapp, Larry Ray
Knode, Ronald Barry
Knust, Fred Prahl
Koch, William Radcliffe
Koehler, Richard Evans
Koenig, Karl Victor
Kolarcik, Kenneth Ernest
Kollasch, Orville Alvin
Koller, John
Koopman, Theodore
Kosich, John Lewis
Kosky, Edward Louis
Kraatz, William Harry
Kratovil, Edward William
Kratovil, Robert Orville
Krause, Larry Lee
Krawchuk, Peter
Kressel, Herbert John
Krogstad, Bruce Norris
Kroll, James Thomas
Krulis, Richard Paul
Krumbholz, Karl Otto
Krupnick, Charles Alexander
Kuehn, Leo Steven
Kullberg, Wayne Robert
Kusiak, Patrick John
Labate, Henry Anthony
Lacey, Walter Hamer II
Ladouce, Ralph Jeffrey
Lafleur, Jean Russell
Lagow, Michael Laird
Lagraff, Kevin John
Lai, Alexander
Lamarche, Jay Richard
Lambert, Max Richard
Lammers, Roger Anthony
Landon, Philip Craig
Lane, William Michael
Laney, Robert Bayliss
Lankford, Ronny Dean
Lanning, John Thomas
Lantrip, Bobby Bennett
Lapicola, John Jay
Larock, Francis, Jr.
Larson, Vernon James
Larue, James Lloyd
Lascala, Bernard Joseph
Lawrence, Robert Edwin, Jr.
Lawson, Bobby Ray
Lawson, Robert James, Jr.
Lawton, Richard Warren
Layl, Jerry Neal
Lear, Daniel Barrett
Leatherbury, George William
Leaver, Stephen Coffman
Leblanc, Paul William
Lee, Charles Allen
Lee, David Michael
Lee, Douglas Edward
Lee, John Warren
Lee, Robert Edward
Leffew, James Thomas
Lehman, Leo Joseph, Jr.
Lekander, Daniel Jon
Lemon, Ronald Scott
Lenz, Jack Carl
Leppert, Michael Erwin
Lesesne, Joseph Bancroft
Lewis, Edgar Barry
Lewis, Michael Nelson
Lewis, Robert Ernest
Lifgren, James Arthur
Linberger, Alan Gamble
Lindner, Theodore Martin
Lindoerfer, Paul Wesley
Lindsey, Charles Morgan
Lindstedt, Russell James, II
Lindstrom, Eric David
Linn, Larry Dean
Linnen, David Charles
Linton, Paul Allen
Liotard, Andre Robert
Lipinski, John Bernard
Lipson, Merek Evan
Little, Douglas Bruce
Logue, Donley Charles, Jr.
Lohla, Jerry Alan
Lohnes, Jonathan James
Long, Kirk Alan
Long, Philip Reeves
Long, Robert Lavern
Longardt, Michael George
Longerbone, James Michael
Longeway, David Michael
Lopez, Albert Richard
Louder, Frederick Charles, Jr.
Lowe, Michael Baxter
Lowry, William Harlan
Luca, Matthew Harmon
Lucas, Robert Gillem
Lucey, Joseph Francis
Ludwig, John Elmer, III
Lund, Allan Bruce
Lundquist, Carl Iver
Lydiard, John Morton, III
Lynch, Edward Junior
Lyons, John Thomas, III
Lysaker, Jack Thomas
MacCoy, Bruce David
Maciejewski, John Norbert
Mackey, Malcolm Clay
Mackin, John Joseph
MacNeill, Kent Van Lewis
Madden, Edward Leo
Madden, Thomas Francis
Madel, Robert William
Magee, William Thomas, III
Mahumed, Karl Arthur
Maiden, Jesse Joe
Mallon, David Joseph, Jr.
Malmborg, Charles Leroy
Mangin, Albert Mitchell
Manker, William Harold, Jr.
Man, Edward Francis, Jr.
Mara, Theodore John
Marenbach, Harry Alfred
Marquis, William Phillip
Marra, John Frank
Marschner, Walter David
Marsh, Frank Anthony
Marshall, Philip Roundy
Marshall, William Dale
Marshall, William McFarland, Jr.
Martin, James Philip
Martin, Kenneth Wayne
Martin, Kurt Stewart
Martin, Patrick Gregory
Martin, Thomas Francis
Martin, William Henry, III
Martinson, Charles Leonard
Marvel, Dennis Cruce
Marvil, Stephen Patrick
Masden, Ward Beacher, Jr.
Mast, James Welker
Mathers, Lee Jon
Matheson, Stephen Henry
Mathis, Larry Thomas
Matthews, William Charles
Mauck, Charles Joel, III
Mauldin, James Davis Drane, Jr.
Maupin, William Edward, Jr.
Maxwell, David George
Mayer, Charles Walter, Jr.
Mayer, John Frederick, Jr.
Mayo, Richard Walter
Mazza, Joseph Dennis
McAdoo, Richard Allen
McBride, Lawrence Cary
McCaleb, Virgil Frank
McCance, Richard Lee
McCann, Eugene Dennis
McCarthy, John James, Jr.
McCarthy, Joseph Edward
McCarthy, Vincent John
McClure, Halbert Steele Deleon
McConnell, Harry George
McConnell, Lawrence Gregg
McConnell, Michael Charles
McCorkell, Thomas Eugene
McCormack, Jerry Wayne
McCormick, Michael Timothy
McCowan, Kenneth Edwin
McCreary, Walter Ellwood
McDermott, Donald Gray
McDonough, Edward Charles
McDowell, Robert Lloyd
McDowell, William Lee, III
McElroy, William Charles, Jr.
McGarity, Kevin James
McGee, James Murry
McGinnis, Stephen Jack
McGlashan, Douglas Scott
McGlothlin, Clifton Lee
McGough, Charles Randall
McGovern, William Joseph, III
McGowan, Edward Charles, Jr.
McGowan, James William
McGrath, James Patrick
McGrath, Thomas Joseph
McGreevey, Henry Joseph
McGregor, Alexander Bradford
McGuire, John Francis, Jr.
McGuire, Joseph Ruane, Jr.
McHatton, James Thomas
McHugh, Michael Lyn
McIntosh, John Edward
McIntyre, Samuel Peter
McKee, John Raymond, Jr.
McKee, Phillip Francis
McKinnon, William Stephen
McLain, Larry John
McLaughlin, Howard Joseph, Jr.
McLaughlin, James Terrence
McLaughlin, William Thomas
McLaughlin, Arthur Jay, III
McLellan, William Ross
McMahon, Douglas Duvall
McMaster, Timothy Richard
McMullen, Richard Floyd
McMurray, Bruce Kirkland
McNab, John Denise
McNaughton, Paul Richard
McNease, Dwight William
McQuaid, Michael James
McQuerter, Kent Loryn
McRoberts, James Scott
McRoskey, John Henry
Meade, Geoffrey Manning
Meade, Martin Carl
Meadows, Robert Preston
Meads, Leonard Enzer
Meaney, William Michael
Measel, Martin Leman
Meckfessel, John Frederick
Meehan, Patrick Harold
Meehan, Timothy Michael
Meier, Lyle Dean
Menke, James Ewing
Merriam, Alvin Russell

Metcalf, Michael Donald
Metcalf, Stephen
Metzger, Joe David
Metzger, William Robert
Meuchel, Frank Tony
Mewhinney, Thomas Reilly
Meyer, Francis Douglas
Meyer, James Ray
Michael, Don Richard
Micken, Robert Warren
Middlebrooks, Robert Durwood
Mikell, Oswald Lightsey
Milam, James Aaron
Miles, James Edward
Millen, Joseph Andrew
Miller, Dana Fontaine
Miller, Grady Wilson, III
Miller, James John
Miller, John Dudley, Jr.
Miller, Patrick Albertus
Miller, Robert Jerel
Miller, Walter Everett
Miller, William Conrad
Mills, John Martin
Milner, John Henry, Jr.
Miltko, Stanley Edward, Jr.
Minno, Dennis Stephen
Minter, Richard Graham
Mitchell, Theodore Arnold
Mitnik, John
Moak, Donald Charles
Mock, William George
Moffett, James Francis, III
Moir, William Preston
Monagle, Daniel Edward
Monroe, John Frazier
Montgomery, James Derby, Jr.
Montz, Andrew Curtis
Moon, Julian Lafayette, III
Moore, Arnold Preston
Moore, Charles William, Jr.
Moore, Frederick Cranford
Moore, Frederick John
Moore, John Anthony
Moore, Kevin Thomas
Moore, Leland Thompson
Moore, Michael Patrick
Moore, Owen Edward
Moore, Thomas Joseph
Moore, Walker Dupree
Moreau, Richard Baker
Morell, Paul Leroy
Morgan, James Edward
Morgan, Vincent Schuver
Morge, Kenneth Warren
Morgenson, James Eric
Morris, Charles Romulus, III
Morris, Phillip Gail
Morrissey, Michael Joseph
Mortsakis, John Nicholas
Motl, Gerald Patrick
Moyers, Darryl Raymond
Mueller, William Joseph
Muise, Jeffrey Robert
Mulhern, Edward Michael
Mulholland, William Michael
Mullen, Michael Glenn
Mulligan, Robert Dale
Mulvany, Michael Shane
Mundy, William Edward
Muniz, Fred Louis
Munkres, Raymond Dale
Munnikhuysen, Richard Dallam
Munsey, Charles Robert, Jr.
Murach, Edward Francis Joseph
Murray, Leslie Glenn
Mussett, Gerald Thomas
Myers, David Lee
Myers, Richard Noden
Myles, James Albert
Naedel, Richard Gregory
Naughton, Richard Joseph
Nawrocki, Lawrence Meledin
Nawrocki, Peter Anthony
Naydan, Theodore Phillip
Neal, Charles Clinton
Neal, Joseph Alexander Fran, Jr.
Neal, Paul Gartrelle
Neal, Teddy Max
Neale, Michael Tilghman
Nealley, Alan William
Nebel, Kenneth
Nedham, Bruce Harry
Nelson, David William
Nelson, John Stanley
Nelson, Robert Hugo
Nepomuceno, Eugenio Nocon
Neumann, Adolf
Neville, Thomas Francis
Neville, William Josiah, Jr.
Newell, Neal
Newton, Samuel Lamble
Nibe, Richard Jerome
Nichol, James Arthur
Nichols, Kenneth Leslie
Nicholson, Thomas Merl
Nick, Louis Adolph, Jr.
Niehus, James Patrick
Nimmer, David Sherman
Nittle, Jeremy John
Noe, George Albert, Jr.
Noel, Charles Edward
Noerager, Jon Philip
Nolan, Robert Gordon
Nolan, Thomas Francis, IV
Nolter, Joseph Charles
Nonoshita, Wayne Gregory
Nordmann, Robert George
Norman, Ronald Wayne
Norris, Lowell Robert
Norris, Robert Norman, Jr.
Norris, William James
Northrop, Robert Stiles
Nosal, Leonard Jerome
Nugent, John Thomas
Nyman, Keith Oscar
Ober, William Taylor
O'Brian, Alfred Reginald Walter
O'Brien, James Patrick
O'Connor, John Dale
O'Connor, Thomas Charles
O'Dell, Edward James
O'Donnell, Thomas Frederick
Ogdahl, Arthur Theodore
O'Hanlon, Michael David
Ohm, Robert Lee
Ohnemus, Donald Pierre
O'Leary, Cornelius Francis
Oliver, Thomas William, III
Olsen, John Franklin
Olson, Jerome Arning
Oltraver, Dennis Allen
Onder, James Andrew
O'Neil, Michael William
O'Neil, John H., Jr.
Opeka, Donald John
Orzech, James Kenneth
Oser, Eric Leroy
Osth, John Andrew
Otterson, Peder Harlan
Overman, William Robert
Owen, Harold
Owendoff, Robert Scott
Owens, Edward Paul
Owens, James David
Owens, James Clarence
Owens, Richard Lee
Owens, William Winterton, IV
Pacenza, Franklin Joseph
Padgett, Phil B., II
Paine, William Gosnell, Jr.
Palkie, Thomas George
Palmer, David Charles
Palmer, Raymond John, Jr.
Panchura, Michael John, Jr.
Pankow, David Herbert
Parda, Nelson Robert
Parde, Merlin Lee
Parizek, Bruce
Parker, Anthony Weyburn
Parker, Jimmy Wayne
Parkhurst, Lyman Edward
Parrish, John Michael
Parry, Thomas Victor
Partridge, Benjamin Waring, III
Pascoe, Donald Bradley
Patrick, Darl Paul
Patrick, Urey Woodworth, III
Patton, Bernard Warren
Patton, John Collier
Payne, Richard Edward
Pearlman, Ellry Bruce
Pearson, James Anthony
Pearson, Robert Thomas
Pearson, Ronald Steven
Pease, Alfred Anthony
Pease, Kendell, Milford, Jr.
Pegden, Burl Richard
Pierce, John Wentworth
Palaez, Marc Yve Eugenio
Peloquin, Peter Joseph
Peltier, Donald Wallace
Perine, Stephen Gray
Perkins, Allen Leroy, II
Perkins, Earl Eugene, Jr.
Perrault, Michael Edward
Perrotta, Joheph William, Jr.
Pestorius, Thomas Daniel
Peter, Leo Edwin, Jr.
Petersen, Robert Elmer
Peterson, Arne Maurice
Peterson, Frank James
Peterson, Gordon Irwin, Jr.
Peterson, Robert Lee
Peterson, Walter Harry
Petrino, Richard Alan Domenick
Pfahl, Roger Alan
Phelan, James Arthur
Phillips, Braden James
Phillips, Everett Leon
Philpott, Bruce Ray
Picciuolo, Jonathan Charles
Pickett, Ludwell Lewis
Piehl, James William
Pier, Jeffrey Ross
Pierman, David Charles
Pinkerton, Everett David
Pinnell, Robert Brian
Pittman, Alan Ralph
Pletscher, James Harvey
Plummer, Douglas Allen
Plyler, Conrad A., Jr.
Polk, Deward Winston
Polk, James Stanley
Polk, Michael Raymond
Pollard, Don Pearson
Ponessa, Alfred Edward
Poole, William Leonard
Porter, Joel Alan
Porter, Joel
Porter, Ronald D.
Posnak, George Peter
Post, John Rockwell, Jr.
Potter, Jay McCune
Potwora, Raymond Paul
Powell, Darrell Russell
Powell, Edward Bennett, Jr.
Powell, William Oscar, III
Powers, Richard George
Prall, Thomas Edward
Prawdzik, David Allen
Preece, Bill Rutherford
Presecan, Thomas Norman
Prestero, Mark George
Pricco, James Stephen
Prince, Michael David
Priscilla, Ronald John
Proctor, Kenneth Allen
Proffitt, Bobby Wayne
Pruske, James Edward
Punches, Jeffrey Newton
Purvis, James Douglas, Jr.
Putnam, Frank William
Putnam, Michael Blair
Pyle, Kenneth Lawrence
Pyrz, Kenneth Edward
Rabb, Michael Tribble
Rabren, Bobby Ray
Raglin, Kenneth Alan
Ralston, Michael Gilbert
Ramer, Orville Glenn
Ramsey, Edward Allen
Randhahn, Gary Joseph
Rasfeld, Joseph Henry
Rasmussen, Andrew Anthony
Rasmussen, Christopher Lee
Rather, James John
Ray, James Billie, Jr.
Reape, Gerald John
Reardon, Andrew Fitzpatrick
Reardon, Kevin John
Rearer, Thomas Charles
Redeker, Steven James

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Redford, Melvin Robert, Jr.
Reeber, Christopher Joseph
Reed, James Ronald
Reed, Robert Bushnell, Jr.
Reedy, John G.
Reeves, Billy Smith
Regan, Kevin James
Reidhead, Ricky Morris
Reimert, Ronnie Charles
Reinheimer, Richard
Ribaudo, Nicholas Ross
Ricci, Ronald Vincent
Rice, Arleigh Hamilton, Jr.
Richardson, Harmond Becker, III
Richardson, Arthur Lee, II
Richardson, William Lee
Richardson, Paul Fredrick
Richey, Daniel Otto
Rickards, Elwood Bright, Jr.
Riddle, John Humbert
Rider, Hans Eugene
Ries, Stephen Hamilton
Riffer, William James
Riffle, Donald Lee
Rigsby, John Newton
Riley, Charles William
Riley, Edward Monroe, Jr.
Riley, Francis Clair, Jr.
Riley, Michael Andrew
Rinaldi, Ronald Albert
Ritchie, Coy Doyle, Jr.
Rittenour, Harry Taylor
Rivers, Charles Silas, Jr.
Rizzardi, Dennis Albert
Robben, Charles David, Jr.
Robbins, John Randolph
Robbins, Spencer Everett, II
Roberds, Darryel Lee
Roberts, Gary Gene
Roberts, James Arnold
Roberts, Richard Newton
Roberts, Wade Hampton, Jr.
Roberts, William Pope
Robichaud, Gerald Oliver
Robinson, James Howard
Roby, Charles Kenneth
Roddy, Charles Paul
Roeske, Alfred Duane
Rogers, George Cephas, Jr.
Rogers, William Lynn
Rogers, William Olin
Rogus, David Francis
Rolf, Charles Francis
Ronchetti, Gregory Henry
Rooke, Harold Norman
Roos, Neal Gerald
Rose, John Michael
Ross, David Bernard
Rouse, Fred Lawson
Roux, Jeffrey Andrew
Rovetto, Gary Wayne
Rowland, Charles Brett
Rowley, Dennis James
Ruch, William Leech, III
Ruffin, Paul Denson, Jr.
Ruhe, Barnaby Seiger
Ruland, Thomas Christopher
Rumpf, Daniel John
Russ, John Ernest, III
Russell, Robert Edward
Ruth, Michael Allan
Ryan, Mark Joseph
Sabadie, Patrick Alfonso
Sacks, Brian Lee
Sager, David Alan
Salez, Nelson Charles
Sallee, Fred Merridith
Samms, Floyd Tamerlane, Jr.
Sampson, Gary Allen
Samuelson, David Rudolph
Sanchez, Richard Rhodes
Sandberg, Hyrum Carl, III
Sanders, George Allen
Sandison, Gordon Thomas
Sandoz, John Frederick
Sandoz, Patrick Allen
Sanesi, Nelson Joseph, Jr.
Santarlasci, Joseph Howard, Jr.
Santee, James Liten
Santoro, Michael Anthony
Satterfield, Gary Thomas
Sautter, Frederick Root, Jr.
Savo, John Charles
Sawin, James Leslie
Saxman, Jonathan Humphrey
Saxon, Patrick Hurley
Scales, Francis Leo
Scales, John Cayme, Jr.
Scally, Robert Ernest
Schaefer, Lowell Thomas
Schafer, James Joseph, Jr.
Schanning, Brian Peter
Schantz, Curtiss William J.
Schaubel, Raymond Charles
Schellhaas, Richard Begue, Jr.
Schenkel, Roger Lee
Schiltz, John Allan
Schmidt, George Walker
Schmidt, Henry Edward, Jr.
Schminky, Roy Robert
Schneider, Daniel Henry
Schneider, Richard Fredrick
Scholtens, Michael Jon
Schoonderwoerd, Martin Gene
Schreiber, Robert Arnold
Schreiver, William Herbert
Schrope, Richard Bruce
Schulz, Carl Joseph
Schutter, Peter Arthur
Schwarz, Andrew Jerald
Schwechten, Robert John II
Schweitzer, Robert Charles
Schwertman, James Arthur
Schwikert, Frank Donald
Schwinger, Mark Edward
Sciabarra, Joseph Peter
Scott, Don Bacot
Scott, Donald William
Scott, Richard Frederick
Scott, Robert Mitchell
Scott, Ronald Lynn
Scott, William Nathan, Jr.
Searls, Robert Ray
Sears, Everett Edwin
Seiden, John Ben
Seiders, Marlin David, Jr.
Sell, John Christian
Sellers, Richard Leland
Sellers, William Lester
Senft, Milton Leroy
Serkin, Howard Charles
Serley, James Edward
Shaddix, James Delano
Shade, Robert James
Shaffer, Paul Bruce
Shaner, Randolph Glenn
Shanyfelt, Tommy Lee
Sharon, James Wesley
Sharp, James Robert
Sheddan, James Terry, Jr.
Shields, Joseph Carl
Sholars, Robert Eastman
Shook, Richard Millard
Showers, Michael James
Shroyer, William Leroy
Shults, Porter Revon, Jr.
Shumpert, Harold Corbett
Shurtz, Don Carlos
Sickler, Burton Harry
Sidner, Robert William, Jr.
Siemen, Harry Alfred, Jr.
Sikes, Joseph Kelly
Silverberg, Jon Friedolf
Simmons, David Franklin
Simpson, Michael Ernest
Sinclair, John Rodger
Sine, George William, Jr.
Sink, Francis Leroy
Sippel, Lee Jerome
Sisk, Arnold Jay
Sjoberg, Douglas Martin
Sjostrom, Leonard Carl
Skaar, Gordon Lee
Skipworth, William Holland
Slattery, Joe Allen
Slattery, Michael Gerald
Slebos, Christian Gerard
Smith, Alan Roy
Smith, Donald Edward
Smith, Edward Allen, Jr.
Smith, Floyd Harold
Smith, Gordon Coleman, II
Smith, Gordon Kenneth
Smith, Jack Robert
Smith, Richard Theodore
Smith, Stephen Roger
Smith, William Howard
Smith, William Harold
Smitheman, James Courtland
Smolak, Michael Albert
Snavely, William Wayne, Jr.
Snell, Peter Sherman
Snyder, Donald Clinton, II
Snyder, John Russell
Sobyra, Michael August
Solder, Edward Lee
Solymossy, Joseph Martin
Sorce, Anthony Michael
Southerland, James Julien, III
Southworth, David Moir
Spaeth, Warren Theodore, Jr.
Spalsbury, Clark Stanley, Jr.
Speace, Charles Hayes
Speakman, Glendon Caldwell
Speed, William Goodwin, Jr.
Speers, Thomas Edward, Jr.
Spellman, Donald Jerome
Spencer, Barton Marsh
Spengel, Michael Francis
Spengler, Richard Paul
Spooner, David Ford
Sprey, Douglas
Spruiell, Phillip Ronald
Squires, Robert Lewis
Staebler, Charles Alexande, III
Staley, Miles Marvin
Stamm, Steven Lewis
Stanfield, Kenneth Robert
Stanton, Laird Wilvin
Starks, Victor James
Starr, David Homer
Startt, Thomas Lee
Statton, Charles M., Jr.
Steere, David Campbell
Stehle, Charles Douglas
Steidle, Craig Eugene
Stein, Eric Andrew
Steitz, Peter
Stephenson, Gerald Edward
Steussy, James Michael
Stevens, William Edward
Stewart, Robert Leroy
Still, Daniel William
Stinson, James Alfred
Stocke, John Thomas
Stockslager, William Eby
Stokes, Roger William
Stoll, Robert Edward, Jr.
Stone, Frederick Cecil
Storm, Gary Alan
Stosel, Stanley Lewis
Stovall, John William
Stradley, Michael Ward
Strassberger, John William, Jr.
Strausbaugh, Wayne Lee
Strother, Dennis Edward
Stults, James David
Sturges, James Watler
Stutts, James Cornell, II
Sucato, Paul Joseph
Sullivan, Edward Joseph, Jr.
Sullivan, Jerry Eugene
Sullivan, Joseph Edward
Sullivan, Timothy Thomas
Sundberg, Edward August
Sutter, James Francis
Swain, Scott Cunningham
Swanson, Dale Eugene
Sweatt, William McClain, Jr.
Sweeney, Orval Lester
Swenson, Carl Frederick
Szlaga, Andrew George
Tabb, William Troop, Jr.
Taber, Theron Simeon, III
Talipsky, John Edward
Tamulevich, Carl Joseph
Tangren, Peter Andrew
Tapscott, Kennith Walker
Tarbox, Harold Chester, Jr.

Tauber, Richard Jacob
Taylor, Gerald Edgar
Taylor John Duffy
Taylor, Loren Lee
Taylor, Marcus Gene
Taylor, Norman Robert
Taylor, Richard Ford
Teach, Thomas Adams
Tellman, Donald Francis
Teneyck, Thomas Williard, Jr.
Tess, James Henry
Thacker, Reginald Allen
Thibeau, Richard James
Thomas, Benton Dean
Thomas, H. Clay, III
Thomas, Larry Walter
Thomas, William J.
Thompson, David Mathew
Thompson, John Richard
Thompson, Kenneth Ralph
Thompson, Richard Wittich
Thomas, James William McIntos
Tiedeman, George Ralph
Tillotson, Kenneth Delmer
Tilseth, Don Leroy
Tilson, Paul Evans, Jr.
Timmons, Thomas Francis
Tinkel, Terrence Lee
Tinnon, Lloyd Dean
Tippett, Terry Lee
Tirrell, William Barclay
Titus, Fred Walter, Jr.
Tkach, Michael Joseph
Tobiason, Joel Edward
Tollefson, Michael Rolf
Torbert, Michael Mayne
Tourigny, Leonard Robert
Toussaint, Terry Alan
Treglio, Ames Ronald
Trousdale, David Mangham
Troutman, David Leland
Trulson, Steven Alf
Tuck, William Dean, II
Tucker, Gerald Duane
Tuttle, Paul Eugene, Jr.
Twombly, Arthur Lee
Tyler, Henry David
Tyrrell, Robert Grattan
Uchman, Allen Eugene
Uplinger, Leon Joseph
Upton, Thomas George
Valentine, Bernard Richard Moi
Valleau, Neil Phillip
Vanderlofske, Peter Joseph
Vanderpoel, Eric
Vansaun, David
Vasiliauskas, Algimantas
Vaughn, David Eugene
Vellis, John Demetrius, II
Velsor, Herbert Frank
Venator, Craig David
Verschuern, Joseph
Vice, Larry Wayne
Vieau, J rome Brewster
Virtue, James Paul
Vivrette, Lyndon Richards
Vonsuskil, James David
Vorhoff, Gilbert Harold, Jr.
Voss, Edward John, II
Vranich, Ronald Mathew
Vtipil, Donald Sheridan
Wachowicz, Frederick Steven
Wagenseil, Taylor Brahs
Wagner, Paul Helmut
Wakefield, Robert David
Wales, Jon Bruce
Walker, Allan Ray
Wallace, David William
Wallace, Donald Stephan
Wallace, Ray Anderson
Walsh, Joseph David
Walsh, Neil Patrick
Walters Gary Allan
Walters, Melville Joseph, III
Waltrip, Burrough Allen, Jr.
Warburton, Frederick Thomas, Jr.
Ward, Dennis Lyle
Ward, Joe Frank
Warner, Carl Dean
Warner, Robert Sands, Jr.
Warren, Cassius Clay, Jr.
Washam, Eric Lee
Washer, William Lee
Waterman, Bradford Bates, III
Watson, Jerry Carthal
Watson, Tannis Robert
Watson, Harry Franklin, Jr.
Way, Ervin Ross, Jr.
Wease, Walter Henry, Jr.
Weber, Charles Lawrence, Jr.
Webster, Edward Hollis, III
Webster, Paul Edward
Weiss, Donald Alan
Welch, Lee Kimmel
Wells, Eugene Arthur
Weseloh, Morris Arthur
West, Edward Malcolm
West, Thomas Ben
Westman, Charles Stuart
Wetzel, Jeffrey Peter
Wexler, Stephen Alan
Weyrick, Max Thomas William
Whatley, James Wade
Whitco, Denis John
Whitcraft, John Cecil
White, Charles William
White, Henry Francis, Jr.
White, William Joseph, III
Whitehouse, John Henry, Jr.
Wicklander, Edwin Richard, Jr.
Wickman, Victor Paul
Wiggins, James Howard
Wike, Charles Richard, Jr.
Wikoff, Wallace Leroy
Williams, Clyde Roydon
Williams, Frank Broyles, III
Williams, Ivan Leroy
Williams, Jay Killian Bowman
Williams, Kenneth Lynn
Williams, Nathan Clark
Williams, Steven Albert
Williams, Terrill Douglas
Williams, William Roger
Willms, Gary Roland
Willoughby, Paul Ralph
Willson, Thomas Dexter
Wilner, Douglas David
Wilson, John William, III
Wilson, John Howard
Wilson, Michael Francis
Wilson, Robert Taylor
Wilson, Samuel Nathan, III
Wilson, Stephen Roy
Wilson, William Ralph, Jr.
Wilt, Thornton Willard, Jr.
Wiltzuis, Lawrence Nicholas, Jr.
Wire, Keith Raymond
Wisdom, Hayden Rand
Wisler, Larry Smith
Witte, Gary Paul
Wolverton, Gilbert Leroy
Wood, Gregory James
Wood, Scott Allen
Woodlan, Donald Ray
Woodman, William Douglas
Woodrich, Richard Henry
Woods, Joseph Godfrey
Woods, Larry Joe
Woods, Thomas McCoy, III
Woodward, Richard Calvin
Wooldridge, Francis Rust
Woollen, Edmund Boice
Work, Robert Dale
Worthley, John Abbott
Wray, Donald Milford
Wright, Bruce Alan
Wright, Jay Lee
Wright, Sherman E., Jr.
Wright, William Walter
Wurster, Ronald Frederick
Wyatt, Randall Edward
Wyckoff, George Thomas
Yankolonis, Barry Lee
Yarborough, Thomas Stokes Jr.
Yliitalo, Joe Alan
Yoder, Thomas Harry
York, Russell Clayton
Young, James Albert
Youngblood Frederick Lee
Zacharias, Merle John
Zahn, Howard Edward
Zahner, Richard Randall
Zavadil, John Leslie

The following-named women officers of the U.S. Navy for permanent promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Anderson, Betty Sue
Babb, Anne Elizabeth
Barto, Lona Amonce
Beckart, Sherry Dawn Sikkema
Belling, Patricia Jean
Bishop, Duchess Adams
Canfield, Susan Barbara
Delaere, Lavonne Kay
Dickson, Bonnie Joyce
Franzia, Mary Louis
Granger, Patricia Carol
Hayes, Mary Anne
Hill, Karen Duane
Hintz, Beth Marie
Homko, Pauline Margaret
Johnson, Susan Fairbanks
Johnson, Yvonne Marie
Kerr, Dona Lee
Krampf, Margaret Frances
Lewis, Mary Ruth
Madden, Donna Margaret
Michajluk, Beverly Jae
Mobley, Sydney Donetta
Mullen, Virginia Christine
Pond, Barbara
Riley, Kathleen Ruth
Shane, Rosalee Ann
Slocum, Patricia Sue
Smallwood, Kent Grey
Vanfossen, Jane Marie
Vestal, Kathleen Bunnie
Wuest, Mary Elizabeth

CONFIRMATIONS

Executive nominations confirmed by the Senate August 10, 1970:

OFFICE OF EMERGENCY PREPAREDNESS

Darrell M. Trent, of Kansas, to be Deputy Director of the Office of Emergency Preparedness.

U.S. AIR FORCE

The following named officer for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. Roy M. Terry, 134-10-6944FR (colonel, Regular Air Force, chaplain) U.S. Air Force.

IN THE ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3384:

To be major general

Brig. Gen. Herbert R. Hackbarth, SSAN 392-10-6851.

Brig. Gen. James M. Roberts, Jr., SSAN 173-12-8299.

Brig. Gen. Leonard S. Woody, SSAN 412-14-3237.

To be brigadier general

Col. Richard C. Allgood, Jr., SSAN 508-07-6001, Quartermaster Corps.

Col. James W. Dunham, SSAN 379-16-3073, Field Artillery.

Col. Charles L. Easterday, SSAN 304-18-7130, Medical Corps.

Col. Rogers B. Finch, SSAN 050-16-5309, Quartermaster Corps.

Col. Orville K. Fletcher, SSAN 531-12-0136, Infantry.

Col. Naiff H. Kelel, SSAN 378-16-4311, Military Police Corps.

Col. Robert D. Upp, SSAN 332-07-0773 Judge Advocate General Corps.

The Army National Guard of the United States officer named herein for promotion as a Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. Wilbert A. Allen, SSAN 107-12-3591, Armor.

The Army National Guard of the U.S. officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Jack W. Blair, SSAN 211-09-2450, Adjutant General's Corps.

Brig. Gen. Larry C. Dawson, SSAN 400-01-2956, Adjutant General's Corps.

Brig. Gen. John N. Owens, SSAN 315-05-4725, Adjutant General's Corps.

Brig. Gen. Alberto A. Pico, SSAN 582-66-6235, Adjutant General's Corps.

To be brigadier general

Col. Ferd L. Davis, SSAN 237-50-9524, Infantry.

Col. Van Hixson, SSAN 529-34-0771, Field Artillery.

Col. Rafael Rodriguez-Ema, SSAN 580-68-7867, Infantry.

Col. Theron F. Stimson, SSAN 701-18-0778, Field Artillery.

Col. Ronald R. Woodin, SSAN 484-16-4201, Signal Corps.

IN THE NAVY

Rear Adm. James F. Calvert, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Raymond E. Peet, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231 for appointment to the grade of vice admiral while so serving.

Vice Adm. Ralph W. Cousins, U.S. Navy, for appointment as Vice Chief of Naval Operations in the Department of the Navy, pursuant to title 10, United States Code, section 5085.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general, subject to qualification therefor as provided by law:

Homer S. Hill
Leon J. Dulacki
Carl W. Hoffman
William G. Johnson
Herman Poggemeyer, Jr.
William C. Chip

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general:

Edward J. Miller
Wilbur F. Simlik
James H. Berge, Jr.
James R. Jones
William G. Joslyn
Donald H. Brooks
Charles D. Mize
Norman W. Gourley
Paul G. Graham
William R. Quinn
Harvey E. Spielman
Andrew W. O'Donnell

HOUSE OF REPRESENTATIVES—*Monday, August 10, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Finally, brethren, be of one mind, live in peace: and the God of love and peace shall be with you.—II Corinthians 13: 11.

O God, who art the light of all who put their trust in Thee and the life of those who walk in Thy way, we draw near to Thee in the quiet of this moment of prayer seeking strength and wisdom for the tasks of this day.

We bring to Thee our responsibilities to ourselves, to one another, and to our country, and we would see them in the light of Thy will for us. Empowered by Thy spirit we would carry them with honor to Thee, to our Nation, and to ourselves.

Again we bow in sorrow at the remembrance of our beloved colleague who has gone to his eternal home. We thank Thee for his presence in our midst and for the contribution he made to our country as a Member of this body. Comfort his family with the assurance of Thy spirit and strengthen them for this experience and for the days that lie ahead.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceeding of Thursday, August 6, 1970, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 689. Concurrent resolution providing for an adjournment of the House from August 14, 1970, until September 9, 1970, or sooner if reassembled by the Speaker.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3547) entitled "An act to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ANDERSON, Mr. CHURCH, Mr. BURDICK, Mr. ALLOTT, and Mr. JORDAN of Idaho to be the conferees on the part of the Senate.

The message also annoonced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 704. An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to announce that the Chair is not going to recognize Members for the usual 1-minute speeches at this time, due to the situation with respect to the rules that exist in relation to the consideration of a constitutional amendment, with one exception: and that is that the Chair will recognize the gentleman from Pennsylvania (Mr. CORBETT) to announce the death of our late and beloved colleague and friend, the gentleman from Pennsylvania (Mr. WATKINS).

THE LATE HONORABLE G. ROBERT WATKINS

(Mr. CORBETT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CORBETT. Mr. Speaker, it is my very sad duty to announce the sudden death Friday evening of G. ROBERT WATKINS of the Ninth District of Pennsylvania.

All of us knew him as BOB WATKINS, and found him to be a very congenial friend and a very clear-thinking legislator. The fact that the people of his county recognized his ability and loved him is proved by the fact that he was elected Sheriff of his county, he served three terms in the Pennsylvania State Senate, then was elected a Commissioner of Delaware County, Pa., and following that was elected to the 89th, 90th, and 91st Congresses. He is survived by his wife, Hilda Jane, his son, G. Robert Watkins, Jr., and his son, Dwain. It is a gross understatement to say that those of us who knew him here will miss him most profoundly, and we extend our deepest sympathies to his wife and family.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I was shocked and saddened by the announcement of the news that BOB WATKINS had passed away. I had talked with him on a number of occasions just last week. He seemed healthy, vigorous, and in his usual good spirits. I will miss a close and a dear friend, and I believe the House as a whole will miss a stalwart Member.

We all extend to his widow and to his family our deepest condolences.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to my colleague from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, in the death of the Honorable G. ROBERT WATKINS last Friday evening, the Nation lost a dedicated public servant, the people of the Ninth Congressional District of Pennsylvania lost an outstanding representative, and all of us lost a great colleague—and I lost a close personal friend.

No one in this distinguished body can feel this loss more personally than I. It was my privilege to know and to work with Bob Watkins for the past 25 years.

The Honorable G. Robert Watkins, known to his friends as "Bob," was a fine example of the personal success and the public service which a man can achieve under the incomparable American free enterprise way of life in which he so firmly believed.

I knew him in his various capacities as county sheriff, State senator, county commissioner, Member of Congress; and it was a pleasure to work with him as a fellow political leader in Delaware County, Pa.

I knew him as a hard-working man who, starting with absolutely nothing in the material sense, employed the intelligence, good judgment, and driving energy to develop an outstanding business career which made him wealthy and which gave employment to many other people.

At the time of his demise, Bob Watkins owned the Blue Line Transfer Co. which, with headquarters in Chester, was involved in extensive operations in Pennsylvania, New York, New Jersey, Delaware, and Maryland. He also started a successful truck franchise sales and service company which is now owned and operated by his two sons, G. Robert, Jr., and Dwain.

I knew him as a man whose first job was as an apprentice shipfitter, as a man who progressed from salesman to manager of a coffee and tea company in 5 years, as a man whose youthful athletic ability carried him to renown as an excellent baseball pitcher, and as a man whose love of horses led to great success as a breeder of fine thoroughbreds at his paddock acres estate in Delaware County.

I knew Bob Watkins as a man whose inborn love of his country and deep patriotism caused him to enlist in the Army during World War I and be well along in his basic training before it was discovered that he was an underage enlistee.

And certainly, I knew Bob Watkins as a man deeply devoted to his wife, Jane, and to their sons, G. Robert, Jr., and Dwain. I remember, well, that it was only recently that Bob and Jane achieved that which, for them, was the magnificent milestone of their golden wedding anniversary.

I am, indeed, grateful that, throughout this past quarter century, I have been privileged to have known, to have worked with, and to have served with, the Honorable G. Robert Watkins, most of all, I am grateful that, throughout the years, I have been able to call him my friend.

I shall miss him, as we all will, and I take this moment to extend my deepest sympathy to Jane, Bob, Jr., and Dwain.

Mr. CORBETT. I was told by the Speaker earlier today that under the rules of the House, it is required that a discharge petition come up immediately following the reading of the Journal.

But that I would be recognized for 1 minute at this time.

It has been decided that on Thursday, after Bob's funeral, we will take time for eulogies.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. The gentleman has made a correct statement. But, as I have said, I view these things, recognizing the sentiments and feelings that are involved. So if any of our colleagues desire to speak now, as well as others who may wish to eulogize our departed colleague later in the week, I am sure they would appreciate it because I would like to say a few words at this time.

Mr. ALBERT. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. CORBETT. I yield to the gentleman.

Mr. ALBERT. I thank the gentleman for yielding.

Mr. Speaker, I realize that we shall have time at a later date to pay tribute to our distinguished and beloved friend. Today, however, I join in the expressions of shock and sorrow shared by all Members on learning that our colleague had passed away suddenly last Friday. Congressman Watkins was one of the kindest, friendliest, and most beloved persons I have known since I became a Member of Congress. He will be sadly missed by his many friends on both sides of the aisle. I extend my sympathy to Mrs. Watkins and their family.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Speaker, it is still almost impossible for me to believe that our colleague and a man I was proud to call my friend, the Honorable G. Robert Watkins, has departed from among us.

Only last Thursday afternoon did we have a long visit on the House floor. We discussed legislation that was to be considered this week and speculated as to the legislation that would be undertaken following Labor Day and the recess of the House that is to begin this week. He appeared in excellent health. There was no portent of death that was to overtake him the next day.

Bob Watkins was another of those who literally lifted himself by his own bootstraps. From humble, hardworking experiences as a youth he rose to a position of eminence both in business and in politics. He was a true conservative and a great American.

By reason of his untimely death, the State of Pennsylvania and the Nation has lost one of its foremost citizens and I have lost a friend.

To Mrs. Watkins and the members of the family I extend heartfelt sympathy.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the distinguished minority whip, the gentleman from Illinois.

Mr. ARENDS. I thank the gentleman for yielding.

Mr. Speaker, I was shocked and saddened to learn of the passing of my good friend Bob Watkins, our distinguished colleague from Pennsylvania. He was to me more than a good friend, more than a great friend. He was a beloved friend for whom I had the deepest affection as well as great respect and admiration.

We often hear it said of those who serve in Congress that "he is a man of the people." No man served in Congress to whom this appellation more appropriately applies than Bob Watkins. As a boy no older than 9, he sold newspapers to the crews of the harbored at Hampton, Va., where he was born. Upon his family moving to Pennsylvania he organized a "stevedore" company and subsequently owned and operated a trucking business. He understood what it was to labor. He understood the common man as few men are given to understand. He was one of them. He loved them and they loved him. This was quite evident to me upon an occasion when I was privileged to be a guest speaker in his district.

In the fullest sense he was, to borrow a line from the scriptures, "the salt of the earth." It must be recognized that in biblical days the two most precious commodities to man were fertile land and salt. Bob Watkins was indeed "the salt of the earth" to all who knew him. He had an understanding and a compassion possessed by few men.

He always sat in a seat in the upper right-hand corner of the floor on our side of the aisle. He was invariably surrounded by a group of us of somewhat common interests. He was inspiring to talk to. He was inspiring just to know.

Mr. Speaker, this House has lost a really great American. He was a member of the Interstate and Foreign Commerce Committee and a member of the Merchant Marine and Fisheries Committee. He brought to the work of both of these committees a very unique knowledge. It was a knowledge acquired from a lifetime of experience with the shipping and trucking industry.

As stated in the book of Matthew:

> He was the salt of the earth: but when the salt has lost its savour, wherewith shall it be salted.

Mr. Speaker, wherewith shall we find such a man as this. A man of the people, devoted to the cause of the people and who served exemplarily in their behalf in the Congress. He was in the fullest sense an outstanding public servant.

I share the personal loss of his fine family and express to them my deepest sympathy.

I was proud to call him my friend.

Mr. CORBETT. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. McCormack).

Mr. McCORMACK. Mr. Speaker, I was very sorry to learn of the death of our dear friend Bob Watkins. He was one of the kindest gentleman I have ever met in the journey of life. Only last Thursday I chatted with him as we were leaving the Capitol. About 2 weeks prior to that, as we know, he had had a fall and had injured his leg. I happened to meet him as he was leaving to go to his office. He was limping, and I said, "Bob, have you had an accident?"

He told me about the accident to his leg.

I said, "Come into the car. You don't want to walk over to your office. Ride along with me."

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Last Thursday I talked with him again and asked him how he felt. He said that his leg was feeling better.

I said "BOB do you want me to give you a lift over to your office?"

He said, "I have my own car."

He was one of the finest gentlemen that any one of us could ever meet in the journey of life. He was quiet but dedicated. In my years of service in the House I have never served with anyone who was more dedicated than BOB WATKINS or one who had a finer and broader outlook on life or a kinder disposition than he did.

I have already sent a telegram to Mrs. Watkins extending to her and her sons, not only for myself but for all Members of the House of Representatives, our deep sympathy. I again express to the Pennsylvania delegation my deep sympathy in their loss, and also again to Mrs. Watkins and her two sons I wish to say how deeply I feel for them in their bereavement.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I share in the deep sense of loss that has been expressed not only by the Speaker of the House but by other Members of this body on the passing of our friend and colleague, G. ROBERT WATKINS. BOB was truly a warm, winsome, and engaging personality. He had both a ready smile and a ready wit. I shall miss him very much in this body. I take this opportunity briefly at this time to express not only my feeling of loss but my deep sense of sympathy to Mrs. Watkins, their sons, and to the members of the Pennsylvania delegation.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, BOB WATKINS was a dedicated man. He was a member of the committee of which I happen to be the ranking member. Only on last Thursday I asked him if he would be sure to be present this morning when a subcommittee was meeting, and to be sure to represent me at that meeting. He assured me that he would. I know that had this not happened to him, he would have been there this morning, keeping his word, as he always did.

On the committee he was one of those who was not only dedicated to good Government; he was one who kept his word. He was one upon whom we all relied in the committee for advice. We shall deeply miss BOB WATKINS on the committee of which I am a member.

I do extend to his wife and to all of his family the deepest sympathy not only of myself but the members of the committee, both Republican and Democrat, all of whom were exceedingly proud to have him as a member.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Pennsylvania (Mr. GOODLING).

(Mr. GOODLING asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GOODLING. Mr. Speaker, the passing of the Honorable G. ROBERT WATKINS, my very good friend and our esteemed colleague, leaves me stricken with deep sadness.

I had known Congressman WATKINS longer than I have any other Member of Congress. I found him to be a deep and understanding person, consistently fair in his dealings with people and problems. He had a rare talent for friendship and great ability. Everyone in this Chamber had a fondness for him, just as they enjoyed working with him on complex legislative programs.

G. ROBERT WATKINS was a superb legislator, combining natural ability with long service in the field of legislation. The people of the Ninth Congressional District of Pennsylvania can point with great pride to the record that this exceptional legislator has made in the Congress through his service in their behalf and in the interest of the total American citizenry.

Congressman WATKINS was a real tower of strength in a good cause, and a bulwark of opposition to a bad one. Through it all, however, he was always a perfect gentleman, having high regard and respect for others, including those with whom he disagreed.

He was forceful in action and wise in counsel, and he had great wit. I had the privilege of enjoying his company not only here in the House of Representatives but also social events. In or out of the legislative Chamber, he was always the same—friendly, alert, and witty.

While Congressman WATKINS took his work seriously, he never took himself the same way. It was in his nature to lighten a heavy load and to introduce clarity to complex problems.

The citizens of Pennsylvania's Ninth Congressional District have lost a superb Representative, this Chamber has lost an excellent legislator, and I have lost a very close friend.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Pennsylvania (Mr. JOHNSON).

(Mr. JOHNSON of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. JOHNSON of Pennsylvania. Mr. Speaker, we of the Pennsylvania delegation to Congress were shocked and saddened by the sudden death of our dear friend and colleague, G. ROBERT WATKINS, of Delaware County, Pa.

I first met BOB when he was a member of the Senate of Pennsylvania representing Delaware County. He was a brilliant and highly respected member of this body. Being a very able speaker, and a man of wide experience in business and government, he made a valuable contribution to the operation of the senate, to the great advantage of the people of Pennsylvania. He gave of his time and talents willingly and was widely recognized as one of the ablest members of the senate.

He left the senate to become a member of the board of county commissioners of Delaware County. This was made necessary because of the rapid growth of this county, with many new situations created as a result of this expansion, which required a man of the stature and ability of BOB WATKINS to administer.

Finally the call came to represent his district in the Congress of the United States. In 1964 he came to this Congress with a background of experience, which made him just the right person to serve in this capacity. In the Congress BOB soon became an admired and warm friend to many of his colleagues, and gave unlimited advice and counsel to us all.

He was much sought after by the Members for direction and guidance as they approached their own individual problems, or the business of the day in the House of Representatives. For this and many other reasons, BOB will be sorely missed by his many friends. The Congress has lost one of its finest Members.

And now, may I express to his family my deepest sympathy in their great loss, and for my own part, I have lost one of my dearest friends, and now that he is gone, I wish that I could have had an even greater association with him.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Pennsylvania (Mr. McDADE).

Mr. McDADE. Mr. Speaker, I was deeply grieved and filled with sorrow over this weekend to learn of the unfortunate and untimely death of my colleague, the Honorable ROBERT WATKINS of the Ninth Congressional District of Pennsylvania.

But knowing BOB here in Washington has been for me, as it has been for other Members of the House and Senate as well as for members of the executive branch, an experience that will not soon be forgotten.

He was a man who was always cheerful. He was a man of warmth, of compassion, of friendliness. This was the man we met and knew when he guided us so often in our work of making this a better nation.

His was a life in the classic American dream of a man who would achieve success and distinction in the widest possible variety of endeavors. From humble origins he worked at building a great and successful transportation enterprise. From those same humble origins he rose to give a lifetime to public service on every level of government, as a sheriff of Delaware County, as a county commissioner, as a State senator, and finally as a Representative in the Congress of the United States.

He was an avid sportsman, interested in all the vigorous activity connected with athletics. And for more than 30 years he has bred thoroughbred horses at his home in Pennsylvania.

Above all things, he was a great and loving family man. I join his beloved wife Hilda, and his sons, Robert and Dwain, in their sorrow at the passing of BOB. He was a man whose passing has made all of us poorer; he was a fine, and warm, and decent human being.

Mr. BIESTER. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Speaker, I learned

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with deep sadness of the unexpected and tragic death of our colleague, Bob Watkins. I shall miss his warmth. This House will miss his warm and cheerful presence.

At a time in our Nation's history when the forces of division are strong, we need the amiable, warm spirit that Bob so continuously exuded. I hope, Mr. Speaker, that those of us who have been touched by Bob's warm spirit will carry it with us as we work in this chamber in the future so that his example of cheerfulness and fellowship may help us to heal the division afflicting our land.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Indiana (Mr. Myers).

Mr. MYERS. Mr. Speaker, the House of Representatives, the Ninth Congressional District of Pennsylvania, and the Nation have lost a true and dedicated friend, G. Robert Watkins. Bob was one of the most sincere and kindest members of this House. He went about the responsibilities of his office in a most quiet and efficient way. Because of this, many here never really learned to know the real Bob Watkins. That has been their loss, but an even greater loss in his passing, ending his service to the country he loved so much.

I join today his many friends of this body and the Nation in extending our heartfelt sorrow to his wife, sons, and grandchildren. May God's blessings be with them at this time of their bereavement.

(Mr. ROUDEBUSH (at the request of Mr. Myers) was granted permission to extend his remarks at this point in the Record.)

Mr. ROUDEBUSH. Mr. Speaker, today, I would like to take a few moments to pay tribute to a great Congressman, a great American and a dear friend of mine, Congressman Bob Watkins, of Pennsylvania, who died last Friday.

From 1946 until last Friday, he devoted his life to helping the people of his State as an elected official.

First as sheriff, then as a State senator, then as chairman of the board of county commissioners, and finally, as a Member of the House of Representatives.

Bob Watkins loved Pennsylvania.

He loved his country.

And people loved him.

Several years ago, a group of us formed sort of a supper club. We got together for dinner each evening after the House adjourned, if we did not have commitments.

Bob Watkins was a leader of this group.

My hours with him can never be replaced.

Not only did he offer good counsel but he presented me with an outlook on life and a gift of brotherhood which will stay with me for the rest of my life.

Bob Watkins was a loner.

Bob Watkins was a man with thousands of friends.

Because once you met him, he was your friend.

Joseph McCaffrey, newscaster for radio station, WMAL, of Washington, summed it up, when on his program "Meet the Member," he said:

> Robert Watkins has the personality that was made for politics, or for that matter, made for success in any field. He meets people with that ease only a few men can master.
>
> He never meets a stranger.
>
> Watkins enjoys being a Member of Congress, saying,
>
> "I think it is a great privilege. I cherish it, although I admit that the seniority system is the rule and I don't have many years here, but still I believe it is the most important office a man can be elected to, and an office where he can do some good for the average man and woman."

To friend Bob I say farewell and may God bless you. To his wife and family I offer my most sincere condolences.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from New Jersey (Mr. Hunt).

Mr. HUNT. Mr. Speaker, I thank the gentleman for yielding, but I will not make any remarks about my good friend, Bob Watkins, at this time. I shall do so at some later date, but I do wish to have inserted in the Record the information pertaining to the services for Bob Watkins.

The services will be held at the William S. Bleyer Funeral Home, 500 West 22d Street, Chester, Pa. The viewing will be Tuesday night, August 11, 1970, between the hours of 7 p.m. and 9 p.m. The Masonic services will be held at 8 p.m. sharp.

The funeral will be at the Bleyer Funeral Home on Wednesday morning, August 12, 1970, at 10 a.m.

Mr. GARMATZ. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. Mr. Speaker, I yield to the gentleman from Maryland (Mr. Garmatz), the chairman of the Committee on Merchant Marine and Fisheries.

Mr. GARMATZ. Mr. Speaker, the sudden death of our colleague, Robert Watkins, is a shock to those of us who worked so closely with him here in Congress. Since his election to the House of Representatives in November 1964, he has been a member of our House Committee on Merchant Marine and Fisheries, and he served with distinction on the Subcommittee on Panama Canal and the Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation. He was also the ranking minority member of the Special Subcommittee on Maritime Education and Training.

Congressman Watkins was admirably qualified to serve on the Merchant Marine Committee, from a standpoint of both background and ability. He was a self-made man, and it seems somehow appropriate that—at the age of 9—he sold newspapers to the crews of vessels anchored in his native port of Hampton Roads, Va. Through the ensuing years, he gained broad business experience, and successfully established a stevedoring business and then a very large trucking and transfer company.

This close association with various segments of transportation gave Congressman Watkins an insight into that industry which proved invaluable during his tenure on the Merchant Marine Committee; his broad background enabled him to understand the many problems of the complex maritime industry, and the many bills he sponsored in Congress—which were referred to the Merchant Marine Committee—were instrumental in helping to formulate national maritime policies.

Congressman Watkins also had many years of experience as a public servant—on a State and local, as well as Federal level. He held many responsible positions, including that of county sheriff, State senator, and county commissioner.

But in addition to his many talents, Congressman Watkins was—above all else—a very warm and compassionate man. Both his talents and his warmth will be missed by his many colleagues in Congress.

Speaking for myself, and for all the members of the Merchant Marine Committee, I wish to extend to Mrs. Watkins and their sons our heartfelt sympathy.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from West Virginia (Mr. Staggers), the chairman of the Interstate and Foreign Commerce Committee.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, again it becomes our sad fate to pause in contemplation of the uncertainty of human life. Man is as a flower, which is soon cut down, as the Psalmist remarked. "He is a shadow, which continueth not." As of yesterday, Bob Watkins was in the prime of life, with every reason for long years of success and honor. Today he is not among the mortal. While he thought, perchance, that his career was aspiring, he fell, like autumn leaves, to enrich his mother earth. His place among us, his comrades, in the bosom of his family, and with the good people of his native State, is vacant and empty. They shall know him no more. May his good deeds in the flesh be a lasting monument to his memory.

Congressman Watkins made a success of life in a variety of occupations, both civil and political. Integrity and honor followed him all the days of his life. His constituents from the Ninth Pennsylvania District have reason to respect his judgment and his devotion to their interests. As a colleague of mine in the House Interstate and Foreign Commerce Committee, I had learned to appreciate his close attention to his assignments, his keen intelligence in grasping the essentials of controversial issues, and his determination to follow the right as he saw it. We shall miss his sagacity in the committee and his continuing efforts to find an acceptable solution for our problems. He was an agreeable man, a man easy to work with, a credit to himself and to his duty. I am happy that I could list him as a friend, loyal and dependable.

To his loving family and close friends, we offer whatever feeble consolation there may lie in our assurance that he was a statesman in every sense of the word, and that he left a record of faithfulness and honor which cannot be erased. May time assuage your sorrow and give you opportunity to enjoy the satisfaction in accomplishment which was denied him.

Mr. RUTH. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from North Carolina.

Mr. RUTH. Mr. Speaker, as a new Member of Congress, I found BOB WATKINS most helpful. This Chamber will miss both his counsel and his sense of humor. I am proud to have acquired his friendship.

Mrs. Ruth and I send our sympathy to the Watkins family.

Mr. CORBETT. Mr. Speaker, I would remind the Members that we all have 5 legislative days in which to extend our remarks at this point in the RECORD.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, I thank the gentleman for yielding.

I was shocked and saddened to hear of the death of our friend, the gentleman from Pennsylvania, BOB WATKINS, who has not been here many terms, but through his personality and his conviviality he made a great many friends in the House of Representatives. I was proud to know him and call him my friend. He will be greatly missed.

Mr. Speaker, I extend to his family my deepest sympathy.

Mr. RIEGLE. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Michigan.

Mr. RIEGLE. Mr. Speaker, I thank the gentleman for yielding.

I, too, join my colleagues in paying tribute to BOB WATKINS. I thought BOB WATKINS was a good fellow and a good man to have here in Congress. I know I feel a sense of loss when I look on our side of the aisle today and do not find our good friend BOB WATKINS there. I will miss him.

My sympathy goes to his family at this sad time.

Mr. YATRON. Mr. Speaker, the people of Pennsylvania's Ninth District, our State's congressional delegation and the House of Representatives have lost an able and experienced public servant.

The passing last weekend of G. ROBERT WATKINS, with whom I had the great pleasure of serving in both the Pennsylvania State Legislature and the U.S. Congress, is a tragic loss to his colleagues, to his constituents in Chester and Delaware Counties, and to his many friends throughout the Commonwealth of Pennsylvania and the Nation.

A successful businessman, a county commissioner and for 12 years an effective State Senator, BOB WATKINS was completing his third term in the House of Representatives.

Mr. Speaker, I join my colleagues in paying tribute to this dedicated Member of Congress and want to extend to Mrs. Watkins, their two sons, and other members of their family my deepest sympathy.

Mr. MILLER of Ohio. Mr. Speaker, Friday, Congress suffered the loss of one of its most distinguished Members. For me, the news of the death of Representative G. ROBERT WATKINS was especially acute, because he was not only a colleague but a neighbor. Our years serving together in the House of Representatives blended with the countless additional occasions outside the Capitol Halls when we discussed issues of mutual importance to our districts. Congressman WATKINS' dedication to his constituents in the Ninth District of Pennsylvania was evident in his legislative record and his individual attention to their concerns. BOB WATKINS not only knew his people, but knew their problems. As a former county sheriff and commissioner, and as a member of the Pennsylvania State Senate for three 4-year terms, he brought to Congress an understanding and insight which enabled him to represent his district to the fullest. At the time of his death, he was a member of the important House Interstate and Foreign Commerce, and Merchant Marine and Fisheries Committees. I knew BOB WATKINS as a friend, a neighbor, and a very capable Congressman, but even more, I knew him for what he was most to us all: An American, through and through.

Mr. MONTGOMERY. Mr. Speaker, on a Thursday morning, July 23, 1970, ROBERT G. WATKINS talked to the congressional prayer breakfast group. He gave a wonderful inspirational talk to his fellow Members.

It was a talk that I believe I shall never forget. BOB WATKINS used no notes, but talked from what was in his heart. By his remarks that day, we all knew he was truly a God-fearing man who wanted to let us know of his strong religious feelings.

Mr. Speaker, BOB WATKINS will be missed by all of us here in the House, but we are better off for having known him even though it was for only a short time.

My thoughts are with Mrs. Watkins and their two sons during this very sad time.

Mr. MORGAN. Mr. Speaker, the sudden and untimely passing of our colleague, ROBERT WATKINS, comes as a shock to all of us. During his three terms in the House of Representatives he had won our respect and friendship. He was a conscientious, hard-working Member whose dedication to public service began many years ago. As a Member of Congress, ROBERT WATKINS brought with him to this House a rich and varied background of experience. Starting as a newsboy at the age of 9, he learned the trade of shipfitter, headed the Chester Stevedoring Co., and in 1932, organized the Blue Line Transfer Co. He served 4 years as sheriff of Delaware County and was a member of the State Senate for 12 years. He also served a 4-year term as county commissioner. The knowledge and experience so gained helped him when he came to the House of Representatives. He came equipped with a deep knowledge of the problems and needs of his district and State and a broad view of national and international affairs. It was only natural for him to seek and gain membership on the Interstate and Foreign Commerce and Merchant Marine and Fisheries Committees on both of which he served with industry and distinction.

I regarded ROBERT WATKINS as one of my dearest and closest friends and am deeply saddened by his sudden passing. To his wife and sons, I wish to extend my heartfelt condolences.

Mr. HARVEY. Mr. Speaker, the sudden passing of our colleague, G. ROBERT WATKINS, last Friday evening is still difficult to comprehend and accept. My wife, June, joins me in extending our deepest sympathy to Mrs. Watkins and their two sons.

As one who served with BOB on the House Committee on Interstate and Foreign Commerce, I had the advantage of learning from an outstanding gentleman the art of firmness dealt only under reasonable and fair conditions.

Together, we served on the Subcommittee on Commerce and Finance, where no one surpassed BOB WATKINS in desire and dedication to produce good legislation. It shall be a difficult task, I know, to replace him.

I shall always recall with fondness and appreciation the privilege that was mine in knowing BOB WATKINS. He was a great Congressman and a truly fine gentleman. His presence shall be sorely missed.

Mr. EILBERG. Mr. Speaker, I rise today to mourn the loss of BOB WATKINS. He was known to us all for his good works and benign spirit. He had a full and productive life, a veritable testament that Horatio Alger heroes can still rise up in the world among us. He was born of humble parentage in Hampton, Va., as one of four children, on May 21, 1902. His first business experience was that of selling newspapers to the crews of vessels anchored in the harbor. As a young man, he learned the trade of shipfitter in the city of Newport News, but BOB WATKINS had his aspirations set on bigger things.

He moved to Chester, Pa., shortly thereafter marrying the former Hilda Jane Smerbeck, of Pittsburgh. Between 1920 and 1931, BOB WATKINS ran a concern that he had begun: The Chester Stevedoring Co. In 1932, with a partner, he organized and headed the Blue Line Transfer Co., operating hundreds of trucks to all points in the East. But once again BOB WATKINS was not satisfied, for he had come from humble people and it was not enough for him to separate himself from them and live in a big house on a hill. He believed that his calling was to serve the people, regardless of their party affiliation or ideological beliefs. Thus, he became sheriff of Delaware County for a 4-year term and, after that, served as a member of the State Senate for three 4-year terms. He also served a 4-year term as county commissioner.

He was elected to the 89th Congress on November 3, 1964, bucking the Democratic landslide of that year, thus demonstrating that the people of Delaware County, Pa., trusted G. ROBERT WATKINS more than any party label. He served from then until the present, dying, unfortunately, this last Sunday, after com-

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pleting a speech to the folks back home. G. Robert Watkins might thus be said to have died in harness, as all of us here in Congress might wish to go: serving the people who have placed such trust in us until the very end.

He was a great and a good man, and I, a Democrat, would like to say that I felt as much in common with this wonderful man, who was a Republican, as I have ever felt with any other holder of public office. He was very conscientious, but what stands out in my mind just now is his humanness, his warmth. We shall miss him. People like Bob Watkins, no matter what party they belong to or what positions they take on issues of the day, are the dependable human backbone of any Congress, and I would like to express my condolence for the loss of a fine man and dedicated public servant, to his wife, Hilda, and to his children, Robert G. and Dwain Joseph Watkins.

Mr. SCHNEEBELI. Mr. Speaker, I was shocked an saddened to learn of the recent death of our friend and colleague, Hon. G. Robert Watkins.

Bob Watkins was a big man with a big heart. He had many outstanding qualities, and in his role as Congressman his loyalty and thoughtful regard and actions toward his colleagues were refreshing. Considered a "conservative" in his political philosophy, he was a strong leader of more than a dozen House Republicans who embrace a similar outlook.

He was respected by all for his dependability, charity and friendliness. A great conversationalist and fine story teller, he had a vast fund of knowledge and fascinating experiences; he was graduated from the practical "school of hard knocks" with high honors.

His death leaves a void for all of us who knew him, which cannot be filled.

Mr. WHALLEY. Mr. Speaker, it was with deep sorrow and a sense of personal grief that I learned of the passing of our good friend, colleague and fellow Pennsylvanian, G. Robert Watkins, of the Ninth District of Pennsylvania.

Bob was one of the kindest of men, and his quick smile and warm personality will be sadly missed by all those who had the privilege and pleasure to know him.

Bob Watkins distinguished himself not only in these Halls, but in each endeavor that he has ever undertaken.

Profiting from the wealth of knowledge and experience he earned in his walk through life, Bob Watkins excelled as sheriff and county commissioner in his home county of Delaware, Pa., as senator in the Pennsylvania State Senate at Harrisburg; as legislator in these hallowed Halls; and as husband and father at home.

I have had the personal privilege and pleasure to serve with Bob both in the Pennsylvania State Legislature and in the U.S. Congress. In both bodies, Bob contributed immensely and left an indelible mark.

His deep sense of patriotism, his intense conviction to the ideals for which he strived, and his tremendous practical abilities, earned for him the admiration and respect of all. He was spun from the rarest of fibers.

Mrs. Whalley and I extend our deepest condolences to Mrs. Watkins and their two sons. He will be sadly missed by all, but his spirit and the warmth of his life will remain with us forever.

GENERAL LEAVE TO EXTEND

Mr. CORBETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late Honorable G. Robert Watkins.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Mr. Corbett)?

There was no objection.

AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

Mrs. GRIFFITHS. Mr. Speaker, pursuant to clause 4, rule XXVII, I call up motion No. 5, to discharge the Committee on the Judiciary from the further consideration of House Joint Resolution 264, proposing an amendment to the constitution of the United States relative to equal rights for men and women.

The SPEAKER. Did the gentlewoman sign the motion?

Mrs. GRIFFITHS. Yes, Mr. Speaker, I signed the motion.

The SPEAKER. The gentlewoman qualifies. The gentlewoman from Michigan calls up a motion to discharge the Committee on the Judiciary from the further consideration of the joint resolution (House Joint Resolution 264) which the Clerk will report by title.

The Clerk read the title of the joint resolution.

PARLIAMENTARY INQUIRY

Mr. CELLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CELLER. Mr. Speaker, I understand the rule provides for 20 minutes of debate, 10 minutes on either side. Is it correct that the chairman of the Judiciary Committee, being opposed to the discharge petition, will be allocated 10 minutes?

The SPEAKER. The gentleman's statement is correct that the rule provides for 20 minutes of debate, 10 minutes on each side. If the gentleman from New York (Mr. Celler) is opposed to the motion, the Chair will recognize him for 10 minutes.

Is the gentleman opposed to the motion?

Mr. CELLER. I am opposed to the motion, Mr. Speaker.

The SPEAKER. Under the rule, the gentlewoman from Michigan (Mrs. Griffiths) will be recognized for 10 minutes, and the gentleman from New York (Mr. Celler) will be recognized for 10 minutes.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 261]

Anderson, Tenn.
Aspinall
Baring
Berry
Biaggi
Bray
Brock
Brown, Mich.
Buchanan
Burleson, Tex.
Bush
Caffery
Carter
Clark
Clay
Cohelan
Cramer
Crane
Cunningham
Daddario
Davis, Ga.
Dawson
Denney
Dickinson
Dorn
Edwards, Ala.
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fish
Flynt
Foreman
Frelinghuysen
Fulton, Tenn.
Gallagher
Giaimo
Gilbert
Goldwater
Gubser
Hagan
Halpern
Hastings
Hébert
Holifield
Keith
King
Kleppe
Long, La.
Lukens
McEwen
McKneally
MacGregor
Mailliard
Mann
Meskill
Monagan
Murphy, N.Y.
O'Hara
O'Neal, Ga.
Ottinger
Passman
Podell
Pollock
Powell
Price, Tex.
Railsback
Rarick
Reid, N.Y.
Reifel
Robison
Roe
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Rousselot
Ruppe
Ryan
Sandman
Schadeberg
Scheuer
Sikes
Skubitz
Stuckey
Sullivan
Symington
Teague, Calif.
Teague, Tex.
Tunney
Vanik
Weicker
Wright
Young
Zwach

The SPEAKER. On this rollcall 334 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

The SPEAKER. The gentlewoman from Michigan (Mrs. Griffiths) is recognized for 10 minutes.

Mrs. GRIFFITHS. Mr. Speaker, for 47 consecutive years this amendment has been introduced into the Congress of the United States. For 26 years both parties in their political conventions have endorsed it; the Republican Party has endorsed it for 30 years. Yet it has been 22 years since the Judiciary Committee of the House has even held a hearing on it. On the eve of the 50th birthday of women suffrage, it appears reasonable to me that the proponents of this legislation, who are more than a majority of this House, have a right to have this legislation discussed. We ask only 1 hour to convince you that the amendment is fair and reasonable; and I will yield 15 minutes of that hour at the request of the gentleman from New York (Mr. Celler) to Judiciary members for debate who may oppose it.

Give us a chance to show you that those so-called protective laws to aid women—however well-intentioned originally—have become in fact restraints, which keep wife, abandoned wife, and widow alike from supporting her family.

The EEOC has already ruled protective legislation invalid and cases are now headed toward the Supreme Court to test that ruling under the Civil Rights Act of 1964.

For those of you who may be worrying with the AFL–CIO, permit me to read a letter from the wisest one of us all:

> Washington, D. C.,
> *August 7, 1970.*
>
> Hon. Andrew J. Biemiller,
> *Washington, D.C.*
>
> Dear Andy: I am in receipt of your letter in opposition to the H.J. Res. 264.
>
> Respecting the views of the AFL–CIO, I want to frankly advise you that I favor the Resolution.
>
> With kind regards, I am,
> Sincerely yours,
> John W. McCormack,
> *Speaker of the House of Representatives.*

Permit me also to say that Mary Keyserling does not represent the Women's Bureau. It is represented by Elizabeth Koontz and it supports this legislation.

We will show you that the Supreme Court which has readily moved to change the boundaries of your District and the boundaries of your school district has on not one single occasion granted to women the basic protection of the fifth or 14th amendment. The only right guaranteed to women today by the Constitution of the United States is the right to vote and to hold public office.

It is time, Mr. Speaker, that in this battle with the Supreme Court, that this body and the legislatures of the States come to the aid of women by passing this amendment.

I ask you, Mr. Speaker, to support the discharge motion; to vote for the motion for immediate consideration; to support the previous question; to vote against any motion to recommit with or without instructions and to vote for the amendment.

Let me paraphrase the greatest suffragette of them all—Sojourner Truth, "Aint' I a person?"

Mr. CELLER. Mr. Speaker, I yield 2 minutes to the ranking minority member of the Committee on the Judiciary, the distinguished gentleman from Ohio (Mr. McCulloch).

Mr. McCULLOCH. Mr. Speaker, I rise in opposition to the motion to discharge the Committee on the Judiciary from consideration of House Joint Resolution 264.

This resolution, which proposes a constitutional amendment to vindicate the equality of rights of women under the laws of the States and the Federal Government, might at first glance seem noncontroversial. After all, who would suggest that the fairer sex should be given unfair treatment?

Unfortunately, the situation is not quite that simple. There is a question whether the content of this amendment is already embodied in the equal protection clause of the 14th amendment, with respect to the States, and the due process clause of the fifth amendment, with respect to the Federal Government.

Further, there is need to make a factual record to determine where discrimination on the basis of sex actually exists. In the area of employment, for example, the separate listings by sex in the "help wanted" sections of our major newspapers are almost certainly illegal under title VII of the Civil Rights Act of 1964, which specifically outlaws discrimination by sex in employment. What is needed here is enforcement of existing law, or at the very most, amendment of that law to make it more effective, but not a constitutional amendment. There is also considerable doubt about what effect this amendment will have on State laws in such areas as domestic relations and labor law.

Only after full and thorough hearings in committee can the facts be ascertained and a sufficient record made on which the House can act. Therefore, the distinguished chairman of the Committee on the Judiciary has scheduled hearings on this most important matter commencing September 16, 1970. Our committee has an extremely heavy schedule of hearings and executive sessions on pending legislation, especially in the field of the criminal law, and for this reason, September 16 is the first available date.

If this body should vote today to discharge the Committee on the Judiciary from consideration of House Joint Resolution 264, it will be denied the benefit of committee hearings. I sincerely believe, Mr. Speaker, that if we are to propose an amendment to the Constitution of the United States—a document that has stood intact for 181 years with only 23 amendments—the matter at least merits the kind of detailed consideration which is available only through committee hearings. For this reason, I hope that the House will vote down the motion to discharge.

Mr. CELLER. Mr. Speaker, I rise in opposition to the discharge petition, and I yield myself the balance of the time allotted to me.

Mr. Speaker, I oppose the motion to discharge the Committee on the Judiciary from consideration of House Joint Resolution 264, proposing an amendment to the Constitution of the United States relative to equal rights for men and women. What we are being asked to do is to vote on a constitutional amendment, the consequences of which are unexamined, its meaning nondefined, and its risks uncalculated.

On July 16, 1970, I placed in the Congressional Record the notice that the Judiciary Committee would hold hearings on September 16. Certainly, if the House is asked to vote on a constitutional amendment of this magnitude, it must have before it a record of expert testimony upon which to base its collective judgment. You should know that the Judiciary Committee has not been idle in preliminary staff study consideration of the possible affects of the amendment. The American Law Division of the Library of Congress has been requested to and has delivered to the committee samplings of the laws of 11 States and the District of Columbia relating to support, custody, divorce, separation and alimony which could be abrogated, for good or evil, by the adoption of this constitutional amendment—Alabama, Alaska, California, Colorado, District of Columbia, Hawaii, Illinois, Massachusetts, Nevada, New York, Pennsylvania and Texas.

I quote some portions thereof:

> So far as we can ascertain, no definitive legal analysis has ever been undertaken which purports to examine in detail any of the ramifications of these problems; and since no State has adopted a constitutional amendment of similar purpose, no court decision precedents exist which might provide some basis for prediction. This report, therefore, can do more than express our views in the form of what we believe is at best only reasonable speculation, as to some of the more significant aspects of domestic relations laws, statutory and case law, which might be subject to reevaluation in the light of a possible "Equal Rights Amendment."

Subsequent to the receipt of the American Law Division of the Library of Congress report, I wrote to the attorneys general of each State asking for information for committee use as to what laws, if any, could be affected by the proposal. The replies are now coming in. The attorney general of Texas has sent this committeee a list of State laws which as he states may or may not be affected. He cannot make a definitive reply any more than could the Library of Congress. Can we? Do we know? We cannot even begin to speculate until a body of information is before us, derived from considered testimony, analysis and exact information such as we have sought from the 50 States.

According to Prof. Paul Freund of the Harvard Law School, concurred in by numerous other legal scholars, every provision of law concerning woman would raise a constitutional issue which would have to be resolved in the courts. Others argue that women presently have the same constitutional protection under the fifth and 14th amendments that they would have upon adoption of the equal rights amendment. Maybe they are right; maybe they are wrong. Can we afford to grope in the dark without any concrete evidence.

Each of us is in a sense blindfolded. How can we discharge our responsibilities without even the knowledge of which laws of the very States which sent us here could be abrogated, voided, or changed. Some should be, others not. But at the very least, we should know. Only hearings can produce that body of knowledge. The committee has already begun its work; we ask only for the opportunity to complete it.

Further, on June 30, July 7 and 13, and August 4, our colleagues Mikva, Griffiths, Ryan, and William D. Ford introduced a proposal to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities. The proposal is specific, its direction clear, its provisions immediately operative upon enactment. The two proposals, the equal rights amendment and the Women's Equality Act of 1970, as it is termed, should be considered together in committee hearings. The concrete versus the abstract should be joined in issue so that again, the Members of this body can judge and vote with chapter and verse before them.

Let us not leap into the thicket until we can at the very least know a bit about the terrain on which we will land, and where it will lead.

After just 1 hour of debate should this motion prevail, we shall be asked to vote on a constitutional amendment.

Feminists clamor for equal rights. Nobody can deny that women should have equality under the law. But ever since

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Adam gave up his rib to make a woman, throughout the ages we have learned that physical, emotional, psychological and social differences exist and dare not be disregarded.

Neither the National Women's Party nor the delightful, delectable and dedicated gentlelady from Michigan (Mrs. GRIFFITHS) can change nature. They cannot do it.

Beyond that, let me say that there is as much difference between a male and a female as between a horse chestnut and a chestnut horse—and as the French say, Vivé le difference.

Any attempt to pass an amendment that promises to wipe out the effects of these differences is about as abortive as trying to fish in a desert—and you cannot do that.

There is no really genuine equality and I defy anyone to tell me what "equality" in this amendment means. Even your five fingers—one is not equal to the other—they are different.

You know, as a matter of fact, there is only one place where there is equality—and that is in the cemetery.

Women have thrown off many shackles with the help of men. I admit some shackles remain. Our duty is to abolish distinctions based on sex except such as are reasonably justified by differences in physical structure or biological or social function. The equal rights amendment would eliminate all distinctions in legal treatment of men and women even when the fundamental reasonableness and common sense of such differences is apparent.

For example, under the Federal Jury Selection Act of 1968, women with children today may seek and obtain an excuse from Federal jury duty on the grounds of undue hardship or extreme inconvenience.

Will women hereafter be prohibited from requesting such excuse from jury service—because a man cannot have such an excuse? Where is the equality then? Man has the right to say that if women have the right, then men should have the right.

The adoption of a blunderbuss amendment would erase existing protective female legislation with the most disastrous consequences.

You would have scores of thousands of working women without the proper protection from oppressive and fatal practices.

Some feminists casually say—We do not want protection, we want liberation.

Will you tell that to the female factory worker and to the female farmworker and get their reply? It would require very buoyant prescience to predict the effects of this amendment. Scores and scores of laws—State, municipal, and Federal Government—make distinctions in their applications, and, therefore, it would be impossible to determine exactly what the consequences would be. I say let us at least have hearings before we pass upon an amendment as important as this one. I attach to my remarks excerpts from the laws of a number of States relating to domestic relations which will be affected by the proposed amendment.

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EXCERPTS OF SELECTED STATE LAWS RELATING TO DOMESTIC RELATIONS

(Prepared by the American Law Division, Library of Congress)

DIVORCE

Alabama

Tit. 34, Sec. 22, (7409) (3705) (1487) (2324) (2687) (2353) (1963), To either party in case of cruelty; to wife in case of nonsupport.—In favor of either party to the marriage when the other has committed actual violence on his or her person, attended with danger to life or health, or when from his or her conduct there is reasonable apprehension of such violence. In favor of the wife when the wife has lived, or shall have lived separate and apart from the bed and board of the husband for two years and without support from his for two years next preceding the filing of the bill; and she has bona fide resided in this state during said period.

Alaska

Sec. 09.55.110. Grounds for divorce.—Willful neglect of the husband for a period of 12 months to provide for his wife the common necessities of life, he having the ability to do so, or his failure to do so by reason of idleness, profligacy, or dissipation.

Husband must provide home and wife must reside there. It is elementary that the duty devolves upon the husband to provide and furnish the home, and that it is the duty of the wife to occupy the home and to reside there unless the husband acquiesces or consents to her residence elsewhere or unless her husband's mistreatment justifies her in leaving and remaining away from the home. *Ellis* v. *Ellis*, 8 Alaska 373.

Colorado

46–1–1. Grounds for divorce.—That the husband, being in good bodily health, has failed to make reasonable provisions for the support of his family for a period of one year, or more, next prior to the beginning of the action for divorce. No husband who secures a divorce on such ground, however, shall be relieved thereby from the duty of the support of the wife from whom he is thus divorced, unless she has sufficient property or means to support herself.

A wife located and employed in Pennsylvania, who repeatedly refused over a series of years to accompany her husband, a military serviceman engaged for several years in various states, who had finally determined to live in Colorado where he was so employed, is guilty of desertion. *Mulhollen* v. *Mulhollen* (1961) 145 C. 479, 358 P. 2d 887.

District of Columbia

Sec. 16–904. Grounds for divorce, legal separation and annulment.—Husband has right to choose domicile; unjustified refusal of wife to follow is desertion, grounds for divorce. *Snyder*, 134 A 2d 587, D.C. Mun-App. (1957)

Hawaii

Sec. 580–41. Grounds for divorce.—When the husband, being of sufficient ability to provide suitable maintenance for his wife neglects or refuses to do so for a continuous period of not less than sixty days.

Nevada

125.190. Action by wife for permanent support and maintenance: Grounds.—When the wife has any cause of action for divorce against her husband, or when she has been deserted by him and such desertion has continued for the space of 90 days, she may, without applying for a divorce, maintain in the district court an action against her husband for permanent support and maintenance of herself, or of herself and of her child or children.

New York

Dom. Rel., Sec. 200. Action for separation—Where the wife is plaintiff, the neglect or refusal of the defendant to provide for her.

Pennsylvania

Ch. 23, Sec. 11. Grounds for divorce from bed and board.—Upon complaint, and due proof thereof, it shall be lawful for a wife to obtain a divorce from bed and board, whenever it shall be judged, in the manner hereinafter provided in cases of divorce, that her husband has:

(a) Maliciously abandoned his family; or

(b) Maliciously turned her out of doors; or

(c) By cruel and barbarous treatment endangered her life; or

(d) Offered such indignities to her person as to render her condition intolerable and life burdensome; or

(e) Committed adultery.

ALIMONY

Alabama

Ch. 34, Sec. 30 (7417) (3803) (1495) (2331) (2694) (2360) (1970), allowance to wife pending suit.—Pending suit for divorce, the court may make an allowance for the support of the wife out of the estate of the husband, suitable to his estate and the condition in life of the parties for a period of time not longer than necessary for the prosecution of her bill for divorce.

Sec. 31. (7418) (3804) (1496) (2332) (2361) (1971), allowance to wife on decree of divorce.—If the wife has no separate estate, or if it be insufficient for her maintenance, the judge, upon granting a divorce at his discretion may decree to the wife an allowance out of the estate of the husband, taking into consideration the value thereof and the condition of his family.

Sec. 32. (7419) (3805) (1497) (2333) (2696) (2362) (1972), allowance when decree in favor of wife.—If the divorce is in favor of the wife for the misconduct of the husband, the judge trying the case shall have the right to make an allowance to the wife out of the husband's estate, or not make her an allowance as the circumstances of the case may justify, and if an allowance is made it must be as liberal as the estate of the husband will permit, regard being had to the condition of his family and to all the circumstances of the case.

Sec. 33. (7420) (3806) (1498) (2334) (2697) (1973), allowance when against wife.—If in favor of the husband for the misconduct of the wife, if the judge in his discretion deems the wife entitled to an allowance, the allowance must be regulated by the ability of the husband and the nature of the misconduct of the wife.

Alaska

Sec. 09.55.200. Orders during action.

(a) During the pendency of the action, the court may provide by order

(1) that the husband pay an amount of money as may be necessary to enable the wife to prosecute or defend the action;

(2) for the care, custody, and maintenance of the minor children of the marriage during the pendency of the action;

(3) for the freedom of the wife from the control of the husband during the pendency of the action.

(4) for the delivery to the wife of her personal property in the possession or control of the husband at the time of giving the judgment;

(5) for the appointment of one or more trustees to collect, receive, expend, manage, or invest, in the manner the court directs, any sum of money adjudged for the maintenance of the wife or the nurture and education of minor children committed to her care and custody.

District of Columbia

Sec. 16–911. Alimony pendente lite; suit money, enforcement; custody of children:

During the pendency of an action for divorce, or an action by the husband to declare the marriage null and void, where the nulity is denied by the wife, the court may:

(1) require the husband to pay alimony to the wife for the maintenance of herself and their minor children committed to her care, and suite money, including counsel fees, to enable her to conduct her case, whether she is the plaintiff or the defendant, and enforce any order relating thereto by attachment and imprisonment for disobedience;

(2) enjoin any disposition of the husband's property to avoid the collection of the allowances so required;

(3) If the husband fails or refuses to pay the alimony or suite money, sequestrate his property and apply the income thereof to such objects.

Sec. 16-912. Permanent alimony; enforcement; retention of dower:

When a divorce is granted to the wife, the court may decree her permanent alimony sufficient for her support and that of any minor children whom the court assigns to her care, and secure and enforce the payment of the alimony in the manner prescribed by section 16-911, and may, if it seems appropriate, retain to the wife her right of dower in the husband's estate; and the court may, in similar circumstances, retain the husband's right of dower in the wife's estate.

Sec. 16-913. Alimony when divorce is granted on husband's application:

When a divorce is granted on the application of the husband the court may require him to pay alimony to the wife, if it seems just and proper.

Hawaii

Sec. 580-9 Temporary support, etc.:

After the filing of a complaint for divorce or separation the judge may make such orders relative to the personal liberty and support of the wife pending the complaint as he may deem fair and reasonable and may enforce the orders by summary process. The judge may also compel the husband to advance reasonable amounts for the compensation of witnesses and other expenses of the trial, including attorney's fees, to be incurred by the wife and may from time to time amend and revise the orders.

Sec. 580-24 Allowance for woman and family:

Every woman who is deceived into contracting an illegal marriage with a man having another wife living, under the belief that he was an unmarried man, shall be entitled to a just allowance for the support of herself and family out of his property, which she may obtain at any time after action commenced upon application to any circuit judge having jurisdiction; provided, that the allowance shall not exceed one-third of his real and personal estate. In addition to the allowance, the judge may also compel the defendant to advance reasonable expenses of trial to be incurred by the plaintiff

Sec. 580-50 Alimony upon divorce after living separate and apart:

Where separation from bed and board or separate maintenance was decreed upon a showing by the wife that the husband was at fault, the circuit judge sitting in divorce may, in his discretion, even if divorce proceedings are brought by the husband, decree the payment to the wife of alimony.

Sec. 580-74 Support of wife and children:

Upon decreeing a separation, the judge may make such further decree for the support and maintenance of the wife and her children, by the husband, or out of his property, as may appear just and proper.

Massachusetts

Ch. 208. Sec. 17. Pendency of libel; allowance; alimony:

The court may require the husband to pay into court for the use of the wife during the pendency of the libel an amount to enable her to maintain or defend the libel, and to pay to the wife alimony during the pendency of the libel.

Sec. 34. Alimony; decree:

Upon a divorce, or upon petition at any time after a divorce, the court may decree alimony to the wife, or a part of her estate, in the nature of alimony, to the husband.

Alimony means an allowance to the wife; *Brown* v. *Brown,* 111 NE 42, 222 Mass. 415 (1916).

The wife can recover alimony even when divorce is granted to husband for wife's fault, *Graves* v. *Graves,* 108 Mass. 314 (1871).

Nevada

Sec. 125.040 Allowance and suit money for wife during pendency of action:

In any suit for divorce now pending, or which may hereafter be commenced, the court, or judge, may, in its discretion, upon application, of which due notice shall have been given to the attorney for the husband if he has an attorney, or to the husband if he has no attorney, at any time after the filing of the complaint, require the husband to pay such sums as may be necessary to enable the wife to carry on or defend such suit, and for support and for the support of the children of the parties during the pendency of such suit.

125.150 Alimony and adjudication of property rights; award of attorney's fee; subsequent modification by court on stipulation of parties.

1. In granting a divorce, the court may award such disposition of the community property of the parties as shall appear just and equitable, having regard to the respective merits of the parties and to the condition in which they will be left by such divorce, and to the party through whom the property was acquired, and to the burdens, if any, imposed upon it, for the benefits of the children.

2. The court may also set apart such portion of the husband's property for the wife's support and the support of their children as shall be deemed just and equitable.

New York

Sec. 236. Alimony, temporary and permanent.

In any action or proceeding brought (1) during the lifetime of both parties to the marriage to annul a marriage or declare the nullity of a void marriage, or (2) for a separation, or (3) for a divorce, the court may direct the husband to provide suitably for the support of the wife as, in the court's discretion, justice requires, having regard to the length of time of the marriage, the ability of the wife to be self supporting the circumstances of the case and of the respective parties. Such direction may be made notwithstanding that the parties continue to reside in the same abode and notwithstanding that the court refuses to grant the relief requested by the wife (1) by reason of a finding by the court that a divorce, annulment or judgment declaring the marriage a nullity had previously been granted to the husband in an action in which jurisdiction over the person of the wife was not obtained, or (2) by reasons of the misconduct of the wife, unless such misconduct would itself constitute grounds for separation or divorce, or (3) by reason of a failure of proof of the grounds of the wife's action or counterclaim.

Sec. 237. Counsel fees and expenses:

(a) In any action or proceeding brought (1) to annul a marriage or to declare the nullity of a void marriage, or (2) for a separation, or (3) for a divorce, or (4) to declare the validity or nullity of a judgment of divorce rendered against the wife who was the defendant in any action outside the State of New York and did not appear therein where the wife asserts the nullity of such foreign judgment, or (5) by a wife to enjoin the prosecution in any other jurisdiction of an action for a divorce, or (6) upon any application to annul or modify an order for counsel fees and expenses made pursuant to his subdivision provided, the court may direct the husband, or where an action for annulment is maintained after the death of the husband may direct the person or persons maintaining the action, to pay such sum or sums of money to enable the wife to carry on or defend the action by proceeding as, in the court's discretion, justice requires, having regard to the circumstances of the case and of the respective parties. (b) Upon any application to annul or modify an order or judgment for alimony or for custody, visitation, or maintenance of a child, made as in section two hundred thirty-six or section two hundred forty provided, or upon any application by writ of habeas corpus or by petition and order to show cause concerning custody, visitation or maintenance of a child, the court may direct the husband or father to pay such sum or sums of money for the prosecution or the defense of the application or proceeding by the wife or mother as, in the court's discretion, justice requires, having regard to the circumstances of the case and of the respective parties.

Pennsylvania

Ch. 23, Sec. 45 Permanent Alimony Where Respondent Insane:

If the wife be the petitioner, and have sufficent means, the court, or the judge, may provide for the support of the insane husband, as provided in this section for an insane wife, if the insane husband has not sufficient estate in his own right for his support.

Sec. 46. Allmony pendente lite, counsel fees and expenses:

In case of divorce from the bonds of matrimony or bed and board, the court may, upon petition, in proper cases, allow a wife reasonable alimony pendente lite and reasonable counsel fees and expenses.

Sec. 47. Alimony in Divorce From Bed and Board:

In cases of divorce from bed and board, the court may allow the wife such alimony as her husband's circumstances will admit of, but the same shall not exceed the third part of the annual profit or income of his estate, or of his occupation and labor, which allowance shall continue until a reconciliation shall take place, or until the husband shall, by his petition or libel, offer to receive and cohabit with her again and to use her as a good husband ought to do; and then in such case the court may either suspend the aforesaid decree, or, in case of her refusal to return and cohabit under the protection of the court, discharge and annul the same according to its discretion; and, if he fail in performing his said offers and engagements, the former sentence or decree may be revived and enforced, and the arrears of the alimony ordered to be paid.

SUPPORT

Alabama

Tit. 34, Sec. 90. (4480) Husband or parent failing to provide for dependent wife or children:

Any husband who shall, without just cause, desert or wilfully neglect or refuse or fail to provide for the support and maintenance of his wife; she or they being then and there in destitute or necessitous circumstances, shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not exceeding one hundred dollars, or be sentenced to a term in the county jail, or at hard labor for the county for a period of not more than twelve months, or the fine may be in addition to either the sentence to jail or to hard labor.

District of Columbia

Sec. 16-916. Maintenance of wife and minor children; maintenance of former wife; enforcement:

XUM

(a) Whenever any husband shall fail or refuse to maintain his wife, minor children, or both, although able to do so, or whenever any father shall fail or refuse to maintain his children by a marriage since dissolved, although able to do so, the court, upon proper application, may decree, pendente lite and permanently that he shall pay reasonable sums periodically for the support of such wife and children, or such children, as the case may be, and the court may decree that he pay suite money, including counsel fees, pendente lite and permanently, to enable plaintiff to conduct the case.

(b) Whenever a former husband has obtained a foreign ex parte divorce, the court thereafter, on application of the former wife and with personal service of process upon the former husband in the District of Columbia, may decree that he shall pay her reasonable sums periodically for her maintenance and for suite money, including counsel fees, pendente lite and permanently, to enable plaintiff to conduct the case.

Massachusetts

Tit. 223. Sec. 1. Desertion and nonsupport; failure to provide care and guidance; conditions damaging to character; decree establishing wife's rights as prima facie evidence:

Any husband or father who without just cause deserts his wife or minor child, whether by going into another town in the commonwealth or into another state, and leaves them or any or either of them without making reasonable provision for their support, and any husband or father who unreasonably neglects or refuses to provide for the support and maintenance of his wife, whether living with him or living apart from him for justifiable cause, or of his minor child, and any husband or father who abandons or leaves his wife or minor child in danger of becoming a burden upon the public, and any mother who deserts or willfully neglects or refuses to provide for the support and maintenance of her child under the age of sixteen, and any parent of a minor child, or any guardian with care and custody of a minor child, or any custodian of a minor child, who willfully fails to provide necessary and proper physical, educational or moral care and guidance, or who permits said child to grow up under conditions or circumstances damaging to the child's sound character development, or who fails to provide proper attention for said child, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than two years, or both.

Nevada

123.090 Necessaries provided wife when husband neglects to provide; recovery of value:

If the husband neglects to make adequate provision for the support of his wife, any other person may in good faith supply her with articles necessary for her support, and recover the reasonable value thereof from the husband.

New York

Dom. Rel., sec. 32. Persons legally liable for support of dependents;

1. Husband liable for support of his wife;
2. Father liable for support of his child or children under twenty-one years of age;
3. Mother liable for support of her child or children under twenty-one years of age whenever the father of such child or children is dead, or cannot be found, or is incapable of supporting such child or children;
4. Wife liable for support of her husband if he is incapable of supporting himself and is or is likely to become a public charge.

Pennsylvania

Tit. 48, sec. 131. Right of action; jurisdiction; spouses competent witnesses:

If any man shall separate himself from his wife or children without reasonable cause, and, being of sufficient ability, shall neglect or refuse to provide suitable maintenance for his said wife or children, action may be brought, at law or in equity, against such husband for maintenance of said wife or children, in the court of common pleas of the county where service may be had on the husband as in other actions at law or in equity or in the county where the desertion occurred, or where the wife or children are domiciled, and the said court shall have power to entertain a bill in equity in such action, and shall make and enforce such orders and decrees as the equities of the case demand, and in such action, at law or in equity, the husband and wife shall be fully competent witnesses.

Texas

Family code, sec. 4.02 Duty to Support:

The husband has the duty to support the wife, and the wife has the duty to support the husband when he is unable to support himself.

CUSTODY

Alaska

Sec. 09.55.205. Judgments for custody: As a general rule, child custody is awarded to mother. *Barr* v. *Barr, 437 F. 2d 324 (1968)*.

California

Sec. 4600. Custody order; preferences; findings; allegations; exclusion of public:

(a) To either parent according to the best interests of the child, but, other things being equal, custody shall be given to the mother if the child is of tender years.

Illinois

Ch. 40; Sec. 14. Custody, etc., of children pending suit—Reference:

Generally the best interests are served by awarding custody of minor child to divorced mother unless there is compelling evidence proving that the mother is unfit or unless there is positive showing that the denial of custody to mother would be in child's best interest. *Akin* v. *Akin, 258 N.E. 2d 829, (Ill., 1969)*.

New York

Dom. Rel. Sec. 240. Custody and maintenance of children.

Absent clearest presentation that child's welfare would be grievously impaired, law favors awarding custody of immature infant to mother. *Weiss* v. *Weiss*, 278 N.Y.S. 2d 61 (1967).

Pennsylvania

Ch. 48 Sec. 92. Judges to decide disputes as to children's custody.

Unless compelling reasons appear to contrary, custody of child of tender years should be committed to mother, by who needs of child are ordinarily best served *Com. ex. rel. Hickey*, v. *Hickey* 247 A 2d 806, 213 Pa. Super. 349 (1968).

Texas

Art. 4639a. Custody of minor children particularly those of tender years, should be awarded to mother in divorce action unless court is convinced that she is unfit. *Myer* v. *Myer*, 361 S.W. 2d 935 (Tex. Civ. App. 1963); error dism.

The **SPEAKER**. The time of the gentleman from New York has expired.

Mrs. **GRIFFITHS**. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from New Jersey (Mrs. DWYER).

The **SPEAKER**. The gentlewoman from New Jersey is recognized for 5 minutes.

Mrs. **DWYER**. Mr. Speaker, our distinguished colleague from Michigan (Mrs. GRIFFITHS), who is the equal of any Member of this body in intellect and in the power of rational persuasion, has done her usual outstanding job in outlining the case for adoption of the motion to discharge the Committee on the Judiciary from further consideration of the proposed Equal Rights Amendment to the United States Constitution.

The motion is not an untimely one. The amendment it would bring up has been pending before the Congress for more than 40 years.

Mr. Speaker, I am deeply proud to be associated with the gentlewoman from Michigan in this endeavor, not only in the effort we are undertaking today but also as a long-time sponsor of the resolution proposing the equal rights amendment and as a sponsor of the discharge petition. It is, in the truest sense of the term, a noble endeavor. For it deals with the basic freedoms that belong to all Americans—freedoms that have for too long been denied to the majority of our people simply because of their sex.

In considering the pending motion, there are three questions that should be answered. First, has the Committee on the Judiciary had adequate time to consider the equal rights amendment? Second, is there a demonstrated need for the protection to be afforded by the amendment? And, third, is the equal rights amendment an appropriate way of achieving the desired objective without bringing with it consequences of an undesirable nature?

I submit that the answer to all three questions is the same—an emphatic yes.

In the matter of the Judiciary Committee's jurisdiction, it would be hard to argue that 40-odd years is insufficient time to act. I can think of no other legislative proposal which has languished for so long and so silently in one committee. And this despite the fact that the other body has twice approved the equal rights amendment and again this year held extensive hearings.

The need for the amendment is equally obvious. Time after time after time, Presidential commissions, advisory councils, interdepartmental committees, and task forces have documented the continued existence of legal discriminations based on sex. They range from laws prohibiting women from working in certain occupations and excluding women from certain colleges and universities and scholarship programs to laws which restrict the rights of married women and which carry heavier criminal penalties for women than for men.

The documentation is extensive, but I would refer our colleagues especially to the report of the President's Task Force on Women's Rights and Responsibilities, which was released just 2 months ago, and the memorandum report on the equal rights amendment by the Citizens' Advisory Council on the Status of Women which was published in March of this year.

The equal rights amendment is also an appropriate vehicle for ending discrimination against women. It states—very simply and in the best tradition of American liberty:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

It would require only that women have the same protection of the laws as men.

There are no hidden meanings or tricky implications in this language. It is straightforward and means no more nor no less than it says. It imposes obligations just as it protects rights. But it does not—and this deserves special emphasis—it does not obliterate the differences between male and female.

Those differences exist, and I, for one, welcome them. But the differences between men and women are principally physical and psychological. Where those differences have a significant effect on the capacities of individual women, the law will continue to recognize them, just as the law respects similar differences among men. But these differences should not serve, as they have, as a subterfuge for denying the human and civil rights that belong to all of us. Women, like their male counterparts, should be judged by the law as individuals, not as a class of inferior beings.

This is all the equal rights amendment would do. It would not take women out of the home. It would not downgrade the roles of mother and housewife. Indeed, it would give new dignity to these important roles. By confirming women's equality under the law, by upholding woman's right to choose her place in society, the equal rights amendment can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors.

Mr. Speaker, the women of America are not beating on the doors of Congress demanding passage of the equal rights amendment. But do not be misled. Women are as sensitive to their rights as men. And I cannot imagine that American women will welcome being repudiated by Congress—which is what defeat of this motion would mean.

On the merits of the issue—and on the politics of it, too—I urge the adoption of the motion.

The SPEAKER. The question is on the motion offered by the gentlewoman from Michigan (Mrs. GRIFFITHS) to discharge the Committee on the Judiciary from further consideration of House Joint Resolution 264.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—years 333, nays 22, not voting 74, as follows:

[Roll No. 262]

YEAS—333

Abbitt
Adair
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Cabell
Camp
Carey
Casey
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Daniel, Va.
Daniels, N.J.
de la Garza
Delaney
Dellenback
Denney
Dent
Devine
Diggs
Dingell
Donohue
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
Madden
Mahon
Marsh
Martin
Mathias
Matsunaga
May
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Rodino
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruth
St Germain
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion

NAYS—22

Abernethy
Ashbrook
Brooks
Byrnes, Wis.
Celler
Chappell
Colmer
Davis, Wis.
Dennis
Derwinski
Dorn
Hutchinson
Landgrebe
McCloskey
McCulloch
Mayne
Poage
Poff
Saylor
Schmitz
Thomson, Wis.
Wiggins

NOT VOTING—74

Adams
Addabbo
Anderson, Tenn.
Aspinall
Baring
Berry
Biaggi
Boggs
Bray
Brock
Brown, Mich.
Buchanan
Burleson, Tex.
Bush
Caffery
Carter
Clay
Cohelan
Cramer
Cunningham
Daddario
Davis, Ga.
Dawson
Dickinson
Edwards, Ala.
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fish
Flynt
Gallagher
Giaimo
Gilbert
Goldwater
Hagan
Hastings
Hébert
King
Kleppe
Long, La.
Lukens
McKneally
MacGregor
Mailliard
Mann
Meskill
Monagan
Murphy, N.Y.
O'Hara
O'Neal, Ga.
Passman
Podell
Pollock
Powell
Purcell
Rarick
Reifel
Robison
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Rousselot
Ruppe
Ryan
Sandman
Sullivan
Symington
Teague, Calif.
Tiernan
Tunney
Wright
Zwach

So the motion to discharge was agreed to.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MRS. GRIFFITHS

Mrs. GRIFFITHS. Mr. Speaker, pursuant to the provisions of clause 4, rule XXVII, I move that the House proceed to the immediate consideration of House Joint Resolution 264.

The SPEAKER. The question is on the motion offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

The motion was agreed to.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

H.J. RES. 264

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States.

"SEC. 3. This amendment shall take effect one year after the date of ratification."

The SPEAKER. The gentlewoman from Michigan is recognized for 1 hour.

Mrs. GRIFFITHS. Mr. Speaker, I yield myself such time as I may consume, and I ask that I be notified when 10 minutes have passed.

Mr. Speaker, this is not a battle between the sexes—nor a battle between this body and women. This body and State legislatures have supported women. This is a battle with the Supreme Court of the United States.

Mr. McCORMACK. Mr. Speaker, will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, this is a resolution which is very historic. It is one that is aimed at an unintentional injustice on the part of most persons. My friend, the gentleman from New York, said we cannot change nature. This resolution does not undertake to change nature, but certainly it changes conditions. Many years ago we had the fight for women's suffrage—and what a fight that was. This is simply another historic step in connection with a sound and virile America where the injustices, unintentional in most cases and in the minds of most persons, are removed by this amendment.

I am glad to join with the gentlewoman from Michigan in urging passage of this joint resolution.

Mrs. GRIFFITHS. Thank you, Mr. Speaker. You are the fairest Speaker we have ever had.

There never was a time when decisions of the Supreme Court could not have done everything we ask today. In 1872, the Supreme Court denied a woman the right to practice law in Illinois; and reaffirmed the decision in 1894, although the Court struck down the California ordinance and extended the protection of the 14th amendment to male alien Chinese laundrymen in 1886 and in 1948 ruled a State statute invalid which denied a Japanese resident, ineligible for citizenship, a commercial fishing license.

In invalidating an Arizona statute in 1915, and thus extending the protections of the 14th amendment to an alien Austrian cook, the Court said:

> It requires no argument to show that the right to work for a living in the common occupation of the country is the very essence of the personal freedom and opportunity that it was the purpose of the amendment to secure.

XUM

In 1938 the Court forced the admission of a Negro to the University of Missouri law school, and in 1960 refused the same protection to three Texas women who applied to the Texas A. & M. College for the purposes of studying floraculture, courses offered at no other school in the State of Texas.

In 1961, the Court ruled that the systematic exclusion of women from a jury was perfectly all right, although they had long ago decided that Negroes could not be excluded.

Fortunately, a three-judge Federal court in Alabama has recently held that the State law excluding women jurors was in violation of the 14th amendment. Let me repeat again and again that the States, their legislatures and frequently their courts or Federal district courts have shown more sense than the Supreme Court ever has.

Any stockholder can demand an accounting from a corporation; but a woman seeking a divorce in Louisiana in 1967, who asked an accounting of community property from her husband was denied it by the supreme court of Louisiana and the Supreme Court of the United States when they denied her the right to appeal on the basis that she was being deprived of her property without due process of law.

The Court has held for 98 years that women, as a class, are not entitled to equal protection of the laws. They are not "persons" within the meaning of the Constitution.

What will be the effect of the amendment?

The amendment would restrict only governmental action, and would not apply to purely private action. What constitutes "State action" would be the same as under the 14th amendment and as developed in 14th amendment litigation on other subjects. In 1964 Civil Rights Act granted far more rights to women and other minorities that this amendment ever dreamed of. That act applies against private industry. This amendment applies only against government.

Special restrictions on property rights of married women would be unconstitutional; married women could engage in business as freely as a member of the male sex; inheritance rights of widows would be same as for widowers.

Women would be equally subject to jury service and to military service, but women would not be required to serve—in the Armed Forces—where they are not fitted any more than men are required to so serve.

The real effect before this amendment is finally passed would probably be to permit both sexes to volunteer on an equal basis, which is not now the case.

Where the law confers a benefit, privilege or obligation of citizenship, such would be extended to the other sex, i.e., the effect of the amendment would be to strike the words of sex identification. Thus, such laws would not be rendered unconstitutional but would be extended to apply to both sexes by operation of the amendment. We have already gone through this in the 15th and 19th amendments.

Examples of such laws include: Minimum wage laws applying only to women; laws requiring lunch periods and rest periods only for women; laws which permit alimony to be awarded under certain circumstances to wives but not to husbands would permit the judge to determine who gets the alimony. Social security and other social benefits legislation which give greater benefits to one sex than the other would extend the benefits to the other sex.

Any expression of preference in the law for the mother in child custody cases would be extended to both parents—as against claims of third parties. Children are entitled to support from both parents under the existing laws of most States. Child support laws would be affected only if they discriminate on the basis of sex. The amendment would not prohibit the requiring of one parent to provide financial support for children who are in the custody of the other.

Where a law restricts or denies opportunities of women or men, as the case may be, the effect of the equal rights amendment would be to render such laws unconstitutional.

Examples are hours and weight lifting laws but four States have repealed "so-called" protective legislation which restricts women. Delaware has repealed all restrictive legislation in 1967, and there has never been a lawsuit. The idea that this would cause unlimited lawsuits is ridiculous. Georgia has repealed its hours law. Oregon and Vermont have repealed their hours laws. Fifteen States have declared such laws unenforceable either through action of their supreme court or by some official of the government: Arizona, District of Columbia, Maryland, Kansas, New Mexico, Michigan, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Dakota, North Dakota, Tennessee, Virginia, and Wyoming.

And let me say that there has never been an hours law which keeps a woman from working more than 40 hours a week. This is just not true. The law prohibits an employer from employing her. She can work 16 hours a day, and there is nobody that protects that woman—certainly not the AFL-CIO.

Separation of the sexes by law would be forbidden under the amendment except in situations where the separation is shown to be necessary because of an overriding and compelling public interest and does not deny individual rights and liberties.

For example, in our present culture the recognition of the right to privacy would justify separate restroom facilities in public buildings.

The amendment would not change the substance of existing laws, except that those which restrict and deny opportunities to women would be rendered unconstitutional. In all other cases, the laws presently on the books would simply be equalized, and this includes the entire body of family law. Moreover, this amendment does not restrict States from changing their laws. This law does not apply to criminal acts capable of commission by only one sex. It does not have anything to do with the law of rape or prostitution. You are not going to have to change those laws.

Forty-seven years ago the passage of this amendment would have been earthshaking; but that was a different world. Today, we are fellow immigrants in a strange new world—30 million women are working. The census has shown that the poverty stricken families of men show upward mobility; but not the poverty stricken families headed by a woman.

It is past time that we consider these facts and that we begin the removal of any legal discrimination against women; as we are attempting to removal legal discriminations against all other minorities.

I urge you to vote for the previous question.

The **SPEAKER** pro tempore (Mr. HOLIFIELD). The gentlewoman from Michigan has consumed 12 minutes.

Mrs. GRIFFITHS. Mr. Speaker, at this moment I yield, for the purposes of debate only, 15 minutes to the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Speaker, I yield 7 minutes to the gentleman from Ohio (Mr. MCCULLOCH).

Mr. McCULLOCH. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. GROSS. A point of order, Mr. Speaker.

The **SPEAKER** pro tempore. The gentlewoman from Michigan has yielded 15 minutes to the gentleman from New York (Mr. CELLER). The gentleman from

New York has control of his 15 minutes. He may yield to the gentleman from Ohio, and the Chair will notify the gentleman from New York when the gentleman from Ohio has consumed 7 minutes.

The gentleman from New York must remain on his feet, and he may yield to whomever he wishes.

Mr. CELLER. That I will do, Mr. Speaker.

Mr. McCULLOCH. That I will do also, Mr. Speaker.

I now yield 5 minutes to the gentleman from California (Mr. Wiggins).

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, my parliamentary inquiry is this: May the gentleman yield to a third party?

The SPEAKER pro tempore (Mr. Holifield). The Chair will state that he may do so only by unanimous consent.

Mr. GROSS. I thank the Speaker, and that is what I thought.

The SPEAKER pro tempore. Is there objection?

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. As I recollect, Mr. Speaker, the gentlewoman from Michigan (Mrs. Griffiths) yielded to the gentleman from New York only for the purpose of debate.

The SPEAKER pro tempore (Mr. Holifield). That is right.

Mrs. GRIFFITHS. That is right.

Mr. GERALD R. FORD. Now, if the gentleman from New York yields time to any one or more Members, is he yielding solely on that basis as well?

The SPEAKER pro tempore (Mr. Holifield). The Chair will state that would be the situation.

Mr. GERALD R. FORD. In other words, the gentleman cannot yield for any other purpose except debate?

The SPEAKER pro tempore (Mr. Holifield). The Chair will state that that is a correct interpretation of the situation.

Mr. GERALD R. FORD. I thank the Speaker.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Wiggins).

The SPEAKER pro tempore. The gentleman from California (Mr. Wiggins) is recognized for 5 minutes.

Mr. WIGGINS. Mr. Speaker, the question is: Shall this House recommend to the States for their ratification an amendment to the U.S. Constitution providing, in essence, that—

> Equality of right . . . shall not be denied . . . on account of sex?

We are being asked, Mr. Speaker, to amend the Constitution and to do so after 60 minutes of controlled debate without the benefit of hearings before any committee of this House. In short, we are being asked to forgo our legislative responsibilities because it would be the gallant and gentlemanly thing to do.

It is possible to be for equality of rights under the law as between the sexes and still to resist the steamroller with which we are confronted today. I deeply regret that my committee has not held hearings on this measure, but its failure to do so should not be the excuse for compounding its error by hasty, ill-considered action today.

It is not too late to correct the mistakes of the past and I hope that the Members will avail themselves of that opportunity by recommitting this resolution to the Judiciary Committee with instructions that prompt hearings be held.

Are such hearings necessary? Of course they are.

The American Bar Association and distinguished constitutional scholars should be invited to testify. To date we have heard mostly from women's groups, whose objectivity on this issue may be suspect.

The attorneys general from the various States should be invited to testify concerning the impact of this amendment upon State laws, partilularly property laws and the laws governing decedents' estates. It takes no great imagination to believe that comprehensive estate plans based upon established property rights may be profoundly affected by this amendment.

The Justice Department should be required to detail the many—perhaps hundreds—of Federal laws which be affected by our actions.

Perhaps even sociologists should be invited to comment upon the change in our social structure which is implicit in this amendment.

And, finally, perhaps all of us should like the opportunity to reflect upon whether the continued recognition in appropriate cases that men are men and women are women remains in the national interest.

It is not necessary to adopt this amendment to reach economic discrimination which is the heart of the problem. I strongly urge my colleagues—of both sexes—not to insert blindly words into our Constitution without a full understanding of their import. The Members should support a responsible motion to recommit requiring prompt hearings.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman.

Mr. DENNIS. It has been said that this amendment would make a profound social change, and I would just like to ask the gentleman if he does not agree that when we are considering an amendment, which according to the gentlewoman from Michigan will submit women to military draft, that that certainly entails possibilities of a very profound social change in this country.

Mr. WIGGINS. Indeed, it does and it is certainly not the kind of change that we are to acquiesce in on the basis of 60 minutes of debate.

Mr. McCULLOCH. Mr. Speaker, will the gentleman from California yield for a question to the chairman of the Committee on the Judiciary?

Mr. WIGGINS. I yield to the gentleman.

Mr. McCULLOCH. Could the chairman state his intention with respect to the scheduling and holding of hearings by the Committee on the Judiciary on this proposal?

Mr. CELLER. As I already announced, hearings before the full Committee on the Judiciary are scheduled to begin on September 16. Shortly thereafter the committee would report to the House.

Mr. WIGGINS. I will say in conclusion that the chairman of our full committee, the distinguished gentleman from New York, has personally promised me, and I am sure he would extend the same promise to every Member in this Chamber, that the Committee on the Judiciary will hold hearings and that at the conclusion of those hearings, which will be in this session of the Congress, the issue will be brought before the full committee for prompt disposition in a normal and orderly way.

Mr. CELLER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. McCulloch).

Mr. McCULLOCH. Mr. Speaker, never since I have been a Member of the Congress has a proposal to amend the Constitution of the United States been treated so cavalierly. Of course, I know there are strong forces for such consideration where the gentler sex is concerned. But, Mr. Speaker, I am fearful of the changes in basic property and human rights that a quick proposal to amend the Constitution across the board, as proposed in this legislation, might bring about.

Mr. Speaker, I do not rise in opposition to House Joint Resolution 264. My opposition is only to passage at the present time. To adopt this constitutional amendment without adequate hearings and debate would raise more questions than it would answer, and would be a most irresponsible act by this great legislative body. I would like to discuss just a few of the questions that this proposal presents.

The argument has been made that the equal rights amendment would add nothing to the equal protection clause of the 14th Amendment since the language of the two is substantially the same. In the past, courts have at times upheld laws which treated women differently on the theory that women, as a class, were different and that such distinctions were reasonable. In recent years, however, a variety of laws has been successfully challenged as working an arbitrary discrimination between the sexes.

For example, it has been held that a policewoman has a right to take the examination for the rank of sergeant, *Shpritzer* v. *Lang*, 17 N.Y.S. 2d 265 (1962)—dictum as to equal protection issue; that limits on the weight an employee may lift must be applied on an individual basis and not on the basis of sex, *Bowe et al.*, v. *Colgate Palmolive*

Company, 416 F. 2d 711 (7th Cir. 1969); that a State may not exclude women from jury service, *White* v. *Crook*, 251 F. Supp. 401 (M.D. Ala., 1966); and that a State law may not provide for longer prison terms for women than for men for the same crime, *Commonwealth* v. *Daniel*, 430 Pa. 642 (1968), *U.S. ex. rel. Robinson* v. *York*, 281 F. Supp. 8 (D. Conn., 1968).

While some argue that the amendment is little more than an unnecessary gesture, Professor Freund contends that it "would set up a constitutional yardstick of absolute equality between men and women in all legal relationships," the effect of which would be an inflexibility, rigidity and above all confusion in numerous areas of the law; 96 CONGRESSIONAL RECORD 865, 1950. If there is to be absolute equality of the sexes, our selective service law would have to be revised to accommodate lady draftees. The entire structure of our family and domestic relations law as developed by the 50 States, especially those provisions giving preferential treatment to women, would be thrown into turmoil.

In the area of employment, the States have over the past century built up a large body of law designed to protect women in areas such as minimum wages, hours of work, weightlifting limitations, and other employment practices. An example which shows how much these laws are rooted in history is the first enforceable law regulating the hours of employment of women, which became effective in Massachusetts in 1879. The equal rights amendment might well strike from the statute books many of these laws. In order to illustrate the broad sweep of the laws which might be affected I insert at the conclusion of my remarks an excerpt from the "1969 Handbook on Women Workers," prepared by the Women's Bureau of the Department of Labor, which indicates statistics and identifies the number of States which have labor legislation designed to protect women.

If the amendment is to be given this broad construction—a point by no means resolved—we will, in effect, be restructuring a very basic portion of the social fabric of this country. I would not attempt to say whether this would be wise or if wise, whether those changes affecting areas of essentially local concern such as family law should be effectuated at the Federal level. What I can say with certainty is that the matter merits more than the very brief debate available today.

Probably the area of greatest legitimate concern is that of discrimination by sex in employment. Yet the rulings of the Equal Employment Opportunity Commission under title VII of the 1964 Civil Rights Act have attacked the various discriminatory practices complained of. The real problem is that the EEOC has no enforcement powers. Perhaps what is needed, rather than the pious language of a constitutional amendment, is the grant of real power to the EEOC to protect the right of all Americans—regardless not only of sex, but of race, color, religion or national origin—to fair and equal treatment in securing employment.

Another problem is that the Equal Rights Amendment, if adopted, would be the first constitutional amendment to grant to the States, as well as to Congress, authority to implement the amendment by appropriate legislation. The situation is complicated by the doctrine of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), that the Supreme Court will uphold any statute of Congress enacted to vindicate 14th Amendment rights if it can "perceive a basis" for such action by Congress. Presumably, the Court will have to uphold any State statute if it can "perceive a basis" by which such statute vindicates rights granted by the equal rights amendment. The questions which would be raised by this result concerning the supremacy clause and the notion of federalism are difficult to define, let alone answer.

If my remarks have demonstrated anything, Mr. Speaker, it is that House Joint Resolution 264 needs more detailed study. It is my hope that the House will not preclude such study by approving this resolution on a wave of emotion.

The material referred to follows:

STATE LABOR LAWS FOR WOMEN, JANUARY 1, 1969

During a century of development, the field of labor legislation for women has seen a tremendous increase in the number of laws and a notable improvement in the standards established. Today each of the 50 States, the District of Columbia, and Puerto Rico have laws relating to the employment of women. The principal subjects of regulation are: (1) minimum wage; (2) overtime compensation; (3) equal pay; (4) fair employment practices; (5) hours of work, including maximum daily and weekly hours, day of rest, meal and rest periods, and nightwork; (6) industrial homework; (7) employment before and after childbirth; (8) occupational limitations; and (9) other standards, such as seating provisions and weightlifting limitations.

Although legislation in one or more of these fields has been enacted in all of the States, the District of Columbia, and Puerto Rico, the standards established vary widely. In some jurisdictions different standards apply to different occupations or industries. Laws relating to minors are mentioned here only if they apply also to women.

MINIMUM WAGE

A total of 36 States, the District of Columbia, and Puerto Rico have minimum wage laws with minimum wage rates currently in effect. These laws apply to men as well as women in 29 States, the District of Columbia, and Puerto Rico. In 7 States the minimum wage laws apply only to women or to women and minors. An additional 3 States have minimum wage laws, applicable to females and/or minors, which are not in operation.

In general these laws are applicable to all industries and occupations except domestic service and agriculture, which are specifically exempt in most States.

The laws of 9 States—Arkansas, California, Colorado, Michigan, New Jersey, North Dakota, Utah, Washington, and Wisconsin—either set statutory minimum wage rates or permit a wage board to set minimum rates for both domestic service and agricultural workers. In Wisconsin wage orders cover both groups. The Michigan statutory rate applies to agricultural employees (except certain employees engaged in harvesting on a piecework basis) and domestic service workers, but is limited to employers of 4 or more. The Arkansas law is limited to employers of 5 or more and applies to agricultural workers, with some exceptions, whose employer used more than 500 man-days of agricultural labor in any 4 months of the preceding year. The New Jersey statutory rate applies to agricultural workers and excludes domestic service workers, but the law permits them to be covered by a wage order. California has a wage order applicable to agricultural workers, but has none for domestic service workers. The remaining 4 States—Colorado, North Dakota, Utah, and Washington—have no wage orders that apply to domestic service or agricultural workers.

The laws of 7 jurisdictions—the District of Columbia, Hawaii, Massachusetts, New Mexico, Oregon, Puerto Rico, and West Virginia—cover either domestic service or agricultural workers, but not both, West Virginia does not exclude domestic service workers as a group, but coverage is limited to employers of 6 or more. Some or all agricultural workers are covered under the minimum wage law or orders in the District of Columbia, Hawaii, Massachusetts, New Mexico, Oregon, and Puerto Rico.

Since the Federal Fair Labor Standards Act (FLSA) of 1938, as amended, establishes a minimum hourly rate for both men and women engaged in or producing goods for interstate commerce and for employees of most large retail firms and other specified establishments, as well as some workers in agriculture, the benefits of State minimum wage legislation apply chiefly to workers in local trade and service industries.

104. Historical Record of Minimum Wage Legislation: The history of minimum wage legislation began in 1912 with the passage of a minimum wage law in Massachusetts. At that time minimum wage legislation was designed for the protection of women and minors, and did much to raise their extremely low wages in manufacturing (now covered by the FLSA) and in trade and service industries. Between 1912 and 1923 laws were enacted in 15 States,[1] the District of Columbia, and Puerto Rico.

Legislative progress was interrupted by the 1923 decision of the U.S. Supreme Court declaring the District of Columbia law unconstitutional, and no new minimum wage laws were passed during the next 10 years.

The depression years of the 1930's brought a revival of interest in minimum wage legislation, and 13 additional States and Alaska enacted laws.

In 1937 the U.S. Supreme Court upheld the constitutionality of the minimum wage law in the State of Washington, expressly reversing its prior decision on the District of Columbia minimum wage law.

In 1941 Hawaii enacted a minimum wage law, bringing to 30 the number of jurisdictions with such legislation.

From 1941 through 1954 no State enacted a minimum wage law. However, there was a considerable amount of legislative activity in the States which already had minimum wage legislation on their statute books. In some States the laws were amended to extend coverage to men; in others, to establish or increase a statutory rate; and in still others, to strengthen the procedural provisions.

In the period 1955–66 the following actions occurred:

10 States—Delaware, Idaho, Indiana, Maryland, Michigan, New Mexico, North Carolina, Vermont, West Virginia, and Wyoming—enacted minimum wage laws for the first time, making a total of 40 jurisdictions with such laws.

7 States—Maine, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, and Washington—and the Distict of Columbia with wage board laws enacted statutory rate

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[1] One of these laws was repealed in 1919 (Nebraska); another, in 1921 (Texas).

laws, retaining, with the exception of Maine and Oklahoma, the wage board provision. The enactments in 5 States—Maine, New Jersey, Oklahoma, Pennsylvania, and Washington—and the District of Columbia also extended coverage to men.

4 States—Kentucky, Nevada, North Dakota, and South Dakota—amended their laws to extend coverage to men.

16 States—Alaska, Connecticut, Hawaii, Idaho, Maine, Massachusetts, Nevada, New Hampshire, New Mexico, New York, North Carolina, Rhode Island, South Dakota, Vermont, Washington, and Wyoming—amended their laws one or more times to increase the statutory rates.

2 States—Massachusetts and New Jersey—and the District of Columbia amended their premium pay requirements. Massachusetts amended its minimum wage law to require the payment of not less than 1½ times an employee's regular rate for hours worked in excess of 40 a week, exempting a number of occupations and industries from the overtime provision. In New Jersey and the Dis- of Columbia new statutory rate laws were enacted which included overtime pay requirements covering most workers.

Other amendments in a number of jurisdictions affected coverage of the minimum wage laws, clarified specific provisions, or otherwise strengthened the laws.

In 1967:

1 State—Nebraska—enacted a minimum wage law for the first time, bringing to 41 the total number of jurisdictions having such laws. This law establishes a statutory rate applicable to men, women, and minors, and is limited to employers of 4 or more.

1 State—Oregon—with a wage board law applicable to women and minors enacted a statutory rate law applicable to men and women 18 years and over.

1 State—New Hampshire—made its wage board provisions applicable to men.

State—Maryland—extended coverage by eliminating the exemption for employers of less than 7.

12 States—Connecticut, Delaware, Idaho, Indiana, Maine, Maryland, New Hampshire, New Mexico, Rhode Island, Vermont, Washington, and Wyoming—amended their laws to increase their statutory rates.

2 States—New Mexico and Massachusetts—extended coverage to some or all agricultural workers.

2 States—California and Wisconsin—with wage board laws revised wage orders, setting a single rate for all occupations and industries.

1 State—Michigan—amended its minimum wage regulations to decrease allowable deductions and strengthen enforcement.

In 1968:

1 State—Arkansas—with a statutory rate law applicable to females enacted a new law establishing a statutory rate applicable to men, women, and minors, effective January 1, 1969.

1 State—Delaware—amended its law to set a minimum rate for employees receiving gratuities.

1 State—Pennsylvania—amended its law to increase the statutory rate and to require overtime pay.

105. Roster of Minimum Wage Jurisdictions: The 41 jurisdictions with minimum wage legislation* are:

Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Illinois,[2] Indiana, Kansas,[2] Kentucky.

Louisiana,[2] Maine, Maryanld, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota.

Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

Eight States, the District of Columbia, and Puerto Rico have laws that set a statutory rate and also provide for the establihsment of occupation or industry rates based on recommendations of wage boards. (Only those jurisdictions which can set rates higher than the statutory minimum or expand coverage are shown below.) Nineteen States have statutory rate laws only; that is, the rate is set by the legislature. Twelve States (including 3 with no minimum wage rates currently in effect) have laws that set no fixed rate but provide for minimum rates to be established on an occupation or industry basis by wage board action.

The following list shows, for the 41 jurisdictions, the type of law and employee covered:

1. Statutory rate and wage board law for:

Men, women, and minors: Connecticut, District of Columbia, Massachusetts, New Hampshire, New Jersey,[3] New York, Pennsylvania, Puerto Rico, Rhode Island, Washington.[3]

2. Statutory rate law only for:

Men, women, and minors: Alaska, Arkansas, Delaware, Hawaii, Idaho, Maine, Maryland, Nebraska, Nevada, New Mexico, North Carolina (16 to 65 years), South Dakota (14 years and over), Vermont, West Virginia.

Men and women: Indiana (18 years and over), Michigan (18 to 65 years), Oklahoma (18 to 65 years), Oregon (18 years and over), Wyoming (18 years and over).

3. Wage board law only for:

Men, women, and minors: Kentucky, North Dakota.

Women and minors: Arizona, California, Colorado, Illinois,[4] Kansas,[4] Minnesota, Ohio, Utah, Wisconsin.

Females: Louisiana.[4]

OVERTIME COMPENSATION

Sixteen States, the District of Columbia, and Puerto Rico have laws or regulations—usually part of the minimum wage program—that provide for overtime compensation. These generally require the payment of premium rates for hours worked in excess of a daily and/or weekly standard. Premium pay requirements are both a deterrent to excessive hours of work and an impetus to the equitable distribution of work.

106. Statutory Requirements: Statutes of 10 States and the District of Columbia require the payment of 1½ times the regular rate of pay after a specified number of daily and/or weekly hours. Generally these statutes are applicable to men, women, and minors. The following list of jurisdictions with statutory overtime rates shows the hours after which premium pay is required:

	Daily standard	Weekly standard
Alaska	8	40
Connecticut		42; *40
District of Columbia		40
Hawaii		40
Idaho [5]	8	48
Maine		48
Massachusetts		40
New Jersey		40
Pennsylvania		42; †40
Vermont		48
West Virginia		48

*July 1, 1969.

[5] The premium pay requirement is separate from the minimum wage program and is applicable to women only.

† Feb. 1, 1969.

107. Wage Order Requirements: Wage orrers issued as part of the minimum wage program in 6 States and Puerto Rico require the payment of premium rates for overtime. Generally the orders provide for payment of 1½ times, or double, either the minimum rate or the regular rate of pay for hours in excess of a daily and/or weekly standard. The following list of jurisdictions with wage orders that require overtime rates (for men, women and minors unless otherwise indicated) shows the premium rate established and the hours after which the premium is payable. Most of the jurisdictions have issued a number of wage orders with varying standards for different occupations. The one shown is the highest standard of general application.

Rate	Daily standard	Weekly standard
California: [6]		
1½ times the regular rate	8	40
Double the regular rate	12; 8 on 7th day	
Colorado: [6]		
1½ times the regular rate	8	40
Kentucky: [7]		
1½ times the minimum rate.		44
New York:		
1½ times basic minimum rate.		40
Oregon: [6]		
1½ times the minimum rate.	8	40
Rhode Island:		
1½ times the minimum rate.		45
Puerto Rico:		
Double the regular rate	8	44

[6] Applicable to women and minors only. In California minors under 18 are limited to 8 hours a day, 6 days a week.

[7] Since the issuance of wage orders applicable to women and minors, only, statutory coverage of the wage board program has been extended to men.

EQUAL PAY

Thirty-one States have equal pay laws applicable to private employment that prohibit discrimination in rate of pay based on sex. They establish the principle of payment of a wage rate based on the job and not on the sex of the worker. Five States with no equal pay law have fair employment practices laws and the District of Columbia, a regulation, that prohibit discrimination in rate of pay or compensation based on sex.

108. Historical Record of Equal Pay Legislation: Public attention was first sharply focused on equal pay for women during World War I when large numbers of women were employed in war industries on the same jobs as men, and the National War Labor Board enforced the policy of "no wage discrimination against women on the grounds of sex." In 1919, 2 States—Michigan and Montana—enacted equal pay legislation. For nearly 25 years these were the only States with such laws.

Progress in the equal pay field was made during World War II when again large numbers of women entered the labor force, many of them in jobs previously held by men. Government agencies, employers, unions, organizations, and the general public were concerned with the removal of wage differentials as a means of furthering the war effort.

During the period 1943–45 equal pay laws were enacted in 4 States—Illinois, Massachusetts, New York, and Washington.

In the next 4 years 6 States—California, Connecticut, Maine, New Hampshire, Pennsylvania, and Rhode Island—and Alaska passed equal pay laws.

New Jersey enacted an equal pay law in 1952. Arkansas, Colorado, and Oregon passed such legislation in 1955.

In 1957 California amended its equal pay law to strengthen existing legislation, and Nebraska adopted a resolution endorsing the policy of equal pay for equal work without discrimination based on sex and urging the adoption of this policy by all employers in the State. Hawaii, Ohio, and Wyoming passed equal pay laws in 1959.

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*Since this publication was prepared, Texas enacted a minimum wage law, effective February 1, 1970, covering men, women, and minors.

[2] No minimum rates in effect.

[3] Wage orders applicable to women and minors only.

[4] No minimum rates in effect.

In 1961 Wisconsin amended its fair employment practices act to prohibit discrimination because of sex and to provide that a differential in pay between employees, when based in good faith on any factor other than sex, is not prohibited.

In 1963 Arizona passed an equal pay law, and Michigan amended its law (which previously covered only manufacture or production of any article) to extend coverage to any employer of labor employing both males and females.

During 1963 Missouri enacted an equal pay law, and Vermont passed a fair employment practices law which also prohibits discrimination in rates of pay by reason of sex.

Also in 1963 the Federal Equal Pay Act was passed as an amendment to the Fair Labor Standards Act.

In 1965, 3 States—North Dakota, Oklahoma, and West Virginia—enacted equal pay laws, and 3 States with no equal pay law—Maryland, Nebraska, and Utah—passed fair employment practices laws which prohibit discrimination in compensation based on sex. Amendments in California, Maine, New York, and Rhode Island strengthened existing equal pay laws.

In 1966, 4 States—Georgia, Kentucky, Maryland, and South Dakota—enacted equal pay laws. Massachusetts enacted a law that provides equal pay for certain civil service employees.

In 1967, 2 States—Indiana and Nebraska—enacted equal pay laws. Indiana included its equal pay provision as part of the amendments to its minimum wage law.

109. Roster of Equal Pay States: [8] The 31 States with equal pay laws* are:

Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, Illinois, Indiana,[9] Kentucky.

Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota,

Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Washington, West Virginia, Wyoming.

Equal pay laws in Colorado, Georgia, Indiana, Kentucky, Maryland, Montana, Nebraska, North Dakota, Oklahoma, Pennsylvania, and Washington are applicable to public as well as private employment. (A Massachusetts law contains an elective equal pay provision, applicable to employees of cities or towns who are in the classified civil service; and a Texas law requires equal pay for women in private employment.) In 21 States the laws apply to most types of private employment. In general those States specifying exemptions exclude agricultural labor and domestic service. The Illinois law applies only to manufacturing.

FAIR EMPLOYMENT PRACTICES

110. Roster of Fair Employment Practices States: Thirty-seven States, the District of Columbia, and Puerto Rico have fair employment practices laws, but only 15 of the States and the District of Columbia include a prohibition against discrimination in employment based on sex. Prior to the enactment of title VII of the Federal Civil Rights Act of 1964, the laws of only 2 States—Hawaii and Wisconsin—prohibited sex discrimination in employment.

The 39 jurisdictions with fair employment practices laws are:

Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas.

Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico.

New York, Ohio, Oklahoma (eff. 5/16/69), Oregon, Pennsylvania, Puerto Rico, Rhode Island, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

The 16 jurisdictions whose fair employment practices laws prohibit discrimination in employment based on sex * are:

Arizona, Connecticut, District of Columbia, Hawaii, Idaho, Maryland.

Massachusetts, Michigan, Missouri, Nebraska, Nevada, New York.

Oklahoma (eff. 5/16/69), Utah, Wisconsin, Wyoming.

In 2 additional States—Alaska and Vermont—the fair employment practices law prohibits discrimination based on sex, in wages only. In a third State—Colorado—the law prohibits discrimination based on sex only in apprenticeship, on-the-job training, or other occupational instruction, training, or retraining programs.

HOURS OF WORK

The first enforceable law regulating the hours of employment of women became effective in Massachusetts in 1879. Today 46 States, the District of Columbia, and Puerto Rico have established standards governing at least one aspect of women's hours of employment; that is, maximum daily or weekly hours, day of rest, meal and rest periods, and nightwork. Some of these standards have been established by statute; others, by minimum wage or industrial welfare order.

111. Maximum Daily and Weekly Hours: Forty-one States and the District of Columbia regulate the number of daily and/or weekly hours of employment for women in one or more industries. These limitations have been established either by statute or by order. Nine States—Alabama, Alaska, Delaware, Florida, Hawaii, Idaho, Indiana, Iowa, and West Virginia—and Puerto Rico do not have such laws; however, laws or wage orders in 5 of these jurisdictions—Alaska, Hawaii, Idaho, Puerto Rico, and West Virginia—require the payment of premium rates for time worked over specified hours.

Hours standards for 3 of the 41 States—Georgia, Montana, and South Carolina—are applicable to both men and women. In addition there are 3 States—New Mexico, North Carolina, and Washington—which cover men and women in some industries and women only in others.

The standard setting the fewest maximum hours which may be worked, in one or more industries, is shown for each of the 41 States and the District of Columbia.

	Maximum hours	
	Daily	Weekly
Arizona	8	48
Arkansas	8	([10])
California	8	48
Colorado	8	
Connecticut	8	48
District of Columbia	8	48
Georgia	10	40
Illinois	8	48
Kansas [11]	8	48
Kentucky	10	50
Louisiana	8	48
Maine	9	50
Maryland	10	60
Massachusetts	9	48
Michigan	9	54
Minnesota		54
Mississippi	10	60
Missouri	9	54
Montana	8	48
Nebraska	9	54
Nevada	8	48
New Hampshire	10	48
New Jersey	10	54
New Mexico	8	48
New York	8	48
North Carolina	9	48
North Dakota	8½	48
Ohio	8	48
Oklahoma	9	54
Oregon [11]	8	40
Pennsylvania	10	48
Rhode Island	9	48
South Carolina	8	40
South Dakota	10	54
Tennessee	10	50
Texas	9	54
Utah	8	48
Vermont	9	50
Virginia	9	48
Washington	8	48
Wisconsin	9	50
Wyoming [12]	8	48

[10] A 6-day week limitation provides, in effect, for 48-hour workweek.

[11] Maximum hours standards set by Labor Commissioner under minimum wage program.

[12] If the 8 hours of work are spread over more than 12 hours in a day, time and one-half must be paid for each of the 8 hours worked after the 12-hour period.

As the table shows, in one or more industries:

2 States have a maximum of 8 hours a day, 40 hours a week.

23 States and the District of Columbia have set maximum hours of 8 a day, 48 a week, or both.

8 States have a maximum 9-hour day, 50- or 54-hour week. (This includes Michigan with an average 9-hour, maximum 10-hour, day.)

Minnesota has no daily hours limitation in its statute, but limits weekly hours to 54.

7 States have a maximum 10-hour day, 50- to 60-hour week.

However, many of these hours laws contain exemptions or exceptions from their limitations. For example:

Work is permitted in excess of the maximum hours limitation for at least some employees in 16 States if they receive overtime compensation: Arizona, Arkansas, California, Colorado, Kansas, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Virginia, Wisconsin, and Wyoming.

4 States—North Carolina, Oregon, South Carolina, and Virginia—exempt workers who are paid in accordance with the overtime requirements of, or who are subject to, the FLSA, the Federal minimum wage and hour law of most general application. Arizona exempts employers operating in compliance with the FLSA, provided 1½ times the regular rate is paid for hours over 8 a day. California permits airline and railroad personnel and women protected by the FLSA, with some industry exceptions, to work up to 10 hours a day and 58 hours a week if they are paid 1½ times their regular rate for hours over 8 a day and 40 a week. Kansas exempts most firms meeting the wage, overtime, and recordkeeping requirements of the FLSA or comparable standards set by collective bargaining agreements. New Mexico exempts employees in interstate commerce whose hours are regulated by acts of Congress.

1 State—Maryland—exempts employment subject to a bona fide collective bargaining agreement.

State agencies in Arkansas, Kansas, Massachusetts, Michigan, Minnesota, Oregon, Pennsylvania, and Wisconsin have broad authority to permit work in excess of the maximum hours limitations on a case-by-case basis; to vary hours restrictions by industry or occupation; or to regulate hours by requiring premium pay for overtime: Pemium pay for overtime work is required by law or order regulating hours in Arkansas, Kansas, Oregon, and Wisconsin. The minimum wage laws or orders of Massachusetts, Oregon, and Pennsylvania require premium pay for overtime work (see secs. 106 and 107).

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* Since this publication was prepared, 4 States—Florida, Idaho, Minnesota, and Nevada—enacted equal pay laws.

[8] Fair employment practices acts in 5 States with no equal pay law—Idaho, Nevada, Utah, Vermont, and Wisconsin—prohibit discrimination in rate of pay or compensation based on sex. In the District of Columbia, there is a regulation prohibiting discrimination based on sex.

[9] Indiana included an equal pay provision in its amendments to the minimum wage law.

*Since this publication was prepared, 6 States—Alaska, Colorado, Minnesota, New Mexico, Oregon, and Pennsylvania—enacted laws prohibiting discrimination in employment based on sex.

28 more States have specific exceptions to the hours restrictions for emergencies, seasonal peaks, national defense, and other reasons.

Some or all women employed in executive, administrative, and professional positions are exempt from hours laws limitations in 26 States and the District of Columbia.

Since 1963, 16 States—Arizona, California, Colorado, Illinois, Kansas, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New York, North Carolina, Oregon, Pennsylvania, Virginia, and Washington—and the District of Columbia have modified their maximum hours laws or orders one or more times to permit work beyond the limits established by the maximum hours laws under regulated conditions, to exempt additional groups of workers from hours restrictions, or to establish administrative procedures for varying hours limitations. One State—Delaware—eliminated hours restrictions altogether.

In Michigan the State Occupational Safety Standards Commission has promulgated a standard which removes the limitations on women's daily and weekly hours of work, effective February 15, 1969, subject to modification by the State legislature.[*]

112. Day of Rest: Twenty States, the District of Columbia, and Puerto Rico have established a 6-day maximum workweek for women employed in some or all industries. In 8 of these jurisdictions—California, Connecticut, Illinois, Massachusetts, New Hampshire, New York, Puerto Rico, and Wisconsin—this standard is applicable to both men and women. Jurisdiction that provide for a 6-day maximum workweek are:

Arizona, Arkansas, California, Connecticut, District of Columbia, Illinois, Kansas, and Louisiana.

Massachusetts, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, and Ohio.

Oregon, Pennsylvania, Puerto Rico, Utah, Washington, and Wisconsin.

Of the remaining 30 States, 20 have laws that prohibit specified employment or activities on Sunday:

Alabama, Florida, Georgia, Idaho, Indiana, Kentucky, and Maine.

Maryland, Mississippi, Missouri, New Mexico, Oklahoma, Rhode Island, and South Carolina.

South Dakota, Tennessee, Texas, Vermont, Virginia, and West Virginia.

113. Meal Period: Twenty-three States, the District of Columbia, and Puerto Rico provide that meal periods, varying from 20 minutes to 1 hour in duration, must be allowed women employed in some or all industries. In 3 States—Indiana, Nebraska, and New York—these provisions apply to men as well as women. The length of the meal period is provided by statute, order, or regulation in 25 jurisdictions:

Arkansas, California, Colorado, District of Columbia, Indiana, Kansas, Louisiana, Maine, Maryland.

Massachusetts, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon.

Pennsylvania, Puerto Rico, Rhode Island, Utah, Washington, West Virginia, Wisconisn.

Combining rest period and meal period provisions, Kentucky requires that before and after the regularly scheduled lunch period (duration not specified) rest periods shall be granted females; and in Wyoming females employed in specified establishments who are required to be on their feet continuously must have two paid rest periods, one before and one after the lunch hour.

114. Rest Period: Twelve States and Puerto Rico[13] have provided for specific rest periods (as distinct from a meal period) for women workers. The statutes in Alaska, Kentucky, Nevada, and Wyoming cover a variety of industries (in Alaska and Wyoming, applicable only to women standing continuously); laws in New York and Pennsylvania apply to elevator operators not provided with seating facilities. Rest periods in one or more industries are required by wage orders in Arizona, California, Colorado, Oregon, Puerto Rico, Utah, and Washington. Most of the provisions are for a 10-minute rest period within each half day of work.

In addition, in Arkansas manufacturing establishments operating on a 24-hour schedule may, when necessary, be exempt from the meal period provision if females are granted 10 minutes for each of two paid rest periods and provision is made for them to eat at their work; and the North Dakota Manufacturing Order prohibits the employment of women for more than 2 hours without a rest period (duration not specified).

115. Nightwork: In 18 States and Puerto Rico nightwork for adult women is prohibited and/or regulated in certain industries or occupations.

Nine States and Puerto Rico prohibit nightwork for adult women in certain occupations or industries or under specified conditions: Connecticut, Kansas, Massachusetts, Nebraska, New Jersey, New York, North Dakota, Ohio, Puerto Rico, and Washington.

In North Dakota and Washington the prohibition applies only to elevator operators; in Ohio, only to taxicab drivers.

In 9 other States, as well as in several of the jurisdictions that prohibit nightwork in specified industries or occupations, the employment of adult women at night is regulated either by maximum hour provisions or by specified standards of working conditions. For example, in 1 State women and minors are limited to 8 hours a night: California, Illinois, New Hampshire, New Mexico, Oregon, Pennsylvania, Rhode Island, Utah, and Wisconsin.

Arizona and the District of Columbia prohibit the employment of females under 21 years of age in night messenger service; the Arizona law is applicable also to males under 21.

OTHER LABOR LEGISLATION

116. Industrial Homework: Nineteen States and Puerto Rico have industrial homework laws or regulations:

California, Connecticut, Hawaii, Illinois, Indiana, Maryland, Massachusetts.

Michigan, Missouri, New Jersey, New York, Ohio, Oregon, Pennsylvania.

Puerto Rico, Rhode Island, Tennessee, Texas, West Virginia, Wisconsin.

These regulations apply to all persons, except in Oregon, where the provisions apply to women and minors only.

In addition, the Alaska and Washington minimum wage and hour laws authorize the issuance of rules and regulations restricting or prohibiting industrial homework where necessary to safeguard minimum wage rates prescribed in the laws.

117. Employment Before and After Childbirth: Six States and Puerto Rico prohibit the employment of women in one or more industries or occupations immediately before and/or after childbirth. These standards are established by statute or by minimum wage or welfare orders. Women may not be employed in—

Connecticut: 4 weeks before and 4 weeks after childbirth.

Massachusetts: 4 weeks before and 4 weeks after childbirth.

Missouri: 3 weeks before and 3 weeks after childbirth.

New York: 4 weeks after childbirth.

Puerto Rico: 4 weeks before and 4 weeks after childbirth.

Vermont: 2 weeks before and 4 weeks after childbirth.

Washington[14]: 4 months before and 6 weeks after childbirth.

In addition to prohibiting employment, Puerto Rico requires the employer to pay the working mother one-half of her regular wage or salary during an 8-week period and provides for job security during the required absence.

Rhode Island's Temporary Disability Insurance Act provides that women workers covered by the act who are unemployed because of sickness resulting from pregnancy are entitled to cash benefits for maternity leave for a 14-week period beginning the sixth week prior to the week of expected childbirth, or the week childbirth occurs if it is more than 6 weeks prior to the expected birth.

In New Jersey the Temporary Disability Benefits Act provides that women workers to whom the act applies are entitled to cash payments for disability existing during the 4 weeks before and 4 weeks following childbirth.

Also, the Oregon Mercantile and Sanitation and Physical Welfare Orders recommend that an employer should not employ a female at any work during the 6 weeks preceding and the 4 weeks following the birth of her child, unless recommended by a licensed medical authority.

118. Occupational Limitations: Twenty-six States have laws or regulations that prohibit the employment of adult women in specified occupations or industries or under certain working conditions which are considered hazardous or injurious to health and safety. In 17 of these States the prohibition applies to women's employment in or about mines. Clerical or similar work is excepted from the prohibition in approximately half of these States. Nine States prohibit women from mixing, selling, or dispensing alcoholic beverages for on-premises consumption, and 1 State—Georgia—prohibits their employment in retail liquor stores. (In addition, a Florida statute authorizes the city of Tampa to prohibit females from soliciting customers to buy alcoholic beverages.)

The following States have occupational limitations applicable to—

Mines: Alabama, Arizona, Arkansas, Colorado, Illinois, Indiana, Maryland, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Utah, Virginia, Washington, Wisconsin, Wyoming.

Establishments serving alcoholic beverages: Alaska, California, Connecticut, Illinois,[15] Indiana, Kentucky, Ohio, Pennsylvania, Rhode Island.

Eleven States prohibit the employment of women in other places or occupations, or under certain conditions:

Arizona—In occupations requiring constant standing.

Colorado—Working around coke ovens.

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[*] Since preparation of this publication, a court case brought about reinstatement of the limitations.

[13] Rest period provision in Puerto Rico applies also to men.

[14] Standard established by minimum wage orders. Some orders provide that a special permit may be granted for continued employment upon employer's request and with doctor's certificate.

[15] Illinois State law empowers city and county governments to prohibit by general ordinance of resolution.

Massachusetts—Working on cores more than 2 cubic feet or 60 pounds.

Michigan—Handling harmful substances; in foundries, except with approval of the Department of Labor.

Minnesota—Placing cores in or out of ovens; cleaning moving machinery.

Missouri—Cleaning or working between moving machinery.

New York—Coremaking, or in connection with coremaking, in a room in which the oven is in operation.

Ohio—As crossing watchman, section hand, express driver, metal molder, bellhop, gas- or electric-meter reader; in shoeshining parlors, bowling alleys as pinsetters, poolrooms; in delivery service on motor-propelled vehicles of over 1-ton capacity; in operating freight or baggage elevators if the doors are not automatically or semi-automatically controlled; in baggage and freight handling, by means of handtrucks, trucking and handling heavy materials of any kind; in blast furnaces, smelters, and quarries except in offices thereof.

Pennsylvania—In dangerous or injurious occupations.

Washington—As bellhop.

Wisconsin—In dangerous or injurious occupations.

The majority of the States with occupational limitations for adult women also have prohibitory legislation for persons under 21 years. In addition, 10 States have occupational limitations for persons under 21 years only. Most of these limitations apply to the serving of liquor and to the driving of taxicabs, schoolbuses, or public vehicles; others prohibit the employment of females under 21 years in jobs demanding constant standing or as messenger, bellhop, or caddy.

119. Seating and Weightlifting: A number of jurisdictions, through statutes, minimum wage orders, and other regulations, have established employment standards for women relating to plant facilities such as seats, lunchrooms, dressing and rest rooms, and toilet rooms, and to weightlifting. Only the seating and weightlifting provisions are included in this summary.

Seating.—Forty-five States, the District of Columbia, and Puerto Rico have seating laws or orders; all but 1—the Florida law—apply exclusively to women. Delaware, Hawaii, Illinois, Maryland, and Mississippi have no seating laws or orders.

Weightlifting.—Ten States and Puerto Rico have statutes, rules, regulations, and/or orders which specify the maximum weight women employees may lift, carry, or lift and carry. Following are the standards established for weightlifting and carrying in the 11 jurisdictions. Some States have standards varying by occupation or industry and are, therefore, listed more than once.

Any occupation: "excessive weight" in Oregon; 30 pounds lifting and 15 pounds carrying in Utah; 35 percent of body weight, or 25 pounds where repetitive lifting in Alaska; 25 in Ohio; 40 in Massachusetts; 44 in Puerto Rico; 50 pounds lifting and 10 pounds carrying up and down stairways in California.

Foundries and corerooms: 25 pounds in Maryland, Massachusetts, Minnesota, and New York.

Specified occupations or industries (by orders): 25 pounds in California; 25 to 50 in Oregon; 35 pounds and "excessive weight" in Washington.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman.

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to say that I am a strong supporter of this legislation for equal rights for men and women. As an early signer of the discharge petition to bring House Joint Resolution 264 to the House floor for immediate vote, I urge my colleagues to vote for this legislation, which is long overdue. I have cosponsored resolutions to give equal rights for women. I filed in the 86th Congress, House Joint Resolution 264, March 2, 1959—in the 87th Congress, I filed House Joint Resolution 331, March 23, 1961—in the 88th Congress, I filed House Joint Resolution 882, December 4, 1963—in the 90th Congress, I filed House Joint Resolution 477, March 22, 1967—and in this 91st Congress, I filed House Joint Resolution 263, as a cosponsor for House Joint Resolution 264 of Congresswoman GRIFFITHS of Michigan, that the House is now debating. I firmly believe that this legislation is necessary and right.

Equal rights means equal responsibility, job opportunity, pay, and chance for advancement. We Congressmen and legislators have found too many times that opposition to this amendment has been simply to preserve the status quo with many limitations on the actions and rights of women. Many previous acts and statutes have been passed by the U.S. Congress and State legislatures for a protection of women and, as a matter of fact, have been used as methods of discrimination against women in jobs, individual property holding, doing business joint property relationship between husband and wife—including real property and personal property—as well as discrimination in family rights in favor of the male members.

Because of my long interest in righting this unjustice to women under the U.S. Constitution and under our United States as well as States statutes and laws, and even county, city, borough, and township ordinances and regulations, I believe today is a wonderful occasion to remember as the turning point when the U.S. House of Representatives passes the resolution for the constitutional amendment guaranteeing that equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

This resolution itself provides an answer to those who claim that women by its enactment will lose the rights they now have. In section I of the resolution it is clearly stated:

> Congress and the several States shall have power, within their respective jurisdiction, to enforce this article by appropriate legislation.

Thus the U.S. Congress, as well as the State legislatures can, by proposing legislation under this constitutional amendment, guarantee that legitimate and humane social legislation can be maintained in full force, power, and effect for women, minors, veterans, and the underprivileged.

This resolution completes the requirement for the U.S. Congress to insure equal citizenship rights to every citizen of the United States. Upon the passage of this resolution, the U.S. House of Representatives has come to the position where we provide that the U.S. Government fully guarantees that there shall be no discrimination because of age, sex, color, creed, or national origin for any citizen.

This is the historic day. Let every Member stand up and vote for on the record for full rights and opportunities for women as U.S. citizens and oppose unjust discrimination in any form. What a privilege we present Members of Congress now have to show our strong support of the constitutional amendment guranteeing that equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex, by prompt passage of House Joint Resolution 264.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman.

Mr. DENNIS. Mr. Speaker, it ought to be clear that we are not debating today whether we believe in justice and equality for women—as I think we all do. We are debating whether we shall attempt to achieve those desirable objectives by particular legislative means—the adoption here today, without prior hearings, and almost without debate, of an amendment to the Constitution of the United States.

The Constitution of the United States is our fundamental legal document. It is not to be amended except after due deliberation, and then only in case of necessity; nor is the federal system for which the Constitution provides, and under which many important matters are left to the several States, to be lightly or casually whittled away, by assignment of greater power to the central government by means of constitutional amendment.

When we look at the laws of the several States we find that the greater number and, generally, the most important, of legal discriminations against women have long since been repealed; that many of those discriminations which remain are discriminations in favor of women, rather than against them; and that, under our system, nothing whatever prevents further changes in the laws of the States, wherever such changes may be required, and whenever the people of the several States may so demand.

In like manner the Congress may legislate, on the federal level, and I believe that these decisions as to what is to be regarded as "equality" properly belong with the representatives of the people, rather than being relegated, case by litigated case, to the court, as will be the case if we adopt this amendment.

We find, too, that it is altogether probable that anything which might be accomplished by reason of this proposed amendment, is already provided for and accomplished by the "due process" and "equal protection" clauses of the 14th amendment and the due process of the fifth amendment.

The chief vice of acting hastily here this morning is that no one of us really knows the effect, or the extent of the effect, of this proposed amendment which—however well intentioned—is likely to have very far-reaching legal, psychological, and social consequences.

To list quickly just a few probabilities:

In property law, if a women is granted the sole right to dispose of her separate property without her husband's consent, he too must be allowed to deed away his property, without the signature of his wife.

The dower rights of a widow in her husband's estate, and her right to elect to take against his will which attempts her disinheritance, must be abolished unless identical rights in his wife's estate are given to the husband.

Alimony must be abolished—or made a two-way street—and just how the latter is to be done, in fact, where the wife has no property or income of her own is a little difficult to envisage.

Any legal preference given to the woman in respect to child custody, upon divorce, must be abolished.

Labor laws designed to protect the health, safety, hours, or types of work permitted to women must go out the window.

To me, perhaps the most distasteful thing of all, is that, as long as we keep selective service on the books, or, if it is repealed, then at any time when we may reinstate it, women, along with men, must be equally subject to military conscription. Conscription is objectionable enough, many think, where men are concerned but I can think of no more far-reaching social change, nothing more likely to destroy the family unit, nothing so likely to threaten to transform us into a national socialistic type of state, than to conscript American women into the Armed Forces.

I wonder, indeed, whether anybody here really wants this. I wonder whether we have thought a lot of these things through.

I say, again, that fundamental legislation of this character, if adopted at all, requires testimony, hearings, and due thought and deliberation. Early hearings and consideration have been promised on the word of the distinguished chairman of the Committee on the Judiciary.

I submit, with all deference to my friends who disagree, that it is irresponsible, for political or for other transitory reasons, to vote sweeping changes such as this, under the conditions of slight consideration and minimal debate, with which we operate on this floor today.

Mr. CELLER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Speaker, I rise in support of equal rights for women, and special protections for women. Every State of this Nation, and many laws passed by this Congress and voted upon by you have built-in special protections which we wish to retain. They can be destroyed by this proposed amendment unless it is amended. Passage of this amendment would cause the worst legislative upheaval this country has known, for the laws across this Nation will have to be rewritten.

I have such an amendment which will clear up the problem. This amendment merely adds two words "of women" and deletes four words from the proposed amendment, "on account of sex." The one sentence I amend would then read as follows:

> Equality of rights for women under the law shall not be denied or abridged by the United States or by any State.

It gives equality to women.

But we will not have the chance to correct this glaring deficiency unless we vote down the previous question. If we do vote down the previous question, then this proposed amendment can be amended. Remember that the judiciary committee did not have the opportunity to hold hearings on this amendment, and to change this amendment to do the least violence to the protections given to women in every State of this Nation—in your State. You may think that you are performing an act of chivalry by voting for this amendment, but I can tell you that the majority of women of this Nation will not be thanking you if you take away special privileges that have been enacted into law because of the different patterns of life between men and women.

If you pass this constitutional amendment as written, let me catalog just a few changes that must be made in the laws and which present laws would be successfully challenged in the courts. The amendment I propose I believe will avoid all these challenges.

Any draft law would have to apply equally to women as well as men.

Labor laws that give special privileges to women, such as for sanitary conditions and hours of employment would be stricken down.

Criminal laws in every State in the Nation that differ in the ages of responsibility and the penalties would be stricken as being unconstitutional.

Marriage laws in many States that differ in the age of consent, and which give any advantage to women for contractual purposes would be unconstitutional.

Criminal laws such as rape, seduction, certain types of assault that now apply only to men could be challenged.

Divorce laws, alimony laws, and most domestic relations laws would be in question.

One of the most severe reactions in most States of the Nation would be in the area of retirement benefits. Almost all of these programs are based on differences between men and women, and all that I know about give a special advantage to women. Even in the U.S. Congress most of us within the last few years voted for a retirement under social security for women at 62 whereas men can draw benefits at the age of 65.

We all support equal rights for women, but consider whether the women of your district also support laws that give them special consideration under the realities of life. We cannot totally ignore the vast body of established laws in your States that particularly help women.

Mr. CELLER. Mr. Speaker, I yield myself such time as I may require. I rise in opposition to House Joint Resolution 264.

Mr. Speaker, remember that the joint resolution would create equal rights for men as well as equal rights for women. If a right is accorded to a woman and not to a male, that male has a right to object to that woman's right as not accorded to him.

Where would that apply? It would apply to the State laws of alimony. Strangely, it may relate to State laws concerning rape, to military service, support of the family, domicile, age of consent, the bastardy laws, and a whole slew of other laws that time does not permit me to mention.

We have assiduously in the Congress avoided giving jurisdiction to the Federal Government in domestic relations, marital, and divorce matters. But we would be plunged into that cockpit by the adoption of this amendment, because one of the provisions of the amendment states that the Federal Government has the right to enforce the provisions of the amendment. The intrusion of the hand of the Federal Legislature and the Federal courts into the very delicate personal relationships of husband and wife and their relationship to their children, including custody and bastardy laws, as I said before, age of consent, and so forth, would bring grief untold.

Remember also that there is no time limit specified for ratification of the amendment. Examine House Joint Resolution 264 and you will see how loosely it has been drawn, how incompletely it has been conceived. This amendment could roam around State legislatures for 50 years. Customarily we provide that ratification must occur within 7 years of its submission to the States. But there is no provision of that sort in this resolution. There is unlimited time for the States to ratify it. Ultimately, the Congress will be confronted with the responsibility of determining the validity of State legislature approval.

Do you want to approve an amendment of that sort with such a loose end? Think carefully about that, ladies and gentlemen.

It has been said by the distinguished Speaker—and I have the highest regard for his opinion, but even a cat can look at a king—he says it is a historic step forward. I say it is a historic step backward. Labor spent years and years to get protective legislation for factoryworkers and farmworkers.

At one fell swoop this amendment would wipe out all those protective laws that we, after arduous toil, sought to put on the statute books. And the feminists cavalierly, as I said before, would say, "we do not want protection, we want liberation." I say "Tell that to the Marines." Tell that to the female farmworkers. Tell that to the female factoryworkers. Then get your reply. They want these protections: protecton against arduous labor; protection against manual and heavy weight-lifting requirements; protection against night work; protection in reference to certain rest periods. These all would go by the board, because they are not accorded to men. Think about that before you vote for this amendment.

As I said, we would just dump the Congress into the cockpit of domestic and marital relations concerning alimony, divorce, domicile, and community property as well as child custody, support and maintenance. We have addressed ourselves over many years against specific wrong leveled against women. We have arrested many kinds of discriminations against women. That has been done with the help of men. I have been in the forefront of that kind of battle. I struggled long and arduously for passage of title VII of the Civil Rights Act of 1967, giving equality to women in employment. We passed the equal pay law for equal work for women. We passed hundreds of statutes. Hundreds have been passed in the States and in the Federal Government.

That is the way to proceed in these matters and not by using this blunderbuss proposal that will wipe out all the good as well as the bad. I do not want to wipe out the good. This unfortunately would wipe out the good.

There are over 20 million married women who are nonworking fulltime homemakers. What about those homemakers? I am not speaking of the professional women who are in the forefront of this demand for this amendment. What about the homemakers? We do not hear from them, but they are vitally interested. Close to 60 percent of the women in the labor force are married and must depend upon their husbands for the majority of the family income. Thus, there are approximately 44 million who depend upon their husbands to provide the primary support for the family, and eminent authorities maintain that the equal rights amendment would abolish the common rule whereby a husband has the primary right to support his family.

Thus, I hope that the amendment will be voted down.

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Mr. Speaker, I do not oppose this proposed amendment lightly; I have devoted many years of my life pursuing the goal of equality of opportunity for all people. Nor do I oppose the so-called equal rights amendment with the patronizing smugness of the male. Discriminations against women do exist as has been time and time again conclusively shown. The inequality in pay scales, the inequality to access to higher education, to high posts in business and Government, to cite but a few, cannot be justified or defended and the understandable passion to break these barriers to equality cannot be dismissed.

If the equal rights amendent supplied the remedy I would be among the first to rise in its support. It does not. It is, I am sorry to state, a deft, vague ear- and eye-catching slogan, deceiving in its simplicity and dangerous because of its very simplicity. It is an abstraction, the words of which are not susceptible to definition or to clarity of meaning. Even the proponents of the legislation disagree on intent. There are those supporting the amendment who believe that that which differentiates necessarily discriminates, that only identity of treatment can destroy discrimination. Other proponents declare that it will in no wise affect operation of law based on functional differences.

It interests me greatly that the Citizens' Advisory Council on the Status of Women, in a statement issued in March of 1970 in defense of the equal rights amendment, talks about the "probable meaning and effect" of that amendment. We are asked to throw a rock into a churning sea with only guesswork as to what the waves will bring to the shores. It states unequivocally:

> The amendment would restrict only governmental action and would not apply to purely private action.

Yet we know that the courts more and more have extended right of suits to private action. Quo vadis? Possibly into the private quarrels, private wishes, private adjustments of two joined in matrimony?

I read with amazement the following quotation taken directly from the aforesaid Citizens' Advisory Council on the Status of Women:

> 3. *Removal of Age Distinctions Based on Sex:* Some laws which apply to both sexes make an age distinction by sex and thereby discriminate as to persons between the ages specified for males and females. Under the foregoing analysis, the ages specified in such laws would be equalized by the amendment by extending the benefits, privileges or opportunities under the law to both sexes. This would mean that as to some such laws, the *lower* age would apply to both sexes. For example: a lower minimum age for marriage for women would apply to both sexes; a lower age for boys under child labor laws would apply to girls as well. In other words, the *privileges* of marrying or working would be *extended* and the sex discrimination removed.
>
> As to other laws, the *higher* age would apply to both sexes. For example: a higher cutoff age for the right to paternal support for boys would apply to girls as well; a higher age for girls for juvenile court jurisdiction would apply also to boys. In these cases, the *benefits* of paternal support or juvenile court jurisdiction would be *extended* to both sexes.
>
> Thus, the test in determining whether these laws are to be equalized by applying the lower age or by applying the higher age to both sexes is as follows:
>
> "If the age limitation restricts individual liberty and freedom the lower age applies; if the age limitation confers a right, benefit or privilege to the individuals concerned and does not limit individual freedom, the higher age applies."

I defy any legislator, any court, any man, any woman, to tell me not only the meaning of the paragraphs but how such assumptions were arrived at. How easily are the problems of the ages put to rest. Wars have been fought on differing interpretations of words and phrases like "individual freedom," "privileges," "rights," and "benefits."

There are proponents who admit that the fifth and 14th amendments to the Constitution are adequate to achieve the objective sought. Adding an additional constitutional amendment, albeit surplus, could not hurt. Well I wonder.

Let us turn, for a moment, to consider the area of domestic relations. There are over 28 million married women who are nonworking full-time homemakers. Close to 60 percent of the women in the labor force are married and must depend upon their husbands for a majority of the family income. Thus, there are approximately 44 million women who depend upon their husbands to provide the primary support for the family. Eminent authorities maintain that the equal rights amendment could abolish the common rule whereby a husband has the primary duty of support toward his family. In many jurisdictions, as I will show subsequently, failure to give such support is a ground for separation and divorce. Hence, we must keep clearly in mind that the concept of a primary duty does not lend itself easily to a rule of identity of treatment. Here I am reminded of what Anatole France once stated:

> The law in its majestic equality forbids the rich as well as the poor to sleep under bridges, to bet in the streets and to steal bread.

Putting it more colloquially, "Each man for himself. Lord help us all, cried the elephant as he danced among the chickens."

I am speaking for the 44 million homemakers. I am speaking for the widows; I am speaking for the children who, if this amendment is enacted, could be removed as beneficiaries of the protective legislation accorded them by State legislatures.

Most womens' lives, unlike that of men, can be divided into three phases: First, the preparation toward gainful employment; second, the functioning in the role of wife and mother as homemaker; and third, the return in many instances to some kind of gainful employment after the children have left the household. It is in the second and third phases of a woman's life when the protective measures of which I speak are paramount.

The equal rights amendment may require changes in the traditional roles of the husband as breadwinner and the wife as householder, but the manner in which it will do this leaves room for speculation. Any of several results may occur. First, failure to support may disappear as a ground for divorce. If the duty to support remains viable in domestic relations law, it may at least spread to both spouses equally, and as a result the courts will have to consider in each case the relative ability of each spouse to contribute his or her income to the support of the family. Thus, the duty to support may evolve into the duty to contribute, and failure of either spouse to contribute to a reasonable extent of his or her ability will either directly provide grounds for divorce to the other spouse, or result in a "constructive desertion," which would accomplish the same effect indirectly.

The other area of divorce grounds which may feel the most effect of the equal rights amendment is that which emerges from the husband's now generally acknowledged role as head of the household. In California, his role is expressed by statute; in Alaska, Colorado, and the District of Columbia, it is reflected by court decisions. Because the husband is head of the household, he has the right to choose and change the marital domicile, and refusal of the wife, without reasonable grounds, to accompany the husband makes her guilty of desertion. The courts may take either of two distinct tacks in dealing with this problem. First, they may overturn the cases and statutes recognizing the husband as head of the household, and thereby allocate the role in each marriage before them, or second, they may do away entirely with the concept of head of the household. In either case, the courts may become involved in new considerations of unprecedented complexity. In the one instance, the courts will have to decide, on the basis of such considerations as comparative income and family responsibility, which spouse actually deserves the title of head of the household. In the other instance, the courts will have to assess the same considerations to determine who is deserting whom when one spouse desires to move the family domicile in pursuit of a different or better job, or a more healthful climate, and the other spouse refuses to move because of his or her own job, or own health.

The intrusion of the hand of government into the delicate personal relationship of husband and wife and their relationship to their children, including custody and bastardy laws, age of consent, and so forth, would bring grief untold. We are asked to put emotion and sentiment on a checkerboard, to be moved about by Federal and State governmental authorities.

Do we know, I ask, what we are doing in the area of divorce, separation, alimony, support, custody of minor children? So far as I can ascertain no definitive legal analysis has ever been undertaken which purports to examine in detail any of the ramifications of these problems. Do we use the hatchet when the scalpel will suffice?

I maintain that when the amendment was introduced some 47 years ago, it raised the same questions. No answers have been supplied. Yet we have seen how the specific remedy applied to the specific wrong has been made to work. We have the enactment of the equal pay law in 1963, title VII of the Civil Rights Act of 1964, the issuance of a series of Executive orders that prohibit discrimination on the basis of sex by Federal contractors, in Federal employment on federally assisted construction projects. Equal pay is now required by law in 35 States; 21 States and the District of Columbia have fair employment practices laws, which prohibit discrimination in employment on the basis of sex. There are now no restrictions on voting, holding of public office, jury service. There are no restrictions now with respect to property rights which apply to married women that do not also apply to married men, but discriminations do exist, as I said earlier. And to them we can and must apply the concrete remedy, a remedy clearly understood by all which would not throw out the baby with the bath.

There are bills before us; namely, H.R. 18278, introduced by the gentleman from Illinois (Mr. MIKVA); H.R. 18317, introduced by the gentlewoman from Michigan (Mrs. GRIFFITHS), and H.R. 18427, introduced by the gentleman from New York (Mr. RYAN), which by statutory law does carry out the recommendations of the Presidential Task Force on Womens' Rights and Responsibilities. Unlike the Equal Rights Amendment the proposal would not affect the status of women in the areas of domestic relations, and possibly military training. It would supply women with the legal leverage they rightfully seek. In attacking sex discrimination in the areas with which they are most concerned, such as equal job opportunity, equal pay and equal rights for education, it specifically attacks those areas of greatest discrimination while not involving itself in the delicate, intricate problems of adjudging a married woman's status as a wife and mother.

Furthermore, the bill would require the Secretary of Health, Education, and Welfare to make recommendations which would attempt to equalize the treatment of the sexes in such areas as taxation, social security, and the Family Assistance Act. Upon passage of such a bill six of the 10 proposals would be directly enacted into law without the uncertainty, vagueness, invitation to litigation and chaos that would attend the passage of the equal rights amendment. These are:

> (a) Title VII of the Civil Rights Act of 1964 would be amended to:
>
> 1. Empower the Equal Employment Opportunity Commission to enforce bans against discrimination based on sex.
>
> 2. Extend the Act's coverage to state and local governments and teachers.
>
> (b) Titles IV and IX of the Civil Rights Act will be amended to authorize the Attorney General to assist women in seeking equal access to public education facilities.
>
> (c) Title II of the Civil Rights Act would be amended to prohibit discrimination because of sex in public accommodations.
>
> (d) The Civil Rights Act of 1957 would be amended to extend the jurisdiction of the Civil Rights Commission to include denial of civil rights because of sex.
>
> (e) The Fair Labor Standards Act would be amended to extend coverage of its equal pay provisions to executive, administrative, and professional employees.
>
> (f) Legislation would be enacted which would authorize Federal grants on a matching basis for financing state commissions on the status of women.

I believe that Paul Freund, speaking for many eminent constitutional authorities, has put it most succinctly:

> If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States. Every statutory and common-law provision dealing with the manifold relation of women in society would be forced to run the gantlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen, but it would certainly embrace such diverse legal provisions as those relating to a widow's allowance, the obligation of family support and grounds for divorce, the age of majority and the right of annulment of marriages, and the maximum hours of labor for women in protected industries.

I urge that this amendment be voted down. I urge that we resist the magic of catch phrases which could induce havoc rather than command rights. I urge that we seek equality for all with the precision all good law demands. I urge we do not open this Pandora's box.

Mrs. GRIFFITHS. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, first of all, may I pay my respects to the gentlewoman from Michigan for her courage and for her determination in bringing this amendment to the floor today, after years and years of neglect in the Judiciary Committee. I cannot express too strongly my admiration and my respect for her. She has already outlined to us the failure of the Supreme Court to act to bring full constitutional rights to women. May I suggest that her logic, her legal competence, her articulateness recommend her for a position on the highest court. There is nothing that would have pleased me more than had the previous administration appointed her as the first woman Justice to the U.S. Supreme Court.

Mr. Speaker, after listening to some of the debate, may I say it actually seems incredible to me that in the last quarter of the 20th century, we are still debating whether or not the majority of the American people have equal rights under the Constitution.

It has been said that if this amendment is passed it will create profound social changes. May I say to you, it is high time some profound social changes were made in our society. A bit later, I intend to suggest where some of these changes should occur. I hope that the debate today will not be based on "vive la difference" arguments, but rather with the words of Walt Whitman in mind: "That whatever degrades another degrades me, and whatever is said or done returns at last to me."

If we have the power and we do not act to remove the barriers that result in waste and injustice and frustration, then society is the loser, and any kind of discrimination is degrading to the individual and harmful to society as a whole.

Women know that there is no such thing as equality per se but only equal opportunity to—and this is what women want: equal rights and equal opportunity to make the best one can of one's life within one's capability and without fear of injustice or oppression or denial of those opportunities.

That is really what we are asking today.

Now what are the facts? Several years ago the Congress under the leadership of the gentleman from New York (Mr. CELLER) passed the civil rights bill including title VII which said that there should be no discrimination in employment based on race, color, creed, national origin, or sex. Congress, in passing that, did not state a preference of ending one kind of discrimination over the other. Any preference that has been made has been an administrative preference. The Equal Employment Opportunity Commission has referred many complaints to the Justice Department—Complaints about discrimination based on race and complaints about discrimination based on sex. The Justice Department has taken up many where discrimination because of race has occurred. But until last month the Justice Department had not instituted a single case where a complaint of discrimination because of sex was sent over from the Equal Employment Opportunity Commission.

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How prevalent is discrimination based on sex? What impact does it have on our Nation socially and economically. The disproportion in employment has become the criterion by which discrimination against members of ethnic minorities stands confirmed.

It seems no less applicable as to discrimination against women. Let us look at Civil Service. In the Civil Service grades of 3, 4, 5, and 6 where the salaries are low there are many women employed. But what about the policy positions: grade levels 16, 17, and 18. In each one of these grade levels where the salaries are from $25,000 to $35,000, less than 1 percent of the positions are filled by women. Ninety-nine percent of the positions in each of these grade levels are filled by men.

Let us go to the other end of the financial spectrum, let us take the apprenticeship program which is under the jurisdiction of the Congress, I am advised that there are now 278,000 positions in the apprenticeship program nationwide. Only 1 percent of these are held by girls and 99 percent are held by boys.

Let us look at the Job Corps which was voted by this Congress. Some of us tried to get 50 percent of those positions made available to girls. On my own committee there was strong opposition to this and we could never get, by legislation or by administrative act, a program which would provide equal opportunities for girls and boys. This year girls have the highest percentage of positions that they have ever had in the history of the program. This year 29 percent of the Job Corps positions are filled by girls, 71 percent are held by boys. Members of the Education and Labor Committee of this Congress argued against making any more positions available to girls.

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When we look at the need, when we look at the unemployment rate among 16- to 21-year-old youth, the highest unemployment rate in the Nation is among nonwhite girls between 16 and 21. In recent weeks we have heard about the economic impact in our society when there is 5 or 6 percent unemployment, but among nonwhite girls, looking for jobs, the unemployment rate is 37.7 percent. Boys not only have 99 percent of the apprenticeship program slots and 71 percent of the Job Corps positions but also this year and each of the preceding years the military has taken about 100,000 boys who are below standard for special training. The military will not take any girl who is not a high school graduate—or a high school equivalency—and also one who scores higher on the test than is required for the boys.

What kind of impact does this form of legal discrimination have? When we bar girls from the kind of training which will enable them to have employable skills such as apprenticeship and meaningful Job Corps programs or something similar, the result is disastrous. Studies by the Women's Bureau show that girls must literally go into prostitution or have a baby so they can get on welfare in order to physically survive and then society places the sordid stigma on these girls who have "gone wrong" when actually society has refused to give them the opportunity to receive training. When this condition exists I suggest it is not the girl so much who is sick but I suggest that it is society which is sick.

And what a sad commentary on our society today when various studies of fourth and fifth grade classes have been made, 99 percent of the boys are glad that they are boys, but 30 to 40 percent of the girls wish that they were boys because boys have greater opportunities. What does this say to a society that leaves that kind of an imprint on a girl so young? The search for identity and dignity is shared by each individual whichever his or her sex, whatever his or her race, whatever his or her national origin.

All of us, men and women, black and white, share not only a spiritual and moral involvement with mankind but an economically, socially, and politically dependent involvement which should make the action and fate of the least of us—of great consequence to the rest of us.

Discrimination is as corrosive and brutalizing to those who discriminate as it is to those who are its objects. In short we are all its victims—those who perpetuate it, those who tolerate it, those who bear its brunt.

My concern today and in past years is based not only on the documented need for brainpower of women, but, also, because I see in it a surrender on the part of young women to myths about themselves which have no relation to reality.

What about education? The lastest statistics which I have show that 53.1 percent of the female high school graduate get into college; 70.3 percent of the male high school graduate get into college. I am advised that only 6 years ago in Virginia 21,000 girl applicants for college were rejected. Not one single boy applicant was rejected. In many colleges we still find that a higher grade point average is required for a girl than for a young man. In one department of a prestigious school in the District of Columbia girls of the second level, academically, are admitted while boys are accepted on the basis of highest scores first. Why? A limited number of girls is admitted and they do not take the girls who have the highest scores.

The 1970 census shows that in full time year around employment, if you are an eighth grade graduate and male the average salary is $7,140. If you are an eighth grade graduate and female the average salary $3,970. If you are a high school graduate and male the average salary is $9,100. If you are a high school graduate and female the average salary is $5,280. If you are a college graduate and male—according to the 1970 census—the average salary is $13,320; if you are a college graduate and female the average salary is $7,930. Starting salaries are lower; promotions are fewer for women.

At the graduate level discrimination intensifies. According to the latest figures I have—which are 1966—two thirds of the master's degrees have gone to men and 88 percent of the Ph. D.s have gone to men. Arbitrary age limits have been placed on women for admission to graduate work. And in some cases women this age limit is 35. This works a particular hardship on women who have left the labor market to rear children and want to reenter at the age of 35 or 40 with 25 or 30 years of productive service from which society would benefit.

In the halls of academe, women are more welcome in lower paid jobs than at the higher paid jobs. The median salary for women full professors is $11,649 and the median salary for a male full professor is $12,768—a differential of over $1100. In order to get the equal pay for equal work bill passed in this Congress in 1963, we were forced to accept an exemption for equal pay for equal work for women who were in executive, administrative, or professional jobs. It is my hope that this year we will remove that exemption.

The proportion of women in the professions is lower in this country than in most industrialized countries throughout the world. Professionally, women in the United States constitute only 9 percent of all professions; 8 percent of all scientists; 3.5 percent of all lawyers, and 1 percent of all engineers. Women constitute only 6.7 percent of all physicians—an especially interesting percentage when one observes that over 60 percent of the doctors in the Soviet Union are women.

Several years ago a Rockefeller report stated:

> Ultimately—the source of the greatness of any nation is in the individuals who constitute the living substance of the nation—an undiscovered talent, a wasted skill, a misapplied ability is a threat to the capacity of a free people to survive.

Let me discuss briefly the economic conditions faced by the working women of this country. At issue is not whether women should work; at issue is not labor but economic reward and opportunities. The facts are that as of 1970, 31,293,000 women are working. I noticed that the labor unions are opposing this amendment today. For years union negotiators negotiated contracts where identical work was performed by men and by women and written into the contract was a provision paying women less than the men. Even today there are various kinds of polite subterfuges to get around the Equal Pay Act of 1963. Promotions have been far more difficult for women. In talking about full-time year around employees, a decade ago women's median salary was 64 percent of that of men. In 1968 women's median salary is 58 percent of that of men. While other parts of our society have improved their economic status—for women there has been a 6 percent decrease in comparison in this decade.

The evidence shows that 41 percent of the poor children in the United States are completely dependent on the earnings of women and even more than 41 percent would be if women were not willing to take these low-paying jobs. Numerically, discrimination based on sex affects far more individuals than does discrimination based on race. There are more white women in the United States in the lowest income brackets than all of the Negro men and Negro women combined in lowest income brackets. This has tremendous implications for a society that talks about poverty and disadvantaged children. Equal efforts ought to be made to correct injustice whether it is discrimination because of sex or discrimination because of race.

The facts are that women—like men—work for compelling economic reasons. May I suggest that the female rebellion of these years has sound economic causes.

To fail to provide equal educational opportunities, to fail to apply equal economic rewards, and to fail to apply the creative, intellectual, and physical talents of women to the menagerie of ills of a great society can only bring profound regret when we mark the balance sheet for the American experiment at the turn of the century.

If we do succeed in beating our swords into plowshares—no hand dare lay idle at that plowshare if we are to seek a better tomorrow for our children.

Playwright Bernard Shaw wrote:

> The great secret, Eliza, is not having bad manners or good manners or any other particular sort of manners, but having the same manner for all human souls; in short, behaving as if you were in Heaven, where there are no third class carriages and where one soul is as good as another.

The secret in our democracy is not having certain rights for those whose color is white or those whose color is black, not having certain rights for males and others for females; not having certain rights for certain ones who are in power, but having equal rights and equal opportunities for all.

It has already been said that women have been working for the equal rights amendment for almost half a century.

Jane Addams wrote:

> It requires an unfaltering courage to act year after year in the belief that the hoary abominations of society can only be done away with through the steady impinging of fact on fact—of interest on interest—of will on will.

To my colleagues may I say that women's courage, women's hopes are beginning to falter when they realize that the "daily impinging of fact upon fact" has done little to persuade the men in the National legislative body and in the State legislatures to correct an injustice that has existed since our country was born. I suggest that the time is long since past when women should be required to be treated as second-class citizens and not entitled to the same equal rights under the Constitution as are the male members of our society.

The search for human identity and dignity is not uniquely any one person's. Every man and every woman pursues the search for his and her place in the sun where each may stand with a sense of self-respect and self-worth equal to that of all other human beings. No sex, no nationality, no race of people has a monopoly on this desire for full human fulfillment.

Mrs. GRIFFITHS. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, Mr. GERALD R. FORD.

Mr. GERALD R. FORD. Mr. Speaker, let me make two points clear at the outset. The distinguished chairman of the Committee on the Judiciary complained about the fact that there is no time limit on the period for approval of this particular constitutional amendment. I agree that there probably ought to be one, but I do not think we ought to interfere with the consideration and approval of this proposed amendment today because one does not exist in the language of the proposed amendment. The gentleman from New York has had ample time to see that this amendment was drafted properly including this particular provision. It is my best recollection that he has been the chairman of the Committee on the Judiciary every year that I have been in the House of Representatives except for two, which means 20 years. If this amendment needed any revision or improvement, it could well have taken place during that span of time—some two decades.

Second, Mr. Speaker, let me say by inference or otherwise it has been alleged that all organized labor is in opposition to this proposed amendment to the Constitution. I received a telegram this morning from Leonard Woodcock, the newly appointed president or chairman or whatever his official title is of the United Automobile Workers. He, in the telegram to me, indicated his endorsement on behalf of his union for this proposed constitutional amendment. So it is not accurate to say that organized labor across the board is in opposition to this amendment. I might add Leonard Woodcock is a most able leader of organized labor and his judgment on such a matter should be respected.

Mr. Speaker, men are not generally speaking antiwomen; it simply appears to work out that way.

I, for one, do not plead guilty to the charge. In my own defense, I would note that I am very happy to confer all rights—and responsibilities—on my wife. In addition, I would point out that I had something to do with the fact that 15 of the last 16 House Members to sign the petition discharging the House Judiciary Committee from jurisdiction over House Joint Resolution 264, the Women's Equal Rights Amendment, were Republicans.

In all seriousness, I am delighted to have had a hand in bringing to the House floor the proposed Women's Equal Rights Amendment to the U.S. Constitution.

The purpose of the amendment is most laudable: To provide constitutional protection against laws and official practices that treat men and women differently.

The proposed amendment would provide that: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

This amendment would insure equal rights under the law for men and women and would secure the right of all persons to equal treatment under the laws and official practices without differentiation based on sex.

Adoption of the amendment would, of course, require a two-thirds vote of both Houses of Congress and ratification by three-fourths of the States. I hope the Congress will recognize the justice of this amendment and the clear and present need for it. I call upon this House to render its two-thirds approval.

We like to believe that we live in an enlightened age. How can any age and any Nation be termed enlightened if it continues discrimination against women? And we do, of course, still have discrimination against women simply because they are women.

This amendment has been pending before the House Judiciary Committee for 47 years—since 1923. You would almost think there had been a conspiracy. Under the circumstances it is almost silly to say it is time we did something about it. It is long past time.

The great French writer Victor Hugo said:

> Greater than the tread of mighty armies is an idea whose time has come.

There is no question that the Women's Equal Rights Amendment is just such an idea. Its time has come just as surely as did the 19th amendment to the Constitution 50 years ago, giving women the right to vote.

I think it is fitting that today, when the Women's Equal Rights Movement may well be crowned with success, the initiative to implement full equal rights for women comes in the House. After all, the House has remained quiescent or adamant on this score—take your choice—for 47 years while the Senate has twice passed a Women's Equal Rights Amendment, in 1950 and 1953. And we are passing the amendment free and clear of anything like the Senate's Hayden rider, which threw in a qualifier unacceptable to women.

It is also most fitting that the House should be the first to act today because the prime mover of this amendment in the Congress is my dear colleague from Michigan, Representative MARTHA GRIFFITHS. Passage of this amendment would be a monument to MARTHA.

Mr. Speaker, this amendment should really be unnecessary. But it clearly is mandatory because women today do not have equal rights. This amendment will give them those most valued of rights—the rights to a job, to a promotion, to a pension, to equal social security benefits, to all the fringe benefits of any job. There is no denying that these rights are different for women than for men.

It is, of course, easy to jest about this matter. For instance, I am sure our GI's will not complain if women are drafted into the Armed Forces in the same numbers as men. And I'm sure there are men who will welcome the awarding of alimony to husbands in divorce actions.

In any case, I know that men will look upon women as the fairer sex and will want to continue opening doors for them. This is not inequality, just "womanship."

Mr. Speaker, Mrs. GIFFITHS and others have made an excellent case for adoption of the Women's Equal Rights Amendment. I urge overwhelming House approval of House Joint Resolution 264.

Mr. WATSON. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Speaker, I rise to associate myself with the remarks made by the gentleman from Michigan, and to applaud him for his forthright statement. As usual he stands up and speaks out for what is right.

Mr. Speaker, the constitutional amendment before us today is about 200 years overdue. While the women of this country have made remarkable progress in securing rights during the 20th century, it is obvious that in many areas women are still faced with discrimination because of sex.

I have long favored a constitutional amendment guaranteeing equal rights to women. I am proud to say that I introduced such a constitutional amendment in 1967, House Joint Resolution 808, in the 90th Congress and in the 91st Congress, I reintroduced the amendment.

Mr. Speaker, the chairman of the Judiciary Committee has used the argument that the amendment should not be enacted at this time because he has scheduled hearings on it in September. This is nothing but a delaying action. We have been trying to get the chairman to hold hearings on this legislation for years.

For too long, this measure has languished with the Judiciary Committee without one moment's thought or consideration, and I venture to say that were it not for the discharge petition, hearings would never have been scheduled. Besides, the likelihood of any hearings being concluded in time for action this session of Congress is remote at best.

It is strange indeed to hear some of our colleagues who so strongly fought for civil rights in other areas now opposing equal rights for women. We are living in an age in which the cry of civil rights has often been used as a smokescreen for what many of its advocates really intend as preferential treatment. As I have pointed out so often in the past, Congress has been badgered, harassed, and intimidated into enacting ill-conceived and illegal legislation in order to appease and accommodate vociferous militants whose concern is not equal rights but violence and disruption.

It is absolutely astounding that during the virtual avalanche of so-called civil rights legislation introduced and passed by the Congress, only tacit attention was being given by Congress to the plight of America's women who were being denied job opportunities because of sex. The mere fact that the House is going to vote on this constitutional amendment is an indicative that the American people want this Congress to re-establish its priorities. The day of capitulating to the likes of the Black Panthers is over. The time for rewarding loyal Americans is at hand.

In no country in the history of the world have its women made such a magnificent contribution to society as in America. American women have a pioneering spirit. In the early days of this country, they not only raised children and were the backbone of the American family, but so often they were forced to endure incredible hardship in order to carve a new Nation out of the wilderness. This Nation owes its very life to their indomitable spirit and determination, and yet it was not even until this century that American women had an opportunity to vote.

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I am very hopeful that passage of this legislation will open a whole new vista for America's women, and it is certain that our Nation will be stronger for its passage.

Mr. REID of New York. Mr. Speaker will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, I commend the gentleman for his remarks, and note that, as the gentleman knows, my mother helped lead the woman's suffrage movement in New York in 1917 which led to success nationally 2 years later. Helen Rogers Reid believed that a woman was the equal of any man and that no woman should be denied rights or enjoy special privileges. She believed that what was at stake was the fundamental principle of equal rights for all women under the law and equal responsibilities.

I believe that the joint resolution is a major step forward and I strongly support it. The day is long since past when women should be denied equal pay for the same work or be confronted with restrictions on the ownership of property or businesses.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. GRIFFITHS. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I thank the gentlewoman from Michigan for yielding, and I join with the other Members who have congratulated the gentlewoman from Michigan on the great leadership she has shown in this and in other areas of legislation that have come before the House of Representatives during the years of her magnificent service here.

Mr. Speaker, I find myself in agreement with the distinguished Speaker that this is a historic day in this Chamber, and I am also in complete agreement with the remarks of the distinguished majority leader that this is an idea whose time has long since come.

Mr. Speaker, I, of course, like all other Members of the House, admire immensely our distinguished dean, the gentleman from New York (Mr. CELLER). He has a great record of service in this House. I have served not only in the House with the gentleman, but I have served on the Democratic Committee on Platform and Resolutions with him, where he has always been one of the outstanding members due to his great knowledge and wisdom. However, I remind the distinguished gentleman that, if my memory does not serve me incorrectly, the platforms both of the Democratic and Republican Parties have for more than a generation been pledging these parties to the fulfillment of the mission which the gentlewoman from Michigan (Mrs. GRIFFITHS) has been trying to achieve for years and years.

Mr. Speaker, the amendment before us is tremendously significant, not just for the women of our land who constitute over half of our population, but it is important to America. This is an effort on the part of those who are proposing and supporting this legislation that we obtain the full benefit of the services of all our people, regardless of sex, in both private and Government jobs at every level.

There are few women in the United States who have not endured some type of injustice at some time in their lives because of their sex, and there are many who bear it today in the most blatant forms. Every schoolteacher who does not receive equal pay for equal work, every college graduate who can get only "women's" work, or ends up in a battle trying to get a promotion which goes only to a man, every civil servant who pays equally into the retirement fund but is unable to provide equally for her spouse in case of death, knows what I mean. The list is almost endless.

Mr. Speaker, we cannot change all of the prejudices by this amendment, but we can change that which is governed by law. Not until the law is on the side of right and justice, can serious work be started on the more deep-seated causes of injustice.

The 19th amendment was the first step in bringing the women of the United States into this society as persons in their own right. After 50 years it is time to take another step.

The men and women elected by the people of this Nation have slowly come to the point of responding to the aspirations of the whole electorate.

We have moved deliberately, we have moved too slowly, we are obligated to act now.

Mr. Speaker, I urge the adoption of the resolution.

Mrs. GRIFFITHS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. MORTON).

Mr. MORTON. Mr. Speaker, I would like to extend my appreciation to the very distinguished Representative from Michigan (Mrs. GRIFFITHS.)

I do not believe there is anyone in this Chamber, man or woman, who has not in the process of arriving here accumulated a great debt of gratitude to the women of his or her district. They have contributed in the great work in the victory that brought each Member to this Chamber.

I believe in the process of establishing government, the process which we have selected for ourselves in exercising the sovereignty of the people, we would not succeed unless a great share of that burden was carried out by the women who dedicate themselves to the proposition of self-government.

It seems to me this resolution is appropriate in the flow of civilization as it develops. If we are going in clear conscience to say that women should carry a lion's share of the burden of establishing government, it seems to me we should say that they have the opportunity and the right to participate fully in it.

Therefore, Mr. Speaker and my colleagues here, I stand in wholehearted support of this joint resolution. The party of which I am a member and of which I am an officer has for some 25 or 30 years incorporated the proposition of equal rights for women in its basic platform.

Although this might not be the procedure that some would like, it seems to me that if this procedure does not take place no other more conventional methods of bringing legislation to this floor will take place.

Therefore, I say—let us get on with it.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. MORTON. I yield to the gentleman.

Mr. GUDE. Mr. Speaker, I would like to commend my colleague, the gentleman from Maryland, for his very fine statement. I urge the unanimous support of the House for this amendment to the Constitution.

The President's Task Force on Women's Rights and Responsibilities has aptly pointed out that approval of the amendment "would impose upon women as many responsibilities as it would confer rights." The laws of property and marriage which presume and perpetuate a dependent status must be revised. Labor legislation to protect women as the "weaker sex," however well intentioned, now operates to bar women from jobs which many women have the ability and the desire to fill. Presidents Eisenhower, Kennedy, Johnson, and Nixon have all endorsed the equal rights amendment, to provide a firm legal framework for changes in laws arbitrarity discriminating against women.

It is hard to take seriously the argument that the equal rights amendment should not be approved without hearings. We have had almost half a century to get down to business. I signed the discharge petition initiated by the gentlewoman from Michigan because the time has come to act. I shall vote yes because I agree with the task force that equal opportunity for women is "a matter of simple justice."

Mr. MORTON. Mr. Speaker, I thank the gentleman for his contribution.

Mrs. GRIFFITHS. Mr. Speaker, at this time I ask unanimous consent to place in the RECORD a letter from Larry O'Brien supporting this amendment.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, the letter from Larry O'Brien in support of this amendment is as follows:

DEMOCRATIC NATIONAL COMMITTEE,
Washington, D.C., July 30, 1970.

Hon. MARTHA W. GRIFFITHS,
Washington, D.C.

DEAR MARTHA: Hearty congratulations to you on clearing the first hurdles in the legislative battle for equal rights for women!

The Equal Rights Amendment is landmark legislation, and I was pleased to learn that you had achieved the needed 218 signatures to your discharge petition to bring it to a vote in the House. This is a tribute to your skillful strategy and power of persuasion.

I was also pleased, though not surprised, to note that 154 of the petition signers are Democrats—many of whom have sponsored equal rights bills in the House. I am sure that they and all their Democratic colleagues will make a special effort to be present and voting on August 10 in support of H.J. Res. 264.

If there is anything I can do to assist in this effort, you know you can count on me.

Sincerely,
LAWRENCE F. O'BRIEN,
Chairman.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I would like to join with others in paying tribute to the leadership of the gentlewoman from Michigan (Mrs. GRIFFITHS) in giving the House the opportunity to consider this amendment. I want to make three quick points about the amendment.

First, a reading of the amendment indicates quite clearly what it is about. The amendment says there shall not be discrimination solely on account of sex in the laws of the United States or the various States. That is a very plain and direct statement. I have thought carefully about it and its application, and I can see no difficulty ahead for either the Congress or the State legislatures working under such a simple and direct mandate.

Second, it is clear that this is not the first time that this amendment has been given rather careful consideration.

There were hearings held in both the House and the Senate—in the House Committee on the Judiciary some years ago, more recently in the Senate Committee on the Judiciary—and the Senate several times has passed this amendment and sent it to the House. It is not as though this amendment is before us without hearings, without testimony, or without careful consideration.

Third, I want to make the point that this amendment does not bar legislation using reasonable classifications where the basis for the classification is related to the object of the legislation. This amendment offers no difficulty.

There are innumerable differences among the citizens of the United States. There are many differences that we seek to treat legislatively. We try to aid the handicapped; we try to protect minor children; we legislate all kinds of acts in the name of public welfare, based upon differentiation among citizens, based upon their circumstances, and this amendment will not impair that process. It simply states that you may not arbitrarily lay down a standard of sex and nothing more as a basis of classification in the legislative process. You need to define the purposes and to draw the circle which will include those for whom the legislation is intended. a reasonable classification relevant to the ends of that legislation. Thus it is that in the hearings and in the reports that have been made earlier on this amendment it has been suggested that with respect to selective service, the draft, this would be the application of this amendment:

Women would be equally subjected to military service, but they would not be required to serve in the Armed Forces where they are not fitted any more than men are required to serve where they are not fitted. Women already serve in the Armed Forces as volunteers.

Mr. Speaker, this amendment prohibits denial of equality of rights under law on account of sex. Today we must take the first step to write this principle explicitly into our fundamental charter.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mrs. GRIFFITHS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ANDERSON), for purposes of debate.

Mr. ANDERSON of Illinois. Mr. Speaker, I listened a few minutes ago to the distinguished chairman of the Judiciary Committee with great respect, as I always do, in his opposition to this particular joint resolution. It seemed to me that his objections were more substantive than procedural.

"What does equality mean?" declaimed the dean of the House.

The language of the equal rights amendment is very simple. It simply means equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

But no one knows, the gentleman says, what equality means under this amendment. Some have even gone so far as to suggest that with its adoption we are going to consign women to the coal mines, to jettison the law of domestic relations, and any number of untoward consequences will result.

As one who for the last few years has supported equal rights regardless of race, color, or creed, I find it a little difficult to see what the insuperable obstacle and difficulty now is when we consider the subject of equality and equal rights within the context of the rights of women. I am unwilling to admit that in voting for equality for women, I have somehow introduced a new note of uncertainty into the law. It seems to me that any issue that has been around for 47 years has been tried in the court of public opinion, and no one is going to charge us with hasty or precipitous action if we finally act today.

I support this amendment fully recognizing that I am not following doctor's orders, or at least not the advice of one Dr. Edgar Berman. But when I considered that this same doctor had been advising both Hubert Humphrey and the Democratic National Committee, I felt no special compunction to put any faith in his diagnosis given the condition of those patients. In reading Dr. Berman's comments, I found it disturbingly ironic that in a nation which put three men on the moon, we should somehow be concerned with the mental aberrations of women because of the so-called lunar cycle. After all it was men who conceived and engineered the lunar landing and men who were selected to make the initial flight.

Let me refer to the point made by some that we will be engendering a vast amount of litigation if we adopt this amendment. Let me point out, as the President's Task Force on Women's Rights and Responsibilities has previously reported:

> It is ironic that the basic rights women seek through this amendment are guaranteed all citizens under the Constitution. The applicability of the 5th and 14th amendments

> in parallel cases involving racial bias has been repeatedly tested and sustained, a process which has taken years and has cost millions of dollars.

Do Members who oppose the equal rights of women amendment suggest that we should not have had those court cases; that we should not have spent those millions of dollars to test the validity of the fifth and 14th amendments? I would submit the mere fact that we may have some litigation should not deter us from today adopting the amendment for equal rights for women.

Mr. Speaker, as one among many in this body who has sponsored the equal rights amendment to the Constitution, I wish to express my enthusiastic support and urge adoption of the amendment. I want to commend all those who have worked so hard on behalf of this amendment both in the Congress and at the grassroots level, both Republicans and Democrats, men and women. I want to pay special tribute to the gentlewoman from Michigan (Mrs. GRIFFITHS), who has worked tirelessly and successfully to bring this resolution to the floor today.

There are those who complain with some justification that we have no women astronauts, and point to this as a prime example of sex discrimination. While there may be merit to their complaint, let me say that I am much more interested in the everyday, down-to-earth forms of sex discrimination which are of more immediate concern to the vast majority of our female citizenry. And there is ample evidence that discrimination on account of sex is still widespread in this country.

Last year marked the 50th anniversary of the ratification of the suffrage amendment to the Constitution, and yet in many instances women are still treated as second-class citizens. As the President's Task Force on Women's Rights and Responsibilities has pointed out:

> The United States, as it approaches its 200th anniversary, lags behind other enlightened, and indeed some newly emerging, countries in the role ascribed to women.

In its letter of transmittal, dated December 15, 1969, the task force said:

> Women do not seek special privileges. They do seek equal rights. They do wish to assume their full responsibilities. Equality for women is unalterably linked to many broader questions of social justice. Inequities within our society serve to restrict the contribution of both sexes.

And the task force went on to recommend, "a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment, we believe, is necessary to healthy psychological, social, and economic growth of our society."

One of the task force's specific recommendations was the passage of the equal rights amendment which we are now considering. In discussing the need for such an amendment, the task force observed that despite the applicability of the fifth and 14th amendments in parallel cases involving racial bias:

> The Supreme Court . . . has thus far not accorded the protection of those amendments to female citizens. It has upheld or refused to review laws and practices making discriminatory distinctions based on sex.

The task force goes on to cite numerous examples of such discriminatory laws and practices which are still in force because the Supreme Court has either upheld them or refused to review them. And so, to those who would argue that this amendment is somehow superfluous to current constitutional and statutory guarantees, let me say that the facts do not support this argument. In the words of the task force report:

> A constitutional amendment is needed to secure justice expeditiously and to avoid the time, expense, uncertainties, and practical difficulties of a case-by-case, State-by-State procedure.

And so, Mr. Speaker, I wholeheartedly endorse this amendment as a necessary final step in eliminating the last legal vestiges of discrimination in this country. I fully recognize that a disparity continues to exist between the equality guaranteed by law and the extent to which it is actually enjoyed by all our citizens. We must continue to move forward on all fronts to guarantee equal rights for all our citizens and thereby close the gap which exists between law and reality. That should apply with equal force to racial and ethnic minority groups as well as women. By passing this amendment we will hasten the day when that goal can be fully realized.

Mrs. GRIFFITHS. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Speaker, I rise in enthusiastic and wholehearted support of this legislation to provide constitutional protection against laws and official practices that discriminate on the basis of sex. And, I would like to comment briefly within the time allotted to me. Much has already been said here today about the implications of this legislation—historically and sociologically and most important of all, of course, legally.

An earlier speaker during the debate stated that Members of this body were hearing only from women's groups in support of this amendment, and that their remarks would have to be regarded as suspect.

If the women's organizations are to be considered suspect, let it be on the right grounds. They certainly can be indicted and found guilty of spending years experiencing and studying the impact of discrimination, of doing all the spadework necessary to clearly prove the need for this equal rights amendment, and I congratulate them for their work.

It is because of their leadership, their carefully prepared legal briefs, their documented case histories, that every Member of this House has been provided the factual body of evidence upon which we base our case today.

I salute this suspect group which includes the initiators of the movement, the National Women's Party; the National Federation of Business and Professional Women's Clubs; the recently organized National Organization of Women, and many others.

As one who has been a sponsor of legislation proposing an amendment to the Constitution of the United States relative to equal rights for men and women since coming to Congress, I can only say that it is way past time for action to protect women's rights as citizens, as human beings, as persons. It is way past time to eliminate discrimination against women. It is way past time to recognize women's ability to contribute to the economic, social, and political life of this Nation.

The history of this Nation, the first government based upon the proposition that governments derive their just powers by consent of the governed, could not have been written without the contributions of women.

The fifth and 14th amendments have not provided equal rights for women—it took the 19th amendment to secure the right to vote.

When the 19th amendment was finally ratified, 50 years ago, it was hoped that there would follow a general revision of laws and practices so that legal discrimination against women would end. As you well know, though, as recently as 1964 we found it necessary to include in title VII of the Civil Rights Act a provision to prohibit discrimination on the basis of sex as well as race.

This proposed amendment, while not precluding the possibility of broader fifth and 14th amendment interpretations, would bolster those amendments.

This amendment is necessary to provide women with 100 percent protection under the Constitution. Women are given no special privilege—this amendment merely forbids discrimination on the basis of sex. It provides constitutional protection against laws and official practices that differentiate because of sex.

In all too many States, there are still vestiges of the English common law which treated women as inferiors. These laws are the reason the equal rights amendment has been introduced in Congress after Congress. These laws are the reason it must be adopted during this Congress.

Some say the Supreme Court ought simply take another look at the Constitution and declare that women are persons. Apparently this is not legally possible because it is the intent of the lawmakers that counts—and it was the intent of the writers of the Constitution to leave women out because they were writing it in the light of the old English common law wherein women were not considered to be persons.

So, this amendment is necessary.

I might also note that special laws may still be enacted for citizens in need of special laws. No one questions special laws for veterans, or for the blind, or for various segments of our society—it would certainly not be inconsistent to still have special laws for mothers or mothers-to-be.

Let me point out, though, that all over this country, so-called protective legislation is being used as a tool to circumvent title VII of the 1964 Civil Rights Act—and is being used today in arguing against this amendment. Protective legislation, in fact, protects women out of

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the better paying jobs. Protective legislation, health laws, if you will, should apply to both sexes. No citizen, because of some sort of stereotyped thinking, should be arbitrarily denied rights and opportunities. Men and women do have obvious physiological differences. However, they also perform many of the same or overlapping roles.

Some State laws—those which deny rights or restrict freedoms of one sex—would be violative of the equal rights amendment and rendered unconstitutional. Laws which confer rights, benefits and privileges on one sex would have to apply to both sexes equally, but would not be rendered unconstitutional by this amendment.

In any event, the issue of nullification of special State protective labor laws for women, such as those governing limitations on hours of work, weightlifting on the job, and prohibitions against nightwork, for women employees only, are fast becoming moot. The Federal law—title VII of the Civil Rights Act of 1964—prohibits sex discrimination in employment and requires employers covered by the act to treat men and women equally. A number of States have already conceded that special restrictions on women may no longer be enforced. States would still have the power to enact laws regulating public health and safety using reasonable classifications. Likewise, employment requirements based on physical stamina and strength would be allowed. What would not be allowed to continue is arbitrary classification on the basis of sex. Adoption of the amendment would not mean a lowering of labor standards. It would mean that State legislatures would be able to raise work standards for men to meet those now set for women.

Let's be realistic. Not all women want to or are able to assume the historic mother role in a family. Look at all the statistics that are published today—there are more women than men in this country, men die younger, there are more divorces. So, we have many women who will never marry, others who are widows with families to provide for, yet others who are divorcees with families to provide for—women with much responsibility and little opportunity to achieve what they need to sustain their families.

In connection with divorces, I might note, both sexes would benefit—and so would the children. In divorce decrees, child custody and support decisions are based on predetermined judgments of who should undertake this responsibility. Under this equal rights amendment, this decision would be based on the child's welfare and who is best able to undertake this responsibility. Many States are already changing anyway—mothers and fathers are often both legally responsible for the support of their children in many States. And, more than one-third of the States now permit alimony to be awarded to either spouse—under this amendment, in States where the law now provides for alimony only for wives, courts could award alimony to husbands as well, under the same conditions as they apply with respect to wives.

We cannot in good conscience wait any longer. We have already waited too long to provide this basic right of equality for men and women. The growth of groups working to obtain enactment of this legislation speaks eloquently and sometimes stridently for itself. But the main thrust of this women's movement, regardless of its manifestations, is to obtain equal rights and protection under the law, acceptance as persons, recognition based on individual merit—in short, we want to make it possible for women to contribute to this land we love—and we need their contributions.

I want this measure passed by this House of Representatives and by this Senate and sent this year to the States for ratification. Let us bring historic distinction to this Congress during this, the 50th anniversary of the passage of the women's suffrage amendment.

Mrs. MAY. Mr. Speaker, I yield now to the gentlewoman from Illinois, my distinguished colleague (Mrs. REID).

Mrs. REID of Illinois. Mr. Speaker, as the sponsor of a companion resolution, I rise in support of House Joint Resolution 264, to provide for a constitutional amendment relative to equal rights for men and women.

Let me say at the outset that I personally do not feel discriminated against as a woman in the Congress, but I do know there are and have been many instances in all walks of life in which women have been unfairly denied their full constitutional and legal rights in this era when our Nation is dedicated to the principle of equal rights for all.

In my judgment, the majority of American women are not seeking special privilege but they do want equal opportunity, equal responsibility, and equal protection under the law. An abiding concern for home and children should not restrict their freedom to choose the role in society to which their interest, education, and training entitle and qualify them. But this legislation is more than an effort to insure equal rights for women for it would impose upon them as many responsibilities as it would confer rights. I believe this objective is desirable. For instance, while it would guarantee women and girls admission to publicly supported educational institutions under the same standards as men and boys, it would also require women to assume equal responsibility for alimony and child support within their means as is the standard applied to men. Women presently bear these responsibilities in some States, but not in all. It would also require that women not be given automatic preference for custody of children in divorce suits. The welfare of the child would become the primary criterion in determining custody.

Once the equal rights amendment has been passed and ratified, the burden of proving the reasonableness of disparate treatment on the basis of sex would shift to the Federal Government or the States, whereas presently the burden is on the aggrieved individuals to show unreasonableness. On the other hand, the mere passing of the amendment will not make unconstitutional any law which has as its basis a differential based on facts other than sex. It will, in the broad field of rights, eliminate discrimination in that it will make unconstitutional any legislation with disparate treatment based wholly or arbitrarily on sex.

The equal rights amendment has been debated more than 40 years. As Victor Hugo once said:

> Greater than the tread of mighty armies is an idea whose time has come.

And certainly this legislation is long overdue. It is my hope that it will receive the necessary two-thirds majority for approval by the House today and that it will be considered by the Senate and submitted to the States for ratification soon.

Mrs. HECKLER of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, as a woman Member of this body, I wish to make it completely clear that I do not have any desire to become one of the boys, and I think that should be an irrelevant issue at this time.

The difference between the sexes certainly is not a legislative matter, nor is it something I wish to change. Nonetheless, as a Representative of the people from the factories and from the banks, in the professions and in Government itself, I must say we have seen discrimination against women in every walk of American life—although I will say not to my knowledge in this body.

In recent years we have seen the "credibility gap," and we have experienced the "generation gap." The problem discussed today relates to the "opportunity gap." Mr. Speaker, I wish to underscore the fact that the gap in opportunities for women is not a phenomenon of the 1960's and the 1970's alone.

Since 1923, the effort has been mounting to pass a consitutional amendment that would wipe clean the slate of prejudice against women that has become traditional in our American way of life. Fathers with daughters now enrolled in expensive colleges, take heed: A man with an eighth-grade education in 1968 earned an average of $6,580 per year, says the Department of Labor. Yet a woman with 4 years of college earned just $6,694—or $9.50 per month more—despite her 8 additional years of education. The typical male college graduate was meanwhile earning $11,795 per annum—almost double the yearly salary of the female graduate.

Thus we see the opportunity gap is augmented by the "earnings gap." The gap in pay between male and female employees performing equal work is growing. The Department of Commerce reveals that in 1967 a workingwoman earned 64 cents for every dollar earned by a male worker. Yet by 1968, wages for men had risen so that the female worker was earning only 58 cents for every dollar paid to him.

On the campus, in the marketplace, in the courts—women do not enjoy the full rights of men. Admission standards for women are higher at some universities and colleges although women usually

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score higher on qualifying examinations. Many firms, despite the provisions of title VII of the Civil Rights Act of 1964, will not give equal consideration to men and women applying for positions in which both could perform equally well. In some States, women convicted of certain crimes serve longer sentences in prison than do males convicted of the same crimes. In some States, "passion killing" of a wife by her husband is permitted, although the reverse is considered murder by the courts. In several States, women may not without the husband's consent dispose of property or engage in business. Women are still the object of "protective legislation" in many States, although in essence the laws are primarily "restrictive" in nature. Such "protection" may prevent desirable job advancement for women and prohibit women from much sought and desperately needed overtime work and pay. The list of offenses against women is lengthy, and yet it is surprising to see how acceptable many of these injustices are in terms of an alleged chivalrous code of life.

The question of equal rights for women should be of primary concern to all those American families struggling to educate their daughters as well as their sons so that the talents of these young women will be motivated to their country's good. As a nation we must take full advantage of all the human resources our population has to offer. And when 51 percent of our people are denied equality of opportunity, then we are robbing ourselves of a great treasure of creative thinking.

It is readily admitted that women possess a certain sensitivity unique to the sex. Mr. Speaker, how can we as a Nation deny the application of that great wealth of human sensitivity and compassion in the enormous task of problem solving before us in this decade and beyond? A woman's sensitivity would be a substantial plus in any profession or means of service in the community today. It is imperative that we conserve this valuable and untapped aspect of our national human resources and put it to work immediately.

But the only expedient means of freeing womanpower to aid in the attack on our national ills and to work toward improving the quality of American life is to pass the equal rights amendment and thereby assure equality of opportunity for women in every walk of life. It is not special privilege that is sought by the American woman of today, but a fair share of opportunity and responsibility to contribute as a citizen interested in her world and the quality of life in her community. The American woman has a great deal to give. If we as a Nation are fearful of accepting the gift of her talent, we are selling ourselves short and denying our age-old claim as a truly civilized Nation of equality for all.

Mrs. MAY. Mr. Speaker, I thank the gentlewoman from Massachusetts.

Mrs. GRIFFITHS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MOSS) for debate only.

Mr. MOSS. Mr. Speaker, I should like to point out my great affection and admiration for the distinguished chairman of the Committee on the Judiciary. I first encountered his views on the issue of equal rights 18 years ago when I was in a drafting subcommittee of the Democratic National Convention and he and a distinguished gentlewoman by the name of Emma Guffy Miller engaged in a very spirited debate. The gentleman's views have not changed in the intervening years. I compliment him on his consistency.

Let me point out that the protective laws which have been conjured up here as a reason for not granting equality in our Constitution are themselves sometimes the most subtle types of discriminatory legislation encountered anywhere against any group or class of our citizens. I recall 21 years ago in California as a member of the State assembly being the author of legislation to give women in my State control of their paychecks. They did not have it.

It is unthinkable that in this 20th century, when we have learned of the capacity of women to undertake any assignment and to do it efficiently, we have not recognized in the basic laws of this Nation the simple fact of equality.

I believe no one demonstrates more effectively than the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS), through her performance on the Committee of Ways and Means and through the leadership she has given here today, the fact of equality. It is merely a simple recognition by all of us that it does exist, that simple justice demands it no longer be delayed by legal contrivance.

I hope that the vote in this body today is an overwhelming endorsement of the position taken by both of the great national political parties in convention after convention, as bait to get votes, committing themselves to give that equality, to pass this amendment.

Now, finally, as the chairman of the Republican National Committee said, let us get on with the job. Let us give the vote here today for at least the first step, the adoption of this joint resolution.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I am happy to yield to my colleague from California.

Mr. HOLIFIELD. I rise in support of the amendment that is before the House.

Mr. CRAMER. Mr. Speaker, for many years now, I have introduced in each Congress a resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women. As a matter of fact, I was the first Member to introduce this legislation during the current Congress. I reintroduced my resolution on the first day of the 91st Congress, the number being House Joint Resolution 17.

During an age when Americans are becoming increasingly concerned over the right of all people to be given the opportunity to utilize their capabilities, skills, and talents, it is essential that the equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Upon ratification of this amendment by three-fourths of the State legislatures, this amendment would ultimately reinforce the "equal pay for equal work" principle which has far too long been overlooked or, perhaps, neglected.

The women of this Nation have earned their place in society and the professional business world. We owe them the assurance that the right to equal treatment and opportunities under the law will not be violated because of sex discrimination. And although a previous out-of-State commitment has made it impossible for me to be present today, I urge my colleagues to give their overwhelmingly support to House Joint Resolution 264, in order to meet our obligation to provide the women of this Nation with the opportunity to and assurance of equal rights.

Mr. WOLD. Mr. Speaker, I rise in support of House Joint Resolution 264, proposing an amendment to our Constitution to grant equal rights to women.

It is with great pride that I cast my vote in support of this constitutional amendment proposal. Wyoming, justifiably called the "equality State," gave birth to the women's suffrage movement in 1868 when our territorial legislature granted women the right to vote and to hold elective offices. This singular achievement is the direct result of the efforts of Wyoming's memorable Esther Hobart Morris, one of the great leaders of the women's movement in our Nation's history. Wyoming nearly paid the price of statehood for this act of justice when the Congress debated our statehood in 1890.

As Representative for the equality State, I am deeply committed to women's rights. The women's equality movement also has great personal meaning to me. My family has been vitally involved in the women's suffrage movement for over 50 years. Three of my aunts were active in this movement, and in 1917, two of them were arrested for picketing the White House for women's voting rights. Three years later, we achieved approval of the 19th amendment, giving women national suffrage.

One of the early bills I introduced, House Joint Resolution 706, is essentially identical to the measure we are voting today. I am gratified to have joined with fellow Members in signing the discharge petition of the Honorable MARTHA GRIFFITHS of Michigan which has made this vote possible today. We all have the greatest respect for the efforts and dedication of our esteemed lady colleague who initiated the discharge petition to bring this bill up for vote.

For too long the Nation has paid mere lipservice to the ideal of full equal rights for women. Progress has been made, but despite the 14th amendment and the 1964 Civil Rights Act, women still do not rate the "equal protection of the laws" guaranteed to all men by the 14th amendment. The facts are that repeated Supreme Court decisions even as late as 1961 have held that women are not persons in the legal sense.

Despite the recent favorable climate of court decisions and laws in this area, legislative enactments or court interpretations cannot take the place of the equal rights for women amendment—because

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there is no durability in either. Statutes can be amended and court decisions reversed or invalidated by other interpretations.

This amendment proposed is vital to give women full protection and rights which we hold to be sacred in this country. It would bring women under the full protection of the Constitution, be a mandate to the States to bring laws into line making unconstitutional all laws discriminatory to women, and make it possible to enforce title 7 of the Civil Rights Act of 1964 which prohibits job discrimination on the grounds of race, color, religion, or sex.

We have come a long way today. This amendment has been before Congress for 47 years. We have been successful in bringing it to the House floor for vote. Our commitment cannot end here. We must in all justice pass this measure resoundingly today.

Mr. McCARTHY. Mr. Speaker, I join many of my colleagues today in voting for House Joint Resolution 264 proposing the approval of an amendment to the Constitution guaranteeing equal rights for women. This is not a new amendment. It has been introduced in every Congress since 1923 and has passed the Senate, in modified form, twice. This is the first opportunity that the House of Representatives has had to vote on the proposal. I joined with more than 218 Members in signing a discharge petition requiring that the proposal be brought to the floor of the House even though the House Judiciary Committee has taken no action. I also introduced House Joint Resolution 1343 embodying the proposed constitutional amendment to indicate my strong support for this measure.

The time is long past due for the bench to treat men and women equally. We still find many cases where our legal system discriminates against women. In our State, for example, a woman's wages can be claimed legally by her husband while his cannot. In four States a woman cannot dispose of her property or engage in an independent business without the consent of her husband. We all know of cases where women are paid lower wages for doing the same work done by men. There are no excuses for these inequalities and they should be remedied.

I vote today for the equal rights for women amendment because it recognizes the equal role that women play in our society. Not only must this role be a fact, it must also be recognized in our legal system. The floor manager in the House has indicated that she will entertain no amendments on the amendment as it is introduced. I do have some reservations concerning the amendment as it now stands in that it does not recognize the legitimate distinctions that should continue to be made. I would not want, for example, to see maternity leave discontinued under the provisions of this bill. I trust that these distinctions will be recognized in the legislation as it is finally passed by the Senate.

I commend my colleague from Michigan, Representative GRIFFITHS, for her able work in bringing this legislation to the floor.

Mr. MATSUNAGA. Mr. Speaker, I join my colleagues in commending the distinguished and gracious lady from Michigan (Mrs. GRIFFITHS) whose energy and preservance are evidenced today by the very fact that the House is considering House Joint Resolution 264.

Every woman in America, and all who cherish individual liberties and equality under law, have reason to be grateful to MARTHA GRIFFITHS. As the father of three precious daughters whose future will be made easier by her constitutional amendment, I, too, am grateful.

There is a tendency among too many of our well-meaning citizens to discuss women's rights only in a lighter vein. They fail to conceive that there is a real problem involved. Indeed, the instances of discrimination on the basis of sex are still too numerous to deny.

The laws of many States still prohibit women from working in certain occupations. Dual pay schedules remain common in schools and private business. Tuition to some State universities is higher for women than for men. Certain States restrict the rights of married women to own property or to establish businesses. Women continue to be denied basic legal rights in many States. These injustices are frequently perpetrated under the guise that they are intended "for the protection of women."

Mr. Speaker, discrimination in any form has no place in our society. Before the law we must all be equal if justice is our goal—regardless of skin color, religion, national origin, or sex.

In times as demanding as these, we cannot afford to waste the talents of any vast number of citizens. This we are doing by denying equal rights to women.

For the past quarter century, the platforms of both major political parties in this country have supported this amendment. It is time that we in Congress deliver on this pledge.

As a cosponsor of the joint resolution before us, as a signatory to the discharge petition, and as a strong believer in equal rights for all citizens, I urge a favorable vote on the pending resolution.

Mr. CHAPPELL. Mr. Speaker, we are considering today a so-called equal rights amendment. I feel this amendment will be absolutely detrimental to the welfare of the women in this country. I voted against the motion to discharge though I shall reluctantly vote for it on final passage. I feel we should at least consider House Joint Resolution 264 after full committee hearings.

The equal rights amendment of 1964 has provided equal pay for women performing work in equal positions. Other measures essentially provide for the other good portions which this amendment will cover.

The proponents view this measure as a great upgrading in the status of women. I view it as a terrible downgrading in the status of women.

Look how it downgrades the position of women:

In the home—as a parent and as a guiding fiber in the world, the woman is no longer considered essential. Instead, she is to be encouraged to leave the home and go into the labor market with the same status as men. She will not be entitled to survivor's benefits as she is now, unless many laws are rewritten to grant men the same benefits. As the National Federation of Business and Professional Women point out in their literature, such legislation might mean "eliminating special provisions for dependent wives" under the social security legislation.

Military service—this amendment will open affirmatively the selective service laws extended to women. Many of the people in my district have told me they are opposed to this action.

Maternity legislation—let me quote again from one of the sponsors of this legislation, the Business and Professional Women's Club, that "Maternity legislation would not be affected since it is based on function and special service, not on sex."

Labor laws, hour laws, and so forth—this amendment would mean equal treatment. It would also mean, according to BPWC, that "State laws on hours restrictions, night work restrictions, and weight lifting limitations no longer protect women workers," just to mention a few.

Another view expressed to me by a young woman lawyer is that the law will be good because it means that a woman will be just as liable to pay alimony to her husband, as men have made such payments in the past. This further removes proper and preferred protection for women.

The overwhelming majority of this Congress has voted to discharge this measure because they feel that the people of our country ought to have the right to determine whether or not it becomes law. I am voting for it with greatest reluctance and greatest concern and am so voting only as I make these remarks about my reservations.

Mr. Speaker, let us be ever mindful of whether we are upgrading or downgrading the position of women when this amendment goes into the States for their acceptance or rejection. I fear the downgrading of position far outstrips the upgrading of position when this measure has been thoroughly studied.

Again—I strongly favor equal rights for women in every way—I simply do not believe this is the best way to accomplish it. It is perhaps well that the people be given the right to determine whether this is indeed the proper method.

Mr. HALPERN. Mr. Speaker, this is historic legislation and I rise in ethusiastic support of it. I am proud to have been identified with the sponsorship of this constitutional amendment since I first came to this House in the 86th Congress.

Such an amendment to the Constitution is long overdue in order to insure equal rights for men and women. It is high time that women receive protection under the law from discrimination on the basis of sex and I commend the gentlewoman from Michigan (Mrs. GRIFFITHS) for taking the relentless initiative it took to bring this issue to a vote today. She and all of our colleagues who have joined in signing the discharge petition to make this vote possible, are to be complimented for expediting one of the most significant

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moves taken in this country to guarantee equal justice and equal rights for all.

This body must take action because the courts have abrogated their responsibility and refused to act to enforce the due process and equal protection guarantees of the fifth and 14th amendments of the Constitution. It is shocking that today, State laws still exist which discriminate on the basis of sex in such vital areas as employment, education, and family affairs. This body must intervene to insure that justice will be guaranteed for all Americans, men and women alike.

The resolution wisely provides the Congress and the States with the power, within their respective jurisdictions, to pass appropriate legislation to enforce equal rights under the law for men and women. This means that the confusion and ambiguity surrounding these discriminatory laws and court decisions can be cleared up by legislation. This can only prove beneficial for all concerned.

When passed, and I am confident that our colleagues will vote overwhelmingly to insure the resolution's passage, the amendment must be ratified by the legislatures of three-fourths of the States. This will provide the States with an opportunity to have local discussion and consideration of the resolution. This will give concerned citizens, both men and women, the opportunity to engage in constructive discussion and make their views known.

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It is distressing that it has become necessary for this body to insure that women's rights will be protected. As American citizens who have contributed enormously to make this country great, women must be guaranteed equal protection under the law.

Mr. PUCINSKI. Mr. Speaker, I rise in support of the discharge petition and wish to point out I was number seven on the list of those signing the discharge petition to make possible today's vote on this important constitutional amendment giving equal rights to women.

Mr. Speaker, many times in recent months I have listened to discussions about the amendment before us today. And I have been disturbed by the all too common reaction—particularly among males—to ask, "Who needs it?"

Men usually cite the 14th amendment to the Constitution and title VII of the Civil Rights Act as legal guarantees of equal protection under the law. I submit that they are making a serious error.

It is a popular myth in American society today that most women who work do so, not because they have to, but because they want to. More than 30 million women are employed throughout this Nation. The overwhelming majority work because they must work—to support their families or to help raise their family income above the poverty level.

A very small percentage work solely for personal fulfillment. And, of those who do, most have schooled themselves not to openly resent the almost inevitable wage differential.

Economic parity with men is perhaps the single greatest complaint of women in the labor force today.

Fifteen years ago, women's wages for full-time jobs were about 64 percent that of men. Today, women's salaries have slipped to about 58 percent that of men. To be more explicit, in 1969 white males earned an average of $7,870; black males earned about $5,314; while white females earned $4,580, and black females earned only $3,478.

Under existing legislation, this situation can be corrected only on a costly and time-consuming case-by-case, State-by-State level.

Education is no guarantee of equality, either. Female Ph. D.'s performing the same tasks as their male colleagues earn about a third less per year.

In a survey of 300,000 men and women in the National Register of Scientific and Technical Personnel, women were substantially behind in the pay scale, even when their scholastic credentials and years of experience were identical to that of men.

About 9 percent of America's scientists in 1970 are women. Their median annual income is about $10,000, considerably less than the $13,200 earned by their male colleagues in positions of equal responsibility and complexity.

At one of our most prestigious American universities, 24 percent of the doctorates awarded each year go to women. Yet in this same institution, the percentage of women with tenure on the faculty has remained steady at just over 2 percent since 1957. This hardly reflects credit on the academic impartiality of this university community. Even more disquieting is the knowledge that this situation is more representative than unique.

In a study of white collar jobs in a large northern city, male accounting clerks averaged $165 weekly in wages. Female accounting clerks with the same job classification averaged $115.50 weekly.

Essentially, the female office worker was penalized a full $49.50 each week—or $2,574 a year—because of her sex.

For women who must work to augment their family incomes, to support children, parents, or themselves, this persistent wage discrimination is an outrage.

Fifty percent of American mothers are currently employed, with more entering the labor market each week. The need for a comprehensive network of day care centers is obvious, yet until very recently this subject was considered of only marginal interest to a limited constituency.

When I am asked why such an amendment to our Constitution is needed, I point out the actual intent of the language of the original document. While it does indeed guarantee rights to persons and people without reference to sex, these individuals were indisputably male in accordance with the prevailing English common law tradition in the 18th century. The 19th amendment to the Constitution permitted women to vote. It is a sad mark in our history, that the United States was the last of the so-called enlightened governments in the world to recognize women as human beings fully entitled to participate in electing officials to public office.

The amendment before us today reads as follows:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Mr. Speaker, this amendment to our Nation's most hallowed document gives full recognition to the achievement potential of more than half the population of the United States. It does not mean, as its detractors have scoffed, that women would be required in any way to do work for which they are unsuited.

This amendment is a positive expression of national policy. It gives explicit—not merely tacit—encouragement to American women to seek fulfillment as individually gifted people, not as helpmates, but as human beings.

I congratulate our colleague, the gentlewoman from Michigan, for her distinguished leadership in bringing this amendment before the House. Her courtesy and helpfulness have been of enormous benefit to all of us.

A noted philosopher and realist once commented:

> Learning is nothing without cultivated manners, but when the two are combined in a woman, you have one of the best products of civilization.

Mr. Speaker, that statement surely characterizes our distinguished colleague from Michigan.

I join her in urging prompt and overwhelming support for this amendment by the membership of the House on both sides of the aisle.

Mr. HOWARD. Mr. Speaker. As a cosponsor of the equal rights for men and women amendment to the Constitution, by reasons of my introduction of House Joint Resolution 153, I am pleased to see this important legislation come before the full House at long last.

I must in all conscience, however, say that I did not sign the discharge petition for this bill, because I felt that the House Committee on the Judiciary should have held hearings on this legislation in order to provide full answers to the very serious questions such an amendment would present to our legal system.

From a practical standpoint, it is clear that this is the only way in which this bill would ever come before the full House. Therefore, I will support passage of this legislation, but I would like to mention a few legal points which I hope the Senate committee will discuss fully before taking action on the bill.

There are 14 specific areas in which this legislation will have legal import. They include: minimum wage laws, restricted hours of work laws, restricted occupation laws, compulsory seating laws, regulation of industrial homework laws, night shift restriction laws, maternity laws, selective service regulations, guardianship laws, alimony laws, divorce laws, dower and courtesy laws, jury service laws, marriage age laws for boys and girls.

All of these laws will be affected by passage and ratification of this amendment. Many of the changes will be for the good of all citizens. Some, however, require serious consideration to determine whether in fact they will benefit the cause of women's equality, or be more harmful than beneficial, as it would seem on the surface.

One of the most obvious of these, of course, is whether or not our women will be eligible for the draft, assuming there is still a selective service law in effect.

Another serious question which will face the courts will be the effect of this law on child custody in divorce cases. Will this become a question of simple financial ability, rather than the emotional stability of the child? If this is to be the case, it would appear that most children might be awarded to the father, simply because the mother has not been a wage earner for some years. What standards will be used to determine who is best able to provide the best home for the nourishment, physically and spiritually, for a growing child?

An additional, and very important question arises in consideration of women's labor laws, which have been established in all our States. While I agree with the proponents of this legislation that many of these laws are outdated, and prohibitive rather than protective, I believe it has been demonstrated that many laws which are to the benefit of women, particularly those employed in industrial occupations, will be abolished.

A case in point is that action of the attorney general in Pennsylvania, who, in November 1969, held that the women's labor law provisions covering hours and conditions of work, rest periods, seating requirements, washrooms, dressing rooms and drinking water "accord preferential treatment and status to female employees." Rather than extend such preferential treatment to men, the attorney general declared it removed for women.

It would be unfortunate for all concerned should passage of this legislation develop a trend toward such "downward equalization" in our States. Further, it would seriously limit acceptance of this bill in most States across the country. Should we not consider this effect before putting this legislation before the States?

In view of the lack of attention given by the appropriate House committee to the legal ramifications of this bill, I sincerely hope that our colleagues in the Senate will provide full and open consideration of all aspects of equal rights. In this way, we may develop in the Conference Committee a more comprehensive bill, which will provide adequate guidelines for the States in their consideration of ratification, and also for our court system for their consideration of legal changes under this amendment.

Mr. FINDLEY. Mr. Speaker, I have cosponsored the resolution which would discharge the proposed equal rights amendment from committee jurisdiction.

As we are all aware, the United States will celebrate its bicentennial—an event in which every citizen can take pride. Yet, if we are to take a literal interpretation of history, we must assume that our country was built solely on manpower—that the thinking, the wisdom, all the hardships endured, and all the back-breaking toil which went into making this country great were performances solely by the male of the species. I believe, however, as do many others, that a great deal of womanpower went into the making of our country—that many a feminine shoulder was put to the wheel alongside the masculine ones.

Thus, in a country which was founded on the belief in equality, it, nevertheless, took a constitutional amendment, ratified in 1920, to give the descendants of the early women pioneers the right to vote. And 50 years later, their granddaughters still face legal discriminations of many types. We in the Congress now have an opportunity—indeed a duty—to eliminate the barriers which hamper women from accepting the full rights and responsibilities of citizenship. If ratified, the equal rights amendment will be one of the most important constitutional milestones in our country's history. It will accord women the rights to full citizenship and, as with all rights, enlarge the areas of women's responsibilities.

Some would have us believe that, in this time, there is no longer a need for such an amendment. However, lets look at the facts.

Consider, for instance, this year's female college graduates. The only thing she will be asked in many interviews is how fast she can type. After trudging from office to office, she will probably begin to ask if clerical jobs can lead to career opportunities, and begin in a job for which she is overtrained. It is a fact that 20 percent of the women with 4 years' college training can find employment only in clerical, sales, or factory jobs.

The average woman college graduate's annual earnings—$6,694—exceed by just a fraction the annual earnings of an average male educated only through the eighth grade—$6,580. An average male college graduate, however, may be expected to earn almost twice as much—$11,795—as the female.

Year after year, we, as a nation, consistently overlook their abilities for management and, for the most part, any intellectual challenge. I might also add that, since many universities and colleges require a higher admission standard for female applicants than for males, we are throwing away a disproportionately higher share of our national intellectual resources than might initially seem possible.

Less than 3 percent of the Nation's attorneys, only 1 percent of our engineers, about 7 percent of our doctors, and 9 percent of our scientists are women.

Not only do women find it tougher to get accepted for either college or into a graduate program, when they find a job they are often not paid equal wages for equal work.

Further, women comprise only 2 percent of the executive level in business.

There is only one woman Senator. No women sit in the highest councils of organized labor. Only two women have held cabinet rank. Only 1.5 percent of Federal civil service rank 16 were held by women in 1968.

In mentioning the fact that only 10 women are in the House of Representatives, I do not want to leave the impression that I am dissatisfied with the representation Illinois' 20th District now receives.

There is also evidence pointing to widespread discrimination against women in employment by State and local governments. In some places, there are even dual-pay schedules for men and women public school teachers. Special sex-based exemptions deprive women of normal jury service in some States. Social security and other social legislation often give preferential benefits to one sex over the other. Some State laws even require heavier criminal penalties for female offenders than for male offenders for the same crime.

Some businesses have gone the States one better in discrimination against women. In a recent Wall Street Journal article—August 5, 1970—a spokesman for Merrill Lynch, Pierce, Fenner & Smith, the Nation's largest securities firm and the self-styled champion of the "little man" on Wall Street, defended the company's policy of excluding female clients from trading in commodities futures by stating:

> Women are too emotional . . . they often get confused by the fast-paced game of trading in frozen pork bellies, soybean meal and Idaho potatoes.

These instances of discrimination are but a few of the problems our Nation's women face.

One thing remains clear. Women's rights are not clearly defined under the Constitution. The courts, despite their noble efforts, have still left us with an ambiguous situation for the 1970's.

The equal rights amendment would establish once and for all that women have equal rights and responsibilities with men under the Constitution. The amendment would not limit either the right or responsibilities of men but would, instead, extend those same privileges to women. Inequitable alimony, child support, and child custody laws would have to be changed. Thus, men would have something to gain as well by this amendment.

Most of all, the equal rights amendment is a signal to the rest of the world that this country, approaching its 200th birthday, is still a viable democracy, extending to all its citizens equal rights and responsibilities. It would be a sign that the noble experiment begun in 1776 has worked, has served its citizens well, and that it continues to grow.

The women of the United States have waited 47 years for this amendment. It is time that we adopted it.

Mr. McCLORY. Mr. Speaker, I wish to express support for the motion of the gentlewoman from Michigan (Mrs. GRIFFITHS), and in favor of recommending a proposed amendment to the Constitution relative to equal rights for men and women.

I have been a sponsor of the proposed constitutional amendment—and had hoped that hearings could be scheduled

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before the Judiciary Committee on which I serve. This action would have been far preferable to the discharge petition route which is being followed today.

However, being in general support of this constitutional change, my vote in favor of discharging the Judiciary Committee from further consideration of the equal rights amendment—House Joint Resolution 264—appears to me to be entirely consistent.

It would have seemed to me that the 14th amendment to the Constitution guaranteeing "equal protection of the laws" would have provided adequate relief to American women. Even though this be so, the proposed change can serve to reiterate a determination to end discrimination against women in employment—and in the various other areas where women appear to be deprived of equal rights.

Mr. Speaker, it has come to my attention that the delegates to the Illinois constitutional convention who are meeting in our State capital of Springfield, Ill., have taken action within the last few days to recommend an amendment to the Illinois constitution consistent with the proposal which we are considering here today.

By voting for the motion to discharge—as well as for the proposed amendment—House Joint Resolution 264—I do not want my position to be interpreted as intending a denial of any protection of benefits to which women are entitled by reason of their physical and biological differences. Woman's health and her status under various conditions as mother, wife, divorcee, or widow are protected under Federal and State laws. It does not appear to me that the language of the proposed amendment should invalidate any of those Federal or State laws.

Mr. Speaker, in any event, our aim should be to end discrimination against women—and to the extent that it may exist—to prevent discrimination against men on the basis of their sex. There should be no reason why the intent of this proposed constitutional amendment should be misunderstood—or its purpose tortured or frustrated. My intent—in voting as I do today—is to remove the unfair, inequitable, and unnatural distinctions which deprive American women of the reasonable opportunities which are rightfully theirs. Women are entitled to equal protection of the laws—and to a specific constitutional provision that prohibits the denial or abridgement of their rights as full citizens of our Nation.

Mr. ROTH. Mr. Speaker, nearly 50 years have passed since the women of this Nation were awarded the right to choose candidates and register their opinions on matters of political importance. Yet, even though the 19th amendment assured American women the right to vote in 1920, the female citizens of this Nation have long suffered other injustices. Although 30 million American women make up 37 percent of the workforce, they represent more than their fair share of the lowest paid, least prestigious jobs. In 1968, the unemployment rate was 4.8 percent, twice that for men. The median income for women was just 58.2 percent of that for men, a figure which is all the more shocking when we realize that it represents a decline for women: In 1958, women earned a median which was 63 percent of that for men.

Mr. Speaker, this is a situation that should have been remedied long ago, at least as long ago as the first equal rights amendment to the Constitution was introduced, in 1923. Each session, this amendment has been introduced, and, more often than not, it has been ignored. On March 6, 1969, I introduced House Joint Resolution 527 proposing an amendment to the Constitution relative to equal rights for men and women, and similar to House Joint Resolution 264, which we are discussing today. I believe that it is time for us to act on this bill, to discharge it from the Judiciary Committee, to pass it, and to send it to the States for ratification.

I believe women are entitled to this protection, as they have been denied equal rights, despite their proven abilities. I believe most members of the Delaware General Assembly as well as Congress would agree that lady legislators, who are given equal treatment in legislative halls, are among the most able representatives.

I have seen career businesswomen, who are often the brains or right arms of their superiors, denied promotions or opportunities because of their sex. In my own congressional office, women have reflected great abilities in key administrative positions, such as executive and legislative assistants. As a lawyer, I can say without fear of contradiction—at least in my house—that women in the professions, such as my wife, who is a practicing attorney, are the equal of their male counterpart, notwithstanding the obstacles raised within their paths.

I am proud that my State of Delaware was one of the first to abrogate all discriminatory legislation in this field. I believe that justice demands that Congress act now to help insure full rights of women as U.S. citizens.

Mr. BROYHILL of Virginia. Mr. Speaker, for many years now I have been a cosponsor of the equal rights amendment we are considering today. I am pleased that the day has now arrived when the House of Representatives can and will act affirmatively with regard to equal rights for men and women under law.

While it is with some reluctance that I support a motion to discharge a committee of the Congress from further consideration of such an important amendment, I agree with the gentlewoman from Michigan that 47 years is long enough to consider any measure. Further, this amendment has been before the Congress every year since 1923 and hearings have been held in both Houses of Congress on more than one occasion. It is well past time, therefore, to take action.

Like many of our colleagues, I believe this amendment should not be necessary. I believe the Constitution already provides for equal rights under law, and that much of the discrimination which we must all acknowledge is suffered by American women, results more from male prejudice and pride than from law. Yet there are areas in law where distinctions based on sex still exist, and the constitutional amendment we propose here will serve either to invalidate these laws or to extend them equally to men and women.

In some States we have laws placing special restrictions on women with respect to hours of work and weightlifting on the job. In others women are prohibited from working in certain occupations. There are laws, including higher standards required for women applicants, which operate either to exclude women from State colleges and universities or severely limit their number. There are dual pay schedules for men and women public school teachers in some localities. There are State laws providing for alimony to be awarded to ex-wives but not ex-husbands; laws placing special restrictions on the legal capacity of married women or on their right to establish legal domiciles. In some States married women, but not married men, must obtain court approval before engaging in an independent business. There are laws providing special sex-based exemptions for women in jury service; there are heavier criminal penalties for women offenders than for men offenders committing the same crime. Social security and other social benefits give greater benefits to one sex than to the other; discriminatory preferences exist in child custody cases; and in many States there are different ages for males and females in child labor laws, age for marriage, cutoff of the right to parental support and juvenile court jurisdiction.

Perhaps these laws have evolved because we men have sought to protect our women from the rigors of the business and work-a-day world. We have felt that we were the providers and women were our mothers; our wives; our widows; our children. In the nearly 200 years since this Nation was formed, we have never legally acknowledged any other status for women than that of participants in such family units.

All of us know that today the working woman is the rule, not the exception. The rights of value to her are the same rights that are important to all of us, the rights to a job; to a promotion; to a pension; to social security; to all of the fringe benefits of any job. The working woman today may be a young woman not yet a part of a family unit, a married woman providing supplemental income for herself and her family, or a single woman or widow dependent only upon herself. But the laws we have passed in our desire to protect our mothers, our wives, our children, limit the hours she can work, the type of work she does, the pay she receives for her work, and, in effect, her ability to provide for herself and her dependents in the same way a man can.

A woman may graduate at the top of her class from a college or university,

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only to return to campus as a professor at lesser salary than that commanded by a classmate of the opposite sex who was a mediocre student. She may spend her adult life paying into the social security system, but when she dies her widower receives nothing from her account, and if she lives with a husband to retirement she loses the benefit of the payments she has made throughout those years.

The Congress has not been insensitive to the need to equalize rights for women. A provision was included in the 1964 Civil Rights Act prohibiting such discrimination. But the first case tried under the new law, where Delta Air Lines had fired a stewardess for marrying, resulted in a ruling against the stewardess even though Delta admitted the only question in the case was whether being single was a bone fide occupational exception. A second case, now on appeal to the Supreme Court, brought a lower court decision that an employer who was willing to hire men with preschool children for a certain position but would not hire women with preschool children, did not violate the Civil Rights Act. The court, having determined that the defendant corporation hired other women, decided that they had a qualification other than sex for denying the woman the job.

The Equal Pay Act has recently been interpreted for the benefit of women in a few instances, but there are, as we all know, countless instances where women receive unequal pay for the same work done by men.

The executive branch has also attempted to reduce discrimination against women through comprehensive guidelines for Federal contractors and Federal agencies. Recently Attorney General Mitchell entered the case of Phillips against Martin-Marietta, the second case described above, in behalf of Mrs. Phillips.

And so, Mr. Speaker, if women waited long enough they might at some time in the distant future find that an amendment to guarantee them equal rights would be unnecessary. They waited 50 years to secure the adoption of the 19th amendment and the vote. They have already waited 47 years for guarantee of equal rights. I believe they have waited long enough, and I urge adoption of this resolution.

Mr. BROTZMAN. Mr. Speaker, I rise in support of House Joint Resolution 264. As the sponsor of an identical proposed constitutional amendment, I believe we are long past the time when the law should treat men and women differently merely because of their sex.

It has been estimated that there are over 1,000 State laws which discriminate against women as to property rights, inheritance rights, guardianship rights, management of earnings, and many others. These laws may or may not have been justified at the time of their enactment, but in either event, they have no place on the books today.

Rarely, Mr. Speaker, has the House considered a proposal whose time has so clearly come. Both major political parties have supported the equal rights for women amendment for many years. Presidents Eisenhower, Truman, Kennedy, and Johnson each supported this measure when they were in office. President Nixon has recently expressed the hope there would be widespread support for the amendment. The large number of Members of this body who have proposed the amendment indicates that this proposal is nonpartisan and nonideological.

I hope that House Joint Resolution 264 will receive an overwhelmingly affirmative vote today, and that it will then win speedy Senate approval and ratification by the States.

Mr. DADDARIO. Mr. Speaker, as the House takes up action to consider the equal rights amendment, one figure will be missing from Washington despite her long and valiant effort in its behalf.

I refer to the late Miss Elsie Hill of Norwalk, Conn., the daughter of former Congressman Ebenezer J. Hill, of Connecticut. Miss Hill died at age 86 on Thursday night at her home. Following passage of the 19th amendment by Congress, she became the first woman to vote in Connecticut in the 1920 elections. Subsequently, she became national chairman of the Woman's Party, a group that had fought for this amendment. She had noted that the original amendment gave women the right to vote, but maintained that it did not guarantee them equal rights.

She was a frequent appellant to Washington, despite her advanced years, and it is my recollection that one of the early telephone calls I received following my election to Congress, was from Miss Hill, urging my attention to this drive.

I am pleased that the resolution has now passed by a compelling margin. I had given this problem my earnest consideration for many years, and once I had become convinced that a piecemeal effort would not be enough, I became a sponsor of the legislation and looked forward to giving it my enthusiastic endorsement today.

Mr. THOMPSON of New Jersey. Mr. Speaker, as we prepare to vote today on the resolution proposing an "equal rights" amendment for women, I commend to those of my colleagues who may be undecided in their minds the following editorial from the Sunday Times Advertiser, a distinguished newspaper published in my home city of Trenton.

The editorial reads as follows:

An Idea's Time Arrives

Despite all the jokes about Women's Lib and the excessive amount of attention given to the bra-burning, Lysistrata wing of the movement, there is no avoiding the fundamental and un-funny fact: Women are and historically have been victims of discrimination. Women are unquestionably typecast in the minds of many males as an inferior species, entitled to a lesser range of choices as to what they can do with their lives and a lower scale of pay for those jobs which they are permitted to do.

That won't make it in this day and age, and the situation is changing. Scholarly works like Kate Millett's "Sexual Politics" are documenting the injustices. The "women's rights" section of the 1964 Civil Rights Act—inserted in the bill, ironically, as a diversionary tactic by segregationist Southern congressmen—is at last being invoked by the Justice Department, in the Martin-Marietta and Libbey-Owens-Ford cases, to combat job discrimination against females. Rep. Patsy Mink has been able to chase from the Democratic Party's Committee on National Priorities a doctor who had the misplaced candor to call women psychologically and physiologically inferior. And tomorrow, the U.S. House of Representatives for the first time, is scheduled to vote on a so-called "women's rights" amendment to the U.S. Constitution that has been introduced vainly in every Congress since 1923. The amendment was plucked from an unfriendly committee chairman and put on the House calendar by the rare device of the discharge petition—a request for a vote signed by 218 House members, or a majority.

The amendment would forbid federal or state governments to abridge the equality of rights because of sex. Supporters point out that it would enhance the rights of men, too—by making women equally vulnerable to jury duty, for instance, or by striking down alimony laws that favor women solely because of their sex. It would also eliminate laws restricting the legal capacity of married women, and restrictive work laws applying only to women. A 1962 Senate committee report said it would not affect laws granting maternity benefits or criminal laws governing sexual offenses, nor would it require equal treatment of men and women for purposes of military service any more than all men are treated equally in this respect (but women apparently would be equally subject to military conscription.)

There is legitimate argument over the need for the amendment. Some who are sympathetic with women's grievances—the President's Commission on the Status of Women, for instance—think the Fifth and Fourteenth Amendments already do the job, despite past Supreme Court rulings to the contrary, and that the present Supreme Court would quickly nullify those earlier rulings if a properly-presented case came before it. That argument, though plausible, is still only speculation; a new amendment, on the other hand, would make it certain. Other objectors believe working women still need the protection of labor laws that apply exclusively to them, although this argument is heard more frequently from the heavily-male hierarchy of organized labor than from the women themselves.

As we see it, discrimination is discrimination, whether because of race, age or sex, and all practical means to eliminate it should be pursued, including this amendment. Its passage would be testimony that Americans want equal rights not only for minorities but for a majority as well—the majority of American citizens who are female.

Mr. McKNEALLY. Mr. Speaker, in recent months the subject of women's rights has generated much controversy; not so much because of the issues involved, but rather because the subject has become so emotionally infused. The frenzy of passionate rhetoric has obfuscated the rationality of serious debate. Evulsions from the Women's Liberation Movement are more crude expressions of self-indulgence than words of dedication to a noble cause.

In light of the emotionalism which pervades the issue of women's rights, I believe it is time to take a sober account of House Joint Resolution 264. It is now that we must with seriousness of purpose consider the impact of the proposed constitutional amendment.

Is it necessary to adopt this resolution in order to combat the patronizing attitude with which women in this country are too often regarded? Will the proposed legislation do this? I think not. The American males' condescending air toward the opposite sex is a psychological phenomenon which legislation alone cannot alter. His ego defensive superiority is too deeply rooted in his cultural heritage to be simply dismissed away by an act of Congress. I fear, Mr. Speaker, that the time-honored battle between the sexes cannot be legislated into history; it is not possible for the resolution before us today to do so.

We might also ask ourselves, Mr. Speaker, if it is necessary to pass House Joint Resolution 264 in light of the many accomplishments and achievements by women in recent years. The American female, whose role in years past was restricted to the home, has made meaningful and positive contributions to society. Today, the women of this country are more active, better informed, and their interests more diversified than their mothers' a generation ago. Today, in athletics we watch women compete in track and field events, tennis, golf, and even horseracing. In business and industry, top executive positions are held by women. In Government, today's women occupy positions of enormous responsibility. In statehouses across the Nation, in this Congress, in the Executive Offices of the President, the American woman plays an active role in shaping the future of her country. My predecessor, the Honorable Katharine St. George who represented the people of New York's 27th Congressional District for 18 years, from 1947 to 1965, distinguished herself as a dedicated public servant. Her service in the House of Representatives was a credit to the State of New York. Mrs. St. George labored arduously for the women's rights campaign; it was very close to her heart. It is outstanding women like Katharine St. George who have done the most to advance the women's rights movement.

Why, then, we might ask, is it necessary to adopt the proposed resolution? If the American woman is making such significant gains, if she is making such outstanding progress in exercising her civil rights why then is it necessary for Congress to act on her behalf?

Mr. Speaker, it is precisely for this reason that we must act to adopt House Joint Resolution 264. It is precisely because of these achievements that we must act—act not only to give them recognition, recognition long overdue, but act also to underscore these gains and to insure their continued success. It is precisely for this reason that I early signed the discharge petition of my distinguished colleague, MARTHA GRIFFITHS, to have the resolution passed out of committee. That the contemporary female has begun to surmount the barriers of prejudice and discrimination is encouraging. But, we must not forget that the successes of the women's rights campaign are relatively modest successes. Until the American female is fully accepted in whatever role she may choose to assume, the crusade will continue. It is our responsibility, it is our duty to secure by law her civil liberties.

Finally, Mr. Speaker, we must adopt House Joint Resolution 264 not only to insure the continued success of the equal rights movement, but also to strike out at the flagrant institutional, de jure discrimination against women; discrimination in the name of protective laws, discrimination in the name of welfare for the weaker sex, discrimination in the name of security and safety for our women. Let us not believe this is a moot issue—a red herring, if you please. The need for legislation to put an end to "legal" discrimination is real.

No woman litigant has ever stood before the Supreme Court and successfully argued that she is entitled to the "equal protection of the law's" clause of the 14th amendment.

Numerous Federal court decisions demonstrate that women are not protected against discrimination under the 1964 Civil Rights Act.

Though the Equal Pay Act has been interpreted recently by the courts in two or three instances for the benefit of women, there are literally millions of instances in this country where an unequal wage is paid to women for the same work.

Mr. Speaker, the time for action is now. We can do nothing and be content with the status quo—or we can take it upon ourselves to remedy a grave injustice. I choose the latter, Mr. Speaker, and I urge my colleagues to pass the equal rights resolution.

Mr. BROOMFIELD. Mr. Speaker, as a sponsor of a constitutional amendment to guarantee equal rights for women and as a signer of the discharge petition which brought this measure to the floor, I call upon my colleagues to recognize the clear and urgent need for this proposal and to render its two-thirds approval.

In an era when we are deeply concerned with insuring the rights of even the smallest minority, it seems implausible that we have not yet extended this basic guarantee to women.

Yet, this amendment has been pending before the House Judiciary Committee for 47 years—since 1923—without action. It took a special effort on the part of my dear colleague from Michigan, Representative MARTHA GRIFFITHS, to bring it to the floor this year.

In considering this measure, we must remember that women do not seek special privileges. They seek equal rights. They wish to assume their full responsibilities.

As the President's Task Force on Women's Rights and Responsibilities noted in its report last December:

> Equality for women is unalterably linked to many broader questions of social justice.
>
> Inequities within our society serve to restrict the contributions of both sexes. We have witnessed a decade of rebellion during which black Americans fought for true equality. The battle still rages. Nothing could demonstrate more dramatically the explosive potential for denying fulfillment as human beings to any segment of our society.

The proposed amendment provides that—

> Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

This amendment would insure equal rights under the law for men and women and would secure the right of all persons to equal treatment under the laws and official practices without differentiation based on sex.

There is no question that this is a statement of fundamental rights long overdue. Mr. Speaker, the gentlewoman from Michigan (Mrs. GRIFFITHS) and others have made an excellent case for the adoption of the women's equal rights amendment. I urge overwhelming House approval of House Joint Resolution 264.

Mr. DONOHUE. Mr. Speaker, as a sponsor and cosponsor of similar legislation I intend to vote and I urge the overwhelming support of this House in favor of the adoption of House Joint Resolution 264, proposing and providing for a constitutional amendment to grant equal right, under all our laws, to women.

In projecting our determination of this resolution it is pertinent to recall the history that has marked its development to this point. The amendment that is here proposed simply says:

> Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

The 14th amendment, ratified in 1868, very plainly proclaims that no State shall deny the equal protection of the law to any person within its jurisdiction. Nevertheless, when the women tried to register and vote in the 1872 presidential election they were not permitted to do so and the courts then held that the States could make such a "reasonable," exception to the law.

It took another constitutional amendment, the 19th, to give women the right to vote, after a 50-year wait.

It is now 47 years since this particular equal rights amendment proposal was first introduced, back in 1923. It has been introduced in each succeeding Congress, since that time, and it has passed the Senate on two occasions, once in 1950 and again in 1953.

Mr. Speaker, since the origin of this Nation we have continuously proclaimed it, before the world, as a democracy within which every person enjoyed "equality under the law." We have made substantial strides toward the fulfillment of this proud boast but, in reality, we have too often been too long delayed in making these forward strides and this delay has accounted for some of the domestic "turbulence" afflicting us today. But in any case we have an opportunity, right now to end an unustifiable delay that has extended over 47 years and I most earnestly hope and urge as a matter of simple equity, that this pending amendment will be resoundingly enacted by the very great majority of the House without any more prolonged deliberation.

Mrs. MINK. Mr. Speaker, the equal rights amendment enunciates a principle of absolute equality with which I agree wholeheartedly. It sets forth an undeniable truth against which no logical argument could be made. The equality of rights of all citizens, men and women, blacks and whites, is a fundamental principle. However, the fact remains that despite the declaration of these funda-

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mental principles, women are still victims of discrimination, and blacks still suffer in untold ways from prejudice.

I believe that the rights of women to equal protection of the law, like those of black Americans, have already been guaranteed under the Constitution. The 14th amendment provides that—

> No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States . . . nor deny to any person within its jurisdiction the equal protection of the laws.

Under the due process clause of the fifth amendment this guarantee is given Federal sanction.

A hundred years of equality enunciated under the Constitution for black America has brought little progress. It took the passage of affirmative, specific legislation—the Civil Rights Act of 1964 and the Voting Rights Act of 1965 to force action to achieve this principle of equality. It took the passage of equal pay for equal work, the 19th amendment providing the right to vote, and the inclusion of sex in the Civil Rights Act of 1964 to force action to achieve equality for women in these specific areas of concern.

The default of our judicial system to assiduously guarantee equal protection of the laws to women is one of the reasons another constitutional amendment is now before us for consideration. Undeniably the courts have been at fault.

I therefore feel that there is need for another constitutional amendment to reinforce the 14th and fifth amendments of the Constitution.

The phrase "equality of rights" is broad. I am not a student of constitutional law, but I have read enough on this subject to believe that the passage of House Joint Resolution 264 will require prolonged litigation concerning the constitutionality of laws covering a wide range of subjects in the field of family law as well as labor standards.

The most troublesome area is laws, State and Federal, which now accord special rights, benefits, or exemptions only to women. I do not like the notion of special legislation for women only, because that does negate the principle of equality. But the fact remains that women have been descriminated against particuarly in the field of employment. They have been exploited, they have been relegrated the lowest paying jobs, they have been forced to work in the most menial tasks. Recognizing this exploitation some States have passed labor standards covering only women and for justifiable reasons.

I will admit that some of these standards originally designed to protect women are now used to prevent their advancement, to prevent their earning overtime pay, and to prevent their promotion into supervisory positions. Where this is so, these laws ought to be removed. But this is not the case for all such laws. Thus my point is that because House Joint Resolution 264 seeks to state a principle, its very broadness could have the effect of repealing all laws, those which limit as well as those which confer a benefit with no mechanism to differentiate.

I believe there is clarifying language that can meet this objection. It would read as follows:

> *Provided*, That any State or Federal law which confers rights, benefits and privileges on one sex only shall be construed to apply to both sexes equally.

Added to House Joint Resolution 264 it would guarantee that all laws now in existence which give special rights, benefits or exemptions to women only will be automatically extended to men. If as in California there is a minimum wage law for women only, my amendment would require that this law be construed to include men. Thus the passage of my amendment will prevent the taking away of any rights from women. Neither will it preserve a special law for women only, rather it will broaden the special privilege to include men, and thus nullify the speciality. Some will argue that such language is not necessary. I want it clearly understood that my amendment is not the same as the Hayden amendment which preserves the odious protective legislation and as such nullifies the principle of equality. My amendment would not sacrifice this fundamental concept. It provides in effect a triggering mechanism to require inclusion of men in all special legislation which now only covers women, and vice versa to achieve this principle of equality.

The memorandum issued by the Citizens Advisory Council on the Status of Women, Washington, D.C., March 1970 which my distinguished colleague from Michigan inserted in the RECORD on March 25 states:

> Where the law confers a benefit, privilege or obligation of citizenship, such would be extended to the other sex, i.e., the effect of the amendment would be to strike the words of sex identification. Thus, such laws would not be rendered unconstitutional but would be extended to apply to both sexes by operation of the amendment. . . .
>
> Where the law restricts or denies opportunities of women or men, as the case may be, the effect of the equal rights amendment would be to render such laws unconstitutional.

Under this reasoning, however, both results could occur. For example, the minimum wage law for women only is a special benefit and under the first rationale would be extended to both sexes. But it is also a law which is discriminatory against men and thus could be held unconstitutional.

The procedure under which this House is considering this resolution will not allow my offering of this clarifying language which I believe will take care of those whose objections are based on the possible loss of benefits but who are fully in agreement that all laws which restrict and deny should be rendered illegal and unconstitutional.

My distinguished colleague from Michigan has stated that my concerns are unfounded, and that my amendment is not needed because it is implicit in the constitutional amendment as presented. For this reason, I shall vote for the amendment without my further suggested proviso. It would be my hope that the legislative record that is being made today will serve to give us this judicial construction which we intend.

Mr. BENNETT. Mr. Speaker, I rise in support of the proposal for a constitutional amendment to provide equal rights for women. I have introduced an amendment which I feel is superior to the one introduced here today, but the discussion on the present measure has made legislative history that I believe eliminates my reservations about the pending matter.

I have consistently supported equal rights for women and have always voted for measures which would provide equal pay and equal opportunity for them. I have had reservations only as to whether the present bill would partly destroy, rather than increase, the opportunities for women.

Perhaps the most important value of this amendment is to recognize what has always been true, that is that women are the equals of men, which was a fact apparently not widely accepted when the Constitution was adopted. Actually, women are characteristically in many ways superior to men; for they have usually a deep spiritual content in their lives, and do more to inspire others to higher standards and better goals in life. Moreover, they do the most important thing that human beings do and that is: to guide to maturity each succeeding generation.

Mrs. CHISHOLM. Mr. Speaker, House Joint Resolution 264, before us today, which provides for equality under the law for both men and women, represents one of the most clear-cut opportunities we are likely to have to declare our faith in the principles that shaped our Constitution. It provides a legal basis for attack on the most subtle, most pervasive and most institutionalized form of prejudice that exists. Discrimination against women, solely on the basis of their sex, is so widespread that it seems to many persons normal, natural and right. Legal expression of prejudice on the grounds of religious or political belief has become a minor problem in our society. Prejudice on the basis of race is, at least, under systematic attack. There is reason for optimism that it will start to die with the present older generation. It is time we act to assure full equality of opportunity to those citizens who, although in a majority, suffer the restrictions that are more commonly imposed on minorities, to women.

The argument that this amendment will not solve the problem of sex discrimination is not relevant. If the argument were used against a civil rights bill—as it has been used in the past—the prejudice that lies behind it would be embarrassing. Of course laws will not eliminate prejudice from the hearts of human beings. But that is no reason to allow prejudice to continue to be enshrined in our laws—to perpetuate injustice through inaction.

The amendment is necessary to clarify countless ambiguities and inconsistencies in our legal system. For instance, the Constitution guarantees due process of law, in the fifth and 14th amendments. But the applicability of due process to sex distinctions is not clear: Women are excluded from some State colleges and universities. In some States, restrictions are placed on a married woman who engages in an independent business. Women may not be chosen for some juries. Women even receive heavier criminal penalties than men who commit the same crime.

What would the legal effects of the equal rights amendment really be? The equal rights amendment would govern only the relationship between the State and its citizens—not relationships between private citizens.

The amendment would be largely self-executing, that is, any Federal or State laws in conflict would be ineffective 1 year after date of ratification without further action by the Congress or State legislatures.

Opponents of the amendment claim its ratification would throw the law into a state of confusion and would result in much litigation to establish its meaning. This objection overlooks the influence of legislative history in determining intent and the recent activities of many groups preparing for legislative changes in this direction.

State labor laws applying only to women, such as those limiting hours of work and weights to be lifted, would become inoperative unless the legislature amended them to apply to men. As of early 1970 most States would have some laws that would be affected. However, changes are being made so rapidly as a result of title VII of the Civil Rights Act of 1964, it is likely that by the time the equal rights amendment would become effective, no conflicting State laws would remain.

In any event, there has for years been great controversy as to the usefulness to women of these State labor laws. There has never been any doubt that they worked a hardship on women who need or want to work overtime and on women who need or want better paying jobs, and there has been no persuasive evidence as to how many women benefit from the archaic policy of the laws. After the Delaware hours law was repealed in 1966, there were no complaints from women to any of the State agencies that might have been approached.

Jury service laws not making women equally liable for jury service would have to be revised.

The selective service law would have to include women, but women would not be required to serve in the Armed Forces where they are not fitted any more than men are required to serve. Military service, while a great responsibility, is not without benefits, particularly for young men with limited education or training. Since October 1966, 246,000 young men who did not meet the normal mental or physical requirements have been given opportunities for training and correcting physical problems. This opportunity is not open to their sisters. Only girls who have completed high school and meet high standards on the educational test can volunteer. Ratification of the amendment would not permit application of higher standards to women.

Survivorship benefits would be available to husbands of female workers on the same basis as to wives of male workers. The Social Security Act and the civil service and military service retirement acts are in conflict.

Public schools and universities could not be limited to one sex and could not apply different admission standards to men and women. Laws requiring longer prison sentences for women than men would be invalid, and equal opportunities for rehabilitation and vocational training would have to be provided in public correctional institutions.

Different ages of majority based on sex would have to be harmonized.

Federal, State, and other governmental bodies would be obligated to follow nondiscriminatory practices in all aspects of employment, including public school teachers and State university and college faculties.

What would be the economic effects of the equal rights amendment? Direct economic effects would be minor. If any labor laws applying only to women still remained, their amendment or repeal would provide opportunity for women in better-paying jobs in manufacturing. More opportunities in public vocational and graduate schools for women would also tend to open up opportunities in better jobs for women.

Indirect effects could be much greater. The focusing of public attention on the gross legal, economic, and social discrimination against women by hearings and debates in the Federal and State legislatures would result in changes in attitude of parents, educators, and employers that would bring about substantial economic changes in the long run.

Sex prejudice cuts both ways. Men are oppressed by the requirements of the Selective Service Act, by enforced legal guardianship of minors, and by alimony laws. Each sex, I believe, should be liable when necessary to serve and defend this country.

Each has a responsibility for the support of children.

There are objections raised to wiping out laws protecting women workers. No one would condone exploitation. But what does sex have to do with it? Working conditions and hours that are harmful to women are harmful to men; wages that are unfair for women are unfair for men. Laws setting employment limitations on the basis of sex are irrational, and the proof of this is their inconsistency from State to State. The physical characteristics of men and women are not fixed, but cover two wide spans that have a great deal of overlap. It is obvious, I think, that a robust woman could be more fit for physical labor than a weak man. The choice of occupation would be determined by individual capabilities, and the rewards for equal work should be equal.

This is what it comes down to: artificial distinctions between persons must be wiped out of the law. Legal discrimination between the sexes is, in almost every instance, founded on outmoded views of society and the prescientific beliefs about psychology and physiology. It is time to sweep away these relics of the past and set future generations free of them.

Federal agencies and institutions responsible for the enforcement of equal opportunity laws need the authority of a Constitutional amendment. The 1964 Civil Rights Act and the 1963 Equal Pay Act are not enough; they are limited in their coverage—for instance, one excludes teachers, and the other leaves out administrative and professional women. The Equal Employment Opportunity Commission has not proven to be an adequate device, with its powers limited to investigation, conciliation and recommendation to the Justice Department. In its cases involving sexual discrimination, it has failed in more than one-half. The Justice Department has been even less effective. It has intervened in only one case involving discrimination on the basis of sex, and this was on a procedural point. In a second case, in which both sexual and racial discrimination were alleged, the racial bias charge was given far greater weight.

Evidence of discrimination on the basis of sex should hardly have to be cited here. It is in the Labor Department's employment and salary figures for anyone who is still in doubt. Its elimination will involve so many changes in our State and Federal laws that, without the authority and impetus of this proposed amendment, it will perhaps take another 194 years. We cannot be parties to continuing a delay. The time is clearly now to put this House on record for the fullest expression of that equality of opportunity which our founding fathers professed.

They professed it, but they did not assure it to their daughters, as they tried to do for their sons.

The Constitution they wrote was designed to protect the rights of white, male citizens. As there were no black Founding Fathers, there were no founding mothers—a great pity, on both counts. It is not too late to complete the work they left undone. Today, here, we should start to do so.

In closing I would like to make one point. Social and psychological effects will be initially more important than legal or economic results. As Leo Kanowitz has pointed out:

> Rules of law that treat of the sexes per se inevitable produce far-reaching effects upon social, psychological and economic aspects of male-female relations beyond the limited confines of legislative chambers and courtrooms. As long as organized legal systems, at once the most respected and most feared of social institutions, continue to differentiate sharply, in treatment or in words, between men and women on the basis of irrelevant and artificially created distinctions, the likelihood of men and women coming to regard one another primarily as fellow human beings and only secondarily as representatives of another sex will continue to be remote. When men and women are prevented from recognizing one another's essential humanity by sexual prejudices, nourished by legal as well as social institutions, society as a whole remains less than it could otherwise become.

Mr. MORSE. Mr. Speaker, this day will go down in history as a great moment in the movement toward full equality for women—for it is the first time this body has deliberated the constitutional amendment designed to free women from discrimination. I think it fitting and most proper to call to the attention

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of my colleagues the pertinent and comprehensive testimony on the equal rights amendment of the gentlewoman, Margaret Heckler, from Massachusetts before the Subcommittee on Constitutional Amendments of the Judiciary Committee in the other body. This testimony sheds light on the problem from the woman's point of view, and I am sure it will be a very persuasive argument to those Members who are unaware of the full problem of equal opportunity for women—especially in light of the challenges of the seventies.

Mrs. Heckler's testimony follows:

Statement of Representative Margaret M. Heckler in Support of the Equal Rights Amendment, Before the Senate Judiciary Committee, Subcommittee on Constitutional Amendments, May 5, 1970

Mr. Chairman, distinguished members of the Subcommittee. It is assumed by many persons that women were granted equality with the passage of the 14th Amendment, ratified in 1868. Only 50 years later, however, was woman suffrage guaranteed by the ratification of the 19th Amendment. Half a century of waiting for the vote required a great deal of patience. In the temper of these turbulent times, I do not believe that total equality of opportunity for women can be further postponed.

Thus I speak out in support of the Equal Rights Amendment—a measure that has been before each Congress since 1923. The fast pace of life in the world today fosters impatience. And when much is promised, failure to deliver becomes a matter of critical importance.

I am sure that every woman who has been in the position of "job seeker" identifies in some small measure with the fundamental complaints that have generated the crusade for equality in employment for women. The 42% of working women who are heads of household take a serious economic interest in fair job opportunity, a basic goal in the cause for women's rights. And the women who have contributed their full share to social security, yet who receive the sum allotted widows, certainly have cause for contemplation.

The average woman in America has no seething desire to smoke cigars or to burn the bra—but she does seek equal recognition of her status as a citizen before the course of law, and she does seek fair and just recognition of her qualifications in the employment market. The American working woman does not want to be limited in advancement by virtue of her sex. She does not want to be prohibited from the job she desires or from the overtime work she needs by "protective" legislation.

These types of discrimination must be stopped, and the forthright means of halting discrimination against women is passage of the Equal Rights Amendment at the earliest possible time.

Unequal treatment of women is a way of life in the United States. Perhaps, as some say, it is derived from a protective inclination on the part of men. But women seek recognition as individual human beings with abilities useful to society—rather than shelter or protection from the real world.

John Gardner has said that our nation's most underdeveloped resource is womanpower. The old saying "you can't keep a good man down" might well serve as a warning. It is safe to say, I think, that women are unlikely to stay down and out of the field of competition for much longer.

Legal remedies are clearly in order, and the Equal Rights Amendment is especially timely. Although changes in social attitudes cannot be legislated, they are guided by the formulation of our federal laws. This Constitutional amendment must be passed so that discriminatory legislation will be overturned. That custom and attitude be subject to a faster pace of evolution is essential if we are to avoid revolution on the part of qualified women who seek equality in the employment world.

Time and again I have heard American men question the fact of discrimination against women in America. "American women," they say, "enjoy greater freedom than women of any other nation." This may be true with regard to freedom from kitchen labor—because the average American housewife enjoys a considerable degree of automation in her kitchen. But once she seeks to fill her leisure time gained from automated kitchen equipment by entering the male world of employment, the picture changes. Many countries we consider "underdeveloped" far surpass America in the quality and availability of child care available to working mothers, in enlightened attitudes about employment leave for pregnancy, and in guiding women into the professions.

Since World War II, nearly 14 million American women have joined the labor force—double the number of men. Forty per cent of our nation's labor force is now comprised of women. Yet less than 3% of our nation's attorneys are women, only about 7% of our doctors, and 9% of our scientists are women. Only a slightly higher percentage of our graduate students in these fields of study are women, despite the fact that women characteristically score better on entrance examinations. The average woman college graduate's annual earnings ($6,694) exceed by just a fraction the annual earnings of an average male educated only through the eighth grade ($6,580). An average male college graduate, however, may be expected to earn almost twice as much as the female—$11,795.

Twenty per cent of the women with four years of college training can find employment only in clerical, sales, or factory jobs. The equal pay provision of the Fair Labor Standards Act does not include administrative, executive, or professional positions—a loophole which permits the talents and training of highly qualified women to be obtained more cheaply than those of comparably qualified men.

Of the 7.5 million American college students enrolled in 1968, at least 40% were women. American parents are struggling to educate their daughters as well as their sons—and are sending them to the best colleges they can possibly afford. As many of these mothers attend commencement exercises this summer, their hearts will swell with pride as their daughters receive college degrees—and these mothers may realize their daughters will have aspirations far exceeding their own horizons.

Few of the fathers or mothers, enrolling their daughters in college several years ago, were at the time aware of the obstacles to opportunity their daughters would face. But today they are becoming aware that opportunity for their daughters is only half of that available to their sons. And they are justifiably indignant. Young women graduating with degrees in business administration take positions as clerks while their male counterparts become management trainees. Women graduating from law school are often forced to become legal secretaries, while male graduates from the same class survey a panorama of exciting possibilities.

To frustrate the aspirations of the competent young women graduating from our institutions of higher learning would be a dangerous and foolish thing. The youth of today are inspired with a passion to improve the quality of life around us—an admirable and essential goal, indeed. The job is a mammoth one, however; and it would be ill-advised to assume that the role of women in the crusade of the future will not be a significant one. To the contrary, never before has our nation and our world cried out for talent and creative energy with greater need. To deny full participation of the resources of women, who compose over half the population of our country, would be a serious form of neglect. The contributions of women have always been intrinsic in our national development. With the increasing complexity of our world, it becomes all the more essential to tap every conceivable resource at our command.

The time is thus ripe for passage of the Equal Rights Amendment. The women of America are demanding full rights and full responsibilities in developing their individual potential as human beings in relationship to the world as well as to the home and in contributing in an active way to the improvement of society.

In this day of the urban crisis, when we seem to be running out of clean air and water, when the quality of our rubbish defies our current disposal methods, when crime on the streets is rampant, when our world commitments seem at odds with our obligations here at home, when breaking the cycle of ongoing poverty requires new and innovative approaches, when increased lifespan generates a whole new series of gerontological problems—in these complicated and critical times, our nation needs the fully developed resources of all our citizens—both men and women—in order to meet the demands of society today.

Women are not requesting special privilege—but rather a full measure of responsibility, a fair share of the load in the effort to improve life in America. The upcoming generation is no longer asking for full opportunity to contribute, however—they are demanding this opportunity.

The Equal Rights Amendment is necessary to establish unequivocally the American commitment to full and equal recognition of the rights of all its citizens. Stop-gap measures and delays will no longer be acceptable—firm guarantees are now required. The seventies mark an era of great promise if the untapped resource of womanpower is brought forth into the open and allowed to flourish so that women may take their rightful place in the mainstream of American life. Both men and women have a great deal to gain.

Mr. RANDALL. Mr. Speaker, I support House Joint Resolution 264, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

In every one of the six Congresses in which I have served, beginning with the 86th Congress, I have introduced a resolution almost identical to that of the gentlewoman from Michigan. Each of my resolutions called for a constitutional amendment to provide full equality with respect to the rights of women.

In the 91st Congress, I introduced House Joint Resolution 592 on March 25, 1969. This was early in the first session of the 91st Congress. I had anticipated with some measure of assurance that the Judiciary Committee would hold hearings on this very important subject. Yet our committee has held no hearings, and we are considering this resolution today under what is described as a discharge petition, having earlier obtained the signatures of one-half the House to discharge the Judiciary Committee from further consideration of this resolution and to bring it to the floor of the House today for action.

It will always be difficult for a male

to make the assertion that he understands women. But whether we understand her or not, we all laud the American women's role as the helpmate and preserver of the family life, and we all know that the American women has an enormous influence over the industry, commerce, and business of this country because she is really the keeper of the family purse strings. Even as we attempt to enact this resolution today, the American woman is longer a second class citizen. She has made great progress in the attainment of equal status with men in her privileges and duties of citizenship, in the job market, in education, and almost everywhere.

This resolution will lead to a constitutional amendment if and when ratified by the legislatives of three-fourths of the States which will result in the removal of any possible unfair handicaps that might remain and to which women might be subjected. Let us not forget this constitutional amendment will have such a broad sweep as to provide not simply so-called equal rights between men and women, but to give women the assurance that from this amendment they can truly achieve full parity with men.

Some will argue that we will have to continue to discriminate against women in terms of employment and hours in order to safeguard the health of women. This argument ignores the fact that actuarial records show that women have managed to live longer than men even with all their household burdens and even before the modern labor-saving devices in the home, taking time out only for child bearing.

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The Congress took a momentous step forward in 1964 when it banned job discrimination on the basis of race, color, religion, national origin, or sex. Since that enactment, about 7,500 of the 45,000 complaints filed with the Equal Employment Commission created by that act have involved complaints of discrimination against women. The result is that today we have female blacksmiths, female steamship yeomen, and even female jockeys. No, let us not worry about either the hours or the type of work because no pity is needed for today's working girl.

There have been almost a multitude of arguments advanced against this kind of an amendment. It has been said that this resolution contains no time by which it must be ratified. Some have said it is too vague and too general and thus will create more problems than it will solve. Others have argued that it is really not needed because of the 14th amendment and the fifth amendment; that women have protection under both of these amendments now. Opponents say that if this new constitutional amendment means to do more than these others then it is truly mischievous. It is even argued that this amendment will permit an intrusion in domestic relations matters, now wholly within the jurisdiction of the several States. It is suggested that Federal courts may become involved in support and desertion matters.

Well, those who are so concerned, overlook the fact that this amendment becomes effective only after it is ratified by three-quarters of the States. Each State will have the opportunity to evaluate whether this amendment will change their laws adversely. I submit, an ample safeguard exists against all the arguments I have heard through the ratification process.

One of the most unusual arguments against this amendment, and one that hardly deserves consideration, is the assertion that women are unknowingly and unwittingly giving up more than they will gain. It is contended equal rights will mean equal responsibility and equal demands. It is argued that no longer will deference be given to our ladies to let them proceed ahead of us or to continue to show them the many courtesies they have always expected and received in the past. Now that they are equal, they will have to expect to be treated just like men. There will be no need for a man to give them a seat. No man will any longer worry about their comfort or convenience. Let me say that those who prefer to believe such things may happen are entitled to their views, but for my part, I can never be brought to believe that the spirit of chivalry will so suddenly die and that the long-ingrained habits of the male in his concern for a lady will so suddenly be changed. None of us can ever forget so quickly the wisdom that our mothers pounded in our ears that we should show a measure of special respect to one who is a lady.

Forty-seven years is long enough to wait. As one proceeds to examine the arguments for and against this amendment there remains one proposition that cannot be rebutted and that is there is no longer any moral reason to justify withholding women's rights.

This resolution hails the service of our women in the home, the classroom, the office, and the plant. This amendment when adopted will truly signal a salute not only to the charm but also to the brains of our Nation's most precious asset—the American woman.

Mr. KOCH. Mr. Speaker, I rise in support of the equal rights amendment for men and women. It is a resolution which I have cosponsored and for which I signed a discharge petition offered by our distinguished colleague from Michigan (Mrs. GRIFFITHS). First introduced in 1923, and for too long ignored by the Congress, this amendment will insure for women and men constitutional equality and it will provide women, for the first time, with protection against laws and governmental practices that are discriminatory.

Mr. Speaker, it is important that this long overdue measure be passed by the Congress and quickly approved by the States. But, it is also important that the Congress consider the passage of the resolution only a beginning in the work that we must do to gain economic and legal equality for women. Much must be done, and for this reason I am cosponsoring with the gentleman from Illinois (Mr. MIKVA) H.R. 18278 which, through immediate statutory action, would carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities. Specifically the bill would eliminate sex discrimination in all federally assisted programs, in State and Federal employment, in employment in educational institutions, and in the payment of wages for professional, executive, and administrative jobs. It would also ban sex discrimination in housing applications.

The need for this legislation is readily apparent, particularly when one compares the employment and wage statistics applicable to women with those applying to men. While more and more women are working today than in the past—women now make up 38 percent of the labor market—statistics released by the Labor Department show the wide differential between the salaries paid men and those paid women and the little progress being made to close the gap; in fact, that gap is widening. While in 1955, the woman's median wage was 63.9 percent of the man's, today it is reduced to 58.2 percent. And while 58.6 percent of workingmen earn $7,000 or more annually, only 13.8 percent of women workers are in this category, and only 0.4 percent of women have incomes over $15,000.

A woman's wage is often depressed, not because of a lack of skills or ability, but because women simply are not given the opportunity of filling top positions: in the universities they are less likely to be associate or full professors; they are kept in the lowest category of draftsmen; and they are generally denied upper management positions. And consequently, the Labor Department's statistics reveal that the median income of a woman with a master's degree is $45 less than a man who has only a high school diploma.

Discrimination against women is found even in our centers of learning that are supposed to be the towers of truth. While women make up 90 percent of the public elementary school teachers, we find that only 9 percent of the full professors are women. And in the law schools the situation is even worse: a survey of 36 prominent law schools show that approximately 2 percent of the faculty are women, and 25 percent of these are librarians.

The battle for equality for women is being fought not only in this Congress but in the cities and States of our country. Today, as we debate this resolution, the mayor of the city of New York is signing a local law prohibiting, for the first time, the barring of women from places of public accommodation. That bill was introduced by City Councilwoman Carol Greitzer, my successor in the city council, and remedied a defect in the local law which banned discrimination on grounds of race, color, or national origin. Hopefully, we in Congress will follow New York City's lead and immediately by legislation bar similar discriminations, throughout the width and breadth of the land.

During the past 2 months, our distinguished colleague from Oregon (Mrs. GREEN) has held hearings on legislation to amend the Civil Rights Act to remove the exemption presently existing in title VII of the Civil Rights Act with respect to those in education. Appearing before Mrs. GREEN'S Subcommitee on Education were representatives of the Women's Rights Committee of New York University School of Law. I would like at this time to insert in the RECORD, the very fine testimony offered:

TESTIMONY SUBMITTED BY THE WOMEN'S RIGHTS COMMITTEE OF NEW YORK UNIVERSITY SCHOOL OF LAW FOR HEARINGS CONDUCTED BY THE HOUSE SUBCOMMITTEE ON EDUCATION, JUNE 30, 1970

HIRING OF WOMEN FACULTY

New York University School of Law has never hired a fulltime, tenured woman professor. It has hired a few women in lesser positions. For the school year 1970–71, the women members of the faculty are as follows:

(1) an Assistant Professor in Research (a title newly created this year as that woman was appointed, and a nontenured position;

(2) a Research Associate Professor of Judicial Administration, another unique title held only by this woman in the entire history of the law school. This title is deceptive, for the position is actually a tenured one on the *library* staffline.

The latest NYU Bulletin lists 149 faculty members. 1.3% (2 out of 149) of the faculty are women and they are in the lowest ranking categories.

The situation is no better at other law schools. Harvard has 2 women professors out of 82; Yale, 2 out of 60; Columbia, 1 out of 63; Michigan, 1 out of 62; Stanford, 0 out of 36. A survey of 36 prominent law schools shows that out of a total of 1625 faculty members, only 35 are women, and 25% of those 35 are classified as Librarians. (See Table I attached.)

Compare these statistics with the following:

(1) Women are more than one-half of the nation's population;

(2) Women comprise almost 40% of the nation's work force;

(3) Women made up 15% of the J.D. candidates graduating from NYU Law School in 1969 and in 1970;

(4) 3.25% of the lawyers listed in the New York City *Martindale-Hubbell* are women;

(5) At least 3% of the lawyers in the nation, according to the last census, are women.

In the last one and a half years, the Law School administration and the Faculty Recruitment Committee, at the insistence of the Women's Rights Committee, have made a series of commitments to hire women faculty. We would like to report on the progress made, namely,

(1) One woman was hired to teach a course on "Women and the Law" at a salary of $500 for the semester;

(2) Last week the school made an offer to Eleanor Holmes Norton, Chairman of the New York City Commission on Human Rights, to teach a course on "Women and the Law" for one semester in the coming year;

(3) A female Instructor was promoted to Assistant Professor in Research;

(4) A subcommittee was formed to recruit women, and that committee has made a few phone calls to a few out of several women who submitted resumes.

This is what has been done in a year and a half! That is, *no* additions have been made to the full time faculty, while at least 5 men have been added.

We have been told repeatedly that "best efforts" are being made to recruit women for the faculty. During this year and a half, women law students have submitted memoranda, have appeared before the faculty subcommittee, have appeared before the faculty recruitment committee, have appeared before the full faculty, and have met with the Dean several times, and throughout we have suggested names of prominent women attorneys who might be interested in teaching.

In the last two weeks, and as recently as last night, the women law students met with the Dean and Chairman of the faculty recruitment committee. Again—promises to find qualified women. Yet, both administrators admitted frankly that "if a few good male candidates come along, we will take them." Since there are only a few faculty positions open at this time—we feel that their actions speak louder than their words—they haven't hired any women and they don't intend to.

Why has so little progress been made? We'd like to point out to the members present some of the reasons given:

(1) "There are no women attorneys who are qualified to teach," the administration tells us. Yet, we have given them on many occasions lists of women attorneys, and there are several thousands of women practicing law in New York city alone. In addition, over the past fifty years, several hundred women have graduated just from NYU Law School, many of whom were in the top of their class.

(2) "We've approached a few women for appointment to the faculty, but those women have turned us down," the administration tells us. What they mean is that they have approached a few women who are already teaching or have prominent positions in government or in private practice and, because of this, they have received offers from several law schools. The top 10 women, like the top 10 blacks, are in over-demand everywhere.

(2) "Hiring women would mean lowering our standards," the administration tells us. Yet the women who graduated from NYU at the top of their class were graded and ranked in law school by these very same faculty members who now claim they'd be lowering their standards to hire them.

We have discovered that a "Vicious-Cycle Syndrome" exists: The administration says that in hiring new faculty they generally look for certain credentials. The standards most often applied are graduation from a "prestige" law school, impressive clerkship experience, a position at a prominent Wall Street firm, top administrative positions in government and private industry, etc., etc., etc. . . .

But, women by and large have been excluded from all the above, so demanding these credentials of women applicants is completely unrealistic.

(1) It was not until 1954 that Harvard Law School even admitted women at all. The leading law schools as late as 1964 still had very restrictive admission policies for women.

(2) As for clerkships, there have been only two women U.S. Supreme Court clerks so far and one of them is now deceased. Many clerkships at the state and federal level are unavailable to women because many judges have openly stated to the law schools that they will not consider women law students for clerkship positions. Women judges who might hire women law clerks number 1% of the total number of judges in the country, 2.6% of the judges in New York State.

(3) As to Wall Street firms, out of the 20 leading firms on the Street, there are only 3 woman partners. The numbers of women associates who have been hired by these firms are so few that this is hardly a reasonable criterion to demand of women applicants.

(4) As to government work, we can count on the fingers of one hand the numbers who have attained high level administrative positions. For that matter, women have been *totally* excluded from some areas of government practice. The U.S. Attorneys Office for the Southern District of New York systematically, under its last administration, has refused outright to hire women for its Criminal Division.

So it's a vicious cycle: Women aren't hired because they don't have the proper qualifications; women can't get the proper qualifications because only men have access to those avenues and experiences which produce the proper qualifications; so women aren't hired by law schools. The final irony in the cycle is that the law school looks for candidates who have had teaching experience at other law schools! How can a woman acquire teaching experience if no law school will ever hire her.

The law schools simply cannot expect women appointees to the faculty to have been former Wall Street partners, clerks, Supreme Court clerks, judges, U.S. attorneys in the criminal division, members of many prominent law firms, graduates of the best law schools, top administrators in government, or present teachers on leading law school faculties.

The law schools cannot demand these credentials because women systematically have been denied the chance to acquire them. The vicious circle must be broken at some point, just as it has to be for blacks.

The final dishonesty is that these credentials do not necessarily qualify one to be a good teacher. Those of you who have attended law school must certainly remember that those professors with the greatest credentials were certainly not always the greatest teachers. Even the law school has as much as admitted this fact. For example, they have hired male faculty members to teach new areas of the law like poverty law. These men had experience in poverty law, though they lacked the traditional credentials. So the criteria *can* be changed. Yet the law school faculty and administration consistently resurrects these standards when it suits their purpose of barring women.

It is absolutely vital that women be incorporated into the educational sphere of the legal profession.

(1) Law schools have a unique responsibility to break down the discrimination in the legal profession.

(2) It is of great educative value to both male and female law students to be taught by women professors as well as men.

(3) It is imperative and long overdue that male professors learn to deal with women professionally as peers.

(4) It is most important for women who are presently in or considering entering law school to see women among the ranks of law school professors.

(5) It is imperative that practicing women lawyers see teaching as a professional career for them as well as for men.

(6) It is high time that law schools conform to the reality of the rising proportion of women in law. For example, 20% of the NYU Law School 1970 graduating class are women. And yet, as we pointed out before, the percentage of female faculty at NYU is only 1.3%.

Finally, we point out that teaching has always been considered "a woman's field." Forty-two percent of all professional working women are teachers; 70% of all public school teachers are women. But these figures pertain only to the elementary and secondary school level. The proportion of women teachers at the college and university level is only 22%, just slightly higher than their 20% proportion in 1910, and a far smaller proportion than their 28% in 1940. In the professional schools, notably law schools, women teachers are the exception rather than the rule. Many male lawyers have pointed out that women shouldn't go into law or cannot be successful in the field because (1) the long hours are too taxing for them, and (2) they can't devote long hours to the profession because of responsibility to home and family. Yet, they are excluded from teaching in law schools where the hours are shorter and more flexible, where the work week may be only 2 or 3 days, where research work can

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be done at home as well as on the job. In other words, the professional demands of teaching do not present obstacles for women; if anything, the demands of time and place are very favorable—it is discrimination by male administration and faculty which keeps women out of teaching. Women attorneys constitute a vast reservoir of talent which is grossly underutilized in the legal teaching profession.

Our experience over the past two years with the NYU administration, which has been completely unproductive, and the dearth of women law professors at schools across the country have demonstrated to us that discrimination against women in the hiring of law school faculty is so deep-seated that any efforts to obtain women faculty members will fail unless federal legislation with appropriate enforcement provisions is passed. Therefore, we support the deletion of the exemption for educational institutions from application of Title VII of the 1964 Civil Rights Act.

OTHER POLICIES AND PRACTICES

Discrimination against women in hiring is simply one symptom of institutional prejudice against women. The institutionalization of sex discrimination is reflected in many concrete policies and practices in various areas. The admission of women to law schools is one such area. Women law students in schools throughout the U.S. have received persistent but off-the-record reports of quota systems and higher admission standards for women. At NYU, student members of the Admissions Committee, secretaries working in the Admissions offices, and even some professors have reported past quota systems and present-day imposition of higher standards on women. This cannot be documented statistically yet, because the law schools are not releasing the relevant information. NYU, for instance, agreed in December, 1968, to do a study comparing male and female applicants to the school to determine whether women both admitted and rejected had better qualifications than their male counterparts. More than one and a half years later, the school has yet to finish the study. One can only guess at the reason for this foot-dragging; it may reflect worry about the results, the low priority given to the "women's question", or both.

Similar incidents are reported at other schools. Women applying to Columbia have often been told, "We don't look too kindly on women here." A Harvard Law School alumna reported in the Harvard Law Record, November 14, 1969, that the Dean had explained to the class while she was in her first year (she is class of '67) that—

"Harvard Law had then reached enrollment for women of 5% for each class; that Harvard would probably not go above the 5% level since that was Yale Law School's percentage; and that, after all, there could never be a great influx of women into the school (read blacks, read Jews, read Catholics) because the policy was *never to give any man's place to a woman . . .*" (emphasis supplied)

If the best schools openly admit the existence of quota systems, do we have to doubt that there is an institutional decision to keep women out of the legal profession, and that this alone is one of the major explanations for the nation's shamefully low percentage of women lawyers. (In Russia, for example, women account for 36% of the total number of lawyers; 30% of the judges in Germany are women; 50% of the law students in Denmark are women. Remarks of Doris L. Sassower, Past President of the New York Women's Bar Association, at the Mid-year Meeting of the National Conference of Bar Presidents, Chicago, 1969)

A committee of the Association of American Law Schools is presently studying admissions policies for women law students nationwide. This indicates that there is beginning to be a slight awareness of the problem. But it is only slight. The National Conference of Law Women decided this Spring that it would like to start actively recruiting women law students. When NYU students approached our Dean of Admissions with this idea, his response was that we already have too many women and certainly don't need classes composed of 50% women. In other words, women should be flattered and honored to be allowed to go to a school that is 85% male, but men would be horrified and insulated to go to a school that is 50% female. (See attached affidavits)

We believe, however, that the law schools must commit themselves to an affirmative action program like the Philadelphia Plan which is being implemented to integrate the labor unions. In other words, they must work to get a 50% enrollment of women. Considering the fact that in 1967 women comprised over 40% of the total number of college and university graduates at the bachelor's degree level, it is inexcusable that women are only 5.9% of law school enrollments. The law schools have begun to actively recruit students from minority groups, and have even relaxed standards and set up special programs to correct past injustice to minorities. Yet women, who cetrainly are considered a minority group in law schools, are not actively recruited, but in many ways discouraged from applying and, rather than set up special programs for women, law schools raise standards, thus making their entrance even more difficult.

Another blantant example of discriminatory practices is law school scholarships. Until the Women's Rights Committee pressed for reform last year, NYU had totally excluded women, for more than 20 years, from the prestigious and lucrative Root-Tilden and Snow Scholarships. Twenty Root-Tilden Scholarships worth more than $10,000 each were awarded to male "future public leaders" each year. Women, of course, can't be public leaders, and NYU contributed its share to making that presumption a reality by its exclusionary policy. The law school, incidentally, was not *legally* bound by the conditions of the trust to exclude women, but the burden was on the women to discover this fact. Studies need to be done to discover the extent to which any financial aid is awarded on a discriminatory basis, and this situation should be remedied. Women report many suspicious practices in this area. One couple at NYU were both receiving financial aid before they married; after they married, their scholarships were reduced. The law school justified this by saying that its function was not that of supporting marriages.

Translated, this rationale probably means that the school prefers that one student of the couple quit to support the other's education. It doesn't require too much imagination to know which person (female) was supposed to work to put the other (male) through law school. In fact, NYU pays secretaries who are putting their husbands through law school a lower salary than they pay to other secretaries, reputedly because they view the wives' work as a form of financial aid to the male student. This is exploitation, pure and simple, and should be stopped.

Living accommodations and health services are another area reflecting institutionalized sex discrimination. Until protests were made by women last year, single rooms were denied to women at the NYU law school apartment complex, Hayden Hall. It was recently discovered that one woman had tried to get Hayden Hall opened up ten years ago, when the whole building—not just single rooms—was closed to women. She raised a complaint at a faculty meeting about this situation; blackballing letters written by faculty members were subsequently placed in her employment file at the law school without her knowledge. As for health services, Harvard women report that the wives of male law students are given maternity benefits in health insurance policies, but that such benefits are denied to female law students.

The placement office facilities at law schools complete the picture of institutional discrimination. At a recent meeting of a Committee of Placement Officers from seventeen of the most prominent eastern seaboard law schools, the Committee refused to adopt a proposal to deal effectively with discriminatory recruitment and hiring policies of law firms that interview on their campuses. Only four schools present, Duke, George Washington, NYU and Rutgers felt that the problem was serious enough to warrant remedial action. The total insensitivity of this Committee can be immediately recognized by the fact that they chose to hold their meeting at the Columbia University Club which discriminates against women in its membership policies and segregates women visitors in separate facilities. Three members of the National Conference of Law Women addressed this Committee requesting that Placement Officers develop standards and criteria for barring discriminating law firms from using school facilities for interviewing. These representatives were treated with contempt; they were told that although there was some problem of discrimination, it really wasn't very serious, that things were getting better for women every day, and that most of the Placement Officers have never received any complaints from their women students. After twenty minutes of discussion, the Committee curtly excused the women representatives. In conclusion, the Placement Officers at law schools, for the most part, have assumed the same attitude towards women that high school guidance officers have assumed towards blacks. That is, as blacks are told that it will be better for them to be mechanics rather than engineers, women are convinced that trusts and estates is the best area of the law for them.

This description of some of the discriminatory practices and policies that exist in admissions, scholarships and living quarters indicates that the low status of women in the legal profession is not accidental, but rather, part of an institutional structure designed to keep women down.

ATTITUDES

The institutional nature of sex discrimination in law schools also manifests itself in widespread attitudes toward women, which ultimately affect women adversely. Although many of these attitudes derive from society at large, others can be attributed to the fact that the law school is still a predominantly male institution. For instance, when the students on law journals are mostly men, who form close friendships with other men but not, in general, with the few women on such journals, it is only "natural" that they usually pick male editors.

This results not only from the general inability of men to form personal, intellectual friendships with women on a non-romantic basis, but also from the societal tendency to underrate the work of women. For instance, studies by psychologists have shown that students will consistently rate essays higher if told the authors are male, while the identical essays when attributed to female authorship are rated lower. This tendency to underrate has an obvious application to the case where a student choice of editors for the law journal is partly based on an evaluation of the quality of other students' written work.

The law school often shows the same unconscious tendency to underrate women. Of course, this reinforces the male students' own evaluation of women. Professors who would never call on blacks or jews on a "black's Day" or a "Jewish Day", feel no hesitation to call on women students only to recite on a "Ladies' Day". Needless to say, the

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term "Ladies Day" as used in society in general does not convey an image of high intellect, and the professors' use of the phrase does nothing to convince men that their fellow women students are their intelluctual equals in the law. The phrase "Ladies Day" connotes an attitude that is both protective and derogatory—an attitude which people assume towards others who are not their equals.

Another practice at NYU is to reward the "outstanding woman graduate" and the "outstanding male graduate" at graduation. Again, this fosters the idea that women and men think differently, are to be judged differently, and therefore can be treated differently. The practice also denies those women who are outstanding the distinction of being rewarded as the "outstanding law graduate". The difference between the meaning of "outstanding *law* graduate" and "outstanding *female law* graduate" to society in general does not need elaboration.

These attitudes described above in turn lead to very specific incidents. For instance, at NYU this year, several discriminatory incidents took place in connection with a Moot Court competition. Initially, two women competitors were told they could not apply for editorships on the Moot Court Board because they were not staff members of Moot Court.

Subsequently, two men competitors who were not staff members either, i.e., who were in exactly the same position as the two women, were allowed and encouraged to apply, and were voted in as editors of Moot Court. Both the students and faculty involved insisted this was not a discriminatory event, but merely a result of the lack of written procedures for the choice of editors. However, because of the incident, the Women's Rights Committee insisted that written guidelines be established for the scoring of the Moot Court competition and that women judges be included. Under those guidelines, the two women eventually won both competitive events; they were named as two of the 3-member NYU team for the national competition and were also selected as one of the two best law school teams, which would compete against each other for the law school championship. However, before they were named, members of the Moot Court Board, and the other competitors, attempted to use a scoring system contrary to the new written guidelines, under which the women would not have been named one of the two best law school teams. This effort was finally thwarted, and the guidelines were followed, but not without a tremendous struggle.

As a sequel to this sordid story, the one man invited to be on the NYU national team refused the invitation. In fact, all of the eligible men after him refused to serve on the national team as well. Apparently if the boys can't have an all-male, or at least, two men-one woman team, they would rather not play.

This immature approach was repeated in another incident during the student strike this Spring. One of the committees formed was to contact various business and corporation executives in order to raise funds for a lobbying effort. Its student coordinator (a man) told a woman law student that women could not visit corporations with men students because "women don't fit the corporate image." One can only speculate about the policies men such as these will formulate when they have positions of responsibility.

Another injurious attitude towards women is a demand that they meet higher standards than men. Obviously, this influences admissions and hiring practices. Less obviously, it influences men's judgment of how important it is to attract more women into the legal profession. For instance, many men go to law school with the expectation that even if they don't practice law, a law degree will be "a good background" for any future job. Women, in contrast, are told that in order to get a legal education, they *must* use it as lawyers, and if women don't conform to this expectation, their "failure" to practice law is used as an excuse for keeping women out of the profession.

In conclusion, male attitudes towards women in law school constitute an inevitable element of institutionalized sex discrimination.

LAW SCHOOL DISCRIMINATION AS A NATIONAL PROBLEM

At the first National Conference of Women Law Students held at NYU this Spring, women testified at length about discrimination. These women came from law schools across the country—from Hastings and Berkeley in California, from Duke in North Carolina, from Michigan and Minnesota, from Yale and Harvard, and many other schools. It would fill several weeks of testimony to describe and detail all of the examples of discrimination which were discussed and related at that Conference. The very fact that there was such an overwhelming response to our Committee's invitation to spend a weekend discussing discrimination against women, by so many women law students from so many different schools, is a sign of how serious and pervasive the problem of discrimination is.

The catalogue of discriminatory policies and practices and incidents which we have experienced at NYU and which we have described today, is virtually duplicated at every law school which was represented in the Conference. It is not too difficult to infer that the discrimination is duplicated on *every* law school campus.

The Association of American Law Schools is another illustration of the national scope of the problem of discrimination against women. The Articles of the AALS, which set forth policies and guidelines binding upon member law schools, contain, to date, not a single reference to or admonition against discrimination against women. This year the AALS created the Committee on Women in Legal Education to suggest some amendments to the Articles to deal with sex-based discrimination. While the Committee is now preparing certain proposals to present to the AALS Convention this Winter, Committee members have already expressed fears that policy positions barring discrimination against women will cause some member law schools to threaten to disaffiliate from the AALS, rather than to submit to such anti-discrimination pressures. This deep-seated resistance to breaking down the barriers against women further points up the need for federal legislation and enforcement. AALS guidelines and arguments of moral suasion will not prevent law schools which resent and resist the influx of women into law from using their institutional power to continue to discriminate against women.

TABLE I.—DISTRIBUTION OF WOMEN FACULTY AT LEADING AMERICAN LAW SCHOOLS

School	Number of women	Total number of faculty
Boston University	1	50
Columbia University	1	63
Cornell University	0	23
Duke University	0	19
Fordham University	0	31
Georgetown University	1	70
Goerge Washington University	2	88
Harvard	1	82
Indiana University:		
Bloomington	1	25
Indianapolis	1	21
Loyola University (California)	1	34
Marquette University	1	21
New York University	2	149
Ohio State	1	39
Rutgers (Camden and Newark)	4	43
St. John's University	0	37
Stanford University	0	36
Temple University	1	48
University of California, Berkeley	1	45
University of Chicago	1	39
University of Connecticut	0	41
University of Florida	2	37
University of Iowa	0	34
University of Maine	0	12
University of Maryland	0	30
University of Michigan	1	62
University of Minnesota	0	38
University of Missouri:		
Columbia	1	17
Kansas	2	23
University of North Carolina	0	26
University of Oregon	0	16
University of Pennsylvania	0	38
University of Southern California	3	53
University of Texas	1	52
University of Virginia	1	52
University of Wisconsin	1	40
Wayne State	1	31
Yale	2	60
Total	35	1,625

The following table is a breakdown of the number of women faculty (35) according to professorial title:

Assistant or associate professor	8
Instructor or lecturer	6
Librarian or librarian-assistant professor	9
Professor	7
Research assistant professor	1
Visiting associate professor	4
Total	35

All of the above statistics have been compiled from the Association of American Law Schools Directory of Law Teachers, 1968–70.

TABLE II.—FEMALE LAW SCHOOL ENROLLMENT AS OF FALL, 1969

School	Total enrollment	Female enrollment	Percent female students
Boston University	965	138	14
Brooklyn	1,048	75	7
University of California (Berkeley)	792	95	12
University of California (Hastings)	1,171	82	7
University of California (Los Angeles)	765	73	9
University of Chicago	459	71	15
Columbia University	989	99	10
Cornell University	400	17	4
Duke University	307	22	7
Fordham University	760	53	7
Georgetown University	1,300	110	8
George Washington University	1,659	145	8
Harvard University	1,649	124	7
Howard University	364	68	19
University of Illinois	637	35	5
Indiana University (Bloomington)	422	26	6
Indiana University (Indianapolis)	654	41	6
University of Iowa	429	23	5
University of Kansas	279	9	3
Loyola University (Chicago)	403	27	7
University of Maryland	535	43	8
University of Maine	138	8	6
University of Michigan	1,052	71	7
University of Minnesota	591	49	8
University of Mississippi	332	23	7
University of Missouri (Columbia)	362	11	3
University of Montana	122	2	2
University of Nebraska	330	8	2
University of New Mexico	182	16	9
New York University	2,094	239	11
State University of New York (Buffalo)	485	20	4
University of North Carolina	545	25	5
University of North Dakota	120	2	2
Northwestern University	516	53	10
University of Notre Dame	344	20	6
Ohio State University	450	22	5
University of Oregon	293	16	5
University of Pennsylvania	528	54	10
Rutgers (Camden)	223	10	5
Rutgers (Newark)	422	54	13
St. John's University	806	31	4
University of South Carolina	496	9	2
University of South Dakota	159	7	4

School	Total enrollment	Female enrollment	Percent female students
University of Southern California (Gould)	1,143	79	7
Stanford University	426	59	14
Syracuse University	388	14	4
University of Tennessee	357	16	4
University of Texas	1468	106	7
Vanderbilt University	363	12	3
University of Virginia	806	49	6
Wake Forest University	189	3	2
Washington and Lee University	178	0	0
University of Wisconsin	729	51	7
Yale University	588	74	13

The above statistics are taken from Law Schools and Bar Admission Requirements in the United States, published by the Section of Legal Education and Admissions to the Bar, Fall 1969.

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in support of House Resolution 264 to grant equal rights to women. I am a cosponsor of the amendment and earnestly support its passage.

I noticed in this morning's Washington Post that Miss Alice Paul, who has been fighting for women's rights since 1917, observed that "this would be a much happier and stronger country if women were in equal positions of power."

I think that what Miss Paul is saying, is that the Nation will benefit by recognizing the natural differences of women from men. Robert Ardrey, a popular writer on anthropology and ethology, has observed that the female of most higher species tends to pay more attention to protecting the immediate home front, that is, the family or immediate group of families, rather than the outlying borders of the territory upon which the family might live.

If Mr. Ardrey is correct, and I suspect that he is, we humans have for too long biased our lawmaking institutions with the male viewpoint. We have been too long too concerned with border problems while too long neglectful of the state of affairs within our own "families."

I think that more attention would be paid to education and housing, health care—in short, people problems, if there were more women in positions of business and governmental power.

America was founded on the premise of freedom and liberty for all. The premise is an economic theory as much as a political one, since, by virtue of economic independence our Founding Fathers believed Americans could obtain not only the political freedoms of liberty and justice but freedom from economic want as well.

Yet for hundreds of years American women have been kept in a condition of economic and political servitude reminescent of a more barbaric but not so distant past. We have clung to the comfortable belief that a woman's exclusive and rightful place is in the home. While economic conditions, however, have allowed but sometimes forced her to go out to work, men in power have grudgingly permitted her to do so but have withheld equal pay and opportunities for advancement.

Hundreds of thousands of women have received the same education as men. Nevertheless, Department of Labor statistics from as recent as 1968 clearly show that in every major field in which men and women are employed, women consistently receive drastically lower salaries. For example, even among professional and technical personnel, women average almost $3,500 per year less than men. Among clerical workers, the average is $2,500 less; among service employees, almost $3,000, and among salesworkers over $5,000 less than men similarly employed.

Moreover, if women can find employment today, rarely can she find employment consistent with her education or talents at the same salary provided for men. Thus, women with advanced degrees often must settle for secretarial or clerical positions. If a good position is available she must often accept half the pay of the man next to her doing the same work.

Thus, as an increasing number of women are college educated or have the experience and talent to take on jobs hitherto performed exclusively by men, their average annual pay differences have not improved. In 1955, women's salaries were 36 percent lower than men's; in 1960, 30 percent; in 1965, 40 percent; and in 1968, 42 percent.

We decided long ago that this country would not continue to exploit any class or race in order to maintain our economy.

It is time again to guarantee in action that promise because this country will not and cannot thrive on the exploited labor of any group, whether the exploitation is by sex, by race, or by class.

Mr. PHILBIN. Mr. Speaker, I was very glad to sign the discharge petition for equal rights for women, and will strongly support this bill. For a long period of time, I have been urging that this bill be brought to the floor of the House, because I have been of the opinion that an overwhelming number of the women, and most of the people in the country want it, and the Members of the House almost unanimously supported it.

In this enlightened day, it is unthinkable to my mind that there should be legal discriminations against women. As a matter of fact, throughout the years, indeed throughout the centuries, women have played a tremendous part in developing our civilization and improving and strengthening all the instrumentalities which make our free system such a boon to our own citizens and mankind.

I will not at this time elaborate upon the great, indispensable contributions women have made to the development of the race, the welfare of the Nation, and the strength and power of all free institutions. I believe that long since we should have disposed of antiquated rules, laws and traditions that have militated against women enjoying the same legal rights that men enjoy. By taking this step, we shall not in any way be disturbing the conviction many of us feel that women are our superiors, not our equals, in the sense at least that they occupy the primary position in the homes of our Nation, in bringing up our children, and in providing the inspiration and driving force that moves not only the home, and the Nation, but also the world.

While I deeply respect the views of those who for one reason or another are opposed to this equal rights bill., I must state that I am not concerned about the changes and modifications. It will provide women to share with us more of the fruits and rewards of our great society. The performances here for the outstanding women leaders who have graced this Chamber, past and present, illustrate more abundantly than words what outstanding contributions women are capable of making in the active public service, and to be sure, many parallels can be found in American life of the indispensable roles that they play in many wonderful activities that enrich and vitalize American life in so many different ways.

I have long supported the principles of this bill and am happy and proud to vote for it, and I have faith that it is a great step forward, not only for women but for men and for our country.

Mr. HOGAN. Mr. Speaker, I am pleased to say that I am a cosponsor of the women's equal rights amendment in the 91st Congress. Being a freshman, my sponsorship of this amendment does not date back through numerous Congresses as do those of many of my colleagues. Nevertheless, I have long advocated and supported equal rights for women.

Although various statutes ban discrimination based on sex, commissions, councils, and task forces have clearly documented the continued existence of legal discriminations based on sex. These range from laws prohibiting women from working in certain occupations and excluding women from certain colleges and universities and scholarship programs to laws restricting the rights of married women and which carry heavier penalties for women than for men.

The report of the President's Task Force on Women's Rights provides the most recent authoritative documentation of this problem. Women throughout the country do not need to read reports to learn of sexual discrimination, however, as they come face to face with it each and every day.

I share the feelings of other Members of this body that it is incredible that in the last quarter of the 20th century it is still highly debatable that the majority of American people have equal rights under the Constitution. Today, we have an opportunity to take the first step to put an end to such discrimination once and for all. I urge the Members to support this resolution.

Mrs. GRIFFITHS. Mr. Speaker, how much time is running?

The SPEAKER. The gentlewoman from Michigan has 3⅓ minutes remaining.

Mrs. GRIFFITHS. Mr. Speaker, I yield myself the time.

Mr. Speaker, I should like to thank those people who have spoken here today. I should like to point out that at only one time, I believe, in our history could any amendment have passed here with only one party voting for it. It is essential that this be a bipartisan amendment with bipartisan support, and I appreciate more than I can say the help that has been given this amendment.

I should like also to point out that none of the horrors which have been conjured up will occur. In the one State where they have equality under the law there have been no suits.

I ask you now to vote with me on the previous question and against the motion to recommit and for the amendment.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members who care to do so may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

MOTION TO RECOMMIT

Mr. McCULLOCH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. McCULLOCH. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. McCULLOCH moves that House Joint Resolution 264 be recommitted to the Committee on Judiciary with instructions that said committee shall promptly hold appropriate hearings thereon.

Mrs. GRIFFITHS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. McCULLOCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 26, nays 344, not voting 59, as follows:

[Roll No. 263]

YEAS—26

Abernethy
Ashbrook
Brooks
Byrnes, Wis.
Celler
Chappell
Colmer
Davis, Wis.
Dennis
Dingell
Dorn
Hutchinson
Landgrebe
McCloskey
McCulloch
Mayne
Nedzi
Poage
Poff
Saylor
Schmitz
Vander Jagt
Waldie
White
Whitten
Wiggins

NAYS—344

Abbitt
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Cabell
Camp
Carey
Casey
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Daniel, Va.
Daniels, N.J.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Diggs
Donohue
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
Madden
Mahon
Mann
Marsh
Martin
Mathias
Matsunaga
May
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruppe
Ruth
St Germain
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Wampler
Watson
Watts
Weicker
Whalen
Whalley
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion

NOT VOTING—59

Anderson, Tenn.
Baring
Berry
Biaggi
Bray
Brock
Brown, Mich.
Burleson, Tex.
Bush
Caffery
Carter
Clay
Cramer
Cunningham
Daddario
Davis, Ga.
Dawson
Dickinson
Edwards, Ala.
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fish
Flynt
Gallagher
Goldwater
Hagan
Hastings
Hébert
Hosmer
King
Kleppe
Long, La.
Lukens
McKneally
MacGregor
Mailliard
Meskill
Monagan
O'Hara
O'Neal, Ga.
Passman
Pollock
Powell
Rarick
Reifel
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Rousselot
Ryan
Sullivan
Symington
Teague, Calif.
Tunney
Wright
Zwach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bray.
Mr. Rooney of New York with Mr. Hastings.
Mr. Biaggi with Mr. Fish.
Mr. Burleson of Texas with Mr. Dickinson.
Mr. Daddario with Mr. Meskill.
Mr. Evins of Tennessee with Mr. Cramer.
Mr. O'Neal of Georgia with Mr. Carter.
Mr. Dawson with Mr. McKneally.
Mr. Wright with Mr. Cunningham.
Mr. Anderson of Tennessee with Mr. Edwards of Alabama.
Mr. Caffery with Mr. Berry.
Mr. O'Hara with Mr. Brown of Michigan.
Mr. Long of Louisiana with Mr. Bush.
Mr. Fallon with Mr. Hosmer.
Mr. Edwards of Louisiana with Mr. Brock.
Mr. Rostenkowski with Mr. King.
Mr. Rogers of Colorado with Mr. Goldwater.
Mrs. Sullivan with Mr. Kleppe.
Mr. Davis of Georgia with Mr. Lukens.
Mr. Flynt with Mr. MacGregor.
Mr. Gallagher with Mr. Mailliard.
Mr. Rarick with Mr. Pollock.
Mr. Baring with Mr. Reifel.
Mr. Passman with Mr. Roudebush.
Mr. Hagan with Mr. Rousselot.
Mr. Zwach with Mr. Teague of California.
Mr. Farbstein with Mr. Clay.
Mr. Symington with Mr. Powell.
Mr. Ryan with Mr. Tunney.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the joint resolution.

Mrs. GRIFFITHS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 352, nays 15, not voting 62, as follows:

[Roll No. 264]

YEAS—352

Abbitt
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres

Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Cabell
Camp
Carey
Casey
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen,
Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Daniel, Va.
Daniels, N.J.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Diggs
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford,
William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McClure
McDade
McDonald,
Mich.
McEwen
McFall
McMillan
Macdonald,
Mass.
Madden
Mahon
Mann
Marsh
Martin
Mathias
Matsunaga
May
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruppe
Ruth
St Germain
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson,
Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion

NAYS—15

Abernethy
Byrnes, Wis.
Celler
Davis, Wis.
Dennis
Dingell
Landgrebe
McCloskey
McCulloch
Nedzi
Poage
Saylor
Schmitz
Waldie
Wiggins

NOT VOTING—62

Anderson,
Tenn.
Baring
Berry
Biaggi
Bray
Brock
Brown, Mich.
Burleson, Tex.
Bush
Caffery
Carter
Clay
Cramer
Cunningham
Daddario
Davis, Ga.
Dawson
Dickinson
Edwards, Ala.
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fish
Flynt
Gallagher
Gettys
Goldwater
Hagan
Hastings
Hébert
Hosmer
Kastenmeier
King
Kleppe
Long, La.
Lukens
McKneally
MacGregor
Mailliard
Mayne
Meskill
Monagan
O'Hara
O'Neal, Ga.
Passman
Pollock
Powell
Rarick
Reifel
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Rousselot
Ryan
Sullivan
Symington
Teague, Calif.
Tunney
Wright
Zwach

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Teague of California.
Mr. Rooney of New York with Mr. Hastings.
Mr. Biaggi with Mr. Fish.
Mr. Burleson of Texas with Mr. Bush.
Mr. Daddario with Mr. Meskill.
Mr. Evins of Tennessee with Mr. Bray.
Mr. O'Neal of Georgia with Mr. Berry.
Mr. Gettys with Mr. Lukens.
Mr. Wright with Mr. Pollock.
Mr. Anderson of Tennessee with Mr. Brock.
Mr. Caffery with Mr. Carter.
Mr. O'Hara with Mr. Cunningham.
Mr. Long of Louisiana with Mr. Cramer.
Mr. Fallon with Mr. Hosmer.
Mr. Edwards of Louisiana with Mr. Dickinson.
Mr. Rostenkowski with Mr. Brown of Michigan.
Mrs. Sullivan with Mr. McKneally.
Mr. Davis of Georgia with Mr. MacGregor.
Mr. Flynt with Mr. Edwards of Alabama.
Mr. Gallagher with Mr. Mailliard.
Mr. Rarick with Mr. Goldwater.
Mr. Baring with Mr. King.
Mr. Passman with Mr. Mayne.
Mr. Hagan with Mr. Kleppe.
Mr. Farbstein with Mr. Clay.
Mr. Symington with Mr. Powell.
Mr. Ryan with Mr. Reifel.
Mr. McCarthy with Mr. Rousselot.
Mr. Kastenmeier with Mr. Dawson.
Mr. Tunney with Mr. Roudebush.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM AUGUST 14, 1970, UNTIL SEPTEMBER 9, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 689) providing for an adjournment of the House from August 14, 1970, until September 9, 1970, or sooner if reassembled by the Speaker, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment as follows:

Page 1, line 7, after "first" insert ", and that when the Senate adjourns on Wednesday, September 2, 1970, it shall stand adjourned until 12 o'clock noon on Tuesday, September 8, 1970".

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR TO CONSTRUCT, OPERATE, AND MAINTAIN NARROWS UNIT, MISSOURI RIVER BASIN PROJECT, COLORADO

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none and appoints the following conferees: Messrs. ASPINALL, JOHNSON of California, HALEY, SAYLOR, and HOSMER.

PERSONAL EXPLANATION

Mr. KASTENMEIER. Mr. Speaker, on the rollcall just passed, rollcall No. 264, I was unavoidably detained on official business, and missed the vote. Had I been present I would like the RECORD to show that I would have voted in the affirmative.

NATION'S CONFIDENCE IN PRESIDENT NIXON IS ON INCREASE

(Mr. POFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. POFF. Mr. Speaker, the Harris poll today reflects a growing confidence by the American people in the President and particularly his handling of the situation in South Vietnam.

Harris says 61 percent now feel the President was justified in going into Cambodia.

All of this must be disappointing to

those who have spent most of the time since the President's inauguration attempting to destroy his credibility in the eyes of the public and to thwart his efforts to bring about a just and honorable peace that will maintain America's credibility in the eyes of the world.

To those who seek peace at any price and a general abdication of America's responsibilities and obligations, the Harris poll says plainly:

> The American people are not with you; the American people support the President.

Mr. Speaker, the Harris poll, coming on top of the equally favorable Gallup poll, shows the President is leading in directions the American people wish to go.

REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on Merchant Marine and Fisheries:

To the Congress of the United States:

This first report to the Congress on the state of the Nation's environment is an historic milestone. It represents the first time in the history of nations that a people has paused, consciously and systematically, to take comprehensive stock of the quality of its surroundings.

It comes not a moment too soon. The recent upsurge of public concern over environmental questions reflects a belated recognition that man has been too cavalier in his relations with nature. Unless we arrest the depredations that have been inflicted so carelessly on our natural systems—which exist in an intricate set of balances—we face the prospect of ecological disaster.

The hopeful side is that such a prospect *can* be avoided. Although recognition of the danger has come late, it has come forcefully. There still are large gaps in our environmental knowledge, but a great deal of what needs to be done can be identified. Much of this has already been begun, and much more can be started quickly if we act now.

SCOPE OF THE COUNCIL'S REPORT

The accompanying report by the Council on Environmental Quality seeks to describe the conditions of our environment, and to identify major trends, problems, actions under way and opportunities for the future. This first report by the Council is necessarily incomplete in some respects, especially in the identification of trends. The National Environmental Policy Act, which created the Council, became law only at the beginning of this year. Existing systems for measuring and monitoring environmental conditions and trends, and for developing indicators of environmental quality, are still inadequate. There also is a great deal yet to be learned about the significance of these facts for the human condition.

However, the report will, I think, be of great value to the Congress (and also to the Executive Branch) by assembling in one comprehensive document a wealth of facts, analyses and recommendations concerning a wide range of our most pressing environmental challenges. It should also serve a major educational purpose, by clarifying for a broad public what those challenges are and where the principal dangers and opportunities lie.

Substantively as well as historically, this first report is an important document. No one can read it and remain complacent about the environmental threats we confront, or about the need both to do more and to learn more about those threats.

GETTING AT THE ROOTS

"Environment" is not an abstract concern, or simply a matter of aesthetic, or of personal taste—although it can and should involve these as well. Man is shaped to a great extent by his surroundings. Our physical nature, our mental health, our culture and institutions, our opportunities for challenge and fulfillment, our very survival—all of these are directly related to and affected by the environment in which we live. They depend upon the continued healthy functioning of the natural systems of the Earth.

Environmental deterioration is not a new phenomenon. But both the rate of deterioration and its critical impact have risen sharply in the years since the Second World War. Rapid population increases here and abroad, urbanization, the technology explosion and the patterns of economic growth have all contributed to our environmental crisis. While growth has brought extraordinary benefits, it has not been accompanied by sufficiently foresighted efforts to guide its development.

At the same time, in many localities determined action has brought positive improvements in the quality of air or water—demonstrating that, if we have the will and make the effort, we can meet environmental goals. We also have made important beginnings in developing the institutions and processes upon which any fundamental, long-range environmental improvement must be based.

The basic causes of our environmental troubles are complex and deeply imbedded. They include: our past tendency to emphasize quantitative growth at the expense of qualitative growth; the failure of our economy to provide full accounting for the social costs of environmental pollution; the failure to take environmental factors into account as a normal and necessary part of our planning and decision-making; the inadequacy of our institutions for dealing with problems that cut across traditional political boundaries; our dependence on conveniences, without regard for their impact on the environment; and more fundamentally, our failure to perceive the environment as a totality and to understand and to recognize the fundamental interdependence of all its parts, including man himself.

It should be obvious that we cannot correct such deep-rooted causes overnight. Nor can we simply legislate them away. We need new knowledge, new perceptions, new attitudes—and these must extend to all levels of government and throughout the private sector as well: to industry; to the professions; to each individual citizen in his job and in his home. We must seek nothing less than a basic reform in the way our society looks at problems and makes decisions.

Our educational system has a key role to play in bringing about this reform. We must train professional environmental managers to deal with pollution, land planning, and all the other technical requirements of a high quality environment. It is also vital that our entire society develop a new understanding and a new awareness of man's relation to his environment—what might be called "environmental literacy." This will require the development and teaching of environmental concepts at every point in the educational process.

While education may provide ultimate answers to long-range environmental problems, however, we cannot afford to defer reforms which are needed now. We have already begun to provide the institutional framework for effective environmental improvement.

ORGANIZING FOR IMPROVEMENT

As my first official act of the decade, on January first I signed into law the National Environmental Policy Act. That Act established the Council on Environmental Quality. I have charged the Council with coordinating all environmental quality programs and with making a thorough review of all other Federal programs which affect the environment.

Federal agencies are now required to file with the Council and the public a statement setting out in detail the environmental implications of all proposals for legislation and for other major activities with a significant environmental impact. With the help of this provision, I intend to ensure that environmental considerations are taken into account at the earliest possible stage of the decision-making process.

On July 9 I sent to the Congress a reorganization plan which would establish an Environmental Protection Agency, consolidating the major environmental pollution responsibilities of the Federal Government. This reform is long overdue.

Responsibility for anti-pollution and related programs is now fragmented among several Departments and agencies, thus weakening our overall Federal effort. Air pollution, water pollution and solid wastes are different forms of a single problem, and it becomes increasingly evident that broad systems approaches are going to be needed to bring our pollution problems under control. The reorganization would give unified direction to our war on pollution and provide a stronger organizational base for our stepped-up effort.

The Council on Environmental Quality has begun the vital task of identifying indicators of environmental quality and determining the requirements for monitoring systems, in order to enable us to assess environmental trends. These systems are needed to give early warning of environmental problems. They will provide data for determining environmental needs and establishing priorities, and for assessing the effectiveness of programs to improve the environment. The development of such monitoring systems is essential to effective environmental management.

There is also a need to develop new knowledge through research. We need to know far more, for example, about the effects of specific pollutants, about ecological relationships, and about human behavior in relation to environmental factors. The Environmental Protection Agency should develop an integrated research program aimed at pollution control. The Council on Environmental Quality will continue, in cooperation with the Office of Science and Technology, to review and coordinate our overall environmental research effort, as well as to undertake its own environmental studies and research.

These actions represent important additions to the institutional, procedural, and informational base for effective environmental management. They hold the promise of a real leap forward in the years to come. At the same time, we must move ahead now in those areas in which we already possess the knowledge and capability for effective action.

RECENT ACTIONS AND RECOMMENDATIONS

On February 10 of this year, I sent to the Congress a special message on the environment. This presented a 37-point action program, with special emphasis on strengthening our fight against water and air pollution.

In the field of water pollution, my major legislative recommendations included:

—Authorization of $4 billion to cover the Federal share of a $10 billion program to provide treatment facilities.

—Establishment of an Environmental Financing Authority to help finance the State and local share of treatment plants.

—Reform of the method by which funds are allocated under the treatment grant programs.

—Greatly strengthened enforcement authority, including provisions for fines of up to $10,000 a day for violations.

Among my major legislative recommendations for the control of air pollution were:

—More stringent procedures for reducing pollution from motor vehicles.

—Establishment of national air quality standards.

—Establishment of national emissions standards for extremely hazardous pollutants.

—A major strengthening of enforcement procedures, including extension of Federal air pollution control authority to both inter- and intra-state situations and provision for fines of up to $10,000 a day for violators.

Other legislative actions recommended in my February 10 message included:

—Appropriation in 1971 of the full $327 million authorized under the Land and Water Conservation Fund to provide additional parks and recreation areas, with increased emphasis on locating new recreation facilities in crowded urban areas.

—Establishment of new procedures to encourage and finance the relocation of Federal facilities now occupying land that could better be turned to public recreational use.

—Authorizing the transfer of surplus real property to State and local governments for park and recreational purposes at public benefit discounts of up to 100 percent.

In addition, the message spelled out 14 separate measures I was taking by administrative action or Executive Order. These included such wide-ranging initiatives as launching an extensive Federal research and development program in unconventionally-powered, low-pollution vehicles, requiring the development of comprehensive river basin plans for water pollution control, re-directing research on solid waste management to place greater emphasis on re-cycling and re-use, and the establishment of a Property Review Board to recommend specific Federal properties for conversion to recreational use.

I again urge the Congress to act soon and favorably on the legislative proposals contained in that message. They are vital to our growing effort to protect and improve our environment.

I consider the recommendations in my February 10 message only a beginning—although an important one. I said at the time that we must do much more and that we would do more as we gained experience and knowledge. Our Administration is living up to that commitment.

Previously, on February 4, I had issued an Executive Order directing a prompt clean-up of air and water pollution caused by Federal agencies. This task is well underway. As I said then, the Federal Government should set an example for the rest of the country. We are doing so.

On April 15, I sent legislation to the Congress that will, if enacted, bring to an end the dumping of dredged spoils into the Great Lakes as soon as disposal sites are available. At the same time, I directed the Council on Environmental Quality to make a study of ocean disposal of wastes and report to me by September 1.

On May 19, I proposed enactment of a special tax on lead additives in gasoline, to encourage industry to provide low or non-leaded gasoline.

On May 20, I sent to the Congress a special message dealing with oil pollution caused by marine transportation of oil. The comprehensive, 10-point program set out in the message included legislative proposals, the announcement of administrative actions, and the forwarding to the Senate of two international conventions and amendments to a third for ratification. The nations of the world must take aggressive action to end the growing pollution of the oceans.

On May 23, I announced that the United States would propose a new treaty placing the natural resources of the deep sea bed beyond the 200 meter depth under international regulation.

On June 4, a revised National Contingency Plan for dealing with oil spills was announced at my direction by the Chairman of the Council on Environmental Quality.

On June 11, I sent a message to the Congress requesting the enactment of legislation cancelling twenty Federal oil leases for off-shore drilling which had been granted in 1968 in the Santa Barbara Channel and creating a Marine Sanctuary.

As I mentioned above, on July 9 I sent to the Congress a reorganization plan to create a new Environmental Protection Agency. On the same date, I sent another reorganization plan to consolidate Federal marine resource management functions in a National Oceanic and Atmospheric Administration, within the Department of Commerce. This would provide better coordination and direction of our vital ocean resource programs.

TOWARD A LAND USE POLICY

Lately, our attention as a people has repeatedly and insistently been seized by urgent concerns and immediate crises: by the sudden blanketing of cities or even whole regions with dense clouds of smog, for example, or the discovery of mercury pollution in rivers. But as we take the longer view, we find another challenge looming large: the mounting pressures of population. Both the size and the distribution of our population have critical relevance to the quality of our environment and thus to the quality of our lives.

Population growth poses an urgent problem of global dimensions. If the United States is to have an effective voice in world population policies, it must demonstrate willingness to face its own population problems at home.

The particular impact of any given level of population growth depends in large measure on patterns of land use. Three quarters of our people now live in urban areas, and if present trends continue most of them in the future will live in a few mammoth urban concentrations. These concentrations put enormous pressure on transportation, sanitation and other public services. They sometimes create demands that exceed the resource capacity of the region, as in the case of water supply. They can aggravate pollution, overcrowd recreation facilities, limit open space, and make the restorative world of nature ever more remote from everyday life. Yet we would be blind not to recognize that for the most part the movement of people to the cities has been the result neither of perversity nor of happenstance, but rather of natural human aspirations for the better jobs, schools, medical services, cultural opportunities and excitement that have traditionally been associated with urban life.

If the aspirations which have drawn Americans to the city in the first instance and subsequently from the city core to the suburbs are often proving illusory, the solution does not lie in seeking escape from urban life. Our challenge is to find ways to promote the amenities of life in the midst of urban development: in short, to make urban life fulfilling rather than frustrating. Along with the essentials of

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jobs and housing, we must also provide open spaces and outdoor recreation opportunities, maintain acceptable levels of air and water quality, reduce noise and litter, and develop cityscapes that delight the eye and uplift the spirit.

By the same token, it is essential that we also make rural life itself more attractive, thus encouraging orderly growth in rural areas. The creation of greater economic, social, cultural, and recreational opportunities in rural parts of the country will lead to the strengthening of small cities and towns, contributing to the establishment of new growth centers in the nation's heartland region.

Throughout the nation there is a critical need for more effective land use planning, and for better controls over use of the land and the living systems that depend on it. Throughout our history, our greatest resource has been our land—forests and plains, mountains and marshlands, rivers and lakes. Our land has sustained us. It has given us a love of freedom, a sense of security, and courage to test the unknown.

We have treated our land as if it were a limitless resource. Traditionally, Americans have felt that what they do with their own land is their own business. This attitude has been a natural outgrowth of the pioneer spirit. Today, we are coming to realize that our land is finite while our population is growing. The uses to which our generation puts the land can either expand or severely limit the choices our children will have. The time has come when we must accept the idea that none of us has a right to abuse the land, and that on the contrary society as a whole has a legitimate interest in proper land use. There is a national interest in effective land use planning all across the nation.

I believe that the problems of urbanization which I have described, of resource management, and of land and water use generally can only be met by comprehensive approaches which take into account the widest range of social, economic, and ecological concerns. I believe we must work toward development of a National Land Use Policy to be carried out by an effective partnership of Federal, State and local governments together, and, where appropriate, with new regional institutional arrangements.

RECYCLING OF WASTES

The prospect of increasing population density adds urgency to the need for greater emphasis on recycling of "waste" products. More people means greater consumption—and thus more rapid depletion—of scarce natural resources; greater consumption means more "waste" to dispose of—whether in the form of solid wastes, or of the pollutants that foul our air and water.

Yet much of this waste is unnecessary. Essentially, waste is a human invention: Natural systems are generally "closed" systems. Energy is transformed into vegetation, vegetation into animal life, and the latter returns to the air and soil to be recycled once again. Man, on the other hand, has developed "open" systems—ending all too often in an open sewer or an open dump.

We can no longer afford the indiscriminate waste of our natural resources; neither should we accept as inevitable the mounting costs of waste removal. We must move increasingly toward closed systems that recycle what now are considered wastes back into useful and productive purposes. This poses a major challenge—and a major opportunity—for private industry. The Council on Environmental Quality is working to foster development of such systems. Establishment of the proposed Environmental Protection Agency would greatly increase our ability to address this need systematically and creatively.

EVERYONE'S TASK

As our Government has moved ahead to improve our environmental management, it has been greatly heartening to me to see the extent and effectiveness of citizen concern and activity, and especially the commitment of young people to the task. The job of building a better environment is not one for government alone. It must engage the enthusiasm and commitment of our entire society. Citizen organizations have been in the forefront of action to support strengthened environmental programs. The Citizens Advisory Committee on Environmental Quality, under the chairmanship of Laurance S. Rockefeller, has provided an important link between the Federal Government's effort and this broad-ranging citizen activity.

Similarly, the active participation of the business community is essential. The government's regulation and enforcement activities will continue to be strengthened. Performance standards must be upgraded as rapidly as feasible. But regulation cannot do the whole job. Forward-looking initiatives by business itself are also vital—in research, in the development of new products and processes, in continuing and increased investment in pollution abatement equipment.

On the international front, the level of environmental concern and action has been rapidly rising. Many of our most pressing environmental problems know no political boundaries. Environmental monitoring and pollution of the seas are examples of major needs that require international cooperation, and that also provide an opportunity for the world's nations to work together for their common benefit.

In dealing with the environment we must learn not how to master nature but how to master ourselves, our institutions, and our technology. We must achieve a new awareness of our dependence on our surroundings and on the natural systems which support all life, but awareness must be coupled with a full realization of our enormous capability to alter these surroundings. Nowhere is this capability greater than in the United States, and this country must lead the way in showing that our human and technological resources can be devoted to a better life and an improved environment for ourselves and our inheritors on this planet.

Our environmental problems are very serious, indeed urgent, but they do not justify either panic or hysteria. The problems are highly complex, and their resolution will require rational, systematic approaches, hard work and patience. There must be a *national* commitment and a *rational* commitment.

The accompanying report by the Council describes the principal problems we face now and can expect to face in the future, and it provides us with perceptive guidelines for meeting them. These deserve the most careful consideration. They point the directions in which we must move as rapidly as circumstances permit.

The newly aroused concern with our natural environment embraces old and young alike, in all walks of life. For the young, it has a special urgency. They know that it involves not only our own lives now but the future of mankind. For their parents, it has a special poignancy—because ours is the first generation to feel the pangs of concern for the environmental legacy we leave to our children.

At the heart of this concern for the environment lies our concern for the human condition: for the welfare of man himself, now and in the future. As we look ahead to the end of this new decade of heightened environmental awareness, therefore, we should set ourselves a higher goal than merely remedying the damage wrought in decades past. We should strive for an environment that not only sustains life but enriches life, harmonizing the works of man and nature for the greater good of all.

RICHARD NIXON.

THE WHITE HOUSE, *August 10, 1970*.

ESTABLISHING NONVOTING DELEGATES FOR THE DISTRICT OF COLUMBIA TO THE SENATE AND TO THE HOUSE OF REPRESENTATIVES

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 18619) to establish the offices of delegate from the District of Columbia to the Senate and delegate to the House of Representatives, to amend the District of Columbia Election Act, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 18619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Delegates Act".

DELEGATE TO THE SENATE AND DELEGATE TO THE HOUSE OF REPRESENTATIVES

SEC. 2. (a)(1) The people of the District of Columbia shall be represented in the Senate by a Delegate, to be known as the "Delegate to the Senate from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act. The Delegate shall have a seat in the

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Senate, with the right of debate, but not of voting, shall have all the privileges granted a Senator by section 6 of Article I of the Constitution, and shall be subject to the same restrictions and regulations as are imposed by law or rules on Senators. The term of office of the Delegate shall be six years, except that the term of office of the Delegate first elected to the Senate shall end at noon on January 3, 1977.

(2) No individual may hold the office of Delegate to the Senate from the District of Columbia unless on the date of his election—

(A) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(B) he is at least thirty years of age;

(C) he holds no other paid public office; and

(D) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date. He shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

(b)(1) The people of the District of Columbia shall be represented in the House of Representatives by a Delegate, to be known as the "Delegate to the House of Representatives from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act. The Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting, shall have all the privileges granted a Representative by section 6 of Article I of the Constitution, and shall be subject to the same restrictions and regulations as are imposed by law or rules on Representatives. The Delegate shall be elected to serve during each Congress, except that the term of office of the Delegate first elected to the House of Representatives shall end at noon on January 3, 1973.

(2) No individual may hold the office of Delegate to the House of Representatives from the District of Columbia unless on the date of his election—

(A) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(B) he is at least twenty-five years of age;

(C) he holds no other paid public office; and

(D) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date. He shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

SEC. 3. (a) Section 2 of the District of Columbia Election Act (D.C. Code, sec. 1–1102) is amended by adding at the end thereof the following new paragraph:

"(6) The term 'Delegate' means the Delegate to the Senate from the District of Columbia or the Delegate to the House of Representatives from the District of Columbia."

(b) Subsections (h), (i), (j), and (k) of section 8 of the District of Columbia Election Act (D.C. Code, sec. 1–1108) are redesignated as subsections (n), (o), (p), and (q), respectively, and the following new subsections are inserted after subsection (g):

"(h) The Delegates shall be elected by the people of the District of Columbia in a general election. The nomination and election of each Delegate and the candidates for each office of Delegate shall be governed by the provisions of this Act. Each candidate for each office of Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and in section 10(d), have been elected as such a candidate by the next preceding primary or party runoff election. No political party shall be qualified to hold a primary election to select candidates for election to any office of Delegate in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for either office of Delegate or for its candidates for electors of President and Vice President.

"(i) Each candidate in a primary election for any office of Delegate shall be nominated for such office by a petition (1) filed with the Board not later than forty-five days before the date of such primary election; (2) signed by at least two thousand persons who are duly registered under section 7 and who are of the same political party as the nominee; and (3) accompanied by a filing fee of $100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed under this subsection. A nominating petition for a candidate in a primary election for either office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election so as to enable a voter of such party to vote for any one duly nominated candidate of that party for an office of Delegate.

"(j) (1) A duly qualified candidate for either office of Delegate may, subject to the provisions of this subsection, be nominated directly as such a candidate for election in the next succeeding general election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than forty-five days before the date of such general election; (B) signed by duly registered voters equal in number to 2 per centum of the total number of registered voters of the District, as shown by the records of the Board as of ninety-nine days before the date of such election, or by five thousand persons duly registered under section 7, whichever is less; and (C) accompanied by a filing fee of $100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed under this subsection. No signatures on such a petition may be counted which have been made on such petition more than ninety-nine days before the date of such election.

"(2) Nominations under this subsection for candidates for election in a general election of any office of Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for such office held within eight months before the date of such general election.

"(k) In each general election for each office of Delegate, the Board shall arrange the ballots so as to enable a voter to vote for any one of the candidates for such office who (1) has been duly elected by any political party in the next preceding primary or party runoff election for such office, (2) has been duly nominated to fill vacancies in such office pursuant to subsection (d) of section 10, or (3) has been nominated directly as a candidate under subsection (j) of this section.

"(l) The signature of a registered voter on any petition filed with the Board and nominating a candidate for election in a primary or general election to any office shall not be counted if, after receipt of a timely challenge to such effect, the Board determines such voter also signed any other valid petition, filed earlier with the Board, and nominating the same or any other candidate for the same office in the same election.

(m) Designations of offices of local party committees to be filled by election pursuant to clause (3) of the first section of this Act shall be effected by written communications filed with the Board not later than ninety days before the date of such election."

(c) Section 10 of the District of Columbia Election Act (D.C. Code, sec. 1–1110) is amended as follows:

(1) Subsection (a) of such section is amended by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (6), (7), (8), and (9) respectively, and by inserting after paragraph (2) the following new paragraphs:

"(3) Except as otherwise provided in the case of special elections—

"(A) primary elections of each political party for the office of Delegate to the Senate shall be held on May 4, 1976, and thereafter at six-year intervals on the first Tuesday in May; and general elections for such office shall be held on November 2, 1976, and thereafter at six-year intervals on the Tuesday next after the first Monday in November; and

"(B) primary elections of each political party for the office of Delegate to the House of Representatives shall be held on May 2, 1972, and thereafter on the first Tuesday in May of each even-numbered year; and general election for such office shall be held on November 7, 1972, and thereafter on the Tuesday next after the first Monday in November of each even-numbered year.

"(4) Runoff elections shall be held whenever, (A) in any primary election of a political party for candidates for an office of Delegate, no one candidate receives at least 40 per centum of the total votes cast in that election for all candidates of that party for that office, and (B) whenever in any general election for an office of Delegate, no one candidate receives at least 40 per centum of the total votes cast in that election for all candidates for that office. Any such runoff election shall be held not less than two weeks nor more than six weeks after the date on which the Board has determined the results of the preceding primary or general election, as the case may be. At the time of announcing any such determination, the Board shall establish and announce the date on which the runoff election will be held, if one is required. The candidates in any such runoff election shall be the two persons who received, respectively, the two highest numbers of votes in such preceding primary or general election; except that if any person withdraws his candidacy from such runoff election (under the rules and within the time limits prescribed by the Board), the person who received the next highest number of votes in such preceding primary or general election and who is not already a candidate in the runoff election shall automatically become such a candidate.

"(5) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may in the Board's opinion be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act."

(2) The last sentence of paragraph (9) of subsection (a) of such section (as so redesignated by paragraph (1) of this subsection) is amended by striking out "(5)" and inserting in lieu thereof "(8)".

(3) Subsection (b) of such section is

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amended by inserting "each office of Delegate" after "general elections for".

(4) Subsection (c) of such section is amended (A) by striking out "a tie vote in" and inserting in lieu thereof "a tie vote, the resolution of which will affect the outcome of"; and (B) by striking out "ten days following the election" and inserting in lieu thereof "ten days following determination by the Board of the results of the election which require the resolution of such tie".

(5) Subsection (d) of such section is amended (A) by inserting "a Delegate or a winner of a primary election for an office of Delegate or" after "any official, other than"; and (B) by adding at the end thereof the following new sentence: "In the event that such a vacancy occurs in the office of a candidate for an office of Delegate who has been declared the winner in the preceding primary or party runoff election for such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor, and by paying the filing fee required by section 8(i). In the event that such a vacancy occurs in an office of Delegate more than twelve months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

OTHER PROVISIONS AND AMENDMENTS RELATING TO THE ESTABLISHMENT OF DELEGATES TO THE SENATE AND TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA

SEC. 4. (a) The provisions of law which appear in—

(1) section 21 (relating to oath of office),

(2) section 31 (relating to compensation),

(3) section 33 (relating to payment of compensation),

(4) section 36 (relating to payment of compensation),

(5) section 36a (relating to payment of compensation),

(6) section 39 (relating to deductions for absence),

(7) section 40 (relating to deductions for withdrawal),

(8) section 40a (relating to deductions for delinquent indebtedness),

(9) section 41 (relating to prohibition on allowance for newspapers),

(10) section 42a (relating to postage allowance),

(11) section 46a (relating to stationery allowance),

(12) section 46a–1 (relating to stationery allowance),

(13) section 46a–3 (relating to stationery allowance),

(14) section 46d–4 (relating to telephone calls),

(15) section 46e (relating to telegram allowance),

(16) section 48 (relating to payment of compensation),

(17) section 52 (relating to office space in the District of Columbia),

(18) section 53 (relating to office expenses in the District of Columbia),

(19) section 61–1 (relating to compensation of employees),

(20) section 64 (relating to payment of compensation),

(21) section 65 (relating to payment of compensation),

(22) section 66 (relating to payment of compensation),

(23) section 67 (relating to appointment of clerical assistants),

(24) section 92e (relating to compensation of clerical assistants), and

(25) section 123b (relating to use of Senate Recording Studio),

of title 2 of the United States Code shall apply with respect to the Delegate from the District of Columbia in the same manner and to the same extent that they apply to a Senator. The Federal Corrupt Practices Act shall apply with respect to the Delegate from the District of Columbia in the same manner and to the same extent that it applies to a Senator.

(b) The provisions of law which appear in—

(1) section 25 (relating to oath of office),

(2) section 31 (relating to compensation),

(3) section 34 (relating to payment of compensation),

(4) section 35 (relating to payment of compensation),

(5) section 37 (relating to payment of compensation),

(6) section 38a (relating to compensation),

(7) section 39 (relating to deductions for absence),

(8) section 40 (relating to deductions for withdrawal),

(9) section 40a (relating to deductions for delinquent indebtedness),

(10) section 41 (relating to prohibition on allowance for newspapers),

(11) section 42c (relating to postage allowance),

(12) section 46b (relating to stationery allowance),

(13) section 46b–1 (relating to stationery allowance),

(14) section 46b–2 (relating to stationery allowance),

(15) section 46g (relating to telephone, telegraph, and radiotelegraph allowance),

(16) section 47 (relating to payment of compensation),

(17) section 48 (relating to payment of compensation),

(18) section 49 (relating to payment of compensation),

(19) section 50 (relating to payment of compensation),

(20) section 54 (relating to provision of United States Code Annotated or Federal Code Annotated),

(21) section 60g–1 (relating to clerk hire),

(22) section 60g–2(a) (relating to interns),

(23) section 80 (relating to payment of compensation),

(24) section 81 (relating to payment of compensation),

(25) section 82 (relating to payment of compensation),

(26) section 92 (relating to clerk hire),

(27) section 92b (relating to pay of clerical assistants),

(28) section 112e (relating to electrical and mechanical office equipment),

(29) section 122 (relating to office space in the District of Columbia),

(30) section 123b (relating to use of House Recording Studio),

of title 2 of the United States Code shall apply with respect to the Delegate to the House of Representatives from the District of Columbia in the same manner and to the same extent as they apply with respect to a Representative. The Federal Corrupt Practices Act and the Federal Contested Election Act shall apply with respect to the Delegate to the House of Representatives from the District of Columbia in the same manner and to the same extent as they apply with respect to a Representative.

(c) Section 2106 of title 5 of the United States Code is amended by inserting "a Delegate from the District of Columbia," immediately after "House of Representatives,".

(d) Sections 4342(a)(5), 6954(a)(5), and 9342(a)(5) of title 10 of the United States Code are each amended by striking out "by the Commissioner of that District" and inserting in lieu thereof "jointly by the Delegate to the Senate from the District of Columbia and the Delegate to the House of Representatives from the District of Columbia".

(e)(1) Section 201(a) of title 18 of the United States Code is amended by inserting "a Delegate from the District of Columbia," immediately after "Member of Congress,".

(2) Sections 203(a)(1) and 204 of title 18 of the United States Code are each amended by inserting "Delegate from the District of Columbia, Delegate Elect from the District of Columbia," immediately after "Member of Congress Elect,".

(3) Section 203(b) of title 18 of the United States Code is amended by inserting "Delegate," immediately after "Member,".

(4) The last undesignated paragraph of section 591 of title 18 of the United States Code is amended by inserting "the District of Columbia and" immediately after "includes".

(5) Section 594 of title 18 of the United States Code is amended (1) by striking out "or" immediately after "Senate,", and (2) by striking out "Delegates or Commissioners from the Territories and Possessions" and inserting in lieu thereof "Delegate from the District of Columbia, or Resident Commissioner".

(6) Section 595 of title 18 of the United States Code is amended by striking out "or Delegate or Resident Commissioner from any Territory or Possession" and inserting in lieu thereof "Delegates from the District of Columbia, or Resident Commissioner".

(f) Section 11(c) of the Voting Rights Act of 1965 (42 U.S.C. 1973i(c)) is amended by striking out "or Delegates or Commissioners from the territories or possessions" and inserting in lieu thereof "Delegate from the District of Columbia".

(g) The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–107) is amended by striking out "the presidential election" and inserting in lieu thereof "any election".

MISCELLANEOUS AMENDMENTS OF DISTRICT OF COLUMBIA ELECTION ACT

SEC. 5. (a) Clause (A) of paragraph (2) of section 2 of the District of Columbia Election Act (D.C. Code, sec. 1–1102) is amended by inserting "or has been domiciled" after "has resided".

(b) Paragraph (2) of subsection (a) of section 8 of the District of Columbia Election Act (D.C. Code, sec. 1–1108) is amended by striking out "one hundred" and inserting in lieu thereof "two hundred".

(c) The first sentence of section 9(b) of the District of Columbia Election Act (D.C. Code, sec. 1–1109) is amended by striking out "The vote" and by inserting in lieu thereof "Except as otherwise provided by regulation of the Board, the vote".

(d) Section 9(f) of the District of Columbia Election Act is amended by striking out the first and second sentences and inserting in lieu thereof the following: "If a qualified elector is unable to record his vote by marking the ballot or operating the voting machine an official of the polling place shall, on the request of the voter, enter the voting booth and comply with the voter's directions with respect to recording his vote. Upon the request of any such voter, a second official of the polling place shall also enter the voting booth and witness the recordation of the voter's directions. The official or officials shall in no way influence or attempt to influence the voter's decisions, and shall tell no one how the voter voted."

(e)(1) The first section of the District of Columbia Election Act (D.C. Code, sec. 1–1101) is amended (A) by inserting after "Vice President of the United States" the following: ", the Delegate to the Senate and the Delegate to the House of Representatives"; (B) by inserting "and" after the

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semicolon in clause (2); and (C) by striking out clause (3) and redesignating clause (4) as clause (3).

(2) Sections 8(a) and 10(a)(1) of the District of Columbia Election Act are each amended (A) by striking out "clauses (1), (2), and (3)" and inserting in lieu thereof "clauses (1) and (2)," and inserting in lieu thereof "clauses (1) and (2)," and (2) by striking out "clause (4)" and inserting in lieu thereof "clause (3)".

(f) Section 8(c) of the District of Columbia Election Act is amended (1) by striking out "The Board shall" and inserting in lieu thereof "Except as otherwise provided, the Board shall", and (2) by amending paragraph (1) to read as follows:

"(1) to vote, in any election of officials referred to in clauses (1) and (2) of the first section of this Act and of officials designated pursuant to clause (3) of such section, separately or by slates for the candidates duly qualified and nominated for election to each such office or group of offices by such party under subsections (a) and (b) of this section; and".

(g) Section 9(c) of the District of Columbia Election Act is amended to read as follows:

"(c) Any group of qualified electors interested in the outcome of an election may, not less than two weeks prior to such election, petition the Board for credentials authorizing watchers at one or more polling places at the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed. Subject to such rules and regulations, watchers may challenge prospective votes whom the watchers believe to be unqualified to vote."

(h) Section 9 of the District of Columbia Election Act is amended (1) by redesignating subsection (h) as subsection (i) and (2) by inserting after subsection (g) the following new subsection:

"(h) In the event that the total number of candidates of one party nominated to an office or group of offices of that party pursuant to section 8(a) or 8(i) of this Act does not exceed the number of such offices to be filled, the Board may, prior to election day and, notwithstanding the provisions of section 8(c) or 8(i) of this Act, declare the candidates so nominated to be elected without opposition, in which case the fact of their election pursuant to this paragraph shall appear for the information of the voters on any ballot prepared by the Board for their party for the election of other candidates in the same election."

(i) The first sentence of section 4(b) of the District of Columbia Election Act (D.C. Code, sec. 1–1104) is amended to read as follows: "Each member of the Board shall be paid compensation at the rate of $50 per day, with a limit of $2,500 per annum, while performing duties under this Act."

(j) Subsection (e) of section 13 of the District of Columbia Election Act (D.C. Code, sec. 1–1113) is amended by striking out "ten days" and inserting in lieu thereof "thirty days".

(k) Section 14 of the District of Columbia Election Act (D.C. Code, sec. 1–1114) is amended by striking out "his place of residence or his voting privilege in any other part of the United States" and inserting in lieu thereof "his qualifications for voting or for holding elective office, or be guilty of violating section 9, 12, or 13 of this Act".

(l) Subsection (g) of section 9 of the District of Columbia Election Act is amended to read as follows:

"(g) No person shall vote more than once in any election nor shall any person vote in a primary or party runoff election held by a political party other than that to which he has declared himself to be a member."

(m) Subsection (b) of section 13 of the District of Columbia Election Act is amended (1) by inserting after "Vice President," the following: "Delegate,"; (2) by inserting "or" after "committeewoman,"; and (3) by striking out "or alternate,".

(n) Subsection (d) of section 13 of the District of Columbia Election Act is amended (1) by inserting "Delegate," after "elector,"; (2) by inserting "or" after "committeewoman,"; and (3) by striking out ", or alternate".

FIRST ELECTIONS AND EFFECTIVE DATE

SEC. 6. (a) Before the expiration of the seven-calendar month period beginning on the first day of the first calendar month beginning on or after the date of the enactment of this Act, the Board of Elections of the District of Columbia shall—

(1) conduct such special elections as may be necessary to select candidates for the offices of Delegate to the House of Representatives from the District of Columbia and Delegate to the Senate from the District of Columbia;

(2) provide for the direct nomination by petition of candidates for such offices; and

(3) conduct such other special elections as may be necessary to select from such candidates the Delegate to the House of Representatives from the District of Columbia and the Delegate to the Senate from the District of Columbia.

The Board of Elections shall prescribe the date on which each election under paragraphs (1) and (2) shall be held, the dates for the circulation and filing of nominating petitions for such elections, and such other terms and conditions which it deems necessary for the conduct of such elections within the period prescribed by this subsection. Nominating petitions for an election under paragraph (1) shall meet the requirements of clauses (2) and (3) of section 8(i) of the District of Columbia Election Act and nominating petitions under paragraph (2) shall meet the requirements of clauses (B) and (C) of section 8(j)(1) of such Act.

(b) This Act and the amendments made by this Act shall take effect on the date of its enactment.

Mr. McMILLAN. Mr. Speaker, I move to strike out the requisite number of words.

The SPEAKER. The gentleman from South Carolina is recognized.

Mr. McMILLAN. Mr. Speaker, the Nelsen bill was reported to the floor of the House by the Committee on the District of Columbia, not by unanimous vote, but by a vote of 7, I believe, to 17. As Members know, the other body has been very generous to the House during the past 30 years. Almost every year they have sent a bill over to the House calling for a Delegate in the House. But they have not mentioned a Delegate in the Senate. The majority of the Members of the House District of Columbia Committee thought that if the House must have a Delegate, we should also have one in the other body. There the Delegate would have more freedom to talk. Personally, I am not too certain that the proposal is constitutional, since from all that I have read on the subject, the Constitution gives Delegates only to territories and not to any district or State. We know that the District government is an area where within a 10-mile square you also have the Federal Government. Certainly I feel that under the Constitution we should have a liaison officer take the place of any delegates to the Congress.

CREATION OF THE DISTRICT OF COLUMBIA

Basic to any consideration of legislation affecting the governing structure of the District of Columbia, is the constitutional provision specifying the role of the Congress in governing the District of Columbia.

The policy of the framers of our Constitution concerning the local government of the Nation's Capital, is set forth very clearly in article I, section 8, which provides that the Congress shall have power "to exercise exclusive legislation in all cases whatsoever, over such District—not exceeding 10 miles square—as may, by cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States."

The States of Maryland—in 1788—and Virginia—in 1789—made the cession for the area contemplated by this clause, and it was accepted by Congress. The original District of Columbia was 10 miles square, lying on both sides of the Potomac River at the head of navigation. Congress, on July 9, 1846, retroceded to Virginia that portion of the District of Columbia lying in that State and provided that the retrocession should not be effective until approved by a majority of the people of the town and county of Alexandria. The election held on this question resulted in a vote of 763 and 222 against retrocession. President Polk on September 7, 1846, issued a proclamation declaring Alexandria County retroceded to Virginia. The District now contains 70 square miles on the Maryland side of the Potomac River.

DELEGATE FROM THE DISTRICT OF COLUMBIA

As has been indicated heretofore, the Constitution of the United States made no mention of or made no provisions for any representation in any form to the Congress of the United States by a delegate from any territory or from the District of Columbia.

When the National Government formally located itself in the District of Columbia in 1800, attention was given to the problem of local government. The constitutional obligation of the Congress in reference to the seat of the National Government was "to exercise exclusive legislation in all cases whatsoever" at the seat of the National Government. The record indicates that the Congress took minimal action in connection with this constitutional duty, established boundaries within the District for what was termed the Federal city, wrote a charter for the government of the city of Washington, and permitted the other local governments within the District of Columbia to continue. As a result, instead of having a unified government for which the Congress exercised its authority in all cases whatsoever, there were three municipal jurisdictions, the city of Washington, Georgetown in the Maryland portion of the District and Alexandria in the Virginia portion of the District, the County of Alexandria and the County

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of Virginia, making the total of five political jurisdictions, and operating under three different systems of law, namely, the charter for the city of Washington, the laws of Maryland and the laws of Virginia.

Although changes were made by Congress in the local governments and the Virginia portion of the District was retroceded, the conflict between local and Federal interests in the District did not reach a point of sufficient stress to require a resolution by the Congress until about 1870. As a result of accumulating problems and contradictions, the Congress undertook to draft provisions for a new local government at the Capital of the Nation.

This history of the legislation leading to the formation of the District of Columbia government of 1871 indicates that those members directly interested in the legislation drafted proposals which were essentially parallel to the provisions of law for the establishment of territorial governments. In fact, the early drafts of the legislation for the District carried many similarities to the territorial form of government. However, as the legislation progressed through the Congress, it became obvious to the Members of the House and the Senate that although the District of Columbia was a part of the territory of the United States, it was not a territory of the United States. A territory could become a State but the District cannot. Therefore the authority of Congress for the District of Columbia government was not derived from article 4, section 3 of the Constitution which provided for establishing governments in the territories of the United States. References to territorial government were struck from the bill by amendment and the enacting clause was changed to refer to the government of the District of Columbia as a body corporate for municipal purposes rather than a territorial government.

One provision of the proposed legislation, originating solely in law applying to the territories of the United States, was carried over into the act creating the 1871 District of Columbia government. That provision was for a delegate from the District to be elected and seated in the House of Representatives with the same powers as delegates from the territories. Such a delegate was duly elected and admitted to the House of Representatives and served the terms for which such delegate was elected prior to the bankruptcy and abolition of the new local government of 1874.

Following the debacle of the 1871 local government for the District of Columbia, the Congress spent 4 years investigating the problems of the District of Columbia and developing a new format for the government of the Nation's Capital. This resulted in the three-commissioner form of government which gave the District of Columbia a stable and effective government for a period of nearly 90 years until the government was changed under Executive Reorganization Order in 1967. While there is no data indicating that a District government with a delegate in Congress resulted in as good or better government for the District than the many years of non-delegate government, there has been a persistent request from the District of Columbia for some representation by delegate or otherwise, in the Congress of the United States. There appears to be no constitutional bar to representation by a delegate whose actions would not involve any legislative functions, which are solely the responsibility of the Members of the Congress under the Constitution.

Mr. NELSEN. Mr. Speaker, I move to strike the requisite number of words.

The bill now before us is called the Cabell bill. But I want to bring to the attention of the House of Representatives a little of the history of the situation in which we now find ourselves. You will recall that the President of the United States recommended to the Congress a nonvoting Delegate in the House. He also recommended a charter commission. The administration has also recently endorsed the Little Hoover Commission bill which is a bill designed to examine the city government as presently constituted with the idea of improvement, which certainly the city government itself should welcome. I introduced the nonvoting delegate bill in the House of Representatives on behalf of the administration and asked for a hearing, and it has been in committee for over a year.

Finally the hearing came about, but my colleague, the gentleman from Mississippi (Mr. ABERNETHY), had introduced a bill that would place a Delegate in the Senate. So a number of bills came before Subcommittee No. 3 and as a result of the executive sessions there, the Abernethy bill was added as an amendment to my bill, H.R. 11216, but in doing so the gentleman from Texas (Mr. CABELL), asked for a clean bill that would provide a Delegate in the House and a delegate in the Senate. I did not add my name as author to this clean bill, because, in my judgment, this was quite possibly the deathknell to a delegate in the House of Representatives.

I might say I have no objection if we pass legislation providing a delegate in the Senate, but I was hopeful that my bill providing a delegate in the House would not have to carry the burden of a Senate nonvoting delegate. Such a combined bill, I believed, was an indirect route to Boot Hill, which has been somewhat the history of legislation dealing with the matter up to this point.

We then had in the full committee consideration of the legislation reported out of Subcommittee No. 3 which included my Little Hoover Commission bill, H.R. 14715. I found heavy and good support for the Little Hoover Commission, because it seems the residents, the city government, and the Congress have need of it. It will be helpful to have a reexamination of the functions of the District government. There are things that can be done with the city government that I think this Little Hoover Commission could accomplish for the good of all. Many committee members have complained about the structure of the city government and the increasing costs that have occurred in its operation. Therefore, some kind of vehicle was necessary to examine the District government to make it more responsive and efficient.

But I found, of course, I could not have these issues met as they ought to have been met—each individual item, the Hoover Commission and the nonvoting delegate and the Senate nonvoting delegate, each as a separate package. The attempt was made to latch onto my bill in Subcommittee No. 3. I then offered an amendment in the full committee that would add a nonvoting delegate to my Little Hoover Commission bill. The committee sustained my position of introducing a clean bill that would provide a Little Hoover Commission in title I and a nonvoting delegate in the House in title II.

The bill was voted out of full committee, 17 to 7, in support of my omnibus bill proposition. I call this very substantial support of the committee to the attention of the House for its information and review.

I have no objection to the Cabell bill. I will vote for it. But I want to remind the Members this may well be the route to Boot Hill.

But after we do finally vote for the Cabell bill, I hope this House will then give support to my bill—H.R. 18725—and send it to the Senate intact as reported. I am convinced my bill can go all the way, but I am also convinced the other bill may have the same end most bills have had dealing with provisions unacceptable to the Senate, and this has tended to be the way to kill any representation in the House in the past.

I intend to have more to say about the nonvoting delegate and why I think it is important, but I realize the 5 minutes will not give me the time I would like to have, and I will ask for further time when my bill comes up for consideration.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Do I understand that, even though the Senate voted to place a Delegate in the House, it would not vote to put a Delegate in the Senate?

Mr. NELSEN. That is my understanding. This has been the historical and legal precedent as I understand it, though I am not a lawyer. This has been the way they have acted on such bills in the past.

Mr. ABERNETHY. Will the gentleman cite one instance when that has happened? I do not recall when we have had a bill here or in the Senate when we have taken a vote on having a Delegate over there.

Mr. NELSEN. I am perfectly willing to take a vote on it now and see.

Mr. ABERNETHY. The gentleman says this has happened before.

Mr. NELSEN. It was a pattern in the Judiciary Committee when two States were added, when the Senate considered a constitutional amendment.

Mr. ABERNETHY. That was a constitutional amendment. That was direct representation.

Mr. NELSEN. Right.

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Mr. ABERNETHY. But the Senate has already gone on record and subscribed to the idea of having a Delegate in this body, but it has not actually taken action on a Delegate in that body. Inasmuch as they feel rather strongly about a Delegate, does not the gentleman feel they would be willing to go so far as to have a free-talking nonvoting Delegate sitting over there with them?

Mr. NELSEN. I do not have any objection if they do, but I do feel these issues should be settled on their own merits without tying the questionable to the attainable. If the gentleman is really in sympathy with a Delegate, why should he want to tie them together?

Mr. ABERNETHY. I am trying to find out why the gentleman feels they will kill it?

Mr. NELSEN. Time will tell.

Mr. ABERNETHY. Is the gentleman willing to try, to see what they do?

Mr. NELSEN. I am willing to press this bill if the House wishes to do it. I would also strongly urge the House to give consideration to my bill, H.R. 18725, and pass it.

Mr. ABERNETHY. The Senate felt very strongly about having a Delegate in the House. Does the gentleman feel just as strongly about having a Delegate in the Senate?

Mr. NELSEN. I would answer the question only in this way: It is my feeling, as I have said before, that the chances of this happening are not good.

Mr. ABERNETHY. I respectfully submit, the gentleman did not answer my question. I said the Senate felt very strongly about there being a Delegate in the House; does the gentleman feel just as strongly about having a Delegate in the Senate?

Mr. NELSEN. There is no precedent, in my judgment, for having a Delegate there.

Mr. ABERNETHY. I know there is no precedent, but there is no precedent that I know of for having a District Delegate in the House.

Mr. NELSEN. There is abundant precedent for a Delegate from the territories in the House, and when the Congress itself acts there can be a Delegate from the District. There is nothing that bars a Delegate in the House, and there is a precedent for a Delegate in the House of Representatives, there having been one here from 1871 to 1874.

Mr. Speaker, today we take up two bills reported out of the House District Committee. H.R. 18725 is my bill that provides for a little Hoover Commission in title I and a nonvoting delegate in the House in title II.

We also have before us H.R. 18619 which the chairman has called up for your consideration first.

It may be helpful to you if you have a little background on both of these bills inasmuch as there may be further reference to both bills in the discussions, as there has been heretofore.

President Nixon on April 28, 1969, forwarded a message to Congress urging the Congress to adopt two measures both of which I subsequently introduced with a large number of cosponsors, that is H.R. 11215, to establish a Charter Commission for the District of Columbia, and H.R. 11216, to provide for a nonvoting delegate in the House of Representatives for the District of Columbia. President Nixon was emphatic in his support of both of these measures especially with regard to the nonvoting Delegate which is embodied in title II of H.R. 18725, which is before you today for consideration.

On November 6, 1969, I also introduced a measure in which I had had an interest for some time, H.R. 14715, a bill that would establish a little Hoover Commission for the District of Columbia. That Commission would investigate and review the current operations of the local government to determine how they could be improved and how duplication and expenditures could be reduced.

My original bill, H.R. 11216, was amended in subcommittee and reported out as a clean bill, H.R. 18619. This bill provides a nonvoting Delegate not only in the House of Representatives but in the Senate as well. I had no objection, and, in fact, encouraged that both measures be reported out of full committee; that is, H.R. 18619 and H.R. 18725 as long as both measures could be taken up on the floor and debated on their merits. It was my considered opinion that my Little Hoover Commission bill should be taken up first on the floor because it was the first bill considered and reported out by Subcommittee No. 3 and because it was the first bill considered and voted upon in the full committee where it carried by an overwhelming majority of the votes, 18 to 7. I believe that H.R. 18725 constitutes the embodiment of the majority will of that committee body as much as any bill we have reported out over a long period of time.

I am the principal architect, along with a number of other Members of the House District Committee, 13 to be exact, of this omnibus bill that provides for a little Hoover Commission and a nonvoting Delegate for the District. This approach was used because we believe and we submit most of the Members of the House must realize that if the District of Columbia is to be given a nonvoting Delegate, it must be voted out in the form in which we have placed it in this bill. H.R. 18725 is an attainable, realizable, and effective means of giving to the District of Columbia the very minimum in voting representation in the Congress while at the same time providing for a little Hoover Commission that would study ways and means of improving the local government and making it more effective and responsive to its citizens, to the Congress, and to the Nation as a whole.

It seems to me that the very least we can do for the 850,000 residents of the District of Columbia is to give them a nonvoting Delegate in the House of Representatives. To tie a nonvoting Delegate in the House of Representatives with a nonvoting Delegate in the Senate and throw the measure into conference is to effectively doom that legislation to nonenactment by this Congress, I believe. I have been in the Congress for 12 years and I believe legislation providing for a Senate Delegate will invariably mean the defeat of that legislation. Those Members of this body who have been here longer than that can undoubtedly point to a number of instances that legislation providing for some form of representation to the District in the House of Representatives has been defeated by similar moves.

The principal purposes of the bill, H.R. 18725, are twofold:

First, to establish a commission on the organization of the government of the District of Columbia—a little Hoover Commission—so as to effect the policy of Congress in the promotion of economy, efficiency, and improved service in the transaction of the public business in the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the District of Columbia; and

Second, to create an elected but nonvoting Delegate to the U.S. House of Representatives from the District of Columbia and also amend the District of Columbia Election Act of 1955 so as to expedite and simplify the election of a House nonvoting Delegate.

The little Hoover Commission would be given the duties of studying and investigating the present organization and methods of operation of all departments, offices, and so forth, of the District of Columbia government to determine what changes, if any, are necessary to accomplish the following congressional aims:

First, limiting expenditures of the District of Columbia government to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

Second, eliminating duplication and overlapping of services, activities, and functions;

Third, consolidating services, activities, and functions of a similar nature;

Fourth, abolishing services, activities and functions not necessary to the efficient conduct of government;

Fifth, eliminating nonessential services, functions, and activities which are competitive with private enterprise;

Sixth, defining responsibilities of officials; and

Seventh, relocating agencies now responsible directly to the Commissioner of the District of Columbia in departments or other agencies.

The bill provides for the prompt formation of the Commission membership in that members are to be appointed within 30 days of enactment of the bill. The membership of the Commission shall be 12 in number, appointed as follows:

First, four members appointed by the President—two members from the Federal or district governments and two from private life;

Second, four members appointed jointly by the President of the Senate, the chairman of the Senate District of Columbia Committee, and the chairman of the subcommittee of the Senate Appropriations Committee which has jurisdiction over appropriations for the District of Columbia—two members from the Senate and two from private life; and

Third, four members appointed by the

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Speaker of the House of Representatives on the advice of the House District Committee chairman and the chairman of the Appropriations Committee subcommittee which has jurisdiction over the appropriations for the District of Columbia—two members from the House of Representatives and two from private life.

The Commission is to make an interim report of its findings and recommendations within 6 months after the date of enactment of the bill and its final report not later than 12 months after date of enactment. The Commission may propose such legislative enactments and administrative actions as it deems necessary to carry out its recommendations.

It is contemplated by the committee that the Commission would generally be comprised of individuals who are experts in their respective fields such as public administration, fiscal management, government reorganization, budgeting and accounting, resources management, and so forth. It is also anticipated that the staff of the Commission will be comprised of individuals who have considerable expertise in all areas necessary to permit the little Hoover Commission to carry out the tasks set forth in this bill.

The Commission has the authority to hold hearings, issue subpenas, examine books, witnesses, correpondence, documents, and so forth as may be necessary to the effective performance of its mission. In addition, the Commission may secure from offices within the District of Columbia such information, statistics, and so forth as it may deem necessary to perform its tasks.

It is the considered judgment of the committee that the establishment of this Commission, and the study, survey, and investigation provided for in this bill will result in savings which can and may run into millions of dollars annually. The committee also wishes to point out that the establishment of the little Hoover Commission is in no way intended to supersede or interfere with the functions and work of any congressional committee, or with the rights and prerogatives of the President to reorganize the District of Columbia government under the provisions of the Reorganization Act. Rather the findings and recommendations of the Commission will be of great benefit and aid to the Congress and its committees as well as to the President, the Mayor-Commissioner, and the City Council.

Title II of the bill provides for the creation of "Delegate to the House of Representatives from the District of Columbia" who is to be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act. The term of the Delegate is to correspond to the terms of the other Members of the House of Representatives.

The nonvoting Delegate for the District shall be chosen in a partisan general election followed by a nomination procedure by political party affiliation in a party primary or in the alternative following the submission of a nominating petition signed by at least 5,000 registered voters or 2 percent of the total number of registered voters who are of the same political party as the nominee. The general criteria for age qualification as Delegate is the same as that for other Members of the House, that is, 25 years of age at date of election. There is also a qualification that the candidate must have been a resident of the District of Columbia for a 3-year period preceding his election. There are also provisions for runoff elections and special elections in the event the need for such elections arise in the future.

In addition H.R. 18725 provides those technical amendments to the District of Columbia Election Act and the United States Code which are essential to the selection of the delegate and the function of his office as created.

Title II of the bill contains a provision in title II that would establish an office of Delegate to the House of Representatives from the District of Columbia.

There is another bill, H.R. 18619, reported concurrently with H.R. 18725, which provides for a nonvoting Delegate in the Senate as well as the House. This provision to provide for a Senate nonvoting Delegate was added in subcommittee to H.R. 11216, a bill that I introduced on behalf of the administration on May 13, 1969 and which would provide a nonvoting delegate in the House. I refused to introduce or cosponsor the clean bill—H.R. 18619—because I believe this amendment was a clear attempt to force such a bill into conference with the Senate where, in the dying days of this Congress, voting representation would again be denied the District because of inaction or because of a deadlock on the bill in such conference.

A vote for H.R. 18725 intact will in my opinion give a realistic alternative for the Senate to consider that it is generally agreed may be acceptable to that body so that legislation can be enacted in this session providing a nonvoting Delegate for residents of the District.

H.R. 18725, as reported out of Committee, has solid bipartisan support. President Nixon, in a letter to Congressman GERALD R. FORD, the minority leader, dated August 6, 1970, wrote:

> As I indicated in my message to Congress of April 28, 1969, voting representation for the District of Columbia is my goal. Recently reported out of the House District Committee is Congressman Nelsen's bill, H.R. 18725, which provides for a non-voting delegate in the House of Representatives for the District of Columbia and a commission to study the organization and efficiency of the District government and recommend improvements.
>
> It is my position that H.R. 18725 is a realizable and effective interim measure to give representation in Congress to residents of the District, and I strongly urge you to press for its passage.

Congressman GERALD R. FORD, in a letter to the Members of the House dated August 6, 1970, wrote in pertinent part:

> I am writing you to urge your support of H.R. 18725, a bill to establish a Commission on the Organization of the District of Columbia (a little Hoover Commission) and to provide for a delegate to the House of Representatives from the District of Columbia, which is scheduled for floor action on District Day, August 10, 1970.
>
> * * * * *
>
> There is general agreement that Mr. Nelsen's clean bill, H.R. 18725, providing both a little Hoover Commission and a Non-Voting Delegate for the District of Columbia will be well received in the Senate and stands an excellent chance of enactment into law this Session.
>
> * * * * *
>
> I join with President Nixon in the earnest hope that you will support H.R. 18725.

It is my understanding that Congressman CARL ALBERT, majority leader of the House, is also writing a letter to the Members of Congress urging support for H.R. 18725.

Obviously, President Nixon and the leaders of both the Republican and Democrat parties in the House support the form and content of H.R. 18725, and are fully satisfied that no matter how the vote on H.R. 18619 is resolved, H.R. 18725 must be passed intact if there is to be any possibility of a nonvoting Delegate from the District of Columbia.

However, the Members of the House, the residents of the District and the residents of the Nation as a whole should not be deceived into thinking that a move to pass only a bill to provide a nonvoting delegate in the House and the Senate is anything more than a move to totally defeat nonvoting representation of any kind for the District of Columbia. On the other hand, a vote for H.R. 18725, as reported, will permit this bill to stand a better, if not an excellent chance of enactment into law in this session.

The following list of individuals or groups appearing before Subcommittee No. 3 of the House District Committee, or forwarding material for insertion in the record, supported House nonvoting Delegate legislation—Home Rule, Hearings before Subcommittee No. 3, 91st Congress, second session:

LIST OF WITNESSES

American University Park Citizens Association, Alfred S. Trask, President.

Arlington County (Va.) Democratic Committee, Robert L. Weinberg, Chairman.

Bar Association of the District of Columbia, District of Columbia Affairs Section, Richard K. Lyon, Chairman, and Craig Bamberger, Chairman, Suffrage Committee.

Camalier, Hon. Renah F., Former District of Columbia Commissioner.

Churches: Monsignor Ralph Kuehner, Executive Director, Office of Urban Affairs of the Archdiocese of Washington, Representing Interreligious Committee on Race Relations, Jewish Community Council of Greater Washington, Council of Churches of Greater Washington, and the Catholic Archdiocese of Washington.

D.C. Federation of Civic Associations, Simon L. Cain, President.

Democratic Central Committee, Bruce J. Terris, Chairman.

District of Columbia Republican Committee, Henry A. Berliner.

Gude, Hon. Gilbert, Representative in Congress, from the State of Maryland.

Hechinger, John W., Former Chairman, District of Columbia Council.

Horton, Hon. Frank, Representative in Congress from State of New York.

Metropolitan Washington Board of Trade, Elwood Davis, Past President.

Metropolitan Washington Urban Coalition, Frank H. Rich, President.

National Association for the Advancement of Colored People, Political Actions Committee, Eugene Kinlow, Chairman.

National Capital Area Civil Liberties Union, Steven J. Pollak, and James H. Heller, Legislative Chairman.

National Council of Negro Women, Inc., Washington Section, Mrs. Catherine Harrod Bruce, Chairman, Legislative Committee.

Nelson, Hon. Ancher, Representative in Congress from the State of Minnesota.

Nevius, John, former member, District of Columbia Council.

Ripon Society, Frank E. Samuel, Jr., President.

Spencer, Hon. Samuel, Former District of Columbia Commissioner.

V.O.I.C.E., Grayson McGuire, Hr. Chairman, and Richard K. Lyons, Chairman D.C. Affairs, Committee.

Warner, Sturgis, Esquire.

Washington Home Rule Committee, David Carliner, President.

Young Women's Christian Association of the National Capital Area, Mrs. James K. Pinfield.

All Souls Church (Unitarian), Phillip E. Barringer, Chairman, Board of Trustees, statement.

American Association of University women, Dr. Elizabeth O'Hern, President, letter to Chairman McMillan, dated April 15, 1969.

American Association of University Women, Jean, Ross, Chairman, Legislative Program Committee, letter to Chairman McMillan, dated October 23, 1969.

American Veterans Committee, Chester C. Shore, letter to Cong. Dowdy, dated March, 1970.

B'nai B'rith Women, statement.

Council for Christian Social Action Council of the United Church of Christ, Washington, Office, Tilford E. Dudley, director, statement.

District of Columbia Congress of Parents and Teachers, Gloria K. Roberts, president, telegram to House District Committee, dated March 9, 1970.

District of Columbia Government, Walter E. Washington, Commissioner and Gilbert Hahn, Jr., Chairman, D.C. Council, letter to Chairman McMillan, dated April 28, 1970, enclosing joint statement.

Eichhorn, Jan, letter to Congressman Fuqua, dated April 22, 1970, enclosing Home Rule Petition.

Federal Bar Association, District of Columbia Chapter, E. Winslow Gurner, Council on Community Affairs, letter to Chairman McMillan, dated March 27, 1970.

Greater Washington Central Labor Council, AFL–CIO, J. C. Turner, President, letter to James T. Clark, Clerk. dated dated May 13, 1970.

League of Women Voters of the United States, Mrs. Bruce B. Benson, President, statement.

Mount Pleasant Neighbors Association, Wolsey Semple, president, letter to House District Committee.

National Council of the Churches of Christ in the USA, John W. Turnbill, letter to James T. Clark, Clerk, dated March 12, 1970.

Northeast Council of Citizens Associations, William Moreland, President, letter to Chairman McMillan, dated April 15, 1970.

President's Messages to Congress: January 31, 1969, April 28, 1969.

Ripon Society, District of Columbia Chapter, Frank E. Samuel Jr., President, letter to Chairman Dowdy, dated April 29, 1970.

Southwest Neighborhood Action Advisory Committee, Vivian Smith, Chairman, letter to Cong. Albert, dated March 6, 1970.

United Methodist Board of Christian Social Concerns, statement of staff United Synagogue of America, statement.

Washington Teachers' Union, William H. Simons, President, letter to Cong. Dowdy, dated May 7, 1970.

Young Democratic Clubs of America, Mrs. Marie H. Cunningham, National Committeewoman, letter to Chairman.

There was also considerable, if not overwhelming, support for the little Hoover Commission. On the other hand, there was little opposition to the nonvoting delegate in the House and to the little Hoover Commission, in my opinion, as is evident from a reading of the hearings, supra.

By an enactment in 1967 the Congress gave to the District of Columbia an elected school board which in 1968 resulted in the first elected school board in the history of the District of Columbia. A second election was held in 1969. The school board representation as it now exists is in the main responsible and will, I believe, take charge of the District school system and do the job which Congress itself has not had time to do in recent years.

It is also believed that the residents of the District of Columbia are entitled to a full-time representative on Capitol Hill. It is believed that it is of great importance to residents and the future of the District. This bill, H.R. 18725, continues to recognize the Federal interest that exists in the District of Columbia while at the same time recognizing the local interest of the residents. At the present time there is no other elected person in the executive branch who devotes all of his time to District legislative problems. Thus, the non-voting delegate in the House will, in my opinion, fill a substantial void which now exists.

The nonvoting Delegate should and will, I believe, become the best and most informed individual on District affairs in the House of Representatives. As so informed, he can become an effective advocate on measures needed and helpful to the District by attaining respect and support for these measures from the other Members. Also, he can devote time to casework which is an important function now spread throughout the Congress.

The office of Delegate will be a partisan office and will introduce into the District of Columbia for the first time in nearly 100 years partisan political elective officials who represent the residents. In my opinion, this will be effective in building responsible leadership in the District of Columbia among the residents which will help rather than deter the Congress in handling the problems of our National Capital City.

Historical precedent tends to justify a Delegate for the District of Columbia. This has been the pattern for the territories such as Hawaii and Alaska; to date, Puerto Rico—as did the Philippines earlier—has a resident Commissioner who enjoys the same privileges as a Delegate.

The historical precedence of delegates in the Congress indicates that under section 1862 of the revised statutes, territories have the right to send Delegates only to the House of Representatives. Nowhere is there any provision in the law providing for a nonvoting Delegate in the Senate from the territories.

There is in fact no known historical or legal precedent or support for a delegate in the Senate. This has traditionally been the position of the Senate. However, there is no objection to voting favorably on H.R. 18619 which would provide a nonvoting delegate in the House and Senate and, at the same time, voting favorably on my bill, H.R. 18725, to provide for a nonvoting delegate in the House and the little Hoover Commission, thus allowing the Senate to take action on one or the other of these bills. However, to be practical in this matter, I think we must all admit that if we pass only H.R. 18619 we are voting to defeat a bill providing a nonvoting Delegate to the District of Columbia. On the other hand, based on the assurances I have from the Senate, there is every reason to believe that a vote for H.R. 18725 is the best and perhaps the only chance we have in this Congress and the foreseeable future of providing any representation to the residents of the District of Columbia.

It is that simple; a vote for H.R. 18619 without a vote for my bill intact is a vote to deny representation in the Congress for the residents of the District of Columbia.

HISTORICAL OR LEGAL PRECEDENT LACKING FOR A SENATE NONVOTING DELEGATE

Provision for the office of Delegate to Congress is made under section 1862 of the Revised Statutes:

> Every Territory shall have the right to send a Delegate to the House of Representatives of the United States, to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the legislative assembly thereof. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debating, but not of voting.

The probable origin of this provision was the Ordinance of July 13, 1787, which established the government of the Northwest Territory and made provision for the election of a Delegate (by joint ballot of the council and house assembled) to the Continental Congress. Full effect was given to this provision when Congress voted to adapt the ordinance to the "present Constitution of the United States" in 1789—1 Stat. 51, August 7, 1789.

The first Delegate to the Congress was James White, representing the territory of the United States south of the Ohio River—now the State of Tennessee. There was considerable debate in the House as to whether Mr. White should be allowed to take his seat, with the opponents arguing that there was nothing in the Constitution providing for such admission to the House, and that he might more properly take a seat in the Senate since members of that body were also elected by legislatures of the several States. See section 400 of volume 1 of "Hinds' Presidents." On November 18, 1794, however, the House agreed to the report of the selected committee to whom the question had been referred, and Mr. White took his seat.

With this instance as a precedent, other Delegates from U.S. territories took their seats in the House "with a right of debating, but not of voting." The last Delegate to serve in the House was John

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Burns of Hawaii, who yielded his seat to Daniel Inouye, Hawaii's first elected Representative to Congress, in August, 1959. There is still, however, a Resident Commissioner, who enjoys the same privileges as a Delegate, from the Commonwealth of Puerto Rico. The distinction between the two is more philosophical than legal. Delegates were elected from incorporated Territories, which, in the collective mind of Congress, were expected eventually to become States. Commissoners, on the other hand, represented unincorporated Territories—Philippines and Puerto Rico—which were not, at least until recently, regarded as likely prospects for Statehood.

There is also ample historical precedent for a Delegate from the District of Columbia. Until 1871, the District of Columbia was governed by three separate and uncoordinated bodies: the city of Washington, the city of Georgetown, and the Levy Court of the County of Washington, which had jurisdiction over the area outside Washington city and Georgetown. Congress had taken the first step toward creating a unified government in 1861, when it established the "metropolitan Police District of the District of Columbia" with responsibility for enforcing laws generally applicable in the whole territory. With the changes in the District wrought by the Civil War and the rapidly expanding population, plus a mounting concern for the condition and stature of the city as the Nation's Capital, pressure increased for the adoption of a District-wide government.

Discussion over what form the new government would take stumbled on the controversial matters of Negro suffrage—and hence suffrage in general—and the division of authority between Congress and local officials. A territorial form of government was agreed upon as a compromise, and in 1871 it was adopted—16 Stat. 419, February 21, 1871. In addition to a governor and a council appointed by the President, the new law provided for an elected two-member House of Delegates and an elected Delegate to the House—16 Stat. 426.

The territorial government functioned for only 3 years, from 1871 to 1874, when the Congress instituted a temporary three-man Board of Commissioners to take over the city government. The government was shortlived largely because of the activities of Alexander Shepherd, head of the independent Board of Public Works, who succeeded in lifting Washington out of the mud but in the process alienated a great many influential citizens and put the city into considerable debt.

A joint congressional committee was appointed in 1874 to come up with a plan for a permanent government for the District. The result was the act of June 18, 1878, which, in effect, made permanent the commission form of government which had ruled the city from 1874 to 1878. It is interesting to note, however, that the original House bill made provision for an elected 21-member council, and that the Senate bill, which struck this provision, inserted a provision for an elected Delegate in its place. Senator John Ingall, Republican of Kansas, explained the committee's action on the Senate floor as follows:

> The committee of the Senate thought it best, under all the circumstances, not to agree with this proposition of the House, but in order to recognize this principle of self-government, and to appease as far as possible the sentiment which exists here in the minds of a great many people that they ought to have some representation so long as they are taxed, it was thought advisable to provide for the election of a Delegate as being the least injurious method of attaining this end.

It was argued, on the other side, that the District Delegate, during the years when he sat in Congress, really didn't accomplish anything, that District citizens could very well present their own case to the District Committees, and that it was an unnecessary expense to go through an election every 2 years which had no practical effect. Because of the financial condition of the District, this last argument probably had a great effect on the members. In any case, the provision for a nonvoting Delegate was stricken from the bill by a vote of 40 to 9.

There is apparently no evidence or support for a Delegate in the Senate. Except for the argument made in 1794—when it made more sense because the Delegate was elected by the governing body of the Territory and Senators were also elected by State legislatures—the weight of historical evidence in all on the side of a Delegate sitting in the House. Also, had it not been for the activities of the Shepherd Board of Public Works and the indebtedness he incurred, the nonvoting Delegate for the District probably would have been retained. With a population of some 860,000 today in the District, larger than that of 11 States, the arguments for at least a nonvoting Delegate in the House are much stronger than they were in the last century.

SUMMARY

My bill—H.R. 17825—would provide a nonvoting Delegate for the District of Columbia in the House of Representatives, to be elected by the voters of the District; the bill would also establish a Commission—a little Hoover Commission—to study the efficiency of the District Government.

With respect to a delegate in the House of Representatives:

The citizens of the District of Columbia are entitled to participate in their government to the same extent as do all other American citizens. The 23d Amendment gave the citizens of the District of Columbia the right to vote in presidential elections. The rights of District of Columbia citizens to be represented in the Congress which makes their laws remains unfulfilled. The election of a Delegate to the House gives them a voice in Congress, until such time as voting representation is attained. Since the Delegate would be elected by the citizens of the District of Columbia, he would be an authoritative spokesman for the people of Washington in the Halls of Congress.

The business of the District of Columbia as well as of Congress requires a Delegate. No member of the House, including those serving on the District of Columbia Committee, at the present time can afford to give his full time and attention to the problems of the District of Columbia. A Delegate from the District of Columbia, who would have no other constituency, would be able to provide enormous assistance to Congress by bringing his own study of District problems to the Congress, by bringing to it in a responsible manner the views of the citizens of the District of Columbia, and by being able to handle the innumerable requests for assistance which Congressional offices receive from residents of the District.

There is precedent for a nonvoting Delegate to the House of Representatives. As early as 1787, the Northwest Ordinance, which was adopted while the Constitution was being written, provided that territories shall be entitled to send Delegates to Congress. The first such Delegate was seated in the House of Representatives in the Third Congress in 1794 from the territory south of the Ohio River—Tennessee. Since 1794, 33 territories have been represented in the House of Representatives by Delegates. Alaska and Hawaii have recently been represented in the House by such a Delegate. Puerto Rico is represented by such a Delegate in the present Congress. The District of Columbia even had a nonvoting Delegate to the House of Representatives for 4 years, from 1871 to 1874.

The Cabell bill—H.R. 18619—would provide a nonvoting Delegate in both the Senate and the House of Representatives. Although there should perhaps be a Delegate for the District in both the House and the Senate, such Delegates should be considered in separate legislation so each can be considered separately on their merits. Separate consideration is particularly important since the Senate has never had a Delegate, whereas, the House of Representatives has had many Delegates. The election of a Delegate to the House is a recognition of the fact that historically the House has represented the people rather than the States.

Mr. CABELL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I believe there has been a great deal of misapprehension and misunderstanding with reference to my bill, H.R. 18619.

I would call to the attention of the Members of the House that it is equally as important to the citizens of the District of Columbia to have a nonvoting Delegate in the other House as it is to have one on this floor.

I need not remind the Members of this House that all actions of the Congress of the United States are done in a bicameral Congress, that whatever is done in either House has to have the concurrence of the other, or at least the concurrence of the conferees in the action of the other body.

Therefore, I am deeply sincere and deeply concerned about whether the District of Columbia is to have representation, which is so sorely needed. No one denies that. It is representation that our incumbent President as well as our previous President requested.

As a matter of fact, on October 1, 1969, a letter was read on the floor of the other House from the President requesting not one Senator but two Senators for that body.

I believe that the opposition which has been put forth to H.R. 18619 is rather specious in its approach. The opponents say that there is no precedent for a nonvoting Delegate in the Senate. I submit that there was no precedent the first time for a nonvoting Delegate from any territory or possession of the United States to this body. I say that there was no precedent for even a nonvoting Delegate in the House until such time as the first one was authorized by law.

Congress was initiated under our Constitution to set precedent and to break precedent where necessary. We are not breaking precedent in this bill; we are setting precedent.

Other opposition which I hear voiced I cannot agree with. My good friend the ranking minority member of our committee says that this would be the death knell of nonvoting Representatives of either body. I cannot for the life of me understand why a man could reach any such illogical and fallacious assumption. We have had nothing from the other body to indicate that they would not accept a nonvoting Delegate in their House.

They have never had an opportunity to vote on a constitutional amendment that would provide a nonvoting Delegate to that body. Under the extreme need that has been voiced so eloquently by Members on both sides of the aisle for representation in both House of Congress, I beseech your support for H.R. 18619.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. CABELL. Not at the moment, if the gentleman please.

AMENDMENTS OFFERED BY MR. CABELL

Mr. Speaker, I have two amendments which I wish to offer and I ask unanimous consent to have them considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. NELSEN. Mr. Speaker, reserving the right to object, I would like to know what the amendments are about.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Cabell: Page 12, strike out lines 5 through 7, line 12, and lines 18 through 21, and redesignate paragraphs (12), (13), (15), (16), (17), (20), (21), (22), (24), and (25) (which appear on pages 12 and 13) as paragraphs (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), and (20), respectively.

Mr. CABELL (during the reading of the amendments). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed at this point in the Record, and the gentleman in the well states that he will be very happy to yield for any questions after he has explained these amendments.

The SPEAKER. The gentleman has two requests pending. On the last one first, is there objection to the request of the gentleman from Texas?

Mr. ADAMS. Mr. Speaker, reserving the right to object—

Mr. CABELL. Mr. Speaker, if the gentleman will reserve his objection, I believe I can explain it simply enough so that he will withdraw his reservation.

The SPEAKER. Is there objection to the second request of the gentleman, dispensing with the reading of the amendments?

Mr. ADAMS. Mr. Speaker, I have no objection to the amendments being considered en gros and am reserving the right to object to the amendments not being read, but I will take my time in reserving the right to object to try to determine what they are. We just do not know.

Mr. CABELL. Mr. Speaker, I withdraw my request on that, and I will be very happy to have the Clerk complete the reading of the amendments.

The SPEAKER. The request is withdrawn.

The Clerk will report the amendments.

The Clerk continued to read as follows:

Page 13, line 12, insert "(2 U.S.C. 241–256)" immediately after "Act".

Page 13, line 13, insert "to the Senate" immediately after "Delegate".

Page 13, line 14, insert after the period the following: "The provisions of law which appear in sections 42a, 46a, 46d–4, and 61–1(d) of title 2 of the United States Code (relating to postage allowance, stationery allowance, telephone calls, and authorization for employees) shall apply with respect to the Delegate to the Senate from the District of Columbia in the same manner and to the same extent that they apply to a Senator, except that the Delegate shall not be entitled to receive under those provisions of law any allowances or authorization for employees which exceeds the allowances or authorization for employees provided the Delegate to the House of Representatives under paragraphs (11), (12), (15), and (21) of subsection (b) of this section. The Sergeant at Arms of the Senate is authorized and directed to reimburse the Delegate in an amount not to exceed $150 quarterly, upon certification of the Delegate, for official office expenses incurred for the office provided under paragraph (14) of this subsection. Reimbursements under the preceding sentence shall be made from the contingent fund of the Senate. The Delegate is authorized to hire for two and one-half months during the period June 1 to August 31, inclusive, of each year, one additional employee to be known as a 'student congressional intern'. For this purpose the Delegate shall have available for payment to such intern a gross allowance of $750, at the gross rate of $300 per month, payable from the contingent fund of the Senate until otherwise provided by law. Such allowance and such intern shall be in addition to all allowances and personnel made available to the Delegate under any other provision of this Act. No person shall be paid compensation under this Act as a student congressional intern who does not have on file with the Secretary of the Senate, at all times during the period of his employment, a certificate that such intern was during the academic year immediately preceeding his employment a bona fide student at a college, university, or similar institution of higher learning."

And on page 16, line 3, insert after the period the following: "The provisions of section 60g–2(b) of title 2 of the United States Code shall apply with respect to a student congressional intern employed by the Delegate under paragraph (22) of this subsection. The Clerk of the House of Representatives is authorized and directed to reimburse the Delegate in an amount not to exceed $150 quarterly, upon certification of the Delegate, for official office expenses incurred for the office provided under paragraph (29) of this subsection. Reimbursements under the preceding sentence shall be made from the contingent fund of the House of Representatives. The Act of May 28, 1908 (40 U.S.C. 177—182) (relating to assignment of rooms), shall apply with respect to the Delegate in the same manner and to the same extent that it applies to a Representative."

The SPEAKER. Is there objection to the request of the gentleman from Texas that the amendments be considered en bloc?

There was no objection.

Mr. CABELL. Mr. Speaker, if the gentleman will permit, I would be very glad to use a very few minutes in words of two syllables to explain the thrust of the amendments.

First, it provides that the nonvoting Delegate in the House shall have the same privilege of having a summer intern that is now accorded to full-fledged Members of the House, but as I understand is not now accorded to the nonvoting Delegate from Puerto Rico.

The second part of the amendment, and this was drawn by competent legal counsel, so that the legal aspects would be completely in order, merely requires that the Senate nonvoting Delegate shall not have the full allowances for clerk-hire, postage, and so forth, that a duly elected and voting Senator has, but shall be limited to those expenses, expense accounts, clerk-hire, and so forth, as are now limited in the case of the present House Members.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I will be glad to yield to the gentleman.

Mr. McMILLAN. I believe there may be an error in connection with the intern's pay. I think it was $600 this year for 2 months that was appropriated.

Mr. CABELL. Mr. Speaker, I would respond to the gentleman from South Carolina by saying that I was not familiar with that.

Mr. McMILLAN. That is a correction that I had in mind.

Mr. CABELL. That being the case, I would still be willing to make it confirm to the present regulations. Would anyone care to respond to that?

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would respond to the gentleman by stating that there was originally $750 in the bill as it went through for the summer interns, but I believe in the appropriation bill, because it did not come out until later, it may have been limited to 2 months at $600.

Mr. Speaker, if the gentleman will yield further, I appreciate seeing the amendments; we have copies now, and this gentleman now has no objection to them, and has no objection to the bill. I hope that it will pass, and I hope that the bill sponsored by the gentleman from Minnesota (Mr. Nelsen), will pass also. And as I indicated to the gentle-

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man before, I just hope the other body adopts a nonvoting Delegate in both the House and the Senate. If it does not we must have another package with a House nonvoting Delegate for them.

Mr. CABELL. I thank the gentleman for his contribution and I ask unanimous consent that the amendment be amended to read "$600" in conformity with the present law instead of "$750."

The SPEAKER. The Clerk will report the modification of the amendment.

The Clerk read as follows:

Amendment offered by Mr. CABELL of Texas: On page 3 of the first Cabell amendment, line 2, strike out the sum "$750" and insert in lieu thereof "$600".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the amendments offered by the gentleman from Texas (Mr. CABELL).

The amendments were agreed to.

CLARIFYING COMMITTEE AMENDMENTS OFFERED BY MR. M'MILLAN

Mr. McMILLAN. Mr. Speaker, I have several clarifying committee amendments which I send to the Clerk's desk.

Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 8, line 8, insert "under this Act or section 6(a) of the District of Columbia Delegates Act" immediately after "elections".

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 8, line 24, strike out the comma immediately after "whenever"; and in line 3 on page 9, strike out "whenever".

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 10, line 9, insert "and for" immediately after "Delegate".

The committee amendment was agreed to.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. GROSS. Mr. Speaker, are we not operating in the House as in the Committee of the Whole?

The SPEAKER. We are.

Mr. GROSS. Mr. Speaker, has this bill been read for amendment?

The SPEAKER. When the bill is being considered in the House as in Committee of the Whole, it is considered as read and printed in the RECORD.

Amendments are in order to any part of the bill under the 5-minute rule.

Mr. McMILLAN. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 15, line 17, insert "and" after the comma at the end of the line.

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 15, line 25, insert "(2 U.S.C. 381-396)" immediately after "Election Act".

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 23, line 9, strike out "(2)" and insert "(3)".

The committee amendment was agreed to.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I rise in support of the pending legislation. I know of no subject that has been more discussed and that has taken up more time, that has been more controversial and on which there has been more misunderstanding, than the subject of self-government for the people of the District of Columbia, or the general subject of providing the people of the District of Columbia with a greater voice in the management of their own affairs.

What complicates the subject, Mr. Speaker, is the fact that article I, section 8 of the Constitution specifically provides that the Congress shall exercise exclusive legislative power in all cases whatsoever over this particular district—exclusive legislative jurisdiction—in all cases whatsoever. The Constitution belabors the point. This being the Nation's Capital, we are all concerned with its well-being. We have a responsibility for it, we are interested in it, as all American people are interested in and concerned with their Nation's Capital. The Congress does not lack desire to provide more self-government for the Nation's Capital. This is consistent with the American principle, the American way of doing things. The problem is, however, how do we separate the Federal interest and the Federal responsibility from those of the American citizens living within the boundaries of the District of Columbia? Every time we come up with a proposal, we find a lot of disagreement, and controversy.

The District of Columbia committee has just reported out a bill, which I sponsored, that would provide for an elected City Council and an elected Mayor. But we find a lot of objection to it downtown because it does not give the people of the District of Columbia enough control over the Nation's Capital. The critics say that it gives the Congress too much control or too much interest in the management of the affairs of the District. Incidentally, that bill was scheduled to come up today, but unfortunately the report was not filed in time, so it will be brought up at a later date. But in spite of these objections to what we have tried to do to provide the District more self-government, the Congress did obtain approval of the 23d amendment to the Constitution giving the citizens of the District of Columbia the right to vote for President and Vice President. And the initiative for that amendment came from Congress, not the people of the District of Columbia.

Two or 3 years ago, the Congress authorized an elected school board for the citizens of the District of Columbia. That was an instance where we could easily divide the local interest from the Federal interest and responsibility. And the initiative for that measure came from the Congress and not from the people of the District of Columbia. If we had waited for their initiative, the city would not have had an elected school board today.

For years and years, we have been trying to enact an amendment to the Constitution which would give the citizens of the District of Columbia voting representation in both the House and the Senate. I testified for such a measure before the House Committee on the Judiciary back in 1968 for over an hour. Incidentally, that proposed amendment to give the citizens voting representation in the House and the Senate cleared the House Judiciary Committee but failed to come out of the Rules Committee. This year the other body, considering a similar proposal, failed to clear the bill from the legislative committee which considered it.

In the face of this situation, we felt that since we cannot get voting representation in the House and the Senate, maybe we ought to try to obtain nonvoting representation for the District of Columbia. Of course, this measure does not require a constitutional amendment. I think the only danger of a nonvoting Delegate in the House and in the Senate is that it will practically kill, if not completely so, any chances of getting voting representation in the House and Senate in the future. It is almost an admission of the failure in that particular endeavor.

Regardless of that, however, some voice in the House and the Senate is better than none at all, and that is the reason I am supporting the legislation before the House today. But if a voice in the Congress is desirable and proper for the people of the District of Columbia, then why should they not have a voice in both Houses of Congress? And if they are to have a voice in only one body, I think that body should be the U.S. Senate, because there are only 100 Members over there and we have 435 Members here. Also, the Senate has unlimited debate, whereas the District of Columbia Delegate in the House would be restricted by the 5-minute rule. So, I submit that if there must be a choice, the Delegate in the Senate could be more effective on behalf of his District of Columbia constituency.

The SPEAKER. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. BROYHILL of Virginia was allowed to proceed for 3 additional minutes.)

Mr. BROYHILL of Virginia. The Senate has unlimited debate and only 100 Members. Yet the other body is always so magnanimous that, time after time, by unanimous consent, sometimes with no more than two or three Members on the floor, they say, "We are all for the citi-

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zens of the District of Columbia having a nonvoting Delegate in the House." Well, we shall not argue about that. They say the House should have such a Delegate. We think it is preferable for the Senate to have one over there. So let us not continue the argument. Let us compromise the situation and have a nonvoting Delegate in both bodies. Let us give the maximum recognition possible within the framework of the Constitution to the citizens of the District of Columbia.

Some will say, oh, no, we cannot do that, because that will cause the failure of the entire proposal because the Senate will reject the bill. As the gentleman from Mississippi pointed out a moment ago, we have no assurance as to what the other body may do, but I say it is the responsibility of the other body to make that decision. I feel it is our responsibility to decide what we think is in the best interest of this Nation and also fair for the District of Columbia.

I, as one Member of this body, think that if it is fair for the citizens of the District of Columbia to have a nonvoting representation in the Congress, it is fair for them to have nonvoting representation in both bodies.

I urge Members to approve this legislation.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, the gentleman made a number of statements, and if more time were available I would be happy to disagree with the gentleman in more detail. But did I understand the gentleman to say if it were not for the Members of this House, the citizens of the District of Columbia would not have petitioned us for an elected school board or the right to vote in presidential elections? Does the gentleman mean to tell me there were not petitions emanating from the citizens on those matters?

Mr. BROYHILL of Virginia. That is exactly correct. The initiative for the 23d amendment originated in the Congress, and the initiative for the elected District of Columbia school board originated in the Congress, because the citizens of the District of Columbia always demanded more and never were satisfied with or attempted to obtain a partial loaf.

Mr. CONYERS. I respectfully disagree with the conclusion of the gentleman, because there were both organizations and individual citizens in the District of Columbia who came not just to me but to other Members of this body soliciting our assistance on both of these matters.

Mr. BROYHILL of Virginia. I will say in response to the gentleman from Michigan that I was a sponsor or author of what is now the 23d amendment to the Constitution and I was author and sponsor of the legislation which authorized the elected school board for the District of Columbia long before the gentleman was ever elected to the Congress, and I never received any support from the people of the District of Columbia on either, because they did not feel that those bills went far enough.

Mr. STRATTON. Mr. Speaker, I move to strike the last word.

(Mr. STRATTON asked and was given permission to speak out of order.)

A CALL FOR REPEAL OF THE AUTHORITY FOR THE THREE SISTERS BRIDGE

Mr. STRATTON. Mr. Speaker, I rise today, as we discuss matters of special concern to the District of Columbia, to urge that this House and this Congress rescind the action we took back in 1968 insisting on the construction of the Three Sisters Bridge on the palisades of the Potomac River.

I was one of those who voted against the 1968 decision to proceed with the Three Sisters Bridge, but we were not successful.

Since 1968, however, there have been a number of efforts made locally to delay construction of the bridge, although these efforts too have not succeeded. Meanwhile some Members of Congress, appearing to speak for this body, have threatened to withhold funds authorized and needed for the District of Columbia subway system, unless construction work begins on the Three Sisters Bridge. And as a result of these threats some construction work has finally begun.

Yet in the past few days the whole picture has suddenly changed. Federal Judge John J. Sirica is considering ordering a final halt to all construction work on the bridge until the complex and detailed hearing requirements of the Federal Highway Act of 1969 have been complied with. All indications are that after a temporary stay Judge Sirica's order will be made permanent and thus further action on the controversial bridge will not be taken for at least another year, possibly even longer.

So now, Mr. Speaker, we have a chance to act. Let's take advantage of that opportunity to do what we should have done 2 years ago and put an end, once and for all, to the Three Sisters Bridge. Let us put an end to this withholding of funds and other delays on the subway system until the bridge and its associated freeway system are built.

However we may have voted in 1968 on this issue, I feel strongly that it is most unseemly for this Congress, or for those who say they are speaking for Congress, to use our power over the Nation's purse strings today in what amounts to an effort to sandbag the District government into building a bridge which they obviously do not want, and which is not only unnecessary but completely obsolete and outmoded in today's environment-conscious world.

No matter what a majority of the House and Senate may have done or said back in 1968, before the Nation became seriously awake to the urgent requirements of the environment, it makes no sense at all for us to be clubbing people over the head today in an effort to get this bridge built.

The year 1970 is not 1968, after all; and I have no doubt at all that if an open, record vote could be taken now on the subject of the Three Sisters Bridge, it would never get close to a majority.

Mr. Speaker, I believe this House should repeal its 1968 action on the bridge at the earliest parliamentarily possible moment. We could do this properly when the 1970 highway bill comes up later this year, or we might even do it sooner in connection with some other piece of legislation. The sooner the better for all concerned, as I see it.

There are many reasons why the Three Sisters Bridge should never be built. In the first place, we can save some much-needed money by knocking it out, and that even by itself is not something to be easily sneezed at.

Second, the bridge will not relieve downtown Washington's traffic congestion; it will only shift it a bit and confuse it still further. Surely we should have learned by now that we cannot improve the traffic flow by building more freeways and superhighways. The experience of the George Washington Parkway—on both sides of the Potomac—makes that fact crystal clear. In the end these smooth, fast superhighways have only made possible longer and slower lines of bumper-to-bumper commuters.

Other cities all over the country—including cities in my home area of the Capital District of New York State—have learned that there is a specific point beyond which you simply cannot multiply new concrete superhighways in built-up metropolitan areas. These cities have learned that you can never stay ahead of the traffic game as long as you continue to adhere to the one-man-one-car doctrine. With population growing and available land declining, it is obvious that the only way to ease traffic congestion is by means of fast, frequent, and effective mass transit.

How idiotic, then, that this Congress should continue to allow ourselves to be placed in the absurd position of delaying the building of a modern, fast transit system in order to push for an outdated and obsolete bridge and freeway system, and the added chaos these would inevitably create.

Finally, it is just not acceptable any longer for anybody—least of all the Federal Government—to build a bridge as big as the Three Sisters Bridge, right here in the Nation's Capital, in total disregard of all the environmental factors involved. Not only will the Three Sisters Bridge destroy one of the most beautiful areas in Washington, the Potomac Palisades, and the exciting views and vistas associated with it, but it will also mean the destruction of a substantial portion of one of the city's most attractive open park areas, the Archbold Glover Park. How can we possibly allow this to happen in the year 1970?

Let us restore a little sense and a little balance to our actions here in this House. Let us act now to abandon the Three Sisters Bridge—in the light of all we have learned since 1968—and instead let us prod the District of Columbia government to get going faster on the new subway system that offers the last best hope of getting all of us to work more easily, more quickly, and on time.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, as we debate this proposal today which would give residents of the District of Columbia a nonvoting delegate in the House and Senate, it might be helpful to trace some of the historical background to this problem of treating residents of the District of Columbia fairly and responding to the need for a neutral Capital City.

I intend to vote for this bill. I feel the District of Columbia residents should have a representative in the House and Senate. I believe they should have voting representation in both bodies and have introduced legislation to achieve this objective, but since voting representation requires a constitutional amendment, the bill before us today should be a first step. I hope it will be approved by this body and the other body.

HISTORICAL BACKGROUND OF THE DISTRICT OF COLUMBIA

The District owes its origin to section 8 of article I of the Constitution which enumerates the powers of the Congress. With respect to the District the Congress was given the following powers:

> To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States.

The District was established under the authority and direction of acts of Congress approved on July 16, 1790, and March 3, 1791. Maryland in 1788 and Virginia in 1789 made cessions from which the 10-mile-square area lying on either side of the Potomac was selected. This 10-mile-square area contained two municipalities—Georgetown and Alexandria. Boundaries of the original city of Washington while never fixed by statute or proclamation are found in the trust deeds from the original proprietors and on maps made by the Commissioners appointed by the President to make this selection.

The first Government offices to move to the District were those of the Post Office Department, which moved to the city on June 11, 1800. The second session of the Sixth Congress convened here on November 17, 1800. Discussion and debate of national representation began immediately.

Up to 1801, no government had been provided for the District and the laws of Maryland and Virginia continued in force under the provisions of the act of July 16, 1790, which provided that State laws would continue in effect until the Congress otherwise by law provided. In an act of February 27, 1801—2 Stat. 103—Congress made the first provisions for local government. This act provided that the laws of Maryland and Virginia were to continue in the sections ceded by those States and created a circuit court, an office of marshal, district attorney, justice of the peace, register of wills, and a judge of the orphans court.

On May 3, 1802—3 Stat. 195—the people of the city of Washington were constituted a body politic by the naming of a Mayor and City Council. The Mayor was appointed by the President and the Council was elected by qualified voters. From 1812 until 1819 the Mayor was elected by the City Council and from 1820 until 1871 the Mayor was chosen by popular election.

In 1846, at the request of the people of Alexandria, Congress retroceded to the State of Virginia all of the portion which had been ceded to the Federal Government by that State—9 Stat. 35.

With the outbreak of the Civil War the first attempts at unification of government functions within the District were undertaken with the act of August 6, 1861—12 Stat. 320—which established the Metropolitan Police Department of the District of Columbia consisting of "the corporations of Washington and Georgetown and the county of Washington outside the limits of said corporation." However, the first really major change in the government of the District resulted with the act of February 21, 1871—16 Stat. 419—which created a government essentially the same as that used for organized territories. At that time the charters of the cities of Washington and Georgetown were repealed. All the territory within the limits of the District were included in the government by the name of the District of Columbia, which constituted a body corporate for municipal purposes and the successor of the two cities and the county that had been eliminated. This act further provided that the executive power of the new government was vested in a Governor appointed by the President with the advice and consent of the Senate.

The legislative power of the territory—the District—was vested in an assembly consisting of a council and a House of Delegates. The council consisted of 11 members appointed by the President with the advice and consent of the Senate, and the House of Delegates consisted of 22 members elected by popular vote. Nevertheless, the legislative assembly was limited in its authority, since Congress prescribed a long list of important matters which remained within its authority.

Between 1871 and 1874, while the territorial government was in force, there was a delegate to the House of Representatives from the District who was popularly elected and had the same rights and privileges as the delegates from the territories. This delegate served on the House District Committee.

The act of June 20, 1874—18 Stat. 116—terminated the territorial form of government and eliminated all elective offices. This same act empowered the President to appoint a Commission of three persons to administer the affairs of the District of Columbia. The act of June 11, 1878—20 Stat. 102—established the present Commission form of government.

Between 1874 and 1964 citizens of the District of Columbia had no voting franchise. With the ratification of the 23d amendment to the Constitution, completed on March 29, 1961, citizens of the District were empowered to vote in 1964 for presidential and vice presidential electors.

A review of the history of the Constitution reveals that little thought was given to the matter of government for the National Capital.

It is important to distinguish home rule from national representation for the District in the Congress. Simply stated, home rule, as the term is currently used by its advocates, means the creation of an elective city government for the District which would perform regulatory and other functions common to municipalities. That issue is not before us today. National representation means participation, through representation in Congress in the Government of the United States and involves local self-government only to the extent that such representatives would have a voice and a vote in legislation for the District. The adoption of a constitutional amendment entitling the Congress to national representation would not affect the exclusive control of Congress over the Nation's Capital. The nonvoting Delegate hopefully will be a prelude to a voting Delegate. I have a bill pending before the Judiciary Committee which would give the District of Columbia two voting Members of the Senate and as many Members of the House as the District of Columbia would be entitled to by virtue of its population.

A survey of proposed amendments to the Constitution introduced in the Congress from 1789 to 1970, inclusive, reveals they have included nearly 100 resolutions providing for national representation in some form for the District. National representation in this context means representation for the District in one or both Houses of Congress.

Of these resolutions, the first was introduced in the House of Representatives on November 27, 1877—H.R. 57, 45th Congress, first session—by Mr. Corlett, a Republican, from Wyoming. It proposed to grant one Member each in the House of Representatives to the territories and the District. Such resolutions have been introduced in every Congress since 1915.

Mr. GROSS. Mr. Speaker, I rise to try here this afternoon. Are we supposed to vote on this bill and then on another bill for much the same purpose, which is to be called up immediately? Are we here this afternoon going to be called upon to pass a multiplicity of bills to be sent over to the Senate on the same general subject?

I listened intently to the remarks of the gentleman from Minnesota earlier, and gained that impression.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Minnesota.

Mr. NELSEN. It is not my design that the bill we are presently considering—H.R. 18619—be here at all in the form it is. I started out with another bill, H.R. 11216, which provided for a nonvoting delegate in the House and that was amended in subcommittee so as to defeat it, I believed.

Mr. GROSS. Wait a minute now. I am not interested in the gentleman's views on that bill. I am interested in whether you propose to call up another bill on this subject this afternoon.

Mr. NELSEN. I do propose to bring up H.R. 18725 providing for a Little Hoover Commission and a nonvoting delegate in the House.

Mr. GROSS. What have we got here—a bargain basement deal for the other body. Are we supposed to pass two bills this afternoon on the same general subject, send them over to the other body, and let them pick and choose?

Are we going to adopt this kind of a legislative process on all legislation? Why did you not put these two bills together in committee or offer an amendment here this afternoon to put them together? What kind of a situation are we getting into here when we pass two bills on the same general subject in the same afternoon and send them over to the other body so they can pick and choose?

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. HAYS. I think they are sending two over so that they can choose the most expensive one. Since the limited self-government went into effect here the tax in the District has almost doubled. The expenditure in the budget has tripled, and the number of employees in the District government has doubled. So I assume with all of that in 5 years the reason why they want two bills is so that they can figure out the one on which they can spend the most money. If they want these things so much and if they are interested in them, why do they not exempt the Federal Triangle here and leave it to the other jurisdictions, give it to Maryland or whoever wants to take it, and let them pay their own way and leave the taxpayers of the United States out of this altogether. But they do not want that.

Mr. GROSS. I am sorry. I did not understand what the gentleman from Ohio would exempt.

Mr. HAYS. I said I would exempt the Federal Triangle, which comes up usually from the White House and includes the Capitol and the Supreme Court building and the area on both sides of the two avenues, which are office buildings. There is a big cry made that the people who live here are not represented. Well, exempt all of those places where people are living, and I will say that we even ought to pay them a fee each year and exempt the Federal Triangle and pay them for the services that they offer, whatever they are. We have our own Capitol police here and we have the White House police at the White House. I do not know exactly what services they furnish, but whatever they are, let them have a fair figure for it, and let them have self-government all the way. But they do not want self-government. They want the right to spend money. They are a little bit like some of the State governments. They want the Federal taxes turned over to them. If the gentleman has had experience, as I have, in the State capitals, there are more ways for money to leak away in the State bureaucracy than were ever thought about in the Federal bureaucracy. They do not want to take the responsibility of raising money, but they merely want us to raise it and then they will spend it. It is the same with the people who want home rule. I am all for home rule, but I think the Congress ought to control the public buildings here which belong to the people of the United States. They were built by the taxpayers of the United States and they ought to be controlled by them.

Mr. GROSS. I do not always agree with the gentleman from Ohio, as the record shows, but I certainly agree with him in the statement that he has just made.

I still do not understand why this kind of a legislative process. I assume that soon in this bargain basement business the House will be using green stamps or something like that in sending legislation over to the other body.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. NELSEN. I can tell you why we are in this kind of a bind. The problem in my mind is that the proponents of H.R. 18619 are doing exactly what they intended, that is to confuse the House so as to kill a bill that deserves attention of this House—H.R. 18725—which stands a chance of enactment. This profusion of bills is not my choice. In fact, I wanted my bill to be taken up first, but that request has obviously been denied.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. NELSEN. If the gentleman will yield further, the purpose of this bill—H.R. 18619—really, in my judgment, is to kill the possibility of my bill—H.R. 18725—passing, which was clearly designed to confuse, apparently that move has been successful because I believe some Members are confused.

Mr. GROSS. Of course, the gentleman cannot substantiate that. He does not know what the Senate will do with this bill. We do not have any obligation here this afternoon to hand the Senate two pieces of legislation on the same subject from which to pick and choose. That is the criticism I have of what is here proposed.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. McMILLAN. I would like to give a little history of what happened here. The subcommittee reported the Cabell bill as it is today and the Nelsen study bill was amended by adding the delegate bill for the House.

When it got to the full committee the full committee added this delegate to the Hoover Commission bill that Mr. NELSEN introduced.

Mr. RIEGLE. Mr. Speaker, we have before us today legislation that would give the people living in the District of Columbia a nonvoting Delegate to represent them in both the Senate and the House of Representatives.

Clearly this legislation has been a long time in coming. And although it is an inadequate substitute for voting representation which would put the citizens of the District on an equal footing with all other Americans, it is, just the same, an important step toward self-government.

We must not rest with the passage of this bill. Rather, I look forward to the time when the people of our Capitol City will be truly self-governing, when they will have a working home-rule system, and when they will be able to elect their own officials to the Congress. That is the challenge we still face—and the challenge we, as legislators, must meet.

The SPEAKER. The time of the gentleman has expired.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HAYS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 338, nays 23, not voting 68, as follows:

[Roll No. 265]

YEAS—338

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Camp
Carey
Casey
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Foley
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Halpern

Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Lowenstein
McCarthy
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
Madden
Mahon
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds

Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Konski
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruth
St Germain
Sandman

Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watson
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion

NAYS—23

Arends
Brooks
Burlison, Mo.
Cederberg
Collins
Dennis
Ford, Gerald R.
Gross

Hall
Hungate
Hutchinson
Jonas
Landgrebe
Long, Md.
Lujan
McEwen

Pirnie
Poage
Price, Tex.
Schmitz
Skubitz
Steiger, Wis.
Wiggins

NOT VOTING—68

Alexander
Anderson, Tenn.
Baring
Berry
Biaggi
Bray
Brock
Brown, Mich.
Burleson, Tex.
Bush
Caffery
Carter
Clay
Cohelan
Cramer
Cunningham
Daddario
Davis, Ga.
Dawson
Devine
Dickinson
Edwards, Ala.

Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fish
Flynt
Gallagher
Goldwater
Hagan
Hastings
Hébert
Ichord
King
Kleppe
Long, La.
Lukens
McCulloch
McKneally
MacGregor
Mailliard
Meskill
Monagan
O'Hara

Olsen
O'Neal, Ga.
Passman
Pollock
Powell
Rarick
Reifel
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Rousselot
Ruppe
Ryan
Sullivan
Symington
Teague, Calif.
Tunney
Watts
Weicker
Wright
Young
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Teague of California.
Mr. Rooney of New York with Mr. Hastings.
Mr. Biaggi with Mr. Fish.
Mr. Olsen with Mr. Weicker.
Mr. Burleson of Texas with Mr. Bush.
Mr. Daddario with Mr. Meskill.
Mr. Evins of Tennessee with Mr. Bray.
Mr. O'Neal of Georgia with Mr. Berry.
Mr. Wright with Mr. Pollock.
Mr. Anderson of Tennessee with Mr. Brock.
Mr. Caffery with Mr. Carter.
Mr. O'Hara with Mr. Cunningham.
Mr. Long of Louisiana with Mr. Cramer.
Mr. Fallon with Mr. Reifel.
Mr. Edwards of Louisiana with Mr. Dickinson.
Mr. Rostenkowski with Mr. Brown of Michigan.
Mr. Rogers of Colorado with Mr. Devine.
Mrs. Sullivan with Mr. McKneally.
Mr. Davis of Georgia with Mr. MacGregor.
Mr. Flynt with Mr. Edwards of Alabama.
Mr. Gallagher with Mr. Mailliard.
Mr. Rarick with Mr. Goldwater.
Mr. Baring with Mr. King.
Mr. Passman with Mr. Rousselot.
Mr. Hagan with Mr. Kleppe.
Mr. Farbstein with Mr. Clay.
Mr. Symington with Mr. Powell.
Mr. Ryan with Mr. Zwach.
Mr. Tunney with Mr. Roudebush.
Mr. Watts with Mr. Lukens.
Mr. Ichord with Mr. McCulloch.
Mr. Alexander with Mr. Ruppe.
Mr. Young with Mr. Monagan.
Mr. Cohelan with Mr. Dawson.

Mr. MIZE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

ESTABLISH STUDY COMMISSION ON THE DISTRICT OF COLUMBIA GOVERNMENT AND PROVIDE NONVOTING DELEGATE TO THE HOUSE OF REPRESENTATIVES

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 18725) to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

H.R. 18725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

DECLARATION OF POLICY

SECTION 101. It is hereby declared to be the policy of Congress to promote economy, efficiency, and improved service in the transaction of the public business in the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the District of Columbia by—

(1) recommending methods and procedures for reducing expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

(2) eliminating duplication and overlapping of services, activities, and functions;

(3) consolidating services, activities, and functions of a similar nature;

(4) abolishing services, activities, and functions not necessary to the efficient conduct of government;

(5) eliminating nonessential services, functions, and activities which are competitive with private enterprise;

(6) defining responsibilities of officials; and

(7) relocating agencies now responsible directly to the Commissioner of the District of Columbia in departments or other agencies.

ESTABLISHMENT OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

SEC. 102. For the purpose of carrying out the policy set forth in section 101 of this title, there is established a commission to be known as the Commission on the Organization of the Government of the District of Columbia (hereafter in this title referred to as the "Commission").

DUTIES OF THE COMMISSION

SEC. 103. (a) The Commission shall study and investigate the present organization and methods of operation of all departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the government of the District of Columbia (other than the courts of the District of Columbia) to determine what changes are necessary to accomplish the purposes set forth in section 101 of this title.

(b) The Commission shall submit interim reports at such time, or times, as the Commission deems necessary, shall submit a comprehensive report of its activities and the results of its studies to the Congress within six months after the date of enactment of this Act, and shall submit its final report not later than six months after the filing of its comprehensive report. Upon filing its final report the Commission shall cease to exist. The final report of the Commission may propose such legislative enactments and administrative actions as in its judgment are necessary to carry out its recommendations.

MEMBERSHIP OF COMMISSION

SEC. 104. The Commission shall be composed of twelve members appointed as follows:

(1) Four members shall be appointed by the President of the United States. Two members so appointed shall be from the executive branch of the Federal Government or from the government of the District of Columbia, and two shall be from private life.

(2) Four members shall be appointed jointly by the President of the Senate, the Chairman of the Committee on the District of Columbia of the Senate, and the Chairman of the subcommittee of the Committee on Appropriations of the Senate which has jurisdiction over appropriations for the District of Columbia. Two members so appointed shall be from the Senate, and two shall be from private life.

(3) Four members shall be appointed by the Speaker of the House of Representatives on the advice of the chairman of the Committee on the District of Columbia of the House of Representatives and the chairman of the subcommittee of the Committee on Appropriations which has jurisdiction over appropriations for the District of Columbia.

Two members so appointed shall be from the House of Representatives, and two shall be from private life.

The members shall be appointed within thirty days following the date of the enactment of this Act. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

COMPENSATION OF COMMISSION MEMBERS

SEC. 105. (a) Members of the Commission who are Members of the Congress or full-time officers or employees of the United States or the District of Columbia shall receive no additional compensation on account of their service on the Commission. The other members of the Commission shall be entitled to receive the daily equivalent of the rate now or hereafter provided for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission.

(b) While traveling on official business in the performance of services for the Commission, members of the Commission shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

ORGANIZATION AND POWERS OF THE COMMISSION

SEC. 106. (a) The Commission shall elect a Chairman and a Vice Chairman from among its members. Seven members of the Commission shall constitute a quorum.

(b) The head of any Federal agency or agency of the District of Columbia is authorized to detail, on a reimbursable basis, any of its personnel to assist in carrying out the duties of the Commission. The Administrator of General Services shall provide financial and administrative support services for the Commission on a reimbursable basis.

(c) The Commission may appoint and fix the compensation of such personnel as it deems advisable. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter II of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) The Commission may obtain services of experts in accordance with the provisions of section 3109 of title 5, United States Code.

(e) The Commission, or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of the chairman of such subcommittee, or of any duly designated member, and may be served by any person designated by the Chairman or by such subcommittee chairman or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes of the United States (2 U.S.C. 192-194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this subsection.

(f) The Commission may secure directly from any department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the District of Columbia information, suggestions, estimates, and statistics for the purpose of this title; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request by the Chairman or Vice Chairman.

TITLE II—DISTRICT OF COLUMBIA DELEGATE TO THE HOUSE OF REPRESENTATIVES

SHORT TITLE

SEC. 201. This title may be cited as the "District of Columbia Delegate Act".

DELEGATE TO THE HOUSE OF REPRESENTATIVES

SEC. 202 (a) The people of the District of Columbia shall be represented in the House of Representatives by a Delegate, to be known as the "Delegate to the House of Representatives from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act. The Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting, shall have all the privileges granted a Representative by section 6 of Article I of the Constitution, and shall be subject to the same restrictions and regulations as are imposed by law or rules on Representatives. The Delegate shall be elected to serve during each Congress.

(b) No individual may hold the office of Delegate to the House of Representatives from the District of Columbia unless on the date of his election—

(1) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(2) he is at least twenty-five years of age;

(3) he holds no other paid public office; and

(4) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date. He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

SEC. 203. (a) Section 2 of the District of Columbia Election Act (D.C. Code, sec. 1-1102) is amended by adding at the end thereof the following new paragraph:

"(6) The term 'Delegate' means the Delegate to the House of Representatives from the District of Columbia."

(b) Subsections (h), (i), (j), and (k) of section 8 of the District of Columbia Election Act (D.C. Code, sec. 1-1108) are redesignated as subsections (n), (o), (p), and (q), respectively, and the following new subsections are inserted after subsection (g):

"(h) The Delegate shall be elected by the people of the District of Columbia in a general election. The nomination and election of the Delegate and the candidates for office of Delegate shall be governed by the provisions of this Act. Each candidate for the office of Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and in section 10(d), have been elected as such a candidate by the next preceding primary or party runoff election. No political party shall be qualified to hold a primary election to select candidates for election to the office of Delegate in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for the office of Delegate or for its candidates for electors of President and Vice President.

"(i) Each candidate in a primary election for the office of Delegate shall be nominated for such office by a petition (1) filed with the Board not later than forty-five days before the date of such primary election; (2) signed by at least two thousand persons who are duly registered under section 7 and who are of the same political party as the nominee; and (3) accompanied by a filing fee of $100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed under this subsection. A nominating petition for a candidate in a primary election for the office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election so as to enable a voter of such party to vote for any one duly nominated candidate of that party for the office of Delegate.

"(j) (1) A duly qualified candidate for the office of Delegate may, subject to the provisions of this subsection, be nominated directly as such a candidate for election in the next succeeding general election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than forty-five days before the date of such general election; (B) signed by duly registered voters equal in number to 2 per centum of the total number of registered voters of the District, as shown by the records of the Board as of ninety-nine days before the date of such election, or by five thousand persons duly registered under section 7, whichever is less; and (C) accompanied by a filing fee of $100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed under this subsection. No signatures on such a petition may be counted which have been made on such petition more than ninety-nine days before the date of such election.

"(2) Nominations under this subsection for candidates for election in a general election for the office of Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for such office held within eight months before the date of such general election.

"(k) In each general election for the office of Delegate, the Board shall arrange the ballots so as to enable a voter to vote for any one of the candidates for such office who (1) has been duly elected by any political party in the next preceding primary or party runoff election for such office, (2) has been duly nominated to fill vacancies in such office pursuant to subsection (d) of section 10, or (3) has been nominated directly as a candidate under subsection (j) of this section.

"(l) The signature of a registered voter on any petition filed with the Board and nominating a candidate for election in a primary or general election to any office shall not be counted if, after receipt of a timely challenge to such effect, the Board determines such voter also signed any other valid petition, filed earlier with the Board, and nominating the same or any other candidate for the same office in the same election.

"(m) Designations of offices of local party committees to be filled by election pursuant to clause (3) of the first section of this Act shall be effected by written communications filed with the Board not later than ninety days before the date of such election."

(c) Section 10 of the District of Columbia Election Act (D.C. Code, sec. 1-1110) is amended as follows:

(1) Subsection (a) of such section is amended by redesignating paragraphs (3),

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(4), (5), and (6) as paragraphs (6), (7), (8), and (9), respectively, and by inserting after paragraph (2) the following new paragraphs:

"(3) Except as otherwise provided in the case of special elections under this Act or section 206(a) of the District of Columbia Delegate Act, primary elections of each political party for the office of Delegate to the House of Representatives shall be held on the first Tuesday in May of each even-numbered year; and general elections for such office shall be held on the Tuesday next after the first Monday in November of each even-numbered year.

"(4) Runoff elections shall be held whenever (A) in any primary election of a political election of a political party for candidates for the office of Delegate, no one candidate receives at least 40 per centum of the total votes cast in that election for all candidates of that party for that office, and (B) in any general election for the office of Delegate, no one candidate receives at least 40 per centum of the total votes cast in that election for all candidates for that office. Any such runoff election shall be held not less than two weeks nor more than six weeks after the date on which the Board has determined the results of the preceding primary or general election, as the case may be. At the time of announcing any such determination, the Board shall establish and announce the date on which the runoff election will be held, if one is required. The candidates in any such runoff election shall be the two persons who received, respectively, the two highest numbers of votes in such preceding primary or general election; except that if any person withdraws his candidacy from such runoff election (under the rules and within the time limits prescribed by the Board), the person who received the next highest number of votes in such preceding primary or general election and who is not already a candidate in the runoff election shall automatically become such a candidate.

"(5) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may in the Board's opinion be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act."

(2) The last sentence of paragraph (9) of subsection (a) of such section (as so redesignated by paragraph (1) of this subsection) is amended by striking out "(5)" and inserting in lieu thereof "(8)".

(3) Subsection (b) of such section is amended by inserting "the office of Delegate and for" after "general elections for".

(4) Subsection (c) of such section is amended (A) by striking out "a tie vote in" and inserting in lieu thereof "a tie vote, the resolution of which will affect the outcome of"; and (B) by striking out "ten days following the election" and inserting in lieu thereof "ten days following determination by the Board of the results of the election which require the resolution of such tie".

(5) Subsection (d) of such section is amended (A) by inserting "a Delegate or a winner of a primary election for the office of Delegate or" after "any official, other than"; and (B) by adding at the end thereof the following new sentence: "In the event that such a vacancy occurs in the office of a candidate for the office of Delegate who has been declared the winner in the preceding primary or party runoff election for such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor, and by paying the filing fee required by section 8(i). In the event that such vacancy occurs in the office of Delegate more than twelve months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

OTHER PROVISIONS AND AMENDMENTS RELATING TO THE ESTABLISHMENT OF A DELEGATE TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA

Sec. 204. (a) The provisions of law which appear in—

(1) section 25 (relating to oath of office),

(2) section 31 (relating to compensation),

(3) section 34 (relating to payment of compensation),

(4) section 35 (relating to payment of compensation),

(5) section 37 (relating to payment of compensation),

(6) section 38a (relating to compensation),

(7) section 39 (relating to deductions for absence),

(8) section 40 (relating to deductions for withdrawal),

(9) section 40a (relating to deductions for delinquent indebtedness),

(10) section 41 (relating to prohibition on allowance for newspapers),

(11) section 42c (relating to postage allowance),

(12) section 46b (relating to stationery allowance),

(13) section 46b–1 (relating to stationery allowance),

(14) section 46b–2 (relating to stationery allowance),

(15) section 46g (relating to telephone, telegraph, and radiotelegraph allowance),

(16) section 47 (relating to payment of compensation),

(17) section 48 (relating to payment of compensation),

(18) section 49 (relating to payment of compensation),

(19) section 50 (relating to payment of compensation),

(20) section 54 (relating to provision of United States Code Annotated or Federal Code Annotated),

(21) section 60g–1 (relating to clerk hire),

(22) section 60g–2(a) (relating to interns),

(23) section 80 (relating to payment of compensation),

(24) section 81 (relating to payment of compensation),

(25) section 82 (relating to payment of compensation),

(26) section 92 (relating to clerk hire),

(27) section 92b (relating to pay of clerical assistants),

(28) section 112e (relating to electrical and mechanical office equipment),

(29) section 122 (relating to office space in the District of Columbia), and

(30 section 123b (relating to use of House Recording Studio),

of title 2 of the United States Code shall apply with respect to the Delegate to the House of Representatives from the District of Columbia in the same manner and to the same extent as they apply with respect to a Representative. The Federal Corrupt Practices Act and the Federal Contested Election Act shall apply with respect to the Delegate to the House of Representatives from the District of Columbia in the same manner and to the same extent as they apply with respect to a Representative.

(b) Section 2106 of title 5 of the United States Code is amended by inserting "a Delegate from the District of Columbia," immediately after "House of Representatives,".

(c) Sections 4342(a)(5), 6954(a)(5), and 9343(a)(5) of title 10 of the United States Code are each amended by striking out "by the Commissioner of that District" and inserting in lieu thereof "by the Delegate to the House of Representatives from the District of Columbia".

(d)(1) Section 201(a) of title 18 of the United States Code is amended by inserting "the Delegate from the District of Columbia," immediately after "Member of Congress,".

(2) Sections 203(a)(1) and 204 of title 18 of the United States Code are each amended by inserting "Delegate from the District of Columbia, Delegate Elect from the District of Columbia," immediately after "Member of Congress Elect,".

(3) Section 203(b) of title 18 of the United States Code is amended by inserting "Delegate," immediately after "Member,".

(4) The last undesignated paragraph of section 591 of title 18 of the United States Code is amended by inserting "the District of Columbia and" immediately after "includes".

(5) Section 594 of title 18 of the United States Code is amended (1) by striking out "or" immediately after "Senate,", and (2) by striking out "Delegates or Commissioners from the Territories and Possessions" and inserting in lieu thereof "Delegate from the District of Columbia, or Resident Commissioner".

(6) Section 595 of title 18 of the United States Code is amended by striking out "or Delegate or Resident Commissioner from any Territory or Possession" and inserting in lieu thereof "Delegate from the District of Columbia, or Resident Commissioner".

(e) Section 11(c) of the Voting Rights Act of 1965 (42 U.S.C. 1973i(c)) is amended by striking out "or Delegates or Commissioners from the territories or possessions" and inerting in lieu thereof "Delegate from the District of Columbia".

(f) The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–107) is amended by striking out "the presidential election" and inserting in lieu thereof "any election".

MISCELLANEOUS AMENDMENTS OF DISTRICT OF COLUMBIA ELECTION ACT

Sec. 205. (a) Clause (A) of paragraph (2) of section 2 of the District of Columbia Election Act (D.C. Code, sec. 1–1102) is amended by inserting "or has been domiciled" after "has resided".

(b) Paragraph (2) of subsection (a) of section 8 of the District of Columbia Election Act (D.C. Code, sec. 1–1108) is amended by striking out "one hundred" and inserting in lieu thereof "two hundred".

(c) The first sentence of section 9(b) of the District of Columbia Election Act (D.C. Code, sec. 1–1109) is amended by striking out "The vote" and by inserting in lieu thereof "Except as otherwise provided by regulation of the Board, the vote".

(d) Section 9(f) of the District of Columbia Election Act is amended by striking out the first and second sentences and inserting in lieu thereof the following: "If a qualified elector is unable to record his vote by marking the ballot or operating the voting machine an official of the polling place shall, on the request of the voter, enter the voting booth and comply with the voter's directions with respect to recording his vote. Upon the request of any such voter, a second official of the polling place shall also enter the voting booth and witness the recordation of the voter's directions. The official or officials shall in no way influence or attempt to influence the voter's decisions, and shall tell no one how the voter voted."

(e)(1) The first section of the District of Columbia Election Act (D.C. Code, sec. 1–1101) is amended (A) by inserting after "Vice President of the United States" the following: ", the Delegate to the House of Representatives"; (B) by inserting "and" after the semicolon in clause (2); and (C) by striking out clause (3) and redesignating clause (4) as clause (3).

(2) Sections 8(a) and 10(a)(1) of the District of Columbia Election Act are each

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amended (A) by striking out "clauses (1), (2), and (3)" and inserting in lieu thereof "clauses (1) and (2)," and (B) by striking out "clause (4)" and inserting in lieu thereof "clause (3)".

(f) Section 8(c) of the District of Columbia Election Act is amended (1) by striking out "The Board shall" and inserting in lieu thereof "Except as otherwise provided, the Board shall", and (2) by amending paragraph (1) to read as follows:

"(1) to vote, in any election of officials referred to in clauses (1) and (2) of the first section of this Act and of officials designated pursuant to clause (3) of such section, separately or by slates for the candidates duly qualified and nominated for election to each such office or group of offices by such party under subsections (a) and (b) of this section; and".

(g) Section 9(c) of the District of Columbia Election Act is amended to read as follows:

"(c) Any group of qualified electors interested in the outcome of an election may, not less than two weeks prior to such election, petition the Board for credentials authorizing watchers at one or more polling places at the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed. Subject to such rules and regulations, watchers may challenge prospective voters whom the watchers believe to be unqualified to vote."

(h) Section 9 of the District of Columbia Election Act is amended (1) by redesignating subsection (h) as subsection (i), and (2) by inserting after subsection (g) the following new subsection:

"(h) In the event that the total number of candidates of one party nominated to an office or group of offices of that party pursuant to section 8(a) or 8(i) of this Act does not exceed the number of such offices to be filled, the Board may, prior to election day and, notwithstanding the provisions of section 8(c) or 8(i) of this Act, declare the candidates so nominated to be elected without opposition, in which case the fact of their election pursuant to this paragraph shall appear for the information of the voters on any ballot prepared by the Board for their party for the election of other candidates in the same election."

(i) The first sentence of section 4(b) of the District of Columbia Election Act (D.C. Code, sec. 1-1104) is amended to read as follows: "Each member of the Board shall be paid compensation at the rate of $50 per day, with a limit of $2,500 per annum, while performing duties under this Act."

(j) Subsection (e) of section 13 of the District of Columbia Election Act (D.C. Code, sec. 1-1113) is amended by striking out "ten days" and inserting in lieu thereof "thirty days".

(k) Section 14 of the District of Columbia Election Act (D.C. Code, sec. 1-1114) is amended by striking out "his place of residence or his voting privilege in any other part of the United States" and inserting in lieu thereof "his qualifications for voting or for holding elective office, or be guilty of violating section 9, 12, or 13 of this Act".

(l) Subsection (g) of section 9 of the District of Columbia Election Act is amended to read as follows:

"(g) No person shall vote more than once in any election nor shall any person vote in a primary or party runoff election held by a political party other than that to which he has declared himself to be a member."

(m) Subsection (b) of section 13 of the District of Columbia Election Act is amended (1) by inserting after "Vice President," the following: "Delegate,"; (2) by inserting "or" after "committeewoman,"; and (3) by striking out "or alternate,".

(n) Subsection (d) of section 13 of the District of Columbia Election Act is amended (1) by inserting "Delegate," after "elector,"; (2) by inserting "or" after "committeewoman,"; and (3) by striking out ", or alternate".

FIRST ELECTIONS AND EFFECTIVE DATE

SEC. 206. (a) Before the expiration of the seven-calendar-month period beginning on the first day of the first calendar month beginning on or after the date of the enactment of this Act, the Board of Elections of the District of Columbia shall—

(1) conduct such special elections as may be necessary to select candidates for the office of Delegate to the House of Representatives from the District of Columbia;

(2) provide for the direct nomination by petition of candidates for such offices; and

(3) conduct such other special elections as may be necessary to select from such candidates the Delegate to the House of Representatives from the District of Columbia.

The Board of Elections shall prescribe the date on which each election under paragraphs (1) and (3) shall be held, the dates for the circulation and filing of nominating petitions for such elections, and such other terms and conditions which it deems necessary for the conduct of such elections within the period prescribed by this subsection. Nominating petitions for an election under parargaph (1) shall meet the requirements of clauses (2) and (3) of section 8(i) of the District of Columbia Election Act and nominating petitions under paragraph (2) shall meet the requirements of clauses (B) and (C) of section 8(j)(1) of such Act.

(b) This title and the amendments made by this title shall take effect on the date of its enactment.

AMENDMENT OFFERED BY MR. CABELL

Mr. CABELL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CABELL: On page 8, strike out line 1 and all that follows thereafter down through page 26, line 10.

Mr. CABELL. Mr. Speaker, my amendment is very simple. It gets right to the point and is certainly in accord with the sense of this House today, after having passed H.R. 18619 so overwhelmingly.

The present bill, which has been reported to you, has a title, a clause, that is completely redundant because it provides only for a nonvoting Delegate to the House of Representatives and, therefore, would only add confusion to the conference that undoubtedly will take place between the other body and this House.

I say it would add confusion because on the one hand the House very overwhelmingly adopted my bill which calls for a nonvoting Delegate to both Houses of the Congress.

If this provision is allowed to remain in the so-called Nelsen bill, which, by the way, the original bill I cosponsored, because I think that it is needed for a fiscal and administrative survey of the many inefficiencies that are now present in our District government. If we send the Nelsen bill to a conference with the other body with this provision still in it, then the conferees on the part of the Senate could well say, "Well, what is the sense of the House? What are they doing? They overwhelmingly pass a resolution providing for Members—nonvoting Delegates in both Houses. Then they send up another one that actually is completely ungermane to the original Nelsen little Hoover Commission bill."

So I call upon the House at this time to do something that is not too out of the way, and that is to be consistent, and let us stick with our guns. Let us stick with the vote that has been taken on this floor, and by adoption of my amendment, delete that provision from the Nelsen bill which provides for only a nonvoting Delegate to the House.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I am happy to yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Your amendment would delete from the Nelsen bill the provision for a nonvoting Representative in the House?

Mr. CABELL. That is precisely the thrust of my amendment.

Mr. ANDREWS of Alabama. I thank the gentleman.

Mr. CABELL. Mr. Speaker, I will not belabor the point or use any more of the time allotted to me. I shall close by asking your support of this clarifying amendment,which would then leave the Nelsen bill in its original form. It provides for fiscal analysis, so sorely needed in the affairs of the District government.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the amendment, and move to strike the requisite number of words.

The SPEAKER. The gentleman from Virginia is recognized.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Texas (Mr. CABELL), to strike title II from this bill. As the gentleman pointed out, to have title II remain in the bill is somewhat redundant, if not actually silly and ridiculous, because the House of Representatives, by an overwhelming majority vote, has just passed a bill that provided for a nonvoting Delegate in the House of Representatives and also in the U.S. Senate.

Title II of the pending bill repeats half of the bill we just passed, by providing for a nonvoting Delegate in the House of Representatives only.

In my earlier remarks today, I said that if it be proper to have nonvoting representation for the citizens of the District of Columbia in the Congress, then it is fair, desirable, and proper to have nonvoting representation in both bodies. Yet we have heard the claim that the other body will not approve legislation to grant nonvoting representation in their own body. Well, I would like to know how we know that? How do we know what the other body is going to do? That is rather presumptuous. But regardless of what the other body does, why should we roll over and play dead? I think we should act on our own responsibility and let the other body meet its responsibility as well.

Mr. Speaker, I do support the primary purposes of the pending legislation, which was sponsored by the gentleman

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from Minnesota (Mr. NELSEN). There is no question but what a study and investigation of the present system of government would be most helpful. In fact, I was an original sponsor of the bill that was to set up the Little Hoover Commission. I do not know of any government in this country, any organization, or any department of government that is in greater need of a thorough going over and a thorough review than does the government of the District of Columbia. In fact, I say it needs a complete revamping and reorganization.

In 1967, we approved a plan known as Reorganization Plan No. 3, which replaced the old Board of Commissioners form of government which had proven successful ever since 1873. Some of us warned the House at that time that if we approved that reorganization plan, we were going to regret it. I do regret it, Mr. Speaker, and I find it necessary to stand in the well of this House today and say "I told you so," because the District government has gone downhill ever since.

As pointed out by the gentleman from Ohio (Mr. HAYS), a few moments ago, the number of District of Columbia city employees has increased manifold since 1967. The cost of the government has soared to an annual cost of $860 million—a 70-percent increase in just 3 years' time. The number of employees has increased by 31 percent. The District of Columbia last year asked for an increase of another 2,730 employees, bringing the grand total up to 4,500. We denied that. But the efficiency, the morale, and the effectiveness of this government is going down all the time. It is essential that we do something to improve and to correct this situation. Title I of this bill is a step in the right direction, which will assure that we will go in and study the entire operation and come back with some recommendations to assure a better job than has been done in the District of Columbia in the past 3 years.

Mr. ADAMS. Mr. Speaker, I move to strike the last two words, and I rise in opposition to the amendment.

Mr. Speaker, this is the key part of this afternoon on the District bills. I had hoped this would not happen in this fashion, because we have tried very diligently to bring up and to offer to the Senate both options—a Senate bill with a Senate nonvoting Delegate and a House nonvoting Delegate by itself. The gentleman from Minnesota (Mr. NELSEN) and I both said, "fine, if you want to send that over, but we think it will be tied up in conference, and we think there will be many problems with it." We have tried to be fair to the House and to explain it, but we have left it to the Members to vote their conscience. But now to use that bill to try to kill the Nelsen bill, I think is very bad.

I will give the Members the history of this bill. This nonvoting Delegate was sent up as a proposal by the President of the United States. A majority of the District Committee were for it, including the minority leader. It is supported by the majority leader in a letter to the House. It was, in its original form a House Delegate bill. But in the subcommittee there was a tacking on that bill of the Senate delegate. I indicated at that time that if they wanted to put up a separate Senate delegate bill, I would vote for it and let the Members of this House work their will on each item as they might want to. But I ask the Members not to try to trap and trick the House in a way such as is being done.

In the subcommittee with no notice at all the Cabell bill came in as a clean bill to tie together the House and Senate delegates in one bill. Later we went through a different series of parliamentary exercises in order to produce the Nelsen bill, which has a nonvoting Delegate and the little Hoover Commission in it.

When we talk about what the Senate would do, the nonvoting delegate passed the Senate in October 1969 without a dissenting vote. The Little Hoover Commission and the Charter Commission passed the Senate in October 1969 without a dissenting vote.

When the gentleman from Virginia says he is for reorganizing the government and a Charter Commission, then I ask him to help me get that Charter Commission out of the same subcommittee wherein the Delegate bill was bottled up, so we can bring it in and so Members can vote it up or down.

I am not trying to convince the Members to vote against their conscience. I am saying they ought to have an opportunity to vote whichever way they want to vote. This gives the Members the opportunity to vote for a nonvoting delegate in the House and a Little Hoover Commission which will study this government.

It is a fair and a good package.

I told the gentleman from Texas when his bill is up, yes, we would support his bill and send it over to the Senate, and for that courtesy we have him coming in now to try to strike apart the other bill which we voted out of the District Committee 17 to 7.

I ask all the Members to oppose that amendment, and to vote for the bill just as it is. We will send both bills to the Senate.

If it violates your conscience, do not vote for it, but if you believe it is a good bill, which I believe it is, then vote for it. If you favor a nonvoting delegate and a study of Washington, D.C., by a Little Hoover Commission, then vote for it, and do not buy the sophistry that you have done something redundant. You have not. You have done two separate things.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Minnesota.

Mr. NELSEN. Is it not true that the Little Hoover Commission bill of mine was in the No. 1 position all the way through the negotiation? I lost my No. 1 position because we wanted to bring in a clean bill, and the Cabell bill was sent in here. Yet the Cabell bill today was amended on the floor; it was not a clean bill.

So really by a maneuver we have lost the opportunity to consider my bill first. In my judgment fairplay would have given us the opportunity. I did request it be given consideration here on the floor, so that we can settle this issue so far as the House is concerned.

The gentleman will recall the negotiations.

Mr. ADAMS. I do. The gentleman is absolutely correct.

The only reason why I took the floor on this amendment is that it was my feeling and understanding that what would happen is that we would give both bills a chance, that both would be voted up or down, and there would not be an attempt to tear either bill apart.

We did not attempt to tear apart the Cabell bill by striking the Senate nonvoting Delegate. We left it just as it was.

Mr. GUDE. Mr. Speaker, I move to strike the requisite number of words.

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

I should like to make clear, as a former member of the committee and a very, very interested observer of this particular operation, exactly what it is the Members will be voting for.

There are exactly two chances of the Cabell bill passing the Senate. Those two are slim and none. Make no mistake about that.

If the Members do not want a nonvoting Delegate from the District of Columbia in the House of Representatives, then they should support this particular amendment, because this is the certain death of the nonvoting Delegate in the House of Representatives, in my opinion.

Mr. CABELL. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I do not have control of the time.

The SPEAKER. The gentleman from Maryland has the floor.

Mr. GUDE. Mr. Speaker, I yield further to the gentleman from Arizona.

Mr. STEIGER of Arizona. The other very germane issue is in response to the question, How do we know that the Senate will not accept this particular language? We know it because they have already passed the nonvoting House Delegate. They have already passed the Hoover Commission provisions. And they have never had a nonvoting Senate Delegate. Those three things are ample precedent for reasonable people to assume they will not accept it.

Again I say if the Members want a nonvoting Delegate in the House and if they want the so-called Hoover Commission to study Washington, D.C., they should vote against the Cabell amendment.

Mr. CABELL. Mr. Speaker, will the gentleman yield?

Mr. GUDE. I do not yield at this time, Mr. Speaker.

I should like to congratulate the gentleman from Washington on the most accurate and comprehensive statement of the affair as it has stood before the District of Columbia Committee. He has expressed it succinctly and well. His statement that if Members want to be

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on record as supporting a Delegate for the District of Columbia they should not be taken in by some sophistry but should support the entire bill of the gentleman from Minnesota (Mr. NELSEN) and vote against this amendment.

I would hope, however, that we not lose sight of the fact that the people of the District of Columbia, as U.S. citizens, are entitled to full voting representation in Congress. We must not allow the adoption of this legislation to deter us from that end. A nonvoting Delegate sits in Congress at the whim of Congress and can be removed by a simple bill. Voting representation would be guaranteed by the Constitution. If voting representation is not achievable in this 91st Congress I hope it will be the first order of business in the 92d.

Mr. ABERNETHY. Mr. Speaker, I move to strike the last three words.

Mr. Speaker, I think I can clear up some of the confusion here. Now, the gentleman from Minnesota (Mr. NELSEN), muddied his own bill. I do not say that with any criticism of the gentleman.

The so-called little Hoover Commission bill passed the Senate and came to our committee. When the committee was prepared to vote on the bill, which the gentleman from Minnesota sponsored, he offered a nongermane amendment in the form of another title providing for a delegate in the House of Representatives. It was conceded by all in the committee that his amendment was not germane. Nevertheless, the committee adjourned to the next day. The gentleman from Minnesota then introduced a bill with two titles, one of which, of course, was the so-called little Hoover Commission and the other was the House delegate. If he had wanted the Hoover Commission bill, all he had to do was just let it come out, but instead of that he muddied it with this House delegate. In the meantime, this committee voted out another delegate bill, one which was introduced and voted on before this bill was introduced and voted on, providing for delegates, one in the House and one in the Senate. Now, what is wrong with that?

The gentleman from Arizona (Mr. STEIGER) and the gentleman from Minnesota (Mr. NELSEN), say that the Senate just will not take it. Why? They have as much room over there as we have. And the free talking over there is much freer than it is here in the House. We are limited to about 5 minutes in the House, whereas, a free-talking delegate in the Senate would have a tremendous opportunity to express himself as well as often not voting over in the Senate.

The Senate on three occasions has passed bills in a rather presumptuous fashion, in my judgment, to enlarge the House of Representatives by adding a delegate for the District. A good many years ago they passed a bill putting a District delegate in the House. Frankly, the Members of the House did not like it, not because of their putting a delegate here but because the other body—and since there is some form of comity here, I must be careful about how I say it—the House did not like it because the Senate presumptuously determined to enlarge the House of Representatives without even consulting the House. Certainly that would be for our own determination. So, the bill fell by the wayside. Two or three years ago they did the same thing. They did not pass a bill to put a delegate in the Senate. Oh, no. Just the House. Last year they did the same thing, without even debating same, without a rollcall vote or without consulting us. So, we are just proposing to return the courtesy, if it can be called a courtesy.

I see nothing in the world wrong, if we are going to have a delegate here, in having another in that august body at the other end of of the Capitol. I do not see anything wrong in supporting the amendment offered by the gentleman from Texas. Then the Hoover Commission bill will not even have to go to conference. It will become law. We are all for that. Nobody is against that.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. I am glad to yield to the gentleman.

Mr. ANDREWS. I appreciate the gentleman yielding.

Does not the gentleman think seriously that a nonvoting delegate in the Senate could be of far more service to his district than one here?

Mr. ABERNETHY. The gentleman said it much more effectively than I did. I was trying to make that point. I think the gentleman is eminently correct.

Mr. ANDREWS of Alabama. Does not the gentleman think that two nonvoting delegates would be of far more service to the citizens of the District than one?

Mr. ABERNETHY. Of course, they would be able to render twice as much service, that is, if they work.

Mr. ANDREWS of Alabama. Well, I assume they will work, and they will work if they get up here.

Mr. STEIGER of Arizona. Will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

Assuming that the gentleman is correct and I am wrong and the Cabell version has an excellent chance of passage or at least a chance of passage, I wish the gentleman would explain to me what harm will this language in the Nelsen bill—what harmful effect will that language have on the Cabell bill and what harmful effect will that have on those of you who are suggesting that we not vote for a delegate for the House?

Mr. ABERNETHY. One thing we are doing, unless we adopt the amendment of the gentleman from Texas, is to clutter up the so-called Little Hoover Commission bill which has already passed the Senate. Why clutter up the Hoover Commission bill with something which is not germane to it.

I trust you will adopt the amendment.

Mr. CABELL. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Texas.

Mr. CABELL. I thank the gentleman for yielding. I wonder if the gentleman might agree with me that by inclusion of this nongermane title to the Little Hoover Commission actually it weakens our position with reference to trying to get the people of the District of Columbia as complete representation in both Houses as possible?

Mr. ABERNETHY. Of course, I do.

Mr. CABELL. Just as we are weakening our position to go to conference with the other body to see if we are going to get representation for the District of Columbia which I for one favor, and which I think is necessary, and because of that, then let us keep our position strong, and where we will be in the best position possible in a conference.

Mr. ABERNETHY. I thank the gentleman for his contribution.

Mr. JACOBS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, following the clarification from the gentleman from Mississippi, I would like to offer the clarification of the gentleman from Indiana. Where I come from this amendment would be called "The Who's Kidding Who?" amendment.

The kindness expressed by the supporters of the amendment is touching. Perhaps you have heard of killing things with kindness?

Now, unfortunately, it is not within the province of this body of the Congress to ordain the acts of the other body of the Congress. In consequence, by way of explanation of the legislative processes, one body of the Congress cannot pass a bill in the other body even when the other body "ought" to pass such a bill. Nor do they in turn pass what they think we ought to pass. You pass what both bodies can agree upon. And from the testimony of those who have spoken before, everybody here could agree upon a nonvoting delegate to the House. It is unlikely that, even right or wrong, good or bad, stuck up or not, it is unlikely that a sufficient number in the other body would agree to a Senate delegate.

Mr. CABELL. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. In a moment.

Now, the gentleman from Mississippi says if you are going to have a voting delegate in the House, et cetera, well, you "ain't" going to have a voting delegate in the House if this amendment passes, and everybody in the House knows it. There is no point in kidding anybody or trying to kid ourselves.

Let the RECORD show clearly that this is indeed a test vote on whether or not there is going to be a nonvoting delegate in the House.

Marie Antoinette was just saying today, when told that the Americans in the District of Columbia had no representation in the House, "Let them have a Senator."

Who supports this "Senate cake" proposal? Those whose kindly sentiments have been displayed so graphically over the years for the people who live in the District of Columbia? Are their sentiments now so tender for the people of the District of Columbia that nothing will do but that the people of the District not only have a House delegate, but a Senate delegate as well? Make your own jokes.

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Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the distinguished gentleman for yielding, because I, too, have been very deeply touched by those who have spoken, our distinguished colleague from Mississippi and our colleagues from Virginia and Texas who are now trying to get delegates in both bodies.

Now I am going to follow the dictates of this committee leadership with the gentleman from Washington (Mr. ADAMS), yourself, and others who have been working diligently, that some day we may be able to go beyond merely having nonvoting delegates.

I would like to see the day come, Mr. Speaker, when we have voting representatives from Washington, D.C. It is because of that interest and that belief and because of that concern that I am voting down the amendment and am going to support the action for a nonvoting delegate in the House of Representatives.

Mr. JACOBS. I believe that the gentleman would agree that the District of Columbia has sent several delegates to Vietnam in uniform.

Mr. CABELL. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. CABELL. I would like to ask the gentleman a rather simple question, and I do not believe it will necessarily start a long dialog.

Does the gentleman in the well have any concrete knowledge—has the gentleman a Gallup poll or any other of these polls, to the point that he can speak with the assurance that the Senate would not accept my bill?

Mr. JACOBS. No, and that is why I think we ought to try both ways just to make sure.

Why do the supporters of this amendment not adopt the theme song "I Can't Give You Anything but Love"?

Mr. Speaker, I yield back the balance of my time.

Mr. GERALD R. FORD. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I do not intend to participate in the debate in any personal way, in the way I think some may be arguing, with tongue in cheek on the one hand, and others by taking snide cracks at others.

I do not think we ought to decide this important issue on that basis.

Mr. Speaker, we ought to defeat this amendment. We should approve this bill with the little Hoover Commission provisions as well as the congressional nonvoting delegate left to the House of Representatives.

There is good historical precedent for a nonvoting delegate in the House, and no comparable nonvoting delegate in the other body.

I do not know of a single instance where there has been a nonvoting delegate in the other body. On the other hand, I believe that history tells us that there have been many nonvoting delegates for the U.S. territories in this body. I am told in every instance a territory has historically had a nonvoting delegate, and there has been no such nonvoting delegate in the other body.

I think this is constitutionally correct. The reason why there has never been a nonvoting delegate for a territory in the other body is based on the concept that the Members of the other body are an assembly of representatives from the various States. For that reason you have not had a nonvoting delegate from the territories or the District of Columbia.

So I think constitutionally as well as precedentwise we ought to have one in this body and not in the other body. Therefore, I strongly urge that this amendment be defeated and that we pass the bill as it came out of the committee. The bill is endorsed by the distinguished majority leader who, I understand, has circulated a letter endorsing the proposal on the Democratic side of the aisle. I have done the same on our Republican side of the aisle. It is a recommendation by the President of the United States. I strongly urge and wholeheartedly support the bill, and I hope that this amendment is defeated.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HUNGATE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise to pay tribute to the gentleman from Minnesota, who has offered this bill, and I support it in its present form. I somewhat fear a tribute to the gentleman from Minnesota (Mr. NELSEN), is all we may get out of this, for the efforts of some of the hard-working members of this committee.

The gentleman from Minnesota has labored hard to give us a good bill. He has shown patience that few of us have. He has dealt with those who may or may not argue, with tongue in cheek, and those who would have a complete tent revival meeting on the subject in Washington tomorrow. He has shown great ability and has tried to serve the welfare of the people of the Nation and to meet the needs of the District of Columbia, residents. He has done a very good job.

Mr. Speaker, I hope we will defeat the amendment and adopt the bill as the gentleman has proposed it.

It has been suggested that when a bill comes up in the other body offering the House nonvoting delegate, it is outrageous. I think so, too. But it may be just as outrageous for us to pass the bill providing for a nonvoting delegate in the other body without word from them on the subject.

I think what we are attempting here is to deal with our own responsibilities. Responsibilities have been mentioned. I think here we are dealing with our own responsibilities, the responsibilities that we recognize to the District of Columbia and its residents.

I think the situation is perhaps well illustrated by a story that one of our Members told about responsibility. You have heard it. In a small town lived two identical twins. They were very beautiful girls, very well developed. The barber in town married one of these identical twins. Things went along all right until finally one day the identical twin's sister came to live with them.

Down at the barbershop one day a customer said:

> Well, Charlie, how do you tell those girls apart?

The barber said:

> I don't try. I figure that is their responsibility.

We are standing around here saying, "That is their responsibility." Let us take our responsibility. Let us pass Mr. NELSEN's bill without amendments.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from New York.

Mr. SMITH of New York. I compliment the gentleman for developing his argument. I think the issues here are quite clear. I think the measure has been well explained to the House, and I would urge that the amendment of the gentleman from Texas be voted down, and that H.R. 18725, as it has been presented here in the House, be passed.

Mr. WINN. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Kansas.

Mr. WINN. I thank the gentleman from Missouri. Mr. Speaker, I, too, support H.R. 18725 in its present form and I oppose the amendment.

Mr. Speaker, in the two terms that I have been in the Congress and sat on the House District Committee, there have been a proliferation of bills, resolutions, and plans submitted that would give some representation to residents of the District of Columbia in the Congress. A considerable amount of time has been spent in the House District Committee considering these various measures and I must say, especially as regards the hearings held in this session of Congress, there has been almost overwhelming support for a nonvoting delegate in the House of Representatives.

President Nixon, shortly after taking office, recommended to the Congress draft legislation that would provide a nonvoting delegate in the House of Representatives. The President cited the fact that there were 850,000 residents in the District who had no representation in the Congress whatsoever. Surely it is recognized that there is neither in the Congress nor in the executive branch one individual to whom District residents can go regarding legislation that is considered in the Congress whether it relates to matters of national or local interest.

Upon reading the report accompanying H.R. 18725, with the exception of the supplemental views of Congressman ANCHER NELSEN whose views I concurred in, one might draw the inaccurate conclusion that title II of this bill is "home rule" legislation. That is not the case.

What title II of this bill provides is a nonvoting delegate in the House of Representatives who would represent the residents of the District of Columbia. This nonvoting Delegate would have and enjoy the same rights that the Delegates from any other territory including Puerto Rico, whose Resident Commissioner sits in this body as a delegate. It would provide a representative of the 850,000 residents, someone to whom they could look to to foster and protect their interests with respect to all legislation coming before the House, whether it be national legislation or District legislation.

The casework for residents of the District of Columbia is now spread throughout many, if not all, of the Members of this body. The election of a Delegate would, I believe, concentrate that casework in one individual who would handle the problems of the residents of the District. In addition, he could introduce private legislation and legislation of interest to the District government. Despite what may be said, I believe the residents of the District of Columbia have a strong interest in having their own elected officials. Approximately 220,000 were registered in the presidential election of 1968 and of that number approximately 170,000 voted. Considering the fact that it has been almost 100 years since the District residents have been able to elect officials, this is a fairly good election turnout.

We must remember that the population of the District as of 1960 is larger than that of 11 other States who together send 22 Senators and 17 Representatives to the Congress. I am also informed by representatives of the executive branch that residents of the District of Columbia in 1967 paid more Federal personal income tax than the residents in 17 other States. Information from the hearings before other committees indicates that the District of Columbia furnished more men to the armed services during World War II than each of 14 other States and there is reason to believe that this trend has continued in other conflicts.

The principal purpose of title II of H.R. 18725 as I see it is to provide a direct and sure line of communications between the residents of the District and the Congress. They had this kind of representation in the Congress from 1871 to 1874 so there is historical precedence for a nonvoting Delegate in the House.

Recent events have also impressed me with the need for an effective spokesman for the District of Columbia, one with access and availability to the Congress on a regular basis, a spokesman able to devote himself to matters of legislative import, a true representative, certain by the fact of his election of the support of the people of the city.

In conclusion, it is my belief that Congressman NELSEN's bill, H.R. 18725, is the bill which has the best chance of passage not only in the House but in the Senate also. However, I favor forwarding to the Senate both H.R. 18619, which we have already passed, and H.R. 18725. However, I think we should be honest and forthright about the matter and recognize that there is precedence for having a nonvoting delegate in the House from the District of Columbia. On the other hand, there is no historical or legal precedence providing for a nonvoting delegate in the Senate for the District of Columbia.

I think that by voting for this bill providing for a nonvoting delegate in the House, we are following precedent. We are expressing the view that we are willing to seat a delegate from the District of Columbia in this body. I think this is consistent with the action that was first taken with respect to seating delegates which is explained in the report accompanying this bill as it occurred in 1794. In that case, the House did not dictate to the Senate as to whether or not there should be a nonvoting delegate in the Senate. What they did, pure and simple, is to state that they would accept a nonvoting delegate in the House and left to the Senate the question as to whether or not they would seat a nonvoting delegate in that body.

By passing H.R. 18725, we give to the residents of the District of Columbia and the Congress in title II a provision which is attainable of enactment. It has bipartisan support and should be passed, I believe, by the House.

As to title I, I think there is general agreement that there is a need for a little Hoover Commission. There is general support for this measure and as a member of the House District Committee, I strongly subscribe to the passage of title I, also.

I seek your earnest support for both of these titles as they are presented to you in this bill.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas (Mr. CABELL).

The question was taken; and on a division (demanded by Mr. McMILLAN) there were—ayes 31, nays 104.

So the amendment was rejected.

Mr. McMILLAN. Mr. Speaker, the title of the pending legislation, H.R. 18725, calling for the election of a Delegate from the District of Columbia to be seated in the House of Representatives of the U.S. Congress, is without precedent and without support in law. If any representation of the District to the Congress has any current sanction, such a representative of the District should be a Resident Commissioner rather than a Delegate.

The facts of the situation are clear and simple.

The first mention of a Delegate to Congress is in the Northwest Ordinance of 1787 and provided solely for Delegates from territories.

The Delegates were to be interim representatives from territories which were to become States.

The District of Columbia was never a territory of the United States.

The District of Columbia was never expected to become a State.

The reasons for permitting a Delegate to the Congress from the District do not exist in comparison to the territories. In fact, the Congress was to be located in, and was to be and has been an intimate part of the social and economic life of the District and is as knowledgeable of the local problems as any Delegate could be.

The following acts of Congress have been consistent in providing for representation by delegate from territories expected to become States or by Resident Commissioners from possessions not to become States: The Northwest Ordinance of 1787; the act of August 7, 1789—adapting the ordinance to the Constitution; the Missouri Territorial Act of June 4, 1912; the act of March 3, 1917, amending the Missouri Act and applying generally to other territories; the revision in the Revised Statutes, section 1862; the act of July 1, 1902 providing Resident Commissioners for the Philippines; and similar law of that Congress related to Puerto Rico; the act of August 29, 1916, asserting the nonterritorial status of the Philippines and the intent of restoration of independence. Not one of these acts of Congress by express language or by inference supports the concept of a delegate to the Congress from the District of Columbia.

The supporters of the present language are trying to make applicable to the District that which does not apply. This was tried in 1871 when Congress mistakenly started to provide a territorial government to the nonterritory District of Columbia. Most of the mistakes were taken out of the legislation but the delegate representation, which under all precedents before and since was inapplicable to the District, was left in the legislation only to be abandoned when the Congress completely rewrote the form of government for the District of Columbia 3 years later.

The history of the use of delegates is clear and unequivocal. They have never been intended to apply except to territories which were to become States. In those cases where any representation was to be given to other land areas under the jurisdiction of the United States, the method has been by providing for a Resident Commissioner. The amendments which have been offered to substitute the the term Resident Commissioner for the term delegate will be in conformity with the 194-year history of this problem from 1787 to the present.

Mr. CONYERS. Mr. Speaker, one of the most profound failings of the democratic system is that the people of the District of Columbia have no representation in Congress. Our Nation's Capital has more citizens than 11 States. It pays more in individual Federal income taxes than 17 States. Its young men are eligible for military service. Seven hundred forty-two of them were drafted last year. It is rank hypocrisy to continue to deny them the most elemental rights of citizenship.

We preach democracy to the world and yet we deny a voice in our Government to the people who live closest to it. Simple justice demands that we boldly move forward to the day of true citizenship and complete home rule for the citizens of Washington, D.C.

There is ample precedent surrounding our action today. The District of Columbia had a nonvoting delegate in the House from 1871 to 1874. This small step presently being considered to provide a voice without a vote will pave the way so that someday this Capital will proudly boast of its own elected representatives. In my judgment, we ought to begin immediate work on an amendment to the Constitution which would allow the District of Columbia two Senators and two Representatives to represent their 800,000 citizens. Second, we ought to pass legislation similar to the bill I introduced last year that would bring complete local self-government to Washington, D.C. The people of

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Washington deserve to have their voice heard in the House of Representatives right now. They have been exceedingly patient. Congress has isolated itself from almost 1 million Americans. Let us bring one of them into the House and let him be heard. I urge passage of H.R. 18725, the nonvoting delegate bill.

Mr. HARRINGTON. Mr. Speaker, I have spoken a number of times about the seniority system in the House and its effect on the passage of legislation. On June 23, 1970, I discussed the District of Columbia and said:

> Nowhere is our failure to reflect our national constitution more evident that in the way we prescribe the rule of the District of Columbia. Nowhere is the failure of this body to respond to the demands of the 20th century more obvious.

I am pleased today that we are finally going to take that first step into the 20th century for the District. For the first time in 95 years the District has a chance to have some representation in Congress—albeit a nonvoting representative. My colleague from Minnesota (Mr. NELSEN) has presented us with a bill, H.R. 18725, which will not only provide the District of Columbia with a nonvoting delegate in the House, but which will also provide a "little Hoover Commission" which will study all aspects of District of Columbia government and recommend methods of reducing expenditures, eliminating duplication, consolidating or abolishing services, and relocating agencies of the District government. This appraisal is needed and long overdue.

I am delighted that Congressman NELSEN's bill has finally come to the floor and it is my intention to vote for it. However, I believe that the District of Columbia should be completely self-governing. More than 11 States have populations smaller than the District—according to the 1960 census—and these States have 22 Senators and 17 Representatives between them. Clearly, a nonvoting delegate is inadequate representation for the residents of the District.

Mr. Speaker, I have been in the Congress less than a year. I have maintained a residence in the District less than a year, and my eyes have been opened. I am frankly appalled at the way the District is run. I have visited those parts of the city which the tourist never sees, and I am shaken. Many areas damaged in the riot of 1968 have never been repaired. Many buildings are still blackened and boarded up. Housing is inadequate, schools are inadequate, transportation is inadequate, and no one has real authority to act effectively for the black majority of this city. The Congress simply does not have the time or the interest to run a large city. It is time we recognized this fact, and permitted the city to govern itself. The complexities of city government, the day-to-day decisions should not be placed in the hands of 535 different people—all of whom have to pass on matters about which they have little concern and about which they lack the time to be informed.

Many residents of the District display a bumper sticker stating: "D.C.: Lost Colony." That, Mr. Speaker, sums up the situation. A nonvoting delegate will help, but the best solution is self-government. Let us not wait another 95 years to make that a reality.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 302, nays 57, not voting 70, as follows:

[Roll No. 266]

YEAS—302

Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Carey
Casey
Cederberg
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Daniels, N.J.
Davis, Wis.
de la Garza
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Feighan
Findley
Flood
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gaydos
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Lloyd
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
Madden
Mahon
Mann
Marsh
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Konski
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruppe
Ruth
St Germain
Sandman
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Taft
Talcott
Taylor
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watts
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion

NAYS—57

Abbitt
Abernethy
Andrews, Ala.
Ashbrook
Aspinall
Bevill
Blackburn
Blanton
Brooks
Broyhill, Va.
Burlison, Mo.
Cabell
Camp
Chappell
Clark
Collins
Colmer
Daniel, Va.
Dorn
Fisher
Flowers
Fuqua
Gettys
Griffin
Gross
Haley
Hall
Henderson
Hull
Jarman
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Landrum
Lennon
McMillan
Martin
Montgomery
Nichols
Poage
Purcell
Randall
Rivers
Roberts
Satterfield
Saylor
Schmitz
Scott
Sikes
Steed
Stephens
Stuckey
Teague, Tex.
Waggonner
Watson
Whalley
Whitten

NOT VOTING—70

Alexander
Anderson, Tenn.
Baring
Berry
Biaggi
Bray
Brock
Brown, Mich.
Burleson, Tex.
Bush
Caffery
Carter
Celler
Clay
Cramer
Cunningham
Daddario
Davis, Ga.
Dawson
Delaney
Dickinson
Dowdy
Dwyer
Edwards, Ala.
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fish
Flynt
Gallagher
Garmatz
Goldwater
Hagan
Hastings
Hébert
King
Kleppe
Long, La.
Lukens
McCulloch
McKneally
MacGregor
Mailliard
Meskill
Monagan
O'Hara
Olsen
O'Neal, Ga.
Passman
Patman
Pollock
Powell
Price, Tex.
Rarick
Reifel
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Rousselot
Ryan
Sullivan
Symington
Teague, Calif.
Tunney
Weicker
Wright
Young
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Passman against.

Mr. Rostenkowski for, with Mr. Rarick against.

Mr. Olsen for, with Mr. Long of Louisiana against.

Mr. Biaggi for, with Mr. Caffery against.

Mr. Fallon for, with Mr. Hébert against.

Mr. Gallagher for, with Mr. O'Neal of Georgia against.

Mr. O'Hara for, with Mr. Davis of Georgia against.

Mr. Daddario for, with Mr. Burleson of Texas against.

Mr. Garmatz for, with Mr. Hagan against.

Mr. Delaney for, with Mr. Dowdy against.

Mr. Celler for, with Mr. Flynt against.

Until further notice:

Mr. Ryan with Mr. Edwards of Alabama.

Mrs. Sullivan with Mr. Dickinson.

Mr. Evins of Tennessee with Mr. Bray.

Mr. Edwards of Louisiana with Mr. Brock.

Mr. Monagan with Mr. Brown of Michigan.

Mr. Patman with Mr. Bush.

Mr. Rogers of Colorado with Mr. Carter.

Mr. Symington with Mr. Clay.

Mr. Tunney with Mr. Powell.

Mr. Farbstein with Mr. Weicker.

Mr. Wright with Mr. Crane.

Mr. Alexander with Mr. Cunningham.

Mr. Anderson of Tennessee with Mrs. Dwyer.

Mr. Baring with Mr. Fish.

Mr. Young with Mr. Goldwater.

Mr. Hastings with Mr. Kleppe.

Mr. King with Mr. Lukens.

Mr. McKneally with Mr. McCulloch.

Mr. Mailliard with Mr. Berry.

Mr. Meskill with Mr. MacGregor.

Mr. Reifel with Mr. Pollock.

Mr. Teague of California with Mr. Price of Texas.

Mr. Wyman with Mr. Roudebush.

Mr. Zwack with Mr. Rousselot.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the District bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 15913, AMENDING LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1149 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1149

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15913) to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 15913, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 1708, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 15913 as passed by the House.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, I hope to speak on this matter briefly, but in order to be fair to the House, it is important to describe the situation in which we find ourselves.

The proposition brought before the House by the rule now under consideration would do two things. It would provide for a method of using property, land found surplus for park and recreational purposes, and it would increase the amount of the land and water conservation fund from within $200 to $300 million after fiscal year 1970.

When the matter came before the Committee on Rules, there was a jurisdictional conflict between the House Committee on the Interior and Insular Affairs, and the House Committee on Government Operations.

There is also on the calendar a rule, House Resolution 1164, making in order H.R. 18275, an amendment to the Federal Property Administrative Services Act, which would have dealt with the matter in a different way.

This is where the conflict between the Committee on Interior and Insular Affairs and the Committee on Government Operations became clear.

The Committee on Rules felt very strongly that the matter should be reconciled by the two committees. It therefore reported rules on both bills and communicated its views to both committees. Whether that had any influence or not is not pertinent, but the fact remains that the two committees have reconciled any differences that existed, that the matter made in order by this rule will have offered to it an amendment offered by the gentleman from Texas (Mr. BROOKS) acting for the Committee on Government Operations, which is wholly acceptable, as I understand it, to the Committee on Interior and Insular Affairs. There will be no conflict and the matter will, to the best of my knowledge, be totally without controversy and presumably can be passed in a few minutes.

I therefore, after the adoption of this rule, propose to ask unanimous consent to table the other rule, to dispose of that aspect, and I understand, as I have suggested, the matter will proceed and I understand proceed expeditiously.

Mr. Speaker, I reserve the remainder of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Missouri has explained, House Resolution 1149 provides for an open rule with 1 hour of debate on H.R. 15913, to amend the Land and Water Conservation Fund Act of 1965, as amended.

The purpose of the bill is to increase the effectiveness of the land and water conservation fund program by providing a system for utilizing suitable, unneeded Federal lands for park and recreation purposes, and by increasing the moneys available for purchases by the land and water conservation fund.

The bill increases the level of the land and water conservation fund to $300,000,000 annually, an increase of $100,000,000 from the present level. Money in the Fund is used by the Government to purchase land for park and recreational purposes. Funds from three sources have traditionally been covered into the land and water conservation fund from: First, entrance and user fees; second, motorboat fuel taxes; and third, revenues from the sale of surplus real property owned by the Government.

Revenues from these sources have not produced funds at the anticipated levels. The act authorizes appropriations to make up the difference between the revenues of the fund and the authorized expenditure level of $200,000,000. If appropriations were not forthcoming, a transfer of funds from the Outer Continental Shelf revenues was required automatically to insure that the land and water conservation fund received $200,000,000 annually to expend on land purchases. This procedure is continued under the proposed legislation but the annual expenditure figure is set at $300,000,000.

The bill also authorizes the Administrator of the General Services Administration to transfer unneeded and excess Federal properties which are suitable for park or recreational purposes to the Secretary of the Interior for conveyance to the States or local agencies. This is proposed to insure the continued growth of State and local recreational and park programs. The Administrator of GSA will lose none of his authority with respect to land disposal. He retains full authority to determine what is excess, and if it is, to further determine whether it is suitable for park or recreational purposes. Only after he makes both affirmative decisions can such excess land be conveyed to the Secretary of the Interior for transfer to the State or local authority involved.

The committee believes that by expanding our park and recreational land acquisition and development programs in these two ways we can better insure adequate facilities in future years.

The administration supports the bill as evidenced by letters from the Department of the Interior and the Bureau of the Budget.

Mr. Speaker, I reserve the remainder of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TABLING OF HOUSE RESOLUTION 1164 AND H.R. 18275

Mr. BOLLING. Mr. Speaker, I ask unanimous consent to lay on the table House Resolution 1164; and subsequent to that, by agreement, I propose to ask unanimous consent to lay the bill which it makes in order on the table.

The **SPEAKER** pro tempore (Mr. Albert). Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. **BOLLING**. Mr. Speaker, I ask unanimous consent to lay on the table H.R. 18275.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDING LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED

Mr. **ASPINALL**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15913) to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes, in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill as follows:

H.R. 15913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended effective March 31, 1970 (16 U.S.C. 4601–5), is further amended as follows:

(a) Subsection (a) is amended by deleting the last sentence, by changing the period at the end of the first sentence to a colon, and by adding the following: "*Provided,* That in lieu of disposal under the Federal Property and Administrative Services Act of 1949, as amended, of any surplus real property and related personal property that the Secretary of the Interior certifies is needed and suitable for public park or recreation uses, suitability being determined in the light of the highest and best use of the property under present and foreseeable needs, such property shall be transferred by the Administrator of General Services to the Secretary of the Interior, on request of the Secretary; and in furtherance of the purposes of this Act the Secretary is authorized to sell such property to any State, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any political subdivision or instrumentality thereof, or municipality for a price determined by the Secretary after taking into consideration any benefit that has accrued or may accrue to the United States from the use of the property by the purchaser. The deed of conveyance—

"(1) shall provide that the property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose all or any portion of such property shall in its then existing condition, at the option of the Secretary of the Interior, revert to the United States; and

"(2) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States.

As soon as practicable after the close of each fiscal year the Secretary shall submit to the Congress a report showing the acquisition cost of all real property sold during that year, the sales prices, and the bases on which the sales prices were determined."

(b) Subsection (c), clause (2), is amended by changing the period at the end thereof to a colon and adding: "*Provided further,* That the foregoing amount of $200,000,000 in this clause and in clause (1) shall be increased by an amount equal to the net proceeds placed in the fund from the sale of surplus property and related personal property in excess of $54,700,000 in any one year."

With the following committee amendment:

Page 1, beginning on line 3, strike all after the enacting clause and insert in lieu thereof the following:

That subsection 1(b) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, 17 U.S.C. 4601–4), is amended as follows:

(a) Strike out "by (1)" and insert "(1) by".

(b) Strike out "and (2)" and insert ", (2) by making available to States lands suitable for recreation use that are excess to the needs of Federal agencies, and (3) by".

Sec. 2. The Land and Water Conservation Fund Act of 1965 is further amended by adding a new section 11 as follows:

"Sec. 11. (a) In lieu of disposal under the Federal Property and Administrative Services Act of 1949, as amended, of any surplus real property and related personal property, and deposit of the proceeds received in the Land and Water Conservation Fund, when any Federal real property and related personal property are declared to be excess to the needs of any Federal agency the Secretary of the Interior shall determine whether they are needed and suitable for State or local public park or recreation uses, suitability being determined in the light of the highest and best use of the property under present and foreseeable needs. If the Secretary makes affirmative determination, and if the property is transferred by the Administrator of General Services, in his discretion, to the Secretary of the Interior in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, the Secretary is authorized to convey such property in furtherance of the purposes of this Act to any State, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any political subdivision or instrumentality thereof, or municipality for a consideration or without consideration as elected by the grantee from one of the following alternatives:

"(1) a price determined by the Secretary after taking into consideration any benefit that has accrued or may accrue to the United States from the use of the property by the purchaser;

"(2) no consideration where the United States acquired the land involved by donation from the grantee;

"(3) a price equal to the consideration paid by the United States when it acquired the land:

Provided, That under each of the foregoing alternatives the grantee may be required to pay the value, as determined by the Secretary, of any improvements constructed by the United States which the Secretary determines will probably be used for other than park or recreation purposes.

"(b) The deed of conveyance—

"(1) shall provide that the property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event such property ceases to be used or maintained for such purpose all or any portion of such property shall in its then existing condition, at the option of the Secretary of the Interior, revert to the United States;

"(2) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States; and

"(3) shall not be executed until sixty days after the proposed conveyance has been transmitted to the Committees on Interior and Insular Affairs of the Senate and House of Representatives respectively.

"(c) As soon as practicable after the close of each fiscal year the Secretary shall submit to the Congress a report showing the acquisition cost of all real property and related personal property sold during that year, the sales prices, and the bases on which the sales prices were determined."

Sec. 3. Subsection 5(b), paragraph (2), of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8) is amended as follows:

(a) After "United States" insert a comma and strike out "and of".

(b) After "outside the State" insert a comma and strike out "as well as a consideration of".

(c) At the end of the paragraph change the period to a comma and add "and any conveyance of excess Federal property pursuant to section 11 of this Act."

Sec. 4. Subsection 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5(c)) is amended as follows:

(a) In clause (1), strike out "five fiscal years beginning July 1, 1968, and ending June 30, 1973" and insert "fiscal years 1968, 1969, and 1970, and not less than $300,000,000 for each fiscal year thereafter through June 30, 1989."

(b) In clause (2), after "$200,000,000" insert "or $300,000,000" and after "for each of such fiscal years," insert "as provided in clause (1),"

Mr. **ASPINALL** (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read, printed in the Record, and open to amendment at any point.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. **ASPINALL**. Mr. Speaker, I move to strike the last word.

Mr. Speaker, no one knows more than I that the hour is growing late.

The distinguished gentleman from Missouri has explained the purpose of the legislation.

This is legislation to which all of us have referred a great many times during the past several months. The only reason why we could not bring the legislation before the House was this jurisdictional question between the Committee on Interior and Insular Affairs and the Committee on Government Operations.

We resolved this because we left the jurisdiction having to do with the matter of surplus property to be taken care of by the action of the Committee on Government Operations. As has been stated, the gentleman from Texas (Mr. Brooks) will offer an amendment to that effect. As far as the jurisdiction of the Committee on Interior and Insular Affairs is concerned, that has to do with the increase in the land and water conservation fund from the present level of $200 million to $300 million so that the recreation needs of the Nation may be taken care of.

Mr. Speaker, H.R. 15913 combines in one measure the key elements of several bills referred to the Committee on Interior and Insular Affairs which would amend the Land and Water Conservation Fund Act. The bill would expand the provisions of that act to assist the States and their localities in fulfilling their outdoor recreation objectives and it would enlarge the land and water conservation fund to more adequately meet the future financial needs of the Federal outdoor recreation program.

In blending together several features of various legislative proposals, the committee sought to accomplish two important objectives:

First, H.R. 15913 seeks to make unneeded Federal lands, which are suitable for recreation and park uses, available to the States and localities at a public service discount so that they can be used to expand the Nation's supply of outdoor recreation resources. This, we feel, is consistent with the long-term objective of the land and water conservation fund program.

Second, H.R. 15913 seeks to increase the level of the fund so that it can more adequately meet the present and future outdoor recreation needs of the Nation.

As everyone knows, the Land and Water Conservation Fund Act authorizes the appropriation of matching funds to assist the States and their local entities in the acquisition and development of outdoor recreation facilities. This has been a very valuable element in the overall national outdoor recreation program and it has materially assisted the States and their localities.

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USE OF UNNEEDED FEDERAL LANDS FOR PARK AND RECREATION PURPOSES

One of the key provisions of the legislation which the committee is now recommending would amend the basic act so that the State assistance aspect of the Federal program could include, in addition to dollar grants, grants of land which are suitable for outdoor recreation purposes and which are not needed for Federal purposes. By making these unneeded Federal lands available to State and local entities, we can expand the Nation's supply of outdoor recreation resources by simply converting them to their best possible public use.

The procedures under which State and local agencies could benefit from this new program are outlined in detail in the bill. They are similar to the procedures presently applicable to surplus lands made available for health and education purposes.

Mr. Speaker, the members of the Committee on Interior and Insular Affairs feel strongly that the Nation's outdoor recreation needs cannot be met with money alone. Lands suitable for park and recreation purposes are exceedingly scarce, particularly in and near our cities, and no opportunity to convert them to this use should be lost, if at all avoidable. Sometimes, suitable lands belong to some agency of the Federal Government which no longer needs them. When this occurs, there should be some mechanism to see to it that the opportunity to hold them for public use and enjoyment is not lost. This is what H.R. 15913 would do. It would allow unneeded Federal lands, which can be appropriately converted to park and recreation purposes, to be transferred to the Secretary of the Interior and conveyed by him to a State or locality if that is their highest and best use.

EXPANSION OF THE LAND AND WATER CONSERVATION FUND

Turning to the second major feature of H.R. 15913, Mr. Speaker, you will recall that the 1968 Amendments to the Land and Water Conservation Fund Act stabilized the income for the fund at $200 million for 5 fiscal years. At the time that the Congress approved that legislation, it was suggested that the moneys, if appropriated, would go a long way toward completing the acquisition program at authorized outdoor recreation areas and that it would provide a substantial amount of needed financial assistance to the States.

1. THE FEDERAL PROGRAM

I am pleased to report to you that this year, in particular, has seen a tremendous gain in the overall outdoor recreation effort. If funding continues at the level authorized, the backlog of authorized, but unfunded, projects should soon be erased. With this in mind, the authorizing committee has considered some new authorizations which can be promptly funded if H.R. 15913 is enacted.

A number of proposals have been favorably reported by the committee. Some of these, like the proposed Apostle Islands National Lakeshore in Wisconsin, Gulf Islands National Seashore in Mississippi and Florida, and Sleeping Bear Dunes National Lakeshore in Michigan are major projects requiring substantial investments for land acquisition. Others, which are smaller and less costly still must rely on the land and water conservation fund for land acquisition appropriations. Several other Federal projects, like the proposed Voyageurs National Park in Minnesota, the proposed Buffalo National River in Arkansas, the proposed Connecticut River National Recreation Area, and other future proposals will have to rely on the land and water conservation fund, also. In the months and years ahead, other proposals will undoubtedly be forthcoming which will require an additional Federal investment.

2. THE STATE ASSISTANCE PROGRAM

Perhaps more important than the Federal program, however, Mr. Speaker, is the role of the States and their subdivisions. As our report indicates:

> The acceleration of the State assistance program is generally considered to be one of the most effective ways to meet the recreation needs of the public.

Most States have committed themselves to aggressive outdoor recreation programs and their need for matching assistance under the Land and Water Conservation Fund Act will continue to grow. If the level of the fund is increased and extended for the life of the program, these anticipated needs can be met. Without the extension of the guaranteed annual income to the fund, the continued effectiveness of the Federal effort cannot be assured. Every State has benefited from the assistance available through the land and water conservation fund and this legislation will enhance their activities.

CONCLUSION

Mr. Speaker, I have gone into this legislation in detail because it is important. The action which the Congress takes will determine the future course of the land and water conservation fund program. And, in so doing, it will materially affect Federal and State programs involving the protection of natural, outdoor areas throughout the Nation. We are aware of the magnitude of the two key elements of this bill, but we are equally impressed with the burden which must be confronted if the public need and desire for more outdoor recreation needs is to be satisfied.

Before concluding, I should mention that I have had some discussions with the leadership of the Committee on Government Operations which has been considering legislation which parallels, in part, H.R. 15913. We feel that the differences between the two bills are reconcilable and, at the appropriate time an amendment will be offered to accomplish the objective which both committees have found desirable. Both the Committee on Interior and Insular Affairs, and the Committee on Government Operations concluded that unneeded Federal lands which are suitable for public park and recreation purposes should be made available to State and local governmental agencies with a public use discount. The only difference between the committees was the selection of the mechanism and the timing of the operation to achieve the result.

Mr. Speaker, H.R. 15913 is sound, practical legislation which is essential to the overall conservation program. I urge the Members of the House to approve it.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members desiring to do so may revise and extend their remarks immediately following my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. **SAYLOR**. Mr. Speaker, will the gentleman yield?

Mr. **ASPINALL**. I yield to my good friend from Pennsylvania.

Mr. **SAYLOR**. Mr. Speaker, I appreciate my colleague, the chairman of the Committee on Interior and Insular Affairs, yielding to me.

I do so for the purpose of asking him a question. There has been no dispute as far as the increase from $200 million to $300 million is concerned between anyone on the committee. Is that correct?

Mr. **ASPINALL**. The gentleman is correct. And there has been no opposition anywhere in the United States that I know of that has come out during our hearings.

Mr. **SAYLOR**. The dispute arose as to the manner in which surplus property in the Federal Government was to be handled?

Mr. **ASPINALL**. If the gentleman will permit me, he is correct. That was a matter under the jurisdiction of the Committee on Government Operations. But it went even further. What the bill presently before the House provides is that we take the property as excess property, which is contrary to any existing law, and the Committee on Government Operations recommends we treat it as surplus property.

Mr. SAYLOR. The amendment that will be offered by the gentleman from Texas (Mr. BROOKS) will accept the $300 million ceiling of the committee, which our committee recommended to the Congress, and will deal with the property as surplus Federal property. Is that correct?

Mr. ASPINALL. The gentleman's understanding is correct. Also it will make it possible for us to go to a conference committee with the other body if that is found to be necessary. We could not do that under the procedure that we formerly decided upon.

Mr. SAYLOR. Mr. Speaker, I recommend that this bill be passed.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I will be glad to yield to the gentleman if I have any time left.

Mr. PELLY. As the gentleman knows, I can be very objective because I introduced legislation very similar to the bill reported by this committee and also to that reported by the Committee on Government Operations.

Mr. ASPINALL. If the gentleman will permit me to say so, in my prepared remarks I have referred to all of these bills.

Mr. PELLY. I thank the gentleman. Particularly I wanted to assure myself that it will be possible on surplus property and its disposal through the Secretary of the Interior to have him, at his discretion, give discounts up to 100 percent where property might be acquired at low cost to the Federal Government.

Mr. ASPINALL. The first offering will be to the Administrator of the General Services Administration. Having once decided that, the Secretary of the Interior is invited into the picture, and the gentleman's understanding is correct on that.

Mr. PELLY. I certainly want to compliment the leadership of both committees for getting together and working out the jurisdictional problem. I think it is good legislation and strongly support it.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to the gentleman.

Mr. ADAMS. I want to compliment the gentleman for working out the problems that existed between the two committees on this matter.

The **SPEAKER** pro tempore. The time of the gentleman from Colorado has expired.

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado may be allowed to proceed for 1 additional minute for the purpose of my asking him a question.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, I should like to ask the chairman of the Committee on Interior and Insular Affairs whether or not this $100 million additional provided for in this bill is only for Federal, or is it for State and local lands?

Mr. ASPINALL. It is for State and local. It follows the formula that we provided for in the Land and Water Conservation Act. Certain percentages go for acquisition. Certain percentages are divided between the States, and the States have control over it. The gentleman is correct in his assumption that the States' share will be just the same as it is under the present law.

Mr. MINSHALL. In other words, in the case of the State of Ohio any State parks or local parks could be eligible for these funds?

Mr. ASPINALL. The gentleman is correct.

Mr. MINSHALL. I thank the gentleman.

AMENDMENT OFFERED BY MR. BROOKS AS A SUBSTITUTE FOR THE COMMITTEE AMENDMENT

Mr. BROOKS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS as a substitute for the committee amendment: Strike everything after the enacting clause and insert in lieu thereof the following:

"That subsection 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5(c)) is amended as follows:

" '(a) In clause (1), strike out "five fiscal years beginning July 1, 1968, and ending June 30, 1973" and insert "fiscal years 1968, 1969, and 1970, and not less than $300,000,000 for each fiscal year thereafter through June 30, 1989."

" '(b) In clause (2), after "$200,000,000" insert "or $300,000,000" and after "for each of such fiscal years," insert "as provided in clause (1),".'

"SEC. 2. Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(2) as section 203(k)(3), and by adding a new section 203(k)(2) as follows:

" '(k)(2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

" '(A) Subject to the disapproval of the Administrator within 30 days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell or lease such real property, including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, intrumentalities thereof, or municipality.

" '(B) In fixing the sale or lease value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

" '(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

" '(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

" '(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States.

" '(D) "States" as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.'

"SEC. 3. The first sentence of subsection (n) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(n)), is amended by striking '(k)' and substituting '(k)(1)' in lieu thereof.

"SEC. 4. Subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), is amended to read as follows:

" '(o) The Secretary of Health, Education, and Welfare, with respect to personal property donated under subsection (j) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year.'

"SEC. 5. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)) is amended by—

" '(1) striking out the phrase "public park, public recreational area, or" in paragraph (1) thereof; and

" '(2) striking out the first full sentence of paragraph (2) thereof.' "

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that this amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. BROOKS. Mr. Speaker, I rise to offer an amendment to H.R. 15913. My amendment does not change in any way the purpose of this legislation, but it does resolve a jurisdictional problem that has arisen between the Government Operations Committee and the Committee on Interior and Insular Affairs. This amendment has the support of the distinguished chairman of the Interior Committee, WAYNE ASPINALL of Colorado, who is the sponsor of this legislation, and also the support of the acting chairman of the Government Operations Committee, CHET HOLIFIELD of California.

The amendment which I offer as a substitute for the committee amendment would, in effect, delete those sections of H.R. 15913 relating to the transfer of excess Federal property for park and recreational purposes and would insert in lieu thereof language authorizing the transfer of surplus Federal property to State and local governments for park and recreational uses. The provisions of H.R. 15913 referring to the funding of the land and water conservation fund would not be affected by this amendment.

My amendment is for the purpose of maintaining a unified approach to the management of the Federal Government's property. The bill we are pres-

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ently considering, H.R. 15913, makes property that is "excess to the needs of the Federal agencies" available for donation to the States.

Under this language, the property would not necessarily be surplus to the needs of the Federal Government, and the States could compete equally with another Federal agency for the use of the property. I do not believe that Federal Government property should be available for donation so long as there is an outstanding Federal need.

Also, there are a number of existing public service programs which the Congress has authorized to receive surplus Federal properties. These include health and educational uses, airport development, and housing projects. Under none of these programs is the property available while it is in "excess" status as opposed to "surplus" status. If park and recreational users were allowed to request the property when it is excess but not surplus, that use will be given a priority over these other programs.

My amendment would change this bill only to make the property available when it is surplus rather than excess and to avoid giving any of these highly deserving programs a priority over the others. It would also protect any continuing Federal use for the property.

The Congress long ago enacted legislation unifying most of the Federal Government's property management in one agency, the General Services Administration. If the Government's property management and disposal program is fragmented and duplicated throughout the Federal Government, the taxpayers will only lose in the long run.

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My amendment will avoid this fragmentation by making this legislation consistent with that of the other donable property programs and by retaining responsibility for the determination of the highest and best use of Federal property in the Administrator of General Services.

Again, my amendment does not affect in any way the provisions of this legislation regarding the funding of the land and water conservation fund. This amendment contains the exact language of section 4 of the Interior Committee amendment which increases the minimum funding level of the land and water conservation fund from $200,000,000 per year to $300,000,000 per year and extends the term for that funding level to 1989.

Mr. Speaker, the Government Operations Committee has the responsibility for overseeing the Federal Government property disposal programs. The language I offer in my amendment is consistent with legislation unanimously passed by the Government Operations Committee and now awaiting floor action. That legislation, H.R. 18275, resulted from consideration of legislative proposals introduced by 135 Members of Congress.

This amendment would accomplish the objectives of both the Interior Committee bill and the Government Operations Committee bill. It would provide valuable Federal assistance to State and local governments in their efforts to provide adequate services, including park and recreational areas, for their residents.

I urge adoption of this amendment as a substitute to the committee amendment now pending, and I want to express my appreciation to the distinguished chairman and acting chairman of the two committees involved for their diligent efforts in working out this solution to this problem.

I also include pertinent portions of House Report No. 91-1313 on H.R. 18275 in the RECORD at this point since it would be the appropriate legislative history to refer to with regard to the surplus property provisions of the amended bill:

REPORT

The Committee on Government Operations, to whom was referred the bill (H.R. 18275) to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the disposal of surplus Federal property for park and recreational uses, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

HEARINGS

On June 9, 1970, the committee, through its Government Activities Subcommittee, held hearings on H.R. 15870, H.R. 15984, H.R. 16023, H.R. 16024, H.R. 16031, H.R. 16038, H.R. 16045, H.R. 16052, H.R. 16109, H.R. 16237, H.R. 16346, H.R. 16450, H.R. 16864, H.R. 17675, and H.R. 504, all relating to the disposal of surplus Federal property for park and recreational uses. Following that hearing, the chairman of the subcommittee introduced a clean bill, H.R. 18275, embodying the essential provisions of those bills with regard to surplus property disposal.

PURPOSE

H.R. 18275 would amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the sale or lease of surplus Federal property to State and local governments, at discounts of up to 100 percent, for park and recreational use.

The objective of the program is to allocate a larger portion of this Nation's land area to park and recreational uses, to preserve our fast-disappearing open spaces, and to assist local governments in providing more and better facilities to meet the recreational needs of our growing communities. As America becomes increasingly urbanized and industrialized, the need for public parks and recreational areas becomes more apparent each day and, at the same time, more difficult to meet.

BACKGROUND

The Federal Government has long had a program to assist State and local governments in acquiring park and recreational areas. One facet of this program has been a provision making surplus Federal property available to State and local governments for park and recreational purposes at 50 percent of fair market value.

This program has aided some communities in their park development programs but for the most part has been ineffective. Cities, hardpressed for additional tax funds for priority programs, have had great difficulty in generating the revenues needed to meet the 50 percent requirement. The requests for surplus property under this program have been decreasing in recent years.

DISCUSSION

This legislation would make surplus Federal real property, including buildings, fixtures, and equipment thereon, available by sale or lease to State and local governments at discounts of up to 100 percent depending on the benefits which have accrued or may accrue to the public of the United States in the continuing use of the property. For all practical purposes, that benefit would be 100 percent in all but the rarest of cases, since absent such substantial benefit the property would not qualify for transfer under this legislation.

Pursuant to H.R. 18275, the Secretary of Interior would have the responsibility for identifying the surplus properties needed for park and recreational uses. The Secretary would make his recommendations to the Administrator of General Services.

In those instances in which he, in his discretion, agreed with the Secretary of Interior, the Administrator would assign the properties to the Secretary for disposal in accordance with the other provisions of this legislation. If the Administrator, in view of his responsibility for the entire Federal Government's property acquisition, management, and disposal programs, disagrees with the recommendation of the Secretary of Interior and concludes that a park or recreational facility is not the highest and best use of the property, then there is no obligation upon him to transfer the property to the Secretary of Interior.

The primary responsibility for determining the most efficient and effective use of Federal Government property remains in the Administrator of General Services. This procedure is consistent with the long-standing policy established by the Congress which unifies as much as possible the Government's property management program in one agency.

Over the years Congress has established a number of programs which can obtain surplus Federal property in fulfilling their objectives. Among these are various housing programs, airport development, and health and educational programs. To these, this legislation would add increased opportunity for park and recreational uses.

All of these programs are in the public interest, and only if they compete more or less equally for surplus Federal property can such property be applied to its most beneficial use. This legislation, accordingly, leaves the responsibility for making the decision as to highest and best use in the Administrator without creating any priorities or fragmenting the surplus property program.

Under this legislation, the property would become available for transfer to the State or local government only after all Federal use for the property has been exhausted and the property has been declared surplus to the needs of the Federal Government. The property would not be available for transfer to a non-Federal agency so long as it is only excess to the needs of a particular department but not yet declared surplus to the needs of the Federal Government.

After the property has been assigned to the Secretary of Interior for disposal under this legislation, the Secretary must notify the Administrator of the proposal transfer. The Administrator then has 30 days in which to disapprove the transfer if, in his discretion, it is not in the best interests of the Federal Government.

The intent of this legislation is to assist the local governments in meeting their responsibilities for providing park and recreational areas. The national park program cannot meet all of the requirements. Traditionally, the States and cities have supplemented that program with regional and local park areas. The Nation's needs will be met only if both programs are adequately and enthusiastically supported.

Lands transferred pursuant to this legislation must be perpetually maintained as a park or recreational area. If at any time such use ceases, ownership of the property will revert to the United States.

The governmental agencies receiving property under provisions of this legislation will be responsible for developing and maintaining the land and facilities to appropriately fulfill the purposes for which the property was transferred. The State and local governments must also assure that parks and recreational facilities acquired in this manner will be open for use by the general public.

It is not possible at this time to estimate the amount of surplus property that might be suitable for park and recreational uses. It is assumed, however, that far more interest in the program will be exhibited than was apparent under the present 50 percent discount program.

Governments at all levels have a responsibility for providing areas for quiet relaxation, energetic recreation, and unpolluted beauty for the betterment of our Nation's people. The need grows each day. This legislation is an attempt to meet that need.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill authorizes the Administrator, in his discretion, to assign to the Secretary of the Interior surplus real property recommended by the Secretary as needed for a public park or recreation area. The Secretary of the Interior may then sell or lease the property to a State, political subdivision, or municipality. Such sale or lease may not be made until 30 days after the Administrator is notified of the proposed transfer, during which time the Administrator can disapprove the transfer.

In fixing the sale or lease value of the property, the Secretary shall take into consideration any benefit which has accrued or may accrue to the United States from the use of the property by the State or local government.

It is required that the deed of conveyance provide that such property will continue to be used and maintained in perpetuity for the purpose for which it was transferred. If such use ceases, the property shall revert to the United States.

The District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States are considered to be within the meaning of "States" as used in this statute.

SEC. 2 of the legislation is a technical amendment changing a reference to subsection "(k)" in subsection (n) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(n)) to refer to subsection "(k)(1)." The provisions of subsection (n) relate only to section (k)(1) and not to the new subsection (k)(2) added by this legislation.

Section 3 amends subsection 203(o) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), by requiring that the head of each agency disposing of properties under subsections (j) and (k) of section 203 of the act (40 U.S.C. 484 (j) and (k)) submit during the calendar quarter following the close of each fiscal year a report to the Senate and the House of Representatives showing the acquisition cost of all property disposed of under these provisions during the preceding fiscal year.

Section 4 of the bill repeals those provisions of the Surplus Property Act of 1944 (50 U.S.C. app. 162(h)) creating the present program making surplus property available to State and local governments for public park and public recreational areas at 50 percent of fair market value.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to my distinguished colleague from New York, the ranking minority member of the Subcommittee on Government Activities which considered this legislation and I commend the gentleman from New York for his diligent work on this bill.

Mr. REID of New York. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the amendment offered by the gentleman from Texas (Mr. BROOKS) to the Land and Water Conservation Fund Act. As a coauthor of H.R. 18275 which was reported by the Government Operations Committee and which constitutes the heart of this amendment, I urge the adoption of this amendment and the bill, H.R. 15913.

As Members of this body are well aware, our country's park and recreation facilities are becoming increasingly more inadequate in meeting the needs of a burgeoning population. Large expanses of land remain vacant or underutilized. Too often, such property is presently being utilized as Federal installations for purposes and priorities far lower in order than the value and location of such property would otherwise justify. In many instances, these Federal installations are located within urban areas where dense populations exist and where park and recreation facilities are most needed. Yet, as a result of existing law and executive department land management, property which could be best utilized for such purposes remains otherwise employed.

Under existing law, real property declared surplus by the Federal Government may be disposed of to State and local governments for educational, public health, housing, airport development, and park and recreational purposes. In all cases other than the latter, States and local governments may receive such property without cost while that for park and recreation purposes may only be obtained if 50 percent of the appraised fair market value is contributed. As a result, State and local governments who are regularly short of money tend to obtain surplus property for other priority purposes. In addition, even if a State or local government determined to allocate scarce income for the acquisition of park and recreational property, that best suited for such purposes is tied up in underutilized Federal installations.

Data covering recent years property disposal activities all too clearly bears this fact out. Between 1965 and 1969, only 101 pieces of surplus property, totaling 34,583 acres and having an appraised fair market value of $19.6 million, was conveyed to State and local governments for park and recreational purposes. Over the life of this program, dating back 22 years now, State and local governments have received on average less than $1 million annually in fair market valued real property. This record of disposals represents a mere fraction of the total real property disposed by the General Services Administration and the Interior Department over these years.

The opportunity now exists, however, for the Congress to correct this imbalance. First, the President has directed all Federal agencies to survey their property holdings and, pursuant to GSA standards and procedures, to declare those properties surplus which can better be utilized otherwise. If this directive is carried out conscientiously and in good faith, much needed property can be made available to State and local governments for park and recreational purposes.

Concurrently, enactment of this bill before us, as amended by the proposal offered by Mr. BROOKS, will: First, provide additional funds to State and local governments under the Land and Water Conservation Fund Act to acquire private property for park and recreation purposes, and second, enable Federal surplus real property to be turned over to State and local governments for such purposes on the same priority basis as is the case today for other purposes.

The Interior Department has proposed that Forts Hancock and Tilden, no longer necessary for the defense of New York Harbor, be combined with city and State-owned land to create the Gateway National Recreation Area. It is my hope that other Federal property in New York State will soon be made available for similar purposes.

Too long we have neglected the recreational needs of our citizens, Mr. Speaker. The time has now come when we must face up to this problem. I urge the adoption of the amendment and the bill.

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Speaker, I thank the gentleman for yielding.

The amendment offered by the gentleman strikes out some language, as the gentleman pointed out, which was in the Interior bill. Some of the language which was stricken contained two additional methods of transfer. Those methods were: no consideration where the United States had acquired the land involved originally by donation, and at prices equal to the price paid by the United States when it acquired the land. I was the author of those amendments, and the purpose of those amendments was to make sure that there were alternate methods provided so that this land was actually transferred at actually no cost.

I am very happy to see in the report of the Committee on Government Operations the following language which appears on page 2, in which it states:

> For all practical purposes that benefit would be 100 percent in all but the rarest of cases since absent such substantial benefit the property would not qualify for transfer under this legislation.

Is this committee using this language in the context that the Secretary is, as it says, in all except the rarest cases, to transfer this property for all intents and purposes free of charge to the municipalities and States involved?

Mr. BROOKS. The gentleman is correct, and I think that the gentleman from Washington who has made a study of this should be commended for his interest and efforts in trying to establish a way by which States and local communities can acquire, on a realistic basis, the public properties they need for parks and recreational uses.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I have two questions to ask for information only.

First, for the benefit of the Members, could the gentleman tell us the difference, for the purposes of this bill, between excess and surplus property?

Mr. BROOKS. Excess property is that which the Government, or one agency of the Government, does not have further use, and at which time, it is circulated to other Government agencies for possible use.

At that time, if there is no other Government agency that has use for it, it is deemed to be surplus property. The property then would become eligible under this program for park and recreational uses, as it is now for health and education purposes.

Mr. HALL. The gentleman, I think, has anticipated my second question.

Would the process that Congress by law has now placed on the administrator of the General Services Administration still be gone through with as to lands held by the Government in title in this instance up until the time they did, in fact, become surplus? I mean priorities for educational institutions and so forth and so on before they would be deeded to the land and conservation use fund?

Mr. BROOKS. The same process followed with regard to excess property would be continued by the GSA.

Mr. HALL. I thank the gentleman.

Mr. HOLIFIELD. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I just want to thank the chairman of the Committee on Interior and Insular Affairs for his cooperation in this matter. We felt that the purpose to be served was worthy of the cooperation of both committees and we have been pleased to cooperate in the objective, which is to make surplus Federal land available on the same relatively free basis as it is now available for hospitalization and educational purposes.

Heretofore, land for recreation had to be sold at 50 percent of its market value. It now assumes the same position in priority as hospitalization and education. We believe it is a worthwhile purpose in view of the need for recreation land throughout the Nation.

We appreciate very much the cooperation of the members of the Committee on Interior and Insular Affairs in working out this solution.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield for a question?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. TAYLOR. What you are saying is that the amendment would give to the recreation needs of State and local units the same consideration now being given to their health, education, airport, and housing needs?

Mr. HOLIFIELD. That is right.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Speaker, it seems to me that we are here embarking on an expenditure of a lot of money, if I read this report correctly. Funding at a $300 million annual level until 1989, which is about 19 years from now—funding at $300 million a year is a lot of money.

If my mathematics are correct, or even close, this is more than $5 billion; could that be correct?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. ASPINALL. The gentleman's mathematics are correct as usual.

On the other hand, it is always subject to the program that is placed before the appropriating process of the United States, both the Federal, executive, and the Congress of the United States.

At the present time, this money is needed to the fullest extent. Maybe a few years from now, it will not be needed. If it is not needed, most certainly the Congress of the United States is not going to appropriate the money.

Let me say to my colleague, and I understand what is bothering him, we passed a small water project bill a few years ago, which has a potential of about $11 billion plus. We have not used any particular part of that so far.

But it is there, and if the appropriation process sees fit to use the money, and it will be needed, it will be there. We need this $300 million additional in order to bring up our recreational program for the United States, I do not believe that merely because the bill would extend the life of the land and water conservation fund that my friend need be alarmed.

Mr. GROSS. Somebody had better begin to be alarmed around here about the condition of the debt, the deficit, inflation, and a few other things.

May I ask the gentleman this question: Where has the bulk of this money been expended throughout the country? Where on the record can we find that information? There have been public expenditures for this purpose, I take it, for a good many years.

Mr. ASPINALL. I would estimate that about half of the money authorized has been expended by the President of the former administration and the President of this administration in his first year. But now the Executive Department is asking for the authority that is given in this legislation so that they can bring these projects up to date. We are losing money, as my friend knows, every day because we cannot finance the authorizations that we have passed in the Congress and which have been approved by the Executive Department. This will make it possible to proceed with those projects.

Mr. GROSS. I would just like to know if this money is being dispensed across the country evenhandedly.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I just want to say to my colleague that it is being dispensed throughout the 50 States in accordance with a formula that the Congress approved.

Now, what is necessary for the State of Iowa or any other State of the Union, is to submit to the Commission that has charge of this a plan for the use of the money—the Bureau of Outdoor Recreation—and if they submit their plan, money will have been made available.

I can only say that one of the things we have discovered is that the reason for the increased cost of many of the projects which have been approved is that the Federal Government and the State governments have not been able to go ahead and acquire these lands at the time the bills pass. Therefore prices skyrocket. With this increase in money we can do it.

Mr. GROSS. When you project 19 years at the proposed rate of spending, it comes to $5,700 million of spending. I do not know. Unless something is done about the debt, the deficit and inflation in this country whether the people are going to enjoy the areas for recreation or not. I do not know that they are going to be able to get there to enjoy these areas of recreation unless somebody, somewhere, some day starts to pay something on the Federal debt. This is a lot of money and a commitment a long time into the future.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa.

Mr. KYL. In response to the gentleman's first question, this money is being distributed across the country. However, the Federal Government also retains a large portion of this money. When the fund was established, it was anticipated by the Congress and certainly by the committee—

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. KYL. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Iowa.

Mr. KYL. When this fund was first established, it was assumed that the money would be additional money for the purchase of lands and the development of lands, in addition to the appropriations which had been made in the past by the appropriations committees of the two Houses. Immediately when this fund was established the Appropriations Committee said, "All right, the House has authorized a park in Texas. They have authorized a park in Iowa. They have authorized a park in California. We are going to pay for those lands, not out of general appropriations, but from this fund which was established under the Land and Water Conservation Act."

Mr. GROSS. Cut it thick or thin, it is all money, and somebody is going to have to start paying something on the debt some day.

Mr. KYL. The gentleman knows that I do not disagree with him on that issue. I would like to continue with this point further. In a real sense, these are not additional funds. These have replaced the appropriations which have been made before. I agree with the gentleman,

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too, when he says we ought to do some cutting. But the reason we are behind with the setting up of national parks and preservation of areas is the Congress has authorized these areas and the money has not been appropriated to take care of the purchase and development.

Mr. PELLY. Mr. Speaker, I rise in support of H.R. 15913 and especially I desire to compliment the chairman and members of the House Committee on the Interior and likewise the members of the House Committee on Government Operations for combining bills reported by each committee into a single bill. Similar legislation passed the Senate so that, there is now every assurance a good piece of legislation will be enacted and no disputes over committee jurisdiction will block passage of a good bill.

Mr. Speaker, I can speak objectively since I introduced two bills, very similar to each of those reported by each committee. I am particularly happy that under H.R. 15913 in disposing of surplus military property suitable for park and recreational purposes the Secretary of the Interior will be able to give local governments discounts up to 100 percent. This was in my bill and was recommended to Congress in a message by President Nixon.

Mr. Speaker, in the First Congressional District of the State of Washington, which I have the honor to represent, there is an obsolete military fort called Fort Lawton. It is hoped that the city of Seattle under this new law could obtain much of this property for park and recreational purposes since the property was transferred at a nominal cost of about $1 an acre, it would seem that quite properly, Seattle should acquire this acreage at no cost. I urge adoption of this bill.

Mr. BENNETT. Mr. Speaker, I am pleased to support this bill, amending the Land and Water Conservation Act, to allow the transfer of Federal land to State and local governments for park and recreational purposes. This legislation is similar to legislation reported from the House Committee on Government Operations concerning disposition of Federal surplus property and which I introduced as H.R. 15870 on February 16, 1970.

My bill included certain recommendations in the President's message of February 10, 1970 on the environment, particularly with respect to parks and public recreation, and had the support of the administration.

In his state of the Union message, President Nixon said:

> Clean air, clean water, open spaces—these should once again be the birthright of every American. If we act now—they can be.

One way we can accomplish this challenge is through the sale of surplus Federal property to augment park funds and to provide for such sales to State and local governments for park and recreation purposes at public benefit discounts of up to 100 percent.

The bill I introduced and legislation before the House today would carry out this program. President Nixon said:

> Good sense argues that the federal government itself, as the nation's largest landholder, should address itself more imaginatively to the question of making optimum use of its own holdings in a recreation hungry era.

Our population explosion, movement to the cities and demands for more leisure time activities makes it imperative our Nation have more outdoor recreation areas.

Under existing law, surplus lands may be conveyed to States and local governmental subdivisions at a price equal to 50 percent of the fair value of the property, based on its highest and best use at the time it is offered for disposal. High land values and interest rates make even this discount difficult for States and local governments. The Department of Interior and the administration agencies involved believe it is essential to give a greater price discount for these public lands for outdoor recreational plans. I agree and I hope this program will be enacted into law.

Mr. Speaker, over the last several years I have been proud to be a cosponsor of the landmark conservation bills which have been enacted into law, including the Wilderness Act and Land and Water Conservation Act.

The quiet conservation crisis of the 1960's has grown into a large environmental emergency—our No. 1 domestic problem in the 1970's.

I congratulate the chairman and the committee for meeting this challenge: to insure all Americans—and future generations—a better place in which to live and raise our children. I hope the House of Representatives will approve the bill.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the substitute amendment offered by the gentleman from Texas (Mr. BROOKS) for the committee amendment.

The substitute amendment for the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 1149, the Committee on Interior and Insular Affairs is discharged from further consideration of the bill S. 1708.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves to strike out all after the enacting clause of S. 1708 and insert in lieu thereof the provisions of H.R. 15913, as passed, as follows:

"That subsection 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5(c)) is amended as follows:

"'(a) In clause (1), strike out "five fiscal years beginning July 1, 1968, and ending June 30, 1973" and insert "fiscal years 1968, 1969, and 1970, and not less than $300,000,000 for each fiscal year thereafter through June 30, 1989."

"'(b) In clause (2), after "$200,000,000" insert "or $300,000,000" and after "for each of such fiscal years," insert "as provided in clause (1),".'

"SEC. 2. Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(2) as section 203(k)(3), and by adding a new section 203(k)(2) as follows:

"'(k)(2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

"'(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell or lease such real property, including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, instrumentalities thereof, or municipality.

"'(B) In fixing the sale or lease value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

"'(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"'(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

"'(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States.

"'(D) "States" as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.'

"SEC. 3. The first sentence of subsection (n) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(n)), is amended by striking '(k)' and substituting '(k)(1)' in lieu thereof.

"SEC. 4. Subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), is amended to read as follows:

"'(o) The Secretary of Health, Education, and Welfare, with respect to personal property donated under subsection (j) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House

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of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year.'

"SEC. 5. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)) is amended by—

"(1) striking out the phrase 'public park, public recreational area, or' in paragraph (1) thereof; and

"(2) striking out the first full sentence of paragraph (2) thereof."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 15913) was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. SCHWENGEL. Mr. Speaker, I should like to say, in respect to my own request for a special order, and that of the gentleman from Kentucky (Mr. COWGER) we intend to speak Wednesday to give our report on the trip to Vietnam. I pointed out to the House some time ago, as many Members know, a group of volunteers went there. We have a report ready and we will be discussing it on the House floor at the time requested.

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PERSONAL EXPLANATION

Mr. COHELAN. Mr. Speaker, on rollcall No. 262 today I was absent from the Chamber unavoidably detained on the other side of the Capitol. Had I been present, I would have voted "yea."

THE KIDNAPING AND DEATH OF DAN MITRIONE

(Mr. DENNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, last week I stood in this place and spoke against the wanton act of terrorism in the Republic of Uruguay which had resulted in the wounding and kidnaping of my friend and hometown constituent, Dan Mitrione.

Today, after days of repeated and anxious consultation with our Government, I am compelled to speak in commemoration of Dan's life of service to his country, and in sad and stern condemnation of the manner of his death.

Dan Mitrione was a respected and well-liked citizen of my native city, Richmond, Ind. He was a member of the police force there, rose in the ranks, and became our chief of police.

Later he became affiliated with the U.S. Agency for International Development and was serving in Uruguay, in that field of work, as a police advisor, at the time of his heartless murder by the Uruguayan terrorists.

Dan Mitrione's murder comes as a shock to all Americans, and particularly, of course, to his family and his many friends. It is a sad commentary on the state of the world that a good American who goes abroad to serve his country and, indeed, to serve humanity, should be murdered by a gang of thugs and terrorists.

In addition to the personal blow to those who knew him, Dan Metrione's death raises even larger questions. Not only must the most vigorous action be taken by our Government and by the Uruguayan Government in an all-out effort to bring the murderers to justice, but we must consider the effect on the safety and welfare of many other Americans in similar situations in other countries all around the globe. We must note with concern the widespread incidence of terroristic tactics of this nature; nor can we afford to ignore the fact that we have similar elements to contend with, even here at home.

Vigilant action to enforce our laws at home is indicated; and, in the international field, I would hope that Dan Mitrione's tragedy might lead to an international cooperation against such terrorists, with an international agreement to deny political asylum or sanctuary to such persons. Perhaps by actions of this kind the world may ultimately profit by Dan Mitrione's untimely death, as it did from his useful life of service to his fellow man.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Michigan, the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I wish to commend the gentleman from Indiana for the concern he is now expressing on the floor of the House and also for the concern he expressed last week at the time Mr. Mitrione was being held by the terrorists in Uruguay.

At that time the gentleman called me and asked if I could call the Department of State to express my concern about Mr. Mitrione's welfare, which I did. Almost paradoxically within 24 hours after the gentleman from Indiana called me about Mr. Mitrione, I received a telephone call from a constituent of mine whose uncle, Mr. Claude Fly, had subsequently been captured by the terrorists and was being held by them.

Subsequently, I called the Department of State and asked them to redouble their efforts with the Uruguayan Government, as well as in any other way possible. They promised that they would.

I think it is a tragedy that Mr. Metrione has been executed. I hope and trust that Mr. Fly, whose home is in Port Collins, Colo., but who has a close relative in my district, will be spared this tragic fate.

Mr. DENNIS. I thank the minority leader for his contribution and his assistance.

THE LATE DAN MITRIONE

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, I want to associate myself with the remarks of the distinguished minority leader and the gentleman from Indiana (Mr. DENNIS) on the untimely death of Dan Mitrione.

Mr. Speaker, we now know that at 4:30 o'clock this morning, Dan Metrione, the 50-year-old American father of nine children serving as the chief public safety adviser to the police of Uruguay, paid with his life the price of terrorism in Latin America. His body, bandaged about the chest from a gunshot wound received when he was kidnaped 11 days ago on July 31, was trussed, his mouth gagged, his eyes blindfolded, and with a fresh bullet hole in his head, was found by police on the seat of an automobile taken from its driver at gunpoint a little after midnight last night in Montevideo. Residents of the neighborhood heard the shot at 4:30 this morning and reported it to the police. Eight minutes later police found his body in the stolen car. His sorrowed subordinates who worked with him training and advising the Uruguayan police, identified the body.

Thus came to an end the gallant fight waged by his American public safety and Uruguayan police comrades since July 31 to find Dan Mitrione, before the band of terrorists could carry out their threat to execute him if the Uruguayan Government did not turn out of jail all the so-called "political prisoners" being held.

We must not dignify the band of cutthroats, assassins, murderers, and robbers masquerading under the name of an honored Latin America Indian chief, Tupamaro, by the term "political prisoners." To do so would be a travesty on the stern justice this band deserves and hopefully will receive before this chapter of Uruguay history comes to an end.

It is now known that those of this band of terrorists who kidnaped Dan Mitrione were seen by witnesses to the kidnaping, to be kicking him brutally as he lay defenseless on the floor of a pickup truck in which they took him away from the scene of the kidnaping. They themselves announced a few hours later that they had shot him in the chest during the incident. From their own detailed medical description of the wound in his chest, it is my judgment that they shot him while he was down and lying on his side.

When the police last Friday night raided a Tupamaro hideout as the gang was assembling for another meeting, the police found one of the top leaders wearing Dan Mitrione's watch. Another wore the wedding ring of the Brazilian consul who was kidnaped the same morning as Dan Mitrione was taken. A third was in possession of the identification card of Dr. Claude Fly, the 65-year-old American agriculturist from Colorado, who was kidnaped just a few hours before police raided the place. These were the "loot" of criminals—not politicians. And let us all recognize them as such, and not even our bleeding hearts lend themselves to the "Robin Hood myth," with which this band wanted to identify.

Dan Mitrione died in the service of his Government. In his memory, and the memory of six other American Agency for International Development public safety advisors who gave their lives in Vietnam and the seven more wounded, some crippled for life, in the last few years, let us spare no effort in bringing to justice those responsible for his murder.

Let me repeat what I said on this floor last Wednesday noon, August 5. It is time this Government, and all civilized governments, condemn terrorism as a means of political action—action fostered only by those who would tear down the stability and peace we so earnestly desire for our friends to the South.

Mr. Speaker, Dan Mitrione, an American security police adviser to the Government of Uruguay has been murdered in cold blood.

His torture and subsequent assassination at the hands of a bloody Communist terrorist band, who have purloined the Inca chief, named "Tupamaros" as their own, serves notice on the world that Fidel Castro, financed by Russian and Red Chinese money, is still at work in the business of organizing, teaching, and exporting revolution to all of Latin and South America, using Cuba as his base.

The Government of Uruguay is not to be blamed for this tragedy. They have acted in the best of faith, and could not be expected to accede to the demands of the terrorists that their prison doors be thrown open in order to appease the revolutionists' political appetites, although one or more man's life was at stake.

We are aware that some of the leaders have now been captured. They should be dealt with in such a manner as to serve warning for all who would attempt such "savage" action in the future.

I think it is time that the Organization of American States stop "sitting on their hands," and get on this most serious problem of "politics by murder." Those of us in this Nation may continue to speak softly to our neighbors to the South, but it is high time we once again pick up the "big stick" where outright marxist terrorism is concerned, and reestablished hemispheric solidarity.

We should remind ourselves that although we spend billions for defense—not one dime goes for tribute.

THE URGENT NEED FOR A HEALTHY AND VIGOROUS PETROLEUM PRODUCING INDUSTRY

(Mr. SHRIVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SHRIVER. Mr. Speaker, on June 29, 1967, I pointed out to my colleagues in the House that the then existing crisis in the Middle East forcefully demonstrated the importance of maintaining the effectiveness of the mandatory oil import program in the interest of national security. At that time, I further stated:

> The Middle East developments have given us firsthand experience that we cannot depend upon foreign sources for our petroleum requirements. We must be able to draw upon *a healthy and vigorous domestic supply* and reserve which can serve our own needs as well as that of the free world.

Today, Mr. Speaker, history is once again repeating itself and here, just 3 years later, another Middle East crisis is upon us with similar threats to this Nation's and the free world's oil supply.

In a July 28, 1970, release by the Chase Manhattan Bank, we are told:

> In May, problems arose in the supply of overseas oil. The Trans-Arabian Pipeline, which supplies half a million barrels a day of Persian Gulf crude oil to ports on the eastern Mediterranean, was damaged and subsequently shut down. More recently, the Libyan government ordered cutbacks in production amounting to half a million barrels a day. These two events caused a million barrels a day of short-haul crude to be replaced, mostly by long-haul crude.
>
> The effect on the world tanker market, which was just about in balance at the beginning of the year, was to send freight rates skyrocketing. *Suddenly foreign oil is no longer cheap oil. It is more expensive at east and west coast ports than domestic oil.* The value of import quotas to small inland refiners, who normally swap their quotas with coastal refiners, has dropped to zero. It is ironic that such a situation should have come about at a time when certain political and academic groups are still clamoring to use cheap foreign oil to drive down the price of domestic oil.
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> The additional import quotas, recently sanctioned by the government, will increase substantially the quantities available for importation during the second half of the year, since the new quotas were made retroactive to the beginning of March. With a continuation of the present high level of tanker rates, however, there is a strong probability that the additional imports will not be used. Indeed, it may not be economic to bring in all of the original quota oil. The current tanker situation is fully as severe as the 1967 Suez crisis.
>
> So, once again, it is domestic oil to the rescue. Unless higher imports of Canadian oil are permitted, domestic crude oil production in the second half of 1970 will need to be raised at least 200,000 barrels a day above the 9½ million a day produced in the first half. All of this increase will have to come from Texas and Louisiana. The production allowables in those states have already begun to move up in response to this additional requirement.
>
> None of these supply problems could have been foreseen even three months ago. They have emerged rapidly, and it is impossible, at this time, to say how long they will last. Is any further proof needed of the folly of counting on imported oil? The events of the past weeks should have made it abundantly clear to all that this nation must preserve a strong domestic producing industry. If it is a matter of higher priced oil, or no oil, the choice is obvious.

Mr. Speaker, the Washington Post contained an article on Friday, August 7, which points up the seriousness of this situation and declares:

> In a nutshell, the political situation in the Middle East has drastically reduced the amount of foreign oil available on the East Coast, as well as raising its cost to a dollar per barrel more than oil piped from Texas.
>
> This has come to pass for several reasons: (1) the new leftwing government of Libya has restricted production by foreign companies; (2) Syria is demanding higher transit fees before it will allow repair of the closed-down trans-Arabian oil pipeline to the Mediterranean; and (3) the closing of the Suez Canal and trans-Arbian pipeline requires Persian Gulf oil to be brought to Europe or the U.S. by tanker around South Africa, a trip which calls for twice as much tanker time, so that the existing tanker fleet is inadequate. (Tanker costs on all foreign oil have therefore skyrocketed.)
>
> If the quota system were abolished and overseas political circumstances were to permit several years of unimpeded flow of cheap imports, oil industry spokesmen maintain that many U.S. producers, already strained by depletion allowance reduction, would be priced out of business. (This would reduce not only U.S. oil production, but related natural gas production, of which there is an increasingly dangerous shortage.)
>
> Then the next time the Middle East exploded—can anyone doubt that there will be a next time?—there would be substantially less domestic oil production to fall back on. Even with high U.S. oil production and limited import reliance, the current Middle East situation and colollary tanker shortage threaten the northern United States with a severe heating and industrial fuel shortage next winter.

Mr. Speaker, there is little comfort in being able to say, "We told you so." Yet, that is the fact. For years, many of us in Congress have been warning our Government policymakers to see to it that this Nation maintained a strong and healthy oil and gas producing industry and that one of the vital policies to accomplish this was a stable, reliable mandatory oil import program. However, due to special exceptions made in the operation of the program, unrelated to national security, the program has been weakened to the extent that domestic crude oil prices are unrealisticly low and there has been brought about a serious cost-price squeeze which has shattered the confidence of domestic oil and gas producers.

The average cost of drilling an oil and gas well has increased from $54,000 to $92,000 over the past decade with prices for oil and gas at the wellhead remaining about the same during this period. It is easy to understand why today there are 35 percent less wells being drilled than were drilled in the last decade.

Mr. Speaker, this Nation is not just facing a serious energy crisis. It is in one right now.

This Nation is now experiencing a real and serious shortage of natural gas Likewise, due to a 12-year decline in oil and gas exploration, our ratio of proved reserves to consumption of crude oil has dropped from 10.2 years to 7.6 years during this period.

During 6 of the last 10 years, we have produced more crude oil than we have found. In 1969, for the second straight year, we consumed more natural gas than we found. Last year, we produced 20.7 trillion cubic feet of natural gas and only found 8.5 trillion cubic feet, with the result that our proved reserves dropped 12 trillion cubic feet.

Since the Federal Power Commission began fixing the price of natural gas at the wellhead in 1960 through the area rate procedures, the reserves to production ratio has fallen from 20.1 years to 13.3 years in 1969.

It is inexcusable that governmental policies allowed this situation to come about. This serious situation did not happen overnight. It has been coming on for years despite the numerous warnings presented to Government by the industry and concerned Members of Congress.

This picture, regarding our overall fuel and energy supply, suggests in a clear and strong way that the Congress must come to grips with the problem of meeting our future fuel and energy requirements. This Nation has been lulled into complacency because historically we have enjoyed an abundance of fuel and energy. It is difficult for many to realize that it is possible for our Nation to be encountering serious shortages in this vital area. However, the facts cannot be ignored.

Our Nation has attained a position of preeminence among the nations of the world. It has been able to do so because we have had an ample supply of fuel and energy. If we expect to continue to enjoy an economy and a standard of living as we know it today, and our position in world affairs, which we now hold, it is imperative that we begin now to face up to our responsibilities and develop realistic fuels and energy policies.

Fortunately, our oil and gas explorers have found some large and promising reserves on the north slope of Alaska. This is good. However, due to the many difficult roadblocks facing the bringing of this oil and gas to the lower 48 States for consumption, including great amounts of opposition to the building of a pipeline to haul this oil and gas by the environmentalists and ecology advocates, this oil is at least 5 or more years away from filling the growing demands here in the lower 48.

Thus the lower 48 States not only provide the best prospects as a source for the safe and large quantities of oil and gas needed in the future but are also a source which can provide future needs at reasonable costs.

Our Government must begin at once to provide the needed incentives to get the job done. This Nation can ill afford to become energy hungry nor can it afford to look to unreliable foreign sources for its energy needs.

BEHIND THE WHEEL OF EVERY 50TH CAR

(Mr. SPRINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SPRINGER. Mr. Speaker, behind the wheel of every 50th car lurks death because behind that wheel is a drunk driver.

Last year, there were 48,000 people killed in automobile accidents on the highways of this country. The startling fact is that 28,000 of these people were killed by drunk drivers. In addition, these same drunk drivers were responsible for more than 800,000 traffic accidents in which people were injured.

Let me put it another way by comparison. The war in Vietnam has lasted approximately 9 years in which some 43,000 Americans have given their lives. During those same 9 years, drunk drivers killed 240,000 persons on this Nation's highways.

We are all concerned, and rightly so, about the loss of life in Vietnam. We seem strangely complacent, however, about the traffic toll inflicted by those who drink and drive.

Four years ago, I helped to write the National Traffic and Safety Act. The motor vehicle standards set up by that act—requiring such equipment as safety belts, energy-absorbing steering columns, and improved windshields—have undoubtedly saved many lives and reduced injuries. We all know that the car of the future will come equipped with even better safety devices.

I think all of us realize that efforts will be made to produce safer cars. However, the fact remains that abusive consumption of alcohol is the largest single factor in fatal automobile crashes.

What can we do about it? The facts about the known and tested methods of control and prevention of drunken driving suggest the need for tough laws for dealing with people who insist on driving while under the influence of liquor.

Most States have laws presuming that a driver is drunk if the alcohol in his blood is over a certain level. The recommended level is no more alcohol than one-tenth of 1 percent. Illinois, I am glad to say, is one of about 25 States that has adopted this measurement of intoxication.

The National Highway Safety Bureau also has urged the States to adopt "implied consent" laws. Under such laws a person who obtains a license to drive must, at the same time, consent to take a chemical test if arrested for drunk driving. Only four of the 50 States do not have this law. One of them is Illinois.

Experience has shown that statutory levels of intoxication and implied consent laws are important first steps toward reducing highway accidents. Their effectiveness, unfortunately, is diminished by the fact that many persons continue to drive even after their licenses are revoked for drunken driving. We have to develop better methods for insuring that cars and other vehicles are operated only by validly licensed drivers.

So far in the 20th century, traffic accidents have killed more than 1,700,000 people. This is more than all the military personnel killed in every major war from the American Revolution to Vietnam. Unless effective steps are taken, this slaughter will continue to mount long after the last American leaves Vietnam.

Mr. CLEVELAND. Mr. Speaker, I want to congratulate the gentleman from Illinois for the work he has done in trying to make highway traffic more safe for the public. His authorship of the National Traffic and Safety Act is one of the most progressive pieces of legislation enacted by the Congress in recent years to keep down traffic accidents and to make driving safer.

Driving by intoxicated operators of motor vehicles has been one of the most serious traffic problems in recent times. At the present time, nearly all legislation having to do with this rests with the States. We still have a long way to go to make an impact on keeping the highways safe from drunk drivers.

Again, I extend my best to the gentleman for all of his good work.

Mr. SPRINGER. Mr. Speaker, I thank the distinguished gentleman from New Hampshire (Mr. CLEVELAND), for his kind words. He has been probably the outstanding leader in the Congress on this very important problem of reducing automobile accidents by drunk drivers. He has recently inserted in the CONGRESSIONAL RECORD 10 splendid articles from the Christian Science Monitor on highway safety. He is to be congratulated on this fine work.

His important position on the Committee on Public Works gives him a better opportunity to see all that has happened in this area than other Members of the Congress. I hope the gentleman will continue the excellent job that he has done up to this time.

MISTREATMENT OF BLACK SERVICEMEN

(Mr. STOKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STOKES. Mr. Speaker, for several months I have received a series of letters from black servicemen who are alleging brutal and inhuman treatment at the 3d Marine Amphibious Force correctional facility in Danang. I have attempted to pursue these allegations through administrative channels. An April letter to the Commandant of Marines produced a report stating "maltreatment is literally nonexistent." Two meetings in May with Secretary Laird raised promises of action, but a subsequent phone call confirmed that the allegations had merely been returned to the same military authorities that had previously denied the existence of any problems. Meanwhile, the protests continued.

Last week new and convincing evidence reached my attention which strongly indicated a need for immediate remedial action. First, I came into posession of a small handbook of procedures for the 3d Marine Amphibious Force facility. Included therein were such gruesome regulations as one allowing the imposition of a 700-calorie per meal diet for an unspecified length of time, and another providing that the detainees, many of whom are convicted of nothing, may not be "moved or transported outside the confinement facility without handcuffs, leg-irons, and an armed escort."

Then, 2 days later, I spoke long distance to one of my constituents currently confined at the facility. He stated that his cell is approximately 6 by 9 feet and that he shares it with another prisoner. Their urinal is a can of diesel fuel, emptied only once a day. Under the "restricted diet" regulation, his weight has dropped from 165 to 132 pounds in a month.

What is this war doing to us, Mr. Speaker? If we are shocked by the North Vietnamese POW hut now displayed here in the Capitol, how should we react to the brutalization and starvation of American facility? I have telegramed the President, seeking his intercession. I urge all members to do likewise. If we allow the exigencies of war to stoop our

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moral standards to these levels, we will have lost far more than any battlefield triumphs can ever regain.

CHIEF JUSTICE SHOULD ADDRESS JOINT SESSION ON STATE OF THE JUDICIARY

(Mr. McCLORY asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, earlier today I listened and watched the Chief Justice of the United States, Warren Burger, as he spoke on the state of the judiciary to the American Bar Association convention in St. Louis. I was impressed by what the Chief Justice had to report. But what is more important, I was even more impressed with the urgency and the sincerity of his description of the state of the Federal Judiciary.

Those of us who are concerned with finding solutions to the problems confronting Federal judges and Federal courts should be most grateful to the American Bar Association for providing Chief Justice Burger with the forum upon which he was able to speak out on judicial problems. However, Mr. Speaker, I firmly believe that it is the Congress, in joint session, to which the Chief Justice should, in the future, be permitted to deliver such a report. Therefore, I have introduced today, with Congressman WILLIAM McCULLOCH, the ranking minority member of the House Judiciary Committee, a joint resolution to provide that the Chief Justice of the Supreme Court shall from time to time address a joint session of Congress.

The adoption of this joint resolution would do nothing more than provide an important opportunity for an eloquent spokesman to refocus our attention on the problems of the Federal judiciary in particular, and the American judicial system in general. At this time in the life of our Nation, when our political system is under serious strain, it seems to me terribly important that we provide a method of reemphasizing to the people of the Nation the great importance of the judicial process in a free nation. A forthright statement by the Chief Justice to the Congress, with the mature consideration that will be given to such statement, will do much to bring the needs, the problems, and the importance of the Federal Judiciary forcefully to the attention of the Congress and the public.

Mr. Speaker, we are all familiar with some of the pressing problems of the Federal courts. Expanding criminal dockets, multiplying petitions from State and Federal prisoners for Federal habeas corpus relief, increasing complexity of subject matter requiring longer trials and closer judicial scrutiny, and most importantly, the drastic increase in the national crime rate, all have placed heavier burdens on our Federal judiciary.

In his speech before the Bar Association today, the Chief Justice pointed to certain reforms he considered essential. He spoke of more efficient court management, better judicial use of systems analysis and the institution of the position of Federal court executive to remove the burden of administration from the shoulders of our judges. He characterized our present judicial system as "cracker-barrel justice in a supermarket world."

It is exactly this kind of attention and these kinds of suggestions we can expect to receive from the Chief Justice, and I strongly believe they should be given to the Congress first hand.

Mr. Speaker, I urge prompt and careful consideration by the House Judiciary Committee of this proposal which the gentleman from Ohio (Mr. McCULLOCH) and I have introduced today. Thereafter, I hope that the committee and this House will express their overwhelming approval.

DON FALK—"A MAN OF ACTION AND COMMUNITY DEVELOPMENT"

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, I have just been advised of the untimely passing of one of my closest friends, Mr. Don Falk, of Eureka, Calif. This outstanding attorney, at 51 years of age, the son of Harry Falk, Sr., was a member of one of Humboldt County, Calif.'s, most respected families.

While he distinguished himself in the family of legal scholars. Don Falk also will be remembered by his countless friends and business associates as a man who worked day and night for his community and his beloved Humboldt County.

There were literally hundreds of community activities that Don Falk became involved in. He always knew where the action was and what was required to "keep things moving." In the words of Don O'Kane and more recently Mike Johnston of the Humboldt Times-Standard newspaper:

> If Don Falk doesn't know about it, it just isn't happening.

I have never known a man, with the capacity for knowing what was going on as did Don Falk. He knew the forest products industry and its impact on our economy like a book. And, speaking of books, his brother, Harry Jr., wrote a masterpiece, a book on timber law. Talent is in abundance in this illustrious family.

Don was a trusted counselor and adviser on many matters affecting our redwood region. His insight, judgment and depth of knowledge will be missed tremendously by those of us who counted on him so much in the past.

For many years, Don served as chairman of the Transportation Committee for the combined Eureka Chamber of Commerce and the Humboldt Board of Trade. Many of my colleagues in the House of Representatives, will remember the decision by the FAA to close some 42 flight service stations a few years ago. Among them, was the Arcata Flight Service Station in my congressional district.

In order to properly illustrate my description of Don Falk as "a man of action," I need only recall his efforts during this one instance and, I might add, this is only one of many.

It was obvious, at the outset, that we, a small segment of our Nation's population, were going to have to unite and consolidate our efforts to "take on Uncle Sam" in opposition to a decision made by one of its agencies. Along with Dave Zebo, aviation director, Don Falk and I developed the strategy and format for a local meeting to support our cause to "Save the Arcata Flight Service Station" from closure.

The successful results of this effort are now history, but the magnitude of their importance will long be remembered by local people because it was during and after the "Big floods of 1964" that our position in defense of retaining the flight service station, really came into prominence. With the harbor closed by debris, all roads north, east, and south unusable due to extensive bridge damage, it was air transportation access and, in particular the landing aids, the approach, navigation and communications systems of the Arcata Flight Service Station, that proved to be the necessary equipment required to maintain contact with the outside world at this very critical time in our history.

In attempting to eulogize a close friend, it is difficult to single out the most significant or most representative example of an outstanding man's many contributions to his community for the benefit of his fellow man.

This confrontation with Uncle Sam, however, will always come to mind when I think of and remember Don Falk. He was a fighter for his clients, his community, and those causes he believed in. Our success and rewards for fighting for what was right will stand as a monument to his tenacity, thoroughness, and objectivity.

> Transportation—Land, Sea and Air access to Humboldt County Holds the Key to our Future Development.

These were and are the words that shall ring forever in my ears because they came from the lips of my close and trusted friend, Don Falk.

As an aviator, and as a member of the Roads, Rivers and Harbors Subcommittees in the House of Representatives, I shall do everything within my power to carry on in fulfilling Don Falk's dreams and objectives. It is my hope that the decade of the 1970's will see full realization of the ultimate in benefits for the friends and neighbors of Don Falk, the man who literally gave his life to his community and his country.

To his family and friends, let me say, "Don lived his life, performed his duties and did his deeds as he wanted to do them." What more can we expect of any man? He gave his full measure of devotion to all that was constructive and beneficial to those he served—his contributions were many.

WILL JUNK MAILERS WRECK THE NEW POSTAL SERVICE?

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there is grave danger that the junk mailers and slick magazines will control the new Postal Rate Commission, and thereby force the average person in this Nation to pay skyrocketing first-class postage rates.

Postmaster General Blount put his finger squarely on this serious problem in an interview over the weekend. The Postmaster General, in commenting on the new five-member Rate Commission, stated:

> Now the postal lobbies will be oble to concentrate on just five Commissioners where they have been lobbying all 535 Members of Congress.

We have seen the way in which the Interstate Commerce Commission and its staff, as well as other Federal regulatory agencies, have all too often developed cozy relationships with the very interests they are supposed to regulate. To carry out the intent of Congress, we must insist that the President appoint to the Rate Commission men of high integrity and personal courage. We must also insist that the members and staff of this new Rate Commission operate in a goldfish bowl, with no free trips to vacation spots or conventions of junk mailers, no meetings or conversations with junk mailers except when the full stenographic record is made public, and no under-the-table deals to raise first-class postage rates while second- and third-class rates remain ridiculously low.

Mr. Speaker, I insert two articles:

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PARTS OF POSTAL BILL CRITICIZED BY BLOUNT

(By Isabelle Hall)

Postmaster General Winton M. Blount says he is dissatisfied with the method used in the new postal reform bill to set the price of stamps, and feels the bill should be changed in at least two other major areas.

Blount maintained public silence about his reservations until the bill was safely past Congress. He said in an interview that he was satisfied with the bill in general and felt Congress would correct its faults once members recover from "the whole traumatic experience of postal reform."

The bill, now awaiting President Nixon's signature, would remove the Post Office Department from the control of Congress and set up an independent corporation with an appointed board of governors and a rate-making commission.

Blount also said:

The bill showed favoritism to airlines in refusing to let the postal service negotiate its own contracts with the airlines as it does now with railroads and trucks. "The lobby got to Congress and persuaded them to give favoritism to the airlines that is not given to the railroad and highway users."

The salary ceiling of $60,000 per year for the new director of the postal service is too low. He said the chief executive of a $10-billion-a-year corporation—such as the post office—would be paid $200,000 or more annually. "It's silly to say that you won't pay for management capability."

It is the rate commission that raised the strongest objection from Blount.

The five-man commission is appointed by the President, but is not subject to Senate confirmation. Blount said the only recourse the public would have if it felt rates were unfair would be to appeal to the U.S. Court of Appeals for the District of Columbia, as is the case with all government regulatory agencies.

"Now the postal lobbies will be able to concentrate on just five commissioners where they have been lobbying all 535 members of Congress," he said.

Blount said a ruling of the new rate commission could be overturned only by a unanimous vote of the 11-man board of governors when the commission fails to comply with the law that says the postal service must be self-supporting. He said this sets up "a false kind of power over rates" for the 11 governors, who must be approved by the Senate after they are appointed by the President.

As for his complaint about the low salary of the director, Blount noted that only one U.S. corporation—General Motors—will have more employees than the postal service's 750,000-man force.

BLOUNT SAYS LOBBYISTS WEAKENED POSTAL BILL

(By Philip Shandler)

Lobbyists got to members of the Senate committee that helped write legislation creating a new U.S. Postal Service, Postmaster General Winton M. Blount charges.

As a result, portions of the legislation—due to be signed in the next day or so by President Nixon—are "stupid" and "crazy," Blount said in an interview.

These provisions would severely hamper postal management in its efforts to streamline service, he said.

HE HAILS THE REFORM

Blount emphasized, however, that despite his criticism, the legislation in general is the most important in the nearly two centuries of U.S. postal history, and that Congress and the committees should be commended for approving the reform measures, a major goal of the Nixon administration.

Compromise legislation converting the Post Office Department into a largely autonomous, corporate agency was approved by the Senate on Monday and the House on Thursday.

At a press conference Thursday, Blount, while generally hailing passage of the legislation, deplored provisions which he said give "special benefits to special groups at the taxpayer's expense." He would not elaborate at the time.

But in an interview with The Star later, Blount declared that "the airline lobby . . . got to members" of the Senate Post Office and Civil Service Committee, which developed the legislation.

In addition, views of committee members, as reflected in the legislation, "parallel the interests of the big mailers," he asserted.

He did not identify any senators or say how lobbyists allegedly "got to" them.

One provision which Blount criticizes limits the department's freedom to negotiate with airlines, due to regulations of the Civil Aeronautics Board. With less restriction, Blount argues, he could negotiate better service at cheaper rates.

Under present air schedules, "a letter mailed here at 6 p.m. can't get to Cleveland (about an hours' flight) before the next morning," he said. Meanwhile air-hauling costs approach $300 million a year, he said.

"Why shouldn't we have the same freedom to deal with the airlines that we have in dealing with the railroads and the truckers?" he asked.

The legislation does give the Post Office some leeway in negotiating for air loads of 750 pounds or more. But before the Postal Service can exercise the option, 90 percent of the load must be non-first-class mail, such as catalogues and advertising matter that ordinarily wouldn't go by air.

"That's stupid," Blount said.

The department may choose not to take advantage of this option, he indicated.

PROVISION CALLED "CRAZY"

Blount described as "crazy" the provision of a 13-year congressional subsidy to the Postal Service. The subsidy is to decrease after the first eight years, but Blount said any subsidy leaves the way open for special-interest pressures to be applied on the Postal Service through Congress.

While the subsidy has been authorized, "Congress doesn't have to appropriate the money," Blount said, indicating that postal officials might not ask for the money.

Subsidization was advocated by members of the congressional post office committees, but "it's the philosophy of the appropriations committees that counts" in this case, he said.

Blount indicated he can live with a provision that permits congressmen and others to comment on the character of a person seeking a job, promotion, or transfer. This essentially is what existing law permits. Some reformers had sought to outlaw all comments that smack of politics.

The extent to which politics intrudes in personnel policies "has a great deal to do with the way you run your business," Blount said, noting that he and President Nixon have foresworn political considerations in postal appointments.

WANTS TO STEER CORRECTLY

He said he is troubled by the "burrs" in the postal-reform legislation because he is anxious to set the new Postal Service on a proper course.

"The first few years are terribly important," he said.

"It's like it is in construction," said the former building contractor from Montgomery, Ala.

"If you set the first four or five rows of bricks straight, chances are the wall will go up right," he said.

For the same reason, President Nixon may go slow in choosing his appointees to the service's board of governors, rate commission and advisory council, Blount said.

A provision setting up the rate commission also brought objections from Blount, United Press International reported.

The five-man commission is to be appointed by the President, but not subject to Senate confirmation. Blount said the only recourse the public would have if it felt rates were unfair would be to appeal to the U.S. Court of Appeals, as is the case with all government regulatory agencies.

"Now the postal lobbies will be able to concentrate on just five commissioners," where previously they have had to lobby all 535 members of Congress," he said.

"We've got to focus public attention on this (flaw) . . . put it in a fishbowl," UPI quoted the postmaster general as saying.

Blount said a ruling of the new rate commission could be overturned only by a unanimous vote of the 11-man Board of Governors. He said this sets up "a false kind of power over rates" for the 11 governors, who must be approved by the Senate after they are nominated by the president.

Blount also said the $60,000-a-year salary for the director of the postal service is too low in comparison with pay scales for heads of major private firms, UPI reported.

Noting that the post office is a $10 billion-a-year business, Blount said that the top executive of a major private business might earn $200,000 or more annually.

NO EXCUSE FOR VIOLENT KILLING OF DAN MITRIONE

(Mr. JACOBS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JACOBS. Mr. Speaker, I commend my colleague, the gentleman from Indiana (Mr. DENNIS) for having spoken earlier today on the subject and extending the sympathy I am sure all Members of the House feel toward the family of Dan Mitrione, from my State of Indiana. I commend the gentleman for his contribution to that colloquy.

The tragedy of Dan Mitrione is a tragedy of our time. Mr. Speaker, I can understand though not like violent revolution. I can understand men driven to civil war. I can understand war itself. I can understand how those things happen. But what I cannot understand is how any human being on this planet could bring himself to fire into the head of a handcuffed man hot lead to end his life. That I cannot understand.

Mr. Speaker, there is a better way of settling things than violence, and that should be adopted by the whole world in terms of world peace. There can be no excuse, no service to a political cause in this kind of dark age brutality.

Mr. Speaker, I extend my sympathy to the children and the family of Dan Mitrione who, I was told just a few moments ago, for several hours before the death of Mr. Mitrione was confirmed, huddled near the city of Washington like frightened people in a storm awaiting the fate of their father.

I know I echo the sentiments of the entire House of Representatives when I say our heartfelt sympathy goes out to that family. Our respect goes out to the memory of a man, who, in the best way he knew how, served his country.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

I want to join with the gentleman in expressing our sympathy to the family of Mr. Mitrione. Here was a good family man, a dedicated public servant, doing nothing but carrying out his duties in a foreign country.

I agree with the gentleman. There is no excuse for anyone killing a man under these conditions, or even kidnaping him. There cannot be any cause which would justify that kind of violence and the death of this individual. It could serve no useful purpose, regardless of what cause the people had in their thoughts.

This is not the first time this has happened to America. It may not be the last time. It does serve notice on all of us of the real dangers our diplomats live in, and the kinds of activities going on in Latin America with respect to the politics there.

I believe that all of us will agree on one thing, and I include not only the United States but also other countries which have representatives there and in other places; that is, we must strive in every way possible to strengthen our own security for our own people and to take whatever efforts may be necessary to punish the criminals, because in any context what was done is an international crime against humanity and it ought not to serve any useful purpose and the criminals ought to be prosecuted and otherwise dealt with.

We must bend every effort, it seems to me, to make sure that international diplomacy and relationships are not disrupted; that these efforts of the terrorists and guerrillas are made extremely difficult and dangerous for them and that they gain no political advantage from what they do. We must see to it that any action of this kind—kidnaping or injury or death—is so costly to the terrorists or the guerrillas, and their political advantage is so minute, that they do not engage in it.

I would hope that the death of this fine father and dedicated public servant would not be in vain and that we could in some way at least in this hemisphere if not throughout the world bring about the kinds of relationships internationally which will not give rise to this kind of thing.

SUMMARY OF STATUS OF FARM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. MAHON) is recognized for 5 minutes.

Mr. MAHON. Mr. Speaker, I would like to supplement the remarks which I made in the House last week in regard to farm legislation by providing a brief summary as to the present situation, as follows:

First. With regard to the status of legislation providing for a new farm program, the House on August 5 passed a bill providing for a new farm program. The bill includes a $55,000 payment limitation per crop to producers. The House by a nonrollcall vote of 161 to 134 rejected an amendment fixing a $20,000 payment limitation.

Second. The bill is now before the Senate Committee on Agriculture and must be considered by the committee and the Senate. After Senate passage of the bill, conferees of the House and Senate will meet to resolve the differences in the bill and then both the House and Senate will have to vote on the final version. At this time, the actual content of the final version is unpredictable.

Third. A separate bill, the annual appropriation bill providing funds for farm programs and other programs of the Department of Agriculture must be enacted into law. This appropriation bill passed the House on June 9 and passed the Senate on July 9. The Senate, by a vote of 40 to 35, placed a $20,000 per producer payment limitation on the appropriation bill. The House version of this bill has no payment limitation provision.

Fourth. The House must move to send the appropriation bill to conference with the Senate, and a member of the House has served notice that when this happens he will offer a motion instructing the House conferees to concur in the $20,000 limitation. If this effort should prevail, this would nullify the $55,000 payment limitation which was agreed to by the House on August 5, thereby in effect imposing the $20,000 level.

Last year the House, by a record vote of 224 to 142, fixed a $20,000 payment limitation on the agriculture appropriation bill. However, this action was later overturned. The point is that the outcome of the payment limitation question, along with the content of the basic farm program legislation, is still in doubt.

Fifth. It will be a number of weeks before Congress takes final action on the two bills—the appropriation bill and the new farm program bill.

I make these remarks to clarify the status of agricultural legislation. The content of farm legislation is of vital importance to all areas of the Nation, especially farming areas.

WOMEN'S BUREAU AND LABOR DEPARTMENT SUPPORT EQUAL RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, on a day in history when those in support of equal rights for women are standing up to be counted, I should like to call to the attention of my colleagues a very meaningful address delivered at the 50th anniversary celebration of the Women's Bureau by Secretary of Labor James D. Hodgson when he was yet Under Secretary of that Department. This speech is very revealing in terms of Secretary Hodgson's own profound sensitivity to the problem women face in competing in the labor market on a fair and equitable basis and in the dynamic leadership to overcome the problem exercised by Mrs. Elizabeth Koontz, Director of the Women's Bureau. In the drive for passage of the equal rights amendment the support of the Department of Labor and of the Women's Bureau should not be overlooked. The strength of their confidence and the persistence of their efforts have been a pillar in the foundation on which the success of the day was built.

Secretary Hodgson's remarks follow:

REMARKS BY JAMES D. HODGSON

The male of the species is not exactly known for his sensitivity. He frequently evidences this fact by making small jests on the subject of women and women's rights. There is, of course, perhaps no more serious subject around. And if you don't believe it, women's organizations abound who are delighted to remind you of the fact. I know I never choose to jest on this subject, particularly in the presence of Libby Koontz. I know when it is wise to be properly intimidated.

So excuse this discourse if it fails to deal lightly with what were once regarded as the foibles and frailties of the fair sex. Perhaps I shouldn't use the term "fair." It might be interpreted by some as a questionable value judgment.

Arnie Weber, the instant genius of the Labor Department, is quite a word fancier. In our early period in office, he often referred to the term "interregnum," which is roughly defined as that interlude between the rule of one and the rule of another. Perhaps

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"interregnum" is the best term to describe current conditions in the Labor Department. Confusions result.

This morning you expected George Shultz—you got Jim Hodgson. But Hodgson is not yet Secretary and Shultz has not yet departed. Perhaps, however, I will feel freer to speak on this subject in my role as Under Secretary than I would some weeks hence.

The acknowledged principal characteristic of American society in the second half of the 20th century is that it has an endless array of problems. Society is complex; the world is insecure. Many of our problems are what might be called "people" problems. And it is "people" problems with which the Labor Department is concerned.

Secretary Shultz categorizes our "people" problems three ways: those of the labor market, the bargaining table, and the workplace. These three cover a lot of territory. And it's interesting that the contemporary problems of sex cut across them all. In the labor market, the Nation ponders how it may assure equal availability of jobs to both sexes. At the bargaining table, labor and management stew over where to differentiate and where not to differentiate in labor contract provisions as they affect the sexes. In the workplace, we find ourselves moving from a time of dual standards to a time of single standards. In each of these three areas, then, problems of sex are present. And if you could visit our staff meetings on Tuesday morning, you would understand me when I say Libby Koontz never lets us forget it.

Today I find special satisfaction in being a part of this conference, not only because it marks the 50th anniversary of the Women's Bureau, but because it may well turn out to be an historic event, drawing together for concerted effort as it does the widely divergent forces that make up what we think of as the women's movement.

Many consider the status of modern American women a contradiction in our society—a contradiction hard to explain and therefore often either ignored or denied. But the fact remains that we cannot reconcile some contemporary remarkable inequalities affecting women with our stated national principle of equality for all citizens.

The Labor Department has a special responsibility in the matter of discrimination in employment. We are concerned on two counts.

In the first place, we must recognize that every person in America has the natural desire to feel useful and needed. For those to whom the route of self-fulfillment is through work, we must help open job opportunities free of discrimination.

Secondly, we are concerned about the conservation and wise use of human resources. As a nation, we have not yet devoted attention to the utilization of our "people" resources nearly as widely as we have our natural resources. A nation devoted to high living standards can ill afford to waste its skills and talents.

The waste of human resources is particularly unfortunate because it is not always discernible for what it is. It is disturbing to realize that society may be denied another Dr. Frances Kelsey or a Rachel Carson because some young woman was dissuaded from a career in medicine or science simply because of her sex. Yet this kind of thing is still not unknown in our schools and colleges.

There are some things that we in the Labor Department can do about the situation. We can see that the Federal laws prohibiting sex discrimination are enforced, where we bear that responsibility.

We have not been idle in this respect. Since the Equal Pay Act of 1963 became effective, the Labor Department's investigations have found over 15 million dollars due more than 46,000 employees, most of them women—this because of underpayment in violation of the law.

The Office of Federal Contract Compliance, which administers the Executive order that prohibits sex discrimination in employment under Federal contracts, has just issued guidelines to spell out what employers are expected to do in order to remain not only within the letter of the law but consistent with its spirit as well. Libby Koontz made the front pages with this story.

We also endorse and support the Equal Rights Amendment.

We are cooperating, too, with the Equal Employment Opportunity Commission. The Commission is responsible for the administration of Title VII of the Civil Rights Act which includes a prohibition against sex discrimination in employment.

In these ways the Labor Department endeavors to be a force for progress.

We must understand that though the need for change in women's rights is manifestly evident, the exact direction for pursuit of that change is less evident. In working together for a worthy goal—the goal of equal rights for women—it ill serves either ourselves or our objective to proceed with more certainty than circumstances dictate.

Fortunately ours is a pluralistic society. Different sectors can go forward in somewhat different directions at the same time. Any loss through lack of uniformity is more than made up for by the opportunity this arrangement provides for experimentation. To experiment locally, and then apply successful results broadly is a traditional American process. The unanswered questions of women's rights can profit, and I believe are profiting, from this process.

This brings to mind what we in the Administration have come to call the New Federalism.

In essence, the New Federalism calls upon us to act as one nation in developing national standards and then to act as a congeries of communities in carrying out those standards. In other words we are seeking to decentralize government so that the detailed administration of government programs will be a local affair while the role of the Federal Government will be one of stewardship to insure that national standards are ultimately attained. National equity, but local control.

The family assistance plan is a good example. It establishes a national minimum on family assistance. As the President puts it, "No child is worth more in one State than in another," as far as the Federal Government is concerned. At the same time, we have local participation in administration and local decisions on what more should be done.

The same theory is applicable to the problem of day care. The President has asked for a Federal program to provide child care for the children of welfare mothers who choose to work, but operational details and experiments in form would be up to the community. The Federal Government may not be able to provide child care for all the children who need it, but local experimentation and initiative can contribute much.

I hope as I have spoken of the New Federalism you may have been able to see your own role in it. Actually, what is being done in many instances is shifting the responsibility for the creation of ideas and program suggestions to the local community, to State, county, and city officials.

Many of you are members of State commissions on the status of women. You have access to your Governors and legislators. Others of you are members of influential organizations. You have the ear of your elected officials. All of you are private citizens with the power of creative action.

What I am really saying is that the New Federalism touches each one of us. It provides a basis for creative effort among all the major forces in America—public sector, private sector, management, labor, and volunteers.

Now in these brief remarks this morning I have deliberately avoided trying to lecture this audience on *what* it should do, or *how* it should think about this subject. I *have* tried to leave the impression that the Labor Department is actively pursuing its responsibilities in this area. I have specifically suggested that in a period of transition from one plateau of values to another, experimentation and diversity are desirable conditions. And I have observed that the Administration's New Federalism concept provides exactly the kind of conceptual framework needed for such widespread creative endeavor. It is my hope, then, that this conference will stimulate the desire for such endeavor. May I wish you every success in your deliberations.

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGED FOODS—IX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, fresh products supposedly line the supermarket shelves. But only the store manager knows for sure because the freshness dates are indicated on the package in complicated letter and number codes designed to keep the consumer from knowing them.

Last November, I introduced H.R. 14816, legislation aimed at letting the consumer in on the secrets the codes were designed to hide. The bill would require the last date a food item could be sold to appear on the label of all perishable, semiperishable, and canned foods as an indication to the shopper of how fresh the food item is.

The National Association of Food Chains, as the "official spokesman" for the food industry came out in vehement opposition to my legislation. The only rationale they can muster for their position is that "it will increase the cost of food, since if the consumer knows the dates of items on the shelves she will purchase the freshest and leave the rest to go unsold."

The farfetched nature of this is indicated by the number of individual grocery chains which have voluntarily adopted programs of making translations of food codes available to their customers: Jewel Foods in Chicago, Stop and Shop in Boston, and Safeway on the west coast—although not in the east coast. These stores have adopted their policies because they feel they will increase, not decrease their profit levels.

The question comes up then why does the food industry oppose open dating? Or in other words, "What have they got to hide?"

This is the question raised in a recent editorial endorsement of H.R. 14816 by the suburban Chicago Herald.

I insert that editorial as well as a recent Wall Street Journal article on food coding at this point in the RECORD.

The materials follow:

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[From the Harald Paddock Publications, Aug. 7, 1970]

The Way We See It: The Codes Must Go

The food industry is rapidly building a bad image for itself in the furor over date coding.

The image may be summed up in a question: "What have they got to hide?"

Indeed, what?

Coding has become the basis for the shrillest battle cry of consumer groups, and the defensiveness of the food processors, stores and supermarkets has brought on even more militancy.

We are not especially enamored with the fanatic tactics or personal abuse dished out by some of the consumer militants, but on this particular issue our position is very simple: there is no good reason why the shelf life of perishable food items should not be stamped on the containers in clear, precise terms. That is, by date, month and year, where applicable.

Not by codes, which even some store managers admit they can't figure out, leaving them dependent on delivery men to rotate supplies.

It should be done as it is done for film—with a straight declaration of the date beyond which an item should not be sold.

Instead, we have the elaborate system of secret codes, some by stamped numerals and letters, some by the color of tags. There can be one kind of code for milk, another for cottage cheese, another for bacon, or eggs, or bakery goods. And, depending on the processor and the product, a random date like Feb. 21 can come out as 21, 21049, 2B1, or 2210QA. It's designed for the market's information, not the buyer's.

This has led to a kind of dead serious gamesmanship, in which consumer groups and some processors have battled wits in civilian cryptographics—the consumers cracking codes, the food manufacturers spinning off new and more complex ones.

In all this, the public interest clearly is not being served. Again, why the resistance to simple dating? Why this damaging aura of subterfuge?

The food industry argues that if precise dates of packaging or shelf life are printed on the packages, that consumers will always buy the freshest items and defeat the idea of notating products on a "first in, first out" basis. The result, they say, would be increased waste and cost.

We don't buy that.

In the first place, stores can regulate what actually goes on the shelf, and as long as it's within the allowable shelf life, there's no real problem.

But beyond that, clear dating has been practiced for years with film and drugs, and there's been no untoward effect or serious complaint.

Two New York congressmen have taken the lead in trying to resolve the struggle on behalf of the consumer.

Rep. Benjamin Rosenthal has asked the Agriculture Department to look into the issue, and charges that some groceries are ignoring the codes and leaving food on shelves so long it becomes unfit for human consumption. The department has agreed to a preliminary survey, which could lead to a full nationwide study.

Rep. Leonard Farbstein has been the real gadfly, and has introduced the legislation—H.R. 14816—that would accomplish what the consumer spokesmen want. It would extend the 1966 Truth-in-Packaging Act to require clear labeling of the last date that perishable, semiperishable and canned foods can safely be kept on a grocer's shelves.

We don't think that's asking too much. The real issue here is the public's interest, and some honest guidelines for the already-harried consumer.

[From the Wall Street Journal, Aug. 3, 1970]

Trade Secrets: Grocers' Arcane Codes Telling Products' Age Coming Under Attack

(By James MacGregor)

Neatly wrapped in plastic in the supermarket, one package of sliced bacon looks, feels and smells like all the others. So how can you tell which package is freshest?

Here's a way that usually works: Find the four-digit number stamped on the package. The sum of the first and last digits corresponds to a month of the year. The middle two digits stand for a day of that month (today, August 3, would be 4034). If the number is underlined, it's the day the bacon was packed. If it's not, it's the day the bacon should be removed from the grocer's shelf.

If you didn't know about that code, you have several million housewives for company. Now that modern packaging protects almost everything except fresh vegetables from close shopper scrutiny, the only clue to many a product's freshness is the coded series of letters or numbers marked on the wrapper. Though virtually all the 8,000 or so items in a typical supermarket sport such codes, most shoppers don't know they exist.

And those who do know have other problems: There are hundreds of codes, all different and most expressly designed to be incomprehensible to the average shopper. Under a few simple codes, for instance, today's date appears as 215, 0803, 203C HKB, 152, PP and 8K03.

NO TRANSLATIONS

Deciphering those numbers might not be hard for a cryptanalyst, but even he wouldn't know if the date represented the date of packaging or shipping or the last day the product should be sold or used. Most grocers know the codes, but many say they're under strict orders not to translate them for customers. A few even admit they haven't the faintest idea what some codes mean.

To the consumer advocates who charge the food industry with shoddy handling and deceptive pricing and packaging, secret grocery codes are infuriating. "It's immoral," snaps Marjorie East, chairman of the home economics education department at Penn State University. "The consumer should know just as much as the manufacturer about the quality of the food on the shelf."

"The buyer has a right to know what product is freshest," adds a spokesman for Consumers Union, which publishes Consumer Reports and which regularly surveys the quality of food and other products. "The outrageous thing is that all the food is actually dated, but nobody can read it."

Consumer advocates argue that even the most conscientious grocer can overlook out-of-date food, while some less scrupulous stores keep old products around quite deliberately. These critics argue the consumer should be protected by abolition of secret codes and substitution of easily readable expiration dates on all perishable foods.

"NOT AN INDUSTRY FAILING"

Their crusade is coming to a head. This spring 57 Congressmen introduced a bill to require open dating on all perishables. The Department of Agriculture is also embarking on preliminary study of food dating, and legislators in a half dozen states are pondering bills to require open codes. Some consumer groups are pressing the food industry to institute readable codes before such bills become law.

Responding to their urging, Jewel Cos., last month placed code books in all its Chicago supermarkets so shoppers could translate the codes. Safeway Inc., the giant supermarket chain, is asking some of its suppliers to put open dating on their products; Safeway has for years open-dated the foods it processes itself. Kroger Co., Armour & Co. and National Biscuit Co. are among the companies that say they're examining the implications of open dating.

But most food producers and retailers call the grocery code controversy a teapot tempest. Clarence G. Adamy, president of the National Association of Food Chains, admits "every store has out-dated items from time to time, but it's mostly a matter of individual stupidity, not an industry failing. Stores build their profits on repeat sales. They don't want to sell bad merchandise."

Food industry officials generally say they have nothing against open dating, but they assert secret codes are management tools. They contend the codes allow them to maintain strict quality control without the higher prices they figure would result from shoppers who would read open dates and rummage through the shelves for the freshest food available, leaving behind perfectly good older food.

A reporter armed with translations of some simpler codes found from two to 25 out-of-date items in meat and dairy cases at each of nine Cleveland area stores representing five major supermarket chains. In each instance, store officials said clerical oversight caused the products to remain on sale. But at one store, an outdated package of cottage cheese marked by the reporter was back on the shelf a day later. And the assistant meat manager of another store says, "Those codes don't mean much. We check the meat every day and take it off sale when it begins to smell or change color."

Surveys by consumer groups and by the staff of Rep. Leonard Farbstein (D., N.Y.) found similar situations at supermarkets in Washington, Chicago and Louisville. A shopper for Consumers Union found frozen fish sticks on sale in an Indiana market two years after the company that made them quit the fish stick business.

There may have been nothing wrong with the outdated food found in these surveys, since most coded expiration dates allow substantial time for the product to sit on the housewife's pantry shelf. If the food has spoiled most major supermarket chains have a no-questions-asked policy of taking back or exchanging food returned by an unhappy customer.

But while a housewife may return a product that's stale when she gets home, she isn't likely to do so if it simply spoils faster than it should. That's one reason Rep. Farbstein is pushing open dating. He says it would give the consumer "personal policing power" over the sale of staple foods. John S. Rini, vice president for supermarkets of Cleveland-based Cook United Inc., says "open dating would keep our managers on their toes."

A few states and cities—New Jersey and New York City for instance—do require open dating of milk or eggs, usually in a numeric form like 8–03 for today's date. The date represents when the goods were put on the shelf. Pillsbury Co. open dates its highly perishable refrigerated baking doughs, as does Borden Co. with its fast-ripening Liederkrantz and Camembert cheeses. On most products, though, companies prefer less readable dates.

Some are downright cryptic. A simple date like 803 can be complicated by additional symbols that give production information. Fresh meat is frequently marked by two letters, with O, P, S, T, V, and X standing for Monday through Saturday at one chain. Bread often carries a colored tie-string at the end of the wrapper, each color stands for a different baking day. Canned and dried foods often are marked by long serial numbers of tiny notches on the label—the retailer gets periodic lists from the producer telling him what to take off sale.

"I don't know half the codes, and I've been in the business 16 years," says one Cleveland supermarket manager. "Neither does anyone else, I could put one man checking codes

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full-time and I still doubt we'd keep everything up to date all the time."

Food industry spokesmen say this manager's plight isn't serious. They say that with proper handling products will turn over fast enough that in-store expiration dates are strictly an academic question. Many agree, though, that present packaging often provides insufficient instruction to the housewife on how long she should keep products after bringing them home. In fact, industry officials say studies have shown that most spoilage occurs because of improper handling—leaving goods in hot cars and the like—on the part of the buyer, not the packer or retailer.

Many home economists and industry officials are concerned that the controversy over coding misses the point; the real question isn't the legibility of the date, it's the quality of the product. "Open coding may be a panacea for a very complex question," says Jean F. Judge consumer food marketing specialist at Rutgers University. "I'm concerned that consumers would tend to equate a fresh date with quality, which may or may not be valid."

The food industry has improved packaging and storage and distribution, but some critics contend significant improvements could still be made by eliminating secret codes, as in the case of the two-year-old fish sticks found by Consumers Union.

George Pollock, head of Consumers Union's foods lab, says it isn't uncommon for stores to unwrap moldy bacon, wipe it clean and put it back on the shelf. The assistant meat manager of a Midwestern supermarket admits too, that frozen turkeys at his store are regularly rewrapped and recoded "until the store manager catches you." So far, he hasn't been caught.

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IMPACT SCHOOL AID PRORATION FORMULA GROSSLY UNFAIR TO MASSACHUSETTS SECOND CONGRESSIONAL DISTRICT: CHICOPEE WILL LOSE $50 PER CATEGORY "A" STUDENT IN FINANCIAL ASSISTANCE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 10 minutes.

Mr. BOLAND. Mr. Speaker, once again several of the school departments in my Second Congressional District of Massachusetts will be shortchanged in Federal school impact assistance because of an inadequate budget request by the administration and underfunding by the Congress.

There is nothing particularly new about this. The school superintendents, members of the school committees, and families in my area have become quite familiar with the actions of this Government in approving extensions of Public Law 874, the so-called impact law, and subsequently denying the full funding to which the school districts are entitled.

What really disturbs me now is that the Office of Education appropriation bill this year goes one step further and sets a precedent by discriminating against school districts within a State as to the amount of impact funds they will receive. This is accomplished by the following distribution formula for school impact funds:

The 100 percent payment for "A" students in school districts having 25 percent or more of their enrollment in the "A" student category.

The 90 percent payment for "A" students in school districts with less than 25 percent "A" students, and 65 percent proration for all "B" students.

Mr. Speaker, under this indefensible formula the city of Chicopee, where Westover Air Force Base is located, will lose some $120,000 to which it is entitled for educating Air Force dependents.

The Chicopee Public School District, with 2,400 "A" students out of a total enrollment of 13,400, falls short of the 25-percent formula. Yet, Chicopee has far many more "A" students than numerous other small school districts that will qualify for full entitlement.

Why should Chicopee be arbitrarily shortchanged 10 percent of its category "A" funds entitlement when at the same time smaller school impact districts throughout the Nation, and two within the same State, Ayer and Bourne, Mass. will get 100 percent funding? Many of these school districts educate less than half of the number of category "A" impact students than attended the Chicopee schools.

I do not think that Chicopee's loss of $50 for every category "A" student is justified. The 1970 student rate approved by the U.S. Office of Education for Chicopee is $500 for impact aid purposes. Therefore, Chicopee will receive only $450 as the per pupil reimbursement for the cost of educating 2,400 "A" students.

The 65-percent proration of funds for category "B" students will mean the loss of thousands of impact aid dollars to school districts in Springfield, Ludlow, South Hadley, Granby, and Belchertown.

Mr. Speaker, the inequities of the impact aid distribution formula must be corrected. Therefore, I urge the administration to include in its fiscal year 1971 supplemental budget request the sum of money necessary for full funding of Public Law 874 for both categories "A" and "B" students.

WILSON PLANS HEARINGS ON ACCURACY OF 1970 CENSUS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. CHARLES H. WILSON), is recognized for 10 minutes.

Mr. CHARLES H. WILSON. Mr. Speaker, the Subcommittee on Census and Statistics has received a variety of complaints from communities expressing dissatisfaction with the census preliminary counts in terms both of unexpected losses of population and gains of less than anticipated magnitude. It is likely that most of the unhappiness over the census count is due to poor predictions—by the Census Bureau, itself, as well as by local authorities.

Nevertheless, the possibility exists that the new techniques introduced into the 1970 census to improve the enumeration may not have achieved their promise. The subcommittee, therefore, in fulfillment of its responsibility to the people and the Congress, will be holding hearings this coming September in order to evaluate the completeness of the 1970 census enumeration. Of particular interest to the subcommittee will be a description of the actions the Census Bureau has been taking to resolve the complaints it has received to the mutual satisfaction of the local community and the Census Bureau.

In preparation for the hearings, I hope to have the subcommittee staff visit with the official of several of the complaining cities to discuss their census problems with them and evaluate their complaints at first hand. I would also like the staff to visit various of the Census Bureau's regional offices to discuss with the Regional Director and his staff the problems they encountered in conducting the enumeration and the steps that were taken to obtain an accurate census count.

I expect the hearings to produce important and meaningful conclusions.

September, however, is still some weeks away. In the meantime, I believe it important to report to the Congress at this time the purpose served by the preliminary counts—which are essentially hand tallies compiled from enumerator records—may sometimes cause dismay because of the fact that they can be in error, their publication is an integral and necessary part of the census quality control program. The early release of a preliminary count makes it possible for local officials to evaluate the accuracy of the census count as it applies to their own community. If the count appears too low—or as is sometimes the case, too high—it can be called to the attention of the Census Bureau so that potential errors can be corrected.

The final counts, which will include corrections of all errors discovered in the preliminary count, will be based on a computer tabulation—as opposed to the hand tallies on which the preliminary figures were based—of each person listed on the census questionnaires. The computer process involves a number of additional steps to assure the correctness of the final figures. Crew members enumerated on board civilian and naval vessels—a group not included in the preliminary counts—are added to the questionnaires for inclusion in the final tabulations. Persons enumerated away from their usual home are allocated back to their home districts and added if they have not already been listed. Geographic codes are reviewed to make sure they are correct and up to date to make certain that all annexations have been recognized and that each enumeration district is assigned to the correct political subdivision and statistical area.

Certain other actions designed to check for people who may not have been enumerated are also carried out; these include a check against the census questionnaires to make certain that people who report that they may have been missed as well as addresses which the Post Office reports may have been missed, have not been excluded from the census.

And finally, the total population of each State has added to it, as determined from the official records, its share of the count of American military and civilan personnel of the Federal Government who were abroad as of April 1, 1970, and their dependents who were with them.

Mr. Speaker, as I mentioned earlier, part of the unhappiness with the preliminary census counts lies in the sometimes very large discrepancies between the estimates of the population and the census counts—particularly for small geographic areas. During its hearings, the subcommittee also plans to find out the reasons for these differences and hear recommendations as to what could be done to eliminate them in the future. Perhaps we have reached a point in time where population changes are taking place so rapidly that in order to keep up with them we will need censuses more frequently than once every 10 years.

A few days ago, the Census Bureau released a summary of the reasons why some commonly used indicators of population change may not be entirely valid. It is a striking example of the rapidity with which changes are taking place in our society and bears directly upon the concerns the Subcommittee on Census and Statistics. Without objection, I should like to include the Census Bureau's statement in the RECORD at this point:

COMPARING CENSUS RESULTS WITH INDICATORS OF POPULATION GROWTH

As preliminary results from the 1970 census are issued, interested officials and agencies will check these figures against local estimates and opinions as to the extent of population change since the last census. Indicators of change, such as new construction, power and water meter connections, retail sales, automobile registrations, voter registration, etc., are frequently used as a basis for estimating population change. Some of these may more accurately reflect increased purchasing power and spending rather than population change.

For the country as a whole there are a number of trends which may help explain why an increase in the number of housing units, or in other indicators, need not lead to an increase in population. In fact, some increase in the number of housing units is not necessarily inconsistent with a decline in population. Relevant facts include:

1. The decline in the average number of persons per household; from 3.33 in 1960 to 3.17 in 1970.

2. This is in part a reflection on the declining birth rates during the 1960's—the average number of persons under 18 per household declined from 1.21 to 1.12.

3. There was also a decline in the average number of persons 18 and over per household—from 2.12 in 1960 to 2.05 in 1970.

4. These shifts reflect the growing tendency of young persons to leave the parental home and strike out on their own, and the continuing growth in the number of elderly persons who maintain their own households, many of them as 1-person households.

5. The number of persons 65 and over were living alone (or with others who are not related) increased from 3.2 million in 1960 to 5.2 million in 1970—an average increase of 61 percent.

6. The number of young persons 14 to 24 years old living alone or with others who are not related increased from 284,000 in 1960 to 851,000 in 1970—an increase of 200 percent.

7. One-person households increased from 13 percent of all households in 1960 to 17 percent in 1970.

8. An increase of at least 10 percent in the housing inventory from new construction is required to compensate for the demolitions and other losses that have occurred in the past decade.

9. The reduction of station strength, or the closing of a military base, may have serious consequences for the population of an area. Many bases are wholly or partially within city limits and, thus, can have a major effect on the population totals for the area.

10. The total number of persons in the Armed Forces increased from 2,535,000 in 1960 to 3,270,000 in 1970. This includes an increase of 500,000 in the number stationed overseas.

11. Changes in the number of members of the Armed Forces stationed at a base can have a significant effect on the population of the area in which the base is located. It may affect not only the number of such persons, but in many instances their dependants follow them into or out of an area.

12. There has been a substantial increase in occupied mobile homes, from about 750,000 in 1960 to about 2,000,000 in 1970 (or from 1.4 percent of the total in 1960 to slightly over 3 percent in 1970). The fact that these units can be moved into or out of a city may affect rates of population change. Many trailers are used as second homes. In such situations, the census procedure is to designate the people as "Usual residents elsewhere" and the unit as vacant. Since vacant mobile homes are not included in our inventory, our housing unit count omits such units.

13. Since 1920 the suburban areas have been growing much more rapidly than the central cities. Between 1950 and 1960 many of the large cities lost population, but their metropolitan areas gained because of the rapid growth in the suburbs. Census Bureau estimates for 1960–1969 show an increase of only 1.2 percent in central cities, but 27.6 percent in the parts of the SMSA's outside central cities. Special censuses since 1960 in Louisville, Cleveland, Des Moines, Rochester (N.Y.), New Haven, Trenton, Buffalo, Providence (R.I.), and Shreveport all showed declines in the city's population.

14. Increases in the number of persons in school does not necessarily mean an increase in population because—

a) the substantial reduction in the number of school districts and school buildings has meant shifts of pupils into the larger centers.

b) enrollment in private (largely parochial) schools has declined, while total enrollment in the public schools has increased.

c) the increased enrollment of 5-year olds (up from 64 to 78 percent of the total between 1960 and 1969) has raised total school enrollment figures.

d) the enrollment rates for 16 and 17 year olds increased from 83 to 90 percent between 1960 and 1969.

e) in some cities there has been a proportional increase in the Negro population, which generally has more children, resulting in substantial increases in the number of children of school age.

15. Increase in voter registration or in voting may reflect increased interest in an election, rather than any change in the number of persons of voting age.

16. The farm population of the United States declined from 15.6 million in 1960 to 10.3 million in 1969. Some of this loss is a matter of people giving up farming, but remaining in rural areas, but in most cases the loss reflects migration out of farming areas.

17. Since 1959 median family income has risen 74 percent (to $9,433). Increases in automobile registrations, retail sales, hospital admissions, newspaper circulation, and the like may reflect increased buying, more two-car families, more people using hospitals as a result of having more prepaid medical care and medicare, etc.

18. Increased retail sales, increased employment, and other increased use of services in a city may reflect growth in the nearby areas rather than within the city limits. The census figures for a city relate to the population living within the legal boundaries of the city.

"INFLATION ALERT" PROVES HIGH INTEREST RATES MAJOR CONTRIBUTING FACTOR TO INFLATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, for months the administration's economic experts have derided the idea that high interest rates are contributing greatly to inflation.

Last Friday, the administration issued the first of its so-called inflation alerts and this first report confirms that interest rates have contributed to virtually every price rise in recent months.

Buried deep in the inflation alert report is this statement on rising costs in manufacturing:

> The largest rises were recorded in net interest. Increases in interest costs and capital consumption allocation occurred in virtually every industry.

The inflation report also talks at length about the rapid acceleration of prices for various consumer services in the first half of 1970. The report says:

> Services continued to represent the most rapidly advancing element in the consumer price picture.

The material accompanying this statement makes it obvious that interest charges are the single biggest sector in pushing up the costs of "service." The interest charges are lumped in a category which the report refers to as, "insurance and finance."

The report states:

> The rate of increase in insurance and finance has been particularly rapid reaching an annual rate of nearly 22% in the first quarter of 1970 before dropping to about 10% in the second quarter.

Included in this group, the report says, are such items as "mortgage interest and interest on other consumer purchases." The report goes on to say:

> The most important single item in this group is mortgage interest which reflects both the rates charged on new mortgages and the amounts of the total interest commitments entered into as influenced by the rising purchase cost of used and new homes.

Later, in an appendix to the inflation alert, entitled "Prices, Wages, Productivity, and Income Shares," the report states:

> Net interest charges represent the difference between interest paid and interest received by non-financial corporations. Of all the price components, net interest per unit of output has risen the most rapidly since 1960.

Even more significantly, the "alert" dwells at great length on rising utility costs as a major problem area for the economy. In its coverage of the report, the Wall Street Journal carried the following quote about rising utility costs:

> Perhaps the darkest prospects for continuing what has been a relatively stable price picture are those of the electric power in-

dustry, the report suggested, where a combination of formidable inflationary forces is coming to bear.

The "inflation alert" conceded that high interest rates were a prime reason behind the increase in energy costs. I quote directly from the report:

> *Contributing to higher power prices is the increase in interest rates during the last year.* The rate on Aaa bonds has gone up 21.5% in a year. Most power companies have to borrow heavily for expansion and to refinance past borrowings. Thus, capital costs, which are significant in this industry, are up noticeably.

Mr. Speaker, these quotes taken from the "inflation alert" are a clear admission by the administration that high interest rates—which they have heretofore ignored—are major contributing factors to all of the price rises in the economy. Time after time, the phrase "higher interest rates" appears as an explanation for the various price increases listed in the report. It is obvious that if we are to do anything about inflation we must first do something about interest rates.

That is why, last December, this Congress voted specific standby powers for the President to control interest rates. Through Public Law 91–151, the President can control all aspects of credit transactions. For some reason, the administration has refused to use this power.

It is difficult to understand why the administration continues to refuse to use these powers if, as they concede, interest rates are contributing to inflation. It is absurd for the administration's economic advisers to call attention to the role of high interest rates in the inflationary spiral and then allow the standby credit control powers to remain idle.

Such inconsistent behavior destroys what little credibility the administration's economic policies have with the American people. If the administration believes that interest rates are causing inflation then they should do something about them. This is exactly why the Congress gave the President the credit control powers on a standby basis. This authority, under the congressional mandate, was designed to be used by the President when his economic advisers found that high-interest rates were causing inflation.

These advisers, in their "inflation alert" of last Friday, have so found, and it is incumbent upon the President of the United States to use Public Law 91–151 in accordance with the very firm congressional intent.

Mr. Speaker, I urge the President to read his administration's own "inflation alert" and to exercise the powers to control interest rates. The "inflation alert" points up the massive failures of this administration to halt inflation and to hold down interest rates. The "alert" has little meaning if the President ignores its implied warnings about high-interest rates.

AFL–CIO ENDORSES H.R. 16785

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, earlier this month the executive council of the AFL–CIO met in Chicago and strongly endorsed H.R. 16785, the occupational safety and health bill now awaiting action by the Rules Committee. The council called upon Congress to pass Federal safety legislation, saying:

> "The need is clear; the facts have been demonstrated repeatedly: the time for action is now.

The AFL–CIO also called upon the Department of Labor to release an unpublished report made to them by Mr. Jerome Gordon which reveals that job accidents and deaths are as much as 10 times higher than those reflected in current statistics on job safety.

I would like to incorporate the entire text of the executive council's statement as well as the resolution adopted by the Industrial Union Department Board, AFL–CIO, at its meeting in Chicago on July 31:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON OCCUPATIONAL HEALTH AND SAFETY

The AFL–CIO long has urged federal Occupational Safety and Health Legislation. The need is clear; the facts have been demonstrated repeatedly: the time for action is now.

The official statistics alone do not tell the terrible cost in human tragedy of on-the-job accidents, illnesses and deaths: 55 working men and women killed on the job each day—nearly 14,500 a year; 2.5 million Americans are disabled each year on the job and another 7 million are injured.

An unpublished report to the Department of Labor has concluded that as many as 25 million serious injuries and deaths on the job are not counted each year by the federal government. The report's author, Jerome Gordon, said the injury rate is 10 times higher than official figures show. He blamed inadequate standards for counting injuries, faulty reporting and deliberate attempts to cover up. We insist that this report be made public.

The statistics are worse than the casualty figures from Vietnam.

Statistics do not take into account the related effects of death and disablement on the daily lives of families and survivors.

While the toll in human suffering cannot be measured in dollars, there is an economic loss that must be considered. Workers injured or killed lose an estimated $1.5 billion a year in wages. Medical expenses for on-the-job accidents exceed $600 million a year. The total economic loss to the economy is in excess of $8 billion—tantamount to a death and injury tax of $40 a year on every man, woman and child in the country.

The House Education and Labor Committee has reported out the Occupational Safety and Health Act, H.R. 16785, sponsored by Representative Dominick Daniels, (D-N.J.).

This bill has the wholehearted endorsement of all of organized labor.

Aligned against this measure is the Nixon Administration and certain business interests led by the U.S. Chamber of Commerce and the National Association of Manufacturers. The opponents will attempt to substitute a bill containing weaker enforcement powers, watered-down procedural rights for workers exposed to hazardous working conditions, and special industry-dominated boards and courts to handle enforcement matters.

The Daniels Bill contains the provisions which any realistic Occupational Safety and Health legislation must contain:

Full authority for Secretary of Labor to issue occupational health and safety standards, with recourse to federal courts to enforce them.

Provision for penalties against violations and any person who forewarns management of an impending inspection.

Authority for the Secretary to shut down plans or curb operations where an inspector finds an "imminent danger" of loss of life or injury.

Authority for the Secretary and Health, Education and Welfare to undertake research necessary to determine the standards to be issued by the Secretary of Labor, and to issue such criteria along with a list of toxic materials and substances which are hazardous to workers on the job.

Authority for the Secretary of Labor to require monitoring of toxic substances.

In addition to these requirements, a comprehensive occupational safety and health program must be based on the rights of the workers themselves. It must permit the worker to leave his post whenever violations are found and his health or life is endangered. It must guarantee his procedural safeguards in order to take corrective action to remove or avoid the danger. He must have the right to accompany investigation and inspection tours or to be represented by his union in such investigations or inspections.

At a time when the nation is intensely interested in environmental problems, it is inconceivable that there should be resistance to or apathy toward occupational safety and health legislation. For the workplace is the environment for millions of working Americans.

America can no longer tolerate polluted workplaces and dangerous working conditions.

We have said before and we say emphatically again: Workers should never be called upon to pay for their jobs with their health or their lives.

Therefore we demand immediate consideration and passage of the Daniels Bill to protect the lives and limbs and well-being of American workers.

RESOLUTION ON OCCUPATIONAL HEALTH AND SAFETY

The toll of lives, human misery and financial distress resulting from occupational illnesses and injuries continues to mount each day.

Official statistics report that some 14,000 Americans die from job-connected accidents or illnesses each year; and that some 2.5 million Americans suffer injury on the job. But a report sponsored by the U.S. Department of Labor charges that the actual total is 25 million which is a more accurate figure for industrial accidents. The study, after examining the injury problem, charged that for every report of disabling injury in industry, there are actually 10 serious injuries occurring in industry.

The programs of the states, always inadequate, have become travesties in the face of introduction of new industrial chemicals and processes that menace health and life in complex and often unpredictable ways. It is clear that state governments either cannot or will not provide the high standards and financial and manpower resources needed to safeguard America's 80 million working men and women from on-the-job accident or illness.

What is needed is a federal occupational safety and health program that:

1. Empowers the U.S. Secretary of Labor to develop, establish and enforce occupational safety and health standards.

2. Provides for adequate inspection and enforcement machinery.

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3. Covers all workers in all types of jobs.

Previous attempts by organized labor to persuade the Congress to enact such a program have failed in the face of the opposition of some business groups, who have used vicious and misleading propaganda to build up massive pressure for the defeat of federal occupational safety and health legislation.

Now, however, H.R. 16785, a proposed Occupational Safety and Health Act, known as the Daniels bill, is before the House of Representatives. This measure would go far toward establishing the type of program so urgently needed to end the senseless and needless slaughter and maiming of our national work force.

Resolved, The Industrial Union Department, AFL–CIO, calls upon the Congress to pass the Daniels bill (H.R. 16785) without delay and to provide the funds needed for its rapid and effective implementation.

Resolved, The Industrial Union Department, AFL–CIO, urges most strongly that the House Rules Committee promptly provide a place on the House calendar for H.R. 16785, in order to dispel suspicion that powerful opposition forces are seeking to "bottle up" this vitally needed legislation in the Committee.

Resolved, The Industrial Union Department strongly urges the public, labor unions, and concerned individuals to demand that members of the House Rules Committee promptly schedule H.R. 16785 for debate and vote by the members of the House of Representatives.

Resolved, The Industrial Union Department, AFL–CIO, calls for a mighty turnout of letters, telegrams and phone calls to members of the House to pass H.R. 16785, the Daniels bill, so that the workers of America may finally achieve a measure of protection for their health and safety while at work.

CONGRESSMAN FRANK ANNUNZIO INTRODUCES NONIMMIGRANT VISA ACT OF 1970

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I am introducing in the House of Representatives today the Nonimmigrant Visa Act of 1970 which would grant the Secretary of State and the Attorney General broad authority to waive visa requirements for business and pleasure visits of up to 90 days on the basis of reciprocity or for other reasons determined by the Secretary of State to be in the national interest.

My bill is designed to eliminate unnecessary, cumbersome, and antiquated procedures which have been in force for more than half a century and which are presently inhibiting foreign visitors from traveling to the United States.

Over the past 6 years that I have served as Congressman for the Seventh District of Illinois, I have received thousands upon thousands of letters from anguished relatives in all ethnic groups—Italian-Americans, Polish-Americans, Lithuanian-Americans, Greek-Americans, Lebanese-Americans, Czechoslovakian-Americans, Slovenian-Americans and many others—who have been thwarted in their desire to have a loved one—a niece or nephew, brother or sister, cousin, aunt or uncle—visit them briefly in the United States.

Nonimmigrant visas issued by American consular officers in 1967 totaled 1,443,786; in 1968 they totaled 1,538,070; and in 1969 they totaled 1,759,608. These figures indicating increased issuance of nonimmigrant visas unfortunately are not very revealing, for they do not tell us how many applicants for visitors visas were turned down. State Department records indicate that in 1967, 4.4 percent of those who applied for nonimmigrant visas were turned down; in 1968, 6.1 percent were turned down; and in 1969, 6.7 percent were turned down. However, in past years, it has been estimated that at some individual U.S. consulates, more than 50 percent of the applicants for nonimmigrant visas have been refused.

Our rising standard of living, recent technological advances in air transportation, and the fact that approximately 35 other nations do not require visas from American tourists, have put foreign travel within the reach of millions of Americans. But while unprecedented numbers of Americans are traveling abroad, the number of foreign visitors coming to the United States, by contrast, is not increasing by a comparable rate, and consequently, the United States runs a deficit on the tourism account of over $2 billion annually as a difference between what foreigners are spending to come here and what Americans are spending overseas. This trend has continued over the last several years to the point where the industry-government special task force on travel has estimated our annual travel deficit by 1975 could range as high as $5 billion or more annually. The task force has concluded that the most effective way to close this increasing gap is to stimulate and encourage foreign travel to the United States thereby improving our balance of payments and promoting international understanding.

By imposing complicated requirements for issuance of nonimmigrant visas to foreign visitors, we not only discourage tourism, but in addition, we impose an unnecessary and increasingly expensive workload on our consulate staffs abroad.

My bill, by facilitating the entry of foreign tourists to the United States first, would improve our balance of payments and strengthen the dollar; second, would treat travelers from abroad more considerately, hospitably, and efficiently; third, would promote a better understanding of America and would improve our image abroad; and fourth, would result in a substantial reduction in manhours of work in processing tourist visas by American consular officers thus reducing the need to hire more and more visa officers to meet the projected increase in tourism within the next decade.

Presently, a prospective visitor to the United States—other than a national of Canada and Mexico—must establish to the satisfaction of the American consul to whom he applies for a nonimmigrant visa that first, he is not ineligible for a visa under approximately 30 specified grounds of ineligibility; second, he has a residence abroad to which he intends to return; and third, he will not become employed while in the United States.

My bill would specifically exempt prospective visitors from all but the most serious of the 30-some grounds of ineligibility for nonimmigrant visas. I must emphasize, however, that the security of our country would in no way be jeopardized because foreign nationals who have been convicted of serious crimes would still be barred and entering aliens would still be required to be examined by immigration and naturalization officials at ports of entry. Furthermore, our immigration laws would not be circumvented because an alien who willfully stays beyond the authorized 90 days would be penalized under my bill by a delay of 2 years of his priority date for issuance of an immigrant visa.

Additionally, I want to point out that my bill in no way would prevent a prospective visitor from applying for a regular nonimmigrant visa, but instead, would provide an alternative route for the increasing numbers of bona fide, short-term visitors who must now go through time-consuming and cumbersome procedures in order to obtain nonimmigrant visas. However, persons entering under this 90-day program, under the requirements of my bill, must still possess a valid passport, a nonrefundable round-trip ticket, and cannot change their visitor status while in this country.

Launching a strong and positive national effort to increase travel to the United States is long overdue. We must invite citizens of other countries to discover America for themselves, and in so doing, we must insure that all visitors are made to feel welcome, regardless of their diverse backgrounds, and are able to gain entry to the United States for brief visits with a minimum of redtape. An exchange of visitors enlarges our horizons, it renews our faith in each other, and encourages the friendship of other countries we as a Nation have always sought.

I urge, therefore, as a positive step in this direction, that the Congress take speedy action in enacting the Nonimmigrant Visa Act of 1970.

THE PROBLEM OF PRISON

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am pleased to be chairman of the Select Committee on Crime. I believe our committee has made good starts in a number of important legislative areas, and I am gratified with results thus far. But I also am grateful with the education I have received. I have learned much to fortify impressions or ideas that I have held for years. And none of these has been more singularly strengthened than my concern about the corrections system.

As our committee has visited dozens of places across the country, we have not only looked at crimes themselves, the breaking of laws, but we have also examined what our society does to criminals. I have long rejected the belief that the simple solution was to catch the criminals and put them away. I have been increasingly concerned with how and where we put criminals, what happens to them while they are in prison, and whether we invite a higher cost to our society when jails and prisons become crime colleges.

I am pleased that the House chose to allocate certain law enforcement assistance agency money to corrections. We must do better to turn men and women back into society equipped to meet its challenges, instead of being brutalized by their incarceration.

I believe my colleagues will find significant a recent series of articles in the New York Daily News by Donald Singleton. I urge attention to this careful examination of the prison system as it operates in the largest city. The series contains lessons for us all, as follows:

THE PROBLEMS OF PRISONS—I

What kind of a place is it where innocent people are stripped of their civil rights and locked away in crowded, fetid cells for long months and years?

What kind of a place is it where the government feeds and houses its animals better than the human prisoners locked behind its bars? Where people who have only been accused of crimes are treated the same as—or worse than—convicts serving prison sentences?

What kind of a place is it where freedom is a commodity with a price tag? Where one man goes free, simply because he has a certain amount of money; and another is locked up, simply because he is poor?

What kind of a place is it where officials operate behind locked doors, unobserved by a public or a free press?

Is that place Russia? Or Cuba? Or Red China? Is it some cynical and corrupt South American dictatorship, or an African nation in the throes of birth?

Perhaps.

But, as difficult as it may be to believe, New York City is also that kind of a place. The people who have seen our prison system in operation pray that they may never be unlucky enough to be caught up in the crude, slow-grinding cogs of the medieval machine called the New York City Department of Correction.

MORE THAN 8,000 WAIT TRIAL

Right now, more than 8,000 men and women are being held in the department's severely overcrowded detention facilities to await trials. The conditions of their confinement are inhumane, unsanitary, even barbaric. Most of the rights of citizenship are taken from them.

Yet it is one of the most basic concepts of our system of justice that every man is innocent until he has been proven guilty. That is not merely rhetoric, but the spirit of our law. So the 8,000 detainees in our prisons are legally innocent people.

Every night, dozens of detention prisoners in the Manhattan House of Detention for Men (The Tombs) are forced to sleep in a cell, with the third man on the cement floor. The cells were built for one man; they are 6 feet wide and 7 feet, 9 inches long, or a total of 46½ square feet of floor space—15½ square feet per man.

Yet the Bronx Zoo's male spotted hyena is given a cage which is 18 feet wide and 22 feet long, or 396 square feet of floor space—396 square feet for a hyena, 15½ square feet for a man.

We boast that our system of justice is fair and unbiased. We like to think that no one is penalized unfairly for any reason.

Yet, take a look in any cellblock of any city prison and you will see a sea of black faces—unofficially estimates are that the prison population is 60% black, 20% Puerto Rican and 20% white.

DE FACTO SEGREGATION

This may stem from complex causes. It is surely a manifestation of society's broader racism, the racism which leaves black at the bottom of the economic heap, possibly more involved in crime, certainly less able to afford high-quality legal counsel or bail. Whatever the causes, city prisons reflect at least de facto segregation.

Ask City Correction Commissioner George F. McGrath for the cause of his problems, and he will cite, among other factors, a lack of public interest in the prison system, and a correspondingly low priority in allocation of city funds.

Yet the city's correctional institutions are, by McGrath's own orders, practically off-limits to the public. The official policy is that "responsible individuals and groups" are invited to visit prisons; but the security checks, personal interviews and other clearance procedures set up by the department stand as effective barriers to visits. Only a relative handful of people actually do enter the prisons.

Even representatives of the news media are not given truly free access to these public buildings. Prior to my tour of the institutions, I expressed concern that since my schedule was known to the wardens, giving them time to prepare for my visit, I might not see a true picture of what goes on. McGrath assured me that no special preparations would be made.

NEWS ACCESS LIMITED

Yet, after the visit, I obtained a copy of an official confidential memo to one of the wardens, informing him of my impending inspection tour and warning him: "As warden of the institution, you are the only person permitted to be interviewed by Mr. Singleton. No correctional personnel nor inmates are to be interviewed."

I made a written, formal request for permission to interview inmates, on the ground that this was a journalistic necessity.

McGrath denied the request, saying that there were plenty of ex-prisoners around to interview, and adding "On the negative side, the intrusion you request could and probably would be considered by the inmates as a solicitation to come up with stories, the more imaginative the better, to satisfy a newsman who wants to sell papers, and might even precipitate disturbances depending upon the extent of provocation which became engendered in such discussions."

Furthermore, McGrath has gone out of his way on more than one occasion to suppress criticism of him or his prison system.

In 1969, for example, a Brooklyn grand jury reportedly issued a presentment which is believed to have documented, in scathing terms, a number of scandalous conditions in the Brooklyn House of Detention.

McGrath, together with the office of the City Medical Examiner, reportedly went to State Supreme Court, then to the Second Department of the Appellate Division, where an order to suppress the document was granted. To this day, the presentment has not been released.

CONTROL AND CORRECT

Ask McGrath what his job is, and he will say it is primarily to control people. But second, he says, it is also to correct people—to straighten out their attitudes, to uplift them, to rehabilitate them, to teach them trades, to give them basic education, to break their cycles of crime.

Yet, the number of prisoners involved in real rehabilitation or training programs on any given day is only two or three hundred—a mere fraction of the total sentenced population of 6,000 (more than 2,000 of whom have been transferred to bleak state-operated institutions upstate because of crowding problems in city prisons).

There are a few training programs; but far too few to treat every inmate. There are a few academic classes; but there are empty classrooms that are unused because of shortages of teachers. There are vocational courses; but in many of the trades taught, ex-convicts are not eligible for employment in the outside world.

In the shortest, bluntest of terms, our correction system is a failure, a flop. It doesn't work.

This failure is a tragedy from the viewpoint of those who are caught up in the system, because it makes their prison time pure punishment, sheer torture. In place of rehabilitation, there is boredom. In place of scholastic lessons, there are the lessons given freely by experienced criminals of all kinds.

Furthermore, the people behind bars usually feel powerless to protect themselves against brutal, criminal treatment at the hands of other inmates or of the guards. There are stories of homosexual gang-rapes, of beatings by guards or other prisoners, of all manner of harassment.

SILENCE ON SURFACE

The actual extent of this brutality, however, cannot really be ascertained. Because of their feelings of helplessness inmates are reluctant to report such incidents. If an inmate complains about a brutal guard, that same guard may be back in the same post in a week, with a new grudge; if an inmate complains about a fellow prisoner one of the man's buddies may slide a shank (a knife-like weapon made from a spoon handle) into the complainer's back some afternoon in the day room.

The result is a calm sea of silence on the surface, and a wrenching undercurrent of stories too convincing, too probable to be scoffed off.

McGrath's official position is that every serious complaint is turned over to the appropriate district attorney for investigation and prosecution. But it is obvious that the official position is more windowdressing than anything else. Because the vast majority of complaints are never even made, except possibly in silent prayers after the cellblock lights have been switched off for the night.

The prisoners are not the only ones who suffer, however. Because of the failure of our city's Department of Correction—and for that matter the failure of most correction efforts throughout the nation—society is the real victim.

70 PERCENT REPEATERS

The injury to society can be measured in the statistics compiled by police departments, courts and prison systems from one end of the country to the other, statistics which show that up to 70% of those convicted of crimes are repeaters. If they had been "corrected" the first time around, they would not have been back.

Think of it this way: If we could truly correct every person convicted of a crime, our crime rate would show an immediate drop of up to 70%. Up to 70% fewer stolen cars. Up to 70% fewer burglaries. Up to 70% fewer robberies and muggings and assaults. Up to 70% fewer men behind bars.

Making changes in our correction system would be difficult and expensive, but how expensive is the alternative? As the President's Commission on Law Enforcement and Administration of Justice wrote in its Task Force Report in 1967:

"The costs of action are substantial. The costs of inaction are immensely greater. Inaction would mean, in effect, that the nation would continue to avoid, rather than con-

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front, one of its most critical social problems; that it would accept for the next generation a huge, if now immeasurable, burden of wasted and destructive lives. Decisive action, on the other hand, could make a difference that would really matter within our time."

The Problems of Prisons—II

It is not easy to work up a strong case of sympathy for James Overstreet, who died on Dec. 22, 1967, in a cell in the reception area of the Tombs, Manhattan's house of detention for men.

Overstreet's official records contain little except negative information about the 40-year-old ex-con. He was arrested on Oct. 18, 1967, on the sidewalk at Eighth Ave. and 41st St., where, according to police, he was seen standing over a fallen victim, brandishing a knife and screaming. The victim struggled to his feet, staggered to the curb and fell dead.

HELD WITHOUT BAIL

Overstreet was booked on a murder charge and remanded to the Tombs without bail. A short time later the murder charge was dropped, however, as police had come up with a new suspect who they said actually struck the fatal blow. But Overstreet was still held on parole violation.

There are only two other unusual entries in the prisoner's records .The first is a notation that on Dec. 22, 1967, he went berserk outside his seventh-floor cell in the Tombs, attacking Correction Officer Lawrence Watson and biting off Watson's ear.

The second entry, on the same day, is Overstreet's autopsy report—he was brutally gang-beaten to death following his attack on the guard.

Although the case was presented to a grand jury, which returned a no-bill finding, the details of the murder never have been fully reported to any news medium.

My investigation of Overstreet's death involved many hours of tape-recorded interviews with public officials who took part in the formal probe. I spoke at length with one eyewitness who had never been questioned in the case. And I obtained several documents which never have been released to the press before.

What emerged from all of this was two distinct and conflicting versions of the last few minutes in the life of James Overstreet.

OFFICIAL VERSION CITED

The first version—the official one—is that Overstreet was beaten to death by his fellow inmates, who jumped on him and attempted to restrain bim from attacking the guard. According to this version, the inmates were too vigorous in their restraining of Overstreet, and injured him fatally.

The essence of this official story can be found in the autopsy report by Associate Medical Examiner Elliott M. Gross.

The report shows that Gross talked to five "Witnesses or Informants": Assistant District Attorneys Gina Gallina and Mel Ruskin; Pasquale Cafaro, deputy warden of the Tombs; Albert Nenna, warden of the Tombs; and Dr. Nicholas Saliani, attending surgeon of the Department of Correction.

After interviewing those officials, Gross wrote the following:

"Deceased was in a common passageway on seventh floor of prison where he had been incarcerated since Oct. 1967, awaiting disposition on a homicide charge. While Correction Officer Lawrence Watson was in the process of locking in inmates after the lunch period, deceased, unprovoked and from behind, assaulted Officer Watson and bit off his ear.

"Other inmates attempted to restrain the deceased while Correction Officer Arthur Hodges, the second officer on the floor, sounded an alarm. This was recorded as 11:55 a.m.

"Eight officers, including a superior, responded and assisted in the restraint of the deceased, placing his hands behind his back and handcuffing him; his legs were bound in a straightjacket.

TAKEN TO ELEVATOR

"The officers then took the deceased into an elevator, at which time he was described by Officer Wilds as 'somewhat limp,' and he was brought down to the reception area on the first floor.

"Dr. Saliani attempted resuscitation with a positive displacement respirator without response, and deceased was pronounced dead at 12:10 p.m. by him. The clinic record of the deceased shows that he reported for sick calls almost daily and was given tedral and benadryl for asthma.

"Body of the deceased is examined while it is lying on its back in detention cell No. 1 of the reception area. The body is fully clad in a blue sweater, gray trousers, white undershirt, and green boxer shorts. Traumatic injuries of the scalp, face and left chest are evident."

The report goes on to list as "Cause of Death":

"Contusions of face and neck; fractures of skull, hyoid bone and larynx; contusions of brain; shock; (Contributory)—granlomatous inflamation of liver, spleen, lungs and kidneys. History of assault while being subdued after unprovoked assault on prison guard. Homicidal."

When I talked to Gross, I asked him whether the asthma could have been a contributory factor in the death. "It might have made him die a second or two earlier, I can't say," Gross replied. "But the beating would have caused the death in any event."

This version of the murder is backed up in Warden Nenna's report to Correction Commissioner George McGrath:

"With the sounding of the emergency alarm, Captain Hugo Hansen and a number of correction officers responded (and) found Overstreet, still being held from furthering his attack upon the two officers, who were, at this time, both incapacitated.

"The emergency squad officer thereupon removed Overstreet from the 'D' section to the bridge, and placed handcuffs upon him and bound his legs with a restraining cloth . . . Overstreet was removed from the seventh floor to the receiving room. Dr. N. Saliani began to examine Overstreet. The inmate lapsed into unconsciousness and ultimate death."

"It seemed clear to me at the time that the prisoners had injured Overstreet fatally in restraining him," said Ruskin, the former assistant district attorney who is now in private law practice on Long Island.

SECOND VERSION TOLD

But there was a second version of the affair, and neither Ruskin nor, possibly, the grand jury, ever heard it.

I got the second version from a man who was incarcerated on the seventh floor of the Tombs on the day of Overstreet's death. He is reluctant to have his name published, or to testify, although he did not rule out the possibility of testifying. He gave me the names of several men who allegedly witnessed the incidents he described. This information is available to the district attorney upon request.

Here is my interview with this former inmate:

Q: "What happened that day?"

A: "Overstreet he went crazy, berserk, and he bit the officer's ear off. I was looking at the whole thing. About four or five inmates grabbed him off the officer. They just restrained him—didn't one inmate hit him. They held him back, and then the officers came.

"When the officers came up on the floor, the inmates were just holding him, over on the side, there. You know, his eyes were real wild, like, and he wasn't hurt. And they handcuffed him behind. They put his hands behind him and handcuffed him, and they marched him to the elevator.

They got on the elevator and closed the door, but we run up like to go to the barbershop. There's a catwalk, and you can look flat down into the elevator. The elevator started down and then it stopped, between floors, like. We could see down through the top of the elevator, you know, the little glass door.

"Then this big black officer, the one I recalled his name to you, he got in front of this boy and he started beating him all in his stomach, all in his body. He weighed two-something, and he was just throwing them up into the boy's midsection and all, and we seen the boy go down.

ACTION IN ELEVATOR

"I imagine there were eight or nine of us watching in the elevator, because we were all looking down from the catwalk, then the officer hollered: 'All clear the catwalk,' but at first there were eight or nine of us looking down there.

"And then the elevator went on down, and a few fellows in the receiving room, inmates, you know, coming back from court and all, said he was dead when they got him off the elevator. And we didn't believe that he was dead, you know, until later that night the report was confirmed by officers changing shifts. But he was definitely alive when he left the floor . . . those guards beat the man to death."

Q: "Were you called to testify before the grand jury?"

A: "No, I didn't want nothing to do with it. Like the captains came around and asked who saw it, you know, what happened. I saw it all but I didn't want to be involved. The inmates who went to help restrain Overstreet, they went to testify, you know. I think they took them and gave them a special meal or something in the officers' dining hall and all."

Q. "Did they lie?"

A. "Well, you see, all those guys that gave statements, they had heavy charges, you know, and they was looking for a way out. And they was like drowning men grabbing for a straw."

Q. Why didn't you and some of the others testify truthfully as to what you really say happened, them?"

A. "You know why? Because if I was to go and give a statement as to the true facts, as I gave you, I would receive the short end of the stick as long as I would be there."

"Because it's all to your disadvantage. You know your mail would be misplaced. Just little things. You'd get shook down (searched) for nothing at all, and you'd go to the bing (punitive segregation) for every little thing, like talking to somebody in the commissary line or in the movie, you know. And one of the sick police (guards) might try to discipline you physically, you know. . . ."

WORDS MAY BE UNWISE

Those are the two versions. You can believe either one. Or, you can believe that both are partly true—perhaps Overstreet was beaten both by the inmates and by the guards.

The grand jury made it clear which version it believed. In its one-paragraph finding, it wrote:

"The Grand Jury of the County of New York, after hearing witnesses who testified in the death of James Overstreet, who was killed on Dec. 22, 1967, by the concerted actions of several inmates of the Manhattan House of Detention for Men, in attempting to prevent the deceased from killing a correction officer, dismissed the proceedings and made an entry upon its record."

You can believe what you want.

XUM

I know that I would not be surprised if a group of prison guards beat up an inmate who had just bitten off the ear of a fellow officer.

I know that I would not be surprised to learn that several men accused of murder had lied under oath in the hope that their action would buy them some favored treatment.

I know the man who told me about the assault in the elevator. I spent a lot of time with him. And I do not believe he is a liar.

But, most of all, I know that if I were a prisoner in the Tombs, or any other jail, for that matter, I would think twice or three times before I testified against a brutal guard.

The Problem of Prisons—III

"The name of it, the Tombs, that's the best name in the world for it. You couldn't think of a better name. Because that's just what it is: A big old tomb full of mummies. Just sitting there. You walk in and look at the guys, see them sitting at tables, staring into open space, some of them playing cards like dead people.

"You ever picture dead people playing cards? You know, they don't even care if they win or lose: 'By me,' they say, 'by me.' You know, being an amateur writer, I observe these things a little more closer than the average guy. So I looked, and said to myself that this is just like a real tomb full of mummies, everybody in a daze, day after day, every day the same. You just come out of the cell and sit at the table. Flop down. Every day like every other day."

His name is Avery, Junius Ellis Avery, and he's from Baltimore. He's 36 years old. He has children, but no wife.

He's sitting in the very gloomy parlor of his home, actually his mother's home, one of those little row houses in North Baltimore with the white marble stoops. They don't look like slums on the outside, but on the inside they are old, crumbling slums, with thick layers of damp, worn linoleum on the floors, and extension cords snaking through the pink roach powder along the baseboards. The parlor is tiny, but Avery sits, bunched up, on a corner of the sofa, hugging his knee like a security blanket. Because to Avery, this room is terrifyingly huge. This is his first full day home since he became the World's Greatest Living Expert on the Tombs.

FIRST DAY IN TOMBS

"When I first came there they didn't have no mattresses. For 18 months, I slept on the springs. I used to get blankets, I guess I had 20 blankets, and I'd put them on the springs. Every time they had a shakedown they'd take them but when they'd leave I'd go and get 20 more. I'd steal them off the big hand truck in the hallway. Now they got mattresses and they don't even clean them. You know, a bum will come in, a skid, and he'll lay down on it and wet himself and everything, and after he's gone they'll just put the mattress over in the corner and give it to the next guy * * *"

Junius Avery arrived in The Tombs on April 4, 1967, as a fugitive from justice, on a warrant charging him with breaking into a house in Baltimore. At his arraignment that day in Criminal Court, it was explained to him that if he wished, he could sign papers and waive his rights to extradition proceeding. He did not wish. Bail was set at $5,000. It might as well have been $5 million.

"The worst part of being there, I guess, is being around those police that are fools, that come in with attitudes. That's the hardest thing about it. It's hard against the inmates. They come in there, they might have domestic problems, or, you know, you don't know what happened to them on the street, but they take it out on certain inmates. I've seen them, man, just unnecessarily take things away from inmates.

"Each time the shift changes, you know, if you don't know what guard is coming on, you say to yourself, well, what if one of those fools is coming on, you know. That means a hard way to go. They're not going to turn the TV on, or the radio on, or they make you wait to get out the mail. You know, just a hard way to go. It's a mental strain, a lot of mental strain. The guards that are fools, I just stayed away from them. I didn't go anywhere near them. If there was something I needed or wanted, and they were the only ones around, I'd just do without it, that's all."

DESCRIBES PRISON FOOD

Avery is wearing a new sport shirt, slacks and loafers. The first thing he did when he got out of jail was to buy new clothes. They don't let you buy clothes in The Tombs—no new clothes, no Playboy magazines, no midnight snacks. None of that, even if the law does say you are an innocent man, as those who are in The Tombs are. For The Tombs is a detention house for those who have not been tried, and people are still innocent until it's proved otherwise.

"One thing they could do would be to give a man more decent food. The food's rotten. It's nothing. They don't prepare it correct. They just don't care. Like the rice; they give you a lot of rice. The rice is dry, it don't have no taste. Like the Spanish rice, it's dry like paper, and it has some kind of dry meat cut up in it. Chicken, some of the chicken you bite into is so half-raw that blood runs out.

"I used to hate that powdered eggs. It made me sick. I could smell it when it came up on the floor. Powdered eggs. They give you powdered eggs, string beans, white potatoes. The potatoes have lumps in 'em, the eggs have lumps in 'em, the string beans are cold and hard. I used to hate that meal."

Avery says he fought extradition for one simple reason: Innocence. He admits he's done plenty of wrong in his life, but not the wrong he was accused of doing. So he fought stubbornly, represented by a succession of Legal Aid Society lawyers, against extradition. In his hearings and appeals, he says, his case was postponed time and time again, usually because the district attorney was not able to proceed. Avery said he stopped counting after the 50th postponement. He was finally extradited to Baltimore on May 19, 1970, after three years, one month and two weeks in The Tombs, a facility for temporary detention. Although he did not receive a certificate, that made Avery The World's Greatest Living Expert on The Tombs—no one had ever been there that long before. The bitter irony in Avery's story is the twist at the ending: When the housebreaking charge came up in court in Baltimore the day after his extradiction from The Tombs, it was dismissed for lack of prosecution.

TELLS OF HIS DAYS

Q. How did you pass the time in jail?

A. When I first went there, I studied law books a lot. I wanted to know everything I could about extradition, you know? And I guess for my first 15 months, that's mostly what I did, I stayed in those law books all the time. I read.

Q: How about recreation, exercise?

A: Recreation is poor. Actually, the only recreation you have, you have the movies, from around October to May. Our cellblock used to go to the movies every Monday at 1 o'clock. And when the movies isn't in process, you go up on the roof, up on top of The Tombs. They have a square place with wire net over the top. It used to be that if it was sunshine, you'd just go up there and walk around, walk around in a circle. But last year, Mr. Green, the library official, he started to bring the band up there, you know, the band from the prisoners that's doin' time. That was nice.

Q: Did you ever have three men in your cell?

A: Yeah, but each time I complained about it so much that they took the third man out. Because it's too crowded, you know. I realize that they did it because they had to do it, because everybody has three men in his cell. But I always told them, you know, I've been there so long, and I'd say I had a nervous condition or something, and they'd take the third man out.

Q: What did you miss most?

A: Well, the first of all, my family, my mother. Then, I tell you, a lot of times I wish I could just buy one decent meal, you know, a medium rare steak, candied sweets, green peas, maybe a little cole slaw. And maybe a tall glass of orange juice. I love orange juice.

Q: What about sex?

A: Well, that's something you just have to adjust your mind to, say you can't have, that you have to do without. Face it, you know.

Q: Did you have many visitors?

A: No, well, see, like, people . . . you know, the only thing, I didn't like them to come all the way there to see me.

Q: Well, did you have any visits at all in three years?

A: No.

TIME LAG MONSTROUS

If anything, Junius Avery's story is a searing indictment of our judicial system. No legal procedure should take longer than eight or nine months, from arrest to final appeal, according to the President's Crime Commission and other study groups. A three-year extradition proceeding is a monstrosity by anybody's definition.

But Avery's story is also an indictment of our city's detention facilities. Why should a legally innocent man be forced to share a small, dirty, locked cell with one or two other men, with dirt, with roaches and lice and mice? Why should he be deprived of recreation, exercise, of contact with his family? Why should he be given less humane treatment than sentenced convicts?

What might three years of this do to a man?

"My writing was the most important thing to me, I guess. It was a means of escape. Actually, I would write so much I would escape reality, you know, get away from it for days and days at a time. Just write, write, write, and actually get away from that place. I'd write letters, and then I'd write stories and send them to magazines and things."

CLAIM AVERY AT FAULT

I asked the Department of Correction to comment on Avery's case. This was the official statement: "Junius Avery was incarcerated on April 4, 1967, and discharged from the Manhattan House of Detention on May 19, 1970. He was held on an extraditon charge to the State of Maryland. This unusual delay was caused almost entirely by the activity of Mr. Avery and his counsel in resisting extradition." In other words, it was Avery's own fault. I asked him about this reaction when I spoke with him in Baltimore:

"Well, you see, that's unfair," he answered. Because that's what extradition is to not be taken bodily across a state line. This is what the extradition law is for, so if you just sign, you're not getting your privileges. What would be the purpose of having the extradition laws, if you had to waive them? I just wanted to know that was happening against me."

All Junius Avery wanted from New York City was the item that is written down in the Fourteenth Amendment to our Constitution. The item is called due process.

Q: How did it feel when you walked out of the court in Baltimore?

A: "Oh, man, I can't even describe it. Too good to be true. One of the best feelings I ever had in my life. Better than I had even imagined. Better. Fresh air, nobody holding onto you, no handcuffs. Oh, man. It was being born again . . ."

The Problem of Prisons—IV

The branch of city government which operates our prisons is called the Department of Correction. Considering the amount of the department's energy and resources which go into the business of correcting people, that is a generous title.

For Correction Commissioner McGrath is only able to spend $3.5 million—out of a $61.3 million budget in 1969–70—on pure rehabilitation.

Even with funds coming from outside, McGrath's department manages to make rehabilitative training available to only a relative handful of the 6,000 sentenced prisoners who have been placed in his custody.

Worse yet, many of the programs which pass for rehabilitation actually have the potential for doing more harm than good. Consider a few examples:

One of the most popular vocational training courses on Rikers Island is the barber school in the New York City Reformatory, a part of the Board of Education's PS 189. The instructor, well liked by the boys, has had remarkable success in turning out students who are highly skilled in hair styling. Indeed, most of his graduates could go to work in any barber shop in the city. There is a hitch, however—New York State often delays or denies applications for an apprentice barber's license when the applicant has a prison record.

SOME BOYS UNTAUGHT

The by-laws of the New York City Board of Education state that a public school education must be provided for every child between the ages of 6 and 17. There are an estimated 600 boys in this age group housed in the Adolescent Remand Shelter on Rikers Island, charged with crimes, awaiting trial. Four hundred of the boys are getting schooling. Another 200 boys have requested schooling, but there are not enough teachers. For the past two years, Warden James Thomas has had several additional classrooms available, and has made repeated requests to the school board for another eight teachers. The requests have never been filled, and the 200 boys spend their long days with the rest of the 2,000 inmates of the shelter, slouched in front of day room television sets.

More than half of the juvenile offenders who complete their sentences are discharged with followup services in the community. They are taken in a green Department of Corrections bus to the Astoria Blvd. station of the BMT subway and dropped off.

Hundreds of prisoners have been trained as truck drivers, plumbers, electricians and bakery workers during their prison terms. Yet, the Department of Motor Vehicles sometimes denies licenses to ex-cons for long waiting periods. And many of the unions representing plumbers, electricians and bakery workers exclude ex-cons.

There is no way to measure the harm done by any of the above examples, but it is certain that harm is done.

BITTERNESS RISKED

Most prisoners are people who have been beaten down so hard, and for so long, that they are practically without hope. To raise their hopes by teaching them a useful, valuable trade and then to dash those hopes on the rocks by making it difficult for them to work at that trade, can only breed bitterness.

Much of what passes for rehabilitation, of course, is not capable of raising the hopes of even the most uncrushable Pollyanna. Many of the programs are little more than charades which seem designed strictly for the sake of appearance.

Examples of this type of program are the typing class and the sewing factory in the Women's House of Detention.

The typing class consists of a tiny room with a few tiny desks, a chartboard and a half-dozen broken-down, beat-up looking typewriters. The sewing factory is a big room with a lot of big tables and sewing machines, where inmates' uniforms are manufactured.

On the day I toured through the house, the six students in the typing class, tapping the keys disconsolately, looked bored to death; the 12 women in the sewing factory, stitching drab swatches of gray cloth together, looked worked half to death.

These examples only cover a small minority of prisoners, those fortunate enough to receive even a smidge of rehabilitation. For the rest, the vast majority, there is nothing but the boredom and the kind of make-believe training to be found in the many "work gangs" which paint, cook, clean and otherwise simply keep people busy.

COMMISSION IS CITED

Here is what the President's Commission on Law Enforcement and the Administration of Justice had to say about such programs in its 1967 report:

"When labor is forced and unrewarded either in money or in pride of accomplishment, there is little motivation to strive for diligence or skill."

"These features have characterized much of the drudgery to which prisoners have been subjected. When the period in which assigned work is expected to be done is several times the period really needed to complete it, there is little motivation to work diligently.

"When 'work' involves only the most menial tasks or is carried out with antiquated equipment and methods, it is of little help in training offenders for later employment."

That, then, is the state of correction within the New York City Department of Correction. There is education, but not enough for everyone who is legally entitled to receive it; there is job training, but for jobs which sometimes are not open to ex-convicts; there is work, which ranges from menial to meaningless. And then there is boredom.

The single best-selling item in most prison commissaries is Pall Mall cigarets. These are popular for two reasons. First, because they are long and unfiltered, they can be cut in half—this, in effect, doubles one's supply of smokes. But second, the cigarets are prized for their red-and-white patterned packages. Inmates save the packages and pass the endless hours folding them into intricate, checkered picture frames, chains and crosses to decorate their cells. The decorative value is second to the therapeutic.

FAILURE NOT RARE

Does the Department of Correction frequently fail? Perhaps. But no more so than practically every other correctional system in the world. Most prison systems are short of money, facilities and ideas. Most fail.

And perhaps the failure is a human one—perhaps there simply is no way to take a human being off the wrong track and put him on the right track.

This is the possibility raised by Warden Raymond McAlonan of the New York City Reformatory. McAlonan likes to tell this true story to illustrate his point:

In 1966, prior to McGrath's arrival, the manager of a well-known Park Avenue hotel became interested in the problems of rehabilitating prisoners, and he decided to do something about it. So he went to Rikers Island and obtained special permission to start a training program for select inmates.

The warden assisted the man is selecting eight inmates who seemed to be the best-motivated, most willing and most intelligent available. The hotel manager then set about teaching the inmates all he knew about salad-making and pastry-baking, which was considerable.

For the next four months the man spent one or two evenings a week with his students, working in the prison's kitchen. At the end of this time, he was satisfied that the boys were all qualified enough to hold down jobs in any fine hotel kitchen.

The man told the boys that when they were released, there were jobs beginning to be filled. All they had to do, he said, was call him at the hotel the day they were released, and he would either hire them himself or make arrangements for them to be hired in a competitor's hotel. The pay would be at least $135 a week.

OPPORTUNITIES UNUSED

That would seem to be a near-perfect rehab program: the training was thorough; the job was meaningful; the pay was good; there was a certainty of employment.

How many of the boys called upon their release?

None.

The story may not really prove anything. But it does give some idea of how easily these rehabilitation programs can break down without full aftercare services—who knows, if someone had simply driven the boys directly to the hotel, they might all be employed regularly today.

McGrath is well aware of the difficulties, but he insists that, despite evidence to the contrary, progress is being made. He points with pride, for example, to the community-based work-release program in Brooklyn, where a small group of prisoners are allowed to go to work outside by day and return to custody by night.

But that program involves only a maximum of 60 men, and it is totally dependent upon federal Model Cities funds. If the federal funding is cut, the city's program goes down the drain. There is another work release program, too, operated by McGrath's department on Rikers Island. But it involves only 28 men out of the more than 4,000 on the island.

There are other federal possibilities, like the progressive bill sponsored by Rep. Edward L. Koch, the Manhattan Democrat-Liberal. This, if adopted, would pump hundreds of millions of dollars into the effort to upgrade state and local prison systems. But Congress has never given any indication that it is willing to spend large sums of money on the problems of correction. The future of Koch's bill is far from certainly.

Finally, McGrath says this:

"When you come right down to it, you can take 10 psychiatrists, 10 psychologists, 10 social workers, 10 teachers, 10 guidance counselors and 10 parole officers, and give the 60 of them just one convict to correct, and you can't be sure that they'd correct even that one person.

"There are no easy answers in this business. No easy answers and certainly no guarantees."

The Problem of Prisons—V

When George McGrath came to take over New York City's correctional programs five years ago, he had a grand plan in his briefcase, a plan to establish an organization worthy of the name Department of Correction.

But five years have passed, five years of the tough realities of life in New York City, and McGrath has been forced to lower his sights and watch helplessly as many of his goals fade further into the distance.

"I came here to be Administrator of Correctional Services," he said in a recent interview. "I was supposed to head up the prisons, parole and probation— the whole ball of wax. That was the way it was supposed to be."

Most experts believe that this is the way

XUM

it should be—no correction system can really function properly if it includes nothing but locks and bars. There should be a continuum of care, from the instant that a person is arrested to the instant of his release.

There should be humane, confortable detention facilities for those unable to post bail and for the minority—the few hundred accused murderers—not eligible for release on bail. Those who are detained, those who are innocent until found guilty, should have minimum restrictions on their civil rights.

There should be probation, a sort of controlled, monitored release, for guilty persons deemed not in need of imprisonment.

TASK DIFFICULT

There should be the correctional institution—the prison—for those considered to be in need of vigorous handling. This institution should be capable of performing the seemingly impossible task given it by society of rehabilitating people while punishing them.

And finally, there should be parole, an aftercare operation to assist the prisoner in making the difficult transition from the totally controlled world of prison to the chaotic world outside the bars; from his role as prisoner to his role as productive citizen.

This was not to be in New York, however:

Instead of such a single, centralized system, the administration of the city's correctional affairs has been divided—chiefly to cut the city's costs—between state and municipal governments. But at the price, unfortunately, of bureaucratic entanglements.

"As it turned out, there was so much opposition to control of probation being taken away from the courts—and there still is such opposition—that they decided to leave probation out," McGrath said. "Then, we did have parole, but about a year after I got here the state expressed a wilingness to take over parole, at their expense.

"Now, it was an agonizing decision to make. The mayor relied on me very heavily. But I have to say that the State Parole Commission is one of the best in the nation, standards-wise, program-wise, etc. Now, looking at the city's financial situation, I could not see beefing up our parole system to those standards. So, reluctantly, I joined in the dissolution of the empire here, and I let the state take over parole.

"So I am left with prisons."

MAJORITY WAIT TRIAL

The problem goes beyond centralization. When McGrath arrived on the scene on March 30, 1966, his institutions held two-thirds sentenced prisoners, those in need of "correction," and only one-third detention prisoners, those awaiting trials and unable to post bail. At that point, McGrath's main job was correction.

But now the ratio has reversed itself—of the 14,000 prisoners in McGrath's care, more than 8,000 are awaiting trial and less than 6,000 are under sentence. Subtract the 2,000 sentenced prisoners who have been transferred to state institutions, and that leaves McGrath with only 4,000 of his 14,000 prisoners to be corrected. Thus most of McGrath's energies necessarily must be devoted to what he calls "warehousing people" instead of rehabilitating them.

By far the most significant result of this reality has been the squeeze which has been placed on the detention prisoners. The Tombs almost always has three men sleeping in cells designed for one. The Adolescent Remand Shelter on Rikers Island is perpetually crowded above its optimum capacity.

This crush will be eased when a new Rikers Island facility for 1,000 adolescents is completed in 1971. There also is a scheme—backed so far by $200,000 for planning purposes—to build an addition to the Tombs.

PRESSURE ON SITE

The newest building under construction within the system, a new Women's House of Detention on Rikers Island, could provide, some obviously needed relief. When the new women's facility opens, within the next few months, this will empty the present house in Greenwich Village. Hundreds of male prisoners could be moved from their overcrowded quarters in The Tombs to this building, which is more modern than most prisons in the state, which is structurally sound, which is more aesthetic than most prisons and which would cost untold millions of dollars to replace.

But political considerations being what they are, this partial solution may never occur. Community groups in the chic Village area have long made unpleasant noises about having all those unsavory prostitutes and their visitors in the area. And the site of the building at 10 Greenwich Ave. would be worth millions of dollars as an office or apartment building site. Thus, pressure has been applied on City Hall.

Should the Women's House be taken away from McGrath's department, a new building would be needed. That would cost huge quantities of money. But money is in short supply in the department.

Indeed, most U.S. correction departments are hampered by a lack of money in their attempts to develop good systems.

McGrath has schemes for improved detention methods. For example, he is eager to expand work-release programs to include detention prisoners. "That three-in-a-cell business is just horrifying, it's a crime," he says. But, always, a shortage of money prevents plans from becoming realities.

What is a good system? There are as many answers to that question as there are experts.

SAYS ATTITUDE VITAL

Mel Rivers, president of the Fortune Society, an organization of ex-convicts striving for prison reform, says the key to correction work is attitudes—the attitudes of the wardens, correction officers and others working within the system. If correction officers are guards, and if the prisons are primarily for punishment, then there can be no real rehabilitation, Rivers says.

The attitudes among some guards are clearly evident. As I toured through the various prisons in the company of a warden or other high-ranking officer, many correction officers we encountered snapped a military salute. "We are a quasi-military operation," one officer said.

"As long as they come on like cops or soldiers, they're not going to be giving off positive vibrations," Rivers comments.

There is one prison in the nation where most of the very latest theories have been put on trial. This institution, which could become a model for all future prison development, is the Robert F. Kennedy Youth Center in Morgantown, W. Va., operated by the Federal Bureau of Prisons.

At Morgantown, there are no bars. The 250 inmates are called students; and the correction officers are called counselors. The students wear civilian clothes (except for newcomers, who wear khakis for a short while after arrival), and counselors wear slacks and blazers.

OFFICIALS OPTIMISTIC

While the Kennedy center has only been in operation for a couple of years—too short a time to measure its success or failure—federal officials are optimistic that the results will be measurably better than the results of traditional approaches.

The Youth Center is expensive—the daily cost per inmate is $25, as compared with a daily per-inmate cost of $9.02 for the New York City Reformatory on Rikers Island. But if boys are corrected in Morgantown and only housed on Rikers Island, who is to say which system costs society the most in the long run?

And that brings us to the final question in the matter of corrections: Can you rehabilitate criminals without rehabilitating the society that breeds criminals? Can you stop a boy from stealing by teaching him a trade, and then send him into a society which stops him from getting a job because he is an ex-con, or because he is black, or poor, or on welfare, or without a high school diploma?

This is how Warden James Thomas of the Adolescent Remand Shelter on Rikers Island summed it up one recent afternoon:

"Rehabilitation? I'll tell you what. If you'll take all these boys, and give each one of them a nice house, and two cars, and a pretty wife and a few beautiful kids, and a good, challenging job at $10,000 a year—give them all that, and then I'll promise to rehabilitate at least 80% of them.

"But give them a few classes here, and a little vocational training, and a prison record, and send them back out into the slums of the city, and I'm not making any predictions at all about rehabilitation."

HIGHWAY SAFETY NO. 6—SOME STATES ARE ACTING

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, the appalling slaughter on our highways which is being caused by drunk drivers has been well described in the Christian Science Monitor articles which I have inserted in the Congressional Record during previous weeks. Last week's article described some of the local programs which have been set up to deal with this problem. The sixth article in this series discusses what some States are doing—and what others are not doing—to combat this death toll.

This whole subject is rather disheartening, both because of the shockingly high death and injury toll and because of the seeming apathy which stifles any corrective measures which do get proposed. Encouragement is needed for those few who are inclined toward action and to jolt the disinterested into supporting the effort.

Today's offering is constructive journalism at its best. States which are acting are given due credit. States which are not acting are left to suffer from the contrast. In reporting the measures being taken by some States, the article offers a wealth of suggestions to those interested in cutting down on the death toll.

It is clear from this article that it will not be easy to get the drunk driver off our highways. There are not any simple solutions. Reformed procedures, tough new laws, and increased expenditures will all be required. The necessary measures will not always be popular. Yet this series of articles has made clear that action must be taken.

Any doubt about that conclusion fades away in the face of the estimates of 28,000 deaths a year being caused by drunk drivers. While the first six articles were appearing in the Christian Science

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Monitor at least 3,000 people have been killed by drivers who got behind the wheel drunk.

The article referred to follows:

We Are Determined To Reduce Fatalities

(By Guy Halverson)

Des Moines.—Back in January, 1969, Wyoming Gov. Stanley K. Hathaway urged his Legislature to adopt an important safety package that included:

An implied-consent statute (which requires that a person arrested for drunken driving submit to a chemical blood test or face a license suspension).

A reform of the state's licensing system.

New standards for operation of motorcycles, including mandatory use of helmets.

The Wyoming Legislature responded by turning him down. Some bills were scuttled in committee, others failed to even catch the attention of the indifferent legislators. And since Wyoming's Legislature meets biennially, the program can't be reintroduced until 1971.

Meantime, drunken drivers killed 110 people on Wyoming highways in 1969 and this year's total may well surpass that number.

In far too many states, this reporter's research has indicated, there remains an amazing degree of apathy toward the problem of the drunk driver. Indeed, what's happened in Wyoming illustrates only too vividly what is happening in dozens of other states today.

STATE ACTION NEEDED

Safety experts are in total agreement that if there is to be an easing of the death rate caused by drunken drivers—now running at an estimated 28,000 people annually—there must be coordinated and stepped-up safety action at the state level. For it is the states, after all, which have final control over such crucial areas as licensing and records systems, driver-education programs, and state traffic patrol.

It is the states, moreover, that are tasked with passage of both implied-consent statutes and presumptive blood-level statutes, as was noted in the second article of this series.

Here in Iowa, Gov. Robert Ray also called for a stepped-up assault for traffic safety during the past legislative session. The response? Excellent.

A lowering of the state's presumptive blood level, defining intoxication from a loose .15 percent to a stiff .10; a $20 tax for reinstatement of a driver's license, after revocation or suspension, the beginnings of an across-the-board computerization of the state's license and motor-vehicle registration systems, an upping of pay for the highway patrol and a new state breathalyzer program throughout Iowa.

DETERMINATION STRESSED

Why here and not in Wyoming? Determination, for one thing, and public support.

"We're determined to reduce highway fatalities in this state," Governor Ray says grimly, leaning across a conference table at his basement-floor working office at the Iowa Statehouse. "Last year we had 90 fewer fatalities. But you know, we don't feel right bragging about that fact, We still had 780 deaths.

"But we're all together on this now—the public, the Legislature, the administration. We're going to cut into those numbers."

Despite the success of the Ray program here in Iowa, few of the state's chief executives today are carrying the battle cry of highway safety in the way that former governors Abraham Ribicoff of Connecticut and Arthur B. Langlie of Washington did back in the 1950's.

One exception is Gov. Louie B. Nunn (R) of Kentucky, a hulking, deep-voiced former municipal court judge who has decided to tackle the drunken-driver problem with all the enthusiasm of a professional football player charging toward a touchdown.

Last May Governor Nunn whipped off letters to all of the state's top law-enforcement officers and key jurists announcing that Kentucky would no longer tolerate mounting highway casualties. The drunken driver, he said, had to be stopped, no matter how strong the public resistance.

The Governor then took to the stump, button-holing newspaper editors and civic leaders for support, blasting low conviction rates from jurists. Breathalyzer machines were distributed to each of the state's 120 counties and the highway patrol has been told to intensify its arrest rates.

Though it is still too early to measure results, many feel that the Governor's campaign has gone far in reversing the apathy which has clouded the problem for so long in Kentucky.

"Governor Nunn really means business when he says he's going to clear the streets of the drinking driver," say Arthur Beard, executive director of the Kentucky Traffic Safety Coordinating Committee. "I know of at least five occasions when the Governor had his chauffeur stop a drunk driver right out on the highway and call in the state police."

While Governor Nunn's singleness of purpose in attacking the problem of the drunk driver is somewhat exceptional, many states have made progress worth noting.

All but four states and the District of Columbia have enacted implied-consent statutes, while some 25 states have adopted a .10 percent presumptive blood level defining intoxication. These presumptive level laws, however, need tightening throughout the nation.

POINTS USED IN 36 STATES

According to National Safety Council tabulations, moreover, some 36 states now have adopted some type of point system, which makes it easier to identify drinking drivers. Studies indicate that drinking drivers tend to gradually accumulate more moving violations and hence more "points" than most drivers.

States are also quicker to enact vehicle inspection laws than in past years and now are spending larger sums on highway safety. Since the passage of the National Highway Safety Act of 1966, some $200 million in federal funds has been made available to the states for highway safety. Many federal officials now are mulling possible new areas of financing (see accompanying box on this page).

A score of organizations, including the National Safety Council, have banded together into an informal program to effectively implement federal highway standards.

MANY DETAILS REMAIN

Still, there is much that remains to be done:

1. Records systems. In most states there is as yet no systematic correlating of traffic records with license and vehicle-registration records. Yet, this step is essential if a judge is to be properly guided in adjudicating a drunk-driver case.

In many situations now, a judge may believe that he is dealing with an offender facing a first conviction for drunkenness, when in fact the motorist may be up on a second or third violation, as records from other jurisdictions would indicate.

The inefficiency in present records systems is sometimes almost downright ludicrous. Take what happened recently in Rhode Island.

In early April an oil-delivery man was killed by a motorist, even though the victim was standing behind his well illuminated truck at the time. The driver was not held or charged.

RECORDS CODIFIED

Several months after the accident, according to the victim's sister, who wrote to Rep. James C. Cleveland (R) of New Hampshire, a member of the House Public Works Committee and a staunch safety advocate, "the registry (of motor vehicles) mailed a certified letter with 51 cents postage to my dead brother informing him that his license is suspended . . . for failure to file (an) accident report."

In some of the larger states, such as California and New York, codification of records is well under way. In Michigan, nongovernmental records are being meshed with state records, a move that has triggered criticism from some civil libertarians.

State mental health institutions, for example, now report all admissions and discharges for treatment of alcoholism to licensing authorities, and hospital administrators are often called on to provide an opinion as to the discharged patient's fitness to drive.

REFORM CALLED NEED

2. Administrative consolidation. One answer to a coordinated attack against the drinking driver, some experts feel, is consolidation of all traffic related units under a single umbrella agency. In Minnesota, where drinking drivers kill more and more people annually, the state has created a new department of public safety, which will oversee such agencies as the highway patrol, drivers' license bureau and department of motor registration.

3. Licensing. Reform is vitally needed in this area. Most licensing standards are more relevant to 1940 road conditions than to the age of the fastback and the twisting cloverleaf. For the hard-drinking driver, the existing standards are a gigantic loophole.

In half the states he can renew his license by mail. In two-thirds of the states he needn't worry about a written test or road test for a license renewal. And even where states require reexamination, he is favored. In Illinois, for example, he need only take a renewal test every nine years.

In Nevada, a new resident need not replace his old license for six months, a lengthy grace period which can easily hide a grim driving record. Since many alcoholic drivers tend to be transients, this in effect means, some feel, an invitation to virtually unrestricted driving.

4. Driver-education programs. Greater stress on the drinking driver is needed in safety courses at the public-school level. Excellent textbooks and study guides are available, such as "Sportsmanlike Driving," a teacher's handbook published by the Webster division of McGraw-Hill Book Company.

TREATMENT EMPHASIZED

5. Alcoholism-treatment programs. They are desperately needed in most states, where the primary treatment is still coming from state mental-health hospitals or from private physicians. Here in Iowa, 53,000 of the state's 2.7 million population can be classified as alcoholics or problem drinkers, according to Charles A. Churan, executive director of the State Commission on Alcoholism.

Yet, Iowa's response has been outstanding. All told, the state helps underwrite 17 service centers and two detoxification clinics. The Harrison Treatment Center here in Des Moines is considered one of the finest in the nation.

6. Imagination. It's perhaps what's most needed at the state level if the drinking-driver problem is to be resolved. Sometimes it pays off in unexpected—and big—dividends. Officials of the Arkansas State Police, for example, used it when they started to ask themselves where the drinking drivers were coming from. They began looking at arrest records and quickly realized that many drivers were coming from the same bars. Soon blue-and-white Arkansas patrol cars were conspicuously parked in front of those establishments.

Oklahoma's Highway Patrol came up with a similar program by using a bit of imagination.

DAN MITRIONE

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I know my colleagues share my horror and dismay at the news that U.S. AID adviser, Dan Mitrione, was found shot to death by Communist terrorists in Montevideo, Uruguay, this weekend.

The violent kidnaping, and the brutality exhibited by the abductors, can only be described as maniacal and cannot be justified for whatever cause might be purported. His killing was inhumane, callous, and premeditated. It is a crime for which the criminals must be punished.

Reports of the kidnaping indicate that Mitrione was abducted and shot while on his way to work. His wound was described as having entered the right side of his chest and exited under the left armpit—the kind of wound most likely to have been made while lying on his side. Notes from the kidnapers said that he was being intensely interrogated—this, in spite of a serious wound, the fact that he was allergic to penicillin, and required immediate hospitalization.

This is not the first such terrorist kidnaping and killing of a diplomat in Latin America, and I fear it may not be the last unless every possible step is taken by the governments of the countries involved to protect diplomats and punish the criminals.

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The Subcommittee on Inter-American Affairs held hearings on this very subject last April, at which time, we heard the testimony of State Department officials on what could be done to protect against and prevent further incidents. The possibility of OAS or United Nations jurisdiction was discussed as an appropriate forum for seeking a solution. Continued efforts should be pursued between nations to effectively deal with this serious problem.

We cannot penalize the government of a country for the actions of terrorists. On the other hand, the terrorists claim that their governments are oppressive and are holding political prisoners without just cause. In any case, there can never be justification for the brutality which resulted in Dan Mitrione's death—a man who was the representative of the U.S. Government, carrying out his assigned mission.

Diplomatic relations, or work connected with our foreign assistance programs, cannot be conducted in an atmosphere of constant terror. Innocent third parties must not be subjected to kidnaping and death as a result of a struggle between a particular foreign government and its opponents.

We should not withdraw our diplomatic delegations because that is part of what the terrorists want—to disrupt diplomacy and international relations.

However, we must continue to make every stringent effort to protect our U.S. representatives overseas. We must make such acts of kidnaping and murder extremely costly to the terrorists and politically disadvantageous. Only then will they stop.

Kidnaping, injury to, and killing of diplomats and other country representatives is an international crime against humanity. In the interest of safety, international law and relations, the most stringent safety precautions must be taken and the criminal perpetrators punished.

Dan Mitrione was 50 years old on August 4, married and the father of nine children. As chief of police at Richmond, Ind., for 5 years before he became an AID public safety adviser in 1960, and for 10 years before that as a Richmond police official, he devoted his energies to the social welfare of that city. He served on the boards of directors of the Child Guidance Council of Wayne County, and the Public Health Nursing Association of that county. He served his church, the Holy Family Church of Richmond, as a member of the adult council in an advisory capacity to the pastor, and as an usher. He was also on the board of the Wayne County Welfare Council, and served as leader in the Reid Memorial Hospital fund drive and the YMCA fund drive annually.

Dan Mitrione was a dedicated public servant, a loving husband and father. His shocking murder at the hands of terrorists in a foreign land is inexplicable to his loved ones.

I am certain that all my colleagues join me in extending our deepest sympathy to the Mitrione family in their grievious sorrow over their loss.

THE SLIGHTLY HOARSE VOICE OF THE U.S. INFORMATION AGENCY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I would like to call to the attention of my colleagues in the Congress an article appearing in the Boston Sunday Globe of August 9, 1970, entitled, "The Slightly Hoarse Voice of the U.S. Information Agency."

The article, by Dr. Edward L. Bernays of Cambridge, Mass., deserves attention because it forcefully focuses on the need for a reappraisal of our Government's information program.

I know that Dr. Bernays is a man of boundless energy and great determination. He is an author and a public relations expert—many call him dean of public relations—and a man of profound convictions. As Chairman of the Committee for Reappraisal of U.S. Overseas Information Policies and Programs, he has exerted tremendous effort in urging new directions, new duties, and new emphases in the U.S. Information Agency.

I commend Dr. Bernays for his stimulating and important article. His urgent call for new directions and new dimensions for U.S. public diplomacy is one which our Government is grappling with. I know all my colleagues will be interested in what Dr. Edward L. Bernays has to say.

The article follows:

The Slightly Hoarse Voice of the U.S. Information Agency

The testimony of experts at a House Foreign Affairs Subcommittee hearing 18 months ago to explore the future of United States public diplomacy produced the disheartening disclosure that the reputation of the United States was at its lowest point in the last 50 years.

In a worldwide survey I made and reported to the subcommittee, I found that people had lost faith in the ability of the United States to lead the free world. Public opinion studies of George Gallup Jr. and Lloyd Free, also reported at the time, disclosed ambivalence towards the United States. People deplored happenings in the United States. But they admired our strength, idealism and generosity, the desire of our people to do good, and our scientific and cultural contributions.

The assassinations of President John F. Kennedy, Senator Robert Kennedy and the Reverend Martin Luther King Jr., and the Vietnam war depleted the reservoir of goodwill towards the United States. All over the world, people were shocked and disheartened at what they believed was the shattering of the American dream.

A more recent survey abroad by Gallup indicates that our troop withdrawals from Vietnam, somewhat reduced violence in the United States, the moon landing and the Soviet invasion of Czechoslovakia have somewhat bettered the reputation of the United States globally, "not dramatically, but decisively."

In a more peaceful and stable world, there might be less urgency in meeting this crisis in international understanding. We have neither world peace nor stability today. Our present status in world opinion demands immediate action. Fantasies and illusions, prejudices and distortions must not be permitted to dominate attitudes of other people towards us.

A new powerful instrumentality is available to help achieve our goals of international understanding—public diplomacy. Public diplomacy aims to affect the relations of the people of one nation to another through the mass media and other channels of open communication. Previously, secret diplomacy, carried on by diplomats behind closed doors, dominated relations between one nation and another. Now publics everywhere have their say in helping determine foreign policy decisions. Public opinion expresses itself in public pressure to bring about the action it wants.

Governments now deal with other peoples through public diplomacy. The world has become a room and a whisper is conveyed to its far corners. The nations of the world have acted on this reality. They practice public diplomacy.

Public diplomacy is of increasing importance to us as a nation for several reasons: Governments all over the world have recognized that attitudes of one people towards another may rest on distortion, ignorance, prejudice or other false assumptions. If critical situations arose between our country and other countries, we might find that fantasy and illusion of its people governed their attitudes and actions toward us.

The communications revolution of the last half century, through radio and television, gave many people around the world instantaneous perception of life in other places. Events were brought to the eyes and ears, hearts and minds of millions previously unexposed to them.

With the communications revolution came an information explosion. With an expanding sense of the world around them, people read more, became more interested in the world. Greater curiosity provided millions of additional readers and viewers for public diplomacy.

The United States first practiced public diplomacy formally in World War I. The United States Committee on Public Information under George Creel, of which I was a staff member, was given this task. President Woodrow Wilson and the Committee were handicapped by slowness of communication, the non-existence of social scientists who could be depended on for guidance. The important work of such social scientists on international political communications as Harold Lasswell of Yale, David McClelland of Harvard and W. Phillips Davidson of Columbia was still in the future.

Attempts at public diplomacy were primitive, compared to today's resources. Yet the United States Committee on Public Information brought the words of President Wilson and his war to end all wars and to make the world safe for democracy over the heads of emperors and kings to the people. Despite handicaps, historians at the end of World War I wrote that words won the war.

After World War I, the arm of the government that had so tentatively but effectively carried on public diplomacy was abolished. Activity in this general area from 1919 to 1953 in the State Department, passed through many vicissitudes. In 1953 the Smith Mundt act, calling for an independent agency for public diplomacy, created the United States Information Agency. In that early Cold War period it emphasized counter-communist propaganda. Most non-communist countries believed that monolithic communism intended to take over the world.

Accelerating impact of the communications revolution, rising expectation of people everywhere, unsettled world conditions induced each succeeding administration to continue public diplomacy lest we become the victims of the imbalanced viewpoints of our neighbors. The United States Information Agency continued to function.

Our instrument of public diplomacy, the USIA, today is a huge organization, headquartered in Washington. Its global staff of over eleven thousand tells the United States story to the rest of the world. It telecasts programs to over 90 countries. Its 104 transmitters of the Voice of America beam over 1000 broadcasts in 36 languages via short and medium wave. It uses movies, books, printed matter and other media. It directs cultural activities through overseas missions and binational centers, operates 200 overseas libraries and reading program and supervises United States participation in international affairs and exhibitions. It conducts public opinion researches overseas and assesses for other departments of government the effect overseas of present and proposed policies. We taxpayers will, according to President Nixon's recent budget figures, pay $194,917,000 for the United States Information Agency next year.

Unfortunately the promise of the Agency has not been fulfilled. It is inefficient and ineffective. The Agency over the last years has been evaluated by Congressional authorities, by the United States Advisory Commission on Information, the watching agency set up by Congress, by scholars and by voluntary groups, such as the Emergency Committee for a Reappraisal of United States Information Policies and Programs, of which I am chairman.

On October 22, 1969, at the Overseas Press Club of New York under the auspices of the Oversea Press Club Foundation and our Emergency Committee, an all day session of experts presented the case for a reappraisal of the Agency.

Some deficiencies of the Agency brought to light: The Agency puts too much emphasis on words and too little on policy. It functions as a huge mimeograph machine. Chester Bowles once said, "A good information policy can aid a positive policy, but cannot assist a mistaken one." Our foreign policy begins at home in domestic policy and action. After news is transmitted abroad, a civil rights riot in the South becomes a part of our international relations.

The Agency since its creation has had continuing problems of administration, programming, personnel, news distribution, transmitter construction and location, of public opinion research and of assurance of receiving adequate continuing support. After some fifty years, seventeen of them of independent existence, no fundamental operation assumptions and no defined objectives prevail.

Neither the public nor the members of Congress, with exceptions of course, understand clearly how vital a role the Agency could and should play in international relations.

The enabling act creating the Agency, which prohibits it from carrying on activities aimed at the American public, may be partly to blame. The lawmakers rightfully believed that a domestic program might be a danger to the country. The example of Goebbel's propaganda in Hitler Germany was still fresh in their minds. With a Congress and public uninformed and apathetic, the Agency's objectives, budgetary needs, the qualifications of its director remain serious questions, unasked and unanswered.

The Agency lives below the surface of public visibility. Without overt public support of its director remain serinous question, unasked and unanswered.

Sometimes the Agency's fear of Congressional criticism has diluted its program. The Agency is still mindful of the Joseph McCarthy period, when unjustified attacks upon it raised havoc in its overseas and domestic offices. And too many agencies interfere with the USIA, the State Department, the Pentagon and Congress itself.

Under these conditions, the Agency functions as a holding operation, often merely to advance the party in power.

The goals of the USIA have never been defined on a long range basis. Each of the seven Agency directors in the past seventeen years has defined his goals or the President has done it for him. None today knows what its future goals are. Are they to promote the flow of ideas about the United States to the world, to support current United States foreign policy? Are they to further goodwill for the United States, to provide counsel on public relations to the United States on foreign policy? Or are they to further the interests of the United States with the rest of the world or to balance distortions of attitudes to this country or to counter anti-U.S. propaganda? And what are the priorities and the relative importance of each of these?

Probably as a result of public apathy, the Agency's directors picked for the job have not possessed the qualifications they should have for this highly professional assignment. They were chosen because they were cronies of the President, able to get along with Congress, paid off political debts, were well known. The position requires someone who is a social scientist, student of world history, social psychologist, professional persuader, practitioner in the art and science of communication and administrator. Today's director does not have all the requisite qualifications.

The Agency today functions without professional knowledge of the art and science of communication or the culture patterns of target areas. In the use it makes of them, social sciences might as well not exist. The USIA functions on a horse and buggy basis in a jet age. Only a fraction of what is necessary is spent for public opinion research to ensure that the message is geared to its prospective audience. Dean Gerhart D. Wiebe of the Boston University School of Public Communication said bluntly of the agency: "It talks too much and listens too little."

The experts' conclusions show indisputably that the United States Information Agency urgently needs new directions, new dimensions, new duties and new emphases. The Agency can only begin to fulfill its role after a clear redefinition of its objectives, its current needs and a thorough overhauling of operations. The Agency should participate fully in formulation of foreign policy. It should cooperate with social scientists in working out its strategy which should serve as a basis for its tactics.

In its new mission, greater emphasis must be placed on personal contact of the Agency's staff, an effective liaison with other government departments, on much more public opinion research abroad and more use of available research. A stable budget and better personnel training are needed. And of course, a qualified professional should head the Agency.

Public diplomacy is fraught with many hazards. We must tap the social sciences. We know one people views another simplistically. False stereotypes often dominate attitudes. The media in one country tend to emphasize stereotypes to their constituencies. Effective international political communication requires special knowledge and skill. A one-way mimeograph operation may have the opposite effect intended. Overseas information programs some years ago, without benefit of public opinion research, bragged about our electric refrigerators and vacuum cleaners and created envy instead of goodwill.

Recommendations for a thorough going reappraisal of the Agency by a Presidential Commission have come from responsible knowledgeable quarters: the Subcommittee on International Movements and Organizations of the House Foreign Affairs Committee chaired by Congressman Dante B. Fascell, the United States Advisory Commission on Information, the watchdog commission, chaired by Frank Stanton, president of the Columbia Broadcasting System. In their last report they said, "How are the two hundred million of us to assure the thirty-three hundred million of them that we are on the right path and that it is wide enough for all to travel?

Eventually if not now, it must be through knowing each other, then trusting each other. And if eventually, why not now?"

Numerous newspapers, the McClatchy newspapers of California, the New York Daily News, the Los Angeles Times have editorially supported this reappraisal.

Congressmen have introduced bills in the House calling for a reappraisal by a bipartisan Presidential Commission, among them Dante B. Fascell (Fla.), John A. Anderson (Ill.), Robert Taft, Jr. (O.), J. Glenn Beall, Jr. (Mo.), Daniel Button (N.Y.), Howard Pollock (Alaska), George Andrews (Ala.) and Samuel N. Friedel (Md.). But because of public apathy these bills have languished.

In the United States, Joint Senate Resolution 157 was introduced by the chairman of the Foreign Relations Committee, J. William Fulbright, and is now pending. It calls for a Commission to Study Organizational Reforms in the Department of State, the Agency for International Development and the United States Information Agency and to recommend the most efficient and effective means for the administration and operation of the United States programs and activities in the field of foreign relations.

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The commission is to consist of twelve members, eight of whom are not government officials and to be appointed by the President: two Senate members appointed by the President of the Senate and two representatives appointed by the Speaker of the House. The appropriation is for $500,000.

This Resolution, number 157, deserves the support of forward looking Americans. It should bring about the results the country needs. The proposed Commission should focus public opinion on the failings of the present USIA and its deficiencies and should recommend a new setup. The close association of the President with the Commission should assure that at long last the culture time lag we have been suffering from is eliminated. Then the USIA can function professionally and efficiently in the field of public diplomacy to improve our international relations and increase trust and understanding between the United States and the rest of the world.

ROBB SAGENDORPH—"A MONADNOCK OF A MAN"

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, recently New Hampshire lost one of its leading citizens, Robb Sagendorph. He embodied the best in the term "Yankee," and as such was eminently qualified to be editor of the well-known magazine bearing that name. To quote the words of the Keene Evening Sentinel, Robb was "one of New England's most outstanding citizens and a champion of rugged individualism and enterprise who had devoted many years to preservation of Yankee ideals and interests, and had achieved national prominence in the literary field."

Outside of his part of New Hampshire, Robb Sagendorph was most widely known as the editor and publisher of the famed Old Farmer's Almanac, the oldest continually published booklet in America. From the time he became editor in 1939, the circulation grew from fewer than 86,000 to over a million in 1968.

Within New Hampshire, however, Robb Sagendorph was known and admired as much for his personal character as for his business success. In an excellent editorial the Peterborough Transcript has succeeded in conveying an accurate image of the Robb Sagendorph who was respected, admired, and loved by his friends and his neighbors. This editorial was written for an audience composed almost entirely of friends and neighbors of Robb, the readers of the weekly newspaper. It was written for people who knew Robb, and for us the article truly describes the man we knew:

ROBB SAGENDORPH: "A MONADNOCK OF A MAN"

We lost a friend, and the area lost one of its most distinguished citizens, with the death of Robb Sagendorph.

The Dubin publisher had achieved almost legendary status in his long career here as publisher-founder of Yankee magazine, and publisher-owner of the Old Farmer's Almanac.

Robb was an activist. He was at times intolerant, and often impatient. He had a quick humor which could be misunderstood, but knowing the man attested to his sincerity. In sports they claim that success is measured by a man's "color." Robb Sagendorph was colorful, and we must add, controversial.

The celebrated "Dublin Furnace Case" was perhaps his most controversial moment. Some may have forgotten that issue, or "heating crisis" which occurred 20-or-more years ago, but for those who remember it, most will concur that the central issue was a challenge to Robb's integrity and leadership as a town official.

Then there was the time Senior Selectman Sagendorph ordered the Town Hall "closed" after it had "shook like crazy" at a square dance. This issue, like the furnace argument, made for considerable news copy, and we always felt Robb never exactly disliked how we handled the reporting.

He had a biting disregard for convention, and though raised in a blue-blood tradition, Robb appeared much happier at his hideaway on Long Pond in Stoddard than at the Dublin Lake Club. He was a "have" in a community where the "have nots" can kick over the traces, but he was respected on both sides.

As village moderator, he ran meetings "my way", and the people loved it.

It was not unusual for Robb to phone us just to say hello, if for no more important reason. He would call to complain how we'd "spoiled" his week by an editorial position we had taken, or how we should be more alert to the "crime influence" at the region's doorstep. He would call to give us a news tip, or ask about the week's events.

Most significant was when he called us last January to ask how we were feeling. We had missed some time at work because of the flu, and Robb had heard about it. He phoned from his hospital bed to wish us a speedy recovery. This was Robb Sagendorph, who knew then that his own days were numbered, but whose thoughts were on others.

Robb was described recently as a "Monadnock of a man." He sure was.

POWER OF IMPEACHMENT

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I was gratified when the distinguished chairman of the Committee on the Judiciary agreed publicly to open hearings on the impeachment of Associate Justice William O. Douglas, with witnesses examined under oath, as I asked from the outset.

The gentleman from New York's commitment is conditioned, however, as to time and circumstances. Public hearings will be in order, he stated in an August 5 news release:

> When the special subcommittee is satisfied that the facts indicate that an impeachable offense may have been committed.

The definition of "an impeachable offense" thus becomes crucial to the conduct of free and full public hearings.

The Constitution clearly entrusts the determination of this question to the conscience of the whole House of Representatives, which has the "sole power of impeachment."

In response to an earlier request from the chairman, Mr. Celler, as detailed in my August 5 letter to him, last week I provided members of the Committee on the Judiciary with an independent and comprehensive legal memorandum on this question which was prepared by the Detroit, Mich., law firm of Dykema, Gossett, Spencer, Goodnow & Trigg.

I now make this excellent study by Attorneys Bethel B. Kelley and Daniel G. Wyllie available to all Members, together with two covering letters which are self-explanatory:

CONGRESS OF THE UNITED STATES,
Washington, D.C., August 5, 1970.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Last May 15 you requested me to furnish your Special Subcommittee with my views on the "good behavior" provision of the Constitution with respect to the tenure of office of Federal judges and justices.

I responded on May 20, stating that my views on this subject had been set forth rather fully in my April 15 speech to the House, but adding that a more compelling and learned legal exposition certainly was possible and that I was in the process of obtaining such a study.

I requested the distinguished Detroit, Michigan law firm of Dykema, Gossett, Spencer, Goodnow & Trigg to independently research this important question and provide me, without reference to any current impeachment proceedings or to my personal conclusions of last April 15, a comprehensive and objective opinion. I felt that this would be of greater value to Members of the House and of your Committee than any mere elaboration of my views.

The resulting "Kelley Memorandum" with covering letter to me from Bethel B. Kelley is enclosed pursuant to your request.

I most respectfully renew my request to you in my letter of July 29, 1970 for a copy of the June 1 submission by Judge Rifkind setting forth the views of the attorney for the accused on the "Role of Counsel and Related Procedural Matters" and his May 18 legal submission described in his letter of that date as "a separate legal memorandum on what constitutes grounds for impeachment." I would like to have an opportunity to study the legal questions raised in both these papers.

Warm personal regards,

GERALD R. FORD,
Member of Congress.

DYKEMA, WHEAT, SPENCER, GOODNOW,
& TRIGG,
Detroit, Mich., June 23, 1970.

Re: The Impeachment Process.

Hon. GERALD R. FORD, Jr.,
The Capital,
Washington, D.C.

DEAR CONGRESSMAN FORD: Some time ago, you asked me to review the authorities relating to the Impeachment Process as it applies to the Federal Judiciary, and to discuss the authorities dealing with the subject. In particular, you requested an opinion as to whether judicial "misbehavior" as it relates to the Judicial Tenure Article of the Constitution (Article III, Section One) may constitute an independent ground for impeachment of a judicial officer even though such misbehavior might not constitute an indictable "crime or misdemeanor" under Article II, Section Four. With the assistance of my associate, Daniel G. Wyllie, we have prepared and enclose herewith a Memorandum concerning the matter. We conclude, that misbehavior by a Federal Judge may constitute an impeachable offense though the conduct may not be an indictable "crime or misdemeanor". We refer you to the enclosed Memorandum for our complete discussion of the subject and for our reasons for our conclusions.

Sincerely,

BETHEL B. KELLEY.

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Memorandum Concerning the Congressional Impeachment Power as It Relates to the Federal Judiciary

I. INTRODUCTION

The United States Constitution, Article III, Section One, provides that "The judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior . . ." Article II, Section Four provides that "The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." The relationship of these provisions has been the subject of much controversy in virtually every impeachment proceeding brought against a Federal judge which has resulted in a Senate trial. The purpose of this memorandum is to trace the development of this controversy and to attempt to delineate the exact nature of the impeachment power as it relates to the Federal Judiciary. The problem basically involves the definition of an impeachable offense. The basic source material for such a determination is, first, the Constitution itself, second, the debates of Congress in interpretation of that power, third, the application of the constitutional provision in the nine (9) impeachment proceedings involving the Federal Judiciary, and fourth, the comments of scholars who have analyzed the problem.

Before an extensive examination of the debates is made, a brief review of the various impeachment proceedings resulting in a Senate trial of a Federal judge is in order. The first impeachment of a Federal judge, and the first impeachment to succeed, was that of John Pickering, United States District Judge for the District of New Hampshire. Judge Pickering was charged with the violation of a United States Statute by wrongfully releasing a vessel which had been seized by the government without requiring the prescribed indemnity bond. He was also charged with conducting court while intoxicated and with blasphemy on the bench. Judge Pickering did not respond to the Articles of Impeachment but his son did and was allowed to introduce testimony to show that the judge was mentally irresponsible. The Senate convicted the Judge on each of the articles and removed him from office on March 12, 1804.

On the same day, the House of Representatives voted to impeach Samuel Chase, Associate Justice of the Supreme Court on eight articles. He was charged with certain misconduct to the prejudice of impartial justice in the course of a trial for sedition, with misconduct in improperly inducing or coercing a grand jury to return an indictment against an editor of a newspaper for an alleged breach of the sedition laws and with misconduct in addressing an inflammatory harangue to a grand jury. In the course of the trial an extensive debate was had concerning the nature of the impeachment power. The impeachment failed for want of a two-thirds majority even though a majority voted to convict on several of the articles.

James H. Peck, Judge of the United States District Court for the District of Missouri, was impeached in 1830 on one general article, containing eighteen specifications, charging abuse of official power and arbitrary conduct in severely punishing for contempt of court an attorney who had published a criticism of one of the judge's opinions. In his answer, the judge alleged that his conduct was legally correct and justifiable, and he denied the existence of a malicious motive. The trial resulted in a majority of the Senate voting against impeachment.

In 1862, Judge West H. Humphries was impeached and convicted for activities relating to the secession of Tennessee and for serving as a Confederate Judge. Judge Humphries did not appear to defend the articles and was removed by a unanimous vote of the Senate.

The next impeachment affecting the judiciary was that of Charles Swayne, United States District Judge for Florida. In 1904, Judge Swayne was impeached on twelve articles, charging that he had rendered false claims in his expense accounts; that he had appropriated to his own use, without making compensations therefor, a certain railroad car belonging to a defunct railroad company, then in the hands of a receiver appointed by the judge; that he had resided outside of his judicial district in violation of the statute; and that he had maliciously adjudged certain parties to be in contempt of court and had imposed excessive punishments upon them. The judge defended, and was acquitted by a majority on each article.

In 1912, the House of Representatives impeached Robert W. Archbald, United States Circuit Judge for the Commerce Court, upon thirteen articles. The articles charged the judge with the use of his official power and influence to secure business favors and concessions. He was also charged with various misconduct while a District Court Judge, but was acquitted thereon apparently because the Senate did not wish to set a precedent of impeaching a person for acts occurring while in a former office. The judge was found guilty on five of thirteen articles.

In 1926, George W. English, United States District Judge from Illinois, was impeached for an abuse of power in the suspension and disbarment of two attorneys and for using his office for personal gain by appointing a personal friend as the sole bankruptcy referee for his court. The charges against Judge English were dropped after he resigned from office.

In 1933, Harold Louderback, United States District Judge from California, was impeached by the House of Representatives. The articles charged the judge with using his office for the enrichment of his personal friends and political allies by appointing them as receivers even though no receiver should have been appointed and though the persons appointed did not qualify. Judge Louderback was acquitted on all articles.

The last impeachment proceeding was brought in 1936 against Halsted L. Ritter, United States District Judge for Florida. Of the seven Articles of Impeachment, the first six alleged specific instances of wrongdoing on the part of Judge Ritter involving the use of his office for personal gain, including the receipt of "kickbacks" from legal fees he awarded to his former law partner. Judge Ritter was acquitted on all six of these articles. The seventh article was a recitation of the first six and charged the judge with bringing his office into disrespect by his questionable conduct. On this article, Judge Ritter was convicted and removed from office. As will be noted later, the Ritter case is one of the most enlightening because it was the only trial in which individual senators filed written opinions expressing their reasons for their votes.

The impeachment trial of Judge Pickering affords little precedental value because of the tragic circumstances under which he was impeached and because he did not actually defend himself at the trial. However, a minor debate took place over the form of the question to be put to the Senate. Some senators insisted that they should be asked whether the judge was guilty of "high crimes and misdemeanors". They took the position that the Senate must first determine whether the facts alleged in the Articles of Impeachment were true, and then it must decide whether they constituted impeachable offenses. However, a majority of the Senate decided that the question should be merely whether the judge was guilty as "charged". 3 Hind's Precedents of the House of Representatives 707 (1970), [Hereinafter cited Hind]. Although this form of question was used in subsequent impeachment trials, little emphasis has been placed on the fact that it implies that the Senate is not limited to removal by impeachment for "high crimes and misdemeanors" only.

The first extensive debate concerning the nature of the impeachment power occurred during the trial of Justice Chase. In that case, counsel for Chase stoutly maintained that impeachment would only lie for "indictable offenses". Counsel for Chase advanced three major arguments in support of this proposition. The first contention was that the very definition of the words "high crimes and misdemeanors" means an "indictable offense". As Luther Martin, a member of the Constitutional Convention, said on behalf of Justice Chase:

"There can be no doubt but that treason and bribery are indictable offenses. We have only to inquire, then, what is meant by high crimes and misdemeanors? What is the true meaning of the word 'crime?' It is the breach of some law which renders the person who violates it liable to punishment. There can be no crime committed where no such law is violated.

"Thus it appears crimes and misdemeanors are the violation of a law exposing the person to punishment and are used in contradistinction to those breaches of law which are mere private injuries, and only entitle the injured to a civil remedy." 3 Hind 762.

The second assertion made in support of the proposition that impeachable offenses must be "indictable" was that all the provisions of the Constitution relating to impeachment are couched in the terminology of the criminal laws. Thus, a civil officer must be "convicted of high crimes and misdemeanors". U.S. Const. Art. II, Sect. 4. "The trial of all crimes, except in cases of impeachment, shall be by jury." U.S. Const. Art. III, Sect. 2. "No person shall be convicted [of impeachment] without the concurrence of two-thirds of the members present." U.S. Const. Art. I, Sect. 3. These clauses of the Constitution, argued counsel for Chase, support the principle that impeachment is in effect a criminal prosecution which cannot be maintained without the proof of some indictable offense of the laws. 3 Hind 767.

The third point raised by Chase's counsel was that the framers of the Constitution intentionally restricted impeachment to indictable offenses to safeguard the independence of the judiciary. A judge must be free to decide the cases before him based on his own conscience without having to fear impeachment because two-thirds of the Senate disagree with him. It should be noted that the impeachment of Justice Chase was apparently motivated, to a large degree, by political factors. Justice Chase was a Federalist who had incurred the wrath of the Jeffersonian Republicans by many of his rulings. His counsel contended that the stability and integrity of the Supreme Court demanded a strict interpretation of the impeachment clause. As one of his counsel stated in the debate:

"I have considered these observations on the necessary independence of the judiciary applicable and important to the case before this honorable court, to repeal the wild idea that a judge may be impeached and removed from office although he has violated no law of the country, but merely on the vague and changing opinions of right and wrong—propriety and impropriety of demeanor. For if this is to be the tenure on which a judge holds his office and character; if by such a standard his judicial conduct is to be adjudged criminal or innocent, there is an end to the independence of our judiciary." 3 Hind 760.

In response to the position advanced by the counsel for the Justice, the House Managers contended that impeachable offenses are not limited to indictable crimes. They argued that the Constitution, in restricting punishment for impeachment to removal from and disqualification for office, makes a distinction between "indictable" offenses and "impeachable" offenses. Insofar as the conduct of a judge is injurious to society because it is an abuse of the office he holds, it is impeachable. Insofar as the conduct is criminal in nature, it may be indictable and punishable under the criminal law. 3 Hind 739. The Managers also contended that the Justice, by violating his oath of office to be fair and impartial in the administration of justice, committed an impeachable offense. 3 Hind 753.

The most illuminating argument advanced by the House Managers is that a judge may be impeached for misbehavior without resort to the impeachment provisions in Article II, Sect. 4. Said the Managers:

"The Constitution declares that 'the judges of both the Supreme and inferior Courts shall hold their commissions during good behavior.' The plain and correct inference to be drawn from the language is, that a judge is to hold his office so long as he demeans himself well in it; and whenever he shall not demean himself well, he shall be removed. I therefore contend that a judge would be liable to impeachment under the Constitution, even without the insertion of that clause which declares, that 'all civil officers of the United States shall be removed for the commission of treason, bribery, or other high crimes and misdemeanors.' The nature of the tenure by which a judge holds his office is such that, for any act of misbehavior in office, he is liable for removal. These acts of misbehavior may be of various kinds, some which may, indeed, be punishable under our laws by indictment; but there may be others which the lawmakers may not have pointed out, involving such a flagrant breach of duty in a judge, either by doing that which he ought not to have done or in omitting to do that which he ought to have done, that no man of common understanding would hesitate to say he ought to be impeached for it." 3 Hind 740.

According to this argument, the tenure provision of the Constitution draws a distinction between judges and other civil officers. Both judges and other civil officers may be impeached for "treason, bribery, or other high crimes and misdemeanors." But judges may also be impeached for misbehavior. This additional ground for impeachment is required in the case of judges because of their life tenure while other civil officers are subject to periodic removal for misbehavior through the ballot box. This contention also relies on a construction of the impeachment provision. Article II, Section 4 provides that "civil officers *shall* be removed . . ." [Emphasis added]. Thus, it is a mandatory but not a restrictive provision. It leaves the power in the Congress to determine what, if any, other offenses or conduct is impeachable. This argument is important because it supplies the basis for other arguments which were raised in subsequent impeachment proceedings.

Although Justice Chase was acquitted, it cannot be said that his trial set a precedent that only indictable offenses are impeachable. It is impossible to determine upon which factors the vote of an individual senator turned. A vote for acquittal could have meant that the facts charged were not proven or that the facts proven did not constitute an impeachable offense. Unquestionably, some votes also were politically motivated. However, at least one commentator stated that:

"A precedent was established to the effect that the judges are not to be removed from office because of the content of their decisions or because of unusual or offensive mannerisms. Removal from office is in order only for serious misconduct, or charges bordering on the criminal." Blackmur, *On the Removal of Judges: The Impeachment Trial of Samuel Chase,* 48 J. of Am. Jud. Soc'y, 183, 184 (1964).

The proposition that an impeachable offense need not be "indictable" was assumed to have been settled by all parties in the trial of Judge Peck in 1830. The Managers for the House of Representatives defined an impeachable offense on the part of a judge as follows:

"A judicial misdemeanor consists . . . in doing an illegal act, *colore officii,* with bad motives, or in doing an act within the competency of the court or judge in some cases, but unwarranted in a particular case from the facts existing in that case, with bad motives." 3 Hind 798.

Former President Buchanan, then a member of the House of Representatives, stated in the course of argument that misbehavior on the part of a judge is a forfeiture of the office. He conceded that the Chase trial settled that the judicial misbehavior must consist of a violation of the Constitution or some known law of the land, but it need not be "indictable" because misbehavior could consist in the abuse of a power granted to the judge, such as the contempt power, as well as in the usurpation of authority. 3 Hind 800.

Counsel for Peck did not dispute this position, but argued that the abuse of official power must have been intentional. Their position was that a mere mistake on the part of the judge as to what his powers were could not constitute an impeachable offense. They claimed that a judge must act with the knowledge that he was violating the law in order to commit an impeachable offense. 3 Hind 802. Since the discussion of the power of impeachment in the Peck case was merely preliminary with the main force of the arguments going to the question of law as the right of the judge to punish for contempt and the question of fact as to his intention, the Peck trial added little definition to the precise nature of the impeachment power.

The major point of debate during the impeachment trial of Judge Swayne in 1904 was whether a judge could be impeached for misconduct not directly related to his judicial duties. As noted earlier, none of the misconduct charges against Judge Swayne took place while he was actually holding court. His counsel argued that all previous impeachments, both English and American, conclusively established that impeachment would lie only for misconduct in the exercise of the office since none had ever involved the personal misbehavior of a judge. Their position rested on the proposition that the term "high crimes and misdemeanors" was a term of art which must be construed in light of English parliamentary usage. 3 Hind 322–25. As counsel for Swayne stated:

"In English and American Parliamentary and Constitutional law, the judicial misconduct which rises to the dignity of a high crime and misdemeanor must consist of judicial acts, performed with an evil or wicked intent, by a judge while administering justice in a court, either between private persons or between a private person and the government of a State. All personal misconduct of a judge occurring during his tenure of office and not coming within that category must be classed among the offenses for which a judge may be removed by address, a method of a removal which the framers of our Constitution refused to embody therein." 3 Hind 336.

The reference to "removal by address" referred to a practice used in England. In England, impeachment had a much broader scope since it could be used against any subject of the king and the penalty was not restricted to removal from office. A majority of both houses of Parliament could request the king to remove an official without convicting him of impeachment. Counsel for Swayne contended that the refusal to adopt this method of removal showed that the impeachment power was intended to be restricted to "high crimes and misdemeanors" committed in an official capacity. Counsel pointed out that "removal by address" was deliberately left out of the Constitution "with a view of giving stability to those who hold the offices, and especially the judges." 3 Hind 329. Counsel for Swayne placed emphasis on the fact that during the Constitutional Convention, Randolph opposed the motion to include "removal by address" because it would weaken too much the independence of the judges. 3 Hind 329. Counsel also argued that the substitution of the term "high crimes and misdemeanors" in Article II, Section 4, for the original term "maladministration" added further proof of an intentional restriction of the impeachment power. 3 Hind 327.

In the Swayne case, the managers for the House of Representatives contended that the Constitution was not intended to restrict impeachment to conduct directly related to the official duties of a judge. They referred to the absurdity in holding that a judge, who had been convicted and imprisoned for murder, could not be impeached because of his conduct did not occur while on the bench. 3 Hind 328. Instead, the managers submitted that the Constitution gave Congress the power to impeach a judicial officer for any misbehavior that showed disqualification to hold and exercise the office, whether moral, intellectual or physical, since the judicial tenure is expressly conditioned upon the good behavior of the judge. 3 Hind 339.

The House Managers in the Swayne trial again advanced an argument which had been raised in the Chase trial. They contended that Article I, sections 2 and 3, which give the House and Senate the sole impeachment power are merely jurisdictional and not definitional clauses. Article II, Section 4, they said, is a mandatory provision directing Congress to remove those officers who are convicted of treason, bribery, or other high crimes and misdemeanors. The managers stated that there may be other offenses for which an officer may be impeached. Article III, Section 1 provides a definition of such additional grounds in the case of the judiciary, i.e., misdemeanor. 3 Hind 340. The managers concluded that:

"Our fathers adopted a Constitution under which official malfeasance, and nonfeasance, and in some cases, misfeasance, may be the subject of impeachment, although not made criminal by act of Congress, or so recognized by the common law of England, or of any State of the Union. They adopted impeachment as a means of removing men from office whose misconduct imperils the public safety and renders them unfit to occupy official position. All American text writers support this view." 3 Hind 340.

Indeed, the textual authorities have in fact unanimously rejected the position that a "high crime or misdemeanor" must be an "indictable" offense before an impeachment will lie. As was stated by Roger Foster:

"The Constitution provides that 'the judges, of both the Supreme and inferior courts, shall hold their office during good behavior.' This necessarily implies that they may be removed in case of bad behavior. But no means, except impeachment, is provided for their removal, and judicial misconduct is not indictable by either a statute of the United States or the common law." 1 R. Foster, Commentaries on the Constitution of the United States 569.

George Curtis looked to the purpose of the impeachment power in his statement:

"The purposes of an impeachment lie wholly beyond the penalties of the statute or the customary law. The object of the proceeding is to ascertain whether cause exists for removing a public officer from office. Such a cause may be found in the fact that,

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either in the discharge of his office or aside from its functions, he has violated a law or committed what is technically denominated a crime. But a cause for removal from office may exist when no offense against positive law has been committed, as when the individual has from immorality or imbecility or maladministration become unfit to exercise the office." 2 G. Curtis, History of the Constitution of the United States 260.

See also Cooley, Principles on Constitutional Law 178; 1 Story on the Constitution § 796–799 (5th Ed); 2 Watson on the Constitution 1034; Rawle on the Constitution 209. As was stated in the American and English Encyclopedia of Law:

"The cases, then, seem to establish that impeachment is not a mere mode of procedure for the punishment of indictable crimes; that the phrase 'high crimes and misdemeanors' is to be taken, not in its common law but in its broader parliamentary sense, and is to be interpreted in the light of parliamentary usage; that in this sense it includes not only crimes for which an indictment may be brought, but grave political offenses, corruptions, maladministration, or neglect of duty involving moral turpitude, arbitrary and oppressive conduct, *and even gross improprieties*, by judges and high officers of state, although such offenses be not of a character to render the offender liable to an indictment either at common law or under any statute." XV American and English Encyclopedia of Law 1066 (2d Ed) (Emphasis added).

Although many excellent arguments were raised by both sides in the Swayne trial, it cannot be conclusively stated which position carried the day. Judge Swayne's acquittal could have been due to the fact that the Senate thought that impeachable misconduct must be directly related to the office or that the facts charged were not proven, or even that the judge's proven conduct, although impeachable, did not warrant removal from office. However, it is difficult to understand how the Senate could have adopted the first position because of its obvious result in leaving no remedy as to removal of a judge who has been imprisoned by a State or Federal Court for crimes committed in his personal life, totally unrelated to his office or judicial duties.

The impeachment trial in which Judge Robert W. Archbald was found guilty in 1912 was the first proceeding resulting in removal in which the nature of the impeachment power was extensively debated. In adopting the Articles of Impeachment, the House of Representatives took the position that a breach of judicial "good behavior", regardless of its criminality, was impeachable. The Chairman of the Impeachment Committee conceded that none of the Articles would sustain a criminal charge. 3 Proceedings of the United States Senate in the Trial of Impeachment of Robert W. Archbald 1745 (1912). The Chairman of that committee stated the charges as follows:

"From 1908 to the present time we have shown that he has been acting improperly and violating good judicial ethics by prostituting his official position for personal profit and otherwise." Id. at 747.

In the Senate, counsel for the judge adhered to the argument which had been made previously on the part of the counsel for Justice Chase that an impeachable offense must be, by the very terms of the Constitution, an indictable offense, or at the very least, must have the characteristics of a crime. They attempted to sustain this proposition, as did counsel for Chase, by referring to the fact that the impeachment power throughout the Constitution is couched in the terminology of the criminal law. See 6 Cannon's Precedents of the House of Representatives 636–37 (1936) [Hereinafter referred to as Cannon].

On the other hand, the House Managers advanced several theories to prove that nonindictable judicial misbehavior was impeachable. The broadest of these theories was that the Constitution left the definition of the "high crimes and misdemeanors" and judicial "good behavior" to Congress, placing no restrictions on the impeachment power except to limit its use to civil officers and its punishment to removal and disqualification from office. As Manager Sterling said in his final argument:

"And so, Mr. President, I say, that outside of the language of the Constitution which I quoted there is no law which binds the Senate in this case today except that law which is prescribed by their own conscience, and on that, and on that alone, must depend the result of this trial. Each Senator must fix his own standard; and the result of this trial depends on whether or not these offenses charged against Judge Archbald come within the law laid down by the conscience of each Senator himself." 6 Cannon 634.

In rebutting the argument that conduct to be impeachable must be indictable, the managers pointed to the object of the impeachment power. Impeachment, they said, is not intended to punish the individual but rather to protect the public "from injury at the hands of their own servants and to purify the public service." 6 Cannon 643. Thus, according to this argument, a Federal judge should be removed "whenever, by reason of misbehavior, misconduct, malconduct, or maladministration, the judge has demonstrated his unfitness to continue in office." Id.

The managers also advanced the theory based upon a construction of the judicial tenure provision [Article III, Section 1] and the removal provision [Article II, Section 4]. It must be assumed that the two provisions were not intended to be mutually antagonistic, therefore, the judicial tenure provision is of necessity either an addition to the enumerated offenses of the removal section or a definition of "high crimes and misdemeanors" as applied to the judiciary to include misbehavior. Any other interpretation would destroy the effect of the "good behavior" clause which would be a violation of the basic rule of constitutional construction which gives full effect to all words. 6 Cannon 643. Thus, the managers contended that the Constitution adopted one standard for the judiciary and another for all other civil officers, saying:

"In other words, our forefathers in framing the Constitution have wisely seen fit to provide a requisite of holding office on the part of a judge that does not apply to other civil officers. The reason for this is apparent. The President, Vice President, and other civil officers, except for judges, hold their positions for a definite fixed term, and any misbehavior in office on the part of any of them can be rectified by the people or the appointing power when the term of office expires. But the judge has no such tenure of office. He is placed beyond the people or the appointing power and is, therefore, subject only to removal for misbehavior. Since he cannot be removed unless he be impeached by the House of Representatives, tried and convicted by the Senate, *it must necessarily follow that misbehavior in office is an impeachable offense.*" 6 Cannon 650 (Emphasis added).

In rebutting an argument that the independence of the judiciary demands a strict interpretation of the Constitution, the managers replied that the Constitution was not meant to establish an irresponsible judiciary. The office is a public trust and someone must determine whether that trust has been abused. The Constitution required that Congress make the determination. Said the managers:

"In requiring first of all a majority of the House of Representatives in order to prefer articles of impeachment and then two-thirds of the Members of the Senate to convict, they hedged the power about with all the safeguards necessary to protect the upright official and yet leave it sufficient play to preserve the public welfare." 6 Cannon 648.

In summation, the Managers submitted that a judge ought to be removed when his acts are "calculated with absolute certainty to bring the court into public obloquy and contempt and to seriously affect the administration of justice." 6 Cannon 647.

In commenting on the outcome of the Archbald trial, one of the House Managers subsequently wrote:

"[I]t will be observed, none of the articles exhibited against Judge Archbald charged an indictable offense, or even a violation of positive law. Indeed, most of the specific acts proved in evidence were not intrinsically wrong, and would have been blameless if committed by a private citizen. *The case rested on the alleged attempt of the respondent to commercialize his potentiality as a judge*, but the facts would not have been sufficient to support a prosecution for bribery. Therefore, the judgment of the Senate in this case has forever removed from the domain of controversy the proposition that the judges are only impeachable for the commission of crimes or misdemeanors against the laws of general application." Brown, *The Impeachment of the Federal Judiciary*, 26 Harv. L. Rev. 684, 704–05 (1913) (Emphasis added).

During the trial of Judge Harold Louderback, all parties agreed that the Archbald impeachment did so settle the question. In fact, counsel for Judge Louderback expressly adopted the position that the judicial tenure provision implies that a judge may be impeached for a breach of good behavior.

"The Constitution of this country provides that an appointment of this kind is for life, depending on good behavior. So I have concluded, and I respectfully submit to you, that "high crimes and misdemeanors" so far as this proceeding is concerned, means anything which is bad behavior, anything which is not good behavior." Proceedings of the United States Senate in the Trial of Impeachment of Harold Louderback 796 (1933) [Hereinafter cited Louderback Proceedings].

Judge Louderback's defense basically was that the judge's conduct was not intrinsically wrong and did not amount to impeachable misbehavior.

In attempting to define what constituted impeachable misbehavior, the House Managers pointed to the defensive nature of the impeachment power. Since it was not a punitive measure, the criminal law standard of guilt beyond a reasonable doubt need not be met. Louderback Proceedings 779. Rather, if it be proven that a judge's conduct cast substantial doubt on the integrity of the judiciary, he has committed impeachable misbehavior.

"The duty of the Senate is to protect the Federal Judiciary and to protect the people from those persons connected with the Judiciary whose conduct arouses doubts as to their honesty. . . . From an examination of the whole history of impeachment and particularly as it relates itself to our system of government, when the facts proven with reference to a respondent are such as are reasonably calculated to arouse a substantial doubt in the minds of the people over whom that respondent exercises authority, that he is not brave, candid, honest, and true, there is no other alternative than to remove such a judge from the bench, because wherever doubt resides confidence cannot be present. It is not in the nature of free government that the people must submit to the government of a man as to whom they have substantial doubt." Louderback Proceedings 815.

In the last impeachment trial held, that of Judge Halsted L. Ritter in 1936, the Managers of the House of Representatives reiterated the position asserted in the trial of Judge Louderback. The Managers insisted that conduct on the part of a Federal judge which casts doubts as to his integrity constitutes impeachable misbehavior. Their position was that the public confidence in the Judiciary demands a strict standard of judicial conduct. Manager Summers said in final argument as to the meaning of "good behavior":

"It means obey the law, keep yourself free from questionable conduct, free from embarrassing entanglements, free from acts which justify suspicion, hold in clean hands the scales of justice. That means that he shall not take chances that would tend to cause the people to question the integrity of the court, because where doubt enters, confidence departs . . . When a judge on the bench, by his own conduct, arouses a substantial doubt as to his judicial integrity he commits the highest crime that a judge can commit under the Constitution. It is not essential to prove guilt. There is nothing in the Constitution and nothing in the philosophy of a free government that holds that a man shall continue to occupy office until it can be established beyond a reasonable doubt that he is not fit for the office. It is the other way. When there is resulting from the judge's conduct, a reasonable doubt as to his integrity he has no right to stay longer." Proceedings of the United States Senate in the Trial of Impeachment of Halsted L. Ritter 611 (1936) [Hereinafter cited Ritter Proceedings].

Since Judge Ritter was convicted by the Senate and since the counsel for the Judge did not dispute the standard applied but attempted to prove that the judge's conduct was proper, it is reasonable to conclude that the Senate, in a relatively contemporaneous trial, has adopted this standard for impeachment of a Federal judge. In this connection it is important to note that Judge Ritter was acquitted on the first six articles which accused him of specific acts of wrongdoing. His conviction and removal was based on Article Seven which charged that:

"The reasonable and probable consequences of the actions or conduct of Halsted L. Ritter . . . since he became a judge of said court, as an individual or as such judge, is to bring his court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice therein, and to the prejudice of public respect for and confidence in the Federal judiciary, and to render him unfit to continue to serve as such judge." Ritter Proceedings 34.

The import of the Ritter trial is emphasized by the fact that various Senators filed written opinions explaining their vote. As Senator Key Pittman, who voted to acquit on the first six Articles said:

"I voted for Article 7 because it contains a general charge that the judge, by reason of his conduct in the various matters charged, has raised a substantial doubt as to the integrity of the judge and destroyed confidence in such court and in the efficiency of the judge." Ritter Proceedings 644.

Senators Borah, LaFollette, Frazier and Shipstead stated in a joint opinion:

"It is our view that a Federal judge may be removed from office if it is shown that he is wanting in that "good behavior" designated as a condition of his tenure of office by the Constitution, although such acts as disclose his want of "good behavior" may not amount to a crime. . . . If a judge is guilty of such conduct as brings the court into disrepute, he is not to be exempt from removal simply because his conduct does not amount to a crime. . . . *We sought only to ascertain from these facts whether his conduct had been such as to amount to misbehavior, misconduct—as to whether he had conducted himself in such a way that was calculated to undermine public confidence in the courts and to create a sense of scandal.*" Ritter Proceedings 644–45. (Emphasis added).

Senator Elbert D. Thomas noted in his opinion that the standard of impeachable offenses of a Federal judge is different from that of other civil officers. This is due, he stated, to the fact that the judicial tenure of office is for life on good behavior whereas other offices have a fixed time duration. The judicial office is a public trust and the judge who abuses that trust must be removed. Ritter Proceedings 646.

This then, is the Congressional authority as to what constitutes an impeachable offense on the part of a Federal judge. It amounts to an evolutionary adoption of the principle that a judge whose conduct casts a doubt on the integrity of the Federal Judiciary has committed an impeachable offense. It is a complete rejection of the notion that "high crimes and misdemeanors" which amount to indictable crimes are the only standard of impeachment. Through the years, Congress has interpreted Article III, Section 1, as providing either additional grounds of impeachment or a definition of "high crimes and misdemeanors" as applied to Federal judges. Congress has recognized that Federal judges must be held to a different standard of conduct than other civil officers because of the nature of their positions and the tenure of their office. Congress has rejected impeachment as a method of removing those judges whose only "offense" is to render unpopular opinions in the course of their duties or espouse unpopular political philosophies on or off the bench.

III. ANALYSIS

A review of the past impeachment proceedings has clearly established little constitutional basis to the argument that an impeachable offense must be indictable as well. If this were to be the case, the Constitution would then merely provide an additional or alternate method of punishment, in specific instances, to the traditional criminal law violator. If the farmers had meant to remove from office only those officials who violated the criminal law, a much simpler method than impeachment could have been devised. Since impeachment is such a complex and cumbersome procedure, it must have been directed at conduct which would be outside the purview of the criminal law. Moreover, the traditionally accepted purpose of impeachment would seem to work against such a construction. By restricting the punishment for impeachment to removal and disqualification from office, impeachment seems to be a protective, rather than a punitive, device. It is meant to protect the public from conduct by high public officials that undermines public confidence. Since that is the case, the nature of impeachment must be broader than this argument would make it. Much conduct on the part of a judge, while not criminal, would be detrimental to the public welfare. Therefore it seems clear that impeachment will lie for conduct not indictable nor even criminal in nature. It will be remembered that Judge Archbald was removed from office for conduct which, in at least one commentator's view, would have been blameless if done by a private citizen. See Brown, *The Impeachment of the Federal Judiciary,* 26 Har. L. Rev. 684, 704–05 (1913).

A sound approach to the Constitutional provisions relating to the impeachment power appears to be that which was made during the impeachment of Judge Archbald. Article I, Sections 2 and 3 give Congress jurisdiction to try impeachments. Article II, Section 4, is a mandatory provision which requires removal of officials convicted of "treason, bribery or other high crimes and misdemeanors". The latter phrase is meant to include conduct, which, while not indictable by the criminal law, has at least the characteristics of a crime. However, this provision is not conclusively restrictive. Congress may look elsewhere in the Constitution to determine if an impeachable offense has occurred. In the case of judges, such additional grounds of impeachment may be found in Article III, Section 1 where the judicial tenure is fixed at "good behavior". Since good behavior is the limit of the judicial tenure, some method of removal must be available where a judge breaches that condition of his office. That method is impeachment. Even though this construction has been criticized by one writer as being logically fallacious, See Simpson, *Federal Impeachments,* 64 U. of Penn. L. Rev. 651, 806–08 (1916), it seems to be the construction adopted by the Senate in the Archbald and Ritter cases. Even Simpson, who criticized the approach, reaches the same result because he argues that "misdemeanor" must, by definition, include misbehavior in office. *Supra* at 812–13.

In determining what constitutes impeachable judicial misbehavior, recourse must be had to the previous impeachment proceedings. Those proceedings fall mainly into two categories, misconduct in the actual administration of justice and financial improprieties off the bench. Pickering was charged with holding court while intoxicated and with mishandling cases. Chase and Peck were charged with misconduct which was prejudicial to the impartial administration of justice and with oppressive and corrupt use of their office to punish individuals critical of their actions. Swayne, Archbald, Louderback and Ritter were all accused of using their office for personal profit and with various types of financial indiscretions. English was impeached both for oppressive misconduct while on the bench and for financial misdealings. The impeachment of Humphries is the only one which does not fall within this pattern and the charges brought against him probably amounted to treason. See Brown, *The Impeachment of the Federal Judiciary,* 26 Har. L. Rev. 684, 704 (1913).

While various definitions of impeachable misbehavior have been advanced, the unifying factor in these definitions is the notion that there must be such misconduct as to cast doubt on the integrity and impartiality of the Federal judiciary. Brown has defined that misbehavior as follows:

"It must act directly or by reflected influence react upon the welfare of the State. It may constitute an intentional violation of positive law, or it may be an official dereliction of commission or omission, a serious breach of moral obligation, or other gross impropriety of personal conduct which, in its natural consequences, tends to bring an office into contempt and disrepute . . . An act or course of misbehavior which renders scandalous the personal life of a public officer shakes the confidence of the people in his administration of the public affairs, and thus impairs his official usefulness." Brown, *supra* at 692–93.

As Simpson stated with respect to the outcome of the Archbald impeachment:

"It determined that a judge ought not only be impartial, but he ought so demean himself, both in and out of court, that litigants will have no reason to suspect his impartiality and that repeatedly failing in that respect constitutes a 'high misdemeanor' in regard to his office. If such be considered the result of that case, everyone must agree that it established a much needed precedent." Simpson, *Federal Impeachments,* 64 U. of Penn. L. Rev. 651, 813 (1916).

John W. Davis, House Manager in the Impeachment of Judge Archbald, defined judicial misbehavior as follows:

"Usurpation of power, the entering and enforcement of orders beyond his jurisdiction, disregard or disobedience of the rulings of superior tribunals, unblushing and notorious partiality and favoritism, indolence

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and neglect, are all violations of his official oath . . . And it is easily possible to go further and imagine . . . such willingness to use his office to serve his personal ends as to be within reach of no branch of the criminal law, yet calculated with absolute certainty to bring the court into public obloquy and contempt and to seriously affect the administration of justice." 6 Cannon 647.

Representative Summers, one of the managers in the Louderback impeachment gave this definition:

"When the facts proven with reference to a respondent are such as are reasonably calculated to arouse a substantial doubt in the minds of the people over whom that respondent exercises authority that he is not brave, candid, honest, and true, there is no other alternative than to remove such a judge from the bench, because wherever doubt resides, confidence cannot be present." Louderback Proceedings 815.

IV. CONCLUSION

In conclusion, the history of the constitutional provisions relating to the impeachment of Federal judges demonstrates that only the Congress has the power and duty to remove from office any judge whose proven conduct, either in the administration of justice or in his personal behavior, casts doubt on his personal integrity and thereby on the integrity of the entire judiciary. Federal judges must maintain the highest standards of conduct to preserve the independence of and respect for the judicial system and the rule of law. As Representative Summers stated during the Ritter impeachment:

"Where a judge on the bench, by his own conduct, arouses a substantial doubt as to his judicial integrity he commits the highest crime that a judge can commit under the Constitution." Ritter Proceedings 611 (1936).

Finally, the application of the principles of the impeachment process is left solely to the Congress. There is no appeal from Congress' ultimate judgment. Thus, it can fairly be said that it is the conscience of Congress—acting in accordance with the constitutional limitations—which determines whether conduct of a judge constitutes misbehavior requiring impeachment and removal from office. If a judge's misbehavior is so grave as to cast substantial doubt upon his integrity, he must be removed from office regardless of all other considerations. If a judge has not abused his trust, Congress has the duty to reaffirm public trust and confidence in his actions.

Respectfully submitted,

Bethel B. Kelley,
Daniel G. Wyllie.

NATION'S CONFIDENCE IN PRESIDENT NIXON IS ON INCREASE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, efforts by those who would cut and run in South Vietnam to discredit the President and usurp his constitutional authority as the elected Commander in Chief are failing on all fronts.

The latest indication of this is the Harris poll which came out today. The poll shows that the Nation's confidence in President Nixon is on the increase.

Sixty-one percent now approve of the President's decision to send troops into the Cambodian sanctuaries of the North Vietnamese Communists. This is the same percentage according to the last Gallup poll who believe the President overall is doing a good job.

In addition, the Harris poll found that increasingly the people believe the President will be able to withdraw 150,000 troops from Vietnam by next May.

Mr. Speaker, I believe President Nixon has made remarkable strides in achieving America's national objectives in Southeast Asia with honor.

I append the text of the Harris poll as it appeared in the Washington Post:

Sixty-One Percent Now Believe Nixon Justified in Cambodia Move

(By Louis Harris)

In the aftermath of the U.S. move into Cambodia, 61 percent of the American people believe that President Nixon was "justified" in ordering the action.

Perhaps the most significant finding of a special Harris Survey on Cambodia is that Mr. Nixon has scored an impressive turnaround in what seemed to be a growing credibility gap over the Vietnam war.

Between May 25 and 30, after the dispatch of troops into Cambodia and again between July 25 and 30, after their return, cross sections of households across the nation were asked:

"As far as the war in Vietnam and Cambodia is concerned, do you think President Nixon has been frank and straightforward about the war, or do you think he has not told the American people the real truth about the situation there?"

[In percent]

	July	*May*
Frank and straightforward	48	42
Not told real truth	38	46
Not sure	14	12

Not only did the President's credibility rating sharply improve, but confidence that he would keep his pledge of troop withdrawal from Vietnam also turned completely around. The two cross sections were asked:

"President Nixon has said that we still will be able to withdraw 150,000 U.S. troops from Vietnam by next May. In view of the operations in Cambodia, do you think he will be able to bring back the 150,000 U.S. troops by then or not?"

	July	May
Will be able to	50	38
Won't be able to	30	49
Not sure	20	13

They were also asked:

"In undertaking the military operations in Cambodia, do you think the Vietnam war has now been widened into a bigger war in all of Indochina, including Laos and Cambodia, or do you think the move into Cambodia prevented a widening of the war?"

	July	May
Prevented widening of war	42	33
War has been widened	29	53
Not sure	29	14

By 57 to 23 per cent, a majority believe "that U.S. troops were successful in destroying North Vietnamese bases in Cambodia." By 56 to 24 per cent, the public also denies the allegation that the incursion was a "mistake." In addition 55 per cent agree with Mr. Nixon's claim that by moving into Cambodia, "the lives of American fighting men in Vietnam were protected."

Just after the action started, most people believed that Mr. Nixon "had widened the war in Indochina—by 53 to 33 per cent." But now that U.S. troops have been taken out of Cambodia and the fighting in Vietnam has tended to wind down, a plurality of the public (42 to 29 per cent) holds the view that "the war has been prevented from widening."

The public also has reversed its view that Mr. Nixon "did not act properly by not asking permission of Congress to commit U.S. troops in Cambodia." Just after the action started, a majority was critical of the propriety of Mr. Nixon's action, by 54 to 37 per cent. Now, by a narrow 45 to 42 per cent, most people say the President's course of action was "proper," even though Congress was bypassed.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Life expectancy in the United States increased from 54.1 years in 1920 to 70.5 years in 1967.

RICHARDSON ON THE NEW FEDERALISM

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, ever since the start of the New Deal, except for the brief breathing spell represented by the Eisenhower administration, Government in this country has meant the Federal Government. There was built here in the Nation's Capitol a kind of Washington Wailing Wall where all and sundry took their problems. During all our prior history, Americans had always possessed a fear and distrust of power aggregates, particularly the power of Central Government. It is a distrust I am glad to see ready to be reborn in the New Federalism of the Nixon administration. Some of us had long forgotten that Federal Government meant State governments as well as the National Government, and even included local government. That is the meaning of the term "federal." Today, the Nixon administration is engaged on what Elliot L. Richardson, our new Secretary of Health, Education and Welfare, has termed "a great new mission of reform." He refers to the New Federalism and his remarks are published in the current edition of the Republican Congressional Committee's weekly newsletter. I include them in the Record:

Federalism Changes Are Spelled Out

What the New Federalism does and does not mean, in reaching the problems of people, has been sharply spelled out by a top Administration spokesman—Secretary of Health, Education and Welfare Elliot L. Richardson.

Richardson, in a speech to the annual meeting of the National Association of Counties, said the Nixon program avoids the "Washington syndrome—the simple-minded theory that social problems will just disappear if the Federal Government throws enough dollars and statute books at them." He said the Nixon Administration has embarked on a "great new mission of reform" in the arena of Federal, State and local relations—to realize the ideals of liberty, equality and justice.

The "non-system" is near a breakdown at some points in government, he said, since it operates under cumbersome, outmoded, overlapping procedures.

A pillar of New Federalism is revenue-sharing. Richardson pointed out that localities face diminishing sources of tax revenues, while Uncle Sam has prospects of increasing collections. This dollar mismatch would be corrected under the Nixon plan of sharing Federal wealth with local government. It would, Richardson declared, be a means of decentralizing government, moving the administrative authority closer to the areas in which problems exist.

Richardson said the present grant system is paralyzing government. Red tape requires hours of bookwork by grant applicants and a vast Federal establishment for processing. The solution, he stated, is not in retreat, but in reform.

The Administration, he declared, is moving on these four fronts to straighten out the labyrinthian maze that has frustrated the functioning of many Federal programs now in existence:

Grant consolidation—The President has sought authority to consolidate existing grant-in-aid categories. Richardson noted that there are five library grant programs, seven medical library grant programs. There are nine vocational educational formula grant programs and six project grant authorizations.

Fund transfers—This plan would allow Governors to transfer up to 20 percent of Federal grant funds from any one program to another of higher priority. Thus, funds could be directed to high-priority programs, instead of being spent where there is little need.

Grant streamlining—Getting a Federal grant is a laborious process now. Processing involves 28 steps, with up to 50 actions required under each step.

The Administration already has cut out 867 man-years by eliminating some of these steps. Some 182 of the 516 steps were cut out of 23 projects in a special HEW pilot study.

Decentralization—The Administration has moved decisively in its effort to bring the Government back to the people, Richardson said. Regional officers are given more authority. The various domestic agencies now have the same regional boundaries with headquarters in the same cities, slashing travel time required.

State and local leadership will be upgraded under the New Federalism, Richardson said.

FISCAL RESPONSIBILITY ACT OF 1970

(Mr. BOW asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BOW. Mr. Speaker, today a majority of the Republican members of the Appropriations Committee and the Republican leadership are joining together to introduce the "Fiscal Responsibility Act of 1970." This act would establish a new limitation on spending for fiscal year 1971 that will enable Congress to control the results of its own actions on individual appropriation bills.

For the benefit of the Members I include the following statement explaining the various sections of the bill:

STATEMENT

Section 1 of the bill would establish a limitation of $205,600,000,000 on expenditures and net lending (budget outlays) of the Government for the fiscal year 1971. Limitations of the same general nature have been established in several recent fiscal years.

The figure of $205,600,000,000 is the revised estimate of budget outlays for fiscal 1971 which was made by the President in his statement of May 19, 1970. It reflects increases, over the original February Budget estimate ($200,800,000,000), of $2.3 billion in uncontrollable programs and $2.5 billion in other programs.

Section 2 of the bill would provide for increasing the limitation by the amount of increases, over the May 19 estimate, in certain designated uncontrollable programs, such as Social Security benefits, interest, veterans' benefits, and farm price supports. Similar provisions for adjustments in limitations on outlays have been contained in comparable legislation enacted in several recent fiscal years.

Section 3 of the bill would provide for further adjustments in the limitation on outlays in the event of a shortfall of estimated receipts from the sale or lease of certain Government assets, such as mortgaged properties held by the Department of Housing and Urban Development and the Veterans Administration and leases of lands on the Outer Continental Shelf. Similar provisions for adjustments have been contained in other comparable legislation establishing limitations on outlays.

Section 4 of the bill is intended to prevent the limitation on outlays, as adjusted for increases in uncontrollable items and shortfalls in estimated receipts, from being exceeded because of action by the Congress which would increase expenditures above the President's estimates. This section would require the Director of the Office of Management and Budget, at the close of the current session of Congress, to report to the President and to the Congress his estimate of the effect of Congressional action on expenditures recommended by the President. If the Director's estimate indicated that expenditures would exceed the adjusted limitation, the Director would be required to specify the pro rata reduction in expenditures, for each activity increased by the Congress, which would be necessary to bring total budget outlays within the adjusted limitation. Agencies would be required to manage their programs so that outlays would not exceed the reduced figures specified by the Director. There are no exceptions.

Section 4 thus provides a method by which Congress would control the results of its own actions on individual appropriation bills. This is in marked contrast to bills establishing outlays in previous years because such bills generally have established a limitation which was increased when Congress increased appropriations for individual activities beyond the President's estimates.

Section 5 of the draft bill relates to the method of distributing funds for activities which involve the application of a formula to the amount appropriated. As in the case of some of the previous statutes establishing limitations, this section would provide that the reduced amount available for any particular activity—in accordance with the determination made by the Director of the Office of Management and Budget—be substituted for the amount appropriated when applying the formula. This section also provides that the Government shall not be liable for any difference between the amount appropriated and the amount as reduced to comply with the limitation.

Section 6 would repeal Title V of the Second Supplemental Appropriations Act, 1970. That title establishes a limitation on outlays which would be increased whenever appropriations by the Congress might be in excess of the President's recommendations.

LEGISLATIVE REORGANIZATION ACT OF 1970

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, I would like to paraphrase the lyrics from the musical play "1776" to indicate my feelings on the subject of congressional reform in 1970:

On this humid Monday morning in this congressional incubator,
We're waiting for the chirp, chirp, chirp, of Congress being reformed.
We're waiting for the scratch, scratch, scratch, of that tiny fellow being born,
God knows it's hot enough to hatch a stone, but will it hatch an egg, the egg of congressional reform?
Dear God!
For four solid weeks we've been sitting here.
Four weeks! Doing very little on reform!
I do believe you've laid a curse on North America
A curse that we once rehearsed in Philadelphia.
A second flood, a simple famine, plagues of locusts everywhere
Or a cataclysmic earthquake I'd accept with some despair.
But no! You send us Congress!
Good God, Sir was that fair?
I say this with humility in Washington
We're your responsibility in Washington
If you don't want to see us hanging from some far-off voting booth,
If you don't want the voice of independency to be forever stilled
Then God Sir—get Thee with it!!
For Congress never will.
You see, we piddle, twiddle, and resolve, not one damn thing do we solve or evolves that changes things
Piddle, twiddle, and resolve—nothing's ever solved.
In foul, feated, fuming, foggy, filthy, Washington.
Good God!
We may sit here for years and years in Washington.
These indecisive grenadiers of Washington.
They can't agree on what is right and wrong or what is good or bad.
I'm convinced the only purpose this Congress ever had
Was to gather here specifically to drive Fred Schwengel mad!!
You see, we piddle, twiddle, and resolve, not one damn thing do we solve
In foul, feated, fuming, foggy, filthy. Washington.
Dear God!
Is anybody there?
Does anybody care?

AMENDMENT OF DEFENSE PRODUCTION ACT OF 1950—CONFERENCE REPORT

Mr. PATMAN submitted the following conference report and statement on the bill (S. 3302) to amend the Defense Production Act of 1950:

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CONFERENCE REPORT (H. REPT. 91-1386)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—DEFENSE PRODUCTION ACT AMENDMENTS

§ 101. Extension of Act

The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking out "August 15, 1970" and inserting in lieu thereof "June 30, 1972"; and

(2) by striking out "section 714" and inserting in lieu thereof "sections 714 and 719".

§ 102. Definitions

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by inserting "space," after "stockpiling," in subsection (d); and

(2) by adding at the end thereof a new subsection as follows:

"(f) The term 'defense contractor' means any person who enters into a contract with the United States for the production of material or the performance of services for the national defense."

§ 103. Uniform cost-accounting standards

Title VII of the Defense Production Act of 1950 is amended by adding at the end thereof a new section as follows.

"COST-ACCOUNTING STANDARDS BOARD

"SEC. 719. (a) There is established, as an agent of the Congress, a Cost-Accounting Standards Board which shall be independent of the executive departments and shall consist of the Comptroller General of the United States who shall serve as Chairman of the Board and four members to be appointed by the Comptroller General. Of the members appointed to the Board, two, of whom one shall be particularly knowledgeable about the cost accounting problems of small business, shall be from the accounting profession, one shall be representative of industry, and one shall be from a department or agency of the Federal Government who shall be appointed with the consent of the head of the department or agency concerned. The term of office of each of the appointed members of the Board shall be four years, except that any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed. Each member of the Board appointed from private life shall receive compensation at the rate of one two-hundred-sixtieth of the rate prescribed for level IV of the Federal Executive Salary Schedule for each day (including traveltime) in which he is engaged in the actual performance of duties vested in the Board.

"(b) The Board shall have the power to appoint, fix the compensation of, and remove an executive secretary and two additional staff members without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service. The executive secretary and the two additional staff members may be paid compensation at rates not to exceed the rates prescribed for levels IV and V of the Federal Executive Salary Schedule, respectively.

"(c) The Board is authorized to appoint and fix the compensation of such other personnel as the Board deems necessary to carry out its functions.

"(d) The Board may utilize personnel from the Federal Government (with the consent of the head of the agency concerned) or appoint personnel from private life without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service, to serve on advisory committees and task forces to assist the Board in carrying out its functions and responsibilities under this section.

"(e) Except as otherwise provided in subsection (a), members of the Board and officers or employees of other agencies of the Federal Government utilized under this section shall receive no compensation for their services as such but shall continue to receive the compensation of their regular positions. Appointees under subsection (d) from private life shall receive compensation at rates fixed by the Board, not to exceed one two-hundred-sixtieth of the rate prescribed for level V in the Federal Executive Salary Schedule for each day (including traveltime) in which they are engaged in the actual performance of their duties as prescribed by the Board. While serving away from their homes or regular place of business. Board members and other appointees serving on an intermittent basis under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

"(f) All departments and agencies of the Government are authorized to cooperate with the Board and to furnish information, appropriate personnel with or without reimbursement, and such financial and other assistance as may be agreed to between the Board and the department or agency concerned.

"(g) The Board shall from time to time promulgate cost-accounting standards designed to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts. Such promulgated standards shall be used by all relevant Federal agencies and by defense contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing, administration and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. In promulgating such standards the Board shall take into account the probable costs of implementation compared to the probable benefits.

"(h) (1) The Board is authorized to make, promulgate, amend, and rescind rules and regulations for the implementation of cost-accounting standards promulgated under subsection (g). Such regulations shall require defense contractors and subcontractors as a condition of contracting to disclose in writing their cost-accounting principles, including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs, and to agree to a contract price adjustment, with interest, for any increased costs paid to the defense contractor by the United States because of the defense contractor's failure to comply with duly promulgated cost-accounting standards or to follow consistently his disclosed cost-accounting practices in pricing contract proposals and in accumulating and reporting contract performance cost data. Such interest shall not exceed 7 per centum per annum measured from the time such payments were made to the contractor or subcontractor to the time such price adjustment is effected. If the parties fail to agree as to whether the defense contractor or subcontractor has complied with cost-accounting standards, the rules and regulations relating thereto, and cost adjustments demanded by the United States, such disagreement will constitute a dispute under the contract dispute clause.

"(2) The Board is authorized, as soon as practicable after the date of enactment of this section, to prescribe rules and regulations exempting from the requirements of this section such classes or categories of defense contractors or subcontractors under contracts negotiated in connection with national defense procurements as it determines, on the basis of the size of the contracts involved or otherwise, are appropriate and consistent with the purposes sought to be achieved by this section.

"(3) Cost-accounting standards promulgated under subsection (g) and rules and regulations prescribed under this subsection shall take effect not earlier than the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a copy of the proposed standards, rules, or regulations is transmitted to the Congress; if, between the date of transmittal and the expiration of such sixty-day period, there is not passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the proposed standards, rules, or regulations. For the purposes of this subparagraph, in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die. The provisions of this paragraph do not apply to modifications of cost accounting standards, rules, or regulations which have become effective in conformity with those provisions.

"(i) (A) Prior to the promulgation under this section of rules, regulations, cost-accounting standards, and modifications thereof, notice of the action proposed to be taken, including a description of the terms and substance thereof, shall be published in the Federal Register. All parties affected thereby shall be afforded a period of not less than thirty days after such publication in which to submit their views and comments with respect to the action proposed to be taken. After full consideration of the views and comments so submitted the Board may promulgate rules, regulations, cost-accounting standards, and modifications there of which shall have the full force and effect of law and shall become effective not later than the start of the second fiscal quarter beginning after the expiration of not less than thirty days after publication in the Federal Register.

"(B) The functions exercised under this section are excluded from the operation of sections 551, 553–559, and 701–706 of title 5, United States Code.

"(C) The provisions of paragraph (A) of this subsection shall not be applicable to rules and regulations prescribed by the Board pursuant to subsection (h) (2).

"(j) For the purpose of determining whether a defense contractor or subcontractor has complied with duly promulgated cost-accounting standards and has followed consistently his disclosed cost-accounting practices, any authorized representative of the head of the agency concerned, of the Board, or of the Comptroller General of the United States shall have the right to examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to compliance with such cost-accounting standards and principles.

"(k) The Board shall report to the Congress, not later than twenty-four months after the date of enactment of this section, concerning its progress in promulgating cost-accounting standards under subsection (g) and rules and regulations under subsection (h). Thereafter, the Board shall make an annual report to the Congress with respect to its activities and operations, together with such recommendations as it deems appropriate.

"(l) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

§ 104. Loan guarantees

Section 301 of the Defense Production Act of 1950 (50 U.S.C. App. 2091) is amended by adding at the end thereof a new subsection as follows:

"(e)(1) Except with the approval of the Congress, the maximum obligation of any guaranteeing agency under any loan, discount, advance, or commitment in connection therewith, entered into under this section shall not exceed $20,000,000.

"(2) The authority conferred by this section shall not be used primarily to prevent the financial insolvency or bankruptcy of any person, unless

"(A) the President certifies that the insolvency or bankruptcy would have a direct and substantially adverse effect upon defense production; and

"(B) a copy of such certification, together with a detailed justification thereof, is transmitted to the Congress and to the Committees on Banking and Currency of the respective Houses at least ten days prior to the exercise of that authority for such use."

TITLE II—COST OF LIVING STABILIZATION

§ 201. Short title

This title may be cited as the "Economic Stabilization Act of 1970".

§ 202. Presidential authority

The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

§ 203. Delegation

The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

§ 204. Penalty

Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000.

§ 205. Injunctions

Whenever it appears to any agency of the United States, authorized by the President to exercise the authority contained in this section to enforce orders and regulations issued under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this title.

§ 206. Expiration

The authority to issue and enforce orders and regulations under this title expires at midnight February 28, 1971, but such expiration shall not affect any proceeding under section 204 for a violation of any such order or regulation, or for the punishment for contempt committed in the violation of any injunction issued under section 205, committed prior to March 1, 1971.

And the House agree to the same.

Wright Patman,
Leonor K. Sullivan,
Henry S. Reuss,
Thomas L. Ashley,
Managers on the Part of the House.
John Sparkman,
William Proxmire,
Edmund S. Muskie,
Walter F. Mondale,
Ernest F. Hollings,
Charles E. Goodell,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

GENERAL SUMMARY

The effect of the conference substitute may be summarized as follows:

The House conferees agreed to recede to the Senate version concerning the provisions dealing with uniform accounting standards with two amendments.

The Senate conferees agreed to recede to the House version as it relates to Title II on standby wage, price, salary and rent controls, with an amendment.

The House conferees agreed to recede to the Senate version as it relates to limitations placed on the use of Defense Production Act loan guarantees.

DETAILED EXPLANATION

The House version of S. 3302 established a five-member Cost-Accounting Standards Board appointed and chaired by the Comptroller General, and made up of two members of the accounting profession (one with knowledge of small business accounting practices), one representative of industry and one representative of a Government agency, all serving four-year terms. The Board was given the power to recommend to the Congress by June 30, 1971, and each June 30 thereafter, cost accounting standards designed to achieve uniformity and consistency for use by defense contractors and subcontractors for negotiated contracts.

The version agreed to by the conferees would establish the same five-man Cost-Accounting Standards Board as created under the House version and would include the provision that one of the two professional accountants on the Board must have knowledge of small business accounting. The House conferees agreed to the Senate version that the Board would have the power to promulgate cost accounting standards designed to achieve uniformity and consistency for use by defense contractors and subcontractors for negotiated contracts, but these standards would not be applied to:

(1) contracts of $100,000 or less;

(2) negotiated contracts where prices are established by catalog or market price of commercial items sold in substantial quantities to the general public;

(3) utility rates set by law or regulation;

(4) where the Board finds it is not necessary to apply the standards to certain classes of contractors because of the size of the contracts or otherwise.

In addition, the House conferees insisted that the Senate version be changed to require that any proposed standards, rules or regulations to be promulgated by the Board be transmitted to Congress for 60 days of continuous session, during which Congress could by concurrent resolution block the proposed standards from taking effect.

However, minor and technical modifications in already promulgated standards, rules or regulations which do not in effect constitute the issuance of new standards, rules or regulations would not have to be submitted to Congress prior to promulgation.

The compromise version also contained various administrative and enforcement provisions concerning uniform accounting standards contained in the Senate version of S. 3302.

The House version of S. 3302 gave the President standby authority to stabilize prices, wages, salaries, rents and interest rates at levels not less than those prevailing on May 25, 1970, but adjustments could be made to avoid inequities. This authority would expire February 28, 1971. The Senate conferees receded to the House on this entire provision except for the deletion of interest rates from the standby controls title. This amendment was accepted by the House conferees because the President was already given standby authority to control interest rates under Public Law 91–151 passed by the Congress in December, 1969.

The House version of S. 3302 did not contain any amendments affecting the Defense Production Act loan guarantee program. The Senate version limited these loan guarantees to a maximum of $210 million per contractor, except with Congressional approval. It also prohibits the use of the Defense Production Act loan guarantee program primarily to prevent insolvency or bankruptcy unless the President certifies in detail to Congress that such a business failure would have a direct and substantially adverse effect upon defense production and presents his certification at least ten days prior to such loan guarantee. The House receded to the Senate version on this provision because of the need to prevent unwarranted use of DPA loan guarantees without adequate safeguards.

Wright Patman,
Leonor K. Sullivan,
Henry S. Reuss,
Thomas L. Ashley,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. **Flynt** (at the request of Mr. **Boggs**) for today, on account of official business.

To Mr. **Ryan** (at the request of Mr. **Koch**) for the week of August 10, on account of illness.

To Mr. **O'Hara** (at the request of Mr. **Albert**) for August 10, 11, and 12, on account of illness.

To Mr. **Hagan** (at the request of Mr. **Albert**) for August 10, on account of official business.

To Mr. **McKneally** (at the request of Mr. **Gerald R. Ford**) for August 10 and 11, on account of serious illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. **Feighan** for 30 minutes, Tuesday, August 11, to revise and extend his remarks and include extraneous material.

Mr. **Mahon** for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

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(The following Members (at the request of Mr. Schwengel) to revise and extend their remarks and include extraneous matter:)

Mr. Schwengel, for 45 minutes, on August 12.

Mr. Cowger, for 45 minutes, on August 12.

Mrs. Heckler of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. Jones of Tennessee) and to revise and extend their remarks and include extraneous matter:)

Mr. Farbstein for 20 minutes today.

Mr. Boland for 10 minutes today.

Mr. Charles H. Wilson for 10 minutes today.

Mr. Farbstein for 20 minutes on August 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Cleveland, to extend his remarks during Mr. Springer's 1-minute speech today.

Mr. Philbin in five instances and to include extraneous matter.

(The following Members (at the request of Mr. Schwengel) and to include extraneous matter:)

Mr. Schmitz in two instances.

Mr. Nelsen.

Mr. Michel.

Mr. Bow in two instances.

Mr. Gude in two instances.

Mr. Wyman in two instances.

Mr. Arends.

Mr. Springer.

Mr. Fulton of Pennsylvania in five instances.

Mr. Frey.

Mr. Bob Wilson in five instances.

Mr. Ashbrook in two instances.

Mr. Burton of Utah in five instances.

Mr. Taft in two instances.

Mr. Conte.

Mr. Quillen in four instances.

Mr. Smith of New York.

Mr. Horton in three instances.

Mr. Riegle.

Mr. Hosmer.

(The following Members (at the request of Mr. Jones of Tennessee) and to include extraneous matter:)

Mr. Flood in two instances.

Mr. Vanik in two instances.

Mr. Montgomery in two instances.

Mr. Fisher in four instances.

Mr. Teague of Texas in 10 instances.

Mr. Farbstein in four instances.

Mr. Burton of California.

Mr. Jones of Tennessee.

Mr. Jacobs in five instances.

Mr. Nedzi in five instances.

Mr. Scheuer in two instances.

Mr. Brown of California in two instances.

Mr. Fraser in 5 instances.

Mr. Harrington in two instances.

Mrs. Chisholm in two instances.

Mr. Griffin in two instances.

Mr. Moorhead in two instances.

Mr. Brademas in eight instances.

Mr. Fountain in two instances.

Mr. Kluczynski in two instances.

Mr. Culver.

Mr. Flower in two instances.

Mr. Eilberg in two instances.

Mr. Bingham in two instances.

Mr. Miller of California in five instances.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On August 6, 1970:

H.R. 14114. An act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes; and

H.R. 14705. An act to extend and improve the Federal-State unemployment compensation program.

On August 7, 1970:

H.R. 16915. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 17070. An act to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

THE LATE HONORABLE G. ROBERT WATKINS

Mr. SAYLOR. Mr. Speaker, I offer a privileged resolution.

The Clerk read the resolution, as follows:

H. Res. 1183

Resolved, That the House has heard with profound sorrow of the death of the Honorable G. Robert Watkins, a Representative from the State of Pennsylvania.

Resolved, That a committee of 63 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER pro tempore. The Chair appoints as members of the funeral committee the following Members on the part of the House: Messrs. Corbett, Albert, Gerald R. Ford, Boggs, Arends, Fulton of Pennsylvania, Morgan, Barrett, Saylor, Byrne of Pennsylvania, Flood, Clark, Dent, Nix, Moorhead, Schneebeli, Whalley, McDade, Rooney of Pennsylvania, Johnson of Pennsylvania, Green of Pennsylvania, Vigorito, Goodling, Biester, Eilberg, Eshleman, Williams, Gaydos, Coughlin, Yatron, Garmatz, Staggers, Boland, O'Neill of Massachusetts, Devine, Downing, Pirnie, Randall, Ashbrook, Clancy, Harvey, Shriver, Waggonner, Broyhill of North Carolina, Patten, Van Deerlin, Del Clawson, Stanton, Brown of Ohio, Kyl, Schadeberg, Burke of Florida, Hunt, Kuykendall, Miller of Ohio, Montgomery, Riegle, Sandman, Scherle, Thompson of Georgia, Wylie, Landgrebe, Ruth.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 7 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 11, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2288. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting an interim report on the operation of the law (Public Law 91-305) establishing a revised ceiling on 1970 outlays (H. Doc. No. 91-373); to the Committee on Appropriations and ordered to be printed.

2289. A letter from the Secretary of Defense, transmitting a report of the transfer of the Healy telephone exchange from the Alaska Communication System to the Matanuska Telephone Association, Inc., of Palmer, Alaska, pursuant to the Alaska Communications Disposal Act; to the Committee on Armed Services.

2290. A letter from the Secretary of the Navy, transmitting notice of the intention of the Department of the Navy to donate two surplus railway flat cars located at Camp Lejeune, N.C., to the East Carolina Chapter, Inc., National Railway Historical Society, Greenville, N.C., pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

2291. A letter from the Secretary of the Air Force, transmitting the semiannual Air Force report on experimental, development, test, and research procurement action, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

2292. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to extend the boundaries of the Arapaho National Forest in Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

2293. A letter from the Chairman, Golden Spike Centennial Celebration Commission, transmitting the final report of the Commission, pursuant to Public Law 90-70; to the Committee on the Judiciary.

2294. A letter from the Secretary of Transportation, transmitting the supplement to the 1970 national highway needs report, containing the complete results of the systematic nationwide Functional Highway Classification Study conducted by the Bureau of Public Roads in accordance with section 17 of the Federal-Aid Highway Act of 1968; to the Committee on Public Works.

2995. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to amend section 4 of the act of June 1, 1948, to increase the penalty provisions for the violation of rules or regulations promulgated under authority of said act, and to make restrictions on disruptive occurrences in and near premises upon which offices of the U.S. Government are located and to fix penalties for breach; to the Committee on Public Works.

Received From the Comptroller General

2296. A letter from the Comptroller General of the United States, transmitting a report of the audit of financial statements of the Federal Home Loan Banks supervised by the Federal Home Loan Bank Board for the year ended December 31, 1969 (H.R. Doc. No. 91-

374); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

[*Pursuant to the order of the House on August 6, 1970, the following reports were filed on August 7, 1970*]

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 17333. A bill to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes; with an amendment (Rept. No. 91–1382). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 13113. A bill to designate the bridge authorized by the act of October 4, 1966, as the "Light Horse Harry Lee Bridge", and for other purposes. (Rept. No. 91–1383). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 18619. A bill to establish the offices of Delegate from the District of Columbia to the Senate and Delegate to the House of Representatives, to amend the District of Columbia Election Act, and for other purposes (Rept. No. 91–1384). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 18725. A bill to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia (Rept. No. 91–1385). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted August 8, 1970*]

Mr. PATMAN: Committee of conference. Conference report on S. 3302 (Rept. No. 91–1386). Ordered to be printed.

[*Submitted August 10, 1970*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 16607. A bill to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development. (Rept. No. 91–1387). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 1177. Resolution for consideration of H.R. 18434, a bill to revise the provisions of the Communications Act of 1934 which relate to political broadcasting (Rept. No. 91–1388). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1178. Resolution for consideration of H.R. 17795, a bill to amend title VII of the Housing and Urban Development Act of 1965 (Rept. No. 91–1389). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 1179. Resolution for consideration of H.R. 18306, a bill to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes (Rept. No. 91–1390). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1180. Resolution for consideration of H.R. 17570, a bill to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes. (Rept. No. 91–1391). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1181. Resolution for consideration of H.R. 18110, a bill to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning (Rept. No. 91–1392). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 1182. Resolution for consideration of H.R. 17809, a bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes (Rept. No. 91–1393). Referred to the House Calendar.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 140. A bill to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes; with amendments (Rept. No. 91–1394). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 1160. A bill to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park; with amendments (Rept. No. 91–1395). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 3259. A bill providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes; with an amendment (Rept. No. 91–1396). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 10874. A bill to provide for the establishment of the Gulf Islands National Seashore, in the States of Alabama, Florida, Louisiana, and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida and Fort Massachusetts in Mississippi, and for other purposes; with an amendment (Rept. No. 91–1397). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 13934. A bill to amend the act of September 21, 1959 (73 Stat. 591) to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes; with amendments (Rept. No. 91–1398). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY: Committee on Interior and Insular Affairs. H.R. 15978. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; with an amendment (Rept. No. 91–1399). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 18410. A bill to establish the Fort Point National Historic Site in San Francisco, Calif., and for other purposes; with amendments (Rept. No. 91–1400). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 18776. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore and for other purposes; with amendments (Rept. No. 91–1401). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 18582. A bill to amend the Food Stamp Act of 1964, as amended; with an amendment (Rept. 91–1402). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. S. 2208. An action to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes; with amendments (Rept. No. 91–1403). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 18856. A bill to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 18857. A bill to amend title 18, United States Code, to subject certain nationals or citizens of the United States to the jurisdiction of the U.S. district courts for their crime committed outside the United States; to the Committee on the Judiciary.

By Mr. BOW:

H.R. 18858. A bill to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir; to the Committee on Public Works.

By Mr. EDWARDS of Louisiana:

H.R. 18859. A bill to amend title 38 of the United States Code to provide for the reimbursement by the Administrator of Veterans' Affairs of emergency hospital care charges incurred by veterans under certain circumstances; to the Committee on Veterans' Affairs.

By Mr. FRASER:

H.R. 18860. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 18861. A bill to amend title 32 of the United States Code to establish a commission to oversee and improve the capability of the National Guard to control civil disturbances, and for other purposes; to the Committee on Armed Services.

By Mr. HASTINGS:

H.R. 18862. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. KASTENMEIER:

H.R. 18863. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania; to the Committee on Interior and Insular Affairs.

By Mr. KEITH:

H.R. 18864. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure that U.S. requirements for low-cost energy will be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. KYROS:

H.R. 18865. A bill to require the establishment of marine sanctuaries and to prohibit the depositing of any harmful materials therein; to the Committee on Merchant Marine and Fisheries.

By Mr. LENNON:

H.R. 18866. A bill to amend title 10 of the United States Code on the assignment of members of the Armed Forces to new duty stations, and for other purposes; to the Committee on Armed Services.

By Mr. OTTINGER (for himself and Mr. Brademas):

H.R. 18867. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any persons to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

By Mr. PODELL (for himself and Mr. Ottinger):

H.R. 18868. A bill to amend the Internal Revenue Code of 1954 to provide that the retirement benefits available to self-employed individuals shall be available to women who are able to put part of their household allowances into savings; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 18869. A bill to ammend title 13 of the United States Code to provide for a partial or complete check or recount (by the State or locality involved) of the population of any State or locality which believes that its population was understated in the 1970 decennial census, and for Federal payment of the cost of the partial or complete check or recount if such understatement is confirmed; to the Committee on Post Office and Civil Service.

H.R. 18870. A bill to provide insurance for accounts in State and federally chartered credit unions and for other purposes; to the Committee on Banking and Currency.

By Mr. ROGERS of Colorado (for himself, Mr. Wiggins, Mr. Jacobs, Mr. Waldie, Mr. Edwards of Louisiana, Mr. Fish, and Mr. Coughlin):

H.R. 18871. A bill to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharge; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 18872. A bill to amend chapter 55 of title 10, United States Code, to provide for the continuation of certain benefits to mentally retarded and physically handicapped dependents of members of the uniformed services after the death of such member or after his discharge or release from active duty for a service-connected disability; to the Committee on Armed Services.

By Mr. ROSTENKOWSKI:

H.R. 18873. A bill to amend and extend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. STAGGERS:

H.R. 18874. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. ADDABBO:

H.R. 18875. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States; to encourage the study and improvement of the care, handling, and treatment and the development of methods for minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOW (for himself, Mr. Gerald R. Ford, Mr. Cederberg, Mr. Rhodes, Mr. Michel, Mr. Conte, Mr. Langen, Mr. Robison, Mr. Shriver, Mr. McDade, Mr. Andrews of North Dakota, Mr. Wyman, Mr. Talcott, Mrs. Reid of Illinois, Mr. Riegle, Mr. Wyatt, Mr. Edwards of Alabama, and Mr. Del Clawson):

H.R. 18876. A bill to provide for fiscal responsibility through the establishment of a limitation on budget expenditures and net lending (budget outlays) for the fiscal year 1971, and for other purposes; to the Committee on Government Operations.

By Mr. BOW (for himself, Mr. Gerald R. Ford, Mr. Arends, Mr. Anderson of Illinois, Mr. Rhodes, Mr. Taft, Mr. Bob Wilson, Mr. Smith of California, Mr. Cramer, and Mr. Poff):

H.R. 18877. A bill to provide for fiscal responsibility through the establishment of a limitation on budget expenditures and net lending (budget outlays) for the fiscal year 1971, and for other purposes; to the Committee on Government Operations.

By Mr. BROYHILL of Virginia:

H.R. 18878. A bill to prohibit the Commissioner of the District of Columbia and the District of Columbia Council from recommending changes in the line items in the annual budget submitted by the Board of Education; to the Committee on the District of Columbia.

By Mr. GALIFIANAKIS (for himself, Mr. Albert, Mr. Boggs, Mr. Wampler, Mr. Blackburn, Mr. Reifel, Mr. Beall of Maryland, Mr. Karth, Mr. Evans of Colorado, Mr. Kyl, Mr. Davis of Georgia, Mr. Mize, Mr. Fraser, Mr. Olsen, Mr. Culver, Mr. Abbitt, Mr. Blatnik, Mr. MacGregor, Mr. Steed, Mr. Daddario, Mr. Ruth, Mr. Edmondson, Mr. Downing, Mr. Scherle, and Mr. Roberts):

H.R. 18879. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDWATER:

H.R. 18880. A bill to establish the President's Award for Distinguished Law Enforcement Service; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 18881. A bill for the relief of the State of Massachusetts; to the Committee on the Judiciary.

By Mr. HORTON (for himself and Mr. Halpern):

H.R. 18882. A bill to amend the Child Nutrition Act of 1966 to strengthen and improve the school breakfast program for children carried out under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. MORSE:

H.R. 18883. A bill to amend the Trade Expansion Act of 1962 to provide that the Tariff Commission shall be deemed to make affirmative findings with respect to tariff adjustment and adjustment assistance investigations if the Commissioners voting thereon are evenly divided; to the Committee on Ways and Means.

By Mr. SISK (for himself, Mr. Foley, Mr. Aspinall, Mr. Andrews of North Dakota, Mr. Hathaway, Mr. Johnson of California, Mr. Jones of North Carolina, Mr. Kyros, Mr. Mathias, Mr. Ullman, Mr. McFall, Mr. Gubser, Mr. Hansen of Idaho, and Mr. Talcott):

H.R. 18884. A bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes; to the Committee on Agriculture.

By Mr. YATRON:

H.R. 18885. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption; to the Committee on Interstate and Foreign Commerce.

H.R. 18886. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAMBERLAIN:

H.J. Res. 1346. Joint resolution authorizing the President to declare 1 week each September as "National SS *Hope* Week"; to the Committee on the Judiciary.

By Mr. MORSE:

H.J. Res. 1347. Joint resolution designating the period beginning November 16 and ending November 22, as "National Good Grooming Week"; to the Committee on the Judiciary.

By Mr. PREYER of North Carolina:

H.J. Res. 1348. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on he Judiciary.

By Mr. WEICKER (for himself, Mr. Anderson of Illinois, Mr. Brown of Ohio, Mr. Burke of Massachusetts, Mr. Button, Mr. Coughlin, Mr. Eshleman, Mr. Frelinghuysen, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Howard, Mr. Meskill, Mr. Morse, Mr. O'Konski, Mr. Powell, Mr. Pucinski, Mr. Rees, Mr. Roe, Mr. Stubblefield, and Mr. Tiernan:

H.J. Res. 1349. Joint resolution to provide for a study by the Secretary of Transportation of the feasibility of Government acquisition, operation, and maintenance of railroad tracks, rights-of-way, signal systems, and other fixed facilities (as a separate activity or as a part of a coordinated Federal transportation program); to the Committee on Interstate and Foreign Commerce.

By Mr. McCULLOCH (for himself and Mr. McClory):

H.J. Res. 1350. Joint resolution to amend title 28 of the United States Code to require the Chief Justice of the Supreme Court to provide Congress with certain information, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBISON (for himself, Mr. Button, Mr. Matsunaga, and Mr. Preyer of North Carolina):

H. Con. Res. 703. Concurrent resolution expressing the sense of Congress that troop withdrawals, continuing on an irreversible basis, shall be the national policy; that all ground combat troops should be withdrawn on or before May 1, 1971; that all other American servicemen be withdrawn by July 1, 1972; that Congress reaffirms its constitutional right and responsibilities in the making of decisions relative to war and peace; to the Committee on Foreign Affairs.

By Mr. REES:

H. Res. 1184. Resolution to improve the operation of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 18887. A bill for the relief of Slavko N. Bjelajac; to the Committee on the Judiciary.

H.R. 18888. A bill for the relief of Edward E. Jones; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 18889. A bill for the relief of John Molgard Isaksen; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 18890. A bill for the relief of Bernaldo Acupan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

567. The SPEAKER presented a petition of Wayne E. Carver, Wheelersburg, Ohio, relative to appointments to the U.S. Supreme Court and to other Federal benches, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SCORE A BIG PLUS FOR SMALL BUSINESS

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. SMITH of New York. Mr. Speaker, it is indeed gratifying to note that many of our citizens are not content to while away the increased leisure time an earlier retirement age provides.

Under the auspices of the Small Business Administration, the Service Corps of Retired Executives—SCORE—makes it their responsibility to assist fledgling and floundering small businesses to successfully adjust to the American free enterprise system.

Mr. Speaker, I would like to publicly commend the chairman of the Buffalo SCORE Chapter, Mr. Herman Kahn. Under his truly fine and exemplary leadership, the dedicated SCORE volunteers have helped Buffalo achieve the lowest small business death rate in the Nation.

A very pertinent article, excerpted from the Buffalo Evening News, follows:

SCORE A BIG PLUS FOR SMALL BUSINESS

(By Ralph Dibble)

It was like the trite fable about the husband who went out one day to buy a pack of cigarettes and never came back.

But it was tragically real for the Buffalo area woman who was left with two young daughters, a $150,000 home and limited financial resources.

She sold the expensive home, bought a florist business and moved into modest living quarters behind the flower shop. In the drab days that followed she had to help her daughters overcome the emotional trauma of shifting from an upper-upper middleclass life to an economically-deprived existence.

And, worst of all, the business she had hoped would give them security was showing a loss, month-after-month.

In desperation, she contacted the U.S. Small Business Administration, in the old Federal Building, 121 Ellicott St. There, it was decided that the case should go to SCORE—Service Corps of Retired Executives—an organization of retired businessmen who offer their services to small businessmen at no charge.

The problem was turned over to Raymond J. Hoban of Kenmore, retired consultant on industrial cost reduction. One of the first things he learned was that three employees of the business had used their know-how (and some equipment) to set up florists businesses of their own.

After that, Mr. Hoban began a full-scale study. At is turned out, he stayed with the case for several months. He weeded out unnecessary expenses such as payments for air express deliveries that weren't necessary.

Two delivery boys stayed out all day on their rounds. Their schedules were revised to start them out earlier and then get them back in the store to perform other duties. Careful records were kept of all costs and they were trimmed relentlessly.

Within months, the business was breaking even for the first time in seven years. The woman was able to sell it at a fair market value and find more profitable uses for her capital.

Then, there was the case of the Broadway discount store that specialized in drugstore items and returned its owner nothing.

Two SCORE volunteers, Alfred E. Wiener, a retired grocer, and Herman Kahn, a veteran of the retail furniture business, took a long, hard look and discovered that, although the store was open after regular shopping hours, its owner was charging the same prices as other stores.

They convinced the proprietor that he should raise his prices by 10 per cent because he was offering shoppers the convenience of after-hours shopping. The recommendation raised the store's take from $150,000 a year to $200,000 annually and changed it to a profitable enterprise.

Like the discount store case, many SCORE assignments are relatively straightforward and easy, requiring perhaps as little as 12 hours a week of the volunteers' time. Others require complex investigations that involve teams of volunteers in many weeks of effort.

A Buffalo area testing laboratory received the services of a three-man team of volunteers, Roy C. Timm, Aldred K. Warren and Elmer M. Finbury, who devoted four months to the problem.

The laboratory sought help in increasing sales and services and also asked advice on the problem of relocating to more adequate facilities.

The changes in location and operation suggested by the SCORE volunteer generated an expansion of the business that resulted in hiring 10 more employes and gave the Buffalo business community a biological and metalurgical testing facility.

One of the strangest cases handled by the Buffalo SCORE involved a weekly newspaper that had an unpleasant odor that persisted after it was delivered to homes.

SCORE volunteers advised a testing program which produced puzzling early results showing that neither the ink or the paper were responsible for the odor. Eventually, it was learned that it was the combination of ink and paper that produced it.

SCORE is an offshoot of the Small Business Administration. The SBA was organized in 1954 to assist small businesses. These are defined as businesses with less than $1 million in gross sales and they comprise 95 per cent of the country's five million businesses.

The SBA was organized to reduce the sometimes alarmingly-high death rate of these small businesses by providing them low-cost government loans.

But small business still faced major problems in 1964 when SBA leaders reviewed figures showing that small businesses accounted for 91 per cent of all business failures and that inept, inexperienced management was the major cause for those failures.

They thought of the large number of retired executive (many of them involuntary retirees) and the idea of SCORE was born. The goal of SCORE is to use the otherwise untapped abilities of the retirees. So far, SCORE has been able to do that, although the road hasn't always been easy.

Dun & Bradstreet figures show that the Buffalo area has the lowest death rate for small businesses in the nation. And it pinpoints the decline as starting in 1965, the first year of SCORE, and in areas, like Buffalo, that have strong SCORE programs.

Any company that has 25 or fewer employees, can qualify for SCORE assistance. Counseling also is offered to persons who are thinking of going into business.

Nationally, there are an estimated 4000 retired men taking part in the SCORE program. The Buffalo chapter has 36 persons enrolled.

Buffalo also has 17 persons enrolled in the Active Corps of Executives (ACE), a parallel program that offers the same free counseling—in this case from younger, working executives. It was founded by Hillary J. Sandoval Jr., national administrator.

The Buffalo SCORE chapter now has 31 working cases and the local ACE program has five current cases.

One recent ACE case took John J. Piazza, administrator of the Ransomville General Hospital, to Texas for consultation on the tangled affairs of Wesley Manor, a retirement home being operated in the Rio Grande Valley by the Southwest Conference of Methodist Churches.

The operation was at a whopping deficit of $25,000 a month. The administrator, a retired minister, was described as "very personable" and "most devoted to the work of the church," but with administrative abilities that were "most limited."

Mr. Piazza found that not only was the home located in a sparsely-settled area with few potential customers, but it was doing no advertising to attract persons from other areas.

He found much of the space devoted to unproductive uses. The facilities included five chapels and 26 lounges. Although it was meant to accommodate 400 residents, full occupancy has never been achieved.

The FHA foreclosed a $2,800,000 mortgage and a church bond issue of $800,000 is $144,000 short. The rest is expected by June 30. This amount has been used to liquidate accounts payable and meet current deficits.

Mr. Piazza, who worked with another ACE volunteer, Joseph S. Enzinna of Newfane, met last November with the Wesley Manor's directors to recommend emergency steps.

They recommended that "an excess of staff" be trimmed by layoffs, elimination of some services to residents, an increase in rates and immediate start of an internal cost control program. They urged "an extensive advertising program" and a detailed review of space utilization.

Also suggested was the offering of other levels of care to increase income and the hiring of a business manager.

It is too early to tell whether the retirement home can be kept in business, but at least it now has a chance. A satisfying sidelight for Mr. Piazza was a firm friendship he has struck up with a Texas executive.

Another ace project relating to care for the elderly took volunteer Max Altman to the Gowanda Indian Reservation of the Seneca Indian Nation to study the possibility of using reservation buildings for a nursing home to be operated by the Seneca Council for Indians throughout the state.

Mr. Altman's preliminary report is that the buildings are in good condition and probably can be converted into a nursing home facility.

Presiding over the Buffalo office of the SBA is Frank R. Izzo, branch manager, who also is a principal adviser for SCORE and ACE here.

He is impressed by the volunteers and the fact that in an age of conspicuous non-involvement, they provide valuable services "out of the goodness of their hearts."

Some recruiting is done among area industries that provide names of recently-retired executives. A report on SCORE's activities in G. L. Ludcke's "Human Side of Investing" column in the Dec. 1 editions of The News brought responses to SCORE from 75 persons.

One of the most unusual recruiting cases came when Mr. Izzo got a phone call from the wife of a retiree.

"He'll drive me crazy, if I don't find some way to get him out of the house," she said "Couldn't you get him into something like the SCORE program."

A tactful interview disclosed that the man was indeed unhappy in his enforced idleness and would be pleased to work with SCORE.

Buffalo Chapter 45, one of 185 self-governing SCORE chapters, holds monthly meetings to evaluate possible volunteers and discuss business problems. A side benefit is the socializing it makes possible among the retirees.

A charter member and a longtime aid to the Buffalo Chapter, Michael F. Ellis, advertising executive, who now serves on the State Advisory Council.

Mr. Ellis, a man of wide-ranging interests, had a favorite project—a man who devised a whirlpool bath for race horses. The developer was hustled to the Patent Office to protect his rights and Mr. Ellis gave him some expert advice on promotion of the bath.

SCORE's efforts frequently are directed toward aiding minority groups. John N. Anderson, who operated a wholesale florist business, helped in organization of Professional Servants, 493 Michigan Ave., which trains and bonds persons for domestic work.

On the other hand, a proposal for a quality restaurant and nightclub was discouraged because of what was considered a lack of practical planning and a sound financial base.

Applications for assistance come through the SBA, but, once a case is referred to it, the SCORE chapter operates independently. Roy C. Timm was the first chapter chairman. Current head is Mr. Kahn.

The only cost to a "client" is payment of travel expenses to the volunteer or $5 for a visit within 25 miles. But 95 per cent of the volunteers turn down the expense money.

One of the stranger trips made by a SCORE or ACE volunteer from Buffalo took Arthur Mesches, owner of a group of cleaning establishments, who was called to look into the affairs of a Western New York businessman who was a "compulsive buyer."

Although his business was just about breaking even, the man couldn't turn down a salesman who appeared in his office. His final spending fling was outside the office as he bought his wife a mink coat and jewelry. Mr. Mesches is trying to help pick up the pieces to convert a break-even enterprise into a profitable one.

The kind of know-how that Mr. Mesches brings to the program is best illustrated by SCORE's celebrated case number 128—a number that's well known to most SCORE workers.

It involved a Hindu woman who arrived at the San Francisco SBA office in a flowing sari to ask for help with "a business problem."

The woman explained she was a maker of curry sauce that had been prized by hotels and restaurants since 1958. But when she tried to sell it in stores at 98 cents for an 11½-ounce bottle, it wouldn't move.

A retired marketing expert considered the problem and offered the opinion that few housewives would invest in an untried, unknown product to the tune of nearly a dollar.

He suggested selling it in 6½-ounce bottles for 69 cents. The maker reported it "worked like magic" and soon the local chain store was ordering a thousand cases.

Occasionally, a SCORE or ACE volunteer encounters initial hostility. When Edward I. Zolte arrived to help a baker who had asked for assistance, he found the businessman incensed because he was talking to a lawyer, instead of another baker.

"Look," Mr. Zolte responded, "I've never been associated with a failure."

He found customers entering the bakery were confronted with racks of bread. Mr. Zolte advised moving them to the back, declaring, "Everyone knows you've got bread here."

He also advised painting and brightening the interior and suggested the baker buy directly in the market, instead of dealing through a middleman.

The encounter was typical to the "man-to-man" approach that is preferred by the programs.

Nearly all small business failures come through faults in management, the SBA has found.

It also has found a persistent and sometimes fatal allergy to keeping records and doing paper work. Many small businessmen have no idea of what the relationship is among costs, price schedules and profits.

SBA representatives like to emphasize that small business has one overwhelming advantage—its ability to provide personalized service.

A widely-cited example involves a Chester, Pa., service station that changed a loss to a profit by providing its customers with what it calls "chauffeur care." The station provides free home pickup and delivery of cars it services and washes.

All SCORE cases are not a success. In some cases, failures are averted.

One beauty salon operator wanted to switch to an ice cream store because she was tired of standing all day. A SCORE volunteer convinced her an ice-cream business would be unprofitable and that she would be on her feet just as much, anyhow.

The SBA provides services that dovetail into the volunteer programs. It conducts Small Business Workshops in Western New York communities for persons who are thinking of going into business or have been in business only a brief time.

Local chambers of commerce cooperate and banks often pick up the tab for a luncheon. Bankers talk about banking services, Certified Public Accountants talk about the importance of paper work and insurance representatives talk about guarding against risks and even the danger of being overinsured.

In charge of the operations is Mr. Izzo, who came to Buffalo six years ago and is only two years away from retirement, himself. A native of Brooklyn and a veteran of 22 years with the Reconstruction Finance Corp., he took a decade off from the government service to run a Dutchess County automobile agency.

He considers that excursion into business as invaluable in his present job.

"I can think like a businessman," he explains, "and I know how fed up they can get with government forms and other paper work."

Working closely with the SCORE and ACE volunteers is the Buffalo branch office of the SBA, headed by Mr. Izzo. Heading the SBA's two major departments locally are Len Hocken, loan officers in charge, and Frank Sciortino, who heads the management assistance department.

Probably the greatest tribute to the SCORE and ACE volunteers came from an SBA official who declared:

"There's a great deal of idealism in the American business executive. Many hide and try to appear tough. But we find that in their hearts they are really anxious to do something for their communities and nation."

SENATOR SCHWEIKER URGES CARE WITH NUCLEAR POWERPLANT PLANS IN PENNSYLVANIA

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, August 10, 1970

Mr. SCHWEIKER. Mr. President, Pennsylvania is scheduled to receive the largest program of nuclear powerplants of any State in this country. Twelve nuclear plants are either in being or proposed for the State, including a fast breeder demonstration plant which is proposed for a site near Scottsville, on the Susquehanna River, in Wyoming County.

Because my State is scheduled to be the recipient of a large and active program in this area, I have been urging that some of the medical and environmental issues be openly and widely discussed by the citizens of Pennsylvania during the planning stages of these plants. Recently I have asked two knowledgeable scientists in this field to appear on my biweekly television program to discuss problems of radiation emissions. Prof. E. J. Sternglass of the Medical School of the University of Pittsburgh outlined some of the dangers and said:

> It is my feeling that until we do (additional) studies and prove that lower level radiations are really safe and we can judge how much should be released we ought not to go ahead with such a huge major program.

On a later program, Dr. William Bibb, a scientist from the Atomic Energy Commission, pointed out that President Nixon's home in San Clemente is "less than 4,500 yards from the San Onofre plant. I think we are well aware of the fact that those who are concerned with the President's safety are not going to let him be close to a nuclear powerplant if they felt there was an unnecessary risk. Obviously, they don't feel there is."

One of the projects planned for Pennsylvania is a proposed $375 million nuclear generating plant at Limerick. A similar station is planned for Newbold Island, N.J., on the Delaware River across from Bucks County. Recently the Delaware River Basin Commission held a hearing to allow local interested citizens and public officials to present their points of view with regard to this proposal. This is precisely the kind of public exposure of the issues involved which I feel is necessary. I commend the Delaware River Basin Commission for providing a public forum on this matter and shall place in the RECORD the text of an article from the Norristown Times Herald which summarizes the hearing and includes in it remarks by Representative LAWRENCE COUGHLIN.

The Washington Star has recently published a four-part series which sets forth some of the issues surrounding the promotion and regulation of atomic energy and exploring how the Atomic Energy Commission has been attempting to cope with the environmental concern over its activities. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Norristown (Pa.) Times Herald, July 17, 1970]

UNTIL MORE DATA IS COMPILED: TEMPORARY HALT ASKED ON LIMERICK "N" PLANT

(By Jill Porter)

The overwhelming consensus of testimony at a public hearing Thursday called for rejecting at this time the proposed $375 million Limerick nuclear generating plant, and a similar station planned for Newbold Island, N.J. Conservation groups and individuals right down the line called on the Delaware River Basin Commission to refrain from approving plans for construction of the two plants, until much more is known concerning their effects on water supply and the environment.

Montgomery County Planning Commission, Mayor Frank L. Caiola and Congressman Lawrence Coughlin were among those who requested a postponement of approval until all facts were calculated.

XUM

The hearing, which began at 10 A.M. and lasted until the evening, focused on the Limerick Generating Station, proposed by the Philadelphia Electric Co. for the east bank of the Schuylkill River, and the $450 million Newbold Island Generating Station, proposed by the Public Service Electric and Gas Company for the island in Bordentown Township, Burlington County, N.J.

Some 200 persons attended the session at the American Society for Testing and Materials Building, 1916 Race St., Philadelphia.

The two points raised by a spokesman for Lawrence Coughlin represented the main concerns of those who testified: the drain on water supply, and the lack of knowledge concerning the environmental impact of the plants.

Rep. Coughlin, in the statement, said his concerns in regard to construction of a nuclear generating plant in Limerick Township, should not be interpreted as opposition to the plant or to use of nuclear power.

"I recognize the problems we face with inadequate power sources and commend Philadelphia Electric for moving to meet the challenge.

"I believe, however, that it is important to insure that all aspects of the proposed construction are examined thoroughly before such a large and irrevocable step is taken. My staff and I presently are engaged in a detailed review of the entire project."

The Congressman's statement continued:

"As we ponder the effect of the proposed plant on our water resources, we must take into account two major considerations. One is the long-term results of an estimated use of 69 million gallons daily by the proposed plant, with an estimated 35 million gallons being lost in evaporation. The extremely heavy demands on Delaware River water, occasioned by continued population and industrial growth, dictate the need for the most thorough consideration.

"I know that these considerations are important to you and your staff and to the planners throughout the entire region.

"Second, and of particular importance to me, is the question of the environmental impact of using this water for the nuclear generating plant. Our water resources are most precious and yet I feel that you are being asked to make a decision without benefit of any detailed information.

"I do not believe that anyone can render a final opinion on the effect on our water resources without the benefit of all environmental reports. It seems unfair to put the Commission members in such a position.

"I believe we must await the decisions of the various agencies and bodies concerned with the environment before any reasoned and informed decision can be evolved on what the Limerick plant's effect will be on our water resources."

For these reasons, concluded Congressman Coughlin, he requests the Delaware River Basin Commission to decline any final decision "until the Commission—and all of us—have had the opportunity to study the Environmental Report, as finally approved, and have had the benefit of knowledge rather than the absence of it."

The lack of information concerning the consequences of the proposed plants and available alternatives led the president of the Environmental Planning and Information Center of Pennsylvania to call the hearings "premature."

"EPIC and all environmentally concerned groups cannot come before the commission and give you a responsible statement whether they, in fact, support or oppose such nuclear generating stations until this material is available," Thomas Dolan said.

Dolan predicted the construction of 10 more nuclear generating stations within the basin and said "The amount of fresh water available for consumptive uses is limited."

"The Limerick generating station will evaporate as much as 42 million gallons of water daily, or an average of 35 million gallons daily . . . If they (the 10 additional plants) have the same cooling processes the basin will lose the daily water requirements of three million people through evaporation."

Most of the 20 some groups offering testimony requested that the Commission adopt a wait-and-see attitude, but a few, including a stockholder in Philadelphia Electric, condemned the projects outright.

"When in doubt," said Emily Ford, president of the West Jersey Club of the Natural Food Associates, Merchantville, N.J., "research and say, 'No' ".

The Ford woman and Mrs. Dorothy S. Philips, a representative of the Delaware Valley Protective Association and a stockholder in P. E., quoted from extensive studies by scientists which link radiation pollution to increased cancer and leukemia.

Other objections included the proximity of the plants, with their potential for radiation and thermal pollution, and accidents of catastrophic proportions to areas of dense population; the prohibitive costs of construction and operation when long-term effects are unknown: The possible increase in rain, ice, frost and fog due to the water vapor emitted from the plants.

Though the utility companies, in their presentations, assured the commission that radioactive emission would be within the safety tolerances established by the Atomic Energy Commission, it was reiterated again and again that those tolerances are now undergoing extensive review as a result of independent studies which claim they are far too high.

Hal Clark, president of the Delaware Valley Protective Association, likened the energy crisis to a prior food crisis and said he hoped the Commission would avoid another "DDT tragedy."

"In saving our food from insects with a product that had been inadequately researched, we poisoned our environment," he said.

James F. Wright, executive director of the Commission, questioned in an interview whether strong public opinion could stop that construction of the plants said, "The decision will not be made on the basis of popularity."

The Commission will decide according to calculation of risks and attributes of these and alternate plans, Wright said.

"The public raised certain questions the Commission could not answer at this time," he said.

"Answers will be developed and the public will be informed of them through various reports."

Mayor Caiola, in his statement, pointed to the number of studies being done on nuclear plant construction and the possible ramifications such construction might have on the environment and ecology.

Studies, he noted, are now underway by the State Plannning Commission, the Montgomery County Planning Commission, the special group headed by Senator Holl. Also, he said, a House subcommittee is presently conducting hearings into the more general aspects and long range effects of nuclear power plants.

"It is my belief," continued Caiola, "that a decision by the Delaware Valley River Basin Commission before the findings of these various commissions have been made public would be a premature act. There are several questions which I have and which I am sure the Commission has already given attention. One is going to be lost during the course of the daily operation of this facility.

"In Norristown with our population of 40,000 we consume in the neighborhood of two million gallons of water a day. Under the present proposal of the nuclear plant, approximately 35 million gallons a day is going to be evaporated. This would mean that the water needing the operation of this plant would be able to support a community almost many times the size of Norristown.

"As has been pointed out, our electrical requirements are rising approximately 10 per cent per year. However, we should not lose sight of the fact that our water requirements are also on the increase. We, in the northeastern part of the country, in past years have faced successive periods of drought when fresh water has certainly become a scarce commodity. It was not too many years ago when we saw the salt water table backing up in the Delaware River. I certainly feel this should warrant very careful consideration as to the expendability of our present available fresh water.

"Also, I think one other point is worth noting. If, in fact, electrical requirements are rising at 10 per cent each year, certainly beside the Newbold Island Generating Station and the Limerick Generating Station there must be other plans and proposals in the works for constructing additional nuclear plants in the area, plants that would subsequently use the Delaware River for their source of water supply.

"I think it would be incumbent upon the Commission to request a proposal for future developments and be able to study that proposal weighing on one hand the needs for electrical power and the possibility of water shortages in future times. I feel that a piecemeal approach to this may lead to haphazardous planning in the allocation of such a vital resource as natural fresh water."

Caiola added that there is also another consideration "which I think is worth noting at this time.

"In the Philadelphia Electric's application to the Atomic Energy Commission I am sure they have asked for use of the Schuylkill River in case of emergency situations. Thus, if the water supply coming from the Delaware should be affected in some way, the plant would then be able to draw from the Schuylkill River for its daily usage. Certainly, there can be no contention that the Schuylkill River is not an adequate or substantial source of water to keep the facility running at maximum capacity. We are already experiencing grave problems in the quantity and quality of water in the Schuylkill River. To use the Schuylkill River as an alternate in times of emergency may prove extremely detrimental to the surrounding areas that rely on the Schuylkill River as a source of water supply. I fully realize that if such an emergency should occur, the plant would reduce its water requirements to a minimal level. However, I would like to see these restrictions specifically laid out when final consideration is given by the Atomic Energy Commission.

"In summary, I am making substantially the same request that the Montgomery County Planning Commission has set forth; that is, a delay in your decision until the findings of the various committees now studying the effects of the plant are made public including the public hearing which is to be held in the spring by the Atomic Energy Commission.

"I also strongly urge that the Delaware River Basin Commission request at the present time the submission of future site proposals so that the water needs of the community can be properly taken into consideration in a comprehensive plan for future development."

[From the Evening Star, July 22, 1970]

Under the Mushroom Cloud—1: Controversies Are Smudging AEC's Image

(By Donald M. Rothberg)

The Atomic Energy Commission, in the dual role of promoter and regulator of atomic energy, is encountering criticism over pollution, radiation, health and safety.

The bureaucratic devices used by the agency to counter the dissent are heightening some controversies and threatening the AEC's reputation for scientific objectivity.

"The AEC has the worst public relations since the storm troopers," commented one scientist.

Many AEC officials are working to change that image. But many others provide ample evidence of how that negative image developed.

For example:

In Denver, a state public health service officer says when he asked the AEC about reports plutonium had been found in the soil outside a nearby weapons manufacturing facility "They just said they'd rather not discuss it at that time."

Drs. John Gofman and Arthur Tamplin of the Lawrence Radiation Laboratory in Livermore, Calif., have attacked federal radiation exposure limits as far too high. Their theory has set off an emotional, name-calling debate between the AEC and the two scientists.

Federal Water Pollution Control Administration officials in Portland, Oreg., hope a presidential executive order will enable them to win a long struggle with the AEC over use of Columbia River water to cool reactors at Hanford, Wash. For years water has carried back with it enough heat to endanger Columbia salmon and a small amount of radioactivity that turns up in shellfish at the mouth of the river more than 200 miles away.

In Congress, a senator finally pried loose from AEC files a three-year-old report from the National Academy of Sciences that sharply criticized AEC handling of radioactive waste.

Another report that lay hidden for a year warned that underground nuclear explosions can trigged earthquakes.

For years the AEC has had the task of selling the public the idea that there were peaceful uses for atomic energy.

Born in the shadow of the mushroom clouds that rose over Hiroshima and Nagasaki, the AEC faced a public frightened by the power science unleashed.

After adjusting to the obvious potential devastation from nuclear weapons, the public gradually became aware of another hazard—radiation, the potentially deadly rays emitted by radioactive material.

As interest grew in pollution and the environment, attention focused on the growing nuclear industry and the minute quantities of radiation going into the air and streams. Was this the first stage of a new and particularly deadly form of pollution?

Questions like these arose about activities the AEC sponsors:

Are nuclear power plants a safe answer to the nation's rapidly growing demand for electricity? Is there a chance a power plant accident could spew deadly radiation over a heavily populated area? Will small amounts of radiation that leak from such plants add to the cancer death toll?

Can millions of gallons of highly radioactive liquid waste—the garbage of the nuclear industry—be stored safely in AEC depots for a thousand years, the time needed for its radioactivity to die off? Is the AEC moving fast enough to convert it from liquid to a safer solid form?

Do underground nuclear blasts trigger earthquakes? Why did the AEC choose Amchitka, an earthquake-prone Aleutian island, for the biggest underground explosions yet?

On Sunday, May 11, 1969, the most expensive industrial fire in American history swept through the main production building at the AEC's Rocky Flats plant 25 miles northwest of Denver.

That $50 million fire touched off a series of events that tell a lot about AEC attitudes, good and bad.

The Rocky Flats sits on a desolate stretch of flat, dry ground midway between Denver and the Rocky Mountains. Operated by Dow Chemical Co. under contract with the AEC, the 17-year-old plant's chief product is plutonium parts for nuclear weapons.

Rocky Flats produces only pieces of warheads for inclusion elsewhere in a completed weapon, so there is no danger, particularly to workers, of plutonium.

Plutonium radioactivity is not penetrating, unlike that of many other elements. One could conceivably eat plutonium without being harmed. It would simply pass through the body's digestive system.

But it is deadly if enough of it gets into the blood stream or the lungs, as through a cut or inhalation.

The possibility that plutonium, which still has half its radioactivity after 24,400 years, was blowing around outside the Rocky Flats plant worried Dr. E. A. Martell, a member of the private Colorado Committee for Environmental Information.

Martell, a West Point graduate, had been associated with nuclear weapons testing from its earliest days until 1962.

Now senior scientists on the staff of the National Science Foundation's Center for Atmospheric Research in Boulder, Colo., Martell recalled that in 1962 he told a congressional committee that nuclear weapons tests in Nevada were an important contributing factor to radioactive iodine fallout which was showing up in milk and in the thyroid glands of children.

"When the May 11 fire was first announced, it was just a little affair," Martell said. "Later it came out it was $45 million to $50 million and involved a huge sum of plutonium."

Members of the Colorado environmental committee asked Dow officials if plutonium might have gotten into the air and carried, like fallout, beyond the plant boundaries.

"They put us off," recalls Martell.

So the committee went to Gov. John Love who wrote to AEC Chairman Glenn Seaborg. Maj. Gen. E. B. Giller, chief of the weapons division of the AEC, who has a reputation as being one of the most open and cooperative of AEC officials, told Dow officials to give the Colorado group all the information it requested within security limitations.

Dow argued that its filtering system had worked—that no plutonium had gone beyond the plant boundaries. Martell disagreed and suggested that Dow take soil samples outside the plant.

Dow did nothing. So Martell and an associate walked around the plant one day collecting little packets of top soil. They found the soil east of the plant contained unexpectedly high concentrations of plutonium.

Martell wrote a long memorandum to Seaborg describing his findings as well as other misgivings about the operation of the Rocky Flats plant.

Robert D. Siek, chief of the radiation hygiene section of the Colorado Department of Health, heard about the Martell memo and called Michael J. Sunderland, assistant manager of the AEC's Rocky Flats office.

According to Siek, he asked to discuss the problem and the AEC "just said they'd rather not discuss it at this time."

Sunderland says he thought Siek was asking for a copy of the Martell report, and referred him to the Colorado committee.

Martell said that at a meeting Feb. 10 among people from the AEC, Dow and the Colorado committee, he learned for the first time there had been another major fire at Rocky Flats in 1957. He also was told machine oil contaminated by plutonium had been stored in barrels outdoors on the plant grounds until some of the barrels corroded and leaked.

Sources in Washington recalled that during the meeting's luncheon break, Dr. Martin B. Biles, director of the AEC division of operational safety, approached the two youngest members of the Colorado committee, both employes of the federally financed center for atmospheric research, and said he planned to complain formally because he felt it was immoral for people in one government agency to spy on another.

Examination of the contaminated soil continued and finally everyone agreed that the plutonium came from the oil spill rather than the 1969 fire. When the oil drums leaked, the plutonium stayed on top of the ground and the strong winds that blow across the flats from the Rockies carried an undetermined amount beyond the plant boundary.

To prevent further windblown contamination, Dow covered the oil spill area with asphalt.

A Dow spokesman said he thought that eventually the soil—which will be contaminated for 48,000 years—would be scooped up and shipped to an AEC nuclear waste burial ground.

Martell still isn't convinced that anyone knows with certainty that all plutonium stayed on the plant site during the two major fires. He also is disturbed that Dow doesn't know how much plutonium was involved in the oil spill and thus can't know how much blew off the plant grounds.

Dow counters that all its test indicate no plutonium got out and offers a state public health service study to back its claim.

The state report said, "It is our conclusion that no public health hazard now exists from past releases from the Rocky Flats plant. It would be impossible, however, to estimate any hazard which existed in the past."

Workers handle the volatile plutonium in heavily shielded containers with lead-lined gloves at one end.

An investigation of the 1969 fire criticized the glove box system for lack of fire breaks, use of flammable material in the shielding,

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and placement of heat detectors outside the glove boxes where they were comfortably insulated from the heat generated by the fire inside the boxes.

Dow officials say a new production building incorporates all recommended safety features.

It could need them since company officials concede there are an average of five plutonium fires a year that breach the glove box system. Colorado committee members worry that one of those fires will breach the walls or roof of the plant.

The post-fire action of Giller's office in forcing plant officials to work with outside groups and agencies resulted, according to Siek, in his office getting full AEC cooperation. Health officials are now being cleared for access to sensitive plant areas.

President Nixon's reorganization of environmental control function chips away at one area where critics say AEC's atomic promotion and regulation duties conflict.

Under the plan to go into effect later this year, AEC's authority to set standards for the protection of the general environment from radioactive material would be transferred to the new Environmental Protection Agency.

The AEC would retain responsibility for implementing and enforcing the standards, however.

Another reorganization plan presented to Nixon by a presidential task force under direction of Roy Ash, former president of Litton Industries, reportedly would have shifted AEC weapons responsibilities to the Pentagon.

But AEC Chairman Dr. Glenn Seaborg says: "I believe those recommendations have been bypassed," as have other previous major proposed reorganizations of the agency.

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One factor working in the AEC's favor is the close relationship between the agency and the congressional Joint Committee on Atomic Energy. One commissioner, James T. Ramey, is the former staff director of the Joint Committee.

In one friendly exchange during a Joint Committee session, Ramey said he had attended many hearings on proposals to build nuclear power plants and "there are some professional 'stirrer-uppers' involved in each one of the meetings."

"That is a good name, 'stirrer-uppers,'" agreed Holifield.

Ramey described them in more detail as: "Gentlemen from some 'paper' conservation organizations that you can hardly find an address for, to persons associated with the coal industry who always seem to be around these days.

"Second, there is a group of younger scientists, some of whom might be a little bit on the extremist side who seem to always be talking on matters beyond their professional competence. . . ."

Then Holifield added, "A certain number of book writers, too, of sensational books."

Yes, agreed Ramey. "They are usually journalists and public relations men."

"That is right," said the chairman, "with no scientific background or competence."

"None whatsoever," replied Ramey, whose degree is in law.

[From the Evening Star, July 23, 1970]

UNDER THE MUSHROOM CLOUD—2: ARE U.S. RADIATION STANDARDS TOO LOW?

(By Donald M. Rothberg)

Two California scientists who say federal standards allow people too much exposure to radiation are locked in a bitter, name-calling battle with the Atomic Energy Commission while the nuclear power industry watches uneasily.

Radiation exposure limits are 10 times too high, say Drs. John Gofman and Arthur Tamplin of the AEC–financed Lawrence Radiation Laboratory in Livermore, Calif. They have more support in the scientific community than the AEC likes to admit.

Gofman and Tamplin say if every American got the maximum permissible dose of radiation, cancer deaths would increase by 32,000 a year.

Unfounded and incorrect, says the AEC. The maximum dose is so small it's impossible to single out any harmful effects it might have, contend AEC scientists.

"These people ask you to produce human corpses," Gofman says of the AEC. "No corpses, no action."

"This is the third time Gofman's taken off on a wild tangent," responds Dr. John Totter, head of the AEC's division of biology and medicine.

Totter dismisses Tamplin, who came up with the 32,000 figure, as "a biophysicist with no experimental background in biology . . . It's very common for physical scientists to make mistakes in biology."

But Gofman and Tamplin have support from scientists including Joshua Lederberg, winner of a Nobel Prize in Medicine; Linus Pauling, only man ever to win two Nobel Prizes; Dr. E. B. Lewis, expert on the effects of low doses of radiation, and Dr. Karl Z. Morgan, director of the health physics division of Oak Ridge National Laboratory and a member of the National Council on Radiation Protection.

Watching this debate is the power industry with its 17 nuclear plants now generating electricity, 47 under construction and 48 more proposed.

What role should the AEC, as both regulator and promoter of atomic energy, play in such controversies?

Dr. Glenn T. Seaborg, AEC chairman, said in an interview he believes the AEC "should be presenting all sides of the arguments. However, when there are attacks on the AEC and on individuals, I think it is natural for the individuals involved to try to defend themselves and to answer the attacks and the arguments that have been put forth."

The Gofman and Tamplin controversy started in 1969, when Tamplin was asked by the AEC to examine claims by Dr. E. J. Sternglass, director of radiology at the University of Pittsburg, that fallout had caused 400,000 prenatal or infant deaths.

Tamplin said he determined that Sternglass was way off in his estimate. Tamplin came up with the figure of 32,000 deaths and then wrote a rebuttal to Sternglass' findings in which he included his own calculations.

Totter telephoned Gofman and Tamplin on Aug. 13 and said he thought Tamplin's rebuttal of Sternglass' findings was just fine. But he saw no reason for including Tamplin's own calculations in the same article. Gofman and Tamplin disagreed.

From then on the debate became more heated.

Asked about Tamplin, Totter says, "We never at any time trusted Tamplin's figures since he has been there (Livermore)."

Totter says he actually protected both Tamplin and Gofman from other AEC officials who wanted to drop them long ago.

Yet Tamplin, for example, shows letters from such groups as the National Council on Radiation Protection and Measurements, the U.S. Public Health Service and the National Academy of Sciences asking him to participate in studies of the effects of radiation exposure.

Proponents of the AEC position that the radiation standards were more than adequate fanned out to give their views.

Theos J. Thompson, an AEC commissioner, told a meeting in Las Vegas that environmentalists were carrying concern with small traces of radioactivity to a ridiculous extreme.

"It is as though we decided not to get out of bed any more because we might slip on the way to the bathroom," said Thompson. "It is a sign of age—of giving up, of growing old, of decaying."

Dr. William Bibb, a biologist at AEC headquarters in Germantown, Md., and frequent pro-AEC speaker, said, "The public is scared of radiation and anyone who reinforces their fears is going to get a solid audience."

Gofman and Tamplin were getting a solid and widespread audience.

But the reins began to tighten. Early in May, Tamplin was notified he was being charged vacation time for days spent in March and April at a conference at the Center for the Study of Democratic Institutions, a session of the American Cancer Society and an environmental teach-in for members of Congress and science writers.

His appeal was denied on the grounds that "in all cases the trip and your involvement in the meeting was beyond the scope of your laboratory assignment."

Soon after the start of the new fiscal year July 1, Gofman complained he had lost two people from his 12-member staff. Tamplin's staff of 12 was cut to one research assistant.

The AEC responded that the staff reductions were part of budget cuts forcing elimination of 4,000 lab jobs.

The AEC added that the Livermore facility, operated by the University of California under contract from the AEC, "has maintained a policy of encouraging free scientific discussion . . . Neither the AEC nor the laboratory has abridged the freedom of Drs. Gofman and Tamplin to speak out on the issues."

The AEC is locked in the radiation standards battle even though all today's nuclear plants operate well within the stricter standard proposed by Gofman and Tamplin.

Why doesn't the AEC adopt the more rigid standard which apparently would change nothing?

"We think it would be just as wrong for us to arbitrarily lower the standards that have been set by experts not only in this country but all over the world as it would be to go above the standards," says Seaborg.

According to Seaborg, the standards are under study and if the experts conclude they should be revised, "we would be happy, of course, to comply."

Some companies with nuclear plants under construction reportedly plan to announce they will voluntarily adhere to a much lower release of radiation than the standards require.

The debate over the effects of low doses of radiation centers around this question: If a given dose of radiation can be shown to cause 100 cases of cancer within a population sample, will a dose one-tenth as large result in ten cases, and will a dose one hundredth as large result in one case?

Gofman and Tamplin contend this sort of direct, straight line or linear, relationship exists.

Many researchers, such as Dr. John Storer of the Oak Ridge National Laboratory, disagree. Storer believes that evidence shows that with exposure to very small amounts of radiation, the harmful effect drops off sharply.

But Lewis, a biologist at California Institute of Technology, says he thinks the Gofman-Tamplin case "is stronger than they realize."

Lewis believes, however, their estimate of 32,000 deaths is about double what the figure would turn out to be.

Pauling, a veteran of battles with the AEC over nuclear weapons tests and radioactive fallout, says of the Gofman and Tamplin estimate: "I don't think they've exaggerated at all. My own estimate is two or three fold higher."

All the figures are estimates because no one knows.

Lederberg cited this uncertainty as reason enough for adopting a stricter standard, coupling it with intensive research.

"You don't want to deal with the health of the public on any but the most conservative terms," he said.

Another prestigious supporter of Gofman and Tamplin is Morgan, of Oak Ridge, a scientist more closely identified with the AEC.

"The more I think about your hypothesis," Morgan wrote to Gofman "the more convinced I am of its validity."

The AEC proposed recently that radiation from power plants be voluntarily kept "as far below this guide as practicable."

Prof. Thomas Pigford, a nuclear engineer at the University of California and a member of the AEC's Atomic Safety and Licensing Board, said it shouldn't be left to power companies to volunteer to keep releases far below the standard accepted by the AEC. If that standard represents too great a public health risk, then the AEC should say so and adopt a stricter standard, he said

"I disagree with people who say if we lower standards we will force nuclear power into an uneconomical position," said Pigford. "We should evaluate safety first and then economics."

According to AEC projections of power use, nuclear plants now generate 1 percent but by the year 2000 will generate 69 percent.

Seaborg and other AEC officials pedict breeder reactors will be operational in the 1980s and because they produce their own plutonium fuel might, in Seaborg's words, "lead to the production of electricity at costs that would be spectacularly low by today's standards."

The first attempt to operate a breeder reactor in a commercial power plant occurred in the Enrico Fermi plant near Detroit. Early in October 1966, the plant was started. Immediately things went wrong.

The cooling system failed and the radioactive fuel elements melted—what is considered the worst accident likely to occur in a nuclear plant. After several tense days, the situation was brought under control.

Advocates of nuclear power plants say that despite the accident none of the deadly, highly radioactive fission got out of the Fermi plant. No one was injured.

Opponents claim the plant came within a hairsbreadth of blowing up and scattering radioactivity over the city of Detroit.

The AEC does not treat power plants lightly. Surveillance is intense during construction and afterward. All safety systems are multiple so if one doesn't work there is a backup.

The AEC so far has refused to permit construction of a plant in a city.

But Dr. Edward Teller, father of the hydrogen bomb, said he believes "a big nuclear plant 700 feet underground on Manhattan Island is safer than one 70 miles away on the surface."

The AEC contends the chances of any accident that would release radioactivity are so slight as to be virtually non-existent.

So far the power industry's safety record is perfect. But there aren't many plants and few have been operating more than a year or two.

In 1957, an AEC-commissioned study estimated that if a power plant released a large amount of radiation, loss of life would be in the thousands and dollar loss would be in the billions.

One expert now with particularly strong misgivings is David E. Lilienthal, first chairman of the AEC. Says Lilienthal:

"Once a bright hope shared by all mankind, including myself, the rash proliferation of atomic power plants has become one of the ugliest clouds hanging over America."

[From the Evening Star, July 24, 1970]

Under the Mushroom Cloud—3: Eons of Radiation Ahead

(By Donald M. Rothberg)

A growing pile of nuclear garbage will be giving off deadly radiation 1,000 years from now.

Radioactive leftovers are an inescapable byproduct of atomic reactors that produce the radioactive elements for nuclear weapons and generate a growing share of the nation's electricity.

They include 80 million gallons of boiling hot liquid stored in 200 giant tanks, and more mundane items such as rags, clothing and machine oil that make a Geiger counter tick.

Much of the criticism of AEC handling of nuclear waste centers on these points:

Two major facilities, the Hanford Atomic Works near Richland, Wash., and the National Reactor Test Site at Idaho Falls, Idaho, are in areas of moderate earthquake activity.

While the AEC says it now has methods for converting liquid waste to a more easily and safely handled solid form, progress has been slow.

NRTS is located directly above the Snake River Aquifer, one of the world's largest underground fresh water sources. Some low level liquid waste containing only minute quantities of radioactivity is pumped into the aquifer.

There have been 11 leaks from tanks at Hanford—one involved 50,000 gallons—in 26 years. AEC officials say the liquid moved only 15 feet and couldn't possibly reach the water table. Some scientists aren't so certain.

The rapid growth of the nuclear power industry is causing a proliferation of privately operated nuclear fuel reprocessing plants, waste storage facilities and shipment of highly radioactive material on the nation's railroads, which average more than 15 derailments a day.

AEC scientists worry as much as anybody about nuclear waste disposal. They were going about their work with little public notice or outside interference until May 1966, when a National Academy of Sciences committee handed in a report that gave the AEC more than it asked for.

The Committee on Geological Aspects of Radioactive Waste Disposal, one of many outside groups that advise the AEC, concluded that "no existing AEC installation which generated either high level or intermediate level wastes appears to have a satisfactory geological location for the safe local disposal of such waste products; neither does any of the present waste disposal practices satisfy the committee's criterion for safe disposal of such wastes."

The AEC commented that the committee had gone beyond its original scope, received "relatively little information concerning AEC operations" and made recommendations that would involve spending billions of dollars.

The committee report sat in files for more than three years until Sen. Frank Church, D-Idaho, heard about it and demanded a copy.

He got one, along with the AEC comments and the agency's note that a new National Academy of Sciences committee had been formed to look into waste disposal. No member of the old committee was named to the new one.

Despite having "relatively little information," the old committee had presented the AEC with a remarkably detailed and lengthy report.

Among its observations were these:

"Although impressed by the competence and dedication of the NRTS staff in its effort to solve many vexing disposal problems, at the conclusion of its visit the committee departed with two unrelieved major anxieties. (1) That considerations of long-range safety are in some instances subordinated to regard for economy of operation, and (2) that some disposal practices are conditioned on overconfidence in the capacity of the legal environment to contain vast quantities of radionuclides for indefinite periods without danger to the biosphere."

In discussing leaks from its Hanford tanks, the AEC notes that the liquid moved only 15 feet through the gray, hard soil, while the water table is 180 feet below the surface.

But the NAS committee described itself as dubious that radioactivity couldn't eventually be carried down to the water table "in the event of a rare calamitous flood."

About the same time it got the NAS report, the AEC was pushing for studies of the possibilities of earthquakes in the Hanford area. When Hanford was built during World War II, the primary considerations in choosing the site were its isolation and its dry climate. No particular consideration was given to the possibility of a strong earthquake.

Years later, when the first nuclear power plants were built, the AEC became earthquake conscious. Power companies were required to design plants to withstand a strong shaking and to conduct detailed surveys of sites to make sure they wouldn't build a plant right on a fault.

But the AEC's own installations didn't undergo the same review as power plants. It was suggested they ought to. In the mid-1960s a number of surveys were made of the Hanford area. All concluded that the chances of a strong earthquake were extremely slight.

Dr. G. W. Housner of California Institute of Technology did one of those early surveys and said in an interview that he concluded "it was not a region where we would expect strong shaking."

Two years ago Housner was asked to take another look at Hanford to determine whether the Hanford reactors were designed to withstand the maximum shock that might occur in the area. The U.S. Coast and Geodetic Survey rates Hanford as susceptible to moderate earthquake damage.

Housner recommended some changes but the AEC decided they weren't necessary.

The AEC says it is extremely unlikely that an earthquake could rupture one of the huge tanks at Hanford and send its radioactive contents spilling into the Columbia River seven miles away.

The Federal Water Pollution Control Administration is fighting a continuing battle with the AEC over operations at Hanford and NRTS. Officials of this Interior Department agency hope the Federal Water Pollution Control Act and Presidential Executive Order 11288 will give them the muscle to win a confrontation with the AEC.

"We're starting to go to the mat with the AEC," said one official at the water pollution agency's Portland, Ore., regional office.

The act calls for improving water quality and the executive order directs federal agencies to lead such efforts.

But in its report on NRTS, the pollution control agency said:

"The Idaho Operations Office of the Atomic Energy Commission operates on the policy that water quality can be degraded to the upper limits of the public health standards for drinking water at the point of first use below their operations."

"Chemical and radioactive wastes have degraded the ground water beneath the NRTS," the report said. It recommended that the AEC stop pumping low level radioactive waste into the aquifer and that it end the practice of burying solid waste above it.

The AEC then notified the state of Idaho that it plans to stop burying solid waste over the aquifer, though not for ten years or more. AEC plans would send solid waste to a repository it wants to establish in 1,000-foot-deep salt mines in Lyons, Kan.

Federal water pollution officials say they have yet to get permission to enter the Hanford installation and inspect the tank storage area.

They hope to eliminate Hanford's use of water from the Columbia River to cool reactors.

In 1966, federal water quality officials asked the AEC to halt this practice and install heat dissipation facilities Hanford. Nothing was done, they said.

Officials said they are more concerned about thermal pollution than with traces of radioactivity also found in the river and in shellfish at its mouth more than 200 miles from Hanford.

Preliminary results of studies now underway have shown that salmon, the most important commercial and sport fish in the river, are extremely sensitive to increases in the water temperature.

In answer to criticism that its vast store of liquid waste is particularly dangerous, the AEC says it expects to have converted all the liquid now in storage at Hanford to solid form by 1975.

But the growth of the nuclear power industry will greatly accelerate the generation of liquid waste. Walter G. Belter of the AEC's division of reactor development predicted in a recent speech that by the year 2000, there will be 77 million gallons of high level liquid waste in storage, only 3 million gallons less than is now in tanks.

The new fuel reprocessing industry is developing as a satellite of nuclear power plants. After about two years, the radioactive fuel elements in nuclear power plants lose their efficiency and must be replaced.

The so-called spent elements are extremely hot and highly radioactive. They are stored at the plant under water for three to six months to allow the short-lived radioactive elements to decay off and also to dissipate some of the heat. Then they are loaded into huge shipping casks for transport to a fuel reprocessing plant.

The only commercial plant now in operation is at West Valley, N.Y. Another is under construction at Morris, Ill.

The reprocessing plants have far greater potential for releasing radioactivity to the atmosphere than do power plants. Their normal releases of two radioactive elements—Krypton 85 and Tritium—are far greater than from power plants.

In addition, fuel reprocessing plants will become small storage depots for liquid radioactive waste. The liquid is generated when the spent fuel elements are immersed in acid and processed to recover plutonium and uranium. High level liquid waste remains.

The new Morris plant being built by General Electric Co., is designed to process the liquid immediately into solid form, a procedure that could solve the future liquid waste problems.

Most shipping of spent fuel elements to reprocessing facilities and potentially of solid waste to salt mines is via rail. Casks for holding fuel elements weigh 75 to 100 tons and are supposed to be able to hold up after a 30-foot drop onto an unyielding surface and 30 minutes in a 1,475 degree fire.

But the thick AEC regulations governing casks say nothing about the makeup of trains. While federal regulations prohibit putting unlike hazardous materials next to each other—such as radioactive material next to a load of explosives—there is no bar to putting them in the same freight train with a few cars in between.

Most of the 5,000 or more derailments of freight trains each year are minor. But in 1969 alone, 15 communities were evacuated after derailment of trains carrying carloads of hazardous materials.

There have been no cases where radioactive material has been involved in a major derailment.

But the railroads are leery enough of the prospects that some, including the Penn Central, refuse to haul spent fuel elements.

[From the Evening Star, July 25, 1970]

UNDER THE MUSHROOM CLOUD—4: QUAKE PERIL STIRS FEARS

(By Donald M. Rothberg)

Three things might halt plans for underground nuclear weapons tests on the remote Aleutian Island of Amchitka: diplomacy, law suit or gigantic earthquake.

Earthquakes are common on Amchitka. A shake just before the test scheduled for autumn 1971 could delay it. But far more damaging to Atomic Energy Commission's plans for continued use of the island as a test site would be a big quake right after the 1971 blast.

Testing could be curtailed if agreement is reached at the Strategic Arms Limitation Talks between the United States and the Soviet Union, or if a group of Alaskans who feel they are personally endangered by the tests win their contemplated law suit.

The earthquake issue was raised by a blue ribbon panel of scientists formed to report to the President's science adviser on the potential hazards of underground nuclear tests.

The panel headed by Dr. Kenneth S. Pitzer, president of Stanford University, studied data compiled primarily by the AEC from previous tests, talked to AEC scientists, then, utilizing the expertise of its own members wrote:

"The panel is seriously concerned with the problem of earthquakes resulting from large-yield nuclear tests . . . New and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large-yield test explosion and in the following weeks.

"The largest of the observed associated aftershocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce either immediately or after a period of time, a severe earthquake of sufficient large magnitude to cause serious damage well beyond the limits of the test site."

The report went to the White House Nov. 27, 1968, about 11 months before the first of a series of large-yield nuclear tests was to go off on Amchitka.

The panel also gave its opinion of the earthquake potential at the three existing test sites:

"The proposed tests at the central Nevada site involve a greater risk of earthquake than those at the regular Nevada test site, since the more northerly portions of Nevada are more active seismically. Since the Amchitka area in Alaska is still more active seismically, the hazard of inducing an earthquake must be considered to be greater at that location than at either Nevada site."

The report disappeared into the White House. Preparations continued on Amchitka.

Pitzer called Donald F. Hornig, science adviser to President Johnson, and urged that the report be made public. But, as Pitzer recalled an interview, the White House was reluctant to do anything with the report because Johnson had less than two months remaining in office.

When Richard M. Nixon took office as President, Pitzer called his science adviser, Dr. Lee DuBridge, to urge public release of the report.

On March 29, 1969, Pitzer received a letter from DuBridge rejecting public release but saying there was no objection to individual members of the panel speaking out.

Pitzer told the American Chemical Society two weeks later, "I believe the risk that a damaging earthquake might be triggered deserves a much more substantial public hearing before tests are held at the new sites in central Nevada and the Aleutian Islands, which are seismically active areas."

Sen. Mike Gravel, D-Alaska, asked for a copy of the report. He was turned down, he said, because "they felt that it was secret."

Actually the report contained nothing classified.

Finally on Sept. 29, three days before an underground blast in the range of about 1 million tons of high explosive was to be set off on Amchitka, the Pitzer report was released.

The release was handled, in Pitzer's words, "in a rather peculiar way."

It was included, beginning on page 49, in a 59-page pamphlet that discussed Amchitka test preparations, safety, site selection, the environment and even a sea otter relocation program.

Despite congressional apprehension, the test went off on schedule. No earthquake followed. No radioactivity escaped. Things went better than the AEC had anticipated.

But Dr. Frank Press, head of the department of earth sciences at Massachusetts Institute of Technology and a world renowed seismologist who was a member of the Pitzer panel, said: "We all would have bet that nothing would happen. The probability of something happening is small. The risk is very great."

Press pointed out that the AEC has said it plans to set off nuclear explosives of progressively larger yields. He said scientists don't know enough about earthquakes to know whether there might be a certain size shock from a nuclear blast which would trigger a major quake.

The greatest danger from an earthquake at Amchitka would come from the tidal wave it could generate. Press estimated it would take a quake with a Richter scale reading of 7.5 or 8 to generate a tidal wave large enough to cause damage in populated areas. The 1969 Alaska earthquake, one of the largest on record, had a Richter reading of 8.5.

An earthquake that large at Amchitka could send a tidal wave across the Pacific that would devastate coastal areas as far away as Japan.

The AEC answers that there are frequent large earthquakes in the Amchitka area and none has ever triggered a large tidal wave.

Even the Pitzer panel stressed that the possibility was slight. The report added that it does exist, however, and the need for testing should be evaluated with this in mind.

Two government seismologists for the U.S. Geological Survey said this month they found in a seven-year study that as many earthquakes occurred before underground atomic explosions as afterwards.

Their report in a scientific journal had been preceded last year by another report of three different scientists who concluded that underground explosions triggered significant earthquake activity.

Robert D. Jones Jr., manager of the Aleutian Islands National Wildlife Refuge, which includes Amchitka, watches with growing frustration the coming of what he calls "the bomb people."

For years Jones has worked to make Amchitka and other islands in the chain more hospitable to the rare Aleutian Canada Goose, as well as to bald eagles, and other wildlife.

But the preparations for the 1971 test are eliminating the ground cover and driving off the birds, says Jones. Another factor is the noise and activity.

"I think the bomb people have lost the skill of walking," Jones said in a telephone interview from the refuge headquarters in Cold Bay. "They seem to have to go everywhere by helicopter."

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Other Fish and Wildlife Service personnel are keeping a close watch on Amchitka and take a less gloomy view. They report that the eagle population actually has increased due to the more plentiful food supply represented by garbage.

"That's not true," responds Jones. "The eagles nesting there have been nesting for years. If they continue to harass those birds they will decline."

With its wildlife and susceptibility to earthquakes, why did the AEC settle on Amchitka for its test site?

AEC officials say the choice was narrowed to Amchitka and the North Slope in northern Alaska. According to Dr. Harry Reynolds of the Weapons section of Lawrence Radiation Laboratory in Livermore, Calif., the North Slope was eliminated because of the inhospitable climate, although it is seismically stable.

Maj. Gen. E. B. Giller, director of the AEC's weapons division, says another factor was ecological, particularly the presence nearby of caribou calving grounds.

But doesn't the AEC know enough already about detonating nuclear bombs—or devices, as it prefers to call them?

Is there any real need for more tests?

"You don't design a weapon and wonder if it will go bang," says Reynolds. The tests are "experiments, a series of experiments."

Not all the devices that the AEC makes go bang deep underground are weapons. Some are handled by the Plowshare program, the U.S. effort to find peaceful uses for nuclear explosives.

John S. Kelly, director of the AEC's division of Peaceful Nuclear Explosives, sees the use of nuclear explosions to release new energy sources as the most promising current Plowshare program.

Such experiments with natural gas and oil shale involve underground nuclear blasts in Colorado. They have popularized a bumper sticker among test opponents that advises: "Visit Colorado, Playground of the AEC."

There are problems, Kelly admits. The first natural gas stimulated by a nuclear explosion was radioactive to an extent that makes it unfit for use in homes. But Kelly is certain the radioactivity can be reduced in future shots.

Opponents of such programs worry that economics will dictate a relaxation of safety.

The two companies most involved in this program are CER Geonuclear Corp. of Las Vegas, Nev., and Austral Oil Co. of Houston, Tex. Three officials from these companies recently jointly wrote a paper called "Economics of Nuclear Gas Stimulation."

In it they said, "The two gas stimulation experiments performed thus far were so expensive they could not possibly be economic."

Opposition to the gas stimulation project known as Rulison in western Colorado led to the filing of a suit in U.S. District Court in Denver.

Everybody won a little bit. The project was allowed to continue with provision that proper safeguards be followed. But opponents were cheered by that part of the decision which gave them the right to sue a government agency whose activities they felt were potentially harmful.

One of the most ambitious Plowshare projects was the plan to build a new canal across Central America utilizing nuclear explosives.

The Atlantic-Pacific Interoceanic Canal Study Commission will report to the President on the feasibility of the project by Dec. 31, 1970. Its report will omit any judgment on the possible use of nuclear explosives because the AEC was unable to get the funds for the tests needed to give the commission pertinent data.

Among the AEC scientists most disappointed by the lack of progress toward the canal is Dr. Edward Teller, the physicist dubbed "Father of the H Bomb."

Teller dismissed, in an interview, reports that the commission would reject the whole idea of a sea-level canal.

Kelly also is reluctant to abandon the idea entirely. But, he said, at this time "any decision would have to be without reliance on nuclear technology."

THE REAL MEANING OF PRICE AND WAGE CONTROLS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. SCHMITZ. Mr. Speaker, on the last day of July, Congress held an unusual Friday session to spend several hours in a most peculiar debate on a bill establishing new cost accounting standards for defense contracting, onto which had been tacked a rider empowering the President, by Executive order, "to stabilize prices, rents, wages, interest rates, and salaries at levels not less than those prevailing on May 25, 1970"—the date the bill was introduced. This would authorize full price and wage controls.

After a day of bewildering maneuver, the bill was finally passed by the astonishingly one-sided vote of 257 to 19, with six other Congressmen also paired against it. Thus only 25 Members of the House registered their disapproval of price and wage controls.

Most Members apparently assumed that President Nixon will not use the powers in this bill, except in a true national emergency. By and large, Democrat Members seemed to think they were embarrassing the President by passing the bill, while Republican Members were willing to leave the decision entirely up to him.

I trust that the majority of my colleagues, who believe that the President will not use the vast powers they gave him, are right. But certainly the lopsided vote for this bill is not going to make it any easier for the President to resist the growing pressures to try this fraudulent instant solution to our growing inflation crisis.

Increasingly frustrated by the apparent inability of their Government and economic system to put the brakes on rising prices, more and more Americans are being sold on price and wage controls as the answer. Even in the House debate, the comments of many Members suggested that either they thought price controls can actually stop inflation, or wanted the people to assume so.

On the contrary, our own experience and that of many other nations has shown that price and wage controls in a free country do not actually halt inflation, but merely compound the problem.

They add immensely to the cost of Government—the greatest single cause of inflation. Even with a bureaucratic army of would-be price enforcers, price and wage controls cannot be generally or uniformly enforced. Black markets flourished despite price and wage controls even during World War II, when American patriotism was at its highest pitch in modern times, and we were engaged in all-out war for our national survival, and legal prices and wages also rose substantially. Now, with patriotism at perhaps its lowest ebb in all our history and disregard for law rampant, it is absurd to think that such controls could work without a total denial of freedom.

During the debate, some Congressmen attempted to blame our present inflation on the Vietnam war, conveniently overlooking the fact that nondefense spending now exceeds defense spending in our budget for the first time in 20 years, and that defense spending has been steadily trending downward ever since the regime of former Secretary of Defense McNamara while spending for welfare-type programs has been soaring.

Everyone should know by this time that inflation is inevitable without a balanced Federal budget. Yet when the final choice is made and votes are cast, there never seems to be enough who are willing to cut spending sufficiently to make the budget balance. So inflation goes on.

Price and wage controls will not work in a free country. But to a considerable extent they will work in a slave state like Communist Russia. If this is the only way we can think of to fight inflation, that could be its result. As Congressman H. R. GROSS of Iowa said in the July 31 debate:

> No President should be delegated the awful power to take over the economy and finances of this Nation without having declared an emergency and the reasons therefor. And no Congress should delegate to the President such untrammeled power without requiring such a declaration.
>
> I am willing to give the President emergency powers, but I want him to tell the citizens of this Nation that there is an emergency that necessitates those powers. This bill is a monstrosity in that it holds out false hopes to the citizens of this Nation.

ARE WE GOING TO ABANDON SUSTAINED YIELD?

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, August 10, 1970

Mr. METCALF. Mr. President, national forest management policy is rapidly approaching a state of crisis. The great public awakening now occurring in the field of environment is matched by growing pressure on the forests for more timber. Collisions already occurring between opposing interests in our forests foreshadow an impending major confrontation between conservationists and the timber industry.

The distinguished senior Senator from Wyoming (Mr. MCGEE) has assumed a leading role in bringing public attention to the increasing threats to our national forests. An excellent article in the fifth anniversary issue of Colorado magazine documents Senator MCGEE's efforts to force a critical reexamination of national timber policy. His succinct phrase, "Why should we make the Rockies like everywhere else, when everywhere else wants to be like the Rockies?" headlines the article and symbolizes his clear opposition to excessive cutting.

We are hearing from all sides these

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days—via Presidential statement, task force report, industry newsletters, public land law review report, speeches by industry foresters and Forest Service personnel—ominous sounds of a call for increased cutting. Such tortured arguments as the "increased water runoff," "reduced fire danger," and even "increased oxygen supply" are raised in support of greater timber harvesting.

What lies at the hearts of this policy, however, is revealed in President Nixon's statement of June 19 which calls for levels of cutting adjusted to "anticipated swings in demand." In other words the businessman is to replace the forester as the chief determiner of cutting levels.

The President's statement followed release of a report by the White House Task Force on Softwood Lumber and Plywood. Presided over by then Budget Director Robert Mayo, the task force called for a new policy of increased timber harvest to meet housing market demands.

The same sentiment had been voiced several months earlier in a speech by Presidential Counsellor Bryce Harlow, before a timber industry convention in San Francisco. In conveying his sympathy to the industry representatives over the death of the notorious "Timber Supply Act," he promised that economic relief would be soon forthcoming: He said:

> Tragic it is, but the fact is just unavoidable that as America deflates inflation, the first major industrial segment in the country to take the brunt of the contraction is always housing, which is your bread and butter . . . This has been the subject of repeated Cabinet and other discussions with the President, and, indeed, I report that we are exceedingly busy right now developing measures to alleviate it.

These measures which were busily being developed have emerged as the Presidential directive of June 19.

Obviously the Budget Director and the Presidential counsellor had their own concerns, and they were not those of the conservationists. But the fact that this economic stopgap measure has now become Executive policy is cause for alarm.

The entire policy shapes up as another dip into the natural resources till to bail an industry out of economic troubles. Previously set sound forestry cutting policies are to be altered to ease a short-term inflationary squeeze.

Senator McGee has called for a hard look at this policy and at questionable forestry techniques, such as clearcutting, which economic pressures promote. The article, entitled "Your Forests, Their Timber," spells out his position and makes clear the urgency of the crisis in our forests. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Your Forests, Their Timber

At first glance, Dubois, Wyoming, seems just like another small mountain town in the West. Ranches, motels, cafes, bars and curio shops lie cradled together in a gentle valley of the Rockies—all but walled in by a circle of red sandstone cliffs and picturesque snow-capped peaks.

There is the usual quaintness of any little Western town. It has a right angle turn in the middle of Main Street. A massive cement grizzly bear welcomes the traveler en route to nearby Yellowstone National Park. The independent Dubois Telephone Exchange, Inc. has petitioned the Public Service Commission to initiate one-party service. And of course, there is the new institutional brick post office looking much too stiff for this casual back-country community.

It's a nice quiet spot, but the people are uneasy. For years, the timber industry has run Dubois (pop. 574) by the scruff of its neck. Everyone there knows it—and feels it—no matter what they do. Some, like dude rancher Les Shoemaker, fight it because they see nearby forests being reduced to rubble. Others, like logging company president Glavis Reed, support it because it gives the Dubois area another 75 jobs—his own included.

No one in Dubois can escape the awesome lumber mill. For a half mile alongside the main highway coming into town, great piles of sawlogs and towering stacks of 2x4 studs actually obscure the nearby mountains from view.

No less imposing is the company's rip-roaring fleet of fork lifts, cranes, straddle buggies, bulldozers, and log trucks—a throbbing diesel armada that annually removes some 50-million board feet of timber from the high-country forests. And often the mill's large teepee-shaped sawdust burner spills a steel gray pall of smoke across the entire Wind River valley—causing one bemused visitor at Shoemaker's well-outfitted CM Ranch to dub Dubois "the little Pittsburgh of the Rockies."

Drive up the curving, dusty roads that lead to the nearby US National Forest—public land, all of it—and the lumber industry takes on another face. After a steady climb through peaceful pine and meadow country, a sudden turn in the road discloses a barren tract of rutted subsoil, upturned rocks and the charred remains of what once was a beautiful forest.

The lumberjack will explain with pride that here is where his crews have "clear-cut"—an efficient, modern method of tree harvesting that has been a boon to the company cost accountants at the absentee home office back in New York.

But last summer, when Wyoming Senator Gale W. McGee (D) used the Congressional recess to poke around these parts, he saw such timbering practices on the National Forest in a little different light. Wyoming outdoorsmen and conservationists had been browbeating their senior Senator for years about the ravages of clear-cutting. When McGee saw the devastation first hand, it almost snapped his head off. Places where intensive logging had taken place were, he sharply reported, "disaster areas. They look like they had been pummeled by B-52 bombers, rather than cleared according to a rational policy of national timber management."

The timbermen have tried to soothe McGee and his kind with assurances that it won't look bad very long. Natural regrowth of new trees, they proclaim, is right around the corner. But down in Dubois, Shoshone National Forest Ranger Hal Wadley can uneasily point to a map which shows some 16,000 acres in his district alone where no trees have come back—after 10, 20 and even 30 years of waiting for regrowth.

The lumbermen glibly respond with pleas for patience. Here in the Rockies, they explain, the growing season is short, the rainfall light, and the soil shallow. It takes time for Mother Nature to work under such severe conditions—and it may be more like 50 years before new trees start coming back in, and perhaps 150 before they look like a forest again.

By now the people are angry. Someone slams his fist on a bar and says, "What the hell do you mean—150 years? That's too damn long!" and he starts asking what's going to happen in the meantime—to the land, the water, the wildlife, the recreation, and the natural beauty?

Wyoming's Republican Governor Stanley K. Hathaway is quick to try and sugar these anxieties. "Logging is important to the state's economy," he has stressed repeatedly. "Its benefits can't be overlooked—the cash value of the lumber, the jobs, the income, the economic progress."

"Since the state already has so much Wilderness," reasons the sagacious Governor, "it's foolish to make a fuss about cutting just a few stands of timber here and there. And besides, the lumber people know what they're doing—because, after all, they're trained professionals."

Not so easily overlooked is the fact that the "timber problem" might be more than a matter of "to cut or not to cut." While Governor Hathaway cheerfully stumps for the logging industry, there is every indication that the real economic future of the Rocky Mountain West lies not in lumber, but in the careful development for outdoor recreation.

And the recreation boom is big in Wyoming. Fifty miles west of Dubois, U.S. Forest lands join with the region's two great National Parks: Yellowstone and Grand Teton. Last summer, over four million sightseers came to marvel at this remarkable concentration of natural wonders. Nearly two million visitors were recorded in the region's three National Forests. And growing numbers of backpackers and trail riders are exploring nearby Wilderness Areas.

Each fall, thousands of big game hunters funnel into Wyoming seeking deer, elk, moose, bear and big horn sheep. And around the town of Jackson, just south of Grand Teton Park, a year-round land boom has skyrocketed prices as high as $10,000 an acre, with a minimum purchase of ten acres.

When compared with recreation, however, lumbering brings quicker cash profits, and no long-term responsibilities. Logging is largely a cut-and-run operation; the big companies simply grab the good timber and get out. Then the U.S. Forest Service takes over and starts to undo the damage—and after clear-cutting, there's plenty of clean-up work to be done.

At best, clear-cutting is a swift, five-step method. First a Forest Ranger—often shadowed by a lumberman who is calling the shots—cruises a timber stand and marks what is to be cut. The area can be anywhere from a few acres to several thousand, and generally it's rectangular in shape for faster logging. Next, every tree in the specified area—usable or not—is toppled. Quickly the good logs are snaked out and trucked to the nearest mill.

Usually that's where everything stops—and the area is left looking like an abandoned junk heap. More often, however bulldozers mop up—scraping the remains into giant slash piles which are then burned. As much as 80 percent of a stand may go up in smoke. The Forest Service works with what's left—and most often that isn't very much.

Justification for this ten-thumbed procedure abounds—all with the nagging ring of shady half-truths, but spoken with conviction.

"Bark beetles will get the trees if we don't."

"Those trees are over-mature."

"We're preventing natural disasters."

"You have to have fire to pop open the cones and let out the seeds."

Senator McGee's response to these excuses was quick and to the point: "I don't think the Forest Service can explain away—with beetles or anything else—the devastation I've seen in Wyoming's high country."

The real reason behind clear-cutting is deceptively simple—dollar economy for the lumber company. It's much cheaper to saw headlong through an entire area than it is to selectively cut one tree here, and another there—preserving a sane semblance of natural woodland.

There may be sense in clear-cutting in

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some regions of the nation. Land in the deep South and the Pacific Northwest will regrow trees to cuttable size in 25 to 40 years.

But in the Rockies it's different. Above Dubois, for example, most timbering takes place at elevations between 7,500 and 10,000 feet, where the severe sub-alpine climate permits only meager regrowth—and at a snail's pace. Noting that it takes between 135 and 300 years for new trees to again reach maturity, Senator McGee has bluntly concluded, "In the high country, when you talk about harvesting timber, you are really talking about wiping out a forest."

Often in the Rockies, new trees just won't regrow, so the timbered area remains sterile, or fills in with scattered patches of sage and thistle. Artificial reforesting is both costly and chancy. Besides, the Forest Service budget for this rescue mission is paltry. Faced with the 16,000 acres of barren, clear-cut land in his district, Forest Ranger Wadley has only the funds to work on 300 acres in 1970. In the past, the timber industry has been asked to help with replanting, but has declined to do so.

"Working with the logging companies," quipped one disgusted Forest Service Ranger, "is like sharing a cabin with a half-house-broken elephant."

Generally, however, the Forest Service has been content to serve as the unofficial trade association for the lumber industry. Money, time and effort are lavished on timber "management"; the agency's 1971 budget shows a whopping $52 million outlay for timber—but only $25 million for everything else.

Arty pamphlets about logging adorn public information racks in ranger stations, and road sign propaganda staunchly proclaims "America Needs Productive Forests." In Montana's Lewis and Clark National Forest, a desolate clear-cut area has been honored as a scenic "point of interest"—complete with an explanatory billboard.

In the years since passage of the Wilderness Act of 1964, the Forest Service has consistently favored Wilderness Area boundaries that would allow more logging. And Forest Service Chief Edward P. Cliff shares with many of his men the questionable integrity of supporting the misleading National Forest Timber Supply Act—a bill that noted conservation writer Mike Frome has called "a flimsy, raw attempt to play on the housing shortage and high lumber prices" in order to accelerate clear-cutting everywhere.

In contrast, the Forest Service is treating millions of recreation-minded Americans who really own the public forest lands with benign neglect. In 1970 not a cent will be spent on campground construction in the three Forests of northwestern Wyoming—even though the present facilities are skimpy and often overcrowded. Elsewhere in the Rockies, the campground situation is even worse with already established areas being closed to travelers.

Teton National Forest Supervisor, Bob Safran, resents the increasing number of summertime visitors on his land, and sourly grouses about it becoming "a bedroom for the National Parks." Seventy miles south, Bridger Forest personnel have been trying to move a large Boy Scout camp from the shores of a clear lake to a deadwater pond full of leeches. And throughout the Rockies, Service officials fashionably wail about hippies invading their domain—and compile aggressively negative statistics on the costs of campground repair and litter clean-up.

In truth, this benighted branch of the Department of Agriculture is saddled with one of the more idealistic and difficult mandates ever handed a public agency in the U.S. The landmark Multiple Use and Sustained Yield Act of 1960 commands the Forest Service to equitably balance the use of its lands among recreation, livestock grazing, logging, mining, wildlife and watershed.

No one acre is expected to support all these uses—and if a certain area is specially suited to a single use, then it should prevail. The main point is to achieve a nationwide balance while still getting the most from each area.

During its decade of existence, "multiple use" has faired well on paper but poorly in practice—mainly because the timber interests have bullied the Forest Service into upsetting the balance it is charged to maintain. As Senator McGee remarked, "There can be no multple use of forests if there are no trees." And in many places in the Rockies, that's how it is.

The Fish Creek area in Wyoming is a case in point. Located in the National Forest country McGee toured last summer, the upper reaches of this once scenic stream rise up just under the Continental Divide. As it grows, the creek tumbles through a lush mixture of broad meadows, wooded ridges and undisturbed blocks of virgin forest. At least, that's the way it used to be.

Now a first class, gravel road penetrates the area—leading directly back to the huge U.S. Plywood mill in Dubois. Main logging roads push into every large stand of forest, and smaller access tracks branch out in all directions. About 50 percent of the area's trees are already gone—cut away in large geometric swaths up to 80 acres in size.

The logged land is now scarred and eroded. During the spring, heavy rains turn nearby streams coffee brown with mud and silt; often they flood. Then, in the summer, many dry up—and the area is the scene of miniature mountain dust storms. Obviously, fishing here is a sport of the past.

The Fish Creek drainage was also once a hunter's paradise. From 1960 to 1966, an average of 350 elk were taken there each year. Then the timber cutters came, and in 1968 less than 100 elk were successfully hunted. There is not only considerably less game, but also a real economic loss; in 1965, every elk killed represented $718 pumped into Wyoming's recreational economy.

Still the frantic timbering continues. Leaf through one of the small local weeklies that keep Wyoming scattered communities in touch with themselves, and occasionally the outside world. As often as not, tucked away on a back page will be an inconspicuous two- or three-inch announcement: "National Forest Timber For Sale" reads the modest headline—and the notice below mechanically spells out details about the area to be cut, plus the procedure to follow in submitting bids. Already large stands of trees have been sold in advance for clear-cutting as far ahead as 1975.

Unfortunately, there is plenty of official support for this headlong sell-out of Wyoming's recreational future. Ever since he took office in 1966, Governor Hathaway has been a tunnel-visioned champion of solely monetary development. In the tired tradition of the late 19th century robber barons, his attitude has shriveled to a gleeful fixation on immediate dollar growth. By the Governor's standards, apparently, anything that brings a quick buck into the state economy is good—and represents progress. No matter that much of Wyoming's new industry pays far more to out-of-state stockholders than to local citizens.

In recent years, Hathaway has passed for a rash of projects which threaten to decimate the scenic and recreational value of Wyoming Dams on the Upper Green River, one of the original six streams proposed for the National Wild and Scenic River System; private land grabs that would eliminate winter range for thousands of deer; pollution standards variances that would make the state's pure air laws a judicial joke; ostrich-like do-nothingism in cleaning up the state's dirtied waters. And, of course, timbering.

To begin with, the Governor has adamantly opposed the classification of any new Wilderness Areas in the state—despite the unmatched abundance of Wyoming mountain country suited for such official designation. The prime reason behind his stand: by Federal Law timbering is prohibited in Wilderness.

Instead of clarifying his position, however, Hathaway has created and then attacked an imaginary enemy. He has ripped into "those radical preservationists who would fence the entire state," he has raised the alarmist spectre of a "conservationist takeover," and last summer at the Western Governor's Conference in Seattle he needled Forest Service Chief Edward Cliff, asking, "When are we going to stop looking for new Wilderness Areas? You could turn my whole state into a Wilderness and then nobody could make a living!"

More serious than his verbal assaults, however, are the Governor's actions. State officials and employees who have attempted to support recreational values have been muzzled. Many believe Hathaway has stacked Wyoming's Fish and Game Commission with parties insensitive to the worth of outdoor activities. And its a fact that this Commission has forbidden certain Fish and Game Department officials to speak up in cases where recreation and wildlife are being threatened by commercial development.

When it comes to logging itself, Hathaway strikes a different note—praising the industry for its economic contribution to the state. But there's a side of timbering the evasive Governor doesn't mention.

At the end of a normal work day, Dubois area loggers will often gather at the Coffee Mill, a neatly kept roadside restaurant on the western edge of town. Sitting around in their beat up aluminum hard hats, these men talk freely about what it's really like to be tied to the timber industry.

Immediately it's apparent that the loggers feel a definite pride in their work. But here it's often hard to tell when a man is proud, and when he is trapped and making the best of a bad thing.

It was hell out there today, one of them says in a flat drawl. "We were cutting up near Union Pass, and the snow—its so damn deep, you dig down four feet before you start to cut. That's all we did most of the day—dig out trees. And who the hell pays us for shoveling snow?"

Another talks about his new chain saw—it cost him $280—that quits after 25 trees, so he loses a chunk of his day's wages. And still another describes how last fall he was winged by a falling pine, and lost six weeks' work with a lame shoulder.

Finally, long after the others have left, one last logger remains—still sitting at the table, and absently fingering his coffee cup.

"Guess I started when I was about 16," he recalls, "first in Colorado, then up in Montana, and now down here. All my life. Use to be there was small companies, but they all got squeezed out. So we work for the large ones—they're mostly owned out-of-state, you know—and they take the big profit. The local man that does the hard work—he don't make out. I cut logs and it costs me plenty—saws, truck, parts, gas, oil and living away from home.

"And now they say we're getting another pay cut. Pretty soon we'll all be broke. But then at the rate we're going, there won't be any timber left to cut anyway!"

Hard facts support these feelings. Most Wyoming loggers work on the antiquated piecework scale, earning $5.50 for every 1,000 board feet they topple. On a normal day a cutter will drop between 5,000 and 6,000 board feet—sometimes more oftentimes less. This adds up to about $5,500 annually for the average Wyoming logger. Up to 20 percent of those on the state's lumber industry payrolls also spend varying portions of every year on welfare.

Yet, strangely, Governor Hathaway continues to insist on "jobs now" and "timber now"—supporting an industry with a diminishing future which only brings $9,000,000 into the state annually, and which em-

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ploys just 1,100 workers. Back in 1965, hunting and fishing alone stimulated close to $60,000,000 of new revenue in Wyoming's economy.

Small wonder, then, that Wyoming Senator Gale McGee has jumped into the breech. A superbly conditioned outdoorsman with a genuine feel for the land, McGee is the most conservation-minded politician the Equality State has known. Most recently he has introduced two bills which would help protect the recreational and economic future of his state—before it is logged into oblivion.

The first bill proposes an enlarged Washakie Wilderness along the Continental Divide between Yellowstone and Dubois. The second act calls for a Bridger National Recreation Area along the western slope of the Wind River Range south of Jackson. If these recreational plans are approved, priceless lands will be saved from clear-cutting, wildlife will thrive, and large areas of National Forest land will be set aside forever for the people who own them.

For the time being, both of McGee's bills are bottled up in Senate committees—and neither are getting House support from Wyoming's lone Representative, Congressman John Wold, a political ally of the Governnor and also a co-sponsor of the ill-fated National Forest Timber Supply Act.

Commenting about the forthcoming fall elections, one local sportsman has remarked, "It's a lucky thing for the Republican Party in Wyoming that the trees can't vote!"

Senator McGee's own direct efforts with the Forest Service and Department of Agriculture have fared better—but it has taken hard-nosed persistence to get results. When the Senator first criticized clear-cutting, Agriculture Secretary Clifford M. Hardin denied there was a problem—and curtly implied that McGee and his people ought to shut up. In round two, Hardin was a little softer and admitted that there might be some small difficulties, but certainly none that his trusty foresters couldn't handle.

Now round three is in its waning moments. McGee has asked for a moratorium on clear-cutting in the forests of northwestern Wyoming. And he has requested that an impartial, outside Blue Ribbon commission examine timbering practices in the state.

Hardin has counterpunched with the assertion that a stop to clear-cutting would be premature. But now the Forest Service has suddenly reduced all cutting in the region and announced that a panel of its own experts will spend this summer scurrying over the mountain-sides to study the area.

McGee remains unimpressed. "We got this far by yelling bloody murder at them, because they are wrong," he has said—and the Senator is still after a fair shake for the forests. The new Forest Service study panel bothers him—because it was appointed with no outside advice, because it contains no one from Wyoming, and because—as McGee puts it—"it's as if the judge, the jury and the prosecuting attorney were all from the same club—the US Forest Service! So we're guaranteed a rigged trial in advance."

Senator McGee isn't the only one hammering away at the Forest Service. Just recently the common people have gained some power to smoke the bureaucrats out of their self-protective dens. Early in 1969, the White River National Forest in Colorado announced a timber sale in a lush 17,000-acre woodland—eight miles north of the world-famed ski mecca of Vail on the edge of the Gore Range-Eagle's Nest Primitive Area. Sparkling East Meadow Creek splashes through the proposed timber cut sector—long a haven for riders, hikers, anglers and hunters.

When the Forest Service began advertising the East Meadow Creek sale, 12 residents of Vail, several conservation groups and Colorado Magazine were fast to oppose it. Efforts to discuss the matter with Forest Service personnel went nowhere and the timber was quickly sold to Kaibab Industries, a large Western logging firm. Simultaneously, local rangers in the White Rover Forest told Vail businessmen, "Keep your noses out of our logging operations, or we'll make it damn hard on your plans for future ski area expansion!"

At that point, aroused citizens boldly sued the Forest Service, the Dept. of Agriculture and Kaibab in an effort to halt the cut.

The legal move was unprecedented, and from the start hardly a soul believed the people had a chance. The defendants, treating the suit like a pesky mosquito, moved brisky to have it dismissed. Those simple citizens, they argued, have no legal standing to sue the Government like this. We are the appointed experts—we know best—we are protecting the public. Besides, they gloomily predicted, to even allow such a case into court would stir up a horrendous wave of similar suits against government agencies. Former US Regional Forester David S. Nordwall went so far as to suggest that "we would be out of business" if the Forest Service did as the plantiff asked.

U.S. District Judge William E. Doyle was unimpressed by the Government's plea. "No more horribles, please," the Judge warned Nordwall. And he briskly turned thumbs down on the defendants' "chicken little" approach—saying "I don't think the sky will fall if there's an adverse ruling . . . one little judicial decision is not going to cause a ripple in the mazes of bureaucracy." The motion to dismiss was denied.

On January 26, 1970, the East Meadow Creek suit went to court. The Government—joined by the logging industry—lowered its legal guns and boomed away in support of the timber cut. The people of Vail barked back, arguing that the scenic area was essentially wilderness and should be preserved as such.

A turning point in the litigation came when the plaintiffs entered as evidence 12 large color photographs of recent clear-cutting in the White River National Forest not far from East Meadow Creek.

Taken by Colorado Magazine in September, 1969, the pictures showed scene after scene of clearcut devastation. Visibly struck by these exhibits, Judge Doyle directly questioned Regional Forester Nordwall.

"Sir," he asked, "what do you think of this timbering practice?"

Nordwall hesitated, swallowed hard and replied, "Well, Your Honor, this is not a very good example of proper forestry."

The moment was crucial. Thereafter, the trial moved to a swift conclusion; then Judge Doyle deliberated almost a month before delivering his decision. On February 27 it came—an indefinite injunction against the defendants, ruling that not a tree in the area can be touched until Congress and the President study the area for inclusion in the proposed Eagle's Nest Wilderness.

The East Meadow Creek trial (now gaining fame as "The Great Chicken-Little Case") is a dramatic victory for the people who love their land. Former Secretary of Interior Stewart L. Udall praised the injunction, saying, "Now at long last maybe we will begin to put posterity ahead of prosperity."

Nationally known environmental lawyer Joseph L. Sax observed that "The great beauty of this suit is that it has forced the bureaucrats to come out from behind the officialdom of their reports and studies, and talk plainly to the people they are hired to serve."

And veteran Wyoming conservationist, Mike Leon, believes that, "Just the threat of a suit is going to prevent a lot of senseless damage." But, he adds, "only the people—all those who fish, hunt, camp, hike, * * * and enjoy the country—are finally going to save our trees from the Forest Service and the lumber barons."

So the battle must go on. The Government and the logging industry have appealed the East Meadow Creek decision. Colorado Representative Wayne Aspinall has ominously hinted that his Public Land Law Review Commission will revive the National Timber Supply Act in an even more odious form.

Daily the logging industry demands more cutting on the public lands—while it overcuts its own private forests for export to Japan, and sells off the scarred remains at a profit.

In the Rockies, Forest Service officials continue to insist that clear-cutting is right. They talk re-forestation with the same curious confidence as the man who believed he could grow bananas on Pikes Peak. And they calmly soft-pedal the intensively logged wastelands that will scar the mountains high country well into the 22nd century.

Not long after Senator McGee returned from his examination of timbering practices in the National Forest last summer, he had the occasion to write a Wyoming resident about those trips, McGee had been asked, flatly, what he thought and felt about the clear-cutting he'd seen and what it meant. He had two basic observations to make:

"Haste for jobs and industry may finally result in no jobs and no industry.

"I believe we must mind our obligations to our children, and their children, and their children. The least we can do is give them something to work with. If you level the forests on the mountainsides, you're not giving these future generations any choice about their environment. So let us use drastic caution to preserve all our resources so the America of the future will have the freedom to choose for itself."

A GOVERNMENT BY THE PEOPLE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. WALDIE. Mr. Speaker, in light of the most recent National crisis of the incursion of American troops into Cambodia, and in light of the Vietnam war in general, the very real possibility of one branch of Government dominating the other two branches of Government has emerged.

I would like to direct the attention of the House on a very perceptive and articulate paper written by one of my constituents, Miss Tara Bryan of Lafayette, Calif.

The letter, I feel, emphasizes the vital necessity for us, as Members of the Congress of the United States, to assert our constitutional prerogatives thereby creating a strong, effective, and viable branch of the Federal Government as our forefathers so veraciously intended it to be.

Her remarks follow:

A GOVERNMENT BY THE PEOPLE

The Legislative branch of the United States Government should have the ultimate role in determining our policy in Indo-China. The Senate majority feels that they do not have enough voice in the Indo-China police action. As stated in the Constitution of the United States the President's foreign policy is subject to approval by the Congress.

The Senate does not have enough voice in the Indo-China war. In March of 1969 the Senate recessed increasingly concerned over the Nixon Administration's emerging defense policy. There was a general uneasiness—enforced by the Vietnam war—over Congress's diminishing say in the use of United States military forces abroad.[1] Senator William

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Footnotes at end of article.

Fulbright began a crusade against the executive power going unchecked in Indo-China. It now seems clear that there must be a better way than heaping all the troubles of Indo-China on the President's desk. The recognition of this fact has been sped along by the country's reaction to the Vietnam war. This war has brought a feeling of disillusionment with the executive powers and the problem seems to have arisen from a liberal overreliance on its strength. Johnson acted in 1965 without any genuine Congressional sanction and against his own promises to the populace.[2] Because of all the turmoil in the country and the government, Senator Fulbright pulled an old bill out that had been shelved in November of 1967.[3] The *National Commitments Resolution,* was strongly supported by the Senate. It, in part, stated that in future "situations in which the United States is not already involved, the commitments of armed forces of the United States to hostilities on foreign territory for any purpose other than to repel an attack . . . or to protect United States citizens or property properly will result from a decision made . . ., in addition to appropriate executive action, require affirmative action by Congress specifically intended to give rise to such commitment."[4] Although this does not directly pertain to the Indo-China commitment it will most probably allow the legislature more voice in Indo-China as well as future policies.

The President's foreign policy is subject to approval by the Congress as it is stated in the United States Constitution. This check is designed to prevent a totalitarian government and to allow democracy. Our nation is run by a representative-democracy with our Congressmen and Senators as acting mediators between the people and the Executive branch of government. When the President acts without consulting the Congress the people are threatened with tyranny or disaster. The Cambodian involvement angered many in the nation because no one knew about its proposal until it was already under way. Congress was not aware of the Cambodian invasion until the people were informed. Many Congressmen were deeply insulted at not being confided in or consulted with. This is why limits must be placed upon the executive power. The report of the Foreign Relations Committee in 1969 warned against the "concentration in [the] national executive of unchecked power over . . . the disposition and use of the armed forces,"[5] also that a "national commitment by the United States to a foreign power" can only be made with "affirmative action . . . by the executive and legislative branches."[6] It is believed that it will be a long time before Congress would again so tamely provide a President with anything like the Gulf of Tonkin resolution—a virtual blank check which went mostly unchallenged in 1964. Vietnam seems to have been the ultimate in Presidential power in the twentieth century.

The Legislative and Executive Branches of the United States Government have joint responsibility and authority to formulate the foreign policy of the United States. The Vietnam war has been escalated and expanded by the executive powers for the last decade or more with little consultation with the people and their representatives in the legislature. If the war were "won" it would not be in any sense that can be understood. Under the guidance of President Johnson the war has become a powerful factor in the developing reaction against Presidential government.[7] The Johnsonian version of military commitments in Vietnam made clear the lengths to which Presidential power could be carried. All that can be said with any certainty is that both at home and abroad, the President of the United States may not be quite as free as he was, he is at least under the scrutiny of the people. Through our Legislature it is necessary for us to act toward peace and reconciliation. As compassionate citizens we can only hope that it is not too late to salvage what is left of Indo-China.

FOOTNOTES

[1] "Congress: Fulbright's Revenge," *Newsweek,* April 14, 1969. p. 38.

[2] Tom Wicker. "The Presidency Under Scrutiny," *Harper's,* Oct. 1969, vol. 239, No. 1433, p. 93.

[3] "Congress: Fulbright's Revenge," op. cit.

[4] "National Commitments Resolution," *Congress and the Nation,* 1965–68, Vol. II, p. 83.

[5] "Congress: Fulbright's Revenge," op. cit.

[6] Ibid.

[7] Wicker, op. cit.

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1. "Congress: Fulbright's Revenge," *Newsweek,* April 14, 1969. p. 38.
2. *The Constitution of the United States,* Article I; Section 8, Article I, Section 2.
3. "National Commitments," *Congress and the Nation,* 1965–68, Vol. II, p. 83–4.
4. "National Commitments Resolution," *Congress and the Nation,* 1965–68, Vol. II, p. 83.
5. *The San Francisco Chronicle,* Sat., June 27, 1970.
6. Wicker, Tom, "The President Under Scrutiny," *Harper's,* Oct. 1969 Vol.' 239, No. 1433, p. 92–4.

101ST BIRTHDAY ANNIVERSARY OF MRS. THEODOSIA SEARCY LOWREY

HON. JOHN L. McCLELLAN

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Monday, August 10, 1970

Mr. McCLELLAN. Mr. President, today is the birthday of a distinguished lady who was born in the State of Arkansas 101 years ago. She is Mrs. Theodosia Searcy Lowrey, whose father was James Bryant Searcy, a minister, educator, and editor. He was co-founder of Ouachita College in Arkadelphia, Ark.; first editor and co-owner of the Arkansas Evangel; Arkansas editor of the Tri-State Baptist Paper; and vice president of the Foreign Mission Board of the Southern Baptist Convention for 7 years.

Mrs. Lowrey received her early education in Arkansas and attended Blue Mountain College in Blue Moutain, Miss. A year later she married William Tyndale Lowrey, president of the college and son of its founder, Gen. Mark Parrin Lowrey.

For the next 45 years, Mrs. Lowrey was first lady in four colleges in Mississippi—Blue Mountain College, Hillman College, Mississippi College, and Gulf Coast Military Academy. She also was an administrator at Hillman College and was an instructor at the others. She received her B.A. degree at Blue Mountain, and at the age of 60 earned her M.A. degree from Mississippi College.

Mrs. Lowrey is now living in Greenville, S.C., with one of her daughters, Miss Sara Lowrey, who is a retired college professor, lecturer, and author. Her other children are: Capt. (ret.) Searcy Lowrey of Little Rock, Ark.; Mrs. Ruby L. Buchanan, Birmingham, Ala.; and W. T. Lowrey, Jr., of New Albany, Miss. Mrs. Lowrey is the grandmother of Congressman JOHN H. BUCHANAN, JR., of the Sixth Congressional District of Alabama.

Mrs. Lowrey is a registered Democrat and has voted in every election since women have been permitted to vote. She is still active in the League of Women Voters and the American Association of University Women. Although Mrs. Lowrey is no longer formally associated with a college, she maintains an interest in the field of education, tutoring youngsters and conducting research projects for her daughter.

Mr. President, my grandfather and my father were well acquainted with the Searcy family in Arkansas, and I recall having heard many favorable references to these earlier Arkansans and their high standing in the community.

I extend congratulations and sincere felicitations to Mrs. Lowrey on the occasion of her 101st birthday and hope she will enjoy many more birthdays in the coming years.

YOUTH CONSERVATION CORPS CAN ACCOMPLISH MUCH IN IMPROVING OUR NATURAL HERITAGE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. BOW. Mr. Speaker, while Congress was nearing completion of its work on a modest pilot program looking toward the establishment of a Youth Conservation Corps, I received from Leo A. M. Brediger an outline of what might eventually be accomplished by young people in preserving and improving our natural heritage.

Mr. Brediger envisions a program in which all able youngsters ages 10 to 15 could participate, and his letter, which I wish to offer as part of my remarks, is worthy of consideration in the departments responsible for the proposed YCC:

BREDIGER GREENHOUSES & NURSERIES,
1301 Lincoln Way Northwest,
Massillon, Ohio.

Congressman FRANK T. BOW,
1718 Market Avenue N.,
Canton, Ohio.

HONORABLE SIR: I am a Florist, Nurseryman, Horticulturist and Naturalist by hobby.

Take all this child delinquency and soil erosion, forest fires, floods, pollution of air and streams and destruction of our woodlands by the ignorant public and school kids that do not learn to appreciate the beauty of nature and when our City takes over a woodland area to make a Park they pull out all wild flowers and destroy all scenic spots and plant a few petunias and call it a wilderness center.

All our streams and small rivers are never cleaned out and rivers are so full of dead limbs and rubbish that with a little rain they flood their banks. This should be taken up by the Federal Government. Put a boy's corps and a men's corps associated with the Army Engineers all boys coming home from the war and have no job to go to should be put in the Army Engineers to oversee the cleaning up of all this country side.

If you would start in the mouth of the Mississippi River and take 25′ of soil from the middle of the stream and taper up to nothing at the banks and put this soil in the lowlands on each bank and raise these banks up so they would be above flood level then these people that live along the river give them an annual pay to maintain these parkways.

Follow up one thousand miles at this depth then the next thousand miles go down 20′ and when you come to the large tributaries go down 10′ and do the same process. Then small rivers and streams you could go down 6′. The small streams and creeks of about 10′ wide go down 4′ and widen these a few feet as this is where the floods start. People throw rubbish and all debris in these places and then start to clean the banks of the streams of all high grass that make pollution from swamp oak, gypsum, ragweed, poison ivy and nettle, this would stop your beginning of the pollution of air and streams.

Take boys from 10 to 15 yrs. of age to rake up these weeds and limbs in piles and then take boys 16 to 18 and have them to take these to a place to burn or plow in the soil. Take your Men's Corps under the supervision of Army Engineers to widen and clean these creeks and all woodland area should be cleaned 25′ from all roads to stop forest fires. This would give kids nice fishing and boating and winter skating places as they have none now. Do not take boys more than one mile from their homes. Give boys 10 to 15 years of age 4 hrs. work each morning during vacation. This would teach them to keep these places clean and teach them the value of money which they do not know now. If you would pay these boys from 10 to 15 yrs. $1 an hour, then boys 16 to 18 yrs. old $1.50 an hour and men $2.00 an hour, then to pay for this work, without taxing the already over taxed home owners, put on a National Sweepstakes program like Governor Rockefeller did in N.Y. State, but make tickets $5.00 each. 1 million tickets in each series. Give ½ million prizes and ½ million to process each set of tickets. Put these in every Post Office in the Country. This would give you 4 million dollars for paying these people and make the winners tax free as they are paying 80% in this process now so let's try to put the Country in a better condition this way. Just like the floods and forest fires, they have in the State of California, this would eliminate these troubles.

Then take your Army Engineers and men's corps to these mills that are polluting our rivers and build small lakes or large ponds to catch all the acids and iron oxide and phosphorous, put sand bars in to filter these out and every three months clean these out and take this debris to open fields and with the acids of the soil would turn these to fertility.

I use 2 boys each year during vacation and teach them soil erosion, control planting and caring for these jobs. This would teach them to take care of our places of natural interest instead of destroying them as they do now.

I am a member of Stark County Historical Society which is doing a nice job on the part of The Old Ohio Canal at Canal Fulton, O. which was in a very bad condition, filled with rubbish and dead trees and weeds that it is an eye sore through most of the State.

I figure you could use 30 million boys during vacation time and 10 million men and your Army Engineers. This would be like putting a new industry in the Country.

ANTI-MONTANA BALLISTICS—AMB'S

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, August 10, 1970

Mr. METCALF. Mr. President, it might be useful to other Senators in connection with the debate on Safeguard authorizations and appropriations and as new sites are considered, to know something of the Montana experience as it unfolds, so that Members may be, because forewarned, forearmed. It may be, but for the honor, we might all rather have walked.

The Montana experience is particularly enlightening because it illustrates the hidden effects of the Safeguard construction projects on the local communities which become the unconsulted hosts of nuclear missile emplacements. Aside from the questionable merits of the defense arguments, there arises the entire issue of the impact of a large population influx on these small communities.

Unfortunately, the Nixon administration is demonstrating here once again an incredible lack of foresight in planning for the dramatic changes Montana communities are expected to undergo. Typically, the local communities are expected to bear the Federal defense burden and are left to forage for some supposed source of Federal assistance to meet their greatly increased needs. The meager Federal attempts to plan for the expected population impact indicates an appalling lack of understanding of the problems involved.

The Army Corps of Engineers at the direction of the U.S. Army Safeguard System Command, has prepared a document entitled "Community Impact: Malmstrom Deployment Area" that—

First, presents studies to identify problems that can be expected to occur;

Second, provides information for dealing with problems;

Third, identifies potential sources of outside assistance to communities affected by the Safeguard project.

Mr. President, the report states that a population increase, some of which is temporary, will total about 13,000 persons in the communities surrounding the Montana installation, whose present population is approximately 75,000. It is an increase of over 17 percent.

The Army expects the population of one small city, Conrad, to double from 2,767 to 5,600. Ten percent of the increase is a result of highway construction impact. The school population is expected to go up from its current level of 1,154—elementary and secondary—students to a peak of 2,094 in 1973–74 in the same community. Expansion of schools and sewer systems to accommodate the added population will cost, the Army estimates, $770,000, and added police and fire protection would amount to $50,000 annually.

Mr. President, at subsequent times I hope to analyze individually the problems Montana communities will have as a consequence of Safeguard.

A first reading, however, makes plain the uncomfortable reality that the citizens in the Malmstrom Deployment Area, unless there is significant change in current policy, will bear far more than their fair share of the burden of this defense system whose deployment is a No. 1 priority for the Nixon administration.

The costs of expanding our communities to accommodate those required to build and man this high priority defense facility are a Federal responsibility just as surely as the system itself, and defense appropriations should be increased accordingly. I intend to ask for them.

For example, it is ridiculous for Safeguard Command to advise Montana school districts to make application for funds for construction of schools under Public Law 815. Everyone in this Chamber knows that the appropriation of only $15 million in each of the last 3 years for school construction for the whole Nation has left a backlog of $236 million in unmet needs. The potential source of outside assistance for these additional needs, to which the Command has directed us, does not exist. We have run the course.

As Mr. Nixon insists on his priorities, we have entered the age of contradictions:

He will build the Safeguard but he does not offer low interest rate loans for housing to those doing the building and his monetary policies have increased rates in Montana to 9 percent.

He will expand our antiballistic missile system but he vetoed appropriations which would have given the school districts with Federal impact some money to handle current needs.

While willingly funding elaborate defense programs, because there must be more for defense, he vetoed a hospital bill, yet among the builders and supporters of defense systems in Montana presumably some will need hospitalization.

Big on law enforcement, the administration has money to become the world's policeman, but urges a smaller Federal share of assistance for domestic law enforcement, while his Safeguard Command says more policemen will be required in the Malmstrom Deployment Area.

He deplores water pollution but by veto and budget reductions defers construction of sewer systems needed now and requires a greater share of local money so that Federal taxes will go for Safeguard and MIRV and a defense loan to a failing railroad and cost overruns on defense contracts and other necessities.

Montanans in the impact area of the Safeguard are not only on target, they are singled out to provide facilities and services to support their vulnerability. They are treble taxed. They are learning what Mr. Nixon's priorities mean for them.

Mr. President, as time permits in the near future, I will take up item by item the dollar cost to Montanans of the Safeguard. I expect to discuss local taxation for costs of water and sewer systems, roads, law enforcement, and education facilities that will be required as a consequence of the impact.

I expect to discuss the questions of competition among communities for funds, already limited by the administration by veto and reduction in favor of an essential defense system for whose construction they would tax the honored communities several times over.

I will discuss the costly contrasts presented by the Nixon promises in his message on Indians. He said:

> The Indians of America need Federal assistance—this much has long been clear.

But the reality is that once again they will stand in line.

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I hope that as the Senate continues its consideration of expansion of Safeguard to other communities, Senators will find enlightening and useful my discussions of the Montana experience.

THE MIRACLE OF THE VISTULA
50TH ANNIVERSARY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. HELSTOSKI. Mr. Speaker, of the wars that followed World War I as a result of the political changes it brought about, the Polish-Soviet campaign of 1920 is foremost regarding the size of the conflict and its historical importance.

Poland had just emerged from a 130-year period of partition. It was starting to form a democracy when the Bolshevik state mobilized to destroy Poland. The most decisive battle of the conflict was fought for Warsaw on the Vistula in August 1920. Conditions favored the Bolsheviks because of the strategic superiority of Soviet forces. A general offensive had been launched by Soviet Commander in Chief Tukhachevsky on the northern front. The Poles were outnumbered 2 to 1, the Polish left flank was broken, and masses of enemy cavalry poured into the gap, encircling the Polish line from the north. At this stage the Polish commanders were virtually powerless. General Sikorski writes:

> It was generally felt that a period of tragic hopelessness had set in, during which the major part of the Polish Army was in retreat not unlike a rudderless boat on stormy seas.

This was the precarious situation on August 6 when Poland's commander in chief made the historic decision to shift the theater of the war to the Middle Vistula. His aim was to regroup Polish forces to screen Warsaw, which would bear the brunt of the assault. Soviet and Polish forces clashed August 14. The first day of the battle was a thorough failure for the Poles. But for the next few days General Sikorski successfully contended with the enemy, which at this time was three times stronger than his own forces. But fortune quickly turned against the Poles. The situation was described by Tukhachevsky:

> The doom of the 5th (Polish) Army seemed inevitable. . . . Still their luck held. . . . In this absolutely monstrous and inconceivable situation the Poles succeeded not only in checking the offensive of the 3rd and 15th Soviet armies, but also in gradually forcing them back eastward.

In spite of the hopelessness of the Polish forces, General Sikorski mustered his troops for a fresh attack on August 10. The Polish counter-offensive moved with great ferocity, forcing a Bolshevik retreat. It swept away the Soviet screen and, by huge forced marches, managed to pierce the lines of retreat of the exhausted 16th Soviet army. The Poles took this Soviet division by surprise in the historic battle for the Warsaw bridgehead. The Bolshevik forces were gradually routed. One by one, the Poles attacked the lines of retreat of the remaining Soviet armies. Turning defeat into victory, the Poles had foiled the Bolshevik invaders. The rest of the campaign was a matter of exploiting and extending the success on the Vistula.

Sikorski's ingenious military maneuvers deserve much of the credit for Poland's success. But considering the initial Bolshevik strategic advantage, the Polish military victory on the Vistula was a miracle. The battle is significant in the larger sense that it stopped the spread of Bolshevism threatened by the Polish-Soviet war of 1920.

According to the narrative of Soviet Commander Tukhachevsky:

> There was not the slightest doubt that, if we had succeeded in breaking the Polish Army of bourgeois and seigneurs, the revolution of the working class in Poland would have been an accomplished fact. And the tempest would not have stopped at the Polish frontier. Like a furious torrent it would have swept over the whole of Eastern Europe.

In this sense, Poland's valiant victory on the Vistula rescued Poland and the rest of Europe from the threat of Bolshevism.

Mr. Speaker, in connection with my remarks on the miracle of the Vistula, I would like to include an article written by the Reverend Anthony J. Rozewicz, CSC, which appeared in the Polish-American, a weekly newspaper published in Chicago, Ill., widely read by the Polish-Americans of the United States.

The article follows:

THE 50TH ANNIVERSARY—1920–70: MIRACLE ON THE VISTULA

(By Rev. Anthony J. Rozewicz)

This year Poles in all parts of the world commemorate the fiftieth anniversary of an event which they poetically call "The Miracle on the Vistula."

What is the Miracle on the Vistula? The term itself is only a dignified epithet, but it signifies a momentous military achievement. It refers to that remarkable and totally successful Polish counter-attack which, fifty years ago, drove the Bolsheviks away from the banks of the Vistula river where they were entrenched close to the gates of Warsaw. Then with rapid succession, the enemy were ousted from all the territory previously gained by them in Poland.

Human calculations did not forsee such a swift, complete and glorious triumph as was actually accomplished. Other elements besides mere military strategy seem to have played a part in this extraordinary victory. It was won not by the Polish army, but by the Polish people. Every Pole in Poland at the time rose to the defense of his country. Even women, yes even mere boys and girls with rifles or any available weapon in hand, went to the front. Assiduously and without respite was Warsaw preparing to defend herself. In the midst of that antlike toil and commotion before an impending danger, the inhabitants of the capital, as well as of other parts of Poland, found time to call upon the Almighty for consolation and succor. The Poles are a religious as well as a brave nation. From churches everywhere throughout the land, devout prayers ascended to the Father Who is in heaven as also to the Blessed Virgin whom the Polish people cherish as Queen of Poland.

Skeptics may have smiled cynically at such comportment. Nevertheless, at the appointed hour the battle on the banks of the Vistula began. The Polish fighters carried it to the enemy. The result was a bloody clash and a victory that was swift, thorough and decisive. Within but a few days the Bolsheviks, beaten at every point, were demoralized and routed. Soon they sued for peace. The poles are willing to ascribe that sudden and extraordinary triumph to a special providence of God in their behalf. Hence the epithet, "The Miracle of the Vistula."

THE HERO

The hero of the Miracle of the Vistula was a capable, saintly, brave and energetic young priest, Father Ignatius Skorupka by name. So dearly do the Polish people cherish his memory that legends attributing to him superhuman powers were heard concerning him.

Who was Father Skorupka? What did he do?

Father Skorupka was one of those upright and unusually gifted souls with a tremendous capacity for work. While the enemy were whetting their weapons on the banks of the Vistula, close to the metropolis of Poland, Father Skorupka vowed in his heart to frustrate their audacious ambition. With mysterious suddenness he rose like a giant to the defense of his country.

At a time when throngs of people from all walks of life including regiments of soldiers sought to approach the Sacrament of Penance, Father Skorupka's priestly zeal was taxed to the limit. Yet he seems to have been everywhere and doing everything. And wherever he went his presence was felt instantly. A new spirit entered into the hearts of men and women in his wake. Confidence was either restored or strengthened a hundredfold and a determination to resist the enemy to the utmost spread on all sides.

But the hero's deed which has signally immortalized Father Skorupka was to be achieved in the batlefield. Having been appointed chaplain in the army, Father Skorupka at once gained the unqualified confidence of the soldiers. Many of the frail youth serving in his company were his former pupils.

VOLUNTEERS

All were volunteers whom necessity transformed into warriors over night, if warriors we may call them. Father Skorupka familiarly called them "my boys." His only concern in their regard at that momentous hour was that trust in God and courage should not fail them; and when "his boys" were given the order to advance upon the enemy, Father Skorupka realized that the time for fulfilling his mission to its last detail was at hand. Attired in his priestly robes with the stole hanging from his shoulders, he was seen making his way to the forefront of his company. Then, containing his forward movement, he pointed with his left hand in the direction of the foe's trenches. In his right he held a cross lifted high heavenward. "His boys" witnessing that spectacle may have recalled the cross in the heavens and the inscription "Hoc Vinces" which in ages gone by inspired Constantine the Great to lead his warriors to the memorable victory which marks a turning point in the world's annals. But whatever may have been the sentiments of the Polish youths, reports from the battlefield assure us that when Father Skorupka, while thus leading "his boys" into action, intoned a prayerful hymn to the Blessed Virgin, the entire company took up the melody. It was a solemn moment. It was a consoling moment. Heavy and awe-stricken hearts relaxed and beat more cheerfully. Youthful, timid and trembling hands which never before wielded a weapon of war steadied and grew firm. Father Skorupka's undaunted courage, and his unshaken trust in God were visibly imparted to "his boys." Already they were following him with the thought that the "Queen of Poland" is at their side. They scented victory in the offing. They were inspired. No human power could stop that company at that moment.

MISSION ACCOMPLISHED

But alas! a shell from the Bolshevik camp whizzed thru the air A portion of it struck Father Skorupka in the head. He fell. The

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damage thus done to the Polish forces was irreparable, but it availed the enemy nothing. Father Skorupka's mission already had been accomplished. The impetus that spelled victory already had been given. His gallant war novices kept on advancing, and though they suffered heavily, every objective planned for them by the military authorities was attained.

That company of fighters returned from the firing line tired and sorrowful yet triumphant. Three hundred of their number were either killed or wounded. Their beloved spiritual leader and hero was listed among the dead; and just as in life, on the battlefield, he was seen at the head of his company, so in death his name shines brightly at the head of those who sacrificed all for their country.

Just to what extent was Father Skorupka instrumental in bringing about the defeat of the Bolsheviks at the gates of Warsaw fifty years ago may always be a matter of conjecture. Military science or art may never credit him with anything more than uncommon bravery. Yet his avowed confidence in God, his indefatigable work among the civilians, as well as among the military units, followed by a display of the finest patriotism and bravery on the battlefield, may well have given that impetus which, when once put in motion, grew steadily stronger until its aggregate moral force became irresistible.

THIS IS YOUR LIFE—FATHER BERNAT

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. FLOOD. Mr. Speaker, on April 19 I was privileged to speak at the testimonial dinner honoring the Rev. Michael C. Bernat, pastor of Sacred Heart Church in Wilkes-Barre on the occasion of the golden jubilee of his ordination to the sacred priesthood. I have known this dedicated clergyman for many decades as one of the outstanding priests in the entire Roman Catholic Diocese of Scranton.

An interesting feature of the souvenir booklet that marked the occasion was a fascinating account of the life and times of the Reverend Jubilarian beginning with the early immigrant days of his Slovak forbears in Olyphant. This trenchant biography is from the pen of a well-known Pennsylvania regional historian, Joseph G. Tomascik of Wilkes-Barre, a fellow-member of the Pennsylvania and Luzerne County Bar. It is a veritable microcosm of the great contributions of so many ethnic groups that settled in northeastern Pennsylvania after the Civil War.

Mr. Speaker, I was so moved by this biographical account that I thought the other Members of this House would enjoy reading it, too, and accordingly I ask unanimous consent to have it inserted in the RECORD under Extensions of Remarks.

THIS IS YOUR LIFE—FATHER BERNAT

Saris County, Slovakia is more than three thousand miles from the little industrial town of Olyphant in Northeastern Pennsylvania, yet these two widely separated localities on the map were to play significant roles in your life.

Settled in 1858, Olyphant was incorporated in 1877 as a borough and came to be known as "Queen of the Mid-Valley," a designation which it proudly boasts even today. It was a focus of the great wave of immigration from Europe in the last half of the nineteenth century. Mining corporations in the area were avidly seeking laborers to work in the pits; some companies even sent agents to round up the oppressed peasantry, offer them jobs, and induce their settlement in the land of Columbia.

Saris County, in the Carpathian mountains of Eastern Slovakia, had long been under the heel of the oppressor, and after the death of Bishop Stephen Moyses and the decline of the Slovak Academy of Arts and Sciences in the eighteen sixties, the doughty Slovaks, seeking to preserve their religious faith and cultural heritage, began to cast eyes longingly beyond the seas. America beckoned, and immigrants came in the millions. Hundreds of thousands of them settled in Northeastern Pennsylvania, including Olyphant.

Your mother was Susan Basary and she came from the sleepy little village of Chminanska Nova Ves. The adjoining settlement was Jakuboviany, the home of your father, Joseph Bernat. But although the villages were contiguous, strangely enough, your parents didn't know each other in Europe. Your mother, accompanied by a cousin named Kropilak, settled in Tiger Valley, where she already had relatives who came to the Olyphant section in the eighteen seventies. Your mother was an excellent cook, having served in that capacity in the household of a nobleman in Europe. Her fame must have preceded her, because when Undertaker Prokopovitsch, who had his funeral parlor next to the Slovak Church of the Holy Ghost, heard of her arrival, he immediately secured her a position as cook in the family of a prominent Olyphant coal baron, where she was employed for several years until she met your Dad in 1882.

Joseph Bernat was a butcher by trade in the Old Country, and developed a fine local reputation as an expert in making klobasy and curing hams and a variety of other meats, so much in demand by the Slovak people. But he was restless, saw no future in his native village, and was willing to give up a thriving business to come to America to work in the mines, and eke out an existence free of oppression.

On his arrival in Olyphant, your Dad got a job with the Delaware and Lackawanna Coal Company, first as a common laborer and then as a miner. He was a peppery little fellow, quick to make friends, and must have impressed his superiors because after a few years in the pits he was promoted to repairman of coal cars where his mechanical skills, and facility in handling tools, served him in good stead.

Life was hard in the coal mining communities, as it was in Olyphant. But the drudgery of hard labor was frequently relieved by the numerous weddings and christenings in which the area abounded. These were great social events, and sometimes lasted for days. Friends and relatives came from miles around, from Dunmore and Carbondale, Forest City and Scranton, to relive their experiences and talk over old times.

At one of these christenings in the early eighties, the unerring aim of Cupid reached its mark. Joseph Bernat and Susan Basary fell in love. Imagine their surprise when they learned they hailed from adjoining villages in Saris County, Slovakia! They were married by Msgr. Zychowicz in Sacred Heart Church, Scranton, which was to become the church presided over by Auxiliary Bishop Henry T. Klonowski, your friend and classmate from the University of Scranton.

Your Dad meanwhile was looking around for means of supplementing his income as a car repairman. He was aggressive, thrifty, handy with tools, and soon became a carpenter in his spare time. He bought ramshackle dwellings and old company houses, and after making necessary repairs sold them at a handsome profit. In time, he himself, became the owner of a double dwelling and three single houses.

For his family, your Dad selected the little residence at 125 Lincoln Street, a stone's throw from Holy Ghost Church. It was conveniently located and lent itself admirably to remodeling of the first floor. For by this time, Joseph Bernat had visions of opening his own butcher shop in America. In 1886 his dream became a reality, and 125 Lincoln Street became the site of Bernat's Butcher Shop. The family, which by this time had five children, lived upstairs. Joseph was the eldest, then came John, Andrew, Anna and Mary. All are deceased except Mary who is now Mrs. Stephen Stine, who lives in Devon in Montgomery County, Pennsylvania.

Your Dad's business prospered to such an extent that soon he operated his own slaughter house, in the rear of the family residence. Bernat's Butcher Shop was not just a meat emporium, but a place where people congregated to pass the time of day, discuss politics, read letters from Europe, and make plans for organizing social clubs and fraterial societies which were to proliferate in the entire coal region.

Friday, January 24, 1896 was a day of bustling activity in the Bernat household. Your Dad told his assistant, John Brehovsky to mind the store, while he went upstairs to be with your mother. Housewives in the neighborhood came rushing over to lend their assistance, prepare the inevitable pots of boiling water, and lend a hand to the midwife. When the first cry was heard, the news spread like a prairie fire: "The Bernats have a baby boy." There was much rejoicing and Dad proudly handed out the cigars, while preparations went apace for your christening. Mom insisted on the name Michael, after the chief Guardian Angel, while Dad, suffused with the Slovak spirit and heritage, opted for Cyril, after one of the Slovak Apostles, St. Cyril, who with his brother Methodius brought Christianity to Slovakia in 833. As usual, there was a happy compromise, and you came to be known formally as Michael Cyril Bernat.

You had a happy and carefree boyhood, played with the children of other immigrant families, including those of Irish, Polish, Slovak, Lithuanian, Ukrainian and Russian origin as well as with some of the children of the mine bosses. You were agressive and wiry, but not pugnacious, although you never ran away from a fight. You were especially adamant in standing up for your rights, and woe to anyone who dared to assail your ethnic origin! You felt strongly this was America, the great Melting Pot, and everyone should be judged on his own merits. Mother would whip you when you came home with a bloody nose, occasionally, but Dad was more understanding and tried to soothe and sympathize with you realizing that you needed to develop self-reliance.

At the age of six you were enrolled in Holy Ghost School, which was then staffed by Sisters of the Immaculate Heart of Mary. Do you remember your favorite teacher? She was Sister M. Nathaniel, I.H.M., who got you interested in the intricacies of mathematics, a subject you didn't particularly like because baseball beckoned. Many times you were kept after school due to academic deficiencies, but under Sr. Nathaniel's tutelage you improved greatly as Sister realized your potential and eventually you came to teach trigonometry and were a thoroughgoing student.

In 1904, the best students were selected to serve as altar boys in Holy Ghost Church, and you were one of this elite group. You were an acolyte for Fr. Stas and Fr. Martincek, for whom you developed great admiration and respect. In fact, you were a special favorite of Fr. Stas, who took you under his wing, and it was due in no small measure to him that you determined at this time to become a Priest. You served as altar boy until you finished elementary school, but you didn't hesitate thereafter to serve on your summer vacations from the Seminary.

All this time, you were developing into a fine athlete and baseball was your forte. You were a good shortstop, but also labored to improve your pitching arm. You were incessantly practising behind the butcher shop in your back yard, with the capable assistance of one of the daughters of your father's tenants. She was little Stella Miko, a comely black-haired girl who was a snappy ball player and a good athlete. She played the role of catcher and helped you develop an unerring pitch that served admirably when you went to college. Little Stella, now Sister M. Agatha, SS. C.M., has come all the way from Chicago to be with you at your 50th anniversary of ordination. This has been a lifelong friendship that both of you will forever cherish. Incidentally, when the new Sacred Heart School building opened in Wilkes-Barre in 1925, Sr. Agatha was among the nuns who staffed the institution, and instructed the students in calisthenics with dumbells and other forms of exercise. She excelled in physical education and many of her students are present today at your anniversary dinner.

Your studies at Holy Ghost School improved so immeasurably that you were able to complete the eight grades in seven years, much to the consternation of your sister Mary and her friend, Mary Jakubov. They were a little jealous that you were able to catch up to them in school, and frequently taunted you. Mary Jakubov was to become Rev. Mother Pius, SS. C. M. You also remember fondly her little sister, Annie Jakubov, now Sr. M. Philomena, SS. C. M. who began first grade about the time you left Holy Ghost School. The Jakubov and Bernat families were neighbors and great friends.

In 1910 you entered the High School Division of St. Thomas College, now the University of Scranton, which was staffed at the time by the Brothers of the Christian Schools. Remember Brother George? He was your favorite instructor. Your many, long conversations and extended discussions with him confirmed your determination to join the Ministry and served to develop in you a passionate love of learning.

Meanwhile you were becoming more useful to your father in the butcher shop. Your father had a walk-in icebox from which you would take the packages of meat ordered earlier in the week by his customers, and deliver them over the week-end. Your older brother Andy would do that on Fridays, while your chores were performed on Saturdays, when there was no school. You got to know all the people in the neighborhood as you performed your numerous chores. Remember the families to whom you made deliveries? They were the Glinskys, Jakubovs, Novajovskys, Prokopovitsches, Mikos, Nudelmans, Nalevankos, and the family of your Jewish merchant-friend Sigmond Spitz, in whose clothing store you were outfitted with your first long-pants suit. You were also not averse to helping your father carry into the ice box, the sides of beef brought to the store in meat wagons from various packers. Carrying sides of beef developed your muscles, much like carrying ice blocks did for Red Grange, the football star of a later era.

Meanwhile, you never gave up baseball. The sandlots of Lackawanna County abounded in ball games. Especially at Grassy Island or Soldier's Field, there was always some athletic activity in which you welcomed the chance to take part. Somebody gave you the monicker "Butch" and it was as "Butch Bernat" that your fame as a ballplayer spread throughout Lackawanna County, especially Olyphant and its environs.

You came to develop such athletic prowess that by the time you entered St. Procopius College in Lisle, Illinois you were of professional stature and made the Varsity in your freshman year. You were a member of the Varsity baseball team for your entire four years at college. Remember Fr. Konicek? He was your coach, and also taught you Latin and foreign languages, two of your favorite subjects. One day, as you were returning to the clubhouse after a practice session, he said to you: "Mickey, how come you take to Latin so easily?" And you told him how from childhood, you became enamoured of the Slovak language, how later you dipped into the literature on your own, and took every opportunity to use it in daily speech with the many Slovak immigrants in the Mid-Valley, adding that the case structure was the same as Latin, and that was why you had a flair for foreign languages.

You had a fine career at St. Procopius, with good grades and a wide variety of athletic activity. This seemed natural to you, as you were grounded from childhood days in the Sokol motto: "In a healthy body, a healthy mind." Besides Fr. Konicek, your favorite professors were Fr. Cyprian Tomechko in chemistry, Fr. Thomas Vopatek, a superb linguist who tutored you in Greek, advanced Latin and Hebrew, and Fr. Hilary Jurica, in biology. Fr. Hilary was from Chicago, and you were often invited to his mother's house for a good Slovak meal, after attending a baseball game in Wrigley Stadium.

Will you ever forget what happened at your graduation from St. Procopius in June 1915? After the ceremonies, a messenger came to tell you that Charlie Commiskey wanted to see you. This was none other than the owner of the Chicago White Sox. Your fame as a baseball player was often talked about in the White Sox dugout. Unknown to you, you had been scouted for over a year thanks to Chick Shorten and Finners Quinlan, two White Sox players who hailed from Minooka, and whom you knew from the days you played against them when you were with the Olyphant Royals. Besides Shorten and Quinlan, you played against "Minooka Mike" McNally and Steve O'Neil, remember? At any rate, Charlie Commiskey stood in the reception room of your dormitory, accompanied by his beautiful daughter, possibly to supply motivation, and offered to sign you up as a White Sox regular for the magnificient sum of $3,500 per annum. That was a princely salary in those days, and at first you were tempted to accept, especially after seeing his beautiful daughter, but you never forgot your determination to become a Priest. Besides, you were preparing to go to Seminary for further studies, so you politely declined the offer to become a professional baseball player and turned down the chance to join your erstwhile colleagues like Andy Miko (Stella's brother), Mike "Gazook" Gazelle, who went to the New York Yankees and Joe Schaute who pitched for the Cleveland Indians in 1914–1915. It was Schautes' sister, Mary, incidentally, who later bought the Bernat homestead after you prevailed upon your father to give up the butcher business in 1918. Members of the Schaute family still live in your old residence at 125 Lincoln Street.

You were now almost twenty years of age and quite a fashion plate. Your friend, Joe Miko, another brother of your former sidekick catcher, Stella, had earned a wide reputation in the Olyphant area as an excellent tailor. It became fashionable for the young dudes in Olyphant to eschew store clothes and go in for custom fittings. Like the other young men in the town, you too made a bee line for Joe's tailor shop when he became established, and thereafter your suits were custom made and always reflected the fine thread and needle art of Joe Miko.

In September 1915, you were enrolled as a student in Montreal at Grand Seminary where you went to pursue your philosophical studies. You came under the influence of your favorite teacher, Fr. Archambaud, and association with him enabled you to perfect your studies, not only in philosophy but also in French and other foreign languages.

For your final years of theology you returned to Lisle and entered St. Procoopius Seminary. Do you remember the telephone call you received from Bishop Hoban of Scranton, in 1920, a few days before Palm Sunday? He knew you were coming home for the Easter holidays, and requested that you see him on Monday. You were already a Deacon and on the appointed time went to see the good Bishop. He complimented you on your fine scholastic record and said that the people of Dunmore were anxious to have a full time pastor. Up until that time, Dunmore was merely a mission church served by the priest in Throop. There was a shortage of priests, and Bishop Hoban asked if you could accelerate your course work, so that your last two years of theology could be completed in fifteen months. He said that the Rector of the Seminary, Fr. Neuzil, agreed to this arrangement. By dint of severe application and unusual concentration you finally completed your theology studies as planned.

On your summer vacations from the Seminary you were accustomed to visit Rev. Joseph Murgas at his cottage at Lake Silkworth. You long revered and admired this Priest-Scientist and never lost an opportunity to be with him whenever possible. He loved to fish in the nighttime, and it was your custom to supply him with bait, row him out on the lake and join in the angling sport. Little did you dream that you'd ever be his curate, much less succeed to the pastorate he occupied in Wilkes-Barre.

Finally, the great day in your life came on Sunday, July 18, 1920, when Bishop Hoban ordained you to the Sacred Ministry in St. Peter's Cathedral at Scranton. You were immediately assigned as curate to Father Murgas in Wilkes-Barre where you remained for one month. By Labor Day, you were installed as pastor of the parish of All Saints in Dunmore where you remained until 1929.

These were fruitful years and you plunged with great vigor and enthusiasm into your work as Shepherd of Souls, adviser, builder, teacher and administrator. The parish as yet had no rectory, and in the interim you slept in the basement of the church, and when it was cold you snuggled up to the furnace. In the winter months, you stayed with the Pavel family a block away from the church. You were responsible for the priestly vocation of one of the Pavel sons. Meanwhile you supervised the completion of the rectory, and on December 23, 1920, it became your new home.

Within five years you drafted plans for a recreational center for the young people of the parish. This building was completed in 1925 behind the church edifice, and still stands as a monument to your concern for youth. In due time it came to be the social center of Dunmore, and was the scene of weddings, socials, dances and athletic games. You even founded a Glee Club and inspired the young people of the parish to become interested in Slovak folk music. You persuaded Margaret Fedor, a popular and well-known music teacher in the public schools of the area, to serve as director of the group. The concerts of the Glee Club held periodically in the parish recreational hall, were invariably sellouts, and the success of this endeavor assured the continued viability of the parish as a whole. Miss Fedor, who later became Mrs. Gillespie, is now the choir director of Holy Family Church in Scranton.

In 1922 you organized the All Saints Band, staffed mostly by members of the Dunmore Parish, supplemented by musicians of the surrounding towns. You secured the services of Mr. Jacob L. Small, a music teacher from Wilkes-Barre to serve as director. Do you re-

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member the Corpus Christi parade in Scranton in 1925? It was a proud moment when you served as parade marshal, at the behest of Bishop Hoban, and marched at the head of the band on Lackawanna Avenue, attired in a black satin-faced frock coat with a high silk hat. The band was the hit of the day, and gave the event an unmistakable elan that made the parishioners of All Saints Church proud of their energetic and talented pastor.

In addition to your priestly duties, you took on the role of educator among young men in your parish who had the potential for becoming priests. Andrew Klobusicky was a bookkeeper with the Pennsylvania Coal Company, and though he had beautiful penmanship, his formal education stopped at the eighth grade. You tutored him in Latin and Algebra, and saw him off to the Seminary. He later became Fr. Klobusicky and at the time of his death was pastor of Holy Trinity Church in Swoyersville. Your friend Johnny Dzurko and his cousin "Lefty" Dzurko were two coal miners to whom you gave many private lessons to enable them to embark on higher education. Johnny became Fr. John Dzurko, now pastor of St. Joseph's Church on the Heights in Wilkes-Barre. Another of your favorites was John Tomasko who worked as a mechanic in the Scranton plant of Ford Motor Company. You prepared him for higher studies in Innsbruck, Austria where he was eventually ordained to the Holy Priesthood. He later became one of your curates and died at the age of 62 as pastor of St. Michael's Church in Forest City.

Through your entire priestly career, you were directly responsible for the vocations of 20 priests and 22 members of the various Sisterhoods, a remarkable and praiseworthy record of sacrifice, patience, industry and sustained enthusiasm for noble work in the Vineyard of the Lord.

In the Spring of 1929, Father Murgas, your friend and idol, and a great leader of the Slovak people who received world-wide recognition for his contributions to wireless telegraphy, died in the bosom of the Lord after 33 years of pastoral work in Wilkes-Barre. As a result of pastoral changes, you were assigned to Holy Rosary Parish in Ashley, where you spent twenty-six years, more than half of your priestly career. As befitted a vigorous young pastor, you summoned your vast organizing talents to help reduce the enormous debt with which the parish was saddled since the erection of the new church edifice in 1925.

In spite of the Depression years and widespread unemployment, you persevered dauntlessly, held your parishioners together, organized clubs and erected baseball fields and tennis courts on 25 acres of land leased from the Glen Alden Coal Company, near the present Ashley by-pass, for one dollar per year. You organized athletic teams and many of these were of championship quality. You transformed the old church building into a bowling center, and provided meeting rooms for lodges and various social events. Being a superb athlete you didn't hesitate in partaking of these games yourself, in addition to acting as coach and adviser.

In spite of your varied, and often fatiguing pastoral duties, you found time for dramatics and theatrical groups. You translated and produced extravaganzas like "St. Bernadette of Lourdes," and "Victim of the Seal of Confession." Proceeds of these productions went a long way in reducing the debts of the various parishes in which you served. In Ashley you translated into Slovak a dramatic work, "The Passion Play," and organized a bilingual repertory company based on the Oberammergau presentation, for its production in Wilkes-Barre, Scranton and Hazelton. You communicated to the youth of your parish a new vigor and fresh enthusiasm that was the envy of your brother clergymen.

And all of this time you kept on teaching, for you realized that learning never stops. While in Dunmore you started conducting courses in the Slovak language and literature at the University of Scranton. In Ashley you expanded this undertaking and continued giving courses that attracted students from all parts of Northeastern Pennsylvania. Judge Selecky came from Glen Lyon, Judge Sirotnak from Throop, Peter Jurchak and Stephen Tkach from Dallas, Fr. Super from Pittston, and there were scores of others from Taylor, Scranton, Oylphant and Wilkes-Barre, including teachers and business people like Helen Ridzon, Mary Cooper and Mary Sterbinsky from Wyoming Valley.

Meanwhile your interest in fraternalism never left you. In 1927 in Dunmore you were host pastor to the national convention of the Slovak Catholic Federation of America, little realizing that thirty-seven years later, while stationed in Wilkes-Barre, you would again be host pastor to a much larger convention of the same organization when it met to commemorate the eleventh centennial of SS. Cyril and Methodius, Apostles to the Slovak people. This event was marked by one of the largest banquets held in Wilkes-Barre, when 834 persons literally jammed the dining facilities of the Host Motel. President Kennedy sent you a special telegram of greetings and good wishes. Remember?

In your diversified work, you were always first a pastor, but you were never just parochial. You expanded your horizons and took an active interest in civic affairs. You revitalized societies and were yourself a member and convention delegate of more than half a score. You served as Supreme Chaplain and President of the Appellate Tribunal of the Pennsylvania Slovak Union, and you were elected national chaplain of the Slovak Catholic Falcons. You became active in the Elks and the Knights of Columbus.

But all the while, you kept up your interest in academic work. You excelled as a linguist and translator, and with the late Msgr. John Puskar you translated into Slovak, Father Steadman's "My Sunday Missal," and the Rev. Joseph J. Baierl's work "Mirror of Confession and Communion For Children," not to mention at least six prayer booklets and liturgical works. The late Pope Pius XI, conferred on you a special citation for valuable aid rendered in the publication of the New Catholic Dictionary.

You were steeped in Slovak history and literature and you longed to visit the home of your ancestors in Slovakia. That occasion came in the summer of 1925, when, armed with a letter of introduction to authorities at the Vatican from Bishop Hoban, you set sail on the SS Belgenland for Europe and the Grand Tour. You visited not only the birthplace of your parents, but traveled through France, England, Switzerland and Italy where the highlight of your trip was a private audience with the Holy Father.

You worked unceasingly in Ashley at your pastoral, civic and fraternal duties, but the years were taking their toll and by the time of Pearl Harbor in 1941 you were so ill that an operation became necessary. Happily you recovered in time, but your baseball and strenuous athletic days were numbered. Your physician limited you to golf and only moderate exercises. You began to pace yourself and came through in fine style, becoming quite a golfer on the links of the Wyoming Valley Country Club.

After World War II you became actively interested in the Catholic War Veterans. You were the prime mover in organizing Holy Rosary Post No. 274, perhaps the most active veterans' organization in Wyoming Valley. You have continued to serve as Moderator from the time the Post was organized. In 1964 you received a special citation from the National Commandant for your patriotic endeavors.

In 1930 a nucleus of your students in the University of Scranton approached you for assistance in organizing a group of young business and professional women. Helen Ridzon, Mary Cooper and Mary Sterbinsky of Kingston were the sparkplugs in this move, and when you loaned your organizing talents the Slovak Catholic Woman's Club of Wyoming Valley came on the local scene, and has continued to play a vital role in the civic, charitable and social life of Northeastern Pennsylvania for the past 40 years.

You continued your faithful service in Ashley until 1955, when, because of the death of Msgr. John Sobota, there were many pastoral changes and you were assigned to Sacred Heart Parish in Wilkes-Barre. You were now installed at the age of 60 as mediate successor to your idol, Father Murgas. The parish had a large school and a famed reading and psychology clinic, and you were determined to assure the maintenance of high standards. You immediately refurbished the school and convent, sponsored a Boy Scout Troop and organized a Biddy Basketball League. And while you no longer could personally engage in some of these sports yourself, you gladly acted as coach and moderator. Moreover, you added innovation in parish facilities, when you built a new outdoor swimming pool in the parish park in Dallas, one of the few such facilities in the area. The parish cemetery in Dallas also received your attention with the result that your parishioners can boast of one of the most attractive and dignified burial grounds in the Diocese.

All of the above factual material is an account merely of the outline of your career. Cold print can never reflect the warm friendships you made, the enthusiasm you communicated to those who were disheartened and discouraged, the spark of life you bestowed on the faltering, the upshoring you provided for disintegrating societies and groups, the lift you gave to the downtrodden, the encouragement you lavishly gave to the sick and the infirm. These are all things of the spirit, intangible, yet very real. So as you reach the milestone of fifty years of service in the Vineyard of the Lord, those who love you for yourself, admire you for your accomplishments, and are grateful for your many benefactions, rise up proudly and proclaim: "Well done, thou good and faithful servant." Ad Multo Annos!

O'DONNELL'S INSULT TO J. F. K.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. MICHEL. Mr. Speaker, one of our leading national magazines last week carried an excerpt from a book written by an aide to the late President Kennedy alleging that President Kennedy planned to get out of Vietnam in 1965 regardless of the circumstances at that time.

To say the least, this article has resulted in a rash of skeptical statements, the most noteworthy coming from Vice President AGNEW and our own leader here in the House, Congressman JERRY FORD. Even national columnist Carl Rowan, who served in the Kennedy administration, made the point that the article actually placed the late President in a very poor light, which was hardly the intention of the author.

In any event, an editorial appearing in the August 5, 1970, edition of the Peoria Journal Star raised some interesting points as to the reasons and motivations for the article and, indeed, the book from which the article was taken. I insert the editorial in the RECORD at this point:

O'DONNELL'S INSULT TO J. F. K.

The present "revelations" of Kenny O'Donnell, running hard to win the governorship of Massachusetts, that John F. Kennedy was shocked in 1961 and planned to "get out of Vietnam" then, fits the political dialogue of 1970 very well.

It doesn't fit the realities of 1961, 1962, and 1963 worth a hoot, however. In the light of actual events, it makes no sense at all and is an insult to Kennedy's memory.

It was President John F. Kennedy who went up and down the land condemning the doctrine of "mass retaliation" and "brinkmanship" in the Eisenhower administration, and calling for the necessity of building "conventional strike forces" to fight "brush fire wars" instead.

It was President John F. Kennedy who invented and brought into existence those two special personal pet creations—the Peace Corps and the Green Berets.

It was President John F. Kennedy who steadily raised the levels during his presidency from a mere 400 advisor-trainers and technicians under Ike to almost 20,000 men.

It was President Kennedy who presided over the creation of "conventional strike forces" and their development, and who shortly before his death earmarked the first full combat division for preparation to go to Vietnam.

It was President Kennedy and his group in the last year of his administration who engineered the military coup and the destruction of Diem that brought "their own boys" to power in Saigon—a process made crystal clear and openly reported before Diem's actual downfall and assassination.

That was our most blatant and brutal intervention in the internal affairs of South Vietnam in its entire history. It was not the act of a disinterested administration, planing to "get out."

Those are the uncompromising physical historical facts.

If President Kennedy did all these things while holding a conviction that we didn't belong there, that we ought to get out, and that this whole course of action was dead wrong, he was a criminal.

If he did these things against conscience and conviction simply because he thought it would be helpful in the next election, and after re-election he planned to reverse the policy, he was a ruthless, murderous trickster.

We don't believe it.

NEW LOOK AT USIA NEEDED

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. TAFT. Mr. Speaker, Mr. Edward L. Bernays, in an article published in yesterday's Boston Sunday Globe, calls again for a new look at the U.S. Information Agency and the direction in which it is going. He is not alone in his desire to see USIA's operations revamped and redirected.

Last summer, at my request, my administrative assistant, Mr. Ron Aaron Eisenberg, prepared a report on USIA activities in several European cities. His conclusions were very similar to those drawn by Mr. Bernays in the accompanying article.

I hope that my colleagues will find the following article of interest:

THE SLIGHTLY HOARSE VOICE OF THE U.S. INFORMATION AGENCY

(By Edward L. Bernays)

(An urgent call for new directions and new dimensions for this important instrument of public diplomacy)

The testimony of experts at a House Foreign Affairs Subcommittee hearing 18 months ago to explore the future of United States public diplomacy produced the disheartening disclosure that the reputation of the United States was at its lowest point in the last 50 years.

In a worldwide survey I made and reported to the subcommittee, I found that people had lost faith in the ability of the United States to lead the free world. Public opinion studies of George Gallup Jr. and Lloyd Free, also reported at the time, disclosed ambivalence towards the United States. People deplored happenings in the United States. But they admired our strength, idealism and generosity, the desire of our people to do good and our scientific and cultural contributions.

The assassinations of President John F. Kennedy, Senator Robert Kennedy and the Reverend Martin Luther King, Jr., and the Vietnam war depleted the reservoir of goodwill towards the United States. All over the world, people were shocked and disheartened at what they believed was the shattering of the American dream.

A more recent survey abroad by Gallup indicates that our troop withdrawals from Vietnam, somewhat reduced violence in the United States, the moon landing and the Soviet invasion of Czechoslovakia have somewhat bettered the reputation of the United States globally, "not dramatically, but decisively."

In a more peaceful and stable world, there might be less urgency in meeting this crisis in international understanding. We have neither world peace nor stability today. Our present status in world opinion demands immediate action. Fantasies and illusions, prejudices and distortions must not be permitted to dominate attitudes of other people towards us.

THE UNITED STATES FIRST PRACTICED PUBLIC DIPLOMACY FORMALLY IN WORLD WAR I, AND BROUGHT THE WORDS OF PRESIDENT WILSON TO THE WORLD

A new powerful instrumentality is available to help achieve our goals of international understanding—public diplomacy. Public diplomacy aims to affect the relations of the people of one nation to another through the mass media and other channels of open communication. Previously, secret diplomacy, carried on by diplomats behind closed doors, dominated relations between one nation and another. Now publics everywhere have their say in helping determine foreign policy decisions. Public opinion expresses itself in public pressure to bring about the action it wants.

Governments now deal with other peoples through public diplomacy. The world has become a room and a whisper is conveyed to its far corners. The nations of the world have acted on this reality. They practice public diplomacy.

Public diplomacy is of increasing importance to us as a nation for several reasons. Governments all over the world have recognized that attitudes of one people towards another may rest on distortion, ignorance, prejudice or other false assumptions. If critical situations arose between our country and other countries, we might find that fantasy and illusion of its people governed their attitudes and actions toward us.

The communications revolution of the last half century, through radio and television gave many people around the world instantaneous perception of life in other places. Events were brought to the eyes and ears, hearts and minds of millions previously unexposed to them.

With the communications revolution came an information explosion. With an expanding sense of the world around them, people read more, became more interested in the world. Greater curosity provided millions of additional readers and viewers for public diplomacy.

The United States first practiced public diplomacy formally in World War I. The United States Committee on Public Information under George Creel, of which I was a staff member, was given this task. President Woodrow Wilson and the Committee were handicapped by slowness of communication, the non-existence of social scientists who could be depended on for guidance. The important work of such social scientists on international political communications as Harold Lasswell of Yale, David McClelland of Harvard and W. Phillips Davidson of Columbia was still in the future.

Attempts at public diplomacy were primitive, compared to today's resources. Yet the United States Committee on Public Information brought the words of President Wilson and his war to end all wars and to make the world safe for democracy over the heads of emperors and kings to the people. Despite handicaps, historians at the end of World War I wrote that words won the war.

After World War I, the arm of the government that had so tentatively but effectively carried on public diplomacy was abolished. Activity in this general area from 1919 to 1953 in the State Department, passed through many vicissitudes. In 1953 the Smith Mundt act, calling for an independent agency for public diplomacy, created the United States Information Agency. In that early Cold War period it emphasized counter-communist propaganda. Most non-communist countries believed that monolithic communism intended to take over the world.

Accelerating impact of the communications revolution, rising expectation of people everywhere, unsettled world conditions induced each succeeding administration to continue public diplomacy lest we become the victims of the imbalanced viewpoints of our neighbors. The United States Information Agency continued to function.

Our instrument of public diplomacy, the USIA, today is a huge organization, headquartered in Washington. Its global staff of over eleven thousand tells the United States story to the rest of the world. It telecasts programs to over 90 countries. Its 104 transmitters of the Voice of America beam over 1000 broadcasts in 36 languages via short and medium wave. It uses movies, books, printed matter and other media. It directs cultural activities through overseas missions and bi-national centers, operates 200 overseas libraries and reading program and supervises United States participation in international affairs and exhibitions. It conducts public opinion researches overseas and assesses for other departments of government the effect overseas of present and proposed policies. We taxpayers will, according to President Nixon's recent budget figures, pay $194,917,000 for the United States Information Agency next year.

Unfortunately the promise of the agency has not been fulfilled. It is inefficient and ineffective. The Agency over the last years has been evaluated by Congressional authorities, by the United States Advisory Commission on Information, the watchdog agency set up by Congress, by scholars and by voluntary groups, such as the Emergency Committee for a Reappraisal of United States Information Policies and Programs, of which I am chairman.

On October 22, 1969, at the Overseas Press Club of New York under the auspices of the

Overseas Press Club Foundation and our Emergency Committee, an all day session of experts presented the case for a reappraisal of the Agency.

Some deficiencies of the Agency brought to light: The Agency puts too much emphasis on words and too little on policy. It functions as a huge mimeograph machine. Chester Bowles once said, "A good information policy can aid a positive policy, but cannot assist a mistaken one." Our foreign policy begins at home in domestic policy and action. After news is transmitted abroad, a civil rights riot in the South becomes a part of our international relations.

The Agency since its creation has had continuing problems of administration, programming, personnel, news distribution, public opinion research and of assurance of receiving adequate continuing support. After some fifty years, seventeen of them of independent existence, no fundamental operation assumptions and no defined objectives prevail.

THE USIA URGENTLY NEEDS NEW DIRECTIONS, NEW DIMENSIONS, NEW DUTIES, AND NEW EMPHASES

Neither the public nor the members of Congress, with exceptions, of course, understand clearly how vital a role the Agency could and should play in international relations.

The enabling act creating the Agency, which prohibits it from carrying on activities aimed at the American public, may be partly to blame. The lawmakers rightfully believed that a domestic program might be a danger to the country. The example of Goebbels propaganda in Hitler Germany was still fresh in their minds. With a Congress and public uninformed and apathetic, the Agency's objectives, budgetary needs, the qualifications its director remain serious questions, unasked and unanswered.

The Agency lives below the surface of public visibility. Without overt public support it is weakened and functions as if in a vacuum.

Sometimes the Agency's fear of Congressional criticism has diluted its program. The Agency is still mindful of the Joseph McCarthy period, when unjustified attacks upon it raised havoc in its overseas and domestic officers. And too many agencies interfere with the USIA, the State Department, the Pentagon and Congress itself.

Under these conditions, the Agency functions as a holding operation, often merely to advance the party in power.

The goals of the USIA have never been defined on a long range basis. Each of the seven Agency directors in the past seventeen years has defined his goals or the President has done it for him. None today knows what its future goals are. Are they to promote the flow of ideas about the United States to the world, to support current United States foreign policy? Are they to further goodwill for the United States, to provide counsel on public relations to the United States on foreign policy? Or are they to further the interests of the United States with the rest of the world or to balance distortions of attitudes to this country or to counter anti-U.S. propaganda? And what are the priorities and the relative importance of each of these?

Probably as a result of public apathy, the Agency's directors picked for the job have not possessed the qualifications they should have for this highly professional assignment. They were chosen because they were cronies of the President, able to get along with Congress, paid off political debts, were well known. The position requires someone who is a social scientist, student of world history, social psychologist, professional persuader, practitioner in the art and science of communication and administrator. Today's director does not have all the requisite qualifications.

The Agency today functions without professional knowledge of the art and science of communication or the culture patterns of target areas. In the use it makes of them, social sciences might as well not exist. The USIA functions on a horse and buggy basis in a jet age. Only a fraction of what is necessary is spent for public opinion research to ensure that the message is geared to its prospective audience. Dean Gerhart D. Wiebe of the Boston University School of Public Communication said bluntly of the Agency: "It talks too much and listens too little."

The experts' conclusions show indisputably that the United States Information Agency urgently needs new directions, new dimensions, new duties and new emphases. The Agency can only begin to fulfill its role after a clear redefinition of its objectives, its current needs and a thorough overhauling of operations. The Agency should participate fully in formulation of foreign policy. It should cooperate with social scientists in working out its strategy which should serve as a basis for its tactics.

In its new mission, greater emphasis must be placed on personal contacts of the Agency's staff, on effective liaison with other government departments, on much more public opinion research abroad and more use of available research. A stable budget and better personnel training are needed. And of course, a qualified professional should head the Agency.

Public diplomacy is fraught with many hazards. We must tap the social sciences. We know one people views another simplistically. False stereotypes often dominate attitudes. The media in one country tend to emphasize stereotypes to their constituences. Effective international political communication requires special knowledge and skill. A one-way mimeograph operation may have the opposite effect intended. Overseas information programs some years ago, without benefit of public opinion research, bragged about our electric refrigerators and vacuum cleaners and created envy instead of goodwill.

Recommendations for a thorough going reappraisal of the Agency by a Presidential Commission have come from responsible knowledgeable quarters: the Subcommittee on International Movements and Organizations of the House Foreign Affairs Committee chaired by Congressman Dante B. Fascell, the United States Advisory Commission on Information, the watchdog commission, chaired by Frank Stanton, president of the Columbia Broadcasting System. In their last report they said, "How are the two hundred million of us to assure the thirty-three hundred million of them that we are on the right path and that it is wide enough for all to travel?

"Eventually if not now, it must be through knowing each other, then trusting each other. And if eventually, why not now?"

Numerous newspapers: the McClatchy newspapers of California, the New York Daily News, the Los Angeles Times have editorially supported this reappraisal.

Congressmen have introduced bills in the House calling for a reappraisal by a bipartisan Presidential Commission, among them Dante B. Fascell (Fla.), John A. Anderson (Ill.), Robert Taft, Jr. (O.), J. Glenn Beall, Jr. (Mo.), Daniel Button (N.Y.), Howard Pollack (Alaska), George Andrews (Ala.), and Samuel N. Friedel (Md.). But because of public apathy these bills have languished.

In the United States Senate, Joint Senate Resolution 157 was introduced by the chairman of the Foreign Relations Committee, J. William Fulbright, and is now pending. It calls for a Commission to Study Organizational Reforms in the Department of State, the Agency for International Development and the United States Information Agency and to recommend the most efficient and effective means for the administration and operation of the United States programs and activities in the field of foreign relations.

The commission is to consist of twelve members, eight of whom are not government officials and to be appointed by the President: two Senate members appointed by the President of the Senate and two representatives appointed by the Speaker of the House. The appropriation is for $500,000.

This Resolution, number 157, deserves the support of forward looking Americans. It should bring about the results the country needs. The proposed Commission should focus public opinion on the failings of the present USIA and its deficiencies and should recommend a new setup. The close association of the President with the Commission should assure that at long last the culture time lag we have been suffering from is eliminated. Then the USIA can function professionally and efficiently in the field of public diplomacy to improve our international relations and increase trust and understanding between the United States and the rest of the world.

A BILL TO NAME THE WEST BRANCH RESERVOIR IN OHIO IN HONOR OF THE LATE MICHAEL J. KIRWAN

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. BOW. Mr. Speaker, I am introducing today a bill to name the West Branch Reservoir in Ohio in honor of our late and beloved colleague, Michael J. Kirwan.

This project, the latest to be completed specifically to serve his congressional district, would become the Michael J. Kirwan Dam and Reservoir.

I do not need to tell anyone in this House about our late colleague's devotion to the development of the water resources of the United States. Virtually any dam, lock, flood control, or irrigation structure in the country might well bear his name, for he had a part in the development of all of them during the past two decades.

The project that I propose to rename in his memory was authorized in 1958 and construction began in 1962. The dedication was held on October 20, 1968, with Mr. Kirwan present for the ceremonies.

West Branch and projects like it were conceived as antipollution projects long before pollution became the battlecry of the people and press of the United States. A principal purpose of West Branch is to store water for low-flow augmentation. Working in tandem with other similar reservoirs in the watershed, this reservoir supplies the water needed to carry off industrial waste and reduce water temperatures at times when normal river flow is low.

A copurpose of this and the other reservoirs is flood control in the Mahoning and Ohio River Basins. The comprehensive system of dams which Mr. Kirwan did so much to create has reduced substantially the damage done during periods of flooding and will continue to provide these benefits to the people of our area for generations to come.

The dam is an earth-fill structure, 9,900 feet long with a maximum height of 83 feet above stream bed. The reser-

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voir has a total storage capacity of 78,700 acre-feet covering 2,650 acres during normal summer seasons.

I sincerely hope that this legislation may be considered in the near future.

THE AGRICULTURAL ACT OF 1970

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. JONES of Tennessee. Mr. Speaker, although the Agricultural Act of 1970 which passed the House last week was not all I had hoped it would be, I am pleased that a majority of the Members of this body saw fit to support the Agriculture Committee's recommendations. I had hoped that our Nation's farmers would receive a better program, but considering the temper of the times and mood of Congress, I do not see how a better bill could have been passed.

The Committee on Agriculture worked long and hard and engaged in many hours of agonizing debate before agreeing on the provisions of this bill. As a member of that committee, I know that every sentence, almost every phrase, of this bill was the subject of very careful consideration if not controversy. This painstaking labor took place over a period of 19 months, during which the committee held some 130 open meetings, hearings, and executive sessions, and 27 night meetings with the Secretary of Agriculture. Thus I am especially pleased that the whole body has seen fit to accept the committee's proposals.

Representative W. R. Poage, chairman of the Agriculture Committee, and Representative Page Belcher, the ranking minority member, did an outstanding job of forging a consensus bill from widely divergent views. Without the leadership of these two gentlemen, as well as that of the various subcommittee chairmen, the prospects of getting a suitable bill would have been greatly diminished. All of these men are to be commended for their work in blending idealism with pragmatism in this piece of legislation.

It appears that support payment limitations were destined to be imposed this year. Although I feel that such limitations are unwise and wrong, the committee's $55,000 limitation is certainly preferable to the proposed $20,000 limit which was wisely defeated. A limitation at the lower figure would have disrupted the delicate balance of supply and demand which has been achieved by our successful support programs of the past. The result of such an imbalance would almost certainly be higher consumer prices.

The true beneficiary of the House's action in passing this bill will be the American consumer. I regret that legislation could not be passed this year which would further benefit the farmer, but half a loaf is better than none at all. This is a lesson that farmers learned long ago.

VIETNAM WINDOW DRESSING

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. BINGHAM. Mr. Speaker, in the judgment of most experts on Vietnam, the war there cannot be ended by total victory for one side and total defeat for the other. Yet President Thieu obviously will continue to press for that result just as long as the United States makes it possible for him to do so. And President Nixon seems unwilling to cross President Thieu. This leaves us with no hope of a peaceful settlement. Meanwhile, the killing goes on, week after week.

Under these circumstances, the appointment of Ambassador Bruce, admirable a diplomat as he is, to the Paris talks is nothing more than window dressing.

I include herewith a column on this subject written by the able and perceptive columnist, Joseph Kraft. This column, which appeared in the Washington Post for July 5, was written even before President Nixon's recent statement that he would oppose not only an imposed coalition government in South Vietnam but a negotiated one.

The column follows:

VIETNAM WINDOW DRESSING

(By Joseph Kraft)

President Nixon has scored an undoubted coup in bagging David Bruce as his negotiator at the Paris peace talks. But negotiating out of Vietnam requires a new formula as well as a new negotiator.

Most of the elements available for a new formula were ruled out by the President even as he announced the Bruce nomination on the Wednesday night TV interview. So it is hard to take the new emphasis on negotiations as anything more than a move to gain still more time for winning the war—a peace offensive.

Ambassador Bruce combines all the assets required for the task. Hardly anybody knows that he has been desperate for something to do since he stepped down from the London embassy in 1968.

But everybody knows that he is a skilled and experienced diplomat. Almost everybody knows that he is a Democrat. Many people know that he has long been skeptical about the war. So it will seem that if anybody could bring off a negotiated settlement, the man is David Bruce.

But, in fact, negotiations have not been stalled because the wrong man was in Paris. On the contrary, the deadlock arises because the two sides have mutually exclusive positions.

For the other side the big issue is the Saigon government. Hanoi has been fighting for years, at terrific cost, to get a friendly regime in South Vietnam that might eventually move toward a unified Vietnam.

The present regime headed by Gen. Nguyen Van Thieu is a bitterly anti-Communist military government that opposes any compromise settlement. So Hanoi insists that a precondition of negotiations is some change in the Thieu regime. The United States is sustaining the Thieu government by its military presence. So Hanoi further insists that a precondition of negotiation is an American commitment to total withdrawal of United States forces at some future date.

These two points comprise the big hang-up in the negotiations, and theoretically there is room for maneuver around the deadlock. It is possible, for instance, to change the Saigon government now by bringing into the Thieu regime persons eager for a compromise settlement. But President Nixon, in his Wednesday telecast, indicated that any change in Saigon would be left "up to them." And President Thieu has recently been making it very clear that he wants no part of any change.

As to troop withdrawal, the other side might accept an informal arrangement whereby its military actions would be scaled down, provided the United States also scaled down its actions and accepted the principle of total withdrawal. But the President insisted Wednesday on a formal agreement for mutual troop withdrawals. And he refused to concede the principle of total American withdrawal by some specific date.

The logic behind these adamant stands is not much in doubt. Mr Nixon and his chief foreign policy aide, Henry Kissinger, have long argued that the other side could be brought to change its negotiating position under military pressure. The President seems to believe that the Cambodian operation has put him in a commanding position of strength. Indeed, in his telecast he unblushingly likened the Cambodian operation to such decisive turning points in World War II as Stalingrad and the Normandy landings.

What this means is that Mr. Nixon is looking for a settlement that leaves the Saigon regime in control. He is asking for what amounts to capitulation.

Maybe he will get it—in which case he will have scored a truly rare triumph. But the leaders of North Vietnam have shown themselves to be hard, mean, brutal and fanatical men. They have never yielded in the past without getting major concessions in return. They must now see rich military pickings opening up in Cambodia and in the northern parts of South Vietnam. So the prospect is not that they will roll over and play dead. It is that they will take a very harsh position in the fighting and in the negotiations.

No doubt the President will then be able to represent their toughness as an unreasonable refusal to consider fair offers. No doubt those of us who have been skeptical of his Vietnam policies will be made out to be skunks at a garden party. No doubt the President will win more time from American opinion for the military operations he considers necessary to shore up his Vietnamization program. And that means an American presence in the Vietnam war for years and years and years to come.

TRIBUTE TO FRANK ABBO

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. FREY. Mr. Speaker, I was deeply saddened to learn of the tragic death Monday of my friend, Frank Abbo. He was a true gentleman, and his constant good humor and friendliness could be counted on by the employees and patrons of the Roma Restaurant and by his many friends.

Frank Abbo came to this country from Italy in 1912 and began to learn the restaurant business. He was a self-educated and a selfmade man in the truest American ideal. Throughout the years he worked hard, continued to learn, and in 1933 opened the Roma Restaurant which has become a landmark in the Capital.

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Mr. Abbo's life personified what makes this country great—that dedication and energy can overcome all obstacles.

His civic achievements, his business ability and, most of all, his spirit of goodwill and love of life made Frank Abbo one of Washington's and the Nation's most outstanding citizens. We will miss him very much.

A ROMAN GENERAL'S OPINION OF "MILITARY CRITICS"

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

Mr. BOB WILSON. Mr. Speaker, we all know that history repeats itself. For example, the following article seems to apply, if not better, to today's critics of the military as it dealt with those during the Roman Empire. I am sure our colleagues will find the article enlightening and interesting:

A Roman General's Opinion of "Military Critics"

Lucius Æmilius Paulus, a Roman Consul, who had been selected to conduct the war with the Macedonians, B. C. 168, went out from the Senate-house into the assembly of the people and addressed them as follows:

"In every circle, and, truly, at every table, there are people who lead armies into Macedonia; who know where the camp ought to be placed; what posts ought to be occupied by troops; when and through what pass that territory should be entered; where magazines should be formed; how provisions should be conveyed by land and sea; and when it is proper to engage the enemy, when to lie quiet. And they not only determine what is best to be done, but if any thing is done in any other manner than what they have pointed out, they arraign the consul, as if he were on trial before them. These are great impediments to those who have the management of affairs; for every one cannot encounter injurious reports with the same constancy and firmness of mind as Fabius did, who chose to let his own ability be questioned through the folly of the people, rather than to mismanage the public business with a high reputation. I am not one of those who think that commanders ought at no time to receive advice; on the contrary, I should deem that man more proud than wise, who regulated every proceeding by the standard of his own single judgment. What then is my opinion? That commanders should be counselled, chiefly, by persons of known talent; by those who have made the art of war their particular study, and whose knowledge is derived from experience; from those who are present at the scene of action, who see the country, who see the enemy, who see the advantages that occasions offer, and who, like people embarked in the same ship, are sharers of this danger. If, therefore, any one thinks himself qualified to give advice respecting the war which I am to conduct, which may prove advantageous to the public, let him not refuse his assistance to the state, but let him come with me into Macedonia. He shall be furnished with a ship, a horse, a tent; even his travelling charges shall be defrayed. But if he thinks this too much trouble, and prefers the repose of a city life to the toils of war, let him not, on land, assume the office of a pilot. The city, in itself, furnishes abundance of topics for conversation; let it confine its passion for talking with its own precincts, and rest assured that we shall pay no attention to any councils but such as shall be framed within our camp."

ONE-MAN SENATE COMMITTEE MAKES 1-DAY VISIT TO UVALDE, TEX., BECOMES AN EXPERT AND REPORTS SOME TOTALLY FALSE INFORMATION

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include an article which appeared in the July 26 issue of the Houston Chronicle.

The article follows:

Latin Situation in Texas Called Bad as Blacks

Washington.—Sen. Walter F. Mondale, Chairman of the Senate Equal Educational Opportunity Committee, says problems of Texas Mexican-Americans are "just as bad if not worse" than those he's seen in black communities.

Mondale, a Minnesota Democrat, recently made a 3½ day unannounced unpublicized trip through Texas, Louisiana and Alabama to "gain a better understanding of the feelings and direction of (desegregation) problems on the scene."

ACADEMIES CHECKED

In addition to Texas, where he checked on Mexican-American educational opportunities, Mondale visited Prattsville, Ala., and Homer, La., to learn more about "the creation and expansion of private segregated academies."

"The problems of Mexican-Americans in Texas are just as bad or worse than those I've seen elsewhere in black communities," Mondale said. "The same patterns of discrimination, hostility and retribution exists in both."

The senator spent July 16–17 in Uvalde and San Antonio.

At the Uvalde Home of Mrs. Frances Ibaria, mother of one of the Mexican-American students who participated in a walk-out against the Uvalde public schools last spring, Mondale met with 30 Mexican-American students who participated in the walk-out and their parents.

WHAT SPARKED STRIKE?

Discussing what led to the walk-out, he learned that 61 percent of the students in the Uvalde public school system which consists of three elementary, one junior and one senior high school, are Chicanos and that there are no Mexican-American administrators, school board members or counselors. Only 16 of the 170 teachers are Chicanos.

"The school system has never produced a Mexican-American doctor, dentist or Army officer," Mondale said, because "the majority of the students do not speak English well and the local board refuses to provide bilingual education."

The language barrier makes it difficult for the Chicanos to take so-called intelligence tests and therefore 95 percent of the children are put into "retarded classes" (special education classes), the senator said.

PROGRAM CANCELED

After one session, a sensitivity training program was canceled by the superintendent of schools, he said. School counselors discourage the Mexican-Americans from applying for college and tell them instead to learn vocational skills "because they are Mexican-Americans."

Mondale expressed outrage that 600 students who walked out because of "the unbearable school situation" were flunked although many had excellent grades and only missed 27 days which "did not exceed the state's absenteeism standards."

Also, the school board refused to talk to the students about their grievances until after they went back to school for 10 days. The strike was still in effect when school let out for summer.

Parents involved in the boycott lost their jobs, Mondale maintained.

FRUSTRATION GREAT

"The Chicanos' sense of frustration, outrage and animosity is as great as I've seen anywhere," he said.

While in Uvalde, Mondale said he did not visit with members of the school board or other officials because he had a Texas Education Agency report—"a fairly objective report"—and had been briefed previously by a representative of the Civil Rights Commission who had observed the area.

In a private home in San Antonio, Mondale met with public school teachers, administrators, and college professors from Trinity University, St. Mary's College and Our Lady of the Lake College.

MOVIE OF BOYCOTT

A home movie made of the Uvalde school walkout by a member of the community involved in the boycott was shown.

Mondale recalled that the film showed Capt. A. Y. Allee of the Texas Rangers shoving and slapping a Mexican-American boy who was singled out of the boycott line by the Ranger. According to an aide to Mondale, the student stood with his hands in his pocket talking to the Ranger quietly when he was slapped.

In a meeting the next day with the president and the superintendent of San Antonio's Edgewood School District and several lawyers from the Mexican-American Legal Defense Fund, Mondale discovered a "peculiar situation." Although the Edgewood school board and its officers are Mexican-American, their hands are tied financially, Mondale related.

FIFTEEN SEPARATE DISTRICTS

San Antonio has 15 separate school districts, each supported by revenue from within that district, the senator said.

"Low-income housing continues to be built in this district and their tax base in disappearing," he added. "They are in a financial bind which makes it difficult to provide equal education."

Jose Gonzales, a Mondale aide who arranged the Texas visit, said Mondale went to the Edgewood district because "problems of inequality of educational opportunity go farther than mere integration of bodies."

NO SCHOOL AVAILABLE

"Six-hundred units of subsidized housing are going up right next to a school in Edgewood's district which is already full," Gonzales said. "They have no school to put the poor children in and no money. Is that equal opportunity?"

Mondale admitted the desegreation problem is "not just a Southern one," but is found in "northern and Western communities as well."

But he said "the Mexican-American educational problems are tragically ignored today."

MONDALE'S REMEDY

As a remedy for the desegregation ills, Mondale said he is "convinced the hope for successful integration will depend on a clear and unequivocal expression of leadership by the President, not the continuance of the inconsistent and erratic behavior of the Justice Department and the President as evidenced in recent conflicting statements."

Also, Mondale said a "full faith policy of enforcement by the Justice Department and

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> the use of legal tools of the Health, Education and Welfare Department is needed."

Mr. Speaker, if the news article is correct—as I assume it is—I am constrained to disclose some woefully false and misleading conclusions which the report contained. I will pinpoint but a few of them.

The Senate report, as contained in the news story, states:

> "The language barrier mades it difficult for Chicanos to take so-called intelligence tests and therefore 95 percent of the children are put into 'retarded classes' (special education classes)," the Senator said.

The truth: Less than 4 percent of the Mexican-American children were placed in special education classes.

On behalf of the Mexican-Americans in Uvalde, and all others concerned, I resent this false and degrading picture that is made of the Mexican-Americans who attend school there and who are, by and large, alert, capable, and meet normal standards applicable to all students, regardless of race.

The report states very few Mexican-American teachers are employed in the Uvalde system, indicating a policy of discrimination.

The truth: The school board at Uvalde has for years sought qualified Mexican-American teachers. When openings were available they have hired practically every qualified applicant.

The Senate report contains this:

> School counselors discourage the Mexican-Americans from applying for college and tell them instead to learn vocational skills "because they are Mexican-Americans."

The truth: In a school system which contains more Mexican-Americans than Anglos, 51 percent of the vocational students are Anglo-American.

Under the same subject, the one-man report falsely indicated a walkout of 600 students for 27 days before the last session ended did not exceed the State's absenteeism law.

The truth: The State law requires 165 days of attendance. Local schools operated for 176 days.

Here is another one: The report states:

> Parents involved in the boycott lost their jobs, Mondale maintained.

The truth: A local survey has been unable to locate a single parent who lost a job.

The Senate reported that Ranger Captain A. Y. Allee had mistreated a Mexican-American boy. The movie referred to speaks for itself. What is overlooked is that the ranger was there to protect the striking students as well as others. And according to all reports Captain Allee did a commendable job in that respect.

Mr. Speaker, there are a number of other errors in this report on an obviously publicity-oriented trip with political overtones. I will cite one more.

The report solemnly confirms:

> The school system has never produced a Mexican-American doctor, dentist, or Army officer . . .

The truth: Absolutely false. Without citing example, I will include a copy of a letter dated July 27, 1970, written to the Senator by a Mexican-American who graduated from Uvalde High School. The letter follows:

PASADENA, TEX.

Hon. WALTER F. MONDALE,
Chairman, Senate Educational Opportunity Committee, U.S. Senate, Washington, D.C.

SIR: I have just finished reading an article in the Sunday issue (July 26, 1970) of the Houston Chronicle. The article is entitled "Texas Chicanos 'Just As Bad As Blacks'" and was written by a member of the Chronicle's Washington Bureau.

In this article you are quoted having made the following statement, "The Uvalde School System has never produced a Mexican-American doctor, dentist, or Army officer because the majority of the students do not speak English well." I question the veracity of this statement!

Yes, your statement is untrue because I am a product of the Uvalde School System. Upon my graduation from Uvalde High School I attended Texas A&M University graduating in 1951 with a degree in Civil Engineering and a 2nd lieutenant commission in field artillery. I served in Korea and was promoted to 1st lieutenant after being in the service 13 months. These facts contradict your statement that the Uvalde School System has never produced an Army officer.

The one or two days you spent in Uvalde investigating the school walkout problem does not make you an expert either in solving their problems or in the educational history of that city. Next time someone makes a statement to you on a controversial topic, do not take it to be the gospel truth until such statement is verified to be a fact. Otherwise people familiar with the facts will not place too much truth in future statements made by you.

Concerning speaking Spanish being an educational handicap, I did not begin speaking English until I started first grade in school. I have two nephews that, like myself, have always spoken Spanish at home and are working their way through college. One of them will graduate next month from St. Mary's University in San Antonio with a degree in mathematics and a field artillery Army officer's commission. My other nephew will begin his junior year in September at Texas A&M University in Nuclear Engineering.

My nephew attending Texas A&M University was salutatorian in his high school graduating class. In addition to working, both nephews are receiving financial assistance from the Texas Education Fund which is available to any high school graduate who would not be able to attain a college education otherwise.

During my years at high school and Texas A&M my grades in English were higher than the grades made by most Anglos who had been speaking English all their lives.

I am not naive enough to think that there are no injustices being committed against people of Mexican extraction in Uvalde, but that is no cause to criticize an educational system which is available to all who wish to concentrate in education instead of politics.

Like myself, there are many Mexican-Americans that have graduated with degrees in teaching, pharmacy, or engineering. All of them are products of the school system you are being so critical of but have very little knowledge about.

Sincerely yours,
FERNANDO MARTINEZ, P.E.

Mr. Speaker, again I must defend my constituents against this gratuitous attack upon their intelligence and their capabilities. Mexican-Americans are proud people, and their children do well in the schools. They need encouragement and understanding, not the type of provocative approach, which woefully underrates their capacity for advancement, which is contained in this report.

It is really rather sad and pitiful that these gross inaccuracies were reported. But it is understandable. The one-man committee which went to Uvalde to study Mexican-American relations, with particular reference to a recent school boycott, did not find time to consult with local school officials. Could that omission have been because of fear the officials might provide the type of information that was not desired?

LETTER FROM BISHOP ARMSTRONG

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. JACOBS. Mr. Speaker, the following is a letter which I received from Bishop Armstrong of the United Methodist Church:

DEAR MR. JACOBS: I do not know if this kind of letter helps or not. Last fall, following his Harrisburg speech, I wrote Vice-President Agnew a letter criticizing the speech and urging him to call a halt to his purple rhetoric. Some weeks later I received a printed reply from his office thanking me for supporting his position. I wrote again. I have not heard from that one. . . .

As you know, Congressmen Hawkins (California) and Anderson (Tennessee) were members of a twelve-member group that recently returned from Southeast Asia. They visited the Con Son Island prison and reported on the widespread use of "tiger cages" there. Their description of the inhumane treatment of political prisoners has raised questions around the world.

Early last summer I was a member of the U.S. Study Team on Religious and Political Freedom in Vietnam. Our report of findings, entered in the *Congressional Record* on June 17, 1969, detailed and documented the physical abuse of non-communist critics of the Thieu-Ky government. Let me ask you, in the light of this recent "revelation", to go back and carefully read our earlier report.

Prime Minister Tran Thien Khiem has said, "if . . . reports are accurate of the mistreatment of prisoners, then the government will take steps to redress the situation and order the abolition of the 'tiger cages.'" More than a year ago Richard Dudman (the *St. Louis Post Dispatch* correspondent who was released last month by communists in Cambodia after being held for five weeks) and I sat in General Khiem's office (he was then Minister of Internal Affairs) and described the findings of our team's visit to Con Son Island as well as to other prisons and detention centers. He expressed "official concern" and said if there was truth in what we said, steps would be taken "to redress the situation." Nothing was done!

Whether we like it or not, the present Saigon government is a military police state, dependent upon our continued presence to stay in power. It closes down newspapers, persecutes disabled war veterans, students and Buddhist monks, disallows any talk of a coalition government—and imprisons and tortures its political opponents. Nearly 50,000 Americans have died for that regime.

Let me plead with you to forget the catchwords and phrases: "dove", "hawk", "radical", "southern", "Republican", "Democrat", "party loyalty" and "support the president"—and deal with the facts of the matter.

One of the reasons the word "immoral" is often linked with the war in Southeast Asia is because, as we seek to fight communist oppression, we have identified with, apologized for and empowered a corrupt military dictatorship. How much longer will we pretend that black is white?

Washington is where the crucial decisions are being made. The American people are at your mercy.

Respectfully yours,

JAMES ARMSTRONG.

CONGRESSMAN MIKE HARRINGTON REPORTS TO YOU

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. HARRINGTON. Mr. Speaker, this week I am sending to my constituents my second newsletter since I have been in office. This newsletter will reach almost one-half a million people. The views which I have expressed in the newsletter are very similar to those which I have expressed numerous times on the floor of the House during my term in office concerning the relevancy of the Congress. I have discussed some of the efforts which I have made to awaken the House to the need for congressional reform, as well as other issues of vital concern to myself and my constituents. Interspersed within the newsletter, I also included photographs depicting my daily activities in Washington.

With the thought that it might interest our colleagues, I include its full text in the RECORD:

CONGRESSMAN MIKE HARRINGTON REPORTS TO YOU

It is nearly four months since my last newsletter. You may recall that in that newsletter I expressed my own questions about my role as Congressman. The additional four months in the job have led me to a reasonably firm assessment of what I can do and how it should be done.

Congress as it is presently structured puts extraordinary emphasis on seniority and hence limits the practical results which a freshman Congressman may achieve. The system should be changed, and further on in this report, I discuss my efforts in that direction. But even within the existing framework, it's possible to take an active part in the legislative process.

I have filed 8 bills of my own and I have co-sponsored 71 others. Co-sponsoring is an effective way for a group of members with a common objective to formally band together to indicate from the start that their bill has support.

The list of bills is too long to recount (I am happy to send it to anyone upon request), but let me characterize their thrust.

I have aimed at funding higher levels of social security, of urban housing programs, of medical and educational programs. While recognizing the need to curb federal spending so that inflation might be slowed, I am convinced that needs of this kind do not provide the appropriate places to cut when we are spending $80 billions—almost half our budget—on military expenditures.

I have supported efforts to reorient our foreign policy, particularly to prohibit expansion of the war in Indochina. I filed resolutions similar to the Cooper-Church amendment and the Repeal of the Gulf of Tonkin resolutions. Neither, nor anything like them, has yet succeeded in passing the House despite their approval in the Senate.

I have introduced the Fisheries Development Act, a bill which Senator Kenneday introduced in the Senate; it seeks modern solutions to some of the difficult problems facing our fishermen.

Concern with our environment continues to be a matter of high priority. In addition to backing broad efforts in this direction, I have filed a number of quite specific bills—a bill to prescribe low-emission exhaust vehicles for government purchase, a bill to help insure disposal of scrap automobiles, a bill to limit exhaust on automobiles, a bill to provide manufacturers with low cost loans for pollution abatement, a bill to include municipalities under the 1899 Refuse Act, and others. Most recently I introduced a measure to limit coastal dumping of dangerous wastes. This bill has been heard before the subcommittee on Fisheries and Wildlife Conservation and the committee chairman assures me that a bill—perhaps mine—concerned with coastal dumping will be reported to the floor shortly.

No one should have any illusions about how much legislation ultimately is made into law. Of all the bills I have introduced or cosponsored, one is now law—a measure which aids criminal rehabilitation. The overall rate of success in passing legislation is only 3% of total bills introduced, and most of these bear the name of the committee chairman hearing the measure.

But legislation is only one aspect of the job. Equally important is to use the Congressional office to create a public dialogue on national issues.

To this end I have tried to express my views as candidly and as often as possible. On weekends I have been available in the district for speaking engagements and have averaged three and four appearances weekly. These meetings are invariably open to questions and an exchange of views.

I have also used the floor of the House to speak on major issues, and while I cannot say that members of the House break attendance records to listen to me, certainly the response to my remarks both by Congressmen and the media has again confirmed my conviction that Congress provides a forum for exposure of major issues.

In addition, I have sought to voice my views to the press and radio and television and frequently in the Congressional Record. The newspapers of the district have been cooperative in reporting on my votes and on my views. More than 100 press statements have been released from my office since last October, statements which generally reflect a point of view on national issues, statements which I hope invite consideration and response, not necessarily agreement, on major problems.

In the same vein, letters from constituents on national issues have been answered with more than perfunctory "Thank you for your views." I conceive of this exchange between citizens and their elected representative as another opportunity for dialogue.

Using the Congressional office in this manner derives in large part from my observation that Congress operates in quite appalling isolation.

So much of Congressional business is carried on in small committee rooms and through the control of powerful committee chairmen that many members, and the body as a whole, year after year shut out the major issues of our times. Certainly in the past four months we have seen unfold issues of dramatic significance to all of us: Cambodia, the Mid-East crisis, Kent State and student unrest, an on-going inflation, a declining employment rate, and rampant pollution. Yet the House of Representatives, for example, debated the Cambodian invasion for less than an hour, and well after the event. And only four hours were given to discussion of the massive ABM defense system.

Quite clearly I do not share the view that a Congressman can best operate quietly from the cubbyhole of his Washington office. Long records of success have been developed from this formula if staying in office is reckoned as the yardstick of success. I don't think it is.

To the contrary, Congress through its failure to take public postures on major issues, to expose itself, to become vulnerable to public opinion, has lost its relevance to the 1970's and that destroys most yardsticks of success in my view. Our men are still dying in Indochina, we have not suggested remedies for the social needs and health needs of our poor and our elderly, the racial inequities of our land are unsolved, our housing needs are unfilled, and the litany of areas in which Congress has responded sluggishly goes on.

Of course you may well ask if raising the level of intensity of concern gains positive results.

I hope so, and I think so.

In two instances my own experiences generates reasonable grounds for believing in this course.

First, I think I have been able to contribute to current efforts to revitalize and reorganize the House of Representatives so that seniority and secrecy will be curtailed. The bill now being considered by the House is the first reorganization bill in 24 years, and already major changes opening the action of Congress to more public disclosure—record votes, for instance, for teller votes—have been voted. My own involvement has been in terms of co-sponsoring amendments, of speaking frequently for the need for House reform, and using such research capabilities as I have to present a strong case for revision of the seniority tradition.

Second, I have been able from this office to press for a more realistic and honest assessment of our pollution problems. My use of the 1899 Refuse Act to call attention to statutory violations of polluters has been publicized nationally, and as a result we have sent information to nearly three hundred inquirers representing 30 states.

I suppose that if I conceive of my role as being one of bringing national problems to your attention and getting you to understand that not enough is being done by Congress, then by this very approach I confess a basic optimism about the democratic process. Of course, I am concerned that if we do not act more promptly and effectively the inevitable result will be disillusionment and further alienation on the part of young and old.

But strangely enough, after having said this, I have really come to believe that out of all the divisiveness, out of the self-doubt which is so manifest in the nation today, out of the stark shortcomings which we are beginning to recognize more bluntly, will come a new maturity.

I think the nation is becoming more introspective, more self-critical, and that the strength of exposure, of dialogue, and discourse will result in a higher level of performance from public officials.

FIVE KEPT BUSY AS OMBUDSMEN

My office continues to be busy in its function as an ombudsman, an intermediary between individuals and their federal government.

Most of this work is handled directly out of my office in the Salem Post Office building. We have five staffers and several volunteers here in the district working on these and related district problems. Our "case" correspondence averages 200 letters a week.

May I emphasize that constituent service is a function of my office as a federal employee, and that it is handled on a completely non-partisan basis. Too often citizens confuse this work with an old time concept of "doing favors." That's not our job. We have found that local citizens have very real problems—a social security check may not come on time, sickness in the family needs to be related to a family member in the service, the draft board has mislaid or misunderstood some documents, a federal aid program is confusing—these areas are where my staff and I can be of assistance. Call us at 745-5800 or write to me.

In this connection we always welcome volunteer workers, particularly typists.

MIKE WRITES PRESIDENT ON MIDEAST

The Mideast, as the President has recognized, continues to be the area containing the greatest potential for disaster.

It is desirable that the United States use its power to achieve lasting peace and to guarantee the territorial integrity of the states in that area.

Recent initiatives by the United States afford some degree of optimism that all parties involved are becoming increasingly aware of the grave potential for disaster to which the heightened military activity points. The latest proposal of the United States has provided the most hopeful signs of a peaceful solution.

In the interim, however, I have urged as I have in the past that the balance of power in the Mid-East must be maintained. In the face of greatly expanded Soviet-Arab aircraft strength, I joined with 221 colleagues in the House in writing the President on June 10 urging that the U.S. provide Israel with additional supersonic jet aircraft.

Here is a record of my votes in the House of Representatives on major legislation since I took office last October:

Amendment to prohibit use of U.S. troops in Cambodia after June 30 without Congressional approval: Yes.

Authorization of more funds for supersonic transport (SST) plan: No.

Family assistance plan, a major revamping of the U.S. welfare system: Yes.

Health and safety standards for coal miners and compensation to victims of black lung disease: Yes.

Extension of the Voting Rights Act and lowering voting age to 18: Yes.

Department of Defense Appropriations, including funds for Indochina war: No.

Overriding presidential veto of HEW appropriations, including increased funds for education: Yes.

President's Executive reorganization plan: Yes.

Overriding presidential veto of funds for hospital construction: Yes.

Resolution for joint Congressional committee on environment: Yes.

Improvement of garbage handling by providing grants for solid waste disposal facilities: Yes.

Clean air legislation authorizing nationwide air quality standards and testing of auto emission control devices: Yes.

Approval of greater cutting of timber in national forests, opposed by conservation groups: No.

Providing additional funds for home mortgage market: Yes.

Postal Reform—Establishes Government-owned corporation and provides for pay raise for postal workers: Yes.

Social Security—provides cost-of-living increases in benefits and amends Medicare to provide broader coverage: Yes.

WHAT IS ACADEMIC FREEDOM?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. TEAGUE of Texas. Mr. Speaker, I wish to insert in the RECORD the notes from which the eminent scientist, Dr. Edward Teller, used when speaking before the Scranton Commission on Student Unrest, July 23, 1970. Dr. Teller's remarks should be mandatory reading for every citizen of our great country:

WHAT IS ACADEMIC FREEDOM?

The scholastic record does not show that Senator Edward Kennedy is a great expert on education. Yet the Senator was among the first to be called by the President's Commission on student unrest. He expressed himself with considerable clarity: There will be no peace in our universities as long as there is war in Vietnam.

This opinion is shared by many. In fact it probably will be used by student radicals as their slogan in September. But there are two weak points in this statement.

Student unrest has become a world-wide phenomenon. The painful political problems of the United States—Vietnam and integration—are probably not the real causes of the trouble. Nor is it likely that the solution of these questions will provide a cure.

The second weakness is more simple and more basic. The difficulties of our universities should not be linked with politics. If our system of higher education is to survive, a separation of politics and education is required. This is fully as important as the separation of church and state.

There has been much talk about academic freedom. Unfortunately there has not been enough thoughtful discussion of this subject. If, as it now seems, our academic establishment (to use the unpopular expression) is to be transformed into a political pressure group (to employ an even more provocative phrase) not much will remain of academic freedom. I suspect that this is precisely what the "New Left" wants to accomplish.

One straightforward meaning of academic freedom is: A person willing and able to learn should have a chance to learn; a person willing and able to teach should have a chance to teach. Strikes at universities are incompatible with these simple principles.

A student has a right to make up his mind on what is relevant to himself. He does not have the right to determine what is relevant to his fellow student.

Last May a group of students invaded my class on physics and demanded (in a peaceful manner) that I discuss Southeast Asia. The patient backing of the chairman of our physics departments to uphold—at least for the time being—the right of my students to study and the right of their teacher to teach. Will the President's Commission uphold this right in an unambiguous manner or will the political offensive of Senator Kennedy force Governor Scranton to play the futile game of Neville Chamberlain.

But there is more involved than the concept of academic freedom.

If one wants to learn and to teach, one has to know the truth—an impossible task. To approach truth one has to have an open mind. It is incredibly difficult to leave prejudice behind. It is most difficult not to be influenced by my own prejudices, some of which I am not aware of. At the same time I am immersed in the prejudices of all my fellow scientists and in the prejudices of the impressive multitude of the academic community.

Hence, we must insist on complete freedom of speech—freedom of discussion. We must not be deterred by contradiction, by ridicule, and least of all. by the influence of those who wield power and control the purse-strings.

Hence, we must insist that a professor should have tenure. He serves truth and the telling of truth and he cannot serve any other master. This is the credo of academic freedom.

But any freedom has its natural limitations. The search for truth must be sharply distinguished from the call to action. In order to develop and to defend intellectual values we should renounce active participation in politics.

A student or a professor is also a citizen. As such he should vote and he may exercise his right of political advocacy. But he should step outside the university to do so.

I want to insist that the most thoughtful among the Communists should be accepted in the academic community. It the great Russian writer Alexander Solzhenytzyn should come to America I would welcome him in any educational institution.

But neither re-armament nor withdrawal from Southeast Asia, neither help to Israel nor concrete steps leading to peaceful coexistence with Russia should be advocated from an academic platform.

If a professor should take the extreme position to strike against his university, his tenure and his guarantee of a life-long professorship should be automatically cancelled.

A university is a citadel of learning. The right to teach and to learn must be defended against any challenge from militant or nihilism.

The university must not become a sanctuary of the political guerrillas who want to destroy the fabric of our democratic society.

A LOOK AT THE CONSUMER'S STAKE IN LOWER AIR FARES THROUGH GROUP CHARTER FLIGHTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. MIKVA. Mr. Speaker, the problem of inexpensive group charter airline flights is one that touches many Americans. These group flights allow many Americans of limited financial means to enjoy the pleasures of both domestic and foreign vacations at prices below those of the often prohibitively expensive commercial airlines. New regulations now under consideration by the Civil Aeronautics Board, however, would limit the availability of such flights to the American consumer.

I believe my colleagues will find informative a report written by Mr. Shelby Southard of the Cooperative League of the U.S.A. in support of lower air fares through group charter flights, and opposed to the new CAB regulations. Mr. Southard and the Cooperative League have long been in the forefront of the battle to protect the interests of the American consumer. His article follows:

A LOOK AT THE CONSUMER'S STAKE IN LOWER AIR FARES THROUGH GROUP CHARTER FLIGHTS

(By Shelby Edward Southard, Washington, D.C.)

Many consumer organizations have brought the advantages of low-cost charter flights to their members by arranging for group travel

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at about one-half of the cost of an individual ticket on a scheduled flight. On June 2, a number of groups attending the Consumers Travel Conference in Columbus, Ohio, learned how these tour bargains could be made available to more organizations.

On the plus side, the President recently announced a new International Air Transport Policy, which calls for uniformity and simplification of charter rules, and states that "charter services have been useful in holding down fare and rate levels . . . they can provide low-cost transportation of a sort fitted to the needs of a significant portion of the traveling public."

On the minus side, and seemingly to fly in the face of the President's policy, the Civil Aeronautics Board is pushing for restrictions on low-cost travel which, if adopted, would sharply curtail inexpensive study and vacation charters.

At this point, Congressional action would seem to be the only hope consumers have for breaking this impasse between Administration policy and the rules of an independent regulatory agency.

Given this situation, it behooves all of us to let Congress know where we stand on this issue.

The Federal Aviation Act calls for "the promotion of adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discrimination, undue preferences or advantages, or unfair or destructive competitive practices."

Despite this, one segment of the aviation industry—the charter specialists who offer low-cost transportation—is threatened with proposed CAB rules and regulations that would sharply curtail the popular low-cost charter concept that was authorized by an Act of Congress. Many well-known American voluntary organizations—such as cooperatives, fraternal groups, trade unions, senior citizens, study groups of students and teachers, etc—that now provide inexpensive travel programs for their members, would also be severely restricted under the proposed CAB rules.

The right to travel is a strongly-held American belief. And charter airlines—known as "supplementals"—have brought transportation to Americans at lower costs than have ever before been available.

America's airline industry has two classes of travel—individually-ticketed, regularly-scheduled service over set routes, and group charters. Under the charter rules, each flight operates under a separate agreement in which a group hires the plane for a trip to a destination of its own choosing. Thousands of fraternal groups, employee organizations, professional societies, consumer organizations, unions, and social clubs have enabled their members to enjoy such vacation wonders as Europe, the Caribbean, Hawaii and the Far East because charter travel brought the cost within range of modest budgets.

CONGRESS RECOGNIZES THE NEED

Charter specialist airlines were granted permanent operating authority by Congress in 1962. Ever since, these airlines—flying the same planes as scheduled airlines under the same federal safety regulations—have offered a new dimension in air transportation, bringing such trips within reach of moderate-income Americans.

In 1968, Congress recognized that the supplemental airlines had "become solid, responsible, safe and profitable business entities." It extended their authority to include a completely new twpe of charter, the inclusive tour (ITC). At that time the Assistant Secretary of Transportation said: "The supplemental carriers have provided the benefits and experience of air transportation to people who otherwise might not have traveled by air. The supplementals have provided a new degree of competitive endeavor which the scheduled airlines have been unwilling or unable to initiate despite encouragement by the (Civil Aeronautics) Board."

Here are some of different kinds of charter services:

Single Entity: A contracting party pays the entire cost of a planeload charter. Examples include athletic teams, "incentive" travel for company sales personnel, etc.

Affinity: An organization charters the plane and the cost is prorated among the members making the trip. This type of charter is governed by numerous regulations that limit eligibility to individuals (and their immediate families) who are bona fide members of social, religious, fraternal, education or employee associations, not organized primarily for the purpose of travel.

Inclusive Tour (ITC): Full or split-load charters to a tour operator who organizes and promotes the tour and arrange the charter. Clients pay the tour operator. CAB must approve the tour, which must have three stopping points and last at least seven days. The cost to the client must include all hotel accommodations and surface transportation and be at least 110 percent of the lowest available individually-ticketed scheduled fare over the route.

WHAT CONSUMER GROUPS SAID

In 1968 during Congressional hearings many consumer, trade union, agricultural, fraternal, cooperative and senior citizen groups filed statements or testified in favor of having the Civil Aeronautics Board revise and update its charter regulations. They proposed to broaden low cost jet air travel and bring it within reach of many more Americans who cannot now afford to fly.

In this they were supported by testimony from the President's Consumer Advisor, Miss Betty Furness, who pointed to the need for preserving competition. Her successor, Mrs. Virginia Knauer, also spoke up for the consumer interest in a letter earlier this year to the inter-agency task force working on a new international air travel policy—with what effect is not yet clear.

Charter fares average 50 percent lower than individually-ticketed coach fares on scheduled airlines. This proposal would make it possible for many more people to plan vacations and study tours to different parts of the world by giving them access to charter travel.

In its desire to simplify the rules and to make low cost travel available to even more Americans, the supplemental airlines suggested a number of changes in the now 11-year-old affinity group rules. Key points are summarized here:

Expand the definition of "immediate family" of a charter passenger to include all his dependents, all members of his household, and close relatives.

Permit "special event" charters for groups, such as to the annual Rose Bowl.

Allow charters to members of automobile associations, who are already knowledgeable about safe, insured, and low-cost land travel.

Permit the sale of up to 20 percent of the seats on a charter flight to friends of members of the chartering group.

Permit married students on a charter study tour to take members of their immediate families along with them.

RESPONSE OF CIVIL AERONAUTICS BOARD

But the Civil Aeronautics Board, rather than clarifying and simplifying its rules to broaden the opportunities for low cost charter air travel, now proposes to restrict it even further. Its proposal would eliminate many presently eligible groups from chartering trips for their members.

If the proposed rules are adopted, many clubs and organizations will find that they have taken their last modestly-priced vacation tour. And once the travel market has been given entirely over to the scheduled airlines it would not be long before their international price-fixing cartel—the International Air Transport Association (IATA)—would push international air fares upward. It has been demonstrated that only the availability of low cost fares through the charter airlines brings IATA-set fares down.

The public has long demanded low cost travel. But only when charter flights helped answer this demand did IATA come up with new group fares of its own. Some of these fares were designed only to deter groups from flying the charter airlines. Last year, at the very time they were announcing new lower-priced group fares, the IATA airlines also raised individual ticket prices by eliminating the traditional five percent discount on round-trip tickets. A CAB examiner recommended rejection. He was over-ruled by the Board.

Instead of clarifying its rules, CAB has proposed arbitrary standards to determine who may use affinity group charters. A large percentage of charting organizations would automatically be ineligible for charter travel. Such long-established groups as the American Bar Association, the National Education Association, the Knights of Columbus, and B'nai B'rith would not be allowed to plan vacation charter trips for their members.

ORGANIZATIONS WITH MORE THAN 20,000 MEMBERS EXCLUDED

They would be denied this right because they have more than 20,000 members. In trying to screen out groups whose only purpose is to offer low cost travel (and which already are ineligible), the CAB has selected an arbitrary size to determine whether or not an organization is a bona fide "affinity group." A large organization that accepts a few too many members—no matter how well qualified—would find itself disqualified. Thus the government wishes to regulate voluntary organizations rather than airlines.

IATA, which never has encouraged low cost group travel tried to limit group sizes back in 1963. At that time the CAB refused to accept an identical membership size restriction on the grounds that it was adverse to the public interest.

In its stated desire to assure that only bona fide groups take advantage of charter travel, the CAB now proposes a number of other rule changes that would curtail the public's right to low cost travel. These changes are couched in phrases that suggest a belief that many persons who "should be" traveling as individuals are members of large organizations for the sole purpose of obtaining cheap fares.

Chartering organizations, under the planned rules, would also be limited to a total of 2,000 seats in a calendar year. This is equal to eight charters on a modern plane such as a stretch DC–8, and fewer on the new jumbo jets. It would not matter whether the trips were for college students planning to study abroad, for football fans with tickets to a Bowl game, or for vacationers wishing to attend EXPO '70. A large group simply could not charter more than 2,000 seats in any one year.

It should be noted that waivers may be sought for any of the charter rules. But since there are no clear-cut, objective standards covering such requests, members of charter groups would be allowing CAB staff members—who are elected by no one—to determine which of them may exercise their Constitutional right to travel.

Some of the other ways in which the CAB proposes to identify those groups which are qualified to charter seem equally strange, if not capricious. Groups which have more than one class of member with different dues rates would automatically be disqualified. Thus, the National Press Club would no longer be allowed to plan its annual members' charter to Europe. Organizations that elect officers and directors every three or four years instead of every two years, or whose officers are elected by the directors rather than directly by the members, would also be barred, no matter how reputable these groups might be. Agricultural and marketing cooperatives would no longer be allowed to schedule charter trips for their members because of the nature of their business.

RULES THREATEN TO MAKE CHARTER TRAVEL DIFFICULT

Most intelligent persons, before embarking on a major trip, would expect to know not only where the airplane was going, but also where they would stay and what they would see and do while on their vacation. One of the proposed new rules would bar an assisting travel agent from sending descriptions of available land tours to organization members until after they have signed up for the charter flight. The consumer would have to put his money on the line for the flight without knowing what the full costs would be for the tour.

Nor would travel agents be allowed to help small and inexperienced groups in preparing their required passenger lists. Organizing a charter trip would be made much more difficult, even when a group is clearly qualified. In the face of rising costs of printing, postage and office work, the CAB intends to place a limit of $4.00 per passenger on the amount of administrative expenses allowed for organizing a trip. Present rules do not limit these expenses, but do require that receipts be filed if they are over $750 per planeload.

Under another planned rule, financial risk for acceptable groups would be greatly increased because they would not be allowed to solicit their own members until after a charter contract has been signed. Making it more difficult for organizations to provide charters for their members, another rule would ban solicitation across chapter lines. This would eliminate many small chapters of "charterworthy" organizations now able to fill a plane with their own chapter's members and those of the same organization in nearby chapters. Thus, CAB would restrict the very small as well as the very large groups.

With larger jets already in service, it is more difficult for chartering groups to fill a plane. When jets replaced smaller piston planes, the CAB recognized the problem and allowed up to three separate affinity groups—with at least 40 passengers each—to charter a single plane. The three group limit in a 400-seat jumbo jet would require the average group to have more than 125 members traveling together. In its proposed regulations, the CAB indicates it is willing to consider a relaxation of the three group limit, but does not clearly say it will.

During the heavy tourist season, one out of every five transatlantic travelers flies by charter. The present rules invite evasion, and are virtually impossible to police effectively because of the legitimate desire of people with modest means to seek the lowest fare.

COMPETITION HELPS HOLD DOWN FARES

The acceptance of charter travel has clearly established the public demand for additional low cost air transportation.

Where foreign airlines once dominated the transatlantic charter market, U.S. supplementals have contributed to a dramatic reversal in the trend. Their share of the charter market has climbed from 17 percent in 1963 to 50 percent last year, part of America's successful attempt to stop the gold flow from leaving our shores. During the same period, the total U.S. airlines' share of this market rose from 20 percent to 65 percent. The scheduled airlines benefited from the growth of chartering, increasing their share from 5 percent in 1962 to 15 percent in 1969, a threefold increase.

Secretary of Transportation John A. Volpe last year cited competition by the supplementals as being "largely responsible" for transatlantic air fare reductions which were announced in November, 1969 by IATA member airlines.

Secretary Volpe said: "It seems certain that they (the supplementals) have demonstrated a clear public need for their sevices. In the past they have accommodated a lower income market of people who would not otherwise be traveling abroad. And now, threatened with more widespread supplemental operations, the scheduled IATA carriers have been compelled to lower their group fares to a competitive level."

The Senate Commerce Committee, in a 1968 report, said the supplementals are "a permanent and integral part of the national air transportation system. They have actively promoted the airline charter business to the point where it is a growing means of travel for American citizens who otherwise would have been denied the opportunity to take low cost vacations by air."

HOW COMPETITION IS BEING STIFLED

Only six percent of Americans have ever been abroad and only 50 percent have ever traveled by air. Despite the vast untapped millions of potential passengers anxious to travel, the world's scheduled airlines and the foreign governments who control them have not been content to compete openly in the marketplace. They have consistently tried to eliminate low cost charter travel through restriction of landing rights at foreign airports, predatory and often discriminatory pricing, and archaic rules governing who may charter a plane.

Scheduled airlines are now using new low group rates (subsidized by increased regular fares) in a concerted effort to drive U.S. charter airlines from the skies. If they are allowed to succeed, they will have eliminated the only challenge to their monopolistic rate-setting system.

The president of one foreign scheduled airline said of the supplementals: "They cater to the cheapest possible traveler and thus lower the yields of the domestic tourists industry." There is a strong suspicion that if IATA succeeds in eliminating the supplementals, scheduled carriers would find it "necessary" to considerably increase their excursion and group fares and turn up their noses at the "cheapest possible traveler."

With most members of IATA government-owned, it has been easy to make the drive political as well as economic. Some European carriers have been successful in pressuring their governments to restrict landing rights for supplementals.

But who really suffers by this economic warfare? First, of course, the traveling public, which either pays more or is limited in its choice of destination.

CONGRESSIONAL ACTION ON AVIATION POLICY

The consumer clearly has a stake in low-cost air travel. This right must be assured by Congressional enactment of a national aviation policy. This policy must recognize the concept of a total U.S. air transportation system that includes both the secheduled airlines, which specialize in individually-ticketed service, and supplemental carriers, which specialize in group transportation—charter flights at low fares. Such a policy, backed by U.S. government support for charter airline rights abroad, would broaden the base of the market to include millions of moderate income travelers who fly infrequently or not at all.

At the same time, what is urgently needed is a simplified, easily understood set of rules which would make low cost charter travel available to as many Americans as possible. Simplified, fair and easily enforceable rules would discourage cheating by the public. Group travel is in itself a restriction that it clearly distinguishable from individually-ticketed fares. This simple criteria would preserve the distinction between charter or group services, on the one hand, and individually-ticketed scheduled services, on the other.

Instead of proposing rules that deprive millions of Americans of charter flight opportunities, the government should adopt a policy and rules that make charter transportation more widely available, and on a more equitable basis for all Americans. In a nation where equality of opportunity is a national goal, the right to travel should not be abridged by arbitrary and irrelevant standards such as the size of an organization, or the date on which it elects its officers.

The entire U.S. aviation industry will be better served if our regulatory agencies adopt rules that keep air travel from becoming the exclusive preserve of the rich, the expense-account business traveler, and the jet-setter.

THE CONSERVATIVE SOLUTION

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. QUILLEN. Mr. Speaker, the younger generation is becoming increasingly more alarmed about the complex and confusing problems facing this country, and this is good.

Recently, John J. Calderbank, an 18-year-old youth who lives at 205 Sparkling Brook Drive in Bristol, Tenn., gave a speech before the Bristol Host Lions Club entitled "The Conservative Solution."

In view of the fact that I share so many of his views, I would like for others to have the opportunity to read the text of his excellent speech. Therefore, I would like to submit his words for readers of the RECORD:

THE CONSERVATIVE SOLUTION

It must appear strange that someone as young as I has come here this noon to speak to you on "conservatism," but at no other time in this country's history has the need for conservative solutions and the need for the return to conservative principles been greater.

We are living in the most troubled of times. As this nation approaches the 200th anniversary of its independence, never before has the assault upon some of its most cherished institutions and traditions been more intense or more violent. Never before have the rights of the individual as a political and social entity been more usurped by the encroachments of an ever-expanding and ever-inefficient bureaucracy.

Certain politicians, intellectuals and members of the press have for years gravely distorted the true meaning of conservatism. These people have tried to show conservative solutions and conservative principles to be repressive and out of date. In recent years, this false liberal fabrication of conservatism has become so strong in some sections of our country that often people, in agreement with conservative principles, remain silent or run the risk of being branded "reactionary"—to use one of the New York Times' more printed cliches.

The time has come in this country to dispell the distorted image of conservatism, and silence those who brand conservatism "out of date." It is time to replace the useless, wasteful and inefficient liberal bureaucracy that pervades government at every level with the conservative alternative—the conservative solution.

The basis of the conservative solution rests upon three premises. The first is the implementation of the true meaning of conservatism into government, government policy and those elected and appointed to run the government. Conservatism is simply a devotion to the restoration and development of our tradition that places the freedom of the individual to seek his fulfillment and salvation as a central principle in our social order. In other words, the individual should be free, within the law, to use to the best of his ability his own initiative and genius to attain goals, and provide the best possible livelihood and well-being from the fruits of his initiative for himself and his family, without fear of government interference or restriction upon his initiative or profit goals.

The second premise is based upon the embodiment into law of the conservative meaning for the term "freedom of the individual." This phrase has been abused and taken out of context recently, as evidenced by some Supreme Court rulings of late. Many times certain politicians, members of the academic community and of the press justify the usually violent and intimidating tactics of the radical and liberal-left with this phrase. But, as part of the conservative solution and as American Conservatives understand it, the phrase means that the individual has a right to be free from coercion, so long as one does not interfere with the freedom of others, and does not give aid to the destroyers, foreign or domestic, of the social order upon which this freedom is based.

The best way to introduce the third premise of the basis of the conservative solution is to tell you about a cartoon I saw in a recent edition of the *Bristol Herald Courier*. The cartoon was entitled "The Small Society." It pictured two cartoon characters leaving the capitol building. One turns to the other and says, "I haven't seen a copy of the Constitution in years." The other replies, "Well, maybe it's out of print." This cartoon indirectly indicates the root cause of the permissiveness in law today that has allowed the upheaval and turmoil to occur. We have ignored the greatest document of democracy ever written by free men—the Constitution.

We have elected congressmen and we have tolerated judges who have ignored the Constitution while enacting laws, or have substituted their own expanded meanings for what the Constitution actually says while interpreting the laws. The third premise is, therefore, the strict interpretation of the Constitution.

The conservative solution, however, must be taken to every generation of America, especially its younger generation who has too long endured the tirades of the liberal-left. Those of you who believe strongly in conservatism as I do, or even those of you who agree only in part with its principles, must take this message to the voters who have the power to change what is. We must elect congressmen who agree with conservative principles, and have these congressmen appoint judges who will interpret the Constitution in a strict manner—thus alleviating the permissiveness in law that infects our society.

Too long people in this country have endured the programs of liberalism, whose mistakes and failures are piled high in Washington, and the effects of these failures which are felt throughout the land. Too long people in this country have been exposed to only one side of the political spectrum.

This can best be seen in a personal experience of my own. I recently attended the summer orientation session for entering freshmen at the University of Tennessee. During the part of the session allotted to representatives of various political organizations on campus to come and speak to the entering freshman about their organizations, representatives of liberal and leftist groups were there in abundance. Representatives of conservative groups were conspicuously absent.

This must stop! Conservatives must not allow the public, especially the young, to hear from one side. Conservatism must be uppermost in everyone's mind so that we may once again live in a country where the victim of crime has more rights than the criminal; where business can operate without the bureaucratic restrictions placed upon it by government; where individual initiative and the desire to work themselves out of poverty will be instilled in the minds of our nation's poor, instead of using the liberal approach that states the government owes the poor a living. We must elect congressmen and senators who are brave enough, and willing to forego political expediency to enact laws that will once again make our streets safe and make our campuses cathedrals of learning instead of showplaces for violence, intimidation and anarchy; where the theories of individual initiative and less government instead of more government will be predominate in the minds of our politicians as they solve our problems.

This is the conservative solution—using the three premises of the basis of the conservative solution in approaching and solving problems, the problems will be solved and solved properly.

As a conservative, I cannot ask you to again foot another $15 billion federal welfare bill as you did in 1969—when the result of this vast expenditure of money was longer welfare roles and shorter payrolls. When there is an alternative, a better alternative, I cannot ask you to accept the status quo. We must begin to realize in America that, if the present liberal bureaucracy is permitted to continue and to expand as it is, individual initiative and our free enterprise democratic system of government will become things of the past!

BUFFALO COLLEGE STUDENTS BUILD OWN CLEAN-AIR AUTO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. **DULSKI**. Mr. Speaker, at a time when there is considerable unrest and criticism within and without our colleges and universities, I am delighted to be able to report some very progressive and community-minded activity upon the part of students at the State University of New York College at Buffalo.

A team of students is intensely concerned about our Nation's pollution problem. More important—they are doing something about it.

I had the honor to be on hand the other day when these students unveiled their "clean air automobile." They built it themselves and are entering it in a 3,700-mile "race" from Boston, Mass., to Pasadena, Calif.

There are about 70 entries in the race and the Buffalo vehicle is the only one being entered from within our State's higher education system.

The Buffalo project is a student activity from the beginning to end. Some other entries, I am told, have had professional and commercial help and involved expenditures of tens of thousands of dollars. One car reportedly cost $28,000.

FINANCED FULLY BY STUDENTS

Buffalo State College's entry involved a cash outlay of $2,500, provided in full by the College Student Association. It is expected to cost another $2,500 to finance the cross-country trip and the same association is providing those funds, too.

The cash outlay does not include, of course, any allowance for donated parts, expertise or the 2,700-man-hours of intensive labor put into the project by the eight students and three faculty advisers.

Whether or not the Buffalo State College entry wins the race—and I hope sincerely that it does—the eight students and their advisers will have shown what can be done by action in place of words.

Each of these students and teachers is to be commended highly for his or her initiative and sticktuitiveness.

As Student Coordinator John Schifferle said:

> This is a student-oriented program and we think it demonstrates student concern for the environment.
>
> We are trying to express our concern for the ecology, not by rioting or demonstrating, but by using our technological knowledge to help solve today's pollution problems.
>
> I think it's our way to show the public that college students are concerned in a positive way and encourage them to work with us.

To this pollution conscious team, I say congratulations and the best of luck in your coast to coast venture.

Mr. Speaker, as part of my remarks I include two articles and an editorial from Buffalo newspapers:

[From the Buffalo Evening News, Aug. 7, 1970]

BUFFALO STATE TEAM IS ALL SET FOR START OF CLEAN-AIR AUTO RACE

A pollution conscious team of eight students today unveiled the Buffalo State University College entry in the cross-country Clean Air Car competition.

It's a snug totally rebuilt 1961 convertible that its sponsors say will travel 320 miles on eight gallons of liquid propane gas available at costs well under conventional fuels.

Most important, however, they estimate it will reduce pollution emissions of carbon monoxide, hydrocarbons and nitric oxides by significant amounts, and yet provide trouble-free freeway performance.

John Schifferle, project coordinator, emphasized that "this is a student-oriented program and we think it demonstrates student concern for the environment."

WORKED SINCE JANUARY

"We are trying to express our concern for the ecology, not by rioting or demonstrating, but by using our technological knowledge to help solve today's pollution problems.

"I think it's our way to show the public that college students are concerned in a positive way and encourage them to work with us in this fight."

Dr. Myron E. Lewis Jr., director of the Technology Division, said the team has worked since January—the last 24 hours—without sleep—to have the car ready.

The 3600-mile competition sponsored by Cal Tech and MIT starts Aug. 24 in Boston and will end seven days later in Pasadena.

70 CARS TO TAKE PART

Mr. Schifferle said Buffalo area residents will have an opportunity to see the cars as they pass through this area during early evening hours Aug. 24 en route to Toronto.

He said the tentative route includes the mainline Thruway, Youngmann Hwy. to the Niagara section of the Thruway and across the Rainbow Bridge. About 70 cars, starting at one-minute intervals, will participate in the race, including two from Cornell University and a $28,000 University of Toronto car.

"The big expensive cars don't phase us a bit," Dr. Lewis said. "We were given $5000 by the College Student Association and our interest is in economy and safety."

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GAUGES EASILY VISIBLE

Besides the built-in pollution controls, the team said the car includes such safety factors as built-in fire extinguishers that are triggered automatically and a frame that collapses downward instead of trapping passengers.

It also has a series of easily visible gauges and warning systems.

Asked about maintenance, Mr. Schifferle said use of propane gas means oil changes are 20,000 miles apart and spark plugs last 40,000 miles. He said propane fuel costs about 20 cents a gallon in this area, and only 11 cents a gallon in the south.

TEAM MEMBERS NAMED

The car carries an eight-gallon propane tank, enough to carry it 320 miles or about 40 miles a gallon. He said the car would travel about 55 mph. Its equipment, he said exceeds 1970 federal safety standards.

Team members who will take part in the race are: Mr. Schifferle of 5921 Transit Rd., East Amherst; Kelly M. Brown, 107 Heath Ter., Kenmore, who had charge of the transmission; Robert Dein Jr., 233 Paradise Rd., East Amherst, the power plant; James Ertel, 254 Wheeler St., Tonawanda, the body, and Kenneth Rodgers, 8001 Allen Rd., Porter Corners, an assistant.

Other students who worked on the team are Robert Early, 235 N. Harvest St., Williamsville, Francis Henn, 806 Highland Ave., Kenmore, and Gary Linneborn, 230 Mt. Vernon Rd., Snyder.

[From the Buffalo Courier-Express, Aug 8, 1970]

STATE COLLEGE ENTRY IN 3,700-MILE CLEAN AIR CAR RACE IS UNVEILED

(By Edward S. Wiater)

Buffalo State College's entry in the coast-to-coast clean air car "race" was unveiled on the school grounds Friday and from all indications the "resurrected" 1961 Austin-Healey Sprite will be a real tiger in the competition.

The "race" is actually more of a rally to show that clean running cars are practical and safe. It will start Aug. 24 from Massachusetts Institute of Technology and terminate Aug. 31 at California Institute of Technology after a run of 3,700 miles.

BUILT FOR $2,500

The local entry is one of 52 cars in the run. It is the only one from the State University system and may be the only entry from the state depending on developments at two other schools which at one time signified a desire to enter the test.

State's car was built at a cash outlay of $2,500 given the team by the College Student Assn. Another $2,500 provided by the CSA will be used to finance the cross-country trip.

The cost does not include any donated items, expertise or 2,700 man hours of work put in by a team of eight students and three faculty advisors.

50-HORSEPOWER PLANT

The car is a four cylinder "job" with a 50-horsepower plant capable of pushing the car up to 85 miles an hour. It will use liquid propane gas for fuel from an eight gallon tank and is expected to give from 45 to 50 miles per gallon.

The orange-colored tiger is the result of the labors of students Kelly M. Brown, Robert Dein Jr., Robert Earley, James Ertel, Francis Henn, Gary Linneborn, Kenneth Rodgers, coordinator John Schifferle and faculty advisors Dr. Myron E. Lewis, Terrence J. Trudeau and Gordon E. Puffner.

"REAL TIGERS"

The unveiling was done by a CSA team of Miss Susan Hills, president; William Field, treasurer, Ralph Kurland and Peter Dayton, vice-presidents and Class of '71 President Miss Sharon Raimondi.

Stanley Makowski, confidential aide of Mayor Sedita, gave the race team two statutes of visons, the city symbol, to be presented to officials at Cambridge (home of M.I.T.) and at the Pasadena finish line.

Schifferle said his crew demonstrated that a practical car with low pollution emissions can be built for the mass market next year. He also pointed out that State's entry is the only car in the competition entirely financed, engineered and built by students.

It was learned that other entries were backed by sums of up to $30,000 and have had the help of technicians from the big car manufacturers. This news failed to dampen the spirit of those who know what the State team accomplished. They were buoyed by a remark made by a local car buff who said: "You've got a real tiger there and with a little bit of luck you could go all the way."

[From the Buffalo Evening News, Aug. 6, 1970]

BUFFALO'S "CLEAN CAR" ENTRY

State University at Buffalo will unveil tomorrow its student entry—evidently the only one from any New York State campus—in this month's coast-to-coast "Clean-Air Car Race." Here is an occasion for a little unabashed "home team" rooting in a stiff national competition.

Giving up their summer jobs, the State College team of technology students have devoted themselves full time in some 1600 hours to redesigning and converting a 1961 Austin Healey Sprite. They hope this will confirm their belief in a liquid propane engine as a safe answer to auto-exhaust pollution.

Demonstrating the performance of various pollution-reducing fuel systems is of course the purpose of a competition that has attracted some 70 cars. But what is unusual about the Buffalo State entry—unlike many of the fancy autos with industry bankrolling—is the fact that it is exclusively financed and sponsored by the students themselves through the students association.

Thus, in a time of widespread student complaining about the values of our society, these inventive students are not just bemoaning the automobile's threat to the environment but are working hard to find constructive remedies.

FARM SUPPORT LIMIT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. TEAGUE of Texas. Mr. Speaker, I have had many requests as to Lloyd Bentsen's position on some sort of a farm support limit. I am inserting in the RECORD a letter that Mr. Bentsen wrote to Mr. Don Anderson concerning this problem:

JULY 14, 1970.

Mr. DON ANDERSON,
L. D. Anderson Farms,
Crosbyton, Tex.

DEAR DON: Thank you for your letter and information on payment limitation.

As a practical matter I think we all realize that Congress will not pass a farm bill this year without some sort of farm support limit. It appears that a compromise is in the making that would contain a support limit within the range of $55,000. This will probably resolve the issue as fairly as it can be resolved at this time, so I would support this limit.

I am asking Bill Jenkins of my staff to arrange a meeting with your group at the earliest possible time.

Sincerely,

LLOYD M. BENTSEN, Jr.

BRIGHT DAY FOR THE ENVIRONMENT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. OBEY. Mr. Speaker, an article appeared in today's Wall Street Journal which cannot help but brighten the day of any conservationist.

It described a plan under which Arizona cottongrowers are using selective uses of pesticides and a "scout" program to control the pink bollworm, a pest particularly harmful to cotton. The result is indeed an important one—a decrease in the overall use of pesticides. This is helpful to the farmers who are saving money, and it is of great benefit to the environment.

The results to date have been, we are told, "gratifying to the growers, if not to the sellers of pesticides." They are also gratifying to those of us concerned about the effects which the heavy use of pesticides have on our environment.

Mr. Speaker, the article appears below:

ARIZONA COTTON GROWERS FIND SELECTIVE USE OF PESTICIDES BOOSTS YIELDS, TRIMS COSTS

(By Hal Lancaster)

SAFFORD, ARIZ.—Cotton growers here in Graham County, are sharply reducing their use of pesticides under a "cotton scout" program that could have nationwide implications for ecology as well as agriculture.

For the past two years, 90% of the county's growers, banded together under an organization called the Pink Bollworm Committee have discarded regular, wholesale spraying of their fields in favor of more selective applications at irregular intervals. The results have been gratifying to the growers, if not to sellers of pesticides.

In 1968, the member growers of the Pink Bollworm Committee spent $199,000 on pesticides. After they adopted the selective program, their 1969 spending on pesticides (together with the cost of the scout operation itself) plunged to less than $37,000—with yields actually increasing from the previous year. Exceptionally good weather was an important factor in the increase, however.

The Graham County effort revolves around the use of "scouts" supplied by the program's manager, Mike Pursley. The scouts, mainly high school students, are trained by the extension service of the University of Arizona to identify and locate pink bollworms and other pests. Then they are sent in pairs to scan the fields of the committee members weekly. When they report a certain level of infestation in the fields, and only then, the affected areas are sprayed.

UNUSUAL RESULTS ACHIEVED QUICKLY

Similar scout programs have been under way for some time in Arkansas, Mississippi, Louisiana and other states. Arkansas, Mississippi, Louisiana and other states, Arkansas is believed to have the biggest program, with about 150 scouts working fields scattered over much of the state. If the Agriculture

Department has its way, scouts will be popping up over much more of the country soon.

James Brazzell, chief of the methods development branch of the Agriculture Department's plant protection division, says:

"I believe you can get savings on pesticides of anywhere from 25% to 75%, though it's difficult to cite any general figure because every field is a different story and every season is different. But we are extremely interested in these programs and are looking into assisting them to get started in several states."

The Graham County project, which is a private effort and not sponsored by the Agriculture Department, is noteworthy in that it has achieved unusual results in a short period of time. It had its origins in 1968, when the pink bollworm—"a tough little old pest to get," according to program manager Pursley—was chewing its way through Arizona fields at a rate alarming to growers. The Graham County farmers organized their committee and dug in for a long battle.

After consultations with the state extension service, they adopted a crash program of mass spraying at regular intervals. "It worked," says Brooks Daley, a grower and chairman of the committee. "We didn't have a real infestation of pink bollworms." But the spraying also wiped out beneficial insects that help control others destructive to cotton. "By the end of 1968, we found we were getting eaten up," says John Sears, county agent for the extension service.

INDUSTRY IS RILED

So the next year, the committee adopted Mr. Pursley's scout program. Members that year had only 5,500 acre-treatments (one acre sprayed once) compared with 78,000 in 1968. "This is the best thing for avoiding ecological disruption," says Leon Moore, an extension service entomologist who is the program's adviser. "It brings the use of pesticides into a need basis."

The clear implication of the program's result—that pesticide marketers have been overselling growers in the past—riles the industry in Arizona. "The program isn't any different than what we had been doing with our own checkers working the fields. We don't believe in spraying every week just because it's nice to spray," says Jack Wooley, president of the Arizona Agricultural Chemicals Association.

"The word we got around the fields was that the university said the company checkers were biased," says Mr. Wooley. "This was a slap in the chemical industry's face." He says the industry's main complaint is that the university intruded "in competition with free enterprise, going up there and promoting this." The university, however, says it has been acting only as a consultant and trainer of scouts.

In the meantime, Graham County's three main pesticide sellers have suffered sharp declines in sales. One has all but abandoned pesticides and is relying on feed supplies for most of its revenue. Also, under the new program, the bollworm committee is buying what pesticides it uses under a single contract embracing all member growers, who farm nearly 13,000 of the county's 17,000 acres in cotton. The business goes to the lowest bidder. Previously, farmers contracted with suppliers individually.

Mr. Wooley, who says the agricultural chemical suppliers aren't taking any action because "we don't want to fight," says that the startling contrast between 1968 and 1969 pesticide use by county members of the committee is due in large part to the university-recommended crash, mass spraying program in 1968.

The committee concedes that members used less pesticide in 1967 than in 1968, though figures are lacking. But they are convinced they are saving a great deal of money. "I left it up to the pesticide people and I used more in 1967, when we didn't have that big a bollworm problem, than I did in 1969 under our own program," says committee chairman Daley. "Well, they want to sell their product. I'm more confident in the program we have now."

REMARKS OF GEN. CHARLES L. SOUTHWARD

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. MONTGOMERY. Mr. Speaker, I would like to share with my colleagues the following remarks by Maj. Gen. Charles L. Southward, commanding general of the District of Columbia National Guard. The remarks were delivered at a recent OCS graduating class held in Washington, D.C.:

REMARKS OF GEN. CHARLES L. SOUTHWARD

Greetings: Distinguished guests, ladies and gentlemen, members of class XIII. DCNG OCS: It is a personal pleasure for me to substitute for our speaker today and to congratulate you on your accomplishments. Our guest speaker had to cancel out suddenly, so I'll use this opportunity to make a few remarks.

You've had an interesting year and can be proud that you satisfactorily met a new challenge in training in an overseas area—Puerto Rico. This is a first for the DCNG and classes XIII and XIV can be proud of this effort.

As 2nd Lts, you graduates will take on a new set of values. For maybe the first time you will put the welfare, safety and consideration of others before your own desires. The men you lead are patriots and will expect much from you and I know that you will do your best to be good leaders and look out for their interests.

You young men have sought greater responsibility and have succeeded where others of your generation have evaded the challenge for a commission. In today's world you might be called a "square."

"Square," another of the good old words, has gone the way of "love" and "modesty" and "patriotism."

Something to be snickered over or outright laughed at.

It used to be that there was no higher compliment you could pay a man than to call him a "square-shooter."

The adman's promise of a "square deal' once was as binding as an oath on the Bible.

But, today a "square" is a guy who volunteers when he doesn't have to.

He's a boob who gets so lost in his works he has to be reminded to go home.

A square is a guy who doesn't want to stop at the bar and get all juiced up because he prefers to go to his own home, his own dinner table, his own bed.

He hasn't learned to cut corners or goof off.

This person we call a "square" gets all choked up when he hears children singing "My country, 'tis of thee . . ."

He even believes in God—and says so—in public!

As 2nd Lts you will appear differently to different people.

To the 1st Sgt you will be a pink-cheeked young man whom he will take under his wing to teach you "the ropes". The lieutenant who learns to profit from this opportunity is rewarded the first time he gets a sincere and unqualified "yes sir" from the "old sarge."

To the unit commander you will be a green officer and another headache along with his other problems. However, he will not hesitate to assign you at least a dozen projects—all due yesterday. And amazingly the job gets done. The good commander will channel your youthful zeal into productive effort and he will provide the experience and guidance you need in your development.

To your wife or girl friend you will be Sir Walter Raleigh, Sir Gallahad and King Arthur all rolled into one. In your uniform you will stand little taller, and a little prouder than you do in your civilian attire. The pride that you will gain from the admiration of your wife or girl friend will sustain you through many rough periods.

To yourself you may feel a bit of MacArthur—a touch of Ike—some of Patton's dash. All of these great leaders once stood on this same threshold as new Lts and aspired to the greatness of men they admired. To aspire to greatness is a sure sign of potential and if you keep your sights high, and work hard, you can go as far as you dream. When you rest, you rust.

During the Revolutionary War, Baron Von Steuben wrote the following instructions for the Lt in Washington's army:

"He should endeavor to gain the love of his men, by his attention to everything which may contribute to their health and convenience: He should often visit them at different hours: Inspect into their manner of living: See that their provisions are good and well cooked, and as far as possible oblige them to take their meals at regulated hours. He should pay attention to their complaints, and when well founded, endeavor to get them redressed: But discourage them from complaining on every frivolous occasion."

Those instructions are as current today as they were almost 200 years ago. The lieutenant is a potential leader at this stage of his career. Teddy Roosevelt said "the best executive is one with sense enough to pick good men to do a job—and restraint enough to leave them alone while they get it done." We believe that we in the DCNG have picked the best of our young men to commission as lieutenants—they will get the job done if we, the senior officers, have the wisdom to help them when they need it and to leave them alone when they don't. In this class could be our future battalion or group commanders, the CG DCNG or if they go on active duty a future Army Chief of Staff. I'm sure you know that the recently retired chairman, Joint Chief of Staff, General Earl Wheeler, started his career as an enlisted man in the DCNG.

In closing, I wish to express my admiration for your determination and hard work in completing the course, my welcome to you to the commissioned officers corps, and my best wishes for your continued progress and advancement.

THE PLIGHT OF THE SOVIET JEWS

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. FARBSTEIN. Mr. Speaker, on March 31 I addressed this House in an

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effort to bring to its attention the ever-increasing plight of the Soviet Jews. Indeed, to seek support for the efforts of Soviet Jews to secure exit visas from the Soviet Government, I introduced House Concurrent Resolution 563, which condemns the U.S.S.R.'s treatment of its Jewish population.

Since my introduction of that resolution the plight of the Soviet Jews has not decreased. Their sufferings are undiminished. Unfortunately, because of a virtual news blackout on this subject imposed by the Soviet Union, the seriousness of their situation is kept from the freedom loving people of the world. Therefore, I am inserting in the RECORD Mr. Paul Robinson's perceptive article, which does much to present to the world the true proportion of the crisis involving the Soviet Jews:

THE CRIME OF THE CENTURY

(By Paul Robinson)

It is no great revelation that the Russian government lacks even a modest share of compassion, hunger, a sense of justice or the courage to be challenged. But even as shallow as those traits are, they are abundant compared to the Soviet's total lack of imagination. For years, the Russians have been telling the rest of the world, quite seriously too, that some glorious peasant in the people's republic was responsible for the invention of practically everything from safety pins to Coca Cola. When more modest, but slightly peeved Americans and Englishmen pointed out that their own countrymen had come up with the inventions that have had the greatest impact on modern civilization, the Russians simply smiled dully and went on pounding out the propaganda for anyone who could not put their fingers in their ears.

But that exhibition of the Soviet's insensitivity to reality and the honest facts has been easily toppled by the present surge of fabrication connected with a mythical hijacking attempt by a handful of emigration-minded Soviet Jews. According to the level of the current purge being carried on in Russia, especially in the city of Riga where many Jews live, it would seem certain that these "malcontents" had not only attempted to destroy the entire Soviet air force but had also been planning to free all the satellite countries and depose Naser just for laughs. Jews are being rounded up by the Soviet secret police at an alarming rate, most of them for the famed Soviet crime of being related to someone who has just been prosecuted.

A TOTAL FABRICATION

There is no question in Western political circles that the hijacking of a Russian airliner by a tiny group of Jews (and non-Jews who the Kremlin wants to prosecute on any charge it can trump up) is a fiction created in the heart of Moscow by headline-conscious propagandists. The story was aimed at the American market which has become slightly less shocked at the increasing rate of airline hijackings in recent months. American audiences would easily swallow the dramatic episode, thought the Kremlin, since the plane "re-routings" are common enough here.

But what the Russians did not count on, and appear to have no imagination to foresee, is that when anyone tries to break their way out of the Iron Curtain, it's news here, very big news. And the idea that a group of Russians—not Poles or Czechs or Hungarians—were trying to hijack a plane to fly out of Russia became a major source of interest and wonder in the West. So it has not been unusual that Western observers have watched all the emerging details of the story, plus put together a few facts that the Kremlin has not supplied, and come up with a pretty accurate idea of just what the Russians have been up to.

A JOB—BADLY DONE

Basically they have done a poor job. Well, that is understandable—they have trouble enough getting the truth straight so that when it comes to producing an entire fiction from beginning to end, there are a few loose threads sticking out.

In essence, the Soviet Union has sought to put an end—as heavy-handed as possible—to the growing unrest in the captive Jewish population. Thousands of Jews caught in the Russian squeeze against Jews and Israel, have voiced their desire to emigrate to the Jewish state. Nothing could be further from the ambitions of the Russian leaders. There are at least three million Jews trapped in Russia relegated to levels of second- and third-class citizenship. They are not permitted to practice their religious beliefs, they have been denied even the study of Yiddish as a language of their families, and have been forced out of nearly all positions of responsibility or professional practice on the fictitious pretext that some member of their family—no matter how far removed or even nonexistent—has done something to "slander the state" and cause suspicion to fall on all Jews.

The complications caused by the Jews who have voiced their objectives of emigrating to live and build the land of Israel has nearly panicked the Kremlin. As a result, there have been series of fictions promulgated by the Russians against their Jewish inhabitants. The latest is the hijacking scheme. As a result of the original story, in which two Jews were reported to be about to board the fateful plane, more than a score have been rounded up and charged with crimes relating to the story. Their personal property, such as it is, has been seized, their homes were stripped bare by the secret agents, their rights as even the lowest citizens have been denied, and these unfortunate Jews are charged with crimes that are as deadly as they are untrue.

NO CHANCE FOR EMIGRATION

The desired result of the Big Lie technique in the hands of the Soviets is to put a stop to the supposed "rush for visas" by the three million jews. In all honesty, the greatest portion of those Jews have been so intimidated and weakened by the years and the ferocity of the Soviet anti-Semitism that there is likely to be little rush for emigration permits. Too, few Jews would believe it could happen. And judging by the events that the Kremlin has caused to take place, they are pitifully correct. But the Soviet oppressors will not be satisfied until the last remnant of idealized freedom is erased from the Jewish community. And so they are engaged in the current "hijacking" purge. A good excuse to further weaken the Jews has never been passed up by the Soviets.

But it will never be that all of the Kremlin's machinations will always go against the Jews successfully. As a revolutionary force within the Soviet Union, the Jews do not constitute even a petty nuisance. The fact that the Kremlin has been unable, however, to destroy the ethnic identification of the Jews in Russia afer all these years of torture and cruelty is the essential strength of the Jews—and they can and will defy all the Soviet purges and propaganda. The basic Russian fear of the strength, or ability, or wisdom of the Jew has kept the Jews from successful assimilation into Soviet life. As a result of the mistrust, the Russians have served the greater purpose of keeping the Jews an ethnic entity, strong in the convictions of faith and education in its history. The pride of the Soviet Jews has been weakened and nearly crushed, but never dispelled. And it will remain intact long enough to see its emergence from the Soviet prison to arrive in the Holy Land.

The weakness of Russia is that it relies so heavily on lies and deceit. Its historians spend their time trying to justify fabrications and rewriting the facts to suit the ends.

It is the responsibility of the Western nations, until such a time as they finally move to free the captive peoples of the Russian empire, to make known all the falseness and inherent weakness of the Soviet regime. If other nations do nothing to expose the baseness of Russian subversion, then they are guilty of aiding and abetting the Kremlin's crimes against humanity.

REGULATION OF SUPPLEMENTAL AIR CARRIERS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. NELSEN. Mr. Speaker, there has recently come to my attention a paper prepared by the supplemental airlines scoring the Civil Aeronautics Board's proposals to increase its efforts to enforce the difference established by Congress between the scheduled and supplemental airlines.

The distinction between the operations of the supplemental carriers and those of the scheduled carriers was set forth by Congress in 1962, when that body decided that it was in the national interest to maintain an air transportation system that met the basic air transportation needs of the Nation as a whole—a system that operated 12 months of the year and served small as well as large communities. Congress recognized the scheduled airlines as the part of the system that filled those requirements.

At the same time, Congress recognized that it was in the public interest to have another port of the system that offered charter service to the public—that supplemented scheduled services. That role was assigned to the supplemental carriers.

The international air transportation policy statement recently issued by the President clearly reasserts the different roles of the scheduled and supplemental carriers and emphasizes that this distinction be maintained. The policy statement says:

"Scheduled services are of vital importance to air transportation and offer services to the public which are not provided by charter services. Only scheduled services are expected to offer regular and dependably frequent schedules, provide extensive flexibility in length of stay, and maintain worldwide routes, including routes to areas of low traffic volume. Substantial impairment of scheduled services could result in travelers and shippers losing the ability to obtain these benefits. Accordingly, in any instances where a substantial impairment of scheduled services appears likely, it would be appropriate, where necessary to avoid prejudice to the public interest, to take steps to prevent such impairment.

In its recent proposals to strengthen its air carrier charter regulations, the CAB is quite properly serving notice that it intends to be more vigilant in the future in carrying out the directives set forth by Congress in 1962 and reasserted by the President's recent air policy statement.

The critics of the CAB seem to have missed this point.

IMPROVING THE ENVIRONMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. BROWN of California. Mr. Speaker, I am sending a newsletter to concerned citizens in my district regarding recent developments in Washington related to improving the environment in which we live.

The text of the newsletter follows:

NEWSLETTER

There have been some significant developments related to our national policies in respect to our environment since I last made a report on this subject. I wish that I could report that these developments reflected a strong commitment on the part of Congress or the Administration to move ahead sharply with broad new authorities or standards that would bring about immediate or drastic improvements.

RECENT CONGRESSIONAL ACTION

Clean Air Act.—The House of Representatives recently extended the Clean Air Act for another three years, increasing the spending level to a total of $725 million over a period of three years. Current spending has been about $95 million per year. Attempts to strengthen the law were all defeated. These included allowing states to establish emission standards stricter than Federal levels, authorizing HEW to control fuel additives, banning internal combustion engines by 1978, and the elimination of "economic feasibility" as one of the considerations that are used in establishing emission standards for new stationary sources of air pollution. The Senate has not acted on this bill as yet.

Solid Waste Disposal.—The House has also recently extended the Solid Waste Disposal Act for an additional three years, directing the Secretary of Health, Education and Welfare to make a thorough study on economical means of recovering useful materials from solid waste, uses of such materials and the market impact of such recovery; appropriate incentive programs, including tax incentives, to aid in solid waste disposal; reasonable changes in existing production and packaging methods to reduce the amount of solid waste; and reasonable methods of waste collection and containerization. Authorization is also provided to establish demonstration projects on techniques developed through this research, and to make grants to states and local governments for improvements in solid waste disposal practices. Funds for these purposes increase from $83 million in fiscal 1971 to $216 million in fiscal 1973. The Senate Public Works Committee reported its own version of this extension in late July, and this bill is on the calendar awaiting Floor action.

Joint Committee on Environment—I was a cosponsor of a bill which the House approved this summer that would establish a new committee in Congress, composed of 11 Representatives and 11 Senators. This Joint Committee on the Environment would study and review environmental changes, their effects on population, communities and industries, and the need for private and public planning and investment in housing, water resources, oceanography, pollution control, food supplies, education, automation, fish and wildlife, forestry, mining, communications, transportation, power supplies, welfare and other services and facilities. It would not have a legislative function and would not duplicate efforts of other committees, but would make recommendations to the Congress that would be acted on by legislative committees. The Senate has not acted on this bill as yet.

Youth Conservation Corps—A very interesting experimental program has been passed by both the House and Senate—over the objections of the Administration—which would, in the House version, establish a pilot program called the Youth Conservation Corps to employ 3,000 youths aged 16 to 18 in conservation work during the summer. This program is designed both to provide jobs and to give youths an opportunity to learn about conservation and natural resources at the same time, and would be administered by the Departments of Agriculture and Interior.

Environmental Education Act—I also cosponsored this new plan, which the House has just recently approved, and I believe it shows a great deal of promise. This bill authorizes a 3-year, $45 million grant program in environmental education. Funds would be used to begin such programs in elementary and secondary schools, develop curricula in environmental studies, train teachers, public service personnel, government employees, and business leaders, and develop adult and community environmental education programs. A 21-member Advisory Committee on Environmental Education would be appointed by the Secretary of HEW, and the Committee would include, by law, at least 3 ecologists and 3 students.

LEGAL RIGHTS AGAINST POLLUTERS

I recently added another proposal to the package of bills I have sponsored during the 91st Congress dealing with the environment. This bill would give ordinary citizens a new "standing" in Federal courts and administrative agencies. If passed, citizens would have the right to sue polluters for damage to the total environment rather than on the narrow basis of specific economic damage to themselves, as at present. Judiciary Committee hearings were held in the House on this plan early in August.

PRESIDENT SUBMITS REORGANIZATION PLANS DEALING WITH ENVIRONMENT

At the last meeting of my Scientific Advisory Panel, we had a good deal of discussion revolving around the bill which had been introduced in Congress proposing the establishment of a National Oceanic and Atmospheric Agency (NOAA). The criticism by the Panel generally centered on the fact that there were no provisions for funding studies and research, or for policing pollution. The bill proposed an independent agency that would administer and coordinate the nation's civil marine and atmospheric programs.

President Nixon recently announced that he plans to establish NOAA by Executive Order. Under the reorganization powers given to the President he can, in the interest of more efficient administration, reshuffle jurisdiction within the Executive branch. This does not provide for any new programs or authority.

Instead of making NOAA an independent agency, the President's plan places it in the Commerce Department. It places existing offices under a single umbrella, including the Environmental Science Services Administration, the Bureau of Commercial Fisheries, the Office of Sea Grant Programs, and a number of other programs.

In my opinion, this reorganization accomplishes little except better coordination of existing programs and the major thrust of the agency will be concerned with exploitation rather than conservation. NOAA should begin operation early in September unless Congress should veto the plan. This appears doubtful.

SEPARATE AGENCY TO POLICE POLLUTION

Simultaneously, the President sent another reorganization plan to Congress. This would establish the Environmental Protection Agency—an independent agency consolidating all major programs now in existence for combating pollution. Again, because the President's powers are limited to reorganizing current programs, no new protection is provided. I would say, however, that this agency is probably the vehicle which will be given authority in future efforts to strengthen Federal controls over pollution.

The EPA will be comprised of the Federal Water Quality Administration, certain pesticide research programs from the Interior Department, the National Air Pollution Control Administration, parts of the Environmental Control Administration and the Food and Drug Administration, pesticides registration authority of the Department of Agriculture, the standard-setting functions of the Atomic Energy Commission, the Federal Radiation Council's functions, and certain research authority of the Council on Environmental Quality.

According to the President's message, NOAA and EPA would be expected to work together closely, as well as with the Council on Environmental Quality. An additional 60 days on top of the usual 60 days for Congressional review was provided in the EPA plan, which would bring it into being early in November if Congress does not disapprove.

NATIONAL LAND USE POLICY NEEDED

During the past six months I have been conferring with some of the most outstanding environmentalists in the state of California. Our purpose has been to approach the problems of the environment from an overall basis. We established a Scientific Advisory Panel, and with the help of this Panel, I authored and introduced H.R. 17190, entitled the Comprehensive Land Use Act of 1970.

This bill is designed to ensure the orderly development and use of land throughout the nation in such a way that the needs of all local jurisdictions—including abutting cities, counties and states—and the nation at large, as well, will be taken into consideration in developing any parcel of land.

Urban sprawl, environmental decay, dying cities, and other ills of our society are, in a large part, caused by the lack of adequate planning and foresight in predetermining the land needs of our country.

The bill proposes a National Council which would set forth the land priorities and needs of each region which is created under its auspices. It also utilizes a Federal-state revenue sharing concept in returning to the states a portion of their corporate and personal income taxes derived from those states for the purpose of implementing land development plans after approval by Regional Councils.

HOUSE OF REPRESENTATIVES—*Tuesday, August 11, 1970*

The House met at 12 o'clock noon.

Rev. Malcolm Nygren, First Presbyterian Church, Champaign, Ill., offered the following prayer:

Almighty God, we pray for each Member of this House. We know that we are not always right, but we pray that we shall always want to be. Give us sincerity in our convictions and make us humble enough to disagree without malice.

We love our country and we pray for it. We will do what we can to keep it safe and make it better, but you know how uncertain our efforts are. We long for peace among the nations and among ourselves, for help for the weak, and an equal chance for every man. These are giant dreams but earnest men press on toward them and by Your grace, the search shall not be in vain. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secertaries, who also informed the House that on August 10, 1970, the President approved and signed a bill of the House of the following title:

H.R. 14705. An act to extend and improve the Federal-State unemployment compensation program.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17711) entitled "An act to amend the District of Columbia Cooperative Association Act."

RECOMMITTAL OF S. 703 TO THE COMMITTEE ON THE JUDICIARY

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that the Senate bill (S. 703) for the relief of Arthur Jerome Olinger, a minor, Private Calendar No. 285, be recommitted to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE STATE OF THE JUDICIARY ADDRESS

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, the state of the judiciary address of Chief Justice Warren E. Burger constitutes an important milestone in the presentation of the problems of the judiciary to the American people and to the Congress. The Chief Justice has rendered an invaluable service to the courts and to the public which they are designed to serve.

The statement is also controversial, as the Chief Justice suggests. I thoroughly disagree with the recommendation in which he suggests that Congress in considering legislation to give rights and benefits to the citizen should pause to weigh their impact on the Nation's overburdened Federal courts. The burden on our courts should never constitute a barrier to the establishment of rights under our Constitution. The refinement of "rights" under the law is a process which must never be idled—and certainly never for the convenience of the courts.

The devastating effect of pollution on the environment calls for immediate action. This crime of destruction threatens the life span and the health of every human being—every living thing. Much of our present law on pollution provides the polluters with a canopy of shelter from prosecution, a barrier of protection to those who persist in the destruction of the air we breathe and the water we drink. The judicial branch of the Government is the ultimate hope of those who seek to restrain and control the permanent and lasting damage to our environment.

The same principle applies to the need for new legislation to protect the consumer from unwholesome, impure or inadequate foods, products, and services. It would be tragic if the congestion of our courts would constitute a basis for deferring legislation and judicial action on corporate crime—which can kill, maim, and destroy as certainly as individual crime.

The plea of the Chief Justice seems to be directed toward a slowdown on the restraint against corporate crime. It is against this concept that I violently disagree. Corporate crime provides today the greatest contribution of man's inhumanity to man. There is no justification for any type of delay or immunity.

The task of Congress and all legislative bodies is to legislate wherever there is need to insure to every citizen a preservation of his rights, his security, his freedom, and his stake in the environment, and his right to fair play in the marketplace.

If these new laws bring greater business to the courts, the courts can decide which cases it must hear, which cases are most vital to the public interest, which cases establish a legal milestone worthy of decision.

Insofar as the Chief Justice seems to ask for a stand-off or suspension on the enactment of laws relating to corporate crimes and wrongs in pollution and consumer affairs, I must disagree with him.

ANNUAL REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR THE YEAR ENDING DECEMBER 31, 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-375)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed with illustrations:

To the Congress of the United States:

In accordance with Section 10(a) of Public Law 358, 83rd Congress, as amended, I am transmitting the Annual Report of the St. Lawrence Seaway Development Corporation for the year ending December 31, 1969.

RICHARD NIXON.

THE WHITE HOUSE, *August 11, 1970.*

FIRST REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency.

To the Congress of the United States:

I am transmitting the first Report of the National Corporation for Housing Partnerships for the period December 16, 1968 to June 30, 1970.

The Corporation was created under Title IX of the Housing and Urban Development Act of 1968 as a private organization to work in partnership with local sponsors and builders, helping to produce housing responsive to local needs. The past year has demonstrated the possibilities of the Corporation. We should be particularly proud of the success of the initial financing program, which raised more than $42 million in risk capital. These funds will enable the Corporation to assist in the production of more than 100,000 units of low and moderate income housing over the next few years.

It is my belief that the National Corporation for Housing Partnerships will make an important contribution to solving our Nation's housing problems. I commend this Report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *August 11, 1970.*

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

XUM

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 267]

Adams
Ashley
Baring
Bell, Calif.
Berry
Blanton
Bow
Bray
Brock
Brown, Calif.
Burleson, Tex.
Cabell
Caffery
Celler
Chisholm
Clark
Clay
Cramer
Cunningham
Daddario
Dawson
Dickinson
Diggs
Downing
Dwyer
Edwards, La.
Erlenborn
Evins, Tenn.
Fallon
Flynt
Ford, William D.
Fraser
Fulton, Tenn.
Gallagher
Gilbert
Green, Pa.
Gubser
Hansen, Wash.
Hébert
Helstoski
Holifield
Jones, Ala.
Karth
King
Kleppe
Long, La.
Lukens
McCulloch
McKneally
McMillan
MacGregor
Mailliard
Miller, Calif.
O'Hara
Olsen
O'Neal, Ga.
Ottinger
Passman
Pike
Pollock
Powell
Rarick
Rees
Reifel
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Rousselot
Ryan
Sandman
Scheuer
Sullivan
Symington
Teague, Tex.
Tunney
Weicker
Wiggins
Wold
Wright
Young
Zwach

The SPEAKER. On this rollcall 347 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE PROBLEM OF POLLUTION

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, some time ago, the Federal Water Pollution Control Administration cited Onondaga Lake as one of the worst examples of a polluted body of water in the entire Great Lakes water basin. Onondaga Lake happens to be in my congressional district and I consider the honor of this citation as a dubious one. The scientific community says that Onondaga Lake is biologically destroyed. The laymen in my area say it is a mess. Depending on one's perspective, of course, both are right.

But water pollution, Mr. Speaker, is not the only problem afflicting my community. Last Monday morning, while driving to the airport for my return to Washington, I noticed a pall hanging over the city, a filthy, dirty smog of such intensity that I could not even see the polluted waters of Onondaga Lake. It was a combination of industrial soot, airplane fumes, and automobile exhaust. As I drove through this death belt the thought occurred to me: How much longer can we, as a society, last? We are befouling our waters at a frightening rate, we are up to our waists in waste, we have an almost maniacal desire to pollute the air we breathe and yet we go blithely on our way, gagging and choking, hopeful that it will all somehow go away. Well, it will not just go away, Mr. Speaker, and unless we do something about it now, we are going to have a monumental health hazard on our hands in a very short time. I submit that unless we begin a massive counterattack on this problem immediately, we may not be able to overcome it. Perhaps it will take a baby dying of typhoid or an emphysema victim dropping on the street to wake us up. I hope not, but that is what we are heading for. In city after city, industry continues to belch the fumes of death out of their smoke stacks, automobiles, trucks, and buses continue to cloud up our streets, and our municipalities, towns, and villages themselves continue to pour raw or undertreated sewage into once beautiful streams and lakes.

Stringent national standards are both imperative and long overdue. It is a job for Congress, of course, but it is likewise a job for every State legislature, every village board, and every city council in the Nation. Perhaps a national convocation, under the sponsorship of the Interior Department is part of the answer. Certainly this would be conducive to the proper legislating of and implementation of national standards.

We are technologically the most advanced society in the history of mankind. We can dive to the depths of the ocean like fish; we can soar to the heavens like birds; but we apparently have not mastered the simple task of inhabiting the earth like rational human beings. We are on a collective suicide course from which the elements and the fates cannot rescue us. The question is: Can we rescue ourselves? I commend these hard thoughts to my colleagues.

AMENDING THE DISTRICT OF COLUMBIA COOPERATIVE ASSOCIATION ACT CONFERENCE REPORT

Mr. FUQUA. Mr. Speaker, I call up the conference report on the bill (H.R. 17711) to amend the District of Columbia Cooperative Association Act and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of August 6, 1970.)

Mr. FUQUA. Mr. Speaker, the Senate amendment to H.R. 17711, in effect, adds to the bill the provision of H.R. 17601, to exempt FHA and VA mortgages and loans from the interest and usury laws of the District of Columbia.

NEED FOR THIS LEGISLATION

On September 22, 1969, the Federal National Mortgage Association announced that from that date, it would no longer purchase FHA-insured and VA-guaranteed mortgages covering single family to four-family properties located in the District of Columbia, unless it could be established that such mortgages would not be held usurious. In taking this action, FNMA stated its belief that the courts might well rule that the prevailing FHA and VA interest rates of 7½ percent, in combination with discount points paid by the seller which would bring the total interest level to some 8.43 percent, exceeds the legal rate of interest specified in the District of Columbia usury law—District of Columbia Code, section 28-3301—which provides a ceiling of 8 percent on such loans.

This decision on the part of FNMA meant, in effect, that FHA-insured and VA-guaranteed mortgages will no longer be available in the District of Columbia until and unless this impasse can be resolved.

This situation has created a desperate mortgage crisis in the Nation's Capital. With Government-supported financing virtually no longer available, there exists today only a small fraction of the money needed to maintain a healthy real estate economy, as conventional loans are in extremely short supply.

The people who suffer most in this crisis are the families with small to moderate incomes, who can neither pay all cash for a home nor the large downpayment which would be necessary in most instances to assume existing financing. FHA-insured and VA-guaranteed loans have traditionally provided the means by which the person of modest means can purchase a home. At this time, therefore, homeownership, which is perhaps the most important single factor in stabilizing the inner city, has been virtually brought to a halt.

An additional problem is that the development of housing under the Section 235 program for low-income ownership also is severely restricted, and the District of Columbia Redevolpment Land Agency consequently is facing a far more difficult task in finding single-family housing for persons displaced by urban renewal activities.

This critical problem is by no means a local one, as the present inflationary rise in the cost of loans has created the same situation on a nationwide scale. As a result, our committee is informed, the following 19 States have enacted legislation exempting FHA and VA mortgages from the provisions of their usury laws: Alabama, Delaware, Georgia, Illinois, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, Vermont, Virginia, and West Virginia.

It should be noted that both Maryland and Virginia are among the States which have taken this realistic step. In December of 1969, Maryland exempted FHA and VA loans from the usury laws of that State with no limitation as to a terminal date for such exemption; and in March of 1970, the Virginia legislature exempted all first mortgage loans—FHA, VA, and conventional—from their usury laws, until July 1, 1972. These two actions are having a profound effect on the mortgage market in the District of Columbia, as the out-of-State funds which might normally be available to meet the financing needs of the citizens of the District are being diverted to Maryland and Virginia, where the prevailing interest rates are legal.

It is the opinion of our committee that in the face of this situation, it is extremely unlikely that the District of Columbia will be able to generate a sufficient amount of money from local financial institutions to meet the normal requirements of its citizens or the wishes and obligations of the District of Columbia government. For this reason, we feel strongly that the exemption of FHA-insured and VA-guaranteed loans from the interest and usuary laws of the District, as provided in this proposed legislation, is essential at this time.

This legislation was supported before your committee by spokesmen for the District of Columbia government, the Washington Board of Realtors, the District of Columbia Chamber of Commerce, the Mortgage Bankers Association of Metropolitan Washington, and the Washington Real Estate Brokers Association. Letters expressing approval of the bill were received also from the Secretary of Housing and Urban Development and from the Administrator of Veterans' Affairs in the Veterans' Administration. No opposition to the enactment of the legislation was presented.

Your committee believes this proposed legislation to be vitally necessary in order to attract long-term mortgage funds into the District of Columbia. The development and redevelopment of housing in the Nation's Capital can be accomplished, in our opinion, only within the scope of the several federally sponsored and insured loan programs. These are the only programs that make it possible for prospective homeowners to purchase residences with minimum amounts of cash and with the lowest possible monthly payments.

There has actually been a downward real estate trend in the District of Columbia for the past 5 years. In 1965, some $562 million was loaned in this city secured by deeds of trust. By the end of 1969, this figure had declined to $311 million, a loss of almost 45 percent. And for the first 3 months of 1970, while no figures are yet available to your committee, we are advised that the situation has become even more ominous.

Mr. HOGAN. Mr. Speaker, as the author of the original bill which would exempt FHA and VA mortgages from the usury laws of the District of Columbia, I am pleased that the committee has adopted an amendment to the legislation before us which would achieve this objective. There is a very serious housing crisis facing low- and middle-income residents of the District of Columbia who are unable to obtain housing at the present time because of the unrealistic ceiling on FHA and VA mortgages.

There is an estimated shortage of 50,000 housing units in the District of Columbia and there is no hope of alleviating this condition without this legislation. I, therefore, urge my colleagues to adopt this conference report. I appreciate very much the concern and cooperation of the distinguished gentleman from Florida (Mr. FUQUA), chairman of the subcommittee which handled this legislation.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF COMPREHENSIVE HEALTH PLANNING AND SERVICES ACT OF 1970

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1181 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1181

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18110) to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1181 provides an open rule with 1 hour of general debate for consideration of H.R. 18110 to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning.

The principal purposes of H.R. 18110 are to extend and expand for 3 additional years the authorizations, contained in sections 304 and 314 of the Public Health Service Act, for grants for health services and facilities research and development, for formula and project grants for comprehensive health planning at the State and areawide levels, for State public health services, for new and demonstration health services delivery projects, and for training related to these activities.

The bill also provides initial authority for the development of a cooperative Federal-State-local statistics and information system to produce comparable and uniform health data throughout the Nation.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to extend for 3 years—through fiscal 1973—the grant assistance programs contained in sections 304 and 314 of the Public Health Service Act, and to authorize funding for these programs.

The two sections of the act, which are extended by this legislation, contain grant programs for assistance for comprehensive State health planning, areawide health planning, training of health personnel, health services development, and research and demonstrations relating to health facilities and services.

For these programs the bill authorizes $335,500,000 for fiscal 1971, for 1972 the authorization is $425,000,000, and for 1973 it is $505,000,000.

The main thrust of all these various programs is to reshape our existing health service system to make it more effective in getting to the people the health services, in terms of personnel, equipment, facilities and treatment methods, that they need and deserve. To achieve this goal the existing act creates grant-in-aid incentives to States and localities to jointly plan, on an areawide basis, how to improve their present health services systems. This comprehensive joint planning is the key to better service to the public with the least likelihood of waste and duplication. Grants under the programs are made only for projects or programs which are in accordance with such comprehensive plans.

Additionally, the bill authorizes the development of a health services statistical system. Present data is insufficient to identify with particularity health problems and issues which need solving. All parties, Federal, State, and local officials will be involved in the setting up and operation of this system.

Finally, the bill seeks to remove the administrative redtape which grantees in the health services field are subject to because many projects are jointly fundable under various Federal assistance programs. The bill will relieve the grantees of filing duplicate applications. Also, one agency or administrative unit will oversee the project, and the grantee need report to that administrator only.

The administration supports the legislation as indicated by several agency letters.

Mr. PEPPER. Mr. Speaker, I have no further request for time and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE CERTAIN PRIVILEGED REPORTS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent, on behalf of the Committee on Rules, that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

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PROVIDING FOR THE CONSIDERATION OF H.R. 8298 TO AMEND SECTION 303(b) OF THE INTERSTATE COMMERCE ACT.

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 930) providing for the consideration of the bill (H.R. 8298), and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 930

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ALBERT). The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may require.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Speaker, no copy of the resolution is at the desk. No copy of the report, no copy of the bill is available. When may we expect to get a report, and the bill on the House floor; does the gentleman have any idea?

Mr. BOLLING. Those items were printed some time ago. This is a very old rule and one on an old bill. What has happened, I will say to the gentleman from Iowa, is the matter that was scheduled for action at this time, as the gentleman from Missouri understands it, did not have its rule printed in time for it to be called up. That was the political broadcasting bill, and this one, I guess you can say, had been hanging fire for quite some time, and has been scheduled instead. I am sure the rule and the report and the bill itself will be promptly available, and I see even more promptly than I had anticipated.

Mr. GROSS. I understand that the report and bill are now here. Does the gentleman know whether there are ample copies for the membership if they want copies?

Mr. BOLLING. I am sure that there are or will be very soon.

Mr. Speaker, I would like to say to the House prior to reserving the balance of my time and allowing the gentleman from Nebraska to proceed on this matter, that I cannot say that this rule was not controversial. It was before the Committee on Rules for some time. It was highly controversial. It was killed in the Committee on Rules a number of months ago. It was defeated. An attempt was made last year to reconsider it. That attempt failed. Then the rule came up again this year and that led, I would say, to a rather prolonged struggle within the Committee on Rules.

A rule was granted. I was the author of the first motion, which was defeated. I then opposed its reconsideration on the grounds that to do so was not to follow orderly procedure during the first session of this Congress. Then during this present session, I renewed my effort to see that this matter which is extremely controversial would be decided by the House of Representatives.

There are very strong feelings and I believe very strong economic arguments on both sides of this question. My part in the affair to date has been only to see to it that the matter finally came before the House for decision—first on the rule and then on the matter itself.

This is one of those curious situations where the bill originally considered by the Committee on Interstate and Foreign Commerce was entirely different from the one finally reported.

There are a variety of economy interests very much concerned over the various aspects of the bill, pro and con, and it seems to me that those on both sides of the question deserve their time before the House of Representatives so that the Members may make their decision based on their judgment of the facts.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. This is a bill, if I recall it correctly, which in substantial form has been disowned by its own author, and which probably had as unenthusiastic a presentation in behalf of it before the Rules Committee as I have ever heard made on behalf of any bill. Is that an accurate and fair statement?

Mr. BOLLING. That would get the gentleman from Missouri involved in the controversy in a way that he does not desire to be involved at this time. All I can say is that I have never seen more heat generated by a relatively small number of people than I have seen generated over this matter. I think that when this matter is debated, it will be a very interesting debate, and I hope that the House of Representatives and the Member from Missouri now speaking will be able to find where the public interest lies, because very clearly there is considerable controversy on this subject.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am glad to yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding. Let me say that I am one of the coauthors of the bill. I strongly support it, and I understand the author of the bill and those supporting the bill may support an amendment. I certainly feel no reluctance nor hesitancy in my support of this bill. I think it is a good bill.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield further?

Mr. BOLLING. I am delighted to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I just spoke with the gentleman who is the author of the bill. He is on his feet and can speak for himself. He says he is opposed to the bill as it is before us unless it is amended.

Mr. KUYKENDALL. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am delighted to yield to the gentleman from Tennessee.

Mr. KUYKENDALL. I thank the gentleman from Missouri for yielding. I will support the amendment to be offered by the gentleman from Minnesota (Mr. NELSEN). I agree with the approach of the gentleman from Missouri that the House should have its chance to work its will and to actually vote up or down the bill itself, including the amendment of the gentleman from Minnesota. So I do support the rule on that basis.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I would like to point out that this bill started out to be a bill governing the mixing of cargoes by the regulated carriers. I have no objection to that. But it turned out to be a rate-fixing bill covering the unregulated carriers in the publication of rates, which I think is totally unfair. We have an amendment that will permit mixing by the regulated carriers but will leave the unregulated carriers in their present situation. I think the Rules Committee saw the wisdom of what I was trying to do. In fact, they held up action on the bill after my presentation. I thank the gentleman for yielding.

Mr. BOLLING. Mr. Speaker, it is clear that what I said originally is accurate. This matter is controversial, and I think at this time requires a decision by the House of Representatives. Therefore, I urge the Members to support the rule and to listen attentively to the arguments that will be made by the proponents and the opponents when the bill is under general debate in the amendment stage. I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 930 provides for an open rule with 2 hours of debate on H.R. 8298, a bill to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein.

The resolution also provides that it

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shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

As the gentleman from Missouri has stated, this is a very controversial or complicated piece of legislation that we wrestled with in the Committee on Rules for a period of several months. I believe the Members will realize its nature from the colloquy that has taken place thus far this morning. However, at the present time we have under consideration only the rule itself and, Mr. Speaker, I support the rule and reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

The SPEAKER pro tempore (Mr. ALBERT). The Chair would like to make a statement. The order of business as announced on the program has been interrupted by the failure, as the gentleman from Missouri said, to get printed copies of the rule out, but the rule which was next in order is presently available, and the Chair recognizes the gentleman from Missouri for the purpose of calling up that resolution.

PROVIDING FOR THE CONSIDERATION OF H.R. 18434—THE POLITICAL BROADCASTING BILL

Mr. BOLLING. Mr Speaker, by direction of the Committee on Rules, I call up House Resolution 1177 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1177

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18434) to revise the provisions of the Communications Act of 1934 which relate to political broadcasting. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 18434, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 3637, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 18434 as passed by the House.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, this is an open rule with 2 hours of general debate, providing only a special provision that the matter go to conference under the Senate title.

This, I understand, is a somewhat controversial matter which is brought up by the rule, but I know of no controversy on the rule itself. Therefore, I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to—

First, repeal the "equal opportunities" provisions of the Communications Act with respect to candidates for President and Vice President, which will permit the TV networks to donate free broadcast time to significant candidates for these offices;

Second, to insure that rates charged political candidates by the TV networks and stations are as low as any advertiser may receive; and

Third, to set limits on how much may be spent on TV advertising by candidates for the following offices: President and Vice President during a general election; U.S. Senator, Representative, Governor and Lieutenant Governor in both primary and general elections.

The major reason for this legislation is the ever increasing costs of television and radio time to political candidates as this method of campaigning becomes more and more important. The Federal Communications Commission estimates that in 1968 political spending for radio and TV time totaled $58,900,000. This is a 70 percent increase over the last presidential year—1964. Further, this figure represents only the costs of buying time; production costs are an entirely separate item. Something must be done to reduce these costs to insure that candidates are financially able to campaign over the airwaves.

To insure this, the bill provides that the charges made for the use of broadcasting station to any legally qualified candidate for public office may not exceed the lowest unit charge of the station for the same amount of time in the same period. This will place all political candidates seeking to buy time on the same footing with a station's most favored commercial advertiser. A determination of what is the lowest unit charge can be somewhat complex. It will be the duty of the Federal Communications Commission to insure compliance with this section.

In order to insure that all candidates for major office have an approximately equal opportunity to use the broadcast media, the bill also sets limits as to how much may be expended, based on the total number of votes cast in that particular election at the most recent previous election. All candidates for major offices are included under the limitations provided, including President, Vice President, U.S. Senator and Representative, Governor and Lieutenant Governor. Except for the first two, primary, as well as general elections, are covered in the cost limitations imposed.

For a general election, candidates would be entitled to spend up to 7 cents mutiplied by the number of votes cast in the last general election for the office, or $20,000, if greater. For a primary election all candidates could spend one-half this amount.

Under this formula, in the 1972 election, candidates for President and Vice President for each party could spend up to $5,100,000 to buy broadcast time.

It should be emphasized that this limitation goes only to the purchase of time. It does not cover the costs of production of campaign programing.

The bill also provides that the several States, by law, may bring candidates for State and local offices under the limitations imposed.

Finally, the bill would repeal the equal opportunity clause of the Communications Act with respect to any legally qualified candidate for the office of President or Vice President in a general election. It would remain in force in connection with all other offices.

This repealer would make it possible for broadcast networks to donate free time for future "Great Debates" as were held in 1960. By repealing this provision, the networks will not be required to make equal time available to all candidates, but could provide it for those of significance.

All provisions of the bill become effective on January 1, 1971. They will have no effect on any election this year.

Mr. Speaker, I have no further requests for time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. EDMONDSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. GARMATZ. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 268]

Adams
Anderson, Tenn.
Ashley
Aspinall
Baring
Beall, Md.
Berry
Bow
Bray
Brock
Brown, Calif.
Burleson, Tex.
Caffery
Carey
Casey
Chisholm
Clark
Clay
Cohelan
Cramer
Cunningham
Daddario
Dawson
de la Garza
Dickinson
Diggs
Dwyer
Edwards, La.
Erlenborn
Evins, Tenn.
Fallon
Flynt
Fuqua
Gallagher
Gilbert
Goldwater
Gray
Gubser
Hansen, Wash.
Hathaway
Hébert
Hosmer
Hull
Johnson, Pa.
Jones, N.C.
King
Kleppe
Long, La.
McCloskey
McCulloch
McKneally
Mailliard
Murphy, N.Y.
O'Hara
Olsen
O'Neal, Ga.
Ottinger
Passman
Pollock
Powell
Price, Tex.
Rarick
Rees
Reid, N.Y.
Reifel
Rivers
Rogers, Colo.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roudebush
Rousselot
Roybal
Ryan
Satterfield
Saylor
Scheuer
Smith, Calif.
Stuckey
Sullivan
Symington
Talcott
Tunney
Weicker
Wilson, Bob
Wright
Young
Zwach

The SPEAKER pro tempore. On this rollcall 342 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL ANNOUNCEMENT

Mr. HELSTOSKI. Mr. Speaker, on rollcall No. 241 on July 30, 1970, I am recorded as absent. I was officially excused because of official business away from the Capitol.

On rollcall No. 242, I am recorded as not voting. Had I been present, I would have voted "yea" on the conference report to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities for retired railroad employees. I voted in favor of this legislation when it was first considered in the House on April 7, 1970.

Mr. Speaker, on the two subsequent rollcalls I am recorded as voting, having returned to the House Chamber, after completing the business which kept me away earlier.

COMPREHENSIVE HEALTH PLANNING AND SERVICES ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18110) to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18110, with Mr. Brooks in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Springer) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill represents a 3-year extension of existing law, with revisions and improvements unanimously agreed to by the committee, and we recommend its adoption by the House.

In 1966 our committee recommended, and the Congress adopted, a revision of section 314 of the Public Health Service Act which is today known as the Partnership for Health Act. The program established by this act in general provides for Federal grant assistance to aid the States in comprehensive planning for health, and also provides assistance for areawide health planning agencies.

In addition, the legislation adopted in 1966 provided for formula grants to all the States for health services, with the determination of individual priorities as among health programs being left to the States themselves. In addition, section 314(e), as revised in 1966, authorized a program of project grants for health services within each of the States.

The formula grant programs and the project grant programs in general are required to be conducted consistently with the overall State plan for health services adopted by the State comprehensive health planning agencies.

Since the establishment of the 1966 legislation, we have considered extensions of a number of categorical grant programs, such as the mental retardation legislation just recently passed by the House, the community mental health center legislation which became law earlier this year, as well as the Hill-Burton program.

The problem of the relationship between comprehensive health planning and the specific program oriented laws, such as Hill-Burton, is of concern to our committee, and it is our intention to review in connection with future extensions of the Hill-Burton and other such acts the proper relationship of comprehensive health planning to the programs carried out under these acts.

The bill reported by the committee authorizes for the programs under section 314 a total of $367.5 million for fiscal 1971, $325 million for fiscal 1972, and $387 million for fiscal 1973 for the programs of comprehensive planning, training, formula grants, and project grants.

In addition, existing law—section 304 of the Public Health Service Act—authorizes a program of research and demonstrations into new methods of delivery of health services, such as innovative hospital construction, utilization of computers in medical applications, automation of hospital and other medical equipment, and similar programs designed to aid in reducing costs of health care. The bill reported by the committee extends this program without change for 3 additional years, authorizing $58 million in appropriations for fiscal 1971, $79 million for fiscal 1972, and $94 million for fiscal 1973.

The bill also provides for an expansion of the existing program for provision of health statistics and national health surveys and studies. This program has been in existence for a number of years, and aids in providing basic information needed by the Federal Government and by the States to pinpoint specific health problems susceptible to solution by Federal and State legislative action. The amendments adopted by the committee would authorize an expansion of this program to provide for a cooperative program with the States and localities for producing comparable and uniform health information and statistics.

The bill authorizes $10 million for fiscal 1971, $20 million for fiscal 1972, and $22 million for fiscal 1973 for these purposes.

In addition the legislation authorizes the administration of projects funded under separate provisions of the Public Health Service Act, or the Public Health Service and other acts, to permit applicants to deal with only one Federal agency and to meet only one set of Federal requirements. A very similar provision, Government-wide in its application, is contained in legislation already passed by the House, H.R. 14517, the proposed Joint Funding Simplification Act.

The bill also provides for the establishment of a National Advisory Council to advise and consult with the Secretary of Health, Education, and Welfare with respect to the administration of the partnership for health program. We feel that this will be of aid in the administration of the program, by providing expert advice to the Secretary in this area.

Mr. Chairman, our committee held hearings on this legislation, and both the Subcommittee on Public Health and Welfare and the full committee were unanimous in ordering the bill reported to the House. We urge its adoption by the House.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is always difficult in considering the comprehensive health program and legislation to extend its authorizations to explain adequately the history of this effort and its relationship to other medical programs. It is a combination of longstanding arrangements which have been combined and to which have been added new and broader planning efforts.

The Federal Government has for many years supported the efforts of States and individual communities in fighting particular health dangers, the ramifications of which brought them within the definition of public health problems. Among the categories involved have been vaccination programs for various diseases, control of venereal diseases, and in all 16 similar activities. Originally each of these was recognized as justifying national recognition and support. In due course these various public health problems presented less difficulty on a nationwide basis but were still very troublesome in certain areas.

When it became evident that some areas would still need support in all or part of these categories while others could better use funds by concentrating on one or two, it was recognized by the Department of Health, Education, and Welfare and by the Congress that this fragmented system had outlived its usefulness. One of the original purposes of the comprehensive health program, which was later called Partnership for Health, was to eliminate the categories and make funds available to the States for concentration on the most pressing need.

Another major objective of the legislation has been to encourage and support health planning on a State and areawide basis. The very categorical character of the original system intended to put blinders upon the administrators and render the effort parochial. If health services were ever to be coordinated it would have to be through a broad view of the needs as well as realistic inventories of the means available to meet those needs. The result of combining all of these things into one piece of legislation has been an emphasis on planning at State and local levels combined with training, studies and demonstrations.

While planning and experimentation have gone on and will continue into the future, it has been necessary, as it still is, to carry out the operational requirements of these public health services. Because of this there has been a blending of the old and cumbersome with the new and streamlined.

The bill before us today continues these efforts by making available authorizations for the next 3 years. The 1971 authorization amounts to $267 million as opposed to an appropriation of $247 million.

There are two features in the proposed legislation which are not included in the items within the budget but which would be handled in other ways and under other authorizations. These are the national health studies and the demonstrations relating to health facilities and services. These two items together account for $68 million of the 1971 authorizations included in the bill.

The Members of the House have undoubtedly noted that the main difference between the health bills brought to the floor by the committee and the desires of the administration as to funding have rested mainly in the area of construction. This is not a construction program, and there is very litle disagreement as to either the objectives or the program items to be included. Here again the relationship between comprehensive health planning and regional health planning should be stressed. Because these two efforts are aimed at the same ultimate objective as far as planning is concerned they should come closer together as time goes on. It has been the objective of the committee and of the legislation which the Congress has approved in the past to bring this about in logical and timely fashion. This bill, like the one also before Congress on regional medical planning, will require coordination at all levels particularly by requiring the participation of the authorities engaged in comprehensive health planning on the advisory boards of the regional medical activities.

This bill also places increased interest on the gathering and dissemination of health statistics. This becomes more and more necessary if the best of medical knowledge is to be made available to doctors and patients no matter where they may be located.

Mr. Chairman, I urge the approval of the bill H.R. 18110 by the House.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong support of this legislation—H.R. 18110. As has been pointed out this legislation is to extend for 3 additional years programs that are now ongoing, particularly to bring about better planning in our health approach needs for the American people, areawide planning and statewide planning. This is an essential step and I think from the evidence we have heard in the committee hearings show that we are making substantial progress now in these fields.

Also as the Members know this Congress approved some years ago the proposal that we would get into block grants for the States for comprehensive health programs or partnership for health programs and this is an extension of that program as well.

Now there will be times I am sure when certain health problems come to the fore where we may have to zero in on with categorical grants such as communicable diseases but this basic approach of block grants is the one we want to continue and this legislation does that.

Mr. Chairman, I think Congress can be very proud of what is being accomplished in this program and I am very hopeful because of the planning that we can lead to a reduction in many areas of health diseases and in fact to prevent duplication of services and facilities which add to the cost.

Although the comprehensive health planning program—partnership for health—is just now beginning to really get off the ground, I am confident that with a few changes the program will go far to assist in organizing the rather unorganized, disoriented health care delivery system that exists in our Nation today. The amendments to this program are intended to extend and expand the authorizations for 3 additional years for grants for health services and facilities research and development, for formula and project grants for comprehensive health planning at the State and areawide levels, for State public health services, for new and demonstration health services delivery projects, and for training related to these activities.

H.R. 18110 would authorize $335.5 million for fiscal 1971, $425 million for fiscal 1972, and $505 million for fiscal 1973 for a total of $1,465.5 million for the three programs. The comprehensive health planning authorizations in the bill total $267.5 million for fiscal 1971, $325 million for fiscal 1972, and $389 million for fiscal 1973 for a total authorization for extending the program for 3 years of $981.5 million.

H.R. 18110 extends the program of grants to States for comprehensive health planning with authorizations of $10 million for fiscal 1971, $15 million for fiscal 1972, and $20 million for fiscal 1973. The State planning agencies are now beginning to progress from the organizational level to the planning level and are demonstrating their effectiveness in reducing duplication of health care delivery resources such as facilities, manpower, and services within the boundaries of the States. The provisions of this bill will strengthen the organization of the State health planning agencies by requiring representation of those involved in regional medical programs on State health planning councils. The bill would also broaden the coverage of the planning of health facilities and manpower to include environmental considerations as they relate to public health.

Section 314(b) extends the project grants for areawide health planning with authorizations of $15 million for fiscal 1971, $25 million for fiscal 1972, and $40 million for fiscal 1973 for a total of $80 million. The bill would require that areawide planning agencies will give reasonable assurances to the Secretary that they have provided for areawide planning councils to coordinate their planning efforts and that they have made provision for assisting health care facilities in their areas to develop a program for capital expenditures for replacement, modernization, and expansion which is consistent with their State plan and which would not add to duplication of facilities and services.

Section 314(c) would extend health planning training grants under the present law for an additional 3 years at authorization levels of $8 million for fiscal 1971, $10 million for fiscal 1972, and $12 million for fiscal 1973.

Section 314(d) would extend and increase the authorizations for State formula grants at a level of $125 million for fiscal 1971, $140 million for fiscal 1972, and $160 million for fiscal 1973. Written into the bill is also a provision which woud make it a requirement that applications for these grants from the States would make assurances that the State plan is compatible with the total health program of the State. Section 314(e) would extend and increase the authorizations for project grants at a level of $109 million for fiscal 1971, $135 million for fiscal 1972, and $157 for fiscal 1973. The bill also contains a provision requiring that project grants may be made only if the application for these grants have been referred for review and comment to the appropriate areawide health planning agency or agencies.

The bill also provides for the establishment of a National Advisory Council on Comprehensive Health Planning Programs. The Council consists of 16 members including leaders in the fields of the fundamental sciences, the medical sciences, or the organization, delivery, and financing of health care. Council membership will also include officials in State and areawide health planning agencies, leaders in health care administration, community, State and other public affairs, and representatives of the consumers of health care. In order to clarify the committee's intent regarding individuals in the "fundamental sciences," I would like to say that this is intended to mean those clinical fields including medicine, dentistry, optometry, pharmacy, osteopathy, and veterinary medicine where relevant to human health, and other health-related fields and fundamental and applied sciences.

It shall be the function of the council to advise and assist the Secretary in the preparation of general regulations and policy matters arising with respect to the administration of the program and to re-

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view the accomplishments of the program annually to determine their effectiveness in carrying out its purposes.

H.R. 18110 will go far to consolidate the existing comprehensive health planning program so that it will more effectively deal with the problems of organizing the health care delivery system in our Nation. Its provisions require increased cooperation with the regional medical program so that these agencies can more efficiently coordinate their sometimes overlapping activities. To combine these programs at the present time would probably destroy their individual functions. Therefore I urge support of H.R. 18110.

THE BRUTAL ASSASSINATION OF DAN A. MITRIONE IN URUGUAY

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

(By unanimous consent, Mr. GERALD R. FORD was allowed to speak out of order.)

Mr. GERALD R. FORD. Mr. Chairman, I raise my voice today in the hope that peoples of the world of whatever persuasion, creed or nationality will realize that the death Monday of an American citizen in Montevideo, Uruguay, at the hands of Communist terrorists is a senseless, savage, cowardly act; it is now clear for all the world to see how these people plan to bring about changes in their society. The wave of revulsion which has followed this brutal act proclaims the total bankruptcy of terrorism, from whatever end of the spectrum, as an instrument of political action.

Dan A. Mitrione, chief public safety adviser of our AID program of assistance to the Uruguayan police was doing his job, helping the Uruguayan police to be more effective in providing service to the public in a modern and humane manner. Indeed he was trying to help the police assume their proper role in Uruguayan society. His assassination at the hands of the subversive movement for national liberation bodes ill for the continued growth of this society.

It has been suggested by some that this tragedy raises questions as to whether the United States should be engaged in this activity. I submit that it proves instead how important it is for us to persevere in this essential task.

The frequent reference we have heard to "political prisoners" is totally misleading. The MLN demanded release of all "political prisoners" held by the Government as ransom. It should be noted that these people are not being held nor were they convicted because of their political beliefs. They are criminals arrested for murder, bank robbery, extortion, and the like. Constant reference to them otherwise by us all gives an erroneous impression as to why they are being held by the Uruguayan Government.

I have seen some reference to this subversive group that it has a Robin Hood image. Dan Mitrione's murder should dispell any doubt that this group is anything but a Communist-led gang intent on the overthrow of the democratically elected government of President Pacheco Areco.

I view with equal concern the plight of Mr. Claude Fly, an American agriculturist in the employ of the Uruguayan Government who is still being held by the terrorists. I am confident that the Uruguayan Government and particularly the Uruguayan police did all in their power to obtain the release of Mr. Mitrione. I am confident that they will continue to be unwavering in their efforts to effect Mr. Fly's release and that of the Brazilian consul, Mr. Aloysio Mares Dias Comide. I commend the tireless efforts of the American Ambassador, Charles Adair, the many officials in the Department of State who have worked tirelessly for the past week in an effort to effect Mitrione's release, and I especially commend Mr. Byron Engle, Director of the Office of Public Safety in AID for the leading role he played in this effort. Expressions of concern by the Pope lead us to hope that the subversives will bend to public opinion and release the remaining hostages.

Mr. Mitrione's body is being flown back tonight to his hometown of Richmond, Ind., for burial and the tribute of his former neighbors and friends. The Uruguayan Government will pay its last tribute to him before the plane leaves tonight bearing his body and grieving wife and children away from the locale of his murder. His comrades in the police force there will have the job of bringing to justice those responsible for his brutal murder.

This Government must do all in its power to assist the Uruguayan Government to assure that the assassins pay the price for their crime and that such crimes are condemned throughout the world.

The coldblooded murder of Mr. Mitrione shocks us all and prompts us to renew our prayers for those still being held.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. FRELINGHUYSEN. Mr. Chairman, I should like to congratulate the gentleman on his statement. I certainly associate myself with the gentleman's remarks, and wish to extend my deepest sympathy to Mr. Mitrione's family.

This is a shocking tragedy. It was brutal, senseless, and inexcusable. The perpetrators of this coldblooded murder must be brought to justice promptly.

Mr. GERALD R. FORD. I thank the gentleman.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. ROGERS of Florida. Mr. Chairman, I commend the gentleman for his statement. I am sure we all share his feelings of concern.

I would hope that our Government would offer sufficient moneys as a reward for any information which will bring those who have brought about this tragedy to justice. I would think this would be one thing we could do very quickly, to offer a reward for information leading to the arrest, trial and conviction of those who are responsible. I am wiring the Secretary of State today urging that this be done.

Mr. GERALD R. FORD. I thank the gentleman from Florida.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I wish to commend the committee for all the hearings and for this report on the Comprehensive Health Planning and Services Act of 1970. This is another health bill and, indeed, it comes from the distinguished Committee on Interstate and Foreign Commerce that handles almost all health matters, indeed, all health matters except those involving taxation.

The time has long since come when we should devote more of the taxable funds we take from the taxpayers, whether it be progressive or regressive taxes, to the care of our own people, and as a doctor in the House, I can think of no better place to spend it than on the health of the people.

I suppose that with the exception of Dr. TIM CARTER of the committee and Dr. MORGAN, there is no one outside of the committee that has interested himself more in these programs that are melded together here than has the gentleman from Missouri now speaking in the well. This involves the basic Public Health Services Act and, as has been so well said, it does extend in many areas and amalgamates or melds together the various programs in order to avoid duplication, overlapping, and so forth.

Mr. Chairman, these programs are working. There is no question about that. They have increased the health of the Nation, the reporting ability, the coordinating, and the staffing, so to speak, of medical knowledge so that it is universally applicable in a quality manner. I think there is no question but that it has maintained quality health care in keeping with the technological breakthroughs of the profession that has led to the extension of life, albeit, it is not responsible for the continued support of the very life that it extends.

I would particulary commend the committee for taking over the neighborhood health centers from OEO and placing them under the Department of Health, Education, and Welfare. There are many other areas in which they could be commended. I am sorry that time does not allow all of that.

However, Mr. Chairman, I think the people of America should know, and certainly the members of this Committee on the State of the Union as a whole should know that any progression by fiscal year estimates of the cost of this care should be self-limiting. The long-ranged definition of the success or failure of these programs is bound to be failure if the costs do not become self-limiting at some future date. If we were to go from over a third of a billion dollars in fiscal year 1971 to a half billion a year in fiscal year 1973, there should be adequate explanation therefor, and it ought to be more than a "guesstimate" of cost and usages of the taxpayers' money. These

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are tremendous sums. They are of necessity estimates, and these are the authorizations that come home to roost in the form of appropriations, and whatever Congressmen and whatever Representatives may be here 2 years from now, they will have to live with that which we authorize today, and all of us have seen this to the point of difficulty in balancing any budget or living within any priorities.

I want it understood that I am for these priorities. Perhaps I am prejudiced. But again I want to point out that by these very acts we have not only made the people of America believe that through comprehensive care or neighborhood health planning or medicare or medicaid or Hill-Burton construction or care of the mental retardees or the specific disabilities or whatnot, all of which have become sacred cows, that we have weaned them away from the idea of securing their own futures and providing their own ways and avoiding being public charges, just as, indeed, by the same activities we are more and more supporting the hospitals, nursing, and professional care by physicians and their adjuvant aides. One wonders how long Federal taxes can provide the sustenance and expect essentials such as well and moral stamina to persist in our peoples—or do we?

The statement has been made here on the floor today that medicare and medicaid are paying 72 percent of the health bill for the Nation's aged. This is perhaps very commendable. Certainly it is in keeping with the intent of Congress, but this is a dramatic shift from only 4 years ago when 70 percent of the health expenses for the elderly were privately paid. Perhaps a change in 1 or 2 percentage points is not very important. The thing I am trying to drive home, Mr. Chairman, is that the importance in such a statement and the dramatic effect, is that we have shifted into a 72 percentage of public care of all the aging, just as we are in hospital construction and mental care and retardation care and professional care and everything else, away from that which a few years ago was privately paid.

I just think it is important that we know what we are doing within the provisions of this and other associated and so-called health-care bills. In spite of all that and in keeping with the sign of the times, I suppose the thing to do is to go ahead and aid and abet these institutions and the training of staff personnel, so that we can, indeed, staff that which we builded and continue, adequate, if not better, medical care of the public. We have long since started down this trail.

I am always reminded that in 1954 I was told by a great educator that by the year 1960, we would be 700,000 classrooms short if the Federal Government did not provide Federal classrooms in elementary and secondary education. The fact of the matter is that we did not, and ended up less than 40,000 short in 1960; because those estimators and harbingers of doom had forgotten to realize that, left alone and without Federal care, the local school boards would build adequate numbers of classrooms—minus 40,000 vis-a-vis the 700,000—to take care of the people as they estimated them in the local districts.

One is bound to wonder what would happen if we removed the Federal source of continuing health-care funds in all of these programs, and if we stayed our tiptoeing down the primrose path of socialism, at least in health care and health services, if the families and local communities would not themselves adequately care for sick and disabled people as they have in the past.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, is the gentleman from Missouri in favor of the bill we have before the Committee at the present time?

Mr. HALL. Mr. Chairman, had the gentleman from California been present at the beginning of my statement, he would have heard me say I am strongly in favor of the bill as the Committee brought it forward.

Mr. HOSMER. Mr. Chairman, I thank the gentleman.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to commend the gentleman from Missouri (Mr. Hall) for his comments. I think they were well taken, based on his role as a doctor, as to what we are doing.

Mr. Chairman, at this time I yield such time as he may consume to the gentleman from Oklahoma (Mr. Jarman), who is the chairman of the subcommittee which reported the bill.

Mr. JARMAN. Mr. Chairman, I rise in support of H.R. 18110, a bill to extend the programs of assistance of the States and localities for comprehensive health planning and other purposes.

The first major objective of the bill is to extend and modify the Partnership for Health Act. This program represents a primary key for reshaping the Nation's 60-billion-dollar-a-year health industry into a better organized, more complete, efficient, and effective system.

When the Congress first enacted the Partnership for Health in 1966, it acknowledged the necessity for encouraging and assisting communities and States—working in concert with all interested parties—to take stock of their own health problems and resources and to determine the means best suited to their situations for solving the problems.

Congress can take pride in the many notable activities underway and the significant acomplishments already achieved through the Partnership for Health. They are encouraging signs that Comprehensive Health Planning, and its related program of specialized training, and the development of comprehensive health services will, in fact, make a major difference in the improvement of health and health services.

The bill includes several new features to improve cooperation and coordination of national efforts. H.R. 18110 will require the appointment of a National Advisory Council on Comprehensive Health Planning Programs to advise and assist the Secretary, Department of Health, Education, and Welfare, regarding regulations and policies related to these programs, and to place increased emphasis on: First, the cooperation and coordination between these programs and the regional medical programs; and, second, the relationship between improved organization and delivery of health services and financing such services.

H.R. 18110 also adds greater flexibility for responding to and coordinating the development of more comprehensive and new health services by providing joint funding arrangements for single projects that include more than one of various HEW programs, and also for single projects by more than one Federal agency.

The proposed amendments regarding health statistics, a second objective of the bill, would change section 305(a) of the Public Health Service Act to reflect the increasing demand for data regarding health care resources, environmental and social health hazards, and family formation, growth, and dissolution. In addition, an assurance of confidentiality would be added for certain records containing information of a personal and privileged nature and identifiable as to source.

Most importantly, authorization would be provided to develop and demonstrate models of a cooperative Federal-State-local health statistics system. The Federal Government is now dependent upon State and local sources for many types of health statistics, principally in fields of births, deaths, health facilities, and manpower. On the other hand, local areas often rely on Federal statistical resources for information which they should be obtaining for themselves in a detail that would permit adequate health planning and evaluation of program progress. The intent of this legislation is to carry on the research needed to develop a cooperative system in which each level of jurisdiction carries on those functions for which it has the greatest capability, with an interchange of statistical information of uniform quality and comparability. Such a system would add substantially to the volume and quality of baseline data needed for comprehensive health planning and assessment of progress toward the delivery of adequate health care.

The third major objective of the bill is to extend section 304 of the Public Health Service Act which provides the Secretary of Health, Education, and Welfare with his principal authority to assist communities to improve their health services through research and development. Section 304, administered by the National Center for Health Services Research and Development, authorizes grants and contracts for research, development, demonstrations, and related training in all aspects and problems of the organization, delivery, and financing of health services in hospitals, other health care facilities, and in communities and populations. Experiments may be conducted on the construction, organization, and operation of hospitals and other facilities, experimental automated equipment, new careers in health services and new methods of training health personnel, and on entire new systems for organizing, delivering and financing health services in communities. Under the unique provisions of section 304 the National Center in the past 2 years has developed cooperative arrangements with the leaders of the health professions and institutions to direct contract-supported research and development on the practical problems involved in extending access to health services while containing costs and maintaining quality of services. These cooperative R. & D. arrangements also assure that the early achievements of projects in one locality will be rapidly communicated through professional channels to doctors and hospitals in many other places. The authority of section 304 is also administered by the national center to maximize cooperation with regional medical programs and comprehensive health planning and simplify joint action of two or more of these programs in many communities.

Mr. Chairman, I submit that these programs, and the modifications and improvements relating to them included in H.R. 18110, are vital to the Nation's efforts to make accessible to every American, at a price he can pay, the highest quality of health and medical care attainable. I recommend, therefore, the enactment of H.R. 18110.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. I appreciate the fine statement the gentleman has made. The House is indebted to the committee and to him as chairman of the subcommittee for the tremendous amount of work which has been done in the health field since he has been the chairman of that subcommittee.

As a fellow Oklahoman, I want to say I am personally very proud of the gentleman's work and take pleasure in recognizing it before our colleagues.

Mr. JARMAN. I thank the gentleman for his commendation and his efforts in support of our subcommittee and the full committee.

Mr. STAGGERS. Mr. Chairman, I, too, want to join the majority leader in commending the chairman of the subcommittee, and every member of the subcommittee. I know of no committee of the House which ever worked longer in a year than this committee has on health bills.

The bill we have before us now required 40 executive sessions. Members can imagine all of the arguments and so on which occurred.

The committee members have worked not only in the morning but also many evenings, trying to get the bills completed. They have had a constant flow of legislation coming from the committee. It has been a hard-working committee.

I want to commend the gentleman from Oklahoma (Mr. JARMAN) and every member of the committee for the great work they have done.

Mr. CARTER. Mr. Chairman, I support H.R. 18110, a bill to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning.

The purpose of the bill is to extend, for 3 additional years, sections 304 and 314 of the Public Health Service Act.

Grants for health services and facilities research and development, for formula and project grants for comprehensive health planning to the State and areawide levels, for State public health services, for new and demonstration health services delivery projects, and for training related to these activities. The bill also provides for development of a cooperative Federal-State-local statistic and information system to produce comparable and uniform health data throughout the Nation.

A table showing the authorization levels follows:

SUMMARY TABLE, AUTHORIZATION LEVELS

[In millions of dollars]

	Fiscal year—		
	1971	1972	1973
Comprehensive health planning and services (sec. 314):			
Comprehensive State health planning (sec. 314(a))	10.0	15	20
Areawide health planning (sec. 314(b))	15.0	25	40
Training, studies, and demonstrations (sec. 314(c))	8.0	10	12
Comprehensive public health services (sec. 314(d))	125.0	140	160
Health services development (sec. 314(e))	109.5	135	157
National health surveys and studies	10.0	21	22
Research and demonstrations relating to health facilities and services	58.0	79	94
Total	335.5	425	505

OTHER PROVISIONS OF THE BILL

In addition to the foregoing, the bill would accomplish the following:

First, make explicit the concern of comprehensive health planning with environmental health;

Second, strengthen the working relationships between comprehensive health planning agencies and regional medical programs, by requiring representation of the regional medical programs on planning advisory councils;

Third, provide for the establishment of areawide advisory councils with a membership representation of the public voluntary, and nonprofit private groups concerned with health, local government, regional medical programs, and consumers of health services;

Fourth, require areawide comprehensive health planning agencies to provide for assistance to health care facilities in their respective areas in developing programs for capital expenditures for replacement, modernization, and expansion consistent with overall State plans;

Fifth, require that the State plan for public health services be compatible with the total health program of the State;

Sixth, authorize, as supportable costs of health services development projects under section 314(e), payments for equity requirements and amortization of loans on facilities acquired from the Office of Economic Opportunity;

Seventh, provide that project applications involving the furnishing of public health services under 314(e) be referred for review and comment to the appropriate areawide comprehensive health planning agency;

Eighth, expand the scope of the national health survey authorized under section 305 to include (a) health care resources, (b) environmental and social health hazards, and (c) family formation, birth, and dissolution; and guarantee the confidentiality of information obtained through such studies and surveys;

Ninth, provide for a National Advisory Council on Comprehensive Health Planning Programs of 16 members with representation of the various relevant health interests prescribed. The Council is charged with advising and assisting the Secretary of Health, Education, and Welfare regarding regulations and policies relating to the administration of the comprehensive health planning and public health services functions under specified provisions of the Public Health Service Act, with increased emphasis to be placed on the cooperation and coordination of these programs with regional medical programs and on the relationship between the improved organization and delivery of health services and the financing of such services. The Council is also required to review annually the authorized grant programs under these provisions to determine their effectiveness in carrying out the purposes of the legislation.

Tenth, amend title V of the Public Health Service Act to facilitate the administration of jointly funded projects under more than one statute administered by the Department of Health, Education, and Welfare, or by the Department and/or by one or more other Federal agencies. In such cases, regulatory or contract requirements of a technical nature may be waived, a single unit may be designated to administer the project, and a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency.

One of the features of the bill is the improvement and broader use of the Medex experiment which utilizes returning medical corpsmen and other health-trained personnel to relieve doctors of many services which these persons are competent to handle. The program has been a resounding success and does much to increase medical services. The information system which will be created under the bill will make it possible for persons living some distance from experimental medical facilities to reap the benefits of national progress which is not afforded to them at this time.

The purposes of this bill are carried out primarily through comprehensive health planning programs. These are located in nearly every State and more than half the population of the United States now lives in areas served by areawide comprehensive health planning agencies. It is hoped that such programs will cover the entire Nation in the next few years.

One of the unique factors of this bill is that it allows State plans to address themselves to individual problems. For example, in the Watts community in Los Angeles a successful program utilizing the facilities of medical schools in that area along with local hospitals has brought about better health care to those living in depressed conditions.

Similarly, programs have been initiated in rural communities by bringing State medical schools into the areas for health treatments.

The bill is endorsed by all concerned persons, including HEW and the administration.

Mr. DONOHUE. Mr. Chairman, as a cosponsor and supporter of the original partnership for health measure that was enacted in 1967, I intend to further support, and I hope this House will overwhelmingly approve, this currently proposed measure, H.R. 18110, the Comprehensive Health Plan and Services Act of 1970.

The principal purposes of this pending measure are to extend and expand for 3 additional years the appropriation authorizations contained in the Public Health Service Act, for grants for health services and facilities research and development, for formula and project grants for comprehensive health planning at the State and areawide levels, for State public health services, for new and demonstration health services delivery projects, for training related to these activities and to also provide initial authority for the development of a cooperative Federal-State-local statistics and information system to produce comparable and uniform health data throughout the Nation.

Mr. Chairman, there is no question that our unfortunate national crisis in health care services is becoming increasingly intensified and apparent practically every day. This bill recognizes this crisis development and intensification and represents a sound attempt to sensibly meet and overcome it. In simple substance it is designed to extend and improve the basic partnership for health programs already approved by the Congress and further enable the Federal Government, States, and communities to more efficiently and effectively coordinate professional personnel efforts and medical plant resources to insure that no person anywhere in this country will be denied reasonable access to essential health services.

Mr. Chairman, there is no question whatever that the authorizations proposed are in sensible accord with our critical health service needs and that the provisions of the bill represent the continuation of a sound and prudent investment in the national interest. This is certainly a measure which can truly be said to be "good for all Americans," and I earnestly hope it is soon and resoundingly adopted by the House.

Mr. PRICE of Illinois. Mr. Chairman, I urge support of the bill H.R. 18110 to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning. This bill promises to streamline the organization of our $60 billion per year health industry, thereby creating a more efficient and effective system for the conduction of research and administration of services.

Testimony before the House Committee on Interstate and Foreign Commerce has indicated that comprehensive health planning and its related programs of training and service development have made a tremendous contribution to the much needed improvement of health and health services. We are experiencing considerable returns from our initial investment in comprehensive health planning, but to fully realize the initiations of the Public Health Service Act, the present programs must be extended locally where they will be more accessible to the consumer, thereby making the State and national programs more workable.

The bill will require that regional medical programs be represented on the State health planning and advisory councils. Since these regional programs promote health services of all kinds designed to operate for the best interests of their particular geographic area, they are of vital concern to comprehensive health planning in communities and States. Local comprehensive health planning agencies will have a voice in the development of public health service projects in their respective areas.

Whereas the existing law does not require that State comprehensive health planning provide for environmental health, H.R. 18110 specifies that environmental considerations as related to public health must be included, of course, for the programs to be truly "comprehensive."

Another improvement over the existing law is the provision for the establishment of advisory councils on which specific areawide health interests are represented similar to the State health planning council setup, here made up of public, voluntary, and nonprofit private groups concerned with health, local governors, regional medical programs, and most importantly, consumers of health services.

The present law requires State comprehensive health planning to provide assistance for each State health facility in developing programs of capital expenditures for replacement, modernization, and expansion consistent with overall State planning. Comparable requirements were not placed upon the local health planning agencies which are most accessible to the public. Fortunately, the provisions of H.R. 18110 will increase the quality standards of those areawide agencies by extending the development requirements to the grassroots level.

To assist the local and State advisory councils, H.R. 18110 provides for the establishment of a National Advisory Council on Comprehensive Health Planning Programs. This committee will advise and assist the Secretary of Health, Education, and Welfare regarding regulations and policies of these programs and will evaluate the effectiveness of all grants in carrying out the purposes of programs. The worth of this evaluatory function cannot be denied, for it will help prevent wasting of funds.

Sorely lacking are information and statistics for truly effective health planning. The Federal-State-local organization hopefully will rectify these inadequacies. The 3-year extension of funds will also aid in the exploration of new research techniques utilized with dramatic effectiveness by the National Institutes of Health and thereby may help cut increasing health costs without sacrificing quality of services.

Mr. Chairman, we live at a time of ever-increasing concern over the quality of life. In our fight to protect and improve the conditions of existence, what could be a more basic goal than good health? The provisions of H.R. 18110 will benefit all Americans, and I urge my colleagues to vote for this legislation.

Mr. BOLAND. Mr. Chairman, I want to express my support for this legislation to extend and expand programs administered under the Public Health Service Act. The bill—it would authorize spending of $335.5 million in fiscal 1971, $425 million in fiscal 1972, $505 million in fiscal 1973—promises to bring the act up close to what many health experts would consider its full potential. The need for better health care planning and health care research is so obvious it hardly warrants mention here. A glance at any hospital—or any other kind of health care facility, for that matter—makes this need startlingly plain. The number of trained health personnel, the number of available beds, the number of laboratories, the number of buildings themselves all lag far behind the very minimum necessary.

The Public Health Service Act—more specifically, its sections 304 and 313—offers Federal grants to improve health services and health research. It provides formula grants, moreover, for a variety of other health programs: planning at the State and regional levels, the States' health services and demonstration projects, training programs in general. Under the legislation now before us, the act would be expanded to—

Bring environmental health within the scope of health planning;

Include health care resources, environmental health hazards and family size information in the National Health Survey;

Establish area advisory councils and stipulate that area health planning agencies help health care facilities in program development;

Improve coordination between area and State health programs;

Give area planning agencies an oppor-

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tunity to review project grants within their regions, helping to eliminate the kind of duplication and competition that threatens health care; and

Establish a National Advisory Council on Comprehensive Health Planning Programs.

As I said in offering the "health emergency amendment" a few weeks ago—the amendment seeking full funding of HEW's health programs—the phrase "crisis in health care" is not just another empty shiboleth. It is today a stark reality. Without adequate health care programs, and without adequate funding for such programs, health care in the United States may verge on chaos within the near future.

Again, Mr. Chairman, I urge passage of this bill.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise to express my support of the Comprehensive Health Planning and Services Act of 1970. This bill is vital to National, State, and local public health programs and I urge its overwhelming approval by the House today.

The bill will provide grants for health services and facilities research and development, formula and project grants for comprehensive health planning at the State and regional levels, State public health services, new and demonstration health services delivery projects, and training related to these projects.

In addition, the bill provides, for the first time, authority for the development of a cooperative Federal-State-local statistics and information system to produce comparable and uniform health data throughout the Nation.

While the Congress officially recognized over a century ago the need for cooperation between the Federal and State Governments in the control and prevention of disease, it was not until recently that the Congress adopted the comprehensive approach for the support of State and local health initiatives based upon sound planning and matching payments.

We must recognize the fact that good health is of prime importance if we are to be successful in improving the quality of American life. We must provide adequate health care as a basis for achieving other goals of our society.

The drive toward improved quality of our health care services must have realistic administration if it is to succeed. The comprehensive approach embodied in this legislation recognizes the need to eliminate the multitude and variety of requirements for applications for assistance. This will encourage the States to determine health needs, set health goals and start achievement activities with a minimum of administrative problems.

This measure, Mr. Chairman, has my fullest support.

Mr. GALIFIANAKIS. Mr. Chairman, I rise this afternoon to support H.R. 18110, the Comprehensive Health Planning and Services Act of 1970.

The program we are considering today is a critical part of our effort to reshape the Nation's health industry into a more effective system

I think the committee and the sponsors of this legislation deserve the commendation of every Member of the House for their work on this bill.

Once again, the committee demonstrated its concern for the health care of American citizens as it has in developing health proposals in recent years. We know that unless we can deliver health care to the public in an orderly and efficient manner, all of our medical research will go in vain.

The Comprehensive Health Planning and Services Act of 1970 is a major step in making that delivery of health care more orderly.

In its expansion of the authorization for health services and facilities research and development, this bill will do much to improve comprehensive health planning at the State and regional levels.

But Mr. Chairman, perhaps the greatest accomplishment of this bill lies in the provision which authorizes the initial development of a Federal-State health information system.

As anyone who has been active in the area of health legislation knows, it often is difficult to obtain the statistical information needed to establish the need for new or improved programs.

Health data not only varies in form from State to State, but often it is impossible to find national data because of inconsistencies in local reporting.

The program initiated by this bill can end the inconsistency. It can make possible the kind of research into health needs of America that we must have in order to meet the crisis in public health care.

Mr. Chairman, I fully support the bill which is before the House today and urge each of my colleagues to vote for it.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the Clerk will read the bill for amendment.

The Clerk read as follows:

H.R. 18110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Comprehensive Health Planning and Services Act of 1970".

SEC. 2. (a) Section 314(a)(1) of the Public Health Service Act is amended by striking out "and" immediately after "June 30, 1969," and by inserting immediately before the period at the end thereof the following: ", $10,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972 and $20,000,000 for the fiscal year ending June 30, 1973".

(b) Section 314(a)(2)(B) of such Act is amended by inserting "(including representatives of the regional medical program)" immediately after "concerned with health".

(c) Section 314(a)(2)(C) is amended by inserting immediately before the semicolon at the end thereof the following: "and including environmental considerations as they relate to public health".

SEC. 3. (a) The first sentence of section 314(b) of the Public Health Service Act is amended by striking out "ending June 30, 1970" and inserting in lieu thereof "ending June 30, 1973".

(b) Such section is further amended by striking out "and" immediately following "June 30, 1969," and by inserting immediately before the period at the end the following: ", $15,000,000 for the fiscal year ending June 30, 1971, $25,000,000 for the fiscal year ending June 30, 1972, and $40,000,000 for the fiscal year ending June 30, 1973".

(c) Such section is further amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following new paragraph:

"(2) Grants under this subsection may be made only upon an application approved by the Secretary which contains or is supported by reasonable assurances that—

"(A) areawide agencies have provided for the establishment of an areawide health planning council, which shall include representatives of public, voluntary, and nonprofit private agencies, institutions, and organizations concerned with health, including representatives of the interests of local government, of the regional medical program, and of consumers of health services; and

"(B) the areawide health planning agency has made provision for assisting health care facilities in its area to develop a program for capital expenditures for replacement, modernization, and expansion which is consistent with an overall State plan which will meet the needs of the State and the area for health care facilities, equipment, and services without duplication and otherwise in the most efficient and economical manner."

SEC. 4. Section 314(c) of the Public Health Service Act is amended by striking out "ending June 30, 1970" and inserting in lieu thereof "ending June 30, 1973"; by striking out "and" immediately after "June 30, 1969,"; and by inserting immediately before the period at the end thereof the following: ", $8,000,000 for the fiscal year ending June 30, 1971, $10,000,000 for the fiscal year ending June 30, 1972, and $12,000,000, for the fiscal year ending June 30, 1973".

SEC. 5. (a) Section 314(d)(1) of the Public Health Service Act is amended by striking out "and" immediately after "June 30, 1969,", and by inserting after "June 30, 1970," the following: $125,000,000 for the fiscal year ending June 30, 1971, $140,000,000 for the fiscal year ending June 30, 1972, and $160,000,000 for the fiscal year ending June 3, 1973,".

(b) Section 314(d)(2)(C) of such Act is amended by striking out "and (iii)" and inserting in lieu thereof "(iii)" and by inserting before the semicolon at the end thereof the following: "; and (iv) the plan is compatible with the total health program of the State".

SEC. 6. (a) Section 314(e) of the Public Health Service Act is amended by striking out "and" immediately after "June 30, 1969," and by inserting after "June 30, 1970," the following: "$109,500,000 for the fiscal year ending June 30, 1971, $135,000,000 for the fiscal year ending June 30, 1972, and $157,000,000 for the fiscal year ending June 30, 1973,".

(b) The first sentence of 314(e) is further amended by inserting immediately after "cost" the following: "(including equity requirements and amortization of loans on facilities acquired from the Office of Economic Opportunity)".

(c) The second sentence of such section is amended to read as follows: "Any grant made pursuant to clause (1) or (2) of the preceding sentence with respect to projects involving the furnishing of public health services may be made only if the application for such grant has been referred for review and comment to the appropriate areawide health planning agency or agencies (or, if there is no such agency in the area, then to such other public or nonprofit private agency or organization (if any) which per-

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forms similar functions) and only if the services will be provided in accordance with such plans as have been developed pursuant to subsection (a)."

Sec. 7. Title III of the Public Health Service Act is amended by adding after section 315 thereof the following new section:

"NATIONAL ADVISORY COUNCIL ON COMPREHENSIVE HEALTH PLANNING PROGRAMS

"Sec. 316. (a) The Secretary shall appoint, without regard to the civil service laws, a National Advisory Council on Comprehensive Health Planning Programs. The Council shall consist of the Secretary or his designee, who shall be the chairman, and sixteen members, not otherwise in the regular full-time employ of the United States, who are (1) leaders in the fields of the fundamental sciences, the medical sciences, or the organization, delivery, and financing of health care, (2) officials in state and areawide health planning agencies, (3) leaders in health care administration, or State or community or other public affairs, who are State or local officials, or (4) representatives of consumers of health care. At least six of the appointed members shall be individuals representing the consumers of health care, one shall be an official of a State health planning agency, one shall be an official of an areawide health planning agency, and one shall be a member of the National Advisory Council on Regional Medical Programs.

"(b) Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, four at the end of the first year, four at the end of the second year, four at the end of the third year, and four at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms.

"(c) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703(b)) for persons in the Government service employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of general regulations for, and as to policy matters arising with respect to, the administration of sections 314 and 315 of this title, with increased emphasis on cooperation in the coordination of programs thereunder with the National Advisory Council on Regional Medical Programs, with particular attention to the relationship between the improved organization and delivery of health services and the financing of such services; and shall, in carrying out such functions, review not less often than annually the grants made under sections 314 and 315 to determine their effectiveness in carrying out its purposes. The Council shall consider all applications for grants under section 314 and shall make recommendations to the Secretary with respect to approval of applications for and the amounts of grants under section 314 of this title."

Sec. 8. Title V of the Public Health Service Act is amended by adding at the end thereof the following new section:

"JOINT FUNDING

"Sec. 513. (a) Pursuant to regulations prescribed by the Secretary, where funds are advanced for a single project pursuant to the authority of more than one statute administered by the Department of Health, Education, and Welfare, any one administrative unit within the Department may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share or participation requirement may be etsablished according to the proportion of funds advanced under each authorization and any such administrative unit may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering unit or which such unit does not impose.

"(b) Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to an agency or organization assisted under this title, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose."

Sec. 9. (a) (1) Clause (1) of subsection (a) of section 305 of the Public Health Service Act is amended by striking out "and" before "(E)", and by inserting after the semicolon at the end of such clause: "(F) health care resources; (G) environmental and social health hazards; and (H) family formation, growth, and dissolution;".

(2) Such subsection is further amended by adding at the end thereof the following new sentence: "No disclosure of any information obtained in accordance with this paragraph may be used for any purpose other than the statistical purposes for which it was supplied except pursuant to regulations of the Secretary; nor may any such information be published if the particular establishment or person supplying it is identifiable except with the consent of such establishment or person."

(b) Section 305 is further amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by adding after subsection (a) the following new subsection:

"(b) The Secretary is authorized, directly or by contract, to undertake research, development, demonstration, and evaluation, relating to the design and implementation of a cooperative system for producing comparable and uniform health information and statistics at the Federal, State, and local levels."

(c) Such section 305 is further amended by adding at the end thereof the following new subsection:

"(f) There are hereby authorized to be appropriated to carry out this section not to exceed $10,000,000 for the fiscal year ending June 30, 1971, $21,000,000 for the fiscal year ending June 30, 1972, and $22,000,000 for the fiscal year ending June 30, 1973.

Sec. 10. Section 304(d) of the Public Health Service Act is amended (1) by striking out "and" before "$60,000,000," and (2) by inserting immediately after "June 30, 1970" the following: "; $58,000,000 for the fiscal year ending June 30, 1971, $79,000,000 for the fiscal year ending June 30, 1972, and $94,000,000 for the fiscal year ending June 30, 1973".

Sec. 11. Part B of title III of the Public Health Service Act is amended by striking out "Surgeon General" each place it appears and inserting in lieu thereof "Secretary".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 7 beginning in line 20, strike out "The Council shall" and all that follows down through line 24 and insert in lieu thereof a quotation mark.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 18110) to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning, pursuant to the House Resolution 1181, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 376, nays 1, not voting 52, as follows:

[Roll No. 269]

YEAS—376

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del

Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McMillan
Macdonald, Mass
MacGregor
Madden
Mahon
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Rousselot
Roybal
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion

NAYS—1

Schmitz

NOT VOTING—52

Alexander
Anderson, Tenn.
Arends
Baring
Berry
Bow
Bray
Brock
Burleson, Tex.
Caffery
Clay
Cramer
Cunningham
Daddario
Dawson
Dickinson
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Fallon
Flynt
Hébert
Hull
Jones, Tenn.
King
Kleppe
Long, La.
McCarthy
McCulloch
McFall
McKneally
Mailliard
Moorhead
Nedzi
O'Hara
O'Neal, Ga.
Passman
Pollock
Powell
Rarick
Reifel
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Ryan
Sullivan
Symington
Tunney
Weicker
Wright
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.

Mr. Evins of Tennessee with Mr. King.

Mr. O'Hara with Mr. Zwach.

Mr. Burleson of Texas with Mr. Bray.

Mr. Long of Louisiana with Mr. Berry.

Mr. Caffery with Mr. Reifel.

Mr. Passman with Mr. McCulloch.

Mr. Rarick with Mr. Brock.

Mr. Daddario with Mr. Mailliard.

Mr. McCarthy with Mr. Clay.

Mr. Fallon with Mr. McKneally.

Mr. Tunney with Mr. Powell.

Mr. O'Neal of Georgia with Mr. Dickenson.

Mr. Alexander with Mr. Cramer.

Mr. Hull with Mr. Pollock.

Mr. Ryan with Mr. Dawson.

Mr. Jones of Tennessee with Mr. Kleppe.

Mr. Wright with Mr. Cunningham.

Mr. Moorhead with Mr. Weicker.

Mr. Nedzi with Mr. Roudebush.

Mr. Rooney of New York with Mr. Bow.

Mr. Anderson of Tennessee with Mr. Baring.

Mr. McFall with Mr. Edwards of California.

Mr. Rogers of Colorado with Mr. Edwards of Louisiana.

Mrs. Sullivan with Mr. Symington.

Mr. Rostenkowski with Mr. Flynt.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXPLANATION OF VOTE

(Mr. SCHMITZ asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SCHMITZ. Mr. Speaker, my lone "no" vote on H.R. 18110 was not cast without experience in the "comprehensive health planning" field as the following article from the August 6 Orange County, Calif., Register attests, I submit it for consideration of those who still do not realize where the course we set in 1966 and are continuing today is leading us.

The article follows:

CHPA Chooses Its "Volunteers"—Group Sets Own Membership Rules To Control Health Care

(By Bill Gagnon)

SANTA ANA.—A fear that Comprehensive Health Planning Associations (CHPA) are another big step toward socialized medicine, designed as a tightly controlled monopoly to stifle competition and free enterprise, rapidly is becoming a reality here.

In opposing legislation which established such "health planning" groups here last year, U.S. Rep. John Schmitz, R-Tustin, then a member of the state senate, said:

"(This law) . . . would reduce our hospitals to little more than departments of government, for all practical purposes obliterating the remaining distinction between public and private hospitals . . . (This) bill reads like a blueprint for a socialized hospital system."

These prophetic words of Schmitz are an apt description of what is now occurring in the health care field in this area.

And the concern expressed only last November by Assemblyman Gordon Duffy, R-Hanford, over the "composition" of the Orange County CHPA, apparently was well-founded, indeed.

For in little more than a year, the local CHPA has blossomed into one of the most powerful—and feared—groups in this county, cracking the whip of its dictatorial authority over non-profit and proprietary hospitals alike.

At this time some of those in the health care field are being subjected to unreasonable pressures, demands—and oftentimes, abuse—of health planners, most of whom are uninformed or have only scant knowledge of complex operations and the real needs of hospitals.

Lawmakers have given such pressure groups the authority—despite these shortcomings—to make high-level decisions which may wreak havoc and spell financial ruin for some of the country's most respected and long-established hospitals.

A small group of individuals within the local CHPA apparently have taken advantage of these and other weaknesses to take over control of the association through a series of well-timed, calculated moves.

They quietly initiated tactics to weed out members who opposed them.

The vacated posts are now filled with more cooperative volunteers who have been placed in key positions within the group's power structure.

A July 10 inventory of local CHPA "volunteers" indicates the association is now—for all practical purposes—a closed corporation.

While state and federal guidelines encourage and urge the participation of any and all members of the public—from all social and economic levels of the community—in "voluntary" health planning activities, such is not the case in Orange County.

Here its rigidly controlled "membership committee" carefully screens each volunteer by requiring that he provide personal information on an application so that his qualifications may be evaluated.

Recently, new rules were drafted at an early morning meeting of this membership committee which was attended by only three of its eight members.

Also sitting in and actively participating was John Traband, local CHPA executive director, and two other salaried members of his staff.

Under the "new rules," if the membership committee decides an applicant is "worthy of consideration"—and there are no objections from staff—he will then be assigned, temporarily, to a committee of its choosing.

The applicant will then be required to attend at least two committee meetings as an observer after which, if he continues to ex-

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press interest, his name will be submitted to that committee which will determine whether he is "acceptable."

This, of course, will result in the applicant having to wait 60 or more days before he is informed whether his voluntary assistance is desired.

It is curious that nowhere in state or federal guidelines are there any provisions for a membership committee, the screening of applicants (except to determine if they are a consumer or provider of medical service), or a "waiting" period.

But the lack of such guideline provisions apparently means little to the local group which continues to operate undeterred under its own set of rules and procedures.

By the use of such methods the local CHPA has built a formidable wall around itself with an impressive collection of 45 key city and county officials that include 10 from the county health department, and a like number from the Orange County Medical Center (OCMC).

However, this is only the beginning.

It also has two members from the 1970 grand jury panel, the UCI faculty, and 25 individuals—several serving in dual health roles at taxpayer expense—involved in county mental health activities; plus another group of 25 engaged in nursing and tax-supported school programs.

And it doesn't end here.

Coupled with these—in most instances—interrelated groups, are nearly two dozen other individuals from a wide variety of county and community health, poverty, dread disease, charity and similar type organizations supported with public funds, and which have close ties and connections with other CHPA "volunteers."

These, then, are among the "representatives of the public."

Grand jury members include its foreman, George Honold, former mayor of Garden Grove, and Mrs. Harriet Bemus, who is active in the League of Women Voters.

Honold, now listed as "retired," is on the CHPA board of directors and environmental health subcommittee, while Mrs. Bemus serves on the CHPA personal health subcommittee.

The grand jury recently just happened to conclude "an intensive study" of the OCMC master building plan, and "looked into the relationship" between the county hospital and the UCI School of Medicine.

In a resolution supplied to local news media, the grand jury "urged" county supervisors to approve present plans to upgrade OCMC facilities, and they also urged supervisors to "actively support the establishment of another medical facility on the UCI campus."

The resolution made no mention of the overwhelming defeat by the voters only last June of Proposition 1, a $243 million bond proposal to establish additional medical training facilities and hospitals at various California universities, including Irvine.

POLITICAL BROADCASTING

Mr. MACDONALD of Massachusetts. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18434) to revise the provisions of the Communications Act of 1934 which relate to the political broadcasting.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18434, with Mr. STRATTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Massachusetts (Mr. MACDONALD) will be recognized for 1 hour and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 1 hour. The Chair recognizes the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield myself such time as I may need.

Mr. Chairman, enactment of the bill before the House would achieve two significant and very worthwhile reforms.

First, it would materially reduce the cost of campaigning for major elective office;

Second, it would impose a reasonable limit on the amount that candidates could spend for use of broadcast time in their campaigns, including both radio and TV.

Mr. Chairman, the cost of campaigning for elective public office is skyrocketing. This, I am sure is no news to Members of this House. But let me outline for you some of the statistics that developed from hearings on political broadcasting held by the Subcommittee on Communications and Power in June of this year.

Between 1952 and 1968, expenditures for political campaign purposes have increased 100 percent. From 1964 to 1968, these expenditures increased by 50 percent.

This increase can also be shown in terms of the cost per vote cast for major candidates for President. In 1952, this cost was about 19 cents per vote and it had held at about that amount since 1912. But by 1964 the figure had jumped to 41 cents per vote. In 1968, it was up again to 56 cents per vote; 67 cents per vote if expenditures on behalf of Governor George Wallace are counted.

Mr. Chairman, as the Members of the House recognize, these startling increases in campaign expenditures took place over the same period in which broadcasting, and particularly television, was developing into perhaps the single most significant factor—in terms of both cost and effectiveness—in campaigns for major elective office.

From 1964 to 1968, expenditures for the use of broadcast time have increased from $34.6 million to $58.9 million. An increase of 70 percent in a period when overall campaign expenditures increased by only 50 percent.

And I should like to point out, Mr. Chairman, that these expenditures I have just cited cover only the purchase of broadcast time. They do not cover production costs, staff, and other costs necessarily arising from the use of the broadcast time.

Mr. Chairman, some recent elections bring all of these statistics into focus. We have all seen the effectiveness of the television blitz in a political campaign and know the vast sums of money which are necessary to carry it out. This is not a partisan matter. There are glaring examples in both parties. To allow this to continue is tantamount to saying at worst, that we condone the purchase of public offices. At best, that we are content to see contenders for major public offices limited to persons with access to vast sums of money.

This should not be; and that is what the legislation before the House is all about.

This is not partisan legislation. It was developed in the Subcommittee on Communications and Power and was introduced by myself and every member of that subcommittee, on both sides of the aisle. It was reported by the full Interstate and Foreign Commerce Committee with bipartisan enthusiasm and support.

It is not designed to help either party or any particular group. What is is designed to promote and protect is our democratic system of government.

Mr. Chairman, H.R. 18434 would—in essence:

First, repeal the equal time—section 315(a)—provisions of the Communications Act with respect to candidates for the office of President and Vice President, only to those offices,

Second, reduce the rate which broadcast stations may charge candidates for public office for the use of broadcast time,

Third, establish reasonable limits on the amounts which may be spent for broadcast time by major candidates in primary and general elections, and

Fourth, permit the States to place candidates for State and local office under the provisions of the legislation.

SENATE BILL

The bill the House is considering differs in several respects from a similar bill passed by the other body—S. 3637—as they relate to limitations on expenditures for the purchase of broadcast time.

Their bill:

First, does not apply to primary elections,

Second, does not apply to candidates for the office of Governor and Lieutenant Governor,

Third, does not have clear cut provisions for enforcement,

Fourth, does not give States the option of covering other State and local offices under the legislation by State law, and

Fifth, would take effect 30 days after the date of enactment.

REPEAL OF EQUAL OPPORTUNITIES PROVISIONS FOR PRESIDENTIAL ELECTIONS

As I have already indicated, Mr. Chairman, section 1(a) of H.R. 18434, would repeal the equal opportunities provisions of the Communications Act with respect to candidates for the office of President and Vice President in a general election. This will permit the networks to donate substantial periods of broadcast time to major and significant candidates for President or Vice President without the necessity of according equal treatment to the candidates of minor parties.

In 1960, the only presidential campaign for which the equal time provisions were ever suspended, the television networks donated the time for the "great debates" between John Kennedy and Richard Nixon. In that campaign the three television networks donated over 39 hours of broadcast time to candidates for public office. Time worth literally millions of dollars. In contrast less than 7½ hours was donated by those networks for both the 1964 and 1968 election campaigns

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when the equal opportunities provisions were in effect.

LOWEST UNIT CHARGE FOR CANDIDATES FOR PUBLIC OFFICE

Section 1(b) of the bill provides that no broadcasting station can charge a candidate for public office more than the station's lowest unit rate for the use of broadcast time. This replaces the standard now in the law which is that a station's rates to a candidate "shall not exceed the charges made for comparable use of such station. This was translated in most instances to the highest commercial rate. Although, in fairness, Mr. Chairman, I must observe that some enlightened broadcasters are giving candidates for public office broadcast rates in line with those provided in the bill.

As Members of the House know broadcast time is expensive. In Boston, for instance, a 30-second prime-time spot announcement can cost as much as $1,600. The same announcement in New York City would cost about $6,000.

This provision should reduce the cost of broadcast time to candidates for public office between 25 and 40 percent. In doing so it accords the candidate for public office the same rate as the broadcast station's most favored commercial advertiser. Control of cost remains firmly in the hand of the broadcaster. Nor does the legislation do anything to revise existing practices under which the candidate must seek out the broadcaster and pay in advance for the use of broadcast time. Things that commercial advertisers are rarely ever required to do.

Mr. Chairman, broadcasters receive exclusive right to use a portion of the airwaves in return for their agreement to serve the public interest. This right is very valuable and in some instances it is worth millions of dollars. I am confident that most, if not all broadcasters, will see that these provisions serve the public interest and will cooperate in their implementation.

However, should any broadcaster violate this act, he would be subject to a fine of up to $10,000, or imprisonment of up to 1 year, or both, under section 501 of the Communications Act.

LIMITATIONS ON EXPENDITURES FOR BROADCAST TIME

If the bill did nothing more than reduce broadcast rates for candidates for public office as the original bill did nothing would have been accomplished in terms of public interest. The savings thus achieved would be channeled into the purchase of more broadcast time. Therefore, the committee adopted limitations on the amounts that can be spent for broadcast time by candidates for major political offices. The bill applies to both primary and general elections. The committee concluded that covering only general elections would accomplish little, and would ignore several recent examples of the political television blitz. It would also ignore the fact that in some instances the real election to public office actually occurs in the primary election.

For the purchase of broadcast time for a general election, candidates for President and Vice President, U.S. Senator, U.S. Representative, and governor and lieutenant governor could spend an amount equal to 7 cents times the number of votes cast for that office in the last general election or, if greater, $20,000. This would mean that candidates for President and Vice President will be able to spend about $5.1 million dollars for broadcast time in the 1972 presidential election.

For a primary election candidates could spend up to one-half the amount they could spend for a general election. However, the bill would not apply to presidential and vice presidential aspirants in primary elections since those elections do not amount to the nomination.

Mr. Chairman, at this point I would like to say a word about the inclusion of candidates for Governor and Lieutenant Governor in the legislation. This is a matter on which the committee spent some time. In anyone's terms these are major public offices and candidates for them use as much broadcast time for campaigning as candidates for any other public office other than President. This legislation is based on the Federal power to regulate interstate commerce, in this case broadcasting. By section 1(b) of the bill, we reduced the rates which broadcast stations may charge candidates for Governor and Lieutenant Governor. Therefore, the committee felt that those candidates should also be subject to the same limitation on expenditures for broadcast time as those applicable to candidates for Federal elective office.

This, of course, leaves uncovered offices which in some States might be almost as significant as the office of Lieutenant Governor. In one State it might be the auditor, in another the attorney general. And certainly the mayoralty election in such cities as Boston, New York, Chicago, Cleveland, Detroit, Los Angeles and others are vitally important. The committee spent a good deal of time on working out this problem. The bill now provides that any State may bring other State and local offices within the provisions of this legislation as long as the limits on expenditures for broadcast time are not higher than those provided in the bill.

Before closing, Mr. Chairman, I would like to review for the Members of the House how this legislation would work in their case.

First, I think that in almost every instance they will be limited to $10,000 for broadcast time for a primary election and $20,000 for a general election, as will their opponents. Let me emphasize that this is only for broadcast time. It does not cover production costs, promotional ads in newspapers, or any other expenditures.

But it does cover all purchases of broadcast time by the candidate or on his behalf. The old committee ploy will not work here.

When the candidate wishes to purchase broadcast time for his campaign, he or someone specifically authorized by him in writing must certify that the payment of the charges for that time will not cause him to exceed his limit under the legislation. No committee or other group may purchase time on behalf of the candidate without the station receiving such a certification from the candidate or his agent. If the candidate or his agent makes a false certification he, of course, would be subject to criminal penalties.

Mr. Chairman, today campaign costs and expenditures have reached crisis proportions. If our American political processes are not to be dominated by special moneyed interests there must be effective regulation and reduction of campaign expenditures. The bill before the House is a major step in that direction. I earnestly hope that it will be passed by the House.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I wonder if the gentleman could tell me what consideration his subcommittee gave to the differences in congressional districts. I do not have in mind differences in population, but other considerations. In my own congressional district, for example, we have no television stations. Our principal television outlets are in the city of Washington which, of course, is heard not only by the people here in the Capital but also is heard in Maryland and in parts of Virginia which I do not represent, as you know, however, there are other congressional districts in cities, and a Member of the House who represents a city may be heard by everyone living within his district.

There seems to me to be a difference of congressional districts that is not recognized in this bill. I wonder if the gentleman would comment on this.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I am not sure that was a question, but I will be happy to explain to the gentleman that what we wanted to do in this bill is to make it equal for the candidates, and if what the gentleman says is his situation, that situation then also applies to the gentleman's opponent.

Mr. SCOTT. Let me clarify my question by saying I have never spent a penny on television in the two terms I have been elected to the Congress. I have no present plans to spend money on television this year. So it is not a personal question I am asking. However, I do see a material difference in the makeup of various congressional districts.

Mr. MACDONALD of Massachusetts. If the gentleman is asking me if I think that is a fact, of course, that is a fact.

Mr. SCOTT. But is the difference in the makeup of the districts considered in this bill?

Mr. MACDONALD of Massachusetts. Yes, it has been considered.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I just want to commend my distinguished friend, the gentleman from Massachusetts, for doing such an outstanding job on this legislation. Of course, it is not going to solve all the inequities of the cost of campaigning on radio, television, but I think it is a step in the right direction.

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I would be happier if a ceiling could also be placed on newspaper advertising. I am not for doing financial harm to our radio and television stations but I believe this legislation will in the long run help them. It certainly will make time on radio and television more accessible to both parties and their respective candidates. In my last election campaign my opponent spent 10 times as much as I had to spend. If this legislation had been law he could not have spent so much money and would have been better off financially.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I just want to try to answer the question posed by the gentleman from Virginia relative to his being in an area that did not have any television stations. Is it not the purpose of this bill to see to it that the candidate receives the lowest possible rate, which means that the candidate in this question would receive a local rate if the stations had local rates in addition to their regular national rate?

Mr. MACDONALD of Massachusetts. I would say that the purpose of this bill, so far as I am concerned—and I believe I speak for the subcommittee and the committee—is to do two things.

One is to prevent the purchase of seats here in the Congress, in the Senate, or in the governorships. It is to stem the tide of money talking in politics the way it has. People who have quite a bit of money to spend in the campaign emphasize the technique of the television blitz. Some people have been accused of buying elections. This bill is aimed at preventing that.

Second, this bill is aimed at stopping unequal treatment. If the gentleman has an awful lot of money, and I do not have very much—which probably is the case——

Mr. WOLFF. I assure the gentleman it is not.

Mr. MACDONALD of Massachusetts. We should not be running for the same office except under stringent rules. Let us have the people judge each candidate in the same way.

Therefore, if one wanted to characterize the bill, I would say this is a poor man's bill, to prevent people who want to serve the public from being overwhelmed by an avalanche of money. Let the people judge what the candidates stand for instead of how much money they have.

As I thought I said to the gentleman from Virginia, so long as the treatment of conditions surrounding the election is equal, I believe this bill is a good bill.

Mr. BROYHILL of North Carolina. Mr. Chairman, will the gentleman yield on that point?

Mr. MACDONALD of Massachusetts. I am delighted to yield to the gentleman from North Carolina, who has done a great job on this bill.

Mr. BROYHILL of North Carolina. On this point, in response to the gentleman from Virginia, the subcommittee did discuss this. We felt that it would be very difficult, highly difficult, to come up with a sliding scale which would apply across the country. We felt the fairest thing would be to apply a dollar figure, so that each candidate would be treated fairly in that particular race.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding.

I want to join my colleagues in complimenting the gentleman in the well, Mr. MACDONALD of Massachusetts, and the committee for a tremendous job of reviewing this whole field and improving in very substantial particulars the bill which came over from the other body on this same subject.

The work which the subcommittee put into this bill has certainly tightened up considerably the provisions that control the spending limitations, and it certainly has provided some enforcement mechanism that was very sadly lacking in the bill of the other body.

I agree with the gentleman that we have had some stations moving in the direction of getting away from discrimination against political advertisers, but I believe the gentleman correctly stated that there are still a number of places where the candidate is badly discriminated against with respect to the rates which he must pay.

I believe this bill takes a step which is long overdue. I commend the gentleman and his committee for what they have done on this particular provision.

In the bill there is a subsection on No. 5 which says:

> For the purposes of this section, the term "broadcasting station" includes a community antenna television system, and the terms "licensee" and "station licensee" when used with respect to a community antenna television system, mean the operator of such system.

Mr. MACDONALD of Massachusetts. If I may interrupt the gentleman, I do not know to which section he refers, but certainly we included CATV.

Mr. EDMONDSON. It is on page 5 of the bill.

The point I want to make is that the broadcasting station is intended to include every kind of a broadcasting station, notwithstanding this language, is it not? It is supposed to include the radio stations and the television stations, whether we are talking about FM or AM, or whether we are talking about big broadcasting stations or small broadcasting stations. They are all supposed to be covered, notwithstanding this particular language with respect to community antenna television systems.

Mr. MACDONALD of Massachusetts. Yes. In the other sections of course, there is language about all broadcasters.

At the time there was some doubt as to whether CATV was just going to rebroadcast programs from other stations or originate programs of their own. I think it is clear now, since the FCC has spoken on this subject, that they will have to become regular broadcasters on their own.

Mr. EDMONDSON. The point I was going to make is that the bill is not limiting broadcasting stations just to community antenna television stations.

Mr. MACDONALD of Massachusetts. On the contrary. We thought we were expanding it, and we did.

Mr. EDMONDSON. I think the gentleman's bill is a fine bill with the exception of one or two points which I am sure can be cleared up in conference. This is a bill, I believe, that should have the wholehearted support of everyone The Committee for an Effective Congress, which has done a lot of work on this subject, regards it as one of the most important pieces of work in this Congress. I hope it will be possible to complete action on this bill in this session of Congress in the very near future.

Mr. MACDONALD of Massachusetts. I appreciate the gentleman's remarks.

I would like to point out that the bill that the Committee for an Effective Congress first presented to the House and to the Senate is a far cry from this bill. That bill merely went to cutting rates for all political candidates. I think this bill is a great improvement over that one. Although the committee certainly deserves commendation for being a catalyst.

Mr. EDMONDSON. If the gentleman will yield further, I think the Committee for an Effective Congress would agree with the gentleman. From what they have said to me, they think the gentleman has tremendously improved the bill, and they are very proud of the work he has done on it. I want to congratulate the gentleman again.

Mr. LENNON. Mr. Chairman, will the gentleman yield to me?

Mr. MACDONALD of Massachusetts. I am glad to yield to the gentleman.

Mr. LENNON. I understand the gentleman has made a very fine statement. I am reminded of the fact that in 1968 political spending was, for time only in the entire broadcasting system, $59 million. In the hearings was the question raised, assuming that the same time is used in 1972, how much each average candidate will save or how much the total is of what will be saved? I am wondering if the same amount of time is consumed in 1972—and I am trying to get this for the RECORD—then how much will the industry lose under the impact of this bill. I am not a television or radio man.

Mr. MACDONALD of Massachusetts. That is a very good and solid question. The answer to that is the question of how much time any individual candidate for whatever office he is seeking may desire to put into television.

Mr. LENNON. The question I am asking is, assuming the same time is used in 1972 as in 1968, how much will the industry lose in dollars?

Mr. MACDONALD of Massachusetts. I do not think that the industry will lose anything, frankly, because if the candidates will have more money available for TV, then they will use it.

Mr. LENNON. It has not been limited before. Is not your expenditure limited here under this legislation for time spent on television or radio?

Mr. MACDONALD of Massachusetts. Yes. The limitation is $20,000 or 7 cents per vote. I do not know how much you use television—and I do not mean you individually, but any Member of the House—however, I know that $20,000 out of my budget—and I may have a more limited budget than most—for television and radio is a pretty good hunk of what I spend in campaigning.

Mr. LENNON. What I want to get on the RECORD is, assuming the same time is consumed in 1972 as in 1968 in both radio and television broadcasting, how much will this legislation cost the industry for 1972, in round figures?

Mr. MACDONALD of Massachusetts. I cannot answer the question. No one in the House can answer that question. I cannot answer that because we did not have a count. I do not know how much the industry has made or every radio and broadcasting station in the country took in in political broadcasting. I have a feeling that they will increase their take.

Mr. LENNON. Do you think that there will be wider participation and therefore they will keep up the level as high as it was in 1968?

Mr. MACDONALD of Massachusetts. That is the intent of this legislation taken as a whole.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield for an answer to that question?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Illinois.

Mr. SPRINGER. The lowest rate as compared with the highest rate is somewhere between 60 and 70 percent. So you can take $59 million and take 60 percent or 70 percent of it. Although it is not the same for every State that is about what the lowest rate would be in comparison with the highest rate. So if you took 60 percent of roughly $60 million you have got your answer, or if you took 70 percent you have the answer on $59 million.

Mr. MACDONALD of Massachusetts. I thank the gentleman.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Texas.

Mr. ECKHARDT. It would seem to me it would be difficult to answer that question because it presumes that the TV station is selling time only to candidates when in fact in my area TV stations are not particularly interested in selling time to candidates because it tends to disturb their ordinary commercial time. So it seems to me the cost of any limitation either in amount of time or in price of advertising cannot be measured precisely. Many of the stations in my area would much prefer to sell less political advertising time because it disturbs their whole process of sales on programing time and on commercial advertising.

Mr. MACDONALD of Massachusetts. I agree with the gentleman.

The CHAIRMAN. The gentleman from Massachusetts has consumed 33 minutes.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

The bill before us today treats two aspects of political broadcasting. The first is the application of the equal time provisions of the Communications Act to the campaigns for the Presidency. In 1960, Congress suspended the application of this section as to that campaign and the results were the nationwide television debates. In 1964 and 1968 there was much discussion of again suspending the law. As might be expected, there were bitter political differences as to the desirability of any such action, enough so as to finally block it. So the elections in those 2 later years struggled along under the terms of section 315 as it is presently written, requiring equal time on the airwaves to any candidate for the Presidency. I do not think that anyone can claim that those elections were in any way impaired because of it.

As might be expected, the same proposal comes forth again as we look forward to an election year in 1972. The politicians all try to outguess each other as to the advantage or disadvantage to his party by suspending or not suspending section 315. The networks again clamor for a complete across-the-board repeal of the equal time provisions of the Communications Act, a proposition which would put every candidate down to dogcatcher at the mercy of the broadcasting industry. Personally I think the equal time provisions have been beneficial and worked reasonably well. If they have been something of a burden for broadcasters they have also been a real protection for the public.

The committee has brought forth a bill which will at least avoid the perennial argument. It does not suspend the operation of section 315 of the communications law for this election alone, instead it repeals it for all time as it relates to the Presidency. If it is desirable in some cirmumstances, depending upon whether your candidate is an "out" or an "in," then it is better to solve it permanently. Let everyone play by the same rules from here on. This will settle the matter on a permanent basis. On those grounds only I favor the proposal. I do think that it should be understood what we are doing.

The other major issue which is treated in this bill is political spending in the electronic media. All of the laws intended to curb political spending have seemed to accomplish little. Campaign spending has spiraled out of sight and the largest increase has been in radio and TV. This bill could do something about it. Our committee is not legally charged with a general overhaul of campaign practices. It has authority only with oversight and legislation dealing with communications. To this extent we have the most effective handle on the problem of mounting campaign costs and the overwhelming of a political opponent by drowning him in money. This bill would limit candidates for Federal offices and Governors to $20,000 for radio and TV in a general election or 7 cents a vote based on the last election, whichever is higher. In the case of congressional candidates the $20,000 will almost always be the limit while senatorial candidates will use the other measure. Based upon 1968 figures, a candidate for Senator or Governor could spend the following amounts in the listed states. In New York and California, the figure would be nearly $500,000. Ohio, Michigan, Illinois, and Pennsylvania vary from a quarter to one-third million dollars. There are six States in which the 7-cent formula would be below the $20,000 minimum when applied to the entire State.

Only half of the amount allowed for a general election may be used in a primary with the exception of the Presidency.

Enforcement machinery is very simple. Broadcasters are required to obtain a certificate from the candidate that any attempt to buy time in his behalf will not exceed the maximum. This includes committees, individuals, or any other group which may come forward to provide air time for his campaign. If this turns out to be something of a burden for the station owner it could be considered as his contribution to clean elections. His further contribution will be in the form of the rate he must charge political candidates. The bill provides that such broadcasts will cost only as much as the lowest rate the station charges for comparable time for other purposes. This sounds simple but may be fairly complicated in practice since the present system of charging time is very complicated. There are a dozen methods under which a commercial advertiser might be charged for any given segment and charges vary greatly from area to area.

One reason the bill does not attempt to cover all political races is the variation in election laws among the States. Some States elect all of their State officeholders and some do not. For this reason only Governors were included. It will be possible for States to take advantage of this new scheme by legislative action on their own. If a State desires to use the limits set forth in this bill—or lower limits—on political broadcasting in its elections it may specify which offices will be included. When this is done, the broadcaster, wherever he may be, in or out of that State, must honor that limitation and obtain the required certificates. This provision makes the bill of maximum use to the States in solving whatever problems they may have in spending for political broadcasts. But what if a broadcaster pays no attention to the requirements of this bill? No penalty provisions are set forth, but present terms of the Communications Act make him liable for fines up to $10,000 and imprisonment up to 1 year.

If forced to accept any and all requests for time and then accommodate all other candidates demanding equal time, the licensee might have nothing but commercials on the air for several weeks. This would violate all of the rules designed to prevent overcommercialization. It is my understanding that although the Federal Communications Commission looks with disfavor on a station policy which precludes paid political broadcasts it also recognizes that there are obligations to regular advertisers. This bill does not disturb the present law on this point. The licensee must use good sense in the presentation of paid com-

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mercial material. He is not by law required to accept political broadcasting. If accepting spots would make him liable to accept those of 10 people running for the same office he might very well find it not in the best interests of his station or his listeners. Although I feel strongly that the equal time requirements are sound and should be retained, I also feel that licensees should not be in jeopardy for deciding not to accept political advertising for a particular office, except reasonable amounts.

This bill is hardly a cure-all for the many problems involving campaign practices and campaign spending. It is, however, the most practical piece of legislation thus far proposed to make progress in the right direction. For one thing, the electronic media is gaining more and more attention from candidates as the best means to reach the voter. No doubt it is. If, therefore, we can successfully curb the amounts which can thus be spent, it is bound to put some restraints on excessive overall campaign spending.

One issue which will become of importance once this bill is passed regards the effective date. The Senate bill would put the new limitations in effect at once. The House bill delays implementation until next year. I think we should be clear here and now that a serious attempt to force immediate effect will probably result in no legislation. It is entirely too late in the year and too near election time for the administrative details to be worked out before campaigns are underway. No doubt much of the available air time has already been contracted for. Licensees need to look forward to election time with full knowledge of these new limitations and requirements. The Federal Communications Commission must also make preparations to carry out its new responsibilities and this cannot be done in a few weeks. The provisions of the House bill in this regard make sense and should be upheld in conference between the two bodies.

With these observations and recommendations, I endorse the proposed legislation and recommend its passage.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I do not want to get into a debate at this particular point on what the gentleman has been discussing, but at this point would the gentleman say the passage by the Senate of a bill this fall would be notice pretty much to the contracting parties on this point, that it was possible that legislation limiting them to the figure in this bill would apply to this year's campaign expenses?

Mr. SPRINGER. No; I would say as a lawyer it would not be legal notice on anyone.

Mr. EDMONDSON. The gentleman, of course, is well aware that contracts for all kinds of transactions have been voided by action of this Congress making it unlawful in the past, without any civil liability whatsoever.

Mr. SPRINGER. May I say under some circumstances that may be true, but under most circumstances it is a violation to do that where a contract has already been executed in good faith and there has been an exchange, a quid pro quo, and the contract has already been entered into. It would be an ex post facto law.

Mr. EDMONDSON. Mr. Chairman, if the gentleman will yield further, if I had contracted to have a quantity of whisky delivered and it was made illegal to deliver it, would I be made liable?

Mr. SPRINGER. No, sir. That is an entirely separate proposition in my estimation. If the gentleman is talking about this, which, in my estimation, is a legal question, that would be all wrong. I would say it is perfectly all right as far as I am concerned, to enact it, because I do not have much television and I do not think I will have much trouble getting my contract executed when the time comes.

I think the committee felt this way about it in all fairness to those who may have already entered into contracts. We thought we ought not interfere with those contracts already entered into. But if this body decides to make this bill effective immediately, I will say in all good faith I will abide by it.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding.

May I say, pursuing further the inquiry I made earlier regarding television time, that I am advised there is a local rate for television stations where a businessman has only local customers. Would it be true for a Member of Congress where an individual represents only a portion of the listening audience, would the rate specified in this bill be the local rate applying to only the people from his congressional district?

Mr. SPRINGER. If the gentleman has a station that has that kind of rate, it would apply. Not very many television stations would make that kind of rate applicable. Nearly all of them have one single rate areawide, but if there is a rate applicable only to the area in which the gentleman's own district is located and there is a business rate for that area, he may have it.

Mr. SCOTT. If the gentleman will yield further, I hear television advertisements over the Washington stations for private businesses, such as automobile dealers, who I doubt draw any large number of customers from throughout the entire Washington metropolitan area. I wonder if they might be getting a local rate and if that is true, would the rate be applicable as far as the candidates within a congressional district?

Mr. SPRINGER. If there is a local rate, then it would be applicable to the candidates.

The CHAIRMAN. The gentleman from Illinois consumed 17 minutes.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Chairman, this legislation is needed, and it is timely. It comes at a juncture in our history when I perceive, and I think most Members do, that the American public is becoming quite cynical about this matter of campaign spending.

The question has been raised whether we as a nation are not pricing ourselves out of democracy. This legislation addresses itself to the most sensitive area of runaway campaign spending.

It came out of the subcommittee unanimously. Indeed, with one dissenting vote, it came out of the full Committee on Interstate and Foreign Commerce as a truly bipartisan measure. This is essentially a reform bill. Reform legislation can and should be bipartisan.

Some persons in the White House have not jumped with joy at the prospect of this legislation. It portends a really basic change in the matter of equal time provisions, leading to a fuller public discussion of campaign issues in the very next and in future presidential campaigns.

By the same token, as has been noted in the debate thus far, there are those on our side of the aisle who feel that they represent the poor man's party, who would have hoped that the legislation could take effect in time to protect Democrats for this year's campaign.

But the bill which we have come up with in our committee is much better in all respects than the measure which the other body sent to us some months ago. The delayed effective date seems a small price to pay for getting good, permanent, ongoing legislation that will truly reform the American elective process.

Yes, this is a good bill. It adds primaries to the general election provisions which were voted by the Senate. In many districts—not just in the Southern States of this Nation, but elsewhere—election success in a primary augurs success in November, almost automatically. To exempt primaries from the general provisions of limiting campaign expenditures for radio and television would fail to do the job. The other body, in this respect, did fail.

It was felt that statewide elections for Governor and Lieutenant Governor can be so comparable in importance, and in costs, to campaigns for Federal office that those offices should be included. They were not contained in the Senate bill.

Then, in order to meet prospective States' rights arguments, we in the House committee established the triggering mechanism for State legislatures. If they believe this law should be applied on a statewide basis to all offices, State and local, each State legislature can enact limitations which do not exceed the limitations that are set for Federal candidates and gubernatorial candidates. They may go lower; they may not set higher limits.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from Maryland.

Mr. HOGAN. On this point about the triggering mechanism for State legislatures, I would hope there would also be a triggering mechanism for other House committees. One thing which troubles me about this legislation is that it has the effect of putting the broadcast industry at a distinct disadvantage. I understand that the committee presenting this bill does not have jurisdiction over other types of campaign expenditures, but the result is going to be that newspapers and direct mail and other means of reaching the voters are going to have an unfair advantage over broadcasting. To me, if we are going to be really fair and intend to get at the crux of the problem, the other committees with jurisdiction over the other aspects of campaigning should also respond to this problem and eliminate this inequity which we are on the verge of legislating today. Limitations should be placed on other media as well.

Mr. VAN DEERLIN. The gentleman's point is soundly taken. As he noted, broadcasting is the area in which our committee has jurisdiction. Broadcasting happens to be also the area in which the greatest inflation has been noted in campaign spending. Most observers agree it is the most effective form of campaigning. I think it was Harry Truman who said—and it was slightly indelicate—that newspaper advertising for politicians was—well, he decried it. He said in effect that it was not worth very much.

Mr. Chairman, the last point I wanted to make is, that this is an enforceable bill. A regulatory body of the Federal Government, the Federal Communications Commission, does have control over broadcasters through the licensing process. Responsibility for compliance will rest—as it does in Great Britain—with the candidate. Before a broadcaster may accept political advertising, he must be assured by the candidate, or by the candidate's authorized representative, that the advertising falls within that candidate's legal limitation. Penalties for violation would be levied against the candidate.

Mr. Chairman, passage of this bill today will breathe fresh air into our elective processes.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Chairman, this bill will do four things. The first, is to repeal the equal opportunities provisions in section 315 as it applies to presidential elections. Thus it would permit the networks and the broadcasters to give wider and greater coverage to presidential campaigns.

Second, the bill would establish reasonable limits on the amounts which can be spent by certain candidates for political office.

Third, the bill would provide a rule that the rate charged these local candidates would be the lowest prevailing rate.

Fourth, the bill would permit the States by law to place candidates for State and local office under the provisions of this act.

Mr. Chairman, I would like to discuss just for a moment the section which would repeal the equal opportunities provisions which are found in section 315 dealing with presidential elections.

Section 1 of this bill amends section 315 of the Communications Act. The Communications Act presently provides that if a broadcast licensee permits any legally qualified candidate for public office to use his station, then he must by law—he must—afford equal time or equal opportunity for that candidate's opponent or for all other candidates for the same office to be able to use his station.

So this amendment would repeal that section as it applies to presidential elections only. As a result, it will permit wider use of the broadcast media by candidates for President and Vice President. As it was originaly written, this section had the intent of providing equal time or equal opportunity for all candidates for President and Vice President. But what has happened is that it has acted as a restriction on any time given.

In the past, we have had elections with as many as a dozen candidates for President. These individuals were not on the ballot in every State, but there have been candidates for President far in excess of just the two major political parties. So, as section 315 is presently written, the broadcasters just do not want to give time to a candidate because then they would be required under section 315 to give time to many other candidates, perhaps as many as a dozen.

As the gentleman from Illinois has stated, section 315, as it applied to presidential elections, was suspended—not repealed but suspended—one time in the 1960 election.

Regardless of the way the Members may feel about how the 1968 election came out, I feel that the suspension worked well. I feel that there is sufficient public interest in the presidential elections that broadcasters should and will devote substantial time to the presidential election campaign and, of course, to the extent that the free time is given, campaign costs will be reduced to that extent. In 1960 our experience then was that the broadcasters gave over 82 hours of programing to the presidential campaign whereas in the last election when the suspension of section 315 was not in effect, only 26 hours were devoted to the presidential and vice presidential campaign. Much of this time, I might say, was in the exempt section; that is, much of the 26 hours were included in bona fide newscasts.

So in view of our experience in the 1960 election and in view of the benefits, the fact that the public is able to actually see the candidates and hear them, and listen to their views on the issues to a far greater extent than otherwise possible, I feel that this section should be repealed, not suspended but should be repealed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I yield 2 additional minutes to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. Mr. Chairman, I am confident that the broadcasters will apply good faith and that they will apply fairness in their programing, and we on the committee do not expect any abuse.

Mr. Chairman, I would add this point that with the passage of this legislation and the signing of it into law, that the committee does not intend and does not expect that the networks or the broadcasters will necessarily dictate the format or the presentation of the candidates for President and Vice President. We had the so-called great debates of 1960, but other formats may be worked out and can be worked out with the cooperation of the candidates and the broadcasters.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

When the gentleman mentioned rates a few moments ago, did the gentleman say the lowest rate or the local rate?

Mr. BROYHILL of North Carolina. The lowest rate.

Mr. GROSS. The lowest rate?

Mr. BROYHILL of North Carolina. That is correct.

Mr. GROSS. And that is without regard to the class of time in which the political broadcast might be made?

Mr BROYHILL of North Carolina. The lowest rate in the time period.

Mr. GROSS. The lowest rate in the time period?

Mr. BROYHILL of North Carolina. That is correct.

Mr. GROSS. I thank the gentleman.

Mr. BROTZMAN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from Colorado.

Mr. BROTZMAN. Mr. Chairman, I thank the gentleman for yielding. I merely want to take this time first of all to recount that certainly when this bill came over from the Senate I was somewhat less than enthusiastic about it because I did not really think it was fair. But I believe that under the able leadership of the gentleman from Massachusetts (Mr. MACDONALD) and the gentleman in the well, the gentleman from North Carolina (Mr. BROYHILL), that we have greately improved upon this so that it is in fact fair as it is supposed to be.

Number one, it is fair to the general public, and that is our first consideration. The people of this country have evidenced a strong desire to hear presidential debates. And so instead of having a political hassle every 4 years we have provided a method which repeals section 315(a) as it relates to candidates for President and Vice President so that the public will in fact have an opportunity to hear the debates.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SPRINGER. Mr. Chairman, I yield 2 additional minutes to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. In response to the statement of the gentleman from Colorado, I know he very well remembers what we went through in 1964 and went through in 1968 in attempts to repeal or suspend at that time section 315(a) applying to presidential elections.

Mr. BROTZMAN. The gentleman is correct.

Mr. BROYHILL of North Carolina. So, it is time now to go ahead and re-

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peal it and not go through those tortuous acts every presidential year.

Mr. BROTZMAN. Mr. Chairman, will the gentleman yield further?

Mr. BROYHILL of North Carolina. I am delighted to yield to the gentleman.

Mr. BROTZMAN. I think the bill is fair to the general public in that we do not indulge in the luxury of only letting the wealthy of this country run for office.

Certainly this places a restriction on the amount of expenditures so that they all have a shot at it.

Finally, I think it is fair to those who are aspiring to public office.

First, it applies the same to your opponent as it does to you. I could not agree with anyone more than I do with the gentleman from Illinois (Mr. SPRINGER) when he said that it was absolutely essential that we make this bill applicable in January 1971 rather than in 1970 lest too many people would have breach of contract actions confronting them in a whole myriad of lawsuits.

I support this bill because in its present form I think it is fair.

I do congratulate the leadership we have had, and my colleagues on the subcommittee, and I urge the House to support it as written.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. Mr. Chairman, shortly after the last election I was approached in my office by two representatives of the National Committee for an Effective Congress. I was somewhat surprised at the time, I will say, because that committee had not backed me in my election bid. For the most part, I can truthfully say that we did not share, at least, many of the same goals.

Nevertheless, their purpose in coming to me was because I served on the Subcommittee on Communications, and the goal they had in this particular instance was the goal of making more television time available at a lesser cost to candidates for Congress.

This was a goal that I felt was a very worthy goal, and a goal I felt I could not quarrel with, at the very least.

So at that time the gentleman from Michigan (Mr. ESCH) and I both introduced bills, similar bills, that were introduced by the gentleman from Massachusetts (Mr. MACDONALD) and several others on the committee, as suggested by the Committee for an Effective Congress.

In this bill, we have carried out that particular goal. We have added to it the additional goal of placing limits, which I happen to think the American people want, on the amount of money that can be spent with the broadcasting media by candidates for those particular offices which we are dealing with today.

I thought that the testimony presented by that Committee for an Effective Congress was some of the most powerful that we had before our committee, and I would just quote this one paragraph:

> The realities of politics in 1970, the enormous cost an effective campaign entails, is no less than a national scandal. The nonpartisan fact is that campaign costs are jeopardizing the democratic process. The Campaign Broadcasting Reform bill is a major step towards ensuring that candidates compete on their merits, not with their pocketbooks.

With those sentiments, I wholeheartedly agree.

We also have testimony before us, Mr. Chairman, that the broadcasters' charges between the years 1964 and 1968 had gone up by as much as 70 percent. I do not have to point out to the Members of this House that that is far in excess of what the general increase in campaign spending had been.

Needless to say, then, we felt there was need for the bill. It has been well discussed here this afternoon and I shall not go into any greater detail other than to make these comments:

First, as far as equal time is concerned and the repeal of section 315. If once again we had sought to suspend section 315 for this election rather than a complete repeal of the section, I would have rejected it. We have been up and down that road, both in 1964 and in 1968. I think it is fair to say that both parties were politically motivated by circumstances which were present at the time of each of those elections. They guided the parties in their actions at that particular time.

I think it is also reasonable, however, Mr. Chairman, that we now once and for all repeal section 315, and this is what we are doing as to the President and Vice President, and I support it without qualification.

I would point out in closing that I understand an amendment will be offered this afternoon by the gentleman from New York (Mr. BINGHAM). The amendment, as it has been submitted to me, will simply place an additional duty on the FCC to go ahead and finish the job that we have attempted in this particular committee, that is, to compile and to keep the records that are necessary in this particular instance. I would say, as one member of that subcommittee, I happen to think that this particular action is necessary, and I do intend to support the particular amendment when it comes up. It will provide for the filling of another loophole, it provides that no broadcaster may make any charge unless the candidate certifies that such charge will not violate the limitations in this act. Further, the broadcaster must notify the FCC, and the FCC certify that such charge will not violate the act. This type of enforcement, I believe, is necessary.

Mr. Chairman, I urge that the amendment and this legislation be enacted. It is a major step forward.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I thank the chairman for yielding. I think I will be granted a certain amount of expertise on the subject of this legislation. As one who has had to raise very large amounts of money to run in one of the biggest States in the country, I share the feelings of outrage at the present system that have been expressed here today. I am pleased and proud to be a cosponsor of this legislation and a member of the subcommittee which reported it out unanimously. I add my congratulations to the chairman for the excellent job that he did in perfecting this legislation.

Mr. Chairman, I have been sponsoring campaign reform bills since first coming to Congress. On February 18, 1965, I introduced House Joint Resolution 339, to provide tax incentives for political contributions and periodical reporting of contributions and expenditures. The bill was based on the legislative recommendations of President Kennedy's Commission on Campaign Costs and I stated then that—

> These burdens must not force candidates for public office to depend either on large contributions from those with special interest, or in the alternative, on personal or family funds. Nor should these substantial costs bar qualified candidates from seeking public office simply because the aforementioned sources are not available to them, either by choice or circumstance.

On February 15, 1967, in the early days of the 90th Congress, I reintroduced the bill as House Joint Resolution 302.

On July 17, 1967, I introduced the Federal Elections Campaign Act of 1967 to provide Treasury assistance to defray campaign costs for all candidates for elective Federal office, and I reintroduced this bill as H.R. 10258 on April 17, 1969.

Furthermore Mr. Chairman, I sponsored legislation in 1968 to suspend the equal time requirements for the presidential campaign that year, and on September 10, 1969, I introduced H.R. 13721, to provide opportunities to congressional candidates to purchase specified broadcast time at drastically reduced rates.

The crucial question, Mr. Chairman, is the effect of the raising of these sums on the electoral process. For those not fortunate enough to have their own resources, or resources within their families, there is no choice but to go to those financiers and special interests who make it their business to contribute to political campaigns every 2 years where they think it will do the most good. The implications are obvious. If anybody in this Chamber thinks the American people are naive enough to believe campaign contributors do not receive favored treatment in congressional offices and from executive decisions, he is deluding himself. This practice with its potential for scandal and perversion of the public interest must be stopped. Dependence of elected officials on personal funds or special interest financing to obtain election has to be ended.

I want to make it quite clear that it is not an adequate answer to campaign finance inequities merely to limit the amount a candidate can spend. If we did that, we would guarantee the entrenchment of political machines in primaries and perpetual reelection of incumbents. The only way to challenge a machine or incumbent is by being able to communicate effectively one's record and one's stands on the issues and being able to show the inadequacies of one's opponent's qualifications. If such communications were excluded by a limitation of funds, such a challenge would be impossible.

I think this points out areas in which this legislation, while it is a good start, is nevertheless defective. Under the present legislation in the State of New York, a candidate would still be permitted and virtually have to raise at least $420,000 for broadcast media. We have approximately 6 million people who voted in the last election, so at 7 cents per voter, it would come to $420,000. So there is still no assurance of access to the media by a person without money. The amount of $420,000 is still very substantial, and it would have to be raised.

Furthermore, the requirement that one could spend only half that amount in the primaries would mean to a very large extent that challenges to the political machines and challenges to the incumbents would be seriously impaired. I think we ought to consider today an amendment to do away with that distinction, because in a primary election the media will not offer a special rate to reach only the Democrats or only the Republicans. Primary candidates have to reach the entire electorate, just as in a general election. By allowing only half the sum of money we impair seriously the ability of a person to challenge in a primary.

To really make this system fair, I strongly believe what we have to do is to give free access to the media for all candidates to public office, and I intend at the appropriate time to introduce an amendment to that effect. An amendment to that effect was introduced in my behalf in the subcommittee by the chairman which gave consideration to it.

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In point of fact, the important thing here is to protect the public interest and to assure that candidates, regardless of their funds, have an opportunity to present their views to the public. With today's astronomical costs for the media, with the cost for a 30-second spot in the New York area being as much as $6,000, it is very important that in order to be able to permit our elective processes to work effectively, we allow adequate access to the media by all candidates and that we avoid the necessity for the candidate to have to raise or to have large sums of money in order to be able to communicate.

Our objective eventually, it seems to me, in the total field of campaign reform ought to be not just to effect free broadcast time but also free mailings, free newspaper advertising and the public financing of the other costs of campaigning, but then to prohibit any candidate or officeholder from taking a cent of outside money. Only in this way can we reasonably assure that officeholders no longer will have to be subject to financial pressures with respect to their campaigns.

I should like to say just a closing word about the effective date. I should be very happy to see the effective date apply to this election. In point of fact, with my own race, if all the broadcast stations would offer prime time at the lowest rate they sell to any advertiser, as provided in this legislation, and all the other candidates would agree to do it, I would be perfectly happy to voluntarily abide by the provisions of this legislation in the forthcoming election, whether it passes or not, and regardless of its effective date.

I believe this is exceedingly important legislation. I believe it will have a salutary effect on part of the political process which has aroused deep public distrust.

This bill is an important step forward and deserves unanimous support. I urge its passage today so that its provisions may become effective, if not for this election, at least on January 1, 1971.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of this legislation. I believe the legislation is needed. It is in the interest of the American people to encourage fairer campaign practices. Although that is not specifically the obligation of our committee, we have brought here a bill which does serve to equalize the competition between political candidates on the electronic media by placing spending limits on the use of that medium comparable for comparable offices.

I will not go into all of the provisions of this legislation, because they have been adequately covered by previous speakers.

There is one problem which I believe will have to get some attention from the Federal Communications Commission for better definition when this bill becomes law than we have given it in this bill. That is the part on the top of page 2, where we provide for the amendment of section 315(b) limiting the charges by broadcast media to: "the lowest unit charge of the station for the same amount of time in the same time period."

This must be given careful consideration, as I said, so that it will be clear that the language means there should be no hardship on the individual stations, because the language is not designed to force stations to sell to a politician at a sacrifice rate. Rather, the bill provides that the rate should be no lower for political broadcast use than that charged for comparable contracts for other types of usage of the same amount of time at the same rate of frequency in the same time period on that same station.

It is particularly designed, Mr. Chairman, so that the candidate will not be charged any higher rate for the use of comparable time than a nonpolitical user of that time might be charged.

Let me also observe that I hope the States will take advantage of the provision in this legislation which will give them the opportunity to limit the spending for broadcast media by candidates for other State and local offices besides those limitations which are provided for in the legislation we have written here. There are several mayoralty or county sheriff or county commission offices, or even school board offices, which encompass larger constituencies than those encompassed by the average Congressional district in the United States, and which often involve the expenditure of larger amounts of money on the electronic media than is spent for congressional office. I personally would like to have seen this legislation include those offices, but the committee in its wisdom chose not to do so. Rather, the committee chose to limit the requirement of this law to the congressional, senatorial, presidential, and gubernatorial offices.

These so-called lower offices, as we sometimes think of them, may be as important as or perhaps even more important than the Federal offices covered, because the local offices deal with local problems, and should be covered because they encompass the same concerns about the possibility of persons with massive amounts of money being able to go in and buy, in effect, the office by overwhelming the electorate through electronic media with mere money.

Repeal of section 315 for the presidential races for the future has been provided for in this legislation to allow not only the opportunity for debates but for comparable back-to-back speeches or equivalent and separate appearances or for any use of equal time on a fair and equal basis for the bona fide candidates of the major parties for President. This would serve the electorate so it might be better informed about the views and positions of the various candidates for this top office in our land. It seems to me that this is a commitment on the part of the committee and the subcommittee that this equal time provision will now be repealed indefinitely, not only for the race coming up in 1972 but for the races for the Presidency in the years ahead.

Mr. Chairman, I urge support of this legislation as it was passed by the subcommittee and approved by the full committee and recommend it to my colleagues.

Mr. VAN DEERLIN. Mr. Chairman, I yield 5 minutes to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Thank you.

Mr. Chairman, I rise in support of this legislation.

The political broadcasting bill we have before us today is an innovative and effective piece of legislation which is sorely needed and long overdue. For years we have sought electoral reform. Now we have the vehicle to bring this reform about.

H.R. 18434, the political broadcasting bill, is designed to ease the increasing financial burden of running for public office. This would be accomplished by placing limits on broadcast spending and by reducing the rate of radio and TV station charges. Add to this the fact that the bill repeals the equal opportunities provision of the Communications Act with respect to presidential and vice-presidential candidates, and it becomes clear that this legislation can be a most effective reform tool.

In the last two decades Americans have witnessed an astronomical increase in campaign costs and spending. In the past 12 years total spending for elective office in the United States has more than quadrupled from $9.9 million in 1956 to $40.4 million in 1968. Many are now convinced that only the rich, or those sponsored by special interest groups, can hope to be elected. This is unfortunate. Only a bill as broad as this can begin to reverse this trend.

H.R. 18434 is designed to promote the widest and most enlightening airing possible of candidates' views and the issues in an election. This bill attempts to accomplish this while keeping campaign costs to a minimum. This bill restricts spending for general elections for the office of President and Vice President, and for both the general and primary for U.S. Senator, U.S. Representative, Governor and Lieutenant Governor. The limitation for general election would be $0.07 per vote cast in the last election, or $20,000 which ever is largest. The limit for primaries would be half that amount. It is quite clear that this spending limit will significantly decrease the amount being spent on broadcast campaigns.

The second major area of reform in this bill deals with facilitating free time for political candidates. H.R. 18434 repeals the equal opportunities provision of the Communications Act as it applies to candidates for President and Vice President. This undoubtedly makes it easier for the networks and other stations to provide the free broadcast time necessary for debates between major presidential candidates. Section 315 as it now stands does inhibit free and open discussion and debate by presidential candidates. The bill before us would remedy this situation.

We need this bill in order to show the people that we are serious about election reform. This bill is clearly in the public interest, for it attempts to bring about meaningful debate while minimizing costs. We must pass this bill if we hope to permit broadcasting to be used to best inform the American voter of the issues and candidates in any election at the lowest reasonable cost to the candidates and political parties. H.R. 18434 will help to enable a candidate to run for office without mortgaging himself.

Mr. Chairman, I urge my fellow colleagues to support this bill today for the good of America.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, when the bill is being read and open for amendment I plan to offer an amendment which would correct the first page of the bill relating to the repeal of section 315(a), that is, the equal-time provision. The bill that is before you, H.R. 18434, repeals section 315(a). It says that the equal-time provision is not applicable any more to the Presidency and Vice Presidency. There are no guidelines or safeguards of restrictions about how this is to be handled. It is an outright repeal of section 315(a) for the President or Vice President. The amendment I am going to offer will read as follows, and I take this time so that the House might know of the pending amendment.

> Except that the foregoing requirement shall not be construed to require a licensee to afford equal opportunities in the use of such broadcasting station to any legally qualified candidate for the office of President or Vice President in a general election unless such candidate has been qualified by applicable State law to appear on the ballots of at least two-thirds of the several States.

Mr. Chairman, the intent of my amendment is to extend the equal time provision to those candidates who are qualified under two-thirds of the States. Otherwise you are leaving it to a broadcast station so that they can take any number of people from one candidate or part of one or part of another or none at all, subject only to the fairness doctrine. Those of you who have had any experience with the fairness doctrine—and most of you have—know that that law is certainly open to wide discretion and interpretation. This amendment does not repeal section 315(a) for the two candidates, President and Vice President, but, rather, says that a broadcast station can extend equal time and opportunities to a presidential or vice presidential candidate if he is qualified in two-thirds of the States.

I think this is a safeguard and we do not have to require a station to determine on its own who is a legally qualified candidate. It is clearly spelled out in the law that he must be qualified by application of the laws of two-thirds of the States. This is not only a guideline, it is a direction and I think that it strengthens the bill. I hope that it will be favorably considered by both sides of the aisle and in the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas for the purpose of asking him a question.

Mr. Chairman, I am not sure, but what the gentleman has said is that it would not be possible to extend the time to other candidates than those who are qualified in two-thirds of the States.

Mr. PICKLE. If they are not qualified in two-thirds of the States then they would not be required to extend this equal time.

Mr. SPRINGER. The gentleman is saying then that the broadcasting media could not give them any time if they were not qualified under two-thirds of the States?

Mr. PICKLE. That is correct. That is, they would not be required to give time.

Mr. SPRINGER. I think I know what the gentleman has in mind and I sympathize with him because I believe he is trying to get the major candidates up before the electorate and that is fair enough, and I can well understand his desire, but in the 1960 campaign I can so well remember that they did give consideration to the little fellows, they gave them a chance, they gave them a shot at it. In New York, although I am not in sympathy with some of them, they gave the Liberal Party 15 minutes one afternoon and another one half an hour, and they gave the Socialist Party in combination with the Prohibition Party, combined together, a half hour in the New York area. They did not give them any in Illinois. But I think that if we adopt the amendment in the form the gentleman has said he will offer it, that it would not be possible then for a real minority party to have any kind of a hearing before the electorate at all.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SPRINGER. I yield the gentleman from Texas 1 additional minute.

Mr. Chairman, I have yielded the gentleman this additional time because I want to be sure that I clarify his amendment. I know what the gentleman wants to do and I sympathize with his desire. I know the people want to listen to the major candidates.

Now in the last general election in 1968, if we had had this amendment, then the only three parties that could have been heard would have been the Democratic Party, the Republican Party, and whatever party George Wallace belonged in, whatever party that was. Those are the only three that could have been heard under this amendment.

Is that correct?

Mr. PICKLE. That is correct.

Mr. SPRINGER. Does the gentleman think that maybe that is a little too restrictive to put that on the networks and say that they cannot let another party participate?

Mr. PICKLE. If the gentleman will consider the way the language is changed in the bill. If you repeal it, for the presidential and vice presidential candidates, then a station, if it gives 30 minutes time to one candidate, must give 30 minutes time to the other candidate of the other party or any other party. Now in reverse, does the gentleman want——

Mr. SPRINGER. If the gentleman will yield further, please, it is my understanding that if we leave it in the form in which we prescribe it in this bill, then it leaves it to the discretion of the news media as to what time they shall allot to any party, or each party.

Mr. PICKLE. That is correct.

Mr. SPRINGER. Now I thought that in the 1960 election they used pretty good judgment because they made the two major parties appear face to face. I do not imagine in the 1972 election that it will be done in that way.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SPRINGER. I yield 1 additional minute to the gentleman from Texas.

Mr. SPRINGER. If the gentleman will yield further, as I stated, I do not imagine that in the 1972 election that it would be face to face, it might be, but it could very well be separate, but I do not believe that the news media would not give the two parties equal time.

Mr. PICKLE. Can the gentleman not imagine the complaints that are going to be heard when the networks or a local station will give 30 minutes time to the two major candidates and then give 5 minutes time to a minority candidate, or some of the others that are not qualified?

Mr. SPRINGER. What they would do is to give them some time commensurate with their size. I thought that in the 1960 election it was pretty well handled. But if we adopt the amendment suggested by the gentleman from Texas then I think we are saying that only the major parties could be heard, and we have nothing that can be done for the minor parties.

Mr. PICKLE. I do define the major parties as those qualified in two-thirds of the States, and that is the intent, and

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that is the limitation and the full discretion for the broadcasting station.

Mr. SPRINGER. I understand the gentleman's amendment.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PIKE).

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I am happy to yield to the gentleman.

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. VANIK. Mr. Chairman, I rise in support of the bill before the House today which seeks to regulate the increasingly expensive and vital area of political advertising on the Nation's airwaves.

On October 23, 1969, I testified before the Senate Commerce Committee's Subcommittee on Communications on the Campaign Broadcast Reform Act of 1969. Since then the other body has considered this legislation and passed a bill similar to the one before us. I am pleased that so many of the recommendations made by myself and others regarding this legislation have been adopted. The bill before us today makes a series of much-needed reforms and improvements in the area of political advertising.

In the last two decades, the cost of political campaigns has skyrocketed fantastically. The major cause of the increasing cost of running for public office is the cost of radio and television time. For example, a prime time 30-second ad on a New York City television station costs approximately $6,000. The situation is nearly as bad in many of the Nation's other metropolitan areas.

If we are to allow everyone a chance to enter the political arena—and I think we must—we must put limits on the cost and usage of the communications media by candidates for major public offices.

This bill, H.R. 18434, does that through four major provisions. First, it repeals the equal opportunities provisions of the Communications Act of 1934 in the case of candidates running for President and Vice President. This will permit the broadcast networks to donate free broadcast time for the presentation of debates and statements of the major candidates. The suspension of this "equal time" clause in 1960 permitted the "great debates" between the late President Kennedy and our current President, Mr. Nixon. The failure to provide for suspension of "equal time" in other years has prevented the public from seeing and hearing such debates because the networks and stations simply cannot give equal time to the score or more "fringe candidates" running for the office of President.

Second, this bill provides that broadcast stations may not charge any person who is a legally qualified candidate for office more than the lowest unit charge of that station for the same amount of time during the same time period. Hopefully, this will reduce some of the cost of advertising and cost of making public positions known to the electorate. It is entirely fitting that broadcast stations, which have been given one of the rarest and most valuable parts of the public domain that we have—a frequency on the broadcast spectrum—be required to assist in the most important part of our civic activities, the election of public officials. This requirement will do no more than require that the broadcast station place the candidate for public office on the same level with the station's most favored commercial advertiser. It should be noted that this provision does not prevent stations from offering air time at a rate below that they charge their commercial accounts. There are a number of stations in the Cleveland area which make such offers and they are to be highly commended. Position statements and debate by candidates for public office on the airwaves must be constantly encouraged.

Third, and most important, the bill sets limits on what may be spent by candidates for President and Vice President for general elections and what may be spent on primary and general elections by candidates for U.S. Senator, U.S. Representative, State Governor and Lieutenant Governor. Generally speaking, a candidate would be enabled to spend up to 7 cents times the number of votes cast in the last election for the office in question or $20,000—whichever is greater. Congressional and gubernatorial candidates would be limited to half this figure in primary elections.

Finally, today's bill permits the States to place candidates for State and local office under the provisions of this Federal legislation.

Mr. Chairman, it should be obvious to all that this legislation is needed if we are to maintain the freely accessible democracy which our Founding Fathers envisioned. I hope this bill is adopted.

Mr. PIKE. Mr. Chairman, I want to express my appreciation to the chairman of the committee for yielding me this time. I wanted this time because this is legislation which I feel very, very strongly about. I think this is terribly important legislation for the future of our democracy and I commend this subcommittee and this committee for having reported it out.

This legislation is important because a lot of people in our country see our democracy as sick—and I am not only talking about the dropouts, I am talking about good public servants who are in office today and who are contemplating getting out because they are confronted with what the chairman referred to earlier as the television "blitz," and they simply cannot contend with this kind of expenditure of funds.

The gentleman from Massachusetts referred to it very frankly and candidly and properly as essentially a purchase of seats. When we can purchase seats in the House of Representatives and when we can purchase seats in the U.S. Senate, then indeed our democracy is sick—and it is high time we did something about it.

I am delighted that this legislation cuts out the loopholes which are in so many of our State laws and in the Federal law about committees. You have "The Democratic Committee for the Election of X." Then you have "The Independent Committee for the Election of X." Then again you have the "Independent and Democratic Committee for the Election of X." When you get through, there are nothing but loopholes left and the whole law has been a pure unadulterated fraud.

You have made this legislation apply not only to expenditure by the candidate, but the expenditure "on behalf of"—and I notice you italicize that in the report—of the candidate. It is enforceable and it can be meaningful.

The question is—Is it going to be enforced? We have legislation not dissimilar to this in the State of New York and it has not been enforced. We have all kinds of legislation on the books in regard to this subject matter which has not been enforced.

This legislation does not have everything in it that I would have liked to see in it. I wish it had covered this year's election. It does not cover the terrible problem of what you do when news broadcasts ought to be booked as commercial time. I do not blame the committee for not tackling that because that is probably as tricky a subject matter as there is on earth.

I simply wanted to take this time to say that I support this legislation with all my heart and soul. I commend the committee and I support this legislation so thoroughly because I have seen an increasing situation in our Nation where we are no longer a government of, by and for the people, but a government of, by, and for millionaires. I can think of no greater peril to our democracy.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SPRINGER. Mr. Chairman, I yield 1 minute to the gentleman, if he will yield.

Mr. PIKE. I am happy to yield to the gentleman.

Mr. SPRINGER. I just want to explain one thing. When this matter of news coverage came up, there was nothing this committee went into more thoroughly. I can remember, the gentleman from California (Mr. Moss) was the author of legislation and we had that before the committee three different times and in three different forms.

Finally, we drew that language I think as tight as it could be drawn. Mr. HARRIS was chairman of the committee at that time. We went into it, I think, as thoroughly as anything in the 20 years I have been on this committee to try to draw this news coverage as tight as we could and still not restrict the coverage of news.

I do want to explain that. We did not tackle it because we believe the committee has done the very best job it could, and may I say that if the gentleman or anyone else has a better way of saying it than we have, we would be willing to listen.

Mr. PIKE. I will simply say to the gentleman, believe me, I did not take the well to throw rocks at what you have done. I do not blame you for not coming up with such legislation because I would not know how to word the legislation. I think we all recognize, however, that

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there is a very real problem. It works in both directions, for and against both political parties, in connection with news broadcasts which are essentially commercials for one candidate or the other. It is awfully easy for me, I know, to say that we recognize the problem. I do not blame you for not trying to include it in this legislation.

I said that in my initial remarks. I do not know what we can do about it except to continually call the attention of the public to the fact that the problem does exist and that they have got to listen to their news broadcasts as carefully as they listen to everything else.

I am taking this time only to commend the committee for having done an outstanding job and to urge passage of the legislation.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield myself 1 minute for the purpose of pointing out to the gentleman from New York that the question he raises is obviously true. The issue was thoroughly covered, as was indicated by the gentleman from Illinois (Mr. SPRINGER) in a different bill. I think it would only muddy the waters to get into that aspect of news coverage. This is not a bill dealing with news coverage. This is a bill that is overdue to prevent the buying of seats and to keep the Congress, the Members of the Senate, the Governor and Lieutenant Governor seats unpurchased, and I would like to point out that we should not get into side issues, in my judgment.

I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I do not need much time to say what I wish to say. First, I want to compliment the committee.

Second, I want to call your attention to another type of campaign spending that is hard to find, but it is there. I do not know what your districts are like, but in my district there is no television coverage except from neighboring districts, and since there are so many neighboring districts, we cannot use any of them because of the problems that would arise. The cost would be prohibitive.

But our greatest cost is in connection with the so-called "election day workers." You do not have to list such expenditures if you pay them no more than $10, and you might pay them five or six $10 checks. The greatest expenditure in our area is the money that is paid out to so-called election day workers, poll watchers, and haulers into the polling places.

I ran for U.S. Senator and for Congress at the same time, which is a foolhardy thing to do. I did win the House seat rather handily. I came about 2¼ percent of winning the U.S. Senate nomination in Pennsylvania. My total expenditures for the entire campaign, including some $4,000 for television, and about $3,800 for billboards, the rest going to ward leaders, for want of a better word, the entire expenditure was $67,000.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BINGHAM)

Mr. BINGHAM. Mr. Chairman, I join in commending the chairman and members of the committee for the magnificent job they have done here. The problem before us is a terribly urgent one, as was stated so eloquently by my colleague the gentleman from New York (Mr. PIKE). The problem cries out for solution. Our democracy needs the protection provided in this bill. The laws and regulations we have had in the past have been aimed at candidates and committees and they have not worked. What is good and right about this bill is that it aims at that part of the problem that is manageable, where the amounts of spending are measurable, and gets at the question of enforcement through the TV and radio stations themselves.

I do have an amendment to propose later on. I appreciate the remarks made about my proposal by the gentleman from Michigan (Mr. HARVEY). I think my amendment would carry the committee's basic approach one step further and make this a better bill, but I want to make it clear that this is a good bill whether or not my amendment is adopted.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Chairman, I support H.R. 18434, a bill to put a limit on spending for political broadcasting, and to suspend the equal time provisions of the Communications Act of 1934.

Political spending for broadcasting in the United States has reached the point where it poses a serious threat to the functioning of our democratic form of government. Each election campaign succeeds in establishing a new alltime high in television and radio costs, and the phenomenon of the airwaves is threatening to out-strip the phenomenon of democracy. If recent trends in campaign spending continue, political democracy will soon become synonomous with merchandising a commodity. In this unfortunate confusion of priorities and goals, admen and makeup artists replace informed and concerned students of government, dollars replace issues, and there is a danger that demagogery could replace enlightened democracy.

Unlimited access to prime TV and radio time to sell the packaged candidate is fast becoming the electronic substitute for the "captive vote," and new regulations are required to protect the voters' capacity to decide between conflicting candidates and issues. Even more important, new spending controls must be enacted to guarantee the availability of a forum for all political candidates and that those qualified by experience and expertise, as well as wealth, shall have an opportunity to present their views to the electorate.

Under the terms of the bill under consideration, reasonable limits will be set on the amounts which may be spent for broadcast time by candidates for President and Vice President for general elections and by other candidates for major elective offices; a new reduced-rate criterion is set for determining the cost of broadcast time; and the equal time provisions of the Communications Act are repealed to allow broadcast stations to make more free time available to legally qualified political candidates.

This is a good bill and I urge my colleagues to join me in voting for passage.

While the House presses for this long overdue spending reform, it is an appropriate time to reemphasize another area in need of regulation—the length of our presidential campaigns. Since I was first elected in 1958 my objective has been to shorten our presidential campaigns. Specifically I have introduced legislation in every Congress since 1960 to limit these contests to 60 days. In light of the clear connection between campaign spending and length, I am today reintroducing this legislation in the hope that the House will further reform our election procedures in this regard.

Spending and campaign length have historically grown in conjunction with each other. In 1860 Abraham Lincoln won the Presidency with minimal campaigning. The two major parties together spent a grand total of $160,000. One century later, in 1960, John Kennedy traveled 40,000 miles to deliver 360 speeches. The two major parties spent an approximate total of $20 million to get their presidential candidates elected. These figures have, of course, risen higher in the last 10 years.

At one point in our history presidential candidates did no campaigning whatsoever lest they be considered undignified. Today we must witness the sorry spectacle of exhausted candidates limping through tired catch phrases after several months of verbiage. As the long run for the Presidency draws to a close, candidates are often pressed into positions unrepresentative of their real thinking. Such statements are not at all conducive to public enlightenment, the objective of any campaign. Can one expect more from candidates who have run on the party ticket for many months, not to mention the hotly contested primaries that most Presidential candidates endure.

In the last decade security has provided further cause for concern. The alarming level of violence and increased potential of assassination supply one more dramatic and compelling argument against the lengthy, unnecessary exposure of our candidates.

Besides the actual physical effect on our candidates, lengthy campaigns bore the electorate. What begins as a sober discussion of national problems degenerates into repetitious phraseology. The voters quickly reach their saturation point. In our age of mass media, candidates can sufficiently convey their message in a concentrated month or two. Efforts after that point bring diminishing returns. No one should expect or desire our voters or any others to concentrate on candidates or issues for 4 months. The fault lies not in the electorate or in the candidates but in a system which allows a campaign to reach the point where it deadens our senses. I am convinced that excessive exposure soon leads to boredom and disinterest on the part of the electorate and thus frus-

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trates the main objectives of the whole electoral system—discussion of the issues with the people.

My efforts up to now have not been successful in this field. Unfortunately, the strength of the opposition to long presidential campaigns dissipates rapidly after each election. However, by our actions today we give recognition to the fact that people are opposed to excessive election spending. Television costs have created the necessity for regulation of media spending; it has also made lengthy campaigns obsolete. While the House takes appropriate action to limit the amount that candidates may spend on television advertising, it should consider a prime cause of large expenses—the marathon presidential campaign.

Sixty days is clearly long enough. There is no magic in this number. It is simply a reasonable and adequate limit. Almost all democratic countries in the world select their governments within this limit, with no adverse effects. This is true in England, Canada, and Israel, among others. There is no reason why America cannot exercise the same commonsense. The short presidential campaign makes sense physically, financially, and psychologically.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield myself 2 minutes.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I extend to the gentleman from Massachusetts my appreciation for what he and the committee have done on this legislation, but the question arises in my mind as to whether or not the committee considered the possibility of insuring that political advertising on television would have the mark of advertising rather than be passed off at times as news. I have been taken in by a political ad which had the appearance on television of a news account, particularly when such advertisements immediately followed the regular news broadcasts by a broadcaster. Would the chairman advise me as to whether or not this legislation makes any effort to meet that problem?

Mr. MACDONALD of Massachusetts. Mr. Chairman, of course, that could be a great problem. We took it up in great depth. As the gentleman recalls very well, some years ago I was not a total victim, but I was subjected to this sort of thing on some news programs. As I indicated to the gentleman earlier, this great Committee on Interstate and Foreign Commerce went into this subject in great detail on a number of occasions, and I think that bill has been successful.

I can assure the gentleman that the FCC, which has jurisdiction over this sort of practice within the industry, is well aware of our committee's interest in seeing to it that there is no straying away from the path of righteousness in having news be news. As far as advertising following a news broadcast is concerned, I do not know how that can be stopped.

I can assure the gentleman that we are aware of the problem. I am sure the FCC is. We will stay on the back of the FCC about this.

Mr. VANIK. I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield myself 2 minutes in order to clarify this.

I do not want any doubt on this whole question about news broadcast. I am going to yield to the gentleman from California, who was the author of this provision in 1958.

We went up the hill and down, like Napoleon's army, for almost 2 months, until we finally got the language out. That was hammered out like metal on an anvil.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from California.

Mr. MOSS. I want to concur completely in the statements made by the gentleman. I believe in retrospect it has worked quite successfully.

So far as labeling advertising as advertising is concerned, it is, to my knowledge, already required.

The reporting on regularly scheduled news programs is what we exempted. I know of very few instances where there has been a violation of that. Whenever it has been called to the attention of the FCC it is my opinion, at least, from the best information I have, that they have acted promptly to alert the licensee to the violation incurred under such circumstances.

Mr. SPRINGER. May I say to the distinguished gentleman from Ohio further that if the licensee observes the language which we put in there can be no misunderstanding about what is news and what is not news.

I want to clarify this. There is no misunderstanding about that. That is why we do not cover it in this bill. We have a good law that has worked for 12 years. We have had almost no objection from anybody.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I have no further requests for time.

Mr. SPRINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. I thank the gentleman for yielding. I should like to ask the gentleman from Illinois a question which has me concerned about this piece of legislation.

As I read the bill, it will regulate radio stations and television stations but not other media. It seems to me it discriminates against the radio stations and the television stations. I also am concerned that we are adding more regulations to privately owned radio and television stations.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Illinois.

Mr. SPRINGER. I will give the reason. As I said in my remarks—and the gentleman may not have been here at the time—the committee has very limited jurisdiction. Our jurisdiction is limited only to communications. Therefore, the only two media we can cover by our bill, to make the corrections we believe ought to be made with reference to elections, are television and radio.

We have no jurisdiction with reference to outdoor advertising or newspaper advertising. Part of this I understand comes under the Committee on the Judiciary and another part under the Committee on House Administration.

That is the reason why we did not attempt to go beyond what we felt was legally the scope of our committee.

Mr. MONTGOMERY. Does the gentleman believe it is quite fair to allow these other media of advertising not to be controlled, yet to control two media of advertising so far as political candidates are concerned?

Mr. SPRINGER. I believe we are trying to set an example for all the rest of the media. I believe that is the best answer I can give.

Mr. MONTGOMERY. That is a pretty good answer. Does the gentleman believe the other committees will move in to try to regulate the other media?

Mr. SPRINGER. With the trend of the sentiment in this country I believe we will have some reform of the election laws in the very near future, covering all elections. I am talking about general elections and primaries. This is my feeling. This is my hope, because I believe, after reading the present election laws, there is certainly a wide area here which ought to be covered.

Mr. MONTGOMERY. I thank the gentleman.

Mr. LLOYD. Mr. Chairman, unless the wealthiest candidates are to have an unfair advantage in today's political world, Congress must find a fair and equitable method to curtail and responsibly control expenditures for political advertising.

However, I believe the present bill represents a limited and therefore inadequate answer to the problem, and is, in its present form, discriminatory against the television and radio industry. There is no question but that the electronic media represents a major expense in political campaigns, and of truly major concern is the fact that candidates of more limited funds or lesser influence with television stations often suffer discrimination in their efforts to secure preferential time as against those better financed. I believe the television industry has the gravest responsibility to adopt fair and equal standards for all political advertisers. There is nothing in this bill, however, to prevent a diversion and proliferation of spending toward other advertising media, or, the outright employment of a sufficient number of personnel, including voters, to win an election. This bill therefore by treating only part of a problem, does not constitute a proper answer.

It is argued that this is a first step toward an ultimate goal of sensible limitations on all campaign spending. However, as a first step, it does remain discriminatory and does not realistically and sufficiently attack the grave problem which we have before us in setting these overall spending limits.

I am very much in favor of practical and enforceable legislation which would set a realistic overall political spending

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limit, and I am hopeful that this objective will be attained in the near future. In the meantime, we should not be taking any roads which will lead us into a jungle of discrimination but should be designing new roads which will lead to campaigns that are more fair and directed to the election of those candidates best qualified rather than those most financially capable of winning elections.

Mr. MURPHY of New York. Mr. Chairman, I think everyone here will agree that it is vitally important that the cost of campaigning be reduced. Nothing is more important, in these vital times, than making sure that the general public has every opportunity to know and understand the positions of the various candidates before an election. That is why television has become one of the most effective—and expensive—mediums for presenting a candidate and his views.

Television time has driven campaign costs to all-time highs. The cost of appearing "live and in color" has dominated political fundraising and spending—and even the selection of candidates. Anyone should be able to run for public office, but how many able men never get out of the starting gate because they cannot afford the prohibitive price of prime time. The amount of money-spent-per-vote-cast in Presidential campaigns has more than doubled in this past decade. In 1960, 32 cents was spent per vote cast; in 1964 41 cents was spent and in 1968, 67 cents was spent for each vote.

Congressional campaigns are also costly ventures. A survey conducted by the Special Committee on Congressional Ethics of the Association of the New York City Bar found that 30 percent of the responding House Members spent over $60,000 in their last campaigns—with several in tight races spending over $100,000. Senate costs were even higher with 70 percent of those responding spending over $100,000 and 40 percent spending over $200,000.

The alarming increase in campaign costs is primarily attributable to the growing use of television in political campaigns. Ninety-five percent of American homes have a television set which is on an average of 5½ hours daily.

Television has become the major source of news for Americans and, hence, it has become an indispensable means of political campaigning. This greater dependence on the use of television by candidates plus higher production costs and increasing costs of air time have quadrupled political broadcast costs during the 12 years between 1956 and 1968.

These high costs have made candidates dependent either on personal wealth or, if that is not available, wealthy contributors. Thus, while the costs of campaigns have increased, the ratio of contributors to the amount contributed has shrunk. Presently, 90 percent of all campaign funds are contributed by less than 1 percent of the American population.

The fear that only the rich or those with rich friends can get elected to office prompted congressional action to meet what has been characterized as a "crisis in American campaign spending."

This problem is particularly acute in the larger metropolitan areas such as New York, Los Angeles, San Francisco, Detroit, and Chicago, where the rates are exorbitant. In my area alone, more than 20 Congressmen are forced to buy substantial amounts of television time. This is a matter which has greatly concerned me for some time, and I know most of my colleagues share that concern. We must scuffle to get on such prestigious shows such as NBC's "Meet the Press," ABC's "Issues and Answers," and CBS's "Face the Nation."

Recently, there has been a trend by some stations to cut political advertising rates. I would commend WPIX, channel 11, in New York, and its president, Fred M. Thrower, for its new policy of selling time for political spots at a 50-percent discount from normal commercial rates. Such policies make it feasible for candidates to use various stations, in this case WPIX, for their campaigns at more reasonable costs.

H.R. 18434 would help restore faith of the electorate in the democratic process by eliminating the appearance of buying elections. By limiting spending and the amounts that have to be spent, the bill would reduce the threat of campaign scandals. In the same sense, it would reduce the possibility of an elected official being controlled by special interests. By reducing exorbitant costs and making it easier for networks to provide free debate time, it would help equalize and hence broaden access to the media. By encouraging the networks to provide free time to presidential aspirants, the number of TV debates will increase. By providing uniform standards, the bill would make it easier for broadcasters to assume their responsibilities. It would not be discriminatory, simply because broadcasters now enjoy unique privileges. They are federally licensed to use the airwaves and to operate in the public interest, convenience, or necessity.

Mr. BENNETT. Mr. Chairman, I congratulate the chairman and the House Committee on Interstate and Foreign Commerce on bringing H.R. 18434 to the floor. I support the legislation and I hope it can be speedily enacted into law.

While the proposal has several important provisions—including repeal of the equal opportunity section of the Communications Act, allowing free broadcast time for presidential candidates—I am particularly interested in limitation of broadcast rates and expenditures for political candidates.

One of the most frightening things about our political system is the high cost of campaigning—to win or lose an election.

There are some shocking developments taking place today in elections on Federal, State, and local levels. It cost one 1970 U.S. senatorial candidate in the Nation's largest State at least $2.5 million to lose a primary election. A Florida candidate for Governor this year reported he spent almost $1 million before he even qualified for the race for office. Candidates for city and county commissions must sometimes raise tens of thousands of dollars to support a campaign effort.

Herbert E. Alexander, director of the Citizens' Research Foundation, perhaps the most noted authority in this country on campaign spending has defined American democracy as "government for the people most effectively heard." He estimates that some $300 million was spent in elective and party politics in the United States in 1968, and the largest portion—about $75 million—was spent on broadcasting. To finance this kind of spending, a candidate must use his own personal wealth, rely on the support of other rich men or wealthy business, labor or other interests, or attract large numbers of contributors across the board. Most elections today are being financed by a small group of individuals—not by many small contributors. And the money being raised is primarily going to television and radio time and production costs to put the commercials on the air. So the candidate can be heard.

All of this is a threat to popular elections. Because campaigns are run in a limited time span, broadcasting is a most effective medium and the costs go up. Something must be done about it, and this bill before us today will help curtail exorbitant and excessive campaigns. The people demand this. A Gallup poll in 1967 reported that 73 percent of those responding said they favored a law which put a limit on the amount of money spent by a candidate for public office.

President Johnson in 1966 proposed a sweeping revision in the Federal election laws, saying:

> Despite the soaring expense of political campaigns, we have done nothing to insure that able men of modest means can undertake elective service unencumbered by debts of loyalty to wealthy supporters.

Mr. Chairman today 45 years after the passage of the Federal Corrupt Practices Act and 30 years after the Hatch Act, we are making a new effort to instill public confidence in the elective process by limiting the high costs of getting elected—or losing an election. I am hopeful this bill we consider today will lead to further legislative reforms in our governmental elections.

Mr. KOCH. Mr. Chairman I support the political broadcasting bill and I will vote in favor of it.

It seems to me an eminently reasonable proposition that a candidate seeking election to Federal office not be required to pay more for broadcast time than a maker of cigarettes. It has been reported that a 30-second TV commercial during prime evening time in New York City can cost as much as $6,000—$200 per second. Perhaps that explains why practically as many Americans smoke cigarettes as the number who voted in the last congressional elections.

Broadcasting is big business but, Mr. Speaker, the public interest is important business and this bill does something about restoring a balance. The bill not only provides greater access to radio and TV for candidates with limited campaign resources but it also restricts the spending of those candidates who have the good fortunes not to be limited in what can be spent to reach to the voting public.

If two candidates were to have a public debate on TV, it would be ludicrous to permit the wealthier candidate more time to speak on the issues than his opponent. Yet without some dollar limitation for commercial time, that is precisely the advantage now given to the candidate with more money to spend. Again, this bill does something about restoring a balance.

I commend the work of the Twentieth Century Fund Task Force on Financing Congressional Campaigns, the efforts of the National Committee for an Effective Congress, and the good sense of the members of the Interstate and Foreign Commerce Committee of this House.

Mr. PRICE of Illinois. Mr. Chairman, the great influence broadcasting has in the formulation of the political opinions of the American people is evident and widely publicized these days. It is desirous therefore, that broadcasting be regulated, in the public interest, to insure the widest yet fairest use of this media. The purpose of this bill is to effect this.

A limitation placed on both broadcast rates and candidate spending will insure the accessibility of television to all candidates yet prevent wealthier ones from taking undue advantage. In other words, this bill allows fair yet complete presentation of issues and candidates involved in an election.

The House version of this legislation should prove to be more effective than the Senate one because it allows for the extension of the cost limitations to State and local elections. In addition, the House bill, not to be effective until 1971, will avoid the confusion that will result if these limitations go into effect immediately.

A fair electoral process is vital to our constitutional system. Impartial television campaign coverage is necessary for this. For these reasons, I urge the adoption of the political broadcasting bill.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

Mr. PICKLE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-five Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 270]

Alexander
Anderson, Tenn.
Arends
Ashley
Aspinall
Baring
Berry
Bray
Brock
Buchanan
Burleson, Tex.
Caffery
Celler
Clay
Conyers
Corman
Cowger
Cramer
Cunningham
Daddario
Dawson
Diggs
Edwards, La.
Evins, Tenn.
Fallon
Flynt
Gilbert
Hébert
Hull
Jonas
Jones, Ala.
Keith
King
Long, La.
McCarthy
McClory
McClure
McCulloch
McKneally
Mailliard
Meskill
Moorhead
Nedzi
O'Hara
O'Neal, Ga.
Passman
Pollock
Powell
Price, Tex.
Rarick
Reifel
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Ryan
Scherle
Scheuer
Schwengel
Staggers
Sullivan
Symington
Teague, Tex.
Tunney
Weicker
Whitten
Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STRATTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 18434, and finding itself without a quorum, he had directed the roll to be called, when 362 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER assumed the chair.

The SPEAKER. The Chair will receive a message.

FURTHER MESSAGES FROM THE PRESIDENT

Further messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

The SPEAKER. The Committee will resume its sitting.

POLITICAL BROADCASTING

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the Clerk was about to read.

The Clerk will read.

The Clerk read as follows:

H.R. 18434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: ", except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States in a general election".

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period."

SEC. 2. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (f) and by inserting immediately before such subsection the following new subsections:

"(c)(1) For purposes of this subsection, the term 'major elective office' means the office of President, United States Senator or Representative, or Governor or Lieutenant Governor of a State.

"(2)(A) No legally qualified candidate in an election (other than a primary election) for a major elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(i) 7 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office; or

"(ii) $20,000, if greater than the amount determined under clause (i) (or if clause (i) is inapplicable).

"(B) In the case of a candidate for United States Senator in a State in which the total number of votes cast for all legally qualified candidates for Senator in the last preceding election for Senator was less than the greatest total number of votes cast for all legally qualified candidates in any election (held after such preceding senatorial election) for a statewide office in such State, the amount determined under subparagraph (A)(i) shall be 7 cents multiplied by such greatest total number of votes for statewide office.

"(3) No legally qualified candidate in a primary election for nomination to a major elective office, other than President, may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under paragraph (2) with respect to the general election for such office.

"(4) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for major elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(5) No station licensee may make any charge for the use of such station by or on behalf of any candidate for major elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2) or (3), whichever is applicable.

"(d) If the Commission determines that—

"(1) a State by law—

"(A) has provided that a primary or other election for any office of such State (other than Governor or Lieutenant Governor) or of a political subdivision thereof is subject to this subsection, and

"(B) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a major elective office, or nomination thereto,

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation upon total expenditures.

"(e) For the purposes of this section, the term 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system."

SEC. 3. The amendments made by this Act shall take effect on January 1, 1971.

Mr. MACDONALD of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open for amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BOGGS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Chairman, first let me congratulate the distinguished gentleman from Massachusetts and the other members of the committee for this bill which is a milestone bill and one which is necessary, and one which I fully support.

Mr. Chairman, I am astonished that the President of the United States a little while ago would send down veto messages on two vital bills—one the education bill and the other, the housing bill—and in the same messages attempt to blame the Congress for inflation and high interest rates in this country.

Mr. Chairman, the President is just not going to get away with this. The reason we have high interest rates and the reason we have inflation in this country is because of the policies of this administration.

Well, some Republicans may laugh if they please.

I want to see how many are going to be laughing tomorrow or the next day when the veto messages are considered here. I would be very interested in seeing how many Members on the Republican side vote to sustain or override the veto on the education bill—and for that matter, the bill on housing—both of them.

Mr. Chairman, it is very simple, what the President is trying to do. This administration has already underestimated revenues by $3 or $4 billion. Why? Because unemployed people and failing businesses do not pay taxes.

In addition to that, Mr. Chairman, the whole system of priorities is involved here, and the whole question of the separation of powers is also involved.

Since when did the President have the right or the authority under the Constitution or anywhere else to tell the Congress what it has to appropriate—and what it can or cannot appropriate?

The two basic powers in the Congress of the United States are the power to raise revenues and the power to expend those revenues.

The President can talk all he wants to about high interest rates. He is right—we are paying today almost $2 billion a year more because of the policy of this Government in attempting to maintain control of inflation by monetary policy alone. Why? The total additional amount for education and for housing—and who can possibly deny the need for both in this Nation today—who can possibly deny the need for pollution control—these are fundamental programs—and yet the total amount involved does not equal half of what we are paying in additional interest charges because of high interest rates imposed by this Nixon administration.

So, Mr. Chairman, I hope and I trust that whenever the vetos are called up, the Democrats will vote unanimously to override. I suspect we will get a vote or two over here, may I say to the minority leader, Mr. GERALD R. FORD—and I really suspect we will get some too.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to my good friend the gentleman from Ohio.

Mr. HAYS. I want to endorse everything the distinguished gentleman has said except one thing in relation to the Independent Offices appropriation bill. Unless they change that a little bit, I might vote to sustain the veto, because I understand that the post office moved out of the Federal Building in Grand Rapids, Mich., and the whole first floor is vacant. They are paying $200,000 to rent another building. There is $10 million in the bill to build another Federal building. I might just vote to sustain that one.

Mr. BOGGS. In that connection I might say that I had a visit from the Under Secretary of the Treasury this afternoon asking for new taxes, and I heard on the radio just a few minutes ago where the Postmaster General said that the first-class rate would inevitably go to 8 cents and probably more than that in the next 18 months. So I trust that this action of the President in assuming a role of the Congress will be properly repudiated.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I am happy to yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. I would just like to say to the distinguished gentleman from Louisiana that I agree with much of what he has said. However, the bill before us today is a nonpartisan bill, and I hope it stays that way.

Mr. SPRINGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, the gentleman from Louisiana has made one of his almost daily tirades, and there is about as much substance to the one today as there has been in those in the past. He talked about interest rates, and that interest rates were a great burden to the Federal Government. I agree, but most of that burden today is caused by Democrat deficits. I just happen to have in my hand the figures that the Government paid annually in total interest rates on the national debt: In 1961, the amount was $9 billion. In 1968, the annual cost of interest under the previous administration was $14.6 billion. In other words, the interest cost per year to the Federal Treasury and to the taxpayers had gone up $5.5 billion under the last two Democratic administrations.

The problem is precisely this: When you spend more than you take in—and we had about $60 billion of deficits in the last 8 years of the previous administrations—you inevitably add to the cost of interest rates to the Federal Government, because the national debt is greater.

The issue tomorrow or the next day, whenever the veto votes come, will be whether or not we are going to add $1 billion in expenditures over and above what the President recommended for these two appropriation bills. I do not think that the Congress ought to add $1 billion in extra spending, and add $1 billion to the cost of carrying the Federal Government debt for the next 12 months.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Oklahoma.

Mr. ALBERT. The gentleman has talked about what happened in 1961. Of course, President Kennedy inherited the last recession we had until the Nixon recession.

The gentleman has spoken about the continuing rise in the interest rates. Of course, they have risen. Interest costs are going up because interest rates have been going up under the policies of the present administration.

Mr. GERALD R. FORD. My friend from Oklahoma talks about economic conditions. I presume he is referring to the fact that now we have a 5-percent nationwide unemployment.

I did a little researching the other day and I found that President Johnson opened his January 1965, Economic Report to the Congress with these words. This is President Johnson in January 1965:

> I am pleased to report that the state of our economy is excellent.

At that time, the unemployment rate was 5 percent. I guess nationwide unemployment at 5 percent under the Democratic administration indicates a healthy economic situation, but 5 percent unemployment under Republicans, for purely political reasons, is a bad situation.

Mr. ALBERT. The latest edition of the latest paper printed in Washington today indicates that income is off 13 percent. This is the third month in a row in which it has been off. If I were the gentleman I would be a little bit careful about defending the fiscal and economic policies of the Nixon administration.

While the gentleman is talking about things that are phony, there is nothing phony about the fact that there is $105 million extra for veterans in the independent office bill, or about the Federal building, might be built in Grand Rapids, Mich. It is in the bill, and I think we ought to keep it in there.

Mr. GERALD R. FORD. Mr. Chairman, I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, I believe we have had equal time here. I personally will object to anyone else speaking out of order. I think we have spoken equally out of order, and I think we ought to proceed with our business.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. PICKLE: On page 1, line 5, strike out "except that" and all that follows on such page and insert in lieu thereof the following: "except that the foregoing requirement shall not be construed to require a licensee to afford equal opportunities in the use of such broadcasting station to any legally qualified candidate for the office of President or Vice President in a general election unless such candidate

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has been qualified by applicable State law to appear on the ballots of at least two-thirds of the several States. For purposes of the preceding sentence, the District of Columbia shall be considered a State."

Mr. PICKLE. Mr. Chairman, I think this amendment comes at an apropos time, because it pertains to the repeal of the equal time provision, and we have just been engaged in some rather heated debate here pertaining to equal time. I am tempted to ask for equal time, equal to those who have preceded me, but in the interest of time, let me address myself to my amendment.

Mr. Chairman, I called this amendment to the attention of the committee when we were considering it about an hour ago. It says a broadcast station would not be required to carry a broadcast unless a candidate was qualified in two-thirds of the States.

The bill that came out of the committee and which is before us now simply repeals the equal time provisions for President and Vice President in the general election. The repeal, therefore, leaves to the individual station in full discretion whether it wants to carry a particular broadcast or not. It might take the broadcast, or it might not. That decision would be subject to the fairness doctrine, whatever that doctrine is or however it might be interpreted at the time, and everyone of us who runs for office knows that subject is open to a considerable interpretation.

This amendment I have offered says that a station would not be required or it would not be construed to require a licensee to afford equal time opportunities in the use of a broadcasting station to any legally qualified candidate unless he had been qualified under the State laws applicable to two-thirds of the various States.

I believe this clarifies the amendment. At least, so far as I am concerned, it says that the intent is that if they do extend this equal time it would have to go to all candidates who had been qualified in two-thirds of the States.

The question at that point gets a little bit tricky. One has to follow it pretty closely. I have engaged in a discussion with the staff and with other Members in the past hour, so I know this is not a simple matter.

The gentleman from Illinois asked me if this means one could not give any time to the Socialist Party or to the furniture party or to the welfare party or the liberty party. My answer was that if a candidate had been qualified under two-thirds of the States then that time would have to be given to all such candidates.

Then a question resolves: Suppose that a local broadcast station wanted to give time to a minor party or a candidate representing a minor party. I believe that the amendment would lend itself to the interpretation that it would permit such a broadcast. For instance, a local station here, WTOP, could give 10 minutes of time to the liberty party or to the welfare party, but if they gave 10 minutes of time to the welfare party then they would have to give an equal time or opportunity for equal time to those candidates qualified under two-thirds of the States. It would not open the door wide and require them to give time to 10 other minority parties.

If that is a correct interpretation of it, then it seems to me that the amendment is a good one, because it defines major candidates; namely, that they are qualified under two-thirds of the various States. It leaves to the broadcaster the discretion he needs, and it gives him the format necessary to allow the broadcast.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

At the outset, I understand that the gentleman from Texas raises this question in all good faith. It was raised, with perhaps a change or two in the language, before the full committee. The intent was the same before the committee.

As I recall, it was defeated not by a recorded vote, but if my memory serves me correctly—and I believe it does—there was only one vote for it, and that was the vote of the author of the amendment. That is not by itself fatal, but I believe it indicates that many of the members of the committee remember quite well how the same committee—with not necessarily the same membership as now constituted—wrestled with this problem back in the Lar Daly days. We gave up in desperation and frustration when nobody could really decide how one would define a legally qualified candidate.

Second, while it sounds impressive to get a listing of two-thirds of the States, I believe the Members here from Maryland know very well that all one has to do to become a legally qualified candidate for President in Maryland is to put up $250.

Third, the problem of defining "legally qualified candidates" came up in testimony when the witnesses from the three networks appeared. They were specifically asked questions—and I, among others, made the inquiries—about whether the Congress would be delegating its authority to the networks to indicate who was a bona fide candidate.

Specifically the question concerning Governor Wallace came up. They indicated obviously and clearly that in such a case, obviously in the public interest he would be considered a major candidate and would be given equal opportunity.

Therefore, Mr. Chairman, I urge the committee to reject the amendment.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman.

Mr. PICKLE. I would like to correct the gentleman's memory, because there were three or four Members who had voted in favor of my amendment, and some of them may speak here later on in the debate.

Mr. MACDONALD of Massachusetts. I would like to point out that a vast majority did so. Perhaps I overstated the case by stating only one Member did so, but a vast majority of the people who heard all of the testimony voted against it.

Mr. PICKLE. And the amendment that was before you then was not the amendment before you today, because I went to the staff in order to get help so as to draw up an amendment that covered the intent of what we are trying to get at. So it was not the same amendment that was offered 2 years ago. At that time we talked in terms of equivalent appearances or which would incorporate in the same program opportunities for equivalent appearances. So this is not the same amendment.

Mr. MACDONALD of Massachusetts. I never said it was. If the gentleman will permit me to say so, what we rejected was the debate form of the amendment, and this is nowhere seen in your amendment. I quite agree with you, but I do say it is a problem that has been mulled over and discussed at length and this particular approach was rejected by the committee.

Therefore, Mr. Chairman, I urge its rejection here.

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the full meaning of this amendment is unclear to me. I do not know whether I fully understand the full intent of this amendment, because it is not clear to me what the full force and effect of this amendment would be.

The committee bill provides for a straight out repeal of the equal opportunities part of section 315 as it applies to presidential candidates. We have already discussed here in general debate why this is in the public interest. The repeal that we have written in here in the committee bill would make it easy and would facilitate the presentation of significant and major candidates on the broadcast media. This could be done with or without providing time for the minor or splinter candidates. One interpretation of the amendment offered by the gentleman from Texas would mean that for certain candidates, those candidates that are on the ballots in two-thirds of the States, their equal time provisions would still apply. If that is the case, you will still have this locked-in situation you have today where the broadcasters or the licensees would be unwilling to devote any time to any of the candidates. That is the situation we have today.

As I pointed out a few moments ago in general debate, in the 1960 experiment, the broadcasters devoted 86 or more hours of programing to the presidential campaign whereas in the last presidential election only 26 hours of programing was provided for the coverage of the presidential campaign, and most of that, it is my understanding, was on bona fide newscasts and not on special programs.

So section 315 as it is presently written prevents the public from seeing the presidential and vice-presidential candidates on the airwaves. It prevents them from hearing the issues as they see the candidates.

Mr. Chairman, I am very afraid that if this amendment were adopted, we would have the very same situation we have today.

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So for these reasons, Mr. Chairman, I urge the defeat of the amendment offered by the gentleman from Texas (Mr. PICKLE).

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Texas.

Mr. Chairman, I have no desire to cut off debate on the amendment offered by the gentleman from Texas, but if there is to be no further discussion I would suggest a vote on the amendment.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. Mr. Chairman, I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I would ask the gentleman would it not be possible under the bill before us now for a broadcasting station to carry the broadcast of a particular candidate or party and not to carry one of another?

Mr. SPRINGER. That would be possible, the gentleman states it correctly and fairly that this would now be put at the discretion of the network as to who they would broadcast. But I believe we have to take our experience in the 1960 election where there was agreement between the two candidates as to the format and as to how it was done. But even though the networks were not required to give time to minority parties it is my understanding they did give some time to every single one of the minority parties, even though they were on the ballot in only one State. So I think it is a question of judgment.

Mr. Chairman, may I say that the distinguished gentleman from Texas has made important contributions to this bill in the committee, and I do not want to minimize that in any way, but I do want to say that I have some very definite reservations about the way the amendment is drawn. I have read it and reread it and I am not sure that the amendment carries out exactly what the gentleman has said it would, and I do not take anything away in good faith from the gentleman, but it just seems it is such a complicated amendment that I am not sure it does mean what the gentleman from Texas says it does. That is the reason I am against the amendment myself.

Mr. PICKLE. Mr. Chairman, if the gentleman will yield further, I appreciate the gentleman's comments. Now I think we are going to see a great deal of confusion all over the country by the broadcasters when they do not know whether to carry a particular broadcast or not. I think they would prefer, those with whom I have talked, to have specific guidelines, to have specific limitations and my amendment does limit the time available, saying that if a man is qualified in two-thirds of the several States then they would be required to do so, that this provision would apply. It does not prevent a local station from giving time to another party, but if it did, they would have to give it to the candidates qualified in two-thirds of the State. Indeed the local station could give 10 minutes time devoted to the Democratic Party or to the Republican Party, and if you gave 10 minutes time the local station under the amendment would have to give of course 10 minutes time to all other parties or candidates qualified under two-thirds of the States but he would not have to go into all the other minor candidates. That is the reason why it seems to me it does give us protection, and it would strengthen the bill.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from California.

Mr. MOSS. Mr. Chairman, I want to join with the gentleman from Illinois (Mr. SPRINGER) in opposing this amendment knowing, as the gentleman does, the many hours we spent as far back as 1958 and 1959 and 1960 and on to 1968 in the committee in trying to define legally qualified candidates. It is a very difficult thing to do in a great many of the States to define what constitutes legal qualification. Mere declaration publicly, not before any official, in some instances qualifies. I think if we want to put mischievous language in this legislation and give the broadcasting industry a headache it does not seek, then all we have to do is to adopt the amendment offered by the gentleman from Texas (Mr. PICKLE), and we will achieve that objective.

Mr. Chairman, I thank the gentleman for yielding.

Mr. PICKLE. Mr. Chairman, would the gentleman yield further?

Mr. SPRINGER. If I have any additional time I will gladly yield to the gentleman.

Mr. PICKLE. Mr. Chairman, may I point out this additional fact, that the committee did accept an amendment 2 years ago, which related to debate. I would want to make that plain; and did pass the committee, but it did have a proviso that they would have to be qualified under two-thirds of the States. So this is not anything new, and it should not be anything startling, and should not be opposed, because we have already voted for it previously and are familiar with it.

Mr. SPRINGER. Mr. Chairman, I would ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER of New York. On page 2 strike out subsection (b), lines 3 to 7, and insert:

"The Commission by regulation shall require broadcast stations to provide legally qualified candidates for any major elective office adequate prime time to present their records and stands on campaign issues free of any charge. The Commission shall establish criteria for eligibility of legally qualified candidates for any major elective office for such free broadcast time, so as to eliminate insubstantial candidacies asserted to obtain free broadcast time."

On line 16, page 2, strike "(A)".

On line 17, page 2, strike "other than" and insert, "including".

On line 18, page 2, after the word, "spend" insert "any money nor shall any money be spent by any person on his behalf".

On line 19, page 2, place a period after the word, "election." Strike everything from after the word, "election" at line 19 on page 2 through line 5 on page 5.

On line 6, page 5, strike "(c)" and insert "(d)".

Mr. OTTINGER (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that the remainder of the amendment be considered as read.

Mr. TIERNAN. Mr. Chairman, I object.

The Clerk concluded the reading of the amendment.

The CHAIRMAN. The gentleman from New York (Mr. OTTINGER) is recognized for 5 minutes in support of his amendment.

Mr. OTTINGER. Mr. Chairman, this is the amendment to which I referred in general debate which would allow the commission by regulation to provide free time to all legally qualified candidates for major elective offices and then would prohibit any money from being spent by candidates for major elective office for broadcast time.

I think the legislation that the committee adopted is, as I said, an important step in the right direction. It does pose or leave some problems, however. In a large State, candidates would still have to raise very major sums just for media time—in New York State, somewhere in the neighborhood of $420,000 for media time alone. This means the bill really does not accomplish the full objectives of permitting candidates without access to funds to be able to run. Nor, in fact, does it free from financial pressure candidates for office.

I think the direction in which we should pursue, and which I would very much favor and have advocated for some time, would be to provide free time to all candidates so that everybody would have free access to the media without having to raise large sums of money.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to my friend and colleague.

Mr. ECKHARDT. Mr. Chairman, would you give by this amendment to an administrative commission authority to determine who is an insubstantial candidate without placing any standards on this determination?

Mr. OTTINGER. The question is so very complicated, as the gentleman knows, and we have coped with that question ourselves for a great deal of time in the committee without ever having achieving any great success. It seems to me, the only proper way to handle it is to have the commission establish regulations in that respect.

Mr. ECKHARDT. I understand that the committee in coping with it has always said that there shall be full discretion with the network or broadcaster. You have not delegated the authority to determine who is an insubstantial candidate to a governmental agency which is not elected, have you?

Mr. OTTINGER. What we have done here is to give the commission the ability to establish the criteria for eligibility for free time. It seems to me, that is ap-

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propriate authority to give to the commission. It is restricted, only to be exercised to eliminate insubstantial candidacies which are asserted to obtain free broadcast time. I think that is an adequate standard to guide the commission's determination.

Mr. ECKHARDT. I would not feel comfortable with that standard if the commission were in the hands of another political group.

Mr. OTTINGER. I yield back the balance of my time.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I move to strike out the requisite number of words, and rise in opposition to the amendment. The amendment, of course, is a good one in many respects. It is a Utopia to which we all aspire. But in all practicality, I do not think it is going to happen. There are certain technical defects as well. As the gentleman knows, on his behalf I offered the amendment in the committee and we were not successful. I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER: On page 2, line 17, strike out "other than" and insert, "including."

On page 3, line 10, strike section "(3)", lines 10–16, and renumber the other sections accordingly.

The CHAIRMAN. The gentleman from New York is recognized in support of his amendment.

Mr. OTTINGER. Mr. Chairman, this amendment endeavors to strike out a provision of the bill that I think operates particularly inequitably. I think it is probably an oversight on behalf of the committee. It is section (3) which would limit the expenditure on primaries to half of that which is allowed in general elections.

I congratulate the committee for including primary elections in this bill. My objection is to the restriction on primary elections.

The fact of the matter is that when you are in a primary election campaign you do not get a special rate because the only people you have to reach are the Democrats or the Republicans. You still have to reach the same audience that you have to reach in the general election. The cost is the same.

The effect of the bill permitting only half the media exposure in primaries as in general elections is very severely to restrict primary campaigns. It might well be labeled the "Incumbent's Protection Provision." In New York what it would mean is that you could spend a total of about $200,000 on media time in a primary election. This does not affect my situation at all. My primary is already over. But it would have the effect of entrenching political machines, making it very difficult to challenge them in primaries. It would have the effect of keeping in office incumbents, since incumbents generally get re-nominated by the political parties in their district.

For many Members here, the only election they have to enter at all is a primary election. Therefore, with respect to what they can spend to defend their records in the primary, they will be inequitably limited in the provisions with respect to primaries. They will have to reach the same audience as in general elections. In these districts the operation of this legislation is twice as restrictive as in districts where the principal challenge is in the general election. I urge adoption of my amendment.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I would point out to the gentleman, which I know he already knows without my pointing it out to him, this bill is a bill for all 50 States. The State of New York is perhaps a unique State. I know it claims to be. However, this is a bill for all States. We tried out many formulas, and we came up with a formula that one-half of the general election expense was an equitable figure for a primary.

I would point out to the gentleman that under the Senate bill the primary was not even considered.

We could talk from now on for many hours about what an equitable solution is for our own particular district or our own particular State. I sympathize with the gentleman. I understand that $200,000 for a statewide campaign on radio and television probably is not very much. But I am a country boy, sort of, and it seems a great deal to me.

In any event, I reiterate we cannot tailor a bill for any given State. I urge the defeat of the amendment.

Mr. BROTZMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we gave very careful consideration in the subcommittee to this, as stated by the gentleman from Massachusetts (Mr. MACDONALD). We determined that if the bill was going to work properly, we had to apply the limitation on the primary as well as on the general election. If we granted a full amount of expenditure, the same for the primary as for the general, it would have defeated the very purpose of this particular bill, which is to give everyone an opportunity to run for high political office. So I would certainly agree with the comments previously made, that we should vote down this amendment.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment.

Mr. Chairman, it is very difficult for me to understand the argument made against this amendment to the effect that it would defeat the bill to pass the amendment, or that it would seriously affect the bill, or that somehow it is not written for the whole country.

A bill which is written for the whole country should recognize those areas in which the primary is in effect the election, as well as recognize those portions of the country in which the general election is in effect the election. I recognize that in speaking in favor of this amendment, I am to some extent speaking against my own interests. I come from an area where the primary makes the effective determination, but I simply do not believe it to be fair to isolate me against opposition by cutting down expenditures to half of that which could be expended against a person in a general election in this bill. It seems to me the figure should be the same, because a man who is principally jeopardized in his primary should be up against exactly the same danger of being overthrown by an attack as a candidate whose main race is in the general election.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I am sure the gentleman does not want us to try to write here on the floor what is safe for his district, where the primary is the election. It is just politically impossible. We do not have a personal role. We had to come up with a figure. I sympathize with the gentleman. I agree with the gentleman that in some areas the primary is tantamount to the election. It should not be that a primary or any election could be bought. That should be stopped. We cannot write a bill which gives separate figures for each of the States or districts throughout the 50 States, broken down into districts, saying this one could spend this much, or this one could spend that much in the general election. It is physically impossible to do.

Mr. ECKHARDT. I very much respect the gentleman's opinion, but it seems to me if we cannot distinguish between the two, we should make the rule precisely the same for both.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 2, line 24 following the period, add "Nor may any legally qualified candidate in an election (other than a primary election) for a major elective office spend for the use of broadcasting stations on behalf of his candidacy in such elections any amount of money unless he has first certified to the broadcast licensee from whom he proposes to make the purchase of time that his total expenditures for newspaper or periodical advertisements on behalf of his candidacy in such an election will not exceed—

"(i) 14 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceeding general election for such office; or

"(ii) $40,000, if greater than the amount determined under clause (i) (or if clause (i) is inapplicable)."

POINT OF ORDER

Mr. MACDONALD of Massachusetts. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from

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Massachusetts will state the point of order.

Mr. MACDONALD of Massachusetts. Mr. Chairman, while I understand the reasons behind the amendment and sympathize with the gentleman, since I have found myself in similar circumstances, I make the point of order that the amendment, unfortunately, is not germane to this bill. We have no jurisdiction over the subject matter of the amendment.

The **CHAIRMAN.** Does the gentleman from Indiana desire to be heard on the point of order?

Mr. JACOBS. Yes, Mr. Chairman.

The amendment proffered does not directly regulate the use of other advertising media. It simply places a qualification on the use of the facilities over which this committee and this bill does have jurisdiction.

One of the qualifications of the bill, in order to use the facilities of a licensee, is that the candidate certify that he has not done a certain thing other than the instant transaction that he seeks to bring about. This is in the same general nature, in that he certifies he has not carried forth a certain activity with respect to his campaign other than the instant transaction which he seeks to bring about.

The **CHAIRMAN** (Mr. STRATTON). The Chair is ready to rule.

The gentleman from Massachusetts has made a point of order against the amendment offered by the gentleman from Indiana on the grounds that it is not germane. The gentleman from Indiana has shown the Chair the amendment, and the Chair has had an opportunity to study it.

The bill before the Committee of the Whole has four purposes:

First. To repeal the equal opportunities provisions of the Communications Act of 1934 with respect to candidates for the office of President and Vice President;

Second. To reduce the rate which broadcast stations may charge candidates for the use of broadcast time;

Third. To set reasonable limits on the amounts which may be spent for broadcast time by candidates for President and Vice President and by other candidates for Senator, Representative, Governor, and Lieutenant Governor.

Fourth. To permit the States, by law, to place candidates for State and local offices under the provisions of the legislation.

The amendment offered by the gentleman from Indiana is drafted as an amendment to that part of the bill, section 2, on page 2, which seeks to impose limits on the amounts which may be spent by candidates for major elective offices for the use of broadcasting stations.

The bill pertains solely to radio and television.

The amendment offered by the gentleman from Indiana, however, introduces another subject: Expenditures for newspaper and periodical advertising.

The effect of the amendment is to significantly broaden the scope of the bill. While both the bill, in part, and the amendment have a common purpose—limiting campaign expenditures—this fact alone does not insure the germaneness of the amendment. The Chair has examined a ruling made by Chairman Cannon, of Missouri, in the 77th Congress which stands for the following proposition:

> The fact that an amendment and the provision in the bill to which the amendment is offered have a common purpose and are directed toward the same objective is not conclusive, and an amendment dealing with a subject to which there is no reference in the text to which offered is not germane to the bill [Rec. p. 875–878, Feb. 10, 1941].

Since there is no mention in the pending bill of an expenditure control on any campaign costs except radio and television, the Chair finds that the amendment is not germane and sustains the point of order.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

The **CHAIRMAN.** The gentleman from Indiana is recognized for 5 minutes.

Mr. JACOBS. Mr. Chairman, I believe that the general purpose of the legislation before us is commendable, and I do commend the gentleman from Massachusetts and the gentleman from Illinois for the excellent job that they have done.

I suggest to the Committee that within their jurisdiction they have been incapable of creating much more than what I would have to call a somewhat leaky bucket.

PARLIAMENTARY INQUIRY

Mr. MACDONALD of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The **CHAIRMAN.** The gentleman will state it.

Mr. MACDONALD of Massachusetts. My inquiry is, after an amendment has been ruled nongermane, can the author, no matter how sympathetic all of us are with him, then continue to explain an amendment that has been ruled nongermane?

The **CHAIRMAN.** The gentleman's amendment was ruled out of order, but then the gentleman was recognized by the Chair in support of his pro forma amendment, when he moved to strike the requisite number of words.

Mr. JACOBS. Mr. Chairman, I might say that I am just discussing what I think the shortcomings of this bill happen to be and apparently, according to the precedents, what they must be.

Nonetheless it represents a goose-and-gander situation. The law does not even take a gander at newspaper advertising. It would be as though you offered a bill to create a law to set the speed limit at 30 miles an hour for two-door sedans and then forgot about four-door sedans and let them drive as fast as they could be driven. Or, putting it another way, a person can spend up to $20,000 on the electronic media and up to $1 million, $2 million, or $5 million or however much he can get ahold of on the other media.

The gentlewoman from Hawaii (Mrs. MINK) in the last and most recent election, in 1968, was confronted with a campaign against her where they did not use full-page ads but used double full-page ads consistently day in and day out. She did not have the resources to compete with that kind of advertising in that media.

I ask the question of this committee, what happens when the only newspaper in town willingly enlists itself in your opponent's campaign and becomes in effect the campaign brochure of your opponent. What kind of protection is there in a situation like that?

Mr. MACDONALD of Massachusetts. Will the gentleman yield?

Mr. JACOBS. In just one moment.

The problem that the committee faces is the same problem the fellow had trying to get from the Virginia side over to the District side last night. He asked somebody along the way this question: "If I go down this road, can I get over to the District side?" The bystander said, "No. You go down here two or three blocks and then you turn left. No. You do not turn left here. You turn left there. No. You don't do that, either." After he thought about it for a minute he said, "You just cannot get there from here."

Well, there is a very important problem with which the country and the Congress is faced. It is perhaps the Corrupt Practices Act, where this amendment should be offered, but can we get there from here? That is the question. I would like to know if there is any member of this committee who does not see the kind of inequity that I am talking about and would not favor this bill's restriction being applied to other media.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. SPRINGER. May I say that this was discussed in the committee, but we are bound by just the jurisdiction of our committee. We came conclusively and unanimously to the opinion that we could not go beyond exactly what we have done here in this bill.

May I say what the gentleman has said is essentially true. I am talking about what ought to be done with reference to the Corrupt Practices Act. I admire him for his stand and think it is right and just, but this committee cannot do any more on this. What we have been trying to do is sort of blaze a trail for doing something as far as we can on this. We have gone just about as far as we reasonably could. I cannot help what is not done in the other committees, and I am not going to recount the committees that are involved, but there are principally two in my opinion before which you would have to have legislation to correct the matters that the gentleman has mentioned. I hope he will pursue them, but I want him to understand that the committee has been cognizant of these and other loopholes.

Mr. JACOBS. I understand perfectly and also understand the limitation of jurisdiction of the gentleman's committee. I renew my commendation of the gentleman from Illinois and the gentleman from Massachusetts for the work that they have done. I merely take this time to bring to the attention of the committee and I would like the record to show, when I asked if anybody saw a reason why the Corrupt Practices Act should not be amended to accomplish

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the purpose I have stated, no one, as far as I know, suggested that it should not be. If that is the will of this committee, it seems to me that these other committees should act with dispatch and try to bring about equity.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: Subparagraph (5) on page 4 is amended to read as follows: "(5) The Commission shall compile and maintain records on a continuing and current basis of all charges for the use of stations by or on behalf of each candidate for major elective office (or for nomination to such office), and no station licensee may make any charge for the use of such station by or on behalf of any such candidate unless—

"(A) such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2) or (3), whichever is applicable, and

"(B) such licensee notifies the Commission and the Commission affirms that the payment of such charge will not violate paragraph (2) or (3), whichever is applicable."

Mr. BINGHAM. Mr. Chairman, as I said during general debate, I do commend the committee for its work. I think this is an excellent bill and this amendment is simply intended to carry a step further what the committee's approach suggests.

What this amendment does is two things. It requires the Federal Communications Commission to keep a current record on TV and radio expenditures for all major candidates, that is the candidates that are referred to in the bill under section C, the President of the United States, Senators, Representatives, Governors, and Lieutenant Governors. It does not apply to the State representatives covered in the latter part of the bill so it is a manageable number of candidates.

The second thing the amendment does is to require the stations to check with the Federal Communications Commission as to whether the amount a candidate has spent has been exceeded.

Now there are two reasons for this. First of all there is under the present bill no central record of the amount of expenditures for any candidate and I think particularly in the large States and particularly in Presidential elections some such central record keeping is absolutely necessary. There well could be many committees making expenditures in different parts of the country or in different parts of large States, and there will be great difficulty in keeping track of what is going on unless the Commission itself has this knowledge. And secondly I think the enforcement provided for in the present bill is weak enforcement. It requires simply that the candidate or his representative file a certificate with the station that the amount has not been exceeded. The station can accept that. The bill does not even say that the station have no knowledge that the certificate is fraudulent or false. It simply provides that the station can accept the certificate if the certificate is filed and that is the end of the matter. I think the station should also be required to check out with the central source whether the amount has been exceeded.

This is a practical thing. It can be done with a very simple set of accounts. It would not amount to the maintenance of more than 1,500 or 2,000 accounts. Besides a phone check could be made in much the same way that credit card companies permit the checking out of a customer's balance by telephone. I think it is practical. I think it should be done.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. HARVEY. Mr. Chairman, I want to congratulate the gentleman for his amendment.

As one who served on the subcommittee in helping in the drafting of this particular legislation. I will say I think this is one of the loopholes that we missed in the drafting of this bill. I think the gentleman's amendment would plug that loophole very well. I refer specifically to the requirement that the candidate or a person authorized by him must certify that the amount he is spending will not exceed the amount.

I do not think the burden that is imposed on the FCC is an insurmountable burden. I think it is a workable one. I think by and large the enforcement with this amendment would provide for the act would be very, very helpful. I want the gentleman to know I wholeheartedly support his amendment.

Mr. BINGHAM. I thank the gentleman.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to point out that the gentleman and I have discussed this amendment. I frankly say that the amendment is not without merit. It has some merit and it should not just be dismissed with a wave of the hand. But I think it is a little premature.

In the first place, I think it will burden this bill, which is complicated enough, as it now stands and which will go to a rather rough conference.

Second, as the gentleman himself stated, we have a bill here that will work, in the words of the gentleman himself. But it would put an added burden on the FCC and the FCC often is a whipping boy here in the Congress; we blame them for any number of things, but then come budget time we do not give them very much money. In my opinion, we do not give them enough money. They barely have staff enough to cope with what they are doing now. But, as I understand it, and I am no expert in the appropriations field, I think their projected budget for next year is only about $25 million. They have all kinds of licenses to process and violations that come into them by way of complaint and from us here in the Congress.

I think we have built into this bill already a very good enforcement section. It is obvious and required under present FCC regulations that each station has to keep a public file and record. By public, obviously, that means the file will be open to anybody's opponent and, of course, the opponent will be more sensitive than anybody else, and second perhaps, only to the newspapers who will be looking for a chance to expose somebody who does not live up to this act, if indeed it becomes an act.

I would say, and I would repeat—I appreciate the gentleman's well thought-out amendment, but I reluctantly oppose it and urge the committee to oppose it.

Mr. SPRINGER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, at my first glance at this amendment, I thought it was all right. But this is absolutely impossible of enforcement.

Suppose you have Thursday, Friday, or Saturday when something comes up and you want to take some TV time. You go down to the station and ask for time. He cannot do anything unless this comes back to the Commission and the Commission affirm—affirm that the payment of such charge will not violate paragraph 2 or 3, whichever is applicable.

It is an impossibility for the Commission to be able to act within that length of time.

This Commission part—if you change the portion of (b) which made the Commission affirm back to the station that there has been no violation before the licensee can give this man any time on the air—this in my opinion is absolutely unenforceable and, in effect, would take away the responsibility of the licensee immediately to get that certificate from the candidate.

If he wanted to have the record made that such a person could be prosecuted for, we will say, falsely making his affidavit or his certificate or whatever it was—that would be different.

But I do not think, the way the FCC is set up—and you have 450 TV stations in this country, all of which would have to certify back that each one or all of those who are running for Senator, Representative, or Governor under our bill, before this would become legal.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding. As I said previously, it was my intent that this would be or could be an instantaneous check by telephone. That is not difficult. It is done constantly by the credit card companies in checking out an account where a customer has a purchase to make over a certain amount. There is a recognized procedure for the seller to be able to check in with the credit card company, involving many more people than would be involved here. The problem of keeping the accounts up to date would be no problem at all with electronic equipment, and it would not be or would not have to be a complicated type of equipment to keep some 1,500 to 2,000 accounts up to date.

I have not suggested that the affirmation by the Commission be in writing, recognizing the problem the gentleman raises; only that a telephonic check would be made, and since the accounts

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would be kept up to date, a telephonic answer could be obtained.

I also point out to the gentleman that I was not proposing to change the committee's method of enforcement, which had to do with the filing of a certificate. This would be in addition to that.

Mr. SPRINGER. May I say in response to the gentleman that in paragraph (A) of the gentleman's amendment he states:

> Such candidate, or a person specifically authorized specify such candidate in writing to do so, certifies to such licensee in writing.

That has to go down to the Commission, and the Commission then has to affirm that this payment will not exceed the limit.

Mr. BINGHAM. If the gentleman will yield further, paragraph (A) of my amendment does not change the language of the present bill. That is taken precisely from the existing paragraph (5).

Mr. SPRINGER. That is correct. But (B) would change it. The Commission would affirm back that what has been done would not exceed the limit. Within the last week we discovered this would be an impossibility of enforcement. If the gentleman had wanted to do this, I think the Commission could possibly handle it, but I can see that it would cause turmoil down in the Commission if we would attempt to put (B) in effect.

If the gentleman had something about prosecuting a person who would exceed the amount, that would be a different thing. But to say the Commission will have to affirm that back to the licensee would create an impossibility.

Mr. TIERNAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Rhode Island is recognized.

Mr. TIERNAN. The whole intent of the bill places on the candidate for office the burden of not exceeding the amount set forth in the act. By this amendment we would change and shift the burden from the individual candidate to the office, to the licensee, or to the FCC, and I think it would be an unreasonable burden to place upon the FCC and also the license holders of radio and TV stations, as the gentleman from Illinois has indicated.

I think the subcommittee and the full committee worked very hard on this particular provision. We also went further than what was originally suggested, in that not only funds spent by the candidate or his campaign manager but also those funds that would be spent by any other organization on his behalf would have to be included under that limitation.

So I suggest very strongly to the Members of the House that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. TAFT. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. TAFT. Mr. Chairman, I shall not take the 5 minutes, but I do want to mention to the committee that last week, viewing the Senate legislation that has already been acted on and the legislation pending here, I challenged my opponent in the senatorial race in Ohio to agree voluntarily to the limit of 7 cents per vote, as included in this bill and in the Senate bill. He has agreed to the point at which we are setting up auditing procedures. The response to the proposal from the President and the public has been extremely favorable, and I believe that this measure should receive a similar reaction.

In the past, Mr. Chairman, to avoid possible conflict of interest because of individual and family interests and past connection with broadcasting, I have made it a practice not to vote, or to vote "present," on legislation dealing with the subject of broadcasting.

However, I have determined that the issues presented by a vote favoring final passage of this measure do not present any conflict, in my opinion, and for that reason I am varying from my usual practice and expect to vote in favor of this bill.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GONZALEZ: On page 2, strike lines 1 through 7.

Mr. GONZALEZ. Mr. Chairman, I am sure I will not take the full 5 minutes I am entitled to on this amendment. This is a very simple amendment. It strikes out section (b) on page 2. I believe that without this paragraph this is good legislation, and it is a good bill. I believe that with this portion in the bill, it will perpetrate an injustice. It will actually carry out a practice that in theory from the lawmakers' standpoint here, discussing it in chambers and in committee, may sound good, but in practice will really work an injustice on the small individual broadcasting stations. I believe this paragraph is unnecessary to carry out the main thrust of the desired effect of this legislation, which is to put a reasonable limitation on untrammeled expenses in the course of a political campaign by the use of broadcasting media.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, would the gentleman know of any reason why a candidate running for the U.S. Senate once every 6 years should get the same low rates that the corner drugstore and the corner grocery store who advertise day in and day out, year in and year out, and who keep that station on the air get? Does the gentleman know of any reason why the man who uses the air one time every 6 years should get that same low rate?

Mr. GONZALEZ. No, I do not. That is, in fact, the precise reason why I am offering this amendment. I think it is a manifest injustice to do this. I think we do have some radio stations in this country which are small and depend for their very existence on this perennial advertising of the corner drugstore and the corner grocery store and the bank, and so on. This paragraph makes them open and available to any qualified political candidate for any politically elected office.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, would the gentleman agree the main thrust of this bill is the overall limitation?

Mr. GONZALEZ. That is right.

Mr. KAZEN. And if this amendment were adopted, it would still put all candidates on an equal basis so long as we have the total expenditure limitation?

Mr. GONZALEZ. Yes.

Mr. KAZEN. Mr. Chairman, I commend the gentleman for offering this amendment. I wholeheartedly support it.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Pennsylvania.

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BARRETT. Mr. Chairman, I am shocked and outraged by the President's action in vetoing the vitally needed education appropriation bill and the extremely important appropriation bill containing funds for the Department of Housing and Urban Development.

These actions, if allowed to stand, will deal a devastating blow to the hopes, dreams, and aspirations of millions of Americans.

Millions of Americans who are in need of a decent, safe, and sanitary home. Funds to meet that need are contained in the HUD bill. Millions of our young people who are dependent on educational funds to assist in obtaining a better education—which means better jobs and being better prepared to be better American citizens.

I cannot recall any action by a President, in all my congressional career, to compare to this outrageous slap at the domestic needs of our country. The President has attempted to justify his actions on the basis that approval of these bills would lend to a budget deficit. Yet he has no hesitancy and no problem in approving hundreds of millions of dollars for the supersonic transport program, which is not only of questionable value but presents environmental problems. Nor does he have any problem approving billions of dollars for missile systems of questionable need and value.

The HUD appropriation bill that was vetoed, in my opinion, did not contain sufficient funds to meet the needs for decent housing for our citizens. Nor did it contain adequate funds to revitalize so many of our city areas. I believe that the appropriation bill for HUD needed a half billion dollars more than the bill vetoed by the President. The Congress only added $350 million to the amount requested by the President for urban renewal. The mayors of our cities, large and small, requested an additional $1.3 billion, which had been authorized.

I wonder if the President can justify to prospective American homeowners that they will be unable to obtain the assistance to purchase homes as provided by the Congress. The bill contained funds to reduce interest rates for home buyers; and funds to assist in providing proper housing for low-income families.

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In addition to our vital HUD programs, which the President wants to cut back, the bill contains an additional $90 million for better services in our Veterans' Administration hospitals. This has now been denied to our veterans. I wonder if the President can truly justify such action to the many American boys needing VA hospital care and treatment.

Our task is clear. We will shortly have an opportunity to express our concern for the needs of so many of our people. I urge my colleagues to vote to override these vetoes when called upon to do so.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Kansas.

Mr. MIZE. Mr. Chairman, I commend the gentleman. I think it is an excellent amendment. I believe it will allay the fears of a great many of us. It is an excellent amendment.

Mr. GONZALEZ. Mr. Chairman, I thank my distinguished colleague.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise in opposition to the amendment, for a very simple reason, that no matter whether the station is large or medium sized or small, and we all bleed for the small businessman, I know that all stations get their license for the same reason, and that is to serve the public interest in the community which they service.

I happen to feel that getting the people of the community to know and to understand the position of a person who they are going to elect to a very responsible office—perhaps to a Congress which determines whether we fight a war or which determines whether to raise taxes, or a Governor who runs their State, or a person in a smaller area—is very much in the public interest of the community. I think sometimes the broadcasters themselves overlook the fact that they get a license for one reason and one reason only, which is to serve the public interest.

I submit to the two gentlemen from Texas that the presentation of candidates is one of the best services they can perform. I would think that the corner drugstore is important to everybody and furniture is important to everybody, but also letting the people hear from the persons they are going to vote for to affect a certain part of their lives is very necessary.

I understand that the National Association of Broadcasters wants this section taken out, and I can understand why. They are in business. I believe they sometimes forget they are in the business of serving the public. I hope that we remind them of that by rejecting this amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Texas.

Mr. KAZEN. How would there be a diminished public service by the rates charged when the ultimate goal is the limitation of all expenditures?

Mr. MACDONALD of Massachusetts. The limitation of expenditures would result in a lesser amount of public exposure.

Mr. KAZEN. Before that station can give public service it has to be in operation. It is not fair for the people who keep it in operation to have to pay for it through 5 or 6 years, and then let one man come along and have the same rate they get.

Mr. MACDONALD of Massachusetts. We are not asking for any cut rates. The gentleman is talking about a bill that has been abandoned. We are not asking for cut rates.

What this bill does is to give, in the interest of public service, the people running for political office an opportunity to be heard. They are to be heard only at the same unit cost that is sold commercially.

Mr. KAZEN. At the lowest unit cost, and that only comes from the constant advertising.

Mr. ECKHARDT. Mr. Chairman, I rise to speak against the amendment.

It seems to me if we set a maximum amount that is to be spent on advertising it becomes absolutely necessary to have some standard of rate. If we do not have a standard of rate, and we may suppose the control of the advertising medium by the incumbent candidate, he can substantially reduce the amount of TV time available to all candidates.

I mean, suppose the rates are doubled. That would mean there would be only half as much time that would be available under the $20,000 or the $10,000 limitation. The two go together.

This clause must remain if we are to have an amount limitation; otherwise, the amount limitation may cut the time to half.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The amendment was rejected.

Mr. PEPPER. Mr. Chairman, I move to strike the last word.

I rise for the purpose of asking the able chairman to clarify the meaning, as intended by him and his able committee, of subparagraph 3 on page 3. That language reads as follows:

> No legally qualified candidate in a primary election for nomination to a major elective office, other than President, may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under paragraph (2) with respect to the general election for such office.

In my State, unless one gets a majority in the first primary there is a second primary for the two highest candidates to determine the winner. In my State also the legislature, in prescribing a limitation on expenditures for one running for the House of Representatives in the Congress, has fixed an overall amount for both primaries, not for each one.

Will the able gentleman explain what is the intention with respect to this language. Does that limit apply to each of two primaries, if one must have two, or it is an overall limitation?

Mr. MACDONALD of Massachusetts. In response to the able gentleman from Florida, I would point out that line 13 refers to the matter the gentleman has discussed and says "in such election a total amount." It is my opinion, and it was our intent, that inasmuch as the first primary is such an election, and the runoff is also a primary, that the primary limitation would apply to both.

Mr. PEPPER. To each?

Mr. MACDONALD of Massachusetts. Yes, to each. In other words, you would have 3½ cents for the first one and 3½ cents for the run-off for a total of $10,000 for the first and $10,000 for the runoff or a total of 7 cents and $20,000 total.

Mr. PEPPER. I thank the able gentleman.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. STRATTON), Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 18434) to revise the provisions of the Communications Act of 1934 which relate to political broadcasting, pursuant to House Resolution 1177, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MACDONALD of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 273, nays 98, answered "present" 2, not voting 56, as follows:

[Roll No. 271]

YEAS—273

Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Carey
Casey
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clawson, Del
Cleveland
Cohelan
Colmer
Conable
Conte
Conyers
Corbett
Coughlin
Cowger
Culver
Daniels, N.J.
Davis, Ga.
Davis, Wis.

de la Garza
Delaney
Dellenback
Dent
Dingell
Donohue
Downing
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Farbstein
Feighan
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Howard
Hungate
Hutchinson
Ichord

Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kee
Kleppe
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Long, Md.
Lowenstein
Lujan
McCloskey
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mann
Mathias
Matsunaga
Meeds
Michel
Mikva
Miller, Calif.
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nichols
Nix
Obey
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Philbin
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Purcell

Randall
Rees
Reid, Ill.
Reid, N.Y.
Riegle
Robison
Rodino
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Taft
Taylor
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watts
White
Whitehurst
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wydler
Wyman
Yates
Yatron
Zablocki

NAYS—98

Abernethy
Ashbrook
Blackburn
Buchanan
Burke, Fla.
Bush
Cabell
Camp
Carter
Chappell
Clausen, Don H.
Collier
Collins
Crane
Daniel, Va.
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Duncan
Edwards, Ala.
Fascell
Findley
Fisher
Fulton, Pa.
Fuqua
Goldwater
Gonzalez
Goodling
Gross

Gubser
Haley
Hall
Hammerschmidt
Harsha
Hosmer
Hunt
Jones, N.C.
Jones, Tenn.
Kazen
Kuykendall
Kyl
Landgrebe
Lennon
Lloyd
Lukens
McClory
McClure
McMillan
Mahon
Marsh
Martin
May
Mayne
Melcher
Miller, Ohio
Mills
Montgomery
Nelsen
Olsen
Pelly
Pettis
Pickle

Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Rhodes
Rivers
Roberts
Rousselot
Ruppe
Scherle
Schmitz
Sikes
Skubitz
Smith, Calif.
Steed
Steiger, Wis.
Talcott
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Waggonner
Watson
Whalen
Whalley
Wilson, Bob
Wold
Wyatt
Wylie
Young
Zion
Zwach

ANSWERED "PRESENT"—2

Fountain
O'Konski

NOT VOTING—56

Abbitt
Alexander
Arends
Baring
Berry
Bray
Brock
Burleson, Tex.
Caffery
Clay
Corman
Cramer
Cunningham
Daddario
Dawson
Diggs
Dwyer
Edwards, La.
Evins, Tenn.

Fallon
Flynt
Hagan
Hébert
Hull
Jonas
Keith
King
Langen
Long, La.
McCarthy
McCulloch
McKneally
Mailliard
Meskill
Moorhead
Nedzi
O'Hara
O'Neal, Ga.

Passman
Pollock
Powell
Rarick
Reifel
Reuss
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Ryan
Sullivan
Symington
Tunney
Weicker
Whitten
Wiggins
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Rooney of New York with Mrs. Dwyer.
Mr. Evins of Tennessee with Mr. Bray.
Mr. Burleson of Texas with Mr. King.
Mr. Long of Louisiana with Mr. Langen.
Mr. Caffery with Mr. McCulloch.
Mr. Passman with Mr. Pollock.
Mr. Rarick with Mr. Cramer.
Mr. Edwards of Louisiana with Mr. Reifel.
Mr. Daddario with Mr. Meskill.
Mr. Fallon with Mr. Jonas.
Mr. Tunney with Mr. Powell.
Mr. O'Neal of Georgia with Mr. Berry.
Mr. Alexander with Mr. Keith.
Mr. Ryan with Mr. Clay.
Mr. Wright with Mr. Cunningham.
Mr. Moorhead with Mr. Roudebush.
Mr. Rogers of Colorado with Mr. Wiggins.
Mrs. Sullivan with Mr. McKneally.
Mr. Rostenkowski with Mr. Mailliard.
Mr. Baring with Mr. Symington.
Mr. Hull with Mr. Flynt.
Mr. Reuss with Mr. Diggs.
Mr. O'Hara with Mr. Dawson.
Mr. Abbitt with Mr. Hagan.
Mr. Whitten with Mr. McCarthy.
Mr. Corman with Mr. Weicker.

Mr. O'KONSKI changed his vote from "yea" to "present."

Messrs. MAHON, WATSON, and McCLORY changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1177, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill (S. 3637) to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the Senate bill.

MOTION OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. MACDONALD of Massachusetts. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. MACDONALD of Massachusetts moves to strike out all after the enacting clause of S. 3637 and insert in lieu thereof the text of H.R. 18434 as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to revise the provisions of the Communications Act of 1934 which relate to political broadcasting."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 18434, was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3637

Mr. MACDONALD of Massachusetts. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the bill S. 3637 and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MACDONALD of Massachusetts, VAN DEERLIN, SPRINGER, and BROYHILL of North Carolina.

GENERAL LEAVE TO EXTEND

Mr. MACDONALD of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MAKING APPROPRIATIONS FOR THE OFFICE OF EDUCATION FOR FISCAL YEAR 1970—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-376)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H.R. 16916, an Act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

I am determined to hold the line against a dangerous budget deficit.

I am determined to hold the line against the kind of big spending that would drive up prices or demand higher taxes.

For that reason, I am today returning, without my approval, two bills the Congress has passed that would increase the Federal budget deficit by nearly one billion dollars.

1. *The Independent Offices Appropriations* bill, which includes funds for urban development, exceeds my budget request by $541 million. I am mindful of the urgent needs of our cities, which is why my original request for urban renewal, water and sewer grants and housing subsidies was *double* the outlays in the last fiscal year of the previous Administration.

I am vetoing this bill because it would help drive up the cost of living, harming the people it is most designed to help. This kind of excessive spending would also help cause the kind of huge deficits that drive up interest rates, which would make it impossible to speed the recovery of the housing industry.

2. *The appropriation for the Office of Education* is $453 million over my budget request.

My request would have produced 28% more spending than in the last fiscal year of the previous Administration.

My budget asked $3.97 billion for the educational purposes covered by this bill—an increase of $972 million in spending over fiscal 1969. In addition, I have committed myself to ask the Congress for an extra $350 million to fully fund the school desegregation program as soon as the Congress provides authorizing legislation.

This is only part of what the Federal government provides for education programs generally. *Total* spending on Federally supported education programs will reach nearly $12 billion in 1971, the highest figure in history and substantially more than was provided for 1969. Thus the question is not one of cutting the present level of school funds. It is not even one of whether to increase school funds. It simply is a question of how *much* they are to be increased—and for what purposes.

Last March I stressed the urgent need for wide-ranging reforms in Federal aid to education. This bill raises the spending on old approaches that experience has proved inadequate, rather than moving boldly on the new approaches that we need—and it cuts requested funds for such forward-looking programs as dropout prevention, educational opportunity grants and research.

My veto of both these bills is painful, but necessary to hold down the rising cost of living.

We cannot have something for nothing. When we spend more than our tax system can produce, the average American either has to pay for it in higher prices or in higher taxes.

At election time it is tempting for people in politics to say "yes" to every spending bill.

If I were to sign these bills that spend more than we can now afford, I would be saying yes to a higher cost of living, yes to higher interest rates, yes to higher taxes.

I flatly refuse to go along with the kind of big spending that is wrong for all the American people. That is why I must veto these bills which add an extra billion dollars of pressure on prices.

Taken individually, there is much that can be said in favor of every spending bill, including the ones I have vetoed.

But a President is not elected to see any one bill in isolation. He must see them as part of a whole, because his constituency is 200 million Americans.

Acting in the best interest of the nation as a whole, and concerned with the average family struggling to make their incomes meet rising prices, I have drawn the line against increased spending.

I urge the Congress to reconsider the spending course it has taken, and to place first priority on achieving our goal: a healthy economy, expanding through peacetime activities, with reasonable price stability.

RICHARD NIXON.

THE WHITE HOUSE, *August 11, 1970.*

The SPEAKER. The objections of the President will be spread at large upon the Journal and the message and bill will be printed as a House document.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I move that the further consideration of the veto message of the President on the bill, H.R. 16916, be postponed until Thursday, August 13, 1970.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. MAHON).

The motion was agreed to.

MAKING APPROPRIATIONS FOR SUNDRY INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-377)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H.R. 17548, an Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

I am determined to hold the line against a dangerous budget deficit.

I am determined to hold the line against the kind of big spending that would drive up prices or demand higher taxes.

For that reason, I am today returning, without my approval, two bills the Congress has passed that would increase the Federal budget deficit by nearly one billion dollars.

1. *The Independent Offices Appropriations bill,* which includes funds for urban development, exceeds my budget request by $541 million. I am mindful of the urgent needs of our cities, which is why my original request for urban renewal, water and sewer grants and housing subsidies was *double* the outlays in the last fiscal year of the previous Administration.

I am vetoing this bill because it would help drive up the cost of living, harming the people it is most designed to help. This kind of excessive spending would also help cause the kind of huge deficits that drive up interest rates, which would make it impossible to speed the recovery of the housing industry.

2. *The appropriation for the Office of Education* is $453 million over my budget request.

My request would have produced 28% more spending than in the last fiscal year of the previous Administration.

My budget asked $3.97 billion for the educational purposes covered by this bill—an increase of $972 million in spending over fiscal 1969. In addition, I have committed myself to ask the Congress for an extra $350 million to fully fund the school desegregation program as soon as the Congress provides authorizing legislation.

This is only part of what the Federal government provides for education programs generally. *Total* spending on Federally supported education programs will reach nearly $12 billion in 1971, the highest figure in history and substantially more than was provided for 1969. Thus the question is not one of cutting the present level of school funds. It is not even one of whether to increase school funds. It simply is a question of how *much* they are to be increased—and for what purposes.

Last March I stressed the urgent need for wide-ranging reforms in Federal aid to education. This bill raises the spending on old approaches that experience has proved inadequate, rather than moving boldly on the new approaches that we need—and it cuts requested funds for such forward-looking programs as dropout prevention, educational opportunity grants and research.

My veto of both these bills is painful, but necessary to hold down the rising cost of living.

We cannot have something for nothing. When we spend more than our tax system can produce, the average American either has to pay for it in higher prices or in higher taxes.

At election time it is tempting for people in politics to say "yes" to every spending bill.

If I were to sign these bills that spend more than we can now afford, I would be saying yes to a higher cost of living, yes to higher interest rates, yes to higher taxes.

I flatly refuse to go along with the kind of big spending that is wrong for all the American people. That is why I must veto these bills which add an extra billion dollars of pressure on prices.

Taken individually, there is much that can be said in favor of every spending bill, including the ones I have vetoed.

But a President is not elected to see any one bill in isolation. He must see them as part of a whole, because his constituency is 200 million Americans.

Acting in the best interest of the nation as a whole, and concerned with the average family struggling to make their incomes meet rising prices, I have drawn the line against increased spending.

I urge the Congress to reconsider the spending course it has taken, and to place first priority on achieving our goal: a healthy economy, expanding through peacetime activities, with reasonable price stability.

RICHARD NIXON.

THE WHITE HOUSE, *August 11, 1970.*

The SPEAKER. The objections of the President will be spread at large upon the Journal and the message and the bill will be printed as a House document.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I move that further consideration of the veto message of the President on the bill H.R. 17548 be postponed until Thursday, August 13, 1970. This would have the effect of both messages being considered on Thursday of this week, at which time, of course, a rollcall vote would be taken or further action would be taken.

Mr. Speaker, I move the previous question on my motion.

The previous question was ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

SST

(Mr. CLANCY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLANCY. Mr. Speaker, during debate over the Federal budget and national spending priorities in recent months, a wide range of statements have been made and opinions advanced in opposition to the SST. Most recently articles have appeared in newspapers concerning the findings and recommendations of the study of critical environmental problems—SCEP—sponsored by the Massachusetts Institute of Technology. Many people claim that all they know about the SST is what they read in the papers. These articles, therefore, are of great concern to me.

Although the MIT study represents an important step in the development of knowledge regarding the environmental problems associated with the activities of man, the study produced information that the scientists understand much about what might happen and very little about what actually will occur. One difficulty they encountered was lack of data; another was the great complexity of atmospheric processes which interact in various ways to adjust to changes or to new circumstances.

The study group expressed concern over the possibility of increased stratospheric cloudiness in the winter polar region due to moisture added by the SST. However, the SST Environmental Advisory Committee subsequently indicated that the probability and consequences of this effect were not large or serious. It is interesting to note that the entire contemplated SST fleet will put into the stratosphere in 1 day about the same amount of water vapor as one single thunderstorm. There are 3,000 to 6,000 thunderstorms active around the earth continuously.

In addition, two scientific groups, the National Research Council of the National Academy of Sciences, and the Office of Meteorology Research have studied the situation and report that there will be no appreciable disturbance of the earth's normal atmospheric balance even by an entire fleet of SST's making 1,600 flights per day.

The MIT group also estimated that the combustion products of the SST "are believed to form fine particles" and they compared these amounts of particles in the atmosphere with the volcano eruption of Mt. Agung in Bali in 1963. The group stated:

> It is claimed that the particle formation is very small at 65,000. Very, very little is known about reactions under such conditions. One guess is as good as another.

To me, this is not a definite statement. It is true that due to the sulphur content of fuels, hydrocarbons and soot, that a full fleet of 500 SST's could possibly produce a similar effect using existing fuel. Substantial reduction of sulphur content of all fuels is practical and techniques for reducing the formation of ammonium sulfate particles are being investigated. However, it is important to note that the entire air transport fleet—including future SST's—will emit less pollution per 1,000 seat-miles than any other present mode of transportation. While automobile engines convert from 30 percent to 50 percent of their fuel into air pollutants, aircraft turbine engines convert into pollutants less than 1 percent.

I was pleased to find that the study did conclude that the carbon dioxide produced by SST's would create no special environmental problem and that an effect on the world's climate was not even likely. In addition, they felt that the effects on ozone would be very small and would be within the national variables, therefore removing doubts about possible ultraviolet radiation hazard to the earth's surface. Their calculations also removed concern that water vapor might affect the climate by accelerating the destruction of ozone.

A full 18 years of research and development will have gone into the challenge of making supersonic air transportation safe and acceptable by the time the SST makes its first commercial flight. Since the program's inception, environmental considerations have been an integral part of the program. As Secretary Volpe recently said:

> All necessary research will be undertaken to insure that SST operations are environmentally acceptable.

To this end the Environmental Advisory Council was formed. This Council is composed of some of the most knowledgeable environmental specialists in the United States. The function of the Council will be to provide definitive data and unequivocal answers so that the environmental acceptability of the SST can be fully determined.

I urge that all of the Members of the House continue to support the SST program, and I sincerely hope that the majority of the Members of the other body do likewise.

UPDATING ROTC

(Mr. WHALEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. WHALEN. Mr. Speaker, it is my privilege as chairman of an informal study group to announce completion of an analysis of the problems of the ROTC program and a plan for its basic reorganization.

At this time, I would like to cite five other Members who joined me as sponsors of this study group. They are John Dellenback, of Oregon; Peter H. B. Frelinghuysen, of New Jersey; Frank Horton, of New York; F. Bradford Morse, of Massachusetts; and Philip E. Ruppe, of Michigan.

The following Members of Congress have joined the study group in encouraging, through the release of this paper, a careful reconsideration of the present structure of ROTC: Daniel E. Button, of New York; Silvio Conte, of Massachusetts; R. Lawrence Coughlin, of Pennsylvania; Marvin L. Esch, of Michigan; Gilbert Gude, of Maryland; Seymour Halpern, of New York; Tom Railsback, of Illinois; Herman T. Schneebeli, of Pennsylvania, Fred Schwengel, of Iowa; and J. William Stanton, of Ohio.

Mr. Speaker, I insert herewith the text of the study titled "Updating ROTC":

UPDATING ROTC

This is a study of the problems of the ROTC program and a plan for its basic reorganization.

The sponsors of this study group paper are Congressmen Charles W. Whalen, Jr., of Ohio; John Dellenback, of Oregon; Peter H. B. Frelinghuysen, of New Jersey; Frank Horton, of New York; F. Bradford Morse, of Massachusetts; and Philip E. Ruppe, of Michigan.

Additionally, the following Members of Congress have joined the study group in encouraging, through the release of this paper, a careful reconsideration of the present structure of ROTC:

Daniel E. Button, of New York.
Silvio O. Conte, of Massachusetts.
R. Lawrence Coughlin, of Pennsylvania.
Marvin L. Esch, of Michigan.
Gilbert Gude, of Maryland.
Seymour Halpern, of New York.
Tom Railsback, of Illinois.
Herman T. Schneebeli, of Pennsylvania.
Fred Schwengel, of Iowa.
J. William Stanton, of Ohio.

With the advent and expansion of our Vietnam involvement, there has developed in our country a growing "anti-military" sentiment. College campuses are the font of much of this feeling. The most convenient and accessible target for student wrath has been, of course, the college-based Reserve Officers' Training Corps. It was inevitable, therefore, that attacks—verbal and sometimes physical—would be mounted against ROTC programs and facilities.

Regardless of what one may think of our Indo-China commitment, no one seriously questions the need for a post-war military organization. To propose that we leave ourselves defenseless by scrapping our Army, Navy, Marines and Air Force would be foolhardy. Thus, a supply of officer personnel must be maintained following the termination of Vietnam hostilities. Further, in keeping with our Nation's traditions, it is desirable that a substantial portion of this officer corps be civilian-oriented.

It is for this reason that we believe that the ROTC program should be continued. It is our firm belief that ROTC has served our country well. We are convinced that its basic concept is sound, workable, and adaptable to the university communities of the 1970's.

We realize that there is much valid criticism of ROTC which deserves careful consideration. In fact, many universities now are in the process of reviewing their respective programs. Nevertheless, it has become apparent to us that the most appropriate place for re-evaluation is the Congress. The problem is too fundamental and universal for satisfactory solution by individual universities. Their actions do not affect the structural inadequacies which exist in the national program. Therefore, we have developed an alternative plan for the consideration of the Congress.

Our plan is based on the assumption that ROTC-trained officers are vital for national security. It assumes that ROTC needs to undergo a major overhaul in both form and function; it maintains that ROTC is an inexpensive and efficient means of supplementing the efforts of the service academies to produce the best qualified junior officers possible; additionally, it assumes that the current, changing draft situation, with the introduction of the lottery system and the discussion of the possibilities for either an all-volunteer armed force or a broadened national service program, will have a marked effect on the future of ROTC.

THE IMPORTANCE OF ROTC

ROTC, which has proven to be one of America's major sources of military officers, must remain an integral part of our national defense structure. Its importance can be measured in three areas: the social integration of junior officers, the number of officers produced, and the cost/utility aspect of the ROTC program.

The Citizen-Soldier: The concept of the citizen-soldier has been a constant theme in American history from the state constitutional debates of the 1780's to the current discussion of an all-volunteer armed force. Americans have desired military officers who are aware of both civilian and military problems and who are able to function in both types of environments.

ROTC assures balanced training for the officer corps. When combined with rigorous military training, the civilian university background produces an officer corps with expertise in providing for our national defense, yet sensitive to the many non-military concerns of the American people.

The Number of Officers Produced: A second reason for retaining ROTC is its important capacity to provide the requisite number of junior officers. In fiscal year 1970, for example, ROTC-commissionings accounted for approximately 43% of all new military officers. ROTC units produced 63% of all new Army second lieutenants in FY 1970, and approximately 39% of new Air Force officers. The total number of young men commissioned through ROTC programs in FY 1970 exceeded 23,600 (See Appendix I.)

The Cost/Utility Aspect: A third reason for maintaining a ROTC is dramatized by the figures just cited. Clearly, staggering costs would be involved in expanding existing OTS/OCS facilities, or building new service academies in order to accommodate the more than 20,000 officers commissioned by ROTC each year. Since the necessary facilities are available on campuses, continued reliance on a restructured college program would provide the military with a substantial number of qualified junior officers at the lowest possible cost.[1]

THE NEED FOR ROTC REFORM

ROTC is in need of structural reform for three fundamental reasons which are not clearly visible from the vantage point of the college campus.

The Need for Highly Skilled Officers: Whereas ROTC originally was able to provide all the training necessary for a young man to be a technically competent officer, today's ROTC programs require extensive supplementary training to produce an officer equipped technically for the military of the 1970's. Our model assumes that the foundations for technical proficiency should be much more completely mastered during ROTC.

The current ROTC plan was conceived in the "preparedness" debates preceding America's entrance into World War I. At that time, the armed forces had been caught short-handed, and a major concern of the Congress in 1916 was the restructuring of the armed forces for America's potential involvement in the European conflict. Within the context of this debate, the concept of the Reserve Officers' Training Corps was developed. As Representative Kahn, floor manager of the bill, remarked in debate, "The struggle in Europe has demonstrated beyond question that one of the greatest necessities toward thorough preparedness is a trained force of officers. . . . No doubt [the Reserve Officers' Training Corps] will furnish the country a large force of additional officers to meet the requirements of the service in case we should ever become involved in war."[2]

The War Department advocated the creation of ROTC, citing the recruitment and training of large numbers of officers as the chief advantage of such a program. In testimony before the House Committee on Military Affairs, Secretary of War Lindley M. Garrison said that, through ROTC, the military could ". . . Obtain large numbers of proper material from the many schools and colleges throughout the country that either have or will include proper military courses standardized under regulation of the War Department . . . Thousands of young men will be graduated from these institutions each year after we get the system in complete operation. They will furnish as fine material as any foreign army ever had for this purpose."[3]

Since 1916, America's military manpower needs have changed considerably. Nuclear strike forces and special forces units have become more central to our defense posture than the kinds of mass forces which waged the two world wars. The evolution of military strategy has imposed a higher standard in the technical skills required by our nation's officer corps. The 1964 ROTC Revitalization Act, however much it did to improve the program by increasing financial benefits and improving the caliber and flexibility of the classroom training program, failed to reconsider these basic changes in technical requirements. We believe that such a reevaluation should be paramount in discussions of the future of ROTC.

The Changing Draft Situation: In addition to preparedness, there is a more immediate need for reform. Recent changes in the draft laws will affect ROTC recruitment. The introduction of the draft lottery and the possibility of an all volunteer armed force could reduce the ROTC enrollments considerably. One study indicated that approximately 40% of first-assignment officers commissioned through ROTC joined to avoid Selective Service. As college students become more certain about their military future, the tendency to use ROTC as a safety-valve will diminish.

Students with "safe" Selective Service numbers who choose to serve in the armed forces as officers will continue to be free to enroll in the ROTC program and receive its many benefits, including the satisfaction of serving our country. For those students who enter college with definite military obligations in their future (i.e., "unsafe" draft numbers) and who choose to fulfill this commitment as officers, the ROTC program will also be available, with the added guarantee that they will be able to complete college before entering the service. These students, too, will benefit from the compensation received by ROTC cadets.

ROTC and an All-Volunteer Armed Force: The possible creation of an all-volunteer armed force would present ROTC with an entirely new recruitment problem. Without the pressure of a Selective Service System, ROTC would very likely suffer a sharp enrollment decline (for projected enrollment figures, see The President's Commission on an All-Volunteer Armed Force, pp. 186–188). Nevertheless, it could become the lifeline of any all-volunteer military system adopted by the Congress. Because ROTC itself is a volunteer force, it would continue to serve as an important part of the machinery of officer production. Additionally, it would assure that the military would be provided with the flow of college-trained officer candidates required by the technical demands of the military in the future. To meet these anticipated recruitment problems, ROTC must offer attractive benefits. We offer our proposal in hopes of prompting the needed change.

Campus Problems: In addition to these fundamental problems of national preparedness, one must take into account the existence of campus grievances concerning the present ROTC structure. Among the most persistent sources of criticism are the granting of academic credit for military science courses and the designation of academic rank for ROTC instructors. Some campuses have experienced disruptions directly attributed to the visibility of ROTC facilities. Moreover, there is concern that the scholarship funds now available for ROTC students are inadequate. Finally, administrative inefficiencies result where ROTC detachments are separately maintained on individual campuses with small cadet enrollments, particularly in areas having a high concentration of colleges and universities.

THE RESTRUCTURING OF ROTC

Under current ROTC procedures, students enlist in either the two- or the four-year program, attend military science courses and participate in drill during the academic year. Advanced students spend part of one summer camp prior to commissioning at graduation. Our proposal would involve a complete restructuring of ROTC.

We propose the substitution of three ten-week summer institutes for the existing ROTC program. These institutes would be held at military bases and perhaps at selected campuses and the service academies. They would be conducted between the cadets' freshman-sophomore, sophomore-junior, and junior-senior years of college. While attending these ROTC institutes, the students would receive an adequate salary. In addition, they would be living as potential junior officers, probably with the added advantage of subsidized food and uniform allowances. The compensation plan could be arranged to continue throughout the academic year, thereby providing students with funds available for tuition or personal expenses. We also propose, as did the Benson Report,[4] an increase in the number of ROTC tuition scholarships.

These summer institutes would be divided into three parts. The first would be a brief, two-week physical training session, in which the basic physical skills would be sharpened along with the necessary drill. The remaining eight weeks would then be divided into two four-week semesters of concentrated military science course work, coupled with practical demonstrations, where applicable. These sessions could include two non-credit courses per four-week semester, one class in the morning, the other in the afternoon.

In these summer institutes, the cadets would study the prescribed military science

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[1] When one considers the total number of cadets enrolled in the various stages of the ROTC program, the cost-benefit factor is increased further. In FY 1970, 155,946 individuals were part of the three ROTC forces. While this represents a drop of 56,500 cadets below FY 1969, the new draft lottery system and the conversion of 49 units (39 Army, 10 Air Force) from compulsory to elective ROTC between the academic years 1968–69 and 1969–70 are partly responsible for this decline.

[2] House debates, 64th Congress, 1st Session, p. 8404.

[3] Hearings before the Committee on Military Affairs, 64th Congress, 1st Session, pp. 12–13.

[4] *Report of the Special Committee on ROTC to the Secretary of Defense* (Benson Report), September 22, 1969.

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courses. By conducting these courses at military bases or the service academies, advantage could be taken of the military laboratory facilities which would be available. Since each of the concentrated courses would be the equivalent of what is now one semester's work in ROTC, and since the students would take four of these courses each summer for three years, they would be exposed to the equivalent of six full years of military science courses (12 semesters). Under the present system, a student's academic work in the military science field totals only eight semester courses. By pursuing their military science courses during the summer, students would be free to take additional academic courses during the regular academic year. These courses could enrich the student's major, broaden his background in fields which would better equip him for his future in the military, or simply satisfy his own cultural and intellectual interests. In addition, with purely military training—including drill—transferred to the summer institutes, the students would have more time in which to pursue worthwhile extra-curricular activities.

During the academic year, ROTC would maintain an office on campus to coordinate activities. This office could be staffed by one or more individuals, depending upon the number of students from that campus enrolled in the program, plus clerical staff. With a title such as counselor to ROTC students, this person would act as a liaison, coordinating extra-curricular activities, arranging for lectures, tours and other functions, and serving as a general advisor to the ROTC students. In areas containing a relatively high concentration of colleges and universities with ROTC units, or in areas where ROTC enrollment is small, a central ROTC office could be established. The advantages would include reducing duplication of effort, maintaining maximum contact, and eliminating the controversial faculty affiliation of present ROTC instructors.

A student enlisting in the ROTC program would be given the option of resigning at specified times should he find military life not to his liking. There would also be a point beyond which the commitment is definite. The military, however, should remain flexible enough to accommodate a student's post-graduate plans if they are likely to be beneficial to both the student and the Nation. With either the changed draft situation, the introduction of an all-volunteer armed force, or a broadened national service program, moreover, the anticipated drop-out rate would be small, because enrollment in ROTC would become a self-selecting process: without the pressure of forced military service, young men would enroll in ROTC because of their interest in pursuing a military career, not because they were avoiding the draft.

Provisions could also be made to permit students to enter the program either after their first or second year of college. Such students would be required to complete the basic training program after graduation, but they still would have the advantage of participating in the benefits of ROTC while in college.

ADVANTAGES OF THE ROTC PROPOSAL

The restructuring of ROTC would provide many general benefits to all three groups involved in the program: the students, the military and the university.

Student Benefits: For the students, one of the major advantages would be financial. The pay received for attendance at the summer institutes plus the year-round stipend would help defray tuition costs and living expenses. In addition, the increase in scholarships would provide needed support for greater numbers of students.

The new ROTC program would provide the student with increased flexibility. By undergoing his military science training in the summer, the student would be free to take the equivalent of eight additional courses of university work. The advantages of this extra study are obvious.

Important also would be the ability of the student to coordinate his selective service obligations with his college plans. If the student finds that he will have a definite military commitment because of his draft number, he may choose to enroll in ROTC, complete his college education, and then serve in the military.

Students would also have the opportunity to adjust to military life, including life as an officer, prior to their making irreversible commitments. If, prior to a certain stage, the cadet finds that he cannot adjust to a military environment, he would have the option of resigning without substantial sacrifice of time.

Finally, the conducting of summer institutes on military bases or the service academies and perhaps selected campuses, and the rotation of attendance at these institutes would provide the cadets with an opportunity for limited summer travel.

Military Benefits: The military would benefit enormously from this restructuring of ROTC. First, they would continue to recruit a broad-based officer corps. The increased number of scholarships and additional pay would attract many students, including some who could not otherwise afford a college education.

By virtually eliminating on-campus ROTC operations, the military would cut costs and reduce unnecessary duplication of function. In addition, the elimination of the compulsory two-year program which now exists at some land grant institutions would remove an inefficient operation which is already being phased-out by many schools. (In FY 1970, for example, 49 compulsory ROTC units were converted to elective programs.) [5]

Because ROTC cadets would enroll as a result of interest rather than fear of being drafted, the resignation rate would be reduced and the military would be better able to judge the number of officers available for active duty. In addition, because of the many incentives there would be increased motivation among the cadets who are commissioned.

The increased number and concentration of military science courses would also strengthen our defense forces. The intensified training would permit a higher degree of specialization, certainly a necessity in today's increasingly sophisticated military establishment.

University Benefits: Not only the students and the military, but also the universities would benefit from the changed ROTC program. First, the increased scholarship programs and stipends would ease part of the burden on the college financial aid office. But more significant would be the elimination of certain basic problems inherent in the current ROTC program.

Students and faculties have challenged the academic credit attached to ROTC military science courses. They claim that these courses do not meet their institution's standards of academic excellence. There is widespread dissatisfaction with granting the title "professor" to which ROTC commanders are entitled by contract. This contractual obligation has been unsatisfactory to many educators who feel that the matter of academic rank would best be left to the host institutions, not the Department of Defense.

By divorcing military and academic requirements, our reorganization proposal would eliminate both of these sources of hostility. Under our plan a university, if it chooses, can provide its undergraduates with the opportunity to become reserve officers. In order to receive his commission, however, an ROTC enrollee must successfully complete military-prescribed and military-administered courses conducted off-campus. The cadet receives no academic credit for these subjects, nor will his ROTC grades be computed as part of his cumulative scholastic record. The removal of credit for military science courses would provide the military with increased flexibility in the structuring of the summer institute curricula. At the same time, the controversy concerning the scientific and academic value of present ROTC courses would be eliminated.

Another source of campus dissatisfaction with the present ROTC system is the visibility of both the ROTC uniform and the drill. By conducting training in the summer institutes, this inflamatory source of campus unrest would be removed. Obviously cadets who might choose to wear their uniforms for extracurricular ROTC functions would be free to do so.

Thus, the removal of ROTC courses and drill to summer institutes could well be a significant step in cooling the very volatile situation that has developed in recent years concerning the military's role on the college campus.

REBUTTAL TO REJOINDERS

In the Benson Report [6] an analogous proposal was presented to the Department of Defense for the restructing of ROTC. It was rejected on four grounds:

(1) the status of the two-year programs would be jeopardized;

(2) the civilian aspects of the ROTC program would be lost;

(3) the visibility would decrease;

(4) the motivation of the cadets would decrease.

After careful consideration, we submit that these four points are not valid in the context of our proposal:

(1) When the lottery system or an all volunteer armed force or a broadened national service program are coupled with the changing strategic and personnel needs of the modern military establishment, the compulsory two year ROTC program becomes obsolete. Many schools have discontinued it, among them the 49 units that switched to elective program in FY 1970 alone. The basic concept behind the two year program was that the United States should maintain a large potential supply of reserve officers. Current military requirements and the highly technical role that officers must now assume make the effectiveness of college students with only two years of ROTC training highly questionable. In fact, those draftees who have completed two years of undergraduate ROTC still must complete the full basic training cycle. Thus, it seems much more logical to abandon this ineffective program and concentrate on training the needed officers through comprehensive summer institutes.

(2) The civilian aspects of ROTC would be heightened by our ROTC proposal. Cadets would continue to have four years of college training, but with the addition of eight semester-long civilian courses. Their education would be completed in a civilian environment, and they would come to know their fellow officers in such a context.

(3) While critics contend that the visibility of ROTC would be drastically impaired if drill and instruction were removed from the campus, high visibility of these two aspects is in part counter-productive given the current realities of campus life. Drill and

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[5] The total number of ROTC units rose between the academic years 1968–69 and 1969–70, from 268 to 283. In addition, the Department of Defense has applications from 42 colleges and universities, requesting the establishment of new ROTC units.

[6] *Report of the Special Committee on ROTC to the Secretary of Defense* (Benson Report), September 22, 1969.

classroom military instruction, not lectures and socials, are among the causes of student unrest. The extracurricular activities would still continue. Moreover, the ROTC counselor would be available for all students to consult, and thus, he could inform any interested individual of the benefits of the program.

(4) Given the changes in the Selective Service System and the many increased benefits of our ROTC proposal, it is difficult to conceive of any decrease in motivation of ROTC cadets. Indeed, the restructuring of ROTC should only increase the motivational factors associated with joining the program, and, at the same time, increase the respect for ROTC from other segments of the academic community.

APPENDIX I

SOURCES OF MILITARY OFFICERS

	ROTC	OCS/OTS	Military academies	Direct commissionings
Army	[1] 16,700	[2] 8,484	710	[2] 4,143
Navy	2,213	[2] 4,516	767	[2] 2,704
Air Force	4,722	[2] 4,571	765	[2] 2,337
Marines		[2] 1,676	105	
Total	[1] 23,635	[2] 19,247	2,347	[2] 9,174

[1] Estimated from enrollment figures.

[2] Estimated on basis of 9-month totals; complete figures not yet available.

ROTC ENROLLMENTS

	Fiscal year 1969	Fiscal year 1970 [1]
Army:		
MS 1	72,481	47,084
MS 2	41,390	28,192
MS 3	19,439	16,396
MS 4	17,671	18,033
Officers commissioned	16,306	[2] 16,700

	Fiscal year 1969	Fiscal year 1970
Navy:		
NS 1	2,582	2,117
NS 2	2,548	2,263
NS 3	2,422	1,722
NS 4	2,014	2,162
NS 5	586	612
Officers commissioned	815	[2] 2,213

	Fiscal year 1969	Fiscal year 1970 [3]
Air Force:		
AS 100	25,966	16,833
AS 200	14,628	10,176
AS 300	5,235	5,111
AS 400	5,444	5,245
Officers commissioned	4,936	[1] 4,722

[1] 39 institutions converted from compulsory to elective ROTC.

[2] Estimated from enrollment figures; figures not yet available.

[3] 10 institutions converted from compulsory to elective ROTC.

Source: OASD (M. & R.A.).

DOES THE NIXON ADMINISTRATION BACK MARRIAGE BETWEEN THE SAME SEXES?

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, I was shocked and dismayed to read in this morning's paper that a high-ranking official of the administration, if accurately quoted, has made a speech advocating that marriage between the same sexes be permitted and declares that laws forbidding such liaisons are unconstitutional.

The official was Mrs. Rita E. Hauser, U.S. Representative to the United Nations Human Rights Commission. She made her statement at the meeting of the American Bar Association now being held in St. Louis.

Mrs. Hauser's speech represents for me an example of the moral rot which is infecting our Nation. It is disturbing, indeed, to learn that such nonsense is coming, not from academicians or wild-blue-yonder radicals, but from a person in a responsible position with the administration.

Does the Nixon administration support Mrs. Hauser? Is her speech a trial balloon for some new legislative initiative by the administration to create new forms of marriage?

Surely we must look to Vice President AGNEW or some other high-ranking voice near the White House to confirm or deny support to Mrs. Hauser's recommendations.

Further, I wonder if Mrs. Hauser or those in high places who support her position have given careful consideration to the social implications of sanctioning unnatural liaison. The effect on public morals in this country authorizing homosexuality would, in my view, be catastrophic not to say repulsive.

It is my hope that my colleagues on both sides of the aisle will read Mrs. Hauser's remarks as reported in this morning's press and will express their concern.

The article follows:

[From the New York Times, Aug. 11, 1970]

MARRIAGES ARE URGED BETWEEN SAME SEXES

ST. LOUIS.—Mrs. Rita E. Hauser, the United States Representative to the United Nations Human Rights Commission, said today that laws banning marriages between persons of the same sex were unconstitutional.

Speaking on "Women's Liberation and the Constitution" at a section meeting of the American Bar Association, Mrs. Hauser said that such laws were based on what she called an outdated notion that reproduction is the purpose of marriage. She argued that overpopulation had made this rationale outmoded.

Limiting reproduction has now become the social goal, she said, "and I know no better way of accomplishing this than marriage between the same sexes."

DECADENT UNITED NATIONS?

(Mr. GROSS asked and was given permission to address the House for 1 minute.)

Mr. GROSS. Mr. Speaker, let me say to the gentleman from Wisconsin (Mr. ZABLOCKI) that I agree completely with his denunciation of the advocacy of males marrying males, and females marrying females as proposed by an official of the United Nations. I would ask him only one question: What else would you expect from the decadent United Nations?

ALLEGED OVERCHARGING OF GOVERNMENT BY PRIVATE BUSINESS IN MILITARY CONTRACTS

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, I wish to share with you the results of an investigation which I requested of the Comptroller General of the United States regarding alleged overcharging of this Government by private business in military contracts.

Approximately 1 year ago one of my constituents brought to my attention an apparent flagrant overcharging to the U.S. Government by several private businesses for the manufacture of a lanyard to activate the safety switch for the NQN–33 Target missile. This lanyard is constructed of common clothesline, approximately 6 feet in length, with a simple catch at one end and an aluminum handle, 3 inches long at the other end. Distributed along the line are four 3-inch square red cotton flags. I was informed that the Government was charged $22 for this item which could be made for $1.75 including labor and a few simple items from a hardware store. I also requested the General Accounting Office to investigate this matter. I learned that several purchases of this item were made by the Defense Department, Army Missile Command, and at one time the cost had been as high as $42.25.

Based on this information, I requested the Comptroller General to make further investigations of other items which had been pointed out to me as excessively expensive to the Government.

I am pleased to inform the Congress that action has been taken by the Comptroller General. One of these items, a radio receiver, purchased from an electronics firm, returned a 57-percent profit while the original contracts as submitted to the Government indicated a 10-percent profit. On this one contract the overcharge to the Defense Department was nearly $10,000. The Army Missile Command is presently initiating action against this firm to recoup the excessive charge and is reviewing all contracts made by this particular firm with the Government.

Mr. Speaker, much has been written and spoken on the subject of cost-overruns in such major programs as the C–5A's, and so forth. Prominent Members of this body and of the Senate have, year after year, pointed out to the Congress and to the Nation excessive charges made by private industry to the Government. I am not aware of any legislation enacted to directly control unconscionable profiteering against the U.S. Government. I propose to introduce legislation which would render severe penalties on manufacturers who would take unconscionable advantage of the Government and of the taxpayers' dollar. We are striving for fiscal responsibility; and if we are to continue this quest, we must take action to see that the Government is not charged excessive costs for items it purchases. Each time the Government pays excessive charges, it encourages inflation, and dishonesty.

Thank you.

SCREENING SELECTIVE SERVICE REGISTRANTS

(Mr. MESKILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MESKILL. Mr. Speaker, today I rise to introduce legislation which is of great personal interest to me as well as to many of my colleagues, namely the establishment of a Commission to review the conduct and procedures used in screening selective service registrants.

Twenty-three Members from both sides of the aisle have joined me in this effort.

As perhaps some of my colleagues recall, last September I addressed this Chamber with regard to one of my constituents, Pvt. David L. Swanson, who committed suicide while a member of the armed services. The suicide was not a spur-of-the-moment action, the result of a momentary case of severe depression. In fact, Private Swanson had tried to kill himself twice previously, but each time he was returned to active duty after brief observation.

Private Swanson wrote to me personally, relating his suicide attempts, his general frustration, and the brutality with which the Army had responded to his condition. My office, after realizing the seriousness of the situation and comprehending that the young man was not simply threatening suicide, repeatedly contacted the Army officials at Fort Dix. We advised them of the suicide attempts, alerting them to the suicidal state of Private Swanson, and asking them for continuing psychiatric counseling for the boy. The responses to my letters and calls were routine letters of acknowledgement and a promise of a report.

Army psychiatrists acknowledged that Private Swanson had showed "a longstanding personality problem," that he was "emotionally unstable" and subject to "feelings of deep depression." The Fort Dix medics added it was their opinion that "with time and leadership, he will be able to adjust to military life and perform satisfactorily." And they brushed off his two prior wrist-slashing episodes as mere suicidal gestures.

Private Swanson was successful in his third suicide attempt.

At Fort Dix the Army command stated they were satisfied that Swanson's case had been handled correctly. Their justification was that after Swanson's first suicide attempt he had twice been interviewed by "social work technicians" and three times by psychiatric officers, all lasting a minimum of 30 minutes, and that Private Swanson also had been "counseled" at length by his first sergeant, company commander, and chaplain.

I wrote to the Secretary of the Army, demanding an immediate investigation into the circumstances surrounding the death of Private Swanson. The Army refused to accept any blame for his death and, more importantly, failed to indicate what steps would be taken to prevent future incidents of this nature.

It is my belief that the Army was grossly negligent and responsible for the death of Private Swanson, for failure to adequately screen this obviously disturbed young man.

After I called attention to this tragic occurrence I was contacted by a number of my colleagues, advising me of many similar instances of boys who had been inadequately tested mentally and physically before induction. One of my colleagues wrote:

> The doctors who pass on draftees seem to care only whether the boy can breathe or not.

The cases brought to my attention included an Army specialist, suffering from epilepsy and with a case history of polio, being ordered to Vietnam; another who was 100 percent deaf in one ear was also ordered to Vietnam.

A colleague told of a case where a recruit failed the initial physical fitness test, with a score of 67 out of a possible 500—58 points below the minimum acceptance score. This young man, instead of being rejected, was assigned to a physical conditioning platoon for closely supervised remedial physical training. A month later he was finally recommended for a medical discharge.

Another recruit encountered difficulties in the training program and his Congressman, after inquiring, received a letter from the Marine Command stating:

> It is suggested that [he] apply himself to his duties with the goal of improving himself as a Marine and as a man. By so doing, he will establish a firm foundation for his future life.

Overlooked was the fact that some of our young men are simply not cut out to be military men, due to either physical or psychological reasons. It might be noted here that the young man in question eventually received a medical discharge and a month later entered a VA hospital for an operation for a back problem.

Congressmen informed me of constituents who were termed "emotionally unstable" and who had made suicidal gestures but who were still in the service, usually in the stockade as punishment for their inability to adjust.

I find incredible this portion of a letter from a colonel in the Marine Corps to one of my colleagues:

> The determination of a Marine's suitability for military service is a command responsibility, not a medical one. Medical findings constitute only a part of the total information to be evaluated; in themselves, these findings do not warrant an administrative discharge. There must be other convincing evidence that a Marine is unable to adjust to military service and is clearly unsuitable . . . Commanding officers are always reluctant to recommend a Marine for discharge as unsuitable unless his record clearly requires such action or until he has been afforded a reasonable opportunity to overcome his deficiencies.

I fear that this attitude pervades all of our armed services. Private Swanson was given this "reasonable opportunity to overcome his deficiencies." We know what occurred—his tragic death.

It is not the duty of the armed services to restructure the personality of an individual or to build men who are physically deficient. At times counseling and physical training are in order, but the purpose of our Armed Forces is to produce fighting men, not to try to cure personality or physical disorders.

I wonder how many of our tough drill sergeants consider it standard procedure to regard almost everyone reporting on sick call as a faker who is merely trying to get time off from duty. All too often these medical decisions are left to men who have no training or background whatsoever in medicine. In the case of mental or emotional illness, where there are no broken bones or gushing blood, we can imagine the commanding officer finding it even more difficult to believe that the soldier is really sick and in need of help.

Mr. Speaker, as I am sure you know, the Comptroller General of the United States has recently issued a report on the discharge of military enlisted personnel because of preservice physical defects. According to this report, every year the armed services take in 20,000 recruits who already have disqualifying physical ailments and who must be promptly discharged. The General Accounting Office estimates costs of pay, allowances, uniforms, and travel at $17.9 million during fiscal 1969 alone for men discharged for prior defects. This cost estimate does not include the wasted training costs.

Some of the disqualifying defects missed by medical examiners at induction stations, according to the GAO, have been an Air Force recruit's surgical scar from removal of one kidney and the recruit's statement on his induction papers that he had only one kidney; a Marine Corps recruit's loss of part of his left thumb as well as his statement on his enlistment papers that he had lost part of his thumb; and another recruit whose right leg was 1 inch shorter than the left because of a crippling polio attack that had deformed his hip, thigh, and calf. Some of the disqualifying conditions were less obvious, such as muscles missing at birth from the left side of an Air Force recruit's body.

It appears that our Armed Forces are speeding young men through the induction process without giving the proper consideration to documents from private physicians or statements from the men themselves.

The discharge rate of about 20,000 men per year represents 2.3 percent of all those entering the various branches of the Armed Forces as draftees or volunteers. In 1968 the GAO found 40,200 discharges for prior defects during a similar 2-year period. The report said the number of such discharges held steady during both periods at 2.3 percent of all those inducted. While this figure sounds low, I suggest that those discharged because of prior defects represent only a portion of those inducted with prior defects.

The fact that the overall rate of such discharges has not changed indicates these examinations must be drastically improved.

The cost to the country is deplorable. But more importantly, the psychological and personal hardships to the men and their families caused by inadequate examinations cannot be tolerated.

From the incredible set of circumstances surrounding the Swanson death and the other cases that have been brought to my attention, it is apparent that there is need for improved physical and mental preinduction examinations.

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It is obvious that many of the problems which caused these cases existed prior to entrance into service.

Congressional attention must be directed toward the elimination of the abuses which have recently tarnished America's fine tradition of military training and service.

I am convinced that the best way to prevent recurrences of such incidents as the unnecessary death of Private Swanson is to improve the screening procedure at Armed Forces examining stations. I believe Congress has a definite oversight function to perform in this area. Congress must initiate action to correct and eliminate any defects in the present screening process to help prevent the induction of young men who are neither physically nor emotionally fit for military service.

In accordance with our determination to maintain the highest quality of recruit training in our service, I have drafted legislation to establish a Commission on the Medical and Psychological Fitness of Selective Service Registrants. The drafting of this legislation has been guided by a sincere concern over the quality of training our servicemen are receiving. The sole purpose of this legislation is to upgrade the military induction process and to insure maintenance of proper standards.

The Commission would be composed of 11 members to be appointed by the President: Six physicians, at least three of whom are psychiatrists, engaged in private practice; one civilian who is a professional social worker; and four officers who are engaged in providing medical services in the Armed Forces.

The Commission would be authorized to undertake a thorough investigation of the adequacy of the physical and mental examinations conducted by the Armed Forces and the manner in which such examinations are administered with respect to registrants under the selective service laws. The Commission would have the authority to hold hearings, take testimony, and receive evidence, as well as secure directly from any department or agency of the United States any information deemed essential to fulfilling its mandate. This Commission would review the present physical and psychological standards for entrance into the military service and investigate testing procedures to determine whether better induction standards can be devised, especially to uncover potential cases of suicide.

I would also hope that the Commission might investigate whether there is sufficient reason for maintaining different physical standards for draftees and volunteers. Presently a volunteer may be rejected for physical reasons, but he may still be drafted because the draft standards are lower.

At the conclusion of its year-long investigation the Commission shall advise the President of the United States and the Congress of its findings and offer recommendations for the administrative or legislative action it deems appropriate.

This course of action is intended in no way to be a witch hunt. Rather, it is intended to correct general deficiencies in the overall induction process.

Our servicemen are charged with the responsibility of protecting and insuring our welfare. We owe them no less. I urge speedy hearings on this legislation.

I am inserting several news stories on the tragic incident that prompted this legislation I am introducing today. These articles and the text of the legislation follow:

[From the Hartford Courant, Sept. 24, 1969]

Meskill Thinks So: Army To Blame in GI's Death?

(By Robert Waters)

Washington.—U.S. Rep. Thomas J. Meskill Tuesday charged gross negligence in the suicide of a New Britain Army private who had earlier attempted twice to kill himself and had warned Meskill he wouldn't fail.

Meskill demanded that Army Secretary Stanley Resor undertake a full investigation into the death of 21-year-old David L. Swanson.

Meskill said aides in his Washington office here had written and telephoned officials at Fort Dix, N.J. about Meskill's concern that "this boy wasn't faking in his suicidal state of mind."

The New Britain Republican said that Swanson reported he had received only two five-minute sessions with psychiatrists. The young soldier said they had been of "no help."

"David Swanson asked for help and did not get it," Meskill said in a letter to Resor.

FATHER FINDS BODY

Swanson's body was found Sunday by his father, Arvid Swanson, at the family's home at 928 Farmington Ave. New Britain Medical Examiner Charles Leonhardt said death was caused by an overdose of a sedative. Dr. Leonhardt ruled the death a suicide. The funeral was Tuesday.

Meskill said the young man had been in basic training at Fort Dix. It was not known here Tuesday whether he was home on military leave at the time of his death or for some other reason.

Meskill said his contact with the youth started Aug. 25 when he received a letter from the young man's mother saying that he had attempted suicide and asking for Meskill's help.

Meskill said he "immediately requested that Pvt. Swanson be given psychiatric attention."

Three days later, Meskill said his office received a letter from the young soldier himself. The letter to Meskill from the recruit asked for help in gaining a discharge.

"I hate it here," he wrote. ". . . I can't take any more of the Army."

Meskill said he complained that he had been forced to eat cigarette butts, hadn't been permitted to go to church, was suffering from arm numbness and had passed out.

LIKE A JAIL

"It's like a jail here," wrote the soldier as he told Meskill he was certain he would try suicide again.

"I'm no good to anybody, including myself," he wrote.

On Sept. 11, said Meskill, he received another letter from Swanson—apparently after a second suicide attempt. "I don't even remember trying to kill myself a second time," he wrote in the second letter to Meskill.

Meskill said that in addition to his request for psychiatric help for Swanson, he had also requestd a full health and welfare report on the soldier.

On Sept. 8, three days before his final letter from Swanson, Meskill said he received a letter of acknowledgement from the Army stating that he would receive a further report from the surgeon at Ft. Dix.

Meskill said he never received any additional information from the Army.

In his letter outlining the facts to the Army secretary and asking for a probe, Meskill commented:

"It is too late to help now. He was successful in his third suicide attempt."

[From the Springfield Daily News, Sept. 24, 1969]

Meskill Calls for Full Probe Into Suicide of Army Private

(By Carol Clawson)

Washington.—U.S. Rep. Thomas J. Meskill, R–New Britain, has asked Army Secretary Stanley Resor for a full investigation into the suicide Sunday of a New Britain Army private stationed at Ft. Dix, N.J.

The youth, 21-year-old David L. Swanson, was found dead at home. But Meskill said the boy tried to commit suicide twice while at Ft. Dix and the Army had done little about it.

The youth's mother, Mrs. Arvid Swanson, wrote Meskill last month seeking his cooperation in getting military help for her son. The New Britain Republican informed Army authorities at Ft. Dix, and was told a surgeon would examine the boy and make a full report. Meskill requested a copy but not yet received it.

"I am asking for a complete investigation of the way in which this matter was handled," Meskill said. "I would like to know why the matter was taken so lightly when we stressed the fact that this boy was serious. I feel that the Army was grossly negligent in this case," he added.

While Meskill did not know the induction date of young Swanson, he said he was doing basic training at Ft. Dix.

Meskill said the boy slashed his wrists sometime in August, but the Army took no action after the wound was sutured.

The congressman received a letter from the boy in late August saying he hated the Army and didn't think he could take military life much longer. Swanson wrote that after a doctor stitched his wrist he was made to do pushups and other exercises.

When Swanson found he couldn't do the work, the Army told him they would "put an electrode on my arm and give me a good shock to wake it and me up," Swanson wrote Meskill.

The youth said also, in the letter to Meskill, that the Army permitted him to see a psychiatrist twice for about five minutes each time.

[From the Hartford Times, Sept. 24, 1969]

Meskill Sees Army Laxity in State Soldier's Suicide

The U.S. Army was grossly negligent in the case of a Ft. Dix, N.J., private who asked for psychiatric help before committing suicide on his third attempt, according to Rep. Thomas J. Meskill, R-Conn.

David L. Swanson, 21, was found dead of an overdose of sedatives Sunday at his father's home in New Britain.

"David Swanson asked for help and did not get it," Meskill said Tuesday.

"I feel the Army was grossly negligent in this case," he declared.

According to Meskill's letter, Swanson's mother wrote the congressman Aug. 25 expressing concern for her son, who, she said, attempted suicide.

Meskill said his secretary, Mrs. Barbara Norris, immediately contacted the post's liaison office asking for psychiatric help for Swanson.

"Subsequently we received a letter from Pvt. Swanson that showed clearly the boy's state of mind," said Meskill. Mrs. Norris then contacted Ft. Dix authorities regarding "the seriousness of the case and her feeling that the boy was not faking, that he was in a suicidal frame of mind."

Meskill said Mrs. Swanson then wrote to Al Zoda, with whom she had spoken at Ft. Dix, requesting a health and welfare report on Swanson and repeated Swanson should be receiving psychiatric counseling.

Mrs. Norris also requested an explanation of the allegations made by Swanson regarding certain practices at Ft. Dix, Meskill said.

"We never received the information we requested and as far as we know, Pvt. Swanson saw two psychiatrists for about five minutes each," Meskill wrote.

"It is too late to help David Swanson. He was successful in his third suicide attempt," Meskill told Resor.

In his letters to Meskill, Swanson said he was attempting to get a medical discharge and that he would like to return home for psychiatric help.

In the last letter dated Sept. 4 from Ft. Dix, Swanson said in part "I have seen two psychiatrists but only for about five minutes each. How two different people and for such a short time can help anyone is beyond me."

He also said that after returning from a weekend pass, "a sergeant asked me why I came back and they said they didn't want me around because I was a dud. Why didn't they let me go then?"

[From the Washington Post, Sept. 25, 1969]

SUICIDE ENDS GI'S CRY: "I CANNOT STAND ALL THIS"

(By Bernard D. Nossiter)

"The day after I cut my wrists and had stitches put in," Pvt. David L. Swanson wrote from Ft. Dix on Aug. 24, "they made me do push-ups and other exercises . . . The other day I couldn't move my fingers at all. They told me to stop bluffing or they'll put an electrode on my arm and give me a good shock to wake it and me up . . . I know I'll try to kill myself again if this keeps up. I just don't care anymore. And this time I'll make sure I don't fail."

A few days later, Pvt. Swanson slashed his wrists again and wrote that he had been given an Article 15, punishment by the company commander, for his attempt.

Last Sunday, Pvt. Swanson, 21, was found dead in his bed at home in New Britain, Conn. He had taken an overdose of sleeping pills.

BEGGED FOR HELP

His father Arvid, a tool and die maker, said over the telephone yesterday in a hoarse and shaky voice:

"Somebody's got to answer for this . . . We begged everybody for help, the Red Cross, his company commander, Congressman Meskill . . . All we were looking for was someone to take care of this boy."

Rep. Thomas Meskill (R-Conn.), a trim Air Force veteran, had been writing and phoning Army authorities at the Pentagon and Ft. Dix ever since young Swanson and his family had gotten in touch with him last month. On Tuesday, he wrote Army Secretary Stanley R. Resor, saying:

"I feel that the Army was grossly negligent in this case. David Swanson asked for help and did not get it."

At Ft. Dix, Maj. George E. Chase, a public information officer, said that the command was satisfied that Swanson's case had been correctly handled and that no inquiry will be made.

Chase said that after Swanson's first suicide attempt, he had been twice interviewed by "social work technicians" and three times by psychiatric officers, all lasting a minimum of 30 minutes. Their judgment, the major said, was "with time, the boy could adjust."

Chase said that Swanson also had been "counseled" at length by his first sergeant, company commander and chaplain.

NONVIOLENT KID

Chase denied that Swanson had been forced to do push-ups with his slashed wrists. Indeed, he observed, the private had been returned from sick call following his first wrist slashing with a recommendation that he be placed on full duty. But his company officers excused him from physical training.

Swanson was described by his father as "the most nonviolent kid on earth. He was interested in music and the arts. He was a good sculptor."

Young Swanson grew up in New Britain and graduated from Pulaski High School there. He then went to nearby schools, Northwest Community College and Central Connecticut State, before he took a job in the pharmacy department at New Britain General Hospital.

Drafted on July 28, he began his basic training at Ft. Dix a week later. By Aug. 21, he was writing home, "What I am about to tell you will no doubt shock you."

He said he had slashed his wrists with a razor blade. "I can't sleep and I can't stand all this harassment . . . I hate it here and will do anything to get out . . . I can't run and my heart keeps skipping beats and I fall and they keep yelling at me to get up and stop bluffing. Please help me. . . ."

MESKILL CONTACTED

His family called Meskill's local office in New Britain and the Congressman himself got a letter from Swanson a few days later. Swanson said he had seen two Army psychiatrists—later, he was to write that he had seen them each for five minutes—"and they didn't help at all. I can't take any more . . . Sgts. making PVT's eat there cigarette buts (sic). Last Sunday we weren't allowed to go to Church . . . It's like a jail here. . ."

The responses to Meskill's inquiries were routine letters of acknowledgment and a promise of a report.

Swanson's mother also wrote the Congressman, pleading for help in finding "some kind of papers I have to have signed for his release." She wrote that she had hemorrhaged twice while carrying David and that he had been a frail baby, born a month premature.

On Tuesday, David's parents, his brother, Carl, and sisters, Elizabeth and Ann Carlson and Beverly, buried the young soldier. On their return home, they found a telegram from the Director of Mortuary Operations, Special Services, Memorial Division, Ft. Hamilton, N.Y. The telegram offered to provide David with a military funeral.

H.R. 18901

A bill to establish a commission on the medical and psychological adequacy of the physical and mental examinations conducted by the Armed Forces with respect to registrants under the selective service laws

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established a commission to be known as the Commission on the Medical and Psychological Fitness of Selective Service Registrants (hereafter referred to in this Act as "Commission").

DUTIES OF COMMISSION

SEC. 2. The Commission shall undertake a thorough investigation of the medical and psychological adequacy of the physical and mental examinations conducted by the Armed Forces with respect to registrants under the selective service laws and the manner in which such examinations are administered. The Commission shall report the results of its investigation together with any recommendations for administrative or legislative action which it deems appropriate.

MEMBERSHIP

SEC. 3. (a) Number and Appointment.—The Commission shall be composed of 11 members to be appointed by the President as follows:

(1) Six physicians (at least 3 of whom shall be psychiatrists) engaged in private practice.

(2) One civilian who is a professional social worker.

(3) Four officers who are engaged in providing medical services in the Armed Forces.

A vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(b) Terms.—Members shall be appointed for the life of the Commission.

(c) Compensation and Travel Expenses.—(1) Except as provided in paragraph (2), Members of the Commission shall each be entitled to receive $100 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional compensation on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(d) Quorum.—Six members of the Commission shall constitute a quorum.

(e) Chairman.—The Chairman and Vice Chairman of the Commission shall be elected by the members of the Commission from among the members appointed under paragraph (1) of subsection (a).

(f) Meetings.—The Commission shall meet at the call of the Chairman or a majority of its members.

DIRECTOR AND STAFF OF COMMISSION

SEC. 4. (a) Staff.—The Commission may appoint and fix the compensation of such personnel as it deems advisable.

(b) Applicability of Civil Service Laws.—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and sub-chapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

POWERS OF COMMISSION

SEC. 5. (a) Hearings and Sessions.—The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) Powers of Members and Agents.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) Obtaining Official Data.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman or Vice Chairman of the Commission such department or agency shall furnish such information to the Commission.

AUTHORIZATION

SEC. 6. There is authorized to be appropriated $100,000 to carry out this Act.

REPORT

SEC. 7. Not later than 12 months after the date of its first meeting for business, the Commission shall report as required under section 2 of this Act to each House of Congress, and to the President.

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TERMINATION

SEC. 8. The Commission shall cease to exist on the sixtieth day after submitting its final report pursuant to section 7.

THOSE WHO POLLUTE MUST PAY

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, today I am introducing the Regional Water Quality Act of 1970. This significant legislation was first introduced by the distinguished gentleman from Wisconsin (Mr. PROXMIRE), and represents a tough but imaginative approach to the national problem of water pollution.

This legislation has already received the backing of the General Accounting Office and various conservation groups. The bill establishes a national system of "effluent charges" requiring industrial polluters to share in the cost of constructing waste treatment facilities. The cost to the industrial polluter will be based on the volume of its wastes as well as the toxicity of such wastes.

We are just not cleaning up our waterways fast enough. Both enforcement and money are lacking.

As far as enforcement is concerned the 1965 Federal Water Quality Act remains a terrible bureaucratic labyrinth. The long awkward procedure of conferences, hearings, court action insures delays of 2 years or more before any effective abatement is undertaken. For that reason in late June, I relied on the Federal Refuse Act of 1899 in presenting information to the appropriate United States attorneys about major polluters in New York City. The Refuse Act prohibits anyone from discharging refuse into navigable waters and violators are liable to fine and/or imprisonment. Regrettably, the Justice Department has made clear it does not intend to use this potentially powerful and effective statute to safeguard our waters, except where pollution is "accidental or infrequent."

I am introducing the Regional Water Quality Act because it is a "new strategy" to get industries to curb their pollution. The effluent charges to be levied under the bill provide the best incentive for polluters to install abatement equipment at their expense rather than pay extra waste taxes. We know this kind of incentive will work provided the effluent charges are set high enough to cause the industrial polluter to install abatement equipment as a preferred economic alternative. Where cities have imposed effluent charges, significant reductions in industrial wastes have been achieved in a very short time. Federal funds just have not been adequate to meet abatement costs which increase every year as municipal and industrial wastes increase. The $5.4 billion spent by the Federal Government in the last 12 years has not begun to stem the tide of pollution.

Under the Regional Water Quality Act, revenues raised from those paying the effluent charges will help finance the construction of municipal and regional treatment plants.

Mr. Speaker, I am opposed to giving tax credits or grants to industries in order to encourage them to abate their pollution. The taxpayer should not be required to pay for industry's pollution. Such aid merely acknowledges the "right" of industry to pollute at the public's expense. And such aid subsidizes those consumers of pollution-related products to whom the cost of abatement is inevitably passed along in the form of higher prices.

It is unavoidable that we will all share the cost of pollution abatement, but the greatest burden should fall on the industrial polluters and their customers. The Regional Water Quality Act will do just that. Those who pollute must pay and, in my opinion, Mr. Speaker, when industry starts to pay, industry will find it more profitable to stop polluting.

THE PRESSING NEED FOR PRISON REFORM

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, this week the Manhattan House of Detention for Men was the subject of great attention. Prisoners overpowered five correction officers and took control of an entire floor touching off a series of incidents throughout the overcrowded prison.

The prisoners presented a list of grievances as follows:

First. There is a denial of due process, speedy justice, and adequate legal representation.

Second. The Legal Aid Society does not provide its clients with a vigorous defense.

Third. There is brutal treatment of prisoners, primarily blacks and Puerto Ricans. Several specifics will be investigated by McGrath.

Fourth. Wives, sisters, and mothers who visit are "indecently proposed to" by officers at the prison.

Fifth. Food is unpalatable, poorly prepared, and "not fit for human consumption."

Sixth. There should be more law books available to prisoners preparing their own legal documents.

Seventh. The prison is infested with "body lice, roaches, rats, and mice."

Eighth. Clothing should be supplied to prisoners detained for long periods of time.

Ninth. There is an inadequate medical staff.

Tenth. There should be no reprisal against "any of the inmates involved in this protest."

Later on the same day Corrections Commissioner George W. McGrath met with the prisoners and the hostages were released. The Commissioner is quoted as having said:

> The ironic thing is that most of what they say I have said many times over the past months. The institution is abominably overcrowded.

The conditions in the Tombs have long been known to the city officials but little has been done to alleviate any of the problems. What is particularly appalling in the case of the Tombs is that almost everyone incarcerated has not yet been convicted and is simply awaiting trial, being held in jail because of an inability to raise bail.

One of the prisoners involved in the August 10 uprising said:

> We are not animals. We are human beings. We are trying to get attention to what is going on.

Mr. Speaker, I do not condone any act of violence on the part of these prisoners but I deplore the failure of the city officials to provide the moneys needed to construct decent correctional institutions with rehabilitation and educational programs. To deal with these conditions which are a national disgrace I have cosponsored a bill, H.R. 16794, which would establish minimum standards for correctional institutions and provide Federal financial assistance to assist State, local, and Federal prisons in meeting these standards. I urge the Judiciary Committee to hold hearings on that bill. These individuals are usually the last on the list to be helped by those holding public office. But not to deal with these problems is not only inhumane but is in major part responsible for the embitterment of those men resulting in their taking on or returning to criminal activities on their release from jail. It is in the interest of our entire society, especially in this case, that we take as our axiom "the last shall be first."

I am appending for the benefit of our colleagues an article depicting the incident at the Tombs which appeared in the New York Times on August 11, 1970:

TOMBS PRISONERS SEIZE FIVE HOSTAGES IN 8-HOUR PLOTEST

(By Alfonso A. Narvaez)

Prisoners seized five guards and held them hostage for almost eight hours in the Manhattan House of Detention for Men yesterday until they were allowed to present grievances to the press and the Mayor's office.

The guards, who were released unharmed, had been overpowered as they supervised 226 prisoners having breakfast at about 6:30. The prisoners placed the guards in two cells and barricaded the entrance to the cell area on the ninth floor of the 15-story structure at 125 White Street.

The guards were released at 2:10 P.M. after the prisoners talked with Michael Dontzin, counsel to the Mayor, and with three reporters who had gone to the ninth floor with Commissioner George F. McGrath, other prison officials and Michael C. Pollina, a lawyer who was to act as an impartial observer.

TRIAL DELAYS SCORED

Commissioner McGrath had to assure the prisoners, in writing, that no reprisals would be taken against them for their actions.

The list of grievances by the prisoners included charges of brutality on the part of corrections officers, racism, bad food, overcrowding and detention for overly long periods before their trials come up.

About 30 prisoners crowded into a small entranceway, behind the steel bars on the ninth floor. They had barricaded the entrance with mattresses, bed springs, chairs and other prison fixtures. The inmates' spokesman, a man named Roy, wearing cut down trousers, crouched on the mass of fixtures in the entrance and spoke with the visitors.

In a heated tone, with his voice at times trembling with emotion, he read two statements to the newsmen and a court stenog-

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rapher. When he finished the statements, other prisoners added their comments.

"We are not animals," Ray said angrily at one point. "We're human beings. This is the result of a violent act. We are trying to get attention to what is going on."

"The ironic thing is that most of what they say I have said many times over the past months," Commissioner McGrath said. "The institution is abominably overcrowded."

Yesterday, the prison, which was built to house 932 inmates, had a prisoner population of 1,992 men, all awaiting trial. Because of lack of space, many men are forced to sleep on mattresses on the floor and often three in a cell.

Commissioner McGrath said that all the allegations would be checked and that he would meet with the Mayor to see what steps could be taken to improve conditions. He said that he would probably be criticized for agreeing not to press charges against the prisoners, but that his main concern was for the safety of the men being held prisoner.

Vernon Allick, 39 years old, a guard for more than nine years at the institution, said that he had been working on his second eight-hour shift early yesterday when he was taken captive. He said that the prison was short-staffed and that many of the guards had to work 16 hours a day.

"I couldn't have resisted anything," he said after his release. "I was just too tired."

ASSURANCE GIVEN TO GUARDS

Mr. Allick said that he believed that the prisoners had "valid grievances" for their actions and that the guards had been assured that they would not be hurt.

"We were feeding the prisoners when one of the men complained of a broken toilet bowl and said he wanted to show it to the captain," said Trevor Dennis, another guard. "The captain went back to look and he was grabbed. Then, they grabbed me, too, and took the keys. They grabbed the others, too."

Mr. Dennis said that the hostages had been treated well and that the prisoners had brought them coffee and food when they said they were hungry. The prisoners were not armed.

The captain, Edward Landesman, who has been a correction officer for eight years, said that despite the assurances he had felt threatened.

"When you're thrown into a cell and don't know what's going on, it can get pretty frightening," he said.

The prisoners said that their action was "spontaneous" and that the situation had been growing over the months.

During the morning, they had smashed several thick glass bricks from the cell block where they were housed and tossed out notes asking to speak with the Mayor and with the press. One newsman narrowly escaped being hit by a large chunk of falling glass.

"We are holding a captain and four correctional officers," one hand-lettered note read. "No harm will come to them if we aren't attacked. We want to see the Mayor and the press."

The police, who had blocked off the sidewalk underneath the windows, kept retrieving the notes, which were tied within the pages of paperback books being tossed out.

Another note read: "We have been told by a member of the Commissioner's office that if we let the men we're holding go we could get a chance to talk to the Mayor. But should we not let them go, they have time and they won't allow us to talk to the press."

MEETING IS ARRANGED

Commissioner McGrath spoke with the prisoners at about 12:30 and then arranged for them to talk with reporters and Mr. Dontzin.

A spokesman for the prisoners, an inmate named Roy, read two statements to the people assembled in the corridor outside the iron bars on the ninth floor. The prisoners asked the Mayor and the public to become aware of the conditions at the institution and to take steps to rectify them.

After reading the statements, one addressed to the Mayor and the other to the public, Roy handed them to newsmen. The statements, carefully hand lettered, in pencil on white paper, listed 10 grievances.

"We address ourselves to what we feel to be injustices we suffer in the courtrooms of the Criminal Court and the Supreme Court of Manhattan County," the grievances began.

* * * * *

"Unnecessary brutality . . . largely directed against the black and Puerto Rican inmate population;" indecent propositions made by prison personnel to women visiting the prisoners, unpalatable, rotten food, vermin infestation, poor medical attention, lack of clothing for the men to wear were among the other complaints.

The inmates concluded their grievances by asking that no repercussions be taken against any of the prisoners.

"We are firm in our resolve and we demand, as human beings, the dignity and justice that is due to us by right of our birth," the statement concluded. "We do not know how the present system of brutality and dehumanization and injustice has been allowed to be perpetrated in this day of enlightenment, but we are the living proof of its existence and we cannot allow it to continue."

The prisoners also complained that they were beaten by guards for minor infractions of the rules or for no infractions at all. One prisoner, who said he had been beaten Saturday afternoon, said that he had been hit with a blackjack and showed newsmen what he said was blood, matted in his hair, and marks on his back, said to have been inflicted in the beating.

Late yesterday, Mayor Lindsay issued a statement praising prison officials for their handling of the situation and expressed gratitude that the men had been released unharmed. He called for a full report of the event and said he would meet this afternoon with prison officials and members of the New York City Criminal Justice Coordinating Council to see what steps could be taken to alleviate conditions at the prison.

The Mayor also ordered Commissioner of Investigation Robert K. Ruskin to investigate the charges of brutality and called upon the Governor to order the State Commissioner of Corrections to accept the transfer of all sentenced prisoners on Rikers Island.

TEXT OF TOMBS' INMATES' GRIEVANCES

The following is the text of the demands issued yesterday by prisoners at the Manhattan House of Detention for Men:

We, the inmates of the ninth floor of Tombs City Prison, Manhattan, N.Y., submit this petition of grievances and we solicit your attention in this matter.

Grievances

1. We address ourselves to what we feel to be the injustices we suffer in the courtrooms of the Criminal Court and the Supreme Court of Manhattan County;

(a) Many of us have been denied preliminary hearings in Criminal Court.

(b) Those of us who do receive hearings are usually given sham hearings that border on a system of Kangaroo Courts in which we are not given a chance to take the stand in our own behalf, nor are we ever advised of our rights by the judges at these so-called hearings;

(c) Many of us find ourselves the victims of excessive bails;

(d) Many of us are brought to court and wind up sitting in the detention cells all day and never get to enter the courtroom (This is generally regarded as a move by the people's representative, the district attorney, to wear the man down so that he will be willing to plead guilty):

(e) Many of us have submitted writs and petitions to the court asking that the court rectify some error in procedure. We are denied hearings on our writs even though constitutional questions are involved, or, as is usually the case, the writs go unanswered;

(f) Many of us have been waiting for trial dates for an average of eight months to a year or more and our motions for speedy trials are ignored by the courts.

In conclusion of grievance No. 1, it appears that each and every one of us has been denied some basic constitutional right and we stand before the public at large guilty until we can prove ourselves innocent.

2. In relation to grievence No. 1, in most instances we find that the Legal Aid Society aids and abets the incursions and abuses of our rights in the courtrooms. It is the order of the day for the assigned legal aid, on first meeting his client to open the conversation by saying "I suggest that you take a guilty plea," or "I can speak to the District Attorney and get you (this or that) plea."

All this without even asking the client in confidence whether he is in fact guilty of the charge. Those of us who have to rely on the Legal Aid Society to represent us find that though they are paid by the state they will not thoroughly investigate the case or subpoena witnesses in our behalf.

In conclusion of grievance No. 2, we feel that under the present system of the courts that we cannot receive any justice and can only suffer threat, coercion and intimidation disguised as law and justice.

3. We now address ourselves to the physical brutality perpetrated by the officials of Tombs Prison against the inmates thereof. This unnecessary brutality has been largely directed against the black and Puerto Rican inmate population. We vehemently denounce this policy of inhumane treatment.

It is common practice for an inmate to be singled out by some Correction Department employe because he did not hear the officer call his name or because the officer did not like the way this or that inmate looked or because of the manner in which the inmate walked or because the officer brings the turmoil of his own personal problems to work with him, and together with other officers, beat the defenseless inmate into unconsciousness, often injuring him for life physically and mentally or both.

The attacks on the inmates are made by officers wielding blackjacks, night sticks, fists and feet. After such attacks it is the policy of the officials in collusion with any one of the institution doctors to fix up fake accident reports to cover up the mayhem that has been committed against the person of the inmate.

We reject all official denials that such things do not happen here as there are those of us who have experienced these sadistic attacks and there are witnesses to verify the fact. It is common knowledge by thoughtful men that "Not one leaf of a tree could turn yellow without the silent knowledge and consent of the tree itself."

That is in relation to the officers who daily brutalize and maim us. These acts would not and could not happen without the knowledge and consent of the Commissioner of Correction, the Assistant Commissioner of Correction, the Warden of Tombs Prison, the Deputy Wardens of Tombs Prison, and the Captains of Tombs Prison.

In conclusion of grievance No. 3, we demand that this policy of physical brutality cease immediately.

4. In relation to grievance No. 3, it has

come to our attention that our wives, sisters and mothers have been variously insulted and indecently proposed to by the officers of Tombs Prison when they come to visit us. We demand that this abuse to our women be discontinued.

5. We now address ourselves to the food which we are fed. Molded bread; only enough jelly to put on one slice of bread; rotten potatoes, always half-cooked; powdered eggs with the consistency of overcooked tapioca; not enough desserts; the food is generally unpalatable without seasoning and not fit for human consumption. In conclusion to this grievance we demand better prepared food.

6. Because many of us feel that we cannot get a fair shake between the Legal Aid Society and the courts, we find that we must prepare our own briefs and motions. This institution has law books in its library, but the institution does not allow the inmates to use the law books for reference data. In conclusion of grievance No. 6 we demand use of the law books in the library.

7. This entire institution is ridden with body lice, roaches, rats and mice and we demand that adequate measures be taken to alleviate this condition.

8. As has been stated, a great majority of the men here spend about an average of eight months to a year here with their cases, and a good portion of them, due to circumstances, have no other clothes to wear save those which they had when they entered the institution. We feel that the institution should supply each inmate with adequate clothing and facilities to maintain the upkeep of their civilian attire.

9. We ask that there be an improvement in the medical staff here at the institution. As the matter now stands, the doctors prescribe an assortment of pills for every individual ailment without adequate diagnosis of the patient's complaint. The doctors even relegate responsibility by having an institution nurse listen to prisoners complain of ailments and prescribe pills for that ailment contrary to standard medical practice and the law in that regard.

10. We ask that there be no repercussions against any of the inmates involved in this protest, and that each and every point of the above list of grievances be given your personal attention. We also ask that this entire petition, without deletion, be made public by giving access to it to the press.

In conclusion

We are firm in our resolve and we demand, as human beings, the dignity and justice that is due to us by right of our birth. We do not know how the present system of brutality and dehumanization and injustice has been allowed to be perpetuated in this day of enlightenment, but we are the living proof of its existence and we cannot allow it to continue.

The manner in which we chose to express our grievances is admittedly dramatic, but it is not as dramatic and shocking as the conditions under which society has forced us to live. We are indignant and so, too, should the people of society be indignant.

The taxpayers, who just happen to be our mothers, fathers, sisters, brothers, sons and daughters, should be made aware of how their tax dollars are being spent to deny their sons, brothers, fathers, and uncles justice, equality and dignity.

Respectfully submitted,

We Are One People, the Inmates of the 9th Floor Tombs Prison.

THE MANPOWER TRAINING AND FULL EMPLOYMENT ACT OF 1970

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. BRADEMAS. Mr. Speaker, I take this time to announce that my distinguished colleague, the gentleman from New York (Mr. OTTINGER), and I yesterday introduced the Manpower Training and Full Employment Act of 1970.

Our bill, H.R. 18867, constitutes an effort to attack two major problems now confronting America: Rising unemployment and a growing shortage of essential public services.

Mr. Speaker, to meet these problems, manpower training alone is not enough. The Manpower Training and Full Employment Act which we have introduced provides not only training but also new careers in public service jobs, jobs which unemployed workers need, and jobs which supply services which society needs.

HIGH LEVELS OF UNEMPLOYMENT

Today over 4 million Americans are jobless. The Nation's unemployment rate has risen to 5 percent and threatens to remain between 5 and 6 percent until well into 1971.

In parts of the United States, unemployment has soared to 6 and 7 percent. Twenty-four major labor markets in the country, including St. Joseph and Marshall Counties in my own congressional district, are now classified by the Department of Labor as "areas of substantial unemployment."

Unemployment in South Bend, Ind., the major city in my district, has climbed to 7.2 percent in June.

Mr. Speaker, to date the administration's economic policies have been confined to combating inflation by allowing increased unemployment. But this is an approach that inflicts needless damage on the unemployed and needless injury on the economy.

The Manpower Training and Full Employment Act aims not at stimulating unemployment but at providing both training of unemployed workers and job opportunities for them.

NEEDS FOR ESSENTIAL PUBLIC SERVICES

For, Mr. Speaker, at the same time that many American communities are experiencing unacceptable levels of unemployment, most communities in the United States have serious shortages of trained personnel in health and hospital services, education, urban improvements, parks and recreation, and pollution control.

This shortage has been documented by a study prepared for the Departments of Labor and Health, Education, and Welfare by the National Planning Association.

This study concludes that achievement of the objectives projected by the Presidential Commission on National Goals would by 1975 more than double our public service employment needs of 1962.

Similarly, a 1965 study by the Office of Economic Opportunity concluded that 4.3 million new public service jobs could be filled if the Federal Government were to begin to meet the Nation's needs for public service employment.

In addition to the general need for an expansion of public service employment documented by these studies, specific areas of public service present particularly urgent demands for an expansion of jobs and essential services.

HEALTH AND HOSPITAL SERVICES

For example, Mr. Speaker, between 1962 and 1975, it is estimated that total health service employment needs will increase to 2,374,000, up from 1,021,000 in 1962, an increase of 133 percent over the 13-year period.

The Nation's mounting crisis in health care is apparent to everyone who has tried to see a doctor, sought to gain admission to a hospital, or paid a medical bill. We desperately need more doctors, nurses, medical technicians, and hospital beds. Critical bottlenecks in these areas make health care the single most inflationary item in the family's budget.

EDUCATION

Or, Mr. Speaker, let me refer to education. By 1975, public service manpower needs in the area of education will have increased from the 1962 level of 618,000 to 1,777,000, a 90-percent rise. In addition, we will need 1,142,000 nonteacher instructional personnel in public classrooms by 1977, nearly a tenfold increase over the present level.

RECREATION, PARKS, AND ANTIPOLLUTION ENFORCEMENT

A 1968 report of the National Parks and Recreation Association concludes that the deficit in recreation manpower will be 199,000 by 1975, approximately four times the present manpower deficit of 58,000.

AIR POLLUTION

Today, as recent events have dramatically made evident, our cities must live with pollution alerts and virtually uninhabitable air. At the same time, the number of persons directly employed in combatting air pollution is embarrassingly, if not frighteningly, low. A July 1969 report by the Department of Health, Education, and Welfare on Manpower Needs for Air Pollution Control estimated that budgeted positions in State and local air pollution control agencies currently total only 2,840 full-time positions.

WATER POLLUTION

The Department of Interior report to Congress—1967—on Manpower and Training Needs in Water Pollution Control estimated that 73,700 additional professionals, technicians, and sewage plant operators will be needed by 1972. These estimates, conservative by the Department's own admission, do not include pipefitters, supervisory personnel or lab technicians and are exclusive of replacement needs.

Mr. Speaker, the Manpower Training and Full Employment Act which Mr. OTTINGER of New York and I have introduced would both help train the growing numbers of unemployed and underemployed workers for new careers and provide new jobs to supply vitally needed public services.

Mr. Speaker, let me here outline the major features of the Ottinger-Brademas bill:

MANPOWER SERVICES PROGRAM

Title I of H.R. 18867 establishes a manpower services program which would provide:

First. Training of unemployed and un-

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deremployed workers for technical or subprofessional occupations. This training will be performed by public or private educational institutions.

Second. Health care, child day care, transportation, and relocation expenses for trainees.

Third. Part-time employment and on-the-job training for high school students from low-income families.

Fourth. Incentives and cost reimbursement to private and public employers for recruiting, training, counseling, and employing low-income persons.

Fifth. The establishment of easily accessible employment centers and mobile employment agencies.

TITLE II—PUBLIC SERVICE EMPLOYMENT

Title II of the bill establishes a public service employment program under which the Department of Labor is authorized to contract with Federal, State, or local governments or nonprofit agencies to provide useful public service jobs to unemployed or underemployed persons.

Areas in which jobs may be created under the public service employment program include education, transportation, recreation, park and street maintenance, pollution control, housing, conservation, family planning, and rural development.

SPECIAL PROGRAMS

Title III of the Manpower Training and Full Employment Act authorizes several special programs: "New Careers," "Mainstream," and a community environment service.

The new careers program will provide unemployed or low-income persons with new jobs leading to careers designed to improve the communities where workers reside.

The mainstream program aids projects directed at the chronically unemployed poor.

The community environment service will provide jobs involved in the restoration of the environment.

COMPUTERIZED NATIONAL JOB BANK

The National Computerized Job Bank established by the bill provides a new tool for job placement. Through the Job Bank, information on job openings can be made currently available through the use of electronic data processing equipment.

The Job Bank has been tested on an experimental basis in Baltimore, where it has assisted in increasing job placements for the disadvantaged from 20 to 50 percent. The system has three basic operating advantages: it provides for timely distribution of information on job openings to employment service staff and staff of cooperating agencies; it substantially reduces excessive referrals of workers to employers; and it reduces unproductive job solicitation visits to employers.

BILINGUAL MANPOWER TRAINING PROGRAMS

Large numbers of Americans have difficulty finding jobs because of their limited English-speaking ability. Title VI of the bill provides financial aid to public agencies and nonprofit private organizations for programs to aid migrants and workers with limited English-speaking ability.

VETERANS MANPOWER TRAINING AND EMPLOYMENT

Of the million men who return to civilian life every year, about 200,000 do not have a high school diploma.

A large percentage, perhaps as high as 25 percent, come from depressed or impoverished areas.

The President's Committee on the Vietnam Veteran concluded in a recent report:

> Statistics on the employment experience of educationally handicapped veterans bears out their need for concern. A recent survey reported unemployment rates of 5.8 percent for white veterans who had completed high school and 8.8 percent for those white veterans with less than a high school education. These rates compare with a 4.6 percent unemployment rate for all non-veterans in the comparable age range. The same survey reported unemployment rates of 9 percent for Negro veterans who had completed high school and 18.5 percent for Negro veterans with less than a high school education. For Negro non-veterans in the same age group, the unemployment rate was 5.9 percent.

There are two facets to the problem of veterans unemployment. Men who do have marketable labor skills must be matched with the jobs available and must, after their long stay in the military, be reacquainted with the civilian labor market.

For those who have no usable labor skills the problem is either to provide them with training, before separation if possible, so that they are not left out in the cold when they return to civilian life, or at least to encourage them, after discharge, to take advantage of opportunities under the GI bill.

Providing the educationally and economically deprived veterans with job skills during their service is a more difficult problem. For 3 years the Defense Department's Project Transition has been trying to provide in-service training to those who need it and who have less than 6 months of service remaining. The intentions behind the program are good, but it is severely limited. Only servicemen who spend their last 6 months of active duty within the United States are eligible to participate in the program. This fact, combined with the relatively low level of response from those who are contacted, means that only 60,000 servicemen annually make use of Project Transition—not much of a dent in the million servicemen separated from the military each year.

Efforts to beef up Project Transition have not met with much enthusiasm within the professional Military Establishment, which is traditionally and understandably concerned with encouraging a high rate of reenlistment. We must, therefore, make special efforts to provide opportunities for veterans in our civilian manpower and training programs.

Despite the fact that there are more veterans on the labor market than ever before and that 23 percent of enlisted men leaving service annually do not have high school diplomas, the number of veterans enrolled in MDTA classroom training has decreased by approximately 20 percent since 1958.

Vietnam veterans are now returning to civilian life at the rate of 70,000 a month. Increased troop withdrawals will, of course, increase the rate of discharge.

The Ottinger-Brademas bill will require the Secretary of Labor to establish effective administrative controls—currently totally lacking—to insure that all veterans seeking assistance received it promptly and effectively. The Secretary will also be required to determine whether sufficient State employment service personnel are being committed to applications of veterans, who comprise one-sixth of all those applying to employment service offices.

OLDER AMERICANS

In periods of affluence, middle-aged and older workers have nevertheless found it increasingly difficult to find and keep jobs.

Seven million Americans over age 55 live at or below the poverty level. And rates of unemployment for workers over age 45 are substantially higher than among younger workers.

Accordingly, title VIII of the bill—Mid Career and Older Workers Employment Act—authorizes programs to increase job opportunities for older workers through education, training, elimination of discriminatory practices and Federal employment.

Mr. Speaker, I believe I must here make an observation concerning H.R. 13472, the manpower training bill which the administration sent to Congress in August of 1969. H.R. 13472 is no more than additional evidence that the administration prefers showpiece program reorganization to substantial program reform. How else could the administration design a manpower development bill that manages to ignore public service manpower shortages, the employment needs of veterans returning without jobs, older and mid-career workers, and long overdue basic reforms in manpower programs?

The administration's manpower bill (H.R. 13472) is completely inadequate. It creates no jobs. It lacks provision for realistic public service employment program. The main thrust of the administration's manpower bill is in establishing a mechanism for coordinating and consolidating existing manpower training programs.

Mr. Speaker, Mr. OTTINGER and I hope that President Nixon will join Democrats and Republicans in Congress in pressing for prompt passage of H.R. 18867, the Manpower Training and Full Employment Act of 1970.

Surely this great Nation can find a way both to train unemployed men and women and to meet serious shortages of trained manpower—and womanpower—for essential public services.

THE FINANCE LOBBY IS WORKING AGAINST LEGISLATION IN HOUSE

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Speaker, there will undoubtedly be those who will try to inject the office of Chief Justice of the United States into the political arena and interpret Chief Justice Warren E. Burger's speech to the American Bar Association as an admonition not to extend to consumers the right to an effective class action procedure in Federal courts. Even now, the great national network of the consumer finance lobby is working against my consumer class action legislation in the House. It is this and other massive lobbies who have tried to bring into the fray more prestigious forces than they could ever hope to be to support their special interests.

For instance, the impression was given that the American Bar Association through its spokesmen opposed the consumer class action legislation. The President of the American Bar Association has clearly refuted this proposition in a letter to the Washington Evening Star answering an article by the distinguished writer, Milton Viorst. President Segal says that ABA's Special Committee on Consumer Legislation of the section of antitrust law does not speak for the American Bar Association, that the same thing is true of another committee of the bar, the Standing Committee on Legal Aid and Indigent Defendants, which has favored consumer class actions.

Now, undoubtedly, the special interest lobby against consumers will try to use the great prestige of Chief Justice Burger by attempting to twist it into a statement against consumer class actions. I wish here to anticipate this and to show that such an attempt would be a flagrant warping of Chief Justice Burger's very excellent speech in St. Louis to the American Bar Association.

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The thrust of the Chief Justice's speech was this:

> As Dean Roscoe Pound said 64 years ago, the work of the courts in the twentieth century cannot be carried on with the methods and machinery of the nineteenth century.

Justice Burger correctly said that:

> We did not heed his warning and today in the final third of this century we are still trying to operate the courts with fundamentally the same basic methods, procedures, and machinery he said were not good enough in 1906.

He then goes on to point out how the very necessary duties of the court have expanded, how there has been a revolution in criminal law, and how there is a need to increase the size and efficiency of our judicial system.

Among other things he points out that lawyers, judges, and Congress have not sufficiently brought the machinery of law up to date. Indeed, this is one of the reasons why consumer class actions are presently necessary as an improvement of that machinery. They could consolidate in a single case many potential cases which would burden the courts if tried separately—many cases that cannot be made the subject of a class action today. They utilize the most modern machinery of the law, the provisions of Federal Rule 23.

Second, he emphasizes the increasing seriousness of problems brought about by the increase in population attendant upon the great growth of the cities and the increase in the volume of cases. Such growth of population and such growth of big cities have made the marketplace impersonal and have contributed to the need for an effective consolidated adjudication of consumer cases.

Third, Chief Justice Burger points out that new laws have been passed and new decisions have been rendered creating many new kinds of cases and processes. The examples he gives of statutes "which added thousands of cases" to the courts' case load are two recent statutes "relating to commitment of narcotic addicts and the mentally ill." He also mentions the increasing number of criminal cases and their increased complexity.

Certainly, we cannot reasonably conclude that Justice Burger would have favored defeating the statutes or removing the safeguards to civil liberties in order to lighten the case load, and he does not say this. He says:

> The most simple and the most obvious remedy is to give the courts manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within sixty days after indictment.

and he points out that the bar has been too apathetic and the judges too timid "to make clear to the public and the Congress the needs of the courts."

These points are the major thrust of Justice Burger's speech. With them I wholeheartedly agree. The only paragraph in which he referred to class actions is quoted in full as follows:

> As to the future I can do no more than emphasize that the Federal court system is for a limited purpose and lawyers, the Congress, and the public must examine carefully each demand they make on that system. People speak glibly of putting all the problems of pollution, of crowded cities, of *consumer class actions* and others in the Federal courts. *We should look more to state courts familiar with local conditions and local problems.* [Emphasis added.]

I agree with Justice Burger on these points also, and my consumer class action bill is congenial with the points. Let me support each of the propositions with the example of my consumer class action provisions:

First. The Federal court system is, indeed, "for a limited purpose and lawyers, the Congress, and the public must examine carefully each demand they make on that system." The class action bill provides that the typically judicial subject matter involved with damage to a consumer by virtue of an illegal act upon the part of a supplier is to be tried in an effective, efficient manner by courts. It is courts that can most effectively afford remedies for injury of persons. This is the "limited purpose" of the bill. It is a judicial purpose accomplished in a lawyer-like fashion.

Second. The act does not "speak glibly" of putting many problems, including consumer class actions, in the Federal courts. It places only the problem of dealing with those cases of reasonable size, affecting commerce, and being most effectively triable in Federal courts, in these courts. And the cases it submits to the Federal process are those which typically would not be tried at all if the remedy afforded by the act were not granted.

Third. The Chief Justice properly says that "We should look more to State courts familiar with local conditions and local problems." I agree strongly. And this is exactly what was looked to in the Eckhardt consumer class action bill. The bill looks to "State courts familiar with local conditions and local problems" to establish the substantive body of law upon which the Federal class action process applies. The administration bill does not do this but purports to fashion a whole new body of Federal substantive law which must be hammered out anew by the Federal court system.

My bill also provides concurrent jurisdiction to try the Federal action in State courts and gives the Federal court broad discretion to dismiss without prejudice to refile in the State courts. In addition, it provides equality of treatment of plaintiffs in class actions brought in State courts under the Federal act with their treatment in Federal courts. It does this by applying rule 23 wherever the case be tried. This is the only way that the State process can be made sufficiently flexible and attractive to remove the load from Federal courts.

I do not wish to inject Chief Justice Burger into the immediate legislative policy questions before Congress today. It would be very improper for him to insinuate himself into the work of a separate branch of Government and he is too good a judge of the Constitution of our Government to do so. I merely wish to point out that, though his statements are obviously not intended to support or oppose consumer class actions, nevertheless the tenets which he raises are entirely consonant with my consumer class action bill.

DISPOSAL OF MILITARY AND CHEMICAL WEAPONS

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, last week the Oceanography Subcommittee of the House Merchant Marine and Fisheries Committee concluded hearings on the Department of the Army's plan to dispose of 135,000 pounds of lethal chemical agent GB in the Atlantic Ocean off the coast of Florida. In a statement released last Friday, the subcommittee concluded that the disposal of the nerve gas containers in the ocean was the only alternative available due to the hazard to human life through continued storage.

The incredible position we find ourselves in at the present time, with tons of lethal chemical in a highly volatile munition, and the very late determination that the ocean may be the least objectionable place to get rid of it, must never be permitted to occur again. We must have a national and international reappraisal of public policy if we are to assure that the oceans do not become the world's garbage dump.

I am therefore proposing four measures today which call for a reappraisal of national and international policy—and which, if enacted, would provide the necessary safeguards against a recurrence of the dilemma which faced the House subcommittee last week.

In a time when all waste that is deposited into the oceans should be regarded as a grave threat to the environment, we in the U.S., by our action, are faced with the consequences of having to dump 135,000 pounds of lethal nerve gas into the ocean.

A 1968 study by the Dillingham Corp., estimated that 48 million tons of sewage and solid waste were disposed of at sea each year off U.S. coastlines, along with 1 million tons of oil and 10 million tons of gasoline dumped into the seas all over the world. This is in addition to the millions of tons of other pollutants spilled into international waters by other nations yearly.

It is further estimated that two-thirds of the 1.5 million tons of DDT produced by man has found its way back to the sea. The grave long-range effects cannot be known or calculated. Eight percent of available shell fishing grounds off the United States have been declared unsafe because of the hazard of hepatitis. Areas of the sea around New York, New Jersey, or Los Angeles are ecologically disturbed by "sewage muck." And industrial pollution increases at a rate of 4.5 percent a year. Ten thousand tons of lead is introduced yearly into the oceans and an equivalent amount of mercury.

The situation is grim, Mr. Speaker, and does not appear to be improving. The President's Panel on the Santa Barbara Oil Spill has estimated that by 1980 we can expect an average of one major oil spill a year, one of the more dramatic of the ways in which we are killing our oceans.

Thor Heyerdahl, and members of his expedition which recently crossed the Atlantic in a reed boat, said that he and his crew could not fill their tooth mugs from the ocean hundreds of miles out to sea because of the filthy condition of the water. The Russian scientist G. G. Polykarpov, whose studies have shown that radiation levels in the ocean are already seriously affecting the development of fish eggs, has put it another way: "further contamination of sea water is inadmissible."

The United States and other nations of the world are using the oceans as an international garbage dump. Oil, sewage, garbage, chemical effluents, heavy metals, radioactive wastes, trace elements, dry cleaning fluids, chemical warfare agents and irritants, detergents, and pesticides are just a portion of what man is dumping into the oceans seemingly without regard for, or knowledge of, the consequences. The time has come for a reappraisal of this policy.

I am therefore introducing a bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans. The council would report its recommendations for a national policy, including treaties, agreements, and necessary legislation to the President and the Congress. The text of my proposal follows:

H.R. 18914

A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Council on Environmental Quality established by Public Law 91–190 shall make a full and complete investigation and study of all aspects of existing national policy with respect to the discharge of any material of any kind into the waters of the Atlantic and Pacific Oceans, the Gulf of Mexico, and any other waters within the territorial sea and the contiguous zone of the United States. Upon completion of such investigation and study the Council shall report to the President and Congress the results thereof, its recommendations for a national policy with respect to discharges into such waters including any treaties, agreements, and legislation necessary in connection therewith.

I have reviewed the recommendations which the council submitted to the President yesterday in its first annual report. The council's report indeed indicated a landmark turn in our total environmental policy. I feel, however, that a similar report, devoted exclusively to our policy with respect to the discharging of material into the oceans, is still desperately needed.

Mr. Speaker, we must also ask ourselves, how much longer will we allow chemical and biological weapon systems to be built, not to mention nuclear weapon systems, without regard to future disarmament, disposal, and neutralization? How many of these rockets, munitions, chemical, bacteriological, and other military materiel will be built without knowledge of how to destroy them before they become a threat to the environment and our own civilian population? How much longer can we allow our oceans to be used as an international garbage dump?

In the case before the Oceanography Subcommittee last week, there seemed to be no question that the proper procedures—prescribed by law—were followed. Scientific studies were conducted not only by the National Academy of Sciences but by a special panel of scientists whose findings were transmitted to the Department of the Army. In compliance with law, approval was also sought and received from the Department of Health, Education, and Welfare. Further, a detailed statement concerning the environmental impact of the disposal of the chemicals was submitted to the Council on Environmental Quality. At each stage the necessary approval was granted. Congressional leaders were advised of the Army's plan and the approvals.

In spite of this, the Army's disposal plan was widely criticized and questioned. Clearly, the approval procedures should be strengthened.

Legislation I am introducing today would place in the Environmental Quality Council the final approval authority of all plans to dispose of military materiel in the waters of the United States or into our navigable waters. All discharges into these waters would be prohibited without a certification by the Council. My bill follows:

H.R. 18913

A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the date of enactment of this Act, no person shall discharge, directly or indirectly, into any of the navigable waters of the United States or into international waters any munition, or any chemical, biological, or radiological warfare agent, or any other military material except in accordance with a certificate issued by the Council on Environmental Quality established by Public Law 91–190 permitting such discharge and establishing the terms, conditions, and limitations applicable thereto.

Mr. Speaker, it is stupid to determine the question of disposal only after an emergency already exists. This procedure must be reversed, so that a means of safe disposal is determined at the same time the deadly weapon is obtained in quantity for U.S. military purposes.

By law we should provide that, prior to the acquisition of any munitions, chemical, biological, or radiological warfare agent, the Secretary of Defense shall determine and properly report to the Council on Environmental Quality and the Congress the following:

(a) the date beyond which such material cannot be safely retained; and

(b) the best means of disposing of such material.

Further, we must make a complete inventory of all existing munitions and other military material the ultimate disposition of which may present any danger to man or the envronment. The date for disposal and the best means of disposal must be determined and reported to the Council on Environmental Quality and the Congress for each item on the inventory.

The third bill I am today proposing would require this preacquisition certification and an inventory of existing military material stock.

H.R. 18912

A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense, acting through the Secretaries of the military departments, shall make a complete inventory of all existing munitions, chemical, biological, and radiological warfare agents, and other military material the ultimate disposition of which (other than for the purpose for which acquired) will present any danger to man, or to the environment, and with respect to each item on such inventory, determine the date beyond which such item can not be safely retained, and determine the best means of disposing of such item. The inventory, and the disposition date, and method of disposition of each item thereon required by this Act shall be submitted to the Council on Environmental Quality established by Public Law 91–190 and to Congress as soon as practicable.

Sec. 2. Prior to the acquisition after the date of enactment of this Act of any munitions, chemical, biological or radiological warfare agent, or other military material and the ultimate disposition of which (other than for the purpose for which acquired) will present a danger to man or to the environment, the Secretary of Defense, acting through the Secretaries of the military departments, shall, with respect to such munition, agent, or material, fix the date beyond which such munition, agent, or material can not be safely retained, and determine the best means of disposing of such munition, agent, or material. All such information shall be submitted to the Council on Environmental Quality and to Congress prior to the acquisition of such munition, agent, or material.

Mr. Speaker, we must remember too, that the environmental effects of polluting the ocean will affect all countries of the world—not just the United States alone.

Article 2 of the convention on the high seas provides that freedom of the high seas, recognized by international law, shall be exercised by all states with reasonable regard to the interest of other states in their exercise of freedom of the seas. Articles 24 and 25 charge signatories with drawing up regulations and taking measures to prevent pollution by dumping radioactive wastes.

Pursuant to this very limited agreement, the United States has enacted its own approval procedures. Public Law 91-212, section 409(c)(2) provides that:

> None of the funds authorized by this Act, or any other Act shall be used for the future testing, development, transportation, storage, or disposal of any lethal chemical or any biological warfare agent outside the U.S. if the Secretary of State, after appropriate notice by the Secretary [of Defense] whenever any such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the President of the Senate and the Speaker of the House of Representatives, and to all appropriate international organizations, or organs thereof, in the event such report is required by treaty or other international agreement.

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Pursuant to this law, the Secretary of Defense advised the Secretary of State of plans to dispose of the nerve gas GB in the Atlantic Ocean. The Acting Secretary of State, after reviewing the Army's plan with Defense Department experts, concluded on July 30, 1970:

> No basis has been found for a determination that the transport and disposal in question will violate international law.

These findings were then communicated on the same day to the Speaker of the House and the President of the Senate.

The State Department has further advised that the only other precautions taken on an international level will be "In accordance with international practice, local notice to mariners and an international Hydrolant message will be given prior to the ocean transport and disposal."

Mr. Speaker, a more substantial agreement among nations with respect to insuring the preservation of our oceans is obviously essential. The implications are far-reaching. If the United States can approve the dumping of lethal nerve gas in the middle of the Atlantic unilaterally—a decision based solely on U.S. scientific opinions—there is nothing that could prevent any country from making a similar determination which could greatly affect the United States.

The United Nations is the logical body within which to reach agreement on the prevention of pollution. Cooperation of all nations is essential, and certainly, the United States must not permit itself to be an offender.

The U.N. Conference on the Human Environment is scheduled to convene in Stockholm in 1972. I call for placement on the agenda of that Conference consideration of international agreements and procedures prohibiting or at the very least for securing approval for the dumping of any waste matter into the oceans. At the present time there is absolutely nothing to prevent any nation from dumping harmful and dangerous substances immediately outside of our territorial waters.

I sincerely hope that the President will instruct the U.S. Delegation to the U.N. Conference at Stockholm to take the lead in making this proposal to prohibit and prevent pollution of the waters of the world. I have today introduced the following concurrent resolution expressing the sense of the Congress in support of this effort:

H. Con. Res. 704

> *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the pollution of waters all over the world is a matter of vital concern to all nations and should be dealt with as a matter of the highest priority.
>
> Sec. 2. It is the sense of the Congress that the President, acting through the United States delegation to the 1972 United Nations Conference on the Human Environment, should take such steps as may be necessary to propose an international agreement or amendments to existing international agreements, as may be appropriate, providing for coordinated international activities to prohibit the disposal of munitions, chemicals, chemical munitions, military materiel and any pollutants in territorial waters, contiguous zones, the deep sea bed or any international waters, and otherwise to prevent the pollution of the waters of the world.

In conclusion, Mr. Speaker, I wish to reiterate my call for:

First. A thorough study by the Council on Environmental Quality of national policy with respect to the discharging of material into the oceans;

Second. An international agreement, under the auspices of the 1972 U.N. Conference on the Human Environment to be held in Stockholm to prohibit any dumping in the waters of the world, and provide the necessary framework for review and enforcement;

Third. A requirement that before any new munition or chemical can be introduced into the U.S. arsenal by the Department of Defense—or any other Federal agency—there must first be formulated and simultaneously certified by the Council on Environmental Quality, a specific date by which it must be disposed, and the means of disposal; and a requirement for an immediate review by the Department of Defense—all military services—of all munitions and chemicals on hand whose retention or ultimate disposal present a hazard or potential injury to mankind or the environment, for the purpose of determining the date of disposal and the means of disposal; and

Fourth. Legislation to provide the Council on Environmental Quality with final authority within the executive branch for approval of all disposal plans.

Mr. Speaker, we must have national and international reappraisal of public policy if we are to prevent the destruction of the waters of the world. The damage to mankind is incalculable and irreversible if we insist on using the oceans as an international disposal dump for garbage, sewage, military materiel and other refuse of mankind.

THE RELENTLESS WAR IN VIETNAM

The **SPEAKER** pro tempore (Mr. Hanley). Under a previous order of the House, the gentleman from Ohio (Mr. Feighan) is recognized for 30 minutes.

Mr. FEIGHAN. Mr. Speaker, according to a recent nationwide poll service 56 percent of the American people want an early end to the Vietnam war. This percentage figure now includes many who originally supported the objectives of the war, but have now become disenchanted because of our long history of involvement with no prospect of victory. To my mind this long, relentless war has been due, in great measure, to our own making; and, had it not been for some serious errors in judgment, we would have reached, long before now, a decisive stage in the war. For example, I believe the assassination of President Diem in 1963 was counterproductive, and our restrictive bombing of North Vietnam lost for us our only effective means of forcing the enemy to negotiate.

Up to the time of his assassination, President Diem had been making progress in developing the administrative processes of government, agrarian reform, and security against communist infiltration; and in the midst of many ethnic, regional, and religious differences, he was slowly pushing his countrymen toward a sense of national identity. This was no rare achievement in a country that had known little peace, and less cohesion since the history of Vietnam began.

Such progress came to an end, however, when a clique of self-seeking and adventurous generals organized a coup to remove Diem from power. This happened on November 1, 1963, and in the process Diem was assassinated. This produced a nightmare of confusion in the administrative and political affairs of South Vietnam. Near anarchy became the trend. The Chicago Tribune put the development in proper context when it observed:

> The military coup which put an end to the Diem regime in South Viet Nam could hardly have been unexpected in Washington. . . . There seems to have been a division of opinion of the American Government about the advisability of throwing the internal affairs of South Viet Nam up for grabs at a time when the United States was heavily involved in that country's war for survival against communism.

Over the next 2 years, control of the government in Saigon passed from one group to another. There were in all, nine such short-term interim governments. Inefficiency and corruption became rampant, many officials abandoned their responsibility and fled with their ill-gotten gains to become expatriates in Paris and the Riviera. As a result, the war effort in South Vietnam became minimal. Taking advantage of this situation, the Vietcong successfully infiltrated into the densely populated Mekong Delta; created the Ho Chi Minh Trail whereby two new North Vietnamese divisions could make their appearance in South Vietnam.

As Communist capabilities in South Vietnam improved, security to American forces and facilities became endangered. American convoys were ambushed; the American Embassy, American hostels, and barracks were bombed and attacked; American military and civilian vessels were bombed and sunk; American military aircraft were destroyed by Vietcong while standing still on airfields; and American military bases in the central highlands of South Vietnam became isolated. In the midst of this trend the Council of Ministers of the Southeast Asia Treaty Organization reported that there then existed a threat to the sovereignty of the Republic of Vietnam as well as Southeast Asia.

All these developments came to a head when, on August 2, 1964, three North Vietnamese torpedo boats attacked a U.S. destroyer, the U.S.S. *Maddox*, which was on routine patrol in the Gulf of Tonkin, some 30 miles off the coast of North Vietnam. Two days later the *Maddox*, along with another destroyer, the *C. Turner Joy*, was again attacked by torpedo boats, resulting in an exchange of fire. The United States drew attention of these attacks to the Security Council of the United Nations but to no avail.

Due to our obligations under the Southeast Asia Treaty Organization and the necessity to protect our forces in South Vietnam, and the China Sea, President Johnson asked Congress for a resolution expressing the unity and determination of the United States to repel aggression and protect freedom in Southeast Asia. A joint resolution was passed on August 7, 1964, by a vote of 88 to 2 in the Senate and 416 to 0 in the House, and became Public Law 88-408 on August 10, 1964. This became known as the Tonkin Resolution which authorized our subsequent buildup in Vietnam.

In our efforts to stabilize the military situation, and defeat the Vietcong, our forces fought to the unfamiliar surroundings of elephant grass, paddyland, mountains and almost impenetrable jungles. The nature of the fighting became relentless and timeless; whereupon emphasis was placed on bombing the enemy. This bombing, however, was limited and restrictive in nature, which probably lost for us the one real opportunity of reaching a decisive stage in the fighting.

On this subject, Senator STUART SYMINGTON, former Air Force Secretary, observed:

> It would seem that we are attacking the least important targets most, the more important targets less, and the most important targets not at all.

Admiral Sharp, overall commander of our operations in the Far East, since retired, has commented in greater detail as to the consequences of this restricted method of bombing:

> Our first chance to win the war quickly came in February 1965, when we started bombing the north. At once, we should have launched a sustained, maximum-effort attack on all of the transportation facilities, military complexes, petroleum-storage depots. At that time, the enemy had no Soviet surface-to-air missile—SAM—sites installed, and his antiaircraft capability was practically nil. He could not have opposed us in any significant way, and we could have quickly broken North Vietnam's resistance.
>
> If we had launched a maximum-effort air campaign—coupled with heavy pressure on the enemy's troops in South Vietnam—it would not have been long before he would have been forced to ask for negotiations. And it is important to note that these negotiations would have been conducted on terms favorable to us—instead of, as it turned out, our having to coax him to the negotiating table, more or less on his terms. It's also possible that under this extreme pressure the enemy's aggression in the south might just have faded away. Either way, it would have been a victory for us. But what happened? From the start, our air power was kept on a tight leash. At first, when we sent even a reconnaissance plane over the north, Washington would tell it what route and altitude to fly. We started our operation close to the Demilitarized Zone and worked gradually northward about 30 miles at a time, always under Washington's close control. It was obvious to anybody plotting the course of events that the enemy could expect us eventually to move on up to the heartland of the country. Thus, the vital military elements of surprise and maximum impact were lost.
>
> We also lost valuable time. Our policy of gradualism enabled North Vietnam to mount the most formidable air-defense system that has ever been used in combat history. The North Vietnamese began building SAM sites in 1965, and during that year were able to fire only 125 missiles. Eventually, the North Vietnamese had about 40 SAM battalions, and during 1967 they fired nearly 3500 missiles at our aircraft. The result is that we have lost nearly 1000 planes over North Vietnam. Many of the pilots were killed or captured. Not only did we suffer this needless loss of men and aircraft, but the North Vietnamese were given time to disperse their factories and military installations. This made it all the more difficult to go after them later, and hence prolonged the war.

I agree with Admiral Sharp. Our restrictive bombing has prolonged the war. Here lies the basis for the increasing urge to end the war and bring our troops home. The future now rests with the shifting of the American role in Vietnam to that of helping the Vietnamese to help themselves, which means the pacification and Vietnamization programs. The pacification program now consists of paramilitary forces, numbering in excess of 500,000 men, trained and equipped by the Americans, and it has the responsibility of maintaining hamlet and village security. The Vietnamization program is the development of the Army of the Republic of Vietnam, numbering approximately 1,000,000 soldiers, trained and equipped by the Americans for the role of combat with regular enemy units still operating in South Vietnam.

The recent report dated July 6, 1970, by the Select Committee of the House on U.S. Involvement in Southeast Asia states the process of pacification and Vietnamization of the war in Vietnam is progressing and that all levels of our military command there are planning to meet withdrawal schedules. These withdrawals which commenced in early 1969, when our forces reached the peak figure of 543,400, will continue until December 1972 when an estimated force of 50,000 will be left. However, the ultimate results of our involvement in South Vietnam will be determined by the Paris peace talks.

These talks have now been resumed. As in Korea, they can be long and frustrating, and part of the relentless war. In order not to repeat our past mistakes in negotiating with the Communists, I recommend the following courses of action:

First, the agenda for negotiations to include only matters of substance, and not propaganda;

Second, the first item on the agenda to cover the release of prisoners of war;

Third, place a time limit on every item for discussion to avoid propaganda exploitation;

Fourth, during negotiations require the adversary to match words with deeds;

Fifth, never make a concession for which there is not an exact reciprocation;

Sixth, adopt adequate security precautions among ourselves to prevent leaks to the adversary during the period of negotiations; and

Seventh, utilize military options to force the enemy to produce results in peace talks.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am very happy to yield to my very distinguished colleague, the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding.

As a member of the House Committee on Foreign Affairs I have listened with very great interest to the statements the gentleman has made and I appreciate the study and time the gentleman has put in on this subject and the facts that the gentleman has produced so well.

Mr. Speaker, I would like to ask the gentleman how much time did the negotiations take in Korea?

Mr. FEIGHAN. Over 2 years—2 long years.

Mr. FULTON of Pennsylvania. It was 2 years in Korea before really any kind of a cease-fire or agreement was reached, is that correct?

Mr. FEIGHAN. The gentleman is correct.

Mr. FULTON of Pennsylvania. One other question: What should the Congress scrutinize particularly now and in the future in Vietnam; what would the gentleman emphasize?

Mr. FEIGHAN. I believe we should have a constant monitoring of the pacification and Vietnamization programs and any indications of progress in the Paris peace talks.

Mr. FULTON of Pennsylvania. One other question that I would like to ask the gentleman from Ohio is about the military options. What does the gentleman have in mind regarding the military options, to wit the influence of any impact of the peace talks to which the gentleman has just spoken?

Mr. FEIGHAN. In reply to the inquiry of the gentleman from Pennsylvania, I have in mind military options only as a last resort—only as a last resort. If this be necessary I suggest the strategic targets which we omitted on the first occasion of bombing such as the Hanoi bridges and the Haiphong Canal and other approaches to Haiphong.

Mr. FULTON of Pennsylvania. Mr. Speaker, I thank the gentleman from Ohio because of his factual observations, and I wish to say to the gentleman that it has been a pleasure to have his answers to the questions I have asked and for his advice for the future of the U.S. course of action in this area.

Mr. FEIGHAN. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield back the balance of my time.

LEGISLATION TO TREAT CITIES LIKE STATES

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from New York (Mr. FARBSTEIN) for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 18893, legislation to give urban areas a more equitable share of Federal grant money by permitting large cities to be treated and funded as if they were States. The individual city with a population of 150,000 or more would have the option of having this proposal apply to any of or all of the grant programs for which it qualified.

Much of Federal aid to cities currently is allocated through the States, which are less than totally sympathetic to urban needs.

The Congress goes on appropriating funds to meet urban problems that never reach urban areas. The States flaunt the fact that they have large cities with immense problems in order to secure Federal aid, but forget about the cities once that aid is in their hands.

Recent reports on urban education and the Crime Control Act found not only a low per capita of funds going to cities, but that funds allocated by the States to the cities had to be used for what the State authorities felt most important.

Under my formula, grant allocations could go directly to the city based on the same formula applied to the States. The amount to the rest of the State would then be recalculated as if the city were not a part of the State. It would not involve any increase in overall expenditures.

The cities are estimated to have lost billions because so large a percentage of Federal aid goes through the States. The Federal Government has no exact figure, since it normally does not keep track of how the States allocate Federal money. That is considered the State's responsibility.

The provision would mean that New York City, for example, could get seven times more water treatment funding in 1 year than it has in the previous 15. Between 1957 and January 31, 1970, it received $7,896,000 in Federal funds. Under H.R. 18893, the city would have received $32,750,000 in just fiscal 1970 alone.

I insert at this point in the RECORD the text of the bill:

H.R. 18893

A bill to permit any of certain municipalities to be considered as a "State" for the purpose of applying for benefits under certain Federal grant-in-aid programs; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, any municipality having a population of not less than 150,000 may apply for benefits under any existing Federal grant-in-aid program enacted for the benefit of the States if such program provides assistance for the carrying out of activities or purposes that are within the legal power of such municipality to perform. For the purposes of any such Federal grant-in-aid program, any municipality applying for benefits thereunder shall be deemed to be a "State", and the application of any formula established with respect to the allocation of funds under such program among the States shall, notwithstanding any other provision of law, be adjusted to provide for the equitable allocation of available funds thereunder among the States and those municipalities which elect to apply under this Act for benefits. A municipality may terminate its application or participation with respect to a Federal grant-in-aid program under this Act at any time.

SEC. 2. The Director of the Office of Budget and Management shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this Act.

SEC. 3. This Act shall apply only with respect to applications made by municipalities under the first section of this Act for benefits under Federal grant-in-aid programs for the fiscal year beginning July 1, 1970, and fiscal years thereafter.

The dramatic impact this legislation would have on the allocation of financial resources to our large cities is demonstrated through an analysis of its impact on five urban grant programs: First, vocational rehabilitation services; second, hospital construction—Hill-Burton; third, waste treatment works construction; fourth, public community colleges and technical institutes construction; and, fifth, vocational education for New York City, St. Louis, and San Francisco.

1. VOCATIONAL REHABILITATION SERVICES

Formula used for allocation: For each fiscal year each State is entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated as the product of the population of the State and the square of the allotment percentage—based on per capita personal income—bears to the sum of the corresponding products for all the States.

Apportionment of the available funds, with the cities of New York, San Francisco, and St. Louis treated as States, would yield the following results for fiscal year 1970:

[In thousands]

Description:	
New York State, total	$35,100
State excluding New York City	24,720
New York City	10,380
California, total	39,760
State excluding San Francisco	38,760
San Francisco	1,000
Missouri, total	15,120
State excluding St. Louis	13,740
St. Louis	1,380

Under present law, with funds apportioned among the 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, the States would be eligible to receive:

[In thousands]

United States, total	$600,000
New York	33,780
California	38,160
Missouri	14,940

Comparison of these two sets of estimates indicates the following increases in allocations if the apportionment is applied to three cities as though they are separate States:

[In thousands]

New York State and City	$1,320
California and San Francisco	1,600
Missouri and St. Louis	180

2. HOSPITAL CONSTRUCTION (HILL-BURTON)

Formula used for allocation: For each fiscal year, each State is entitled to an allotment bearing the same ratio to the sums appropriated as the product of the population of the State, and the square of the allotment percentage—based on per capita personal income—bears to the sum of the corresponding products for all the States.

Apportionment of the available appropriations, with the cities of New York, San Francisco, and St. Louis treated as States, would yield the following results for fiscal year 1970:

[In thousands]

Description:	
New York State, total	$6,003
State excluding New York City	4,228
New York City	1,775
California, total	6,783
State excluding San Francisco	6,629
San Francisco	154
Missouri, total	2,586
State excluding St. Louis	2,350
St. Louis	236

Under present law, with funds apportioned among the 50 States, the District of Columbia, and outlying areas as specified, the States would be eligible to receive:

[In thousands]

United States, total	$102,620
New York	5,778
California	6,527
Missouri	2,555

Comparison of these two sets of estimates indicate the following increases in allocations if the apportionment is applied to the three cities as though they are separate States:

[In thousands]

New York State and city	$225
California and San Francisco	256
Missouri and St. Louis	31

3. WASTE TREATMENT WORKS CONSTRUCTION

Formula used for allocation: Of each year's appropriation, the first $100,000,000 is allotted: First, half in proportion to population; and second, half according to the ratio of average personal income per capita for the United States to the average for each State. Any appropriations over $100,000,000 are allotted in proportion to population.

Apportionment of the available appropriations, with the cities of New York, San Francisco, and St. Louis, treated as States, would yield the following results for fiscal year 1970:

[In thousands]

Description:	
New York State, total	$70,675
State excluding New York City	37,925
New York City	32,750
California, total	66,130
State excluding San Francisco	62,560
San Francisco	3,570
Missouri, total	17,985
State excluding St. Louis	14,160
St. Louis	3,825

Under present law, with funds apportioned among the 50 States, the District of Columbia, and outlying areas as specified, the States would be eligible to receive:

[In thousands]

United States, total	$800,000
New York	69,950
California	65,620
Missouri	17,275

Comparison of these two sets of estimates indicates the following increases in allocations if the apportionment is applied to the three cities as though they are separate States:

[In thousands]

New York State and City	$725
California and San Francisco	510
Missouri and St. Louis	710

4. PUBLIC COMMUNITY COLLEGES AND TECHNICAL INSTITUTES: CONSTRUCTION

Formula used for allocation: Comprising a portion of the appropriation for undergraduate facilities, these funds are apportioned on the basis of the product of the number of high school graduates and the allotment ratio—based on per capita personal income—for each State, in relation to the sum of the products for all States.

Apportionment of the available appropriations, with the cities of New York, San Francisco, and St. Louis treated as States, would yield the following results for fiscal year 1970:

[In thousands]

Description:	
New York State, total	$2,960
State excluding New York City	2,163
New York City	817
California, total	3,397
State excluding San Francisco	3,315
San Francisco	82
Missouri, total	1,014
State excluding St. Louis	950
St. Louis	64

Under present law, with funds apportioned among the 50 States, the District of Columbia, and outlying areas as specified, the States would be eligible to receive:

[In thousands]

United States total	$43,000
New York	2,872
California	3,332
Missouri	1,002

Comparison of these two sets of estimates indicates the following increases in allocations if the apportionment is applied to the three cities as though they are separate States:

[In thousands]

New York State and City	$108
California and San Francisco	65
Missouri and St. Louis	12

5. VOCATIONAL EDUCATION

Formula used for allocation. Available appropriations are allotted among the States on the basis of the numbers of persons in various age groups multiplied by the State's allotment ratio—based on per capita personal income. Each State's apportionment represents its percentage of the sum of the products for all the States.

Population data by age groups for San Francisco and St. Louis could not be obtained so that only a calculation of the New York City share was calculated for this program.

[In thousands]

Description:	
New York State, total	$16,785
State excluding New York City	9,587
New York City	7,198

Under present law, with funds apportioned among the 50 States, the District of Columbia, and outlying areas as specified, New York State would receive $15,652,000.

The following tables show the amounts for federally aided hospital construction projects and waste treatment works projects in New York State and New York City. These figures are not comparable with estimates of amounts available for certain programs since many factors—project approval, priority lists, matching—influence the amount of aid actually received.

AMOUNT OF AID RECEIVED—HILL-BURTON HOSPITAL PROJECTS

[Amounts in thousands]

Fiscal year	New York City		New York State	
	Total	Federal aid	Total	Federal aid
1968	$8,687	$2,343	$50,211	$12,012
1969	8,050	2,600	61,413	14,669
1970[1]	0	0	32,467	5,837
Cumulative from 1948[1]	203,466	35,249	763,710	168,575

[1] As of Nov. 30, 1969.

Note: Amounts in a fiscal year are not necessarily confined to projects listed for that fiscal year but may include additional amounts (or reductions) for earlier projects. The figures are estimates and are not final for about 3 years following the year specified.

AMOUNT OF AID RECEIVED—WASTE TREATMENT WORKS PROJECTS

[Amounts in thousands]

Fiscal year	New York City		New York State	
	Total	Federal aid	Total	Federal aid
1968	$229,682	$4,460	$294,173	$19,393
1969	975	322	92,842	15,999
1970[1]	21,644	207	209,051	9,037
Cumulative, from 1957[1]	291,851	7,896	966,181	90,222

[1] As of Jan. 31, 1970.

Note: Amounts in a fiscal year are not necessarily confined to projects listed for that fiscal year but may include additional amounts (or reductions) for earlier projects. The figures are estimates and are not final for the years shown.

PROGRESS IN VOCATICNAL AND TECHNICAL EDUCATION IN TEXAS

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Texas (Mr. BUSH) for 5 minutes.

Mr. BUSH. Mr. Speaker, on June 5 of this year I had the privilege of touring the Texas State Technical Institute campus at Harlingen. For more than 2 hours I reviewed the progress the institute is making in the field of vocational education and came away deeply impressed by what I saw.

The Texas State Technical Institute is located on a former U.S. airbase. The base has been converted to use as a vocational-technical school. Hangars have been made into shops and classrooms. Barracks now serve as the dormitories for students. A building program is underway with two modern buildings going up for administration and classroom use.

The technical school now has more than 500 students enrolled, and approximately 80 percent of them are Mexican Americans. The school is bilingual, with both Spanish and English taught and spoken. Most importantly, when the students graduate, the skills they have obtained will mean numerous job offers from business and industrial firms because these students are being trained for jobs that actually exist.

The potential for growth and development of the school is recognized by many organizations. One such group, the Texas Independent Ginners Association, has made known its willingness to work with Texas State Technical Institute on a program designed to train workers as ginners and ginners' assistants. So that instruction would be as close to "on the job training" as possible, the association, in addition to recruiting students, would also obtain machines and mock-up systems from the industry and would assist in placement of graduates in year-round employment. Thus, the interest of the independent sector in such a program is easily seen.

But, much more can and should be done to enlarge the scope of activities of Texas State Technical Institute so that more skilled persons graduate and are placed in good employment. Everyone benefits from a program such as this—the student who graduates and becomes a wage-earner, and the businessmen who employs the well-trained person.

I wish the people in my home in Houston and some of the Members of Congress in Washington could have made the tour of the school that day. At Texas State Technical Institute great work is being done by those who are training the students as well as the students themselves, who are working hard to improve their living conditions.

LEGISLATIVE REORGANIZATION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Iowa (Mr. SCHWENGEL) for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, yesterday, I attempted to call attention to the lack of action on the Legislative Reorganization Act of 1970 by means of some light humor. Today I have the same goal, but will utilize as my vehicle, an editorial which appeared in the Cedar Rapids Gazette on August fourth.

The editorial is entitled, "Wild Goose Chase?", and deals with the lack of action on the Legislative Reorganization Act of 1970. The main question raised by the editorial is whether or not the House has been leading the American public on a "wild goose chase" with respect to congressional reform. It is my sincere hope that our efforts to date, have not been a "wild goose chase." However, I am not so certain that is not the case.

Yesterday, I posed the rhetorical question, "Does anybody care?" The answer is quite clear, with respect to congressional reform. The American people care very much about congressional reform, and if we fail to produce meaningful reform, some of us may be reminded just how much they care in November.

Mr. Speaker, the following editorial from the Cedar Rapids Gazette, dated August 4, 1970, is the one to which I refer:

LEGISLATIVE REORGANIZATION ACT OF 1970

Well, the U.S. House of Representatives kept the people guessing for a while and then did just what most of us expected when leaders decided to put off until tomorrow a final showdown vote on the reorganization bill it has been working on for three weeks.

Those of us who never thought the House would vote reorganization were beginning to doubt our own skepticism when the House Leader came through with colors flying.

They reasoned that the reorganization bill would have to give way to more important legislation; that it would be taken up later. But other doubting Thomases, including some who are Members of Congress, honestly believe that tomorrow will never come in this case; that the leaders will let the bill die a quiet death even though it appeared to be in above-normal health when it was set aside.

Perhaps the leaders felt too much progress was being made toward reorganization and they couldn't have that. Two of the most significant gains, in the form of amendments adopted on the House floor, have been publicized in this space recently. One would require record votes in committee of the whole if requested by 20 or more Members and the other would eliminate proxy voting in committees and require public announcement of committee votes.

We hope our appraisal of the situation is 100% wrong. We hope the House will return to the reorganization bill and pass it before the session ends. But, judging by past performances, we're not convinced at this point this will happen. If it does, we'll be delighted enough to eat a little crow. If it doesn't it can only mean that, once again, Congress is going against the will of the electorate, for surveys are conclusive that the people—and presumably they are still in control of this government—favor reasonable reorganization of the legislative branch.

COMMENTS OF PAUL JENNINGS BEFORE SUBCOMMITTEE ON FOREIGN ECONOMIC POLICY OF THE JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Pennsylvania (Mr. DENT) for 30 minutes.

Mr. DENT. Mr. Speaker, I am taking this time today to make a few remarks before presenting to the Congress, for their information, a statement by Paul Jennings, president of the IUE, affiliated with AFL–CIO, before the Subcommittee on Foreign Economic Policy of the Joint Economic Committee.

In this particular statement, President Jennings addressed himself to a very serious problem, the economic impact on our domestic economy by the multinational corporations and international investments. I share President Jennings' serious thoughts and apprehensions in this matter.

In 1958, President Eisenhower first proposed tax and other credits to all American corporations and entities who would invest in foreign countries in order to, as he put it, " reduce the need of U.S. foreign economic aid." This proposal was sold to Congress at that time and has been resold ever since. While the goal of the proposal sounded good it has followed a line completely opposite than that for which it was intended.

In 1960 and 1961, I questioned the long-range economic impact of foreign investments, and multinational production facilities.

President Jennings performed a great service by rendering a most thorough appraisal of the cold facts.

The transfer of American know-how and finances to foreign shores for the purpose of producing for consumption in the American marketplace results in shutdown of domestic production facilities, and cutbacks in domestic employment. This poses a serious danger to the American peacetime economy as well as to our defense capabilities, and can no longer be ignored.

It would do this Nation the greatest good if every Member of Congress would read President Jennings' statement, and then spend a little time analyzing what it portends for the future of the United States.

President Paul Jennings' statement is as follows:

STATEMENT OF PAUL JENNINGS BEFORE SUBCOMMITTEE ON FOREIGN ECONOMIC POLICY OF THE JOINT ECONOMIC COMMITTEE, JULY 28, 1970

My name is Paul Jennings and I am appearing here today as Chairman of the Committee on World Trade of the Industrial Union Department of the AFL–CIO. I am President of the International Union of Electrical, Radio and Machine Workers, AFL–CIO.

I want to express my appreciation for the Committee's invitation to appear before it and to address myself to the questions of the multinational corporation and international investment.

1. U.S.-based multinational corporations were expected to spend $12.7 billion on foreign plants and equipment in 1970, an increase of 20 percent, or $2.1 billion, above the estimated $10.6 billion in 1969. In 1968, direct investments of U.S. firms in foreign subsidiaries, plants and other facilities amounted to $9.3 billion. In 1960, the figure was $3.8 billion. Such investments are financed partly by U.S. capital outflows, partly by retained profits and depreciation of foreign subsidiaries, partly by foreign-raised capital.

Outlays of U.S. companies for new plant and equipment in foreign manufacturing facilities—exclusive of oil, mining and other activities—jumped from $1.4 billion in 1960 to $4.5 billion in 1967. Outlays reached $5 billion in 1969, according to a McGraw-Hill business survey, and should reach $5.6 billion this year. Between 1967 and 1969, investment in foreign plants and equipment in the electrical-electronics industries alone totaled more than $1 billion.

The figures on plant and equipment outlays are a mere token of the total size and scope of the changes now taking place even for direct investment. But these figures have shown a growth of at least 10% yearly for the past 10 years.

As a recent issue of the *Journal of Marketing* (July 1970) explained, "A development of this magnitude will inevitably shape the international environment for business in the 70's and beyond. Its implications for academicians, businessmen and government policy makers have not yet been fully appreciated."

The figures on U.S.-based outlays are reportedly better than those of multinationals based in other countries. The spread of U.S.-based multinationals abroad has been called the "American Challenge." This term is a misleading label. The multinational corporation's planning is not necessarily American. It is related to the firm's advantage, not to the advantage of the nation. (What's good for General Motors is *not necessarily* good for the U.S.A. What's good for Mitsubishi or Toshiba is *not necessarily* good for Japan. What's good for Lever Brothers is *not necessarily* good for the United Kingdom. What's good for SKF is *not necessarily* good for Sweden. What's good for Massey-Ferguson is *not necessarily* good for Canada. In fact, the new developments these changes bring about may show that General Motors *doesn't know* what's good for General Motors, etc., much less for the U.S.A. etc.).

2. In the past 25 years, U.S.-based multinational firms established an estimated 8,000 foreign subsidiaries, mostly in manufacturing. The annual foreign output of these multinational firms ranges between $120 billion and $200 billion, a total greater than the total output of any nation on the globe, with the exception of the United States, the Soviet Union, and possibly, now, Japan.

Let me cite output and sales statistics of three of the largest multinational firms with whom my union has collective bargaining relationships: In 1969, annual sales of the foreign subsidiaries of the General Electric Company were about $1 billion. General Motors, which makes electrical appliances and equipment, as well as cars and trucks, reported 1969 sales of its foreign subsidiaries as $3.4 billion. 1.4 billion of its cars and trucks—out of 7,160,000 sold in 1969—were manufactured in its overseas plants. In 1968, 40 percent of corporate sales, about $1.5 billion, of the I.T.T. corporation were made by its foreign subsidiaries, other than those in Canada.

Other U.S.-based corporations share this kind of output and sales. In 1969, IBM had $2.5 billion in sales outside the U.S., for example.

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(The U.S. government has no access to meaningful data on these firms. The public has less. The latest published survey of sales of foreign affiliates of U.S. firms is based on 1964 figures. A new report, according to the U.S. Department of Commerce, will not be available until 1971 or 1972. The data will be from a 1966 survey).

These are only a few of the several hundred well-known U.S. names involved in the new world of global conglomerates, multinationals and conglomerate-multinationals.

3. The figures, dramatic, startling as they may be, therefore, do not fully explain what is actually occurring now. There seems to be a kind of speedup on the part of multinational firms to transfer plants, production, products and technology—and jobs—outside the borders of the United States. Entire industries, growth industries, in fact, badly needed here, and many thousands of urgently needed jobs, are exported. To many of us in labor, it portends a mass exodus.

For, despite the reluctance of firms to disclose facts, the trend is marked and it is accelerating. *Fortune*, in its April 1970 issue, reports that U.S. food processing companies that have moved into Mexico are exporting frozen strawberries into the U.S., 88 million pounds of them, worth close to $15 million last year. Afraid of protectionist sentiments in the U.S., the companies will not "admit to freezing a single strawberry south of the border." A major reason for their reticence is that "imports of Mexican frozen strawberries have seriously depressed the Louisiana strawberry industry," and "nearly half the acreage planted to strawberries . . . has had to be shifted to other uses."

In my own industry, and in industries closely related, we have seen plant after plant shut down in recent years, their production discontinued, products, technology and jobs exported to offshore manufacturing facilities of the same multinational firms.

Zenith, Admiral, Ford-Philco, RCA and others, for example, have recently shifted monochrome and color TV set production to Taiwan. Last year, Westinghouse closed its Edison, N.J. TV plant and transferred production to one of its Canadian facilities as well as to Japanese firms. It imports sets now for distribution under its own label.

Emerson Radio and Phono division of National Union Electric also discontinued production of TV sets, closing down its Jersey City, N.J. plant, and transferring production to Admiral, which, in turn, transferred production of major TV product lines to Taiwan. Warwick Electronics transferred production from its Arkansas and Illinois plants, to its Mexican facility. The rush to relocate outside the U.S. is on. At this time, practically all radio sets, tape recorders and cassettes sold in this country are produced abroad, and before long the same may be true of black and white and color TV sets. Currently, about half the black and white sets and about 20–25 percent of the color sets sold here are produced abroad. Some growth products, such as home video tape recorders, will not even be produced in this country because patents held by Ampex Corp. have been licensed to Japanese firms.

About a year ago, General Instrument Corp. transferred TV tuner and other component production to its Taiwan and Portuguese plants, shutting down two New England plants and most of a third. Between 3,000 and 4,000 workers were permanently laid off. General Instrument increased its employment in Taiwan from 7,200 to over 12,000. General Instrument is that nation's largest employer, with more workers ememployed there than in all its U.S. operations combined.

A few months ago, Motorola shut down its picture tube plant, selling its machinery and equipment to a General Telephone and Electronics subsidiary in Hong Kong. A second picture tube firm commenced operations in Mexico, taking advantage of Item 807 of the Tariff Schedules. Friden, a division of Singer Corp., and Burroughs, both discontinued production of electronic desk calculators. Their desk calculators are now made for them in Japan by Hitachi and other Japanese firms. The calculators are sold in the U.S. by their former manufacturers under the latter's label. So, here we have another growth industry that U.S.-based multinational firms have abandoned as producers—becoming importers of the products they once made.

The household sewing machine is but one more item in the growing list of product casualties, though, as a casualty, it can probably claim seniority over others. Of each three machines sold in the U.S. under Singer's label, two are made in its foreign-based plants.

Still another product line to be added to the casualty list is typewriters, portables and larger models. A decade ago, Sperry Rand closed out typewriter production in its Ilion, N.Y. plant, shifting production to its European plants. Now, the company's Remington typewriters are made in Japan under the Remington label by the Brothers firm. Just recently, Litton Industries shut down Royal typewriter plants, transferring production to a Japanese firm. After acquiring Royal McBee, Litton acquired Imperial Typewriters, Ltd., in Great Britain, and, later, Triumph and Adlerwerke in Germany, acquisitions the Justice Department's Anti-Trust Division felt merited its attention.

These examples are proliferating and unnoticed. Names that have fixed meanings among economists and the public press alike—Sears Roebuck, Union Carbide for example—should have new meaning as multinationals are better understood. Sears Roebuck reportedly manufactures shoes in Spain, and Union Carbide processes shrimp in India—for sale in the U.S. market—according to a recent *Fortune* magazine story. Food processing names like H. J. Heinz and General Foods are world wide. Genesco, Interco, and other well known shoe industry names are not only multinational, but conglomerates. Glass manufacturing companies like, Libby Owens Ford, Owens Corning, Pittsburgh Plate, for example, have foreign affiliates. And well known names in the paper industry—like Kimberly Clark—have worldwide units. Dupont and Monsanto—chemical firms in the public eye—are makers of synthetic fibres and yarns, nylon and chemstrand. Machinery names like Cutler-Hammer, U.S. toy names like Mattel turn out to be global conglomerate multinationals, too.

4. Several hundred U.S. firms, it is estimated, have set up plants in Mexico, below the border under the program advertised as plants on the Mexican side of the border assemble parts and components shipped to them by their U.S. parent, and then return them for final processing to a "twin plant" somewhere in the U.S. Duty is paid only on a "twin plant" concept. Under this concept, "value added."

In actual practice, work and jobs are transferred from the U.S. to Mexico in order to take advantage of the cheap labor available at 30–40 cents an hour. In transferring production of TV lines from Warwick Electronics's Illinois and Arkansas plants, approximately 2,000 U.S. jobs have disappeared. Advance Ross Electronics transferred 250 jobs to Juarez, Mexico from El Paso, then set up a U.S. facility with about 15 employees. Transitron has 1,500 workers in its Laredo, Mexico plant and only management personnel in Laredo, Texas.

Let me quote from an advertisement that appeared in the Wall Street Journal on January 26, 1970: "Mr. President: Don't be embarrassed at your next board meeting," it reads, "when the question-asker on the board asks: 'What's going on in Tucson, Arizona that caused Motorola, Control Data, Kimberly-Clark, Lear Jet Stereo and Philco Ford to establish plants there?' "

The straight-to-the-point answer is: "Twin plant in Nogales, Mexico only one hour away . . . 30 cents per hour labor . . . more profitable than Japan, Hong Kong or Taiwan."

The executive director of DATE (Development Authority for Tucson's Expansion), which inserted this ad, is quoted in a letter from former columnist, Inez Robb, published on February 18, 1969 in the Arizona Daily Star, as publicly stating (though in connection with the apparel industry):

"We are not referring to the labor supply in Tucson or the wage rate here. That mailing was directed to some 700 apparel companies that we have reason to believe may be looking for a location outside the United States."

The impact spreads across both Mexico and the U.S. More than 1,000 U.S. firms are in Mexico proper—and no one knows whether the twin plant is really part of a set of quintuplets or a "population explosion" of multinational subsidiaries.

More recently, evidence that the twin-plant concept is already worldwide shows in reports about Korea, Taiwan, and more recently Haiti (whose labor rates are advertised as below those in the Far East). Barbados and other Caribbean countries are increasingly involved. Firms using those new labor-export concepts ranging from multinationals to tiny plants, but an increasing number turn out to be inter-related with multinationals. Thus a small plant in Alabama is a "twin plant" with Japanese production and a small plant in Texas turns out to be a subsidiary of a global conglomerate which is merely adjusting its costs worldwide. Imports from Brazil now include office machinery parts—again under the so-called "twin plant" arrangement.

5. The electrical-electronics industries have spawned and nourished a very considerable number of our multinational giants and conglomerates. The growth of the industry, particularly its electronics segment, has been spurred by heavy government support. More than half of this year's $25 billion in sales of electronics instruments, devices and equipment is to the Federal government's Defense Department, NASA and FAA. Government contracts have likewise sustained the computer industry. This year's total awards to this industry has been reported as over $2 billion.

The Federal government has been a substantial and generous customer down through the years. Additionally, it has contributed very significantly to the industries' technological growth through initiation and support of the industries' research and development programs. More than two-thirds of the $22–$23 billion R & D outlays in electronics and communications equipment between 1957 and 1965 were Federal funds—i.e., taxpayers' money. Annual R&D outlays have since increased but the Federal portion has not declined.

The technological lead of American electronic firms was made possible only through government support. As the OECD Directorate for Scientific Affairs points out, "Semiconductors, numerical control, electronic computers . . . as well as a host of other less significant innovations owe their development to Federal support." A great many of these basic, government-subsidized, privately patented inventions have been licensed to foreign, especially Japanese, competitors. The latter pay royalties to the U.S. multinational firms holding these patents.

General Electric, for example, has licensed Japanese companies to produce parallel phase detector circuits for TV receiving sets; optical gunsights; transistors and semicon-

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ductor elements; lamps, including mercury and infra-red lamps; television receiver converter circuitry, color photographic camera systems; steam turbine electric generators, etc.

RCA has licensed Japanese firms in the following components, products and processes, among others: magnetic memory cores; electron microscopes; electrostatic cameras; color picture tubes; photoconductors and photoconductive elements; loudspeaker devices; "monolithic" integrated circuits; etc.

Other multinational U.S.-based firms that have licensed Japanese firms include: Westinghouse, IBM, Sperry-Rand, CBS, Bendix, Zenith Radio, Fairchild Camera & Instrument, Allis Chalmers, Singer Company, Texas Instrument, etc. Licensing agreements cover color picture tubes, video tape recorders, computer data processing devices, navigational instruments, planar semiconductors including integrated circuitry, microelectronic equipment, etc., etc.

Similar licensing agreements exist in almost every major industry—machinery, chemicals, steel, rubber, etc. as well as in soft goods industries as apparel, shoes, or even hats. Stetson hats have been licensed or franchised for foreign production for years.

An advertisement in the Wall Street Journal on July 15, 1970 seeks the U.S. patent holder with a U.S. market for a license to produce the patented product in Mexico.

The same U.S.-owned firms, however, now argue they must transfer production—and jobs—from U.S. plants to offshore plants in Taiwan, Korea, Hong Kong, Singapore, Mexico, Europe and elsewhere if they are to be able to meet Japanese and other non-U.S. "competition." In all these offshore countries, it should be noted, wage costs are far below the wage levels in Japan—indeed, anywhere from less than 20 percent to 40 percent of Japanese wages.

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This kind of interchange is often analyzed as if only factors of free exchange between two countries were involved. It is important to remember that the need for a license is the opposite of free economic exchange—a patent is by definition a monopoly on the product or process. It is also a fact that a company may be required to produce a product in a foreign country—most developing countries—in order to sell there, while imports into the country are regulated.

6. In addition to cheap labor, there are other benefits that accrue to the multinational firm when it shuts down domestic operations and relocates abroad. To illustrate some of these benefits, let me quote from an article in Business Week (July 11, 1970):

"Besides its labor pool, Taiwan offers foreign companies other bait: a five year holiday from income tax and low taxes thereafter; unlimited remittance of earnings; 100% foreign ownership; and duty-free import of most material and machinery. The government offers other concessions such as low-interest loans for up to 70% of the value of a plant, and free transportation of goods to and from cargo ships."

A similar, rather typical report, appeared in the Journal of Commerce recently about Singapore: "Formal exemption from Singapore income tax, to a new group of U.S. companies. Recipients of these 'pioneer certificates' were Esso, General Electric, Union Carbide, Gulf Oil, Electronic Memories and Magnetics, Litton Industries and California Pellet Mills."

Low rents, favorable interest rates, tax loopholes, immunity from various regulations, and other concessions not available in the U.S. are today's "comparative advantages." U.S. tax loopholes encourage U.S. firms to export production by deferring tax payments on income earned overseas.

Multinational corporations can use tax havens like this world wide. A recent study, in a magazine called *Management Science* said: ". . . in which liquid assets are sent to subsidiaries when needed, by manipulating transfer prices, managerial fees and royalties, dividends and intersubsidiary loans so as to minimize taxes paid to the world minus interest received."

Concessions to relocate are nothing new in our industry—and in other industries as well. Free or low rent, local tax concessions and cheaper labor costs have been used to attract industry from industrial to rural regions of the U.S. Such concessions, however, do not compare in scope or in scale to the many new "comparative advantages" available to the multinational firm.

"Concessions" in developed countries of the Common Market and Canada—tax arrangements, subsidies for exports, etc. also exist. A November-December *Harvard Business Review* explained that "In 1960 Belgium sought investments in modern technological industries. Both national and local sources offered very attractive tax incentives and funding relationships to develop the proper industries and companies. Domestic capitalists and companies were preoccupied with their problems and did not respond, while multinational companies did."

Nor do they compare in economic analysis or impact because the U.S. economy started as one nation with a free flow of goods and services and labor moving freely among the several states. A U.S. minimum wage floor could be established and enforced, because there was no wall in one direction or a foreign government or a foreign culture.

7. Capital has an enviable and increasing mobility. Its mobility is world-wide in scope. Factory workers have very little mobility. Equipment process know-how, engineering and managerial skills, can all be readily shifted to offshore low wage areas. Workers, on the other hand, must usually remain in their communities.

Multinational firms are constantly adding to and improving their mobility, transferring operations, technology and resources in accordance with corporate profit objectives. Workers may improve their productivity and skills, but they cannot overcome their basic "disadvantage"—their high wages and benefits, compared with those prevailing in other parts of the world.

A recent survey of 167 IUE shops showed 55 had a minimum plant wage of less than $2 an hour. Two dollars an hour is just over $4,000 a year. The Administration, in its welfare legislation, puts the poverty line at $3,920 for a family of four persons.

But even if we were to reduce wages to $1.60 an hour, the legal minimum, American workers cannot compete with wages of 10 cents to 30 cents an hour paid to Far Eastern and Mexican workers. Nor could American workers become competitive by increasing their man-hour productivity. In my industry, annual increases in man-hour productivity during the 60's approximated 4 percent. Wage and fringe benefit gains from 1960 to 1969 averaged 2.8 percent a year at General Electric and 2.6 percent a year at Westinghouse.

8. The American trade balance has declined from a high $5 billion annual surplus, and, omitting government-financed exports, has shown a deficit in recent years. The rate of rise of U.S. imports has outstripped the increase in U.S. exports since 1962 by a ratio of about 1½ to 1. The increase in imports of consumer goods has been particularly large. Imports of consumer electronic products, for example, tripled between 1966 and 1969, almost reaching the billion dollar level. Roughly similar high import increases were reported in a number of other consumer industries.

The electrical-electronics industry as a whole, depending on how it is measured, remains a trade surplus industry, but, while the ratio of exports to imports was 3.9 to 1 in 1960, it declined to 1.4 to 1 in 1969. If we were to eliminate government-financed exports, the current ratio would show an even steeper drop.

Employment, of course, has been affected. In the electronics segment, we estimate a drop in employment since 1966 of over 60,000 jobs of workers. What is perhaps of equal importance is that the labor force will increase substantially during the next 5 years.

9. In today's world of multinational corporations, in a world, that is, in which technology, products, production techniques, and jobs are readily exportable, and in which licensing agreements and joint ventures are common, traditional theories of international trade are no longer applicable.

One reason for this was explained in a recent article in the March 1970 *Journal of Economic History* on "Non-Market Trade" where it is pointed out that much of the trade of the world is now intracorporate or "non-market trade." The author says, "I have in mind, first of all, the modern multinational corporation with its trade between parent and subsidiary (and among subsidiaries) in different countries. The prices at which goods such as parts, components, and finished products change hands are governed chiefly by taxation and accounting advantages obtainable in the various countries where the corporation is located. Prices are set accordingly and bear no necessary relation to the market prices for these goods (if indeed market prices exist for them at all). There is no doubt that these transactions are generally regarded as trade, for they are universally included in the foreign trade and balance of payments statistics of the respective countries. Subsidiaries, moreover, are formally incorporated in the countries in which they are located."

"A second example is the trade between the state-trading corporations of communist countries. A variety of factors govern the prices at which goods are traded here, including the political relations and national security objectives of members of the communist bloc. Such prices bear no necessary relation to world market prices for these same goods."

"These two instances differ as much from each other as they differ respectively from conventional market trade. What these examples do share in common can be described negatively: the partners to these trade transactions are not trading at arm's length, and the prices are not formed in the market. Unless we are prepared to exclude such transactions from our concept of trade (thus excluding a rapidly growing portion of world commerce), we must accept in the present period the existence side by side of market and non-market trade in the international economy. (Those who deny that the above examples constitute trade must of necessity provide some alternative designation for goods which are formally bought and sold and shipped across international borders by corporations which are legally discrete entities.)"

There is an urgent need to develop world trade on a rational basis, designed to benefit the world's people. The growth must be orderly, equitable, and must contribute to real growth in living standards. In our pursuit of this objective, we cannot permit living standards already achieved—as in this country—to be threatened or undermined. Nor can we permit our growth industries and the employment they generate to be exported at a time of substantial increases in the labor force, and at a time when we are trying desperately to find jobs for the unemployed and underemployed poor.

MOTOR CARRIERS SAFETY ENFORCEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Pennsylvania (Mr. ROONEY) for 15 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, a month ago a tragic bus accident on U.S. Route 22 west of Allentown, Pa., in my congressional district took the lives of seven children and resulted in injuries to 52 children and adults.

Since that tragedy my office has been gathering information and studying existing legislation—State and Federal—to determine what can be done to prevent such accidents from recurring, or at the very least to reduce the risk of their recurrence.

This is a slow and frustrating procedure. Almost every aspect of the crash points up some flaw, some omission, some oversight, some weakness in existing laws, policies and regulations, or in enforcement or compliance. Many of these, quite frankly, are the result of limited funds. But in certain others, funding is not a consideration.

My own study of this tragedy is continuing and will not be concluded until the House reconvenes in September. However, at this point, one area warranting congressional attention can be identified and made the target for legislative action. This is the cumbersome and often ineffective route that must be followed by the Department of Transportation to enforce safety procedures and to successfully prosecute violators.

For this reason, I am introducing a measure which for purposes of identification I will call the "Motor Carrier Safety Enforcement Act." Its objective is simply to give DOT greater flexibility, and more effective economic penalties, to wield in requiring motor carriers to observe established safety regulations and procedures.

At present, most safety violations can be prosecuted only by way of criminal proceedings. By giving the Department of Transportation the alternative to initiate civil proceedings, disposition of alleged violations can be speeded.

In addition, the measure would impose substantially higher fines for offenses to serve as a deterrent to safety violations. Current penalties range from $100 to $250 for first offenses and $200 to $500 for subsequent offenses. The Motor Carrier Safety Enforcement Act would hike first offense penalties to a range of $250 to $1,000 and subsequent offenses to a range of $500 to $2,000.

As a further deterrent to disregard for safety regulations or the apparent acceptance of some carriers on occasional penalties as a "cost of doing business," the bill also stipulates that each day a violation exists shall constitute a separate offense.

In this way, the chronic offender will soon find that flaunting of safety regulations will subject him to an economic burden of such proportions that he will adhere to the regulations or go out of business.

Another key feature of the bill is that it makes clear the "performance of an act which violates the motor carrier safety regulations is sufficient basis for conviction." Some courts have held, incorrectly, that the present statute makes ignorance of the law or the regulations a defense to prosecution for violating them.

This is clearly an inappropriate requirement where the unsafe practice, rather than the intent to commit it, is what is proscribed for the public's protection.

This measure, Mr. Speaker, is stiff. That is precisely what I intended it to be.

Only if we are prepared to enforce safety regulations can they possibly serve the public interest in the manner intended.

Within the next few weeks I will propose still other measures that I feel warrant enactment if we are to achieve a meaningful highway safety program in this Nation. The bus crash on the Lehigh Valley Thruway was but one more tragic reminder that we have not yet done nearly enough.

The bill and section-by-section analysis follow:

H.R. 18918

A bill to amend the Interstate Commerce Act to provide increased fines for violation of the Motor Carrier Safety Regulations, to extend the application of civil penalties to all violations of the Motor Carrier Safety Regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 222 of part II of the Interstate Commerce Act, as amended (49 U.S.C. 322), is amended as follows:

(1) by redesignating subsection 222(a) (49 U.S.C. 322(a)) as subsection 222(a)(1) and adding a new subsection 222(a)(2) to read as follows:

"SEC. 222. (a)(2) Any person who knowingly commits an act in violation of any requirement, rule, regulation or order promulgated by the Secretary of Transportation under section 204 of this part relating to qualifications and maximum hours of service of employees and safety of operation and equipment shall be fined not less than $250 nor more than $1,000 for the first offense and not less than $500 nor more than $2,000 for any subsequent offense. Each day of such violation shall constitute a separate offense.";

(2) by redesignating subsection 222(h) (49 U.S.C. 322(h)) as subsection 222(h)(1) and adding a new subsection 222(h)(2) to read as follows:

"SEC. 222(h)(2). Any motor carrier, private carrier, carrier of migrant workers by motor vehicle, or other person who violates any requirement, rule, regulation, or order of the Secretary of Transportation described in subsection 222(h)(1) or promulgated under section 204 of this part as it relates to qualifications and maximum hours of service of employees or safety of operations and equipment shall be subject to the penalties specified in subsection 222(h)(1)."; and

(3) by adding a new subsection 222(i) (49 U.S.C. 322(i)) to read as follows:

"SEC. 222(i). In administering the functions, powers, and duties transferred by section 6(e) of the Department of Transportation Act, 80 Stat. 931, 939–940, the Secretary of Transportation may, without notice, order for a period of up to 60 days any common, contract, or private carrier to cease and desist from operating motor vehicles in interstate commerce where he, for good cause, finds that the carrier's operations will create an unreasonable risk of accident, injury or death to persons or damage to property. If the carrier is operating under a certificate granted by the Interstate Commerce Commission, the Secretary shall immediately notify the Commission, which shall upon notice hold a hearing and determine within 60 days whether the operating rights of the carrier should be further suspended or revoked for the public safety. If the carrier is not operating under a certificate granted by the Commission, the Secretary shall upon notice hold a hearing and determine within 60 days whether the cease and desist order should be extended, and for what period of time. The provisions of 28 U.S.C. respecting three-judge district courts shall not apply to proceedings to restrain the enforcement, operation or execution in whole or in part of any order of the Secretary issued under this section."

SECTION-BY-SECTION ANALYSIS OF H.R. 18918, THE MOTOR CARRIER SAFETY ENFORCEMENT ACT

To amend the Interstate Commerce Act to provide increased fines for violation of the Motor Carrier Safety Regulations, to extend the application of civil penalties to all violations of the Motor Carrier Safety Regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes.

General.—This bill is designed to vest the Secretary of Transportation, who is primarily responsible for highway safety, with adequate authority to carry out that responsibility in the field of interstate bus and trucking operations, and, to provide realistic penalties for violation of the Motor Carrier Safety Regulations sufficient to serve as effective deterrents against hazardous operations. The substance of statutory provisions governing violations of Interstate Commerce Commission orders, rules, and regulations, now covered by the provision amended, would not be changed but renumbered where necessary.

SECTION 1(1)

This subsection would renumber existing subsection 222(a) of the Interstate Commerce Act (49 U.S.C. 322(a)) as subsection 222(a)(1) and enact a new subsection 222(a)(2). The new subsection would increase the fines for violating the Motor Carrier Safety Regulations (49 C.F.R. parts 390–397) to a range of $250 to $1000 for first offenses and $500 to $2000 for subsequent offenses. The present range of permissible penalties, $100 to $250 for first offenses and $200 to $500 for subsequent ones, is not sufficient to serve as an adequate deterrent. Many carriers simply write off the present low fines as a minor cost of doing business and continue their dangerous and unsafe practices in violation of the regulations.

The new subsection is also drafted to make clear that the doing of an act which violates the motor carrier safety regulations is sufficient for conviction. Some courts have held, incorrectly, that the present statue makes ignorance of the law or the regulations a defense to prosecution for violating them. This is clearly an inappropriate requirement where the unsafe practice, rather than the intent to commit it, is what is proscribed for the public's protection.

SECTION 1(2)

This subsection would redesignate existing subsection 222(h) (49 U.S.C. 322(h)) as subsection 222(h)(1) and enact a new subsection 222(h)(2). The new subsection would extend the application of civil penalties to all violations of the Motor Carrier Safety Regulations. The present law (49 U.S.C. 322(h)) allows the assessment of civil forfeiture against common and contract motor carriers which fail to comply with the Motor Carrier Safety Regulations governing the keeping of records and the filing of reports. All other violations of these regulations are subject to criminal sanctions only.

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This requires resort to the criminal process for many relatively minor infractions. The change made by this provision will allow the criminal sanctions to be reserved for repeated offenders and gross or flagrant flouting of the safety rules.

This subsection would also deal with the problem of uneven application of sanctions. The civil penalty provisions for violations of reporting and recordkeeping regulations presently apply only to "common" and "contract" carriers by motor vehicle (49 U.S.C. 322(h)). For the identical type of violation, carriers of private property and migrant workers are subjected to criminal sanctions. This unjustified distinction would be eliminated by making the civil penalties applicable to all classes of interstate motor carrier operators. In this way criminal sanctions could be reserved for flagrant or repeated offenders.

SECTION 1(3)

This subsection would add a new subsection 222(l) to the Act (49 U.S.C. 322(l)). Section 6(e) of the Department of Transportation Act (49 U.S.C. 1655(e)) transferred responsibility for enforcing the laws governing the safety of interstate bus and trucking operations from the ICC to the Secretary of Transportation. However, the Secretary was not authorized to suspend or revoke operating rights for violation of safety regulations; this authority remained with the ICC. Section 1(3) would add a new subsection 222(l) to the Act to give the Secretary such suspension and revocation authority. This will equip the responsible agency with expertise in highway and traffic safety to deal expeditiously and effectively with unsafe operators.

New subsection 222(l) would be applicable to all classes of interstate over-the-road carriers subject to regulation under the Interstate Commerce Act, whether common, contract, or private carriers and including carriers of migrant workers by motor vehicle. The Secretary would be authorized, after an adjudicatory hearing in accordance with the Administrative Procedure Act (5 U.S.C. 544-557), to suspend for up to six months, or to revoke entirely if warranted, a carrier's right to operate in interstate commerce. Such action could be taken only where substantial evidence in the hearing record supported by the Secretary's determination that a carrier's operation in violation of the safety regulations were such as to create an unreasonable risk of injury or death to persons or damage to property. In extreme situations, the Secretary could suspend dangerous operators for up to 60 days prior to hearing. In such event, however, the Secretary would be obligated to expedite the required hearing and hold it as soon as possible after the suspension order.

Finally, the last sentence of this subsection eliminates the need to convene a three-judge district court to entertain a carrier's suit to enjoin one of the Secretary's orders. Such a court is now required by 28 U.S.C. 2325 and carried over from ICC practice to the Secretary's proceedings by section 4(c) of the DOT Act. (49 U.S.C. 1653(c)). The cumbersome procedures of three-judge district courts, created many years ago to deal with constitutionally based challenges to ICC orders, are no longer appropriate nor necessary to review instances of motor carrier safety violations. Indeed, the ICC itself is on record as favoring the elimination of the three-judge court requirement, and is supported in its contentions by the Administrative Conference of the United States.

PRESIDENT'S VETO OF FISCAL 1971 EDUCATIONAL APPROPRIATION

The **SPEAKER** pro tempore. Under a previous order of the House the Chair recognizes the gentleman from California (Mr. COHELAN) for 10 minutes.

Mr. **COHELAN**. Mr. Speaker, I am absolutely appalled that the President, in the face of an overriding showing of need, could veto the fiscal 1971 education appropriation; an appropriation but minimally adequate to fund our basic educational programs. In his splended isolation the President has chosen to ignore our most precious national asset—the children of our country.

President Nixon chooses to sell our children's future for a porridge of anti-inflation rhetoric. And I do mean rhetoric, for this gratuitous and ill-advised slap in the face of the beneficiaries of our federally funded education programs is nothing more than affirmation of the charge that our highest elected official moves in a world divorced from the reality of our pressing concerns content to play the strings of political expedience and false economy.

This discordant theme may appeal to some of the electorates, but is hardly fitting for the holder of our highest national office.

I have been accused by the House minority leader of being one of the "big spenders" in Congress.

I accepted this appellation with no misgivings as I take it to mean that the administration finds fault with my advocacy of a decent education and decent housing for all our citizens.

I only wish that this charge were, in fact, true. I wish Congress could claim to be "big spenders" for our citizens. What did we spend? We voted to spend a mere $4.4 billion for education this coming year. $4.4 billion. That is merely equivalent to the cost overruns on some military weapons systems. It is equivalent to the petty cash account of the President's vaunted Safeguard ABM.

And for what reason is a veto announced? It is vetoed because the Congress dared to add $453 million to the sacrosanct budget request. I might add that our appropriation was about one-half of the amount authorized by the Education and Labor Committee. Our appropriation was but a fraction of the amount called for by the President's own Commission on Urban Education. Our appropriation was, in comparison with our needs, a pitiful nod in the direction of quality education. Yet, the President of the United States has decided to veto education. The President, for the second time in 2 years, has decided to veto our children's future.

I have no doubt that Congress will override this veto. I only hope that the majority will be an overwhelming repudiation of the President's insult to the American people.

UNEMPLOYMENT AND INFLATION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. **KOCH**. Mr. Speaker, President Nixon came to office promising to control inflation. There were many of us who expressed fears that he would unnecessarily sacrifice full employment in his efforts to keep that promise.

Our fears were justified. Under the Nixon administration, the unemployment rate has climbed from the low 3.3 percent he inherited from the Johnson administration to the present 5 percent—the highest level in 6 years. Americans have been joining the ranks of the unemployed at the rate of 1 million a year since Mr. Nixon took office. In July, 4½ million people were jobless.

Our present unemployment is not, as the President claims, a result of converting from a wartime to a peacetime economy. The 1970 Pentagon spending was almost constant with the 1969 outlays. This unemployment is the direct result of the contrived economic slowdown.

And still inflation has not been brought under control; it has accelerated drastically. The cost of living continues to rise. Consumer costs have reached new levels and interest rates are at the highest in a century.

This did not just happen. This is a direct result of the Nixon engineering of the economy.

Until his policies are changed, we can expect to face more highs in unemployment.

FORT KNOX FIRST STUDENT CREDIT UNION—WHY IT IS A PIONEER

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. **PATMAN**. Mr. Speaker, on June 5, the Fort Knox First Student Credit Union held its second annual meeting. This unique institution, which is run entirely by the students of the Fort Knox High School, is designed to provide first-hand consumer economic education to students that they might not otherwise receive.

In the 15 months that the credit union has been in operation, it has attracted some 240 student members and accumulated savings in excess of $24,000. It has made loans of roughly $1,600 for items such as prom expenses, homecoming expenses, a mini bike, contact lenses, bike repairs, clothes, and gifts. In addition to making loans, the students are paid a quarterly dividend of 5½ percent per annum.

But, more importantly, the students at the Fort Knox High School are learning how to manage money by actually operating the credit union themselves. The students handle all transactions, including the granting of loans and, rather than making frivolous decisions, the student credit union officials have been far more stringent in their loan policies than older credit union officials might have been. They have shown a good business sense and are operating a sound credit union.

I am including in my remarks a report on the development, organization, and operation of the world's first student credit union, prepared by William A. Raker, who is the coordinator of the credit union. This report serves as a valuable working guide for other schools that might wish to enter this important field:

YOUTH JOINS THE CREDIT UNION MOVEMENT

"This is a new bag. It's never been tried in any other high school, and it's all yours," said Mr. Robert Schaffner when he told the students at Fort Knox High School that they

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had been chosen to organize and operate the world's first student credit union.

Fort Knox boasts many distinctions, not the least of which are its synonymity with gold bullion; Kentucky's largest credit union, managed by Schaffner; and the forward-looking awareness, inventiveness, and enthusiasm of its high school students. It is natural, then, that Fort Knox High School should be selected to play a new and significant role in the exploration of a novel approach to consumer education.

The students at Fort Knox High School have developed their own special program for teaching economics: they do it by getting themselves involved. They are learning by personal experience, and the experience is providing them with the opportunity to save and borrow money in cooperation with one another.

The students themselves named the program. They call it the "Fort Knox First Student Credit Union." It serves the military dependents attending the army post high school, and the field of membership is limited to the high school's students.

It is the very first of its kind; and, at present, the only one of its kind in the world.

The Fort Knox First Student Credit Union is a joint effort of the United States Congress, the military, the Fort Knox Dependent School System, and the Fort Knox Federal Credit Union.

This project was begun in April 1969, at the urging of Congressman Wright Patman, who wanted ". . . to begin in the nation's school systems to remedy the lack of consumer education, particularly in the area of handling money. . . ."

Congressman Patman chose Fort Knox to host the pilot program. One reason for this choice is the close and unique relationship that exists between the students of the high school and Fort Knox Federal Credit Union, an eight million dollar organization serving the civilian and military personnel at Fort Knox.

In response to Congressman Patman's suggestion that Fort Knox develop the project, Major General James W. Sutherland, Jr., then post Commander, replied "I wholeheartedly support this worthwhile project and am most pleased that the Fort Knox Credit Union has been selected to participate in the pilot program."

Robert Schaffner, General Manager of Fort Knox Federal Credit Union, and Herschel Roberts, Superintendent of Fort Knox Dependent Schools, drafted the outline for the proposed program.

The military command and the school officials at Fort Knox enthusiastically approved the idea, and Fort Knox Federal Credit Union agreed to support the undertaking financially and to act as its sponsor.

In March of 1969, Schaffner met with the student body and explained the proposal along with the history, organization, and operations of the credit union movement. He let the students know just what they were in for and what would be expected of them. For most of the students in grades 9–12, it was the first time they had heard any discussion on credit unions and they were bubbling with questions. Many of the youngsters lingered after school hours to chat personally with Schaffner about how they could get involved.

Schaffner helped the students make plans for their first organizational meeting and asked them to decide how they wanted to structure their organization.

Robert Burrow, the high school principal, was skeptical about the students' being willing to accept the challenge put before them. He warned Schaffner, "Don't be too disappointed if only ten students go for this thing."

Burrow was the one with the surprised look when nearly one-half of the student body of 650 expressed a sincere interest in joining the program. The students were extremely enthusiastic about the fact that for them the project was "a new bag," untried and completely theirs, as Schaffner had pointed out to them at the beginning.

Herschel Roberts sent a letter from the Superintendent's Office to the students' parents explaining the proposal and encouraging them to have their children participate in the program.

As Roberts stated in his letter, the student credit union was to: . . . be formed within the high school to assist in teaching young people the value of a planned savings program and the ramifications of installment buying.

The credit union will receive savings deposits, pay a savings dividend and make low-cost small loans to be repaid in regular installments. Students will be encouraged to save for future needs. . . . emphasis will be placed on the "save now, buy later" concept versus the "buy now, pay later" concept.

The objective of this program will be to educate young people, not only with respect to procedure and cost, but also in the very important area of moral responsibility. Because young people should learn to transact business on their own, there will be no parental liability when a student borrows on a small signature basis . . ."

Parents and students alike were highly receptive to the proposed new educational concept. Everyone was eager to have the program get underway, to let the students have their own credit union and to see what they would do with it.

Publicity went out through the high school announcing the initial organizational meeting, and on April 14, 1969, the students convened and elected their first officials.

Management of the credit union involves a minimum of 20 students: board of directors, seven; credit committee, five; supervisory committee, three; and educational committee, five.

The board of directors oversees the general control and operation of all credit union activities. It is responsible for establishing all policies and for seeing that they are carried out.

The credit committee has the responsibility for acting on all loan applications submitted by members. However, there is also a loan officer appointed by that committee and given authority to approve loans up to $10.

The supervisory committee periodically audits the records of the credit union, examines the affairs of the credit union, and keeps fully informed as to the credit union's financial condition.

All offices are filled on a voluntary basis. Since the credit union is strictly a non-profit organization, the elected officials receive no monetary compensation.

Following their election from the student body, the board of directors, the credit committee, and the supervisory committee met and elected their respective officers; and all three bodies joined to establish the following operation polices:

(1) Once a member, always a member (membership may be maintained after transferring to another school or after graduation).

(2) Minimum deposit for opening an account is $1, minimum for subsequent deposits is 25 cents.

(3) Interest on loans is one per cent a month on the unpaid balance.

(4) Signature loan limit is $30 with a maximum term of six months.

(5) Secured loan limit is $500 with a maximum term of 18 months.

The Fort Knox First Student Credit Union was organized and ready to open for business.

Within two months, 151 students had joine

Within two months, 151 students had joined and deposited over $800 into their savings.

After 15 months of successful operation, the student credit union has over 240 student member-owners, which represents more than 40% of its potential membership; and the students have in excess of $24,000 in savings.

A number of the high school faculty have joined the student credit union on an associate member basis, which means that they are entitled to full member services but cannot vote or hold an office.

One of the teachers explained their membership as ". . . an excellent way for us teachers to express our faith in and respect for these young people. By joining them, we can encourage them and support them in one of their own projects. We thought the idea of a student credit union was great, and we wanted to be a part of it."

Some 20 loans have been approved by the credit committee, and the committee chairman says that only one application has been refused so far.

The total loaned out since the credit union was organized approaches $1,600. However, there is only $75 now outstanding; and there have been no delinquencies on loan repayments.

"These kids have accepted credit responsibilities much better than some of our adult borrowers at Fort Knox Federal Credit Union," commented Schaffner.

Loans have been for such things as prom expenses, Homecoming expenses, a Honda, a mini-bike, contact lenses, bike repairs, clothes and gifts.

Students' transactions, including deposits, withdrawals, and loans are conducted at school on Tuesday and Thursday mornings before classes begin.

The student treasurer operates from his own office in the school throughout the academic year; and during the summer months, he is employed full-time by Fort Knox Credit Union, where students come to transact their business directly with him.

The student treasurer, elected by the board of directors from his own number, is the only student who handles any money; and he is covered under the sponsoring credit union's Blanket Bond. All of the funds the treasurer handles are deposited with the sponsoring credit union.

From the start, it was understood by all concerned that the credit union would be owned and operated by the students. Of course, the credit union functions in accordance with federal credit union regulations and bylaws. It is not chartered, but it still receives periodic examinations by state and federal examiners.

While the students themselves have full control of their affairs, they do receive guidance and assistance, when so requested, from Schaffner and myself.

My connection with the high school is as a mathematics teacher and my relationship with the student credit union is strictly as an advisor and liaison between the school administration, the student organization, and Fort Knox Federal Credit Union.

I also have general supervision of the preparation of all promotional materials for the student credit union. During the summer, I work with the students as an employee of Fort Knox Federal Credit Union.

Student officers maintain all of their own records as required by law, but the accounting is done by the facilities and personnel of Fort Knox Federal Credit Union.

In the legal sense, the student credit union is operated as a branch of Fort Knox Federal Credit Union, and the students' accounts are integrated into the accounts of that credit union's regular members.

The students are paid dividends in accordance with the dividends paid by the sponsoring credit union, currently 5¼% per annum, paid quarterly; and the reserve requirements and Blanket Bond carried by the sponsor protect any losses the student credit union might sustain.

The sponsor provides facilities for monthly board meetings, permits student officials to observe its operations, prints literature and business forms for the student credit union, furnishes funds for contest awards and door prizes for annual membership meetings, and provides coverages on credit life and life savings insurances.

Expenses of setting up and operating the program thus far have come to about $600, all of which has come from the sponsor.

"That is a small amount to pay for the tremendous educational value derived," contends Schaffner, "and we are just happy to have the opportunity to help these young people. We are developing the future leaders for our schools and our credit unions."

There have been two annual meetings so far. At these meetings, the members come together to elect officers (all terms of office are for two years, unless an officer moves away), review financial reports, listen to guest speakers, draw tickets for door prizes, and enjoy refreshments.

The program's over-all objective is primarily educational. It is to teach the value of the habit of saving regularly and to illustrate firsthand what is involved in credit consumption, i.e., borrowing for provident purposes, repaying promptly, establishing credit ratings, and understanding financial transactions.

As Schaffner expressed it, "All of the students involved will reap the benefits of a deeper insight into a portion of the economic and monetary system of our nation."

Speaking on behalf of the school board, Superintendent Roberts remarked, "From the school's standpoint, this program is a good way for high school girls and boys to learn the economics of credit, savings, and everyday economic transactions that they'll be confronted with the rest of their lives. It's impossible to teach this as a course in high school and reach as many students as this can. The potential is tremendous."

The Fort Knox students have been commended several times on the floor of Congress for their efforts with the credit union.

They have had extensive articles published about them in The Congressional Record and The Credit Union Magazine, all very laudatory.

CUNA International, the Office of Economic Opportunity, and the Education Department of Changing Times have all prepared and are distributing, on a nationwide scale, packets of information about the Fort Knox First Student Credit Union. These organizations are working to help start credit unions in other high schools around the country.

Representative Patman recently spoke to his colleagues in Congress and expressed a desire to see ". . . credit unions in every school in the United States."

The Fort Knox students are doing their part to achieve just that, and they are proud to have been the start of it all.

INDEPENDENT BANKER OFFICIAL CALLS FOR CONTROL OF BROKERED FUNDS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous material.)

Mr. PATMAN. Mr. Speaker, Mr. Fred Brooks, writing in the August issue of the Independent Banker, makes a strong case against banks accepting brokered deposits.

Mr. Brooks, who is the president of Merchants State Bank of Dallas, points out:

> Money brokers act as bankers without being subject to banking regulations. They are successful partly because the general public is not aware of the problems and dangers of brokered transactions.

Mr. Brooks also points out:

> The use of brokered funds by a bank would seem to me to be more than an unsound banking practice. Using depositors' money to shore up a marginal loan borders on being a criminal action.

On July 28, I introduced H.R. 18676, the Safe Banking Act of 1970. In part, this legislation would correct the abuses of brokered funds by simply outlawing the acceptance by a commercial bank or savings and loan association of any brokered funds. In introducing the legislation, I rejected the argument proposed by some that brokered funds, by themselves, are not bad. I pointed out in my statement that brokered funds, by themselves, do create problem since the additional funds paid to the depositor by the broker must be obtained through some questionable scheme.

Mr. Brooks, a banker for 19 years, backs up my belief in his article. He points out:

> The money brokers argue that they are not to blame for the problem and that they are just performing a service. However, the fact remains that without money brokers there would be no brokered funds. The problem simply did not exist before money brokers came on the scene.

I am including a copy of Mr. Brooks article because it not only discusses the problems with brokered deposits, but calls for commercial banks to take a strong stand against such banking transactions:

Brokered Funds: No Place in a Well-run Bank

(By Fred T. Brooks)

When deposits in unpredecented amounts began pouring into the little State Bank of Prairie City, Iowa, not long ago, it appeared to be a happy situation for everyone concerned. Thanks to deposits generated by a money broker, the $2.5 million bank was able to swing a set of loans totaling $850,000. The broker received a nice fee. Investors earned interest on the deposits. The bank set up an interest schedule on the loans. And the borrowers, a group of about 30 companies and individuals who had secured the deposits through the broker, were able to get their loans.

In short, it seemed to be a tidy, imaginative transaction, except for one thing: Iowa banking officials had to close the bank.

Collin Fritz, the state banking superintendent, said loans which were classified as unsound exceeded the little bank's capital by many times. Without the brokered funds, the bank could not have considered making one set of loans for $850,000.

The closing of the Prairie City bank was one of eight bank failures in 18 months linked to loans and deposits generated by money brokers. This record provides ample evidence that brokered funds have no place in a well-run bank.

Also, since bank problems or failures tarnish the public image of banking generally, bankers should take action to eliminate unsound practices in the industry as they arise rather than to wait for Congress or the supervisory authorities to do the job.

WARY OF QUICK MONEY

As president of a small bank, I know how tempting it might be to have my accounts quickly and substantially beefed up through deposits obtained by a broker who would control where the money is lent. But I also have a basic wariness about quick, hot money from any source.

As banks in Michigan, Utah, Kentucky, Georgia, Texas and Iowa have recently discovered, such transactions do not always go according to plan. The failures of these eight banks resulted from similar causes related to brokered certificates of deposit or irrevocable letters of credit.

In each of the cases large borrowers defaulted on loans or were on the verge of doing so. The loans were of a size that would be considered imprudent for a small bank to make. Most of the borrowers in each of the banks were from outside the bank's normal business area. And in each case money brokers had generated deposits that backed some of the loans.

A typical situation might involve a prospective borrower who wants to borrow a substantial sum—say $150,000—but the bank either does not have that much to loan or has it committed elsewhere. The borrower is told that the bank will make the loan if he can generate deposits of $150,000. Since the prospective borrower can't find that kind of money elsewhere, he talks to a money broker who finds the depositors and the bank makes the loan.

The broker's fee for arranging the deal may be 3 to 5 per cent of the loan. The broker, in turn, may pay the depositors 2 per cent of his fee to encourage them, which is in addition to what they will get from the bank on their certificates of deposit, say 5½ per cent.

SERIOUS TROUBLE POSSIBLE

Not all transactions of this type end in disaster, of course. *The Wall Street Journal* estimates that about $750 million is channeled through brokers in the course of a year. The largest money broker is Seaboard Corporation of Los Angeles, which says it will place deposits of $130 million to $150 million this year, compared to $50 million in 1968.

But if the broker is unethical or the third partly defaults on the loan, the bank may find itself in serious trouble. This is particularly true for smaller banks that are left with insufficient capital to carry on if the borrower defaults. In some cases the borrower has been an incompetent business manager, or has poured the money into some ill-conceived venture that failed. Some borrowers have also been involved in a conspiracy to defraud the bank.

I have discussed the problem with a number of state banking commissioners and top officials of the FDIC, the Comptroller of the Currency and the Federal Reserve. They have advised their member banks "to be alert to schemes which would expose depositors' and shareholders' fund to the risks involved in loans based on brokered 'deposits.'"

BEWARE OF OUT-OF-TERRITORY LOANS

The federal regulatory agencies have all advised banks to be especially wary of related out-of-territory loans which may appear attractive because of the amount of brokered money that will be placed with the bank if the loan is made. The policy statement of the agencies continues:

"The advertisement of excessive yields on deposits solicited for federally supervised banks (whether the premium is provided by the bank or by others), moreover, is prohibited by substantially identical regulations issued by the Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System. To the extent that a bank takes any part in these transactions it is considered to be evading the purposes of the interest rate regulations. Where the bank pays a fee to a broker and knows or has

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reason to know that the fee is being shared with the depositor, the bank is also in violation of the interest rate regulations to the extent the yield to the depositor exceeds the maximum permissible rate."

PLACED IN CHECKING ACCOUNT

The FDIC is a litigant in one of the most tangled and complex arrangements to date involving a closed bank having brokered funds.

It all started when three prospective borrowers—a schoolteacher from Detroit, an auto dealer from New Jersey, and the head of a leasing firm in Birmingham, Alabama—worked out a deal with a money broker to get $3 million from Peoples State Savings Bank of Auburn, Michigan. The Detroit borrower, who wanted to develop a lake resort near Auburn, was to get $1.5 million before fees. The other two were to receive $750,000 each.

The broker agreed to get deposits of $3 million to match the loans.

Two other brokers were brought into the deal to help round up the deposits.

The little bank received deposits of $2.7 million from 545 investors around the country during an eight-week period last spring However, the money was not put into certificates of deposit in the names of individual depositors, but instead was placed into a checking account of the money broker. He had withdrawn about $2.3 million by the time the bank was closed by state officials. Those who had placed their deposit money with the brokers were given irrevocable letters of credit instead of CDs. The credit letters were signed by the bank's president and its cashier for the amounts they put up.

The broker who had withdrawn the money from the Auburn bank said he had disbursed a total of $1,537,800 among the three borrowers and had given $116,500 as fees to "others who helped arrange the loan." The remaining $675,000 he kept for his own fee or put into an escrow account to pay the interest to depositors. He said his role as disbursing agent for the funds was taken to protect his fees, adding that this was part of the loan agreement.

However, it appears that no loan arrangements were spelled out and no collateral put up.

The FDIC is suing two of the borrowers and the broker for the money they received. Several stockholders and directors of the bank have brought suit against the president and the cashier of the bank, contending that the letters of credit were issued without proper authority and thus are not obligations of the bank. The FDIC may not have to pay off the depositors secured by the brokers if the letters of credit do not represent valid deposit obligations of the bank.

ADDITIONAL BANKS IN TROUBLE

In addition to the most recent series of bank failures linked to brokered funds, the practice has been involved to some degree in at least 15 of about 30 bank closings that have occurred since 1963. One government regulator says many other banks may be in trouble. He said 10 banks having considerable amounts of brokered deposits are being closely watched.

A Texas bank failed when its purchases of federal funds, brokered loans and commercial paper sold, totaled more than its deposits.

What is the answer to the problem?

One suggestion is to withhold deposit insurance from banks that do not receive deposits in the ordinary course of their business. This would exempt brokered funds from FDIC insurance, since they are not obtained from the ordinary course of a bank's business.

The exemption no doubt also would apply to national advertising schemes, such as the offer by a Louisiana bank to pay all the interest in cash on the day a depositor invests in a five-year certificate. The bank, which has a total capital of only $200,000, made the offer in ads which ran in *The Wall Street Journal* and in newspapers throughout the Southwest.

All the depositor had to do was clip a coupon, enter the amount of his deposit, and indicate whether he wanted the interest money in cash or used to purchase a car, boat or television set.

The Comptroller's office says the offer does not violate any regulations. However, the ads fail to mention that the customer incurs a tax liability in receiving the interest in a lump sum.

Comptroller of the Currency William B. Camp favors making it a criminal violation for a banker to accept brokered funds where tie-in loans must be made as a condition for the deposit of such funds.

The Iowa banking superintendent, Collin Fritz, has asked all banks in the state to notify him if they are approached to accept brokered deposits.

In the absence of legislation, however, these agencies are limited in the amount of supervision they can give to brokered money deals.

UNFAIR COMPETITION

This lack of regulation and supervision of money brokers also implies an unfair competitive advantage over banks. Money brokers act as bankers without being subject to banking regulations. They are successful partly because the general public is not aware of the problems and dangers of brokered transactions.

The conscientious banker who is dedicated to sound banking principles is thus at a disadvantage in competing for deposits and loans.

But the use of brokered funds by a bank would seem to me to be more than an unsound banking practice. Using depositors' money to shore up a marginal loan borders on being a criminal action.

The money brokers argue that they are not to blame for the problem, and that they are just perfoming a service. However, the fact remains that without money brokers there would be no brokered funds. The problem simply did not exist before money brokers came on the scene.

The independent banks of our nation have an outstanding record for customer and community service. They are run by dedicated, honest individuals who value their reputations as careful custodians of the public's money.

If we are to retain this reputation, it is up to us to do what we can to correct the problems in our industry ourselves. We can wait for Congress or the supervisory agencies to do it for us, but in the meantime, great damage may be done.

We can start by recognizing that brokered funds and irrevocable letters of credit, as mentioned above, have no place in our banks.

MILLIONS SEEKING WORK

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, the thought of 4½ million Americans seeking jobs that are not to be found is disheartening, but it is even more disheartening to read the forecasts of such authorities as Louis Bean that this number will continue to increase if Republican economic policies persist.

Unemployment reached a rate of 5 percent again in July—after a temporary drop to 4.7 percent in June—and is now at the highest rate in 6 years. There is no evidence of a downtrend in sight. In fact, it is quite probable that this rate will go up to 6 percent or higher before the end of the year—and when a trend like this is established, it may take a year or more to reverse it.

When we look at the current figures and consider the plight of unemployed Americans in a land of affluence, we cannot help feeling we have seen it all before.

Back in the 1950's, when the Republicans took office, unemployment was low. But it began to rise immediately, as Republican policies plunged the Nation into three successive recessions—the last and most severe producing an unemployment rate of 7 percent. All that time, there was a great deal of talk about prosperity. But prosperity is a meaningless word to men and women who are out of work.

Now again we have the same pattern. A Republican administration came to office when unemployment was at the low rate of 3.3 percent—and the jobless increase began immediately.

But today there is one important difference: in the midst of the current recession, we also have inflation—with high cost of living, rising interest rates. No wonder working Americans look back on the Democratic administration as the days of full employment.

CONSERVATION GROUPS TALK MERGER

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, within the past 2 weeks, two of the Nation's oldest water development and conservation groups—the National Rivers and Harbors Congress and Water Resources Associated—took initial steps to merge.

The merger of these two organizations would bring together, in a single organization, two of the Nation's most effective groups working for water conservation and water resource development.

This is a significant event for anyone concerned about our Nation's water resources, and I am therefore inserting the announcement in the RECORD and calling it to the attention of my colleagues.

Two articles about the merger follow:

[From the New Orleans States-Item, July 29, 1970]

CONSERVATION GROUPS TALK MERGER

WASHINGTON, D.C.—Officials of two of the nation's oldest water development and conservation groups—one of them founded in New Orleans in 1919—took initial merger steps at a brief ceremony here yesterday.

Dale Miller, president of the National Rivers and Harbors Congress, said the move, if ratified by the members, "will give us a strong and unified voice in advocating better water programs."

He joined F. A. Mechling, president of Water Resources Associated, in signing a "memorandum of intent to merge," which will be distributed to the members and put on the agenda of each organization's convention next winter.

Mechling, who is also executive vice-president of A. L. Mechling Barge Line Inc., of Joliet, Ill., said the merger will give the new organization about 3,400 members, practically all of them representatives of local organizations active in improving water transportation, flood prevention, soil conservation and related benefits.

Water Resources Associated originated as the Mississippi Valley Association in New Orleans in 1919 primarily to bolster flood control on the Lower Mississippi and to promote international trade through the New Orleans port. The interests of the organization widened and the headquarters was moved first to St. Louis and two years ago to Washington, where the new name was adopted earlier this year to include wider geographic areas and more divergent interest groups.

The National Rivers and Harbors Congress originated 18 years before its sister organization. Its chief activity is an annual meeting at which a list of recommended public works projects is drawn up for presentation to Congress.

The WRA will hold its next annual meeting in Chicago Jan. 31, to discuss the merger plan and the NRHC will meet here about six weeks later.

The merger proposal calls for a board of governors representing the 17 major U.S. river basin districts. There will be a 15-man executive committee, a slate of national vice-presidents composed of members of Congress, an advisory board, a state vice-president for each of the 50 states, a chairman and a president.

[From the Port of New Orleans Weekly Bulletin, Aug. 1, 1970]

Water Resources, Rivers, Harbors Congress Merge

Ranking officers of the nation's two largest, oldest and most active conservation and resource development organizations, National Rivers and Harbors Congress and Water Resources Associated (formerly the Mississippi Valley Association), have signed a "Memorandum of Intent to Merge."

Directors of the two groups had previously expressed overwhelming approval of the consolidation.

The uniting of W.R.A. and N.R. & H.C. is expected to bring a more unified and effective approach at the national level to promote sound, vigorous, and comprehensive water resource development in order to continue and expedite programs that are socially and economically beneficial to the citizens of the United States—water quality control, navigation, reclamation, soil conservation, environmental enhancement, recreation, irrigation, flood control—and others.

Signing for Water Resources Associated was F. A. Mechling, their president, who is also executive vice-president and secretary of A. L. Mechling Barge Line, Inc., Joliet, Ill. For National Rivers and Harbors Congress was Dale Miller, president and chairman of the board. Mr. Miller is also president of the Gulf Intracoastal Canal Association.

Negotiations will now proceed with a view toward ratification by the full membership of both organizations. The proposal will be made at the annual meeting of W.R.A., Jan. 31–Feb. 1, 1971, in Chicago, and at the convention of National Rivers and Harbors Congress in Washington, D.C., about six weeks later.

Water Resources Associated was founded in New Orleans in 1919. Its original purpose was to bolster flood protection on the lower Mississippi river and to promote international trade through the Port of New Orleans. The association grew in membership and interests to become known as "America's Voice in Water Resources." In 1968 the headquarters office was moved from St. Louis, Mo., to Washington, D.C. At the annual meeting earlier this year the new name was adopted.

Organized in 1901, National Rivers and Harbors Congress has brought together public-minded citizens devoted to conservation, development and control of the nation's rich water supply. Its organization includes a broad-based membership at the local, state and federal levels. The work of National Rivers and Harbors Congress has been commended by Presidents since Theodore Roosevelt.

For further information contact C. Q. Wiggins, III, Director of Information, Water Resources Associated, 1130 Seventeenth Street, N.W., Washington, D.C., 20036, or phone 202/223-0652.

CRIME PROTECTION INSURANCE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the robbery of a small grocery store, or the midnight burglary of a clothing store, are unfortunately crimes of such minor impact and jading regularity today that they attract little public notice. Yet, this type of crime has tremendous impact on the lives of the victimized businessman and his family. How many families today have the kind of financial resources that can easily absorb a stream of small, but financially crippling, losses due to crime? All too often it is the small businessman, who has no influence at city hall and no corporate lobbyist working on his behalf, who is quietly bearing a major share of the financial toll of crime.

The traditional American reliance on the insurance industry—a reliance that has helped this country grow—is not proving adequate to meet the challenge today. The problem of crimes against businesses has became so severe that where theft, burglary, and robbery insurance are available, their cost is prohibitive. And we cannot blame the insurance industry for these high rates: their acturarial tables tell a sad story. It is unrealistic for us to expect private insurance companies to subsidize, in effect, the businessman operating in a high-crime area. But, at the same time, we cannot sit back and let these small businesses die because they cannot get insurance, and they cannot operate successfully without it.

In May, a man who testified before our House Select Committee on Crime Washington hearings called to say goodbye. He and his family have moved to Canada, victims of the cost of crime in Washington. This man is no alarmist. He simply found it impossible to profitably operate his bait and tackle shop after his insurance was canceled because of repeated robberies. When he tried to get insurance with another company—he eventually contacted over 100 of them—he found that he could get insurance for $10,000 to $12,000 a year. It is unrealistic to expect a small businessman to bear such a great cost and still take home some profit to his family.

This man's store was in high-crime area in Northwest Washington, but the robberies there branded him for life. Even if he moved to any of our 50 States, his insurance would be the same $10,000 or $12,000 a year. The only way he could escape the past of which he was an unfortunate victim was to leave the country.

I do not think we can allow this to happen. I do not think we can afford to allow this to happen. If the Federal Government can help provide relief for storm-torn and riot-torn areas, can provide insurance on the mortgages of homeowners, surely we can help the Nation's small businessman stay in business.

I think this Government must find the resources to establish a mechanism that would provide insurance—at reasonable rates—to merchants in high-crime areas. I think it is important that these merchants be able to continue to operate because they are an important part of the community as well as the livelihood for a family. I fear that if we do not act, high crime areas will soon be devoid of business—except for those which charge such high prices that they can absorb theft and burglary losses. And these stores, of course, will hardly be welcome in the community. The flight of responsible businessmen to the suburbs will hinder rather than help this country's fight against crime.

Mr. Speaker, for these reasons today I am introducing H.R. 18917 along with the following Congressmen: Mr. Nix, Mr. Waldie, Mr. Steiger of Arizona, Mr. Leggett, Mr. Koch, Mr. Harrington, Mr. Tunney, and Mr. Kee.

If enacted, H.R. 18917 will become the Business Crime Insurance Act of 1970. The bill would establish, as a division of the Federal Insurance Administration of the Department of Housing and Urban Development, a small business crime insurance division. The division would make available to small business concerns policies insuring against losses resulting from criminal acts to the extent that such insurance is not available from other sources at reasonable rates.

Our bill would set up a revolving fund with an initial capital investment of $50 million, with the added proviso that the total amount of outstanding obligations may not at any time exceed $100 million.

Mr. Speaker, as you know, there are already pending before this Congress a number of bills that would give similar authority to the Small Business Administration. However, we are convinced that this authority would more logically lie with HUD. For it is that department that is already administering insurance for riot-torn areas. Additionally, HUD has the model cities program, which includes among those cities some of the highest high-crime areas in this Nation.

For those reasons, it would appear that the Federal Insurance Administration should handle the program instead of the Small Business Administration.

It is our understanding that the House Banking and Currency Committee is currently studying this problem, and we would hope that they would take this bill into account for their consideration. We would hope for early enactment by this body of H.R. 18917.

The bill follows:

H.R. 18917

A bill to extend the powers of the Federal Insurance Administration to make crime protection insurance available to small business concerns

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

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Act may be cited as the "Business Crime Insurance Act of 1970".

Sec. 2. There is hereby established, as a division of the Federal Insurance Administration of the Department of Housing and Urban Development, a Small Business Crime Insurance Division (hereinafter referred to as the "Division"), which shall be under the direction of an Associate Administrator for Crime Insurance appointed by the Secretary.

Sec. 3. The Division shall make available to small business concerns insurance policies insuring against losses resulting from criminal acts to the extent that such insurance is not available to such concerns from other sources on reasonable terms. To the extent considered appropriate, the installation of burgular alarms or other improvements in architectural design and security to reduce the risk of loss may be made a condition to the provision of insurance under this Act to any business concern.

Sec. 4. (a) To obtain funds to provide the capital needed for carrying out this Act and to provide the reserves against losses necessary to operate the program under this Act on a sound basis, the Division may issue notes and obligations for purchase by the Secretary of the Treasury, but the amount of the notes and obligations issued to provide initial capital for the program under this Act may not exceed $50,000,000, and the total amount of the notes and obligations issued and outstanding at any one time may not exceed $100,000,000.

(b) Notes or other obligations issued under subsection (a) shall be in such forms and denominations, have such maturities, bear such interest, and be subject to such terms and conditions as may be prescribed by the Associate Administrator for Crime Insurance with the approval of the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued under subsection (a) and for such purposes is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act are extended to include any purchases of such notes and other obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

Sec. 5. (a) The proceeds of the notes and other obligations issued under section 4, along with all premium income, interest income, and other income derived under this Act shall be deposited in a revolving fund in the Treasury to be known as the Business Crime Insurance Fund. Any monies in the Fund not currently needed for the purposes of this Act may be invested in obligations of, or obligations guaranteed as to principal and interest by, the United States.

(b) All losses sustained under policies issued pursuant to section 2, and any non-administrative expenses arising under the program under this Act, shall be paid from the Business Crime Insurance Fund. No administrative expenses may be paid from the Fund.

Sec. 6. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

BLOUNT HITS POSTAL REFORM

(Mr. GROSS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, I was dismayed to read an article appearing in the Washington Post on Sunday, August 9, 1970, attributing statements to Postmaster General Winton Blount which in my opinion prejudice the future of the new Postal Service. I assume these statements are correct by reason of the fact I have not seen a retraction by Mr. Blount.

If there were any doubts in my mind regarding my vote opposing the enactment of the legislation, Mr. Blount has removed them.

According to the presentation by the Post Office Department before our committee, the main purpose of the bill, which is awaiting the President's signature, was to create a Postal Rate Commission, independent of the Congress. This was done in the bill. Now we find the Postmaster General criticizing what Congress has approved on the grounds, according to Blount's statement in the Washington Post:

> Now the postal lobbies will be able to concentrate on just five Commissioners where they have been lobbying all 535 Members of Congress.

The inference is that the Congress has been responsive to mail users lobbying in the past and that in the future the President will appoint five Commissioners who also will be adversely influenced by the mail user lobbyists. This cynical approach by Mr. Blount at the beginning of the much heralded new Postal Service does not afford much encouragement to the American people. I cannot understand what Mr. Blount wants. The bill which was approved by the Congress contains over 90 percent of what he requested. This kind of "shooting from the hip" practically destroys the effectiveness of the Postal Rate Commission before it has been activated.

At another place in the article, Blount is quoted as saying that it is silly to limit the salary of the new Postmaster General to $60,000 per year, as provided in the bill. It is my view that compared with the responsibilities of some Members of the Cabinet, who are paid $60,000 annually, the responsibilities of the head of the Postal Service are insignificant. If this is the view that Mr Blount takes regarding the salaries of future postal officials, it would not be surprising to learn that the new Postal Service will have its headquarters outside of Washington, D.C., in some plush resort area with golf courses, private airplanes for the Board of Governors, club houses for guests of postal officials, fishing and game reserves and all the other frills enjoyed by some private corporations.

Another statement which is attributed to Mr. Blount in the article is to the effect that the bill provides favoritism to the airlines which is not accorded the railroads and the motor carriers. This simply is not true. The chairman of the Interstate and Foreign Commerce Committee, Representative Staggers, has indicated that if Mr. Blount is dissatisfied with the provisions relating to air carriers, he should submit legislation to the proper committee which is the Interstate and Foreign Commerce Committee having jurisdiction over national transportation policies.

Finally in the article, Mr. Blount is reported to have said that Members of Congress would correct these faults in the legislation once they recover from the whole "traumatic experience" of postal reform. It is my opinion that if Mr. Blount's statements in the Washington Post represent the kind of policies which will guide the Postal Service in the future, the whole Nation is in for some "traumatic experiences"—and on a permanent basis.

MORE LIGHT ON "L-I-G-H-G-H-T"

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, it is gratifying to note that the efforts of the gentleman from Iowa, the Honorable William J. Scherle, have not gone unnoticed. His recent exposure of the National Foundation of the Arts and Humanities Debacle in awarding a $750 prize for a one-word poem, was used as the basis for a broadcast by Al Capp, the well-known creator of "Li'l Abner."

Mr. Capp's commentary was so much to the point that I feel that it should be shared with others. The script follows:

> Ra: Lighght
>
> Senator Kennedy rarely stops beefing about the $37 million a year the Armed Services spend on its public information department . . . only Senator Kennedy calls it their publicity department. And that, of course, gives it a rather more frivolous air than a department deserves which spends most of that sum paying GIs to provide military information to the Nation, and its press . . . and to its Senators.
>
> But I have never heard him utter a word about the $180 million spent by a group of has-beens, third-rates and dilettantes . . . who couldn't pass physicals . . . grouped under the impressive organizational title of the National Foundation on the Arts and Humanities.
>
> The National Foundation on the Arts and Humanities recently offered a $750 prize for a one-word poem I can't recite the winning poem . . . I'll spell it and you recite it: L-I-G-H-G-H-T.
>
> When Congressman William Scherle complained that he couldn't understand it, the Foundation haughtily replied that quote "Your middle American background renders you unqualified to understand it." unquote
>
> So I'm submitting a one-word poem to the National Foundation. It is dedicated to them. It is spelled: P-H-P-H-P-H-O-N-E-Y-S.
>
> That ought to be worth twice $750. It's no easier to pronounce . . . but anyone can understand it. Anyone of us in middle America anyhow.

PRISONERS OF WAR—OUR MOST IMPORTANT ISSUE IN THE PARIS PEACE TALKS

(Mr. RIVERS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RIVERS. Mr. Speaker, in his first meeting at the Paris peace talks, Ambassador Bruce made a statement in which he listed three issues to which serious attention should be turned. These are:

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The withdrawal of troops, a political settlement, and the issues involving the prisoners of war. I commend his statement to your reading:

TEXT OF OPENING STATEMENT DELIVERED BY AMBASSADOR BRUCE AT 78TH PLENARY SESSION OF PARIS MEETINGS, AUGUST 6, 1970

Ladies and gentlemen, as President Nixon has stated, the United States is renewing its efforts to reach a negotiated settlement of the tragic conflict in Viet-Nam, a settlement that will bring a just and lasting peace. It is my earnest hope that discussions between our two sides will now enter a more productive phase.

The United States desires an early negotiated settlement of the war. We do not seek a military solution. We seek no military bases in South Viet-Nam. We insist on no military ties.

Both sides have spoken of the one essential condition for such a settlement: that the South Vietnamese people have the opportunity to determine their own future without outside interference. For the people of South Viet-Nam to be able to determine their future without outside interference they should be free of the use of force and the threat of force from whatever quarter.

In the course of the past eighteen months we have made a number of proposals for a settlement based on these principles. You have also made certain proposals. What is required now is an effort to narrow the differences between the two sides and to find a basis of agreement.

As a result of the discussion thus far, we know what the central issues are to which we must now turn our attention with renewed vigor. These issues are the withdrawal of troops, a political settlement and prisoners of war.

Experience has shown that it is extremely difficult to find negotiated solutions to these immensely complex issues. But I believe experience will also show that solutions can be found if there is a genuine will on both sides to face realities with sincerity and quiet resolve. The world certainly expects those qualities of us as we pursue these talks.

In so doing, I hope that we can avoid propaganda and harsh language and settle down to businesslike discussion of issues. It is also time, I suggest, to set aside the language of preconditions and of demands for one-sided action.

I am here, ladies and gentlemen, to discuss all of the proposals we have made both in public and in private as well as to discuss the proposals you have made. Our purpose is to reach the earliest possible negotiated settlement which gives due consideration to the legitimate concerns of both sides. We set forth no preconditions to negotiation. Both sides need to examine each other's position realistically. We both need to take another look.

If we set about our task at these meetings in this spirit, I believe we could find the way to a genuine negotiation of a settlement of the Viet-Nam conflict. I ask for your cooperation in this task; I offer you mine.

BY A VOTE OF 350 TO 15, CONGRESS DOWNGRADES THE AMERICAN WOMAN

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, one must be saddened by the prospects for womanhood as a result of the vote yesterday on the so-called equal rights amendment bill. Passage of this election year gimmick has in my opinion sounded the official death knell of chivalry and effectively downgraded the American woman.

Passage of the amendment bill has shaken more traditions, more of the folkways and mores of society than has any other single piece of legislation in the past 100 years. While I am not averse to change, I am fearful of kicking over the traces of society embodied in the centuries-old premise that it is the male's primary duty and responsibility in life to provide. The logical extension of the bill passed yesterday is to end that noble tradition.

The distinguished chairman of the House Judiciary Committee put the whole matter succintly when he called this a "blunderbuss bill." The noble objective was to end discrimination against women; the result will be just the opposite. The rights now enjoyed by women in the real world and in the written and unwritten laws of the land will, must, be called into question. The leader of the forces which effected passage of the bill said that where physical differences have a real effect, the law will continue to recognize them. Why? Is the gentlelady from Michigan telling us that she expects equality under the law to mean something other than equality?

The list of societal changes which would result from this proposed constitutional amendment is legion—a few examples will illustrate the point:

Criminal laws in every State in the Nation that differ in the ages of responsibility by sex would be stricken as being unconstitutional.

Marriage laws in many States that differ in the age of consent, and which give any advantage to women for contractual purposes would be unconstitutional.

Criminal laws such as dealing with rape, seduction, and certain types of assult that now apply only to men would have to be challenged as being "discriminatory."

Labor laws that give special privileges to women, such as for santitary conditions and hours of employment would be stricken down.

In property law, if a woman is granted the sole right to dispose of her separate property without her husband's consent, he too must be allowed to deed away his property, without the signature of his wife.

The dower rights of a widow in her husband's estate, and her right to elect to take against his will which attempts her disinheritance, must be abolished unless identical rights in his wife's estate are given to the husband.

Alimony would have to be abolished—or made a two-way street. Any legal preference given to the women in respect to child custody, upon divorce, would have to be abolished as being "discriminatory."

Perhaps the most dramatic societal change that would have to follow from such a constitutional amendment would be in the field of retirement benefits and privileges. Federal, State, and private retirement programs are based on differences between men and women, and every one that I know anything about gives a decided advantage to women. The most glaring example of "sex discrimination" on the books now is that which allows a woman to draw social security benefits at age 62 whereas her husband is not eligible until age 65.

Last but not least, should we have to conscript citizens for the armed services in the future, women, along with men, must assuredly be subject to military service and all that implies.

Mr. Speaker, Congress has been meddling too much in the everyday lives of the citizens of the United States, but the bill passed yesterday is the most pernicious piece of meddling I have had the dubious honor of voting against in my 21 years in the House.

The Founding Fathers, in their foresight and wisdom, required a three-fourths majority approval by the State legislatures before the Constitution could be amended. It is my hope that in the ratification process, with time for hearings, for reflection, for deliberation, for calm and reasoned debate, the States will not fall into the trap laid before a vote-conscious Congress.

I know already that many Members of Congress are having "second thoughts" about the bill which passed so overwhelmingly. In fact, I have been congratulated time and time again today by the "yea sayers" for standing firm and voting "right." I am convinced that when the women of America realize what the Congress has proposed to do with their status and position in society they will object in most strenuous terms.

Based on the memory of my mother and on the love and respect of my wife and daughter, I could not in good conscience vote for any measure which diminishes their status as American women.

THE POSTAL REFORM ACT

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, the enactment into law of the Postal Reform Act is of great historical significance. It is the first such reform in the history of the Post Office Department.

Mr. Speaker, 82 years ago, in 1888, another significant law was enacted, the so-called 8-hour law limiting the number of hours for postal workers, as well as providing overtime for hours in excess of a normal workday.

I was recently presented with a volumn commemorating a July 4, 1888, parade in honor of the passage of the 8-hour law. While most of the book is taken up with photographs of postal workers, there is a foreward describing the conditions which then existed and a history of the law's passage.

I believe that this foreword has great significance for the Members of Congress interested in improving working conditions for postal, as well as all workers, and I am inserting the history into the RECORD, as follows:

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Souvenir of the Celebration of the Passage of the 8-Hour Law, and Reception Given by the New York Letter Carriers' Association to the Letter Carriers of the United States, New York, July 4, 1888

Committee of Arrangements: Geo. H. Newsom, Chairman; Edward F. Mone, Secretary; James McVey; Frank Merrett; Solomon Josephs.

To the Letter Carriers of the United States: The object of this book is to commemorate the first parade of the letter carriers of the United States, and the reception tendered to them by the Letter Carriers' Association connected with the New York post office. The cause or causes, as related here, may be of interest as the years roll by and the prominent figures of the men engaged in it and the other circumstances which led up to the demonstration, may be forgotten, even by their friends. But the parade and reception, their cause and meaning, we would have live, so that the men who will occupy the places of the men of to-day, we will see to it that no backward step is taken and no halt ordered in the progressive march of a higher civilization.

The postal service of the United States is fast becoming the most important branch of the public service. It already claims more attention than that of the war department or the navy. Who will be the next Post-Master General will soon be a more important question to the people than who will be President. The business of the country is being done largely to-day, and in ever increasing volume, by the post office. What with its money order department, its postal notes and registered letter system, its special letters, its increasing army of letter carriers, who are every year invading new cities and towns—and it would seem that under the present favor with which the free delivery system is fostered by that able gentleman, Col. Bates, superintendent of that division—the time cannot be far distant, when the letter carrier will be seen diligently seeking for the citizens of this Republic at its farthest corner.

Then, we think, we see in the near future, the postal saving bank, and then just a little behind that, the postal telegraph. And when that comes, the post office department will be more than ever before, the chief adjunct to our civilization. But it is with the last man in the service which we know the best, having been in it for a long term of years, that we have to do at this time; for he is last only in the sense that he deals directly with the people, and represents the post office department in the public eye.

The business man opens his mail, gets his orders, drafts, checks and bills from his carrier. He knows no other post office official than the carrier; and indeed, cares to know no other. So with all other citizens. The man in gray, who walks into his office, store, or stands on his stoop ringing his bell, bringing letters of business, of pleasure, or of sadness, is to him the most important man in the post office. This being true, it is pleasant to know that the army of true citizen officials is increasing, and will soon spread all over the land, because of their usefulness as disseminators of knowledge and as a help to civilization.

The free delivery system, when first established, was a sort of experiment tried in a few cities, and was built on a correspondingly small foundation. While the system has expanded, the basis on which it was built remains about the same. The letter carrier was considered the fifth wheel of the coach, while in fact, he has become in many localities, the coach itself. When the system was established, the salary of the carrier was left to the caprice of the Postmaster General, as were the vacations; so when one Postmaster General wanted cheap labor, he employed men at $400 per year, and reduced the maximum of salary to $831 per year. It is a matter of conjecture how much salaries would have been forced down, had it not been for the earnest efforts of the carriers of that day, led by such men as Messrs. Hamilton, Dytch and Dorsey of Philadelphia, Fred Rose of Brooklyn, P. J. Goodwin and James Hennessey of New York, and aided by the Hon. S. S. Cox, on the floor of the House, and Hon. James G. Blaine of Maine, in the Senate.

Then the matter of salary was fixed by law a little lower than it was at first, but it was satisfactory because fixed. That was the first victory for the carriers of the United States. A few years later, the matter of vacations was brought up. It was suddenly discovered that the annual vacations enjoyed for ten days, were not warranted by law. The carriers were again called on to organize, for the purpose of having a vacation fixed by law. The same men were called to the front as before; and the result was the same. Congress gave a quick assent to the proposition. So the carriers now enjoy a vacation of fifteen days according to law; while before they received but ten days as a gift and not as a right. This was the second victory for the carriers. But this victory cost us something; for while in the midst of this, the men of New York, who were delegated to act for the carriers, were warned not to do so, as the department would take care of the interests of the carriers of this city, and it did as will be seen.

Under Postmaster Patrick H. Jones of New York, the hours of duty of letter carriers in New York, were as follows: 7 A.M. to 5:30 P.M. They remained so for the first two years of the administration of Thos. L. James, who succeeded Post Master Jones, when Postmaster General Jewell tried a Sunday delivery, which public sentiment denounced so roundly, that it was abandoned after one trial. Then an extra trip was made every Saturday, about 7:30 P.M. Although the men thought it an outrage, in a short time the late trip was made permanent and was made every day. That made the time from 7 A.M. to 8 P.M., and in many cases, 9 P.M. This with decrease of pay, the loss of vacations and the stretching of the hours of duty at both ends, from nine and one-half hours to thirteen or fourteen hours per day, proved to us conclusively, that the department was indeed looking after our interest so closely that if we did not look out ourselves we would soon have no interest to look after.

All of these "humane reforms" were at first introduced in New York. We don't know by whom, but we do know who did the work. After a while these "reforms" struck other cities, and then citizens began to be annoyed by having to leave their evening company, to get from their tired carrier, some newspapers for which they had not subscribed, or circulars in which they had no interest. Then the carriers of other cities, heard the good people of both sexes say uncomplimentary things about the post office for the first time. At first when the carriers came after dark, the people would think they were late; but when they found the real cause, they would say some strong things which don't look well in print. When the "reform" wave struck Philadelphia, the carriers of that city went to work to find a way out. Again were the old war horses trotted out, just as we brought out the old Veterans at the beginning of the war for the Union. Hamilton, Dorsey & Dytch were called into action. The first thing which they did, was to find out how long the post office could stretch out our time and reach the legal limit. They found that twenty-four hours a day, and 365 days per year, was the legal limit.

In 1883, Howard Dytch, of Philadelphia, in company with a lawyer of note in that city, went to Washington and interviewed Postmaster General Hatton. They advocated not a new law, but the application of the old law of 1868, which distinctly declares that eight hours shall constitute a day's work for laborers and mechanics. The lawyer believed, and so do many of us, that we were covered by that law. But the Postmaster General thought otherwise, and said further legislation was necessary to make the old law operative. A second interview in 1884, led to the same result, a failure to secure a hearing. In December of that year, the Hon. S. S. Cox, of New York City, introduced a resolution, asking the opinion of Attorney General Brewster, of Philadelphia, in regard to the old law being applied to the letter carriers of the United States. The latter replied that he could answer such questions only to the President or to the heads of the departments.

The Hon. H. H. Bingham, of Philadelphia, a strong and true friend of the carriers, next went to Postmaster General Hatton, who said that if the House of Representatives would pass such a resolution to be referred to him, he would refer it to the Attorney General. The Hon. Wm. H. McAdoo, of New Jersey, then introduced a resolution, calling on the Postmaster General, to give what information he had at his command in relation to the matter. This was passed in February, 1885, and was referred to Attorney General Brewster; but before an answer could be rendered, the term of office of Mr. Brewster had expired, so all went for nothing.

In December, 1885, Mr. McAdoo again took up the battle, by introducing another resolution of the same import, and it was referred to Postmaster General Vilas, who returned the reply that further legislation was necessary. So we had nothing to do but seek for new legislation, still believing that we were covered by the old. In 1886, the first bill was introduced by the Hon. Warner Miller, of New York, and passed the Senate without a division or trouble; but failed to get a consideration during the session of 1886 and 1887 in the House of Representatives. The Hon. J. J. O'Neill, of Missouri, the chairman of the committee on Labor and Education, to which the bill has been referred, tried hard to get time to consider this bill with other bills in the hands of his Committee, but could not. One evening was given which was promptly talked away by a member who was opposed to the bill. John J. O'Neill was very much annoyed by this failure, and came to New York to explain the true condition of affairs, to the carriers who were now becoming used to disappointments, but they never faltered.

The carriers of New York had in the meanwhile made a permanent organization, and they fell in line with the other labor organizations at that time, under the leadership of Peter J. Eckes and others. Their organization while in its infancy, made all the mistakes which infant institutions are apt to make, and because of these and a prejudice which existed against organizations of any kind of a purely protective nature, and also because of gross misrepresentations made by those who hoped to profit by them, it met much adverse criticism. But the organization grew and prospered. It was wise enough to use the best talent at its disposal. Although the organization had more than three-quarters of the entire carrier force in its membership, there was an entire absence of the jealous feelings that are too frequent in associations of all kinds.

When the Congress of 1887–88 assembled, a new bill was introduced embracing all the features of the old, with a new one added to give the flexibility which it was claimed was lacking in the first: viz. That if a carrier was called upon to do extra duty, he would be expected to do so, and the department, on its part, was to render extra compensation accordingly. This bill was introduced by Congressman McAdoo, of New Jersey. It was sent to New York for the approval of the New York Association, and referred by them to the Legislative Committee, which had been formed some weeks previous. The following members were on the committee: Geo. H. Newsom, Ed. F. Mone, Jas. McVey, Frank Merrett and Solomon Josephs. They were to look after the interests of the bill in New York, while Howard Dytch, of Philadelphia, was delegate on the field at Washington, ably assisted by Frank Braceland of Philadelphia, Fred. Rose of Brooklyn, Frank Dorsey of Philadelphia, John W. Worth, Harry E. Owen of Baltimore, Md., Martin E. Foley of Pittsburgh, Pa., John H. Willenborg of Cincinnati, O., Chas. W. Adams of Louisville, Ky., Ira Adell of Milwaukee, Wis., Mr. Brittian of Washington, D.C.

The old bill was introduced in the Senate by Mr. Cameron of Pa., and referred to a committee of which Senator H. W. Blair of New Hampshire, was chairman; but the McAdoo bill was afterward substituted in its stead.

In the House of Representatives, the bill on its presentation, was referred to the committee on labor, of which Hon. J. J. O'Neil of St. Louis, was chairman. It was the first bill reported on in that Congress, from any committee, by the Hon. Barnes Compton of Maryland, as chairman of the sub-committee to which the bill was referred. Then began the work of crystallizing public sentiment. It already existed, but it needed direction, and this now became the work of the legislative committee. Public sentiment, after waiting with some degree of patience, began to bombard Congress with personal letters and petitions. This caused the committee to make efforts to secure time for the consideration of its bills, but without success, until on the 20th of March, after a hard and stubborn fight, which was continued all through the morning hours of the following day, the resolution granting the time was given with, but seventeen votes in opposition. The Hon. John J. O'Neil proved himself a fighter of great force and ability, all through the two days struggle while "Our Dear Foster-Father," the Hon. S. S. Cox of New York proved himself again to be our particular friend.

The resolution granting the time having passed on the same day, asked for, the committee on labor, took the floor.

The second bill called up by Hon. Barnes Compton of Maryland, was the Eight Hour Bill for the letter carriers; and it was out on its immediate passage, with but one dissenting vote, which was cast by a Mr. Allen of Mississippi. So, without a speech or a word, the bill passed; for it was so well understood, thanks to those who had it in charge, and the fact which appeared on the very face of it to be a matter of simple justice. So quickly and adroitly was it handled by our friends, that neither our opponents nor our supporters could make any of the many speeches which had been prepared.

Attention was now turned to the Senate. Here we had reason to expect early action upon a bill with substantially the same provisions as the one that had already passed that body in previous session. But some one had been at work there, erecting obstacles, which were finally removed by patient work, and a thorough explanation of the equity of the measure. At last justice won. On the 15th day of May, the bill passed the Senate with but one dissenting vote.

All that was now requisite was the signature of the President, who signed it on the 23d of May, after a conference with the Hon. D. M. Dickinson, Postmaster General, a hearty sympathizer with the movement.

After the bill became a law, the carriers of New York wanted to celebrate the victory, and also to have a reunion to be participated in by all the carriers of the United States who could attend. The legislative committee was ordered to send out invitations, to collect the funds and to make what preparations were needed to make the affair as imposing as circumstances would permit. A large amount of money was freely subscribed by the carriers, while from many quarters, citizens offered their financial aid, which was declined. For the carriers wanted to do this themselves. But nevertheless a public subscription was opened by the New York *Star*, through the kindness of Mr. G. K. Ackerman and at the suggestion of Mr. John Blakely (a downtown merchant, who had taken great interest in the affairs of the carriers) for the purpose of raising funds in order to present to the New York Carriers' Association a set of colors. The subscription list once opened, became a popular testimonial and four beautiful flags, two standards and two guidons, were purchased with the funds raised. Miss Sally Austin of East 14th street, to whom the artistic work was entrusted, covered herself with glory as an artist, and won her way in the hearts of many of the boys, for the eagerness and enthusiasm with which she did her work.

Invitations were promptly extended, and as promptly accepted by the letter carriers of all the adjacent cities as far south as Washington, as far north as Albany, and as far as east as Boston. While many places that could not attend in a body, agreed to send delegates. Invitations were also sent to the postmasters of the cities who had expressed a willingness to be present through their carriers.

The fourth day of July, 1888, was the day fixed for the celebration, and a glorious Fourth it was. What better day could have been chosen for the celebration, than Independence Day? A day when every American feels he is greater than a king. The letter carriers of the United States, as representatives of the government, determined to show both their patriotism and independence, on the day of all others fitted for such a demonstration.

The plans of the committee in charge, were admirably carried out although they did not expect such a general response to their invitations. The morning of the Fourth came in brightly; unlike the warm, sultry weather which New Yorkers usually endure on that day, and it was a subject of wonder and congratulation, that the elements were with us. For it was the first Fourth of July for years that it had not rained. Not a cloud shaded the sky, while a cool breeze filled the air. With the morning came the boys from Baltimore, closely followed by those of Washington. Although it was too early for breakfast a committee of the New York Association was there to meet them as they stepped from the train, to escort them to their hotel. A little later the Boston carriers reached New York, with a goodly supply of culture, which caused us to feel that we must be mindful of our P's and Q's so as not to shock our erudite friends. Well, they did Boston credit, and looked true blue. As the day wore on, and the time for assembly arrived, the reception committee sent sub-committees to the various depots to receive the visitors. Meanwhile the New York Association was forming, preparatory to receiving the flags from the lands of the Citizens' Committee, which was waiting at the Mayor's office.

At 3:10 P.M. the order was given, "Forward, March," and the carriers of New York, 719 strong, in full uniform, swung out in line in two divisions, headed by the Ottis band of forty pieces. The march to the City Hall was short, and in a few minutes they were drawn up in line before that building; the big post-office making a fine background. The Hon. S. S. Cox was chosen to present the colors; which he did, in one of his inimitable speeches. The absorbing public interest in the event was manifested by the large crowd that filled the park to witness the ceremony; and in the fact that when John Blakely, as Chairman of the Citizens' Committee, and Mr. Acskerman of the New York *Star*, as Treasurer, came down the steps, holding the flags aloft, the multitude sent up a shout that must have filled every heart with gladness.

During the ceremonies the boys from the Nutmeg State had arrived; also the Poughkeepsie and Albany contingents. They were formed in line on Mail street, together with the Baltimore and Washington representatives. The Jersey boys were ready in Courtlandt street waiting to take the place assigned to them.

The march down to the ferry at the foot of Liberty street was then taken up, to meet the Quaker City men, who were a little late; but when they did get here, they came in great force. Their appearance and bearing were very noticeable, and fully appreciated by all who saw them.

The procession on the march up Broadway was formed as follows: Police; Howard Dytch of Philadelphia, who, having been the delegate in behalf of the New York carriers, was invited to the head of the New York line, as special guest, by the marshal of the day; Grand Marshal George H. Newsom, of Station D.; Aides: E. F. Mone of Station D.; Solomon Josephs of Station H.; Thos. Cordery of Station E.; Joseph P. Jones of Station D. Reception Committee: William Woods of Station G., Chairman, Ushers' Committee; Thomas Kelly of Station D., Chairman. Ottis City Band and Drum and Flute Corps. First division of New York Carriers, composed of all the branches on the east side; in all 375 men, under the command of James White of Station F.; second division of New York carriers under the command of Joseph P. Kearney of Station G., and headed by a band and drum and fife corps, composed of the carriers of the general post-office and all the branches on the west side; in all 350 men.

All the men in line wore white badges, inscribed "N.Y. Letter Carriers' Association, July 4th, 1888," and were formed into companies, ten files front. Station H. was the color company in the eastern division, and Station E. for the west side division. Each station was designated by a blue guidon. No comparison can be drawn of any one station with another, for each turned out every possible man, except the general post-office where some fifty men were afraid to go; reminding one of the Biblical proverb: "The wicked flee, when no man pursueth."

The Long Island City men, carrying a blue banner, paraded with the New York men, under the command of J. T. Collins. Next came second division, the Philadelphians, with their manly postmaster and staff at the head, and a large band and full corps of drummers and fifers. The Philadelphians were also divided into two divisions, both under the command of Col. Johnston. The committee of arrangements, Martin Malone, Chairman; James O. Sullivan, Secretary, followed the Colonel and his aids. Next in line were Frank Dorsey and Frank Braceland, who were delegates in Washington in favor of the bill.

Then came the prettiest of all, resplendent with banners and a beautiful set of colors which had been presented to the Quakers by the merchants of that city, previous to their departure for New York. That they looked fine was admitted on all sides, and they marched as they knew it too; with their new summer uniforms and straw helmets. The carriers of Camden, N. J., followed, having arrived with the Philadelphians.

The third division was composed of our New Jersey neighbors. And they looked fine with the David Island band at their head. Newark had the right of line of this division. Their postmaster and his staff at the head of the line. Well, the Newark boys weren't proud, but they were happy. For they had a beautiful blue banner and a very able marshal in the person of Albert Roessler. Then came Elizabeth, N.J., small, but of excellent quality, commanded by F. Ruhlman. David Redmond led the boys of the busy city of

Paterson, followed by East and West Orange. M. H. Kelsey brought the Jersey City boys in all right, accompanied by their popular postmaster, M. Kelly. New Brunswick brought up the rear of this division, under the command of David F. Smith.

The fourth division was of a miscellaneous character. The Eagle Drum and Flute Corps of the annexed district, furnished the music. First came Washington, with little Al Parker and good-natured Dave Browser in command, in their caps and lawn tennis shirts. The Washington carriers had General Superintendent Bell with them. Then the Baltimoreans, all alive to the requirements of the occasion, with their General Superintendent. We will never forget them, for if a whole-souled crowd struck New York, it was the Baltimore carriers. Frank Murray had the honor to command them. David L. White followed with the Boston contingent, modest and refined as usual. Connecticut was represented by all the carriers in the vicinity of Hartford and New Haven, in charge of L. T. Seymour and Henry M. Cumings, respectively. They had the proverbial yankee nutmegs fastened to their badges. Then led by John S. Wohsen came Poughkeepsie with full ranks, to swell the general number, looking very chipper, as becomes New York men. Albany was the last of this division, under command of M. J. Lawler.

Fifth division. Last but not least, came Brooklyn, with the best band in Brooklyn at its head, and under command of Brother Nash, as bright and good-looking as could be, even for a Brooklyn man, and that is saying a good deal; for Brooklyn is full of good-looking men, especially in the post-office. Brooklyn turned out strong, bringing almost every available man, together with the messenger boys; and they made a decided impression as they marched up Broadway.

All along the lines the people applauded and gave unmistakable signs of their pleasure, and a hearty welcome to the visitors. Marching down East Twelfth street, in order to give a passing salute to Mrs. S. S. Cox, the procession was there met by a large concourse of people. The New York men were halted and presented with a large and beautiful silk American flag by Hon. S. S. Cox, in one of his witty speeches, on behalf of Mr. Strauss, representing the firm of R. H. Macy & Co. After which the parade was reviewed at the grand stand, Union Square, thence to Neilson Hall where a collation was spread.

A meeting was then held in the Academy of Music, which was crowded to the doors. On the stage were many of New York's most prominent men, while the private boxes were filled with lady friends of the carriers. Most conspicuous of all was the box in which was the wife and her friends, of Hon. S. S. Cox. In another box, was Mrs. Howard Dytch, and daughter of Philadelphia, with their friends. Mrs. George H. Newsom, together with friends also occupied one of the boxes. Ex-Postmaster General, Thos. L. James, with a party of gentlemen, occupied a lower box. Postmasters Harrity of Philadelphia, and Hendrix of Brooklyn, who also occupied a box, were called upon to make speeches late in the evening; which they did in a quiet, dignified manner, that won the hearts of all present.

The meeting was called to order by the chairman of the legislative committee. Prayer was offered by Rev. Wilbur E. Crafts. The "Anthem of Liberty" was rendered by the Concordia Chorus, directed by Mrs. Agatha Munier Atkins. An address was delivered by Mr. George H. Newsom. The reading of resolutions and letters by E. F. Mone followed. Among the resolutions adopted was one which appointed a committee of one from each city represented at the demonstration, to select suitable testimonials to be presented to those Congressmen and other friends, who were named by another resolution, which was afterward presented and passed. An address by Hon. S. S. Cox followed, after which the song "Star Spangled Banner" was given by the Concordia Chorus in stirring style.

Isaac Allen, Jr., in a few well-chosen remarks in behalf of the New York Carriers' Association, presented to Howard Dytch, a gold watch and chain as a mark of esteem and in recognition of services rendered as delegate for the New York office in Washington, and for his efforts in support of the Eight Hour Bill. Mr. Martin Malone of Philadelphia, then presented to Messrs. Frank Dorsey and Frank Braceland, both of Philadelphia, similar tokens of respect and appreciation for their services as delegates from Philadelphia. Addresses by Rev. Wilbur E. Crafts; Dr. Edward McGlynn, D.D. and Hon. E. F. Reilly, were followed by the song "Red, White and Blue," the whole audience joining in the chorus. This closed the meeting.

The Hon. J. J. O'Neil of Mo., who did so much to secure the passage of the law, and the Hon. Wm. F. McAdoo of New Jersey, who presented the bill, were invited but could not attend. This was a great disappointment. Letters of regret were read by the Secretary, from the President, Governor Hill, many Senators in Congress and other men in public life. At the close of the meeting, a line was formed and the out-of-town carriers were escorted to the ferries and depots.

Thus ended the greatest day on record for the carriers of the United States. We have a hope that it will be eclipsed in the future, for we trust the day will come when a national organization will be formed, embracing every carrier in the country. The carriers came together in a proper spirit, and made a display of true manhood and self-respect, which reflected credit on the department, and on the men themselves. He would be a churl indeed, who could not take pleasure in such a demonstration. Many friendships were formed, which may last through life.

Now, on behalf of the Association of the New York Carriers, we extend our thanks to the public, who have always been anxious to give us justice; to the Press of New York for its earnest support; to the many labor organizations of New York, Long may they flourish! to the Pulpit; to the postmasters of many large cities; to President Cleveland; to Postmaster General Dickinson, who by giving his approval, caused the bill to be signed, and who believed in the enforcement of the law, in spirit and letter. Thanks are also due to the carriers of the City of Philadelphia, who as pioneers, went forward in the fight and stayed till the end.

Thanks to the true men of the New York office who were willing to lay their reputations and positions on the altar of justice, who by their money, time and ability, all so freely given, held up the hands of those who were in the thickest of the fight.

It is to be regretted that so many of them were not in the department after the victory had been won, so they could enjoy what there was of fruit of their labor.

THE LETTER CARRIERS

In our peregrinations on the Fourth of July, up and down town in pursuit of items for the Hebrew Journal's readers, one subject appeared to interest our citizens almost to the exclusion of any other, and that was the parade of the letter carriers, and their subsequent exercises. They are unmistakably a popular body of men, they looked well as they marched past, kept good time, clean looking, excellent walkers, easy, lithe, swinging steppers, well built men with intelligent faces.

When we listened to the eloquent and sensible address delivered to them by Hon. S. S. Cox the one thing we thought ought to have been accentuated, dwelt on and brought out, was, and is the fact, that no body of men in New York combine so many excellent qualities. We have bank clerks and trust officials who handle with perfect safety to their owners, cash and valuable securities; attorneys and secret agents who guard the secrets of their clients for a price; but here is a body of men, who with the exactitude of a running railroad, come on daily with their tasks—"no postponement with them on account of the weather;" they are necessarily the guardians and custodians of many secrets, some of peril, many of importance, and a few of delicacy. Who ever heard of a letter carrier indiscreet enough to tattle or betray? Think of the countless little envelopes covering articles of value, messages of importance, of love, which if lost or even mislaid would lead to endless vexation, cross purposes, mortification and damage, and yet rarely one among the numberless packets are lost. Their care, vigilance and reliability are marvelous. Surely these are honest men, which if one was the "noblest work of God," as the poet has it, then so many as are the letter carriers must be a good day's work even for Him.—From *Hebrew Journal*, July, 1888.

A MATTER OF LIFE AND DEATH

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, "A Matter of Life and Death" is the way Newsweek magazine recently described the unsafe conditions in American workplaces. I commend this article in the August 17 edition to my colleagues and call particular attention to five points it raises:

First, the fact that "materials and processes are becoming more complex and dangerous, with safety tending to take a second place to speed of production."

Second, the twelvefold undercounting of injury and death statistics as estimated by a private research firm's study for the Department of Labor.

Third, the hazardous industries such as mining, drilling, quarrying, and logging, plus the insidious "silent killers" such as corrosive chemicals, noxious fumes and debilitating dust particles.

Fourth, the safety record that can be compiled when industry conscientiously and scrupulously endeavors to improve working conditions.

And finally, the legislation pending before this Congress. As Newsweek says, both the workers, the administration, and the Congress are aware of the urgent need for legislation. But Newsweek contends there is division on the nature of the bill to be passed, which, it concludes, could result in an impasse. I do not concur in this conclusion, for I believe that with a need so apparent and with a subject so vital as the very lives of American working men and women, this, the second session of the 91st Congress, will pass an equitable and appropriate occupational safety and health bill. I believe H.R. 16785 to be such a bill.

It was after 15 days of public hearings, including a total of seven markup sessions in subcommittee and full committee that H.R. 16785 was reported to this distinguished body. This bill provides long-overdue provisions for research into causes of diseases, monitoring of ambient dangers, reporting procedures, as well as provisions for setting of standards and inspections. The provisions of the Administrative Procedure Act are applicable, and aggrieved employers and employees have recourse to the district court or the Court of Claims.

I urge my colleagues to join in support of H.R. 16785, the Occupational Safety and Health Act.

The text of the Newsweek article follows:

A MATTER OF LIFE AND DEATH

The reminders are everywhere: small signs on grinding machines warning operators to wear protective goggles; big signs on plant walls cautioning "Don't Gamble With Safety." And somehow, the signs themselves convey the reassuring assumption that working in American industry is safe and probably getting safer. The National Safety Council itself asserts that Americans are safer at work than in their homes. But in truth, the signs might well read "Warning: Working May Be Hazardous to Your Health." Materials and processes are becoming more complex and dangerous; safety tends to take second place to speed of production; a lethal blend of carelessness and complacency results in 2 million injuries and 14,000 deaths every year from industrial accidents. Or, as former Secretary of Labor George Shultz starkly puts it: "During the past four years more Americans have been killed where they work than in Vietnam."

Almost surely, Shultz understates the case. The government's own statistics show that the rate of industrial accidents soared by 23 per cent between 1958 and 1967, the latest year for which figures have been compiled. But since only sixteen states cooperate with the Federal government in keeping records, the Labor Department's figures are based on questionnaires filled out by employers themselves. And not all the businessmen, complain such critics as president I. W. Abel of the United Steelworkers union, make honest reports. "If a fellow breaks his leg," Abel charges, "the company will bring him to work in a taxi, give him a soft job, really just let him sit around, and not report the accident." Consumer advocate Ralph Nader, who is preparing a book on industrial safety, charges that some companies go to extreme lengths to suppress sloppy safety records. A large beryllium producer, Nader says, once warned a company doctor that he would be looking for another job if he published a report on beryllium poisoning among employees of the plant.

All told, an AFL–CIO safety committee estimated last week, the official statistics tell only half the story; the true accident rate comes to 4 million disabling injuries a year. And even this figure may be far short of the mark; in fact, a private research firm working for the Labor Department estimates that no fewer than 25 million workers are injured every year—twelve times the official figure—and 500,000 more are disabled by occupational diseases.

Good Earth: Accident rates are highest for jobs involved with wresting resources from the earth. Mining, quarrying, logging and oil-well drilling all exact a heavy toll. Whatever the industry, the most common single killer is the motor vehicle, from the farm tractor to the fork-lift truck in the factory. But the greatest number of job accidents result from falls and falling objects, such as the huge, 450-foot-long pipe at U.S. Steel Corp.'s Gary works that clogged up with sludge and crashed last winter, killing three men and injuring five.

Apart from outright accidents, no one knows for sure how many workers have been struck down by silent killers in the form of corrosive chemicals, noxious fumes and debilitating dust particles that have become commonplace ingredients of the manufacturing process. Because of the high costs of installing safety equipment, small companies with old plants cause a disproportionate share of the disabilities. In Muskegon, Mich., for example, the Lakey Foundry Co. has only 1,000 employees, but more than 350 suits demanding compensation for injuries have been filed against the company. The problem: a thick carpet of silica dust from the sand used in the casting process. Inhaled over a long period of time, a condition that transforms men into cripples racked by paroxysms of coughing.

The foundry's air was tested in 1945 and found to contain ten times the recommended safe level of dust. Twenty years later the limits had been cut in half, but the air was about as dirty as ever. Lakey president Guy F. Campbell admits that "with the older plants we have it's a problem." But Muskegon lawyer Jerry S. McCroskey has another—and more indignant—explanation. Because the maximum liability of a Michigan foundry in the case of silicosis is only $12,500, plus medical and funeral expenses, McCroskey says, "it has been so inexpensive to disable or kill a man . . . that is has not been worthwhile to clean up."

Silicosis is just one of many crippling and deadly respiratory diseases common to industry. In the insulating trade, estimates Dr. Irving J. Selikoff of New York's Mount Sinai School of Medicine, 8 per cent of all the workers will die from asbestosis caused by breathing tiny particles of asbestos. The disease was identified in 1924; yet when New York City passed safety standards last spring for the spraying of asbestos, it was the first city in the U.S. to do so.

Venal? And this indifference to health is widespread. More than 100,000 of the nation's 1 million textile-mill workers have contracted byssinosis, or brown-lung disease, from inhaling cotton dust, according to estimates made by New Jersey's Sen. Harrison Williams. Yet an article in the American Textile Reporter, a widely read trade publication, dismisses the disease as "a thing thought up by venal doctors who attended last year's ILO meeting in Africa, where inferior races are bound to be afflicted by new diseases more superior people defeated years ago."

Nowhere has the disregard for safety been more flagrant than in the mining of coal, which has been the most dangerous occupation in the U.S. for years. In fact, coal mines have claimed the staggering toll of 80,000 lives since the Bureau of Mines began keeping records in 1910. But even so, Congress did not get around to enacting the first mine-safety law until 1941.

Hobbles: It was not until 1968 and the explosion of Consolidation Coal's mine at Farmington, W.Va., killing 78 men, that Congress was jolted into passing a more comprehensive Mine-Safety Act. With the added disclosure that thousands of miners had been sent to early graves by pneumoconiosis, or black-lung disease, the new act set the first limits on the level of coal dust permitted in underground chambers. But effective enforcement of the 1968 standards has been hobbled by the failure of the Nixon Administration to appoint a new Director of Mines to replace Democrat John F. O'Leary. Although appropriations for the Bureau of Mines were quadrupled last year to $13 million to hire more mine inspectors, Nader charged last week that the agency was actually conducting only one-eighteenth as many inspections as it did last year.

The generally unimpressive industrial-safety record in the U.S. has a good many causes, none of them reflecting much credit on those responsible. Union leaders too often are willing to barter safety for a wage hike. Employers tend to try to coax a little more life from worn-out and unsafe machinery. State safety standards are too often antiquated and ineffective, and there aren't enough inspectors to enforce the ones on the books. Indeed, four states have no safety inspectors at all, and the Bureau of Labor Statistics estimates that of the 1,524 state inspectors in the entire country, only 827 are available for general safety inspection—a third of the number of fish and game wardens in the U.S.

While the record is certainly better than it was 50 years ago, it is clearly not good enough. Nor is it up to the standard of many European countries, where job safety is a matter of national policy. A British factory worker is only one-third as likely to be disabled as his U.S. counterpart. Only one out of every 12,000 Swedish workers is killed at work—lower than half the U.S. rate—and the Swedish accident rate has not gone up since 1955.

Net Gain: By careful planning, a few U.S. companies have set enviable records. Through a total approach to safety, one du Pont chemical factory operated for 45 million man-hours without a single disabling injury. A Houston construction firm spent $90,000 stringing a safety net around the base of a 50-story office building and found the investment paid off in faster production.

And increasingly, safety problems are moving beyond the plant gates. Indeed, the impetus for stiffer standards has been measurably increased by a wave of industrial accidents that threaten the public at large as well as the workers involved. Routinely, deadly phosgene gas is shipped about the country for processing into plastics. Fumes of the common fertilizer, anhydrous ammonia, are lethal, as shown by the death of eight residents of Crete, Neb., when two tank cars carrying the stuff were derailed there last year. Because so many of these hazards involve transportation—and because railroad accidents increased by an alarming 66 per cent between 1963 and 1968—pressure lately has focused on improving the standards of the nation's crumbling rail network. Last week, the House approved and sent to conference committee a bill giving the Department of Transportation broad powers to set new standards for the shipment of hazardous cargoes.

No Hiding Place: But Congress has yet to come to grips with a stringent, effective national industrial safety act. The time may be at hand; at long last, workmen themselves are beginning to clamor for protection. Says an official of the United Auto Workers: "The men have abandoned the falling-object syndrome that used to assume a guy could protect himself. Now they see there are a lot of environmental situations that can't be handled by safety goggles and hard-toe shoes. And they are up in arms."

Feeling this pressure, the Nixon Administration has sent up a bill that would delegate the power to establish and enforce new safety regulations to a five-man Presidential panel. But Congress is divided between this measure and a House bill that would give the Secretary of Labor the direct authority to order companies to eliminate unsafe job practices. Organized labor and the vocal reformers, including Nader, support the House version, while the Chamber of Commerce and the National Association of Manufacturers back the Administration. Because of this impasse, the prospect for passage of either bill is rated slim. But any extended deadlock seems sure to ignite protest among reformers, who see the delay as a plain matter of life and death. "In a nation deeply concerned with human and economic progress," says George Shultz "such backsliding is a matter for distress."

XUM

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Over 130,000 foreign students a year come to the United States to advance their education at more than 2,000 institutions of higher education.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mrs. Hansen of Washington, for August 12, 13, 14, September 9, 10, 11, 14, on account of official business in district.

Mr. Flynt (at the request of Mr. Albert), for today, on account of official business.

Mr. Hagan (at the request of Mr. Albert), from 5 p.m. August 11 and remainder of day, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Holifield, Wednesday, August 12, for 30 minutes, to revise and extend his remarks and to include extraneous matter.

(The following members (at the request of Mr. Scott) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Bush for 5 minutes today.

Mr. Bush for 5 minutes on August 12.

Mr. Meskill for 5 minutes on August 12.

Mr. Goodling for 1 hour on August 13.

Mr. Schwengel for 15 minutes today.

(The following Members (at the request of Mr. Daniel of Virginia) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Dent for 30 minutes today.

Mr. Rooney of Pennsylvania for 15 minutes today.

Mr. Cohelan for 10 minutes today.

Mr. Lowenstein for 60 minutes on August 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Boggs in two instances, and to include extraneous matter.

Mr. Hogan immediately following Mr. Fuqua on the conference report on H.R. 17711, amending the District of Columbia Cooperative Association Act.

(The following Members (at the request of Mr. Scott) and to include extraneous matter:)

Mr. Weicker.

Mr. Taft in two instances.

Mr. Schmitz in two instances.

Mr. Hall.

Mr. Steiger of Wisconsin in two instances.

Mr. Springer in two instances.

Mr. Bush.

Mr. Conable.

Mr. Thompson of Georgia.

Mr. Wyman in two instances.

Mr. Hunt in two instances.

Mr. Cramer.

Mr. Minshall in two instances.

Mr. Don H. Clausen in two instances.

Mr. Ashbrook.

Mr. Wold.

Mr. Brown of Ohio.

Mr. Goodling.

Mr. Bob Wilson in two instances.

Mr. Schwengel.

Mr. Broyhill of Virginia in two instances.

Mr. Wyatt.

Mr. Fish.

Mr. Eshleman.

Mrs. Heckler of Massachusetts.

Mr. Collier in five instances.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Gaydos in four instances.

Mr. Daddario in five instances.

Mr. Macdonald of Massachusetts in three instances.

Mr. Boggs.

Mr. Kluczynski in two instances.

Mr. Steed in two instances.

Mr. Mikva in eight instances.

Mr. Cohelan in five instances.

Mr. Culver in two instances.

Mr. Waldie in two instances.

Mr. Fraser in two instances.

Mr. Rodino in three instances.

Mr. Diggs in five instances.

Mr. Dingell in two instances.

Mr. Wolff.

Mr. Nichols.

Mr. Helstoski in two instances.

Mr. Koch.

Mr. Patten.

Mr. Ullman in 10 instances.

Mr. Fountain in two instances.

Mr. Carey.

Mr. Karth.

Mr. Taylor in two instances.

Mr. McFall.

Mr. Zablocki in four instances.

Mr. Hungate.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 17711. An act to amend the District of Columbia Cooperative Association Act, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Wednesday, August 12, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2297. A letter from the Secretary of the Army, transmitting a report on the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff on June 30, 1970, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

Received From the Comptroller General

2298. A letter from the Comptroller General of the United States transmitting a report on improved accounting control over equipment at the Kennedy Space Center, National Aeronautics and Space Administration; to the Committee on Government Operations.

2299. A letter from the Comptroller General of the United States transmitting a report on reduction of cost by improving management of Department of Defense vehicle maintenance in Europe; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15549. A bill to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes; with amendments (Rept. No. 91–1404). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.J. Res. 1179. Joint resolution granting the consent of Congress to amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin; without amendment (Rept. No. 91–1405). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. S. 3153. An act to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs; without amendment (Rept. No. 91–1406). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELANEY. Committee on Rules. House Resolution 1185. Resolution for consideration of H.R. 7521, a bill to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes (Rept. No. 91–1407). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1186. Resolution for consideration of H.R. 9306, a bill to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes. (Rept. No. 91–1408). Referred to the House Calendar.

Mr. DELANEY. Committee on Rules. House Resolution 1187. Resolution for consideration of H.R. 9804, a bill to amend Public Law 394, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Arizona. (Rept. No. 91–1409). Referred to the House Calendar.

Mr. DELANEY. Committee on Rules. House Resolution 1188. Resolution for consideration of H.R. 13001, a bill to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project. (Rept. No. 91–1410). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 1189. Resolution for consideration of H.R. 16987, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes (Rept. No. 91–1411). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY:

H.R. 18891. A bill to amend title 18 of the United States Code to provide for increased penalties for certain illegal use or possession of explosives; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 18892. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

By Mr. FARBSTEIN:

H.R. 18893. A bill to permit any of certain municipalities to be considered as a "State" for the purpose of applying for benefits under certain Federal grant-in-aid programs, and for other purposes; to the Committee on Government Operations.

By Mr. FISH:

H.R. 18894. A bill to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 18895. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

H.R. 18896. A bill to amend title II of the Social Security Act to provide that full old-age, survivors, and disability insurance benefits (when based upon the attainment of retirement age), and medicare benefits, will be payable to men at age 60 and to women at age 55; to the Committee on Ways and Means.

By Mr. KEE (for himself, Mr. Slack, Mr. Saylor, Mr. Flood, Mr. Gray, Mr. Nix, Mr. Yatron, Mr. Dent, Mr. Perkins, Mr. Eilberg, Mr. Stubblefield, Mr. Olsen, Mr. Corbett, Mr. Staggers, Mr. Mollohan, Mr. Hays, Mr. Clark, Mr. Gaydos, Mr. Wampler, Mr. Morgan, Mr. Whalley, Mr. Edmondson, and Mr. Price of Illinois):

H.R. 18897. A bill to amend title XVIII of the Social Security Act to provide medicare benefits (financed from general revenues) for disabled coal miners without regard to their age; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 18898. A bill to provide a program of pollution control in selected river basins and waterways of the United States through comprehensive planning and financial assistance to municipalities and regional management associations for the construction of waste treatment facilities; to the Committee on Public Works.

By Mr. McCLURE (for himself and Mr. Hansen of Idaho):

H.R. 18899. A bill to temporarily withdraw certain national forest lands in the State of Idaho from the operation of the U.S. mining laws, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN of Idaho (for himself and Mr. McClure):

H.R. 18900. A bill to establish the Sawtooth Mountains National Park in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MESKILL (for himself, Mr. Weicker, Mr. Rees, Mr. Schwengel, Mr. Button, Mr. Wright, Mr. Hathaway, Mr. Ottinger, Mr. Tiernan, Mr. Fraser, Mr. Olsen, Mr. Rodino, Mr. Duncan, Mr. Morse, Mr. Harrington, Mr. Charles H. Wilson, Mr. Meeds, Mr. Halpern, Mr. St Germain, Mr. Erlenborn, Mr. Friedel, Mr. William D. Ford, Mr. Ashley, and Mrs. Green of Oregon):

H.R. 18901. A bill to establish a commission on the medical and psychological adequacy of the physical and mental examinations conducted by the Armed Forces with respect to registrants under the selective service laws; to the Committee on Armed Services.

By Mr. MIKVA:

H.R. 18902. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

H.R. 18903. A bill to provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Brademas, Mr. Corman, Mr. Hanna, Mr. Hathaway, Mr. Hawkins, Mr. Howard, Mr. Hechler of West Virginia, Mr. Leggett, Mr. William D. Ford, Mr. Lowenstein, Mr. Mikva, Mr. Olsen, and Mr. Roybal):

H.R. 18904. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 18905. A bill to establish certain qualifications for election to the offices of President and Vice President of the United States; to the Committee on House Administration.

By Mr. MURPHY of New York:

H.R. 18906. A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 18907. A bill to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 18908. A bill to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs; to the Committee on Merchant Marine and Fisheries.

By Mr. WYATT:

H.R. 18909. A bill to amend title 5, United States Code, to provide additional civil service retirement and sick leave benefits for air traffic controllers; to the Committee on Post Office and Civil Service.

By Mr. CAREY:

H.R. 18910. A bill to promote the economic development of the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

H.R. 18911. A bill to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age; to the Committee on Interior and Insular Affairs.

By Mr. FASCELL:

H.R. 18912. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

H.R. 18913. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

H.R. 18914. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Tennessee (for himself, Mr. Broyhill of Virginia, Mr. Cederberg, Mr. Bow, Mr. Harsha, Mr. Kuykendall, Mr. Collier, Mr. Carter, Mr. Pettis, Mr. Flowers, Mr. Nelsen, Mr. Brown of Ohio, Mr. Yatron, Mr. Esch, Mr. Button, Mr. Kyros, Mr. Pucinski, and Mr. Conable):

H.R. 18915. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical services; to the Committee on Ways and Means.

By Mr. HAGAN:

H.R. 18916. A bill to authorize the United States to transfer the nuclear vessel N.S. Savannah to the City of Savannah, Georgia, for the purpose of preserving and establishing such vessel in its homeport for all generations, as a monument to the peaceful uses of atomic energy; to the Committee on Government Operations.

By Mr. PEPPER (for himself, Mrs. Griffiths, Mr. Nix, Mr. Waldie, Mr. Mr. Steiger of Arizona, Mr. Leggett, Mr. Koch, Mr. Harrington, Mr. Tunney, and Mr. Kee):

H.R. 18917. A bill to extend the powers of the Federal Insurance Administration to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

By Mr. ROONEY of Pennsylvania:

H.R. 18918. A bill to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H. Con. Res. 704. Resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. VANIK:

H. Con. Res. 705. Resolution on the conversion to a low-emission propulsion system

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for motor vehicles to replace the internal combustion engine; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMER:

H. Res. 1190. Resolution expressing the sense of the House with respect to an early resolution by the Supreme Court of the problems involved in desegregating the Nation's public schools; to the Committee on the Judiciary.

By Mr. PIRNIE:

H. Res. 1191. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignity and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SCHWENGEL introduced a bill (H.R. 18919) for the relief of Marina J. Kollias, which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, August 11, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, help us to be masters of ourselves that we may be servants of others.

We commit our eyes, our ears, our minds, our tongues, our beings to Thee. Guard us in temptation. Enable us to speak the truth in love. When the way is hard, the direction vague, and the solution eludes us, grant that our spiritual life may hold its course.

Spare us, O God, from ever giving up until the whole earth is saturated with Thy light and truth, until men learn to walk in the way of peace, and Thy spirit has dominion over all the nations.

In the Master's name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 11, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 10, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the Chair now recognizes the distinguished Senator from Idaho (Mr. CHURCH) for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Idaho yield to me without losing any of his time or losing the floor?

Mr. CHURCH. I yield.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JACKSON TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Washington (Mr. JACKSON) be recognized for not to exceed 40 minutes, following the speech by the distinguished Senator from Colorado (Mr. ALLOTT) today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes following the speech by the distinguished Senator from Ohio (Mr. YOUNG), which will occur before the Senate proceeds to the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the speech by the distinguished Senator from New York (Mr. JAVITS) today, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 4212 AND S. 4213—INTRODUCTION OF BILLS RELATING TO THE SAWTOOTH BASIN IN IDAHO

Mr. CHURCH. Mr. President, on behalf of myself and my distinguished colleague from Idaho (Mr. JORDAN), I submit for appropriate reference a bill to create a national park in the uplands surrounding the Sawtooth Valley in south-central Idaho. A similar bill is being introduced in the House by the other members of the Idaho delegation. We believe that this spectacular alpine region fully qualifies for national park status and would benefit from the special supervision that such a designation brings. The Sawtooth Mountains—jagged monoliths of granite piercing the sky like the teeth of a gigantic saw—offer summits of unblemished wilderness. The adjoining White Cloud range, an 8-by-10-mile area of breathtaking grandeur, is bedecked with chains of crystalline lakes. The lofty Boulder Mountains, to the south of the White Clouds, round out the complex.

Mr. President, you will recall that the Senate passed a bill on July 2, 1969, to establish the Sawtooth National Recreation Area. This bill, S. 853, which Senator JORDAN and I sponsored, we amended on the floor just before passage to include the White Clouds and to augment Forest Service regulation of prospecting and mining in this beautiful but fragile region. The bill is still pending in the House, although hearings were conducted by the House Interior and Insular Affairs Committee in Washington last year. The House has now scheduled a field trip for August 25 and a hearing on August 26 at Sun Valley, Idaho.

The Senate floor amendment of S. 853 was generated by a threat of a road in the White Clouds and an open pit mine in the very heart of this alpine region, without doubt one of the most beautiful in the Nation. That threat remains, as does the threat of impinging and unsightly commercialization of the Sawtooth Valley, where private ranchlands present an unspoiled remnant of the Old West and a colorful introduction to the mountains.

For several months, the four members of the Idaho congressional delegation have met periodically to discuss an adequate management program for this region. We have concluded that the controversy over possible open pit mining in the White Clouds—which has attracted national attention—must not be permitted to preempt the enactment of legislation needed now to protect the scenic attractions of this superb mountain area.

We have, accordingly, decided to urge prompt enactment by the House of an amended version of the Sawtooth National Recreation Area bill approved by the Senate. This would furnish the Forest Service with urgently needed authority to establish zoning regulations to protect the Sawtooth Valley from defacement. We are also recommending that the House update the bill to provide interim protection, not presently available, to the White Clouds, Boulder, and Sawtooth Ranges. This interim protection, offered in the form of a separate jointly sponsored bill, would confer authority on the Forest Service to prevent injurious disturbance of surface lands in the protected area caused by motorized and mechanical equipment. It would also impose a fixed-term moratorium on the

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location of new mining claims pending a final decision on a permanent management plan.

On behalf of myself and my colleague from Idaho (Mr. JORDAN), I now submit for appropriate reference such a bill for Senate consideration.

Vested rights based on prior mining claims could not, under our constitutional system, be extinguished by a national park. The park bill, which we introduce today, would, therefore, establish a park subject to valid existing rights and authorize such special use permits as may be reasonable for the exercise of such rights. If mining operations should occur, they would be subject to regulation by the National Park Service in order to assure the largest feasible measure of protection to the resource.

Mr. President, we believe that a Sawtooth National Park and National Recreation Area complex will best meet the requirements for safeguarding the future of this remarkable mountain region. Such a management plan will prove a perpetual asset to Idaho and the Nation, and assure the proper facilities to accommodate the burgeoning number of visitors now converging on the area.

Although field hearings were held by the Senate Parks and Recreation Subcommmittee in Idaho in 1966 on bills for both a Sawtooth Park and for a recreation area, the House committee hearing at Sun Valley this month will again provide Idahoans an opportunity to express their views on the future of the region in relation to the legislative measures we recommend.

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Mr. President, I ask unanimous consent that the text of the two bills, which I hereby send to the desk, may be printed here in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, the bills will be received and appropriately referred; and, without objection, the text of the two bills will be printed in the RECORD.

The bills, introduced by Mr. CHURCH (for himself and Mr. JORDAN of Idaho), were received, read twice by their titles, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 4212

A bill to establish the Sawtooth Mountains National Park in the State of Idaho, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve for the benefit, use, inspiration, and education of present and future generations certain lands in the State of Idaho containing rugged and unspoiled scenic, scientific, historic, and natural values, high mountain peaks, and unique alpine features, there is hereby established, subject to valid existing rights and permits for special uses of federally owned lands as may be reasonably necessary for the exercise of such rights, the Sawtooth Mountains National Park (hereinafter referred to as the "park"). The park shall comprise two units, the Sawtooth Unit and the White Clouds-Boulder Unit, and it shall consist of the lands, waters, and interests therein within the boundaries of each such unit as generally depicted on the map entitled "Sawtooth Mountains National Park," numbered NP–SAW–20, 014, and dated April 1970. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of Interior. The Secretary may make minor adjustments in the boundaries of the park by publication of a notice to that effect, together with a revised map or other boundary description, in the Federal Register.

SEC. 2. Within the boundaries of the park the Secretary of the Interior (hereinafter referred to as the "Secretary") may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that any property owned by the State of Idaho or any political subdivision thereof may be acquired only by donation.

SEC. 3. The Secretary shall protect, administer, develop, and maintain the park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.).

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, for development, plus or minus such sums, if any, as may be indicated by engineering cost indices applicable to the types of construction involved herein.

SEC. 5. In order to facilitate the administration, public use, and enjoyment of areas within the park and adjacent national forest lands, and to provide for such administration and use in an efficient and economical manner, the Secretary is authorized to enter into agreements with the Secretary of Agriculture whereby administrative or public use facilities may be designated on lands within the park or on national forest lands, and constructed, operated, and maintained in accordance with plans agreed upon by the two Secretaries. Funds available to the Secretary for the purposes of the park and funds available to the Secretary of Agriculture for purposes of the national forests shall be available to carry out the purposes of this section.

SEC. 6. Within two years from the date of enactment of this Act, the Secretary shall review the area within the park, and shall report to the President in accordance with subsections 3(c) and 3(d) of the Wilderness Act, his recommendation as to the suitability or nonsuitability of any area within the park, including the former primitive area, for designation as wilderness. Any designation of any such area as wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 7. The distributive shares of the respective counties of receipts from the national forests from which the park is created, as paid under the provisions of the Act of May 23, 1908 (35 Stat. 260), as amended (16 U.S.C. 500), shall not be affected by the elimination of lands from such national forests by the enactment of this Act.

SEC. 8. With regard to valid claims to any lands within the park made under the United States mining laws, which are existing on the effective date of this Act, a patent to any such claim hereafter issued shall convey title only to the minerals therein, and title to the surface shall remain in the United States.

S. 4213

A bill to temporarily withdraw certain National Forest Land in the State of Idaho from the operation of the United States Mining Laws, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to permit adequate time to study and determine the provisions desirable and needed for management of the national forest lands in the Sawtooth, Challis, and Boise National Forests in the State of Idaho shown on the map entitled, "Temporary Withdrawal Area—Sawtooth, Challis, and Boise National Forests" dated August 1970, which includes the Sawtooth and Boulder mountains and White Clouds peaks and which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, in order to assure the preservation of and to protect the scenic, historic, pastoral, fish and wildlife, recreational, aesthetic, and other environmental values, such lands are hereby withdrawn, subject to valid and existing claims, from all forms of location and entry under, and operation of, the mining laws of the United States for a period of five years from the date of this Act. The Secretary of Agriculture shall, as soon as practicable after the date of this Act and no later than 60 days after such date, publish in the Federal Register a detailed description and map showing the boundaries of such area.

SEC. 2. The Congress hereby recognizes and declares the need for the Secretary of Agriculture, in exercising his authority under the Act of June 4, 1897 (30 Stat. 35), as amended and supplemented (16 U.S.C. 551), and otherwise consistent with the purposes and provisions of the National Environmental Policy Act of 1969 (83 Stat. 852), to make provision for and take action to regulate and control the use of, and protect the surface values of, the national forest lands described in section 1 of this Act, including, when deemed by him to be necessary, the control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of such national forest land.

SEC. 3. Patents shall not hereafter be issued for locations and claims heretofore or hereafter made in the area described in section 1 under the mining laws of the United States. This shall not be construed as preventing or interfering with the full exercise of the rights of the holder of a valid claim to further prospect, develop, and mine any such claim subject to compliance with the rules and regulations covering the national forest land on which any such claim is located.

SEC. 4. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.

Mr. JORDAN of Idaho. Mr. President, today I join my distinguished colleague, Mr. CHURCH, in introducing two measures designed to protect the scenic attractions in an area of breathtaking beauty in south-central Idaho consisting of the White Cloud, Boulder, and Sawtooth Ranges.

By way of background, on July 2, 1969, the Senate considered and passed S. 853, which established the Sawtooth National Recreation Area. This bill, as amended, is designed to safeguard and enhance the outstanding natural beauty of the Sawtooth and White Clouds Ranges and to protect these fragile areas from overuse. Since the passage of S. 853 a great deal of controversy has arisen over mining in the White Clouds area. After many meetings and much discussion, the four members of the Idaho congressional delegation have reached agreement on the legislative proposals which we introduce today to provide a suitable management program for the Sawtooth region.

The first proposal which we introduce today, is designed to provide interim protection, not presently available, to the mountains which surround the Sawtooth Valley. These consist of the Sawtooth, White Cloud, and Boulder Ranges. This interim protection would give the Forest Service authority to regulate road building and prospecting activities in the area. Such regulatory authority is necessary in order to prevent irreparable damage to the fragile granitic surface lands in this region. In addition, the bill would provide for a 5-year moratorium on all forms of location and entry under the mining laws of the United States. It should be pointed out that this provision does not extinguish valid and existing mining claims.

This proposal, in conjunction with S. 853, would go a long way toward providing an adequate management program for the Sawtooth-White Clouds area. It is certainly feasible that this package could receive favorable action by both Houses during the current session of Congress.

The second bill which we introduce today would create a national park in the uplands surrounding the Sawtooth Valley. We introduce this bill in order to give full scope to the options that are open to the people of Idaho. This Alpine region, which is a superlative mix of rugged peaks, wooded slopes, and mountain lakes and streams, is fully qualified for national park status. Such status, with the intended special supervision, which such designation brings, would clearly be of great benefit to this area.

Here again, existing vested rights from prior mining claims would not be extinguished. The Secretary of Interior would be authorized to issue such special use permits as may be reasonably necessary for the exercise of valid existing mining rights. The National Park Service, however, would regulate any mining operations to insure the greatest amount of protection for the scenic and ecological values in the White Clouds-Sawtooth-Boulder area.

Mr. President, I believe that the two measures which Senator CHURCH and I introduce today, in conjunction with S. 853, are of great significance to the people of Idaho, as well as to the people of the entire country. I have covered most of the accessible parts of Idaho by car and horseback and have visited many of the national parks and forests and I can assure my colleagues that this is a nationally significant area which is eminently worthy of the protection which we propose for it today and which is concurrently being proposed in the House by the two distinguished Representatives from Idaho. I am hopeful that this legislation, which is the result of a great deal of study over the years, receives expeditious consideration by both Houses. The Sawtooth-White Clouds-Boulder area deserves no less.

ORDER FOR RECOGNITION OF SENATOR MUSKIE TODAY

Mr. CHURCH. Mr. President, I ask unanimous consent that upon the conclusion of the remarks of the Senator from Washington (Mr. JACKSON) this afternoon, the Senator from Maine (Mr. MUSKIE) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FRESH DANGER IN CAMBODIA

Mr. CHURCH. Mr. President, when the Nixon administration concluded its Cambodian military operation earlier this summer, it gave the American people to understand that our future military involvement in that torn country would be strictly limited. President Nixon himself indicated this would be our policy.

The latest newspaper reports now inform us that American planes are conducting bombing missions over Cambodia in response to requests from the Cambodia government. This directly contradicts assurances of the Nixon administration that American air attacks within Cambodia would be restricted to the interdiction of enemy supply lines as required to protect American troops, and other allied forces, located across the border in South Vietnam.

Nevertheless, the Washington Post reported on page 1 in its editions of August 5, 1970, that American jet fighter-bombers have now gone to the direct assistance of Cambodian troops and "will do so again when they are needed."

The Associated Press, in a dispatch printed in the Boston Globe of August 6, 1970, reports that its correspondent, John T. Wheeler, witnessed direct support of Cambodian troops by seven American F–100 fighter-bombers. The dispatch quotes a Cambodian officer describing the American air strikes as "direct support for my battalion. Watch."

Certainly this operation extends beyond the limitations President Nixon announced on June 30 after American combat troops had been withdrawn from Cambodia. In his public announcement, the President listed seven guidelines. One of these states:

> We will conduct—with the approval of the Cambodian government—*air interdiction missions* against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to re-establish base areas relevant to the war in Vietnam. We do this to protect our forces in South Vietnam.

There was not the slightest inference in the President's statement that American planes would soon be flying direct support missions on behalf of Cambodian troops. The conclusion we must draw is that our Cambodian incursion has simply added to the pernicious growth of American military operations in Indochina. We are now embarked upon a policy of creeping involvement in Cambodia. The Pentagon hastens to explain that our planes are merely carrying out the air interdiction missions which the President authorized. But the Washington Post newsstory, to which I have already referred, carries this exchange:

> In Saigon, a U.S. military spokesman was asked Tuesday: "Interdiction covers a lot of ground, doesn't it?" His answer: "Yes, it does." The spokesman would not elaborate.

Direct air support of Cambodian forces by American aircraft would be prohibited by final enactment of the Cooper-Church amendment which passed the Senate by a vote of 58 to 37 on June 30 of this year. The thrust of this Senate action is to draw tight the pursestrings on the financing of expansionist military involvement in Cambodia. Direct air support operations have been taken in the face of this intended prohibition.

A Washington Post editorial has pointed to the dangers of another American misadventure if such air operations continue. In an editorial on August 7, the opennig sentence is a vivid one:

> That haunting and all too recognizable beast of the Indochina jungles, the two-toned commitment—also known as the heavy-footed undertaking and the creeping rationale—again seems to be on the prowl, this time in Cambodia.

The editorial then points out, that despite Presidential assurances:

> The United States is conducting bombing raids in Cambodia that have only the most tenuous connection with the original rationale of interdicting enemy forces en route to Vietnam. As many as 50 planes a day are flying combat support missions for beleaguered units of the Cambodian army, and the Cambodian army being what it is, there are few active units in it which are not beleaguered.

Now, understandably, the Nixon administration is anxious to explain away the latest news dispatches. The New York Times reported on August 7 that Defense Secretary Laird held a surprise press conference. His explanation is hardly reassuring. He stated that bombing by American jets on August 5, 900 feet in front of a Cambodian battalion at Skoun, was an integral part of a general interdiction campaign aimed at protecting American Forces in South Vietnam. Secretary Laird is then quoted:

> That particular area is very much related to the opening up of the sea area for supplies and so forth, and I would merely state that the decision was made by the commanders in the field that it was an important interdiction mission to destroy the, ah, in this case, I believe it was personnel.

The elasticity of this concept of air interdiction is infinite. Measured by Laird's definition, the American Air Force has been given the green light to extend an aerial umbrella over all of Cambodia.

I also want to call attention to two additional newspaper articles.

One appears in the New York Times on August 9, 1970, under the byline of James P. Sterba and is datelined Saigon. It discusses a confidential set of instructions issued to unit commanders as to what they may say in respect to our air activities over Cambodia.

The second is a column by Mary McGrory in the Washington, D.C., Evening Star which is entitled "We Still Bomb the 'Bad Guys'." She points out that the American direct air support missions still have been unknown had it not been for John Wheeler, the AP reporter, who both witnessed and reported one.

Miss McGrory then notes:

> The support missions are forbidden under the Administration's own guide-lines, issued when ground troops were pulled out. They also are prohibited by the Cooper-Church amendment which in Section Four outlaws "any combat activity in the air above Cambodia in direct support of Cambodian forces."

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I ask unanimous consent that the six articles to which I have referred be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Aug. 6, 1970]

U.S. Planes Hit Enemy in Cambodia in Strike Described as Direct Troop Support

SAIGON.—U.S. planes struck at enemy positions near Skoun yesterday, and Cambodian troops advancing in their wake recaptured part of the outskirts of that district capitol 40 miles north of Phnom Penh.

The Cambodian appeal for air support when three of their battalions trying to drive away a big Viet Cong and North Vietnamese force on the last four miles to the key road-junction city, were caught in a fire fight.

Associated Press correspondent John T. Wheeler, who witnessed the action, said seven American F100 fighter-bombers bombed and strafed enemy troops about three miles from Skoun.

A Cambodian officer, directing the air strike from the ground, was asked two questions: Were the strikes in direct support of his troops or were they against enemy supply lines leading to South Vietnam?

"This is direct support for my battalion. "Watch," replied the Cambodian officer as an F100 dropped two 250-pound bombs after coming in at treetop level.

The official U.S. position is that the planes fly interdiction raids in Cambodia "as appropriate against enemy troops or material which could threaten U.S. and other free world lives in South Vietnam."

"We have nothing to add beyond our statement," a U.S. Command spokesman said last night, referring to the U.S. position.

The Cambodian officer directed the Skoun strikes in a radio exchange with an American pilot in an unmarked spotter plane.

Wheeler said that while the troops battled into Skoun's outskirts, hard fighting probably lay ahead because a strong enemy force is believed dug in there.

A Cambodian commander at Sre Khlong 45 miles southwest of Phnom Penh—where the enemy cut off Highway 4 leading to Cambodia's south coast oil installations for three days this week—said that U.S. planes also struck the enemy in that region.

The air raids came amid light fighting elsewhere in Cambodia and South Vietnam, save for a sharp clash 50 miles southwest of Da Nang, South Vietnam, at the allied camp at Kham Duc 13 miles from Laos.

The U.S. Command said two Americans were killed and 14 wounded when North Vietnamese troops hit their night defensive position at Kham Duc, moving in under a 60-round barrage of 82-mm mortars.

Fifteen of the enemy were reported killed in the two hour battle, the first serious assault on Kham Duc since it was reopened three weeks ago to support allied operations near the Laotian border.

[From the Washington Post, Aug. 5, 1970]

American Planes Bombing in Cambodia

U.S. officials in Saigon and Phnom Penh acknowledged Tuesday that American planes are bombing in Cambodia in response to requests from Cambodian authorities.

In the past, the White House and Pentagon have said U.S. air attacks inside Cambodia are used only to protect American and other friendly forces across the border in South Vietnam.

In Phnom Penh, U.S. officials conceded privately that American jet fighter-bombers have gone to the aid of embattled Cambodian troops in the past and will do so again when they are needed.

"We are responding to anyone's request for interdiction missions in the area of Cambodia," one official in Saigon said.

The direct air support has been given under a U.S. policy described by one official in Phnom Penh as "stay out of it if you can; provide assistance but don't take a leading role."

Under the guidelines, U.S. sources said, policy has been to urge the South Vietnamese air force to provide as much of the required air support as possible to the Cambodians.

U.S. support would be made available only when South Vietnamese warplanes were fully committed elsewhere.

American officials have been reluctant to discuss U.S. air support for the Cambodians possibly because of the lack of any clear policy statement from Washington following the June 31 deadline for U.S. troop involvement in Cambodia.

In Washington, administration officials said there had been no change in U.S. policy but they noted that "oftentimes there are ancillary effects" from U.S. air attacks that could make it appear that they were carried out to aid Cambodians.

The official U.S. position, repeated Tuesday by a Pentagon spokesman, has been that American planes are participating in "interdiction" of Communist supply routes and bases in Cambodia.

In Saigon, a U.S. military spokesman was asked Tuesday: "Interdiction covers a lot of ground, doesn't it?" His answer: "Yes, it does." The spokesman would not elaborate.

Informed sources disclosed that as many as 50 American fighter-bombers, each carrying about eight tons of bombs and rockets are taking part each day in raids on Cambodian territory.

The U.S. Command in Saigon repeated its earlier statement that U.S. air attacks in Cambodia are directed at "enemy troops or material which could threaten U.S. and other free world lives in South Vietnam." But other officials gave the impression that American planes are also attacking Vietcong and North Vietnamese troops that threaten Cambodian forces.

"If the Cambodians say there is an enemy troop concentration or supply area at a given point," said one source, "and U.S. bombers go in to interdict, this seems well within President Nixon's ground rules."

"We sometimes get a peripheral or side benefit," said another official. "If it happens to be enemy troops, we're not going to complain. But officially it's interdiction."

The Cambodian deputy commander in the Kiri Rom area southwest of Phnom Penh told newsmen Monday that U.S. Air Force Phantoms were supporting his troops by regularly bombing enemy forces in his area, which is miles west of any known enemy supply route to South Vietnam.

In Phnom Penh a Cambodian military spokesman claimed Wednesday that allied air strikes have killed 1,500 Communist troops southwest of the capital since Monday.

The spokesman said 1,000 of the Communists were killed by Cambodian air force raids about 75 miles southwest of the capital, and the bodies of another 500 were found by Cambodian troops sweeping near Sre Khlong, about 50 miles southwest of Phnom Penh.

The spokesman said that to the northeast, Communist troops still occupied buildings around the marketplace at Skoun.

Sporadic action was also reported near the center of Kompong Thom and an administrative post at Prey Totung was attacked by the Vietcong.

He said three battalions of Cambodian reinforcements were trying to drive the Communists out of Skoun, 35 miles northeast of Phnom Penh. The road to the south still was closed and the spokesman advised newsmen not to travel on it.

On Highway 4, about 50 miles southwest of Phnom Penh, Cambodian troops Tuesday found the bodies of 11 civilians apparently gunned down by Vietcong recently. Several of the bodies were decomposed and one was believed that of a European man.

In Vietnam, fighting flared up in three areas of the Mekong Delta, and South Vietnamese forces reported killing 56 Communists while losing eight killed and 51 wounded.

About 200 of 600 Vietnamese prisoners being moved by ship from Conson Island in the South China Sea to a prison near Saigon revolted and freed themselves from their shackles Tuesday while the vessel moved up the Saigon River shipping channel, but they were brought under control by Vietnamese navy forces.

The Thai government, meanwhile, reportedly has launched an emergency mobilization plan to give weapons training to men and women in four provinces on the border with Cambodia. Sources said the volunteers would be allowed to buy arms and ammunition at reduced rates.

[From the Washington Post, Aug. 7, 1970]

A Familiar Beast in the Cambodian Jungle

That haunting and all too recognizable beast of the Indochina jungles, the two-toned commitment—also known as the heavy-footed undertaking and the creeping rationale—again seems to be on the prowl, this time in Cambodia. In pulling American ground forces out of that newly troubled land at the end of June. Mr. Nixon had broadcast assurances that future American operations there would be confined to air actions mounted for the purpose of protecting American lives back in South Vietnam. In spirit though assuredly not in letter, the President has seemed anxious to respect the intent of the Senate which, in the Cooper-Church amendment to the foreign military sales act and in the Armed Service Committee's language in the military procurement bill has plainly opposed a policy of supporting the government of Lon Nol.

It now turns out, however—who can say he is really surprised?—that the United States is conducting bombing raids in Cambodia that have only the most tenuous connection with the original rationale of interdicting enemy forces en route to Vietnam. As many as 50 planes a day are flying combat support missions for beleaguered units of the Cambodian army, and the Cambodian army being what it is, there are few active units in it which are not beleaguered. American military officials chose to say that the planes are interdicting "enemy troops or material which could threaten U.S. and other free-world lives in South Vietnam." And Secretary Laird appears further to have broadened the definition of "interdiction." But as a Cambodian officer told a correspondent while American F–100s circled over a local battlefield, "This is direct support for my battalion, watch." And down came the planes, with bombs, napalm and incendiary bullets in turn.

Senator Mansfield voiced his alarm to the Senate on Wednesday. "If this continues," he warned, "it could mean that we will have a repetition of what happened in Vietnam; namely, that first we will provide air support, then send advisers, then deploy troops, and thus get into a full-fledged war." We do not think things will continue *that* far, to a "full-fledged war." Nonetheless, the inadequate performance of the Cambodian army, despite American air support and South Vietnamese help too; and the planned expansion of the American aid program in Cambodia from $8 million to $30 million; and the increasing isolation of the Lon Nol government in one corner of the country; and its deepening dependence on the United States—all these developments are extremely upsetting. The argument for confining American raids strictly to border and trail interdiction of Vietnam-bound men and material grows stronger by the day.

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[From the New York Times, Aug. 7, 1970]

LAIRD DENIES JETS SUPPORT CAMBODIANS

(By Neil Sheehan)

WASHINGTON, August 6.—Secretary of Defense Melvin R. Laird reiterated today the Nixon Administration's contention that American planes were not giving close air support to Cambodian troops despite eyewitness press reports to the contrary.

In a surprise Pentagon news conference this morning, Mr. Laird said bombing by American jets yesterday, 900 feet in front of a Cambodian battalion, was part of a general interdiction campaign aimed at protecting American forces in South Vietnam. Yesterday's bombing at Skoun, he said, was aimed at preventing the Vietnamese communists from reopening sea supply routes through Cambodian coastal towns.

"That particular area," Mr. Laird said, "is very much related to the opening up of the sea area for supplies and so forth, and I would merely state that the decision was made by the commanders in the field that it was an important interdiction mission to destroy the, ah, in this case, I believe it was personnel."

CITES "OVERALL PROGRAM"

"These interdiction missions are flown when it is felt that the personnel is of sufficient magnitude, or the supplies, or the build-up, or it does have an effect on the overall program which we have in Vietnam," he continued.

Skoun is a road-junction town 35 miles northeast of Phnom Penh, the Cambodian capital. The nearest coastal town, Kompong Som, the port formerly known as Sihanoukville, is 80 miles southwest of Phnom Penh. Mr. Laird did not explain how Skoun could be connected with coastal supply routes.

According to a dispatch of The Associated Press, a Cambodian captain called in American jets to bomb and napalm an enemy force that had halted an attack by his battalion aimed at retaking Skoun.

In normal military terminology, interdiction is the bombing of rear area supply lines or enemy troops that are not engaged with friendly forces. Close air support, on the other hand, is the bombing of an enemy force that is in contact with allied troops.

Mr. Laird was asked, in light of what happened at Skoun, how he could continue to maintain that the Administration was not providing close air support for the Cambodians.

"It depends on what you refer to as interdiction, I think. I believe it is [interdiction]," he said. "It's very difficult to get these forces together in large numbers and to get concentrations of supplies. The VC and the North Vietnamese are now following a policy of trying to concentrate their supplies and their build-up of supplies, material and men around population centers, and you have to have forward air controls so that you can be in a position where you protect civilians."

Mr. Laird's comments today appeared to be another attempt by the Administration to ward off charges that it is providing the Cambodians with close air support, which would be prohibited by the Cooper-Church Amendment, attached by the Senate to the Foreign Military Sales Act earlier this summer, but not yet accepted by the House.

Designed to block a step-by-step increase in an American military commitment to Cambodia, as took place in Vietnam, the amendment specifically forbids the use of American planes for "any combat activity in the air above Cambodia in support of Cambodian forces."

Mr. Laird made clear today that the Administration's definition of interdictory bombing in Cambodia to protect Americans in South Vietnam encompasses virtually all of Cambodia, or along the sanctuary areas, or along the river route.

He acknowledged that there would be "certain ancilliary benefits" for the Cambodians in this bombing, but did not specify what these benefits would be.

A PENTAGON EXPLANATION

Asked to explain the difference between Mr. Laird's "ancillary benefits" and close air support, Jerry W. Friedheim, a Pentagon spokesman, said:

"The difference is how it looks to the Cambodians and how it looks to us. How it looks to the Cambodians is that these ancillary benefits are direct support for his troops. It looks to us like an interdiction campaign conducted in the context of our interdiction operations aimed at protecting the safety and security of our forces in South Vietnam and the Vietnamization program and keeping our casualties down and so forth."

Mr. Laird also denied telling Congressmen that American troops would be out of combat in South Vietnam by May of 1971. Representative Clark MacGregor, the Republican Senatorial candidate in Minnesota, opposing former Vice President Hubert H. Humphrey, has been quoting Mr. Laird to this effect.

Mr. Laird said he had deliberately avoided giving anyone a timetable for ending American involvement in the war. He explained that he had, however, both in public and in private meetings with Congressmen many times described the various phases of the Vietnamization program.

Phase One ends in May of 1971 and its end, Mr. Laird has said, will entail the handing over of "ground combat responsibility" to the South Vietnamese. Mr. Laird has never defined what "ground combat responsibility" means.

"Now if anyone wants to draw conclusions and draw up their own timetables based upon these broad, general applications of the Vietnamization program, they are doing that on their own," Mr. Laird said.

[From the New York Times, Aug. 9, 1970]

DIRECTIVE ON U.S. AIR ROLE

(By James P. Sterba)

SAIGON, SOUTH VIETNAM, Aug. 8.—The United States military command here has issued a confidential set of instructions to all unit commanders on what to say when asked about American air operations in Cambodia.

The instructions were issued after American reporters in Cambodia said they had witnessed United States jet bombers flying close air support misisons for Cambodian troops fighting the Communists—something President Nixon said would not be done after American troops withdrew from Cambodia on June 30.

Secretary of Defense Melvin R. Laird has insisted that American pilots are flying only interdiction missions, that is, bombing strikes along enemy infiltration routes designed to block the flow of men and materials to the battlefields. Close air support is bombing and strafing of enemy positions actually on the battlefield to help Cambodian ground troops in combat.

United States officials here had denied that American pilots were flying close support missions in Cambodia until American newsmen reported watching such missions and listening to conversations between the American pilot of a plane and an English-speaking Cambodian soldier directing him from the ground.

INSTRUCTIONS CONFIDENTIAL

The classified instructions were issued two days ago under a cover sheet marked "confidential." In them, commanders are ordered not to make any statements other than the following:

"The United States policy on air operations in Cambodia is to conduct operations to interdict enemy supplies, communications and personnel when in the judgment of U.S. commanders, such operations will have an ancillary effect that directly benefits the present Government in Cambodia, but the reason for carrying on air activities in Cambodia is the interdiction of supplies, material and personnel in order to protect Americans in Vietnam, the Vietnamization program, to enhance continuing American withdrawals and to reduce American casualties."

The instructions also warned: "Public statements will not go beyond the above directly or by allusion, nor will specific details on any mission or numbers of missions be discussed."

STATEMENT IS READ

Today, at the afternoon military briefing, the United States military spokesman refused to say whether close support missions for the Cambodians were being flown by Americans. Rather, he simply read the policy statement.

Meanwhile, outside the briefing room, South Vietnamese newsboys were selling Stars and Stripes, the authorized daily newspaper of the United States armed forces. On page six was an article saying Secretary of Defense Laird avoided comment on the witnessed close air support missions.

Next to the article was a United Press International photograph purporting to show a United States Air Force F–100 jet bomber dropping his bombs next to Cambodian troops in battle. The airplane in the photo is large enough to identify it as an American, not a South Vietnamese jet. The South Vietnamese have none.

[From the Washington (D.C.) Evening Star, Aug. 10, 1970]

WE STILL BOMB THE "BAD GUYS"

(By Mary McGrory)

The best explanation of why U.S. planes are bombing in support of Cambodian government troops may be found in the transcript, just published, of hearings held in May before Sen. Stuart Symington's subcommittee on U.S. Security Agreements and Commitments Abroad.

The witness was Maj. Gen. Richard G. Ciccolella, an old Asian hand, now chief of staff of the 1st Army.

"We have never really hurt these people badly enough," the general told Symington when the Senator asked him how he would go about winning the war. "When you hurt them badly enough—I don't care who they are—they are going to quit."

To the general, the struggle in Cambodia is the scenario of a John Wayne movie, with good guys and bad guys. Here are his views of the past and present regimes in that unhappy country:

"Because of his deep-seated hatred of the U.S., I regard Sihanouk with disfavor. However, I consider General Nol, whom I also know, to be an outstanding man and a friend of the U.S."

That is a fair reflection of the White House view, too, although various officials have said we are not committed to the preservation of the Nol government.

It also is claimed that we have always bombed Cambodia, and Defense Secretary Melvin R. Laird insists the current raids are "interdictions" undertaken to damage enemy supply lines in the name of protecting troops in Vietnam.

Senate Democratic Leader Mike Mansfield, noting that the targets were "one hell of a long way from the Ho Chi Minh trail," plaintively requested that we "call things what they are."

It is a preposterous request to address to an administration which called a full-throated invasion of Cambodia "an incursion" and a President who speaks of the transition to "a peacetime economy" as the source of our economic ills.

Nobody would have known about the raids except for an Associated Press reporter, John

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Wheeler, who was on the scene and heard the Cambodian government commander call on the U.S. bombers for help. Secretary Laird lamely countered that the United States does not answer all such calls.

The support missions are forbidden under the administration's own guidelines, issued when ground troops were pulled out. They also are prohibited by the Cooper-Church amendment which in subsection 4 outlaws "any combat activity in the air above Cambodia in direct support of Cambodian forces."

The authors of the amendment, Sens. John Sherman Cooper, R-Ky., and Frank Church, D-Idaho, are protesting this contradiction of the Senate will.

President Nixon, who kept the Senate in the dark on the Cambodia invasion, seems unlikely to be abashed. His apologists will doubtless point out that the amendment has no statutory force, since the House refused to take any action whatever and the measure has been struck for three weeks in a House-Senate conference committee.

Besides, the President acts these days like a man who has won the war for public opinion at home. He knows that the House will countenance anything done under the guise of "protecting American boys."

Administration spokesmen, confident that the end-the-war bill in the Senate is doomed, are getting bolder. Veterans' Administration chief Donald Johnson, speaking in Los Angeles on July 25, excoriated Sens. Hatfield and McGovern and 22 other dove co-sponsors as "salesmen of surrender, selling the 'sellout' like some sell used cars or potato chips."

The President, like two presidents before him, feels that with a little more pressure, he can bring the war to a victorious conclusion.

At his last press conference, he said, "We are ending the war." With students scattered and anti-war fever below normal, he apparently feels he can, in the surgical, airpower way favored by Republicans since 1964, bomb the enemy to terms.

Gen. Ciccolella last May expressed the philosophy that prevails in the White House and dictates the missions:

"Time has run out for the Communists on the battlefield of Vietnam, and no one knows it better than the Communists themselves."

The President's only task apparently is to get them to admit it in Paris.

Mr. CHURCH. Mr. President, do I have any time remaining?

The ACTING PRESIDENT pro tempore. The Senator's time has expired. At this time the Chair is to recognize the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the Senator from Idaho may be recognized for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHURCH. I thank the Senator.

Mr. McGOVERN. Mr. President, I have asked for this time to commend the distinguished Senator from Idaho for pointing up what I believe to be a most disturbing development with reference to the Cambodian situation, and that is what appears to be very heavy and direct American air support of the Cambodian forces which, as the Senator said, is not only in violation of the Cooper-Church amendment, but also in violation of the repeated assurances the administration has given Congress and the American people that we would not become involved in the direct support of any particular regime in Cambodia.

I commend the Senator not only for the foresight he had months ago in offering the amendment that he did, which would have prevented this type activity, but also for the succinct remarks he has made here today.

As the Senator knows, I intend to address myself to the Cambodian situation presently.

Mr. CHURCH. I know the Senator has that intention and I look forward with much anticipation to his address. I plan to be here while he delivers it and hope to participate in a colloquy with him at some point during, or following, his address.

I can only say that the most recent developments above Cambodia underscore the need to enact the Cooper-Church amendment into law. I hope it will prove possible to reach some agreement in the conference now going on, so that we can bring back the Military Sales Act with the Cooper-Church amendment still affixed to it and still substantially intact.

The single purpose we have in mind, as the Senator well knows, is to prevent the United States from assuming a new set of obligations to another government in Indochina without the consent of Congress.

I should think the recent expansion of the air war over Cambodia is but another danger sign pointing to the wisdom of erecting a legislative barrier against our involvement in a widening war in Indochina, taken on surreptitiously and disclosed only because of the diligence of a few newspaper reporters, all of which flies in contradiction of assurances heretofore given the American people by the President himself.

Mr. McGOVERN. I again commend the Senator, and I wish him well in his efforts in the conference in connection with the Cooper-Church amendment.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The distinguished Senator from South Dakota (Mr. McGovern) is recognized under the previous order for not to exceed 30 minutes.

THE CAMBODIAN TRAGEDY

Mr. McGOVERN. Mr. President, there are two basic points I want to make today about the invasion of Cambodia by American and South Vietnamese troops last spring and the events which have followed. First, the Nixon administration, in my opinion, is deceiving the American people in claiming an important military victory in Cambodia that will shorten the war in Indochina. Second, it is a betrayal of the humanitarian principles of the American people for us to disrupt or destroy the lives of the people of little Cambodia to serve some dubious tactical purpose of our own in the country next door. The destructive impact of the invasion on the Cambodian people and the continued pillage by South Vietnamese forces and American bombers as just detailed by the Senator from Idaho, is a moral and political disaster.

We are being sold a malodorous bill of goods under a false label and at a price none of us would wish to pay.

Mr. HANSEN. Mr. President, will the distinguished Senator from South Dakota yield for a question?

Mr. McGOVERN. I would prefer to finish the address and then I will be happy to yield to the Senator from Wyoming.

The full costs remain to be assessed. But the grim tabulations of American lives lost and mangled in Cambodia—scrupulously left out of the proud accounting of captured booty—reveal 339 dead; 1,501 wounded. And neutral Cambodia, the unwilling but relatively undisturbed host for small Communist sanctuaries on its border a few months back, now finds some two-thirds of its territory held or contested by Communist forces. Vietcong forces, once confined to small border areas, are now shelling the capital of Cambodia.

The venture into Cambodia has been described as a military success. Even some of its critics have begrudgingly accepted that assessment, perhaps in the charitable hope of averting embarrassment for the President.

But it is now becoming clear that the invasion was a military and political blunder. It saved no American lives; it cost American lives. It saved no Cambodian lives; it cost Cambodian lives and is making that little country and its gentle, amiable people the suffering pawns of a war they neither understand nor support.

Consider the terrific costs to Cambodia. There appear on that land now the same scars—from the heavy bombardment of American and Vietnamese warplanes—that have disfigured South Vietnam. Peaceful rural villages are disrupted. Civilians die by firepower which cannot distinguish between enemy and innocent.

A report to the New York Times in early July is illustrative. Correspondent Sydney H. Schanberg told of Cambodian women being forced to strip by South Vietnamese soldiers in order to get at any jewelry that had been hidden in their clothes. Quoting directly from his account:

> In Prey Koth, where most of the villagers were robbed of their meager savings and valuables, there were 33 thatch houses. Twenty-eight were sacked by the South Vietnamese.
>
> "Please help us," an old farmer pleaded with a Western visitor. "Please do everything you can to stop this from happening to us again."

Note that this punishment is not inflicted under any pretense that "it is for their own good" as we have sometimes maintained in South Vietnam. It is happening simply because the Cambodians got in the way of our war in Vietnam. Just as Vietnam was pressed into service as the battlefield for our misguided and counterproductive effort to contain Asian Communism, Cambodia is now being disrupted because we believe our tactical military interests justify this sacrifice of innocent people. The Cambodians who suffer now do so in considerable part, because we think it may help in our effort to strengthen the hold

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of the Thieu-Ky government upon the Vietnamese.

And what have been the gains to the United States of all of this? Have we achieved the objectives announced by the President when he explained last spring why we were attacking Cambodia? We have neither found nor destroyed the Communist central headquarters which the President said was a basic objective of the invasion. Neither have we ended the threat of Communist sanctuaries in Cambodia. Rather, the Communist forces previously confined to a border strip have now fanned out across most of Cambodia.

We captured a few tons of rice, but that is easily replenished from the rich Cambodian harvest. Boasting of captured rice in a rice-surplus area such as Cambodia is so ridiculous that it can only reveal how really desperate the President was to find some reason, however superficial, to justify a mistaken venture.

The President has made much over the capture of arms and ammunition. But the enemy in South Vietnam was armed prior to the invasion and it is still armed. If what we captured would last them 6 to 8 months, as advertised, then they will continue fully equipped because according to American commanders in the field, we captured only 30 to 50 percent of the surplus stocks stored in Cambodia. Moreover, they probably placed little reliance on the obsolete weapons we carted back. Only 2,000 of the 15,251 individual weapons captured were of the AK-47 model currently in use. And in any case, the weapons, too, can be replenished, with relative ease and the enemy has plenty of time.

The assertion that we should be encouraged by the results of the invasion because it illustrated the ambition and competence of the South Vietnamese Army and improved their morale is incredible. If they needed battle testing, they certainly had ample opportunity to engage the enemy in their own country where most forces usually fight, whether or not they do on someone else's soil.

If they were competent, they would not need sideshows next door to prove it. The only unique information about ARVN coming out of Cambodia is that they enjoy fighting where they are not strongly contested and that they have a disturbing tendency to act like a 12th century conquering army toward the people they "liberate"—looting villages, assaulting women, and mistreating the civilian population.

I might say parenthetically, Mr. President, that numerous observers have reported that the North Vietnamese and the Vietcong forces in Cambodia are much more considerate in dealing with the Cambodian villagers than are the South Vietnamese troops. Admittedly, this may be from a shrewd judgment of how to win the support of the villagers, but whatever the explanation, I do not find it an encouraging report.

I find it appalling, particularly since South Vietnamese still operating in Cambodia no longer have with them the restraining influence of American troops. Any Southeast Asian observer has known of the longstanding enmity between the Cambodians and the Vietnamese which adds a serious complication to our "unleashing" of South Vietnamese forces in the Cambodian countryside. From the standpoint of Cambodia, the sequence of events beginning with the replacement of Prince Sihanouk by Lon Nol followed by the American and South Vietnamese invasion was a national catastrophe that is tearing the little country apart.

But let us return to the beginning, recalling that the seizure of weapons and the elevation of ARVN morale were post facto reasons for the invasion.

In his April 20 announcement on troop withdrawals, the President gave no hint of concern about the threat to American forces in Vietnam posed by the guerrilla forces in Cambodia. He said:

> We finally have in sight the just peace we are seeking. We can now say with confidence that pacification is succeeding. We can now say with confidence that the South Vietnamese can develop the capability for their own defense. And we can say with confidence that all American combat forces will be withdrawn.

Secretary of State Rogers reassured the House Armed Services Appropriations Subcommittee on this specific issue on April 23, 3 days after the President's speech, in a statement he subsequently expunged from the record:

> We have no incentive to escalate. Our whole incentive is to deescalate. We recognize that if we escalate and get involved in Cambodia, that our whole program is defeated.

Meaning, presumably, the program of Vietnamization.

And he told the subcommittee that no ground forces would be sent to Cambodia.

Just 1 week later, the invasion was launched. Only two groups were forewarned. An assortment of Legion and VFW officials and retired officers knew about it because the President told them. The North Vietnamese and Vietcong knew about it because they saw it coming. But the Congress—the elected representatives of the American people—could not be trusted or consulted; not even the committees with jurisdiction over military and foreign affairs.

The President said on April 30, some 10 days after his speech on the progress of Vietnamization, in announcing the reasons for the Cambodian invasion:

> Tonight, American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam.

But there was no enemy "Pentagon" and it was not attacked. The most permanent and least mobile installation captured was a laundry, hardly an essential element of command. In fact, the New York Times had earlier reported on April 4, 3 weeks before the invasion, that the enemy headquarters had been moved out of Cambodia and into South Vietnam.

Official pronouncements quickly dropped the capture of COSVN as the purpose of the assault. But the deception did not end there.

Quoting again from the President's April 30 statement:

> The enemy in the past two weeks has stepped up his guerrilla actions and he is concentrating his main force in these sanctuaries that you see in this map, where they are building up the large massive attacks on our forces and those of South Vietnam.

The President then pointed to several sanctuaries right along the South Vietnamese border where he said the enemy was concentrating his forces in preparation for massive attacks on our forces in South Vietnam, but 3 days later, on May 2, Robert Kaiser reported in the Washington Post:

> Military sources said today that they were not sure what President Nixon was talking about Thursday night when he described on television a large and recent Communist buildup in Cambodia.

Defense Secretary Laird was not sure, either. On May 14, he told a breakfast meeting of reporters—listen carefully to this, Mr. President—that:

> Starting about mid-April, we found the (enemy) forces facing in the opposite direction and moving away. There was not as great a military confrontation. The risk to American forces (going into Cambodia) was much less.

These statements simply cannot be reconciled. The President told us the enemy was building up for large massive attacks on our forces in Vietnam; yet, at the same time, the Secretary of Defense reported the enemy was moving in the opposite direction. It cannot be that the President acted to prevent an attack from the enemy's rear.

Look, then, at another aspect of the situation prevailing when the invasion was launched. The nimble neutralist government of Prince Sihanouk had been deposed, and Lon Nol was in the process of attempting to consolidate his power in Cambodia. Ironically, one method he employed was the harassment and murder of Cambodians of Vietnamese origin, taking advantage of ethnic antagonisms to increase his own popularity. In addition, probably with the expectation that American help would be forthcoming, he directed his small military forces to move toward Communist sanctuaries.

This prodding of the beehive produced the natural result, in amounts well beyond the protective capacity of Cambodian forces; Lon Nol sent out urgent appeals for help, lest his government fall immediately to advancing Vietcong forces.

During his consideration of those requests, the President heard strong opposition from Members of Congress, including the chairman of the Senate Armed Services Committee. He could not have been unaware of the deep hostility to any U.S. involvement with propping up the new Cambodian Government. And that hostility was present for the best of reasons, at least for anyone who could recall the origins of our involvement in Vietnam.

Militarily, the prospects could not have been worse. Cambodia's sole defense has been its neutrality. Whereas South Vietnam had been blessed with billions in military assistance prior to its near military and political collapse in 1964, Cambodia had only a ragtag army with an assortment of weapons from an assortment of countries, including China and the Soviet Union—doubtful sources of replacements and spare parts. Secretary Laird offered the best possible illustration of the Cambodian Army's impotence by pointing out that only a third of the Communist forces in Cambodia were involved in the strikes which preceded our invasion. Yet, Phnom Penh was near collapse.

Also parallelling the story in Vietnam, any U.S. support of Lon Nol would result in our identification with an illegitimate government in power only because of its contempt for the processes of self-determination that is professed as our single remaining aim in South Vietnam. For us to intervene would aline the United States with the destruction of Cambodian land and people, and would establish Lon Nol as an American puppet in the eyes of his nationalistic countrymen. In short, involvement offered another venture doomed militarily and politically from the start, and it offered another great opportunity for communism in Indochina.

While such considerations dominated discussions of aid to Cambodia on Capitol Hill, the President was apparently being moved by other factors. I suspect the greatest was his realization that his Vietnamization strategy was becoming less and less viable, in large part because of events in Cambodia.

As he said on April 30:

> Cambodia . . . has sent out a call to the United States, to a number of nations, for assistance. Because if this enemy effort succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier.

Those words, in my view, gave a broad hint of the real reason for the invasion, as did another phrase from the same statement:

> I have concluded that actions of the enemy in the last 10 days clearly endanger the lives of Americans who are in Vietnam now and would constitute an unacceptable risk to those who will be there after withdrawal of another 150,000.

During those 10 days, it will be recalled, Secretary Laird told us that enemy forces were facing the opposite direction.

I submit, therefore, that our forces were sent into Cambodia, not only to capture the elusive Communist headquarters, nor to capture tons of rice and weapons, nor to field test the South Vietnamese Army, but at least in considerable part we went in to rescue the Lon Nol government from imminent collapse. That, indeed, may have been a primary goal.

To defuse congressional and public opposition, however, the President devised a different rationale. His tactic seems to have been to open a second front in the Cambodian theater, thus removing some of the military pressure on Phnom Penh, while avoiding the appearance of a direct involvement in yet another Asian country.

All along, that purpose has been denied. According to Secretary Rogers, for example:

> We don't intend to become involved militarily in support of the Lon Nol government or any other (Cambodian) government . . . Now obviously some of the things we are doing have peripheral effects. There are dividends that flow to the present government because it keeps the enemy off base. But that's not our primary purpose, and that will not be our purpose in the future.

Mr. President, the President's own words belie such assertions. Any doubts that remain on that score should certainly be set to rest by events of the past week relating to American air missions over Cambodian territory to which the Senator from Idaho (Mr. CHURCH) has just addressed himself.

It should be recalled that the President set careful guidelines for air interdiction when U.S. ground troops were withdrawn. He said it would be limited to countering enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to reestablish base areas relevant to the Vietnam war.

But now Secretary Laird admits that American aircraft have been bombing in support of Cambodian forces holding Cambodian population centers. A Pentagon spokesman confirmed that military commanders are responding to Cambodian requests for air strikes.

Yet, Mr. Laird tosses up another semantic smokescreen. The Pentagon maintains that the guidelines are not being violated, with the explanation that:

> When they catch enemy troops in the open, they will go after them even if there happen to be Cambodian troops around.

And Secretary Laird says that there will continue

> To be ancillary benefits to the Cambodian ground operations. But the primary mission is interdiction.

Mr. President, this is patently absurd. Are we to believe that Cambodian troops just happen to be around the routes of supply to South Vietnam covered by the President's guidelines? Are we to believe that those routes conveniently run by Cambodian population centers in need of protection? Are we to believe that Cambodian troops just happen to be located in the areas where the Cambodians have requested air strikes?

Mr. President, the pattern of deception has continued long enough. We are today and we have since May first, both directly and through the South Vietnamese, been operating in direct support of the Lon Nol government. That was at least one reason for the invasion. It is a reason for the air strikes. It is a reason why South Vietnamese forces still remain in Cambodia. How long will the administration deny the obvious?

There is more at stake here than the credibility of the Nixon administration. That question is serious enough. But beyond that, if we understand why the Cambodian venture was undertaken, we learn volumes about the prospects for the administration's Indochina policy. And let us be frank, Mr. President. Not one of us can claim to know at this point all of the reasons behind this poorly explained invasion move.

Specifically, we learn that far from assuring the success of Vietnamization, the Cambodian invasion signaled its weakness.

According to the President's own statements, Vietnamization cannot succeed if the Lon Nol regime falls and Cambodia becomes a 600-mile-long sanctuary for the North Vietnamese and the Vietcong. But the Lon Nol government apparently cannot survive without extensive military support from the United States and South Vietnam. And the dilemma is further compounded by the fact that each step in our military pursuit of the Communists into Cambodia weakens Lon Nol politically with his own people, because of the destruction and suffering it imposes upon the people of his beleaguered land. Meanwhile, American forces are left holding the bag in South Vietnam while a large South Vietnamese Army forages in Cambodia to the dismay of much of the Cambodian populace. It is not possible either for the United States or Vietnam to achieve military success in a widening guerrilla war with declining numbers of troops.

Mr. President, the Attorney General, John Mitchell, has advised those who feel the administration is retreating on school desegregation to watch actions rather than words. He suggests there is more to be learned from what the administration does than from what it says.

The same principle applies with equal force to the President's Indochina policy. And when employed on that front, Cambodian action is revealed as an effort to conceal another costly, futile expansion of the war.

It is difficult to believe that so many years of hopeless effort in Indochina have failed to convince this administration that we cannot maintain a government to our liking in Saigon or other Southeast Asia capitals. The President's policy of "decisive moves" with reference to Cambodia is as barren as the gradual escalation that was abandoned more than 2 years ago and which many of us criticized in earlier administrations.

We have heard protests in recent weeks from supporters of the administration's policy who say they resent any implication that they are less devoted to peace than those of us who take a different view. They argue that the President is moving toward peace, that he is withdrawing American troops, and that he deserves the plaudits of those who despise this tragic conflict.

The President doubtless does want peace in Vietnam, but I do not believe his present course will move us in that direction. I intend shortly to address myself in greater depth to the President's so-called Vietnamization policy, which I see as a device for keeping us involved in Indochina—not a method for extricating us. I have tried today, however, simply to place in better perspective what I believe to have been a mistaken action in extending the war so rashly across the face of Cambodia.

I ask unanimous consent that the full text of the article by Mr. Schanberg to which I referred to be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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[From the New York Times, July 2, 1970]

LOOTING BY SAIGON UNITS STIRS CAMBODIAN HATRED

(By Sydney H. Schanberg)

PNOMPENH, CAMBODIA.—Looting and pillage of Cambodian towns by South Vietnamese troops is increasing and has become a serious problem here at a time when the two countries, traditional enemies, are trying to establish an alliance against North Vietnamese and Vietcong forces.

Publicly, both governments say that the problem is under control, and there is clearly a commitment at the top to try to contain it. But earlier this week, two regiments of South Vietnamese troops moving up from southern Cambodia to help out at a trouble spot 35 miles north of Pnompenh left behind a trail of pillage in at least four villages and towns—and a residue of Cambodian fear and hatred.

In one of the looted villages, Prey Koth, about 12 miles southwest of Pnompenh, the farm people told a visitor how the South Vietnamese soldiers came into their thatch houses late on Sunday afternoon and, holding all protesters at gunpoint, stole gold, money and rice and undressed some of the women to get at the jewelry they had hastily hidden inside their clothes.

SIMILAR COMMENTS MADE

At a news conference Monday Premier Lon Nol of Cambodia said, when asked about earlier South Vietnamese looting, "Where there are injustices, the (South) Vietnamese command deals with them severely. There was some confusion at the beginning. But it is being regularized now."

South Vietnamese officials have made similar comments in this joint attempt to keep the mounting anger in the countryside from undermining the new alliance.

A growing number of informed observers here—noting reports that the North Vietnamese and Vietcong troops have treated villagers reasonably well, paying for their food, for example, instead of stealing it—fear that the South Vietnamese pillage could spur some villagers into joining the enemy.

So far, only four South Vietnamese soldiers are reported to have been charged with looting. These four, a battalion commander and three of his soldiers, are said to be awaiting court-martial for the sacking two weeks ago of Kompong Speu, a provincial capital 30 miles southwest of Pnompenh.

Some Western diplomats believe that the problem, if not checked, could seriously weaken the already uneasy relationship between Pnompenh and Saigon. And some foreign military experts feel that if the looting continues to spread, it could produce a situation in which South Vietnamese troops would be brought into Cambodia only for quick strikes in embattled areas and then would be taken back to South Vietnam immediately.

There is a minority point of view, however, that holds that the situation is indeed fairly well under control and that the behavior of the South Vietnamese is relatively normal for soldiers under battle pressure. According to this view, the South Vietnamese troops are showing "considerable restraint" considering the massacre of more than 1,000 ethnic Vietnamese here by Cambodian soldiers in the early stages of this war two and a half months ago.

One foreign military attache here acknowledged that the increased looting was "a bad thing" but said he wished reporters would not write about it because he felt publicity would exacerbate the situation.

In Prey Koth, where most of the villagers were robbed of their meager savings and valuables, there are 33 thatch houses. Twenty-eight were sacked by the South Vietnamese.

"Please help us," an old farmer pleaded with a Western visitor, "Please do everything you can to stop this from happening to us again."

The South Vietnamese troops arrived in Prey Koth at 4 P.M. on Sunday afternoon. They had picked it as a place to camp for the night before making the final leg of the journey to their destination north of Pnompenh, Longvek, the site of a Cambodian arms depot under enemy pressure.

A half mile by dirt road off Route 4, Prey Koth is a poor but pretty village in the shade of tall trees and bambo clumps; its 200 people depend for their livelihood on a scanty rice crop and the crude sugar they make from the juice of the palm-tree fruit.

GIRLS RUN FOR SAFETY

As soon as the villagers saw the South Vietnamese trucks pull up on Sunday, they forced all their young girls to run for safety to a village about a mile away. Rapes have been reported in some of the early looting rampages, but none recently.

The troops immediately began swarming through Prey Koth, grabbing chickens and sacking the houses, most of which are on stilts.

One woman, Huy Kam, 33 years old, who seemed to be still in a state of shock and kept wringing her hands, said, "I hate them for this. I was so afraid they would kill me." She said she had shoved all her sayings, about $55 and a gold necklace in her pocket and had tried to run from the soldiers but that they had caught her and taken everything.

Other villagers came forward to tell similar or even more pitiful stories.

Another woman, Leng Lim, 44, said the South Vietnamese had undressed her to get at the gold-jewelry she had hidden in her skirt. Her 69-year-old brother, Ek Muong, begged them to stop.

"I'm so old I couldn't do anything," said the brother, a bent bony man who walks with a cane. "They pointed a gun at me. So I had to stand there and watch while they took the clothes off my sister."

A pregnant woman was forced to undress because the soldiers accused her of using her swollen stomach to hide things under her skirt. She said that as she undressed, they kept a knife at the neck of her three-year-old daughter. Her husband was working three miles away at the time.

Some observers say that the looting is understandable because the South Vietnamese soldiers are poorly paid and therefore look upon their campaign in Cambodia as a chance to enhance their income.

But no matter what explanation is given, the fact of growing Cambodian hatred for the Vietnamese remains, and this is a bad sign now that American troops have withdrawn from Cambodia and the country—its own army poorly trained and equipped—is left largely dependent on the South Vietnamese.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. McGOVERN. I ask unanimous consent to proceed for 5 additional minutes, so that I may be permitted to yield to the Senator from Wyoming.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from South Dakota for yielding for a question.

I have a copy of the Senator's statement, which I believe has been distributed to the press, and on the third line of that press release I find this statement:

> First, the Nixon administration is deceiving the American people in claiming an important military victory in Cambodia that will shorten the war in Indochina.

As I recall the Senator's statement, in reading his statement this morning, he said:

> First, the Nixon administration——

Then I think he introduced the words

> in my opinion, is deceiving the American people.

I presume that what the Senator intends to do is to modify the statement.

Mr. McGOVERN. I will stand on either statement, whichever the Senator prefers.

Mr. HANSEN. I should like to ask the distinguished Senator, then, whether he is aware of the fact that a recent Harris poll discloses that some 61 percent of the American people in this country have indicated that they support the position of the President in Cambodia.

Mr. McGOVERN. Yes, I am aware of that, I would say to the Senator; and I would like to cite it as exhibit 1 of proof that the American people have been deceived.

Mr. HANSEN. Would it be fair to say, then, that despite what the President has said and despite what 61 percent of the people say, the distinguished Senator from South Dakota is saying that he and 39 percent who may not agree with the President are better able to discern what have been the actions of the President insofar as a deception is concerned rather than to agree with the 61 percent who agree with the President and not with the distinguished Senator?

Mr. McGOVERN. Let me say to the Senator that, as he knows, I have been speaking out against our policy in Southeast Asia for many years. During most of that time, considerably less than 39 percent of the American people, in various public opinion polls, agreed with the warnings that I and other Members of the Senate were issuing. Most of the American people during the greatest share of that dissent over the last 6 or 7 years have tended to believe the President when he told them that we had to send in more and more troops and more and more planes and more and more military operations of all kinds. Most people tended to believe the President when he said that victory was just around the corner, that we could see light at the end of the tunnel, and that if we would just quit raising questions about the war, everything would go well. It turns out that all those predictions were wrong and that just about everyone now realizes that the minority who issued the early warnings against our involvement in Southeast Asia were right, even though they were in the minority.

What I suggest to the Senator today is that the President of the United States is in a very powerful command position, both in terms of committing American forces abroad and in commanding public attention for the explanation of his actions.

I do not find it very hard to understand why the public opinion polls at the present time show that some 61 percent of the American people tend to go along with the President when he says it was necessary to invade Cambodia in order to get out of Vietnam. I think it is a mistake in judgment. I think the American people have been misled. I think they were misled, also, as to the purposes of that invasion. I think it is a mistake for the President to announce on nationwide television that we are moving in to capture the central headquarters of the entire Communist apparatus in Southeast Asia and then, after the event, explain that the military operation has been a success because we captured some rice and some modest supplies of weapons which were largely obsolete.

What I am saying to the Senator here today is that I am surprised that even 39 percent of the American people have been able to see through this very strenuous effort on the part of the President to sell the American people on the necessity of this invasion. I can only say that I think it is a mistake in judgment.

The ACTING PRESIDENT pro tempore. The Senator's additional time has expired.

Mr. HANSEN. Mr. President, I ask unanimous consent to have printed in the RECORD the Harris survey to which I earlier referred, as published in the Washington Post of today.

There being no objection, the Harris survey was ordered to be printed in the RECORD, as follows:

THE HARRIS SURVEY: 61 PERCENT NOW BELIEVE NIXON JUSTIFIED IN CAMBODIA MOVE

(By Louis Harris)

In the aftermath of the U.S. move into Cambodia, 61 per cent of the American people believe that President Nixon was "justified" in ordering the action.

Perhaps the most significant finding of a special Harris Survey on Cambodia is that Mr. Nixon has scored an impressive turnaround in what seemed to be a growing credibility gap over the Vietnam war.

Between May 25 and 30, after the dispatch of troops into Cambodia and again between July 25 and 30, after their return, cross sections of households across the nation were asked:

"As far as the war in Vietnam and Cambodia is concerned, do you think President Nixon has been frank and straightforward about the war, or do you think he has not told the American people the real truth about the situation there?"

	Percent
Frank and straightforward:	
July	48
May	42
Not told real truth:	
July	38
May	46
Not sure:	
July	14
May	12

Not only did the President's credibility rating sharply improve, but confidence that he would keep his pledge of troop withdrawal from Vietnam also turned completely around. The two cross sections were asked:

"President Nixon has said that we still will be able to withdraw 150,000 U.S. troops from Vietnam by next May. In view of the operations in Cambodia, do you think he will be able to bring back the 150,000 U.S. troops by then or not?"

	Percent
Will be able to:	
July	50
May	38
Won't be able to:	
July	30
May	49
Not sure:	
July	20
May	13

They were also asked:

"In undertaking the military operations in Cambodia, do you think the Vietnam war has now been widened into a bigger war in all of Indochina, including Laos and Cambodia, or do you think the move into Cambodia prevented a widening of the war?"

	Percent
Prevented widening of war:	
July	42
May	33
War has been widened:	
July	29
May	53
Not sure:	
July	29
May	14

By 57 to 23 percent, a majority believe that U.S. troops were successful in destroying North Vietnamese bases in Cambodia. By 56 to 24 percent, the public also denies the allegation that the incursion was a "mistake." In addition 55 percent agree with Mr. Nixon's claim that by moving into Cambodia, "the lives of American fighting men in Vietnam were protected."

Just after the action started, most people believed that Mr. Nixon "had widened the war in Indochina—by 53 to 33 percent." But now that U.S. troops have been taken out of Cambodia and the fighting in Vietnam has tended to wind down, a plurality of the public (42 to 29 percent) holds the view that "the war has been prevented from widening."

The public also has reversed its view that Mr. Nixon "did not act properly by not asking permission of Congress to commit U.S. troops in Cambodia." Just after the action started, a majority was critical of the propriety of Mr. Nixon's action, by 54 to 37 percent. Now, by a narrow 45 to 42 percent, most people say the President's course of action was "proper," even though Congress was bypassed.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. McGOVERN. The Senator from Idaho (Mr. CHURCH) has been here since 10 o'clock and served notice before I spoke. As a courtesy to him, if the Senator from Kansas would agree, I would like to yield to the Senator from Idaho first and then to the Senator from Kansas.

Mr. DOLE. Certainly.

Mr. CHURCH. First, I commend the Senator for his very forthright analysis of the Cambodian episode. I was particularly struck by his statement that today nearly two-thirds of Cambodia is either held, or being contested for, by Communist forces. Prior to the American invasion, something like 10 percent of the Cambodian territory was held by the Communists. Yet, we are told by the President that this operation was the most successful in the whole course of the war.

It seems to me that, as time passes, a growing number of Americans will come to agree with the position taken today by the Senator from South Dakota. In the past, he has been proved right again and again, and I think he will be proved right once more on Cambodia.

As a matter of fact, I recall the day the President invited Members of the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs to the White House, shortly after the invasion commenced, to explain the reasons why he had ordered American troops into Cambodia. I concluded, based upon his explanation and the answers he gave to the questions asked at that time, and I said publicly, that the President had "taken a large gamble for a small prize." I stated:

> If he wins the gamble, he gains no more than the temporary removal of the border sanctuaries in Cambodia, to which the enemy will soon return. If he loses the gamble, the enemy reprisal could well take the form of a Communist takeover of Cambodia.

I issued that statement on May 5, 5 days after the American invasion began.

Today, as the Senator observes, more than half of Cambodia has fallen into Communist hands, while Communist troops contest for two-thirds of Cambodia. Phnom Penh itself is under siege.

It may be that 61 percent of the American people now believe that the Cambodian operation was a great success, but I think that, in a few more months, they will come to realize that what really happened was that we pulled the plug on Cambodia and it went down the drain.

I commend the Senator for his address, and I forecast that he will once more be proved right in days to come.

Mr. McGOVERN. I thank the Senator from Idaho for his intervention and for what he said about my being right in the past, when of course it applies with even greater relevance to his own analysis of this situation over the years. I cannot recall a single prediction that the Senator has made that has not proved to be accurate in light of subsequent events. I am confident that the judgment both of us share on this mistaken venture into Cambodia will, one day, be the prevailing view of most of the American people.

That is why it is so important for us to continue to report these developments as we have, and why it is so important for discussions of this kind to take place on the floor of the Senate.

Now I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, let me say to the junior Senator from South Dakota that I am particularly interested in pages 9 and 10 of his prepared remarks wherein he indicates, that some of us resent the implications and are less devoted to peace. I perhaps fall in that category. I believe that a majority of Senators support President Nixon, whether Democrat or Republican, because he has a plan for peace. The Senator from Kansas has listened to the criticisms of the Senator from South Dakota since coming to the Senate in January of last year; but I have yet to hear the junior Senator from South Dakota offer his plan for peace in Southeast Asia unless it is somehow wrapped up in the amendment to end the war, which I designate the amendment to lose the peace, to walk out, to surrender, if you will, Mr. President, to charge off the deaths of 50,000 young Americans, and to have asylum somewhere, as the so-called end the war amendment provides—perhaps in South Dakota, perhaps in Oregon, perhaps in Kansas—I am not certain where.

It is one thing to criticize the President, as the Senator from South Dakota does so very frequently and constantly; but we must recognize that President

Nixon has withdrawn 120,000 troops from Southeast Asia. He has announced the withdrawal of another 150,000 troops, which will be 80 percent of combat troops withdrawn by next May 15.

The Senator from South Dakota, of course, was opposed to the Cambodian incursion. Many of us have expressed doubts, but the Senator from South Dakota omitted one crucial element, which was given by the President, namely, that the incursion into Cambodia was necessary for the protection of American forces——

Mr. McGOVERN. I did list that in——

Mr. DOLE (continuing). And to keep the Vietnamization program on schedule.

Mr. McGOVERN. I did list that as one of the——

Mr. DOLE. This morning, I heard a CBS news report from the Cambodian border that they had not seen a Vietcong in over a month. The reporter on CBS indicated the Cambodian venture was successful, that 2 or 3 months ago the Vietcong and the North Vietnamese were all over the area, but today they have to go out and search for them.

I would remind the Senator from South Dakota that casualties have been reduced as a result of the Cambodian incursion. It did not bring about complete and total victory, nor permit the withdrawal of all U.S. troops immediately.

Talk about deception. That term might be applied to the so-called end-the-war amendment, which I call the lose-the-peace amendment, because it says in effect that at the end of this year we shall pull out of Southeast Asia whatever the situation.

If we want to discuss deception, and I assume we will, as the Senate gets into the so-called end-the-war amendments, to make a blanket criticism of President Nixon, who is making progress toward peace in Southeast Asia and also in the Middle East, does a disservice to him.

Mr. McGOVERN. Let me respond to the Senator from Kansas in two ways, and very briefly.

First, with reference to the importance of the critics having an alternative answer to our policy in Southeast Asia, this comment has always intrigued me. The real alternative was to have listened to what the critics were saying years ago, not to commit American forces.

The Senator from Kansas and the President of the United States for years have advocated the course we have been following in Vietnam until it proved to be a disaster.

No one in this country in past years was any more consistent in advocating every step of our escalation in military involvement in Southeast Asia than Richard Nixon, who is now the President of the United States. As early as 1954 he was advocating sending American forces there. He advocated that from that time until he became convinced, in the 1968 presidential campaign, that it had driven his predecessor from office and it was only since that point that he has emerged as an advocate of withdrawal from Southeast Asia.

The basic alternative to our involvement in Southeast Asia was not to have made this series of errors over the past 10 years. But I do want to say to the Senator——

The PRESIDING OFFICER (Mr. BURDICK). The time of the Senator from South Dakota has expired.

Mr. McGOVERN. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. I do want to say to the Senator that I have offered an alternative plan to this disastrous and indefinite continuance in Southeast Asia, and that is to withdraw on a time certain, to set up a timetable, to notify Saigon, to notify the enemy, and to notify the American people that on such-and-such a date all American forces will have been removed. I think that is the way to disengage. I do not believe we will ever get out by this kind of vague promise, that we will withdraw American forces but, dependent only upon the capacity of the South Vietnamese regime to continue the war, and dependent only on what North Vietnam and the Vietcong do—which, in a sense, gives the veto over American foreign policy into the hands of both Saigon and Hanoi. I object to that.

Mr. DOLE. Let me say to the Senator from South Dakota that President Nixon has been in office only 18 months. He was not President in 1954, neither was he President in 1964 when this body voted 88 to 2 to approve the Gulf of Tonkin resolution.

Those facts speak for themselves.

Mr. MURPHY. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I yield.

Mr. MURPHY. Mr. President, unfortunately, I came into the Chamber at the end of this colloquy, but I did hear the suggestion that President Nixon, when he was Vice President, was in favor of our involvement in Vietnam.

I have in my possession a letter written by a man who served in high office in the Eisenhower, the Kennedy, and the Johnson administrations. In his letter, he points out very clearly that the suggestion of involving the United States of America with troops in Southeast Asia was suggested by, I believe, Mr. Rostow and, it was turned down by the Eisenhower administration.

As the letter states quite vehemently, their purpose was to send instructors and advisers but not involvement.

So that I want the record to show, so far as I am concerned, that it is my understanding, from the letter written by John McCone, who is well known and highly regarded and has served in many administrations, that this is his statement and puts that on the record, which I am pleased to have the opportunity to state for the RECORD, also, under my name, at this time.

Mr. President, I yield the floor. I thank the distinguished Senator from Ohio for permitting me a few minutes in which to make these remarks.

Mr. HANSEN subsequently said: Mr. President, earlier in the day, there was a discussion on the Senate floor about the Cambodian operation. Since the Senate was then operating under a time-limitation agreement, there was not sufficient opportunity to respond to the remarks of the Senator from South Dakota (Mr. McGOVERN).

May I say, Mr. President, that I and my colleagues on this side of the aisle are most grateful to the distinguished Senator from Ohio (Mr. YOUNG) for his kindness and forbearance in giving us the time that he did. He was most considerate.

The Senator from South Dakota made some very serious charges which should not go unchallenged. As I indicated in my earlier remarks, a recent Harris survey showed that 61 percent of the American people support the President in the action he took in Cambodia.

This view has grown stronger as the weeks have passed and people have begun to realize the effects which those operations have had. They believe that, rather than widening the war, these operations have helped to limit it, to protect our forces, and to insure our Vietnamization program.

I am at a loss to understand the reason for such accusations as the Senator has made. Throughout this episode the President has been frank and forthright, as security permitted, on the purposes of the operation.

On June 3, for example, the President said:

> First we have eliminated an immediate danger to the security of the remaining Americans in Vietnam and thereby reduced our future casualties. Second, we have won some precious time for the South Vietnamese to train and prepare themselves to carry the burden of their national defense so that our American forces can be withdrawn. Third, we have insured the continuance and success of our troop withdrawal program. On April 20 I announced an additional 150,000 Americans would be home within a year. We will keep our timetable for troop withdrawals.

On June 30, as his promise on the withdrawal of American troops from Cambodia was being kept, the President said:

> We have eliminated an immediate threat to our forces and to the security of South Vietnam—and produced the prospect of fewer American casualties in the future. We have inflicted extensive casualties and very heavy losses in materiel on the enemy. We have ended the concept of Cambodian sanctuaries immune from attack upon which the enemy military had relied for five years. We have dislocated supply lines and disrupted Hanoi's strategy in the Saigon area and the Mekong delta. We have effectively cut off the enemy from resupply by sea. We have, for the time being, separated community main force units from guerrillas in the southern part of South Vietnam. This should provide a boost to pacification efforts. We have guaranteed the continuance of our troop withdrawal program. We have bought time for the South Vietnamese to strengthen themselves. We have witnessed visible proof of the success of Vietnamization as the South Vietnamese performed with skill and valor and competence.

In his remarks the Senator from South Dakota sought to belittle the accomplishments of the operation. Just to keep the record clear, I submit a brief summary of what was actually accomplished.

Mr. President, I ask unanimous con-

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sent that the statistics I have prepared be printed in the Record at this point.

There being no objection, the statistics were ordered to be printed in the Record, as follows:

1. We captured or destroyed a great deal of supplies: 14 million pounds of rice; nearly 15 million rounds of small arms ammunition; over 120,000 rounds of rocket, mortar and recoilless rifle ammunition; over 25,000 weapons.

2. We killed or captured about 13,500 communist troops—11,349 killed; 2,328 captured.

3. There already has been a reduction in U.S. casualties in South Vietnam: in that in the five week period ending August 1st the number of U.S. killed in South Vietnam totaled 354—the lowest rate for any equivalent period in 4½ years.

4. The rate of enemy attacks particularly in the southern parts of South Vietnam has decreased.

5. We have been able to continue our program for the withdrawal of U.S. forces which would have been jeopardized if the communists had been able to expand their sanctuaries without challenge.

6. A contributing factor in this has been the increase in confidence and effectiveness of South Vietnamese armed forces.

7. The communists also know they will never again be able to use those sanctuaries without the danger of challenge. This makes it harder for them to use them in the future and means that they will have much more difficulty than before to prepare and mount large unit attacks against our forces or against South Vietnamese cities.

8. We should emphasize that the *U.S. did not* attack a neutral Cambodia as critics allege. The U.S. attacked enemy bases in Cambodia with the approval of the Cambodian government. It was the communists not the United States who violated the Cambodian neutrality.

9. And with all of this Cambodia is still fighting valiantly to preserve its freedom in the face of North Vietnamese aggression. A country which was threatened by the most blatant aggression is now defending itself. Though the situation is still serious there our actions in the sanctuaries helped to give the time for this country to develop its ability to resist.

Mr. HANSEN. Mr. President, these are convincing reasons why the American people believe as they do and support the President in this operation.

Mr. President, in the Washington Daily News of today, August 11, 1970, there is published an article written by Don Tate, entitled "Cambodia Success Claimed." I ask unanimous consent that that article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Commander Answers Charges: Cambodia Success Claimed

(By Don Tate)

Long Binh, South Vietnam.—Despite the bitter controversy it aroused, the general who commanded some 22,000 American troops in the Cambodian incursion said today he is more firmly convinced than ever of the operation's basic success.

Since his troops rolled back into South Vietnam more than a month ago, Lt. Gen. Michael S. Davison, 53, a tall, slow-talking West Point graduate, has had a chance both to re-evaluate the success and consider the charges of failure leveled by foes of the campaign.

Gen. Davison assumed his second field force command on April 15 and found himself thrown into the breach with only days to mount the American offensive which kicked off May 1. In a wide-ranging interview he sought today to set the record straight on some of the criticism of that incursion.

COUNT CHALLENGED

Critics have claimed that captured booty counts were systematically inflated thru command levels in order to make the Cambodian venture look good to the American people.

Gen. Davison's answer: "The only thing I can tell you is that right from the beginning we made every effort to get an accurate accounting of what we had taken . . . Gen. Abrams (Cregihton W. Abrams, U.S. commander in Vietnam) never said a damned word to me about how much . . .

"All I said to the division commanders was that they had to account for these captured materials just like they would account for equipment in their divisions. Fundamentally, when your own future operations depend on how badly you've hurt the enemy, you don't want to make any false assessments."

Gen. Davison's latest figures exceed in impact those given out earlier by the White House. "We've concluded that we left behind only 15 per cent of the material the enemy had in there (the storage areas) originally," he said.

"I'm fully aware that the President said we captured 60 per cent. . . . I don't know if the White House took into account what the trucks (two columns of 10 enemy trucks each which escaped) moved out, what our B52s and tactical fighter planes destroyed, the amount of ammunition the enemy fired at us while we were in there, and so . . . I must say in some area where we've found enemy mail, he's giving us credit for capturing more than I thought we had."

Critics say the allied charge into Cambodia sent Red forces scattering thruout that small country, triggering a chain reaction which might well doom Cambodia.

Gen. Davison's reply: "Part of the communist plan was to seize control of large areas of Cambodia, which they embarked on in early April. . . . They were already embarked on this project well before we went in (on May 1), and it can be documented. When (Prince) Sihanouk was overthrown March 18, the communists had a whole new ball game, and they recognized it.

"At that point the planning on the part of COSVN (Central Office for South Vietnam—Red headquarters located then and now in Cambodia) was to get another offensive going in South Vietnam. The last week in March they dropped that and started seizing larger areas of Cambodia and setting up a liberation movement.

"At that time their 272nd Regiment moved deeper into Cambodia toward Kompong Cham, and their 175th Regiment moved deeper into Cambodia toward Kratie, and took it in early April, and another newly formed regiment went off to the northwest across the Mekong River. All of that activity started weeks before we went in."

Other critics charged the allies didn't achieve all they started out to achieve (did not take COSVN, for example) in the two months the Americans were in Cambodia, and that the continued presence of thousands of South Vietnamese (ARVN) troops inside Cambodia is only imperiling South Vietnam now.

LACK SURPRISE EFFECT

Gen. Davison conceded that "if we had had more planning time, and had the authority, we could have struck simultaneously into all areas and impose a greater strain on the communists."

"Undoubtedly," he went on, "they moved some stuff out after we first went across the border (ARVN troops had crossed April 29, two days before the Americans, and crossings that followed were staggered days, sometimes weeks apart, losing the surprise value of mass simultaneous assault).

"If he had gone in all at once, I don't think they would have been able to do that. Even so, it was still tremendously effective and I believe has bought an insurance policy for the Vietnamization program."

Gen. Davison stressed that enemy activity in the lower half of South Vietnam has dropped off nearly 50 per cent in the 11 provinces around Saigon since the Cambodian incursion, adding that as long as ARVN forces continue to control highways 1 and 7—important links in Cambodia for enemy troops and supplies moving toward South Vietnam—the enemy "is going to have an awful rough row to hoe to reverse the trend in the delta and around Saigon."

Gen. Davison's overall view of the Cambodian fighting was less optimistic. He said that in Cambodia, it is the Lon Nol forces which travel "the rocky road."

"Whether they can pull it off, I don't know," he said.

Mr. HANSEN. Mr. President, the article begins:

> Despite the bitter controversy it aroused, the general who commanded some 22,000 American troops in the Cambodian incursion said today he is more firmly convinced than ever of the operation's basic success.
>
> Since his troops rolled back into South Vietnam more than a month ago, Lt. Gen. Michael S. Davison, 53, a tall, slow-talking West Point graduate, has had a chance both to re-evaluate the success and consider the charges of failure leveled by foes of the campaign.

I shall not read the remainder of the article, except to call attention to two parts that I think are particularly significant:

> Critics say the allied charged into Cambodia sent Red forces scattering thruout that small country, triggering a chain reaction which might well doom Cambodia.
>
> Gen. Davison's reply: "Part of the communist plan was to seize control of large areas of Cambodia, which they embarked on in early April. . . They were already embarked on this project well before we went in (on May 1), and it can be documented. When (Prince) Sihanouk was overthrown March 18, the communists had a whole new ball game, and they recognized it.

Then finally, Mr. President, in response to charges made by many, including the distinguished Senator from South Dakota—and I quote from his statement as shown in his press release as of today:

> But it is now becoming clear that the invasion was a military and political blunder. It saved no American lives; it cost American lives.

Let me, in order that the record might be set straight, read what General Davison, the man who conducted the Cambodian incursion, said:

> Gen. Davison stressed that enemy activity in the lower half of South Vietnam has dropped off nearly 50 per cent in the 11 provinces around Saigon since the Cambodian incursion, adding that as long as ARVN forces continue to control highways 1 and 7—important links in Cambodia for enemy troops and supplies moving toward South Vietnam—the enemy "is going to have an awful rough row to hoe to reverse the trend in the delta and around Saigon."

Mr. President, I think it is important that the people of this country under-

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stand what the facts are. I think it is important that we hear both sides of this story. I speak this afternoon in order that those who are interested enough—and I hope that every Senator will be—may read the record to see what has been accomplished in Cambodia, in order better to understand and evaluate an operation which results in a growing number of Americans now finding themselves in wholehearted support of the actions of the President of the United States. The people, by a margin of some 61 percent solidly support the action of the President of the United States in Cambodia.

That does not reflect a smaller percentage of Americans; it reflects a growing number of Americans who, more and more, day by day, recognize that this was indeed one of the most brilliant military maneuvers accomplished in recent times, and one for which the President has been subjected to some very unfair criticism, simply because, in the interests of security, he could not serve notice on the Senate nor on the world as to what our intentions were. Had he done that, the success which brilliantly characterizes that 60-day operation into Cambodia would not have been nearly so successful.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BURDICK). Under the previous order the Senator from Ohio (Mr. YOUNG) is now recognized for 30 minutes.

ABM: ANOTHER MAGINOT LINE

Mr. YOUNG of Ohio. Mr. President, from the very moment the Nixon administration and the officials of the Department of Defense decided to breathe new life into the moribund Nike Zeus, Nike X, Sentinel anti-ballistic-missile system by giving it a new name, the Safeguard system has been the focus of unprecedented debate and study. Much of this debate has been confusing and misleading because of the constantly shifting reasons given by the administration to justify the expenditure of billions of dollars on this monstrosity. The most recent argument used by the supporters of the Safeguard system have been the role it would play in protecting our land-based nuclear deterrent and the need to use it as a bargaining card in the SALT talks now underway in Vienna.

On the surface these might seem to be compelling reasons for continuing or expanding the Safeguard system. Closer examination reveals just how dangerously misleading even these arguments are.

No one would deny that the United States should protect and defend its nuclear retaliatory force as a deterrent to a possible Soviet first strike. Safeguard, however, is the wrong system for such a job. It simply will not work as an effective defense of our land-based deterrent. Moreover, the value of Safeguard as a bargaining card at the SALT talks is highly questionable.

Mr. President, anyone familiar with the composition of the U.S. strategic arsenal knows that it consists of three separate elements, the land-based missile force, the strategic bomber force, and the Polaris submarine force. Each of these three is designed to present an effective nuclear deterrent force, regardless of the state of the other two. A true first strike capability must be able to knock out all three simultaneously, a feat technically beyond the reach of the Soviet Union within the foreseeable future.

It is also clear that with the rapidly increasing sophistication and accuracy of modern weapons land-based missile forces are becoming overly vulnerable. In fact, at some future date it is quite possible that land-based missile deterrent forces will have to be abandoned altogether. Nevertheless, at this point in time, the need for some protection for our land-based strategic deterrent is undeniable.

Mr. President, the strongest argument against the Safeguard system is that it simply will not work as an effective defense of our land-based deterrent. To claim otherwise not only distorts the facts, but also endangers our national security by preventing us from concentrating our limited resources on a worthless system. Here we might do well to remember what happened to France in World War II as a result of the false sense of security based on the worthless and costly maginot line. This was no defense at all.

In making decisions on how best to protect our deterrent force, we must remember that at best we have only a calculated estimate of future threats. The actual threat may grow at a rate faster or slower than that foreseen, and in the past there have been many intelligence errors in just this area of judging the growth of the Soviet threat. Thus we must consider a band of possible threats and seek those defenses most effective against the widest possible band.

At the present time the Soviet arsenal contains over 200 potential attackers, far below a level which would represent any real danger to the survival of our Minuteman missile force as an effective deterrent. If the Soviets continue to build their arsenal at the present rate with no technological changes, we shall face no threat to our Minuteman deterrent until 1980. If the Russians should improve their arsenal, for example by MIRV'ing their SS–9's or by greatly increasing the accuracy of their SS–11 force, a threat could arise before Safeguard were finished and such a threat could overwhelm Safeguard in any case.

Here it is interesting to remember that Secretary of Defense Laird told the Senate Armed Services Committee that Safeguard was not meant to handle a combination of MIRV'ed SS–9's, improved accuracy of the SS–11 fleet, and an increase in total number of Soviet ICBM's. Dr. John Foster, Pentagon Director of Defense Research and Engineering, has admitted that Safeguard could be overwhelmed by 1974, long before it could be perfected. Many things could influence Soviet strategic decisions, such as a SALT agreement or a decision by the Soviets that they have reached parity and can slow their growth. We simply must not accept too exact a picture of the Soviet potential threat.

Yet it is here that the weakness of Safeguard becomes most apparent. As Prof. Wolfgang Panofsky, Director of the Stanford University Liner Accelerator Center, and one of America's leading scientists, said in testimony before the Senate Foreign Relations Subcommittee on Arms Control on April 13, 1970:

> Even if Safeguard functions perfectly it offers significant protection to Minuteman over only a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed. . . . Safeguard looks like a very poor use of the shrinking defense dollar indeed.

Mr. President, notice that Dr. Panofsky emphasized the phrase "even if it functions perfectly." To anyone who has followed closely the progress of Safeguard as well as the opinions of America's leading scientists this is a very large "if." Safeguard consists of components taken over with little or no modifications from the old Nike-Sentinel system. The Nike-Sentinel system was designed to defend cities, which are soft, high-value targets. An adequate protection of the Minuteman deterrent force would require hard-point defense of the missile silos, which are hard and individually low-value targets. There has been no change in the engineering of the Safeguard System, despite the clear conflict in the requirements. The administration and Pentagon officials, in trying to make the same equipment do many things, instead have a system which will do nothing at all.

The chief technical weakness in the Safeguard system is that it depends on a single, expensive—$200 million—radar for each Minuteman complex and on a small number of Sprint missiles to protect both the radar and the Minuteman silos. If the radar malfunctions, or is destroyed, the defense system collapses. Yet the radar itself is a very "soft" target, highly vulnerable to enemy attack and itself dependent on a highly complex computer which may or may not work. Furthermore, members of a Department of Defense advisory panel on Safeguard have admitted their doubts that programs for the computer system could ever be provided. The value of our Minuteman force as a retaliatory deterrent is based on the survival of each silo, independent of any other that might be destroyed. Thus having only one, highly vulnerable radar for each complex of a hundred or more missiles constitutes a real "Achilles heel."

It is crucial to note that the Russians do have the means to destroy the missile site radars and render the defense useless. The Russian SS–11 fleet, though inadequate to destroy the Minuteman silos, is large enough and accurate enough to destroy the radar sites, leaving the Minuteman missile silos open to attack from SS–9's. The cost of erecting a defense for each on-site radar would be prohibitive, and the radar and computer complex is far too expensive to allow use of many redundant radars at each site.

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It has also become increasingly clear that the Soviets have inexpensive penetration aids which could sharply reduce the effectiveness of the perimeter acquisition radars. Nobel Laureate Hans Bethe has outlined the devices the Soviet Union could use, from simple decoys to fool the radars to atmospheric nuclear bursts to black out the radars. The small number of Sprint missiles at each site could easily be exhausted by a large incoming fleet, leaving the system defenseless. Quite obviously this supposedly "infallible defense" system is not infallible at all, but indeed highly problematic and vulnerable.

Mr. President, the Senate should remember that last year Secretary of Defense Laird and the President said deployment of Safeguard ABM would be limited to the first two sites until it was fully tested. They stated further that the program would be reviewed annually from the standpoint of its technical progress and the evolving threat. We have heard much, recently, about the Pentagon officials' adoption of a "fly before you buy" policy on weapons procurements. These new procedures are certainly praiseworthy, and should have been standard long ago. Yet, they are all being ignored with regard to Safeguard.

There has been no actual production on the Phase-I deployment approved last year, and little construction activity on the sites authorized. In fact, the contract to develop the first site was awarded only 3 months ago, and there has as yet been no contract awarded on the second site. The dates by which the equipment can be received have now been slipped by almost a year. There has been very little testing of some of the most complex equipment in the system, and, indeed, a great deal of the Safeguard system can never be fully tested. Because of the nature of Safeguard, we shall never know if it will really work until the time comes to use it. Yet the serious questions about the functional validity of key elements in it make proper testing even more crucial.

Mr. President, here I might mention that in fiscal 1969 defense posture hearings I pointed out in regard to Minuteman testings there had been "two failures on silos in North Dakota 2 years ago" which had revealed serious electronic problems. I was assured by the then Secretary of the Air Force, Harold Brown, that the Air Force would correct those problems and were still working on test firings out of operational silos. At that time he planned to acquire and fire from operational silos, missiles with 7-second firing times and to investigate the possibility of full range tests from operational silos.

In the fiscal 1970 hearings I asked what had happened to the proposed test of Minuteman II out of silos. Secretary of Defense Laird replied that the Air Force plan for tests from operational silos had not been delivered and that the matter was "under current consideration," just as it had been for 2 years preceding.

In the fiscal 1971 hearings I again asked about plans for a test operational launch for Minuteman, and was told by Secretary of the Air Force Seamans that "we would like to do it soon." General Esposito, in reply to Senator SYMINGTON, said that the Air Force was "anticipating direction to proceed" from the Secretary of Defense and was recommending a schedule calling for launch of a Minuteman II 19 months after go-ahead and launch by a Minuteman III 1 year after that. In other words, Mr. President, there has never been any full testing of our Minuteman force to see if it would actually operate out of silos the way it is supposed to. Now we are asked to approve more funds for a defense system which has not been, and can never be, fully tested. I submit this is very definitely a dangerous way to defend ourselves.

Mr. President, last year we accepted phase I of Safeguard with the understanding that it would be tested fully before and further development was sought. In the past year none of the technical results in the on-going development has made it look any better, and many new "bugs" has been discovered. All the most recent technical reviews have agreed that Safeguard is less effective and more costly than other methods of protecting our land-based deterrent.

Dr. Foster, Pentagon's chief Safeguard propagandist, has claimed that a panel of six distinguished scientists reported that Safeguard would do the job planned for it. Two of the scientists on that panel, Dr. Marvin L. Goldberger, of Princeton, and Dr. Sidney D. Drell, of Stanford, have since revealed that the panel said nothing of the kind. Indeed, both these scientists, who had served on the President's Advisory Committee on Science, are against continued work on phase I and any work on phase II. They have pointed out that none of the advocates of Safeguard have ever talked to any congressional committee about the actual operational validity of the system. Instead, they always talk about Soviet threats or Chinese intransigence or national determination, never about the relation between the performance of Safeguard and any potential or actual threat.

Mr. President, Dr. Drell has stated emphatically that no independent analysis of Safeguard by scientists outside the Pentagon has ever endorsed or supported the proposed program for its stated missions. Last week five leading scientists, all members of the Federation of American Scientists, announced their belief that the proposed Safeguard ABM would offer only "negligible protection to the U.S. Minuteman ICBM retaliatory force in the event of a Russian attack."

Furthermore, Members of Congress have just learned of a report made on January 27 to Secretary of Defense Laird by a seven-member science panel. The report concluded that if the only purpose of Safeguard were to protect U.S. Minuteman retaliatory missiles against Soviet attack, expansion of Safeguard "should not proceed." It went on to state that Defense Department officials should seek to develop a "dedicated" alternative Minuteman protection system using "less costly and less technically formidable radars" than Safeguard, with "each such radar" covering fewer silos than Safeguard. Such a system would be more cost-effective than Safeguard and would provide for more protection if the Soviet anti-Minuteman force became very large.

The facts are quite clear, Mr. President. The Safeguard system has not been adequately tested as yet, and it is too complex to ever be fully tested. Moreover, it is too vulnerable to ever be fully effective. Without substantial and costly modifications and improvements, it simply will not do the job proposed for it as a defense of our land-based missile deterrent force. It is clearly the 1970's version of the old Maginot line.

Mr. President, in recent weeks the administration has shifted its emphasis again and is now urgently pleading for Safeguard to use as a bargaining card in the SALT talks. This is a beguiling and compelling argument. Certainly, all Americans are concerned about the success of the SALT talks, and none of us would knowingly do anything to jeopardize the chances of coming to a meaningful arms limitation agreement with the Soviet Union. Yet there is considerable evidence to show that the administration and Pentagon officials are acting irresponsibly in trying to use the threat of failure in the SALT talks to justify the Safeguard system, in effect trying to blackmail the Congress into accepting a worthless system with hysterical cries about SALT.

In the first place, to speak of the need to use Safeguard as a bargaining card with the Russians assumes that without it we would have to bargain from weakness. This is simply not the case—the United States has not become a second-rate power and is not in neutral gear in strategic development. If we were as close to being a second-rate power as the administration claims, one wonders if we should even be seeking any arms limitation agreement.

Moreover, there is no reason to doubt that the Russians realize the vulnerabilities and weaknesses of the Safeguard system and probably know full well that it will not do the job proposed for it. What kind of a bargaining agent is a costly and ineffective system? If there is no SALT agreement, we will go ahead and build this worthless monstrosity? On the other hand, the Nixon administration has claimed that Safeguard is absolutely essential as a defense against the Chinese. How can they then justify trying to trade it away to the Russians? If it is an essential system, we should keep it; if, as appears to be the case, it is a worthless boondoggle, the Russians surely know it and there is nothing to be gained by deploying it for bargaining purposes. Safeguard is not the billion-dollar poker chip the administration claims it is.

In fact, Dr. Wolfgang Panofsky has pointed out that any decision to enlarge Safeguard might well threaten the potential success of the SALT talks in limiting strategic offensive and defensive missiles. The Armed Services Committee rejected the full expansion proposed by the administration, but the fact remains that the administration does desire to expand Safeguard. In light of the clear evidence that expansion of Safeguard might dangerously escalate the arms race and jeopardize any control agreement, one wonders just how much the administration believes their own claim that Safeguard is a necessary bargaining card for SALT.

Mr. President, the facts are that the best bargaining card available to the United States in any arms limitation talks is our willingness to allocate money for research and development of true hard-site, or other suitable defense, for our land-based deterrent. The main threat to the Soviet Union is not the ineffective old Nike-Sentinel system under a new name. It is, rather, the knowledge that the United States could build a truly effective system and massively increase our defenses as well as our offensive power. Our capacity to escalate and continue the arms race, amply demonstrated by our MIRV'ing of Minuteman and our deployment of Poseidon, is our strongest bargaining card. The administration's argument that Safeguard is needed for bargaining would clearly seem to be merely another straw grasped in an effort to justify an unjustifiable system, the latest in a long series of rationales for a worthless boondoggle.

Mr. President, many supporters of the Safeguard system cry that those who oppose this system are antimilitary or anti-American or soft on communism or unaware of strategic realities of world power. That is not true. We are antiboondoggle, antihysteria, anticries of false alarm. No one is saying that the United States should disarm unilaterally or endanger its national security by foolishly reducing its strategic arsenal. There are obviously and undeniably real threats we must be ready to meet.

However, Safeguard ABM is not the answer. In these troubled and dangerous times, with our Nation over-extended abroad, divided at home, and suffering severe economic problems, we must look with great care at every decision we make. For too long the military was given everything they sought, without limitation, with hardly any question. We can no longer afford this luxury.

The military and its defenders must realize that we are not antimilitary, but rather that we are forced by circumstances to choose among alternatives and allocate scarce resources accordingly. We can no longer have everything we want, and the decisions about what we need are hard ones.

Our economy is beset with inflation and high unemployment. We have urgent domestic spending priorities. The Federal Government itself is in severe financial straits. In the light of all these facts, the challenge we face in determining our defense posture is how to get the most defense for our money, whether this be through better contracting procedures, closer supervision of contract work, or more efficient systems. Mr. President, the Safeguard ABM system does not answer this challenge. It is a dangerously costly and ineffective system, which will not do the job proposed for it and which by lulling us into a false sense of security and draining away scarce dollars from other better systems would do much to reduce our national defense.

There are other, better, less costly ways to do the jobs proposed for Safeguard. We must halt the development of this new "Maginot line."

MIGRANT WORKERS—FORGOTTEN AMERICANS

Mr. YOUNG of Ohio. Mr. President, the recently televised NBC white paper on the plight of migrant workers once again awakened Americans to the inhuman circumstances under which so many of our farmworkers must live. Unfortunately, the horrible living and working conditions of these millions of Americans are noticed only at those infrequent intervals when a television program of this type is broadcast. However, the compelling plight of migrant laborers in the United States is a national disgrace that we can no longer afford to ignore. These workers who toil to provide food for our tables live in a twilight world of hunger, abject poverty, and lack of opportunity in the midst of plenty.

More than a quarter of a million migrant farmworkers are today laboring in fields across America, and before the end of the year well over 1 million people—men, women, and children—will have been so employed. They will work in all of the States and will harvest the crops that will feed Americans for the coming year. They and frequently their wives and children engage in the hardest sort of backbreaking manual labor.

According to the U.S. Department of Labor, migrant workers receive an annual wage lower than that of any other income group in the country. In 1969 they worked an average of 85 days a year and they averaged a meager annual salary of only $891. This is approximately $30 less than the average migrant salary for 1967 and 1968. Their pitiful income is in shabby contrast to the earnings of American factory workers. The basic necessities of food and clothing consume all of their meager paychecks and more.

This month in my home State of Ohio approximately 15,000 migrant workers are laboring to harvest tomatoes and sugar beets. By November more than 50,000 migrant laborers will have worked, often on their hands and knees, in nearly half the counties of Ohio for the lowest wages paid to any sizable economic group in the State. They will have worked an average of fewer than 100 days and earned an average annual wage of less than $1,000.

Mr. President, nationwide more than 2½ million men, women, and children are caught in this dismal web of poverty and degradation in the midst of plenty.

Housing for migrants both at home and while traveling is disgracefully below what the average American expects for his own family. Because we have not yet devised programs to eliminate poverty amongst a mobile population, social and poverty legislation have been of minimum benefit to the migrant worker who travels a substantial portion of the year. Unlike most other labor groups in our society agricultural migrant workers are totally lacking in either political or economic power. Their economic and political weakness is even more disgraceful when compared with the awesome power of the agricultural growers and processors who purchase their labors.

Migrants are excluded from the protection given to other workers in their attempts to organize or strike. They are not protected by age requirements in child labor laws. They are not guaranteed workmen's compensation and they are ineligible for unemployment insurance. In addition, because of residency requirements in most States, they are usually not allowed to vote.

In many localities there are legal restrictions against providing public services to nonresidents, therefore barring the migrant farmer and his family from most of the health and welfare services offered to other citizens. One worker at an Ohio camp had a child who was seriously ill. He was told by local welfare officials to take the child to a public clinic which was open only on Thursday and Friday. Unfortunately, the child was dying on Saturday.

Mr. President, the fate of this child is all too typical of what such an existence does to the children of hapless, helpless migrant workers. Because there is no one to care for the children while their parents are laboring in the fields, many of them must work also. Being constantly on the move, the children cannot stay long enough in one place to receive an adequate education. Thirty percent of all migrant children have less than 8 years of education; 40 percent, less than 11 years. If they survive their early childhood they are virtually doomed to repeating the dismal life of their parents.

The fact is that 17 percent of migrant workers today are functional illiterates. Half are under 25 years of age and one-fourth of them are between 14 and 17. Because of their youth or lack of education, most migrant workers and their youngsters have no awareness or interest in the political process. They move from county to county, and from State to State. They have no Representatives or Senators in the State legislatures or in the U.S. Congress to whom they can turn for help. Theirs are the unheard voices of misery and despair.

In the past, only local remedies were sought. State and local governments and private organizations have in many instances acted to aid these people. However, because of the great number of migrant workers and because of their constant movement their plight is a national problem of concern to all Americans.

While the Congress has enacted legislation to alleviate some of the problems afflicting these people, additional action must be taken to allow them and their children to share in the benefits of our society.

First and foremost, migrant workers urgently require coverage under the National Labor Relations Act. They must have the right to utilize the collective

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bargaining process to improve their economic and social status as industrial workers have for more than 30 years.

Mr. President, one of the most critical needs of the migrant agricultural worker and his family is for decent housing and sanitation. Programs must be developed to assist in the construction of adequate housing facilities for these workers and their dependents.

The migrant worker faces unemployment with no reserve in the form of unemployment compensation which the industrial worker has long taken for granted. Our unemployment insurance laws must be amended to provide benefits for workers employed on large commercial farms.

At the present time a farmworker is eligible for social security if he receives $150 in cash wages from his employer during the year or if he works for the same employer for cash wages for 20 days or more during the year. Because of their constant movement, short periods of employment and low rate of compensation, most migrant workers do not meet the requirements to be eligible for social security benefits. Our social security law should be amended by reducing from $150 to $50 the amount which must be earned from a single employer each year by farmworkers. In that one act social security benefits would thereby be extended to 500,000 farmworkers, the great majority of them migrant laborers.

Mr. President, while these proposals recognize the problems of migrant workers and, to some degree, will correct their wretched working and living conditions, they by no means completely solve the problem of bringing the living standard of these forgotten people to the level enjoyed by most other Americans.

The migrant worker and his family face a near hopeless future. Each year as the educational and skill requirements of tomorrow's farm jobs are increased, opportunities for migrants will become further limited. Additional and improved programs for housing, unemployment compensation, and social security will help. These programs must be cohesive, comprehensive, and extensive. We must not allow any group in our affluent society to continue to be so consistently abused and so long forgotten.

It is the duty of the Members of Congress, before adjournment this year, to take affirmative action in their behalf.

ECONOMIC MADNESS

Mr. YOUNG of Ohio. Mr. President, interest rates on home mortgages rose 26 percent in 1969. Today, the buyer of a $20,000 home must pay nearly double that amount—$35,000—for interest alone. Almost half of the money a home buyer pays goes not to the builder, not to the worker, not to the seller, but to the lender, primarily the big bankers whose 1969 profits ranged from 10 to 50 percent. Bank earnings during the tight money year of 1969 were among the fattest in history. Most families with annual incomes under $13,000—more than half of all Americans—cannot really afford to buy homes. After an unprecedented period of prosperity, we have suffered an unfortunate downturn. The overall index of industrial production declined for 6 months in a row. We hope that has now been halted. Unemployment, which was 3.3 percent in December 1968, was above 5 percent last May. At the same time inflation is choking the economy. The cost of living rose 6.3 percent in 1969 and continues soaring. The inflationary effect of the Vietnam war must result ultimately in a 10-percent reduction in the standard of living of the average American. This according to one expert economist. Meanwhile, a few become rich from high interest rates while families' workingmen and small businessmen pay and suffer.

TAKING SALT WITH A GRAIN OF SAFEGUARD

Mr. JAVITS. As a cosponsor, for the third consecutive year, of the Cooper-Hart amendment I wish to state my reasons for supporting the substance of this year's amendment, which I had a hand in shaping. The amendment I support authorizes approximately $1 billion—including resource and development funds—for continuing work of phase I of Safeguard at Grand Forks and Malmstrom. I am nonetheless convinced that the Safeguard system should not—and may well never be—constructed.

Spokesmen for the President have insisted most urgently that Safeguard is an indispensable "bargaining chip" at the strategic arms limitation talks—SALT—with the Soviet Union. It has been intimated by administration spokesmen that a SALT agreement to limit offensive and defensive strategic systems is within our grasp. It is further intimated that the Senate action to kill Safeguard altogether is the single action most likely to jeopardize the achievement of a SALT agreement at this time.

That is an arresting argument. It has been criticized on several grounds and none of us are happy with it. The Senate has not been consulted, or adequately briefed, on the conduct of the SALT negotiations, as called for in the Constitution. Consequently, we are not in a position to dispute the administration's assertion regarding the direct correlation between Safeguard and the prospects for a SALT agreement. Under the circumstances, we must give the benefit of the doubt to the President. I am prepared to authorize an additional billion dollars for further work on the two sites authorized last year to enhance the prospect of an early SALT agreement—which reportedly calls for the subsequent disbandment of the two authorized sites. In short, I am prepared to take SALT with a grain of Safeguard.

Five distinguished men, with important experience in arms control negotiations in previous administrations, in a letter published in the Washington Post on August 10, have challenged head on the "bargaining chip" rationale for Safeguard. This joint statement by Averell Harriman, Karl Kaysen, Adrian Fisher, Franklin Long, and Herbert Scoville asserts that—

> In our judgment, a Senate vote against the ABM is a vote for success in SALT.

On the other hand, the chairman of the Senate Armed Services Committee, Senator STENNIS, has stated:

> It is my firm opinion—and this is not an overnight thought—that to defeat Safeguard in the Senate this year would be the worst possible setback that we could hand to the Strategic Arms Limitation Talks in Vienna.

Senator JACKSON, the floor manager, has stated:

> I remain convinced that deployment of Safeguard is an essential condition for the SALT talks to succeed.

It is no secret that the position asserted by Senator STENNIS and Senator JACKSON is the position of the highest authorities of the administration. It is a position which is also maintained by lower level officials who have been intimately involved in the day-to-day negotiating process of the SALT talks.

In its boldest form, the assertion that Safeguard is essential to the success of SALT lacks a compelling persuasiveness. I have heard one plausible "explanation" of this proposition which has helped to overcome my own skepticism and which I would, accordingly, like to share with the Senate.

It has been explained to me that the Soviet negotiating team represents a coalition of interests having diverse reasons for wanting a SALT agreement. It is said that the Soviet negotiating coalition is a delicately constructed one and that the element representing Soviet military is the most reluctant and suspicious element. The group representing the Soviet Union's military viewpoint is said to be interested primarily in halting the development of an American ABM system. Presumably—using the "worst case" war-gaming approach—the Soviet strategic planners place a higher efficacy factor on Safeguard's capabilities than our own scientific community does. Accordingly, it is contended that the Soviet military component, which is prominently represented in the Soviet negotiating team, might lose interest in achieving SALT agreement if the Safeguard system is killed off in the Senate. The defection of the Soviet military element could disrupt the delicately constructed Soviet negotiating consensus and thus jeopardize an agreement otherwise desired by other elements of the Soviet hierarchy.

I feel that I have no choice but to give the benefit of doubt to the President and his negotiators in this situation. For this reason, in discussions leading to the formulation of the Cooper-Hart amendment I urged that appropriate account must be taken of the administration's "bargaining chip" contention. I am satisfied that this consideration is fully accommodated in the Cooper-Hart amendment, in authorizing further construction only of the two sites authorized by the Senate last year.

In accepting the "bargaining chip" thesis to the extent that it is accommodated by the Cooper-Hart amendment, I nonetheless wish to express my dissatisfaction with the administration's

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handling of the crucial question of the relationship of the SALT talks to the Safeguard program.

In my judgment, the Soviet Union undoubtedly has a variety of incentives motivating it to seek an agreement to limit the strategic arms race. In an overall sense, I believe that concern over Safeguard, per se, is a minor factor in Soviet calculations. The broader and more significant incentives I would judge to be such factors as: First, a compulsion to avoid the vast economic expense of an accelerated arms race involving the next generation of strategic nuclear weapons and uncertainty as to the capacity of Soviet technology in the computer and electronics fields to compete successfully with the United States on the next generation of weapons systems; second, a desire to achieve formal international acceptance of its position of strategic parity with the United States; third, a desire to ease and stabilize its strategic relationship with the West, in anticipation of a growing strategic threat from Communist China in the East.

The major incentives of the United States in seeking a SALT agreement are matters which go to the very heart of our national life and values and of our position in the world. In my judgment, concern over the alleged SS–9 threat is also a minor factor in the overall national decision to seek a SALT agreement, with its inevitable far-reaching implications.

The themes and issues of SALT are the great and encompassing questions of our era. They are preeminently the issues most in need of thorough debate and consideration in the Senate. In this context, it is regrettable, in my judgment, that the administration has chosen to depict SALT to the Senate as a bargaining process essentially concerned with trading off ABM against SS–9.

As recently as his July 30 press conference, President Nixon publicly expressed optimism at reaching a SALT agreement. Virtually the whole case for Safeguard this year is being made on the grounds of its indispensability to the prospects of a SALT agreement. It is precisely because the Senate shares the constitutional responsibility for SALT that I consider the Administration's handling of this issue with the Senate to be inadequate and unsatisfactory.

At the opening of my statement I expressed my conviction that the Safeguard system should not—and never may be—constructed. The technical justification for Safeguard has been called into such grave doubt that even the Pentagon has conceded key points in the criticism and has indicated the intention to modify Safeguard extensively along lines suggested earlier by its critics.

In my judgment, the basic flaw of the Safeguard system from the technological viewpoint is the same as that which proved to be the undoing of the TFX. By attempting to design a system which could perform several divergent missions—that is, light area defense as well as hardpoint defense of Minuteman—Safeguard ends up being unable satisfactorily to perform any of its assigned missions. The analogy to TFX and its ill-fated albatross of "commonality" is now branded conspicuously onto Safeguard.

Senators COOPER and HART and others have summarized the technological case against Safeguard in some detail. Moreover, there is extensive testimony by a blue-ribbon roster of American scientists—in and out of government—in the printed hearings before four congressional committees detailing at length the technical deficiencies of Safeguard.

It is not surprising that Safeguard should prove to be so vulnerable on technical grounds—considering its diverse background. It was first presented to Congress in its Sentinel configuration as a system intended to provide a light population defense against a Chinese Communist threat. Even in this incarnation, members of the Joint Chiefs of Staff and ranking members of the Armed Services Committee supported the system primarily as a "building block" in a potential "thick" area defense against a Soviet threat. Early in 1969, the system was reconfigured out of the same components, rechristened Safeguard and given the primary mission of "hardpoint" defense of Minuteman deterrent. To this, the subsidiary missions of defense against a Chinese "blackmail" threat and defense against a Soviet "accidental launch" were subseqsently added.

This year, the Senate Armed Services Committee has again altered the mission of Safeguard. In the words of Senator JACKSON:

> Safeguard has been confined to defense of the deterrent; authorization of a thin area defense has been specifically denied.

However, according to the recommendations of the O'Neill report—specifically solicited by the Defense Department from a blue ribbon panel of defense scientists—

> If the only purpose of Safeguard is defined to be to protect Minutemen, Phase IIA as defined in March 1969 should not proceed. Instead, a dedicated system for active defense of Minutemen should replace or . . . augment Phase IIA.

In addition, the O'Neill report specifically states:

> Phase I alone is not worth its cost.

These are the technical reasons for my conviction that the Safeguard system should not, and never ought to be, built.

There is an additional ironic, and perhaps more significant, reason for my conviction that Safeguard will never be built—the SALT negotiations which are now cited as the main justification for Safeguard. According to reports, we are on the verge of reaching a SALT agreement which will provide for "zero" ABM, or, more probably, for ABM systems restricted exclusively to protection of the national command authorities—that is, Washington and Moscow. Accordingly, if there is a SALT agreement it is likely to require the dismantling of work completed thus far at Malmstrom and Grand Forks.

If the SALT talks fail, on the other hand, it will be necessary for us to reconsider the entire question of our strategic posture, both with respect to offensive as well as defensive systems. I do not believe that Safeguard where it is now, could justify its survival under either set of circumstances.

It is precisely because the failure of SALT will result in circumstances which require a thorough—and wholly unpleasant—rethinking of our entire strategic posture and requirements—with the most ominous and dangerous implications for world peace and security, that I am prepared to concede the benefit of the doubt to the administration's contention that it needs Safeguard for the success of SALT. If we are able to get an agreement limiting offensive and defensive weapons—and thus averting a new round of the nuclear arms race—I would consider the $1 billion authorized for additional work on Safeguard to be money well spent.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, there will now be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements made therein.

THE KENDALL SCHOOL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1078, S. 4083, introduced by Mr. YARBOROUGH and other Senators.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 4038) to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. YARBOROUGH. Mr. President, the bill, S. 4083, would authorize the board of directors of Gallaudet College to construct and operate a demonstration preschool and elementary school for the deaf in connection with the Kendall School on the campus of Gallaudet College.

In its continuing efforts to serve deaf children from the National Capital re-

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gion, the Kendall School must become a national demonstration preschool and elementary school for the deaf. There are a number of reasons why this is so:

First. The evolution of the Kendall School into a demonstration elementary school represents a natural progression in its development;

Second. The establishment and operation of the Model Secondary School for the Deaf—Public Law 89-694—has created a new perspective on the education of the deaf; and

Third. The rubella epidemic of 1963–65 and the predicted epidemic in 1972–73 are creating a need for a more appropriate learning environment. Professionals agree that unless major efforts are directed to the elementary level many deaf students will not be able to benefit from federally supported programs such as the Model Secondary School for the Deaf and the National Technical Institute for the Deaf—Public Law 89-36—because it is too late to bridge the educational gap. Focus must be on the establishment of a demonstration school for preschool and elementary-age deaf children.

The Kendall School is an established school of quality with a competent staff and physical facilities. Therefore, a demonstration elementary program for deaf children can be established with minimum additional expenditures of Federal funds. There is such a demonstration or model school now for high school level operated on the Gallaudet campus. This bill would authorize the same type of demonstration school for pre-high school level.

If what the experts tell us about the "rock generation" is true, the hearing of many people will be affected by this loud, raucous music. The jet planes are injuring the ear drums of many people, and many veterans are losing their hearing because of noise from bombs and cannon fire. So we have a growing incidence of deafness in the populace.

Preschool deals with children who are deaf while quite young. The people who work in this field have warned us that unless a child's deafness is detected at a very early age and treated at a very early age, the child will never catch up in learning with other children.

We know that if a child's deafness is detected while quite young, before he is old enough to go to school, and if he receives training at an early preschool age, then, with proper schooling that child will have a better chance in life.

At the present time, the average deaf person in America earns, on an average half as much money as a nondeaf person; but with proper education from very tender years, they could earn as much money as the average person who can hear.

I will give an illustration, Mr. President. A few years ago, the school for the deaf in my State, established in 1856, asked the new Internal Revenue office there, the district area that covers many States, where they have the computers, to employ some deaf people. They had great difficulty getting them to try some deaf people. Finally, they put deaf people to work on the computers.

The computers are in vast rooms which are kept dust free and have soundproof walls but there is quite a bit of noise. Occasionally, one employee working on the computer will speak to another. They found, after a year's experience, that the deaf person, because of having less distractions, makes fewer mistakes than the nondeaf person. The deaf person, working with the computers in that great Internal Revenue Center, is a more efficient worker with the machines than the nondeaf person.

With new opportunities opening up for the deaf, with the proper training, we hope to give the deaf a better life and an economic opportunity equal to that enjoyed by the nondeaf.

The interest and commitment of the Congress in the Kendall School and Gallaudet College dates back to February 16, 1857, when the Congress approved an act to incorporate the Columbia Institution for the Deaf, Dumb, and Blind—renamed the Kendall School for the Deaf in 1885. In succeeding acts and in its annual appropriation, Congress has continued its support of and interest in the operations of Gallaudet College and the Kendall School.

It is interesting to note that Kendall School was started in February of 1857, just a year after the Texas School for the Deaf was founded in Austin in 1856.

The original program of education for deaf children began in a log cabin on a 65-acre site in Austin near the Colorado River.

The Texas School for the Deaf has continued to grow since its establishment, and by 1910 it had a residential population in excess of 500 children. A modern building program began 15 years ago, resulting in a modern school unique for its cottage living arrangements. The Texas School has a current enrollment of approximately 680 pupils.

The total population of deaf people in Texas is estimated at approximately 11,500 profoundly deaf people, with another 100,000 hard of hearing individuals.

Although great progress has been made made in the education of deaf children in the Texas school system, there is an imperative need for a national demonstration center to operate in a setting such as that provided on the campus of Gallaudet College where educators of the deaf will have a whole spectrum of deaf students from preschool through college for training under optimum conditions. In this way it is hoped that the best and newest methods of education of deaf children can be put to use with experimental equipment and curriculum.

Over the past decade an extensive body of knowledge has been accumulated concerning new approaches to improvement of the education of young deaf children. The Kendall School for the Deaf must obtain the resources to enable it to develop programs and to disseminate this knowledge to other schools. Demonstration of the success of these programs would facilitate the development of other area centers throughout the United States.

Mr. President, I urge passage of this much needed legislation.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 4083) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing day and residential facilities for elementary education for persons who are deaf in order to prepare them for high school and other secondary study, and to provide an exemplary educational program to stimulate the development of similar excellent programs throughout the Nation, the directors of Gallaudet College are authorized to maintain and operate Kendall School as a demonstration elementary school for the deaf, to serve primarily residents of the National Capital region.

SEC. 2. As used in this Act—

(a) The term "elementary school" means a school which provides education for deaf children from the age of onset of deafness to age fifteen, inclusive, but not beyond the eighth grade or its equivalent.

(b) The term "construction" includes construction and initial equipment of new buildings, and expansion, remodeling, and alteration of existing buildings and equipment thereof, including architect's services, but excluding off-site improvements.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) There are authorized to be appropriated for each fiscal year such sums as may be necessary for the establishment and operation, including construction and equipment, of the demonstration elementary school provided for in section 1.

(b) Federal funds appropriated for the benefit of the school shall be used only for the purposes for which paid and in accordance with the applicable provisions of this Act.

SEC. 4. In the design and construction of any facilities, maximum attention shall be given to excellence of architecture and design, works of art, and innovative auditory and visual devices and installations appropriate for educational functions of such facilities.

REPEAL OF EXISTING STATUTES

SEC. 5. The following statutes or parts of statutes are hereby repealed:

(a) Section 1 of the Act of March 1, 1901 (31 Stat. 844), as amended.

(b) Section 1 of the Act of March 2, 1889 (25 Stat. 962), as amended.

(c) Act of November 7, 1966 (80 Stat. 1399).

(d) Section 1 of the Act of March 1, 1905 (33 Stat. 901), as amended.

Mr. YARBOROUGH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HUGHES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR EXTENSION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. I ask unanimous consent that, notwithstanding the previous order providing for the expiration of the morning hour at 12 noon, the period for the transaction of morning business be briefly extended, with statements therein limited to 3 minutes, upon the conclusion of which the unfinished business will be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN PRISONERS OF WAR

Mr. HANSEN. Mr. President, more than 1,400 American men are still held prisoner of war by the North Vietnamese under conditions that violate the Geneva Convention. If it is true, as Syrus Publius said, that the pain of the mind is worse than the pain of the body, then the suffering and distress of these men's wives and children is unimaginable. We pray, Mr. President, that the North Vietnamese will cease this barbaric behavior and join the civilized nations of the world by adhering to at least the minimum standards of the Geneva Convention.

ORDER OF BUSINESS

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW WELFARE REFORM PROPOSALS

Mr. BYRD of Virginia. Mr. President, in response to questions which I posed during the current Finance Committee hearings on welfare reform, Mr. Elliot Richardson, the Secretary of Health, Education, and Welfare, now has disclosed that the costs of the proposed family assistance plan would be higher than the committee had been led to believe.

Throughout most of the hearings, the committee had been told that the estimated Federal cost of the new program would be $9.1 billion in fiscal year 1971.

Now, according to Secretary Richardson's letter to me dated July 30, the total program cost is estimated to be $10.8 billion for fiscal year 1971.

The Federal cost for welfare programs for fiscal year 1970 which ended June 30 was $4.4 billion.

I asked Secretary Richardson to give me also the estimated cost of the administration's new program for fiscal 1972. He puts this figure at $11.8 billion. Earlier in the committee hearings, in response to questions by me, Secretary Richardson estimated the cost for fiscal year 1972 at between $10 and $10.5 billion, stating he thought this figure probably was high.

In a letter to me, Secretary Richardson explained that in the materials previously made available to the committee:

> Projections of maintenance payments for FY 1972 appear in the Committee print, but certain other items do not.

I am glad that Secretary Richardson now has revealed the full cost of the welfare proposals which HEW is advocating. That will enable the committee to deal realistically with the problems involved.

I am not prepared to pass final judgment on the administration proposals. Hearings before the committee are continuing, and I want to have the benefit of all the testimony before making up my mind.

I must say, however, that I have grave doubts about the wisdom of so sharp an increase in welfare costs.

It does seem to me that in reforming our welfare programs we must see to it that there is adequate reward for work, and adequate concern for the taxpayers' dollar.

The Nation has an obligation toward those who are physically or mentally unable to work. But I do not think that taxpayers' funds should be used to support able-bodied citizens who refuse to work.

I want to make it clear that I support the principle of welfare reform. The present system is costly, inefficient, and inequitable.

But before we make a change, I believe we must be sure that we are making a change for the better.

President Nixon has properly focused attention on the swelling Government expenditures, so I feel it appropriate to bring out the facts in regard to the costs of the new welfare plan.

It is obvious that the new proposal will be quite costly when it is realized that while we now have 10 million persons on welfare, this figure will be increased to roughly 24 million if the family assistance program is approved.

At the present time, 41 percent of all welfare recipients reside in five States, California, New York, Pennsylvania, Illinois, and Texas.

Under the new proposal, Texas which now has 479,000 on welfare would then have 1,522,000 receiving public assistance.

In a report prepared by the staff of the Senate Finance Committee dated July 1970 a breakdown by State is on pages 54, 55, and 56.

Page 7 of that report asserts that in 13 States—

> The welfare rolls will be more than tripled under the Administration's new proposal.

To cite several examples, North Carolina would be increased from 195,000 to 960,000; South Carolina from 84,000 to 491,000; Mississippi from 211,000 to 806,000; Georgia from 328,000 to 1,025,000; Texas from 479,000 to 1,521,000; Puerto Rico from 265,000 to 800,000.

In my view, a welfare program must meet these basic objectives:

First, it must take care of those who are physically or mentally unable to work. The Nation has an obligation to such people, and it must be fulfilled.

Second, it must not turn over the taxpayer's hard-earned funds to able-bodied persons who refuse to work.

Third, it should seek to reduce, and not expand, the welfare rolls.

Secretary Richardson in his statement before the Senate Committee on Finance July 21, 1970, declared the administration's new welfare proposals to be revolutionary and expensive legislative initiatives.

I feel that we need revolutionary initiatives in regard to the present welfare program. But I am trying to understand, and then reach a conclusion, as to whether the Nation, in the face of continued and heavy budget deficits, can afford at this time to adpot such an expensive new program.

Is it wise to double the number of recipients of public assistance? There are features of the program that I like—but we need to give full consideration to the impact this program will have on the taxpayers and on the inflationary aspects of our economy.

I am withholding judgment until it can be ascertained as to whether this is a sound program, as to whether it is one the taxpayers can afford, and whether it is wise to increase the public assistance rolls from 10 to 24 million persons.

ORDER FOR RECOGNITION OF SENATOR BELLMON ON THURSDAY, AUGUST 13, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Thursday next, after the disposition of the Journal, the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking and Currency:

To the Congress of the United States:

I am transmitting the first Report of the National Corporation for Housing Partnerships for the period December 16, 1968 to June 30, 1970.

The Corporation was created under Title IX of the Housing and Urban Development Act of 1968 as a private organization to work in partnership with local sponsors and builders, helping to produce housing responsive to local needs. The past year has demonstrated the possibilities of the Corporation. We should be particularly proud of the success of the initial financing program, which raised more than $42 million in risk capital. These funds will enable the Corporation to assist in the production of more than 100,000 units of low and moderate income housing over the next few years.

It is my belief that the National Corporation for Housing Partnerships will make an important contribution to solving our Nation's housing problems. I commend this Report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *August 11, 1970.*

REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

In accordance with Section 10(a) of Public Law 358, 83rd Congress, as amended, I am transmitting the Annual Report of the St. Lawrence Seaway Development Corporation for the year ending December 31, 1969.

RICHARD NIXON.

THE WHITE HOUSE, *August 11, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON TRANSFER OF GOVERNMENT-OWNED COMMUNICATIOONS FACILITIES IN ALASKA

A letter from the Secretary of Defense, reporting, pursuant to law, on the transfer of certain government-owned communications facilities in Alaska; to the Committee on Armed Services.

REPORT ON DONATION OF CERTAIN SURPLUS PROPERTY

A letter from the Secretary of the Navy, reporting, pursuant to law, on the intention of the Department of the Navy to donate certain surplus property to the East Carolina Chapter, Inc., National Railway Historical Society, Greenville, N.C.; to the Committee on Armed Services.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on reduction of cost by improving management of Department of Defense Vehicle Maintenance in Europe, dated August 11, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on audit of financial statements of Federal Home Loan Banks supervised by Federal Home Loan Bank Board, for the year ended December 31, 1969, dated August 10, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GOLDWATER, from the Committee on Armed Services, without amendment:

H.R. 6265. An act to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient (Rept. No. 91-1085);

H.R. 8662. An act to authorize command of the U.S. ship *Constitution* (IX-21) by retired officers of the U.S. Navy (Rept. No. 91-1086);

H.R. 9052. An act to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard (Rept. No. 91-1087); and

H.R. 13195. An act to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen (Rept. No. 91-1088).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, without amendment:

S. 1196. A bill for the relief of Casa Angelica mental retardation facility of Albuquerque, N. Mex. (Rept. No. 91-1089).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with amendments:

S. 3355. A bill to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes (Rept. No. 91-1090).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PEARSON:

S. 4211. A bill for the relief of Birender Singh Chopra and his wife, Madhu Chopra, and his children, Amil Chopra, Seema Chopra, and Rakesh Chopra; to the Committee on the Judiciary.

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 4212. A bill for the establishment of Sawtooth Mountains National Park; and

S. 4213. A bill for improved management of national forest lands in the Sawtooth, Challis, and Boise National Forests in the State of Idaho; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. CHURCH when he introduced the bills appear earlier in the RECORD under the appropriate heading.)

By Mr. ANDERSON:

S. 4214. A bill to amend the act entitled "An Act granting land to the city of Albuquerque for public purposes", approved June 9, 1906; to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS

S. 2453

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey (Mr. WILLIAMS) I ask unanimous consent that, at the next printing, the name of the Senator from California (Mr. CRANSTON) be added as a cosponsor of S. 2453, to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER (Mr. DOMINICK). Without objection, it is so ordered.

S. 4041

Mr. TOWER. Mr. President, I ask unanimous consent that, at the next printing the name of the distinguished Senator from Michigan (Mr. HART) be added as a cosponsor of S. 4041, to repeal section 7275 of the Internal Revenue Code of 1954, relating to amounts to be shown on airline tickets and advertising.

The PRESIDING OFFICER (Mr. DOMINICK). Without objection, it is so ordered.

SENATE RESOLUTION 441—RESOLUTION RELATIVE TO THE DEATH OF HON. G. ROBERT WATKINS, LATE A REPRESENTATIVE FROM THE STATE OF PENNSYLVANIA

Mr. SCOTT submitted a resolution (S. Res. 441) relative to the death of Hon. G. Robert Watkins, late a Representative from the State of Pennsylvania, which was considered and agreed to.

(The remarks of Mr. SCOTT when he submitted the resolution, and the discussion in connection with its adoption, appear in the RECORD at the end of today's proceedings.)

FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENT NO. 833

Mr. PERCY. Mr. President, on November 3, 1969, I introduced amendment No. 267 to S. 2986, the family assistance plan. This amendment provided for a program of grants for the construction of day care facilities to serve primarily the children of mothers receiving welfare who could benefit from job training or secure employment. Today, I am introducing for myself and Senators HATFIELD, MATHIAS, PACKWOOD, RANDOLPH, SCHWEIKER, and YARBOROUGH a revised version of this amendment.

Today we are confronted with a pressing problem—finding adequate child care for 5 or 6 million children under 14 who are the children of welfare mothers. These mothers could be placed in job training or jobs with the advent of meaningful welfare reform but they have children who cannot be left to roam the streets while their mothers are training and then begin to work. In fact the lack of such facilities will prevent many mothers from working who would far rather hold a job than simply hold down a position on the welfare role.

There are currently 5,296,000 children on AFDC across the country young enough to require some form of supervision during the day; 475,000 of them live in Illinois. Yet, there are only 637,000 day care spaces available for all of these children and only 18,948 of them are in Illinois.

It seems abundantly clear that if we do not increase the number of day care facilities to accommodate these children, we will not be able to remove a significant number of women from the welfare rolls through workfare. No woman should be expected to leave her child at home with inadequate supervision while she goes to work.

The work-incentive—WIN—program illustrates clearly that an employment program lacking a substantial child care component will not work. A total of 1,700 mothers, a significant portion of those involved in this experimental program, could not be referred for job training or placement solely because day care was unavailable for their children. WIN progress reports from many States, including West Virginia, Georgia, Indiana, Wisconsin, and Arkansas, indicate that one of the basic flaws in State programs is the paucity of child care centers.

The family assistance plan provides for expansion of the number of day care spaces available for children of low-income, working mothers. Some of these spaces will result from more home care and from the funds for the remodeling and the acquisition of exsiting buildings contained in the bill. But many will have to be created through the construction of new facilities, particularly if they are to be filled by children under seven. Code and licensing requirements for facilities housing these children are so stringent that remodeling is often insufficient and there is little the Federal Government can do to change these requirements. Thus, in many cases, only new structures built expressly to meet code provisions will suffice.

There are now approximately 1.6 million children under 7 receiving AFDC, with 85,257 of them residing in Illinois. Thousands more will fill the welfare rolls once family assistance is enacted. The total number will fill existing day care centers three times over. It is little wonder that the Women's Bureau has gone on record as calling for "A special thrust to obtain construction funds for new child care facilities."

The administration has begun this thrust by including construction among the purposes for which day care money authorized by FAP can be expanded. My amendment embodies the principle of the administration's proposal but creates a separate authorization and separate guidelines for the construction program. It is an outgrowth of the information gained during hearings on Family Assistance and a reassessment of our day care needs.

I ask unanimous consent that the amendment, a summary of its provisions, and a distribution of the funds it authorizes be printed in the RECORD at this point.

The **PRESIDING OFFICER** (Mr. McCLELLAN). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment, summary, and chart will be printed in the RECORD.

AMENDMENT No. 833

The amendment (No. 833) was referred to the Committee on Finance, as follows: On page 41, line 20, insert "(A)" immediately after "Sec. 436(a)(1)".

On page 42 line 24 strike out "(2)" and insert in lieu thereof "(B)".

On page 43, line 11, strike out "(3)" and insert in lieu thereof "(C)".

On page 43, line 14, strike out "(b)" and insert in lieu thereof "(2)".

On page 43, line 21, strike out "(C)" and insert in lieu thereof "(3)".

On page 44 between lines 2 and 3, insert the following:

"(b)(1) For the purpose of providing (in accordance with the provisions of this subsection) financial assistance to public and nonprofit agencies and organizations in meeting part of the cost of construction of day care facilities in communities where such facilities are needed there are hereby authorized to be appropriated $45,500,000 for the fiscal year ending June 30, 1971, $49,500,000 for the fiscal year ending June 30, 1972, $54,450,000 for the fiscal year ending June 30, 1973, and the $59,895,000 for the fiscal year ending June 30, 1974.

"(2)(A) The sums appropriated pursuant to paragraph (1) for any fiscal year shall be allotted as follows: Each State shall be allotted an amount of such sums which bears the same ratio to such sums as the number of children under age 7 in such State who are receiving welfare assistance bears to the number of children under age 7 in all the States who are receiving welfare assistance. If the allotment of any State, as determined under the preceding sentence is less than $100,000, the allotment of such State shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotment (as determined under the preceding sentence) of each of the remaining States but with such adjustment as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

"(B) For purposes of this subsection the term 'welfare assistance' means (i) benefits in the form of money payments paid under a State program approved under part A of this title (as in effect prior to July 1, 1971, and (ii) benefits paid under part D of this title (as in effect after June 30, 1971).

"(C) Allotments under subparagraph (A) shall be made on the basis of the most recent data available to the Secretary immediately prior to the fiscal year with respect to which allotments are made. The Secretary, in determining the number of children referred to in subparagraph (A) shall use a monthly average over such period of time (not in excess of one year) as he may deem appropriate.

"(D) Any sum allotted to a State for a fiscal year under this paragraph and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), in addition to the sums allotted to such State for such next fiscal year if the Secretary determines that such sum is needed for such next fiscal year in such State to carry out the purposes of this subsection. If the Secretary determines that such sum will not be needed for such next fiscal year in such State for such purposes, he may reallot such sum from time to time, on such dates as he may fix, to other States which he determines have need for additional sums to carry out the purposes of this subsection. Any sum so reallotted to any State during any fiscal year shall be deemed to be a part of the allotment of such State for such year.

"(3)(A) From the sums allocated to any State for any fiscal year, the Secretary is authorized to make grants to public and nonprofit private agencies and organizations to assist them in the construction of day care facilities in such State.

"(B) Grants under this subsection for any project shall be made only upon application therefor submitted to the Secretary directly by the public or nonprofit private agency or organization seeking such grant or through the public or nonprofit private agency or organization designated by the appropriate elected or appointed official or officials pursuant to Sec. 436 A 1 (b). If two or more agencies or organizations join in the project, the application may be filed by one or more of such agencies.

"(C) Any application for a grant under this subsection with respect to any project shall contain or be supported by—

"(i) a description of the site for such project

"(ii) a description of the type day care services which will be provided when the project becomes operative and a justification of such project in terms of the needs it is designed to meet;

"(iii) reasonable assurance that title to such site is or will be vested in one or more agencies filing the application or in a public or other nonprofit private agency or organization which is to operate the facility after it is acquired or when construction is completed, as the case may be

"(iv) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed

"(v) reasonable assurance that the project upon completion will be operated for a reasonable length of time as a day care facility

"(vi) reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act as amended and the Secretary of Labor shall have, with respect to the labor standards specified in this clause the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)

"(vii) reasonable assurance that use of the facility will not be denied to any child because of his race, creed, color, or national origin.

"(viii) reasonable assurance that the project upon completion, will be a facility which will be designed and operated so as to meet licensing and similar requirements imposed with respect to day care facilities by the State (and any political subdivision thereof) for the area in which the project is to be located and

"(ix) such other information as the Secretary may by regulations require.

"(D) The Secretary shall not approve any application for a grant with respect to any project under this subsection unless—

"(i) such application contains or is supported by the materials, assurances and information required by subparagraph (C)

"(ii) there is available from the allotment of the State in which such project is to be located amounts sufficient to pay the Federal share of the cost of such project, and

"(iii) the Secretary determines that there is a need for such project in such area after taking into consideration the following factors—

"(I) the number of low income working mothers, of mothers engaged in job training and of mothers receiving welfare assistance, in the area in which such project is to be located;

"(II) the availability within such area of opportunities for mothers to secure employment or to participate in job training programs

"(III) the increase if any required in the number or capacity of day care facilities in such area to meet the needs for day care of the mothers in such area who are employed or engaged in job training plus the mothers in such area who are not employed or engaged in job training but who, if their needs for day care were met, would be able to ac-

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cept employment or participate in job training programs and

"(IV) the extent to which there are available in such area buildings which are or could become (after appropriate remodeling or conversion), suitable to serve as day care facilities.

"(4) (A) Any grant made by the Secretary under this subsection shall contain provision for the recovery by the United States of an appropriate and equitable portion of such grant in the event the facility with respect to which grant is made ceases, prior to the expiration of such reasonable period as the Secretary shall require, to be used and operated as a day care facility.

"(B) In addition to the provision referred to in subparagraph (A), any such grant shall be made on such terms and subject to such conditions as the Secretary deems proper to protect the financial interests of the United States and to assure that such grant will be used to carry out the purposes for which it was made.

"(C) Payments to the recipient of any such grant shall be made in such installments and on such terms and conditions as the Secretary may prescribe.

"(5) For purposes of this subsection—

"(A) the term 'Federal share' means with respect to any project, 75 per centum of the cost of construction of such project

"(B) the term 'construction' means the construction of new buildings (including architects' fees and the acquisition of the land upon which such buildings are to be constructed) such term includes initial equipment of any such newly constructed building (but initial equipment shall be taken into account only to the extent that the cost thereof does not exceed 3 per centum of the costs of construction attributable to items other than such equipment) but such term does not include the acquisition of existing buildings or the expansion, remodeling, or alteration of existing buildings.

"(C) the term 'title', when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the annual rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years' undisturbed use and possession for the purposes of construction and operation of the project and

"(D) the term 'local share' means with respect to any project, 25 per centum of the cost of construction of such project."

EXPLANATION OF DAY CARE FACILITIES CONSTRUCTION AMENDMENT TO H.R. 16311, THE FAMILY ASSISTANCE PLAN

1. This amendment creates a separate program of grants for the construction of day care facilities primarily for the use of children from families receiving Family Assistance.

2. The amendment authorizes the following amounts over a four year period:

$45,000,000 for the 1st year of enactment.
$49,500,000 for the 2nd year of enactment.
$54,450,000 for the 3rd year of enactment.
$59,895,000 for the 4th year of enactment.

3. The money provided by this program is allocated by formula to each state. The formula takes into consideration the number of children under 7 receiving welfare in each state. This age cut-off was selected because new facilities are most needed to accommodate children this age. It is a two part formula to provide for the transition from AFDC to FAP.

For the first year the amount allocated to each state will be based on the ratio of the number of children under 7 in the state receiving AFDC to the number of children under 7 in all the states receiving AFDC.

For subsequent years, the amount allocated each state will be based on the ratio of the number of children under 7 in the state receiving Family Assistance to the number of children in all the states receiving Family Assistance.

4. To ensure a more equitable distribution of funds to all the states, no state will receive less than $100,000 in grant money. Should a state be unable to utilize its full share of the funds, the remainder will be reallocated among the states.

5. Grants will be made upon application to the Secretary directly by public or non-profit agencies and organizations or through the public or non-profit agency designated by the appropriate official as the prime grantee for a specific city or area. This method of distribution is consistent with the rest of the day care section of FAP.

6. The amendment sets out certain assurances concerning the use of grant money and the construction of facilities that have to be given by grantees.

7. To ensure that money provided by this amendment is allocated to areas with the greatest need for new facilities, the amendment stipulates some of the criteria the Secretary must use in funding a project. He must consider:

a. the number of low income working mothers, mothers engaged in job training, and mothers receiving welfare in the area in which a project is to be located;

b. the availability within such area of opportunities for mothers to secure employment or participate in job training programs;

c. the increase, if any, required in the number or capacity of day care facilities in such area to meet the needs for day care of the mothers in the area who are employed or in training programs or who could be employed or placed in training programs;

d. the extent to which there are available in such areas buildings that could be remodeled for day care centers.

8. The federal share of the construction costs for any project will be 75%.

The summary and chart, presented by Mr. PERCY, are as follows:

State	Number of children under 7 years	Proportionate entitlement (percent)	Dollar entitlement fiscal year 1971	Dollar entitlement fiscal year 1972	Dollar entitlement fiscal year 1973	Dollar entitlement fiscal year 1974
United States	1,621,476	99.78	45,399,900	49,391,100	54,330,210	59,763,220
Alabama	19,532	1.20	546,000	594,000	653,400	718,740
Alaska	1,378	.08	36,400	39,600	43,560	47,916
Arizona	12,814	.79	359,450	391,050	430,155	473,170
Arkansas	9,132	.56	254,800	277,200	304,920	335,412
California	255,088	15.73	7,157,150	7,786,350	8,564,985	9,421,483
Colorado	19,489	1.20	546,000	594,000	653,400	718,740
Connecticut	22,089	1.36	618,800	673,200	740,520	814,572
Delaware	66,079	.37	168,350	183,150	201,465	221,611
District of Columbia	7,875	.48	218,400	237,600	261,360	287,496
Florida	443,164	2.66	1,210,300	1,316,700	1,448,370	1,593,207
Georgia	27,780	1.71	778,050	846,450	931,095	1,593,207
Guam						
Hawaii	6,868	.42	191,100	207,900	228,690	251,559
Idaho	3,631	.22	100,100	108,900	119,790	131,769
Illinois	85,257	5.25	2,388,750	2,598,750	2,858,625	3,144,487
Indiana	14,102	.86	391,300	425,700	468,270	515,097
Iowa	13,388	.82	373,100	405,900	446,490	491,139
Kansas	11.957	.73	332,150	361,350	397,485	437,233
Kentucky	24,745	1.52	691,600	752,400	827,640	910,404
Louisiana	27,615	1.70	773,500	841,500	925,650	1,018,215
Maine	6,050	.37	168,350	183,150	201,465	221,611
Maryland	37,428	2.3	1,046,500	1,138,500	1,252,350	1,377,585
Massachusetts	47,914	2.95	1,342,250	1,460,250	1,606,275	1,766,902
Michigan	56,860	3.5	1,592,500	1,732,500	1,905,750	2,096,325
Minnesota	18,260	1.12	509,600	554,400	609,840	670,824
Mississippi	29,201	1.80	819,000	891,000	980,100	1,078,110
Missouri	31,838	1.96	891,800	970,200	1,067,220	1,173,942
Montana	3,072	.18	81,900	89,100	98,010	107,811
Nebraska	7,021	.43	195,650	212,850	234,135	257,548
Nevada	2,360	.14	63,700	69,300	76,230	83,853
New Hampshire	1,802	.11	50,050	54,450	59,895	65,884
New Jersey	47,791	2.94	1,337,700	1,455,300	1,600,830	1,760,913
New Mexico	11,576	.71	323,050	351,450	386,595	425,254
New York	264,803	16.33	7,430,150	8,038,350	8,891,685	9,780,853
North Carolina	27,114	1.67	759,850	826,650	909,315	1,000,246
North Dakota	2,626	.16	72,800	79,200	87,120	95,832
Ohio	69,894	4.31	1,961,050	2,133,450	2,346,795	2,581,474
Oklahoma	24,722	1.52	691,600	752,400	827,640	910.404
Oregon	11,668	.71	323,050	351,450	386,595	425,254
Pennsylvania	92,456	5.70	2,593,500	2,821,500	3,103,650	3,414,015
Puerto Rico	48,494	2.99	1,360,450	1,480,050	1,628,055	1,790,860
Rhode Island	9,661	.59	268,450	292,050	321,255	355,380
South Carolina	6,168	.38	172,900	188,100	206,910	227,601
South Dakota	4,363	.26	118,300	128,700	141,570	155.727
Tennessee	26,987	1.66	755,300	821,700	903,870	994,257

State	Number of children under 7 years	Proportionate entitlement (percent)	Dollar entitlement fiscal year 1971	Dollar entitlement fiscal year 1972	Dollar entitlement fiscal year 1973	Dollar entitlement fiscal year 1974
Texas	32,987	2.01	914,550	994,950	1,094,445	1,203,889
Utah	9,262	.57	259,350	282,150	310,365	341,401
Vermont	2,481	.15	68,250	74,250	81,675	89,842
Virgin Islands	504	.03	13,650	14,850	16,335	17,968
Virginia	12,745	.78	354,900	386,100	424,710	467,181
Washington	17,359	1.07	486,850	529,650	582,615	640,876
West Virginia	24,403	1.50	682,500	742,500	816,750	898,425
Wisconsin	18,632	1.14	518,700	564,300	620,730	682,803
Wyoming	1,338	.08	38,400	39,600	43,560	47,916

PUBLIC WORKS APPROPRIATION BILL, 1971—AMENDMENTS

AMENDMENTS NOS. 834 AND 835

Mr. NELSON. Mr. President, I submit two amendments to H.R. 18127, the public works appropriation bill, and ask that they be printed and lie on the table.

The first amendment would include $20 million to implement an important new Federal program authorized by the Water Quality Improvement Act signed into law in April for demonstration and preliminary planning projects for pollution removal and prevention in the Great Lakes. This would be the beginning of what must be a major national effort to restore the quality of our deteriorating Great Lakes. We must learn what has to be done, and the most efficient and economic means of doing so, and then we must get on with the job. The demonstration projects authorized by section 15 of the Water Quality Improvement Act are an essential first step which, in view of the grave pollution problems facing the Great Lakes, must be implemented immediately. As passed by the House, H.R. 18127 contains no funds for this new section, and in its action today, the Senate Appropriations Committee sustained the House position.

The second amendment would add $18,219,000 to appropriations for section 5 of the Federal Water Pollution Act, as amended, for the purpose of fully implementing the section's authorities for water pollution control research, investigations, and information. The Water Quality Improvement Act authorized $65 million for 12 subsections of this section, seven of which were under the Federal program already authorized by previous Congresses, and five of which were added by the Water Quality Improvement Act. In its bill, the House provided $46,781,000 for the seven previously authorized subsections, and in its action today, the Senate Appropriations Committee sustained this figure. The $18.2 million to be proposed by my amendment would bring the figure up to the full $65 million authorized for this section.

As yet, Congress has not received a budget request to implement either the five new Federal water pollution control research and development provisions of section 5 added by the Water Quality Improvement Act or for the Great Lakes research and development effort authorized by the act. Hopefully, such a request will be received in the near future. But all of these provisions are in my view urgent enough that Congress should act to provide the money without delay, and the $20 million proposed in my first amendment for the Great Lakes and the $18.2 million proposed by my second amendment for other research and development provisions is in my view a small amount of money to invest now compared to the costs to society of the pollution problems this money would help solve.

In my view, providing now for these new subsections as proposed by my second amendment is essential. The Water Quality Improvement Act authorized a program under this section for demonstration projects to abate and prevent the pollution of inland lakes—an urgently needed step in our Nation's commitment to water quality. Hundreds of lakes across the country are being devastated with algae growth and other forms of pollution, because of overdevelopment, overuse, agricultural runoff, and other consequences of a developing, urbanizing, recreation-seeking society. To date, this problem has gained little notice in our Nation's environmental quality efforts, yet the consequences of inland lakes pollution are being felt by millions of people in most of the 50 States. The Water Quality Improvement Act provision would launch an important beginning in our understanding of the best, most effective, most economic means of confronting this critical problem, and should set the stage for a program of major Federal proportions to help rescue our lakes—of which there are some 100,000 across the country.

This year's pollution control act also authorized and directed under section 5 a 2-year study by the Secretary of the Interior to develop criteria for pesticides in our Nation's waters, a necessary step for the eventual establishment of limits in our interstate water quality standards for pesticides. Inasmuch as the study must be completed in 2 years, and was to begin on enactment last April of the legislation, it is essential in my view that we act to provide the funds for the study now.

The Water Quality Improvement Act also added under section 5 a subsection to provide research for the development of technology to effectively control oil spills. The Santa Barbara disaster last year, and subsequent oil accidents in our Nation's waters, and the failure to swiftly and efficiently control the tragic environmental damage, ought to be evidence enough of the urgent need to develop technology adequate to deal with this growing environmental problem. The President's Panel on Oil Spills in its report last year confirmed that we do not have the technology to control a major marine oil spill—and pointed out that if we continue drilling new offshore oil wells at the present rate, we can expect a Santa Barbara disaster once a year, every year, by 1980.

The act also added under section 5 a subsection for research money to develop new and improved systems of controlling pollution from vessels. My experience with Great Lakes pollution problems leaves no question that this is a very significant factor in the deterioration of water quality of these lakes, and the hearings of the Senate Public Works Committee leave no question that it is a major problem nationwide.

Further, it should be pointed out that in its report on the Water Quality Improvement Act, the Senate Public Works Committee said, regarding the inland lakes research provision, that—

> The committee expects that funds to implement the provision of this new research directive shall be made available from the general section 5 authorization and that implementation of this area of research will receive a high priority.

I ask unanimous consent that the text of these amendments be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. CRANSTON). The amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 834 and 835) were referred to the Committee on Appropriations, as follows:

AMENDMENT NO. 834

On page 13, after line 26, insert the following: "For an additional amount to carry out pollution control in the Great Lakes under section 15 of such Act, $20,000,000."

AMENDMENT NO. 835

On page 13, after line 26, insert the following: "For an additional amount to carry out research, investigations, training and information under section 5 of such Act, $18,219,000."

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 774 TO S. 3619

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at the next printing, the names of the senior Senator from Michigan (Mr. HART) and the junior Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of my amendment No. 774 to S. 3619, to create within the office of the President an Office of Disaster Assistance, which would authorize the Small Business Administration to make loans to disaster victims to prevent the dispossession or eviction of any person from his residence as a result of the foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, oral or written of the property which is such person's residence.

The PRESIDING OFFICER (Mr. Burdick). Without objection, it is so ordered.

Mr. YARBOROUGH. I might add, Mr. President, having viewed the terrible devastation at Corpus Christi, the Aransas area, Gregory, and Rockport last week, after hurricane Celia, that this amendment to the bill is badly needed at this time, in order to protect the people who suffer from hurricanes, tornados, earthquakes, and other natural disasters.

AMENDMENT NO. 793 TO H.R. 17123

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey (Mr. Williams), I ask unanimous consent that, at the next printing of amendment No. 793 to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, the name of the distinguished junior Senator from Maine (Mr. Muskie) be added as a cosponsor. Amendment No. 793 calls for restoring to 15,000 the authorized strength of the Coast Guard Selected Reserves.

The PRESIDING OFFICER (Mr. Dominick). Without objection, it is so ordered.

AMENDMENT NO. 819 TO H.R. 17123

Mr. HART. Mr. President, I ask unanimous consent that, at the next printing of amendment No. 819, to House bill 17123, supra, the names of the junior Senator from Montana (Mr. Metcalf), and the junior Senator from New Jersey (Mr. Williams) be added cosponsors.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

ANNOUNCEMENT OF HEARING DEALING WITH THE FEDERAL CORRECTION COMMUNITY BASED TREATMENT PROGRAM

Mr. BURDICK. Mr. President, for the information of Members of the Senate and the public, the Senate Judiciary Subcommittee on National Penitentiaries will be holding a hearing on Tuesday, August 18, to receive testimony on S. 3261, a bill now before the subcommittee that, if enacted, would broaden the Federal corrections community-based treatment program by authorizing the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released. At present, residence at community treatment centers is restricted by statute to persons committed to terms of confinement and in the custody of the Attorney General. This will be the first in a series of hearings the subcommittee will hold on the problems and needs of the national corrections system. The hearing on August 18 will be open to the members of the public and will be held in room 2228 of the New Senate Office Building at 10 a.m.

ADDITIONAL STATEMENTS OF SENATORS

THE ISLANDS OF KAHOOLAWE, HAWAII, AND CULEBRA, P.R.

Mr. INOUYE. Mr. President, I share the concern of the people of the island of Culebra, P.R., about the recently announced plans to acquire additional land on their island to expand training facilities.

Some of us in Hawaii have also long and patiently carried on discussions with the Department of Defense under both Democratic and Republican administrations to bring about a halt to the bombing of Kahoolawe and to restore the island to its former conditions. Therefore, we can well appreciate the frustrations which the people of Culebra feel as they encounter the apparently inexorable determination of the Navy to take over more of the island for targetry and bombing practice.

The island of Kahoolawe was leased to the Federal Government in 1941, and a supplementary agreement in 1944 gave the Government full control. The Army and the Navy used the property jointly for practice bombing purposes, and in 1945 the sublease was transferred to the Department of the Navy. In 1953, the President issued an Executive order which declared that the island would remain in the possession of the United States for public purposes. When the sublease was originally drawn, it was stated that the land would be restored to a condition fit for habitation. However, now the Navy claims that the massive amount of unexploded ordnance makes the island unfit for human use. This experience is relevant to the situation faced by the Culebrans, whose island is noted for its beauty and tranquility.

The Hawaiian flag has eight stripes, one for each of the major islands. This flag has represented our kingdom, republic, and territory, and now it represents our State. There were once eight major inhabited islands, but now, because of the Kahoolawe bombings, we have only seven.

With my small voice, I wish to assure the people of Culebra that their plea for help has been heard by many of us and that we will do our best to bring about a rational solution to their problem.

DEATH OF CORNELIUS C. MOORE, GRAND OLD MAN OF RHODE ISLAND BAR

Mr. PELL. Mr. President, Cornelius C. Moore, the grand old man of our Rhode Island bar, died this morning.

I grieve his death, both as a citizen of Rhode Island and as a warm, personal friend, who was often greatly helped by him.

Mr. Moore had his roots deep in our Newport community. His father was the foreman of the old Torpedo Station. And although the circle of his friends were vast and far ranging, all Mr. Moore's life and interests were centered around his beloved Newport.

No matter whether the problem involved the starting of new colleges, as was the case with Salve Regina and Vernon Court Junior College, or the bringing of a new industry to our State, as was the case with Raytheon, the fine intelligence and immense sagacity of Mr. Moore were moving forces. In fact, there is not much of lasting good or value that came to our community in the last 40 years in whose accomplishment which Connie Moore did not play a significant role.

He was a man of taste, a true connoisseur whose collection of early American silver is without peer and whose pieces of early American furniture are among the best in our Nation.

Finally, as a lifelong, loyal and strong Democrat, he carried high, with gusto and brilliance, the banner of his party through many battles.

By nature, he was a fighter. He sometimes was impatient with those of lesser intellectual mold, but always fought for fairness and a fair deal for all. He was not interested in high Government office, or other honors, having turned them down in the course of his life.

My wife, who also greatly admired and liked him, and I both join in mourning his death.

LOSS OF CONFIDENCE IN FEDERAL JUDICIAL SYSTEM

Mr. ALLEN. Mr. President, there is an increasing awareness that a large segment of the American people are losing confidence in the institution of authority represented by the judicial branch of the Federal Government.

In my opinion the Federal judicial system is at the moment extremely vulnerable. I receive hundreds of letters from responsible citizens of Alabama and citizens from many other States indicating distrust of Federal courts. Nor is criticism and distrust limited to the opinion of ordinary citizens. Members of the bar are likewise a prolific source of criticism.

Mr. President, the Supreme Court of the United States has become an anomaly in our constitutional system of government. When the Federal judiciary assumed the legislative function in determining public policy and the executive function in administering statutory laws of the Nation; and when it assumed the function of amending the Constitution by judicial decree rather than by the methods prescribed by the Constitution, the Court thereupon abandoned the very basis of its legitimacy in our framework of constitutional government.

Mr. President, when the Supreme Court of the United States authorizes and condones withholding public funds and services from innocent schoolchildren; when it presumes the power to administer local public schools by judicial decree; when it mandates racial quotas and altered racial composition of schools as a requirement supposedly imposed by the Constitution of the United States;

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when it dictates to State legislatures by mandatory injunctions; and when it enforces its dictates by means of threats of trial of public officials for contempt of court and the imposition of confiscatory fines and imprisonment without benefit of trial by jury; then, Mr. President, the Supreme Court has divorced itself from the source of its powers.

Increasingly, Mr. President, the people of the United States are challenging the legitimacy of the U.S. Supreme Court. It is a serious matter, and it is not surprising that more and more people should ask:

> If the Supreme Court is to assume the legislative function, why should its members not be made answerable to the people and be made subject to periodic election?

Mr. President, I recently received a letter from a constituent, Mr. Jack Hoffman, Route 1, Satsuma, Ala., in which he attached a copy of a letter he had written to his local newspaper, the Chickasaw News Herald, which was subsequently printed by the Mobile, Ala., Press Register. The letter indicates how average citizens are beginning to question the legitimacy of the U.S. Supreme Court. I ask unanimous consent that the letter be printed in the RECORD and urge thoughtful consideration of its contents by Senators and the public in general.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SATSUMA, ALA.,
July 22, 1970.

EDITOR, NEWS-HERALD.

DEAR SIR: I love and respect my God, my country and my flag. I think the ones that desecrate, tear and burn should be forced to live outside the boundaries of the place that is giving them protection. I do believe we need many changes. The most important, as I see it, is a way by law to make a quick change on all Federal Judges. If from the lowest to the highest office in our land has to be voted on by the people, why exclude Federal Judges? Other judges have to run and get elected or defeated by the majority of the people at the polls. From top to bottom all officials are public servants. This country was not formed for any to become masters of the people. Federal Judges, many of them good and deserving are, however, appointed, sometimes through friendship, sometimes paying of a political debt and probably many other reasons. We, the people supply the money and, of course, this tax money pays them a good salary that doesn't only take care of their bread and butter but also choice cuts of meat. They know we can't fire them and it's nearly impossible to move them. That's why so many try to play God. How many would stay in office if the people had anything to say? Even the President who recommends or the legislative body that accepts can do very little after they have placed them in office. Decisions of vital importance to our country are placed in the hands of a very small group to interpret at their will what is right or wrong. Like the old saying: "A doctor makes mistakes and a mortician buries them."

Those great courageous intelligent men that framed our Constitution, one of the wonders of the world, would not put up for fifteen minutes with many of our present day judges. These inferior replacements in recent years have suddenly discovered in our Constitution what the great judges before them failed to discover. They did not discover it because it is not there. Each supreme court justice is sworn in under oath. Why, then, can't a child, if he wishes to do so, thank God in school? Why can a criminal rape, rob, burn and desecrate our flag and after being convicted be turned loose on some dumb idea about his constitutional rights? What about the rights of the huge law abiding majority that pay these judges' salaries for such interpretations.

I would not be at all surprised that all this plus President Nixon's Southern Strategy would cause George Wallace and Strom Thurmond to combine for his knock-out punch at election time.

On national television July 20, 1970, Roy Wilkins said that Alabama and Mississippi were the two most intregrated States in the Union. If so, why continue to brow-beat, threaten and humiliate these proud people of the Southern States?

Yours truly,

JOE B. HOFFMAN.

THE REAL VICTIMS OF OUR INADEQUATE CRIMINAL JUSTICE SYSTEM

Mr. SCOTT. Mr. President, in a recent speech in Pennsylvania, I pointed out that the real victims of our inadequate criminal justice system are "the millions of citizens who never committed a crime and never will." I ask unanimous consent that an editorial on this subject, published in the West Chester, Pa., Daily Local News, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A HARD-TO-BELIEVE COURTROOM TRAGEDY

It was more like a TV thriller than anything else. Armed with an automatic carbine and pistols, a man walked into a courtroom in San Rafael, Calif., yesterday, and a few minutes later shot the presiding judge to death and in the melee which followed was himself fatally wounded as well as two convicts he tried to free.

How could such a thing happen? That, it seems, is always the first question after an incredible tragedy of this kind. It can happen because of laxity somewhere along the line. It can happen because, too often, those responsible for making certain of the safety of courtroom personnel get the mistaken notion that "it can't happen here".

It seems strange that this tragic happening should occur on the eve of Senator Hugh Scott's appearance today at the Allentown Fair where he spoke of the growing crime rate in this country. He told his audience there that unless the criminal element in the United States feels the heavy hand of the law as it never felt it before, the law-abiding citizen will find himself yielding to the demands of the lawless.

Who are the real victims of our country's inadequate criminal justice system? Pennsylvania's senior senator answered that question in this way: The real victims are "the millions of citizens who have never committed a crime, and never will". Like Judge Harold J. Haley, of San Rafael, who was gunned down by the man who was on trial in his courtroom yesterday? Yes, the innocent are the real victims of these times. And you still are of the opinion that "it can't happen here"?

A RESIGNATION FROM THE FOREIGN SERVICE

Mr. PELL. Mr. President, I recently received a letter from Mr. L. Ivar Nelson. He told me why he has resigned from the Foreign Service.

I am sorry when our Government loses young men of Mr. Nelson's ability. I believe that Senators may be interested in his reasons, so ask unanimous consent to have printed in the RECORD the text of Mr. Nelson's letter to the Secretary of State, which he consents to having made public.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 17, 1970.

WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I am resigning from the Foreign Service.

I can no longer represent, or work for, a Government whose foreign policies I so basically oppose. It is not necessary to agree with all of the Government's policies in order to be an effective Foreign Service Officer. It is essential, however, that a diplomatic representative of the Government be able to support, honestly and energetically, the basic directions of our foreign policy.

I can no longer do this. The boundaries of acceptable policies within which I can act as a Foreign Service Officer have been irrevocably breached. If I am to remain personally responsible for what I do in the world, then I can no longer remain a servant of policies which I do not support.

I take this drastic action only because I believe that the policies of the Government, and the trend of policy-making within the Government, have gone beyond the point where I, or others with views similar to mine, can have any impact on decision-making from within the Executive Branch of the United States Government.

I do not believe that foreign policy decisions are being made within our Government on the basis of an accurate and dispassionate analysis of what is in the common interest of Americans and of all peoples of the world. And I do not believe that they are being made on the basis of the values and goals which are the basis of our society.

Most disturbing is the unwillingness of our Government to understand that the future of our nation in the Twentieth Century is irrevocably tied to the overall development of the Third World. If the inability of our Government to treat fairly the racial minorities in our own country is not to be reflected in a worldwide racial confrontation, then we must make a human commitment to assist the peoples of Latin America, Asia, and Africa to improve their physical and social well-being. And we must act on that commitment.

More effective ways of re-allocating the world's resources must be found in order that they benefit all peoples of the world. And our Government must take the leadership in convincing our people, and other Governments, that this is necessary and for the ultimate good of us all.

The racism of South Africa is a constant threat to the attempts by different peoples throughout the world to live together in equality and mutual respect. Our Government's relationship with the Government of South Africa based, as it is, on a simplistic analysis of its strategic importance to United States national interests, must be changed if our country is to remain a leader in a world, the majority of whose people are non-White. The benefits which our support for South Africa bring us are insignificant compared with the injury which our continued support will do to us in the future.

The Indochina War is one of the greatest strategic and political blunders of the United States in its history. While almost everyone agrees now that it was a mistake to make this localized conflict an American war, our Government does not act on that consensus. I see no plausible reasons of military strategy and/or political power which justify our continued or expanded presence there.

My decision to resign was made before the United States invaded Cambodia. That ac-

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tion only confirmed my fear that my views and the policies of our Government not only differ for the present, but would continue to diverge in the future. One can endure a short time disagreement in the expectation of future reconciliation. I see no reason, however, for such an expectation in the present situation.

My leaving the Foreign Service is not a result of dissatisfaction with my personal experience in the Service. I have had two interesting and demanding assignments—in Swaziland and at the United States Mission to the United Nations—and have worked with some very good people.

However, the Foreign Service does have many internal problems which are slowly eroding its effectiveness. Its isolation as an elite, the lack of minority representation, discrimination against women, and unimaginative training are hindering its ability to represent and to advise our Government. The resulting decline in the morale of many officers in the Service, and a profound disagreement with our Government's policies among our youth, explain why the best of our young people no longer consider the Service as a possible career.

While these aspects of the Foreign Service bother me, I would stay in the Service and work within for change if I felt that I could possibly continue to represent our Government. It is clear that I cannot.

Those who can, and especially the younger officers, should continue to press to make the Service more representative—in composition and values—of the United States today. It frightens me, however, that the loyalty of those responsible dissenting within the Service was called into question recently by Under Secretary U Alexis Johnson. The conception of the Foreign Service Officer as a person in total servitude does not promote the imagination, initiative, and understanding which the Foreign Service needs if it is to be useful to our Government. Servants do not make good diplomats.

I intend to permit the public use of this statement as a personal explanation of why I have resigned.

Sincerely,

L. Ivar Nelson,
Advisor, Economic and Social Council.

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SELECTIVE USE OF PESTICIDES BY ARIZONA COTTON GROWERS

Mr. FANNIN. Mr. President, Arizona cotton growers have found that the selective use of pesticides boosts yields at lower costs and, most important, preserves the ecology. This is good news on the ecological front.

I ask unanimous consent to have printed in the Record an article describing how the Arizona cotton farmers devised their own "cotton scout" program to reduce the use of pesticides with greater effectiveness, written by Hal Lancaster, and published in the Wall Street Journal of August 10, 1970.

There being no objection, the article was ordered to be printed in the Record, as follows:

Arizona Cotton Growers Find Selective Use of Pesticides Boosts Yields, Trims Costs

(By Hal Lancaster)

Safford, Ariz.—Cotton growers here in Graham County, are sharply reducing their use of pesticides under a "cotton scout" program that could have nationwide implications for ecology as well as agriculture.

For the past two years, 90% of the county's growers, banded together under an organization called the Pink Bollworm Committee, have discarded regular, wholesale spraying of their fields in favor of more selective applications at irregular intervals. The results have been gratifying to the growers, if not to sellers of pesticides.

In 1968, the member growers of the Pink Bollworm Committee spent $199,000 on pesticides. After they adopted the selective program, their 1969 spending on pesticides (together with the cost of the scout operation itself) plunged to less than $37,000—with yields actually increasing from the previous year. Exceptionally good weather was an important factor in the increase, however.

The Graham County effort revolves around the use of "scouts" supplied by the program's manager, Mike Pursley. The scouts, mainly high school students, are trained by the extension service of the University of Arizona to identify and locate pink bollworms and other pests. Then they are sent in pairs to scan the fields of the committee members weekly. When they report a certain level of infestation in the fields, and only then, the affected areas are sprayed.

UNUSUAL RESULTS ACHIEVED QUICKLY

Similar scout programs have been under way for some time in Arkansas, Mississippi, Louisiana and other states. Arkansas is believed to have the biggest program, with about 150 scouts working fields scattered over much of the state. If the Agriculture Department has its way, scouts will be popping up over much more of the country soon.

James Brazzell, chief of the methods development branch of the Agriculture Department's plant protection division, says:

"I believe you can get savings on pesticides of anywhere from 25% to 75%, though it's difficult to cite any general figure because every field is a different story and every season is different. But we are extremely interested in these programs and are looking into assisting them to get started in several states."

The Graham County project, which is a private effort and not sponsored by the Agriculture Department, is noteworthy in that it has achieved unusual results in a short period of time. It had its origins in 1968, when the pink bollworm—"a tough little old pest to get," according to program manager Pursley—was chewing its way through Arizona fields at a rate alarming to growers. The Graham County farmers organized their committee and dug in for a long battle.

After consultations with the state extension service, they adopted a crash program of mass spraying at regular intervals. "It worked," says Brooks Daley, a grower and chairman of the committee. "We didn't have a real infestation of pink bollworms." But the spraying also wiped out beneficial insects that help control others destructive to cotton. "By the end of 1968, we found we were getting eaten up," says John Sears, county agent for the extension service.

INDUSTRY IS RILED

So the next year, the committee adopted Mr. Pursley's scout program. Members that year had only 5,500 acre-treatments (one acre sprayed once) compared with 78,000 in 1968. "This is the best thing for avoiding ecological disruption," says Leon Moore, an extension service entomologist who is the program's adviser. "It brings the use of pesticides into a need basis."

The clear implication of the program's result—that pesticide marketers have been overselling growers in the past—riles the industry in Arizona. "The program isn't any different than what we had been doing with our own checkers working the fields. We don't believe in spraying every week just because it's nice to spray," says Jack Wooley, president of the Arizona Agricultural Chemicals Association.

"The word we got around the fields was that the university said the company checkers were biased," says Mr. Wooley. "This was a slap in the chemical industry's face." He says the industry's main complaint is that the university intruded "in competition with free enterprise, going up there and promoting this." The university, however, says it has been acting only as a consultant and trainer of scouts.

In the meantime, Graham County's three main pesticide sellers have suffered sharp declines in sales. One has all but abandoned pesticides and is relying on feed supplies for most of its revenue. Also, under the new program, the bollworm committee is buying what pesticides it uses under a single contract embracing all member growers, who farm nearly 13,000 of the county's 17,000 acres in cotton. The business goes to the lowest bidder. Previously, farmers contracted with suppliers individually.

Mr. Wooley, who says the agricultural chemical suppliers aren't taking any action because "we don't want to fight," says that the startling contrast between 1968 and 1969 pesticide use by county members of the committee is due in large part to the university-recommended crash, mass spraying program in 1968.

The committee concedes that members used less pesticide in 1967 than in 1968, though figures are lacking. But they are convinced they are saving a good deal of money. "I left it up to the pesticide people and I used more in 1967, when we didn't have that big a bollworm problem, than I did in 1969 under our own program," says committee chairman Daley, "Well, they want to sell their product. I'm more confident in the program we have now."

NLRB DECISION THREATENS SMALL COLLEGES

Mr. ERVIN. Mr. President, the National Labor Relations Board is on the threshold of adopting a rule which it will apply in determining whether to exercise its jurisdiction in proceedings involving private colleges and universities arising under the National Labor Relations Act.

I have called this serious matter to the attention of the private colleges and universities in North Carolina, pointing out that they have until August 31 to submit to the NLRB their written views and arguments in connection with the proposed rule. To date their response has been overwhelmingly against this action by the Board.

The NLRB reexamined its longstanding jurisdictional policy with respect to private colleges and universities in the Cornell University case, 183 NLRB No. 41, decided June 12, 1970, and concluded that it would exert its jurisdiction over such schools "whose operations have a substantial effect on commerce." The proposed rule would be used to determine which schools meet this requirement of having "a substantial effect on commerce."

Mr. President, every private, nonprofit college and university has a stake in the Board's formulation of its rule, especially the small colleges and junior colleges which do yeoman's work on behalf of education in their local areas. There are 40 such schools in North Carolina, and the presidents of several of these have expressed to me their belief that the NLRB's action in extending jurisdiction into their internal operations may threaten the very existence of their institutions.

President Frank W. Pisani of St.

Mary's Junior College in Raleigh has this to say:

> If there is validity to the claim that private colleges make an impact on interstate commerce, this must certainly be limited to large schools.
>
> As president of a private school of 500, I question any significant application of this viewpoint.
>
> Our task is education. Our reason for being is educational. Our contribution to this country in our field will be greatly enhanced as unnecessary governmental interference is removed.

President H. C. Evans, Jr., of Lees-McRae Junior College in Banner Elk, N.C., said of any proposed NLRB rule:

> This would seem very clearly to me to be another step in strangulation of the private college, and in our case, perhaps a very final one. We are *not* big business; we are a mountain college which has struggled financially with impossible odds for survival for 70 years. We are very definitely nonprofit and continue to live off the belief of many small givers that this college has a reason for being.

Other college presidents in North Carolina have impressed upon me the difficulties that may arise because many of their students hold self-help jobs on campus. I quote Wendell Patton, president of High Point College:

> The problem of private colleges and universities is further complicated insomuch as many times we attempt to offer student aid in the form of work programs, regardless of whether or not they are real or needed, but in the belief that it is to the best interest of the student to feel that he is making a contribution for the aid that he receives, rather than a hand-out, which so often weakens the individual and our society. It seems reasonably certain that in some of these gray areas that all private colleges would be in trouble, or perhaps even have to eliminate self-help programs to students and employ clerical, secretarial, maintenance, and food employees outside the campus so as to be able to maintain the standards as prescribed by the NLRB.

In light of these expressions of concern by North Carolina educators, I asked the staff of the Judiciary Subcommittee on Separation of Powers, of which I am chairman, to study the NLRB action. The subcommittee staff has prepared a memorandum which mentions certain objections to the Board's exercise of jurisdiction over private colleges and universities and suggests certain guidelines the Board may desire to consider for its proposed rule.

Mr. President, I ask unanimous consent that the memorandum prepared by the staff of the Subcommittee on Separation of Powers and the NLRB notice printed in the Federal Register of July 14, 1970, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

To: The Honorable Sam J. Ervin, Jr., Chairman, Subcommittee on Separation of Powers, U.S. Senate.
From: Rufus L. Edmisten, Chief Counsel and Staff Director, Subcommittee of Separation of Powers.
Re: Objections to the Assertion of Jurisdiction by the National Labor Relations Board over Private Colleges and Universities.

The first objection to the NLRB's assertion of jurisdiction over private colleges and universities—an assertion which is the premise, rather than the issue, of the rule-making in which the Board is engaged—is the fact that there have been few, if any, major labor disputes in such schools. So far as can be determined, many private colleges and universities have successful bargaining relationships with unions of their employees, and cases of a refusal to recognize a union representing fifty per cent of the employees in an appropriate unit have been aberrational and insignificant, if non-existent. What positive result is sought by the NLRB's assertion of jurisdiction is, therefore, not at all clear, particularly in light of its woefully crowded docket and the delay all litigants encounter in the Board.

There are, moreover, negative aspects to the assertion of jurisdiction. Litigation in the NLRB can be very expensive. A private college or university involved with the Board might find it necessary to hire a labor law specialist to handle the complex and protracted litigation which frequently results. NLRB rules and doctrines surrounding elections and other representation questions are so complex and detailed and offer such a large range of challenges to the parties involved that litigation may be over very small issues. Retention of an expensive labor law specialist is thus often essential.

This will be severely aggravated by the fact that most NLRB rules are designed to operate in the setting of a profit-making and centralized employer. Private universities are essentially decentralized, non-profit operations. There is no direct chain of command from the executive officers through the supervisory level. This means that many Board precedents will be inapplicable to cases involving colleges or universities and that many unlitigated and novel legal questions will arise. Legal fees are not the only cost involved. In the absence of Board intervention, colleges and universities have been able to resolve these questions amicably and privately. Intervention, however, is likely to encourage one of the two parties to litigate every issue. Outstanding unresolved questions of this kind are disruptive and create an atmosphere of crisis and hostility.

Such litigation will thus be terribly expensive and disruptive and will fall upon private colleges and universities at the very time when they are almost universally in very poor financial condition and facing a major crisis over student unrest. The assertion of jurisdiction by the NLRB may well be the back-breaking straw for a number of colleges and universities and permanently damage higher education in the United States.

The most important reason why the NLRB should decline to exert jurisdiction over private colleges and universities, however, is the fact that NLRB jurisdiction would not extend to all (or, perhaps even most) institutions of higher education in this country. State colleges and universities are not subject to the National Labor Relations Act. That being the case, the assertion of jurisdiction by the Board over private colleges and universities seems arbitrary—as arbitrary, say, as asserting jurisdiction over only half the steel industry—not based on any showing of need and likely to have a very deleterious effect on a critically important aspect of American life.

It may, however, be too late to stop the Board from continuing to assert jurisdiction and the question of what jurisdictional standards are appropriate—the issue raised by the notice in the Federal Register—must be dealt with. Two limitations seem justified.

First, colleges or universities which do not have a national student appeal are of more local than federal importance. Such colleges and universities serve local communities and perform very important functions within those communities. The NLRB ought not, where that is the case, intervene and perhaps destroy the major cultural and educational opportunities for the youth in a particular area. Some rule of thumb, therefore, seems necessary. I would suggest that the NLRB decline to assert jurisdiction over any private college or university in which fifty per cent of the student body is from the state in which the college or university is located.

Secondly, the NLRB must try to adjust in some way to the fact that it is asserting jurisdiction over only one part of an industry. One way to do this is to limit the exercise of jurisdiction to non-professional employees and not extend it to teachers. Non-professional employees compete in a labor market involving employers other than those involved in higher education. They generally chose between jobs in educational institutions and private industry. Teachers, however, operate in a labor market in which the choice is generally between a private college or university and a state educational institution. The anomaly of asserting jurisdiction over only part of higher education is thus most aggravated where teachers are involved. To decline to exercise jurisdiction over professional employees would go a long way to resolving the problems created.

In sum, it seems rather strange that the NLRB would attempt to assert jurisdiction over private colleges and universities at a time when the overwhelming majority of them are in dire financial straits and at a time when our national policy is aimed toward seeing that every young person in this nation has the opportunity to obtain a higher education if he is qualified to do so. As the extensive hearings conducted by the Subcommittee on Separation of Powers have clearly shown, the NLRB should concentrate its efforts on improving the quality of the justice it metes out under its present jurisdiction.

[From the Federal Register, July 14, 1970]

Jurisdictional Standards Applicable to Private Colleges and Universities

(National Labor Relations Board—29 CFR Part 103—Notice of Proposed Rule Making)

Notice is hereby given that the National Labor Relations Board has under consideration adoption of a proposed rule to prescribe standards which the Board will apply in determining whether to exercise its jurisdiction in proceedings involving private colleges and universities arising under sections 8, 9, and 10 of the National Labor Relations Act, as amended (61 Stat. 140, 143, 146, 29 U.S.C. secs. 158, 159, and 160). The purposes of the proposed rule and the data deemed relevant thereto are set forth in the attached explanatory statement. This rule is proposed pursuant to the authority of sections 6 and 14(c) of the National Labor Relations Act, as amended (61 Stat. 140, 73 Stat. 541, 29 U.S.C. secs. 156, 164(c)).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed rule should file 25 copies of the same, not later than 30 days after publication hereof in the Federal Register, with the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570. Copies of such communications will be available for examination by interested persons during normal business hours in the Office of the Executive Secretary of the Board, Room 701, 1717 Pennsylvania Avenue NW., Washington, D.C.

Dated, Washington, D.C., July 8, 1970.

By direction of the Board.

Ogden W. Fields,
Executive Secretary.

Explanatory statement. The jurisdiction of the National Labor Relations Board to prevent unfair labor practices and determine sections 8, 9, and 10 of the National Labor

Relations Act, as amended,[1] extends to all such matters which "affect commerce" as defined in section 2(7) of the Act.[2] In 1950, the Board by rule of decision announced certain specific standards which it would apply to determining whether or not to assert its jurisdiction in specific cases.[3] From time to time, the Board has by rule of decision modified existing standards and established new standards.[4] However, except in exceptional circumstances and in connection with the purely commercial activities of such institutions,[5] the Board until recently has declined to exercise its jurisdiction over the operations of private colleges and universities without regard to otherwise applicable standards.[6]

In Cornell University, 183 NLRB No. 41, decided June 12, 1970, the Board reexamined its jurisdictional policy with respect to private colleges and universities and concluded that it would henceforth assert jurisdiction on a broader basis "over those private colleges and universities whose operations have a substantial effect on commerce * * *." The Board did not in that case establish standards for the assertion of such jurisdiction over private nonprofit colleges and universities, but determined to leave the development of appropriate jurisdictional standards to further proceedings.

The Board has considered whether to develop such jurisdictional standards by rule of decision or through the rulemaking procedures of the Administrative Procedure Act,[7] and has tentatively concluded that in view of the nature of the problem and the diverse characteristics of the institutions potentially affected, it would best effectuate the policies of the National Labor Relations Act to utilize such rulemaking procedures. The Board does not have in view any specific jurisdictional standard which it proposes to adopt. The standards utilized by the Board with respect to other classes of enterprises have involved consideration of such factors, singly or in combination, as the nature of the enterprise, the gross dollar volume of business, the value of sales in or affecting commerce, the value of purchases in or affecting commerce, and the relationship of the enterprise to the national defense or other governmental operations.[8] It may be that with respect to educational institutions, other factors may also be relevant in determining the degree of impact on commerce, such as sources of revenue, total volume and general nature of purchases, the relationship of the institution to other enterprises, the size of the student body, the proportion of out-of-state students, and the number of employees, academic and nonacademic.

The data which the Board deems desirable to enable it to formulate an appropriate jurisdictional standard for private colleges and universities encompasses a broad spectrum of information relating to the number, class, and size of the various institutions potentially affected by such standard as may be adopted. Specifically such data should to the extent possible include, but need not be limited to, information concerning classifications of institutions generally considered relevant by the affected institutions, such as junior colleges, 4-year colleges, etc., and, with respect to each such classification, the number of institutions therein, and the size of such institutions in terms of income, expenditures, student body, and employees, with such other data or additional feasible refinements and breakdowns of the gross figures as appear to be appropriate in order to reflect the impact of the operations of the affected institutions on interstate commerce. Such information may be submitted on the basis of each individual institution within the class, with or without naming such institutions, or may be submitted on the basis of reasonable groupings within each class. If the data is submitted on the basis of groupings, it should reflect the total number of institutions within each such group, and the total, average, and median with respect to each of the types of information presented. To the extent possible data expressed in terms of money should be correlated to data as expressed in terms of number of students and employees.

The Board further deems it desirable that the views and arguments submitted include specific suggested standards, expressed in such terms as may be deemed relevant, to the end that the Board's jurisdiction may be asserted over those private colleges and universities whose impact on commerce may be deemed substantial, but not over those whose impact may be deemed insubstantial.

It is the Board's intention to apply such standard or standards as may be adopted to all proceedings pending at the time of the adoption thereof, as well as to all proceedings which may arise thereafter.

[F.R. Doc. 70-8928; Filed, July 13, 1970; 8:47 a.m.]

REGIONAL DEVELOPMENT

Mr. SCOTT. Mr. President, recently President Nixon, at the request of the Appalachian State Governors, met in Louisville, Ky., with those governors to discuss among other matters regional development.

I am sure that Senators read of the President's comments urging the adoption of his revenue-sharing proposal. They may not be aware, however, of the unanimous endorsement given both this proposal and a regional development program modeled after the Appalachian Regional Commission.

For several years now, we in Congress have heard various complaints about the proliferation of categorical grant-in-aid programs that require the States to spend large sums of money on these programs which may or may not solve the problems these States face, that may not be in harmony with State plans, that require spending of scarce State funds on programs not necessarily in the priority areas where the State feels it needs to stress.

Recently, at the Midwest governors conference, we heard the angry comments of some governors concerning this problem of too much power concentrated in Washington.

Mr. President, there is a program that operates in a large portion of my State that goes a long way toward solving these problems of intergovernmental relations. It is the program of the Appalachian Regional Commission. I have seen it work time and time again. In Pennsylvania, it is able to get different local communities, the State, and the Federal Government working together. I have seen projects where there has been local money, State assistance, basic Federal assistance, and supplemental Federal assistance from the Appalachian Regional Commission, all in one streamlined project, working together to solve a particular problem.

We need more of this type of cooperation. The Appalachian program may be a model for a program of Federal-State relations which will solve the present lack of planning and coordination between levels of government.

This program allows decisionmaking on the State and local level. It is a framework for planning and coordination on all levels of government. This program provides a mechanism for local people to determine Federal spending priorities. The people who must live with the consequences of Federal spending decisions are able to help make those decisions rather than a bureaucrat far away in Washington. The authorizations for several economic development programs including ARC expire at the end of this fiscal year.

As a result of the Louisville meeting, I understand that the President's Domestic Affairs Council is studying the whole area of economic development, regionalization, and reform of the Federal-State relationship.

WAR AND INFLATION

Mr. GOLDWATER. Mr. President, during the debate on the military authorization bill, I have been greatly disturbed at a growing tendency on the part of some Senators to assume that the inflation which is still pinching American consumers is due to the Vietnam war in particular and defense spending in general.

I understand how easy it is to identify two of the things which are causing the most hardship and the most unhappiness in our society and blame one upon the other.

There can be no question that the prolonged, frustrating, disappointing war in Indochina has caused the American people many heartaches, much inconvenience, and enormous amounts of money. By the same token, there is no doubt that the rising cost of living and the hardships and trouble and uncertainty which this causes for American housewives and consumers—especially for elderly, retired folks living on fixed incomes—is also a grave problem. However, it does not follow that the inflation which is still running strong in the U.S. economy is due to the Vietnam war. Nor is it true that the way to bring rising

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[1] 61 Stat. 140, 143, 146, 29 U.S.C. Secs. 158, 159, 160.

[2] 61 Stat. 137, 29 U.S.C. Sec. 152(7). See N.L.R.B. v. Fainblatt, 306 U.S. 601.

[3] See 16th Annual Report of the National Labor Relations Board, 1951, pp. 15–16.

[4] See. e.g., 19th Annual Report of the National Labor Relations Board, 1954, pp. 2–5; 22d Annual Report, 1957, pp. 7–9; 23d Annual Report, 1958, pp. 7–9; Floridian Hotel of Tampa, Inc., 124 NLRB 261; Carol Management Corporation, 133 NLRB 1126; El Dorado, Inc., 151 NLRB 579; Parkview Gardens, 166 NLRB 697; Butte Medical Properties, 168 NLRB No. 52; University Nursing Home, 168 NLRB No. 53.

[5] E.g., Port Arthur College, 92 NLRB 152; California Institute of Technology, 102 NLRB 1402; Massachusetts Institute of Technology, 110 NLRB 1611; Woods Hole Oceanographic Institution, 143 NLRB 568.

[6] E.g., Trustees of Columbia University, 27 NLRB 424; University of Miami, 146 NLRB 1448; Leland Stanford Junior University, 152 NLRB 704; Massachusetts Institute of Technology, 152 NLRB 598.

[7] 80 Stat. 383, 5 U.S.C. sec. 553.

[8] See Annual Reports and cases cited in footnotes 3 and 4, supra; see also Woods Hole Oceanographic Institution, supra.

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prices under control is to cut deeply into our defense appropriations.

This line of reasoning which, as I have pointed out, comes under the heading of an easy answer for a difficult question, can cause the Nation tremendous future problems.

Mr. President, it can even cost us our freedom if we are not careful to provide adequately for the defense of this country and the security of its people.

I believe we can all agree that anything, be it war or new elements added to the welfare state, that costs large amounts of Federal money does play a part in the problem of inflation. This is especially true where large increases in Government spending do not yield increases in the production of goods and services for people to buy. Quite naturally, expenditures for war are nonproductive in this sense. But where those who would have you believe that all inflation is due to the Vietnam war and expenditures for the military are mistaken is in stating that such expenditures are the primary cause of inflation. It is true that defense spending does not provide goods and services for people to buy. But it is also true that defense spending is not unique in this respect. In fact, much nondefense spending by the Government likewise involves no increase in available supplies. But even if this were not true, any overall increase in spending, from whatever cause, can be offset if the people running the Government have the wit and courage to do it through a proper policy of taxation.

Mr. President, what I am saying, to put it bluntly, is that it is not war and it is not defense spending that causes inflation, but the failure to finance war and finance defense spending on a noninflationary basis, and I can say the same thing about non-defense expenditures.

In this connection a few figures from "Economic Indicators," CEA, July 1970, page 36, may help put things in proper perspective. They show:

First. Although it is commonly agreed that inflation got started in 1965, Department of Defense military outlays were actually lower in fiscal 1965 than in fiscal 1964;

Second. Moreover, in the next 3 fiscal years, as inflation was building up, Department of Defense military outlays did not increase sufficiently faster than nondefense Federal spending to warrant being charged as heavily as it often is with responsibility for what happened to costs and prices; in this 3-year period, fiscal 1966 through fiscal 1968, Department of Defense military outlays increased $31.4 billion while all other Federal spending rose $29 billion;

Third. Finally, in fiscal 1969, with inflation accelerating, there was only a relatively small increase in Department of Defense military outlays—$500 million—while other Federal spending rose $5.3 billion.

There are two points that I should like to make in connection with the easy assumption that the Vietnam war is the cause of price inflation in the Nation's supermarkets and other places where the consumer spends his dollar. The first point is that proceeding from this assumption, it is quite easy to raise a public hue and cry for vast reductions in necessary defense spending requests and this adds up to what I believe can lead to a serious threat to our national security.

The second point I should like to make is that the easy assumption that the Vietnam war is the primary cause of inflation adds up to a serious intellectual failure and a long step backward in the public understanding of the causes of inflation.

Perhaps I should explain the last point a bit further. If the American consumer is led to believe that inflation is caused solely by war or by spending for military equipment and defense systems, he will be inclined to support unwise reductions in necessary expenditures everytime the cost of living index shows a slight boost. There is no truth in the flat argument, so often heard in connection with the current debate on the Senate floor, that inflation is caused by war regardless of what else happens in the economy, regardless of what else the Government does by the way of spending and regardless of what kind of monetary and fiscal policy the Government pursues.

The problem of inflation may be something of a mystery to many laymen and consequently a source of much confusion and misunderstanding. So I believe it is incumbent upon us to explore this problem and to indulge in repetitive explanations so that more and more of our people will become conversant enough to be able to pursue and work for the proper solution.

I believe it is commonplace in economic science to regard inflation as a monetary phenomenon that does not occur except where there has been, for one reason or another, an excessive expansion of credit and an excessive expansion of the money supply. In the present inflation buildup, we have had money supply increases ranging from 7 percent to over 10 percent, depending on what period you look at and what concept of money supply you use. Rates of increase are highest when one uses the broad definition of money supply that includes time deposits of commercial banks as well as demand deposits and currency. In the present situation we have currently had an inflationary monetary policy wherein the so-called "new economics" constantly urged more and more expansionary increases to melt hardcore unemployment. This is the process that caused inflation.

It is my contention that budget policy is even more important as a cause for inflation than monetary regulations. For when the Government runs a large deficit, the Treasury is forced to do a large amount of financing. And in order to assure success in this effort, the Federal Reserve authorities, like central banks everywhere, step in to help. This means they either buy bonds directly or supply the commercial banks with reserve to enable them to buy the bonds. Thus, we get an increase in bank deposits and in money supply. And the larger the Federal deficit, the greater the pressure and the temptation to do expansionary financing. The fact that Federal budget deficits were rising while inflation was building up—deficits ran from $1.6 billion in fiscal 1965 to $25.2 billion in fiscal 1968—must, accordingly, be rated high as the basic cause or condition that led to inflation.

Mr. President, I am sure that things would have been very much different if the Federal Government had been prepared to follow a sound fiscal policy which could have avoided these large deficits. Specifically, it could have held back nondefense expenditures while imperative defense outlays were rising. And if this were deemed impractical, it could have enacted the necessary additional taxes at an early enough date to offset the deficit. However, I believe the politics of the situation played a major role in preventing the Government in those years from following the dictates of sensible fiscal prerogatives. For example, neither the White House nor Congress was willing, especially in 1966, to apply the expenditure restraint or levy the taxes that the situation called for. Of course, the apostles of the "new economics" were characteristically warning against "overkill" from excessive restraints at precisely the time when those restraints should have been applied.

In conclusion, Mr. President, let me repeat that the whole idea of blaming today's unpopular inflation on today's unpopular war is too easy an explanation. It is not correct, but it is dangerous.

POSTHUMOUS AWARD OF MEDALS OF HONOR TO ARIZONANS

Mr. FANNIN. Mr. President, yesterday I was privileged to attend a ceremony at the White House bestowing the highest honor that the Nation can grant to its soldiers.

In the name of Congress, the Medal of Honor was awarded posthumously to L. Cpl. Jose F. Jiminez, U.S. Marine Corps, by President Nixon, and to eight others who had served valiantly in Vietnam.

Mr. President, Lance Corporal Jiminez is the son of Mrs. Basilia Jiminez Chagoll of Eloy, Ariz. His father is deceased.

He was born March 20, 1946, in Mexico City, Mexico, and attended school in Mexico until 1956. He was graduated from Red Rock Elementary School, Red Rock, Ariz., in June 1964, and from Santa Cruz Valley Union High School, Eloy, Ariz., in June 1968.

He enlisted in the Marine Corps Reserve in Phoenix after his high school graduation and was discharged August 12, 1968, to enlist in the Regular Marine Corps on that date.

Ordered to Vietnam in February 1969, he was promoted to lance corporal June 16, 1969, after serving as guide and fireteam leader with Company K, 3d Battalion, 7th Marines, 1st Marine Division—Rein—FMF. While in action on August 28, 1969, he was mortally wounded.

Attending the ceremony were his mother and sister, Miss Maria del Pilar Jiminez, who resides with her mother, and a cousin, Mr. Matividad Acosta. His Excellency, Hugo B. Margain, Ambassador of Mexico, also accompanied them.

Another Arizonan at the ceremony was Mrs. William A. Jones III of Bisbee, Ariz. The widow of Lt. Col. William A.

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Jones III of Virginia, she received the Medal of Honor awarded posthumously to her husband.

Lance Corporal Jiminez is the 43d Marine to be awarded the Medal of Honor for gallantry in action in Vietnam and the third Arizonan to be so honored.

The other Arizonans were Pfc. Oscar P. Austin of Phoenix and Maj. M. Sando Vargas, Jr., of Winslow, Ariz.

Private First Class Austin on February 23, 1969, unhesitatingly left the relative security of his foxhole to race across fire-swept terrain to assist an injured Marine to a covered location. As he neared the casualty, he saw an enemy grenade land nearby. Reacting instantly, he leaped between the injured Marine and the grenade, absorbing its detonation. While injured, he turned to examine the wounded man and while doing so, he saw an enemy soldier aiming a weapon at his unconscious companion. Private First Class Austin threw himself between his friend and the hostile soldier and in doing so was mortally wounded.

On May 2, 1968, Major Vargas, then a captain, although wounded the previous day, led a reserve platoon to the aid of part of his company that was pinned down under intensive fire. He again was wounded and remained in action against repeated enemy probes throughout the night, and the following day was injured a third time in fighting off a massive counterattack including hand-to-hand combat. Still ignoring his wounds, he went to the rescue of his battalion commander who was lying wounded in a fire-swept area, and then helped organize the battalion's perimeter defense.

Mr. President, I ask unanimous consent that the citations in regard to Lance Corporal Jiminez and Lieutenant Colonel Jones be printed in the RECORD.

There being no objection, the citations were ordered to be printed in the RECORD, as follows:

MEDAL OF HONOR

The President of the United States in the name of The Congress takes pride in presenting the Medal of Honor posthumously to Lance Corporal Jose F. Jimenez, United States Marine Corps, for service as set forth in the following

Citation: For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Fire Team Leader with Company K, Third Battalion, Seventh Marines, First Marine Division in operations against the enemy in the Republic of Vietnam on 28 August 1969. On that date Lance Corporal Jimenez's unit came under heavy attack by North Vietnamese Army soldiers concealed in well-camouflaged emplacements. Lance Corporal Jimenez reacted by seizing the initiative and plunging forward toward the enemy positions. He personally destroyed several enemy personnel and silenced an antiaircraft weapon. Shouting encouragement to his companions, Lance Corporal Jimenez continued his aggressive forward movement. He slowly maneuvered to within ten feet of hostile soldiers who were firing automatic weapons from a trench and, in the face of vicious enemy fire, destroyed the position. Although he was by now the target of concentrated fire from hostile gunners intent upon halting his assault, Lance Corporal Jimenez continued to press forward. As he moved to attack another enemy soldier, he was mortally wounded. Lance Corporal Jimenez's indomitable courage, aggressive fighting spirit and unfaltering devotion to duty upheld the highest traditions of the Marine Corps and of the United States Naval Service.

CITATION

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to Lieutenant Colonel William A. Jones, III, United States Air Force, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

On 1 September 1968, Colonel Jones distinguished himself as the pilot of an A-1H Skyraider aircraft near Dong Hoi, North Vietnam. On that date, as the on-scene commander in the attempted rescue of a downed United States pilot, Colonel Jones' aircraft was repeatedly hit by heavy and accurate antiaircraft fire. On one of his low passes, Colonel Jones felt an explosion beneath his aircraft and his cockpit rapidly filled with smoke. With complete disregard of the possibility that his aircraft might still be burning, he unhesitatingly continued his search for the downed pilot. On this pass, he sighted the survivor and a multiple-barrel gun position firing at him from near the top of a karst formation. He could not attack the gun position on that pass for fear he would endanger the downed pilot. Leaving himself exposed to the gun position, Colonel Jones attacked the position with cannon and rocket fire on two successive passes. On his second pass, the aircraft was hit with multiple rounds of automatic weapons fire. One round impacted the Yankee Extraction System rocket mounted directly behind his headrest, igniting the rocket. His aircraft was observed to burst into flames in the center fuselage section, with flames engulfing the cockpit area. He pulled the extraction handle, jettisoning the canopy. The influx of fresh air made the fire burn with greater intensity for a few moments, but since the rocket motor had already burned, the extraction system did not pull Colonel Jones from the aircraft. Despite searing pain from severe burns sustained on his arms, hands, neck, shoulders, and face, Colonel Jones pulled his aircraft into a climb and attempted to transmit the location of the downed pilot and the enemy gun position to the other aircraft in the area. His calls were blocked by other aircraft transmissions repeatedly directing him to bail out and within seconds his transmitters were disabled and he could receive only on one channel. Completely disregarding his injuries, he elected to fly his crippled aircraft back to his base and pass on essential information for the rescue rather than bail out. Colonel Jones successfully landed his heavily damaged aircraft and passed the information to a debriefing officer while on the operating table. As a result of his heroic actions and complete disregard for his personal safety, the downed pilot was rescued later in the day. Colonel Jones' conspicuous gallantry, his profound concern for his fellowman, and his intrepidity at the risk of his life, above and beyond the call of duty, are in keeping with the highest traditions of the United States Air Force and reflect great credit upon himself and the Armed Forces of his country.

A REPORT ON THE OIL IMPORT QUESTION

Mr. ALLOTT. Mr. President, the Subcommitee on Mines and Mining of the House of Representatives, Committee on Interior and Insular Affairs has recently issued "A Report on the Oil Import Question." I believe the entire report is worthy of the considered attention of all Senators.

For the information of the Senate, however, I will set forth the specific findings of the committee at the conclusion of my remarks.

While I do not necessarily endorse each point made in these findings, they serve, taken as a whole, to point up the magnitude of the ramifications of any decision which would abandon the Nation's present oil import quota system.

I have been greatly impressed by the statements of the Senator from Wyoming (Mr. HANSEN) with respect to the tremendous effect upon every person in the Nation that such a decision could have, whether he drives a car or uses a gas furnace or not.

I have also taken cognizance of the global facts of life that once these import quotas were abandoned and we began to rely upon other countries for our oil, we would find ourselves in a position where we could not return to the quota system because of our loss of capabilities.

It is clear that we would not only conceivably make an irrevocable decision; it is also clear that such a decision and the resulting closure of marginal wells would irretrievably, at least under existing production abilities, constitute a loss of a great quantity of oil that is now available to us.

I wish to commend the subcommittee for inclusion in its findings the recognition of that great untapped source of oil which the Nation has locked in rocks. Stored in the oil shale reserves of the West is a supply of oil greater than the entire Alaskan North Slope discovery. If we shift our source of supply of oil away from our own resources, the present incentive for the private development of this oil rock will be lost and, then if we find ourselves without foreign oil and in need of these oil shale reserves, we will not be able to utilize them.

The Department of the Interior which many times has emphasized the importance of proceeding with development of a viable oil shale industry, has been working to finalize the last requirements that will be imposed in connection with the leasing of oil shale on public lands, and those requirements should be announced any day. These steps would not have been undertaken had not oil shale been a high national priority.

I ask unanimous consent that the committee findings be printed in the RECORD.

There being no objection, the committee findings were ordered to be printed in the RECORD, as follows:

COMMITTEE FINDINGS

The following points summarize the findings of the Subcommittee on Mines and Mining with regard to the hearings held on the matter of oil imports and the proposals of the Cabinet Task Force on Oil Imports:

1. The national security of the United States is, and must remain the overriding objective of any oil import program. Both the task force majority, the separate views by Secretaries Hickel and Stans, and Chairman John N. Nassikas of the Federal Power Commission, as well as witness appearing before the subcommittee, agreed on this as the basic objective. There was also basic agreement that some form of import restriction, whether it is a tariff or quota, is necessary to

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prevent undue reliance upon insecure foreign oil.

This subcommittee reaffirms its position that it is necessary to control the inflow of foreign crude and unfinished oils in order to maintain a strong and health domestic petroleum industry for the protection of this Nation in time of emergency.

2. Imports of crude oil and refined products now make up a very substantial portion of this Nation's petroleum requirements. Imports now average approximately one-third of domestic production and one-fifth of domestic demand. In the opinion of this subcommittee any significant increase in the import must be avoided as they have already reached dangerous proportions.

3. Any future estimates of petroleum supply or demand are subject to the uncertainties of forecasting. However, the task force majority report appears to be unrealistically optimistic on the development of as yet undiscovered reserves in the Western Hemisphere and, accordingly, that available from these sources. At the same time it has underestimated the probable need for Eastern Hemisphere oil and the degree of dependency on this insecure source under the majority's recommended program.

4. Supplies of natural gas are already critical and unless immediate relief is provided the shortage will undoubtedly increase. Any decrease in the price of domestic crude, brought about by increased imports, will further discourage the search for both petroleum and natural gas.

5. The estimated cost of the present control program, as compared to no controls, has been greatly overstated. Rather than the $5 billion annual cost suggested by the task force, a more realistic figure probably is less than $1 billion. When full consideration is given to intangibles and the very real probability of higher foreign crude prices once this Nation's dependency on foreign sources is well established, there actually may be a net benefit to the economy from the present import program.

6. The immediate effect of the proposed tariff proposal would fall hardest on the small operator. The small producer, the small refiner, and the stripper well operator would be forced out of business.

7. The 5.5 billion barrels of oil now estimated as reserves in stripper wells would be immediately lost. Such a loss cannot be recovered later. This is not proper conservation of a valuable and nonrenewable natural resource. Costly secondary recovery of oil from marginal and partially depleted fields would also be discouraged.

8. Adoption of the task force majority proposal would have an immediate adverse effect on this Nation's balance of payments. This has been estimated at not less than $2.2 billion per year.

9. The subcommittee recognizes imperfection and inequities in the existing mandatory oil import program. It believes, however, that these are faults of administration rather than deficiencies in the program as conceived.

10. During the past 15 years the petroleum industry has spent about $68 billion searching for oil and gas. Much larger amounts of capital will be needed in the future. Any decline in the price of domestic crude will not provide the necessary incentive for increased exploration. Less exploration will result in less oil found. However, if proper incentives for exploration and development are provided this Nation has the potential of remaining substantially self-sufficient in the energy field. The vast potential energy reserves in coal and oil shale have not been developed. Our oil shale reserves (estimated at 2 trillion barrels) exceed the petroleum reserves of the Middle East and coal reserves are estimated to exceed 1,000 years supply. Estimated undiscovered oil in the United States is placed at 2 trillion barrels and natural gas at 1,200 trillion cubic feet.

While some small percentage increase in imports may be expected in the normal course of events, this subcommittee must conclude that this is not a nation lacking in energy supplies. The real question is our desire and ability to develop and use the resources available.

11. Prorationing, as practiced by the several States, is a necessary conservation practice to assure maximum economic recovery from a field. Elimination of prorationing as suggested by the task force majority may result in a temporary increase but would result in an overall loss of production.

12. The task force majority places more confidence and reliance on the estimated shut-in capacity than is justified. Although there is undoubtedly some shut-in capacity in the United States, the subcommittee believes it to be substantially less than that estimated by the majority report. Undue reliance on this source for future supplies may prove unwise.

13. The displacement of coal by oil is of special concern to the subcommittee. The east coast now relies largely upon imported residual fuel oil. The subcommittee does not believe that the amount of residual oil imported is likely to be cut back but it does believe that immediate attention must be given to working out a formula under which imports would be permitted to increase at a rate which would be consistent with the increase in the overall demand for competitive fuels on the east coast. In this way imported residual fuel oil would be permitted to share in, but not dominate, the east coast growth market for industrial fuels.

In reaching this conclusion, the committee took note of the published concern of the Secretary of Defense over the effects of east coast dependence on foreign fuel, as well as the fact that a shift toward North Africa, an unstable area of the world, as a source for imported residual is now beginning to develop.

14. The subcommittee recognizes the problems of the petro-chemical industry and its need for adequate low-cost feedstocks. This was also recognized by both the majority and the separate reports of the task force. If this industry is to retain a competitive position in the world market it will require an improvement in the present feedstock situation, which should be accomplished without increased reliance on distant sources and without penalizing domestic industry, if possible. An in-depth study of this matter is urgently needed.

15. Research should be continued and intensified for the use and development of synthetic fuels. The vast oil shale and coal deposits of this Nation cannot be ignored as they make up the greatest potential source of fossil fuel energy in this country.

This subcommittee reaffirms its position that intensified research and development, both by the Federal Government and private industry, are necessary in the synthetic fuels field. Any cutback in Government research funds in this area at this time could force this Nation into a position of dependency upon unreliable sources of foreign crude.

16. The increasingly omnibus situation in the Middle East is of grave concern to this subcommittee and any increased reliance upon this geographic area as a source of oil appears to be less than prudent. In this respect the reservations expressed by the Secretary of Defense are well taken. The subcommittee fully agrees with Secretary Laird that the tone of the majority report infers a capability of reacting to an oil emergency that is overly optimistic. The subcommittee also fully agrees with his observations that the residual fuel oil question has not been adequately analyzed and that it must be given further consideration. And last, but of utmost importance, the subcommittee fully concurs with the Secretary's views that domestic exploration must be maintained at approximately current rates and that no reduction in reserves be allowed. The subcommittee, while agreeing with the Secretary on these and most other reservations he expressed, differs in that it is of the strong opinion that adoption of the majority task force recommendations will prevent the realization of these national security objectives. In view of the very grave storm signals coming from the Middle East this subcommittee cannot stress enough the danger in further reliance upon oil from this area. The subcommittee feels it would be remiss if it did not stress the national security aspect of this problem and strongly advises that top level consideration be given to any additional dependency upon oil from these troubled and unreliable sources.

SAFEGUARD NOW LEADS TO SUCCESSFUL SALT LATER

Mr. DOMINICK. Mr. President, I listened with great interest to the speech which my distinguished colleague from Colorado (Mr. ALLOTT) made today in support of the committee's position on the ABM. I concur with his reasoning and applaud his logic and forthrightness.

I have also read with interest, but some dismay, and wish to comment on a letter to the editor published in the Washington Post of August 10 entitled "The ABM Vote and the SALT Talks" and is signed by W. Averell Harriman, Carl Kayson, Adrian S. Fisher, Franklin A. Long, and Herbert Scoville, Jr., and was placed in the RECORD by the Senator from Iowa (Mr. HUGHES). I cannot agree with the rationale of the five gentlemen who attached their names to that article and who concluded by stating:

> In our judgment, a Senate vote against the ABM is a vote for success in SALT.

It seems to me that quite the opposite is the case and for fairly simple reasons.

First, Safeguard and its ongoing momentum constitutes our principal, if not our only, current leverage to obtain a halt in the buildup of Soviet offensive missiles. The Soviets cannot help considering that a SALT agreement must cover both offensive and defensive systems, since their own statements have expressed clearly the interrelationship between strategic offensive and defensive systems. Furthermore, the United States-Soviet agreement to begin SALT negotiations specified that SALT would deal with both offensive and defensive systems. Safeguard has already appeared as one of our principal bargaining agents in the SALT talks. In the present and continuing hard bargaining, as to what specific offensive systems shall be covered, and particularly in achieving our objective of stopping the continuing Soviet construction of 25-megaton SS–9 nuclear missiles, Safeguard plays a most important role.

Next, it is of extreme importance that we do not lose sight of the fact that Safeguard is designed to achieve a number of U.S. strategic objectives in the absence of a SALT agreement. The Soviets continue to build their SS–9 missiles and their nuclear missile submarines even during the commencement of these talks. Certainly, cutting back Safeguard would mean interruption of the orderly and timely prosecution of the program, which includes several elements which have very long leadtimes. A signal flag to the Soviets would be hoisted

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indicating to them the prospect of further delaying or blocking the program by protracting negotiation—while, of course, as noted, their own missile construction and testing would continue apace.

In the absence of a SALT agreement, protection of Minuteman would be essential. The defense of Minuteman by Safeguard must deal with the threat of continued build-up of a potential Soviet first-strike capability. A SALT agreement, if reached, would deal with the Soviet first-strike threat in a different way—by stopping construction of SS–9's and also limiting the number of other Soviet missiles, such as the SS–11 which, through increased accuracy, might partially contribute to a first-strike capability. If the Soviet offensive first-strike capability is constrained by a sound SALT agreement, we will have made a significant contribution to the survivability of Minuteman as well as our bombers and, because of the long lead time for Safeguard, would enable us to review the degree of need for continued expansion of Safeguard or enable us to limit this deployment in accord with the terms of the agreement without undue risk or unnecessary expenditures.

Since the Soviets have already deployed their Moscow ABM system, and since it is unlikely that the Soviets would agree to dismantle this system in the face of Chinese capability and uncertain intentions, the United States Safeguard program now under way and anticipated will probably remain.

The authors of the letter have said that history has demonstrated that restraints, not accelerated deployments, pave the way for arms control. This argument is not a good generalization and certainly is not supported in the case of the current SALT. In fact, only after the announcement of the Sentinel deployment—prior to Safeguard—did the Soviets officially announced their willingness to negotiate strategic arms control.

Finally, I find it particularly noteworthy to consider a statement made this year by our chief spokesman of the SALT conferences.

Mr. Gerald Smith, Director of the U.S. Arms Control and Disarmament Agency, said in testimony before the House Committee on Foreign Affairs on February 26, 1970:

> It seems to me that the program that (the President) recommended will not prejudice the SALT talks, will not make the Soviets lose interest in the talks, and it is a sufficiently moderate program as, I should think, not to lead the Soviets to a reaction in the form of some new weapons system, since the Soviets presently have the beginnings of a defensive missile system.

It is very apparent to me that Mr. Smith, who is, after all, dealing directly with the Soviets, should have a clear feel for Soviet sensitivity. His apparent belief that the Safeguard program should be adopted must carry great weight in this debate.

In short, directly contradictory to the Harriman letter, a Senate vote in favor of the ABM will be a vote in aid of successful SALT negotiations, which we all seek.

I ask unanimous consent that the letter to the editor of the Washington Post be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The ABM Vote and the SALT Talks

Recently administration spokesmen have been insisting that unless the Congress authorizes the continued construction and expansion of the Safeguard ABM, it will not be possible to negotiate an agreement with the Soviets at SALT to limit strategic armaments. They argue that the negotiators need the Safeguard bargaining chip to induce the Russians to halt the deployment of their large SS–9 ICBMs.

This would appear to be an attempt to exploit the desire of the Senate and the public to achieve success in SALT in order to rescue the Safeguard program from defeat. The administration has always defended the Safeguard ABM defense of Minuteman sites on the basis that it was not a threat to the U.S.S.R. If true, why then should the continuation of this program be a chip to induce the Soviets to agree to limit their offensive missile deployment?

The major U.S. threat to Soviet security lies in the deployment of the U.S. MIRV systems. On April 9, 1970, the Senate passed a resolution by a vote of 72 to 6 urging that the President propose to the U.S.S.R. an immediate suspension by both countries of further deployment of *all* offensive and defensive nuclear strategic weapons systems. Yet this MIRV chip has been thrown away by the accelerated deployment of the Minuteman III and Poseidon missiles with their MIRV warheads and by the reported proposal that any MIRV limitations must be accompanied by Soviet acceptance of extensive inspection of both offensive and defensive missile sites. There is no security justification for such urgent MIRV deployment since the heavy Soviet ABM which they were designed to penetrate could not be deployed and become operational for many, many years.

It has also been reported that the possible outcome of SALT would be an agreement that henceforth the United States and the U.S.S.R. will limit their ABMs to the defense of their capitals. The continued deployment of Safeguard at the Minuteman sites will not in any way contribute to the defense of Washington, and the Senate is being asked to endorse the expenditure of funds for useless hardware if SALT is successful and for an admittedly at best marginally effective system if it is unsuccessful. Why the U.S. should try to get the Soviets to agree to the deployment of ABM defenses for Washington and Moscow instead of a complete ABM ban is not clear, since the defense of Washington will not accomplish any of President Nixon's three objectives for an ABM system. A complete ban would eliminate the need for MIRVs and simplify the problems of verification by obviating any possible need for inspection. It is reported that the Soviets have indicated interest in such a complete ban.

Finally, history has unmistakably demonstrated that restraints, not accelerated weapons programs, pave the road to arms control. Overwhelming superiority did not induce the Soviets to accept the Baruch plan. On the other hand, President Kennedy's American University pledge to halt atmospheric nuclear testing as long as the Soviets did the same rapidly produced agreement to negotiate the Limited Test Ban Treaty in 1963. Similarly, the Senate passage without dissenting vote of the Pastore Resolution in 1966 endorsing efforts to halt the spread of nuclear weapons broke the ice toward starting serious U.S.-U.S.S.R. negotiations on the Nonproliferation Treaty.

If the Senate wishes to conserve funds and make a maximum contribution toward improving U.S. security by achieving arms limitations and agreement at SALT, it will refuse authorization of funds for the expansion of Safeguard and forbid the expenditure of additional funds for the continued deployment at the two Safeguard sites approved last year until it is satisfied that the negotiators have not been able to persuade the Soviets to agree to limitations on offensive and defensive missile systems.

In our judgment, a Senate vote against the ABM is a vote for success in SALT.

W. Averell Harriman.
Karl Kaysen.
Adrian S. Fisher.
Franklin A. Long.
Herbert Scoville, Jr.

Washington.

THE CAUSE OF OUR ECONOMIC PROBLEMS

Mr. ALLOTT. Mr. President, the University of Denver magazine, Winter/Spring 1970, contains an article that is written with a sprightly good humor that in no way detracts from its seriousness.

The title of the article is "There's Always More Where This Came From, Baby" and the author is Dr. Jack McCroskey, who holds the chair of finance at the College of Business Administration at the University of Denver. His thesis is that we had better stop hunting fashionable scapegoats for our economic problems and face the truth that the Federal Government is causing a goodly portion of our economic problems.

Dr. McCroskey argues his indictment and suggests some cures with force and clarity. So that all Senators may enjoy his article, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

There's Always More Where This Came From, Baby

There was a time recently when the American economy seemed to be grinding to a halt. The Post Office went out of business. The air lines operated only fitfully. And the trucks and the railroads stood only a hairbreadth from a complete shutdown.

How could the U.S. economy, once hailed as the Eighth Wonder of the World, come to such a sorry state?

Traditionalists have one answer: a breakdown in authority. Radicals have another: a sickness in the society. As an economist, I have still another: a precipitous decline in the value of the dollar.

Economists have long preached against the evils of inflation. We have talked long and fervently about how deeply inflation hurts people on fixed incomes, particularly people who must live on pensions and social security.

But while we have often sympathized with such people, most of us have done so in a detached and abstract sort of way. We generally weren't in that position ourselves, and many of us failed to appreciate the day-to-day hardships these people must endure—although we might have gathered a vague idea if only we had paused to really see the elderly people we encountered in the grocery store (we with our overloaded push carts) who seemed in such torturous self debate about picking up a can of coffee at 89c or a box of tea at 78c.

We moaned and we groaned, but our hearts weren't really in it, primarily because these

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senior citizens (and yes the women who eke out an existence on government grants to their dependent children) have no *power*.

What we didn't talk about was the damaging effect inflation has on almost everyone—the whitecollar worker and the bluecollar worker and the aspiring executive and the schoolteacher and the federal employee. Our lapse has proved nearly fatal—for these people do have *power*. By withholding their services they can bring the economy to its knees, and they have been sorely tempted to withhold their services because they see their sustenance wasted away by erosion in the dollar's purchasing power. The raises they have received, which seemed so brightly appealing at first, have actually provided them a lower standard of living.

FASHIONABLE SCAPEGOATS

Whenever disaster strikes—and our current inflation has proved a much greater disaster than anyone would have dreamed—scapegoats come into fashion.

One fashionable scapegoat is the American union man. Labor unions, so the story goes, in their rapacious greed have pushed wage rates to ridiculous levels—thereby bringing down inflation upon the land. The facts are that through most of our recent troubles, union wage rates have risen less rapidly than price levels. It is a fairly rare union member who is much better off today than he was when our present inflationary spiral took off back in 1965.

The other fashionable scapegoat is the American businessman. Businesses, so the story goes, in their rapacious greed for profits have pushed prices to ridiculous levels. Well, the facts are that businesses operating in our very competitive environment can raise prices only when market conditions permit. It's a fairly rare business that can boost prices without careful consideration of its competitors and customers.

If neither workingmen nor businessmen are at fault, then who, in the name of Adam Smith, can the villain possibly be? The answer is crystal clear: the federal government.

In order to understand this answer, let's take a brief backward glance into history.

From 1961 to late 1965—when many of our present problems began to appear—the economy hummed along at a remarkable rate and with remarkably little trouble. Employment was high, corporate profits were rising rapidly, and most consumers were having themselves a ball. Not only were they buying more products, they were buying generally bigger, better and brighter products. They were trading up to more spacious homes with greater luxury; they were buying more powerful automobiles with bucket seats, push-button doors, and swivel steering wheels; they were eating fewer down-home staples and experimenting more with up-town dishes. *And we had accomplished all this with no inflation.*

What went wrong? Primarily, we forgot the basic economic law: "You can't have everything—resources are scarce."

Of course, we didn't forget this rule on the individual level. We've always known and remembered that if baby gets a new blanket, father may have to postpone a new pair of shoes. Or, if we live in a higher income bracket, we remember that a trip to Europe may delay the new swimming pool.

But we seemed to think that the federal government, with all its power and glory, is immune to the basic law. It's not. All the government can do is give the illusion of immunity by creating money. And that is precisely what it has done, during much of the 1960s. It has created so much new money that we have sent too many dollars chasing too few goods. It has created more new dollars than the economy can absorb without inflationary consequences—and inflation is indeed the final upshot.

WRONG THINGS TO DO

Just as disasters generate scapegoats, they also generate quack panaceas. Here are three of the more popular remedies now making the rounds.

Back to the gold standard. The good things a return to the gold standard might bring about, such as removing control of the money supply from the hands of fallible men to the supposedly infallible hands of nature, are far outweighed by the bad things it might produce, such as recessions and inflations. For example, from 1897 to 1914, when the United States relied on the simon-pure gold standard for the only time in our history, we suffered the longest, sustained period of peacetime inflation we have ever undergone. The money supply is much too important to be left to vagaries of mineral discovery and technology.

Gimmicks. One of the more popular gimmicks proposes that we tax "inflationary" profits and wages at higher rates than "noninflationary" ones. Aside from the fact that our federal tax system is already a house of horrors—replete with pit-falls and booby traps, injustices and dishonesties, inequities and imponderables—one should remark that it would prove quite impossible to distinguish between inflationary gains and noninflationary ones.

Wage-Price Controls. This is plainly a case in which the cure is worse than the disease. As anyone who lived through the wage-price controls of World War II and Korea should recall, controls do not restrain either wages or prices, and they do not promote either economic justice or efficiency. What wage-price controls fundamentally do is keep the price system—which is the best method yet discovered for allocating resources—from working effectively.

RIGHT THINGS TO DO

The right thing to do is both so simple and so obvious that it seems exceedingly difficult to get across. We should make the money supply, the total of coin and currency in circulation and demand deposits held in the nation's 14,000 commercial banks, grow in a steady and sustained way at about the same rate as our growth in real economic productivity—say, 4% to 6% a year. The seven-man Federal Reserve Board of Governors, which is appointed by the President and which controls the money supply, has full and sufficient powers to accomplish this task.

But in order for the Board to be willing to do so we must first give up two prevailing myths. We must abandon the notion that the nation's resources can simultaneously stretch to run the outside world and to create a social worker's idea of paradise here in the United States—without at the same time any of us giving up any of our dearly beloved libraries, color TVs and vacation trips.

We must also abandon the notion (and these remarks are directed primarily to my fellow economists in the event that any might still be listening) that we can fine tune the economy—that is, that we can iron out every little wrinkle in the curves of Gross National Product, Industrial Production, and Unemployment Rates. We don't know enough to do this; our record in business forecasting clearly confirms that we don't know enough to do this; and we should stop trying to con the public and its political representatives into believing that we actually do know enough to do this.

These are the rules for securing reasonably full employment coupled with reasonable price stability.

Do reasonably full employment and reasonably stable prices constitute the impossible dream?

I am fully convinced that these dual goals can be attained—and that they can be attained without dramatic alterations in our life styles or in our attitudes. Personal ambitions (or personal greed if you prefer) will not have to be eradicated—as they most certainly will not be this side of heaven. Nor will our political and social institutions have to undergo radical reform.

What is required is that we recognize that we can't have everything—at least not all at once. We must also control our money supply so that it grows no more rapidly than potential output.

Perhaps a word or two should also be said about what reasonably stable prices will not do. First of all, they won't smooth out every last dip in the business cycle. Even with the best of intentions and the best policies in the world, we will still have our minor ups and downs.

Secondly, not even stable prices can eliminate poverty, stop crime in the streets, end racial hostility and stave off strangulation by garbage.

What stable prices can do is provide the economic progress and continuity that we so desperately need in order to tackle these problems with a modicum of good will and financial wherewithall. Without them, as they say in rural West Texas, we might just as well spit on the fire and call the dogs.

THE AMENDMENT TO END THE WAR

Mr. McGOVERN. Mr. President, we have been told that we will be hearing a series of attacks on the efforts of Senators sponsoring the Amendment To End the War to gain public support by the use of television and other media.

I suspect that those who are attacking the effort to develop public support for the so-called Amendment To End the War are really doing so to divert the debate from the merits of the amendment. But let us be clear about the facts as to the nature and scope of efforts made on behalf of the amendment.

In the wake of the ill-advised invasion of Cambodia and the killings at Kent State, it seemed essential to me that a carefully prepared television presentation should be made setting forth the reason for an early, systematic withdrawal of U.S. forces from Vietnam. Indeed, a number of concerned citizens had suggested to me that they would contribute funds if I were prepared to make a television response to the President. I investigated this possibility and learned that a half hour prime time could be purchased on NBC for this purpose at a cost of approximately $60,000. In a few days time I raised half of this amount and borrowed the balance. Meanwhile, based on years of experience speaking out against the folly of our Vietnam involvement, I concluded that instead of an appeal by a single Senator, from one party, the proposed television appeal should be bipartisan in nature.

I therefore invited the Senator from Oregon (Mr. HATFIELD), the cosponsor of my original amendment; the Senator from Idaho (Mr. CHURCH), a principal sponsor of the Church-Cooper amendment; and the Senator from New York (Mr. GOODELL), and the Senator from Iowa (Mr. HUGHES) to join in the telecast. They agreed to do so, and we employed the services of Mr. Charles Gug-

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genheim to film our presentation. In the general view of television critics who have commented on the program, it was a constructive, highly effective presentation. It represented a rational discussion of the views of Senators favoring a fixed deadline for the withdrawal of American forces from Indochina. There was no attack on President Nixon. In arguing that Congress should play a more responsible role in decisions concerning the war we blamed the erosion of congressional powers not on the President, but upon the Congress itself.

An appeal for funds was made in the space of a few seconds during that telecast which we hoped would bring in enough funds to pay for the telecast and possibly some additional television time. Because of the emotions stirred by the Cambodian invasion, the killings at Kent State, and, I hope, the quality of the broadcast, approximately 70,000 contributors sent a surprising total of more than $480,000. When we prepared the programs, we were not aware that the depth of sentiment in the Nation would generate a response this great.

We have sought to secure either public service or purchase further broadcasts of this nature but have been consistently refused the opportunity to state our case as we wished while the President has been able to appear regularly in support of his position.

We disagree with the President's Vietnamization formula because we believe it means an indefinite commitment of American forces to the support of the Thieu-Ky regime. We favor instead a definite timetable for the systematic withdrawal of all American forces. Although the President has inaccurately described our amendment during one of his many appearances, the networks have turned down even our request to set the record straight on that point.

I appreciate the complex problems which network officials have in determining who should be sold or granted television time. It may also be a fact that the administration, speaking through its Vice President, has created a climate of fear to which network officials are overreacting.

In any event, full accounts have been published of the receipts and expenditures resulting from the Senator's broadcast. Nearly all of the 70,000 contributors made small contributions. None of the contributions are tax deductible. On the expenditures side, we have published a full accounting in the RECORD and have made updated accounts available to any person who asked for them. No Senator ever requested such accounts.

I ask unanimous consent that at the conclusion of my remarks the latest statement be published, so that all Senators and other interested parties will be informed of our expenditures.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, the funds were paid to the Amendment To End the War Committee, a group of Senators supporting the amendment. The funds are now handled by a fully bonded accountant, who works without payment for his services. He works under the supervision of two trustees, selected on a bipartisan basis: The distinguished former Senator Ernest Gruening, a Democrat now in private life in Washington, and Edward Burling, a Republican of Washington, D.C., and one of the most eminent lawyers in the Nation. At no time has any person been able to dispose of any of these funds except as agreed to by a bipartisan group of Senators.

There has been some mention made of a number of committees that have been created to support the amendment. I am pleased to say that many committees have been established, as many people have rallied to the support of the amendment. Only two committees involve Members of the Senate. One is the Amendment To End the War Committee, established solely to handle the funds which resulted from the telecast. The other—the Congresional Committee for a Vote on the War—is composed of Members of both the Senate and the House and is devoted to research and publications relating to the war in Indochina. To the best of my knowledge, all other committees have been organized by private individuals. In some cases, very limited funds have been provided for a part of their operations in line with the wishes of a great many contributors that their contribution be used for any purpose which the Senators sponsoring the amendment thought would aid in its passage. Where this has been done, the accounts so indicate.

It has been said that we have established and paid a staff of some 30 people. I am proud to say that not 30, but well over 100 people have worked in this effort. But they have worked as volunteers. In a few cases, where individuals actually left their jobs to volunteer their help, because they felt so strongly about the need to end American military involvement in Indochina, we have paid them living expenses but not full wages.

Finally, we come to the informational campaign. As I have stated before in the Senate, we regarded this effort in the nature of an experiment. We believed that if television appeals were beneficial for candidates seeking high office, this technique might be effective in support of a public issue. Are those who criticize the use of advertising on a single issue also criticizing the use of advertising for political candidates? If so, they are certainly out of step with accepted practice in both parties.

Many of the advertisements have been purchased by private groups who have received no financial support from the Amendment To End the War Committee. Reference has been made to a newspaper advertisement showing a flag-draped coffin. But it should be noted that his advertisement was not sponsored by Senators, but by a private group of citizens. Indeed I never saw that advertisement until it appeared in a Washington paper.

But it has been alleged that the television announcements, most of which were paid for by the Amendment To End the War Committee were concentrated in a few areas as a way of bringing undue pressure to bear. What purports to be a list of stations on which the spot announcements were shown has been placed in the RECORD. This list is partial and is inaccurate.

Television announcements have been shown or will be shown shortly in 52 cities in 23 States and the District of Columbia. Actual coverage extends into at least 29 States. That is more than half the States of the Union and hardly qualifies as a limited sample. Selections were made with two primary considerations in mind. First, an attempt was made to show the announcements in all parts of the country. Second, an attempt was made to get wide coverage although the amount of money available to purchase television time was quite limited in view of the costs.

We were not experts in the best way to mount a media campaign, but volunteers, who are experts advised us on the appropriate ways to obtain effective coverage. This meant concentrating on medium-sized cities and running a series of announcements. As a result, announcements have not been broadcast in New York, although that would reach into three States, because the cost was too high. But we can let whoever wishes judge if we have concentrated on a few areas. Some States have been covered reasonably well; some have not been covered at all. But the distribution has been as wide as possible, given the funds available and the desire to make the broadcasts effective in line with the advice of advertising experts. I ask unanimous consent that the list of cities where the spots have been shown be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Albuquerque, N. Mex.
Atlanta, Ga.
Beckley, W. Va.
Bellingham, Wash.
Bluefield, W. Va.
Boise, Idaho
Burlington, Vt.
Charleston, W. Va.
Chicago, Ill.
Clarksburg, W. Va.
Columbia, Mo.
Dallas-Fort Worth, Tex.
Denver, Colo.
Des Moines, Iowa
Ensign, Kans.
Eugene, Oreg.
Fargo, N. Dak.
Harrisonburg, Va.
Idaho Falls, Idaho
Joplin, Mo.
Kansas City, Mo.
Las Vegas, Nev.
Lexington, Ky.
Louisville, Ky.
Manchester, N.H.
Medford, Oreg.
Miami, Fla.
Minot, N. Dak.
Norfolk, Va.
Paducah, Ky.
Parkersburg, W. Va.
Pembina, N. Dak.
Philadelphia, Pa.
Portland, Oreg.
Providence, R.I.
Reno, Nev.
Richmond, Va.
Roanoke, Va.
Roswell, N. Mex.
St. Joseph, Mo.

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St. Louis, Mo.
Salt Lake City, Utah
Seattle, Wash.
Sioux Falls, S. Dak.
Spokane, Wash.
Springfield, Mo.
Topeka, Kans.
Twin Falls, Idaho
Washington, D.C.
Wheeling, W. Va.
Wichita, Kans.
Yakima, Wash.

Mr. McGOVERN. Mr. President, this list also includes three cities where the spots will be shown, although they are not yet on the air. I might note that the Amendment To End the War Committee has not defrayed the broadcast costs in all cases.

Almost no funds are raised as a result of these television announcements. With one exception, no request is made for funds.

We have encountered little difficulty in purchasing time for the spot announcements. Only in Washington, D.C., did we find that every VHF channel was closed to us. I see this as another example of overreaction to the climate of fear that has been created by the Vice President's statements.

This recitation of the facts answers each of the points that has been raised in the Senate. No doubt more will be raised and answers will be forthcoming. But I must say that I regret what I consider a waste of our efforts and time in a diversionary tactic designed to draw attention away from the substance of the Amendment To End the War.

Exhibit 1

Amendment To End the War Committee

(As of August 4, 1970)

RECEIPTS

Contributions:	
Cash: To Committee (net)	$441, 513. 12
To NBC	6, 949. 00
To Council for a Livable World	24, 050. 00
Total	472, 512. 12
Other: Production Services (Guggenheim Productions)	20, 179. 43
Total contributions	492, 691. 55
Interest Earned	229. 69
Other Receipts:	
Loan (Stewart Mott)	30, 000. 00
Contributions received by NBC for the Council for a Livable World	25, 105. 32
Total	55, 105. 32
Total receipts	548, 026. 56

DISBURSEMENTS

For Telecast, May 12, 1970 (half-hour):	
Air Time (NBC)	59, 493. 30
Production:	
Guggenheim Productions:	
Paid services	9, 820. 57
Contributed services	20, 179. 43
Total	30, 000. 00
Telecolor Productions:	
25 film prints	1, 290. 00
Air Time, for reshowing in Los Angeles (Carl Ally, Inc.)	2, 000. 00
Total television expenses	92, 783. 30
For Newspaper Advertising:	
Space: Carl Ally, Inc	$5, 847. 12
Patrick McKeever	625. 00
Robert A. Mann	150. 65
Larry Kotkiloff	120. 40
Gateway Advertising	3, 052. 36
Enterprise Agency	2, 985. 15
Total Space	12, 780. 88
Production (Advertising People Against the War)	3, 876. 80
Travel Expenses:	
S. Cohen—Oregon	388. 05
Eric Lindauer—Oregon	25. 00
Total travel expenses	413. 05
Total	17, 070. 73
For Production Expenses for Telecast, other than original (Guggenheim Productions)	3, 512. 04
For radio and TV spots:	
Production (Guggenheim Productions)	8, 057. 10
Air time (Carl Ally, Inc.)	128, 000. 00
Staff travel expenses (N.Y.)	97. 75
Air time (WDCA-TV)	600. 00
Telegrams (for TV availabilities)	388. 57
Total	137, 143. 42
For the House Committee for a Vote on the War:	
Administrative services	5, 320. 00
For the Congressional Committee for a Vote on the War:	
General report, printing (creative printing)	3, 528. 00
General report, reprints (creative printing)	1, 606. 80
Legal report, printing (House majority room)	1, 581. 00
Legal report, reprints (House majority room)	764. 00
Organizational luncheon	64. 80
Telephone (C. & P. Telephone)	1, 587. 42
Letterheads (Acme Printing)	140. 17
Furniture rental (desks and furnishings)	190. 32
Total	9, 462. 51
For postage and mailing	2, 601. 07
For Bread and Peace Committee (C. & P. Telephone)	200. 00
For stationery (acknowledgment cards)	822. 18
For telegrams (to student leaders)	10, 462. 70
For expenses in connection with Conference on Feasible Timetable for Withdrawals	2, 424. 33
For all other expenses:	
Volunteers' support	4, 559. 00
Telegrams	298. 91
Bank charges (collection, service)	502. 15
Xeroxing, office supplies	262. 51
Total	5, 622. 57
Total disbursements for expenses	287, 424. 00
Other disbursements (see *Receipts*):	
Loan repayment (Stewart Mott)	30, 000. 00
To transfer funds received from NBC for the Council for a Livable World	25, 105. 32
Total	55, 105. 32
Total disbursements	342, 530. 17
Reserve balance (and cash in bank) (total receipts less total disbursements)	$205, 496. 39

Respectfully submitted,
JOHN W. BRANNER,
Accountant.

SCIENCE SUPPORT FALLS AT THE SMITHSONIAN

Mr. GOLDWATER. Mr. President, in the May issue of the Smithsonian Institution's in-house newspaper, Dr. S. Dillon Ripley, Secretary of the Smithsonian, wrote that the recent flood of criticism surrounding that organization was unfair and slanderous. His statement carried a four column banner headline entitled, "Ripley: 'The Tactics of the Smear.' "

On July 30, Representative FRANK THOMPSON, of the House Subcommittee on Library and Memorials, pulled down the curtain on the first far-reaching series of hearings probing the Smithsonian in over one hundred years. In contrast to the rosy assurances uttered only 2 months earlier, the public record was now filled with the most serious charges that many observers can recall hearing about the Smithsonian in its long history.

Many good things were reported. For example, the active role of Smithsonian researchers in the field of environmental understanding is one area in which the public can take pleasure and be grateful.

But for the first time, many grave questions were raised. One group of workmen appeared before the committee armed with affidavits and their own personnel records to back up allegations of racial discrimination and favoritism in the making of promotions. Mismanagement became an issue when a GAO representative explained his agency's findings of irregular financial activities on the part of several Smithsonian branches.

And weaving through the entire proceedings were the signs of an unmistakable shift in the course of the Smithsonian's philosophy and priorities. When the hearings ended, the conclusion was evident. The Smithsonian has departed from the traditional, fundamental precepts which had guided the Institution since the days of Joseph Henry.

A new Smithsonian has appeared. The historical emphasis on pure scientific research is viewed as being too stuffy. In the new Smithsonian, great attention is put upon pomp and showmanship.

The display begins with a changed cast at the top. Many new policymakers were brought in on the private rolls and then firmly emplaced after added Federal super grade positions were given to the Smithsonian by Congress.

The Office of the Secretary itself has grown three times over in the past decade.

The increase in administrative staff has coincided with the refurbishing of the original Smithsonian building so that it will look the same, or even richer, today than it did in the 1850's when it opened.

This construction, which cost $2.6 million, will provide impressive quarters for many of the Smithsonian's top officers. Strangely enough, the plans for the dining room in the building did not include a kitchen, and the management may have to ask Congress for additional funds to install one.

Other renovation and construction work done in recent years includes an on-going $2.4 million project to complete the Renwick Gallery of Art, extensive remodeling of the Belmont Conference Center, $7 million in restoration work to house the National Portrait Gallery, and a $16 million project to construct the Hirshhorn Museum.

While the acquisition of elegant structures was underway, a line of showy projects appeared through which the Smithsonian sought to gain a new "relevance" to contemporary life.

A posh national magazine was introduced named "The Smithsonian." The Museum shops offered an expanded and more expensive selection of bright objects and gifts. Radio Smithsonian was broadcast as an educational outlet.

Entire new units were created or acquired. The Cooper-Hewitt Museum in New York City is one. The Archives of American Art is another. The Office of Academic Programs was founded in 1967 and has enjoyed a phenominal growth ever since. It now has a yearly budget running well in excess of half-a-million dollars.

Also, the Division of Performing Arts was created. This office holds an annual Folklife Festival on the Mall and has a $200,000 budget.

Even so, according to the GAO, the Division of Performing Arts twisted the rules of the Smithsonian on at least 10 occasions during fiscal year 1969 by entering into contracts without checking with the fiscal division to see if there was any money available for its projects and without first obtaining permission from the supply division to make these commitments. I have obtained a list of these incidents from the GAO and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD. as follows:

SMITHSONIAN INSTITUTION

REVIEW OF PROCUREMENT PRACTICES BY GAO SCHEDULE OF SELECTED PROCUREMENTS MADE DIRECTLY WITH CONTRACTORS OR VENDORS WITHOUT PRIOR CLEARANCE WITH THE FISCAL OR SUPPLY DIVISIONS

Contract or purchase order No.	Organizational unit requisitioning goods and/or services	Contractor or vendor	Amount	Types of goods or services
FISCAL YEAR 1969				
SFC-9-0684	Division of Performing Arts	Tesco Co	$4,097.00	Rental, installation, and operation of stages, screens lights, 2d Annual Folk Festiva lJuly 3 to 7, 1968.
SFC-9-0572	do	Russek Electric Co	3,652.00	Power and lights for 2d Annual Folk Festival July 3 to 7, 1968.
SIF-9-3039	do	Allan Jaffe	800.00	Consultation and planning for Folk Festival and for 1968 Olympics.
SIF-9-3030	do	Johnny-On-The-Spot, Inc	500.00	Rental of portable sanitary facilities, Folk Festival July 4 to 7, 1968
SIF-9-3034	do	Potomac Electric Power Co	2,227.00	Install and later remove temporary electric power source for Folk Festival July 3 to 7, 1968.
SIF-9-3040	do	Shayne Bros., Inc	900.00	Pickup and removal of trash, Folk Festival July 4 to 7, 1968.
SIF-9-1880	do	HDO Productions, Inc	1,350.00	Rental of 16 tents of various sizes to house craftsmen and displays for Folk Festival.
SIF-9-1881	do	do	2,340.00	Rental of 5 marquees for sales tents, Folk Festival.
SIF-9-1882	do	do	2,250.00	Rental of 9 marquees for craft tents, Folk Festival.
SIF-9-1883	do	do	2,200.50	Rental of 7 marquees for food tents, Folk Festival.

Mr. GOLDWATER. Mr. President, the Division of Performing Arts has unquestionably sponsored many programs which have delighted large audiences at the Mall. Being aware of these contributions, I do not intend to sound overly critical of its conduct in making these 10 contracts. I do wish, however, to point to this activity as an example of the kind of driving enthusiasm with which the Smithsonian plunges full speed ahead on behalf of projects which enjoy the favor of the top management.

In dim contrast to the healthy expansion of such units at the Smithsonian, the National Air and Space Museum and the National Museum of Natural History are both suffering from a serious decline in support. I first revealed this disturbing development on the Senate floor in May, preceding a meeting of the Board of Regents. On July 21, I repeated these charges before the House Subcommittee on Library and Memorials.

In short, I urged Congress and the Smithsonian to devote increased attention to these two major museums. I presented documented evidence establishing the distressing problems confronting each facility.

Mr. President, strong new proof is now at hand which backs up my complaints about the decline of support to the Museum of Natural History. It comes from none other than the Director of the Museum, Dr. Richard S. Cowan.

Dr. Cowan appeared as a witness before Representative THOMPSON's committee on the last day of its hearings. His testimony has not been discussed widely in the news media, but it should be.

The Natural History Director disclosed problem after problem which cause him alarm. He confirmed that the employee picture which I cited to the committee is accurate—there is less than one technician to each scientist, well below the recognized minimum support standards.

Dr. Cowan testified that the lack of adequate technical assistance results in an almost "criminal mismanagement of human resources" because highly trained scientists are required to waste their time doing routine chores.

Dr. Cowan also verified for the committee the charge that I had made that the manpower situation at the Museum of Natural History is worse now than it was several years ago. In his own clear way, Dr. Cowan said:

> The available pairs of hands, both professional and supportive, are fewer now than four years ago.

His statement was documented by a description of the plight of the Department of Vertebrate Zoology, where the workload has steadily increased at the same time that the department has lost 10 positions, or one-third of its staff, and suffered a drastic cut in its operating funds. In fact, the money available to the department is so embarrassingly low that it is only able to offer each scientist an allotment for field travel, supplies, and equipment for research, which is less than the research support given to graduate students. In other words, the full-time scientists do not even have the same support provided to apprentices.

Dr. Cowan also confirmed my contention that the large sums of overhead moneys flowing into the Smithsonian as a result of research activities performed by natural history scientists do not buy the supplies and equipment the research departments need, nor does any of it come back to the Museum directly.

In addition, Dr. Cowan substantiated my claim that restrictions have been placed on the assistance provided to Natural History by the Smithsonian service divisions. Indeed, he added that in many cases the Museum must now buy, without having received any budget increase, items that formerly had been provided out of the supply division's inventory. Consequently, not only have the services furnished to the Museum been cut back, but the Museum must now pay out of its meager operating allowance for things which it used to receive without charge.

On another point, Dr. Cowan reaffirmed the importance of the resolution passed by the Smithsonian council, a development that I had disclosed to the committee. I agree completely with Dr. Cowan when he remarks that—

> It is especially significant that the first substantive resolution ever adopted by the Council recognized the current potential peril of the Natural History Museum.

Mr. President, I also share Doctor Cowan's observation that the members represented on the council are appointed "from among the leaders of all branches of knowledge and only a few of the present group would characterize themselves as specialists in the natural sciences." For this reason, I am somewhat surprised by the response of the Smithsonian Secretary, in a memorandum dated May 15, in which he writes that:

> We also recognize that the Smithsonian's

many interests in the arts are under-represented on the Council.

If there is a need for additional members on the Council in any areas, I would suggest that it is in the aerospace and basic science fields because that is where the most pressing problems exist.

Finally, I note that Doctor Cowan has also seconded my comment that the general exhibit of specimens is badly in need of renovation at the National History building's World of Mammals. Perhaps if an adequate number of technical aides were attached to the Museum, some of these technicians could take care of the preservation work on a part-time basis.

Mr. President, in order that this strong and revealing statement can be read by the large audience it deserves, I ask unanimous consent that the complete text of Doctor Cowan's testimony be printed in the RECORD at the end of my remarks.

In particular, I hope that this statement will be seen by the scientific community of America. I sincerely hope that a wave of support can be generated for the improvement of conditions at the Museum of Natural History so that the Smithsonian will stop making excuses as to how this happened and start moving to implement specific steps which will correct the situation.

Obviously, more operating money, more manpower, and more support services are needed. The important question is not how this came about, but what can be done to remedy it. I am certain that the House Committee which heard Doctor Cowan's testimony is as eager as I am to learn what the Smithsonian management's answer will be to this question.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY RICHARD S. COWAN, DIRECTOR OF NATIONAL MUSEUM OF NATURAL HISTORY, BEFORE HOUSE SUBCOMMITTEE ON LIBRARY AND MEMORIALS, JULY 30, 1970

Mr. Chairman and Members of the Subcommittee: The opportunity to appear here is a source of much pleasure, at once an opportunity and challenge because I want to do two things—to expand on some of the points mentioned by Senator Goldwater in his presentation on July 21 and, secondly, to give you a picture of the National Museum of Natural History and its activities.

To set the proper perspective on my remarks, I want initially to emphasize that most of us recognize that, under Dr. Ripley's leadership and stimulation, there have been great changes at the Smithsonian in the past few years and we in the Museum are very grateful indeed for this period of Smithsonian history when it has been possible for us to change procedures, to develop objectives, and to modify attitudes. The position of biology generally, and of systematics/ecology specifically, is at new intellectual and functional levels that must be maintained. We have one of the largest research staffs in the world concerned with the natural sciences. Individually and collectively these scientists are the best ever gathered under the roof of the Museum, engaged in more significant research programs than ever before. Consequently, I am deeply alarmed at any threat to the integrity of the group.

However, before proceeding along these lines, let me categorize the three principal activities of the Museum as (1) research on and (2) care of (curation) the National Collections of Natural History and (3) education in the broadcast sense. Most people are familiar with the exhibits function, which we look on as an education activity and which we are restudying, developing totally new exhibits concepts, more related to the needs of our visitors. Altogether too few people are aware of the Museum's most basic reason for being—the production of knowledge through scientific research, which undergirds all the exhibits and which adds so significantly to man's knowledge of the world about him. It is the research and collections-caretaking functions that I want to highlight in this presentation.

Among all the animals other than man, a consciousness of the environment appears to be limited to the presence or absence of food, beneficial or harmful temperatures, adequate or inadequate conditions for reproduction, and other life responses. Man alone is able to comprehend the environment in relation to his needs and in aesthetic terms as well; in spite of this unique quality, it is also man who despoils, destroys, and desecrates his environment. On the other hand, only the human species can care enough about the environment to repair at least some of the damage. Whatever improvements are made rest squarely on the natural sciences and the knowledge they generate. The research staff of the National Museum of Natural History—anthropologists, zoologists, botanists, paleontologists, and mineral scientists, working together—contribute importantly to the growing awareness of our living world.

I think it is fair to say that there have always been more scientists of the natural history type in the Smithsonian than of any other class of researcher and from the outset they have been contributing to environmental understanding. We are not late arrivals on the environmental bandwagon—and we are certainly pleased to have so much company on it. Today's concerns for our surroundings by Smithsonian researchers in the life sciences are the modern counterparts of attitudes that were expressed in the earliest formative years of the Institution. In the mid-nineteenth century, when our nation was expanding rapidly, the Smithsonian became the national focus for the exploration of the Great West and its natural wealth. Numerous expeditions sent out by the government went with the advice and collaboration of Joseph Henry's small staff. As they returned from boundary surveys, railroad-route exploration, and pathfinding efforts, the thousands of specimens of plants, animals, rocks, fossils, and Indian lore deposited with the Smithsonian soon made this the most important center of information concerning the American environment. The geographical, ecological, and temporal data attached to each of these and subsequent specimens now provide essential ingredients for our attempts to prevent further deterioration of our natural world, to restore quality where it has been degraded, and to assess probable effects of future environmental manipulation.

For example, using the National Collections, we can establish the natural radiation levels in organisms collected before nuclear weapons testing, the load of metallic compounds carried by them before air pollution advanced to its present threatening proportions, and the biochemical constitution of organisms before we began releasing persistent pesticides into the environment.

The presence or absence of a particular species, or association of species, may be an indication of water pollution, of chemical conditions of the soil, of contamination of the air, or of previous land uses. An association of particular kinds of fossil organisms in a bed of known age is the key that unlocks our understanding of ancient environments, eons of time before there were intelligent observers.

In like manner, our studies, such as the one now developing in arid southwestern Asia, of man's prehistoric use of the land tells us much about both natural and human ecology in distant times. Knowledge of the social systems of earlier civilizations, their failures and successes, provides us with valuable baseline information with which we approach today's not dissimilar problems of population control, land use, and general environmental exploitation.

Similarly, our appreciation of the physical processes that have formed the earth and the moon is enhanced by the research of mineral scientists in the Museum, working with the largest meteorite collection in the world, samples of lunar rocks and dust, and one of the world's most extensive reference collections of rocks, ores, and minerals. These and 50 million other specimens constitute the National Collections, this nation's chief (and often only) resource for documenting our knowledge of earth's environment, past and present, as well as the base for a future capability to predict the probable consequences of major environmental manipulations. The staff of the National Museum of Natural History are dedicated to the care, orderly development, and data-sharing of this scientific treasure-trove.

With the realization that this enormous natural history collection and its associated ecological information constitutes an unrivaled national resource for considering solutions to the dilemmas affecting quality of living, there comes the staggering recognition that the estimated 500 million data-items cannot be controlled and accessed by conventional, manual methods. Fortunately, rapidly developing computer technology has become available for such applications. Museum programs are beginning to mature that will provide access to both library and specimen data in random, highly flexible, permutative ways for the research of Museum scientists, for biologists generally, and especially for environmentalists. One computer system, especially developed for application to museum data storage and retrieval, has now emerged from a three-year study conducted in the National Museum of Natural History and supported by a Department of Health, Education, and Welfare contract. Using FY-71 appropriated funds, we will begin the implementation of that system in a small way. We are working closely with most of the other major natural history museums in this country to make plans for an interactive, national network connecting the resources of all into one master data base. At the same time, we are planning with the National Museum of Canada and the British Museum of Natural History to make the network eventually international.

The natural sciences have a critical, basic role to play in the national ecological effort to meet the most urgent human problem—survival in a decaying environment without loss of our underlying freedoms. (Cf. National Research Council report, "Systematics in Support of Biological Research," January 1970.) The National Museum of Natural History is prepared to accelerate the production and synthesis of information about man and his surroundings and already several hundred publications appear each year embodying the results of staff research. Most are clearly supportive of ecological studies and some are of an advanced order of statistical complexity. There are many long-time projects underway that are going to take continuing support, ranging from accounts of the flora or fauna of a region to population

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studies in relation to various factors of the environment. The Smithsonian-based and National Science Foundation-financed Flora North America Program is a good example of the basic studies that will be very helpful to sound resource management in the future. It will also provide a research link with the Flora of Europe now underway and the voluminous Flora of the U.S.S.R. completed only recently. On the animal side, there is the project on African mammals and their parasites, and the study of bird migrations between Africa and Southern Europe in relation to disease transmission.

Now let us turn to the important question—What does the Museum have to work with to accomplish these goals? Most importantly, as I have indicated, we have an outstanding staff of scientists and support people in 245 civil service positions. The ratio cited by Senator Goldwater of technicians to researchers is accurate, less than one-to-one. Even when clerical and secretarial positions are taken into account, it is still below recognized minimum support standards ("Systematic Biology: A Survey of Federal Programs and Needs," pp. 28–29 and 44, published by the Office of Science and Technology, May 1969).

I want to dwell on this imbalance a moment because many years ago we realized that using highly trained, productive young scientists to do routine, repetitive chores is a gross misuse of the scarce talents they represent, if not criminal mismanagement of human resources. In the FY–67 budget hearings we proposed to increase technical support to the level of two technicians per scientist. Now, several years later despite continuing efforts in the budgetary process, we still do not have the minimal ratio. We have made some improvement in the manner in which the abilities of our technicians are organized and used. Several of the Museum's departments have developed a pool-approach, that is, reorganization of the department's technicians into a central group. This has resulted in more of the repetitive chores getting done in a priority order by people who are specialists in such work. This last flexibility has been used in what must be viewed as only a temporary palliative, not a solution. What has actually happened is that the available pairs of hands, both professional and supportive, are fewer now than four years ago. To illustrate, I'd like to present a representative example of the changes in the fortunes of the National Museum of Natural History in recent years.

The Department of Vertebrate Zoology is one of the larger units and is concerned with biological studies of mammals, fishes, reptiles, amphibians, and birds. Its history of resource allotment and use parallels that of the Museum in this period.

In the early 1960's the four divisions of Vertebrate Zoology were considerably smaller than now, with a total staff of twenty, eight of them scientists. By 1967 (Table 1) the department had doubled due to an influx of younger scientists and recognition of the fact that supportive staff was needed for curation so that the fifteen scientists might pursue the research for which they were employed.

Subsequently, because of resignations and retirements, job freeze and job abolition, ten of the positions filled in 1965–1967, when the department reached its high point, were lost. Then, in 1968 while losses were taking place in ongoing programs, two positions in Primate Biology, a new interdepartmental program, were added. These two positions are not regarded as redeployment of existing personnel resources but as new positions in a totally new program. The scientific competence represented in the ten lost positions is shown in the far right-hand column.

The growth in the collections (Table 2) is one indication of the increase in departmental work load during that time. Other departmental responsibilities, such as loans and outside visitors, have also increased many-fold. A recent report from the natural history museums of the country revealed that two-thirds or more of the collections borrowed from all museums for study each year are from the National Museum of Natural History. These facts indicate an enormous work load but what did Vertebrate Zoology have with which to do its part of the job?

On the basis of non-salary funds available, the department is now at about the same level it was in 1965 (Table 3). The allotment increased well in 1966 and 1967 but during the last three years has dropped slightly below the 1965 total, so that it has not even kept pace with the increased cost of living. In addition, the department now has to buy things out of its $35,000 which it did not buy in 1965: $5,000 worth of cases, nearly $5,000 worth of bottles, computer time, zeroxing, and manuscript typing.

Care of the National Collections is a prime responsibility and money from research allocations has been put into curation in this example. The amounts expended for curation have grown, mainly because of purchases of bottles and cases, but to compensate, the department has had to cut funds for equipment and supplies, such as traps, vials, and skeleton boxes. The graph (Figure 1) demonstrates the increasing use of Federal funds in support of the collections at the expense of research. Contracts for illustrating scientific publications and other purposes are down to 57% of what they were in 1965 and supplies and equipment are down about 41%. Currently the department is able to allow each scientist only $460 for travel and $200 worth of supplies and equipment for research each year, a total less than the research support often provided to advanced graduate students!

DEPARTMENT OF VERTEBRATE ZOOLOGY

TABLE 1.—SUMMARY OF FEDERAL POSITIONS FISCAL YEAR 1965–70

Division	1965	1966	1967	1968	1969	1970	Number positions lost from highest total	Competence lost
Mammals:								
Professional	3	3	3	2	2	2	1	S.E. Asia specialist.
Technical	5	5	5	5	5	5		
Secretarial	1	1	2	1	1	1	1	Clerk-typist.
Primatology [1]								
Professional				(1)	(1)	(1)		
Technical								
Secretarial				(1)	(1)	(1)		
Birds:								
Professional	4	4	4	3	3	3	1	System evolutionist.
Technical	2	2	2	2	2	2		
Secretarial	2	2	1	1	1	1	1	Clerk-typist.
Reptiles and amphibians:								
Professional	2	2	2	2	2	2		
Technical	1	1	2	2	2	2		
Secretarial	1	1	1	1	1	1		
Fishes:								
Professional	6	6	6	6	5	5	1	Shark specialist.
Technical	5	7	7	7	5	5	2	Curatorial assistant.
Secretarial	1	1	2	2	2	1	1	Clerk-typist.
Office of Chairman:								
Administrative			1	1	1	1		
Secretarial			1	1			1	Secretary.
Technician-laborer	2	1	1	1	1	1	1	Specimen preparator.
Total	35	36	40	37	33	32	10	
Total				(2)	(2)	(2)		

[1] New program, not included in Department base.

TABLE 2.—GROWTH OF COLLECTIONS FISCAL YEARS 1965–69

	Mammals	Fishes	Reptiles-amphibians	Birds
Fiscal year 1965	325, 746	1, 791, 877	161, 564	514, 208
Fiscal year 1969	411, 300	2, 108, 958	172, 609	537, 084
Percent growth	26	17. 5	6. 8	4. 5

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TABLE 3.—SUMMARY OF FEDERAL SPENDING—FISCAL YEAR 1965-70

	Curation					Research							
Fiscal year	Cases	Bottles	Tanning	Other supplies and equipment	Subtotal	Contr.	Computer	Xerox	MTST	Other supplies and equipment	Travel	Subtotal	Total
1965		66	3,013	9,793	12,872	9,343				7,385	6,000	22,728	35,600
1966			4,128	8,809	12,937	9,578				11,165	6,320	27,063	40,000
1967		85	4,067	13,131	17,283	8,388				15,362	5,967	29,717	47,000
1968		3,042	3,300	8,009	14,351	6,325	1,100	1,800		5,527	5,297	20,049	34,400
1969	5,565	3,860	3,500	3,955	16,880	5,700	500	1,300	483	5,022	4,515	17,520	34,400
1970	5,000	4,788	750	7,064	17,602	5,300	700	1,000	1,140	3,158	6,050	17,348	34,950

From this example the reasons for my comments quoted by Senator Goldwater may be more apparent—that the museum had its back to the wall, that we are in some real danger of missing forever constantly occurring opportunities to participate in or initiate research which can contribute importantly to solutions of national problems. I cannot sit by complacently and see that happen. But let me elaborate a bit on the contention that the Museum is in real straits. We now use well above 90 percent of our total Museum budget for salaries and benefits, leaving less than 10 percent for all the research support, the equipment for both research and curation, the travel for field studies, and the increasing amounts of what was once provided by the service divisions of the Smithsonian. The Museum's annual increases in appropriated funds has regularly been below a 7 percent minimal cost-of-living increase. The several across-the-board salary increases, the merit-based adjustments of staff incomes over the past few years, taken with budget increments below the increased costs of doing business, result in ever larger proportions of the total funds being used just to maintain the excellent group of people we have.

But the Museum can provide them less each year in the way of research travel, equipment, research assistants, and publication. It is true that the Museum staff receives some research support through grants and contracts but these are by nature for very specific, limited purposes. Such funds do not buy the supplies and equipment the departments need nor does any of the overhead come to us directly. Without a substantial increase in the Museum's budget this present year, staffing would have to be reduced and, inevitably, many of the best of all classes of employees would leave first. If this should be permitted to happen, I believe the credibility of the Institution as a responsible employer would suffer and certainly the science contributions I have alluded to will not be realized.

At various points in these hearings we have discussed the subject of collections, so I would like to take this opportunity to answer questions we are often asked: Why do biologists need so many collections? Why should the National Collections continue to increase? Is there any policy governing the growth?

Whether human skeletons or other kinds of specimens, the diversity and variability of nature is basic to the answers. If we could summon up the Ancient Greeks who repelled Persian onslaughts and created the themes of our own society, or the American Indian builders of the great midwestern mounds, we could study directly their health, diseases, physiques, and so forth. Lacking that sort of magic recall of past peoples, we can read a physical biography in their skeletal remains and reconstruct much of the history of the culture represented. But one, a few, or even a hundred skeletons may not be sufficient to provide a sound statistical base for interpreting the natural variation one finds within any human population. Similarly, among other animals and plants, to understand an organism-group, which by its very nature is variable from one individual to another, the scientist must be able to look at a large sample. Only in this way is useful scientific classification possible and it is on classification that all other knowledge of an organism is structured for effective retrieval. In one form or another, classification based on the gathering, organizing, and interpreting all knowledge about man, other organisms, and rocks is the chief activity of the Museum staff and most of us are called taxonomists or systematic biologists.

Another reason for large numbers of collections has to do with biogeography. Most kinds of plants and animals occur over considerable areas of the earth—from a few counties in extent to around the world—and a large collection of biological materials of what appear to be very similar items is the only way to learn and document their distribution. Also, the availability of large collections, series from the full geographic range of a group of species enables the scientist to assess environmental change in different areas through historical times, or to describe the evolution of environments through study of fossil organisms. Geographic relationships are likewise important in locating organisms for biological control of noxious pests and weeds to replace pesticide control.

As the Nation's biologists, including our own, become ever more deeply involved in ecological research, these collections increase enormously in research value, for they are the documentary baseline for the living part of our environment in prebomb, prepersistent-pesticide, preindustrial periods of hour history when the air was not loaded with lead and our waters with mercury compounds.

The univeristies and other centers that study and care for such collections do not, indeed cannot, maintain the large natural history collections American scientists must have. This was recognized long ago by the legislation that established the U.S. National Museum as the Federal depository for these documentary materials and, quite properly, other similar centers look to us for leadership and help. If adequate space and support is not provided for the national collections—and space is a serious problem—the problem will not go away, nor will someone else do the job. It just won't be done and U.S. science will suffer.

You will be interested in a sample listing of some of the large collections that have come to us over the past 5 years from the university community. But first, let me emphasize a very important point—we are not the undiscriminating recipient of anything and everything others want to dispose of. We regularly reject large numbers of collections that do not meet the high standards of data quality we have insisted upon for years. If a collection is valuable but not up to what we feel the national collections should accept for one reason or another, we do our best to find the specimens a useful home in another museum or in a teaching collection. We have criteria for growth of the collections and we apply them.

From University of Michigan, crayfishes.

University of Florida, fishes.

University of Kansas, freshwater mollusks and crayfishes.

Goucher College, plants, minerals, archeological artifacts, etc.

University of Maryland, amphibians (salamanders).

Washington University (St. Louis), human skeletal collection.

Johns Hopkins University, tertiary fossils.

Yale University, bryophytes.

In addition, the Museum is the official depository for the study collections of the Department of Agriculture's entomologists, the Department of the Interior's ichthyologists, mammalogists, and ornithologists, and the Geological Survey's paleontologists, all of whom share the Natural History building with us. Also, the Mohole cores and the collections from the National Science Foundation managed Antarctic program are accepted by us as a part of our legislated responsibility to other Federal programs. Additionally, the support of university biology by the National Science Foundation and other Federal agencies oftentimes results in demands on the Museum for preservation of the collections that document these research projects. Because study of pollen at successive rock layers helps locate new oil reserves, oil companies employ pollen specialists who deposit the documentary microscope slides with the Museum for preservation.

On the other hand, I must mention Yale University's Record Wood Collection as an example of a research resource that should have come to the National Herbarium but did not. Because of the lack of funds and space, that collection is elsewhere. It is not lost to science but as the world's largest collection of tropical woods with voucher specimens, it would have greatly strengthened the present wood collection in the National Herbarium and the research thereon.

Now I should like to comment on a couple of the other matters discussed by Senator Goldwater that are not included in the preceding remarks.

The importance of the resolution of the body called the Smithsonian council perhaps might not be fully appreciated, so I want to call it to your attention again. The members are appointed by the Secretary from among the leaders of all branches of knowledge and only a few of the present group would characterize themselves as specialists in the natural sciences. For these reasons, it is especially significant that the first substantive resolution ever adopted by the council recognized the current potential peril of the Natural History Museum.

With respect to the services available to us and other bureaus, I may point out that the buildings management department is now able to do only the most necessary maintenance because of their reduced budget. For example, a recent memorandum to me presented what has become a frequent situation—if the scientific department concerned wants the air-conditioning in one of its rooms to function properly, the department is expected to pay for it out of the meager funds available for nonsalary costs. Another example is the fact that many items the Museum departments must now buy, without a budget increase, were earlier a part of the supply division's inventory.

On the question of the condition of animals on exhibit, I can say that no one is more conscious of the problem than we in the Museum, so I am especially pleased with current developments that will alleviate the problem to some extent.

The general exhibit of mammals is admittedly in need of renovation. A number of the displays need to be replaced because the specimens are old, and because there have been changes in public concern and interest since their installation.

In pleasant contrast, the hall of North American mammals and the habitat displays of African mammals collected by Theodore Roosevelt are in good condition.

We do have two research- specimen preparators in the Department of Vertebrate Zoology, one for mammal study-skins and the other for mammal skeletons. In 1965 we had four preparators but had to cut back because of the shortage of funds. Bird skins are now prepared by a general technician who is, however, quite capable. Since last fall we have been seeking to redeploy a maintenance position so that we could recruit a general vertebrate preparator and we think we have found a good candidate.

As you know, the Museum has both an exhibit and a research orientation and the preparation of materials differs depending on the use to which they are to be put. It has been found that freeze-drying is the best technique for preparing small animals for display, rather than laborious taxidermy techniques that cannot produce better mounts than the freeze-dried whole animal. It is more economical to contract for any sizable taxidermy job than to have a full-time taxidermist incompletely utilized.

Another development which will help is the recent creation of a nucleus for a maintenance team in the Natural History Museum that will be concerned with cleaning and repairing the exhibits. We have repeatedly asked for positions to accomplish this very important task, without success. In desperation, we have just decided to use part of the time of a few people for the job and let other work go undone. It should be a much larger group and new positions will have to be sought again for the purpose; however, it is a start.

In summary, let me stress that in these brief words I have only begun to characterize the great diversity of interests and quality of the science produced by the Museum staff. I have tried to make clear some of the ways in which we can, indeed must, contribute to a new level of quality of life for all our people. With your help, with the sincere concern of citizens and lawmakers like yourselves, we will succeed.

VEXING INTERNATIONAL PROBLEMS FACING THE NATION

Mr. ALLOTT. Mr. President, Prof. Stefan Possony, director of the international studies program at the Hoover Institute on War, Revolution, and Peace at Stanford University, has been kind enough to prepare for me a series of memorandums setting forth his views on various aspects of the most vexing international problems facing this Nation.

So that all Senators may be exposed to Professor Possony's thinking, I ask unanimous consent that two of his memorandums be printed in the Record.

There being no objection, the memorandums were ordered to be printed in the Record, as follow:

CHAPTER X—LIMITED OR MASSIVE MASS MURDER?

There is strong sentiment in the Senate for the ratification of the genocide convention. However, it is worth noting that, according to the convention, the mass killing of a social class, such as Stalin's "liquidation of the Kulaks", is not considered as genocide, nor is the systematic killing of political parties, e.g. Stalin's mass purge of the CPSU. Since social classes threatened by mass murder may be larger than ethnic or religious groups, this omission in the convention is inexcusable; and a good example of the dullness of our diplomatic tactics.

The convention, while committing the signatories to "prevent and punish" this international crime, does not call for international enforcement against a state practicing genocide. But we certainly would be opposed to genocide on the clearest moral grounds.

Morality may be a stronger argument than strategic requirement and "vital national interest". Actually, the upholding of morality is a most vital interest of this nation. Many of us feel obligated to advocate help to Israel because, in all likelihood, the fall of that country would result in genocide. But why should the U.S. care to become an accomplice in genocide by turning over prospective victims to communist exterminators in Vietnam?

There is a fad among American students to identify war with genocide, which is nonsense and not in line with the meaning of the genocide convention. But there is a campaign to foist genocide crimes upon the United States. This campaign is part of the self-induced demoralization process and of defeatism, a subject which I will discuss later.

The U.S. is *not* dependent upon Middle Eastern oil; Europe, the Common Market, and Japan are. With the partial exception of Britain, the allies who need that oil don't do much for the defense of Israel. For that matter, at this time we are the *only* power which is able to prevent still another Jewish genocide. Naturally, we also do have strong reasons based on our own national interests which compel us to contain aggression in the Middle East.

By the same token, communism must be contained *everywhere,* not just where the Soviets support the Arabs. Communism must be contained because it aims to liquidate certain social classes, notably the "capitalists", the landholders, the middle and upper class peasants, broad groups of intellectuals, and whomsoever they designate. Note that dissident party members also are threatened. In Asia, at any rate, the period of purges is not over—China's "cultural revolution" included killing on a large scale.

This remains true despite the fact that the news has not penetrated deeply into the academic universe.

Liquidation of social classes doesn't necessarily mean that all members of the ostracized groups will be killed, but it *does* mean many will be executed, and others will be put into concentration camps and worked to death; and still others will be subjected to extreme hardships. A certain percentage may escape serious trouble, but on the basis of existing historical precedents it is safe to say that *no* family belonging to the "hostile classes" will escape unscathed.

President Nixon stated on April 30, 1970, that if we were to desert the South Vietnamese, we would "expose them to the slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who chose freedom when the communists took over North Vietnam in 1954". On November 3, 1969, Mr. Nixon placed the number of those murdered at 50,000 and stated that "hundreds of thousands more died in slave labor camps".

These statements have been the target of criticism, on the ground that there really wasn't a blood bath. Professor George McT. Kahin of Cornell thinks, according to the *New York Times* of May 13, 1970, that "perhaps 10,000 to 15,000 may have died" when a peasant revolt was "harshly repressed" in 1955 and 1956. (*Congressional Record,* May 19, 1970, p. 16081.) Mr. Clark Clifford calls this the "best estimate" but fails to indicate why the other estimates are bad. Senator Allott has dealt with this numbers game or the purge body count most effectively on May 21, 1970. (*Congressional Record,* p. 16520.)

The dispute on whether the purges took place in 1954 or in 1955–6 is irrelevant. The relevant question is whether mass murders have occurred or not. Any time attention is riveted on such an irrelevancy, it is fair to say that the critics are attempting a diversion.

The whole approach of singling out one particular massacre is indicative of well-nigh incredible ignorance of communist realities. If there were an occasional massacre and if the massacres were designed to repress a rebellion, such as resistance against a harsh agrarian reform, communist dictatorships would not be much different from other repressive regimes in history. Both communist dictatorships are institutionalized terror systems and their terror is executed on a permanent every-day basis, according to established procedures.

This does not mean that, quantitatively, terror always is at a peak or that lulls in terror are impossible. Actually, such lulls are parts of the procedure. But each communist dictatorship is structured in such a way that large scale exterminations can be carried out whenever the communist rulers find this necessary.

It would be quite reasonable to state that terror in North Vietnam reached one peak during 1956, but anyone who denies that there possibly could have been mass exterminations during 1954 and 1955, is making unsubstantiated statements. Our knowledge about terror in North Vietnam is deficient, and we may hope that it always was kept at a low level. But this does not change the character of the Hanoi dictatorship as that of terroristic totalitarianism.

The communists behaved terroristically even during the Viet Minh period. Thus, reputable observers have reported about a one-month Viet Minh terror campaign in Saigon during 1945. (Lucien Bodard, *The Quicksand War: Prelude to Vietnam,* Boston, Atlantic Monthly Press, 1963, p. 11.) Joseph Buttinger, the first expert on Vietnam in the United States, talked about a "communist policy of killing all true nationalist opponents of the Viet Minh," which had "deep and lasting political consequences for the future of Vietnam" and was "one of the reasons for the weakness of the non-communist national movement." (*Vietnam: A Dragon Embattled,* New York, Praeger, 1967, pp 276–6, 412.) According to Harvey Smith, the North Vietnamese communists began purging landlords in 1955. (*Area Handbook for North Vietnam,* Washington, D.C., American University Foreign Areas Studies, 1967, p. 63.)

The fact is that the land reform program was carried out in *two* successive campaigns. (Hoang Van Chi, *From Colonialism to Communism: A Case History of North Vietnam,* New York, Praeger, 1964.) The first campaign was the land rent reduction campaign 1953 and 1954, the second the land reform campaign 1954 and 1956. The second campaign was interrupted in 1955 to keep down the mass exodus during "the 300 day period laid down by the Geneva Agreements to afford freedom of movement between the two zones". After the exodus was ended, the communists "merged the two campaigns into one" and accomplished their programs "by a single wave of terror". "These two campaigns had but one purpose, namely, the liquidation of the land owning class." In both campaigns the same techniques were used, "the only notable difference being the degree of

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violence." The first campaign was intended to suppress the wealthier of the village bourgeoisie, who were described as the "principal reactionaries' . . . The second campaign was aimed at the remainder of the village bourgeoisie, described as 'secondary reactionaries'."

The two campaigns were carried through in *five* successive waves each one in a strategically placed area". They were carried out by special teams of cadres carefully trained in China and having first-hand experience in Chinese land reform". Deaths occurred because of executions, mortality in jails and camps, suicides and starvation owing to the "isolation policy". (Hoang Van Chi, pp. 163–168.)

The method of the mass killings, essentially the same as has been practiced in China, went through the following stages: Population classification,[1] classification of landlords, extortion of money and valuables, crime revelation", denunciation sessions, trials and convictions, and isolations

The great terror campaign in North Vietnam began in 1953. (Dennis T. Duncanson, *Government and Revolution in Vietnam*, London, Oxford University Press, 1968, p. 173f.) According to Donald Lancaster (*The Emancipation of French Indochina*, London, Oxford University Press, 1961, p. 377f.), 12,000 victims of the operation were released from forced labor camps in December 1956. The number of those who had been murdered was unofficially estimated at between 10,000 and 15,000."[2]

Mr. Lancaster's estimate is now given much play but it has no firmer basis than other estimates. Gerard Tongas, a French professor who remained in Hanoi until 1959, claims to have accurate information to the effect that the "butchery" connected with the land reform resulted in 100,000 deaths. All those figures may very well be wrong. They could be lower—but they also could be higher. There is no way to determine the exact toll.

It is erroneous to discuss the problem as though mass exterminations resulted only from land reform. For example, we know that oppositional intellectuals were sent into the mountains to live among tribesmen. It is fair to assume that many of those intellectuals never returned.

The data show that terror was *not* restricted just to 1956 and it was *not* merely a method to repress a peasant rebellion.

The crucial question is this: Have there been mass murders? Even the critics and skeptics don't deny this fact. "According to refugees who reached Saigon in 1957, the whole countryside of North Vietnam was white with the turbans of mourners."[3]

Another dispute has arisen about the number of Catholics who left North Vietnam after the Geneva partition. Mr. Clark Clifford took up the cudgels on this one. (*Congressional Record*, May 18, 1970, p. 15899.) "The figure of one million and a half Catholics who fled to the South, referred to by President Nixon . . . , is incorrect . . . The number is 754,710." What accuracy!

This finding is supposedly "significant": "There are still living in North Vietnam today approximately 800,000 Catholics. There are also Catholics among the leadership of the National Liberation Front in South Vietnam."[4]

One wonders whether Mr. Clifford ever heard of the fact that most members of the Italian, Polish, Austrian, and French CP are nominally Catholics and that Stalin studied for the priesthood in the Orthodox Church. The Vietnamese communists refer to Catholics as "superstitious remnants of the old order" (*Congressional Record*, May 21, 1970, p. 16510.)

The amazed discovery that not all Catholics fled from North Vietnam is extraordinarily naive. There are Catholics and Catholics. We don't know how many Catholics have been suppressed since 1954, how many have abandoned their faith, and how many are wearing camouflage. In any event, an exodus of half (or two-thirds) of a given social group is a very rare event in modern history, especially if such mass migration occurred in a short period. This migration involved approximately 5% of the *total* population—what would we think if 10 million Americans left the U.S. within a few weeks?[5]

The implication of Mr. Clifford's "correction" is that, after all, Catholocism is somewhat alien to Asian culture and that the communists accommodate with the Buddhists or whatever Asian religion he may have in mind. I forego a discussion of religion in North Vietnam. But I do want to recall that the communists carried out very cruel and complete persecutions of Buddhists in Mongolia and Tibet. While some Buddhists join or sympathize with communism and others don't, the Buddhist religion is just as incompatible with the communist doctrine as is Catholicism. And it isn't just the Catholics who resist communism in South Vietnam.

In Europe the question has arisen whether the nazis really gassed six million Jews or a significantly lower number. There have been occasional voices who asserted that no Jew was killed in an extermination program but no one, including most of the apologists for the nazis, takes this denial seriously. It is a perfectly legitimate historical question whether the Jewish death toll really was six million, and it is a proper task to establish the exact number.

The most thorough job on this question was done by Paul Rassinier in *Le Drame des Juifs Européens* (Paris, 1964), Rassinier spent 19 months in nazi camps and he was a socialist, hence he did not aim to whitewash the nazis. His conclusion is that the toll of extermination was 1.5 million, possibly as low as 900,000.

It must be observed that with the German archives accessible to the author, with information worked up by Jewish agencies, and numerous other data, including claims for compensation, Rassinier found it impossible to establish an exact number. All I can say is that I devoutly hope the lowest figures is the most accurate.

Rassinier's "lowest" and "reasonable" figures can be compared with Mr. Kahin's "best estimate" and Mr. Nixon's figure.

BLOOD BATH TOLL

Nazis

Low count: 1 victim per 300 of population.[6]

High count:[7] 1 victim per 200 of population.

North Vietnamese Communists

Low count: 1 victim per 1,000 of population.

High count: 1 victim per 150[8] of population.

It should be noted that the nazi figures cover some 4 years, while the Vietnamese figures apply only to the massacre of 1956. This was the massacre about which General Vo Nguyen Giap said: "We . . . executed too many honest people . . . Worse still, torture came to be regarded as a normal practice during party reorganization."[9]

If statistics of this sort are disputed, not for the purpose of historical accuracy but for the purpose of formulating policy, I submit that such macabre arguments are useless and nauseating. To determine policy, accuracy is impossible, because the facts are only partially known; and utterly unnecessary, because precise numbers do not affect the nature of the crime. To define the character of the nazi regime, it was merely necessary to find out what the nazis stated officially and what their policy was, to prove or disprove the existence of concentration and extermination camps, and to establish that people, in whatever numbers, were transported to those camps and never were found again. A few witnesses and a few confessions on a few murders clinched the case. Needless to say that extermination was not only applied to Jews and Gypsies but to other groups as well.

The case of soviet extermination policies also is well established, although soviet files are not available. What, for example, would one expect is the life expectancy of a prisoner in a camp on Novaya Zemlya?

With respect to Vietnam, all the basic information that needs to be known was put in the record by Senator Allott in the form of official Hanoi broadcasts, North Vietnamese legislation, and the formulation of the concept of "blood debt". There are, moreover, witnesses of exterminations in the North and of exterminations in the South, like in Hué, as well as *corpora delicti*. (In Red China mass executions are often put on TV.) The terroristic or criminal character of the North Vietnamese regime, therefore, is just as firmly established as that of the nazi and soviet regimes. Note that the United States had no doubts about the criminal intentions and character of the nazi regime as of 1935, when the Nuernberg legislation was enacted, six to seven years *before* the systematic killings began.

Mr. Douglas Pike, whose knowledge of this problem is unsurpassed, has determined from communist documents that 15 categories of citizens are falling "within the scope of the assassination program". If strictly applied to South Vietnam, this list would include at least 3 million victims. "This probably is what Col. Tran Van Dac, the highest ranking *hoi chanh*, meant when he said, 'there are three million South Vietnamese on the (communist) blood debt list'."

The same defector, a party member for 24 years, was quoted by Donald Rochlen, a

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[1] The classification was by alphabet, e.g. A,B,C=rich peasants, . . . G,H,I,J=strong middle-level peasants, . . . S,T,U,V=poor peasants, W,X,Y,Z=wage earning or landless peasants. (Hoang Van Chi, p. 164.)

[2] Many of these quotes are taken from Douglas Pike, *The Vietcong Strategy of Terror*, Saigon, United States Mission, February 1970.

[3] Hoang, op. cit., p. 166. White is the Vietnamese color of mourning.

[4] According to the Cornell Committee of Concerned Asian Scholars, "approximately 700,000 Catholics . . . did move from northern Vietnam to southern Vietnam". They explained that this represented *two-thirds* of the Catholic population of North Vietnam. (*Congressional Record*, June 1, 1970, p. 17739.

[5] Tibetan refugees in India, Bhutan, Nepal, and Sikkim number about 75,000 persons or 6% of the population of Tibet.

[6] Nazi-occupied Europe.

[7] Rassinier's 1.5 million, *not* 6 million.

[8] The late Bernhard Fall, a very knowledgeable expert, stated that with respect to the summer of 1956, "the best-educated guesses . . . are that probably close to 50,000 North Vietnamese were executed . . . and that at least twice as many were arrested and sent to forced labor camps." (*Congressional Record*, May 21, p. 16506.)

[9] *Nhan Dan*, October 31, 1956, quoted from Hoang Van Chi, p. 210. Khrushchev, also in 1956, confessed Stalin's crimes. During the same period, Mao Tse-tung instituted the "100 flowers" campaign. Since that period, communist spokesmen have become more recalcitrant when talking on terrorism.

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foreign service officer who has studied the problem since 1964. According to Rochlen, the defector thinks that 3 to 5 million would be killed. Rochlen added: "I think about a million would be killed and another million would wish they were dead." (*Congressional Record*, May 21, 1970, pp. 16510 and 16618.)

According to figures disclosed by Mr. Pike, about 2% of the population of Hué and surroundings were killed during 26 days in 1968. An estimated half of this figure was murdered before the communists fled, in order to leave no witnesses. The others were eliminated during the first phase of the operation as "tyrants" and "enemies of the revolution"; and as "social negatives" and "imperialist lackeys" during the second or "social reconstruction phase". This operation shows many similarities with the Katyn murders which were thoroughly investigated by Congress. Of particular significance is that in both cases, the intelligentsia was the prime target of annihilation. (The Katyn murders fooled Mr. Averell Harriman, then American Ambassador to the USSR.)

The Hué example shows that a *blood bath* in which *at least one per cent of the population is killed,* must be expected within the *first few hours* of a communist take-over. *The major and sustained liquidations follow during consolidation of communist power and throughout the entire period of communist rule.*

Again, we don't need such macabre estimates. The certainty of a blood bath was accepted by Senator McGovern who has proposed that the endangered individuals be allowed to emigrate to the U.S. and elsewhere.

Three additional points. (1) The prolonged war has necessarily lengthened the "blood debt list". The communists are not about to allow any of their more able enemies to "live happily thereafter", and they must disarm all unreliable military units. Some of those who are willing to switch sides will be accepted—after prolonged "re-education"; others won't be accepted. In 1954–1956, the task was not to liquidate a war like the present one.

(2) The problem cannot be reduced to one single blood bath. A communist dictatorship is engaged in permanent and unceasing purges. Forced labor camps and executions of political opponents are as communist as free speech and regularly scheduled elections are American.

(3) In their customary purges, the communists never forget to include a goodly number of party members who until a few hours before their execution were in perfectly good standing. Some purges have been directed exclusively against the party. So far as I know this has not yet happened in North Vietnam, though Ho Chi Minh was quite adept in eliminating his opponents. The implication is that if the Hanoi dictatorship wins, many members of the so-called National Liberation Front and of the Vietcong will be killed; while most of the internal security personnel of the Saigon regime will be taken over, just as many Gestapo officers found a haven in East Germany—this sort of thing is routine among the communists.

I do not, of course, regard this threat to the communists as an argument for turning South Vietnam over to North Vietnam.

But the deliberate superficiality or deceptiveness with which problems of mass murder are treated in the current debate is beneath contempt.

Finally, one additional aspect of the problem which has been systematically ignored: the refugee influx from communist-controlled areas in South Vietnam. There have been a total of 3,500,000 refugees in South Vietnam, many of whom fled to protect themselves against the ravages of war. A portion of those refugees came from V.C.-controlled villages. Since escapes from V.C. areas are punishable by death, these people showed up in our areas whenever the VC's were put to flight.

How many South Vietnamese *did* flee from the communists? Some 400 villages of 2,500 are now under communist control and they harbor about 10% of the total population or roughly 1,750,000. On the assumption that villages *average* the same size, there should be 2.8 million in those communist villages. Hence 1 million would have fled from the communists. If we assume that the villages in the mountain areas are 20% below average in the numbers of inhabitants, the number of refugees from the VC areas would be 500,000. From these numbers must be deducted those whom the VC purged in the villages, especially all former office holders and all natural leaders.

The statistical games about the number of murder victims and the dishonest attempts to belittle the size of communist terrorism are disgusting. I hate that people who are wrong and hypocritical give advice on what's right.

FOURTH OF JULY ADDRESS BY SENATOR KENNEDY

Mr. NELSON. Mr. President, this past July 4, we celebrated our 194th birthday as the "home of the free and land of the brave." This pause to renew our national pledge of allegiance came at a point in our history when increasing domestic tensions, mutual distrust, and open hostility have caused separations and divisions among our people and set citizen against citizen, black against white, and generation against generation. In the summer of 1970 too much of the Nation's collective energy has been directed toward the escalation of rhetorical challenges, denunciations, and shrill epithets rather than to issue the common call to meet the issues and crises which threaten us all.

In this period of domestic dissent and abrasive division, patriotism and the American flag have been wrenched from their symbolic meaning and purpose and have been used as political tools to castigate and inflame passion. This misuse of elements of our national heritage has been perpetrated by all extremes of our political and social spectrum. The flag that is torn and desecrated can no more be condoned than the cry of patriotism that is used to justify the beating of those of differing political beliefs.

On this Fourth of July, the Senator from Massachusetts (Mr. KENNEDY) called the attention of Americans to the fact that the flag has been the symbol of this Nation's unity, not its divisions, and that patriotism has been the unifying force which has rallyed this Nation in the pursuit of its ideals and the defense of its freedom. In this speech to the citizens of Wakefield, Mass., Senator KENNEDY reminded us that—

> The flag is a symbol around which (we) can rally citizens of all persuasions, nationalities, and beliefs. The flag is big enough to furl around us all. The flag is the soul of America. By standing under the flag, we know that all our divisions are shallow compared to the deep and common faith we share. Standing under the flag, we are no longer white Americans or black Americans, rich or poor, old or young, soldiers or civilians. We are just Americans, sharing our common heritage and moving toward our common destiny.

Senator KENNEDY's reminder was that we must continue to put patriotism and the meaning of the flag in our hearts and our daily actions rather than on our sleeves. A symbol requires constant attention and renewal to maintain its meaning and power. That continual infusion of spirit and energy is required of all of us.

Senator KENNEDY's speech is as appropriate in August of 1970 as on the Fourth of July. I ask unanimous consent that the text of his message be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

FOURTH OF JULY, 1970 ADDRESS BY SENATOR EDWARD M. KENNEDY, WAKEFIELD, MASS.

I am pleased to be here with so many friends in Wakefield to celebrate the 194th anniversary of the birth of America. Today, throughout the land, in all our splendid cities, in every town, village and hamlet, Americans pause to observe another Fourth of July. And it is reasurring for the future of our country to know that in the busy struggle for existence, and the terrible stress of the times, we can lay aside the material things of life to pledge allegiance to the flag, to recall the great principles for which we stand, and to ask how we may better serve our country.

The Revolutionary War won us our existence as a nation. The Civil War ratified it and confirmed it in the blood of our own people. The two World Wars evidenced to the world that Americans were willing to fight any foe, and to die that our ideals and principles of government might live.

Today is the day we recall the great men of our past—men who held high the torch of freedom in the snows of Valley Forge, the rolling hills of Gettysburg, the mud of Flanders Field, the beaches of Normandy, the sands of Iwo Jima. Tyrants in other lands have had the lesson driven home that the flag of the United States, though soft in texture, represents the confined strength, dedication and fury of millions of citizens in a just nation under God.

But today, on this Fourth of July, we cannot sit back and simply enjoy the glorious history of America. For our thoughts today are not for America alone. We cannot rejoice as Americans when we read in every newspaper and hear on every radio and see on every television broadcast the news of bloodshed in Indochina, war in the Middle East, and tyranny in half the world. Whenever suffering humans are yearning to be free, whenever pain and want live side-by-side with happiness and wealth, when the oppressor is on the march—at such a time as this, it is impossible for us to be both American and indifferent. Before we immerse ourselves in the pure joy we have always felt as Americans each year at this birthday celebration of us all, we must pause and reflect on who we are, what we stand for, and why we love our nation and our flag.

The second paragraph of the Declaration of Independence sums up, as well as any other statement I know, the fixed star by which America has always guided itself throughout the noble history of our land. When John Hancock from Braintree and his eloquent compatriots from the 13 colonies met in Philadelphia and affixed their signatures to that Declaration, they were telling us what millions of Americans down through the last two centuries have lived for and died by:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness."

Today, as rarely before, America is a nation divided against itself by the cry for peace abroad, and the cry for justice and equality at home. Prophets of doom proclaim the end of the American era. But today of all days, we can begin to stand up against that tide. We cannot allow our divisions to mask our common ideals, our dissent to mask our common goals and heritage. Like the Biblical shepherd, we concentrate on finding the lost sheep, but we are secure in the knowledge that the rest of the flock is safe.

America has grown great, and it has grown great because it has been diverse. The umbrella of our Constitution is broad enough to tolerate the broadest possible range of peaceful change and protest. It is no accident that our founding fathers chose the phrase "E pluribus unum"—one out of many—as the motto of the new nation they were creating.

We are all one people, joined together by our common differences and by the ideals on which our nation was founded. In spite of the angry partisan patriotism—left and right, North and South—that the divisions in America have generated in recent years, we are still Americans, and the flag is still the symbol of our unity.

The flag is more, however, than the symbol of our unity. It is also the symbol of our revolution. To me, it has never been the symbol of the stand-patters. It is the symbol of progress we have made, a symbol of the change we know must come, a symbol of the Spirit of '76.

Perhaps never before in the history of the world has there been an emblem so full of the great aspirations of all men everywhere as the flag of the United States. Countless generations of immigrants have sought a new life and new world in America, drawn by the stars and stripes and the promise of liberty and freedom.

The flag our fathers received at their citizenship ceremony initiated them into the new life of love and freedom, and they went forth to build a new nation. Our common aspirations today are as boundless as the mind of man. They surpass all contemporary debate. They exceed even the deepest divisions of our time, because they reflect the timeless quest of men to be free, to live in a society that is open, where the principles of freedom and justice and equality prevail.

It is for this reason that patriotism and the flag can never be the special preserve of any particular party or any particular political philosophy. I love the flag no less because I believe America has lost its way in Vietnam. I love the flag no less because I want America to move ahead to right the wrongs we see in our society at home. Those of us who push America on do so out of love and hope for the America that can be. We are full of the awareness of how much is right with America, how much we have done in years gone by to fulfill the promise of democracy for all our people.

We are not summer soldiers or sunshine patriots. We are patriots for all seasons, holding up to all Americans the mirror of the flag and the ideals it represents. If the lights begin to go out in America because men can no longer think what they feel and say what they think, the lights will begin to go out again all over the world, and the great experiment of 1776 will fail.

But America is full of patriots for all seasons who will not let our experiment fail. And the flag is a symbol around which can rally citizens of all persuasions, nationalities, and beliefs. The flag is big enough to furl round us all. The flag of America is the soul of America. By standing under the flag, we know that all our divisions are shallow compared to the deep and common faith we share. Standing under the flag, we are no longer white Americans or black Americans, rich or poor, old or young, soldiers or civilians. We are just Americans, sharing our common heritage and moving toward our common destiny.

Too often today, however, when we put on the flag, we wear it on the ouside instead of the inside, on our sleeve instead of in our heart. It is not enough simply to paste the flag on our car window and confess "my country right or wrong," any more than it is enough to fly the flag upside down to protest a national policy. Every American has the responsibility to match his country's actions against its principles, and to exert his strongest influence to help his leaders steer the course he thinks is right.

Those who desecrate the flag are worse. A crime against the flag is a crime against everything for which we stand, a crime against our past, against our future. It is as bad to use the flag to beat a demonstrator for peace as it is to tear the flag to demonstrate for peace.

In the midst of all our current troubles, it helps to know that we have overcome dangers in our past far more serious than any we face today. And somehow, because we succeeded so well in the past, we have managed to persuade ourselves that those crises were not as terrible as the ones we face today. In our nature as Americans, we are a modest and unassuming people. We always minimize our past success and maximize our present danger. But we are also an optimistic people, a people capable of tapping unknown sources of energy and commitment to meet new dangers that appear. If we see further today, and we can do more today, it is because we stand on the shoulders of the giants of our history. They remind us of the greatness of our past, and they give us new strength to meet our future. In the face of all the challenges around us, the greatest sin is inaction. We have the strength to meet our task, if only we have the will.

ENVIRONMENTAL DETERIORATION

Mr. NELSON. Mr. President, the National Governors' Conference is presently meeting at Lake of the Ozarks, Mo. In the next several days, the Governors will be considering a number of proposed policy statements developed by their Committee on Natural Resources and Environmental Management which deal with the coordinated governmental mechanisms requisite national attitudes necessary to begin to come to grips with the massive and expanding problems of environmental deterioration that challenge this Nation.

The 10 proposed policy statements recommended by this committee, chaired by the Honorable William L. Guy, Governor of North Dakota, offer a significant agenda of many of the issues associated with effective environmental policies and management. Individually, the 10 proposals focus on the requirements for:

First, Comprehensive national planning and coordination of activities;

Second, the need for national goals in the fields of ecology, environment, conservation, and population;

Third, the placement of more responsibility for planning and action at the State and local level;

Fourth, increased and more relevant educational efforts in environment, conservation, and population;

Fifth, a national voluntary population distribution policy;

Sixth, a national and State policy on coastal zone planning and management;

Seventh, a change in national attitudes toward non-replaceable natural resources;

Eighth, a policy for State land use planning;

Ninth, full funding and implementation of State comprehensive outdoor recreation plans; and

Tenth, a revitalization for forestry efforts on a national basis by all ownerships.

Without specifically endorsing any one of these policy statement proposals, I would like to commend the Committee on Natural Resources and Environmental Management and the National Governors' Conference for making these issues an important part of their deliberations. It is certainly a reflection of their concern for improving the quality of the environment and the quality of life for all our citizens. It is also a recognition of the role which State and local units of government must play in the coordinated efforts that will be needed to end the senseless and disasterous destruction of our natural life support systems.

So that the full text of these proposed policy statements which will be presented to the Governors' Conference this week may be brought to the attention of the Congress, I ask unanimous consent that the policy statements of the Committee on Natural Resources and Environmental Management of the National Governors' Conference be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

POLICY STATEMENTS: COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENTAL MANAGEMENT

COMPREHENSIVE NATIONAL PLANNING AND COORDINATION IS NEEDED

There is need for a Cabinet level Department of National Planning directly under the President of the United States, who is our Chief Planner. Such a department would be responsible for directing and coordinating all federal planning in all national and federal activities. The National Department of Planning would include environment and conservation as essential ingredients to the planning in every field of national concern.

This department to be effective might contain several closely related bureaus or divisions such as the Office of Management and Budget; Division of Basic Data and Projections; Division of State-Federal Planning Relations; Division of Ecological, Environment and Conservation Planning; and other divisions representing substantial pieces of the national planning action.

Such a Cabinet level Department of Planning would assist the President in developing national goals and would see to it that such goals were considered by all federal agencies in their planning and programing.

There is dire need for massive and comprehensive planning and coordination of effort in many broad fields such as Environment, Conservation, Population Distribution, Transportation, Crime Control, and many others.

There will always be inadequate, fractionated, and uncoordinated planning and programing taking place at the federal level until a mechanism such as a Cabinet level Department of National Planning is developed to enable the President to gain control and direction of his administration's planning efforts.

A Cabinet level Department of National Planning should not be confused with proposals for a national department of federal government management. The two departments' functions would be very different.

Nor should it be construed that a Department of National Planning would take over individual federal agency or state government responsibility in the field of planning.

States and the private sector, as well as the many federal agencies, will always have trouble developing their local plans in environment, conservation, and population distribution until there is a strong, unified Department of National Planning.

A single federal agency to which all state planning efforts could be directed for federal planning grants and planning matching funds would be preferable to the present system of requiring the states to shop through many federal agencies administering many federal programs to obtain federal planning funds.

NATIONAL GOALS ARE NEEDED

There is a need for the President and Congress to set National Goals in the fields of Ecology, Environment, Conservation, and Population. It would simplify the direction of state and local efforts if they could mesh their goals with national goals. These goals should stand out as signal flags on the halyards of our ship of state so that all could see them and understand them.

STRONG STATES IN THE FEDERAL SYSTEM ARE NEEDED

There must be a constant recognition of the need to place as much responsibility as possible in planning and action at the state and local levels. The unique abilities of state and local government to recognize priorities at the grass roots level should be respected and understood by the federal government. State governments should be permitted to set higher minimum standards than the federal government in the fields of environmental management and conservation.

The states need as much flexibility as possible in adjusting state and local programs to those needs unique to the area, economy, etc. Therefore, the block grant approach to federal planning and action funds disbursement is preferred over categorical grants.

MORE RELEVANT EDUCATIONAL EFFORTS IN ENVIRONMENT, CONSERVATION, AND POPULATION ARE NEEDED

We must recognize the urgent need for the teaching of environment, conservation, and population as a major basic educational requirement in primary, secondary, and higher education. Curricula of traditional offerings at all levels of education need to be examined for their relevance to the rapidly changing conditions of environment, natural resources, and population.

The competition for students' attention to a wide range of study matter should not be allowed to prevent a full understanding of the natural forces at play on this planet. Too often in the past, students have not been adequately taught the subjects of environment, conservation and population, and have not learned the interrelationship of these subjects. Yet failure to understand this relationship could possibly spell mankind's doom if informed action based on knowledge is not taken by the public.

States should require a constant updating of educational curricula in order to strengthen the offerings in environment, conservation and population.

A NATIONAL VOLUNTARY POPULATION DISTRIBUTION POLICY IS NEEDED

The United States needs to develop a national policy on voluntary population distribution. It is now projected that the population of the United States will rise from 200 million people at present to more than 300 million people by the year 2000.

Our nation has practiced population distribution incentives in the past through such devices as the Homestead Act. A new and fresh approach to population distribution at the present time is needed.

The social and economic problems of overpopulated areas include ghettos, poverty, mass transit demands, overloaded educational, health, and recreational services, pollution of air and water, increased crime, and a growing level of individual frustration and nervous tensions.

On the other hand, underpopulated areas are suffering high economic and social costs as well. These costs are brought on by an inadequate tax base and too few people to support necessary institutions on a community basis such as schools, churches, hospitals, recreational areas, etc.

Environmental management and conservation become excessively costly because of the severe population imbalance between the overpopulated states and those which are underpopulated.

The federal government, through its inadvertent and uncoordinated planning and programs, is one of the major factors in creating population imbalance.

There are remedies that should be attempted to alleviate population imbalance. Subsidized low interest rates could be offered on loans for industrial expansion in underpopulated areas. Manpower training programs to assure an employee supply to industries which would expand outside of congested areas could be implemented. A revamping of the Interstate Commerce Commission freight rates, which now make economic expansion virtually impossible in some underpopulated areas, could be adjusted to permit industrial expansion in underdeveloped areas.

Federal tax incentives might be given to industries that locate away from overpopulated areas. Special federal grant programs to strengthen the desirability of living in underpopulated areas might be made. Grants for educational, health and recreational services necessary in order to attract people to live in areas now considered underpopulated would lessen the cost and burden of trying to provide these same services to the same people if these people are attracted to densely populated areas.

NATIONAL AND STATE COASTAL ZONE POLICY PLANNING AND MANAGEMENT ARE NEEDED

(a) National Coastal Zone Management:

The coastal zone presents one of the most perplexing environmental management challenges. The thirty-one states which border on the Oceans and the Great Lakes contain seventy-five percent of our nation's population. The pressures of population and economic development threaten to overwhelm the balanced and best use of the invaluable and irreplaceable coastal resources in natural, economic, and aesthetic terms.

To resolve these pressures, two actions are required. First, an administrative and legal framework must be developed to promote balance among coastal activities based on scientific, economic, and social considerations. This would entail mediating the differences between conflicting uses and overlapping political jurisdictions.

Second, efforts must be made to gain additional knowledge of the nature of the coastal zoning and the multiple effects that different uses would have upon our environment.

States must assume primary responsibility for assuring that the public interest is served in the multiple use of the land and water of the costal zone. Local government cannot be expected to cope with the broad spectrum of interelated coastal problems, nor can local political subdivisions be expected to make their judgments consistent with those of many interlocking political jurisdictions.

Coastal states, because of unique conditions existing along their shorelines, have advantages in coping with coastal zone planning and management that the federal government does not have. The federal government, however, should establish incentives and assistance to help the coastal states prepare plans and action.

The ultimate success of a coastal management program will depend on the effective cooperation of federal, state, regional, and local agencies. At the federal level, this would require the development of goals and an administrative framework which would avoid the existing duplication, conflict, and piecemeal approach that is too often typical of federal planning assistance programs. Any federal legislation which attempts to establish a coastal program must allow states the necessary flexibility for creating management instruments most suited to their specific conditions.

Basic to a coastal management program are the funds necessary to plan and take action. The requirements for coastal zoning management are so urgently needed in the nation's interest that federal monies must be made available to the states at a level which will not only provide incentive, but will allow an adequate program to be developed based on federal, state and local participation.

Any attempt to diminish the federal financial participation or to shift the burden to the states will result in irreparable delay and inadequacy in bringing under control the serious coastal environment and natural resource conservation problems.

(B) Coastal States Organization:

In recognition of the need for preserving the invaluable and irreplaceable marine resources of the nation, and in response to the National Governors' Conference policy statement calling for the formation of a maritime states organization to pursue those ends, the Coastal States Organization was established.

Among its responsibilities, the Organization will:

(a) contribute to the development of common policy regarding national coastal zone management legislation and programs, and serve as spokesman for the maritime states, territories, and trust territories on marine and coastal affairs;

(b) provide mutual assistance is solving common state and intermarine resource problems;

(c) serve as a clearinghouse for information relative to marine activities of the member states.

In affirmation of the responsibilities and powers of the states in the management of marine and coastal affairs, and in recognition of the purpose of the Coastal States Organization to further these goals, the Governors urge all eligible states to become members of the Organization, and encourage the full cooperation of all states, inland as well as coastal, in the efforts of the Organization.

A CHANGE IN NATIONAL ATTITUDES TOWARD NON-REPLACEABLE NATURAL RESOURCES IS NEEDED

There is a growing need to establish a new attitude in America among consumers which differentiates between quality of living and standards of living, as well as quantitative consumption and quality of life.

For example, we should examine the wisdom of our present system of reduced electric power rates as a reward for heavy consumption when that consumption might be beyond the electric consumption needed for a specific business or residence.

A flat rate for an adequate amount of electric energy based on the size of family or industrial need could be established. Sharply rising rates for electric consumption above the adequate standard set would provide a penalty for that waste which does not contribute to our economy or to the quality of living.

The consumption of non-replaceable coal in the thermo-generation of electricity which is wasted does not add to the quality of life and is an example of squandering natural resources without significant benefits to mankind.

Waste of fresh water cannot be tolerated indefinitely. Less than one percent of the water on the face of the earth is potable. In the face of rising populations and per capita water use, we are faced with the need to conserve our precious water resources by eliminating unnecessary waste. Wasted water adds nothing to our quality of living.

The same principle which applies to the wasteful use of electric energy and potable water can be applied to the use of petroleum products in our automobile engines. States should consider a policy of encouraging smaller but adequate engines through sharply graduated license fees which discourage larger than necessary engines that do not contribute to the quality of living. There are far too many vehicles in use today which wastefully consume the non-replaceable crude oil resource and add unnecessary pollutants to the air.

The national attitude which equates some forms of waste with a high quality of life needs to be changed. Waste does not add to the quality of life, but in fact denies a high quality of life to future generations.

STATE LAND USE PLANNING IS NEEDED

There is an interest and need for a more efficient and comprehensive system of national and statewide land use planning and decision-making. The proliferating transportation system, large scale industrial and economic growth, conflicts in emerging patterns of land use, the fragmentation of governmental entities exercising land use planning powers, and the increased size, scale and impact of private actions have created a situation in which land use management decisions of national, regional and statewide concern are being made on the basis of expediency, tradition, short term economic considerations, and other factors which are often unrelated to the real concerns of a sound land use policy.

Across the nation, a failure to conduct sound land use planning has required public and private enterprise to delay, litigate, and cancel proposed public utility and industrial and commercial developments because of unresolved land use questions, thereby causing an unnecessary waste of human and economic resources and a threat to public services, often resulting in decisions to locate utilities and industrial and commercial activities in the area of least public and political resistance, but without regard to relevant environmental and economic considerations.

The land use decisions of the Federal Government often have a tremendous impact upon the environment and the patterns of development in local communities; that the substance and the nature of a national land use policy ought to be formulated upon an expression of the needs and interests of State, regional, and local government, as well as those of the Federal Government. Federal land use decisions require greater participation by state and local government to insure that they are in accord with the highest and best standards of land use management and the desires and aspirations of state and local government.

The promotion of the general welfare, and to provide for the full and wise application of the resources of the Federal Government in strengthening the environmental, economic and social well-being of the people of the United States, we believe, is a continuing responsibility of the Federal Government, but should be consistent with and recognize the responsibility of state and local government for land use planning and management.

There should be undertaken the development of a national policy, to be known as the National Land-Use Policy, which shall incorporate environmental, economic, social and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national level which affect the pattern of environmental and industrial growth and development on the federal lands, and shall provide a framework for development of interstate, state and local land use policy.

The National Land Use Policy should:

1. Foster the continued economic growth of all states and regions of the United States;

2. Favor patterns of land use planning, management and development which are in accord with sound environmental principles and which offer a range of alternative locations for specific activities and encourage the wise and balanced use of the nation's land and water resources;

3. Favorably influence patterns of population distribution in a manner such that a wide range of scenic, environmental and cultural amenities are available to the American people;

4. Contribute to carrying out the federal responsibility for revitalizing existing rural communities and encourage, where appropriate, new communities which offer diverse opportunities and diversity of living styles;

5. Assist state government to assume responsibility for major land use planning and management decisions which are of regional interstate, and national concern;

6. Facilitate increased coordination in the administration of federal programs so as to encourage desirable patterns of environmental, recreational, and industrial land use planning; and

7. Systematize methods for the exchange of land use, environmental and economic information in order to assist all levels of government in the development and implementation of the National Land Use Policy.

Intelligent land use planning and management provides the single most important institutional device for preserving and enhancing the environment and for maintaining conditions capable of supporting a quality life while providing the material means necessary to improve the national standard of living.

FULL FUNDING AND IMPLEMENTATION OF STATE COMPREHENSIVE OUTDOOR RECREATION PLANS IS NEEDED

Remaining undespoiled natural areas of wetlands, forests, plains, deserts, and mountains are being exploited and despoiled at an alarming rate. The expenditure of outdoor reactional funds should not be diverted from the urgent need to acquire and protect these natural areas.

Crash funding programs that seek to carve urban parks in the midst of urban glut dramatic examples of inadequate planning. The overcoming of inadequate planning in the past through crash programs should not be allowed, through the monopoly of limited funds, to perpetuate inadequate planning, insufficient preservation, and too little and too late acquisition for future generations.

Full funding and implementation of state comprehensive outdoor recreation plans is the best means of solving both short-run and long-run recreational problems of megalopolis.

A REVITALIZATION OF FORESTRY BY ALL OWNERSHIPS IS NEEDED

There is an urgent need to revitalize forestry efforts nationally on all ownerships. The timber supply situation has pointed up the need for strong direction by the Administration.

The future demands for lumber and forest products will provide increased competition between the many uses of a shrinking forest land base. There are presently substantial acreages of state, private and federal lands potentially capable of producing forest products, but are in need of reforesting.

Proven timber management practices could be instituted by the Forest Service and the Bureau of Land Management, other public and private forest management agencies to promote increased or high yield timber growth on existing timber-producing lands, provided funds were made available for this purpose.

The federal and state governments need to establish a policy to encourage reforesting of denuded publicly owned commercial forest lands.

Existing programs need to be strengthened to offer greater inducements for private landowners to reforest their lands. A great number of public values would thus accrue, beyond those to the landowner individually. Such benefits as establishing and improving watersheds and water quality, arresting soil erosion, improving flood control and stream sedimentation, wildlife habitat and recreational opportunities would result. The increased fiber would contribute to the housing needs of a growing nation.

THE GENOCIDE CONVENTION IS IN ALL RESPECTS CONSISTENT WITH THE CONSTITUTION, THE LAWS, AND THE IDEALS OF THE UNITED STATES

Mr. PROXMIRE. Mr. President, the American Bar Association's section on individual rights and responsibilities has recently published an extensive report on the Genocide Convention. The report delves into the varied criticisms of the Convention and the consequences of ratification. After careful study of the treaty the section unconditionally approved the convention and urged the Senate to work toward ratification as quickly as possible.

Section IV of the report deals with the major objections to the treaty, as expressed from the days of its inception. I think this particular passage in the report is especially cogent and timely; therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

IV. THE GENOCIDE CONVENTION IS IN ALL RESPECTS CONSISTENT WITH THE CONSTITUTION, THE LAWS, AND THE IDEALS OF THE UNITED STATES

A. THE GENERAL OBJECTIONS TO THE GENOCIDE CONVENTION MADE IN 1949–50 ARE WHOLLY OBSOLETE TODAY

The opposition to the Genocide treaty at the Senate hearings twenty years ago centered around three main points.[36] First, a general opposition to the "new concept" of government action by treaties. During the next two decades, the United States has entered into some 4,000 international agreements, without any noticeable diminution of its sovereign independence, nor any noticeable debasement of its standards to an international average. That treaties are the modern means of developing international law, just as statutes are the modern means of developing state and federal law, has been noted earlier, and hardly requires demonstration. If some felt nervous or cautious in 1949 about stepping on the new ground of multilateral treaties, including treaties affecting individuals, that fear is no longer justified. On the contrary, the only concern a United States citizen should have is that this country not be left out as the documents and issues of the new international law are drafted, debated, interpreted and applied.[37]

Footnotes at end of article.

Second, the opposition expressed the fear that by treaties in general, and by the Genocide Convention in particular, Article 2(7) of the United Nations Charter, dealing with matters "essentially within the domestic jurisdiction of states" was being undercut. In the words of the ABA Special Committee,[38] "Shall we be governed in internal affairs by treaty law or by laws passed by Congress with a constitutional basis?" Again the answer has already been given. Article 2(7) is in no way undercut by the Genocide Convention. Domestic matters are as out of bounds for the United Nations as ever. The only effect of the Genocide Convention is to say that the issues specified in Articles II and III cover not merely one country, but all countries. If the United States wants (1) to take a complete hands-off attitude if genocide should occur somewhere in the world; or (2) to foster, shield, or protect the commission of genocide within the nation's borders, then it should certainly not join the Convention. If neither of these attitudes is real, then the argument has no appeal whatever.

Third, the opposition, focusing on certain enigmatic language of Justice Holmes in *Missouri v. Holland*,[39] considered that the Genocide Convention might be the opening wedge in a drive to exceed the legislative powers of the Congress vis-a-vis the states through use of the treaty power. Whatever theoretical merit there might have been with respect to this point, discussed for nearly ten years in the context of the proposed Bricker Amendment,[40] it has no relevance to the Genocide Convention. No one could have any doubt about the right of the Congress to prohibit genocide. Quite apart from the treaty power, the Constitution expressly grants to the Congress the power "to define and punish Piracies and Felonies committed on the high seas and Offences against the Law of Nations."[41] And if anyone suspected that the Genocide Convention might be used to justify federal legislation in the field of civil rights, the events since 1949 have shown that the United States Constitution as currently understood is quite adequate to sustain any civil rights legislation likely to be proposed and passed, and certainly far more ample to coverage than any authority possibly derived from the Genocide Convention.

It is conceivable that a claim could have been made that depriving a racial group—say Negroes or American Indians—of the right to vote or the right to enjoy public accommodations is comprehended within Article II (b) of the Genocide Convention related to "mental harm". But this thought is hardly more than conceivable: as we have seen, the whole thrust of the convention and its origin suggest quite different goals; moreover, Article II (b) like all of the definitions of the crime of genocide, is governed by the phrase "with intent to destroy", which would not seem to apply to even the most extreme segregationist measures which may be tolerated by statute law in the United States.[42] At all events the barring of school segregation, which was accomplished without any statute,[43] the passage of the Civil Rights Acts of 1957[44] and 1964[45] and the Voting Rights Act of 1965[46] all sustained by the Supreme Court, show that blocking the Genocide Convention has given and will give no comfort to opponents of federal enforcement of rights of minorities, while ratification of the Convention will add no powers to those the Federal Government already possesses.

Unconnected to the state-federal relation in the United States, the objection was also made in 1949-50 that the Convention undertakes to define a crime for which there would be punishment under federal law, without concurrence by the House of Representatives. This is simply a misunderstanding, resulting from a confusion about what is and what is not a "self-executing" treaty. In fact, ratification of the Convention would obligate the United States internationally to pass the necessary implementing legislation, making the crimes specified punishable under United States law. Failure by the Congress to enact the implementing legislation would leave the United States in breach of an international obligation, but in such eventuality no one could be tried in the United States for a crime not specified in the Criminal Code. It is certain that no one can be accused of or tried for the crime of genocide in the United States until legislation making genocide a crime has been adopted in accordance with our domestic procedure for passage of a law.

FOOTNOTES

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[36] See *Senate Hearings* (1950) 154–230.

[37] This point, in the context of the growth of international law in the post-war period, is developed by Bernard G. Segal, President of the ABA, in a recent address to the World Peace Through Law Conference, Bangkok, Thailand, September 1969.

[38] 74 A.B.A. Rep. 320 (1949), *Senate Hearings* (1950) 160.

[39] 252 U.S. 416, 433–434 (1920).

[40] There were several versions of the Amendment. For the principal one, see S.J. Res. 1 as amended and reported favorably by the Senate Judiciary Comm. S. Rep. No. 412, 83d Cong., 1st Sess. (1953).

[41] U.S. Constitution Art. I, sec. 8, cl. 10.

[42] There have been, of course, deliberate lynchings or murders with racist aims. But such acts have always been unlawful.

[43] *Brown v. Board of Education*, 347 U.S. 483 (1954). See also *Cooper v. Aaron*, 358 U.S. 1 (1958), *Griffin v. Prince Edward School Board*, 377 U.S. 218 (1964).

[44] 71 Stat. 637 (1957), 42 U.S.C. 1971 (1964), sustained in *United States v. Mississippi*, 380 U.S. 128 (1965).

[45] 78 Stat. 243 (1964), 42 U.S.C. § 2000a-h, sustained in *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964), and *Katzenbach v. McClung*, 379 U.S. 294 (1964).

[46] 79 Stat. 437 (1965), 42 U.S.C. § 1973 (Supp. 1965), sustained in *South Carolina v. Katzenbach*, 383 U.S. 301 (1966).

DISPOSAL OF LETHAL NERVE GAS

Mr. NELSON. Mr. President, the Army is going ahead with plans to dump more than 131,000 pounds of lethal nerve gas into the Atlantic Ocean, 282 miles east of Cape Kennedy, Fla.

The gas is loaded in M-55 rockets, and 30 of these are sealed into each of 418 steel and concrete blocks. The nerve agent is of the type GB, developed in World War II. According to a United Nations report, less than a drop of GB can paralyze and kill a human being within minutes by causing irreversible damage to his central nervous system.

The rockets were encased in concrete for disposal at sea after the Army decided to get rid of obsolete chemical weapons in the fall of 1968. Had this not been done, the Army says, the warheads could have been opened and the nerve gas easily detoxified.

At present, studies conducted by the National Academy of Sciences and a committee headed by Duke University scientist Dr. Paul M. Gross, say that ocean dumping may be the only feasible means of disposal.

The rocket propellant apparently becomes increasingly unstable with age, making prolonged aboveground storage hazardous. Because of the danger of detonation, drilling and other solutions become quite complicated.

The Army seems to have created a doomsday machine that, once armed, cannot be defused. It has literally condemned the United States to dropping an ecological time bomb into the Atlantic Ocean, knowing that some day, in part or in whole, it is going to go off.

One scientist estimates that, as the liquid GB is pure and well shielded from sunlight, water and other chemicals, which it will be for years, there is no reason for it not to remain almost permanently stable. This means its killing power could linger on beneath the sea for untold generations.

The Army says it has exhausted every alternative for ridding the world of this environmental menace.

The Gross committee has recommended that the nerve gas be disposed of by August 1 of this year, to avoid leakage or explosions. If this deadline does represent the final safety margin, then time has run out. Regardless of technology or cost, no other disposal plan could be considered because it would take too long.

We have been presented with a solution that is nothing more than a deferral of the problem into the future.

The question of all this is, Why was any department of the U.S. Government able to prepare such a gruesome threat to the world's ecology, in complete secrecy and with callous disregard for the public welfare, and then present it as the lesser of several horrible alternatives? Our choice is this—either we contaminate the ocean, or we gamble on destroying human lives.

Even if this shipment is halted, 1,706 identical vaults have already been sunk in the Atlantic Ocean east of the Naval Ammunition Depot, Earle, N.J., at a depth of 7,200 feet. What about the threat they represent?

Clearly, the United States has been shortsighted enough to turn the high seas into a lethal garbage dump.

This is a dramatic example of the Nation's failure, thus far, to establish a comprehensive policy to protect the marine environment.

The lack of focus of our present marine policies—a problem that has been with us for years—is precisely the reason I have introduced a Senate resolution to reject the administration's Reorganization Plan 4, which would establish a National Atmospheric and Oceanic Administration in the economic development-oriented Department of Commerce.

This action is in no way meant to be critical of President Nixon's environmental policies. He has demonstrated his strong commitment to environmental quality, and his efforts merit the support of Congress and the Nation.

However, until we resolve the question of who in the Federal Government is going to be responsible for protecting the sea from present and future threats, ranging from the dumping of nerve gas offshore to the discharge by industries and municipalities of huge quantities of wastes into the sea and the proposed building of floating airports off some of our cities, putting an oceans agency in the Department of Commerce strikes me as premature and environmentally risky.

The deep water environment is fragile and composed of a remarkably sensitive group of organisms. It must be protected rather than exploited, preserved rather than polluted.

If we are to accept the Army's flagrant disregard for the welfare of mankind in polluting the seas with nerve gas, as it appears we may be forced to do, we can do so only with a deep sense of shame as Americans.

OCEANS

Mr. NELSON. Mr. President, responsible marine scientists are warning that at present rates of pollution, productive life in the sea will be destroyed in 50 years or less. It is with this concern that I have questioned the timeliness of the President's Reorganization Plan 4 to establish a National Oceanic and Atmospheric Administration in the U.S. Department of Commerce. There are too many unresolved questions about who is going to be responsible for protecting the marine environment in the face of escalating demands on the resources of the sea to proceed now to establish the lead oceans agency of this Nation in a development-oriented department. Thus, I introduced a resolution to reject plan 4 at this time until Congress has had the opportunity to consider fully the ramifications of this and other proposed oceans policy steps, and it is my understanding that the resolution will be reported to the Senate with either a favorable or a negative recommendation for a vote.

In an editorial last Saturday, the Evening Star opposed the NOAA in the Commerce Department which plan 4 proposes. However, the Star supported the Environmental Protection Agency proposed by the President in plan 3. The Star's reasoning in taking these two positions, I think, is quite sound. The editorial said:

> The chief argument favoring the creation of EPA—the unification of the effort to preserve the threatened environment—is the strongest argument against NOAA.

In his fact sheet on EPA, the President states that an important reason for such an agency is that it would serve to "insulate pollution abatement standard-setting from the promotional interests of other departments." This is an excellent point, and it seems to me the same principle of separation of environmental protection functions from development functions should apply to our activities relating to the sea. Yet it is not at all clear from the documents proposing and explaining plan 4 for NOAA in Commerce whether it is intended to be a development agency, an environmental protection agency, or both.

And an earlier editorial by the Star, on August 2, does an excellent job of describing the opportunities and the problems that all nations face with regard to the sea. The editorial concludes with the very appropriate statement that—

> We must learn—and learn quickly—whether the ocean can tolerate the abuse we are inflicting on it. We must hope that such knowledge does not come too late.

This is of the utmost importance—if we enter the sea in full force with all our technology without first understanding and taking account of the environmental implications, we will wreak the same tragic destruction on this fragile resource as we have on land.

It is necessary that we understand—and I do not think we understand yet—the potential mankind has to affect the environment of the sea. A recent article in the New York Times regarding plans and research for mining in the ocean depths gives an excellent picture of our developing marine capabilities. I do not quarrel with development of marine resources—it is necessary, it will come, and it should benefit all mankind. But we must in my view establish the necessary environmental priority as well—and we must do it at this critical early stage in the development of our oceans policies.

As an example of the consequences of not doing so, an article in this morning's Washington Post quotes a leading expert on food and population problems to the effect that the ocean beds are already being ruined by pollution—ironically, even as we look to riches of the sea to feed whole nations. "I still believe we can enhance the world's food supply from the ocean," said Lord Ritchie-Calder at the third annual Congress of Food Science and Technology meeting in Washington, "but we are rapidly reducing our options if we tolerate the kind of irresponsible and avaricious ignorance which is threatening the living waters of the sea."

These editorials and articles are very helpful in informing the public of the implications and concerns of our national oceans policies and proposals, and I ask unanimous consent that they be printed in the RECORD at the end of these remarks. We should consider now very carefully the decisions we make with regard to the sea. We have a unique opportunity and we have a responsibility to future generations to do so.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Aug. 8, 1970]

ENVIRONMENTAL BLUNDER

A while back, we had some kind words to say for the President's plan to put most of the government's environmental watchdog activities under a single officer. The creation of the Environmental Protection Agency does not guarantee the success of the fight against pollution. But the independent agency, if it is backed by sufficient determination and adequate funds, makes that vital victory possible.

When EPA was introduced to Congress it was accompanied by a related environmental reorganization plan, involving the creation of the National Oceanic and Atmospheric Administration within the Department of Commerce. And it must regretfully be said that NOAA—despite the appropriate acronym—shows nothing of the bright promise of its organizational sibling.

The chief argument favoring the creation of EPA—the unification of the effort to preserve the threatened environment—is the strongest argument against NOAA. If the concept of consolidation is right—and it is—then it must be wrong to crack off two of the chief components of the environment and treat them as separate entities.

The fact is that the environment cannot truly be separated into component parts. It is a unity. That which affects the land, the air or the rivers affects the oceans as well. Logic demands that the oceans and the atmosphere be placed under EPA's sheltering roof.

Why that demand was disregarded is not clear. Still more obscure is the rationale for placing NOAA within the Department of Commerce. It is an administrative decision somewhat akin to appointing the undertaker as lifeguard at the beach. Fairness dictates that there must be no assumption of a conflict of interest. But prudence whispers that no swimmer will venture far beyond his depth.

Congress, which must give tacit approval to the reorganization plans, should hail the birth of EPA and should scuttle NOAA. The President should then put the official concern for the oceans and the atmosphere under the independent agency, where it belongs.

[From The Washington Star, Aug. 2, 1970]

POLLUTION, GREED, AND THE VULNERABLE SEA

From the beginning of recorded time, man has looked on the oceans of the earth and reacted alternately with awe or disinterest.

The sea, man has said, is the giver and sustainer of life, eternal and immutable. And man has viewed the ocean as every man's land, so vast that territorial claims are unthinkable and unnecessary, so bountiful a supplier that no thought need be given to the harvest of food that is gathered in, so deep and so forgiving that it can readily absorb all the refuse of human existence.

Long after man's intellect began ringing faint alarms, the myth of the oceans' immunity from the poisonous by-products of civilization persisted. Today, when man's numerical presence threatens to overwhelm the planet, and when humanity's refuse includes deadly garbage and radioactive trash, the oceans are still generally treated as the ultimate receptacle.

For decades men have known that the food supply offered by the seas is not limitless. And yet, as the demands for food increase and the technology of harvesting edible fish improves, there is general unconcern over the effect of this harvest on tomorrow's crop. Men understand now that the area beneath the oceans is not the worthless unreachable territory it was once thought to be. The mineral wealth of the combined nations of the world are a fraction of that which lies untouched in the mountains, valleys and plains of the ocean floor. The ability to tap this treasure is almost within man's technological grasp. Only now have men become joltingly aware of the danger inherent in the fact that more than 70 percent of the earth's surface is unclaimed. Only now, at virtually the last possible moment, has thought been given to reaching some international agreement before human greed reaches the seabed, making it the prize in mankind's ultimate war.

The long tradition of national disinterest in the waters and the ocean bed beyond the continental shelves will be a help in the search for an international accord on the uses of the oceans and the seabeds. The ancient concept of the open ocean as international waters will make it possible for men to approach the problem of codifying the neutrality of the seas and seabeds free of any preordained opposition. International agreements entail a voluntary surrender of some degree of sovereignty. The fact that no nation that gives up rights to the oceans would be surrendering anything it ever considered its own has already produced promising results.

XUM

It has allowed Russia and the United States to agree on the terms of a treaty that will, if it is accepted by other nations, keep the seabed free of the weapons that could transform the oceans into nuclear launch pads and battlefields. It has allowed President Nixon to propose a world treaty that would turn over 90 percent of the seabed to an international agency, to be exploited for the benefit of all nations as the "common heritage of mankind." And the tradition of oceanic laissez faire has made it possible for the representatives of 50 nations to meet recently in Malta and to report unusual and encouraging agreement on the need for international control—probably under the United Nations—of all exploitation of the oceans, including the taking of fish.

So the history of national indifference toward the high seas is helpful in establishing an international ocean regime. But that same tradition operates with terrible effectiveness against the belated attempt to save the environment.

Men have developed a fine concern for the air, and are moving to reverse its degradation. We have discovered that some of the chemical blessings of science are mass killers in disguise, and we are phasing out the use of the deadly insecticides and other persistent poisons. We have awakened to the damage we have done to rivers and lakes, and have begun to legislate a program of reclamation.

But we have, in a masterful denial of logic, clung to the primitive supposition that the oceans are indestructible. We have looked at the unmeasurable volume of the seas and have assumed that the total accumulation of all man's refuse cannot possibly affect them. Armed with that assumption we have littered the coastal ocean beds with raw sewage, garbage and trash. We have disposed of stores of poison gas by sinking it in deep waters. We have poured accumulated radioactive wastes into the ocean. And we have done this with no knowledge of the consequences and no serious attempt to gain such knowledge.

The scant information that is available about the oceans is enough, however, to make it clear that the assumption of their indestructibility is false. The seas are vast in volume but delicate in composition. And man's reckless magic has already worked a measurable change on the chemistry of the seas.

In addition to the refuse being dumped directly into the sea, most of the chemical poisons in the air are washed into the sea by rainfall. So too with the pollution of rivers, streams and lakes; the poison will reach the coastal waters, and eventually find its way to the unmoving regions of the deep waters, where it will accumulate and remain indefinitely.

As yet, DDT cannot be found in ocean water, but it has been found in deep ocean fish in concentrations twice the amount considered safe. The use of tetraethyl lead in automobile gasoline means that 250 metric tons of lead are dumped into the waters of the Northern Hemisphere each year by rainfall, and the lead content of the North Pacific has increased more than 300 percent in the last 45 years. At least 5,000 tons of mercury, carried by the rivers, is pumped into the oceans every year and has produced several mass poisonings. One million tons of petroleum is leaked or pumped into the sea annually from tankers, with the result that there are increasing reports of fish tasting of oil, of whole catches being thrown back. And there is a growing concern that the introduction of these hydrocarbons into the marine food chain might have a devastating and lasting effect on the finely balanced cycle of marine life.

Man's political disinterest in the sea is matched, then, by his scientific neglect and abuse of it. And as a result some dramatic readjustment in thinking and in practice is called for.

President Nixon's bid for a supranational agency to exploit the resources of the seabed for the benefit of all—a proposal that was given short shrift in the press—is one of the most dramatic moves of his administration. Coming from a major maritime nation, one that is in the best position to exploit the oceans for its own benefit, it is a proposal that has been taken seriously throughout the world. There is a good chance that it will form the basis of the most far-reaching and constructive multinational venture ever undertaken.

At the same time, and with an even greater sense of urgency, man must abandon the assumptions and the myths that he has accumulated about the oceans. This country spends billions on space research and years on the study of lunar particles. But the oceans, which gave us life and which offer a hope that the explosive increase of life may be sustained, remain largely unstudied and almost as little understood as they were at the turn of the century. We must learn—and learn quickly—whether the ocean can tolerate the abuse we are inflicting on it. And we must hope that such knowledge does not come too late.

[From the New York Times, Aug. 9, 1970]

Mining Ocean Floor: A New Metal Source?

(By Robert Walker)

Gloucester Point, Va.—Out in the Atlantic the other day, in about 3,000 feet of water and about 120 miles east of Charleston, S.C., a converted cargo vessel dropped a string of nine-inch-diameter steel pipe to the ocean floor. Operating somewhat like a vacuum cleaner, it began to suck into the ship a thundering stream of air, water and nodules—smooth, apple-sized lumps—of rich metallic ore.

From the Research Vessel Deepsea Miner, a jubilant crew of scientists, engineers and sailors flashed the word here to the headquarters of Deepsea Ventures, Inc. "It works," they reported. "Beyond expectations."

Headquarters is a neat, single-story, russet-brick office building, surrounded by trees and grass on the edge of this Virginia coastal town, not far from Newport News and Norfolk.

This successful first test of a revolutionary technique for mining an untapped source of four important metals was only a single step in a long march, much of which still lies ahead of Deepsea Ventures. The ocean-research concern is a wholly owned subsidiary of Tenneco, Inc., a diversified pipeline, petroleum, real-estate, shipbuilding and manufacturing complex, with total 1969 revenues of $2.5-billion.

The test, however, was one of the biggest strides so far in a program that has absorbed about eight years and $15-million.

Company officials indicated here last week that the success probably had answered favorably the major questions about the mining technology involved. Questions that remain concern the international legal status of the widespread ocean-bed deposits, the processing and refining of the unique type of ore they contain and the economics of marketing the manganese, nickel, cobalt and copper that would be produced.

If Deepsea Ventures, Tenneco and their existing or potential partners should decide to spend the $150-million or more that it would take to get into commercial operations, the implications could be enormous, not only for the world's metal markets, but also for other economic and scientific sectors.

For example, Christopher Garside, a British-born oceanographer from New York's Columbia University, was in Charleston last week, waiting impatiently for the weather to moderate so that he could travel by fishing boat with his own test equipment to the research vessel.

"We wish them luck with their mining venture," Dr. Garside said, "but frankly we couldn't care less about it. We're interested in the effects of bringing so much cold, dense water from the bottom to the surface.

"It will be rich in nutrients, nitrogen and phosphorus, which might generate plankton growth, which might provide food for fish. Suddenly, if this happens, you've got a fish farm and part of the answer to the shortage of food for humans."

It is unlikely that this will happen in the foreseeable future without a sound economic reason for pumping bottom water to the surface, but John E. Flipse, the 50-year-old marine engineer and naval architect who heads Deepsea Ventures, is convinced that the ocean-bed deposits—ususally called manganese nodules even though the phrase is not perfectly accurate—are an economic proposition.

More important, Mr. Flipse has convinced officials of Tenneco and a new West German partner, Metallgesellschaft, A.G., that the program is worth continuing, at least through more exploration, testing and evaluation stages.

To operate commercially, a consortium, which probably would include additional partners, would have to begin in the Pacific with a specially built, full-scale mining ship, capable of recovering nodules at depths of 15,000 feet or 18,000 feet. Pacific deposits are richer and more likely to prove economically feasible than the Atlantic ore that was recovered near here in the recent exercise, designed strictly to test the recovery technique.

Also, the mining ship would probably have to be served by transports—as in the accompanying diagram—which would take the ore to a refinery ashore. This refinery, moreover, would have to be a pioneering project, because conventional processing techniques would not work on manganese nodules.

These considerations and others—the need for orderly markets and adequate international agreements on underwater mineral rights—have made some economists, both academic and industrial, rather pessimistic about the future of ocean mining, except for a few existing operations in extremely shallow water where conventional techniques and ores are involved.

OTHER CONCERNS DISCOUNT IT

But Mr. Flipse, who concedes that the proposition has in the past been examined and discounted by such giant concerns as the United States Steel Corporation and the International Nickel Company of Canada, Ltd., insists that none of the doubters "are what you could call qualified authorities."

He contends that they tend to be naive, not fully informed or even apologists for special interests, hostile to the development of new sources of metal.

"We're the opposite," he also admits. "We're enthusiasts. If we were a musical group, we'd be called The Believers."

Solidly built, sunburned and blond, resembling Jack Nicklaus in an apple-green, short-sleeved shirt, Mr. Flipse would be an unusual figure in Wall Street, but he fits this place perfectly.

WORKED WITH NEWPORT NEWS

He was a research director with the Newport News Shipbuilding and Dry Dock Company when it was acquired by Tenneco in 1968. He had been trying without notable success to persuade Newport News to push ahead with a well-financed project to mine nodules.

The origin of the oceanflow deposits is uncertain, but they probably were formed 10 million to 30 million years ago through a natural process somewhat like the electrochemical technique used to manufacture nickel or copper cathodes. They always have a nucleus, such as a pebble, a shark's tooth or a whale's ear bone.

Thus, in broad terms, the atomically bonded elements can only be recovered by reversing the electro-chemical process, which Deepsea Ventures already is doing on a limited scale in a small pilot plant here. A bigger pilot plant—to use the same jealously guarded techniques—is under construction a few yards away.

In any event, after the Tenneco acquisition of Newport News in 1968, the Houston-based conglomerate, formerly known as the Tennessee Gas Transmission Company, was sufficiently impressed by Mr. Flipse and his proposal to finance the first small experimental ship, the R. V. Prospector. Tenneco also created Deepsea Ventures as a research subsidiary, separate from the big, conventional shipbuilding operation.

While Tenneco and its many subsidiaries have about 62,000 employes, only 60 of them work for Deepsea Ventures. Most of them are scientists, engineers and technicians, the complement one might expect of a small, research enterprise that has yet to market its first pound of metal and probably will not do so before 1975 at the earliest.

CLOSED-CIRCUIT TV USED

However, these men have developed an exclusive capability to see the ocean bottom and the nodules—as well as large obstacles like boulders—by means of powerful lights of closed-circuit television.

They have designed a dredge and a sled to carry it, capable of raking and feeding to the dangling pipe the desired size of nodules. They have, as they demonstrated in the Atlantic the other day, perfected a means of pumping air to the ocean botton and into the pipe, causing the air, the water and the minerals—helped by hydrostatic pressure—to hurtle toward the surface.

They also have designed a simple circular separating device for the ship, which drops the nodules into a storage area and pours the cold water back into the sea.

Mr. Flipse said last week that, to build a full-scale mining ship, this equipment would only have to be enlarged by a factor of about five, considered a small jump by the usual engineering standards.

MARKET STUDIES GUARDED

Deepsea Ventures did not disclose all the details of its study of the markets for manganese, nickel, cobalt and copper. Mr. Flipse said, however, that "all calculations are extremely conservative."

That is, the concern has assumed there would be good mining weather for only 200 days a year; taken a relatively pessimistic view of the growth in metals consumption; allowed for declines in the prices of various metals, and admitted that its cost estimates, $40-million for the first ship and $100-million for the refinery, might prove too low.

Mr. Flipse has urged the Federal Government to seek international agreements on ocean mineral rights, but he emphatically said he did not believe in competitive bidding for leases on given areas, as is the practice in most existing oil and mineral developments.

"There are so many nodule deposits," he declared, "in relation to the number of companies that will have the desire and the money to enter the field, that bidding won't be necessary. The Government will collect its share in the form of taxes."

[From the Washington Post, Aug. 11, 1970]

BRITISH EXPERT CITES PERIL IF OCEAN BEDS ARE POLLUTED

(By Stuart Auerbach)

A leading expert on food and population problems warned yesterday that the world's last great untapped food resource—the ocean beds—is being ruined by pollution.

The food from the ocean floor, both animal and vegetable, is needed if man is to feed the estimated 7 billion persons who will inhabit the earth by the year 2000, Lord Ritchie-Calder told the third annual Congress of Food Science and Technology meeting here.

"I still believe we can husband the creatures of the sea as we have husbanded the creatures of the land," he said.

"I still believe we can enhance the world's food supply from the ocean, but we are rapidly reducing our options if we tolerate the kind of irresponsible and avaricious ignorance which is threatening the living waters of the sea as it has destroyed so much of the living waters of the land."

Ritchie-Calder said "grim warnings about the impairment of marine biology" were given at a conference on the international uses of sea resources held at Malta.

He said the thin film of oil spreading over all the world's oceans is cutting the amount of sunlight reaching the bottom depths and disturbing the natural process of photosynthesis—the way land and sea plants grow.

He called the Army's plan to dump 66 tons of deadly nerve gas on the ocean bottom "shocking" and "reckless." Using the ocean bottom as a dumping ground for munitions, he added, could interfere with future mining activities.

The British peer, a professor at the University of Edinburgh in Scotland, long has advocated the cultivation of "the food riches of the seas" with "sea pastures, sea farms, sea ranches and sea stud farms."

He proposed putting electric fences around areas of the ocean as big as Texas to form huge ranches to grow fish, which could be bred specially, much the way cattle are now bred. These areas, he said should be under international control.

With the world's population growth—a doubling of the present 3.6 billion in 20 years—these resources will be needed to feed residents of the earth. And the ocean's resources must be shared, he said, since three-fourths of all the people on earth will live in underdeveloped countries by 1980.

While he praised the "green revolution" that is producing greater grain yields across the world, Ritchie-Calder said cereals can't fill nutritional needs.

Saying that people need more protein, he declared, "There is a great danger that this belly-filling will be regarded as the answer to the food problem to the disadvantage of better nutrition."

But Dr. George W. Irving Jr., administrator of the U.S. Department of Agriculture's Research Service, said that new foods with protein supplementation are winning favor all over the world.

Agriculture Secretary Clifford M. Hardin told the conference that the United States is beginning to win its fight against hunger. He said 10.4 million Americans—50 per cent more than a year ago—are now on food assistance programs and food stamp distribution has risen 64 per cent in six months.

There are now only 15 counties or independent cities in the nation without federal food supplement programs for the poor, he said.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BURDICK). Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. Pursuant to the previous order, the Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

> H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER (Mr. BURDICK). Pursuant to the previous order, the distinguished Senator from Wyoming (Mr. HANSEN) is now recognized for not to exceed 30 minutes.

SAFEGUARD ANTI-BALLISTIC-MISSILE SYSTEM

Mr. HANSEN. Mr. President, it is my intention fully to support the action of the Armed Services Committee in the area of the Safeguard anti-ballistic-missile system funding and authorization. I feel strongly that this course of action will be in the overall, long-range, best interests of our country. It will serve to enhance our national security.

The committee has cut the Safeguard authorization by $10 million from the House-passed figure. This cut in the request by the Armed Forces will affect the plan to proceed to advance preparation of four area defense sites. According to the committee's report, this kind of cut was possible because of that unit's conviction that there is no compelling need to move now to the deployment of an area defense of our population against a possible Chinese Communist ICBM attack.

It is important to note that while the $10 million cutback made by the Senate Armed Services Committee is not large, its long-term effect—should the decision be perpetuated in subsequent years—is substantial. By restricting advance site preparation to one site, which is F. E. Warren Air Force Base in my State of Wyoming, rather than the five sites requested, the total projected acquisition cost will be reduced significantly. Those costs will be down from $10.7 billion for the 12-site deployment to a figure of $6.5 billion for the four-site deployment protection of our country's Minuteman deterrent.

This will account for an eventual saving of $4.2 billion. And, of that $6.5 billion four-site cost, over $2.2 billion has been obligated already. That means the remaining cost of the four-site Minuteman defense—at Malmstrom, Grand Forks, Whiteman and Warren—is $4.3 billion.

What we are talking about here, Mr. President, is the need for an adequate defense of the deterrent capability of the United States. As the committee has pointed out, the continued expansion of Soviet strategic forces poses a serious potential threat to the American land-based deterrent.

The committee report notes:

> The United States cannot permit such a threat to develop without taking suitable countermeasures to provide for the continuing survivability of sufficient strategic weap-

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> ons for credible retaliation and confident deterrence.

This, to my mind, is a most important consideration.

The Soviets are continuing to install a number of SS–9's. And, as a matter of fact, the number of missile launchers that the U.S.S.R. has on line serves to provide them already with a delivery capability that is a most serious threat to the United States land-based deterrent force, the Minuteman.

As my colleagues know, we are not in the offensive missile business in this country. This is to our credit, particularly in view of the Strategic Arms Limitation Talks in Vienna and Helsinki.

It is the considered opinion of a number of experts in this field—whose judgment I respect—that further implementation of the Safeguard ABM system will continue to enhance the U.S. SALT position; that, in fact, there is reason to believe that Safeguard may well prove to be the incentive needed to convince the Soviet Union that they should agree to enter into an arms limitation agreement.

If the Safeguard system can accomplish this—helping to persuade the Russians to limit further construction and qualitative improvements in their SS–9 missiles—we will have made a tremendous advance.

If this can be accomplished, if we can agree with the Russians on a way to avoid an all-out arms race, the Safeguard ABM system will have proved its worth.

XUM

The Armed Services Committee has pointed out in its report on H.R. 17123, the importance of Safeguard to an agreement at SALT, should be self-evident. The report notes:

> As one of the central limitations to be negotiated in conjunction with limitations of offensive forces, the report states, Safeguard is essential to the American position. Without Safeguard the Soviets would have little incentive to agree to constrain increases to the offensive forces. The progress thus far in the Strategic Arms Limitation Talks has served to confirm the view that Safeguard is essential to their successful conclusion.

Perhaps one of the most salient statements in this regard is contained in the final two sentences of that section of the committee report dealing with the Safeguard ABM system, and I quote:

> Should our best efforts to achieve agreement (at the Strategic Arms Limitation Talks) fail, however, Safeguard would be an important element in the maintenance of a secure deterrent force.
>
> To delay the modest deployment authorized for fiscal year 1971 would, in the opinion of the Committee, put the Strategic Arms Limitation Talks, and our national security, *at risk*.

This, Mr. President, clearly sums up the situation in which we find ourselves.

The Soviet threat is real. They have an impressive number of operational missile launchers; they have gone further and they have gone faster than we originally thought they would. They have made significant advances in the SS–9, the SS–11, and the SS–13.

Under the language of the military procurement that is before us, we plan to spend less than $100 million in the 1971 fiscal year in the Safeguard ABM field, and only $10 million by the end of this calendar year. So, if the strategic arms limitation talks bear fruit and an overall specific ceiling is placed on the total number of both land- and sea-based missiles plus bombers, in exchange for a limitation on rival anti-ballistic missile systems, we will have spent relatively little money on the system this year, and at the same time and just as importantly, we will have protected the American people.

In other words, Mr. President, perhaps the best investment we can make in this field, the best protection we can provide for our people, is for a system that cannot be successfully challenged. The best insurance we can have for our country and for our people is a weapons system that is never used.

Two of the able members of the Senate Armed Services Committee recently have addressed themselves to the specific issue of the Hart-Cooper amendment, and I would like to take this means to call the attention of my colleagues to their statements and sound advice.

Both Senator STENNIS and Senator JACKSON have urged approval of the action of the committee as it relates to the Safeguard ABM system. I commend their advice to the attention of all my fellow Senators who will be called upon to cast a vote on this issue Wednesday afternoon.

Senator STENNIS has noted:

> The purposes of this phase I deployment are first, to preserve the President's future options by establishing a minimum base for expansion if the threat requires it, and second, to provide a beginning for protecting the Minuteman force against the estimated U.S.S.R. mid-1970's threat.
>
> It is well for us to remember that what we are talking about with respect to this weapon, and it is purely a defensive weapon, is not in terms of the present, but in terms of what the situation may be in 1975 and beyond.
>
> The committee decided, after extensive consideration, to restrict the Safeguard deployment for fiscal year 1971 to defense of our land-based strategic deterrent—our key ICBM bases, or some of them; that is, our Minuteman bases.
>
> It was the committee's considered judgment that this proposed deployment was necessary for our national security requirements and that it is conducive to strategic arms control and, therefore, it deserves the full support of the Senate.
>
> I am convinced that in today's international climate we do not improve the chances for peace by taking the risk of relegating our strategic forces to a position of inferiority to those of the Soviet Union.
>
> Our chances of achieving a just and lasting peace, I believe, rest upon the basic premise of mutual deterrence—that is, the ability of both great powers to ride out a massive attack and still retain the capability to inflict unacceptable damage on the attacker in retaliation. It follows that actions which affect this retaliatory capability—such as failing to deploy an ABM system—in turn affect the credibility and stability of mutual deterrence. This is therefore a matter we must consider very carefully.

As concerns the view of some scientists that the ABM may not work:

> It is just commonsense that if we wait until we are certain that things will work in this field, we will never have an ABM system.
>
> It is virtually conclusive on this point—that this construction and increased strength by (the Soviets) has now progressed even beyond the predictions of a year ago.
>
> Put simply, the Soviet Union now has enough ICBM ballistic missile launchers, either deployed or under construction, which, with qualitative improvements, could pose a serious and perhaps deadly threat to our Minuteman deterrent in the mid-1970's and beyond . . ."

Further, the Senator from Washington (Mr. JACKSON) has pointed out that:

> In the last year the Soviet threat to our land-based deterrent has significantly increased, at a rate that has exceeded the intelligence projections made a year ago;
>
> By action of the Armed Services Committee, under the chairmanship of our distinguished colleague, Senator Stennis, Safeguard has been confined to defense of the deterrent; authorization of a thin area defense has been specifically denied;
>
> Contrary to the expectations of many opponents of Safeguard, the SALT talks have convened and made substantial progress toward agreement covering ABM defenses and offensive strategic weapons;
>
> In the last year Safeguard has made excellent technical progress.

What is perhaps most ominous about the growth in the Soviet SS–9 force, according to Senator JACKSON, "is that the SS–9 is an extremely inefficient weapon for retaliating against cities."

Senator JACKSON notes,

> I ask: If the Senate stops the forward motion of the Safeguard program, what are our negotiators in the SALT talks going to offer the Russians as an inducement to stop building their SS–9's
>
> As I see it, Mr. President, a convincing active defense of our deterrent says this to the Soviets. It says: 'We intend to keep our second-strike capability; we do not intend to allow you to acquire a first-strike capability. If you want to keep on building SS–9's, that's your business, but for every additional SS–9 that you buy, we are prepared to offset it.' Safeguard as a responsive and dynamic program can say precisely that to Moscow.
>
> My hope—and I think that it's a reasonable hope—is that the Soviet leadership will thereby understand that it is simply a waste of scarce resources for them to continue deploying SS–9's, or other missiles of this type, and that they will therefore turn to the alternative of serious negotiation to limit both offensive and defensive systems.

Senator JACKSON has declared:

> If the SALT talks succeed, I for one will not consider whatever small sum has been spent on Safeguard as wasted money. My view of that in spending this money we will be improving the chance of success in reaching a significant arms control treaty; and I personally would pay a very high price to do that.

Continuing, Senator JACKSON stated:

> Let me speak plainly: any Senator who is tempted to vote against the proposed deployment of Safeguard must understand the risks that are involved for the President's negotiating position at the SALT talks.
>
> Mr. President, I believe that this country is rich enough in moral and material resources to provide for its security and solve its domestic problems as well. And I'm confident that the Senate will reject the counsel of those who would endanger that security and the prospects for a negotiated arms control agreement simply to achieve a pyrrhic victory over the Pentagon.

Mr. President, the Safeguard system will help guarantee the survivability of our relatiatory capability. It in no way jeopardizes the security of the Soviet deterrent and, because of what has already been accomplished at Vienna and Helsinki, it obviously provides an additional incentive for the Soviet Union to enter into a substantial arms limitation agreement.

This is all to the good.

It is the considered judgment of the Committee on Armed Service Mr. President, "that the proposed Safeguard deployment, sufficient for our national security requirements and conducive to strategic arms control, deserves the full support of the Senate."

To this, I steadfastly agree.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HANSEN. I am happy to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I think the Senator has made one of the most practical, down-to-earth, commonsense speeches about this problem we have had delivered in this chamber. It is a distinct contribution to this debate, and as chairman of the Committee on Armed Services, I especially thank him.

One of the proposed bases is going to be in his State if this plan is carried out. He had a very generous and a very fine attitude about that, too. I appreciate it very much.

The Senator emphasizes that this is a deterrent and on this level and in this field of weapons this is our sole deterrent, it might be said, in that it protects what is our effective, our affirmative deterrent.

I like the idea also when the Senator said the best weapon system, after all, is one that never has to be used. We know here that we are not planning an offensive attack on anyone. We are just trying to protect our defenses.

One thing that has been hard for me to understand with respect to opposition to this plan, or any missile system, is an attempt to perfect a weapon; but this one is purely on the defense, and it could turn out to be the only kind of defense we have that is effective. I think that afterward would be too late for many hundreds of millions of people if we cannot have the deterrent that is effective to convince our adversary. It would be a great mistake to try to do anything then, and we would have lost, because however good any ABM system may be, it is not going to be perfect enough to protect hundreds of millions of our people.

I thank the Senator, and I commend him highly.

Mr. HANSEN. I thank the Senator, who is the chairman of the Committee on Armed Services. He has made a most significant contribution to our Nation in calling attention, as he does, and by giving the bipartisan support, which he does, to the efforts of our President and the military in order that we may dwell secure in this country in the knowledge we have taken those steps necessary to assure our protection.

As he points out this is not an offensive weapon; it is a defensive weapon; it is a weapon to lend credibility to our other weapons, which taken together serve notice on any nation which may have any offensive intentions toward us that it does so at great risk.

I agree with him completely that the best investment we can make is an investment in a system of defense which is so strong and formidable that it will never have to be used.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. HANSEN. I am happy to yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I wish to join in the commendation made by my chairman of the Committee on Armed Services on the talk that the distinguished Senator from Wyoming has just completed.

I like not only the content but the fact that it was short and to the point—which is something we should all learn to do.

I think the Senator has pointed out very concisely one of the most serious considerations that should be kept in the minds of all of us in this body. I wish it were posible to start arms limitations tomorrow with the Soviets. I wish it were possible to get onsite inspections with them so that we could decrease the arms race we are in. I suggest it is not the United States that has caused the arms race, but the Soviets. Everytime they feel they are equal to us in knowledge or performance, we have been led to exercise or create treaty in this body, which we have done, guaranteeing that they remain ahead of us.

In the discussion of the Senator from Wyoming, the effect of the continuance of our deployment of this defense system on the SALT talks I think is the important thing we have to remember. If we do not do it, we are like the man playing poker against the man who has a flush or a full house: We have nothing left that the Russians need and respect us for—and they respect only strength—if we throw the ABM down the drain.

They are now ahead of us in weapons, in ICBM's. They are catching us in submarine-launched missiles. They are catching us in submarines. Their navy will catch us in 2 years. They are very close to being equal to us right now. Their ground strength is greater than ours. While it is true that we are ahead of them in aircraft, and far ahead of them in quality of pilots, they continue, as they have since World War II to develop new tactical aircraft, about one every 3 years, and we have not had a new one in 10 years now.

So I hope the Senate will place emphasis on the importance this system plays on the SALT talks. I appreciate the remarks of the Senator from Wyoming in pointing out that, if there is no other reason, we should retain it for that reason, and reject the amendment that is now before us.

Mr. HANSEN. I thank the distinguished Senator for his very kind words. Sharing as I do with my fellow Senators the greatest respect for our distinguished colleague from Arizona, his praise is doubly pleasing to me.

I am well aware, as everyone must be, of the great record he has and the intimate knowledge he has of our whole system of weaponry. He keeps constantly aware of the latest improvements in all types of aircraft. I understand that only yesterday he flew what I guess is the most modern plane we have. I think no one can speak with greater background of knowledge. I leave it to those who are willing to examine history how right he was several years ago. It is perhaps ironic that a man finds that those who were detractors of his employed the very techniques he recommended and came to the conclusion he did when he had the forthrightness and honesty to speak out, as he did some several years ago.

I say simply I am most grateful to the distinguished Senator from Arizona.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. G. Robert Watkins, late a Representative from the State of Pennsylvania, and transmitted the resolutions of the House thereon.

The message announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 18725. An act to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia; and

H.J. Res. 264. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

CONSTITUTIONAL AMENDMENT PROPOSED RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on House Joint Resolution 264, and that the joint resolution be read twice by title.

The PRESIDING OFFICER (Mr. McClellan) laid before the Senate House Joint Resolution 264, proposing an amendment to the Constitution of the United States relative to equal rights for men and women, which, by unanimous consent, was read twice by its title.

Mr. MANSFIELD. Mr. President, I object to further proceedings on the joint resolution at this time. I make the objection on behalf of the distinguished minority leader, the Senator from Pennsylvania (Mr. Scott), and myself. I do this to indicate that the joint leadership is working in unison and, that the distinguished chairman of the Committee on the Judiciary (Mr. Eastland) has been informed about what our intentions are.

The PRESIDING OFFICER. Under Rule XIV, paragraph 4, and the latest precedents of the Senate, the joint resolution will be placed on the calendar.

Mr. GOLDWATER. Mr. President, if the Senator will yield, as acting minority leader, I will say that the minority leader is in complete agreement with the action taken by the majority leader, and that we hope the Judiciary Committee will have early and thorough hearings on this matter, so that this body as a whole will have an opportunity to vote on it this year.

Mr. MANSFIELD. Mr. President, I extend my sincerest thanks to the acting minority leader, the Senator from Arizona.

HOUSE BILL AND JOINT RESOLUTION REFERRED OR PLACED ON THE CALENDAR

The following bill and joint resolution were each read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 18725. An act to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia; to the Committee on the District of Columbia.

H.J. Res. 264. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; ordered to be placed on the calendar.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

THE HART-COOPER AMENDMENT

Mr. COOPER. Mr. President, 25 years have passed since the world caught a brief, horrifying glimpse of the destructive power of nuclear war when 200,000 lives were lost in an instant at Hiroshima and Nagasaki. Nuclear weapons have not been used since, but the threat of nuclear war has grown along with the spiralling and increasingly costly arms race. After 20 years of action and reaction in the development of nuclear weapon systems by the United States and the Soviet Union the nuclear balance has not changed. Each possesses greater power to destroy the other and civilization as we know it.

Now, the United States and the Soviet Union are engaging in negotiations seeking means to control nuclear weapons to the end of preventing, or at least limiting, the danger of a nuclear holocaust. Their recognition that the nuclear power each possesses, if ever used, would destroy our countries, a great part of the earth, and those who live upon it, gives to the SALT talks a light of hope. We believe that if the talks are progressing toward agreement, as is reported, it is not because of any "bargaining chip," but because both countries recognize several clear truths:

First. Both the United States and the Soviet Union possess nuclear weapons in assured quantities and diversity to destroy the other even after sustaining a first strike.

Second. Both the United States and the Soviet Union have the technological knowledge and resources to counter any deployment by the other of new nuclear weapons.

Third. Both countries understand that in the absence of mutual nuclear disarmament, a balance of nuclear power—the deterrent—must be maintained.

The Senate, only last year, approved by a vote of 72 to 6, Senate Resolution 211 urging the President to begin the SALT negotiations by proposing to the Soviet Union a mutual moratorium on further deployment of all offensive and defensive nuclear weapons systems. This approach to the talks was not agreed to by the administration. I believe that it would have been the best initiative, for we have witnessed continued deployment of ABM and the beginning of MIRV deployment by the United States and, on the Soviet side, the continued deployment of SS–9, ICBM's and ABM systems around Moscow that the negotiators seek to limit and control.

On August 4, Senator HART and I with other cosponsors, introduced amendment No. 819 to H.R. 17123, the military procurement bill now before us. We have sought to frame the amendment to fit the negotiating tactics of our country. It permits the continued deployment of phase I of the Safeguard system, which the administration contends is helpful in the SALT talks. But, unlike the administration bill, it would halt Safeguard after phase I because it is an ineffective defense for our missile fields. It would provide funds for an advanced and effective ABM system for the protection of our deterrent and the security of our country, if the administration chooses to use those funds for such a system.

In 1969, the Congress appropriated approximately $1.2 billion for the deployment of Safeguard at two sites—at Malmstrom and Grand Forks Air Force Bases. I am informed that, as of May 31, 1970, all of this large sum except $224 million had been obligated. The pending bill would authorize a total of $1,027,200,000 for continuing work on the two sites. Included is $35 million for Sprint missiles, additional to the number declared last year by the Department of Defense to be adequate for the defense of the two missile sites. I shall refer to this item later in my statement.

The Hart-Cooper amendment would strike only the $322.2 million requested for deployment of phase II at Whiteman and Warren Air Force Bases.

Last year, Senator HART and I and other cosponsors offered an amendment to strike all funds for deployment of phase I, and to authorize their use only for an advanced ABM system. Our amendment was defeated by a vote of 51 to 49. An amendment offered by the distinguished Senator from Maine (Mrs. SMITH), requiring the use of funds on an advanced system, lost on a tie vote 50 to 50. The case against the vulnerability of the Safeguard system has been made stronger since last year by the testimony of eminent scientists and even officials of the Department of Defense before several committees of the House and Senate. It may be asked why we have not offered an amendment, as we did last year, to strike all funds for further deployment of Safeguard phase I, if we considered it to be an ineffective system.

The administration has reported in various ways that it considers the continuing deployment of Safeguard of value in the SALT talks. This position, at least logically, is difficult for me to understand. If, as is reported at times in the news media, the United States and the Soviet Union may agree that no ABM systems shall be permitted, the deployment of phase I would be halted and dismantled and phase II would not be permitted. Or, if as has been reported at times, agreement may be reached upon ABM protection for the command centers, that is, Moscow and Washington, again phase I and phase II would not be permitted.

Of greater importance, it seems improbable and unwise that the United States would agree to forego the deployment of a truly effective ABM system unless the Soviets agree to halt or limit the deployment of their SS–9 missiles. For it is the threat of the continuing deployment of SS–9's and SS–11's, their increasing accuracy, and the MIRVing of those missiles upon which the administration has built its case for Safeguard.

But whatever the tactics and methods of the negotiators, we consider SALT talks to be the most important negotiations of our time and they might well be the most important negotiations for mankind in history. For this reason, we decided we would not seek to halt phase I, which the administration claims is of value in the SALT talks.

Our amendment does not limit the use of the vast sum of over $2 billion provided for phase I in the fiscal year 1970 appropriations voted last year and by the bill before us. As no actual emplacement of the components of Safeguard on the two sites of phase I has taken place, and as tests are still proceeding on its components, there can be no serious argument about the loss of leadtime, breakup of production lines, or interruption of research, development, testing and evaluation as was made in the debate last year.

The Armed Services Committee in its consideration of H.R. 17123 made several important decisions which reflect its caution about the missions of Safeguard. It abandoned the concept of area defense which was urged last year by the administration and the committee, and this year again, by the administration. The Committee asserted that protection of the Minuteman is the proper role for an ABM system, given present and foreseeable technology. This position was advocated by the opponents of Safeguard last year. The committee also refused to provide funds for the preparation of four additional sites for Safeguard deployment. After the action of the committee, I do not believe that it can be reasonably argued that our amendment undercuts the position of the administration in its SALT negotiations. If the administration thought the action of the committee was

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harmful to the talks it would be seeking on the floor of the Senate to restore funds for the preparation of these four additional sites. But, I have not heard of any effort by the administration to try to restore funds for the four sites on the floor of the Senate.

If agreement has been reached by the committee after a year of review that area defense of cities and population by Safeguard is unworkable and at best a transitional expedient for 3 or 4 years, then the evidence which has been produced since last year should also compel agreement that a dedicated hard-point system designed specifically for the defense of the Minuteman deterrent must be developed.

This is the chief purpose of the Hart-Cooper amendment—to halt further deployment of an ineffective, wasteful Safeguard system, and to urge that funds be used toward the development of an effective anti-ballistic-missile system to protect our ICBM's and to maintain our deterrent in the event the SALT talks fail and the Soviet Union continues to deploy SS–9 missiles and other sophisticated nuclear systems.

Mr. President (Mr. McCLELLAN), at this point I should like to comment upon the letter written by Secretary of Defense Laird to the Senator from Washington (Mr. JACKSON), which was placed in the RECORD yesterday. In the letter, Mr. Laird seems to argue although it is not clear, that one amendment would restrict or limit the use of $365 million provided in the bill for research, development, evaluation, and testing; that this money could not be spent upon Safeguard phase I.

A careful reading of our amendment shows that such an interpretation is absolutely incorrect. The last section of our amendment authorizes the administration to use funds for the development of an advanced anti-ballistic-missile system, but it does not compel the administration to do so. Many great scientists argue, and I agree that funds should be spent upon such a system. But, I emphasize that nothing in our amendment restricts or limits the use of research, development, evaluation, and testing funds available for phase I.

The Safeguard systems components were designed for an area defense. Safeguard's components PAR, Spartan, Sprint, and the MSR were designed to provide a thin city defense—Sentinel, as it was called under President Johnson.

The testimony of many distinguished scientists over the past 2 years, including Drs. James Killian, Herbert York, George Kistiakowsky, Jerome Wiesner, and Donald Hornig—all advisers to Presidents Eisenhower, Kennedy, and Johnson—has been in agreement in declaring Safeguard ineffective for the defense of Minuteman. It has been pointed out by many witnesses that the PAR would be rendered ineffective by exoatmospheric nuclear bursts; that the MSR could be destroyed by the Soviet SS–11 missiles, rendering useless the entire Safeguard system emplaced to protect a Minuteman field; and that the number of Spartan and Sprint interceptors planned for Safeguard is so small that the kind of attack that Secretary Laird says the Soviets have the capability of mounting would exhaust the defense of the Spartan and Sprint missiles and leave the Minuteman fields open to devastation. The Department of Defense has recognized the validity of the last point, which it refused to admit last year, by requesting in the pending bill $35 million for additional Sprints and phase I bases.

As an example of the testimony of these witnesses, Dr. Panofsky, a distinguished physicist at Stanford University, supplied for the Foreign Relations Committee an analysis based on unclassified Department of Defense sources showing in a clear manner that Safeguard meets no foreseeable threat. It concludes that if the Soviets continue to produce SS–9's and if they MIRV and increase their accuracy of SS–9's and SS–11's as Secretary Laird has projected as possible, that Safeguard would provide little protection to Minuteman.

Last year, Dr. John Foster, Director of Defense Research and Engineering, and the chief advocate of the scientific community for the deployment of Safeguard, asked a panel of nuclear weapons experts to review the Safeguard program. The panel was chaired by Dr. Lawrence H. O'Neill of Columbia University. It included among its members Dr. Marvin L. Goldberger, professor of physics, who until a few months ago was Chairman of the President's Science Advisory Panel on Strategic Weapons, and Dr. Sidney Drell of Stanford University, also appointed a few months ago a member of the President's Panel on Strategic Weapons, and a longtime weapons expert. I ask unanimous consent that the names of those who served on the panel be printed in the RECORD at this point.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

MEMBERS ON PANEL

Louis M. Branscomb, Director, National Bureau of Standards.

Sidney D. Drell, Professor and Deputy Director, Stanford Linear Accelerator Center.

Marvin L. Goldberger, Professor of Physics, Princeton University.

William G. McMillan, Professor of Chemistry, University of California at Los Angeles.

W. S. Melahn, President, System Development Corporation.

Lawrence H. O'Neill, President, Riverside Research Institute, Professor of Electrical Engineering, Columbia University (on leave of absence).

Allen M. Peterson, Professor of Electrial Engineering, Stanford University, Senior Scientific Adviser, Stanford Research Institute.

Mr. COOPER. Mr. President, a portion of the testimony of Dr. Foster regarding the work of the panel appears on pages 442 and 443 of the hearings of the Subcommittee on Arms Control of the Senate Foreign Relations Committee. I quote from his testimony:

AD HOC COMMITTEE OF SCIENTISTS ON SAFEGUARD

Dr. FOSTER. Well, Mr. Chairman, let me just simply point out that I asked a group of scientists to come together as an ad hoc committee and, before the Secretary of Defense made his recommendation to the President, review the program. I deliberately chose scientists who opposed the deployment of Safeguard as well as those who favored it.

In fact, as I recall, when they met there were more against it than for it. I had, however, one very simple instruction for them—to put politics aside and just ask the question: Will this deployment, with these components, do the job that the Department of Defense is trying to do? And I gave them a range of possible deployments, since the Secretary had not yet made up his mind.

There was considerable concern about this move, but the report sent to the Secretary of Defense said that this equipment will do the job that the Department of Defense wants to do. They had some recommendations; for example, they would like to add development of the smaller radars, a decision we had already made—at least, they concurred in that decision.

I ask unanimous consent that an unclassified version of the report which was given to Dr. Foster and Secretary Laird in January 1970, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. McCLELLAN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. COOPER. Mr. President, it is an important document because it concluded that if the purpose of an ABM is to protect Minuteman, further deployment of Safeguard should not proceed, but that work on a dedicated hard-point system should be given priority.

Now, Mr. President, I call attention to the fact that Dr. Foster told the Subcommittee, on Arms Control under the chairmanship of the Senator from Tennessee (Mr. GORE) that this distinguished panel of scientists had determined that Safeguard could do the job. Actually, the report states that it cannot do the job. In addition, scientists who were on the panel, Dr. Drell and Dr. Goldberger, stated that they had never reported to Dr. Foster or to Secretary of Defense Laird or, I think, the President, because I asked the witnesses if they had talked to him—Dr. Drell and Dr. Goldberger—that they had never made such a report and that the members of the panel had not made such a report.

Of great significance is the fact that the Department of Defense has commenced work in the development of a "hardsite" system as it is designated by the Department of the Army, which is the "dedicated" system described by the scientists. Some $58 million is requested for this work in the pending bill, and Secretary Laird, Deputy Secretary Packard, and Dr. Foster have commented in their testimony on the necessity of developing such a system.

In the letter to the Senator from Washington (Mr. JACKSON), which was placed in the RECORD yesterday, Secretary Laird said that the Department of Defense was working on such an advanced ABM system. He went further to say that it could not be developed until the late 1970's, and unless the Soviet threat increased, it might not be necessary to develop it. But my estimates have been challenged by scientists who have actually assisted in the design of these systems.

The very fact that he states such a program is being worked on, is an admission on the part of the Department of Defense—which would not be admitted last year—that Safeguard is a dubious system for the protection of our missile sites.

In brief, an advantage of the "hardsite" system as contrasted to Safeguard is that it would provide for the emplacement of many small radars throughout a Minuteman field rather than relying on the single vulnerable MSR. These smaller radars could control the guidance of a few interceptors as contrasted to the several hundred interceptors which the MSR must control. There is testimony that the "hardsite" approach would provide the best protection for Minuteman at the lowest cost and that it could be installed in the approximate same time frame as the Safeguard system. Dr. Drell, in his testimony before the House Subcommittee on Appropriations, page 905, made the following statement:

> All analyses of which I am aware make it clear that if defense of Minuteman is the principal or sole mission of Safeguard, its further deployment cannot be justified. As I hope to have convinced you, it simply fails to respond to the Soviet threats postulated by the Pentagon. What I recommend is moving ahead vigorously with the deployment work on alternative technologies that we know at present can perform the hard point defense more effectively and economically in the mid to late 1970's if needed.

Let me note that Dr. Drell says that in the mid-1970's to late 1970's this system could be deployed.

The testimony of Department of Defense officials reflects clearly their recognition that Safeguard is not an effective ABM system and of the need for an advanced "hardsite" system. Volume VI of the hearings of the Subcommittee on the Department of Defense of the Committee on Appropriations of the House of Representatives, discloses an important line of questioning between Chairman MAHON and Mr. Richard L. Johnson, Assistant Secretary of the Army for Research and Development, General Betts who is in charge of the Army R.D.T. & E. and Dr. Gilstein who is in charge of the Advanced Ballistic Missile Defense Agency. I ask unanimous consent that pages 158 to 165 of these hearings dealing with Safeguard, and the "hardsite" program be printed in the RECORD at the conclusion of my remarks because of their importance to this debate, and also because I do not want the excerpts I shall quote to be out of context.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. COOPER. Mr. President, General Betts, speaking of the hardsite defense system the Army is working on, said:

> When perfected, this hardsite defense system promises to provide greater capability at lower costs than simply proliferating Safeguard components to achieve the same desired level of defense. (Page 159.)

While I do not attempt to present his position on Safeguard, for I do not know it, Chairman MAHON commented:

> It generally has been agreed that Safeguard was not, as now conceived, really adequate to defend Minuteman against a Soviet attack that might come with just the numbers of weapons they have today. (Page 160.)

Later in the same testimony referring to the "hardsite" system, Chairman MAHON asks:

> What does the scientific community say of all this?

Dr. Gilstein answers:

> We have presented these concepts to the President's Scientific Advisory Council and the Defense Science Board. In both cases they expressed great approval of the work we are doing and asked us to continue along the same lines. In general, they approve every approach and every analysis we have made. They agreed with the concept and asked us to continue the work. (Page 165.)

In answer to a question about the state of development of hardsite components, page 162:

> Mr. ANDREWS. Is it more or less in the scientist's mind at the present time?
>
> Dr. GILSTEIN. It is more than that. It is in operating condition in various facilities. The data processors exist. The software for the processors is being written. The processes are starting to be demonstrated. The technology for much of the radars, the phased array antennas, the cross-field antenna tubes, modulators, and so on, also exist as components. They exist in full scale right now and have been demonstrated. An integrated radar has not been made.

Mr. President, I read this testimony again to contrast it with the statements made in the letter of Secretary Laird yesterday. His letter gives the impression that the hardsite system is in an inchoate stage, hardly more than the concept; yet we have Dr. Gilstein, who is in charge of the project in the Department of Defense telling a committee that the components exist or are in the process of being developed.

On the basis of the testimony and facts that have become available in the last year, and the continuing doubts about Safeguard's effectiveness, I consider that I would be derelict in my duty if I did not oppose further deployment of Safeguard and if I did not urge the greatest effort to be turned to the development of the advanced, dedicated "hardsite" system for the security of our country in the event the SALT talks fail

The sponsors of our amendment do not minimize the present Soviet nuclear strength or the threat if the Soviets continue to deploy SS-9 missiles and other nuclear weapons. But I believe—and I think it wrong and unfair to our people—that the representatives of the Department of Defense have minimized the awesome power of our present nuclear deterrent, and the more powerful nuclear weapons the United States is capable of producing and, in fact, is producing. While the Defense Department speaks continually of the development of Soviet offensive weapons, little notice is given to the programs in which the United States is engaged to protect our deterrent, programs which substantially strengthen the offensive nuclear force of our country.

I would like to bring to the attention of the Senators, and ask that they read, the speech the senior Senator from Ohio (Mr. YOUNG) made on the floor yesterday. In his speech, he specified in great detail the programs in which our country is engaged—modifying, developing, and strengthening our nuclear offensive systems. Yet, when press releases and statements are given out by the Department of Defense—just as one was given out yesterday—there is very little said about what the Department of Defense is doing, and I think properly so, to strengthen the offensive capabilities of our country in the event the Soviet Union continues to increase its nuclear strength.

It is necessary to keep a balanced view and a balanced judgment about the Soviet threat and our own capabilities. The Soviet Union has a larger number of ICBM's and greater megatonnage than the United States, approximately 1,200 to our 1,050. But the U.S. serviceable bombers number over 500 to the Soviet's 200; and our Polaris fleet of 41 submarines with 656 warheads far surpasses the Soviet submarine fleet. The comparative warhead count, the actual agents of destruction, was listed by the Secretary in his statement of February 20, 1970, and as of September 1, 1969—was 4,200 for the United States and 1,350 for the Soviet Union. I understand the total for the Soviet Union has increased by several hundred since that time, but likewise the United States is deploying additional warheads on Minuteman III and the Poseidon submarines.

I think it misleading to speak continually of Soviet nuclear strength, the deployment of SS-9's, their fitting with MRV's and MIRV's, without making it clear to the Congress and the people that the United States also is taking steps to strengthen its nuclear capabilities, offensive as well as defensive. Secretary Laird and Dr. Foster have stated in their testimony that our Polaris and Poseidon submarines can be considered virtually invulnerable today and for a period of years. I will place in the RECORD a statement of Dr. Foster before the Subcommittee of the House Committee on Appropriations, because it sheds light on our present deterrent forces and the development of ULMS—the underwater long-range missile system—destined to be a more powerful and invulnerable submarine fleet than our Polaris fleet.

I have just referred to, and I ask to have placed in the RECORD at the conclusion of my remarks the statement of Dr. Foster.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. COOPER. Mr. President, I might say that the underwater long-range missile system program provides for the stationing of intercontinental ballistic missiles upon submarines to be located near the shores on our country, with from three to 10 warheads that could reach Soviet territory, or any enemy in case of attack.

Experts have estimated that in the event our country and the Soviet Union do not agree at the SALT talks, the United States could add warheads reaching a total of 10,000 or 12,000, through the MRIV'ing of our missiles.

When we consider that two or three warheads could destroy Moscow, New York, Chicago, or any of the great cities of the world, and that the United States has 4,200 warheads today, and with the capability of 10,000 or 12,000 in a short time, I do not think anyone can argue reasonably that our country is as vulnerable as the Department of Defense implies by imbalanced statements.

XUM

Testimony by the Department of Defense shows also that the United States is engaging in programs of dispersal of its bomber fleet and a program toward rebasing Minuteman to provide for their greater protection. There are other programs upon which the Department of Defense is now working to insure greater defensive and offensive capabilities for the security of our country. I do not object to these programs—I support them—but I do object to the continued drumfire of statements, which would confuse and mislead the American people concerning our security, as they were misled by the "missile gap" propaganda of 1959–60.

I suppose I will have a chance to talk about the letter sent by the Secretary to the Senator from Washington (Mr. JACKSON) yesterday, if it becomes a subject of debate. The letter "red herring"—"mouse tracks" concerning the intention of our amendment for its purpose is clearly expressed in its language and interpretation. Again it is a last minute tactic to which we have become accustomed in the debate on Safeguard.

In all the discussion of the technical, diplomatic, economic, and strategic issues connected with the ABM, there has been little mention of the effect of a Soviet nuclear attack upon our country. Whether Safeguard or any other ABM system failed, or if the defense were successful and our country managed to launch a retaliatory strike, the death and horror that would ensue in either case is beyond our imagination. A nuclear attack and nuclear defense involving thousands of megatons would cause the devastation of vast areas of the United States and the death and suffering of tens of millions of its people.

One must consider and believe that there are rational alternatives. The great necessity of our time is that the United States continue to make every effort to come to agreement with the Soviets to halt the further deployment of offensive and defensive nuclear weapons.

In his recent press conference, President Nixon stated incisively the critical importance of the SALT talks:

> We can either continue this race in which they continue their offensive missiles and we go forward with our defensive missiles, or we can reach an agreement. That is why at this point we have hopes of attempting to find, either on a comprehensive basis, and lacking a comprehensive basis, a selective basis, the first steps toward which the superpowers will limit the development of and particularly the deployment of more instruments of destruction when both have enough to destroy each other many times over.

That is the statement of our President, a correct statement. The people of the United States should commend his efforts to reach agreement at the SALT talks. I hope very much that agreement will be reached. For if SALT succeeds, our country and the world will be more secure. If SALT fails we must take effective steps to provide the best protection we can for our deterrent in what will be a more dangerous world; and this is the purpose of the Hart-Cooper amendment.

In the meantime, we should base our judgment on reasonable grounds, not on emotional and dubious arguments. I urge that the Senate consider the purpose of the Hart-Cooper amendment when the Senate makes its decision on the ABM, and that it approve the amendment.

EXHIBIT 1

REPORT OF THE AD HOC GROUP ON SAFEGUARD FOR FISCAL 1971

I. INTRODUCTION

The group was asked to offer advice to DOD concerning the pursuit of a BMD capability by the United States. Its advice was to be based upon the scientific and technical qualifications of its members. Although members of the group hold a range of views concerning the desirability of a BMD deployment and concerning the interactions between a deployment and diplomatic, strategic and political factors, it was not asked for and did not offer advice based on assessment of such things. The members are anxious that their participation in the work of the group not be taken to imply advocacy or opposition to the deployment of ballistic missile defense.

A full day was devoted to attendance at briefings by the Safeguard Systems Command, the Advanced Ballistic Missile Defense Agency, and representatives of DDR&E. The material covered in these briefings included: a threat assessment at the top secret level; a Safeguard status report; Safeguard schedules and budgets for various possible deployment programs; ABMDA advanced study and development programs; a joint Safeguard/ABMDA study of active defense of Minuteman; and a description of possible alternatives to active defense for improving the survivability of Minuteman.

A second full day was devoted to discussion within the group, the definition of points of agreement, and an identification of differences in technical judgments.

A final day was devoted to the preparation of working notes for the group's report and for presentation of its advice to the Deputy Secretary of Defense, the Secretary of the Army, the Director of Defense Research and Engineering, the Principal Deputy Director of Defense Research and Engineering, and the Deputy Director (Strategic and Space Systems) ODDR&E.

A set of possible programs for proceeding with further steps toward the deployment of BMD which had been considered in DOD was described to the group. No proposed program was offered for criticism or assessment by the group. Instead the group was invited to present its opinion in any way which, in its judgment, would be appropriate. It was assured that it was under no obligation to arrive at recommendations concurred in by all members.

The President's statement of March 14, 1969, was provided to the group for guidance. The group was advised that the three purposes[1] of Safeguard defined by the President were not "weighted," that no one could be considered more important or desirable than any other. The President's statement also expressed his concern that a limited BMD deployment not be subject to misinterpretation as a first step toward the emplacement of a heavy BMD system. The group took note of this concern and was influenced by it during its work.

Advice pertinent to funding action in FY 1971 and FY 1972 was described to the group as being of particular interest.

On the basis of the guidance described above, the group attempted to formulate advice based on scientific, technical, schedule and budgetary considerations, and on the assumption that the President and Congress, after review, decided to continue to approve the obligating of additional funds for BMD. It was not the purpose of the group to judge the wisdom of such an assumed decision.

In the hope that the procedure will improve exposition of the group's reasoning, the results of this review are presented in three parts:

1. Those pertinent actions that might be taken in FY 1971 if BMD were solely for the defense of Minuteman.
2. Those pertinent actions that might be taken in FY 1971 if BMD were intended only to provide thin area coverage of the country.
3. Those pertinent actions that might be taken in FY 1971 if BMD is intended to evolve into a system capable of meeting simultaneously the three objectives defined by the President.

II. MINUTEMAN SURVIVABILITY

The comments offered in this section should be understood to be based upon the assumption that the *only* purpose of deploying BMD is to improve the survivability of the Minuteman force.

On the basis of the size of the Soviet land-based force estimated for mid 1971 as composed of the following weapons:

(Omitted to avoid higher classification.)

And of the estimated growth rate of this force, full use of the Soviet land-based force to attack Minuteman could reduce the expected number of surviving U.S. land-based missiles to below ——— by ———.

This would require that by that time improvements in delivery accuracy (c.e.p.) be achieved which make each delivered Soviet R/V from an SS11 or SS9 highly effective against a Minuteman silo. The group believes such accuracy improvements are technically possible but, of course, might not occur. Intelligence information provided to the group was not sufficient for it to reach a judgment about the likelihood that Soviet operational missiles would exhibit such accuracy in the next three to five years.

Some members of the group believe it might be possible to eliminate or shorten the period in which the Minuteman force could be very vulnerable to a heavy attack by Soviet SS11's and SS9's by adapting some existing U.S. air defense systems for temporary use as Minuteman defenses. The group was not briefed on this subject, and opinions among its members differ concerning the feasibility and practicality of such a program.

The group believes that techniques other than active defense may be practical and may reduce the vulnerability of Minuteman described above. It believes that alternate basing techniques that increase the number or the hardness of the aim points that a Soviet attack would have to target to achieve high assurance of destroying Minuteman merit careful study and may be practical as replacements for or adjuncts to active defense.

The group believes that a more cost effective system for the active terminal defense of Minuteman than Phase IIA of Safeguard can be devised. Such a system, termed a "dedicated" system, would feature less costly and less technically formidable radars than the MSR and each such radar would cover fewer silos than would be covered by an MSR. The system might, or might not, include some MSR's in addition to the smaller radars. The desirability and cost effectiveness of such a mix cannot be reliably judged at this time. The system's advantage over one featuring a proliferation of MSR's would be particularly important if the size of the Soviet anti-Minuteman force became very large.

The date on which a dedicated system for active defense of Minuteman could be complete depends upon its funding level. It seems unlikely that it could be deployed any earlier

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[1] These three purposes are: protection of our land-based retaliatory forces against a direct attack by the Soviet Union; defense of the American people against the kind of nuclear attack which Communist China is likely to be able to mount within the decade; protection against the possiblity of accidental attacks from any source.

XUM

than one year or more after a system using only Safeguard components could be deployed. However, it should be realized that if the Soviet missile force suitable for attacking Minuteman grows very large (e.g.[2] R/V's), the level of protection given the Minuteman force by a dedicated system substantially exceeds that achievable by proliferating Safeguard components, with equal investment in either system.

Against the background of these observations, the group advises that if the President and Congress direct a deployment of an active defense system exclusively designed to protect Minuteman:

1. If there is a foreseeable termination of BMD deployment at completion of Safeguard Phase I, funds (estimated at $1 B) in FY 1971 should not be obligated for this purpose. Phase I alone is not worth its cost. Obligation of FY 1971 funds for completion of Phase I is justified only if there is a need, or possible need, to continue beyond Phase I.

2. It is necessary to proceed vigorously with the design of a dedicated HPD system and with advanced development of the radar and other technical components to be used in such a system.

3. The desirability of using some MSR's in a dedicated system should be resolved as quickly as possible. There are two ways to "hedge" the uncertainty about the need for MSR's in a dedicated system:

(a) Continue production of MSR's at minimum pace, accepting the possibility that a conclusion that they were not needed would be reached, say six months into FY 1971. Cancellation of MSR procurement at that point would result in a loss estimated at $250 M to $300 M.

(b) Cancel production of MSR's at once, accepting the possibility that procurement might be re-initiated twelve months after that decision. This would delay the date of defense system availability at least twelve and possibly twenty-four months. Some "re-start" costs would be involved in restoring the production facilities, but these were not estimated.

4. If the only purpose of Safeguard is defined to be to protect Minuteman, Phase IIA as defined in March 1969 should not proceed. Instead, a dedicated system for active defense of Minuteman should replace or, if the need for the MSR is proved, augment Phase IIA. As a minimum step, the complement of Sprints at Grand Forks and Malmstrom could be increased.

5. In view of the possibility that the expected number of surviving Minutemen may be low for several years, techniques other than active defense should be vigorously pursued and necessary advanced developments related to such techniques should be undertaken. Among the techniques that should be considered are those of alternate basing, including techniques for increasing the number of aim points at which Minutemen might be placed. Techniques other than active defense should be evaluated for cost effectiveness when used to replace active defense and when used in combination with active defense.

6. The practicality and effectiveness of an interim active defense system for Minuteman, derived from existing air defense systems, should be appraised by a thorough review of analyses completed in the past and by such new work as may be warranted.

7. Study, research and advanced development funds for the Army's Hard Point Defense Program should be protected from budget cuts because of the great importance of this work with respect to Minuteman survivability.

III. AREA DEFENSE

Comments offered in this section should be understood to be based upon the assumption that the *only* purpose of a continued deployment of BMD is to provide a "thin" area coverage of the country to:

1. provide protection against a limited attack by the Chinese.

2. provide protection against an accidental or unauthorized launch from any source, including submarines.

3. protect alert SAC bombers, particularly against SLBM's on depressed trajectories.

It is important to recognize an essential difference between a phased deployment of an area defense and a phased deployment of a terminal defense of Minuteman. The latter can, in principle, provide useful protection after partial deployment at a few sites. An incomplete area system provides no protection from "blackmail" by an opponent (e.g., C.P.R.) with a small ICBM force or from an unauthorized attack. It provides only limited protection against accidental launches.

Therefore, initiation of an area defense system is justified only if there is an expectation that it will prove to be necessary or desirable to cover the entire country with such a system.

Against the preceding background, the group offers the following comments:

1. If a start on area defense were uninfluenced by work already completed and if deployment at three sites were possible within budget limits, the logical selection of sites for protection against Chinese ICBM attack would be Safeguard sites designated Northwest, Northeast, and Washington, D.C.

2. Budget limits and schedule advantages resulting from survey and other time-consuming actions authorized under Phase I suggest that a practical start on area defense would involve obligating funds in FY 1971 to establish sites at Whiteman (with an MSR but no PAR) and either N.E. or N.W. (with an MSR and a PAR). Whiteman affords coverage for a substantial population. It can be established relatively early because of survey work already completed. It is relatively inexpensive because it has no PAR.

3. * * *.

4. Area defense, even of the thin kind furnished by Safeguard Phase II, has some effect on Soviet estimates of the adequacy of their deterrent because such a defense provides a large number of defensive weapons. Careful assessment of the consequences of the deployment of area defense components on the U.S. relationship with the Soviet Union should be undertaken, especially in the light of the President's expressed concern in this matter.

5. Some members of the group suggest the need to estimate the "virtual cost" of area defense. The term refers to the cost of assuring that U.S. missiles could penetrate a Soviet area defense. Such a Soviet defense might be deployed in response to a U.S. depoyment or as a result of a U.S.-Soviet agreement.

6. Estimates within the group of the effectiveness of a feasible thin area defense against C.P.R. ICBM attacks vary.[3] The range of opinions was between the following bounds:

a) A belief that the probability is high that a thin area defense will be highly effective, possibly achieving damage denial for as much as a decade.

b) A belief that the C.P.R. would respond to the presence of a U.S. area defense and materially reduce its effectiveness by the use of penetration aids or bypass it entirely by other measures (e.g., clandestine weapons).

IV. THREE OBJECTIVE SYSTEM

Comments offered in this section are based on the assumption that the President and Congress direct DOD to proceed with a BMD system intended to place comparable emphasis on each of the three objectives defined by the President in his statement of March 14, 1969.

Studies conducted by the Army indicate that a system based at seven sites could afford thin area coverage against limited ICBM attacks for all of the contiguous 48 states. The seven sites are among the twelve included in the Safeguard Phase II deployment which the Army has described. The seven site system is more vulnerable to a sophisticated attack than the Phase II system because effective radar coverage is reduced by such an attack. However, it does afford nearly complete defensive coverage against simple ICBM (not SLBM) attack at the lowest cost and earliest date achievable with Safeguard components. It is, therefore, a sensible "way station" to pass through on the way to a complete Phase II deployment.

It is of interest to ascertain which of the Safeguard sites provide terminal defense for Minuteman, contribute to area coverage, and are included in the seven site system. These sites are placed in evidence by the following table:

Site	Contributes to area coverage	Contributes to terminal defense for Minuteman	Is part of 7-site system
Grand Forks	×	×	×
Malmstrom	×	×	×
Northwest	×	------------	×
Michigan/Ohio	×	------------	×
Northeast	×	------------	×
District of Columbia	×	------------	×
Central California	×	------------	
Warren	×	×	
Whiteman	×	×	×
Southern California	×	------------	
Texas	×	------------	
Georgia/Florida	×	------------	

Three sites (Grand Forks, Malmstrom, and Whiteman) have all three features mentioned above. The first two have been authorized, and funding has been obligated in Safeguard Phase I.

Against the preceding background, the group offers the following comments:

1. Safeguard full Phase II is a system embodying compromises intended to enable the system to achieve, to some extent, the three objectives stated by the President. It provides thin area coverage and some defense of Minuteman. It retains the possibility of including Safeguard technology in a dedicated system for Minuteman defense.

2. There is a need for a policy decision on whether to give emphasis to Minuteman terminal defense or to divide efforts between Minuteman defense and area defense in the next step taken toward Safeguard Phase II.

3. Obligation of FY 1971 funds for the Safeguard sites at Whiteman and Warren would emphasize protection of Minuteman. Expenditures for these sites would contribute to the growth of a Minuteman defense based on Safeguard technology or on a mixture of the technology of Safeguard and that of a dedicated system.

4. Obligation of FY 1971 funds for Whiteman would contribute to the evolution of both Minuteman terminal defense and thin area defense.

5. FY 1971 funding obligations for either N.W. or N.E. would allow continued progress in the evolution of area defense. There is no significant difference between the two with respect to attack from Communist China. Either provides some coverage against SLBM attacks. However, for this latter capability, the PAR used at the site selected (N.E. or N.W.) should have two faces.

6. It is estimated that FY 1971 funding obligations for Whiteman and either N.E. or

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[2] Omitted to avoid higher classification.

[3] Some members of the group feel it important to recognize that ICBM's are not the only and possibly not the "best" way for the C.P.R. to attack or threaten to attack. The use of clandestine weapons is possible, for example. Some members also question the reliance that the President would be willing to rest on an untried complex system in the face of the threatened attacks.

XUM

N.W. would be within a budget allowance of $1.5 B. It is estimated that obligations looking toward a third site would exceed the $1.5 B allowed in FY 1971.

Exhibit 2

General Betts. In describing his decision on Safeguard to Congress, the President stated that there would be an annual review of the developing ballistic missile threat with deployment decisions based on the threat developments. Defense options incorporating improved state-of-the-art technical developments would be incorporated as they became available. To provide options for improved defense response, an advanced development program totaling $158 million is requested in fiscal year 1971 for the advanced ballistic missile defense program element. The increase over fiscal year 1970 is accounted for by the relatively recent decision that we should develop the components of a hardsite defense system for Minuteman to counter a possibly greatly enlarged and more sophisticated Soviet threat than can be handled by Safeguard as now conceived.

For the growth threat of the ——— time period as described by Secretary Laird, development is planned that will push the state-of-the-art and will provide us the option to supplement the basic Safeguard deployment with a large number of defense modules, each defending a small portion of the Minuteman force. The concept envisions the use of radars that would be less expensive, require ——— and fewer operating personnel than the Safeguard missile site radars. Because of their greater number, they would be less attractive targets; ———. When perfected, this hardsite defense system promises to provide greater capability at lower costs than simply proliferating Safeguard components to achieve the same desired level of defense.

HARDSITE DEFENSE SYSTEM

Mr. Sikes. Will the hardsite defense system be operational ———?

General Betts. That is the time frame within which we would expect to be able to have the sort of options I was discussing available in the event needed.

Mr. Sikes. It is very interesting. We are going to get more detail on this later?

General Betts. I have Dr. Gilstein with me, the Director of the Advanced Ballistic Missile Defense Agency, and we will be glad to go into it in whatever depth you wish.

Mr. Sikes. Mr. Chairman, we should hear Dr. Gilstein at the proper time.

Mr. Mahon. Where is the Doctor? Why don't you tell us something about it right now?

Dr. Gilstein. We are now doing concept formulation on radars and data processors, each of which defends a smaller portion of the battlefield than now assigned to the Safeguard system. Whereas the Safeguard system now defends a squadron at a time, these defense modules will defend a smaller fraction of the force, perhaps ——— silos in a clump.

By being given the assignment to handle a smaller portion of the battlefield, the whole engagement becomes easier for the technology to handle and, at the same time, since they are given a smaller assignment, it is far cheaper than the Safeguard components, and we can afford to proliferate them. This complicates the enemy task.

Mr. Sikes. This sounds as if you are simplifying the system. If that is what you are doing, why is it necessary to wait until ——— to have it operational?

Dr. Gilstein. There is the problem of completing the concept formulation, going to preliminary design, and the R. & D. demonstration, followed by the engineering design and production procurement, followed by deployment. Stepping through the development of the system, it takes a certain number of years which brings us to ———.

Also, there is no desire to have the system implemented before that time, because Safeguard can handle the threat that has been hypothesized for the ——— time frame. We are preparing against a much greater and much more sophisticated threat which in actuality may not develop. So, the DOD would like to hold open the option of answering a growth threat, but not make a commitment if it is not necessary.

Mr. Mahon. If this system is preferable, and if what you want is really not Safeguard but this system which you were just describing, where does that leave Safeguard

Mr. Johnson. May I answer that, Mr. Mahon. The hardsite system has capability only for the defense of the Minuteman sites, and it is no cheaper—as a matter of fact, to undertake its development for an earlier, less sophisticated threat, it would be more expensive than the Safeguard in the field to support the Minuteman against the early threat.

The Safeguard has the capability not only to handle the Minuteman defense, but the defense of the airfields, against the sub-launched ballistic missiles and the defense of a wide segment of the population against light attack, whether it be an accidental launch or a Chinese attack. So, the hardsite is only competitive with Safeguard for very severe Minuteman attacks. It is not competitive in the broader utilization of the Safeguard.

Mr. Mahon. With respect to what you said about the threat and the greater and more sophisticated threat which might evolve, the Secretary of Defense has been stating that the Soviet Union has now a very great threat and is approaching now a first strike capability with large numbers of ICBM's.

It generally has been agreed that Safeguard was not, as now conceived, really adequate to defend Minuteman against a Soviet attack that might come with just the numbers of weapons they have today. So, what threat are you talking about over and above the one the Secretary of Defense has been discussing?

Dr. Gilstein. We are talking about the growth threat that goes beyond the ——— time frame. This involves a possible carrying of ——— reentry vehicles per booster of the SS–9 class, rather than three per boosters as they are now showing in their R. & D. phase.

Mr. Sikes. I do not think we are getting across to each other. We are talking about building a very few Safeguard sites as a protection primarily against Red China. The protection, of course. against present Russian capability would be extremely limited. If this new concept would give us more protection against the Russian threat than we now have, why don't we proceed immediately into it? That is the point I am trying to get to. We are not talking about a ——— threat. If you think about Russian capability, you have it right now.

General Betts. The presently planned deployment of Safeguard will in fact defend the Minuteman in a reasonably effective way. There will be some losses, but the proposal that has been made is to have an adequate number of surviving minuteman missiles so we have a credible deterrence.

To get into the details of that, I would much prefer General Starbird to address this, because I have not maintained close contact with the program. We postulate that if the Soviet chooses to put smaller reentry vehicles on its boosters, he can put more—and that means big numbers—and in the process of making them smaller, he also makes them so they come into the atmosphere much faster and with a much smaller radar image. When you get to that kind of threat, then the Safeguard is not the way to defend.

We are trying to preserve the option to improve our defenses in that late time frame if it turns out to be necessary.

Mr. Sikes. Is this new concept to be expedited, or will it be necessary to use the time between now and ——— to develop it and make it operational?

General Betts. As now planned, we will use that time for development.

Mr. Sikes. Could it be done in less time?

Mr. Johnson. Not significantly less time.

Mr. Sikes. The limiting factor is the time of development?

Mr. Johnson. Yes, sir.

Mr. Sikes. What is the cost of development?

Mr. Johnson. It depends very much upon the outcome of the concept formulation in terms of whether the devices should have some limited mobility or not; the size of the radar, which is really determined by how many silos you wish to defend by each radar; and, particularly, the magnitude of the threat that you postulate.

Mr. Sikes. Do you think it would be more or less costly than additional Safeguards?

Mr. Johnson. If you were to want to defend only against the number of reentry vehicles of the types that they now have and can bring at you from the launches that they will have when they complete their present deployment, if that is the threat you must defend against, the best way is to put a few more Safeguard elements in the field. If the threat grows beyond that point, so you are essentially at the crossover, where they begin to put the three and the ——— reentry vehicles on the SS–9 and to target the SS–11's with enough accuracy, then it is clear that the cheaper way to defend the Minuteman is to utilize something of the nature that Dr. Gilstein talks about and to proliferate them in the field.

Mr. Wyman. Mr. Secretary, I take what you are saying and what General Betts has been saying is that these two systems are complementary, really; that the new development is for a different mission, really, than Safeguard, and that your decision as to whether or not to develop it will depend upon your information as to the state of the art of the enemy over the next 2 or 3 years. Is that correct?

Mr. Johnson. Almost.

Mr. Wyman. What is wrong with it?

Mr. Johnson. The decision to deploy it would be a function of the growing threat. The decision to develop it is associated with the fact that it is very clear that, should he choose to develop the multiple warhead approach and to upgrade the accuracy of his SS–11 so they now become silo attackers, should he choose to do that, then it is clear you will need it. It would be inappropriate to wait to have the development ready until you see him doing that. So, the decision to proceed with the development is that it is a rather straightforward attack that he could provide if he developed along the lines of the multiple vehicles and the upgraded SS–11's. Therefore, the development, we feel, should proceed. The deployment decision then depends upon your intelligence in the out years.

Mr. Wyman. According to your information at the present time, will this system be capable of defending smaller locations against a MIRV attack?

Mr. Johnson. Yes, that is exactly it.

Mr. Wyman. I understand. But will it work?

Mr. Johnson. Yes, indeed; just as the Safeguard will work against a specific kind of attack, this will work against that specific kind of attack.

Mr. Wyman. This will be a lot lower in range and faster?

Mr. Johnson. Actually, it would utilize the same missile for a while. The Sprint missile, as you know, is a very fast missile already. You would simply be utilizing it to try to defend a much smaller area because of the smaller range of the radar itself. By making the range smaller, you reduce the number of items it sees, and you have then reduced the magnitude of the data processing problem of handling the traffic, really. So, the efficiency of it depends upon its smaller capability in the manner that Dr. Gilstein mentioned. It will clearly operate when you simply choose the size of radar and data processor that is consistent with today's state of the art.

Mr. Andrews. Where are you with this program at this time, and how much have you spent on it to date?

Mr. Johnson. It is in what we call the concept formulation stage, which is to essentially size the radars and the data processors and to show by analytic approaches that it is a viable system. So, it is in the formulation stage, approaching what I would call the ability to go into a contract definition.

There has not been, in terms of dollars, a great amount spent on it because it all has been analytic effort.

Could you give an approximation, Dr. Gilstein?

Dr. Gilstein. We have initiated work that would now come to a bill of about $6 million. It is primarily supporting technology work.

Mr. Andrews. Is it more or less in the scientist's mind at the present time?

Dr. Gilstein. It is more than that. It is in operating condition in various facilities.

The data processors exist. The software for the processors is being written. The processes are starting to be demonstrated. The technology for much of the radars, the phased array antennas, the crossfield antenna tubes, modulators, and so on, also exist as components. They exist in full scale right now and have been demonstrated. An integrated radar has not been made.

XUM

Mr. Andrews. How much are you asking for this project in this budget?

Dr. Gilstein. We are asking an increase from the $10 million level to $58 million for fiscal year 1971.

Mr. Johnson. Because there was $10 million before, that will mean a level of $58 million spent on this Hardsite defense in fiscal year 1971.

Mr. Andrews. For this particular project?

Mr. Johnson. Yes, sir.

Mr. Andrews. What do you call this project?

Mr. Johnson. Hardsite.

Mr. Wyman. Who is the contractor?

Mr. Johnson. There is no contractor because we are in the stage in the Government laboratories and at the Secretariat, of establishing the nature of the program that would then proceed to contract definition.

Mr. Wyman. All of the effort has been inhouse to date?

Mr. Johnson. No. Excuse me, Just as in any of our programs, that are in what we call programs 6.1 and 6.2, and you would call 5,000, component work and techniques are supported, so at the time you wish a system you have the pivotal technology work done.

Mr. Wyman. Who is doing that?

Dr. Gilstein. Some of the radar manufacturers are Raytheon, Hughes, and Bendix. Data processor efforts are with ODC, Texas Instruments, and IBM.

Mr. Wyman. They all have a little piece?

Dr. Gilstein. They all have a piece.

Mr. Johnson. It is correct to say they have been working on technology only. It is not correct to say they have a piece of a Hardsite system.

Mr. Andrews. I do not think you have answered to my satisfaction the question that I asked. I wanted to know how much was in this budget for this project. You mentioned $50 some-odd million, and the Doctor said he had already spent $6 million on the project. How much are you asking for in this budget?

Mr. Johnson. $58 million.

Mr. Andrews. So, through fiscal 1971, you will have spent $64 million on Hardsite?

Mr. Johnson. That is correct.

Mr. Mahon. This is a step beyond the Safeguard system, is that right?

Mr. Johnson. Yes, sir.

Mr. Mahon. Of course, by the time you get the Hardsite program well in hand, somebody will come along with a refinement, and by the time you proceed until ———, the Hardsite program would be more or less obsolete in concept, would it not?

Mr. Johnson. No, sir; I do not think so. It is no different in that sense than any program that proceeds through development and deployment. By the time you get to deployment, it is true and that you are 4 to 5 years down the line, and you could do something better or differently. If you followed that philosophy all the time, you would never build anything, because by the time you are ready to build it, you would say "I can do better." It is no different in that sense than any program.

In particular, with respect to ballistic missile defense, the technology and the threat have matured. We now understand things well enough that I do not think any of us see a major breakthrough, either in the offense or the defense, that would obsolete clearly the efforts of the next 4 or 5 years.

Mr. Mahon. You are talking about things that might never be developed fully in the event the strategic arms limitation talks prove to be successeful.

General Betts. That is certainly true.

Mr. Johnson. I would only comment in that regard that I think it is clear that they would never be deployed. In the event of successful SALT talks that are limiting on the actual installation of units, then you would not deploy.

I question, however, whether the nature of the agreements would or should be such that it should limit the research and development that is required to make sure that you are not surprised.

Mr. Sikes. I am glad you said that. This essentially is point defense, is that correct?

Mr. Johnson. Exactly.

Mr. Sikes. The Air Force, I am told, has a point defense system that is also in R. & D., designed to provide additional protection for Minuteman. Are you familiar with that?

Mr. Johnson. Yes, sir.

Mr. Sikes. Is there duplication? Is this something that should be carried on in one service rather than in two?

Mr. Johnson. I think the way to look at that is that it is in an even earlier stage of what we call concept formulation, the hot idea stage, than is the Hardsite defense that we are talking about. The only difference, really, when you look at the different ways of doing it, is the size of the defended area measured by how many silos per radar. You can go clear down and put one radar at each silo and one missile or more at each silo to defend each one of the silos. You can make it defend two or four or seven or more silos. There are tradeoffs which to us say that somewhere in the range of ——— is the minimum-cost area. If you put one on one, it is more expensive. Then if you get bigger to the point where it is ——— as we have in Safeguard, then it is also more expensive, again, against these very severe threats.

So, I do not think it is inappropriate for the different services to have hot ideas. It would be inappropriate to pursue the active, fullscale development headed for deployment of more than one.

Mr. Sikes. Again, I think you have stated the situation very well. I think the committee will applaud what you are doing.

If I understand you, you are saying that this is at the moment primarily an idea. It is good for two groups of people to be trying to come up with the best idea.

Mr. Johnson. I cannot disagree with that approach.

Mr. Sikes. Then when you get further on, before you have invested too much money, presumably a decision will be made between the two ideas.

Mr. Johnson. Certainly.

Mr. Mahon. It is a sort of Thor versus Jupiter situation.

Mr. Johnson. Except that then both proceeded, instead of one stopping.

Mr. Mahon. How many billions are we talking about in this so-called Hardsite program, probably? Is it more than Safeguard?

Mr. Johnson. No. That would be the point. It would be less expensive than Safeguard to defend the Minuteman. If you are talking about the present amount for Safeguard, it would be that or less.

Mr. Mahon. What will be the total development cost of the new point defense system? What would be the individual cost of setting up a unit which we understand would be cheapter than Safeguard but, since you have to have so many more of them, would the numbers equate so that the total deployment cost would be somewhat equivalent to Safeguard?

Mr. Johnson. I understand what you are saying. You must understand that we are at the stage, hot idea stage, and there is a considerable band. It could be anywhere from a ——— program to a ——— program. We are trying to get the cheapest program that will provide defense, and we are still scrubbing the thing down.

Hence, the wide array of dollar values.

Mr. Mahon. What does the scientific community, Dr. Gilstein, say about all of this?

Dr. Gilstein. We have presented these concepts to the President's Scientific Advisory Council and the Defense Science Board. In both cases they expressed great approval of the work we are doing, and asked us to continue along the same lines. In general, they approve every approach and every analysis that we made. They agreed with the concept and asked us to continue to work.

Mr. Mahon. How do you expect this to unfold? In fiscal 1972 and 1973, what would it be like, and in fiscal year 1974, and so forth?

Mr. Johnson. In terms of dollars, you mean?

Mr. Mahon. In terms of dollars and effort.

You are going from $6 million to $58 million in the time frame of 2 years. Where does it lead to?

Mr. Johnson. That depends largely upon the choice of the system. At the moment, we have talked with Dr. Foster and Mr. Packard about something on the order of ——— a year for several years. We just are not able to predict beyond that ———.

Exhibit 3

Mr. Wyman. Has any technology been developed through which an enemy could destroy our Polaris and Poseidon fleets before most of the missiles could be fired? Do you foresee any such developments in this decade?

Dr. Foster. According to our best current estimates, we believe that our Polaris and Poseidon submarines at sea can be considered virtually invulnerable today. We know of no existing technology or capability which could destroy our present undersea force—either now or in the relatively distant future ——— the ULMS systems represents an ultimate counter by requiring the search of an order of magnitude more sea area. However, we must fully understand these techniques in order to assess their potential. We have this year, fiscal year 1970, initiated an SSBN defense program whose express purpose is to obtain a definitive understanding of the potential of all of these techniques and others which may be conceivable, to accurately assess the potential vulnerability of the undersea force, and to develop those countermeasure techniques which will assure the continued invulnerability of the undersea force.

We do see, however, that the potential exists for the effective developments of counters to our force by the Soviets if we do nothing to improve our own forces. The countermeasure techniques which we expect to derive from the SSBN defense program (conducted by the Navy) and the deployment of ULMS, should allow us to successfully preserve the invulnerability of the undersea force, which we consider vital to the preservation of a stable strategic deterrent for our country.

Mr. Wyman. You stated on page 13 that "We are not sure that the problems of adequate land-based missile survivability can be solved permanently." Do you anticipate that our next generation ICBM will be an ULMS system rather than a land-based system?

Dr. Foster. Our primary efforts on land based systems are currently oriented toward hardening and/or rebasing of existing missiles. We anticipate that any new generation of ICBM's would be a sea-based system, such as ULMS.

Mr. Wyman. Is the ULMS program funded at an optimum level in the fiscal year 1971 request? Is ULMS the most promising new strategic system now under study?

Dr. Foster. The funding level of the ULMS program in the fiscal year 1971 budget is the minimum level which will support preliminary studies and research necessary to support an IOC in the late seventies. We believe that this is the optimum level with respect to the overall ULMS and strategic programs. The prelaunch survivability of the ULMS system currently appears highly favorable as compared to any other proposed system, while its postlaunch penetration and effectiveness are roughly equivalent to the capabilities of other systems. ULMS also has the added advantage of being deployed outside CONUS where it does not attract counterforce strikes on the United States. For these reasons ULMS is the most promising new strategic system now under study.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the orders previously granted by which the able Senator from Washington (Mr. Jackson) would follow the able Senator from Colorado (Mr. Allott) and by which the able Senator from Maine (Mr. Muskie) would follow Mr. Jackson, be reversed, and that Mr. Muskie be recognized first following the remarks of the able Senator from Colorado (Mr. Allott).

The PRESIDING OFFICER (Mr. Dominick). Without objection, it is so ordered.

The Senator from Colorado (Mr. Allott) is recognized under the previous order for 90 minutes.

Mr. ALLOTT. Mr. President, before commencing my address, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PHASE II OF THE SAFEGUARD ANTIBALLISTIC MISSILE SYSTEM

Mr. ALLOTT. Mr. President, I rise today to speak on behalf of the proposal to proceed with phase II of the Safeguard anti-ballistic-missile system, and to urge rejection of the pending amendment.

Once again we have before us the unpleasant task of making statesmanlike provision for our Nation's safety in a very unpleasant world. This task is neither enjoyable nor escapable. It is both costly and nerve racking. It requires that we take the long view with regard to dangers, and that we defer gratifications that would accrue to us if the world were more tame.

The central theme of my remarks is that the ABM proposal formulated by the Armed Services Committee, under the chairmanship of our distinguished colleague, the junior Senator from Mississippi, is a prudent, necessary, and moderate plan to achieve a necessary level of security at a minimum cost in resources and political destabilization.

This proposal is challenged by the pending amendment. I think this amendment is ill founded in reason and ill advised in terms of international realities. In my remarks today, I want to explain why I think this is the case. In doing so I will examine a number of the issues which divide Senators. But it is wise at the outset to understand the broad area of agreement which underlies this debate.

Mr. President, no Senator disagrees with three homely truths.

First, every Senator agrees that, given the deplorable condition of the world for the last several millennia, nations must take prudent measures to insure their own defense.

Second, given the existence of the Soviet Union—an avowed and powerful enemy of the United States—the question confronting American policymakers is not "Should we have elaborate and sophisticated defense systems?" but rather the question is: "How can we attain all the elaborate and sophisticated protection we need when we need it at the least cost in resources?"

Third, every Senator agrees that no considerations of financial convenience will ever be allowed to stand between the United States and whatever she needs in the way of defense.

Mr. President, I stress these three truths, to make an important point. Although there are differences of opinion in the Senate as we regard and consider this important matter, we all are starting from a position of broad and significant agreement. And this broad agreement suggests the areas of contention which we must examine with most care. They are related to two basic questions.

The first question is this. What does a sober, responsible analysis of our enemy's mixture of defensive and offensive weapons tell us about the nature of the threat we face?

The second question is this. What mixture of American weapons—offensive and defensive—constitutes the most expedient response to the enemy's threat? In measuring expediency we must formulate a prudent equation between the assured effectiveness of alternatives and their costs.

THE NATURE OF THE THREAT

First, let us consider the nature of the Soviet threat. Based on what we can guess about Soviet intentions, and what we know about Soviet capabilities, we must conclude that there are lowering clouds of danger on the horizon.

Obviously it would be too simple to say that rational defense planners must consider only the capabilities of another power, and not that power's intentions. If that were the case, then Canada, judging us only by our proximity and capabilities, would have to have a defense budget considerably larger than its gross national product. Thus it is clear that rational defense planners the world over must make a crucial judgment about both enemy capabilities and intentions. This is a very easy judgment for our defense planners to make when they consider the threat posed by the Soviet Union. All that we can know about Soviet intentions and capabilities suggests danger.

Soviet intentions are either obscure or clearly ominous. The importance of this is threefold.

First, Soviet intentions are never clearly soothing.

Second, when Soviet intentions are indecipherable, then it is the clear duty of our defense planners to strictly and swiftly adjust our weapons mixture according to the changing—and that means increasing—Soviet capability.

Third, when Soviet intentions are not obscure, they are uniformly alarming, not least of all because they suggest what Soviet capabilities strongly suggest—that the Soviet Union is pushing hard to achieve a first-strike capability.

Mr. President, I want to emphasize that those who advise us to base our defense planning on estimates of the Soviet Union's intentions, rather than its capacities, are overlooking two facts. First, the Soviet Union's intentions are often inscrutable until dangerously late. Second—and I must be frank about this—those who urge us to place our trust not in an ABM system but in a reading of Soviet intentions—intentions that, they suggest, will be discernible and benign—do not always have a good record about reading Soviet intentions. And, needless to say, it has been a long time since the Soviet Union has accurately been accused of having an intention that would not require all prudent men to keep their powder dry.

We need only bear in mind three dates. One is August 24, 1939. That was the day on which the Soviet Union and the Third Reich signed their so-called "nonaggression pact" and agreed to carve up Poland, thereby launching the Second World War. The Soviet action was a surprise—their intentions had not been forecast.

The second date to remember is October 22, 1962. It was on that beautiful, terrifying autumn Monday that President John F. Kennedy went on national television to tell us that the Soviet Union had placed offensive missiles in Cuba and that we were going to risk nuclear war to force those missiles out. Again, careful deception and dissembling, and some bold lies, had kept Soviet intentions mysterious until the world was on the brink of nuclear holocaust.

The third date to remember is August 21, 1968. On this date—almost three decades after the signing of the Hitler-Stalin nonaggression pact—the Soviet

Union sent tanks rumbling into Prague to snuff out the flickering light of liberty in Czechoslovakia. Once again, the Soviet action came as a colossal surprise. One need hardly emphasize that it was also surprising to those who recently have devoted so much time and energy to the task of explaining how the Soviet Union is mellowing, and how a détente is about to terminate the cold war.

Thus from what little we can know for certain about Soviet intentions, we can only conclude that this is no time to reverse our field regarding such matters as ABM. Furthermore, prudence dictates that we must look beyond the matter of Soviet intentions and face the grim facts about Soviet capabilities. This is especially vital because these capabilities constitute concrete grounds for making the safest inferences about Soviet intentions.

I will focus special attention on one particular item in the Soviet arsenal.

By now it is clear that the most ominous and destabilizing item in the nuclear equation is a huge piece of complex and lethal hardware designated by the antiseptic appellation SS–9. We have nothing comparable. Moreover, it is, in a vital sense, a redundant and onerous burden for the Soviet military budget—except on one grim condition. That is, it only makes sense as the basis of a mighty first-strike capacity.

In some regions of this Nation the people have a sagacious motto that should enjoy wider currency. It is this: "If you want to know what a politician is up to, do not watch his mouth—watch his feet." This is sound advice at any time, in any country. But it is lifesaving advice when the Nation is dealing with the Machiavellian politicians in the Kremlin.

XUM

In dealing with the Soviet leaders we must pay less attention to what they say and more attention to what they do. What they say is fodder for speculation about Soviet intentions. But what they do constitutes concrete evidence of Soviet capabilities. And it constitutes the best possible case for proceeding with the moderate and prudent proposal for the second phase of the Safeguard ABM system. This is so because what the Soviet Union is doing right now involves the most deadly gamble in the nuclear age. The Soviet Union is continuing to deploy the SS–9 missile, and that means the Soviet Union may well be determined to confront us with a first-strike capability.

There is another military use for the SS–9. This use, which is very significant, but not directly relevant to this current debate, is as the launch vehicle for fractional orbital bombardment system vehicles—FOBS. The most recent Soviet test of such a vehicle took place on Tuesday, July 28.

The Soviet Union's substantially more than 800 SS–11's and SS–13's constitute a more than adequate deterrent. They have a range, yield, and accuracy sufficient to make them a formidable countercity weapon. Why, then, it is necessary to ask, are the Soviet taxing their faltering and inferior economy to produce an additional arsenal of the gigantic SS–9's?

The answer is evident when one describes the SS–9's conspicuous features. First, it is huge; it delivers a very large payload. Second, it is accurate; it delivers that large payload with considerable precision. Furthermore, the size of the payload it is designed to deliver is unnecessary for a countercity weapon. And the accuracy that is built into this expensive delivery system is wholly unnecessary to the task of posing a credible threat to our cities.

Thus, the real function of the SS–9 is revealed by the relationship between the size, accuracy, and payload of the missile. The size of the missile reveals that it is designed to deliver a warhead of up to 25 megatons or—and this is what is crucial—three 5-megaton warheads. These three 5-megaton warheads, the newest payload for the SS–9, can certainly be MRV's and may well soon be MIRV's if the SALT negotiations do not produce some kind of agreement to limit MIRV's.

There is one other important detail which completes the portrait of the SS–9 and its function in Soviet strategic planning.

A delivery capacity of three 5-megaton warheads, which makes no sense at all as a countercity weapon, makes perfect sense for only one thing: It is perfectly designed to attack our hardened Minuteman silos. That is, it is a perfect weapon for attacking part of our deterrent—our hardened second-strike capability. This is confirmed by what we know of the reentry pattern achieved by the multiple warheads—of whatever kind—on the SS–9. This reentry pattern closely approximates the spacing of the silos at Minuteman installations.

The lesson is clear. The SS–9, which is the heart of the Soviet strategic weapons effort, is a costly weapon without an American counterpart. It has only one function that could possibly justify its increasing deployment in a strategic arsenal: Its function is to threaten the American second-strike capability—the heart of our strategic arsenal and the very backbone of our deterrent capability. Thus, the development and continuing deployment of the SS–9 constitutes very ominous evidence that the Soviet leadership may have decided to develop a first-strike capability. The Soviet Union is bending its hard-pressed economy to produce the material prerequisites for practicing nuclear blackmail. And no one can doubt that, when the hard and cunning men in the Kremlin are given these material prerequisites, they will have the moral nastiness to practice that blackmail with a vengeance. The three dates I have mentioned before ought to prove this to anyone.

Thus far, Mr. President, I have addressed myself to the questions of Soviet intentions and Soviet capabilities. I have argued that the Soviet threat, far from decreasing, or even stabilizing, is increasing. Now I want to address myself to the question of why the ABM system is a suitable response to that threat.

THE CASE FOR SAFEGUARD AND THE COURSE OF RECENT EVENTS

The proposed phase II of Safeguard is nothing more than the minimal next step envisioned—indeed it is less than might reasonably have been envisioned—when the Senate decided to begin an ABM system last year. Thus I think we can proceed in this discussion on the assumption that the Senate meant what it said about the general validity of a modest program to protect our deterrent.

The relevant question now is this: What has happened—on the world scene, in testing programs, or elsewhere—that should cause the Senate to do a volte-face? The answer to this question, Mr. President, is that the relevant events reinforce the logic of the ABM system. Indeed, much of the significance of the debate this year stems from the fact that the last 13 months have seen some developments—some encouraging and some ominous—that lend added urgency to the argument in favor of the ABM system.

These developments, which were ably explored last Thursday by the distinguished junior Senator from Washington, have a special significance when considered in the light of some arguments advanced against the ABM system last year. What is now clear is that the last 13 months have not dealt kindly with the case against the ABM system.

I am particularly interested in two events. One I have already mentioned: it is the Soviet decision to continue deploying the SS–9's. The second is the beginning of the SALT negotiations. When we consider these two events we realize that the ABM system is a proper—and minimal—American response. Indeed, the chief virtue of the ABM system is that it is the least destabilizing American response to the obvious Soviet determination to push ahead with an ambitious program of strategic offensive arms deployment.

The crucial point is that phase II Safeguard is not destabilizing, and the alternative to ABM—an increase in our offensive ICBM capability—could be destabilizing, and I must say probably would be. Phase II Safeguard is not politically destabilizing. That is, it does not give the Soviet Union cause to believe that we are trying to achieve a first strike capability, and it does not damage the SALT negotiations. Moreover, the ABM is not economically destabilizing. That is, it puts minimal strain on the American economy.

SAFEGUARD AND THE SALT NEGOTIATIONS

Earlier this year there was some talk about a proposal to put the ABM and MIRV funds in escrow pending some decisive development—either an agreement or a collapse—in the SALT negotiations. The practice of putting such moneys in escrow would have been a most unusual legislative gimmick, and it would not have distinguished this move from a straightforward unilateral freeze. But this escrow proposal is worth pondering if only because significant recent events have taken the wind from its sails.

The escrow proposal was attractive to some persons who became convinced that the Soviet Union was backing off from its program of steadily increasing SS–9 deployments. That is, there was a point in the last year when some persons interpreted Soviet behavior as indicating an intention to cease SS-9 deployment. If this was the Soviet intention—they reasoned—it would not be necessary to push ahead with the second phase of Safeguard.

I do not think this conclusion would have been sound, but it is no longer necessary to rebut it because the ground on which it rested has been washed away. It is true that for a period of several months there was no evidence of new SS-9 site starts. This encouraged the soothing, but illogical, conclusion that the Soviet Union was through with SS-9 deployments. Unfortunately, recently—since the beginning of the Vienna phase of the SALT negotiations on April 16—there has been conclusive evidence of new SS-9 site starts. This has destroyed the case for the escrow plan, which was never anything more than a plan for our half of a system of mutual restraint.

The relevance of the late and unlamented escrow plan to today's debate on the pending amendment is that the escrow plan amounted to a unilateral American moratorium on ABM, and passage of the pending amendment also would amount to at least a unilateral moratorium. If the aim of such a unilateral moratorium is to expedite an agreement in the SALT negotiations, then it would surely be a self-defeating move.

As the distinguished junior Senator from Massachusetts has warned—see the CONGRESSIONAL RECORD, April 3, 1970, page 10300:

> There are many complex systems to be discussed and negotiated at the SALT talks. We have no reason to believe that the SALT talks will not take months, and conceivably years, before they are ultimately concluded.

He has emphasized that his estimate was certainly not a high estimate. If the junior Senator from Massachuetts is correct in his judgment, then he has stated one of the powerful arguments against halting Safeguard pending a conclusion—a favorable conclusion—of the SALT talks.

If, on the one hand, one's desire is to expedite a swift and meaningful agreement at the SALT talks, then a unilateral and indefinitely long moratorium on ABM development and deployment is the last thing one wants. This is so for two reasons.

First, it gives the Soviet Union a huge advantage at absolutely no cost. That is, it commits the United States to a significant and substantial reduction of its defense effort without requiring any reciprocal Soviet move. This is one detrimental—and utterly predictable—consequence of any American strategic arms moratorium that is unilateral and of indefinite duration.

Yet, this is not the worst predictable outcome of such a self-imposed moratorium. Still more pernicious would be the effect of such a move on the SALT negotiations themselves. The effect would be twofold. First, it would insure that the Soviet Union would not come to any significant agreement. Second, it would encourage the Soviet Union to consume as much time as possible in not coming to an agreement.

It is easy to see why this twofold effect would result from any unilateral American moratorium on strategic arms. Such unilateralism would put enormous controlling power in the hands of the Soviet negotiators and the disagreeable men they serve. It would be in the Soviets' interest to dissemble and delay the SALT negotiations indefinitely, all the while playing adroitly on the benevolent but misguided American proclivity to interpret an enemy's garrulity as a sign of good will.

Because passage of the pending amendment would constitute a de facto unilateral moratorium, Mr. President, it is worthwhile to pay some attention to a recent debate in which many Senators spoke quite forcefully against the very idea of any such unilateralism.

It is instructive to consider the Senate debate last April on Senate Resolution 211, the resolution seeking agreement with the Soviet Union on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles. A significant discussion of that resolution took place on April 3 and can be found on pages 10295 through 10307 of the RECORD for that day.

At that time, the distinguished junior Senator from Arkansas explained the meaning of the resolution in this way, page 10296:

> The purpose of Senate Resolution 211 is to freeze the United States and the Soviet Union in a condition of parity for an interim period so that meaningful and lasting arms limitation agreements can be worked out in the talks that are about to begin in Vienna.

Two paragraphs later, on the same page in the RECORD, Senators will find the junior Senator from Arkansas assuring the Senate:

> The freeze on further deployment is not a proposal for a unilateral halt by the United States. It would also freeze the further deployment of Soviet SS-9's and SS-11's and of Soviet ABM systems.

The distinguished majority leader concurred. He said, page 10296:

> This is a simple resolution. It is not one-sided. It will depend on mutual assistance, mutual agreement, and mutual complementation.

The distinguished majority leader also said, page 10297:

> This is a matter which would have to be mutually agreeable, mutually acceptable, and mutually enforceable. It would not in any sense of the word mean, so far as this country was concerned, unilateralism in any shape, manner or form. I think that factor ought to be emphasized time and time again.

Later, the majority leader added, page 10297:

> It is going to be a two-sided affair if entered into, or it will be no affair at all.

At this point, the distinguished and able junior Senator from Massachusetts, who first introduced Senate Resolution 211, rose to explain why he approved the expansion of his original resolution beyond a freeze on operational testing and deployment of MIRV's to an expansion which included a freeze on all offensive and defensive weapons systems. In response to this explanation, the distinguished senior Senator from New Jersey rose to commend the resolution in its current form, noting that the junior Senator from Massachusetts had introduced his resolution to correct what he thought was a liability in a similar resolution proposed by the senior Senator from New Jersey. The senior Senator from New Jersey explained what had transpired in this way:

> My own suggestion was a slightly different one, calling for an immediate stoppage on our part and the keeping up of the cooperation on testing so long as the Russians did the same.
>
> The Senator from Massachusetts realized that my approach, regardless of the merits relative to his, was perhaps more susceptible to the charge—although I think equally unfounded—of unilateral disarmament.

Thus the substance of Senate Resolution 211 was influenced in a crucial manner by the universally recognized necessity for avoiding both the reality and the appearance of unilateral concessions on matters that should be the subject of bilateral negotiations and agreements. As the senior Senator from New Jersey said, the aim of Senate Resolution 211 was "a mutual action which is an expression in the most general terms."

Everyone was agreed on the necessity for mutuality. As the junior Senator from Massachusetts put it, page 10300:

> We are not saying the United States should stop testing its MIRV, or should stop deploying any of its weapons systems, if the Soviet Union does not at the same time stop testing whatever it is testing or stop deploying any of its weapons systems.

He reemphasized the need for mutuality on page 10302.

The distinguished and able junior Senator from Arizona expressed the hope that this resolution would not have the practical effect of moving us toward unilateralism in cessations or in other forms of disarmament. The distinguished junior Senator from Massachusetts responded by saying:

> I would agree with the Senator that we would not want a unilateral cessation.

All Senators favoring the amendment continued to stress the provisions for mutuality, right through the final hours of debate on April 9. Interested Senators may refresh their memories of this debate by consulting the April 9 RECORD on pages 11031 through 11062. On page 11062 it is recorded that I joined with 71 other Senators in supporting Senate Resolution 211. I did so because I was impressed by the provisions stipulating the necessity for reciprocal Soviet action. I was especially gratified by the provision that stipulated that the mutual freeze would be for a 6-month period with an automatic lapse unless renewed in the same or modified form by both sides.

Mr. President (Mr. DOMINICK), at this point it is useful to pause and notice the interesting pattern that emerges from recent events. It would appear that the most soothing predictions made by ABM opponents last year—predictions about Soviet intentions—have turned out to be false. In addition, we should note that the most alarming prediction made by the ABM opponents—a prediction about the deleterious effect Safeguard would have on the SALT negotiations—also has turned out to be false.

The alarming—and, it would now appear, alarmist—speculation that found its way into the ABM debate 1 year ago revealed that some persons based their opposition to Safeguard on the fear that even a small, moderate start on such a system might make it impossible to get the SALT negotiations started.

Fortunately this is one argument that we need not rehearse this year. It rested on a theory that has been killed by a fact. The theory was that an American start on an ABM system—even a measured start on a limited system—would discourage the Soviets from participating in the SALT negotiations. The fact is that both the ABM system and the SALT negotiations were started last year.

Mr. President, although events have shown that Safeguard and the SALT negotiations are compatible, it is not sufficient to note this and rest content. As I have suggested in discussing the dangers of unilateralism, there is another side to the argument about the relation between Safeguard and the SALT negotiations. I must reemphasize that it is still possible for us to make a decision about Safeguard that would be damaging to those negotiations on which we all have fixed such fervent hopes.

By now it is clear that a sudden reversal of Senate direction on ABM—such as that proposed by the proponents of the pending amendment—could seriously jeopardize the American position in Vienna today and in Helsinki this fall. By now it is clear that Safeguard deployment is not just compatible with the SALT negotiations, but may well be essential for them.

This is apparent to even casual readers of what is widely published in major newspapers. There have been newspaper reports that Gerard C. Smith, the U.S. chief negotiator at the SALT talks, has recently given the Soviet negotiators in Vienna a significant proposal for a strategic arms agreement. According to reports, this proposal includes a mutual freeze on or a reduction in the size of offensive and defensive missile systems.

The proposal is built around three principal limitations.

One limitation would set a quota for all strategic launching systems, including strategic manned bombers, and land and sea-based missiles. It is reported that each side would be permitted to improvise whatever mixture of launching systems it preferred, so long as the aggregate did not exceed the quota.

A second limitation would govern the permissible number of huge SS-9 missiles, or any comparable devices deployed on either side.

The third limitation in this package would concern antimissile defense systems. This might ban such systems, or limit them to sites ringing Moscow and Washington—the Soviet Union already has 64 launchers in its Galosh ABM system in the Moscow region.

Mr. President, only the bare outlines of the Vienna talks are publicly reported. Of course it would be possible for the Senate to go into closed session and consider the contents of the cables from our negotiators. It is certain that those cables would contain much useful information about the relevance of the Safeguard program to the U.S. approach to a broad arms limitation agreement. But such a session is probably unnecessary. The crucial point is already clear. The three-part proposal we have made at Vienna is a package in which each element is related to the other two in crucial ways.

If we were to pass the pending amendment we would do more than just embarrass our negotiators. We would pull a vital element from the package which is the subject of the most delicate negotiations. This is no time for us to reach over the shoulder of our chief negotiator and tamper with the fabric of the discussion. We might well cause an uncontrollable unraveling of these talks.

Mr. President, thus far I have argued that there are two crucial senses in which our modest Safeguard program avoids contributing to destabilization. It neither raises Soviet anxieties about American offensive intentions, nor does it impede the SALT negotiations. There is one more point to be made about Safeguard and the problem of stability in United States-Soviet relations and it is this: The most destabilizing thing we could do at this point would be to pass the pending amendment and thereby initiate a unilateral freeze. The reason why this would be destabilizing was explained with customary lucidity by the distinguished junior Senator from Washington in his speech in this chamber last Wednesday. This is what he said:

> In these annual debates on military procurement, Mr. President, we often hear the arms race explained in terms of an action-reaction cycle. Now I do not deny that there is some truth in this explanation, but I think it is only a partial truth. For an arms race can develop as much through a cycle of *inaction*-reaction as action-reaction.
>
> We have seen the inaction-reaction cycle at work for the last several years. While U.S. offensive deployments have remained constant since 1965, and while the U.S. strategic budget has been steadily declining the Soviets have been spending increasing sums and adding to their force of ICBM's and missile-firing submarines. The point has now come where it would be dangerously foolish to indulge in continued inaction that might well stimulate continuing action on the part of the Soviet Union.

Mr. President, I have now discussed my reasons for believing that Safeguard, far from being a source of political instability, may be a positive contribution to stability. Now I want to direct some remarks to the matter of Safeguard's cost.

THE COST OF SAFEGUARD

It is well known that 30 percent of every Federal tax dollar is devoted to defense, including the means of deterring our enemies from starting yet another war. Every American wishes that this were not the case. But all that means is that all Americans wish that this weary world would become something very different from the strife-torn world it has always been.

Obviously, every American wishes that all revenues the Government demands could be applied to creative domestic purposes. Most of all, every American must wish that foreign events and domestic desires, ideologies, and conditions would combine to cause the Government to demand fewer revenues.

But there is something that Americans can do besides just wish for a dramatic change in the nature of the world, or the nature of nations, or the nature of men. We can take a prudent, farsighted approach to cutting expenditures relating to foreign matters. We can try to bring the arms race under control and, pending success in that venture, we can make every effort to get maximum security from our defense purchases.

Clearly, much of what I have already said here today pertains to possible long-range economic benefits from Safeguard. Anything that encourages stability, and gives the SALT negotiations a chance to succeed, is contributing to the most substantial form of saving—a mutual reduction in the overall arms race. But there are two additional lines of argument which clearly establish the economic advantages of the ABM system.

The first argument deals with the economic advantages of the ABM system as it compares with other proposed responses to the particular threat the ABM is designed to counter.

The second deals with the economic advantages of this system as it relates to the interaction between American and Soviet defense expenditures. This argument demonstrates that the ABM system makes the expenditure interaction work favorably to the United States.

I will deal with these two arguments separately.

I am convinced that the ABM system numbers among its merits the fact that it is the least costly to us of the various alternative responses we can make now to the obvious and ominous rapid rate of Soviet strategic arms deployment.

There has been some unhappiness and uneasiness generated by the suggestion that it costs more to defend our missile silos than it does to construct the entire silo offensive system, including the missile.

I fail to see how such an argument can have much force. After all, it would make about as much sense to be disturbed about buying a wrist watch because the hands on the clock perform the essential function—they tell us the time—but they cost next to nothing compared with the 21-jewel works, which we never see.

The argument that it costs more to defend a silo than it does to deploy the silo is debatable and breathtakingly irrelevant. It does not focus on the crucial question which is not how much it costs to build a silo, but how much it costs to guarantee a surviving silo. When one computes the marginal costs of each unit in this way, one realizes that the ABM program is an efficient response that does not get into the great political cost of adding offensive missiles that raise dangerous Soviet anxieties and reduce the chances for arms limitation agreements.

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Besides, if we are going to start objecting to every weapons system in which the raw offensive capacity costs less than the equipment that makes it effective, then we are going to have a lot of objections to the sea-launched ballistic missile system built around the Polaris submarine. After all, the submarine itself is only essential to service the missiles—to keep them mobile and hidden. The Polaris missiles cost only a fraction of the cost of the submarine in which they are implaced, and which makes them an operational system.

The second half of the economic benefits of the ABM system concerns the benefits we receive from the interaction between United States and Soviet defense expenditures when using defensive interceptors to counter additions to the Soviet offensive arsenal. Consider the burdens under which the Soviet economy is laboring.

The crushing burden of Soviet expenditures for strategic weapons is easy to estimate. If an SS-9 costs approximately $30 million, then the approximately 300 SS-9's they have operational or under construction represent an investment of approximately $9 billion. If we figure a unit cost of $8 million for each SS-11 and SS-13, that adds an additional $6.4 billion to the total of Soviet expenditures on currently operative land based ballistic missiles. Notice that this total does not include small missiles that are still operational, such as the SS-7's and SS-8's; nor does it include the investment in the Soviet bomber force; nor does it include the large and growing Soviet investment in missile launching submarines.

It is perfectly clear that the United States has the resources—of material and morale—to expand the protection for our deterrent fast enough to counter any Soviet drive—however intense—to achieve an offensive missile capacity sufficient to overwhelm our ABM system and thereby achieve a first strike capability. All we need to do is to be certain that every time the Soviet Union adds an SS-9 or other offensive missile to its arsenal, we add an offsetting interceptor.

If we make it perfectly clear that we intend to do this—if we make it clear that we will match any pace they set—then the Soviet Union has three, and only three, alternative courses of action.

First, it can decide against going for a first strike capability.

Second, if it already has decided to go for that capability, it can reverse that decision.

Third, the Soviet Union can push ahead on an attempt to match American resources and determination—in which case the Soviet Union can run itself right into bankruptcy.

I hardly need to emphasize that each of these three alternatives—whichever they choose—is in our interest. This demonstrates the weakness of one familiar argument advanced against the ABM system. This is the argument that an ABM system will fail because the Soviet Union has, or is working to achieve, an offensive missile arsenal sufficient to overwhelm our projected ABM system. This argument collapses of its own weight for the following reason.

The ABM system is designed to protect our second strike or retaliatory capability. Therefore, the only possible reason why the Soviet Union would insist on an offensive capacity sufficient to overwhelm our ABM system and destroy our retaliatory capacity is that the Soviet leaders are determined to achieve a first strike capability. If this is the case—and I think it may be—then the case for building the ABM system becomes not only convincing but desperately urgent. In fact, then the whole debate reduces to one awesomely important question: How fast must we expand the ABM system to insure that the protective shield for our retaliatory capacity is always sufficient to cope with the Soviet Union's ever-expanding offensive capacity?

THE STRANGE ECONOMY OF THE PROPOSED AMENDMENT

Mr. President, while considering questions of economy, I must say that there are some very puzzling aspects about the pending amendment.

For example, the amendment would strike $322.2 million in funds requested for work at Whiteman and Warren Air Force Bases. This is described by the distinguished senior Senator from Kentucky as a "saving"—page 27269 in the August 4 RECORD—but it is an odd form of economy. It leaves intact the $992.2 million authorization for continuation of work on phase 1 at Malstrom Air Force Base in Montana, and Grand Forks Air Force Base in North Dakota. But if the purpose in halting phase II is to terminate—or begin terminating—the Safeguard system, then what is the point in authorizing approximately three times as much money as the proposed amendment would strike?

It is fair and pertinent to raise the question of whether the real intention of the pending amendment is to halt Safeguard altogether. After all, if phase II is found objectionable to the Senate, then it is perfectly clear that the future of the entire Safeguard system is very much in doubt.

In this regard, Mr. President, I am frank to admit that I cannot get a clear understanding of exactly what are the intentions of the proponents of this amendment. Do they want to halt phase II Safeguard? Do they think their amendment would halt research and development needed to perfect phase I Safeguard? Do they want their amendment to halt what they describe as the "momentum" of the Safeguard program?

Last Tuesday—page 27269 in the RECORD of August 4—the distinguished senior Senator from Kentucky said this on the subject of the Cooper-Hart amendment and the matter of "momentum":

> Well over $1 billion was authorized for Safeguard in 1969. There is a carryover, as of May 31, of $224 million. These amounts, plus this year's authorization, provide ample funds for work on the evolving prototype system at Malstrom and Grand Forks to keep existing production lines intact, and, by maintaining forward momentum, would provide ample bargaining strength for the SALT talks, the administration requires.

But then the next day—page 27439 in the RECORD of August 5—the distinguished senior Senator from Michigan declared:

> Senator Cooper and I do not consider this amendment so much a compromise as a rational, modest but important effort to help stem the ever escalating arms race and, specifically, to stop the momentum of this particular weapons system.

Mr. President, I find this very puzzling, and I look forward to some clarifying remarks from the distinguished and able Senators. There appears to be a mini-debate going on between the cosponsors of this amendment over the real purpose of the amendment and, pending a resolution of that debate, I can only say what I think about their various positions.

I agree with part of the position advanced by the distinguished senior Senator from Kentucky. Specifically, I agree with his contention that forward momentum on Safeguard is required if the SALT negotiations are to progress. But I disagree with his belief that passage of his amendment would not destroy this momentum which we both think is required.

On the other hand, I agree with a portion of the opposing view advanced by the distinguished senior Senator from Michigan. Specifically, I agree with his contention that the amendment sponsored by the two Senators would work to "stop the momentum of this particular weapons system."

Mr. President, there is one thing that has become clear since last year's debate, it is that some persons who object to the Safeguard program are not terribly selective in their criticism of it. That is, if one rebuts all specific criticisms of the Safeguard program—from doubts about feasibility, through fears about the political consequences of deployment—one still runs up against the fact that those who oppose this ABM program would oppose any version of ABM system because they do not like the idea of protecting land-based missiles.

Now this position—which I do not hold—is intellectually defensible, and is sincerely held by many honorable men of good will. But surely we can all agree that those who hold this position should not acquiesce in appropriating nearly a billion dollars for the first phase of a weapons system while at the same time fighting to strike less than a third of a billion dollars, when the effect of striking it would be to reduce the first phase to a doomed and impotent remnant of a system destined never to become operational.

It is fair and pertinent to raise this point because the language of the Cooper-Hart amendment is unclear as to whether the research, development, test, and evaluation funds intended for and needed by Safeguard are to be diverted to development of a new dedicated hardsite defense system. If this is the

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case, then there is a fundamental contradiction in the Cooper-Hart amendment. It spends with one hand for the Safeguard system which it is killing with the other hand.

A NOTE ON THE QUESTION OF FEASIBILITY

Mr. President, I now want to meet one recent suggestion that there are new and damaging scientific conclusions about Safeguard's ability to perform the function for which it is designed.

On July 31, the distinguished senior Senator from Kentucky and the distinguished senior Senator from Michigan held a press conference. At that time, according to the report in the New York Times, they charged that the Defense Department had "conceded" that the Safeguard system would not be effective in protecting the Minuteman force against a Soviet attack.

The headline on the Times story said: "ABM Critics Say Pentagon Agrees." But a close reading of the story reveals something different. What the two distinguished Senators did was to take note of two quite unremarkable developments with regard to Safeguard deployment, and to infer from these developments that the Defense Department is worried about the effectiveness of Safeguard. This inference is quite mistaken, as I shall demonstrate.

This is the relevant passage from the Times article in the edition of Saturday, August 1:

> The rebuttal of the opponents to the system is that even if the planned Safeguard worked perfectly, which they question, it would be incapable of blunting a Soviet attack.
>
> This contention, Senators Cooper and Hart suggested at a news conference, has been confirmed by recent Defense Department moves to change the Safeguard design in line with objections raised by critics last year.
>
> Senator Cooper cited the following factors:
>
> The Defense Department has started working on smaller cheaper radars for the Safeguard system. One of the principal technical objections raised last year was that a Safeguard site is now dependent upon one Missile Site Radar, which guides the Spartan and Sprint missiles to their targets. This radar, scientific critics argued was highly vulnerable,, and its elimination by one nuclear blast would neutralize the entire Safeguard site.
>
> In this year's request, the Defense Department has "conceded" that more short-range Sprint missiles are needed at the first two Safeguard sites in Montana and North Dakota approved last year by Congress. Last year the Safeguard critics maintained that the Soviet Union could penetrate the system by exhausting the supply of Sprint missiles.

It is quite erroneous to describe these moves as "moves to change the Safeguard design in line with objections raised by critics last year." In fact, both of the developments described are longstanding aspects of Safeguard planning. Minuteman defense was designed as an option in the Sentinel system. Moreover, research and development on landsite defense has been going on for the last 10 years. The smaller, cheaper radar is simply the object of a study that is part of prudent planning for future contingencies. Such radar would be built and deployed only if there is some need for a subsequent program to go beyond Safeguard. This subsequent program would only be necessary if the threat grows beyond current projections.

What is curious about the ABM critics' attack on this radar research is that they seem to be assuming that the radar will be built and deployed. This would seem to imply that they think the future threat to our Minuteman force will be very much greater than current projections indicate. This would seem to involve them in what is known as "worst case analysis." And this is the sort of reasoning which, according to many ABM critics, is to blame for various of the world's woes.

Now consider the second development from which the two distinguished Senators infer that the Defense Department thinks Safeguard will be ineffective. This is the deployment of additional Sprint missiles at the two Safeguard sites authorized last year.

It is quite mistaken to suggest that the Defense Department has "conceded" a need for these Sprints. The truth of the matter is that the increase in the number of Sprints has been projected all along. The radars at these two sites are designed to service a certain number—let us say "x" number—of interceptors. The Malstrom and Grand Forks missile sites currently have "y" number of interceptors, such that "y" is a number less than "x." The Sprint missiles now being added are number "z," this number being the difference between "x" and "y."

Further, it should be understood that "y" is the number stipulated last year for Phase I, and "x" is the number stipulated last year for the Phase II level at the Phase I sites. In other words, the addition of the Sprint missile is nothing more than another step in preparing the sites Congress approved last year. It represents no departure from last year's Safeguard plans.

PHASE II AS A REASONABLE COMPROMISE

Mr. President, one reason why this year's debate has been less lengthy, less heated and less divisive than last year's debate is that the Safeguard proposal before us is the product of three kinds of significant compromises.

First, the number of new sites involved is substantially less than the number which the administration originally indicated that it would like to see authorized as part of Phase II. Thus, the proposal before us is judiciously designed to give our ABM system a safe and credible momentum which we will need, failing a useful SALT agreement. But this proposal does not commit us to the extent that it jeopardizes any plausible SALT agreement.

Second, the proposal before us represents a decision to forgo constructing even a thin area defense of our population. This decision is an act of the highest statesmanship. It represents a willingess to be empathetic toward the Soviet Union. That is, it takes cognizance of the fact that at the moment an area ABM defense of our population could easily be misinterpreted by the Soviet Union as part of an American drive to achieve a first strike capability. This year's proposal avoids any intimation of population defense planning, and thus allays Soviet fears about American first strike intentions.

The third form of compromise embodied in this proposal is less obvious, but may be even more significant. It also represents a decision to avoid any move that could be construed as provocative, and thus be dangerously destabilizing. This compromise involves a rejection of the idea of responding in kind to the Soviet Union's increases in offensive capacity.

There are only two ways to preserve an assured deterrent in the face of mounting Soviet offensive capacity. One is to protect our deterrent with Safeguard. The other is to augment our offensive capacity.

No Safeguard missile can hit the Soviet Union. All our offensive missiles can hit the Soviet Union. Any addition to the American offensive missile arsenal can be misinterpreted in the Soviet Union. Any such addition can be construed as another element in an emerging American first strike capability. Therefore, the decision to respond to Soviet offensive capacity by increasing our defense represents an American willingness to act with circumspection when dealing with the Soviet Union. It demonstrates a sensitivity toward Soviet fears which one wishes the Soviet officials would reciprocate.

In this regard, Mr. President, it is instructive to cast our attention back 13 months to last year's debate on the ABM system. I want to call Senators' attention to the debate of July 9, and especially to a colloquy that can be found on page 16907 of the Record for that day. The colloquy was between my friend and colleague, the junior Senator from Colorado, and the distinguished senior Senator from Kentucky. The distinguished junior Senator from Washington had the floor at the time, and the colloquy went like this:

> Mr. DOMINICK. One of the things that has been of increasing concern to me is the semantic somersaults made in some areas of the country where people who say we have an overkill say we should not deploy the ABM because that would be provocative; and they say build more offensive weapons. That does not make sense to me. It seems to me that if we have an overkill, we should maintain the ability of that overkill to be used as needed.
>
> Mr. COOPER. Mr. President, will the Senator yield?
>
> Mr. JACKSON. I yield to the Senator from Kentucky.
>
> Mr. COOPER. Mr. President, I heard the statement of the able Senator from Colorado regarding the support by opponents of ABM of offensive weapons as an alternative. The distinguished Senator from Washington has made the same statement. In the testimony of Secretary Laird before the House committee, he made a similar statement.
>
> It is said that those who oppose deployment of the anti-ballistic missile system this year, a defensive system, favor additions of missiles to our offensive systems. I must say that is incorrect. The framework in which such a statement has been made is—that if a year from now the Soviets are proceeding

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> with the deployment of the SS-9, perhaps armed with MRV or MIRV, at that time, if necessary to protect our deterrent, we could protect our assured deterrent by building additional Minuteman missiles and additional Polaris or Poseidon-type submarines. That is the context in which such statements have been made.

One thing must be noted about this statement made last July 9 by the distinguished senior Senator from Kentucky. The hypothetical situation he outlined has come to pass. The Soviet Union is proceeding with the deployment of the SS-9. No one takes any pleasure from this grim fact. We all cherished the hope that the Soviet Union would show restraint. But such hopes are a weak reed on which to lean one's defense policy. And Soviet actions have turned this hope to ashes.

A CAUTIONARY NOTE ABOUT IRRELEVANT CONSIDERATIONS

Mr. President, there is some reason to fear that some persons might favor adopting the pending amendment just to demonstrate Senate free will. It has been apparent throughout the spring and summer that many Senators are anxious to have the Senate behave more assertively regarding matters pertaining to foreign policy.

This is not an ignoble desire. I applaud and share it in general, however, much I may disagree with some of its particular manifestations. But one thing is clear. The ABM should not become a pawn in some intragovernmental power struggle.

It would be culpable shortsightedness for the Senate to sacrifice the ABM system as a gesture of defiance or as a symbolic act, asserting institutional rights. In this regard, I was disturbed when rereading last year's debate to come upon a statement by the distinguished junior Senator from Arkansas. Senators will find on page 16911 of the CONGRESSIONAL RECORD of July 9, 1969, a colloquy in which the junior Senator from Arkansas says the following:

> The real point of the debate is not the ABM as such. The whole point of the debate is an effort on the part of some Members of the Senate to reassert some control over the military department.

God forbid that we lapse into such thinking in this serious time.

Mr. President, the issue of who controls whom is not only not the "whole" issue of the ABM debate; it is not an issue with the slightest relevance. The Senate cannot enhance its dignity or demonstrate its responsibility by allowing its decisions on matters of national security to be controlled by institutional anxieties.

CONCLUSION: THE QUESTION OF SUFFICIENCY

Mr. President, I think I have made clear why I think Phase II Safeguard is necessary. We cannot afford the luxury of being mistaken about this.

Others may be able to afford that luxury, Mr. President—others who do not carry in their offices the power and responsibility to vote and to determine the course of this country. But this is a luxury that we in the Senate cannot afford.

With regard to some complex and important matters it may be inevitable and acceptable for understanding to come only in the distant future. But in matters of basic strategic capability, this is neither necessary nor acceptable.

In matters of such compelling urgency, we cannot afford any period when we see "as through a glass darkly."

In dealing with these matters we must always stand face to face with the facts, however, unpleasant they may be. We must ask ourselves some unpleasant questions.

Has the Soviet Union become a more amicable member of the community of nations? If it has, the news has not gotten through to the Czechoslovaks or the Israelis.

Has the Soviet Union manifested peaceful intentions in its defense budget? If it has, the word has not gotten through to the Soviet people, who are being forced to forgo the basic commodities of a healthy economy in order to purchase such nonconsumer goods as $9 billion worth of SS-9's.

Has the Soviet Union recently done anything that would manifest a departure from its established policy of piling offensive capacity on offensive capacity? If it has, the manifestations are not being recorded on the face of the Soviet landscape, where earth is being turned on new offensive missile sites.

I have recently compiled an interesting set of figures, comparing the relative strengths of the United States and the Soviet Union in strategic weapons. The figures compare our relative strength at two times—October 1962 and today.

October 1962 is the central date in the history of modern strategic planning. It was then that the two superpowers played nuclear poker in earnest over the placement of Soviet offensive missiles in Cuba. It was then that we received a dramatic, dangerous, and invaluable lesson in the value of a prudent, long-term defensive planning. It was then that the United States won a crucial victory that was made possible by the convincing nature of our superiority in strategic weapons.

What has become of that superiority? The figures I have compiled give a sobering answer. The figures concern the five categories of strategic weapons. These categories are first-generation ICBM's, Minuteman-type ICBM's, which include the Soviet SS-11's and SS-13's; very large ICBM's, this category includes only the Soviet SS-9's; nuclear submarine missile launchers; and the bomber force, which includes bombers and tankers. These are the facts.

I want to say, Mr. President, in case there be any question, that the figures I am using are accurate and unclassified.

I ask unanimous consent that the figures be printed in the RECORD at this point.

There being no objection, the figures were ordered to be printed in the RECORD, as follows:

COMPARISON OF SOVIET AND U.S. ICBM's, SLBM's AND BOMBERS IN OCTOBER 1962 AND NOW

	Late 1962	Today (deployed or under construction)
Bomber force:		
Soviet	About 200	About 200.
United States	About 1,440	550.
Polaris-type subs:		
Soviet	None	About 25.
United States	7	41.
1st generation ICBM's:		
Soviet—SS-6, SS-7, SS-8.	About 40	About 220.
United States—Atlas and Titan.	About 100	54.
Minuteman type:		
Soviet	None	Over 800
United States	do	1,000.
SS-9 type:		
Soviet	do	Approaching 300.
United States	do	None.

Mr. ALLOTT. Suffice it to say that in the bomber forces, the Soviet bomber force was about the same in 1962 as it is today. In 1962, we had 1,440. Today we have 550, or about a third of the 1962 total.

In Polaris-type submarines, the Russians had none in 1962. They have about 25 now. The United States had seven then, and about 41 now.

In first generation ICBM's, the Russians had about 40, and they now have more than four times that number. In the Atlas and Titan, we had about 100, and now we have approximately half that number.

Of the Minuteman type, in 1962 the Russians had none and we had none. Today they have over 800 of the SS-11's and SS-13's, and we have approximately 1,000.

In the SS-9—the huge, big-bang vehicle about which I have spoken at length this afternoon—the Soviets had none in 1962, and they are approaching 300 now. The United States had none then, and has none today.

Mr. President, the lesson is clear. The strategic weapons superiority which was a matter of life and death in October 1962, has now become tenuous sufficiency. Honorable men of good will can and do vigorously disagree as to whether this is a good thing. I do not want to examine the merits of the argument which holds that the possibility of a meaningful arms limitation agreement rests on an American willingness to acquiesce in the transformation of its superiority into mere sufficiency. But, I do want to suggest, with all the force I can summon, that we have done all that we can conscientiously do in order to assuage Soviet feelings of insecurity.

Unfortunately, mutual restraint is not a game at which only one can play. And the other party to this anticipated game—the Soviet Union—has decided not to play at this time. This does not mean that we cannot be restrained. The proposal for phase II is a restrained response to grave threats. It is also necessary. I urge its passage, and the defeat of the pending amendment.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. ALLOTT. I am very happy to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I commend the Senator very highly for one of the best and most thorough expositions I have ever heard. I say that as one who has been a member of the Appropriations Committee since before this kind of weapon was a reality, or even in the planning stage. I commend the Senator very highly for getting together these facts in the way he has marshaled them and focused them on the problem, leaving out the petty findings.

As a member of the Appropriations Committee, where he is so valuable in many ways, he is most valuable on this subject, and I appreciate his efforts. I know he is one of the busiest Senators we have, and I especially appreciate his sacrifice in time on this issue.

I want to point out one thing to the Senator, if I may. He clearly illustrates here, by these graphic figures, the contrast between 1962 and 1970 in this field of weaponry by comparisons of our position with that of the Soviet Union.

The bill, however, does not deal with 1970.

Mr. ALLOTT. That is right.

Mr. STENNIS. The Senator's whole speech is underscored by the fact that this part of the bill deals with 1975 to 1980. That is the period that we are having to prepare for, as the Senator so well knows. So it lends great strength to his speech, I think, to remember that he is having to project, and the Senator from Colorado is shooting for preparedness, not for today, but for 5 to 10 years from now.

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Now, though, is the only time we can act. A few years later, when we see what we should have done, it is too late. We have to look forward now, and prepare for those years ahead.

I think the Senator's speech will be a landmark, and I thank him again.

Mr. ALLOTT. I thank the distinguished Senator very much. I value his remarks because of his great leadership, not only in the Appropriations Committee, but also in the defense planning of this country, as chairman of the Committee on Armed Services. No one else, I believe, is more knowledgeable than he is. I only hope that my own contribution today, in an attempt to dissect the arguments and discuss them rationally and reasonably, will be of some assistance in the determination of this issue.

Mr. STENNIS. I thank the Senator very much.

Mr. ALLOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DOMINICK). In accordance with the previous order, the Senator from Maine (Mr. MUSKIE) is recognized for 30 minutes.

Mr. MUSKIE. Mr. President, the administration's request for another billion and a half dollars to expand the Safeguard ABM program is most disturbing. It is disturbing because by the administration's own policy guidelines this request should not have been made. It is disturbing because it comes at a time when pressing domestic needs demand that we in the Congress seek ways of safely reducing our military expenditures. But most of all, the request is disturbing because it threatens to minimize the potential of the SALT talks currently taking place in Vienna.

We should recall that those talks were planned in the hope of ending the nuclear arms race, not merely controlling its rate of expansion.

Both we and the Soviets have learned the costs and the dangers of attempting to win that race. We have both come to recognize that the runner in first place can never hope to open a comfortable lead over the runner in second place. And neither of us can fail to see that the finish line must be either a mutual halt or a mutual holocaust.

The opening of the SALT talks, then, rested on three fundamental premises:

First, that a situation existed in which both we and the Soviet Union had sufficient nuclear armaments to deter each other from launching a successful nuclear attack;

Second, that a situation existed in which both we and the Soviet Union were roughly equal in nuclear technology, and in the destructive power of deliverable nuclear warheads; and

And third, that a situation existed in which both we and the Soviet Union recognized that continuation of the arms race would burden the economies of both sides with enormous military expenditures, while providing neither side with increased security.

That is why piling more ABM chips on the bargaining table in Vienna—by further testing and developing of offensive and defensive weapons systems—will, in my judgment, diminish the potential of a SALT agreement and possibly the achievement of any agreement at all.

I voted against the ABM last year, because I thought the chips on both sides were already piled high enough.

I am still of that persuasion, especially since the chips have been piled even higher by both sides in recent months—first, by our initial ABM construction and our MIRV deployments—and second, by Soviet resumption of SS-9 construction and commencement of SS-11 multiple warhead testing.

The fact is, of course, that the "bargaining chip" which the administration appears to deem so essential to its negotiating strategy was made available to the administration last year—the authorization of two ABM sites at Malmstrom Air Force Base and Grand Forks Air Force Base.

It is appropriate to inquire why we are being asked to add still another "bargaining chip" this year. Let us look at the administration's own guidelines of a year ago. On March 14, 1969, the President stated that the program would "be reviewed annually from the point of view of first, technical developments; second, the threat; and third, the diplomatic context including any talks on arms limitation."

All three criteria, I submit, now argue against providing the additional "bargaining chip."

Representatives of the administration have practically admitted that defending our ICBM's with Safeguard makes sense only against a very limited, and therefore unlikely, Soviet threat. The technical outlook has not only failed to improve, but it has in fact worsened. And the administration has demonstrated through actual expenditures and public statements that the cost of Safeguard has risen and will continue to increase.

Turning to the second criterion, what is the "threat" today, as against a year ago?

The pace and character of Soviet missile buildups over the past year have fallen below the administration's estimates. We are given to understand that no new construction of SS-9 ICBM sites took place for a 9-month period starting last August. Similarly, the latest official estimated date for a Chinese ICBM deployment is now further away than it was last year. Our overall deterrent posture, therefore, is not endangered.

As to the third criterion laid down by the President, has the negotiating situation with respect to SALT deteriorated to the point that we now need to build up our nuclear arms?

The facts are that last year no one knew whether SALT would actually begin; that today both sides are in the midst of these vital negotiations and we hear reports that an agreement is in sight—an agreement which may ban ABM's or severely restrict them. Yet, rather than exercising restraint, as suggested by its own criterion, the administration seems to be using this situation to justify an expansion of our ABM program—an expansion which would make the goal of negotiating limits on nuclear armaments far more difficult to attain.

The administration argues that we must move forward with Safeguard in order to "negotiate from strength." Why, then, was phase I of Safeguard limited to two sites? Why did we exercise restraint before the talks began, only to escalate Safeguard when the prospects of agreement are said to be bright?

This kind of perverse persuasion overlooks what seems to me a key factor in the SALT talks—the necessity for at least rough parity—recognized by both powers—as an indispensable condition to successful negotiations.

Any development which threatens to upset that condition can only jeopardize the talks.

Our sincerity in wanting to limit strategic arms could be called into question if we expand our ABM immediately after deploying our first MIRV's. The Soviets could find it hard to avoid making countermoves. It is certainly plausible to view the resumption of SS-9 construction, new SS-11 testing and FOBS development as the first signs of just such a reaction.

Together the administration's MIRV and ABM decisions can undercut the present nuclear parity that made United States-Soviet negotiations possible. An apparent willingness to stabilize this strategic relationship brought the Soviets to SALT. A parallel willingness is in our own self interest. In such circumstances expansion of Safeguard at this time could make a meaningful agreement at SALT much more difficult to obtain and could increase the chance that the talks might fail. All the risks in such a move run against the prospects of an agreement.

In April the Senate went on record overwhelmingly endorsing a resolution for a comprehensive strategic freeze including a ban on ABM's and MIRV's. At that time, I presented a specific proposal for a mutual interim strategic standstill consistent with this resolution. With our deployment of MIRV's we have already jeopardized the opportunity for a broad agreement. Moving ahead with Safeguard could well close the door completely.

By ignoring the Senate resolution, the administration seems to be saying that it prefers only a limited agreement. How else can we explain the administration's reluctance to defer our MIRV deployments and its lack of candor in not disclosing months ago the Soviet's significant suspension of new SS-9 sites?

Despite the Senate's expressed interest and obvious responsibility in these matters, the administration has all but kept us in the dark about the Vienna talks.

In the pending bill, we have a clear opportunity to examine and test the administration's strategic and tactical wisdom. The Armed Services Committee's action in removing the "area" defense portion of the administration's ABM request does not go far enough, although it is a step in the right direction.

Our aim in evaluating Safeguard should be to maximize the potential benefits of SALT. For a meaningful SALT agreement stands to be our best defense and the most effective way of enhancing our security.

Let me examine these points in detail.

I. SAFEGUARD: MORE QUESTIONABLE PERFORMANCE AT GREATER COST

Last year, in the face of criticisms by an impressive array of scientists, the administration maintained that Safeguard could do the job it was supposed to do. For example, many distinguished scientists argued that the Soviets would have little trouble attacking ABM radars and thus blinding the entire system. But the administration brushed aside such criticism. This year, however, Defense Department officials admit that these radars might well be vulnerable. In fact, they have budgeted funds for research and development of better site radars.

The administration also now effectively admits that Safeguard as envisioned will be unable to handle likely future Soviet threats. In his fiscal year 1971 posture statement, Secretary Laird stated:

> If the Soviets deploy a MIRV on the SS-9, improve their ICBM accuracy, and do not stop building SS-9's at this time . . . we would then be faced in the mid-70's with a threat which is much too large to be handled by the level of defense envisioned in the Safeguard system, without substantial improvement and modification.

By the Secretary's own estimates, the Soviet capacity to mount such a threat—and to render Safeguard obsolete—is likely.

The cost-inefficiency of Safeguard is also apparent. Nongovernmental experts have calculated that the minimum price of defending one Minuteman ICBM would run between $20 and $25 million, while the ICBM itself is valued at $3 million. Moreover, the Soviets could offset any effect of Safeguard with offensive weapons and penetration aids at a fraction of Safeguard's cost.

Many scientists therefore argue that, even if SALT fails, alternative ways of maintaining a sufficient retaliatory capacity in the future should be considered before moving forward any further with Safeguard missile defenses. This is reason enough for halting Safeguard deployment at the present time.

No wonder the administration is actively exploring other alternatives and is budgeting approximately $160 million for development of land-mobile ICBM's, "super-hardened" missile silos, and advanced sea-based missile systems.

II. THE SOVIET THREAT

Let us examine the administration's alarm about a Soviet SS-9 threat. Apparently, no new SS-9 construction was undertaken by the Soviets between August 1969 and June of this year.

The administration's apparent worries about a major SS-9 threat that the SS-9's will be refitted to carry MIRV's. Last year, it was estimated that the Soviets could have simple MIRV's deployed in 1970 and the more sophisticated MIRV's as early as mid-1972. But there have been no indications that the Soviets did in fact deploy MIRV's last year, and there have been no statements to suggest that they have even flight-tested a MIRV. Since MRV's are considered a technological prelude to MIRV's, it seems even less likely that the Soviets can begin deploying the latter by 1972.

Finally, let us not forget that ICBM's represent only a fraction of our deterrent power. Our fleet of 656 Polaris missiles on 41 submarines, for example, is viewed by the administration as being safe from any attacks the Soviets could conceivably launch in the foreseeable future.

In the case of the supposed Chinese threat, the speculation is still more farfetched. Last year's estimate of a possible Chinese ICBM level of 10 to 25 by 1975 assumed an initial ICBM test firing in 1970. No firing has yet occurred. Moreover, in his fiscal year 1971 posture statement, Secretary Laird admitted that a force of 10 to 25 Chinese ICBM's is now more likely sometime in 1977 or 1978—a "slippage" of more than 2 years.

Insofar as possible deployment of Chinese ICBM's is concerned, a "thin" ABM for the United States is not needed to cope with this contingency. Our massive deterrent capabilities are clearly more than sufficient to dissuade Chinese leaders from launching a nuclear attack.

The fact that official cost estimates for Safeguard have increased makes the request to proceed with Safeguard now all the more questionable. Even the administration no longer denies the likelihood of future "cost growth" for a technically suspect system directed to meet a no less suspect threat.

This year, for example, estimates for the full Safeguard deployment are up by $1.6 billion over last year. The official cost estimate of this Minuteman defense system now stands at $10.7 billion. But this figure, the so-called "DOD acquisition cost" does not include AEC costs related to nuclear warheads, operation and maintenance expenses, or the many indirect support costs.

Even without "cost growth," the true cost of Safeguard could easily run above $20 billion. And the full price of the four-site Minuteman defense package alone—based on a DOD acquisition cost of $6.5 billion—would be at least $11 billion.

III. THE ABM: A THREAT TO SALT

Last year, no one could be certain whether the Strategic Arms Limitation Talks would in fact begin and, if they did, whether progress could be made. These were the very real uncertainties which appeared to underlie the President's statement that future safeguard ABM decisions should and would be reviewed in light of SALT. Today, with the Helsinki talks behind us and the Vienna talks in progress, it appears that both sides are seriously seeking ways to contain the strategic competition on a mutually acceptable basis.

At the same time, the administration's present request to expand Safeguard threatens to sharply restrict the range of attainable agreements. It threatens to sweep away the conditions of parity which apparently brought the Soviets to the negotiating table and which make any enduring agreement possible.

The administration argues that the more we deploy the ABM, the more we can negotiate from strength in Vienna. That argument, in my judgment, is both a tactical and a strategic mistake.

What will Moscow's response be if we forge ahead with Safeguard on the heels of our MIRV deployment? We cannot be certain, but we can make educated guesses in terms of negotiating strategy and weapons development.

On the negotiating front, the Soviets could conceivably shift to a harder line. A $1.5 billion request for expanding a system which is clearly a candidate for limitation at SALT may be viewed by the Soviets as evidence that the United States intends to either legitimize ABM deployment under a SALT agreement, or to trade the ABM for reciprocal concessions.

Under either interpretation, the groups within the Kremlin power structure arguing against SALT, or giving it very low priority, may well be strengthened. Rather than induce Soviet negotiators to accept meaningful limitations on their SS-9 deployments, the administration's use of Safeguard as a "bargaining chip" may be more likely to stimulate Soviet missile expansions—to counter our new chip with another chip of their own.

In April, the Pentagon announced that we would begin deploying the Mirv—a weapon which many of us in the Senate had hopefully thought our negotiators in Vienna would try to ban. The Pentagon began deploying this destabilizing new weapon in June. It has since announced that Poseidon Mirv's will be deployed on our submarines in December, and that a contract has been let for construction of a new strategic bomber—the B-1. For those of us who have questioned these moves, the recent Soviet resumption of the SS-9 missile program therefore comes as no surprise.

Continued deployment of Safeguard will almost certainly mean further Soviet increase in offensive missile construction—both land- and sea-based—and in multiple warhead tests. After all, Soviet planners faced with an expanding ABM may well feel the need to maintain their deterrent as a "hedge" against the possibility that SALT might fail. The administration justified our MIRV by contending that we had to fear an enlarged Soviet ABM growing out of their small and vulnerable Moscow defense. Would it be surprising if the Soviet now reacted similarly?

In addition to offensive buildups, the Soviets could also react to Safeguard by carrying forward their own ABM program. While strategic analysts may cringe, the political logic here is simple. The Soviets might rationalize more ABMs for three reasons—to bargain away our ABM, to be able to match our ABM under some kind of SALT accommodation, and to avoid being "second-best" in ABM if SALT fails.

Uncertainties and ambiguities in our words and our deeds would have to be resolved by the Soviets in a manner consistent with their own security.

Even though the first phases of Safeguard constitute a relatively small deployment, the Soviets would have a justifiable concern that a Minuteman defense system is simply a first step to a larger one with nationwide coverage, which could pose a threat to their deterrent. Regardless of our own doubts about Safeguard's effectiveness, they could not ignore the technological fact that the radar network, production base, and long-range Spartan missiles associated with a Minuteman defense system make an expanded capacity feasible. And they could not easily distinguish between deployments geared for ICBM defense and deployments supporting area defense.

Furthermore, the Soviets could not be expected to trust our good intentions when it comes to curtailing Safeguard. For they undoubtedly would appreciate the difficulty of trying to halt a military system once deployment has begun. Moreover, an area ABM defense purportedly directed against China would make no sense at all as a "bargaining chip" with the Soviets.

The administration's posture on Safeguard is all the more inexplicable when viewed in the light of probable SALT outcomes. If the talks to date indicated that an agreement would permit fairly high ABM levels, one might begin to understand the administration's argument that the decision to continue with Safeguard is consistent with SALT.

But quite the opposite indication has been reported in the press, and at least unofficially verified from many knowledgeable quarters. At most, it looks as if SALT might come out with very low ABM levels, perhaps limited to protection of Moscow and Washington. There is also still reason to hope and work for a complete ABM ban. Such ABM agreements might well be negotiated with the Soviets. Reports from SALT suggest that they favor a total ABM ban or at most very low permitted levels.

The reversal of Soviet attitude on ABM's is one of the great ironies of the nuclear age. Throughout the 1960's, we based our policies on the premise that ABM's were costly and destabilizing while the Soviets seemed to believe the contrary. Adding up the administration's statements on the importance of ABM's and its request for funds, we may now have a topsy-turvy situation where the Soviets appear to be more interested in limiting ABM's than we are.

The net result of these moves and countermoves can only be harmful to SALT. Rather than bringing both sides toward agreement, the administration's negotiating tactics are moving both sides away from an acceptance of parity and diminishing the likelihood of reaching meaningful limitations.

An atmosphere of sincerity so essential to progress can turn into one of hostility and polemics. As ABM's increase and offensive force levels rise again. The range of possible agreements will narrow, thus leaving the negotiators with less and less to talk about. We would risk losing the opportunity for a comprehensive agreement which could significantly curtail the arms competition. And all that might be left would be an agreement with limits placed on numbers of offensive launchers, perhaps no ban on MIRV's, and ABM's set at agreed levels—in short, no qualitative restrictions or meaningful reductions.

That is why, when SALT resumed in Vienna last April, I proposed a mutual 6-month freeze on the testing of multiple warhead missiles and the deployment of strategic offensive and defensive weapons systems. I offered this as a negotiator's pause—to halt the arms race in all its dimensions so that both sides could determine whether a continuing freeze would be feasible and whether it would facilitate more complex and enduring agreements. At that time, the Senate overwhelmingly endorsed a resolution calling for a comprehensive nuclear weapons freeze.

But these suggestions were ignored, and the administration has instead moved in exactly the opposite direction. The President chose not to defer our MIRV deployments. He is going forward with advanced research and develop- programs for bombers and missiles. And he has requested funds for expansion of our ABM.

An agreement permitting even limited ABM's and MIRV's would be far less effective than a broader plan. It would codify the balance at higher rather than lower levels. It would be more difficult to verify than an agreement which prohibited these systems completely.

It may be that the administration does not want a comprehensive measure, but is more than willing to settle for a limited one. Why else has it moved forward with major programs which the negotiators are seeking to limit? Why else did the administration fail to inform us that the Soviets had halted new SS-9 construction last August?

But even now there is a chance for a MIRV ban. It is we who have begun deployment of MIRV, not the Soviets. We should be prepared to halt our program and remove the few MIRV's already deployed within the context of an appropriate agreement.

To be sure, a carefully-designed, though limited, agreement would be better than none. But we need not settle for second-best now. We can at least have a shot at the best. We can control our own ABM program to preserve the option for a broad measure of agreement and maximize the chance of a dramatic and meaningful success at SALT.

Mr. TOWER. Mr. President, will the Senator from Maine yield at that point?

Mr. MUSKIE. I yield.

Mr. TOWER. Is the Senator suggesting that we should unilaterally disband our efforts to develop a MIRV without exacting anything in exchange?

Mr. MUSKIE. No. I have suggested, in the remarks I have just made, that we halt deployment of MIRV at this point. The weapons system has already been developed. I take it that it has been developed satisfactorily, since we have deployed it. I recommended, almost a year ago—last fall—that the first step we ought to recommend at SALT, in Vienna, should be a mutual halt to further development and deployment of any offensive or defensive weapons for 6 months, as a negotiator's pause, so that we would not be caught in the trap of escalating nuclear arms of one kind or another, offensive or defensive, on both sides, to the point that it would be difficult to reach agreement on a halt, let alone a rollback to some reasonable and responsible level.

Mr. TOWER. Is the Senator suggesting that we initiated the arms race, that we are primarily responsible for escalation—in other words, that the Soviets are not equally responsible for escalating the arms race, that it is we who are doing so?

Mr. MUSKIE. Mr. President, I made no such evaluation. The arms race probably started with Adam and Eve.

We are talking about stabilizing the nuclear arms race, having once reached rough parity with one another.

That, I take it, is the objective of the administration. That, I take it, is the objective of the Senator from Texas. That is my objective.

My difference with the administration is that I think, having reached rough parity, we should try to stay at that level for a reasonable time until we have explored the possibility of SALT.

Mr. TOWER. In other words, the Senator contends that we should do that whether the Russians do it or not.

Mr. MUSKIE. Mr. President, let me point out that I understand the Russians halted the deployment of SS-9's and did not resume it until this June. In that 9 months, we moved on through deployment of MIRV and through beginning construction of an ABM system. During that 9-month period, there was activity on our part that was unmatched by the Russians, to which they responded with the resumption of their SS-9 program.

Mr. TOWER. Has the United States tested the Fractional Orbital Bomb System—FOBS?

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Mr. MUSKIE. Mr. President, may I say that undoubtedly, on both sides, each side is exploring new developments that the other side has not touched.

If we undertake to wait for a SALT agreement until each side has fully explored the number of initiatives it has undertaken, we will never get an agreement on stabilizing the nuclear arms race.

At some point we had to achieve rough parity—and I have used that word advisedly—and that may have created some risks. It will take intelligent, alert, and informed evaluation to maintain that kind of rough parity.

That is what moved both sides to engage in the SALT talks. That made the SALT talks possible.

We ought not to upset the balance or risk upsetting the balance in the course of the talks.

Mr. TOWER. Does the Senator from Maine believe that our decision to initiate Phase 1 of the Safeguard system was a positive inhibition on our effort to arrive at some sort of meaningful agreement in the SALT talks?

Mr. MUSKIE. Mr. President, I do not know that one would state my position as a belief. I do not have recourse to the intelligence estimates which would give me the basis for a belief. I have an idea, however, that the talks moved forward in spite of the decision made last year and not because of it. There were indications before the Senate acted.

Mr. TOWER. But the Senator will concede that there were dire predictions that SALT would never come about if we adopted Phase I of the ABM.

Mr. MUSKIE. I heard predictions today. There will always be predictions. It is a serious debate involving a serious policy question about national security. To a great extent those of us not in the administraton are operating in the dark and perhaps those inside the administration are also operating in the dark.

Dire predictions remain. They are not always borne out. I am afraid that we have to proceed on our best judgments, on the present evaluation of the situation as it exists.

I did not make dire predictions last year. But I felt that the decision to move ahead with the first phase of Safeguard was not a wise step to take. That step has been taken now. We have to evaluate it. I am willing to do so on the basis of the administration's own guidelines which I evaluated in the beginning of my remarks before the Senator from Texas came to the floor. Using the administration's own guidelines of a year ago, deployment of phase II is not justified.

Mr. TOWER. Mr. President, the administration does not seem to feel that the decision to proceed with phase II of the Safeguard would be somehow an inhibition or disadvantage insofar as it would prevent a successful conclusion of the SALT talks.

Does the Senator from Maine have some intelligence that would lead him to believe otherwise, that is superior to that of the administration's?

Mr. MUSKIE. Mr. President, if the administration believed that deploying phase II of Safeguard would end the SALT talks and it still proceeded to resume deployment, I would be shocked. Of course, I believe that the administration believes in its position. I do not have any intelligence with regard to this matter at all. I have not been advised by the administration of the status of the Vienna talks. I am not in as informed a position as I would like to be to evaluate this with respect to the Soviet attitude on the talks.

I can only proceed on the basis of consultations with people who have been close to the matter for years and who understand its implications better than I did, and perhaps better than I still do, and on their ideas and evaluation of the moves on both sides.

Mr. TOWER. Has the Senator read the classified testimony given before the subcommittee of the Senate Armed Services Committee by Mr. Smith and Mr. Nitze on the SALT talks?

Mr. MUSKIE. No, I have not.

Mr. TOWER. I would suggest that the Senator read it.

Mr. MUSKIE. I would be happy to do so.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. MILLER. Mr. President, do I understand that the position of the Senator from Maine is that the SS–9, which the Soviets apparently stopped deploying for a period of 8 or 9 months, was resumed by the Soviets because the United States proceeded with phase I of the ABM?

Mr. MUSKIE. Mr. President, I stated the facts. The SALT talks began last year, after the Senate had voted on the ABM. Yet, from August until June, the Soviets discontinued new deployments of SS–9s. In the next 9-month period, despite the fact that several in the Senate and in the country urged that we halt MIRV deployment or at least delay MIRV deployment, we went ahead with that system. In July, the Soviets resumed deployment of the SS–9's.

Those are the facts. I think that the conclusion that the Soviet action on the SS–9's was in response to the steps we had taken in that 9-month period is more logical than any other conclusion I have read or heard as to their reason. Maybe the Senator from Iowa has a better reason.

Mr. MILLER. Mr. President, the Senator from Maine has been responsive to my question, and I appreciate that. But if the Senator wants to pursue that kind of logic, we can say that since the SS–9 was stopped for a few months, we had the World Series baseball games and we had the Redskins playing a lot of football games. Why, since those are the facts, would I necessarily conclude that those facts had any reference to the resumption of the SS–9 deployment?

I would say that the mere fact that we proceeded with the first stage of the ABM, which will take several years to complete, is certainly no basis for saying that the Soviets therefore began the resumption of the SS–9. I cannot see the relevancy of it.

Mr. MUSKIE. Mr. President, I am sure that the Senator cannot. I assure the Senator that I do not reach my conclusion on this matter because of the playing of some baseball games. The Senator's remarks regarding my logic is his personal privilege. I suggest it is not as anomolous a sequence of events as the Senator from Iowa logic might seem to suggest.

Mr. MILLER. May I say to the Senator——

Mr. MUSKIE. In the absence of Soviet activity for 9 months, which was followed by resumption of the deployment of the SS–9, following action we took in that period to change our posture offensively and defensively, I say it is a proper conclusion to reach. I have heard similar logic used on the Senator's side of this argument.

The PRESIDING OFFICER. The time of the Senator has expired. Under the previous order, the Chair is to recognize the Senator from Washington at this time.

Mr. MILLER. Mr. President, I ask unanimous consent that the Senator from Maine may have 5 additional minutes so we may conclude our colloquy.

Mr. MUSKIE. Mr. President, if I am going to have 5 minutes of time, I would like to finish my speech. We are proceeding, in any case, on the time of the distinguished Senator from Washington. I would not ask for time for either purpose without the agreement of the Senator from Washington, who has been most generous in yielding his place to me this afternoon.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? Without objection, it is so ordered.

Mr. MUSKIE. I hope I may have some of that time.

Mr. MILLER. Mr. President, I know the Senator wishes to finish his speech. My point is that I do not believe the Senator made a valid argument by saying that during this 9-month period a fact took place. The fact that took place was that the ABM first stage was commenced, and it will be years before it is completed so that the Soviets would have any basis for increasing their SS–9 capability. I do not believe the Senator's point is well taken.

It would be unfortunate if he based his conclusion on this amendment by the mere fact that the first stage of a long-time ABM program commenced during that 9-month program.

Mr. MUSKIE. Mr. President, I have 42 pages of reasons for my position. My reasons are not limited to the one with which the Senator disagrees. Also, the RECORD will show the Senator's opinion of my logic, and my opinion. I guess we should leave it at that.

Mr. President, I shall quickly wrap up the remainder of my prepared remarks.

IV. THE CHOICE WE FACE

The administration's fiscal year 1971 budget request of $1.45 billion is for the purpose of first, continuing deployment of Safeguard sites at the Minuteman complexes authorized last year; second, initiating deployment of another site at a third Minuteman complex; and third, preparing five additional ABM sites, one more at a Minuteman complex

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and four around the country as "area" defense.

If this request is granted, the Safeguard ABM program will have received appropriations totaling over $3 billion.

Of course, if the money were needed to buy us needed security, it would be worth it. But, as we have seen—by the administration's own statements and measured against its own guidelines—further Safeguard deployment at this time is neither necessary nor appropriate to preserve our deterrent. And it poses the gravest danger to real success at SALT.

Looking at the larger budget items associated with the fiscal year 1971 request, we see a requested authorization of $1.027 billion to pay for continued procurement, construction, and direct support of the two phase I sites, and $298.4 million to begin construction of a third Minuteman defense site. Full deployment of the administration "package" for Minuteman defense—which adds to a fourth site—would eventually cost a minimum of $6.5 billion by DOD accounting but almost twice this amount in total real costs.

The smallest item in the ABM request for this year is $40 million to begin advance preparation of five additional ABM sites. Four of those sites would be designated as area defense against China. But such a defense means an ultimate goal of eight area sites for the continental United States—at a total cost of at least $8.5 billion—plus sites for Alaska and Hawaii.

The Armed Services Committee has recommended authorization for the Safeguard sites located at Minuteman complexes, and has rejected the request for "area" defense sites. These recommendations make better sense in terms of their impact on SALT than the administration's request. By eliminating the administration's request for a start on the area ABM sites, the Armed Services Committee has performed a great service to the American public and to the possible success of SALT.

But, as I have pointed out, the committee recommendation does not go far enough:

Continued Safeguard construction of any kind runs the risk of ruining SALT, or at the very least, severely restricting the range of negotiation.

The ability of Safeguard to perform as designed and to cope with a serious Soviet threat is highly questionable.

The total cost for even a marginal amount of short-lived Minuteman protection will be enormous.

And if SALT results in a ban on ABM or a low ABM level perhaps limited to Washington and Moscow, Minuteman defense efforts would have been incredibly wasteful, or at best only highly inefficient.

Finally, it is wishful thinking to believe that approving essentially the entire budget request for Minuteman defense this year will diminish future demands for area defense. The logic of weapons development does not work that way.

For these reasons, we must explore other alternatives.

Even as we explore these alternatives, we must urge the administration to let the Congress and the public know the progress and the prospects in Vienna. The administration's reluctance to do so makes intelligent cooperation most difficult.

The Senate's authority in this area cannot be denied. Its interest and judgment are reflected in resolution 211. And its desire to relate military procurement request to foreign policy is a responsible one.

Of course, we cannot dictate from the sidelines the particular negotiating tactics to be best employed at the SALT talks in Vienna. Indeed, because the administration has undertaken no sufficient consultation with the Congress, we have no complete picture of how these negotiations stand. But we do know enough to be able to reach the sound and sensible judgment that neither our national security nor the prospects for effective control over strategic arms competition can be well served by the expansion of Safeguard at this time.

The question before us, then, is what further restrictions, if any, are appropriate at a time when we are engaged in an effort to put an end to this costly and dangerous expansion of strategic forces.

The logical alternative at this critical stage of SALT would be to withhold any further funds for ABM deployment and limit expenditures to the continuation of a research and development program. If, indeed, it is the fear of an ABM that motivates the Soviet negotiators, then this action could in no sense weaken our bargaining position. Obviously, the Soviets would have to recognize that ABM deployment could be renewed or even enlarged if the negotiations should fail.

The denial of any funds for deployment would prevent further erosion of a truly meaningful SALT agreement and avoid wasting money in the event that SALT succeeds in banning or tightly limiting ABM's. Research and development efforts would focus on carefully testing ABM components, exploring the effectiveness of Safeguard, and looking for better technical solutions.

This is the choice that logic and reason would dictate. Nevertheless, the administration has continued to argue that continuation of ABM deployment is essential as a "bargaining chip" in the SALT negotiations.

Even accepting this argument—which I find most unpersuasive—there is no justification for going beyond deployment at the two sites authorized last year. This is the alternative that has been introduced as an amendment by Senators COOPER and HART. Since it aims in the direction of arms control, I shall vote for this amendment.

It preserves fully the "bargaining chip" which the administration claims it needs in Vienna. It should satisfy those Senators concerned about maximum success at SALT but unwilling to support a total rejection of the administration's request. But it adds no more chips to our side of the table—chips that could and probably would be matched on the other side—chips that neither side may, thereafter, be willing to give up, even to achieve an effective agreement. This chip escalation is now taking place, even as both sides talk in Vienna. The Cooper-Hart amendment, however, recognizes that the way to slow down the arms race is not first to speed it up.

Given our powerful and secure deterrent forces, in the sea as well as on land and in the air, there is no threat which makes expanded deployment of Safeguard either wise or necessary. Indeed, since SALT has the potential of further improving our security, any move to make it pay off is clearly in our interest.

Some years ago, Dr. J. Robert Oppenheimer drew the picture of two scorpions, locked in a bottle, aware that a sting by either of them would mean the death of both of them. The question we must, therefore, address ourselves to in the Senate is not how to accumulate more sting, but rather how to open the bottle.

Mr. President, as we review the persuasive scientific and diplomatic arguments against the ABM, I would like to draw attention to the opposition to the proposed weapons systems of a group of concerned citizens in Maine. I ask unanimous consent that the names of the signers and their petition be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TO THE CONGRESS: STOP THE ANTI-BALLISTIC MISSILE SYSTEM

It's Ineffective—It's Dangerous—It's Wasteful—a threat to world peace.

We strongly oppose deployment of the "Safeguard" ABM system because:

1. It would provide little protection for the United States.
2. It would become obsolete before it could be operational.
3. It would be likely to trigger a new escalation of the arms race.
4. It would hinder negotiations for disarmament.
5. Its enormous cost would be highly inflationary.
6. It would prevent the adequate funding of essential domestic programs.

We urge: that the proposed deployment of the Anti-Ballistic Missile System be opposed and prevented.

Peter R. Aceres, Harrison, Me., Rinda Aceres, Harrison, Me., Helen A. Adams, Buckfield, Me., M. C. Ainsworth, Portland, Me., Laura Sewall Aitken, Bath, Me., Frances Albert, Orono, Me., Stanley L. Aldrich, South Windham, Me., Pamela Alexander, Lewiston, Me., L. Allard, Gorham, Me., Charles W. Allen, Portland, Me.

Genevieve L. Allen, Portland, Me., John D. Amour, Mechanic Falls, Me., R. R. Anderson, Chicago, Ill. Weston Anderson, East Boothbay, Me., Florence Annear, Auburn, Me., Cushman D. Anthony, Portland, Me., Ruth Appel, Sebago Lake, Me., Patricia Arbour, Topsham, Me., G. L. Archibald, Scarboro, Me., Carroll Arnett, Kennebunk, Me.

Claudia Arnett, Kennebunk, Me., John Asatuan, Brunswick, Me., Cecile Asselin, Lewiston, Me., Leo B. Atkins, Camden, Me., Louise Atwater, Lewiston, Me., Edna Auspland, Portland, Me., Lena E. Austin, So. China, Me., Carroll C. Ayer, Lewiston, Me., Joyce Babokine, Camden, Me.

John D. Bachman, Ellsworth, Me., Gary Bagley, Waterville, Me., Gertrude Bagley, Waterville, Me., Lee Baier, Cumberland Center, Me., Mary Ann Bailey, Eliot, Me., Ricky C. Baker, Brunswick, Me., Barbara Ballon, Portland, Me., Albin Banis, East Millinocket, Me., Herbert W. Barker, South Paris, Me. Nancy Barker, Rumford Center, Me., Earl G. Barlow, East Boothbay, Me.

Helen B. Barlow, East Boothbay, Me., Karl W. Barnard, Mechanic Falls, Me., Edward C. Barrows, Lewiston, Me., R. Barter, II, Cape Elizabeth, Me., Judy Barter, Gouldsboro, Me., Kendall D. Bass, Camden, Me., Margaret J. Bass, Camden, Me., Eileen Bates, Lewiston, Me., Patricia M. Bates, Bangor, Me., D. M. Bazar, Highland Park, N.J.

Velma Bazar, Highland Park, N.J., Carolyn Beane, Gorham, Me., Joan Beard, New Gloucester, Me., Gary Beckwith, Cape Elizabeth, Me., Jane Beckwith, Cape Elizabeth, Me., Joel Beckwith, Bath, Me., Frank M. Bedell, Tenants Harbor, Me., Kathryn Bell, West Hartford, Conn., Richard C. Bell, Camden, Me., Brenda Bellevue, Lewiston, Me.

Robert A. Benjamin, Orr's Island, Me., Marlyn Benken, Bucksfield, Me., Jacob Bennett, Orono, Me., John E. Bent, Springvale, Me., Roberta W. Berenson, Portland, Me., Robert J. Bergeron, Brunswick, Me., Bernice R. Berk, Portland, Me., R. D. Bernstein, Augusta, Me., Rosalye Bernstein, Portland, Me., Sumner T. Bernstein, Portland, Me.

David L. Berry, Bowdoinham, Me., Randy Berry, Bangor, Me., Sharon E. Berry, Bowdoinham, Me., Thomas G. Berry, Jr., Brunswick, Me., Thomas Berry, Brunswick, Me., Wallace Billard, Boothbay, Me., Dorothy M. Billings, Damariscotta, Me., Jane S. Birge, Waterville, Me., K. H. Birge, Waterville, Me., James J. Bishop, Orono, Me.

Joan W. Bishop, Orono, Me., Robert H. Bishop, Skowhegan, Me., Holly Bittner, Orono, Me., Bonnie Black, Orono, Me., Donna L. Blackwell, Orono, Me., Muriel Blanchard, Scarboro, Me., Margo Blaser, Quincy, Mass., Marc Blesoff, Brunswick, Me., Ellis K. Bliss, So. Portland, Me., Harry A. Bliss, So. Portland, Me.

Margaret Blizard, Bar Harbor, Me., Annie M. Blomgren, Deer Isle, Me., Sren A. Blomgren, Deer Isle, Me., Karen Blomquist, Lewiston, Me., Carolyn M. Blouin, So. Berwick, Me., Pauline Bockus, Auburn, Me., D. Bodde, West Tremont, Me., Anthony I. Bok, Vinalhaven, Me., Mary B. Bok, Vinalhaven, Me., Judy K. Bollweg, Portland, Me.

William A. Bonsall, Orono, Me., Lucille Bonsaint, Biddeford, Me., Gene Bongun, Westport, Me., Wm. L. Bongun, Westport, Me., Anna Booth, Newcastle, Me., Anne C. Booth, Newcastle, Me., Stephen Booth, Falmouth, Me., Bob Borden, Portland, Me., Emily S. Bosley, Kittery Point, Me., Elizabeth P. Boston, Nobleboro, Me.

Lawrence G. Boston, Sanford, Me., Robert Boucher, Biddeford, Me., Dorothy L. Bouchles, Mechanic Falls, Me., Mary Margaret Boulos, So. Portland, Me., Karin A. Bourne, Cumberland Center, Me.

George N. Bowden, Sebasco Estates, Me., Richard Bowman, Wiscassett, Me., Ruth B. Bowman, Wiscasset, Me., Jean W. Boyce, Lewiston, Me., Wentworth D. Boynton, Jr., Waterville, Me., Susan E. Bradbury, Auburn, Me., Joan Brahmer, Portland, Me., Joseph C. Brannigan, Fairfield, Me., Leslie S. Breen, Lebanon, N.H., Richard F. Breen, Jr., Lebanon, N.H.

Carol Brewster, Manchester, Me., Elizabeth B. Brewster, Kittery Point, Me., Joan R. Brewster, Pleasant Point, Me., George W. W. Brewster, Pleasant Point, Me., Seward Brewster, Manchester. Me., J. L. Briggs, Bass Harbor, Me., Wilma Briggs, Mechanic Falls, Me., Carl A. Brinkman, Gorham, Me., Neal A. Brinnick, Westbrook, Me., Shelly J. Brinnick, Westbrook, Me.

Alfred L. Brodeur, Auburn, Me., Hope Brogrenier, Bangor, Me., Mrs. Harvey Brooks, Freeport, Me., Lawson D. Brooks, Freeport, Me., Robin B. Brooks, Bailey Island, Me., Arthur M. Brown, Lewiston, Me., Barbara K. Brown, Cape Elizabeth, Me., Brian Brown, Bangor, Me., Elizabeth M. Brown, Lewiston, Mo., Fletcher H. Brown, Sr., Cape Elizabeth, Me.

George R. Brown, Norway, Me., Judith Brown, Freeport, Me., Lois E. Brown, Cambridge, Mass., O. Brown, Newport, Me., Oneil A. Brown, Norway, Me., Robert A. Brown, Cape Elizabeth, Me., Mrs. W. R. Brown, Falmouth, Me., Giles Browne, Topsham, Me., Barry H. Browning, Brunswick, Me., James Brune, Portland, Me.

Dorothy Buch, Buckfield, Me., Robert Buckland, Brunswick, Me., Thomas D. Buckley, Waterville, Me., William Buffington, Norway, Me., Paul H. Burditt, Westbrok, Me., Pauline Burditt, Westbrook, Me., Pam Burghart, Lewiston, Me., Joseph A. Burkhart, Jr., Waterville, Me., James E. Burke, Brunswick, Me., T. J. Burke, Brunswick, Me.

Mary Ann Burn, Kittery Point, Me., Paula Burultt, Topsham, Me., Giny Burnham, Brunswick, Me., Raymond Burnham, Portland, Me., Raymond L. Burnham, Bryant Point, Me.

R. Peter Burnham, Portland, Me., James H. Burr, Brunswick, Me., Mike Bushey, Framingham, Mass., Vera W. Buggell, Springvale, Me., Eric A. Bye, Lewiston, Me., George B. Cable, Newcastle, Me., O. H. Cable, Newcastle, Me., David O. Cadigan, East Sullivan, Me., Kenneth Cadigan, Portland, Me., Kathe Cahn, Waterville, Me.

John Callahan, Portland, Me., Betty Campbell, Auburn, Me., Bruce Campbell, Brunswick, Me., Cheryl H. Campbell, Skowhegan, Me., E. Mac Campbell, Brunswick, Me., Greg Carbone, Waterville, Me., Joyce L. Cardan, Augusta, Me., Dan Carey, Houlton, Me., Maurice Carleton, Camden, Me., David R. Carnes, Brunswick, Me.

Dorothy Carpenter, Waterville, Me., Florence M. Carpenter, Hingham, Mass., James Carpenter, Waterville, Me., Janet H. Carper, Cornish, Me., Thomas R. Carper, Cornish, Me., Ellen Carros, Lewiston, Me., Helen P. Carson, Brunswick, Me., R. S. Carson, Brunswick, Me., Marian P. Cartland, Portland, Me., F. W. Carver, So. Portland, Me.

Diane Cary, Falmouth, Me., Paula F. Casey, Lewiston, Me., Lois A. Cash, Portland, Me., Janet Cashin, Orono, Me., Carrie M. Chadbourne, Sanford, Me., Roy Chamberlin, Gorham, Me., Elizabeth Champlin, Northeast Harbor, Me., Arline Chandler, Mechanic Falls, Me., Stuart Chapin, Woolwich, Me., Eileen P. Chapman, Milbridge, Me.

Irene Chase, Westbrook, Me., Richard Chase, Lewiston, Me., Theo Chase, Westbrook, Me., Patrick Chasse, Orono, Me., Valerie Chelonis, Portland, Me., Brian Chernack, York, Me., Kendrick H. Child, Portland, Me., Robert M. Chute, Naples, Me., Virginia Chute, Naples, Me., Susan Ciampa, Lewiston, Me., Charles H. Clapp, Brunswick, Me.

Dan B. Clark, Peaks Island, Me., Jeffrey C. Clark, Lewiston, Me., P. A. Clark, Westbrook, Me., Dorothy Clasby, Quincy, Mass.

Vickery Cleaves, Lewiston, Me., Patricia Clemente, Portland, Me., Matt Clenott, Portland, Me., Stanley Clifford, Deer Isle, Me., Ethel Cliford, Deer Isle, Me., Albert P. Cloutier, Portland, Me., Anthony Cocco, Gorham, Me., Angelyn Coe, Orono, Me., Robert L. Coe, Orono, Me.

Calvert Coggeshall, Newcastle, Me., S. W. Coggeshall, Newcastle, Me., Jim Colburn, Waterville, Me., Alan W. Colby, Waterville, Me., Arlene Colby, No. Windham, Me., Mrs. Alan Cole, Falmouth, Me., Edith Cole, Harrington, Me., Helen M. Cole, Winslow, Me., Janice A. Colley, Hingham, Mass., E. Collins, Hingham, Mass.

Robert E. Collins, Freeport, Me., Stephen B. Comee, Lewiston, Me., Daniel Connell III, Athol, Mass., Phyllis Connell, Athol, Mass., Arthur B. Corner, Cape Elizabeth, Me., Bradford Cook, Bangor, Me., H. M. Cook, Tenants Harbor, Me., Jane Cook, Camden, Me., Kristin Cook, Bangor, Me., Marjorie J. Cook, Tenants Harbor, Me.

Ralph Cook, Camden, Me., Ruth S. Cook, Portland, Me., Steven R. Cook, Bangor, Me., Connie Coombs, Portland, Me., Leyhton Cooney, Sabattus, Me., Michael Corday, Fairfield, Me., Vivian Cote, Orono, Me., Wilbur R. Cote, Dixfield, Me., Richard Coty, Portland, Me., Eugene C. Coughun, Cape Elizabeth, Me.

Clyde H. Cox, Jr., Portland, Me., Evelyn Cox, Portland, Me., Albert E. Crawford, Kittery Pt., Me., Dashiell W. Cripler, Waterville, Me., Loraine P. Crosby, Georgetown, Me., Jeffrey P. Cross, Guilford, Me., Sue Crowl, Kittery Point, Me., Donna M. Crowley, Kennebunk, Me., Edna Crowley, Auburn, Me., Alice E. Cummins, Bowdoinham, Me.

Robert Cummins, Bowdoinham, Me., Carol Ann Cyr, Auburn, Me., Timothy Cyr, Portland, Me., Brenda Rae Daigle, Waterville, Me., John D. Dalahanty, Brunswick, Me., Kenneth Dame, Eliot, Me.

Greg Darling, Brunswick, Me., Paula Davis, Orono, Me., Ronald D. Davis, Oakland, Me., Shirley L. Davis, Oakland, Me., Wendy Davis, Portland, Me., John M. Day, Kezar Falls, Me., William Day, Lewiston, Me., Lawrence De Blois, Camden, Me., Helen Decker, Oxford, Me., B. S. deFrees, No. Rumford, Me.

Jane deFrees, No. Rumford, Me., Werner J. Deiman, Lewiston, Me., Mary DeLorme, Vassalboro, Me., Douglas Dennett, Brunswick, Me., Glenda B. Derbyshire, Brunswick, Me., P. A. Devine, Waterville, Me., Roger W. Dewey, South Portland, Me., Marjorie DeWick, Wiscasset, Me., Michael DeWick, Wiscasset, Me., Nancy C. DeWick, Rumford Center, Me.

Robert E. DeWick, Woolwich, Me., Richard Dexter, Augusta, Me., Vincent A. DiCara, Brunswick, Me., Albert G. Dietrich, Orrington, Me., David Dietrich, Orrington, Me., Mary Louise Dietrich, Orrington, Me., Mary M. Dietrich, Orrington, Me., Charles L. Dignam, Cape Elizabeth, Me., Rosemary A. Dignam, Cape Elizabeth, Me., Barbara E. Dillon, Bar Harbor, Me.

Dana Dimock, Lewiston, Me., Chuck Dinsmore, Brunswick, Me., Carmela DiNunno, Hingham, Mass., D. L. Dionne, Norway, Me., Elaine Dodge, So. Portland, Me., Mrs. J. D. Dole, Honolulu, Hawaii, Charlotte C. Donnell, Sheepscott, Me., Eva M. Downs, Kennebunkport, Me., J. M. Downs, Kennebunkport, Me., Dorothy Doyle, Bangor, Me.

Louis L. Doyle, Bangor, Me., Paul C. Dragon, Bangor, Me., Albert Duclos, Portland, Me., Gloria S. Duclos, Portland, Me., Susan Dudley, Old Orchard Beach, Me., Sylvia Dugeray, Mexico, Me., Donna Duggan, So. Orrington, Me., Paul W. Duggan, So. Orrington, Me., Grace S. Dunbar, Portland, Me., Robert J. Dunfey, Portland, Me.

Sharon Dunlap, Auburn, Me., Antoinette L. Dunn, Poland Springs, Me., Eric A. Duplisea, Bangor, Me., Albert Durinski, Limestone, Me., Mark Durinksi, Limestone, Me.

Pearl Durinski, Limestone, Me., Ruth Durinski, Limestone, Me., O. H. Durrell, Kennebunkport, Me., Zoe C. Durrell, Kennebunkport, Me., J. Raymond Dyer, Wiscassett, Me. Jean R. Dyer, Wiscassett, Me., John B. Eaten Jr., Gray Me., Linda Eberhard, Lewiston, Me., Even E. Edfors, Saco, Me., Florance E. Edfors, Saco, Me.,

Bob Edgerton, Stillwater, Me., Elizabeth Edgerton, Stillwater, Me., Simon P. Edkins, Brunswick, Me., Joyce E. Elliott, Lewiston, Me., Harwood Ellis, Jr., Wiscassett, Me., Margaret A. Ellis, Wiscassett, Me., Calvin C. Elwell, Northport, Me., Jeff D. Emerson, Brunswick, Me., John M. Emery, Ellsworth, Me., James E. Erskine, Springvale, Me.

Lynda Estas, Auburn, Me., Thomas Eurley, Bangor, Me. Lucile Fairbanks, Livermore, Me., Olive Fanin, Boothbay Harbor, Me., Anne Faragher, Bar Harbor, Me., Marlin D. Farnim, Buckfield, Me., Melva M. Farnum, Buckfield, Me., Jocelyn Farr, Prout's Neck, Me., N. C. Fay, Portland, Me., Jacqueline Feartier, Lewiston, Me., Mrs. Harold A. Ferguson, Westbrook, Me., Louise F. Fettinger, Falmouth, Me., Dolores E. Field, Portland, Me., Donald E. Field, Portland, Me., Hilda M. Fife, Kittery, Me., Elizabeth S. Fine, Phippsbury, Me., Carolyn W. Fish, North Windham, Me., Phyllis J. Fish, Jefferson, Me., Lucy Fisher, Lewiston, Me., Deborah Fitton, Waterville, Me.,

Bartley A. Flaherty, Portland, Me., Judy Fleurant, Springvale, Me., John F. Fleurant, Springvale, Me., Joan B. Flynt, Poland, Me., Jane Fogg, Auburn, Me., Hugh Follensbee, Jr., Portland, Me., Wilder Foote, Camden, Me., Jack R. Ford, Orrington, Me., Cynthia Fortier, Fairfield, Me., Dennis Foss, Haverhill, Mass.

Dianne E. Foster, Kennebunk, Me., Joan Foster, Lisbon Falls, Me., Joel E. Foster, Lisbon Falls, Me., Paul R. Foster, Kennebunk, Me., Anna Fredrickson, Bucksport, Me., Charles Fredrickson, Bucksport, Me., Mary Elizabeth Alcorn, Portland, Me., Carl S. Andrews, Skowhegan, Me., Constance D. Andrews, Skowhegan, Me., Spencer Apollonio, Boothbay Harbor, Me., Marguerite Bernstein, Hulls Cove, Me., David Berrill, Van Buren, Me., Martha Biscoe, Orono, Me., Homer Booker, Jonesport, Me., Mrs. Homer Booker, Jonesport, Me., Paul J. Bradeen, Milo, Me.

Muriel K. Branz, Portland, Me., James Breuer, Yarmouth, Me., Patricia Breuer, Yarmouth, Me., Dawn I. Campbell, Portland, Me., Allen Casey, Orono, Me., Dorothy E. Christopher, Portland, Me., Irvin Cohen, Portland, Me., Mrs. Irvin Cohen, Portland, Me., Rebecca L. Cole, Raymond, Me., James F. Connors, Orono, Me.

Mrs. James F. Connors, Orono, Me., Peter W. Cox, Topsham, Me., Philip G. Cushman, Portland, Me., Marian Dwyer, Newcastle, Me., Catherine E. Emond, Lewiston, Me., Robert J. Fenderson, Saco, Me., Martha E. Ferguson, Stow, Mass., Steven Freedman, Orono, Me., Mrs. Steven Freedman, Orono, Me., A. M. Freeman, Bath, Me.

M. D. Freeman, Bath, Me., Grace Frick, Northeast Harbor, Me., Thomas Friedlander, Augusta, Me., Robert Friend III, Goshen, Mass., Theodore Fritsch, Portland, Me., John L. Fuller, Hulls Cover, Me., Ruth P. Fuller, Hulls Cover, Me., Diane Gallagher, Hingham, Mass., Sarah N. Gallagher, Hingham, Mass., David B. Gallup, Orono, Me.

Rae N. Gallup, Orono, Me., Theresa Garnett, Ellsworth, Me., Paul H. Garvin, Portland, Me., Mrs. Eugene Gendron, South Portland, Me., Karen Gerapowicz, Lewiston, Me., Peter Gerken, Waterville, Me., A. Stanley Getchell, Bangor, Me., Carl Ghelson, Cranberry Isles, Me., N. G. Gideon, Portland, Me.

Dianna Ginn, Portland, Me., Roger O. Ginn, Portland, Me., Alice Giovanella, Kezar Falls, Me., R. Giovanella, Kezar Falls, Me.

Gerald Girard, Orono, Me., Mike Girard, Biddeford, Me., Alan Glanville, Orono, Me., Frances Glidden, Wiscasset, Me., E. R. Glines, Norway, Me., Timothy T. Harrington, Rochester, N.Y., Jonathan Glynn, Waterville, Me., Edward S. Godfrey, Portand, Me., Janet P. Godfrey, Bangor, Me., Martin F. Godfrey, Bangor, Me.

Esther M. Gold, Springvale, Me., William Goldstein, Waterville, Me., Margaret K. Gonyea, Sebago Lake, Me., Terry Goodhue, Oakland, Me., Charles Goodman, Lewiston, Me., Eleanor Goodrich, Brunswick, Me., M. Goodrich, Brunswick, Me., Harland Goodwin, Jr., Arono, Me., Virginia Goodwin, Kennebunkport, Me., Peter J. Goranites, Portland, Me.

D. P. Gould, Orono, Me., Judith A. Gould, Springvale, Me., John Grabold, Portland, Me., Gertrude M. Gover, Bangor, Me., Ada Graham, Milbridge, Me., David L. Graham, Freeport, Me., Nymie L. Graham, Freeport, Me., Marion Grandeman, Kennebunkport, Me., Mary Grandeman, Kennebunkport, Me., Francis P. Greane, Bangor, Me.

Al. L. Greason, Jr., Brunswick, Me., Sharon G. Greaves, Portland, Me., W. H. Greaves, Portland, Me., Brian Green, Stillwater, Me., Bruce Greene, Norway, Me., S. Green, Lewiston, Me., Sterling A. Green, Waterville, Me., Paul Gregoire, Augusta, Me., Charles W. Griffin, Waterville, Me., Phyllis Griffin, Portland, Me.

George Griggs, Brunswick, Me., M. J. Groetsch, New Brunswick, N.J., Carolyn Gross, Lisbon, Me., Fanny Guerlain, Camden, Me., Chris Gvinn, Camden, Me., Carleton Gunn, Bangor, Me., Jo Nancy Gunn, Bangor, Me., James M. Gunn., Northeast Harbor, Me., Linda Gurelonis, Lewiston, Me., Larry Haag, Gorham, Me.

Sonia M. Hackey, Waterville, Me., Terry Hadlock, Kezar Falls, Me., Susan Haga, Orrington, Me., F. J. Haigney, Peaks Island, Me., Maria Haigney, Peaks Islands, Me.

Ann Hall, Lewiston, Me., Jeanne Hall, Lewiston, Me., Beverly Hallam, Ogunquit, Me., David J. Halperin, Falmouth, Me., Patricia M. Hamel, Greenville, Me., William F. Hamel, Greenville, Me., Harold Hamilton, Stillwater, Me., Muriel Hamilton, Westbrook, Me., William R. Hamilton, Camden, Me., Cyrus Hamlin, Kennebunk, Me.

Jean B. Hamlin, Kennebunk, Me., Sheryl E. Hamlin, S. Waterford, Me., Richard Handel, Waterville, Me., B. Hanley, Lewiston, Me., Pauline T. Hannaford, Brunswick, Me., Reginald L. Hannaford, Brunswick, Me., W. E. Hannum, Lewiston, Me., Nan Hansell, Camden, Me., Gertrude G. Hansen, Portland, Me., Joan B. Hansen, Portland, Me.

Pauline Hanson, Springvale, Me., Mary Hardwicke, Waterville, Me., D. Hardy, Lewiston, Me., Lona Hardy, Waterville, Me., William P. Hardy, Watersville, Me., Wm. A. Harkins, Topsfield, Me., Bradford D. Harmon, Houlton, Me., Maude Harper, Auburn, Me., James D. Harrington, Orono, Me., Arlene Harris, Lewiston, Me.

Federica Hart, Ogunquit, Me., Patricia Harvey, Orono, Me., Sarah S. Hasbrouck, Orono, Me., Sherman Hasbrouck, Orono, Me., Ethel M. Haskell, Northeast Harbor, Me., Stanley B. Haskell, N. E. Harbor, Me., Chris Hastedt, Scarboro, Me., Charles G. Hatch, Jr., Brunswick, Me., Dorothy Hatch, Scarboro, Me., Robert L. Hatch, Scarboro, Me.

Georgiana Hatstat, Lewiston, Me., Douglas Hayman, Lewiston, Me., Belle Heald, Georgetown, Me., Frank Heald, Georgetown, Me., Kathryn Heald, Georgetown, Me., Stephen Heald, Georgetown, Me., Kathryn G. Heater, S. Freeport, Me., Wm. Thomas Heater, S. Freeport, Me., Michael Heath, Lewiston, Me., Ronald M. Helie, Brunswick, Me.

E. C. Helmreich, Brunswick, Me., L. R. Helmreich, Brunswick, Me., Lloyd N. Henderson, Brunswick, Me., Hug L. Hennedy, Biddeford Pool, Me., Gertrude Hennigar, Springvale, Me.

Linda D. Henry, Portland, Me., Merton G. Henry, Portland, Me., Paul J. Herer, Bangor, Me., Dennis Hermans, Portland, Me., Constance Hersey, Lewiston, Me., Dennis Hett, Hingham, Mass., Clement A. Hiebert, Portland, Me., Barbara Higgins, Waterville, Me., Sandra Higgins, Auburn, Me., Vivian S. Hill, So. Portland, Me.

Henry Hilton, Weld, Me., Francis Hitchcock, Manset, Me., Harold B. Hitchcock, Lewiston, Me., Paul Hitchcock, Manset, Me., Phyllis Hodgkins, Lewiston, Me., Charlotte Hodgman, Wiscasset, Me., Crosby Hodgman, Wiscasset, Me., A. Marion Holmes, Hingham, Mass., Cecil T. Holmes, Brunswick, Me., David N. Holmes, Brunswick, Me.,

Edward M. Holmes, Old Town, Me., Jane M. Holmes, Old Town, Me., Lyman Holmes, Machias, Me., Marion C. Holmes, Brunswick, Me., Rebecca Holmes, Brunswick, Me., Virginia Holmes, Chicago, Ill., Peter Hope, Lincolnville, Me., Jane E. Hopkins, Brunswick, Me., Thomas D. Hopkins, Brunswick, Me., Helen Horigan, Mattapan, Mass.

Daniel C. Horton, Eliot, Me., Peter Houghton, Sebasco Estates, Me., C. Arthur Hover, Sanford, Me., Patricia C. Howard, Newcastle, Me., S. C. Howard, Newcastle, Me., Carlene Howe, Cumberland, Me., David Howe, South Paris, Me., S. R. Howe, Bethel, Me., John N. M. Howells, Kittery Point, Me., Katharine F. Howells, Kittery Point, Me.

Christine T. Howes, Kennebunkport, Me., Robert M. Howes, Kennebunkport, Me., Laura Lee Huchkoff, Waterville, Me., Lou Huckel, Lewiston, Me., Laouise H. Hudson, Waterville, Me., Yaeger Hudson, Waterville, Me. Stephen T. Hughes, Auburn, Me., H. Draper Hunt, South Portland, Me., Nancy Hunter, Orono, Me., Ellen Huntington, Mt. Vernon, Me.,

Whitman Huntington, Mt. Vernon, Me., Harold Hurlbert, Patten, Me., Elizabeth G. Huston, Peaks Island, Me., Robert C. Huston, Peaks Island, Me., Marion O. Hussey, Kennebunkport, Me.

Glenice Hutchins, Falmouth, Me., Kenneth Y. Hutchins, S. W. Harbor, Me., Meredith Hutchins, S. W. Harbor, Me., Mildred W. Hutchins, Springvale, Me., Eva Hutchinson, Auburn, Me., George R. Hutchinson, S. Portland, Me., Cecily Hyams, Brunswick, Me., Ivan J. Hyams, Brunswick Me., Fay Hynd, Cushing, Me., Andy Ingalls, Brunswick, Me.

M. E. Ireland, Boston, Mass., Carleen Irwin, Bangor, Me., Robert E. Ives, Brunswick, Me., Elsie V. Jackson, S. Portland, Me., Elwin Jackson, S. Portland, Me., Nancy Jackson, S. Portland, Me., Stephen Jackson, Cape Elizabeth, Me., Charles A. Jacobs, Dexter, Me., Arthur P. Jacobson, Waterford, Me., Ronald N. Jalbert, Portland, Me.

George R. Jamain, Topsham, Me., Faughn James, Camden, Me., Rick James, Lewiston, Me., Mary C. Jane, Newcastle, Me., Pamela Jaspersohn, Waterville, Me., Mrs. C. Jensen, Portland, Me., Madelene C. Jeppesen, Brunswick, Me., Myron A. Jeppesen, Brunswick, Me., Eric A. Johnson, Hollis, Me., Marjorie S. Johnson Portland, Me.

Philip E. Johnson, Brunswick, Me., Rebecca Johnson, Oakland, Me., R. E. Johnson, Houlton, Me., Robert H. Johnson, Portland, Me., Sharon Johnson, Lewiston, Me., Alan J. Jones, North Windham, Me., Carol J. Jones, North Windham, Me., Esther C. Jones, South China, Me., Ethyl M. Jones, Hingham, Mass., Marion E. Jones, South China, Me.

Miles Jones, Belfast, Me., Mrs. Miles Jones, Belfast, Me., Miliam P. Jones, Deer Isle, Me., P. Jones, Center Lebanon, Me., Peter H. Jones, Portland, Me., Bruce E. Jordan, Brunswick, Me., Henry A. Jordan, Northeast Harbor, Me., Jim Jordan, Hallowell, Me., Mary L. Jordan, Northeast Harbor, Me., Wendy Gilpatrick Joy, Portland, Me.

Susan T. Julavits, Yarmouth, Me., Don Kaiser, Lewiston, Me., Nathan Kaliss, Bar Harbor, Me., Rebecca B. Kaliss, Bar Harbor, Me., Alva Kamulainen, Paris, Me. Roberta L. Kasper, Lewiston, Me., Theresa Kass, Lewiston, Me.

Edward A. Kaustinen, Harrison, Me., Gloria Kaustinen, Harrison, Me., Alan P. Keefe, Springvale, Me., Carrie B. Kelley, East Machias, Me., M. T. Kelley, Portland, Me., Mark Kelley, Brunswick, Me., Aurora Kellman, Springvale, Me., Carol Kellman, Springvale, Me., Wendy Kellman, Springvale, Me., Daryl Keller, Rochester, N.H.

James H. Keller, Portland, Me., Mrs. F. B. Kellogg, Boothbay, Me., Robert Kellogg, Bangor, Me., Mrs. Robert Kellogg, Bangor, Me., J. C. Kelly, Portland, Me., Steve Kelly, W. Hartford, Conn. Anne G. Kempers, Waterville, Me., John Kempers, Waterville, Me., Richard F. Kendall, Dennis, Mass., Eleanor Kenny, Bar Harbor, Me.

John J. Kenny, Bar Harbor, Me., Janet Kenoyer, Winthrop, Me., W. Erik Kesting, W. Scituate, Mass., Donald J. King, Portland, Me., Nan N. Kingsbury, Kennebunk, Me., Theodore O. Kingsbury, Kennebunk, Me., Elmer G. Kittredge, S. Portland, Me., Bonnie Kittredge, Waterville, Me., Helen B. Knapp, Kittery Point, Me., Brian Knowlton, Belfast, Me.

Dorothy S. Knowlton, Brunswick, Me., Robert E. Knowlton, Brunswick, Me., Catherine Knox, Fairfield, Me., John Koons, Oakland, Me., Gordon E. Kulberg, Bangor, Me., Dorothy D. Kurzenknabe, Seal Harbor, Me., Ernest A. Labbe, Jr., Norway, Me., Madeline LaBrecque, Biddeford, Me., Roland A. LaBrecque, Biddeford, Me., Jean La Croix, Westbrook, Me.

Lenore La Croix, Westbrook, Me., Elizabeth R. Lamb, Springvale, Me., D. B. Lamont,

XUM

Vinalhaven, Me., Patti Lane, Portland, Me., Marie Langdon, Orono, Me., Marie Langlois, S. Portland, Me., Caroline Lanier, Eliot, Me., Marilyn Lantery, Lewiston, Me., John Lappen, Lewiston, Me., David N. Larsen, South Portland, Me.

Elaine M. Larsen, South Portland, Me., Carolyn G. Lathbury, Camden, Me., Vincent T. Lathbury, Rockland, Me., Margaret Lauck, Bar Mills, Me., Virginia Laurence, Portland, Me., Ada A. Laurie, Hingham, Mass., Marie R. Katz, Bangor, Me.

Blanche T. Laurie, Hingham, Mass., Joan M. Laurila, East Lansing, Mich., Elsie Lauten, Lewiston, Me., Carl J. Laws, Waterville, Me., Gratia Laws, Waterville, Me., John W. Laws, Waterville, Me., Donn R. Layton, Brownville, Me., Sylvia Leamon, Lewiston, Me., Paula Leathers, Winslow, Me., Ronald Lebel, Auburn, Me.

Bruce E. Leddy, Portland, Me., John D. Leddy, Jr., Portland, Me., Mary F. Lee, Freeport, Me., Roscoe Lee, Jr., Lewiston, Me., Edward P. Legg, Bath, Me., Anne E. Legg, Bath, Me., Ruth H. Leipold, Sanford, Me., Charlotte Leland, Cohasset, Mass., J. N. Lello, Norway, Me., Louise Lennon, Portland, Me.

Eleanor Leo, Waterville, Me., Michael Lerman, Portland, Me., Janet Levinson, Northfield, Minn., Ben Lewando, Ogunquit, Me., Isabel Lewando, Ogunquit, Me., Alan Lewis, Bangor, Me., Joel O. Lewis, Boothbay, Me., Joan T. Libbey, Portland, Me., Norman P. Libbey, Portland, Me., Cheryl Libby, Scarboro, Me.

Douglas C. Libby, Falmouth, Me., Judy Lindahl, Rockport, Me., Nancy S. Link, Tenants Harbor, Me., Betty Lee Lins, Portland, Me., Stephen M. Lipman, Portland, Me., Traute Lippmann, Augusta, Me., W. Lippmann, Augusta, Me., Florence Littlefield, Sanford, Me., Frank Littlefield, Kezar Falls, Me., Roger B. Littlefield, N. Berwick, Me.

Wm. R. Littlefield, Jr., Sanford, Me., Robert A. Loel, Brunswick, Me., M. C. Loizeaux, Vinalhaven, Me., Rosamund Lombard, Lewiston, Me., Leonard Lookner, Freedom, Me., Deborah Lookner, Freedom, Me., Daniel J. Lord, Jr., S. Portland, Me., Leslie R. Lord, Old Town, Me., John Lorence, Cranberry Isles, Me., Laura Barr Lougee, Parsonsfield, Me.

Louise Love, Brunswick, Me., Donald Lovely, Northeast Harbor, Me., Richard C. Law, Jr., Ogunquit, Me., Wilfred A. Lowe, Bryant Pond, Me., Bernard Lowell, Norway, Me.

Donald Grey Lowry, Falmouth, Me., Lois Lowry, Falmouth, Me., Jon A. Lund, Augusta, Me., Cassandra M. Lutts, Kittery Point, Me., Guy Lyons, South Windham, Me., Elizabeth Mabrand, Portland, Me., Mrs. Ian MacInnes, Bangor, Me., Jeff McDougal, Portland, Me., Norma MacDougal, Portland, Me., Donald Mackay, Portland, Me.

Mary A. MacKay, Springvale, Me., Selma Mackie, Hingham, Mass., Wade Mackie, Hingham, Mass., Frank MacKinnon, Topsham, Me., Mary MacKinnon, Topsham, Me., Bonnie MacLean, Bangor, Me., Mark MacLean, Portland, Me., Nancy MacLean, Lewistown, Me., Neil MacLean, Bangor, Me., William C. Madden, Waterville, Me.

L. A. R. Maher, Biddeford Pool, Me., Hugh MacMahon, Falmouth, Me., Thomas M. Malley, Orono, Me., Jane H. Malme, Hingham, Mass., Jean Mangini, Falmouth, Me., Winifred Mann, Southwest Harbor, Me., Judith A. Marden, Minot, Me., James Markos, Jr., Ellsworth, Me., Joan Marks, Waterville, Me., Stephen R. Marks, Waterville, Me.

Katharine F. Marshall, Bangor, Me., Ken Marshall, Portland, Me., Rita Martin, Lewiston, Me., Robert L. Martin, Farmington, Me., Linda Martocchio, Lewiston, Me., Harriet Matthews, Waterville, Me., M. K. Matzen, Lewiston, Me., Wayne A. Mayo, Brunswick, Me.

Florence McAlister, Lewiston, Me., M. P. McArdle IV, Mt. Vernon, Me., F. J. McCarthy, Jr., Portland, Me., Suzanne McCarthy, Camden, Me., Barbara McCleave, Orono, Me., James McCleave, Orono, Me., Joe F. McClurken, Croton, N.Y., A. P. McCoy, South Portland, Me., Margaret K. McDonald, Boothbay, Me.

Paul MacDonald, Boothday, Me., Martha R. McDowell, Orono, Me., Philip E. McDowell, Orono, Me., C. Douglas, McGee, South Freeport, Me., Douglas R. McGee, South Freeport, Me., Lawrence McGee, Northeast Harbor, Me., Marcia McGee, Northeast Harbor, Me., Mary B. McGee, South Freeport, Me.

Rose A. McGee, South Freeport, Me., Patricia McGillicuddy, Houlton, Me., J. H. McGrath Sr., Brunswick, Me., Daniel E. McGuillen, South Windham, Me., Gregory H. McIntyre, Cape Elizabeth, Me., Robert McIntyre, Gorham, Me., A. McKeen, Harrison, Me., A. O. McKeen, Winterport, Me., E. F. McKeen, Winterport, Me., Nicholas J. McKenney, S. Windham, Me.

Gael McKibben, Portland, Me., R. McKibben, Portland, Me., G. McKruger, S. Harpswell, Me., Lynn McMillan, Woodcliff Lake, N. J., Winnie McMorrow, Poland Spring, Me., Katharine McNear, Leeds, Me., Nancy McNinch, Portland, Me., Jerry McNinch, Portland, Me., Bruce W. McQuaid, Dover, N.H., Mrs. Bruce McQuaid, Dover, N. H.

Margaret McQuaid, N. Edgecomb, Me., Frank McQuaid, N. Edgecomb, Me., Robert K. McWilliam, Lewiston, Me., Abbott Meader, Oakland, Me., Nancy Meader, Oakland, Me., John Medeira, Brunswick, Me., Robert Merchant, Lincoln Center, Me., Kurtis Meredith, Portland, Me., Gary Merrill, Falmouth Foreside, Me., Jerry M. Merrill, Cape Elizabeth, Me.

Francis S. Merritt, Deer Isle, Me., Priscilla H. Merritt, Deer Isle, Me., George D. Mesirtz, Waterville, Me. Janet Michaud, South Portland, Me., Herman Michelson, Westport, Me., Naomi Michelson, Westport, Me., Antoinette J. Mike, Portland, Me., Henry N. Milburn, Falmouth Foreside, Me., Christine R. Millar, Portland, Me., Elinor Miller, Waterville, Me.,

Eva M. Miller, Portland, Me., Florence Miller, Orrington, Me., Lewis Miller, Roslindale, Mass., Waldo B. Miller, Orrington, Me., Grace Mills, Auburn, Me., Edward Minister, Brunswick, Me., Kristina Minister, Brunswick, Me., Paul R. Minton, Cumberland Ctr. Me., Sally W. Minton, Cumberland Ctr. Me., Joanie Mitchell, Lewiston, Me.

Michael Moffat, Freedom, Me., Rhia Moffat, Freedom, Me., Richard W. Moll, Brunswick, Me., Anne S. Molloy, Bucks Harbor, Me., Paul S. Molloy, Bucks Harbor, Me.

Bob Moran, Westbrook, Me., Frederick Morgan, East Blue Hill, Me., Paula Dietz Morgan, East Blue Hill, Me., Barbara W. Moriarty, Auburn, Me., Steve Moriarty, Auburn, Me., Suzanne Morin, Sanford, Me., Cassandra Moros, Old Town, Me., J. Moros, Old Town, Me., Nancy Morrell, Brunswick, Me., Robert Morrell, Brunswick, Me.

James T. Morris, South Eliot, Me., Sara E. Morris, South Eliot, Me., K. M. Morrison, Millinocket, Me., Robert J. Morrison, Old Orchard B. Me., Helen I. Morse, Waterford, Me., Marian L. Morse, Falmouth, Me., Susan Morse, New Gloucester, Me., Wilson Morse, Waterford, Me., Thomas F. Moser, New Gloucester, Me., Larry Moskowitz, Scarboro, Me.

Denzil Mosteller, Eliot, Me., Willard R. Moulton, Sebago Lake, Me., Hallie Muldoon, Portland, Me., S. Muldoon, Portland. Me., Mara L. Mulligan, Sheepscott, Me., Tom Munson, Waterville. Me., Ralph Murdock, Norway, Me., Constance Murray, Cape Elizabeth, Me., Jerry R. Murray, Orono, Me., Peter Murray, Lewiston, Me.

Susan Murray, Orono, Me., Stephen Muskie, Orono, Me., Robert J. Muzzy, Portland, Me., Jerome Nadelhaft, Bangor, Me., Ruth Nadelhaft, Bangor, Me., Carol A. Nason, Portland, Me., Helen Nearing, Harborside, Me., Scott Nearing, Harborside, Me., John W. Neff, Orono, Me., Bruce Nelson, East Boothbay, Me.

David Nelson, Lewiston, Me., Jack Nelson, Spruce Head, Me., Jean Nelson, East Boothbay, Me., Margaret Nelson, Spruce Head, Me., Mildred Nelson, Portland, Me., Pauline Nelson, Brunswick, Me., Selma Nelson, Lewiston, Me., Stephen C. Nelson, Lewiston, Me., Thomas F. Nemec, Chicago, Ill., Philip Nesbit, Orono, Me.

Mrs. Philip Nesbit, Orono, Me., David Neufeld, Spring Valley, N.Y., Grace Nevens, Damariscotta, Me., Irene Nevers, Norway, Me., Janice Nichols, Auburn, Me.

Susan D. Nichols, Bar Harbor, Me., Mary L. Niles, Hingham, Mass., Linda H. Nixon, Orono, Me., John O. Noble, Jr., Stillwater, Me., Diane K. Nolan, Portland, Me., Jeri Norris, Lewiston, Me., Caroline B. Norwood, Tenants Har., Me., Ronald N. Nowell, York Beach, Me., Jacqueline Nowell, York Beach, Me., Anne Noyes, Portland, Me.

Ted. Noyes, Portland, Me., M. Nuernberger, York, Me., Tyrone Nugent, Camden, Me., Elizabeth J. Nute, Rockland, Me., Margaret K. O'Brien, Waterville, Me., Ryszard Obuchowicz, Brighton, Mass., Tom O'Donnell, Westbrook, Me., T. E. O'Flaherty, Jr., Fortunes Rocks, Phyllis Ogrodnik, Lewiston, Me., O. Jerry Oleson, North Bridgton, Me.

Patricia Oliver, Brunswick, Me., Randy O'Neal, Lewiston, Me., Tomas M. O'Neil, Portland, Me., Ivan C. Orcutt, Sheepscott, Me., Laura L. Orcutt, Sheepscott, Me., Martha O'Shea, Lewiston, Me., David O. Ostrom, Portland, Me., Candace Otterson, Harrison, Me., Mark Otterson, Harrison, Me., Lynne Page, Lewiston, Me.

Sheila Paine, Seal Cove, Me., Joanne E. Painter, Portland, Me., John W. Painter, Portland, Me., Stephen Palmer, Portland, Me., Fred J. Parent, Lewiston, Me., Maxene L. Parent, Lewiston, Me., Pamela L. Parent, Lewiston, Me., Dorothy Parker, Lewiston, Me., Lucinda R. Parker, Cape Elizabeth, Me., Jennie M. Parkinson, Camden, Me.

Linda Parlin, Framingham, Mass., Maurice G. Parlin, Jefferson, Me., Scott Parlin, North Berwick, Me., Grace Passano, Staten Island, N.Y., Frederick W. Patch, Kennebunk, Me., Ann S. Paul, S. Windham, Me., Joseph Pavline, Portland, Me., Bradford C. Payne, Southwest Harbor, Me., Amy Payson, South Thomaston, Me., Harold C. Payson, Falmouth, Me.

Harold H. Payson, South Thomaston, Me., Jim Payson, Portland, Me., William A. Peabody, Brunswick, Me., Pamela Pearson, Poland Spring, Me., Howard F. Peckworth, Richmond, Me.

Mrs. Howard F. Peckworth, Richmond, Me., Ellen Peirce, Searsport, Me., Karen Peirce, Searsport, Me., Constance Peirce, Kittery Point, Me., Victor J. Palosi, Jr., Portland, Me., Oliver H. P. Pepper, Somesville, Me., Pamela Pepper, Somesville, Me., Sue Percival, Orono, Me., Paul Perez, Vassalboro, Me., Mrs. Paul Perez, Vassalboro, Me.

Beatrice Perkins, Portland, Me., June F. Perkins, Springvale, Me., Arthur R. Perrin, Jr., So. Windham, Me., Chris Perrin, So. Windham, Me., Janet Perrin, So. Windham, Me., Maidli Perrin, So. Windham, Me., Mazie Perry, Livermore Falls, Me., Rita Perry, Kittery Point, Me., Stephen M. Perry, Augusta, Me., Ted. Perry, Livermore Falls, Me.

Tom Perry, Portland, Me., Charles A. D. Peters, Portland, Me., Carl Petersen, Gorham, Me., Mrs. Carl Peterson, Gorham, Me., Donald W. Peterson, Portland, Me., Jane L. Peterson, Portland, Me., Charlene B. Petrucelli, Cape Eliz., Me., Gerald F. Petrucelli, Cape Eliz., Me., Paul H. Pfeiffer, Waterville, Me., Valerie O. Pfeiffer, Waterville, Me.

Gregory Phelan, Brunswick, Me., Leona Phelan, Brunswick, Me., Harriet Philbrick, York, Me., Margaret D. Philbrick, Falmouth, Me., Richard Philbrick, York, Me., Bob Philbrook, Portland, Me., Vandra Philbrook, Portland, Me., Augustus D. Phillips, No. East Harb., Me., Mary Phillips, N. E. Harbor, Me., John Philson, Waterville, Me.

John W. Pickering, Orono, Me., Marysue Pickering, Orono, Me., Ferrar R. Pierce, Springvale, Me., D. C. Pierson, Manchester, Conn., Kaine Piirainen, South Paris, Me., Richard W. Pinansky, Portland, Me., Duane Pinkham, Boothbay Harbor, Me., Walter N. Plaut, Jr., Brunswick, Me., David Plimpton, Cape Elizabeth, Me., Paul Poikonen, East Waterford, Me.

A. Ploks, Westport, Me., Janice P. Plunkett, So. Portland, Me., Adrian E. Pols, Brunswick, Me., Edward Pols, Brunswick, Me., Eileen Pols, Brunswick, Me.

Terrill Pollman, Wickenburgia, Ariz., Pauline N. Polstein, Augusta, Me., Anne Pomroy, Hancock, Me., Edris Porter, Buckfield, Me., Frances E. Porter, Buckfield, Me., Arnold Potter, Portland, Me., Dale Potter, Portland, Me., Esther E. Prosser, Falmouth, Me., Gerta Prosser, Camden, Me., William H. Prosser, Camden, Me.

William R. Prosser, Falmouth, Me., Clarence M. Purington, Brunswick, Me., Ruth Putnam, Kittery Point, Me., Marjorie Marsh Quigg, Bangor, Me., Paul H. Quigg, Bangor, Me., Marlis Quimby, Portland, Me., Lin Rafuse, Crono, Me., Lucy E. Ragan, Livermore Falls, Me., Lawrence Rakovan, Brunswick, Me., G. Rand, Portland, Me.

John A. Rand, Lewiston, Me., Thelma Rand, Portland, Me., Carrie H. Rane, Bangor, Me., Helen M. Ranlett, Bangor, Me., L. Felix Ranlett, Bangor, Me., Frances Ray, Auburn Me., Helen W. Ray, Cape Elizabeth, Me., Roger R. Ray, Cape Elizabeth, Me., Helen E. Rayer, Cushing, Me., Ronald J. Rayer, Cushing, Me.,

David Rayfield, Defiance, Ohio, Marilyn Rayfield, Defiance, Ohio, Cheryl Read, Allston, Mass., Pat Reardon, Yarmouth, Me., Freeland Record, Norway, Me., James Redwine, Brunswick, Me., Andrew Reicher, Brunswick, Me., Walter Reitz, Brunswick, Me., Fred Relis, Bronx, N.Y., Ginny Remeika, Lewiston, Me.

A. Charles Remmel, Portland, Me., Kathleen Remmel, Portland, Me., Emily Renaud, Lewiston, Me., Abby Rich, Hampden, Me., Gary Rich, Hampden, Me., Daniel J. Richard, Camden, Me., Margaret Richard, Orono, Me., F. Richards, Lewiston, Me., Mary T. Richards, East Sullivan, Me., Virginia Richardson, Scarboro, Me.

Selah Richmond, So. Portland, Me., Linda Ridley, Topsham, Me., Anne Rieder, Portland, Me., Ann S. Riley, Brunswick, Me., Ellen Riley, Carlisle, Pa.

Joanna Riley, Brunswick, Me., Matthew Riley, Brunswick, Me., Loretta A. Rittle, Brunswick, Me., Robert H. Rittle, Brunswick, Me., Frances K. Ritter, Lewiston, Me., Paul Roach, Bangor, Me., Jeanne Robbins, Machias, Me., Bruce Roberts, So. Portland, Me., Bruce W. Roberts, Winterport, Me., Mrs. Bruce W. Roberts, Winterport, Me.

James Roberts, Portland, Me., Ruth Roberts, So. Portland, Me., Carol Robinson, Hingham, Mass., Marian Robinson, Warren, Me., Regina Rodrigue, Waterville, Me., Roger Rodrigue, Waterville, Me., David P. Rogers, Lewiston, Me., Olivia Rogers, Portland, Me., Karen Rohnbachen, Princeton Jct., N.J., John Romanyshyn, Portland, Me.

Annie Romanyshyn, Portland, Me., James J. Ronan, Biddeford Pool, Me., Pauline Root, Brunswick, Me., Robert D. Rosenbaum, Lewiston, Me., Marvin Rosenblum, East Boothbay, Me., Jack C. Ross, Tampa, Fla., David B. Roth, Vinalhaven, Me., Lucy Roth, Vinalhaven, Me., Helen S. Rowe, Springvale, Me., Margaret Rowe, Sebago Lake, Me.

Deborah Roy, Lewiston, Me., Rick Rudolph, Springvale, Me., Dexter Rumsey, East Boothbay, Me., Kathryn Rumsey, East Boothbay, Me., Roger Rush, So. Portland, Me., Elizabeth S. Russell, Bar Harbor, Me., Bette Saleebey, Bangor, Me., Michael Saleebey, Bangor, Me., Donna Salisbury, Steuben, Me., Christopher B. Sample, Boothbay Harb., Me.

Shirley Sampson, Portland, Me., Armand J. Samson, Lewiston, Me., Steve Sanders, Gardner, Me., Elwin M. Sapiel, Bangor, Me., J. Sardone, Columbia, Conn., L. Sargent, Kezar Falls, Me., Richard Sargent, Bangor, Me., Hugh C. Saunders, South Freeport, Me., Katharine L. Savage, Northeast Harbor, Me., Richard M. Savage, Northeast Harbor, Me.

J. E. Sawyer, Augusta, Me., Timothy J. Sayh, Portland, Me., Carole Scannel, Lewiston, Me., William Scarlett, Castine, Me., Eberhard W. Schmidt, North Edgecomb, Me.

Loraine B. Schmidt, N. Edgecomb, Me., Mrs. Elliott Schwartz, Brunswick, Me., Alice Seaward, Kittery Point, Me., Cheryl Seaward, Lewiston, Me., J. L. Seeley, North Berwick, Me., Suzanne Selig, Orono, Me., Gladys Setford, Minot, Me., Betsey Shaffer, Bangor, Me., Jonathan Sharlin, Springvale, Me., Louise Sharp, Camden, Me.

Kip Shaw, Athol, Mass., Charlene R. Shepard, Ellsworth, Me., L. A. Sheridan, Newport, Me., Paul Sheridan, Mattapan, Mass., Pierre Shevenell, Portland, Me., Stell Shevis, Camden, Me., W. A. Shevis, Camden, Me., Richard Shippee, Waterville, Me., Bruce E. Shotland, Houlton, Me., Clarice Shur, Portland, Me.

Freda P. Signer, Camden, Me., Leah Siebert, Springvale, Me., Allan J. Silberger, Brunswick, Me., John W. Sims, Camden, Me., Hazel Sinclair, Kittery Point, Me., Arthur Skop, Kennebunkport, Me., Dorothy Small, Portland, Me., Ruth Small, Lewiston, Me., Mary-Leigh Smart, Ogunquit, Me., Anila Smith, Waterville, Me.,

Anna Smith, Leeds, Me., Barbara H. Smith, Augusta, Me., Bruce Smith, Leeds, Me., Elizabeth F. Smith, Houlton, Me., Gary Smith, Augusta, Me., Gary V. Smith, Houlton, Me., Louise S. Smith, Waterville, Me., Roy R. Smith, Norway, Me., Susan Smith, Swans Island, Me., Teresa Smith, Gray, Me.,

Rhoda C. Snell, Bar Harbor, Me., Gail D. Snow, Freeport, Me., Nancy Lee Snow, Falmouth, Me., Robert P. Snow, Freeport, Me., Mary E. Snyder, Orono, Me., Monica H. Snyder, Kittery, Me., Virginia A. Snyder, Sabattus, Me., William H. Snyder, Kittery, Me., John Sobel, Rockville Centre, N.Y., Barbara Sommer, Cunberland Fores., Me.

Caroline Southall, Yarmouth, Me., Bradford Spear, Lewiston, Me., Hilda Spencer, Belfast, Me., Anne Sperry, Newcastle, Me., Herbert S. Sperry, Newcastle, Me.

Barbara J. Spiegelburg, E. Vassalboro, Me., Bruce Spiegelburg, E. Vassalboro, Me., La Rue Spiker, Southeast Harbor, Me., Marjorie Spock, East Sullivan, Me., Russell Sprague, West Baldwin, Me., F. N. Springsteel, Brunswick, Me., Karen Springsteel, Brunswick, Me., A. Staires, Lewiston, Me., A. H. Stanley, Southwest Harbor, Me., Elizabeth Stanley, South China, Me.

Lula M. Stanley, Northeast Harbor, Me., Woodbury A. Stanley, Northeast Harbor, Me., Charles C. Staples, Springvale, Me., Bessie A. Staples, Springvale, Me., Claire Staples, Orono, Me., T. S. Staples, Orono, Me., Andrej Starkis, Waterville, Me., Cody Stearns, Freeport, Me., L. C. Stearns, Freeport, Me., Mrs. L. C. Stearns, Freeport, Me.

Robert A Stebbens, King of Prussia, Pa., Caroline Steinman, Portland, Me., R. Steinman, Portland, Me., Richard Stern, New York, N.Y., David G. Stevens, Bangor, Me., William Stevenson, Waterville, Me., Arlene R. Steward, Norway, Me., Elliott Steward, Norway, Me., D. L. Stofle, Sebasco Estates, Me., James W. Stone, Orono, Me.

J. Stone, Norway, Me., Marcia Stone, Orono, Me., T. H. Stone, Norway, Me., Jean Streeter, Lewiston, Me., Ashley Streetman, Brunswick, Me., Barbara Streetman, Brunswick, Me., L. N. Stuart, Newport, Me., Michelle Stuckey, Portland, Me., Susan Stump, Thomaston, Me., Carol W. Suitor, Raymond, Me.

John H. Suitor, Jr., Raymond, Me., Mary Sullivan, Camden, Me., J. L. Sweet, Brunswick, Me., Nancy Syme, Camden, Me., Grace Tagliabue, Lewiston, Me., John Tagliabue, Lewiston, Me., J. Talbot, Northeast Harbor, Me., Lucinda Talbot, Northeast Harbor, Me., Tim Talbot, Portland, Me., D. Talley, Norway, Me.

Phyllis R. Talley, Orono, Me., Samuel Talley, Orono, Me., Edward Tansey, Fairfield, Me., Richard E. Tauck, Bar Mills, Me., Nancy Tavelli, Lewiston, Me.

Linda Bufano, San Francisco, Cal., Clyde Greenfield Cooper, San Francisco, Cal., Carol Cravens, San Francisco, Cal., Jane Edgenton, Oakland, Cal., Julia Ellis, San Francisco, Cal., Christie Hakim, San Francisco, Cal., Judith Halstead, San Francisco, Cal., Anne Irving, San Francisco, Cal., Christopher Jackson, San Francisco, Cal., Edith Jones, San Francisco, Cal.

Barbara Kane, San Francisco, Cal., Angela Littlefield, San Francisco, Cal., Anna Love, San Francisco, Cal., Luana Meacham, San Francisco, Cal., Susan E. Miller, Oakland, Cal., David H. Miltstone, San Francisco, Cal., Anne Lise Mitchell, San Francisco, Cal., Harriet T. Parsons, San Francisco, Cal., Susan Porterfield, San Francisco, Cal., Thelma Prichard, Greenbrae, Cal.

James Ramsey, San Francisco, Cal., Virginia Riggs, San Bruno, Cal., Elizabeth W. Rogers, San Francisco, Cal., Luella K. Sawyer, Mill Valley, Cal., J. D. Schaa, San Francisco, Cal., Ada E. Schwartz, San Francisco, Cal., Janet M. Stake, San Francisco, Cal., Elizabeth Taylor, San Francisco, Cal., Eugene E. Taylor, San Francisco, Cal., Thomas R. Vandenburgh, San Francisco, Cal.

Colburn S. Wilbur, Palo Alto, Cal., Earl R. Taylor, Brunswick, Me., R. Taylor, Northeast Harbor, Me., Stephen Taylor, Ogunquit, Me., J. Temple, Williamantic, Conn., Janet R. TenBroeck, Bar Harbor, Me., Marion Tenney, Livermore Falls, Me., Harold D. Thaler, East Lansing, Mich., Dorothy Thaxter, Kittery Point, Me., Rosamond Thaxter, Kittery Point, Me.

Ann Theberge, Lewiston, Me., Corice W. Therrien, Biddeford, Me., Ernest R. Therrien, Biddeford, Me., Paul R. Therrien, Portland, Me., Roy Thibeault, Norway, Me., Stephen Thibeault, Lewiston, Me., Philip Thibodeau, Orono, Me., Doris Thomas, Lincolnville, Me., Ethel Thomas, Northeast Harbor, Me., Joseph B. Thomas IV, Northeast Harbor, Me.

Ralph Thomas, Norway, Me., Dorothy E. Thombs, Standish, Me., Doreen Thompson, Portland, Me., Helen Thompson, North Jonesport, Me., Jeffrey Thompson, Sea Cliff, N.Y.

A. Thurston, Norway, Me., Lois M. Thurston,, Wiscasset, Me., Dana F. Thurlow, Brunswick, Me., Harold Thurlow, Bangor, Me., Theresa Thurlow, Bangor, Me., William Thurlow, Brunswick, Me., Sherry Thyng, Waterboro, Me., Sheila Tibbetts, Readville, Me., Jim Tierney, Portland, Me., Joel Tilley, Orono, Me.

Lura Titcomb, Augusta, Me., C. Toal, Portland, Me., Elizabeth C. Todrank, Waterville, Me., Mildred Tonge, Gardiner, Me., John G. Toner, South Portland, Me., Hazel D. Town, Peaks Island, Me., Peter Towne, Norway, Me., David E. Traister, Waterville, Me., Donald E. Trammel, East Lansing, Mich. Claudia Treadwell, West Buxton, Me.

David Trider, Leeds, Me., Nancy L. Trider, Leeds, Me., E. L. Tripp, Newport, Me., Karen True, Bangor, Me., James D. Tuck, Boston, Mass., Gerard M. J. Tucker, Lewiston, Me., Joanne Tulonen, Lewiston, Me., B. Twitchell, Auburn, Me., Terry Lee Vance, Portland, Me., Karen L. Van Pelt, Ellsworth, Me.

Maureen Vaughan, Waterville, Me., Merle B. Veigle, Yarmouth, Me., Sheila Verrill, Manchester, Me., Virginia Verrill, Springvale, Me., Barbara S. Vickers, Portland, Me., Dennis Vickers, Portland, Me., Fred D. Voelker, Jr., Ellsworth, Me., Aimee Von Huene, Brunswick, Me., Charles E. Wadsworth, Cranberry Isles, Me., Jean G. Wadsworth, Cranberry Isles, Me.

Diane E. Walas, Bangor, Me., John A. Wales, Bangor, Me., W. Bennett Walbridge, Brunswick, Me., Charlotte M. Walker, Falmouth Foreside, Me., Donna Walker, Auburn, Me., K. B. Walker, Falmouth Foreside, Me., Sally Walker, Cape Elizabeth, Me., Thomas S. Walker, Melrose, Mass., Pearle A. Wall, Tenants Harbor, Me., Michael H. Walsh, Brunswick, Me.

Sharon J. Walton, Gray, Me., Ann Ward, Lewiston, Me., Karen Ward, Lewiston, Me., Edith N. Ware, Portland, Me., Kathleen Washburn, Orrington, Me.

Robert Washburn, Orrington, Me., Rosa-lind Wasserman, Waterville, Me., Ann Watson, Marion, Mass., Richard Watson, Freeport, Me., Herbert Watson, Norway, Me., Lea Watson, Freeport, Me., Sharon Watson, Freeport, Me., Bobbye N. Weaver, Orono, Me., Donna Webber, Waterville, Me., Faye Webber, Portland, Me.

Charles Webster, Brunswick, Me., Cliff Webster, Brunswick, Me., Claire Weeks, Portland, Me., Paul L. Weeks, Preque Isle, Me., Beatrice Wehmeyer, Cape Elizabeth, Me., Robert Wehmeyer, Cape Elizabeth, Me., Eric M. Weis, Brunswick, Me., Ted Weissman, Waterville, Me., W. Harper Welch, Portland, Me., M. Wentworth, Kennebunkport, Me.

Stacy H. Wentworth, Kennebunkport, Me., Elsa West, Cape Elizabeth, Me., Martha West, Cape Elizabeth, Me., Robert G. West, Lewiston, Me., Ginia Davis Wexler, East Sullivan, Me., Arthur Wenster, Orono, Me., Helen L. Wheeler, Portland, Me., Maryjane White, Portland, Me., Jon Whitman, Falmouth, Me., Elsbeth Whitten, Bar Harbor, Me.

Jane Whitten, Bar Harbor, Me., Penny Whitten, Bar Harbor, Me., Don Wiener, Lewiston, Me., Evelyn W. Wiesner, Oxford, Me., Ella H. Wight, Pittsfield, Me., Nelson G. Wight, Pittsfield, Me., Florence Wider, Ashville, Me., Paul Wiley, Brunswick, Me., Barbara L. Wilkinson, Portland, Me., Raymond B. Anderson, Bangor, Me.

Andrew Banning, Bangor, Me., Clarice M. Bowman, Bangor, Me., Kenneth C. Brookes, Bangor, Me., Gary Chamberlain, Searsport, Me., Walter L. Cook, Bangor, Me., Clifton G. Davis, Bangor, Me., L. J. Van Durlin, Bangor, Me., Harold Farkas, Bangor, Me., Susan C. Farkas, Bangor, Me.

Laurel Greenwood, Bangor, Me., Windsor Haskell, Temple, Me., Marshall B. Hughes, Bangor, Me., Michael E. Jones, Bangor, Me.

Ralph H. Wilkinson, Portland, Me., Addris I. Willard, Sanford, Me., George S. Willard, Sanford, Me., Helen G. Williams, Damariscotta, Me., Albert E. Willis, Oxford, Me., Ruth A. Willis, Oxford, Me., Bruce Wilson, Lewiston, Me., Dorothy C. Wilson, Orono, Me., Elwin L. Wilson, Orono, Me., J. R. Wilson, East Holden, Me.

Peter Wilson, Brunswick, Me., John D. Wing, Lewiston, Me., Mark Winne, Lewiston, Me., Delmar Wise, Houlton, Me., Hope Wise, Houlton, Me., Jerry J. Wisecarner, Bangor, Me., Ronald B. Wisecarner, Bangor, Me., Kendall Witham, East Sullivan, Me., Elaine Witham, East Sullivan, Me., Frederick B. Wolf, Portland, Me.

Helen J. Wolfhagen, Orono, Me., James L. Wolfhagen, Orono, Me., Esther E. Wood, Gorham, Me., F. R. Wood, Scarboro, Me., Matthew A. Wood, South Portland, Me., Barbara C. Woodbury, Portland, Me., Wendy Woodcock, Lewiston, Me., Linda Woodside, Waterville, Me., Richard J. Wright, Lewiston, Me., Robin Wright, Lewiston, Me.

Lydia S. Yauck, De Kalb, Ill., Paul Yeargans, New York, N.Y., Burnham Young, Camden, Me., William C. Young, Jr., Sebasco Estates, Me., Marguerite Yourcenar, Northeast Harbor, Me., R. Warwick Zeamer, Brunswick, Me., Mark D. Zeichner, Teaneck, N.J., Bernadine A. Ziemke, Springvale, Me., Stephen Jay Zimmer, Orono, Me., Lary E. Kalp, Bangor, Me.,

Saul E. Katz, Bangor, Me., Harold Lloyd, Bangor, Me., Evan Neil Reilly, Bangor, Me., Dave McLeod, Bangor, Me., Keith G. Peterson, Bangor, Me., Evans Neil Reilly, Bangor, Me., Bradley Ryant, Bangor, Me., Sam Sampson, Bangor, Me., David C. Stillman, Bangor, Me

Ansley C. Throckmorton, Bangor, Me., George R. Tyson, Bangor, Me., Francis C. Ultsch, Bangor, Me., Dwight L. Wilson, Bangor, Me.

Robert E. Maygerf, Bucyrus, Ohio, Nancy M. P. Bell, Orono, Me., Paula P. Aiubn, Philadelphia, Pa., Deborah C. Rathbun, Bangor, Me., Jay P. McCloskey, Bangor, Me., David Morgan, Andover, Mass., William A. Joy, Ellsworth, Me., Mary Totman, Topsham, Me., Westoy Gerry, Lincoln, Me., Kathleen Moura, Rangeby, Me.

John Nickless, Hampden, Me., Rosemarie Campbell, Brewer, Me., Wm. G. Yerga II, Bridgewater, Me., Katherine Laman, Orono, Sandra L. Speaven, Bangor, Me., Betsy Spruce, Milford, Me., Laurie Meisheimer, Plattsburgh, N.Y., James A. Simpson, Fairfield, Me., Jo Anne Dauphine, Bangor, Me., Bernice M. Singer, Cape Elizabeth, Me., Daniel Singer, Cape Elizabeth, Me.

Debbie Wincherysaw, Friendship, Me., G. M. Palmer, Jr., Bangor, Me., Laurence V. Hills, Waldoboro, Me., Barbara Abbey, Orono, Me., Karen Manchester, Orono, Me., John A. Steenstra, W. Concord, Mass., Sharon Parker, Fort Fairfield, Me., Franz Martin, Locke Mills, Me., E. Lyle Flynn, Jr., South Portland, Me.

Edward H. Reid, Rockland, Me., Catherine Palmer, Andover, Mass., Roberta Robinson, Northeast Harbor, Mass., Ann Nerrefield, Seaford, Me., Dan Sergent, Bangor, Me., Tom Cassey, No. Anson, Me., Rae S. Coasins, North Harbor, Me., Bill Eames, Bethel, Me., Robert Krummona, Sidney, Me., Remigins Jimenas, Port Clyde, Me., John Smith, Plattsburgh, N.Y., Ormar Hines, Brunswick, Me., J. Entwisth, Owls Head, Me., J. Brown, Hamden, Conn., D. Morgan, Andover, Mass., Walter Bugaz, Teaneck, N.J.

Joel Tilley, North Haven, Conn.; Steve R. Wheaton, Bar Harbor, Me.; Cecil N. Collins, St. Agatha, Me.; Louise Chamberland, St. Agatha, Me.; Dwight Hines, Bangor, Me.; Ontly L. Redzt, Bangor, Me.; Rosemary Warren, Reading, Mass.; Karen J. Edwards, Salem, Mass.; Allan Rodway, Portland, Me.; Thomas James, Newcastle, Me.; Jane Rush, Houlton, Me.; Debbie Lane, Queens, N.Y.; R. Bennett, Bangor, Me.; Janice Bailey, Bangor, Me.; Catherine Henderson, McLean, Va.; Carolyn Thomson, Byfield, Mass.

Mr. President, I wish to thank the distinguished Senator from Washington for yielding his place to me.

Mr. JACKSON. I thank the able Senator from Maine for the expeditious way in which he moved in connection with his remarks.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17711) to amend the District of Columbia Cooperative Association Act.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Washington is recognized for 40 minutes.

THE ABM AUTHORIZATION DEBATE

Mr. JACKSON. Mr. President, in recent weeks there has emerged out of the seemingly endless technical dispute over Safeguard, an argument that the New York Times has referred to as "the principal technical argument of the ABM opposition." The argument I have in mind is one that many Senators will recognize immediately, so great is the prominence it has been given by the opponents to Safeguard in the case they have been trying to make both on and off the floor of the Senate. Reduced to its simplest expression, this is the argument that Safeguard, even if it functions perfectly, offers "negligible protection" to the Minuteman force, or could be "easily overwhelmed," or at most offers protection to Minuteman over a "very narrow band of threats."

This argument has been most persistently advanced by Dr. Wolfgang Panofsky. A recent statement issued by the Federation of American Scientists, along with a supporting chart, embraced the "negligible protection" view and was joined in or agreed to not only by Dr. Panofsky but also by Jerome Wiesner, Marvin Goldberger, Herbert York, and Herbert Scoville, Jr. Dr. George Kistiakowsky has associated himself with the Panofsky argument.

The remarkable fact is that so many of the Senators opposing Safeguard have accepted at face value one form or another of the argument made by this group of scientists.

Now, this argument, in its most important aspect, is a strategic argument, not a narrowly technical one, and should be evaluated in those terms. I received yesterday from a very distinguished group of men with long professional experience in the national security area a statement which definitively refutes the Panofsky analysis and which I am confident will be of great interest to all Members of the Senate.

The signers of this statement are well known to many Senators; they are:

Dr. Albert Wohlstetter, university professor, University of Chicago.

Dr. Charles M. Herzfeld, physicist, former director, Advanced Research Projects Agency.

Dr. Willard Libby, Nobel Prize winner in chemistry, professor of chemistry and director of the Institute of Geophysics and Planetary Physics at the University of California, Los Angeles.

Dr. William G. McMillan, professor of chemistry, UCLA.

I bring this statement to the attention of the Senate because I believe that it clearly demonstrates the strategic fallacy on which the "negligible protection" argument rests.

The statement reads as follows:

STATEMENT ON THE EFFECTIVENESS OF THE SAFEGUARD ABM SYSTEM

(By Dr. Albert Wohlstetter, Dr. Charles M. Herzfeld, Dr. Willard Libby, and Dr. William G. McMillan)

The statement widely publicized by the Federation of American Scientists and signed by Drs. Wiesner, Panofsky, Goldberger, Scoville and York asserts that a Safeguard ABM that worked perfectly would nonetheless offer negligible protection. They suggested that a Soviet ICBM threat large enough to destroy the Minuteman force not protected by Safeguard need only grow by a small percentage to destroy the Minuteman force protected by Safeguard and that Safeguard is therefore effective "only over a very narrow band of threats." This repeats an argument made somewhat more specifically by Professor Panofsky last year and in the following statement this year:

"Let us assume that the survival of 300 Minutemen under attack would constitute an adequate retaliatory force . . . Without Safeguard protection the Soviets could achieve this result with 700 incoming warheads . . . With the expanded Safeguard now before this Committee, about 800 would do the job."

Professor Sidney Drell, using a chart prepared by Professor Panofsky, repeated these same numerical arguments on June 29, 1970 (pp. 430, 544, *Hearings*, Subcommittee on Arms Control, International Law and Organization of the Committee on Foreign Relations). According to *The New York Times* this is the "principal technical argument of the ABM opposition." This "principal argument" is based on several fundamental errors.

The first—and very gross—error is manifest in the statement quoted above of Professor Panofsky. He assumes that "the survival of 300 Minutemen under attack would constitute an adequate retaliatory force." Yet he also assumes that the objective of the Russian attack is to destroy only 700 out of 1,000 Minuteman missiles. That is to say, *he takes as the Russian goal an attack that would leave us with an adequate retaliatory force.* It is hard to imagine a more absurd Soviet strategic aim. This absurdity, moreover, is central to the result. For, as common sense would suggest, the more an attack aims to accomplish, the larger the effort the attacker must put forward.

A moderately sensible Russian adversary, if he attacks at all, would aim at destroying as much of the Minuteman force as he could; he would want to leave surviving no more than, say, about 50 Minuteman. In any case, he would want the remainder to be clearly "*in*adequate." Without the extra protection for Minuteman provided by Safeguard, 500 SS–9s, in the mid or late 1970's, with the accuracy, yield and number of MIRVs per booster projected by pre-Nixon as well as post-Nixon intelligence, could destroy all but about 50 Minuteman. Safeguard would prevent the Russians from achieving that objective with such an attack. For the attacker to assure, in the face of Safeguard, that no more than 50 Minuteman missiles survive—*his* objective—he would have to buy some 800 more re-entry vehicles than he would require to leave 300 of the protected Minuteman missiles surviving—*our* objective. This 800 is eight times as many as the number so widely circulated by the opposition to the ABM.

The opposition's estimate of 100 re-entry vehicles is wrong even at the Minuteman 300 survival level; but the mistake is to take 300 Minuteman survivors as a rational Russian objective. For a more reasonable attack objective, the Russians would need 800 extra re-entry vehicles on launchers. Based on all official estimates of Russian missile costs, such an increment would require a very large extra investment—one that is far from negligible.

Second, supposing that the Russians were to contemplate this very large resource expenditure, they would have to consider the fact that the defense could counter it at a fraction of the Soviet offensive cost—a fifth or less. Detailed supporting calculations for a related set of cases were presented in the Hearings before the Senate Armed Services Committee this past May (pages 2402–2410). As one of the signers of this statement said in those hearings:

"The point of Safeguard Phase II is that it puts the United States in a position to offset any increment in the Soviet first-strike capability against Minuteman and to do this more cheaply than the Soviets can get that increment in their offense. If we clearly indicate our intention to protect Minuteman, we may discourage them from continuing to expand their offense force. We indicate that we value our second-strike capability at least as much as they value their first-strike capability. Nothing compels them to get a first strike capability. The SS–9 and the SS–11 are expensive; increasing their number involves a serious resource expenditure for the Russians: Perhaps worth it if we indicate we have no intention of protecting Minuteman; not worth it if we make clear we intend to protect it and can do so more cheaply than they can overcome the protection." (p. 2273)

As alternatives to protecting our second-strike force with Safeguard, various ABM critics have suggested:

(a) proliferating Minuteman missiles—though this would increase our *first-strike* capability, and therefore, unlike the Safeguard defense of Minuteman, provoke a quantitative arms race;

(b) putting our SAC bombers on armed airborne alert though this would increase the likelihood of nuclear accidents;

(c) adopting a policy of launching all our Minuteman missiles at Russian civilians on the basis of electromagnetic indications—thus recklessly increasing the probability not merely of a nuclear accident, but of an accidental nuclear holocaust; and

(d) waiting for some future, hopefully better, ABM for which there is as yet not even a system definition.

Their estimates of the costs, effects, and time schedules of their various alternatives have been extremely careless. For example, they have understated the unit systems cost of Minuteman by a factor of nearly 300%, and air-alert costs by 400%. Their statements about the availability of alternatives neglect all realistic considerations of the time necessary to complete the system definition, obtain Congressional authorization, select the contractor and sub-contractors, acquire land, complete detailed engineering design, production release, equipment procurement, construction, installation, tests and shakedown.

Their recently repeated statement about the number of Russian re-entry vehicles required to cancel the effectiveness of Safeguard is perhaps the most far-fetched and careless of all. It assumes that the Russians, in attacking our Minuteman force, would take as their objective the preservation of our ability to retaliate adequately.

Mr. President, "absurd" is not too strong an adjective to apply to the assumption that the Soviets would launch a first strike against Minuteman with the intention of allowing 300 Minuteman missiles—adequate for our retaliation—to survive. It is wholly unwarranted to assume "that the Russians, in attacking our Minuteman force, would take as their objective the preservation of our ability to retaliate adequately."

It is no wonder that Safeguard appears to buy only a small degree of protection for the Minuteman force if one makes this wholly unreasonable assumption. The fact is that if the Soviets were prepared to leave our retaliatory capability intact, then we would not need Safeguard—nor any other means of protection, including the alternatives recommended by Dr. Panofsky and others.

As the statement I have just read demonstrates, without this unreasonable assumption, the "negligible protection" argument collapses. When this faulty assumption is replaced by a reasonable assumption about the minimum Soviet goal were they to undertake a first strike, the importance of the Safeguard ABM system becomes clear.

Mr. President, I hope that the Members of the Senate who have doubts about the effectiveness of the Safeguard ABM system will take the time before tomorrow's votes to study the statement I have just read submitted by Professor Wohlstetter, Dr. Herzfeld, Dr. Libby, and Dr. McMillan. I am sure that my colleagues would not wish to allow a decision of great national importance to be determined by a case built on a gross strategic fallacy.

I would be surprised if even one of my colleagues were to now agree that our security should be based on the strange assumption that the Soviets in initiating a nuclear war would be so foolish as to design their own destruction. Mr. President, I am confident that those of us charged with responsibility for protecting our deterrent force would not knowingly make such an assumption, or persist in arguments based upon it.

Mr. TOWER. Mr. President, will the Senator yield for a comment?

Mr. JACKSON. I am pleased to yield to the distinguished Senator from Texas.

Mr. TOWER. I thank my distinguished colleague from Washington for offering a very closely reasoned rebuttal to the technical arguments offered in opposition to the ABM. I wish to add that I know of no man in public life who has more completely subordinated personal and political considerations to what he conceives to be in the best interests of his country. I have very often disagreed with the Senator from Washington, but I think his conduct through the course of the ABM debate has been an example of superlative statesmanship.

Mr. JACKSON. Mr. President, I thank my distinguished friend and colleague from Texas for his very kind and generous remarks.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, it may be that, with the exception of the Senator from Tennessee, this will conclude the debate today. I think that tomorrow we will have some amendments that relate one to the other very closely, and I hope we can have a good attendance for the debate; because the bill has one thing in it and the Cooper-Hart amendment another; then there is another proposal by the Senator from Iowa and still another by the Senator from Pennsylvania. A great many figures are involved, and it will not be easy to keep up with them. I mention that because I think it might be well to put Senators on guard.

Mr. President, I want to emphasize a few points that I think have a practical bearing on this matter. We have already authorized and appropriated money for two sites—that is phase I. This bill, the committee recommendation, provides for two additional sites.

Someone asked me:

> If the 2 sites are coming along and moving forward and there is research and development money, why do you insist on 4 sites?

I think that is a very practical question, and there is a very practical answer.

We have to assume that we would not

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need anything if there was not a threat. I think there is a proven threat. So, starting with that, if we just stop at two sites, frankly, I do not think that is sufficient quantitatively to give us the protection we are trying to provide. The purpose—the sole purpose—of the ABM in this form is to try to protect our ICBM sites. That is our land-based deterrent strength, and that is what we put our hope and our strength in for a land-based weapon.

If we have something that probably will be effective—and I do not think there is any doubt about it; the great weight of the evidence is in favor of it being effective—and we are going to just start two sites and then stop for an indefinite period of time and set it up 1 year, 2 years, 3 years, 4 years, or 5 years later, the time that is precious and necessary will have run out. If we are really going to try this thing, we certainly have to start with more than two major sites. I think that is as clear as a bell, and I do not think it can be challenged.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. TOWER. I think the Senator from Mississippi has made an excellent point; and I think he has made it, as he has said, "as clear as a bell."

It has been suggested that if we pursue the line advocated by the Senator from Massachusetts (Mr. BROOKE), simply to add additional MSR's to the two existing sites, this will provide us as much defense. But what is not mentioned is the fact that it would cost us several million dollars more. Beyond that, it is argued that this would be less provocative and less of an incentive or a stimulant to the arms race than the additional deployment of the two sites. But if, as is argued, it provides as much defense, then it seems to me that it would be fully as provocative—if, indeed, additional deployment and improvement of the ABM is provocative—and would be more expensive and probably, in the final analysis, less effective.

Mr. STENNIS. I think the Senator is correct. It would have the added feature of showing hesitation or doubt and backing up of the very worst kind to show to our adversaries.

This leads into the matter of the SALT talks. Again, I like to use my common sense on things—whatever amount I have—rather than a lot of theories and speculation.

If adversaries are sitting down at a table and are trying to reach something that they can agree on, if they think they are in a position where they ought to agree on something, if possible, because each feels he is in danger to a degree, and suddenly one just withdraws the weapon or the posture he has which creates apprehension in the mind on the other side of the table, and if the one who withdraws does not know he is out of business, everybody else knows he is out of business, because he has just withdrawn from the game. He is no longer a contender, regardless of what the arguments may be. He has voluntarily withdrawn.

I am not accusing anybody now of any unilateral disarmamnet. We do not have to get into that realm at all. The person who takes that step back has just withdrawn for an indefinite time. He says he is doing it just for a year because the Senate voted one way. But he is out of business from then on, until he takes another affirmative start. That is another reason why we just cannot just stand idle without some excuse.

Mr. TOWER. Is not the Senator from Mississippi convinced that the President of the United States is sincere in his desire to arrive at some meaningful result in the strategic arms limitation talks? Does not the Senator agree that it would be the crowning achievement of this President's administration if he could arrive at some kind of strategic arms limitation? Does not the Senator believe that the President is convinced that he should work toward that end?

Mr. STENNIS. Yes. I think the Senator is correct. But I do not believe that the President is working just for a crowning achievement. I think he is working because of the responsibility he feels is on him.

Mr. TOWER. I concur with the Senator.

Mr. STENNIS. In the position he has been put into.

Mr. TOWER. I agree.

Does not the Senator further agree that the President is the one best capable of determining what posture he and his country must be in to arrive at some sort of meaningful agreement and that his judgment is probably better than almost anybody else's?

Mr. STENNIS. I think that is so. He has the responsibility, and he has all the facts, and he is the man who has to make the negotiation maneuvers. That is the heart throb, that is the nerve center of the whole problem and of any prospective solution we may hope for.

Mr. TOWER. Would not the Senator agree that it would be unlikely that the President would knowingly advance for consideration by the Senate of the United States any kind of proposal that he thought would inhibit him in his pursuit of the achievement of that goal?

Mr. STENNIS. The Senator is correct. The President, naturally, for many reasons, wants to move ahead with success.

Mr. COOPER. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. Does the Senator recall the amount of the funds appropriated last year for phase I on Safeguard?

Mr. STENNIS. It is somewhere around a total of $1 billion. $793 million—three-quarters of a billion dollars-plus.

Mr. COOPER. There were additional funds appropriated for the warheads.

Mr. STENNIS. I have the figures here somewhere.

Mr. COOPER. As I recall, $1.2 billion was appropriated last year for phase 1.

Mr. STENNIS. We will get the exact figures for the Senator. It is close to $1 billion.

Mr. COOPER. The Senator from Michigan (Mr. HART) and I would like to know, if our amendment is adopted, how much money would be left in the bill for use on phase I?

Mr. STENNIS. It would be a sizable amount of money, but it would be limited.

Mr. COOPER. $1,037,000,000.

Mr. STENNIS. It is over $900 million, but——

Mr. COOPER. A billion——

Mr. STENNIS. Yes.

Mr. COOPER. $1,027,200,000.

Mr. STENNIS. All right.

Mr. COOPER. The point I am making is that if our amendment should be approved and appropriations were made in the sum of $1,027,200,000, the Congress will have authorized and appropriated over $2 billion for phase I——

Mr. STENNIS. That is substantially correct, yes.

Mr. COOPER. If our amendment is agreed to, it would strike $322 million for phase 2. Considering the vast sum of $2.2 billion or more that would be appropriated for Safeguard on phase I, it is difficult to say that the Congress is retreating, as the Senator has characterized such action.

Mr. STENNIS. The Senator from Kentucky is talking in terms of dollars. The Senator from Mississippi is talking in terms of coverage. My point is that two sites, however successful they may be, are just not enough to do the job. It is is not enough in quantity. It is not enough of an umbrella over our ICBM's.

Mr. COOPER. Does the Senator recall, if it is not classified—and I do not believe it is—how many Minuteman would be in place on the two phase I sites?

Mr. STENNIS. It would be quite a few.

Mr. COOPER. It is about the number that the administration stated——

Mr. STENNIS. Yes.

Mr. COOPER (continuing). Is necessary to be protected for a second strike capability.

Mr. STENNIS. That is a classified subject, Senator, but it would be more than the number of the sites.

Mr. COOPER. It would be as many, if Safeguard is an effective system—it would be enough for a second strike.

Mr. STENNIS. Some. But a second strike capability would be in doubt. My point is, though, not enough.

Mr. COOPER. It would be enough for an effective second strike. I will stand on the statement, after hearing and reading the testimony, and having been briefed. I am making the point that if phase I is retained, as it would be retained under our amendment, the Department of Defense would go forward having been provided in the pending bill a great sum of money for the two phase I sites.

Does the Senator consider that to be a setback in the program?

Mr. STENNIS. We did not consider it as one.

Mr. COOPER. Does the Senator consider that it would limit the bargaining power of our country?

Mr. STENNIS. I think not, Senator. That is my idea about it. The amount of time available had a lot to do with these decisions, with all of us. Time-wise on these other matters we had more of a margin on time, in my opinion.

Mr. COOPER. I understand the Senator. I respect his judgment. All of us, however, have to look at these matters. I want to be sure that I am correct in quoting the Senator, that the Senator has characterized adoption of our

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amendment as an act giving the impression that our Government was falling behind in support of SALT talks.

By the committee struck funds for the initiation and preparation of four sites which the administration claims is necessary for its bargaining power at SALT. What is the distinction? How can our amendment be characterized as one which would affect the SALT talks and the action of the committee in striking funds for four sites does not affect the SALT talks?

Mr. STENNIS. My quick answer to that is that the sites in the bill pertain to the ICBM's protecting our deterrent force—our strike force. The ones we took out of the bill go to the area defense concept rather than our missile bases. The distinction and the difference there speak loudly, just to mention those terms.

Mr. COOPER. I understand. The four sites were for area defense, but also to give some protection to missiles, too.

Mr. STENNIS. They added a little protection. I understand that this is not classified, that this major added base that we have in the bill would give about 40 percent more coverage—prospectively 40 percent more coverage to our Minuteman bases than would be true with a force with just the two—just the two bases to protect. So that, within itself, is a major factor.

Mr. COOPER. I thank the Senator. I should like now to address another question to the Senator, if he will not mind, to see if there is any difference in the viewpoint of the sponsors of the Hart-Cooper amendment and the Senator from Mississippi, chairman of the committee. I am sorry that the Senator from Washington (Mr. JACKSON) is not on the floor at this time for several days ago the Senator from Mississippi, the Senator from Washington, and I had some colloquy about the purpose of the use of $365 million provided in the bill for R.D. T. & E. on phase I.

It was indicated from the Senator's questions and answers that day—and I want the Senator to tell me if I am not correct—that the Senator from Washington, not to the Senator from Mississippi thought our amendment would restrict the use of the $365 million, and that it could not be used on phase I. The Senator from Michigan (Mr. HART) and I have issued statements saying that is not correct. Nevetheless, I read in the CONGRESSIONAL RECORD this morning, on page 27947, a letter from the Secretary of Defense, Hon. Mel Laird to the Senator from Washington (Mr. JACKSON), it does not directly state that our amendment would restrict the use but, as an assumption, conveys the impression that the money in the amendment would not allow the use of the $365 million on phase I.

I would like to know from the Senator from Mississippi—because this may become an issue—if the view is actually held by the chairman of the committee and the members of the committee that our amendment would restrict the use of the $365 million and would not permit R.D.T. & E. on phase I?

Mr. STENNIS. Mr. President, there is a dispute here now about how we interpret some of the Senator's language. The Secretary of Defense did not write me anything about it. He has not said anything about it to me. I would rather let him interpret his language and the Senator interpret his.

Mr. COOPER. I am just reading the letter.

Mr. STENNIS. I understand. I know that the Senator intends exactly what he says. I am sure of that. If the language does not bear him out, he would want to modify that language, I am sure.

The Senator gave the legislative history. It does leave this money available for these two sites. It is just a matter that grown men ought not to be arguing about, it seems to me, when language is uncertain that can be made certain. That is how I feel about it.

Mr. COOPER. I agree with the Senator.

Mr. STENNIS. I take it the Senator stated exactly what he means.

Mr. COOPER. Mr. President, if there is any question, we would like it to be absolutely clear. The misapprehension could have occurred from language I used when I introduced the measure. I made the statement that it would permit or allow its use. The exact words are "would be available."

Mr. STENNIS. Mr. President, I think the uncertainty comes from the language, if I may refer to the amendment, on page 2, line 19:

> Any advanced antiballistic missile program at sites heretofore established for such purpose.

There is some mention in the R. & D. part of the bill as being exclusively for another item that is related to something that is farther over the horizon as a possible future system of some kind.

It seems to me that the Senator's language ties this down to the sites heretofore established for such purpose. That looks to me as if it is talking about sites that are in being.

Mr. COOPER. We named the sites—Malmstrom Air Force Base and Grand Forks Air Force Base. Those are the two sites that were approved last year in phase I.

Subsection (b) reads:

> The provisions of subsection (a) shall not apply to the obligation or expenditure of funds for research, development, testing, and evaluation activities carried out in support of any advanced antiballistic missile program at sites heretofore established for such purpose.

It is clear. It simply says that it authorizes the Department of Defense to undertake such research and development and testing and evaluation activities on an advanced system if, on its own determination, it wanted to do so. But it was not intended, and the language does not require, that the Department of Defense do so.

I wanted to have this colloquy with the Senator because I can state without any reservation—and I know that the Senator from Michigan will join me—that there is no intention of any kind to restrict in any way, by law or by interpretation, the use of the $365 million or any other sum of money that is made available for phase I.

Mr. STENNIS. I accept the Senator's interpretation of his own amendment. If the Secretary of Defense had had the statement before him that the Senator has made now, undoubtedly he would have understood it exactly the way the Senator intended.

Mr. President, I did not mean to speak at great length here. The Senator from Tennessee is in the Chamber. He wants to make some remarks. I just want to add one other point.

Mr. President, like it or not, the authors of this amendment, it seems clear to me, approve all that we did here last year in starting to get off on phase I at these first two sites. They propose to leave the full amount in the bill for those two sites to move forward and continue.

That is the very thing that the debate was over last year. The contention was that it was just for research and development.

That is an affirmation that we made a good start last year and did the right thing. I think the amendment is an affirmation of what the committee did and, in addition, it puts a second layer on top of the foundation we laid last year.

Another thing that people ask me about in letters and in person and in telegrams is that they want to know what we are worried about, since we have so many.

We are not worried about 1970. Let us remember that the crucial vote on tomorrow means that we are standing on the very threshold and the brink of a very crucial vote. This vote tomorrow is not shooting for 1970. It is talking about our security in 1975, from that period into the 1980's.

We have to lift our sights. If we wait until those years roll around, time will be gone and it will then have been delayed.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TOWER. Mr. President, I thank the Senator from Mississippi for the very cogent point he has made in the course of this debate.

Mr. President, I further note that the provision as it now appears in the bill as reported from the committee was voted on favorably by a majority of the members of that committee and, I might say, a concurrent majority of both Democrats and Republicans. It is a bipartisan position. But more than that, it is a compromise. It is less than was asked for by the administration.

We have already compromised on this measure. I know that the administration feels that it cannot compromise further.

It should be understood that the administration opposes the adoption of any amendment to this provision of the bill and that the adminstration wants the committee position sustained.

Mr. President, a vote for any amendment is a vote against the position of the administration. The administration feels that this is the minimum that it must have to defend the country against a first strike capability and to proceed from a reasonable posture to negotiate for the limitation of strategic arms.

Mr. STENNIS. Mr. President, I have certain fact sheets here containing a statement from the testimony of Mr. O'Neill, together with a copy of a letter from him to me under date of August 7,

1970. This refers to Mr. Lawrence H. O'Neill, one of those assigned to this matter by the Secretary of Defense, along with Dr. Foster, on a panel.

I ask unanimous consent that this material be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW YORK, N.Y.,
August 7, 1970.

Hon. JOHN STENNIS,
Chairman, Senate Armed Services Committee, Washington, D.C.

DEAR MR. CHAIRMAN: Several times I have heard of references to the so-called "O'Neill" report in hearings before committees and in other discussions in the Senate. I have been particularly disturbed by suggestions that seem to have been made at various times that Dr. John S. Foster misrepresented the views of the members of the panel that prepared the report when he stated that the panel felt that Safeguard components would "do the job" the Department of Defense wants to do in ABM.

Dr. Foster was aware, as all panel members were, that our membership included men of considerable distinction who believed Safeguard deployment was a poor idea from a political and strategic point of view and that some members felt that approaches to ABM other than Safeguard might be preferable from a technical point of view.

Nevertheless, it should be realized that Dr. Foster's inference is a reasonable one in view of the way the panel presented its advice. In addition to the submission of its written report, the panel twice participated in spoken presentations of its work to senior officers of the Defense Department and the Department of the Army. Dr. Foster was present on both occasions. Both discussions were of an "open forum" type at which any panel member had full opportunity and encouragement to speak out. Although it was clear that some panel members would have preferred to pursue technical approaches different from Safeguard, no panel member offered the opinion that pursuit of Safeguard was so unpromising as to be clearly inadvisable. In the circumstances of these conversations, as in the written report, Dr. Foster would, in my judgment, have been fully justified in concluding that we thought Safeguard was a reasonable approach although not, in the opinion of some, the best possible approach. In a complicated technical situation it is usual, indeed inevitable, for such a range of opinions to exist.

Dr. Foster's comment suffered from normal difficulties resulting from the brevity that is usual in the answer to a question during testimony. It cannot, in my opinion, be fairly viewed as a misrepresentation or as substantially different from the reply that most (in my opinion) members of the panel would have offered in Dr. Foster's place.

In short, in my opinion, given the constraints of funding and schedule that had been specified to the panel, most members believed that Safeguard was a reasonable approach to ABM and conveyed that impression to Dr. Foster and others.

I hope this will be of some assistance in clarifying a matter which might have some bearing on the difficult judgments that Senators will soon be called upon to make.

With best personal regards, I am.

Sincerely yours.

LAWRENCE H. O'NEILL.

EXCERPTS FROM TESTIMONY OF DR. FOSTER

Dr. FOSTER. Mr. Chairman, you have indicated the number of scientists who oppose this Safeguard deployment.

Senator FULBRIGHT. There are several grounds. They oppose it on the SALT talks alone. Then in addition they oppose it on the ground that it isn't technically feasible at the present time at least.

AD HOC COMMITTEE OF SCIENTISTS ON SAFEGUARD

Dr. FOSTER. Well, Mr. Chairman, let me just simply point out that I asked a group of scientists to come together as an ad hoc committee and, before the Secretary of Defense made his recommendation to the President, review the program, I deliberately chose scientists who opposed the deployment of Safeguard as well as those who favored it.

In fact, as I recall, when they met there were more against it than for it. I had, however, one very simple instruction for them—to put politics aside and just ask the question: Will this deployment, with these components, do the job that the Department of Defense is trying to do? And I gave them a range of possible deployments, since the Secretary had not yet made up his mind.

There was considerable concern about this move, but the report sent to the Secretary of Defense said that this equipment will do the job that the Department of Defense wants to do. They had some recommendations; for example, they would like to add development of the smaller radars, a decision we had already made—at least, they concurred in that decision.

I think it is extremely important that, when you ask a scientist for his opinion, you make sure that you have found a way to rule out political factors, because, as you and Secretary Laird noted at our last hearing, the scientist doesn't have special competence in that area.

Senator FULBRIGHT. Who were the scientists that you had on this committee?

Dr. FOSTER. It was a group of scientists under the chairmanship of Prof. Larry O'Neill of Columbia University. I would be delighted to furnish the complete list.

Senator FULBRIGHT. How many were there?

Dr. FOSTER. About a half dozen, sir.

Senator FULBRIGHT. Can't you furnish them now? Don't you know who they were? Were they in the employ, directly or indirectly, of the Pentagon?

Dr. FOSTER. No, sir; generally they were not.

Senator FULBRIGHT. Who were they?

Dr. FOSTER. Prof. Sidney Drell, a close colleague of Professor Panofsky, who was mentioned earlier, at Stanford University was a member. It is so long ago I am embarrassed to say I have forgotten some of their names.

Senator GORE. You would have a record in the Department that you could supply.

Dr. FOSTER. Certainly, I have the list. There was Professor Goldberger of Princeton University; Prof. Allen Peterson, also of Stanford; Richard Latter of the Rand Corp. was a consultant. He is now over in Vienna on the talks. I don't have the others at the moment.

AD HOC PANEL ON FISCAL 1971 SAFEGUARD PLAN

Professor Lawrence H. O'Neill, Chairman, Professor of Electronic Engineering and Director of Electronics Research Laboratory, Riverside Research Institute, 632 West 125th Street, New York, New York.

Dr. Lewis M. Branscomb, Director, National Bureau of Standards, Washington, D.C.

Dr. Sidney D. Drell, Stanford Linear Accelerator Center, Stanford University, P. O. Box 4349, Stanford, California.

Dr. Marvin L. Goldberger, Princeton University, Princeton, New Jersey.

Dr. William G McMillan, The Rand Corporation, 1700 Main Street, Santa Monica, California.

Mr. W. S. Melahn, President, Systems Development Corporation, 2500 Colorado Avenue, Santa Monica, California.

Dr. Allen M. Peterson, Stanford Research Institute, 333 Ravenswood Avenue, Menlo Park, California.

Senator FULBRIGHT. These men are not in the employ of the Pentagon. They didn't have research contracts.

Dr. FOSTER. I don't know, Senator Fulbright, the degree to which Professor O'Neill has contracts from the Government, or Professor Drell or Professor Goldberger. But I understand that, as a result of section 203, Professor Goldberger lost his support from the Pentagon.

Senator FULBRIGHT. I want to talk about section 203 in a moment.

Senator CASE. Will the Senator yield just for a moment, please?

Senator FULBRIGHT. Yes.

Senator CASE. May I suggest we ask Dr. Foster to provide it later.

Senator FULBRIGHT. I would like it now. By the time it comes we will have long since passed on to something else.

MEETING OF AD HOC COMMITTEE ON SAFEGUARD

How long ago was this meeting?

Dr. FOSTER. This was before the Secretary's decision.

Senator FULBRIGHT. Was it 6 months ago or a month or how long?

Dr. FOSTER. I believe it was in December.

Senator FULBRIGHT. How long did they meet?

Dr. FOSTER. For about a week.

Senator FULBRIGHT. Here in Washington?

Dr. FOSTER. Yes, sir.

Senator FULBRIGHT. In December.

You can supply them, but that will be long after the fact.

Senator CASE. No, I say would the Senator consent to an insertion of the report itself in the record.

Senator FULBRIGHT. That will be long after the impact of the hearing. It has happened before.

Senator CASE. Not before we vote on the ABM.

Senator FULBRIGHT. I think we will get it next fall.

Senator CASE. This is a matter we could follow up.

Senator FULBRIGHT. This matter came to the floor and I asked the chairman of the Armed Services Committee if in their deliberations they had ever invited any outside scientists to testify. He said no, he couldn't think of one. In other words this is just an in-house operation primarily and usually anyone outside the group is not consulted.

Dr. FOSTER. Senator Fulbright, I beg to differ with you on this. I went out of my way to select people who I believed were knowledgeable and, in fact, some of whom had formed opinions counter to that of the Department of Defense. And I asked them to serve. The only thing I asked them was to disregard their political feelings about the matter and to stick closely to the technical matters involved in which I personally believed they had great professional competence.

POLITICAL ASPECTS OF SALT

Senator FULBRIGHT. Are you suggesting that, in considering what kind of agreements they might come to at the SALT talks in Vienna, that political matters and relations between countries have no significance? Is this strictly and solely a technical conference?

Dr. FOSTER. Absolutely not, Senator Fulbright.

Senator FULBRIGHT. Of course not.

Dr. FOSTER. Political aspects, in fact, are dominant.

Senator FULBRIGHT. I think they are too.

How you can say that Safeguard and MIRV have no effect on SALT is beyond my comprehension. The political agency, the Senate, expressed very overwhelmingly its support of the Cooper-Brooke resolution which advised the Department and the Government not to proceed with the deployment of these. Of course, this has been ignored completely. Apparently no one has paid any attention to them at all. These are political judgments.

Dr. Foster. Excuse me, Senator Fulbright, with regard to this ad hoc group that I brought together, I was referring to the inclusion of technical people on both sides of the argument in an effort to review in advance the range of possible decisions that the Department of Defense might make with regard to Safeguard. It had nothing to do with SALT.

CHANGES IN WEAPONS SYSTEMS AND THEIR JUSTIFICATION

Senator Fulbright. Mr. Foster, even on the technical side, the way that the Department of Defense has vacillated between the Sentinel and the Safeguard and the justification being the Chinese and then someone else, together with this well-known record on many * * *

Senator Fulbright. I haven't really looked at the list. Did you have any projects concerning the mosquitoes in Cambodia before you intervened there?

Dr. Foster. I don't recall any.

Senator Fulbright. You don't recall it, but this would have been, it seems to me, much more appropriate than Malaya.

CONDUCT OF SUBCOMMITTEE HEARINGS

Senator Cooper. Mr. Chairman, I am going to raise a question.

Senator Fulbright. I am through.

Senator Cooper. He has been trying to answer these questions as well as he can. I think we should have order in this room.

Senator Fulbright. It is the chairman's responsibility to keep order in the room.

Senator Gore. Let there be order in the room.

Senator Fulbright. I am through, Mr. Chairman.

Senator Gore. Senator Case.

Senator Case. Mr. Chairman, I call attention to the fact it is now 12 o'clock. Dr. Foster took perhaps 15 minutes. Senator Aiken took, I think, five, and without questioning the propriety of it, I just note the fact that the balance of the time has been taken by the chairman and Senator Fulbright. This is something that is a continuing process, and I just note it for the record. I do that partly because the chairman of the full committee, Senator Fulbright, somewhat irascibly called me to account when he thought I had taken a little too long the other day in questioning a witness, and I would just like to make the suggestion that we do a little better job of evenhanded handling of these sessions.

REPORT OF AD HOC COMMITTEE OF SCIENTISTS ON SAFEGUARD

Now, Dr. Foster, you spoke about a report by an ad hoc committee of scientists that you had asked to make an examination of the antiballistic missile situation, and you mentioned Dr. Drell, Dr. Goldberger, and others as being members of that.

I would ask you if you will supply this committee with their report.

Dr. Foster. Senator Case, this was a report to the Secretary of Defense, and I believe before agreeing to that I should consult with the Secretary and see if we can make this report available to you.

Senator Case. Will you do that?

Dr. Foster. Yes, sir, I certainly shall.

(The information is classified and in the committee files.)

Senator Case. Mr. Chairman, I repeat what Senator Cooper said earlier. I think that this should be regarded as it should be, a serious inquiry.

What would your recommendation to the Secretary be on my request?

Dr. Foster. Senator Case, you are asking me to reveal to you the personal advice that I would give to the Secretary of Defense in my capacity as his science adviser on your question. I find that one a bit difficult to answer.

Senator Case. Well, perhaps it is executive privilege in advance that you are suggesting. If that is the ground that you put it on, I don't question it. Let me get at it another way. What did they say?

Dr. Foster. The committee concluded that leaving aside political——

Senator Case. Yes; you made that point before.

Dr. Foster (continuing). Political considerations, they believed that—and I have to paraphrase here.

Senator Case. Sure.

Dr. Foster. They believed that the Safeguard approach was a reasonable way to try and accomplish the several objectives required by the Department of Defense—that is to say, defense of our strategic forces, the Minuteman and the bombers, protection against the light attacks such as might be launched from Communist China, and protection against accidental launches from any source.

SPECIFICATIONS AND RECOMMENDATIONS OF CONTRACTORS

Senator Case. Now, you mentioned earlier, and I will come back to the requirements point, because I think we want to be somewhat more precise, and we haven't been at all in any of these discussions to what the requirements are. I want the specifications that were given to the contractors who have been asked to build these things. I would like to know now what you were referring to when you said they had certain recommendations to make.

Dr. Foster. They had recommendations, Senator Case, with respect to which additional site, or sites, should be chosen, and additional research and development that should take place to provide for additional capability should the threat require it. Those were the key points as I recall them.

Senator Case. That is stated in very general points.

Dr. Foster. Yes.

Senator Case. What recommendations did they make in regard to additional capability?

Dr. Foster. Senator Case, I am not yet sure that I can get Secretary Laird's agreement on supplying the document, and here we are in the process of your asking me for the details of the document. I find that a little awkward.

Senator Case. Well, of course, I understand. I don't want any security information.

Dr. Foster. No, sir.

Senator Case. But I do want the facts, and this we have been talking, I think, too much in generalities.

Dr. Foster. Yes.

SUBCOMMITTEE EFFORT TO ASCERTAIN IF SAFEGUARD WILL DO THE JOB

Senator Case. This effort on the part of the chairman is a most worthwhile job to try to express in general terms what we regard as the problem. That is to say is the Safeguard designed to take care of a kind of threat, is it designed in the best way to accomplish that moneywise, and are there other choices that ought to be considered and dealt with? The chairman is trying, and this committee has been trying, it seems to us from unwilling witnesses, to drag it out, to get the basic facts, not just your conclusions, not just the recommendation that this be done, because we have very great doubt, not that you are not perfectly honest in what you say but that as to whether we really have something worth spending this enormous amount of money and time on, whether it will do a significant job, whether something else would be better. That is what we are trying to find out.

We have a strong suspicion, and you must know this; it is more than a suspicion in some cases, that what we are doing is just deploying something because it has been worked on for a long time, and that it is not calculated to do the job that we all want done. We are not, and we refuse to be put in this position. Speaking for myself, we want the best system we can get for the defense of our missile force, and for the defense of our strategic weapons systems overall.

We don't want to spend one nickel on something just for the sake of completing a program that is being kicked around for a long time under various names and because there are vested interests in getting this thing built. That is the question that we want this information to answer, and I don't see why we can't have this information since we have to authorize the money to pay for it.

Dr. Foster. Senator Case, if I may——

Senator Case. You may.

Dr. Foster. I should like to respond to your statements. First of all, in closed sessions, I have spent perhaps 20 hours or more trying to gain the understanding of people such as you who care very much about your country. You want the answers you have been asking for and I believe we have given them to you.

Let me be very clear about it: Safeguard is not a solution that is looking for a problem.

The United States has a very serious defense problem, and Safeguard is the best solution that I know of that is within the available technology and is compatible with plans to meet the several objectives we had to face in the fiscal year 71 transitional budget.

Senator Case. Now, Dr. Foster, I know you believe this, you have said it many times. But that is a conclusion.

Dr. Foster. I understand.

Senator Case. What we want to find out in terms that we can understand and in terms that the public can understand is precisely just what we are talking about in factual terms as a basis for that conclusion, and we haven't got it. We haven't got it. And the reason that our doubts continue and continue to mount is that we have judgments from you, and we respect your judgment, but also recognize you are wearing several hats at the same time.

When we have people from the outside, who have had in the past the kind of experience that you have had, continually telling us that this is a poor solution, that it is a waste of enormous amounts of money, and that we ought not to authorize it, just on the ground of effectiveness and cost, to say nothing of other considerations, and other considerations do enter into this of a political nature, but I am not talking about political things. I am talking about effectiveness and costs of the Safeguard system for the various kinds of things that it is supposed to do.

REQUEST FOR SPECIFICATIONS FOR SAFEGUARD

First of all, I have tried to get a copy of the specifications that you have given to your contractors, so that we will know what it is that this is intended to do. It is all very well for the contractors to tell us, and they will, that they can do what they have agreed to do, but what have they agreed to do?

This I can't get. I asked the staff of this committee months ago to get from you a copy of the specifications for this thing. I don't know whether the request was ever made.

I ask you now, can you provide this to us, in confidence of course? I would like to know what the facts are, because we would do much better at getting sound answers if we can get the facts on this thing out on the table and know what we are talking about and not have to talk generalities from now until kingdom come.

Dr. Foster. Senator Case, I understand your point, and let me make my answer very clear. We can and will provide you with the specifications for the Safeguard system. By specifications, I understand you to mean not just the detailed characteristics of radar, but what the threat is that this system is supposed to cope with.

Senator Case. You have to do it in terms that a layman can understand.

Dr. Foster. Yes, sir; I will do that.

Senator Case. Because a layman has to make the judgment as to whether the money is to be spent for this.

Dr. Foster. Absolutely.

Senator Case. And that is very definitely what I want, but not just judgments, but factual statements.

Dr. Foster. No, sir; I personally formulated the range of threats that I believed Safeguard would have to counter and sent that information to the Army on several different occasions, to make sure that they laid plans that could cope with that range of threats; so I am quite familiar with this question and am fully prepared to give you the answer.

Now, as you pointed out, a statement of exactly what the system will be able to cope with at various times is a sensitive matter, but it can be made available to you, sir.

Senator Case. I ask now that you assemble it and then notify us when it is ready so that we can deal with it in depth because this I think is the heart of the question as far as most of the people of the country are concerned. Are we wasting our money? Are we getting something that is worth having? Is our effort in this direction impairing development .of an effective ABM, or will we get something really worthwhile in the way of defense against strategic threats? That is the kind of question I am interested in and I think the public is too.

Dr. Foster. I quite understand, sir.

Senator Case. So we will wait to hear from you when that is ready.

(The information referred to is classified and in the committee files.)

Now, Mr. Chairman, I shall not despite my remarks at the beginning of my questioning, take more than a couple of minutes because Senator Cooper has been waiting even longer than I.

Senator Gore. Would you yield just a moment?

Senator Case. I want to make a point. Yes.

Mr. STENNIS. Mr. President, last Thursday the unclassified text of a report submitted to the Secretary of Defense by an ad hoc group of seven scientists concerning Safeguard was printed in the Congressional Record. The ad hoc group was chaired by Dr. Lawrence H. O'Neill, president, Riverside Research Institute—professor of electrical engineering, Columbia University.

Dr. O'Neill testified before the Armed Services Committee on May 19th of this year on Safeguard. His statement appears on pages 2293 and 2294 of the printed hearings of the military procurement authorization bill. At that time he made a very thoughtful and concise statement. Since there is considerable controversy concerning the report, I believe it would be beneficial to the Members of this body to consider his statement to the Armed Services Committee which is as follows:

Statement of Lawrence H. O'Neill, President, Riverside Research Institute, Professor of Electrical Engineering, Columbia University

Dr. O'Neill. Mr. Chairman and members of the committee, I greatly appreciate the opportunity to testify to you today. I have prepared a very brief statement on my views on the subject you are considering and, with your permission, I would like to present it to you.

In determining what the U.S. policy ought to be in the matter of deploying defenses against ballistic missiles, I believe four considerations are important:

1. The observed increases in the size and lethality of the Soviet strategic offensive force and plausible projections of those increases into the future represent, in my judgment, a worrisome hazard to the survivability of the land-based missiles and bombers of the U.S. strategic offensive force.

2. The Safeguard system is, from a technical point of view, and with respect to the deployment schedule thus far recommended by the administration, a moderate response to the increase in the capability of the Soviet force. It is not, in my opinion, a panicked or excessive response, and so long as the discontinuation or limitation of that deployment remains open to negotiation, I cannot see how it can be regarded as a provocation to the Soviet Union.

3. The Safeguard system in its full Phase II deployment will have the capabilities originally ascribed to it by the President: namely—and those capabilities are well known to you:

(*a*) The protection of the American strategic forces against a direct attack by the forces of the Soviet Union.

(*b*) Protection of the people of our country against a limited but deliberate attack such as Communist China could conceivably launch within the next 10 years, and

(*c*) Protection of the people of the United States against small attacks resulting from accidental or unauthorized launches.

There is no question that Safeguard is a compromise system because it attempts in its design to accommodate all three purposes and not only one of them. It is also a compromise because it attempts to respond to a hypothesized Soviet strategic force which is not as large or as potent as some have suggested it could be or as limited and as inaccurate as some have said it will be. There is no doubt that if one could prudently narrow the range of objective of Safeguard and to specify the size and nature of the future Soviet force very precisely, a better ballistic missile defense system could be designed.

However, in my opinion, to prescribe very narrowly at this point the purposes for which we might want missile defense and especially to state very precisely the Soviet force that defense might face would represent very irresponsible system design.

In my opinion, it is very doubtful that a better system could be deployed as early as one deploying Safeguard components or with as limited expenditures as are forecast for Safeguard. Overall, and speaking entirely from an engineering point of view, Safeguard represents a reasonable approach to ballistic missile defense if the Congress and President decide that such a defense is needed.

In addition to its own capabilities, it is suitable for augmentation and improvement by new components should such new components be found to be necessary.

4. Speaking now not as an engineer but as an ordinary citizen, I think it is important to bear in mind that, while the scientific and technical aspects of ballistic missile defense are important, they are by no means the subjects that ought to dominate the debate that will precede Congressional action in the matter. The issue is predominantly one to be decided on the basis of estimates of the effects of the congressional decision on the security of the country, on its domestic tranquility, and on its ability to deal with the very large range of problems, domestic and foreign, now before the Government. Although I am as deeply concerned as possible about the domestic turmoil now prevailing in the country, although I recognize—indeed, I live in the midst of—pressing difficulties that now afflict our society, my own judgment is that the Administration's proposal for Safeguard in fiscal 1971 should be approved by the Congress. I think it would be easy, but potentially disastrous, to permit our deep concern for the turmoil now present in the country and for the deep division of the country resulting from the war in Southeast Asia to divert our attention from a hazard posed by the Soviet forces that could in the future cause extreme difficulty for the United States.

Mr. President, I yield the floor.

SAFEGUARD ABM

Mr. GOODELL. Mr. President, 4 months ago on April 9, the Senate debated in this Chamber a resolution on mutual strategic weapons suspension. This resolution, introduced by the distinguished Senator from Massachusetts (Mr. Brooks) and which I supported as a cosponsor, expressed the opinion of the Senate that the President seek immediate mutual suspension by the United States and the Soviet Union of further deployment of all offensive and defensive nuclear strategic weapons systems.

The Senate passed this resolution by a vote of 72 to 6.

Our sentiment then was clear. We called for a freeze on strategic armaments. We called for a halt—a mutual halt—on the spiralling arms race between this country and the Soviet Union. This sentiment for strategic arms control is shared by millions of Americans. It is this sentiment of reasoned arms restraint which should be with us now as we continue debate on the Military Procurement bill—the bill which authorizes funds for the procurement, research and development of aircraft, missiles and for the construction of facilities for the Safeguard anti-ballistic-missile system.

STRATEGIC WEAPONS FUNDING

The bill as reported by the Senate Armed Services Commitee includes the following funding levels for strategic weapons programs:

First Safeguard ABM. There is $1.349 billion in funds for continuing Safeguard ABM at the two sites under phase I, that is, at Malmstrom, Mont., and Grand Forks, N. Dak.; and for expanding Safeguard to phase II–A, that is, deployment at Whiteman Air Force Base in Missouri; advance preparation at Warren Air Force Base in Wyoming; and equipment for the Ballistic Missile Defense Center at Washington, D.C.

Second. Navy missiles Polaris/Poseidon—There is $559 million in funds for the Navy ballistic missile program, including $540.5 million for Poseidon and $18.5 million for Polaris.

Third. Air Force missiles Minuteman II/III. There is $475.7 million in funds for the Minuteman II and III programs. The committee points out in its report:

> All Minuteman I Missiles will be replaced. A portion have been replaced with Minuteman II which provides improvements in range, payload, accuracy and flexible targeting.
>
> Minuteman III will replace the remaining Minuteman I Missiles. Minuteman III possesses improved survivability, penetration capability, payload, and accuracy over the older systems. Minuteman III has the potential of attacking different targets, and it

XUM

> will be able to carry the necessary penetration aids to reduce vulnerability to enemy defenses.
>
> The 1970 and 1971 requests reflect a slowdown in the previously planned rate of Minuteman III deployment. As of June 30, 1970, the conversion program had progressed to where the force consisted of 490 Minuteman I, 500 Minuteman II, and 10 Minuteman III.

It will be recalled that the first Minuteman version with multiple warheads, Minuteman III, was ordered developed in the spring of 1966, was test flown in August 1968, and was first installed this June.

Fourth. Minuteman rebasing options: R. & D. programs for improving the survivability of land-based ICBM's. A cut of $27 million for phasing out the "hardened and hard-rock silos" program leaves $50 million for work on such options as "hard point defense" and the mobile Minuteman programs.

Fifth. Advanced ballistic reentry system—ABRES. A cut of $5 million related to a reduction of research into "hard-target kill capability," leaves $100 million for the advanced development of reentry systems and penetration aids to provide improvements in the capabilities of land-based and sea-based ballistic missiles designed to penetrate enemy defenses in retaliatory attack.

Sixth. Advanced ballistic missile defense. A cut of $20 million leaves $138 million for research work on advanced development programs, including the "hardsite development" program.

Seventh. Advanced manned strategic aircraft, B-1.—A cut of $50 million leaves $50 million in research and development funds for the B-1 added to $65 million in carry-over funds for the same purpose.

Mr. President, these are just some of the strategic weapons programs which we are being asked to fund in this bill.

I am pleased to note the committee reductions of $102 million in the research and development of strategic weapons programs which I have just outlined.

Regarding Safeguard, phase II-A, I am pleased that the committee has moved to strike from authorization the House approved administration request to proceed with a Chinese-oriented ABM component, that is, the advance preparation of four additional areas defense sites. In cutting $10 million for this purpose, the committee states in its report that there is "no compelling need to move now" to protect against a Chinese ICBM attack.

In taking this action, the committee has deemphasized the "China rationale" and the "accidental launch rationale" for Safeguard area defense. The committee maintains that the major mission for Safeguard is to protect the land-based Minuteman deterrent against direct attack by the Soviet Union. In short, the committee emphasizes the "Soviet rationale" for Safeguard hard point or active terminal defense.

IN RE THE O'NEILL REPORT

Mr. President, while noting that the committee wishes to establish the primacy of active terminal defense as the mission for Safeguard, it should be recalled that Safeguard sites at Malmstrom, Grand Forks, and Whiteman are intended to provide terminal defense for Minuteman as well as area defense as indicated in the following chart:

THE 3 OBJECTIVE SAFEGUARD SYSTEM

Site	Contributes to area coverage	Contributes to terminal defense for Minuteman	Is part of 7-site system [1]
Grand Forks	×	×	×
Malmstrom	×	×	×
Northwest	×	----------	×
Michigan/Ohio	×	----------	×
Northeast	×	----------	×
District of Columbia	×	----------	×
Central California	×	----------	
Warren	×	×	
Whiteman	×	×	×
Southern California	×	----------	
Texas	×	----------	
Georgia/Florida	×	----------	

[1] 7-site system: The 7 sites are among the 12 included in the Safeguard phase II deployment which the Army has described. The 7-site system is considered a "way station" to pass through on the way to a complete phase II deployment.

Source: Report of the AD HOC group on Safeguard for fiscal year 1971 u/k/a. The O'Neill report, submitted to the Secretary of Defense, Jan. 27, 1970.

Last Thursday, the chairman of the Senate Foreign Relations Committee (Mr. Fulbright) inserted the so-called O'Neill report in the Record. This is the report submitted by a 7-member panel of scientists chaired by Prof. Lawrence H. O'Neill of Columbia University. The panel was set up by Dr. John Foster, director of Defense Research and Engineering to advise the Secretary of Defense on scientific aspects of Safeguard.

Several observations in the report, I think, bear repeating:

> (1) If the only purpose of Safeguard is defined to be to protect Minuteman, Phase IIA as defined in March 1969 should not proceed. Instead, a dedicated system for active defense of Minuteman should replace or, if the need for the MSR (Missile Site Radar) is proved, augment Phase IIA. As a minimum step, the complement of Sprints at Grand Forks and Malmstrom could be increased.
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> (2) If the only purpose of Safeguard is defined to be a "thin" area defense, then it is important to recognize: "an incomplete area system provides no protection from 'blackmail' by an opponent (e.g., C.P.R.) with a small ICBM force or from an unauthorized attack. It provides only limited protection against accidental launches. Therefore, initiation of an area defense system is justified only if there is an expectation that it will prove to be necessary or desirable to cover the entire country with such a system."
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> (3) If the three purposes of Safeguard are defined to protect Minuteman ICBMs against any direct Soviet attack; to protect the American people against a Chinese attack; and to protect against accidental attack from any source, then "there is a need for a policy decision on whether to give emphasis to Minutemen terminal defense or to divide effort between Minutemen defense and area defense in the next step taken toward Safeguard Phase II."

Mr. President, over many years, Congress has examined varieties of proposed ABM systems. There was the Chinese-oriented "light" ABM area defense. There was the Soviet-oriented "heavy" ABM area defense. Now there is the so-called "limited" and "phased" Safeguard ABM mix of area defense and missile defense. Each of these defenses, it appears, can be viewed as anti-Soviet and anti-Chinese oriented especially in the context of "growth threat"—that is, in view of any number of possible perceptions of what the Soviet or Chinese threat to our deterrent could be over the next decades.

My examination of this year's testimony on the administration request for expansion of Safeguard phase I to phase II-A leads me to underscore the very real danger of being sucked further into the whirlwind of nuclear weaponry—that insane spiralling of armaments—which we as a nation have repeatedly declared we want stopped.

Mr. President, I have not to date opposed research on an ABM system. Research on an ABM system is one thing; deployment and expanded deployment are others requiring separate decisions on the basis of progress in research and on the basis of actual need perceived by continuous assessment of enemy threat.

Last year, the administration asked Congress to authorize funds for deployment of Safeguard at the two sites of Malmstrom and Grand Forks.

OPPOSITION TO SAFEGUARD DEPLOYMENT

I have opposed deployment of Safeguard as my record clearly shows. Last summer in a series of ABM amendments before the Senate I voted against an amendment which would have prohibited even research and evaluation of Safeguard ABM components. I voted for the amendments which would bar deployment of Safeguard. When the amendments failed to pass in the summer votes, I was one of the 36 Senators who moved to bar funds for the deployment when the Defense appropriations bill reached the floor in December.

Last year, in opposing deployment of Safeguard phase I, I said:

> The burden of proof for an ABM rests on the Pentagon. We have been told that it is needed to plug a "deterrent gap." Yet to date, there has been no confirmed evidence that such a gap exists. Over the years, we have been told of a "bomber gap"; then of a "missile gap." We found out later that there had been errors in estimates of Soviet strength and that the military strength of the United States had all along been in fact superior.
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> Unilateral armament is the net effect of so many of the Pentagon's programs. "Confirmed" and "probable" estimates of potential enemy capability in war planning seem to give way to what war-game strategists think is "possible." For the "possible," and for just another option in contingency planning, we have spent billions on weapons. Far too often, it appears that funds for weapons are merely spent on an arms race against ourselves.
>
> So it is that over the years we have spent billions of dollars to fill gaps that have not existed.

SAFEGUARD AND SALT CHIPS: 1970

Mr. President, this year, the Pentagon tells us that we need to expand Safeguard to phase II-A including deployment at a third site, that is at Whiteman Air Force Base in Missouri. We have been told that phase II-A is needed to plug a "bargaining gap" in our portfolio of negotiable instruments at the strategic arms limitation talks—SALT.

We have been told by the Defense Department that we must expand Safeguard to let the Russians know that their strategic weapons buildup is unacceptable to us. In short, it is the Pentagon's hope that U.S. buildup in defensive strategic weapons—and here let us not forget the other items in the bill for offensive strategic weapons—will provide the incentive for the Soviets to halt buildups in strategic armaments.

The approach to SALT then appears to be one of "arming to disarm." The Senator from Michigan (Mr. **HART**) has already questioned this approach and I share his skepticism.

Regarding bargaining chips and the incentive we can provide to check Soviet increases in strategic weapons, the Senator from Massachusetts (Mr. **KENNEDY**) has observed, and I think rightly so:

> The United States already has ample bargaining chips in its unquestioned capacity to continue and even accelerate the arms race. It is this capacity which the Russians are concerned with, not an unbuilt ABM system of dubious efficacy. The Russians recognize that if no agreement is reached at SALT, we can eventually build far more effective ABM systems than Safeguard, and can massively increase our defensive strength. This is their incentive to negotiate meaningfully at Vienna.

Mr. President, we do not know the specifics of the administration's instructions to our negotiators at SALT. We do not know such details as instructions on quantitative and qualitative limitations on the strategic weapons arsenal; the time framework of limitation; the rate of limitation and the extent of limitation.

What we know is that the administration is asking us to authorize additions—not limitations—to our strategic weapons program. We know that with each request goes the argument of yet still another bargaining chip for SALT.

AVOIDING THE INSATIABILITY FOR SALT CHIPS

SALT must not become an "instrument for armament" by the United States and the Soviet Union. Nor should it become an "incentive for armament" by other countries. I, along with many Americans, fear these very developments.

Let us seek with the Soviet Union an acceptable "strategic parity" or "security sufficiency" in strategic weapons systems. But let us seek such agreement through formulas implementing a freeze or reduction in armament, not through actions aimed at building up armament.

Strategic weapons buildup by the United States and the Soviet Union—the very arms race we fear—appears to be the present approach to SALT. Let us recall the exchange between the Senator from Massachusetts (Mr. **BROOKE**) and Secretary Laird during hearings before the Senate Armed Services Committee. When asked how a decision to "stretch out" MIRV deployment with deferral contingent upon concrete progress at SALT, Secretary Laird said:

> "I do not find this proposal inconsistent with the *spirt* of strategic arms limitation—but I do believe that it is inconsistent with the *purpose* of the arms limitation *talks*, which is to sit down at the table with the Soviet Union and work out an agreement that provides essential security and is acceptable to both sides." (Page 2171, Authorization for Military Procurement, Research, and Development, Fiscal Year 1971, Hearings before Senate Armed Services Committee).

SAFEGUARD AND SALT AND GRIT

Mr. President, the momentum in the development, procurement and production of strategic weapons must be halted in the name of sanity. It can be halted by sound decisionmaking as to national priorities. It must be halted for the lasting and genuine security of this nation and the nations of the world.

This year the Senate again faces a series of amendments on Safeguard deployment. I have cosponsored two amendments. The first, to be called up by Senator **HUGHES**, bars Safeguard deployment at sites under both phase I and phase II–A. The second, introduced by Senator **COOPER** and Senator **HART**, limits Safeguard to Phase I sites by barring deployment at Whiteman AFB and the advance preparation at Warren AFB.

These are reasonable amendments. If, however, the first fails, then the second still provides a check on the Safeguard spillover to additional sites called for under phase II–A.

In considering the reasonableness of these amendments, let us recall that our strategic weapons investments over the years presently yields a kill-power 10 times that needed to inflict unacceptable damage on the Soviet Union. Against this, we must weigh the present increases in Soviet developments on the SS–9, SS–11 and SS–13. We know, that in weighing numerical increases in weapons, quantitative increases are not as significant as qualitative improvements such as the accuracy and penetration of warheads to potential targets.

Our strategic deterrent is not in danger of being overwhelmed now, nor is it likely to be in the coming decade. Still we must be alert to the "growth threat", that is, what the Soviet Union could do and what the Chinese could do to our deterrent by building up and improving their strategic weapons arsenals.

To meet "growth threat" in enemy buildups, the Defense Department asks us to build up our over-kill and alleges that by so doing the enemy will halt its buildup.

Mr. President, if there is any reasonable premise of human behavior on which this logic is based it escapes me. The fact is that this logic has failed in the past and it fails now as we and the Soviet Union expand our arsenals.

I hope that the strategic arms limitation talks will prove successful in achieving a limit in strategic armaments—a mutual limit in all categories of strategic armaments. I am of the firm conviction, however, that such arms agreement limitation should not be based on mutual increases in armaments, but rather by mutual ceilings and reductions on present levels of armaments.

Gradual reduction in terror, GRIT is hopefully what we will achieve at the strategic arms limitation talks, SALT. Meanwhile, funds in this bill—funds for increasing our offensive and defensive weapons programs, including an expansion of Safeguard ABM, take us from the terror reducing objective.

We can move toward gradual reduction in terror by checking Safeguard expansion. For the sake of genuine national security of this Nation, I hope we will be successful.

THE ABM SYSTEM

Mr. **BAKER**. Mr. President, for many Americans the ABM is no longer a part of a specific weapons system; it has become the symbol of an increasing public concern about the goals of this Nation's foreign policy and the wisdom of those who make and administer it. It is seen as the most recent and most politically vulnerable example of the way an unholy though natural alliance of military and industrial leaders can promote for its own purposes an expensive weapon of dubious need and technical efficacy. In a time of serious domestic crisis, it is viewed as evidence that the political and economic establishment is either unwilling or unable to respond to growing public demand for a major shift in funding priorities, from defense spending to social programs.

In my view, much good has come from this new, critical public interest in defense expenditures, such as the recent announcement by Secretary of Defense Laird that future weapons contracts will stress testing and evaluation before large amounts of money are appropriated. However, there also lies in this same public interest a grave danger. First, the formulation and execution of a genuinely responsible foreign policy and defense strategy may be impeded or even rendered impossible by an uncritical and categorical public opposition to anything military. Second, there is a growing number of Americans who feel that international realities now permit the formulation of an effective foreign policy that would not include a strong defense posture. There is a great difference between a demand that defense expenditures be efficiently administered and the view that the maintenance of American military strength is unwarranted and even immoral.

To me, all this suggests that public debate on the Safeguard system has lost sight of the system itself. Whether the system has merit has become largely irrelevant. I do not mean to imply that the large and symbolic issues that pertain to the system are not important. They clearly are. But I am deeply concerned that the factors that should control the decision of whether to deploy the Safeguard may have little to do with that decision, and that it may be sacrificed to broad national concerns and commitments that would be advanced and protected by the ABM system.

In brief, I find that the arguments against further deployment of the Safeguard system are: First, the system is at best unnecessary and at worst will seriously limit the prospects for productive arms talks with the Soviet Union; second, it represents a dangerous and immoral commitment to an expanded arms race at a time when there exists a unique historical opportunity for the United States to exercise restraint, which is consistent with its national ideals and its desire for peace; third, it is technologically unreliable and could be easily overwhelmed or neutralized by the Soviet Union; and fourth, it diverts to military purposes public resources critically needed for social progress at home.

It is my carefully reached and strongly

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held conviction that, on the contrary, further deployment of Safeguard: First, is necessary for national security and will greatly enhance the possibility of meaningful arms agreements with the Soviet Union; second, will not provoke escalation of the offensive arms race and is, in fact, far more moral than the alternatives available to us; third, is technologically adequate for the restricted function that it is designed to fulfill; and fourth, is not properly viewed as an alternative to domestic spending but is influenced by considerations of a wholly different nature.

I held these views during our consideration of phase I of the Safeguard system and feel even more strongly about them now in light of having had the opportunity to more adequately understand what is actually included and excluded, the complete lack of alternatives, and most important, what has transpired at the strategic arms limitation talks in Vienna since April.

President Nixon is widely criticized for having simply repackaged the Sentinel system. What this argument ignores is the fact that while several Presidential justifications have been offered for the ABM, only one basic justification has been offered by President Nixon. He concluded that the Sentinel system and the purposes for which it had been authorized were not consonant with what he saw happening in the Communist world and with the avenue that he perceived as holding the greatest prospects for significant deescalation of world tensions and the arms race. With a few minor changes, the physical configuration of the Sentinel and Safeguard systems are about the same, but the concept of defending only our land-based retaliatory capacity makes the Safeguard argument one that overcomes the questions of absolute reliability. To begin with, an offensive missile launched by the Soviet Union against a hardened Minuteman silo in the remote plains of Montana and North Dakota would have to be targeted with extraordinary accuracy. Second, penetration by such an accurately targeted warhead and a direct hit would mean the loss of only a single American ICBM, not the massive loss of human life. Third, Soviet military planners would be required to impute to our defense system a far greater degree of reliability than it might actually possess.

In considering how real the Soviet threat is, one only has to look to the fact that during the past 2 years, the Soviet missile force has tripled to more than 1,000 ICBM's, including the giant SS-9. In addition, the Soviet influence in both the diplomatic and arms crisis in the Middle East cannot be easily brushed aside. While they have not deployed more missiles since the SALT talks began, there is substantial evidence that the Soviet Union is still constructing ICBM launchers for future deployment. Opponents of the system delight in pointing out the seeming discrepancy between the assertion by Secretary of Defense Laird that the Soviet Union is going for a first-strike capability and a subsequent statement by Secretary of State Rogers that, in his view, there was no intention on the part of the Soviets to launch a first strike against the United States.

The two statements are in no way inconsistent; they simply draw attention to the difference between capability and intention. As President Nixon has said:

> I believe that defensive decisions must be made on the hard realities of the offensive capabilities of our adversaries, and not on our fervent hopes about their intentions.

Although the Safeguard system in no way lessens the U.S. reliance upon its retaliatory strike capacity to deter nuclear aggression by an enemy, those who oppose Safeguard would have us rely solely on the deterrent and would do nothing to provide an alternate response. Without Safeguard, in the event of a minor, accidental or unauthorized attack, the United States would have no alternative to unleashing the full fury of its deterrent against the country believed to be the origin of attack.

It seems to me that the largest nation on earth, and by our own claim the most moral nation on earth, ought to find a defense posture more moral and more appropriate than reliance on offensive weaponry in terms of retaliatory strike capacity. It is chilling to me to hear opponents of Safeguard allege that the program ought not to be authorized and deployed because it is cheaper to have an equivalent amount of defense for the United States by building more nuclear strike capacity with systems such as Minuteman and Poseidon.

I think it is time that we take a calm, dispassionate look at our post-World War II policy of retaliatory deterrent and consider instead an active defense system. Put another way, I think it is time we laid aside our ICBM mentality, even if at greater cost. Put still another way, I think that if I were a citizen of the Soviet Union and I saw the United States of America elect against a defensive system and in favor of an offensive strike system, I might be a little upset.

Those in opposition to Safeguard have heretofore relied heavily on the argument that our ABM was provocative and would certainly dampen the prospects of the United States obtaining any sort of agreement, limited or comprehensive, at SALT. Although the details of the talks have not been made public, there is every indication that the decision to deploy phase I of Safeguard has not altered the eagerness of the Soviet Union to proceed with arms talks. In fact, it soon became apparent in Helsinki late last year that the Soviets had zeroed in on the U.S. ABM while paying very little attention to our already-completed Minuteman force. The Soviet concentration on Safeguard has reinforced my belief that the program is the one critical bargaining chip at Vienna.

The importance of the ABM at SALT should not come as a surprise to the United States, however, since the Soviet leaders have long held the belief that a government should provide for the defense and safety of its people and property. In addition, the vast expenditures necessary to build an ICBM system of such quality that it can overcome even a "thin" hard-point defensive system would cause great difficulty in the Soviet Union in view of their current domestic needs.

The effect of the initiative taken by the United States in approving phase I is also not without precedent in that the Soviet willingness to seriously participate at SALT is strikingly similar to the publicly announced readiness of Russia to participate in arms talks which came only three days after the Senate had voted appropriations for Sentinel in June 1968. Shortly thereafter, a prestigious Soviet scientific journal offered to publish a speech by the director of the Oak Ridge National Laboratory, the thesis of which is that defensive systems can be deployed in such a way as to decelerate the offensive arms race.

Whatever progress has been made at SALT can be credited in part to the fact that our delegates had a negotiable point that highly interested the Soviet Union, and to undermine the American bargaining position at this time by refusing to approve the request for phase II of Safeguard would greatly diminish the likelihood of a successful agreement. With their chief target removed by congressional action, the Soviets would have little incentive to halt deployment or decrease their offensive forces.

As pointed out so well in the Senate Armed Services Committee report on H.R. 17123, the United States would certainly welcome an agreement that would obviate the need for Safeguard, but there is no assurance at this time that such an agreement will be reached. The risk to the success of our negotiators at SALT in striving toward a workable arms agreement and the strategic and moral need for a good defense to secure our deterrent force, should an agreement not be possible, is, to me, the serious question involved. I believe that the burden of proof is upon those who assert that deployment of the Safeguard system raises a significant obstacle to fruitful negotiations; proof that is most difficult to come by in view of the basic thinking of the Soviet leaders and negotiators as evidenced by their past and present activity.

Mr. President, the decision to proceed with phase II of the Safeguard system may be, when combined with phase I, the most important step any nation in the world has taken to end the offensive arms spiral. At the same time, it may well serve to discourage the Soviet Union from using the threat of a first-strike capability to gain a one-sided agreement. Until tangible progress is made on arriving at, and even beginning to implement, mutually acceptable SALT agreements, it is in the national interest of both the United States and Russia to retain at all times a credible capability to deter attack by the other.

It should be borne in mind that the credibility of our respective deterrents can and ought to be predicated at least in part on an active defense system rather than an offensive system. As long as one side continues to introduce new offensive weapons systems into its inventory, the other side risks the credibility of its deterrent if it fails to respond. I

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also firmly believe that both sides will require some deterrent forces, both defensive and offensive, even under a SALT agreement. Neither side can be sure what Communist China and others will do with their nuclear weapons as their ability to deliver an attack develops.

Both the United States and Russia are on record as endorsing the principle that neither side should gain strategic advantage over the other as a consequence of SALT. The entire problem of what to keep and what to prohibit under SALT arrangements takes time to work out. The chances for eventually arriving at a mutually acceptable SALT arrangement will be enhanced if there occurs, in this country, a surge of public realism and patience. Strategic deterrence is the most vital protection we have to insure our continued national existence. If it can be obtained eventually at less cost and risk through SALT arrangements, this will be a real step forward. But no one will know until the negotiators have had sufficient time to do their work—behind closed doors and without any pressures to hurry.

I believe that the committee's recommendations constitute the minimum requirements necessary for maintaining a strong deterrent irrespective of success or failure at SALT, and I therefore urge the Senate to approve the $1.349 billion needed to continue the Safeguard program.

Mr. HANSEN. Mr. President, I appreciate the observations made by the distinguished and astute Senator from Tennessee. I hope his remarks, which display a great amount of in-depth research, will be read and carefully considered by all of our colleagues. I think he has approached the question in a very dispassionate manner and has arrived at the conclusions which he has reached after careful and thoughtful consideration; and I certainly commend him for a very worthwhile and learned presentation.

The PRESIDING OFFICER. What is the will of the Senate?

ORDER FOR RECOGNITION OF SENATORS MURPHY AND PACKWOOD TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at the completion of the remarks of the Senator from Arizona (Mr. FANNIN), a period of not to exceed 30 minutes be allotted to the Senator from California (Mr. MURPHY) and the Senator from Oregon (Mr. PACKWOOD).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for a recess until 10 a.m. tomorrow.)

UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, I am about to propose a unanimous-consent request.

Mr. STENNIS. Mr. President, may we have quiet, so that we may hear the Senator?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, this proposed request has been discussed with the able majority leader, the able minority leader, the able minority whip, and the various Senators who are sponsors and cosponsors of the known amendments to be discussed, debated, and voted on tomorrow.

Mr. President, in lieu of the unanimous-consent agreement adopted on August 6, I make the following unanimous-consent request:

Ordered, that the vote on the adoption of the Cooper-Hart amendment, as pending or as amended, occur at 3:45 p.m. tomorrow, Wednesday, August 12.

That debate on any amendment offered from 9 a.m. until 10:30 a.m. on tomorrow be limited to 30 minutes, the time to be equally divided and controlled between the proposer of the amendment and the majority leader, if he is opposed to the amendment, or the minority leader if the majority leader is not opposed to the amendment, or their designee.

Ordered further, that from 10:30 a.m. until 12:15 p.m. it be in order for the Senate to debate the amendment to be proposed by the Senator from Iowa (Mr. HUGHES), to be considered en bloc; and that the time be equally divided between the Senator from Iowa and the majority leader, if he is opposed to the amendment, or the minority leader if the majority leader is not so opposed, or their designee.

Ordered further, that the Senate proceed to consider the Brooke amendment at 12:15 p.m., with debate thereon limited to 1 hour, the time to be equally divided between the Senator from Massachusetts (Mr. BROOKE) and the majority leader, if he opposes the amendment, or the minority leader if the majority leader does not oppose the amendment, or their designee.

Ordered further, that thereupon the Senate proceed to the consideration of the amendment by the Senator from Iowa (Mr. HUGHES), the debate to be limited to 15 minutes and controlled by the Senator from Iowa, after which the Senate will immediately proceed to vote on the Hughes amendment.

After the vote on the amendment by the Senator from Iowa (Mr. HUGHES), that there be 15 minutes of debate on the Brooke amendment, with the time under the control of the Senator from Massachusetts (Mr. BROOKE), the vote thereon following immediately thereafter.

Provided further, that following the vote on the Brooke amendment, the remaining time until 3:45 p.m. on the Cooper-Hart amendment be equally divided and controlled by the Senator from Kentucky (Mr. COOPER) or the Senator from Michigan (Mr. HART), and the Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object—and I do not know that I would object—I notice here, as to all these amendments except the Cooper-Hart amendment, the time is designated to be controlled by the minority and majority leaders.

I do not object to them personally, but it is customary for the one who has the bill to have the privilege of controlling the time, and the proponent of an amendment controls his time. Will the Senator give an explanation as to why he is departing from that?

Mr. BYRD of West Virginia. Mr. President, may I say that I have no personal feeling about that matter. I would be very glad to change the unanimous-consent request to read accordingly.

Mr. SCOTT. Mr. President, reserving the right to object for that purpose, I would suggest that we indicate that time is to be equally divided in all instances between proponents and opponents of the amendment, if the distinguished Senator has no objection. I have just had notice that the Senator from South Carolina (Mr. THURMOND) would like to be notified of any time agreements. I did not know that when I discussed the matter with the distinguished Senator from West Virginia. If the Senator from West Virginia can withhold his request for a few moments, without having to read it all again, we will have word from the Senator from South Carolina.

I think we can protect the proponents and opponents by making it clear in this colloquy that that is the intention of the unanimous-consent request.

Mr. BYRD of West Virginia. The intention of the request was that the proponent of the amendment, of course, have control over half the time and that the majority leader or the minority leader—or their designee—depending upon the position of the majority leader vis-a-vis the amendment—have control over the other half.

It would be perfectly agreeable to change the unanimous-consent request and place the time in opposition to each amendment under the control of the able manager of the bill.

Mr. STENNIS. Mr. President, reserving the right to object, it is quite an added burden to have to control that time. I think the Senator who is presenting the bill and carrying that load should have control of the time on any amendment that seeks to change the committee bill. He is representing the committee.

Mr. BYRD of West Virginia. Mr. President, may I say to the able Senator that there was no motive whatsoever in writing the unanimous-consent request as it has been read.

Mr. STENNIS. I understand that.

Mr. BYRD of West Virginia. I will change the verbiage in accordance with our discussion here, so that time in opposition to amendments will be controlled by the manager of the bill.

Mr. SCOTT. In order that we may understand what is being proposed here, there is to be no vote on any amendment

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prior to 1:30 p.m. tomorrow. Is that correct?

Mr. BYRD of West Virginia. That would be the understanding.

Mr. SCOTT. I withdraw my reservation of objection, with the exception that I would like the distinguished Senator to withhold the actual putting of the question until we have heard from the distinguished Senator from South Carolina.

Mr. BYRD of West Virginia. Very well. I think the RECORD should show, however, in response to the query by the able minority leader, that if a Senator were to offer an amendment at 9 a.m. or 9:30 a.m. or 10 a.m., it would be an amendment concerning which we are not informed at the moment. Of course, that Senator would have a right to ask for a vote on that amendment. But insofar as the votes on presently known amendments are concerned, no vote would occur before 1:30 p.m. tomorrow under the agreement if it is adopted.

Mr. SCOTT. Because, as the distinguished Senator from West Virginia knows, there is a funeral of a Member of the other body tomorrow morning, and the two Senators from Pennsylvania will be there. I state this so that Senators may be advised of our expressed hope that no vote will occur on other amendments prior to 1:30 p.m. as well as those which are presently under consideration.

Mr. BYRD of West Virginia. Acting on behalf of the majority leader, I concur in that hope. Every possible action would be taken to protect Senators in accordance with that understanding.

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Mr. President, I withdraw the proposed agreement for the time being.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 15 minutes.

The motion was agreed to; and, at 5:16 p.m., the Senate took a recess subject to the call of the Chair.

At 5:29 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. CRANSTON).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask that the floor be cleared and Senators take their seats, and that Senators' aides take seats in the rear of the Chamber, and that the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

INFLATION "ALERT" DEMONSTRATES THE NEED FOR PRICE AND INCOME GUIDEPOSTS

Mr. PROXMIRE. Mr. President, as we all know, the Council of Economic Advisers issued its first "inflation alert" last Friday. This document was lengthy and belated, and the unfortunate title "inflation alert" has, of course, invited humorous and belittling comments. However, in our dismay that the administration has not seen fit to employ more vigorous and specific anti-inflationary policy, we should not overlook the value of the document released last week as a source of information on what is happening to prices and wages.

What is happening in many sectors of the economy is no less than alarming; and, as Hobart Rowen points out in an article in this morning's Washington Post, the Council's "inflation alert" is its own best evidence that "what this country needs is a stronger wage-price policy to curb inflationary pressures that are not being halted by other Government measures."

Much of the first part of the Council's lengthy "alert" is a review of past history; but, if we turn to chapter III entitled "The First Half of 1970" and chapter IV entitled "Selected Recent Price and Wage Developments," we find what Mr. Rowen describes as "a straightaway rundown of price and wage increases that have gotten out of hand." One example is the price of bituminous coal, which has increased 35 percent during the 12 months ended in June. Not only that, but the rate of this price increase has been accelerating. During the first 6 months of 1970, the rate of price increase reached an annual rate of 56 percent. If we take only the second quarter of 1970, the price increase for bituminous coal was at an annual rate of 81 percent. The price of residual fuel oil has also increased rapidly, and at an accelerating rate, reaching an annual rate of increase of 60 percent in the second quarter of this year.

Now, of course, there are special factors in the fuels industry. There are always special factors in any specific case which is identified. But does this mean that we should sit back and let the public suffer price increases of this magnitude while waiting for the special factors to go away? I need not dwell on how basic coal and oil are to our economy. Over half of the electric power in the country is generated by burning coal. The effect which these increases in the price of coal will have on the price of electricity is alarmingly obvious.

The main special factor driving up the price of fuels seems to be that they are in extremely short supply. Of course, when demand outruns supply, market prices will rise. But are we to sit still and wait for the free market to increase fuel supplies and bring prices back down—a process which might take years? Is this not clearly a case in which the Government has a duty to specify price behavior which is in the public interest? And also, of course, to take whatever other steps may be necessary and useful to alleviate the shortage?

Coal and oil prices are only one example of the specific sectors of the economy where inflation is rampant, where there is no evidence of a slowdown in the rate of price increase. The price and wage spiral in the construction industry is another, more familiar, example which the Council identifies in its inflation alert. Others are rubber prices, wage pressures in the trucking industry, the rising cost of public transportation, and, of course, the very recent development not highlighted in the "inflation alert"—the prospective 5 to 6 percent increase in automobile prices. In none of these areas will inflation be brought under control by slowing down the economy, by continuing to tolerate unemployment of 5 percent or more. It is clear that there is no more mileage to be gained from holding down the overall growth in the economy.

What is needed is a direct attack on the specific sectors where inflation continues unabated. It has long been my belief that this can best be done through a vigorously executed guidepost policy—a policy of identifying the pattern of price and wage changes which would be in the public interest and of employing the full prestige of the Presidential office to secure voluntary compliance with these guideposts. Of course, such a policy should be accompanied by major efforts to remove the structural inefficiencies which plague our economy—to relax the absurd restrictions on oil imports, to improve government procurement policies, to revamp our regulatory practices, and so forth.

Mr. President, I commend the Council of Economic Advisers for making available the information that they did concerning this continuing problem of inflation, and I call on the administration not only to continue to provide these useful documents, but to institute the price and incomes policies the need for which is so clearly demonstrated by their own studies.

I ask unanimous consent that Hobart Rowen's article entitled "Inflation 'Alert' is Fine as a Start", published in today's Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INFLATION "ALERT" IS FINE AS A START

(By Hobart Rowen)

Mr. Nixon's "inflation alert" of last Saturday is the best evidence so far that what this country needs is a stronger wage-price policy to curb inflationary pressures that aren't being halted by other government measures.

First, let it be said that the administration deserves a good deal of credit for publishing the "alert," which included a straightaway rundown of price and wages increases that have gotten out of hand.

There were some among Mr. Nixon's advisers who would have preferred to release a long academic history of the causes of inflation, and let it go at that. But the Council of Economic Advisers put together, as well, a summary of the most pressing areas of current inflationary pressure, and the entire document prepared for the new Commission on Productivity was published.

Arm-twisting and criticism by the President was side-stepped. But there didn't have to be any name-calling: the essential story came through. And that is, as everybody knew, that some unions have gotten wage increases that exceed a reasonable level; and some industries are raising prices beyond any measure required by their costs. The question now becomes what, if anything, Mr. Nixon proposes to do about these situations beyond CEA Chairman Paul McCracken's prayerful hope that in some "inscrutable way," things will right themselves.

It is significant that the "alert" (which is probably a bad name for the exercise) did not simply discuss past price rises. That would have been, as Prof. Robert Solow once suggested, not much more of a clue to the future than an old weather report. Instead, the long and serious document detailed areas of incipient trouble, including rising transportation, trucking, and home heating and power costs that haven't yet been fully reflected in the published indexes.

Precisely as McCracken suggested, the report lifted "the level of visibility on prices and costs in these areas." It was a wholly worthwhile educational process, particularly the detailed discussion of inflated consumer bills for gas and electric power.

It should be a shock for the public to learn that the price of coal has gone up 35 per cent this year, and home heating oils 25 per cent. And since power companies must borrow heavily to finance expansion, the 21.5 per cent boost in interest rates last year is another factor contributing to higher electric utility bills. (Remember the old conventional wisdom that high interest rates would control inflation?)

But a responsible government must do more than point out what is happening; that is a good first step, but it is not enough.

By the same token, it is fair to observe that price problems in the service area—like the recent boost in bus fares in Washington—are the toughest to cope with although a strong and determined government could find ways of aleviating the situation, at least for low income groups.

In the other areas cited—rising coal and electric power costs, higher natural gas prices, advances in rubber tire and cigarette prices—government policy of a broad nature could more effectively protect the consumer. What is needed is a new attitude on the part of regulatory agencies whose instincts are normally to protect industry's profit margins first and the consuming public's needs second (if at all); in addition, stronger measures are needed to deal with industries like rubber tire producers and unions such as the Teamsters which call their own shots on prices and wages without any government interference.

Similar problems exist in the construction industry, and these—because the local unions have so much autonomy—are undoubtedly difficult to cope with.

But an effort needs to be made, shucking off the wistful belief that prices and wages are set in the spirit of free competitive enterprise, and that nothing, therefore—even a raging inflation—should be allowed to interfere with the "market place" process.

This is utter nonsense, and no better proof has been offered than the President's own report. Take the rubber tire example: during April and May, the union negotiated with the major rubber companies for a 7 to 8 per cent hourly increase in wages for a three-year period.

The most important single product group is tires and tubes, and here, productivity has been rising steadily, at an average of 5.1 per cent during the 1960s. Productivity is a simple measure of labor efficiency; in tires and tubes, it means that a tire worker on the average has been turning out 5.1 per cent more goods per hour. Thus, his compensation can increase by about the same amount without raising prices.

Indeed, in the best of all free enterprise worlds, if wages did not increase in the face of such a gain in productivity, the industry would *reduce* prices and still maintain its profit margins.

But back to the real world: the 7 to 8 per cent boost in tire worker compensation, being greater than the productivity gain means a boost of 2 per cent or perhaps 3 per cent in unit labor costs. But because labor compensation represents only 30 per cent of the value of the tires, the wage hike translates into only 1 per cent in production costs. And what did the companies do? They announced in June and July a 5 per cent hike in replacement tire prices.

The worry here is that having turned out a lengthy "alert" with lots of history and basic economics, Mr. Nixon's inflation-watchers may consider the job done. There was no specific timetable for the next "alert." But one should come soon, and be more specific. As Maurice Mann, scheduled to be George Shultz's economic aide, said in a speech back in June, "The economy can't endure the types of excessive wage and price increases we've seen recently."

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER, The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF REPRESENTATIVE G. ROBERT WATKINS OF PENNSYLVANIA

Mr. SCOTT. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Resolution 1183.

The PRESIDING OFFICER (Mr. DOMINICK) laid before the Senate House Resolution 1183 which was read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable G. Robert Watkins, a Representative from the State of Pennsylvania.

Resolved, That a committee of sixty-three Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. SCOTT. Mr. President, I submit a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (S. Res. 441) was considered and unanimously agreed to, as follows:

S. RES. 441

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. G. Robert Watkins, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

The PRESIDING OFFICER. Under the second resolving clause, the Chair appoints the two distinguished Senators from the State of Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER) as the committee on the part of the Senate to join the committee from the House to attend the funeral of the late Representative Watkins.

RECESS TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and, pursuant to Senate Resolution 441, as a further mark of respect to the memory of Representative G. Robert Watkins, of Pennsylvania, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 15 minutes p.m.), the Senate took a recess until tomorrow, Wednesday, August 12, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, August 11, 1970:

DEPARTMENT OF COMMERCE

William Robert McLellan, of California, to be an Assistant Secretary of Commerce, vice Kenneth N. Davis, Jr., resigned.

U.S. DISTRICT COURT

Carl O. Bue, Jr., of Texas, to be a U.S. district judge for the southern district of Texas, vice Joe McDonald Ingraham, elevated.

ASIAN DEVELOPMENT BANK

Artemus E. Weatherbee, of Maine, to be U.S. Director of the Asian Development Bank, vice Bernard Zagorin.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. Frederick Carlton Weyand, 565-01-7616, Army of the United States (major general, U.S. Army).

EXTENSIONS OF REMARKS

HORTON LAUDS MONROE COUNTY FEDERATION OF WOMEN'S REPUBLICAN CLUBS BRUNCH AND AWARD RECIPIENTS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. HORTON. Mr. Speaker, there are many people who go unnoticed, who are not in the public eye, but who leave a tremendous mark on society.

Such women were honored at the Monroe County Federation of Women's Republican Clubs Brunch, last Saturday, August 8.

The brunch, which I was privileged to attend, commemorated the 50th anniversary of women's suffrage. I was extremely pleased to be included in the commemoration and I felt the experience presented good ammunition for the equal rights amendment which is coming to the floor of the House of Representatives for a vote today. I am a sponsor of the equal rights amendment and I shall vote in its support.

A quote of Susan B. Anthony, woman suffrage leader, used at the brunch is quite appropriate today.

> Woman has shown equal devotion with man to the cause of freedom and has stood firmly by his side in its defense. Together they have made this country what it is.

XUM

The four women awarded at the brunch were Mrs. Helen Amiger, Sister Francis, Mrs. Manuel Goldman, and Mrs. Ralph Leidy. These women exert a tremendous impact on our community. They do not seek, nor do they receive national acclaim, and yet they are examples of women who realize their responsibility to the entire community and without whom the city of Rochester would be a little dimmer.

They see a problem area they want to correct, they work on it, no matter how small, and then they go to the next area for correction. They respond to the needs of the community. They do not sit back and moan, "What can I, as one person do?" They go ahead and do it, and in the end their achievements are amazing.

Mrs. Paul M. Speigel presented the awards and I would like to share with my colleagues a portion of her remarks on the recipients:

> Today, we are honoring doers and achievers in the Greater Rochester Community. We have so many, Mrs. Harper Sibley, Mrs. Walter Post, Mrs. Frank Gannett, Mrs. Hawley Ward, Mrs. Lester Berlove, and Mrs. Mildred Johnson, that it would be impossible to honor each of them. Therefore, the committee tried to pick recipients who quietly go about their business, unsung publicly, and do and achieve because of their deep feelings for their fellow men and women.
>
> Our first recipient, Mrs. Helen Amiger, has worked at doing and achieving in the black community. A resident of Hanover Street, she activated a Girl Scout troop there in 1963 and was a Scout camp counselor in 1965. She was the first bus matron when open enrollment started and two of her own children were among the first to be bussed. When she discoverd that some of the children did not have lunches, she started preparing lunches for them to carry. She then became active in PTA and started the movement for hot lunches in school 6. She was president of the Catherine Street organization which has been successful in securing traffic lights at important corners where children cross.
>
> In addition, she activated the day care center at Baden Street settlement and worked there from January 1967 to March 1969. She is now working in the activities program at Baden Street and has started a program for 5 and 6 year olds.
>
> Mrs. Amiger also organized the Concerned Mothers, which is an organization of mothers who have children and problems of emotional and psychological nature.
>
> She was elected to the board of directors of Baden Street Settlement in 1964. She is now on the urban renewal committee of the Baden Street Settlement and is a member of the staff.
>
> As you can see, Mrs. Amiger's concern is for the children and her achievements will be the cornerstone on which many black children will build.
>
> Sister Francis is Mother Superior at the Holy Angels School and Home on Winton Road. The work of the sisterhood began in France over 300 years ago when a missionary priest witnessed the plight of girls and women who were trying to lift themselves from a life of degradation, once they were made to see there was a better way of life. They found very little help from society at large. After a few unsuccessful attempts, the missionary, a truly foresighted social reformer, discovered that he would need women in charge, women of strong enough character to impress upon the girls the dangers of the life to which they were exposing themselves. That is how the sisterhood came into being. Today they are in ten countries, working with teenagers from broken homes, striving to rehabilitate them in every sphere of their lives. They also work with parents whenever possible.
>
> Holy Angels in Rochester was founded in 1930 to serve the community and surrounding areas. In addition to the main house, there are two cottage homes where family living experience is provided. They hope in the future to provide a half-way house somewhere in the city for girls who cannot return to their homes.
>
> The home and school have state board approval and diocesan approval—two difficult taskmasters, and Sister Francis is young for this responsibility, but brings creative intelligent responsiveness to her tasks.
>
> She attended Duquesne University and Regina Mundi Institute for Sisters in Rome. Sister Francis came to the Holy Angels staff in 1954 and she has been secretary, director of novices, teacher, principal and, since 1968, superior. On the personal side—and Sister Francis doesn't know that I know this—she is a nature lover and has great empathy for God's creatures. In addition, she writes delicately beautiful poetry.
>
> Mrs. Manuel Goldman, our next recipient, has been extremely modest. However, her long periods of devotion to her special interests represent many, many hours of service.
>
> She was named to the Board of Directors at Baden Street Settlement in 1951, and 19 years later is still serving on it. She was its president from 1958–1961.
>
> Mrs. Goldman was a member of the youth board from its beginning until 1968, and was its president for 3 years.
>
> Currently she is giving her capable efforts to a committee established in 1968 by the Health Council to investigate school mental health services. She was appointed chairman of this vital committee. In two short years the committee issued a booklet containing ten recommendations.
>
> Mrs. Goldman says of her work "The one we felt most strongly about was an experimental program called the Primary Mental Health Project, which was in one school—#44." This identified early (as early as first grade) school maladjustment and through the use of aides, professionally trained, developed a program treating these children on a one to one relationship.
>
> The committee has remained in existence in an attempt to extend the program. This year it was put into five more city schools and five in the county.
>
> Mrs. Goldman and her fellow committee members have truly pioneered in this field—another woman who has given greatly of herself to the community.
>
> Mrs. Major Mary Leidy, a native of Ohio, trained at the New York City School for Salvation Army Officers. Upon completion of her studies, she was ordained and commissioned and sent to serve in Cleveland.
>
> After she was married, she and her husband commanded Salvation Army centers in Painsville, Youngstown and Akron, Ohio. In 1964 they were appointed to Rochester.
>
> Here, as elsewhere they work as a team. She has the women's program as her responsibility—unwed mothers, services to institutions, and spiritual counseling. During the summer the entire family, including her own three children, move to Troutburg to a camp for underprivileged children. Approximately 400 children from the inner city receive spiritual, mental and physical guidance under her influence.
>
> Incidentally, founded in England in 1865 by Rev. William Booth, the Salvation Army was established in Rochester in 1890. Closely associated with the organization here is Mrs. Ida Post who gave me a quotation about Mrs. Leidy which says it far better than I. Mrs. Major Mary Leidy is truly an instrument in God's hand—always ready and willing to serve Him and humanity, irrespective of race, creed, nationality and status of life. Because of her faith, her selfless understanding and compassion, she is highly respected and loved by all whom she serves and by all of us who deem it a privilege to serve God with her.
>
> I think we can be very proud of the women in the Rochester community, represented by these four award recipients. The one outstanding trait of our recipients which is common to all of them is humility. Each said, "I can't accept this for myself" and I actually had to convince them that in doing so they would bring great credit to their organizations and, perhaps, further their work through your knowledge of it.

Mr. Speaker, I would like to share the program with my colleagues. The welcome was given by Mrs. Edna F. Daly, the Pledge of Allegiance by Mrs. Don W. Cook, and the invocation by Mrs. Joseph Ziemniak. Mrs. Edna F. Daly introduced the guests, Mrs. Paul M. Spiegel presented the awards, and Mrs. Edward S. King introduced Mrs. Wilma Rogalin who was the main speaker.

The honored guests included Mrs. Wilma Rogalin and Mrs. William F. Dwyer.

The brunch was extremely well planned and I would like to commend the brunch committee which included Mrs. Edward

S. King, and Mrs. Paul M. Spiegel, co-chairmen; Mrs. James G. Burdett, hostess; Mrs. Girlie Goodwin and Mrs. Lauretta Johnson, tickets; Miss Jean Arnold and Mrs. Tessie Hawkins, decorations; Mrs. Robert Traub, arrangements; and Miss Vera Wilson, communications.

The officers of Monroe County Federation of Women's Republican Clubs deserve special recognition. They are Mrs. Edna Daly, president; Miss Jean Arnold, first vice president; Mrs. Shirley Whelpton, second vice president; Mrs. Mildred Beisheim, treasurer; Miss Josephine Lombardo, recording secretary; and Mrs. Lola Franklin, corresponding secretary.

STATEMENT OF HON. ROBERT TAFT, JR., BEFORE THE SUBCOMMITTEE ON NATIONAL SECURITY POLICY AND SCIENTIFIC DEVELOPMENT OF THE HOUSE COMMITTEE ON FOREIGN AFFAIRS, AUGUST 5, 1970

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. TAFT. Mr. Speaker, the Subcommittee on National Security Policy and Scientific Development of the House Committee on Foreign Affairs, of which I am a member, has just concluded hearings on a very crucial and timely topic. The hearings dealt with the proper role of the President and the Congress in the deployment and commitment to combat of U.S. Armed Forces abroad.

We have seen a growing debate concerning the authority for the involvement of U.S. Armed Forces in Southeast Asia. It is my hope that the subcommittee, with the insight gained through the hearings, will report out a resolution which will spell out the proper function of both the President and the Congress in this important area.

I have introduced a resolution, House Joint Resolution 1302, which I feel does much to grant to Congress its correct role in the formation of U.S. foreign policy. On August 5, I testified before the subcommittee on behalf of the resolution, and I am happy to include my testimony as part of the RECORD:

STATEMENT OF HON. ROBERT TAFT, JR., BEFORE THE SUBCOMMITTEE ON NATIONAL SECURITY POLICY AND SCIENTIFIC DEVELOPMENT OF THE HOUSE COMMITTEE ON FOREIGN AFFAIRS, AUGUST 5, 1970

Mr. Chairman and Members of the Subcommittee, it is a privilege to appear before you today to testify on behalf of House Joint Resolution 1302, which I introduced in the House on July 9 of this year. This Resolution, like others which the Subcommittee is considering, deals with the authority of the President to commit and deploy U.S. forces abroad without the express consent of Congress. The Resolution also contains a general statement of principle of the United States foreign policy objectives in Southeast Asia. In this connection, it repeals the Gulf of Tonkin Resolution passed by the House and Senate in the summer of 1964.

We have been witnessing, in this country, a growing debate concerning the authority for involvement of U.S. armed forces in Southeast Asia. Much of this debate relates to the question of when the President may intervene with U.S. forces without the prior authority of Congress. Arguments as to who has what power have escalated and this has contributed to the general confusion and frustration which has pervaded the country for the past few months. It is extremely critical, therefore, that Congress act to allay this confusion and frustration, and to define more clearly the proper roles of the President and the Congress in foreign policy formation and execution.

Therefore, we see that there is an attempt to define clearly the Constitutional authority to declare war—the Congress declares war and the President then functions as Commander-in-Chief of our forces. A lack of clarity arises, however, when we have situations which call for the use of U.S. armed forces, but which do not call for or result in a declaration of war. This is now more the pattern than the exception and under the UN Charter it is likely to continue to be. What then are the powers of the President? What actions can he take without Congressional authorization? It is to these questions that I have tried to address myself in authoring this Resolution. I hope that we can do something to strike a constitutionally sound balance between the executive and the Congress.

In tangling with this question, I admit to the Committee that I may have some inherited hang-ups. Not all Tafts have seen eye to eye on the proper powers of the two branches. In a 1916 Yale Law Review article, my grandfather, William Howard Taft, propounded the case for strong executive power. In part he stated, "When we come to the power of the President as Commander-in-Chief, it seems perfectly clear that Congress could not order battles to be fought on a certain plan, and could not direct parts of the army to be moved from one part of the country to another."

In 1951 my father wrote a book entitled, *A Foreign Policy for America*. In Chapter 2 of the volume, he stated the case for more Congressional involvement in military deployment, stating that "in the case of Korea, where a war was already under way, we had no right to send troops to a nation, with whom we had no treaty, to defend it against attack by another nation, no matter how unprincipled that aggression might be, *unless* the whole matter was submitted to Congress and a declaration of war or some other direct authority was obtained." I feel that many of the observations in Chapter 2 of that book, "The Place of the President and Congress in Foreign Policy", are extremely timely today, and I therefore ask that they be incorporated into my testimony.

Mr. Chairman, I offered my Resolution in the hope that it will provide a clear statement of the proper role of the President and of the Congress in the formation and execution of our foreign policies.

Part I of my Resolution makes it clear that the President may not commit U.S. troops for combat abroad except under certain circumstances. Even under these conditions the Resolution requires a full Report to the Congress within 48 hours.

The first such condition is when the Executive, in his sole discretion, finds that the territory or the armed forces, are under attack or imminent threat of attack. There have been criticisms of this defense of territory and forces doctrine, which is embodied in this provision, and it has even been claimed that the doctrine has been and may be used to justify offensive actions. While I do not feel that all of these criticisms are entirely justified, I would urge the Subcommittee to analyze them in the course of our hearings.

The second type of situation in which the President should be allowed to use the armed forces without prior Congressional action is in the fulfillment of treaty obligations. This is clearly related to the question of our national commitments. I endorse the call for careful re-evaluation of our present commitments. If they are beyond our interests and capabilities, formal abrogation by the Senate and the President may be in order.

The third general situation in which the President need not consult with the Congress is in the implementation of a previous declaration of war. Many have argued that the Gulf of Tonkin Resolution was the functional equivalent of a declaration of war. Speaking for myself, I never have agreed with this view and I feel it lies more in the defense of our forces category. I favor its repeal in the context of an affirmative statement by Congress on the policies under which our armed forces are withdrawing from Southeast Asia.

Finally, the President may use the armed forces when necessary to exercise the inherent right of self-defense pursuant to established principles of international law or Article 51 of the Charter of the United Nations. The exact extent of this provision is not clear. I have included this provision to examine and try to define where we should act to protect our citizens or vital national interests, wherever they may be on land, on the seas, in the air, or in space.

Having listed the four types of situations in which the President may act without prior Congressional authority, the Resolution then states that the President shall notify the Congress within 24 hours of all action which he has taken pursuant to his findings. In the event Congress is not in session, the President is required to convene the Congress in an extraordinary session within 48 hours of his action, and notify them of his activity. The Congress may then approve, disapprove or call for modification of the action which the President has taken.

Part I of the Resolution deals realistically and responsibly with those occasions when Congress can and should work with the President. I believe Congress should be concerned with all deployments of U.S. armed forces for combat purposes from the dispatching of small groups of military advisors to the large scale deployment of forces requested by a beleaguered state. My Resolution does not attempt to limit or define exactly when a President can informally "promise" or "commit" the United States to a course of action, nor does it try to determine whether a specific act is "war" so as to require Congressional approval. Instead, Part I deals directly with the Presidential ordering of armed forces outside of United States territory for combat purposes. The President may not so order this movement without prior Congressional approval unless one of the four specific conditions of Part I is met. I believe that these conditions are more limited than many now assert.

But the Resolution goes further by requiring that even when the President is expressly empowered to act, he *must* promptly report his actions to Congress. (It should be noted that this reporting requirement is meant to apply to all significant changes in the disposition of American forces for combat, whether or not prior related acts have already been reported and/or approved.) At that time, Congress can review the actions of the President, and take whatever further action it deems appropriate. A perfect example of the potential use of the Resolution's provisions is the recent incursion into Cambodia. If President Nixon had been operating under the Resolution, he would have reported his action to the Congress. Based upon my estimate of the situation, I believe firmly that the Congress would have ratified his actions as to the sanctuaries at the very least; I know I would have so voted. The decision to go into Cambodia would not then have been that of President Nixon alone, but rather, it would have been that of the President, the Congress, *and* of the people through the Congress. Had the action been so ratified, I doubt that there would have been the violent protest which resulted from the President's action, which was necessarily singular for security reasons at its inception.

Finally, I would like to note that I intend this reviewing function of Congress to apply even when action pursuant to a treaty commitment is involved. If the President acts to deploy for combat pursuant to a treaty, this action should be reviewed by Congress under their war and other powers, and then either approved or condemned. I do not believe that the Senate, by consenting to a treaty, can constitutionally bind the House to render an automatic war decision. Thus, to take an extreme example, even if a valid treaty obligation required the President unconditionally to commit our armed forces, the House and Senate have the constitutional power to require him to cease. While such a situation may not ever arise, I think it is important that the principle be clearly established. The proper way to avoid the problem is by the terms of the treaty, making the commitment contingent on constitutional authorization.

Part II of my Resolution calls for a general statement of policy in Southeast Asia. It adopts the Nixon or Guam Doctrine that the primary duty of defense must rest upon the nations of the region involved. This principle is a marked improvement over the open-ended commitments developed by the Kennedy and Johnson Administrations. The Resolution states the policy of the United States to provide economic and military assistance and, when requested, to those nations whose territorial integrity is threatened by aggression.

XUM

The Resolution further puts the Congress clearly on record as favoring orderly and irreversible withdrawal of our combat forces from South Vietnam, as the South Vietnamese assume the primary responsibility for the defense of their country. This approach is far sounder than the setting of a fixed, public timetable for complete withdrawal, which I feel will only cause confusion and could lead to a prolonging of hostilities.

Part III of my Resolution repeals the Gulf of Tonkin Resolution. As I stated earlier, I feel that the repeal should be accompanied by an affirmative statement of our policy in Southeast Asia, and I have provided such a statement in the first two parts of my resolution.

In considering this and other such Resolutions, I realize that we are dealing with a delicate balance of power between the President and the Congress. I am by no means attempting to hamstring our President, as I feel we must not deprive him of the flexibility needed to safeguard the nation in an age when decisions must often be made immediately or on very short notice. What I am attempting to do is to set out clearly the actions which the President may or may not take without prior Congressional approval. The adoption of such a Resolution would do much to give a responsible foreign policy—one which is based upon solid constitutional grounds and which would do much to prevent the division which unshared decisions can provoke. It is this type of foreign policy which America needs for the Seventies, and which we as Members of Congress should seek for the Seventies and for the years to come.

It is this type of policy which will allow the Congress to assume its proper active role of speaking for the nation in the important area of commitment to combat and deployment of U.S. armed forces. It is my hope that this Subcommittee will report out a Resolution which will appreciate the delicate balance between the President and the Congress and which will put to rest much of the unwarranted confusion which exists today.

There is no pride of authorship in my effort, but the principles it embodies should prevail. The confidence of Americans in our decision-making processes should be strengthened, and to do this for international problems, demands action by this Subcommittee, the whole Committee, the House and this Congress.

THIS FABULOUS LAND

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. FLOWERS. Mr. Speaker, I take this opportunity to offer for inclusion in the RECORD an editorial from the August 6, 1970, issue of Graphic, an outstanding newspaper from my hometown of Tuscaloosa. Karl Elebash, Jr., editor and publisher of the paper, and currently serving as president of the Alabama Press Association, has just returned from a special civilian orientation program arranged by the Air Force. I believe his thoughts, impressions, and conclusions drawn from the experience are well worth noting by all of us.

The editorial follows:

THIS FABULOUS LAND

Back in 1946 and 1947 a Greenville, Ala., native was assigned as the first professor of air science at the University of Alabama in the newly designated Air Force Reserve Officers Training Corps. He was a colonel named Thomas K. McGehee.

Now he is a three-star general, commander of the U.S. Air Force Aerospace Defense Command with headquarters at Ent Air Force Base, Colo. The command administers, trains and equips all U.S. Air Force aerospace defense resources to defend North America, except Alaska. ADC also supervises preparation of Air National Guard resources earmarked for air defense. These combined forces are organized by ADC and made available to the commander in chief of the North American Air Defense Command (NORAD).

Last week the editor of Graphic, along with three other representatives from the Alabama Press Assn., was a guest of Lieutenant General McGehee for a special five-day civilian orientation program. The purpose was to show what the Air Force is doing and what problems it faces.

Never before has your editor been privileged to participate in such an informative, exciting and stimulating assignment. The trip began last Wednesday morning at Tyndall Air Force Base, Panama City, Fla. There we were met by Brig. Gen. James L. Price, commander of the Air Defense Weapons Center. Along with some 40 others, including members of the Florida press, radio and television and other civilians from the Panama City area, we boarded a four-engine C–54, nicknamed the Grand Old Lady.

We flew to Colorado Springs in just over six hours. Alabama never looked so good until we had witnessed the parched fields of Oklahoma and Kansas and parts of Texas. But Colorado was just as beautiful as the pictures indicate. Pikes Peak, 14,000 feet plus, loomed up out of the plains, visible 150 miles away. The breath-taking sight made one reflect upon the courage of the pioneers, who after crossing the hot plains first witnessed the great peak. It was Gen. Zebulon Montgomery Pike who first saw this breath-taking sight.

At General McGehee's Aerodefense Command headquarters the editor, who once was a buck private in the Air Force and later served as a lieutenant with the Eighth Air Force in England, saw more brass than in four years during World War II. Later we found that some 35 general officers are based in beautiful Colorado Springs. Defense money had made it double in size in the past 10 years. They have no Census complaints.

Aside from ADC and Ent Air Force Base, Colorado Springs is headquarters for the North American Air Defense Command and the site of the Army's Fort Carson and the Air Force Academy.

General McGehee's staff were most articulate. They told what the ADC mission is and what it needs to do the job. Our best air defense planes are 10 years old. They are not as fast nor as efficient as the best the Russians have. Defense spending cutbacks, largely because of the nation's heavy expenditures in Vietnam, have prevented the Air Force from getting the kind of planes and equipment it needs.

When one sees the dedication of such men as Alabama's General McGehee and his brilliant officers, you realize how ridiculous is the current protest-inspired downgrading of the military. To hear the draft-card-burners and assorted doves and neo-isolationists tell it, the military is eager to get us into war and kill more American youths.

When you learn this mission and hear this story, you know and understand that the military hate war the most. In fact their mission is to prevent war. The ADC's underlying mission is to show such force and efficiency that it helps deter the Russians or any foreign power from making that first attack which could lead to nuclear holocaust. That would be doomsday and no one wants that, least of all the military who know what horror it would mean.

The Aerospace Defense Command (ADC) under General McGehee is the U.S. Air Force component of the North American Air Defense Command (NORAD), and provides more than 70 per cent of the personnel and equipment used by NORAD. NORAD is a two-nation, four-service military organization charged with defending both Canada and the United States against air attack.

To do the job, the command has available an international team of specialists, provided by armed services of both the partner nations. Members of the U.S. Army, Navy, Marine Corps and Air Force and the Canadian Armed Forces serve in NORAD. They are stationed at locations all across North America and at many widely separated points throughout the world. They man radar outposts scanning sky and space for signs of hostile action, squadrons of supersonic fighter interceptors, ground-to-air missile batteries, and the command posts that would direct the defensive battle for North America.

Headquarters for NORAD, commanded by U.S. Air Force General Seth J. McKee, is a hollowed-out mountain in the Colorado Rockies that makes anything in Mission Impossible look believable. We could not believe our eyes as we entered a small hole in Cheyenne Mountain outside of Colorado Springs. This 9,565-foot mountain shields a steel city of 11 structures and a population of more than 1,800. The heart of the complex is NORAD's Combat Operations Center, nerve center and hub of the North American air defense system.

After touring this fantastic facility, the orientation party was flown to Houston for a tour and briefings at NASA's Manned Spacecraft Center. The spectacular achievements of this moon tour guidance center are known to the television and newspaper reading world.

A side event of this tour of a lifetime was a visit to Houston's Astrodome, appropriately self-styled as the Eighth Wonder of the World. It could well be, but NORAD's Cheyenne Mountain complex should not be counted out.

In conclusion, we state without equivocation our belief that this nation has strength and the resources, both human and material, to defend itself and its freedoms. To see the broad expanses of our great land and to realize the strength of its people, as evidenced by the brilliant and dedicated men it charges with the responsibility of planning, building and commanding its defenses, is to be inspired with confidence and greater appreciation of the blessings of this nation.

THE REVEREND MELVIN GIRTON, SR.

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. JACOBS. Mr. Speaker, when it comes to improving one's community, talk is easy.

But the Reverend Melvin Girton, Sr. of the Christ Missionary Baptist Church in Indianapolis talks little and softly but carries a big program.

All of Indianapolis, and, because of his example, all of the United States owes a debt of gratitude to the matter of fact and quiet dedication of this outstanding minister.

The following two articles describe his activity:

[From the Indianapolis News, June 27, 1970]

"House of Second Chance" Gives Parolees Just That

(By Philip Allen)

The Christ Missionary Baptist Church, 1001 Eugene, under the pastorate of Rev. Melvin B. Girton Sr., has pioneered what may be the first black-owned halfway house in Indiana.

Called "La Maison de Duexime Chance" (House of the Second Chance), the project began in 1968 when the parsonage adjacent to the church was converted to house parolees from the Indiana Women's Prison.

So far, the inter-racial home has provided a new life and residence for five women paroled from the Women's Prison. One parolee has been fully rehabilitated and continues to live in the "House of the Second Chance" to help other women with their problems.

The Rev. Mr. Girton said, "We have given a home to five young women who have paid their debt to society and deserve a 'second chance.'

"We provide them with the facilities of the building, with a counseling resident matron, and, most of all, we hope to prove that our church wants to help them meet their personal, economic and spiritual problems," he said.

He explained that his "house" will take people no one else will take. "Social workers many times don't care for people," he said, "but the church is a ministry of care and we provide spiritual guidance along with new associations of freedom for these women."

The soft-spoken pastor said the halfway house is entirely ownued and operated by his church, although he has received outside assistance from the Indianapolis utilities.

He said one problem he faces—besides having enough money—is getting the women to develop good work habits.

"Many of these girls don't like the type of jobs they get," he explained. "But their education usually is limited and we do the best we can under the circumstances."

The Rev. Mr. Girton cited Goodwill Industries and the Community Action Against Poverty programs as being especially helpful in providing work for the parolees.

MISTAKE TO TURN AWAY FROM GOD

The former president of the Baptist Ministers Alliance said his operating premise for his "second chance house" is "a change of heart."

"I think it's a mistake to turn away from God," he said. "The Lord can give us the strength to face any problem we might have. I'm not afraid of people with problems."

Speaking out against penal philosophy, the Rev. Mr. Girton said, "Unless we have some programs that really change the root of a prisoner's life, we will continue to have riots in the prisons. In this way we need the church, more education, industry, everyone interested in helping."

"I want another house for men," he said, "although I want to keep the one we have near the church, since I'm legally responsible for these people."

"The future of it all—our children, our world community—depends upon the outreaching mission of the church," he explained. "And the church must relate to all people, especially in this crush of militancy and social action."

"I'm not interested in making Baptists of these women," he said, smiling, "just giving them a new heart."

[From the Indianapolis Star]

Vice Mayor of Atlanta To Help Church Reach More People

(By Isabel Boyer)

Christ Missionary Baptist Church, under leadership of its pastor, The Rev. Melvin B. Girton Sr., has achieved the first Negro halfway house in Indiana.

Known as "La Maison de Duexieme Chance" or "House of the Second Chance," the home has provided a new life and residence for five women paroled from the Indiana Woman's Prison. The home is intended to be interracial.

The Rev. Mr. Girton has emphasized the need for spiritual guidance, regular employment and new associates to start these women on a new life. One parolee decided to stay in the House of the Second Chance to help the new residents as they come in.

Mrs. Birdie Whiteside, matron at the home, has another special ministry to the sick and elderly. She visits them regularly in private and nursing homes, and in hospitals, and adds special little remembrances at holidays to let them know they are not forgotten.

A new vocational program is being undertaken at the church. Called "Discovery," it is directed at young people who are interested in learning printing, linotype, and other allied skills.

The Rev. Mr. Girton needs presses, materials, and people to put the program in action.

Christ Missionary Baptist Church helped more than 4,000 young people during one of its summer programs, The Rev. Mr. Girton said. In person-to-person encounters, two alcoholics obtained a new start, he added.

He is convinced there are unlimited opportunities for his church to help others, and wants to enlist the total community in the effort.

RENEWED FAITH IN THE PRESIDENT OF THE UNITED STATES

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. ARENDS. Mr. Speaker, the Harris poll, which often asks the kinds of questions that bring responses critical of the President, has made an astonishing discovery, astonishing at least, I am sure, to many of my dovish friends—most of the American people feel the President was justified in ordering American troops into Cambodia.

Mr. Harris tells us this morning that 61 percent now regard that action as justified.

That, incidentally, is an interesting percentage because just last week the Gallup poll showed that 61 percent of Americans think the President is doing a good job.

Coincidentally, Mr. Harris has found that the number of those who doubt the President's credibility has dropped from 46 to 38 percent.

Mr. Speaker, I believe the poll indicates strongly that the American people have a renewed faith in the President of the United States. That fact can only augur well for the Nation.

PROPOSED B-1 BOMBER NOT JUSTIFIED

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. FRASER. Mr. Speaker, an article on the B-1 bomber, called "A Horse of Sorts," has been written by the gentleman from Pennsylvania (Mr. MOORHEAD). It appears in somewhat abbreviated form in the current issue of P.I.C. News, the newsletter of the Public Information Center. The center is a nonprofit, nonpartisan organization devoted to matters requiring change.

Due to the timeliness of the subject I am happy to have the P.I.C.'s article reprinted here in full:

A Horse of Sorts

Congress is now considering, with an almost total lack of publicity, the Air Force request for a bomber to succeed the B-52. The new B-1, if approved, will eventually cost the taxpayer between twenty and thirty-five billion dollars; a commensurate return value is by no means assured.

I say this because I am not wholly convinced that such expensive manned bombers can be justified in the missile age. And I am certainly not convinced that the role of aerial missile platform cannot be filled by our present B-52s almost as satisfactorily, and at far less cost.

With the budget as tight as it is this year, marginal military capabilities must be justified with more than the usual rigor.

I must confess a suspicion, however, that the moving spirit behind this proposal is more one of nostalgia than of analysis. It strikes me as motivated chiefly by a love of airplanes. I do not mean by this to disparage the integrity or competence of my friends in the Air Force. All people—I daresay even Congressmen—come in time to feel an ease and familiarity with the tools they use. This leads quite understandably to the belief that those tools can be adapted to any new situation. Much of the time that is true.

Yet eventually requirements will change beyond the ability of an old weapon to meet them, and a new one must be found. While the utility of tactical aircraft is beyond question—and I am ready to support a sound program for its further development—the role of strategic deterrence has altered more than many bomber pilots may

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care to admit. My preliminary research, to which I shall refer shortly, suggests that we have now reached a point where acquisition of a new strategic bomber must be viewed with skepticism.

Such points have occurred periodically through history. They are never easy to identify, and particularly not in contemporary events. My opinion must therefore be tempered with some caution. Still, however, I am reminded at this moment of nothing so much as the use of jousting armor in 1500, cavalry in 1914, or the battleship "New Jersey" in 1968. These were all familiar weapons systems, of proven utility but retained beyond their effective lives. Their owners not infrequently met with disaster as a result.

I am afraid that the cavalry case may be instructive for us today. In general Americans were quick to see that improved infantry organization and the products of the Machine Age had doomed the older, more aristocratic model of war. As early as 1864 General Sherman could report, "I have not seen in this war a cavalry command of 1,000 that was not afraid of the sight of a dozen infantry bayonets." The same quickness was lamentably absent from an English Army with a deeper stake in the old values. Seven years after the mud and trenches of the First World War, Sir Douglas Haig would still try to breathe life into them. "Some enthusiasts today talk about the probability of the horse becoming extinct and phophesy that the aeroplane, the tank, and the motor-car will supercede the horse in future wars . . . I am sure that as time goes on you will find just as much use for the horse—the well bred horse—as you have done in the past."

An anonymous officer spoke to the same point: "Cavalry will never be scrapped to make room for the tanks; in the course of time cavalry may be reduced as the supply of horses in this country diminishes. This depends greatly on the life of fox-hunting." And that statement, impossibly, was made in 1921. Old values die hard.

Similar lessons, more relevant to our own country, may be drawn from the recommissioning of the "New Jersey." This operation cost some $45 million, but may indeed have been well-conceived. My point is a different one. It is that, well-conceived or not, the operation was backed by a wave of enthusiasm and nostalgia for the capital ship and wars that were somehow cleaner and braver. My point is that nostalgia is still a present factor, to be watched for and guarded against; it was not buried forever in the trenches of the Marne.

I fear it has reemerged in the B–1. While there are many grounds on which the plane can be questioned, the most central one is budgetary. By any realistic cost accounting the plane does not seem the sensible way to spend our resources. Allow me to elaborate on this one topic with a consideration of four elements:

1. The system cost
2. The system capabilities
3. Probable effect on strategic stability
4. A rough comparison with the cost-effectiveness of alternative systems.

SYSTEM COST

My best estimate for the minimum system cost is $20.27 billion. This is based on an extrapolation from Air Force figures, and so to the extent it errs it probably does so on the conservative side. The breakdown is this:

Estimate:	*Billion*
Sunk Research and Development (R. & D.)	$0.25
Prototype procurement	2.33
Procurement of ca. 250 planes (including AGE, initial spares, training aids and technical data)	9.30
O&M for 10 years (operations and maintenance)	3.75
SRAM R.T.D. & E. (short-range attack missile)	.42
SRAM procurement (for 2,800)	$0.80
SRAM AGE (aerospace ground equipment)	.19
SRAM warheads	.50
SRAM O&M for 10 years	.40
Estimate with USAF figures	17.94
13 percent overrun allowance (the average of recent major systems)	2.33
Total estimate	20.27
Addenda:	
Addition to O&M to reflect general overhead by raising the figure to $13.95 billion. This follows a rule-of-thumb of 150 percent of aircraft procurement cost for 10 years' operation	10.20
Addition to procurement-cost figure to match trade journal estimates of $12 to $13 billion	3.00
High total estimate	33.47

At present, commitment has been made to the B–1 program only through the development phase. Details of cost and contracting for the later phases are correspondingly tentative.

The $2.33 billion committed to prototype procurement will buy roughly the following:

1. Five flying prototype airframes, plus two more for fatigue and static testing, from North American—$1.25 billion, which incentive fees could raise to $1.35 billion.

2. Forty powerplants—$406.65 million, including incentive fees.

3. Avionics systems for the five flying prototypes—$500 million.

Four weapons systems are being considered for the B–1, which would also be used on the B–52 and the FB–111. It is therefore difficult to apportion their cost to any one bomber, and the figures here lend themselves to manipulation. In the calculations above I took a simple route and costed the entire SRAM project to the B–1, and took no account of the subsonic cruise armed decoy (SCAB) or the short- and long-range Bomber Missile Defenses. It would be desirable to recompute this when more information becomes public. In any event, when we discuss the comparative cost of retaining the B–52 in service the SRAM will be costed entirely to that plane and the two figures will cancel out.

A final production decision is not planned until after the prototype flies. It will probably be made in the summer of 1974, and the initial operational capability is planned for 1978.

SYSTEM CAPABILITIES

The effectiveness of the bomber is more difficult to quantify, because its capabilities may be looked at from two perspectives. First, what kind of weaponry can it deliver? And second, *how* does it go about the delivery?

A. Firepower

Any evaluation of "effectiveness" turns on the question of what capabilities we are buying. The firepower of the B–1 is designed to suffice, if need be, as an independent deterrent. Its basic armament will be the SRAM, and air-to-ground missile of some 25–50 miles' range.

Its warhead is of the intermediate size between 20 KT and 1 MT. I would guess it to be between 100 and 400 KT, or some 5 to 20 times the size of the Hiroshima bomb. Twenty to thirty of these missiles can be carried internally by a plane, and additional ones mounted on underwing pylons. I would suppose, however, that this represents the maximum lifting capacity and that some tradeoff will have to be made between range and payload.

For long-range work the figure might be some fifteen missiles. Since these would be a mix of SRAM and the SCAD decoys, the net effectiveness should be reduced to perhaps 8 or 10 SRAMs per plane.

Assuming a buy of 250 planes, this would suggest a force of 2500 deliverable warheads. That will be reduced by the number of planes not operational at any one moment. Assume 15% are used for training or are undergoing major overhaul. Of the remaining 212 planes only a certain percentage can be continuously maintained on 15-minute alert. It is 40% for the B–52s; the target for the B–1 is 60%. Taking the intermediate figure of 50%, or 106 planes, then some 1060 missiles will be ready for delivery on short notice.

CEP is said to be well under one mile, but this might be only relative to the launching aircraft and therefore ultimately limited by the accuracy of the plane's own navigation. I suspect that after so long a flight this may be valid to within only two miles or so.

The first aspect of capability—firepower—is therefore roughly this: some 1060 deliverable warheads, of a few hundred kilotons, with a CEP in the neighborhood of two miles or less.

B. Strategic mix

Proponents of the B–1 also argue for a second entire perspective on its capability. Not only does it deliver X megatonnage, but delivers it in a manner conferring unique benefits. The B–1 is a manned bomber and its production will give us a strategic force "mix" quite apart from any incremental damage it might do. The mix is justified by three arguments:

First, that it will guarantee our deterrent and our Assured Destruction Capability, by hedging against possible Soviet development of counters to both our Polaris and the Minuteman. They could achieve this, for example, by the combination of partial first-strike and strong ABM capabilities.

Secondly, the mix is considered valuable for forcing a diversion of Soviet resources. So far as they desire to defend themselves against a bomber attack, they must construct a new system especially adapted to that purpose. This undertaking can be quite expensive.

And third, in the event that deterrence does fail, the manned aircraft should provide a more flexible, selective, and restrictive war-fighting capacity than missiles would do.

PROBABLE EFFECT ON STRATEGIC STABILITY

These two lines of argument on behalf of the B–1 must be analyzed separately.

The first, that the B–1 will provide us with incremental firepower, can be readily met by showing that this is not the most cost-effective method of adding megatonnage—even if that is desired. This will be discussed in more detail in the next section.

The strongest arguments for the B–1 are therefore the second group dealing with the desirability of the strategic mix. Comparative cost is less relevant here: the capabilities are by definition those unique to the manned bomber.

The relevant questions then become three: Would the manned bomber also have undesirable effects on strategic stability, producing a net minus? If not, would we still prefer to forego this particular capability altogether rather than meet such a heavy cost? And if a bomber mix is still deemed essential, would we get more for our money by retaining and modernizing our B–52 force?

It appears on balance that the B–1 may well detract from strategic stability. To be sure, it will probably help discourage a *calculated* attack. It will make our deterrent more varied and difficult to neutralize, and so improve its credability. But it is difficult to believe that its credability will be called into question in any case. To prompt a rational attack on this country a Soviet defense must not only be devised, but it must work with extreme reliability. Russian leaders must be confident that they can destroy over 95% of our forces; "clearly unacceptable damage"—loss of some 25% of their population and 75% of their industry—will result from failure to meet this figure. It seems inconceivable that this level of confidence will be attained.

On the other hand, however, an attack need not be motivated by the calculation of gain. It can also come from the fear that you will be still worse off if you delay. In such cases it is important to be fast on the draw, to strike first. The B–1 would tend to create such pressures, so fatal to negotiation and prudent action. If one plane carries 10 missiles, and several planes are at one base, then in moments of strain and ambiguity there will be a strong temptation for the Soviets to pre-empt. The well-designed deterrent should present no such temptation to the enemy; there should be no profit in precipitate action, and the strategic force should be adapted to the political end of fostering restraint and deliberation. The enemy should be able to destroy less than one of your missiles for each of his own that he expends. In no case should he be able to destroy many for the price of one. Yet by concentrating vulnerable targets at relatively few points the B–1 program would do precisely that. Even if some "mix" is deemed important, a different and less concentrated system should be chosen.

Given the plane's questionable effect on the nuclear balance, there seems no good "strategic-stability" reason for meeting its extremely high cost.

COMPARATIVE COST-EFFECTIVENESS

Still less should we be tempted to procure it simply for its incremental firepower. In the first place, our gross megatonnage seems quite sufficient at the present. A survivable Assured Destruction Capability of 400 warheads remains secure into the forseeable future.

And even if it is judged that some further megatonnage is necessary, there are cheaper means of attaining it. Let us assume that the 1060 SRAMs available are not preempted. Still that force can be roughly duplicated by 13 additional Poseidon boats (assuming 50% are on or near station) or by accelerating the conversion of those 500 missile silos now scheduled to retain the old Minuteman II. There are recognized disadvantages to both courses, and development of the ULMS seems an option preferable to either of them, but the present point is that they are less undesirable than the B–1, and far cheaper. The Poseidon boats would cost about $8 billion to procure and operate for ten years; the Minuteman force, on quite rough figures, should have an incremental cost in the neighborhood of $4–6 billion.

The most apt comparison, however, is with the retention and modernization of our present B–52 force. To extend this program for ten years beyond 1978 should cost $7.36 billion, computed on the same basis as figures yielding the B–1 cost of $20.27 billion. It breaks down as follows:

	Billion
Annual cost:	
O & M	$0.35
Modernization	.01
Half the cost of the surveilance and warning system (the other half being costed to the missile systems)	.11
Dispersal bases	.03
Annual cost in present dollars	.50
Addenda:	
10-year cost in present dollars	5.00
SRAM program costs—the five items from the previous table, with two figures modified to reflect the smaller number of missiles needed: less $0.46 billion in procurement, less $0.30 billion for warheads	1.77
Modification and support costs to adapt the B–52s to the SRAM	.59
Total cost estimate	7.36

Certain overhead costs are omitted from this figure, but are also omitted from the corresponding B–1 figure of $20.27 billion, and so factor out.

The incremental cost of the B–1, in other words, is some $12.91 billion over the B–52 . . . and quite arguably the older plane will still provide a "mix" sufficient to complicate the calculations of Soviet planners. The B–1's advantages in speed and operating altitude do not seem impressive; and if trade journal procurement figures are accepted the cost increment rises to $15.91 billion. It is doubtful that the improved capabilities are worth that much to us.

I will not belabor the reader with a list of other things we can do with thirteen or sixteen billion dollars. We are all aware of them. I would like to conclude only that money spent on this plane will be money badly spent. I have tried to indicate that it is an anachronism—a very fine horse, I have no doubt, but a horse none the less.

DO WE NEED TO EMPHASIZE THE FLAG IN CHILD-REARING?

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. BOB WILSON. Mr. Speaker, with my colleagues permission, I would like to insert the following article in the RECORD, written by Erma Bombeck, a gifted special correspondent for the San Diego Evening Tribune. In her article she demonstrates with unusual insight, how we as parents can become so caught up with teaching our children the "social amenities" that we forget to take the time to tell them what democracy is and what our flag stands for.

The article follows:

DO WE NEED TO EMPHASIZE THE FLAG IN CHILD-REARING?

On television the other week a group of students were talking about their confrontation with New York construction workers. "We made a mistake," said one of the students. "We attacked their symbol . . . their flag. We shouldn't have done that. It's important to them."

The phrase stuck in my mind. "Their flag. Their symbol." I thought it was theirs, too. Or is it? As a parent, I guess I always thought respect for the flag was congenital. Is it possible I was so busy teaching the basics, I never took the time to teach "flag."

"Oh say can you see by the dawn's early light . . ."

("Don't slouch. Pick up your feet. Don't talk with food in your nouth. Stop squinting. Turn that radio down. Get off the phone. Tie that shoestring before you trip on it.")

"Shoot if you must this old gray head but spare your country's flag . . ."

("Don't snap your gum. Stop eating all that junk before dinner. Sit up straight. Look at me when I talk to you. Your eyes are going to stay crossed someday. Get your homework done. Wear boots.")

"I pledge allegiance to the flag of the United States of America . . ."

("Shut that door behind you. Get the mud off your shoes. Quit rustling that bag. Go to sleep. Don't slam that door. Leave your sweater on. Get a haircut.")

"If anyone attempts to haul down the American flag, shoot him on the spot."

("Stop fidgeting. Keep your feet on the floor where they belong. Don't talk back. What do you say to the nice lady? Wash your hands. You're letting in flies. Pick up that mess.")

"We came in peace for all mankind."

("You're going to be late. Eat something. Bring me the change. Hang that up. Brush your teeth. Apologize. Get your elbows off that table. Get a clean handkerchief. Tuck your shirt in. Be home early.")

Did I forget to tell them it was their flag they hoisted over Mount Suribachi? Their flag that waved over Peggy Fleming at the Olympics? Their flag that draped the coffin of John F. Kennedy? Their flag that was planted in the windless atmosphere of the Moon? It's pride. It's love. It's goose bumps. It's tears. It's determination. It's a torch that is passed from one generation to another.

I defy you to look at it and tell me you feel nothing.

ARCHIE MANNING GIVES GOOD ADVICE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. GRIFFIN. Mr. Speaker, it is my unique pleasure, today, to call my colleagues' attention to remarks made by a prominent young Mississippian that reflect what is right with America today.

The young man in question is Archie Manning, the All-American and Heisman Trophy contender from the University of Mississippi.

Mr. Manning is not the kind of football player pictured in the popular stereotype. His conduct, off the field, is that of a modest gentleman. His academic record, in the field of business administration, is one to be proud of as he has maintained almost a "B" average.

In remarks to a group in his hometown, Manning reaffirmed his commitment to the principles of good citizenship and responsible participation in the democratic process.

I submit his remarks as they appeared in the Port Gibson Reveille in an editorial by Mr. Edgar T. Crisler on Thursday, July 30, 1970:

ARCHIE MANNING GIVES GOOD ADVICE

Excerpts from a speech made by Ole Miss quarterback Archie Manning July 17 at his hometown of Drew, Miss., have been received by Mississippi newspapers. A number of newspapers are quoting his remarks. It is noteworthy that Archie Manning, considered to be one of the great college quarterbacks in America today, appears to have sound concepts on the most important game—"life." We are publishing his remarks below with the fervent hope that young readers, especially, will read and heed his words. The text of the speech follows:

Citizenship is very similar to an athletic contest.

To compete in life requires the same kind of preparation to compete in football or any other sport. To be successful in either requires full preparation. You must prepare yourself in such a way that you can do your best at all times.

To be successful in citizenship as in athletics it is necessary to train faithfully, which requires self-discipline and often makes it necessary to give up some pleasures that would be temporarily pleasant, but in the long run, would defeat your effort.

One of the most important parts of preparation is obtaining an education and much of the success you have later will be determined by how well you apply yourself during the early stages of your life.

In life, as on the athletic field, you should always strive for excellence and do the very best you can with what you have. At first, it may seem that you can accomplish very little, but everyone has some talent which can be developed through determination, dedication, and with responsible guidance which is always within reach of those who really want to try.

There is another very important similarity between preparation for citizenship and preparation to compete on the athletic field. Each participant must respect and obey the rules. It would be impossible to conduct an athletic contest if all the contestants obeyed only the rules with which they agreed and felt free to violate those rules which stand in their way.

No athletic contest could be successfully conducted if those who are participating refuse to accept and abide by the rules of the game.

We must never forget the rules of society must be followed. This means that laws must be obeyed. If the rules of football are unsatisfactory, the way for change to be made is through proper appeals to the rule-making authorities, not by attacking the referee whose responsibility it is to enforce the rules. The same thing is true in life. The way to change laws is through influencing law-making authorities in a proper way and not by attacking those whose duty it is to enforce the law.

One of the most valuable assets an individual can have is a keen mind and a strong body. Young people should especially keep this in mind in our present society where the opportunity and temptation is growing to seek pleasure and entertainment by doing things that harm both mind and body. For instance, an entire life can be ruined in the few moments that a young person experiments with narcotics. The temptation may be great to be "in" and to do the "thing" with everyone else and it sometimes will take courage to do the right thing instead of doing the "in thing."

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TAXES ON NONRETURNABLE BOTTLES

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. SCHEUER. Mr. Speaker, I have before me a ream of petitions—over 10,000 of them—which have come into my office in support of H.R. 15959, the "bottle bill" which I introduced last February. Through taxes on nonreturnable bottles, the bill provides clear incentive for the manufacturing and purchasing of returnable, recyclic bottles. These petitions sprung up spontaneously throughout the country as knowledge of the bill spread. The lists come from California, Montana, Arizona, Connecticut, New Jersey, New York, Minnesota, Maryland, Michigan, and Pennsylvania. That citizens took the time to circulate these unsolicited petitions demonstrates clearly their distress over the solid waste problem we are facing.

The proliferation of nonreturnable bottles and cans is one of the most obvious and obnoxious elements of the litter problem and is of deep concern to our constituents. I urge my colleagues to recognize the urgency of the solid waste crisis and take practical, feasible steps to meet it, before we are all buried under a deathly pile of suffocating wastes.

WHY ALL THE FUSSING ABOUT BUSING?

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. BINGHAM. Mr. Speaker, one of the most distinguished members of the psychiatric profession in the country, Dr. Lawrence S. Kubie, of Sparks, Md., has written a most pertinent comment on the thorny issue of busing of schoolchildren. Many of the comments on this subject create more heat than light. Not so Dr. Kubie's statement, which puts the matter in proper perspective.

I commend Dr. Kubie's statement to my colleagues and other readers of the RECORD:

WHY ALL THE FUSSING ABOUT BUSING?

In the early 50's under the auspices of a committee of distinguished non-political, non-partisan citizen-educators, a young M.I.T. graduate made a study of some of the problems of the school system of the State of Connecticut. To his surprise he found that one of the major expenses was for the transportation of school children; and that this was equally true for local and regional schools, good schools and bad schools, big schools and little schools, public and private schools, and both in rural and urban settings. Everywhere transporting children to and from schools was a major expense; sometimes amounting to as much as 50% or 60% or more of the whole school budget. Tearing one's hair over this does not help. It is one of the inescapable consequences of many seemingly contradictory factors, e.g. both population density and population dispersal. The tendency of some people to concentrate and the opposite tendency of others to spread out over wide areas play equally determining roles. All of this is still true today.

Therefore it is not surprising that in cities, counties or suburbs, we see school buses lined up in front of schools in the mornings and again in the afternoons and sometimes in the middle of the day as well. Recently I counted 23 school buses in front of one junior high school.

When I still lived in New York City the children who went to private schools were bussed. Sometimes the bus routes took them on an hour's ride from the city to schools in outlying areas. A few who were not bussed chose to go by subway. Others were driven in private cars by parents who made up their own car pools, so as to lessen the driving load for each. Evidently bussing, in one form or another, is the order of the day in our largest cities as well as in country districts.

This would seem to mean that whether we like it or not the bussing which has been going on everywhere is here to stay, unless we can return to the era of the small local village school. This "little red school house" may well have certain educational advantages over larger schools (as well as some disadvantages); but as long as de facto segregation of housing continues, the small school that serves small localities will automatically continue to be segregated; while the regional school which serves diverse areas may automatically help to bring about more mixed schools; but only if bussing is planned with this goal in mind.

What most critics of bussing seem to have failed to realize is that for decades the bussing of groups of students has also served inadvertently to perpetuate de facto segregation. No bus, no subway train, no car pool can go everywhere. Each must have a certain route; and on this route it necessarily gathers in children from homes which usually represent a certain degree of homogeneity. Therefore to the degree to which the distribution of homes among racial groups is segregated, busses will automatically tend to entrench segregation in the school system, unless plans are carefully made to correct this.

This is why the current furor about bussing is unrealistic. The question is not whether we should bus children to school. Without basic changes in the distribution of housing and the distribution of schools, we cannot avoid bussing! The realistic issue is whether it is possible so to plan bus routes that each bus will gather in a more representative sample of children, so that the busses will no longer serve to perpetuate segregation.

PI SIGMA ALPHA AWARD TO EASTERN ILLINOIS UNIVERSITY

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. SPRINGER. Mr. Speaker, Pi Sigma Alpha, the National Political Science Honor Society, recently bestowed its 50th anniversary award for overall excellence to the society's Delta Psi chapter at Eastern Illinois University.

This award reflects great credit on all student members of the chapter and particularly their faculty adviser, Dr. Y. P. Chen, professor of political science, who is working on Capitol Hill this summer on the staff of our colleague, the Honorable SPARK M. MATSUNAGA, Representative from the great State of Hawaii.

Eastern Illinois University, located at Charleston, in the 22d Congressional District, which I represent, is one of the most rapidly expanding institutions of higher education in our State. Last year, the president of the Pi Sigma Alpha chapter, there was John Keith of Hillsboro, Ill., and his successor will be Pat Allen of Joliet.

I heartily congratulate them on the recognition they have received from the national society and know they can look forward to another stimulating year.

The following announcement of the award to the Eastern Illinois University chapter was carried in the May 27 newsletter of Pi Sigma Alpha:

EASTERN ILLINOIS AND CLAREMONT WIN CHAPTER CONTEST AWARDS

The Pi Sigma Alpha Committee of Judges for awards for submissions of "the most interesting and stimulating programs" of Chapters announced that Delta Psi Chapter at Eastern Illinois University and Delta Epsilon Chapter at the Claremont Colleges have been awarded first and second places respectively in the 50th anniversary awards for overall excellence. Pi Sigma Alpha celebrates in 1970 its fiftieth anniversary as the acknowledged honor society for the study of political science.

The Committee of Judges consisted of Dr. George S. Blair, Professor of Political Science, Claremont Graduate School, Chairman; Dr. Charles O. Jones, Professor of Political Science, University of Pittsburgh, and Dr. Dwight Waldo, Albert Schweitzer Professor in the Humanities, Syracuse University. (Professor Blair, Claremont, did not participate in the ranking of the entry from the Claremont Colleges.)

The National Council of Pi Sigma Alpha decided at its meeting in September 1969 that prizes would be awarded to the two chapters which reported the most interesting and stimulating programs during the spring term of 1969 and the fall term of 1969, or both. Awards include expenses to attend meetings of the American Political Science Association and of Pi Sigma Alpha in Los Angeles in September 1970. Faculty advisers and chapter presidents of Delta Psi and Delta Epsilon will be the recipients of these awards.

A LOOK AT TAX REFORM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. WALDIE. Mr. Speaker, a constituent of mine, Mr. Robert Powell of Walnut Creek, Calif., is a registered chemical engineer by profession, but harbors a deep interest in economic matters and now has a grave concern about the future of our Nation's economy.

Mr. Powell has sent me a letter addressed to all the Members of the Congress and it is my pleasure to place it in the CONGRESSIONAL RECORD.

The letter follows:

WALNUT CREEK, CALIF.,
January 26, 1970.

To: The U.S. Congress.

TAX REFORM

Your 1969 tax reform was a good start! It attacked most of the injustice, but the degree of change fell far short of what ultimately must be done. Indeed it seemed to accept Mr. Nixon's thesis that the way to control inflation is to perpetuate great injustices in our tax laws. Understanding economics well, I accept the fact that the changes needed must be spread over 3–5 years. Further, that a surtax is unavoidable as an emergency measure, but it should be only that, for it aggravates the injustice. The crux of the problem is that fairness and justice, per se, must be the major objective of reform—and of our national goals and priorities! That is precisely why the Pilgrims came here in the first place and is therefore the essence of our heritage. It is crucial to our nation's survival.

A Harvard professor recently theorized that people are poor because they are incompetent rather than incompetent because they are poor. To advance such a theory as the rule rather than the exception is a callous, heartless 1970 version of Marie Antoinette's "Let them eat cake"! Also it misunderstands (or chooses to ignore) the nature of man! With due respect to Mr. Agnew you cannot change that nature by ignoring people like me and listening to him. The Greeks had a way of killing the bearers of bad news. Our culture is developing a 1970 version of that practice too. Armageddon here we come!

BUILT-IN INFLATION

Much has been properly said about wages and salaries as a cause of inflation. Nothing has been said about the wages of money, i.e., interest, as a cause of inflation. Yet recent developments can literally bankrupt us. The subject must be understood and actions taken upon that understanding. Consider the following:

1. The national debt is over $300 billion and corporate bond debt about $425 billion, a total of $725 billion.

2. The annual interest on these debts is about $52 billion of which $15 billion is due to increases in the last 3 years—up 40% in 3 yrs!

3. This amounts to some $750/year/wage earner. (who ultimately pays).

4. The true interest rates for NEW loans now averages more than 9%. Money invested at 9% compounded, doubles each 8 years! It is axiomatic that such rapid growth in investments in money will prohibit even modest growth in all other areas of investment. Permitting such a condition to perpetuate means catastrophe!

5. Some 5% of the population owns 90% of the total debt. Clearly 5% of the population is receiving excessive benefits at the expense of the other 95%. That is not the objective of a government which seeks to be democratic!

This great disparity can be brought into focus by analyzing the investment of a Landlord at 6% vs. 9% interest—a hypothetical case of a $20,000 rental home bought for $5,000 down. Taxes and insurance are the current rates in Walnut Creek, Calif. Other cost elements are conservatively estimated, and from them a break even monthly rent is calculated:

Monthly payment	9 percent	6 percent
1. $15,000 amortized over 25 years	$125.88	$96.65
2. Taxes, present rates	47.00	47.00
3. Insurance, present rates	5.50	5.50
4. Depreciation, standing line over 50 year life 33.50×9/6	50.00	33.50
5. Maintenance at 1 percent of purchase price 16.67×9/6	25.00	16.67
6. Subtotal	253.38	199.32
7. Vacancy rate at 3 percent	7.60	5.98
8. Equivalent interest on $5,000 down payment	37.50	25.00
9. Break even rental price	298.48	230.30
10. Resale price $20,000×115 percent	23,000	23,000
11. Broker commission at 6 percent	1,320	1,320
Closing cost (some paid at purchase)	550	550
Balance due on $15,000 note	13,995	13,495
Recapture of downpayment	5,000	5,000
Loss (profit) from rent	2,910	(1,180)
12. Total resale deductions	23,775	19,195
13. Gross profit (loss) from resale	(775)	3,805

[1] Obviously a $20,000 home cannot be rented for $298.48. Assume $250 per month is tops. Can the landlord make out by renting it 5 years and selling at an inflated price? For that calculation assume the resale price goes up 3 percent per year average, or 15 percent total.

The lesson is obvious. At 6% interest the landlord's profit was generous. He could have rented the house for $230/month and still have done well, but at 9% he takes a real loss! If we would avoid catastrophe, we must understand and apply the lesson to our national policies.

Respectfully yours,

BOB POWELL.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

A NEW ECONOMIC DIPLOMACY FOR THE 1970'S

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. BOW. Mr. Speaker, I am pleased to offer for the RECORD a position paper on the subject of future U.S. foreign policy, particularly economic policy, developed by the Asian-Pacific Council of American Chambers of Commerce. I am indebted for this paper to T. M. Hague who is both a Canton, Ohio, constituent and the president of the Japanese operations of the Goodyear International Corp.

The paper applauds the new direction in foreign policy recommended by President Nixon and offers suggestions on how that policy may be effectuated through cooperation between our Government and American businessmen abroad. It offers specific suggestions for the Departments of State and Commerce and for AID which deserve thoughtful consideration. I commend it to the attention of all Members:

A NEW ECONOMIC DIPLOMACY FOR THE 1970'S

American businessmen resident in the Asian-Pacific area welcomed some of the fresh thinking expressed in the United States foreign policy statements released by President Nixon on February 18. Speaking on economic and political intentions in Asia and the Pacific, President Nixon stated, "Our goal must be particularly close cooperation for economic development. . . . Our most effective contribution will be to support Asian initiatives in an Asian framework . . . the fostering of self-reliance is the new purpose and direction of American involvement in Asia . . ." On speaking of peace through partnership—The Nixon Doctrine—Nixon stated, ". . . Our contribution and success will depend not on the frequency of our involvement in the affairs of others but on the stamina of our policies. . . . This is the approach which will best encourage other nations to do their part and will most genuinely enlist the support of the American people. . . ." In speaking on international economic assistance, Nixon stated, ". . . When I came into office it was clear that our present assistance program did not meet the realities or needs of the 1970's. It was time for a searching reassessment of our objectives and the effectiveness of our institutions. . . . One truth is already clear: a new American purpose and attitude are required if economic assistance is to contribute to development in the new environment of the '70's."

American businessmen representing United States private enterprise with industrial and financial interests in Asia and the Pacific, who are individual and personally concerned with the strength of the United States economic position in this region are attempting to respond positively and constructively to the President's message. Also, we have shared the President's concern over our deteriorating balance of payments position since in our business we are directly and immediately affected. Our own competitive capability has been seriously undermined by inflationary costs importantly attributed to the drain on U.S. financial resources created by non-productive military expenditures in our area with questionable result, while our competitors who do not share a similar political-military responsibility or financial burden have benefited at our expense. In short, we too are concerned, recognize as the President states that something indeed is wrong

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and have accepted the President's challenge to do something about it.

Our point of departure has been in trying to define our concern. As private businessmen with long and continuing residence, and therefore direct and first-hand experience in all Asian-Pacific countries where American enterprises are allowed to operate, we have the most realistic and meaningful available repository of empirical knowledge on conditions in this part of the world. We have attempted to mobilize the information resources of the more than 3,000 representatives of U.S. business belonging to American Chambers of Commerce in Korea, Japan, Okinawa, Taiwan, the Philippines, Hong Kong, Vietnam, Thailand and Australia whose operations encompass generally the entire geographic area in the Asia/Pacific region. While we recognize that as private businessmen we do not have access to certain U.S. Government strategies which result in some political and military priorities, our case is no more unique than that of the vast majority of citizens in this part of the world, upon whom the viability or success of these strategies must depend.

We find the "grass roots" consensus to be that the United States presently has no coordinated foreign and economic policy program. Our fundamental policy in the last two decades, insofar as the Communist world is concerned, has been one of attempted containment. This is a negative policy at best and has always forced us into the position of reacting to actions taken by Communist governments. However noble our motives and however altruistic our ideals, negative policies cannot possibly result in a different direction for our foreign policy than history displayed for the past 25 years. Implementing this policy, reactions to political moves and thrusts by Communist forces have necessarily come swiftly, often without permitting the necessary reflection which might show the full consequences of the reaction. Thus, our attempted solutions have often produced new problems as serious or more serious than those against which our actions were aimed. Too often, the very people we are attempting to help have been the real victims of the "solution," and frequently the victims have been worse off after our "assistance" than before.

We also find in our consensus that obsession with military and political priorities has not developed the economic stability and self-reliance which are emphasized as prerequisites for lasting peace. In many cases the opposite is true, and our government "official overpresence" has had an irritating and economically disastrous effect on the very nations we wish to support. Further, our efforts to reduce the U.S. military burden through cooperative agreements apparently have resulted in an even greater and more costly U.S. military commitment.

The resentment against "official overpresence" receives growing attention. During his recent visit to Washington, D.C., Indonesian President Soeharto stated in a public meeting that he believes the major powers should keep their troops out of Asia, and that aid to Asia in the future must take the form of economic assistance, granted without political conditions. Earlier this spring, Foreign Minister Thanat Khoman of Thailand made a similar statement, asking for more economic partnership and assistance to Asian countries from the developed countries and avoidance of political and military interference in the domestic affairs of small, non nuclear nations of the region. At an ever-increasing rate, similar statements are being reported in the public press, by foreign leaders such as Foreign Minister Romulo of the Philippines, as well as government and business leaders in Indonesia, Singapore, India, Pakistan and elsewhere.

Furthermore, similar statements are heard almost daily by American businessmen as they travel the length and breadth of Asia and the Pacific basin. In face to face meetings, Asian government and business leaders are constantly stressing to American businessmen that aid must be in the form of economic partnership with industrial and financial assistance.

Based upon our grass roots experience and analysis we agree with President Nixon that a "new American purpose and attitude are required . . ." and we therefore suggest a new concept of "economic diplomacy" for the 1970's, a union of thought, effort and purpose between private enterprise and government to serve the best interests of the United States.

In the final analysis the economically sound and self-reliant nation is the best deterrent to forces unfriendly to the United States, and it follows that economic diplomacy of the nature suggested should be of equal importance to the military and political strategies, and certainly more durable, although in our government's "management by crisis" approach which has typified the post-World War II record, it would appear that its promotion of lasting stability with a truly economic purpose has suffered from lack of attention. Economic self-interest is a far more viable and durable peg on which to hang a diplomatic hat than the vague semantics of "democracy" (for countries who are not ready for or interested in the U.S.-style from what they know of it), or "self-determination" (for nations clearly unprepared to make such a decision).

Focusing on Asia, a few facts become evident. First, the most fundamental of the problems of this region and its people are best met with a well-spread private payroll. All economic factors bringing growth, stability and potency to this payroll will do more to keep free Asia from its hereditary political morass than can the military might of the western and Communist worlds. Political and military might, vital as each is at its needed time, in no way provides the continuity of growth which characterizes the healthy market.

Despite historic and current instances of imaginative leadership among our financiers and industrialists, despite the broadest and richest home economic base ever known, (and perhaps because of it) Americans have yet to prove ourselves overseas to be the real economic innovators having the recognized force of government behind us. Therefore, our thinking must now encompass the political and industrial state as one superimposition in its overseas work. This implies a full concert of effort. It implies enlightened and purposeful government participation, the honest acceptance, at the highest levels, of a commercial goal, an acknowledged cohesion of interest between the civil servant and the earner abroad, true coordination of their efforts and a mutuality of purpose for the American entity abroad.

We have only to turn to the unparalleled economic rehabilitation of Japan to see vivid proof of how a well defined "economic diplomacy" can be successful. The intense detail and scope with which the Japanese Government and Japanese business circles cooperate to achieve the economic goals of Japan are not equalled in any other advanced nations of the world. It may very well be that there has never been, in the history of the world a country which has so clearly defined its long-range goals, and which has achieved such a close cooperation between government and business to pursue a national purpose. Almost no step is taken, almost no negotiations are entered into, without a full evaluation of all possible consequences, and a determination whether the proposed action is in the best interests of the country's long-range economic goals.

While we respect and admire the progress of Japan, we do not suggest that we emulate her, or her business community. We recognize that differences in our cultures would make it difficult for us to achieve identical cooperation between government and industry which Japan displays. Nevertheless, up to the present, America has always been a country of revolutionaries. We have always been able to bring imaginative and original solutions to difficult problems. Therefore, we think that the concept of economic diplomacy which will envision the resources of American private enterprise working in close cooperation with the U.S. Government in Asia and the Pacific in a well defined and planned program of economic objectives will contribute an important dimension to the foreign policy objectives of the United States. Specific examples which we suggest will implement the economic diplomacy required for the era of the '70's and '80's:

1. The *concept* of "economic diplomacy" must be accepted by the United States Government as a keystone of its foreign policy. There must be overt recognition that private business, cooperating in and with a foreign economy can make the major and lasting contribution to building self-reliance and self-respect within the host nation and thus further the national interests of the United States. Opportunities for economic partnership and industrial assistance must receive priority at least equal to opportunistic military and political objectives which at the best are of short range and questionable viability.

2. There must be a conscious reorientation within our Department of State, including operating Embassies abroad, on the necessity for "economic diplomacy". Specific instructions charging all concerned representatives of our Government must be issued directing aggressive and positive support for such goals. Some specific suggestions:

(a) Where available and feasible, the embassy should be staffed by a civilian advisor to the ambassador. This advisor would function solely as a business advisor, and would carefully avoid becoming involved in military or political matters. These advisors would be chosen for their business capabilities and for their specific knowledge of the area in which they serve. Such advisors would provide additional flexibility and expertise to the State Department, and would offer the advantage of not having additional duties and responsibilities which might affect their objectivity.

(b) The Department of Commerce should be required to further develop its involvement in U.S. policies abroad. Department of Commerce could be made responsible for providing the civilian advisors to ambassadors referred to above.

(c) The United States Government, acting with American business interests, should foster and promote the growth of multi-national corporations originated and oriented toward American business corporations. The United States should state this goal as a clear policy of the nation, as promoting the long-term benefits of the United States.

3. Recognizing the vital role of private enterprise in "economic diplomacy", all loan, grants and other funds expended as aid and assistance to less-developed countries shall be channelled through existing private American financial institutions and business organizations on an incentive basis, such as low interest rate loans, guarantees against certain risks, etc. This approach will lead to efficient use of funds, will result in the transfer of technology, capital and management skills in the most useful manner, and

will prevent the loss of substantial percentages of the aid through graft and corruption, administrative and bureaucratic red-tape, etc. In addition, it will insure that American industry participate on a lasting basis in the form of economic partnership so greatly desired by recipient countries. American private enterprise as well as American labor will also benefit from the aid granted by the United States instead of channelling economic benefits to other *developed* countries through multi-national organizations.

COMMUNISM VERSUS GUN OWNERSHIP

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. SCHMITZ. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

EDITORIAL: COMMUNISM VERSUS GUN OWNERSHIP

"Lenin has indicated that the Communist strategy is deeply concerned with two objectives: (1) the arming of the 'right' people, and (2) the disarming of those 'reactionaries' who might meet violence with violence. Communists, like holdup men, have no overweening desire to be shot. Both the Communist and the thug prefer to deal with a disarmed citizenry. Both the Communist and the criminal have proven through the years that they can and will obtain the arms and explosives that they want."

The foregoing is quoted from an AMERICAN RIFLEMAN editorial of Nov., 1949, entitled "Simple Arithmetic" The last paragraph of the editorial explains what the title means:

"Only when the loyal majority has been legally disarmed do we need fear the violence of the illegally armed, disloyal minority. This is not ideology. It is simple arithmetic."

Present Communist opposition to Americans owning guns is clearly indicated by the cartoon reproduced (next page) from the Soviet Russian publication *Trud*, p. 3, Feb. 4, 1970. The sign on the shop window has been translated as: "Unrestricted sale of firearms." While the gun dealer bows happily, two beefy characters walk away from his shop loaded with what appear to be fully automatic arms.

Quite obviously it appears from *Trud, Izvestia* (See AMERICAN RIFLEMAN, June, 1968, p. 16–17) and some other publications issued closer to home that the Communists would like to see private citizens in the United States deprived of firearms. There is hardly any secret about this. Certainly it is Communist policy wherever in the world Communism has been felt.

When a Lutheran church in Oregon sponsored 28 Latvian and Estonian immigrant refugees from Communism, one of them with a doctor's degree and command of seven languages told NRA Member Henry L. Bottemiller that only 5% of Russians are Communists. "When I asked how 5% could control the rest," Bottemiller wrote, "my friend answered with a remark that I will never forget. He said: 'They have all of the guns.'

Some Americans still aren't capable of believing that the Communists, abroad and at home, are among those who eagerly want to see Americans disarmed. They dismiss this as a silly notion and lecture anyone who suggests it as if he were a stupid child.

So THE AMERICAN RIFLEMAN went directly to the authenticated declarations of Communist leaders in the Library of Congress to determine their attitude toward private ownership of firearms.

Assistant Editor John M. Snyder, who holds a master's degree in political science, was assigned to research the writings of the so-called fathers of the Communist Russian Revolution of 1917: Lenin (nearly assassinated in 1918 by a disillusioned woman radical with a pistol), Trotsky (assassinated in 1940 with an ax) and Stalin (supposedly victim of a medical plot in 1953). Here is just a part of what he found:

From LENIN: " . . . one of the basic conditions for the victory of socialism—the arming of the workers and the disarming of the bourgeoisie." (From Lenin's *Collected Works, The Basic Tasks of the Dictatorship of the Proletariat in Russia,* Moscow: Progress Publishers, 1965. Vol. 29, p. 108. U.S. Library of Congress reference: English, DK-254.L3A2323.)

"Make mass searches and hold executions for found arms." (From Lenin's *Collected Works,* Vol. 35, 4th edition, p. 286. CONGRESSIONAL RECORD, p. 13311.

"Only the Soviets can effectively arm the proletariat and disarm the bourgeoisie. Unless this is done, the victory of socialism is impossible." (From Lenin's *Collected Works, Theses and Report on Bourgeoisie Democracy and the Dictatorship of the Proletariat, March 4, 1919*. Vol. 28, p. 466. U.S. Library of Congress Reference: English DK254.L3A2323.)

From TROTSKY: To insure quick Communist victory in civil warfare, there "arises the necessity of disarming the bourgeoisie and arming the workers, of creating a Communist army. . . ." (From *Manifesto of the Communist International to the Proletariat of the entire World* in *A Documentary History of Communism*, ed. by Robert V. Daniels, New York. Random House, 1960, Vol. 2, p. 90. U.S. Library of Congress Reference: HX40.–D3.)

From STALIN: "If the opposition disarms, well and good. If it refuses to disarm, we shall disarm it ourselves." (J. V. Stalin, *Reply to the discussion on the Political Reports of the Central Committee*, Dec. 7, 1927. Stalin's *Works*, Vol. 10. p. 378. U.S. Library of Congress Reference: English, DK268.S75A–267)

The word *bourgeoisie* which crops up so often in the remarks of Lenin and Trotsky is French for middle class. The Communists twisted it into an epithet or dirty word for anyone who disagreed with them. Nowadays the bourgeoisie who are to be disarmed include everyone who would oppose a Communist takeover of any country including the United States. The thrust of current Soviet propaganda makes that clear.

A CONSTITUENT'S PRAYER FOR AMERICA

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. RIEGLE. Mr. Speaker, one of my constituents, Mr. Joseph Gabriel, of 6108 North State Road in Davison, Mich., has sent me a copy of a "prayer for America"—and has requested that I insert this prayer into the CONGRESSIONAL RECORD so that all Americans will have the opportunity to use it. Therefore, upon the request of Mr. Gabriel, I insert his prayer into the RECORD at this point:

PRAYER FOR AMERICA

Come home, America, from Vietnam and Laos and Cambodia where we are wasting young blood in support of a political regime that does not have the respect of its own citizens.

Come home, America, from the bitterness and evil of racism to the dignity of brotherhood.

Come home, America, from the politics of manipulation and division to the politics of hope and reconciliation.

Come home, America, from boasts of a silent majority to the higher ground of conscience and responsibility.

Come home, America, from the intimidation of the free press to the guarantee of the Bill of Rights.

Come home, America, from the hunger of little children, from the loneliness of the aging poor, from the despair of the homeless, the jobless, the uncared-for sick, to a society that cherishes the human spirit.

RABBI SAUL WHITE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. BURTON of California. Mr. Speaker, on Friday, August 14, at Sabbath eve service and at an ecumenical service on Saturday, August 15, Congregation Beth Sholom and the many friends of Rabbi Saul White will honor him on the occasion of the 35th anniversary of his ordination and for the great service which he has rendered these past 35 years to Congregation Beth Sholom and to the people of San Francisco.

In addition, Rabbi and Mrs. White will be honored at a reception on Sunday, August 16.

It has been my privilege to be associated with this outstanding man on many occasions in the continuing struggle for social, economic, and racial justice. Rabbi White has always been a firm voice in behalf of the dispossessed in our community and he has tirelessly worked in their behalf.

Rabbi White has truly heeded the words of Isaiah and has striven to "undo the heavy burdens and to let the oppressed go free."

I could not let this important anniversary go by without making note of it and sharing with you the brief biography of this fine man which Congregation Beth Sholom has so aptly titled, "We Celebrate."

I am sure my colleagues will wish to join with me in expressing our best wishes to Rabbi White.

The biography referred to follows:

WE CELEBRATE

Rabbi Saul E. White—Shaul Elchanan ben Ephraim—whose 35th year of ordination as Rabbi and spiritual leader of Congregation Beth Sholom we celebrate this month—was born in Kolno, Poland on Shavuoth in 1908—to Ephraim and Eva White. At the age of 12 he came to the United States and enrolled as a student at Yeshivah Yizchak Elchanan—then situated on East Broadway, now known as the Yeshivah University. He attended Brooklyn Public Schools, Boys High School and New York University, Tarbuth Teacher Institute of the Jewish Theological Seminary and Jewish Institute of Religion, Hebrew Union College. He holds the degree of B.S. in Education from N.Y.U., M.H.L and Rabbi from J.I.R. In 1964 he was awarded the honorary degree of Doctor of Divinity from the University of Judaism in L.A.

Upon graduation from the Rabbinical Seminary and before his call to Beth Sholom the Rabbi married Ruth Shapiro, daughter of Abraham and Minna Shapiro. Ruth, a graduate of Brooklyn College and an actress on

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the Broadway stage, had to choose between two careers. Rabbi Stephen Wise suggested that our Rabbi go to Bluefield, West Virginia, where a small congregation would allow time for study and reflection and to perfect his tennis. Joe Karesh, now Judge Karesh, and Rabbi Louis Newman advised the new Rabbi that a congregation was emerging in the Richmond district of San Francisco and he might make a go of it. The Rabbi arrived on the Overland, moustached and smoking his eternal pipe and was met by a committee of elders, who sensed that someone had made a serious mistake. They were polite and had an informal reception at the then Koffee Kup, later Zim's.

The Rabbi recalls with some amusement that the discusion that evening as reported to him was whether he be let go at once or wait until after the High Holidays. The Rabbi has been with us 35 years. Three children were born to Ruth and Saul. The eldest, Shalene, is married to Elliot Bernstein, lives in Salt Lake City and is the mother of two girls and a boy. Linda, married to Dr. Terry Michels, lives in Oakland and is the mother of two sons. David, 22, has completed his studies at U.C. at Berkeley and in the fall will enter the Jewish Theological Seminary in New York to prepare for the Rabbinate.

Since his coming to Beth Sholom as its first and only Rabbi, the congregation has grown from 30 families to nearly 600, and with another 500 families on the periphery, Rabbi White has made his imprint on the Jewish and general community. An early advocate of Zionism and a Jewish State, he traveled far and wide to bring the message to Jewish and Christian audiences. He has been heard in every city of our state and in neighboring states. The Rabbi has lectured at many of the Universities and for a number of years was on the faculty of the Starr King School of the Ministry. A number of churches have had Rabbi White as an annual guest preacher. Rabbi White has served a number of times as the President of the Board of Rabbis of Northern California and Chairman of the San Francisco Council of Rabbis. At various times he was the President of the San Francisco Zionist District, Jewish National Fund, member of the Board of Directors of the Jewish Welfare Federation, etc.

Reflecting his abiding interest in improving the life of the community, he now serves as co-chairman of the San Francisco Conference on Religion, Race and Social Concerns, Rabbi White not only speaks with conviction but writes with clarity and precision. For many years his column in the Emanu-el and Jewish Bulletin was widely read and discussed. He has written for Congress Weekly, the Jewish Post, the Jewish Record, the Jewish Digest, etc.

For three years Rabbi White was heard weekly on the Radio Program, Faith Forum, and has from time to time appeared on other radio and television programs.

The Congregation has voted Rabbi White a six month's sabbatical. It is anticipated that Rabbi and Mrs. White will spend their sabbatical in Israel, making their home in Jerusalem.

We look forward to many years of creative leadership of the Rabbi in our midst.

DONALD S. DAWSON HONORED

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. BOGGS. Mr. Speaker, on last Monday, August 3, the Chief of Staff of the Air Force, Gen. John D. Ryan, presented to Donald S. Dawson, on behalf of the President of the United States, the Distinguished Service Medal for his many years of exceptionally meritorious service to his country.

Many Members of the Congress have known Don Dawson for many years—as an outstanding officer of the Air Force in wartime, a conscientious Reserve Officer in peacetime, continuously maintaining a readiness to serve again in the military, as an outstanding official in various positions in the U.S. Government, and now as one of Washington's outstanding attorneys rendering a service in the highest traditions of the legal profession.

Perhaps above all, we who know Don Dawson regard him as a true and loyal friend whom we esteem, admire and respect for his high character, as well as his outstanding ability and attainments.

Don Dawson is known in the U.S. Air Force Reserve as Maj. Gen. Donald S. Dawson, past president of the Reserve Officers Association of the United States. He has given many years of dedicated service to the ROA, and has served the association in many capacities of leadership.

In his remarks to an outstanding assembly of officers and members of the Air Force secretarial staff, General Ryan spoke briefly but with expressions of pride regarding Don Dawson's service. The citation accompanying the award of the DSM reads as follows:

> The President of the United States of America, authorized by Act of Congress July 9, 1918, awards the Distinguished Service Medal to Major General Donald S. Dawson, for exceptionally meritorious service in a duty of great responsibility. General Dawson distinguished himself as Mobilization Assignee, Director of Security Police, The Inspector General, Headquarters United States Air Force, from 3 November 1960 to 31 July 1970. In this important assignment, the leadership, exemplary foresight, and ceaseless efforts consistently demonstrated by General Dawson resulted in significant contributions to the effectiveness and success of the Security Police Program. The singularly distinctive accomplishments of General Dawson culminate a long and distinguished career in the service of his country, and reflect the highest credit upon himself and the United States Air Force.

Don Dawson volunteered for service in the Army of the United States early in 1943; took his basic training in Greensboro, N.C., and then electing to seek a commission in the competitive way, applied for and was accepted for the Air Corps Officer Candidate School. In training at Miami Beach, Fla., he made a splendid record and was elected chairman of the honor council of the school. He was commissioned a second lieutenant on October 16, 1943, and subsequently served in a number of posts of responsibility until the end of World War II by which time he had risen to the rank of major. He continued active in the Reserves, serving on the staff of the Secretary of the Air Force, and later as director of the Security Police, where he reached the high Reserve rank of major general. During his service, in wartime and peacetime, he earned a number of decorations, which he received and wore with dignity and merit. He also served the Air Force and the Department of Defense in a number of other positions: As a member of the Reserve Forces Policy Board—RFPB—Office of the Secretary of Defense; Chairman of the Air Force Reserve Policy Council; and member, Air Force General Officer Screening Board.

General Dawson is a native of Eldorado Springs, Mo., a graduate of the University of Missouri, and of George Washington University Law School.

He is best known to those on the Hill for the 7 years he served on the White House Staff as special executive assistant to the President of the United States, Harry S. Truman. He also served his Government as Assistant to the Federal Loan Administrator—FHA—as Chairman of the White House Loyalty Review Board; and as Director of the Liaison Office for Personnel Management, Executive Office of the President. He represented President Truman on many occasions, including the inauguration of several Presidents of some of the great nations of the Western Hemisphere, including Mexico and Brazil.

Don Dawson has also found time to engage in many civic activities, giving his energies and talents to support of the United Givers Fund, Boy Scouts of America, the National Committee on Playgrounds for Youth of America, the Boys Club of Washington, D.C., and many others. He has been Washington alumni president of the University of Missouri, Phi Alpha Delta—professional legal fraternity—and Beta Theta Pi Fraternity.

He has been the winner of the Outstanding Service Award of the American Federation of Government Employees. He was the Father of the Year in the District of Columbia in 1962.

I think it is characteristic of Don Dawson that in accepting the DSM from the President of the United States, he depricated his own contribution and rather credited many friends and coworkers whose help and encouragement he said had meant more than his own talents and work. It was especially fitting that in this characteristic manner he also paid tribute to this country and its government, and to the leaders of our country in the military services who protect our freedoms; and in a grateful allusion to the encouragement of his wife, whom we know as the lovely Ilona Massey Dawson, whose assistance and sacrifice was born of her personal experience of having been a native of and lived in a country which is denied the same degree of freedom we are privileged to enjoy in this great country.

I am sure that all of us are proud to share through our friendship this new honor and recognition which has come to a great American, Donald S. Dawson.

PRESIDENT ACTS TO MEET CRISIS OF SHORTAGE OF CLEAN FUELS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. CONTE. Mr. Speaker, I am sure I speak for many of my colleagues in ex-

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pressing approval of the President's decision of August 6, 1970 directing the Domestic Council to find solutions to what he described as "the acute shortage of clean fuels for this winter."

Earlier, on August 3, 1970, I wrote the President concerning the critical shortage of No. 6 residual oil, used heavily by schools, hospitals and industry, and urged him "to develop, in close consultation with the oil industry and local marketers and consumers, an emergency plan for the period September 1, 1970 through April 1, 1971, to prevent a crisis in the coming winter."

In proposing the development of this emergency plan, Mr. Speaker, I suggested a number of possible solutions, such as decontrol of No. 2 fuel oil imports into the east coast—in some cases, No. 2 oil can be used as a substitute for residual oil—construction of residual oil refineries in trade zones, and a low-surplus residual import bonus system.

One of these proposals, construction of a residual refinery capacity, is something I and others have called for for some time. In the past, our overprivileged domestic oil industry has opposed this as unrealistic. It is ironic that these same "realists" have failed so miserably to project accurately the demand for this essential product.

For the information of my colleagues I include at the close of these remarks a copy of my letter to the President followed by a copy of the White House release announcing the study. I am gratified that Dr. Paul W. McCracken, Chairman of the Council of Economic Advisors, has been chosen as Chairman of the study committee. Dr. McCracken's selection assures that this problem will receive the urgent attention it requires.

The letter and the press release referred to follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 3, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In recent weeks I have received numerous complaints from municipalities, utilities, hospitals and schools in my Congressional District about their inability to purchase, at any price, sufficient quantities of residual fuel oil (No. 6 fuel oil). They are particularly concerned about shortages of this product in the coming winter, when lack of No. 6 fuel could mean the closing down of factories, and cold schoolrooms, hospital wards and apartments.

The shortage presents an even more alarming, immediate danger that electric power companies will be unable to continue generating power. I understand that several of these companies will be out of the residual fuel oil on which they depend within a few weeks unless they succeed in a desperate, last-minute search for additional supplies.

In discussions with my colleagues from many parts of the country, I find that the shortage of residual fuel oil is nationwide, and that a severe crisis threatens almost all states in the upper half of the nation in the months ahead.

In short, we are facing a national emergency that calls for prompt action by both Government and industry.

Because we are in an emergency, it is essential to face facts squarely. One major cause, of course, is the increased demand due to disruptions of supplies of coal and natural gas. But the most critical fact—the root cause of the crisis—is the failure of the oil industry to project accurately the demand for this essential product. The industry has always prided itself on its "realism" and "hardheadedness." Those of us who have called into question current U.S. oil import policy are constantly attacked as being unfamiliar with the facts of world politics and economics.

But where were the realists in the oil industry several years ago when it was time to project residual fuel oil needs for 1970? Two companies, Esso and Shell, did make major investments several years ago in desulfurization facilities in the Caribbean, designed to produce substantial quantities of No. 6 oil for the U.S. market; and they are to be commended for their foresight.

But what of the other major refiners? And why is the industry so quick to come up with alibis for the present crisis, such as the new, long-overdue, anti-pollution requirements (which they have known were coming for years), the current cut-back in supply availability in the Mediterranean (which affects only 3% of the Free World crude oil supplies), high tanker rates (which affect very few tankers and almost none used by the major oil companies), and the claim that the crisis will cost the industry money (when, in fact, it is counting on higher residual fuel oil prices to improve profits in the last half of 1970).

What is the response of an industry which enjoys special privileges and benefits on the grounds of national security (the only industry, I might add, which receives such massive support from the U.S. Government), when the needs of our people are involved? If the industry is as realistic as it claims, one can only ask whether there has been conscious collusion designed to create the crisis and thereby promote a rapid increase in No. 6 fuel oil prices?

The crisis calls into serious question the advisability of shielding the oil industry from competition by Government interference in the market place.

These are hard question, but the people of my District may go without heat this Winter, and they must know why. They must know why the oil industry has failed the American consumer, and why there are continuing shortages and a continuing escalation of prices of essential petroleum products.

While these matters must be investigated, we cannot wait for prolonged studies before developing a course of action. This emergency must be dealt with now.

I realize that residual fuel imports into the East Coast are not subject to import controls. However, because the Oil Import Program has created a special and close relationship between the Executive Branch and the oil industry, I urge that you instruct the Chairman of the Oil Policy Committee to develop, in close consultation with the oil industry and local marketers and consumers, an Emergency Plan for the period September 1, 1970 through April 1, 1971 to prevent a crisis in the coming Winter. I would hope that the Plan will also be designed to halt and reverse the sharp escalation in the price of No. 6 oil which is having a severe inflationary impact on hospitals, schools and apartment dwellers, and that consideration will be given to basic changes in the Oil Import Program—decontrol of No. 2 fuel oil imports into the East Coast, construction of residual fuel oil refineries in trade zones and a low sulfur residual import bonus system—designed to prevent a recurrence of this potentially tragic situation.

There may be other devices that could be employed to meet this crisis. One way or another there simply must be greater domestic refining of residual oil. It is my personal feeling that the only way to bring this point home to our domestic industry is for you to bring the prestige of your office to bear on industry leaders.

In closing let me assure you of my cooperation and support for your efforts to meet this emergency. If there is any way that I can be of help, in my individual capacity or as Co-Chairman of the informal House Committee on Oil Import Reform, please call upon me.

With best wishes, I am,
Cordially yours,
SILVIO O. CONTE,
Member of Congress.

WHITE HOUSE PRESS RELEASE

The President has asked the Domestic Council to study the national energy situation and to develop for his consideration new or revised energy policies. The Council has been specifically requested to recommend federal actions which may be taken to alleviate the acute shortage of clean fuels for this winter and to ensure an adequate fuel supply for the next five years.

Members of the Committee which will conduct the study include Secretary of State William P. Rogers; Interior Secretary Walter J. Hickel; HEW Secretary Richardson; Dr. Lee A. DuBridge, Director of the Office of Science and Technology; Russell E. Train, Chairman, Council on Environmental Quality; George A. Lincoln, Director of the Office of Emergency Preparedness; John N. Nassikas, Chairman of the Federal Power Commission; Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission; Mrs. Virginia H. Knauer, Special Assistant to the President for Consumer Affairs; George P. Shultz, Director of the Office of Management and Budget; and Dr. Paul W. McCracken, Chairman of the Council of Economic Advisers.

Dr. McCracken will be the Committee chairman.

CZECHS FEAR AMERICANS HAVE FORGOTTEN THEM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. BOB WILSON. Mr. Speaker, a recent column in the Washington Star by the distinguished journalist, Charles Bartlett, pinpoints one of the most serious problems of the Czechoslovakian people. They think Americans have forgotten how the Soviet Union, through quiet but stern occupation, have suppressed their freedoms. I am sure our colleagues will find this article interesting:

[From the Washington Star, Aug. 2, 1970]

CZECHS FEAR AMERICANS HAVE FORGOTTEN THEM

(By Charles Bartlett)

The liberals in Czechoslovakia are less audible than they were two summers ago but they nevertheless lament the casual notice that Americans are according to the rollback of their freedoms.

The Soviet screws are being turned so tight that all hopes of retaining any of the gains of 1968 are dead. The purge of the Communist party ranks will be finished in September and then, the liberals expect, the energies of the apparatus will be turned against the intellectuals and other leaders of the move to "put a human face" on socialism.

"We will not kill you, we will arrange your life so that you will kill yourself," was the Kafkaesque warning to an errant radio broadcaster. Some prominent writers, already denied outlets for their work, are disciplining themselves with diets and exercise to prepare for the rigors of prison.

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The network of loyalist Communists is busily penetrating all the units of society, even little operations like hairdressing shops, in order to separate the reliable from the unreliable. A vast process of "scrutiny" is underway and persons whose 1968 loyalties are at issue are badgered with interrogations and threatened with unemployment.

The Soviets maintain a low visibility in Prague but they have permeated every department of the government. They sit with their translators in significant meetings and are always a decisive force. This Czech bureaucrats have learned to get around them occasionally, but the Soviets in fact make the policies.

Their measures are unabashedly designed to break the spirit of the people. Their trick has been to quash slowly the hopes for an enlightened occupation so the transition would come as gently as possible. They have implanted so many fears that even the hard-line loyalists feel insecure. Hack officials will not, if they can help it, sign orders. They prefer to pass the word by messenger or telephone.

There is much drinking and immorality among the disillusioned young. Workers are apathetic. Many punch their cards and go to the movies, causing early morning queues outside theaters. Offspring of college graduates are denied admission to universities on grounds that the openings must go to the children of the workers. Artists, writers, and musicians are refused permission to study abroad.

The group that stimulated the uprising is being made to pay the price of its exuberance. Daily during the breakfast hour a rehash is broadcast of one of the insurgent meetings that took place in 1968. Those who spoke out against the Novotny government are quoted by name. This is how they learn they are going to be persecuted.

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The liberals do not feel, according to sources that have been in touch with them, that there is much the United States can do to help the situation. They like the spirit that they sense in President Nixon. They relish his visit to Rumania and applaud his thrust into Cambodia. They still see their best hope in fruitful negotiations between Washington and Moscow.

But they are disturbed by a belief that the American public is oblivious to what is going on in Prague and by a feeling that foreign correspondents are no longer willing to risk their credentials to tell the story.

They suspect their oppressors might go easier on them if there were more indignation over here.

MIGRANTS: SOCIETY'S INVISIBLE VICTIMS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. PEPPER. Mr. Speaker, in our attempt to investigate poor conditions of minority groups across our country, considerable attention has recently been given to the migrant laborer.

An outstanding series of articles by Mr. Ed Domaingue appeared in the Lakeland, Fla., newspaper, the Ledger, and I wish at this time to commend these articles to the attention of my colleagues:

MIGRANTS: AN INVISIBLE ARMY OF 25,000 LANGUISHES IN POVERTY IN POLK

(By Ed Domaingue)

"I'm a bum, nothing but a bum.

"That's why I left school and I won't go back for nothing. It makes you feel cheap when you can't buy lunch at school, it makes you feel like a bum.

"I ain't like other kids. I don't have the things they do. Kids make fun of me when I had to go barefoot 'cause I didn't have any shoes. It makes you feel different.

"There was too much fights all the time, too much trouble. We have to change schools too much. I was older than the other kids, they was only 13 and some 14.

"I hate Florida, it's a bad state. A lot of other people hate Florida. Every person here hates Florida. We came here to pick oranges. We were way up in Michigan and we were living real good until we came here.

"I'm just a bum."

Jackson Bowers is 15-years-old. He lives in Eloise with his family, in a fly-covered, dirt-encrusted, two-room duplex apartment renting for $20 a week.

Eight persons share the apartment at the end of the road on the wrong side of the railroad tracks.

Jackson's parents are migrant fruitpickers. They follow the crops, moving from north to south and back with the change of seasons.

He and his parents are members of the invisible army of workers who labored to harvest the 179,300,000 boxes of citrus fruit produced in Florida last year.

Ernest Jarvis is 39-years-old. He looks 60. He lives in one room of a three-room, crumbling, filthy concrete block structure. He shares the building with two other men. It has no windows and the front door is broken off the hinges.

NO ELECTRICITY

The room is five-feet by 12-feet. Roaches and spiders are everywhere. The only light is in Jarvis' room, but there is no electricity. An extension cord from a nearby dwelling furnishes power to the bare bulb.

Jarvis lives in the middle room. In order to get from his room to the rear room, it is necessary to climb over the cushion-less sofa he sits on when he reads his paperback novels.

The room is furnished sparsely, with only a bed devoid of linen and the broken-down sofa.

He pays $20 a week for his room, and as an added dividend, the landlord supplies one meal a day—generally beans, grits or porridge.

He worked three days last week "because that's all the work there was."

For his back-breaking, nine-hour-a-day labor, he earned $38.50—before deductions.

He is in debt. He owes his "bossman" $55 and his landlord $100 because "times has been pretty bad. I ain't been able to get a lot of work."

Of his situation, he says philosophically, "I ain't been able to pay my board money for the past four weeks. I only worked one day this week and if I'm lucky, I might be able to work tomorrow.

"Maybe I'll make $30 this week, but I could wind up with only $15—you never know in advance what you're going to have. If we don't work, if there isn't any work, you just don't get paid.

WELFARE DISLIKED

"I never tried welfare. I have always been able to take care of myself. I prefer to work. I like to earn my own living. I'm going to try and work and earn my own way as long as I can," he said.

Ernest Jarvis is one of the 25,200 migrants who were responsible for removing 44,683,000 boxes of citrus fruit from trees in Polk County last year.

He, like the Bowers family, lives at the end of the road—this time, Hobbs Road in Auburndale.

His possessions are few; his bank account non-existant. He does not drive a car; own a television set; or live in the suburbs.

There are, according to The Florida Department of Health and Rehabilitative Services, 25,000 migrant workers living in Polk County during the height of the citrus harvesting season.

With little variation, they live in conditions of unbelievable squalor and deprivation well outside the mainstream of American affluence in the 1970's.

It is impossible to draw a portrait of the "average" migrant family—but more often than not, they have too many children; live in too small an apartment or deteriorating mobile home; pay too much rent; have neither enough clothes nor enough food; and have less than $5 in their pockets.

They are much written and talked about, but little is ever actually done to help them.

Exposes on the conditions forced upon migrant workers have shocked and saddened the nation with almost monotonous regularity—but conditions today remain virtually the same as they were 10 and 20 years ago.

VIRTUAL SLAVERY

The migrant lives in virtual slavery, or, at best, serfdom.

During the first session of the 91st Congress last year, a "shocked and saddened" U.S. Sen. George McGovern (D-S.D.) rose on the Senate floor after a tour of migrant country in South Florida and said:

"I think we have seen once again that many of our citizens are existing without the barest necessities of life, including the most urgent need of all—a decent daily diet.

"Some have survived on bad diets so long that they don't even know what it is to be free from hunger and malnutrition.

"We have seen diets and living conditions . . . that one might expect to find in Asia not in America. Most of the cattle and hogs in America are better fed and sheltered than the families we have visited. . . .

"We saw families with six, eight, or 10 children living in one or two-room shacks, not fit for animals—windowless—rat-infested—without water, plumbing or electricity—shacks for which the landlord collects $12–$15 a week rent each.

"We saw empty iceboxes and iceboxes that didn't work, with fatback, beans and lard the only thing stored in them.

"We saw children with the blank, expressionless stare of hunger on their faces—children not yet old enough to go to school who, when asked what they had for breakfast said 'grits and coffee'—for lunch beans and coffee'—for supper, 'beans and coffee'. Many could not remember when they'd last had milk," he said.

U.S. Sen. Walter F. Mondale (D-Minn.) accompanied McGovern on his tour.

SHOCKING POVERTY

On the floor of the Senate upon his return, he said, "There are times in the life of a public official when he is brought face to face with the shocking reality of hunger and dire poverty. I have just had such an experience. . . .

"The people I talked with travel the length and breadth of our land in search of jobs. They do not know what it means to have a place called home, or to have their children enrolled in fewer than three or four different schools every school year.

"They're the dispossessed and the disoriented—people who are chasing the American dream, but destroying themselves and their families in the process.

". . . It is the faces of listless and undersized children that I cannot get out of my mind—faces which stared straight ahead, indicating no comprehension of the world around them.

"I could see the result of many years of malnutrition and sordid living conditions in the parents of these children. It is not over-dramatic to characterize their existence as a shadow-life—hemmed in by poverty in its most extreme form and yet too weak, too ill and simply too worn down to press for change," he told his colleagues.

Hunger in America. Illness in America. Poverty in America. Desperation in America. Fear in America.

It sounds like a picture of someplace else, far away—indeed, as Sen. McGovern said, like conditions one might expect in Asia, but not in America.

NO RELIEF IN SIGHT

But it is here—right here in Polk County.—There is desperation and destitution on a scale staggering belief.

The story of the migrant worker in middle-class, rural Polk County is not a happy one, nor is it even a sad one with a happy ending, for there appears to be no relief in sight.

Polk County is often billed the "Phosphate Capital of the World." Many people work for a meager living in that industry, but few are without the income for the necessities of life.

The situation is not the same for another segment of the economy—the one which produces more citrus than any other place in the world.

Few Polk Countians pick fruit. Most of the labor is done by "outsiders."

Even those who actually live in Polk seldom are considered an integral part of the community.

They are poor; they are dirty; they are uneducated; they are invisible and many people think they are lazy—they are there to be exploited.

In more than a year of research The Ledger has been unable to find one migrant worker that lives comfortably the year-round by picking and harvesting the citrus crop.

The story of the migrant worker and the parallel story of the migrant stream, descriptions of desperation and dispair—stories that often begin and end in Polk County.

The invisible world of the migrant worker exists in Lakeland, Winter Haven, Frostproof, Eloise, Wahneta, Eagle Lake and in uncounted unicorporated areas and in migrant labor camps virtually every nook and cranny of the county.

It is hard to imagine the degree of poverty that exists because the average citizen seldom enters the migrant world. It is hidden from public view down dusty roads and behind citrus groves miles from major highways, cities or towns. Few would believe the structures, without running water, toilet facilities, paved streets, windows, screens or doors were inhabited by human beings.

Government officials have long turned a deaf ear to the problems of migrant workers, and the citrus industry often paints a picture far rosier than is factual.

The attitude most commonly expressed is, "I worked for everything I got, so why can't they?"

Many reasons are obvious, others are not.

The average migrant worker interviewed by The Ledger was almost illiterate—few finished high school and the majority were born into the migrant stream, even as their children have been.

FOLLOW THE SUN

When the crops are in, it is necessary to move on, to follow the sun.

"I ain't got no choice, my family and me just got to keep going. We ain't got no money saved when we're done picking fruit, we cant never get ahead. We got to keep going or we'll starve," Norton Brown said.

Brown lives in Haines City, when he is in Polk County and when he can find work. He is married. He and his wife have 11 children. They are migrant workers, looking for some way to get ahead, hoping someday to find a little better life for themselves and their children.

For many, the search is endless . . . and futile.

One person in 10 in Polk County during the height of the citrus season—from November to January and from late February to mid-June—is a migrant worker.

The statistical picture projected by state agencies and "assistance" groups is sterile—it tells nothing of the individual, of the families, or of the actual conditions.

Roughly 65 per cent of the state's agricultural labor force is migratory; 17 per cent is seasonal; and about 17 per cent is permanent, according to preliminary figures of the Florida Migratory Child Survey Project, sponsored by the State Department of Education.

The white migrant family has a male head of the household 80 per cent of the time, while the Negro family has a male head only 51 per cent of the time. The average migrant worker has been following the stream 11 years and frequently stays in Polk County six to eight months of the year.

Because children of migrants are likely to drop out of school at an early age, illiteracy combines with poverty and despair to overpower them.

HEALTH PROBLEMS

Health problems among migrants are severe. The Polk County Health Department wages a continual battle against tuberculosis, syphilis, nutritional and general health disorders—but language and cultural barriers are often unbridable.

Migrants are victims of a society that is moving in a direction different from their own; all that supports them today are the swirls and eddies created beside the mainstream.

Superstitions and curiosity boil around him because precious little is really known about him, his family, or his life-style.

Being poor and with little education, he is easy prey for unscrupulous peddlers, landlords, crew leaders and employers. He is concurrently the fabric of a social structure that gives little emphasis to respect of property and contracts.

He is elusive and a poor credit risk, so he pays high prices for everything. He is generally cut off from legal recourse, so he may never see the wages or conditions promised him by recruiters in the north and south—the ones who frequently most benefit from his servitude.

Employers and governmental agencies say the migrant worker is unreliable—that he is likely to walk away from a job or a payment book without explanation or advance warning.

The citrus industry and state officials claim the migrant is better off in Polk County than anywhere else in Florida.

Citrus is the best paying crop still harvested by hand and it accounts for approximately 40 per cent of Florida's employed migrant population.

Employers estimate migrant fruit pickers can earn up to $19.50 a day if they are men, $10.50 a day if they are women—three dollars above the average agricultural wage for women and four dollars higher than the average income for male migrants.

FIGURES UNRELIABLE

But, the reliability of the figures is questionable; migrants interviewed occasionally admitted it was possible to earn that much in a day, but few admitted ever coming close.

Few said they ever earned as much as $15 a day, "and only then when things was good."

Life among the migrant workers is hard.

"This country couldn't be no rottener," 64-year-old Carl McElvey said between chomps on a plug of tobacco. The old man lives in Eloise.

"Hit's about to blow now. Been holding the little man down too long," he said.

Who really is the migrant worker? And what is he all about? Is he just a man without a face who picks the fruit served on the ocean front terraces of posh summer resort hotels or is packaged neatly in long, colorful freezer rows at the neighborhood supermarket?

He is Jackson Bowers; Jackson's parents; Ernest Jarvis; Carl McElvey, a pensioner; four-year-old Terry Heflin of Dunnersville, Ala.; and two-year-old Bridget Hayes of Lake Hamilton, who sleeps with her seven brothers and sisters in two rickety beds in a three room flat with no inside plumbing.

The migrant worker is a man of the earth, picker of everything, possessor of nothing. He is a man without a home in a countryside whose rich harvest he gathers but seldom does he share the benefits.

SORROW, FAILURE

John Steinbeck, in the "Grapes of Wrath," said:

"There is a crime that goes beyond denunciation. There is a sorrow here that weeping cannot symbolize. There is a failure here that topples all our success."

This is the story of the migrant worker: why he is, what he is, where he is, what is being done to eliminate his plight, and what needs to be done before the weeping and anger can subside.

FEAR, MISTRUST GREET THE LAW

The call to the Polk County Sheriff's Department from the emergency room of Polk General Hospital was typical. It began an inquiry which ended abruptly against the roadblock of misunderstanding and fear.

"Please send a deputy to investigate a possible aggravated assault."

The victim was Juan, a 28-year-old migrant worker. He had been beaten and stabbed several times. His wife and a friend brought him to the county hospital.

Juan had a bad cut under his left eye and a very deep gash in his back. Part of one ear was hanging on a slender strip of flesh. The medical report was not encouraging.

His wife, Marie, waited in silent fear for the deputy sheriff to arrive. She was very pretty, with black hair and a soft complexion. She was soft-spoken and illiterate.

Because she was unable to spell her last name, the deputy copied it from an identification card she carried. She was terrified of the deputy, but she told him haltingly of what had happened.

Juan was playing cards with her brother and another man in the "singles" cabin of a Lake Hamilton migrant camp, when, according to Marie, her brother and the other man set upon her husband.

Juan was brought to the hospital by Michael, a friend, in an old broken down red labor bus used to carry workers to and from the groves.

Michael substantiated Maria's story. He said he was called to bring her husband to the hospital.

The deputy asked Maria if she would sign a warrant so he could arrest the two men who attacked her husband. She didn't understand the question. The friend translated.

"I don't know," she said, quietly suspicious. She said she should ask Juan first.

"Do you want these men to go free and hurt other people . . . maybe you'll be the next one," the deputy said.

"No, I don't know . . . Yes, I'll sign," she said halting, in broken English.

She made a move for the deputy's pad, thinking she only had to sign the report he was filling out. The deputy stopped her. He explained she would have to see a judge to swear out the warrant.

One of the emergency room nurses interrupted. Juan has passed out in X-ray. His blood pressure had dropped. The nurse said Juan might not recover.

After hearing this, the deputy decided to arrest the two accused men immediately. He asked Michael if he would accompany him to the labor camp and identify the two accused men. Michael refused.

He said he "couldn't take sides." While the crew leader was in Texas, Michael had to keep order and to do nothing to divide the crew. If he told the law what happened, his workers would be angry. They would probably lose faith in him.

Juan regained consciousness. He was allowed to talk to his wife. She then told the deputy she wouldn't sign the warrant. It was her husband's order.

The deputy talked with Juan. Juan said he felt fine, did not know what had happened to him, did not know who had beat him up.

"Who was it?"

"I don't know, leave me alone."

No complaint was signed, no warrants issued, no arrests made—Juan recovered. But by all odds, the attack on Juan was avenged and the guilty suffered.

This kind of violence rules the life of a migrant farm laborer; a different system of law and order prevails. There is distrust of the uniformed lawman.

During the fruit season, Polk County's migrant labor force accounts for a higher percentage of law violations and arrests per capita than does the rest of the county.

In an average two-month period, records kept by the Polk County Sheriff's Department last year showed 406 bookings at the county jail at Bartow out of 1,321 arrests were of people who listed their occupation as "citrus" workers.

That's 30 per cent of the bookings from less than 10 per cent of the population.

The percentage may be higher. The jail records only show what occupation the prisoner may want to have put down, and many "laborers" may actually be migrant or farm workers.

"I'd guess about 35 per cent of our calls on a year-round basis are from what you'd call migrant or citrus workers," Polk County Sheriff Monroe Brannen said.

Most migrants are arrested Friday and Saturday nights—for drunkenness and related offenses.

Crimes of violence are also far more frequently committed by the migrant—the law of the knife and the gun prevails in the close proximity of labor camps, shabby hotels, closely packed, run-down shacks.

The Migrant Stream in Polk

The typical Polk resident has a full-time, year-round job, has lived in the same home for several years and owns his own automobile.

He has electricity, hot and cold running water, indoor plumbing and at least one charge account with a big department store. His children do not have everything they want, but they have everything he thinks they need.

The family laundry is done at least weekly in the automatic washer at home. It may be dried in an electric dryer. This home has rugs, maybe carpets, windows and screens. If the toilet won't flush everyone expects it to be fixed within 24 hours.

Children in this house go to school all day, every day, unless they are sick. In that case, they see a doctor and faithfully take the medicine he prescribes.

Any man who heads such a household is rightfully proud of the fact that he works hard to provide for his family. He is secure in his belief that his children's lives will be at least as comfortable and rewarding as his own.

He knows that the migrant worker often does not have all of these advantages, but he may not realize that many migrants yearn for the stable, secure life of the typical Polk citizen.

Permanent residents normally have little understanding of the forces which hold workers in the migrant stream. No one who spent his entire childhood in one community can grasp the desperation of a boy who, at 15, is already convinced that life is a hopeless struggle.

Middle class people underestimate the overwhelming tendency of children to live the same kind of life as their parents. The insurance man's son is no more likely to become a fruit picker than the migrant's son is likely to become an insurance salesman.

If migrant crew chiefs recruited middle class teenagers to work the groves and follow the season, average adults would be vitally interested in conditions in labor camps. This is not the case, however. Average citizens know little and care less about the 25,000 men, women and children who harvest Polk's annual citrus crop. These workers might as well not exist as far as most of Polk is concerned.

They do exist, however. They are the foundation on which Polk's prosperous citrus industry rests. Without them, Anita Bryant would have little to sing about in the lilting orange juice commercials.

The Ledger has studied the migrant situation for a year. Today we persent the first of a five-part series on that study. We are committed to the principle that each citizen has the right and the duty to know as much as possible about every aspect of his community.

We hope this report will add to the average citizen's knowledge of the little-known problems of the migrant worker in Polk. Only with such broad information can the voter intelligently choose among the candidates and the programs which vitally affect him and his neighbors.

Some Days You Work and Eat—Some Days You Do Not

(By Ed Domaingue)

Zebe D. Bonner is a migrant worker. He picks oranges and grapefruit for one of the largest fruit processors and concentrate producers in Polk County—the Minute Maid-Coca Cola Company.

He labors from 10 to 12 hours a day on a ladder in a grove, picking oranges under a boiling, brutal sun. He works four, five and seven days a week . . . when there is work. Often though, there is none.

When that happens, he is simply informed not to report to work that day—the fruit isn't ready to be picked; too much was picked the day before and the plant is "loaded down"; it is raining.

He lives at the Minute Maid-Coca Cola Company labor camp in Frostproof. He is invisible to most Polk Countians.

Bonner furnished The Ledger copies of his pay slip for three successive weeks in March. Each pay slip identified Bonner and carried the Coca Cola Company Food Processing Division trademark.

One week Bonner worked 32 hours, earned $30.47 and, after deductions for "board," took home $14.82—for 32 hours work.

The following week, Bonner worked 33.35 hours—"Because that was all the work there was"—earning $31.75. After deductions for board, he took home $6.10. The third week, he worked 25.5 hours, earned $24.27, stopped having deductions for board taken from his pay check—"because I couldn't live"—and took home the $24.27.

Bonner considers himself lucky—at least he doesn't have to pay rent. The living quarters furnished him during the picking season by Minute Maid-Coca Cola are little more than a bunkbed surrounded by three feet of space on either side.

The building is well kept, clean and attended 24 hours a day. The barracks-style structure is not pretty, but it is adequate.

Last year, 44,000,000 boxes of citrus fruit were picked from Polk County trees. Polk led its closest competitor in citrus production, Lake County, by almost twice the volume.

The five top processing plants in the county are Minute Maid-Coca Cola in Auburndale; B. C. Cook and Sons in Haines City; Adams Brothers in Auburndale; Mutual (Edward's) Harvesting; and the Haines City Growers Cooperative. There are more than a dozen others.

Minute Maid is one of the largest fruit processing and concentrate companies in the country and the company owns the largest labor camp in Polk County. The reason is obvious.

Minute Maid needs approximately 2,000 fruit pickers every single day there is fruit on the trees to pick the 1.5 million oranges processed by the Auburndale plant every day.

The company uses 14 million gallons of water washing and processing 60,000 boxes of fruit—fresh from the tree to your neighborhood grocer—every single day during the height of the citrus season.

HAND PICKED

Every single one of those oranges must be picked by hand—there is no mechanization in fruit picking.

Men like Zebe Bonner earn 35 cents per box—and a box usually contains 300 oranges. They work when the company says work; they stay home when the company says stay home.

There is no predictability in either living or working conditions. If you are a migrant laborer—one day you might have work—and food—the next day you might not.

One week you might work six days, earning $75, and the next week there might not be any oranges to pick or only one or two days work—if you're lucky you might earn $30.

Mrs. Leith Ann Bridges and her husband are both migrant workers and they live with their family in Coca-Cola's Frostproof laborcamp—in a section set aside for families, separated from the barracks Zebe Bonner lives in.

Mrs. Bridges and her husband have worked for Minute Maid-Coca Cola for 12 years. They live in a small house, a drab green, four-room wooden-frame structure.

NO PLACE TO GO

They share the house with their seven children and grandchildren—a married daughter, pregnant and separated from her husband, lives with them. She has no place else to go.

At 49, Mrs. Bridges said she can no longer go into the fields seven days a week like she used to. She has been forced to cut down, to four or five days a week now, and she can only pick five or ten baskets of fruit per day at .35 cents per basket.

"Sometimes we get enough money and sometimes we don't. I owe quite a bit of money right now and there ain't much else we can do but keep on working. I don't know how much longer we'll be able to hold up though, this is real hard work.

"Things been pretty bad, I tried to sign up for surplus (food) commodities, but haven't been able to yet. They keep telling me to come back later, but I lose a whole day's work going over there to Bartow to sign up. We ain't been able to get no help at all," she said, with a sigh of resignation.

The small, approximately 20 by 35 foot, four-room house the company furnishes the family is "too small and you can't keep it clean, no matter how hard you try."

JUST TOO SMALL

"These houses is just too small. Maybe they're alright for a husband and wife, but they ain't no good for eight or ten people. And you can't keep them clean. I try all the time, but it just can't be done. Everything is all dirt around here," she said.

XUM

Mrs. Bridges and her family know what it is like to go to bed hungry. They have experienced being without the means to purchase any.

"Sure, we been hungry before and we ain't had enough food. We been pretty lucky, really, though, we pretty much all the time have something—either some grease and bread to soak in it, or some beans or some mashed potatoes. You can't always get what you want, but you can pretty generally get something to fill your belly," she said.

Mrs. Bridges is indeed fortunate—at least she and her family are certain of having a roof over their heads for as long as she and her husband, or their children, can labor in the fields for Minute Maid-Coca Cola.

Minute Maid-Coca Cola Company provides housing for 365 men in its barracks-type structures in the Frostproof quarters, men like Zebe Bonner. The barracks, according to C. C. Giddings, labor service manager for the company, is one of three camps in Polk County maintained for migrant workers.

Housing for 31 families, like Mrs. Bridges and her children, is also provided at the Frostproof camp. All of the facilities have access to centrally located bath and showers. The company also provides transportation for its workers from the city of their recruitment to Polk County and back again at the end of the season.

A similar labor camp, owned and operated by the company, is located in Auburndale, near the company's processing and concentrate plant.

Giddings said men like Bonner, for their $15 a week, are fed cafeteria-style morning and night, with a bag lunch of four sandwiches and a sweet cake and milk in the fields.

NO WOMEN ALLOWED

No women are allowed in the barracks area, though. If a fellow has a girlfriend and she wants to pick him up, "That's their business," Giddings said, "but she isn't allowed to hang around the camp."

Women precipitate crimes of passion; women instigate violence, Giddings said.

Though the housing is furnished free, there are still many residents of Minute Maid-Coca Cola's Frostproof camp who go hungry—there are many families like Mrs. Bridges' with a lot of children and a small income.

Only 400 of the 25,000 workers can live at the Minute Maid-Coca Cola camp. The rest must rely on the available private housing. And many migrant families can't even be sure of having a roof over their heads.

During the height of the citrus season, a migrant laborer and his family can count on paying between $12 and $25 per week for a two or three-room shack without inside plumbing, toilet facilities or screens on the windows.

They live in squalor; in shoddy, vermin-infested shacks unfit for animals.

The migrant worker, often dirty, generally uneducated, frequently illiterate, normally unskilled, has little to bargain with. He is easily victimized; he has no recourse but to submit, move on or go hungry.

HOBBS ROAD

In Auburndale, at the end of Hobbs Road where Ernest Jarvis lives, there are two rows of seven concrete block buildings. Each of the structures has fallen into a state of disrepair. Many of the outside toilets do not work; few of the buildings have either electricity or running water.

Both families and individuals, both men and women, live in the vermin-infested shacks. A man or a woman living alone, pays $15 per month for one room—five feet wide by 12 feet long. All the rooms contain are one bed. The mattresses, like the rooms, are damp and musty.

Spiders and roaches are everywhere. The doors don't work—most are off their hinges. There are no windows. During the day, when the temperature rises it is impossible to stay in the rooms. The mercury creeps past the 100 degree mark daily.

But at least the roof doesn't leak—"It's a roof over our heads. We ain't got no place else to go, we gotta stay here. But don't use my name please, the landlord, he's a mean man," one male migrant fruit picker said.

He comes back to Hobbs Road year after year—it is the closest thing to a home he has.

In Eloise only the town and the street are different—housing conditions and rents are the same. Deteriorating house trailers, are renting for $20 a week to migrant fruit pickers. Most lack inside plumbing, adequate sanitary conditions, screens on the windows, and often doors.

RAILROAD ALLEY

In Haines City, the name of the street is Railroad Alley. The two-room cabins, without toilets, running water or electricity, have been condemned for more than a year, yet people are still living in them, still paying from $15 to $20 per week to an absentee landlord who has not been in Florida for several years.

The late James P. Mitchell, a former U.S. Secretary of Labor, often expressed concern over the conditions imposed on the migrant labor force.

He once said, "Migrant workers . . . (are) caught up in a cycle of life in which poverty breeds poverty, their children are denied the educational and other opportunities to improve their status. To this end, the migrant worker and his family must be given the same protection of the same type of social and labor legislation that now applies to all his brothers."

But the cycle of exploitation and poverty goes on—and the examples in Polk County are endless.

Last January, Clifford "Slim" Herndon made an agreement with M. R. Mizell, owner of the Rifle Range Bar in Wahneta and of 10 dilapidated dwellings out back. He agreed to be the handyman about the place to work off his $12.50 per week rent and "earn a little extra money."

"AIN'T PAID ME"

Herndon said of the deal, "He agreed to pay me a dollar and a quarter an hour but he ain't paid me a ———— thing, not since January 5th."

He's been eating with another camp resident, Sid A. DeNike, who rents one of the better shelters in the place for $12 a week. After seven years as resident of the camp, DeNike has the place he wants.

It has plumbing, a kitchen and a bedroom separated by a bath. The shoddy structure, is of concrete block—more durable than tar-paper and tin shacks so frequently found in migrant camps.

DeNike, who claims he is a retired etymologist—and knows how to pronounce it—picks fruit when he can. He speaks disdainfully of the other residents of the camp.

"They lived like ———— hogs. I keep this place clean," he said.

Several of the units in Mizell's camp have stinking toilets—they stink, because the toilets have inadequate septic tanks and do not clear when flushed.

Even though this is strictly against State Board of Health rules governing sanitary conditions for labor camps, nothing can be done. The law defines a labor camp as having 15 or more residents, and for Mizell's camp this would be hard to prove.

There are only 10 dwellings in the camp and most people living there stay alone.

SLIPPED DISK

Across the way from DeNike's, Lester T. Troupe of Opa Locka, Ala., languished with a slipped disk, in a trailer body eight by sixteen feet. He fell from a grove ladder last Spring and "messed myself up real bad."

A painter and carpenter by trade, Troupe came to Florida last year to pick fruit. Prior to that he "and another boy had us a place way out in the swamp" in Alabama, where they poached deer and were scraping out a fair living, avoiding the game wardens and eating venison.

He talked to a stranger while lying flat on his back, a brace resting on a ratty chair next to his bed. Don Specks of Lanier Fruit Co. was due to take him to the doctor again later in the day and the company would take care of the cost.

Lester T. Troupe was lucky; a number of companies would have abandoned him. He still was not protected by either unemployment or workmen's compensation.

But housing and wages are not the only areas in which migrant workers are exploited.

Many people living in ghettoes and migrant camps often can't leave the area to go to the store because they lack transportation.

They shop in neighborhood stores where prices are usually higher but where credit is more likely to be available to the poor.

Mrs. Nettie Hayes shops outside the ghetto. Merchants like Conroy's of Davenport and Russ Bargain House in Haines City.

She pays Conroy's $29 per month on a refrigerator which sits in her bedroom, since the kitchen also serves as the family room and is too small to hold both the refrigerator and the television set.

At first, she said, she paid a $50 down payment. Then she was charged $12.50 for delivery when it arrived and they told her she could not get a receipt for her down payment. After it was in her home, she was told her balance due was $487, she said. She paid another $50, skipped a payment, and when she talked to representatives of the Polk Country Christian Migrant Ministry, she figured her balance was $437—for a good refrigerator, not a great one.

Other payments include $26 per month for a stove and washing machine, $15 for the television, and $5 per week on her bedroom furniture, which was chipped and had a slide panel on the headboard missing when she got it for $260 from Russ Bargain House.

EIGHT CHILDREN

Mrs. Hayes is 31. She has no husband and eight children, who share two broken down beds in a crumbling three-room shack in Lake Hamilton. She pays $15 a week for the rooms and the landlord is pressuring for an increase.

She receives welfare assistance under Aid to Dependent Children—but her allotment is shrinking. In December 1968, she was receiving $221. Then it dropped to $194 per month. Now it is $179 per month.

She has attempted to help herself by picking fruit, cleaning house, whatever she can do and whatever she can get. As she works, her benefits are decreased and unfortunately, the work isn't steady.

Mrs. Hayes receives food commodities for herself and her children—but she must pay $5 for a ride to Bartow, where they are distributed, to pick them up.

Though Mrs. Hayes no longer follows the migrant stream North each year, she must care for her younger children. Her two oldest sons have already begun the annual trek.

Picking fruit is something a child can do. They make the trip with their grandmother.

VICTIMIZED

The migrant is victimized where he works, where he lives and where he shops.

He is often cheated the day he is born, by the fact his birth may be unrecorded. Many migrant children born in Polk County or in some shack off the beaten track halfway from here to the next place may never be able to go to school, because their parents failed to record their birth.

XUM

The same is true as the migrant grows old. When he can no longer work and applies for the Social Security he has been paying for over the years, he often finds he does not have enough time credited to his account.

One of the favorite ruses, employed by some companies and crooked crew chiefs, is to deduct Social Security payments from a man's paycheck without ever bothering to ask him for his social security number.

More than one man has been fired when he raised questions about the Social Security deductions being taken from his paycheck when he doesn't even have a social security card.

Ernest Jarvis wasn't afraid to talk about it though. He has worked for more than one company that regularly made deductions for Social Security.

"I'm lucky now, as long as I stay with the man I'm working with. I may have something coming from the government when I retire. It ain't always been that way.

PAY DEDUCTIONS

"I worked for a lot of companies and a lot of crew chiefs that took them Social Security deductions out of my pay each day or each week and never bothered to get my number. They sure weren't sending that money where it was supposed to go.

"My guess is that they was getting it for themselves, a little something extra. Ain't much you can do. If you try to do anything, they kin just tell you to move on and you gotta go," he said.

In one respect, migrant workers in Polk County are more fortunate than those in some neighboring areas, like Hardee County.

In Polk, emergency medical service is available free with the only problems being transportation and distance to the county charity hospital. Even though the medical service at Polk General has sometimes been criticized, it is there in time of emergencies.

The same isn't true in a number of neighboring counties.

Where there is no public charity hospital, patients are often required to pay before even emergency treatment is administered.

CONSCIENCE NEEDED

In late 1964, just prior to his death, former U.S. Secretary of Labor Mitchell said, "The shameful migrant problem will finally be solved when there are enough Americans with wisdom, compassion and good sense to save their final censure for those who stand by and seem unable to find within their economy a place for conscience."

Apparently that time still has not come—the migrant worker was in the spotlight of national attention during the 1960's, many recommendations to improve his lot were made and many laws were passed to help him. Still little has changed.

Migrants: How To Escape Trap

Why doesn't the migrant "work his way up like everybody else instead of asking for handouts?"

This oft-asked question deserves an answer.

The simplest explanation is that, for migrant workers, the Great Depression never ended. Workman's compensation, social security, unemployment compensation, free (high school) education, minimum wage and FHA loans are virtually nonexistent for fruitpickers. They did not get a New Deal like most other Americans.

Through a combination of political, economic and social factors, farm labor was exempted from almost all the public benefits listed above. Some, like public education, are theoretically available, but the migratory life itself prevents their taking full advantage of it.

Social security is supposed to be paid, but often is not. Accurate records are difficult to keep; cheating is temptingly easy. Many migrants do not have social security numbers.

Until last year even welfare required 12 consecutive months' residence to be eligible for benefits.

Having no protection, the farm laborer is little better off than a beast of burden, living in a closed economic system which has no exits. Generally ignored or misunderstood, he receives little sympathy and even less help from the community in which he lives.

The common image of the migrant as an "outsider" is erroneous. Most of Polk's 25,000 fruitpickers consider themselves Polk residents. They may be here through Winter and Spring, for six to eight months. If their children attend school at all, they go to Polk schools.

In Summer, when the citrus crop is in, they may go "up on the season," North, for other fruit crops. Many never leave Florida, going South for the summer to harvest watermelons. Vegetables come in Autumn, and then the workers converge in Polk again for the long citrus season.

The expense of maintaining three or four different homes is, of course, prohibitive. Only wealthy families can afford such a luxury. Few families can even keep up mortgage payments here while paying rent in labor camps elsewhere. They rarely achieve home ownership.

Wages are low. Very little saving is possible. The unsettled migratory life is expensive. If the income were dependable as it is for most people, more migrants might be able to move to a better way of life.

The fruitpicker, however, is incredibly vulnerable. Bad weather means financial disaster. A flood or drought can bring real hunger, near starvation. In addition, he can be disabled by even minor injuries or ailments. Heavy sacks, 10-foot ladders and 100 degree temperatures quickly weed out workers with high blood pressure, weak heart, sprained ankles, arthritis, bad back, pulled muscles or anemia. Dust and pesticides hamper those with respiratory troubles.

There is no "sick leave" in the groves, no pay for those who cannot work.

The disrupted, disadvantaged life does not produce many scholars. Typical pickers were born into the migrant stream and have little education. Their income is so low and so irregular that they cannot start a new life. Rarely is there enough money to pay the debts, put down a whole month's rent in advance, stock the pantry, buy clothes and go job hunting.

They would like to get out of their trap, but cannot. As one picker succinctly explained it:

"We got to keep on going or we'll starve."

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10 Years Go Past but Little Changes

(By Ed Domaingue)

The plight of the migrant worker became a cause celebre during the early 1960's. Much was written about him during the decade; scores of recommendations were made to improve his condition.

Little, however, was accomplished on a local, state or national level even though many of the programs recommended then have since become law.

In 1960, CBS News created a nationwide furor with a special report on the plight of the migrant and his family as he follows the crops from one end of the nation to the other.

"The Harvest of Shame," was narrated by the late Edward R. Murrow. During the show, Murrow said, "The migrant worker occupies the lowest level of any group in the American economy. The soil has produced no Samuel Gompers or John L. Lewis."

That is virtually the only thing that changed during the decade.

In the concluding moments of the documentary Murrow was standing in Belle Glade, Florida. He said:

"The migrants are back in Belle Glade winter quarters after months of travel and work. One said he brought back a dollar and sixty-five cents; another said six dollars.

Another said, "we broke even, we were broke when we left; broke when we got back."

Murrow asked the rhetorical question, what can you do for yourselves? The answer was not unexpected—nothing.

The week before the show was aired nationwide, a special Presidential Commission, composed of the Secretaries of Labor, Agriculture, Interior, and Health, Education, and Welfare made certain recommendations to improve the conditions and life-style of the migrant worker.

Murrow ended the telecast with them.

IMPROVEMENTS LISTED

Here are some of them: Extend child labor laws to cover agricultural workers. Eliminate residency requirements so that migrants will be eligible for health, education and welfare programs. A Federal law requiring crew leaders to register, thus protecting migrants from exploitation—extension of Workmen's Compensation Laws to agriculture. New housing regulations—states to pay local boards for the education of migrant children.

"There will, of course, be opposition to these recommendations; too much government interference, too expensive, socialism. Similar proposals have been made before. In fact, 150 different attempts have been made in Congress to do something about the plight of the migrants.

"All except one has failed." The migrants have no lobby.

"Only an enlightened, aroused, and perhaps angered, public opinion can do anything about the migrants. The people you have seen have the strength to harvest your fruit and vegetables. They do not have the strength to influence legislation," he said.

That was 10 years ago. Very little has changed. Many of the conditions remain the same. Some of the recommendations have been enacted, but even worse now on the books have failed to relieve the misery of the nation's migrant work force—a force as important to agriculture as the soil the harvest is grown from.

Living conditions today are still deplorable. Hunger among migrant families is still widespread. Migrant children are still dropping out of school as soon as they are old enough and many still cannot get in because their parents do not have the money for a birth certificate—or can't remember where the child was born.

MIGRANT STREAM REMAINS

Today, 10 years after CBS rocked the nation, nine years after a series on the plight of the migrant worker by Dale Wright of the late New York World-Telegram and Sun rocked official Washington, the migrant stream is still winding its way throughout the country with every change in season.

Dale Wright lived and worked in the fields with the migrants. He found crude exploitation, dread living conditions and futility of life 30 miles south of glittering Miami Beach and 30 miles from the neon lights of Times Square in New York City.

Ten years ago; nine years ago; five years ago, today—What is being done for the migrant worker on a National, State, and Local level?

A number of the recommendations made by the special Presidential Commission have become law, but for a variety of reasons they have failed to have an important, or lasting effect on the migrant problem.

Labor laws covering children have been extended, in many instances, to agricultural workers and, in addition, virtually all states have laws in the books requiring children

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to remain in school until their 16th birthday.

But children continue to drop out of school and the law is circumvented by growers, harvesters and crew leaders. Both the state and federal government have far too few investigators to catch all offenders—and in many instances parents themselves are responsible for violations.

DROP OUT OF SCHOOL

When the family is large, the children must drop out of school, if not to work in the fields, then to stay home and babysit for younger brothers and sisters.

Many young children do not have birth certificates—they were born in labor camps or were delivered by midwives, who have little concern over whether the birth is properly recorded.

Parents and children lie, simply because to lie is expedient—the more members of the family working, the easier it is to provide the basic necessities of life.

Crew leaders are little concerned how old a child is when they are in need of workers to harvest the crop.

The second recommendation, the elimination of residency requirements governing eligibility for health, welfare and education programs, was too controversial for Congress to tackle.

It took a decision of the United States Supreme Court—made during the Court's last session this year—to strike down residency requirements as unconstitutional. Hence, it took 10 long years for the Presidential Commission's recommendation to become effective.

It will still be many months before the full effects of the decision can be realized, but there will definitely be far-reaching benefits for the poor as a result of the action.

No longer will a health or welfare agency, generally funded at least partially with federal monies, be able to deny services to any poor family whether migrant or otherwise because the family is not a resident of the state or county administering the program.

The third recommendation, a federal law requiring crew leaders to register, was enacted by the U.S. Congress in the mid-1960's, several years after the commission recommended it.

EFFECT IS LIMITED

However, the effect of the law is limited—it only requires the registration of crew leaders engaging in interstate transportation of migrant workers, but it has been beneficial in weeding out crew leaders with lengthy criminal records.

It has also been beneficial in eliminating a small portion of the victimization migrant work crews have been subjected to by giving the federal government a weapon. The government can now always refuse to register or re-register a crew leader subject to frequent complaints.

In conjunction with the Federal Crew Leader Registration Act, the State of Florida requires registration of all crew leaders engaged in intra-state transportation of migrant workers.

The law has been less than effective in many respects—a shortage of inspectors makes strict enforcement impossible.

FOURTH RECOMMENDATION

The fourth recommendation, the extension of Workmen's Compensation Law to cover agricultural workers, is still only optional. Participation in the program is not required by law and as a result, many migrants injured on the job are left on their own.

Even if the accident is clearly a case of the grove owner being at fault, the migrant has little recourse—he has neither the money nor the inclination to go to an attorney for help.

Housing regulations governing migrant camps and migrant living conditions have been enacted on both the state and federal levels, but in many cases they're not enforced.

The same living conditions described by Edward R. Murrow 10 years ago still exists today.

The State Board of Health has stringent regulations governing conditions tolerable in migrant camps, but then the law defines a migrant camp as having 15 or more residents and establishes other restrictions.

Few migrants in Polk County live in labor camps. Those who do are frequently better off than those that do not.

Migrant living "out in the community" often are protected by only a few regulations governing health and sanitary conditions.

Again the problem is one of the enforcement and a shortage of investigators.

The final recommendation—states to pay local school boards for the education of migrant children, is also a reality. The programs are funded with federal money.

The Polk County School System has enacted a number of programs designed to help children of migrants. Kindergartens have been established and extra teachers are provided for schools which receive a large number of migrant children. Due to the high dropout rate of migrant children and the frequent movement of their families, large numbers of these children are never reached by these means.

FAIR WAGES MISSING

While the Presidential Commission's recommendations fared well, the recommendations Dale Wright made after considerable study of the problem did not.

He said the farm worker must be guaranteed a fair wage for his labor—the migrant still is not covered effectively by the federal minimum wage law.

He said the migrant and his children must be provided with adequate educational facilities "so they can prepare themselves to compete for jobs and careers . . ."

They still do not have a fair opportunity to obtain an education.

He said the migrant's many ailments must be cured so that he can perform "his honest day's work and be assured of reward for that labor."

And here, perhaps, is the greatest failure, for the federally-funded and State Board of Health-administered Migrant Health Project in Polk County was discontinued in November of 1968, five years after it came here with the express purpose of providing basic health services to migrant workers and their families.

The state chose to abdicate a portion of its responsibility to the 25,200 migrants estimated to be in the county during the height of the citrus season, because Dr. William Hill, director of the county's health department, refused to segregate the services being provided for migrants from those being provided for non-migrants.

The project had provided needed funds for birth control devices, nurses and sanitarians. Its purpose had been threefold:

To improve preventive care and medical services to agriculture migrants and their dependents.

To improve and upgrade general sanitation and housing.

To coordinate and cooperate with community agencies in assisting with programs for the betterment of agricultural workers and their families.

As a result of the state abdication, the Polk County Health Department now has two less nurses and no sanitarian.

During the county's brief tenure in the Migrant Health Project, a major area of concentration was on sanitation services. The project objectives, aimed at assisting the migrant worker and his family toward better community health, were:

Instill some aspects of community pride to stabilize their environment.

Assist in the development of a housing program, obtaining compliance with state statutes.

Provide guidance and consultation to growers and other agencies concerned with migrant sanitation.

Inspect, consult and evaluate findings on periodic visits to camps, food establishments, child care centers and other places of concern.

Provide consultation to industry in the development of model housing projects.

Provide orientation and in-service training to interested groups.

Assist in the development of a generalized program of health education for migrants.

In the report, Hill said, "Plans were made for sanitary surveys beginning in the Negro section of Florence Villa (Winter Haven). One hundred, forty-three (143) living units were replaced or brought up to minimum housing standards.

CLEANUP CAMPAIGN

"A clean-up campaign was begun by the public works department (of Winter Haven) with additional trucks scheduled for trash pick-up at specific points. A total of 550 tons of debris has already been removed with the program still in action.

"Polk County labor camps began to show significant changes in operation and management. Three large labor camps formerly operated by large citrus co-ops (Haines City Growers Cooperative) were subleased to crew leaders as individuals.

"These crew leaders are now in the process of obtaining permits to operate camps. (Permits have been obtained.) This action on the part of the large citrus co-ops has presented a completely new set of problems.

"Crew leaders are not used for maintaining sanitary standards set forth in the Florida statutes. Physical or structural violations take longer to correct due to inherent 'chain of command.' Food service has deteriorated since the withdrawal of catering companies in camp kitchens.

"Many camp defects seemingly are not corrected because they recur at such rapid rate," Hill said.

But all this is no more. All migrant services, the most critically needed, have been cut back. Many have been eliminated, from the standpoint of reasonable achievement.

MALNUTRITION A PROBLEM

Elimination of health problems in the groves, in the ghettoes, in the labor camps, are essential to improving the lot of the migrant worker.

But health services are not the only critical problem migrant workers in Polk face on a day to day basis—just as Sen. George McGovern (D-S.D.) and his special U.S. Senate sub-committee probing hunger and malnutrition in America discovered the underfed and the undernourished in two South Florida counties, so they exist here.

U.S. Sen. Walter F. Mondale (D-Minn.) accompanied McGovern. On returning to the Senate, he said:

"We saw children and old people who regularly missed one or two meals a day and who depended on grits and fatback to survive. I could see many years of malnutrition and sordid living conditions . . .

". . . The effects of hunger and malnutrition are even more severe than the testimony of experts would have you believe. I am convinced that the malnutrition and primitive living conditions have a direct casual relationship with the shadow-life existence of so many people we saw," he said.

There is hunger in Florida; hunger in Polk County. Men, women and children go to bed hungry, or undernourished.

Thus far, the state's answer here has been the commodities food program, funded by the federal government. In April, approximately 10,500 Polk Countians received food commodities. The surplus food is sufficient to keep a family alive—often its nutritional value can be questioned.

The commodities may consist of dried beans, butter, cheese, corn meal, flour, shortening, canned meats, dry milk, peanut butter, rice, rolled oats or wheat, grits, prunes or raisins, split peas, instant potatoes, canned fowl, fruit juice, egg mix, canned beef or pork, a beverage mix with a milk base and macaroni.

FOOD FOR SURVIVAL

County officials claim that even though the surplus food program was not intended to supply a balanced diet, it does—as long as the food lasts.

Only one Polk migrant family receiving surplus food said the supply lasts the family the month it is intended to.

Sens. Mondale and McGovern urgently recommended the federal government immediately take the following steps to eliminate hunger in America:

Free food stamps (to enable the poor to purchase their food directly from the supermarket, giving them a choice of staples available to the rest of us) must be made available to those under the poverty level, as well as to those whose income prevents them from obtaining a fully adequate and nutritious diet.

A county should be able to participate simultaneously in the food stamp program and the direct food (commodities) distribution program.

The Federal Government should distribute all commodities, whether or not in surplus, to supplement the food stamp program.

An applicant should be eligible for these programs after submitting an affidavit, with no onerous red tape.

"In addition, the school lunch program must be expanded to provide every needy child with a free lunch; at the present time, the school lunch program reaches less than half the nation's school children.

BREAKFAST IN SCHOOLS

"Even more importantly, the school breakfast program, which has only been established on a pilot basis, must be expanded to reach all children from poor families.

"And finally, we must devise a food distribution system which will enable pregnant mothers and pre-school age children to have an adequate and nutritious diet. Such a period to age five that hunger and malnutrition are most devastating to the mental and physical condition of a young child," Sen. Mondale said.

The State Legislature recently passed a bill that will abolish the commodities distribution program throughout the state and make mandatory participation in the food stamp program.

The action has met with widespread opposition—both in Polk County and throughout the state.

Marvin Brice, director of the Polk Welfare and Rehabilitative Services Department, said, "These people will not get a balanced diet. It is good for the retail merchant. He gets full price for the stamps in the program. But, I'm concerned with the individuals, not merchants.

"I want to look out for the people—which is my job," Brice said.

COMMODITIES PROGRAM

Polk's commodities food program presently reaches into 3,097 households—316,114 pounds of surplus food were distributed throughout the country in April.

The Polk County Commission has opposed participation in the food stamp program in the past, on the grounds participation would be "too expensive." Now participation will become mandatory—but the problem will not be solved.

The government's—federal, state and local—attack on the plight of the migrant worker is three-fold: health and welfare services; food to stop hunger and malnutrition; and education.

The effort being made to educate the migrant child is at best a poor beginning: it is attempting to relieve the problems created by a lifetime of misery, hunger and despair in an eight-hour school day. It is attempting to teach the migrant to integrate himself into a system alien to him.

Some school administrators are attempting to stabilize the migrant through work-study programs in the high school—attempting to wrench youngsters from the endless fields, groves and orchards, where the future holds less promise than a more skilled job in the commercial world.

The State Department of Education's Migrant Program has also undertaken a school record transfer project with a number of states along the eastern migrant stream.

RECORDS FOLLOW STUDENTS

Children beginning school in Ohio, New York or Pennsylvania can have their records transferred from school to school as they move south, or north, with their families. Though the disadvantages of moving from school to school still far outweigh the advantages, it is at least a beginning.

Under the record transfer system, Polk County schools are providing the families of migrant children with a computer card when they move on. The card contains the child's school record.

It can work well, if the migrant family assumes a set pattern of travel with the seasons.

But usually the migrant is oblivious to the agencies that seek to help him. He is consumed by farm labor and the day-to-day struggle between citrus ladder and landlord; packing house, jailhouse and tavern.

He worries about the law, prices, and weather; he falls prey to all three. He is proud and he works long hours doing backbreaking labor for insignificant wages.

The government's efforts to help him, without making a thorough effort to understand him, have fallen short. But now there are leaders rising from the soil, men of the earth born into the migrant stream.

They know "where it's at" and what must be done. They are prepared to "rock the boat" if that becames necessary. The nomadic migrant worker is their "people," they feel for him and they understand him.

CUBAN NURSE AIDS MIGRANTS

"At first I don't know how to approach them because they're very suspicious," said Mrs. Alicia Sanchez. A county health nurse, she visits the poor in their homes and checks on problems she sees indicated on children at school.

She is vibrant and enthusiastic. As she approaches the house of a Mexican-American fruit picker, with eyes peering unseen at her through windows and around corners, she calls the woman of the house by her first name.

"Theresa! Theresa! Buenos dias," she calls. She raps loudly on the screen door then opens it and has her head inside before a quieter "buenos dias" floats back to her from the kitchen. At least Mrs. Alicia Sanchez speaks the language. She's been here three years.

"In this time I have many of those Mexican and Puerto Rican families and they don't speak English. I don't know why. Spanish only," she says.

The Sanchez family left Cuba shortly after the Castro government seized power. Her husband, a medical doctor, had to undergo an American internship in Virginia and he is now a public health doctor for the county in Bartow. Their only daughter is 13 now, and she avoids speaking Spanish whenever possible.

Overcoming suspicion and building confidence, is one of Mrs. Sanchez' first challenges with a new family. She finds the migrant worker of Spanish extraction a different breed altogether from white and Negro Americans. Most often the families are close-knit, have a strong father figure who works in the fields and a mother who cares for up to a dozen children.

She told of discovering one mother of a dozen:

"When I explained to her about family planning she didn't even know about it . . . she didn't even know about it," repeated for emphasis. That was two years ago. Now the mother does know about family planning. She uses an intra-uterine device for birth control which the Health Department provided, and has a free physical examination every six months.

The woman, now 40, has had no more children.

A boy in school whose parents both speak Spanish at home may find the two different worlds between which he alternates hard to reconcile. On the one hand the Mexican-American mother labors under old traditions and might not part with her youngsters to enter first grade until they are 10 or 11 years old. On the other, children of that age may be in fourth or fifth grade.

Alfonso complained of headaches and while he was in the same grade as children his age, his work began to fall off.

"I talked to him and find he needs a doctor examination," Mrs. Sanchez said. "We applied through the Lions Club for an eye examination because they can't afford it. They are fruit pickers."

On the day of the appointment, Mrs. Sanchez visited Alfonso's home to make sure he was going to be taken to be helped. At the modest concrete block house in northwest Winter Haven there is a five-year-old car in the carport and the large family all live in a two-bedroom facility. The living room couch makes an additional bed for small children and its cover retains the sour odor of dampness and small children's urine. Alfonso was home from school, ready for the doctor.

To look at the house inside or out, you wouldn't think the family lived for the season and followed crops north. They are buying, Mrs. Sanchez explained. Summertimes they close the house when they go to pick other fruits. Several of her clients are doing the same.

The biggest problem is suspicion. People don't understand the germ theory of disease. They may never have had access to information about birth control. They may need nutritional training.

"I have none with commodities (food) so far," Mrs. Sanchez said. "This kind of family they don't want to ask for anything. Never 'give me, give'—They live with what they make."

In late April Mrs. Sanchez asked Teresa, "Cuando se mudan? Mayo? o Junio?"

"No sabemos todavia . . ." the woman answered. Her husband hadn't decided yet which would be the best place for them to go to pick summer fruit.

TIME TO FACE RESPONSIBILITY

The problems of Polk's 25,000 citrus fruit pickers cannot all be solved locally. Some help from state and federal sources is necessary.

However, Polk must not shrug off its share of responsibility for the deplorable conditions which exist here. Some problems can and should be solved at the local level.

Citrus is one of the prime supports of the area's economy. Every Polk resident benefits, directly or indirectly, from the annual harvest of 44,000 boxes of citrus fruit. Certainly, most Polk citizens use and enjoy oranges and grapefruit.

Whoever profits from a situation must share the responsibility for it. Imperial Polk extracts the maximum possible benefits from

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migrant labor. We must likewise exert maximum effort to improve workers' lives.

The hovels which are rented to farm laborers are intolerable. They can and must be eliminated. Stinking, unsafe shacks with exorbitant rental prices are an affront to the conscience of every Polk citizen. Their continued existence lends a bitter after-taste to our morning juice.

Minimum health and safety standards for rental property in the county should be enacted by the County Commission. Strict enforcement of such regulations could quickly end the current profiteering in human misery.

County commissioners, by failure to take such steps, give approval to the shameless exploitation of helpless migrants. Polk is not ready for a complete minimum housing code to affect all homes in unincorporated areas. It should be possible, however, to enact an interim ordinance applying only to rental units.

Education is another area where local action can be effective. State and federal help is needed, but the initiative must come from the school system which must do the job.

Because of the relatively long citrus season, migrant children spend more time in Polk schools than in any other. This is where the problems must be faced. A recently announced vocational program for migrant youngsters is a step in the right direction.

Many more steps are needed. Polk schools must develop complete programs for migrant children, programs designed to fit the average length of their stay. A special team of attendance officers is needed to improve the attendance patterns of migrant children while they are in Polk.

Health services must be expanded. County immunization programs must be carried into migrant living quarters. Mobile units are needed to visit labor camps. Polk citizens must recognize that festering sores on migrant children are dangerous to the entire community.

Efforts should be made to regain state aid for migrant health services, and requests for help should go to every appropriate federal agency.

Polk cannot solve all the problems of the migrant workers, but it can alleviate some of the worst ones. If we take our responsibility seriously at the county level there will be a greater likelihood of help from state and national sources.

We have thrived on the sweat of the farm workers. Now it is time to pay the piper.

COMMUNITY ORGANIZERS: MIGRANTS BEGIN STRUGGLE

(By Ed Domaingue)

In Polk County, the migrant worker is permanent resident on the lowest rung of the economic ladder. He is not there because he wants to be, or because he likes it.

Many Federal, state and local government programs have failed to reach him—partially because they have been content to offer scraps from the table of plenty as they did with the Negro; partially because public officials can't afford to offend the major money interests who would like to keep the migrant right where he is: at the bottom.

With no one to turn to for assistance from outside, many migrants are now turning to the leaders rising from among their own ranks. There are finally appearing in Polk County and across the state, men and organizations gravely concerned about the problems of the migrant.

Until recently, the only agency in Polk County not responsible to local or state politico's was the Christian Migrant Ministry. Headed jointly by an ordained minister and a former migrant-worker crew chief, a goal has been set of power through community organization.

Several months ago, Rueben S. Mitchell, regional director for the Federal Office of Economic Opportunity-funded Community Action Migrant Program, appeared before the County Commission in Bartow and informed commissioners his organization would "appreciate" their cooperation. He asked for a vote of moral "support"; it was given.

Mitchell said the organization was bringing its program into Polk County in an effort to help the county's 25,000 migrant workers "better themselves" and to enable them to leave the migrant stream if they so desire.

In South Florida, there are other migrant-oriented agencies and leaders grappling with the problems—Rodolfo Juarez, head of the Organized Migrants for Community Action and perhaps one of the first and most effective of the former migrant laborers turned community organizers, and the federally-funded South Florida Migrant Legal Services Program.

MINISTER, FORMER MIGRANT

The Polk County Migrant Ministry is headed jointly by the Rev. Paul F. Wilson, an ordained minister, and Newlon Lloyd, a former migrant worker and crew chief who came to the United States from the Bahama Islands 14 years ago.

Wilson and Lloyd have both been on the Migrant Ministry's payroll since December 1968, shortly after the agency's work was partially funded by the board of the National Ministries. Other contributions come from local churches; memberships, and the Westminister Presbytery.

Three years ago, the Migrant Minister moved away from service orientation, according to Wilson, in favor of community organization—"in which the farm workers can identify and solve their own problems through their common strength."

The multi-faceted purpose of the group is to:

Establish indigenous, democratic farm work associations which seek to define their own goals and uncover and develop leadership from within.

Mediate between the farm worker community and the various agencies and programs available for counsel and guidance in all areas of private and community life.

Support activities of self-help and community improvement among the farm workers.

Recruit, train, coordinate and supervise volunteers from the churches and community to assist in programs of social service and self-help.

Dr. Herman F. Reissig of Lakeland, a consultant in Human Relations and strong supporter of the Migrant Ministry, said in the organization's application to the National Ministries:

SHARE DECISIONMAKING

"In terms of the farm workers, a greater measure of justice and opportunity will prevail as they are enabled to share in the decision-making about their destiny. Many will find new ways of achieving some of the most basic desires they have for personal and corporate fulfillment, especially as it relates to health, education, housing, home improvement, public works facilities and job opportunities.

"Many will find a new sense of dignity, as well as respect and admiration for their friends and fellow workers . . ." he said.

Wilson said, "The chief problem is that they (the migrants) are forced to reside outside the mainstream of American life—they have no control over the programs directed at them. They lack the power, the voice and representation to help themselves.

"That leaves the farm worker with things being done for him, instead of doing the things himself," he said.

Wilson and Lloyd function primarily in two different areas: the minister's responsibility is to organize the middle-class support necessary to fund and assist the ministry's program and Lloyd works primarily in community organization.

Lloyd, for his part in the program, was overwhelmed when he first began his work here. The problem of organizing 25,000 migrant workers scattered across the country was staggering.

As a result, the Migrant Ministry picked three principle target areas—Lake Hamilton, Haines City and Winter Haven.

Two self-help groups have already been successfully organized in the Lake Hamilton-Haines City area. They are the Florida Farm Workers Organization with headquarters in Lake Hamilton and several hundred members and the Black Youth Organization for Power, an attempt to draw the young people into the organizational efforts.

"Even though both organizations are primarily the results of the Polk County Christian Migrant Ministry's efforts," Wilson said, "they have their own separate organizations and leaders. We can not dictate to them what they can and can not do."

"At times we might make suggestions or point out possible alternative forms of action, but the final decision rests with the members. They have to help themselves get what they want," Wilson said.

SEVERAL BATTLES WON

The Florida Farm Workers Organization has already won several battles for migrant farm workers in the Lake Hamilton area.

Wilson said last year the organization decided it was interested in arranging work at the Lake Hamilton Packing House for the wives of several of the members. In the past, the employes of the packing house had all been white. Members of the farm workers organization were Black.

"They got together with officials of the packing company and sat down and talked about the problems and what they wanted. As a result of the discussions two Blacks were hired by the company.

"Things were pretty bad for a while and eventually the two women were fired, but not before a precedence was established—it was a major break-through for them," Wilson said.

On another occasion, Black farm workers and migrants got upset over medical care for poor people at the Heart of Florida Hospital in Haines City.

They wrote a letter to a hospital's administrator and set up a meeting with him to provide him with an opportunity to present his side of the story.

"Well, he attended the meeting and made an effort to interpret the hospital's policy and to try and work out some of the problems. These things wouldn't have happened if the workers hadn't banded together in a single community organization geared to improving their living and working condition," Wilson said.

The Florida Farm Workers Organization has also made initial strides forward in blending itself with the total Lake Hamilton Community.

"One of the organization's big concern was over the lack of recreational facilities for their children in the city, and particularly in their area. They set up a meeting with the mayor and city manager and everyone got together to discuss their problems.

A MAJOR BREAKTHROUGH

"The very fact that the mayor came down into the Black Community to meet with them and to deal with their own organization was a major breakthrough.

"They asked him for a playground and the mayor, to everyone's surprise, said we already have one in the city. They have a very nice recreational area but in the past Blacks had been barred from using it.

"Now they are allowed to use it two nights a week. It meant a great deal to those families living in the Lake Hamilton ghetto area," the minister said.

Wilson said the organization's efforts to bring the people together to help themselves here are extremely important—"Polk County has the second highest concentration of migrant workers in the state. Palm Beach county is first, with 38,000."

Both Wilson and Lloyd get angry when they talk of justice for the migrant in Polk County and both are quick to criticize both the law enforcement agencies responsible for enforcing the law and the court system.

"They (the migrants and farm laborers) have to band together and demand that the laws on the books be enforced adequately.

"There are three kinds of justice in Polk County—white to white; white to Black; and Black to Black. Many incidents aren't even investigated if they happen in a labor camp or a ghetto. If Sheriff's deputies bother to come at all when they are called, it takes them several hours to get there.

"But the general attitude of the majority of people in Polk County must change, too. Even now, the migrant is still referred to as 'those people down there' or 'it's just those people down in the quarters acting up again.'

"Everybody is responsible and everybody is going to have to act together to bring about the necessary changes," Wilson said.

Both Wilson and Lloyd have indicated they are prepared to be tough if that is what's going to be necessary to get results. Both would prefer a different approach.

"Everyone is concerned about oranges, we are concerned about people," Wilson said.

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Mitchell and the Community Action Migrant Program are new to Polk County—but they have long been active in Lee, Hendry and Collier Counties. In Collier County they were handed administration of the commodities food distribution program by the Office of Economic Opportunity after local governmental officials refused to take responsibility.

". . . It must be emphasized that the people whom we serve represent that segment of society who fear to protest or challenge—for they fear retaliation. Only as the vast majority of people become aware of the dramatic plight of the migrant and seasonal farm laborers, and become involved fully in both seeking and providing solutions to his problems, will truly long-range, massive and effective results be had," Mitchell told U.S. Senator George McGovern's (D-S.D.) Select Senate Investigating Committee in March of 1968.

Little has changed.

RURAL MANPOWER PROGRAM

The Community Action Migrant Program is primarily a rural manpower program, working cooperatively with the private sector of the economy and industry in job training, job placement and job development, according to Mitchell.

What impact the program will have in the coming months cannot be determined, but job training and placement will be essential in order to alleviate many of the problems the migrant population is heir to.

One leader though more than any other is rapidly coming to the forefront of migrant worker organizational efforts in the state. He is frequently compared to Cesar Chavez, who is a hero of epic proportions among grape-pickers in California.

Rodolfo Juarez, head of the Organized Migrants in Community Action in South Florida, is a Mexican-American, a former migrant worker and farm laborer.

Mexican-Americans comprise almost half the state's population of migrant workers. Juarez's story is typical:

"I was born in South Texas, in San Benito, and when I was about 15 I was sold. That's right. They came and got a whole group of us and told us there was a lot of money to make up North and over in Florida if we went along with them, and they'd take us and feed us.

"I now know they got so much money from the growers for each body they brought up from Texas. Well, we were living like animals where we were, and getting practically nothing for doing crop work in south Texas, so we thought, why not?

"I was taken up to Indiana and Ohio to work on the farms there, and then we tried to break out, but it's hard. They tell you that you owe them for food and the transportation and the mattress on the floor you use for sleeping, and they tell you that if you try to leave, they'll get you thrown in jail and you'll never get out until you pay your bills.

"How else can you pay them but by going back to work for them and when you do that, you have to eat and you have to sleep somewhere and a lot of the time there's no work, until it's time to harvest, and so you're their property . . .

". . . I'll tell you the truth, a lot of migrants—you know, they're Mexican-Americans like me, or black people, and a few are white, yes, but not many—they're not aware of their rights, and they're scared and they should be.

"Have you seen them patrolling some of those camps? The men will ride around with guns, and the crew leaders will herd people into the trucks to go picking. They stand them up and they look like cattle going to the market . . ."

Juarez's story is not a pretty one—but it is true and he has pulled himself out of the fields. His efforts now, unlike many migrants who escape, are aimed at assisting his brothers still trapped in the migrant stream.

Organized Migrants in Community Action (OMICA) has drawn a picture of the structure of poverty . . . denoting the reasons ". . . why we have been living in the misery that we have been living in through generation after generation."

Citing the reasons for the migrant and farm workers poverty, OMICA has isolated these causes:

Exclusion of farm workers from the National Labor Relations Act.

No protection under Workmen's Compensation and Unemployment Compensation Laws.

Importation of foreign labor.

General exclusion of the very poor from participation in housing, small business and loan programs.

Unconstitutional residency requirements for receiving welfare and health services.

Discriminatory and humiliating welfare system.

A lack of individual power.

A lack of group power.

Bad working conditions and low wages, creating a slave labor system which insures that the farm worker's children will have to live the same way he did.

A lack of hope in the ability to escape the migrant stream or the farm for a better way of life.

But it is far easier to identify the problems than to attempt to find the suitable solutions.

STATE LEGAL SERVICES

Among things needed to approach solutions, Wilson said, is for "South Florida Migrant Legal Services needs to become Florida Migrant Legal Services." The OEO-funded organization employees 16 attorneys in the sugar cane and truck crop counties. It has been the subject of repeated assignation by Congressmen like Rep. Paul Rogers, himself a land baron.

It has been attacked by U.S. Sen. Spessard Holland, a staunch supporter of crop subsidy legislation which has seen $1.5 million in Federal money given carte blanche to U.S. Sugar Corporation of Clewiston in the past two years (1968 and '69), with lesser, but sizable lumps of Federal sweetener to other sugar cooperatives.

The Washingtonians frequently criticized the legal service organization's $800,000 annual budget, while handing out huge farm subsidies to the very companies and combines that help make the work of organizations such as Florida Migrant Legal Services necessary.

Legal aid is of primary significance in making a man feel he is a man—a citizen; protected by law instead of victimized by it. A proposal that the Florida Bar Association take over a statewide legal aid program has been criticized because of the belief it would be staffed with young and inexperienced attorneys who would be using the position only as a stepping-stone.

Organizations like the Polk County Christian Migrant Ministry; Community Action Migrant Program; South Florida Migrant Legal Services; and Organized Migrants in Community Action are on the right track—all attempting to organize the farm laborer into a cohesive group strong enough to fight for himself; strong enough to demand his rights; strong enough to be heard by the County Commission in Bartow, the Governor and State Legislature in Tallahassee, the Congress and the Senate of the United States in Washington.

The road will not be easy.

THE PINCH OF CONSCIENCE

Every time the press explores migrant misery, growers react loudly and in unison. Their cries of "Unfair" and "One-sided picture" stretch all the way back to the publication of John Steinbeck's "Grapes of Wrath."

We can understand the dismay of the corporate farmer when his neighbors start equating him with Simon Legree. Growers, after all, are people. They are operating clean, honest businesses as well as they can. Few, if any, Polk citrusmen would deliberately or maliciously mistreat workers or deny food or education to children.

The current system does exploit farm workers, but the system is older than most current growers. They did not create it—they inherited it.

Why, then, should today's big farmers react so defensively to the negative publicity? Obviously, if they did not feel responsible, they would not find it necessary to defend the indefensible conditions.

Growers are not responsible for the creation of the migrant exploitation, but they definitely must shoulder much of the blame for its continuance. This is where the conscience pinches, and it is why they are so vulnerable to the accusing fingers.

With their representatives and lobbyists, the farmers and growers of Polk, Florida and the nation have fought tooth and nail against every legislative effort to improve the lot of their employes. Without their opposition the minimum wage, workmen's compensation and other normal benefits would have come to the farm worker as to other laborers.

By opposing these efforts, by deliberately seeking to exempt agricultural workers from protective labor legislation, growers have assumed full responsibility for the plight of their employes.

Some grove owners would probably like to rid their conscience of its present burden. Unfortunately, these men could not suddenly begin paying the minimum wage and offering other standard benefits to fruit pickers. Such a unilateral action would price the company's product out of the competitive market.

The men of good conscience can, however, immediately cease their opposition to reform programs. Without grower and farmer objections, the weight of public opinion would quickly carry corrective legislation through Congress. All companies would have to follow the provisions, so no individual grower would be unduly harmed.

Naturally, the consumer will have to bear the cost of reform in increased prices. This is normal in a free enterprise system. Americans will not stop drinking orange juice because of a price increase.

Citrusmen who are sincere in their concern for the well-being of the pickers will not react defensively to this week's local and national publicity. Instead, they will acknowledge that problems exist and they will stop trying to block efforts for improvements.

SOLUTIONS TO PROBLEM AVAILABLE

(By Ed Domaingue)

New bridges and roads must be constructed which the migrant and farm laborer can travel. There is a hopelessness in the cycle of poverty that cannot be eliminated through legislation alone.

Vast quantities of time and money have been invested over the past decade in programs aimed at helping the migrant worker and his family.

But still there is poverty.

The programs enacted have not been futile; many will be essential to relieving the plight of the migrant. The failure has been in not going far enough, of not reaching the heart of the problem.

Groundwork for the new roads has been laid, but the construction has not been completed.

One of the problems is the migrant's lack of knowledge of aid available to him.

COMMUNICATIONS INADEQUATE

Conventional forms of communication fall short—as in cases where parents are told by school officials they must obtain a birth certificate before they can enroll their children in school.

Taking officials at their words and unable to obtain a birth certificate, the parent assumes the child can not be enrolled. But this rule can be waived.

Education and job training programs are good. In fact, they must be greatly expanded. Courses in food preparation, sanitation and money management are essential. School assistance has been helpful, but is still only a beginning.

Housing codes and sanitation requirements are on the books in some areas, but they have not been effective in eliminating substandard housing.

Health and welfare programs, particularly in the areas of food commodities and emergency medical service, are sufficient to sustain life and relieve some of the hunger pains. But they, like most things being offered, only treat the symptoms of misery.

BASIC FRAMEWORK HERE

The federal-state-local programs already in existence provide a basic framework for building the structure which will change living conditions of migrant workers. They provide the means to attack many of the problems, but are not solutions.

Job training and development programs such as those being undertaken by the Community Action Migrant Program must be expanded.

Local business leaders could play a major role. With cooperation of businessmen in Polk County and throughout Florida, thousands of migrant workers can escape the cycle of poverty.

Polk has many businesses in need of skilled and semi-skilled laborers. More concentrated efforts could be made on the local level to train the predominantly unskilled migrants and provide them job opportunities.

The State Board of Health can do its share by stringently enforcing housing and sanitation codes already enacted. Regulations which are weak and areas still unprotected will require new attention.

HOUSING NEEDS IMPROVEMENT

In the area of migrant housing, much work needs to be done. Regulations governing migrant camps require reevaluation. New state legislation is probably needed to achieve progress in this area.

A dedicated effort by government, business, concerned citizens and the migrants themselves is essential to any long-range improvement.

The nature of the migrant is of primary importance in improving conditions. They are nomadic, forced to wander from county to county and state to state with the change in seasons. They must move to work at all.

In Florida, the fruit picking season generally extends from November to mid-June. Work begins tapering off in mid-May and many workers are already on the road.

Traditionally, in May, the migrant stream is winding its way through the Carolinas, and by June through Pennsylvania, New Jersey and New York—where there is work until October. Then it's back to Florida again.

MIGRANT'S WORST ENEMY

The migrant's worst enemy in the past has been the need for this movement. But the nature of Florida agriculture tends to bring migrants back to the same area year after year.

This has been good for the migrant and bad for industry and government in several ways.

The length of the growing season in Florida, particularly in Polk, where the citrus season is nine months long, has made this home for many migrant workers.

With the growth of community organizational efforts the desire to return to home ground has increased.

The impact of this can not be underestimated.

Where federal and state programs make no effort to help the migrant, community organizations do. They provide the pride of accomplishment—and with power to effect change.

Community organizations are just beginning to take hold throughout the state, but already many of the young migrants-turned-organizers point with a warning finger to the accomplishments of leaders like Cesar Chavez, a man of the soil responsible for organizing the grape pickers in Southern California and forcing bargaining with the industry.

The signs are ominous to growers who have fought unionizing attempts in the past. The philosophy of the organizers is simple. In order for the migrant to be able to help himself he needs power. Power only comes through group action.

The migrant knows that in order to improve his life, basic changes are necessary. His working and living conditions must be brought up to standards comparable with the rest of America; he must be provided with steady year-round employment; and his wages must be increased.

The pressure originating from these pioneer organizational efforts has focused on several alternatives available now to change the life-style and condition of the migrant worker. While no one has offered a guess at which will prevail, almost everyone close to the migrant population contends vigorously that some change is inevitable soon.

Two of the three alternatives can be implemented by the grower; the third, essentially a last resort, will be forced by the frustration of the migrants themselves.

SEVERAL OPPORTUNITIES

The citrus grower in Polk County is in a unique position—the winds of change are sweeping his industry, but he still has several opportunities to choose his own future.

The alternatives are:

Mechanization of fruit and vegetable harvesting, ending the migrant stream and forcing development of aggressive programs aimed at assimilating the migrant and farm laborer into the mainstream of American life.

Grower-initiated programs to improve living and working conditions and to increase salaries of migrants.

Leaving the situation as is and forcing great expanded pressure from the labor force itself and the ultimate appearance of union organizations.

Most experts believe mechanization will eventually come to Polk's citrus industry. Intensive efforts are already being made to develop a functional organge and grapefruit picker which will reduce the need for migrant laborers. Effective implementation of this alternative is still several years away.

Should mechanization occur, the citrus industry would hire some former migrant workers to operate the harvesting machines and there would be a greatly diminished demand for fruit pickers.

GOVERNMENT RESPONSIBILITY

With mechanization, the state and federal governments would be required to assure a large responsibility in developing educational and job assistance programs to allow the migrant to be absorbed into society in productive capacities.

Government initiated action in areas of minimum wage extension and workmen's compensation coverage could force industry to quicken efforts toward mechanization.

The second alternative provides the most immediate solution, but it requires a decision by the citrus industry that the price of orange juice will go up. On the other hand, it may be the only way the industry will be able to discourage organizational efforts by migrants.

The growers could increase wages, improve labor conditions in the groves, improve living conditions in labor camps and put pressure on authorities responsible for health, sanitation and housing code enforcement.

Growers, through their own organizations, could lobby for inclusion of migrant workers under provisions of the Unemployment Compensation Act and Workmens Compensation laws. They could make giant strides in arranging year around employment for the migrant and could participate in improved and more effective social services for migrant families.

UNIONS WILL APPEAR

The third alternative—doing nothing—means the pressure from the bottom will continue to build. As the pressure grows, almost inevitably a situation similar to the one that made national headlines in Southern California will occur in Florida.

Workers are discontent; they are beginning to become aware of Chavezs' success in California. Community action program officials here and across the state indicate strongly the mood of the migrant is changing. Labor organizers, after a long lull, are again showing interest in Florida's farm workers.

Should the migrant become organized the pressure placed on the industry might be overwhelming.

From the migrant's point of view unionization may hold the only answer to problems which have frustrated and beaten him for many years.

The course chosen depends on the growers and the harvesters; on the action or inaction by federal and state governments; and the actions of concerned individuals who have the power to bring about changes.

XUM

Only one thing is certain—the migrant worker and his living conditions are headed for a confrontation and the confrontation will lead to change . . . one way or another.

Families Wage Uphill Battle To Escape Stream

Mr. and Mrs. Raymond Trammell and Mr. and Mr. Benjamin Farmer have a lot in common: They are migrant workers, they want a better life for themselves and their children.

Mr. and Mrs. Trammell are both 24 years old. They live in Lake Hamilton. They were born into the migrant stream and they are fighting with every weapon they have to get out.

Mr. and Mrs. Benjamin Farmer are both 26 years old. They live in Eloise. Benji Farmer had a brief respite from picking fruit; he served a tour of duty in the Navy, discovered a better life, wants some of it for himself and his family.

Mary Jean and Raymond Trammell are much better off than most young migrant worker families, even though they are Negro and believe much of their plight is caused by their race.

They both have high school educations—rare for migrant workers, even rarer for the children of migrant workers. They both have a fierce determination to ecsape the migrant stream and are doing something about it.

The Farmers, both white, are still looking for a way to escape. They, too, were born into the nomadic life, but they weren't fortunate enough to graduate from high school. They were forced to quit school so they could work in the fields alongside their parents.

"Picking fruit is like a disease," Benji Farmer says. "You can never get enough money saved to get out. It's like a trap you never get out of.

"I want to get out, but I don't know how. The only possible way I see is to go back up North. We are going to try our best to get out. I've done some selling and repairing of television sets and someday I want to own my own shop."

Mary Jean Trammell's determination for a better life has stood her well in the past—she was one of the first Negro women ever to work in the Lake Hamilton Packing House.

She got the job—and the racial problems that ensued—through the efforts of the Polk County Christian Migrant Ministry and its subsidiary organization Florida Farm Workers Organization, based in Lake Hamilton.

She is not afraid to fight for what she wants. In April, Mrs. Trammell enrolled in an IBM Keypunch course being given by an evening school in Lakeland.

The course requires that she attend classes two nights a week. It costs $350—steep for the Trammell's, but worth it if it becomes the key to the door that will let them find a better life.

"We've tried to get out before. I worked in the Lake Hamilton Packing House. I was the first Black to ever work there. It was terrible. I hope I never have to go through that experience again," she said.

It's tough to get out.

"It takes all our money just to pay our bills. You don't make anything and you don't have anything to waste," Mrs. Trammell says.

"I dream all the time of better things to come for myself and my family. I have a hope and I have set a goal. I'm going to attain that goal one way or another."

When you listen to Mary Jean and Raymond Trammell and to Benji Farmer and his wife, their determination is absolute.

"I'm sick and tired of looking at oranges," Mrs. Farmer says, "You pick oranges, but you can't afford to buy them. They cost 69 cents a dozen in the store, but you can sure bet you don't get no 69 cents for picking them."

Changes Are Inevitable

Changes on the migrant scenes are as inevitable as they are desirable.

After decades of neglect and exploitation, the workers themselves have begun to realize that they, like most other American laborers, could band together for mutual benefit. As this organization movement grows, our own citrus companies will begin to feel pressure.

Their reaction will spell the difference between a smooth, industry-wide transition or a long, bloody series of strikes and boycotts. Either way, changes will come which will allow the farm worker to join the mainstream of American life.

In spite of the knee-jerk negative reactions of some industry leaders, the worker organization movement will grow. The inspiration of Cesar Chavez' California grape strike and boycott is incalculable. After years of seemingly hopeless struggle, Chavez is now winning union contracts for his people—contracts which cover working conditions and pesticide restrictions as well as wages.

This example is not lost on Polk's citrus workers. Leaders are now developing who will be able to capitalize on the broad public sympathy which already exists for the fruit pickers. When the workers are sufficiently strong to institute a Chavez-style strike and boycott, the effect on the industry could be catastrophic.

Growers and public officials must understand that these are the only alternatives: orderly changes or chaotic changes. Serfdom is already several hundred years out of date; it cannot last much longer. The end of this decade will see the end of the migrant stream as we know it, one way or another.

Among the necessary changes will be increased mechanization. Other industries have found better methods when their pool of cheap, docile labor vanished. Citrus will do likewise. Fewer workers will be needed, and they will receive higher wages.

Many migrants will drop out of the stream, seeking a more permanent life. State and federal help may be essential to help these families make the transition successfully. Housing and employment will have to be found or created, or else the welfare rolls will soar.

Mechanization, stability, higher wages and other benefits will come into the life of the migrant worker. We hope the employers and public officials will help, not hinder, efforts to attain these changes.

Polk need not be wracked by disruption and distrust. Workers, officials, employers and civic leaders, working together, can help fruit pickers without ruining the industry. We have the opportunity to lead the state and nation toward the solutions for age-old migrant problems.

Let us begin.

Migrant Storm: Exposure "Bias" Claims Disputed

(By Ed Domaingue)

The Polk County Christian Migrant Ministry and a Democratic candidate's Secretary of State Friday disputed charges that reports on the plight of the migrant worker on NBC last night and in The Ledger this week were "biased."

Newlon Lloyd, co-director of the Migrant Ministry said, "The growers feel they were cut down on the special, but really NBC did them a service by not showing the worst conditions."

Stan Tait, seeking the Democratic party's nomination for Secretary of State, said, "Florida should hang its head in shame."

Controversy over the television news special, "Migrant: An NBC White Paper," telecast Thursday evening, is sweeping the state.

Critics, including Gov. Claude Kirk and Secretary of Agriculture Doyle Conner, have charged conditions depicted did not present a true picture of the migrant worker's living and working conditions.

Lloyd, a former migrant fruit picker and labor crew chief himself said, "Every day I run across problems right here in Polk County worse than NBC showed. It could have been stronger, but in the final analysis, I think it was a great show."

In answer to charges both the show and The Ledger failed to present "both sides of the story," the Rev. Paul Wilson coordinator of the Migrant Ministry here, said:

"What is the other side of a hungry baby? What is the other side af 15-year-old boy like Jackson Bowers or a middle-aged couple so beaten down they can't do anything to help themselves?

"I don't think the show was biased. I do think that the fact one-third of the show was filmed in Polk County should give us all a great deal to think about," Wilson said.

Lloyd and Wilson were both with Martin Carr and his NBC television crew during filming of "Migrant." Tait said, "Bravo to NBC and The Ledger for having enough guts to call a spade a spade on the migrant problem.

"Florida should hang its head in shame," he said.

He said he hoped the NBC documentary and The Ledger's special report would "shock us into doing something" about the migrant's plight.

"As long as the lobbyists call the shots on migrant reform legislation, as long as politicians go along with the theory that profits are more important than people, I don't see much hope that anything will be done."

Tait used the occasion to strike out at one of his opponents, state Sen. Richard Stone.

"If Sen. Stone was watching, I wonder how proud he is of the fact that during the last Legislature he single-handedly killed the only bill put forth to help the migrant worker.

"I wonder if he is proud of the fact that he switched his vote in committee to kill the bill to bring migrants under the Workmen's Compensation Act," Tait said.

The candidate said, "I've got a suggestion to settle this dispute quickly. Let those who say it was biased and untrue try living the life of a migrant for just one week.

"Let them work in the fields with migrants, eat what the migrants eat, sleep where the migrants sleep, then let them tell us how good the migrant has it," he said.

Republican U.S. Senate candidate Harrold Carswell felt otherwise.

Carswell said, "Again the Northern liberal press has invaded our state in an attempt to run our lives. The NBC program on migrants, narrated by that prejudiced liberal, Chet Huntley, who considers our President 'shallow' is another example of the Northern power barons constant attack on the conservative South."

"Certainly Florida has a problem with its migrants," he said, "This vital labor force is accompanied by the same problems from (U.S. Sen. Edmund) Muskie's (D-Me.) Maine to (Sen. Alan) Cranston's (R-Cal.) California.

"For more than 20 years newspapers of Florida have documented the attendant problems of housing, education and insecurity of migrants. Over the years, 27 separate federal agencies have swarmed over the problem like so many bureaucratic bugs—but still the problem exists," he said.

Carswell charged that the show was biased because ". . . the NBC crew refused to film the improvements."

The TV show, as The Ledger's special report had earlier in the week, featured several Polk County migrant fruit pickers.

Jackson Bowers, one of those featured, had lived with his family in Eloise for several months. He quit school because he felt he wasn't like other kids, because he thought he was a bum.

Bowers and his family, along with Ernest Jarvis, a 39-year-old Auburndale fruit picker who looks 15 years older, were not in Polk County when attempts to locate them for reaction to the show were made Friday.

The Bowers family and Jarvis were reported in Michigan, picking fruit and vegetables. Neighbors said they left several weeks ago.

Benjamin Farmer, his wife and five children, however, did not follow the stream this year. They watched themselves on television and read about themselves in the newspaper from their home in Eloise.

Farmer, 26, said Friday he was "scared" for himself and his family.

He said, "After the show was over, I was glad I had told the truth, as I have had to live it. I hope that people will get the right idea that there are some of us who can help ourselves and others who can't.

"Now I am worried about the big growers and the others in power for fear they will try to harm me or my family." Farmer said.

John Ramsom, a retired 74-year-old fruit picker, said, "It was a heap of a show. It was on the right track to getting something done. I just hope I live to see it."

Ramsom picked fruit for 22 years. He lives in Auburndale and was a neighbor of Jarvis' on Hobbs Lane, where a five-foot by 12-foot roach-infested shack rents for $15 or $20 per week.

A Winter Haven woman who works in the Florence Villa section of the city and often comes in contact with migrant workers said. "It was a true picture and no lies in that.

"But you can find worse housing than was shown on television in the Peasville section of Winter Haven. What I want to know is what will happen now?" she asked.

There were many people who expressed shock over the conditions portrayed. Some wanted to know what they could do to help the migrant.

Mrs. Jean Bryson of Lakeland called The Ledger Thursday.

She asked The Ledger to launch a campaign to collect second-hand clothes and toys for the young migrant children described both by the paper and during the NBC telecast.

"I live in a nice home and I've never been hungry. I just want to do something to help. I have been making my children read the series to see how good off they are," she said.

The owner of a beauty shop, Mrs. Bryant said Friday, "Until The Ledger's stories and the television show, many of my customers didn't even know what is was like here. They were shocked at some of the conditions described."

She said, "I believe every bit of it. I believe those people are desperate. When I was young in junior high school, some migrant children were in my classes. They came to school hungry, without shoes in the winter—things haven't changed at all."

The mother of three children, she said Jackson Bowers' appearance on television last night upset her.

"He semed to be about the same size as my 12-year-old son. He could have been my little boy. It really tore me up," she said.

Mrs. Bryant, however, was not the only local resident concerned over what she could do to help the county's 25,200 migrant workers.

A registered nurse and a medical assistant visited The Ledger offices Friday afternoon and said they and a doctor they worked for were interested in giving up their day off to operate a free clinic for migrant workers.

They said the doctor had suggested the project and they were all "extremely enthusiastic about it." They inquired who they could contact to assist them with making the arrangements.

Chuck Woodson, executive secretary of the Lakeland United Fund, also expressed concern over the plight of the migrant worker.

"I can't help but feel that we have a responsibility to be concerned . . . I am one of those who was vaguely aware they were here, just as there are other people here at the poverty level, but I didn't really know anything of their living or working conditions.

"You are concerned about it, you know about it, but you don't really address yourself to it . . ." he said.

DELETIONS MADE IN TV SHOW

NEW YORK.—National Broadcasting Company officials, following an angry meeting with representatives of the Coca Cola Company altered an N.B.C. documentary on migrant farm workers before the program was broadcast over the N.B.C. television network Thursday night.

Coca Cola was represented in the report as one of the contributors to the marginal conditions under which migrant citrus workers live and labor in Florida. An addition and a deletion in the script of the program, entitled, "Migrant—an NBC White Paper," were made late Thursday afternoon, according to its producer Martin Carr.

Carr said, "The pressure from Coke was enormous."

Reuven Frank, president of N.B.C. News, said "There was no pressure. They (Coca Cola representatives) brought us facts we did not have before. We heard them out.

"After they left, we felt maybe we had singled them out for blame in a situation where so many companies are involved. We removed the onus from them."

Frank said that "We made no promises" to the Coca Cola representatives. He characterized the meeting, which was also attended by Julian Goodman, president of N.B.C., as "angry. They expressed themselves," he said.

The alterations involved two statements made by Carr on the program's track. At one point he is shown interviewing a woman who lives in a shack near a citrus grove, and the woman asserts that the shack is owned by Coca Cola. Over her voice, Carr added this phrase, "Coca Cola is at work on a major plan which it claims will correct the failings it has found in its citrus operation."

At another point in the program, Carr asserts that Coca Cola and other "giants" of the Florida citrus industry, "set the standards for citrus workers in Florida together with smaller growers." This was deleted.

INTERN POSITION PAPERS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. GUDE. Mr. Speaker, for a 3-week period starting June 22, I sponsored an intern program for outstanding seniors from public and private high schools in the Eighth District of Maryland. Forty-five students came to Capitol Hill every day for an intensive orientation in the operation in Government. In addition to their attendance at seminars with leaders from all branches of Government, the students were privileged to attend guest lectures with other prominent men in Government among whom were my distinguished colleagues, Mr. GERALD FORD, Mr. MORTON, Mr. SISK, and Mr. UDALL, those distinguished Members of the other body, Mr. MATHIAS and Mr. BAYH, former Supreme Court Justice Tom Clark, Mr. James Farmer, Gov. Nils Boe, and Mr. George Schultz. Complementing this valuable experience was the time the students spent investigating, in research groups, certain issues pending before Congress. Their findings were presented to me and I would like to submit, as a valuable contribution to the 91st Congress, two of these outstanding papers. The first place paper is "A Report on Water Pollution," and the second place paper is "Presidential Authority in Foreign Affairs."

The papers follow:

REPORT ON WATER POLLUTION

(Prepared by Robert Awkward, Glenn Bower, Phyllis Kaplan, Martha Reed, Elizabeth Richardson, and Miriam Smallhout) July 10, 1970

Environmental Pollution Panel of the President's Science Advisory Committee, November 1965: "Pollution touches us all. We are at the same time polluters and sufferers from pollution. Today, we are certain that pollution adversely affects the quality of our lives. In the future, it may affect their duration."

PROLOG

The purpose of this paper is (1) to examine the significance of the problem of water pollution, (2) to identify the role of modern technology as the primary pollutor, (3) to render the logic of technological water pollution, (4) to analyze the inherent inability of the status quo to deal effectively with the problem of water pollution in terms of the technological profit incentive, (5) to determine the debilitative effects of water pollution on the environment, (6) to analyze alternative methods of water pollution control, and (7) to recommend, on the basis of the previous investigations, an effective and practical means of controlling water pollution.

Water pollution can be defined as any unfavorable alteration of rivers, streams, estuaries, lakes, or any other source of water which impairs the quality of water for maximum use in the overall public interest. In 1965, former President Lyndon B. Johnson identified the bulk of pollutants as the "technological wastes—the by-products of growth, industry, agriculture, and science."

These "technological wastes" have been divided into eight categories by the Department of the Interior's Water Quality Administration. (1) Oxygen-demanding wastes result from domestic sewage and from industrial wastes of plant and animal origin such as food processing, paper mill production, and tanning. (2) Disease causing agents consist of infectious organisms which surface and ground water carry from cities, institutions, and certain industries such as tanning and meat packing. (3) Plant nutrients, such as nitrogen and phosphorus, which support and stimulate the growth of aquatic life such as algae, are other wastes. These are exuded in large quantities from sewage, certain industrial wastes, and drainage from fertilized lands. (4) Synthetic-organic chemicals result from detergents, organic pesticides, synthetic industrial chemicals, and the wastes from their manufacture. (5) Inorganic chemicals and mineral substances including metal salts, acids, solid matter and many other chemical compounds constitute a major discharge from mining and manufacturing processes, oil field operations, agricultural practices, and natural sources. (6) Sediments, particles of soils, sands, and minerals, wash down from pared areas of communities and construction projects. (7) Radioactive substances are discharged in mining and processing of radioactive ores, the use of refined radioactive materials in power reactors, from use for industrial, medical, and research purposes, and from fallout following nuclear weapons testing. (8) Heat results from the tremendous volumes of water used by power plants and industry from cooling.

I. THE SIGNIFICANCE OF THE PROBLEM OF WATER POLLUTION

The significance of the problem of water pollution rests on an assessment of the present situation and a speculative analysis of the probability of a future crisis if more stringent regulations are not imposed.

The present problem of water pollution, resulting primarily from the pouring of 500 million pounds of solid wastes into United States waterways each year, spurred President Johnson, in 1965, to declare that "every major river system is now polluted."[1] Three major facets of technology produce wastes which contribute to the magnitude of this problem. These are urban population growth, industrial growth, and agricultural growth.

In the area of urban population growth which results in an increase in domestic wastes, the inadequacy of treatment plants and sewage systems is appalling. Ten percent of municipal wastes receive no treatment at all; twenty-two percent receive only primary treatment which removes no more than one-third of the pollutants; and thirty-four percent receive secondary treatment which still does not completely purify the water. Furthermore, communities with combined sewer systems, even if treatment plants are otherwise adequate, incur serious over-flow pollution when storms or heavy rains overwhelm the capacity of the treatment plants. These serious inadequacies in both quantity and quality of domestic sewage systems account for the three hundred percent increase over the last century in disposal of poorly treated municipal wastes.

Industrial growth has resulted not only in an increase in waste tonnage, but in the development of new and complex types of wastes. The following chart demonstrates that most industrial wastes are not even treated. Furthermore, those which are treated may not necessarily receive the adequate quality of treatment.

[Industry and percentage without treatment]

Automobile	48
Beet Sugar	6
Coal Preparation	12
Corn and Wheat Milling	50
Distillery	62
Food Processing	27
Machinery	71
Meat	5
Natural Gas Compression	0
Photography	50
Poultry Processing	12
Pulp and Paper	32
Salt	87
Soap and Detergents	56
Sugar Cane	52
Tanning Leather	38
Textiles	73

Studies and surveys by the United States Public Health Service recently indicate that the amount of organic industrial wastes, treated and untreated, now going into United States waterways is equivalent to raw sewage from one hundred sixty million persons. This height of waste disposal represents an increase of one thousand percent over the last century.

Industry continues to produce, at an astounding rate, new chemical wastes, for which treatment is unknown. The production of these chemical wastes increased forty percent between 1947 and 1960, and now ranks fourth in terms of total assets and fifth in terms of sales. Each year, increasing amounts of these wastes at our water supply intakes become more threatening because neither sewage nor water treatment plants remove them, thus allowing them to reach the consumer.

The significance of the problem of radioactive wastes resulting from industry, is predominantly speculative. Data provided by the United States Public Health Service national water quality network show radioactivity in the Nation's lakes and streams well below the safe level of concentration. Yet, additional deposits of this material could pose a future threat.

Finally, in the area of industry, heat pollution constitutes a significant and damaging force. As cited previously, industrial growth has been phenomenal. With this growth, the demand for water to aid in the cooling process has been equally great. In addition the demand for electric power, the production of which results in tremendous thermal wastes, will also contribute to the problem of heat pollution which presently threatens aquatic life.

Pollution resulting from agricultural wastes is particularly significant in three major areas—chemical wastes, animal wastes, and sediment and silt.

The use of chemicals in agriculture has crescendoed to the point of virtual universality. In 1943, only one synthetic organic insecticide was on the market, and its use was strictly limited. Today, more than two hundred chemicals, available in thousands of different formulations, are used by most crop growers. Most of these run directly off into the water. In addition, "production of synthetic pesticides and other agricultural chemicals amounted to nearly seven hundred million pounds and most of this production was used by United States farmers. Synthetic fertilizers reached a production point of 4,430,000 tons in 1950. Liquid fertilizers amount to 710,000 tons in 1954–1955. Lime, another agricultural chemical, is estimated to average about 20 to 25 million tons annually."[3] Stream pollution from agricultural fertilizers is becoming a problem of national significance. River pollution, also significant, is evidenced by the fact that "DDT has been found in Lake St. Clair, the Detroit River, the Mississippi at Quincy, Ill., and at New Orleans, in the Missouri River at Kansas City, and in the Columbia at Bonneville Dam."[4] Pesticides also constitute a significant pollution problem. "Over 45,000 pesticide formulations are registered for sale with the Department of Agriculture."[5]

Growth in agriculture has resulted in a proportional increase in farm animals and the concommitant wastes. The problem is particularly acute in concentrated areas of animal growing, where direct pollution results to streams, as well as indirect pollution in the form of surface runoff and underground seepage.

Sediment and silt are the final two significant forms of pollution resulting from agriculture. Sediment, produced by erosion, is the most extensive pollutant of surface waters. Suspended solids loadings reaching waters are at least seven hundred times the loadings from sewage discharge. Silt, the inorganic solids transported by a stream either in suspension, in the current, or moving along the stream bed, is a major deterrent to the most effective development of the water resources in the United States.

All three major areas of technological growth—urban population growth, industrial growth, and agricultural growth—result in significant land drainage pollution problems. "Each year additional millions of acres of land are withdrawn for use for streets, highways, airports, housing, and runoff is nearly 100%, and all is accumulated deposits, oils, organic matter, trash, soil, industrial dusts, insecticides, and pesticides."[6]

In conclusion, technological growth in the areas of urban population growth, industrial growth, and agricultural growth, has produced a devastating swelling in both the scope and depth of previously existing water pollution problems.

The physical manifestations of this environmental atrocity are stupendous. J. I. Bregman and Sergei Lenormand considered this area and concluded that, "One of the visible signs of an aging lake is an overgrowth of weeds and algae, forming green scum which turns crystal waters into pea soup. Slimy, stinking masses pile up on beaches, clog water treatment filters, and destroy aquatic life. When teamed with industrial wastes and raw municipal sewage they are a hazard to health. For this reason, beaches in New York, Ohio, Michigan, and Wisconsin have been closed. . . . Lake Erie, the shallowest and most polluted of the five Great Lakes, is already, in an aquatic coma. To live along its shores is to know the stink of slime, dead fish, human excrement—the smell of death. . . . The major contribution to this enormous contamination is made by industry pouring wastes into every major stream emptying into Lake Erie . . . Detroit alone pours 1.5 billion gallons of wastes and sewage into its waterway each day. The bacterial count in the Cuyahoga, which flows through Akron and Cleveland for a double dosage of industrial garbage, has been measured at a rate four times the level expected in a stream of raw sewage. The stream is so clogged with debris, oil, and flammable chemicals that its waters have been labelled as a fire hazard! Mayor Chester Kowal, on a cruise up the Buffalo River, said, "The stink was overpowering, unbelievable, and disgusting."[7] Thus, the technical measurement of gallons and tons becomes the physical reality of sludge and gunk.

The probability of a future water pollution crisis if more stringent regulations are not imposed is based on the causal link between growth and waste increase.

J. I. Bregman and Sergei Lenormand, authorities on pollution, indicated that, "In isolation, the relatively novel, lethal sources of contamination would rarely cause a public hazard. The character of . . . water contamination, however, has been radically altered by the enormous rate of urbanization, industrialization, and transportation. When concentrated in a regional airshed or waterway, its magnitude—a consequence of gargantuan material demands and a collosal irresponsibility of our vital resources—can be catastrophic."[8] Thus, the link between growth and pollution assures future devastation in terms of present controls.

Specific speculative analysis indicates that in all areas of technological growth—urban population growth, industrial growth, and agricultural growth—wastes will proportionately increase with the rate of expansion.

Municipal wastes, resulting from urban population growth, will, in increased volumes, be dumped into the nations waterways in the future. "If we do not accelerate our present rate of municipal treatment plant construction, given the projected urban growth for 1980, the municipal sewage discharge in that year will be equivalent to the untreated waste produced by a population of 114 million.[9]

An overwhelming increase in industrial wastes will also characterize the next decade. In the area, of organic industrial wastes, "By 1975, industry is expected to double the production attained in 1950. This would indicate a possible doubling of present organic wastes by 1980.[10] Wastes from new chemicals will increase as the production and demand for them goes up. "1963 sales are expected to double by 1975."[11] Thermal pollution, if unchecked, will proportionately increase with the growth of industry. The need for water to aid in the cooling process and to provide electric power will result in phenomenal usages of water. "Unless controls are effected, this could mean an increase in heat pollution of more than 100% in the next ten years."[12]

Footnotes at end of chapter.

In the area of agricultural wastes, the use of chemicals and an increase in animal wastes will result in significant pollution over the next two decades. In the March 1961 issue of "Chemical and Engineering News," a ten-fold increase in pesticide output was projected for the next twenty years. Furthermore, "The use of agricultural fertilizers will undoubtedly continue its growth as new lands are put into use and as more intensive farming practices become profitable."[13] In addition, animal raising must necessarily increase with a growing population which demands meat. Thus, feedlot wastes will also increase.

Finally, silt and sediment, which characterize all three types of technological water pollution, "can be expected to increase at a very substantial rate on the basis of projected industrial growth and power demands."[14]

In inclusion, the present level of technological water pollution is already debilitating, but a devastating increase is assured if more stringent regulations are not imposed.

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II. THE DIVERSITY, SIGNIFICANCE, AND COMPLEXITY OF INDUSTRIAL WASTES

Introduction

The tremendous volume of domestic sewage does not constitute as much of a threat as industrial wastes because its qualities are basically uniform, and the method of solution, although not universally implemented, has been established. Contrastly, industrial pollutants are diverse in both physical characteristics and origin. Thus, control of these wastes necessarily requires numerous specific measures designed to deal with the unique wastes. In recognition of this complexity, the following section is intended to analyze the characteristics and origins of these wastes and establish their significance.

Industry is the greater user of water. It currently uses 160 billion gallons of water a day in its production processes, including the generation of electric power by streams. Twenty years from now industry will be demanding close to 400 billion gallons of water a day. It takes 770 gallons of water per day to refine a barrel of petroleum, 200,000 gallons to make a ton of viscose rayon, and 600,000 gallons to make a ton of synthetic rubber. The polluting capability of industry has reached astounding proportions and continues to grow.

The pollution problem is actually as old as civilization—even cave man dumped his wastes into streams. The industrial revolution greatly increased man's ability to contaminate his environment. Industrialization helped to alleviate conditions of poverty and starvation, but lowered the quality of water resources. As industry's pollution capabilities increased, nature's compensating process was often overwhelmed. Industrialization not only contaminated water, but prevented other than man-made methods of restoration.

In an average year industry's water intake is 20% of that of all society. After this water is used for industrial purposes, some is returned to our streams and rivers without adequate treatment. Further, water contamination results from industry's discharge of certain damaging chemicals, including many compounds whose effects are unknown. Other causes of industrial pollution are the addition to water of oils, phenols which bring taste and odor problems, phosphorous or nitrogen which over enriches the waters, and dissolved solids. Power plants add heat to streams, damaging aquatic life and promoting the growth of algae. An estimate of the approximate magnitude of industry's contribution to pollution is that the nation's businesses would have to spend 32 billion dollars by the year 2000 to adequately improve its water conservation effort.

The pulp and paper industry

No. Industry has had more trouble because of river pollution than the pulp and paper industry. United States production of paper has more than doubled in the past two decades. Some pulp and paper producers have taken steps to make their output harmless, but others have continued to fight the issue, refusing to invest in processes which would cut down their pollution. Some producers have even threatened to close down their factories if the state requires them to install systems to recover most of their waste material.

Two natural resources are used by the pulp and paper industry: trees and clean water. As the bark is removed from pulp wood, it is washed free of bark residue and any dirt that might have been picked up. Next comes the pulping action, in which the lignin that binds the fibers together is removed by digesters. From 25% to 55% of the wood is dissolved during the pulping action. The dissolved organic material is removed by counter current washing. The pulp is diluted to about ½% solids and formed into a continuous web of paper on a wire belt. Most of the water is drained.

There are two major pulping processes: the kraft process and the sulfite process. The kraft process uses sodium hydroxide and sodium sulfied. Because these chemicals can be regenerated for reuse, the pollution is not too great. But the process is still deleterious to the water, because of the great oxygen demand it causes. In the sulfite process, lignin is dissolved by the action of calcium bisulfate and sulfurous acid. There is no economical way to recover these chemicals. Used sulfite liquor is dumped into the streams. This sulfite liquor, which is used cooking liquor containing non-fibrous material removed from wood during pulping, causes the industry's worst pollution problem. It can be broken down by bacteria, but this requires a large amount of oxygen. Because of this, fish and other marine life suffocate and die.

The pulp and paper industry has done harm to many rivers and lakes. The Columbia River has chronic sulfite liquor pollution. The Androscoggin River in Maine is one of the worst polluted in the country because of the pulp and paper industry. Years ago a dam was built which trapped behind it the effluent from many paper mills. Even if there were no new pollution, this trapped pollution would make fish life impossible for many years, perhaps forever. The fishing industry in the Puget Sound in Washington is also being destroyed. Only seven mills create 210 million gallons of discharge a day. The pollution in this case is liquor pollution. A problem also exists at Lake Champlain. The International Paper Company plant on the lake discharges, according to the official complaint of Vermont residents, "a whole river of filthy liquid and scum and foam daily into the lake which is nauseating in both sight and smell."[1]

Although the problem remains severe, steps have been taken to improve the situation. Some producers of pulp and paper have organized a National Council for Stream Improvement, which conducts research. The council states that the average pollution per ton of paper has been reduced by 65% in the last twenty years, and that three-fourths of its members have installed water treatment facilities. This has been brought about by (1) a shift in the type of pulping process (mainly a shift to the Kraft process from the sulfite process), (2) a major program of water reuse, and (3) the application of a variety of treatment processes.

The textile industry

The wastes produced by the textile industry are similar in a broad sense to those produced by the pulp and paper industry. The processes of bleaching cotton, flax, hemp, and jute produce a filthy waste containing fatty and oily crud washed from the raw fabric. Wool washings make a polluting waste consisting of an emulsion of dirt and bacteria in water, with soap and complex proteins as emulsifiers.

Most of the textile industries are located in the South, which puts a great load on the southern rivers. One textile mill on the Chattooga River in Georgia pours into it wastes equivalent in BOD (biological oxygen demand) to the sewage of 110,000 people.

The detergent industry

Of all the kinds of pollution, none has caused so much fuss as synthetic detergents. The age of synthetic detergents began in the 1940's. By 1962, the essential ingredient, alkyl benzene sulfonate (ABS) was reaching the home market in the U.S. at the rate of over ½ billion pounds per year. A total of four billion pounds of packaged detergent powder or liquid was being produced a year. These products include phosphates, extenders, and other biologically inert material.

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[1] Briggs, Peter; *Water, the Vital Essence:* Harper & Row; New York; 1967; p. 159.

Organic wastes are usually decomposed by bacteria. However, ABS resists the attack of such bacteria. Besides resisting bacteria, ABS and most other detergents can also pass through fine filters. In 1965, industry (by somewhat costly processes) learned to produce alkyl benzene sulfonates which are much more readily attacked by aerobic (working in the presence of air) bacteria. The new material is called LAS, or linear alkyl sulfonate. The detergent industry promised a full switch to LAS by 1965. The promise hasn't been kept because LAS is only more readily attacked by bacteria in the presence of air and isn't affected in water. It has also been proved less effective in keeping clothes white.

Some effects of detergent pollution are that (1) ABS in sewage disturbs the operation of of mechanically equipped purification systems and septic tanks; (2) sometimes detergents interfere with navigation—when foam billows over a whole river; (3) billowing foam prevents enjoyment of water sports and rescues of drowning persons; and (4) detergents in water have a slight toxicity which is harmful to fish and is distasteful to humans.

Congressman Reuss of Milwaukee, Wisconsin, summed it up in 1963: "Is there any harm in the presence of ABS-based detergents in our water? The answer unfortunately is yes, plenty. First, they cause foam in drinking water. Secondly, detergent pollution interferes with treatment of sewage and adds considerably to the costs of sewage systems. Thirdly, detergent pollution represents an unnecessary hazard to human health." [2]

The Chemical Industry

The chemical industry is the fastest growing large industry in the United States today. Chemical waste products cannot be classified as neatly as the wastes of most other industries. Nature often has no way of absorbing them or breaking them down. Often they are buried thousands of feet below ground, where they can't contaminate the ground water. Basic commercial chemicals are usually reactive chemically, physically, or biologically. They may or may not be subject to oxidation, which is the common mode of removal from the water environment. The may be colorless, odorless, toxic, or nutritional. They may represent BOD, cause foaming, impair drinking water quality, have unfavorable osmotic effects, and interfere with ultraviolet light transmission. The chemical industry's products number about 10,000. The problem is very complex.

The activity of the chemical industry is centered on the Kanqwha River around Charleston, West Virginia. The river is too polluted to be used for recreation. However the du Pont Corporation, which makes more chemical products than anyone else, has begun to spend real money on pollution control. Along with nine other industrial firms on the Kanqwha River, it engaged in an abatement program that has reduced pollution even more than the authorities required. This operation cost the corporation one million dollars.

The Iron and Steel Industry

Four main pollution problems are caused by the iron and steel industry: (1) settleable solids which interfere with navigation; (2) large quantities of coke plant phenols; (3) acid and oil discharges; and (4) trace components such as ammonia, copper, zinc, and boren cyanide.

One main source of pollution by the industry is the coke plants. In the coking of coal to produce blast furnace fuel, the water present in the coal is evaporated into the gas stream. As the gas is cooled, the water condenses along with the tar vapors. The water that is left is contaminated with phenol, ammonia, chlorides and other constituents of the gas.

Another source of pollution is the blast furnace and sintering plants involved in steelmaking. The potential water pollution problems from these, ironically, result from efforts to control air pollution.

A third source of pollution is the rolling mills. When steel is hot rolled, water is used for cooling the rolls and for the high pressure stays that blast scale off the hot steel. Scale is carried into the waste water. In cold rolling, water soluble oils feed the steel being rolled. These solutions enter the waste system.

A fourth source of pollution is the pickling process. The surface of a steel sheet is frequently cleansed by acid. When sulfuric acid is used, ferrous sulfate is produced, which is hard to regenerate. When hydrochloric acid is used, ferrous chloride is produced, which is easier to regenerate.

A final major source of pollution is thermal pollution. Water is used for cooling in many places in a steel plant. It doesn't become contaminated by chemicals but it does cause a difficulty when the hot water is returned to the receiving waters. It is possible to recycle water in receiving towers but this is expensive.

Steel companies have done extensive harm to rivers and tend to be the least cooperative in controlling pollution. The Mahoning River in Ohio and Pennsylvania was polluted by lime, acid, oil and grease discharged from steel plants. It can no longer be used by other industries. The steel mills on the Mahoning are outmoded. Three of the mills refused to give federal agents any information about their production. A congressman representing the district said, "The Mahoning is an industrial river. It is for people, not for fish." [3] Although the mills deny any wrongdoing, they are now beginning to take steps to reduce the chemicals and minerals they put into the river.

Three Indiana Steel companies—U.S. Steel in Gary, Youngstown Sheet and Tube, and Inland Steel in East Chicago—are considered chief polluters of the Calumet River and the adjacent waters of Lake Michigan. The Acme Steel Company discharges raw sewage and unneutralized steel-picking liquor into the Little Calumet River. Pollution by Steel Companies has affected the whole Chicago area. This may be permanent since the water in a lake such as Lake Michigan doesn't move as in a river, and wastes cannot disperse or slip away.

The Coal Mining Industry

The coal fields in the Appalachian area and the Midwest use two types of mining: surface-strip mining, and deep mining.

The first step in the processing of raw coal is the preparation plant (washing) where heavy rock and impurities are removed. These impurities are trucked, conveyed, or pumped into "refuse" pits. There is no problem in the Midwest, but in Appalachia the refuse is disposed of in nearby valleys. Hundreds of refuse piles—active and abandoned—are in existence.

As with surface mining, water run off from the watershed above the disposal area may flow through and over the piles, carrying fine solids into the streams. Diversion ditches help as do emergency settling ponds which are frequently constructed in the valley below. However, heavy rainfall and cloud bursts sometimes create situations which are virtually impossible to control.

When man began mining coal he exposed great quantities of pyrite to air and water. Through 200 years of industrial growth, acid mine drainage has intensified and its toxic toll of water quality and aquatic life has increased. This pollution falls into three areas: (1) that originating from surface mining; (2) that from refuse or gob piles; and (3) that from deep mining drainage.

(1) There are "rider coal" seams between commercially important seams and the surface. This coal becomes mixed with pyrite and will give rise to an acid unless properly covered during the process of reclamation.

(2) Refuse piles usually contain substantial amounts of pyrite. Here the problem can be minimized by diversion ditches which carry surface runoff away from the pile. Thus, the ease of diversion depends on the terrain. Although this type of drainage isn't a problem in Appalachia, it is a problem in the Midwest where the piles are smaller but cover greater area.

(3) In Pennsylvania alone there are 1.4 billion gallons of acid mine drainage per day. Out of this 900 million gallons are due to abandoned mines; 500 million gallons are due to active operations. Other states hit hardest by acid coal mines are: Maryland, West Virginia, Ohio, Indiana, Illinois, Kentucky, and Tennessee.

The estimated number of abandoned mines in the eight critical states is about 20,000.

To treat the water, lime can be added to neutralize and precipitate the iron.

The Oil Industry

Water conservation is important in the oil business because all oil fields produce formation water, "oil field brine." Oil producers have to dispose of formation water. If discharged into streams, there would be damage to vegetation, fish, and wildlife.

There have been three methods of disposal: build "holding pits" which release brine during maximum river flow or maximum dilution, evaporation pits in which the water evaporates leaving the salt behind, returning brine from where it came, the development of the second recovery method.

The first was not a good solution and the second was also not good before the development of linings of evaporation pits. There would be seepage into fresh water tables without a line. The third adequately disposes of 90% of the brine water and accounts for one-third of all domestic oil production.

Oil spills occur most frequently during transport and drilling. Thus, major oil shippers of the world have signed an agreement prohibiting their tankers from discharging near shores. Oil spills at marine oil terminals are a troublesome kind of pollution problem and call for better programs and emergency clean up procedures. At many ports, language barriers make it difficult to press simple importance of loading and pumping operations.

Pneumatic booms are being tried out at ports. There are problems, though—the tremendous size, the fact that they're not efficient in choppy waters, and the problem of ownership and maintenance.

Emulsifiers have been used, but they don't get rid of oil. They merely disperse it and cause it to sink. This eliminates oil slicks but not pollution.

Thus, industries discharge the largest volume and most toxic of pollutants. Industrial waste discharges are the source of an enormous variety of materials found in our water. Major water-using industries are believed to discharge about three times the amount of each class of waste as is discharged by all the sewered persons in the United States. The increase in production and use of complex chemical and industrial materials have greatly increased the danger of adding harmful wastes to the environment.

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III. THE LOGIC OF TECHNOLOGICAL WATER POLLUTION

In order to yield a profit, industry uses the least expensive method. A great many times it is less expensive to pay a fine and continue polluting than to provide preventative devices to control pollution. The laxness of state standards for water quality given industries the upper hand because they can threaten to move to where requirements are not as stringent. An example is a southern state where one can dump anything short of straight cyanide into a stream.

The polluting industries are located near water for three very good reasons: the manufacturing plants use a great deal of water in their processes, they must have a place to dispose of the very large percentage of dirty water that isn't consumed in their processes, and they can often save money by delivering their products by barge rather than railroad or truck.

It is the general belief of industry that "to completely solve the problems involved, though it were technically feasible at this time, would probably so increase the cost of industrial operations as to endanger our ability to compete in world markets." [1]

The American Steel industry in the valley of the Mahoning River is dependent on that river. (It is used to cool molten steel.) When the Public Health Service said that this industry was polluting the waters, the steel industry disputed the point and added that if they are forced to make costly changes in their mode of operation, they well be forced to close down.

The river was described by the Public Health Service: "Oil and grease coats its surface and discolor its banks, suspended solids destroy its clarity, sludge covers its beds, and oil clings to tree limbs and bushes." There are no fish and no other forms of marine life. Acid, lime, oil, and grease forced the abandonment of water for municipal use, also hindering use by other industries and destroying possible recreation areas. Thus, the steel industry makes a profit by destroying a river that belongs to all people.

It would appear that industry ought to accept the cost of necessary treatment of water. In some cases the recovery of valuable materials may repay the costs of the treatment, but one must not ignore that today there are some effluents that are difficult to treat in an adequate manner without great costs. Some companies claim that the costs of research and suitable treatment plants that are necessary are beyond their means.

This may have been the case in past years, but a study of the accounts of some of the industrial companies and the dividends they have found it possible to declare in recent years, will show that today there are "substantial margins of profit" in many industries and that additional cost would well be carried. It has been stated by one authority that the capital cost of an efficient treatment plant for a chemical company is normally between 3% and 5% of the capital cost of the factory.

"To confess that American plants cannot do as well—that they would go broke in trying to do as well (as the Ruhn Association)—is inadmissible. Nevertheless, our industries have had their ways so long with most of the states and with local authorities that they are not about to give up their profitable superstition about rivers and lakes with rubbery assimilating capabilities. The common experience still is that when there is a conflict between recreational, agricultural and aesthetic use of water and industrial application, the latter wins out every time." [2]

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IV. THE INHERENT INABILITY OF THE STATUS QUO TO DEAL EFFECTIVELY WITH THE PROBLEM OF WATER POLLUTION

Secretary Ribicoff of the Department of Health, Education and Welfare, 1961: "We have hardly been able to hold our own against the running tide of pollution. Our efforts to control pollution must be geared to the speed of the forces which produce it—a swiftly growing population and an expanding urban, industrial society." [1]

The government attempts to control water pollution, but the devastation continues. A careful analysis of the water control agencies and their respective efforts reveals an inherent inability to deal effectively with the problem. Throughout United States history, both the Congress and the President have made rather weak attempts to control pollution.

The House of Representatives works through the Committee on Public Works and its Subcommittee on Water Pollution. In addition the Committee on Interior and Insular Affairs deals with certain aspects of the problem.

The Senate maintains a Committee on Public Works and its Subcommittee on Air and Water Pollution. The Senate Committee on Interior and Insular Affairs deals, as does the House Committee, with certain facets of water pollution.

Executive efforts have also been channeled into certain specialized agencies. In addition to the frequent use of executive orders to control water pollution, the President can rely on the Department of the Interior, the Department of Health, Education, and Welfare, and the Department of Agriculture. In 1965, the Federal Water Pollution Control Administration, recently renamed the Federal Water Quality Administration, was incorporated into the Department of Health, Education, and Welfare, and later transferred by President Johnson to the Department of the Interior. Thus, an abundance of committees and subcommittees to legislate controls, and an equal abundance of agencies and departments to administer the programs, exist to suggest that action has and is being taken.

The only significant action is in the form of Congressional legislation. The implementation has yet to become significant.

In 1899, the Rivers and Harbors Act was passed. It prohibited discharge or deposit of any refuse into navigable waters.

In 1924, the Oil Pollution Act was signed into law. It prohibited the discharge of oil into coastal waters.

In 1948, the First Federal Water Pollution Control Act was passed.

In 1961, the Oil Pollution Act (PL 87–167) came into being as Federal law. It authorized the Federal Government to regulate, enforce and control oil spillage.

In 1961, the Federal Water Pollution Control Act was amended to increase enforcement authority and support for construction of waste treatment works and research.

In 1962, the Jurisdiction Inter-State Compact Water Pollution Disputes For United States District Courts (PL 87–830) provided that the United States District Courts shall have jurisdiction of certain cases involving pollution of interstate river systems, and providing for the venue thereof.

In 1965, the Water Quality Act (PL 89–234) was passed. This Act further amended the Federal Water Pollution Control Act and Established the Federal Water Pollution Control Administration. The Water Quality Act also required establishment of water quality standards for all interstate and coastal waters in an effort to establish preventative pollution control.

In 1966, Executive Order 11288 transferred the Federal Water Pollution Control Administration to the Department of the Interior.

In 1966, the Clean Water Restoration Act (PL 89–753) was passed. It greatly increased grant authorizations to help build sewage treatment plants, for research and for grants to the state water pollution control programs.[2]

In 1970, the Water Quality Improvement Act, placed stringent restrictions on oil pollution, established grants, and placed stronger enforcement measures for water pollution in violation of the water quality standards.

Federal inadequacies

The inability of the status quo to deal effectively with the problem of water pollution stems from nine major inadequacies.

I. Transmitting commitment into actual dollars. The Federal Government's role, financially, is quite significant. It has told the Nation's governors that they would be reimbursed for certain expenditures that their state made for water sewage facilities since the passage of the Clean Water Act, 1966. Congress authorized Federal funding for such projects, but Congress failed to appropriate enough money. The problem generally is that there just hasn't been enough money infused into the program.

II. Programs of construction for industries lacking: Small cities, particularly, in which industries exist, simply cannot cope with municipal wastes as well as industrial. Because these towns rarely have adequate funds to administer control projects, industry does not receive any financial aid. Furthermore, the burden cannot be dealt exclusively to the industry, that is, without any of this aid, because in most cases the industry in a certain town represents a powerful force which may indeed be capable of controlling the affairs which affect it. Thus, industrial power prevents enforcement of pollution control standards.

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[1] Carr, Donald E., *Death of the Sweet Waters,* W. W. Norton & Company Inc., New York, 1966, pg. 146. Quoted from: Engdahl, Richard B. and Croxton, Frank C., Pollution: A Problem in Economics.

[2] Carr, Donald E., *Death of the Sweet Waters,* W. W. Norton & Company, Inc., New York, 1966, pg. 147. Quoted from: Engdahl, Richard B. and Croxton, Frank C. Pollution: A Problem in Economics.

[1] Ribicoff, Secretary of Health, Education, and Welfare, *Testimony Before The Public Works Committee,* U.S. House of Representatives.

[2] Names of all legislation provided by, *Clean Waters For Mid-America,* The Law Library of Congress.

III. Lack of state initiative and carry through: Despite the inadequacy of Federal funds to the states, those which are received are not used for the program already in existence.

IV. Ineffective Senate Subcommittee: The Senate Subcommittee on Air and Water Pollution, to this point, has not provided an adequate mechanism for Federal machinery to operate in. Frequently, effective programs are proposed, passed, and signed, but the problem of administration, usually left to the discretion of the executives, is rarely overcome.[3]

V. Shallow public interest: Essentially, the people's will to alleviate the problem of water pollution will be the determining factor in achieving abatement. Yet, lack of meaningful public concern had resulted in a lack of enforcement, lack of adequate funds, and a failure to put environment control high on the list of priorities as determined by an examination of the Federal budget.

VI. National priorities: Despite promises of water pollution control funds, the Federal government failed to honor these commitments, and instead used the money elsewhere. The war in Vietnam, the pressure of inflation, and numerous Federal programs other than pollution abatement absorbed desperately needed funds.

"If we get the type of National priority commitment that cleaning up the water deserves, it will be clear mandate to go after the offenders.[4]

VII. Multiplicity of agencies: The program on water pollution is not only shattered, but that which is affiliated with a certain agency is often readily passed on to another. Overlapping and inconsistency result. For example, in Silver Bay, Minnesota, the Reserve Mining Co. was awarded "Outstanding Contribution of Such Massive Pollution By A Single Industry." The industry was responsible for dumping 67,000 tons of ore wastes into Lake Superior. The Department of Interior Study in 1968, concluded that waste materials impaired the ecology of Lake Superior and that dumping on land was recommended because it could be done at a moderate cost to the company. The Army Corps of Engineers claimed that dumping on land would be technically impractical and prohibitively costly. The company is licensed by the Army Corps of Engineers.[5]

VIII. Federal Government lacks support for own programs: All detergents are now bio-degradable. The vast mounds of non-bio-degradable suds floating on streams were last seen in 1965, when strict regulations were passed to outlaw the manufacturing of non-bio-degradable detergents. But since that time, other problems have appeared. The trouble involves phosphates, enzyme additives, and a complex process called euthrophication.[6] This has become a significant problem in many of the Nation's lakes and rivers, and is caused by the presence of an excessive amount of phosphates in lakes and streams. The United Government seems unwilling to take a stand on the problem.

IX. Inefficacy of voluntary agreements: Senator Muskie was particularly concerned with an increasing reliance on voluntary agreement. "These have not worked in the past," he indicated, "and there is no evidence that leads me to believe that they will afford adequate protection in the future. Voluntary agreements, substitute private bargains, closed-door compromises and hand shake agreements for an effective public policy on environmental improvement." [7]

State inadequacies

The inability of state operations and programs to deal effectively with the problem of water pollution is nine-fold. Although the information is dated 1935, the situation has not changed to the extent to warrant more recent information.

I. Exemptions: The greatest defect in state laws are the many exemptions or exceptions, which relate to specific industries, municipalities, or certain areas and rivers. The stream pollution laws do not apply to the principal industries, municipalities, sanitary districts, and other political subdivisons of various states.

II. Wording and phrasing of laws and regulations: A common defect in state laws is indefinite wording or phrasing which makes proof of violation difficult and enforcement unlikely. Vague phrases such as, "in quantities injurious to public health," etc. characterized most control law provisions. Enforcement agencies find it difficult to present evidence which will yield a conviction due to the ambiguity of violation clauses. Thus, serious pollutors may avoid prosecution by subjective judgment on the level of pollution.

III. Limitation on bonding or taxing power: Constitutional or statutory limitations on the bonding or taxing powers of municipalities is a serious problem, since in some cases they prevent the department or agency exercising control from compelling compliance with its orders for the installation of necessary works. Thus, the enforcement of laws otherwise adequate for maximum control may be restricted and made ineffective.

IV. Mandatory powers: Failure to confer mandatory powers on the appropriate administrative agency, by which the letter may compel the installation of treatment works or actions, is a serious defect in existing laws. Many states have provided for supervision and control over existing and proposed plants, but have failed to delegate to appropriate agencies, the mandatory powers necessary to enforce such control.

V. Determination of pollution: Effective control of pollution is secured only when the administrative agency has the power to establish permissible limits of pollution or to determine what qualities and properties of water shall constitute a polluted condition in terms of the protection of public health, aquatic life, or other items named in the statue. For states have granted this right, though they have the right to do so. If what constitutes pollution is to be determined by specific provisions of the statutes alone, difficulties in enforcement must always result, for the statute is likely to be either too specific and rigid or too vague and indeterminate. This requires that the state accept its responsibility and grant these powers.

VI. Inefficacy of arbitrary and negative laws: State laws in many instances are too rigid or arbitrary. They prohibit pollution of all kinds, but fail to make provisions for adequate administrative procedure as to rules, regulations and the adjustment of disputed questions. Prohibition of pollution, without provision for administration and without adequate facilities to insure compliance.

VII. Multiplicity of administrative agencies: Existing laws provide a system for the administration of water pollution control, which, except in a few states, is ineffective, in part, because of the large cities, being, as a rule, the dominant factors in a state, are frequently excepted from the state administrative control. At the same time, they generally present the most serious pollution problems. Large sanitary or sewage districts are often excepted. Thus, many agencies within a given space, often with conflicting aims and interests, may be engaged in administering stream pollution laws. These interests should be consolidated into one agency.

VIII. Multiplicity of laws: Just as there may be a multiplicity of departments, agencies and municipalities concerned with the control of pollution, so there is with the laws, which adds to the overall confusion.

IX. Lack of administrative controls: The laws of many states seem to be deficient because they provide for no administrative control over water pollution. In these states, the only laws relating to pollution are generally the nuisance or penal statutes which exert only minimal control.

(NOTE.—Since the deficiencies of the thirties, states have been required by Federal law to issue water quality standards for all interstate waterways. States should begin to use the river basin as a planning unit and develop an implementation plan that systematically cleans up the river. This has not been done in the past. The construction of treatment facilities has been uncoordinated and, as a result, water quality has not improved.)

Specific legislation

An empirical analysis renders the conclusion that Federal and state laws are inherently incapable of significantly alleviating the problem of water pollution. The four examples presented here most graphically illustrate the validity of this conclusion.

I. Rivers and Harbors Act (Refuse Act), 1899: This Act is a potentially valuable tool if more specific definitions of what constitutes "refuse" are provided. Since the time of its adoption, however, the fact that no such stipulation existed prevented any possible advantageous result.

II. The Blatnik Act, 1956, and the Federal Water Pollution Control Act, 1961: Authority for Federal action under the 1956 Act was limited to cases involving pollution of interstate waters which endangered the health or welfare of persons in a state other than that in which the pollution discharge originated. This limited control did not provide adequate protection for residents of states in which no stringent controls existed and pollution adversely affected the quality of life. The 1961 legislation extended Federal pollution abatement jurisdiction to all interstate or navigable waters, including coastal waters. Still, this legislation did not protect citizens from the devastating pollution levels within their states.

III. Control of Vessel Wastes: The major flaw in this piece of legislation was the provision for state determination of control requirements. The discrepancy between the states' requirements presented significant compliance problems for vessels which travel between states.

IV. Oil Pollution Act, 1924: Legal devices available for handling oil and hazardous material spills have been less than adequate. The Oil Pollution Act, 1924, prohibited and provided penalties for only the "grossly negligent and willful" acts of pollution. Interpretation of this phrase could exclude what reasonably would constitute pollution. Furthermore, the Act is limited to vessels and does not, therefore, apply to spills from fixed installations such as pipelines, oil deposits,

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[3] Cummings, Phil, Member of the Staff of the Senate Subcommittee on Air and Water Pollution, in an interview, July 1970

[4] Dominick, David, Commissioner of the Federal Water Quality Administration

[5] Example taken from *Environmental Action*, Vol. 1, No. 4 (3-12-70)

[6] The decaying process that uses up all the oxygen in water causing the death of forms of aquatic life.

[7] Muskie, Senator Edmund, *Muskie Bill to Regulate Detergents* Release, 6:30 P.M., Saturday, April 11, 1970

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refineries, manufacturing plants, or other types of industrial activity using and storing large quantities of oil. In addition, the 1924 Act, confined to oil, provides no protection against numerous other potentially hazardous substances. This restrictive phrasing essentially precluded enforcement of the Act.

Thus, the inefficacy of specific pieces of legislation designed to abate water pollution demonstrates the inherent inability of the status quo to deal with its control.

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V. THE DEBILITATING EFFECTS OF WATER POLLUTION ON THE ENVIRONMENT

It is hardly necessary to describe most of the debilitating effects of water pollution on the environment. Many of these effects can be seen at first glance.

Basically, these effects can be broken down into four categories: effects on lower life forms, effects on man, sociological effects, and economic effects.

The pollutants that effect living organisms can be described as one of six types: organic wastes, synthetic—organic materials, inorganic chemicals and mineral substances, sediments, radioactive pollution, and thermal pollution.

Effects on lower life forms

Many streams, lakes, and estuaries in the U.S. have received such large quantities of mineral nutrients, originating in sewage or domestic animal wastes, that they have become filled with objectionable growths of algae and other water plants. This growth is near the surface, causing the supply of sunlight to be cut off from deeper growing plants. These plants in turn consume the oxygen dissolved in the water, so that microscopic animals perish, and fish, depending on them for food and on the dissolved oxygen for respiration, either starve or suffocate.

In talking of synthetic—organic materials, one of the main troublemakers is detergent. Many detergents survive for a long time in surface and ground waters because they contain hydrocarbon chains that are not easily decomposed by aquatic bacteria and other microorganisms. These long-surviving detergents tend to accumulate in rivers, lakes, and estuaries, and they often reenter domestic and industrial water supplies. In both cases, they produce troublesome foaming, which also has detrimental effects upon the aquatic organisms.

Oil pollution not only destroys our marine and inland fisheries, but results in a heavy mortality of waterfowl. In many cases the oil pollution is from the discharge of barges, ships, and accidental or careless handling of oil transportation, development, and drilling operations. Waterfowl alighting on oil sump areas or water areas covered with oil are usually rendered flightless. Oil is also a destroyer of aquatic life including foods of both fish and wildlife.

A type of pollution that has become one of the most pressing problems is that resulting from increased use of insecticides, herbicides, and fungicides. Aquatic organisms, particularly fish, crabs, and insects, are among the most sensitive of all animal life to poisoning by pesticides. It has been found that repeated application of DDT several times a summer caused permanent damage to fish, crabs, and other invertebrates. This in turn depleted the food supply of birds and many mammals. It was found that the newer insecticides, dieldrin, aldrin, and lindane were even more toxic than DDT. Experimental feeding of these chemicals to quail and pheasants decreased the number of eggs produced and reduced the hatchability and viability of the eggs. The viability of the young was also reduced. This same effect would be produced if the bird had eaten fish contaminated with the insecticides.

Silt underwashing from mining operations are of much concern. Dredging and reworking of stream bottoms for gold and other minerals brings indiscriminate destruction to fishing resources and habitat. The turning over of stream bottoms destroys important spawning and food producing areas, and silt from such operations quickly kills incubating fish eggs and aquatic organisms. Sediments released into streams or lakes can also reduce the supply of light for plants, cutting down on the plant's ability to produce the much needed oxygen.

Waters can be polluted by radioactive materials derived from weapons testing and from industrial release. Once in the water, the radioactivity may then become concentrated in organisms, either killing the organism, or in the case of fish, often making them unfit for human consumption.

Heating of rivers and lakes by return of waters used to cool industrial processes of power plants, better known as thermal pollution, has devastating effects. Although the average water temperature is only raised about 7°, this is enough to destroy most organisms which were accustomed to the lower temperature.

Effects on man

Of the thousands of known toxic substances being manufactured and used in all of our living and manufacturing processes today, very little information is available. Less than 500 of these toxides are considered in literature. No single food is consumed in as large a quantity or as frequently as is water. Water is used by the entire population from infancy to old age and it is a well-known fact that the toxicity of a substance varies radically with age. Infants might require 1/20 the amount of a material to exhibit effects of toxification.

Some of the factors which intensify the problem in water pollution control are relative biological stability of the type of compounds and the increased public acceptance resulting in an extremely high usage of the compounds. Some illustrations of this are synthetic detergents, insecticides, herbicides, fungicides, rodenticides, plant growth regulators, and other agricultural control products. These compounds have become increasingly stable to biological attack and persistance in water now exceeds months.

It is known that many of these compounds gain access to the streams and affect fish life adversely. Some authorities feel that the water is safe for domestic consumption if no acute or chronic effect is observed in the fish population. But the effects of these pollutants can be cumulative, building up in the body until there is a sufficient amount to have effect. Also, carcinogenic compounds cannot be evaluated adequately from the effects on animals other than the animal under study.

A century ago, the U.S. was ravaged by water-borne diseases, among which typhoid fever, cholera, and dysentery were conspicuous. These tragedies led to today's water treatment methods, which, when applied, control adequately most disease producing bacteria. Viruses, such as those of hepatitis, remain a problem.

Chemical pollutants in water sometimes threaten human health. Substantial contamination of ground water with nitrates derived from sewage or from fertilized farm fields has been reported in many states. Drinking water with nitrate-nitrogen levels above 8 or 9 ppm may cause methemoglobinemia in infants.

Fuel oils, lubricating oils, and cutting oils are being introduced into lakes and rivers from garages, service stations, petroleum-chemical plants, metal working plants and ships. Their continued presence in drinking water after filtration is indicated by spectrophotometric observations made on such waters after filtration.

It has been found that the residue of this filtration, when applied cutaneously to mice produced cancers of the skin. Cancers of the mouth were observed among fish feeding in waters containing these contaminants. Considering the fact that petroleum tars, tar oils, cutting oils, crude paraffin oils, fuel oils, and asphalt have been shown to be carcinogenic to the skin of man and mice, the pollution of waters which may either serve as sources of drinking water supply or which may furnish food animals contaminated with carcinogenic chemicals should be of great importance from a public health viewpoint. No chemical carcinogen exposure or dosage limit have been described for the lifetime of man, and the role of carcinogenic substances is extremely hazy.

Similar considerations must be applied to the pollution of drinking water supplies with industrial surface cleaning agents, especially detergents, which are extensively used for cleaning purposes at car washes, restaurants, hotels, offices, and industry. Many industrial detergents are being ingested as pollutants of drinking water. Detergents, when in contact with the mucosa of the alimentary tract, activate or aggravate the effect of carcinogens on the cells.

Sociological effects

Much leisure time activity is water orientated. Included are swimming, fishing, boating, water-skiing, skin-diving, and many other activities. These are but a few of the recreational activities which are dependent upon clean water to survive. Additional millions of Americans enjoy picknicking, beachcombing, bird-watching, and other activities along streams, lakes, and ocean fronts. To these people, esthetic values are paramount. They would not care to do their picknicking, etc., by the edge of unsightly, polluted water.

The foundation of the country's outdoor recreation industry is primarily clean waters in rivers, lakes, and ocean fronts. Water pollution has the effect of crowding more and more people seeking recreation into less and less space.

In 1965, a New York City newspaper reported that only 36 miles of the city's 400 miles of water front were still fit for swimming. On San Francisco Bay, two more important beaches were added to the long list of California's waterfront areas closed to public recreation uses. Narragansett Bay, a playground for New Englanders, was invaded by algae induced by cesspool seepage. Along the shores of the Great Lakes, pollution is increasing faster than are efforts to control it. Milwaukee, one of the pioneers in city sewage treatment works, was forced last year to close seven beaches because of pollution in Lake Michigan. Cleveland is losing its fight to keep beaches open for swimming along Lake Erie. Buffalo has given up.

Economic effects

Fisheries everywhere in the U.S. have been greatly damaged by pollution. There have been major setbacks in the Atlantic, along the Gulf Coast, the Great Lakes, the Pacific Ocean, and the Long Island Sound.

Oyster harvest has long been forbidden from certain polluted waters along the Atlantic Coast. In many badly polluted areas, the oysters have disappeared. Many hundreds of miles of fishing streams in the East have been rendered useless by combined municipal and industrial pollution. The latter includes acid water from hundreds of abandoned coal mines.

In the Midwest, hundreds of miles of some of America's beautiful streams are still so badly polluted that fish productivity is far below its potential. Various areas along the Gulf Coast have been declared off-limits for oystermen because the bi-valves are unfit for food.

In the far west, there is now great difficulty maintaining the salmon and steelhead. Some of the major streams are so bady polluted in their lower reaches that the fish are blocked in their migration.

There have been less and less ducks, now that their food is disappearing. This adversely affects the duck industry.

During the big duck decline of the mid-thirties, the diving ducks, especially the canvasback and redheads, became alarmingly scarce. Unfavorable breeding ground conditions plus destruction of their favorite feeding grounds by pollution caused the decline.

There have been heavy losses of fish and waterfowl due to pollution on the Great Lakes and their connecting waters. At one time, 10,000 ducks were destroyed on the Detroit River by the release of untreated sewage.

Another effect of the polluted waters is to cut down on the purchases of water sport equipment. People have little desire to spend time in polluted waters.

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VI. ALTERNATIVE METHODS OF WATER POLLUTION CONTROL

The major sources of water pollution are: domestic (sewage), drainage (fertilizer and mining acids), and industrial (detergents, paper mill wastes, oil drilling leaks, steel pickling wastes, tanning wastes, synthetic organic chemicals, and cannery wastes).[1]

Sewage treatment is as effective as possible in terms of the money appropriated. In this particular area, the Federal Government allocates money to the states to dispense to local authorities. More money is needed in the area of sewage control according to the Federal Water Quality Administration which claims that, "cost studies indicate that a major investment, totalling about ten billion dollars will be necessary over the next five years to overcome this legacy of neglect and achieve adequate labels of treatment for the nation's municipal wastes."[2]

Drainage from agricultural irrigation and mining can be countered effectively only by new scientific research into neutralization methods (nutrients in fertilizers, acids from mines). Furthermore, the problem of containing these wastes appears insurmountable, but the possibility of compulsory drainage systems should be explored.

The logic of technological water pollution (Chapter 3) explained industry's propensity to pollute. The two means of controlling this pollution are thus: (1) to eliminate a step in the logical course of pollution, or (2) to alter the end result.

First, to eliminate a step in the logic of pollution, the system must be changed. At the present, the capitalistic economy, basically a system in which industries are controlled by private individuals and corporations, is inherently influenced by the profit incentive. The alternative is a socialistic economy in which industries would be controlled by cooperatives or the state. This would eliminate competition, and these non-competitive industries could effect measures to check pollution without a loss in profit. In this type of system, pollution could be stopped in a short period of time, yet concomitant result would be a detrimental effect on business, as it exists in the context of a democratic society. The loss of competition would necessarily reduce the incentive to progress. Clearly, because the economic system of a country is inextricable from its political system, the United States' existence as a democracy would be seriously threatened if economic socialism was adopted.

Second, without destroying the profit incentive, the end result of pollution may be abated by three means: new legislation, finance, and enforcement.

In what manner would new laws help control water pollution? Two types of legislation provide regulatory measures. The first is characterized by the economically profitable laws, frequently administered in the form of grants and tax incentives. Unfortunately, these potential benefits are utilized only to a very limited extent by industry because the grants are not significant enough to warrant the cost of installment of pollution control devices[3] and because tax incentives only exist in eleven of the fifty states.[4] The second type of legislation is characterized by harsh fines and imprisonment for company officials. With this pressure, industry would be compelled to implement adequate pollution control standards. Furthermore, the influence of the profit incentive, demanding the cheapest method, would result in extensive research in the fields of process modifications, extending recycling capacity, product recovery, and other vital areas.

At present, a structurally uncoordinated effort, inadequately linking these two types of legislation, continues to fail to abate water pollution. The intense public outcry is heard, but the inability of the status quo to deal effectively with the problem indicates the necessity for a more concerted effort designed by legislation.

Who should finance projects of pollution control? Currently, the government assumes a 30–55% burden of the funds needed by industry to abate water pollution. Three possible alternatives exist—total financial burden assumed by government, total financial burden assumed by industry, or split financial burden assumed at a certain proportion by the government and industry.

If the government was to assume the total burden for water pollution control, the industries would become indifferent to new control methods and all taxpayers, some of whom may not have contributed to this type of pollution, would have to pay.

If industry was required to assume the total burden for water pollution control, they would inevitably raise prices on their products and ultimately the consumer would bear the burden.

An effective alternative to compromise these two extremes would be government compensation of the financial burden to a greater extent than it presently exists. An increase to a level at least over one-half would increase industrial incentive and improve government-industry relations.

Finally, the area of enforcement constitutes the final measure of water pollution control. Presidently, enforcement is, although theoretically controlled in part by the Federal government, in reality, predominantly the function of the state. Should enforcement be granted to communities, states, or the Federal government? Although local governments are more familiar with their peculiar problems, the influence of industry and other technological interests increases as the political entity becomes smaller. Thus, an industry or agricultural firm could control a small community or state, yet be relatively powerless in terms of the Federal government. This fact demands a shift of the power of enforcement exclusively to the Federal government, while the states and localities retain most of the power of administration. As such, the overall coordination by the Federal government would insure more efficiency and uniformity when the situations require it. Furthermore, interstate problems could more easily be solved by the comprehensive Federal agencies.

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VII. RECOMMENDATION FOR EFFECTIVE WATER POLLUTION CONTROL

The success or failure of a plan to abate water pollution depends primarily on the effectiveness of six major areas—new legisla-

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[1] American Institute of Chemical Engineers; "Industrial Process Design for Pollution Control;" American Institute of Chemical Engineers; New York; 1967; pp. 2–3

[2] Hickel, Walter J.; *Clean Water for the 1970's;* U.S. Dept. of the Interior, Federal Water Quality Administration; Washington; June, 1970; p. 4

[3] Cummings, Phillip; Committee on Public Works, Subcommittee on Air and Water Pollution; June 30, 1970.

[4] U.S. House Committee on Government Operations, 21st report; *Views of the Governors on Tax Incentives;* Government Printing Office; Washington, D.C.; 1966; pp. 1–10.

tion, finance, research and development, administrative planning, administration of funds, and enforcement.

With the adoption of the Water Quality Improvement Act of 1970, the United States has progressed to the point of fairly refined control legislation. The precision and comprehensiveness of this legislation makes it an adequate basic design for water pollution control. Admittedly, amendments should be adopted, such as those proposed by President Nixon, but the basic structure is still a viable form for massive reforms. In the future, new problems will arise, requiring new laws, but the designers of these regulations can only aspire to the concern, perception, and accumen of those who constructed the Water Quality Improvement of 1970.

Two major problems, inherent to our system of taxation and allocation, demand a new program of finance for water pollution control. First, not enough money is allocated for this purpose initially, and second, that which is allocated is not always spent by the executive. Thus, the remaining funds which finally are spent to abate pollution, are trifling.

To overcome this debilitating problem, we recommend the use of a split-surtax. The plan would be as follows:

1. The Federal Water Quality Administration would assess each state's level of water pollution.

2. A surtax would be charged of all tax payers which would yield:

Purpose and expenditure

Sewage, $10 billion in 5 years.

Industry (pays taxes too!), $3.25 billion in 5 years.

Erosion, $200 million—$3 billion in total.

Mine drainage, $7 billion.

The tax would be administered by the Federal Government in the following manner:

(a) exactly one-half would be derived by a uniform income surtax which would constitute the base amount

(b) extactly one-half would be derived by a progressive pollution-income tax, whereby both level of income and level of pollution in the particular state of residence as determined by the Federal Water Quality Administration as provided in provision #1

3. All allocations would be administered in accordance with state pollution levels and their corresponding financial needs.

Clearly, both problems of the status quo are resolved in this proposal. First, the amount of money allocated is determined by the need, not by the political climate. Thus, adequate funds are assured. Second, the use of all money allocated is guaranteed because the surtax is specifically and explicitly in law intended for the purpose of water pollution abatement, thus having to be used for that purpose.

Some might argue that if a greater tax is imposed in the more highly polluted states, for examples—New York and New Jersey—people may respond to the tax disincentive and decide to move to a less polluted area, for example—Nevada. Should this hypothetical situation occur, it would only constitute an advantage. Recall that growth is responsible for waste increase and, thus, pollution. If people moved from highly polluted areas, or industries as well moved, and dispersed throughout the Nation, the problem of highly concentrated communities producing tremendous wastes would be alleviated.

In the area of research and development, we suggest an extension of the grant program in both scope and depth. Funds and prizes should be awarded generously for work in the abatement of water pollution. In addition, incentives should be provided to attract professionals and college students to work full-time in the field. Educational scholarships and salary incentives would be an effective means of achieving this.

Administrative planning should be shifted from the state level to the Federal and regional levels. A more comprehensive effort would achieve the continuity needed and avoid redundance and waste.

Administration of funds should be from the state to the region or regions (which will be set up by the Water Quality Administration) of which it is a member. A proportional allocation would be required.

In the area of enforcement, the regular budgetary allotments will be diverted into the area of enforcement. Because all necessary funds have been provided by both individuals and private industry, no enforcement problem should exist. If, however, one does arise, it can be dealt with by imprisonment of company officials or individuals as well as stiff financial penalties. The funds in this area will primarily go to vast inspection and operation endeavors.

In conclusion, the previous recommendations provide a solid basis for effective water pollution control.

Congressman Gilbert Gude's Intern Committee's Report on Presidential Authority in Foreign Affairs, July 10, 1970

(Prepared by Congressional Interns, Erin Burgdoff, Sheila Garrity, Barbara Gottlieb, Jeanne Katz, John Tower, and Nancy Vogel)

OUR THANKS

This research committee would like to extend its thanks for a program of this kind to Congressman Gilbert Gude, the Intern Selection Committee and its dedicated sponsors, Lea Guarraia, George Mannina who went beyond the call of duty to coordinate our uncoordinated lives this past three weeks, and to Mr. Sullivan and Mr. Tillman of the House and Senate Foreign Affairs Committee staffs who gave of their time so that we might further understand the scope of the Presidential and Congressional war powers. Finally we extend our gratitude to the many speakers who took the time out of their busy schedules to help us understand and appreciate the basics of the democratic principles that make our most cherished freedoms possible.

INTRODUCTION

Cambodia has focused more national attention on presidential powers than any other incident in history. Constitutional lawyers have sifted through almost two centuries of United States history to determine the constitutionality of the present administration's Cambodian incursion.

In the past decade, presidents have been continually increasing their power until the scales are presently at an imbalance between the Executive and the Congress. At the present time some members of Congress have acted to balance these scales by proposing amendments to bring certain powers back to the Congress.

Congress has not had a chance to express itself directly to the war since it voted on the Tonkin Gulf Resolution. Amendments such as Cooper-Church and McGovern-Hatfield are attempts to let the Congress decide the present policy in Vietnam.

This report is an attempt to shed some light on the question of the President's power v. Congress's power in foreign involvement and the use of the war powers.

THE CONSTITUTIONAL WAR POWERS OF THE UNITED STATES CONGRESS

Article I, section 8 is the Constitution's most important section since it describes, for the most part, the field within which Congress may exercise its legislative power, which is also the field to which the President and the National Courts are in great part confined.

Congress's legislative powers may be classified as follows: First, its "enumerated" powers, that is, those which are defined rather specifically in clauses 1 to 17, following; secondly, certain other powers which are specifically or impliedly delegated in other parts of the Constitution (Section IV, also Article II, III, IV, V, passim, Amendments XIII to XX, Amendments XXIII and XXIV); thirdly, its power conferred by clause 18, the so-called "coefficient clause" of the Constitution, to pass all laws "necessary and proper" to carry into execution any of the powers of the National Government, or of any department or officer thereof; fourthly, certain "inherent" powers, that is, powers which belong to it simply because it is the national legislature.[1]

The war powers of Congress set forth in clauses 1, 11–16, and 18 of Section 8, Article I. The first clause, it should be noted, relates the power of Congress to tax to its power to "provide for the common Defence."

As stated in clauses 11 through 16, Congress has the power:

"To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.

"To raise and support Armies, but no Appropriation of Money to the Use shall be for a longer Term than two Years.

"To provide and maintain a Navy.

"To make Rules for the Government and Regulation of the land and naval Forces."

The Constitution does not say explicitly whether the army may be sent into battle when Congress has not declared war, or if it may, under what circumstances and by whose decision. In interpreting the Constitution on this point it is helpful to look at the intent of the Framers and to the understanding of the men who first put the Constitution into practice.[2]

Nothing can be clearer than that the Framers of our Constitution did not wish the President to have the independent war-making authority of the British Crown. That is why they empowered Congress, and not the President, to declare war. Being aware that the Executive use of armed forces as an instrument of policy was not easily controlled, they not only rested in Congress the exclusive power to raise and support armies, but tried to make sure that that power would be jealously guarded, by providing that no appropriation to raise and support armies, should be for a longer term than two years. Thus, it was hoped, the natural tendency toward independent Executive use of standing armies would be contained.

The Framers, however, did make the President Commander in Chief, and they quite deliberately lodged in Congress a power to declare war, not, as some suggested, the power to make war. The Framers did not use the word *make*, which they viewed as more comprehensive, because they did not wish Congress to be conducting, or attempting to conduct, wars. They did not wish to disable the President as Commander in Chief from reacting to sudden attacks, from seeing to the safety of troops, and in general from freely and independently exercising tactical control over the armed forces.

The relevant theoretical framework is set forth in the concuring opinion of the late Mr. Justice Jackson in *Youngstown Sheet and Tube Company v. Sawyer*, the famous *Steel Seizure Case* of 1952. "Presidential Powers", said Justice Jackson, "are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress . . ." There is an area of independent Presidential authority. There is secondly "a zone of twilight" in which Congress and the President share power, and in which if Congress fails to act, the President will assume independent responsibility. But in this area, when Congress acts, and the President either acquiesces or has his veto overridden, the will of Congress prevails, and the President is under his usual obligation to "take Care that the Laws be faithfully executed."

Footnotes at end of article.

XUM

Congress is authorized to define the foreign policy of the United States, and the mission of our armed forces in carrying out that foreign policy. Congress tells the President, in terms of international boundaries, where to deploy troops, where to fight, and whom. Once troops are in place, and especially if they are fighting, tactical control is in the hands of the President, and the President has full authority to react to attacks upon them, or to the imminent threat of attack[3]

In the famous case of McCulloch v. Maryland, 4 Wheaton 316 (1819), Chief Justice Marshall referred to the powers of the Congress "to declare and conduct a war" as among its enumerated powers. A judicial recognition of the breadth of the war powers of the Congress, no matter how persuasive, is insufficient to maintain these powers unless the Congress utilizes them including its undoubted powers to limit a war and to terminate hostilities initiated by the President. The President alone has neither the constitutional nor the practical resources to conduct hostilities in opposition to the manifested will of the Congress.[4]

The power of the purse is the last bastion of popular control of the government.[5] Congress has the opportunity to use this power by including in authorization acts any of a number of restrictions or the use of American funds and forces. Proposed restrictive provisions (such as McGovern-Hatfield Amendment) are legitimate exercise of this power.

Riders and Amendments on appropriation and authorization acts have been a device used by Congress to restrict and to control executive action.[6] One of the most recent examples of this is Section 643 of the Defense Appropriation Act for the current fiscal year, passed in 1969, which states that "none of the funds appropriated by this Act shall be used to finance the introduction of troops into Laos and Thailand." [7]

XUM

Madison described the money power in these terms:

"This power over the purse may, in fact, be regarded as the most complete and effectual weapon which any constitution can arm the immediate representatives of the people." [8]

In analyzing the relationships between presidential and congressional war powers, it is useful to postulate three basic fact situations which reflect different allocations of constitutional authority.

(a) A situation where the President acts with the authorization of Congress: This situation involves a consolidation of the war-making powers of the political branches of our Government and, if it were determined that action in such a situation were constitutional, it would be equivalent to stating that the Government as an undivided whole lacks power to deal with the subject matter.

The conduct of hostilities by the United States in Southeast Asia is an outstanding example of the consolidation of the war-making powers of the whole Government. The President has used his powers as Commander in Chief and the Congress has used its express war-making powers including the powers to "raise and support Armies" and to "provide and maintain a Navy." In particular, the Congress has used its powers to conduct hostilities in Southeast Asia through the military appropriation acts which have increased the size of the armed forces so that the war could be fought.

The Southeast Asia Resolution, 78 Stat. 384 (1964) is also an unequivocal manifestation of the use of Congressional war powers to conduct hostilities in Southeast Asia. This Resolution states, inter alia:

The United States is, therefore, prepared as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in the defense of its freedom.

The constitutional status of United States participation in hostilities in Southeast Asia without the Southeast Asia Resolution and without the relevant military appropriation acts enacted by the Congress would be entirely different. Instead of the consolidation of war powers which we have actually had, the United States role in the hostilities could be justified only by the executive powers of the President. It is apparent that the constitutional authority of the Executive standing alone is much more limited than the authority of the Government acting through both presidential and congressional war powers. The President alone does not have the constitutional authority to conduct a great war effort of the kind we have seen in Southeast Asia during the past few years.

In the existing situation of consolidation of power it would not be expected that the Supreme Court would inquire concerning the constitutionality of United States participation in the Southeast Asia War. This view is reflected in Mora v. McNamera, 389 U.S. 934 (1967), where certiorari was denied and a petition for rehearing was also denied (389 U.S. 1025). In this case, petitioners who were draftees serving in the U.S. Army were about to be sent to Vietnam for service there. They asked a declaratory judgement that the United States military participation in Vietnam was "illegal" and their suit was dismissed in the lower federal courts. The Supreme Court denied certiorari, with Justices Douglas and Stewart dissenting. The dissenting justices expressed no view on the merits of the case but believed that certiorari should have been granted so that the issue of justiciability of the case could be argued. There are not any arguments which would justify the Court in attempting to substitute its judgment concerning the exercise of the Congress and the President to whom the war powers are committed by the Constitution.

(b) A situation where the President acts without a grant or denial of authority by Congress: In this situation the constitutionality of the President's course of action will be determined by his war powers standing alone.

Chief Justice Marshall made a thoughtful contribution to analysis of this subject in a dictim arising from limited naval war with France. In the facts of the case the naval capture authorized by the President was held to be illegal since it contravened a statute which authorized the capture of vessels in certain circumstances. Little v. Barreme, 2 Cranch 170 (1804) is, however, less important for its holding than for Chief Justice Marshall's opinion as to what the President could have done under the Constitution in the absence of a statute. The Chief Justice stated:

"It is by no means clear that the President of the United States, whose high duty it is to "take care that the laws be faithfully executed," and who is commander-in-chief of the armies and navies of the United States, might not, without any special authority for that purpose, in the then existing state of things, have empowered the officers commanding the armed vessels of the United States, to seize and send into port for adjudication, American vessels which were forfeited by being engaged in this illicit commerce."

It seems that the Chief Justice believed that the President would have had the power to make rules for naval captures if the Congress had not exercised its enumerated constitutional power in the field.

(c) a situation where the President acts inconsistently with the Congress.

1. Where the Congress had primary constitutional authority—law-making: This situation is illustrated adequately by Youngstown Company v. Sawyer, "The Steel Seizure Case"), 343 U.S. 579 (1952). In this well-known case President Truman attempted to seize the steel companies to avoid a labor strike which would in his judgement impede the flow of war materials to the armed forces in Korea. President Truman believed, as indicated by the argument of counsel for the United States, that he had authority to effect such a seizure through the aggregate of his war powers including his power as Commander in Chief. Congress, however, in the relevant statutes dealing with labor disputes, had not provided for seizure. The Supreme Court concluded that the presidential seizure was invalid because it was inconsistent with the relevant Congressional statutes. In carefully reasoned concurring opinion, Justice Jackson stated in part:

"When the President takes measures incompatible with the expressed or implied will of Congress, his power is at lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject."

2. Where the President has primary constitutional authority—the President as Commander in Chief: Where the situation may be be fairly placed within the scope of the Commander in Chief power rather than within the war powers of the Congress. For purposes of illustration, a relatively clear example may be provided by consideration of the President's strategic and tactical authority as Commander in Chief. The President has the full power to select particular military objectives such as "Hamburger Hill" in Vietnam. Congress, by statute or otherwise, cannot lawfully interfere with the President's role as Commander in Chief in a situation of this kind. If the attack upon enemy bases in Cambodia is regarded as the selection of military objects of attack which are closely related to and indeed a part of the present war in Vietnam, this action is within the constitutional authority of the President as Commander in Chief since it is part of the Southeast Asia War which is authorized constitutionally by a consolidation of powers. If the United States military action in Cambodia is regarded as an entirely new war, then the congressional authority for the war in Vietnam does not extend to it. There is no doubt whatsoever but that the Congress can use its war powers to terminate the entire military involvement of the United States in Southeast Asia whenever the Congress so decides. As a practical matter the President could not conduct hostilities in Southeast Asia unless the Congress used it enumerated powers to "raise" Armies and to "provide" a Navy in a manner which makes available to the President both the personnel and the equipment to do so.[9]

THE CONSTITUTIONAL WAR POWERS OF THE PRESIDENT OF THE UNITED STATES

In Article II, Section 2, Clause 1 of the United States Constitution it states:

"The President shall be Commander in Chief of the Army and Navy of the United States, when called into actual service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment."

In 1850 Chief Justice Taney for the Court, said:

"His (the President's) duty and his power are surely military. As Commander in Chief,

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Footnotes at end of article.

he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy. He may invade the hostile country, and subject it to the sovereignty and authority of the United States. But his conquests do not enlarge the boundaries of this Union, nor extend the operation of our institutions and laws beyond the limits before assigned to them by the legislative power." [10]

Even after the Civil War a powerful minority of the Court described the role of President as Commander in Chief simply as "the command of the forces and the conduct of campaigns." [11]

The Civil War provides significant illustration of the scope of presidential war powers in the absence of authorization by the Congress. In the early months of the Civil War President Lincoln undertook a number of military measures, including a blockade of the Confederacy, upon his own authority. In the Prize Cases, 2 Black 635 (1863), the Supreme Court upheld the President's war powers in a five to four decision, holding that a Congressional declaration of war was not necesary for the President to act and use his war powers. The Court stated concerning the situation of actual hostilities or war which confronted President Lincoln.

"The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name; and no name given to it by him or them could change the fact." Later President Lincoln asked for and received subsequent Congressional approval of his acts.[12]

Chief Justice Taft once suggested that the specific grants of executive power in Article II, since they were preceded by a comprehensive grant of the executive power were designed to provide emphasis where emphasis was appropriate. There is no doubt but that the President's power as Commander in Chief is a substantive one which includes at least the following subsidiary powers.

1. Deployment of armed forces. Whether in time of peace or war, the President has the power to determine the deployment of the land, sea, and air forces of the United States. President Theodore Roosevelt's ordering the Great White Fleet to the Pacific Ocean in the face of strong Congressional opposition is a well known example.

2. Initial response to hostilities. An example is President Truman's action in using first the naval and air forces, and then land forces as well, to repell the North Korean attack upon the Republic of Korea.

3. Initiation of hostilities. An example here may be found that the utilization of the Army under the orders of President Polk in conducting the battles of Palo Alto and Resaca de la Plama which were fought before the act of Congress of May 13, 1846 which recognized "a state of war as existing by the act of the Republic of Mexico."

In summary, the President as Commander in Chief has broad powers to determine the conduct of hostilities. In spite of the illusory simplicity involved in a listing of his powers, they must be used in relation to the powers of Congress. It should be clear that the President cannot for long respond to or continue hostilities without the active cooperation of Congress.[13]

THE THEORETICAL BASES FOR UNILATERAL PRESIDENTIAL ACTION

The theories on which various Presidents have relied for the use of military force abroad without congressional approval may be divided into three general categories: (1) the sudden attack theory; (2) the neutrality theory; and (3) the collective security theory.

1. The Sudden Attack Theory.—The President as Commander in Chief has the inherent power to defend the sovereignty and integrity of the nation itself and to respond to an armed attack on the territory of the United States without requesting congressional approval. For example, we do not question the constitutional authority of the President to order retaliatory strikes in the event of an atomic attack on the territory of the United States.

2. The Neutrality Theory.—Also known as "interposition", the neutrality theory was developed during the nineteenth century as a justification for American military involvement abroad to protect American citizens and property. When American armed forces were sent into a foreign nation, their presence was supposed to be "neutral" with respect to any conflicts there.

3. The Collective Security Theory.—Since 1945, the United States has entered into many security treaties with foreign nations. Many of these agreements have clauses which indicate that the security of each signatory is vital to the security of each other signatory. Unilateral presidential action under these agreements may be justified as necessary for the protection of American security even though the conflict may arise thousands of miles from American shores.[14]

UNITED STATES INTERVENTIONS FROM 1788 TO PRESENT

The early Presidents respected Congress's authority to initiate war. President John Adams took action to protect American ships from French attacks on the Atlantic, only to the extent that Congress authorized him to do so; in the case of this "limited war" between the United States and France. The President did not regard himself as free to use the Armed Forces without the authorization by Congress.

Early in his term of office President Jefferson sent a naval squadron to the Mediterranean to protect American commerce against piracy, but it wasn't at first permitted to engage in offensive action against the Barbary pirates.

The Monroe Doctrine is often cited as an example for the making of foreign policy commitments by executive action. In fact a distinction was made at the time between a statement of policy and its implementation. In reply to an inquiry by the Government of Colombia in 1824 as to what action the United States might take in a case of possible European intervention against the new Latin American republics. Secretary of State John Quincy Adams said:

"With respect to the question . . . you understand that by the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government."

In 1846 President Polk sent troops into the disputed territory between Corpus Christi and the Rio Grande River, heightening the clash which began the Mexican War. The constitutionality of this act was questioned by Abraham Lincoln, when he wrote:

"Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repeal an invasion . . . and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect."

During the 19th century American armed forces were used by the President on his own authority for such purposes as suppressing piracy, slave trade, and the pursuit of bandits across frontiers. Such limited uses of force without authorization by Congress came to be accepted practice—sanctions by usage.

Some Presidents, especially Polk, Grant, and McKinley, interpreted their powers as Commander in Chief broadly, while others such as early Presidents and Presidents Buchanan and Cleveland, were deferential to the war power of Congress.

The use of the Armed Forces against sovereign nations without authorization by Congress became common practice during the 20th century. President Theodore Roosevelt used the Navy to prevent Colombian forces from suppressing insurrection in Panama and intervened militarily in Cuba and the Dominican Republic. Presidents Taft and Wilson also sent armed forces to the Caribbean and Central America without Congressional authorization. President Wilson seized the Mexican port of Vera Cruz in 1914 as an act of established "respect" for the United States Government. In 1916 when the bandit Pancho Villa raided the town of Columbus, New Mexico, President Wilson sent troops into Mexico in pursuit for nearly two years. On both of these acts congressional authorization was accomplished after intervention occurred.

The trend initiated by Theodore Roosevelt, Taft, and Wilson and accelerated by Franklin Roosevelt continued at a rapid rate under Truman, Eisenhower, Kennedy, and Johnson, bringing the country to a point at the present time where war power is almost completely in the hands of the President. On the other hand it is still said that the scope of presidential action in initiating hostile section was widened by Korea over any previous incident. That the executive could dispose of the armed forces in such a way as to promote conflict was well established before this, but a declaration of war had followed. In the Korean instance this was not so. Congress was behind the President, but not with a formal proclamation of war.

It is possible to argue that the Presidents' action was a breach of constitutional procedure. It is also possible to argue that time was of the essence, and that it would be unwise to wait while Congress debated the wisdom of the executive's action.

REPORT ON MAJOR INCURSIONS SINCE 1950

In outlining a history of deployment of the Armed Forces by the Presidents, we concluded that beginning with Korea and continuing to the present, that we would report the major incursions in more detail. This is done to present the results of these incursions insofar as Congressional action is concerned, as a basis for a study on current legslation regarding Vietnam and Cambodia.

On June 27, 1950, President Truman announced his deployment of air and naval forces to aid the South Koreans.[15] The same day, the United Nations Security Council called on all member nations to help South Korea and denounce the North Koreans as armed aggressors. [16] A short time later, President Truman sent ground forces to South Korea.

Although he conferred with a few Congressional leaders President Truman acted without any request of or general Congressional approval in the form of a declaration of war or otherwise. A State Department bulletin for the press asserted that: "the President, as Commander-in-Chief has full control over the use of the military", and that there was "a traditional power of the President to use the armed forces of the United States without consulting Congress." This doctrine of inherent Presidential power was something never previously claimed by a President. The article was based on the legal justification of the actions on the United Nations Charter and the U.N. Participation Act, authorizing the President to deploy troops in United States policy measures, both previously passed by the Senate.

Perhaps due to the popularity of the incursion,[17] there was little said about the President's authority in Congress. In 1951, two resolutions came up, the first, to declare war on North Korea and Communist China and the second, for an immediate withdrawal of all troops. Neither of them came to a vote.

Footnotes at end of article.

In late 1953, Senator John W. Bricker (R-Ohio) sponsored an amendment to the Constitution, giving Congress the power to regulate treaties, and all executive agreements with foreign countries. Failing as a result of President Eisenhower's influence, the amendment was defeated by one vote. Another measure was tried in April of 1954, during the French conflict in Vietnam, by a bill, limiting the President's authority to send troops anywhere in the world without the consent of Congress. Because of Eisenhower's voiced intention to veto the entire bill the rider was defeated.

Policymakers in Washington, occupied with the crisis in Asia and Europe, had paid little attention to the growth of Communism in the small Central American country of Guatemala.

On May 17, 1954, the Department of State announced that a shipment of 1900 tons of communist arms manufactured in Czechoslovakia had arrived in Guatemala. The United States sought, but failed to obtain permission from NATO allies to search the ships suspected of carrying the arms. The United States began airlifting arms and other military supplies to Nicaragua and Honduras for their protection.

On June 18, Col. Carlos Armas led an army of about 200 men from Honduras to Guatemala. In support, three American planes bombed the capital city and military depots. The exiled officer and his men succeeded in overthrowing the Communist government.

Guatemala received no major coverage in Congressional action and was left entirely in the hands of the President.

In 1958, President Eisenhower had another problem to cope with, whether or not to send troops to Lebanon. Lebanon has always preserved a delicate internal balance between Christians and Moslems. This was threatened by certain Moslems, reportedly encouraged by President Nassar of the U.A.R. At the time of a pro-Nassar coup in Iraq in July, over 15,000 Syrians had supposedly infiltrated Lebanon with the aim of bringing down the government by violence.

On July 14 and 15, at the specific request of Lebanon's President Chanioun, the United States sent 5,000 marines to Beirut to protect American lives and help the Lebanese maintain their independence. In a short time this number was increased to a total of 14,000 troops occuping strategic positions in Lebanon.

The situation soon became stabilized and the General Assembly of the United Nations issued a statement requesting member nations to respect one another's integrity and refrain from interfering in one another's internal affairs.

United States troops were gradually withdrawn through a plan worked out with Lebanese authorities. President Eisenhower had the power to send the troops to Lebanon through the "Eisenhower Doctrine," a joint resolution, passed in 1952 authorizing the President to deploy U.S. armed forces to assist any nation in the middle east requesting help against Communist aggression.

In late April, 1965, a civil war in the Dominican Republic between government and left-wing forces led to U.S. military intervention.

A peace commission from the OAS succeeded in achieving a cease-fire among the contending government and revolutionary forces. A peace force was created to restore order and gradually the U.S. troops withdrawn.

Initially, the American rationale was that troops were sent to protect American citizens. Later, it shifted to the argument that American action was necessary because a democratic revolution had been taken over by Communist conspirators who had been trained for and had carefully planned the operation.

Congressional leadership was informed before the move was made, and supporting resolutions were offered for President Johnson's actions. The most prominent was House Resolution 560, endorsing the use of force individually or collectively by any country in the Western hemisphere to prevent a Communist takeover. It passed the House by a vote of 312–52.

On August 2, 1964, North Vietnamese torpedo boats were reported to have attacked the USS Maddox in international waters in the Gulf of Tonkin. The Maddox returned the fire, and aircraft from the US Ticonderoga also attacked the torpedo boats. The Maddox was attacked again, along with the C. Turner Joy on August 4th. On August 5th bases and an oil depot used as supporting facilities for the torpedo boats were bombed in retaliation, according to President Johnson's orders. President Johnson then asked Congress for a resolution "expressing the unity and determination of the United States in supporting freedom and protecting peace in Southeast Asia." Two days later Congress passed the Gulf of Tonkin Resolution, authorizing the President to take all necessary measures to insure the safety of the people of South Vietnam. Retaliatory air attacks on North Vietnam developed into a system of bombing raids which were not halted until October of 1968. Since the spring of 1965 the United States has attempted to settle the conflict through negotiations at the Paris Peace Talks. On the whole these talks have been highly unsuccessful.

On April 30, 1970, President Nixon announced the Cambodia invasion. This act, made solely on presidential authority was perpetrated with no previous consent of Congress or even consulation with congressional leaders. It is this incursion which brought to the Senate and the House many bills concerning the current war and the president's authority in foreign affairs.

COOPER-CHURCH AMENDMENT

The Cooper-Church Amendment is designed primarily to support the President's desire to stay out of possible war in Cambodia. It also includes provisions preventing the expenditure of money for troops retained in Cambodia.

"The Amendment, which the Administration is strongly opposing would prohibit spending appropriated funds to keep American forces in Cambodia, to pay for the operation of advisors or mercenaries from other countries in Cambodia, or to conduct any combat activity in the air above Cambodia after June 30th".

"On the face of it, this does no more than guarantee legislatively what Mr. Nixon has promised personally; in fact, the Cooper-Church Amendment is designed also to prevent a strong willed ally like the Thieu-Ky Government in Saigon from dragging or persuading Mr. Nixon into continuing military operations in Cambodia." [18]

"If the Senate imposes its will, the President will be handcuffed in future days of danger to this country and its citizens, both here and abroad, by compelling him to come to the Senate for authority to move our armed forces." [19]

If the President were required to come to Congress before each move, the enemy would have time to take adverse reaction. Taking powers from the President would, in essence, offer security to the enemy.

There is also a danger of Congress trying to appease the mobs. Walter Lippman said, "War is too serious a matter to be entrusted to public opinion."

Mansfield said, "Cooper-Church is an assertion of the constitutional responsibility of the Senate and the Congress with regard to the war in Indochina and its evolving course."

The Amendment bars funds for American advisors of Cambodian forces and prevents arrangements to provide troops from other nations to fight for Cambodia. There can be no U.S. air combat activity in direct support of Cambodian forces without congressional approval.

The Byrd Amendment is an amendment to the first section of the Cooper-Church Amendment. Opponents of the Byrd Amendment felt that it might provide an escape clause for the President. Without some provision for sending troops immediately wherever needed including Cambodia, communists would no longer have to worry about further attack on their sanctuary. The Byrd Amendment provides that the President would not be restricted from taking the action he deems necessary to protect the lives of our forces in the field or facilitate their withdrawal. The final draft of the amendment, was approved 79–5.

HOUSE RESOLUTION 17593

Theoretically H.R. 17598 provides both a limitation on presidential prerogative to commit U.S. armed forces to hostilities, and an opportunity for the Congress to "question a President's action from the start, to stand apart from hysteria and emotionalism sweeping the country, to pose alternatives, to probe relentlessly, to publicize constantly, to examine and debate implications of a President's action that the White House may neglect in its haste and concentration." [20]

The text of H.R. 17598 is too loosely worded to provide any enforcement. Key phrases such as those banning troop deployments . . . "unless the President finds that the safety of American or allied armed forces requires deployment," or of a "treaty obligation", are so open to interpretation as to be meaningless. The bill also makes no provision for attacks on U.S. ships or property in other countries, peacetime overflights or minor hostilities short of war.

H.R. 17598 is also attacked as being too rigid by those who feel that codification is the wrong way to limit executive authority. Professor Alex Bickel, Professor of Law, Yale Univ., calls codification "difficult, heavily prone to error, quite possibly dangerous, and unnecessary." [21]

Another bill, which is sponsored by Senators Javits and Dole, Senate bill S. 3964, contains more drastic steps than other bills. This bill contains a reporting requirement and requirements of affirmative legislation by Congress or an end to the hostilities within 30 days of their initiation. This step will be more controversial as the limitations on presidential authority are vague when Congress takes no action.

The bill establishes four situations when the President may commit U.S. armed forces to hostilities. Three concern attacks upon U.S. citizens, possessions or troops; the fourth employs the language of the National Commitments Resolution to cover compliance with "a national commitment resulting from affirmative action taken by the executive and legislative branches."

The McGovern-Hatfield Amendment to End the War No. 609 attempts to regulate the extent of the war in Indochina through the power of the purse.

Amendment No. 609 also poses no danger of inflexibility by committing us to a hazardous policy because it includes exceptions permitting executive freedom in the protection of the U.S. troops and prisoners during withdrawal, and it can be overridden by future congressional action if the circumstances change.

Professor John Norton Moore, University of Virginia School of Law, states that "proposals to require withdrawal of United States troops from Vietnam by a particular date would seem to dangerously undercut the

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Footnotes at end of article.

Presidential negotiating role. Though such proposals may be constitutional in a formal sense, they should be adopted only if Congress has strong reason to doubt the wisdom of the Presidential policies." [22]

. . . If the people, through their representatives, have no control over the commitment of their resources to war-making, the result is inconsistent with Constitutional democratic principles.[23]

SUMMARY

In conclusion, this committee believes that our report has shown that Congress has allowed an imbalance of Congressional and Presidential war powers to occur. We would like to state however, that this imbalance is not as serious as some members of the House and Senate would have us believe. Congress has not had its powers of war and peace taken away from them by the executive, they have simply failed to use these powers in the past.

As Congress begins to exercise the powers they have been neglecting they must make a supreme effort to discover and capture that "zone of twilight" where the Congress and the President can work together to devise and implement an effective foreign policy. While striving for this quest they must be on the watch that they do not infringe upon the sacred powers that the President holds as Commander-in-Chief.

FOOTNOTES

[1] Corwin, Edward, S. *The Constitution and What it Means Today*, Princeton University Press, 1958, pp. 25–26.

[2] For an analysis of the historical development of war powers see the article by Francis S. Wormuth, "The Vietnam War: The President versus the Constitution". It is reprinted in Falk, ed., *The Vietnam War and International Law,* Princeton University Press, 1969.

[3] Excerpts of statements made by Alexander M. Bickel, Professor of Law, Yale Law School, before the Subcommittee on National Security Policy and Scientific Developments, Committee on Foreign Affairs, House of Representatives, on The Roles Of The President and Congress In Exercising The War-Making Powers Of The Government, And on H.R. 17598.

[4] Excerpts from statements of Dr. W. T. Mallison, Jr., Professor of Law, George Washington University, to the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, House of Representatives.

[5] The power of the purse was the weapon used by the English Parliament to combat the exercise of despotic power by Charles I and James II. The Framers of the Constitution were certainly aware of its ability as a guarantee of the powers and privileges of the legislative branch.

[6] Harris, *Congressional Control of Administration*, 213–215 (1964).

[7] 83 Stat. 469 (1969).

[8] The Federalist.

[9] Ibid., Mallison, excerpts pp. 9–22.

[10] Fleming v. Page, 9 How. 603, 615, 618, (1850).

[11] Ex parte Milligan 4 Wall. 2, 139 (1866).

[12] Ibid., Mallison, pp. 13–14.

[13] Ibid., Mallison, pp. 2–3.

[14] The Amendment To End The War: The Constitutional Question, p. 6.

[15] At the same time, Truman placed the 7th fleet between Formosa and mainland China to prevent their attacks on each other.

[16] It is interesting to note that, even with the absence of the Russian delegate, the Security Council did not order, but that it only recommended that the member nations aid the South Koreans.

[17] A Gallup Poll taken at that time indicated that 80% of the people supported the Korean war.

[18] New York Times, May 24, 1970 "Who Is Saving Whom From What?", Tom Wicker.

[19] Evening Star, G. Lincoln, June 17, 1970.

[20] Excerpts from statements of James MacGregor Burns before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, House of Representatives, June 24, 1970, page 4.

[21] Ibid., Prof. Bickel, page 2.

[22] *The Constitution and the Use of Armed Forces Abroad,* Testimony before the Subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs by John Norton Moore, Professor of Law, University of Virginia, School of Law.

[23] "Indo-China: The Constitutional Crisis" Reprinted in the *Congressional Record* of May 13, 1970, p. 8.

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ANTI-MONTANA BALLISTICS—AMB'S—PART II

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 11, 1970

Mr. METCALF. Mr. President, Gov. Forrest Anderson of Montana came to Washington on August 5 to present testimony to the Subcommittee on Military Construction of the Committee on Armed Services. His mission was to bring to the attention of Congress the desperate consequences of the Safeguard construction program for Montanans who live in the host communities.

Governor Anderson very forcefully demonstrated that Safeguard Command's lack of foresight and planning will bring to Montana's economy the kind of chaos that is usually associated with disaster. The common denominator is the communities' inability to handle the situation without outside help. Governor Anderson asked Congress for that help.

Mr. President, I ask unanimous consent that the text of Governor Anderson's statement be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METCALF. Mr. President, I have previously outlined the problems to be faced by Montana as a result of the construction of Safeguard in our State. Today, I should like to take up in some detail the communities' grave fiscal problems which Governor Anderson presented so compellingly to the Armed Services Committee.

No State is a stranger to the inflation that grips this Nation, and Montana has suffered from it perhaps more than others.

The Sunday, August 2, Missoulian described farm loans at an alltime high.

Montana wheat farmers in the area of Safeguard impact, major wheat-producing region, are the victims of discriminatory freight rates, paying more than do farmers in other States for shipping their wheat to market. Their wheat is bringing 44 percent of parity in the market and the parity ratio for them, including their certificate payments, stands at 70 percent. Paying more for the things he needs than he receives for the things he produces, the wheat producer or the small businessman who serves him is frequently forced to borrow. One of my friends recently sought a loan to meet a tax payment. He went to his bank where he has dealt for years and was told that, of course, he could have his loan—at 15 percent interest.

That is inflation.

It is in this context then, that the financing of expanded facilities to accommodate the influx of population must be discussed. In the U.S. Army's Community Impact Report: "Malmstrom Deployment Area" this reality is totally ignored. The false assumptions of the report lead the Army to offer guidance to Montana communities which is about as useful to the purpose as would be a roadmap of Afghanistan. There is simply no connection with reality.

By far the most serious error in the Army's research apart from its implicit assumption that Montana communities will be the willing feudal fiefdoms eager to raise more money for the imperial defense, is their suggestion that the citizens should vote bond issues at 6.4 percent to be amortized over a period of 10 years.

Montana law limits the interest on bond issues at 6 percent, and the usual amortization period is 20 years. The legislature may increase the rate but the legislature does not meet until January 1971. Even if the rate is increased, bond issues must first be submitted to the voters, causing additional delay.

Suppose everyone were to oblige the Army, and the city of Conrad, for instance, floated a bond issue at 6¼ percent. All indications are that the bonds would not sell. A recent issue of Bond Buyers listed the Twenty-Bond Index for the week ending July 30 at 6.40. Many corporations have had to go to the marketplace and issue debt securities for 9 or 10 or even 11 percent. The institutional investor does better to buy the A.T. & T. investment package with warrants and 9 percent and pay the tax, rather than to invest in untaxed municipal bonds.

Inflation in the marketplace has worsened the possibilities of selling bonds for communities that have had great difficulty in selling them anyway because their bonding base is so small.

Add to the effects of inflation the effect in Montana of the June 23 Supreme Court decision holding unconstitutional the practice of limiting to property owners the right to vote on bond issues. As Governor Anderson has pointed out, this decision will require a change in the Montana constitution before bond issues can again be passed. This will cause more delay.

The Army report deals with taxes in the best tradition of an agency accustomed to spending other people's money.

Their projections of taxes to be collected from the temporary population—approximately half of the total influx of over 12,000—reflect their misjudgments.

The Army's report of the Malmstrom impact area includes in its total revenue projections the personal and real property taxes to be collected from temporary employees and contractors.

But mobile homeowners or tenants who move about this country and build things for us, or contractors with heavy equipment, should not be and are not taxed again and again as they move from one site to another. Nor should the permanent residents, personal and real property owners, provide the revenue to build and maintain schools, roads, and other community services used by all.

Safeguard sources estimate that the revenue that might be collected in property taxes from the employees of the system in 1970 is zero while total State and local tax revenue collected from those employees will be $1,105. In other words, the communities affected are to receive no revenue from the new population to support the expanded facilities they have made necessary. The present ratio in Montana is $191.61 per capita property tax—State and local—to $339.75 per capita total tax—State and local. Thus 56.4 percent of the tax revenue collected from the permanent residents is local property tax to pay for municipal facilities, as compared to no revenue from the new temporary population.

One might expect this imbalance to improve as the situation stabilizes. In 1971, however, the estimate for local property tax from the Safeguard population is only $5.07 per capita of a total tax figure of $502 per capita. In 1971 lower total tax figure is caused by the influx of lower paid "secondary employees," as compared to the higher paid technicians in 1970. The new ratio is still, however, only 1 percent of total tax revenue.

In other words, Safeguard employees will contribute enormously less to the local tax base than the present citizens of the impact area. Montana is presently No. 1 in the Nation in State and local property taxation per dollar of income. Montanans simply cannot be taxed to support a new population whose taxable property is mobile or nonexistent.

Even if a higher proportion of local taxes could be derived from the temporary population, they would not be collected until after the use for which they are collected is hard upon us. As Governor Anderson has pointed out, and as the Libby experience demonstrates, the reality is that most of the people will be gone before the facilities they need can be financed, let alone built.

Meanwhile, Montana property taxes are fearful. In 1968, our State ranked sixth in the Nation in per capita property tax revenue. Led by California at $226.18, Wyoming at $207.87, Massachusetts at $204.02, New Jersey at $199.73, and New York at $192.25, we are not far behind at $191.61.

On the other hand, Montana ranked 34th in 1968 in per capita disposable income of $2,543, below the national average of $2,930 and almost a thousand dollars less than the average of the leading six.

Therefore, with Wyoming, Montana at 6.5 percent ranked first in the United States in amount of property tax as a percent of personal income.

These are the people the Army wants to tax three times over.

This brings us right back to the second alternative for money raising open to the community that cannot command outside help: Borrowing.

Again, take Libby. A special appropriation built Libby's school, just as a special appropriation saved the Grand Forks Air Force Base school district and others from closure this spring.

Ignore, for a moment, as the Army did, Montana's statute limiting the interest on bond issues at 6 percent. Had the people of Lincoln County School District bonded themselves at 6¼, for 10 years, and had their bonds sold, their school would be constructed, the additional pupils would be gone, and the remaining debt left to be paid by the survivors.

On the question of bond issues, in Montana, Governor Anderson gave the Armed Services Committee the conspicuous fact omitted from the Army's fiscal fairy tale: No fewer than seven issues have been rejected by the voters in the area of impact in 1969 and 1970. As Governor Anderson said, 68.7 percent of municipal bond issues nationwide were rejected in June of this year.

Even if voted, how attractive is a 6¼-percent bond in an inflated market that has banks offering televisions, radios, memberships in social clubs, travel, and other inducements to attract savings customers?

Not very.

Chicago recently had a most difficult time selling a 7-percent bond issue. Louisiana bond issues are not selling.

Mr. President, may we not have the whole picture when the Defense Department says it wants a new weapons system? May we not know at the outset its actual cost? Is there any reason why Congress should not be fully informed? Is there any reason why the people of Montana, in this case, should not have been informed when the Army sought its appropriation as to what extras could be expected of them?

In recent years, because of increasing demands on the budget, Congress has been scrutinizing more carefully than ever before, the constantly escalating demands of the Defense Department, whose expenditures on military or defense-related items now total $106 billion, 53 percent of the national budget, according to Arthur Burns, Chairman of the Federal Reserve Board.

I have heard it said that there is no precedent for special appropriations to cover the ancillary costs of these hideously expensive, deadly, and often obsolete, gadgets so cherished by the military, for which all else must give way.

We cannot handle the inflation we have. We cannot handle more inflation, alone. The treble tax that the construction of Safeguard would levy on us is a burden dishonestly imposed by a machine which seeks to conceal the burden on others created by its insatiable appetite for hard goods.

The Congress has determined that phase one of Safeguard shall be built. Has it also determined that Montanans shall pay not once, for being on target, not twice through Federal taxes, but three times for the facilities to support a new Hydra of the weapons world?

The third alternative is Federal assistance. There are no other alternatives.

EXHIBIT 1

REMARKS OF GOV. FORREST H. ANDERSON TO SENATE SUBCOMMITTEE ON MILITARY CONSTRUCTION

The ABM is described by its supporters as a national defense system.

It was not designed to protect north-central Montana. It was designed to protect the entire nation.

We did not request that the ABM System be installed in Montana. Because of the weapons presently buried beneath the prairies of north-central Montana, the state will be the national bullseye in the event of an enemy attack.

I am here to discuss an important matter that has been largely ignored to this point in the ABM debate. That is: What impact will this system have on the affected communities of north-central Montana?

I believe the impact of the ABM will create adverse economic conditions and deteriorate the quality of life in these communities.

If the system is installed according to present plans, the property owners of north-central Montana will be forced to contribute more than $8 million to the national defense.

I believe this is an unreasonable demand upon the people of north-central Montana.

The Army Corps of Engineers Community Impact Report projects that $17 million must be expended to provide the facilities and services that will be required by ABM workers and permanent personnel.

This includes housing, schools, sanitary

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and medical facilities, utilities and police and fire protection.

The Impact Report includes no specific plan for financial assistance to the communities that will be required to expand federal matching programs.

The local and state obligation under these programs runs from 30 to 70 per cent. Assuming a median local obligation of 50 per cent, the small farming communities of north-central Montana will be required to provide more than $8 million of the expenditures projected for the six-year construction phase.

This is a lot of money.

I am not saying that the people of north-central Montana are unwilling to meet this demand.

I am saying that they cannot meet this demand.

The Engineers Report overlooks a number of very important factors that will make it extremely difficult for the affected communities to deal with the impact of the ABM System.

The report apparently is not cognizant of conditions in Montana.

For example, the projected interest rate for capital construction funding is computed at 6¼ per cent in the report. In Montana the interest rate limitation on municipal bonds is set at 6 per cent. This limitation was established by law. I am not certain that the state Legislature would be willing to raise it to accommodate the ABM System. Even if they will, it cannot be done until the Legislature meets next winter.

By the time the law could be changed and the bond issues passed, assuming the people approve the bond issue, the influx of ABM workers and personnel will be upon us.

The Impact Report anticipates an influx of 2,800 ABM connected people in 1971. Facilities cannot be built and services provided to accommodate these people in the time available. They will arrive in communities where sewer systems and other public facilities are presently near capacity. These are small communities of less than 3,500, except for Havre and Great Falls, which are some distance from the ABM sites.

Because of the lack of planning, I anticipate serious problems in the communities of north-central Montana during the ABM construction phase.

The Impact Report also ignores an important constitutional factor. Presently in Montana, only property owners are permitted to vote on bond issues. The United States Supreme Court has declared this practice to be unconstitutional. Therefore, the Montana Constitution must be changed before bond issues can be passed to fund the construction of the facilities that will be required to deal with the impact of the ABM System. This will require time.

These are important omissions.

But a great fault in the report is the engineer's assumption that the people of north-central Montana will approve bond issues to accommodate the ABM System.

All across this country there is a taxpayers revolt. In June of this year, Americans said "No" on 68.7 per cent of the dollar valuation of the bond issues they voted on. (See Table C.)

In Montana the voters are no different.

In the following communities, all of which will be affected by the ABM, the taxpayer revolt is a strong movement.

In Great Falls a bond issue for water and sewer system improvements was turned down two years ago.

In Chester two tax levies for school operation were voted down before final passage last spring.

In Cut Bank a recent bond issue for land acquisition was defeated.

In Shelby two elections were required to pass the school operating budget this spring.

In Dutton this spring a bond issue for the construction of an elementary school was turned down by a 2 to 1 margin.

Most of the communities to be affected by the ABM impact are presently taxing at near the limits established by law. (See Table B)

There isn't much easy tax money available in north-central Montana.

The population influx connected with the ABM System will increase the demands for local government services. This will mean extended police and fire protection, more classrooms, larger operating budgets and expanded sanitary facilities.

Where will the money come from?

The population influx will result in the expansion of the tax base in the affected communities.

But there are a number of contradictory factors that must be considered in this respect.

It is estimated that the population increases will not be reflected in tax receipts until up to two years after the people requiring services are in residence.

The ABM construction phase is expected to last six years.

Most of the construction workers to be employed will be in Montana only a short time.

They will not buy or build homes.

The principal source of revenue for local government is the property tax.

This is the source that must be exploited if expanded facilities and services are to be provided by communities affected by the ABM.

The property tax is a home owners tax.

Because of this, those people in north-central Montana who own their own homes will have to furnish the major portion of the additional tax revenues needed to accommodate the ABM.

In my opinion, there is no engineers report or other document which can justify this punishing additional tax burden.

There are many other factors the Engineers Impact Report failed to recognize.

Because of the severe winters, the construction season in Montana is limited. At least two years are required to complete most capital construction. Because of this, facilities will be completed at about the same time the workers will be moving on to another job. (See Table C)

Also the 6¼ per cent interest rate upon which the computations in this impact report are based is a figure out of history. Presently, long-term municipal bonds are selling at between 6½ and 7¼ per cent. Non-tax exempt revenue bonds are selling at 9.4 per cent. (See Table A)

It will be two years before the necessary capital construction needed to maintain a safe and sanitary environment for the ABM connected population increase can be completed.

If the Montana Legislature raises the interest limitation.

If the state law limiting the franchise in bond elections to property owners is changed.

If the people of north-central Montana are willing to tax themselves beyond their means.

If the winters are mild to allow accelerated construction schedules.

It seems to me that there are too many unanswered questions surrounding this supposedly vital project.

If these questions are not answered—and I don't believe they will be—the result will be chaos.

I believe the housing problems created by the population influx will be critical.

The Community Impact Report claims that there are 5,400 available housing units in the impact area. I do not believe it.

There is no doubt that housing must be constructed to accommodate the population increases. The engineers blithely forecast that the required housing will be constructed by "local entrepreneurs." Present interest rates, in my opinion, preclude any huge investment by local entrepreneurs. (See Table O.)

Consistent with the nature of the project, much of the required housing will be temporary. This type of housing is difficult to finance. It is a poor investment, because it is temporary and there is no one to guarantee the mortgage.

The report projects that 3,300 additional housing units will be required. It makes no specific recommendations as to how this housing will be provided.

The major fallacy regarding housing in the impact report is the assumption that population distribution can be determined in advance.

The engineers have decided that people migrating into the impact area will disperse to 10 towns, utilizing existing facilities to the maximum.

This is preposterous. It is like saying a roulette ball will fall on a particular number because there is a slot.

People will move to communities that provide housing, accessibility to every day services and social and recreational amenities.

Of the 10 communities considered in the report, only Great Falls, Shelby, Conrad and Cut Bank can provide these basic services and facilities and some of these cities are questionable so far as moderating the ultimate impact.

These communities, particularly Conrad, will receive the full force of the population impact. The sewer system in Conrad is presently near capacity. Something will have to be done and done quickly if a major health problem is to be averted.

Because of this fundamental planning error, I consider many of the statistics in the report to be invalid.

The report projects an enrollment increase of 1,900 in the region's schools. Additional plant facilities, supplies and teachers will be required if we are to maintain quality education in the affected communities. Tax revenues, construction time and public approval of bond issues are all lacking.

It appears to me that schools will be overcrowded and under-staffed.

We do not want this in Montana.

There will not be adequate ambulance service in the impact region. Consider what would happen if there were to be a major accident at one of the construction sites. There were no specific recommendations in the impact report for the upgrading of ambulance service.

There is no reason to believe that the ABM, like all weapons systems, will not become obsolete in a short time.

As I understand it, the ABM is specifically designed to protect the Minuteman ICBMs from enemy attack. When the Minuteman becomes obsolete, the ABM will have nothing to protect.

If the communities of north-central Montana bond themselves for 20 to 25 years, who is to guarantee that ABM connected people will still be on the tax rolls. An obsolete defense system is not going to carry much of a payroll.

Because of haphazard planning and lack of consideration for the people in the communities to be affected by the ABM, I believe we will encounter serious problems during the next six years.

More than 15,000 permanent and temporary workers and military personnel and secondary employees will come to north-central Montana at the peak period of ABM construction.

They will face housing shortages, overcrowded schools, unsatisfactory sanitary facilities and numerous other problems that will significantly deteriorate the quality of life.

The communities of north-central Mon-

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tana do not have the resources, the legal power nor the responsibility to prevent these unfortunate conditions.

I recommend that this committee initiate a new approach to deal with the impact of north-central Montana.

I recommend that the federal government assume the full responsibility for planning for and maintaining a decent quality of life for the ABM workers, military personnel and Montanans who will be affected by the construction.

I recommend that military housing be integrated within existing communities to lessen the impact of eventual abandonment.

I recommend that adequate planning be undertaken to prevent a sprawling rural slum from growing like a tumor on the prairies of Montana.

In Montana we have experienced the boom and bust philosophy of military construction. This has been an unfortunate experience and I believe it is time for a change.

TABLE A—CAPITAL CONSTRUCTION TIME LAG

The Federal Housing Authority's Accelerated Housing Program, which was designed to complete a housing project in 15 to 16 months, has failed in Browning, Montana.

The pre-construction phase was begun in April of 1969. Construction began in April of 1970, and the completion date is now projected for October of 1970. It will eventually take 30 months to complete this Accelerated Housing Program.

TABLE B.—FINANCIAL STATUS OF INCORPORATED CITIES

City	Revenue	Expenditures	Assessed valuation
Chester	$113, 190. 44	$113, 916. 85	$2, 783, 499
Shelby	398, 110. 00	422, 356. 00	9, 162. 012
Sunburst	61, 929. 00	67, 074. 60	1, 274, 946
Kevin	33, 044. 00	31, 229. 44	1, 182, 808
Conrad	349, 688. 63	329, 668. 08	10, 173, 739
Valier	42, 279. 22	41, 115. 35	2, 303, 839

TABLE C.—TAXPAYER REVOLT—NATIONWIDE, JUNE 1970

Bonds	Amount	Percent
Defeated	$693, 395, 000	68. 7
Approved	316, 585, 800	31. 3
Total	1, 009, 980, 800	100. 0

TABLE D—INTEREST RATES

	Percent
Impact report interest computed at	6¼
State limitation by law	6
As of July 1970, municipal long-term bonds are selling at	6½–7¼
As of July 1970, nontax exempt revenue bonds are selling at	9. 4
Interest rates for private loans to finance housing construction	8½–9½

ECONOMIC DEVELOPMENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. CAREY. Mr. Speaker, I am today introducing legislation to promote the economic development of the Trust Territory of the Pacific Islands.

This bill will authorize the appropriation of $5 million to the Secretary of the Interior for payment to the government of the Trust Territory of the Pacific Islands for the purpose of promoting the economic development of these islands.

The bill establishes an Economic Development Loan Fund. The bill requires that before such funds are made available the government of the Trust Territory must submit a plan for the use of these funds to the Secretary of the Interior. The plan must set forth the policies and procedures for furthering the economic development through a program of loans and loan guarantees to encourage the development of private enterprise and private industry. The loan and loan guarantee program will be of the revolving fund type, and such loans are to be made on the basis that financing is otherwise unavailable on reasonable terms and conditions.

All loans under this program will be limited to 25 years and require the payment of interest. The bill also places limits upon the amount of any loan or loan guarantee. The bill requires proper fiscal controls, accounting, and auditing of the fund. The High Commissioner is required under the bill to submit an annual report to the Secretary of the Interior on the administration of the Fund.

Mr. Speaker, my reasons for introducing this legislation are threefold, despite my acute awareness of the necessity for fiscal restraints. First, Mr. Speaker, I share the concern of the people of the Trust Territory of the Pacific Islands for the economic development of their islands. While I agree that too little has been accomplished in this area during our administration of these islands, I hasten to add, that perhaps the passage and enactment of this legislation will remove any impediment to progress in this area by our administration, and also, give the Micronesian people cause to reflect upon their own customs and initiatives which impede the economic development of these islands. It is not my intent by this legislation to force economic development on these people as has been the case in the past. My interest is, in promoting the initiatives of the Micronesian people to foster the kind of economic development they want with this "seed" money, and recognizing that this can and cannot involve non-Micronesians, depending upon the wishes of the people themselves.

Second, I introduce this legislation as a means of demonstrating and reaffirming the good faith of the United States in meeting its obligation to promote the economic development of the Trust Territory of the Pacific Islands and its inhabitants. We should keep in mind that Congress has continually provided increased appropriations for the governance and development of Micronesia. This legislation reaffirms the good faith of this Nation in promoting the economic development of the trust territory, because in the 88th Congress, Public Law 88–487, granted a sum of money to promote similar interests.

Third, Mr. Speaker, I introduce legislation in the interest, and hope, that its passage and enactment will promote a closer political association between the United States and the people of the Trust Territory of the Pacific Islands. As discussions on the future political status of these islands progress, and their people are pondering the old and new horizons for political association, I am brought to the consideration and feeling that in my association with the people of Micronesia, there is room for the preservation of the customs, traditions, and culture of the Micronesian people in this family of democracy despite its infirmities.

A PRAYER BY DR. SAMUEL ARTHUR JEANES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. HUNT. Mr. Speaker, I would like to share with my colleagues a prayer offered on May 4, 1970, at the opening of the New Jersey State Legislature by my very good friend and pastor of the First Baptist Church of Merchantville, N.J., Dr. Samuel Arthur Jeanes:

> Heavenly Father, we are ever mindful of our needs . . . of our fears . . . of our sins . . . of our hopes . . . and of our aspirations to do Thy will. Quietly we wait before Thee today for that strength that comes through being still and knowing that Thou art God. Remind us that He who is within us by faith is greater than he that is in the world. May our words be in harmony with Thy Word of Truth and may our judgments be squared with the yardstick of Divine Law.
>
> Today we earnestly pray for the President of the United States and those associated with him in their effort to restore some semblance of peace to the earth by driving back to their borders those who have kept millions of people in fear by the constant jangling of the threatening chains of Godless oppression. Bless those in the military service of our land. May they successfully complete the mission of making the Far East safe from the aggression of Communism and may they soon be able to return to their homes again.
>
> We would also pray for Thy restraining hand upon those who with violent means and raucous outcrys seek to intimidate our leaders and even destroy the institutions of our nation.
>
> In these days, dear Lord, steady our minds, strengthen our wills and sustain our spirits. May the labor of our hands as well as the prayers of our hearts seek freedom for all, justice among all, peace to all and good-will by all. We pray in the name of our Saviour whose will is peace to men of good-will. Amen.

Following is a second prayer which Dr. Jeanes thoughtfully sent to me, "The Motorist's Prayer":

THE MOTORIST'S PRAYER

> Our Heavenly Father, we ask this day a particular blessing as we take the wheel of our car. Grant us safe passage through all the perils of travel; shelter those who accompany us and protect us from harm by Thy mercy; steady our hands and quicken our eyes that we may never take another's life; guide us to our destination safely, confident in the knowledge that Thy blessings go with us through darkness and light . . . sunshine and shower . . . forever and ever . . . for Jesus' sake. Amen.

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RESULTS OF DISTRICT PUBLIC OPINION POLL

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, early this summer Time magazine said, "Seldom in U.S. history has it been so urgent that calm and reasoned voices be heard above the tumult and the shouting."

This summer nearly 30,000 sixth district Wisconsin residents completed and returned my annual questionnaire on public issues. This is the largest response in the 4 years that I have been running this poll. To see so many people calmly showing an interest in questions affecting our lives and government is a sign of encouragement.

Sixth district questionnaire results were carefully tabulated on a city-by-city basis.

Replying to the question, "Do you approve of President Nixon's handling of the Vietnam war?" all seven counties in the district gave Mr. Nixon majority support. Approval ranged from 70 percent in Fond du Lac county to 58 percent in Washington county. Support averaged 66 percent district wide.

According to a national Gallup poll, Nixon support nationwide was 55 percent in mid-June, when my questionnaire was in the mail. The Gallup poll reported early this month that Nixon support rose in July to 61 percent. It appears that the returns on the sixth district questionnaire are not far out of line with national trends.

A comparison of returns from men and women was made on a random sample basis. We found from this that President Nixon's support on Vietnam was lower among women than it was among men, by a difference of 63 to 70 percent.

Further disagreement between men and women emerged from analysis of the second question, "Should the U.S. give arms and advisory support to Cambodia?" The reply was Yes—Men 61 percent—Women 51 percent.

On all other issues covered in my questionnaire, men and women were in close agreement.

Strongest agreement among residents of the sixth district came in response to the question, "Should the government be allowed to use wiretapping to combat organized crime?" Nine out of 10 people—90 percent—said they favor wiretapping under such circumstances.

Ending student draft deferments was supported by a 69 percent to 31 percent margin. More than four out of five respondents—83 percent—favored amending the U.S. Constitution to provide for direct election of the President.

The volunteer army proposal was favored by a margin of 55 percent to 45 percent district wide.

District respondents to the June poll said they are not willing to pay higher taxes to support an all-out fight against pollution. The count was 59 percent against to 41 percent for. On a county basis, response ranged from 69 percent "No" in Calumet county to 54 percent "No" in Sheboygan, Washington and Winnebago counties. Support for increased taxes to fight pollution was strongest in cities located on the shores of Lake Michigan and Lake Winnebago.

On the pollution question, many people remarked that government should launch an all-out fight by cutting back in other areas, and that polluters themselves should pay the costs of cleaning up the environment.

There was 63-percent agreement that inflation is our number 1 domestic problem. People in Winnebago county answered "Yes" to this question in a margin of 80 to 20 percent. In Calumet county 56 percent thought inflation is the number 1 problem. People responding "No" listed student unrest, drug abuse, poverty, racial problems, and rioting as other areas of prime concern.

Complete figures on a county basis are as follows:

THE RESULTS OF THE 6TH DISTRICT OF WISCONSIN QUESTIONNAIRE SURVEY OF 1970

[In percent]

	Calumet	Fond du Lac	Green Lake	Ozaukee	Sheboygan	Washington	Winnebago	District
1. Do you approve of President Nixon's handling of the Vietnam war?								
Yes	66	70	65	63	69	58	66	66
No	34	30	35	37	31	42	34	34
2. Should the U.S. give arms and advisory support to Cambodia?								
Yes	52	66	59	47	56	56	53	56
No	48	34	41	53	44	44	47	44
3. Should student deferments be ended?								
Yes	74	69	68	68	69	65	68	69
No	26	31	32	32	31	35	32	31
4. Should we move to a voluntary army to replace the draft?								
Yes	54	62	49	56	58	58	48	55
No	46	38	51	44	42	42	52	45
5. Do you feel that inflation is our No. 1 domestic problem?								
Yes	56	58	62	67	61	65	68	63
No	44	42	38	33	39	35	32	37
6. Would you be willing to pay higher taxes to support all-out fight against pollution?								
Yes	31	40	35	42	46	46	46	41
No	69	60	65	58	54	54	54	59
7. Should the Government be allowed to use wiretapping to combat organized crime?								
Yes	92	91	88	86	93	91	85	90
No	8	9	12	14	7	9	15	10
8. Do you favor amending the Constitution to provide for direct election of the President?								
Yes	78	88	84	80	87	86	80	83
No	22	12	16	20	13	14	20	17

ENVIRONMENTAL PROTECTION AGENCY

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. BUSH. Mr. Speaker, I support the proposed Environmental Protection Agency. By policy, by statute, and by public insistence this Government is pledged toward the achievement of a new quality of life in America. The key toward this accomplishment is the new Environmental Protection Agency. The environmental protection activities of the Federal Government are entirely too fragmented and the resulting confusion only hinders the effort.

There are those who feel that the singleness of purpose of such an agency might not adequately protect technological advancement and that in attempting to sustain life, we will in fact stifle it. This is a fair criticism. However, after assiduously studying the proposal, I am convinced that it contains sufficient requirements to protect our society from this kind of over-zealousness.

Because of the potential adverse effects of pesticides on humans and the environment, the Government has regulated them for some time. For over a year now this administration has been working to reduce the ecological consequences of these products. As a result the use of DDT in this country is on the way out. There are uses for pesticides for which there is no substitute. So new ideas—such as reduction in quantity and application—are being tried. The increased emphasis upon pest control research that will result from this proposal is most encouraging.

It is extremely important, Mr. Speaker, that the Federal Government's activities to control pesticides, pollution, et cetera, be unified under the responsibility of a single agency dedicated to the preservation of our environment. One has only

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to look at the deserts of the Middle East to realize the results land misuse or climatic changes can have on the quality of life. Two thousand years ago people could not predict the effect a change in a riverbed, fertilization changes, or the loss of trees, birds, or insects could have on their environment. But, we can foresee that effect now. We have a choice. It is up to us to make it.

PUBLIC LIBRARY FOR APACHE, OKLA.—A COMMUNITY PROJECT

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. STEED. Mr. Speaker, the General Federation of Women's Clubs of Sears, Roebuck & Co. has recognized the combined efforts of three federated women's clubs of Apache, Okla., for their initiation and maintenance of a public library which serves the entire community.

The Apache Study Club, the Apache Jaycees Jaynes, and the Boone Extension Club were honored as State winners and as contenders for national honors by the community improvement program sponsored by the national federation club organization for the years 1968–70.

I believe that this community's determination and cooperative efforts to achieve such a public-minded goal deserve the attention of us all.

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The Apache library fulfilled a dream of many years for the citizens of the town. Many realized the educational and cultural need for the library but found that the financial aspect was too large a stumbling block to face. For awhile this need was provided for by the use of a local bookmobile which served both old and young, but which was discontinued because of a lack of funds.

In early 1968 the Apache Study Club decided to start the library plans in motion and became the first sponsor of the community project. However, they were soon joined by the other two clubs, and community interest was soon to grow to include the combined efforts of each individual to do his part to make the library a permanent facility in the city.

Financing the operation of the library appeared to be the biggest obstacle to overcome; however, with such projects as book and fund drives many of the burdens were solved. The largest single contribution was made by the board of directors of the Clark-Bohart Community Building who furnished the library board, composed of members of each of the three sponsoring organizations, with a rent free room to house the library. Workdays are held at which time townspeople help to keep the library in good shape.

Recently, the library board met with the town council to work out a plan whereby some town funds are appropriated to the library, including full payment of the librarian's salary.

The library, which officially opened on May 18, 1968, now consists of several thousand books, mostly donated, with approximately 250 families checking out nearly a hundred books a week.

Through the leadership of library board members Mrs. Walter Gilbreath, Mrs. Robert Crews, Mrs. Danny Swanda, Mrs. Donald Payne, Mrs. Marvin Lair, and Mrs. A. J. McMahan, the library has continued to grow and has become a source of great satisfaction to all who have contributed in any way, and it is a true credit to the community.

The three federated women's clubs can truly be proud of their fine accomplishment and deserve our congratulations and praise.

FEDERAL SPENDING: A LETTER TO NAM MEMBERS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. HALL. Mr. Speaker, the President and economy-minded Members of the Congress are not the only ones disturbed by high appropriations and their effect on the economy.

W. P. Gullander, president of the National Association of Manufacturers, has written an open letter to NAM members discussing the need to bring a systematic approach to the matter of spending priorities. I insert Mr. Gullander's letter in the RECORD:

FEDERAL SPENDING: A LETTER TO NAM MEMBERS

DEAR MEMBER: The federal budget picture has worsened alarmingly on both the expenditure and income sides. We are seeing estimates of a deficit for this fiscal year reaching $10-15 billion. The expectation of such a large deficit is most discouraging at this time when monetary and fiscal anti-inflationary policies are finally taking hold. It is not surprising, therefore, that there have been increasingly frequent hints about the need for broad-based higher taxes next year.

If this nation is not to have a continuing series of fiscal crises resulting from chronic deficits or a constantly increasing tax burden, a critical examination of priorities and spending programs is essential. This has been stated so often that it is in danger of becoming a political cliche instead of the policy axiom it should be. One thing that is clear about setting priorities is that not every spending program can fall into the category of essentiality. Some things have to wait and other things, no matter how venerable, have to be cut back or eliminated. Because this is not a simple choice, and because making such choices requires time, NAM and others supported the Revenue and Expenditure Control Act of 1968, which included a spending ceiling and a temporary income tax surcharge. However, the solutions incorporated in that legislation certainly were not the blueprint for a way of life.

The "spending ceilings" for fiscal 1970 and 1971 bound the Administration but not the Congress. An arbitrary limit to spending, even if it were not as replete with exceptions or as spongy as the last two, is not the most effective approach to this very complex problem of public policy.

Two first steps toward more fundamental reform merit serious attention by the Congress. The Federal Economy Act of 1970, if enacted, would begin the process of cutting back and eliminating inefficient and uneconomic programs. Consideration of all appropriations requests in two bills, one for Defense and one for all other programs, would require Congress to make an overall review of the total impact of its spending authorization.

I urge you, therefore, to support these efforts to bring a systematic approach to the matter of spending priorities. Now is also the time to insist on maximum efforts on the part of both the Administration and Congress to:

Stay within budget requests.

Phase out and cut back doubtful and outmoded programs.

Resist making commitments for future spending until the fiscal situation has improved.

Only through such actions can we control the growth of future spending and wisely use those resources which are allocated to the public sector without imposing a harmful burden on the remainder of the economy.

Sincerely,

W. P. GULLANDER.

REFORM IN THE WINGS

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. BOGGS. Mr. Speaker, the New York Times on August 10, 1970, had an excellent editorial on the bill to regulate television campaign spending.

The editorial pointed out the strengths of the House version of the bill, correctly giving credit to Representative TORBERT MACDONALD of Massachusetts.

I commend the editorial to my colleagues:

REFORM IN THE WINGS

With Congress rushing toward a recess, there is some danger that an excellent House bill to regulate television campaign spending will give way to an inferior Senate bill with the same purpose.

Under both measures Federal candidates could be charged at no more than the lowest TV rate enjoyed by commercial advertisers in the same time period, a significant reduction from present costs. Both bills would limit the amount a candidate could spend on this most potent and expensive of all the media; the ceiling would be $20,000, or the equivalent of seven cents for every vote cast in the last election for the same office, whichever is higher.

And both would suspend the present equal-time requirement for Presidential candidates, allowing broadcasters to give the major contenders free time without having to make an equal donation to standard-bearers of the Prohibition Party, the Vegetarian party and the like. Assurances have been given, however, that a significant minor party candidate—a George Wallace, a Henry Wallace, a La Follette—would get the same treatment as the Republican and Democrat.

Either bill would be a historic step forward, and both do credit to the invaluable work of the National Committee for an Effective Congress in promoting the legislation. But the House bill, introduced by Torbert Macdonald of Massachusetts, is so significant an improvement over its hastily drawn Senate counterpart that we hope any attempt to substitute the latter in the course of this week's House debate will be readily beaten off.

One advantage of the House version is that candidates for governor and lieutenant-governor are included, as they should be. More important, the law would apply to primaries, with the spending limit fixed at half of that provided for general elections.

The only real advantage in the Senate version is that it has already passed that chamber. The House bill, if it remains in its present form, would still have to run the risks of a conference committee and another Senate vote. But the inclusion of campaigns for governor is so clearly desirable and television spending in primaries is of such vital importance (as several Democratic Senatorial aspirants in this state can testify) that the possible tactical risks are plainly worth taking.

NATIONAL PUBLIC EMPLOYEE RELATIONS ACT OF 1970

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. MIKVA. Mr. Speaker, long years of experience since the 1930's have proven that the public interest in employee-management relations is best served by a system which protects the rights of employees to organize, choose their representatives and bargain collectively. Such a system has now been developed to a high level of precision through years of experience before the National Labor Relations Board and in the Federal courts. I dare say that even the most promanagement lawyer or legislator would be reluctant to return to the rough and tumble days of labor unrest, antistrike injunctions, and frequent labor-management violence.

Yet as fundamental as the rights to organize, bargain collectively, and be protected from unfair labor practices are, there is still a large sector of American labor which is denied these rights—public employees. In recent months we have begun to reap the harvest of denial to this large segment of American labor of these basic rights to organize and act in concert for their common good. The strike of postal employees and teachers are only two examples of situations which reached the point of no return because of the failure of compulsory bargaining requirements for management—in this case the Government. Clearly, if the last 30 years have shown us anything about labor-management relations, it is that the public interest in peaceful resolutions of labor-management disagreements and disputes is best served by guaranteeing employees the rights of organization and collective bargaining and providing a framework within which those rights can be effectively exercised.

My belief is that we have now reached the stage in this country where public employees—Federal, State and local—should be accorded the same rights which their nongovernmental brothers have had for over a generation. I say this not because this is a prolabor position, but because history has shown that the interests of all parties—labor, management and the public—are best protected when an orderly, fair, and enforceable procedure is available for peaceful resolution of disputes about wages, hours and conditions of employment.

The recent inflationary spiral which has been so devastating to the working people of this country has merely emphasized what should have been clear earlier: the public employees of this country ought not be dependent on the largesse of Government officials and State legislatures or Congress for adequate incomes and decent working conditions. In 1935 Congress determined, in adopting the National Labor Relations Act, that the best guarantee of fair wages and decent working conditions was to allow employees to organize in such a way that they could effectively represent and defend their own interests. Only in the area of agricultural labor and public employees do we cling to the idea that the employer or the Government can represent and defend those interests better than the employees themselves. When the Government and the employer are the same, the argument becomes patently untenable.

The bill I am introducing today, which was first introduced earlier this year by my friend and colleague from New York (Mr. GILBERT) would establish the congressional policy of "encouraging the practice and procedure of collective bargaining and protecting the exercise by public employees of full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection."

The bill would define the rights of public employees, would provide for union dues deductions by Government employers, and would define unfair labor practices by both public employers and employees. It would establish a procedure for choosing labor representatives of public employees through elections, much as under the present Wagner Act, and would provide additional procedures for the resolution of unfair labor practice complaints by either management or labor. The collective bargaining framework established by the bill contemplates the possibility of binding agreements for the arbitration of unresolved grievances and disputed interpretations, and allows either party to go to court to enforce provisions of such agreements once they have been authoritatively determined. Finally, the bill provides for administration of its procedures by a five-man National Public Employee Relations Commission appointed by the President and confirmed by the Senate, and for mediation of disputes by the Federal Mediation and Conciliation Service.

Once passed, the act would apply to all Federal, State, and local employees, but any State could by law establish its own procedures for public employee-employer bargaining which, if substantially similar to the Federal law, would then apply. The act would, of course, supersede all existing Federal and State law on the subject of public employee-employer relations to the extent the preexisting law is inconsistent with the act.

Mr. Speaker, for too long the public employees of this country have been the forgotten men and women of the labor movement. In maintaining that these citizens were public servants first and Government employees second, we have stolen from them the single most effective tool which they possess for guarding their own best interests—the right to organize and bargain collectively. Those who oppose the idea of collective bargaining for public employees will inevitably object that the right to bargain collectively ultimately means the right to strike. I would point to the fact that the present system—in which the Government supposedly guarantees the best interests of its employees—has not avoided strikes by public employees, even though in some cases such strikes are illegal.

What the existing practice has proven is that when no adequate mechanisms exist to protect the interests of employees and to adjust their legitimate grievances about wages, hours and working conditions, no threat of jail can ever keep them at their jobs. A far fairer—and ultimately more effective—way of handling public employee-employer differences is to provide a well-balanced, structured procedure for articulation and adjustment of those differences. In short, a system of public employee-employer relations established by law which provides adequate protection for all concerned better serves the public interest than relying on the omniscience of Government bureaucrats and legislatures. In the long run, it will mean better protected public employees, fewer grievances, and better public services.

ELSIE HILL, CRUSADER FOR WOMEN'S RIGHTS

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. WEICKER. Mr. Speaker, one of the reasons for the greatness of the State of Connecticut has been tremendous citizen participation at all levels of government. No one has more graphically demonstrated the commitment to citizen involvement than Miss Elsie Hill of Norwalk. Her entire life was devoted to the crusade for women's equality.

Elsie Hill's achievement as the first woman voter in Norwalk was not without previous struggle. Prior to approval of the 19th amendment, she was jailed three times for leading demonstrators in marching crusades for women's voting rights.

Miss Hill's consistent influence was particularly forceful as national chairman of the Women's Party in 1920. Through this office, she initiated the movement for a constitutional guarantee of equal rights for women.

There is not one of us in politics in the State of Connecticut who was not called by Elsie Hill.

If ever the word persistence applied, it applied to this kindly lady.

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Last week, Miss Hill passed away. Today the House of Representatives passed legislation bringing into being her life's dream. We may all reflect on this legislation as symbolizing the fulfillment of her personal dedication and political struggle.

I am proud to vote for this constitutional guarantee of equal rights for women. But of even greater importance, this is my way of officially recognizing the concept that one individual can have a profound effect on the policies and laws of our great United States.

SOUTH VIETNAM: HOW BAD ARE ITS PRISONS?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. SCHMITZ. Mr. Speaker, having just read an interesting article concerning the facts about Con Son prison, by Father Daniel Lyons, writing in Twin Circle magazine, I would like to share it with all who are concerned about the matter. The article follows:

SOUTH VIETNAM: HOW BAD ARE ITS PRISONS?

(By Daniel Lyons, S.J.)

When a Senate investigating committee announced last year, after thorough investigation that American prisons were often overcrowded, that staffs were badly trained and underpaid, and that huge amounts of narcotics were being smuggled and bribed into U.S. prisons, the American press cared so little about our citizens in prison it hardly mentioned the report. But when two out of a committee of 12 Congressmen made a minority report about glimpsing some crowded cells in the Con Son prison in South Vietnam, the U.S. press used it to show how "unworthy" South Vietnam was of our support.

Most of the reporting was by a young law student at Catholic University who only spent a few hours at the prison. Yet the nation's press said the student's report "dealt a severe blow to the credibility of officials of President Thieu's Saigon government—perhaps the most damaging yet as far as Americans are concerned." The media kept quoting the student as saying: "Nothing yet indicates anything will be done. . . We're supporting a very ruthless, distorted and repressive regime."

The student, one Thomas Harkin, was at odds with the Congressional committee's report so he resigned from its staff in exchange for nationwide publicity. He got infinitely more press coverage in the U.S. than did all 12 congressmen put together. The only Congressman who got much coverage was the one who, like Harkin, used the prison story for a general condemnation of South Vietnam. The Congressman, Rep. William Anderson of Tennessee, kept attacking South Vietnam for imprisoning some Vietnamese leaders who publicly advocated a Communist takeover under the guise of peace at any price. Not they, however, but hardcore Communists were the only prisoners in the controversial cells, the South Vietnamese government reported.

The Tennessee Congressman seems to have no sense of history. Our own country has had to act similarly in time of war. A nation that is weak and under attack does what it has to do. The U.S. Supreme Court now occupies the very site of the Old Capitol prison, where hundreds of civilians were kept without trial by President Lincoln because they were suspected of Confederate sympathy. The prison was notorious for its brutal conditions. Nearby, at Point Lookout, Maryland, where the Potomac empties into Chesapeake Bay, 3,300 Confederate prisoners died in the years 1864 and 1865. They died from malaria in the summer and cold in the winter because they had to live out in the open 12 months of the year. The 3,300 were buried there in one mass grave. Thousands of Confederate prisoners died of mistreatment and disease in prisons near Columbus, Ohio, near Chicago, Illinois and elsewhere.

WHAT ABOUT U.S. PAST?

Twelve thousand Unionists died at Andersonville, Ga., in a notorious prison camp commanded by Captain Henry Wirz. True, that was a hundred years ago. But is South Vietnam not poorer and weaker now than we were then? Is her security not more seriously threatened? And what about our prison camps for American citizens and others of Japanese descent during World War II?

If we are to condemn the Thieu government as "ruthless" and "repressive," must we not condemn Lincoln and his regime just as much? Yet we do not call President Lincoln "repressive." The same should be true of President Thieu, whom I have met with many times and whom I know to be very kind and very conscientious. So was President Diem, but you could never convince people who have relied on ultra liberal sources for their information.

It is an old stunt to label a prison cell an animal's cage. Any prison cell can be called that. The animals at the zoo have pretty nice quarters. But what is worse than the solitary confinement found in our U.S. prisons? Last March I visited most of the prisons in South Vietnam, where the North Vietnamese and Vietcong soldiers are being kept. How our soldiers in North Vietnam must envy them? Every prisoner has the run of the camp, with its many acres. The prisoners are well fed, get the finest medical attention, and live healthy lives. They spend a lot of time out-of-doors, and it is a South Sea climate. They can send and receive mail regularly. Their families are permitted by prison officials to visit them frequently. They have ample time for sports. They take showers as often as they want. They are given schooling, they learn a trade, and they receive compensation for their work.

I have never been to Con Son Island, but I would like to quote an American who has lived there since the spring of last year: Chief Petty Officer Ed Little, U.S.N. Little has just returned to San Leandro, California, for a visit with his family. He has this to say: "I have never seen the cages. But generally the prisoners just run at large over the island and are well treated. I have never seen one struck or mistreated.

"The prisoners work at agriculture, fishing and menial jobs. They get two hours for lunch and siesta every day. They get a full week for the Tet holiday and they never work on Sunday."

RED CROSS INVESTIGATES

The International Red Cross investigates the prison regularly, Little said, usually with British (but never U.S.) officials. Any small cells or "cages" would be in the old French buildings, he explained. As the French governed Vietnam until just 16 years ago, and as the country has been at war with the Vietcong and North Vietnamese ever since, it is not surprising that some of the French prison buildings have not yet been replaced. But Little explained that most of the prison buildings are new, and most of the prisoners run free.

We could easily talk about "cages" in the older sections of American prisons. But we should point out, since much of the press will note that on July 20 the Saigon government announced that any such cells will no longer be used.

The real question is: why did this hasty and ill-conceived report become one of the major news stories of the year? People keep coming up with all kinds of difficulties about our being in Vietnam. They keep raising endless doubts. But they have never been able to show how it is going to improve Southeast Asia to let the Communists take over, or how such surrender will promote peace in the world. Many Americans find it frustrating when you tell them that. But it is a fact.

THE EQUAL RIGHTS AMENDMENT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. WALDIE. Mr. Speaker, I voted against the equal rights amendment to the Constitution though I fully support the avowed objective of ending discrimination based on sex.

My reasons involved a deep conviction that the amendment to the Constitution was not subjected to the intense scrutiny that legislative hearings and lengthy debate would have provided. The consequences of this amendment are far reaching, and, in my view, little understood. The procedures by which the House considered this proposal, precluded any evidence or examination of these consequences. Debate of only 1 hour is clearly insufficient to provide these answers.

I do not believe the chairman of the Judiciary Committee contributed to a solution to this problem by his refusal to hold hearings over these many years. They should have been held and they should have been extensive and exhaustive.

Though I understand and sympathize with the exasperation occasioned to the supporters of this amendment by the refusal of the chairman to hold hearings, I do not believe their "cause" was well served by forcing the issue after only 1 hour of examination.

I believe the amendment may have had the effect—not of granting rights to women they do not now have—as was intended, but, instead, of depriving women of privileges they now have and should retain.

Privileges, for the most part, centered on the basic fact of American culture that women have the prime responsibility of maintaining intact the family unit. I do not find that responsibility degrading in any respect but instead believe it to be the primary responsibility of our society.

Laws such as this amendment that would make performance of that responsibility more onerous are undesirable.

Most perplexing of all, were the arguments in favor of the amendment that women would now be subject to military draft. I would find that totally inconsistent with American society.

I find it abhorrent to require drafting of 18-year-old girls and of mothers for military service on the same basis as men.

The inequities in employment opportunities that this amendment sought to cure need solution. But the solution proposed should be carefully limited to the problem addressed. This amendment was not so limited and will, in my view, do irreparable harm to women in their legitimate obective of removing artificial obstacles to individual accomplishment.

NO RIGHT TO CIVIL DISOBEDIENCE

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. BURTON of Utah. Mr. Speaker, it seems we have been deluged recently with riots, marches, and demonstrations of all kinds in attempts to air grievances. Whether rightly or wrongly, many have felt that their country either has not lived up to its traditions and ethical principles or has not changed rapidly enough to deal effectively with new problems. What disturbs me is that many of these people are taking to the streets, burning, pillaging, and rioting, causing millions of dollars worth of damage, senseless injuries to thousands, and even some deaths.

Participants in violence say it is a protest against the "capitalist establishment," "the war in Vietnam," "the Chicago trial," "student repression," "police brutality," and a list of other grievances against America in 1970. Some of these grievances are real, some are fancied, and others are false. But all deserve to be aired. To the degree that they are not aired, are not taken seriously, Americans break faith with their young.

One thing is certain, however, effective change and progress can be achieved only within the context of the rule of law. This is the rule of law that is not arbitrary law but flexible law based upon our Constitution.

If one point is to be emphasized it is that violence in any form, in any measure, under any circumstances, is not a legitimate means of protest or mode of expression. It can no more be tolerated in the university community than in the community at large. If there is to be orderly progress and a redress of legitimate grievances, violence must be averted.

As Erwin N. Griswold, Solicitor General of the United States, has said:

> The right to disagree—and to manifest disagreement—which the Constitution allows to the individual . . . does not authorize them to carry on their campaign of education and persuasion at the expense of somebody else's liberty.

All of us, young or old, liberal and conservative, too long have been silent on the issue of violence. We have been afraid of labels or slogans that would brand us as either arch conservatives or traitors to a liberal cause. Such sloganeering does all of us a grave injustice.

Let us, as a nation, find once again our ability to distinguish between protest and revolt; between dissent and chaos; between demonstration and destruction; between nonviolence and violence.

Let us cease to condemn those who disagree with us, but let us also be prompt and resolute in putting an end to violence in our land.

It is clear that if violence in our society does not end, and if the reaction to it is on the one extreme too lax, or on the other extreme too harsh and indiscriminate, the vast moderate majority may be forced into the arms of the revolutionaries, and those few who seek to destroy the fabric of our society will have succeeded.

To permit factions to resort to force when they feel—however correctly—that a particular law or policy is wrong would be to renounce our own experience and that of our Founding Fathers. As Justice Frankfurter said:

> Violent resistance to law cannot be made a legal reason for its suspension without loosening the fabric of our society.

Prof. Eugene V. Rostow of the Yale Law School, has written an excellent and provocative article on this subject, and I commend it highly to the attention of my colleagues. The article follows:

[From Trial magazine, June–July 1970]

NO RIGHT TO CIVIL DISOBEDIENCE

(By Prof. Eugene V. Rostow)

Our society—as a society of consent—should not, and indeed cannot acknowledge a right of civil disobedience; the moral and philosophical arguments advanced in support of such a right are in error; and the analogies invoked in its behalf are inapplicable.

My major premise is the corollary of Jefferson's magisterial sentence, which echoes Locke, Rousseau, and a long line of philosophers stretching back to Plato at least: The "just Powers" of government derive from "the consent of the governed." It follows that in a society of consent the powers of government are just in Jefferson's sense, that is, they are legitimate, because authorized and renewed by procedures of voting all must respect.

As a consequence, such citizen owes his fellow citizens, and the state they have established together, a moral duty to obey valid laws until they are repealed, or fall into disuse. I stress the word "valid" in the preceding sentence, to distinguish situations—of the utmost importance for our legal system—where the citizen is testing the constitutionality of a statute, an ordinance, or an official act.

This proposition is the beginning, not the end, of the problem. The individual owes other moral duties in his life—to his God, his family, his work, his conscience. Sometimes—often—there is conflict among the moral claims upon a man. But if man lives in a society of consent, and above all in a society of equality and of liberty, his relation to the valid laws of that society should be regarded as moral in character, because it is rooted in his consent and promises to others. Therefore it is entitled to great weight in the hierarchy of moral claims he must face in the course of his life.

If a man decides to commit an act of civil disobedience, for example, because he feels that what the law requires would breach his obligation to God, our culture would acknowledge at most his naked power, but not his right or privilege to do so. But then he should in turn acknowledge that if he does decide to violate the law, he thereby breaches a covenant with moral dimensions, and is not committing a purely technical offense. To be sure, he would contend that he is breaking the law in order to avoid what he would regard as a greater sin.

But the law, too, has a moral content; it represents the moral judgment of the majority, and its sense of justice. Under such circumstances, the individual should at least respect his duty to the law he has helped to make by accepting its penalties.

The modern, secular world has long since rejected the Divine Right of Kings. The proudest claim of the legal tradition we inherited is that the king too is under the law. Locke's theory of the social compact has become the prevailing political theory of modern times, and the only modern rival for the doctrine that power proceeds from the barrel of a gun. As Professor Alexander P. d'Entrèves has said, "the principle of equality, together with the related notion of consent as the foundation of power, is the essential component of the idea of legitimacy in the modern world."

The notion of the social compact is of course a metaphor. The social contract is hardly a formal document to be interpreted like a deed. But the phrase embodies the idea of an understanding, nonetheless; the core of ideas, values and customs, defining the ultimate norms of the society, and binding all who share its culture. That body of shared values is the foundation on which any commodity is built. It involves a commitment on the part of each citizen to play the game according to the moral code of the community as a whole, and to respect the equal rights of all his fellow citizens.

The social contract binds the state as well as the citizen. The two sets of obligations are reciprocal. Neither can exist without the other. But the citizen's obligation continues as long as the state remains faithful to the fundamental rules.

Even the most perfect of democratic societies is capable of error, and indeed capable of law which violates its own code of social morality, or higher ideals urged by individuals in the name of moral advance. But unless such errors breach the essential terms of the social contract itself, and destroy the capacity of democracy to correct its errors, they do not weaken the citizen's moral obligation to obey valid law.

The question is always one of degree. If, for example, a President should dismiss the Supreme Court and the Congress, and attempt to rule by decree, all would concur, I should suppose, that the United States had become a different country, and that the social compact itself was broken.

But an individual is not justified in concluding that the state has abrogated the social contract because he feels, and feels passionately, that injustices are unremedied, or not remedied fast enough. Human society has never achieved utopia, and it is not likely to do so soon.

The test proposed by Jefferson is still sufficient. Governments are instituted among men, he argued, to secure the unalienable rights of man. It follows, he said, that men are justified in altering the form of their government when it becomes destructive of these ends, and in revolution itself when "a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute Despotism."

As Professor Rawls has remarked:

"Even under a just Constitution, unjust laws may be passed and unjust policies enforced. Some form of majority principle is necessary, but the majority may be mistaken, more or less wilfully, in what it legislates. . . . Assuming that the Constitution is just and that we have accepted and plan to continue to accept its benefits, we then have both an obligation and a natural duty (and in any case the duty) to comply with what the majority enacts even though it may be unjust. In this way we become bound to follow unjust laws, not always, of course, but provided the injustice does not exceed certain limits."

The purely legal tradition is that each person is bound by ties of allegiance to the sovereignty of a nation, to its laws and to its social code, by the fact of residence or citizenship. Allegiance, the law books have said for centuries, is the reciprocal of the protection each person receives through living in an organized community.

The most famous and most influential denial of this concept is that of Thoreau. His "Essay on Civil Disobedience," and his "Speech in Defense of John Brown," assert the theory that a citizen of superior virtue—the rare man of conscience, a member of the "wise minority"—has the right and indeed is under a duty to disobey valid laws, like tax laws.

Professor Rawls, who approaches this subject very much as I do, would, however, justify narrowly limited forms of civil disobedience "in a reasonably just (though of course not perfectly just) democratic regime" when they are entirely peaceful; when the actors fully accept the rightness of their punishment; when acts of disobedience are limited to dissent on fundamental questions of internal policy; and when they consist of "political action which addresses the sense of justice of the majority in order to urge reconsideration of the measures protested and to warn that in the firm opinion of the dissenters the conditions of social cooperation are not being honored."

In Professor Rawls' sense of the term, civil disobedience is "disobedience to law within the limits of fidelity to law"—that is, disobedience as a means of appealing to the majority, or to the courts, in the name of the sense of justice of the community as a whole.

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But how are we to determine whether the "firm" and "sincere" minority is right in its view that the measures adopted by the majority violate the sense of justice of the community as a whole?

Presumably, the majority has already decided the contrary; it has not as yet been persuaded by the arguments of the minority. I find no substance in Professor Rawls' distinction between grounds for civil disobedience that society should respect and purely individual views of social justice, or views based on considerations of interest.

I can understand the difference between the opinions of an individual about the morality and justice of a given measure, and the view of it that would be taken under the code of morality of society as a whole, as applied and interpreted by mass public opinion, by elections, by the President, by governors, by legislators, by courts, and ultimately by 12 men in a jury box.

I can also understand that the dissenting individual would claim—with complete sincerity that—he was interpreting the community's sense of justice more correctly than the majority. But if the majority does not come to agree, how can Professor Rawl's distinction justify civil disobedience in the one case—where the minority appeals to the community's sense of justice—but not in the other, where dissent rests explicitly on individual ethical views? Aren't the minority views quite as "individual" in the one case as in the other? I can find no halfway house, or Third Thing, between the two concepts.

I conclude that while Professor Rawls would not allow civil disobedience to go as far as Thoreau, he would, like Thoreau, condone civil disobedience when the individual, and the individual alone, firmly, earnestly and sincerely decides that he is right, and the majority wrong, in interpreting the community's justice.

The American community, permeated by Jefferson's ideals, can never stress enough the need to respect the autonomy of the iconoclast, nor do too much to protect freedom of thought from repression at the will of the majority.

But no society of consent could live according to Thoreau's principle, and no other society would care enough about the rights of a nonconformist to consider it. It would allow each man to decree himself elect—a claim at odds with the rule of equality which is the essence of democracy.

If the premise I have just stated is accepted—and even Thoreau conceded its moral force, although he sought an exception to it for himself—then the arguments for civil disobedience fall into place.

Our tradition recognizes no general "right" of revolution. On the contrary, we rejected that claim on the battlefields of the Civil War. For a society of consent, there can be no claim of a "right" to revolt, unless and until the social compact itself is threatened by destruction.

Nor is the case for civil disobedience supported in any way by the experience of the civil rights movement, and the philosophy of the Rev. Martin Luther King, Jr. By far the larger and more significant part of the struggle for Negro equality was and is an invocation of law, and an appeal to it.

Socrates spoke of the laws of Athens as having given him "a share in every good which . . . [they] had to give." That statement could not come from a black man in America, without sharp qualifications.

Does the burden of the past exempt the Negro from the obligations of the social compact?

He now helps, more and more genuinely, to make the laws.

But no man can say with conviction that we have yet come half, or quarter, of the way.

It is true that error, or the presence of injustice, do not of themselves void the social compact. But when error and injustice become the rule, not the exception; when the democratic process itself is suspended; when minority rights and personal freedom are denied—then, surely, the society ceases to be one of consent; the social contract could be regarded as breached; and the power to wage war against society could be claimed as right.

I do not believe the black American today is in this position, or believes himself to be. It is apparent that society, led by its system of law, is seeking to achieve and guarantee his equality.

Thus, I do not believe the American Negro can or should be regarded as exempted from the obligation to obey constitutionally valid laws, nor that his dark history justifies violence by black citizens today.

Students justify university rioting based on a similar exclusion from the social contract. They say they have a right to disobey the rules of their colleges or universities, or to disrupt their operations, because they do not participate in their management.

There is no doubt that universities suffer the ailments of other institutions—bureaucracy, conservatism, timidity, and occasional failures of responsibility. But these are the normal problems of all organized social life. The shortcomings of a particular university at a particular moment of its history, however irritating, can hardly be put forward to justify illegal programs intended to destroy the university, or to bring about reform, or what claims to be reform, by methods of coercion rather than of democracy.

By the same token, those who disagree with the nation's policy in Viet Nam have every right to employ all the methods of democratic political freedom to persuade their fellow citizens to accept their views. But, I should contend, they have no moral right to disrupt the draft; to interfere with the freedom of those who believe they are preaching national suicide; to break up universities or public meetings; to burn the files of draft boards; or to engage in other acts of violence and illegality.

The same issues arise, with far less color of right, when the ends sought in demonstrations are changes in university policies, or welfare policies, or policies with regard to the administration of educational systems. In the conflicts which have so profoundly disturbed and weakened our universities in recent years, for example, demonstrators have claimed a "right" to engage in tactics of disruption, the occupation of buildings, and even more extreme forms of coercion. They do not claim that the laws governing the organization of universities are "unconstitutional." They undertake such tactics, and undertake to justify them, simply as means to persuade those who can not be persuaded otherwise to change policies about ROTC, university research programs, and the internal organization of universities.

What is the possible source of such a right? Not the laws which establish the authority of university officials. Not the Constitution, which defines the rights of freedom of speech and of the press, and of peaceable assembly to petition for the redress of grievances. Not Divine Right, surely, or some impalpable right of man not articulated in the Constitution.

Society should recognize the moral and legal propriety of such tactics, it is urged, when the violations of law are "minor" ones committed by men who are loyal to our own political and moral traditions, and who are sincerely convinced that in pursuing a particular policy the nation has not kept faith with the principles on which its legal and political system purports to rest.

But the law cannot and should not distinguish between the rights of protest of those who do and those who do not generally accept the rightness of our constitutional system. The history of attempts to condemn or to restrict the civil rights of those deemed "disloyal" or "un-American" is not a happy one, and I cannot believe it is wise or practicable for this purpose to distinguish between appeals to the conscience of the nation made by those who in their hearts are attached to the fundamental principles of the Constitution, and those who would gladly destroy it. The distinction is subjective.

Ample and depressing experience attests to the difficulties of applying such a test. Our legal order has generally, and in my view, rightly addressed itself in large part to actions, and sought to avoid distinctions as to legal rights based on distinctions of attitude.

Good men and bad men, anarchists and conservatives, men of all faiths and of no faith, are equally protected by the Constitution and its Bill of Rights, and equally bound by valid laws enacted through constitutional procedures. All are equally free to appeal to the conscience of the nation, and to its traditional values, whether their appeal is made in good faith or in bad.

Three more general argument's have been put forward to justify illegal action, including some use of "minor" violence:

(1) that violating laws, and some recourse to violence, should be regarded as a permissible way to dramatize a point of view, and gain access to newspapers and television that would otherwise have been difficult to obtain; an illegal and violent act, it is urged, can shock into a state of reflection some men who would not otherwise consider the problem;

(2) that such tactics induce desirable changes in policies or institutions that might

not have come, or come so soon, through democratic persuasion alone; and

(3) that violence is sometimes "forced" on militants by the stubborness and inactivity of those who direct legitimate institutions, and who have not been persuaded by arguments in which militants passionately believe.

These contentions all rest, in effect, on the thesis that the end does indeed justify the means, at least if the means are not "too" damaging. Convinced of the rightness of their own views, men of this outlook claim the right to seek changes in society against the will of the majority through tactics of planned disobedience which sometimes include the use of force.

But there is no ethical case for revolution in a working and effective democracy, however beset it may be with the difficult problems of social transition. In such societies, laws can be changed legitimately only by the deliberate processes of elections and of parliamentary action: by votes after hearings, reports and debates. Recourse to illegal methods of political and social action can have the most corrosive effect on society, especially if they are employed by the well-educated and the well-established, in the name of moral right. Violations of law by the leadership of a community have more impact on society than ordinary crime.

As for the thoughtless argument that tactics of violence and coercion have forced change at a more rapid pace than could have been achieved by persuasion alone, they recall the classic justifications of Fascism: that Mussolini made the trains run on time.

Those who justify acts of disruption and coercion in the name of a utilitarian theory of civil disobedience have no way of knowing, or predicting, that their behavior has a reasonable chance of achieving more good than harm. By acting on their own decision, without the backing of any majority, they necessarily function not as rational utilitarians, but on impulse and instinct. They cannot find a ground for denying the same privilege to others who feel quite as strongly about the rightness of their views. Thus they degrade the quality of public discourse, from which public opinion flows, for they necessarily reduce the level of rationality, and increase the level of passion and violence, in the process of making decisions of social policy.

The arguments used to justify illegality as a political tactic in contemporary controversies parallel those employed in the worst and most prolonged experience of the nation with civil disobedience—the resistance of the South to the enforcement of the Fourteenth Amendment for nearly a century after 1868.

The hardest task for law, always, is to achieve a change in custom. And the most difficult legal task our society has never undertaken is the enforcement of the Fourteenth Amendment. There is always some difference between positive law and the living law of customary behavior. Sometime the written law lags behind custom, as it does when laws become obsolete, like statutes proscribing contraception. Sometimes the law collides with custom, and has to retreat—the case of Prohibition comes to mind. Often the law seeks to affect a change in custom. The Fourteenth Amendment is the most ambitious example of such an attempt in our history. Another is the field of labor relations, where, after years of frustration and of struggle, the law declared the right of workers to organize and bargain collectively.

If the social revolutions of the last 40 years are viewed in perspective, they appear as among the greatest historic achievements of our political system. Responding to the stresses of its experience with depression and war, the nation deeply altered its conception of social justice, through programs carried out by judicial and parliamentary means, and conceived in terms which confirmed and fulfilled its own aspirations. Violence played a minimal part in these events, and often a negative one.

Those who have recently pursued experiments in disorder have discovered how easy it is to paralyze a society based on consent. Such societies are not police states. They are organized on the assumption that citizens normally obey the law. It has been intoxicating for young militants to realize that, for a moment, they can paralyze cities and institutions, and provoke situations of riot and siege. But they discover too that even the most tolerant and permissive societies do not submit to their own destruction. We are slow to anger, but hardly meek. Every government and every society has an inherent right to insist on obedience to its laws, to restore order, and to assure its own survival.

The idea of treating a right of civil disobedience as an aspect of personal liberty under the Constitution is at war with the moral principles on which this civilization, and any liberal civilization rest; and it is equally at war with the possibility of social peace, and of personal liberty.

Individual liberty can be respected and protected only in a society based on a shared understanding as to the broad aspirations of the law. Social concord in this sense requires a general acceptance of the citizen's moral obligation to obey valid law. Respect for the agreed limits of social conflict is essential if men are to live in liberty, and not, in Hobbes' phrase, as wolves.

A prolongation of today's riot tactics would have tragic consequences, if fear comes to dominate the political atmosphere and policy turns to a reliance on repression rather than on social progress as the primary method of order. Repudiating the principle of majority rule, as Jefferson said long ago, can lead only to military despotism. Violence and counter-violence, sooner or later, generate forces that demand social peace, even at the price of personal liberty.

It could happen here. We cannot expect to be immune from the experience of all mankind if we defy the principle of democratic consent, which thus far has been the essence of our destiny, and of our freedom.

The social compact of the United States is an unusual one. The power of the majority is checked and restrained in many ways, not least through the Supreme Court, enforcing a written Constitution. Our notion is that freedom is a corollary of agreed restraints on freedom; that man cannot be free, especially in a democratic society, unless the state, and the majority, are not free—unless they can be compelled to respect rights which are "subject to no vote," in Justice Jackson's vivid phrase—rights essential to the dignity of man in a free society, and to the vitality of its public life.

I do not suggest that all is well with our society, and that the social tensions we feel all about us are an illusion. Not at all. Like every other period of rapid progress in history, hope based on the experience of progress has generated a deep and urgent restlessness—a desire to press forward more rapidly still, for more progress. Explosive and even revolutionary impatience in societies, as many students of the phenomenon of revolution have remarked, usually develops not in situations of hopelessness, of poverty, and of hunger, but at times when social conditions are improving.

The agenda for social action in the United States is formidable. The process of change has generated its own momentum. Many institutions and arrangements have been left behind by the uneven pace of change in different sectors of society.

But nothing in our experience should lead us to suppose that the agenda is beyond the capacity of our social order.

REPRESENTATIVE HALE BOGGS BEFORE THE AMERICAN BAR ASSOCIATION'S 93D ANNUAL MEETING

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. McFALL. Mr. Speaker, the distinguished majority whip in the House of Representatives, HALE BOGGS, delivered an inspiring speech at the American Bar Association's 93d annual meeting in St. Louis, Mo., August 9, 1970.

I would like to share this talk with my colleagues, as follows:

REMARKS BY REPRESENTATIVE HALE BOGGS, OF LOUISIANA, BEFORE THE AMERICAN BAR ASSOCIATION'S 93D ANNUAL MEETING

I am truly delighted to be with you this afternoon and to have this opportunity to take part in your program.

It is as a Congressman and as a generalist, not as a specialist, that I speak this afternoon. I wish to talk about the decade of the 1970's, and, if possible, to illuminate the role to be played by our ancient and honored profession.

I can imagine no better time or place to take a look at the future than this Sunday afternoon here in St. Louis—the Gateway to the West—where the American past meets the American future, occasions such as this permit us the luxury of taking a longer look into the future than is usually permitted by the exigencies of daily life. They permit us to pause and take a considered view of where we have been, where we are, and where we are going.

For a Congressman, these occasions are exceedingly rare. Our lives are filled with immediate and pressing problems. The Federal Government today expends almost $200 billion a year, and the vast array of Federal programs represented by this sum touch every corner of American life.

Each of us in Congress must make daily judgments on questions as varied as the problems of our society, yet, all of this is overshadowed with the realization that even more basic policy decisions must be resolved in the decade ahead. We live in an age of instant communication and rapid change, and it is a time of mounting pressure on the managers of public policy.

At the risk of over-simplifying history, I think it is fair to say that future generations may describe our time as one of scientific and technological revolution. While we do not know whether the computer, nuclear energy, and molecular biology will prove more "revolutionary" than the telephone, electricity, and bacteriology, we do know that the rate of technological change is uneven, and that the pace of change is very rapid now. At once, technological progress offers us the paradox of both problems and solutions.

Most people quite rightly look upon technological change as beneficial, they realize that it has led to better working conditions through the elimination of many hazardous and menial jobs; that it has provided a growing supply of goods and new products; that it has made possible shorter working hours and increased vacations and leisure time; and that it has provided new interests and experiences for our people.

American industry and technology have made ours the largest, most successful economy in the world. Our gross national product is currently estimated at $969 billion, and if we project it to the year two thousand, using a conservative growth rate, the Nation's GNP will be at least $2.2 trillion.

I find this quite eloquent in itself. But the full economic power of this Nation

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becomes apparent only when these statistics are placed in the context of current scientific technology.

Several years ago, the International Business Machines Corporation decided to invest in a new, larger series of computers. Two things were unique in I.B.M.'s decision. In the first place, there was the sheer magnitude of the investment: It decided to put up some $5 billion over a period of four years for researching and developing the proposed 360 system of computers. In dollar terms, I.B.M.'s gamble cost more than two and one-half times what the United States spent to develop the first atomic weapons. The other project depended entirely upon components that had not yet been invented. Inventions were scheduled—and what is more fantastic—the schedules were kept, in most cases.

I think that this is the new component in the equation of tomorrow. In the past, most progress depended on some bright person thinking up the solution to a problem. This is no longer entirely true! Bright people have not become dated—to the contrary—they become the most important of resources. Rather, in an important sense, problems and technological gaps can be anticipated and people directed towards their solution. It is possible not only to look down the road, but maybe also around the corner.

I think that these themes will become more pronounced in future years. The technological complexity of our civilization will compound. The implications of this are, of course, profound for every area of human endeavor. They mean that meaningful life can be prolonged, hearts will be transplanted, the origins of life, itself, better understood, computer sciences will make even greater advances. Communications media and electronic applications will undoubtedly increase in sophistication. Further explorations will be made in space, disease and hunger will be diminished. These things and a great many more will be the commonplace point of interest is that the success of the of the future.

These can be the rewards of technological ingenuity. It can be said, also, that as a consequence men will become more dependent upon one another. Most of us can observe this in our professions where specialization is becoming the rule rather than the exception.

Let me give you an example. Two hundred years ago, in order to travel to another part of the country, a man saddled his horse and rode, by himself, often for days and weeks. Today, he buys a ticket, takes a cab to the airport, checks his luggage, and entrusts his life to three or four men who have the skill to fly a huge plane and to the skills of thousands of men who designed it and built it and maintained it. Truly, inter-dependence and interrelated complexity have become characteristic of our age.

One must now ask in the face of this technological revolution, what will become of the individual? Will he become the nameless, faceless cog that W. H. Auden described in his poem, "The Unknown Citizen?"

THE UNKNOWN CITIZEN

(To Js/07/M/378 This Marble Monument Is Erected by the State)

He was found by the Bureau of Statistics to be
One against whom there was no official complaint,
And all the reports on his conduct agree
That, in the modern sense of an old-fashioned word, he was a saint,
For in everything he did he served the Greater Community.
Except for the War till the day he retired
He worked in a factory and never got fired,
But satisfied his employers, Fudge Motors Inc.
Yet he wasn't a scab or odd in his views,
For his Union reports that he paid his dues,
(Our report on his Union shows it was sound)
And our Social Psychology workers found
That he was popular with his mates and liked a drink.
The Press are convinced that he bought a paper every day
And that his reactions to advertisements were normal in every way.
Policies taken out in his name prove that he was fully insured,
And his Health-card shows he was once in a hospital but left it cured.
Both Producers Research and High-Grade Living declare
He was fully sensible to the advantages of the Installment Plan
And had everything necessary to the Modern Man,
A phonograph, a radio, a car and a frigidaire.
Our researchers into Public Opinion are content
That he held the proper opinions for the time of year;
When there was peace, he was for peace; when there was war, he went.
He was married and added five children to the population,
Which our Eugenist says was the right number for a parent of his generation,
And our readers report that he never interfered with their education.
Was he free? Was he happy? The question is absurd:
Had anything been wrong, we should certainly have heard.

There are those who believe that modern man already bears a striking resemblance to W. H. Auden's "Unknown Citizen." As our technology advances, as our society becomes increasingly complex and inter-dependent, the spiritual and material plight of millions of human beings becomes in too many instances almost intolerable.

That our society is wholly interdependent implies that decay in any single part endangers all. Today the most serious social stress occurs in our great urban centers where we have the greatest concentrations of the poor, the unemployed, and the oppressed. In this age of tremendous wealth, we have citizens who do not receive a decent education, or adequate housing, or even a basic diet . . . people who live without hope. This situation is made all the worse because some of our people choose to separate their lives from it and not to acknowledge that it exists at all. They forget the dictum of John Donne (*Dunne*), "never send to know for whom the bell tolls; it tolls for thee."

I believe that coping with these twin problems—the spiritual plight represented by "The Unknown Citizen" and the material plight of our poor—are the two great tasks confronting us in the decade of the 1970's.

It is clear that we must match the technological and overall economic progress we have made with progress of a different kind: We must find ways of making people's lives more meaningful and rewarding and we must most assuredly find ways of removing the gross material inequities presently crushing a significant portion of our citizens.

The tools which will enable us to cope with these problems are our institutions, both public and private. Institutions are designed by men, and it is a fault of human pride that each individual believes he has designed a perfect institution, able to serve for all time. There is another phenomenon which embalms our institutions, and that is their natural tendency toward self-perpetuation.

So the real job of today is to make certain that our institutions are capable of continuous renewal and continuous responsiveness and to keep abreast of the rapid changes of our times and of the near future.

Now, what about the present and the future?

To understand where we are and where we go, we must first know from whence we came. Our country is less than 200 years old. As history goes, it is very young, indeed. The American colonists came to this country mostly from Europe. In the England of the 18th century, the wage of a weaver was 6 shillings—the equivalent of $7.50 in terms of today. For this he worked 12 to 13 hours a day, 6 days a week. This was a wage that afforded only the barest of necessities in depths of slum conditions. There was practically no medical care for the great majority. Of the babies born at that time, 59% died before the age of 5.

The American revolution of less than 200 years ago not only cut the ties with a despotic king, but much more significantly it established the institutions and the climate which freed individual initiative and imagination from the restraints of the old world.

To the Old World, the American Revolution was a very dangerous event indeed, in the sense that it abandoned existing preconceived notions about privilege and class and established in their place the fundamental political and economic rights of all men, spelled out in our Declaration of Independence, our Constitution, and our Bill of Rights. It remains today the most revolutionary idea on the face of the earth. It is a permanent revolution.

To gain perspective on how far we have come, look back only a few years to the time, well advanced in this century, when a political campaign was based on a "full dinner pail for the worker"—back to 1900, only 70 years ago, when the average life expectancy was less than 50. It is more than 70 today. The computer which promises great new benefits is but an extension of the inventive spirit which produced Eli Whitney's cotton gin and Henry Ford's assembly line, both of which were revolutionary in their times.

Having said all of this, America is not, we must admit, a happy nation today. Runaway middle-class youths head for California or Greenwich Village where they live in groups in small and grimy apartments and worry and ache and smoke pot or blow thousands up. Their parents sit at home in Akron and Stamford and Atlanta and Buffalo and wonder what they did wrong, what went wrong, how it all happened.

More and more American husbands disappear every year. They seem to vanish. Those found and interviewed say they weren't satisfied, that there wasn't enough to life as they were living it, that they wanted to feel life and savor it, and they had to get away.

In Vietnam, our young, strong men and boys are a long way from home. Most of all, they are doing their duty. Many of them do not understand the war over there. They're just doing their duty. They wish the people at home would back them up, though. Most of all, the nation wants that war ended under honorable conditions.

In the cities and small towns of the nation, smouldering racial problems still haunt us. It seems that no matter what kind of person you are inside, to some white men, every black man is to be hated; and to some black men every white man is to be hated.

There is a sense of dissatisfaction, of alienation, that hangs heavy like smog over the United States of America.

How could it happen to us, we ask? . . .

To America, this special place, this young, democratic giant of a land, this newly rich, newly powerful leader of the western world?

How could it happen now, when we have endured the great depression and two world wars, when we are the richest of nations, when we are ahead in space, and education, and technology and yet share our wealth with poorer countries? How could this happen to us?

For one thing, without denying that we have serious problems, I believe the intensity and extent of our mass communications

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system tends to exaggerate our problems. For another, we seem to be so terribly critical of ourselves without giving ourselves the credit that is due us.

Much of the struggle for survival has been eliminated by our material and technological accomplishments. It is because of this that we are free to turn to problems we could not solve before. We have concerned ourselves with problems that we felt had no answers before, when we were struggling for survival.

We have been told that between the birth of Christ and the year 1700, mankind doubled. Between 1700 and 1900, it doubled again. According to the latest statistics of the United Nations food and agriculture organization, the world population, presently estimated to be slightly above three billion people, will be over six billion by the end of the century. Assuming that the rate of growth does not accelerate, by the year 2033 the earth will have to feed 12 to 13 billion people, four times as many as today.

It has been estimated that today about 15 percent of our population live in poverty and hunger. About 55 percent of these poor citizens live in city slums; the rest are located in hard-hit rural areas. A large proportion are black and members of other minority groups. Approximately one-third are people over 65, and nearly a quarter of the poor are under 18 years of age.

As you know, the United States has become progressively more urban since our rural origin in colonial times.

In 1800, about 10 percent of the population of the United States lived in cities; today that figure is over 70 percent. It has been estimated that by the year 2000, no less than 260 million U.S. citizens, or four out of five, will live in cities and their surrounding suburbs.

Overpopulation and poverty run rampant even now in cities. Increased urbanization will increase these problems and bring about more—in housing and mass transportation. Increased industry is already causing air and water pollution. Urban redevelopment programs have been set up to try to combat existing problems and prevent them in the future, but there is so very much more to be done and so many problems seem to be unanswerable.

(Churchill story.)

Technology has allowed us to discover the means to blow ourselves up. The "shadow of the bomb" represents power of a frightening kind. This problem, too, enters our consciousness and troubles our minds.

During the depression, under the guidance of Franklin Delano Roosevelt, we found that government can be used to help solve some of the harsh economic and social problems facing our people. After World War II, we found ourselves in a new position of world leadership and unprecedented affluence. We also faced the problems I have enumerated and many others that I have not even attempted to describe.

We must not allow ourselves to submit to the enormity of these difficulties. In the face of tremendous change, we must initiate great change. we must not allow ourselves to slide into apathy, to hide our confusion and fears with simplistic solutions, or to escape into non-involvement or violence. America has had problems before. She has solved them before. This has been the genius of over a century.

Recent Congresses, usually with bi-partisan majorities, have legislated for the old; the sick; for the school children; for the college students; for the medically indigent; for the drug addict; for hospital construction; for community health centers; for the mentally ill and the mentally retarded. We have passed bills designed to clean the air we breathe and the water we drink; to maintain the natural beauty of our country. We have established great national forests, magnificent national parks; we have built the world's greatest inland waterway network, and we are building the world's greatest highway system, plus an incomparable air transport system.

We have instituted wars on poverty, provided Job Corps training, Head Start programs; we have created a public broadcasting corporation to provide educational programs on television. We have passed broad scale civil rights acts, including the Voting Rights Act, which has added at least a million of our black citizens to our registration rolls.

But legislation is only the framework. These programs must be carried out, if at all, in the towns and villages, cities and the States in this great Republic of ours.

The people who must make them meaningful and administer them must be lawyers and doctors, teachers, social workers, editors and publishers, United Fund directors—all of those who concern themselves with the public welfare.

I have always been proud to be a lawyer. Because a lawyer in his place embraces the whole complex of our Anglo-Saxon, Judo-Christian civilization. A good lawyer is a good man, and is also a good citizen. So my real message to you is that as complex as the challenges are, as difficult as the time may seem, the answers are in your hands.

It was Father Keller who said, "It is better to light one candle than to curse the darkness."

And, I remind you of the ancient Chinese proverb, "A journey of a thousand miles starts with one step."

Thank you.

THE TYRANNY OF THE CLOSED RULE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. HANNA. Mr. Speaker, I rise to voice strong protest to the continuance of the practice of the closed rule privilege accorded legislation of any and all kinds emanating from the Committee on Ways and Means. I bow to no member in regards to the affection and regard I hold for Chairman MILLS and I will even plead guilty to a minimum of high respect for the great committee he so ably directs.

But, Mr. Speaker, I regard higher and respect more the prerogatives and the responsibilities of the House of Representatives as a body. One of the great powers and one of the historically guarded prerogatives of this House lies in the policies of tariffs. It is entirely inappropriate that the responsibilities of the entire membership be abrogated or delegated to one committee.

The minimum which I would urge and for which I seek the substantial support of every Member is to give us an opportunity to vote separately on each title of the bill for which a rule will be sought. Here is a place for the beginning of needed reform. Revest the House with at least a pittance of its original power of the important subject matter contained in the proposed quota bill.

POLISH SOLDIERS DAY ADDRESS BY HON. JAMES A. BYRNE OF PENNSYLVANIA

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. ZABLOCKI. Mr. Speaker, on August 9 our esteemed colleague from Pennsylvania, the Honorable JAMES A. BYRNE delivered the principal address at the Polish Soldiers Day annual program in Veterans Park, Eddington, Pa.

In his remarks, he reviews Polish military history and recounts the many instances of courage and martial skill which have been part of Polish military tradition. At the same time, he notes the cruel facts of geography which have left Poland all too vulnerable to rapacious neighbors on the east and west.

Today we find Poland under domination from the east—from the Soviet Union. But, as Congressman BYRNE so eloquently put it in his speech, we all work and pray for the day when Poland will be free again.

Because of the wide interest among Americans in the cause of Polish freedom, I am happy to place in the RECORD at this point the address by Congressman BYRNE and the program for Polish Soldiers Day commemorating the 50th anniversary of the Battle of Warsaw:

REMARKS OF CONGRESSMAN JAMES A. BYRNE AT THE ANNUAL POLISH SOLDIERS DAY, AUG. 9, 1970, VETERANS PARK, EDDINGTON, PA.

Right Reverend Monsignor Naja, President Wiszynski, Commander Laniecki, members of the Polish Army Association, Ladies and gentlemen.

First, may I thank you for the privilege of joining with many of my friends and neighbors here today on this very auspicious occasion when we honor the brave sons and daughters of Poland who fought for their nation.

Although we are happy to be joining together here in fellowship and mutuality of purpose, this is not truly a happy occasion. How can it be happy when, despite the bravery and sacrifices of 50 generations of Poles, Poland still remains unfree.

How can it be, we might ask ourselves, in a supposedly civilized and enlightened world, that after a thousand years of war and strife, after untold casualties numbering in the many millions, the freedom-loving Polish people cannot call their nation their own and cannot live in peace, independence and freedom?

It is a question which I cannot answer. But this I do know: the Polish people will never be satisfied, will never rest, will never relax their labor, for anything less than complete independence and freedom; that they will keep fighting and hoping for that day when the guarantees promised in our own Declaration of Independence are the right and privilege of each and every Pole!

It is ironic to me that Poland which in character and interest has always been oriented to the West; whose fighting men since the year 1241 have saved the West from the invasion of the Eastern hordes, now stands abandoned by the West to the giant dictatorship of the East.

The record of the Polish fighting man is well documented in history. He has often been victorious; and he has suffered defeat too. But history records that when he was not victorious, this was due to insurmountable numbers of opponents or forces beyond his control.

But, history tells us too, the Polish soldier never lacked for courage, for zeal, for bravery, and the willingness to sacrifice.

Do I say this because this is an election year and I might be trying to butter up my constituents? No, ladies and gentlemen, I say this because this is the historical truth, given to us in the impartial histories of the world.

A military history of the Polish fighting man would take volumes, and I have only a few minutes to speak with you. But let me touch upon just a few facts of the Polish military history.

We spoke of the year 1241. This was the year that Polish troops, led by Prince Henry of Silesia, fought and held the Mongols threatening to engulf Europe after conquering almost all of Asia.

In the early 16th Century, the Polish fighting man was the bulwark between Western Europe and the Turks and Tatars.

The great Polish King Stephen Bathory was a major innovator in warfare. For the first time, he used infantry instead of cavalry in Poland; and he mustered the peasants and the towns people to join the gentry in the battle. Together they defeated the Russian armies of Ivan the Terrible.

In 1651, King John Casimir defeated the Cossack armies, only to be overrun by the Swedes and Muscovites, eager to strip the war-wearied nation.

When all appeared to be lost, the valiant and successful defense of the monastery of Czestochowa (SHEST-A-KOVAH) marked the end of the Swedish conquest and the beginning of victory.

In 1683, King John Sobieski rescued Vienna from the Turkish siege.

The Russians invaded Poland in 1791, fearful of the New Polish Constitution, which promised liberty and equality. With a tiny army of only 46,000 men, Prince Joseph Anthony Poniatowski and the immortal Tadeusz Kosciusko, held the Russians off for three full months, won three major battles, and then marched to Warsaw in perfect order.

After the third partition of Poland by Russia, Austria and Prussia, in 1794, Kosciusko called the peasants to arms. At first, he defeated the invaders of Poland in battle after battle, recovering three-quarters of Poland's ancient lands.

But finally, overwhelming numbers took their toll. The Polish fighting men died in their ramparts and on the field. And Poland was once more wiped from the map by the powers.

Survivors fled to Italy where they formed the Polish Legion, which, for 10 years fought from Egypt to the West Indies for France.

The dark and perilous days of September, 1939, saw the German armies over-running the Polish homeland. It was not a question of courage; courage was always on the side of the Poles. It was a question of how long flesh and blood could stand against the Panzers and the Stukas.

But the defeat of Poland as a nation by Hitler did not mean the defeat of the Polish people. For six long years, they fought and died in the homeland in the underground.

Those Polish fightingmen who could, continued to battle the Nazis. As fliers, as sailors and soldiers, they fought in France, Britain, Norway, Palestine and then, as the tide turned, they were an integral part of the Allied armies which fought in and won back North Africa, Italy, France and Germany.

Many of these very men no longer live in Poland; many of you are here today.

But regardless of where you might be, it is clear that the Polish soldier never loses his love of freedom.

All of us work and pray for that day when Poland may once again be free.

But, until that hopeful day, may I, as a representative of the American Government, salute you Polish veterans who have fought and bled in the traditions of Pulaski, Kosciusko, Pilsudski and Anders.

Thank you for the privilege of being with you.

POLISH SOLDIER'S DAY AND 50TH ANNIVERSARY CELEBRATION

HONORARY COMMITTEE: POLISH SOLDIER'S DAY CELEBRATION—1970

Rt. Rev. Msgr. Francis S. Palecki, Pastor, St. Adalbert's Church, Archdiocese's Consultor and Chaplain of Polish Army Vets Post 12.

Rt. Rev. Msgr. John Naja, Pastor, St. Ladislaus Church and Chaplain of Polish Army Vets District 10, and Post. 178.

Hon. Theodore S. Gutowicz, Judge, Common Pleas Court of Philadelphia.

Hon. Matthew Zagorski, Judge, Municipal Court of Philadelphia.

Hon. Joseph L. Zazyczny, Councilman, City of Philadelphia.

Hon. Tom Gola, Controller, City of Philadelphia.

Edmund Pawelec, Esq., President Polish American Citizens League of Pennsylvania, Legal Counsel of Polish Army Vets Post 12 and Honorary Member Post. 12.

Colonel Michael J. Bednarek, USAR, Ret., Honorary Member Polish Army Vets Post. 12.

Dr. Walter Golaski, President Golaski Laboratories, Inc., Honorary Member Polish Army Vets Post 12.

Dr. Matthew F. Gutowicz, Chairman Board of Review Philadelphia. Department of License and Inspection. Honorary Member Polish Army Vets Post 12.

Hon. Theo. R. Zajac, Bensalem Township Supervisor.

Julian Zbytniewski, Past National Senior Vice Commander, Polish Army Vets Ass'n of America, Secretary General of Polish Beneficial Association.

Aleksander Machowski, Director, Polish Army Vets Ass'n of America.

Wladyslaw Szczygiel, Honorary Commander, District 10 Polish Army Vets Ass'n of America and Honorary Director Polish Army Vets Post 12.

Francis Prawdzik, Commander, District 10, Polish Army Vets of America.

Mr. Henry J. Wyszynski, National Director and President Eastern Pennsylvania District Polish American Congress.

Mr. Hilary S. Czaplicki, National Director Polish National Alliance.

Stanley Jakubowski, Esq., President, Polish Beneficial Association.

Mrs. Helena Janoska, President, Union of Polish Women in America.

Mr. August Gorski, Commissioner, District 6, Polish National Alliance.

Mrs. Bronislawa Zarzecka, National Director, Ladies Auxiliary Polish Army Vets of America.

Mrs. Genowefa Gruszczynska, President, District 10, Ladies Auxiliary Polish Army Vets of America.

Mrs. Genia Gunther, Director, Polish Radio Programs WTEL, WXUR, WAAT.

Mr. Stephan Sokolowski, Editor, Polish Newspaper "Gwiazda" and Representative, Polish Newspaper "Nowy Swiat."

Mr. Theodore Przybyla, Director, Polish Radio Programs, Past Commander District 10, Polish Army Vets of America.

PROGRAM: HOLY MASS AT POLISH ARMY VETERANS PARK (POLANKA), EDDINGTON, PA., AT 12:00 NOON

At 1:00 P.M., Presentation and Review of Color Guards.

Introduction—Roman Laniecki, Director, Polish Army Veterans Ass'n of America and Commander Polish Army Vets Post 12.

Toastmaster—Alexander Machowski, Director, Polish Army Veterans Ass'n of America.

Invocation—Rt. Rev. Msgr. Francis S. Palecki, Pastor St. Adalbert's Church, Archdiocese's Consultor and Chaplain of Polish Army Vets Post 12.

American and Polish National Anthems—Polish American Musicians' Association Band.

Address—Mr. Henry J. Wyszynski, National Director and President Eastern Pennsylvania District Polish American Congress.

Musical Selection—Pawel Prokopieni, Polish Opera Singer and Singer Polish Forces During World War I.

Principal Address—Hon. James A. Byrne, U.S. Congress.

Decoration Award—Roman Laniecki, Director, Polish Army Veterans Ass'n of America and Commander Polish Army Vets Post 12.

Resolution—Edmund Pawelec, Esq., President, Polish American Citizens League of Pennsylvania, Legal Counsel of Polish Army Vets Post 12 and Honorary Member Post 12.

Introduction of Guests—Alexander Machowski, Director, Polish Army Veterans Ass'n of America.

Taps in Honor of Deceased Polish Soldiers—Polish American Musicians' Association Band.

Benediction—Rt. Rev. Msgr. John Naja, Pastor, St. Ladislaus Church, Chaplain Polish Army Vets District 10 and Polish Army Vets Post 178.

Finale—Boze Cos Polske.

DRUG ABUSE AND REHABILITATION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. MIKVA. Mr. Speaker, as the problem of drug abuse and narcotics addiction in the United States reaches epidemic proportions, our policies for the treatment and rehabilitation of the individual addict stand ever more clearly condemned as a national disgrace.

We are floundering—largely without the needed legislation, medical and sociological research, or proper administrative and judicial techniques—in the midst of a growing drug crisis.

This is not a crisis that strikes at the few. It is not confined to the black ghetto or the far-out hippie fringe; it now is a direct threat to the average American college and high school student, and shows every sign of infecting our grade schools as well. It is as much a crisis for the affluent suburbanite as for the poor resident of the inner city. The drug crisis constitutes perhaps the most lucrative source of underworld profit, as well as the most fertile breeding ground for crime in our society, ranging from petty thievery to murder. The vast scope of the drug conspiracy even promises to undermine our relations with a number of nations which have traditionally been our close friends and allies. Finally, narcotics are the most tragic source of widespread human destruction, waste, and sorrow.

Yet even now we are reacting to this crisis, in my opinion, without an elemental appreciation for the basic danger to every American. We do not even have many of the facts we need to make intel-

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ligent judgments—our Government officials are unable to provide us a realistic estimate of the total number of narcotics addicts in the District of Columbia, let alone the entire Nation.

I do not suggest that this is a problem that is capable of quick and easy solution. But we must get to work, and fast, on the various aspects of the problem on which we can expect to accomplish some immediate good. One of those areas, I think, is a thorough rethinking and restructuring of our national policies for the treatment of the individual addict, the final mutilated product of the vast conspiratorial narcotics machine.

Mr. Speaker, I am reintroducing today, with minor editorial changes, the same bill introduced last April 27 by my respected colleague from New Jersey (Mr. RODINO) under the title Narcotic Addict Rehabilitation Act of 1970. If enacted and properly funded, I feel sure that this bill would go far toward creating a fresh response to the challenge of how we help the individual free himself from addiction and reintegrate himself into society.

I will not go into great detail at this time on the provisions of the bill, which is principally a series of amendments to title III of Public Law 89-793. But I do wish to call attention to the main thrust of the approach. This bill would establish a Federal program of civil commitment for out-patient treatment of narcotic addicts. It would make possible a new and far more extensive system of centers for coordinated medical treatment and rehabilitation training for drug addicts, under the direction and supervision of the Surgeon General of the United States. These centers would treat addicts on an out-patient basis, on the theory that commitment for treatment need not, and in most cases should not, mean confinement. Although participation for an addict civilly committed would be mandatory, the program is medical and rehabilitative not punitive.

We already have far too many narcotics addicts under lock and key at public expense in State and Federal institutions, where in most cases the only training they get is that provided by their fellow inmates in advanced techniques of crime and forced homosexuality, and the only medical assistance is the isolation of a cell in which to try to kick their habit "cold turkey."

Mr. Speaker, there are more humane and more effective alternatives. No one has yet developed the perfect answer to the drug problem, but there are promising programs underway. They deserve to be observed, studied, and encouraged in every way possible. Just this week I found an opportunity to spend an immensely stimulating 2 hours at the Blackman's Development Center on Georgia Avenue here in the District of Columbia, where I inspected the facilities for treatment and training, reviewed the official records, sat in on a class in progress, and enjoyed frank, no-holds-barred discussions with the leader of the center, Col. Hassan Jeru-Ahmed, and his very able staff.

I was deeply impressed, Mr. Speaker, and I strongly urge any of my colleagues who have an interest in solving the problem of narcotics addiction—and in particular those who wish to learn more of the feasibility of using the synthetic drug methadone in maintenance or withdrawal programs to combat heroin addiction—to get in touch with Colonel Hassan and arrange a visit to the Blackman's Development Center. I assure you that you will be given a hospitable reception and tour, and all your questions will be answered—and very well answered, in my view.

I was especially encouraged at the positive policy of the Blackman's Development Center in keeping its doors constantly open to any person in need of help—white or black, rich or poor—asking nothing from the individual except sincere willingness to try to break the yoke of addiction. They also, in my opinion, are 100 percent correct in insisting that medical treatment for addicts must go hand in hand with a program of rehabilitation and useful reintegration into society. I was, therefore, very encouraged to learn recently that the Blackman's Development Center had been selected to receive a supporting grant from the District of Columbia, and was a candidate for even more substantial assistance through the auspices of the LEAA.

In the bill I am enclosing today, I am pleased to report, there is specific provision for the Surgeon General to conclude contracts with private organizations such as the Blackman's Development Center that have proved that they can do an effective job in an area where many before them—with far greater resources, time, and public support—have failed.

ALLIANCE OF POLES IN AMERICA: STRENGTH THROUGH PROGRESS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. MINSHALL. Mr. Speaker, the Alliance of Poles of America, which has its roots deep in Cleveland, where it was founded in 1895, will celebrate its 75th anniversary with a three-day observance, September 7, 8, and 9.

I am proud of the many good friends I have who are members of this great and growing organization and would like to share with my colleagues in the Congress the following release which details the plans for their anniversary convention as well as the splendid work the Alliance performs not only for its membership but as a part of the community:

STRENGTH THROUGH PROGRESS

ALLIANCE OF POLES CELEBRATE 75 YEARS OF DYNAMIC GROWTH

Bernard A. Michalski, president of the Alliance of Poles of America, announced that plans are moving ahead to celebrate the 75th Anniversary of the founding of the Alliance of Poles of America. A successful membership drive was held during this Anniversary year.

The Alliance of Poles was founded in 1895 in Cleveland, Ohio. During its 75 years of existence, a steady growth occurred. Strength through progress has been the continuous philosophy of the organization. Within 75 years, this organization grew from a handful of men and resources to the largest Polish fraternal group in Ohio with assets in the millions. Michigan and Pennsylvania also have large memberships.

The Alliance of Poles serves its membership in many ways. Life insurance of a selective nature is offered to its membership along with low interest home loans. A credit union provides other services. Scholarships are also granted.

75TH ANNIVERSARY CONVENTION

Ben. A. Michalski, president of the Alliance of Poles, announced that the 75th Anniversary Convention will be held on September 7, 8, and 9, 1970 at the headquarters facilities located at 6966 Broadway Avenue, Cleveland, Ohio. Hundreds of delegates and guests will attend.

During the three day Anniversary Convention, officers directors, and convention committee reports will be discussed. The election of officers will also be held. The next four years will be governed by the actions of the delegates.

A Diamond Jubilee Solemn High Mass will be held at St. Stanislaus Parish in Cleveland, Ohio on the first morning of the convention. A parade to and from the 10:00 A.M. Mass will be held. Rev. Joseph Rutkowski, Alliance Chaplain and Pastor of St. Hyacinth Parish, is making the necessary arrangements.

Ben Michalski, president, will open the Anniversary Convention on Monday, September 7, 1970 at 8:00 P.M.

PRECONVENTION COMMITTEES

Chester Halinski, President of Group 120, is serving as General Chairman of the Pre-Convention Committees. Ray Kacprzak, President of Group 63, is serving as co-chairman. Eleanor Kalasinski, Secretary of Group 7, is serving as secretary while Michael Jankowski, Secretary of Group 2, is serving as treasurer.

Casimir Marciniak, President of Circle 9 and also President of Group 41, is serving as the Chairman of the Constitution Committee with K. J. Zielecki, Editor of the Alliancer and also President of Group 9, serving as secretary.

Charles C. Jarvis, Director of the Central Body, is serving as Chairman of the Public Relations Committee. He also serves as the Public Affairs Officer of the Alliance of Poles on a year-round basis.

Mr. Bruno Wyszynski is Chairman of the Management Committee and Betty Prussak is the Chairman of the Reservation Committee. Stella Majsterek heads the Advertising Committee while Andrew Baracz and John Wetula lead the Decoration Committee.

JUBILEE BANQUET AND BALL

A Diamond Jubilee Banquet and Ball will precede the three day Anniversary Convention. It will be held at the Alliance Ballroom in Cleveland, Ohio on Sunday, September 6, 1970 starting promptly at 6:00 P.M. Many prominent national, state, and local personalities will be present.

William Tanski, Treasurer of the Alliance of Poles, will be serving as Banquet Chairman with Director Walter Drabik as co-chairman. Mrs. Genevieve Sandej, vice president, will serve as secretary with Andrew Baracz, also vice president, serving as treasurer.

The proud 75 years of achievement will be related. The Alliance of Poles has demonstrated vigorous leadership to promote its internal growth and the rich cultural history of Poland. Recognition resolutions will be presented by governmental officials.

CENTRAL BODY LEADERSHIP

The Alliance of Poles is governed by the following officers and directors: Rev. Joseph C. Rutkowski, Chaplain; Bernard A. Michalski, president; Andrew Baracz, vice president; Mrs. Genevieve Sandej, vice president; John Tylicki, secretary; William Tanski, treasurer.

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The following are serving as directors: Walter Drabik, Barney Zdanowicz, George Jankowski, Charles C. Jarvis, John Wetula, Walter Dobrowelski, Wanda Faldowska, John Kania, Anthony Robakowski, and Michael Pleban.

Dr. John F. Haas is the chief medical examiner while Walter Matia serves as the legal counselor. K. J. Zielecki is the editor of the Alliancer.

This group meets on a regular basis to conduct the affairs of this multi-million dollar organization.

MEMBERSHIP DRIVE

The Alliance of Poles conducted a membership drive in conjunction with its 75th Anniversary Celebration. Andrew Baracz, vice president, served as membership chairman. He proudly reported that the drive was most successful. New membership doubled over the last drive. This successful drive also exceeded previous membership roundups.

Membership drives have become a continuous effort. Continued strength through new members has been a big factor in the steady growth of the Alliance of Poles.

CENTRAL OFFICES

The Alliance of Poles has its headquarters in Cleveland. The Central Offices are located at 6966 Broadway Avenue, Cleveland, Ohio. The offices are open daily from 9:00 A.M. to 5:00 P.M. For the further convenience of the members, the Central Offices are also open evenings from 6:00 P.M. to 8:00 P.M. on Mondays and Fridays.

CENTRAL FACILITIES

Since the last convention, the Alliance of Poles has renovated its home office building located at 6966 Broadway Avenue, Cleveland, Ohio. Thousands of dollars were reinvested to modernize the present facilities. Preventive maintenance is cheaper in the long run.

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The 75th Anniversary Convention will be held in renovated building.

TYPES OF INSURANCE

The Alliance of Poles is a multi-million dollar fraternal group. Selling low cost fraternal insurance is the chief function. The following policies are sold: 16 year Juvenile Endowment, Twenty year Endowment, Twenty Year Pay Life, Paid Up at Age 65, and Paid Up at Age 85. Premiums can be paid monthly, quarterly, semi-annually, or annually. These fraternal insurance policies are sold at premium prices. Reserves are high which makes the Alliance of Poles extremely solvent. Dividends are declared yearly.

CREDIT UNION

The Alliance of Poles as another service to its members, maintains a Federal Credit Union. The offices are located in Room 200 of the Alliance Building located at 6968 Broadway Avenue, Cleveland, Ohio. Credit is extended to members at low interest rates. The offices are open evenings on Monday and Friday for the further convenience of members.

SEMI-MONTHLY NEWSPAPER ZWIAZKOWIEC (ALLIANCER)

The Alliance of Poles publishes a semi-monthly newspaper in Polish and English which is mailed regularly to its members. Communication within the "Alliance Family" is continuous and plays a key role in keeping the members informed.

As time passes, more local state, national, and international news is being inserted in this house publication. The Alliance of Poles has become more influential in community affairs as a result of this newspaper. Mr. K. J. Zielecki is the editor.

COMMUNITY INVOLVEMENT

The Alliance of Poles is meeting the challenges of today by becoming involved in community activities. Fraternal groups are expanding their activities in this direction. The Alliance of Poles is relevant in this respect. Programs for adults and today's youth are part of the organizational life of the Alliance.

Bernard A. Michalski, president, is also a national director of the Polish American Congress. Many other officers, directors, and members are active in community affairs.

FUTURE PROGRESS

Strength through progress will continue to be the philosophy of the Alliance of Poles. This philosophy proved to be effective during the past 75 years and will continue. Cooperation with local and national fraternal groups for the greater betterment of Polonia will continue.

ADDRESS BY THE CHIEF JUSTICE OF THE UNITED STATES NOTED

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. TAYLOR. Mr. Speaker, I rise today to note with pleasure and gratification yesterday's address to the convention of the American Bar Association by the Chief Justice of the United States. To those of us who have followed the increasing inability of our courts to keep abreast of the workload, the Chief Justice said little new. But I fear that the public at large, many lawyers, and, yes, too many of us in both Houses of Congress have remained unaware and unconcerned while a critical situation has developed.

Only increased public arousal and increased congressional commitment can offer hope for ameliorating and reducing the problems of the Federal judiciary. It is my sincerest hope and expectation that the Chief Justice's message will stimulate both.

In that respect, I can only marvel that the Chief Justice's remarks posed so sharply the dilemma and the solution. That is, while we vote more money, create more judgeships, give the courts more personnel, we at the same time place on the courts more and more burdens and duties. Combined with the usual incidents of population growth and the frightening increase in crime, these impositions only nullify the positive steps we take.

We all want, of course, to protect consumers, to stem pollution, to protect the rights of the indigents in civil or criminal actions. We all want to do so many things that are the right thing to do. Yet, with unlimited needs and unlimited measures to meet the needs, we have quite limited resources. The result, as the Chief Justice so well said, is that we are doing everything and less well.

Let us, as he urged, evaluate the new proposals coming before us in terms of the burdens they will place on the courts. And let us see if we cannot find other ways or postpone these proposals if the burden is too much.

It seems to me that the courts must reduce the backlog, must dispense justice more quickly. The crime rate can be slowed and reversed only by doing that. We live in a society imperiled by the paralyzing fear of crime. The certainty of quick punishment is still the best deterrent to crime. We must speed up court procedure in order that cases can be tried quickly after arrest and appeals can be disposed of in a matter of weeks or months, not years. If it takes a thousand additional judges, let us secure them. The cost is just a drop in the bucket compared to the cost of crime.

So it is that I cannot commend the Chief Justice too highly. Once more we have at the pinnacle of the court system of the United States a practical, experienced jurist dedicated to making the system work well. We should, we must respond to his initiative.

STRENGTHENING OUR FEDERAL SYSTEM

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. FOUNTAIN. Mr. Speaker, it was my privilege more than a decade ago to introduce legislation creating the Advisory Commission on Intergovernmental Relations, and it is my pleasure to represent the House, together with the gentlewoman from New Jersey (Mrs. DWYER) and the gentleman from Oregon (Mr. ULLMAN) on the Advisory Commission.

The basic purpose of the Commission is to identify and examine the points of tension and conflict within our Federal system, and to recommend ways of improving the operation of Government at all levels—Federal, State, and local.

From its inception, the Commission has insisted—and I know this view is shared by many of my colleagues—that a viable Federal system requires a strong partnership of strong partners.

Accordingly, I was pleased, indeed, recently to read an extremely thought-provoking and informative address on intergovernmental relations by the Honorable Charles L. Delaney, a member of the senate of the State of Vermont, and chairman of the Governing Board of the Council of State Governments. The address was presented on June 24, 1970, to the annual meeting of the Southern Regional Conference of the Council of State Governments at Williamsburg, Va.

In his remarks, Senator Delaney quoted with approval one observer of our national scene who has stated:

> Our Nation is too vast, too varied and too complex to be run entirely from Washington. . . . Washington simply lacks the power, personnel and perspective to treat all the Nation's ills.

The Senator called on his fellow State policymakers to "heighten our sense of dealing with Washington as partners, not merely as clients." Senator Delaney's address, I believe, is yet another indication of the growing awareness on the part of responsible State officials of the key role that the States can and must play in our American Federal system.

I commend Senator Delaney's address, which follows, to the Members of this House:

Address by Charles L. Delaney

Ladies and gentlemen: It is a pleasure to be here with you today—in beautiful colonial Williamsburg—to discuss with you a topic in which I am deeply interested—the council of state governments, its enormous contributions to the states and the nation, and its future role in bringing new vitality to our federal system of government.

As chairman of the council's governing board for this year and next, it already has been my pleasure to visit in every region, primarily with each of the regional executive committees. This is my first opportunity to address a regional annual meeting, and you can be sure that I am delighted to be here—to extend greetings from the council's governing board, and also to convey warm feelings and best wishes from the people of my own home base, the green mountain state of Vermont.

Your own presence here testifies to the mutuality of our interest in the council of state governments and its objectives. But our interest must become concern. We must probe the issues that confront our society and the role that states and the council of state governments should play in meeting the numerous critical issues and problems.

In this first year of a new decade—1970—it is appropriate to reflect upon past accomplishments and future hopes. And let it be remembered that the future will be determined largely by what we all do together.

We are stirred by the challenges and opportunities of the seventies. But if we do not now assume strong leadership for the destinies of the States and their citizens, then our own destinies are forfeit.

These are not mere platitudes. I am describing—briefly, without embellishment—a fact of political life which began with the founding of our Nation, a situation which has always been with us, but one which came into full bloom in the 1960's, and is accelerating. We talk about "new federalism" now, but this is a natural development from the "creative federalism" we discussed a few years ago. The past decade was a time of catching up by the States and of building a foundation for a more vigorous partnership.

During the sixties—the States began the massive operation of preparing organizationally to handle the increasingly complex problems of today's society. Twelve additional legislatures officially went to annual sessions, bringing the total to 31—and the use of recessed regular sessions and wide-ranging special sessions makes the actual number much higher. The salaries of legislators were raised, and staff was provided.

During the sixties—27 States established agencies for community or urban affairs to focus attention and resources of State government on the burgeoning problems in our urban centers.

During the sixties—the States raised taxes more than 350 times to improve and increase State services to the people. And in that period, State aid to local government about doubled—from less than $10 billion to more than $20 billion.

Federal developments also moved toward greater reliance on State governments.

In 1966, the partnership for health act was passed—for the first time providing for block grants to the States.

In 1968, the Omnibus Crime Control and Safe Streets Act improved upon the block grant approach through a new comprehensive intergovernmental program.

And the Intergovernmental Cooperation Act of 1968 set the ground work for providing the States necessary information and flexibility for coordinating Federal aid in the future.

We stand at a threshold. Behind is the progress already made in the sixties; before us the high priority of decentralizing governmental services.

And that priority is well founded. As one national observer has said: "Our Nation is too vast, too varied and too complex to be run entirely from Washington . . . Washington simply lacks the power, personnel and perspective to treat all the Nation's ills." There are many who agree that the Federal Government lacks the perspective to adequately assess the myriad problems that trouble its citizens. But there are relatively few who challenge its lack of personnel or power. Yet as a matter of fact, the legal authority to resolve many of the obstacles which hinder the success of programs—such as housing and rural development—is vested constitutionally at the state level of government.

But more important than power or perspective are the states' responsibilities for the health and well-being of their people. That well-being includes their sense of participation in the decision-making process of government. The people of this Nation, students and hardhats alike, are telling us that they want more of a voice in the conduct of affairs which touch their lives so deeply. It is not enough to vote once every two or six years for someone who represents half a million other people in a city far away. We live close to these people, and if we respond to their legitimate concerns, then those individuals become as relevant to their government as the states are relevant to the Federal system.

We must heighten our sense of dealing with Washington as partners, not merely as clients. We know now that no major effort to treat the ills of society can be successful which does not utilize the resources available at each level of government. Programs which have not taken into account intergovernmental complexities have almost invariably failed. Thus, for one example, in spite of all efforts to the contrary, there is a greater need for housing in the seventies than there was when the issue was joined in earnest during the sixties. Because states had no meaningful role in federal housing programs, not enough progress was made. Our nation cannot afford programs that do not work.

States have indeed led the way in many areas, and they will continue to do so in a milieu which fosters initiative and imagination. It was the action of a single state in setting standards for auto-emissions that led to the enactment of federal laws setting limits on allowable pollution from such sources. The Great Lakes States pioneered efforts to control the use of dangerous pesticides. One state has assumed responsibility for all liquid waste treatment facilities within its borders. Another has passed legislation which attempts to balance concerns for economic development and environmental conservation. It has done so by controlling the location of industrial facilities and by dictating stringent conditions for operation to protect against environmental devastation.

We have done much, but we must do more. States must continue to improve their procedures for identifying problems and their efficiency in reaching for solutions. Some legislatures are still desperately in need of staff and coordinative authority. Constitutions must be rewritten and modernized. Programs must be instituted where none exist, or enlarged where they are inadequate.

To repeat, our work—the job ahead for State governments and State officials—is enormously challenging and the agenda for the seventies is already rapidly accelerating.

So, how do we proceed to cope with this agenda and to achieve a high degree of success? First of all, we should set up an organization of all the States to serve as a clearinghouse for State developments, and to provide research on innovations, and to draft model laws—to gather information on Federal activities, and represent State views in Washington—to serve as a conveyor so groups of State officials can get together to exchange views and discuss common problems.

Obviously, I am being somewhat facetious, but I do believe that this latter comment helps to make a very important point: We already have such an organization. It is called the Council of State Governments. It has been working quietly and diligently to help the States help themselves for about 4 decades. The Council provides the only truly representative view of the gamut of State government:

It is founded upon statute in every State, through the law that sets up the Commission on Interstate Cooperation or an equivalent State unit as the council's cooperating arm.

It is funded by all the States through State appropriations.

Its structure incorporates into its decision-making process representatives of all branches of State government—legislative, executive, and judicial.

Historically, the council has operated on a minuscule budget and a small, but highly-competent staff. Despite its low budget, the council has always stood in the forefront. In 1947, for example, before most people knew what a Federal grant-in-aid was, the council foresaw that categorical grants would proliferate, and at that time undertook a comprehensive study of Federal aid calling for re-appraisal to avoid chaos. No re-appraisal was made and chaos approaches.

In 1956, the council first offered model legislation for State departments of local affairs, heralding a new dimension in intergovernmental relations.

In 1967, a study cited the need for greater involvement of the States in urban affairs. This position is now echoed by all major organizations.

The council is many things to many people. To a legislator, it might be the national legislative conference, or this annual meeting of the Southern Regional Conference—or a model law published by our committee on Suggested State legislation. To a governor, it may be the National Governors' Conference or one of the three regional Governors' conferences serviced by the council. To an attorney general, the National Association of Attorneys General—and so on.

The council is also the place where inquiries are answered, the source of surveys on State developments, and a Nationwide lending library. It is a vast array of publications on State government and intergovernmental relations from the standard reference work, the biennial book of the States, to weekly news publications. The council is the beautiful new headquarters in Lexington, Kentucky, where the main secretariat, research and publications staffs are lodged. And it is the regional offices in Atlanta, New York, Chicago and San Francisco which help each region work out solutions to its special problems. The council is also the office of Federal-State relations in Washington, D.C., which publishes briefs and State headlines, along with other regular and special publications to keep you up to the minute on developments in Federal-State relations; which provides you with in-depth analyses of significant issues; which represents State views in testimony before Congress and in consultations with the executive branch; which convenes Washington meetings of major council affiliate groups; and which publishes suggested State legislation.

And this is only the beginning! But I think, by now, you can see what I am driving at. If we did not have the Council of State Governments, we would most assuredly have to go out and create it. But we do have the

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council—the best potential vehicle for asserting State responsibility and authority in the Federal system. Note, I said *potential*.

What the council has been able to accomplish so far on limited resources is remarkable. But to help States conquer the challenge of the seventies, it is going to need more—more money and more cooperation from each State and each State official, particularly the legislators.

The council's governing board recognized the situation when it met last November. The board faced up to the fact that if we want an even more effective Council of State Governments, we are going to have to pay for it. And so it increased the budget and raised State payments by a very modest amount. But even this small boost will be a help in building up the council's staff. It is my personal judgment that the Council of State Governments now enjoys probably the best core group of employees in the country. But it is only a core. At its present size, the council cannot do all that it should. The council needs staff capability for study, planning and analysis to develop strategies for positive action. We need to keep the generalists we have and build up a substantive capacity. And we will need to provide this staff with the tools they must have to do the job. All of this will cost money. But in the seventies, we must either pay up or let the Federal Government take over. Obviously, we know we do not have any choice.

But no budget, however large, means anything unless we elected State officials—legislators and Governors and other State officials alike—get together and get to work.

We have a major task just to enable our legislatures individually to meet the problems of the seventies. And these problems multiply so fast it is almost impossible for legislatures to keep pace. To do this, they must have better organization and coordination. The Washington office of the Council of State Governments provides us with a wealth of information on Federal developments. It asks our views and our comments on significant issues. But we don't always reply. Why? There are many reasons: Lack of time, lack of staff. Or perhaps the material does not reach the right people. That is why—at the suggestion of the National Legislative Conference's Intergovernmental Relations Committee—42 legislatures have designated Federal-State coordinators. This is a person who knows the membership and recognizes where the expertise is. He receives information from the Washington office and channels it to the appropriate member or committee. He also gathers the views of the legislature and funnels it to the Washington office. In other words, he is a single, reliable, identifiable contact point between the State legislature and the Council of State Governments' Washington operation. We hope the remaining 8 States appoint a legislative coordinator, and that all 50 States use them.

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Having an effective staff in Washington—one that is properly instructed by us—the principals—is not enough either. We must have a presence in Washington. We must testify. We must make visitations to the nation's capital to talk to our congressional delegations. We must invite our congressional delegations to our State capitals. We must provide our congressmen with documentation of the progress we are making in the states and in our districts. Simply put—it is essential that we improve our communications with congress and the federal administration. We must improve our dialogue and keep it going.

Robert Frost—that great American poet who spent most of his life in my lovely state of Vermont—wrote:

"The woods are lovely, dark and deep,
But I have promises to keep
And miles to go before I sleep
And miles to go before I sleep."

We, as State officials, have many promises to keep in the decade ahead: To our citizens, to the nation, and to the cause of federalism. The Council of State Governments is our vehicle for keeping them. But we are just beginning our trek. We have no time to talk of sleep.

WELFARE REFORM

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. BURTON of Utah. Mr. Speaker, the administration's Family Assistance Act of 1970—welfare reform—has been a source of public attention for a number of months. Both the bill's proponents and opponents have been vigorous and vocal.

On the one hand, the measure and the philosophy behind it have been castigated as creating the institution of a welfare society or a socialist state. On the other hand, the same proposal has been called truly innovative, forward-looking, humanitarian and the foremost piece of social legislation of the decade capable of breaking the cycle of welfare dependency in which many welfare families have become entrenched.

Major bills emanating from the Ways and Means Committee traditionally are considered by the full House of Representatives under a "closed rule" which permits no amendments to be offered from the floor. I could have, because of unease over some of the provisions relating to financing and because I questioned the adequacy of the workfare provisions, voted "nay." But by implication that would have given sanction to perpetuation of the hopelessly ineffective system of welfare operating at present.

Or, in spite of these doubts and misgivings, I could have, and did, vote "yea," knowing that the Senate would doubtless pass an entirely different bill. Senate rules permit unlimited debate and an unlimited number of floor amendments. The Senate Finance Committee has, in fact, been scrutinizing the welfare proposals thoroughly, and I am confident that a vastly improved and workable welfare bill will emerge subsequently from the House-Senate conference committee.

The issue is not an easy one to resolve, yet it seems clear that anything less than a totally new concept of care of the needy would be analogous to plugging one small hole in the dike, while the entire dike wall crumbles.

I found the following editorial, which appeared in the July 31, 1970, issue of Life magazine, particularly descriptive of the problems involved in this particular legislative area:

THE WELFARE MESS NEEDS TOTAL REFORM

Welfare now is "a colossal failure," as President Nixon says, "a wheezing, overloaded machine." The welfare machine is headed toward complete breakdown because it hasn't the capacity to help the poor humanely—and the public hasn't the capacity or the willingness to finance it in its present form much longer.

"Welfare"—that tangle of programs for the poor who because of age, sickness, handicaps or lack of ability and training can't get jobs—is a system full of inequities. The vast differences among state levels of welfare assistance contribute to the migration of millions from states like Mississippi (which pays $46 per month to a welfare family of four) to states like New Jersey ($265 per month), where the jobless congregate in overcrowded and crime-ridden slums and load an increasingly intolerable burden on state and local treasuries.

The "permanent welfare population" of the cities—which in New York City alone now numbers one million, or one person in eight—reflects the most distressing failure of all. Despite a decade of national prosperity, the total number of Americans on welfare rolls today has increased from 5.8 to more than 10 million. The present welfare setup often amounts to an incentive to *remain* on relief. Those on welfare who have the gumption to find at least marginally paying work usually lose more in benefits than they gain in earned income. And another 13 million-plus Americans get no federal cash assistance whatsoever. These are the family members of the "working poor," whose breadwinners earn wages below the federally set poverty line ($3,743 for a nonfarm family of four).

The poor amount to 12% of us—which at least is a considerable improvement over the days when Franklin D. Roosevelt talked of one third of a nation. Of the 10 million receiving welfare assistance, dependent children comprise the vast majority; 90,000 are men who are physically employable and mentally competent; another 1.5 million are working-age mothers.

In the past decade, U.S. welfare expenditures have almost doubled to more than $6.5 billion. If only the money were being used effectively, this level of spending might be financially defensible, considering that we pour nearly three fifths as much into farm subsidies.

For almost a year, the Nixon administration has been trying to get Congress to approve a sweeping overhaul of U.S. family welfare laws. White House Urban Affairs Counselor Pat Moynihan calls it "the most important piece of social legislation in 35 years." The new Family Assistance Plan got through the House of Representatives last April, but for three months has been held up in the Senate Finance Committee, whose chairman, Russell Long of Louisiana, has finally agreed to start hearings.

Family Assistance is a modest first step toward a radically ambitious national goal: ensuring a tolerable standard of living for all Americans—with maximum opportunity and incentive to work and minimum indignity for those legitimately unable to do so.

Its fundamental principles are two:

That welfare is a national problem. Therefore Washington accepts an obligation to encourage a nationally equitable—and eventually uniform—level of welfare assistance. As the first step, it will in effect guarantee throughout the U.S. an annual income of $2,460 ($1,600 cash, the rest in food stamp benefits) for a family of four, a standard now met in only 23 states.

That welfare should try to restore the poor to gainful employment. Family Assistance requires welfare recipients physically qualified to take jobs or vocational training to do so, and provides stepped-up federal programs for child day care centers, job-training and job-location assistance. Most important, it offers the poor a sliding scale of continued income support after they find work.

All this will add somewhat more than $4 billion annually to federal welfare costs. But it can be argued that the present system, increasing in cost an average 10% a year, is likely to be more expensive in the long run. As it is now, more of the poor who get on welfare rolls are likely to stay on them indefinitely, passing on to the next generation the costly social disease of welfare living, whose symptoms often include nutritional starvation, educational deprivation, high rates of drug use and urban crime—to say nothing of their wasted lives.

Family Assistance strikes us as a sound idea. But it runs into a lot of entrenched prejudices. The vast welfare bureaucracy—more than 170,000 employes—has a built-in resistance to change. There are many Americans who think stigma and humiliation should be the proper lot of those "on welfare," a notion which dates from the colonial era, when the Commonwealth of Pennsylvania required paupers receiving public alms to wear the letter "P" sewn onto their clothing, just as Hawthorne's adulteress Hester Prynne was forced by Massachusetts Puritans to wear the scarlet letter "A" attesting to her sin. Senator Long plays to that kind of prejudice in referring to welfare mothers as "brood mares." Americans who still think of welfare families as vaguely immoral recipients of "something for nothing" find the rhetoric of the new welfare "rights" organizations especially hard to take. The welfare militants seem convinced that a comfortable income for which they don't have to work is a moral "right." And they argue that work requirements constitute a stigma and humiliation, because most work available consists of "dead-end" jobs and is not "meaningful" to them. But passive use of an income provided at taxpayers' expense is not a "meaningful" life for anyone, and what could be more of a "dead end"?

Beset by welfare "rightists" on one side and restless taxpayers on the other, Family Assistance has only a "fair" chance of getting passed, President Nixon said last week. So far he himself has made scant effort to persuade the seven Republican senators on the committee to support the bill. In fact, the President—who has inflation and the cost of the war so much on his mind—often gives the impression that the best place to save money is where social good is at issue—on hospitals, education and similar matters. The exception to this impression is Family Assistance, which is the most imaginative and sensible program to emerge from his administration in this area. We hope he and Congress will see it through.

FREEDOM FOR SLOVAKIA

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. ESHLEMAN. Mr. Speaker, neither the Slovak League of America nor the Congress of the United States has forgotten the brutal occupation of Slovakia by the Soviet Army in 1968.

We appeal to the conscience of America, to the American people, and to the United Nations—most of all—for the withdrawal of Soviet troops from Slovak soil and for guaranteed free democratic elections under United Nations' control.

One of my valued constituents, Mr. Joseph Pauco, is secretary of the Slovak League of America. That organization is entirely correct when they, in the proper manner, demand the right of freedom for Slovakia.

RUSSELL ELLS, EULOGY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, I take this occasion to call attention of the House to the passing of a man who left a tremendous mark on his community and his industry, Russell H. Ells, of Willits, Calif.

Russell was a close friend and trusted adviser of mine and I am going to miss his counsel and guidance.

Even more importantly, his presence is going to be sorely missed by his community and his industry. To adequately describe Russell's contributions would require many pages of copy. Suffice it to say, he has made a lasting contribution.

The city of Willits, a small community of some 4,000 people, in northern California, has an outstanding airport facility, built at practically no cost to the city itself. Russell's company, Willits Redwood Products, put up most of the money, and Russell, himself, a graduate engineer, did most of the preliminary engineering for the project.

So Ells Field, as it was named by the city in recognition of his efforts, became a reality. There was nothing selfish about his efforts, since neither his company nor he personally owned an airplane, or, as a matter of fact, even used one extensively.

What I am attempting to point out is that Russell's community efforts were never done for personal gain or recognition. It was rather the opposite.

He would constantly shun the publicity that surrounded his activities. I can well remember at the dedication of the Willits airport, the flush that came over his face when the surprise announcement was made that the field was to be named in his honor.

One could go on down the line of community and civic accomplishments of this man. He breathed life into a DeMolay chapter that had fallen on hard times, constantly provided men, equipment and funds for such projects as Little League, and so forth.

In his industry, he was known as a self-made man. His exceptional talents quickly led him into the leadership of lumber industry organizations. He was past president of the California Redwood Association and a director of that organization. He was past president, chairman of the board and current treasurer of the National Forest Products Association. In addition he served on many important industry and civic committees.

His untimely passing leaves a void that will be difficult to fill. There was no task too small or too large. The more difficult they were, the better he liked them. There was no job that he considered impossible, especially when others failed to accomplish them.

Russell lived by a creed that I strongly believe in and personally try to live by, "there is no telling how much good you can do, if you do not care who gets the credit."

He made his mark—this world is a better place because of his efforts.

His wide circle of friends know they are better off for having known and worked with him.

I consider myself to be among that circle of friends and I can personally testify to the fact that my life is very much the richer for having known Russell Ells and for having worked closely with him on matters that we believed would be helpful to our friends, constituents and neighbors.

Russell Ells was a family man, in more ways than one. He loved his own family very much but he also appreciated his "Willits Redwood Family" of employees and what they contributed to his personal success.

On a personal note, a key member of my congressional staff, Mr. Stan Hulett, was formerly associated with Russell Ells and Willits Redwood prior to joining us here in Washington. Typical of Russell's unselfish attitude, Stan was given Mr. Ells' full and complete blessing as he made his decision to change his career.

For the above stated reason and also due to the very close relationship that existed between the Hulett and the Ells families, I have asked Stan Hulett to assist me in telling the Russell Ells story.

Together we have attempted to properly eulogize a great American, a man we admired, respected, and appreciated, a man who gave his life to the Redwood Country he loved so much.

My deepest sympathies go to his widow, Viola, and their children, Kathleen and Mike, and their granddaughters.

VD: A KILLER THAT CAN BE STOPPED

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. KOCH. Mr. Speaker, a recent study by the American Social Health Association has revealed an alarming resurgence of venereal disease, particularly syphilis and gonorrhea, throughout the country. The association's director has called this increase "so dramatic that national emergency action is needed."

In New York City alone the rate of venereal disease rose almost 30 percent in the last year. The national rate of infectious syphilis increased by 8.5 percent over this past year, and the increase in gonorrhea has been even greater.

Despite these disturbing statistics the Nixon administration has reacted like many Americans for whom the problem of venereal disease is treated as taboo and who would prefer to ignore it. The President's proposed budget for fiscal year 1971 recommended that the previous year's already inadequate level of spending for the control of VD be reduced by $400,000. This is a form of false economizing. The treatment of venereal disease in its early stages is simple, inexpensive, and easily available. Furthermore, past governmental programs of control have proved effective. In fact the 1961 "Task Force Report to the Surgeon General's Public Health Service on Syphilis Control in the United States" concluded that a decrease in the incidence of syphilis was directly related to an increase in governmental concern and expenditures. However, the same report revealed that as Government programs proved effective they were eradicated and the disease revived.

It is a cruel form of economizing also for the long range effects of syphilis are well known: Heart disease, blindness, insanity, and death. Four thousand Americans die each year from syphilis, and over the past 5 years New York City has spent far more on supporting the syphilitic blind and insane than on the control of VD. The present allocation of Federal resources for the control of VD is inadequate for the job. The Government must first commit funds to a program of public education regarding the symptoms and dangers of VD and directed primarily at the high schools and college levels. Such a program should be conducted both in our schools and through the media. This is the most effective way to develop a rational approach to the treatment of this disease. At the same time funds must be appropriated for the research necessary to develop vaccines for VD.

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With an estimated 14 million people contracting VD annually in this country many experts believe the disease has reached epidemic proportions. It is certainly clear that to combat VD it must be treated by all of us as any other dangerous communicable disease, not as an unmentionable social stigma.

END SECRET POLITICAL COMMITTEES IN THE DICTRICT OF COLUMBIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. FRASER. Mr. Speaker, subjecting the dark corners of our political system to public scrutiny will not solve all our problems. But it will not make these problems worse and I believe much good will be done. One immediate benefit from a policy of openness and candor will be increased prestige for this House.

Acceptance of the O'Neill-Gubser amendment which will allow many more record votes in the House is a step in the right direction.

We must also reform the way we finance and report the financing of our election campaigns.

Last February I was a member of a large bipartisan group that sponsored legislation aimed at one loophole in our election finance laws—lack of a disclosure law in the District of Columbia. The gentleman from Maryland (Mr. Gude) is the primary sponsor of this bill. On July 17 and 18, Washington television station WTOP–TV broadcast an editorial "End Secret Political Committees in D.C." which focused on our proposal. I would like to introduce a transcript of that editorial comment into the Record at this point. I agree with the editorial conclusion: The Nation and the District will benefit from a District of Columbia disclosure law:

End Secret Political Committees in District of Columbia

Maryland Congressman Gilbert Gude is the sponsor of an excellent proposal to give the District of Columbia a campaign disclosure law of its very own. You wouldn't believe how many people don't want to see that happen.

The Gude bill is in the House District Committee, where the chairman recently has shown some interest in it. It's still far from passage.

Since there's only one local election in the District—for school board seats—the hometown effect of such a law would be quite limited. But a D.C. disclosure law would help to purify elections from one end of the country to the other.

Especially in election years, the District is honeycombed with what must be hundreds of obscure political committees. Because the District has no law, these committees shuffle enormous sums of political contributions around and nobody's the wiser.

Many candidates for Congress rely on secret D.C. committees. Many candidates for governor, for state legislatures, even for city councils, make use of D.C. committees to hide donations. At home, they can identify the source of money as the "D.C. Committee for Joe Smith" or a committee with some other innocuous name. The public never knows, however, where these D.C. committees get *their* money.

This is one of the prime methods used by various special interests to get big campaign contributions into the hands of their favorite candidates. Consequently, the opposition to Mr. Gude's disclosure bill will be very quiet but very, very intense.

Mr. Gude's proposal is no substitute for a better federal disclosure law with nationwide coverage, but a District law would be a helpful intermediate step. Congressman Hogan of Maryland says he favors it. Virginia Congressmen Broyhill and Scott declined to tell WTOP whether they will support it.

The nation *and* the District will benefit from a D.C. disclosure law.

This was a WTOP Editorial. . . . Norman Davis speaking for WTOP.

A "TIRED AMERICAN" GETS ANGRY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, Mrs. J. M. Duty of Alexandria, Va., a friend and constituent of mine, recently called my attention to a very interesting article, "A 'Tired American' Gets Angry," written by Alan C. McIntosh, publisher of the Star-Herald, Luverne, Minn., and published in the Rock County Star-Herald.

As I agree with Mrs. Duty that Mr. McIntosh's feelings are representative of those of many of us, I insert his work in full at this point in the Record:

A "Tired American" Gets Angry

I am a "tired American".

I'm tired of being called the "Ugly American."

I'm tired of having the world panhandlers use my country as a whipping boy 365 days a year.

I am a "tired American"—weary of having American embassies and information centers stoned, burned and sacked by mobs operating under orders from dictators who preach "peace" and breed conflict.

I am a "tired American" . . . choked up to here on this business of trying to intimidate our government by placard, picket line and sit in by the hordes of the dirty unwashed who rush to man the barricades against the forces of law, order and decency.

I am a "tired American" . . . weary of the beatniks who say they should have the right to determine what laws of the land they are willing to obey.

I am a "tired American" . . . fed up with mobs of scabby faced, long haired youths who claim they represent the "new wave" of America and who sneer at the old fashioned virtues of honesty, integrity, morality on which America grew to greatness.

I am a "tired American" . . . weary unto death of having my tax dollars go to dictators who play both sides against the middle with threats of what will happen if we cut off the golden stream of dollars.

I am a "tired American" . . . nauseated by the lazy do nothings who wouldn't take a job if you drove them to and from work in a Rolls Royce.

I am a "tired American" who is tired of supporting families who haven't known any other source of income other than government relief checks for three generations.

I am a "Tired American" who is getting madder by the minute at the filth peddlers who have launched America in an obscenity race . . . who try to foist on us the belief that filth is an integral part of culture . . . in the arts, the movies, "literature".

I am a "tired American" . . . weary of the bearded bums who tramp the picket lines . . . and the sit ins . . . who prefer Chinese communism to capitalism . . . who see no evil in Castro but sneer at our President as a "threat to peace."

I am a "tired American" who has lost all patience with that civil rights group which is showing propaganda movies on college campuses from coast to coast. Movies denouncing the United States.

I am a "tired American" who is angered by the self righteous "breast beater" critics of America, at home and abroad, who set impossible yardsticks for the United States but never apply the same standards to the French, the British, the Russians, the Chinese.

I am a "tired American" who dislikes clergymen who have made a career out of integration causes yet send their own children to private schools.

I am a "tired American" who resents those who try to peddle the belief in schools and colleges that capitalism is a dirty word and that free enterprise and private initiative are only synonyms for greed.

They say they hate capitalism but they are always right at the head of the line demanding their share of the American way of life.

I am a "tired American" who gets more than a little bit weary of the clique in our State Department who choose to regard a policy of timidity as prudent . . . the same group who subscribe to a "no win" policy in Viet Nam.

I am a "tired American" . . . real tired of those who are trying to sell me the belief that America is not the greatest nation in all the world . . . a generous hearted nation . . . a nation dedicated to the policy of trying to help the "have nots" achieve some of the good things that our system of free enterprise brought about.

I am an American who gets a lump in his throat when he hears the "Star Spangled Banner" and who holds back the tears when he hears those chilling high notes of the brassy trumpets when Old Glory reaches the top of the flag pole.

I am a "tired American" . . . who wants to start snapping at those phony "high priests" who want us to bow down and worship their false idols and who seek to destroy the belief that America is the land of the free and the home of the brave.

I am a "tired American" who thanks a merciful Lord that he was so lucky to be born an American citizen . . . a nation . . . under God . . . with truly mercy and justice . . . for all.

INSURANCE PROBLEMS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. HUNGATE. Mr. Speaker, I thought the following article from the New York Times for Sunday, August 9, 1970, regarding the insurance problems would be of interest:

INSURANCE OFTEN NOT SOLD

(By Robert J. Cole)

Many insurers are not yet willing to admit it, but evidence is mounting rapidly that the American consumer is facing severe hardship in buying almost every kind of insurance coverage except life insurance.

Auto policies are becoming increasingly difficult to buy in some markets. Fire insurance is already difficult to get. Burglary coverage is often impossible to buy.

At the same time, policyholders are screaming that the cost of coverage is skyrocketing. Insurance companies complain that what they charge is not enough to show a profit.

"CRISIS" AT HAND

As a consequence, the New York Metropolitan Insurance Brokers Association, for one, noted not long ago that "right now, we've got a crisis on our hands."

In New Jersey, where the problem is just as critical, the state's insurance commissioner, Robert L. Clifford, imposed a 90-day ban last month on industry cancellation of all auto and homeowner coverage.

But, in an effort to find a lasting solution, the Legislature in Trenton has authorized the formation of a blueribbon panel to study the feasibility of no-fault insurance.

A similar bill, defeated in Albany in the last session, but to be reintroduced next year, would provide all consumers with coverage for their net economic losses in an accident—regardless of fault—but would not pay for "pain and suffering."

Uncertainty over no-fault legislation now awaiting the signature of Governor Francis W. Sargent of Massachusetts brought swift action over the weekend from the state's third-largest auto insurer, the Aetna Casualty and Surety Company. It told its agents to turn away any new or renewal auto insurance.

The Massachusetts measure, if approved, would enable consumers to callect from their insurer all out-of-pocket costs in a crash up to $2,000, regardless of fault. Claims over $2,000 would be handled as they are now. The bill also calls for a 15 per cent rate cut next year.

Others are expected to take similar steps.

Horror stories are widespread about how insurance companies treat their customers:

A single girl in mid-Manhattan complains her household policy is canceled after her insurer discovers there have been two robberies in the same building within the last year.

An executive uptown, who has paid his household policy faithfully for 20 years, is abruptly dropped after he files a claim for a stolen overcoat.

A woman in Red Bank, N.J., is told her auto policy will not be renewed because her house needs painting. The theory is that a poorly maintained house means a poorly maintained car, which might cause accidents. The company renewed the policy when it was informed the woman didn't own the house and couldn't be responsible for painting it.

The industry replies that crime is rampant and the police are apparently unable to cope with it, that cars are as delicate as egg shells and, consequently, losses are mounting, and that some risks are too perilous at any price.

APPROVALS LAG

In the way insurance is supposed to work, the companies calculate how much they have to charge to show a profit. Then, where permission is required, they try to get approval to raise rates.

But, all too often, the companies complain, the approval of rate increases lags far behind the original request, with a result that when the increases do come they are inadequate to meet rapidly changing conditions.

Beyond raising prices to the sky, is there any real solution?

One answer to the problem is the proliferation of industrywide "pools" and "plans."

For auto drivers who can't buy car insurance in the normal way, there is the assigned-risk plan.

For homeowners and others who need fire insurance and related coverage, theirs is the FAIR plans—Fair Access to Insurance Requirements.

For people who live in hurricane areas, there are hurricane pools. Mississippi and North Carolina already have them for wind damage. Louisiana will have one soon while Texas and Florida are discussing them.

In all of them—either by state or Federal insistence or, in a few instances, because of industry action—consumers unable to buy normal coverage can get it through the special pools, wherein all insurers participate in direct proportion to their other business in the state.

Consumers seeking coverage deal with an agent regardless of the kind of insurance. If the agent is unable to place a customer in the normal market, he can place him through the pool. Auto coverage generally costs more in the assigned-risk plan, but fire coverage in the pool will vary widely, depending on the condition of the property.

PLAN SUBMITTED

The newest proposal to broaden the coverage of consumers through the "pool" device would make insurance available in one of the most neglected areas of all—crime.

George K. Bernstein, Federal Insurance Administrator, remarked in an interview that burglary insurance was not available generally in the larger cities of at least 12 states.

He listed them as New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Illinois, Michigan, Ohio, Missouri, Maryland, Delaware, California, and one of the most crime-ridden of all—Washington, D.C.

To remedy the problem, he has submitted a plan to President Nixon and to Congress calling for a crime pool.

The little known plan, which names no states in particular, recommends that burglary and theft insurance pools be set up by state law in any state where normal coverage is difficult to buy. As an alternative, a state may make coverage available through the so-called FAIR plans.

To keep rates on crime coverage from getting out of line, the plan envisions a subsidy to be paid by all other property insurance policyholders in the state.

In New York, Mr. Bernstein estimated this extra fee would total one-half of 1 per cent, or 50 cents on a $100 premium. In Washington, D.C., it would be about 2 per cent and in California about two-tenths of 1 per cent.

Since the Federal Government gives way to the states in the regulation of insurance companies, the plan uses the same persuasion—in reverse—that it brought to bear in developing the FAIR plans.

In return for their prticipation in these plans, insurance companies could, and do, buy Federal reinsurance for riot coverage. Now, if no action is forthcoming on a crime pool, the Government is prepared to cancel its riot reinsurance.

UNDER SCRUTINY

On the face of it, the plan seems promising. Nevertheless, it has come under scrutiny from both industry and state regulators.

Insurance Superintendent Richard E. Stewart of New York, who is also president of the National Association of Insurance Commissioners, is cautious about Federal estimates of the subsidy New Yorkers will be required to pay to make crime insurance available to all.

"What looks like one-half of 1 per cent today may be 10 per cent tomorrow," he said.

H. A. Lansman, executive vice president of the Kemper group of insurance companies, expressed a widely held view of industry that Federal riot reinsurance "is generally overrated as a benefit to us."

But Mr. Bernstein does get support on the idea of pools in general. Mr. Stewart said he believed they "help a great deal."

Mr. Bernstein put it this way: "They're a hell of a lot better than no insurance at all."

PENNSYLVANIA SOLDIER VIET VICTIM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Sgt. Roy W. Marlatt, of West Mifflin, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Sergeant Marlatt for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

EX-AREA MAN VIET VICTIM

Vietnam combat wounds suffered when a booby trap exploded have claimed the life of Sgt. Roy W. Marlatt, who formerly resided at 74 Lebanon Road, West Mifflin,

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His family received word of his death nearly two weeks after he was injured near Chu Lai.

Sgt. Marlatt, who served with the Army's Americal Division, suffered severe wounds to all of his extremities and multiple wounds to his abdomen when the booby trap exploded. He had been in Vietnam three months at the time.

A 1967 graduate of Taylor Allderdice High School, Pittsburgh, Sgt. Marlatt was the husband of Patricia Hicks Marlatt, who has been living with her parents at 1230 Mifflin Road, Lincoln Place.

Before entering the service 13 months ago, Sgt. Marlatt was the chief crew dispatcher at the Baltimore & Ohio Railroad's Glenwood station. He was the youngest man to serve in that post, B&O officials said.

REWRITING HISTORY TO SUIT THE LIBERALS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. ASHBROOK. Mr. Speaker, a bogus "law and order" quotation attributed to Adolf Hitler has been making the rounds for more than a year now, being repeated by a host of disparate individuals and publications. Hoping to give this spurious quote the funeral it deserved, I inserted in the RECORD on May 7 a National Review article by John Lofton, Jr. in which he detailed his vain attempt and that of the Library of Congress to authenticate this alleged statement by Hitler. Their research revealed that whenever the quote was used it had been drawn from some secondary source.

Apparently the fruits of Mr. Lofton's research tasted a little bitter to the liberal Institute for American Democracy. After chastising him for trying to ferret out the origin of the quote, IAD said in a recent newsletter that "if Hitler didn't say it, he should have."

Commenting on that absurd statement, M. Stanton Evans in the August 18, 1970, issue of the National Review Bulletin says:

> The whole point, in other words, is that IAD wants to identify law-and-order advocates with Hitler, and therefore it follows that Hitler *must* have said what conservatives are saying nowdays. . . . That line of reasoning provides a rather chilling insight into the standards of ethics and logic which prevail in certain leftward circles nowadays. Apparently this group sees nothing wrong with using a phony quote to smear one's opponents if the fabrication suits one's notion of what "should have" been said. Past history may thus be rewritten to fit the ideological needs of present political controversies.

As Mr. Evans goes on to point out, insistence on law and order is not a Nazi or Fascist trait which is hardly surprising. His column on this subject follows, and I hope it will serve as an epitaph to the "Hitler Quote," RIP:

THE HITLER QUOTE

(By M. Stanton Evans)

For the past several months, liberal spokesmen have been making sport with an alleged quotation from Adolf Hitler, using it to discredit those who call for law and order in American society.

The "quotation" has appeared in articles and statements from sources as diverse as the *Saturday Review*, the *Wall Street Journal*, U.S. senators and other public officials. It has been quoted on television and reprinted in many magazines and newspapers. Perhaps its most prestigious incarnation is in Supreme Court Justice William O. Douglas' book, *Points of Rebellion*, wherein it is asserted, at page 58, that Hitler in 1932 had said the following:

"The streets of our country are in turmoil. The universities are filled with students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might and the republic is in danger. Yes, danger from within and from without. We need law and order."

That the purpose of citing this supposed Hitlerian spiel is to tar present-day advocates of law and order with the brush of Nazism is clear enough on its face, but Douglas makes the point explicit in his prefatory remarks. He says that "the use of violence is deep in our history," and that "modern day dissenters and protesters are functioning as the loyal opposition functions in England . . . calling for revolutionary changes in our institutions." In the face of this challenge, Douglas concludes the "powers-that-be faintly echo Adolf Hitler." Whereupon the alleged "law-and-order" quote is appended.

As has previously been noted in the pages of National Review, there is no authentication for this "quote." Researcher John Lofton has ransacked the record and inquired of numerous authorities on Hitler and Nazi Germany, but has been unable to find documentation for any such statement. Wherever Lofton inquired, it turned out the people using it were simply quoting some other secondary source. The conclusion has begun to dawn that the quote is a phony.

So much is reluctantly acknowledged by the Institute for American Democracy, a liberal outfit that attacks conservatives. IAD concedes in a recent newsletter that the statement cannot be documented, and alludes to some frustrated liberal efforts to track the quotation to its source. Nothing daunted by this background, IAD goes on to upbraid Lofton for his temerity in pointing out the fraudulent nature of the Hitler statement. Lofton's analysis, says IAD, "missed the whole point." The "whole point" being that, *"if Hitler didn't say it, he should have."*

The whole point, in other words, is that IAD wants to identify law-and-order advocates with Hitler, and therefore it follows that Hitler *must* have said what conservatives are saying nowadays. *Q.E.D.* That line of reasoning provides a rather chilling insight into the standards of ethics and logic which prevail in certain leftward circles nowadays. Apparently this group sees nothing wrong with using a phony quote to smear one's opponents if the fabrication suits one's notion of what "should have" been said. Past history may thus be rewritten to fit the ideological needs of present political controversies.

As it turns out, even this feeble defense is mistaken. For the record clearly shows the quotation attributed to him is not the kind of thing Hitler "should have said" at all. Contrary to the representations of permissivists and civil disobedience advocates, insistence on law and order is not a Nazi or fascist trait. Law and order are essential pre-conditions of a free, constitutional government, not of revolutionary dictatorship. Out of power, the Nazis and fascists were experts at fomenting turmoil and igniting civil violence. In power, they ruled by the exercise of arbitrary force. In neither case were they proponents of the rule of law.

Thus if we go to Hitler's actual statements rather than assuming what he "should have" said in terms of our own biases, we find he was anything but a law-and-order man. Turning to *Mein Kampf*, for example, we find Hitler asserting:

"If a people is led to destruction by the instrument of governmental power, then the rebellion on the part of each and every member of such a nation is not only a right but a duty. The question, however, when such a case arises, is not decided by theoretical treatises, but by force—and success. As every governmental power naturally claims the right of preserving the authority of the state . . . the folkish instinct of self-preservation, when subduing such a power in order to gain freedom or independence, will have to use the same weapons with which the adversary is trying to hold his own.

"The struggle will be carried on with 'legal' means as long as the power to be overthrown uses such means; but one will not hesitate to use illegal weapons if the oppressor also uses them. . . . [Furthermore,] it may be that the ruling power may use a thousand so-called 'legal' means, yet the instinct of self-preservation of the oppressed then is always the most sublime justification for their fighting with all weapons. . . . Human rights break state rights."

That is what Hitler actually did say, rather than what he "should have" said. And what he said was not a preachment for law and order but exactly what the New Left revolutionists—including Justice Douglas—are saying today. The "faint echo" of Hitler that Dougals affects to hear is the sound of his own voice.

IVORY COAST

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. DIGGS. Mr. Speaker, the dynamic young nation of Ivory Coast celebrated on August 7 the 10th anniversary of its independence. This beautiful country, whose thriving capital of Abidjan I recently revisited, is one of the fastest developing of all of Africa. Indeed, the Ivory Coast's average annual increase of 7 percent in its gross national product since 1960 is a record which both the developing and the developed nations can observe with admiration and respect. Moreover, its industrial growth, averaging 20 percent yearly since independence, is the highest in French-speaking Africa. No one is prouder of this growth than the people of the Ivory Coast.

We are happy and honored to congratulate the citizens of the Ivory Coast for the enviable progress they have made during this first decade of independence and hope that the years ahead will bring them even more success in meeting their needs and aspirations. We wish to congratulate President Houphouet-Boigny who, with wisdom and foresight, has directed the advancement of his country into the front ranks of the developing nations of the world.

THE RENEWAL OF THE AGREEMENT TO MAINTAIN AMERICAN BASES IN SPAIN

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LOWENSTEIN) is recognized for 60 minutes.

Mr. LOWENSTEIN. Mr. Speaker, I rise today in dismay and anger over the administration's decision to extend our agreement to maintain bases in Spain.

The decision itself is outrageous enough. The way the decision has been arrived at is inexcusable.

Thank God for the courage and persistence of that appropriately named giant, Senator FULBRIGHT, who brings such distinction to the State of Arkansas and to the U.S. Senate. If it were not for his exertions, the administration might have tiptoed virtually unnoticed into this newest of its misbegotten foreign overcommitments. I salute him on behalf of many of us in this House who admire his dauntless efforts to restore some measure of constitutional balance in the making of foreign policy.

In the Spanish agreement just concluded, this administration has once again shortcircuited proper constitutional process by proceeding from clandestine negotiations into arbitrary executive agreements without congressional hearings. The treaty responsibilities of the Senate have been ignored. Congress should assert its authority in this situation—as it should in Southeast Asia—by refusing to appropriate the funds necessary to carry out these unnecessary and unauthorized military and economic commitments. It will do us no good to go on protesting about the way national priorities are ordered and about the undercutting of the legislative by the executive branch of Government if we are not willing to do more than protest in situations as flagrant as this one.

The bases in Spain are not needed for our security. The money to be spent on these bases is badly needed at home. No conceivable national interest is served by supporting this particular dictatorship against its own people. Why then are we extending—it would be more accurate to say "expanding"—our commitment to this government? What a peculiar time to be getting ourselves more deeply involved in the urgly business of helping to preserve unpopular military juntas.

The Spanish decision is more than just wrong in principle and wrong in procedure. It is specifically and dismally wrong in practice. The Spanish Government is opposed by the overwhelming majority of the Spanish people. That is why elections are not allowed. A government that has the support of the people, allows the people to vote. In fact, at this precise time repression in Spain has taken another of its periodic turns for the worse.

Not long ago the brilliant and uniquely respected Count of Motrico—a man who has been, among other things, General Franco's Ambassador to several countries, including the United States—was punished for speaking out against the repression by having his passport withdrawn. It says a lot about a government when it has to prevent its former Ambassador from leaving the country.

So at considerable expense to the American taxpayer and at the price of further erosion of proper constitutional procedure, the administration has gained the great privilege of using unnecessary bases for a while longer, and of defending yet another unsavory government. Now who might the Franco government need protection against? Who but its own people? Who else might attack the Spanish Government? The Soviet Union, with whom it engages in increasingly friendly intercourse? Portugal? Mainland China? Last year we were told there was a threat of a so-called people's revolution from the Spanish colonies in Africa, but now there are no Spanish colonies in Africa.

What then is all this about? We are retaining bases we do not need in return for money we cannot afford and for pledging to defend a government almost no one wants, against the possibility of attack by its own people.

The terrible suspicion steals across the mind that maybe the U.S. Government actually prefers a dictatorship to a democratic government in Spain. Why else are we continuing to meddle so blatantly in the internal affairs of this unhappy country? Does the "self-determination" we tout as the basis for various others of our interventions around the world not apply to Spain? Are the Spanish people inferior in character or rights so they should be denied what thousands of Americans have died in the name of giving to Vietnamese?

Ultimately, in a democracy like the United States, the people are supposed to decide whether their foreign policy is consistent with the principles and the security needs of the country. How are they to do this if secret negotiations are to lead to hidden agreements, and if even the elected representatives of the people are not consulted as prescribed by the Constitution?

I do not believe a persuasive case can be made that our Spanish policy is consistent with our principles or our needs. If the administration believes a persuasive case can be made, someone in authority—the Pentagon, the State Department, the President—should try to make it, and then the people should decide in the manner prescribed by the Constitution.

The notion that the survival of freedom at home depends on the survival of various malodorous regimes around the world is as repugnant as it is incorrect. Let me say as simply as I can that it brings discredit on this Government to pretend that the freedom of the American people depends on the enslavement of people abroad. I can think of nothing more arrogant and few things as shameful as the United States continuing to prop up a dictatorship in Spain in the name of defending freedom elsewhere.

The truth is that one side effect of our undercutting democracy in Spain is that we weaken it elsewhere in the process. We weaken it here at home, when to implement our Spanish policy the administration must do things furtively that ought to be done in the light of public discussion. We must deceive ourselves about national motives and reinforce archaic and dangerous views of the world. And, of course, we must go on wasting money desperately needed for programs that would help us where our security is in fact imminently imperiled—at home.

We are evidently able to overhaul the Spanish Air Force every year or two, but to do anything about the safety of Americans riding on the Long Island Railroad, or about the pollution of our water and air, or about bad housing and continuing hunger in our midst—these things we seem unable to do anything about. Have we learned nothing from our misadventures in Southeast Asia?

I want to enter into the RECORD at this point an editorial from today's New York Times entitled "Multiple Blunder on Spain." I will read that editorial:

MULTIPLE BLUNDER ON SPAIN

The Nixon Administration will compound old errors and commit ominous new ones if it signs today in non-treaty form the so-called "Agreement of Friendship and Cooperation Between the United States and Spain." It is obvious in the first place that the signing was advancd because of growing opposition on Capitol Hill to the form and content of the agreement.

Such a hurry-up tactic can only widen the already dangerous gulf between the executive and legislative branches about the role of the Congress, especially the Senate, in the making of commitments with other countries that involve—or could involve—the American armed forces.

This shabby behavior is not the most important Administration blunder, however The fact is that this agreement contains vague language, deliberately fashioned to mean whatever either signatory wishes to claim for home consumption.

What is the United States taking on with a commitment to "support the defense system" of Spain or to make its defense policies "compatible" with those of Generalissimo Franco? Even after lengthy explanations by State and Defense Department officials, some members of the Senate Foreign Relations Committee do not know.

Most Spanish newspapers interpret this language as hardening the American commitment over that contained in previous agreements, dating from 1953, that a threat to either country would be "a matter of common concern." The Administration will doubtless argue the opposite. But memories of executive actions taken under the Gulf of Tonkin Resolution will make many Americans—in and out of Congress—hard to convince.

It is also evident that there is growing opposition in Spain to a renewal of an agreement under which the United States uses two air bases and the submarine station at Rota. In an unusual action, eighty deputies in the Spanish Cortes issued a statement complaining that Foreign Minister Lopez Bravo was concealing some of the facts about the draft agreement.

The political costs to the United States will be high of even this shadowy pact with the regime of an aging relic of the Fascist period. If the Administration believes the value of the bases offsets that political cost—as well as the financial cost of equipping

Spain with F-4 Phantom jet fighter-bombers—it should be willing to put its draft into clear language and submit it to the Senate in the form of a treaty.

I want to conclude by saying a word about the Spanish people, in whose name we have committed such sins against our own best interests and theirs. No people have fought more courageously or suffered greater privation in the defense of liberty than the Spanish people. Yet here they are, 31 years after losing their liberty to a dictator who could gain power only through the massive intervention of Hitler and Mussolini, and who has held power only with the massive assistance of the United States. Free elections are as remote as ever, and many of the finest of her people are still in prison or in exile because they care for freedom.

I, for one, want to tell the Spanish people on this ignoble occasion in our history that there are millions of Americans who are ashamed that their Government has made possible the continued intimidation and persecution of Spaniards whose values and hopes are the same as ours. We apologize today to our brothers in Spain, to that great suffering mass of Spaniards who hate totalitarianism, left and right, Russian, Chinese, Greek, or Spanish—the people in whose hands lies the future of Spain, because ultimately freedom will prevail there, as it must everywhere.

It is fitting today to remind ourselves and the Spanish people that thousands of gallant young Americans have volunteered and died in the cause of freedom for Spain, and others have toiled for that cause through these long decades. Our allies in Spain are those who care for democracy, not those who oppress it, and we hope they know in their darkened circumstances that their plight will not be forgotten wherever men care for freedom and justice until at last things are brought right again in that glorious old country to which everyone in the new world owes so much.

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A DISCUSSION OF THE TECHNICAL AND DIPLOMATIC ISSUES INVOLVED IN THE ABM DEBATE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. COHELAN. Mr. Speaker, in the last few weeks I have on a number of occasions commented on the inadvisability of continuing deployment of the Safeguard ABM system.

I have followed this issue for a number of years and am concerned that deployment, especially of the second phase Safeguard, would be unwise both technically and diplomatically.

Abundant information indicates that the present ABM configuration is incapable of performing its mission—missile defense.

On the diplomatic side it is becoming clear that an ABM limitation may be the cornerstone of a SALT agreement. This is the so-called "bargaining chip" theory which is advocated by ABM proponents.

I appreciate the basis of the bargaining chip theory but strongly disagree with the contention that a deployed or deployable system is necessary to sustain our negotiating strength.

First, no advantage is gained by advancing a technically deficient system. Second, the present system complete with its deficiencies could not be deployed for a number of years.

The logical approach to ballistic missile defense is an on-going research and development program. Such a program would protect our technical advantage, and provide adequate incentive for arms limitation agreements.

Continued deployment of questionable hardware will not improve our strategic situation.

The technical and diplomatic issues involved in the ABM debate are discussed in the following article from the August 10, 1970, edition of the Washington Post.

I recommend it to my colleagues:

DIPLOMACY REPLACING TECHNOLOGY AS ISSUE IN ABM DEBATE

(By Michael Getler)

As the battle over deployment of the Safeguard antimissile system approaches its second Senate showdown in two years, diplomacy has replaced technology as the dominant argument.

Last year, the question was whether Safeguard would be effective against Russian ICBMs.

This year, it is being asked whether Safeguard would be an effective influence on Russian negotiators at the Strategic Arms Limitations Talks (SALT), making the Soviets more eager to reach an agreement.

The shift to diplomacy was inevitable, since SALT was not yet under way when the Senate held its first debate last summer. But it comes at a bad time for those who oppose Safeguard on technical grounds. They were gaining ground.

Critics of the reliability of the missile defense plan feel with some justification, that they now have the Pentagon on the defensive. Ironically, it has been the Pentagon itself, along with the normally conservative Senate Armed Services Committee, that supplied the ammunition to cast doubt on the capability of the system.

A year ago the Pentagon's top scientist, Dr. John S. Foster Jr., assured a Senate questioner that "we can defend the Minuteman ICBM fields against anything the Soviets will throw at us." Today the Defense Department says it is no longer so sure.

The doubt centers on Safeguard's Missile Site Radar (MSR)—a $200 million electronic whiz that would detect approaching enemy warheads, compute their course, and, once they came within range, launch Spartan and Sprint interceptor missiles into their path.

The radar and its computers are probably the most advanced in the world, but last year, a parade of scientists came before congressional committees and warned against its use.

The Pentagon's plan to use only a single MSR to watch over each wing of 150 Minuteman ICBMs was, in their view, too risky. The radar, they said, was the weakest link in the defense and a determined attacker could knock it out without too much trouble, leaving the interceptor missiles helpless and the Minutemen with only their steel and concrete silos for protection.

Among the alternatives suggested was a plan for using several smaller, cheaper radars.

The Pentagon insisted however, that knocking out a radar was a much tougher task for an opponent than the critics said, and Safeguard slid into being on the strength of a single vote.

Several months later, the assessment began to change.

In February, Secretary of Defense Melvin R. Laird announced that if the Russians continued building up their ICBM force and improving its accuracy, this country would have to develop new, smaller and cheaper radars for Safeguard.

The plan is to augment the single MSR, with several radars that can be spread around the base to handle more attackers and to erase any Soviet thoughts about disabling the entire Minuteman defense by knocking out just one unit.

In April, Assistant Secretary for the Army R. L. Johnson, testifying before a House Appropriations subcommittee, also hinted that use of these new radars, which have a shorter range than the MSR might lead to eventual replacement of the Sprint interceptor missile which is the heart of the force protecting Minuteman.

The Army has been working for years on experimental missiles that are both faster and more maneuverable than Sprint. Both features could be vitally important when there is less time to get to an incoming warhead, as might be the case with a radar of shorter range, or when the warhead itself may be maneuvering to get away from the defender.

Finally, in July, the Seante Armed Services Committee made its effect to turn the administration away from its plan to also use Safeguard as a nationwide area defense network, guarding against a potential attack on our cities by a nuclear-missile-equipped Communist China in the mid-1970s. The committee recommended instead that Safeguard stick to defending Minuteman.

On Capitol Hill, these first tell-tale signs of an ABM system they seemed to be taking a different shape from the one that had passed only a year earlier by a single vote rekindled many lingering doubts about how well these programs are thought out to begin with.

The most disturbing item, by far, was the move to the new radar. It reflected poorly, in the eyes of many critics, not only on Safeguard's specific design but on the Pentagon's technical judgment and foresight.

The question also comes to mind of why it took the Pentagon so long to hedge its bet on Safeguard's solo radar.

Defense officials have known about the huge Soviet SS–9 ICBM and the smaller, more numerous SS–11s for about four years.

It surely was no secret that the Russians were working hard at improving the accuracy of the SS–11, more than 700 of which are already deployed, so that it could attack Safeguard radars and perhaps even Minuteman silos, and in adding dummy warheads so that it could overwhelm a missile defense just by using up all the interceptors.

The United States has already done the same thing to the Minuteman, which is about the same size as the SS–11.

Similarly, the reason that the SS–9, some 300 of which are now strung out in underground silos across central Russia, was of such great concern to Washington virtually from the moment it was spotted was not only because it smacked of a first strike weapon, or that it could soon carry three warheads of 5 megatons each, but that it was big enough to someday carry perhaps a dozen individual nuclear weapons.

The root of the problem, as many critics see it, is that the Pentagon locked itself into an ABM system that was originally intended for two jobs, but is now apparently headed for only one—protection of the land-based U.S. deterrent force.

President Nixon's Safeguard still uses the same basic, though improved, components of President Johnson's ill-fated Sentinel, first proposed in 1967, primarily as a defense against the Chinese threat.

Minuteman protection, a secondary role then, has since become a primary one, at least in the sense that Congress has only authorized its use in that mode thus far and seems likely to continue limiting its mission this year.

If Minuteman defense is to be Safeguard's main job, its opponents say it should be redesigned, getting rid of the costly, nonessential elements that go with nationwide protection. They also claim that with a crash program on the new and allegedly simpler radar, there need only be about a year's delay in fielding a system beyond the 1975 date now set for the first two operational Safeguard sites at Malmstrom and Grand Forks Air Force Bases.

The Pentagon and the White House disagree strongly with these views on several counts.

Officials in both places say it would take at least five or six years just to develop the new radar and still more time to install it. Furthermore, they are unwilling to halt the entire program in the face of an ominous Russian arms build-up on the basis of a critically important element that has never been built or tested.

The question of an eventual area defense network covering the entire United States is still not settled and remains a stated administration objective. By dropping the MSR, the Pentagon claims, the country would also be dropping the option to expand to broader protection someday when the Chinese missile force is more visible. The smaller radar is not likely to fill that role, they believe.

The most strenuous objection, however, comes when discussing the alleged vulnerability of the MSR.

While conceding that the radar can be knocked out by a single, well-placed nuclear burst, Pentagon weapons experts claim this is no easy task for an opponent who would "be playing bet-your-country" and would need a virtually fool-proof plan.

To knock out the radar, they say a warhead would have to come "well inside" the range at which Sprint missiles can attack. And, officials assert, Sprint is fast enough to allow time for a second shot to be fired at anything that got past the first one.

An informal congressional group known as the Members of Congress for Peace Through Law has stated that an attack using just 20 warheads would have a 99 per cent chance of knocking out a single MSR.

Across the river in the Pentagon, weapons designers say they'd like to have that explained to them.

Knocking out a radar is not the only way to get through a missile defense. In fact, under some circumstances, it could be the worst. While all the commotion is going on above the radars, the President might choose not to ride out the attack but to launch his ICBM force.

The Russians, who have already tested multiple warheads for the SS-9 and who last week test fired a new version of the SS-11 carrying two dummy warheads, could chose to rain more objects down on U.S. targets than there are missiles to intercept them.

The debate here shifts to economics, whether it is more expensive to add SS-9s at $30 million each and SS-11s at perhaps $10 million each, or to add more and more Sprints, Spartans and radars.

The one fact common to either side is that both are expensive.

Precisely what the Soviets think about the great Senate missile debate is hard to determine.

There is evidence of similar debate in Russia, and it would probably be naive to assume that they are not interested in keeping Safeguard, even in its present form, away from protecting Minuteman silos, or that their military planners view the job of getting through it as anywhere near as easy or certain as some defense critics in this country make it sound.

Privately, administration officials have been telling congressional leaders for the past few weeks that the Soviets have made a quick and positive response to U.S. suggestions about limiting ABM systems.

American negotiators at SALT reportedly have told the administration that Safeguard is the single, continuing American strategic weapon program that the Russians would like to restrict, and that the prospect of its installation around Minuteman bases is the best bargaining chip we have in getting them to limit their SS-9 build up.

If that assessment is correct, it represents a tantalizing carrot to hang before a legislature that is tired of war, suspicious of the Pentagon, but hopeful about the future.

DRUG ABUSE—DUTCHESS COUNTY, N.Y., MEETS THE PROBLEM

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. FISH. Mr. Speaker, the drug problem in Dutchess County, N.Y., as in almost all part of our Nation, is among the gravest concerns of our citizens. A group of county residents have decided to do something about it. Giving unselfishly of their time and energy, they have gathered information which is leading them down several paths, some of which are innovative, many of which are providing a beginning at coping with this blight which is such a waste of human resources. My constituents do not claim to have all the answers, but as a result of their efforts we have new questions to ask and in seeking answers to these questions have unearthed positive approaches which I hope will be helpful to my colleagues and community leaders faced with this problem across the Nation.

First, I must ask you to accept a rather provocative concept. The drug abuse problem per se is not the problem of the users and the addicted. It is the problem of the nonuser and the nonaddicted. It is not the problem of the young because the young do not consider drug use a problem. It is we, who are older, that are faced with the drug problem. Constituents who have been working in this field for many years tell me that young people do not see drugs as a problem so much as they see it as a way of life—almost a necessity in a day and age which to them is characterized by frustration, confusion, and a lack of direction. I am not applauding nor approving their rationale—merely stating it.

The foregoing concept is the outgrowth of an analysis of the record of an emergency telephone line implemented by a Dutchess County physician, Dr. Vincent Beltrani.

Called YELL, which stands for Youth Emergency Line Limited, the telephone line is serviced by specially trained volunteers who are dedicated listeners. Many similar telephone services are springing up all over the country in an effort to at least begin to pinpoint where some of the problems leading to drug abuse really lie.

According to the YELL records which are anonymous and highly confidential, only 10 percent of the phone calls received relate directly to drug abuse, or drug oriented questions, or are from people who presumably have taken drugs of some sort and are frightened. The remaining 90 percent of the calls break down roughly to 30 percent concerning parent-child relationships, 30 percent to peer relationships, 15 percent specifically school-related problems, and 15 percent world and national issues that concern youngsters, such as the draft, war, and the like.

The Dutchess County Medical Society has formed a drug abuse committee to study the ramifications of these statistics to see where, if at all, they fit in relation to the ever-growing number of drug abuse oriented arrests and convictions in Dutchess County.

Three propositions resulted which their research indicates might be first steps in beginning to cope with and ultimately begin to eliminate the drug abuse problem as it exists in Dutchess County.

First. The premise as stated before, that the drug abuse problem is the manifestation of other problems of daily living and that learning to deal with these problems and teaching the young to cope with them might eliminate some of the quest for drug dependency. A comprehensive community approach developed. If drug abuse is a manifestation of other problems, these must be worked out by parents, children, and teachers together meeting with experts.

Second. A coordinating agency was established to transmit information from one group to another involved with drug programs, collecting and making available any and all information on drug abuse and suggesting new ideas for coping with the problem.

Third. Education, it was decided, is key and must involve the very young as well as adults, in concert.

Within the framework of these proposals, the Medical Society acts more as a catalyst than an activist organization and uses as many existing facilities as possible to implement proposals. I will briefly outline the results of their catalyst type of action to date.

As a result of their efforts, existing State-appointed councils are starting to reexamine their services to determine how they can be improved and new ones implemented. A comprehensive library is being collected and housed in a portion of the County Health Building, and this program is being coordinated through the public library system. This means that very soon a person who wants information on qualified speakers, literature, or films will have access to this information as easily as he has access to his closest library facility.

Using the facilities of the Dutchess County Youth Board, under whose aus-

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pices mini conferences are being held regularly, the society hopes to compile a directory of services and programs available in Dutchess County, who runs them, and what they purport to do.

The society officially recognized and helped finance a program called ADAPT—Action for Drug Abuse Prevention Training—which is organized for the training and education of the young and old, the parent and teacher and student together. The ADAPT program was conceived by the parents of seven youngsters after 5 years of research throughout the school districts of Dutchess County. Because of the unusual concept and apparent effectiveness of the ADAPT program as an educational tool, an outline of the program will be inserted in the RECORD at a later date. Specifically, the program has been accepted as part of the curriculum of one of our school districts on a regular basis and will start in the fall of this year.

The major question, of course, that must be raised is how effective is this approach? If one were to judge by the positive programs under way, then one must assume that the County Medical Society is on the right track. The right track seems to be to acquire as much knowledge about the drug abuse situation as it exists throughout your own area and then establish a coordinating facility which will in fact coordinate and get already existing organizations to do their jobs rather than create new agencies. Our varied programs in Dutchess County are moving forward and some problems are being solved with the cooperation of a large part of our county on all levels as a result of this gigantic coordinating effect. The coordinating committee which meets regularly on a voluntary basis is made up of the following people: Chairman, Raphael Mark; members: Dr. Lawrence Sweeney, commissioner of mental hygiene; Dr. Vincent Beltrani; Dennis Pearl, psychologist; Jerome Goodman, director of psychological services, St. Francis Hospital; Dr. Eleanor Peck, pediatrician. While these individuals form the nucleus of the coordinating committee, it is by no means limited to these people and experts are brought in to the coordinating conferences as they are needed. To get the maximum use of the busiest of people the conferences are called frequently, but the time is kept short and the goal is to keep duplication of services to a minimum. The continuing improvement in relation to drug abuse problems in this one county seems to be testimony that this type of coordination can be an effective tool in combating drug abuse in other areas.

MISFORTUNE'S CHALLENGE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. BOB WILSON. Mr. Speaker, Joe Machugh is probably one of the best known figures in the House of Representatives, outside of yourself. He is most congenial as he stands in the corridors of the Capitol to add a word of encouragement or advice to Members as they pass to and from the House Chamber.

After a most distinguished career in the Government, he became an attorney and most lately a philosopher specializing in the mysteries of politics.

He recently authored an essay known as Misfortune's Challenge which contains many words of wisdom of interest to political figures; or as a matter of fact, to all of us.

I include as a portion of my remarks Misfortune's Challenge by Joseph V. Machugh:

MISFORTUNE'S CHALLENGE

1. Long-lasting lessons are the rungs by which we mount "Maturity's Ladder of Life." Misfortune comes to every human being—from minuscule setbacks to catastrophic distress—and almost invariable at the time of such reverses—waves of sadness engulf the victims, leaving them at nadir of their desires and with sense of overwhelming frustration. Yet, irrespective of *whatever* it was that happened and of sentiments immediately thereafter (this includes moments of ecstatic elation, too)—precisely *how one reacts to happiness*—is infinitely more important than the eventualities themselves.

2. "Falling down" always will be an unpleasant experience but the test of manhood under such conditions—*what was done*—after hitting the ground? Staying too long in that prone position, literally or figuratively, is similar to bankruptcy in business. To err is human and mistake-making *definitely* is a part of education, growth and maturity. How soon did he pick himself up; shake-off floor-dust; and embark on further effort to achieve goals upon which his mind and heart long had been focused? Did there follow soul-searching to determine if and where injudicious courses had been pursued *prior* to unhappy incident? Did he assidously aim to avoid similar errors in days ahead? Such self-examination is an imperative of first order of importance—unless past mistakes are to be repeated ad infinitum.

3. Emil Ludwig, in his masterful biography of *Napoleon* (if I recall correctly) said "His Hero" had been *"cashiered"* a number of times during very early stages of his career. On each such occasion he could not have foreseen nor have faintest notion that, before reaching the ripe age of 30 years—he would have conquered much of the then known World! Had he bridled, broiled & brooded—to exclusion of all else—never would his name have been prominently inscribed—indelibly on pages of World History. However, Ludwig wrote "The Little Corporal" took those early reverses manfully; rolled with punches; returned promptly to the fray; and rose eventually to Pinnacle-International Stature—despite final tragedy at Waterloo.

4. Area of activity makes little difference—for we are considering concept of *"principle"* meaning one of those Natural or Divinely-Ordained Rules of Conduct that cannot be ignored with impunity. Highway Speed Limits are *"Man-Made"* and ever-subject to change by man; they can be and *often are* overlooked without penalty—if no policeman was around and no accident occurred. It is exactly opposite as to Divine Ordinances we call "Principles." They can *never* be ignored (repeatedly, anyway)—without inexorably paying a price for having done so.

5. It is firm conviction of writer—"How We React to Misfortune as being more significant than reverses involved"—*Is—A principle!* As such *it* cannot be nonchalantly shrugged-off; and belongs way-up-front—among those Lessons of Life that enjoy longevity! Moreover, "Sympathy" is one of noblest of human emotions. When a person sees another undergoing an ordeal, often there wells-up in minds of the uninvolved—sense of sorrow for the victim. Old Story of "Sympathy for Under-dog" whose lamentably low luck attracts interest—*If* U.D. is acting like "Game Guy." Soon and gradually it turns to admiration for grit in fighting against obvious handicaps—then to active support, helping win final success for a less-than-favored contender.

6. Take a look at a single issue persistently plaguing President Richard M. Nixon, i.e., Viet Nam War. He did *not initiate* that War 'twas his inherited misfortune. The Record will show he has not dwelled unduly on this fact nor kept pointing finger of blame at predecessors who were responsible for our involvement therein. Rather he asserted—The Problem is what to do about it—*Now!* In his 1968 Campaign he said he had plan to End That War. Certainly he is moving in that direction, even if not fast or effectively enough for his most vociferous critics. *That* is treating an Unwanted Legacy with finesse & maturity which indeed may pay rich dividends by the time voters stream to Polls in 1970 & 1972.

7. All the World *"Loves a fighter"* and greater the odds against him—the more he will be cheered. "David" would have more support in spectator stands that "Goliath—in their Uneven Contest! Everywhere "Little People" outnumber "Giants." Didn't Lincoln say God *must* have loved little people because he had made so many of them? So, too, in any average audience there will be many more "Little ones" than "Biggies;" and normally "diminutives favor their own!"

8. Particularly as to those competing for public support would it not be well to bear in mind importance of letting the whole World know *just how* they have reacted to major misfortunes. Few things short of Death Itself (perhaps even there—as dramatically proven by "The Gentle Nazarene" Who used "that ending" to Establish Christianity—in fulfillment of Scriptures)—few things could be so disastrous as to be incapable of correction later on. Some of the profound wisdom permeating Rudyard Kipling's Masterpiece:—*"If"*—may be relevant here:

If you can make one heap of all your winnings;
 Risk them all on a single turn of pitch and toss;
Lose—and start again with your beginnings;

 And never breathe a word about your loss.

So, instead of commiserating or "feeling sorry for one's self;" sulking in seclusion; or trying to alibi the unfortunate episode—but silently "taking it in stride;" and starting anew from scratch—to hold old friends and convert opponents.

9. *Could* there be more sage counsel for any in calcium glare of public exposure—keep omnipresent in mind: *"What Happens"* is not nearly so important but *"Reaction to Happenings"* can be infallible recipe for future success—an Acceptance of *Misfortune's Challenge!* Of such stuff is Genuine Leadership composed! A man who has vision, sagacity & stamina to overcome obstinate obstacles—unquestionably has "The Potential" for decision-making that Executive Leadership demands in a confused and troubled World. So, A Salute to Scrappers"—who subordinate Sentiment to Sound and Long-Range Views—with Eyes on Fixed Targets—Far Ahead!

10. For, after all, there is *only one battle* that *must be won*—The Final Confrontation—*all the others are just skirmishes*—Aren't they?

TO REDUCE AUTO COLLISION INSURANCE RATES

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. CONABLE. Mr. Speaker, there is general interest in reducing the high cost of automobile collisions and the accompanying cost of the auto insurance to pay for these collisions. The Cornell Aeronautical Laboratory of Buffalo, N.Y., has been commissioned by the National Association of Independent Insurers to undertake a study of the relation of auto design to low speed crash damage. The eventual objective of the study is improved auto design, less collision damage, and lowered insurance costs. Clearly efforts of this kind are needed.

I submit for the RECORD a statement explaining more completely this significant study:

TO REDUCE AUTO COLLISION INSURANCE RATES

CHICAGO.—Your auto collision-insurance rates of the future may be significantly affected by the results of a unique crash research program to be conducted by Cornell Aeronautical Laboratory for the National Association of Independent Insurers.

The NAII, the world's largest insurance trade association, has awarded the Cornell Laboratory in Buffalo, N.Y., a $40,000 contract to develop analytical techniques for predicting the susceptibility of cars of different design characteristics to low-speed crash damage. The NAII said it is the first insurance industry-sponsored study of its kind ever conducted.

The structural-analysis formulas that Cornell Laboratory will develop for the NAII are expected to show the feasibility of predicting the varying costs of crash repairs among differing new-car designs in common impact situations. Such information, in turn, could be used by insurance companies as a major factor in establishing new crash rating scales for collision-insurance coverage.

For example, a certain model of car with a predicted low susceptibility to damage might qualify for a lower collision-insurance rate than a car that is more vulnerable to damage.

CAL safety scientists expect to show analytically how damage susceptibility and approximate repair cost of new-car models can be estimated when the cars first come on the market, or even while they are still on the drawing boards.

Dr. Patrick M. Miller of CAL's Transportation Research Department said that there is limited evidence indicating that even low-speed collisions can result in large variations in repair costs among various car models. Thus, he pointed out, it may well be possible to analytically predict these repair-cost differences.

In the first step of the six-month feasibility study, CAL will catalog and analytically describe the components of a car in the first 18 inches of the front and rear of the vehicle. Mathematical formulas then will be devised to predict the forces and deformations sustained by each car component in low-speed impacts. It will be possible to determine which components of the car are most likely to be contacted and thus damaged at a given speed. The analysis also will indicate those structural components that are considered to be most significant at various stages of the collision.

To prove out the mathematical calculations, two new 1970-model cars will be crashed in frontal and rear-end collisions into a rigid pole in a series of four tests at speeds in the 5 to 10 mile per hour range. The actual crash damage will then be compared with the predicted crash damage. Instruments will be mounted on both the car and the pole to measure the forces involved. Researchers also will be able to study the deformation patterns of each part in a car with the aid of several high-speed cameras operating at 1000 frames per second.

Dr. Thomas Manos, professor engineering at the University of Detroit, with whom the NAII consulted in its preliminary investigation of the analytical process as a guide to damage predictability, will continue to serve as special consultant to the Association in connection with this and other studies in the auto damage field.

The NAII said it will make results of the research program available to the automobile insurance industry, to the automobile manufacturers, and to government agencies doing research in the automotive field. The NAII said it hoped the results of this program will be of value to manufacturers in their efforts to reduce automobile damage susceptibility.

The 527 affiliated companies of the Chicago-based NAII write over half of the private passenger automobile liability insurance in force in the U.S.

THE PRESIDENT AT HIS BEST

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, to further his belief that the Presidency should be closer to the people, President Nixon recently held a press conference on the west coast. As in the past, Mr. Nixon responded knowledgeably and candidly to questions ranging from the war in Vietnam to campus unrest.

In an editorial entitled "The President at His Best," the Nashville Banner comments on this press conference. I know this will be of interest to my colleagues and I, therefore, request it be printed in the RECORD. The editorial follows:

THE PRESIDENT AT HIS BEST

The Nation welcomes, and shares, the optimistic note touched by President Nixon in his West Coast press conference last night—aware that on both the foreign policy points and those essentially domestic, he was drawing logical conclusions. The concerned constituency, by and large, recognizes the validity of some pointed observations—addressed to clarifying some public issues. And the vast segment of thinking America stands with him on these, respectful of his determination to help resolve—not obfuscate—them. He does not fabricate an opinion for expediency's sake. He does not resort to the partisan stuff of which credibility gaps are made.

Thus he said bluntly, in answer to a question, that much more is involved in campus unrest and violence where it has occurred, than government action and government policy. He put a big share of that responsibility squarely where it belonged and belongs. "It is a problem," he said, "to which college administrators and college faculties must face up. We share our part of the blame. I assume that responsibility. We will try to do better. But they have to do better, too."

He pointed out that even with the pretexts for such violent protests removed, others could be found by any element wishing such—and that, unless weaknesses likewise are corrected, "once all these things are done, still, the emptiness and the shallowness, the superficiality that many college students find in college curricula will still be there." And on these matters he solicited responsible corrective action by the college administrators themselves.

No less direct was his reply to the inquiry about Federal attitudes and procedure on the demand of some critics for compulsory school integration—particularly assignment of federal officers to that end in states and school districts deemed in violation of the law. He foresaw no force. It would be treated, he said, with cooperation—not coercion. That was a clarification, surely, significant to a watching nation. It was a commitment sound in principle, and characteristic of a stewardship that came to power with the pledge of healing, not worsening, the wounds inherited.

The President certainly is not on the defensive respecting either the war situation in Southeast Asia or the factors—however plural—of continuing problems on the home front; both categories of these likewise inherited. He was able to cite progress on the Vietnamese question—toward full and scheduled fulfillment of the U.S. manpower withdrawal. With equal propriety, in assertion of economic advance, and systematic reduction of the long-range inflation threat, he could cite the evidences of improvement to which, less than a week ago, Chairman Arthur F. Burns of the Federal Reserve Board called attention.

If it appears to the average beholder that the Chief Executive has done his homework, the impression is justified. And the reason he goes into these interviews armed with the facts and the details on the questions raised, is that as the man who bears the ultimate responsibility for decision, he acquaints himself thoroughly with these facts—and has them at his fingertips.

He believes in the right of a concerned people to KNOW. They have a proprietary stake in policy matters, foreign or domestic; and he recognizes, as their assigned steward, the necessity of a full and factual accounting. That is the central reason that, as he put it, his desire and purpose is—in working visits over the nation—to bring the White House to the people. Concentration of power and centralization of authority—away from the state and local level, and to Washington—are foreign to the Nixon philosophy.

The people have rights, in his interpretation of both the constitutional premise and the elementary freedom that IS America. But they also have tremendous individual, group, and aggregate responsibilities. The matters vouchsafed in his answers and related comment last night were a reminder of both. The President with his own recognized burdens of responsibility never greater—again was at his best.

THE 90TH ANNIVERSARY OF POLISH NATIONAL ALLIANCE

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. DADDARIO. Mr. Speaker, August 10 the Polish National Alliance of North America, the largest fraternal organization for Americans of Polish descent, observed the 90th anniversary of its founding.

It was in Philadelphia in 1880 that five immigrants from Poland, deeply concerned with the welfare of ever-increasing numbers of their compatriots arriving in America, first conceived the idea of forming the Polish National Alliance of North America.

Initially the PNA set for itself two main objectives: to serve the best interest of Polish immigrants and to help the land of their origin, Poland, in its struggle for freedom, independence, and economic betterment.

Among the landmarks of the PNA fraternal progress is the granting of full rights and privileges to wives and daughters of PNA members in 1900. This decision brought untold benefits to the organization as the PNA became the first major organization to grant equal rights to women.

In 1912, the PNA founded Alliance College in Cambridge Springs, Pa. Alliance College is presently an accredited, 4-year liberal arts college and this year, 1970, has witnessed the graduation of the first class certified by the State of Pennsylvania to become teachers.

In 1939, the PNA donated $210,000 through the Red Cross for the aid of war victims in Poland. The PNA also actively supported the American Relief for Poland, Inc.

At the outbreak of World War II, the PNA was instrumental in organizing the Polish American Congress, a representative organization of Polish Americans dedicated to the struggle for an independent and free Poland.

Connecticut plays an important role in the framework of the PNA organization with its seven councils, more than 50 lodges and membership of over 15,000 in the adult and youth divisions.

The PNA has made many valuable contributions to both Poland and America since 1880. In light of these contributions, I urge my colleagues in the Congress to join with me in marking the 90th anniversary of the founding of the Polish National Alliance.

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EFFECTS OF SCHOOL CHANGES ON SPORTS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. NICHOLS. Mr. Speaker, the people of Alabama will soon be faced with a very serious problem that has caused great concern throughout the entire State.

I am speaking of the complete desegregation of Alabama's school systems. While we are not pleased with the methods used by the Federal courts in compliance requirements, we are law-abiding people and will respect the courts' orders.

Mr. Speaker, we in Alabama are proud of the athletic records achieved not only by our fine colleges and universities but by the smaller secondary schools, some of which will cease to exist this year as a result of the courts' rulings.

On August 2, the sports editor of the Selma Times-Journal, Mr. Jamie Wallace, wrote an editorial on the sports page entitled "Effects of School Changes on Sports."

I am against the immediate establishment of unitary school systems when they force the closing of some of our finest schools in Alabama and wish to call the attention of my colleagues to this timely article:

EFFECTS OF SCHOOL CHANGES ON SPORTS

(By Jamie Wallace)

Already untold numbers of words have been written about the current school crisis throughout the Southeast, but up until now most of it has been left to the news and editorial columns.

Little has been said about the effects it is going to have on the world of sports, my world.

A quick survey of Central Alabama indicates that the athletic picture perhaps will never be the same.

Court orders to establish unitary school systems and the decision by many people to establish private schools have enforced the changes, eliminating many of the most familiar names in Alabama high school athletics.

MISSING SCHOOLS

Schools such as Orrville, Sweet Water and Suttle are no longer scheduled to be open this year as high schools so the final chapter apparently has been written in their long athletic stories.

Others such as Linden, Thomaston and Camden at present appear to be out of the athletic business.

CONSOLIDATION

Consolidation has sopped up such schools as Hudson and Parrish High and left them as a single Selma High School so their sports past also have been written for the final time.

The same fate has fallen on both well-known predominantly white and Negro schools.

For example, East Highland High School of Sylacauga, long known as the producer of outstanding athletes and winner of the state track crown this past spring, will be no more. The same is true of familiar Booker T. Washington High in Montgomery. Both were kingpins among predominantly Negro schools.

COACHING SITUATION

Coaches find themselves in a more hazardous position than ever. Some who thought themselves well settled before the federal courts got into the school business now find themselves having to hunt new jobs or adjust to an entirely new situation.

The situation, as it has some other teachers and school officials, has also resulted in some coaches deciding to retire from the profession and launch into a complete new career.

Some of those schools eliminated had won state titles recently or contended stiffly for such.

CHAMPIONS

For example, Thomaston was the first state Class 1-A football champion. Linden had claimed the honor numerous times before the playoff system went into effect.

On the other hand, Suttle has long been a name feared in state basketball circles.

Out of the confusion has arisen the Alabama Private School Athletic Association, spearheaded by our own Morgan Academy. The organization now has set up an overall athletic program for members of the private school association and will have 30 members playing football this fall.

APSAA BUILDS

Profiting from some trial and error mistakes made in the past by the public school athletic association, the new private group has set about to build a strong system, complete with playoffs.

While as must be the case, it will take a year or so for the settling, it now appears that competition among the private institutions will be very keen this fall.

Meanwhile, there's no death bell toll for the public school athletic organization. Admittedly, there are problems for many schools Central and South in Alabama, but on the other hand there are many of our neighbors who have been little affected by latest court orders.

SCHOOL SELECTION

Selection of a school is a matter of individual choice, and so must be the athletic participation. There's plenty of room for both the private and public systems.

As we approach the beginning of full scale practice for football this fact must be kept in mind.

We must also always keep in our minds that its the youngsters who play the games and the adults who must support them and lend them encouragement, not the other way around. All too often we appear to think it might be the adults who should play the game and the youngsters who lend encouragement.

SZELL MEMORIAL IN UNPARALLELED ORCHESTRA

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. TAFT. Mr. Speaker, last month, all of us were saddened by the passing of a great musician, a genius in his field, who is known worldwide for the music his Cleveland Symphony Orchestra brightened the hearts of his listeners with.

Not enough can be said about the good will the Cleveland Orchestra spread to other nations of the world during its many trips abroad.

George Szell will live in the sounds of his orchestra, as aptly described in the following WJW-TV editorial:

A MAN WHO BUILT HIS OWN MEMORIAL

There are people in the world who have never heard of Cleveland, Ohio . . . but they have heard of the Cleveland Orchestra. They do not know that Cleveland is a city. To them, Cleveland is an orchestra.

There are a great many other people in the world who have heard of Cleveland, Ohio, and do know it is a city. And if you ask them what it's famous for, they will answer: "It's orchestra". In Europe, in the Orient, in the Soviet Union, in Africa . . . there are millions of people who do not think of Cleveland as the city on the polluted lake . . . or the city with industrial smog . . . or the city with housing and employment and education and racial problems. They think of Cleveland as the city with the finest orchestra in the world.

To some Clevelanders that orchestra is an unappreciated treasure . . . but not to any person who has ever lived through the emotion of an evening at Severance Hall . . . not to anyone who has sipped a lemonade at the Auditorium and discovered at a pop concert that the world's finest orchestra has a sense of humor, or lazed on a grass-covered slope on a summer evening at Blossom Center, hypnotized by a sound.

As long as there is a Cleveland Orchestra, George Szell will not need an epitaph or a eulogy. George Szell is a man who spent 24 years of his life in Cleveland, Ohio, building his own memorial.

YORK COLLEGE DEAN FAVORS PROPER DRESS FOR STUDENTS

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. GOODLING. Mr. Speaker, it is said that clothes makes the man, and expanding on this concept for those pursuing formal courses of study, a prominent educator from my congressional district has recommended that neatness and appropriateness be set up as standards of dress for those attending our formal institutions of learning.

Dr. G. A. Mellander, dean of academic affairs of York College, has endorsed a dress code for college students. Because Dr. Mellander offers some interesting viewpoints in support of his recommendation, I submit them to the CONGRESSIONAL RECORD for the attention of my colleagues:

YORK COLLEGE DEAN FAVORS PROPER DRESS FOR STUDENTS

YORK.—In the spring issue of "Educational Record," Dr. G. A. Mellander, dean of academic affairs at York College, wrote in support of a dress code for college students.

Dean Mellander takes the stand that the educational process, among other things, must prepare a student to enter life as it really is, and that, generally, life in the business community precludes excessively long hair, untucked shirts and bare feet.

The text of Dr. Mellander's statement is as follows:

"Living abroad for any extended period of time frequently leads to 'reentry' problems when one returns. I worked in Puerto Rico from 1966 to 1969—a mere three years, yet it might well have been thirty for all the changes that transpired in higher education during that time.

"I would like to dwell upon one change: the novel idea that student dress is unimportant and, indeed, irrelevant. The widely held view that a student's appearance is completely divorced from the business of education has blossomed throughout the land during the past few years. The ancient shibboleth of 'academic freedom' and the more recent war cry of 'civil rights' have been raised to defend this departure from tradition. How foolish it is to propose that either of these have anything to do with the question at hand.

"Once virtually every college expected students to dress in a manner befiting an academic institution. And this was not limited to classroom attendance, for evening meals invariably called for one's best clothes and deportment. Attending college was a serious matter and students were expected to dress and behave as ladies and gentlemen. But today, in an age of ever-expanding personal freedoms, even when they restrict or impinge upon the rights of many, it is not surprising to find college after college forsaking even the merest semblance of a dress code.

"Is this justified? Must we abandon all rules and regulations? I think not. I believe proper dress—defined merely as appropriate to the occasion—is important and should be an integral part of college life as it is of every single walk of life. Although not normally spelled out in many professions, dress codes nonetheless exist in every human endeavor.

"Few will argue with the statement that education doesn't just 'happen' in the classroom and that a teacher's responsibility goes beyond teaching his academic subject. Everything that transpires on a campus has an educational impact. If we are truly preparing young people for the future, we have a responsibility not to create an artificial environment. We should not allow students such freedom in our campuses that after four years there, they will be unable to make a smooth transition to their chosen careers. Once they leave the campus, once they assume the responsibilities they seek, they will obviously have to conform to the mores and disciplines of society, just as all men have done since the beginning of time.

"Colleges and universities should educate the total person, not just awaken his mental faculties. By visual examples, by rules and regulations, by the multiplicity of educational experiences outside the classroom, students mature, acquire the habits, discipline and a mode of living necessary to continue growing after they leave college. Colleges should not abdicate their responsibilities to their students by, in effect, telling them that dress and appearance are not important. To do so is to lie.

"Faculty and administrators should not handicap a student's formation and development by looking the other way. That may be the easy way out, but in the long run it will hurt and hinder the student. College is not a preparation for life; it is life itself.

"I am not suggesting that we return to unusual or unrealistic regulations. I would recommend that neatness and appropriateness are simple enough guidelines to be observed. If a person is not neatly or appropriately dressed, it will detract from the academic atmosphere colleges try to establish and maintain. Attending college is a serious endeavor and one should not come dressed as one would for a picnic. This is not an insignificant or unimportant matter. It is central and crucial to establishing the proper tone for an academic institute."

Prior to assuming the position of academic dean at York College, Dr. Mellander was dean of faculty at Inter-American University, Puerto Rico. A 1957 graduate of Canal Zone College, he earned his doctorate from George Washington University.

WYOMING STOCK GROWERS ASSOCIATION RESOLUTIONS—1970

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. WOLD. Mr. Speaker, at their annual convention in Sheridan, Wyo., the Wyoming Stock Growers Association adopted a set of resolutions which are very pertinent. Of special interest are the positions the stock growers have taken on the questions of foreign meat imports and contaminated foreign beef.

Resolutions Nos. 1, 2, 3, 6, 7, and 8 are especially important. I believe the views of the Wyoming Stock Growers Association should be brought before Congress. I insert the resolutions listed in the CONGRESSIONAL RECORD:

RESOLUTIONS ADOPTED BY THE WYOMING STOCK GROWERS ASSOCIATION

RESOLUTION NO. 1.—CONTAMINATED FOREIGN BEEF

Whereas, the meat industry in the United States is under strict sanitary and health controls in order to supply the American consumer with safe and wholesome meat,

Whereas, over 6,000 full-time inspectors and veterinarians inspect 1062 meat processing plants in the United States, and

Whereas, there are 1,100 meat processing plants in foreign countries supplying over 1.6 billion pounds of meat annually who employ *only 15* veterinarians and *75 backup inspectors* who actually examine less than one percent of the 1.6 billion pounds imported to the United States thereby *exposing the American consumer to contaminated, unsanitary, and diseased meat,*

Now therefore be it resolved, that the Wyoming Stock Growers Association insist that meat processing plants in foreign countries that export meat to the United States be required to meet the same standards set up by the Wholesome Meat Act instead of the slip-shod, haphazard methods of inspection being practiced by foreign meat processing plants.

RESOLUTION NO. 2.—SUPPLYING AMERICA'S BEEF

Whereas, wages, taxes, interest, cost of trucks, tractors, harvesting equipment, and repairs have increased drastically over the past ten years without a compensatory increase in the price of live-stock, and

Whereas, the cattle industry has been in serious financial distress for several years, and

Whereas, beef can be purchased today with less hours of labor than ever before in this nation's history, and

Whereas, cattle numbers and meat tonnage have continually increased faster than the nation's population and can continue to do so if given a proper price incentive, and

Whereas, any action taken to weaken the present price of beef will jeopardize the nation's supply of beef because cattlemen will be forced to sell animals from their cow herds to meet high interest and high operating costs,

Therefore be it resolved, that the Wyoming Stock Growers Association urge the leadership of the American National Cattlemen's Association, the Secrtary of Agriculture, and all members of the Wyoming Congressional Delegation to resist any moves, such as relaxing of import quotas, that will curtail prices received by the nation's cattle producers and feeders.

RESOLUTION NO. 3.—TRANSSHIPMENT OF FOREIGN BEEF

Whereas, we are opposed to any relaxation of the quota system set up by the Red Meat Import Act as amended in 1964, and

Whereas, Red Meat is being trans-shipped to this country, thereby evading the quota agreements,

Therefore be it resolved, that the Wyoming Stock Growers Association is in favor that the Red Meat Import Act, as amended in 1964, be retained and imports quotas be applied to all such meats coming through other countries, except on through bills of lading, providing accurate enforcement of the law of the land.

Be it further resolved, that copies of this resolution be sent to our congressional delegation.

RESOLUTION NO. 4.—BIG GAME GRAZING

Whereas, the present coupon method of disbursing funds to the landowners of the State of Wyoming for grazing and supporting antelope is inequitable, and

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Whereas, there is no compensation to the landowner for forage consumed by other big game animals,

Therefore be it resolved, that the Wyoming Stock Growers Association direct the Legislative Committee of the Wyoming Stock Growers Association to formulate a bill to be submitted to the 41st Wyoming Legislature that would include the following points:

1. On application of a landowner to the Game and Fish Commission, the Commission shall pay to such landowner an equitable fee for all big game animals which graze or feed on the lands of the landowner. This grazing fee shall be calculated on the A.U.M. basis that game and fish lands are bringing at public bid for previous year, in which—

5 antelope=1 A.U.M.
4 deer =1 A.U.M.
1 elk=1 A.U.M.

Applications for the payment of grazing fees must be made to the Game and Fish Commission prior to January 1 of any year and payment of grazing fees by the Game and Fish Commission shall be made by March 1 of the following year.

2. The number of head of such game, and the period that they graze on such deeded land, is to be agreed on by the landowner and the deputy game warden assigned to the area involved. In the event of failure to arrive at agreement, the landowner and the deputy game warden shall present their arguments to the Board of County Commissioners at their next scheduled meeting, following the failure to reach agreement, and the decision of the Board of County Commissioners shall be final.

3. The payment of grazing fees, herein referred to, to a landowner is not to be construed as agreement by the landowner to:

a. Allow access by the public without the landowner's permission, to the lands of the landowner for purpose of hutning, or any other purpose.

b. Graze any specified number of game on the land of the landowner except during the year for which grazing fees are paid.

4. The payment of the grazing fee, herein defined, is compensation paid by the Game and Fish Commission to the landowner for forage of whatever types that is consumed by the game owned by the State of Wyoming. This payment is in no manner to be construed as reimbursement for any damage which may be caused by such game to the property of the landowner.

RESOLUTION NO. 5.—TRESPASS PENALTIES

Whereas, the present $100.00 limit on the authority Justice of Peace to impose fines is hopelessly antiquated, not in line with the present day economy, and fails to provide for proper protection of Wyoming's citizens,

Therefore be it resolved by the Wyoming Stock Growers Association that the maximum fine which can be imposed by a Justice of the Peace be increased from $100.00 to $500.00.

RESOLUTION NO. 6.—INSPECTION OF LARGE CAPACITY STORAGE DAMS

Whereas, the recent failure of Reservoirs in Wyoming have caused considerable permanent damage to downstream ranchers, and

Whereas, there is presently no annual inspection of large capacity storage reservoirs in Wyoming, and

Whereas, an annual inspection of large capacity storage reservoirs would be of great benefit and consolation to life and property downstream,

Therefore be it resolved, that the Wyoming Stock Growers Association go on record as in favor of drafting and submitting legislation to provide for the annual inspection of all large capacity reservoirs and that this program be administered by the State Engineer's Office, and that the examining officer be given authority to condemn any dams that are found to be unsafe.

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RESOLUTION NO. 7.—PESTICIDES

Whereas, judicious use of pesticide chemicals is essential in giving us a safe and abundant food supply and contributes by protecting human beings against pest-carried diseases and assists in increasing the productive capacity of otherwise low productive areas through control of undesirable plant species and,

Whereas, several organizations and individuals have severely attacked the use of pesticides and confused the general public by using undocumented and fictitious materials, and

Whereas, the Wyoming Stock Growers Association is concerned about the misrepresentation of facts concerning pesticides,

Therefore be it resolved by the Wyoming Stock Growers Association that regulatory authorities and agencies should consult with Experiment Station and Extension personnel who are engaged in research and proper use suggestions of pesticides before setting restrictions and parameters of pesticide uses.

And be it further resolved that Regulatory authorities and agencies consult with members of the Agricultural Industry as to the importance of pesticides in maintaining a sufficient food supply for our ever expanding population.

And that these resolutions be forwarded to Wyoming's Congressional Delegation expressing our concern as outlined above.

RESOLUTION NO. 8.—ESTATE VALUATION

Whereas, the Ways & Means Committee of the House of Representatives is presently engaged in modifying the gift and inheritance tax laws, and

Whereas, the present system of valuations based upon appraisal of fair market value has proven to be difficult as well as impractical, and

Whereas, tax records of past earnings are readily available,

Therefore be it resolved that the Wyoming Stock Growers Association does reiterate its position that the value of ranch property for estate tax purposes be based upon its proven earning ability, for this, in the final analysis is the only true appraisal of value.

NEIGHBORHOOD SCHOOLS OR FREEDOM OF CHOICE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. COLLINS. Mr. Speaker, education of our young people is the base of America's future. Americans at the crossroads, in the suburbs, in the crowded cities, all want us to concentrate again on educational progress.

This weekend while I was back in Dallas I visited many times with concerned folks who wondered why we are not emphasizing education and training as we used to do. Why are youngsters being forced to go across town to school? And then why change schools again every year?

I have studied every survey available for the past 2 years in Washington on the busing effect on education. There has been nothing to show academic improvement. No survey can show that busing accomplishes anything except community turmoil and increased school taxes.

While Washington insists on destroying the neighborhood school system, the confusion leads to mixed-up youngsters. Youth crime rate has skyrocketed. Drug use has doubled. Mental disturbances are at a peak.

Every youngster under his constitutional rights should be given freedom. He should be able to go to his neighborhood school or to have a freedom of choice to go to any school in his district. He should not be trucked around like a load of cattle. We need to instill dignity and pride in the individual.

In the August 9 issue of the Dallas Morning News was an interesting analysis by Dick West, editorial director. West is more than an editor, he gets out with the folks and he writes facts and not hogwash. He tells it like it is. Education is vital and Dick West spells it out in the News in the following plain-spoken editorial:

NEIGHBORHOOD SCHOOLS OR FREEDOM OF CHOICE

(By Dick West)

For 16 years now, the South has been living in an uncertain and uneasy state of siege because of federal dictation to its school systems.

The dictation is bad enough. But when the orders from Washington vary from year to year—and even semester to semester—the former Confederacy, from Texas to Virginia, becomes frustrated, cynical, then belligerently bitter.

Mississippi can't do it in 20 years, any more than New York City or Newark can wipe out their ghettos and replace them overnight with gardens and fountains.

A federal bureau or court can end segregation by law. But it can't end segregation—and that seems to be the trouble.

There is no segregation by law in Dallas, but there are still schools in this county and throughout the South that are 95 to 100 per cent all white or all black. And the local government is bugged about it.

Parents and students, black and white, want schools of their choice—which is the neighborhood school closest to them—but Washington periodically sends long-haired theorists into Southern states to warn that freedom-of-choice neighborhood schools "are not what we mean by racial balance," to quote one of them.

In brief, 9 out of 10 school districts south of St. Louis have outlawed segregation by law in public education—which is all that the Supreme Court ordered them to do.

But they still have spots of total segregation. And the only way they can eliminate it is to pick up the children by the thousands and bus them for miles twice a day just to satisfy educational theorists who never saw the South, much less lived in it, but seem to get a sadistic kick out of restructuring its life.

Democrats are mad, Republicans are mad—in the South, that is—and blacks and whites in both parties are mad.

To aggravate their tensions, President Nixon months ago came out flatly against busing—but his own Health, Education and Welfare Department invades the South with threats of lawsuits to enforce busing.

A federal decision, either by HEW or a court of law, will tell a city its plan of integration is all right. The city breathes more easily. Then, out of the blue, comes a lawsuit saying the plan is not all right.

Are they nuts? parents ask.

A prime example of this confusion and vacillation is Richmond, the proud capital of old Virginny.

The Richmond News Leader recently publish a full-page open letter to the United States Supreme Court.

In 1965, a freedom-of-choice plan in Richmond was approved by a federal district court, federal appeals court and the Supreme Court. But if we read the New Leader's account correctly, Richmond faces compulsory busing.

In Richmond, under freedom of choice, every white student in the city attends an integrated school.

Richmond taxpayers spend $701 per student on its system, which is $25 above the national average. There are only 19.8 students to the teacher—the figure is close to 30 in Dallas, and the national average is 23.2. The dropout rate in Richmond is only 6.4. Nationally it is 21.5. The average teacher's salary is close to $8,000.

The overwhelming majority of blacks and whites in Richmond are satisfied.

Its current school budget is $27 million, but if busing is ordered taxpayers will have to dig into their pockets and come up with $5 million more for vehicles, tires, gasoline and drivers.

The most insane feature of this situation is that Richmond's system was approved by every federal court which heard it.

If Richmond must now change, what assurance does it have that, five years from now, it won't have to change again to suit the whims of another bureau educationist?

The average person who reads column after column, day after day, about this school problem doesn't really realize how it all began—and how it has mushroomed into a cloud of absurdity.

The original landmark decision in 1954—Brown vs. the Board of Education—didn't say that segregation was illegal: It said discrimination by law was illegal. There's a big difference, and that is the source of the current trouble.

Specifically, it said that no child could be denied admission to a school because of his race.

This means that if a black youngster in South Dallas wants to go to Thomas Jefferson or Hillcrest in North Dallas, he can.

But the decision does not mean that the government must come in, load him in a bus, and force him to go to North Dallas.

As a matter of fact, such busing is illegal under the original 1954 decision, for this reason: If the black youngster forced to go to North Dallas wants to stay at home and go to his neighborhood school, he is being denied admission to a school (his own in his own neighborhood) because of his race.

If whites in the Thomas Jefferson area want to stay there, they too are being denied admission if forced to ride a bus to a South Dallas school.

It never made sense that a black youngster's learning process suddenly becomes better if he sits next to a white youngster. But, Southern school districts must make certain that black and white areas have schools equal in instruction and facilities and, secondly, announce that anyone can go to any school he wants to.

That is all they can do—period.

And every poll ever taken—the most recent by Gallup—shows that 9 out of 10 parents oppose compulsory busing. This is another way of saying they want their own neighborhood schools.

But the turmoil continues. Washington knows best.

THE JUNTA—LEAVE IT OR LOVE IT?

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. EDWARDS of California. Mr. Speaker, it is ironical that the United States, so widely accused of abusing its power to influence the destiny of other nations, has failed to so much as flex its little finger for the restoration of democracy in Greece. It is indeed mystifying that we wage undeclared war in Indochina while refusing to exert even the minimum influence on the Greek junta to restore democratic government and civil rights. As Alfred Friendly points out in the following article from the Washington Post, Sunday, August 9, our failure to put the screws to the junta raises the legitimate question: Are we in love with it? The article follows:

THE GREEK JUNTA'S HOPELESS FUTURE

(By Alfred Friendly)

ATHENS.—In the more than three years since it seized power, the Greek military regime has run up a curiously mixed record of success and failure. It has been completely successful in establishing itself in power. Its control of the country is absolute and not threatened by any force, internal or external, on the horizon. It has completely failed to fulfill its promises of giving Greece a new basis for political life, a political "cleansing" or even a minimally competent government. Most important, it has failed miserably to win popular support at home or acceptance abroad.

A striking consequence of these failures—and also in part a cause of them—is the junta's total inability to enlist anyone of technical competence, good reputation and public stature to work in the government. The feeling remains, and is probably growing, that anyone who joins up is a quisling.

For the last few weeks it has been common knowledge, and the source for much joking in Athens, that Prime Minister George Papadopoulos has been hawking top jobs to battalions of prominent Greeks who are anti-junta. Some of them have only recently returned from prison or exile. Papadopoulos is known to be frustrated on this score and to realize—as his infinitely more blinkered and primitive military colleagues do not—that his government is simply unable to deal with its problems. It can make its writ run, but its writ is incompetent.

The failure to win popular support, to operate an effective government, to obtain the necessary economic agreements with the Common Market and other international agencies abroad, to secure the flow of indispensable foreign investment—these are the junta's Achilles' heel. Because of this, the Western democracies, and the United States in particular, possess some leverage than can be exerted on the dictatorship. The junta can afford to be indifferent or unmoved by the essentially meaningless threat of withholding future weapons supply but it cannot remain unconcerned about international condemnation and lack of real American support, for these are at the root of the junta's hopeless future prospects. Greece has not reached the point of Spain and Portugal, nor is soon likely to, where it can thumb its nose at the rest of the world.

But it is in just this area of pressure politics where Greek liberal (as against left) anti-junta opinion leaders believe the United States has not made intelligent or courageous use of its clear potential. Whatever they think about the attitude of the Pentagon or CIA, a small group of informed and pro-Western Greeks concedes that the White House and the State Department detest the junta and are sensible to the dangerous consequences of its continuance.

But, they complain, the American government has not made clear to the junta, in cold turkey terms, the degree of its condemnation, nor threatened to use the not insignificant arsenal of political and psychological weapons at its disposal if the junta does not begin the process of a return to democratic rule. Granted, the Greek critics continue, the United States cannot tell the colonels how to run the Greek government. But it can certainly make much more explicit to the colonels that they cannot expect to be admitted into decent society, much less be supported or loved, as long as they are on their present course.

A second complaint against the American government is that in failing to take its stance of moral opposition to the junta clearly and publicly, it is forfeiting the goodwill and future friendship of the oppressed Greek people. Instead—at least until the arrival here of American Ambassador Henry Tasca, who put a stop to it—American military officers would greet their Greek counterparts with excessive cordiality and fulsome statements, all of which were reproduced by the government and disseminated far and wide as evidence of how the United States loved the regime. Even Tasca has on occasion carelessly shown up on platforms with junta leaders, and seen his appearance instantly exploited by the junta propaganda machine. The gist of the complaint is that Papadopoulos is a brilliant chess and poker player who has made chumps of us.

In defense, the Americans insist that they are telling the junta, privately but in the most emphatic terms, that America intends sharply adverse action, of which public denunciation will only be one part, if the junta fails to announce before the end of the year a date for parliamentary elections.

They also argue that for maximum influence America must apply the carrot as well as the stick: an outright public condemnation at this point would be premature and would simply drive the colonels out of the Western ball park and end any possible outside influence on them.

The defense is not particularly persuasive. It is hard to see a good reason why the United States cannot play poker as well as Papadopoulos or why it cannot reassure the Greek people about its attitude toward the junta and its suppression of democracy. Instead, it lets persist in the mind of the overwhelming proportion of the Greeks—almost everyone but a handful of staunchly pro-Western sophisticates—that we cherish the colonels and support them to the hilt.

It is hard to see any good reason why the American government has not officially and publicly expressed its outrage at the indecencies the junta commits against civil rights. Or why it has not shown—as it could, subtly but unmistakably to an audience as politically savvy as the Greeks—that it will support a democratic opposition movement as it develops in the society. The question is how long America can remain equivocal, at least in public, and still convince anyone that it is *not* in love with the junta, or that it is really using what weapons it has to push toward a democratic future for Greece.

HOUSE RESOLUTION URGING SUPREME COURT DECISION ON DESEGREGATION

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. CRAMER. Mr. Speaker, I have introduced a resolution expressing the sense of the House of Representatives that the U.S. Supreme Court convene at the earliest possible date in order to settle outstanding questions related to desegregating the Nation's public schools.

When my antibusing amendment was unanimously adopted by the Congress and made a part of the Civil Rights Act

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of 1964, I thought these questions had been settled. Recent court opinions, however, make it evident that they were not. Under the circumstances, an immediate decision by the Nation's Highest Tribunal is essential. That is precisely what my resolution calls for.

This is not a partisan proposal. It is not one that draws legal or other conclusions. Its purpose is simply to express our concern as a legislative body with the urgency of the questions presented to the Court in the Charlotte-Mecklenburg and other cases pending before it and our earnest hope that they will be expeditiously resolved.

I am hopeful that my colleagues on both sides of the aisle will support this effort. To that end, I am writing all Members to ask that, upon their return from the August recess, they join as cosponsors of the following resolution of the House which I plan to reintroduce at that time:

RESOLUTION

Whereas school systems throughout the Nation are in a state of chaos and disruption as a result of conflicting decisions of lower Federal courts dealing with the desegregation of the Nation's public schools, and

Whereas school administrators and board members are without adequate guidelines for determining what is required to achieve unitary school systems, and

Whereas the scope and coverage of legislative guidelines enacted by the Congress for ending discrimination in the Nation's public schools have yet to be definitely determined, and

Whereas it is imperative that these critical issues be settled in order that the Nation's public schools may effect an orderly transition in the coming school year, Now, therefore, be it:

Resolved, that it is the sense of the House of Representatives that the United States Supreme Court should schedule a special term of court to consider desegregation cases presently pending before it in order that the Nation's public school systems may be provided with judicial guidelines for ending discrimination in public education.

AIR FORCE MUSEUM—ONE OF OHIO'S TOURIST ATTRACTIONS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. BROWN of Ohio. Mr. Speaker, the Christian Science Monitor recently included an article on the growing number of tourist attractions within the State of Ohio. I am particularly proud of the mention given to the U.S. Air Force Museum at Wright-Patterson Air Force Base. It is an exceptionally fine attraction and one which draws more visitors each year than any other in the State. As the article points out it stands as the oldest and largest military aviation museum in the world, with a collection of more than 8,000 planes and aviation-related items.

Within the museum one can trace the development of military aviation from its rather unsophisticated first stirrings to the most recent technological advancement. Man's exacting struggle with the various dimensions of military airpower is illuminated through numerous displays, exhibits, and ingeniously designed audiovisual presentations. One discovers an engineering history filled with both success and frustration. Significantly the visitor is also quick to realize that an inseparable connection exists between progress in military airpower and the evolution of the commercial aircraft industry in the United States.

Mr. Speaker, man need no longer be content to simply gaze at the sky. His skill and machines have enabled him to become a part of it. Crisscrossing the continents, our planes have made distances and barriers meaningless. Ever looking for new horizons we have reached the silent surface of the moon. These historic strides are the result of work which first began very near to where the Air Force Museum is located today. We in the Seventh District are proud of it for its preserves a very rich and important part of America's history. The article follows:

[From the Christian Science Monitor, Aug. 4, 1970]

OHIO EAGER TO HARVEST TOURIST CROP—NEW ATTRACTIONS BLOSSOM THROUGHOUT BUCKEYE STATE

(By Ralph I. Hubley)

COLUMBUS, OHIO.—From the busy shores of Lake Erie to a winding-river southern boundary, Ohio has developed powerful tourist attractions to pull the traveler off the Interstate highways which crisscross Buckeyeland.

Newest large attraction this year is Sea World of Ohio, a 50-acre marine life park on Geauga Lake near Aurora, between I–80 and I–90 in the northeastern part of the state.

Similar to Sea World of San Diego where sea animals perform for trainers, the Ohio facility is more amazing in that the seawater has to be manufactured on the grounds for these salt-water creatures. After the end of the season, Labor Day, the animals will be flown back to San Diego for the winter.

For the admission price of $2.50 for adults and $1.25 for children, the visitor can see shows in two amphitheaters each seating 2,500 persons. Besides these shows the visitor can picnic, fish for trout, stroll through a Japanese pavilion, and feed the animals. The parks facilities are still expanding with the addition of a lake-front stadium for water shows next year.

Another growing endeavor in the northeastern part of the state is the Blossom Music Center now in its third season at Cuyahoga Falls near Akron. Somewhat like Tanglewood in western Massachusetts in program and activities, it is the summer home of the Cleveland Orchestra. The $6.6 million center is in a beautiful wooded and hilly area.

Probably the largest attraction for children of all ages along the east-west superhighway is a Disneylike amusement park at Cedar Point, Sandusky. It is observing its 100th anniversary on a peninsula sticking out into Lake Erie.

Although visited by nearly 40,000 a day, the grounds and wide streets are kept in immaculate condition with buildings and equipment in tiptop shape. Besides the rides, free shows are given in two theaters throughout the day and evening. Also included in the park is a wide beach and picnic ground.

Greatest drawing cards along I–75 which slashes down the western part of the state are the Air Force Museum near Dayton and the River Front Stadium in Cincinnati.

Oldest and largest military aviation museum in the world, the display northeast of Dayton portrays the history of the United States Air Force in such a way as to interest all ages. Nearly half of the aircraft and missiles have to be exhibited outdoors, so construction is under way on a new $6 million facility at Wright-Patterson Air Force Base to contain the collection of 8,000 planes and other items.

The stadium, which seats 51,346 for baseball and 55,000 for football, is still undergoing construction on the press rooms, club facilities, and refreshment areas, although games are being played. The astroturf and million-dollar scoreboard are still much discussed.

A vigorous undertaking by the Greater Cincinnati Chamber of Commerce has succeeded in combining tours of the more than 100 attractions in the Queen City with fund-raising efforts of clubs and organizations.

It is called Cincinnati Excursions, and the chamber organizes group attendance at games in the stadium, symphony concerts, river cruises, and city tours, and insures a profit for the sponsoring organization.

In this area can also be seen an outstanding example of state-park development. It is Heuston Woods State Park on Lake Acton near the Indiana border. It handled 2,118,000 visitors last season.

Low prices for excellent accommodations in a beautiful area account for its popularity, and reservations have to be made for the huge A-frame lodge a year in advance. This is one of 56 state parks being developed for Ohioans and other visitors.

Besides the Air Force Museum and the Football Hall of Fame near Canton, unique to Ohio is the Warther Museum, located in Dover north of New Philadelphia.

Termed a priceless work of art by the Smithsonian Institution, the collection of 56 hand-carved, operating, miniature locomotives displays the skill of Ernest Warther. An 84-year-old craftsman, he still carves in walnut, ivory, ebony, and pearl, and greets visitors personally. Even the most sophisticated travelers are impressed with this exhibit.

It is well worth a special trip to see this small but well-presented museum and to stand in awe at such a talent. Not to be outdone, Mrs. Warther has an outstanding collection of buttons in a smaller building next door.

And while in this area the visitor should not miss Ohio's first outdoor theater which presents the historical drama "Trumpet in the Land" by playwright Paul Green nightly at Uhrichsville. It is in its premier season.

Just west of New Philadelphia is Sugarcreek, called Little Switzerland. It's hard to miss with its Alpine architecture on storefronts, a cheese factory, and a sausage plant. A Swiss festival is held here each year.

The presence of Amish in the area is also obvious as black buggies, beards, and long gray dresses grace the town and roads. The weekly newspaper, the Budget, is published in Sugarcreek and serves Amish-Mennonite communities throughout the Americas.

Here in Columbus may be found the new Ohio Historical Center on the fairgrounds, the Center for Science and Industry, the new Center for Tomorrow, and German Village for state and out-of-state visitors.

YOUNG FIND FEWER JOBS

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. OLSEN. Mr. Speaker, as thousands of young Americans get ready to go back to college, thousands more are out looking for work. And they are having much less success this year.

Republican economic policies have resulted in tight money and a tighter job market. This has its effects on every segment of our population, but it has a particularly serious effect on young people who have completed their college education and find the opportunities to use that education limited.

During the Nixon administration, more than 1½ million people have been added to unemployed rolls. Last month, total unemployment reached 4½ million, the highest in 5 years. A substantial number of these are young people in the 20-to-24 age group. The unemployment rate for that group is 8.9 percent, as compared to the 5-percent rate for the total population. This means that thousands of young college graduates who went out to apply for jobs in June are still looking.

The situation is even worse for those young people who do not go to college. The jobless rate for 18- and 19-year-olds is 13.2 percent. For young males, it is slightly higher—13.6 percent. Added to the uncertainties of the draft, a young man now faces increased uncertainty in job opportunities.

This is a high price to pay for Republican mishandling of the economy.

HIGHWAY PROGRAM

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. KLUCZYNSKI. Mr. Speaker, one of the best editorials I have read in support of the highway program is contained in the Evening Capital, Glen Burnie, Md., which I place in the RECORD today. I feel the Members should be aware of what some of the thinking is in other areas relative to the merits of the highway program. I commend it to the reading of all the Members. The article appears below:

SHORT-CHANGING OUR ROADS SYSTEM

America's interstate highway system "is the most substantial public works project ever undertaken in the history of civilization," Secretary of Transportation John A. Volpe told the 13th Biennial Highway Transportation Congress in Washington last spring.

It is also one of the best things that ever happened to this or any other nation, the secretary went on. Americans will realize almost $12 billion in savings by the time the system is completed, he predicted—benefits stemming from lower operating costs, time costs and convenience.

The safety features of the superroads are alone worth the expense. When completed, the system will be saving close to 10,000 lives each year, said Volpe. In fact, for every five miles of highway built to interstate standards, one life per year is saved, every year.

"If there were no other reason to build the system," he said, "this would be reason enough!" (The exclamation mark is his.)

Volpe's inflation-conscious boss, however, appears in no hurry to complete the network, whose full name is the National System of Interstate and Defense Highways.

The Department of Transportation (DOT) has announced that $1.25 billion in federal funds from the Highway Trust Fund would be released for the first quarter of fiscal year 1971, which began on July 1.

But earlier it had been expected that DOT would release more than $1.7 billion in highway funds, including $460 million left over from last year.

For the entire 1971 fiscal year, DOT reportedly plans to release only $4.6 billion in Highway Trust Funds although Congress has authorized in excess of $5.4 billion. In fiscal 1970, the states, which add another 10 per cent to the federal outlay in matching expenditures, received more than $5 billion from the trust fund.

This slowdown in the commitment of road-building money has, inevitably, elicited adverse comment from the so-called highway lobby, which charges that the $460 million was withheld to help mask a deficit in the federal budget.

Neither this sum, nor any part of the Highway Trust Fund, which comes chiefly from the federal tax on gasoline, can be used to reduce the national debt or finance job-training programs or low-cost housing. It is earmarked solely for highway construction and its retention in the public vaults merely helps to make the government's budget situation look a little bit healthier on paper.

When the 41,000-mile system (later raised to 42,500 miles) was launched on a "pay-as-you-build" basis under the Eisenhower administration back in 1956, its total cost was estimated at $27.5 billion. It was supposed to be completed at the latest by 1972.

As of last December 31, with some 30 per cent or nearly 13,000 miles of the network remaining to be built, and with 4 per cent of that not even advanced beyond the preliminary stage, $38.83 billion had already been spent.

Inflation, which nobody engineered into the plans, gobbled up most of that $11 billion-plus difference.

Since much of the uncompleted mileage is in high-density urban areas, where right-of-way acquisition costs are the highest and getting higher, and since labor and materials costs are rising at something like 10 per cent a year, any unnecessary stretch-out of the project by holding Highway Trust Fund releases below what Congress has authorized and below what the fund is able to support may rightly be called a case of penny wise and pound foolish.

And what about those lives that won't be saved because the roads that would have saved them won't be built this year?

AIR TRAFFIC CONTROLLERS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. WYATT. Mr. Speaker, on July 6 of this year I introduced H.R. 18311, which is a bill designed to provide for accelerated retirement for air traffic controllers.

The need for special consideration for these dedicated men is very obvious and I do not intend to attempt to make a case at this time for this bill. However, since the introduction of my bill, S. 3959 has been passed by the Senate and I am today introducing a second accelerated retirement bill for air traffic controllers, which is identical to the bill passed by the Senate. I do this in full support of the version finally passed by the Senate and in the hope that by so doing this bill can be expeditiously heard by the House Committee on Post Office and Civil Service, considered and passed by the House, and signed into law by the President.

In my judgment this is an absolute must if we are to provide the means for safety for the hundreds of thousands who use the airways in this country and if we are going to simply be fair to the air traffic controllers who have for years done such a magnificent job for all of us.

WHEN THE AMERICAN AIR FORCE VETERANS STOPPED THE BOLSHEVIKS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. MOORHEAD. Mr. Speaker, on Tuesday, August 11, I had the pleasure of addressing the Council of Polish Delegates, at their annual Polish Day picnic, at Kennywood Amusement Park in Pittsburgh.

This always happy event was made even more so for me because of the opportunity it gave me to meet and spend time with my many Polish constituents. This hardy, hardworking, serious-minded people, has left its mark on the industrial might of my city of Pittsburgh.

Their contributions have been varied and many.

One of their number, Joseph A. Borkowski, who is chairman of the Polish Historical Commission of Western Pennsylvania, has prepared many articles and treaties on the role that Polish Americans have played in forging our great Nation.

One of Mr. Borkowski's works has a different theme. He tells how a group of American flyers came to the aid of Poland in 1920 as it was about to be overwhelmed by the Russians.

At this time, I would like to introduce Mr. Borkowski's article into the CONGRESSIONAL RECORD:

WHEN THE AMERICAN AIR FORCE VETERANS STOPPED THE BOLSHEVIKS

(By Joseph A. Borkowski)

The year 1970 marks the 50th anniversary of the participation of American Air Force volunteers in thwarting the invading Bolsheviks in their attempt to spread communism in Western Europe. The communist threat increased with Red military successes in the Russo-Polish War (1919–1920) which developed out of conflicting territorial claims. The American Air Force volunteers were an integral component of the Polish Armed Forces and played an effective role in halting the Bolshevik onslaught.

As the Poles advanced toward Kiev, deep in Russian territory, their supply lines and defenses were thinned out and they became vulnerable to flank attacks.

On May 1920 the Russian General Mikhail N. Tukhachevsky (1893–1937) began a counter offensive in the north and started a drive towards Warsaw. In the meantime, Semeon M. Budenny a very able Cossack cavalry leader struck at the Poles between Kiev and Lwow. Outnumbered and with their flanks threatened, the Poles started a methodical rear-guard action.

The Polish Command was wary of Budenny's calvary; proven in battle against White Russian armies. They knew that unless

Budenny was stopped and defeated, regardless of any success the Poles might have had against the rushing Tukhachevsky, the Polish front based on the Warsaw-Modlin line would have collapsed. This event may have possibly proven disastrous to the young, emerging Republic of Poland.

To meet Budenny's rapid movements and locate his concentrations, the Poles sought the aid of the veterans of the American and Allied Air Forces, particularly those who saw service with the Lafayette Escadrille.

The initial attempt to enlist the Americans was made in Paris by Captain Merion C. Cooper who while on social service duty with the Poles saw the need of the Polish Armed Forces for an air force.

The first contingent to enroll consisted of the following American Air Force veterans:

Captain Merion C. Cooper; Major Cedric E. Fauntleroy; Lieutenant George M. Crawford; Lieutenant Kenneth O. Shrewsbury; Edward C. Corsi; and Lieutenant Carl H. Clark.

To further the enlistment drive in the United States, Major Paul Baer, a distinguished member of the Lafayette Escadrille, at the behest of Prime Minister Ignacy Jan Paderewski, was sent to the United States for recruiting purposes. The enlistment office was located at the Flying Club, New York City.

The roster of the Americans enlisted in the Polish cause, 1919–1921 included the following members of the Kosciuszko Squadron (7th) of the Polish Air Force, May 1921:

Colonel Cedric E. Fauntleroy, V.M.C. Va. of Missisippi and veteran of French and American Air Services (see note #1).

Lt. Colonel Merian C. Cooper, V.M.C. Va. of Florida, American Air Force;

Major George M. Crawford, V.M.C. Va. of Delaware, AAF;

#Captain Arthur H. Kelly, Virginia, AAF;

#Captain T. V. McCallum, Canada, British R.F.C.;

Captain Edward C. Corsi, V.M. Brooklyn, N.Y. French Air Service;

1st. Lieut. Elliot W. Chess, V.M.C. Va. Texas AAF.;

1st. Lieut. Carl H. Clark, V.M. Oklahoma, French Air Service;

1st. Lieut. Earl F. Evans, Texas, AAF;

1st. Lieut. Thomas H. Garlick, New York, British R.F.C.;

1st. Lieut. Edmund P. Graves, Massachusetts, British R.F.C.;

1st. Lieut. J. Inglis Maitland, Michigan, British R.F.C.;

1st. Lieut. Kenneth M. Murray, New York, AAF;

1st. Lieut. E. H. Noble, V.M. Massachusetts, AAF;

1st. Lieut. H. C. Rorison, V.M., North Carolina, AAF;

1st. Lieut. K. O. Shrewsbury, V.M. W. Va. & New York, AAF;

1st. Lieut. John C. Speaks, D.F.C.; Ohio, British R.F.C.;

Others who served in the Polish Air Force included the following:

Major Paul Baer; Major Bruse M. Mohler; Lt. C. E. Harp; Lt. D. W. Hughes; Lt. A. Koslanding; Lt. R. T. McFarland; Lt. _______ McGehee and Captain Joseph C. Sterling.

In addition to the above American roster there was M. H. Winkler English of the British Air Force and Captain G. G. Chisholm, a Canadian and veteran of the Canadian Air Force.

Colonel Cedric E. Fauntleroy was the first American Air Force Pilot to be recruited. He had more than 4,000 flights for the A.E.F. and at one time served with the famed Rickenbacker's, "Hat in the Ring Squadron."

All the enlistees were incorporated as a fighting unit of the Polish Armed Forces and were given the same rank that they held in their original fighting outfits and received the same pay as their counterparts in the Polish Air Force which amounted to $6.00 per month. Maj. Cedric E. Fauntleroy who was subsequently named the commander of the Kosciuszko Squadron and spoke for the American volunteers, stated that, "although enlistees underwent many hardships, they came to Poland as soldiers of adventure."

A typical member of the Kosciuszko Squadron was Captain Harmon Rorison of Wilmington, N.C. who actually travelled 6,000 miles and accepted a rank of a lieutenant to fight the Reds for a pittance. Captain Rorison distinguished himself time and time again in reconissance and straffing missions against Bolshevik forces. At one time he was downed making one of his daring approaches on enemy positions and was missing for seven days but only to return to continue fighting until the end of Polish-Russian War.

Another outstanding fighter pilot was Lt. George M. Crawford who at times seemed reckless and irresponsible in attacking the enemy as far as the Poles were concerned, but was most effective in destroying massive concentrations and steamboats loaded with Bolsheviks, which attempted to outflank the Poles. On several occasions he was successful in sinking river troop ships, sometimes inflicting total losses. One would cite similar examples of others upon whom Polish land forces depended to locate the enemy and its movements.

The Kosciuszko Squadron proved a very effective force in countering Budenny's threat to Polish land forces and the Polish right flank. The collapse of the same and Budenny's penetration and capture of Modlin would erase all Polish defenses against the approaching Bolshevik land forces to Warsaw.

A New York Times correspondent, on August 28th, 1920 wrote this about the American Pilots, "The Kosciuszko aerial squadron is playing an important part in the defense of Lemberg (Lwow). The smaller machines being used repeatedly for attacking the cavalry under General Budenny, Bolshevik commander. The pilots are making four or six flights some days and have been cited twice by the General Staff within a week.

"Prisoners report that the morale of the troops under Budenny is being shattered by the effective work of the aviators under Major Fauntleroy."

It was hard work. Further, it was all outdoors in a land where winters are hard and long. Despite this and many other hardships, there were more applicants than vacancies in the volunteer force. It can be truly said that the American members of the Kosciuszko Squadron have repaid the debt to Kosciuszko, Pulaski and others who fought in the American Revolutionary War. Above all they upheld the reputation of the fighting qualities of the American Soldier who willingly sacrifices to preserve democracy.

The Polish Falcons of America District IV will commemorate the American Pilots' contributions to the Polish cause on Sunday, September 6, 1970 at West View Park with appropriate ceremonies. The Polish Falcons will also honor the surviving veterans of the Polish "Blue" Army. viz: Gustave Pieprzay, National Physical Director of Polish Falcons; John Lewandowski and Jacob Ryzowics.

NARCOTICS

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. LOWENSTEIN. Mr. Speaker, the late Senator Robert F. Kennedy once distinguished between two kinds of violence. On the one hand, he said, there is the violence of the assassin, the terrorist, or the mob—forms of violence with which we are all too tragically familiar. On the other there is "the violence of institutions: indifference and inaction and slow decay." This second form of violence, Senator Kennedy said, is "slower but just as deadly, destructive as the shot or the bomb in the night."

Narcotics addiction is a manifestation of this "second kind of violence," a manifestation which in the past few years has surged into one of the graver social problems facing our country. Some 200,000 Americans are currently maimed by narcotics addiction, four times as many as have been killed in Vietnam.

About 54 percent of those persons live in the State of New York, more than 90,000 of them in New York City. According to the New York State Narcotics Addiction Control Commission, two of every 100 persons in New York City between the ages of 15 and 44 are addicted to an opiate drug.

Dr. Robert I. Dupont, Director of the Narcotics Treatment Administration in Washington, D.C., estimates that on the average, each of the District of Columbia's 10,000 addicts spends $50 per day to sustain his habit. That works out to $15 million a month for narcotics in the Nation's Capital alone. Is it any wonder, then, that criminal activity soars in order for addicts to obtain money in such large sums to maintain their habits?

It has become fashionable to decry drug addiction, but our inaction betrays us. For example in Nassau County, which is not exactly what one would call a deprived ghetto area, there were an estimated 10,000 addicts at the beginning of 1970—and treatment facilities for 680, including those treated in jail. Certainly these facilities are a fine result of concerned public officials and private citizens, but their inadequacy reflects the financial strapping of local and county governments. It is clear that municipal and State authorities do not have access to sufficient resources to control, let alone eradicate, the growing problem of addiction. Yet today no Federal support program exists to assist local authorities in the treatment of addicts.

It is time to recognize that the elimination of drug addition is highly urgent, not only in terms of reclaiming wasted human potential but also in terms of eliminating perhaps the major cause of violent and assaultive street crime. Not only must we commit the necessary resources to establishing a system of rehabilitation and prevention programs, but we must also provide sufficient facilities for detoxification and rehabilitation for every addict who seeks such assistance.

There has been a tendency in the past to meet public outrage against narcotics with strong laws and insipid enforcement. This approach does little more than breed contempt for law.

The latest examples of this approach are "preventive detention" and "no-knock searches," two proposals now touted by some as legislative panaceas for the drug addiction problem. They are, in point of fact, next to useless in the en-

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forcement of narcotics laws and dangerous encroachments on individual freedoms. Preventive detention would permit the courts to keep certain suspects in jail until their trials—the same jails which have been repeatedly upbraided as hotbeds of the drug traffic. Incarcerating addicts in such prisons is like locking brer rabbit in the brier patch. No-knock search warrants would permit police to enter houses unannounced in order to prevent suspects from destroying evidence—as officers have done in practice for years with no significant effect on drug abuse. The present practice of permitting no-knock entries under extraordinary circumstances should not be expanded into a routine police procedure—a procedure which will do far more to discourage respect for law and lawmen than to discourage drug use.

Legislating away everyone's rights and liberties will stop neither the drug traffic nor narcotics addiction. Provision of the resources to enforce just laws will. Slicing up the Bill of Rights is no substitute for providing the men, money, and material to do the job.

It is time to take a more discriminating look at the whole drug problem. One reason the problem has grown to the proportions it has may well be a tendency to oversimplify and overgeneralize in discussing it. For instance, there is a tendency to talk about narcotics addiction and drug abuse, when in reality they are two different problems. Heroin addiction in the ghetto is a far cry from barbiturate and tranquilizer abuse in the suburbs, and while both are serious and urgent problems involving the use of pharmaceuticals, each demand a vastly different approach.

For many years the Bureau of Narcotics warned young people that marihuana was as physically dangerous as heroin when in fact it was not. The tragic result was that the Bureau suffered a total loss of credibility with millions of young men and women, and that its warnings concerning the opiates and the amphetamines went unheeded by thousands of them. Mythology and old wives' tales no longer provide sufficient facts on which to base a national drug policy. The same sort of subtle and critical distinctions demanded in laboratory investigations of drugs should be demanded of inquiries into the social and legal aspects of the problem.

Just as it has become fashionable to decry drug addiction, it has become equally fashionable to demand further study of the drug problem. Again, however, the fashion is to demand much and do little. For example, those favoring reform of the marihuana laws have for 5 years and more been told more research is needed. They, and concerned citizens everywhere, may now appropriately ask "Why has not that research been done?" Drug arrests in the State of California alone are approaching the six-figure mark. It is outrageous and intolerable that the scientific inquiries everyone from the President on down agrees are desperately needed still are not underway. Drug research has suffered in the past from economy cuts, but this is a dangerous and terrible false economy. It is roughly akin to leaving the skull and crossbones off a bottle of poison in order to save the cost of printing the warning label. Obviously a massive scientific investigation into all aspects of the drug problem is long overdue.

Certain legislation I have joined in sponsoring in the House of Representatives could be highly useful in solving the drug problem. H.R. 13785 provides for a comprehensive program combating narcotics addiction and drug abuse. H.R. 17350 would establish the administrative structure for an all-out Federal attack on the problem. H.R. 13786 would establish a Commission on Marihuana to conduct a comprehensive investigation of that drug and the problems associated with its widespread use.

These measures if passed into law will not signal the end of the narcotics problem in the United States, nor even the beginning of the end. But they will signal a beginning, and that beginning is long overdue.

FARMWORKERS NEED FEDERAL PROTECTION

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. KOCH. Mr. Speaker, on August 5 our colleague from Illinois (Mr. MIKVA) and I offered an amendment to the farm subsidy bill. That amendment provided that any farmer receiving payments of over $5,000 in farm subsidies would be required to certify that he is in compliance with all applicable Federal, State, and local employee health and safety laws. The amendment was defeated by a vote of 37 to 58.

The enormous need not only for that amendment but for additional legislation which would protect all farmworkers and provide at least minimum sanitary and physical conditions for them and their families was demonstrated on August 7, 1970, in the State of New Jersey. I am annexing the article reporting this incident affecting the farmworkers in New Jersey which appeared in the New York Times of August 8, 1970. I hasten to add that New Jersey is not singular in this area and that many other States have woefully failed in providing protection for farmworkers.

We should not and must not turn our backs in providing help for large numbers of our citizens in need of Federal protection. I urge the Agriculture Committee to give attention now to the plight of farmworkers and provide legislation guaranteeing decent protection for their health and safety.

The article follows:

TWO POVERTY AIDES SEIZED AT JERSEY MIGRANTS' CAMP

(By Ronald Sullivan)

BRIDGETON, N.J.— Two antipoverty officials, a lawyer and a caseworker, were arrested today on trespass charges after they refused an order to leave a migrant farmworkers camp that they were trying to inspect.

The incident followed what antipoverty officials termed a summer of threats and intimidations by farmers to keep them from assisting the thousands of black and Puerto Rican migratory farm workers who pick New Jersey's vegetable crop.

This reporter, who had accompanied the two officials, also was arrested by the state police on a trespass charge after being assaulted by a farmer who said that "even President Nixon" would not be allowed to see the conditions in the migrant camp he maintained near here.

The farmer, Morris Tedesco, lunged at the reporter, striking a camera against his face.

"I'll smash you for this, I'm going to get you for this," Mr. Tedesco said. "This is my property. You can't come in here looking around."

The two antipoverty officials arrested with the reporter were Peter K. Shack, a Camden County Legal Services, Inc., attorney, and Frank Tejeras, a caseworker. All three were taken to the Upper Deerfield Municipal Hall and later released on their own recognizance pending a hearing Monday.

Joseph Paresi, who owns fields of tomatoes nearby, warned several visitors that the farmers would resort to violence as, he said, the black civil rights movement had. He said that at least 95 per cent of the other farmers here in Cumberland County and in nearby Salem and Gloucester Counties agreed with him.

PREDICTS MORE VIOLENCE

"This violence is going to snowball," he said. He also said that he sometimes felt that either Hitler or Stalin would have known how to deal with the migratory farm workers in the camp he maintains about 200 yards from his home.

Max Rothman, the head of the Camden County Legal Services, a Federally funded antipoverty organization that is providing free legal services to migrant farm workers here, said today that his staff attorneys were being repeatedly threatened and intimidated by farmers who refused to allow anyone into the camps on their farms.

Big no-trespassing signs have been sprouting in the South Jersey farming region. A number of Federal and state antipoverty, health and education officials have told of being run out of camps by gun-wielding farmers.

Mr. Rothman said he was threatened by a farmer carrying a heavy crow bar when he attempted to visit a black migrant camp just south of here.

The State Department of Community Affairs in Trenton is seeking legislation to guarantee antipoverty officials and other qualified persons seeking to assist migrant laborers easy access to their camps. In a brief filed with the department, Mr. Rothman charged that the farmers were using the state's trespassing law to prevent themselves from being ordered to make costly improvements.

Today's arrests, according the antipoverty lawyers, set the stage for state and federal court test of the constitutionality of the trespass law.

The lawyers contend that it violates a constitutional right of migrants to have easy access to the outside world.

REPORTS OF BEATINGS

"The farm workers themselves are the real victims of the law," said Mr. Rothman. "They are not only deprived of their basic, human dignity and the fundamental right to have visitors of their choice, but they are also deprived of the full benefit of Federal programs aimed at helping them uplift themselves from the squalor and deprivation of the camps in which they live."

Other Federal officials said that the farmers were also using the trespass law against the workers themselves by isolating one camp from another so that any wage or living improvements were kept secret and by using the camp isolation as a "chilling" weapon to maintain tight control.

Mr. Rothman's office has handled numerous reports of farm workers' being driven away without pay and beaten for acts of defiance.

Four years ago, farmers here drove Federal VISTA volunteer workers from the camps, accusing the volunteers of stirring up Negroes and helping a drive that summer to organize them into a labor union.

The initial controversy and subsequent reports of squalor and unlawful working conditions led to a package of reform legislation in 1967 that was intended to improve camp conditions and guarantee migrants a $1.50 minimum wage.

But the squalor remains in many of the camps here.

Although State law requires farmers to provide flush toilets in their camps, the only sanitary facility for the 30 or so Puerto Rican migrants at the Tedesco camp was a privy that was crawling with flies.

Seven men slept in one room in which the screens were torn. There were no sheets or mattress covers, as required by law.

Mr. Shack, a former Peace Corps volunteer, was at the camp to investigate a report from Ramon Cruz, a 19-year-old migrant who said he suffered a cut on his hand while working in the field last month and, unable to work since then, had received no wages.

Mr. Tejeras went to the camp to pick up Toño Rivera, a 36-year-old migrant whose face was recently slashed and who had to be returned to the hospital to have the stitches removed.

Mr. Shack and Mr. Tejeras were arrested after Mr. Tedesco refused to let them into the camp and after both men had asked to remain there until the two migrants—who were not there—returned.

$17.70 A WEEK FOR TWO

At another camp, Mrs. Florenzia Lorenzo, a 36-year-old mother with 10 children, showed the pay stubs for herself and her husband. The slips showed that the Lorenzos made $17.70—with 95 cents deducted for Social Security—for a week's work.

The 12 Lorenzos slept in one small room, with bed space for eight of them. Their clothes were kept in an abandoned refrigerator.

On days when there was no food, Mrs. Lorenzo said, she went into the fields and took vegetables which she boiled for her children.

For three days this week, she said, the camp had no running water.

A. J. Rosena, the acting chief of the State Migrant Labor Bureau, which is responsible for making sure that living and working conditions for the state's 20,000 seasonal migrants are lawfully maintained, contended that conditions in the 1,200 camps "were great" this summer.

Mr. Rosena said the farmers were probably concerned that the present trepass controversy would lead to further attempts to unionize the farm workers. He said he shared many of the farmers' misgivings over farm worker unionization efforts.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

VALUABLE INFORMATION ON BOMBINGS AND TERRORISM IN THE UNITED STATES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. ASHBROOK. Mr. Speaker, in March of this year, to help cope with the increasing use of bombings as terroristic acts of violence, I cosponsored H.R. 16699 which proposes to strengthen the laws concerning illegal use, transportation, or possession of explosives and their related penalties. Later, on July 21, I joined a number of my colleagues in introducing H.R. 18573, which would regulate the importation, manufacture, distribution, storage, and possession of explosives, blasting agents, and detonators, among other purposes.

The urgent need for legislation of this type was graphically and frighteningly illustrated in hearings recently held by the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations under the chairmanship of Senator JOHN McCLELLAN. Statements were received by the subcommittee from representatives of the Treasury Department, Post Office, Justice, General Services Administration, and the U.S. Army at the Federal level. Also included was testimony from the police commissioner of New York City, the chief deputy attorney general of the State of California, deputy director of the Tactical Command of the Puerto Rico Police Department, the executive director of the Illinois Crime Investigating Commission, the attorney general of the State of Iowa. Needless to say, their combined contributions provided valuable and topical information on this most pressing issue. In addition, three staff studies by the subcommittee on bombings, terroristic attacks against police facilities and personnel, and thefts of dynamite and other explosive materials in the United States were made available to the public. Unfortunately, at least in the Washington area, the hearings did not receive the press coverage they deserved.

For instance, I learned that in my home State of Ohio, from January 1, 1969 through April 15, 1970, 28 explosive bombings and 105 incendiary bombings took place, with an additional 67 bombings, unclassified as to type, reported by police, for a total of 200. Add to this 62 attempted bombings and 1,767 bombing threats and the people of Ohio get a clear picture as to the extent of this type of terrorism.

Fortunately, this wealth of information compiled by the subcommittee will be shortly available for interested officials and the public at large.

The hearings were supplemented by displays of "do it yourself" literature disseminated in the United States by various sources plus the foreign origin of some of this terroristic material.

When one considers the increase in bombings, the increase in instructional bombing material and the increase in violence-prone groups in the Nation, one begins to appreciate the enormity of the issue. These three aspects were covered quite adequately by Philip R. Manuel, staff investigator for the subcommittee in his testimony during the hearings.

In order to alert the American public as to the serious nature and scope of terroristic bombings throughout the country, I include the testimony of Mr. Manuel in the RECORD at this point:

STATEMENT OF PHILIP R. MANUEL, INVESTIGATOR, PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. Chairman, my name is Philip R. Manuel. I have been an investigator on the Subcommittee's staff since March 1, 1968. I have had approximately ten years experience in the field of investigations.

As a part of this investigation of bombing and terrorism, the staff has prepared three separate studies which relate to: (1) Bombings, both explosive and incendiary, and attempted bombings; (2) Thefts of explosives; and (3) Terroristic attacks and assaults on law enforcement facilities and personnel.

BOMBINGS AND ATTEMPTS

The first study I introduce is a chronological list of some bombings and bombing attempts during the period January 1, 1969 through July 9, 1970. It was compiled by research of public source material, news clips, and coordination with major law enforcement agencies.

This study does not list every bombing or attempt in the United States during this period. Our intention in this study was rather to collect and isolate readily available information on bombing incidents, thereby giving the Subcommittee and the Congress a cross-section or profile of the scope of the problem including the nature, pattern and escalation of cases involving misuse of destructive devices. However incomplete it may be, I believe the study represents the first detailed composite work on the subject. At the start of this investigation, we quickly learned that no source—either Federal or local government or private institution—had this type of information available.

Mr. Chairman, I offer this first staff study, prepared under my direction and the overall supervision of General Counsel Adlerman, as an exhibit in these hearings.

Schedule A of the study summarizes the statistical totals by month, year and category. Schedule B breaks down the targets of bombings and attempts into specific categories.

We recorded on Schedule A a total of 1,188 bombings and attempts for 1969 and for 1970 through July 9, including 599 explosive bombings, 453 incendiary bombings and 136 attempts to bomb.

For 1969 we recorded a total of 602 bombings and attempts, including 298 explosive bombings, 243 incendiaries and 61 attempted bombings. For the 190-day period from January 1 to July 9, 1970, we recorded 586 bombings and attempts, including 301 explosive bombings, 210 incendiary bombings and 75 attempts.

When we started this study, we expected to document an average of at least one incident per day. Our average on completion of the study shows 1.6 per day for calendar year 1969 and a startling 3.1 per day for 190 days in 1970, for a combined average of 2.1 per day for the 18-month period. That figure doubles our original expectation, even though it includes only approximately 20% of total bombings and attempts reported to the Sub-

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committee by the Treasury Department as a result of their nationwide survey made at our request.

Schedule B shows that from January 1, 1969 to July 9, 1970, the targets of these 1,188 bombing attacks included:

Seven foreign embassies and consulates, all in 1970.

One hundred six bombing attacks on Federal Government property, including Selective Service Offices and ROTC facilities.

One hundred twenty-six attacks on State and Municipal Government property.

One hundred fifty-one attacks on industrial facilities, public utilities and railroads

Two hundred fifty-three bombings in private homes and against personal property such as automobiles; in this category we also recorded 16 separate incidents of teenagers injured while constructing homemade bombs.

Two hundred twenty-eight bombings against schools and colleges, 145 of which occurred at colleges, 71 at high schools and 5 at elementary schools. Approximately ⅓ of these bombings occurred in high schools and elementary schools, indicating that teenagers and even younger children are taught how to use explosives and incendiaries and indeed are using them.

Thirty-two bombing attacks were directed at churches and synagogues.

All of these bombing incidents are recorded by date, place and brief description, in the body of study.

THEFTS OF EXPLOSIVES

The second staff study is a chronological list of some thefts of dynamite and other explosive materials in the United States from January 1, 1969 to May 30, 1970. The study was compiled from pertinent public source material, news clips, and from reports of such thefts by manufacturers to the Institute of Makers of Explosives in New York City. Those manufacturers who belong to the Institute regularly report thefts from their magazines and from contractors and customers. We do not intend to convey the impression that we have included here all thefts which occurred during this period. However, from available information, this study represents a profile of the nature, frequency and type of thefts.

Mr. Chairman, I offer the second staff study as an exhibit.

In the study, we have documented by date, location and description a total of 87 separate thefts involving 31,370 pounds of dynamite and other explosives, 94,018 blasting caps and 101,540 feet of detonating cord and fuse wire.

The documented thefts of 31,370 pounds, or approximately 16 tons, of explosives clearly points to a lack of security in the storage of this dangerous material. In the past, contractors and other users of explosives generally have stored supplies of dynamite in remote areas, mostly in primitive storage shacks without adequate security. The study also contains details of thefts of explosives from military installations, as reported in the press. Most of these thefts, however, are not made public, but are reported through military channels. Last week we had testimony from the Chief Deputy Attorney General of California who told the Subcommittee about the alarming frequency of thefts of arms, ammunition, grenades and explosives from military installations in that State. Following my testimony this morning, the Subcommittee will hear from a Deputy Assistant Secretary of the Department of the Army who will be accompanied by officers from the other armed services. Among other matters, they will testify about the problem of thefts of destructive material from military installations.

TERRORISTIC ATTACKS AGAINST POLICE

The third staff study, which I believe is also the first of its kind to be made public, is a chronological compilation by state of terroristic attacks, including bombings, both explosive and incendiary, sniping and ambushes directed against police and other law enforcement personnel and their facilities during the years 1968, 1969, and through July 1, 1970.

In preparing this document we received information from Federal and local law enforcement agencies. We sought to eliminate from this study any deaths and injuries to police officers which related to customary police duty. We included only terrorist-type acts.

I offer this third staff study as an exhibit. In summary, we recorded a total of 359 separate attacks on police, including 40 explosive bombings, 27 incendiary attacks, 14 bombing attempts, 216 ambushes and snipings, and 62 cases in which officers were injured attempting to quell riots, disturbances and demonstrations.

These 359 attacks resulted in 23 deaths of police officers, and 326 injuries to police officers.

The State of California ranked first in total attacks with 70 recorded cases, followed by Illinois with 60 and New York and Florida with 22 each.

Mr. Chairman, we also have investigated printed matter of the "do it yourself" type, which tells people how to make bombs and how to conduct sabotage and guerrilla warfare.

Last June, the Subcommittee held hearings on four extremist organizations: Students for a Democratic Society; the Black Panther Party; the Student Non-Violent Coordinating Committee, and the Republic of New Africa. Testimony in those hearings disclosed that these organizations possessed and distributed such printed material on bombmaking.

In my prepared statement, I have described certain of those publications which we had available in June of 1969 and which were then made exhibits in our hearings.

During this investigation we have done considerably more work in this field, and my statement now explains the results of that work.

I wish to discuss the results of the Subcommittee's investigation concerning the nature, sources and distribution of printed matter of the "do it yourself" variety which instructs individuals either by diagram or step-by-step directions in the making of explosive and incendiary devices. Also included is printed matter which advocates the necessity or desirability of active sabotage terrorism and guerrilla warfare in this country.

By way of introduction to this subject it should be noted that during the period June 16 to June 30, 1969, this Subcommittee held public hearings into the activities of four separate extremist organizations; namely, the Students for a Democratic Society (SDS), the Black Panther Party (BPP), the Student Non-Violent Coordinating Committee (SNCC) and the Republic of New Africa (RNA).

Testimony and exhibits in the hearing record show conclusively that members of these organizations have distributed or caused to be distributed books, pamphlets, newspapers or similar documents containing detailed instructions and diagrams on the making of incendiaries and explosives ranging from simple Molotov cocktails to very sophisticated bombs made of nitroglycerine and other highly volatile substances.

More than 20 such documents and publications were introduced as evidence. However, they were not printed in the hearing record. In light of recent events involving the use of bombs, a short review of the more pertinent exhibits may offer perspective which would aid in preparing remedial legislation.

Exhibit #269 contains a document entitled, "Mechanical Methods of Sabotage" which was distributed at the October 1968 convention of SDS in Boulder, Colorado, and a document entitled, "What We Must Do Now—An Argument for Sabotage as the Next Logical Step Towards Obstruction and Disruption of the U.S. War Machine," which was printed in Toronto, Canada, for distribution in the U.S. to various anti-war groups, including the SDS. Testimony established that SDS members distributed this document and discussed its contents at their meetings.

The document "Mechanical Methods of Sabotage" gives detailed instructions on making all types of incendiaries and explosives, plus instructions on when they can be used by revolutionary groups and what results can be expected. Most of the bombs and incendiaries described in this booklet can be made by the potential bombmaker from materials easily obtained. Diagrams give step-by-step instructions for making these weapons.

The second pamphlet "What We Must Do Now" urged the use of incendiary devices to immobilize local draft boards, ROTC buildings, other Government agencies, and war industries. The pamphlet contains detailed instructions for making incendiary devices. It emphasized the necessity for clandestine attacks and urges that only two or three persons know about any sabotage plan, in order to preclude compromise. After this pamphlet on sabotage was circulated, a wave of assaults with firebombs was, in fact, made against campus ROTC facilities and some Selective Service Board offices across the country.

Many exhibits were introduced to show that the Black Panther Party has issued instruction sheets and pamphlets on the making of destructive incendiaries and explosives, including but not limited to Exhibit #333 entitled, "Firebombs." This document gives step-by-step instructions for assembling destructive devices from easily obtainable material. It was distributed by the BPP at their November 1968 "retreat" held in Oakland, California. A very similar instruction sheet was printed in the Black Panther newspaper of Saturday, November 16, 1968, on page 22, entitled, "Grenades and Bombs: Anti-Property and Anti-Personnel." The Black Panther newspaper had an estimated circulation at that time of 45,000 copies, distributed all over the country. While the newspaper itself does not in so many words advocate the use of the bombs it describes, the danger of putting such information in the hands of persons indoctrinated by Black Panther propaganda is clear.

Exhibit #408-c of our hearings is a diagram on how to make a bomb and a timing device. It was found in the boot of Mid-west SNCC Director Charles Koen after his arrest by the St. Louis Police Department on September 4, 1968. A comparison of the diagram and instructions with the description given by the FBI of the explosive device which killed SNCC members Ralph Featherstone and William Payne just before the trial in Maryland of former Chairman H. Rap Brown, indicates that this type of weapon has been known to SNCC members for a long time.

Evidence also showed that basically the same type of bomb making instructions, complete with diagrams, can be obtained easily from certain mail-order houses. For example, a police official from Jersey City testified that Black Panther members in his area were instructed to order books on making bombs, both explosive and incendiary, from a mail-order firm called Panther Publications, Inc., in Boulder, Colorado. Among the books that one could order from Panther Publications were numerous U.S. Army Field and Technical Manuals, used for training by the U.S. Army.

We considered it important in this current investigation on bombing and terrorism in the United States to determine more fully the sources, nature and distribution of this type of printed material.

Our investigation discloses that there are at least five mail-order operations in existence at this time from which individuals can obtain reproductions of U.S. Army Field and Technical Manuals which tell how to make explosive and incendiary devices. These mail-order houses circulate brochures and catalogs. Several have advertised these manuals in nationally known magazines.

The mail-order establishments are:

(1) Panther Publications Incorporated, Boulder, Colorado;

(2) The Normount Armament Co., also known as The Combat Bookshelf, Forrest Grove, Oregon;

(3) The Angriff Press, Hollywood, California;

(4) Combat Books, McDonald, Ohio; and

(5) The Sons of Liberty, Hollywood, California.

I introduce five separate exhibits showing that the five organizations above offer for sale specific U.S. Army Field and Technical Manuals containing instructions plus diagrams on the making of explosives and incendiaries. Exhibit #1 is a mailed catalog from Normount Armament Co. advertising for sale among other things the following U.S. Army Manuals:

1. Guerrilla Warfare, FM 31–21.
2. Ranger Training, FM 21–50.
3. Irregular Forces, FM 31–15.
4. Evasion and Escape, FM 21–77.
5. Hand to Hand Combat, FM 21–150.
6. Bayonet Fighting, FM 23–25.
7. Boobytraps, FM 5–31.
8. Grenades and Pyrotechnics together with Demolition Reference Cards and Mine Reference Cards, FM 23–30.
9. Explosives and Demolitions, FM 5–25.
10. Demolition Materials, TM 9–1946.
11. Military Explosives, TM 9–1910.

Exhibit #2 is a combined book list for 1969–70 for Normount Armaments and Panther Publications, which offers the following U.S. Army Manuals:

1. Land Mine Warfare (FM 20–32).
2. Military Pyrotechnics (TM 9–12370–20).
3. Combat in Fortified and Built-Up Areas (FM 31–50).
4. Guide to Viet Cong Boobytraps and Explosives Devices Dept. of Army Pamphlet 381–11.
5. Guide to Germ Warfare TM 3–216.
6. Guide to Chemical and Gas Warfare TM 3–200.
7. Special Forces Operational Techniques, FM 31–20.

Exhibit No. 3 is page 18 from the national magazine Gun Week of March 6, 1970, showing advertisements from both Angriff Press, Hollywood, California, and Combat Books, McDonald, Ohio, offering military manuals and other books on explosives and incendiaries.

Exhibit No. 4 is a copy of a mail solicitation for U.S. Army Technical Manual TM 31–200–1 Unconventional Warfare Devices and Techniques, offered by the Sons of Liberty, Hollywood, California.

The national leader of the Sons of Liberty is James K. Warner, who formerly was the National Secretary of the American Nazi Party and has also been affiliated with the National States Rights Party. During this investigation, we attempted to interview Mr. Warner regarding the source of the Army documents which he offers for sale, and his intention in doing so. However, Mr. Warner would not cooperate and refused to answer pertinent questions.

Investigation also established that a mail-order operation called Atlan Formularies is involved in selling two separate documents dealing with the manufacture of explosive and incendiary devices. The first is a pamphlet called "Militants' Formulary" and the second is a book called "Explosives Like Granddad Used to Make". The documents are sold by Donald E. Sisco and published by an organization called Sturmstrup Press, Post Office Box 9011, Phoenix, Arizona. Mr. Sisco is an admitted former member of the Minutemen and the American Nazi Party. Post Office Box 9011 in Phoenix is the mailing address of the headquarters of the Arizona branch of the American Nazi Party. In the pamphlet, "Militants' Formulary," Mr. Sisco identifies current works on making explosives and advises the reader how and where he can purchase them. In addition, Mr. Sisco gives the reader sources of chemicals which can be obtained in the making of explosive and incendiary devices. He tells how to order them so that the purchases cannot be traced.

The section dealing with explosives gives detailed instructions on the uses of potassium chlorate, ammonium nitrate, gunpowder, ignitors, chemical delay ignitors and every conceivable type of bomb, including the match-head bomb, the pipe bomb, anti-personnel bombs, gas tank bombs, and all types of incendiary or firebombs. I introduce a copy of the "Militants' Formulary" as an exhibit.

Panther Publications, Inc., offers for sale a book entitled, "150 Questions for a Guerrilla," written by General Alberto Bayo, the man who trained Fidel Castro, Che Guevarra and other Cuban revolutionaries in the art of guerrilla warfare. This book was brought directly to the United States from Cuba by the president and operator of Panther Publications, Robert K. Brown. Mr. Brown had the book translated into English, copyrighted it, and has offered it for sale. In an interview which I had with Mr. Brown in Boulder, Colorado, it was learned that Panther Publications has sold about 5,000 copies of this book.

In order to show the wide-spread distribution of this book which contains diagrams and instructions for the manufacture of explosive bombs and incendiaries and offers guidance to the prospective saboteur in picking targets, the Subcommittee has prepared a chart tracing the book from its origin in Cuba in 1959 to its use by various militant groups and its reprinting in underground papers.

I introduce this chart into evidence. The first exhibit on the chart is a copy of the original book in Spanish published in Havana, Cuba, in 1959, showing certain diagrams of Molotov cocktails and grenades and incendiary devices. The second exhibit is the translation into English, for sale by Panther Publications for $2.00, showing the identical diagrams on bombmaking.

Law enforcement officials all over the country have documented for us incidents where these diagrams have been circulated on college campuses, or have been found in the possession of members of extremist organizations, or have appeared in certain underground papers of considerable circulation. A number of these diagrams were entered as exhibits in our hearings on the SDS and Black Panthers.

Some examples which appear on the chart are:

1. Copy of this book was found by the Philadelphia Police Department in a raid on the headquarters of the Revolutionary Action Movement (RAM) in Philadelphia in 1967.

2. In 1968, 1969 and 1970, the same diagrams with a cover page identifying the SDS "New Left Notes" were distributed in SDS workshops at their convention in East Lansing, Michigan in June 1968, and at their convention in Boulder, Colorado in October 1968. Copies have also appeared, according to testimony, on college campuses in Iowa and California.

3. Copies of the same diagrams were obtained by the San Francisco Police Department in a raid on an apartment occupied by Black Panther members in March, 1969.

4. Copies of the diagrams were found in the possession of members of the Student Non-violent Coordinating Committee (SNCC) when they were arrested in New Orleans in May 1968 during the trial of H. Rap Brown.

5. The diagrams were reprinted in the "Rat," a New York underground newspaper, in its February 6, 1970, edition.

6. When Chicago police and FBI agents discovered dynamite and other arms in an apartment at 5433 N. Kenmore Street in Chicago, occupied by members of the Weatherman Faction of SDS, they found among other material, the book, "150 Questions for a Guerrilla" containing the same diagrams.

Many other examples could be included. However, this chart should give the Subcommittee some idea of the circulation of this type of printed matter to members and sympathizers of these groups.

Our investigation also found another example of printed material emanating from Cuba and mailed directly into the United States. It deals with the necessity, desirability, strategy, and tactics of guerrilla warfare, sabotage and terrorism.

The Subcommittee's staff has prepared another chart showing the nature and proliferation of this material relating to the January-February 1970 issue of a book called "Tricontinental." This book is self-identified as the theoretical organ of the Executive Secretariat of the Organization of Solidarity of the Peoples of Africa, Asia and Latin America, headquartered in Havana, Cuba. The postal address is Post Office Box 4224, Havana, Cuba. The book is printed and disseminated from Havana. The feature article in this edition is a 41-page treatise on guerrilla warfare, strategy and tactics called the "Minimanual of the Urban Guerrilla." It was written by Carlos Marighella, a Brazilian guerrilla fighter who is described as "one of the strongest advocates in theory and practice of urban guerrilla warfare." "Tricontinental" explained that this article was considered an instrument of the arms struggle in the cities of Brazil. However, the "Minimanual" contains lessons useful to any revolutionary. "Tricontinental" stated that the publication of the "Minimanual" was part of its mission to spread understanding of revolutionary activities, strategy, and tactics. Some of the more significant passages from this "Minimanual" are:

"The basic question in the technical preparation of the urban guerrilla is nevertheless to know how to handle arms such as the machine gun, revolver, automatic, FAL, various types of shotguns, carbines, mortars, bazookas, etc."

* * * * *

"A knowledge of various types of ammunition and explosives is another aspect to consider. Among the explosives, dynamite must be well understood. The use of incendiary bombs, of smoke bombs, and other types are indispensable prior knowledge."

* * * * *

"To know how to make and repair arms, prepare Molotov cocktails, grenades, mines, homemade destructive devices, how to blow up bridges, tear up and put out of service rails and sleepers, these are requisites in the technical preparation of the urban guerrilla that can never be considered unimportant."

* * * * *

"The highest level of preparation for the urban guerrilla is the center for technical training. But only the guerrilla who has already passed the preliminary examination can go on to this school—that is to say, one who has passed the proof of fire in revolutionary action, in actual combat against the enemy."

* * * * *

"The construction and courses in explosives and sabotage must be organized. The primary materials for practicing these courses must be obtained ahead of time to

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prevent an incomplete apprenticeship—that is to say to leave no room for experimentation. Molotov cocktails, gasoline, homemade contrivances—such as catapults and mortars for firing explosives, grenades made of tubes and cans, smoke bombs, mines, conventional explosives such as dynamite and potassium chloride, plastic explosives, gelatine capsules, ammunition of every kind are indispensable to the success of the urban guerrilla's mission."

* * * * *

"The method of obtaining the necessary materials and munitions will be to buy them or to take them by force in expropriation actions especially planned and carried out."

* * * * *

"The urban guerrilla will be careful not to keep explosives and materials that can cause accidents around for very long, but will try always to use them immediately on their destined targets."

* * * * *

"In order to function the urban guerrillas must organize in small groups. A group of no more than four or five is called the firing group.

"The firing group plans and executes urban guerrilla actions, obtains and guards arms, studies and corrects its own tactics—the old type hierarchy style of the traditional left does not exist in our organization. This means that except for the priority of objectives set by the strategic command any firing group can decide to assault the bank, to kidnap or execute an agent of the dictatorship, etc.

"No firing group can remain inactive while waiting for orders from above, its obligation is to act. Any single urban guerrilla who wants to establish a firing group and begin action can do so and thus become a part of the organization.

"This method of action eliminates the need for knowing who is carrying out which actions since there is free initiative, and the only important point is to increase substantially the volume of urban guerrilla activity in order to wear out the Government and force it on to the defensive. The firing group is the instrument of organized action within. Its guerrilla operations and tactics are planned, launched and carried through to success."

* * * * *

"The organization is an indestructible network of firing groups and of coordinations among them that functions simply and practically with a general command that also participates in the attacks. An organization which exists for no purpose other than pure and simple revolutionary action."

"Tricontinental" came to the attention of the Subcommittee in October 1968. The September-October issue was mailed from Cuba to a post office box the Subcommittee used to collect publications of extremist groups. This issue—the cover is shown on the chart—illustrates ways to mount a Molotov cocktail on a shotgun to make a weapon which can be useful in city fighting from roofs, balconies, terraces and similar places. The reader receives this command, "Use It." To give the Subcommittee some idea of the proliferation of the tactics and strategy of Carlos Marighella, I wish to point out that we found detailed information about him in the March 1970 edition of "Leviathan," an organ affiliated with the Weatherman Faction of SDS.

We also established that the April 18, 1970 issue of the Black Panther newspaper carried an article called "Organizing Self-Defense Groups." This article was accompanied by diagrams of Molotov cocktails and the so-called "peoples' " hand grenade, which is made from easily obtainable materials. Describing Panther concepts of "self-defense," Donald Lee Cox, chief of the Panther underground, quotes from Carlos Marighella:

"The accusation of assault or terrorism no longer has the negative meaning it used to have. It has acquired new clothing, a new coloration, it does not factionalize, it does not discredit; on the contrary it respects a focal point of attention. Today, to be an assailant or terrorist is a quality that ennobles any honorable man because it is an act worthy of a revolutionary engaged in arms struggle against the shameful military dictatorship and its monstrosities.

"So with that I can say all self-defense groups must strike blows against the slave master until we have secured our survival as people, and if this takes shooting every pig and blowing up every pig sty then lets get on up."

This article also contains advice on books, mostly U.S. Army manuals, which can be purchased from the Normount Armament Company. Other issues have advised the reader to order the same type of books from Panther Publications Inc.

The Subcommittee also disclosed that the entire text of these articles on so-called "Self Defense Groups" have been distributed to various Black Panther chapters. Examples on the chart show these documents stamped with the identification of the Connecticut State Chapter of the Black Panther Party and the National Committee to Combat Fascism in Washington, D.C.

Further proliferation of this material is indicated on page 11 of the May 30, 1970 edition of the Washington, D.C., underground newspaper, "Quick Silver Times." That page has an exact duplicate of the article "Organizing Self-Defense Groups" from the Black Panther paper of April 18. It is significant to note that page 11 contains this article advising people to shoot policemen and blow up police stations, while the next two pages contain a map showing locations and giving descriptions of police stations and other related law enforcement agencies in the District of Columbia.

We also obtained copies of a publication from Berkeley, California, called "Black Politics." It calls itself an independent journal providing a forum for vanguard theories and ideas that deal with crucial issues. It says that it believes freedom, justice and equality must be obtained by those means which the oppressed think necessary. The business manager is identified as Tom Sanders of Berkeley, also a member of the editorial board. Several issues have contained articles by a person using the name George Prosser. I introduce the following articles from "Black Politics" written by Prosser:

(1) Vol 1 No 1, dated January 1968—page 13, an article entitled "Weapons for Self Defense;"

(2) Vol 1 No 3, dated March 1968—page 4, an article entitled "How to Acquire The Rifle;"

(3) Vol 1 No. 9–10, dated Sept.-Oct 1968—page 18, an article entitled "Handguns;"

(4) Vol 2 Nos 11 & 12, dated Jan-Feb 1969—page 18, an article entitled "An Introduction to Elementary Tactics" (involved in urban guerrilla warfare). In this article Prosser recommends reading material as follows:

(a) We Shall Fight in the Streets—by Capt. S. J. Cuthbert.

(b) Guerrilla Warfare by "Yank" Bert Levy.

(c) Total Resistance—Major H. von Dack-Bern.

(d) 150 Questions for a Guerrilla—General Alberto Bayo.

(e) The War of the Flea—Robert Tabor.

(f) Guerrilla Warfare—by Che Guevara.

Prosser states in the article that all these books can be bought from Panther Publications, P.O. Box 369, Boulder, Colorado or "The Combat Bookshelf," P.O. Box 211–L, Forest Grove, Oregon 97116.

(5) Vol 2 Nos 13 & 14, undated—page 42, an article entitled "Terrorism and Sabotage" with an advertisement for Panther Publications.

In the Prosser article "An Introduction to Military Tactics," the author indicated the importance of the timing concept for guerrilla warfare. Prosser stated:

"The time has come for us to consider some of the elementary tactical principles involved in urban guerrilla warfare, but it should be understood at the outset that we do not advise action now to carry out these principles. A certain period of preparation is necessary before armed actions can seriously be considered. Weapons, ammunition, explosives and much related equipment must be obtained and stock piled, suitable recruits and the desired revolutionary orientation must be selected and trained."

In "Terrorism and Sabotage," Prosser stresses the difference between organized effective sabotage as opposed to individual acts of terrorism. This Prosser article reproduces pages from official military manuals on demolitions and explosives. There are instructions and diagrams for making Molotov cocktails for firing mortor shells, and advertisements for handbooks on explosives and small arms and ammunition. Prosser wrote that he is not advocating that anyone follow his instructions; the material is for the interested reader. He said: "To sabotage railroad lines only the simplest equipment is needed, crowbars and sledge hammers. To derail a train all that is necessary is to loosen the tie mountings on each successive ties." He then describes how communications and transporation may be effectively sabotaged.

Mr. Chairman, all the documents represent a small sample of all we have collected which teach how to make explosives and incendiaries or which show the necessity and desirability of conducting active sabotage and guerrilla warfare in this country.

There is a very serious question involved in our examination of these materials. When an organization prints and circulates such instructions on how to construct and use explosive and incendiary devices, at the same time extolling the virtues of such acts, is that organization in fact advocating and encouraging the readers of such material to commit sabotage? Unless it can be proved that the paper or document advocated that the reader actually blow up a target and that in turn it can be proved that the reader acted upon this prompting, existing law evidently has no effect.

Barring a confession, there is no possible way to prove in court that a person blew up a power line or a building, or derailed a train, by reason of reading how to do it in a specific article or handbook, whether those instructions were disseminated by the SDS, the Black Panthers, the American Nazi Party or the U.S. Army. The Army, for example, has handbooks and manuals on demolition which are currently being circulated among revolutionary extremists of all kinds. Obviously the Army did not intend that they be used to sabotage installations in this country. On the other hand, the authors and distributors of printed matter of the type introduced in our hearings, not only by the staff but also by every other witness who has appeared before us, would be hard pressed to explain what their intent was, if it was not to stimulate and provoke violent action of some sort.

There is also the question of the legality of using the mails to distribute this type of printed matter. In that regard, I would like to submit as an exhibit a press release issued by the Post Office Department on Saturday, October 7, 1967. In that release,

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the Postmaster General at the time, Lawrence F. O'Brien, disclosed that the Post Office had barred from the mail the May 1967 edition of the Crusader Monthly Newsletter written by Robert F. Williams, who was then living in Peking, China. Mr. O'Brien said the publication was guilty of "flagrant violation of law and decency." He said the publication encouraged U.S. servicemen in Vietnam to murder fellow soldiers and engage in sedition. Mr. O'Brien stated that the May 1967 edition violated U.S. law and that the postal services would not carry any written matter which advocates treason and insurrection. In citing the legality under which the Post Office Department had acted in banning the Crusader Newsletter of May 1967 from the mails, Mr. O'Brien stated that the publication violated a number of laws including Title 18 of the U.S. Code, Sections 957, 1461, 1717A and 2387.

Section 957 makes it a penal offense for anyone in the aid of any foreign government willfully to possess or control any property or papers designed for use in violating a Federal law or any treaty obligation of the United States.

Section 1717A states that any matter which violates Section 957 is non-mailable and is not to be carried in the mails.

Section 1416 provides for criminal penalties for those who mail matters "tending to incite arson, murder, or assassination." This subject matter is unmailable.

Section 2387 makes it a crime to distribute any written or printed matter which advises insubordination, disloyalty or refusal of duty by any member of the military.

At the present time, Mr. Chairman, the staff research on these four sections of the law indicates that they are still in effect. Questions about their constitutionality have not been decided by any court.

With that in mind I would like to introduce as an exhibit, an article which appeared in the Black Panther Newspaper on Saturday, May 2, 1970. This article was written by Eldridge Cleaver, Minister of Information of the Black Panther Party, and is addressed "To My Black Brothers in Vietnam."

"We appeal to you Brothers to come to the aid of your people. Either quit the Army, now, or start destroying it from the inside. Anything else is a compromise and a form of treason against your own people. Stop killing the Vietnamese people. You need start killing the racist pigs who are over there with you giving you orders. Kill General Abrams and his staff, all his officers. Sabotage supplies and equipment, or turn them over to the Vietnamese people. Talk to the other Brothers and wake them up. You should start now weeding out the traitors amongst you. It is better to do it now than to allow them to return home to help the pigs wipe us out. Especially the Uncle Tom officers should be dealt with now, because the pigs will use them as effective tools against our people. When you can no longer take care of business inside the Army, then turn yourself over to the Vietnamese people and tell them you want to join the Black Panther Party to fight for the freedom and the liberation of your own people. If you do cross over, you don't have to worry about the Vietnamese people abusing you. They will be glad to see you drop out of the Army because what they want most in life is to stop the fighting in their land. You have a duty to humanity as well as to your own people not to be used as murderous tools by racist pigs to oppress the people."

Following my testimony this morning, we will hear from a representative of the General Counsel's Office, U.S. Post Office Department and from the Chief Postal Inspector, who may be able to enlighten the Committee as to the effectiveness of current law on determining the mailability of this type of printed matter.

THE UNSUPPORTED AND UNSUPPORTABLE GREEK JUNTA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. FRASER. Mr. Speaker, the internal and external failures of the Greek junta are well documented by Alfred Friendly in his August 9, 1970, article, "The Greek Junta's Hopeless Future," which appeared in the Washington Post. They include "the failure to win popular support, to operate an effective government, to obtain the necessary economic agreements, with the common market, and other international agencies abroad, and to secure the flow of indispensable foreign investment." These failures all stem from the junta's suppression of democracy in Greece by oppressive and abhorrent methods, including detention and torture of political opponents.

Yet, while the majority of Western European democracies oppose the Greek dictatorship by public statements and votes of expulsion in such forums as the Council of Europe, the American Executive equivocates privately and remains mute publicly. It is time for our Government to forthrightly declare its support for a return to parliamentary democracy in Greece, which would return to the Greek people the means to make their own political decisions. The article follows:

THE GREEK JUNTA'S HOPELESS FUTURE

(By Alfred Friendly)

ATHENS.—In the more than three years since it seized power, the Greek military regime has run up a curiously mixed record of success and failure. It has been completely successful in establishing itself in power. Its control of the country is absolute and not threatened by any force, internal or external, on the horizon. It has completely failed to fulfill the promises of giving Greece a new basis for political life, a political "cleansing" or even a minimally competent government. Most important, it has failed miserably to win popular support at home or acceptance abroad.

A striking consequence of these failures—and also in part a cause of them—is the junta's total inability to enlist anyone of technical competence, good reputation and public stature to work in the government. The feeling remains, and is probably growing, that anyone who joins up is a quisling.

For the last few weeks it has been common knowledge, and the source for much joking in Athens, that Prime Minister George Papadopoulos has been hawking top jobs to battalions of prominent Greeks who are anti-junta. Some of them here only recently returned from prison or exile, Papadopoulos is known to be frustrated on this score and to realize—as his infinitely more blinkered and primitive military colleagues do not—that his government is simply unable to deal with its problems. It can make its writ run, but its writ is incompetent.

The failure to win popular support, to operate an effective government, to obtain the necessary economic agreements with the Common Market and other international agencies abroad, to secure the flow of indispensable foreign investment—these are the junta's Achille's heel. Because of this, the Western democracies, and the United States in particular possess some leverage that can be exerted on the dictatorship. The junta can afford to be indifferent or unmoved by the essentially meaningless threat of withholding future weapons supply but it cannot remain unconcerned about international condemnation and lack of real American support, for these are at the root of the junta's hopeless future prospects. Greece has not reached the point of Spain and Portugal, nor is soon likely to, where it can thumb its nose at the rest of the world.

But it is in just this area of pressure politics where Greek liberal (as against left) anti-junta opinion leaders believe the United States has not made intelligent or courageous use of its clear potential. Whatever they think about the attitude of the Pentagon or CIA, a small group of informed and pro-Western Greeks concedes that the White House and the State Department detest the junta and are sensible to the dangerous consequences of its continuation.

But, they complain, the American government has not made clear to the junta, in cold turkey terms, the degree of its condemnation, nor threatened to use the not insignificent arsenal of political and psychological weapons at its disposal if the junta does not begin the process of a return to democratic rule. Granted, the Greek critics continue, the United States cannot tell the colonels how to run the Greek government. But it can certainly make much more explicit to the colonels that they cannot expect to be admitted into decent society, much less be supported or loved, as long as they are on their present course.

A second complaint against the American government is that in failing to take its stance of moral opposition to the junta clearly and publicly, it is forfeiting the goodwill and future friendship of the oppressed Greek people. Instead—at least until the arrival here of American Ambassador Henry Tasca, who put a stop to it—American military officers would greet their Greek counterparts with excessive cordiality and fulsome statements, all of which were reproduced by the government and disseminated far and wide as evidence of how the United States loved the regime. Even Tasca has on occasion carelessly shown up on platforms with junta leaders, and seen his appearance instantly exploited by the junta propaganda machine. The gist of the complaint is that Papadopoulos is a brilliant chess and poker player who has made chumps of us.

In defense, the Americans insist that they are telling the junta, privately but in the most emphatic terms, that America intends sharply adverse action, of which public denunciation will only be one part, if the junta fails to announce before the end of the year a date for parliamentary elections.

They also argue that for maximum influence America must apply the carrot as well as the stick: an outright public condemnation at this point would be premature and would simply drive the colonels out of the Western ball park and end any possible outside influence on them.

The defense is not particularly persuasive. It is hard to see a good reason why the United States cannot play poker as well as Papadopoulos or why it cannot reassure the Greek people about its attitude toward the junta and its suppression of democracy. Instead, it lets persist in the mind of the overwhelming proportion of the Greeks—almost everyone but a handful of staunchly pro-Western sophisticates—that we cherish the colonels and support them to the hilt.

It is hard to see any good reason why the American government has not officially and publicly expressed its outrage at the indecencies the junta commits against civil rights. Or why it has not shown—as it could, subtly but unmistakably to an audience as politically savvy as the Greeks—that it will support a democratic opposition movement as it develops in the society. The question is how long America can remain equivocal, at least in public, and still convince anyone that it is *not* in love with the junta, or that it is really using what weapons it has to push toward a democratic future for Greece.

MRS. NELLIE EADES KUHNLE CELEBRATES 100TH BIRTHDAY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, on August 26, 1970, Mrs. Nellie Eades Kuhnle of Petaluma, Calif., will be celebrating her 100th birthday anniversary. There are many aspects of Mrs. Kuhnle's life that in my judgment have great historical significance.

This very remarkable lady is a living legend in her community and our great Golden State of California, and I believe my colleagues would appreciate knowing something of her life's history and background.

Therefore, I want to record, permanently, in the CONGRESSIONAL RECORD, some of the highlights of an extraordinary life story.

We, in the Congress, pay tribute to one of California's "century citizens," Mrs. Nellie Eades Kuhnle, as she prepares to enter the second century of her life.

Mrs. Kuhnle is one of a very few remaining people who can claim with justifiable pride that they are the son or daughter of one who came to California during the gold rush.

Her father, George Henry Eades, migrated from Sherborne, England, to the United States in 1846 and to San Francisco via Cape Horn in 1852 drawn by the adventures of the gold rush. After a brief period in the Yuba River Mines in 1853 and 1854 and as a teamster in San Francisco during 1855 and 1856 he purchased property at Petaluma, Sonoma County, Calif., in 1857 on which his only surviving child, Nellie Eades, was born on August 26, 1870. This land, which was originally part of the sprawling estate of Gen. Mariano Guadalupe Vallejo, remained her home until 1944 when she and her husband, Perry Kuhnle, whom she married on May 24, 1894, retired to her present home in Petaluma.

Not only can she look with pride upon the contributions of her pioneer father in the formation of California, but also to the fact that her father-in-law, Jacob Kuhnle, served with distinction in the Union Cavalry during the Civil War.

Mrs. Kuhnle has never left her native State and only seldom during her century of life has left the county in which she was born. Though in ill health for the past 2½ years she has never lost interest in life around her and daily enjoys the visits of her three daughters who also reside in Petaluma.

Her father recalled with great pride that he cast his first vote as an American citizen for Abraham Lincoln in 1860, and subscribed to the tenets of the Republican Party throughout his life as has Mrs. Kuhnle.

On the anniversary of her birth, Mrs. Kuhnle's family will gather to commemorate not only the milestone of a century but to honor a true California pioneer in every sense, one of the very precious few who remain among us.

WINDING DOWN THE VIETNAM WAR

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. MINSHALL. Mr. Speaker, I am pleased that the Plain Dealer, one of the Nation's most widely read and highly respected newspapers, finds that President Nixon's approach to the war in Indochina is a realistic one. Its lead editorial last Sunday, August 9, is a very thoughtful summary of the Nixon program which will wind down the war, bring our American troops home, and end the heavy toll in American lives and funds this tragic conflict has claimed. The article follows:

[From the Cleveland Plain Dealer, Aug. 9, 1970]

WINDING DOWN THE VIETNAM WAR

One of the reasons this newspaper supported Richard M. Nixon for president of the United States in 1968 was our hope that he would offer a new approach to the problem of Vietnam.

Recent inside reports indicate that President Nixon is proceeding with a definite schedule to wind down the war in Indochina regardless of the positions of either North or South Vietnam. This is a very important new approach to the war in Indochina and in our view a realistic one. Regardless of the public statements about negotiating our way out of Indochina, it is now obvious this is not possible.

American Presidents John F. Kennedy, Lyndon B. Johnson and Nixon have all tried in varying degrees to adopt tough military and hard negotiating positions in hopes of bringing North Vietnam to the negotiating table to effect a meaningful solution. All these attempts have failed. Sophisticated observers have pointed out that even our allies in Vietnam will never take over their own war until we set a timetable of withdrawal and adhere to it.

It now appears that the United States is setting a timetable and plans to move out, as reported in The Plain Dealer by Warren Rogers of the Washington Post/Los Angeles Times Service.

Rogers' article quoted Pentagon sources. It has not been challenged, much less denied. So far as it has been made public, the timetable calls for:

U.S. forces to halt offensive military operations by May 1.

American ground troops to quit Vietnam altogether by the end of 1972, except for 20,000 advisers.

American withdrawal into base areas, coming out only for patrols in secure rear areas and as defensive mobile reaction forces.

These points, if confirmed, include several made by critics of Nixon policies, particularly former Defense Secretary Clark M. Clifford and retired Army Lt. Gen. James M. Gavin.

Clifford in June 1969 called for a pullout of "about 100,000" ground troops in 1969 and a complete pullout by the end of 1970. Mr. Nixon never quarreled with Clifford—all the President said at the time was that he hoped to better Clifford's schedule. Last May, after Cambodia, Clifford renewed his call for withdrawal of all combat troops by the end of this year and all military personnel by the end of 1971, provided "arrangements have been made for the release of all U.S. prisoners of war."

The purported Nixon plan to withdraw to base areas echoes the enclave proposal of Gen. Gavin, a former ambassador to France who broke with the Johnson administration over the war.

So Mr. Nixon appears fairly close to the proposals of Clifford and Gavin, the distinction being that the President's so-called timetable is secret and not attributed to him while Clifford's is public.

Mr. Nixon lets Secretary of Defense Melvin R. Laird and others in the Pentagon leak the word while the President stands clear. He still will be flexible, not committed publicly, avoiding awkward zig-zags.

While America has some obligation to South Vietnam, America does not have to stay there much longer. Our obligation is about over, paid for with 43,134 dead as of July 31, plus billions in taxpayers' money, a lot of it squandered by corrupt Vietnamese officials.

This seems to be the message coming out in bits and pieces about a withdrawal timetable. We assume that Saigon, as well as Hanoi, is reading it loud and clear.

POTOMAC POLLUTION

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. DADDARIO. Mr. Speaker, a recent article published in the New York Times dealt with a problem with which we are all too familiar. The headline reads, "The Polluted Potomac: Sewage and Politics Create Acute Capital Problem." The article goes on to cite facts and figures which expose the disgraceful condition of the Capital's river in a most embarrassing manner. We can no longer tolerate this unconscionable situation. How can we in the Congress presume to clean up the Nation's rivers while our own river, flowing through the Capital itself, grows progressively unsightly and unhealthy?

It is estimated that 80 million gallons of raw sewage is dumped into the Potomac every day. This waste material not only covers the river with masses of floating filth, but supports algae and bacterial growth which threaten its most essential elements.

Sewage draws dissolved oxygen from the river, creates a thick, clinging sludge on its bottom, and breeds such enormous numbers of bacteria that one official of the water control agency called the Potomac "a severe threat to the health of anyone coming in contact with it."

Coliform organisms, a sort of intestinal bacteria, have been numbered at 4,000 times higher than the safety level. Detergent foam and sewage sludge have destroyed plantlife on which fish feed, and ruined their spawning grounds.

As much as any other river in America, the Potomac is being strangled to death by the abuse and insensitivity of the population it helps to support.

A program is now being developed which would coordinate the agencies of Federal, State, and local governments in a great common effort to clean up the Potomac. The leaders of this project have set July 1, 1975, as the target date for the ultimate cleansing of the river.

This program will cost money. But can we afford not to provide it? I urge all of my colleagues to dedicate their most serious attentions to this very critical problem and to keep these facts in mind when the Congress is asked to provide funds for its restoration.

THAT GREAT GENERATION NEVER WAS LOST

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. H. E. Baum of Arlington, Va., recently called my attention to a most interesting column written by columnist Smith Hempstone, entitled "That Great Generation Never Was Lost."

As I share Mr. Baum's conviction that the article deserves the widest possible attention, I insert it in full at this point in the RECORD:

THAT GREAT GENERATION NEVER WAS LOST

(By Smith Hempstone)

We are, we are told by teen-age philosophers and their sycophants, privileged to be in the presence of a great generation. And, of course, they are right.

We have only to look about to see the faces of that generation which truly can be called great. But you will not find its members on the campus or among the street people or in narcotics-sustained rural communes. You will find them putting the finishing touches to their careers, bouncing their grandchildren on their knees or—the unlucky ones incarcerated in old folks' homes by a society which scorns its aged.

One of the characteristics which has distinguished man from other animals long extinct is his capacity to adapt to change. It is this genius which has given him dominion over all the earth and its waters, and thrust his questing spirit to the fringes of outer space.

No generation has shown a greater willingness and capacity to adapt to change, channeling man's exploding knowledge into the conquest of new business, than those men and women born in the waning years of the last century and in the first decade of the present century.

These tough-minded Americans fought a grisly world war, kept their balance through the heady years of the 1920s and endured a grinding depression. They knew what it was to be hungry and cold and—because they knew—vowed that it would never happen to their children or their children's children. And it didn't.

When that peace for which so many had died collapsed in the face of a twisted tyranny, they didn't cringe: They went out and, at the cost of much blood and tears kicked the stuffings out of Mr. Adolf Hitler. And when that nightmare ended, they had the compassion to expend billions of dollars to help their former enemies reconstruct their lands and their lives.

Buffeted by an ideological hurricane, they spurned the easy solutions of fascism on the one hand and communism on the other, believing that, for all its distortions and inequities, democracy remained the one road which free men could travel to a just society.

Born into a world where education was the privilege of the few, they made it the right of the many. They fostered that responsible unionism which has given those who work with their hands a place in our economic sun without parallel in human history, reducing the working day by a third while doubling per capita output.

While in the field of health, they virtually eliminated the epidemics of typhus, diphtheria, smallpox, scarlet fever, measles, mumps, polio and tuberculosis which had ravaged their youth, increasing life expectancy by 50 percent. Meanwhile, venereal disease, which had been virtually stamped out, again has become epidemic; and that can hardly be pinned on septuagenarians.

Socially, they clung to and expanded the American dream of an open society which gauges a man's worth by his individual qualities rather than by his accent or antecedents. Inheritors of a legacy of unthinking racism, they moved belatedly, slowly but surely to extend to black Americans those rights and privileges which are and should be their heritage.

They placed books, music, telephones, radio, television and automobiles, things which—when properly used—enrich the lives of men, within the reach of all. They gave unstintingly to their children and grandchildren, making the present generation of Americans the tallest, healthiest and perhaps the brightest—if not the wisest—in this nation's history.

Having split the atom, they put it to work for the good of mankind, preserving in tumultuous times that fragile nuclear peace upon which the life of the world depends.

Because they were neither angels nor prophets, they made mistakes. They left some tasks unfinished. They began others which might better have been left undone. But in the main, they intended well and they did well, leaving this country and the world better places than they had found them.

If the tantrum tots of today succeed in channeling their inner chaos to construct a more perfect union, they will be building upon the foundation laid by a generation, mistakenly called lost by Gertrude Stein, which never copped out, never stopped trying, never gave up believing.

THE RETIREMENT OF CHARLES "KAROL" BURKE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. ZABLOCKI. Mr. Speaker, one of the first newspaper reporters I met after I came to Congress in 1949 was Mr. Charles "Karol" Burke, the Washington representative of the Polish-American Congress. At that time he made the following observation:

In 1939, when Hitler delivered his ultimatum to Poland, Poland's Foreign Minister gave Poland's public response in these words, "Peace, like all things in this world, has its price. But there is one thing in the lives of nations as well as men that is without price—and that is honor. With these words, Poland alone defied the aggressor. The world respected this Polish sense of honor and President Roosevelt stated that Poland was an inspiration to mankind. The war was prosecuted, the war came to an end, and the former allies of Poland who so admired its sense of honor, dishonorably turned that nation over to the Soviet sphere of influence.

Shocked by this callous disregard for Poland's freedom and independence, over 5,000 delegates representing the 10 million Polish-American population, met in convention in 1944 in Buffalo, New York and organized the Polish American Congress.

One of the organizers of the Polish-American Congress was Charles "Karol" Burke. He helped the Polish-American Congress establish its headquarters in Chicago. At that time, Mr. Burke, who was a newspaper man in Chicago, was asked to man a press and information office in Washington on a temporary basis. The initial 6-month period has extended to a service of 26 years and now, after a life of dedication and personal sacrifice, he is retiring. Whenever he has expressed a desire to return to Chicago, the board of directors urged him to remain until a replacement could be found. His personal sense of honor, duty, and obligation induced him to accede to these wishes.

While the search for a successor went on, Charles Burke's life of service to Polish-Americans, including many Members of Congress, flowed on in an ever-widening stream. During those years, he made many devoted friends throughout the Government and throughout the Nation. I am pleased to include myself among them. He has never been too busy to be of help to me or my staff regarding all facets of life among Polish-American citizens or about the history of the country of their ancestors. He has given this important service in his own quiet, gentlemanly, unobtrusive way to many Members of Congress who number Polish-Americans among their constituents.

One cannot recall hearings on the Katyn Massacres, the Pulaski Days, the Days of Commemoration of the Polish Constitution of the Third of May, and many other Polish holidays, and events without thinking of Charles "Karol" Burke and his indefatigable assistance in commemorative remarks and ceremonies. He became the Polish expert and is known as America's unofficial "Mr. Polonia" in Washington. His previous experiences as a Polish-American newspaperman in Chicago, Milwaukee, Pittsburgh, and Detroit have given him knowledge and insight of the views and desires of America's Polonia.

Now in his 75th year and after 26 years of service, Charles "Karol" Burke is retiring. His absence from the Washington scene will be sorely felt. However, it will be tempered by the knowledge that he will be replaced by a talented, energetic Polish-American who has distinguished himself by service to our country—retired Army Col. Casimir L. Lenard.

Colonel Lenard, of Chicago, is a mem-

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ber of a well-known and patriotic Polish-American family. He recently retired after 30 years of distinguished military service in World War II, the Korean, and Vietnam conflicts. Colonel Lenard has been awarded the Silver Star with cluster, the Legion of Merit, the Meritorious Service Medal, the Bronze Star, the French Croix de Guerre with palms, and numerous other citations. Undoubtedly his representation of the Polish-American Congress and the Polish-American press will be as distinguished as his military career.

To Charles "Karol" Burke on his retirement, I express my own sentiments, and I am certain the sentiments of my colleagues in the House of Representatives when I say, Charles Burke, you have been a valued friend throughout these years. Your dedication and devotion to your work have been reflected in the contribution you have made to our lives. You will be long remembered with a sense of gratitude and sincere friendship. We wish you many more years of good health, good luck, and God's choicest blessings.

SECOND ANNIVERSARY OF THE SOVIET MILITARY ACTION AGAINST CZECHOSLOVAKIA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. BOB WILSON. Mr. Speaker, I call the attention of my colleagues to the date of August 21, which marks the second anniversary of the Soviet military action against Czechoslovakia. This action violated the United Nations charter; it violated the freedom of a people who sought only self-determination and peace; it violated the trust of other world nations. But most of all it violated the conscience of man. When the Soviet Union assembled a half million men to crush little Czechoslovakia, it demonstrated graphically to the world that communism can rule only by force—that it offers nothing but enslavement to the masses its ideology pretends to revere, and poses a threat to any free nation that harbors within its borders the agents and provocateurs of the Communist system.

The Czechoslovak National Council of America has designated August 21 as the "Soviet Day of Shame." American citizens of Czech, Slovak, and Subcarpatho-Ruthenian descent will hold meetings to remind the world of this international atrocity. Many Americans of other descent will join them, letting the world know that the torch of freedom still burns bright in the hearts of the Balkan people and in the hearts of Americans who four times in this century have borne arms to defend it.

August 21 is an infamous anniversary. It should serve as a reminder to all of us that behind the Red banner is the blood of martyrs—its symbol is the hammer and sickle, but should, in reality, be the iron boot. I join my colleagues in saluting the brave Czech people—and their fight to reclaim their homeland from tyranny.

GOVERNMENT AGAINST LIFE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. SCHMITZ. Mr. Speaker, for many months a nationwide life prevention and elimination campaign has been underway in these United States. Unprecedented in its massive use of the communications media and in its explicit rejection of traditional morality, this campaign has invaded almost every home and school with its strident message: that our top-priority task in this country is to get rid of people.

The suddenness and vehemence of this assault took most Americans by surprise. In one State after another, legal barriers to the antilife movement crumbled. The crowning horror so far came in the State of New York where, as of July 1 of this year, any unborn baby may be killed up to 6 months after conception, if its mother wishes, or can be persuaded to ask a doctor to do it.

In our own State of California, abortion on demand is already a reality under the fraudulent "mental health" clause of the 1967 abortion act, and a bill to remove all State income tax deductions for more than two children has been approved by the revenue and taxation committee of the State senate.

Here in Congress, legislation has been introduced in both House and Senate to allow the killing of unborn children throughout the United States, and to remove the Federal personal income tax deduction for all children after the second. Testimony before the House Committee on Interstate and Foreign Commerce revealed that a bill is pending in the Florida State Legislature which would legalize the killing of old people—"euthanasia"—and that a bill in the Hawaii State Legislature would compel the sterilization of all women after they have their second child. Such legislation heralds the coming of a new nazism to our land.

This is the context in which we must view a major "family planning" bill, S. 2108, now under consideration by the House Committee on Interstate and Foreign Commerce. Passed by the Senate July 14, without adequate notice, without a single statement in the RECORD in opposition, and without a rollcall vote, this bill was rushing through in steamroller fashion with almost nothing but favorable testimony, until a few of us made the House committee aware of the extent of the opposition. It then had a full and fair hearing on August 7.

S. 2108 would provide over $1 billion from the taxpayers of the United States for contraceptive distribution and research. The bill is more notable for what it does not say than for anything it does say. Nowhere does it define "family planning"—a phrase which some of its proponents clearly regard as including abortion and sterilization and which, in light of the New York law and others, almost certainly will be so interpreted. There are no restrictions on the age or marital status of those receiving contraceptives; one witness at the House committee hearing stated that they could and would be given to 12-year-old girls. An opposition witness described this—in my opinion quite rightly—as putting Congress on record as condoning fornication and adultery.

It is most unlikely that legislation so offensive to the conscience of millions of Americans would ever have received serious consideration were it not for the fears aroused by constant talk of a "population explosion." Yet the report of President Nixon's own National Goals Research Staff, released in July, concluded—page 60:

> The question of population size in the United States is not Malthusian. The issue is not whether we can feed and clothe a population of any size we can realistically envisage, or even supply it with the expanding amount of energy it may demand . . . We have before us a set of decisions. One which appears not to be urgent is that of overall size of the population—even after the effects of a considerable amount of immigration are taken into account.

The report pointed out that if present trends continue for just 10 more years, our national population growth will stop altogether. Entitled "Toward Balanced Growth: Quantity With Quality," it is available from the U.S. Government Printing Office, Washington, D.C. 20402, for $1.50 per copy, for anyone interested in or desiring to verify these statements. There is no population explosion in the United States as a whole, though there may well be too much crowding in a few urban areas.

MODERNIZING THE CONGRESS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, for the past several weeks, the House has been considering H.R. 17654, the Legislative Reorganization Act of 1970. While we have spent many hours discussing this measure, we have failed to complete action on it. Many Members, including myself, are concerned that the slow pace will prevent us from completing work on this bill—and by completing work I mean seeing the bill passed by the other body and signed into law this session.

The slow action on the part of the House has been noted by many outside observers as well. Today's Washington Post contains an excellent editorial on "Modernizing the Congress." As the editorial notes, "The country, even more than Congress itself, would be the loser," if we fail to pass H.R. 17654. The article follows:

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[From the Washington Post, Aug. 11, 1970]

MODERNIZING THE CONGRESS

Like the king of France who "went up the hill and then came down again," the United States Congress in 1967 went through the motions of overhauling its antiquated procedures—and then adjourned without doing anything. And now, in 1970 it seems well on the way toward the same futility. Three years ago, the Senate spent six weeks in debate on an extensive reorganization measure and at last passed it—only to have the House let it languish and expire as the 90th Congress came to a close. This year the House has been discussing the issue for a month or more, and has adopted some significant reforms; but it has not yet gotten around to passing anything and seems in grave danger of letting it slide until it may be too late for the Senate to take concurrent action.

The reorganization of established institutions always encounters the obstacle of entrenched interests. Those who have come to power through the old ways of doing things rarely like to relinquish that power. Those who know the ropes—even though the ropes may be sadly worn and frayed—are often disinclined to see them replaced. The inertia is natural and one may sympathize with its beneficiaries. But the United States Congress can no longer afford such sympathy. It is rapidly becoming an anachronism, inadequate by the needs of a great democracy.

Here it is, midsummer, a time when provident and industrious legislators ought to be on vacation or attending clambakes in their constituencies; and the members of Congress are not yet half through the inescapable obligations of the session. They are about to give themselves a respite, it is true; but it is hardly an earned respite or one that can be taken with clear conscience. The mechanism creaks. It puts despotic power into the hands of old men and frustrates initiative by the young and innovative. It shirks responsibility. It bamboozles the public.

The tragedy of what is now happening is that most of the Congress recognizes this and is prepared to accept a measure of reform. The Senate Government Operations Committee has approved a bill—much the same as the one the Senate as a whole passed three years ago—which would effect a modest streamlining. The House has tentatively approved a number of more radical changes—which may or may not be acceptable to the Senate if a completed bill ever goes over to that body.

Both chambers, however, have so much to do—so much that has been left undone—that they may end by ignoring their internal reform and marching down that hill again. The country, even more than Congress itself, would be the loser.

BRISTOL, CONN., FEELS PINCH OF UNEMPLOYMENT

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. DADDARIO. Mr. Speaker, there is no working man or woman in the United States today who has to be told that inflation has now reached its worst level in years. Thousands of Americans are out of work with no relief in sight—3,200 of them live in Bristol, Conn. I am enclosing an article, published in the New York Times, which particularizes the unfortunately typical situation in Bristol.

The President has told us that inflation can be curbed only with "an acceptable level of unemployment." The millions of Americans now out of work find this position anything but acceptable. Presumably, the President is working. Hopefully, he is working with the rest of us toward a better solution for our inflationary crisis than the unemployment of millions of America's workers. The article follows:

HIGH RATE OF UNEMPLOYMENT IS GIVING BRISTOL AN EXTRA INFLATIONARY PINCH

(By John Darnton)

BRISTOL, CONN., August 5.—This city of 57,000, landscaped by the Industrial Revolution in gray chimneys and red-bricked factories, is caught in the slack of the nation's economy.

The number of people without jobs rose to 3,200 in June—12.6 per cent of the labor force—according to the latest report of the state labor department. The percentage is the highest in the state and more than twice the national average.

For many families in Bristol, it has meant drastic cuts in their budget. For the state unemployment compensation office, it has meant longer lines. For the stores, especially those dealing in heavy appliances and luxury goods, it has meant less money in the cash register.

"It's hard to get by," said George Worthley, 28-year-old carpenter, who has been laid off for 24 weeks. "I used to work seven days a week, but now it's impossible to find anything at all."

HIGH COST OF LIVING

Richard Saucier, another carpenter who has not worked steadily since last December, draws a check of $99 a week to support himself, his wife and their five children. "Meat has become so expensive, we have had to do without it," he said.

Some city officials are not pessimistic about Bristol's economy.

"There's a feeling of slowness," said Mayor J. Harwood Norton, seated behind his desk on the top floor of the new City Hall. "But I'm not despairing."

Bristol officials maintain that seasonal slowdowns, vacation layoffs and a strike at the Hildreth Press Company have inflated the ranks of the jobless.

Most of all, they derive consolation from a report issued by a special "task force" on unemployment that was established in June after the unemployment rate for the previous month had risen to 9.5 per cent from 8.7.

The report, based on a 20 per cent sample of unemployment records, maintained that 51 percent of those without work had been laid off by companies situated outside of the city.

"We are being charged for people laid off out-of-town," said Irving William Wessman, chairman of the task force. "No one has thrown in the sponge as far as industry in Bristol is concerned."

The report also said that 44 per cent of the unemployed were women. Officials take this statistic to mean that many of them were "second breadwinners" and that their families, while suffering hardship, were not destitute.

Not everyone in town is pleased with the report. "They're just playing around with statistics," charged Dr. Harry H. Hershman, the Democratic town chairman. "When you have a problem for which you have no solution, you go out and create a blue-ribbon committee."

C. Stewart Anthony, executive vice president of the Bristol Chamber of Commerce, denied that there were no jobs to be found. "I don't know of any man in Bristol who couldn't find work if he wanted to," he said.

This theory was disputed by some of those who have been looking for work. "It's no use to look," said Mrs. Bertrand Fillion, in the living room of her home on Divinity Street. She had been laid off four months ago at Superior Electric, where she soldered motors. "The last time I went to the unemployment office, while they were stamping my card, they even said it was no use." To scrape by and provide for her 16-year-old son and 10-year-old daughter, Mrs. Fillion has been supplementing her husband's income by taking on sewing jobs.

"We learn to do without the extras," said a neighbor. Mrs. Antonetti Giovennelli, who was told six months ago that she would be out of work for only a few weeks at Woodside Precision, Inc.

The merchants, too, have begun to feel the pinch. "Everyone's had to pull in the belt," said Larry Weeks, the manager of Finan & Weeks, a men's clothing store one block off Main Street. He said business had dropped 10 per cent since the beginning of the year.

Bristol, which calls itself "Mum City, U.S.A." because of its garden-variety chrysanthemums, is in the mid-industrial belt of the state. An increasing number of its residents are commuting to jobs outside the area. In the higher-income northeast section of the city, many residents work for the Hartford insurance companies 18 miles away. Elsewhere, there are the skilled workers who travel to the Pratt & Whitney plants that dot the area.

There is a feeling of languidness, but not complete stagnancy, in Bristol that seems exemplified by the 47-acre downtown urban renewal project that is slowly nearing completion after 10 years of red tape and partisan battles.

There are several large factories, but much of the manufacturing takes place in the small shops that surround them. These turn out highly specialized products, forged by the skilled hands of the watchmaker, the diemaker and the toolmaker.

Because the products are component parts of other products, the companies that make them are dependent upon the main-line manufacturers, and when orders slacken there, they are the first to feel it. "If cars don't sell, everybody's out," remarked Pete Bachman, chairman of a union workshop.

The largest employer in town is New Departure-Hyatt Bearings, a division of General Motors, which manufactures ball bearings. The second largest is The Wallace Barnes Division, Associated Spring Corporation, the world's largest manufacturer of precision-mechanical springs.

Figures on layoffs from these two plants were not available, but most people in and out of government felt that the pace of production had slackened.

Since the early eighteen-hundreds when a man named Gideon Roberts began making wooden clocks and peddling them on horseback, Bristol had been a center of the clock industry. Several months ago, however, the Sessions Clock Company, which was more than 100 years old and was once the employer of more than 500 craftsmen, closed its doors. The other clock company here, Ingrahams, has been taken over by the McGraw-Edison Company and converted to the production of fuses and timing devices for bombs and grenades.

Connecticut as a whole is heavily involved in defense contracts. According to the State Planning Council, 42,000 factory workers were employed in work related to the war in Vietnam in June, 1968, 9 per cent of the manufacturing labor force.

BUSINESS SURVEY PLANNED

Since January, 1955, military prime contract awards to companies in Connecticut have amounted to almost $19.9-billion, an average of $6,810 for each resident.

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The state's economy has been sliding downward for the last year, judging by all leading economic indicators. In June, there were 86,200 persons unemployed, the highest number since February, 1961.

Bristol's mayor is planning to survey all the businesses in the city to find out how much of their production would be affected by an end to the war. He also hopes to get a resolution adopted by the Connecticut Conference of Mayors calling for more Government orders in the state to make up for cutbacks in defense contracts.

Bristol has had a high unemployment rate, off and on, for years. The city was hard hit by the recession of 1960–61, and has qualified for Federal funds as a "depressed" area.

It carries its burden inconspicuously. Banks report no discernible pattern in runs on savings accounts. There are no men sitting idle on street corners. Aside from three public housing projects, there are no deeply impacted slum areas.

But the effects of the high unemployment are felt behind the curtained windows of the two-story and three-story frame houses scattered over the 27-square-mile area, and in the lines of the machinists, bench-workers and laborers waiting for checks at the unemployment office.

The agency reported that this June it paid out $398,000 compared to $87,457 for the corresponding month last year. The claim load is up to 2,700 from 1,200.

THE COASTAL AND ESTUARINE ZONE: A NATIONAL INTEREST

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. HELSTOSKI. Mr. Speaker, I am privileged to place before Congress a most learned and thorough address on our coastal and estuarine zone delivered by Mr. Alfred A. Porro, Jr., of Rutherford, N.J., before the Marine Technology Society at its meeting in Washington, D.C., from June 29 to July 1.

The subject covered by Mr. Porro is highly important to the present and future of our environment and economy, and I recommend that all read the address for Congress will be called upon to make many key decisions on our coastal and estuarine zone.

Mr. Porro, who has gained great stature in his field, is adviser to the U.S. Commission on Marine Science, Engineering, and Resources, and the Meadowland Regional Development Agency in New Jersey.

The address follows:

THE COASTAL AND ESTUARINE ZONE: A NATIONAL INTEREST

(By Alfred A. Porro, Jr.)

ESTUARINE, ECOLOGY, ENVIRONMENT, AND ECONOMICS

The close of the decade of the Sixties witnessed the arrival of a new consciousness—a new language which will be utilized by attorneys, public officials and the general public to a greater and growing extent in the Seventies. Such words as "ecology", "environment," "estuaries" have been equated and are now being utilized with age-old terminology such as "economics". The year 1969 gave birth to a historic document—one which will lay the foundation for protection and development of the marine resources, coastal and ocean zones of the nation. The United States Commission on Marine Science, Engineering and Resources released its detailed report entitled Our Nation and the Sea and the supplemental volumes early in the year. It is to be hailed as one of the most comprehensive studies completed to date regarding the marine resource problem challenging this country. The presentation of the facts and statistics "as they are" in the estuarine and coastal zone is outstanding and shocking indeed. The analysis is comprehensive. Irrebuttable recommendations are made.

The Nation has been challenged with a common query—how to obtain truly well-balanced planning and usage of great stretches of estuarine areas and how to equitably resolve title and related problems. The pattern, to date, has been for the most part, one of indiscriminate reclamation and exploitation, lack of balanced planning and complete disregard of conservation of valuable marine resources. Pollution sweeps through rivers and coastal zones as a bolero of death. Jurisprudential and political hurdles eject themselves periodically in the form of a title dilemma, boundary challenges and jurisdictional mazes.

The Federal Government spends over $1,000,000 annually in estuarine areas. Geographically and physically this marine environment involves 28 states, a 33,000 mile shore and river line, 109,000 square miles of water and 75% of the Nation's growing population.

The estuaries of the United States "are the nursing and feeding grounds for most of our commercial fish and all of our shellfish—which provide the basis for a $400,000,000 a year industry." It is this same zone that provides water-based recreation—boating, fishing and swimming. The same zone is a catalyst of economic activity: Ports, shipping, transportation and industrial development. The resources of this zone are an essential part of the domestic food supply and industrial supply—fish and agriculture, to oil, gravel, gas and weed.

Few guidelines have existed to provide for balancing of conflicting uses and interests; few guidelines have been put in the way of economical and environmental considerations or values. The decade passed has seen many environmental changes in our coastal zone; many due to technological development and advances; many due to natural changes such as shore line erosion, loss of nutrient areas and diversions in circulation. It is in this zone that technological, scientific, commercial and industrial progress have found man in the unique position of outwitting himself. Industrial waste and detergents invade the wetland; effluents pour into and choke waterways and reclamation schemes trap and spread pollutants, all without any respect to the standard governmental jurisdictional boundaries.

The coastal and estuarine zone is truly a "system." By its very nature, it is not limited by local, county or state boundaries. Poor planning in one portion of the estuarine belt must and will affect other portions.

The problem is a national one. The Raritan River Basin estuarine is but a small segment of a large continuing zone. New Jersey boasts of having approximately 244,000 acres of such areas which stretch into 17 of its 21 counties. This, too, is only a small segment of the overall picture.

Thus, the Federal Commission recommended that a National Estuarine and Coastal Management Act be enacted which will provide policy objectives and guidelines for such areas, with Federal review. The states have been called upon to pass general legislation which would uniformly treat the ailment of all estuarine areas throughout that State and the Nation.

Many states have already passed statewide "marshland" acts, setting the guidelines, standards and even machinery for enforcement. Typical of such "Wetland Acts" are those of Massachusetts, Maine and Rhode Island. Others are pending in New Hampshire, Connecticut, Maryland and Georgia. These Eastern States have seen sister states fail to respond to this call or merely attempt to do a piecemeal job.

A SLIGHT DISSENT

Although the general proposal of the Commission respecting the management of estuarine zones must be complimented, it has failed in one respect; i.e. the providing of "teeth" in the proposed legislation. As one of the advisors who worked with the Commission, the privilege of dissent is exercised at this time. The report and its supplement treat too gingerly and too optimistically the subject matter of State participation. In spite of strong and creative approaches taken throughout the report and recommendations, it suggests that the participation by states would be on a concept of voluntary participation—optimistic and weak! The massive result that is desired and expressed throughout the sections of the study regarding the needs and the public interest in the estuarine and coastal zone deserve a sounder and stronger approach. Mandatory guidelines and standards are necessary. This one basic aspect of the legislation could make the difference of failure or success of the program.

A National Oceanic and Atmospheric Agency is proposed to deal with and review proposals for long range planning in coastal and estuarine areas. It is hoped that regional and coastal authorities will be formed by the various states of the Union. Guidelines and objectives are set forth. The old faithful Federal inducement of grants and/or guarantees are provided; this is a teaser but not a compeller. Hopefully, through the availability of such grants, Federal policy can be effectuated and the national interest protected.

A State, regardless of how dramatically it may be injuring the national interest as a result of its poor or piecemeal treatment of its estuarine or coastal area and regardless of how tragically a particular system of estuarines may be affected by its action or lack of action, cannot in any way or manner, under this proposal, be compelled to comply with the Federal guidelines, planning or proposals for the area.

It is in this respect—it is with regard to this weakness—it is with regard to this basic approach that a dissent is cast at this time.

PUBLIC INTEREST—NATIONAL INTEREST

The public interest of which we are concerned is a broad one—it is a local one; it is a State one; and overridingly, it is a National one. An attempt to define "Public Interest" is always a tidy mess. Thus, no such attempt will be made here. However, the tempo of the public interest can be felt rhetorically in a statement made by General Woodbury:

"What is this public interest we are talking about? What public are we talking about? Are we talking about the local public—the people who are employed in the Coastal Zone, who live in the neighborhood, who have homes along the shore, the people who commute to the area for jobs? Is this the public we are concerned with? Or is it the using public, people who come from a long way off to swim or to use the marinas or the other facilities of the ocean or the lakes? Is it the users of the facilities that can't be there because the use has been preempted by some other use. * * *"

In the estuarine and coastal zone the public interest is all; i.e., local, state and federal. The federal interest reflects the overriding national interest which provides the legal and constitutional jugular vein for federal jurisdiction. Repeatedly, the nature of the estuarine and the problems that are being generated there reflect themselves as being unimpressed and unimpaired by state or local boundaries. The pollution in the Raritan River Basin in New Jersey must affect the coastal and estuarine areas of Staten Island of New York and Delaware. The extinguishing of valuable fish and living marine resources in New England must affect the interest of those citizens in North Carolina. The coastal and estuarine zone constitute a system—they constitute an inter-relationship between all States; they constitute a problem which can only be capably handled by a true and effective federal interface. This zone is one for national concern—it truly is a concern of the national interest.

PRESENT MAZE—LOCAL, STATE AND FEDERAL ROLES

A. General

The present maze of governmental roles, local, state and federal in the coastal zone are basically disjointed and uncoordinated. Essential to a truly effective system and structure is a set system, responsibility, control, coordination, financial strength and public support. The system must be both flexible and rigid. When put to this formula, the present system sadly fails.

A disjointed parade of different bands playing varying tunes and duplication of lyrics appears to be the image of the federal maze. The activities and programs of the agencies have proven to be individually credible and essential. Approximately five departments of the Executive, with numerous sub-bureaus and branches and related foundations and institutions, presently participate in the protection of the coastal and estuarine areas. Here the individual entity varies in function and jurisdiction; great variance appears in effectiveness. Individually none constitutes a fully and independently effective system of coastal zone management. Combined, without coordination, a like result.

Although some state or local programs have reflected substantial strides to more effective estuarine planning and administration, the very nature of this zone disregards technical state boundaries. The jurisdiction of no governmental body coincides with the boundaries of the coastal zone. The multi-state nature of the estuarine is reflected by the unrestrained animal and marine resources, waterways, and uses visiting from state to state.

Yes, a great many of the challenges presented by the coastal zone could be and are handled on a local, state or regional level, providing the benefit of a close local familiarity and expertise with the problem area. Yet, the short-coming of such a limited approach is obvious; no unified system for conservation or balanced development for the whole coastal zone could result.

Although some states have commendable programs for various aspects of the estuarine and coastal zone, such as fisheries, recreation, conservation and economic development, few states have truly effectuated state-wide comprehensive programs.

Basically, it can be stated that in this regard the state governments have failed. This is not to overlook the progressive steps taken in such states as Massachusetts, California, Rhode Island, and some other states. A study of the whole picture and the various states individually forces the conclusion that on the basis of past experience alone, a voluntary state authority system would not be effective.

B. The New Jersey debacle—a case in point

Many contradictions in policies, departments, motives, and approaches make obvious the need for compulsory national guidelines. The pattern in a great majority of the states is absolutely ineffectual in so far as an overall state-wide program is concerned. A case at point is our beloved Home State. New Jersey has approximately 224,000 acres of marshland and is an important coastal state. It is plagued with extreme pollution in the Raritan River Basin and the Newark Bay area. Some of the most valuable estuarine areas in the country were once found in these areas and undoubtedly some of the most valuable estuarine areas in the country still exist in this State.

The legislative history of the subject matter is interesting. The first official comprehensive plan for marshland development in New Jersey, dates back to 1916, wherein a scheme for the whole state was established. Prior executive statements, however, can be found which allude to the subject matter. On May 8, 1930, the Meadows Reclamation Commission submitted a comprehensive report and plan of development of marsh and meadowlands, in and near Newark Bay, its tributaries and Arthur Kill Zone Map. This plan encompassed the contiguous and still uniquely similar and parallel Northern New Jersey Estuary, centering around the tide waters of the Newark Bay. The concept at that time was to have an overall State Commission vested with the regulation and reclamation of the valuable estuarine areas of the State.

In 1949 the Regional Development Act became law; it provided the legislative enactment for the creation of inter-municipal cooperative agencies for estuarine and other development areas. Under this Act the Department of Conservation and Economic Development commenced with many municipalities to tackle the tremendous planning and title problems vexing certain estuarine areas. Progress was experienced—however, it was deterred. In 1963 the Legislature formed a nine-man Commission to study the problem and prepare a "comprehensive plan for the reclamation and development of the entire (North Jersey) meadowland area". In June, 1965, the final report of the Commission was submitted and in December, 1966, a supplemental report was filed. Both reports strenuously urged a state-wide Reclamation Authority, however, the inability of the State Legislature to enact a state-wide program and the tremendous competition between two of the State Departments involved, namely the Department of Conservation and Economic Development and the Department of Community Affairs resulted in a true debacle of the program. Although it was proposed that a state-wide agency be formed to balance the planning of the 244,000 acres involved and to set uniform guidelines—this did not occur. The New Jersey marshland stretches from the northerly portion of the State through the vast wetland of the Newark area on the mid-state marsh in the Raritan and Middlesex areas and finally trots on to the southerly and westerly portions of the State. State politics did not move as smoothly and uniformly throughout the zone.

A mere 18,000 acres were described in legislation and given an expert public relations send-off. The Hackensack River Basin was deemed to be in need of development for purposes of housing and the creation of a new city. Basically, the control of the estuarine was immediately transferred out of the Department of Conservation and Economic Development into the Department of Community Affairs. Needless to say, the function, purpose and mission of these two Departments were and are extremely different. What was once an area rich in marine resources and in need of a true balance between the interest of conservation and economic development, was carved out and dedicated to a destiny. This dedication by the means of a special district immediately relieved any political fears of such a happening in the other acres of marshland. Likewise the title problem, in practice, is also being handled in a fragmented and on a nonuniform basis. For example, in the early part of 1969, the then Governor declared a moratorium with respect to any further riparian grants; however, it was later discovered that this alleged moratorium was meant to specifically and merely apply to the area that had been sacrificed, namely, the 18,000 acres and not the balance of the State. Almost simultaneously, the Commissioner of Conservation and Economic Development declared his own little moratorium which was later discovered to have been meant only to apply to the southern portion of the State, concerning himself primarily with the conservation aspects and interest in the same.

This typifies, to a great extent, the disjointed, uncoordinated, politically influenced state approach which is certainly not limited to New Jersey, but is reflected in other parts of the country. Ineffectual piecemeal attempts, ignoring the interdependency of the same system and the likeness of its various problems, such as pollution, balancing of planning, development and conservation is the rule rather than the exception.

A NEW JURISPRUDENCE

Any proposal that has as its basis the mistaken attitude that the Federal Government should not and cannot delve more strongly across the sacred state jurisdictional boundaries is indeed weak. Such a program is much too strongly state oriented and noticeably lacks Federal effectiveness.

It is time to recognize that a new jurisprudence has been borne, quite unintentionally to some extent, yet it is here. A new philosophy of law, a new philosophy of political structure, a new philosophy of organizational mechanism, and a new philosophy of coordinating the whole "system" has in fact emerged through court decisions and legislation. The language to be utilized should be a "system of management" and it should be recognized that "the jurisdiction of the coastal zone does not coincide with boundaries". The true evaluation of the system requires us to scrap to a great extent to old cliches that are now being abused and merely used to impair a truly progressive and effective program. The concept of "State's Rights" is a sacred one indeed, yet to allow it to be utilized to prevent a more active Federal role in an area that undisputably requires it, is disgraceful. The trap of being bounded by existing structures and existing concepts is dangerous when considering management of the estuarine area. The trap of locking out Federal influence in an area where the need for the Federal catalyst, coordination, leadership and capacity is obvious, must not be allowed to be successful in this instance.

Our concept of government has changed greatly throughout the last few decades. It is no longer a series of self-contained cubicles bounded by local and state artificial boundaries. As stated by then Commissioner Robert C. Yost of Massachusetts, "Government should be where the action is." Which government? The government which contains the best capability to meet the particular problem or problem area at hand; the government which is best equipped to handle the particular challenge presented? When dealing with a multi-nature problem area such as the coastal and estuarine zones, a multi-level governmental "system" is necessary. A network which effectively creates an inter-relationship and interface between all levels of government which necessarily comes in contact with the estuarine and coastal zone. Namely, an inter-relationship between the local, state and federal government which would effectively navigate to each level that particular function which it is best suited to handle and to conduct itself both individually and in an overall coordi-

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nated system. This cannot be accomplished by fearing to venture, to some extent, with new concepts and true innovations.

Presently, whether it be recognized or not, the Federal control, with regard to various aspects of the estuarine and coastal zone is deeply imbedded. As previously stated, approximately five executive departments, twenty bureaus and many federal councils and institutions concerning itself in these areas have already transgressed traditional boundaries.

The commerce clause has in the last century taken on a new face. It has served as the vehicle of interjecting federal power and the exercise of federal management in areas requiring the same. The estuarine and coastal zone is no exception. It should be noted and made absolutely clear that by interjecting this federal interface it should not preclude state and local action, however, the federal role must be predominent in the event the delegated responsibilities of the state government are not met.

Obviously, the commerce and defense powers and other related federal powers provide the partial explanation of the present federal involvement in navigational, shoreline, and other marine works of improvement. Significant federal property power has been exercised. Admittedly much control over the Coastal Zone is comfortably encompassed in the powers constitutionally reserved to the States by the Tenth Amendment, however, this new jurisprudence recognizes the necessity of inter-relationship of governments. In fact, very relevant examples can be pointed to. The field of pollution control is cited; the field of water resource program is cited; regulation of population in the areas of fisheries, regulation in the areas of wildlife; regulation in the area of recreation. Admittedly, most of the programs that are referred to as examples are programs that vest primary control in state government, however, effectively provide the teeth to enforce federal standards and guidelines. Thus, this must be the aim and result of the proposed management system for the estuarine area.

A NEW CREATION

A. A national umbrella

A new creation is proposed. This creation will be able to cope with the tremendous overlapping jurisdictional problems and will also be able to realistically materialize upon the State and local experience and closeness to the various regions. The gravamen of the concept involves a Local-State-Federal creation—"a duet", "marriage" or "partnership" which is in the nature of an overlay rather than a new unit of government. Representation, participation and support from all levels of government. The concept is good and should be truly utilized; it must, on the other hand, not be weak; participation must be mandatory, guidelines clear and rigid—flexible and effective.

The National umbrella must exist for effective coordination of the many federal agencies presently relating to the estuary and the setting of national objectives and guidelines. Inter-State action and local participation, on the other hand, cannot be usurped or diminished. Any attempt to usurp all powers of the local or state government will be tragic to the plan. Legislation of this nature, although being mandatory, must not be irresponsive to governmental functions and powers which are properly and historically vested on other levels.

B. Area

The area in question shall constitute all of the estuarine and coastal zone of the country including the Great Lakes areas. It should not be treated as a new jurisdictional area, nor as a new city or state. The area is dictated not by traditional boundaries but by scientifically defined regions; i.e., an invisible protective screen. The area will not be ruled or governed but rather guided and unified. For purposes of this presentation, five regions are suggested: (1) Great Lakes Region; (2) North-Eastern Coastal Region; (3) South-Eastern Coastal Region; (4) Gulf Region, and (5) Western Coastal Region. The Regions should be divided upon such factors as area, common problems and conditions and studies, reports and recommendations of the scientific and the technical world. However, the legislation shall apply uniformly to all—no special district approach should be utilized.

Within each region shall be sub-regions, basins or local areas. These are to be divided with the same theory, purpose and intent; with the same reflection of the scientific, social, technological and conservation needs of a society.

C. Administration and control

The administration and control of this program is suggested to follow the same regional pyramid effect. Participation must be mandatory, obligations and responsibilities defined and enforcement provision forceful. A weak structure will give birth to a weak program and plan—a weak result.

Each region will organize in accordance with basic guidelines providing for representation from each State within the Region. The method of selection, the internal administration of the region authority, creation of sub-regions, form and functions shall be State and Locally controlled. Statewide authorities within the region varying from strong central state-controlled authorities to bi-county or inter-municipal groups should result.

All regions combined constitute the whole. The total program shall be directed and coordinated from the top. The new creation shall be a strong authority with representation of key factors. Its composition would consist of all major levels; i.e., Local, State and Federal—a National Umbrella. The local-state interests would be represented by a member selected by and from each of the five regional authorities, recognizing both economic and conservation interests. The federal interests to be represented by a member of the various agencies or bureaus presently dealing with various aspects of the problem, such as the Departments of Interior, Commerce, Defense, Transportation and Health, Education and Welfare. Thus a strong factor for Federal Agency coordination will also arise.

This interface shall, from within its membership, choose its own officers, consultants and employees. It would implement the express statutory purposes and mission of the body. It would set and define the national objectives and policy guidelines. In addition to coordinating the federal activities, it would coordinate the various regional master plans, resolve conflicting plans and regulations, and provide a continuing inventory of research and studies. A National Interface! All to result in a well-balanced overall environmental system. Its planning, regulatory and acquisition function will stimulate the ultimate realization of a national master plan of the estuarine and costal zone managed through an effective structure.

In addition to the normal general powers of an authority, necessary to execute its mission, this body should have extensive redevelopment, renewal, condemnation and acquisition power. Obviously, the implementation of any national master plan would be questionable without this.

Extensive powers, respecting other areas, such as pollution, dredging, drainage, water resources, solid waste disposal, engineering and related standards are essential. Where overlapping and duplication with existing activities occur, coordination will be easily obtained.

Final and ultimate resolution of problem areas, and conflicts in policy, regional plans, activities and the like will be vested in this body.

D. Financial

The financial structure, as the percussion of the orchestra, shall provide the tempo and beat of the program. Without strength and power, a meek composition can be anticipated. The proposed administrative structure lends itself to a combination and pooling of many powerful sources of funds. Federal funding, State and Local funding and revenue bonding are available.

Independent and combined financial structures will be necessary. The regional regime must of necessity be financially independent and dependent also—financial independence by state and local funding and its own bonding power respecting localized and regional projects and missions; financially dependent upon federal funding regarding matters generally to aid regional plans and to execute the overall master plan. Further, federal funding made available to the regional authorities will aid the cause of regional and public acceptance.

Sturdy and time-tested financial concepts regarding capital improvements of the past can be utilized, such as special assessments, bonding and the like. New and progressive concepts such as an inter-municipal, interstate and/or Federal-State tax-sharing pool, self-liquidating public projects such as beaches, marinas and other waterfront developments, and leasing of sovereign owned land may be utilized.

The National Umbrella can immediately and sensibly be interjected in and administered out of the Department of the Interior and upon creation in the National Oceanic and Atmospheric Agency.

E. Federal review

An essential aspect of the overall program will be that of necessary federal review. Unlike the New Jersey special district approach, the "action" and "operative" aspects of the program will be vested at that level of government "where the action is" and the review function at the top of the pyramid. As recognized by the Commission, continuing overlapping federal review will be a constant need.

"* * * It is imperative that the national interest be protected. If for any reason coastal zone authority cannot act in the public interest, the federal government shall participate in the actions of the coastal zone authority. Regardless, the federal government should have power of review.

'The federal review role is critical. In our discussions with those in the area we found general agreement that the state should manage the coastal zone; they have the responsibility and have, or at least should have, the detail local knowledge necessary for sound management. However, there may be times when local pressures will tend to force the coastal zone authority to act in a manner not in the national interest. The mere threat of federal review will often suffice. If not, the federal government should be empowered to act in the public interest."

It is respectfully suggested that a program that is premised on voluntary participation of the states would not give the necessary degree of federal review or at least would not give the necessary degree of power to effectuate enforcement after federal review. Strong national objectives and standards must be set and a collateral power to enforce the same must exist with the strength to enable the interjection of the federal interface in the event the national objectives and standards are not complied with after a determination based upon federal review.

F. Coastal zone laboratories

Integrated and essential to the overall coastal zone and estuarine area program must be the Commission's recommendation that coastal zone laboratories be established in association with appropriate academic institutions to engage in the scientific investigation required in the estuarine and coastal areas. The report extensively and overwhelmingly justifies the need for a continuance and increase in the separateness of scientific research from the formal governmental structure, yet receiving full and complete federal financial support. The estuarine and coastal processes must be studied and continued in a scientific atmosphere; the results are essential to the advice of both the federal, state and local structures managing this zone.

The National Oceanic and Atmospheric Agency, under the direction of the National Sea Grant Program, should have the prime responsibility to provide institutional support for the coastal zone laboratories. The Sea Grant College and Program Act of 1966 must be amended to permit grants for the construction and maintenance of vessels and other facilities.

To integrate the coastal zone laboratory proposal into a governmental department, such as the Department of the Interior, as has been recently suggested, would be a true injustice to the effectiveness of a necessary program. To attempt to diminish the effectiveness of this independence of scientific research and to strip it from academic atmosphere, is truly unjustified and would highly detriment the effectiveness of the overall program.

The governmental structure and the Coastal Zone Laboratories recommended by the Commission can be effectively coordinated.

CONCLUSION

Thus, in conclusion, it is stressed that the type of progressive and essential program that is called for in order to obtain effective coastal zone management and balanced planning of the estuarine system cannot be accomplished by voluntary participation of the States. On the other hand, it cannot be effected by the usurption of local and state functions. The interface proposed herein provides a problem solving approach to the subject matter involved rather than a cubical-boundary governmental concept. The tremendous work product of the Commission and the years of studies and hearings relating to the estuarine demand such an effective administrative structure and such a progressive solution. The development of our jurisprudence and political concepts have truly laid the basis for an extremely progressive and pyramid type overlay in which an overall uniform federal umbrella would coordinate regional programs giving due regard and recognition to state and local functions and expertise.

SERVICE ACADEMIES FLOURISH

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1970

Mr. HUNT. Mr. Speaker, contrary to what one might believe from reports in the daily press, interest in a military career is still high among America's youth. Patriotism, love of country, devotion to duty and to our American ideals are not dead despite constant efforts of the news media to portray the majority of our young people in this light. I commend for your attention the following item from the July 30, 1970, issue of the Paterson, N.J. News:

SERVICE ACADEMIES FLOURISH

The largest enrollment in the history of the nation's three military service academies give the lie to student opposition to the Vietnam war. The total enrollment of 12,848 at West Point, Annapolis and Colorado Springs probably exceeds the number of hard core students who have been responsible for the trouble on the campus everywhere.

Of course, the cadets get as good an education as money can buy. It is free. They also get paid while studying. When they graduate, they pay back the taxpayers by serving a specified number of years in their chosen service. But those are incidentals. The important thing is that they will be launched on a military career that for most is for life. Their training is tough. When they get through, they are ready—as men as leaders to take command in the world's greatest military power.

This year, the class of 1974 was built with the biggest minority enrollment in history, a total of 299. West point has 107, including 40 blacks. The Air Force enrolled 140 from minority groups, including 66 blacks plus American Indians, Spanish Americans, and Oriental Americans. The Navy accepted 52 blacks, but total minority figures were not available.

Here is an All-American military machine being shaped by men who in another decade will be in command. More power to them as young Americans.

XUM

SENATE—*Wednesday, August 12, 1970*

(Legislative day of Tuesday, August 11, 1970)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. Hugh Scott, a Senator from the State of Pennsylvania.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

"We thank Thee, Lord, Thy paths of service lead
To blazoned heights and down the slopes of need;
They reach Thy throne, encompass land and sea,
And he who journeys in them walks with Thee."
—*Calvin W. Laufer.*

Help us to walk with Thee this day in paths of service free, remembering that whoever would be greatest must be the servant of all. Make us equal to our high trust. Make us just, honest, and fair in our demeanor that by our efforts the highest and best purposes of the Nation may be furthered. Show us clearly what our duty is and help us to be faithful in doing it. And to Thee shall be the praise and the glory. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. Russell).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., August 12, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Hugh Scott, a Senator from the State of Pennsylvania, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. SCOTT thereupon took the chair as Acting President pro tempore.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that, notwithstanding the rule of germaneness, there be a brief period for the transaction of routine morning business, with a 3-minute limitation therein, until the Senate is prepared to proceed with the pending business.

The **PRESIDING OFFICER** (Mr. Nelson). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

RECOGNITION OF SENATOR HOLLINGS TOMORROW

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the distinguished Senator from South Carolina (Mr. Hollings) be recognized for not to exceed 30 minutes tomorrow, following the speech by the distinguished Senator from Oklahoma (Mr. Bellmon).

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PROPOSED AMENDMENT TO THE CONSTITUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

Mr. **MANSFIELD**. Mr. President, there appears on the Legislative Calendar Order No. 1101, House Joint Resolution 264, proposing an amendment to the

Constitution of the United States relating to equal rights for men and women.

Before action was taken yesterday to refer this joint resolution to the calendar under Senate rule XIV, this matter was discussed with the distinguished chairman of the Committee on the Judiciary. He understood fully the action that was undertaken.

I tried to get in touch with the distinguished Senator from Mississippi (Mr. EASTLAND) a short time ago but, unfortunately, was unable to do so because of the early convening of the Senate this morning.

I intend to talk to him later. I have, however, spoken with the distinguished Senator from Indiana (Mr. BAYH), the chairman of the Subcommittee on Constitutional Amendments which has jurisdiction of this joint resolution. It is my understanding that a companion Senate joint resolution has been reported to the full committee and that the committee is meeting on it this morning.

It is the hope of the joint leadership that this joint resolution will be reported on its own, hopefully today, or very shortly, and that there will be no amendments or appendices or ancillary proposals of any kind attached to it.

We feel that this is most important, that it would be best to give it consideration on the basis of what it stands for, and what it stands for alone, unencumbered with other proposals.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield to the Republican leader.

Mr. SCOTT. I am aware of the presence on the calendar of the proposed constitutional amendment to establish the constitutional principle of equal rights for men and women, and that the Judiciary Committee is in session today. As a member of that committee, I expect to be there to support a favorable reporting of the constitutional amendment.

I think it is rather interesting that for 40-some-odd years, the men of two congressional bodies have steadfastly and with singular persistence dodged the opportunity, avoided, evaded, and slipped out from under the opportunity to act on this constitutional amendment.

I do not know whether it will make women more equal than men, or less equal. The only purpose is to provide for equality of treatment.

One of my college professors used to propose a toast from time to time: "Here's to women. Once our superior, and now our equal."

In my judgment, this amendment deserves to be passed and sent out to the States for ratification. I do not know what it would do to the Armed Forces; but the presence of the ladies in the Armed Forces in recent years has certainly been salubrious and has contributed to the good order and well-being of the armed services. They have, indeed, taken over many jobs which had been performed by men, and they are now being performed better by women. So this is a "long-last" situation, and I congratulate the distinguished majority leader on his perception in acting to make sure that the Senate will be expeditious in agreeing to the joint resolution.

Mr. MANSFIELD. May I say to the distinguished Republican leader that this was not done on the basis of the initiative of the majority leader but on the basis of the initiative of the joint leadership. The Senator from Pennsylvania will recall that I discussed this matter with him before.

Mr. SCOTT. That is right.

Mr. MANSFIELD. I should point out that the Senate has twice, to my recollection, passed this particular joint resolution. The last time, I believe, was in the year 1953.

Thus, I would hope that, on behalf of both of us, the distinguished Senator from Pennsylvania, the Republican leader, when he goes to the committee meeting this morning will convey our feelings to the chairman, whom I tried to contact this morning, and to the committee as a whole, in the hope that speedy action will be taken on the joint resolution.

Mr. SCOTT. I will be happy to do so.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, August 11, 1970, be approved.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TERM DURING WHICH THE SECRETARY OF INTERIOR CAN MAKE FISHERIES LOANS UNDER THE FISH AND WILDLIFE ACT OF 1956

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3102.

The PRESIDING OFFICER (Mr. NELSON) laid before the Senate the amendment of the House of Representatives to strike out all after the enacting clause, and insert:

That section 4(c) of the Fish and Wildlife Act of 1956 (70 Stat. 1121), as amended (16 U.S.C. 742c(c)), is further amended by changing the date "June 30, 1970" to "June 30, 1980" where it appears three times.

SEC. 2. Section 4(b) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c(b)) is amended by striking out paragraphs (7) and (8) and inserting in lieu thereof the following:

"(7) An applicant for a fishery loan must be a citizen or national of the United States.

"(8) Within the meaning of this section, a corporation, partnership, or association shall not be deemed to be a citizen of the United States unless the Secretary determines that it satisfactorily meets all of the requirements set forth in section 2 of the Shipping Act, 1916, as amended, for determining the United States citizenship of a corporation, partnership, or association operating a vessel in the coastwise trade.

"(9)(A) The nationality of an applicant shall be established to the satisfaction of the Secretary. Within the meaning of this section, no corporation, partnership, or association organized under the laws of American Samoa shall be deemed a national of the United States unless 75 per centum of the interest therein is owned by nationals of the United States, citizens of the United States, or both, and in the case of a corporation, unless its president or other chief executive officer and the chairman of its board are nationals or citizens of the United States and unless no more of its directors than a minority of the number to constitute a quorum are nonnationals and noncitizens.

"(B) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by nationals of the United States, citizens of the United States, or both, (i) if the title to 75 per centum of its stock is not vested in such nationals and citizens free from any trust or fiduciary obligation in favor of any person not a national or citizen of the United States; or (ii) if 75 per centum of the voting power in such corporation is not vested in nationals of the United States, citizens of the United States, or both; or (iii) if through any contract or understanding it is so arranged that more than 25 per centum of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a national or citizen of the United States; or (iv) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a national or citizen of the United States."

SEC. 3. The provisions of this Act shall be effective July 1, 1970. Notwithstanding the provisions of section 4(c) of the Fish and Wildlife Act of 1956, as amended, any balance remaining in the fisheries loan fund at the close of June 30, 1970, shall be available to make loans for the purposes of section 4 of said Act from July 1, 1970, to the close of June 30, 1980.

And amend the title so as to read: "An Act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act, and for other purposes."

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LOWERING OF THE VOTING AGE

Mr. MANSFIELD. Mr. President, if I may be recognized for 2 more minutes, and if no other Senator wishes to speak at this time, I should like to report to the Senate that at the Democratic policy committee meeting on yesterday, announcement was made to the committee of the intention of the joint leadership concerning the equal rights amendment. The committee was also informed at that time that the President pro tempore had indicated he would take appropriate action under the terms of Senate Resolution 436, a resolution providing for the appointment of counsel to represent the Senate in an amicus curiae capacity in appropriate judicial proceedings dealing with the statute lowering the voting age and for other purposes. In other words, if and when that resolution is adopted, the President pro tempore has agreed to appoint counsel to represent the Senate at that time.

Furthermore, at the meeting of the policy committee on yesterday, the committee unanimously agreed that Walter W. Heller, regents professor of economics, University of Minnesota; Gardner Ackley, professor of economics, University of Michigan, and Arthur M. Okun, senior fellow, Brookings Institution—all former chairmen of the President's Council of Economic Advisers during 1961–69—should be requested to analyze the course of economic developments in the United States for the past year and a half, pinpointing the sources of increasing unemployment and declining profits and evaluating the strategy employed in pursuing price stability. The committee also agreed to ask the three economists to set forth the prospects for the months ahead and their implications for economic policy. The requests were subsequently made and these distinguished economists have agreed to undertake this assignment for the policy committee.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I was not previously aware of the designation of this committee. Could the majority leader indicate whether he is acting on behalf of the Democratic policy committee or on behalf of the Senate?

Mr. MANSFIELD. On behalf of the policy committee only and at its request. It is an attempt to keep up with the economic trends and happenings and, hopefully, to develop ways by means of which we can be helpful to the President and the administration in coping with the inflation which, I understand, now is running around 6 percent a year and with unemployment, which is running about 5 percent a year and which, in my State, is running closer to 7 percent a year. This is a most critical situation and the administration, I am confident, will welcome every bit of assistance offered. The economy simply must be brought out of its tailspin.

Mr. SCOTT. Mr. President, with regard to the resolution to appoint counsel for the Senate, I have discussed this matter with a number of Senators. While I do not know what the final judgment would be, there does exist a feeling that the matter of the constitutionality of the 18-year old voting age amendment should be tested, but that it should be tested by the Nation's chief law officer, the Attorney General of the United States, and, as the distinguished majority leader knows, the Attorney General of the United States has indicated that he would act to support and defend this act of Congress and argue for the constitutionality not only of the 18-year-old voting age, but also of the voting rights extension, which I think is pretty generally agreed to be constitutional, and the abolition or banning of literacy tests, and whatever else may be in the bill.

There may be some difference of opinion here, which in no way would reflect on counsel, if finally selected, because counsel would be of distinction and ability.

There may be a feeling that this should be done entirely by the Attorney General of the United States. However, others might feel that the Senate would need counsel.

I do not want to prejudice this except to state that two points of view do exist.

Mr. MANSFIELD. Mr. President, the distinguished minority leader has been most understanding on this matter. I have endeavored to keep him informed all along. He has discussed it with his colleagues in conference.

I agree with him completely about what he has said concerning the initiative of the Attorney General of the United States who has stated in unequivocal terms what he intends to do. The only reason why this suggestion is brought forth is that the genesis for this amendment was here in the Senate.

We would, therefore, like to be helpful to the Attorney General. Certainly, we have no reason to question his judgment, his desires, his competence, or his integrity. Our desire is only to be helpful; it is to see not only that this matter is resolved as expeditiously as possible, but to see that the decision of the Senate in establishing by statute the 18-year-old vote is upheld as constitutional. Part of the problem lies in the fact that the matter cannot be raised before October because the Supreme Court, as usual, is taking its 3-month recess and will not again convene until that time. Therefore, it cannot make final disposition of this matter until then, at least.

Moreover, by this resolution we only ask that the Senate's position be represented in a so-called amicus capacity; in other words a friendly capacity—one which will serve to complement the position taken by the Attorney General and the chief representative of the United States in the Supreme Court, the Solicitor General. The Senate has appointed counsel to represent its viewpoint on legislation in the past. There is precedent for this action.

Mr. SCOTT. Mr. President, I thank the majority leader.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. McCarthy) laid before the Senate a message from the President of the United States submitting the nomination of Miles W. Kirkpatrick, of Pennsylvania, to be a Federal Trade Commissioner, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS, from the Committee on Armed Services, without amendment:

S. 4148. A bill to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents (Rept. No. 91–1091).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

S. 437. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement (Rept. No. 91–1092); and

S. 578. A bill to include firefighters within the provisions of section 8336 (c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations (Rept. No. 91–1093).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1943. A bill for the relief of Arie Abramovich (Rept. No. 91–1095);

S. 3702. A bill for the relief of Dr. Nahid Mansoori Diaz (Rept. No. 91–1096);

S. 3796. A bill for the relief of Reynaldo Canias Baecher (Rept. No. 91–1097);

S. 3853. A bill for the relief of Mrs. Pang Tai Tai (Rept. No. 91–1098);

H.R. 1749. An act for the relief of Eagle Lake Timber Company, a partnership of Susanville, Calif. (Rept. No. 91–1099);

H.R. 2849. An act for the relief of Anan Eldredge (Rept. No. 91–1100);

H.R. 5655. An act for the relief of Low Yin (also known as Low Ying) (Rept. No. 91–1101);

H.R. 12400. An act for the relief of Tae Pung Hills (Rept. No. 91–1102);

H.R. 12446. An act to confer U.S. citizenship posthumously upon Jose Guadalupe Esparza-Montoya (Rept. No. 91–1103);

H.R. 12959. An act for the relief of Gloria Jara Haase (Rept. No. 91–1104);

H.R. 13265. An act to confer U.S. citizenship posthumously upon L. Cpl. Frank J. Krec (Rept. No. 91–1105);

H.R. 13383. An act for the relief of Mrs. Marcella Coslovich Fabretto (Rept. No. 91–1106);

H.R. 13712. An act for the relief of Vincenzo Pellicano (Rept. No. 91–1107);

H.R. 13895. An act for the relief of Mrs. Maria Eloisa Pardo Hall (Rept. No. 91–1108);

H.R. 13971. An act granting the consent of Congress to the Falls or the Ohio Interstate Park Compact (Rept. No. 91–1109);

H.R. 13997. An act to confer U.S. citizenship posthumously upon S. Sgt. Ryuzo Somma (Rept. No. 91–1110); and

H.R. 15374. An act to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes (Rept. No. 91–1111).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 3032. A bill for the relief of Mrs. Leonarda Buenavendura Ocariza and daughter, Lucila B. Ocariza (Rept. No. 91–1112);

S. 3419. A bill for the relief of Capt. Claire E. Brou (Rept. No. 91–1113);

S.J. Res. 67. Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin (Rept. No. 91–1114);

H.R. 2043. An act for the relief of Keum Ja Franks (Rept. No. 91–1115); and

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poehlein (Rept. No. 91–1116).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 3529. A bill for the relief of Johnny Trinidad Mason, Jr. (Rept. No. 91–1117).

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.R. 18127. An act making appropriations for public works for water, pollution control, and power development, including the

Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administation, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-1118).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

J. Fred Buzhardt, Jr., of South Carolina, to be General Counsel of the Department of Defense.

By Mr. EASTLAND, from the Committee on the Judiciary:

Marshall F. Rousseau, of Texas, to be U.S. marshal for the southern district of Texas;

Jose A. Lopez, of Puerto Rico, to be U.S. marshal for the district of Puerto Rico;

Edward S. King, of New York, to be U.S. marshal for the western district of New York;

George Beall, of Maryland, to be U.S. attorney for the District of Maryland;

Juan C. San Agustin, of Guam, to be U.S. marshal for the District of Guam; and

Johnny M. Towns, of Alabama, to be U.S. marshal for the northern district of Alabama.

By Mr. SCOTT, from the Committee on the Judiciary:

Charles K. Koval, of Pennsylvania, to be U.S. marshal for the western district of Pennsylvania.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MURPHY:

S. 4215. A bill to authorize the Secretary of the Interior to engage in a feasibility study of the Salton Sea Project, California; to the Committee on Interior and Insular Affairs.

By Mr. DODD:

S. 4216. A bill for the relief of Gloria Talinao; and

S. 4217. A bill for the relief of Gaspar Ramos; to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 4218. A bill for the relief of Angeles Palaginog; to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 4219. A bill for the relief of Armando Franco Eduardo;

S. 4220. A bill for the relief of Jose Gomes Caetano;

S. 4221. A bill for the relief of Antonio dos Santos;

S. 4222. A bill for the relief of Francisco F. Feleciano;

S. 4223. A bill for the relief of Mario Nicolau;

S. 4224. A bill for the relief of Americo Oliveira; and

S. 4225. A bill for the relief of Alvarino Martins de Lemos; to the Committee on the Judiciary.

By Mr. GORE:

S. 4226. A bill for the relief of Michel Louis Rouchy; to the Committee on the Judiciary.

By Mr. McGEE (for himself, Mr. Burdick, Mr. Harris, Mr. Hartke, Mr. Hollings, Mr. Moss, Mr. Randolph, Mr. Yarborough, and Mr. Stevens):

S. 4227. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PASTORE:

S. 4228. A bill for the relief of Maria de Lourdes Moitoso Mota; to the Committee on the Judiciary.

By Mr. FONG:

S. 4229. A bill to amend section 5(c) of the Home Owners' Loan Act of 1933; and

S. 4230. A bill to amend section 5(c) of the Home Owners' Loan Act of 1933; to the Committee on Banking and Currency.

S. 4231. A bill for the relief of Adelaide Vinoya Albano; and

S. 4232. A bill for the relief of Talo Huahulu; to the Committee on the Judiciary.

By Mr. MURPHY (for himself, Mr. Packwood and Mr. Fannin):

S. 4233. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and to provide for withholding of U.S. assistance to nations refusing to cooperate with such international organizations, or refusing to take appropriate steps to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Relations.

(The remarks of Mr. Murphy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HRUSKA (for himself and Mr. Curtis):

S. 4234. A bill relating to the relocation of the Village of Niobrara, Nebr., the acquisition of Niobrara State Park, and the construction of certain substitute facilities; to the Committee on Public Works.

(The remarks of Mr. Hruska when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HRUSKA:

S. 4235. A bill to continue the jurisdiction to the U.S. District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970; to the Committee on the Judiciary.

(The remarks of Mr. Hruska when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MOSS:

S.J. Res. 228. Joint resolution to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week"; to the Committee on the Judiciary.

(The remarks of Mr. Moss when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. HARRIS:

S.J. Res. 229. Joint resolution establishing National Good Grooming Week; to the Committee on the Judiciary.

(The remarks of Mr. Harris when he introduced the joint resolution appear below under the appropriate heading.)

SENATE JOINT RESOLUTION 228—INTRODUCTION OF A JOINT RESOLUTION TO DESIGNATE "NATIONAL PTA WEEK"

Mr. MOSS. Mr. President, I introduce a joint resolution to authorize the President to declare the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week."

I think it is safe to say there is no more respected organization in the country than the National Congress of Parents and Teachers. Each parent-teacher association has its own characteristics, but each has as its underlying purpose the promotion of the welfare of children and youth. And this unites all PTA's and gives continuity and nationwide significance to their work.

PTA was founded in Washington in 1897 as a volunteer organization. There are now more than 140,000 local parent-teacher associations, and 52 branches, which include all of the States in the Union, the District of Columbia, and the European Congress of American Parents and Teachers. The present membership of all local PTA's totals almost 10 million—and if the number of people who have previously worked in the organization—who have been active at some time in their life—were added the total would be several times that great.

Certainly, it is time that the Nation pay recognition to those millions of Americans who today, and in the past, have dedicated themselves to promoting the welfare of our young people, to seeing that they get the best the Nation can offer—with such signal success.

I ask unanimous consent that the full text of the joint resolution be printed in the Record at the close of this statement.

The PRESIDING OFFICER (Mr. Goldwater). The joint resolution (S.J. Res. 228) to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week," introduced by Mr. Moss, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S.J. Res. 228

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a tribute to the important contributions of the parent-teacher movement to the American way of life, and the continuing efforts of the National Congress of Parents and Teachers (National PTA) to provide quality living and quality learning for all Americans, the President is hereby authorized and requested to issue a proclamation designating "National PTA Week" from October 5, 1970, to October 9, 1970, and calling upon the people of the United States and interested groups and organizations to observe such period with appropriate ceremonies and activities.

SENATE JOINT RESOLUTION 229—INTRODUCTION OF JOINT RESOLUTION ESTABLISHING NATIONAL GOOD GROOMING WEEK

Mr. HARRIS. Mr. President, the more than 38,000 drycleaners in America are proud of their role as one of the active forces that help Americans maintain their status as the best groomed people in the world.

Representatives of the drycleaning industry are located in every community in the United States, and employ over 300,000 persons.

Thanks to this industry, Americans may go to work, to school, to church, or to social gatherings in clean freshly pressed garments composed of a variety of materials and styles.

The national association of this industry maintains research facilities and schools which insure that the Nation's drycleaners will be able to service whatever new styles and materials that the American public might wish to wear. They also maintain liaison with the garment manufacturing industry to insure that new fashions will be serviceable.

Last year Americans spent over $2⅓ billion on drycleaning.

Therefore, America's drycleaners, acting as representative small businessmen serving citizens in virtually every community, urge that a joint resolution be passed designating the period of November 16 through November 22, 1970 as Good Grooming Week. During this period the drycleaning industry may be joined by all business and community groups who wish to emphasize the importance of good grooming in a joint effort to promote the virtues of this desirable character trait throughout our Nation.

I hope that all my colleagues will join with me in supporting this joint resolution which is desired by the drycleaning industry as a tribute to all Americans who recognize the importance of good grooming habits in their everyday life, and in doing so, convey a most favorable impression of the American people to the rest of the world.

The PRESIDING OFFICER (Mr. Goldwater). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 229) establishing National Good Grooming Week, introduced by Mr. Harris, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 3528

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Hampshire (Mr. McIntyre), I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. Tydings) be added as a cosponsor of S. 3528, to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes.

The PRESIDING OFFICER (Mr. Goldwater). Without objection, it is so ordered.

S. 4079

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Minnesota (Mr. Mondale), I ask unanimous consent that, at the next printing, the names of the Senator from Hawaii (Mr. Inouye), the Senator from West Virginia (Mr. Randolph) and the Senator from Texas (Mr. Yarborough) be added as cosponsors of S. 4079, to increase the authorization for annual contributions in aid of low-rent public housing.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION REPORTED FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS (S. REPT. NO. 91-1094)

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original concurrent resolution (S. Con. Res. 79); and submitted a report thereon, which report was ordered to be printed, and the concurrent resolution was placed on the calendar:

S. Con. Res. 79

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

A-8812001, Ching, Tsing.
A-3601059, Lopez, Francisco Rodriguez.
A-3626010, Woo, Poy Tom.
A-6079487, Yip, Har.
A-11027900, Louie, Fook Leong.
A-14943777, Eng, Kung Doo.
A-2737095, Pinon-Granados, Remedios.
A-3135441, Rojas-Gutierrez, Eleodoro.
A-3254358, Romero, Fortunato.
A-8106820, Eha, Elmar.
A-12372117, Kowk, Kee Dong.
A-13069928, Fong, Shue Kee.
A-10712348, Gonzalez-Urena, Ramon.
A-7216780, Kowal, John.
A-14006061, Lee, Dom Min.
A-3854398, Spiegel, Max.
A-1975504, Abrams, Samuel S.
A-1473222, Asencio-Placencio, Pedro.
A-1472909, Baglieri, George.
A-13756892, Chu, Nee Chong.
A-8427555, Cooremans-Cruz, Eugenio Juan.
A-2569196, DeBravo, Cenovia Mesa.
A-5271262, De Luna-Segovia, Jose.
A-13756192, Gong, Yicke.
A-4164588, Gonzalez, Magana, Luis.
A-2691116, Hagglund, Nils Ture.
A-5227719, Lee, High Suey.
A-1999784, Louie, Fung Leung.
A-13550905, Lum, Ting Kam.
A-1880149, Marcus, Harry Aaron.
A-10475692, Martinez-Figueroa, Samuel.
A-3253579, Riccioli, Paoli.
A-13518212, Smeriga, John.
A-9765182, Yim, Chee.
A-2894457, Chin Huey.
A-17140325, Chin, Kay Ming.
A-5069505, Fat, Tong Li.
A-14677835, Fong Mun Quong.
A-6563286, Nebelsky, Manfred Robert.
A-5633712, Valencia-Sanchez, Enrique.
A-4129913, Araujo, Maria Freitas.
A-18495868, Chan, Yuen Hing.
A-12613969, Don, Hing Lew.
A-14219771, Russo, Maria Isaura.
A-4679692, Wong, Quong.
A-10491431, Wong, Yen Kwong.
A-14598116, Young, Gim Lung.
A-14196929, Yuen, Chung Ng.
A-7138470, Cuervo, Ester.
A-14218274, Hom, Wai Kwong.

SENATE RESOLUTION 442—RESOLUTION REPORTED RELATING TO INVESTIGATION OF MATTERS PERTAINING TO CONSTITUTIONAL RIGHTS

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 442); which was referred to the Committee on Rules and Administration:

S. Res. 442

Resolved, That Senate Resolution 336, Ninety-first Congress, second session, agreed to February 16, 1970 (authorizing a complete study of any and all matters pertaining to constitutional rights), is hereby amended by striking out "$230,000" and inserting in lieu thereof "$240,000".

SENATE RESOLUTION 443—RESOLUTION SUBMITTED TO EXTEND THE CONGRATULATIONS OF THE SENATE TO JEWISH WAR VETERANS OF THE UNITED STATES

Mr. HARTKE. Mr. President, I submit for the consideration of the Senate, a resolution conveying the sense of gratitude and pride of the U.S. Senate and of the American people in the accomplishments and achievements of Americans of the Jewish faith who have served in the defense of this Nation in the Armed Forces of the United States in all the wars of our brief but stormy history. I ask unanimous consent that the resolution be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Cranston). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the Record.

The resolution (S. Res. 443) was referred to the Committee on Armed Services, as follows:

Senate Resolution 443

Whereas service in the military has special significance for Americans of the Jewish faith, since during the Middle Ages, their ancestors were denied the right to bear arms and the opportunities for citizenship which were granted to the citizen-soldier, and

Whereas, from the days in 1664, when Asser Levy successfully petitioned the military governor of New Amsterdam (now New York) to stand watch and subsequently gained rights of citizenship, Jews have participated in every war in our nations' defense, and

Whereas, cognizant of their obligations as citizens, Jewish veterans who fought in the Civil War in 1896 organized into an association to advance the principles of democracy for which they and their comrades in arms risked their lives in battle, and

Whereas, the Jewish War Veterans is now the oldest, active veterans organization in this country, and for the past seventy-five years since their founding, have been in the forefront to advance the rights of all minority groups who have sought freedom on these shores, have pursued diverse community service projects not only to provide aid and comfort to the less fortunate veteran and his dependents, but to extend their assistance to all in need in our society, and have staunchly backed the aspirations of Israel for freedom and independence,

Therefore be it resolved, That the United States Senate express its sense of gratitude for the accomplishments and achievements of Americans of the Jewish faith who have served in the defense of this nation in the Armed Forces of the United States in all our Nation's wars and

That the U.S. Senate offer its congratulations to the Jewish War Veterans of United States of America on their seventy-fifth, "Diamond Jubilee Anniversary."

ESTABLISHMENT OF IMPROVED PROGRAMS FOR AGRICULTURE—AMENDMENT

AMENDMENT NO. 836

Mr. MONTOYA. Mr. President, today I am submitting an amendment to H.R. 18546, the agricultural bill passed by the House of Representatives on August 5. I ask that my amendment be printed and referred to the appropriate committee.

My amendment applies only to the feed grains title of the farm bill. I hope, however, that in the Senate we can take a very careful look at every aspect of this bill and strengthen it wherever it is weak.

All of the commodities in the farm bill are important to my State of New Mexico. For 1969, total base or allotment acreage in New Mexico included 875,474 acres of feed grains, 427,676 acres of wheat, and 171,147 acres of cotton. New

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Mexico farmers in 1969 planted 476,000 acres of feed grains, 288,000 acres of wheat, and 163,000 acres of cotton. In the same year, farmer-stockmen in New Mexico marketed 6,281,000 pounds of shorn wool, 18,928,000 pounds of unshorn lambs, and 172,000 pounds of mohair.

For feed grains, title V of the House-passed bill would support farm prices by providing a payment for corn at such rate as, together with the national average market price received by farmers during the first 5 months of the marketing year, will be not less than $1.35 per bushel on 50 percent of the farmers' base acreage. Payments for grain sorghum and other feed grains would be at such a rate as the Secretary of Agriculture determines fair and reasonable in relation to the rate of payment for corn. The level on nonrecourse loan on feed grains—available for the entire base acreage for farmers participating in the program—would be set by the Secretary between zero and 90 percent of the parity price of each of the feed grains.

The House bill, therefore, sets the total level of price support for feed grains as a fixed dollar figure—$1.35 per bushel for corn—rather than in relation to parity. No floor is established under the loan. If this provision was in effect for the 1970 crop year, the probable effect would be to support feed grains prices at a rate roughly equivalent to 76 to 77 percent of parity. The $1.35 per bushel support for corn is equal to 76.3 percent of $1.77, or the parity price of a bushel of corn in July 1970. However, since the support level is frozen at the fixed $1.35 figure for the 3-year duration of the House bill, the level of support in parity equivalency would deteriorate yearly over the 3-year period as farmers' costs of production increase. If production costs go up during 1970–73 at the same rate as 1967–70, for the 1973 crop year the House bill would support feed grains prices at only 70.5 percent of parity. This means that price support for feed grains would sink below the current general farm parity ratio of 72, which is the lowest that it has been since the great depression.

Furthermore, on the one-half of a farm's feed grains base that is ineligible for payments, the House bill would support prices of feed grains at whatever level of nonrecourse loan is set by the Secretary. The producer may get no effective support at all on this portion of his acreage if the Secretary holds the loan below prevailing market prices.

Because of these shortcomings, the House bill does not do justice to producers of corn, grain sorghum, and other feed grains across the United States. Actually, it fails to do justice to the Nation as a whole, since past experience indicates that a weak agricultural sector tends to keep the entire American economy from reaching and maintaining its full growth potential.

My amendment would strengthen the feed grains title of the House bill in at least two ways. First, it will insure that farmers' income on the 50 percent of his feed grains base that is eligible for payments will increase proportionately with his costs of production. The amendment places a floor of 77 percent of parity under the payment rate for feed grains. The concept of parity in many minds is shrouded in ambiguity, and often evokes an image of a bygone era. But farm people do not attach themselves to the parity concept out of an emotional or irrational appeal. They understand that parity is the proven way to insure that—as shipping rates, taxes, labor, and other farming expenditures essential for production escalate—their constant dollar income will not be steadily reduced.

The support floor of 77 percent of parity was selected for the amendment because it is approximately the level that the House bill would initially support feed grains prices. Thus, my amendment is not designed to increase the support level above the first-year parity equivalency of the House bill. Rather, the amendment only provides a hedge against inflation that otherwise could erode constant dollar support over the 1971–73 period.

Second, by providing that the payment rate on the eligible 50 percent of feed grains acreage shall be the difference between 77 percent of parity and the loan rate, the Secretary of Agriculture probably would hold the loan rate—which applies to a participating farmer's entire feed grains acreage—at a somewhat higher level than would otherwise be the case. The Secretary would still be able to set the loan so as to facilitate exportation of feed grains. At the same time, he would be encouraged in establishing the loan level to take at least two other important factors into consideration: the needs to provide some support to that portion of the crop that is not eligible for payments, and to maintain at all times an adequate supply of feed grains so that consumers are never faced with food shortages.

My amendment is not a costly or drastic change in the bill passed by the House of Representatives. It would nevertheless add strength and effectiveness to the feed grains title. If the House bill becomes law in its present form, it will mean that farmers who cultivate corn, grain sorghum, and other feed grains will have their income and purchasing power substantially cut over the next 3 years. Many farm families—and most of the growers of feed grains in my State are relatively small, family-farm operations—would be forced to postpone purchase of a better automobile, repairs on the farm home, or even replacement and repair of equipment necessary for efficient crop production. The detrimental effects of this unhealthy condition in agriculture would spill over to affect bankers, automobile dealers, and other nonfarm elements of the economy.

Mr. President, the amendment to the agricultural bill that I propose today is realistic, workable, and desirable. I solicit and will deeply appreciate the support of my colleagues in behalf of this proposal.

The PRESIDING OFFICER (Mr. Hollings). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 836) was referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENT NO. 765 TO H.R. 17123

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Oregon (Mr. Hatfield), I ask unanimous consent that, at the next printing, the name of the Senator from Wisconsin (Mr. Proxmire) be added as a cosponsor of amendment No. 765, an amendment for an all-volunteer Armed Force, amending H.R. 17123, the Military Procurement Authorization Act.

The PRESIDING OFFICER (Mr. Eagleton). Without objection, it is so ordered.

AMENDMENT NO. 821 TO H.R. 17123

Mr. BENNETT. Mr. President, on behalf of the Senator from Massachusetts (Mr. Brooke), I ask unanimous consent that, at the next printing, the names of the Senator from New Hampshire (Mr. McIntyre) and the Senator from Kentucky (Mr. Cook) be added as cosponsors of amendment No. 821 to H.R. 17123, to authorize appropriations for military procurement and other purposes.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF MANUEL RUIZ, JR., OF CALIFORNIA TO BE A MEMBER OF THE CIVIL RIGHTS COMMISSION

Mr. ERVIN. Mr. President, as chairman of an ad hoc subcommittee of the Committee on the Judiciary, I wish to announce that a hearing will be held on the nomination of Manuel Ruiz, Jr., to be a member of the Commission on Civil Rights.

The hearing is scheduled for August 25, 1970, at 10:30 a.m., in room 2228 of the New Senate Office Building. Any person who wishes to testify or submit statements pertaining to this nomination should send the request or prepared statement to the subcommittee, 102-B Old Senate Office Building.

ADDITIONAL STATEMENTS OF SENATORS

PENNSYLVANIA'S HUGH SCOTT A REAL FRIEND OF SENIOR CITIZENS

Mr. FONG. Mr. President, the able and distinguished minority leader, the senior Senator from Pennsylvania (Mr. Scott) has compiled an impressive record of friendship and service to older Americans during his nearly 12 years in the U.S. Senate.

Although his State has a large population and widely diverse problems demanding his attention, it is a real credit to Hugh Scott that he has never forgotten the needs of its senior citizens.

As he recently stated:

> Today's retirees are responsible for our Nation's present greatness. We must act to

ensure that they continue to enjoy the fruits of their many years of labor.

Time and again Hugh Scott has demonstrated his concern for the special needs and requirements of retirees and elder Americans. As a member of the Special Committee on Aging, I am delighted that our Senate minority leader works so hard in their behalf.

I ask unanimous consent that there be printed in the Record a summary of legislation and votes of Senator Hugh Scott of benefit to senior citizens of America.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Senator Scott Acts on Legislation for Senior Citizens

Senator Hugh Scott, Minority Leader of the United States Senate, has consistently acted to assist our Nation's senior citizens to obtain the full and free enjoyment of the retirement years they deserve.

Senator Scott's efforts to improve the Social Security system have had a tremendous impact on Pennsylvanians receiving old age, survivors and disability insurance payments. The so-called Scott "expedited payments" plan, now a part of the Social Security law, ensures that Social Security recipients will get their checks on time. In addition, Senator Scott recognizes that Social Security payments have never kept pace with the rising cost of living and has always urged automatic cost-of-living increases in Social Security benefits.

Senator Scott recently stated, "Today's retirees are responsible for our Nation's present greatness. We must act to ensure that they continue to enjoy the fruits of their many years of labor."

91ST CONGRESS

Legislation

S. 819—To exempt Senior Citizens from *admission fees* to National Parks and forests.

S. 1179—To provide *reduced air fares* for Senior Citizens.

S. 1896—To include *dental and eyecare and hearing aids* among the benefits provided by Medicare.

S. 2037—To authorize grants for the construction or modernization of *Neighborhood Health Centers.*

S. 2184—To include *prescribed drugs* under coverage of the supplementary medical insurance program for the aged.

S. 2518—To liberalize conditions governing eligibility of *blind persons* to receive disability insurance benefits.

S. Amdt. 117—Scott-Williams Amendment to create a *Small-Investor Savings Bond* paying 6% interest.

S. Amdt. 682—To provide a *minimum monthly Social Security benefit of $100 and* increases in larger monthly benefits.

S. Amdt. 683—To *increase special age 72 Social Security benefits by 10%.*

S. Amdt. 684—To increase *outside earnings limitation* for Social Security beneficiaries to $2,400.

S. Amdt. 785—To permit *all persons reaching the age of 70 before January 1, 1972 to be eligible for special benefits under Social Security.*

Votes

Voted for a *15% across-the-board increase in Social Security benefits and automatic cost-of-living increases.*

Voted for a *15% increase in Railroad Retirement benefits.*

Voted for the *Emergency Home Financing Act to help relieve shortage of homes and home-financing funds.*

90TH CONGRESS

Legislation

S. 35—To amend the Internal Revenue Code to extend *head-of-household tax benefits* to widows, widowers, and individuals 35 or older who maintain their own households.

S. 291—To increase *out-side earnings limitation for Social Security recipients* to $3000.

S. 2053—To provide for *periodic cost-of-living increases for Social Security* recipients.

S. 3702—To assist physicians in prescribing *drugs covered under Federal-state health programs* and to encourage economy in the prescribing and dispensing of prescription drugs.

S. 3732—To create a *Catalogue of Federal Assistance Program* to aid persons in determining whether they qualify for assistance programs.

S. 3771—To allow individuals to continue to purchase *vitamin and mineral supplements* without a prescription.

Votes

Voted against increasing high earning years used in computation of *Civil Service Retirement Benefits.*

Voted for Economic Opportunity Act of 1969 including additional appropriations for the *Senior Opportunities and Services Program.*

Voted to allow Senior Citizen *welfare recipients* to retain a portion of state welfare payments irrespective of the 15% Social Security increase.

Voted to extend grant provisions for Senior Citizens under the *Older American Act Amendments of 1967.*

Voted for the Housing and Urban Development Act of 1968 including programs of *low cost rental and cooperative housing for the elderly.*

89TH CONGRESS

Legislation

S. 1140—To authorize retirement without reduction in annuity for *Civil Service employees* with 20 years of service who are involuntarily separated from service by reason of the abolition or relocation of their employment.

Votes

Voted to remove existing discriminatory provisions against spouses under *Railroad Retirement Act.*

Voted to increase annuities for *Civil Service Retirees.*

Voted *to retain the medicare provisions* of the Social Security Amendments of 1965.

Voted *to provide limited disability insurance benefits for the partially blind.*

Voted *for the Social Security Amendments of 1965,* including the *Medicare* and *Medicaid* programs.

Voted for the Housing and Urban Development Act of 1965 including *rent supplements* for low-income tenants.

Voted for the Economic Opportunity Amendments of 1965 under which the *Foster Grandparent Program* was established.

Voted *for special Social Security benefits for certain previously ineligible persons over 72.*

Voted *for Federal Salary and Fringe Benefits Act of 1966* which allows retirement at full annuity at age 55 after 30 years of service and at age 60 after 20 years of service.

88TH CONGRESS

Legislation

S. 1262—To improve Social Security *disability benefits for the blind.*

S. 2181—To improve *rehabilitation programs for the blind* under the Social Security Act.

S. 2385—To improve *State medical assistance programs for the aged.*

Votes

Voted for the *Social Security Amendments of 1964* including increased benefits.

Voted for the Hospital and Medical Facilities Construction Act Amendments of 1964 which increased funds for *grants for the construction of nursing homes.*

Voted for the Housing Act of 1964 including increased funds for loans to non-profit sponsors of *rental housing for the elderly,* and provided for low-interest *rehabilitation loans for private home owners.*

87TH CONGRESS

Legislation

S.J. Res. 27—To declare May of each year as *Senior Citizens Month.*

S. 937—The Old Age Health Insurance Program to provide a program of Federal matching grants to States to provide *health insurance for persons 65 or older at reduced rates.*

S. 3384—*To allow a tax deduction for travel expenses to and from work for disabled persons.*

Votes

Voted *for an increase in Civil Service Annuities.*

Voted for the Housing Act of 1961 providing direct *loans for housing for the elderly* and increased the Federal contribution *to low-rent public housing occupied by Senior Citizens.*

86TH CONGRESS

Legislation

S. 563—To permit an in-school child of a deceased individual to continue *eligibility for a child's Social Security benefits* between ages 18 and 21.

S. 565—To *increase from $1200 to $2400 the allowable outside income for Social Security recipients* without suffering deductions from benefit checks.

S. 3330—To permit needy children deprived of parental support to be eligible for assistance under the State plans for *aid to dependent children.*

Votes

To provide *voluntary participating health benefits plan for persons 65 or over* whose income is not more than $3000 individually or $4500 per couple who are not recipients of public assistance.

Voted to include *tubercular and mentally ill patients* in medical care for the aged provisions of the Social Security Amendments of 1960.

Voted *for the Social Security Amendments of 1960,* which eliminated the age of 50 as a minimum to qualify for disability benefits and liberalized the *retirement test* for eligibility.

Voted *to increase the minimum benefit levels* under old age, survivors and disability insurance payments from $40 to $70 monthly.

Senator Scott's action on behalf of Pennsylvania's senior citizens means they now have more money with which to enjoy their retirement years.

THE ENACTMENT OF THE POSTAL REORGANIZATION BILL SIGNALS THE END OF PUBLIC SERVICE AND THE BEGINNING OF INCREASED POSTAL COSTS AND WORSENED POSTAL SERVICE TO THE PEOPLE

Mr. YARBOROUGH. Mr. President, today is truly a dark day in the history of the Nation. Today the President will, by signing the postal reorganization bill, approve the destruction of America's oldest public institution, the U.S. Post Office. On this important day in our history, I think it is only proper to stop and reflect on what this bill will mean to the American people.

First, the average American is going to encounter increasing postal costs and receive less service. This morning's Washington Post contains an interview with Postmaster General Blount in which he frankly stated that the price of stamps would increase from 6 to 8 cents early next year and would go even higher in the months to come. This clearly shows that the Post Office will be used as an agency to collect revenues from the people who are least able to pay instead of taxing those individuals and companies who are actually costing our Government money.

Second, the postal workers of America will lose in the long run $1,000,000,000 in wages as a result of this bill. As Postmaster General Blount admitted, "We've got the tools to hold down costs."

This means that the first cost reductions that the new Postal Corporation will make will be in the form of service reductions and job eliminations. Thus, the postal workers have given up long-term job security for a small short-term wage increase. In my opinion, this is a very poor bargain.

As the ranking member of the Post Office and Civil Service Committee, I was invited to attend the signing ceremony for this bill. Usually to be invited to such a ceremony is an honor which I accept with pleasure. However, as I advised the Postmaster General yesterday, I cannot participate in the signing of a bill which I believe to be contrary to the best interests of the American people. In the months and years to come, I fear that Congress will regret its unwise action on this bill.

Mr. President, I ask unanimous consent that the article entitled "Price of Stamp May Pass 8 Cents," published in the Washington Post of August 12, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Price of Stamp May Pass 8 Cents

The price of a letter stamp, likely to rise from 6 to 8 cents early next year, will probably go even higher despite passage of reform legislation designed to cut Post Office costs, says Postmaster General Winton M. Blount.

"We've got the tools to hold down costs," Blount said in an interview, "but there's no question that over the long haul we're going to have rate increases."

Blount had said earlier he expects to make use of interim rate-setting authority granted the Post Office under the reform legislation to raise the cost of mailing a letter from 6 cents to 8 cents. But until Congress passed the reform bill last Wednesday. Blount had indicated the price of a stamp would stabilize at 8 cents for some time.

A VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, the American Friends Service Committee has long been a strong voice for human rights and individual conscience. Stewart Meacham, peace education secretary of the Friends Committee, prepared a perceptive statement for testimony befor the Senate Committee on Armed Services which unfortunately has had to postpone hearings on the draft. I ask unanimous consent that the statement be printed in the Record so that we might gain further insight into the problems presented by the draft and have a greater understanding of the positive consequences which would occur from the implementation of the recommendations of the President's Commission on an All-Volunteer Armed Force.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Position for Draft Repeal

The American Friends Service Committee is opposed to the Selective Service or Draft System for the following reasons: it is inconsistent with American traditions; it is a source of the deep alienation which affects our young people; it carries us in the direction of universal enforced labor; it does violence to ethical commitments and religious beliefs; and it has a damaging effect on the mental and psychological health of many of the young people directly affected by it. Were there time one could testify rather fully on each of these negative aspects of the Selective Service System.

It should be pointed out that members of the Congress in earlier years have vigorously opposed a draft system even in war time, to say nothing of the peacetime draft system. They have based their objections on the inconsistency of enforced military service within the traditional American system of individual freedom. For instance, in April 1917, Congressman John Nicholls of North Carolina said, "In my state you have the feeling that the conscript is a slave. And I want to ask you this question: Would this not be a great government to go to Germany and free slaves with an army of slaves?" Representative George Huddleston from Alabama, Rep. James F. Byrnes from South Carolina and Rep. Carl Hadden from Arizona, as well as others spoke out with equal vehemence in opposition to the proposed conscription legislation at that time. Equally serious objections were raised in the Senate by Sen. Charles F. Thomas of Colorado, Sen. James A. Read of Missouri and others.

Historically, even the military leaders have been opposed to the military conscription system particularly in peacetime. In 1932 Army Chief of Staff General Douglas MacArthur spoke approvingly of the National Defense Act of 1920, which provided for a system of voluntary recruitment, saying that this act assured "other nations of our non-aggressive purpose," and added "tradition and public sentiments have always precluded conscription as the basis of a peacetime defense policy." Many other similar historical citations can be made.

Alienation of our young people because of the draft system which forces them to choose between either going to Vietnam and fighting in an atrocious and immoral war, fleeing the country, or going to jail is a widespread source of deepest trouble and a threat to the future of our country. The great increase in the number of religious and morally motivated conscientious objectors and draft resisters, and the broadening of the court's interpretation of rights granted by the Constitution and by law to conscientious resisters is an indication of the ethical, moral and religious revulsion which the draft system generated in these times.

All of these issues, the violence to our nation's historical and traditional commitment to freedom from coercion, the alienation of our young people, and the damage to moral and ethical considerations are issues which this committee should consider carefully and fully.

In my view there is still another factor which requires examination precisely because it is often invoked as a reason for justifying compulsory selective service. I refer to the practical effect of a peacetime selective service or draft system on U.S. interests and U.S. foreign policy. It seems clear to me that the adventure of the United States in Southeast Asia has proved to be disastrous. It should teach us that no national administration should have access to a peacetime draft system to use as an instrument of arbitrary power. That is precisely what the present system has provided successive administrations, both Democratic and Republican.

Thanks largely to the peacetime selective service system successive U.S. administrations have been free to try to transform the United States into the world's policeman. As of early 1967, thanks largely to the Selective Service System's direct and indirect effects, it had been possible to garrison Europe and Asia with huge U.S. peacetime armies. In that year there were 300,000 American soldiers in Western Europe, 225,000 in West Germany. In Asia there were 60,000 in Korea, 40,000 in Japan, 50,000 in Taiwan, 50,000 in Okinawa and Guam, and 35,000 in Thailand. There were thousands of others in military missions in Africa, the Near East and Latin America and over 500,000 in Vietnam.

These commitments of U.S. military power in every part of the world have reinforced governments which would have been unable to stand if they had to depend on the support and the confidence of their own people. In many instances these governments are dictatorial, militaristic, corrupt and serve America's interest only insofar as those are concerned who conceive America's interest to be in line with those of the militaristic regimes in Africa, Asia and Latin America that seek to control people who are now clamoring for liberation from past colonialism.

The peacetime conscription system has made it possible for the United States to send troops into Korea, Lebanon, Vietnam, Laos, the Dominican Republic, Thailand, and now Cambodia. In each case the President and the Pentagon were able to accept the risk of war or of expanded war without securing the constitutional sanctions of the Congress or first getting expressions of support from the people as a whole.

These arbitrary actions not only involve us in questionable alliances with dubious friends in other parts of the world but they also raise the deepest constitutional issues for us here at home and cause people rightly to wonder whether we are still a free people. Or have we become a people for whom the decisions are made by administrations exercising powers available to them which bypass the constitutional safeguards of division of powers among the three branches of government?

In the course of mounting this type of war-making by administrative decree the U.S. uses the peacetime conscription resources also to by pass the Organization of American States (as in the Bay of Pigs invasion and the invasion of the Dominican Republic), to bypass SEATO (as in the case of the escalating war in Vietnam, Laos and Cambodia), and to bypass the United Nations in both of these actions as well as in its massive buildup of forces generally in Southeast Asia.

Peacetime conscription thus has become the key to war by administrative decree, bypassing and nullifying the constitutional prerogative of the Congress to declare war.

In Vietnam the number of troops increased from 685 in May 1960 to 1,650 in May 1961, 7,000 in February 1962, 17,000 in December 1963, 22,000 in December 1964, 51,000 in June 1965. In April 1965, President Johnson, General Maxwell Taylor and the National Security Council decided to send several thousand more U.S. troops to South Vietnam to train South Vietnamese forces and to protect American military installations. On June 4, 1965 the State Department acknowledged publicly for the first time that U.S. ground troops were engaged in combat in South Vietnam. On June 29, 1965 U.S. troops began offensive action. On July 12, 1965 President Johnson indicated higher draft calls and on July 27, 1965 Johnson said U.S. troops would be swiftly increased from 75,000 to 125,000. By January 1966, there were 197,000 troops in Vietnam and by September over a half a million.

These decisions to escalate were made by the Pentagon and approved by the President. Congress, by accepting a policy of peacetime conscription and later acceding to the Ton-

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kin Bay Resolution, had thereby, perhaps unknowingly, transferred its responsibilities to the Executive and made war a matter of administrative decision.

The presence of American troops all over the world entails close collaboration between the U.S. military and the military of the garrisoned countries. It enhances the prestige of that military and also ours. In the underdeveloped world military organization is often the bulwark of autocratic status-quo governments. The U.S. military support of these governments puts the power of the U.S. in direct opposition to democratic social change. By our support of entrenched power and privilege we encourage the growth of corruption and repression, which breeds resentment and precipitates the very revolution we lack the imagination and the means to encourage constructively and peacefully.

Conscription is the key element in enabling administrations unilaterally to make national commitments to war which now are proving to be dangerous to the national interest and to the state of health of the national economy. Conscription guarantees to the military and to the Administration a large measure of "flexibility" in raising the size of the army quickly by administrative fiat in the course of an undeclared war. There's no need to go to the Congress and there is no need to go to the people.

The National Advisory Commission on Selective Service, which was headed by Burke Marshall, emphasized in its 1967 report this flexibility as the real reason for a peacetime draft saying, "Only with such a flexible system can the military services be assured of their ability always to have the number of men necessary." Of course the question of why they are necessary, for what are they necessary, and whether these purposes are considered necessary purposes by the Congress, by the people, or only by the military and the White House is not dealt with. The alternative to this arbitrary power in the hands of the military or of a willing President is to bring an end to the draft and adopt a foreign policy which does not cast the United States in the role of world policemen. If the United States does not intend to man garrisons in Western Europe and Asia there is no need for conscription. If the United States administrations do not wish to be able to initiate wars without consulting Congress or the people, there is no need for peacetime conscription. If an administration does not wish to be free of constitutional restraints particularly when it finds itself carrying out a war judged by very substantial numbers of the people to be atrocious and immoral, its sense of need for peactime conscription is greatly reduced. This of course goes to the very heart of the matter.

The constitutional safeguards have been established with respect to war and were put there precisely to safeguard the United States from dictatorial authority. Dictatorships characteristically cherish as their most important asset the power to make war without consulting the people or their representatives. It is precisely toward this kind of dictator-like situation that the peacetime conscription system has carried the United States during the past 20 years. The results are disastrous and the disaster can be measured in terms of the Vietnam-Southeast Asia disaster. There is no mystery about it. The facts are clear and the significance of the facts is clear. The only question is whether the Congress now has the initiative, the will, and the courage to remove the conscription system from the statute books and restore to the people of the United States the basic safeguards to their freedom.

The American Friends Service Committee is deeply opposed to the system of military conscription. We always have championed the right of young people confronted by the draft to refuse to serve on grounds of conscience. We have given them moral and material support and we have assisted them in every way that we could. Today when many young people resist conscription directly they often are acting not from explicit religious doctrines and tenets of faith but rather from sensitive consciousness and perceptions deeply held as to the wrongness of being forced to go and fight in Vietnam. The American Friends Service Committee has extended its encouragement and support to include such draft resisters. We support young people who have refused to cooperate and who refuse to invoke the provisions for conscientious objection under the law. We support those who have chosen to stand in open defiance of the Selective Service System for reasons of decency and conscience.

The American Friends Service Committee's support for young people acting in these ways is based on our conviction that their inner motivations represent a firmer basis for a decent and humane society both now and in the future than do those provisions of law which actually undermine our sense of social legitimacy both at home and within the international community of nations. We believe that their civil disobedience ultimately will help strengthen civilization and make humane social laws and customs viable and possible.

Specifically, in connection with the present issues some of which have been touched on here, the American Friends Service Committee has called together a group of people representing a considerable range of knowledge and experience relevant to the Selective Service System and has asked them to prepare a document analyzing these issues. This document has been prepared and published as a report for the Peace Education Division of the AFSC. The title is *The Draft?* I wish to present to the members of the Senate Armed Services Committee copies of this working party report and I submit this report together with my testimony for the consideration of the Committee in connection with the "End the Draft" Amendment which has been introduced by Senator Mark Hatfield.

We hope very much that the Committee will lend its support to the Hatfield Amendment.

PRESIDENTIAL VETOES OF INDEPENDENT OFFICES AND OFFICE OF EDUCATION APPROPRIATION BILLS

Mr. INOUYE. Mr. President, yesterday, President Nixon vetoed the Independent Offices and Office of Education Appropriations bills.

He did so on the grounds that the $1 billion added by Congress is inflationary. It was, I believe, a theme which he plans to utilize throughout the coming congressional campaign and reflects the partisan attitude he has chosen to take concerning congressional action.

Lest one accept this claim at face value, I believe that the American people should be reminded of his own record on the management of the economy. It was only several weeks ago that President Nixon claimed that the United States is in transition from a wartime to a peacetime economy. Yesterday's action in vetoing these civilian programs was, therefore, in direct contradiction of this pledge to the American people.

He has also attempted to blame a Democratic Congress for fueling the flames of inflation, but an impartial examination of his record shows the contrary. He has refused to use the full powers of his office to hold down the cost of living. The Defense Production Act extension contains a section authorizing him to set wage and price guidelines. Yet he has specifically stated that he will not use the persuasive powers of the Presidency to control the massive price and wage rises in the last year and a half. Instead, he has chosen to set up more committees and commissions that merely restate the obvious.

The projected $12 to $15 billion budget deficit which has been forecast is attributable to the Nixon recession and mismanagement of our economy—not to this $1 billion appropriation for education and housing. We stand ready to cut other lower priority administration requests for funds by amounts greater than the added sum voted for these two purposes.

Finally, I should note that only a few hours before the President vetoed these two important bills, the National Governors Conference, which is dominated by Republican Governors, met in Missouri and passed a resolution calling for the assumption by the Federal Government of a greater share of the educational burden. President Nixon's actions yesterday thus run contrary to the needs of the States as expressed by the Governors of both parties.

Education and housing are not partisan issues, nor are they idle purposes which can be readily postponed. I deeply regret that President Nixon has vetoed these measures in the spirit of partisanship.

ENERGY CRISIS IN THE NATION

Mr. TOWER. Mr. President, this morning the distinguished Senator from Wyoming (Mr. HANSEN), Representative GEORGE BUSH, and I described in a news conference what we view as a dangerous energy crisis in our Nation.

I ask unanimous consent that the prepared texts of my remarks and those of Representative BUSH and Senator HANSEN be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

NEWS CONFERENCE, AUGUST 12, 1970

STATEMENT OF SENATOR JOHN G. TOWER

Today this nation faces a dangerous energy crisis. From all available information, this crisis will probably become more severe.

The purpose of this press conference is to alert the public to the Fact of this crisis. By being made aware of possible shortages of energy during the coming months, and by knowing the reasons for these shortages, we hope that those affected will react in a calm and reasoned manner.

Needed now are well-founded short and long range solutions. We must not allow this situation to become a political or emotional issue because that would only hinder efforts to achieve solutions. We must carefully analyze the factors which have caused this situation. Then, we must try to change those factors which are within our power to change, and we must make proper provisions for those factors which we are unable to change.

A brief examination of our total energy situation is appropriate.

Our energy is supplied by four main natural resources: natural gas, oil, coal, and fissionable material. Eighty per cent of our electric energy is generated by consuming one of

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these four basic resources. At the present time, natural gas supplies 33% of our total energy demands, oil 40%, coal 21% and nuclear and water power 6%.

Historically, this nation has enjoyed ample supplies of these resources to meet its growing needs. Having this abundant energy supply is one of the main reasons we have become the leading industrial nation with the highest standard of living on earth.

But, in recent months, we have experienced dramatic and disturbing energy failures. Because of these failures, many are concerned about the national security of our country and the adequacy of the energy resources necessary to satisfy our vast and growing consumer and industrial demands.

Here are a few examples of recent energy shortages:

A major power failure occurred in New York City on November 9, 1965. Even though this was a severe shortage, it was judged a regional problem and, hence, it failed to arouse the rest of the nation.

But, in January, 1970, deliveries of natural gas to industrial customers in the Cleveland, Ohio, area were suddenly terminated for an eight-day period. Approximately thirty thousand workers were laid off work. Inadequate producing reserves of natural gas in the southwestern part of the United States was determined to be the primary cause of this failure.

In July the President of East Ohio Gas Company reported to the Public Utilities Commission of Ohio that if the coming winter is as severe as last winter, "industrial curtailment in the same magnitude of that which occurred last winter will be necessary." Only a few recognized the national implications of this shortage.

In July, 1970, the Taunton, Massachusetts, Municipal Light Company requested bids for fuel oil to meet its annual needs. Only one bid was received and this bid was for only a one-half year's supply. The manager of this utility which serves approximately a 100-square-mile area fifteen miles south of Boston admitted that he was able to buy only one month's fuel supply at a time.

On August 5th, just one week ago, the manager of the Braintree, Massachusetts, Electric Light Department said that he had on hand only a ten-days' supply of fuel and that he was unable to meet the immediate needs after that supply was used. Braintree, Massachusetts, is a town of 37,000 population.

On August 7th, the vice-president of purchases of the Connecticut Light and Power Co., of Hartford, Connecticut, said that the fuel supply of two of the company's three main electric generating plants was dangerously low. Their Devon, Connecticut, plant had a seven-day's supply and their Norwalk, Connecticut, plant had only a fourteen-days' supply of fuel. Normally, the reserves of fuel are replenished during this time of year. Instead, last year's reserves are being consumed. This company furnishes electric power for the entire state of Connecticut and the west one-half of Massachusetts.

The Boston Gas Company was forced to meet a portion of its requirements by contracting to import more expensive liquified natural gas from Algeria. They would not speculate how they would meet their total needs for the winter of 1971–1972.

Peoples Gas Company of Chicago, Illinois, announced that due to shortages of natural gas, it could not increase sales to its present industrial customers, nor could it contract to sell natural gas to new industrial customers.

As more and more of these critical situations became known to us, there began to appear a mosaic of shortages of these resources and electric power brought about for varied and diverse reasons. By gathering information from different agencies of government, the overall picture emerged as a serious national crisis.

Because the factors which have contributed to the shortages vary with each resource, each of us will discuss the reasons for the increased demands, reasons for the decreasing or inadequate supplies and the outlook for each of the four resources and electric power.

I will begin by discussing the natural gas situation.

As I noted earlier, natural gas supplies approximately 33% of the energy consumed in the United States. Future demand for this fuel is expected to increase. But, due to present short supplies, this increased demand may not be met. Attached to copies of my statement is a tabulation showing reported shortages during the winter of 1970–1971. Should the coming winter be as severe as the last, similar shortages could exist. In many areas, natural gas service to new customers has been restricted, and supplies to some old customers have been reduced.

Several factors are contributing to the increased demand for natural gas.

The most important factor is the promulgation at various levels of government of Air Pollution laws. These laws often restrict the amount of harmful sulfides which can be emitted into the air as a result of burning a fuel. When coal and fuel oil are ignited, sulfides are emitted. Air Pollution regulations have, therefore, stimulated the demand for natural gas.

Another reason for increased demand involves our increasing population and increasing per capita energy consumption. From 1960 to 1970, our population increased by approximately 11%. During the same period per capital energy consumption increased by 41%.

From 1970–1980, population is expected to increase by another 7% and our per capita energy consumption is expected to increase some 30%. These factors thus have a compounding effect on fuel demands.

Another factor in the increasing demand for natural gas is its low retail price in relation to competing energy sources. For example, in 1968 in Brooklyn, New York, the consumer cost of natural gas was exceeded by 35% for fuel oil, 7% for coal, and 168% for electricity. Similar disparities of price exist in other areas of the United States.

Meanwhile, the domestic supply of natural gas is diminishing. I wish to stress here the difference between supply and reserves. Geologists tell us that we have abundant natural gas reserves, in other words, many places beneath the surface where large quantities of natural gas can be expected to exist. Supply, on the other hand, concerns the natural gas fields which we have developed or are developing and which are producing fuel. While natural gas reserves are believed to be large, our supply is diminishing.

During the past two years, we consumed more natural gas than we found. This has resulted in a reduction in our producing capability. At present rates of consumption, we now have approximately a 10-years' supply of natural gas from proven and producing fields. Yet, it is estimated that more than a 200-year supply remains undiscovered.

What has caused the decline in proven reserves of this desirable fuel?

I believe the most important reason for the decline has been 15 years of chaotic regulation by the Federal Power Commission. FPC regulation has led to an unrealistically low price for natural gas paid to the independent producer, to time delays while voluminous required documents are processed, and to an uncertainty in the minds of the producers that the contract will remain inviolate.

An example of inconsistent pricing practices can be seen in the recent approval granted by the FPC to the Boston Gas Company to import liquefied natural gas from Algeria at a price of $1.72 per thousand cubic feet (mcf), compared with prices of 28 cents per mcf for gas imported from Canada into the Chicago area and 16½ cents per mcf for gas paid to producers in West Texas.

Most of the Natural gas consumed in the United States is produced in Texas and Louisiana, and all significant new United States reserves of gas are expected to be found in or off the shores of Texas, Louisiana and Alaska.

Because of these pricing practices, the domestic producer has lacked economic incentive to seek new reserves.

The long delays in proessing FPC forms has also hindered exploration. In many instances months and sometimes even years have been consumed in gaining FPC approval of gas sales contracts. Meanwhile, no gas may be sold from the well or wells covered by the contracts.

Another debilitating result of FPC regulation has been violations of the sanctity of gas sales contracts between the producers and the pipeline companies. Even after the long delays required to receive so-called "unconditional" FPC approval of a contract, the FPC on occasion has later retroactively reduced the price even further. This has at times caused extreme economic hardship on the producer who must repay money previously received for gas sold under an approved contract.

As a result of these FPC practices, many producers have elected to sell their gas to consumers located in the same state where the gas is produced. These intrastate sales are not under FPC jurisdiction. A higher price is normally paid to the producer of intrastate gas since the producer and buyer can bargain without federal interference. This has resulted, however, in increased intrastate sales and has thus reduced the supply of natural gas outside producing states.

Finally, the federal government has restricted sales of unproven offshore leases. Congressman Bush will discuss this in greater detail, but it is obvious that until these areas are opened to exploration, they will not yield their treasures. Of course, these leases must be developed and produced with due care to avoid ecological harm.

I feel the industry is now demonstrating a willingness to achieve the technological expertise necessary to avoid ecologically tragic accidents. Offshore areas must be developed in strict compliance with reasonable and necessary safety and environmental protection regulations.

These are the main causes of decreasing natural gas supplies. Unless immediate action is taken by the FPC and Congress, shortages will become more acute.

The FPC has begun to act by initiating rate-making procedures to increase the price paid to the independent, and to de-regulate the "small" producer. While the latter action is most welcome, it would probably result in the de-regulation of only about 15% of the total volume of gas moved in interstate commerce.

I am pleased to report that FPC vice-commissioner Carl E. Bagge is drafting proposed legislation which would exempt from FPC regulation the well-head price of natural gas. Thus, the price sold into interstate commerce would be allowed to seek its own free-market level. Under this proposed legislation, the Federal Power Commission would continue to enforce other conditions of contracts between producers and pipeline companies. This is desirable for the protection of investors in the pipeline and distributing facilities. If the producer were completely de-regulated, he might breach a contract in order to sell instead to a competitive buyer at a higher price. FPC enforcement power for contract terms other than well-head price, therefore, must be maintained. Otherwise, pipeline and distributing companies might have little effective insurance of their supply from the producer. While the distributor and pipeline company might have legal recourse in the courts for dollar damages for breach of contract, they would still have no way of insuring their gas supply. It is, therefore, important to maintain FPC enforcement power to insure delivery of contracted gas.

Senator Hansen, Representative Bush, and I agree with Commissioner Bagge in the belief that this legislation is of vital importance, and we look forward to offering such legislation in the near future.

In 1954, the FPC was ordered by the Supreme Court to regulate the producer. Until legislation is adopted which will free the producer from regulation, the FPC must abide by the Court ruling.

I believe such legislation would stimulate exploration for new supplies of our abundant domestic reserves. The additional exploration should increase long range sources of supply.

The short term supply sources are relatively small. We may be able to import greater amounts of gas from Canada if that country decides that exporting increased quantities is in its own interest.

We can presently import only very small quantities of liquefied natural gas from Algeria. This will be limited in the short term sense because of a lack of necessary transportation and storage facilities to handle this expensive, high pressure commodity.

On the intermediate outlook, our best opportunity to gain new domestic natural gas production lies under federal offshore leases off of the coasts of Texas and Louisiana.

Given adequate economic incentives, reserves of natural gas could be developed in the contiguous 48 states.

In approximately seven years, we could begin to receive gas from Alaska's North Slope.

The long range picture could be optimistic. By 1980, we could import much larger quantities of liquefied gas from Nigeria, Venezuela and Algeria. The necessary facilities would have to be constructed and a special fleet of cryogenically-equipped ships launched, so, of course, significant expense would be incurred.

Also, we could develop the larger reserves believed to underlie the deeper portion of the Outer Continental Shelf, although the future terms of the recently-proposed Seabed Treaty could stifle exploration efforts. I stressed in a Senate speech the end of last month that such a treaty could have a lasting and derogatory effect on our long term oil production capabilities.

Additionally, the frontier gas-producing areas of Canada could be developed, if the Canadians chose. This could have a positive effect in meeting our long range natural gas needs.

Finally, improved technology enabling nuclear stimulation of producing natural gas formations may further increase our domestic supply.

Congressman Bush will now discuss the oil situation.

REMARKS OF REPRESENTATIVE GEORGE BUSH, SEVENTH DISTRICT, TEXAS

My remarks are directed to the oil shortages facing this country.

The demand for oil is increasing. The reasons for this are closely associated with the increased demand for natural gas. Our population is increasing. We are consuming more and more energy. Anti-pollution laws have made natural gas extremely attractive as a fuel. This demand for natural gas cannot be met. Thus, industrial consumers, especially the utilities, are trying to secure supplies of low sulfur fuel oil.

Fuel oil sales represent only a small percentage of the total oil consumed in the United States. However, the increased demand for this product is critical in view of the dependence of the East Coast upon it.

At the same time as we have this increased demand for residual fuel oil, domestic supplies are decreasing. Why?

1) Residual fuel oil is one of the least profitable products obtained from refining crude oil. In the past, adequate supplies have been imported to the East Coast at a price lower than was attractive to domestic companies to produce it. Hence, domestic refineries specialized in producing more profitable products—such as jet and diesel fuels and motor gasolines. And domestic refineries were constructed with only a limited ability to produce residual fuel oil. So, imports of fuel into the eastern United States markets increased.

2) The substantial imports of residual fuel oil to the East Coast acted to further discourage producers from seeking new reserves of oil. From 1959 to the present, imports of foreign oil have doubled to around 24 percent of domestic consumption.

So, with the sudden increase in demand for residual fuel oil, the nation looked to the Southwest for increased supplies. However, the transmission lines, storage and terminal facilities were already operating at, or very near, peak capacity.

Tankers were sought to transport the oil. However, on the international front tankers were already in short supply. They were being used to haul oil from Middle Eastern countries around the Cape of Good Hope to Mediterranean refineries. This was necessitated by the closing of the Suez Canal and various ruptures, acts of sabotage and decreases in production. These greater hauling distances require six tankers where in the past one has done the job.

I for one do not feel that this nation should be dependent upon foreign oil. Were we so dependent, the risk of supply interruption would be traumatic. In addition, what effect would it have upon our international diplomacy.

A good look at the world's oil reserves will indicate that the only area that could possibly satisfy the demands of the American market is the Middle East. And we know from the record the implications of resting our national security upon the petroleum supplies of this part of the world. The record is:

1) In 1948, Iraq shut down the pipeline to the Mediterranean and prohibited completion of other lines—lines which remain unfinished.

2) In 1951, Iran seized the properties of the Anglo-Iranian Oil Company and production was shut down for 3 years.

3) In 1956–57, the Suez Canal was closed and the pipeline from Iraq to the Mediterrean was sabotaged.

4) In 1961, Iraq seized a giant, undeveloped oil field. This issue remains unresolved.

5) In 1966, Syria shut down the Iraq Petroleum Company pipelines which cross its territory.

6) In 1967, at the start of the Arab-Israeli war, Arab producers temporarily halted production. The Trans-Arabian pipeline was shut down, and the Suez Canal was closed and remains closed.

7) In 1969, the Trans-Arabian pipeline was sabotaged by Arab guerrillas on several occasions.

8) In 1970, the Trans-Arabian pipeline was shut down because Syria has refused to permit repairs of an accidental break in the line.

9) The Lybian government has reduced production by over 500,000 barrels per day.

The folly of relying too heavily upon "cheaper" foreign oil has been proven. Prices of "cheaper oil" on the East Coast have soared to well above domestic prices. But, more importantly, many users are unable to secure supplies at any price.

The outlook for an improved situation is not bright.

Estimates indicate that the immediate short-term supply of domestic oil is only 800,000 barrels per day at best. Given enough time and capital expenditure, production could only be increased by 400,000 barrels per day.

We could seek increased imports of oil from Canada. However, the imports from this part of the world were recently reduced from 600,000 barrels per day to 395,000 barrels per day. Perhaps, the Canadian government might find it in their best interests to again permit exports of this magnitude.

In the intermediate-term, sales of federal off-shore leases should be resumed. I have urged the Secretary of the Interior to hold the lease sales for Offshore Western Louisiana at an early date.

If additional tankers become available, imports of residual fuel oil could be temporarily de-controlled in all districts of the United States.

For the long term, the North Slope of Alaska will provide additional supplies. This has been estimated at a maximum of 2 million barrels per day.

Federal leases on the deep outer Continental Shelf should provide additional supplies. The drill ship, Challenger, has cored shows of oil and gas in 11,700 feet of water in the Gulf of Mexico. As Senator Tower mentioned, the effects of the pending Seabed Treaty are not known and they provide one more disincentive to increased oil exploration.

We should accelerate technological research into economical methods of extracting oil from shale. The United States government owns vast reserves of this oil shale in the West.

Finally, and most importantly, we need to restore the confidence of the oil and gas exploration industry. A large amount of future U.S. production must come from reserves yet to be found. The amount needed equals 40 percent as much oil as has already been discovered in the United States in the entire history of the oil business. We need adequate economic and tax incentives to encourage this amount of exploration in this high risk business. Remember, only one well out of fifty drilled pays for itself. And last year only 30,800 wells were drilled as compared to 46,800 in 1961.

Long overdue increases in the price of oil would aid in restoring confidence.

In addition, restoring tax incentives would speed exploration.

There can be no doubt that for national security purposes and for purposes of maintaining our high standard of living, we must maintain a strong, viable domestic producing capacity. We must not again fall subject to the whims of fate.

Reasons for increased demand of oil

1. Shortages of natural gas
2. Antipollution laws
3. Population increase
4. Increase in per capita consumption

Reasons for decreased supply

National

1. Limited domestic refining capacity for fuel oil
2. Deliverability system operating at or near capacity (wells, pipelines, storage and terminal facilities)
3. Increased imports dampened past exploration activity
4. Uncertainty of future import policies
5. Restricted sales of federal offshore oil and gas leases
6. More restrictive tax laws
7. Low price of crude

International

1. Suez Canal closed
2. Trans-Arabian pipeline closed
3. Lybia reduced production
4. Shortage of tankers

Sources of additional supply

Short-Term

1. Increase production in Texas and Louisiana
2. Increase imports from Canada

Intermediate-Term

1. Build additional tankers
2. Decontrol residual fuel oil imports
3. Conduct sales of onshore federal lands

Long-Term

1. North Slope of Alaska
2. Offshore Texas and Louisiana federal leases
3. Onshore lower 48 production
4. Oil shale

STATEMENT OF SENATOR CLIFFORD P. HANSEN, OF WYOMING

Electric power generation in the energy crisis

In the overall energy picture, coal still plays an important part, especially in electric power generation. In fact, most of the 21 percent of our energy supplied by coal is in electric power generation.

But for a number of reasons we now find that coal is in critical supply and there is some question of adequate inventories to meet the winter demand.

There are several reasons for the shortage including the rapid conversion from coal to gas and residual oil on the east coast, a growing export market, the newly enacted Mine Safety Law, wildcat strikes and the fact that low-sulfur coal and lignite come mostly from western states and require a longer haul and, of course, more transportation facilities. And the rapid mechanization of coal mining has produced a shortage of trained manpower.

Now that conversion to natural gas is no longer possible and residual oil is also in short supply with the price being more than double that of a year ago, utilities, especially on the east coast, are in a tight situation.

Atomic powered plants now furnish a very insignificant part of the total electric power of the nation and any immediate relief must come from fossil-fueled generating plants.

The Chairman of the Federal Power Commission, in several recent addresses and in testimony before committees of Congress, has pointed out the critical power situation. Chairman Nassikas says that the basic fossil fuel shortage is the most acute phase of our developing energy crisis, dwarfing the problem of adequate generation and transmission facilities to meet short-term demand.

Nassikas also predicts that higher fuel costs this winter will mean higher electric and oil bills.

FPC has undertaken a national inventory of all sectors of the electric utility industry to determine the dimensions of the problem and to adopt whatever measures may be necessary to assure that fossil fuel, particularly residual fuel oil and coal, will be available to meet electric generating capacity demand this coming winter.

With luck, it appears that emergency measures already taken may prevent a major power blackout in New York or the Northeast sector this summer. The winter demand will be somewhat less.

The hope of the early 1960's for a massive output of nuclear generated electric power has failed to materialize for a number of reasons, but has been a major factor in the current shortage of coal along with the relaxation of import controls on residual fuel oil. The rush was on to convert to cheap residual oil.

The necessary development of new coal mining capacity didn't happen.

On top of the expected nuclear development came clean-air regulations which limited emissions of sulfur dioxide and outlawed coal and oil with more than one percent sulfur.

Soaring worldwide demand for coal and residual oil has forced prices up, and new coal mine safety regulations have forced the closing of a large number of mines, especially small ones, which operators say cannot be operated profitably under the new law.

Concern for the environment has also been a deterrent in development of nuclear plants.

However, the best present hope for an ultimate solution to the energy problem is the development of nuclear power as a prospective major energy source.

In the meantime, we have vast reserves of coal—low sulfur coal—in the West—North Dakota, Wyoming, Montana—as well as one of the world's largest known sources of potential energy in the oil shale deposits of Colorado, Wyoming, and Utah. The Department of Interior is now in the final stages of approving a new oil shale leasing program for Federal lands.

The immediate problem is, of course, in the availability, production, and distribution of oil, gas, and coal but, in my opinion, we cannot begin too soon in the development of an overall national energy and fuels policy.

Since the warnings began last year of a critical gas shortage, a number of study committees and groups have been established by the President and the responsible Federal agencies.

A bill to establish a commission on fuels and energy is now pending in both the Senate and House, and a national minerals policy bill passed by the Senate has been amended by the House Interior Committee to include fuel minerals. This bill, if enacted, would establish a U.S. policy directed toward self-sufficiency in all minerals.

Undoubtedly, we have the mineral and energy resources and, in my opinion, should get on with the job of developing them as quickly as possible.

Recent events have proved again the dangers of dependence on foreign sources. The fuel problems confronting the electric utility industry have increased rapidly within the last 12 months and are indicative of the energy crisis which I believe confronts the nation and can be resolved only by a comprehensive national energy policy.

We have so long been blessed with plentiful supplies of oil, gas and coal that we never thought we could get caught with our dampers down.

Fuel for electric power generation

A Federal Power Commission staff analysis of the anticipated relative use of the various fuels to be converted to energy by the electric utilities during the period 1970–1990 projects the following requirements for fuel expressed in tons of coal having a heating equivalent of 25 million BTU:

TABLE I.—PROJECTED FUEL USE BY ELECTRIC UTILITIES

[Amounts in millions of tons]

	1970		1980		1990	
	Amount	Percent	Amount	Percent	Amount	Percent
Coal	304.6	56.7	472.0	42.5	613.6	38.8
Gas	145.9	27.2	195.9	17.2	245.9	11.6
Oil	59.5	11.1	86.8	7.8	91.8	4.3
Nuclear	27.2	5.0	356.5	32.1	1,176.1	55.3
Total	537.2	100.0	1,111.2	100.0	2,127.4	[1] 100.0

[1] All forecasts of the relative energy mix for power generation are based on the assumption that those fuel resources will be available at the requisite quality level of prescribed environmental standards at an economically feasible price.

Forecasts of relative fuel use must be tempered by recognition of the environmental objectives of the National Environmental Policy Act of 1969 and its implementation by the President's proposed establishment of an Environmental Protection Agency with far-reaching imponderable effects on all components of the energy industry.

Nuclear energy

Reasons for increased demand

Electric power consumption is rising rapidly.

Long run costs are lower than fossil fueled plants.

Less air pollution.

With suitable technology fuel supplies are "Unlimited".

Reasons for delay

Technology problems of material and equipment development.

Environmental problems—Concern for radiation hazards and thermal pollution.

ONE TOO MANY GAPS

Mr. CHURCH. Mr. President, this is a time when one cannot get through a day's reading without encountering some sort of "gap." Sometimes the gap is to be found here in the Senate among ourselves. When one develops between a Senator and his constituents, he may pass through election gap never to be heard from again.

But there are other far more serious gaps. We are familiar with the thorny "generation gap," that much-discussed subject at our dinner tables. There is also, we are told, a "communications gap" between business and labor, between instructor and student, between Peking and Moscow and between Washington and Peking.

The communications gap to which we are most closely connected, however, is the one between the President of the United States and the Congress, particularly the Senate, in respect to foreign policy. Perhaps this gap is more the result of inadvertence than willfulness, of omission rather than commission. But it exists nevertheless—and it must be bridged if we are to forge a viable new foreign policy for the seventies—one that rests upon the changed conditions of today, not one that belongs in the waxworks of past history.

A few days ago, Mr. Chalmers M. Roberts alluded to this overriding need, when he wrote:

> The time is coming, though perhaps not until the new Congress arrives next January, when the blood letting between the President and the Congress should be set aside in favor of cooperation.

Mr. Roberts quite properly points out that cooperation between the Senate and the Executive is essential to undergird "inescapable adjustments, now that the Vietnam war so clearly defines the high-water mark of American interventionism abroad."

Because his column, published in the Washington Post on August 9, 1970, expresses my own viewpoint, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[The Washington Post, Aug. 9, 1970]

TUG OF WAR AND PEACE—NIXON, CONGRESS STRUGGLE OVER SAME GOAL: AMERICA'S NEW POSITION IN WORLD

(By Chalmers M. Roberts)

The struggle between the Senate and the President over the war in Indochina, the ABM and other parts of the military budget, plus the long pending Mansfield resolution calling for "substantial" troop reductions in Europe are all facets of the congressional effort to play a role in repositioning America in the world.

Down at the White House the President's Nixon Doctrine has become the conceptual framework for the same end, repositioning America in the world.

The tragedy is that President and Congress are pulling and hauling against each other in what, in so many respects, is a mutual effort with the same end in mind. But senators of both parties are suspicious of Mr. Nixon's propensity to play international balance of power and power politics games while the President seems to feel that many at the Capitol are determined to lead the United States back to a mindless isolationism.

Both exaggerate their suspicions and their fears, though public utterances on both sides do lend credence to such feeling in each case.

Parallels are inexact and often dangerous. Still, they are worth considering. So let us go back to the era of World War II.

In the last half of the 1930s, as war came in Manchuria, Ethiopia, Spain and then in Poland, American opinion was polarized into isolationism and internationalism. A howl of protest swept the land in late 1937 when President Roosevelt tested the atmosphere with his "quarantine the aggressor" speech. The division ended, of course, with Pearl Harbor on Dec. 7, 1941.

America had been at war in Europe and the Pacific a year and a half before there was serious talk of the shape of the peace. In mid-March, 1943, a group of senators at a luncheon discussed the idea of a resolution to point the way and Sen. Harry Truman delegated to four others the job of draftsmanship. The product of Senators Ball, Burton, Hatch and Hill became known as the B2H2 resolution.

B2H2 urged that the United States take the initiative to create what was to become the United Nations. In the House, a representative named J. William Fulbright in June introduced a similar resolution. In due course both passed overwhelmingly.

B2H2 had been submitted in advance to Under Secretary of State Welles, who, not Secretary Cordell Hull, had the President's confidence. Here was born the bipartisan foreign policy, both between parties and between parties and between Congress and White House, that lasted well into the postwar years.

President Nixon at the time of B2H2 was a young Navy officer in the Pacific. All but a handful of the then members of Congress have passed from the scene. Yet the lesson could be instructive for today.

As President Roosevelt was influenced in his postwar thinking by his recollection of the debacle of the League of Nations and the isolationism between the world wars, so President Nixon seems influenced today by his own recollection of isolationism in the years when he was still a student.

He is determined as was FDR not to go back. The Nixon Doctrine is designed to make the inescapable adjustments, now that the Vietnam War so clearly defines the high water mark of American interventionism abroad.

But because of the way in which Mr. Nixon is attempting to extricate the United States from Indochina and for other reasons, his concept has yet to win the acceptance it should from the bulk of the Congress and the country.

ON THE congressional side, especially in the Senate, immediate issues obscure the longer-range problem of how to reposition the United States in the world of the 1970s. The forest cannot be seen for the trees, in all too many cases.

The fact that this is an election year in which a Republican President hopes to pare down the majorities of a Democratic Congress, if not overturn them, adds to the suspicions between White House and Capital. And some, Fulbright among them, too often seem too motivated by a desire to expiate their self-admitted sins of interventionism. Yet the time is coming, though perhaps not until the new Congress arrives next January, when the bloodletting between President and Congress should be set aside in favor of cooperation. It will soon be time for a modern version of B2H2 and of young Rep. Fulbright, too.

THE AMENDMENT TO END THE WAR: HISTORY

Mr. HATFIELD. Mr. President, as the Senate draws closer to debate on Senate amendment No. 609—the amendment to end the war—to H.R. 17123, I plan to place in the RECORD a series of articles on various aspects of our involvement in the tragic and continuing war in Southeast Asia. It is my hope that Senators will take a moment to read these articles, as I believe that taken in their entirety they offer perspective for the forthcoming historic debate on the future of American involvement in Indo-China.

The first of this series of articles, entitled "The Day We Didn't Go to War," appeared in the Reporter on September 14, 1954. Written by Chalmers Roberts, the article describes a little-known event which occurred on April 3, 1954, in which then Secretary of State John Foster Dulles and Adm. Arthur W. Radford, Chairman of the Joint Chiefs of Staff, approached selected Members of Congress with a plan for the use of American air and naval power in Indochina. Coming just a few weeks before the planned Geneva Conference, the plan was met with incredulity both by congressional leaders and by foreign governments approached abroad. The article, a masterly reporting job by Mr. Roberts, goes on to describe in detail the progress of Secretary Dulles' proposal until its ultimate collapse later in the month of April.

I believe it would be of immense interest to the Senate to read of the events of April 3, 1954, especially in light of their relation to the ensuing development of the Southeast Asia Treaty Organization. I ask unanimous consent that Mr. Robert's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reporter, Sept. 14, 1954]

THE DAY WE DIDN'T GO TO WAR

(By Chalmers M. Roberts)

Saturday, April 3, 1954 was a raw, windy day in Washington, but the weather didn't prevent a hundred thousand Americans from milling around the Jefferson Memorial to see the cherry blossoms—or twenty thousand of them from watching the crowning af the 1954 Cherry Blossom Queen.

President Eisenhower drove off to his Maryland mountain retreat called Camp David. There he worked on his coming Monday speech, designed, so the White House said, to quiet America's fears of Russia, the H-bomb, domestic Communists, a depression. But that Saturday morning eight members of Congress, five Senators and three Representatives, got the scare of their lives. They had been called to a secret conference with John Foster Dulles. They entered one of the State Department's fifth-floor conference rooms to find not only Dulles but Admiral Arthur W. Radford, chairman of the Joint Chiefs of Staff, Under Secretary of Defense Roger Kyes, Navy Secretary Robert B. Anderson, and Thruston B. Morton, Dulles assistant for Congressional Relations. A large map of the world hung behind Dulles' seat, and Radford stood by with several others. "The President has asked me to call this meeting," Dulles began.

URGENCY AND A PLAN

The atmosphere became serious at once. What was wanted, Dulles said, was a joint resolution by Congress to permit the President to use air and naval power in Indo-China. Dulles hinted that perhaps the mere passage of such a resolution would in itself make its use unnecessary. But the President had asked for its consideration, and, Dulles added, Mr. Eisenhower felt that it was indispensable at this juncture that the leaders of Congress feel as the Administration did on the Indo-China crisis.

Then Radford took over. He said the Administration was deeply concerned over the rapidly deteriorating situation. He used a map of the Pacific to point out the importance of Indo-China. He spoke about the French Union Forces then already under seige for three weeks in the fortress of Dienbienphu.

The Admiral explained the urgency of American action by declaring that he was not even sure, because of poor communications, whether, in fact, Dienbienphu was still holding out. (The fortress held out for five weeks more.)

Dulles backed up Radford. If Indo-China fell and if its fall led to the loss of all of Southeast Asia, he declared, then the United States might eventually be forced back to Hawaii, as it was before the Second World War. And Dulles was not complimentary about the French. He said he feared they might use some disguised means of getting out of Indo-China if they did not receive help soon.

The eight legislators were silent: Senate Majority Leader Knowland and his G.O.P. colleague Eugene Millikin, Senate Minority Leader Lyndon B. Johnson and his Democratic colleagues Richard B. Russell and Earle C. Clements, House G.O.P. Speaker Joseph Martin and two Democratic House leaders, John W. McCormack and J. Percy Priest.

What to do? Radford offered the plan he had in mind once Congress passed the joint resolution.

Some two hundred planes from the thirty-one-thousand-ton U.S. Navy carriers *Essex* and *Boxer*, then in the South China Sea ostensibly for "training," plus land-based U.S. Air Force planes from bases a thousand miles away in the Philippines, would be used for a single strike to save Dienbienphu.

The legislators stirred, and the questions began.

Radford was asked whether such action would be war. He replied that we would be in the war.

If the strike did not succeed in relieving the fortress, would we follow up? "Yes," said the chairman of the Joint Chiefs of Staff.

Would land forces then also have to be used? Radford did not give a definite answer.

In the early part of the questioning, Knowland showed enthusiasm for the venture, consistent with his public statements that something must be done or Southeast Asia would be lost.

But as the questions kept flowing, largely from Democrats, Knowland lapsed into silence.

Clements asked Radford the first of the

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two key questions: "Does this plan have the approval of the other members of the Joint Chiefs of Staff?"

"No," replied Radford.

"How many of the three agree with you?"

"None."

"How do you account for that?"

"I have spent more time in the Far East than any of them and I understand the situation better."

Lyndon Johnson put the other key question in the form of a little speech. He said that Knowland had been saying publicly that in Korea up to ninety per cent of the men and the money came from the United States. The United States had become sold on the idea that that was bad. Hence in any operation in Indo-China we ought to know first who would put up the men. And so he asked Dulles whether he had consulted nations who might be our allies in intervention.

Dulles said he had not.

The Secretary was asked why he didn't go to the United Nations as in the Korean case. He replied that it would take too long, that this was an immediate problem.

There were other questions. Would Red China and the Soviet Union come into the war if the United States took military action? The China question appears to have been sidestepped, though Dulles said he felt the Soviets could handle the Chinese and the United States did not think that Moscow wanted a general war now. Further, he added, if the Communists feel that we mean business, they won't go "any further down there," pointing to the map of Southeast Asia.

John W. McCormack, the House Minority Leader, couldn't resist temptation. He was surprised, he said, that Dulles would look to the "party of treason," as the Democrats had been called by Joe McCarthy in his Lincoln's Birthday speech under G.O.P. auspices, to take the lead in a situation that might end up in a general shooting war. Dulles did not reply.

In the end, all eight members of Congress, Republicans and Democrats alike, were agreed that Dulles had better first go shopping for allies. Some people who should know say that Dulles was carrying, but did not produce, a draft of the joint resolution the President wanted Congress to consider.

The whole meeting had lasted two hours and ten minutes. As they left, the Hill delegation told waiting reporters they had been briefed on Indo-China. Nothing more.

This approach to Congress by Dulles and Radford on behalf of the President was the beginning of three weeks of intensive effort by the Administration to head off disaster in Indo-China. Some of those at the meeting came away with the feeling that if they had agreed that Saturday to the resolution, planes would have been winging toward Dienbienphu without waiting for a vote of Congress—or without a word in advance to the American people.

For some months now, I have tried to put together the bits and pieces of the American part in the Indo-China debacle. But before relating the sequel, it is necessary here to go back to two events that underlay the meeting just described—though neither of them was mentioned at that meeting.

On March 20, just two weeks earlier, General Paul Ely, then French Chief of Staff and later commander in Indo-China, had arrived in Washington from the Far East to tell the President, Dulles, Radford, and others that unless the United States intervened, Indo-China would be lost. This was a shock of earthquake proportions to leaders who had been taken in by their own talk of the Navarre Plan to win the war.

In his meetings at the Pentagon, Ely was flabbergasted to find that Radford proposed American intervention without being asked. Ely said he would have to consult his government. He carried back to Paris the word that when France gave the signal, the United States would respond.

The second event of importance is the most difficult to determine accurately. But it is clear that Ely's remarks started a mighty struggle within the National Security Council, that inner core of the government where our most vital decisions are worked out for the President's final O.K. The argument advanced by Radford and supported by Vice President Nixon and by Dulles was that Indo-China must not be allowed to fall into Communist hands for such a fate set in motion a falling row of dominoes.

Eisenhower himself used the "row-of-dominoes" phrase at a press conference on April 7. On April 15 Radford said in a speech that Indo-China's loss "would be the prelude to the loss of all Southeast Asia and a threat to a far wider area." On April 16, Nixon, in his well-publicized "off-the-record" talk to the newspaper editors' convention, said that if the United States could not otherwise prevent the loss of Indo-China, then the Administration must face the situation and dispatch troops. And the President in his press conference of March 24 had declared that Southeast Asia was of the "most transcendent importance." All these remarks reflected a basic policy decision.

It is my understanding, although I cannot produce the top-secret NSC paper to prove it, that some time between Ely's arrival on March 20 and the Dulles-Radford approach to the Congressional leaders on April 3, the NSC had taken a firm position that the United States could not afford the loss of Indo-China to the Communists, and that if it were necessary to prevent that loss, the United States would intervene in the war—*provided* the intervention was an allied venture and *provided* the French would give Indo-China a real grant of independence so as to eliminate the colonialism issue. The decision may have been taken at the March 25 meeting. It is also my understanding that this NSC paper has on it the approving initials "D.D.E."

On March 29, Dulles, in a New York speech, had called for "united action" even though it might involve "serious risks," and declared that Red China was backing aggression in Indo-China with the goal of controlling all of Southeast Asia. He had added that the United States felt that "that possibility should not be passively accepted but should be met by united action."

The newspapers were still full of reactions to this speech when the Congressional leaders, at the April 3 secret meeting with Dulles and Radford, insisted that Dulles should line up allies for "united action" before trying to get a joint resolution of Congress that would commit the nation to war.

The Secretary lost no time. Within a week Dulles talked with diplomatic representatives in Washington of Britain, France, Australia, New Zealand, the Philippines, Thailand, and the three Associated States of Indo-China—Vietnam, Laos, and Cambodia.

There was no doubt in the minds of many of these diplomats that Dulles was discussing military action involving carriers and planes. Dulles was seeking a statement or declaration of intent designed to be issued by all the nations at the time of the U.S. military action, to explain to the world what we were doing and why, and to warn the Chinese Communists against entering the war as they had done in Korea.

In these talks Dulles ran into one rock of opposition—Britain. Messages flashing back and forth between Washington and London failed to crack the rock. Finally Dulles offered to come and talk the plan over personally with Prime Minister Churchill and Foreign Secretary Anthony Eden. On April 10, just a week after the Congressional meeting, Dulles flew off to London and later went on to Paris.

Whether Dulles told the British about either the NSC decision or about his talks with the Congressional leaders I do not know. But he didn't need to. The British had learned of the Congressional meeting within a couple of days after it happened. When Dulles reached London they were fully aware of the seriousness of his mission.

The London talks had two effects. Dulles had to shelve the idea of immediate intervention. He came up instead with a proposal for creating a Southeast Asia Treaty Organization (SEATO). Dulles felt this was the "united front" he wanted and that it would lead to "united action." He thought that some sort of *ad hoc* organization should be set up at once without waiting for formal treaty organization, and to this, he seems to have felt, Churchill and Eden agreed.

Just what the British did agree to is not clear, apparently not even to them. Dulles, it appears, had no formal SEATO proposal down on paper, while the British did have some ideas in writing. Eden feels that he made it plain that nothing could be done until after the Geneva Conference, which was due to begin in two weeks. But he apparently made some remark about "going on thinking about it" in the meantime.

At any rate, on his return to Washington Dulles immediately called a SEATO drafting meeting for April 20. The British Ambassador (who at this point had just read the Nixon off-the-record speech in the newspapers) decided not to attend any such meeting. To cover up, he cabled London for instructions and was told the other topic for the Geneva Conference. Out of this confusion grew a thinly veiled hostility between Dulles and Eden that exists to this day. Dulles felt that Eden had switched his position and suspects that Eden did so after strong words reached London from Prime Minister Nehru in New Delhi.

EDEN AT THE BRIDGE

A few days later, Dulles flew back to Paris, ostensibly for the NATO meeting with Eden, France's Georges Bidault, and others during the weekend just before the Geneva Conference opened.

On Friday, April 23, Bidault showed Dulles a telegram from General Henri-Eugène Navarre, then the Indo-China commander, saying that only a massive air attack could save Dienbienphu, by now under siege for six weeks. Dulles said the United States could not intervene.

But on Saturday Admiral Radford arrived and met with Dulles. Then Dulles and Radford saw Eden. Dulles told Eden that the French were asking for military help at once. An allied air strike at the Vietminh positions around Dienbienphu was discussed. The discussion centered on using the same two U.S. Navy carriers and Philippine-based Air Force planes Radford had talked about to the Congressional leaders.

Radford, it appears, did most of the talking. But Dulles said that if the allies agreed, the President was prepared to go to Congress on the following Monday, April 26 (the day the Geneva Conference was to open) and ask for a joint resolution authorizing such action. Assuming quick passage by Congress, the strike could take place on April 28. Under Secretary of State Walter Bedell Smith, an advocate of intervention, gave the same proposal to French Ambassador Henri Bonnet in Washington the same day.

The State Department had prepared a declaration of intentions, an outgrowth of the earlier proposal in Washington to be signed on Monday or Tuesday by the Washington ambassadors of the allied nations willing to back the venture in words. As it happened, there were no available British or Australian carriers and the French already were fully occupied. Hence the strike would be by American planes alone, presented to the world as a "united action" by means of the declaration of intentions.

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Eden, on hearing all these details from Dulles and Radford, said that this was a most serious proposition, amounting to war, and that he wanted to hear it direct from the French. Eden and Dulles thereupon conferred with Bidault, who confirmed the fact that France was indeed calling desperately for help—though no formal French request was ever put foward in writing.

Eden began to feel like Horatius at the bridge. Here, on the eve of a conference that might lead to a negotiated end of the seven-year-old Indo-China war, the United States, at the highly informal request of a weak and panicky French Government, was proposing military action that might very well lead to a general war in Asia if not to a third world war.

DULLES' RETREAT

Eden said forcefully that he could not agree to any such scheme of intervention, that he personally opposed it. He added his conviction that within forty-eight hours after an air strike, ground troops would be called for, as had been the case at the beginning of the Korean War.

But, added Eden, he alone could not make any such formal decision on behalf of Her Majesty's Government. He would fly to London at once and put the matter before a Cabinet meeting. So far as I can determine, neither Dulles or Bidault tried to prevent this step.

Shortly after Eden flew off that Saturday afternoon, Dulles sat down in the American Embassy in Paris with his chief advisers, Messrs. MacArthur, Merchant, Bowie, and McCardle, and Ambassador Dillon. They composed a letter to Bidault.

In this letter, Dulles told Bidault the United States could not intervene without action by Congress because to do so was beyond the President's Constitutional powers and because we had made it plain that any action we might take could only be part of a "united action." Further, Dulles added, the American military leaders felt it was too late to save Dienbienphu.

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American intervention collapsed on that Saturday, April 24. On Sunday Eden arrived in Geneva with word of the "No" from the specially convened British Cabinet meeting. And on Monday, the day the Geneva Conference began, Eisenhower said in a speech that what was being sought at Geneva was a "modus vivendi" with the Communists.

All these events were unknown to the general public at the time. However, on Sunday the New York *Times* printed a story (written in Paris under a Geneva dateline) that the U.S. had turned down a French request for intervention on the two grounds Dulles had cited to Bidault. And on Tuesday Churchill announced to a cheering House of Commons that the British government was "not prepared to give any undertakings about United Kingdom military action in Indo-China in advance of the results of Geneva" and that "we have not entered into any new political or military commitments."

Thus the Geneva Conference opened in a mood of deepest American gloom. Eden felt that he had warded off disaster and that now there was a chance to negotiate a peace. The Communists, whatever they may have learned of the behind-the-scenes details here recounted, knew that Britain had turned down some sort of American plan of intervention. And with the military tide in Indo-China flowing so rapidly in their favor, they proceeded to stall.

In the end, of course, a kind of peace was made. On June 23, nearly four weeks before the peace, Eden said in the House of Commons that the British Government had "been reproached in some unofficial quarters for their failure to support armed intervention to try to save Dienbienphu. It is quite true that we were at no time willing to support such action . . ."

This mixture of improvisation and panic is the story of how close the United States came to entering the Indo-China war. Would Congress have approved intervention if the President had dared to ask it? This point is worth a final word.

On returning from Geneva in mid-May, I asked that question of numerous Senators and Representatives. Their replies made clear that Congress would, in the end, have done what Eisenhower asked, provided he had asked for it forcefully and explained the facts and their relation to the national interest of the United States.

Whether action or inaction better served the American interest at that late stage of the Indo-China war is for the historian, not for the reporter, to say. But the fact emerges that President Eisenhower never did lay the intervention question on the line. In spite of the NSC decision, April 3, 1954, was the day we *didn't* go to war.

VETO OF INDEPENDENT OFFICES APPROPRIATION BILL

Mr. CRANSTON. Mr. President, the President's veto yesterday of the independent offices appropriations bill struck out the $105 million increase above the budget request for VA hospital and medical care which the Congress had voted. I am firmly committed to supporting this urgently needed $105 million increase to care for our disabled veterans which was the result of bipartisan cooperation in both Houses of the Congress and which resulted from extensive congressional investigations into VA medical care in both Houses.

Mr. President, I have today sent a telegram stating my views about the VA appropriation veto to the commander of each national veterans organization as well as to the Association of American Medical Colleges and the American Association of Junior Colleges, all of whom have worked for and supported the increase in funds. I ask unanimous consent that the text of the telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TELEGRAM

You all are aware that yesterday the President vetoed the Independent Offices appropriations bill which contains the VA budget. With your strong support, the Congress had been able to add $105 million above the budget request for VA hospital and medical care to that now vetoed bill. Regardless of the reasons stated for the veto, its effect is to further delay and retard efforts to expand VA staff and purchase of equipment to stop the dangerously deteriorating situation in many VA hospitals. I am firmly committed to the view that this $105 million increase is absolutely vital in this fiscal year and as soon as possible if we are to be able to offer the disabled veterans of our nation the type of care we all believe that they so richly deserve.

I call upon you and your organization to continue this urgent fight and to make clear to all that we will not settle for one penny less than the $105 million increase which has been vetoed.

I have discussed this matter with Chairman Teague of the House Veterans Affairs Committee and he and I stand united to oppose any effort to water down the VA medical appropriation.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Veterans' Affairs.

LOS ANGELES HARBOR IS WINNING ITS FIGHT AGAINST WATER POLLUTION

Mr. MURPHY. Mr. President, it is with a great deal of justifiable pride in the determination and initiative which have given California its position of leadership in our Nation that I submit today a report from the Board of Harbor Commissioners, city of Los Angeles, showing that the Los Angeles Harbor is winning its fight against water pollution. The report speaks for itself, and I offer it not only to show what has and is being done in the Los Angeles Harbor but also what can be done elsewhere. I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

LOS ANGELES HARBOR: ITS FIGHT AGAINST WATER POLLUTION

The Los Angeles Harbor Department began its fight against water pollution about 25 years ago. Today, the battle is partly won—and the quality of Los Angeles Harbor waters is the highest in many decades.

Fish have returned to areas of the Port long void of any such life. There are new signs of flora and fauna throughout the Harbor, even in areas once described as "biological deserts."

This remarkable change and improvement was made possible through the combined efforts of the Los Angeles Harbor Department, local, state and federal governments, industry and the conservation-minded people of Los Angeles. It is truly an example of concerned people, representing many different interests, working diligently and effectively together for the benefit of all.

The results of that cooperation are plainly visible at Los Angeles Harbor. You can see fish and plant life coexisting with commercial and industrial port activities. You can see proof that man can improve his environment if he is willing to devote his time, his energy and the necessary funds. These are the basic weapons that were used and are continuing to be used to fight pollution at the Port of Los Angeles.

The quality of the water in Los Angeles has always been very high, when compared to other commercial and industrial ports throughout the world. Today, it is far superior to most.

The worst conditions in the country, by far, are found on the East Coast and in the Great Lakes. According to a recent newspaper report, industries discharge into Lake Erie every day ten billion gallons of process and cooling waters containing pollutants. Water pollution problems in the West are different from those in the East. In the West the objective is mainly one of pollution prevention. In the East, correction and elimination are the concerns.

Los Angeles Harbor is doing both: preventing further pollution and eliminating what it already has.

Water pollution, like air pollution, is created by people. People in the United States generate 3.5 billion tons of solid wastes each year. Los Angeles Harbor Department personnel remove approximately 20 tons of floating debris per day from port waters at a cost of $60,000 per year. The cost of collecting and disposing of such wastes in the United States runs to $4.5 billion annually—a figure that is expected to at least triple by 1980. Only a part of this is related to water pollution, of course, but these facts and figures serve to point up the source and scope of the problem.

Looking back a few years at what is now one of the world's great commercial and industrial harbors, many in the area remember when this $500 million complex—today's Port of Los Angeles—was nothing more than a dismal salt water tidal marsh in the lee of a small barrier reef known as Rattlesnake Island.

There was never any serious thought given to locating a deep-water harbor for commerce and of refuge at Los Angeles until 1897, about 73 years ago. The United States Senate ultimately made the decision to create such a harbor and a government breakwater in San Pedro Bay was completed in 1910. It was the first step to carve a deep-water port out of the shallow tidal flats.

Richard Henry Dana's "most desolate place on the California coast" has now become one of the largest man-made harbors in the world, with about 4,000 acres of navigable water averaging 35 feet deep. Tide water extends from the Harbor northerly up Dominguez Channel to Vermont Avenue.

The Channel used to carry surface run-off and waste from an area south and west of Los Angeles to a large slough lying between what is now the City of Torrance on the west and Dominguez Hills on the east.

Los Angeles' Inner Harbor is contiguous to the mainland and was developed from salt flats and marshland. Meandering channels with less than two feet of water at low tide covered the entrance to this area. Dredging was begun in 1874 and completed three years later, and the Inner Harbor was developed in 1893 at a cost of a million dollars.

Throughout the years, the Dominguez and Consolidated channels were becoming progressively fouled because of industrial discharges. In 1947, when the Port of Los Angeles was planning the construction of a passenger and freight terminal near the Dominguez Channel entrance to the Harbor, the discharges from the Channel near the construction site were undesirable from an aesthetic standpoint.

Complaints by the Harbor Department to Channel users were not completely resultful. At the urging of the Los Angeles County District Attorney's office, requested to investigate the situation, two committees were formed to study the problem to eliminate undesirable waste water discharges. The Port of Los Angeles Testing Engineer was named chairman of the technical committee, whose membership included representatives from both government and industry. These groups were considered essential to clarify, coordinate and unify various individual actions, which had previously resulted in duplication of effort. They were volunteer groups unsupported by public or private funds and without the authority to take any official action.

Later—stimulated by reports of these committees and with the technical assistance of the Harbor Department staff—the State Legislature passed the Dickey Bill regulating water pollution in state waters. Regional Water Pollution Control Boards were established to define the beneficial uses of water in their districts and to establish formal water quality standards. The Board for the Los Angeles region adopted their "Long Range Waste Disposal and Water Quality Objectives for Los Angeles and Long Beach Harbors" in 1954.

Eight years earlier, in 1946, the Los Angeles Harbor Department had initiated voluntarily a program which greatly improved the quality of its waters compared to what it had been. Regulations were adopted by the Department which led to the present practice by the Harbor's Port Warden to investigate any and all evidence of water pollution with special emphasis on all types of oil spills. On discovery of evidence of water pollution, he immediately notifies the State Department of Fish and Game, the United States Coast Guard, and in the case of industrial waste, the Los Angeles Bureau of Sanitation. It is customary for the Department of Fish and Game to issue citations for oil spills or in cases of oil pollution; however, when such a citation is not issued, the Port Warden files an application for criminal complaint with the Deputy City Attorney's office. These activities have furthered the reputation of Los Angeles Harbor throughout the shipping industry as one of the cleanest ports in the world.

A water monitoring program, implemented by the Harbor Department nearly 25 years ago, and still in effect today, alerts personnel to any new sources of water pollution and their correction. As an example, if any toxic substance is found in an oil refinery's waste discharge, the oil company is promptly notified. In the past, the oil company has taken immediate steps to halt the unlawful discharge. Another example might occur in the Port's Fish Harbor where an occasional waste discharge must be eliminated, even though it may not be subject to legal action. On discovery and notification by the Harbor Department, both the pollution and the cause are corrected.

Since World War II, the Harbor has become increasingly attractive to sportsmen. Because of an abundance of bait fish, dealers in live bait come to Los Angeles, from as far away as San Diego to the south and Morro Bay to the north, to catch live anchovies for sportfishing boats. Fish propagation requires water for almost bathing beach standards in which the dissolved oxygen content is five parts per million or greater, together with liberal quantities of nutrients.

There have been several major sources of water degradation at the Port of Los Angeles, some of which in recent years have made it impossible for the water in certain Port areas to sustain these ingredients. The fish and the plant life had either diminished or disappeared completely from these locations.

One major source is the huge influx of certain chemicals, such as fertilizer, detergents, oil and gasoline from storm and even dry weather run-off from the entire Gardena Valley and the Palos Verdes Hills. The storm sewer leading into the Port's West Basin alone drains 11,000 "asphalt acres." This does not include the run-off from roofs and planted areas, which would more than double the asphalt acre figure. This drainage carries countless tons of oxygen-consuming organic and inorganic material—dead animals and insects, fecal matter, rotting vegetation, etc.

A natural contributor is the seasonal presence of dinoflagellates or red tide, which flourishes during the summer and fall months. Still another natural cause of pollution could be the configuration of the Harbor itself. Some of its basins are relatively large and bottlenecked—a condition that induces stagnation and prohibits full chemical and biological recovery of the water during tidal changes.

Collectively, these sources of water contamination have a tremendous effect on water quality. At the same time, it is difficult if not impossible to instigate any realistic remedial measures to improve Harbor water polluted by them. At present, there are no solutions, or the solutions are impractical from either a physical or an economic standpoint.

Man himself (and his works) is still another cause of water degradation. For example, a number of industrial plants use Harbor waters for cooling and manufacturing purposes. Others add water containing organic and inorganic matter. The return of these waters, now polluted, compound the problem.

The greatest chemical loading of the Harbor waters has always originated outside the actual confines of the Port itself, primarily in the Dominguez Channel, where water drainage from the Gardena Valley is commingled with industrial wastes from a synthetic rubber plant, a petro-chemical company, a concrete products manufacturing operation, a sulphur recovery plant, several oil refineries and countless other sources upstream.

In the Outer Harbor, man-made water downgrading is caused by the effluents of several fish canneries, a domestic sewage treatment plant, and the season recreational use of Cabrillo Beach.

There are the areas where the Los Angeles Harbor Department is making real progress with its strong program against water pollution. Tangible results are being obtained in upgrading water quality which has been in the past lowered by the operations of man. Although the industrial wastes entering the Harbor are already much cleaner, they can be improved still further. In fact, they can be improved to almost any extent—provided man is willing to pay the price. Although the Port does not allow ships to discharge liquid and solid wastes inside its confines, many vessels cannot meet this stringent requirement. It is necessary that Federal standards be established for both ships and boats, requiring installation of holding tanks for their refuse or standard fittings for connecting directly to shore facilities.

Federal and state laws now regulate pollution-causing discharges into the Harbor, and the State Water Quality Control Board has jurisdiction over many of the pollution activities within the State of California. The Harbor Department has assisted this program with its continual testing of Harbor waters and its program of water surveillance and pollution elimination. The Department is also deeply concerned, not only with water pollution and its correction, but also with the development of complete programs of waste management and disposal for all discharges now entering the Harbor.

The Los Angeles Board of Harbor Commissioners reaffirmed the Harbor Department's long-standing concern with water pollution when it adopted the following antipollution policy statement in the summer of 1969:

"The Los Angeles Harbor Department adopts as its objective the improvement of the quality of Harbor waters so that an environment favorable to sea life could exist.

"The Los Angeles Harbor Department will initiate and will participate (as it has in the past) in research studies by responsible organizations to obtain the necessary information to achieve the objective stated above.

"The Los Angeles Harbor Department will continue the program it founded in 1946 to develop and implement an effective water quality improvement program, based on reliable research and utilizing proven antipollution systems as they are developed.

"The Los Angeles Harbor Department is ready and willing to participate in developing complete programs of waste management and disposal for all discharges now entering Harbor waters, regardless of source."

The progress and the improvement that has taken place in just a year's time is substantial. The Harbor Department itself is directly responsible for some of the accomplishments, but it cannot take credit for all that has happened. Only through the cooperation of business and industry, citizen groups and government agencies, port users and port workers could so much be accomplished in so short a time. Again, as in 1946, the Port of Los Angeles provided the impetus. Concerned people brought about the results. Here are some of the accomplishments, along with a few remarks from those interested in or affected by them.

An oil products company, a Harbor tenant for more than 45 years, had been polluting the Inner Harbor of the Port with 72,000 gallons of separator wastes and nearly three million gallons of cooling waters a day. Harbor Department watchfulness led to the eventual cease-and-desist order issued by the Regional Water Quality Control Board. The firm was finally forced to shut down because it found it was too expensive to comply with the established water quality standards in Los Angeles Harbor. Today, there are schools of anchovies in the Inner Harbor area where this plant had been discharging. It had been many years since they were spotted there.

Port regulations in effect for years were supported by the new Federal law of January 1, 1970, which requires clean-up of oil spills within a harbor. All waste discharges from ships at Los Angeles Harbor, including oil spills, have always been immediately confined, cleaned up and removed. Many industrial and commercial harbors, rather than actively cleaning up oil spills, have simply relied on the tide to take the oil or waste out to sea.

There are 32 companies or agencies which in the past have discharged about 400 million gallons of polluted water per day into the Harbor at 57 locations. In addition, 27 companies or agencies were discharging about 1.5 million gallons per day into 16 separate storm drains, all of which eventually empty into the Harbor. In the last few years, many of these companies and agencies have invested millions of dollars in waste water control to upgrade these discharges. One oil company alone has spent more than $8 million in the past five years and will spend at least another $7 million in the next two or three. The results of these expenditures and these efforts by users of Harbor waters to improve their effluence are considerable. All of the major contributors now have pollution control measures in effect and chemical pollution has been reduced drastically. The quality of water input from the Dominguez Channel into the Harbor has been greatly improved.

Our surveillance of Harbor waters disclosed that trash fish from fishing boats calling at the canneries on Terminal Island were dumped overboard, and decks were washed down into Fish Harbor. This practice has ceased, the bottom of the Harbor has been cleaned up by the canneries, and the fauna and flora have returned. Schools of fish and flourishing plant life are now being seen in this area.

James A. Eddy, Commodore of the Los Angeles Yacht Club in Fish Harbor, has complimented the Harbor Department on "the progress made in reducing the pollution of water" in that area.

Commodore Eddy pointed out that the Department's "approach to the problem has resulted in very evident, real improvement in the condition there" and "for the first time in 25 years, the bottom may be seen from the surface of the water.

"The significant improvement accomplished in a relatively short period of time amply illustrates that, with continued effort, Fish Harbor can remain an industrial area with recreational facilities of which we may all be justly proud, thereby proving that the two functions can live in compatibility, side by side," he said.

While world commerce is the Harbor's major business, the waterways are used for recreation as well as commercial and sportfishing.

For the twenty-first consecutive year, the Port of Los Angeles and its fishing facilities in San Pedro and Terminal Island have led all United States ports in the value of the commercial fishing catch—more than the giant Eastern seaboard fishing center. Last year, 407 million pounds of fish were landed at the Port. The value: $40.5 million.

The Harbor Department has proposed a new ordinance aimed at prohibiting the discharge of raw waste from all vessels, including small boats, into Harbor waters.

Raymond M. Hertel, Executive Officer of the State Water Quality Control Board, commended the Los Angeles Board of Harbor Commissioners and the Harbor Department for its "progressive actions" with reference to the proposed ordinance. He singled it out as "another significant step taken for the upgrading of the waters of your Harbor" and said that in his opinion, "given the adequate manpower to implement fully. . . . , it will be one of the strongest controls of this type of a waste disposal in the nation.

"The actions of the City and its cooperation with this Regional Board in the enhancement of the quality of the water of Los Angeles Harbor is most sincerely appreciated," he added.

Charles F. Crawford, President of the San Pedro Chapter of the Izaak Walton League of America, has expressed "sincere appreciation to the Commissioners and the Staff of the Port of Los Angeles for outstanding efforts to improve the quality of the waters of Los Angeles Harbor.

"To the best of our knowledge," he said, "Los Angeles Harbor is the first major port in the United States to upgrade the quality of Harbor waters to any substantial degree."

In extending appreciation to the Port for "your efforts to preserve our environment," Crawford said that surveys and observations by his conservation group have indicated that former polluted areas of the Port have made such rapid changes that the Port's waters are once again suitable for fish habitat . . . a truly remarkable change has taken place.

The Harbor Department also is involved in an inter-agency program for the development and extension of the entire sewage system throughout the Harbor to upgrade the disposal of industrial waste.

The new system, when completed, will prevent contamination of Port waters from sewage and will also provide for future Port expansion and environmental improvement.

The total project involves $30.5 million for enlarging and improving the capacity of the Port's Terminal Island treatment plant and installing an acceptable waste disposal facility plus more interceptor sewers and pumping stations.

In a cooperative effort, the Harbor and Public Works departments are co-sponsoring a $200,000 study by a consulting firm to redesign the sewage system and treatment plant and complete the first harbor-wide ecobiological investigation and report ever made at the Port.

Preliminary information indicates that one possible activity for improving the Port environment would be to dredge the entire Harbor to remove the bottom sludge that has been accumulating for years.

While the ecobiological study is now underway, the complete sewage system project is presently awaiting proper funding by the City of Los Angeles.

The Department is also providing technical support to other city, county, state and federal agencies in their programs to combat pollution. The Harbor Department's Chief Engineer is a member of three committees of the Regional Water Quality Control Board, serving as chairman of two. The committees are investigating the causes of water pollution at the Harbor in order to establish further controls and, wherever possible, to completely eliminate the problem.

The Harbor Department has secured appropriations from the Federal government for hydraulic model studies of the entire San Pedro Bay by the U.S. Corps of Engineers, which are expected to aid in defining pollution problems and possible methods which can lead to additional improvements in water quality.

Several months ago the Department increased its personnel in the Port Warden's Division from 35 to 47 for still more thorough surveillance of the entire Harbor and still more stringent enforcement of regulations and laws concerning water pollution.

Portable underwater television equipment is now being used by divers under contract to the Harbor Department to locate jetsam beneath the water surface. This adaptation of closed-circuit television aids in the removal of all types of pollutants and also pinpoints areas where problems may exist.

The Los Angeles Harbor Department also is urging the United States Coast Guard and Department of Interior to establish an earlier timetable for pollution control by setting guidelines now so that national pollution standards can be implemented as soon as possible.

The Harbor Department is interested in a project proposed by a local firm that has specialized in pollution control for years. The project calls for using 5,000-gallon collapsible rubber tanks to collect sewage from ships docked in the Port, which would provide a more immediate solution to the problem of water pollution by raw sewage and other discharges from ships. Plans being considered by port authorities and the federal government propose holding tanks for sewage on all new vessels and for modification of older ships by adding such holding tanks. A grace period of two years would be allowed for ships newly-built, while older ones would have five years to meet these proposed requirements. By using the rubber tanks, however, the costs of adding holding tanks to ships would be eliminated, unless required by law, and pollution of Harbor waters from this source could be entirely terminated immediately.

The California State anti-water pollution law, which has been in effect since January 1, 1970, has been described as having more "teeth and muscle" than any other similar law in any state in the nation or any country in the world. The law imposes a stiff penalty on polluters who continue to discharge waste material into a water resource while under a cease-and-desist order. It also makes it mandatory for an offender to clean up any pollution he may have caused. If a polluter destroys the aesthetic enjoyment of a water resource by creating a nuisance, he can be ordered to cease and desist, and fined up to $6,000 per day if the order is not obeyed. Legislation such as this is aiding the fight against water pollution in Los Angeles Harbor.

The Harbor Department and its Commissioners, however, are pressing for even stiffer controls, in the belief that what is done today will determine what California and Los Angeles will be like tomorrow. Many believe that the anti-pollution program now in effect at the Port of Los Angeles should be duplicated throughout the state and the nation if man's environment is indeed ever to be corrected.

Water pollution is a complex problem. The complications and the lack of complete information about causes and methods of correction make it impossible to develop more specific and complete programs for water quality improvement at this time. In areas of Los Angeles Harbor where progress has been made, however, progress will continue. Until the studies and investigations now underway are completed, permanent and complete solutions are not possible. A great deal more must be known.

For instance, how do you stop pollution of the Harbor which originates when gasoline and oil drops onto the asphalt in a service station, is hosed down or washed away by rain into storm drains which empty into channels leading to and finally reaching Port waters? Or how do you prevent rubber tire dust from freeways, insecticides and chemical fertilizers, air pollutants and car-wash detergents from being washed away by rain or by man into a chain of channels which end in the Harbor? How do you prevent natural pollution from such things as the red tide or insufficient circulation of water by tidal changes? Questions such as these pose serious problems.

Historic progress could be made immediately if everyone would simply stop polluting. But that would be possible only if everyone stopped everything they are doing and did

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nothing. The fight against water pollution can be won, but it will take a complete waste management program to do it. It will mean a change in our life styles and investments of billions of dollars. It is estimated that it will cost up to $200 million just to prevent pollution at Los Angeles Harbor alone. And, although the cost is being borne by government entities, such as the City and Port of Los Angeles, and private companies, such as oil and manufacturing firms which use Harbor waters and the ocean for waste discharge, the cost will finally filter down to the people, who will pay the bill through taxes and higher prices for the products and services from those private companies and government entities. No complete study of the economics of correcting water pollution has been made, but it is certain that it will be astronomically expensive. In providing a better place in which to live, the people at Los Angeles Harbor believe, as do most people, that the results will be well worth the cost of obtaining them.

Such results are already evident at the Port of Los Angeles, because of the antipollution program now in effect. The continued progress will be in direct proportion to the money available. Consider for a moment that it cost the United States $20 billion in ten years to put man on the moon. If the same planning and technology were applied to the problem of water pollution in the same proportion to the size of the job as compared to landing man on the moon, the fight against water pollution could be won in less than ten years.

Today, the war against all pollution has been waged by the people and it is a war we cannot afford to lose. Los Angeles Harbor belongs to the people, and the Board of Harbor Commissioners and the Harbor Department is winning one of the battles of that war.

AMERICA'S ELDERLY CITIZENS—IGNORED, SHORTCHANGED, AND FORGOTTEN

Mr. MONTOYA. Mr. President, our society responds to scandalous exposés and suddenly revealed scandals with howls of outrage. Yet when there is a publicly known, ongoing evil, people more often than not acknowledge its presence and calmly go about their business.

Such is the case of the elderly in our society. In other nations, these citizens are valued above all others. Their white hairs and life experience are due and receive full measure of respect. They are sought out for advice and actively participate in the life of their society. Only here in America do we increasingly segregate, ignore and give them an inadequate pittance so they may barely survive. Please note my use of the word "survive." It differs greatly from the word "live" or "enjoy."

Acknowledgment of the condition does not alleviate the situation. Never has so little action lurked behind so much rhetoric. One particular group hurting terribly these days are retired civil servants. These retired employees and their survivors number approximately 997,000 out of 22 million Americans who qualify for the title of senior citizen. Of these 997,000, 276,000 receive less than $100 monthly in annuity. How many can live on that?

Five hundred fifteen thousand receive less than $200 monthly in annuity; 619,000, or more than 60 percent, receive less than $250 monthly, which sets them below the level of $3,000 annually. Hardship is their daily lot. Deprivation in the midst of abundance is what they live with. This is America's shame, and it cannot be denied or evaded.

I have authored several measures to either correct these inequities or alleviate their worst effects on retired civil employees and their survivors. S. 421 and S. 422 would increase all annuities on a graduated basis—aimed at aiding these retirees in the face of spiraling inflation. A graduated annuity increase to those presently receiving the smallest annuity would be a perfect solution to their major problem.

Another measure I have introduced would rectify the unfair practice of imposing income tax on annuities of retired Federal employees while exempting other forms of retirement income from such taxation. These measures, Mr. President, provide only the smallest measure of consideration and relief for older citizens. Yet this is tenfold more than the administration is willing to allocate.

There is another area where the scandal is as great and conditions are as oppressive on the elderly. This is in regard to drugs and hospital care. About one-third of all long-stay patients in hospitals are over 65. Eighty-five percent of all over 65 require continuous medication even while not in hospitals.

Yet these very people are faced with an impossible burden in the form of drug costs. They simply cannot afford to pay for drugs that either keep them well or alleviate daily pain. It is all too often a choice between food and drugs. What are they to do?

I am the original sponsor of the bill to extend coverage of medicare's umbrella to cover outpatient drugs. Not too long ago we almost got that measure through the Senate. It only failed of passage by two votes. We shall try and try again until we have made this promise come true for our older citizens. About 30 percent of retired Federal employees are covered by social security. Many could benefit from expanded medicare benefits and coverage.

The public must realize that although our elderly represent a shade over 10 percent of the population, they account for nearly 25 percent of all prescription drug costs. Their annual per capita expenditure for drugs is three times that of persons under 65.

At present medicare law does not provide for any personal drug outlay, the largest personal expense the aged have. Our drug industry has a phenomenal rate of return on invested dollars—higher than any other segment of business. They spend $2 on advertisement for each one on research, and most research work they carry on is done with Government dollars. Former Secretary of Health, Education, and Welfare Finch shares my view on this subject. His special task force recommended extension of the medicare law to cover drugs. Yet Government has taken no action.

I believe the case is easily made that older people in our society are being treated abominably. This has nothing to do with politics. It is simply that America as a society has no vested interest, as she now sees it, in treating such people with simple justice.

All have worked hard all their lives. Civil servants I spoke of earlier have given lifetimes of service to their country and communities. Now we continue to ignore them, forgetting that eventually we too will all be harmed by the same set of circumstances.

One final point deserves to be made here. In the last century, Bismarck's Germany treated its older citizens better than we do today. America prides itself on accomplishment and a few other things as well—conscience, morality, a sense of obligation, justice, and compassion. All those finer and higher human emotions have usually motivated our country to do what is correct. In this case, we have encountered a peculiar blank spot. I think it is long past time for us to reexamine the plight of our elderly, and what we, as human beings, must and should do.

DEVELOPMENT OF NATURAL UNDERGROUND STEAM RESOURCES

Mr. BIBLE. Mr. President, since 1963 I have devoted considerable time and energy to efforts to enact legislation making it possible for America—and particularly the Western States—to develop our vast reservoir of natural underground steam resources. It is my conviction that the harnessing of geothermal steam for power generation and mineral production is absolutely essential to our long-range blueprint for wise and judicious use of America's natural resources. And I am encouraged that many Senators share that conviction.

The 89th Congress passed my bill setting up a leasing system for public lands, where most geothermal resources are located, to encourage private industry development. The President, however, vetoed the measure because he objected to certain provisions.

I have reintroduced substantially the same legislation during the present session, and, following recent hearings by the Interior Subcommittee on Minerals, Materials and Fuels, it was ordered reported. It will be considered by the Committee on Interior and Insular Affairs in the near future.

Increasingly, a great many knowledgeable men representing both the public and private sectors have come out forcefully in favor of geothermal steam development. For example, testimony before the subcommittee by Assistant Interior Secretary Harrison Loesch made it clear the Department of the Interior recognizes the importance of the proposal and is anxious to see it implemented.

Even more recently, a geophysical research team from the University of California at Riverside announced the discovery of seven new geothermal fields extending south from California's Imperial Valley to northern Mexico.

The findings of that research team, headed by Dr. Robert Rex, were made public in a document entitled "Investigation of Geothermal Resources in the Imperial Valley and Their Potential Value for Desalination of Water and Electricity Production."

As the title implies, this study concentrated not only on the benefits to be reaped from the use of geothermal steam

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as a source of electric power, but on its great potential for augmenting existing water supplies. Dr. Rex concluded that it is economically feasible to desalinate California's vast underground "ocean" and produce distilled water in quantities sufficient to augment Colorado River resources.

Mr. President, because I believe this study is of considerable importance in our continuing examination of the potential of geothermal resources, I ask unanimous consent that a synopsis of the team findings be printed in the Record.

There being no objection, the findings were ordered to be printed in the Record, as follows:

Development of Natural Underground Steam Resources

Riverside, Calif.—A major source of pollution-free power—considered sufficient to supply most of the projected needs of California for the rest of this century—has been located in the Imperial Valley by a geophysical research team from the University of California, Riverside.

In a report made public today (Thursday, August 6, at 6:00 p.m.), Dr. Robert Rex, team leader and professor of geology at UC Riverside, outlines the discovery of seven new geothermal fields stretching through the Imperial Valley south to northern Mexico.

The UCR report terms each of these fields as possessing "the promise for economical production of electrical power and water desalination." The new discoveries are located in the following areas:

1. North Brawley, near the city of Brawley.
2. East Brawley, near the city of Brawley.
3. Heber, near Calexico.
4. Glamis, east of the Algodones Dunes.
5. Dunes, near the Coachella Canal east of Holtville.
6. Alamo, near the international border.
7. Mesa, on East Mesa east of Holtville.

This vast underground "hot ocean"—in reality, a series of geothermal steam fields bubbling at temperatures exceeding 500° F.—has the power potential to produce more than 20,000 megawatts of electrical energy and five to seven million acre-feet of distilled water annually for at least three decades, and possibly one to three centuries, according to surveys conducted by the UCR research team.

"If developed successfully," states Dr. Rex, "this new power resource has the capacity for restructuring the entire economy of southwestern United States and northern Mexico. As one measure of this fact, our studies indicate these new geothermal fields have an electrical power potential fifteen times that of Hoover Dam when it is operating at capacity.

"More important," adds the UCR geologist, "geothermal power can be completely pollution-free. It does not contaminate the environment."

Geothermal steam fields—produced when superhot rocks meet cold underground water—are scattered throughout the Imperial Valley in California and the Mexicali Valley in Mexico, Rex said. However, until the UCR studies proved otherwise, they were considered uneconomic for producing either energy or water due to the high salinity found in samples obtained in and near the Salton Sea. While it remains true that fields adjacent to the Salton Sea are highly saline and thus of marginal economic value, the UCR studies show conclusively that this is not the case with the other steam fields located elsewhere in the Valley. It is this fact that is of primary importance in the two-year field work conducted by the UCR geological team, Rex stressed.

The UCR studies indicate that the steam fields on the California side of the border are similar to those located in Mexicali, Mexico where the Mexican government is currently constructing a 75-megawatt electrical plant at Cerro Prieto.

The Colorado River basin is a prime water-deficient area in western United States. Not only is there insufficient water to meet future needs in the area, but the quality of the water available is also deteriorating rapidly, according to the UCR report.

"Geothermal water desalination would produce distilled water that could not only augment Colorado River water, but maintain its quality as well," Rex said. "In addition, I believe this can be done at costs competitive with imported water."

The UC Riverside scientist indicated that between 2000 and 5000 wells might have to be drilled to fully develop the steam potential located in the Imperial Valley.

According to Rex, the underground reserves of hot water and brine have been formed over millions of years in the Mexicali-Imperial Valley areas because of the geological phenomenon of sea floor spreading. This activity, currently causing Baja California to move away from Mexico, has been accompanied by an upward movement of extremely hot rocks very near to the surface of the earth.

Consequently water from the Colorado River, accumulating in these areas, has been subjected to abnormally high heat flow from these high temperature rocks. Rex estimates that there may actually be as much as 4–6 billion acre-feet of very hot ground water in storage in the underground "ocean" located in the Imperial-Mexicali valleys.

"I believe geothermal power offers California a method of coping with its growth while protecting its environment," Rex said.

"It does little good to protest that one energy source is excessively polluting the environment if no alternatives are available. Geothermal energy is an available alternative. It has great promise and potential as a pollution-free source. However, much work remains to be done.

"At least five to six years of additional study are needed to fully demonstrate with test drilling sites the feasibility of tapping this natural resource for use as a source of energy and water. I have no doubt it can be done. The Mexicans are already far along in developing a major field at Cerro Prieto. The Mexican geological setting is nearly identical to that found on the U.S. side of the border only a few miles away. In my opinion their success can be ours."

Current funding for the Rex research project has come from a variety of public and private groups including the Bureau of Reclamation; the Metropolitan Water District; the Imperial Irrigation District; the Southern California Edison Company; the Standard Oil Company of California; the Academic Senate, University of California, Riverside; the International Engineering Co., Inc.; the National Science Foundation; and the Chevron Oil Field Research Company.

THE SEA AS A GARBAGE DUMP

Mr. HATFIELD. Mr. President, it is imperative that Americans place more emphasis on using the oceans wisely. We cannot continue to use the sea as a garbage dump. It is to no one's benefit to misuse this valuable source of food and minerals, for this misuse may result in the destruction of these resources. A multiple-use approach, on both the national and international levels, must be employed with respect to the sea.

On the national level, the President recently issued an executive reorganization order which would establish a National Oceanic and Atmospheric Agency in the Department of Commerce. Such an agency is urgently needed to provide a leadership and coordination role in the oceanic and atmospheric research and development program. We must gain more knowledge about the sea and what can and cannot be done with it from an ecological point of view. President Nixon is to be commended and supported for this reorganization, which is a result of the recommendations of the Commission on Marine Sciences, Engineering, and Resources.

Internationally, the administration is developing and will propose a seabed use treaty, which should establish an international regime for the exploitation of seabed resources beyond a limit to be established by the treaty. Because of the inherent international character of the seas, it is necessary that such a regime be established. I am hopeful that we will be successful in this endeavor, and that any regime established will deal with pollution problems in this international area, just as we must deal with these problems in areas under our jurisdiction.

Mr. President, the Senate must become more aware of these problems and developments. An editorial published in the Washington Sunday Star of August 2 pointed out the urgency of gaining knowledge about the sea. Gordon Taylor has written an article dealing with the pollution of the sea. In order that the articles might be available to all Senators, I ask unanimous consent that they be printed in Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Pollution, Greed and the Vulnerable Sea

From the beginning of recorded time, man has looked on the oceans of the earth and reacted alternately with awe or disinterest.

The sea, man has said, is the giver and sustainer of life, eternal, and immutable. And man has viewed the ocean as every man's land, so vast that territorial claims are unthinkable and unnecessary, so bountiful supplier that no thought need be given to the harvest of food that is gathered in, so deep and so forgiving that it can readily absorb all the refuse of human existence.

Long after man's intellect began ringing faint alarms, the myth of the oceans' immunity from the poisonous by-products of civilization persisted. Today, when man's numerical presence threatens to overwhelm the planet, and when humanity's refuse includes deadly garbage and radioactive trash, the oceans are still generally treated as the ultimate receptacle.

For decades men have known that the food supply offered by the seas is not limitless. And yet, as the demands for food increase and the technology of harvesting edible fish improves, there is general unconcern over the effect of this harvest on tomorrow's crop. Men understand now that the area beneath the oceans is not the worthless, unreachable territory it was once thought to be. The mineral wealth of the combined nations of the world are a fraction of that which lies untouched in the mountains, valleys and plains of the ocean floor. The ability to tap this treasure is almost within man's technological grasp. Only now have men become jolting aware of the danger inherent in the fact that more than 70 percent of the earth's surface is unclaimed. Only now, at virtually the last possible moment, has thought been given to reaching some international agreement before human

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greed reaches the seabed, making it the prize in mankind's ultimate war.

The long tradition of national disinterest in the waters and the ocean bed beyond the continental shelves will be a help in the search for an international accord on the uses of the oceans and the seabeds. The ancient concept of the open ocean as international waters will make it possible for men to approach the problem of codifying the neutrality of the seas and seabeds free of any preordained opposition. International agreements entail a voluntary surrender of some degree of sovereignty. The fact that no nation that gives up rights to the oceans would be surrendering anything it ever considered its own has already produced promising results.

It has allowed Russia and the United States to agree on the terms of a treaty that will, if it is accepted by other nations, keep the seabed free of the weapons that could transform the oceans into nuclear launch pads and battlefields. It has allowed President Nixon to propose a world treaty that would turn over 90 percent of the seabed to an international agency, to be exploited for the benefit of all nations as the "common heritage of mankind." And the tradition of oceanic laissez faire has made it possible for the representatives of 50 nations to meet recently in Malta and to report unusual and encouraging agreement on the need for international control—probably under the United Nations—of all exploitation of the oceans, including the taking of fish.

So the history of national indifference toward the high seas is helpful in establishing an international ocean regime. But that same tradition operates with terrible effectiveness against the belated attempt to save the environment.

Men have developed a fine concern for the air, and are moving to reverse its degradation. We have discovered that some of the chemical blessings of science are mass killers in disguise, and we are phasing out the use of the deadly insecticides and other persistent poisons. We have awakened to the damage we have done to rivers and lakes, and have begun to legislate a program of reclamation.

But we have, in a masterful denial of logic, clung to a primitive supposition that the oceans are indestructible. We have looked at the unmeasurable volume of the seas and have assumed that the total accumulation of all man's refuse cannot possibly affect them. Armed with that assumption we have littered the coastal ocean beds with raw sewage, garbage and trash. We have disposed of stores of poison gas by sinking it in deep waters. We have poured accumulated radioactive wastes into the ocean. And we have done this with no knowledge of the consequences and no serious attempt to gain such knowledge.

The scant information that is available about the oceans is enough, however, to make it clear that the assumption of their indestructibility is false. The seas are vast in volume but delicate in composition. And man's reckless magic has already worked a measurable change on the chemistry of the seas.

In addition to the refuse being dumped directly into the sea, most of the chemical poisons in the air are washed into the sea by rainfall. So too with the pollution of rivers, streams and lakes; the poison will reach the coastal waters, and eventually find its way to the unmoving regions of the deep waters, where it will accumulate and remain indefinitely.

As yet, DDT cannot be found in ocean water, but it has been found in deep ocean fish in concentrations twice the amount considered safe. The use of tetraethyl lead in automobile gasoline means that 250 metric tons of lead are dumped into the waters of the Northern Hemisphere each year by rainfall, and the lead content of the North Pacific has increased more than 300 percent in the last 45 years. At least 5,000 tons of mercury, carried by the rivers, is pumped into the oceans every year and has produced several mass poisonings. One million tons of petroleum is leaked or pumped into the sea annually from tankers, with the result that there are increasing reports of fish tasting of oil, of whole catches being thrown back. And there is a growing concern that the introduction of these hydrocarbons into the marine food chain might have a devastating and lasting effect on the finely balanced cycle of marine life.

Man's political disinterest in the sea is matched, then, by his scientific neglect and abuse of it. And as a result some dramatic readjustment in thinking and in practice is called for.

President Nixon's bid for a supranational agency to exploit the resources of the seabed for the benefit of all—a proposal that was given short shrift in the press—is one of the most dramatic moves of his administration. Coming from a major maritime nation, one that is in the best position to exploit the oceans for its own benefit, it is a proposal that has been taken seriously throughout the world. There is a good chance that it will form the basis of the most far-reaching and constructive multinational venture ever undertaken.

At the same time, and with an even greater sense of urgency, man must abandon the assumptions and the myths that he has accumulated about the oceans. This country spends billions on space research and years on the study of lunar particles. But the oceans, which gave us life and which offer a hope that the explosive increase of life may be sustained, remain largely unstudied and almost as little understood as they were at the turn of the century. We must learn—and learn quickly—whether the ocean can tolerate the abuse we are inflicting on it. And we must hope that such knowledge does not come too late.

The Threat to Life in the Sea

(Man is turning the oceans into junk yards. Oil spills and the deliberate dumping of wastes may have critical long-term biological effects.)

(By Gordon Rattray Taylor)

Thor Heyerdahl, of Kon-Tiki fame, has said that he and his companions, in journeys across the Atlantic in their reed boat, could not fill their tooth mugs from the ocean, hundreds of miles from the American coast, because of the filthy condition of the water.

The oceans are filling up with junk and assorted poisons. Man is dumping into the oceans, or into the rivers that flow into the oceans, many thousands of products, the biological effects of which are in most instances unknown. These include oil, chemical effluents, heavy metals, trace elements, dry-cleaning fluids, radioactive wastes, chemical warfare gases and irritants, detergents, pesticides, and innumerable other substances. In fact, practically everything we throw away in liquid form reaches the sea, except a few things that decompose rapidly, while much of what we discharge into the air also descends eventually into the sea. It is reckoned that we now add a half-million different substances to the sea.

Lead, which is pumped into the atmosphere by motor vehicles using fuels spiked with tetraethyl lead to raise the octane number, is now present in the Pacific—an area remote from those in which cars are mostly used—at about ten times the natural level. Even in the Arctic snows, lead is present at seven times the natural level. These levels have been rising ever since tetraethyl lead first was introduced forty-five years ago; by the end of the century they may double.

Pesticides, such as DDT and dieldrin, are accumulating in the sea, as are various curious by-products of industry, whose very names are mysterious to all but the initiated-polychlorinated biphenyls, for example.

Again, the highly poisonous substance mercury is reaching the sea in ever increasing quantities: About half the world's total production reaches the oceans. Already the coastal waters of the Baltic Sea are polluted by it, and it is accumulating in the fish to the point where they are uneatable. Here I wish only to draw attention to the way we are changing the composition of the shallower parts of the sea—areas where most fish live. More than half the world's population depends solely on fish for a supply of essential protein.

A more serious threat may be radioactive wastes. Already, radioactivity can be detected in any fifty-gallon sample of sea water taken anywhere in the world. The U.S. Atomic Energy Commission (AEC) has been mixing low-level wastes with cement in eighteen-gauge steel drums (little more than cans) and dropping them in the Atlantic. Recently Spain complained of such dumping taking place only 200 miles from the Spanish and Portuguese coastline. The British, more economically, run a pipeline a mere two miles out to sea and claim that it is safe to discharge up to 10,000 curies a month by this means. The basis of this claim is obscure. E. D. Goldberg told the American Association for the Advancement of Science meeting in 1968: "Radioactive substances are found in all oceans and all organisms in the marine biosphere."

To make matters worse, it is now seriously proposed that mining and other industrial operations shall be undertaken on the ocean bed where the effluents and "tailings" can be pumped directly into the sea. Among other things, there are rich supplies of manganese. Apart from the fact that underwater workers may be exposed to radiation as a result of our casual attitude to radioactive waste disposal, the heat developed in mixing operations will warm the circumjacent water, which will then rise and ensure the mixing of deep and surface waters. This means that fish, Crustacea, and plankton, which live in shallow waters, will be exposed to the radioactive wastes dumped in deeper waters. The AEC has justified this dumping on the theory that there is little or no mixing of deep and shallow waters. But modern technology is overcoming that benevolent separation.

There is also the matter of sideways movements of the water; though we do know that deep ocean currents, moving very slowly, return the water carried in a contrary direction by surface currents such as the Gulf Stream, the Peru Current, the North Atlantic Drift, the West Wind Drift, the Equatorial Currents, and so on. This no doubt explains the astonishing but little-publicized fact that some of the steel drums containing broken test tubes and other laboratory junk dumped in the Atlantic by the AEC were later trawled up by startled fishermen off the coast of Oregon! By what route they had traveled from the Atlantic to the Pacific remains a nagging mystery.

As if this were not enough, in 1969 a study made by Dr. V. T. Bowen of Woods Hole Oceanographic Institution showed that radionuclides falling from the atmosphere after nuclear explosions penetrate the ocean depths "much faster than had been predicted," at least in the North Atlantic.

It is often forgotten that, in addition to plankton, Crustacea, and fish, the ocean supports seaweeds, some of which are of industrial importance. The agar jelly that scientists use to support bacterial cultures is derived from seaweed; if it were radioactive, it would be useless. Strangely enough, it turns out that sodium alginate, derived from seaweed, is able to purge strontium-90 from human and animal skeletons, while leaving the calcium in place. It would be ironical if, as a result of peacetime carelessness about radioactive wastes, we detroyed the only thing that could save lives imperiled by fallout from nuclear weapons employed in war. Nor need we suppose that the kelp might be eliminated simply by direct absorption of radioactivity. For the kelp forests off the coast of California have been degenerating for a quarter of a century as a result of a population explosion among sea urchins, which feed on kelp. The reason for the explosion is unknown, though it seems clear that it is not due to sewage outfalls. The workings of radioactive materials in sea creatures are still mysterious. Thus "hot" clams were found in the Pacific two years after atomic tests—but their radioactivity was due to cobalt-60, a substance not produced in such explosions.

G. G. Polykarpov, a Russian scientist, has shown that quite low levels of radioactivity (0.2 microcurie) seriously affect the development of eggs of various species of fish, causing developmental errors. Polykarpov makes no bones about the implications: ". . . further contamination of sea water is inadmissible."

Fred Singer, an assistant secretary at the Department of the Interior, has calculated that the world-wide oil spillage from freighters, tankers, and oil rigs amounts to about a million tons. But to this we have to add another million tons of waste motor oil, ten million tons of gasoline that has evaporated and that is eventually deposited in the seas, plus a million tons of assorted solvents, making some thirteen million tons of this pollutant in all. Oil is, in some ways, the most damaging of all the half-million pollutants we put in the sea, since it floats on the surface and is not diluted until bacteria have managed to break it up. It also changes the evaporation rate and cuts off light and air from the sea below, rendering the area uninhabitable; tars, of course, are even more persistent.

Crude oil is a complex mixture of products. The aromatic hydrocarbons are known to be acute poisons for man as well as for all other organisms. It was one of the tragedies of the *Torrey Canyon* oil-spill disaster that the detergents used by the British to disperse the oil had been dissolved in low-boiling-point aromatics—which multiplied the damage to marine creatures. The group of hydrocarbons with low boiling points until recently have been regarded as harmless to the marine environment. But it has now been demonstrated that these hydrocarbons, even at low concentrations, produce anesthesia and narcosis, and, at greater concentrations, cell damage and death in a wide variety of lower animals. They also may be especially damaging to larval and other young forms of marine life.

Max Blumer, a senior scientist at the Woods Hole Oceanographic Institution, believes that the long-term effects of low concentrations of oil may be even more damaging and long-lasting than the obvious short-term ones. Many predatory fish find their prey by their sense of smell, while others escape predators by the same means; migratory fish certainly home by a fantastically delicate analysis of the smell of a particular body of water. The amounts of substances detected by olfactory means are incredibly small—a few parts per billion of water. The presence of oil and its associated aromatic fractions completely masks such smells—a thing as serious for the fish as being blinded would be to a man. The fish may also be misled by false cues. "This," says Blumer, "may have a disastrous effect on the survival of any marine species and on many other species to which it is tied by the food chain."

Furthermore, we know little about the effect of oil on the creatures that inhabit the sea bottom. In the ordinary way, oil sinks very slowly, but the use of chalk to sink oil swills often is regarded as better than using detergents. We do not know whether the oil stays where it is sunk, but we do know that it will continue to exist for a long time before bacteria finally consume it. As man exhausts landward oil supplies, he will turn increasingly to undersea sources, so that leaks (like that which caused disaster at Santa Barbara and which continues to flow) will become steadily commoner. Comments Blumer: "If we do not take care of the present biological resources in the sea, we may do irreversible damage to many marine organisms, to the marine food chain, and we may eventually destroy the yield and the value of the food which we hope to recover from the sea."

Blumer's complaint was sparked by a cruise of the Woods Hole research vessel *Chain* to the southern Sargasso Sea. The special nets that were towed to retrieve surface creatures always came up containing numerous lumps of oil tar as large as tennis balls. After three or four hours of towing, the nets were so encrusted with oil that they had to be cleaned with a strong solvent, and sometimes tows had to be cut short for this reason. It was estimated that there was three times as much tar as there was Sargasso weed in the nets.

The emulsifers used to disperse oil spills only make matters worse for shore creatures, since they wet their surfaces enabling oil to penetrate them. Winkles have an inbuilt mechanism for escaping danger, which is to relax their hold and fall into a crevice or pool. Unhappily, when there is oil pollution, this is just what not to do. Detergents disperse the oil over the beaches and into the rock pools, and instead of floating on the surface it becomes dispersed throughout the water, choking the starfish, seaweeds, and shallow-water organisms that would otherwise have escaped. Many types of sea creatures of the kind known as gastropods hatch their young under stones on the shore or in the masses of jelly on the surface of seaweeds. Thus, they suffer badly from an oil spill and may never recover.

When the *Torrey Canyon* ran aground, it was fifteen miles from shore, and the bulk of the oil was lost in the Bay of Biscay. It was detected 250 miles from Land's End; at this point, where the ocean deepens rapidly, it vanished. What would happen if a whole tanker load arrived on a single shore, or, worse, were spilled in an enclosed area like the Milford Haven estuary, beggars the imagination.

Dr. A. Nelson Smith of University College of Swansea, who makes this comment, had studied the Milford Haven estuary, where there have been three major spills since it was opened as an oil port some ten years ago. He found that many Mollusca were totally eliminated in some areas, and decimated in others. When he returned after nine months, some species were showing recovery, but others had gone further downhill. "Most of the seaweeds of the upper shore were simply no longer there," he says. The few large plants which could be seen "were dry, blackened, and obviously dead."

The effect on sea birds is too well known to need describing. And as Lt. Col. C. L. Boyle has said: "The chances of a seriously oiled bird making a complete recovery are still meager." The birds brought to the Slimbridge Bird Sanctuary after the *Torrey Canyon* incident died of enteritis, stress, and pulmonary conditions, and many developed acute arthritis.

With the opening up of a northwest passage to the north shore of Alaska, where a huge new oil field has been found, no doubt some of the ecologically most serious spills of the next thirty years will be in this area. It is substantially closed in by islands—it even has been argued by the Canadians that it should be regarded as inland territorial water. Spills therefore will not be dispersible and necessarily will drift aground on islands and peninsulas, which are among the few large untouched habitats remaining on the planet. Already, during the exploratory voyages in 1969, two vessels have been crushed in the ice and oil has been spilled.

In theory, a system of control of oil pollution exists. The International Convention for the Prevention of the Pollution of the Sea by Oil, set up in 1954 and amended in 1962, attempts this. The body that administers the convention is the Inter-Governmental Maritime Consultative Organization, and in 1969 it held conferences aimed at making control less ineffective: It urged governments to impose stiffer penalties and take other steps to reduce oil pollution. But governments are slow to fetter the freedom of oil companies, as everyone knows.

When the Food and Agricultural Organization discussed ocean pollution early in 1969, Dr. Sidney I. Holt of the FAO staff sadly observed: "Pollutants are increasing almost faster than our ability to get information on them." So alarming was the situation revealed at this conference that the FAO has summoned another, more technical meeting at which experts will pool their information as to the effects of marine pollution on living resources and how to deal with the situation. The meeting is called for December 1970, and a hoped for result is the establishment of a world monitoring system to spot pollution as it occurs and to give more precision to the scope of the problem.

The late Dr. Lloyd Berkner, who was president of the Graduate Research Center of the Southwest, wrote a paper a few months before his death in 1966 drawing attention to the fact that the world's supply of oxygen comes largely from the diatoms, the small free-floating plants which form the basic food of most fish. Earth's oxygen would be used up in 2,000 years if not replenished by the photosynthetic activities of plants—that is the process by which they make sugars from carbon dioxide and water in the atmosphere, a reaction powered by sunlight, giving off oxygen which they have split from the carbon dioxide. Seventy per cent of the new oxygen comes from diatoms, the rest from land vegetation. "If our pesticides should be reducing our supply of diatoms or forcing evolution of less productive mutants," he pointed out, *"we might find ourselves running out of oxygen."* (The italics are Berkner's, not mine.) Since we know that fish are loaded with pesticides, it is absolutely certain that the diatoms are also, for this is how they get into the fish.

As scientists absorbed this shattering notion, it was pointed out that herbicides are effective in destroying phytoplankton, and a little calculation suggested that it would take the shipwreck of only three tankers the size of the *Torrey Canyon* containing herbicide to produce a catastrophe of this magnitude. At present, to be sure, we do not move herbicides around the world on such a large scale, though rather large quantities have in fact been sent to Vietnam to defoliate the jungle.

However, it was not the risk of herbicidal action but of pesticides like DDT which Berkner emphasized. Charles Wurster, Jr., of State University of New York at Stony Brook, has demonstrated that DDT does in fact impede the photosynthesis of plankton. To disrupt this process is to impair the ability of the ocean to manufacture oxygen.

FIFTH ANNIVERSARY OF DISTRICT OF COLUMBIA FOOD STAMP PROGRAM

Mr. McGOVERN. Mr. President, on July 1, 1970, the District of Columbia food stamp program marked its fifth anniversary. At the celebration were five of the original food stamp recipients, who gave personal accounts of

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what the food stamp program has meant to them. I found their remarks a fitting commentary on our present efforts to improve the food stamp program for all who are hungry and in need. I ask unanimous consent that the testimony of one of the participants be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF MARTHA PETTUS, CHAIRMAN, SHAW AREA WELFARE COMMITTEE AND CONSUMERS

My name is Martha Pettus. I am a food stamp user. I am very grateful for the food stamp program as it enables me to buy food without stinting. Before I started with the food stamp program there were many times that I wanted to buy food that I could not afford due to limited funds.

I have been with the program for 2 years. I started out on an emergency basis paying 50¢ for $23.00 worth of food stamps with public assistance pending. When public assistance was granted the cost for food stamps was raised to $38.00 for $64.00 worth of food stamps. That was pretty rough coming from a $140.00 grant as I still had to pay $70.00 for rent in addition to paying for utilities. And sometimes I had to have a little outside help.

But last February there was a change in the program. On the 1st of February, 1970 when I received a certificate for more food for less money I could hardly believe it. It was a God send!

Our slogan is (HHH)—Hit hunger harder and that is exactly what has been done and *will* be done, with *His* grace.

FOOD STAMP CUSTOMERS—BENEFITS FOR FIVE YEARS

Mrs. Geneva Lacewell, 140 57th St. S.E., East Capitol Dwellings. Mrs. Lacewell was the first Food Stamp customer in 1965. She has six children and over the five year period has received $2500 in bonus Food Stamps. Today she pays $96 for $162 worth of Food Stamps. In 1965 she paid $76 for $112 in Food Stamps.

Mrs. Lacewell is a resourceful mother who has raised her family within the limits of the Public Assistance grant and the Food Stamp bonus. Her oldest child is a student at Federal City College.

Mr. and Mrs. Albert Arminger, 4010 S. Capitol Street. Mr. and Mrs. Arminger were greeted by Secretary of Agriculture Orville Freeman and Rep. Leonor Sullivan when the Food Stamp Program began in 1965.

Mr. and Mrs. Arminger live on a combination Social Security payment and supplemental Public Assistance grant. They pay $26 for $56 worth of Food Stamps. At the time the Food Stamp Program began Mr. and Mrs. Arminger paid $32 for $48 in Food Stamps. Their bonus has increased $14 a month and now totals $30 a month in extra food buying power. Over the years Mr. and Mrs. Arminger have received $932 in bonus Food Stamps.

Mrs. Kathleen Huff, 1456 Bruce St. S.E. Mrs. Huff who is 35-years-old was an original Food Stamp customer, transferring from the commodity or "surplus food" program. When her six children were young, Mrs. Huff's family lived on the disability pay granted to her husband Edward. With the help of Food Stamps she was able to manage more food for their six children.

Over the years, Mrs. Huff managed to get training and is now working as an assembler at Control Data. With two incomes the family is no longer eligible for Food Stamps. However, when emergency struck the Huff household in January 1970, Food Stamps again assisted in keeping the Huffs well fed. Mrs. Huff was forced to stop work for several months while she recuperated from an operation. During that time the family was again eligible for Food Stamps and the family was able to meet their nutritional needs in spite of reduced income.

RECOMMENDATIONS OF THE FOOD STAMP ADVISORY COMMITTEE TO THE D.C. SOCIAL SERVICE ADMINISTRATION, DEPARTMENT OF HUMAN RESOURCES

1. All printed material, questionnaires and other literature giving important information on the Food Stamp Program should be stated in simple language accompanied by illustrations when necessary.

2. It is felt by all that there are still many people yet to be reached. According to current estimation, 85,000 more people in the District of Columbia are eligible for food stamps. Communication through written material is good, but unless it is legible and easy to understand, many people do not bother to read it. Some people feel that these programs do not necessarily apply to them and, therefore, do not take the time to try to understand their purposes. *Effective communication* is vital and places a responsibility on the shoulders of each community person. Personal attitudes and appearance, tone of voice and an understanding of the programs all go to establishing good rapport between client and worker. There must be careful screening and training of personnel who serve the food stamp customers.

3. *There must be more communication between agencies that are providing related programs.* All workers concerned with the food stamp program must meet regularly to exchange ideas and to share experiences to facilitate better services to clients.

4. The Food Stamp program should be carefully explained to the clients by the worker.

5. Better communication between staff and community workers must be established because all people involved can contribute valuable information concerning a client.

6. The Food Stamp program must be better publicized through community organizations to prevent misunderstanding of purpose and benefits that would help a client and discourage him from participating. Door-to-door canvassers should be increased and more effective use of the radio, press and television to promote the program.

7. Regulations must be changed in order to take care of crisis situations.

8. Food Stamp legislation, currently being prepared, should include special foods for dietary needs and household items for health and sanitation.

9. There should be established nationwide banking facilities for food stamp users which will allow them to use any services provided by the bank.

10. Legislation should be enacted to provide services to senior citizens who are in such categories as disabled, social security and veterans benefits.

11. Recommendation that a self-declaration type application for non-public assistance household, which will replace an interview with a certification officer.

12. That other outlets for dispensing food stamps such as, post offices, restaurants and branch or neighborhood housing developments be used.

13. Food Stamp clients be furnished identification cards with their photographs imprinted for use in cashing checks and for other needs.

14. Additional food services to the aged for Department of Agriculture and Social Security Administration to consider: Meals-on-Wheels; Low-cost Restaurant Meals and use of food stamps to purchase these meals: (Suggestion made that a sandwich in a bag could be provided for the person to take home for evening snack.)

15. *Co-op Buying by Low-Income Families;* Emergency Food Centers in all areas of the city; and Priority-need of some provision for wide-spread educational program. This program would include recipes, discussion groups, food demonstrations and consumer education.

16. There must be some restructuring of Civil Service Regulations to include persons who are not college graduates, but have practical experience which qualifies them in interviewing.

TRIBUTES TO MEMBERS OF AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. MURPHY. Mr. President, one of California's most distinguished citizens and noted educators, Dr. J. E. Wallace Sterling, has resigned the chairmanship of the American Revolution Bicentennial Commission after completing an extraordinarily successful year of work in bringing to fruition the organizational and operational structures of the Commission which is in charge of the commemoration of our Nation's 200th year of freedom in 1976.

Dr. Sterling, who agreed to serve 1 year, will now be able to devote more time to research and writing. He was president of Stanford University for 19 years. However, the President has prevailed upon Dr. Sterling to still serve as Chairman Emeritus of the Commission. I ask unanimous consent that the biography of Dr. Sterling be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, during the past year the American Revolution Bicentennial Commission has, among many other accomplishments, submitted a comprehensive report of its suggestions and recommendations to the President. It has been published as Senate Document 91–76. The number "76," Mr. President, is symbolic of the past when we declared our freedom in 1776, and also of the future, particularly, 1976. The Commission report, which the Congress ordered when it created the Commission, met widespread commendation and probably the least amount of criticism of any recent reports by Commissions.

The Commission and its staff have been tremendously helpful in encouraging the organization of 50 State bicentennial commissions or similar bodies. Scores of local commissions also have been established.

Under Dr. Sterling's chairmanship an executive director, M. L. Spector, has been named. His ability and creative imagination provide proper staff leadership. I ask unanimous consent, Mr. President, that Mr. Spector's biography, taken from the latest edition of "Who's Who," be placed in the body of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MURPHY. Mr. President, also, under Dr. Sterling's chairmanship, a former businessman and former head of the tremendously successful 200th anniversary of San Diego was appointed as deputy director. He is Hugh A. Hall, and, of course, we in California are proud of contributions in this regard. Mr. Hall provides the necessary practical hand to a gifted staff. I ask unanimous consent, Mr. President, that the biography of Mr. Hall also be placed in the body of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MURPHY. Mr. President, the Commission staff provides a kaleidoscope of American citizenry from all across the land. Mr. Robert R. Rose of Oklahoma is a visual information and motion picture expert; from Illinois there is Mrs. Edith I. Scribner, assistant for research and international affairs; Miss Judy A. Moy from Washington, D.C., assistant executive secretary; Mrs. Marie Z. Garlock from Wisconsin, assistant to the deputy director; Mrs. Margie S. Baker of Ohio, assistant to the director of policy and planning; Leon Coates of Washington, D.C., operations manager and his assistant, Mr. Joseph S. Harris, also of Washington, D.C.; Miss Jean E. Boyer, assistant to the administrative officer, from Pennsylvania and Mr. Joseph A. Bruno, assistant legislative information director.

In conclusion, I should like to observe that the new Chairman, David J. Mahoney, just appointed by President Nixon, may have a New York address but he comes from California. It is obvious from my observations, Mr. President, that the entire Nation is to be a part of this Commission and also is a part of its small staff.

I ask unanimous consent that the biography of the new Chairman, Mr. Mahoney, also be presented in the body of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

EXHIBIT 1

BIOGRAPHY OF JOHN EDWARD WALLACE STERLING

Dr. J. E. Wallace Sterling, Chairman of the American Revolution Bicentennial Commission, is chancellor of Stanford University.

Beginning his academic career in 1927 as a lecturer in history at Regina College, Saskatchewan, he successively served and taught at the University of Alberta, Stanford, California Institute of Technology, the National War College and Huntington Library and Art Gallery before being named president of Stanford in 1949. Dr. Sterling held the latter post until 1968 when he was appointed chancellor.

Born 1906 in Linwood, Ontario, Canada, he received his A.B. degree in 1927 from the University of Toronto, an A.M. from the University of Alberta in 1930 and a Ph.D. from Stanford in 1938. Dr. Sterling was naturalized as a citizen of the United States in 1947. A former trustee of the Asia Foundation and a member of the Ford International Fellowship Board, Dr. Sterling has been decorated by the governments of the Federal Republic of Germany, France, Great Britain and Japan for "promoting international goodwill" and for his "successful efforts in promoting the development of educational and cultural relations" between the United States and other nations.

EXHIBIT 2

Spector, Melbourne Louis, fgn. service officer; b. Pueblo, Colo., May 7, 1918; s. Joseph E. and Dora (Bernstein) S.; B.A, with honors, U. N.M., 1941; student Nat. Inst. Pub. Affairs, 1941; m. Louise Vincent, Nov. 23, 1948; 1 son, Stephen David. Intern, U.S. Bur. Indian Affairs, 1941; personnel asst. Office Emergency Mgmt., 1941–42; chief classification div. War Relocation Authority, 1942–43; employment officer UNRRA, 1945–46; pvt. employment, 1946–47; personnel officer Dept. State, 1947–49; dep. dir. personnel ECA, Marshall Plan, Paris, 1949–51, dep. dir., acting dir. personnel Econ. Administrn., Mut. Security Adminstrn., FOA, 1951–54; asst., dep. dir., Mission to Mexico, ICA, 1954–57, acting dir., 1957–59; chief C.A. and Caribbean div., Office Latin Am. Operations, 1959–61, acting dir., dir. Office Personnel Mgmt., 1961–62; exec. dir. Bur. Inter-Am. Affairs, Dept. State, 1962–64; counselor for adminstv. affairs Am. embassy, New Delhi, India, 1964–66; seminarian sr. Seminary Fgn. Policy. Dept. State, 1966–67, Mem. Am. Soc. Pub. Adminstrn., Phi Kappa Alpha, Phi Kappa Phi. Home: 6414 Bannockburn Dr., Washington 14. Office: Fgn. Service Inst., Dept. State, Washington. 1967–69: Executive Director, US Section US-Mexico Commission for Border Development and Friendship; 1969: Present, Executive Director, ARBC.

EXHIBIT 3

HUGH A. HALL

Born in Durham, North Carolina, September 23, 1926. Served in U.S. Navy Supply Corps in South Pacific during World War II; outside sales manager, Motor Supply Company, 1945–48; Executive Vice President, Schuler & James, Inc., of Los Angeles, Phoenix, and San Francisco, 1948–53; Marketing and Sales Manager, Hetzel Brothers, Los Angeles, 1953–54; President, San Diego Pacific, Inc., 1955–68; Celebration Director, San Diego 200th Anniversary, while serving also as an advisor and consultant to the American Revolution Bicentennial Commission, the California Bicentennial Commission, the Monterey Bicentennial Commission, the Wichita Centennial Celebration, and the Gothenberg, Sweden 350 Anniversary, 1968–1969; appointed Deputy Executive Director of the American Revolution Bicentennial Commission, December, 1969.

Married Elaine Hakala, February 23, 1947; son Stephen, 22, attending San Diego State College, and daughter, Linda, 19, attending the University of California, San Diego.

From 1958–68 was member, Committee chairman, and then Vice President of the San Diego Chamber of Commerce, including Chairman of "Try San Diego First" Committee and Campaign; Chairman of the Transportation Committee; Chairman of the Chamber of Commerce Campaign for the San Diego Stadium Bond issue; Chairman of the Highway Committee; Co-chairman of the "Citizens for Better Buses;" President of the San Diego County Highway Development Association.

Was campaign manager for County Supervisor Robert C. Cozens in 1960–62–66; member Republican State Central Committee of California; charter member Republican Associates of San Diego; Chairman of the Republican 76th Assembly District; Chairman for northern San Diego campaign for Robert Finch for Lieutenant Governor.

Received Chamber of Commerce's Most Successful Committee Chairmanship Award three times and also Governor Reagan's Outstanding Citizenship Award, 1968.

EXHIBIT 4

DAVID J. MAHONEY

David J. Mahoney, 47, is Chairman of the Board and President of Norton Simon Inc., a diversified company.

Mr. Mahoney had served as president and chief operating officer since the consolidation of Canada Dry Corporation, Hunt Foods and Industries, Inc., and McCall Corporation into Norton Simon Inc., in July 1968. Previously he was president and chief executive officer of Canada Dry Corporation, which he joined on December 1, 1966. Before joining Canada Dry, he was executive vice president and a director of the Colgate-Palmolive Company and, earlier, president of Good Humor Corporation.

Mr. Mahoney was born in New York City on May 17, 1923, and was graduated from LaSalle Military Academy.

World War II interrupted his education at the University of Pennsylvania. After service as an infantry officer, he began a career in advertising in 1946 as a mail clerk with Ruthrauff & Ryan in New York City, and commuted nights to Philadelphia to complete the requirements for a degree at the University's Wharton School of Business. He received his degree there in 1947, and became an agency vice president two years later.

In 1951, Mr. Mahoney established his own advertising agency with such accounts as Virginia Dare, Noxzema Chemical, White Rock Corporation and Good Humor Corporation. In 1956, he sold his agency to accept the presidency of Good Humor. Five years, later, he became executive vice president of Colgate-Palmolive.

Mr. Mahoney is a member of the Young Presidents' Organization. His current directorships include Continental Airlines, Diners' Club, The May Department Stores Co., Metromedia, Inc., and Boys Harbor, Inc. He is Chairman of the Board of Trustees of the American Health Foundation; is Chairman of the Industry Committee of the President's Commission on Health, and Chairman of the President's Committee on Personal Interchange.

In October 1969, he was named "Marketing Statesman of the Year" by the Sales Executives Club of New York, "for his courage to innovate, his emphasis on marketing strategy, and his willingness to accept change in today's business climate." In February 1970, he was honored with the "Man of the Year" award of the Western States Advertising Agencies Association, "for his outstanding leadership and achievements in the fields of advertising and marketing, and his dedication and contributions to worthwhile activities in the community."

Mr. Mahoney is married, has two children, and lives in New York City.

STATEMENT OF AMBASSADOR PHILLIPS BEFORE UNITED NATIONS SEABED COMMITTEE

Mr. PELL. Mr. President. I have just received a copy of Ambassador Phillips' opening statement before the United Nations Seabed Committee, which is meeting throughout this month in Geneva, Switzerland.

The Ambassador's statement, based on President Nixon's announced oceans policy of May 23, signifies the first real breakthrough on this issue in more than 3 years of debate, quarreling, and downright squabbling, and I think we can all take a good deal of pride in the fact that it was the United States that came forward to break the log jam by putting all of its cards on the table in the form of a Draft United Nations Convention on the International Seabed Area.

In presenting this proposal to the 42-nation U.N. Committee, Ambassador Phillips summed up the administration's intention in the following way:

> We realize that this Draft Convention represents an essentially new and bold departure in the law of the sea; this was intended."
>
> We realize that the Draft Convention for the first time will place the exploration of resources of great potential value under continuing and comprehensive international regulation; this was intended."

XUM

We realize that this Draft Convention would, for the first time in the history of mankind, assure that benefits from the exploitation of resources will be equitably divided, regardless of the advantages of technology or geography enjoyed by any State; this too was intended.

Mr. President, although there have been a number of attempts to raise doubts about the status of this treaty proposal, I think Ambassador Phillips' statement correctly serves to undercut these attempts and to dispel any doubts that may still be fluttering about.

I commend the Ambassador's statement to the Senate, and ask for unanimous consent that the complete text be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Ambassador Christopher H. Phillips

Mr. Chairman:

I am very happy to address the Seabeds Committee today in Geneva, because I am optimistic that the Seabeds Committee will be able not only to complete successfully the immediate tasks before it, but that it will make substantial progress toward the fulfillment of the broad responsibilities entrusted to it by the General Assembly.

Last June in New York, and just this past week in Geneva, an Informal Drafting Group met in order to reach a consensus on draft principles regarding the seabed beyond the limits of national jurisdiction. Provisional agreement has already been reached on certain principles. Furthermore, it appears that we are on the road to reaching agreement at this session on a complete and balanced statement of principles to be submitted to the General Assembly, in accordance with its instructions, for consideration and hopefully adoption at its 25th anniversary session.

In addition, the Committee has made progress over the last two years in the consideration of alternative forms of regime and machinery. It is our hope that the Committee can begin to narrow and refine the choices available. In this spirit, it is our view that the time for detailed and comprehensive proposals has arrived.

Mr. Chairman, you will recall that President Nixon promised on May 23, 1970 that the United States would introduce at this session of the United Nations Seabeds Committee specific proposals elaborating on the contents of his May 23 statement. It is a great honor for me to submit today to this Committee, for distribution and discussion as a working paper, a Draft United Nations Government hopes that this Draft Convention will make a significant contribution to the modernization of the international law of the sea, that it will serve the interests and needs of all mankind, and that it will promote rational and sensible use of the marine environment for the future.

We realize that this Draft Convention represents an essentially new and bold departure in the law of the sea; this was intended.

We realize that the Draft Convention for the first time will place the exploitation of resources of great potential value under continuing and comprehensive international regulation; this was intended.

We realize that this Draft Convention would, for the first time in the history of mankind, assure that benefits from the exploitation of resources will be equitably divided, regardless of the advantages of technology or geography enjoyed by any State; this too was intended.

This Draft Convention was prepared after a painstaking examination of relevant national and international interests, with particular reference to the work of the Committee. Virtually all of the Convention, both in concept and in detail, is based upon various reports of the Secretary-General and the reports and discussions of the Committee and its Subcommittees.

We realize that we cannot alone judge whether these efforts have been successful. The Draft Convention deals with many questions which should receive further detailed examination by the Committee and its Subcommittees. We recognize that this Draft Convention is a further step in a negotiating process; it is our hope that the other members of the Committee will find it a significant step which enhances the prospects for agreement on principles, an international regime and international machinery. It is also our hope that at this session, and particularly at future sessions, after ample opportunity for reflection, the Committee will undertake the task of improving the Draft Convention in order that it may ultimately represent, not the work of one delegation, but of all.

The Draft Convention speaks for itself. However, I would like to highlight some of its provisions:

It provides that the International Seabed Area shall be the common heritage of all mankind. This area would begin at the 200-meter isobath.

It provides that no state has, nor may it acquire any right, title, or interest in the International Seabed Area or its resources except as provided in the Draft Convention. It is this provision which gives effect to President Nixon's call for a treaty renouncing national claims beyond 200 meters, with the new Draft Convention replacing the Continental Shelf Convention beyond this limit.

It would assure that the International Seabed Area will be open to use by all States and reserve it exclusively for peaceful purposes.

It would guarantee that revenues will be devoted to the economic advancement of developing countries and provide for some of these revenues to be used in the promotion of international knowledge and technological capability concerning the safe and efficient use of the marine environment.

It would assure accommodation of the different uses of the marine environment.

It would assure that all activities will be conducted with strict and adequate safeguards for the protection of human life and safety and the marine environment. A large number of the regulatory provisions of the Convention are designed to prevent pollution; for example, all deep drilling requires either a license or a special international permit.

It provides uniform rules of both a general and detailed character concerning exploration and exploitation of all seabed resources beyond the 200-meter boundary. Many of the general rules are contained in the main section of the Draft Convention, and the specific rules are contained in appendices which form an integral part of it. These rules are designed to ensure that on the one hand maximum revenues for international community purposes will be derived from exploitation of marine resources and, on the other hand, to ensure a favorable climate for investment.

It would provide for a coastal State Trusteeship in the area beyond the 200-meter boundary embracing the continental margins. While we have not indicated a precise seaward limit for the area of the coastal State Trusteeship responsibilities, we believe it should be fixed taking into consideration, among other factors, ease of determination, the need to avoid dual administration over single resource deposits, and the avoidance of including excessively large areas in the International Trusteeship Area. The Draft Convention proposes to use a gradient formula as a means for determining this boundary.

It would establish the rights and responsibilities of the Trustee State. These include assuring compliance with the rules of the Draft Convention as well as the applicable rules of the International Seabed Resource Authority, and guaranteeing the Trustee full discretion to decide whether, how, and to whom licenses should be issued for the exploration and exploitation. It would allow the Trustee Party to keep a portion of the required payments and any others it imposes on exploration and exploitation. A figure between one-third and one-half is suggested. The discretion of the Trustee to decide who may explore and exploit seabed resources in the International Trusteeship Area is the only exception to the requirement of the Draft Convention that the entire area beyond 200 meters be open to use by all States on a non-discriminatory basis.

Over half of the Articles of the Draft Convention are devoted to the powers and duties of a new international organization called the International Seabed Resource Authority.

The International Seabed Resource Authority would have several important functions. They include comprehensive rule-making authority beyond the 200-meter boundary; functional responsibilities including inspection of all licensed activities in the same area; licensing responsibilities beyond the Trusteeship Area; adjudication of all disputes arising under the Draft Convention, with special procedures for approving the delimitation of all boundaries required by the Draft Convention.

The principal organs of the International Seabed Resource Authority would be an Assembly composed of all Contracting Parties, a balanced Council composed of 24 Contracting Parties, and an independent Tribunal. Three Commissions have been included to deal with rule-making, operations such as licensing, and boundaries.

The International Seabed Resource Authority would have the responsibility for promulgating its rules in the form of Annexes to the Convention. The Annex-making procedure will ensure flexibility and ease of rule-making in order to assist the Authority in adapting to developing technology.

Since there would be a renunciation of existing rights when the Convention enters into force, rather than at present, the Draft Convention provides for due protection of the integrity of investments made prior to that time. In addition to protecting the integrity of investments, the transition clauses have been designed to avoid either discouraging exploration and exploitation or encouraging a speculative race for concessions and, at the same time, to assure that the international community will be protected if interim licenses are issued under terms and conditions not in accordance with the provisions of the ultimate Convention.

Mr. Chairman, I referred at the opening of my remarks to the progress being made on principles and on regime and machinery. Our introduction of the Draft Convention at the beginning of this session is intended to help the process of reaching agreement on principles at this session and to contribute to the planned discussion of regime and machinery at this session. In our future discussion of the various items on the agenda for this session, it is our intention to draw upon and elaborate on the provisions of the Draft Convention we have submitted today. For example, the Draft Convention contains basic principles which reflect the work of this Committee on a Declaration of Principles, and of course shows how the Declaration might be applied. The principles in the Draft Convention are not, however, intended as a substitute for the principles being developed for the Declaration.

In summary, Mr. Chairman, it is our hope that you and the members of the Committee will find the submission of this Draft Convention elaborating on President Nixon's proposals a timely and useful contribution to the present and future work of the Committee.

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VETO OF EDUCATION AND HUD BILLS

Mr. THURMOND. Mr. President, I wish to commend President Nixon for exercising the Executive prerogative of veto with regard to the Education and HUD appropriation bills. Excessive congressional generosity exhibited in these two bills exceeded budget recommendations by nearly $1 billion. A great deal of time, study, and expertise went into the determination of the Presidential budget recommendation, yet the Democratic-controlled Congress disregarded this sound thinking and piled on additional appropriations far in excess of this recommendation.

Mr. President, this excessive spending would not have been in the best interest of the American people. President Nixon has pledged to curtail the inflationary spiral in which he found the economy, and these vetoes are examples of his attempts to live up to this pledge.

Mr. President, during an election year it is very easy to go along with more and more spending, even though such acts adversely affect the Nation's economy in the long run. The Democrat political strategy is clear. They woo their constituencies by running up high Government spending, then attack the Republican administration for not stopping inflation.

Mr. President, the liberal element in Congress believes that every problem can be solved by levying higher taxes and spending more money. This fallacious reasoning has led the country into the serious economic difficulties we are now experiencing. They refuse to see the connection between ever-increasing Government spending and the inflation of our economy. It should be clear to all by now that excessive and unwise spending creates more and bigger problems rather than it provides solutions.

Mr. President, I wish to again commend President Nixon for this act of true statesmanship and responsible leadership, and I pledge to support his decision by voting to sustain these vetoes, should the opportunity arise.

Mr. President, I ask unanimous consent that an article published in the Washington Post of August 12, 1970, describing the President's actions, be printed in the RECORD. I also ask unanimous consent that the text of the President's veto statement, published in the same edition of the Washington Post, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CHALLENGES CONGRESS ON OUTLAYS

(By Carroll Kilpatrick)

President Nixon challenged Congress on the "big spending" issue yesterday with a sharp veto of both the $4.4 billion education appropriations bill and the $18-billion Housing and Urban Development appropriation.

The double veto, hard on the President's earlier veto of the hospital construction measure, which Congress easily overrode, emphasized again the developing campaign issue of spending and inflation.

Appearing before television cameras, the President said that if he were to sign the two bills "I would be saying yes to higher prices, yes to higher interest rates, yes to higher taxes."

But, he said, he was vetoing the measures, which would add nearly $1 billion to his budget recommendations, and "saying no to bigger spending and no to higher prices in the interest of all the American people."

Democrats immediately criticized the President's action and prepared to override the vetoes. They appeared to be confident they could override the education bill veto but less certain that they could override the veto of the HUD bill, which also contains funds for NASA and other independent agencies.

The House will take up the proposals to override both vetoes Thursday.

The education bill won congressional approvale by a vote of 357 to 30 in the House and 88 to 0 in the Senate. The HUD bill was approved by the House on a voice vote and in the Senate by 70 to 8.

Administration officials early this week said that the President would allow the education bill to become law without his signature.

However, White House Press Secretary Ronald L. Ziegler said yesterday it would not be proper to say that the President changed his mind.

He said that after studying the two bills last weekend at Camp David the President held an extensive discussion yesterday with Republican congressional leaders, then met with his budget advisers before making a final decision in the afternoon.

Mr. Nixon argued that in both bills his original proposals were "generous," but he said that the larger appropriations Congress voted were "a threat to every American's pocketbook."

He said he knew it was "tempting" in an election year "to say yes to every spending bill." But he maintained that it was the responsibility of the President "to weigh the interests of all the people" while Congress "understandably is sometimes affected by proposals that would benefit some of the people."

The President said that his original request for urban development was "double" the amount proposed in the last Johnson administration budget and that his request for Office of Education funds was 28 per cent higher.

Yet Congress voted even more than he had asked, he said—$514 million more for HUD and $453 million more for education.

In his veto message, Mr. Nixon said that he was "determined to hold the line against a dangerous budget deficit. I am determined to hold the line against the kind of big spending that would drive up prices or demand higher taxes.

"I flatly refuse to go along with the kind of big spending that is wrong for all the American people."

After the President's June 22 veto of the $2.8 billion hospital construction bill, the House overrode it by a vote of 279 to 98 and the Senate by 76 to 19, both substantially more than the necessary two-thirds.

The education measure the President vetoed provided $551 million for federally impacted school districts, $1.8 billion for elementary and secondary education, $967 million for higher education, $75 million for emergency school aid to school districts involved in desegregation moves, and other educational assistance.

Congress added substantial sums to all of the above educational programs except for the emergency school aid to desegregating schools, which was cut in half from Mr. Nixon's $150 million request.

The HUD measure provided for a variety of agencies, including $3.2 billion for NASA, $9 billion for the Veterans Administration, $3.6 billion for HUD, and $513 for the National Science Foundation.

Congress cut slightly the President's request for NASA and the Veterans Administration and increased by more than half a billion the funds for HUD, mainly for urban renewal. It cut the President's request for the rent supplement program.

The President will sign the postal reform bill in a ceremony at 9:30 a.m. today in the Post Office Department.

NIXON ON VETO: "PAINFUL, BUT NECESSARY"

(NOTE.—Following is President Nixon's message to the House of Representatives on the education and independent offices appropriations bills).

To the House of Representatives:

I return herewith, without my approval, H.R. 16916, an Act making appropriations of the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

To the House of Representatives:

I return herewith, without my approval, H.R. 17548, an Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

I am determined to hold the line against a dangerous budget deficit.

I am determined to hold the line against the kind of big spending that would drive up prices or demand higher taxes.

For that reason, I am today returning, without my approval, two bills the Congress has passed that would increase the federal budget deficit by nearly one billion dollars.

1. The Independent Offices Appropriations bill, which includes funds for urban development, exceeds my budget request by $541 million. I am mindful of the urgent needs of our cities, which is why my original request for urban renewal, water and sewer grants and housing subsidies was *double* the outlays in the last fiscal year of the previous administration.

I am vetoing this bill because it would help drive up the cost of living, harming the people it is most designed to help. This kind of excessive spending would also help cause the kind of huge deficits that drive up interest rates, which would make it impossible to speed the recovery of the housing industry.

2. The appropriation for the Office of Education is $453 million over my budget request.

My request would have produced 28% more spending than in the last fiscal year of the previous administration.

My budget asked $3.97 billion for the educational purposes covered by this bill—an increase of $972 million in spending over Fiscal 1969. In addition, I have committed myself to ask the Congress for an extra $350 million to fully fund the school desegregation program as soon as the Congress provides authorizing legislation.

This is only part of what the federal government provides for education programs generally. *Total* spending on federally supported education programs will reach nearly $12 billion in 1971, the highest figure in history and substantially more than was provided for 1969. Thus the question is not one of cutting the present level of school funds. It is not even one of whether to increase school funds. It simply is a question of how *much* they are to be increased—and for what purposes.

Last March I stressed the urgent need for wide-ranging reforms in federal aid to education. This bill raises the spending on old approaches that experience has proved inadequate, rather than moving boldly on the new approaches that we need—and it cuts requested funds for such forward-looking programs as dropout prevention, educational opportunity grants and research.

My veto of these bills is painful, but necessary to hold down the rising cost of living.

We cannot have something for nothing. When we spend more than our tax system can produce, the average American either has to pay for it in higher prices or in higher taxes.

At election time it is tempting for people in politics to say "yes" to every spending bill.

If I were to sign these bills that spend more than we can now afford, I would be saying "yes" to a higher cost of living, "yes" to higher interest rates, "yes" to higher taxes.

I flatly refuse to go along with the kind of big spending that is wrong for all the American people. That is why I must veto these bills which add an extra billion dollars of pressure on prices.

Taken individually, there is much that can be said in favor of every spending bill, including the ones I have vetoed.

But a President, is not elected to see any one bill in isolation. He must see them as part of a whole, because his constituency is 200 million Americans.

Acting in the best interest of the nation as a whole, and concerned with the average family struggling to make their incomes meet rising prices, I have drawn the line against increased spending.

I urge the Congress to reconsider the spending course it has taken, and to place first priority on achieving our goal: a healthy economy, expanding through peacetime activities, with reasonable price stability.

THE ONSLAUGHT OF FOREIGN SHOES CONTINUES

Mr. McINTYRE. Mr. President, the figures on shoe imports for the first half of this year are in. The statistics contain no great surprises, but illustrate the simple fact that foreign manufacturers are slowly driving many of our domestic shoe companies out of their own national market and into bankruptcy.

If this onslaught of cheaply made foreign shoes is allowed to continue, one of this Nation's oldest and most important industries will soon disappear. The only hope for saving this vital industry is by passing legislation to stem the inflow of foreign footwear. My bill, S. 3723, does just that—it would protect our domestic manufacturers without unduly restricting the future increase of imports.

I ask unanimous consent to have printed in the Record the news release from the American Footwear Manufacturers' Association, which spells out quite clearly the plight of our shoe industry.

There being no objection, the news release was ordered to be printed in the Record, as follows:

AMERICAN FOOTWEAR MANUFACTURERS ASSOCIATION, INC.,
August 7, 1970.

SHOE IMPORTS—FIRST HALF 1970

The American Footwear Manufacturers Association announced today that with half the year over, a total of 133,160,000 pairs of non-rubber footwear have been imported into this country—an increase of 22.9% over the first six months of 1969.

The value of imports for the first six months in 1970 amounted to $233,155,000—a 31.3% increase over 1969. A breakout by specific categories of footwear clearly shows the impact that imports are having on domestic production:

LEATHER AND VINYL FOOTWEAR, BY TYPES 1ST 6 MONTHS PERCENT CHANGE 1970/1969 (PAIRS)

[In percent]

	Domestic production (down)	Imports (up)
Men's and Boys'	2.3	27.6
Women's and Misses'	5.9	20.9
Children's and Infants'	22.1	16.1
Total nonrubber footwear	4.6	22.9

AFMA's estimate earlier this year of a total of 233,000,000 pairs of imported footwear for 1970 now appears to have been a conservative one.

Last March AFMA said that imports "were capturing more than their already unfair share of the market", and last month the association president, Mark Richardson, said "the bombardment of imports obviously has not ceased." Now that half of the year is over the only change AFMA sees is, not really a change, but rather a continuance of the bleak story they have been telling:

1. Imports are not slowing down. The monthly average is maintaining a high 22,200,000 pairs—almost 4,000,000 pairs more a month than in 1969.

2. The value of imported footwear has increased 31.3% over the same period last year, which means that at the retail level the American consumer has paid almost $900,000,000 for footwear from abroad.

3. All of this means a loss for domestic production, a loss of sales to the retailer, a loss of jobs (according to B.L.S. the first five months of 1970 showed a loss of more than 8,300 jobs when compared to the same period in 1969), and more factory closings.

Historically, the decade of the sixties was a very good one for imports. They grew from a mere 4.2% of total supply (domestic production plus imports) in 1960 to 12.3% in 1965, and in 1969 when domestic production reached its nadir for the decade (581,000,000 pairs), imports gobbled up 25.2% of the total market.

Now that the U.S. is half way through 1970, the first year of a new decade, shoe imports already account for 31.4% of the total supply. It is obvious, according to AFMA, that imports will capture more than one-third of the total market this year, and projecting to 1975, may very well capture 50%.

TIDAL WAVE OF COMMERCIAL DEVELOPMENT THREATENS TO ENGULF AMERICA'S COASTLINE

Mr. YARBOROUGH. Mr. President, the American people are in danger of forfeiting their access to our Nation's extensive seashore areas. They should awaken to the danger posed to this great recreational resource by private greed. As any citizen of the Nation's Capital who has recently visited the 35-mile stretch of beach between Ocean City, Md., and Lewes, Del., can attest, our once uncluttered beaches are being engulfed in a tidal wave of private and commercial development.

As the author of the Senate version of the National Open Beaches Act (S. 3044), I have long advocated the preservation of America's coastline for the enjoyment of the average American citizen. Such recreational areas are becoming more desperately needed every day. I am hopeful that hearings will soon be held on my bill before the Senate Interior and Insular Affairs Committee in the interest of guaranteeing the public's right of access to our beaches. In 1962, I was successful in my efforts to create a national seashore at Padre Island, Tex. This is one of only five such areas in the entire United States, and could have easily become just another garish beach resort. Texas is fortunate to be one of only two States with an open beaches law guaranteeing the use of the shoreline by the public.

The leading advocate of a National Open Beaches Act in the House is my colleague in the Texas delegation Representative Bob Eckhardt. I fully support his efforts and agree with his assertion that—

> The beaches of the United States are a heritage of all the people of the entire United States. Both the present and the future generations of Americans should have the right to the enjoyment of this most important natural resource.

Mr. President, I commend the editors of U.S. News & World Report for its publication, and ask unanimous consent that the enlightening article entitled "The Battle for America's Crowded Coastline," published in the August 10, 1970, issue of U.S. News & World Report, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE BATTLE FOR AMERICA'S CROWDED COASTLINES

PAWLEYS ISLAND, S.C.—This tiny resort of frame houses overlooking a broad Atlantic beach doesn't look like a battleground.

Children build castles on the uncrowded strand as the surf rolls in, and egrets—graceful, long-legged birds—doze undisturbed in the salt mashes.

But it is here that one of the fiercest fights ever waged over land use along the Atlantic Coast is gaining momentum.

Arrayed against each other are land developers and conservationists. They consider the fight the forerunner of many that may shape the future of 5,000 miles of coast along the Atlantic and Pacific oceans between the Canadian and Mexico borders.

Key to conflict. At issue is whether the growing trend toward "urbanization" of the coastlines—through housing tracts, high-rise apartments, motels and factories—will be allowed to continue at the present fast pace.

Says Thomas W. Richards, president of the Washington-based Nature Conservancy, a conservationist group:

"We'll wind up with a city 1,500 miles long and six blocks wide along the coast from Boston to Miami if we don't watch out. And the same thing is happening along the Pacific Coast from San Francisco to the Mexican border and on some parts of the Gulf Coast."

Concern over the rapid urbanization of once-wild stretches of shoreline is also being voiced at high levels of the U.S. Government. The White House-appointed Commission on Marine Science, Engineering and Resources recently reported that pressures on shoreline space have mounted dramatically over the past 20 years and are certain to increase.

This Commission says that reasons for the assault include "the shift of the population from rural areas to the cities—the nation's seven largest metropolitan areas are on the Great Lakes or the seacoast—the spread of suburban development into coastal areas, and the increased affluence and leisure time of a large part of our population."

Disturbing factors. Among developments causing concern:

Estimates are that 57 per cent of the U.S. population will live in the 21 States on the continental coastlines by 1985. About 40 per cent of U.S. factories are presently located in coastal counties.

A Department of the Interior survey shows that most of the nation's estuaries along the Atlantic and in Oregon, Washington and California "have been modified more or less severely by man's activities." California's estuaries are considered the most drastically affected.

In the past 20 years, 27 million acres of important fish and wildlife habitat in U.S. estuaries have been destroyed, according to the Wilderness Society.

The shoreline available to the general public is shrinking fast. A U.S. Government study indicates that "90 per cent of this limited, highly desirable recreation source is in private control, about 5 to 7 per cent is in

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public recreation areas and about 3 per cent is in restricted military areas."

Much of the Pacific Northwest and Alaska coastlines and some smaller areas of the Atlantic and Gulf coasts are still undeveloped. But conservationists warn that signs point to rapid development in some of those areas, too.

Says the National Park Service:

"Almost every attractive seashore area on our Atlantic and Gulf coasts has been preempted for commercial or private development. Only a fraction of our long seacoast is left for public use, and much of this small portion is rapidly disappearing before our eyes."

Saving the seashores. Conservationists consider the situation so alarming that they are taking unprecedented steps to ensure the right of the general public to the shoreline.

Some groups, such as the Nature Conservancy, have arranged through benefactors for the purchase of millions of dollars' worth of seashore property. This privately supported organization devotes its entire resources to the preservation of undeveloped land rich in plant and animal life.

Other conservation organizations, including the Sierra Club, encourage the protection of primitive areas through such means as lawsuits, presentation of their views before government bodies and massive publicity campaigns.

The result is that tens of thousands of Americans are actively participating in the conservation movement, exerting pressures that were scarcely felt 10 years ago.

Among the first to feel the conservationists' bite have been landholders and developers along the coastlines. They are discovering that zoning boards and county councils, which once routinely approved proposals for landfills, apartments and factories, are now turning down many such requests.

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A prime example. The battle over Pawleys Island typifies the change that is taking place all along the U.S. coastline. Here the owner of a 90-acre tract of marshland, Dr. Harry Tiller, wants to dig a canal and fill in part of his wetlands for sale as housing lots.

Dr. Tiller says he has invested more than $35,000 in this land, and believes he could sell the property—if developed—for as much as 1 million dollars. He says the project would be an asset to the area, and that he is surprised at the furor his proposal aroused.

"For some reason," Dr. Tiller says, "all hell broke loose when people found out I was getting a permit to put a canal through this Pawleys Island marsh. Now, as far as I'm concerned, I've invested too much money in the thing to back out of it because some people don't like what I'm doing."

Opponents of the project argue that filling the marsh would destroy breeding grounds for birds and fish, and would radically alter the character of Pawleys Island.

"A quiet place." We don't want to become another honky-tonk beach resort," says Linwood Altman, president of the Pawleys Island Civic Association. "We want our community to stay a quiet, family-type place."

Mr. Altman and other area residents—the association claims it is backed by "99.9 per cent" of the community—believe the outcome of the case will be a landmark. He says:

"If this goes through, it will set the stage for complete development of all marshlands along the coast. This should be a warning to all Americans."

Mr. Altman and his colleagues are waging the fight despite the likelihood that nearly all property in the area would be worth much more if intensive development were permitted.

Says William W. Doar, Jr., an attorney who is a representative of this area in the Carolina State legislature:

"I grew up here, and I've been fishing in these marshes since I was a child. I hate to think of all that disappearing."

South Carolina already has approved the landfill proposed by Dr. Tiller, but no decision has been made by the U.S. Army Corps of Engineers, which must also give its permission.

Opponents and proponents have presented vigorous arguments to the Corps, and newspapers, lawmakers and interested parties have taken sides.

"There hasn't been so much smoke around here since the War Between the States," observes one resident.

Other similar battles are shaping up along much of the U.S. shoreline.

Conservationists say many of the nation's best beaches are being turned into "strip cities." One example given is a stretch of about 35, miles that extends from Ocean City, Md., northward to Lewes, Del. This area is within easy distance of three big cities—Washington, Baltimore and Philadelphia. Its summer population has doubled in the past 10 years.

"Miami of the North?" Ocean City, which was about 40 streets long and five blocks wide in 1965, now extends for more than 100 streets. Alongside one-story frame summer homes built 50 years ago are new motels, gas stations, amusement parks, shopping centers and apartments rising as high as 14 stories.

At its summer peak the community is teeming with as many as 100,000 people a day—compared with a permanent winter population of about 1,200. The summer total is expected to double or triple by 1985.

Daniel G. Anderson, chairman of Anderson-Stokes, Inc., a large real estate firm in this area, says:

"Ocean City will some day rival Miami Beach because of its proximity to several cities. It's really going to boom."

Nearby Rehoboth Beach is taking a somewhat different course. Founded a century ago as a retreat for Methodists, the town is still relatively quiet—even when its beaches are crowded in midsummer with 50,000 sunseekers.

The community's 1,200 permanent residents have resisted unrestricted growth, although the right to erect eight-story buildings in one area was recently approved.

Mr. Anderson stresses that much of the Delaware coastline is publicly owned and relatively underdeveloped. Such usage, he says, guarantees that the area will continue to have balance.

"The answer is controls," he says. "Developers and conservationists can live very well together if there is basically good zoning providing for diversified use of the beach areas."

Interior Secretary Walter J. Hickel is one of many high officials urging a national land-use policy to establish guidelines for all concerned. In his view:

"If we had such a policy, then we could recommend the best use for land and resources. The highest value for a seashore, for example, could be for recreation, or for scenery, or for marine life and fishing. Or perhaps that particular seashore could be used for economic development."

Factory growth. Another source of concern to conservationists and the U.S. Government is increasing industrial use of the shorelines. Access to both overland and ocean shipping and the nearness of big labor pools are the main reasons why more and more firms are trying to build their plants along the coastlines.

San Francisco Bay, exemplifies this trend. Filling and diking has reduced the size of that waterway to two thirds of its natural size, and pollution clouds its once-clear waters.

Area residents have banded together in recent years, and have succeeded in stopping much new development. Their efforts led to creation of the San Francisco Bay Conservation and Development Commission, which has the power to permit or deny further alterations.

A similar body has been proposed to regulate the entire California seacoast.

Objections by citizens' groups also influenced the postponement of plans to build a huge chemical plant on the South Carolina coast near the Hilton Head Island resort area. Critics contended the plant might pollute the waters and endanger shrimp and oyster beds.

Secretary Hickel warned he would oppose the project unless the developers provided "environmental safeguards."

The BASF Corporation, which wants to build the 100-million-dollar complex, has suspended construction at least until 1972 pending studies of how the environment would be affected.

In some regions, conservationists are buying as much of the available coastal land as they can afford.

Time running out? There isn't much time left," says Mrs. Charles Yarn, of Atlanta, a member of the board of governors of the Nature Conservancy. "This kind of land will soon be so expensive that only a few really rich people will be able to afford it, and we want to save as much as we can before then."

Mrs. Yarn and other Georgians, with financial support from philanthropists throughout the nation, have arranged for the purchase of various tracts along the Atlantic Coast.

One of these, Wassaw Island near Savannah, is an almost completely undeveloped haven for birds, fish, alligators and deer.

The island has been preserved in its natural state ever since George Parsons of Boston presented the site to his bride as a honeymoon gift in 1866.

In recent years, land developers and local-government officials became interested in the location, considered by them to be ideal for subdividing or conversion into recreation areas.

The island's five and a half miles of broad white beach is—as one area resident describes it—"one of the few places in this country where you can go skinny-dipping and not be disturbed." The site is virtually inaccessible except by boat.

The Parsons family last year sold Wassaw Island to the Nature Conservancy, which turned it over to the U.S. Fish and Wildlife Service. The family attached one condition to the sale: that no bridge would ever be built to the island.

Plans are to maintain the island just as it is—except, maybe, for measures to discourage the raccoons from robbing turtle's nests. Human visitors are allowed but they must get there on their own.

Federal aid. All these efforts, however, are considered by many conservationists to be merely stopgap measures. They say a much more vigorous effort by the States and the Federal Government is necessary to acquire more shoreline and to regulate use of coastal lands.

The Federal Government has undertaken several studies of the coastlines, and in recent years has acquired national seashores at Cape Cod, Mass., Point Reyes, Calif., Padre Island, Tex., Assateague Island in Maryland and Virginia, and Cape Lookout, N.C.

Assateague, which consists mainly of sand dunes and marshes, was already in the process of being subdivided and developed when the U.S. Congress authorized purchase of the site in 1965.

Thirty-two miles long, this island has camping facilities maintained by the U.S. Department of the Interior and the State of Maryland. But much of the island, including a large wildlife refuge, has been left undeveloped—accessible only to boaters and hikers.

One of the area's main attractions: wild ponies, which, according to legend, are the descendants of survivors of the wreck of a Spanish galleon. They roam the island in herds of about six to eight, foraging for much of their food.

Several States, such as Oregon and Texas, have laws guaranteeing use of the beaches by the public. Oregon's supreme court recently reinforced the measures in that State by ruling that the public has the right to use dry-sand areas of ocean beaches for recreational purposes. The case arose after a motel had fenced off part of the dry-sand area for the exclusive use of its customers.

In some regions, private ownership of beach-front property limits or prevents non-owners from reaching the surf.

Beach legislation. Among recent measures intended to improve public access is a bill before the U.S. Congress affirming that "the public shall have free and unrestricted right" to use the beaches.

Representative Robert Eckhardt (Dem.), of Texas, a leading advocate of the measure, says:

"The beaches of the U.S. are a heritage of all the people of the entire United States. Both the present and future generations of Americans should have the right to the enjoyment of this most important natural resource."

PROPOSED SCHOOL LUNCH REGULATIONS

Mr. McGOVERN. Mr. President, recently the U.S. Department of Agriculture issued the proposed regulations for the national school lunch program. The changes in the school lunch legislation which was signed into law on May 14, 1970, require considerable alteration of the regulations. The legislation, Public Law 91–248 is intended to facilitate the provision of free and reduced price lunches for all needy children. This is the principal purpose of the legislation.

However, the regulations issued recently by the Department clearly do not serve to fulfill the intent of Congress in this respect. Rather than making it easier for school officials to provide meals to needy children these regulations will serve to hinder that effort.

I have detailed my objections to these proposed regulations in a letter to Secretary Hardin dated July 28, 1970. I have also received copies of letters to Secretary Hardin from Miss Jean Fairfax, chairman of the Committee on School Lunch Participation, which produced the notable work, "Their Daily Bread," Mr. Ron Pollack, director of the Columbia University Center on Social Welfare Policy and Law, Mrs. Marion Wright Edelman of the Washington research project, and from Miss Ruth Ann Robson of the Florida School Food Service Association. These letters fully explain the many problems that will be created by the proposed regulations if they are put into force. Without objection, I ask that these letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 28, 1970.

HON. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for sending me a copy of the proposed School Lunch Regulations.

Unfortunately, I must tell you that I am very disappointed with the draft regulations. I feel they fly in the face of the intent of Congress in the passage of the recently enacted school lunch legislation.

Our intent was clear: to enable the schools in this nation to do a better job in reaching its needy children with a nutritious meal at lunchtime and to assure every needy child of a free or reduced price lunch, to which he is entitled. The regulations proposed by your Department do not help to carry out this Congressional intent: rather they serve to impede legitimate participation in the program.

The following is an outline of the objections I must raise:

I. (sec.) 245.1—The regulations do not define a national income poverty guideline. Congress intended that a *clear* standard be set. The regulations are vague in this respect. They do not even indicate how the guideline will be determined. I would direct your attention to P.L. 91–248 (p. 3) Section 6(b) which says: ". . . by January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set worth in the income poverty guidelines should be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year."

II. (sec.) 245.3 "School authorities *may* include such additional criteria in their eligibility standards as they deem necessary to assure access to lunches by children (unable) to pay the full price of the lunch." (Emphasis added.)

It was *not* the intent of the Congress to allow school authorities to add additional criteria *as they deem necessary* to *their* standards.

First of all, by the use of "their standards" you imply that each school may have different standards. This, coupled with your failure to define the guidelines in (sec.) 245.1, completely nullifies the intent of Congress in placing a national standard in the legislation.

Second, and *most important*, you are, in effect, delegating discretionary authority that is wholly unauthorized when you instruct the school authorities to use such additional criteria "as they deem necessary." *Under no circumstances shall those unable to pay be charged for their lunches.* This needs to be made clear. Such additional criteria should only be used if it (1) serves to increase the participation rate, and (2) does not exclude any child who would be eligible on the basis of income and family size alone. I would suggest the following wording in lieu of that in the regulations: "School authorities *shall* include such additional criteria as *is* necessary to assure access to lunches by children (unable) to pay the full price of the lunch.

Further, since all other provisions of the regulations concerning program operations are established on a *district-wide* basis, it would seem that consistency demands the use of the "school district" in this section relevant to eligibility standards. The legislative history of this law makes clear that Congress intended to *reduce* the number of eligibility standards. This regulation tends to allow an increase in that number.

III. (sec.) 245.4 I think that it would be appropriate for the regulations to require distribution of eligibility forms as well as information concerning the existence of the program. Further, the Department could spell out, by example if necessary, the specific form of the application.

I think the application should simply require the adult signatory to attest to the fact that his income is *under* "x" dollars for the relevant family size. It should not, it seems to me, require any other information. It should be made clear that the child will start receiving free or reduced meals immediately upon filing of his statement of eligibility.

IV. (sec.) 245.5(b). In this subsection, the regulation suggests that school food authorities need not require an application when "alternative methods" are available. In view of the fact that the right to use "alternative methods" has been consistently abused in the past, a clarification of this phrase, i.e., what practices may fall within its scope, is certainly in order.

V. (Sec.) 245.7. Up to this point in the regulations, it seems clear that the determination for free or reduced price meals will be based solely on the method approved by Congress, i.e., self-certification. However, in this section the simple procedure is confused by stating that school food authorities can deny eligibility on appealable grounds—that is, for reasons apparently other than an income level above the established poverty level.

The intent of Congress is to impose no other criteria than income and household size, and to be as clear as possible that the determination of eligibility "shall be made solely on the basis of an affidavit. . . ." Section 245.7 should reflect this intent.

VI. (sec.) 210.7. This legislation will require considerable capital expansion, especially in urban areas, of existing school lunchroom facilities. Congress does not prohibit the use of income from the program for these purposes. Why do the regulations?

VII. (sec.) 210.10. The Select Committee on Nutrition and Human Needs has heard time and again of the need for a maximum reimbursement rate of at least 40¢ for special assistance. Yet, the Department has chosen a rate of 30¢. I feel that this will be a barrier to free lunch participation. This should be remedied.

These are some of the objections I raise to the proposed regulations. Numerous complaints and inquiries from state directors, and other concerned citizens have come to my office in recent days. Accordingly, in the interest of a truly effective program, I would request that, due to the serious nature of the problems cited herein, and due to the profound effect these proposed regulations will have on the intent of Congress that every need child be fed in school, the Department hold public hearings on these proposals before the regulations become final. I would like a reply to this request before the regulations are issued in final form.

Sincerely yours,
GEORGE McGOVERN,
Chairman.

GROUPS INTERESTED IN IMPROVING THE SCHOOL LUNCH PROGRAM

I. THE PROVISION OF FREE AND REDUCED PRICE LUNCHES—REGARDLESS OF THE INCOME POVERTY GUIDELINES

The greatest inadequacy of the proposed regulations is the failure to delineate a clear policy for the provision of free and reduced price lunches. Although it is clear that the Secretary's "income poverty guidelines"—not yet promulgated—prescribe "the minimum annual family income levels for establishing eligibility for free and reduced price lunches" [7 C.F.R. § 245.2(e)], many questions seem to be unresolved (or more confused) by the proposed regulations: (1) What are the responsibilities of a school district where the income poverty guidelines are too low (because of higher costs of living) and a large percentage of families above the Secretary's guidelines are still unable to purchase lunches? (2) What are the responsibilities of a school district that has established a reduced price lunch program, pursuant to the Secretary's guidelines, but a large percentage of the families cannot pay the reduced prices? (3) What are the responsibilities of a school district where only a few families cannot pay for the lunches, although the district's free and reduced price lunches may be generaly adequate for most indigent families? In sum: Beyond the income poverty guidelines, what are the school districts' responsibilities, under the Act and regulations, to children unable to pay for school lunches?

Most of the confusion stems from § 245.3 of the proposed regulations. In particular, one sentence therein may cause numerous difficulties:

> School authorities *may* include such additional criteria in their eligibility standards *as they deem necessary* to assure access to lunches by children who are not able to pay the full price of the lunch. [Emphasis added.]

Read in context with the entire section, school administrators will probably believe that there are only two substantive *requirements* for free and reduced price lunch standards: (1) the criteria must somehow include (a) family income levels (including welfare grants) (b) size of family, and (c) number of children in school; and (2) the eligibility criteria, at a minimum, cannot be less than the income poverty guidelines prescribed by the Agriculture Secretary. Beyond this, based on the proposed regulations, administrators will believe that nothing else is *required*.

Such a reading of the National School Lunch Act is clearly contradictory to the statute's plain language as well as its clear legislative history. [42 U.S.C. §§ 1751 *et seq.*] As set forth in section 9 [42 U.S.C. § 1758], and substantiated in other sections, the Congressional policy of the Act is that no child—in a school with a lunch program supported by Federal lunch funds and/or commodities—is to be denied a mid-day meal because of inability to pay. The statutory purpose of section 9 was clearly stated in the Conference Report's Statement of the Managers on the Part of the House:

> While it is the intent of the managers that every child from an impoverished family shall be served meals either free or at reduced cost—not to exceed 20 cents per meal—it is also the intent that free lunches be provided for the poorest of the poor and *under no circumstances shall those unable to pay be charged for their lunches. . . .* It should be clear that, although the poverty guideline is the only mandatory national standard, children from a family meeting other criteria *shall* also be eligible for free or reduced-price school lunches. [Page 9] [Emphasis added].

In support of these intentions, Congress promised that it would—for the first time—assure that sufficient funds are available to make the School Lunch Program accessible to all needy children. Section 11(a) of the Act provides:

> There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance *to assure access to the school lunch program under this Act by children of low-income families.* [42 U.S.C. § 1759a(a).] [Emphasis added.]

The regulations should be changed to clearly enforce Congressional intent; at present, either by design or incompetent draftsmanship, the regulations emasculate the free school lunch policy of the Act. Several changes should be clearly made; the sentence, quoted above from § 245.3,[1] should be altered to read as follows:

"School authorities *shall* include such additional criteria in their eligibility standards as *are* necessary to assure access to lunches by children who are not able to pay the full price of the lunch." [Italic words indicate proposed changes.]

In so doing, the regulations should clearly state: (1) that the free and reduced price eligibility standards *must* exceed the "income poverty guidelines" where substantial numbers of poor families, with annual incomes higher than the Secretary's guidelines, cannot pay for the school meals; (2) that free lunches *must* always be provided to indigent children who cannot pay for a reduced price lunch; and (3) that children from families with incomes higher than the eligibility standards *must* receive a free or reduced price lunch whenever they cannot pay for their mid-day meals (whether such situation is caused by an emergency, irregularly high family expenses, or other reasons). Finally, the regulations should state that each school lunch program, supported by Federal funds and/or commodities, has the affirmative responsibility to assure that children are not denied a lunch because of an inability to pay.

II. THE INCOME POVERTY GUIDELINES

Although the income poverty guidelines are minimal requirements only after January 1, 1971, it is most troublesome that the Secretary has refused to establish and publish them with the proposed regulations. According to the Act [42 U.S.C. § 1758], the Secretary should have prescribed the guidelines by July 1, 1970[2]; the failure to announce them with the proposed regulations, or shortly thereafter, will make it difficult for many districts to comply with the national standards by January 1971. Since most school administrators are unfamiliar with the legislative history of the May amendments to the Act, they cannot be expected to know that the income poverty guidelines may substantially differ from present district criteria for free and reduced price lunches.

The Secretary must set forth guidelines that are, at least, equivalent to the O.E.O.-H.E.W. poverty standards. As the Conference Report states on page 9:

> The conference amendment to the eligibility standard for free and reduced-price lunches makes it clear that every child from a household with an income below the poverty level shall be served free or reduced-price meals. A national standard for the poverty level, as determined by the Secretary of Agriculture, shall be used as the standard of eligibility in lieu of the multistandard as included in the original Senate-passed bill. *It is expected that this will be the same as established by the Department of Health, Education, and Welfare and the Office of Economic Opportunity.* [Emphasis added.]

Consequently, at a minimum, children from an urban family of four should be eligible for free or reduced price lunches if their annual income is $3,800 or below; children from a rural four-person household should receive free or reduced price lunches if the family income is $3,200 or below. Efforts should be made to assure that the Agriculture Secretary *quickly prescribes guidelines in compliance with the above-enunciated standards.*

III. UNIFORM FREE LUNCH STANDARD FOR SCHOOL DISTRICTS

Throughout the proposed regulations there is evident an intent by the department that policies and practices, for free and reduced price lunches, may differ from school to school in the same district. Not only is this an unwarranted recession from the limited progress of the October 1968 free lunch regulations, but such differing guidelines might confuse parents about their children's right to free lunches. More importantly, however, the proposed regulations will probably invidiously affect practices in schools with a high concentration of children from low-income families. In § 245.3, as an example, the proposed regulations state: "The school authorities *of each school* participating in the Program or of *a commodity only school* shall establish standards to be used in determining the eligibility of children for free and reduced price lunches." [Emphasis added.] As a result, a school district—for fiscal, political, racial, or other reasons—may prescribe more restrictive free lunch criteria in schools with larger numbers of poor children.

Differing free lunch standards from school to school in the same district is probably violative of both the National School Lunch Act and the Constitution. In section 9 of the Act, the statute states: "Such determinations [of eligibility for free and reduced price lunches] shall be made by *local school authorities* in accordance with a publicly announced policy and plan *applied equitably* . . ." [Emphasis added.] Query: Can free lunch plans be applied equitably if schools, with higher concentrations of children from low-income families, deny free lunches because of more restrictive eligibility criteria based on fiscal, political, racial, or other reason? Moreover, since the administrative practice under the statute—prior to the May amendments—utilized the term "local school authorities" to denote school *district* officials (rather than officials in particular schools), it is evident that Congress contemplated the continued formulation of district-wide free lunch policies promulgated by district officials. Congress would have changed the definition of that term if it means otherwise.

In addition to frustrating Congressional intent, the regulations may induce Constitutional violations of the Equal Protection Clause. Providing free lunches to some poor children, while denying free lunches to other children equally unable to pay but attending another school, violates our fundamental notions of fair play and equal treatment. In so doing, such discriminatory treatment probably violates the dictates of the Fifth and Fourteenth Amendments.[3]

IV. THE HEARING PROCEDURES

The hearing procedures delineated in § 245.7 of the proposed regulations were poorly drafted and will undoubtedly cause many school lunch administrators to misread the requirements under the new legislation. The regulations fail to set out who has the responsibility to ask for a hearing under different situations, thereby probably perpetuating administrators' impressions that the burden should always rest with the indigent-applicant. Clarification of school administrators' responsibilities, with regard to automatic free lunch eligibility and hearing procedures, is necessary.[4]

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[1] See p. 2, *supra.*

[2] Section 9 of the Act [42 U.S.C. § 1758], in its relevant part, states: "The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year."

[3] Promulgation and application of different standards by local officials would constitute the violation of the Fourteenth Amendment; Department approval of, and participation in, such discriminatory standards would constitute the violation of the Fifth Amendment.

[4] Some of the confusion is somewhat obviated by the following language in § 245.5:

> Decisions with respect to the eligibility of any child for free or reduced price meals shall be made on the basis of the information supplied in the application without further independent verification or investigation by school food authorities. If school food authorities wish to subsequently challenge the correctness of the information contained in any application, they shall do so in accordance with the hearing procedure established under § 245.7 of this part.

Despite this statement, further clarification—on the question of automatic free lunch eligibility and hearing procedures—is necessary to clearly define administrative responsibilities under varying situations (as illustrated below in the text).

The following hypothetical case is illustrative of the numerous situations that will arise. School (district) X has promulgated a free and reduced price lunch schedule, for a family of four, that sets eligibility standards as follows: $0–$4,000 annual income—children get lunch for free; $4,000–$5,000 annual income—children get lunch for (reduced price of) 20 cents; over $5,000 annual income—children pay (full price of) 35 cents. *Situation #1*: A parent, of a four-person household, signs a free and reduced price lunch application indicating that the annual family income is $3,800. (The children in this family, according to the Act, are automatically eligible for free lunches as soon as the application is handed in; if the school officials don't want to provide free lunches for the children, they can appeal the decision. The officials must prove that the family has a higher income than what is stated in the application; until a decision is made against the indigent family, the children must continue to receive a free lunch.) *Situation #2*: A parent, of a four-person household, signs a free and reduced price lunch application indicating that the annual family income is $4,400. (The children in this family, according to the Act, are automatically eligible for reduced price lunches for 20 cents per lunch as soon as the application is handed in; if the school officials don't want to provide reduced price lunches for the children, they can appeal the decision. Once again, the officials must prove that the family has a higher income than what is stated in the application; until a decision is made against the indigent family, the children must continue to receive a reduced price lunch.) *Situation #3*: A parent, of a four-person household, signs a free and reduced price lunch application indicating that the annual family income is $4,400. The parent indicates, however, that the children are unable to pay 20 cents per lunch. (*At the very least*, the children in this family, according to the Act, are automatically eligible for a reduced price lunch at 20 cents per lunch as soon as the application is handed in; the indigent parent has the right to appeal such a determination, proving the family's inability to pay for the 20 cent lunches. If the parent can adduce such evidence, the children have the right to free school lunches.) *Situation #4*: A parent, of a four-person household, signs a free and reduced price lunch application indicating that the family income is $5,200. The parent indicates, however, that the children are unable to pay for the school lunches. (This family, *at the very least*, has the right to a fair hearing to prove its inability to pay for the lunches. If the parent can adduce such evidence, the children are entitled to reduced price lunches; if the parent also shows that the family cannot afford the 20 cent lunches, the children are to get their lunches for free.)

The statutory support for the above-enumerated rights is found in section 9 of the Act. [42 U.S.C. § 1758] That section states:

"Determination with respect to annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household."

In setting forth the intent of that provision, the Conference Report states:

"The determination of income of an eligible household shall be made solely on the basis of an affidavit and such family shall be judged eligible for free or reduced-in-price meals until it is proven otherwise in a proceeding subject to the approval of the Secretary of Agriculture." [Page 9.]

Consequently, any application, signed by a parent ar guardian, that on its face indicates annual income within the free or reduced price lunch criteria, must be automatically approved. Moreover, since all children unable to pay for lunches are entitled to a free or reduced price lunch,[5] children from families with incomes higher than the district's criteria, have the right to a fair hearing to establish their right to a free meal. The regulations should articulate these rights more clearly so that possible confusions are minimized.

Beyond the necessity of clarifying automatic free lunch eligibility and related rights to a hearing, § 245.7 should be bolstered to include additional hearing safeguards with the six already enumerated in the proposed regulations. The regulations should clearly state that the hearing decision must be based solely and entirely on the evidence adduced at the hearing; information obtained from other sources cannot be utilized by the hearing official unless such information is provided at the hearing. Any information provided at the hearing, that adversely affects the indigent's position, must be subject to cross-examination. In addition, the promptness requirements of the proposed regulations should be strengthened to assure that a family's appeal will be acted upon within seven days. All of these rights are grounded on judicial interpretations of the due process provisions of the Fifth and Fourteenth Amendments.

V. FREE LUNCH APPLICATIONS

Although § 245.5 is fairly clear, its major failing is that no limitations are placed on the questions that can be asked on the application form. Applications should be restricted to four basic questions: (1) name, address, and phone number of parent or guardian; (2) annual income of family (including welfare); (3) number of people in the household; and (4) names and grade level of children in the family. An additional question may be asked that would invite the parent to answer why a free lunch should be provided, *applicable only if* the family is not automatically eligible by virtue of the income criteria.

The limitation on questions to be asked is based on the statutory policy of section 9 of the Act, as substantiated by the legislative history.[6] Since free lunch policies are to be based on family income and household size, any child, who qualifies under the school district's financial criteria, is automatically eligible for a free mid-day meal. No extraneous questions may be asked of free lunch applicants.

NAACP, LEGAL AND EDUCATIONAL FUND,
New York, N.Y., August 6, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: I have been authorized by the persons listed below to present our comments on the proposed revision of the regulations of the National School Lunch Program which the Department of Agriculture has prepared pursuant to Public Law 91–248.

May we commend you for issuing these as "proposed revisions", for inviting comments from interested parties and for assuring concerned citizens that their suggestions will receive full consideration before the regulations are issued in final form. If the full promise of P.L. 91–248 and the President's commitment to feed all needy children by Thanksgiving are to be fulfilled, then USDA will surely wish to give great weight to the insights and experiences of agencies that have documented the problems of implementing child nutrition programs at the local level.

As we evaluate these proposed revisions, our concern is whether they will promote maximum and affirmative compliance with the new law. If state and local officials are faithfully to carry out their obligations under this law, then the language of the Regulation must be unequivocal in expressing Congressional intent, the duties imposed by the law must be explicit and the guidance provided by USDA must be timely in order to assure the necessary administrative reorganization and tooling up. We are confining our comments to those sections of the proposed revisions where (1) the language is ambiguous or inconsistent, (2) we believe there is a frustration of the intent of Congress as reflected in the legislative history or in the law and (3) where USDA's guidance is not being provided.

§ 245.2 Definitions

(d) "Free lunch means a lunch for which neither the child nor the parent pays." We urge you to add . . . "nor for which he or his parent works."

When we have advised USDA officials that some schools are reporting as a "free lunch" a meal for which a child or his parent works, we have been assured that this practice is contrary to USDA regulations. In order to ensure uniformity in reporting, and also to reinforce your policy that a needy child shall not be required to work in exchange for a free meal, the Regulation should clearly exempt from classification as a "free lunch" a meal for which a child or his parent works.

§ 210.2 Definitions

In the revision of the regulations printed in the Federal Register of January 20, 1970 (35 F.R. 753), 210.2(p) states that: "School Food Authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a lunch program therein.

Over the years there has been considerable confusion concerning whether "school" refers to individual attendance units or to the "local educational agency" (school board). When Senator George McGovern proffered an amendment to clarify this matter by substituting "local educational agency" throughout child nutrition laws, the Senate Agriculture Committee rejected his suggestion on the advice of USDA. The Committee noted that:

> The Amendment would not accomplish its objective in this respect. The Department of Agriculture advises that the school district is already the contracting agency in every case, so the amendment would not reduce the number of contracting agencies. The Department further advises that certain policies, such as that with respect to eligibility for free and reduced price meals, are already required to be fixed on a district wide basis. (Committee on Agriculture and Forestry, Report No. 91–641, "School Lunch and Child Nutrition Amendments")

In order to make it clear that "School Food Authority" means the governing body of the district, we recommend that USDA should:

1. Amend the regulations by deleting the following sentence from 210.2(p) as it appears in the notice of January 20, 1970: "The term 'School Food Authority' also includes a nonprofit agency to which such governing body has delegated authority for the operation of a lunch program in a school." The governing body can assign responsibility for implementing a policy and for operating a program, but it should not be permitted to delegate responsibility for the development of policies which by definition must be districtwide. To permit "School Food Authority" to be an individual principal or lunchroom manager would wipe out the progress which has been made in the past 18 months.

2. Use the term "School Food Authority" consistently throughout the new Regulation. The phrase, "school authorities of each school participating in the Program or of a community only school" is inconsistent with

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[5] See pp. 1–4, *supra*.

[6] See, in particular, the quotations on p. 10, *supra*.

USDA's definition of "School Food Authority."

§ 245.3 Eligibility standards for free and reduced price lunches.

Sec. 6 of the new law amends Sec. 9 of the National School Lunch Act by mandating local school authorities to have a publicly announced plan for free and reduced price meals, applied equitably throughout the district on the basis of stated minimum criteria. The "Statement of the Managers on the Part of the House" following the conference committee on H.R. 515 declared:

"The conference amendment to the eligibility standard for free and reduced-price lunches makes it clear that every child from a household with an income below the poverty level shall be served free or reduced-price meals. A national standard for the poverty level, as determined by the Secretary of Agriculture, shall be used as the standard of eligibility in lieu of the multi-standard as included in the original Senate-passed bill. It is expected that this will be the same as established by the Department of Health, Education, and Welfare and the Office of Economic Opportunity.

"While it is the intent of the managers that every child from an impoverished family shall be served meals either free or at a reduced cost—not to exceed 20¢ per meal—it is also the intent that free lunches be provided for the poorest of the poor and under no circumstances shall those unable to pay be charged for their lunches. The determination of income of an eligible household shall be made solely on the basis of an affidavit and such a family shall be judged eligible for free or reduced-in-price meals until it is proved otherwise in a proceeding subject to the approval of the Secretary of Agriculture.

"It should be made clear that, although the poverty guideline is the only mandatory national standard, children from a family meeting other criteria shall also be eligible for free or reduced price school lunches."

In view of this unmistakably clear statement of Congressional intent, we make the following comments on your proposed revision:

1. As we stated earlier, it should be made explicit that it is the "School Food Authority" for the district and not the "school authorities of each school" that have the legal responsibility for setting district-wide standards.

2. To implement the Congressional intent that every needy child shall be fed, the Regulation should explicitly state that whatever criteria a school district uses in addition to income and family size must in fact increase the participation of low-income children and not exclude any needy child. USDA's statement that "school authorities may include such additional criteria in their eligibility standards as they deem necessary to assure access" considerably weakens the Congressional mandate which, we believe, places an affirmative obligation on local school authorities to seek out needy children and feed them. *"Under no circumstances shall those unable to pay be charged for their lunches . . . Children from a family meeting other criteria* (than the mandatory national standard) *shall also be eligible."* (emphasis added). Instead of the discretionary language in the proposed revision, the sentence should read:

"School authorities shall include such additional criteria in their eligibility standards as are necessary to assure access to lunches by children who are not able to pay the full price of the lunch."

3. We are pleased to learn that you have issued the Income Poverty Guidelines for 1970–71. Although this standard will not become mandatory until January 1, 1971, we hope USDA will urge districts to use this standard beginning with the fall 1970 term. New districts entering the National School Lunch Program for the first time this September and especially the commodity only districts, which will join this fall because the new law provides the financial incentive for them to get reimbursement for the free meals which they have not provided in the past, should be strongly encouraged to launch their free and reduced price program at the January 1971 level. It would be administratively inefficient for these districts to create and implement new standards twice within four months.

4. Other than restating the minimum income criteria, the proposed revised regulations do not offer any guidance to local school authorities concerning the nature of an equitable district-wide free and reduced price plan which would fulfill Congressional expectations. In the absence of any language which communicates the intent in the Managers' Statement, we fear that there will be wide variations in the quality of plans, not only across the country but within the States. USDA has an obligation to advise local authorities and the States which will be monitoring local plans that an adequate plan must at a minimum ensure:

(a) Priority to the neediest children wherever they are—whether they are in poverty-impacted schools, in schools currently without food service or whether they are in isolated pockets in the district;

(b) That no child is required to pay if he is unable to do so or is required to pay a price which he cannot afford;

(c) That the maximum number of children are included who are above the income poverty standard but who still cannot afford to pay the full price of meals.

§ 245.5 Applications for free and reduced price lunches.

Sec. 6. (b) of Pl. 91–248 states that "Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household." The Managers' Statement further declares that "such a family shall be judged eligible for free or reduced-in-price meals until it is proven otherwise . . ." It is clear from the above that Congress has mandated an application process involving simple self-certification, with needy children deemed eligible, *and therefore fed,* until they are determined to be ineligible. In view of the above it is our position that:

1. In order to ensure district-wide uniformity it should be made clear that the School Food Authority, i.e., the school board, should provide this form. Furthermore, we recommend that this form should be provided along with the letter or notice to parents required under 245.4(a).

2. We urge you Mr. Secretary, to prescribe the form of a simple affidavit, as permitted by the law, which should be nation-wide with the beginning of the fall 1970 term. Although many families might not be eligible for free and reduced price meals in some states before your new income poverty guidelines are implemented in January 1971, we believe it is burdensome to require families to register twice within such a short period of time. Furthermore, in fulfillment of the Congressional intent, we believe you have an obligation to discourage local school districts from asking prying and irrelevant questions. It has been our experience that questions about the source of income, names of employers, color television sets in the home, etc., often subject poor people to harassment and/or reprisals.

3. 245.5(b) states that "School food authorities need not require the submission of an application from a family when alternative methods are available to determine the eligibility of a child for a free or reduced price lunch." On the one hand this is good, for it could encourage school officials to identify as needy certain categories of children, such as welfare recipients, who should be automatically fed without waiting for applications from families. However, the "alternative methods" now used by some school districts, e.g. the use of agencies committed to restrictive free lunch policies, will defeat Congressional intent. USDA must state explicitly that only those "alternative methods" are acceptable which increase the participation of needy children.

§ 245.7 Hearing procedure for families.

245.7(a) The Regulation should clearly state that it is the School Food Authority for the district, i.e. the school board, and not "the school food authority of each school" which has the obligation to establish the hearing procedure.

The right of the child to be fed pending clarification of his eligibility should be clear and uniform. The inconsistency between (a) and (b) should be eliminated. In view of the clear Congressional intent as stated in the Managers' Statement, *"such a family shall be judged eligible for free and reduced-in-price meals until it is proven otherwise,"* children of families who have certified themselves as eligible should be fed a free or reduced price meal until a valid hearing process has determined that they are ineligible.

§ 210.4(a) State Plan of Child Nutrition Operations

We believe that the requirement for state plans holds great promise. USDA has an opportunity to encourage the States to assess the nutritional status of children and youth, to identify high risk segments of the child population, to select target communities and to undertake the kinds of projects (research, demonstration, professional development programs, etc.) which will ensure the imaginative and qualitative implementation of PL 91–248. Because most of the States have not been engaged in comprehensive long-range planning and development in their child nutrition programs in the past, they are going to need considerable guidance from USDA. USDA must specify what comprehensive planning means. As a minimum we recommend the addition to 210.4(c) of the following which should be included in the States' plans:

(4) The State's plan for the use of Non-food Assistance funds available under Sec. 2(s) of Pl 91–248;

(5) The State's proposals for use of funds available under Sec. 3(3) of the Act for nutritional training and education of workers, cooperators and participants in these programs and for necessary surveys, and studies of requirements for food service programs;

(6) The State's proposals for use of 1% of its apportionment for special developmental projects, authorized under Sec. 6;

(7) The State's plan for coordination with other public and with private agencies in the assessment of the nutritional status of children in the state and in the development of effective programs and delivery systems for meeting the nutritional needs of children.

We would welcome an opportunity to discuss our recommendations with members of your staff before the final version of the revised regulations are issued.

Sincerely yours,

Jean Fairfax, Director, Division of Legal Information and Community Service, NAACP Legal Defense & Educational Fund.

Edward Anderson, Friends Committee on Compliance and Enforcement, Leadership Conference on Civil Rights, 2027 Massachusetts Ave., N.W., Washington, D.C. 20026.

Charles U. Daly, President, The Children's Foundation, 1026 17th Street, N.W., Washington, D.C. 20036.

James Hamilton, Chairman, Committee on Compliance and Enforcement, Leadership Conference on Civil Rights, 2027 Massachusetts Ave., N.W., Washington, D.C. 20026.

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Hulbert James, Crusade Against Hunger, National Council of Churches, 475 Riverside Drive, New York, New York.

Glenn Allison National Association of Social Workers, 1346 Connecticut Avenue N.W., Washington, D.C. 20002.

Jack Beidler, Committee for Community Affairs, 1000 Wisconsin Avenue, N.W., Washington, D.C.

James P. Carter, M.D., Departments of Pediatrics and Nutrition, School of Medicine, Vanderbilt University, Nashville, Tennessee

Eleanor Eaton, Community Relations Division, American Friends Service Committee, 160 North 15th Street, Philadelphia, Pennsylvania

Sarah Herbin, Black Women's Community Development Foundation, 1028 Connecticut Avenue, N.W., Washington, D.C. 20036

Ceronoria Johnson, National Urban League, 425-13th Street, N.W., Washington, D.C.

Barbara D. McGarry, American Parents Committee, 20 E Street, N.W., Washington, D.C.

Arnold Mayer, Amalgamated Meatcutters and Butcher Workmen (AFL-CIO) 100 Indiana Avenue, N.W., Washington, D.C. 20001

John Kramer, National Council on Hunger and Malnutrition in the U.S., 1000 Wisconsin Avenue, N.W., Washington, D.C.

David Ackerman, National Council of Churches, 110 Maryland Avenue, N.E., Washington, D.C. 20002.

Richard Warden, Legislative Representative, AFL-CIO, 815-16th Street, N.W., Washington, D.C. 20005.

FLORIDA SCHOOL SERVICE
ASSOCIATION, INC.,
Tallahassee, Fla. July 31, 1970.

MR. HERBERT D. ROREX,
Director, Child Nutrition Division, Food and and Nutrition Service, U.S. Department of Agriculture, Washington, District of Columbia.

DEAR MR. ROREX: As president of the Florida School Food Service Association I have just sent the enclosed telegram to Secretary Hardin. The school food service personnel of the nation are counting on you, as Director of the Child Nutrition Division of the Food and Nutrition Services, to see that public hearings are held to discuss and strengthen the proposed regulations.

You will be concerned, I'm sure, that a member of the Budget Bureau of the Florida State Department of Administration has proposed the elimination of the recent 2.75 million dollar appropriation for feeding needy children just enacted by the State Legislature, in an effort to help balance the State budget.

RUTH ANN ROBSON.

JULY 31, 1970.

Secretary CLIFFORD HARDIN,
Department of Agriculture:

The Florida School Food Service Association requests extension of time for commenting on proposed revision of the regulations governing the national school lunch program PL 91-248, and strongly urge that a public hearing be called for discussing and strengthening the proposed regulations before they are issued in final form. We also urge that the new regulations clearly and specifically prohibit states from reducing or withdrawing state appropriations to feed needy children because of increased Federal assistance for free meals.

AUGUST 6, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR SECRETARY HARDIN: As a group concerned with the problems of hunger and poverty in the United States, we of the Washington Research Project were extremely encouraged by the passage of the National School Lunch Act of 1970. Unfortunately, the proposed revisions to the School Lunch regulations released by your Department on July 17, 1970, do not carry forth the high purpose of Congress in passing that law. By ignoring the statutory language and Congressional intent in several important and obvious ways, USDA regulations will drastically inhibit the full and effective implementation of the School Lunch Program. We urge you to redraft these regulations in order to ensure that all needy children will in fact receive the benefits of the program.

We were pleased to learn that on August 7, 1970 you will publish an income poverty guideline as required by the Act. It is imperative that school districts be informed of the guidelines immediately, so that they will be able both to comply with the initial reporting requirements on October 1, 1970, and to implement the national standards by January 1, 1971. In addition, you should urge all school districts to voluntarily adopt the national standards for use beginning in September, in order to take advantage of the increased amounts of federal support available under the 1970 Act.

In addition, the following sections of the proposed revisions require clarification or amendment to ensure full compliance with the new law:

Section 245.3—Eligibility Standards for Free and Reduced Price Lunches:

First, the revised regulations will not ensure that *every* child who cannot afford to pay for a lunch will receive one for free or at a reduced price. Eligibility criteria consisting of income level and family size are specified; but there is no *requirement* that additional pertinent criteria be applied to ensure, as Congress clearly intended, that children whose families exceed the poverty guideline are still included if they are unable to pay for their lunches. Your department should enumerate certain required additional criteria, such as special medical bills, a recent death in the family, or sudden loss of earnings; and it should make absolutely clear that all other additional standards adopted must be used to *increase* participation in the program not, as may occur in some places, decrease it. The discretionary language contained in your proposed revision falls far short of defining the affirmative obligation on local school authorties to seek out needy children and feed them.

Second, the regulations should make explicit that the eligibility standards are to be set by the school district, not each participating school, and that such standards are to be uniform throughout the entire district. The proposed revision is very confusing on this point and can be interpreted wrongly to allow the standards to vary from school to school.

Section 245.5—Applications for Free and Reduced Price Lunches:

Paragraph (a) of Section 245.5 implies that the applicable form from which eligibility is determined may vary from school to school. This too violates the Congressional intent that the program have a uniform procedure throughout each school district. We urge you to establish a uniform national application form or, in lieu of this, to limit the questions that may be asked on the application form developed by each district. To prevent needless intimidation and invasion of privacy, only four basic questions should be permitted:

(1) The name and address of the head of the household;

(2) The number of people in the household;

(3) The annual income of the family;

(4) The names, grades, and schools of children in the family.

Additional questions concerning unusual medical expenses or other extenuating circumstances might also be permitted that would invite the parent to answer why a free lunch should be provided where the family is not automatically eligible by virtue of the income criteria.

Provision should also be made for the distribution of these forms. We suggest that the form be sent to the parents along with the letter or notice required by Section 245.4(a) of the regulations and with an assurance that only the information on the form will be necessary. The regulations should also make explicit that the form need not be delivered personally by the applicant; in the past such a rule has greatly reduced the number of persons able to apply in many school districts.

Section 245.7—Hearing Procedure for Families:

Paragraph (a) of this section is ambiguous and might very well undercut the worthwhile procedures established by Section 245.5. Under the latter provision, the information contained in an application must be accepted on its face, and the applicant's family must be deemed eligible immediately. If the school authorities believe the application is erroneous, they may investigate and challenge the family's right to free or reduced price lunches at a full hearing conducted pursuant to paragraph (b) of Section 245.7. Pending the hearing the children must continue being fed.

Paragraph (a) implies, however, that school officials may in some cases reject an application even though it meets the eligibility criteria. This ambiguity must be removed and the provision's function limited to the exceptional case in which a family does not qualify under the ordinary criteria contained in the application but wishes a hearing to establish some special ground of eligibility. (Section 245.4 suffers from this same confusion and its language too should be improved to avoid any misunderstanding.)

We hope that you will give careful consideration to these comments and the issues which they raise.

Sincerely,

MARIAN WRIGHT EDELMAN,
MICHAEL B. TRISTER,
PATRICIA W. FITZPATRICK.

Mr. McGOVERN. Mr. President, in the interest of a truly effective national school lunch program and due to the many objections which have been raised by myself and others to the proposed regulations, I have requested that Secretary Hardin instruct officials at U.S. Department of Agriculture to hold a public hearing on the matter at issue.

The Congress has in the past year taken the first great strides in living up to its commitment to end hunger and malnutrition in America. One of those great strides was in the passage of the school lunch bill authored by the Senator from Georgia (Mr. TALMADGE) and the amendments thereto. At the White House Conference on Food, Nutrition, and Health held last December, President Nixon declared that his administration had a "target of reaching every needy schoolchild with a free or reduced-cost lunch by the end of the current fiscal year." If the proposed regulations are put into force, the U.S. Department of Agriculture will frustrate both the intent of Congress and the goal set by the administration itself. I think that it would clearly be appropriate, Mr. President, for the Department to hold a public hearing on the proposed school lunch legislation.

SENATOR SCOTT'S RECORD ON ARMED SERVICES, DEFENSE, AND DRAFT LEGISLATION

Mr. DOMINICK. Mr. President, our esteemed Minority Leader Senator Scott of Pennsylvania has long been concerned with the vital national issues which face all of us as Senators, being active and vocal not only on matters from his own committees but in matters of national security, our common defense, and the welfare of the members of our Armed Services and their families.

We may not have agreed on each and every vote, and that is how it should be in matters that are common to all Americans, but his flexibility, imagination, concern and balance on these crucial issues are evidenced plainly in his voting record compiled over the last 12 years.

I ask unanimous consent that his record and these issues be printed in the Record.

There being no objection the Senator's record was ordered to be printed in the the Record, as follows:

Senator Scott's Record on Armed Services, Defense, and Draft Legislation

The preamble of our Constitution states that one of the central functions of government is to "provide for the common defense." History has taught us that a free society at home does not mean very much if that society is vulnerable to attack from abroad. With that in mind, Senator Hugh Scott knows that the United States must remain a strong nation.

There comes a time, however, when the defense structure, as do others, becomes unresponsive to the demands of economy in government. While still recognizing the necessity for a strong and viable defense system, Senator Scott knows that there is an equal need to reduce unnecessary expenditures wherever possible. During the recent period of shocking exposures of military waste, the Senate has re-affirmed its traditional Constitutional prerogatives in this area.

The following summary outlines Senator Scott's record on national defense issues:

91ST CONGRESS

Legislation

S. 781—To establish a temporary Commission to consider the feasibility of completely voluntary system of enlistments.

S. 1433—Draft Reform Act—to revise the provisions of the Selective Service Act relating to priority for induction; provides for a random selection system.

S. 3117—To improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander and to create an independent trial command for the purpose of preventing command influence.

Votes

Voted to proceed with limited deployment of the Safeguard anti-ballistic missile system.

Voted for Schweiker-Scott amendment requiring Defense Department quarterly reports on major contracts for development and procurement of weapons systems, and to authorize independent audits of major contracts.

Voted to control the testing of chemical and biological warfare components.

Voted to cut military research, development, test and evaluation programs by $45.6 million.

Voted to require a comprehensive study and investigation of costs and effectiveness of aircraft carriers.

Voted to place a monetary cutoff on military funds used for independent research and development by contractors.

Voted to express the sense of the Senate favoring mutual suspension of further deployment of strategic weapons systems by the Soviet Union and the United States.

Voted to repeal the Gulf of Tonkin Resolution.

Voted to provide that nothing in the Cooper-Church amendment shall be deemed to impugn the powers of Congress, including the power to declare war and to make rules and regulations for the Government and regulations of the Armed Forces of the United States .

Voted for a study of profits of certain defense contracts and contracts not subject to competitive bidding.

Voted to place a ceiling on the number of active duty armed service personnel, and to require that for every man withdrawn from Vietnam, ceiling must be reduced by one man.

Voted to reduce by $25 million, the emergency fund for research, development, test and evaluation programs.

Voted to support the expressed intention of the President that no funds could be used to finance the introduction of ground combat troops into Laos or Thailand.

90TH CONGRESS

Legislation

S. 952—To authorize research and development in the Coast Guard to develop effective electronic guidance system for use in navigation channels.

S. 1181—To exempt sole surviving son of a family in Armed Forces from combat zone service.

S. 2009—To prescribe uniform rules of procedures to be followed by the Armed Forces in the case of administrative discharge boards; to establish a Judge Advocate General's Corps in the Navy; to create single-officer general and special courts martial; to establish in each armed force a Court of Military Review.

S. 2260—To provide compensation for civilian American citizens and prisoners of war captured during the Vietnam conflict.

Votes

Voted to provide that while there are involuntary inductions, they should be only when a voluntary system is not reasonably attainable because of defense commitments beyond resources available and such involuntary inductions should be by a system of selection which is fair, just, and shared generally, with frequent and impartial reassessment by Congress toward replacing it with a voluntary induction system.

Voted to prohibit expenditure of funds for deployment of the Sentinel anti-ballistic missile system, until the Secretary of Defense certified to Congress the system was practicable and its cost could be determined with reasonable accuracy.

Voted to reduce military procurement authorizations by $661,000.

Voted to prohibit obligation or expenditure of funds for construction, procurement, or deployment of the Sentinel anti-ballistic missile system.

Voted to strike $387.4 million for deployment of the Sentinel anti-ballistic missile system.

Voted to prohibit use of funds appropriated for defense grants for indirect expenses for any research project in excess of 25 percent of the direct cost of such research.

89TH CONGRESS

Legislation

S. 2482—To prohibit obstruction of performance of duty by Armed Forces, by obstruction of transportation of personnel or property thereof.

S. 3169—To authorize special programs for mentally retarded and ill or physically handicapped spouses and children of members of the uniformed services.

Votes

Voted to bar funds for vessel procurement of construction in foreign shipyards.

88TH CONGRESS

Legislation

S. 2432—To provide for a comprehensive study and investigation of the compulsory military training system.

Votes

Voted to reduce appropriations for defense procurement by $474,000.

87TH CONGRESS

Votes

Voted to establish the U.S. Arms Control and Disarmament Agency for World Peace and Security.

86TH CONGRESS

Legislation

S. 1059—To provide for education of children of members of the Armed Forces in communitites in which public schools are closed.

Votes

Voted not to increase funds for procurement of equipment and missiles by the Army from $1.45 billion to $1.68 billion.

Because of Senator Scott's efforts, our Nation's defense still remains strong and responsive to any threat. But his efforts have also put the military on notice that excessive cost over-runs and wasteful spending will no longer be tolerated.

WRONG CURE FOR INFLATION

Mr. MOSS. Mr. President, I am sure that all Members of Congress are concerned about inflation. It is probably our most urgent domestic problem.

Spiraling prices have been working hardships on all sectors of our economy—those on fixed income have seen their purchasing power decline, labor has had to seek higher wages to maintain parity of income, businessmen have had to raise prices to cover higher costs, and the cost of Government services has increased.

In our attempt to control inflation, however, we must not lose sight of other economic goals. Unemployment is increasing and expected to go higher. Economic growth has been arrested, giving rise to numerous problems. Some of our most pressing national priorities are not being adequately met.

I ask unanimous consent to have printed in the Record an editorial from this morning's New York Times dealing with the President's veto of two major appropriation bills yesterday.

The article examines the veto in view of our current economic situation and all our national economic goals. It points out that no supportable case can be made for singling out education, housing, and other domestic programs as being the cause of inflation, and there is no reason why the President cannot cut wasteful defense spending to balance increases in civilian spending during our transition from a war oriented to a peace oriented economy.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Wrong Cure for Inflation

President Nixon has vetoed two big Federal appropriation bills for education, hous-

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ing and other domestic functions on the ground that they exceeded his budget request by nearly a billion dollars. Mr. Nixon maintained that if he were to sign the bills, he would be saying "yes" to a higher cost of living, higher interest rates and higher taxes.

The President's decision to veto these two measures must be seen in the perspective of other actions that his Administration favors. It is pressing hard for Senate approval today of the ABM, a project of incalculable cost and great peril. More broadly, Mr. Nixon insists that he sees no room for further reductions in the $70 billion defense budget.

In fact, he has suggested that further cuts in defense spending will aggravate unemployment. Just this week, in signing the unemployment insurance bill, the President warned that 800,000 men released from the armed forces and defense plants "would have to be absorbed into the American work force in the private sector and also in some Government activities."

There is no reason why the President cannot balance further defense cuts with increases in civilian spending to ease this transition. The economy has unemployed resources and can use moderate increases in total demand. Indeed, this is why the President and his economic advisers have been pushing for an easier monetary policy.

No supportable case can be made for isolating from all other fiscal and monetary policies one billion dollars needed for domestic programs as the cause of inflation. The economic programs of this Administration and its sense of national priorities require an over-all review—and a strong Congressional response.

THE FBI

Mr. TALMADGE. Mr. President, I have long been a great admirer of Director J. Edgar Hoover and the Federal Bureau of Investigation. I regard the FBI as the most efficient law enforcement agency in the world. The effectiveness of the Bureau in combating crime and in protecting national security over the years is immeasurable.

Unfortunately, in recent years, the FBI has been made the target of criticism by certain militant and radical groups in the country, along with just about every other symbol of authority and law and order. This regrettably is a symptom of the times in which we now live. However, an overwhelming majority of the American people have confidence in the FBI and respect its work. Insofar as criticism of the FBI is concerned, I hope that the Bureau will consider the source and go on about its business in keeping with the integrity and tradition that have characterized its operation for almost a half century.

The Washington Evening Star of August 11 contains an excellent editorial written by the columnist David Lawrence on the FBI. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FBI THE TARGET OF SMEAR CAMPAIGN

(By David Lawrence)

The Federal Bureau of Investigation is perhaps the most effective agency related to law enforcement in the world today. It is at the same time the victim of more barbs of hate and criticism from the so-called "liberal" group than any other part of the government.

A Gallup poll, therefore, which has just been issued is significant. It shows that the favorable rating of the FBI by the public has declined from 84 percent in December 1965 to 71 percent today. This can be attributed largely to the attitude of the younger respondents, and is doubtless due to the antiwar and youth groups which have made the FBI a special target in their criticisms of the "establishment."

As a matter of fact, the FBI carries on investigative work where there are violations of federal law and crimes across state lines. It simply gathers information and reports findings to the Department of Justice or to state or city agencies which might use them. Many an important criminal has been caught as a result of the data collected by the FBI.

Interestingly enough, the Central Intelligence Agency, which does not operate in this country but investigates certain American interests in foreign countries, is also the object of attack and scorn. It has long been the custom for some of the people who would ignore the law to denounce both the FBI and the CIA and to give the impression, especially to young people, that these agencies are possessed of evil motives and are engaged in improper practices.

But all the prosecuting attorneys and officers who are familiar with what these two agencies do for the federal government in collecting data about criminals and their activities know that, except for the skill of the agents who come up with information that helps to catch and indict many a wrongdoer, a lot of guilty persons would have escaped punishment.

The FBI has a considerable influence on the police systems of this country and plays an important role in the methods of training police officers. It collaborates often with state and city authorities who seek advice and counsel on how to improve law-enforcement agencies.

The change in the Gallup poll ratings from 1965 to 1970 is not really noteworthy except that it indicates the continuing effects of smear tactics. Many of the younger people believe the reports they are hearing about the FBI. Even though there is really nothing on which to base them.

The FBI was established in 1908, but it was not until it was reorganized and J. Edgar Hoover became chief of the bureau that the agency began to be a model of efficient operation. The bureau maintains a total abstention from all political affiliations or entanglements, and not only follows closely the instructions given by each attorney general but carries on a good deal of work on its own initiative in order to collect valuable information about crime and subversion in America.

Hoover has been the head of the FBI since 1924. He rarely gives interviews or makes appearances in public. He keeps out of the political controversies of the day. But he is the object of bitter denunciation by groups which have lately been showing defiance of law and order in America.

The FBI gathers information to guide its own agents in being at the right place at the right time in order to catch criminals who are fugitives from justice. It is one of the remarkable achievements of the bureau that, over the years, some of the most dangerous of the criminals may have for a while escaped capture, but in the end found themselves in the hands of the FBI.

The police departments of states and cities have confidence in the FBI, cooperate with it and employ its help in ferreting out criminals, especially those who have fled from their jurisdiction. The FBI does not participate in any of the decisions as to whether a case shall be prosecuted or abandoned, but leaves such matters to the attorney general or the solicitor general to determine.

All this is why the FBI has achieved its reputation for fairness, efficiency and non-political involvement as an information-gathering agency for the federal government.

REMARKS OF CHIEF JUSTICE BURGER

Mr. DOLE. Mr. President, the Chief Justice of the United States addressed the American Bar Association's convention in St. Louis on Monday of this week. His remarks were, it is hoped, a first step toward an annual state of the judiciary address to Congress, a highly appropriate and necessary addition to our governmental procedures.

Chief Justice Burger, in his historic address, raised a vivid and persuasive alarm over the present status of our Federal judicial apparatus and the outlook for its future functioning under present burdens of increasing litigation, limited manpower, and budgetary inadequacies.

His warnings were combined with numerous proposals, suggestions and considerations, which should stimulate considerable thought and discussion and hopefully will result in meaningful reforms and innovations in the administration of justice in this country.

Congress was not privileged to hear the remarks of the Chief Justice in person, but they merit our careful attention and analysis. I therefore ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF WARREN E. BURGER

When President Segal and the Board of Governors of this Association invited me to discuss the problems of the federal courts with you as leaders of the legal profession, my mind turned at once to one of the great statements on the problems of the administration of justice. That was Dean Roscoe Pound's famous speech to this Association at your meeting 64 years ago. He said then that the work of the courts in the 20th Century could not be carried on with the methods and machinery of the 19th Century. If you will read Pound's speech, you will see at once that we did not heed his warning, and today, in the final third of this century, we are still trying to operate the courts with fundamentally the same basic methods, procedures and machinery he [Pound] said were not good enough in 1906. In the supermarket age we are like a merchant trying to operate a cracker barrel corner grocery store with the methods and equipment of 1900.

I would not be warranted in coming here today if I spent our very limited time reminding you what is good about our courts, or about the splendid and dedicated judges and others, most of whom are overworked to make the system function. I wish the public could know what you have accomplished first, in the support of public defender programs and now more recently in providing free legal services for people long unrepresented in civil matters. My responsibility today, however is to say to you frankly—even bluntly—what I think is wrong with our judicial machinery and what can and must be done to correct it in order to make the system of justice fulfill its high purpose.

The changes and improvements we need are long overdue. They will call for a very great effort and they may cost money; but if there are to be higher costs they will still be a small fraction, for example, of the 200 million cost of a C–5A airplane. The entire cost of the Federal Judicial System is 128 million dollars. Military aircraft are obviously essential in this uncertain world, but surely adequate support for the Judicial Branch is also important.

Wall Street experts recently estimated that American citizens and businesses spend more than 2 billion dollars a year on private security and crime control. Aside from the ominous implications of this in a free society, just think what 2 billion dollars could do for public programs to prevent crime and enforce law. That is where such support belongs.

More money and more judges alone is not the real solution. Some of what is wrong is due to the failure to apply the techniques of modern business to the administration or management of the purely mechanical operation of the courts—of modern record keeping, systems planning for handling the movement of cases. Some is also due to antiquated, rigid procedures which not only delay but often encourage it.

I am confident that if additional costs arise in the process of making needed changes and improvements in the management of the judicial system, Congress will support the Courts. But judges must demonstrate the needs clearly. Congress is harassed with demands for more appropriations for more and more new programs, each of which is labeled a high priority. We must first show that we are making the best possible use of what we already have and it is here that improved methods and skilled management techniques will count. These will cost relatively little in relation to the whole budget.

You know that in this brief report I can do no more than touch highlights and more detailed treatment of these problems must follow. I hope we can provoke debate—and even controversy—to explore and test what I have to say. With increasing urgency every one of my distinguished predecessors from Chief Justices Taft and Hughes to Chief Justice Earl Warren have pressed these mattters, but today I place this burden squarely on you, the leaders of the legal profession, in common with all judges. If the 144,000 lawyers you represent in 1,700 state and local bar associations will act promptly, you will prevent a grave deterioration in the work of the federal courts. And you should remember Justice Vanderbilt's warning that these tasks are "not for the shortwinded."

In the federal courts today the problem areas are essentially in large cities. Here we find in the judicial system no more than a reflection of the complexities created by the population shift to large urban centers. The problems exist where the action is.

In Maine, for example, there is only one federal District Judge and literally not enough for him to do. As a result he has, for 15 years or more, accepted assignments to go to courts all over the country where help was desperately needed. Many judges in the less busy districts have done the same. It is in the large centers that both civil and criminal cases are unreasonably delayed and it is there that the weaknesses of our judicial machinery show up.

How did this situation come about in the face of numerous additional judgeships added by Congress in the past 30 years?

When we look back, we can see three key factors that are important to our discussion:

First the legal profession—lawyers and judges and Congress, with few exceptions—did not act on Dean Pound's warnings to bring methods, machinery and personnel up to date.

Second, all the problems he warned about have become far more serious by the increase in population from 76 million in 1900 to 205 million in 1970, and with it came the growth of great cities and the increase in the volume of cases.

Third, entirely new kinds of cases have been added because of new laws passed by Congress and decisions of the courts.

In this 20th Century, wars, social upheaval, and the inventiveness of Man have complicated individual lives and society. The automobile, for example, did more than change the courting habits of American youth—it paved the continent with concrete and black top; it created the most mobile society on earth with all its dislocations; it led people from rural areas to crowd the unprepared cities. That same automobile which altered our society also maimed and killed more persons than all the wars combined and brought into the courts thousands of injury and death cases which did not exist in 1900. Today automobile cases are the largest single category of civil cases in the courts.

All this ferment of wars, of increased movement of people, congestion in the cities, and social changes produced dislocations and unrest that contributed to an enormous increase in the rate of crime.

In a free society such as ours these social and economic upheavals tend to wind up on the doorsteps of the courts. Some of this is because of new laws and decisions and some because of a tendency that is unique to America to look to the courts to solve all problems. From time to time Congress adds more judges but the total judicial organization never quite keeps up with the caseload. Two recent statutes alone added thousands of cases relating to commitment of narcotics addicts and the mentally ill. These additions came when civil rights cases, voting cases and prisoner petitions were expanding by the thousands.

Meanwhile criminal cases, once a stable figure in the federal courts, were increasing. The records show that in all federal district courts it now takes twice as long as it did 10 years ago to dispose of criminal cases from indictment to sentence.

To illustrate the changes, consider just a few figures: From 1940 to 1970:

Personal injury cases multiplied 5 times;

Petitions from state prisoners seeking federal habeas corpus relief increased from 89 to over 12,000;

And during this period Congress increased the number of judges by 70%, while the total number of cases filed in the federal district courts nearly doubled.

But the increase in volume of cases is not by any means the whole story. Experienced trial judges note that the actual trial of a criminal case now takes twice as long as it did 10 years ago because of the closer scrutiny we now demand as to such things as confessions, identification witnesses, and evidence seized by the police, before depriving any person of his freedom. These changes represent a deliberate commitment—some by judicial decision, and some by legislation—to values higher than pure efficiency when we are dealing with human liberty.

The impact of all the new factors—and they are many and complex—has been felt in both state and federal courts. A few illustrations as to federal courts may help.

The Criminal Justice Act of 1964 guaranteed a lawyer for criminal defendants—at public expense for the indigent—and along with it appeals at public expense. The Bail Reform Act of 1966 authorized liberal release before trial without the conventional bail bond. Each of these Acts was an improvement on the existing system, but we can now see what was produced by their interaction in a period when crime was increasing at a startling rate. The impact was most noticeable in Washington, D.C., where federal courts handle all felony cases. Defendants, whether guilty or innocent, are human: they love freedom and hate punishment. With a lawyer provided to secure release without the need of a conventional bail bond, most persons indicted (except in capital cases) are released pending trial. We should not be surprised that a defendant on bail exerts a heavy pressure on his court appointed lawyer to postpone the trial as long as possible so as to remain free. These postponements—and sometimes there are a dozen or more—consume the time of judges and court staffs as well as of lawyers. Cases are calendared and reset time after time while witnesses and jurors spend endless hour just waiting.

If trials were promptly held and swiftly completed, and if appeals were heard without delay, this would be less a problem, and debates over preventive detention would probably subside. But these two Acts of Congress came in a period when other forces including decisions of the courts were making trials longer, appeals more frequent and retrials commonplace. We should not be surprised at delay when more and more defendants demand their undoubted Constitutional right to trial by jury because we have provided them with lawyers and other needs at public expense; nor should we be surprised that most convicted persons seek a new trial when the appeal costs them nothing and when failure to take the appeal will cost them freedom. Being human a defendant plays out the line which society has cast him. Lawyers are competitive animals and the American system encourages contention and often rewards delay; no lawyer wants to be called upon to defend the client's charge of incompetence for having failed to exploit all the procedural techniques which we have deliberately made available. Yet the best defense lawyers know that the defendant's best interests may be served in many cases by disposing of the case on a guilty plea without trial.

A new category of case was added when it was decided that claims of state prisoners testing the validity of a state conviction were to be measured by federal constitutional standards. As a result federal district courts were obliged to review over 12,000 state prisoner petitions last year, as compared with 89 in 1940.

There is a solution for the large mass of state prisoner cases in federal courts—12,000 in the current year. If the states will develop adequate post conviction procedures for their own state prisoners, this problem will largely disappear, and eliminate a major source of tension and irritation in State-Federal relations.

But there is another factor. It is an elementary fact, historically and statistically, that the system of courts—the number of judges, prosecutors, and of courtrooms—has been based on the premise that approximately 90% of all defendants will plead guilty leaving only 10%, more or less, to be tried. But that premise may no longer be a reliable yardstick of our needs. Changes in the laws that are part of what we lawyers call the "revolution in criminal justice," which began as far back as the 1930's, have brought this about. Anyone who questions these changes must recognize that until recently criminal law was the neglected stepchild of the Law. The consequence of what might seem on its face a small percentage change in the rate of guilty pleas can be tremendous. A reduction from 90% to 80% in guilty pleas requires the assignment of twice the judicial manpower and facilities—judges, court reporters, bailiffs, clerks, jurors and courtrooms. A reduction to 70% trebles this demand.

This was graphically illustrated in Washington, D.C., where the guilty plea rate dropped to 65%. In 1940 3 or 4 judges were able to handle all serious criminal cases. By 1968 12 judges out of 15 in active service were assigned to the criminal calendar and could barely keep up. Fortunately few other federal districts experienced such a drastic change, but to have this occur in the national Capital, which ought to be a model, was little short of disaster.

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There is a widespread public complaint reflected in the news media, in editorials and letters to the editor, that the present system of criminal justice does not deter criminal conduct. That is correct, so far as the crimes which trouble most Americans today. Whatever deterrent effect may have existed in the past has now virtually vanished as to such crimes.

If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and most obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.

Efficiency must never be the controlling test of criminal justice but the work of the courts can be efficient without jeopardizing basic safeguards. Indeed the delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial.

The addition of 61 new federal district judgeships by Congress within recent weeks is the result of efforts which began 5 years ago. Since it takes time to fill these important positions and new judges do not reach peak efficiency at once, their full impact will not be felt for a long time. We see therefore that the additional judges, needed in 1965, were not authorized until 1970. We cannot solve our problems by meeting needs 5 or more years after they arise. The time to plan for 1975 and 1980 needs is now, and I hope this can be accomplished, not simply by adding more judges, but by the more efficient use of judicial manpower and greater productivity through improved methods, machinery, management and trained administrative personnel.

Meanwhile, not a week passes without speeches in Congress and elsewhere and editorials demanding new laws—to control pollution, for example, and new laws allowing class actions by consumers to protect the public from greedy and unscrupulous producers and sellers. No one can quarrel with the needs, nor can we forget that large numbers of people have been without the protection which only lawyers and courts can give.

The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in terms of caseloads. This is dramatically illustrated in the current budget of the Office of Economic Opportunity. Congress has granted that program 58 million dollars for legal services. That 58 million is a sound commitment to an underprotected segment of our people whose rights have suffered because they could not afford a lawyer. Few things rankle in the human breast like a sense of injustice. Whether the problem is large or small in the abstract it is very large to the person afflicted. We should applaud Congress for taking that step. But cases cannot always be settled by lawyers and the burden thus falls on the courts. This allowance for Office of Equal Opportunity legal services is almost half of what is allowed for the operation of all the courts in the federal system. Here again we have an example of a sound program developed without adequate planning for its impact on the courts.

What this all adds up to is that for at least 50 years the federal court system has experienced the combination of steadily increasing burdens while suffering deferred maintenance of the total judicial machinery—and added to that, much of the machinery has long been obsolete. The foresight of Congress in creating the Federal Judicial Center for research and study of court problems 2 years ago is one of the few bright spots in the past 30 years.

Now we must make a choice of priorities. When we want to dance we must provide the musicians and the public may well be called upon to pay something more for the federal judicial system to increase its productivity. But neither costs nor the number of judges can be held down if the caseload is steadily enlarged.

To prepare for this report to you, I asked every federal judge for suggestions. The hundreds of replies reflected a note of frustration and even anguish at the daily management and administrative burdens that drained time and energy from their primary duty to dispose of cases. That was the common denominator and the common complaint. Federal judges are today in somewhat the position of members of Congress a generation ago, before the Reorganization Act which gave adequate staffs to the Members and to the important committee work of the Congress.

The business of litigation is highly complex. To assemble all the necessary individuals is not as simple as TV shows depict. It actually involves the very difficult task of bringing together a judge, 25 or more prospective jurors, lawyers, witnesses, court reporters, bailiffs and others, at the same place at the same time without lost motion. The absence or tardiness of a single person will delay the entire process and waste untold time. Countless citizens serving as jurors have been irritated with the inefficiencies of the courts because they find themselves watching TV in the Jurors' Lounge rather than hearing cases in court.

Modern court management calls for careful planning, and definite systems and organization with supervision by trained administrator-managers. We have at least 58 Astronauts capable of flying to the moon, but not that many authentic court administrators to serve all the courts in the state and federal systems. The federal courts need immediately a court executive or administrator for each of the 11 circuits and for every busy federal trial court with more than 6 or 7 judges. We need them to serve as the "traffic managers," in a sense as hospitals have used administrators for 40 years to relieve doctors and nurses of management duties. We are almost half a century behind the medical profession in this respect.

In basic principles, it is indeed essential that we maintain our links with the past and build carefully on those foundations because they are a result of thousands of years of human experience and the evolution of the law. There is great value in stability, predictability and continuity. But the procedures of the law ought to respond more swiftly—as hospitals and doctors, farmers and food distributors have changed their methods. Yet the major procedural change of this Century was the development of the Federal Rules of Civil Procedure a generation ago. Except for those Rules, Thomas Jefferson of Virginia, Alexander Hamilton of New York and John Adams of Massachusetts would need only a quick briefing on modern pleading and the pre-trial procedures in order to step into a federal court today and do very well indeed. We see, therefore, that the judicial processes for resolving cases and controversies have remained essentially static for 200 years. This is not necessarily bad, but when courts are not able to keep up with their work it suggests the need for a hard new look at our procedures.

If the picture I have been painting seems melancholy, I must in fairness touch on a few brighter sides—but sadly there are only a few.

In recent years the ferment stimulated by Roscoe Pound, Vanderbilt of New Jersey, Parker of North Carolina—to name only three now gone—has brought on widespread growth of Judicial Seminars, Institutes and Study Centers that have contributed much. We owe a great debt to my colleague, Justice Tom Clark, who has worked tirelessly on improvements in state and federal courts.

Perhaps one of the most significant developments in a generation is the creation this year—under the leadership of this Association—of the Institute for Court Management at the University of Denver. Here for the first time is a place where court administrators can be trained just as hospital administrators have long been trained in schools of business administration.

Sadly even these bright spots emphasize how painfully slow we are to supply what courts need. The price we are now paying and will pay is partly because judges have been too timid and the bar has been too apathetic to make clear to the public and the Congress the needs of the courts. Apathy, more than opposition, has been the enemy, but I believe the days of apathy are past.

As to the future I can do no more than emphasize that the federal court system is for a limited purpose and lawyers, the Congress and the public must examine carefully each demand they make on that system. People speak glibly of putting all the problems of pollution, of crowded cities, of consumer class actions and others in the federal courts. We should look more to state courts familiar with local conditions and local problems.

Let me list some major steps for the future—steps to begin at once:

1. The friction in relations between state and federal courts presents serious problems in both the review of state prisoner petitions and other cases. I strongly urge that in each state there be created a State-Federal Judicial Council to maintain continuing communication on all joint problems. Such a body could properly include a member of the highest state court, the chief judges of the larger state trial courts and the chief judges of the federal district courts. In some states such bodies have already been created on an informal basis.

2. State and federal judges should continue their cooperation with the appropriate Committees of the American Bar Association to establish standards of conduct of lawyers and judges that will uphold public confidence in the integrity of the system we serve.

3. We should urgently consider a recommendation to Congress to create a Judiciary Council consisting of perhaps 6 members, one-third appointed by each of the three branches of government, to act as a coordinating body whose function it would be to report to the Congress, the President and the Judicial Conference on a wide range of matters affecting the judicial branch. This Council could (a) report to Congress the impact of proposed legislation likely to enlarge federal jurisdiction; (b) analyze and report to Congress on studies made by the Judicial Conference and the Federal Judicial Center as to increase or decrease in case loads of particular federal districts; (c) study existing jurisdiction of federal courts with special attention to proper allocation of judicial functions as between state and federal courts; (d) develop and submit to Congress a proposal for creating temporary judgeships to meet urgent needs as they arise. (Some state legislatures authorize such appointments based on a formula of population and caseloads in order to adjust promptly to population changes in rapidly developing areas.); (e) study whether there is a present need for three-judge District (trial) Courts and whether there is a present need for federal courts to try automobile collision cases simply because of the coincidence that one driver, for example, lives in Kansas City, Kansas, and the other in Kansas City, Missouri.

4. The entire structure of the administration of bankruptcy and receivership matters should be studied to evaluate whether they

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could be more efficiently administered in some other way. (Pending studies on this problem should be pressed to conclusion.)

5. Over the years various statutes and decisions of courts have altered many aspects of criminal procedure. Meanwhile some of the states have experimented with innovations and have developed new procedures to improve justice. Since Congress is now considering an entirely new federal criminal code we should soon undertake a comprehensive re-examination of the structure of criminal procedure to establish adequate guidelines reflecting adjustment both to the new code and judicial holdings.

6. The system of criminal justice must be viewed as a process embracing every phase from crime prevention through the correctional system. We can no longer limit our responsibility to providing defense services for the judicial process, yet continue to be miserly with the needs of correctional institutions and probation and parole services.

7. The whole process of appeals must be re-examined. It is cumbersome and costly and it encourages delay. Some courts, notably the overworked 5th Circuit, have developed procedures to screen out frivolous appeals. Finality at some point is indispensable to any rational—and workable—judicial system.

8. We made a wise choice in guaranteeing a lawyer in every serious criminal case but we must now make certain that lawyers are adequately trained so that the representation is on a high professional basis. It is *professional* representation we promise to give—nothing more—and within accepted standards of conduct. This Association has now provided lawyers for the first time with comprehensive and authoritative standards and it is now up to the courts and the Bar to make sure they are followed.

I have necessarily left some subjects untouched and others undeveloped but I hope I have imparted a sense of urgency on the problems and needs of the courts. I hope also I have made my point that it is not simply a matter of more judges but primarily better management, better methods and trained administrative personnel.

A sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people. Three things could destroy that confidence and do incalculable damage to society.

One is that people come to believe that inefficiency and delay will drain even a just judgment of its value.

One is that people who have long been exploited come to believe that courts cannot vindicate their legal rights from fraud and over-reaching in the smaller transactions of daily life.

One is that people come to believe that the Law—in the larger sense—cannot fulfill its primary function to protect them and their families in their homes and on the public streets.

I have great confidence in our basic system and its foundations, in the dedicated judges and others in the judicial system, and in the lawyers of America. Continuity with change is the genius of the American system and both are essential to fulfill the promise of equal justice under law.

I ask your help to see to it that this is done.

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WHERE IS THE GENEVA PROTOCOL?

Mr. PELL. Mr. President, 8 months ago I was among the many Senators who lauded the President for his decision to seek Senate ratification of the 1925 Geneva protocol banning first use of chemical and biological weapons.

As of this date the President has not seen fit to forward the protocol to the Committee on Foreign Relations for its consideration. I am sure the President is aware of the many measures which the Senate must act upon in the closing days of this session. If the Foreign Relations Committee is to be able to give adequate consideration to this excellent treaty I do not believe the presentation of the treaty to the Congress can be delayed any longer. Any further delay in the presentation of the Geneva protocol, which has been ratified by 84 nations, will cause, I fear, an extreme embarrassment for the United States in international affairs.

Mr. President, I ask unanimous consent that an editorial on this subject, published in the New York Times of July 24, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EMBARRASSING INACTION

President Nixon earned considerable domestic and foreign applause last November when he announced his decision to seek Senate ratification of the Geneva protocol banning first use of chemical and biological weapons. The failure of the United States to endorse the 1925 treaty, which Americans helped draft, has been an international disgrace for 45 years.

But eight months after Mr. Nixon made his promise, the White House still has not sent the protocol to the Senate for action. The apparent reason for this unconscionable delay is the Administration's reluctance to forgo the use of tear gas and herbicides.

When the President made his original announcement, White House aides contended that the protocol did not cover these agents, which have been widely used by United States forces in Indochina. But a majority of the 84 nations that have already ratified the agreement believe tear gas and herbicides are included. So do 80 members of the United Nations General Assembly who so voted last December.

By failing to seek speedy Senate approval of the Geneva protocol without exceptions, the Nixon Administration is defying clearly expressed world opinion and, according to Ambassador Charles W. Yost, is creating profound embarrassment for its delegation at the United Nations. The United States Government's inaction on the protocol fosters the impression that it intends to continue to utilize methods of warfare in Indochina that have been widely condemned at home and abroad and which should have been abandoned long ago by a nation that prides itself on its adherence to humane standards of conduct.

This failure to make good on a Presidential pledge is especially shocking on the part of an Administration that has repeatedly emphasized the importance of maintaining the credibility of American promises abroad.

TRIBUTE BY SENATOR McCARTHY TO DAN AND DORIS FLEESON KIMBALL

Mr. FULBRIGHT. Mr. President, the distinguished Senator from Minnesota (Mr. MCCARTHY) delivered a sensitive and moving tribute to Dan and Doris Fleeson Kimball on August 3 at the Navy Chapel.

Dan and Doris Kimball were friends of many Members of this body, who I am sure will appreciate the remarks of Senator MCCARTHY.

I ask unanimous consent that the Senator's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

EULOGY OF DAN KIMBALL AND DORIS FLEESON KIMBALL

(BY SENATOR EUGENE J. MCCARTHY)

In medieval times, the carvings on many doors carried these words in consideration of life and death: "I wonder why I am of such good cheer."

While considering the lives of Dan Kimball and Doris Fleeson and their deaths, we might ask the same question and respond affirmatively that we can be of some good cheer.

To speak here today and to speak well is not a very serious challenge. One need make no apologies for their lives. One need not speak with reservation. The only challenge is to present the integrity and the purity and the kind of absoluteness that marked the lives of these two people.

Dan Kimball was an American, made by America, and contributing to the making of America. A man of great optimism, he looked upon this world which God had made and found it good. He looked upon business and industry as a genuine profession, carrying with it personal privileges but also deep social obligations.

He served his country's needs in peace and also its needs in time of war. And in more recent years, carrying that same sense of obligation and of profession one step farther—an example I hope will be followed by many—he saw the special needs of this country: the needs of its poor and of its denied. He was among the first and the most effective of those who said we must take business and industry to the people. His project in Watts, I believe, will become a model for this nation. He did not stop with concern for domestic needs, but in another great and forward-looking commitment his last great effort was that of establishing a technical university to meet the needs of the people of Morocco. This is the public and private record of Dan Kimball.

Doris Fleeson looked upon this same world and found it good but also judged that it could be made much better. And so she considered her calling in journalism to tell this world what was wrong with it and who was wrong and to suggest in terms that no one could misunderstand what she thought ought to be done.

She was the master of her profession. She knew the craft of writing but she did not stop short at that mastery but studied what it meant to be a reporter, spurning the background briefing, refusing to accept any special consideration because of her special talents or because she was a woman. Respect for the integrity of her craft and her profession marked her entire life.

These are the records of two persons, separate and in different fields, each deserving tribute and praise.

There was another aspect of their lives—that of their marriage and of their life together. This living together was not a simple addition of two lives. It was not an arithmetic matter of one plus one. A very special condition, almost a new kind of person, emerged from their marriage. They did not manifest toward each other just compassion and respect—something more than that, a love of a deeper kind that can best be described as reverence. And I can think of no words that come closer to describing that relationship than three or four lines from a poem by William Butler Yeats. In one of his poems he wrote of the relationship of a man and a woman as being perfected in these manifestations:

"the hourly kindness, the day's common
speech
the habitual content of each with each
when neither soul nor body has been
crossed."

Those of us who knew either of these two persons separately have been in a special way favored. Those of us who knew both of them, although separately, have been in a special way doubly favored. Those of us who knew them together have been most singularly blessed.

A theologian in a recently written text raised these two questions. "We do not know," he said, "whither we go or why we are here." The question of whither we go or whither they go or where they go is still unanswered, but I think that all of us here know what they did know, which is why they were here.

ADDRESS BY ADM. BEN MOREELL

Mr. DOLE. Mr. President, a distinguished former military engineer recently addressed the Society of Military Engineers at Fort Myer, Va.

Adm. Ben Moreell is perhaps best known as "King Bee of the Seabees," for his role in organizing and directing the famous fighting construction branch of the Navy during World War II. His naval career spanned two wars and 31 years. Following his retirement from the Navy in 1946, he became associated with the Jones & Laughlin Steel Corp., and since retirement from that career, he has maintained an active interest in world and human affairs.

He shared several observations on the past half century of engineering with his fellow military engineers at their society's 50th annual meeting on May 15. He spoke of engineering in the broadest sense, and of engineers in terms which encompass their total role in building and directing society. His ideas are fresh and stimulating, and I believe they merit the thoughtful attention of the Members of this body.

I ask unanimous consent that Admiral Moreell's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FIFTY YEARS OF ENGINEERING BY ADM. BEN MORELL, CEC, USN (RETIRED)

In 1844 the United States Commissioner of Patents declared that our economy was "substantialy mature" and predicted "the arrival of that period when human improvement must end."

Forty-two years later, in 1886, Carroll D. Wright, the first U.S. Commissioner of Labor, stated, "Industry has been enormously developed, cities have been transformed, disances covered, and a new set of economic tools has been given in profusion to rich countries and, in a more reasonable amount, to poorer ones. What is strictly necessary has been done. There may be room for further intensive but not extensive development of industry in the present area of civilization."

In 1933, forty-seven years later, President Roosevelt said: "We have enough factories to supply all our domestic needs, and more, if they are used. With these factories we can now make more shoes, more textiles, more steel, more radios, more automobiles, more of almost everything that we can use . . . Our industrial plant is built . . . Our task now . . . is not producing more goods . . . it is the soberer, less dramatic business of administering resources and plants already in hand."

Thus spoke the cultists of the "mature economy," with firm conviction and, as proved by later events, with maximum error. Even as recently as 37 years ago, it appears that our government officials were not aware that man's wants are insatiable. Man has certain basic needs, but once these are taken care of men seek the things of culture—goods of the mind and spirit, and the leisure to enjoy them. And when men are free to exercise their ingenuity and skills, they find ways to produce fantastic luxuries which soon become commonplace necessities. Those prophets of economic stagnation I have quoted were convinced that our sole problem was to devise equitable methods of "dividing up the pie" already on hand. They were wrong. The mainspring of our economic progress consists in making an ever larger pie by expanding the scope and variety of our technological, social and economic resources.

THE MAKING OF THE NEW DEAL

It is pertinent to note an important difference between the statement of Commissioner Wright in 1886 and that of President Roosevelt in 1933. The former was offered as an opinion for public consideration, to be acted upon as individual judgments might dictate; the latter was derived from the President's conclusion that "in our generation a new idea has come to dominate thought about government—the idea that the resources of the Nation can be made to produce a far higher standard of living for the masses if only government is intelligent and energetic in giving the right direction to economic life."

Here we have the key to the "New Deal" and to the several "deals" which have followed. To the erroneous doctrine of "economic maturity" is joined the coercive policy of "government intervention."

All the power and prestige of the Executive Branch and, so far as the President could influence them, of the Legislative and Judicial Branches, would be directed toward maximizing consumption as opposed to increasing production; encouraging widespread distribution as against capital formation; promoting dependence on government guaranteed security as against freedom of competitive enterprise.

OUR HERITAGE AND ITS FRUITION

My subject is "Fifty Years of Engineering." This might imply that one can draw a sharp line of demarcation between engineering developments prior to 1920 and those which came later. This is an impossible task. For all human progress is founded on the cumulative achievements of countless toilers who, over the ages, have contributed to the vast store of knowledge from which we engineers draw our intellectual inspiration and our technological sustenance. Were it not for the labors of those predecessors, our progress to date in science and technology, as well as in many other areas, would have been impossible. Starting with the invention of the wheel about 4500 years ago and proceeding through the long ages to our present era of sophisticated technology, the record of material progress constitutes an accounting of our debts to our scientific and technological forebears.

I freely concede that during the period from 1920 to 1970 the cumulative efforts of our professional ancestry have come to fruition in far greater profusion than during all of prior recorded history. Nor would I detract from the great credit due our contemporaries and those of the preceding generation for their magnificent contribution to this achievement. We are fully justified in pointing with pride to such developments during the past half-century as the harnessing of the atom; jet propulsion; greatly improved communication by means of telephones, satellites, radio, television, laser beams and others; computer science and electronic data processing; space exploration; oceanography; transportation by air, land and water; development of new materials and revolutionary improvements of old ones; missiles and rockets; advanced techniques in the design, construction, operation and maintenance of engineering structures; and vastly improved management procedures which make possible the effective applications of these and many other developments.

This has been an epoch of brilliant advances in science and technology. And just as we cannot draw a sharp line to mark its beginning in 1920, so should we not assume that it will end in 1970.

THE AMERICAN WAY OF LIFE

But we must be aware of certain hazards which accompany this progress and which seem to be multiplying.

Our American productive machine is highly mechanized. This is true not only of the business and industrial sector but also of our agricultural production. This system provides livelihoods for 205 millions of our own people and helps support and protect much of the rest of the world.

How does one account for this nation's amazing capacity to produce? Our people are no more talented than those of the countries whence they came. Our country is no more favored with natural advantages than many others. Furthermore, our resources lay for centuries relatively unused, supporting fewer than a million inhabitants. Now, our six per cent of the world's people produce about fifty per cent of the world's goods.

Wherein do we differ from others? The significant difference is that there was established here a governmental system whose mechanisms were designed to minimize coercive force and release the creative energies of individuals.

The fundamental of fundamentals of the plan for living in these United States, which has become known as the American Way of Life, was an economically independent citizenry supporting and controlling a government so limited and confined by a written Constitution that the age-old political trick of controlling people's lives under the guise of a concern for their welfare could never be pulled in America. There was to be a new order of things in which men should be free. But this reckoning failed to take into account some of the loopholes in that Constitution and the ingenuity of demagogues in taking advantage of them.

The resulting erosion of freedom of choice and productivity can be shown by a few brief statistics.

If I had the power to appropriate 100% of the products of your labor—returning to you the minimum deemed necessary to sustain your life and productivity—you would be my slave. Slavery is the condition of any man forced to work on another's terms.

How close to this condition have we come—with millions of Americans forced to join a union before they can hold a job, other millions affected by partisan legislation dictating the terms on which they may work, all of us turning over to government an increasing portion of our earnings?

TRIBUTE EXACTED BY GOVERNMENT

This Nation was founded on the principle of a limited government. And judging from the costs of government, it operated that way throughout all of its earlier history. But progressively more and more of the people's incomes have been taxed away by government, especially over the past several decades. This reduces the area over which the individual can exercise his freedom of choice to spend his income as he pleases. An increasing percentage is spent as officialdom dictates.

Prior to the Civil War the federal government took between 1 and 2 cents from each dollar of personal income; all levels of government took less than 5 cents.

From the Civil War to World War I the

government took about 9 cents, consistently. During the twenties it took about 13 cents.

In 1930 began the first sizable peacetime increase in our history which ran the figure up to about 25 cents—double the level of the twenties, triple the 1870–1916 level and five times the level that prevailed prior to the Civil War.

By 1946 the figure had increased to 31 cents; in 1965 it was calculated at 41 cents; and recent studies have placed the figure at 42 cents. This means that the "average" individual citizen has lost freedom of choice in the spending of almost half of his income.

The growth of annual *per capita* taxation by the federal government runs a parallel course. The Tax Foundation has published these figures:

1800	$1.92
1850	1.75
1900	7.07
1930	29.78
1940	43.56
1950	268.32
1960	527.60

For 1970 the Statistical Abstract estimates that the annual per capita federal tax will be approximately $1,000.

The opposite of freedom is slavery; and everyone declares in favor of freedom. But "What is essential to the idea of a slave?" asked Herbert Spencer in his great book *Man vs. The State*. He goes on to answer his own question: "We primarily think of him [the slave] as one who is owned by another. To be more than nominal, however, the ownership must be shown by control of the slave's actions—a control which is habitually for the benefit of the controller. That which fundamentally distinguishes the slave is that he labors under coercion to satisfy another's desires. . . . The essential question is—how much is he compelled to labor for other benefit than his own and how much can he labor for his own benefit?"

XUM

When our country was young its citizens worked for their own benefit. Now that the tax take on the average is 42 cents out of every dollar earned, the "average" citizen works only 58% of the time for his own benefit. And the trend of the figures I have quoted is clearly upward.

Today the greatest threat to personal liberty everywhere arises, not from aggressions by other nations, but from encroachments by governments upon the rights of their own citizens. If, overnight, all governments were compelled by some higher power to confine their activities solely to the protection of the lives, limbs, liberties and honestly acquired property of their own citizens the world would enter upon an era of peace, productivity and spiritual and material prosperity. It is when those who control governments induce their citizens to support ambitious schemes for extension of their power on the international scene that controversy and wars result. It is clear that to avoid such disasters the constitutional limitations on the powers of government must be strictly enforced by the weight of an informed public opinion.

THE ENGINEER'S RESPONSIBILITY

The great conflict of our day is between coercion of the individual and suppression of his creative energies by his own government on the one hand, as opposed to freedom of the individual, acting voluntarily in obedience to the restrictions of God's moral code, on the other.

In this conflict engineers have a unique responsibility because their education, training and experience teaches them the importance of fixed principles and immutable laws and the dangers which flow from ignoring or disobeying them. For example, the engineer knows that in electricity he is dealing with a powerful force which operates according to certain laws. It is his duty to know those laws. He knows that electricity, uncontrolled, can destroy and kill. But when controlled and directed in conformity with the laws of nature it can be a powerful servant to mankind.

The engineer is, therefore, especially qualified to understand and to help others understand the great fundamental truth which is being ignored in human affairs today; that there are similar fixed and unchanging principles governing human nature and human relations in life on this planet. The forces of human nature, like those of the physical world, may be constructive, creative and so directed that they will help build a better life for all; or they can be destructive and disintegrating, even to the extent of destroying the physical as well as the spiritual structure of a great civilization.

Jose Ortega y Gasset, the great contemporary Spanish philosopher, has pointed up the peril of ignoring the great moral and spiritual laws of which I speak. He said:

"I wish it would dawn upon engineers that in order to be an engineer, it is not enough to be an engineer. While they are minding their own business, history may be pulling the ground from under their feet.

"People believe modern technology more firmly established in history than all previous technologies because of its scientific foundations. But this alleged security is illusory.

"Indeed, it is just this feeling of security which is endangering western civilization. The belief in progress, the conviction that on this level of history a major setback can no longer happen, and the world will go the full length of prosperity, has loosened the rivets of human caution and flung open the gates for a new invasion of barbarism." (Toward a Philosophy of History, pp. 103–105).

Ortega has thus described the issue dramatically. We are too sure of ourselves, too complacent in a time of great danger. We place too much reliance on our technical skill, our command of natural physical forces and energy, and our matchless ability to produce. Intoxicated with pride in our achievements, immersed in the interesting problems still unsolved, we have left unguarded the gates through which are pouring those destructive hordes and forces of that "new invasion of barbarism" to which Ortega refers.

The laws, the fixed and basic principles governing the development of the individual and his society are as old as civilization. Indeed, some of those principles had to be discovered and practiced before man could start on his long journey from his status as a predatory animal toward the still far distant goal of human perfection. Those unchanging spiritual and moral precepts, designed by the Creator, discovered by inspired prophets of mankind, stated and restated for man's guidance through the ages, include the fixed moral absolutes of the Ten Commandments, the Sermon on the Mount and the Golden Rule. These, in turn, require that if a man wishes to be free to use his faculties as he may choose he must accept personal moral responsibility for the manner in which he uses them.

The creative urge, implanted by God in all normal human beings, thrives under liberty. But liberty is possible only when individuals are self-reliant and conduct themselves toward each other in a climate of mutual respect and encouragement of those human qualities and forces which stimulate growth and maximum individual development. Dr. Felix Morley, noted political economist and author, states the case concisely in his book, "The Power in the People." He wrote:

"When the American people have been self-reliant, mutually helpful and considerate, determined in their mistrust of political authority, this nation has been 'in form;' its tradition alive, its contribution to civilization outstanding."

TO PERPETUATE OUR MATERIAL BLESSINGS

It is clear from the foregoing that the material blessings we Americans have been enjoying are not self-perpetuating. They are premised on certain spiritual and cultural values which this generation did not create, which it inherited and, as the record clearly shows, which it is losing. We are living off our capital. That is the quickest way to go bankrupt in business. And I am sure the stability of our social structure cannot long outlast the exhaustion of our spiritual and cultural capital.

I have spoken to you as an engineer. I have stated that the engineer's responsibility to the social order is magnified because of his education, training, experience and his indebtedness to his professional forebears. I have voiced my conviction that only as we contribute to the creation and maintenance of a climate conducive to social progress can we discharge the responsibilities imposed upon us when we entered our profession. In the larger sense, when we accept the emoluments and prerequisites of that profession, we enlist as servants of society. If we are true to our heritage we must discharge our obligations as engineers and as citizens and, by our example, show the way for others who cry out for moral leadership in this time of national peril.

Without such dedication to the eternal verities of a free society, the tourist guides of some future generation may recount, to their wide-eyed charges, the story of how "pyramids," of great cost and no utility, were built by the engineers of the 20th Century!

AFL–CIO SUPPORTS NATIONAL HEALTH INSURANCE; COMMITTEE OF 100 ADVOCATES NATIONAL HEALTH INSURANCE

Mr. YARBOROUGH. Mr. President, as the cost of medical care continues to rise, public interest is growing in general medical insurance for the whole population.

One such plan has been developed by the Committee of 100, of which I am a member. As chairman of the health subcommittee of the Senate, I support and am working for a national health insurance.

A somewhat different one has been put forward by the AFL–CIO and introduced in legislative form by Congresswoman MARTHA GRIFFITHS, of Michigan.

In an interview on Labor News Conference, a legislative representative of the AFL–CIO discussed these proposals. He is Clinton Fair, and he was interviewed by Jerome Brazda, of the Washington Report on Medicine and Health, and Tom Joyce, of Newsweek magazine.

As Mr. Fair points out, the significance of these two measures lies not in their minor differences, but in the attack both of them make on the staggering burden of health care for the uninsured family.

Because the subject of national health insurance is a major public issue and will remain so until legislation is enacted, I ask unanimous consent that the interview with Mr. Fair of July 28, 1970, on the Mutual Broadcasting System, be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

Labor News Conference, Mutual Broadcasting System, July 28, 1970

Subject: Meeting the National Health Crisis.

Guest: Clinton Fair, a legislative representative, AFL–CIO.

Reporters: Jerome Brazda, editor of Washington Report on Medicine and Health, Tom Joyce, Washington correspondent for Newsweek magazine.

Moderator: Frank Harden.

Mutual Announcer. The following time is presented as a public service by this station and the Mutual Broadcasting System.

Harden. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Clinton Fair, a legislative representative for the AFL–CIO.

In the view of the AFL–CIO, every American should be guaranteed all of the best possible health care he needs, regardless of age or financial circumstance. Rapidly escalating medical and health care costs, over-burdened health and hospital facilities and a shortage of the educated, trained and skilled personnel needed to provide high quality health and medical care are some of the major problems that must be solved before America's health care goals can be reached. Here to question Mr. Fair about the nation's health care needs and what organized labor feels can and must be done to meet them, are Jerome Brazda, editor of Washington Report on Medicine and Health, and Tom Joyce, Washington correspondent for Newsweek magazine, our moderator, Frank Harden.

And now, Mr. Brazda, I believe you have the first question?

Brazda. Mr. Fair, a year ago, President Nixon said the nation faces a health care crisis. During the past 12 months, what significant steps, in your view, have been taken to meet this crisis?

Fair. Well, Mr. Brazda, the most significant thing was done by the Congress—and that was passing the Hill-Burton Act and overriding the President's veto a few weeks ago.

The 1970 Hill-Burton Act, in its concept, is broader now than ever before in the history of the Hill-Burton Program. It now provides—in addition to the rural priorities—it provides for the construction of various kinds of facilities with a priority to the urban ghettos. It gives a priority to the rural poor. It includes the type of facilities that we think can bring about a better system for the delivery of medical and health services in our country.

Brazda. What would you say are our national health needs?

Fair. Well, our national health needs, I suspect, ought to be put into a framework.

First, we do need additional facilities in- and out-patient facilities.

We need additional programs for home care.

We need high standard care beyond actual hospital care.

We need to place more doctors in the urban areas and the poor areas.

We need more doctors in the rural areas.

We've had a very peculiar change in our country, concerning the primary physicians. More and more students today—medical students—are in the field of the specialities. As a result, the general practitioner, who could take care of probably 75 percent of all of the medical needs of families without putting them into hospitals—through out-patient clinics and office calls—are now in marked demand.

So our system is probably as important in the distribution of the delivery of our health care systems and services, as anything.

In addition, there are marked needs for, para-medical personnel. According to the authorities, we are short of medical practitioners. Depending on who looks at it and the system they use to look at the problem, that shortage can run as high as 50,000.

Brazda. Would you say then that we're still in the middle of this crisis?

Fair. Indeed I would.

Joyce. Mr. Fair, a bill providing for national health insurance is now before the Congress. Could you tell us what would satisfy the AFL-CIO, in terms of a program of national health insurance?

FAIR. Well, a program for national health insurance must cover first, comprehensive care of high quality.

Two, it has to have—in order to get quality care—a marked change in the form of delivery of health services.

Three, it must be available to all persons, no matter whether they are poor or rich.

We look at the bill which Congresswoman Griffiths (D-Mich.) has introduced—H.R. 15779—as a bill which brings medical care or health care to all of our society.

Mr. Whitney Young of the Urban League pointed out the other day, it's not for the poor, it's not for minorities, it's for everyone, and this includes working people, middle-class people—every category—it covers all of them.

That bill also provides dental care for young people up to the age of 16—and we think that is necessary.

Joyce. Mr. Fair, the idea of national health insurance has been kicking around the halls of Congress since the 1930's. Why do you think that it has a chance now, when it was defeated so many times before?

Fair. There is an awareness within the country today that the costs of medical care have been increasing very rapidly.

People are aware of the need for change. I have never seen as many articles on health care—and in as many kinds of magazines—as has been the case in this last year. That includes magazines ranging from the "New Republic" to "Fortune Magazine." Many magazines have been carrying articles on health care.

And people are talking about national health insurance.

Now, there are various kinds of bills in. But there is a consciousness, because of the rising cost—probably stemming from the Medicare and Medicaid laws. This awareness has grown—people have become more aware of the need.

Joyce. Would you say that passage of this legislation will be one of your biggest legislation endeavors this year?

Fair. Yes, and not only this year, but until we get it, if it doesn't pass this year.

The AFL–CIO Executive Council has spoken. The last Constitutional Convention of the AFL–CIO has spoken on the issue. The directions are toward using all of the services of the AFL–CIO departments to bring about a national health insurance program.

Brazda. Mr. Fair, the bill that Mrs. Griffiths put in was, of course, the AFL–CIO bill. You are aware, I assume, that a Committee of 100 for National Health Insurance, which was founded by the late President Walter Reuther of the United Auto Workers, also has come up with a proposed bill which, Senator Kennedy (D-Mass.) is expected to put in shortly. Have you had a chance to examine this bill? If so, how does it compare with yours?

Fair. We have not had an opportunity to examine the bill. We understand that the bill has not yet been drafted.

However, we have seen the prospectus for the bill, which carries the various programs that they intend to have in the bill. In substance, they are not very different. A comparison shows some strengths in their programming. Some of the strengths that we see in Mrs. Griffiths' bill, we think, are better than those in the program projected by the Committee of 100.

However, there is no philosophical difference, and I don't see any basic difference between the two programs. There may be differences in small matters—how much money must be allocated here, some in programming, some in payments.

But, the general outline of both bills is fairly close.

Brazda. Is there a possibility then that these two labor groups, the AFL–CIO and the UAW, might get together toward the common goal of national health insurance?

Fair. Oh, yes. Recently, President Woodcock of the United Auto Workers, met with AFL–CIO President George Meany, and insofar as pushing the bill on the Hill is concerned, there is an agreement to work together.

Joyce. Mr. Fair, critics of national health insurance have argued that this would further burden our already over-taxed medical facilities. How would you answer such a charge?

Fair. If we think that a national health insurance program would deliver health services in the same way that they are delivered today, I think that would be true.

On the other hand, let me point out to you that where pre-payment group practice has been utilized—and this is with regard to taking a look at Permanente and Kaiser Plan, as well as the federal plan for insuring our federal employees—where they have used pre-paid practice plans, hospital days used are only one-half as great as under the ordinary type of plan used today.

Mrs. Griffiths' bill includes such pre-paid plans.

We can see that there is much to be saved by using a different type of delivery.

The conclusion that we do not have adequate facilities to provide for national health insurance today, is not an established fact. The important thing is to take a look at it in a different framework of reference than they are doing.

Joyce. Most employers, Mr. Fair, or at least most major employers, now pay all or part of private health insurance programs. Under a national program, do you think that employers would be paying more or less than they are paying now?

Fair. It will vary. Employers who have very expanded programs would not be paying more. But in many plants, the health care programs are very inadequate. In those cases, it would be more—more would have to be allocated by the employer, under Mrs. Griffiths' bill, for health care.

Brazda. The American Medical Association has put forward its own proposal, which is being reintroduced into Congress. They call it "Medicredit." This would rely on a system of tax credits to purchase health insurance through existing health insurance companies for individuals. How do you feel about this idea?

Fair. Well, it falls short in a number of respects.

First, it will not bring about any improvement in the delivery of health services. There is no way of enforcing quality in that kind of program.

Secondly, there is no way to hold costs within line in that program. As a result, as to the question, for example, which Mr. Joyce asked just a few minutes ago, do we have adequate facilities? "We" would not have adequate facilities under that kind of program.

Brazda. Do you feel that the existing insurance companies should be used, or, do you think that our present health insurance system—mainly, the use of the Blue Cross and Blue Shield plans—has to be scrapped or modified?

Fair. It depends on how they would be modified.

For example, under Mrs. Griffiths' bill, if three counties wanted to use a Blue Cross plan, and Blue Cross would bid to provide medical care on a per-capita basis—provide health treatment in that area—it could continue to exist.

But, whether or not they can adjust to that kind of program, I can't say. As we know Blue Cross and Blue Shield today, it is not contemplated in Mrs. Griffiths' plan.

Brazda. How important do you see the role of consumers in local advisory groups, and national advisory groups, for various health insurance plans?

Fair. Obviously, there is always a place for the consumer on an advisory council.

In Mrs. Griffiths' bill, they separate the professionals from the consumers, on the grounds that they have different problems.

The professional advisory council would be made up of professional people. The consumer council would be made up of an entirely different group.

Most health planning groups, as you know—and especially facility planning—regional health planning groups—are made up of professionals, as well as consumers.

We find that good.

But, we do not find that it has a similarity to a national health insurance program.

Joyce. Mr. Fair, under Mrs. Griffiths' bill, there is a provision for payment, partly by the employer, partly by the worker. Do you think that this would figure into negotiations, should the bill become law?

Fair. Yes, I think it would.

Under Mrs. Griffiths' bill, as you know—as it's going to be proposed next January—there is an employer contribution of 3½ percent of payroll, there is a matching contribution from the federal government—from general revenues—and a one percent contribution from the employees—or the consumers. Her bill provides that if unions and managements wish to negotiate in that area, they can certainly do so.

Brazda. Mr. Fair, environmental improvements—air and water pollution, on-the-job safety, many other considerations—also are involved in the national health problem. How would these be met by your proposal?

Fair. Well, in the field of occupational health and safety today, injuries in those areas are covered by workmen's compensation.

Under Mrs. Griffiths' bill, the cost of workmen's compensation—medically—would be picked up by the program.

Employers would save somewhere between $600 and $700 million, in that area alone.

Brazda. You spoke about the high quality of the recent Hill-Burton authorization bill—the one that President Nixon vetoed—which was subsequently passed over his veto. This is, of course, an authorization bill, which is fine. At the present time however, Congress is having some problems coming up with enough money to fund these programs. What are we going to do about this?

Fair. As you know, that appropriation is now under consideration. An effort will be made on the floor of the House of Representatives to restore a substantial amount of the money to the appropriation, in order that the program can go forward as quickly as possible.

Joyce. Mr. Fair, as you know, the costs of medical care have been rising faster than any other single item in the Consumer Price Index. How do you explain this phenomenon?

Fair. I would offer two explanations.

One, with the passage of Medicare and Medicaid, there was a great demand by people who were unable to afford the programs themselves—a great demand by them for the health care they needed. There was a backlog.

This caused tremendous pressures and increased costs substantially.

But secondly, the very nature of our delivery of health care services—on the fee-for-service-basis—in itself, also added to the cost. Let me give you an illustration.

We talk about "usual and customary" the doctors' fees. Here is a doctor practicing in a low-income area. His patient is now under the medicare program. Across the city, in a high-cost area, another doctor has much higher fees.

Many of the doctors in the low-income areas just simply raise their fees, because they were providing the same kind of service.

And third, of course, is that in the hospital area—which has been the fastest-rising cost in health services—workers have always been underpaid and there has been an improvement—not as much as there should be—in their salaries.

But also, the introduction of very expensive equipment—sometimes over-duplicated—has added very substantially to the cost of a hospital room.

Now, I think that those are the main elements in the rising costs.

Joyce. Basically, you are talking about the law of supply and demand, in terms of medical fees. Would that not also be the case, if we had a program of national health insurance?

Fair. No, in national health insurance, under Mrs. Griffiths' bill, payments are on a per-capita-agreement-basis.

By that, I mean, if there are to be a thousand patients, it's so much for the care of each patient, having nothing to do with each individual case.

For example, in the San Joaquin Foundation Program, they are already doing business on a per-capita basis. And doctors, the more they keep them out of the hospital, the less costly the procedures—except when necessary. This results in a reduction of costs.

Brazda. Mr. Fair, you are an experienced man in Washington, having spent many years on Capitol Hill. What's your realistic assessment of the chances of passage of national health insurance this year or next?

Fair. Not this year, and maybe not next.

But, I will say this to you, it will come faster than Medicare did. And with Medicare, as you know—the Forand Bill—was introduced in 1957. The bill passed in 1965. I don't think National Health Insurance is going to take that long.

Joyce. Would you buy a gradual approach—a piece at a time—a program to be amended and added to later?

Fair. I just don't know—I've not weighed it that way.

Joyce. Mr. Fair, how does the U.S. health care rate compare with other major western nations?

Fair. On the basis of individual care, I think ours will rate with any country in the world, provided you get the care.

What's happened here, is that in many areas—among the rural poor and in the urban areas—the care has not been provided.

Therefore, our statistical figures do not rank well with many other countries.

The differences are in the availability of the care. If you can't afford it—if you are on a farm and you can't afford it—there is no way you can get it.

This is why we have a higher rate of deaths at birth and why we don't live as long as people do in other countries, where health care is available to everybody.

Harden. Thank you, gentlemen. Today's Labor News Conference guest was Clinton Fair, a legislative representative for the AFL–CIO. Representing the press were Tom Joyce, Washington correspondent for Newsweek magazine and Jerome Brazda, editor of Washington Report on Medicine and Health. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

Mutual announcer. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

CORDELIA MAKARIUS: A CAREER OF LOYALTY AND DEDICATION

Mrs. SMITH of Maine. Mr. President, Cordelia Makarius retired from the Senate on July 31 after many years of loyal and dedicated service to the United States, the U.S. Senate, the Republican Party, and the Senate Republican Conference.

Her retirement must surely create a great void in the Senate, because we have grown to be quite dependent upon her intelligence, wisdom, and energy.

Corde's outstanding record of public service, spanning a total of 25 years, 7 months, and 22 days, began during World War II. Prior to that conflagration, Corde established an enviable record as a newspaperwoman, a magazine editor, and as a public relations director. As the males of her family went off to war, Corde felt she, too, must join the national cause. There followed distinguished service with the Corps of Engineers and the Transportation Corps which saw her rise to the position of chief technical editor for sorely needed operations manuals.

With the cessation of hostilities, Corde joined the speakers bureau of the Republican National Committee. Her writing and executive abilities gained widespread acceptance in the political world leading to a demand for her services on the Hill. She loyally served three Members of the House of Representatives before coming to the Senate in 1953.

Here, she has earned renown as a quality writer, as an ardent worker, and as one who deeply understands the political process. She has brought honor to the status and reputation of women, not only through her superlative performance of official duties, but also by exemplary efforts in local government, local politics, and social institutions vital to the well-being of our society.

Corde is a compassionate person always willing to lend a hand, and she is affectionately known as Miss Corde to the scores of Hill staffers who have sought her advice and help.

Corde, we shall miss your optimism, your unfailing good humor, and your wise counsel. We salute you unon your well-deserved retirement.

STATEMENT OF DISSENT BY JOSEPH D. KEENAN FROM PRESIDENT'S TASK FORCE ON LOW-INCOME HOUSING

Mr. MONDALE. Mr. President, Joseph D. Keenan, who served as a member of the President's Task Force on Low-Income Housing, felt compelled to file a strong statement of dissent from the committee's report toward better housing for low-income families.

Mr. Keenan knows whereof he speaks. For many years he has represented the public interest in furthering sound housing policies and has forthrightly advocated constructive housing plans and policies on behalf of organized labor.

Mr. Keenan is a vice president and a member of the executive council of the AFL–CIO, having served in that capacity since 1955. He is also the chairman of the Housing Committee of the AFL–CIO,

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has been active as the vice president of the National Housing Conference, a leading national public interest organization in the field of housing and he has played a key part in shaping the housing policies of the National Urban Coalition.

I ask unanimous consent that Mr. Keenan's statement of dissent be printed in the Record.

There being no objection, the statement of dissent was ordered to be printed in the Record, as follows:

Statement of Dissent

Although the Preface to the final draft of the Task Force Report acknowledges the urgency of the nation's housing needs, the substance of the Report does not convey as deep a sense of urgency, nor does it stress enough the importance of achieving the national housing goals, as I believe it should.

I feel that the Report fails to assign high enough priority to policies for meeting the low-income housing needs.

My comments on the specific proposals of our Task Force Report follow:

CHAPTER I—FINANCING

I am strongly opposed to extension of the surtax because it compounds the inequities that exist in the Federal income tax system.

Organized labor has strongly endorsed both tax reform and responsible fiscal policy. These are not conflicting goals.

I cannot agree with the recommendations that ceilings on FHA and VA home loan interest rates be removed. In my view, the action taken by Secretary Romney on December 30, in raising the ceiling on FHA and VA home mortgages from 7½ to 8½ percent was a grave disservice to homebuyers and to residential construction.

There is no blinking of the fact that during 1969 the highest level of interest rates in 100 years has boosted housing costs, priced a growing percentage of families out of the market for homes and depressed home-building.

Home-building, which has already declined 27% since last January, will drop even further as a result of this action at a time when America needs a sharp rise in residential construction.

And unemployment of construction workers, which rose from 5% in June to 5.6% in November, will continue to climb. Obviously, many who will go jobless will be Negroes—at the very time the Administration is claiming it wants to put blacks to work in the construction industry.

The new jump in the mortgage interest rates will result in another severe setback for the national goal of 26 million dwelling units in 10 years, established by Congressional action in the Housing and Urban Development Act of 1968.

Another effect on the new mortgage interest rate rise will be that monthly payments on principal and interest on a 30 year $20,000 mortgage will increase 10%, so that the cost of the house over the life of the mortgage will be $5,000 more.

The economics department of the National Association of Home Builders reports that monthly payments on principal and interest on a 25-year mortgage with 20% down payment rose from $139.80 for a $25,000 house purchased in June 1968 to $156.96 for a similar home bought in mid-August 1969, as the result if soaring money costs. This is a rise of $17.16, or over 12% to be paid each and every month for 25 years.

The Task Force Report tells us that the ceiling on VA and FHA mortgages must be eliminated, so that the interest rate would be permitted to rise, in order to increase the flow of money into the mortgage market. In effect, we are being told that the interest rate is being held hostage, and those of us who are opposed to high interest rates are expected to surrender as the price of realizing the needed vast increase in residential construction.

If higher mortgage rates were to produce more dwelling units on a sustained basis, we might at least understand the argument. But, on that basis, the experience of recent years is sufficient proof of its falsehood. Interest rates have moved up sharply and the supply of funds in the mortgage market has dropped; and home building is moving into a recessionary decline.

In 1968, we were told that the statutory limit on all VA and FHA mortgages must be eliminated to increase the flow of mortgage money and boost the volume of home building. The mortgage rates have been increased several times since then, in an across-the-board upward movement—with mortgage rates following the general rise of other interest rates. The movement has been from one higher plateau of interest rates to another. After several months at each plateau, new pressures have been generated for another rise in mortgage rates, with a repetition of the same story, the same promises and the same failure of home building to rise on a sustained basis. Painful history has taught us that rises in the mortgage rate did not bring any appreciable flow of funds into the market and housing starts, if spurred at all, improved only for a matter of a few months.

We are also told—as we have been told many times in the past number of years—that the increase in mortgage rates would eliminate discount points. We are well aware that discount points are a cash burden. But points are the leakage in the present system and there is no assurance that whatever the mortgage rate, the points will be eliminated. On the basis of recent concrete experience, we have found that the discount points receded somwhat, only temporarily, and then returned, despite the sharply rising trend of mortgage rates from one new high plateau to another.

Moreover, higher interest rates have added substantially to the costs of construction and even more greatly to the monthly occupancy costs of the home owner and renter. In addition, higher interest rates have added to the cost of the interest rate subsidy in the government's housing programs and have reduced the total number of units that can be realized at any given level of government expenditure. As a result, home building has dropped.

CHAPTER II—LAND

The recommendation on the dual uses of property, though soundly conceived is extremely vaguely stated. Also, it concentrates too much on the central city and does not identify dispersal of population as the more desirable goal. In addition, more emphasis should be placed on the impact of exclusionary local manipulations of zoning and the remedies needed.

CHAPTER III—MODERN TECHNOLOGY AND THE PROVISION OF LOW-COST HOUSING

I believe that the system of off-site certification is essential to the progress of the housing industry. It should be noted, however, that the guidelines governing this system do not make any reference to the need for consumer protection or for the protection of the public interest.

In a free economy, the competitive advantage of one technology against another should be determined by competition.

It is not proper for the government to intervene to tip the competitive balance in favor of a particular system of technology. The economic power of conventional home builders, who have a stake in the housing industry and an immediate concern in the consumer they are serving, is no match for the economic power of corporate giants who have no experience and no history of interest in the housing industry. Yet, given the advantages offered by the "Operation Breakthrough," the conventional homebuilder can, no doubt, produce as cheaply and with higher consumer acceptance than most of the large corporate finalists in the "Operation Breakthrough" contest.

As Dr. Heinz Umrath, the distinguished European trade union housing expert, has pointed out, the recent experience in the Netherlands show that the conventional residential construction industry there when faced with the threat of industrialization, streamlined its procedures and organized them so well that factories can no longer compete with conventional construction.

These considerations should be viewed in the light of the fact that there has been no opposition on the part of the building trades unions to the use of modular units, prefabrication or of other aspects of technological innovation in residential construction. As a matter of fact, a large number of projects utilizing prefabrication and modular construction has been sponsored by building trades unions in recent years.

CHAPTER VII—INCOME MAINTENANCE

I cannot endorse the Administration's family assistance proposals. While they would extend some assistance to some poor people who now receive no aid, I cannot support the sub-poverty level of payments the Administration has recommended.

Nor can I support the view implicit in the Task Force recommendation (30), on page 15, that simply augmenting the income of the poor will enable them to obtain acceptable housing in the market. An increase in the purchasing power of the low-income people would not, by itself, increase the supply of housing available to them. It will merely bid up the cost of the inadequate supply. A very large increase in the supply of good housing on terms bringing such housing within the economic reach of low-income families is essential to the solution of the housing problem and should be strongly recommended by the Task Force.

PRESIDENT NIXON SIGNS POSTAL REFORM ACT

Mr. DOLE. Mr. President, President Nixon signed the Postal Reform Act today and made this monumental date in the history of American public service. This new law implements one of the most fundamental and far-reaching overhauls of a major Government department that has ever been effected. It also stands as one of the foremost legislative accomplishments of the Nixon administration.

By removing postal operations from the political arena and placing the entire organization on a professional and sound economic footing, the administration has achieved a major advance toward its goal of making all of the Federal Government more responsible to the needs of the people.

The Post Office Department will cease to exist as a cabinet-level agency and will become instead an independent operation in the executive branch kown as the U.S. Postal Service. The Postmaster General will be a professional manager named by an independent board, and postal rates will be set according to the economic requirements of the service. After an initial period of Federal subsidies, the Postal Service will be entirely self-supporting, thus eliminating the deficit operations which cost the Government $3.7 billion in fiscal year 1970.

President Nixon is to be commended

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for devising and supporting this legislation. The new Postal Service will be a lasting monument to his campaign for better, more efficient Government.

GREENE COUNTY AND THE APPALACHIAN REGIONAL COMMISSION

Mr. BAYH. Mr. President, on June 22, 1970, I had the pleasure of cosponsoring S. 3999, introduced by the able junior Senator from Alabama (Mr. Allen). The bill would amend the Appalachian Regional Development Act of 1965 to extend its coverage to include Greene County, Ala. The Appalachian Regional Development Act, which authorized almost $1.1 billion for the development of Appalachia, had an overall objective of accelerating the economic development of the area in order to raise the standards of human existence in those counties of Appalachia and contiguous areas.

The Appalachian Regional Commission, consisting of 11 Governors and one Federal representative, was created to prepare plans and programs for the economic development of the Appalachian States of Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia and to coordinate Federal-State efforts in the area. Under the administration of the Commission, an abundance of programs and projects ranging from highways to education has been planned, coordinated, and organized, substantially improving the Appalachian area.

For example, more than 720 miles of a 1,193-mile highway program are under construction or have been completed. The impact of this highway program has been overwhelming. A total of 1,149 new industrial plants representing 200,335 new jobs has been reported. The unemployment rate has decreased from 10 percent to 4.5 percent. The Appalachian communities, realizing the economic, social, and educational benefit of an improved highway system have voluntarily raised their level of financial participation to nearly 50 percent, even though the act allows Federal funding up to 70 percent. These States are to be commended for their high degree of interest in the program, and their cooperation with the Federal Government working toward the fulfillment of the Appalachian regional program.

One of the most crucial areas of need in Appalachia is education. In the fall of 1969 the Appalachian Regional Commission undertook a comprehensive teacher survey to decide what specific programs might improve educational manpower in the region. It was found that 13 percent of Appalachian teachers lack complete certification, and less than 89 percent of the teachers have bachelor's degrees, compared to the national average of 94 percent. The most urgent concern, however, in the field of education is obviously the children themselves. Seventy-one percent of Appalachian students who entered the first grade in 1948 failed to graduate from high school in 1960, and the dropout rate runs 20 to 25 percent higher than the national average. Under the supplemental grant program—section 214—of the Appalachian Regional Development Act, $69.9 million has been spent in education. 46.2 percent has been allocated to vocational facilities, 48.2 percent to higher education, and 5.6 percent to equipment and supplies. Over 200 vocational and technical schools have been funded, resulting in the training of 110,000 persons.

Mr. President, one need only look at the unemployment figures of Appalachia, and one will realize the timeliness of the Commission's expansive educational program—and manpower development efforts. The rate of unemployment in Appalachia over the 1962–68 period was nearly 30 percent above the national average. Six percent were unemployed, as compared to a national average of 4.6 percent. Due to the efforts of the Commission and local citizens, 250,000 new jobs have been created since 1965 and the newly constructed highways have attracted 700 new industries.

The reach of the Appalachian regional development program and its continuing success is of special importance to Indiana. I am well aware of the impact this program has had on Kentucky, our close neighbor to the south. The Appalachian Regional Development Act has undoubtedly accelerated the economic growth of Kentucky and improved the health and welfare of its citizens, having a direct effect on the progress of the Indiana-Kentucky region. Success of the Kentucky program is evidenced by the opening of a new Control Data Corp. plant in Campton, Wolfe County, Ky., employing 150 persons; a new American Standard manufacturing plant in Paintsville, Ky., which will employ 450 persons; 38 vocational schools; a 16-county demonstration health area which has resulted in a $2 million general hospital at Manchester, Ky.; a $1 million hospital addition at Pineville Community Hospital; and a vaccination project which has protected 76,000 children. It is indeed apparent that the Appalachian regional development program has substantially closed the socio-economic gap between those areas included in the Appalachian program and the rest of the country.

Last August, Mr. President, I was invited to the city of Eutaw, in Greene County, Ala., to participate in the inaugural of newly elected county officials. While there, I became acutely aware of Greene County's need for financial assistance in developing broad programs in the areas of employment, education, health, housing, and overall economic development.

Greene County, which has the lowest aggregate income of any county in the State of Alabama, is 81 percent black, and has socio-economic problems similar to counties now receiving assistance from the Appalachian regional development program. Of the 13,400 persons living in Greene County, only 17.4 percent have completed high school and an astonishing 38 percent have less than a 5th grade education. Over 50 percent of the 2,807 families in the county are on public assistance, with 74 percent of the residents making incomes under $3,000.

If Greene County is included and incorporated into the Appalachian regional development program, I am convinced that the blacks, as well as the whites will benefit immensely. The program has been shown to be extremely successful in all the counties that receive assistance. For example, in Decatur, Ala., a 3.5-mile access road has permitted five new high-wage industries to locate there. There is no reason to believe the program would not be equally successful in Greene County.

Mr. President, the Appalachian regional development program deserves our continued support and increased financial assistance. According to the progress reports of John B. Waters, Jr., Federal Cochairman of the Appalachian Regional Commission and John D. Whisman, States Regional Office Representative, a rather impressive program of Federal-State coordinated efforts has been implemented and has unquestionably uplifted the lives and welfare of the people in the 13 States involved. It has been instrumental in creating a new rural environment, one that stimulated the Appalachian region and its people.

Inasmuch as the program has helped so many counties in the Appalachian area, it is my feeling that it can and should benefit Greene County, Ala. As cosponsor of S. 3999, it is my hope that the Appalachian Regional Development Act can be expanded to include Greene County and thus make an even greater contribution to the development of the Appalachian region.

TRIBUTE TO THE LATE DORIS FLEESON

Mrs. SMITH of Maine. Mr. President, recently one of the outstanding women in the history of the United States died literally of a broken heart within 36 hours after the death of her husband. She was one of my best friends who extended to me tolerance in a most generous degree—tolerance of what she considered to be my errant deviations from liberalism.

While my votes and stands on issues at times disturbed her as they have other liberal writers, she granted me the courtesy and respect of never questioning my motives, my intelligence, and my sincerity in those instances with which she disagreed with me. For one who believed as fiercely as she did and who spoke her mind as frankly as she did, this was a rare experience for me that I shall never forget.

I speak of the late Doris Fleeson Kimball. There is so much that I could say about her because of our long association and friendship. But I could never match what Mary McGrory, another close friend and confidant of Doris, wrote in a eulogy of her in a column in the Washington Evening Star of August 2, 1970. I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Doris Fleeson: An Appreciation

(By Mary McGrory)

Doris Fleeson made a speech to the Woman's National Democratic Club in 1959, in which, having characteristically chided the

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President and the Congress for their lapses, she gave her own credo:

"But in the end there are no wonder men and no wonder women. There are only you and me and others like us who believe in freedom to do these things. There are only those of us with vision to see the world as it is and the courage to try to do something about it."

She was surely one of the most clear-seeing women ever born, and as for courage, she was lion-hearted. Her prose was a true blade which cut through the fraud, pettiness, egotism and male supremacy which were her daily fare during the 20 years she prowled the Capital, watching politics and politicians.

NONPARTISAN LIBERAL

She was a small, focused woman, with large, luminous hazel eyes and a wide smile. She was fierce. Fierce in her opinions, fierce in her affections. She called herself a "nonpartisan liberal" and while she could be objective in her columns and distill her monumental rages to burnished, cogent, biting paragraphs, she never concealed her feelings. She would seek out an erring statesman and, with tears of indignation in her eyes, berate him for his folly.

She was, decades before the Woman's Liberation Movement, a militant feminist. While she was incomparably the first political journalist of her time, she took on the battles of her lesser sisters, and never forgot a slight to her sex.

Nor did she ever waiver in her defiance of the established order.

The night of her death, she received a visit from the editor of The Star, Newbold Noyes. With heroic forbearance, she refrained from mentioning his recent entertainment of the President at the paper at a stag lunch—an incident which had ignited her feminist fires.

He told her, "Doris, you must write a book so that the young reporters on The Star will know that they did not invent rebellion at the Establishment."

It delighted her soul.

When, in the 50s, she was leading the fight for a ladies' room in the male enclave of the Senate press gallery, she accosted her dear friend and colleague Frank Kent.

"If you laugh at us," she warned him, "I will never forgive you."

Nothing infuriated her more than to be told that she wrote like a man.

"What man?" she would inquire witheringly.

Frank Kent did not, understandably, laugh at her. Few did. She was formidable and the few who did not like her had the healthiest respect for her power and her pen.

COMBATIVE

Her happiest days, professionally, came during the Roosevelt era. She had known Franklin D. Roosevelt as governor of New York, and Eleanor Roosevelt was her ideal of womanhood . . . committed, caring, indefatigable and effective. The excitement and enlightenment of the New Deal gave her opportunity for the expression of rare and unqualified approval. Subsequent presidents never measured up. She regarded Adlai Stevenson, whose mind and spirit, while less combative, matched her own, as a man totally qualified for the White House. His two defeats caused her to mutter bitterly about the "Yahoos."

"I hit people hard some times," she said once, "but they seem to take it because they know I do that to everyone."

It was an understatement. In her prime, she could be disemboweling and her infrequent appearances on television panels caused strong men to cringe in fear. But while she was relentless towards her peers —among whom she counted the world's leaders—she was capable of positive tenderness toward the weak and the unarrived. A great professional, she cared deeply for her craft, and her kindness to young reporters was legendary and prodigious.

HAPPY MARRIAGE

She gloried in the achievements and honors of her career. But the pride of her later life was her triumphantly happy marriage to Dan A. Kimball, a huge, bluff, generous business genius who shared her passion for Democratic politics and doted on everything about her, including her sputtering rages.

To him, the scourge of statesmen was "my little bride," an appellation that never failed to melt her.

She was intensely feminine and brought the perfectionism of her writing to bear on her person and her household. She could brood over the placing of a China closet as heavily as over the course of the Vietnam War, of which she said she was a casualty. She suffered her first stroke in 1964.

In 1968, no longer writing, she participated in the McCarthy campaign by feeding the volunteers of which her daughter, Doris O'Donnell, was one. Three times a week, splendid trays of sandwiches, prepared by her own hand, were dispatched to headquarters.

MACAULEY'S WORDS

She and Dan Kimball worried endlessly over each other's health, and neither could face the prospect of life without the other's devotion. When word of his death was brought to her bedside Thursday afternoon, she reached down into that beautifully arranged and handsomely stocked mind and brought up the words to tell her grief. In a choking voice she recited lines from Macauley:

"The house that was the happiest within the Roman walls
The house that envied not the wealth of Capua's marble halls
Now for the brightness of thy smile must have eternal gloom
And for the music of thy voice the silence of the tomb."

Thirty-six hours later, she was dead.

THE MINORITY BUILDER

Mr. BAYH. Mr. President, on June 25, 1970, I had the pleasure of addressing a meeting of the National Association of Minority Contractors. At that time I discussed the problems of minority contractors and the possibilities for improving and expanding their contract opportunities.

Minority contractors have traditionally been excluded from the mainstream of the American construction industry. This exclusion is attributable to the strict bonding requirements imposed on minority contractors by surety companies. Because of these tightly controlled requirements, entrance into the mainstream of the construction industry has been denied to minority contractors and has resulted in a definite handicap. At the present time a very small number of black contractors are in the construction industry. Two thousand out of 870,000 general and specialty contractors are black; representing only two-tenths of 1 percent. Obviously, this level of participation by minority contractors is far below the desired level.

As the sponsor of several bills to improve the position of minority contractors, I have taken special note of an article entitled "The Minority Builder," written by Joseph Debro, executive director of the National Association of Minority Contractors, and chairman of Contractors Organized to Lobby—CONTROL. In the article, published in the Labor Law Journal for May 1970, Mr. Debro articulates the position of minority contractors, and discusses the obstacles and discriminatory practices experienced by minority contractors. He explains the frustrating situation in which minority contractors find themselves when dealing with surety companies. Mr. Debro states:

> The surety companies would not bond minority contractors because of their lack of construction-contact experience and lack of demonstrated managerial capability. Minority contractors could not gain the required experience because of the lack of a contract. A contract could not be obtained because of the lack of a bond.

Unless bonding requirements are made more compatible with the needs of minority contractors, this cycle of frustration and discrimination may never be broken.

Mr. Debro emphasizes programs, projects, and viable solutions that have been either proposed, considered, or implemented. Mr. President, Congress and the Nation should have the opportunity to read this excellent article. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MINORITY BUILDER

(By Joseph Debro)

(Traditionally, minority group contractors have had to content themselves with the small, low-profit jobs while the lucrative contracts went to the large firms partly because the small companies could not afford the necessary surety bond. Recently, however, steps have been taken to provide money for interest-free revolving funds to be used by minority contractors to overcome the surety-bond problem. This type of economic self-help program, the author asserts, is singularly helpful in overcoming discrimination in the construction industry.)

The Housing and Urban Development Act of 1968 projects the construction or rehabilitation of 26 million residential units—including 6 million units for low- and medium-income families—to be built under federally assisted programs over the next ten years. If these goals are achieved and if the general economy maintains the rate of growth experienced over the past decade, construction will be the fastest growing segment of our economy. The value of new construction, plus the maintenance and repair of existing structures has exceeded $100 billion. By 1980, the volume will be close to $200 billion.

OPPORTUNITY IN CONSTRUCTION

The construction industry has always been a stronghold of small business concerns. The larger firms will increase in number, scale and share of the market in a period of sustained expansion. This trend will be offset by continued heavy reliance on subcontractors, thus permitting a significant net growth in the total number of firms in the industry.

Historically, minority group construction contractors have been outside the mainstream of the construction industry. Although the nation has approximately 870,000 general and specialty contractors, fewer than 2,000—or 2/10 of one per cent—are black. While a reliable estimate of the number of contractors among other minorities is not available, it seems safe to assume that they, too, have very little representation. The de-

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velopment of minority contractors becomes increasingly important as the nation contemplates a growth in the construction industry to $200 billion in 1980, an increase of $100 billion over the present decade.

The development of minority contractors has not kept pace with the industry's growth and there is little reason to assume that, without assistance, the gap between minority contractors and other contractors will not continue to drastically widen.

This gap between present opportunity and present capacity is the product of a number of factors which have inhibited the growth and development of minority contractors. These include inadequate sources of financing and bonding, and limited entrance opportunities into construction craft unions.

As a consequence, the minority contractor has generally been restricted to small projects not requiring him to meet institutional demands for broad experience or permitting him opportunity for growth.

Thus, now, when the doors to larger construction projects may at last be opening, minority contractors are unable to participate.

An accompanying manpower problem has developed, in part, because of the minority contractor's exclusion from the mainstream on construction activity. Of approximately 435,000 minority construction workers—most of whom are laborers or belong to the trowel trades—over 60 per cent are past the age of 35; in contrast, the median age for all black Americans, for instance, is 21. Among other things, this disparity reflects a view of the construction industry prevalent among young minority workers: without meaningful job or advancement opportunities, the industry is regarded as a last resort for failures. Most often, the term "construction work" has been synonymous in the minds of the under-30 group with "laborers," the lowest paid, the dirtiest, and the hardest jobs in the construction industry.

NEW CAREERS FOR MINORITIES

The rebuilding and renewing of ghetto and blighted areas, coupled with recent government "affirmative action" programs to ensure equal job opportunities, offer new career openings for minorities in the construction industry and related fields.

The 10 million units which the Kaiser report indicated will be needed in our core cities in the next decade reflect a housing market unparalleled in our history.

The minority contractor situation is much like the weather—everybody talks about it but nobody does anything about it.

There is a wealth of misinformation, misunderstanding and misstatements of facts. The unions, the sureties, the government and the large contractors are all defensive about their positions in matters relating to this problem.

Civil rights groups, community organizations, management consulting firms and government agencies are all contributing to the problem and to the confusion. It has become more important to be recognized for some imagined contribution to this field than to effect real solutions to some very real problems.

Civil rights groups and community organizations use their involvement in this area to justify their funding requirements to funding sources and to satisfy their need for relevance to their constituency. Management consulting firms use their involvement as a marketing device to lead into what appears to be a growing government-supported market. Government agencies are making inadequate responses with an insufficiency of resources. Decisions are made on political grounds and in response to clear and present dangers. Visibility of support is more important than the viability of the program supported.

SEVERAL OBSTACLES

The unions are still advocating pre-apprenticeship and apprenticeship programs while 85 per cent of their current membership acquired union cards by methods other than those of apprenticeship.

The members of the Associated General Contractors still sign any suggested pre-award compliance agreement—as well as a union hiring hall agreement—and blame the union for the lack of non-whites in their work force. Owners and builders agree to any plan—the Philadelphia plan, the Chicago plan, or any combination of the two. They do this with the full knowledge that any excuse for non-performance will be accepted once the job is underway.

The sureties contend that what they are being asked to do will lower their standards. The minority contractor's request has always been for a consistent and fair evaluation of the experience and balance sheets submitted by minority contractors—not a lowering of standards.

The solution to the bonding problem does not require, nor does it seek, a lower standard of bonding—it seeks a consistent standard.

The American Insurance Association (AIA) defines a construction project bond as: "a form of security—the demand for which invariably derives from the person for whom the work is to be performed." The furnishing of the security as a prerequisite to bidding or to obtaining a contract for work is required by the owner and/or lender, or by the general contractor on his subcontractors. The bond is used to protect the owner, lender, general contractor and the supplier.

The owner, as the one who pays the bond premium as a part of the job cost, expects the surety to qualify the proposed contractor as to his ability to perform the contract, for the contract price, within the time set for completion of the project. This involves an examination of the proposed contractor's integrity, experience, know-how, equipment and working capital.

The surety must indemnify the owner for any reasonable costs in completing the project—which are in excess of the agreed price—and for the work, to the extent of the amount fixed in the bond.

The surety must guarantee that persons who furnish labor and material for the project to the contractors or their immediate subcontractors will be promptly paid.

The AIA—in its open letter to the Small Business Administration—seems to labor under the illusion that minority contractors wish them to unilaterally disregard the needs of the owners, the lenders or the general contractors, and to adopt a radical concept of underwriting premised on the needs of the bond applicant rather than on the needs of the owner or his designee.

THE MINORITY CONTRACTORS' POSITION

Minority contractors have no such wish. There is complete agreement within the minority-contractor community with the current surety concepts articulated by the surety industry. The disagreement is with the difference between the industry's stated position and minority-contractor experience at the operational level of the surety industry.

The AIA calls the statement—that the bonding requirements are a stumbling block to minority group advancement in the construction economy—a commonly held misimpression.

The figures used to support this argument reflect a total lack of understanding of the problems of minority contractors in this country. They do not support the Association's argument that it is a misimpression that the bonding requirements are a stumbling block to minority group advancement in the construction economy. There is general agreement with the AIA that of the roughly $75 billion of annual construction in the United States, only in the field of public works is a bond a common prerequisite to bidding and obtaining a contract; that public work involves about $15 billion a year; that of the remaining $60 billion of construction, traditionally about 20 per cent at most is required by owners to be bonded. This means $12 billion of bonded private work.

The grand total of bonded work, public and private, therefore amounts to about $27 billion—leaving $48 billion of normally unbonded work.

What the Association fails to point out, however, is that there is no requirement that any construction in the private sector go to open, competitive bid. Even if the majority of the work in the private sector was not done through a selected bid list or other sweetheart arrangements, the bonding process is still the largest single identifiable constraint to access to 35 per cent of the construction market.

Construction in the public sector represents the greatest opportunity for minority builders since there exists the legal requirement of open, competitive bids. Moreover, sweetheart arrangements between owner and builder often found in the private sector appear to be generally absent.

Access to public construction projects is restricted by a constraint authorized by an Act of Congress dated July 30, 1947, as amended (6 U.S.C. Secs. 6–13). This constraint is called the Miller Act, and it requires that sureties be used to bond all federal construction projects.

Best's *Insurance Reports, Property Liability* (1960) lists 26 classes of insurance business. Surety is one of the classes of business listed The loss ratio of all 26 classes averages 74.4 per cent. The loss of ratio of the surety class is 28.4 per cent.

Only two operating ratios need be determined to reasonably interpret the true underwriting experience of a company. These are: (1) ratio of combined losses; and (2) loss adjustment expenses incurred to earned premiums. If the total of the two ratios is under 100 per cent, the difference reflects the approximate profit margin.

The combined loss and expense ratio of the surety business is 84.4 per cent. Therefore, the approximate profit margin is 15.6 per cent—the highest of all classes of insurance business.

The United States Treasury Department regulates these sureties under the Department Circular No. 297, as supplemented.

DISCRIMINATORY TENDENCIES

There are 230 companies holding certificates of authority from the Secretary of the Treasury—under Sections 6–13 of the United States Code—as acceptable sureties on federal bonds. None of these companies have any non-white Americans on their boards of directors or in their executive suites. Non-whites have also been generally excluded from employment in this industry.

This marginally profitable, equal opportunity employer has consistently prevented blacks from entering the growth phase of the construction industry by not issuing bid bonds and/or completion bonds for proposed projects.

In cases where bonds are being issued the requirements for minority contractors are often twice as rigorous as those imposed on non-minority contractors under similar circumstances.

Trans-Bay Engineers and Builders, Inc.—a new minority-owned construction firm formed in Oakland, California—was required to show $70,000 in cash on its financial statement before a bond would be issued. The job in question was site work on the West Oakland Health Center. The contract price was $473,239.

Trans-Bay was led to believe that a bond would be issued if it showed $45,000 in cash on its statement and if all of the members of its board of directors signed an indemnification agreement; this was done. On the day the bond was to be issued, and after Trans-Bay had signed the contract for the West Oakland Health Center, the bonding company demanded another $30,000 in cash before it would issue a bond. Thirty minutes after the bond was issued, the surety company tried to cancel this bond.

This surety company represents the best effort of the industry. No other surety company contacted would even respond to the Trans-Bay request for a bond.

Evaluation of assets and evaluation of experience is the area of subjectivity in which bonding companies have a poor history vis-a-vis minority firms.

DISPARITY IN TREATMENT

Non-cash assets often make up a major fraction of the balance sheet of non-minority construction firms. These assets are often evaluated in such a way that the cash requirements are considerably less than 10 per cent. Real property, equipment and other such assets are often evaluated at the discretion of and in accordance with the best information obtainable by the locally authorized process agents.

Prior to 1967, surety companies were not only reluctant to bond minority contractors, but refused to say why. They were simply non-responsive to requests made by minority contractors.

In late 1966, the Ford Foundation initiated discussions with several major surety companies. The companies acted partly in response to requests from minority contractors in various parts of the country and partly at the suggestion of representatives of the federal government.

The surety companies would not bond minority contractors because of their lack of construction-contract experience and lack of demonstrated managerial capability. Minority contractors could not gain the required experience because of the lack of a contract. A contract could not be obtained because of the lack of a bond.

The surety companies expressed a willingness to cooperate with the Ford Foundation in the design of a program which would result in an increase in the number and size of surety bonds issued to minority contractors.

The initial result of these explorations was a three-year demonstration program in Oakland, California.

The Oakland Bonding Assistance Program was announced June 9, 1968. One hundred-fifty thousand dollars was granted to the General and Specialty Contractors Association for an interest-free revolving fund, and an additional $150,000 was granted to the same association to be used to purchase administrative services and technical assistance for contractors using the revolving fund. These funds were to be used over a three-year period to increase the job capacity of minority contractors in Oklahoma.

Prior to funding, in order to insure the support of the total community there was established a broad-base advisory board. The following organizations were represented: The Management Council for Bay Area Employment Opportunity; Building and Construction Trades Council of Alameda County; Carpenters Bay Counties District Council; The Bank of America; Kaiser Industries Corporation; General and Specialty Contractors Association; The San Francisco Human Rights Council; and The Oakland Small Business Development Center.

This advisory board recommends policy and personnel. The recommendations of the board were always accepted, even though the contractors had the option of ignoring any recommendation of the board.

The Program was directed at meeting the growth needs of minority contractors who had demonstrated ability both as craftsmen and as businessmen; men who were small because of the constraints placed on them by an unjust system and not by lack of ability on their part.

THE SCOPE OF THE PROGRAM

It was estimated that the 60 general and specialty contractors who made up the Association were collectively grossing less than 2.5 million dollars per year (an average of $40,000 per contractor). A three-year projection of five million dollars was made in the proposal. It was estimated that over 100 new jobs would be developed and that another 100 minority group craftsmen—who were employed by the Association membership at a fraction of their work potential—would be upgraded to full journeyman status. The Association membership, 18 months later, grossed more than 20 million dollars. There is currently a backlog exceeding 25 million dollars.

More than 200 new jobs have been generated. The average number of hours worked, by community craftsmen, has risen from 970 to 1,600. The average wage-per-hour has gone from three dollars to six dollars as the subcontractor has moved from the status of nonunion to union shop.

This process has generated more non-white union journeymen in the high-wage crafts than in the entire history of the local hiring-hall process. This great growth can be attributed directly to the revolving fund and to the funds allocated for its effective use.

The Ford Foundation revolving-fund grant represented a major conceptual breakthrough. The poor and the powerless had never before been given both the opportunity and the resources with which to effectively use funds for their development and growth. The community of the poor had always been required to consume and/or return any funds received.

This revolving-fund concept has been discovered and used, to a limited extent, in some model cities programs around the country. The first contractor to use this fund had not done a job larger than $130,000, although he had 15 years' experience as a general contractor. His proposal was to do a job which was estimated to cost $250,000. He needed $25,000 in cash according to the sureties.

He was able to raise $10,000 from his own resources. The Bonding Assistance Program, after careful analysis of the job and the applicant, loaned him $15,000 interest free. The $25,000 was then placed in a joint account on which the applicant and the bonding manager signed. All progress payments were received into, and all disbursements were made from this account. The contractor had no other work in progress at this time. The bonding manager inspected the job daily and the critical-path method was used throughout the job. All discounts were taken and subcontractors were promptly paid. At the end of the job, no funds were paid to the contractor until a lien release was obtained from all subcontractors and the owner released the bond.

On this particular job the contractor lost money. In spite of that fact, the subcontractors, the suppliers and the owner were all satisfied. The Bonding Fund had to take back an interest bearing note for its $15,000.

Because of the knowledge and experience gained by both the Bonding Program and the contractor, he was able to negotiate a $500,000 job which the owner agreed to put on a cash basis. This job is currently in progress and is on schedule. It appears that the contractor will make a profit on this job and that he will be able to retire his note to the Bonding Program. The next job that this contractor will be able to undertake will be at the $1 million level.

A PROFITABLE FIRST-TIME VENTURE

To cite an example which developed a profitable posture on the first job might be instructive.

Trans-Bay Engineers and Builders wanted to build the West Oakland Health Center. This company was able to raise $20,000 from its own resources. The job amounted to $473,239. The sureties required $70,000 in cash. The Bonding Assistance Program approved an interest-free loan of $50,000.

The $70,000 was placed in a joint account on which Trans-Bay and the bonding manager signed. All progress payments were received into, and all disbursements were made from this account. The contractor had no other work in progress at this time. The bonding manager inspected the job daily and the critical-path method was used throughout the job. All discounts were taken and subcontractors were promptly paid. At the end of the job, when the owner signed a bond release, there was $96,000 left in the account. This represented $26,000 in profit which Trans-Bay had earned on its first job—a four-month effort.

Trans-Bay now has under contract $5 million worth of work: a Bank of America building, Navy housing, a West Oakland elementary school, and 126 residential units in West Oakland. The company's projection for 1971 is $12 million.

The U.S. Department of Housing and Urban Development, on October 17, 1968, issued FHA Circular 4200.2—whose subject was assurance of completion of construction requirements. The circular advised of the issuance of amendments to the regulations to establish new and uniform requirements for the assurance of completion of all projects involving the insurance of advances, except Title X projects:

"For projects where FHA estimate of construction or rehabilitation is $200,000 or less, no corporate surety bond will henceforth be required, provided a personal indemnity agreement (Personal Undertaking, FHA Form No. 2459) is executed by the principal individual or individuals responsible for construction or rehabilitation of the project.

"In the absence of such a personal undertaking the requirements set forth in this letter shall apply to such projects, except that no assurance of completion shall be required for rehabilitation projects of 11 units or less to be insured under Section 221(d)3 or 221(h), or Section 235(j) or Section 236 of the National Housing Act (unless more than two such rehabilitation projects involving the same mortgagor or general contractor are under construction at one time).

"For walk up garden type structures where the estimated cost of construction or rehabilitation is $2,000,000 or less, a 10 per cent performance bond and a 10 per cent payment bond shall be provided.

"For walk up garden type structures where the estimated cost of construction or rehabilitation exceed $2,000,000 a 25 per cent performance bond and a 25 per cent payment bond shall be provided.

"For high rise elevator type structures, a 50 per cent performance bond and a 50 per cent payment bond shall be provided.

"As an exception to the foregoing requirements, a cash deposit or a letter of credit equal to one-half of the amount of the indicated performance bond or 10% of the estimated cost of construction or rehabilitation, which ever is greater, may be accepted in lieu of the performance and payment bonds. The amount of bonds, cash deposits or letters of credit will in each instance be calculated on the FHA estimate of construction or rehabilitation cost.

"Also excepted from the foregoing will be projects within the states of California, Florida, Louisiana and Texas, where statutes are in effect requiring for adequate protection, either a 50 per cent performance and

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a 50 per cent payment bond. Bonds must comply with the local statutory requirements, and cash deposits or letters of credit will not be acceptable in those four states. Personal undertakings will be acceptable for projects of $200,000 or less and the special exemption for rehabilitation projects of 11 units or less shall apply in those four states as in all other states."

FHA Circular 4200.2 demonstrates what is possible under the existing legislation. Other departments of the government should examine their own posture with respect to this circular.

ANOTHER VIABLE PROGRAM

The Small Business Administration has also been active vis-a-vis the minority-contractor bonding problem. The 8A Program, which allows the Small Business Administration to become the prime contractor in small business set-aside contracts, is now being used in the construction industry. Care must be exercised, however, to insure that the only contracts that are set aside are not the ones on which agencies do not get bids due to lack of profitability.

The Small Business Administration—in its loan-guarantee program—has begun to make guarantees on loans which are subordinate to the interest of the surety. This device permits the use of the Small Buisness Administration's guaranteed capital to meet the elevated liquidity requirements of the surety industry.

The usefulness of this device would be increased if lenders would make this money—which is guaranteed against loss—available at the same rate as is obtained on Treasury bills. Since these loans are made out of reserve funds, and since these loans generate demand accounts which show reasonable average balances, and since these loans generate consumer-loan relationships in the communities served by this kind of effort the banks can hardly afford to do otherwise.

In 1968, the Small Business Administration convened a National Construction Task Force to study the minority-contractor bonding problem. It was charged with the responsibility of coordinating the previous fragmented efforts of the private sector, the government and other interested groups.

The National Construction Task Force created a field organization in a number of cities across the country. This organization—called the Action Construction Team (ACT)—consisted of volunteer members representing each of the four working task force committees: Financial assistance; management and technical assistance; federal assistance; and community resources. These Action Construction Teams had no staff funds, no program money and no minority contractors.

The National Construction Task Force was composed of many interest groups who had nothing to gain by the kind of change which the Task Force advocated. Not a single minority contractor was a member of this Task Force.

Despite the dedication of some of the members of this Task Force, the ACT efforts have been successful in very few cities.

OTHER PROBLEM-SOLVING MEASURES

There are currently a number of major efforts being proposed to help bring about some solution to the problems of minority builders. The American Assembly, in its study of black economic development, recommended that legislation might be needed which would permit public works construction to be put on a cash basis. This is a device currently in use in California. Payout comes to the contractor as needed. He doesn't have to wait until 20 per cent of his job is complete for the first payout. This kind of transaction is handled through a builder's control. The fee which the owner pays is about the same fee that would be charged by the surety. FHA projects can currently use this device, provided the government insurance is not required until the final close of the escrow.

A builder's control receives and disburses all construction-project related funds. It estimates the job prior to funding and it inspects the progress of the general contractor and his subcontractor prior to disbursements. Disbursements are made as they are needed.

In the First Session of the 91st Congress, Senator Bayh introduced S. 2609, S. 2610, and S.2611.

S. 2609 was a bill "to increase the participation of small business concerns in the construction industry by providing for a federal guarantee of certain construction bonds and authorizing the acceptance of certification of competency in lieu of bonding in connection with certain federal projects and for other purposes."

S. 2610 was a bill "to amend Section 3 of the Housing and Urban Development Act of 1968." It has been enacted into law.

S. 2611 was a bill "to amend the Act of August 24, 1935 (commonly referred to as the Miller Act) to exempt construction contracts not exceeding $20,000 in amount from the bonding requirements of such act." The current exemption limit is $2,000. Congressman William S. Moorhead introduced similar legislation in the House of Representatives.

The law firm of Arnold and Porter is currently petitioning the United States Treasury as the regulatory agency which has the licensing responsibility for the surety industry. The petition raises the issue of the subjectivity involved in the bonding process and the issue of recourse and remedy.

The National Urban Coalition and the National Association of Minority Contractors have an effort underway to establish a National Minority Contractors Institute. This effort would use the techniques developed in the Oakland project in some 15 cities in order to develop some strong minority builders.

Finally, there seems to be a growing movement in the minority-contractor community to establish a minority-controlled surety company. The National Association of Minority Contractors views the surety dilemma as they viewed the life insurance industry 15 years ago. At that time, only black companies would issue life policies on minorities without rating them. Once the life insurance companies understood that the minority community was a profitable market, they changed their practices. They now write life policies on the total population without regard to race. There is hope that the surety companies may be educated in the folly of their current practices.

OVERTURES BY GENERAL CONTRACTORS

A number of large general contractors across the country are beginning to make some relevant responses to the minority-contractor bonding problem.

Once a job is bonded by the general contractor, he has the option of not requiring his subcontractors to bond. The general contractor is in a position to negotiate a contract with a minority subcontractor—to put the subcontractor on a cash basis by providing funds to suppliers as needed. The general contractor can then provide technical assistance and management help to a minority subcontractor who is working on a job over which the general contractor has control. The trade off in such a situation has been market penetration and acceptable affirmative action in the area of minority employment and training.

There is a very critical interrelationship between the bonding problem which we have defined and the problems of manpower, markets, management and contract compliance. All of these problems must be defined and solutions to them sought if we are going to be able to build viable minority-contractor firms. John Gardner has said "we know what our problems are, but seem incapable of summoning our will and resources to act. We are seized by a kind of paralysis of the will."

The 1968 Housing Act projects the construction of six million units of low- and medium-income housing units. These units, or an equivalent amount of industrial and public-works construction, must be built on turf occupied by the community of the poor. Trade offs for access to this enormous construction market may provide a means by which the national paralysis of the will might be cured.

The community of the poor has a responsibility to husband access to this enormous market. Trade offs must be developed between the indigenous community and the building trade councils, between the indigenous community and the contractors who propose to exploit this market.

CULPABILITY FOR DISCRIMINATION

In developing this marketing method, there must be a firm understanding of who creates and perpetuates the problem of underemployment and unemployment in the construction industry for minorities. It is true that some craft unions are guilty of discrimination. Craft unions, however, are not employers. They do not hire craft union workers. They do not train craft union workers—contractors do. The subcontractor often serves as a business agent for craft unions. The excuses which he gives for discriminatory practices are not relevant to the cause of minority unemployment.

The employer, in the construction industry, is the contractor. He must be held accountable for his employment practices and for his training practices. The excuse most frequently used by the contractor is that the hiring-hall agreement which he signs results in non-minority group referrals. Thus, the union is at fault. However, contractors who work in states which have right-to-work laws and thus no hiring-hall agreements to sign, have no better record in employment and training than do those who must sign such agreements. There is no law which limits the number of trainees a contractor can train on his job; there is no law which compels the contractor not to hire skilled minority workers through the subcontracting process. Minority subcontractors have minority work crews; these crews are paid prevailing wages. These firms are union shops or are prepared to become union shops, provided the union accepts their work force.

Ray Dones, the president of the National Association of Minority Contractors and the chief executive officer of Trans-Bay Engineers and Builders, said in a speech before a regional conference of his Association that "my firm is constructing an elementary school on one side of a street; a white construction firm is constructing some residential housing on the other side of the street. The work force, on the earth moving equipment on Trans-Bay's job is all non-white; the work force on the earth moving equipment, on the other company's job site is all white. Our unbonded subcontractor couldn't find any qualified white operating engineers and the other company's subcontractor couldn't find any qualified non-white operating engineers. Discrimination is illegal in California."

THE UNIONS' SHARE OF THE BLAME

Confusion arises regarding the leverage point because unions control the apprenticeship program. This control is confused with the actual training process. Apprentices are trained and paid by contractors—not by unions. Unions add to the confusion because they guard their absolute power over the apprenticeship program very jealously. They have been able to sell the pre-apprenticeship and the pre-preapprenticeship method of keeping themselves free of pressure in this area.

Most of the card-carrying skilled craftsmen (85 percent) who are now a part of the union hiring-hall process were not admitted through the apprenticeship process. Among

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those who have been admitted through the apprenticeship program, many have made use of some form of nepotism. Minority contractors understand the nepotistic urge; they share it and believe that the many other avenues which are currently being used for admission of non-minority members are more productive than is the apprenticeship method.

A most frequently used, non-apprenticeship method of entry into the hiring-hall process requires that a craftsman work for 24 months in a shop which has signed a union agreement. There are numerous other devices. Unfortunately, there has not been a full understanding of the various methods of entry into the craft unions. A full study of these methods might be instructive.

The manpower goal of the minority contractor is to develop and upgrade craftsmen and to enable them to become regular members of their local building trade unions within a limited time frame. This goal recognizes the need to absorb into the construction industry those members of urban communities who are beyond the apprenticeable age, who are partially trained in various crafts, and who are marginally employed. These workers may now have only limited access to training programs which will permit them to become journeymen; but they could be trained by programs which absorb the cost of their training. On-the-job training programs which pay contractors—not unions—a productivity differential will permit many craftsmen to become fully productive.

For example, the upgrading process can be applied to the existing members of the labor unions. Many laborers have had much experience helping plumbers. They should be able to be upgraded at a very rapid rate thus creating more plumbers and more openings in the laborers' union ranks.

FULL IMPLEMENTATION

Minority contractors must be trained on the job; they must not be expected to learn how to solve their business problems only in a classroom. We must somehow build in support for the cost of minority contractors' learning on the job. Giving technical assistance and management support to an unemployed contractor or to one who is only marginally employed may be acceptable as a part of an affirmative action program, but it is considered non-responsive to the needs of the minority-contractor community.

SENATOR SCOTT'S RECORD IN JOB OPPORTUNITY AND REGIONAL DEVELOPMENT LEGISLATION

Mr. DOLE. Mr. President, the distinguished senior Senator from Pennsylvania, (Mr. SCOTT), our able and respected Republican leader, has had a longstanding interest and record of leadership in congressional efforts toward increasing job opportunities for unskilled and semiskilled workers and improving conditions in regions of impaired economic progress.

Although the overall level of unemployment in this country has not been critical for many years, the plain fact of the matter is that the unemployment rate among low-income groups is alarming. To meet this problem, Senator SCOTT has long urged job training and job retraining to place unskilled or semiskilled workers in positions of suitable employment.

Regional development, such as the Appalachia program, has meant a great deal to Pennsylvania. As one of the original sponsors of this vital legislation, Senator SCOTT knows of its tremendous effect on his State. For example, the Appalachian Regional Development Act affects 57 of 67 Pennsylvania counties and has been responsible for the expenditure of more than $110 million in 5 years.

Mr. President, Senator SCOTT's efforts to stimulate employment opportunities and to further development in depressed areas have been tireless, and the resulting benefits to his State of Pennsylvania, as well as the entire Nation, have been considerable. His remarkable and significant record in these fields extends from his first Senate service in the 86th Congress through the present 91st Congress. I ask unanimous consent that a summary of this aspect of the accomplishments of the senior Senator from Pennsylvania be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

91ST CONGRESS

Legislation

S. 1072—To authorize funds to carry out purposes of Appalachian Regional Development Act of 1965.

S. 15—Rural Job Development Act—To provide income tax incentives and other benefits for employers operating certain industrial or commercial enterprises in rural job development areas.

S. 1079—To consent to the Susquehanna River Basin Compact.

S. 1362—To provide Federal financial assistance to Opportunities Industrialization Centers to assist in job training in low-income areas.

Votes

Voted to increase appropriations for the Office of Economic Opportunity from $1.624 billion to $2.048 billion.

Voted to express the sense of the Senate that the aggregate of opportunities for job training for disadvantaged youth shall in no event be less than that for fiscal year 1969.

Voted to increase funds for the Neighborhood Youth Corps summer program under the Manpower Training and Development Act.

Voted to authorize funds to extend programs under the Economic Opportunity Act.

90TH CONGRESS

Legislation

S. 2088—To provide incentives for creation by private industry of additional employment opportunities for residents of urban poverty areas.

S. 2134—To provide incentives for establishment of new or expanded job producing industrial and commercial establishments in rural areas.

S. 2572—To establish a Domestic Development Bank for development of employment and business opportunities in certain urban and rural areas.

S. 3649—To provide private enterprise with incentives to employ and train unemployed and low-income unskilled persons residing in both urban and rural areas, and to provide community employment and training by Federal and local governments as the employer of last resort.

S. 3876—To establish a community self-determination program to aid people of urban and rural communities in securing employment.

Votes

Voted to continue present policy of requiring at least 40 percent of assignments of male enrollees in the Job Corps to be primarily directed to the conservation, development, or management of public natural resources or recreational areas.

Voted to establish a $200 million program of grants to employers of up to 15 percent of the cost of training the unemployed.

Voted *not* to abolish the Job Corps.

Voted to transfer the Headstart program for disadvantaged pre-school children from the Office of Economic Opportunity to the Office of Education so that it would be better administered.

Voted *not* to reduce the authorizations for the Economic Opportunity Amendments of 1967 by $198 million.

Voted for the Economic Opportunity Amendments of 1967.

Voted to add $25 million to the Headstart program under the Office of Economic Opportunity.

Voted to increase by $215 million funds for the Office of Economic Opportunity.

89TH CONGRESS

Legislation

S. 1766—To authorize loans for rural areas water supply; make grants for rural community development planning and construction.

Votes

Voted *not* to eliminate Appalachia programs for land stabilization, conservation and erosion.

Voted for the Appalachian Regional Development Act of 1965.

Voted for the Manpower Act of 1965.

Voted for the Public Works and Economic Development Act of 1965.

Voted to retain the voluntary assistance program for needy children under the Economic Opportunity Act of 1965.

Voted for the Economic Opportunity Amendments of 1965.

Voted for the Community Development District Act of 1966.

Voted for the Demonstration Cities and Metropolitan Development Act of 1966.

88TH CONGRESS

Legislation

S. 1274—To provide preference in awarding certain government contracts to contractors in areas of substantial and persistent unemployment.

S. 1832—To increase jurisdiction of the Delaware River Port Authority.

S. 2782—To assist in development of the Appalachian Region by establishing the Appalachian Regional Commission and by authorizing grants to be made to assist in encouraging local industry, health and educational facilities.

Votes

Voted against reducing by $100 million the authorization of appropriations to finance youth programs under the Economic Opportunity Act of 1964.

Voted for the Economic Opportunity Act of 1964.

87TH CONGRESS

Legislation

S. 856—To create a regional intergovernmental Compact for the Delaware River Basin.

Votes

Voted for the Temporary Extended Unemployment Compensation Act of 1961.

Voted for the Area Redevelopment Act of 1961.

Voted *not* to limit the length of time or the authorization for the retraining program of the Manpower Development and Training Act of 1961.

86TH CONGRESS

Legislation

S. 548—To grant the consent of Congress to the Great Lakes Basin Compact.

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S. 942—To establish a Commission on Equal Job Opportunity Under Government Contracts.

S. 3558—To establish program of financial and technical assistance to alleviate conditions of substantial and persistent unemployment in economically depressed areas.

THE ABM: A WHITE ELEPHANT

Mr. McGOVERN. Mr. President, in considering the proposed anti-ballistic-missile system, several points should be emphasized.

We should recall, for example, that every White House science adviser since the creation of that office has expressed the gravest doubts about the feasibility of this system.

Since last year there have been two significant developments affecting the rational for Safeguard. The first was the initiation of the Strategic Arms Limitation Talks. The second was Secretary Laird's admission, in effect, that the critics were right last year in pointing out that the system could be easily overwhelmed by enemy action.

The Secretary said in his posture statement on February 20 of this year that:

> To be perfectly candid, Mr. Chairman, it must be recognized that the threat could actually turn out to be considerably larger than the Safeguard defense is designed to handle.

In practical terms, that statement means, and the Secretary elaborated on it so there could be no mistake, that if there is no arms limitation agreement the Soviet Union can nullify this system. On the other hand, if there is an agreement we will not need the system. In either case we are buying a useless collection of machinery.

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Secretary Laird went on to argue that the Minuteman protection aspects of the system should be constructed "because the additional cost needed to defend a portion of Minuteman is small if the full area defense is bought."

But, Mr. President, the Armed Services Committee has rejected the full area defense; so the multibillion dollar ABM parasite now stands alone and exposed.

There is no evidence that this system will make any real difference in defending the United States against nuclear attack or in preventing a first strike. All we know for certain is that it will severely deplete our resources and accelerate the inflationary pressures which so concern the President that he has vetoed desperately needed funds for schools, housing, hospitals, water systems, and veterans programs.

Is it not true that most Senators really doubt that the Safeguard system will work? I fully believe that we will regret its construction.

The administration's argument seems to have been reduced to a single point—"the system may be no good, but it scares the Russians." They tell us that even though it may be worthless on its own, it has value as a bargaining chip.

But that astonishing argument defies both logic and history.

It suggests that we will gain a bargaining advantage by threatening the Soviets with wasting billions of our own dollars. It asks Senators to see merit in telling an adversary that if he does not comply with our wishes we will inflict injury upon ourselves.

But beyond that, the recent history of our attempts to achieve limitations on the world's nuclear arsenals presents a clear lesson that any new weapons construction brings only escalation by the other side.

How can the proponents of this system answer the compelling logic set forth in a letter to the Washington Post this week by such distinguished Americans as Averell Harriman, Karl Kaysen, Adrian Fisher, Franklin Long, and Herbert Scoville. Mr. Harriman is the most experienced of all Americans in negotiations with the Soviet Union. His judgment and that of his respected colleagues should be carefully weighed.

They have reminded us that it has not been new weapons systems which have brought negotiating success. It has been rather, the kind of imaginative step President Kennedy took in announcing an end to nuclear testing, opening the door to the ban on tests in the atmosphere. It has been steps like the Senate's unanimous passage of the Pastore resolution in 1966, endorsing steps to halt the spread of nuclear weapons and leading to the Nonproliferation Treaty.

The administration suggests that the Safeguard is needed to advance SALT. I suggest that the case has become so weak that they are using SALT to get Safeguard. The issue is not whether we will give the President a bargaining chip, it is whether we will allow the negotiations to be misused as a debating point here at home, to pry loose a system the President appears determined to build no matter how overwhelming the case against it.

Let us not waste billions on this dreadful white elephant.

Let us not squander resources we urgently need to end hunger, clean up the cities, reduce crime, and build America as a land of dignity and peace.

Let us accept the moderate and thoughtful effort of Senator COOPER and Senator HART to restrain the deadly nuclear giant.

Mr. President, I ask unanimous consent that the letter by Governor Harriman and his colleagues, to which I referred, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE ABM VOTE AND THE SALT TALKS

Recently administration spokesmen have been insisting that unless the Congress authorizes the continued construction and expansion of the Safeguard ABM, it will not be possible to negotiate an agreement with the Soviets at SALT to limit strategic armaments. They argue that the negotiators need the Safeguard bargaining chip to induce the Russians to halt the deployment of their large SS-9 ICBMs.

This would appear to be an attempt to exploit the desire of the Senate and the public to achieve success in SALT in order to rescue the Safeguard program from defeat. The administration has always defended the Safeguard ABM defense of Minuteman sites on the basis that it was not a threat to the U.S.S.R. If true, why then should the continuation of this program be a chip to induce the Soviets to agree to limit their offensive missile deployment?

The major U.S. threat to Soviet security lies in the deployment of the U.S. MIRV systems. On April 9, 1970, the Senate passed a resolution by a vote of 72 to 6 urging that the President propose to the U.S.S.R. an immediate suspension by both countries of further deployment of *all* offensive and defensive nuclear strategic weapons systems. Yet this MIRV chip has been thrown away by the accelerated deployment of the Minuteman III and Poseidon missiles with their MIRV warheads and by the reported proposal that any MIRV limitations must be accompanied by Soviet acceptance of extensive inspection of both offensive and defensive missile sites. There is no security justification for such urgent MIRV deployment since the heavy Soviet ABM which they were designed to penetrate could not be deployed and become operational for many, many years.

It has also been reported that the possible outcome of SALT would be an agreement that henceforth the United States and the U.S.S.R. will limit their ABMs to the defense of their capitals. The continued deployment of Safeguard at the Minuteman sites will not in any way contribute to the defense of Washington, and the Senate is being asked to endorse the expenditure of funds for useless hardware if SALT is successful and for an admittedly at best marginally effective system if it is unsuccessful. Why the U.S. should try to get the Soviets to agree to the deployment of ABM defenses for Washington and Moscow instead of a complete ABM ban is not clear, since the defense of Washington will not accomplish any of President Nixon's three objectives for an ABM system. A complete ban would eliminate the need for MIRVs and simplify the problems of verification by obviating any possible need for inspection. It is reported that the Soviets have indicated interest in such a complete ban.

Finally, history has unmistakably demonstrated that restraints, not accelerated weapons programs, pave the road to arms control. Overwhelming superiority did not induce the Soviets to accept the Baruch plan. On the other hand, President Kennedy's American University pledge to halt atmospheric nuclear testing as long as the Soviets did the same rapidly produced agreement to negotiate the Limited Test Ban Treaty in 1963. Similarly, the Senate passage without dissenting vote of the Pastore Resolution in 1966 endorsing efforts to halt the spread of nuclear weapons broke the ice toward starting serious U.S.-U.S.S.R. negotiations on the Nonproliferation Treaty.

If the Senate wishes to conserve funds and make a maximum contribution toward improving U.S. security by achieving arms limitations and agreement at SALT, it will refuse authorization of funds for the expansion of Safeguard and forbid the expenditure of additional funds for the continued deployment at the two Safeguard sites approved last year until it is satisfied that the negotiators have not been able to persuade the Soviets to agree to limitations on offensive and defensive missile systems.

In our judgment, a Senate vote against the ABM is a vote for success in SALT.

NUCLEAR REACTORS IN OPERATION AND PLANNED FOR CUBA

Mr. DOMINICK. Mr. President, I have received a telegram from Mr. Edward B. Benjamin, of New Orleans, dated August 10, 1970, calling attention to an article dated August 10, 1970, written by Mr. Donald Seaman, chief foreign correspondent for the London Daily Express.

The article, a copy of which I obtained

from the Washington office of the London Daily Express, deals with the information on nuclear reactors in operation and planned for Cuba. In addition, the Washington Daily News printed a story by Mr. Seaman on August 11, 1970, dealing with the overall control of Cuban affairs by Soviet technicians and advisers in Cuba.

In the London Daily Express article, Mr. Seaman has vividly depicted plans for the installation of a "critical" nuclear reactor in Cuba by 1971 or 1972. While the reactor's purpose is said to be peaceful, Mr. Seaman voiced grave doubts as to this, due to the vast numbers of Russian advisers and Cuban scientists trained in Russia, the current policy of familiarization visits by Soviet missile-carrying naval units, and flights by long-range reconnaissance and transport planes. In the Washington Daily News article, Mr. Seaman gives further evidence of Soviet influence in that Caribbean island. Ninety-five percent of the oil that runs Cuban ships, buses, trucks, and taxis is supplied by the Kremlin.

Since part of the debate against the ABM is based on the theory that we can ignore the increasing offensive power of the Soviets and their satellites on the ground that "capability" has nothing to do with "intentions," I believe these articles written by a firsthand observer in Cuba may give them pause. I ask unanimous consent that the articles and the telegram be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the London Daily Express, Aug. 10, 1970]

Fidel's Nuclear Secret Worries United States

(By Donald Seaman)

This weekend in Havana I learned first details of Fidel Castro's secret experimental nuclear reactor, for long a worry to American Intelligence services.

The reactor, shipped complete from Russia, is housed in what was ex-President Batista's old "West Point" military academy along the airport road leading from the Caribbean island's capital.

It is run by a staff of 51 scientists—all Cubans. The director was trained in Czechoslovakia, all the rest in Russian nuclear centres.

PEACEFUL?

All of them spent a minimum of five years' training under Russian supervision before the reactor itself was shipped over.

In scientific terms the reactor is "non-critical"—incapable of making the bomb. It is being used solely for experiments, some in the medical field and others in processes whereby the hard-up Cubans are trying to make paper from the pulp-like sugar cane residue.

But—and this is sure to increase U.S. concern—the Cuban scientists say plans are in hand for the Russians to give the Cubans their first "critical" nuclear reactor by 1971 or 1972.

According to my information, there is no indication that the new reactor, if and when it comes, is intended for anything but peaceful purposes.

Its very presence, however, linked with the presence of vast numbers of Russian advisers to Cuba, the current policy of familiarisation visits by missile-carrying Russian naval units, and flights by long-range reconnaissance and transport plans—will certainly arouse increased American fears.

Just why the Russians, whose foreign policy today is aimed at reaching an understanding with the U.S., should demonstrably underline their strength in Cuba and continue to pour in economic aid at the minimum, rate of a million dollars a day, is still the big question.

THOUSANDS

Exactly how many Russians there are in Cuba now is anyone's guess. They are never seen on the streets of Havana or Santiago. The lowest estimate I was given put the figure at 6,000. The highest was more than 20,000.

But what is certain is that they are there in strength in every field, military, political, and industrial.

In addition, there are thousands more from the Eastern Bloc—Bulgarian, Rumanian (drilling all round the coast for oil), and East German.

Russia has made Cuba the strongest military Power in Latin America.

Castro's Russian-trained army is bigger than Britain's, a staggering 300,000 strong.

Cuba's population, incidentally, is 8 million, the same as London. Why this massive show of strength? To my mind Russia's return, her "percentage" from this hugely expensive outlay, is two-fold.

First, she demonstrates to all Latin America her power, her wealth, her boldness, smack in Uncle Sam's backyard.

Second, and more practically, Russian aims in Cuba are strictly long-term, The country has a history of violence, bloodshed, and treachery, and popular though Castro is, it is by no means impossible that his political enemies might make an attempt on his life.

So the presence in Cuba of an overwhelmingly powerful, Communist-indoctrinated army means insurance for the Russians that even if Fidel should go, their power and influence will remain undiminished.

[From the Washington Daily News, Aug. 11, 1970]

The Man Who Calls the Tune in Cuba

(By Donald Seaman)

You never see a Russian on the streets in Cuba, but they are there, about 30,000 of them.

They control all life in that tropical, crocodile-shaped island that lies only 90 miles south of Florida.

Their ships and planes run the American blockade and sustain Cuba in every sense. Take fuel: 95 per cent of the oil that runs Cuba's ships, buses, trucks, cars and taxis is supplied by the Kremlin.

And the real boss of Cuba is Alexander Soldatov, the genial, English-speaking ambassador whose last post was at the Court of St. James.

LITTLE SUCCESS

His relationship with Fidel Castro is delicate. No one orders the big, bearded revolutionary to do anything: But the Russians suggest and their suggestions are almost law.

For the past two weeks I have been the only British journalist in Cuba. Every day I watched the Russian tankers enter Havana under the walls of Morro Castle to lie at anchor and pump out the lifeblood of this 11-year-old Marxist stronghold.

Rumanian oilmen have drilled every inch of the coast with little success. The two onshore fields they have working produce only 5 per cent of Cuba's needs. So, Moscow, via their man in Havana, Mr. Soldatov, calls the tune. If he stopped the oil supplies, Cuba would grind to a halt inside 10 days.

The message has begun to sink thru. In 1968, when the Russians invaded Czechoslovakia, Premier Castro placed on record his support.

It was a major decision. Communist states everywhere were shaken by the Russian brutality. But Fidel Castro, hero in revolutionary eyes the world over came to the aid of the party.—And Mr. Soldatov will make certain he never steps out of line.

FLAT BROKE

But after 11 years of revolutionary glory, Cuba is flat broke, running up debts like a losing gambler, and going further into the red with every passing month.

Premier Castro has gone thru $2 billion of U.S. investments; a half billion dollars of military aid from Russia; direct economic aid from Russia totalling a further $2 billion and long and short term loans from the capitalist world amounting to another $200 million.

Agreed, he pays his western debtors on the nose. His credit balance of payments from this year's sugar harvest has given $200 million to play with. But it still spells bankruptcy for Cuba.

BIG PAYLOAD

The man who knows all this, who opens his wallet every day to keep Cuba alive, is Soldatov.

He ordered Castro to allow those missile-carrying naval ships to, twice in the past 10 months, maneuver off Cuba and the U.S. mainland.

He controls the intermittent but deeply worrying flights of the TU 95 "Bear" long range reconnaissance aircraft and the big payload Antonov transports.

He stations the MIGs and the radar and military advisers; he supplies teachers for Havana University and the nuclear reactor and the schools and he says how many rubles Cuba may have each day to keep running.

The name is Soldatov. He lives only 90 miles off America's backyard.

New Orleans, La.

Senator Peter H. Dominick,
Senate Office Building,
Washington, D.C.:

This morning's London Express features article by its Cuban correspondent giving details of secret experimental nuclear reactor just installed after five years of training of Cuban operators in Russia with critical nuclear reactor due in 1971 or 1972. Article refers to frequent visits to Cuba of missile carrying Russian naval units, also flights of long-range reconnaissance planes and gives estimate of three hundred thousand men in Castro's Russian trained army. All data add up to urgent need for American ABM system. Believe our capacity for installation already far advanced as evidenced by ground to air missile discharged from our air carrier off north Vietnam that brought down two Russian MIGS seventy miles away. Urge every precaution for our Nation's safety.

Edward B. Benjamin.

SCHOOL INTEGRATION—A TIME TO FULFILL THE COMMITMENT

Mr. BAYH. Mr. President, integration in our Nation's schools has become an issue of primary concern and utmost priority. This issue raises not only the crucial question of racial prejudice and bigotry, but presents even more strongly the question of the future of public schools and quality education. Continued resistance to quality school integration and the delaying tactics employed by high officials are shocking, especially when one realizes the situation has reached the crisis point.

The Senator from Minnesota (Mr. Mondale), chairman of the Select Committee on Equal Educational Opportunity, recently was a guest on the Columbia Broadcasting System's program "Face the Nation." On that show Senator MONDALE discussed the values of school integration, its prospects, and the need for national leadership in this effort to obtain equal educational opportunities for all children. He said at one point:

> My position is that the only way to achieve integration is to do it responsibly, to bring the school children together in a quality environment in which quality education exists and in which everything possible is done to make it succeed. The present half-hearted system in many cases is doing great damage and to call it even desegration is to stress the meaning of the word.

When asked about the attitudes of blacks in relation to integration—especially in view of the half-hearted policy being pursued at present—Senator MONDALE said:

> Should . . . frustrations continue to develop and these open and acute diversions continue to occur, if the law of the land continues just to be some sort of trick as they see it, I can see where Black America will back off the whole objective of living together in an integrated society, and if that happens, then I think the darkest predictions of the Kerner Commission could well come true.

Mr. President, in order that Members of Congress as well as citizens around the country may have the opportunity to read the full text of Senator MONDALE's excellent remarks, I ask unanimous consent that the transcript of the interview be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

FACE THE NATION

(Broadcast over the CBS Television Network and the CBS Radio Network, July 26, 1970)

Guest: Senator WALTER F. MONDALE, Democrat of Minnesota.

Reporters George Herman, CBS News; Jesse Cook, Time Magazine; Daniel Schorr, CBS News.

ANNOUNCER. Senator Mondale, the Justice Department says that by fall the old segregated school system of the South will have been wiped out. You have just returned from a trip through Alabama, Louisiana, and Texas. Is school segregation about to be dead?

Senator MONDALE. I doubt it very much. I think a good deal of the job remains ahead of us. Unless we get a more complete commitment out of the Justice Department and the President of the United States, I think this fall is going to be a very difficult period indeed.

ANNOUNCER. From CBS, Washington, in color, "Face the Nation," a spontaneous and unrehearsed news interview with Senator Walter Mondale, Democrat of Minnesota.

Senator Mondale will be questioned by CBS news correspondent Daniel Schorr, Jesse Cook of Time Magazine and CBS News Correspondent George Herman.

Mr. HERMAN. Senator, what did you mean by a difficult period? Do you mean there is likely to be a disruption of some kind?

Senator MONDALE. There could very well be disruption. I think there is deep remaining resistence to these court orders and there is growing concern in the black community among black teachers, among black leaders, as to the way in which it is being done.

In addition to this, there are all kinds of circuitous ways in which the resistance movement avoiding the reach of the Court orders, such as the private segregation academies and segregation within a school so that black children go to separate classes. In these ways the hope for successful desegregation or integration is being frustrated and is creating great and serious problems that could well explode.

Mr. COOK. Senator, earlier this year you charged that the President is tearing us apart on this issue and you added that his civil rights record was one of political expediency which has sacrificed the cause of human rights.

Since then, as you know, the Administration has filed a host of desegregation suits, negotiated a number of voluntary compliances from several districts, altered its tax policies on segregationist academies, and you have called this hopeful but you don't seem to have basically altered your view of the Administration's motives or record. Why is that?

Senator MONDALE. Well, I think that what is really needed is a strong moral leadership role by the President of the United States. This he has refused to supply. Instead of that, it has been a negative, half-hearted appeal to the country to comply with the law.

In addition to this, the Justice Department has been off and on again so many times that the net result is to encourage resistance to the enforcement of the law in the South. And that is why when I say I am encouraged by the commencement of these lawsuits and by the change in the tax exemption issue by the Justice Department that, too, depends upon the administration of the Justice Department, of the Internal Revenue Service, and I wait to see what happens there.

Mr. SCHORR. Senator Mondale, you call it negative and halfhearted. Senator Strom Thurmond seems to think it is going much too far and that, as a result, President Nixon may have difficulty winning the South in the next election.

Do you think you are performing a service for the cause of integration by attacking the Administration from one side while Senator Thurmond is attacking from the other side?

Senator MONDALE. My position is that the only way to achieve integration is to do it responsibly, to bring the school children together in a quality environment in which quality education exists and in which everything possible is done to make it succeed.

The present half-hearted system in many cases is doing great damage and to call it even desegregation is to stress the meaning of the word. I don't know what Mr. Thurmond has in mind, but that it what I have in mind.

Mr. SCHORR. He has in mind 100 lawyers. If those 100 lawyers are going down to help and all these court suits that have been filed and all the things that Jesse has just mentioned. They have done a lot, haven't they?

Senator MONDALE. Well, let's take the case of the so-called 100 lawyers, because I think this is typical of what this nation has seen in this Administration's policies.

First, there was an announcement of the Justice Department that somewhere around 100 Federal officials, lawyers and assistants would seek to monitor outstanding Federal Court Orders and would establish temporary offices to which complaints could be made by concerned citizens in the South.

The next day Strom Thurmond gave his speech attacking it. The following day the Attorney General said this was only a tentative plan, and the following day the President of the United States attacked the proposal of his own Administration and called it a program of vigilante movements into the South. Now, how does anyone follow a course like that and come away with any confidence?

Mr. SCHORR. But, I don't want to argue with you, but did the President attack it or did he merely try to reassure the South that these people would not be behaving like the vigilantes? In any words, change the language but go ahead with the program.

Senator MONDALE. Well, he didn't say he was going ahead with the program. I hope he does, and if he does, I will commend him for it. But at this point it appears to me that he has criticized this tentative minimal proposal of his own Justice Department

Mr. COOK. Senator, there has been a lot written and said recently in the last couple of weeks in a report to the President from members of his own Administration about the dangerously rising frustrations among blue-collar workers in the $5,000 to $10,000 a year category, 70 million Americans among them. This is the group that includes, as you know, whites most resentful of integration efforts. They can't buy their way out either by private schools or privileged neighborhoods.

How do you propose to spur integration as you have proposed on many occasions without pushing them over the brink?

Senator MONDALE. Well, I think that the first essential element is strong Presidential leadership, leadership which in strong terms says that integration is important to the health of this country and important to the education of our children.

I campaign and have campaigned for years with blue-collar workers. I wouldn't be in the United States Senate if it weren't for their support. I think they are a lot more decent and a lot more desirous of a healthy America than some people suppose, and if the President would provide the kind of leadership that this nation needs in this field and say: "Now, look, this country is tearing apart. It is becoming increasingly frustrated. The possibilities for civil disturbances and explosions are growing daily and millions of children are not getting a decent education. Increasingly we are living apart. And the curse of racism is perhaps the most serious social disease in America. And I say as the President of the United States it is time for us to start living together. It is time for us to spend the money that we need to spend for quality education to give these school children a chance, and I am asking all Americans to join me. I think if we heard that kind of talk out of the White House, we would get a much stronger response from the American people.

Mr. COOK. Senator, isn't this talk of the President providing national leadership, has he actually provided less than several previous Democratic Presidents?

Senator MONDALE. Well, first of all, I think in a sense that is irrelevant. But, secondly, I think that one of the high points of President Johnson's Administration was his consistent and strong support in these fields.

Most of the basic legislation that we now have in civil rights fields, including the Voting Rights Act, the Fair Housing Act, work protection clause, the basic Civil Rights Act, came about because of his leadership.

In addition to that, during his period of the Presidency, every Attorney General and every civil rights Assistant Attorney General was strongly committed and was seen as such by those who believed in desegregation. And during this period the Title VI office, which is the HEW office designed to use the Civil Rights Act to enforce compliance, was very active and very effectively active in trying to bring about desegregation.

In these and other ways, I think it was quite clear that that Administration was committed to the objective of desegregation, but let me say I think that is quite irrelevant. What really counts now is that Republicans and Democrats, whites and blacks, and all of us see the absolutely serious situation in which we now find ourselves and take those steps together.

Now, sometimes it misses press attention, but I have often commended this Administration when it has taken steps that I thought were in support of successful desegregation, only then to be disappointed when they back off the things they have said. And all I am saying to this Administration, and I have said it to them privately, if you will support desegregation and quality integration, I will be the first to stand up and fight along with you to achieve that objective.

Mr. HERMAN. Senator, last night, you released two letters, one to the Attorney General, the other to the Commissioner of Internal Revenue, and those letters I note were written July 21. That is sometime ago. And in your letter to the Attorney General you say that you talk about the Attorney General's decision, rather the Assistant Attorney General's decision to send the task forces South and you say subsequent to that announcement other Administration officials, including the President, has indicated the announcement was premature, and so forth, and you go on.

Have you heard anything from the Administration since this letter of July 21?

Senator MONDALE. Mr. Thrower, the Commissioner of Internal Revenue, has agreed to testify in early August. I have not yet heard from Attorney General Mitchell.

Mr. COOK. Senator Mondale——

Mr. HERMAN. Have you heard anything from Jerris Leonard, the Assistant Attorney General in question? Is he acceptable to you as a witness?

Senator MONDALE. Well, we have already heard from Assistant Attorney General——

Mr. HERMAN. But on this particular question that you raise.

Senator MONDALE. Well, we are hoping to have Attorney General Mitchell personally testify before us. Mr. Leonard, in response to several of our questions, said that he was unable to speak for this Administration in broad public policy, and we wish that Attorney General Mitchell would come before us so we would have a spokesman who could.

I feel that this is terribly important because one thing that is happening is that in this half-hearted program, literally hundreds of thousands of school children are being put into situations which in many cases are more destructive than nothing at all. I think we need a strong program of quality integration in which we agree to work for school environments that support children getting together and learning better than they are today. And I want to hear that from one of these Administration leaders, and hopefully Attorney General Mitchell would come before us so we could find out what the real policy is and perhaps be on stronger ground.

Mr. HERMAN. Well, as you know, the Administration, especially Mr. Mitchell, have repeatedly said, observe not what we say but what we do. Now, they have made this commitment, too, in their words, wipe out the old segregated school system by this fall. What do you think we are going to see by this fall? Will there be something that they can claim is, in fact, a wiping out of segregation?

Senator MONDALE. Well, I think that is a total mystery, which is why I would like to hear from Attorney General Mitchell, and I think further that both what an Administration says and what it does is terribly important. On both levels, it seems to me, there is substantial failure and I think it is just the sheer uncertainty of President policy which is contributing to the disarray and frustration which we see throughout the country.

Mr. SCHORR. Senator Mondale, after your recent quiet one-man trip South you reported that if this massive desegregation goes as it appears now to be going without the full elimination of discrimination, private academies, a lot of evasive tactics you said there will be difficulties, trouble. Can you describe what you expect to happen if things go as they appear now to be going?

Senator MONDALE. Well, first of all, let me just comment on some of the things that I saw which we had earlier heard about.

One of the biggest things happening in some Southern States today is the development of the private segregation academy movement. This is not just a technical modest movement. This is a major development by which private segregation academies are being created and expanded to permit white children to flee desegregation schools.

Unless the Administration is serious about the enforcement of their tax-exemption policy, I think this movement will be encouraged.

Secondly, many of the so-called desegregated schools are desegregated only in the sense that the front door is one through which all students pass. After that, they never see each other again except at a distance. They go to classrooms, in many cases, in separate classes. They use the hallways at different times. Sometimes the black children are stuffed into the basement or into other abandoned buildings. Many times the black teachers are demoted or fired. I heard a great deal of that.

In addition, many of these segregation academies are being created in part through the transfer of public property as well. Occasionally a public school building is sold at a nominal price. School desks, text books, teaching materials, teaching equipment and the rest are given away or sold at nominal prices. And this is creating tremendous frustration in the South.

Mr. SCHORR. What consequences do you foresee if the schools open this way in September?

Senator MONDALE. Well, I think part of that was disclosed by this panel of young students that we had before our Committee. These are young students in their teens who had had experiences with these half-hearted, so-called desegregation experiences and it was clear that they were deeply frustrated and terribly alienated by the process.

Where that might take them, I don't know. I hope and pray that we won't have violence. We have had examples on the other side at Lamar, South Carolina, and so on, where we have seen violence erupt in opposition to desegregation. There are other examples of growing tension. I think only the strong Presidential leadership that I have talked about and strong leadership of the Justice Department, and that kind of support, will achieve enforcement of the law and bring about the kind of environment which offers hope to the school children.

Mr. SCHORR. But I have heard witnesses before your Committee say, black witnesses say, that if schools open with half-hearted desegregation, they won't take it. It won't work. It will break down again.

Senator MONDALE. Yes.

Mr. SCHORR. I don't understand what that means.

Senator MONDALE. Well, they many times spoke vaguely. Right now it is my impression that most black people still believe in integration. They still want to make it work, even though all of these frustrations are being visited upon them. But I am of the impression that support is beginning to wane as these events occur. Should this frustration continue to develop and these open and acute diversions continue to occur, if the law of the land continues just to be some sort of trick as they see it, I can see where Black America will back off the whole objective of living together in an integrated society, and if that happens, then I think the darkest predictions of the Kerner Commission could well come true.

Mr. COOK. Well, Senator, on that score, you billed your Committee when it began its hearings as one which would seek to develop a national demand for integration. Do you think you have actually made a dent, not just nationally, even Congressionally?

Senator MONDALE. Well, yes. In the adoption of the first section of the President's Emergency Act, three amendments that largely came out of our work and from what we were able to develop in our Committee, including requiring that it be a national program, were adopted. Those are now part of the law.

When the President's full Emergency Act comes up, I am hopeful that much of what we have learned could be used to develop legislation before Senator Pell's Education Subcommittee and, as you know, we are now going to turn to the educational problems of segregated communities in the North, and to try to explore on a national basis—we have had much testimony along that line already, but we hope to have field trips which permit us to explore some of these equally difficult and compelling problems.

Now, one of the reasons that we have begun first with this field trip that I took into the South and some of the testimony that we have had in the South is that the President sent up an emergency bill which he had proposed be limited primarily to the Deep South States, and some of the border States.

I would think it far better if it were expanded to become a national law because this is a national problem. I think anyone who tries to convert it just into a Southern problem does great injustice to the South and delays the kind of national approach that we need.

Mr. HERMAN. Are you confident about American's response to problems and challenges of this kind? One of your interests is the problems of migrant workers. Now, they were first reported in shocking detail in 1901 by an industrial commission. CBS had "A Harvest of Shame" and "Hunger in America." Now we have the NBC White Paper. And still almost nothing at all has been accomplished.

Senator MONDALE. Mr. Herman, I spend most of my time in the Senate on human problem committees. I think I am on more of them perhaps than any other member of the Senate. I have been all over this country, in its ghettos, on its Indian Reservations, migrant camps and pockets of rural poverty, white poverty, with the Eskimos and Aleutians and all over, and I must say that I am stunned and shocked by the capacity of American society to permit human deprivation when those persons lack the power which we have to speak up for themselves. Lack political power to elect persons who understand and will work for the solution of their problems. Lack economic power through any kind of decent share of the wealth or through unions. And lack the social power to be heard and understood. I do not believe that most Americans would tolerate these conditions to exist if they had to live in them themselves.

Mr. SCHORR. With all respect, Senator Mondale, it is one thing to say that the American people wouldn't tolerate them or that they do seem to tolerate them, but you had the appropriate Subcommittee in the Senate, you had another week of hearings exposing these problems. Do you fold up, having gotten all the coverage, or do you introduce some legislation? What happens in Congress?

Senator MONDALE. Well, one of the reasons I spoke as despairingly as I did is during these hearings concerns an amendment which I had led the fight on in the Senate. The amendment would extend unemployment compensation to migrant workers. We adopted the amendment in the Senate but it was knocked out by the Conference Committee and yesterday was lost on the House Floor. For a year now I have been carrying on a campaign to get the Immigration Service to enforce the law at border crossings because the real source of migrant problems is the source of poor, impoverished migrants coming up freely from Mexico.

We have gotten no response from them at all. I have been supporting and have sponsored legislation for increased authorizations for migrant health programs, migrant edu-

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cation programs, legal services for migrants, and the rest, only to find that they are not either properly funded or the funds somehow get diverted into other hands.

Mr. SCHORR. So it starts in Congress.

Senator MONDALE. It certainly starts in Congress.

Mr. SCHORR. Starts in Congress with Senators and Representatives——

Senator MONDALE. That is correct.

Mr. SCHORR.—who are more amendable to the pressures of the growers than to impoverished peons.

Mr. COOK. Senator, on that score——

Senator MONDALE. If I might just respond to this, in no sense am I trying to deflect the responsibility which Congress shares. I think we are all responsible. But it is the phenomenon which I think is sometimes ignored, and that is that if you find a powerless people in America, they are usually desperately poor people.

Mr. COOK. On that score, Senator, Liberal Democrats haven't been wildly enthusiastic about the President's Welfare Reform. Wouldn't that be the direct way to help these people, to put $1600 a year directly into their pockets?

Senator MONDALE. Yes. I am one of those who believes that President Nixon's best proposal has been the family assistance plan. I would like to see it liberalized and improved, some changes made, but I think that the direction indicated by that legislation is terribly important and I have said so on many occasions.

Mr. HERMAN. The key to getting these bills that you want, this help for the poor people, and so forth, out of Congress is the election of people who think like yourself. You have a mid-term election coming up in November. How does it look to you? The Republicans seem pretty happy about their prospects.

Senator MONDALE. I don't know. I think we are going to pick up strength in the House. I think we have a very tough fight on our hands holding the Senate simply because of the 35 Senators up for re-election, twenty-five are Democratic. They control the White House and it permits the President to do a certain amount of campaigning around the country which we are now seeing. And I think we are going to have a tough year.

Mr. HERMAN. Do you find what the President has been doing this week improper?

Senator MONDALE. No. I think we can just label it for what it is. Presidents have been doing it for years. I didn't mean to imply that.

Mr. COOK. Let me push you just two years farther, Senator. There is a group of Liberal Democratic Senators, yourself among them, who might be described as the Lightning Could Strike Club, mentioned as Dark Horse Presidential possibilities. Do you consider yourself a member of that Club?

Senator MONDALE. No, I don't, and I have been impressed by how little I have been included in that list.

Mr. COOK. Impressed or depressed?

Senator MONDALE. Impressed. Let me say that I think one of the things that is terribly important is that Liberals in the Senate and in the House not all run for the Presidency. Some of us ought to stay back there and do the work and I am perfectly glad to be one of those.

Mr. HERMAN. Coming back to 1970, what do you see is the major problem for the Democrats or for the Republicans? Are you going to be helped by the state of the economy? Are you going to be helped by some of these issues like migrant workers and school segregation? Is there a national issue, in other words?

Senator MONDALE. I think the management of the economy is very much in issue. There has been a deliberate policy to slow economic growth. We have very high inflation. We have rising unemployment. We have an old economics policy which has produced both extremes and has lost us through depressed economic growth nearly $30 billion of wealth this year and perhaps $12 billion to $14 billion of revenue.

Mr. HERMAN. The President is sure to come out and say, as he has been saying all along, that Congress is doing the heavy spending while he is trying to cut.

Senator MONDALE. In fact, we have cut his budget nearly $6 billion last year. His complaint when you analyze it is not that we are raising his budget, because in fact we cut his budget last year by that amount, but that we are trying to increase spending in human problem fields of health, of nutrition, of education, and the other fields while he would have us spend billions of dollars in such things as the supersonic transport, Phase 2 of the anti-ballistic missiles, space stations and shuttle programs, and things of that kind.

I think we have helped to reshape this nation's priorities but we have got a long way yet to go.

Mr. SCHORR. Senator, you gave a properly dignified response to the lightning-might-strike question. I want to ask you a somewhat different question because I don't think any man in your position would say I am running for President in 1972.

Senator MONDALE. I will.

Mr. SCHORR. You will? How do you mean that?

Senator MONDALE. I am not running.

Mr. SCHORR. You are not running. Well, let me—that is not the question I want to ask. I accept your announcement.

Since the death of two Kennedys, there are several Senate Liberals, each of whom has taken over a part of fighting causes of the poor. Senator McGovern, there is you, and there are a couple of others.

How do you see this process of acting as the exponent for social causes? What do you see as your future role?

Senator MONDALE. I don't know but I am absolutely convinced that unless these causes are fought and won, that this country is in for very serious difficulties.

In addition to that, I can't live with what I have seen, the poverty, the hunger, the destruction of children, the disgrace of the conditions under which these people live. I just can't live with it. And I feel a duty along with many others in the Congress to do all that I can to try to get this nation to shift its policies so that Americans by the millions who are now denied will have a decent chance for a full life.

Mr. HERMAN. Senator——

Senator MONDALE. We are a long way from that and I feel deeply about it.

Mr. HERMAN. We have about 15 seconds left. In that struggle that you have just outlined, are you going to have as the Junior Senator from Minnesota to help you, Mr. Hubert Humphrey?

Senator MONDALE. Yes, I am sure we will.

Mr. HERMAN. You are sure that he is going to be re-elected?

Mr. MONDALE. Yes, I am, and I am supporting him.

Mr. HERMAN. Okay. On that note, thank you very much for being with us today on Face the Nation.

Senator MONDALE. Thank you.

SENATOR HUGH SCOTT'S RECORD ON CRIME LEGISLATION

Mr. COOK. Mr. President, the Republicans in the Senate have enjoyed outstanding and effective leadership under the tutelage of the distinguished Senator from Pennsylvania (Mr. SCOTT). Senator SCOTT is a man of independent judgment, but at the same time he couples this with tenacious advocacy of most positions of our Republican administration.

His legislative record is a model which most Senators should study being particularly sound in the crime-fighting area.

Many of us have long been aware of the efforts of our distinguished minority leader, HUGH SCOTT, in the field of anticrime legislation, but it is now time for all Senators and the public to become familiar with this remarkable record. Therefore, I ask unanimous consent that a compilation of Senator SCOTT's legislative record in the fight against crime dating back to the 86th Congress be printed in the RECORD.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

SENATOR HUGH SCOTT'S RECORD ON CRIME LEGISLATION

America's Number One problem is crime. Senator Hugh Scott knows that although a root cause for crime is social disorder, crime can be controlled through better laws and better law enforcement. Senator Scott has been one of the Nation's leading advocates for more money to fight crime and for the appointment of stricter judges.

Republican Leader Hugh Scott has cited organized crime as a grave threat to the security of the United States. He says that organized crime is responsible for a great deal of corruption in government. This corruption can only be stopped by effective laws designed to eliminate organized crime.

The following summary of Senator Hugh Scott's record on key crime issues illustrates how he has worked to fight crime:

91ST CONGRESS

Legislation

S. 1509—To provide for appointment of court executive for each judicial circuit to administer activities of court in order to facilitate smooth functioning of court and to ensure the defendants and the public prompt justice in all cases.

S.1510—To require each judge and justice of the United States to file an annual financial report in order to maintain judicial integrity and public confidence in the courts.

S. 1516—To establish a Commission on Judicial Disabilities and Tenure with powers to investigate any judge whose good behavior or judicial fitness is in question in order to promote the honorable and efficient administration of justice.

S. 2827—To allow college president to seek Federal court order to prevent campus disorders at any institution assisted by Federal funds.

S. 3175—To establish an Institute for Continuing Studies of Juvenile Justice to act as coordinating center for information in field of juvenile delinquency and control and to serve as training center for local, State and Federal officials who are connected with the treatment and control of juvenile offenders.

S. 3289—National Court Assistance Act—To establish an Institute for Judicial Studies and Assistance to promote the development and adoption of improvements in the judicial system at all levels, with power to make grants to local and state courts for the purpose of studying and implementing changes to ensure speedy and efficient justice in all cases.

Votes:

Voted to ratify treaty concerning offenses committed on board aircraft.

Voted for the Organized Crime Control Act of 1970.

Voted for the Narcotics and Dangerous Drugs Control Act of 1970.

90TH CONGRESS

Legislation:

S. 676—To prohibit obstruction of Federal criminal investigations by any person.

S. 917—Safe Streets and Crime Control Act—Provides for a 5-year program of planning and program grants to States and local government to plan and execute programs to improve their police, courts, and correctional systems.

S. 1033—To establish within the Department of Justice the Office for Judicial Assistance in order to make studies and disseminate information pertaining to improvement in the administration and procedure of local and State courts; authorizes the Office to make grants to courts and organizations to make studies and implement improvements in court systems.

S. 2050—To prohibit electronic surveillance by persons other than duly authorized law enforcement officers.

S. 3304—To authorize the Bureau of Prisons to assist State and local governments.

Votes:

Voted to expand Title I of the Omnibus Crime Control and Safe Streets Act, relating to the recruiting and training of community service officers.

Voted to provide that a voluntary confession be admissible in evidence in any criminal proceeding brought by the United States.

Voted to provide that a confession made while under detention shall not be inadmissible solely because of delay between arrest and arraignment of a person charged with an offense against the United States or the District of Columbia.

Voted to allow Federal courts to reverse State cases involving admissions and confessions admitted as voluntarily given in cases where the highest court of the State had affirmed.

Voted to provide that law enforcement assistance grants be made directly to the States (block grants).

Voted for the Omnibus Crime Control and Safe Streets Act of 1968.

Voted to provide that an institution of higher education, after notice and hearing to a student or an employee convicted of certain stated crimes or who had refused to obey a lawful regulation or order of such institution, could deny payment to such individual under Federal programs assisted higher education.

89TH CONGRESS

Legislation:

S. 647—To provide that convicted persons will receive credit toward service of their sentences for time spent in custody for lack of bail.

S. 1409—To authorize the Secretary of Health, Education and Welfare to make grants to public or nonprofit agencies to improve the effectiveness of State and local police forces.

S. 1808—To facilitate rehabilitation of persons convicted of Federal offenses; to permit certain prisoners to work at paid employment or undertake community training courses while continuing as inmates.

S. 2113—To authorize civil commitment in lieu of criminal punishment for certain narcotic addicts.

88TH CONGRESS

Legislation:

S. 864—To provide for right of persons to be represented by attorneys in matters before Federal agencies.

S. 1057—To provide for representation of financially indigent criminals in U.S. Court cases.

87TH CONGRESS

Legislation:

S. 403—To provide for appointment of additional circuit and district judges.

S. 2984—To establish matching grant program, under the Department of Health, Education and Welfare, to improve education, training, and recruitment of State and local police forces.

86TH CONGRESS

Legislation:

S. 818—To provide for appointment of three additional district judges for eastern, and two for western Pennsylvania.

Senator Hugh Scott's fight against crime has been cited by our Nation's top law enforcement officials. Pennsylvania's own fight against crime has been greatly aided by Senator Scott's efforts to bring in more money and more assistance under such vital legislation as the Omnibus Crime Control and Safe Streets Act. Senator Scott will continue his work to make our society a safer one in which to live.

UNJUST PUNISHMENT FOR THE AIR TRAFFIC CONTROLLERS

Mr. MONTOYA. Mr. President, as of today, 47 air traffic controllers have been dismissed by the Federal Aviation Agency for their part in the alleged sickout of controllers this past spring. This policy of FAA underscores a continuing misconception as to why employee morale is low in air traffic control and also how best to correct this situation. These dismissals are a cruel punishment, and will only serve to reduce the morale and effectiveness of the air traffic controller. To deprive the flying public of the services of these professionals, simply to retaliate against them because of their organizational affiliation is clearly inequitable.

Other Federal employees, including over 220,000 postal employees, participated in an illegal strike against the Government and to date, no recrimination or sanctions have been imposed against any of them. This clearly indicates duplicity in the application of the law and for the controller to comprehend this dual standard is rather difficult. Both the Corson committee report and recent Federal court rulings on issues related to this dispute between FAA and the controllers, clearly state that the FAA should share equal responsibility for the work stoppage in late March. U.S. Federal Judge Hart in Washington stated that the controllers acted only after "extreme provocation" by the FAA. However, it appears thus far that FAA has chosen to ignore its culpability and has passed the entire burden on a relatively few among the leadership of the air traffic controllers. In a Wisconsin case, 2 controllers received virtually identical letters of proposed dismissal from the FAA; however, only one controller, the president of the Milwaukee chapter of Patco, was dismissed. The other controller was not.

Apparently new and more rational attitudes have been adopted by Patco, and it would be logical to assume that every means which the Government commands should be utilized to encourage these new postures. The punative measures that have been applied to the controllers are clearly a further depressant and a source of constant psychological pressure to the controller. A reinstatement of those controllers already terminated, and a cessation of further punative measures would be in the best interest of the controllers, the FAA and the flying public.

COMPUTER SERVICES

Mr. JORDAN of North Carolina. Mr. President, many Members of the Senate have recently expressed interest in the development of data processing and computer techniques with a view to their application to the administrative and legislative functions of the Senate.

Recently, the Subcommittee on Electrical and Mechanical Equipment of the Committee on House Administration of the House of Representatives, authorized by contract an in-depth study of computer adaptation to activities in that body.

To keep abreast of developments in this important area of technology and specifically to study and plan for future accommodations in the Senate, I am glad to announce that at the regular meeting of the Committee on Rules and Administration, held on August 5, 1970, the Committee unanimously agreed to the establishment of a subcommittee on computer services.

The new subcommittee will consist of Senator HOWARD W. CANNON and Senator CARL T. CURTIS and myself, as chairman.

It is the subcommittee's intention to employ competent and qualified staff to work with the subcommittee and to maintain appropriate liaison with Senators, Members of the House of Representatives, officials of the Senate, related Congressional offices, the Library of Congress, the Government Printing Office, the Comptroller General, and the industry itself.

It is the hope of the subcommittee to update Senate procedures wherever feasible so that we do not fall behind the times in the use of available technology.

AMERICAN PRISONERS OF WAR

Mr. ALLOTT. Mr. President, only lately have I begun to doubt the truth of Washington Irving's maxim that the idol of today pushes the hero of yesterday out of our recollection; and will, in turn, be supplanted by his successor of tomorrow. Over 1,400 American men are still held as prisoners by the North Vietnamese under conditions that violate the Geneva Convention. These men are—and will continue to be—heroes in anyone's book, by anyone's definition, according to anyone's standards. This, Mr. President, is the truth of the matter.

REMINDER TO SENATE OF PRESIDENTIAL ENDORSEMENT OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on February 19, 1970, President Nixon broke the tragic stalemate on the Genocide Convention by requesting the Senate to move toward speedy ratification of this vital testament for human rights. I think that it is only proper that we all be reminded of this initiative by the

President on behalf of an international covenant that has been languishing in the Foreign Relations Committee for over 20 years. The endorsements of the treaty keep mounting while the effect needed to wrestle this convention from its "resting place" seem to find little open encouragement.

The Committee on Foreign Relations apparently has decided to let it lay until after the elections and I can only hope that this will be the last detour for justice. We have only ourselves to blame, Mr. President, when the cries of "hypocrite" are again levied at this Nation and its foreign policy. Ratification of this convention is one of many ways that we, as a body, and as a Nation, can give our critics pause. The need is desperate and the time is all too painfully short. We must act without regard to petty partisan pressures, for this is an issue of human rights, Mr. President. I ask Senators to please consider when, if ever, human rights should be relegated to the position of just another political issue.

Let us move toward a realistic joining of rhetoric and policy by ratification of this vital testament to the dignity of mankind and the inherent integrity of national and racial entities.

SALAMANCA, N.Y. HONORS CPL. KEITH FRANKLIN

Mr. GOODELL. Mr. President, I invite attention of the Senate to the establishment of a memorial fund to honor the memory of Cpl. Keith K. Franklin, of Salamanca, N.Y., who was killed in action in Cambodia on May 24, 1970. With the donations it has received from the residents of 20 States and nine foreign countries, the memorial fund plans to erect a plaque in Salamanca and to install an audio center in the Salamanca Library in memory of Corporal Franklin.

Senators will recall the letter Corporal Franklin wrote to his parents in which he testified to the immorality of the Vietnam war and to the lack of purpose for which it is fought. We who read Corporal Franklin's letter, which, at his request, was opened only after his death, were struck both by the eloquence with which he expressed himself and by the idealism his eloquence revealed.

Clearly, it is essential that we perpetuate this idealism by insuring that proper recognition be given to those who have responded to Corporal Franklin's last request—namely, that we devote ourselves unstintingly to bring an end to the conflict that destroyed his life, and the lives of some 40,000 other Americans. To this end, I ask unanimous consent that articles published in the Salamanca Republican-Press be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MEMORIAL PLAQUE IS PLANNED FOR WAR DEAD IN INDOCHINA

Plans for a memorial plaque to honor all Salamanca area war dead in Indochina were announced today by leaders of the Keith Franklin Memorial Fund.

Plans to erect a commemorative plaque in a public place were made at a conference Wednesday night with Mayor Ronald Yehl and Mr. and Mrs. Charles B. Franklin, according to the co-chairmen of the fund, Dean Case, 113 Broad St., and James B. Weber, 821 Front Ave.

Also planned is the donation of a "listening center" for Salamanca Public Library. It would contain stereo record and cassette players with individual headphones for listening to recordings and tapes. The equipment would enable several persons to use the "listening center" at one time.

The memorial fund was organized by classmates and friends of Spec. 4th Class (Cpl.) Keith K. Franklin, 19-year-old Army medic, who was killed in action in Cambodia May 12.

So far $940 in cash was been received, the co-chairman said. Persons who made pledges and others wishing to make donations may send them to the Keith Franklin Memorial Fund, 113 Broad St.

Detailed plans for the memorials will be announced as they are developed, the co-chairman added.

FROM FAR AND NEAR: HUNDREDS OF LETTERS RECEIVED BY FRANKLINS

In the two months since Army Spec. 4th Class Keith Franklin was killed in Cambodia—in a war he had denounced as "immoral, unlawful and an atrocity"—over 500 letters, telegrams and cards have come to his parents.

The messages have been received by Mr. and Mrs. Charles B. Franklin, 323 East State St., from residents of twenty states and nine foreign countries. Some have expressed sympathy. Others have given advice to the Franklins on carrying out their son's "last request . . . to inform the American people . . . and help to bring an end to the war that brought an end to my life."

Keith's denunciation of the war was written in a letter he left with his parents before going to Vietnam, to be opened only in the event of his death. The 19-year-old Army medic was killed in action May 12. Four days later, after they were informed of his death, Mr. and Mrs. Franklin read the letter and made it public, as their son had requested.

"I have read your son's letter in our newspaper and the tears came to my eyes and I could not see," wrote Jay Robinson, a 70-year-old American living in Rome, Italy. "Your son did not die in vain. He has given in the only way he knew and could, his life to fight and expose the immoralities, the hypocrisies and colossal mistakes of our minority power groups." Mr. Robinson is a former East Asia specialist in the U.S. State Dept.

"I agree wholly with the ideas your son left to you," wrote Lawrence Bendoski, an American at Anatolia College in Thessaloniki, Greece. "I intend to devote myself ever more completely to bringing this monstrous war to an end when I return to the States."

"Keith's death was not in vain," declared Dr. Kurt Kaufmann, an American economist in Luzern, Switzerland. "It will shorten the war because his letter will move many more Americans to speak up. Therefore the life of your son will help to save lives of other American soldiers."

From closer to home, Edson Hill of East Aurora wrote, "The letter of reality which he wrote has more impact and true feeling of the reality and existence of this war than much which I have ever seen or tried to correlate with our country's endeavors in Southeast Asia."

The messages to the Franklins came after widespread publication of their son's letter. The text of the letter with the news of Keith's death was first published in the Salamanca Republican-Press. Then the Associated Press and United Press International carried stories about the letter all over the United States, Canada and South America. The New York Post had a page one article about it, as did many upstate New York papers. It was published in the Washington Post, and in papers in Florida and California. It appeared in the European Herald-Tribune, published in Paris by the New York Times and the Washington Post.

Newspaper articles with extracts from Keith's letter were inserted in the Congressional Record by Sen. Philip A. Hart of Michigan, Sen. Frank Church of Idaho and Rep. Robert L. Leggett of California.

The full text of the letter was placed in the Record by Congressman William F. Ryan of New York.

Messages from congressmen and other public officials also have come to members of the Keith Franklin Memorial Fund Committee, organized by classmates and friends. They wrote personal letters to every senator and congressman, to cabinet officers and governors of all the states. Each letter included a copy of Keith's letter.

"I share your bitterness and frustration," Sen. Charles E. Goodell declared in a telegram to the committee. "I pledge that I will continue to vehemently oppose a war that brings suffering to the Vietnamese and to Americans."

The letter-writing campaign by Keith's friends drew warm praise from Rep. Patsy T. Mink of Hawaii, who wrote:

"You are to be commended for your efforts to comply with Corp. Franklin's last request, that the American people be informed of the enormity of this atrocity. I hope you will disseminate the letter far and wide.

"Corp. Franklin saw with a perception matched by few of our national leaders the utter futility and senselessness of this war. May his legacy of common sense and hope have a profound impact on our course."

Congressman Michael J. Harrington of Massachusetts wrote to Keith's classmates:

"Your friend was wrong when he said he would die in vain. His letter has insured that he did not die in vain.

"By sharing his poignant letter with others, he will stir more people to greater opposition to a war which he accurately described as immoral and unlawful."

Meanwhile, the Keith Franklin Memorial Fund Committee, headed by Dean Case, 133 Broad St., and James Weber, 821 Front Ave., has received nearly $1,000 in gifts. Plans developed with the Franklin family and with Mayor Ronald J. Yehl, call for a plaque in memory of the war dead in Indochina to be placed in a public place, and the purchase of an "audio center" for Salamanca Public Library to include record and cassette tape players and headphones.

Contributions for the fund are still being accepted and may be sent to 113 Broad St.

THE IMPORTANCE OF THE U.N. CONFERENCE ON POLLUTION

Mr. YARBOROUGH. Mr. President, so much rhetoric has engrossed the environmental crisis that it is difficult to assess just where we stand in our efforts to insure future survival.

As my 13½ years in the Senate draws to a close, I realize more than ever how unwieldy the legislative process can be in times of crisis. To crisis, the executive and legislative branches too often respond with just more rhetoric or the appointment of a Presidential commission or legislative committees to investigate. When and if legislation is enacted, it is too often too little and too late.

This syndrome has its most dangerous manifestation in our efforts to deal with the human environment. Scientists and ecologists have been warning us for several years that we must take drastic

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steps to halt the deterioration of the biosphere. Yet, the truth is that to date the response of our Government and its people has been long on words and short on effective action.

That we are courting disaster with such feeble efforts was amply illustrated by the recent smog crisis along the Eastern Seaboard. As Denis Hayes, National Coordinator for Environmental Action, the antipollution organization that coordinated last April's Earth Day, pointed out:

> A blanket of poisoned air smothered the East Coast last week and the strongest weapon any of our institutions responded with was rhetoric.

We have enacted many laws to save our environment, laws that constitute a step in the right direction. But wherever we are now proceeding in a slow-walk we must accelerate to a fast run. These recent events should indicate to us all that time could be running out. Moreover, an unavoidable fact is that the problem is planetary in scope. We must face up to the realization that our environment simply cannot be saved unless it is dealt with on a global basis.

These are strong words, but when I read of the massive air pollution over Tokyo, I become more than ever convinced of their truth.

That is why I have offered Senate Joint Resolution 156, a resolution to create an interagency commission to plan this Nation's participation in the 1972 United Nations Conference on the Human Environment.

An article published recently in the Washington Post discussed the United Nations and its role in the battle against pollution. The article makes two extremely significant points. First, as the author points out:

> Since no effort at planetary husbandry is likely to get far without the Chinese and the Russians, efforts to rope in our fellow men at the Kremlin are intensifying from month to month. Although not everybody may be prepared to believe it, the best way of going about this so far seems to be through the U.N.

Second, although U Thant is justifiably skeptical about the ability of the U.N. to preside over the decisionmaking relative to the antipollution war and the enforcement of a worldwide code, still, as the author notes, "if the U.N. cannot—who could?"

Mr. President, when it was said that the United Nations is the world's "last great hope" the author of those words must have had the environmental crisis in mind, because surely that august body, though admittedly disappointingly ineffective in many areas of human endeavor, must be the best, and probably the only, vehicle through which this planet can save itself from the waste of its inhabitants.

Mr. President, I ask unanimous consent that the article entitled "The U.N. and World Pollution" by Claire Sterling, published in the Washington Post of July 28, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The U.N. and World Pollution

(By Claire Sterling)

Rome.—There was quiet dismay in U.N. circles not long ago when U Thant, in an otherwise admirable speech, seemed to hint that a new international body might be needed to cope with problems of the human environment. Among those already engaged in this pursuit are six special commissions and five specialized agencies of the U.N. itself (including FAO, WHO, UNESCO, ICSU and ECOSOC), a worldwide network of private U.N. Associations (UNA's), the Council of Europe (CE), the Organization for Economic Development (OECD), NATO, the Common Market's European Economic Commission (EEC), Eastern Europe's Comecon (CMEA), and at least 23 other inter-governmental or private bodies bearing such impenetrable acronyms as EPPO, IWSA, OFPW, ICPDP, CEIF, ICAO, OMCO, ECMT, IRF, UITP, IULA, IFHP, IATA and STICHTING CONCAWE.

There is plenty of room in the field, of course, considering the subject's complexity and the gaps in our knowledge that have been coming to light recently. Among other things we've discovered rather late in the day is the fact that scientists still aren't sure how much carbon dioxide we can inject into the atmosphere before heating it up enough to melt the polar icecaps, how much smog can cut off the sun's rays without bringing a new Ice Age upon us, how many germs per cubic centimeter of water we can swallow and live, how much better or worse off the human race would actually be for using or banning DDT.

Nevertheless our sources of pooled information are certainly improving. Not all the international bodies listed above have gotten past the windy stage of expostulation and exhortation, but several have. The OECD, whose member-states include most of Western Europe as well as Canada and the United States, is by all accounts the most efficient. It has already completed an exhaustive study on noise and begun another on the air. Its efforts are directed mainly toward standardizing data and examining possible remedial action—how much it will cost, who should pay, and so on.

The Council of Europe has also produced useful country studies; and others are being prepared for a new arm of NATO designed to defend the Atlantic Alliance against *everything,* called the Committee on the Challenge of Modern Society (CCMS). Insofar as the CCMS is meant to command governmental attention at the highest levels, President Nixon's initiative in proposing it last autumn was commendable, especially since his proposal was accompanied by a very handsome offer of financing. All the same, several of our NATO partners didn't like it (and still don't) because of a certain parochial quality they feel we ought to be rising above.

It's the Russians we're after, really. (They may say that "socialism, with its respect for nature, protects the health of all men, even in the capitalist world," whereas capitalism does the opposite. But the condition of the Baltic and Caspian Seas, not to mention the once crystal-pure Lake Baikal in Siberia, scarcely confirms that.) Naturally, the Chinese should be in on this too. Apart from participating in the weather-watching World Meteorological Organization (WMO), however, they are apparently not about to join anything. Since no effort at planetary husbandry is likely to get far without the Chinese *and* the Russians, efforts to rope in our fellow men at the Kremlin are intensifying from month to month. Although not everybody may be prepared to believe it, the best way of going about this so far seems to be through the U.N.

The U.N.'s Economic Commission for Europe (ECE) is in close touch with Soviet and other Eastern European leaders, to prepare for a continent-wide conference of industrialized nations on the environment in Prague next May. That conference will prepare in turn for a planetary summit meeting to be held in Stockholm under U.N. auspices for the following year. Theoretically, the thousand delegates to the Stockholm gathering will already have reached the stage of drawing up guidelines for planet-wide environmental codes. What progress may be made in that direction by a thousand delegates sitting in one room—all presumably having to refer back to their governments—may be open to question. It is interesting, though, that every step in the U.N.'s laborious preparations for the Stockholm Conference has been endorsed unanimously since Sweden first proposed it two years ago.

On the other hand, the U.N. forum is distressingly *public,* something from which Soviet leaders tend automatically to shy. They are inclined therefore to be more relaxed in discreet encounters between their own and other private U.N. Associations, especially ours: Arthur Goldberg's visit to Moscow last summer under such sponsorship ended in a promising agreement for joint studies, if only in parallel.

Still more privately, Premier Kosygin's son-in-law, Gherman Gvishiani, has discussed a projected series of computer-based systems anaylses with McGeorge Bundy, who has, since President Johnson asked him to in 1966, been trying to "explore the state of international knowledge about some of the larger problems faced by the industrialized societies." And even *more* privately, Gvishiani has been approached by an intriguing and almost clandestine band of 30-odd international experts from almost as many countries who call themselves the Club of Rome.

The Club's prospectus is rather daunting semantically, speaking as it does of "heuristic approaches," "decision-effectivity time-spans," "diseconomies," "metabolic relations," and 47 planet-wide "Continuous Critical Problems (CCP's)" which must be "cognized" before the time-spans run out. Actually, the Club's project is wildly ambitious and altogether absorbing a computer-based effort to build three-dimensional models of the 47 CCP's, measure their effects upon one another, and observe their effects as they expand with time. The fact that computers will be provided for this study by the august Batelle Institute in Geneva and that the working group will be directed by Dr. Hasan Ozbekhan, head of King Resources' Computer Division in California, who is considered by those who know him to be a genius, suggests that this effort to achieve "a leap in inventiveness . . . surpassing conventional wisdom" is being taken quite seriously.

One gathers from all this information collecting that we may be able to move on before too long from the elementary study level to the more tormented one of decisionmaking. Maybe U Thant is right in his exquisitely delicate skepticism about the U.N.'s capacity to preside successfully over planetary deliberations at that stage. If the U.N. cannot, however, who could?

PROXMIRE-SCHWEIKER C–5A AMENDMENT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that a statement issued jointly by the Senator from Pennsylvania (Mr. Schweiker) and me yesterday concerning our amendment on the C–5A be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Proxmire-Schweiker Statement

Sen. William Proxmire (D-Wis.) and Sen. Richard S. Schweiker (R-Pa.) said Tuesday that they had sent letters to fellow Senators seeking co-sponsors for their amendment to restrict use of a requested $200 million contingency fund for the C–5A transport.

Termed a "keep building the planes" proposal, the Proxmire-Schweiker amendment would do the following:

Limit use of $200 million contingency fund requested in the fiscal year 1971 military procurement authorization bill for the C–5A to only two situations: (1) settlement of outstanding contract disputes over the C–5A between the prime contractor, Lockheed Corporation, and the U.S. Air Force in favor of Lockheed by the Armed Services Board of Contract Appeals or a Court, or (2) determination by a court-appointed trustee, in either a bankruptcy or reorganization situation, that all or part of the $200 million fund was necessary to insure delivery of the 42 planes due under the contract by June 30, 1971.

Require a Comptroller General report to Congress and the Secretary of Defense on Lockheed's financial capability of meeting fiscal year 1971 contract requirements:

Require a second Comptroller General report on the prospects and costs for Lockheed to deliver the full 81 planes currently ordered by the Defense Department.

Direct the Secretary of Defense to give top priority to the C–5A in any legal proceedings, and to insure the government interests in contract performance are fully represented.

Proxmire said, "Initial low-bidding, and subsequent bad management have created the enormous cost-overruns on the C–5A, resulting in the current Defense Department request to bail-out Lockheed. Senator Schweiker and I are introducing this amendment to insure that the government gets the planes we've ordered, but to also insure that we don't simply reward bad management."

Schweiker said, "Merely handing-out $200 million, which undoubtedly will just be the first in a series of give-aways to keep the C–5A program going, cannot be tolerated by Congress if we are ever going to curb defense procurement cost-overruns and bring business efficiency to our procurement process. Senator Proxmire and I feel strongly that now is the time for Congress to draw the line, and impose controls on corporate mismanagement."

In a joint letter to Senate colleagues urging support of this C–5A amendment, Proxmire and Schweiker said:

The bill contains $200 million in contingency funds. This request is in dispute because:

(1) The Air Force insists that it does not owe the money, although the Defense Department estimates that an additional $800 million, over and above the money already appropriated or contained in this bill, will be needed to complete the 81-plane program.

(2) The Company insists that it will have to default on its contract if it fails to get the $200 million. But it also says it needs nearly $600 million over the contract price to keep solvent. We are asked to take it on faith. The $200 million is only the first step.

(3) It would set an unconscionable precedent. If Congress or the Pentagon puts up $200 million to "bail out" Lockheed under these conditions, hundreds of unsupported claims of government contractors will follow. It would support mismanagement and perpetuate our bad military procurement policies.

Our amendment would make certain that the planes *were* produced and the employees kept at work without setting any of these highly undesirable precedents. It provides that the $200 million could *not* be expended unless it is determined by the Armed Services Board of Contract Appeals (ASBCA) or the courts that it is either *owed* to the Company or is *needed* by the Company.

PRESIDENTIAL VETO OF EDUCATION BILL

Mr. BENNETT. Mr. President, yesterday President Nixon vetoed the HUD-Independent Offices and the Education appropriation bills. With each passing month it becomes more obvious that the American people have elected a President who has a great deal of courage, wisdom, and commonsense. In Congress, however, and particularly among Members of the opposition party, the President is being ridiculed and attacked for his veto.

Having inherited one of the worst cases of inflation in the history of the United States, President Nixon decided, wisely I believe, that to bring it under control was the number one domestic priority. He is doing that, and with a minimum of economic disruption for the country. His policies are taking effect, and his popularity is at an alltime high as shown by the latest Gallup poll. Experiencing success in his fight against inflation, the President realizes the great damage and setback that would be dealt to our economy if he were forced to accept the deficit spending continually imposed upon him by the Congress.

We all know that one of the main causes of this inflation was the long series of severely unbalanced budgets of the previous administration. President Nixon has wisely rejected that course and has vowed to keep the budget balanced or as close to that as possible. His veto message to the House of Representatives should be read by every American. We should not forget that his request for education funds was 28 percent higher in this fiscal year than in the last fiscal year of the Johnson administration. This was a total increase of $972 million over fiscal year 1969. Total Federal Government spending in the field of education for fiscal year 1971 will represent $12 billion, the highest figure in our history.

The President's request for urban renewal, water and sewage grants and housing subsidies was double the money figure spent in the last year of the Johnson administration.

Let there be no mistake the President is reorienting our domestic priorities. He is channeling more funds than ever before into our critical domestic needs; and at the same time, he is winning the battle against inflation.

It took a great deal of courage to veto these bills; but as his courage is increasingly understood by the American people, his popularity among the voters and their support for him grows. I am sure his political opponents find this very exasperating, but those of us who support and believe in the President know that it stems from wise policies and responsible action. Many people are legitimately asking the question what this means for school funds. The Congress will reconsider the bills, but no one can predict at this point the outcome. However, I assure our education people in Utah and throughout the Nation that it will be responsible and that funds will be available to operate long-standing and new education programs.

I call upon Congress and all Americans to stand with the President in his effort to avoid an even higher cost of living, higher interest rates, and higher taxes. Certainly, Mr. President, another chapter has been written in Mr. Nixon's "profile of courage."

DAIRY IMPORTS: THE NEED FOR AN OVERALL QUOTA

Mr. PROXMIRE. Mr. President, import controls over dairy products shipped to this country are slowly but surely collapsing. Importers are mocking our laws. They are using loopholes in the individual product quota descriptions to bring in tons of damaging products. These imports, which violate the spirit of our laws, are costing the American taxpayer millions of dollars. The price support program is having to pay for the domestic products displaced by these imports, which violate the spirit, if not the letter of the law.

Recently, I submitted testimony to the Tariff Commission which discussed the current problems with our system of dairy import controls. I proposed to the Commission that it recommend to the President that he use his power under section 22 of the Agricultural Adjustment Act to set an overall dairy quota. This quota should be based on all dairy products imported for consumption during the 5 calendar years from 1961–65. It is my feeling that such an overall quota would eliminate the loopholes created by individual product designations.

Mr. President, it is unfair for the American taxpayer to have to pay for an inept system of import controls. I would like to go on record once again, as I have so many times before, as supporting fundamental reform in our dairy import controls. I ask unanimous consent that my testimony before the Tariff Commission be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Dairy Import Testimony of Senator William Proxmire, Submitted to the Tariff Commission, July 28, 1970

Mr. Chairman, I am disappointed to have to submit this testimony to the Tariff Commission today.

Unfortunately, the Dairy Import Control System of this country has turned into a giant game. There is no doubt the importers are winning this game. Even as we meet dairy importers are plotting their next evasion of the law. And as they win, the American taxpayers lose.

For every billion pounds of milk equivalent the government is forced to buy under the price support program, the American taxpayer will have to pay about $55 million.

Why are the taxpayers being taken to the cleaners with such ease? Well, Mr. Chairman, as you know it is in part because the Tariff Commission and the Department of Agriculture have been handcuffed by current laws and unfortunate precedents. It is in part due to the failure of the Treasury Department to impose countervailing duties on export subsidies. And it has been partially due to disastrous misclassifications by the Customs Bureau.

Mr. Chairman, in 1953 when Section 104 of the Defense Production Act expired and

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Section 22 proceedings were instituted, this country made the mistake of setting import quotas on individual daily products instead of asking for overall limits.

We relied on measurements of fat solids instead of milk solids. Today, however, it is possible to manipulate fat content with such ease so as to avoid the quota cutoff level by a fraction of a percent. If we set the quota for all cheese above, say, 0.4 percent butterfat, importers will bring in 0.39 percent butterfat cheese.

Today we are examining the fourth ice cream mix. Importers have adjusted the butterfat content of their mixes so as to avoid the wording of the quotas each time they were set.

Individual product designations have made a mockery of our import quotas. Nowhere was the inadequacy of our system of designations so obvious as when the President declared the quota on Italian cheese in the original loaf. All the importers did was cut the loaves in half and put them back in the original boxes. They were then allowed to come in outside the quota.

Mr. Chairman, when all importers have to do is cut loaves of cheese in half to avoid quotas, I say it is time for radical reorganization of our dairy import quota system. Individual product designations have shown themselves to be totally inadequate as has the system of divided authority. This divided authority creates conflict between the Customs Bureau and the Department of Agriculture. We must act to move away from these anachronisms.

It is crucial that two major changes be made in the dairy import quota situation. First, the power to determine which products are included under the quotas should be shifted from the Bureau of Customs to the Department of Agriculture. The Bureau of Customs has demonstrated it has neither the will nor the technical expertise to prevent costly evasions of the law. The Monterey cheese and ice cream products we are examining today attest to this fact.

I have introduced a bill in the Senate which would allow the Department of Agriculture to determine which products fall under quota designations. I ask the Tariff Commission to recommend to the President that he support my bill or a similar proposal. The system of divided authority has shown itself incapable of enforcing the letter or spirit of the law. Every day this negligence continues, the cost to the taxpayer goes up. We must, therefore, invest the responsibility in a body which has shown the interest and capability to protect the price support program.

Second, we must act to provide overall rather than individual product designations. I ask the Tariff Commission to recommend to the President that he ignore the precedents which have been set and declare an overall quota. This quota should be based on all butterfat, nonfat milk solids, casein or caseinates imported for consumption during the five calendar years from 1961 through 1965 or about 844 million pounds milk equivalent. There is nothing in the Agricultural Adjustment Act or any other statute that I know of which would prohibit such a proclamation. In fact, Section 22 (7 U.S.C. 624(b)) states: "that in designating any article or articles, the President may describe them by physical qualities, value, use or upon such other bases as he may determine." Apparently the intent of the Act is to give the President the widest possible freedom in determining how to cope with threats to the price support or other programs of the government.

It appears obvious to me that a threat to the price support program exists. It is further obvious that the present system of individual product quotas is an ineffective means of controlling the threat. It would seem both appropriate and necessary for the Tariff Commission to recommend that the President institute overall quotas. I think such a proposal falls well within the President's request for the Commission's "recommendations."

What I am proposing is that the President, by proclamation, put into effect the provisions of my Dairy Import bill. This is the bill that so many Congressmen have supported for years as the best existing possibility for protecting the price support program. Once the President had set an overall quota, the Secretary of Agriculture could then recommend the method and means for allocating the quota among individual products.

I would hope that in his original proclamation of an overall quota the President would provide that the quota could be increased or decreased automatically if the domestic consumption of dairy products varied from the 1961–65 level.

The first Presidential proclamation of an overall quota should also leave some room for the admittance of new products in the market upon the recommendation of the Secretary of Agriculture.

While an overall quota appears to be the only sensible way of protecting the price support and other government programs, I am not overly optimistic that it will be adopted. For several years now, strong political forces have blocked the clear and rational response to the dairy import threat. These forces are probably still strong enough to block the required radical change.

Thus, viewing the situation realistically but hoping the Tariff Commission will take a courageous stand by recommending to the President an overall quota, I will now address myself to the individual product quotas listed in the hearing notice. I do so viewing anything this Commission might do on these items as a stop-gap measure. In fact, if this Commission does not recommend an overall quota it might just as well begin scheduling the next round of dairy import hearings today.

I now wish to discuss both the items listed in the Section 22 hearings ordered by the President and the Section 332 hearings ordered by the House Ways and Means Committee. Hopefully, the very discussion of these items will emphasize the innate weaknesses of the system of divided authority and individual product quotas.

THE SECTION 22 HEARINGS

Ice cream

The evasion of the ice cream quota is a perfect example of the problems created by divided authority and of the ease with which importers can evade quotas by merely varying the proportions of ingredients.

The product we are discussing is about 24 percent butterfat, 14 percent nonfat milk solids and 17 percent sugar. With such a high fat content, this product could not possibly be eaten as ice cream. Furthermore, since it comes from hoof and mouth disease countries, it would be subject to stiff hoof and mouth regulations if it were labeled as ice cream. The Customs Bureau, however, has labeled this product as ice cream thus enabling it to avoid the quotas on ice cream mixes. At the same time, the Department of Agriculture, seeing the product for what it is, labeled it an ice cream mix thus enabling it to avoid the disease regulations.

And who pays for this difference in opinion over the classification? The American taxpayer. Last year over 20 million pounds of this product entered the United States. In the first five months of this year another 18 million pounds came in. One industry source has computed that these imports have thus far cost the taxpayer some $8.9 million because of price support purchases made through the Commodity Credit Corporation. This is a travesty of our import laws.

Even if the Tariff Commission acts to stop the imports, will we have solved the threat to the price support program? Well, unfortunately, this is the fourth ice cream product to evade the quota. The first product contained over 75 percent butterfat. The next one avoided the quota by moving to 45 percent butterfat content. The third product avoided quota by being packed in retail containers. Now importers have moved the butterfat content down to 24 percent to avoid the quota. This evasion should provide strong evidence of the need for an overall quota.

This ice cream product has no historical basis. It is an obvious evasion product. The Agriculture Department feels as I do that the ice cream should be included under existing butterfat-sugar mixture dairy quotas. In a letter to me dated August 22, 1969, they stated "The Department believes that the classification decision by Customs was made in error, perhaps on the basis of insufficient information. We have taken up the matter with the Treasury Department and recommended that the product be reclassified." The Tariff Commission should recommend such a change in the quota, a change Customs could not ignore.

"Skim milk" cheese

When President Johnson made the last major dairy quota proclamation on January 6, 1969, he worded the cheese item to include "cheese . . . containing no butterfat or not over 0.5 percent by weight of butterfat." This presented an obvious loophole. Any cheese with less than 0.5 percent butterfat was free to come into the United States in unlimited quantities.

And importers have been taking advantage of that huge loophole. Last year they brought in over 2.8 million pounds. Unfortunately it seems as if the worst is yet to come. In the first five months of this year almost 4.5 million pounds of the low-fat cheese has been brought in.

This skim milk cheese item is blended with whey and milk powder to produce low fat cheese spreads. The product has the potential of driving out domestically-produced cheese from the market. The result, of course, is a burden to the price support program. I believe these low fat cheeses are "practically certain to be, imported under such conditions and in such quantities as to . . . materially interfere with the price support programs," and as such should be placed under the cheese quota.

SECTION 332 ITEMS

Lactose

Lactose is a form of milk sugar derived from whey. It can be used in the production of items such as low fat milk, candy, baby foods, ice cream, and frozen dairy products. It has historically been used by the pharmaceutical industry.

The danger from lactose is twofold. First, it affects the price support program and, second, it endangers the domestic outlets for whey and thereby endangers anti-pollution efforts.

The imports of lactose are rising dramatically. In 1968 they were only 374,000 pounds. And in the first five months of this year imports totaled 2,302,000 pounds. This represents 515 percent of the imports during the same five-month period last year. Since lactose displaces a market for non-fat milk, it would seem that the price support program could be in severe danger from the increase in its importation.

The price support danger, however, is no less than the danger to the environmental programs of the Agriculture Department. There was a time when cheese manufacturers dumped whey into streams and rivers creating a source of pollution. Other manufacturers clogged up sewage disposal plants since whey is very difficult to break down chemically.

At great expense and difficulty, Agriculture and the manufacturers developed a method of producing lactose from the whey. They then found and created markets for this lactose. However, the recent imports of lactose are now threatening those markets and thereby endangering the environment.

For two reasons, the threat to those programs providing an outlet for whey and the danger to the price support program, the Tariff Commission must move to restrict imports of this substance. Presently, lactose is classified as a chemical. It should be classified as a dairy product and placed under quota.

Chocolate crumb

Chocolate crumb is one of the most damaging items coming into the country through a current dairy import loophole. The 17,000,000 pound quota for chocolate crumb is outrageously high. And now importers have begun to evade this outrageous quota by importing crumb containing less than 5.5 percent butterfat.

Using both low fat and normal chocolate crumb mixes, importers are bringing surplus milk solids into this country at bargain rates. In fact there is some evidence to suggest that chocolate crumb imports have ruined the whole milk powder industry and are jeopardizing the few companies still operating.

It should be noted that domestic chocolate crumb usage in the United States never exceeded 3 million pounds per year. The imported crumb is thus obviously replacing roller whole milk powder. The result is a burden to the price support program.

It came as a shock to us all when President Johnson set the quota at 17 million pounds especially after the Tariff Commission and Agriculture Department recommended quotas of around 10 million pounds and the current Chairman of the Tariff Commission recommended only a 2 million pound quota. The quota set was 170 percent higher than the historical usage of crumb from 1955–1969. This quota should be cut back to 2 million pounds. Furthermore, the 5.5 percent or less butterfat-content crumbs should be placed under this quota.

The chocolate crumb loopholes are having drastic effects on the dairy industry and the price support program. They must be closed immediately.

The 47-cent price break

No provision of the import quotas have provided a more joyous field day for the dairy loophole finders than the 47 cent price break.

Under the 47 cent price break, Emmenthaler, Gruyere-process, and "other" cheese quotas only apply to those items priced under 47 cents per pound. However, since the support price is now 52 cents a pound, it is relatively simple for importers to undercut domestic cheese prices and thereby force the government to buy cheese under the price support program.

Furthermore, as I have said many times, the price break is being easily bypassed by the use of rebates and special pricing arrangements. This spring I discovered and brought to the attention of the government the use of a special account to circumvent the price break by one German company. I have in my possession a letter from that firm to an American firm which proves the existence of secret rebates. The letter reads in part: "Furthermore you need an import license for cheese if the price per pound f.o.b. Hamburg is under U.S. 47 cents. In order to avoid this we will increase the price to U.S. 48 cents per pound and the difference in amount will be credited to a special account."

The most recent tactic used by price-break evaders is a dehydration technique. Cheese that would normally cost as little as 29½ cents per pound with normal moisture content has a value of 47 cents per pound when the moisture is removed.

According to unofficial sources, some 1 million pounds of dehydrated cheese have been imported already this year at prices ranging from 47 cents to 52 cents a pound. If they contained a normal amount of moisture, these products would sell at 29½ to 32½ cents per pound, or well below the price break. The Tariff Commission should recommend that the wording of cheese quotas specify a specific moisture range. Hopefully the Commission will go even further and recommend the abolishment of the price break altogether.

The 47 cent price break is one giant loophole and should be abolished. Its continued existence is one of the most severe threats to the price support program and, through that program to the American taxpayer.

The New Zealand quota

New Zealand is allowed a quota of 7.5 million pounds for "other cheeses." This makes absolutely no sense because of the fact that New Zealand has no historical record of sending these cheeses to the United States. Furthermore, since Section 22 of the Agricultural Adjustment Act specifies that new quotas be established on the basis of imports during a base period the New Zealand quota would appear to contravene the language of the section.

Cheese which is allowed to be imported which has no historical record can do nothing but increase the payments which must be made under the price support program. The Commission should recommend the complete elimination of the New Zealand "other" cheese quota.

The quota items I have commented on here are probably the best available evidence in support of an overall quota and an end to the system of divided authority. The history of dairy imports in this country since 1953 is one of repeated failure of the import quotas to protect the price support system. It is time we acted on behalf of the taxpayers to protect that system.

The President has asked the Tariff Commission for its recommendations on a specific list of dairy products. I hope the Commission tells the President that it feels the only way to protect the price support program with reference to these specific products and all other dairy products is by the institution of an overall dairy quota.

Mr. Chairman, the invasion of non-quota products in contradiction to the spirit of Section 22 of the Agricultural Adjustment Act is shameful. The Tariff Commission is in a position to help enforce that law and protect both the American taxpayer and the dairy industry. By recommending an overall dairy quota, the Commission can help halt this "invasion by evasion."

ROY W. HARPER

Mr. SYMINGTON. Mr. President, one of the great jurists of this country, Chief Judge Roy W. Harper, of the U.S. District Court for the Eastern District of Missouri, has announced his retirement as chief judge as of last July.

This decision will be deeply regretted by Missouri and the Nation. Not only because he is my respected and beloved friend, but also because it is common knowledge in our State that no jurist in memory has been accorded more respect than Judge Harper. He has been an honor to his profession and would have been a worthy candidate for the Supreme Court of the United States.

Roy Harper was born on July 26, 1905, in Gibson, Dunklin County, Mo. His parents were Marvin H. and Minnie Brooks Harper. He attended the public school of Steele, Mo., where he graduated from high school in 1923. After graduation he attended the University of Missouri, Columbia, Mo. There he was a member of the track team from 1926 through 1928 and the cross-country team from 1926 through 1927, which he captained in 1927 and coached in 1928. He graduated from the university in 1929 with A.B. and LL.B. degrees. While in law school, he was a member of Delta Theta Phi legal fraternity.

Judge Harper was admitted to the Missouri bar in 1929 and became associated with the Shell Petroleum Co. in St. Louis, Mo. In 1931 he returned to his hometown of Steele, Mo., to practice law. In 1934 he moved to Caruthersville, Mo., and became a member of the firm of Ward and Reeves. During the 1930's Judge Harper gained prominence as an attorney in Missouri. He was also active in civic and political organizations such as the Jaycees and Missouri Young Democrats. He became a close friend of Harry S. Truman of Independence, Mo.

In 1941 Judge Harper married Ruth Butt of Blytheville, Ark. They have two children, Katherine Brooks Harper and Arthur Murray Harper.

Judge Harper served his country well during World War II. He entered the U.S. Army Air Force on January 29, 1942. He became a second lieutenant in September of 1942. He served 31 months in the Southwest Pacific with the 35th Fighter Group. He was released from the service on September 30, 1945, as a major and served as a colonel in the Air Corps Reserve. While in the Pacific he was awarded the Bronz Star.

After the war, Judge Harper returned to the practice of law in Caruthersville. In September 1946 he became chairman of the Democratic State Committee of Missouri and served until August of 1947.

Judge Harper was appointed as judge of the district court by President Truman on August 7, 1947. He took the oath of office on August 11, 1947, and has served continuously since that date. During his years on the bench Judge Harper has been held in high esteem by the members of the bar. He has a reputation as a stern, but very fair judge. He is likewise held in high regard by fellow members of the bench.

Judge Harper's accomplishments while on the bench are many. He has had great success in controlling the docket of the eastern district of Missouri. The judges in his district under his leadership have made an outstanding record in the prompt and efficient disposition of a very heavy caseload. The statistics submitted by the Administrative Office of the U.S. Courts show that he has done a remarkable job in keeping his docket current. There is no district of comparable size that can equal this record.

Judge Harper has often been called upon to solve difficult assignments in districts other than his own. These assignments have imposed additional and often heavy burdens upon him, but he has always responded to requests to serve. For example, he went to racially-troubled Little Rock, Ark., in 1957, to help handle the crowded docket, and later went to Oklahoma to conduct several major income tax evasion trials, involving a judge of the supreme court of Oklahoma. Because of his excellent reputation as a trial judge, he has often been called upon to go to another district to try cases so that docket pressure might be reduced.

Judge Harper has many accomplishments and has made many contributions within the judiciary. He became the chief judge of the eastern district of Missouri in 1959. He has served as the district court representative to the Judicial Conference of the United States. He has also served as the program chairman for the Eighth Circuit Judicial Conference. For several years he has been chairman of the Committee on Inter-Circuit Assignments of the Judicial Conference.

Judge Harper has been active in many organizations and has received many honors during his distinguished career. He is a member of the American, Missouri, and Pemiscot County bar associations. He was an honorary initiate into the Order of the Coif in 1958. He has been honored several times by the University of Missouri School of Law. The law school has recently announced the creation of the Roy W. Harper Prize in Federal Procedure. He is a member of Steele Lodge 634, A.F. & A.M. of Steele, Mo. He is a member of the Scottish Rite—KCCH—Shrine—member of board of St. Louis Shrine Hospital—and is a 32d degree Mason. He was the recipient of the DeMolay Legion of Honor in 1957, and is a member of the Grand Order of the Grand Lodge of Missouri.

After Judge Harper's retirement is accepted by the President, he plans to continue working in Missouri and in other parts of the United States where his services as a judge may be needed.

I ask unanimous consent that an article published in the St. Louis Post-Dispatch of August 9, 1970, with respect to this outstanding Missourian be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUDGE HARPER PHASING OUT CAREER

(By David R. Wallin)

When United States District Judge Roy W. Harper steps down as chief judge and assumes the status of a senior judge of this district, it will mark a new phase rather than the end of a 23-year career on the federal bench. Judge Harper notified President Richard M. Nixon on July 27 that he wants to retire.

"I don't think the change will make any major difference from a practical viewpoint, at least for a few months," Judge Harper explained. "When the President accepts my application I expect to continue to handle a regular full docket, at least until my successor is appointed and sworn in.

"The caseload in the district has gone up substantially. About 50 per cent more cases have been filed in the first six months this year than last. Our dockets are in excellent shape here, but it wouldn't take long to fall behind if the district was a judge short. I don't want that to happen."

Sincere concern that the court keep current with its work is characteristic of Judge Harper. His first major task when he succeeded the late George H. Moore as chief judge in 1959 was to clear a backlog of cases. Judge Moore's health was failing and the bulk of the work fell on Judge Harper and Judge Randolph H. Weber.

Two years of hard work bit into the backlog, but then Judge Weber, who had appeared in good health, suffered a fatal heart attack, and cases again began to accumulate. When the court returned to full strength with the appointment of Judges James H. Meredith and John K. Regan to succeed Judges Weber and Moore, the backlog finally was cleared. For several years the district has been among the top rated in the nation for currency of dockets.

"Even after my successor is sworn in I don't expect just to sit around," Judge Harper said. "As long as my health is good I'll probably be working at least two thirds of the time."

As a senior judge, Harper will continue to receive his full $40,000 annual salary for life. He may have cases assigned to him, either in St. Louis or elsewhere, by the Chief Justice of the United States Supreme Court, or by chief judges of the district and appellate courts.

Judge Harper's decision to retire as a district judge was not unexpected. For several years he has been a strong proponent in the judicial conference of mandatory retirement for judges at 70, with earlier retirement recommended.

Judge Harper reached 65 on July 26. In line with his previously expressed viewpoint, he sent President Nixon a letter the next day asking that he be retired to the status of senior judge immediately or at a date selected by the President. He also voiced his willingness to accept cases sent to him, noting the fact that his health is good.

It can safely be predicted that Judge Harper will not sidestep any cases offered, merely because they are "hot potatoes" or long and involved.

He says he holds the record for length of a trial in federal court here, a five-month hearing of charges in 1954 that five Communists had conspired to overthrow the Government. All five of the defendants were convicted and sentenced, but the Supreme Court held the statute unconstitutional in another case while the case was on appeal.

A few years ago he accepted assignment to an Oklahoma trial in which two state judges were charged with income tax evasion and a former mayor of Oklahoma City with perjury. Three long and involved bankruptcy cases he heard included one involving a hydroelectric firm in Iowa, the N. O. Nelson Co. here and the Federal Grain Co. at Cape Girardeau. The latter firm was operated under court trusteeship until all creditors had been paid in full except one who had reached a previous settlement.

A more recent "hot potato" was a trial in which he held that individual directors of a group of insurance firms, many of them prominent St. Louisans, were individually liable for expenditures by officers of the firm. Judge Harper propounded a new concept, that directors had an obligation to know what the officers were doing, rather than merely lending their names. The opinion, which was not appealed, had far-reaching implications, and copies were requested from all parts of the United States.

Judge Harper has been criticized at times—off the record, of course—for the stinging lectures he occasionally gives lawyers who appear before him. He has little patience with attorneys who fail to prepare cases before coming into the courtroom, and one such lecture usually is enough to prevent a recurrence.

"I'm hoping that when my successor and the fourth judge recently authorized are appointed, we can get back to the easier-going days that we had before the dockets got so heavy," Judge Harper said. "The way things are now, there's no time to be easy-going.

"I have only one basic philosophy in conducting a court: When a lawyer files a case, he should be willing to try it. Too often the courts are blamed for a backlog when the fault is really with lawyers who don't want to go to trial.

"I've worked out one system. When a case is set for trial and the plaintiff's lawyer asks for a continuance, I tell him, 'Well, go back to your office and write your client a letter. Tell him the case is set for trial, the court is ready for trial, but you aren't ready and have asked for a continuance. Send it to him by registered mail and send me a copy and I'll give you a continuance.'

"You'd be surprised how many lawyers get ready for trial instead of writing that letter. It won't work with defendants' attorneys, of course, because usually neither the defendants nor the lawyer wants to go to trial."

Judge Harper has been criticized at times for giving defendants convicted of draft evasion the maximum five-year prison sentence. But he has an explanation.

"I have no sympathy with draft evaders but I'd like to emphasize that this doesn't extend to true conscientious objectors," he said. "Conscientious objection is a basic belief, not something you develop the day you are notified to report to your draft board.

"The conscientious objector is protected by the Constitution and should not be criticized for his beliefs. I have talked informally with many of them before they come into court, and 90 or 95 per cent of them have voluntarily accepted assignments to duty in hospitals or elsewhere. That disposes of criminal charges.

"The case of the draft evader is another matter. Most of them would refuse to report for noncombat duty even if they were classified as conscientious objectors. If they are convicted I impose a five-year sentence.

"Under normal circumstances they will be eligible for release in 20 months. A boy who goes into military service through the draft serves two years. I see no reason why the draft evader should get out sooner than the one who serves his country."

One thing Judge Harper can't be criticized for is preaching the obligation to serve the country and not meeting it himself. He, his five brothers and one of his two sisters served in the armed forces in World War II. The sister was a nurse on Saipan. One of his five brothers was badly wounded when hit by a mortar shell in the landings near Cherbourg.

Judge Harper waived a marital exemption from military service and entered the Army as a draftee. He was assigned to the Air Corps and in short order was sent to Australia. He moved up through New Guinea and other islands, being promoted to sergeant and then commissioned a lieutenant. He was discharged as a major and now holds a commission as full colonel (inactive) in the Air Force.

Despite the fact he was assigned to an administrative unit, he was under enemy fire for much of his service in the Pacific. In his den at home is a leather flight jacket badly cut by pieces of an antipersonnel bomb that exploded about 40 feet away from him on the island of Owi.

"We saw the Japanese planes starting to come right down the line of tents," Judge Harper said. "I never did believe much in foxholes, and made a dive for the beach and stretched out flat. Another officer stretched out beside me after he found the foxhole in front of the tent was full. One of the bombs hit a tent flap and burst right over the foxhole, killing most of those in it. My jacket was shredded by fragments, and the other officer and I were showered by dirt and debris thrown over us by the blast. But neither of us was hurt."

Judge Harper was born in Gibson, in the Missouri Bootheel, and received his law degree from the University of Missouri in 1929.

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After working a short time for an oil company he set up practice in Steele, Mo., where his parents were then living. On Dec. 1, 1934, he joined the Ware and Reeves law firm in Caruthersville, remaining there until he was appointed to the bench by President Harry S. Truman in 1947. Harper had been active in politics and is a former chairman of the Democratic State Committee.

At the time of Harper's appointment, Missouri had two Republican Senators, and the Republican party thought that Thomas E. Dewey was a sure bet to defeat Truman in 1948. Judicial appointments then would have gone to Republicans. Harper's appointment was stalled in committee, and President Truman gave Harper three interim appointments to carry him through 1948.

After Truman was re-elected, the fourth and final Harper appointment rode through committee without delay, following the collapse of the opposition by Missouri's Senators. It wasn't until February 1949, after he was sworn in again, that Harper received a check for his final six months of service as an interim judge. He celebrated by taking reporters and the United States Marshal to lunch.

He had continued to work without pay after making certain that checks of his staff would not be held up by the dispute over his interim appointments. Two of his original staff members, his secretary, Miss Cynthia Robinson, and his court reporter, Miss Olive Poole, still work for him. His bailiff, Ray Brennecke, has been with him for 10 years. Miss Robinson formerly was employed by Ware and Reeves, starting in 1935.

Judge Harper lives with his wife and family at 3 Woodcliffe Road, Ladue. They have a daughter Kate, 19, attending Wheaton College at Norton, Mass., and a son, Arthur, 16, a junior at Horton Watkins High School in Ladue. His mother, Mrs. Marvin H. Harper, 86, still lives at Steele, Mo.

What are the pleasantest parts of being a judge, so far as Harper is concerned?

"I guess it would be presiding over naturalization classes each month," Judge Harper said. "I feel I'm bringing in new citizens, citizens by choice. Many of them know more about the United States Government than the native-born do.

"And I guess next to that would be presiding over court at Cape Girardeau. It's my home territory and I know most of the lawyers and quite a few of the jurors. I practiced down there for years."

THE NEED TO BALANCE THE BUDGET

Mr. TOWER. Mr. President, I heartily concur with the Senator from Arizona (Mr. FANNIN) in his arguments earlier today for the need of balancing the budget.

Action must be taken to restrain the Federal spending which is feeding inflation.

His suggested constitutional amendment would put an end to the practice of trying to solve current problems by saddling future generations with a staggering public debt.

It would not, however, be so inflexible that it would completely rule out the prudent use of credit. It would be possible for the Federal Government to run at a small deficit for a single year, providing the shortages were made up in the next year.

It is time for us to realize that we must pay for what the Government provides. The constitutional amendment proposed today would compel Congress to face up to the need for fiscal responsibility.

RETIREMENT OF EDWARD E. MANSUR, JR.

Mr. SYMINGTON. Mr. President, it is with deep regret that I note the retirement of Ted Mansur, who has served as Legislative Clerk of the Senate for 23 years. He has served the Senate capably and wisely, and I salute his accomplishments and years of faithful service to all of us.

As Members of the Senate know, Mr. Mansur is a Missouri lawyer. Jefferson City was his home. He is a graduate of the University of Missouri Law School. He served as editor of the Missouri Law Review. Following his scholastic career, he served as law clerk to Judge Kimbrough Stone from 1941 to 1942 and as an OPA enforcement attorney in Kansas City. Ted Mansur also served his country as a naval lieutenant during the war years.

Subsequently he came to the Senate, and in 1949 he assumed the important post of Legislative Clerk, which he has occupied since then in dedicated service. He has made a fine contribution in helping the Senate to function smoothly.

I join Senators in thanking him for his loyal and active service and wishing him and his family the best of health and happiness in the years ahead.

PEER REVIEW WORKS IN NEBRASKA

Mr. HRUSKA. Mr. President, the Committee on Finance is currently giving detailed consideration to H.R. 17550, the social security amendments of 1970.

Among the more important considerations in this legislation are amendments to make medicare and medicaid more effective and to control the cost of these programs. A great deal has been said about the fact that the costs in these programs are higher than they were estimated to be several years ago. Should we really be too surprised that programs of this type, which had little or no testing and experimentation before they were enacted, actually cost more than their proponents anticipated?

Should we be surprised that utilization was 20 percent more than anticipated by the proponents? Indeed, perhaps we should be surprised that the costs of these programs have not been even higher. The report of the Finance Committee staff on medicare and medicaid earlier this year caused a great flurry in the press about the abuse of the program by various suppliers and physicians. The staff report also pointed out, however, that it is the medical profession which has the ability to control these costs, and that Government does not have the ability to do so.

So we come to the proposition of what is being done by the medical profession in this important area. I should like to speak to this subject for a few minutes because I think it is important that we put this whole problem in the proper perspective.

Before I begin, however, I think there is something else that should be put into the proper perspective, and that is what proportion of the medicaid and medicare dollar goes to the various elements of these programs. Accordingly, there is information from HEW which indicates how the personal health dollar is spent, as well as how the medicare and medicaid dollar is spent. I ask unanimous consent that the tables be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Personal health expenditures

Hospital care	41.7
Nursing homes	4.5
Physician services	23.3
Dentists and other professionals	10.3
Drugs	12.1
Administration and other	8.3

Total expenditures for medicare

Hospital care	65.1
Nursing homes	6.0
Physician services	22.6
Other professionals	1.1
Administration and other	5.0

Total expenditures for medicaid

Hospital care	37.8
Nursing homes	30.7
Physician services	11.4
Dentists	5.6
Other professionals	0.9
Drugs	6.7
Administration and other	7.0

(SOURCE.—HEW 1968–69.)

Mr. HRUSKA. Mr. President, from these figures it is easy to see that the physicians are not receiving even as much of the medicare and medicaid dollar as they do of the average health dollar spent for personal care. If one reads some of the newspaper stories that have appeared in recent months, he would think the physicians were milking this program and receiving much more than their normal share. Why do we find these figures the way they are?

Mr. President, I would submit that it is because the physicians and the medical societies have seen their duty, and they have done it. What we are talking about is peer review. One of the senior members of the Committee on Finance, the Senator from Utah (Mr. BENNETT), recently spoke of the American Medical Association proposition for mandatory peer review of all physician charges and indicated that he would support the AMA plan and offer it as an amendment to the bill that I am discussing. I compliment the Senator from Utah for taking this proposal from the medical community and having the Finance Committee staff look into it and refine it and offer it as an amendment.

In my own State of Nebraska, I am pleased to say that peer review has been active for some years, and I am advised it is available not only to the medicare and medicaid programs but has been also available to private insurance plans and individuals.

I sought information from the Nebraska State Medical Association on this subject, and I am advised that the house of delegates, the governing body of a State medical society, has designated the policy committee of the association as the peer review committee. This policy committee is composed of the top leaders of medicine: The president, president-elect, and three immediate past presidents of the State medical society.

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The committee has the responsibility and power to make final adjudication of cases referred to the association. However, in order to make the program closer to the grass roots the policy committee established 12 councilor district peer review committees. The policy committee refers certain cases to the councilor district committee for review in detail, for recommendations and for report back to the policy committee.

The policy committee again reviews the case after the councilor district committee has considered it and the findings of the local committee are also considered before final adjudication is made.

Because the number of cases of outright fraud and abuse are miniscule in number, peer review works more often behind the scenes in improving techniques and setting standards of care and treatment. As an example, let me cite a case which was mentioned to me in a recent letter from Mr. Kenneth Neff, executive secretary of the Nebraska State Medical Association. Mr. Neff wrote:

> The State Department of Welfare, who administers the Medicaid program in Nebraska, referred to us through its Medical Director, a case in which the care and diagnosis and drugs provided to a patient created some doubt and concern on the part of the Medical Director. The Policy Committee reviewed the case and in turn referred it to the appropriate Councilor District. The Councilor in investigating the case with the physician involved, was asked by the physician to request a hearing before the Policy Committee. The physician was invited in by the Policy Committee, who also extended an invitation to the Medical Director from the Welfare Department. At the meeting it was revealed that probably the physician's staff had made some incorrect bills, and there was also an opportunity for the physician to explain the pattern of care which he had given the patient. At the same time, he was able to gain a better understanding of the activities of the Medical Director in the Welfare Department and the methods used in determining what cases should be reviewed. In the final analysis, the meeting brought a better understanding between the physician providing the care, the Department of Welfare who was paying for the care and the State Medical Association which provided the necessary mechanisms to satisfactorily adjudicate the matter in question.

Mr. President, I am pleased to have the opportunity to review the operation of peer review in my State. I commend the experience of Nebraska to all States and to the Finance Committee. I am sure that peer review is indeed the mechanism under which Federal health programs can do what they were set up to do: Provide care in the mainstream of the American system to those who cannot provide such care for themselves.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. Nelson). The bill will be stated by title.

The Assistant Legislative Clerk. A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. Both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 11:30 a.m. today.

The motion was agreed to; and at 10:34 a.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 11:23 a.m. when called to order by the Presiding Officer (Mr. Fannin).

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time consumed during the recess be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed in the quorum call be equally charged against both sides on the Cooper-Hart amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able Senator from Iowa (Mr. Hughes) be recognized until he may yield to other Senators with respect to germane business without losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 829

Mr. HUGHES. Mr. President, I call up my amendment No. 829 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. The Senator from Iowa (Mr. Hughes), on behalf of himself and other Senators, proposes an amendment as follows:

> On page 2 line 2 of the Cooper-Hart amendment No. 819, strike out "$838,600,000" and insert in lieu thereof "$381,200,000".
>
> On page 2, of the amendment, beginning with line 8 strike out all down through and including line 20 and insert in lieu thereof the following:
>
> "TITLE IV—PROHIBITION ON USE OF FUNDS FOR DEPLOYMENT OF SAFEGUARD SYSTEM
>
> "Sec. 401. None of the funds appropriated pursuant to this or any other Act may be used for the purpose of deploying a Safeguard system at any site."

Mr. HUGHES. Mr. President, I modify this amendment so that it is offered to the pending amendment now before the Senate.

The PRESIDING OFFICER. Is this the amendment on which there will be 2 hours of debate under the previous order?

Mr. HUGHES. That is correct.

The PRESIDING OFFICER. The amendment is so modified.

Mr. TOWER. Mr. President, what was the modification proposed by the Senator from Iowa?

Mr. HUGHES. I modified the amendment so it would be germane.

Mr. TOWER. I see.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. I have no objection. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. TOWER. Mr. President, it is my understanding that the debate is to be limited to 2 hours, 1 hour to be controlled by the Senator from Iowa (Mr. Hughes) and the other hour to be controlled by the Senator from Mississippi (Mr. Stennis).

The PRESIDING OFFICER. The Senator is correct.

Mr. HUGHES. Mr. President, at the outset, I should like to advise the Members of the Senate about the procedure that is made necessary by the parliamentary peculiarities with which we are confronted.

This amendment, Senate amendment 829, is designed to accomplish two goals.

First, it would strike out all of the funds for procurement of missiles for the Safeguard system.

Second, it would flatly prohibit the expenditure of any funds, appropriated pursuant to this or any other act, from being used to deploy a Safeguard ABM system. But it would not reduce the funding of continued research and development on Safeguard.

If my amendment were adopted, the Senate would have clearly expressed its will; this body would be on record as favoring a halt in all deployment of Safeguard at this time.

Senators should be advised, however, that the pending amendment, Senate amendment 829, would not make any significant changes in section 401, which is found on page 16 of the bill as reported by your Committee on Armed Services. Section 401 contains the provisions which authorize construction of Safeguard facilities and sets down the limitations on that authorization.

As Senators will see, section 401 would become moot if amendment 829 is adopted, since the amendment would cut off all Safeguard deployment funds and prohibit any other funds being spent on the system.

Therefore, in the event that Senate amendment 829 is adopted by the Senate, it would be necessary for the Senate to do some technical housekeeping with respect to section 401 of the bill. I am advised that this does not involve any serious or difficult complications.

I call this to the Senators' attention now, so that they will not continue to puzzle over the language of our amendment—and its apparent failure to deal with section 401—throughout the entire debate.

To have attempted to appropriately amend section 401 would have required going beyond the scope of the Hart-Cooper amendment, which our amendment seeks to modify. That not being permitted, we are proposing to go as far as we can within the scope of Hart-Cooper, and I am sure Senators will agree that we go more than far enough to clearly establish an intent to halt all deployment of Safeguard, allowing only research and development to continue.

I make these statements at the beginning of the debate in order that Senators may clearly understand that should this amendment be adopted, some technical housekeeping chores would have to be accomplished.

At this stage of the long debate, we are all weary of the arguing among honorable men who share common objectives but who deeply believe in different routes to those objectives.

There is a temptation to sit down and let the vote come and, if necessary, bite the bullet—or in this case the missile.

But there is too much at stake for either the opponents or the proponents to do this.

For the ABM is a symbol and a pivotal point in our national policies regarding adequate defense, military spending, and the arms race.

To its advocates, it represents minimal protection of our nuclear deterrent power.

Once again, I would pay tribute to the distinguished Senator from Mississippi (Mr. Stennis) and my other able colleagues of both parties who have made the case for the administration viewpoint with eloquence and integrity.

To those of us who oppose the Safeguard system, the ABM represents illusory defense, prodigious waste, and a dangerous contribution to the momentum of the arms race.

To me personally, the approval of phase I and phase II would be a confession of our impotency to extricate ourselves from the deadly treadmill of escalating weapons systems.

Mr. President, last Thursday I told the Senate of my intention to offer an amendment which would go beyond the Hart-Cooper amendment by denying all funds for construction and procurement of the Safeguard system.

I said then that I wanted to give the Senate a chance to vote on this more restrictive amendment before considering the Hart-Cooper proposal, to demonstrate our conviction that ABM deployment should be halted completely.

It seems wasteful to spend the extra half-billion dollars provided by the Hart-Cooper amendment when, under the best circumstances, Safeguard would not be needed, and under the worst circumstances, it would be inadequate and ineffective.

If strategic arms limitation talks result in an agreement to restrict the ABM to the defense of Moscow and Washington, our construction and deployment of phases I and II will have been wasted. If those talks fail and if the Soviet Union increases its offensive capability at the rate feared by Secretary Laird, Safeguard could easily be overwhelmed—as Pentagon spokesmen have themselves admitted.

The amendment I have proposed in conjunction with my distinguished colleagues, the Senator from California (Mr. Cranston), the Senator from Wisconsin (Mr. Nelson), the Senator from New York (Mr. Goodell), the Senator from Missouri (Mr. Eagleton), and the Senator from Hawaii (Mr. Inouye), is a product of some of these convictions.

Our amendment would reduce missile procurement funds by $650.4 million, thereby eliminating funds for phase I as well as for phase II. This amendment would also substitute a new title 4, which says quite simply:

> None of the funds appropriated pursuant to this or any other act may be used for the purpose of deploying a Safeguard system at any site.

Let me emphasize, however, that the amendment would authorize the funds recommended for research and development. We believe in preserving our option to develop an effective anti-ballistic-missile defense system if the strategic and diplomatic picture should worsen.

Although I will support the original Hart-Cooper amendment if this proposal should fail, I believe that a complete halt to Safeguard is preferable.

The arguments for Safeguard now seem to have been reduced to two—the strategic and the diplomatic. On the strategic argument, let me cite the conclusion of the Defense Department's own ad hoc group on Safeguard:

> If the only purpose of Safeguard is defined to be to protect Minuteman—as the administration now argues, Mr. President—Phase IIa as defined in March 1969 should not proceed.

If we reject phase II—as I believe a majority in this Chamber want to do—then we should accept the logic of the O'Neill group, which said: "Phase I alone is not worth its cost."

Mr. President, I believe that the whole system is not worth its cost.

In a period of even more sophisticated nuclear horrors, we have come up with a platinum-plated, electronic slingshot.

If the ABM is a mistake, as I deeply believe it to be, then it is no less a mistake if we do all of it or do part of it.

Millions of American citizens view this as I do.

It is essential, therefore, in my opinion, that their elected representatives in the Senate who share this conviction should have the opportunity to express it in this historic debate.

I have offered a go-the-distance amendment to stop all deployment of the Safeguard system, because the answers I get to all the major questions involved, after all of this and last year's debate, are as follows:

Will it protect our cities? The answer is "No."

Will it protect our deterrent? The answer is "No."

Granted the need for protection from a first strike, is it the best system available? Again, the answer is "No."

Can Soviet production of the SS–9 and SS–11—for which the Soviets are tooled up—make Safeguard obsolete before it is completed? The answer is "Yes."

Has a credible case been made that deployment of Safeguard will abet the SALT negotiations? The answer is "No."

As a declaration of our intent, will deployment step up the momentum of the arms race? The answer, in my opinion, is "Yes."

We are now concluding the current round of SALT discussions at Vienna with the Soviet Union. The newspapers say that we have proposed limits on the total number of warheads, including limits on the numbers of large missiles like the SS–9's. In addition, the papers report that we have proposed mutual restrictions on our rival ABM systems to confine them to our capital cities. That is the broad outline of the agreement which is likely to be reached in the next few months.

It does not go as far as I would wish—especially since it permits some ABM construction and since it says nothing about MIRV's—but it seems like an important first step toward curtailing the arms race.

This projected agreement also seems reasonable for both sides. In return for stabilizing the number of our missiles and warheads, the Russians would do the same. In return for not expanding their ABM system, we would limit ours to the defense of Washington.

But, Mr. President, I have great difficulty seeing how the ABM is a bargaining card in these negotiations. Right now the Russians face the choice of getting an agreement or letting the talks collapse. Both nations want restrictions on missile and bomber forces at some point of sufficiency in deterrence.

If the Russians ask for more than we can allow, we can demand more missiles or submarines for ourselves.

If the Russians want an agreement, they will have to put limits on their offensive capability and on their ABM. If we want an agreement, we would have to do likewise.

The Russians now have powerful incentives to stabilize the number of warheads and to free resources for their many domestic problems. We face the same incentives.

Thus, the Russians have a choice between a status quo in defenses versus an increase in the already superior U.S.

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forces. They would be somewhat less than shrewd not to agree to restrict ABM's.

If the Russians let the talks collapse, they would find the consequences expensive and dangerous. They would have to choose between increasing their ICBM force or expanding their ABM system.

In either case, I believe, Safeguard is irrelevant. Any appreciable increase in Russian offensive missile capability—Secretary Laird admits—would be enough to overwhelm Safeguard. To regain sufficiency, we would logically either expand our own offensive forces or develop a different, specialized missile defense system.

If the Russians, on the other hand, expand their ABM, we could easily and inexpensively increase the number of our missiles or warheads to overwhelm it. Again, Safeguard would be irrelevant.

In fact, Safeguard is likely to be discarded, in my estimation, regardless of whether SALT succeeds or fails, and its rejection by the Senate, therefore, could have no bearing on the negotiations.

Mr. President, several participants in this debate have called Safeguard our chief bargaining card in the SALT negotiations. The Senator from California (Mr. MURPHY) said Monday that the Vienna talks were like a poker game.

In my opinion, that analogy is faulty, because all the cards are face up on the table. We know each other's strengths and weaknesses, and in this regard, Safeguard is by no means an ace.

At best, it is only a deuce. We cannot bluff the Russians with it, because they know quite well that we have sound reasons to doubt its reliability and effectiveness, that we fear the exorbitant price it will cost us, and that we want to scrap it in a SALT agreement anyway.

On the other hand, approval of the expansion of Safeguard calls into question our whole negotiating position.

Why is the escalation of a weapons system needed to gain strength at the negotiating table, when the history of United States-Soviet negotiations in recent years has proven the exact opposite to be the case? My able colleague, the Senator from Michigan (Mr. HART) cited these examples of history in his speech on Tuesday of last week.

Some of the distinguished gentlemen who negotiated those agreements have reached the same conclusion. In a letter to the Washington Post on Monday, five men—including Averell Harriman and Adrian Fisher—said:

> In our judgment, a Senate vote against the ABM is a vote for success in SALT.

They were drawing on their unparalleled experience to indicate that, if we are to appear unquestionably sincere about reaching an agreement, it is imperative that we act as if we intend to limit the arms race, not to expand it.

Mr. President, time is not neutral in this matter.

What we decide here today is not confined to whether we continue or discontinue the deployment of the controversial ABM.

It is a question of whether or not we continue in the lock-step of the arms race; whether we elect to negotiate from restraint, where we have succeeded in the past, or from threat, where we have failed.

It is a misfortune, I believe, that the opponents of the ABM have necessarily been placed in a negative position in this debate.

Those of us in the Senate who press for new initiatives for peace and for more stringent control over military spending, believe no less than any others in the adequate defense of our country.

The name "Safeguard" was shrewdly chosen; it puts those who oppose it in the nominal position of opposing that which guards our country safely. But we get back to the old question—"What's in a name?" With all of the evidence in, I am convinced that Safeguard would guard us no more safely than its predecessor, Sentinel, would have watched over our security.

I am convinced the ABM is not a bargaining chip; it is a certainty that it is not a bargain.

But if the people of this country are ready and willing to underwrite the multibillion-dollar experiment, I would only say that they should do it with their eyes open.

If they are willing to shortchange such domestic priorities as education, equal opportunity, and the rebuilding of our rotting cities; if they are willing to pay $1.50 a pound for meat and 75 cents a dozen for eggs; if they are willing to suffer the inflationary pressures of high interest rates and tight money; then let us go ahead with this costly type of military speculation.

But let us understand who is paying the bill—the average citizen, the average family in the United States.

Mr. President, in all sincerity and with deep concern, let me conclude by saying that I believe the ABM is a white elephant that nonetheless casts a dark shadow on our future hopes for peace.

Mr. President, I ask unanimous consent that the parts of the amendment be considered en bloc.

The PRESIDING OFFICER (Mr. MCCARTHY). Without objection, it is so ordered.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. HUGHES. I am happy to yield to the distinguished Senator from Hawaii.

Mr. INOUYE. Mr. President, I commend my distinguished colleague for his leadership on this very important matter. I only regret that there is so little interest shown on this floor in a matter of such magnitude. I only hope that the vote will reflect greater concern on the part of Members of this body.

I ask the Senator, is it not true that in the quest to deescalate the arms race, history has shown that negotiating from a position of superiority has never paid off?

Mr. HUGHES. Yes. As the Senator from Michigan (Mr. HART) last week, I believe on Tuesday, indicated in a very able Senate speech, we have not succeeded in attempts to negotiate from that position.

Mr. INOUYE. In fact, the only time we have succeeded in deescalating the arms race was when we exercised restraint; and history notes as results the nuclear nonproliferation treaty and the ban on atmospheric and underwater testing. Every time we have shown a desire to negotiate from a position of superiority, we have failed.

We requested the Russians to take the Baruch plan. We were superior then, and they turned us down. Later on, when they initiated negotiations, we turned them down.

I hope the Senate and Congress will respond to the Senator's call, and take one small step in bringing this escalating arms race to an end. I commend my colleague on his effort.

Mr. HUGHES. I thank the Senator from Hawaii for his leadership in this area and his continuing support, because certainly we all recognize that he and the people of his State would be among the first to advocate an adequate defense for this Nation under any and all circumstances, and certainly he therefore would support this system if it were possible for him to do so in good conscience.

Mr. PASTORE. Mr. President, has the Senator from Iowa finished?

Mr. HUGHES. I have finished.

Mr. PASTORE. Mr. President, I rise at this time, because the Senator from Kentucky and the Senator from Michigan are on the floor, to——

Mr. HUGHES. Mr. President, a point of order. We are under controlled time.

Mr. PASTORE. Does the Senator have time that he can yield?

Mr. STENNIS. I control the time on the opposition.

Mr. PASTORE. I want time in favor of the amendment.

The PRESIDING OFFICER. The Senator from Iowa controls time and the Senator from Mississippi controls time.

Mr. STENNIS. I will yield time to the Senator.

Mr. PASTORE. I do not care who yields me the time, so long as I have some time. I shall not take very much.

Mr. COOPER. The Senator can use time that will later be allotted to proponents of the Hart-Cooper amendment.

The PRESIDING OFFICER. The time will have to be on the Hughes amendment. Who yields time to the Senator from Rhode Island?

Mr. HUGHES. Mr. President, if I correctly understand the Senator's request, he is not requesting time to speak to the point of my amendment.

Mr. PASTORE. That is right.

Mr. HUGHES. It has to do with the Hart-Cooper amendment. I ask unanimous consent that the time being taken in discussion not be deducted from either side on this particular amendment.

Mr. STENNIS. Mr. President, out of courtesy to the Senator, I will be willing to yield in a few minutes, but I have received requests from other Senators for time.

How much time does the Senator from Rhode Island desire?

Mr. PASTORE. I should like more than 2 minutes. I might want 5 or 6 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa that the time taken by the Senator from Rhode Island not be charged against either side?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I ask unanimous consent that the time required by the able Senator from Rhode Island——

Mr. PASTORE. All I am asking for is 10 minutes on this very important subject.

Mr. BYRD of West Virginia. Be equally charged against both sides on the Cooper-Hart amendment.

Mr. STENNIS. Mr. President, I object.

Mr. PASTORE. To be charged to the proponents of the Cooper-Hart amendment.

Mr. COOPER. I am willing that the time be deducted from the time for the proponents of the Hart-Cooper amendment.

Mr. BYRD of West Virginia. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request that the time be taken from the time allotted to the Senator from Kentucky under the agreement on the Cooper-Hart amendment? The Chair hears none, and it is so ordered.

Mr. PASTORE. Mr. President, I am not going to rehash the history of this matter. Suffice for me to say that I was one of the first in Congress who proposed, as far back as September, 1967, at the launching of the nuclear submarine *Narwhal*, that in view of the fact that the Russians had already achieved an antiballistic missile system; namely, 64 sites around the city of Moscow—and inasmuch as Kosygin had rejected our proposal at Glassboro in June of 1967, and because of the situation at that time, America should engage in the development of an antiballistic missile system. I have not changed my mind since then, and I stand firm on that today.

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I said at that time that it was incumbent upon us, in view of the situation in the world, that we should undertake this effort, lest we find ourselves in the secondary position, vis-a-vis the Russians. I made that argument on the floor of the Senate on August 6, 1969, and with a scant majority, it carried. It was unfortunate that we were so evenly divided. But that was the case. That is water over the dam.

Congress is dedicated to phase I. When the President of the United States, in January of this year, suggested that possibly we should have an expansion into phase II, without hesitation, the Senator from Rhode Island stood up and said that he was not in favor of an extension or an expansion at this time, this was for the simple reason that we had not even begun to dig the holes for the first two sites that were selected under phase I. Because of my experience in this area—realizing that from day to day there are improvements in research and development—I declared that we should not at this time undertake an expansion. I so stated in February, and I still have not changed my mind.

The one thing that is confusing in this debate—and I have studied the RECORD very carefully—revolves around subsection (b) of this section of the Hart-Cooper amendment. The Senator from Washington, a very dear friend of mine and one for whom I have the highest admiration, has taken the position that if subsection (b) remains in the law, $365 million for research and development which is necessary for phase I will have to be redirected to some other advanced or dedicated type of missile-defense. That position has been sustained by the Secretary of Defense, who sent a memorandum to the Senator from Washington, under the salutation of "Dear Scoop." It is in the August 10 RECORD, and I am not going to burden the Senate by reading it.

This is the conflict: The Senator from Kentucky says that his amendment does not deny the $365 million for research and development which is absolutely necessary, and sustains my position on the expansion. If we need research and development further on phase I, why do we get into phase II?

The argument of the Senator from Washington is that we need this money in order to completely develop phase I, which is a good argument. The Senator from Washington takes the position that by subsection (b), this $365 million is denied to research and development for the completion of phase I; and that is where the conflict is.

All I am saying to my colleagues who have suggested this amendment is this: If it is true that they do not want to disturb phase I in any way, and this is the position of the Senator from Rhode Island, it would be a sorrowful day if we were to sweep this whole thing under the rug at this time, in view of world developments and in view of the SALT talks. If it is true that all we are trying to resolve here is the matter of an expansion at this time over and above phase I, I very kindly and respectfully suggest to my colleagues, the Senator from Kentucky and the Senator from Michigan, that they delete subsection (b) from their amendment.

That will clarify the whole situation, and then we will know exactly where we stand—that we are all dedicated to phase I.

I am not asking anyone to compromise his conscience. But inasmuch as this Congress has already dedicated itself to the completion of phase I—we did that in August of last year—I say let us modify this amendment to clarify the position, and then we will know exactly where we stand, beyond question. That is the only reason I have risen to speak today.

I hope my colleagues will seriously consider the suggestion that I have made. That will purify the amendment. That will clear the air, and we will say categorically that we do not want to disturb phase I in any way, but all we are against is the expansion at this time. I cannot say it more simply than I have.

Mr. COOPER. Mr. President, the Senator from Rhode Island has raised a timely and important question. In two colloquies with the distinguished Senator from Mississippi——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. COOPER. Three minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. The Senator from Michigan (Mr. HART) and I have stated that our amendment did not in any way prohibit the use of the $365 million for phase I, or restrict its use in any way. However, I would like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COPPER. Can the sponsors of the Hart-Cooper amendment modify it at this time by striking subsection (b) beginning at line 16?

The PRESIDING OFFICER (Mr. McCARTHY). The question of the Senator from Kentucky is as to whether he may modify his amendment at this time?

Mr. COOPER. Yes.

The PRESIDING OFFICER. Only by unanimous consent.

Mr. COOPER. By unanimous consent?

The PRESIDING OFFICER. Only by unanimous consent.

Mr. COOPER. I thank the Chair.

Mr. President, I ask unanimous consent that, that part of the Hart-Cooper amendment, subsection (b) on page 2, beginning on line 16 and extending through line 20, be stricken from the amendment.

Mr. STENNIS and Mr. HUGHES addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—I do make the point, though, that, as I understand it now, it will terminate this matter here and we will get back on the appropriate amendment. I think we have to maintain that. I do not object.

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa will state it .

Mr. HUGHES. I should like to inquire of the Parliamentarian whether the modification just requested by the Senator from Kentucky would affect the Hughes amendment as now presented?

The PRESIDING OFFICER (Mr. McCARTHY). This applies only to the Hart-Cooper amendment. It does not affect the Hughes amendment.

Mr. HUGHES. It does not affect the result of the Hughes amendment to the Hart-Cooper amendment?

The PRESIDING OFFICER. The Chair would inform the Senator from Iowa that it would not have any substantial effect on it.

Mr. HUGHES. I thank the Chair. I have no objection.

Mr. PASTORE. Mr. President, will the Chair announce the decision?

The PRESIDING OFFICER (Mr. McCARTHY). Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. PASTORE. So ordered. I thank the Chair.

The language stricken in amendment No. 819 is as follows:

"(b) The provisions of subsection (a) shall not apply to the obligation or expenditure of funds for research, development, testing, and evaluation activities carried out in support of any advanced antiballistic missile program at sites heretofore established for such purpose."

Mr. **HUGHES**. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. **STENNIS**. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER**. The Senator from Mississippi will state it.

Mr. **STENNIS**. What was the request just made?

The **PRESIDING OFFICER**. The yeas and nays were requested and granted on the Hughes amendment.

Mr. **STENNIS**. I thank the Chair.

The **PRESIDING OFFICER**. Who yields time?

Mr. **STENNIS**. Mr. President, I yield myself 5 minutes in opposition to the Hughes amendment.

The **PRESIDING OFFICER**. The Senator from Mississippi is recognized for 5 minutes.

Mr. **STENNIS**. Mr. President, my remarks at this time will be largely by way of review as to the contents and consequences of the amendment offered by the Senator from Iowa who, by the way, is very well versed in the subject matter. His interest in it is genuine. He makes a valuable contribution to this debate. I commend him for the very fine attitude and the orderly way in which he goes about getting his position stated and getting it reflected in his amendment.

Mr. President, we are confronted with this overall situation now. We already have Safeguard Phase I, which was authorized last year and the money was appropriated for it—as is well known. Phase I has been moving forward with reasonable success within the past 12 months and is expected to continue.

The committee has recommended continuation of Phase I in all its aspects, including deployment, actual construction, and further development of processes to perfect the missile, the site, the radars, and everything.

Furthermore, the Cooper-Hart amendment really affirmed that position as to Phase I. It approves what was done last year. It approves the development of it for the past 12 months. It approves the continued development of Phase I in all its implications, including research and development, which are necessary to continue and which will have to be continued year after year. There is nothing unusual about that.

That is the position, as I interpret it, of the great majority of the membership of this body, that they want Phase I to move forward. There may be some variances in the reasons why different Senators want it but, at least, for one reason or another, we agree on that.

Now, with reference to the amendment of the Senator from Iowa, let us be sure it is understood that it would cut out all money for further development and deployment of Phase I, and that it would cut out all money for Phase II, which is the addition of the Whiteman site and the small beginning at the Warren Air Force Base site in Wyoming. In fact, inadvertently, funds would be left in the bill for military construction. I judge that perhaps might be an oversight, and the Senator might want to change his amendment in that way. That is something that follows along. But it would cut out everything in the way of deployment and would actually prohibit deployment of Safeguard in any site, new or old.

That brings into full view here that we have the program going on, that we have the SALT talks going on, and that we are right up to the question of the necessity—if we are going to have a system—of having one that is not adequate in size and extent unless there are more than two sites. Which brings us right up to the question, after all, shall we move forward in a practical way and try to take care of the time element involved—not 1970, but 1975 to 1980?

Let us remember that the first point and the last point about any argument on ABM involves the timetable of 1975 to 1980.

Let us remember, too, that everything in the bill is subject to control next year, or any year, by recommendation of the President, using his power to stop it, to cut it off subject to the will and the power of Congress through authorizations or appropriations, to stop all or any part of it. So there is nothing being waived in any way by Congress in moving forward.

But, to strike down this whole system now, by depriving it of all funds except what might be necessary except for a certain amount of research and development, is turning around and marching in the opposite direction to the extent that, I am sure, this body does not want to do.

One additional point: We use the term "research and development." The word "development" is a broad, description of activity in connection with a weapons system prior to its deployment.

The **PRESIDING OFFICER** (Mr. HOLLINGS). The time of the Senator from Mississippi has expired.

Mr. **STENNIS**. I yield myself 1 additional minute.

The **PRESIDING OFFICER**. The Senator from Mississippi is recognized for 1 additional minute.

Mr. **STENNIS**. Mr. President, there is one precise line of demarcation as to a lot of these weapons concerning where the development ends and the procurement begins. In fact, one does not end and the other one starts. To a degree they blend. The items in the bill and the bookkeeping are all kept separate.

We have to remember that when questions come up concerning what is development and what is procurement.

Mr. President, that completes my time. I yield the floor.

The **PRESIDING OFFICER**. Who yields time?

Mr. **HUGHES**. Mr. President, I yield 1 minute to the distinguished Senator from Minnesota.

The **PRESIDING OFFICER**. The Senator from Minnesota is recognized for 1 minute.

Mr. **McCARTHY**. Mr. President, I support the amendment offered by the distinguished Senator from Iowa. I do not see the logic of a first phase ABM, no matter how widely deployed. Nor do I see the advantage of a first, second, third or, however, many more phases there may be in a very limited kind of deployment.

What we have seen in the arguments advanced in the past, that are once again being advanced in support of the ABM system, is really a kind of advanced form of escalation.

Mr. President, we have had almost every kind of strategic reason given for the ABM. Some have been to the effect that it would deter the Russians from making a massive attack on us. We have had the argument advanced that it would protect us from missiles that might be accidentally launched by our allies.

The argument has even been advanced that we might need it in order to protect ourselves against the accidental launch of missiles by the American Armed Forces.

The administration is again asking for approval of an expansion of the ABM program. The technical arguments against the Safeguard system were made in the Senate last year at some length and repeated this year. These arguments have not been refuted. Rather, with the continuing change in the stated mission of the system, the arguments against it appear even stronger.

When Secretary of Defense McNamara, on September 18, 1967, first announced the decision to deploy the Sentinel ABM system, he prepared the way for the shifting justifications we have heard over the past 3 years for this system. In addition to protection against a possible Chinese attack, Sentinel, he said, "would have a number of other advantages." He continued:

> It would provide an additional indication to Asians that we intend to deter China from nuclear blackmail, and thus would contribute toward our goal of discouraging nuclear weapon proliferation among the present nonnuclear countries.
>
> Further, the Chinese-oriented ABM deployment would enable us to add—as a concurrent benefit—a further defense of our Minuteman sites against Soviet attack.
>
> Finally, such a reasonably reliable ABM system would add protection for our population against the improbable but possible accidental launch of an intercontinental missile by any one of the nuclear powers.

On March 14, 1969, President Nixon announced his modification of the ABM, the Safeguard system, but many roles were still marked out for it. President Nixon said:

> It would be a safeguard against any attack by the Chinese Communists . . . a safeguard of our deterrent system . . . a safeguard also against any irrational or accidental attack that might occur of less than massive magnitude which might be launched from the Soviet Union.

The emphasis was on the defense of the deterrent.

At that time, he also "overruled" the area defense option because, he said:

> It tends to be more provocative in terms of making credible a first-strike capability against the Soviet Union. I want no provocation that might deter arms talks.

This year, the Nixon administration offered the system again, reinstating the area defense mission it had abandoned last year as "provocative." They say that it is now nonprovocative and that it will induce Soviet agreement to arms limitation. Apparently, among the many attributes of this system is an ability to be merely threatening without being provocative.

Last year we were told that Senate authorization of the ABM—by one vote—was such a threat to the Soviet Union that they agreed within 3 days to enter into negotiations. This claim was never proved, although the Senator from Washington (Mr. JACKSON) again raised the matter in his statement to the Senate on August 5. Actually, the joint U.S.-Soviet announcement had been the subject of discussion for some time prior to the Senate vote and it was known during the debate last year that the Russians were going to agree to negotiations.

This year it has been stated repeatedly that the President needs our approval of the expansion of this system as a "bargaining chip" in Vienna. The chairman of the Armed Services Committee stated on television on July 26 that it would be a "tragedy" if we did not approve it and "would defeat all chance we might have" to get an agreement with the Soviet Union. To fail to pass this expansion, he said, would be "to jerk the rug out from under the President." The fallacy of this "bargaining chip" argument is clear.

If the administration considered that American possession of an ABM was necessary for bargaining, it should have waited until we had one before negotiating. But it has not. The time is ripe for negotiations because both sides have far exceeded the ability to destroy the other and because both sides realize that there is really nothing to be gained in the way of additional security from additional weaponry.

Again we are witnessing, in the case made for an increase in the ABM, a demonstration of the rule that when one thinks defensively the threat always rises to the level of the deterrent and then surpasses it. When it was thought that the Soviet Union was going to install some 70 ABM's, even though they had not yet done so, we made the decision to proceed with MIRV's which, if continued, will give us some 7,000 warheads. There is considerable evidence in press reports that, as a result of our initial deployment of MIRV's on Minuteman missiles some 6 weeks ago, the Soviet Union, resumed the deployment of their SS–9 missiles, which had been suspended for about 9 months.

In the hearings on May 28, 1970, before Senator GORE's subcommittee of the Senate Foreign Relations Committee, Dr. Jerome Weisner stated:

> There is a persistent report circulating to the effect that no new SS–9 sites under construction, that is new starts of sites for bases, have been observed for several months.

Now Secretary Laird is using this renewed Soviet deployment, which apparently was in response to our MIRV deployment, as the justification for his claim that we need to expand the Safeguard system.

A further statement in the same hearing by Dr. Weisner, who served as science adviser to President Kennedy, throws interesting historical light on the question of whether "negotiation from strength" is likely to help or hinder the prospects for reaching arms control agreements. Shortly after taking office in January 1961, the Kennedy administration learned that the alleged missile gap probably did not exist and that the United States probably had more missiles than the Soviet Union. Yet they rejected the opportunity to hold missile forces at the relatively low levels of the Eisenhower administration and decided in favor of nearly 1,000 new Minuteman missiles, and a substantial increase in the Polaris submarine fleet. Dr. Weisner concludes:

> I believe that the failure to reach agreement on a nuclear test ban and the resumption of nuclear testing by the Soviet Union in the fall of 1961 were direct consequences of this buildup on our part.

It is either too soon or too late to negotiate.

Despite this history and other examples of Soviet unwillingness to negotiate against a situation of strength, examples going back as far as the days of the Baruch plan when we alone had nuclear weapons, the administration persists in claiming that a continued buildup on our part will lead to Soviet agreement in the SALT talks. There has never been any historical evidence that the Soviet Union could be forced to the conference table or to agreements by the superiority of our force. In fact, the contrary appears to be the case.

Finally, we are faced with arguments both from the administration and from the Armed Services Committee that demonstrate the limitless nature of defensive thinking. Last year, Secretary Laird said that our military policies and programs should not be based on what our intelligence indicated the enemy is doing, but should be designed to offset their capacity to do all that they can do. This year, in his May 18 statement to Senator GORE's subcommittee, Secretary Laird escalated his own estimate on what we must respond to: Now it is Soviet "momentum":

> We are concerned about the future because of the momentum in this Soviet buildup. The rapid Soviet buildup in the past five years, has reached the point where there is reason to wonder what the Soviet goal is. . . . What gives this concern urgency is the momentum behind Soviet deployments and developments in major strategic systems that could carry them well beyond the crossover point in a short period of time, unless we take major offsetting actions.

This goes beyond what the Armed Services Committee has projected in its report on this bill. They have stated that we need to be concerned, not with the actual threat, but the potential threat; not with what they can do, but with what they could do. The report states, page 18:

> Even if the Soviets should not install additonal missile launchers, the present number already deployed or under construction constitutes a delivery capability which, with *qualitative* improvements, would pose a serious threat to our land based Minuteman deterrent in the mid-1970's. These qualitative improvements . . . are well within Soviet capabilities. . . .

Mr. President, this year Secretary Laird has introduced a new consideration, which is that we have to build sufficient military strength not only to stand against what we know they have or what they might have, but he has a new factor called momentum.

As far as I can understand it, it means that our military needs are without limit. They are limitless. Infinity becomes the standard.

If we think in these terms, it means that our deterrent force will always rise to the level of the enemy's deterrent force and will then surpass it.

As a consequence, no one can determine the limits of our necessary military strength.

I am of the opinion that there is no better time to put a stop to this irrationality beyond the irrationality of escalation, that goes out to try to build a Defense Establishment which would answer to the momentum of the enemy and take into account, not what they have and not what the potential may be, but something projected beyond that.

Although this "momentum" argument may be the most extended phase of the argument, and its most ridiculous, it does offer an echo of the manner in which the action-reaction phenomenon of the arms race proceeds almost out of control, guided by a kind of technological and bureaucratic inertia. This process rather than some computer-controlled mechanical device is the real doomsday machine.

There is only one possible response to this process, to policies of specious reasoning and self fulfilling prophecy which seek, as this administration has sought, an arms control agreement by increasing the level of arms: Reasonable and prudent men must act to shut it off. The Senate can act in this direction by approving the Hughes amendment which meets that point very squarely.

Mr. HUGHES. Mr. President, I yield such time as the Senator from Missouri may require up to 10 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, I thank the distinguished Senator from Iowa.

I support the amendment of the Senator from Iowa with respect to the ABM.

Mr. President, in my judgment the Department of Defense is once again playing games with Congress regarding the extent of the costs of the ABM.

Department of Defense officials frequently explain the importance of development concept papers—so-called DCP's—in their management process, however, there is no such development concept paper for the ABM.

The General Accounting Office, in a report dated May 5, 1970, turned up a further increase of about $132 million for Phase I—over and above—the projected costs as stated by Secretary Laird on March 9, 1970.

Mr. President, this GAO report was in response to a letter from me dated April 13, 1970, asking for their analysis of the constantly escalating costs of the ABM. Their report to me, is dated May 5, 1970.

I ask unanimous consent that this report from Comptroller General Staats be printed in its entirety in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

(See exhibit 1.)

Mr. EAGLETON. Mr. President, I will now quote a portion of the aforementioned GAO report which I think is of significant relevance.

On page 3 of the report it states as follows:

> In Senate and House Committee hearings conducted on February 24, 1970, and March 9, 1970, DOD officials testified that the estimated acquisition costs were $4.5 billion for Phase 1, $4.9 billion for the Modified Phase 2, and $10.7 billion for the Full Phase 2. The Department of Defense advises us that the estimates for the Modified and Full Phase 2 deployments given at these hearings still remain the best estimate as of this date; however, the Department of Defense is now estimating the cost of Phase 1 to be about $4.6 billion. This represents an increase of about $132 million that has been recognized since the DOD statement in February and March.

That means, quite simply that the costs of Phase I escalated $132 million between March 9, 1970, when Secretary Laird testified, and May 5, 1970, when the GAO sent this report to me. In a period of 2 months, it was up $132 million.

Quoting further from the GAO report, it states:

> Although these present estimates are the best estimates at this time, the Department of Defense believes that some efforts will probably be necessary in later years, although the Department of Defense does not believe they should be as large as they have been in the past.

In short, DOD is anticipating, without specifying specific numbers, even further and additional cost increases.

Mr. President, during the period between the Senate approval of the Safeguard system in August 1969—almost precisely a year ago today—and Secretary Packard's testimony on March 9, 1970, the cost of the system grew 17 percent. It grew in dollar figures between August 1969, and March 1970, by approximately $1.6 billion.

Now, added to the $1.6 billion increase admitted by Secretary Packard, we find another $132 million increase from March 9 through May 5—a total increase of $1.732 billion.

Mr. President, there are additional, reliable reports that further increased costs have been incurred on Phase I, but they have not yet been made public.

Mr. President, hopefully even the most mismanaged Pentagon projects will not grow at the rate of 17 percent a year as Safeguard has in the past. However, we know for sure that the ABM has experienced a 17 percent-plus increase.

And certainly there are improvements, either real or imagined, coming down the pike which will cost more. The development of the modified Spartan is still in the development phase. This means more research, more and different testing, and probably different parts. And AEC costs will probably rise.

Further, the operating costs of the ABM system have not been included in previous Department of Defense estimates. About $71 million in operating costs are estimated to have been incurred from the start of the program in fiscal year 1968, through February 28, 1970. Annual operating costs once the system is deployed are estimated as follows: $100 million for the two-site deployment; $150 million for the modified phase II deployment; and $350 million for a full phase II.

Further, in addition to operating costs, there are other indirect costs included in other parts of the Department of Defense budget. These are estimated at $440 million for fiscal years 1968 through 1975 for the three-site deployment and obviously will increase if full phase II is built.

As Secretary Packard stated in testimony earlier this year with respect to increased costs:

> The total DoD acquisition cost (of the 12 site Safeguard system would be $10.7 billion (December 1969 price levels). This compares with a figure of $9.1 billion (December 1968 price levels) reported to the Congress last year. Of the total increase (of $1.6 billion) $395 million . . . is due to inflation; $575 million . . . is due to the stretchout of deployment; and $650 million . . . is due to design changes and more detailed estimates.

That is his verification of the $1.6 billion increased cost in the ABM system since August 1969, to March 1970, when he made this statement. Representative Mahon puts that figure in perspective. He stated:

> The total cost of phase II deployment has risen by $1.6 billion above the $9.1 billion estimate given last year to a new total of $10.7 billion. The cost of this program is increasing by more than $100 million per month. . . . At this rate, if the program is completed, what will the total cost be?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUGHES. Mr. President, I yield 2 additional minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 additional minutes.

Mr. EAGLETON. Mr. President, what does this mean, insofar as one Senator is concerned? My purpose in reciting these figures is not to indulge in an accountant's exercise.

Only yesterday the President vetoed two appropriation measures because, as he said, they were inflationary. They were too expensive. He vetoed the HUD appropriation bill because it was $514 million in excess of what he thought it should be; he vetoed the education appropriation bill because it was $453 million in excess of what he thought it should be. Both bills are only $967 million above the President's requests and he said they were too expensive. Yet, Mr. President, the program before us today, the ABM, has already escalated since its inception last August by $1.73 billion—a rate of about $100 million a month. If we add in May, June, and July, we can conservatively add another $300,000 to Safeguard's cost.

If the appropriation bill for HUD and the appropriation bill for Education are inflationary and not in the public interest from a fiscal point of view, I ask what Safeguard—a program that has already escalated at least $1.732 billion in 1 calendar year, is. Why is it not inflationary and dangerous. Why is it fiscally prudent. Why will it not have an impact on our economy? Why are appropriations for HUD and Education inflationary and the ABM, in all of its sanctified glory not?

Yet the Safeguard goes merrily on, unchecked and uncontrolled—either fiscally or rationally.

I think these things have to be placed in proper context. I cannot understand why two measures that cost $967 million over the President's request are dangerous, while Safeguard, which is already $2 billion over estimates—in only 1 year—is considered so pious and prudent.

EXHIBIT 1

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., May 5, 1970.

Hon. THOMAS F. EAGLETON,
U.S. Senate,

DEAR SENATOR EAGLETON: Reference is made to your request dated April 13, 1970, for information on certain aspects of the Anti-Ballistic Missile program. Specifically, you requested information be obtained to answer certain questions included in your letter. The questions you raised and the answers thereto are attached.

You requested that this information be made available to you by May 1, 1970. In view of this extremely short deadline, we have been able to include only unverified information which we obtained from the Department of Defense. The answers to these questions are essentially as we obtained them from the Department.

In view of this short deadline and in accordance with the suggestion contained in your letter, we have not submitted the attached material to the Agency for comment which is our normal practice. We do not plan any further release of this information without your approval or unless a public announcement is made of the contents.

We hope that this material will satisfy your request.

Sincerely yours,

ELMER B. STAATS.

INFORMATION WITH RESPECT TO CERTAIN ASPECTS OF THE ANTI-BALLISTIC-MISSILE PROGRAM

1. Has DOD yet formalized final configurations for Phases 1 and 2 of the ABM system (i.e., is there yet an official DCP)? If not, why not?

DOD advises us that they have developed firm configurations for the Safeguard Phase 1, Modified Phase 2, and Full Phase 2 deployment. The configurations are those announced by the President and elaborated upon by DOD officials in testimony before congressional committees. A Development Concept Paper (DCP) has not been prepared on any of these Phases. Apparently, the Department of Defense considers that the above mentioned statements served as a substitute. It is the Department's view that no major technical issues remain unresolved, and therefore, the decision involved primarily how many and where the subsystems should be deployed. Although DOD officials have frequently explained the importance of DCP's in their management process, there is no actual requirement in DOD regulations that one be prepared.

2. If the Department of Defense has formalized their plans for these two Phases, what are the costs of each and of each com-

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ponent (i.e., missiles, tracking radar and search radar, etc.)?

The Department of Defense has a formalized plan for Phase 1 (two-site deployment) and the Modified Phase 2 (three-site deployment) currently before the Congress for authorization. The DOD also has plans for Full Phase 2 deployment (12-site deployment) as described by Secretary of Defense Laird in his testimony before the Senate Armed Services Committeee on February 24, 1970. However, this latter deployment has not been recommended by the President at this time. Acquisition costs for these deployments are as shown on the following table.

[In millions of dollars]

	Phase 1	Modified phase 2	Estimated full phase 2
R.D.T. & E.	2,199	2,677	2,891
PEMA	1,876	2,560	5,874
MCA	519	702	1,967
Total	4,594	5,939	10,732

We have also obtained information on the total cost of each component of each Phase. Department of Defense regulations require that release of classified information outside the Department be cleared with them. Because of our working arrangements with you, we have not attempted to obtain permission to release this data.

3. What has been the cost growth of each phase and in each component thereof including AEC costs?

In discussing acquisition costs, DOD includes only those costs financed by the Research, Development, Test and Engineering Appropriations (RDT&E), the Production of Equipment and Missiles Appropriations (PEMA) and the military Construction Appropriations (MCA). They do not include Operation and Maintenance Appropriations (OMA) and Military Personnel Appropriations (MPA) costs. Apparently, these latter are normally considered operating costs. They also do not include certain indirect costs of activities budgeted elsewhere which are discussed more fully in the answer to question 11.

In Senate and House Committee hearings conducted on February 24, 1970, and March 9, 1970, DOD officials testified that the estimated acquisition costs were $4.5 billion for Phase 1, $4.9 billion for the Modified Phase 2, and $10.7 billion for the Full Phase 2. The Department of Defense advises us that the estimates for the Modified and Full Phase 2 deployments given at these hearings still remain the best estimate as of this date; however, the Department of Defense is now estimating the cost of Phase 1 to be about $4.6 billion. This represents an increase of about $132 million that has been recognized since the DOD statement in February and March.

The original SAR publication, prepared as of June 30, 1969, showed a total estimated acquisition cost of $4.185 billion. The SAR publication as of November 30, 1969, showed an estimated total acquisition cost of $4.462 billion, an increase of $277 million or 6⅔ percent above the June estimate. This was the figure ($4.5 billion) used in the testimony before the two Committees mentioned above. The Department of Defense explains this increase as including $136 million caused by inflation, $55 million caused by a stretchout which delayed the final acquisition readiness date from July 1974, to October 1974, and changes in estimates or design which totaled about $86 million.

The DOD reports that since the publication of the November 30, SAR, intensive investigations of planned construction schedules and cost estimated have continued. These investigations have resulted in a further increase in the estimated cost of about $132 million mentioned earlier. This represents an increase of slightly less than three percent over the $4.462 billion estimate and slightly more than three percent over the $4.185 billion estimate, and brings the total estimated cost for Phase I at this time to $4.6 billion. The Army reports that this increase is caused by the need for a further stretchout of approximately four months in the planned construction from October 1974, to early 1975. This stretchout is estimated to increase costs by $82 million primarily because the production team and the test and evaluation team will have to be kept intact longer. In addition, an increase in the need for spare parts has increased the estimate by about $40 million and other changes about $10 million.

Cost growth that occurred during fiscal year 1969, for the Full Phase 2 deployment is discussed in the answers to questions seven and eight.

4. What recent changes have occurred or are contemplated to the components?

The Department of Defense advises that no major changes in the Safeguard System components have been made recently (i.e., since the DOD testimony) or are contemplated at this time. The Advanced Ballistic Missile Defense Agency monitors research into improved components and, when the feasibility and desirability of a new component is demonstrated, a decision is made as to whether to incorporate the item in the system. With respect to sub-components and parts of the major components, improvements are frequently suggested as the development program proceeds. Changes are made only in the interest of correcting errors, improving system safety, materially improving operation and performance, or reducing costs.

5. Are the figures used in the Packard statement still accurate reflections of the potential cost? What changes are contemplated, if any?

The material contained in the answer to question 3 contains the best DOD estimate of current costs of each Phase of the ABM System. Although these are the best estimates at this time, DOD believes that some upward revisions will probably be necessary in later years; although the DOD does not believe that they should be as large as they have been in the past. Inflation will probably cause some increases. The Department believes that cost growth resulting from stretchout should be small if the full 12-site program proves necessary and is accomplished by the late 1970's. Design and estimate changes should also be significantly smaller in future years since they have had time to accomplish intensive analysis in the year since the Safeguard decision was made and thereby improve the estimates and better definitize the design. There are some uncertainties even in this area, however. For example, development of the Modified Spartan is still in the program definition phase from which will be developed the exact configuration and a firmer basis for estimating the cost of deployment.

6. What caused the stretchout mentioned in Mr. Packard's statement?

The delays mentioned in Mr. Packard's statement are related to Full Phase 2 and are said to have been caused by delays in congressional appropriations and authorization actions. In addition, consideration was at one time given to requesting authorization for all 12 sites during fiscal year 1971. This approach was abandoned apparently in favor of the Modified Phase 2 approach which is now before the Congress for authorization. These two factors caused the deployment completion date to slip from 1976. The present anticipated completion date is classified.

7. What are the changes to which Mr. Packard referred, why were they necessary and how much will they cost?

The design changes to which Mr. Packard referred will result in an increase of about $650 million for Full Phase 2 deployment. Examples of what the $650 million would fund are: (1) increased hardness of radars located at sites outside the Minuteman fields and the national Capital area, (2) retention of the option for a closed-door operational capability for a longer period which would make each site fully self-supporting under prolonged attack and fallout, (3) increased repair parts provisioning, and (4) additional interceptors for operational testing. The increased hardness of the radars will permit intercepts of reentry vehicles at lower altitudes if the radars outside the Minuteman fields should be attacked by Soviet SLBM. Retention of the option for a longer period of closed-door operations will permit less costly modification of sites if required at a later date to enable the sites to operate without support of personnel from outside. The increase for repair parts reflects the results of continuing reviews and more precise definition of system requirements. A more recent estimate increases the cost of non-deployed hardware required during the period of deployment for producton line testing and reliability and maintainability laboratory testing.

8. Mr. Packard mentioned specific amounts of cost growth that were related to (a) inflation, (b) stretchout, and (c) design changes; what is the support for these estimates?

In accordance with the Bureau of Budget instruction, the DOD does not include inflation as a factor in its estimates. The fiscal year 1970 estimates were based on price levels in effect as of December 1968, and the fiscal year 1971, are based on price levels in effect as of December 1969. During this period, the Department estimated that inflation increased costs by a total of $395 million. This estimate was based on a four percent factor applied to RD&E and PEMA costs and is based on price indices provided to the Safeguard program by OSD. For the Military Construction Appropriations, the increase was 7.7 percent based directly on relative costs of labor and material associated with building construction as expressed in the Engineering News Record Building Index of Cost Trends.

The increases caused by stretchout ($575 million) are based on the need to continue for a longer period of time certain staff elements which would normally not be needed after the deployment is completed and the need to retain in service, production facilities and associated logistics that otherwise would be retired. More specifically, RDT&E costs are estimated to increase about $200 million because of the need to retain a sizeable RDT&E effort in the areas of software instruction and checkout and of engineering changes for each specific site. Production costs are expected to increase by $355 million and construction costs are expected to increase about $20 million.

9. Are any operating costs included? Have any been incurred for the first Phase—in the last year? What are the possible operating costs for say a 10-year period?

Operating costs have not been included in the above estimates. About $71 million in operating costs are estimated to have been incurred from the start of the program in fiscal year 1968, through February 28, 1970. Annual operating costs once the system is deployed are estimated to be as follows:

$100 million for a two-site deployment.

$150 million for the Modified Phase 2 deployment.

$350 million for a Full Phase 2.

10. What is the basis for the $1.2 billion estimate for warheads? Even though there appears to be an increase in the number of interceptor missiles, there is apparently no contemplated increase of earlier costs. How can this be?

As reported in the testimony, the estimated warhead cost is $1.2 billion for Full Phase 2 deployment but this does not include the cost of warheads for the Modified SPARTAN System whose costs cannot be estimated firmly at this time. Estimated costs for Phase 1 are slightly less than $900 million (also exclusive of any costs for warheads for the Modified SPARTAN). The DOD advises us that this information was provided by the Atomic Energy Commission. We have confirmed this information with the AEC, who advise us that this information is correct. They have also advised us that these figures do provide for cost growth and that they do not believe the AEC costs will exceed these amounts. AEC also advised us that the improved SPARTAN costs cannot be estimated firmly. However, the most recent SAR, which has not as yet been released, does contain an estimate of Improved SPARTAN Costs, but the document is classified.

11. Mr. Packard indicated that some indirect costs are not included. What are they? Do they include any R&D costs presently being incurred?

Safeguard indirect costs are included in other parts of the DOD budget as shown below. These costs are not carried as direct Safeguard entities. Therefore, the amounts shown below represent DOD's best estimates of the total fiscal year '68—fiscal year '75 indirect costs for the Modified Phase 2 (three-site) Safeguard deployment.

[Dollars in millions]

Function	Appropriation in which budgeted	Amount
Family housing construction	Family housing, Defense	$25
BMDC construction	Military construction, Air Force	3
AMC common items (e.g., trucks, small arms, etc.)	Procurement of equipment and missiles, Army	10
Family housing operating cost	Family housing, Defense	2
National Range Support:		
Kwajalein Missile Range	R.D.T. & E., Army	185
White Sands Missile Range	do	25
USAF test target support	R.D.T. & E., Air Force	50
USN test target support	R.D.T. & E., Navy	45
Non-Safeguard Army (e.g., hospitalization, support of Army training base, CONARC/DA and other Army-wide activities support to Safeguard):		
OMA	O. & M., Army	55
MPA	Military, Personnel, Army	40
Total		440

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield 2 minutes to the Senator from Idaho (Mr. CHURCH).

The PRESIDING OFFICER. The Senator from Idaho is recognized.

A MOMENTOUS VOTE

Mr. CHURCH. Mr. President, we have endured a quarter century in the nuclear age, and our bulging arsenals are proof that we have not yet mastered the ominous offspring—political and scientific—that the first A-bomb sired. Today, the Senate, which has faced its share of momentous legislative decisions this year, is being asked to cast a vote for sanity in nuclear matters.

Before that vote is taken, I wish to call attention to an important letter which appeared in the Washington Post on August 10, 1970. The letter is signed by W. Averell Harriman, Karl Kaysen, Adrian S. Fisher, Franklin A. Long, and Herbert Scoville, Jr., all of whom are exceptionally qualified to reach an informed judgment on the issue before us.

I shall read two key paragraphs to the letter because they so effectively rebut the argument, so feverishly pressed, that deployment of the ABM must go forward to furnish us with a bargaining chip at the SALT talks, where we are negotiating with the Soviet Union for an arms control agreement. The pertinent part of the letter reads:

> Finally, history has unmistakably demonstrated that restraints, not accelerated weapons programs, pave the road to arms control. Overwhelming superiority did not induce the Soviets to accept the Baruch plan. On the other hand, President Kennedy's American University pledge to halt atmospheric nuclear testing as long as the Soviets did the same rapidly produced agreement to negotiate the Limited Test Ban Treaty in 1963. Similarly, the Senate passage without dissenting vote of the Pastore Resolution in 1966 endorsing efforts to halt the spread of nuclear weapons broke the ice toward starting serious U.S.-U.S.S.R. negotiations on the Nonproliferation Treaty.
>
> If the Senate wishes to conserve funds and make a maximum contribution toward improving U.S. security by achieving arms limitations and agreement at SALT, it will refuse authorization of funds for the expansion of Safeguard and forbid the expenditure of additional funds for the continued deployment at the two Safeguard sites approved last year until it is satisfied that the negotiators have not been able to persuade the Soviets to agree to limitations on offensive and defensive missile systems.

This position perfectly accords with the intent of the Hughes-Cranston amendment on which we shall shortly vote. The letter presents, in summary form, the reasons why I shall vote for the amendment. If it should fail, I will then vote for the Cooper-Hart proposal.

I ask unanimous consent that the full text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE ABM VOTE AND THE SALT TALKS

> Recently administration spokesmen have been insisting that unless the Congress authorizes the continued construction and expansion of the Safeguard ABM, it will not be possible to negotiate an agreement with the Soviets at SALT to limit strategic armaments. They argue that the negotiators need the Safeguard bargaining chip to induce the Russians to halt the deployment of their large SS-9 ICBMs.
>
> This would appear to be an attempt to exploit the desire of the Senate and the public to achieve success in SALT in order to rescue the Safeguard program from defeat. The administration has always defended the Safeguard ABM defense of Minuteman sites on the basis that it was not a threat to the U.S.S.R. If true, who then should the continuation of this program be a chip to induce the Soviets to agree to limit their offensive missile deployment?
>
> The major U.S. threat to Soviet security lies in the deployment of the U.S. MIRV systems. On April 9, 1970, the Senate passed a resolution by a vote of 72 to 6 urging that the President propose to the U.S.S.R. an immediate suspension by both countries of further deployment of *all* offensive and defensive nuclear strategic weapons systems. Yet the MIRV chip has been thrown away by the accelerated deployment of the Minuteman III and Poseidon missiles with their MIRV warheads and by the reported proposal that any MIRV limitations must be accompanied by Soviet acceptance of extensive inspection of both offensive and defensive missile sites. There is no security justification for such urgent MIRV deployment since the heavy Soviet ABM which they were designed to penetrate could not be deployed and become operational for many, many years.
>
> It has also been reported that the possible outcome of SALT would be an agreement that henceforth the United States and the U.S.S.R. will limit their ABMs to the defense of their capitals. The continued deployment of Safeguard at the Minuteman sites will not in any way contribute to the defense of Washington, and the Senate is being asked to endorse the expenditure of funds for useless hardware if SALT is successful and for an admittedly at best marginally effective system if it is unsuccessful. Why the U.S. should try to get the Soviets to agree to the deployment of ABM defenses for Washington and Moscow instead of a complete ABM ban is not clear, since the defense of Washington will not accomplish any of President Nixon's three objectives for an ABM system. A complete ban would eliminate the need for MIRVs and simplify the problems of verification by obviating any possible need for inspection. It is reported that the Soviets have indicated interest in such a complete ban.
>
> Finally, history has unmistakably demonstrated that restraints, not accelerated weapons programs, pave the road to arms control. Overwhelming superiority did not induce the Soviets to accept the Baruch plan. On the other hand, President Kennedy's American University pledge to halt atmospheric nuclear testing as long as the Soviets did the same rapidly produced agreement to negotiate the Limited Test Ban Treaty in 1963. Similarly, the Senate passage without dissenting vote of the Pastore Resolution in 1966 endorsing efforts to halt the spread of nuclear weapons broke the ice toward starting serious U.S.-U.S.S.R. negotiations on the Nonproliferation Treaty.
>
> If the Senate wishes to conserve funds and make a maximum contribution toward improving U.S. security by achieving arms limitations and agreement at SALT, it will refuse authorization of funds for the expansion of Safeguard and forbid the expenditure of additional funds for the continued deployment at the two Safeguard sites approved last year until it is satisfied that the negotiators have not been able to persuade the Soviets to agree to limitations on offensive and defensive missile systems.
>
> In our judgment, a Senate vote against the ABM is a vote for success in SALT.
>
> W. AVERELL HARRIMAN.
> KARL KAYSEN.
> ADRIAN S. FISHER.
> FRANKLIN A. LONG.
> HERBERT SCOVILLE, Jr.
>
> WASHINGTON.

Mr. HUGHES. Mr. President, does the distinguished chairman of the Armed Services Committee have a speaker present?

Mr. STENNIS. Mr. President, I am expecting one soon, but I am sorry that I do not have one ready now.

Mr. HUGHES. Mr. President, I yield 10 minutes or such time up to that point as the distinguished Senator from Arkansas may need.

Mr. FULBRIGHT. Mr. President, I wish to support the amendment offered by the Senator from Iowa. The arguments on the merits of the ABM were made last year. They have been made this year in very persuasive fashion. I hesitate to take the time of the Senate to restate the various substantive arguments.

It seems to me that, in view of all the discussion, debate has now simmered down to a case in which the administration has given up any argument about the real function of the ABM, that is, the function of actually protecting missile sites, area defense, the cities, or against China. All these alleged missions have been abandoned. Now it has come down to its being a "chip." It is a conversation piece in the negotiations in Vienna.

This is such a vague and unprovable proposition either way that I think, rather than being an argument on the substance on ABM, it is simply a political argument seeking to intimidate Representatives and Senators who do not feel sufficiently secure in their position or their knowledge and convictions about the ABM on the substance—that is, on its real merits—so that they can be influenced to support it on the vague feeling that they will be charged with failure of the negotiations with the Russians.

Since, in looking at the history of the negotiations in the past, the probabilities are that the SALT talks will not be very productive, naturally many Congressmen hesitate to take a position which would expose them to the charge that they contributed to those failures. Actually, whether or not those talks succeed is in control of the administration. If our negotiators insist on onsite inspection, as they have in the past, I think it is fairly certain that there will be no really significant results from the talks. I would hope that is not true, but up to now there is nothing concrete to lend any support to the idea that real progress has been made. In fact, there is nothing tangible or specific one way or the other.

The insistence on this very extravagant program following the day after the veto of two very important bills on education and urban renewal and veterans affairs suggests a very significant thing, it seems to me, about our system. It suggests that the administration now feels so secure in its control of the Congress that, in effect, it really has a contempt for Congress. It alleges that these two very important domestic bills are vetoed on the grounds of economy and to fight inflation, and yet the very next day we are expected to support an enormous administration sponsored bill which some very qualified authorities suggest will probably cost, if they go through with it, $50 billion.

One of the scientists—I believe it was Professor York, a former adviser to two Presidents in the science field; it was either Professor York or one of his associates, such as Dr. Kistiakowsky—said that if we go through with this system down the line, with the momentum it will gather as it gets larger and larger amounts of money, it will probably cost $50 billion.

So it is rather ridiculous to veto two bills on the theory of saving money, and the very next day insist on a program that potentially will cost the figure I have mentioned. Even currently, we have spent over $5 billion in the area of anti-ballistic-missile systems, including the predecessors of the current Safeguard.

Mr. President, yesterday the Senator from Washington (Mr. Jackson) read to the Senate a statement from several scientists purporting to refute the very damaging analysis of the technical and strategic flaws of the Safeguard system which has been provided by Dr. Wolfgang Panofsky and concurred in by many other of the Nation's most respected exexperts on the ABM including Dr. Sidney D. Drell of the Stanford Linear Accelerator Center.

The attempted rebuttal sought to make it appear that Dr. Panofsky's analysis was based on unreasonable assumptions concerning Soviet strategic tactics. The arguments used in this effort were totally wrong and inconsistent with both the Pentagon's own estimate of Safeguard's effectiveness and the Soviet threat.

This morning I received a telegram from Dr. Sidney D. Drell which convincingly deflates the statement cited yesterday by the Senator from Washington and which reaffirms the proposition that even if Safeguard works perfectly—something which no one expects to happen—it would offer negligible protection against the Pentagon's own projections of the Soviet threat.

I ask unanimous consent that Dr. Drell's telegram be printed at this point in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Senator J. W. Fulbright:

The statement submitted to Senator Jackson by Drs. Wohlstetter, Herzfeld, Libby and McMillan on Aug. 10th, entitled "effectiveness of the Safeguard ABM system" is totally wrong as well as inconsistent with the Pentagon's own calculations of the Safeguard effectiveness.

The principal technical argument against Safeguard is that it will be effective over a very narrow band of threats. This is the substance of Dr. Panofsky's testimony as well as mine and is true independent of whether we analyze Safeguard's effectiveness in terms of the presumed Soviet strategic goal to destroy all but 50 Minutemen or in terms of a stated U.S. goal of 300 Minutemen surviving. The Pentagon's own calculations show that if we take the Soviet objective to be to destroy all but 50 of the Minutemen missiles, the development of the full phase II of Safeguard at all four Minuteman sites, which is one site more than proposed in this year's authorization, will force them to add to their attacking force at most several hundred warheads. This is considerably less than one-half of the number 800 claimed in Wohlstetter's statement. I cannot be more precise due to the fact that the official Pentagon calculations are classified, but I think it is important to be totally clear that, independent of any and all strategic assumptions, and based on the Pentagon's own official calculations as presented to the armed services committee the numbers in Wohlsetter's statement are misleading and a gross over-estimate. Moreover, if one takes into account the vulnerability of the radars (MSr's) to the smaller SS–11, for which it has been reported that penetration aids are now being tested, the additional number required is insignificant. I note that the development of such penetration aids for the SS–11 is a much smaller technical step than the development of accurate counterforce MIRV's for the SS–9 as projected in the Wohlstetter analysis.

Wohlstetter's statement also claims that we can protect Minuteman more cheaply than the Soviets can overcome the protection. This is not even true using their calculations as to the number of additional warheads required to overcome Safeguard. The point is that the smaller, cheaper SS–11 which has no capability to destroy Minuteman silos can now destroy the single vulnerable MSR radar, protecting an entire wing of 150 missiles relatively simply and inexpensively by exhausting the interceptors. Moreover, the correct numbers show that the cost to us to defend a Minuteman silo with Safeguard is very much more expensive than the cost of Minuteman itself, as I testified on June 29, 1970 (p. 552, hearings of the Subcommittee on Arms Control, International Law and Organization) and this is true at any level of defense: Safeguard is very substantially more expensive than building more Minutemen.

Hardsite is an effective alternative to Safeguard which can be deployed if necessary. This can be done cheaply and rapidly against Soviet threats of the immediate future as I testified by upgrading existing air defense systems in known ways. An advanced dedicated hardpoint defense, if vigorously developed during the coming year, can be available and can be effective if needed by the late 1970s.

Finally, I note that the only outside scientific and technical review made for the Pentagon of the Safeguard system (by the O'Neill panel on which both Dr. McMillan, a signer of the statement to Senator Jackson, and I served and whose report we both signed) concluded on the basis of both the cost and effectiveness of Safeguard that "if the only purpose of Safeguard is defined to be to protect Minuteman Phase II–A, as defined in March, 1969, it should not proceed."

Sidney D. Drell,
Stanford Linear Accelerator Center.

Mr. FULBRIGHT. Mr. President, a full-page advertisement appeared yesterday in several newspapers, entitled an "Open Letter to the U.S. Senate," regarding the Safeguard ABM system. The top one-third of the page pictured a nuclear explosion. Above the mushroom clouds, in large letters, are the words "Stop the Arms Race." I ask unanimous consent that the text of this advertisement be placed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, on the face of it, one would normally expect such a format to contain a plea against further escalation of the arms race. Not so, in this instance. Employing some of the same "double think" for which the support of the ABM has become notorious, the advertisement advocates expanding the deployment of the Safeguard antiballistic missile systems. It was sponsored, not by the aerospace industry—as one might suppose—but by a group of private citizens led by the former Secretary of State, Mr. Dean Acheson, and former Ambassador Henry Cabot Lodge.

The text of the advertisement suggests that the greatest threat to an arms limitation agreement no longer comes from the Soviet Union—or from the Pentagon—but from the U.S. Senate. The advertisers would have us believe that unless the Senate authorizes the spending of billions of dollars to extend Safeguard, the Russians will never believe that we are sincerely desirous of limiting nuclear armaments. Having undoubtedly been inspired by the same source that brought us the now discredited "Chinese ABM," such tortured logic is not surprising.

What is surprising, however, is the clincher argument in the advertisement. This states that the chief U.S. negotiator at Vienna, Gerald C. Smith, "has testified that Safeguard is a vital bargaining element in his effort to bring about such an agreement."

Because the advertisement is addressed to the Senate, the phrase "has testified" must be intended to imply that Ambassador Smith has made such an assertion in the course of testimony before some congressional group. Why else would the word "testified" have been employed?

Ambassador Smith has appeared before either the full Foreign Relations Committee or its Subcommittee on Arms Control, International Law and Organization three times in the past year and a half. I have reviewed the transcripts of his testimony on these occasions in search of an endorsement of Safeguard as a "vital bargaining chip." I searched in vain. No such testimony has been given by Ambassador Smith, either to the full committee or before our subcommittee. He has had many opportunities to do so but he invariably backed away, or equivocated.

Being unable to find any testimony which would support the advertisement's claim, a member of the committee staff called the offices of the Citizens' Committee To Safeguard America and asked the executive secretary of the committee, Mr. Charles Botsford, where such a supporting statement might be found. Mr. Botsford replied that the view attributed to Ambassador Smith in the advertisement "parallels" the position taken by the Ambassador before a subcommittee of the Armed Services Committee on February 6 of this year, and appearing on page 247 of the committee's printed hearings. Moreover, Mr. Botsford told our staff member that Ambassador Smith had spoken "directly" to the citizens' committee expressing the view presented in the advertisement.

I have the Armed Services Committee testimony of Ambassador Smith cited by Mr. Botsford, and I would like to read it. There is, in my opinion, no way in which it can be considered "parallel" to the assertion that Safeguard is a "vital bargaining element." Here is what Ambassador Smith said:

> I may be biased on this score, because I testified to that effect, that it would not cool them off at all last March. I think we will hear a good deal of propaganda from them in the coming months about the danger of Safeguard to SALT, but my present feeling, without knowing what the specifics of the Safeguard decision are going to be, is that if the general approach is not too different from last year's, I don't think it is going to dissipate the Soviet's interest in the negotiation.
>
> I don't think I go as far as some people would who think that you ought to go ahead faster with Safeguard to step up the bargaining leverage. I think that the bargaining leverage at the present, and the sort of approaches that I have heard about in connection with Safeguard, is going to be quite adequate. I don't think we have to go out and develop completely different new weapons systems just to increase our bargaining power.

I believe it would be fair to summarize the Ambassador's statement as follows:

First. Safeguard will not lessen Soviet interest in negotiations.

Second. It is not necessary to speed up Safeguard to increase our leverage.

Third. Other new weapons systems would not increase our bargaining power.

This cautious assessment is a far cry from calling Safeguard a vital bargaining element. Ambassador Smith did not say that Safeguard, in and of itself, was even useful. He simply said that it would not hurt and that it was not necessary to move ahead any faster.

The citizen's committee had best brush up on its semantics—and its geometry as well—if they believe these statements are parallel. In my view the committee's effort to bring these two statements into line has bent the Ambassador's views beyond recognition.

As for the committee's claim to have spoken directly with Ambassador Smith, I can only say that if the Ambassador made such a statement to the citizen's committee it was at considerable variance with every other recorded instance of testimony by him. Given my high regard for Ambassador Smith's integrity, I frankly doubt that this was the case.

It appears far more likely that whatever Ambassador Smith told the committee has been twisted by them to serve their own purposes. Anyone who could interpret the testimony which I have just read as paralleling the statement in this advertisement apparently feels free to deal with the English language—and other people's testimony—in whatever manner serves his purpose.

I therefore call on the citizen's committee to produce written evidence to support its contention concerning Ambassador Smith's statement to it. Unless they are able to do so, I can only conclude that, intentionally or not, the citizen's committee has come perilously close to attempting to deceive the Senate and the American people.

In order to complete the record with respect to Ambassador Smith's views, I would like to review his testimony before congressional committees.

On March 6, 1969, before the SALT talks had gotten underway, but at a time when the respective negotiating positions were being discussed, the Subcommittee on Arms Control, International Law and Organization asked Ambassador Smith what the Soviet reaction would be if—as is now the case following the Armed Services Committee's action—Chinese rationale for Safeguard were eliminated. Here is Mr. Smith's answer. It has a timely quality:

> If, as a result of this review that is going on, there was any change in the priorities for which an ABM system might be intended, I would not think that it would have a great effect on the Soviet mentality. They don't seem to place as much interest in defensive missile systems as we do. I think that they originally, as I recall it, did not even want to consider defensive missile systems as part of a strategic arms limitation talk. Their general attitude in the past has been, "Well, defensive missile systems don't threaten anybody. If you want to spend a lot of money on them, that is your business."

Some may argue, however, that Ambassador Smith's views have changed since the SALT talks began. Let me, therefore, read to you from Ambassador Smith's testimony in March of this year following the initial Helsinki phase of the talks. In answer to a question posed by my able colleague, the senior Senator from New Jersey (Mr. CASE), Ambassador Smith first assured the Senator that Safeguard phase II "will not prejudice the SALT negotiations." The Senator then turned his question around and asked specifically whether proceeding with Safeguard would help the SALT talks. The following exchange ensued:

> Mr. SMITH. I think it is very hard to draw a judgment about what will help. I think the best one can do in this field is to try to identify whether it will hurt it.
>
> Senator CASE. I do not want to press you unduly.
>
> Mr. SMITH. I do not know. I can only be agnostic in answering this question.

To me, this exchange reveals two things. The first is that Ambassador Smith is an honest man. And second, that Safeguard had not emerged as a "vital bargaining element" in the Helsinki talks.

Ambassador Smith testified before a subcommittee of the Committee on Foreign Relations on one other occasion this year. Because this occurred in executive session and the transcript is classified, I cannot quote from it. Let me say, however, that Ambassador Smith's testimony on the impact of Safeguard on the SALT negotiations was entirely consistent with that which I have cited from his two public appearances before the committee. It came no closer to supporting the citizens' committee advertisement than any of the other testimony I have cited.

That seems to be, in my opinion, a fair analysis of Mr. Smith's attitude before the committee, or any committee that I have been able to ascertain, on numerous occasions. He has not stated that this is indispensable or even essential, or, for that matter, very important to the success of the SALT talks.

To my knowledge Ambassador Smith has appeared before committees of Congress on only two other occasions since the SALT talks began. One of these resulted in the Armed Services Subcommittee testimony which I have already discussed. The other was a briefing for the National Security Policy Subcommittee of the House Foreign Affairs Committee. I am reliably informed that Ambassador Smith's position on that occasion was also consistent with that taken in his other appearances.

Thus, in every known appearance before the Congress, we find Ambassador Smith to have been, at best, a reluctant disciple of the bargaining chip argument.

This inspired advertisement by the Citizens' Committee To Safeguard America seems to represent just another example of the extreme lengths to which the administration is being driven in its effort to justify the Safeguard system. Having failed to frighten even the Armed Services Committee with the "Chinese threat," and having failed to convince anyone but its own executive branch officials of Safeguard's effectiveness as an area defense, the administration now suggests that the jerry-built modified Safeguard phase II will frighten the Russians into an arms limitation agreement.

The administration simply asserts that the continued deployment of Safeguard is a "vital bargaining element." Assertion alone does not make it so.

The rationale beyond the bargaining chip argument has never been explained. Perhaps that is one reason why Ambassador Smith has been so careful not to go on record in supporting it.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. STENNIS. Mr. President, I yield the Senator 3 additional minutes, if he wishes, to conclude.

Mr. FULBRIGHT. Mr. President, I appreciate that very much. The Senator from Mississippi is always very generous in these matters.

The Senator from Mississippi is, just as I am, very worried about the terrible condition in which this country finds its finances. The deficit has been growing weekly, by the latest estimates, and inflation is rampant, as the President stated yesterday.

XUM

What I cannot understand is the President's sensitiveness to an expenditure of funds for education domestically and his insensitiveness to the expenditure of funds in the field of armament.

I do not know how anyone could disagree with the fact that the ABM, at least in the present state of the art, is questionable. Even Dr. Foster, whom we might call the father of this baby, admits that a great deal of research is necessary to perfect the system. They all recognize that the radars have to be redesigned, including Dr. Panofsky, who has been cited here several times. Senators will recall that the first time we ever heard of Dr. Panofsky was when he was mentioned by Mr. Packard as an authority. I had never heard of him until, in an open hearing a year ago, I asked Mr. Packard who outside the Pentagon, among reputable scientists, had been consulted.

He mentioned Dr. Panofsky as a man highly qualified in this field. Consequently, we have consulted Dr. Panofsky—and he is recognized. He does not say that the ABM is not workable altogether, but he says the Safeguard concept is faulty, and it cannot achieve the purposes for which it is intended, that the whole system must be redesigned.

What I cannot understand is this present administration's insistence on deployment. Last year we were told, "If you will give us Phase I, we can work the bugs out."

No one can say the bugs have been worked out in Phase I, and yet they come in with a request for Phase II. I cannot understand the insistence on deployment of this very expensive system which is so fundamentally questionable. I am utterly amazed, in view of the President's sensitiveness to the budgetary requirements of this country, at the insistence of the administration on this program. I think it is not necessary.

EXHIBIT 1

STOP THE ARMS RACE

To the U.S. SENATE:

Not since the Cold War began, has the opportunity for strategic arms limitation been so great. We cannot afford to miss this opportunity.

The U.S. Safeguard ABM program—particularly the proposed new phase—is the key to stopping the arms race. Our negotiators at Vienna believe Safeguard is persuasive evidence to the Soviets that the U.S. is absolutely determined to press ahead with those defensive measures needed to protect our deterrent—unless a firm agreement limiting the threat can be reached. Congressional approval of the program, therefore, is a vital step leading to a meaningful strategic arms limitation agreement.

Gerard Smith, Chief U.S. Negotiator at the current arms limitation talks in Vienna, has testified that Safeguard is a vital bargaining element in his effort to bring about such an agreement.

Support strategic arms limitation by supporting "Safeguard."

THE CITIZENS' COMMITTEE TO SAFEGUARD AMERICA,
DEAN ACHESON,
HENRY CABOT LODGE,
National Cochairmen.

FOUNDING MEMBERS

Dr. George P. Baker, Former Dean, Harvard School of Business.
Mr. Thomas Benitz, President, Student Government Association.
Dr. Alexander V. Berkis, Historian.
The Honorable Charles E. Bohlen, Former Ambassador to USSR and France.
Mr. David E. Bradshaw, Attorney.
Dr. Donald G. Brennan, Scientist.
Mr. Myron Buker, Businessman.
Mr. C. Douglas Cairns, Industrialist.
Dr. W. Glenn Campbell, Economist.
The Honorable Dr. Joseph V. Charyk, Former Undersecretary of the Air Force.
John Dos Passos, Author.
Mr. Thomas B. Evans, Jr., Insurance Executive.
Mr. Peter Fabbi, Miner.
Mr. Joseph F. Fogarty, Insurance Executive.
The Honorable Henry H. Fowler, Former Secretary of the Treasury.
Mr. William France, Business Executive.
Dr. Eugene G. Fubini, Physicist.
Mr. Frederick Gage, Association Executive.
The Honorable Porter Hardy, Former Congressman, Armed Services Committee.
Dr. Charles M. Herzfeld, Physicist.
Dr. Steadman Hines, Lawyer.
Mr. William H. Hunt, Industrialist.
The Honorable Calvin D. Johnson, Former Congressman.
The Honorable J. Erik Jonsson, Mayor of Dallas.
Dr. Herman Kahn, Scientist.
The Honorable Foy Kohler, Former Ambassador to USSR.
Mr. Morris Leibman, Attorney.
Mr. Lawrence Lewis, Jr., Industrialist.
Mrs. Oswald B. Lord, Atlantic Council.
The Honorable Harold Lovre, Former Congressman.
Mr. V. D. Mason, Businessman.
The Honorable Neil McElroy, Former Secretary of Defense.
Mr. Harry C. McKay, Businessman.
Dr. William G. McMillan, Scientist.
The Honorable Keith Miller, Governor of Alaska.
The Honorable A. S. "Mike" Monroney, Former Senator, Appropriations Committee.
The Honorable Richard B. Ogilvie, Governor of Illinois.
Dr. Lawrence H. O'Neill, Electronics Engineer.
Dr. Howard Penniman, Political Scientist.
Mr. Floyd Pruett, Banker.
Mr. George Riggins, Businessman.
Mr. Harold Rivero, Businessman.
Dr. Harold Smith, Physicist.
Mr. Robert Sprague, Industrialist.
Dr. Edward Teller, Physicist.
Mr. John Wayne, Actor.
Dr. Albert Wheelon, Scientist.
Dr. Eugene P. Wigner, Physicist.
The Honorable John Bell Williams, Governor of Mississippi.
Mr. Paul R. Williams, Architect.
Mr. W. Walter Williams, Mortgage Banker.
Mr. Alexander S. Wilner, International Businessman.
The Honorable Samuel W. Yorty, Mayor of Los Angeles.
Executive Secretary: Charles Botsford.
Treasurer: Herbert V. Ladley.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Hollings). The Chair, on behalf of the Vice President, and in accordance with Public Law 91–354, appoints the Senator from North Dakota (Mr. Burdick) and the Senator from Kentucky (Mr. Cook) to the Commission on the Bankruptcy Laws of the United States.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I suppose it was inevitable that the Presidential veto of the education appropriations would figure in this argument and this debate today.

I think it should be pointed out that the Armed Services Committee cut the budget request for DOD for hardware procurement by almost $1.5 billion. So the bill we have offered here today in terms of an authorization represents a reduction; and of course what DOD submitted to us had already been pared down substantially by DOD itself. The armed services are not getting nearly what they think they need. As a matter of fact, I think that most military opinion held that what DOD requested in the way of authorization was too low; and we have cut that, as I say, by almost $1.5 billion.

I would point out further that the military spending part of our budget is actually lower, percentagewise, than it has been in many years, and the figures will show that over the course of the past decade, while military spending in terms of percentage of the annual budget has been going down, nondefense spending has been going up. The fact of the matter is that the bills the President vetoed were inflationary, and something had to be done to prevent additional inflationary pressures.

I think we must think, too, in terms of priorities. We spend as much of our gross national product in this country on education as we do on defense. Indeed, we spend more. In 1945, we spent 2.45 percent of our gross national product on education. Now we spend over 7 percent of our gross national product on education.

I really think the problems we find in the field of education in this country cannot be solved by money alone. You do not necessarily improve the quality of the educational product simply by paying higher salaries, although I think teachers should get high salaries. Indeed, when I was an assistant professor of political science at a small college, I was paid only $5,000 a year, and I think that was too low. But I think we do not improve the quality of the educational product in this country simply by spending more money on it. We have got to find better ways to improve it.

I wish these irrelevancies were not brought into the debate on a vital and critical weapons system, but it is almost inevitable that such things will be brought in.

Much has been made of the Russians being concerned about our sincerity. May I say, in terms of priorities, that I think there is no greater priority than our national defense. We cannot have a great society, we cannot have an affluent society, we cannot have a free society unless we first have a secure society. The security of the United States is the most important thing that we in Congress can provide for, and that, I think, is our first responsibility.

As to the Russians being concerned about our sincerity, I do not think that anyone who has a sense of history and who understands what has been going on over the past 25 years, can have any illusion that the Russians are concerned that we might have some aggressive notions toward them, or that the Russians are concerned that we may develop a first-strike capability. I do not think that we should worry about the Russians' concern over our sincerity.

We have good cause to worry about theirs; time and history have given us adequate reason to have some concern about the sincerity of the Soviets. As a matter of fact, we cannot conduct successful negotiations unless we negotiate from a position of strength. And this is an important bargaining chip.

The Senator from Arkansas stated that there was nothing in the testimony before the Committee on Foreign Relations relative to the significance of the ABM system as a bargaining point in the strategic arms limitation talks. I would invite him to read the testimony of Ambassador Smith and Paul Nitze before the Preparedness Investigating Subcommittee of the Armed Services Committee. Unfortunately, it is classified and we cannot go into it on this floor today.

It is essential that we have the ABM. The Russians know we will not launch a first strike against them. They would like to have that capability, because it would enable them, in the foreseeable future, to use it for blackmail purposes. They may not ever have to use it, but the very possibility of using it without any fear of retaliation would give them infinite power in this world. It would mean ultimately, I think, that many nations would have to seek accommodation with them, and they would be in a superior position, I think, by the end of this decade.

The United States could very well find itself being a second-rate military power, being subjected, as are all other countries in the world, to the blackmail threat of a first-strike capability without fear of retaliation.

We would find ourselves economically isolated. We would find ourselves economically unable to do the things we would like to do to solve the socio-economic ills of this country, to provide better education, to provide better housing for people of low income, to provide better nutrition for the poor. All these things we would not be able to accomplish if we were in serious economic conditions resulting from the fact that we were a second-rate power and the dominant economic force in the world was the Soviet Union.

Certainly, the Soviets have no fear that we are going to launch any kind of attack against them, that we have any imperialistic designs on them. Our whole history since World War II has been one of divestiture of colonial possessions, of anti-imperialism.

There was a time in 1948 when we could afford a preemptive war against the Soviet Union, and we had adequate provocation, because they broke every agreement they had made with us. They occupied Eastern Europe and helped to foment the revolution in China, and everything the Soviets did was calculated to extend Communist influence in this world; and at the time when we had the power to fight a preemptive war we did not. They should, on that basis, be convinced of our sincerity and our desire for world peace.

So I fervently hope that not only would the defenses of the United States not be weakened but also that our bargaining posture not be weakened by the adoption of the Hughes amendment. I think this amendment should be rejected overwhelmingly.

Mr. STENNIS. Mr. President, how much time hav I remaining?

The PRESIDING OFFICER. The Sen-much time have I remaining?

Mr. STENNIS. May I inquire how much time remains to the Senator from Iowa?

The PRESIDING OFFICER. Thirteen minutes.

Mr. STENNIS. I yield myself such time as I may require.

Mr. President, I direct this thought primarily to the fact that the Hughes amendment would absolutely stop, totally stop, the deployment and the development of sites. It would stop the wheels in the position they are, although the cost of that development is approximately $1 billion. But that is not the reason I give for opposing the amendment.

If we are going to stop all this deployment now, absolutely stop it, on the Safeguard, why put in large sums of money for further research? This amendment is a determination that the Safeguard deployment is to be abolished. It seems clear to me that we would be traveling in opposite directions, to abolish all deployment and all reference to the sites, and then turn around at the same time and try to put research into a system that has in effect been killed.

I want to point out, further, that no one knows now what is going to happen as to the SS-9. Many of us did not believe that they would ever develop the SS-9 of the magnitude and proportion it is now. We abandoned that concept of the missile years ago and went over to the small missile, but many of them. This weapon now has this qualification for size: It has the equivalent of 25 million tons of TNT. That is in one weapon or one bomb—a single warhead. That is 1,250 times the equivalent of the bomb that we dropped on Hiroshima 25 years ago. We all have seen pictures of it, and many have seen the spot where that happened. That bomb was the equivalent of 20,000 tons of TNT. The SS-9's are the equivalent of 25 million tons of TNT.

I emphasize that to show that if one of those missiles landed anywhere in the neighborhood of one of our ICBM's, undiminished or without any kind of retardation—and an ICBM is an open target—we know that it would be gone.

I do not have any doubt about the need for this system. I have lived with it for years, and I have no doubt about the need, because of the tremendous thrust that could be used against us as blackmail or in actuality. We had better continue with some kind of ABM and not stop or reverse ourselves, move a little forward and then a lot back. We have to make up our minds. I think we are standing right on the brink of that fateful decision today, as to whether or not we are going to do our best; and if we do our best, we will have some kind of defense for our arsenal.

Someone argued here the other day that the idea of trying to have protection for the people has been abandoned. This is the system that will protect the people, because it will protect the people's arsenal. This is the kind of protection that will go to all the people, because one of its main values will be that our adversaries will know that we have something. They may not know how good it is. Certainly, they cannot ignore it. It is the best insurance we can get, too, against blackmail. Three hundred SS-9's are either in being or in process. That is from reliable evidence. So this is an attempt to do something about protecting our arsenal. Some say it is no good; some say it is questionable and ought to be abandoned. Well, that is the history of most complicated systems. We have all come through that travail. Nothing had a more dismal beginning than the Polaris. I recall going down to Florida in the very early stages of that program, when it was just beginning, and viewing an object that looked like a stovepipe, like one of the mortars that the Vietcong use. That is about all one could see. I was never more disappointed than I was when I saw what the visible developments were in that program.

It sort of broke my faith in it. It turned out to be one of the best weapons we have ever had, one of the best systems we have ever had. That is one, too, that Congress pushed forward—pressure, pressure, pressure, appropriating money at times that it was not asked for, and finally got it spent on a large scale.

So let us not say that it cannot be done, and let us not say that we do not need to do something. I think the protection against blackmail and the creation of uncertainty in the minds of our adversaries is where the payoff is. Frankly, I think if they ever turn loose that power on us, there is no system that will fully protect our people.

The only protection we can make for a certainty is that which I have already mentioned, to keep them from ever firing that first fateful shot and, if it is fired, to reduce that damage.

Thus, Mr. President, the idea, with all deference, is unthinkable to me, that we would actually turn our backs now on this deployment at this critical stage, when the SS–9's are still mounting, and the SALT talks are in a critical period, and say, "Well, after all, we did not mean what we have been saying or what we have been doing and we are going to back up and back out." That is what this amendment, with all deference, would do.

Mr. President, on page 28270 of yesterday's Congressional Record there is published a table, as provided by the Senator from Colorado (Mr. Allott) in his speech, showing a comparison of Soviet and United States ICBM's, SLBM's, and bombers in October 1962 and now—which means, of course, 1970.

I invite the attention of all Senators to that table with the reminder that we are not talking in the authorization bill about 1970 but about 1975 to 1980.

Now is the only time we can prepare for that period. We are fixed all right now, but that is because years ago we anticipated these things to the extent that we did, but if we stop now, the Lord have mercy on us in 1975 to 1980 if our adversaries continue as they have done since 1962.

Mr. President, I yield the floor.

Mr. HUGHES. Mr. President, I yield 3 minutes to the Senator from Montana (Mr. Metcalf).

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. METCALF. Mr. President, I have consistently opposed this legislation. I feel that before we can build the ABM sites, they will become obsolete.

Today, however, I want to talk about its impact on the State of Montana and what will happen to Montana as a site for the anti-ballistic-missile system.

I have made several speeches and placed extensions in the Congressional Record to show that we will be deprived of a great deal of our opportunity to develop in the State of Montana.

Montana will be forced to pay for a great deal of the anti-ballistic-missile system that will be for the entire national interest.

Why? Just yesterday, President Nixon vetoed the education bill, a bill that would help us to develop our school system and build a better education system in Montana as a result of the impact of the anti-ballistic-missile system there.

For instance, in the town of Conrad, Montana, which is a small town right in the middle of this development, its population will be doubled. We do not have any Federal help for hospitals. We do not have any Federal help for roads. We do not have any Federal help for education.

Why should the people of Montana be saddled with this sort of system? Why should Montana in addition to its regular taxpaying—believe me, we in Montana want to support the national defense and we want to continue to support it, and we pay taxes to support it—but why should the Congress of the United States saddle upon the people of Montana a special regulation so that it will have to support additional schools, more roads, more sewers, and all the other situations that will evolve as a result of the anti-ballistic-missile system?

So far as I am concerned, and so far as my constituents are concerned, we think that we should end this thing right away.

Having the ABM system in Montana means that the radar will be built right above the land, which means that the first attack will be upon that radar. Thus, we are not only a target for today, out there in Montana, we are not only a target for any initial attack, but we have to pay, along with all the other people of America, additional taxes for education, for roads, for sewers, and all the other things that will result from the impact of this system. The President of the United States has already vetoed bills that would take care of these auxiliary situations.

I think, that in comity with all the States in the Union, we should think about what we are doing to Montana, as well as North Dakota, when it means that we will have to supply more schools, more sewers, and more roads for all the people that will be brought into our State.

In addition, we are to be made the prime target of an atomic attack.

Mr. President, as a Senator from Montana I plead with the Senate not to do this to my constituents.

Mr. HUGHES. Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Texas (Mr. Tower).

The PRESIDING OFFICER. The Senator from Texas is recognized for 4 minutes.

Mr. TOWER. Mr. President, I am very much unimpressed by the arguments that suggest we defer defense expenditures and spend that money for other things such as education, social, and other economic problems.

A moment ago, I noted that we are spending a smaller percentage of our budget, and a smaller percentage of our gross national product on national defense than we have in 10 years.

In fiscal 1961, we spent 44.5 percent of our budget on defense, and we spent 8.8 percent on the gross national product.

At the peak of the war in Southeast Asia, fiscal 1968, we spent 42.5 percent of our budget and 9.5 percent of our gross national product.

Last year, we spent 8 percent of our gross national product and 37.7 percent of our budget on national defense.

This year, we are down to 7 percent of our gross national product and 34.6 percent of our budget.

Thus, spending on other matters such as education, roads, housing, welfare, and all the other expenditures, is going up, while defense spending is going down.

If we are going to carry some of the arguments we have heard today to their logical conclusions, it would mean that we should spend nothing on national defense, but should take all the money and spend it on education, welfare, and public works.

If we are going to defend our country, let us spend what is necessary to do it adequately.

If we are not going to defend our country, there is no point in spending any money at all on national defense.

I think we should proceed to do what is necessary to make sure that we maintain at least strategic parity in terms of nuclear weapons and not fall into a position of military inferiority to the Soviet Union. We can be sure if we fall into a position of inferiority that the Soviets will not agree to any limitations that do not fit the status quo and leave the Soviets in a superior position to that of the United States.

We cannot be so shortsighted that we would withdraw support from our Armed Forces so that we would be in an inferior position to that of the Soviet Union. We would then be only a second-rate power at best. We would not be able to afford education, welfare, roads, or any of the other programs.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield 30 seconds to the Senator from Arkansas

XUM

PRESS RELEASE FROM THAI REPRESENTATIVE TO THE UNITED NATIONS PUBLISHING UNFAVORABLE CRITICISM OF U.S. SENATORS

Mr. FULBRIGHT. Mr. President, for the information of the Senate, I ask unanimous consent to have printed in the RECORD at this point a letter I have just addressed to Secretary Rogers, together with its enclosure, a press release from the Thai Mission to the United Nations, reproducing letters alleged to have been sent to U.S. Senators and a report by an unnamed "special correspondent."

Mr. President, I have looked in vain among the press releases of the U.S. Mission to the United Nations for reproductions of letters written by Thai citizens critical of their elected officials and I am beginning to suspect that such liberties are frowned upon in Thailand. I submit, Mr. President, that it is unusual for foreign governments, overtly and publicly to intervene in the domestic affairs of the host government. This should be especially obnoxious in the case of representatives to the United Nations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 31, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I enclose some intriguing press releases from the Permanent Mission of Thailand to the United Nations on which I would appreciate having your comments.

Are the provisions of Article 2(7) of the United Nations Charter which state that "Nothing in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state . . ." equally applicable to resident representatives of the United Nations?

Are the activities represented by these press releases considered to be in the normal discharge of duties of such resident representatives under the Convention on the Privileges and Immunities of the United Nations and the International Organizations Immunities Act?

More generally, what are your views on the propriety of these press releases?

Your early reply will be appreciated.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

THE MISGUIDED AND DISGRACEFUL U.S. SENATORIAL DEBATE

(By a special correspondent)

Thailand has been following closely the rather degrading debate in the U.S. Senate on U.S. commitments in Asia, and recently those relating to Thailand.

There is no desire in this country to intervene in the matter as it is clear beyond any possible doubt that what the said American legislative body aims at is to gain certain power of control over the executive branch of the U.S. Government, particularly the power of the President. However, since the debate conducted by certain Senators has exceeded the limits of normal decency by seeking not only to undermine the power of the U.S. President but also by dragging Thailand into the unwholesome dispute and casting aspersion on its good name, this statement of facts has become necessary to set the record straight.

In 1967, President Johnson sent Mr. Clark Clifford, then U.S. Secretary of Defense, together with General Taylor to Thailand to urge the Thai Government to send a contingent of Thai troops for combat duty in Vietnam. The Thai Government listened with careful attention to the promptings of the U.S. Government in this matter and agreed in principle to the U.S.'s request (a fact which Mr. Clifford later on twisted to make it appear as Thailand "turning deaf ears" to his entreaties). It was explained to him, however, that because Thailand had to bear not only the burden of economic and social development but also the heavy expenditures of fighting communist activities conducted by North Vietnam and the Peking regime against Thailand, it will not be able to bear the additional costs of sending Thai troops abroad. The United States Government then offered to defray the overseas expenditures of Thai troops while the Thai Government assumed the responsibility for the basic salary as well as many other items of the expenses. Furthermore, since the commitment of the Thai troops exposed Thailand to increased threats and dangers from nearby communist countries, the U.S., at Thailand's request, accepted to provide necessary means to strengthen Thailand's request, accepted to provide necessary means to strengthen Thailand's own defense. Such was a contractual agreement reached between two sovereign countries and there was nothing dishonourable in it. The provision of support for overseas expenditures has been an American practice for many long years and was adopted in Europe as well as in the Korean War. In fact the deployment of foreign troops represented a substantial savings for the U.S. since the use of American soldiers would have cost many times more for the U.S. Treasury. Now the slant taken by certain U.S. Senators to make this practice look disreputable by using such terms as 'Mercenaries,' 'Hessians' and 'Greenbacking' only revealed the malicious intention of those U.S. Senators to malign and crucify Thailand because, in their eyes, this country has committed the unpardonable crime of supporting the policy of resisting communist aggression in Vietnam. Indeed if such a practice is to be considered as dishonourable, this dishonor should fall on the U.S. even more than on Thailand, for having introduced it.

As regards the sum of 200 million dollars which has allegedly been expended for supporting the Thai troops in Vietnam as well as for strengthening Thailand's defence and out of which those senators had been making great capital, it represents a modest counterpart of Thailand's own contribution to the cause of peace in South East Asia. Indeed by allowing the U.S. forces to use many military installations, facilities and air bases on Thai territory free of charge with clear risks to ourselves, Thailand has enabled the U.S. to make considerable savings on American taxpayers' money. Such a cooperation on the part of Thailand also saved countless thousands of American and allied soldiers' lives which may count for very little, if anything at all, for those U.S. senators engrossed with the political struggle with their President. Thailand also exempted the U.S. forces from payment of various taxes and duties which deprived the Treasury of Thailand of considerable revenue. The Thai Treasury also lost an important revenue due to the fact that American P.X. goods under U.S. administration supposedly for military use only have found their way into the market in Thai cities and towns. If all these contributions and losses incurred are added up together, they will represent an impressive sum, many times greater than the afore-mentioned U.S. $200 million. All these facts have been passed over in silence by those irresponsible senators. The disregard of these facts certainly did not redound to their credit nor to that of the U.S. It reveals a sad lack of good faith, of the sense of fairness and a deplorable deterioration of the normal fiber of those unworthy politicians betraying the mandate of a generous people.

TEXT OF LETTER WRITTEN TO SENATOR J. WILLIAM FULBRIGHT BY WILLIAM J. HALLIGAN OF CHICAGO ON 4 JUNE 1970

I have just come from a three-week trip to the orient. One of the highlights, of course, was a visit to 'Expo 70.' After seeing the American exhibit and the Russian exhibit, another American traveling with me said they must have been put together by the same man.

I thought about this for a while and then in a flash the answer came . . . Senator Fulbright. . . . It just had to be because nobody seems to try so hard to muddy up the image of America and by this action make the image of Russia look good.

It's a shocking thing to go through these Asian countries, all of which are trying to keep out of the Communist maw and learn that the most hated man is Senator Fulbright.

Obviously, I am not talking about the man on the street, but Prime Ministers, the foreign military and various other hard-working people who appear to hold you in very low esteem.

In one of the countries I asked a dignitary whether you had visited his country. He said you had about 8 or 10 years ago, and after they spent an hour or more explaining the local picture to you, you excused yourself and said you were sorry but you had quite a long shopping list. I presume your gifts were paid for by counter-part funds.

I know you and McGovern and Gore and a few others have made some offensive remarks about the President's decision to go into Cambodia. I got over there right after we moved into Cambodia and these people say our President's decision was a brilliant one and most courageous. The improvement in morale is amazing.

I have written to you once before and received no answer, and presume there will be no answer to this either, but if I can do no more than urge you to go over there and see what is going on, not only you but the other recalcitrants, my letter will not have been in vain.

TEXT OF LETTER FROM MISS BETTY DUMAINE TO SENATOR SYMINGTON

PINEHURST, N.C.,
June 9, 1970.

DEAR MR. SYMINGTON: What kind of statesman are you? Your outrageous insistence on publicizing the costs of equipment and training of 16,000 Thai troops to help the United States fight in Vietnam, *at this point in the history* of the Vietnam War, only aids and abets the enemy *with added propaganda to increase unintelligent unrest* in America.

These troops were demanded of the Thai Prime Minister by President Johnson in 1967.

Your remarks as quoted this week on radio are the most stupid you have yet made!

Who made Thailand vulnerable to the Chinese Communists?

Answer: The Americans, by putting seven enormous U.S. air bases there.

Have you forgotten that the War in Vietnam is not a Thai war?

Have you forgotten that Thailand has not fought in 200 years?

Have you no knowledge of what it takes, in time and money, to train and equip men who have never used a gun in their lives?

Have you forgotten that these volunteer troops (not conscripted men), when ready and trained from scratch, in their first encountered battle in Vietnam (to help us) did a better job, in body-count-killed, than any American unit in any single similar American encounter since the Vietnam War began?

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Don't you know that you and others of your Committee pressured through regulations, so that these splendid troops (the Thai Black Panthers) are not allowed to come home and help reinforce their own borders against infiltration, to help clear out the mountain-jungle nests of imbedded Communist installations already there, many of them for over two years?

Surely, all you (and many other Senators and Congressmen like you) are doing is to try to tie the hands and paralyze the power of our President, given to him by the Constitution as Commander-in-Chief.

We can all agree that the Vietnamese have been too long and badly handled.

Common sense tells me . . . and, if you are honest, it also tells you . . . that a complex problem such as this one, that has baffled the best efforts of our leaders for years, requires time and patience and wholehearted support to solve. Our President deserves a fair chance for his new policies in trying to end this war.

Back President Nixon and give his new war policies a chance to work.

Don't you know that *you* and the other influential men of the Armed Services Committee, by your tactless, loud, undignified public flaunting of accusations of the mishandling of U.S. funds (for equipping Thai troops) are alienating relations and the helpful friendliness of the military-man-assistance of our Number One Southeast Asian ally, Thailand?

It's people like you, in powerful positions, that are destroying our American foreign relations with your reckless, self-serving, inopportune (I want to say "damnable") indiscretions *at such a time*. (And this goes for Fulbright too.)

You have other means to combat the mishandling (if that is what it is) of American Assistance funds.

These public accusations *at this time* seem to most of us taxpaying citizens to be a deliberate exhibition on your part (and on the part of your colleagues of similar persuasion) to bring attention to yourself for . . . personal power-prestige!

Or . . . are you un-American?

Or . . . are you stupid?

You and other government officials are *directly responsible* for the *poor overweighted-table-of-organization in Foreign Aid and Army Assistance within our diplomatic missions.*

You've handicapped these programs disgracefully . . . by short-changing the progress of commitments to equip *adequately* and train *enough* Thai Border Patrol Police and other border security troops to be able to help themselves sufficiently.

(Half measures, not followed up intelligently, are worse than no measures at all.)

This is shocking!

Also you have *Nowhere*, in *your table-of-organizations* of the various program of government assistance for these purposes, provided *any authority or machinery for immediate corrective* measures in the provision and administration of assistance . . . or any corrective measures at all.

For shame!

(If these people are worthy to be our allies they are worthy of our best assistance and support.)

You and your associates are directly to blame.

For one example: the 16 3-seater Fairchild helicopters (never inspected on arrival or made operational . . . a fact admitted by Army Assistance) should never have been ordered in the first place because they were *unsuitable in size* for carrying supplies and replacements to jungle mountain areas and Thai border platoons . . . for which they were intended.

Don't give me any more government excuses and arguments . . . I've heard them all . . . that the eleven HUE 1 helicopters sent to Thailand this year are to take the place of the sixteen unsuitable Fairchilds! Nonsense!

These eleven can only help to replace what's left of the eight worn out and wearing out HUE 1's . . . most of them 8 or 10 years old!

There are now nineteen helicopters (eleven new and eight old) . . . not enough to do the job adequately of carrying supplies and replacements to mountain-jungle Border Patrol Police platoons in a country the size of *France*.

A helicopter is only operational for 60 hours flying time.

The average reservicing time is three days.

What kind of short-changing assistance to our Number One Southeast Asian ally do you call this?

It has been going on for the last four years.

Where are your corrective measures?

(Would you spend your own money so pointlessly, so foolishly, and with so little safeguard?)

Are these people worthy to be our allies?

(Do we not demean ourselves when we demean the people we ask to help us?)

Mr. Symington. . . . citizens and taxpayers like myself who have seen the Thai situation and know of the American failure to back up our promised assistance, *adequately*, and our last few years of stupid, unjustifiable, indeed ruinous, enlargement of the new unworkable bureaucratic-table-of-organization hocus-pocus, *totally without provisions* for quick authoritative and effective corrective measures allowed within the framework of our Diplomatic Mission, look on this as a national disgrace.

We are ashamed of YOU and your shortsighted Congressional committee.

Very truly yours,

BETTY DUMAINE.

P.S.—The television report I heard mentioned that you are questioning the Thai's base pay (something like 80¢ a day!). How can you expect the Thais to fight alongside our boys without comparable compensation? This is not a Thai War.

These men have volunteered (were not drafted) to assist American troops at the request of President Johnson. They *should* have pay equivalent to that of their counterpart G.I.'s . . . If this is not your thinking then your understanding of the psychology of foreign soldiers and of good foreign relations is unsound.

ORDER OF BUSINESS

Mr. **TOWER**. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time consumed be charged equally to both sides.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **HUGHES**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **STENNIS**. Mr. President, I yield 5 minutes to the Senator from Iowa.

The **PRESIDING OFFICER**. The Senator from Iowa is recognized.

Mr. **HUGHES**. Mr. President, I wish to thank the distinguished Senator from Mississippi, the chairman of the Committee on Armed Services. He has been more than generous in yielding of his own time in this 2 hours allotted for this debate for those who oppose this system entirely to have an opportunity to present their views.

In the time that remains I wish to refresh Senators precisely as to what this amendment would do. I would like to advise Members of the Senate again about the procedure made necessary for altering this amendment to its present state.

This amendment, Senate Amendment 829, is designed to accomplish two goals. First, it would strike out all of the funds for procurement of missiles for the Safeguard system. Second, it would flatly prohibit the expenditure of any funds, appropriated pursuant to this or any other act, from being used to deploy a Safeguard ABM system. But it would not reduce the funding of continued research and development on Safeguard.

If my amendment were adopted, the Senate would have clearly expressed its will, and this body would be on record as favoring a halt in all deployment of Safeguard at this time. My amendment would not make any significant changes in section 401, which is found on page 16 of the bill as reported by the Committee on Armed Services. Section 401 contains the provisions which authorize construction of Safeguard facilities and sets down the limitations on that authorization. Section 401 would become moot if amendment 829 were agreed to, since it would cut off all Safeguard deployment funds and prohibit any other funds from being spent on the system.

Therefore, in the event amendment 829 is agreed to by the Senate it would be necessary for the Senate to do some technical housekeeping with respect to section 401 of the bill. I am advised that this does not involve any serious or difficult complications.

I wanted to call this to the attention of Senators before we proceed to the conclusion of the debate.

Mr. President, this has been, I believe, an historic debate. We have had an opportunity to make the Nation aware of the dangers from a continued nuclear arms race. Although we may disagree on the best way to secure an agreement with the Soviet Union to limit these terrible weapons, I am pleased that we are united on the objective of limitations in strategic arms, and that we are working toward those goals.

The amendment on which we are about to vote is intended to eliminate all funds for deployment of phases I and II of Safeguard. It thus goes beyond the Hart-Cooper amendment, which would preserve phase I but delete funds for phase II.

My amendment would also add a simple prohibition on the use of any funds to deploy a Safeguard system at any site. However, it would permit research and development to continue.

If we were to eliminate from this bill all funds for Safeguard, other than R. & D., we would save a total of $984 million. The Armed Services Committee has already reduced the administration's request by $10 million.

As others have called to the attention of the Senate, that adds up to $994 million—precisely the amount by which the

Housing and Urban Development and the Office of Education appropriations bills exceeded the President's request and precisely the amount which the President said motivated him to veto the two crucial appropriations bills yesterday.

Mr. President, there are those of us who believe this is the appropriate place to make that cut rather than the one the President chose, and I think the Senate has the opportunity to save that $994 million.

Here, if ever, Mr. President, we have a clear choice in our national priorities. Do we want to build the weapons of war, or do we want to save our cities and our children?

The President says that we cannot afford an extra $994 million in the budget. He say that this kind of excessive spending helps drive up the cost of living, drive up interest rates, and necessitate tax increases.

If that is so, the Senate has a great opportunity to save that excessive $994 million. We can deny funds for phase I and II of Safeguard.

In doing that, we would still allow increased funds to help veterans, increased funds for school systems facing special problems, and increased funds for renewing our troubled cities.

That is our real choice, Mr. President: To move backward into the dark horror of the arms race or to move forward to help our people live better and more productive lives.

I hope, for the sake of our country and for the sake of world peace, that we make the right choice.

Mr. President, in conclusion there has never been any doubt in my mind of the common belief of all Senators that we have an adequate defense system. We differ in what we feel is adequate and the methods by which we achieve it. I believe we are agreed on a cessation of the arms race. We should not lose sight of the basic agreements that unite us although we may differ on the facts before us, and we have the right to differ on the facts before us on the best way to make this approach. There has been adequately displayed in debate the common interest of the United States. In this goal I have chosen to believe and I do believe the evidence supports the position that we should limit this to nothing more than research and development phases in the time just ahead.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, at the risk of being redundant, I would like to repeat a statement I made on the floor last evening, and that is that the committee provision on ABM is the minimum that the administration will accept. The administration, indeed, asked for more. We gave it less. What came out of the committee is itself a compromise. The administration is, therefore, opposed to all known amendments that have been addressed to the ABM portion of the bill. That includes the Brooke amendment.

I have heard rumors to the effect that the Brooke amendment has gained some degree of acceptability at the White House. I have talked with the White House. It is not so. The White House is opposed to all known amendments that may be addressed to the ABM.

Mr. STENNIS. Mr. President, I yield myself 2 minutes to reiterate one point. As far as I know, no other Senator wants to speak.

I think the Senator from Iowa has very clearly and correctly stated just what his amendment does. It absolutely cuts out all of the money for procurement under phase I, approved last year, and phase II, proposed this year. It cuts all that goes toward procuring the items that might go into the sites that are not part of military construction. It eliminates all of that. Then it eliminates the construction money. Although I believe the language is not quite broad enough, it would certainly, in effect, eliminate it, because it leaves nothing to build on.

My point is this: We may as well take out the whole thing, because we are knocking it in the head. We are killing it. The Safeguard already has largely reached the point where, if we are not going to permit items that go with procurement and research that goes into procurement, we are totally killing Safeguard. It has already reached the design stage. There is appreciably no research to be done prior to and up to the design period. So the money that is sought to be taken out of the bill relates to all the things that are necessary to continue the research that is really in the nature of development and that goes with deployment.

So I think it is fair to say that this amendment, if adopted and if it becomes law, will kill the program.

Mr. THURMOND. Mr. President, adoption of the Hughes amendment ending the Safeguard program would be the height of folly. Such an action would make the United States vulnerable to a Soviet attack in the mid-1970's if not sooner; it would cut the legs out from under our negotiators at the SALT meeting in Vienna and would throw down the drain about $2 billion the United States has already committed on this program.

Mr. President, the Soviets have already surpassed this country in Intercontinental Ballistic Missiles. Any delay in the defense of the U.S. Minuteman deterrent is unacceptable in the light of this buildup by the Russians. The Soviets have conducted tests of their ICBM's and U.S. observation of these tests show the dispersion of the Soviet shots fit exactly on the layout of our Minuteman silos. It is obvious, therefore, that the Soviets have the capability to launch an attack on our Minuteman bases in the western part of this country.

The Senate and the Congress have an obligation, along with the President, to provide a proper defense for this country. The ABM is a vital part of that defense. It is not an offensive system and it does not constitute an escalation of the arms race as the Russians already have their own ABM. In fact, they are improving and expanding their ABM daily.

Mr. President, I urge defeat of the Hughes amendment.

Mr. CRANSTON. Mr. President, in the heated debate over the future of the Safeguard antiballistic system all of us have had to rely on the judgments of eminent scientists because of the very complex and sophisticated nature of the weapon system we are required to evaluate responsibly.

On August 7 and August 11 supporters of the present effort to expand the Safeguard system made reference on the floor of the Senate to a distinguished scientific organization known as the Federation of American Scientists. It was stated that this group had continually refused to recognize the growing Soviet advances in strategic strength and that the leading members of FAS did not fully endorse the Federation's press statement in opposition to Safeguard.

I would like to clarify for my colleagues the position of the Federation of American Scientists.

FAS is a national, nonpartisan organization concerned with the impact of science on national and international affairs. It was founded in February 1946. As it is about to celebrate its 25th anniversary, FAS has a current membership of over 1,500 scientists and engineers with a national office in Washington.

The present national chairman of FAS is Dr. Herbert York. Dr. York is chancellor and dean of the University of California at San Diego. He was the first director of defense research and engineering in the Department of Defense and served under both Presidents Eisenhower and Kennedy. He was an adviser to President Johnson.

The executive director of FAS is Dr. Jeremy J. Stone who is an expert on arms control and the author of "Containing the Arms Race."

The Board of Sponsors of the Federation of American Scientists includes Dr. Hans Bethe, Dr. Owen Chamberlain, Dr. Harlow Shapley, Dr. Harold C. Urey, Dr. Robert R. Wilson, Dr. Jerome Wiesner, and Dr. George B. Kistiakowsky.

On August 3, 1970, FAS issued the following statement:

> The protection offered by Safeguard for the Minuteman force is negligible. Even if Safeguard functions perfectly it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed. For Safeguard to have any significant effectiveness at all in protecting Minuteman, the Soviets would have to "tailor" their threat to correspond to it.

This statement was specifically endorsed by the following distinguished members of the Federation of American Scientists: Dr. Jerome Wiesner, Dr. Wolfgang K. H. Panofsky, Dr. Marvin L. Goldberger, Dr. Herbert York, and Mr. Herbert Scoville, Jr.

Proponents of the Safeguard system have criticized these men and FAS for their long-standing opposition to ABM saying that they have said nothing new in arguments against development and deployment of Safeguard.

I contend that the past and present opposition of these scientists to Safeguard is based on strong and convincing scientific evidence that this system cannot perform the job it has been designed

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for. To fault these scientists for their "continued opposition" to Safeguard only points out how consistent these men have been in their technical evaluation of Safeguard's reliability.

Proponents of Safeguard also criticized FAS for digging through the public record and producing conflicting and contradictory statements made by officials concerning the reliability and role of Safeguard. In doing this the Federation of American Scientists has performed a vital service of providing the public with information and demonstrating how the administration has been seeking a strategic mission for Safeguard.

I believe that the Federation of American Scientists has ably provided the Congress with the type of information it needs to thoughtfully evaluate a complex issue. Their expertise has been invaluable in the Safeguard debate.

Their judgment has been one of the factors leading to my judgment that to proceed with ABM deployment is folly, and for that reason I support the Hughes amendment.

Mr. DODD. Mr. President, today's debate on the ABM is, essentially, a continuation of the historic debate which took place in the Senate over the summer months of last year.

At that time, I supported the deployment of the Safeguard ABM system, on three basic grounds.

I said that the commitment was necessary for political reasons because the entire course of Soviet conduct since World War II, including the masssive buildup of ICBM's in recent years, points to the conclusion that we are entering a period of continuing crisis, in which the lack of any kind of ABM system could only serve to encourage Soviet aggressiveness.

I also supported the deployment on moral grounds because I believed that it is infinitely better to build defensive weapons designed to discourage nuclear aggression, than it is to build aggressive weapons capable of wiping out entire cities.

Finally, I argued that the commitment to the Safeguard ABM would be conducive to an early arms control agreement with the Soviet Union because it would make the Kremlin weigh the cost of a continuing technological race with the United States.

At the time, some of the critics of the Safeguard system made dire warnings that the approval of the system would sabotage, or even completely nullify, the possibility of serious negotiations on arms limitation. They said that if Safeguard were approved, the Russians would have nothing to do with the SALT talks. But the fact is that Safeguard was approved; and not only have the Russians participated in the SALT talks, but there is solid reason for believing that an agreement of major significance, limiting the deployment of nuclear weapons, will emerge from these talks.

If the progress made in the SALT talks to date is any criterion, then those who argued that Safeguard would be conducive to arms limitation were demonstrably right, and those who argued the contrary have been proved completely wrong.

Our national defense must be geared to international realities. Had there been a genuine reduction of tensions between ourselves and the Soviet Union over the past year, had there been any evidence, for example, of Soviet willingness to call off the war in Vietnam, then an argument could be made for further unilateral restrictions on our defense technology.

But the fact is that there has been absolutely no letup in the massive Soviet military buildup which has, year after year, confounded the estimates of our intelligence community. In certain critical areas, the Soviets already have a marked superiority over the United States, while in other areas they are forging ahead at a frightening pace.

Without Soviet support the Vietnam war could not continue for another month. But this war continues nonetheless.

The Brezhnev doctrine remains on the books, reinforced by the Soviet invasion of Czechoslovakia only 2 years ago.

Under the circumstances, I believe that the administration and the Armed Services Committee have acted prudently in recommending the limited expansion of the Safeguard ABM system. The recommendation of the Armed Services Committee does not completely grant the administration's request. But it goes a long way toward meeting this request by approving funds for a Safeguard site at Whiteman Air Force Base in Missouri and advanced preparation for another site at Warren Air Force Base.

I am opposed to the Cooper-Hart amendment, and I am also opposed to the amendment offered by my able friend, the junior Senator from Iowa, because these amendments, in completely rejecting the administration's request, fail to take account of the grave dangers that confront us over the coming period.

I cannot blame anyone who would like to believe that the world is a somewhat better and more hopeful place than it really is, but we invite destruction as a nation if we continue to play the game of ostrich.

Perhaps more than ever today, it is necessary for us to recall the warning which President John F. Kennedy was about to speak in Dallas when he was cut down by an assassin's bullet on November 22, 1963:

> Our adversaries have not abandoned their ambitions, our dangers have not diminished, our vigil cannot be relaxed.

It is my hope that we will be able in the course of the SALT talks to achieve properly safeguarded agreements limiting the manufacture and deployment of nuclear weapons.

But since even a successful agreement will leave large arsenals of nuclear weapons on both sides, we must at the same time seek to devise measures that will make nuclear war completely unthinkable even for the most reckless adversaries.

No matter what some of the critics may say about the possible ineffectiveness of Safeguard, it is bound to introduce still further question marks into the calculations of those who might be thinking of nuclear aggression. And to this extent, it will serve to make a nuclear holocaust even more unthinkable than it is today.

This is the essential justification for the expansion of the Safeguard ABM system requested by the administration.

It is pointless to argue that the ABM may become outdated. There are no measures and no systems that are good for all time. In the area of defense, we have to plan a decade at a time.

Looking toward the future there are still further measures that can be taken to enhance our national security and to make nuclear war unthinkable. Among other things, we might consider the advisability of putting the major part of our deterrent missile force at sea in Polaris submarines. This would involve no increase in the actual number of missiles in our arsenal. But in the long run it would give us a missile force less vulnerable to Soviet surprise attack, and one which does not invite Soviet missiles to target against points on the American mainland.

I was encouraged to learn that some thought is being given to this possibility in the Pentagon.

The transition would not be an easy one to make, and certainly it would be time consuming. The proposal, however, deserves our serious consideration, and I intend to deal with the matter in greater detail in a later statement.

Meanwhile, in order to protect ourselves over the coming critical period, I believe that the moderate expansion of our Safeguard system proposed in this legislation is one of the cheapest forms of insurance we can buy.

Mr. HATFIELD. Mr. President, when President Nixon vetoed the Education Appropriation bill and the HUD and Independent Offices Appropriation bill, he stressed the need to stem inflation. I concur with this need, and I stressed the rise in inflation when I campaigned as a surrogate candidate for Mr. Nixon in the 1968 presidential campaign.

We in Congress should listen hard to what the President said:

> We cannot have something for nothing. When we spend more than our tax system can produce, the average American either has to pay for it in higher prices or in higher taxes.

The Senate faces a situation where we will ask ourselves if we want to fuel the fires of inflation by approving an addition of nearly $1 billion in Federal spending.

The President said we cannot have something for nothing. I believe that the ABM represents nothing for something. In fact, a vote for the ABM says yes to a higher cost of living, yes to higher interest rates, and yes to higher taxes.

Investment of an additional $1 billion for the ABM is a dubious bargaining chip to convince the Russians to disarm, and a waste of tax money. I contend such spending is unnecessary and inflationary and that the Indochina war and wasteful defense spending are the principal causes of rising inflation rather than domestic spending programs.

Between 1958 and 1965 consumer prices rose an average of only 1.3 per-

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cent per year. Since 1965 when the war was escalated, there has been a steady rise to an annual rate of 6 to 7 percent—with a corresponding rise in interest rates which has been damaging to Oregon's forest products industry.

Inflation will continue to rise when we spend $72 billion for military budgets and it will not be halted by vetoing additional funds for education, urban renewal, for basic water and sewer programs and veterans. We must reduce total Federal spending, I agree, but education and housing should not be made to bear the brunt of these reductions.

This entire question involves more than a preference over whether to cut the military or the civilian expenditures in order to stop inflation. If we are seriously concerned about stemming inflation, and want to cut the spending that contributes mostly to inflation, then it is military spending which should receive the highest priority for reductions.

Defense dollars do little to stimulate overall economic growth and development. A large portion of the budget, including items such as the ABM, are principally expenditures for the procurement and production of materials, rather than the teaching of skills. Aside from a few jobs in the immediate area, the ABM will provide no stimulus to the growth of the economy. Expenditures of this sort are "dead end," and have few positive economic consequences. Thus, they are far more inflationary than the education expenditure which the President has vetoed. Education expenditures create skills and, therefore, enable more Americans to become productive citizens—contributing positively to the economy.

A historical review also illustrates these points. For instance, in "What Price Vigilance," the economist Bruce Russett calculated that for each dollar increase in defense spending from 1939 to 1968, there was a consequent decrease of $.42 in personal consumption. Even more to the point, however, is that investment suffers far more than consumption by military spending. Of all the areas of investment, his figures demonstrate that housing suffers the greatest. Yet the President has claimed that the housing appropriation must be vetoed because it is inflationary. In my opinion, high defense expenditures are a far greater cause of inflation, and they also have a crippling effect upon our ability to provide housing for Americans. Vetoing needed funds for housing will not solve the inflation problem—it will only worsen our housing conditions.

Mr. President, I will vote to override the President's veto of these two appropriations bills.

Education needs must not be put aside in the name of fiscal economy, when this is countered with inflationary military budget requests.

Items such as increases in medical care for veterans in the VA program, urban renewal efforts, and water and sewer treatment facilities cannot be scrapped in the name of fiscal economy, when this is coupled with support for military spending that far exceeds what this country needs to remain strong.

In May, Oregon voters approved a massive State program to fight air and water pollution. They dug into their pockets at a time when our State unemployment far exceeds the national average. Following the vote, I pledged to the voters of my State that I would vote to insure adequate Federal funding for control of water pollution. The Hughes amendment would save an amount almost equal to the sum of the two vetoed appropriations bills.

The Cooper-Hart amendment would save about $322 million this year. The vetoed HUD appropriations included an increase of $350 million for water and sewer facilities.

To me, this presents a simple equation. I will vote to save $322 million today and to spend $350 million tomorrow.

I certainly realize that inflation will not be stopped completely by taking money from one account—in this case the military budget—and spending it elsewhere—in this case education and housing.

Those of us who seek to halt waste in military spending have examined the defense budget closely, and have come up with cuts that total nearly $15 billion. Even if all these cuts were made, our country still would be strong and our defenses would be more than ample.

These cuts would do much to halt inflation. They would assist in implementing the Nixon doctrine, and assist the President in his efforts to stem inflation. I agree with him when he says that if we spend more than we receive, the American taxpayer pays the price—either in higher prices or higher taxes.

I share the President's concern for the average family, and I, too, draw a line against increased spending. I ask myself, which does this average family want, is it the new strategic bomber or is it better sewers? Is it an ABM, or is it better medical facilities for our veterans and better cities in which to live?

To me, the answer is clear. The people of this country oppose wasteful defense spending. They want reductions in Federal spending, and the ABM is an example of where these cuts must take place.

Today, we have seen in a dramatic way how decisions on military spending involve choices over our Nation's priorities.

I will make that choice for an America that is economically strong and a Nation that invests in the future of its people.

Mr. HUGHES. Mr. President, I am prepared to yield back the remainder of my time. I understand the Senator from Rhode Island (Mr. PASTORE) has a matter.

Mr. PASTORE. Mr. President, will the Senator yield for a privileged matter that will take only a minute and which is going to be announced? I ask unanimous consent that the Senate temporarily lay aside the pending matter until we take action on the privileged matter.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator state the parliamentary inquiry?

Mr. PASTORE. Mr. President, I may inform the Senator that I am going to handle it. It will take only 1 minute.

Mr. STENNIS. I yield 1 minute.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 1708) to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3637) to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon and that Mr. STAGGERS, Mr. MACDONALD of Massachusetts, Mr. VAN DEERLIN, Mr. SPRINGER, and Mr. BROYHILL of North Carolina were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 14956) to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty.

The message also announced that the House had passed a bill (H.R. 18619) to establish the offices of Delegate from the District of Columbia to the Senate and Delegate to the House of Representatives, to amend the District of Columbia Election Act, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 17711) to amend the District of Columbia Cooperative Association Act, and for other purposes, and it was signed by the Acting President pro tempore (Mr. SCOTT).

HOUSE BILL REFERRED

The bill (H.R. 18619) to establish the office of Delegate from the District of Columbia to the Senate and Delegate to the House of Representatives, to amend the District of Columbia Election Act, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENT OF ACT RELATING TO EQUAL-TIME REQUIREMENTS FOR CANDIDATES FOR PUBLIC OFFICE

Mr. PASTORE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3637.

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The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 3637) to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes, which was to strike out all after the enacting clause, and insert:

That (a) the first sentence of section 315 (a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: ", except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States in a general election".

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period."

Sec. 2. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (f) and by inserting immediately before such subsection the following new subsections:

"(c) (1) For purposes of this subsection, the term 'major elective office' means the office of President, United States Senator or Representative, or Governor or Lieutenant Governor of a State.

"(2) (A) No legally qualified candidate in an election (other than a primary election) for a major elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(i) 7 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office; or

"(ii) $20,000, if greater than the amount determined under clause (i) (or if clause (i) is inapplicable).

"(B) In the case of a candidate for United States Senator in a State in which the total number of votes cast for all legally qualified candidates for Senator in the last preceding election for Senator was less than the greatest total number of votes cast for all legally qualified candidates in any election (held after such preceding senatorial election) for a statewide office in such State, the amount determined under subparagraph (A) (i) shall be 7 cents multiplied by such greatest total number of votes for statewide office.

"(3) No legally qualified candidate in a primary election for nomination to a major elective office, other than President, may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under paragraph (2) with respect to the general election for such office.

"(4) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for major elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(5) No station licensee may make any charge for the use of such station by or on behalf of any candidate for major elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2) or (3), whichever is applicable.

"(d) If the Commission determines that—

"(1) a State by law—

"(A) has provided that a primary or other election for any office of such State (other than Governor or Lieutenant Governor) or of a political subdivision thereof is subject to this subsection, and

"(B) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a major elective office, or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation upon total expenditures.

"(e) For the purposes of this section, the term 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system."

Sec. 3. The amendments made by this Act shall take effect on January 1, 1971.

Amend the title so as to read: "An Act to revise the provisions of the Communications Act of 1934 which relate to political broadcasting."

Mr. **PASTORE**. Mr. President, I move that the Senate disagree to the amendment of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Magnuson, Mr. Pastore, Mr. Hartke, Mr. Scott, and Mr. Baker conferees on the part of the Senate.

Mr. **PASTORE**. Mr. President, I merely want to announce that there will be a conference at 4:15 o'clock this afternoon.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. **STENNIS**. Mr. President, assuming that all time has been yielded back, what is the parliamentary situation? What is the pending question? And if all time has been yielded back, will we come to a vote immediately?

The **PRESIDING OFFICER**. The pending question before the Senate is on agreeing to the amendment of the Senator from Iowa (Mr. Hughes), amendment No. 829, to amendment 819, the Cooper-Hart amendment. The yeas and nays have been ordered.

Mr. **STENNIS**. And this will be a direct vote on the amendment—yes or no?

The **PRESIDING OFFICER**. That is correct.

Mr. **STENNIS**. Mr. President, I yield back my time.

Mr. **HUGHES**. Mr. President, I yield back my time.

The **PRESIDING OFFICER**. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Iowa to the Cooper-Hart amendment. On this question the yeas and nays have been ordered, and the clerk called the roll.

The legislative clerk called the roll.

Mr. **BYRD** of West Virginia. On this vote I have a live pair with the Senator from Minnesota (Mr. McCarthy). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore, withhold my vote.

Mr. **KENNEDY**. I announce that the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

Mr. **GRIFFIN**. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness, and, if present and voting, would vote "nay."

The result was announced—yeas 33, nays 62, as follows:

[No. 255 Leg.]

YEAS—33

Bayh
Brooke
Case
Church
Cranston
Eagleton
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Kennedy
Mathias
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pell
Proxmire
Saxbe
Schweiker
Smith, Maine
Williams, N.J.
Young, Ohio

NAYS—62

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Cannon
Cook
Cooper
Cotton
Curtis
Dodd
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Murphy
Packwood
Pastore
Pearson
Percy
Prouty
Randolph
Ribicoff
Russell
Scott
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Byrd of West Virginia, against.

NOT VOTING—4

Long
McCarthy
Mundt
Tydings

So Mr. Hughes' amendment (No. 829) was rejected.

The **PRESIDING OFFICER**. Who yields time?

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Mr. HART. Mr. President, I yield 15 minutes to the Senator from Missouri.

THE SAFEGUARD SYSTEM

Mr. SYMINGTON. Mr. President, last year the issue of the deployment of the Safeguard anti-ballistic-missile system resulted in one of the longest and most far-reaching debates in the history of the U.S. Senate.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. Will the Senate please be in order?

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair enforce the rules of the Senate, and, under the rules, in order to assure order in the Senate, that the Chair clear the floor of aides to Senators.

The PRESIDING OFFICER. The Senator from Missouri will suspend.

Mr. ALLOTT. Mr. President, may I inquire what the request is?

The PRESIDING OFFICER. The request of the Senator from West Virginia is that the Chair enforce the rules and order the Sergeant at Arms to clear the Chamber of all unauthorized personnel.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. I thought the rules of the Senate provide that a Senator may have an aide on the floor.

The PRESIDING OFFICER. Under the rules, aides are not prohibited on the floor, but the Chair, in its discretion, has the right to order from the floor unauthorized personnel, for the maintenance of order.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may have a member of my staff remain on the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I make the same request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I make the same request.

Mr. YOUNG of Ohio. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. YOUNG of Ohio. When the Chair permits attachés to remain in the Chamber at the request of their Senator, are not those attachés obligated to be seated on a small chair beside the Senator? I do object to their standing up anywhere in this Chamber.

The PRESIDING OFFICER. Does the Senator object to the specific request of the Senator from New Jersey that his aide be permitted to remain in the Chamber and to be seated on the couch in the rear of the Chamber?

Mr. YOUNG of Ohio. I have no objection to that, of course. That is where they should be seated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SMITH of Maine. Mr. President, I make the same request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I ask unanimous consent that a member of my staff, Mr. William Miller, be permitted to remain in the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, I make the same request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I make the same request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I make the same request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I make the same request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, it is so ordered also as to the Senator from Oregon, the Senator from Massachusetts, the Senator from Michigan, the Senator from Nebraska, and the Senator from California.

Mr. MANSFIELD. Mr. President, I think the Senate is making a spectacle of itself. After all, Senators are here to look after their own business. There are occasions when an aide is needed, but the way it is going now, it looks as though every Senator, with a few exceptions, is standing up and asking whether he can have his aide on the floor. There just is not room enough. We have to hear one another. I would hope that all Senators except those with real reasons, such as the distinguished Senator from Maine, for example, and the distinguished Senator from Kentucky and others, would keep that fact in mind.

Mr. AIKEN. Mr. President, I make a similar request, for a short time, anyway.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the time consumed by the recent discussion between the Chair and the distinguished Member of this body not be taken out of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair now recognizes the Senator from Missouri for 15 minutes, the time to be charged to the Senator from Michigan.

Mr. SYMINGTON. During the debate on Safeguard—which constituted perhaps the most thorough review ever made by the Congress of a military weapons system—many technical issues were raised with respect to the actual operation of the Safeguard system as designed, the extent of the threat, and how the system would handle such a threat.

The Senate even went into closed session in order to discuss the classified statistics on which the Pentagon had based its case in support of deployment of Safeguard.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senate will be in order. The Chair observes that the Senators themselves are causing more noise than the attachés.

Mr. SYMINGTON. I thank the Chair.

Many Senators, plus a number of eminent scientists and engineers, were not satisfied that the technical operations of this ABM system had been adequately researched to warrant authorization of deployment at that time; and therefore recommended continued research and deployment on the various components before placing them in the field.

As we all know, last year 50 Senators supported this position; and this year, there are many of us who are still quite skeptical of the effectiveness and reliability as well as the "high cost," of this weapons system. Facts brought to light in the intervening year have made it even clearer than before that more intensive research and development should be undertaken before proceeding with deplayment of the entire system.

I will not take time now to reiterate the many technical arguments which have developed in recent months during hearings and in debate on the floor, but would point out one particularly interesting development; namely, that the concern of many Senators last year with respect to the vulnerability of the MSR radar has been borne out by the fact the Defense Department is now actively studying the possible deployment of a number of smaller, less expensive radars in the Minuteman fields. This is exactly what a number of prominent scientists, including Dr. Panofsky, recommended last year.

It is also interesting to note, in contrast with last year's presentation, the Defense Department is now strongly emphasizing research and development on a number of alternative systems, such as ULMS—Undersea Longrange Missile System—hard-rock silos and mobile Minutemen.

As Senators will remember, last year the Defense Department supported deployment at the two phase I sites—Malmstrom and Grand Forks—because "such deployment was necessary to provide for early shakedown of the integrated operational components."

Although the Defense Department lists what they term "significant Safeguard research and development milestones" since May 1969, in support of further deployment of Safeguard this year, in my opinion there are still many questions left unanswered, as well as many new ones raised, as to the operation of this highly complex system.

As an example, how much do we really know about the effect of nuclear explosions on the operation of either the Safeguard defensive missiles or the firing of the offensive Minuteman? And has development of the software—the computer—of this system advanced to the stage that we can be confident of the "effective linkage" of the major components?

Because of these and other lingering questions, I believe that Senators HART and COOPER are prudent in recommend-

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ing that funds for Safeguard be limited to those requested for the two sites authorized last year. It would seem far better to try to work out the "bugs" in the system at two sites, than to proliferate a possible ineffective or outmoded system to other Minuteman fields, and this especially because the ultimate cost of the complete system only this week was estimated by one of our foremost scientists, Dr. Herbert York, former Director, Defense Research and Engineering, to be between $50 and $100 billion.

In addition, it is well known that when the "area" defense system was the primary reason for this ABM, there was "a major uproar from such cities as Boston, Chicago, and Seattle, after they found it was planned to place ABM units close to those towns.

Not only because of the possibility of a slight error in functioning, therefore, which could mean the certain destruction of Kansas City—possibly even St. Louis—as well as the other smaller towns which lie between those two cities, but also because no one yet has analyzed accurately the tremendous increase in lethal effect from the dust which would be thrown into the atmosphere from either a successful or unsuccessful explosion on the ground, I would hope that further consideration be given to putting ABM units so close to a great city until the possibility of such lethal effects could be more carefully examined.

I might say, in passing, that we know how they felt around Boston, Chicago, and Seattle. I assume they feel the same way around the large cities in my State, and not only because of the possibility of a slight error in functioning.

One bomb only was dropped on Hiroshima, and one bomb only on Nagasaki; and the incredible destruction which resulted, as so well illustrated in a recent issue of Life magazine, would be nothing as compared to what could happen in case there was a full "nuclear exchange" of offensive and defensive nuclear explosions but a few miles away from one of our major cities.

Testing has already resulted in contemplated changes in Safeguard as originally proposed; and I am convinced that if failure at the strategic arms limitation talks makes it necessary to deploy an extensive ABM, further research and development—both at Grand Forks and Malmstrom and in advanced ABM programs—would result in an effective defense of our deterrent which would have only "slight resemblance" to the Safeguard ABM as we now know it.

In addition to limiting deployment to Malmstrom and Grand Forks at this time, and thereby prohibiting the authorization for construction of an entire system which many of us do not believe is the right design for the job, this Hart-Cooper amendment will also result in a saving of $322.2 million. In view of recent chiding by the administration of Congress for appropriating more for certain domestic programs than was requested, it should be noted that this $322 million reduction in Defense spending alone would offset approximately 80 percent of the amount over the President's request which the Senate has recently appropriated for education.

Surely the Senate should have a role in the determination of spending priorities for the Nation; and it is just such a role which I believe the Senate can play in seeking this reasonable limitation on ABM expenditures—particularly at a time when so many vital domestic programs are forced to "limp along" or become stagnant for lack of sufficient funds.

It is my fervent hope, however, that negotiations now being conducted with respect to a Strategic Arms Limitation Agreement between the United States and the Soviet Union will eliminate any requirement for an ABM system.

These SALT negotiations are probably the most important talks ever entered into by the United States, as they can hold the key to the end of the arms race between two powerful nuclear giants. Thus, because the outcome of these talks is so vital to the future security of the world, the situation with respect to said talks is more delicate than at the time of the ABM debate last year, I believe it important the Senate weigh carefully its role in the negotiations as it pertains to this vote.

The administration has argued, and vigorously, that the Safeguard ABM program as requested by the President is essential as a so-called "bargaining chip" at the SALT negotiations. It is difficult for me personally, however, to understand why this system, which, as now designed, the Soviets know they could easily overwhelm, could be such a strong bargaining chip in reaching an agreement on arms limitations.

If the Safeguard ABM is, in fact, such a bargaining chip, has not that chip already been weakened by the action of those on the Armed Services Committee who voted to deny funds for the area defense concept?

Would not the prospect of an area defense, which could develop into a thick system, and thus weaken the retaliatory capability of the Soviet Union, be more of a threat than defense of our deterrent capability?

Is not the threat of a more technologically advanced ABM system, which could result from continued R. & D., more of a bargaining chip than the threat of deployment of a system which has only a marginal period of value against continued Soviet deployment of such weaponry with the purported performance of the SS-9?

Finally, is it not actually the technological capability and expansive nuclear arsenal on both sides which brought the United States and the Soviet Union to the negotiating table in effort to limit what they both now realize is not only an expensive arms race, but also one which holds the seed for the insane destruction of mankind.

In my opinion, therefore, the ABM bargaining chip theory has little validity so far as a threat to the Soviet Union is concerned; however, at this juncture, it would appear to matter little what one Senator believes or for that matter even what the Soviet negotiators believe. The crucial determinant is what our own negotiators believe and in turn what the latter think the Soviets believe.

In other words, if the U.S. negotiators believe the ABM is a bargaining chip and, in constant discussion with his negotiators, the President has emphasized it as such, then the Senate is in a difficult position indeed to deny all funds for any ABM deployment this year.

With that premise, I believe the Senator from Michigan and the Senator from Kentucky have, in the presentation of their amendment, taken a truly responsible position in striking a reasonable balance between authorization of funds only for research and development and the administration's request for authorization of nine sites leading toward a full 12-site deployment; therefore I will support the Cooper-Hart amendment.

Mr. HART. Mr. President, I yield to the Senator from Vermont (Mr. AIKEN) such time as he may require.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, I do not feel that it is necessary to approve another large expansion of the ABM for this year.

Work on the two sites already authorized will continue, and research and development work will go on.

I am certain that approval of the Cooper-Hart amendment will not have an adverse affect on the SALT talks now being held between the United States and Russia at Vienna.

However, I would not want my vote to be misinterpreted by any other nation.

I will support any effective means to protect the security of the United States, including deterrent and retaliatory weapons to the extent necessary, but expansion of ABM installations at this time does not seem advisable.

The world is sick of war and the constant threats of war.

That is why I am very hopeful that some kind of agreement can be reached at the SALT talks with Russia.

The United States should be prepared to meet any other country halfway in any serious attempt to prevent future war.

But if Russia will not agree to a limitation of nuclear weapons and wants to engage in an arms race which impoverishes both countries, then I will do whatever is necessary to insure the survival of our own people.

Let there be no mistake about that.

Should the SALT talks fail, the United States will take no chances on survival.

Therefore, I urge the Senate to adopt the Cooper-Hart amendment, knowing full well that this is not a sign of internal weakness, but a symbol of strength and a sign of confidence in the success of the SALT talks.

PRIVILEGE OF THE FLOOR

Mr. SYMINGTON. Mr. President, I ask unanimous consent that a member of my staff be granted the privilege of the floor during the debate on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

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Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. BAKER. Mr. President, I thank the Senator from Mississippi for yielding to me so that I might address these remarks to the Senate and particularly to the remarks of the Senator from Missouri.

I think that the Senator from Missouri made some points that might bear elaboration from the standpoint of the perspective that confronts the Senate.

It ought to be clearly understood—and I believe we do understand—that the choice of alternatives are not between the good and the bad, or between war and peace, but rather between the best way in which to preserve a basic stability such as we can find in a nuclear age and the viability, independence, and sovereignty of the United States as a great nation.

Mr. President, we are all concerned with this same fundamental question. The Senator from Missouri and the Senator from Tennessee are equally concerned about it. I believe that is the real basis for the debate in the U.S. Senate at this time.

The question is how to accomplish this. As with other important, prolonged, and complex subjects, we often lose sight of the fact that we are really talking about the technique rather than the objective.

The question is how do we preserve that tenuous stability, that illusive peace that we have been able to gain for America since the advent of the nuclear age and since we first gained the ability to incinerate ourselves.

There are many—including some of those who oppose the ABM, I believe—who continue to believe that the policy of defense of the United States ought to be based on the offensive hostage theory. I mean this in no way to be derogatory. But they are in effect extending the doctrine of the ICBM mentality—that is that the United States can preserve peace, maintain its own independence and viability only by building bigger and a greater number of thermonuclear tipped ICBM's and pointing them at Moscow or Peking or some place else and, in effect, holding 100 million Russian citizens hostage to the American nuclear capability. At the same time Russia holds about 100 million Americans hostage to their nuclear capability.

This is an era of mutual terror. Frankly, I am tired of being a nuclear hostage.

I have an idea that my counterpart, whoever he may be, in Russia—if I have one—is tired of being hostage, too.

I have an idea that in this day and age when we are blessed—or cursed, depending on the viewpoint we take— by the advances of science and technology, mankind demands that we find something better than a foreign policy dominated by a hostage mentality which is just as barbaric and as outrageous as the hostage mentality that prevailed in the middle centuries after the time of Christ.

If we have the courage to discard the ICBM mentality and the idea of building bigger and more accurate weapons and pointing them at Moscow then we can find something new and better. That is the ABM—and thus the choice between the old and the new.

I believe that the courage and the morality of our great Nation, the United States of America, dictates nothing else than that we proceed on a foreign policy of something other than our ability to incinerate the Russians or the Chinese—and later, the French, the Colombians, the Africans, the Indians, or the Israelis.

I believe that the time has come when we owe an obligation to ourselves and to mankind to cast aside the theory that we are better because the ability of the United States is greater and the United States can burn up another nation quicker than it can burn us up.

That is exactly what we have been doing since World War II. That is exactly what the Russians have been doing. The Chinese will be doing it shortly.

I am tired of sitting around and wondering whether my children and my grandchildren yet unborn will have a chance to eke out an existence under this sort of philosophy.

We ought to turn to something else. And there is something else. The ABM; an active defense system instead of hostile retaliation.

Talk about a bargaining chip, the Senator from Missouri indicates that it was not a bargaining chip—the ABM. I do not know. However, I am afraid it is. I hope it is not.

We ought to try to make it possible for the survival of nations to depend on defense instead of offensive retaliatory capability.

Visualize the principle of the military might of Russia and the United States being based upon a defensive complex. The ABM system as presently conceived and designed—or any that I have ever heard of—does not have the ability to enter or injure the Russian airspace or a single Russian city.

It has a range that is measured in hundreds of miles and not thousands of miles.

It is technologically impossible for the ABM system to constitute a threat to the Russian nation or its people.

I do not care how many ABM's the Russians build or how effective they are. I do not care how many ABM's we build or how effective they are. If we are both dedicated to peace and not concerned with the invasion of the other man's air space or his effort to survive as a sovereign nation, then it seems to me that we can verify that concern for peace very adequately and very genuinely by saying, "Friends, we will step away from this posture of offensive mentality or threat and take up instead the strategic defense of our country."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 additional minutes.

Mr. BAKER. Mr. President, that is what the ABM is all about. It may not work, but who knows how it will work?

The Senator from Missouri and I do not know. No one is really sure now either the ABM system or the ICBM would work after the first strike because the ionization of the atmosphere may be such that the guidance system or even the structural integrity of the nuclear device itself would be rendered impotent or ineffective.

Bear in mind, too, that the Senator from Missouri pointed out that the danger of a ground explosion on the ABM site is an argument against it. I wonder about the effect of a ground explosion of an incoming ICBM on St. Louis or Kansas City. I wonder about the effect of that nuclear explosion.

It is a question of whether we have the guts and the courage to lead the way from an offensive ICBM mentality into a brand new era.

Mr. President, the first time the Russian nation and its government offered to talk about disarmament was 3 days after the Senate authorized the first Sentinel system. The ABM has been the only matter the SALT talks have been genuinely concerned about.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 1 additional minute to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 1 additional minute.

Mr. BAKER. Mr. President, I believe these matters are not coincidental. They verify the fact that the whole world is looking toward America and other great powers to find something better than a mutual hostage theory.

Building more Poseidons or Minuteman missiles because they are cheaper and pointing them at Moscow is another way to expand the hostage theory. The only way to stop the arms spiral is to develop defensive weaponry. We can do it and we should hope the world will, too.

Mr. HART. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. HARRIS. Mr. President, within these 24 hours, we are seeing three events which, I believe, describe very well the priorities of this administration.

Yesterday, President Nixon vetoed a housing bill and an education bill. He said the bills were too expensive and they would promote inflation.

Yesterday, too, the House Ways and Means Committee reported out a foreign trade bill. Included in the bill was the President's own DISC proposal, a gigantic program of tax relief for large corporations. If this proposal ever got into full operation it would turn back more than $550 million a year to 125 large corporations.

Finally, today, we have the Senate vote on the ABM. This is a weapon system which many careful observers doubt will work at all. Yet, we are being asked to spend billions of dollars for its construction.

Let us understand this.

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The President says we can afford billions for a weapon system which may not work.

The President says we can afford to give 125 large corporations a $550 million tax break.

But the President says we cannot afford to spend an extra $1 billion for housing and education.

What possible priorities can the President have in mind?

The President says we must hold down spending to fight inflation.

Last week the President's Council of Economic Advisers issued its first inflation alert. Can anyone remember what it said? I doubt it. It was issued in such a soft voice that it was hardly heard.

On Friday, the Labor Department announced that national unemployment was up 5 percent. It must now be clear to everybody that if we are still suffering from inflation, it is not the inflation of excess demand.

The President should lay down wage and price guidelines. And he should point the spotlight of public attention on those who transgress them. Then we could more effectively deal with the problems of high interest rates and high unemployment which are affecting so many of our citizens.

But such a vigorous policy may be too much to hope for from this administration.

The President will not risk his own prestige to set down guidelines to halt inflation.

The President will not move against tax favoritism to large corporations to halt inflation.

The President will not reconsider excessive spending on ABM to halt inflation.

The only way the President sees to stop inflation is to cut money for housing and hospitals and schools.

In the President's fight against inflation, the workingman is the foot soldier. The rich man hardly knows a war is going on.

Mr. President, I speak today on behalf of the pending amendment to limit deployment of the Safeguard ABM to only those two sites authorized last year, after previously supporting the Hughes amendment to limit expenditures to research and development only.

I have long expressed my doubts as to the value of an ABM. I am convinced that it would be a tragic mistake if we fail this year to halt the forward momentum of the Safeguard anti-ballistic-missile system—a system whose purpose, need and workability have yet to be demonstrated.

Last year, Secretary of Defense Melvin Laird told the American people:

> So to those who are concerned about whether the Safeguard system will work, I would say let us deploy phase I and find out. Only in this way can we be sure to uncover all of the operating problems that are bound to arise when a major weapon system is first deployed. . . .

Yet, before construction had actually begun on either of the two prototype Safeguard bases, the Secretary of Defense requested an additional six sites—this well before any resolution of the technical difficulties plaguing the Safeguard system.

Let us realize that these technical problems are immense. For example, the Spartan missiles at each Minuteman site are controlled by a single, large, highly vulnerable, radar—the MSR. Only one of the hundreds of incoming warheads has to penetrate the antimissile defense in order to destroy the MSR and incapacitate the entire Safeguard system. Whereas, the Soviet Union presently cannot destroy hardened Minuteman silos with their SS–11, that very same SS–11 is fully capable of destroying the ABM radar.

Additionally, reasonable doubts exist as to the workability of Safeguard's complex computer apparatus and as to Safeguard's ability to function in the face of the degrading effect of nuclear bursts. So many objections have been raised that I believe prudence dictates that we not consider authorization of further deployment until current technical problems are resolved.

During the past few years we have spent many billions of dollars procuring weapon systems which were not first properly tested. Confronted by pressing domestic needs, we cannot afford such a policy in this instance.

My fellow Oklahomans remember well the installations constructed in the southwest section of our State for the Atlas missile. Barely completed and dedicated, they were abandoned. They are now for the most part empty—waiting for the ingenuity of man to devise other uses for these multimillion-dollar holes in the ground.

Recognizing this, the Fitzhugh committee report released last week recommended a "fly before you buy" policy. I think most Americans would agree with that policy, and I see no reason to exempt Safeguard from that standard.

Yet, even if the ABM is in the future proven to be technically sound, we still must ask whether or not deployment will augment our national security. Too often, we have invested large sums of money in military armaments which have added not one iota to the defense and security of our country. We must determine whether or not Safeguard is the most effective, efficient, and prudent means of defending Minuteman. I think it is not.

Testimony given before the Armed Services and Foreign Relations Committees indicates that Safeguard could be overwhelmed by penetration devices such as decoys, chaff, balloons, or even MIRV's which the Soviet Union now possesses and which the Chinese Communists will eventually develop. As Prof. W. K. H. Panofsky stated on April 13, 1970:

> Even if Safeguard functions perfectly it offers significant protection only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off Safeguard is not needed.

The administration's own witnesses noted the likelihood that the Safeguard system would be ineffectual against increased Soviet threats. Chief of research and development for the Pentagon, Lt. Gen. A. W. Betts said:

> The reason that we have a considerable increase this year (in research funds) is that a decision has been made that we should protect our options for the future possibility that the Soviet threat to Minuteman will continue to advance beyond that which could be handled by the Safeguard system.

Dr. Panofsky later added:

> If one combines this fact (the narrow protection offered by Safeguard) with the likelihood of catastrophic failure of the single radar and computer controlling the system, and the fact that a less failure prone and more effective system to defend Minuteman can be produced in the same time scale for less money, Safeguard looks like a very poor use of the shrinking defense dollar indeed.

I feel that there are more effective, less costly, more prudent means of defending our deterrent. These options include:

Increased emphasis on the power of our seaborne retaliatory capability;

Increased hardening of Minuteman sites;

Making the Minuteman mobile; and

Limitation of potential threats by SALT agreement.

More significant than either technical considerations or the cost effectiveness of Safeguard as an alternative system is the incalculable damage which results from the vicious arms race spurred by the ABM and engaged in by the United States and the Soviet Union.

American survival in the nuclear age is predicated on the theory of mutual deterrence. Simply stated, mutual deterrence requires that each country have the capability to inflict unacceptable damage on the other even after having been subjected to attack. So long as the Russians know that America has the ability to absorb an attack and still destroy Soviet society, the Soviet Union will be deterred from attacking.

But, if either country can withstand or destroy the retaliatory power of the other, then that country is not deterred from launching a first strike. Deterrence is no longer mutual.

When the Russians first deployed the ABM around Moscow, the United States feared that they might develop the capability to withstand our retaliatory force. We built MIRV's capable of penetrating their ABM. The Russians then feared that the United States might achieve the capablity to destroy the Soviet Union's retaliatory force; the Russians increased their offensive force, particularly the SS–9 and SS–11 missiles. We then began to construct our own ABM and so forth and so forth.

The preceding is tortuous in analysis, if only because it describes the vicious circle which results in a higher overall level of armaments with neither side making a relative gain. After the expenditure of billions of dollars for nuclear overkill, neither we nor the Russians have increased our security in relation to the other. In fact, with the tremendous increase in the number and availability of nuclear weapons, both countries find themselves less secure now than they were before the ABM-inspired arms spiral.

Some assert that, since the ABM is merely defensive, it will not fuel the arms race. However, it is clear that the administration intends a system of area defense the outcome of which could be another round of the arms race, and increasing insecurity and instability for all mankind.

Currently, we are engaged in what is probably the most delicate, but also potentially the most significant negotiations in history. It is not an exaggeration to say that the future of our civilization may be at stake in the success or failure of the strategic arms limitation talks now proceeding in Vienna.

It has been claimed that the President needs the ABM as a bargaining chip at SALT in order to negotiate from a position of strength. I disagree with that claim.

First, we already have a more than adequate bargaining position. We have the sufficiency of which President Nixon has spoken. Our retaliatory capability rests not just with our 1,200 Minuteman missiles but also with 550 SAC bombers and 41 Polaris submarines, for example. In order for the Russians effectively to neutralize our deterrent—that is, in order for them to attack us and escape their own destruction—they would have to simultaneously and totally destroy these three weapon systems—an impossibility. Our submarines are presently invulnerable, our strategic bombers are airborne now and at a moment's notice, and enough Minuteman missiles are assured of survival so as to devastate the Soviet Union.

Second, the Cooper-Hart amendment would not remove from the President the bargaining chip it is claimed he must have. All Safeguard research and development, as well as phase I deployment, would continue under this amendment. Phase I, alone, gives the United States an ABM system far stronger than the Russian's ABM. Thus, the Cooper-Hart amendment would allow the President to maintain a bargaining chip, while at the same time we in the Senate take a first important step toward ending the armaments race.

Finally, I must question the notion that we can achieve agreement only by bargaining always from a position of extra strength. Our inability to sell the Baruch plan in 1947, when we were the only nuclear power, is a case in point. Only after Russia achieved nuclear sufficiency was she willing to sign agreements such as the test ban and nuclear proliferation treaties.

Our strength is relative to Russia's weakness. It is clear that the Soviet Union—no more than the United States would—is not going to lock itself into an inferior nuclear position so long as it has the capability to achieve or exceed parity at some future date. To imagine that we can negotiate a treaty which leaves either side in a position of weakness is wishful thinking, inconsistent with our own theory of nuclear deterrence.

Mr. President, many of us have been working over the past years to reorient America's priorities. Last year, the Congress passed increased appropriations for health, education, and employment which President Nixon promptly vetoed as inflationary. This year the Congress approved increased funds for needed hospital construction, education and housing which the President also vetoed as inflationary. In both instances, the President moved under the name of inflationay constraints, to frustrate the efforts of the Congress to meet the peoples' basic needs.

At the same time, the President calls increased money for health and education inflationary, why does he not also point to the billions to be spent for the ABM system as inflationary? I believe the Congress must continue to take the steps necessary for the establishment of new priorities, and the limitation of the ABM is a big step in this direction.

Let us make this clear—the choice today is not a choice between our security and our domestic needs. The choice is between those weapons which are unproven and may even be detrimental to national security, and those which truly add to our defense.

It is equally clear that Safeguard is presently technologically unproved; that Safeguard is not the best alternative for the defense of our deterrent; that Safeguard may escalate the arms race; that Safeguard does not enhance the possibilities for a SALT agreement; and that Safeguard presents yet another obstacle to the establishment of new priorities at home. For these reasons, I urge the Senate to halt the forward momentum of the arms race by rejecting construction of additional Safeguard sites. I hope the Cooper-Hart amendment will be adopted.

Mr. HART. Mr. President, I yield 2 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, I shall vote for the Cooper-Hart amendment.

I believe the ABM, whether it be President Johnson's Sentinel or President Nixon's Safeguard, to be a costly, unnecessary, unworkable, and possibly dangerous mistake. Because of this belief I have found it necessary to vote against the ABM under both Presidents, a Democrat and a Republican.

Last year, however, phase I of the ABM was authorized for two sites. Although it barely passed in a 50–50 tie, I am willing to let that decision stand mainly because limited deployment of phase I will allow us to see if even this relatively simple phase of the ABM will work.

Leaving aside all the strategic and political arguments against the Safeguard, there are profound doubts about whether the Safeguard can ever work. But today, a year later we know nothing more about the workability of even phase I. No equipment is in place, no parts of the system are in place, no missiles or radars have even been produced, and its operational capability is still under study. None of the research and development has improved the case for the ABM. In fact, research has exposed even greater weaknesses in the vulnerable radar and the complicated computer systems than were previously admitted.

Rather than spending more to expand an untested system, we ought to follow President Nixon's newly announced weapons procurement policy of "fly before you buy."

The $332 million this amendment would save is particularly poignant on the day after President Nixon vetoed the education and housing appropriation bills. No better case for reordering our national priorities could be made than to compare the proven need for more schools and more housing with the questionable, at best, need for still another weapons system.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Kansas (Mr. PEARSON).

The PRESIDING OFFICER. The Senator from Kansas.

Mr. PEARSON. Mr. President, I shall vote against the Cooper-Hart amendment.

When the anti-ballistic-missile system was authorized last year, I held serious doubts as to its necessity, its reliability, the effect of its deployment upon the nuclear arms race, and the cost involved. Known facts and present circumstances indicate, at least to me, that those objections were sound. And I continue to believe, Mr. President, that had production and deployment of the ABM not been authorized, our priorities would be in better order, our national security just as safe, and the arms race would be proceeding at a slower pace.

Nor can one fail to see and to understand in a most dramatic way that today we are asked to spend millions more for ABM and millions less for education and housing.

But, Mr. President, last year I also opposed the deployment of an ABM System because I felt that such a deployment would prohibit or inhibit a strategic arms limitation agreement. To date, that objection has not proved to be accurate. The fact is that the SALT talks are underway and are proceeding in a serious and hopeful manner.

Moreover, Mr. President, I have had the opportunity, as have many other Senators, of being briefed on the strategic arms limitation proposals of the United States, and whatever may be the outcome of the SALT talks, this administration has made a sincere, honest, and good faith proposal of daring proportions to achieve a nuclear arms limitation agreement and to provide for a safer and saner world.

The point is, Mr. President, that if one doubts the wisdom of the administration in proposing first the deployment and then the expansion of the ABM, one cannot question that, at this time, we have finally gathered at the conference table seeking to limit strategic arms, and there is evidence of a real hope of success. Indeed, opponents of the ABM may, I suggest, find their best hope to halt the deployment of this questionable and costly weapons system in an arms limitation agreement, rather than by congressional action.

Mr. President, considering the might, the wealth, and the industrial capacity of this Nation, and further considering the size, diversity, and power of our arms, I have trouble accepting the "bargaining chip" argument.

The Soviets know that the ABM was authorized by only a single vote last year. The men in the Kremlin understand how close is today's decision. The Russian negotiators are well aware that the Senate Armed Services Committee made substantial modifications in the President's proposal.

Yet, President Nixon, Ambassador Smith, and the other U.S. negotiators assert, in the strongest terms, that congressional approval of the committee proposal is needed and is, in fact, essential; and that such congressional action offers the greatest chance for success of the SALT talks. It is against that assertion by the highest authority that I judge the path of my responsibility to be a resolution of whatever doubts I have in their behalf and to act in support of their position.

Mr. COOPER. Mr. President, I yield 10 minutes to the Senator from New Jersey (Mr. Case).

Mr. CASE. Mr. President, over the past several years it has been urged that the United States needs an antiballistic-missile system for each of the following four reasons:

First. To protect our land-based ICBM's—Minutemen—against destruction by a growing Russian missile force.

Second. To protect our strategic bombers against Russian submarine-launched missiles.

Third. To protect our cities and people against a Chinese ICBM attack.

Fourth. To protect our cities and people against an accidentally launched ballistic missile.

It now seems clear that the third and fourth objectives have been abandoned.

Widely circulated news reports have stated that the United States has offered Russia a "package" in the strategic arms limitation talks—SALT—which includes a mutual reduction of antiballistic missiles to zero, in one case, or, in another case, mutual limitation of antiballistic missiles to the defense of one city in each country, presumably Washington and Moscow.

These reports have never been challenged so far as I know. Clearly we would not be offering the U.S.S.R. a mutual abandonment of antiballistic-missile systems or a limitation of such systems to the defense of one city in each country if we needed them as a defense against a Chinese threat or an accidental launch.

It is clear that the Senate Armed Services Committee takes the same view. It would limit the deployment of Safeguard to three or four Minutemen bases. Obviously this would provide no cover for most of our population against a Chinese missile attack or an accidental launch.

Moreover, the Safeguard deployment recommended by the Armed Services Committee is irrelevant to the defense of our SAC bombers—second referred to objective. There are only a few bomber bases within the areas covered by the Safeguards whose deployment the committee recommends. Furthermore, other measures of defense of our bombers—better radar warning, aircraft dispersal, and an improved alert status—can be and are being put into effect so that an ABM defense for this purpose is not necessary.

We are left then with but a single justification for the deployment of Safeguard—the defense of our Minutemen missiles against a Soviet attack.

There are those who assert that there is no conceivable need for an ABM defense of Minuteman. That is not my position.

It is certainly conceivable that the Russians could build an intercontinental missile force directed to the virtual destruction of our land-based ICBM's and that an effective anti-ballistic-missile system could in the future be a useful defense against such an attack.

But all the evidence I have been able to gather over several years has convinced me that Safeguard is not an effective system and should not be deployed in its present form.

Out of the welter of rhetoric, opinion and assertion, I believe that two truths have emerged:

First. That the protection which Safeguard would offer Minuteman is limited at best to a very narrow band of threats and that if the Soviet missile buildup returned to its level of some time ago, Safeguard would be obsolete before it could be deployed.

Second. That the cost of Safeguard is all out of proportion to any benefits it might provide.

The weight of scientific opinion on the ineffectiveness of Safeguard as a defense for Minuteman is so overwhelming it has become difficult to see how anyone can justify its deployment in its present form. These are not men who oppose the defense of Minuteman. They believe a better defense is required and can be provided, more cheaply and in time.

Merely as illustrative of the virtually unanimous opposition in the scientific community to the deployment of Safeguard in its present form, I quote the following statement:

> The protection offered by Safeguard for the Minuteman force is negligible. Even if Safeguard functions perfectly it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed. For Safeguard to have any significant effectiveness at all in protection of Minuteman, the Soviets would have to 'tailor' their threat to correspond to it.
>
> Jerome B. Wiesner, Presidential Science Adviser to Presidents Kennedy and Johnson.
>
> Wolfgang K. H. Panofsky, Director, Stanford Linear Accelerator.
>
> Marvin L. Goldberger, Former Chairman, Jason Division of IDA, Member, O'Neill panel on Safeguard.
>
> Herbert F. York, Director of Defense Research and Engineering for President Eisenhower.
>
> Herbert Scoville, Jr., Former Deputy Director for Research, CIA, and Former Assistant Director for Science and Technology, Arms Control and Disarmament Agency.

Even from our own Military Establishment comes highly significant testimony.

Secretary of Defense Laird at the hearings before the Senate Armed Services Committee on February 20 of this year said:

> To be perfectly candid, Mr. Chairman, it must be recognized that the threat could actually turn out to be considerably larger than the Safeguard defense is designed to handle. That is one reason we have decided to pursue several courses which should lead to less expensive options for the solution to this problem than expanding Safeguard to meet the highest threat level. We have further decided to continue deployment of Safeguard because the additional cost needed to defend a portion of Minuteman is small if the full area defense is bought.

In other words, the cost of Safeguard to defend a portion of Minuteman is not justified unless it is designed to serve the other objectives; that is, Chinese defense and accidental launch, which have already been abandoned.

General Betts, Army Chief of Research and Development, testified before the House Appropriations Committee on April 23 of this year:

> We postulate that if the Soviet chooses to put smaller reentry vehicles on its boosters, he can put more—and that means big numbers—and in the process of making them smaller, he also makes them so they come into the atmosphere much faster and with a much smaller radar image. When you get to that kind of threat, then the Safeguard is not the way to defend.

Assistant Secretary of the Army R. C. Johnson stated at the same hearings:

> It (a defense specifically designed to protect the Minuteman) would be less expensive than Safeguard to defend the Minuteman.

Further, the Army's testimony before the House Appropriations Committee indicates that to build an ABM specifically designed for defense of Minuteman would not involve the delays that have been claimed. Dr. Gilstein, Army Director of Advanced Ballistic Missile Defense, testified:

> It (a defense specifically designed to protect the Minuteman) is in operating condition in various facilities. The data processors exist. The software for the processors is being written. The processes are starting to be demonstrated. The technology for much of the radars, the phased array antennas, the crossfield antenna tubes, modulators, and so on, also exist as components. They exist in full scale right now and have been demonstrated. An integrated radar has not been made.

The matter was summed up by Prof. Sidney Drell, deputy director of the Stanford University Linear Accelerator Center, before the Subcommittee on Arms Control of the Senate Foreign Relations Committee in June of this year:

> *All analyses of which I am aware make it clear that if defense of Minuteman is the principal or sole mission of Safeguard, its further deployment cannot be justified* (italics in original).

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. FULBRIGHT. It is my understanding that the present justification is based not on the substantive capacity of the system but simply because it is alleged that Mr. Sevard Smith and others have said that it would be significant in persuading the Russians to make an agreement at Vienna.

We have searched the records, certainly in both Houses, and there is no evidence I can find that Mr. Smith has made any such statement that would justify us in believing the Russians will be influenced in any substantial way by our building more ABM's.

Mr. CASE. I thank the chairman. I would add only that I have not heard such a statement made to me, and therefore, while I cannot say it has not been said, I do not know of any evidence of it, myself.

Mr. COOPER. Mr. President, will the Senator yield on that point?

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Mr. CASE. I yield.

Mr. COOPER. I think the Senator has made a very effective point. In the last 2 or 3 days it has been rumored that the chief negotiator of the United States has made some statements about the ABM as a bargaining chip. If he has made such a statement, I think, in candor, someone should come to the Congress and tell us in this Chamber today, and not let a message be passed around by rumor, leaving impressions which may be true or untrue.

Mr. FULBRIGHT. That was the point I made.

Mr. CASE. Will the Senator from Kentucky yield me 2 more minutes to continue this colloquy, in addition to the time already yielded?

Mr. COOPER. Yes.

Mr. FULBRIGHT. This is the point I was seeking to raise. It is just within the last few days that it is rumored that so-and-so has been informed of the fact that Gerard Smith, our chief negotiator, said this will give much greater leverage.

I had the staff of the Committee on Foreign Relations look every conceivable place where any such testimony has been given before the Armed Services Committee or the Committee on Foreign Relations of either House. They have not been able to find anything that could reasonably be interpreted to mean that. This morning there was an item in the paper asserting that he testified thus. But we can find no such testimony.

Of course, coming the last day before the vote, as in so many elections, the allegations made the last day are supposed to influence a vote or two, and then we find, after the election is over, that there is nothing to it. I think that is the case here.

Mr. CASE. Mr. President, I agree with both Senators in the positions they have taken. I should like to use my remaining time to develop that point. It has been asserted in some quarters that this further deployment is important to the success of SALT. Mr. President, if that were so, we would take this very seriously, because the very Senators who have traditionally opposed ABM are those who have traditionally supported arms limitation negotiations. This was our deep concern last year, when the question came up in a somewhat different form, as to whether deployment of the ABM might prevent the beginning of our SALT talks and their successfully getting underway.

Mr. President, I am absolutely convinced that there is nothing whatever to the argument that the amendment offered by the Senator from Kentucky and the Senator from Michigan would in any way adversely affect the outcome of the SALT talks. I am convinced that that is not so.

There are some who, though they concede all the weaknesses and wastefulness which have been charged against Safeguard, still argue that its deployment should proceed because of its effect on SALT.

They claim that Russia has shown more interest in eliminating or limiting the antiballistic-missile system than she has in any other area of possible arms control. From this it is argued that if we voluntarily limit or delay our deployment of Safeguard we shall be giving Russia something she wants without exacting anything in return and we will not be getting as good a deal at SALT as we otherwise might.

I do not lightly dismiss this argument. If the Cooper-Hart amendment or any other with similar purpose would in any significant way diminish the chances for successful arms limitation at Vienna or Helsinki, I would certainly oppose it. So, I am sure, would every other Member of the Senate.

Having considered the matter as carefully as I can, I am convinced that none of the amendments which have been proposed would in any way endanger SALT. Nor do I believe that the amendment already accepted by the Armed Services Committee of the Senate limiting Safeguard deployment to the defense of Minuteman sites would have this effect.

Let us assume that Russia would like to prevent us from getting an effective antiballistic-missile system. How in the world can it be claimed that we are giving her what she wants in this regard by failing to deploy an ineffective, highly costly system such as Safeguard?

Those of us who oppose deployment of Safeguard in its present form all support continued research and development in the effort to find an antiballistic-missile system which will work and we support the authorization and appropriation of funds for this purpose.

How it can be seriously claimed that we are giving Russia anything when we decide not to deploy a system that serves no purpose but to waste great chunks of the taxpayers' money?

Moreover, the history of arms limitation is entirely against the proposition that it is necessary to deploy a weapons system in order to obtain an agreement for its limitation.

In a brilliant and persuasive paper on this point Dr. Adrian S. Fisher, dean of Georgetown University Law School and until recently Deputy Director of U.S. Arms Control and Disarmament Agency, has pointed out that things have worked just the opposite way.

I ask unanimous consent that, at the conclusion of my remarks, if it has not already been done so by another of my colleagues, Dr. Fisher's paper be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CASE. When President Eisenhower negotiated the agreement to keep the Antarctic free of weapons of mass destruction he did not first introduce or even threaten to introduce such weapons into the Antarctic waste.

When President Kennedy negotiated the Nuclear Test Ban Treaty he had preceded this discussion by a voluntary cessation of atmospheric tests.

President Johnson succeeded in negotiating the Nuclear Nonproliferation Treaty and was not hindered in doing so but rather helped by the Pastore resolution (S. Res. 179), 89th Congress, with which we are all so familiar, and which we passed by such an overwhelming vote in this body. This resolution made it clear in the light of its legislative history that the United States had no intention of transferring nuclear weapons to any country.

On the other hand, in the world's most notable effort to "negotiate from strength," the United States failed completely. We failed to gain acceptance of the Baruch plan at a time when we had a monopoly on nuclear weapons for over a year and were to maintain that monopoly for 3 years more. The Russian reaction was not to negotiate on the Baruch plan. It was to press on with the development of their own nuclear weapons.

And the same reaction by the United States occurred when Russia launched Sputnik and Chairman Khrushchev tried negotiation from strength. Our reaction was to engage in a buildup of Minutemen ICBM's, more than enough to overcome any real or imagined missile gap.

And so it seems clear to me that the argument that we must deploy Safeguard or endanger the success of SALT fails utterly to withstand scrutiny. With it falls the last shred of justification for Safeguard's deployment. I urge the Senate to oppose it.

EXHIBIT 1

THE FALLACY OF BARGAINING FROM STRENGTH

(By Adrian Fisher)

Defeat of Phase II of the Safeguard ABM system (and the recision or escrowing of the funds already appropriated for Phase I) will serve our national interest by keeping open an option to negotiate a comprehensive agreement in the SALT talks now being conducted in Vienna. It will preserve this option because of the self-evident truth that it is more feasible to negotiate an agreement to *prevent* a dangerous build-up of nuclear armaments than it is to try to negotiate an agreement to dismantle those nuclear weapons systems once they have been manufactured and deployed.

This is the principle on which President Eisenhower negotiated the agreement to keep the Antarctic free of weapons of mass destruction. This is the principle on which President Kennedy negotiated the Nuclear Test Ban Treaty. This is the principle on which President Johnson negotiated the Treaty on the Nonproliferation of Nuclear Weapons. This is the principle on which President Nixon is now working to negotiate a treaty to prevent the emplacement of such weapons on the seabed. It is a principle which should be followed—not abandoned—in the most important Strategic Arms Limitation Talks in Vienna.

Adherence to this principle by the defeat of Phase II of the Safeguard ABM System (and the recision or escrowing of the funds for Phase I of that system) will make it clear that the United States really is interested in negotiating an agreement which limits and reduces offensive and defensive strategic nuclear systems. It will avoid painting the Soviets into a corner where they will find it necessary to match our decision to deploy an increased ABM system with an increased ABM system of their own. It will avoid putting the U.S. in a position in which we feel we have to react to this increased Soviet ABM with possible Phases III, IV and V of our own Safeguard ABM, together with a substantial increase in offensive nuclear systems, including the dangerous Hydra-headed MIRVs. It will avoid putting the world in a situation in which the U.S. and the U.S.S.R., in the name of national security, will spend hundreds of billions of dollars—money which we could both use elsewhere—only to find that the security of both of our countries—and that of the world—has not been increased but has been diminished.

I am aware that the point of view has been expressed that it is necessary to go ahead with the deployment of the ABM and MIRV systems in order to make it possible for us to negotiate an agreement to restrict the deployment of these systems at the SALT negotiations in Vienna. In fact the Washington Post edition of Friday, July 24, tells us that Dr. Kissinger is expressing the opinion that continued Soviet deployment of their large SS-9—which he sees as designed as a first-strike weapon against the U.S. Minuteman force—makes the authorization and continued deployment of Phase II of the Safeguard ABM system essential if we are to have any chance of success in the SALT talks at all.

This observation is truly frightening. In the first place it indicates that what the Administration has in mind in the ABM field is not Safeguard Phase I supplemented by Phase II (as modified by the Senate Armed Services Committee) but something much, much larger and much, much more expensive.

No one really believes, for example, that the Soviet SS-9 can be developed into an effective counter-force system against our Minuteman forces unless it is equipped with MIRVs. Therefore Dr. Kissinger's statement that the SS-9 is being developed as a counter-force against our Minutemen makes sense only if he believes that the SS-9 will be equipped with MIRVs. But the statement of Secretary Laird before the Senate Armed Services and Appropriations Committees made this February 20th, makes it clear that if the Soviet SS-9s are equipped with MIRVs, this would be "a threat which is much too large to be handled by the level of defense envisaged by the Safeguard system without substantial improvement or modification." (p. 48)

XUM

In the second place—and this may be even more important—this observation about the necessity of authorizing and deploying Phase II of the Safeguard system as a help to the SALT talks proceeds on the outmoded assumption that the way to obtain an agreement for the control and reduction of nuclear armaments is to deploy these armaments in an ever-increasing number. This assumption is that only if we prove to the Soviets that we are determined to achieve an overwhelming nuclear superiority can we persuade them to negotiate seriously at Vienna.

This assumption is just plain wrong—no matter what Dr. Kissinger or anyone else says. That it is wrong is shown not only by common sense but by experience. Two times both we and the Soviets have proceeded on this outmoded assumption that the only way to achieve agreements on arms control and disarmament was to achieve overwhelming strength. Both times we failed. Three times we proceeded on the opposite assumption—that the way to achieve agreements on arms control and disarmament was to show restraint with respect to the arms we sought to control. All three times we succeeded.

The first time the United States attempted to negotiate an agreement on the basis of overwhelming strength was during the negotiations on the Baruch plan beginning in June 1946. If there was ever a time when the doctrine of negotiating from superior strength should have worked—if it had any validity at all—this was certainly it. The United States had had a monopoly on nuclear weapons for over a year. We were to maintain it for over three more years. Under the arguments now put forth to sustain the ABM authorization, this should have put great pressure on the Soviets to accept out proposal. As that astute reporter Chalmers Roberts pointed out in his recent book "The Nuclear Years," it had exactly the opposite effect. The Soviets were persuaded that we intended to perpetuate this monopoly and relegate the Soviets to the status of a second-class power. Their reaction was not to negotiate on the Baruch plan. It was to press on with their plans for developing their own nuclear weapons.

The second time that the principle of negotiation from overwhelming strength was tried—and failed—the shoe was on the other foot. In October of 1957 the U.S.S.R., after having announced that it had attained an ICBM capability, gave this announcement credibility by launching Sputnik. Chairman Khrushchev seized the opportunity thus presented by engaging in rocket-rattling nuclear diplomacy. Soviet advocates of the theory of negotiating from overwhelming strength doubtless argued that these boasts and threats would put pressure on the U.S. to negotiate a restriction on strategic nuclear delivery systems. We all know that our reaction was quite different. Our reaction was to engage in a build-up of Minuteman ICBMs that was far greater than that necessary to overcome any real or imagined missile gap.

Let us now examine the instances in which arms control and disarmanent negotiations have been successful. In none of these instances were the successful negotiations preceded by an announcement that we were determined to proceed on a massive program of development or deployment of the very arms we were seeking to limit. In each of these instances the successful negotiations were preceded by an attitude of restraint with respect to the arms we sought to control.

The first instance is the Antarctic Treaty—a great accomplishment of President Eisenhower. This treaty provided for maintaining the Antarctic as a zone free from nuclear weapons. This treaty was the result of hard, serious negotiations. At no time did President Eisenhower feel that it was necessary to embark on a program of deploying nuclear weapons in the Antarctic as a means of putting pressure on the Soviets to negotiate seriously on this subject.

The second instance is the Test Ban Treaty—a great accomplishment of President John F. Kennedy. According to the arguments now advanced by the supporters of the ABM authorization, the successful negotiation of this treaty would have to have been preceded by a statement by President Kennedy that the U.S. proposed to engage in a massive series of atmospheric nuclear tests. This, according to the arguments we have been hearing, is the only way President Kennedy could have persuaded the Soviets to negotiate seriously about the cessation of atmospheric tests. What President Kennedy did was just the opposite. In his magnificent American University speech on June 10, 1963, after announcing agreement on the beginning of high level discussions in Moscow on a nuclear test ban treaty, he made the following statement:

"Second: To make clear our good faith and solemn conviction on this matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other States do not do so. We will not be the first to resume. Such a declaration is no substitute for a formal binding treaty, but I hope it will help us achieve one."

His hope was fulfilled. Within less than two months the U.S., the U.K., and the U.S.S.R. had agreed on a nuclear test ban treaty. Will any of those Senators who are now supporting the authorization of the ABM care to defend the proposition that the negotiation of the test ban treaty would have been his swift, and this positive, had President Kennedy announced the intention of the U.S. to embark on a massive series of atmospheric nuclear tests?

The third instance is the Treaty on the Nonproliferation of Nuclear Weapons—a great accomplishment of President Lyndon B. Johnson. This instance should be most persuasive to the Senate because of the direct relationship between the negotiation of this treaty and the passage of the Pastore Resolution, S. Res. 179, 89th Congress. Under this Treaty the nuclear-weapon states agree not to transfer nuclear weapons to others and the non-nuclear weapon states agree not to acquire such weapons.

The negotiation of this Treaty took a long time—from 1964 to 1968. The greatest part of the delay was caused by the concern of the Soviet Union that the United States—under the guise of the Multilateral Nuclear Force or under some other guise—intended to transfer nuclear weapons to the Federal Republic of Germany. Any such transfer would have been prohibited by the U.S. Atomic Energy Act. The Soviets continued to express the concern that the U.S. intended to make such a transfer by amending its own law which, after all, was within its power to do. The Pastore Resolution commended the President's efforts to negotiate a treaty to prevent the spread of nuclear weapons. The passage of this resolution, particularly in the light of its legislative history, made it clear that the U.S. had no intention of transferring nuclear weapons to the Federal Republic of Germany or to any other country, The way was then cleared to the negotiation of the Nonproliferation Treaty.

Under the arguments set forth today, the Pastore Resolution should never have been passed. Instead, according to those who now urge approval of Safeguard Phase II as an aid to negotiating an agreement at Vienna, the Senate should have passed an amendment to the Atomic Energy Act authorizing the transfer of nuclear weapons to other states. The Senate adopted the other course. It approved the Pastore Resolution without a dissenting vote.

I am informed that only one Senator—who did not vote—did not indicate that he favored this wise resolution. I would ask those Senators who supported the Pastore resolution to consider the fact that, under the arguments now put forth to justify the authorization of Phase II of the Safeguard ABM in order to help the SALT talks, the unanimous vote in favor of the Pastore Resolution should have made the negotiation of a Nonproliferation Treaty impossible. Exactly the opposite was the case. The Pastore Resolution made the Nonproliferation Treaty possible.

I hope we will soon have a fourth—and then a fifth—example to prove that arms control negotiations based on restraint work better than those based on the theory that overwhelming superiority is necessary. The Administration is now conducting the fourth such negotiation. Under President Nixon's authority our representatives at Geneva are now engaged in negotiating a treaty to prevent the emplacement on the seabed of nuclear weapons and other weapons of mass destruction. They are very close to success. They have achieved this position without it having been thought necessary to obtain support for the negotiations by obtaining Congressional action authorizing the beginning of the emplacement of nuclear weapons on the seabed.

Why is the Administration taking a different view with respect to the SALT talks—the fifth example where it could be proved that arms control negotiations based on restraint work better than those based on the theory of overwhelming superiority? Why are they insisting that the best way to help the negotiation of restrictions on offensive and defensive strategic nuclear delivery systems is to rush ahead with the deployment of the very systems that it is sought to restrict?

I do not know the answer to this question but I hope every member of the Senate will search his own heart and mind for the answer that will be in the best interest of our national security and the cause of peace. I would urge only one thing. Do not let the fact that a White House representative has said that approval of Safeguard Phase II is necessary for the success of the SALT talks keep you from making up your own mind on this issue.

Abraham Lincoln once dealt with a similar problem when he put the question: "If we call a dog's tail a leg, how many legs will the dog have?" His answer: "Four—calling a tail a leg does not make it one." The Senate should follow this example. The fact that an Administration representative calls out that we must approve and deploy ABMs and MIRVs in order to limit and restrict them does not make it so. The Senate should make this clear by its vote.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

Mr. FULBRIGHT. Mr. President, could I have half a minute to respond?

Mr. CASE. If I have any time remaining, I am happy to yield it.

Mr. FULBRIGHT. I only wish to compliment the Senator. He has brought together conclusive arguments and statements in rebuttal to this last-minute plea about the SALT talks. Last year none of this was said. It was altogether on a different basis. This is a new justification, and I think the Senator from New Jersey has done a magnificent job in putting it in proper perspective.

Mr. STENNIS. Mr. President, I yield myself 2 minutes, after which I propose to yield 10 minutes to the Senator from West Virginia.

Mr. President, a year ago, when we were debating at this point, the argument by those in favor of the amendment was that we would kill the SALT talks if we passed the ABM proposal, that it would put the whole thing on the shelf, and we could have lost a golden opportunity.

Now, today, those talks are in progress. There has been no hesitation by the Soviets, and so now the argument is that the ABM has nothing to do with the SALT talks, and Ambassador Smith has not said anything.

I think it would have been greatly out of place for Ambasador Smith to have said anything, certainly, on the record. But anyway, things everyone already knows do not have to be said. You do not have to have testimony on the obvious. This thing is inescapable from a commonsense standpoint.

Mr. FULBRIGHT. Mr. President, may I ask the Senator a question?

Mr. STENNIS. It simply comes up in our minds. Of course it would be detrimental. Of course the ABM is a part of this situation so far as the President of the United States is concerned. Of course it is one of the cards in his hand. Of course it is a major card, and in all good faith, there was speculation as to what form this amendment would finally take.

I respectfully say that I believe the amendment itself recognizes the importance of the SALT talks, and it is phrased in a way to try to make it look as though it will not matter to the President of the United States and his position one way or the other. So I think it is just commonsense we are talking about. I feel that we know it is bound to have an effect.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield very briefly, if I may.

Mr. FULBRIGHT. All I want to make certain of is that, on the authority of the distinguished chairman of the Armed Services Committee, Mr. Gerard Smith has not made a statement that this gives him more leverage in assuring the success of the talks.

Mr. STENNIS. Well, Mr. President, he has not made it to me, that I know of, and I would think less of him if he had.

Mr. FULBRIGHT. I would, too. I trust his good sense also.

Mr. STENNIS. The Ambassador testified before the subcommittee headed by the Senator from Washington, and I could not attend all those hearings. They were classified, anyway.

Mr. INOUYE. Mr. President, last year I spoke out against the authorization for Safeguard and joined my distinguished colleague Senator STUART SYMINGTON in the Senate Armed Services Committee in dissenting from the majority views of that committee. I wish to reiterate my belief that deployment of the Safeguard ABM system is unwise and contrary to the best interests of the United States. Therefore, I have no other alternative but to oppose the decision of the committee to authorize full deployment at Whiteman Air Force Base and advanced preparation at Warren Air Force Base.

While I would prefer that all funds for deployment be deleted, I shall support the amendment offered by Senator HART and Senator COOPER, which I believe to be eminently fair and reasonable. It provides ample opportunity for research, development, testing, and evaluation at two sites. If these activities do indeed provide a Minuteman defense and if the SALT talks break down, then no leadtime will have been lost. However, if the talks succeed and/or the Safeguard as it is presently conceived cannot be developed to perform its limited missions, then we shall have at least saved on the expenditure of badly needed and limited defense funds.

The administration has planned three missions for the Safeguard; first, blocking a Chinese nuclear attack; second, protection of the Minuteman; and third, protection against an accidental launch. In recent months, moreover, we have been informed that the ABM will also be a "bargaining chip" at the strategic arms limitation talks in Vienna. The report of the Armed Services Committee alleged that "Safeguard is essential to their successful conclusion." Even if one were to accept this argument, it can in no way justify additional deployment of another site. However, not only do I not accept it, I believe further deployment will seriously undermine any chance for a negotiated arms limitation. This is the aspect of the Safeguard deployment which I find most frustrating, and I shall return shortly to speak at greater length on it.

The Armed Services Committee wisely discarded the threat of a Chinese Communist attack as a rationale for the system. This administration claim has little justification in fact. First, the Chinese nuclear missile arsenal is small and cannot pose a massive threat to the United States in the foreseeable future. Belief in a possible Chinese attack must also be predicated on the assumption that the Chinese leadership is mad and suicidal—an assumption that cannot be sustained by our experiences—since our deterrent force would destroy Communist China as a viable society within hours. Even if we assume the Chinese military to be so reckless, nothing could stop a determined and concentrated effort by Peking. Because Safeguard is, at best, only relatively reliable and not foolproof. Any single ICBM that escapes destruction will be sufficient to insure the destruction of a city. Hence the Chinese need only target more missiles at the selected undefended cities to insure total success. The administration has been less than candid in not telling the American people that it has adopted the rationale of the discredited Sentinel system and that the defense it plans is a massive areawide defense which will cost tens of billions of dollars. Perhaps it does not believe that the American people are mature enough to accept the fact that security in a nuclear age is an ephemeral illusion. Although the Senate Armed Services Committee was wise enough to reject this ill-conceived scheme, I am disturbed by this reversion to a plan that has been discredited by virtually every independent analyst not in the employ of the Department of Defense.

Nor is the Safeguard adequate to perform its mission as a defense for Minuteman. In his fiscal year 1971 defense program and budget statement, Secretary Laird admitted that:

> The threat could actually turn out to be considerably larger than the Safeguard defense is designed to handle.

Moreover, Lt. Gen. A. W. Betts, Army Chief of Research and Development, testified before the House Appropriations Committee on April 23, 1970, that small and more numerous warheads can overwhelm the Safeguard as it is now planned.

Where is the new threat which justifies an additional site? While the threat appears to grow, it is not substantially any different from that which could have been foreseen last year. If we accept the possibility that the Soviets will acquire the capability of destroying our entire force by the mid-1970's, the Safeguard does not offer any reliable hedge. The Soviet Union need only increase the number of warheads. Moreover, upgrading the SS–11 and giving the SS–9 MIRV capability eliminate any substantive defensive value of the Safeguard. Only a few months missile production will more than offset a fully deployed Safeguard system. Indeed, the Soviets could have the capability of overwhelming the Minuteman before the Safeguard could be deployed in the mid-1970's. Even if three or four site deployment were authorized by the Congress, only a fraction of the Minuteman force will be defended. As Dr. Wolfgang Panofsky pointed out in his testimony before the Senate Armed Services Committee:

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> Even if Safeguard functions perfectly it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed.

To believe that the Soviet Union will tailor its offensive capability to the Department of Defense's wishes would be foolhardy in the extreme.

Last year we were assured by Dr. John Foster, Director of Defense Research and Engineering, that Safeguard could handle anything the Soviets could launch at us. This year we are informed that smaller versions of the missile site radar—MSR—are necessary to supplement the highly vulnerable and expensive single MSR unit originally planned. These are subject to the same deficiencies as the large unit and could be easily rendered useless by a massive S–11 attack aimed specifically at this portion of the system. The perimeter acquisition radar—could be similarly made useless. Nuclear bursts can degrade the performance of the PAR to such an extent that its distorted information will be valueless. These technical deficiencies were described by critics in depth last year but were dismissed by the Department of Defense. The admission by the Department that this package of components must be altered is, in my opinion, a serious admission that its technical forecasting was erroneous and that new problems can easily develop.

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The Department of Defense likewise has not given enough consideration to alternatives such as a cheaper specialized hard site defense. Superhardening Minuteman sites also offers a temporary expedient. Both of these can develop before an effective Safeguard system. We could also disperse the Minuteman more widely or build additional missiles. As a long-range deterrent solution, we can develop mobile forces or, better still, increase the Polaris/Poseidon fleet. Dr. Foster has conceded that the Polaris/Poseidon fleet is invulnerable in the foreseeable future and will remain so during the so-called danger period in the mid and late 1970's for which the Safeguard is designed. Together with our strategic bomber force, there will be an adequate nuclear deterrence even if the Minuteman is overwhelmed. The Polaris/Poseidon fleet is our trump card, but the ABM proponents are all too eager to ignore its effectiveness in this mad rush for the Safeguard. While an effective antisubmarine weapon may be developed, it does not follow that a porous, weak Minuteman defense answers our security needs.

The third mission—to protect against an accidental launch—likewise fails before rigorous analysis. Since an accidentally launched missile may have a full range of penetration aids, only a point-defense ABM system will be effective. I am certain the Safeguard system will successfully destroy a single accidentally launched unfriendly ICBM but if it is a full-anti-Minuteman launch with SS–9 and SS–11 missiles, Safeguard will not adequately protect our Minuteman. Such being the case, I doubt if our President or his military advisers will stand by silently and watch our ICBM's destroyed. Notwithstanding the assurance that the firing was accidental, under the circumstances of a massive firing of unfriendly ICBM's, I am certain our President will order the immediate firing of retaliatory ICBM's. This will be the beginning of the end. If it is a partial accidental launch aimed at our cities, nothing will save our population centers which will remain undefended under the Safeguard system. The possibility of an accidental attack is the deadly price of the nuclear capability both superpowers presently maintain.

Thus far, I have concentrated on the technical aspect of the Safeguard. I do not pretend to be technically capable of answering every question, but I believe that the overwhelming weight of the evidence militates against the system. I am much more concerned about the diplomatic and political implications of deployment. The ABM and MIRV form an unbroken chain of action and reaction. The original Galosh system around Moscow in the early and mid-1960's precipitated the development of the MIRV by American planners, who feared that the ABM system would block an American nuclear response to a Soviet attack. This development in turn encouraged the Soviets to construct their own MIRV. This in turn disturbed our defense planners, who then conceived of the Sentinel and then Safeguard. The result of this series of moves has left Moscow, with its estimated 64 launchers, more vulnerable than it was prior to its ABM deployment. We in turn have likewise gained nothing. Indeed the danger posed by Soviet MIRV's have made our security more precarious than at any time in our history.

The procedure we see here is one that has characterized all arms races since the late 1890's. Each new move or weapons development is interpreted as an offensive action that must be met by a countermove and superiority if possible. This upward spiral means that there can never be a firm peace or security. Each move, especially one of enormous consequence, has a destabilizing effect that feeds on itself. One proponent of the Safeguard testified before the Armed Services Committee that the "worst case" policy is purely hypothetical and that governments do not react in this manner. However, we have seen that the United States and Soviet Union have reacted in precisely this fashion when confronted with a new technological development that conceivably could make possible a first strike.

These activities bear directly on the SALT talks now being held in Vienna. The existence of a multitude of weapons and defenses enormously complicates the negotiations, for it means that an entire system must be dismantled or frozen rather than merely halting research and development. It is always more difficult to stop the momentum and to divest self-interested elements than to prevent an arms buildup. This is a self-evident principle that has not convinced Safeguard proponents. No one yet has explained why three or four sites as opposed to the two which would be authorized by the Cooper-Hart amendment will make the Soviets more eager to negotiate an arms limitation. Nor has anyone yet explained how three or four sites are essential to the success of the talks. It is apparently assumed by administration strategists that deployment is necessary to counter a first-strike SS–9 buildup. This is indeed tortured and disturbing reasoning, for it implies that the administration has no intention of stopping at phases I and II but rather only after a massive buildup costing tens of billions of dollars.

Second, the administration apparently believes that only if we bargain from a position of superiority can we convince the Soviets to agree to a limitation. Such a doctrine runs contrary to our experience that restraint is the key to serious arms negotiation. In 1946 the United States, from a position of overwhelming strength and a nuclear monopoly, was unable to convince the Soviets to agree to the Baruch plan. In 1957 with a demonstrable delivery capacity, the Soviet Union was unable to induce the United States to accept a restriction on strategic nuclear delivery systems. On three occasions when both the United States and the Soviet Union did exercise restraint, the Nonproliferation, Antarctic, and Nuclear Test Ban Treaties were the results.

In view of these historical examples, I cannot understand why the administration has chosen to pursue the theory that only overwhelming superiority in ABM systems can provide the necessary leverage to conclude an agreement. Since we have professed that the Safeguard is not a threat to the Soviets, how can it possibly be a bargaining chip? How can we possibly further negotiations by rushing ahead with deployment of the very systems we wish to restrict? The answers, I fear, are locked in the minds of those who approved the decisions to go ahead with Safeguard.

The real bargaining chip is MIRV, which is by far more dangerous and destabilizing than Safeguard. Its value lies in the fact that we are in a position to restrain our advanced development in return for Soviet concessions. Potential deployment of both the ABM and MIRV's can be just as effective as actual deployment as long as we continue research and development. Yet the administration appears intent on throwing this bargaining chip away by moving forward with deployment of Minuteman III and Poseidon.

Reports emanating from Vienna are vaguely optimistic. In spite of this fact, the administration insists that we should authorize further deployment. It has exploited the eagerness of the American people to secure a strategic arms limitation by hinting that an expansion of the ABM is necessary. History—not the baseless apprehensions of White House strategists—should be our guide. We shall do a favor for the American people if we vote for a responsible restraint on the further expansion of the ABM.

ANTI-MONTANA BALLISTICS (AMB'S)—PART III (EDUCATION)

Mr. METCALF. Mr. President, I have previously discussed in general the great burdens to be thrust upon Montana communities with the construction and deployment of Safeguard. Today, I wish to discuss in some detail the education facilities in these communities as I know them, the costs of expanding them to accommodate several thousand additional students and the current posture of Federal programs as "potential sources of outside assistance."

The Community Impact Report on the Malmstrom area offered by the Safeguard System Command as it relates to education is a frequently fanciful, thinly researched document that cannot bear the weight of its assumptions. Like all good satire, however, it evokes reality. In the spirit that prompted it, therefore, it should be accepted as a means of focusing attention on the realities of Safeguard construction for the affected communities.

The report recommends that the communities seek assistance for their schools through Public Law 815 and Public Law 874 funds.

A simple inquiry to the Office of Education, however, reveals a variety of formidable obstacles to the obtainment of these funds. Moreover, the Senate is well aware that in accord with recent priorities, one of the most drastic reductions in our Federal budget for the last 3 years has occurred in appropriations for school construction under Public Law 815. The Office of Education informs me that applications for impact construction assistance now total $236 million. Pending Montana applications now total more than $11 million. For the third year, only $15 million has been appropriated of $80 million authorized per year.

Public Law 874 funds were already being prorated because of insufficient funds, before the President's veto. Mr. Nixon has expressed his opposition specifically to Public Law 874 assistance to "B students," children of those who either live or work on Federal property. Now the whole program is thrown into a state of confusion making assistance to the Malmstrom impact area even more unlikely.

No funds are available under section 5 of Public Law 815, which relates to the permanent impact of children whose parents both work and reside on Federal property or who reside on and work off Federal property.

Assuming the veto is overridden, the Office of Education will formulate a distribution of the appropriations among four sections of the act; they are sections 9, 10, 14 (a) and (b) and 16, which provide assistance to school districts that have temporary Federal impact in States which prohibit the use of State funds for school construction on Federal property, Indian pupil enrollment, or major disasters.

Pending in Montana's department of public instruction at this time are applications for a total of $5 million in Federal funds to assist in the construction of classrooms under authority of section 14 which provides assistance for Indian children. Another application is pending for school construction money for the children whose parents are employed at a radar installation. All applications have been pending since 30 June 1968 and the Office of Education has thus far reserved less than $700,000 for these needed facilities.

It is hardly likely that the school districts in Lodge Grass, Heart Butte, Browning, Hays, Harlem, Lame Deer, and Rocky Boy's Reservation will receive a third of the amount appropriated for the entire Nation.

The President's message on Indians declared a new policy and cited the low quality of Indian education as "one of the saddest aspects of Indian life in the United States." Calling for Indian control of schools for Indian children, the message is silent on the question of a special authorization or a special appropriation to construct schools, a seeming first necessity.

Of Senate Joint Resolution 144, approved by the Senate on May 19, authorizing construction of school facilities for Indian children, Commissioner Bruce of the Bureau of Indian Affairs told the Interior Committee:

> Having expressed my view that there is a serious need for which S.J. Res. 144 is intended to provide a source of relief, I now find myself in the uncomfortable position of not recommending that it be enacted.

Thus, the administration has declined to fund existing applications to construct classrooms for Indian children. Now standing in line behind them are the children of those who will construct and operate Safeguard. They too will be competing for money that has not been appropriated in order to build the antiballistic missile systems. The military hardware is 100-percent federally funded. But even if there were Federal funds to build schools available under Public Law 815, the most the communities could expect would be 50 percent.

Mr. President, Safeguard command acknowledged in its report that "most" of the schools in the surrounding communities "are experiencing financial difficulties which preclude the addition of significant numbers of students."

Yet the report goes on to suggest that the Town of Brady, for example, might expand its schools to accommodate 469 students beyond its present capacity and over twice the present enrollment, and estimates the cost at $196,400. The Brady school is a combined elementary and high school where students in each group alternate classroom use. School officials estimate their costs will be $244,000 for elementary and high school facilities.

The report also suggests that Cut Bank, though likely to "experience a permanent population increase" is not likely to "require corresponding expansion of permanent facilities," and says, among other things, that the capacity of Cut Bank High School is 568 with a current enrollment of 533.

Mr. President, this reminds me forcefully of the young reporter who handed his editor a fake review of a play that could not be given because the theatre burned.

Cut Bank High School, which is also a junior high, lost 13 classrooms in its gymnasium fire on the 20th of May. Its losses, after depreciation, include all of the physics equipment, $26,000 worth of band instruments and other contents with a value of $109,000 and $998,000 worth of gymnasium. This fire occurred before the Safeguard command report was put in final form but, though Safeguard was advised of the loss, it was not mentioned in the analysis of Cut Bank's facilities. Five classrooms are being rebuilt and two may be ready after the first of the year. The Bureau of Indian Affairs has agreed to lend Cut Bank some trailer homes that will be turned into classrooms. New students destined for Cut Bank better bring their own classrooms.

Predicting a possible increase in permanent population in Conrad of nearly twice, from 2,767 to 5,000, the report says that expanded facilities for additional pupils would cost $600,000. School officials in Conrad have informed the Department of Public Instruction that they will require $1,772,000 for elementary classrooms and $3,681,000 for high school classrooms.

Following, for example, are estimates of school authorities in Brady, Conrad, Shelby, and Valier of the needs that will result from the new population:

ESTIMATES THROUGH JUNE 30, 1971

	Elementary school classrooms	High school classrooms
Brady	$107,000	$137,000
Conrad	1,772,000	3,681,000
Shelby	458,543	324,800
Valier	57,500	65,000

Mr. METCALF. The communities about to be impacted in Montana are in no position to raise the revenue that will be required to expand their schools. Yesterday, I discussed financing in detail, but as it is so critical to education, it is appropriate to speak of it again here.

The Safeguard command report admits that some of the communities have "financial difficulties" that make unlikely their ability to handle the expected influx. But in a way-out flight of fancy, the report suggests:

> By financing capital expansion of school facilities through bond issues amortized in ten years at an interest rate of 6¼ per cent, the estimated annual equivalent costs would be approximately $592,400.

By statute, the interest rate on municipal bonds in Montana is fixed at 6 percent, and amortization is usually 20 years.

It may be that the legislature will raise this limit but it is a serious omission by Safeguard to ignore or gloss over Montana law.

Let us take another example.

I have already referred to Conrad, Mont. This town of just under 3,000 is located in the Pondera County School District No. 10. Safeguard's report suggests that the school district expand its facilities and local officials have estimated the cost at over $5 million. Pondera County officials have already pointed out that its new hospital, now under construction, would be inadequate to serve nearly twice its present population. To finance the hospital, the residents have bonded themselves to the full amount allowed under the Montana constitution in this category.

Just last year a bond issue for land acquisition for schools was badly defeated by the citizens of Pondera County.

Unfortunately, those in the Defense

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Department suggesting such bond issues are not the ones who vote on them.

Not mentioned, either, is the fact that a number of special mill levies have recently failed in this area in Montana. Several were for the purpose of improving the operations of educational programs.

The reluctance of Montanans further to tax themselves or to borrow can best be understood in light of the fact that in 1967–68 Montana and Wyoming ranked first in the Nation in the magnitude of State and local property tax collections as a percent of personal income. It was 6.5 percent. Montana was eighth in the Nation in amount of per capita local tax collections and seventh in the amount of per capital property tax revenue of local governments.

Expansion of school operations in these communities, even if we could ignore construction costs, will place them in the position of the community surrounding Grand Forks Air Force Base in North Dakota which, earlier this year, came perilously close to school closure because Public Law 874 funds had been so drastically curtailed by White House insistence. A special appropriation bailed them out. If the administration next year prorates these impact funds at 77 percent as has been threatened, the Malmstrom area communities will simply not be able to operate their schools properly. They could lose their accreditation because of overcrowding, or if the school year is curtailed due to shortage of funds.

Thus, Mr. President, we have the final irony.

This is truly impact without aid, for the sources to which the President's military advisers blandly direct Montana communities for help have long since been dried up by virtue of the fact that military expenditures have taken priority over education expenditures.

To construct schools is inflationary; to construct Safeguard is not. The man whose priorities dictated the veto of the Health, Education, and Welfare appropriation bill as inflationary and who reserved his special opprobrium for impact aid is not only placing the citizens of the Malmstrom area on target by his location there of Safeguard, he is treble taxing them for the privilege. They are taxed at the Federal level. They will be taxed by more inflation. And they will be taxed more at the local level to expand facilities unless there is a drastic change in current policy.

It is imperative that the Congress face this issue.

It is a mockery of justice to build a complex in a community which had little to say about its selection and then require the community to pay the bill. The expanded facilities that will be required in the Malmstrom area are an integral part of the defense construction cost. Defense Department appropriations should be increased accordingly. The actual price tag of Safeguard is not just $12 billion. It is $12 billion plus a few million for capital expenditures and operations required to support the construction.

Mr. President, Senator MANSFIELD and I propose to offer an amendment to the military construction authorization bill for fiscal 1971 to authorize of such sums for such purposes.

Mr. BYRD of West Virginia. Mr. President, in a major program action, the Armed Services Committee, in reporting the pending bill, deleted the President's request for a start on a nationwide area defense and limited the Safeguard operations instead to defense of Minuteman missile sites. This was approved by a vote of 11–6 in the committee, and it is understood that the majority of committee members voting for such restriction had supported the ABM program in prior years.

This action of the committee thus approved continuation of the phase 1 sites at Malmstrom Air Force Base, Mont., and Grand Forks Air Force Base, N. Dak., full deployment at Whiteman Air Force Base, Mo., and advanced preparation at Warren Air Force Base, Wyo.

The amendment proposed by the distinguished Senator from Michigan and Kentucky (Messrs. HART and COOPER) would, on the other hand, limit the authorization in the bill to expenditures for the two original ABM sites approved in 1969—Malmstrom and Grand Forks—and would reduce the committee approved recommendations by $322 million. I shall vote against the amendment.

It is obvious to me that the basis for the committee's action in reporting this bill is that the United States cannot permit the threat posed by the continued expansion of Soviet strategic forces to develop without taking suitable countermeasures in defense—measures which will insure the provision of sufficient strategic weapons for credible retaliation and confident deterrence. Indeed, this is stated in precisely these terms, in the committee's report, No. 91–1016.

In my opinion, the issue before us is simply that we must, first, take all possible steps to prevent any nuclear exchange or war; and, second, should, by some horrible misadventure, such a war or exchange occur, then we want the United States to be in a position to limit the exchange and survive it. Thus, at the heart and soul of the question before us is the two-fold issue of credible retaliation and confident deterrence, both of which are especially needed and necessary at this particular time, not only because of the SALT talks which have been pursued so far at Helsinki and Vienna, but also because of the present tension in the Middle East and the possibility there of some sort of nuclear confrontation between our forces and those of the Soviet Union.

Let us recall that the Soviets, even should they not install additional missile launchers, already have a sufficient number that, with qualitative improvements, would pose a very serious threat to our land-based Minuteman deterrent in the mid-1970's. It is precisely to prevent that sort of development that it is so necessary to maintain the momentum of the Minuteman program. The relationship here with the SALT talks is direct and immediate: It is to assure the USSR that this Nation has a continuing, ongoing program that constitutes a major asset—or "bargaining chip," if one wishes to use the vernacular—in these talks. Surely, no one can deny that the Soviets would find their position infinitely preferable if the United States abandoned or failed to maintain the forward momentum of the Safeguard system. If we maintain this momentum it will give this Nation a major asset in reaching an agreement with the Soviets. The Vienna talks so far have indicated the truth of this proposition—that our ABM system is indeed a meaningful asset to our country in the SALT talks.

Thus, we have before us the practical problem of keeping momentum in the present Safeguard program—with all that is involved in the way of R. & D. engineers, scientists, contractors, assemblylines, and so forth—and thus indicating clearly to the Soviets that we do not intend to stop in midstream and take chances with the security of the United States.

We must guarantee the survival of our own retaliatory capacity; this is all that the present proposal intends or foresees. It is purely defensive, not offensive, in nature.

There is general agreement that the only real defense against a Soviet nuclear missile attack is our own nuclear deterrent. To assure that continued deterrent, we must have an ABM system, for, otherwise, our so-called deterrence loses credibility. The same thing goes as to our diplomatic credibility—the two are tied together—as illustrated by the SALT talks now underway. If our nuclear deterrent is insufficient, it may as well not exist at all. The Soviets are well aware of this, and one may be sure that they are watching with interest to see whether we in the Senate take steps to halt the momentum of an ongoing ABM program. If we do this, our resultant vulnerability can produce instability in the strategic balance, with attendant dangerous, even perilous consequences to our country. In a word, if our strategic deterrent is degraded, this might increase the risk of a Soviet nuclear missile attack.

The President has promised to review the ABM program continuously in light of progress in the Strategic Arms Limitation Talks. It is still some years before even the first elements of the Safeguard system will be operational. And, indeed, it will be more than a year before the bulk of the funds proposed in the present bill, if appropriated, would be expended. Thus, there will be ample time and ample opportunity to modify or dismantle the system or not spend the funds, if that be called for as a result of an arms limitation agreement.

The SALT negotiations are far more complex than any we have entered into with the Soviet Union in the past. It would be most imprudent for us to stand still, while the talks proceed, purely on the hope that an agreement will be achieved at some time in the future. Indeed, for us to hold up our strategic weapons program unilaterally would almost certainly encourage the Soviets to believe they could gain all the advantages of arms control without the necessity of making concessions. Even a delay of one year in ABM deployment would leave the United States with critical vulnerabilities in the mid-1970's if the Soviets continue to deploy and improve their SS-9 "missile killers."

Safeguard is designed to achieve a number of U.S. strategic objectives in the absence of a SALT agreement. Until agreement is reached, we must go ahead with such essential strategic programs, just as the Soviets are doing. Cutting back Safeguard would mean the interruption of orderly and timely prosecution of the program, which includes several elements which have very long lead times. As I have indicated, it would also signal to the Soviets the prospect of their further delaying or blocking the program by protracted negotiation—while their own missile construction and testing continue apace.

The specific design of Safeguard—and particularly the defense of Minuteman—are intended to deal with the threat of continued buildup of a potential Soviet first-strike capability. In the absence of a SALT agreement, this protection would be essential to our Nation's security. A SALT agreement, if reached, would deal with the Soviet first-strike threat in a different way—by stopping construction of SS-9's and also limiting the number of other Soviet missiles such as the SS-11 which, through increased accuracy, might contribute to a first-strike Soviet capability. If the Soviet offensive first-strike capability is constrained by a sound SALT agreement, we will have made a significant contribution to the survivability of Minuteman as well as our bombers. Under these circumstances, we could then forego Minuteman defense and accept a limit on ABM's to low levels and to a geographically restricted area. If SALT is not successful—which no one can assure—we will need Safeguard and perhaps have to take other measures to insure survivability of Minuteman.

Safeguard constitutes our principal leverage to obtain a halt in the build-up of Soviet offensive missiles. Safeguard is the major on-going U.S. strategic program which the Soviets are interested in restricting. While they have put out feelers as to the possibility of an ABM only SALT agreement, they recognize that a SALT agreement must cover both offensive and defensive systems. Their own statements have expressed clearly the inter-relationship between strategic offensive and defensive systems, and the U.S.-Soviet agreement to begin SALT negotiations specified that SALT would deal with both offensive and defensive systems. In the hard bargaining as to what specific offensive systems shall be covered, and particularly in achieving our objective of stopping the construction of large SS-9 missiles, Safeguard is our principal bargaining card.

If the funds for the ABM were to be put in escrow or otherwise restricted, and the ABM system made an obvious hostage to SALT, this would be a clear signal to the Soviets of an essential flaw in the U.S. negotiating position and that flaw would be exploited accordingly. The essential value to the system as a negotiating advantage is continuing development; the program must go forward if it is to have value. Any restriction upon it removes the essential factor of a continuing program. The Soviets could not do otherwise than view a restriction upon phase II as a direct failure of congressional and popular support for the program.

We must not fetter the hand of the President if we are to charge him with responsibility for achieving a meaningful arms agreement with a determined adversary. I urge Senators to reject the Cooper-Hart amendment.

ABM—BOONDOGGLE OR NECESSITY?

Mr. MONTOYA. Mr. President, we have before us a critical issue that has profound implications for the future of our Nation. The administration seeks funds with which to expand the Safeguard or ABM missile defense system. On the first go-round in this Chamber, this weapons system was approved by a margin of one vote. Now we are asked to extend a vote of confidence to the work already undertaken. Now we are requested to approve more funding for phase II.

Yet it is just this present undertaking which is in question. Technical arguments fill the air. The American public sees a vast cloud of rhetorical dust, within which the combatants thrash out their bitter differences. I believe it is time for plain talk.

The finest scientific minds in our Nation have stated again and again that the present state of the antimissile art is primitive. Antimissile defense as we now know it is years away from a point where it could justify the expenses we are today asked to approve. To say that technical arguments advanced by the Defense Department are weak is to use classic understatement.

I do not question the sincerity of our military people and their scientific advisers. Nor do I in any way question the intentions of the Secretary of Defense and the administration. They honestly feel this commitment should be made, the money spent, the chance taken. I disagree most respectfully with their position. Last year, we were told that the security of our Minuteman ICBM missiles depended upon development and installation of Safeguard. Now we are told it is a useful, expendable chip at the bargaining table where the SALT talks on disarmament are being held. The most recent phase of those talks ended yesterday. I do not place great credence in the "bargaining chip" argument. Last year the Defense Department was certain ABM was an effective defense against possible Soviet ICBM assault. This year their answers are far less glib and confident in this respect.

Each weapons system possesses an Achilles heel. In this case, it is the radars—in soft sites. Large or small, they are vulnerable. Once knocked out, the missile system we know as ABM becomes a blinded giant, unable to seek out its quarry in order to destroy it. Pentagon moves in recent months favoring smaller radars, dispersed more widely, are indicative of the truth of the argument that the radar is vulnerable. The Defense Department's moves and admissions along these lines confirm my worst suspicions.

Originally, ABM was to protect us against a Chinese threat while also protecting our ICBM force. If it could do only one, perhaps we could find grounds for approving it. It is impossible to believe the flimsy arguments put forth on its behalf. The argument that it would be aimed at preventing a modest strike by Red China's growing nuclear strike capability is unpalatable and unacceptable to me. What good does it to be immune to a left jab, if we are helpless against a right hook?

The feasibility of the proposed expansion of Safeguard to me rests upon whether or not it would work against the Soviet Union's thermonuclear strike capability. Further, we must bear in mind the fact that Russia is now engaged in putting a fleet of Polaris-type submarine to sea.

It is a fact that today there is no effective defense against ICBM attack. Only the ultimate in self-delusion could lead us to feel that such an impossibility was reality. The best scientific testimony says that even if the Safeguard system was completely installed today, and able to do all its proponents claim for it, the system would be ineffective.

It is no secret that the Soviet Union is expanding its overall military capacity. It seeks and will not be denied military parity with our Nation. Our own military people readily admit this, conceding that it is impossible to curb their thrust. This is a fact of geopolitical life, and we must live with it.

It is also historically accurate that the offense almost always stays several years ahead of the defense. Periodically, a breakthrough is achieved by the defense. This was the case for a short time in World War I, when the machinegun ruled supreme over infantry rushes that characterized trench warfare.

Technology, however, swiftly developed the armored tank to once again give the offense an advantage. The antitank gun was the defensive response, retaining preeminence for only a short while before advent of the attack plane rendered it helpless in a good many situations.

Today the offense remains supreme. In fact, it may be in such a commanding position for a good many years to come. No defense has been proposed since World War I to prevent the onslaught of masses of artillery-supported infantry, used in conjunction with armor and air, in conventional warfare.

Let us translate this into thermonuclear warfare terms. How can you stop a swarm of supersonic aircraft? How do you prevent a fleet of Polaris-type vessels from incinerating your land? How is one to cope with incoming ICBM warheads? How does one stop a bullet in midair? It cannot be done today.

When an officer manning the radar screen sees one incoming blip turning into hundreds, when each warhead throws out 20 decoys appearing on radar screens as the real thing, what will he do? When each warhead is multiheaded, when MIRV is accomplished, as it will soon be, what will we do? The

ABM argument turns into a debate over what seems to me a moot point today.

I am far more apprehensive over the growth of the Soviet fleet and its Polaris-type, nuclear powered, missile-carrying submarines than over whether or not we can construct an ABM system. I would far rather see ABM money invested in a counter to this growing and very real threat. We are now digging holes in the ground—vast pits—into which we are heaving staggering quantities of cash. Today it is proposed that we increase the amount of money we are dumping into these holes and even increase the number of holes. Mr. President, I have in mind the national priorities of this society of ours. We can ignore them or place them out of true order for only so long.

It is utterly essential that we get ourselves out of the sideshows and get back to the main tent where the circus is really going on. If we seek to do justice to national defense, let us not attempt it by investing in what could be the most costly military hardware mistake in history.

If research and development work holds promise, as I believe it does, then by all means let us invest in it. Further, I see no reason why we should not allow work on Phase I of ABM to continue. Let us not cut off this effort, for it could possibly bear some fruit. But by no means should we allow any expansion of this system beyond work already underway.

Mr. President, this debate has at times been too acrimonious for my taste. Too many harsh words and accusations have been hurled. It saddens me to see such divisiveness. Such bitterness as has been evidenced here has not added to the quality of discussion or affected the final decisions in the minds of any Senators.

I believe it is possible for us to undertake such a debate and decision in the future without a repetition of some of the exchanges which have recently passed here.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 29 minutes remaining.

Mr. STENNIS. I yield 10 minutes to the Senator from New Hampshire.

TO SECURE STRATEGIC ARMS LIMITATIONS

Mr. McINTYRE. Mr. President, as do most of the people of the world, our people want peace; and they know that the key to obtaining a lasting peace is a reduction in the tools of war.

At this crucial moment in history, the two major powers are engaged in vital deliberations in Vienna—the strategic arms limitation talks—failure of which could escalate the arms race; success of which could mark a giant step on the path to world peace.

It has become increasingly clear that the current arms posture of the United States will have enormous influence on the success or failure of the SALT.

I feel that these talks could be endangered by moving in either of two opposite directions on the Safeguard ABM system.

On the one hand, expansion of the system to an area defense concept is dangerously escalatory, and I was quite pleased when the Armed Services Committee, of which I am a member, agreed with my opposition to this part of the Safeguard system. I further feel that geographic expansion of this system prejudges some unsettled questions about the evolving technologies of the ABM system, and it also locks us into an expensive commitment beyond the needs of either diplomacy or defense at this time.

On the other hand, I have been most concerned with the so-called bargaining chip argument which holds that our search for a strategic arms limitations agreement might be endangered if we remain entirely static with Safeguard.

To evaluate that argument, I talked yesterday with a highly placed American source in Vienna, specifically asking him for an authoritative judgment.

This source made it very clear that the success of the SALT negotiations rests almost exclusively on our not remaining "static" in our ABM posture.

So in order to maximize our pursuit of peace at SALT:

First. I will oppose any attempt to restore the area defense concept which was rejected by the Armed Services Committee.

Second. I will oppose any geographic expansion of the system this year.

Third. And I will oppose any amendment which would not provide sufficient momentum to support our negotiators in Vienna. This includes the Cooper-Hart amendment.

Over the last several months I have sought with my colleague from Massachusetts, Senator BROOKE, and others, a solution which would give us enough dynamic to impress the Soviets with our support of our SALT negotiators, and with our will to meet whatever threat they may pose to our land-based deterrent; a solution which, at the same time, would avoid locking us into an untried or escalatory system.

I am satisfied that this amendment would achieve this:

First. It would provide a comparable degree of protection of the Minuteman force to that which would be achieved through the administration's proposed deployment of an additional Safeguard site at Whiteman Air Force Base;

Second. It would maintain sufficient momentum in the ABM program to sustain it during the intricate SALT negotiations;

Third. It would limit the Safeguard deployment specifically to the two bases already approved by the Congress; and

Fourth. Since it would take some time before additional radars could be started at those two sites, it would increase the likelihood that progress on more advanced technology might permit deployment of improved radars.

I intend to vote against the Cooper-Hart amendment, and I will, if the opportunity is presented, vote for the Brooke amendment.

I thank the distinguished chairman for yielding time to me at this particular time in the deliberations.

Mr. COOPER. Mr. President, Gov. Averell Harriman, who has served this country long and well, has among his many accomplishments a distinguished professional career in negotiating with the Soviet Union in his capacity as Ambassador to Moscow and as a member of many administrations. On August 10, Governor Harriman and Dr. Adrian Fisher, who was our chief negotiator in Geneva with the Soviet Union on the Nonproliferation Treaty, Dr. Franklin A. Long of Cornell University and Dr. Herbert Scoville, Jr., who served this Government as high officials of the Arms Control and Disarmament Agency charged with the responsibility of monitoring Soviet scientific activities, sent a letter to the Washington Post concerning the relation between the ABM vote and the SALT talks. Governor Harriman and Dr. Fisher have negotiated with the Russians more perhaps than any other Americans. Their judgment about how to negotiate with the Soviet Union is based on experience and competence. Because of the importance of their views and the great weight that should be given their judgment, I ask unanimous consent that their letter be placed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE ABM VOTE AND THE SALT TALKS

Recently administration spokesmen have been insisting that unless the Congress authorizes the continued construction and expansion of the Safeguard ABM, it will not be possible to negotiate an agreement with the Soviets at SALT to limit strategic armaments. They argue that the negotiators need the Safeguard bargaining chip to induce the Russians to halt the deployment of their large SS–9 ICBMs.

This would appear to be an attempt to exploit the desire of the Senate and the public to achieve success in SALT in order to rescue the Safeguard program from defeat. The administration has always defended the Safeguard ABM defense of Minuteman sites on the basis that it was not a threat to the U.S.S.R. If true, why then should the continuation of this program be a chip to induce the Soviets to agree to limit their offensive missile deployment?

The major U.S. threat to Soviet security lies in the deployment of the U.S. MIRV systems. On April 9, 1970, the Senate passed a resolution by a vote of 72 to 6 urging that the President propose to the U.S.S.R. an immediate suspension by both countries of further deployment of *all* offensive and defensive nuclear strategic weapons systems. Yet this MIRV chip has been thrown away by the accelerated deployment of the Minuteman III and Poseidon missiles with their MIRV warheads and by the reported proposal that any MIRV limitations must be accompanied by Soviet acceptance of extensive inspection of both offensive and defensive missile sites. There is no security justification for such urgent MIRV deployment since the heavy Soviet ABM which they were designed to penetrate could not be deployed and become operational for many, many years.

It has also been reported that the possible outcome of SALT would be an agreement that henceforth the United States and the U.S.S.R. will limit their ABMs to the defense of their capitals. The continued deployment of Safeguard at the Minuteman sites will not in any way contribute to the defense of Washington, and the Senate is being asked to endorse the expenditure of funds for useless hardware if SALT is successful and for an admittedly at best mar-

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ginally effective system if it is unsuccessful. Why the U.S. should try to get the Soviets to agree to the deployment of ABM defense for Washington and Moscow instead of a complete ABM ban is not clear, since the defense of Washington will not accomplish any of President Nixon's three objectives for an ABM system. A complete ban would eliminate the need for MIRVs and simplify the problems of verification by obviating any possible need for inspection. It is reported that the Soviets have indicated interest in such a complete ban.

Finally, history his unmistakably demonstrated that restraints, not accelerated weapons programs, pave the road to arms control. Overwhelming superiority did not induce the Soviets to accept the Baruch plan. On the other hand, President Kennedy's American University pledge to halt atmospheric nuclear testing as long as the Soviets did the same rapidly produced agreement to negotiate the Limited Test Ban Treaty in 1963. Similarly, the Senate passage without dissenting vote of the Pastore Resolution in 1966 endorsing efforts to halt the spread of nuclear weapons broke the ice toward starting serious U.S.–U.S.S.R. negotiations on the Nonproliferation Treaty.

If the Senate wishes to conserve funds and make a maximum contribution toward improving U.S. security by achieving arms limitations and agreement at SALT, it will refuse authorization of funds for the expansion of Safeguard and forbid the expenditure of additional funds for the continued deployment at the two Safeguard sites approved last year until it is satisfied that the negotiators have not been able to persuade the Soviets to agree to limitations on offensive and defensive missile systems.

In our judgment, a Senate vote against the ABM is a vote for success in SALT.

W. Averell Harriman.
Karl Kaysen.
Adrian S. Fisher.
Franklin A. Long.
Herbert Scoville, Jr.

Washington.

SAFEGUARD PHASE II: A WASTE OF THE TAXPAYERS MONEY

Mr. TYDINGS. Mr. President, again this year the Senate is being asked to vote enormous sums of money for an antiballistic-missile—ABM—system that only can diminish U.S. national security. And again, after carefully reviewing the facts, I am compelled to vote "nay."

In addition to more than $1 billion requested to continue work on phase I of the Safeguard system, which was authorized by a narrow vote margin last year, $404 million is being requested to initiate phase II. Phase I authorized the construction and deployment of two ABM launch sites at Malmstrom Air Force Base, Mont., and Grand Forks Air Force Base, N. Dak. Phase II would permit the construction of a third such site at Whiteman Air Force Base, Mo., and the acquisition of five additional sites, including one in the Greater Washington, D.C., area.

Pentagon rhetoric to the contrary, the factors dictating against approval of phase II of the ABM are fundamentally the same as those that made phase I a dangerous waste of scarce tax dollars. None of the major objections to phase I raised by the scientific and diplomatic community last year have been answered satisfactorily. And, as we shall see, the current case for phase II is even weaker.

Since phase II is simply an expansion of phase I, let us begin a consideration of this second step with a thorough review of the major arguments presented in support of and in opposition to the Safeguard system as a whole.

Though the justifications for deploying an ABM have shifted with the political winds both during this administration and during the last, Secretary of Defense Laird offered three principal reasons last year for constructing the Safeguard system during congressional hearings:

First, to defend against a possible Chinese nuclear missile attack;

Second, to defend against a "light" irrational or accidental attack by the Soviet Union; and

Third, to protect a portion of our offensive missile forces for a second-strike capability against a possible Soviet attempt to develop potential to wipe out our offensive force through a massive preemptive nuclear attack.

At the same time, spokesmen for the Defense Department indicated what the ABM was not supposed to do:

First, it was not to be a defense of our cities against an allout attack, for this was deemed beyond our present technological capabilities;

Second, it was not to provoke the Soviets into reacting, thereby setting off another extensive round in the arms race; and

Third, it was not to undermine in any way our chances of reaching agreements with Soviets on arms control and limitation.

These arguments for the ABM simply do not hold water. To begin with, the case made by the Pentagon for the deployment of ABM installations around our Minuteman sites in Malmstrom, Mont., and Grand Forks, N. Dak., is rife with inconsistencies and contradictions.

If the Chinese ever chose irrationally to attack—and it should be remembered they still do not possess a deliverable nuclear attack capability—it would surely consist of a suicidal nuclear bombardment of our cities, and not a strike against our missile bases. For the Chinese will not have a sufficient number of warheads in the foreseeable future to attempt to destory our second-strike capability, that is, our ability to absorb a nuclear attack with enough of our missiles intact to devastate China in response.

The Safeguard system is simply not designed to defend cities. The Safeguard consists of two different types of missiles: The Spartan missile which is designed to intercept enemy missiles before they reenter the earth's atmosphere and which has a range of approximately 400 miles; and the smaller Sprint missile, with a range of 25–30 miles, which is supposed to pick up enemy projectiles that penetrate the Spartan defense and disarm them 100,000 feet above their targets.

Given the location of the two ABM installations authorized in phase I, the only one of the Nation's 25 largest cities that would receive even theoretical protection against a Chinese attack would be Minneapolis. The rest of our urban population would remain as vulnerable as before.

Would this situation be remedied by deploying in the 10 additional sites the Pentagon is reportedly contemplating? I think not. According to scientists both in and out of Government, it is relatively easy to deceive the radars which guide the Spartan missiles with decoys and other deception devices. It is not until objects actually reenter the atmosphere that radars can reliably differentiate the decoys from the real thing. At this point, it falls to the Sprint to provide the ultimate protection.

But the Pentagon has announced its intention to place its ABM sites a considerable distance from our cities, which would place our major population centers outside the range of the Sprints. Thus, with a little ingenuity and the technical proficiency which the Soviets now have and the Chinese will likely soon possess, they could penetrate our Spartan defense and devastate our cities.

Why do we not move our Sprints closer to the cities? Because then we would have the "damage-limiting" system the Pentagon claims is impractical and which it believes will provoke the Soviets into increasing their own offensive capacity.

In other words, the justification of the ABM as protection against a Chinese nuclear attack simply defies the facts.

The argument that the ABM would provide useful protection against a less than "all-out" irrational or accidental attack by the Soviets is hardly more convincing.

The "irrationality" of a Soviet missile attack on the United States would be irrational because it would be suicidal. Regardless of the destruction wreaked on the United States, the U.S.S.R. would also be obliterated in the process. However, to assume that such a Soviet attack might also be irrational enough to be less than all-out defies reason. Why should any Soviet leader send only a few missiles over when he knows the United States will retaliate with its full second-strike force? Even men as mad as Hitler were never guilty of such thoughtless accommodation to their enemies. If the Soviets did attack, it would certainly be with full force, which by the Pentagon's own reckoning would render the proposed Safeguard system useless.

As for accidental attack, I assume it would consist of one or two missiles that unintentionally got away. Since all missiles are preprogramed to specific destinations, it is clear that such a missile would either be directed toward a large city or toward a missile site.

If the former were the case, the Safeguard system would only protect Minneapolis theoretically, and might even prove inadequate here owing to the fact that this city is beyond the range of our Sprints. If this enemy missile were targeted at a missile site, we would at most simply lose a few of our 1,000 ICBM's, and few lives would be lost. It is hardly worth the vast expense of an ABM system to insure against loss of a few drastically less expensive ICBM's.

The final justification offered by the Pentagon in support of the Safeguard is the most serious. It is based on the claim that our second-strike capability is being threatened by the Soviets and that measures must be taken to protect portions of our second-strike force.

If in fact our retaliatory capability is in question, we must act immediately to restore it. The Soviets must never doubt our ability to inflict unacceptable damage to their society in response to a preemptive attack. This is the very substance of our deterrent strategy. If our retaliatory capability is in question, additions to our offensive forces, not dubious defensive missiles, ought to be our strategy.

However, there is no evidence that our second-strike capability is being threatened or that Moscow doubts its effectiveness.

Last year, before the Senate Foreign Relations Subcommittee on Disarmament, Secretary of Defense Laird declared:

> The Russians are going for a first strike capability—there is no question about that.

This came as a shock to those of us in Congress who are acutely interested in this Nation's defense posture. Only 2 months before, outgoing Defense Secretary, Clark Clifford, had announced:

> The U.S. shall continue to have, as far into the future as we can now discern, a very substantial qualitative lead and a distinct superiority in numbers . . . and overall combat effectiveness of our strategic offensive forces.

He added that the most pessimistic military estimates credit the United States with the ability to destroy 40 percent of the Soviet population and 75 percent of their industry even after an all-out attack by the highest expected threat the Soviet could launch in the future. And presumably by future, he meant more than 8 weeks.

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The national intelligence estimate—the consensus view of the Defense Intelligence Agency, the State Department, and the Central Intelligence Agency—denies the existence of any first-strike plans on the part of the Kremlin or any signs that such plans are in the making. In addition, Secretary of State Rogers reconfirmed this view in a press conference shortly after Secretary Laird's statement declaring that he was not aware of any Soviet intentions to develop a first-strike capability.

The arithmetic of the situation casts further doubts on Mr. Laird's contention. Both the Soviets and we have slightly in excess of 1,000 operational ICBM's. Let us suppose Moscow initiated a preemptive strike against the United States and destroyed every one of our Minuteman in their hardened and dispersed sites—a virtual impossibility given what we know about the launch probabilities, megatonnage and accuracy of Soviet missiles. This hypothetical exercise also requires the further doubtful assumption that we chose not to launch our ICBM's during the grace period after our radars detected this massive Soviet assault and before the enemy missiles actually struck.

Our retaliatory forces would still contain 656 submarine-launched Polaris missiles that are invulnerable to enemy attack, and 480 B–52 bombers each carrying four nuclear bombs and a nuclear-tipped Hound Dog missile with a range of 700 miles once it is launched from the parent plane. This is a total of 2,400 nuclear missiles, each armed with one or more nuclear warheads. According to former Secretary of Defense McNamara's estimates, it would take no more than 400 nuclear warheads to damage the Soviet Union beyond recognition and repair.

Mr. Laird based his claims about Soviet intentions to develop a first-strike capability on the deployment of 200—plus Russian SS–9 missiles. We have known about these missiles with large warheads for several years, and our intelligence evaluations have considered them part of the Soviet second-strike force designed to destroy our cities in a retaliatory attack. Suddenly, without explanation the Secretary of Defense has decreed that they are now first-strike weapons.

Even accepting this questionable turnabout, the SS–9 provides no reason for deploying an ABM in this country. Assuming these missiles possess the accuracy and launch probability estimated for our own Minuteman missiles, all 200 SS–9's with huge multimegaton warheads would destroy only 90 of our 1,000 landbased ICBM's. The Soviet would require more than 2,000 of these SS–9's armed with 20 megaton warheads to destroy our entire Minuteman force—and this would still leave us with 656 submarine-launched missiles and our intercontinental bombers with which to retaliate.

Finally the credibility of Mr. Laird's contention that Moscow has first-strike designs was undermined by his recommended response. He called for a limited ABM system that would not provoke the Soviets. If, in fact, the Soviets are intent on developing the capability to destroy us and our ability to retaliate, and if the ABM is a workable defense, should we not proceed immediately with a heavy system to protect our people and all our missiles? And why are we worried about provoking a nation which supposedly already has decided to go all out to annihilate the United States? How can they be further provoked?

In addition, spokesmen for the administration have indicated U.S. readiness to abandon the Safeguard if the Russians will give up their limited ABM deployment around Moscow. Anticipating the SALT talks, Secretary of State Rogers informed the Foreign Relations Committee last summer:

> Suppose we started our talks in a few months and the first thing that's said by the Soviet Union is, "Let's do away with defensive missiles." We'd have no problem. We'd be delighted.

If we truly believed the Soviets were forging ahead with the development of a first-strike capability, such a concession would be suicidal. We would be playing directly into Moscow's hands. One is forced to conclude that Mr. Laird does not take his own cries of "wolf" as seriously as he would have us accept them.

In summary, the Pentagon's claim that the Safeguard is necessary to preserve our second-strike capability is unconvincing.

Thus, a careful examination of the three principal justifications for an ABM system offered by the administration—to protect us against a Chinese attack, to defend against a light irrational or accidental Soviet attack, and to counter Kremlin designs to develop a first-strike capability yields little reason to support deployment. Indeed, the Pentagon's own contradictory and inconsistent defense of the system provides a persuasive case for its rejection. It appears the Safeguard will not do that for which it is intended while doing that which is not needed.

However, it is conceivable that a proposal may possess merit though it will not do what its proponents claim. Therefore, I believe there are several other questions that must be raised before a responsible decision on deployment can be reached.

The most obvious is whether or not the Safeguard system will actually disarm enemy missiles before they destroy their targets. That is, will it work? The weight of the scientific evidence presented before the Congress to date indicates the ABM will not work.

Safeguard's technology is essentially the same as that of Nike X which was rejected as inadequate when it was developed. The last five science advisers to the President, the President's Science Advisory Committee, and hundreds of scientists across the country have entertained serious questions about the technical difficulties an ABM system would encounter. Most of their questions, such as those concerning radar blackout, computer programing, saturation, fallout, and command and control links, remain unanswered. In fact, many can only be answered with confidence under actual combat conditions, when it is too late to correct system failures.

There is also the problem of early obsolescence. Our scientists are confident we could render a Soviet ABM system ineffective by relatively simple countermeasures. Enemy radar could be deceived or debilitated with devices such as large numbers of lightweight decoys, nuclear explosions, electronic jammers, and widely dispersed metal chaff.

There is every reason to believe the Soviets and Chinese would develop these deception techniques, leaving us with a multi-billion-dollar missile system that might be totally obsolete even before it is fully developed. Would we consider funding a poverty program with similar prospects?

Finally, the argument has been advanced forcefully this year that the missile site radar—MSR—that serve as a Safeguard's eyes are extremely vulnerable to enemy attack. As Dr. Wolfgang K. H. Panofsky, director of the Stanford Linear Accelerator, testified before the Senate Foreign Relations Committee on April 13 of this year:

> My criticism is aggravated by a second objection never answered by the Defense Department. The Soviet SS–11 missiles (which now exist in much larger quantities than the SS–9's) are at present of sufficient accuracy and explosive power to destroy the missile site radar, although they do not endanger the Minuteman silos. Thus, in effect a Safeguard defense to protect Minuteman against the SS–9 could be totally negated by the Soviets even if the system were deployed today.

So far we have focused on what the Safeguard's proponents say it will do—

on its potential benefits. A balanced appraisal dictates an evaluation of possible costs resulting from deployment.

First, we must consider the impact of constructing an ABM system on the arms race and international stability.

The President contends that because the Safeguard system is "thin" and its avowed purpose is defensive, deployment will not provoke the Soviets into expanding their own missile forces. While the absence of a Soviet reaction would be welcome, it seems highly unlikely.

Why should the Russians, with their obsession for defense conditioned by two world wars, exercise more restraint than we, ourselves, have managed? After all, the Pentagon's decision to proceed with the Safeguard was partially in response to the Kremlin's deployment of a very limited system around Moscow. In addition this small Soviet ABM system "provoked us into developing multiple independently targeted reentry vehicles—MIRV's—for our own missiles to insure our capacity to penetrate antimissile defenses.

At a minimum, the Soviets could be expected to increase their offensive forces sufficiently to saturate our Safeguard defenses in Montana and North Dakota, thereby preserving their ability to strike our missile bases. More likely, given the action-overreaction pattern that has characterized the arms race, they would feel compelled to increase their offensive missile forces, to expand their ABM system, and to begin to develop their own MIRV's.

Once both nations actually begin to deploy ABM systems and MIRV's, the history of the strategic arms race will have entered a disastrous new phase from which there might be no escape. Massive new levels of expenditure and danger will be imposed on both peoples with no gain of security for either.

The key to the current strategic balance and hopes for eventual arms control is the ability of each nation to accurately calculate the missile strength of the other. For only with such information can we and the Soviets be certain that our second-strike capabilities are adequate.

A combination of MIRV's and ABM's destroys such certainty. The MIRV is a weapon system which permits the independent firing of a number of nuclear warheads from a single missile. Since these warheads are concealed in the nose cones of the missiles from which they are fired, there is no way of knowing how many warheads another nation could unleash in time of war.

The ABM merely increased this uncertainty. Since it is impossible to know how effective an antimissile system would be during an actual nuclear exchange, it is impossible to ascertain with any certainty how many of your own missiles would be needed to penetrate it.

Since we and the Soviets could no longer accurately estimate either the offensive or defensive capabilities of the other, both nations would be condemned to add continuously to their armaments to guarantee that neither could attain a first-strike potential. In addition to being incredibly expensive, this endless arms race would produce a permanent strategic instability that would invite miscalculation and a heightened possibility of nuclear exchange.

In other words, deployment of the ABM and its antidote, the MIRV, would place us in the paradoxical position of purchasing insecurity at a very dear price. All we would have to show for our hundreds of billions in defense appropriations would be considerably less national security than we currently enjoy.

Furthermore, the opportunity to negotiate meaningful arms controls with the Soviets would be lost. The only way to determine the number of MIRV's in a missile is to open the nose cone and count them. Given the longstanding Soviet opposition on onsite inspection, no workable arrangement with Moscow to limit or decrease nuclear warheads would be possible. We would become the permanent prisoners of our own ingenious technology.

Next, there is the matter of opportunity costs. Every government, business, and household must weigh intended spending against the benefits that would be derived from alternative uses of the money.

Determining how much the Safeguard system would cost is difficult. The Pentagon has provided an estimate of $7 billion. However, according to a recent Brookings Institution study, U.S. weapons systems consistently cost taxpayers 300 to 700 percent more than initial Defense Department estimates. Therefore, at a minimum we are contemplating an expenditure of between $21 and $49 billion.

If we assume Soviet reactions to the Safeguard will cause us to expand it into a heavy system, we find ourselves committed to a military bill ranging in the hundreds of billions of dollars. Senator Symington estimated that the cost of a heavy anti-Soviet ABM system could conceivably run over $400 billion—which is more than double our entire Federal budget.

A tripling of the Federal budget over a short period would obviously triple Federal taxes and exacerbate the dangerous inflation we are fighting. Given that per capita taxation in this country is already in excess of $1,000 and that our dollar is currently losing 6 cents in buying power each year, a radical increase in Federal spending hardly would be a welcome development.

More importantly, increases in military spending would render impossible the needed reordering of the national agenda. Though we are the most affluent of nations, resources in the public sector remain limited. In reality, we have not been able to afford both guns and butter. The war in Vietnam and a burgeoning defense budget have compelled us to ignore pressing domestic problems.

Our central cities are in an advanced stage of deterioration. Slums spread and businesses providing jobs and service flee to the more inviting suburbs.

The poverty that grips these blighted areas shatters families and breaks men's spirits. Adults and children are driven to drugs and crime. Failure and frustration explode into riots and bitter disillusionment with the American dream. Millions of Americans in our urban slums and rural shantytowns continue to struggle for survival ill-housed, ill-clothed, ill-fed. Our war on poverty has turned into a decidedly dovish affair for lack of funds.

A situation that places the solution of such problems at the bottom of the list of national priorities is unacceptable. We must not become so preoccupied with defense that we lose sight of what is being defended.

A budget that devotes two-thirds of all Federal funds to military and defense-related items threatens to militarize our foreign policy, our economy, our entire culture. Without weakening our ability to deter war, we must find ways to cut defense spending, not increase it.

For if we fail to reorder our priorities and restore some balance to Federal activities, we will no longer need to worry about the balance of power and enemy first-strike capabilities; we will meet devastating disorders at home.

The evidence against deploying the Safeguard system is as compelling today as it was a year ago. It will not defend us against a Chinese or Soviet attack on our cities; the Soviets will still be able to strike our missile sites by means of deception devices or by simply saturating our defenses with more missiles than we can handle; there is strong reason to doubt the Safeguard will actually work; the Soviet response to deployment will likely trigger an incredibly expensive new round in the arms race that could destroy any hopes for disarmament or arms control; the development of ABM's and MIRV's will destabilize the current strategic balance of power and introduce uncertainties that will leave us less secure than we are today; Safeguard might cost as much as $400 billion at a time when taxes are rising and inflation is reducing the value of the American dollar; an assessment of opportunity costs suggests that tax dollars would be better invested in solving urgent domestic problems instead of more military hardware that is unneeded to preserve our national security.

Phase II makes absolutely no sense even if we accept, for the sake of argument, all of the supporting claims for phase I advanced by the Pentagon.

Last year, in urging approval of funds for phase I, Secretary Laird stressed the experimental nature of this first phase:

> Let us deploy Phase I. Let us complete it. Let us finish it. Let us see how it works and after that decide whether to go ahead.

Nothing yet exists at the Malmstrom and Grand Forks sites except bulldozers and mounds of earth. Yet, suddenly, Secretary Laird has abandoned his own advice. Now he wants to go ahead and spend another half-billion scarce tax dollars before phase I has been deployed; before it has been completed; before we can determine whether this much-questioned system works or not.

The Pentagon cannot have it both ways. Last year it got phase I—by a Senate margin of two votes—on the grounds that it was an experiment aimed at answering the doubts of the system's critics. Today, with those doubts not yet dispelled, it argues that phase I always was envisioned as the initial stage in an area-defense system.

In addition, the administration is resting its case for deployment of phase II on the hollow grounds that an expansion of the Safeguard system is essential to the success of the strategic arms limitation talks—SALT—with the Soviets. But there is no way to support this assertion with logic.

If Safeguard is not viewed as a strategic threat by the Soviets, as the administration contends, it could not be a critical chip in the current negotiations in Vienna. On the other hand, if it is regarded as a force capable of upsetting the strategic balance of power, we already have authorized an ABM system with more interceptors than the system currently deployed by the Soviets around Moscow. Either way, the progress of phase II has no bearing on SALT unless it is to convince the Soviets that we are intent on developing a heavy ABM system and are not really interested in arms limitation.

Therefore, to preserve U.S. security and save the American taxpayer from further wasted Federal spending, I intend to vote for the Hart-Cooper amendment to strike phase II of the Safeguard system from the military procurement authorization bill.

SENATE SHOULD RESTRICT EXPANSION OF ABM SYSTEM

Mr. YARBOROUGH. Mr. President, the Senate will very shortly be voting upon the proposed limitation of the Safeguard anti-ballistic-missile system. As a cosponsor of the Cooper-Hart amendment, I want to take this opportunity to urge my colleagues to support this measure as a step toward the goal of slowing down the catastrophic nuclear arms race. As we examine the record of arguments offered in support of the ABM, it becomes clear that this weapon is similar in some respects to the chameleon. Just as the skin color of this lizard changes in accordance with the surrounding conditions, the justification for the ABM similarity seems to shift under the pressure of critical examination. In 1967, we were told that the Sentinel-ABM system would serve to protect American cities against the possibility of an attack by Chinese ballistic missiles. Last year, the primary justification given the deployment of the Safeguard-ABM system was the necessity of protecting our retaliatory Minuteman ICBM strike force from a possible Soviet onslaught. Now we hear that phase II of ABM deployment is an essential "bargaining chip" at the SALT talks in Vienna. The chameleonic character of this multibillion-dollar weapons system makes one wonder what the true justification for the ABM really is. The rationale for this system may be merely elusive, but then again perhaps we are seeking a justification where none exists. In any event, I think that it is imperative that we decide exactly what it is the ABM is designed to do before we pour many more billions into the expansion of the program. The continued promulgation of spurious rationales can only further damage the already scant credibility of the Safeguard system.

We face a domestic crisis in this country which precludes the frivolous luxury of wasting our resources on military boondoggles. Our people are victimized by decaying inner city schools, the soaring cost of medical care, housing shortages, noxious air and water, and inadequate transportation systems. It is time that we stopped lamenting these problems and start taking immediate remedial action. Earlier this year we witnessed a veto of appropriations for health, education, and hospital construction. Fortunately, the Congress was successful in overriding a veto for the first time in 10 years when it refused to sustain the President's action with regard to the hospital construction funds.

Yesterday, the President struck down two more appropriations bills designed to meet the needs of America's people when he vetoed the Office of Education and independent offices-HUD appropriations bills. The President speaks out for the ABM and other military expenditures, but shows a callous disregard for the needs of our people. It is said that due to serious inflationary pressure Congress must cut expenditures in order to stabilize the economy. Why is it that money destined to improve the health, education and general quality of life for our people is considered inflationary, whereas, extravagant military adventures escape unscathed?

Is the Nation's security really enhanced by spending billions on a weapon that is likely to be obsolete in a few short years, rather than spending the money on programs for health care, education, mass transportation, pollution control, and the like? It would be helpful if those who worry incessantly about our defense posture would devote equal efforts toward meeting these critical domestic needs. It is my belief that if these problems remain unresolved, the internal decay of our social fabric will pose the greatest threat to the security of this Nation.

The Cooper-Hart amendment is a reasonable compromise offered by men of reason. It would provide over $1 billion for the continued deployment of the ABM at Malmstrom and Grand Forks. Included in the authorization would be $365 million for additional research and development which could eventually lead to a system designed to really protect our Minuteman ICBM force. This proposal in no way jeopardizes the role of Safeguard as a so-called bargaining chip at the SALT talks. Indeed, the adoption of this amendment would enhance the legitimacy of our stated desire to limit the further deployment of such weapons.

In last year's debate on phase I of the ABM system, I stated that—

> We would be wasting our money were we to spend it on the Safeguard. We would be spending to protect ourselves from imaginary threats beyond our borders, and ignoring the very real enemies—hunger, poverty, ignorance, and physical suffering—here in this Nation.

My commitment to this principle remains steadfast, and I again reiterate my support for the Cooper-Hart amendment of which I am proud to be a cosponsor.

EXPANSION OF ABM SYSTEM

Mr. JORDAN of North Carolina. Mr. President, when I voted last year for initial deployment of the Safeguard anti-ballistic-missile system, I took the position that the move was necessary as a deterrent measure until this country could get a firm agreement with Russia for specific limitation of strategic arms.

I stressed at the time, however, my fervent hope that such an agreement could be reached and that it would eventually serve as the basis for extension of the disarmament move to embrace other nations.

That is still my hope, because I think such disarmament offers the only prospect for easing of international tensions and an era of peace which we all seek.

The road to arms limitation, however, cannot be a one-way street and I think would be a perilous one if traveled alone.

I find it significant that Russia entered into SALT discussions only after this country's decision for limited deployment of the Safeguard system and that the ABM has figured prominently in those talks up to this point.

If I were convinced that the steps we have already taken were sufficient to insure a moratorium on further development of both offensive and defensive missiles until a limitation formula can be found, I would be the first to agree that we ought not to expand further the Safeguard concept.

Unfortunately, that does not seem to be the case.

Evidence developed by the Defense Department and the Senate Armed Services Committee clearly indicates that the Soviet threat to our land-based missiles has substantially increased during the past year.

The most disturbing development is the significant boost in production of the SS-9, Russia's largest ballistic missile, designed for use against hardened missile installations.

Because the Safeguard's primary mission is protection of such ICBM sites, I seriously question the wisdom of deciding now against affording that protection for our retaliatory force.

Such a decision, it seems to me, would both weaken our stand in the strategic arms limitation talks—SALT—and prejudice our security if the talks fail

For that reason, I am supporting the recommendation of the Armed Services Committee for expansion of Safeguard deployment to additional Minuteman sites.

This in no sense detracts from my strong desire for peace in Southeast Asia and for ending the conflict in the rest of the world.

I deeply want that peace.

I also want to preserve the freedom and security of this country against any danger which would make that search for peace a futile and meaningless gesture.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, we have used all our time except approximately 5 minutes. I think it would be proper for the opponents to use part of their time now.

I would say that in every debate on ABM on the closing day or the day before, or in a closed session, as we had last year, we have been given information which we cannot refute in the time available, or about which we cannot speak publicly. I want to repeat the request I made a few minutes ago: If anyone in this body has a message from the chief negotiator, Mr. Smith, in Vienna, I think it would be the fair thing to do, the honorable thing to do, to present it to the Senate, if it can be presented, so that all of us will have the benefit of what he said. It may be that different judgments would be made about such a message. But if the rumors continue, and if there is such a paper being shown, and if any Senator can produce it, I hope he will do so for the benefit of all Members of the Senate and for the good of the country, in fairness to all of us.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Michigan (Mr. GRIFFIN).

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, more than a year ago—on June 14, 1969, to be exact—I said that I had decided to support the President's Safeguard program because:

> I hope we can come to an arms control arrangement with the Soviet Union, and I am convinced that this is the best way to do it.

I take the same position today in support of the committee's proposal for essentially the same reason.

I repeat that statement because of assertions made earlier in the debate today by the distinguished Senator from Arkansas (Mr. FULBRIGHT)—assertions to the effect that arms control negotiations were not a factor in the deliberations a year ago. As I have indicated, the arms control negotiations were very much a factor last year in the decision of the junior Senator from Michigan, and I recall that many other Senators indicated a similar concern.

Several months ago, the columnists Rowland Evans and Robert Novak, wrote as follows:

> Hard new intelligence on Soviet construction of SS-9 long range missile sites not only confirms Secretary of Defense Melvin Laird's warning last March against a possible Soviet "first strike" capability but shows he actually underestimated Soviet progress.

And then the columnists concluded that—

> The new estimates of Soviet production of the SS-9 strongly hint that Moscow is doing one of two things: Using the weapon to increase its bargaining power at the arms control talks . . . or using the arms talks to lull the United States into false hopes while the Soviets radically increase their first-strike capability.

Whether or not this assessment is correct in all respects, it is quite correct, I submit, in stressing the importance of bargaining tools for arms control negotiations.

In assessing the arguments against deployment of phase II, we must ask ourselves the question: What negotiating leverage will be provided by approval of phase II as modified by the committee? With respect to that question it is useful to focus on the positions that have been reflected at SALT. In a recent news analysis in the Washington Post Columnist Chalmers Roberts noted that several points have emerged from the Soviet-American discussions at Vienna and Helsinki indicating that—

> The chief compulsion (given a rough parity in nuclear arms between the two countries) that has produced indications that Moscow will accept an agreement has been the Kremlin's fear that the American Safeguard anti-ballistic missile (ABM) system would be expanded into an area defense system for the entire United States.

Although the Armed Services Committee decided to strike from the bill all funds for area defense sites, which I believe was a wise decision, at least for the time being, any further cutback to phase I alone would not provide the flexible position necessary with respect to our intentions on area defense. It is important to remember that the Warren site would offer some area protection and that the committee's action was predicated on the grounds "that there is no compelling need to move now to the deployment of an area defense."

It seems to me that approval of phase II inserts a desirable degree of uncertainty into the negotiating picture as to possible future action by the United States on area defense, without taking the additional and potentially provocative step of commencing deployment of such a defense.

Mr. President, it is inconceivable to me that the Senate would now vote to weaken our position at the SALT talks by indicating a lack of confidence in our most important bargaining point, especially when that bargaining point is stronger now than it was a year ago.

The decision we shall make this afternoon is a vital and historic decision that will have far-reaching consequences in terms of our national security.

Although we may differ in our conclusions, each Senator will be voting in accordance with his own conscience and convictions. He will be acting in the best interest of our Nation, as he sees it.

Mr. President, of course, I do not know how the SALT talks will ultimately come out. Perhaps the talks will fail. I do know one thing: if this amendment should carry and if the SALT talks should thereafter collapse, I would not want to be in the position of those who will vote today against the President of the United States.

Mr. President, I hope that the pending amendment will be rejected.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Florida (Mr. HOLLAND). I am very sorry that I have only 3 minutes to yield to him.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. HOLLAND. Mr. President, I thank the Senator from Mississippi for yielding to me.

Mr. President, my remarks will be brief and, I hope, practical.

In my 54 professional years I have spent much time in trying to reach settlements which were fair and favorable to my clients. That is exactly the position the present administration's representatives are in, in the SALT talks and the disarmament talks, as our advocates, in arguing for those positions favorable to the people in the United States in these two very vital confrontations.

Mr. President, we here in Congress represent the people of the United States in supplying or withholding values which our advocates feel are of importance.

Insofar as the Senator from Florida is concerned, he thinks that is the essence of this matter, and he would not, for anything, vote for this amendment which, in effect, as he sees it, will help destroy the morale of our negotiators and, what is worse, will give notice to those who confront us on the other side of the table and to the world that the legislative branch of the Government is not backing the executive branch of the Government, which is our exclusive advocate at these two vital confrontations.

I shall certainly vote against the pending amendment.

Mr. STENNIS. Mr. President, I yield 12 minutes to the distinguished Senator from Washington (Mr. JACKSON).

The PRESIDING OFFICER. The Senator from Washington is recognized for 12 minutes.

Mr. JACKSON. Mr. President, both sides on the issues in controversy have had a full opportunity to state their cases. It has, I believe, been a most useful debate, marked by sincerity and conviction and a deep concern for the security of the United States and the peace of the world.

As I have reflected on the views and opinions that have been expressed on both sides, an important, central agreement has clearly emerged. Every Senator who has spoken has emphasized the importance—indeed the necessity—of maintaining a reliable deterrent capability; at the same time, every Senator who has spoken has emphasized the importance of acting in such a way as to maximize the chances of reaching agreement with the Soviet Union on the limitation of strategic arms.

Not surprisingly, for the issues are complex and difficult, there is not unanimity among us on the policy which will best contribute to the accomplishment of these two purposes. The decisions we take here today will be studied with great interest far beyond this Chamber and this moment, and it seems to me to be important, therefore, to state the fact of our central agreement clearly and unambiguously. There should be no doubt whatever that the Senate of the United States is dedicated to the maintenance of a reliable strategic deterrent and that it is equally dedicated to support our national effort to reach agreement with the Soviet Union on measures for the limitation of strategic arms.

At this stage of our debate, Mr. President, it will surprise no one that in my considered judgment these two central objectives, which we all share, can best be served by approving without amendment the recommendation of the Armed Services Committee.

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I wish to take but a few minutes of the Senate's time, as we approach the voting, to recapitulate the arguments that have led me to this conclusion.

First, I believe that Safeguard will provide an effective defense of our land-based deterrent, and that defensive measures are essential to the preservation of an adequate strategic retaliatory force. I have concluded, on the basis of the most careful examination of the growth and nature of the Soviet threat to our strategic forces, that failing now to provide for a defense of our deterrent would entail unacceptable risks to our national security—and, in consequence, to the peace of the world.

It has been argued by several of my distinguished colleagues that the Safeguard system will not work, or, more often, that even if it works perfectly, it will provide only "negligible protection" to our Minuteman missiles over "a very narrow band of threats." While I wish to be brief, Mr. President, I think the Senate should clearly appreciate that this argument, supported by a number of scientists, has been shown to rest upon an error of striking proportions. I spoke at some length on this matter yesterday, and interested Senators may wish to consult a statement I included in my remarks at that time. The statement, signed by four eminent scientists with long experience in strategic analysis, clearly demonstrated that the "negligible defense" argument rests on the outlandish assumption that the Soviets would design an attack against our Minuteman force with the express intention of leaving us with 300 surviving missiles—a number stated by the holders of this view to constitute an adequate retaliatory force. In other words, Mr. President, the crucial assumption upon which is based the view that Safeguard offers negligible protection to the Minuteman force, is that the Russians, in attacking our Minuteman force, "would take as their objective the preservation of our ability to retaliate adequately."

As I pointed out yesterday, a more sensible assumption—that the Soviets would only strike with the intention of destroying as many Minuteman as possible, leaving, say, 50 surviving missiles—leads to the conclusion that Safeguard offers very considerable protection over an extremely wide band of threats. Moreover, Safeguard provides a base upon which we can offset increases to the Soviet offense, thereby assuring our security in the face of an increasing threat.

I would point out—and I would hope that those of my colleagues who have relied on the view that Safeguard offers negligible protection would agree—that this crucial error should be acknowledged, and positions based upon it reconsidered.

I can assure the Senate that the Committee on Armed Services was fully aware of the questions about Safeguard's effectiveness and of possible alternatives to the Safeguard program and that the committee made its recommendation to proceed with Safeguard only after satisfying itself that the Safeguard system can be effective and will do the job that needs to be done. It was only after extensive hearings and careful deliberation that the committee recommended the approval of the additional site at Whiteman and advanced preparation at Warren Air Force Base, in the conviction that such approval is prudent, necessary, and responsive to our needs.

I turn now to what is, in my judgment, the most critical issue of this debate—the relation of Safeguard to the Strategic Arms Limitation Talks. As I have said, success in these talks is a goal we all share; there is not one among us who does not profoundly hope that a satisfactory agreement will be reached.

Mr. President, in hearings before the subcommittee on the SALT talks, in private communications with responsible officials, and in official messages, there is virtual unanimity that the success of the SALT talks is vitally dependent on maintaining the forward momentum of the Safeguard system.

I wish to dwell on this point a moment longer, because I believe that the sense in which Safeguard is important to SALT has not been fully appreciated by many Senators. In addressing this issue, I should like to explain why I believe that the mere continuation of Phase I is insufficient for the purpose of securing an agreement at SALT.

The description of Safeguard as a "bargaining chip" betrays a fundamental misunderstanding of the complex relationship between Safeguard and success at SALT. The term—like all clichés—is profoundly misleading. Drawn as it is from poker or some other idle pastime, the analogy obscures the central role of our effort to offset Soviet offensive weapons in providing an incentive to them to restrict further increases in those forces.

In the context of the SALT talks Safeguard is, above all, a demonstration that we are determined to nullify any effort by the Soviets to achieve a first-strike capability. At present such a Soviet effort appears to take the form of costly additions to their strategic offensive forces, particularly their large and growing force of SS–9 missiles. By making it absolutely clear that we will nullify their investment in offensive weapons, we demonstrate the futility of any such investment. Once having accomplished this—once having shown their effort to be wasteful of scarce resources—we are in a strong position to urge mutual limitations. Safeguard, understood in this strategic context, speaks more loudly than words of the wisdom of mutual limitation. "Is it not senseless," we might ask the Soviets, "for you to deploy SS–9's at great cost and for us to deploy Safeguard to offset them? Would it not be better to arrive at an agreement in which you make Safeguard unnecessary by freezing the threat to Minuteman and we, no longer needing Safeguard protection, abandon it?" This, I submit, is the logic underlying my conviction that Safeguard is central to an agreement.

I believe, Mr. President, that it will be readily seen that from this point of view phase I is not enough. It is not enough because it does not demonstrate that we are in fact prepared to offset increases to the Soviet strategic force. Only a dynamic and responsive Safeguard program can make that clear.

Now, there have been those who have argued that, because Safeguard does not threaten the Soviet deterrent, it has no utility in the SALT talks. This view, it seems to me, assumes that only the "stick" in the carrot and stick partnership can provide an incentive to accommodation. All of us, but especially those Senators who are sensitive to the need for restraint in these matters, should appreciate the unfortunate and confusing error in this view. I certainly have never proposed that Safeguard be used as a "stick" to bludgeon the Soviets into an agreement. I have never argued that negotiating from strength means or should mean the senseless pursuit of "strategic superiority." I would be the first to agree that threats and intimidation are likely to be met, not by accommodation, but by intransigence. But the great significance of Safeguard, Mr. President, lies in its capacity to make mutual agreement more attractive to the Soviets than the prospect of continuing deployment—their offense versus our defense—on both sides. Safeguard, then, is a reason for agreement, an incentive to accommodation—a carrot and not a stick.

Mr. President, I yield back the balance of my time.

Mr. STENNIS. Mr. President, I judge that the proponents of the amendment would wish to use some time.

The VICE PRESIDENT. Who yields time? If no Senator yields, the time will be charged equally against both sides.

Mr. HART. Mr. President, how much time remains?

The VICE PRESIDENT. The Senator from Michigan has 5 minutes remaining. The other side has 7 minutes remaining.

Mr. HART. Mr. President, I yield 2 minutes to the Senator from Arkansas.

The VICE PRESIDENT. The Senator from Arkansas is recognized.

THE VICE PRESIDENT'S SPEECH AT THE AIR FORCE ASSOCIATION LUNCHEON

Mr. FULBRIGHT. Mr. President, I have already stated my position on the amendment. I shall support it.

I would like to take this opportunity, however, to congratulate the illustrious and distinguished President of the Senate upon his most recent contribution to the folklore of American politics.

At noon today, before 2,000 members of an Air Force Association, the distinguished President of the Senate demonstrated once again his complete mastery of the art of character assassination.

On the third page of the transcript, which was handed me a short while ago, the President of the Senate had this to say. I may say that he was addressing his remarks to this great association as a tribute to the chairman of the Committee on Armed Forces of the other House.

I quote the distinguished President of the Senate:

> Mendel Rivers has worked tirelessly, since coming to the Congress in 1940 to make the world a more peaceful place. For example, he has supported every effort to get Commu-

nism out of Southeast Asia, to get Russia out of the Middle East, and to get Senator Fulbright out of Washington. Many of the defense problems his committee copes with result from policies that came out of the Senate Foreign Relations Committee.

There are 15 members of the Committee on Foreign Relations and I thought they all would be very much interested in this great compliment from the distinguished President of the Senate.

The VICE PRESIDENT. The Senator's 2 minutes have expired. [Laughter.]

Mr. FULBRIGHT. I ask unanimous consent to have the entire speech printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Remarks by the Vice President

I am proud and honored to take part today in this salute to the distinguished and incomparable Chairman of the House Armed Services Committee, L. Mendel Rivers. From personal observation, I can say that he is hardly effete.

I commend all of you who have come here today to honor Chairman Rivers. I don't know how they got a hall big enough for the occasion, because if they just invited one representative of all of the organizations of which he is an honorary member, we could fill the biggest hotel in town. He is the only man I know who has an honorary degree from the International College of Dentistry.

I told him one time, "You're never going to practice dentistry on me."

And he replied, "That's all right. I'm never going to play golf with you."

But the Chairman and I do have a common interest in the press. In fact, we both have to stay in public office for the sake of the national economy. The country could not afford the unemployment that would result among columnists and editorial writers if Mr. Rivers and I both left Washington.

Before proceeding any further, I would like to lay to rest the ugly, vicious, dastardly rumor that he is trying to move the Pentagon piecemeal to South Carolina. I have been to Charleston several times, and I have had it clearly explained to me that the military facilities so evident in that area are a testament of Mendel Rivers' unselfish willingness to allow his own First District of South Carolina to accept in the national interest military installations which just had to be put someplace. If there are any parochial interests involved, at least they do not encourage the North Vietnamese to continue their fruitless aggression.

When the Navy was desperate to find some place to put a Polaris repair facility, I am told, Mendel Rivers stepped forth and graciously volunteered Charleston, South Carolina.

When the Air Force simply had to find a place to put some of its C–141 airlift airplanes, Mendel Rivers again volunteered his home area.

When a home port was needed for the Atlantic Mine Force, again he came forward. While other Congressmen were fighting behind the scenes to prevent Congressional committees from cluttering up their districts with military installations, Mendel Rivers refused to lift a finger to block the construction of additional facilities in Charleston.

Even when it looked like Charleston might sink into the sea from the burden, Mendel Rivers' patriotic response was: "I regret that I have but one Congressional district to give my country to—I mean to give to my country."

Now who can ask more of a Congressman than that?

On the serious side, the Chairman has even been credited by some commentators with getting the Navy shipyard established at Charleston and with having the Marine Corps Recruit Depot placed at Parris Island, South Carolina. I'm sure this doesn't bother him—especially around election time—but historically accuracy requires us to note that the Navy Shipyard was established in 1901, four years before Mendel Rivers was born. Parris Island was established in 1891, 14 years before the burst upon the southern scene. I have great faith in the Navy and the Marine Corps, but I don't think they were clairvoyant about the birth of the future Chairman of the House Armed Services Committee.

And in fairness to the Chairman, who has heard many jokes about his alleged aggressive attention to his home district, a check of the records will reveal that there are other congressional districts in the U.S. with more and larger facilities. The stories just read better when they're about a chairman. It is of such stuff that myths are made.

What is not a myth about this man we are honoring today is his deep sense of patriotism his sincere dedication to the national defense of this country. I know of no one who stands more firmly behind the need for a strong American defense establishment or who is more determined to see that the guard we now maintain will not be dropped.

This is particularly important at a time when we are disengaging from a war in Southeast Asia and attempting to adjust our defense budget to a peacetime economy without sacrificing the ability to meet our worldwide obligations. We *must* strike a reasonable balance of requirements for our national security, pressing domestic needs, and the tolerance of our taxpayers in shouldering both burdens. The assistance of Mendel Rivers and those who follow his leadership in the Congress, is essential to the solution of this delicate problem.

Although the non-defense growth of our budget for the current fiscal year amounts to a 55 per cent increase since 1964—compared with a mere 7 per cent growth in the defense budget over 1964—there are sizeable and influential elements in both houses of Congress who feel we have not gone far enough in reordering priorities. Fortunately, we have leaders like Mendel Rivers in the House and John Stennis in the Senate who will stand with the Administration and declare, "That's as far as we go. America's security demands we do no less."

Mendel Rivers has worked tirelessly, since coming to the Congress in 1940 to make the world a more peaceful place. For example, he has supported every effort to get Communism out of Southeast Asia, to get Russia out of the Middle East, and to get Senator Fulbright out of Washington. Many of the defense problems his committee copes with result from policies that came out of the Senate Foreign Relations Committee.

Chairman Rivers is accused of being a hawk on Vietnam and he doesn't deny it. He is always referred to as the "powerful" chairman of the House Armed Services Committee. It's not an inappropriate adjective, but his committee members say he runs a democratic organization—with a small "d" of course.

Mr. Rivers is one who invariably watches the sunrise from his desk in the Rayburn Building and, by the time he gets home in the evening, the lights are on.

As a committee chairman, he sometimes drives aircraft technicians crazy. Airplanes are his hobby and when the Chairman starts talking about engine designations, thrust, aerodynamics, ranges, speed, lift capability, and drag effects, the witnesses who appear before his committee quickly realize they had better know the facts. The air mobility of our Armed Forces today is a living memorial to the efforts of Mendel Rivers.

Mendel Rivers knows that legislation is the art of compromise, and we in the Nixon Administration have sometimes felt the pressure of his bargaining. He has been well trained. He traces his training to three great universities—the College of Charleston, the University of South Carolina, and Vinson College. He served on the House Armed Services Committee with the late Carl Vinson, along with a number of others who later achieved varying degrees of national prominence.

One of the names I recall is Lyndon Johnson, who was elected to a high office. At least I think he was elected to high office. If I read a few more memoirs of Kennedy aides, I may find out he never existed at all.

One of the things that I admire so much about Mendel Rivers is his willingness to go to bat for the so-called Military-Industrial Complex. He has always had the courage to remind people that defense-oriented industry helped win World War II and that without it we would be in a real pickle today.

No man in Congress has done more to improve the Defense establishment and the people in it. Improved food, pay, clothing, shelter, medical care, promotions, equipment and bases have all received his personal attention. Every man in the armed forces is obligated to him for the automatic pay raises he receives.

Undoubtedly, of all the titles and honors he has received in a distinguished career, the one of which he is most proud is "Champion of the GI." And the GI's know he deserves it.

I will close with a true story that illustrates the point. Some of the troops returning from Vietnam recently under the Nixon Administration's withdrawal program were being interviewed.

"What did you pray for most when you were in Vietnam?" a young man was asked.

"I prayed that Mendel Rivers would live to be 150 years old because he is the one who really cares about us," said the GI.

Chairman Rivers, it sort of sums up a feeling of the 2,000 of us in this room. We salute you, Sir.

Mr. STENNIS. Mr. President, how much time have I remaining?

The VICE PRESIDENT. The Senator has 7 minutes remaining.

Mr. STENNIS. I yield 2 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I rise to say, first of all, that I support the committee in this measure. I believe that what the committee has done is judicious and careful, and represents the striking of a median position. It is a position which takes into account the concerns for the defense of the United States but does not undertake to go so far as to cause alarm in other countries; but serves notice that the United States expects to defend itself and to defend itself adequately.

If I may avert for a moment to the comment of the distinguished Senator from Arkansas (Mr. FULBRIGHT), I can only say that we hold our Presiding Officer in the highest regard. We think very highly of him, indeed; and the Constitution and the Bill of Rights preserve to him the same privilege to be heard, to express himself in language which is liable to be noted and quoted and commented upon, but language which is fully within the boundaries of debate and discourse.

I am pleased that the Senator from Arkansas was entertained and amused. I shall volunteer to continue that amuse-

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ment on my own between the Senator from Arkansas and me from time to time as the occasion dictates or he gives me further opportunity.

Mr. KENNEDY. Mr. President, will the Senator yield to me for 1 minute?

Mr. HART. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator has 3 minutes remaining.

Mr. HART. I yield 1 minute to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, on a number of different occasions the proponents of the Cooper-Hart amendment have outlined in considerable and persuasive detail the reasons for voting for that amendment. But in the final hours the distinguished Senator from Washington and others are raising the vital question of whether we who are supporting this amendment are hindering the effort being made to halt the arms race.

The Senator from Kentucky made a persuasive point when he said if there is a request by our negotiators at the SALT talks to vote against the Cooper-Hart amendment, that request should be made available to all Senators and all Americans so that they might know about it. But there has been no such request.

The claim that Safeguard is required as a bargaining chip at the SALT talks is unfounded. The United States already has ample bargaining chips in unquestioned capacity to continue and even accelerate the arms race. It is this capacity which the Russians are concerned with, not an unbuilt ABM system of dubious efficacy. The Russians recognize that if no agreement is reached at SALT, we can eventually build far more effective ABM systems than Safeguard can massively increase our offensive strength. This is their incentive to negotiate meaningfully at Vienna and Helsinki.

I do not think, therefore, that we need Safeguard as a bargaining chip. But, in any event, the Cooper-Hart amendment does not deprive us of this chip. It permits phase I to go ahead at a cost of almost $1 billion for next year alone. Surely the planned deployment of phase I, which is far more extensive than the Russian ABM system, is sufficient to convince the Soviets that the United States will not allow its deterrent capabilites to be impaired.

The administration decision to go beyond phase I is remarkable in light of last year's ABM debates. Then we were told that phase I was a prototype system to be tested and proved out. Secretary Laird stated:

> To those who are concerned about whether the Safeguard system will work, I would only say let us deploy phase I and find out. Only in this way can we be sure to uncover all of the operating problems that are bound to arise when a major weapon system is first deployed.

So far we have found out nothing about phase I. Nevertheless the administration now insists on phase II. This is not "fly before you buy." This is the old Pentagon policy of "buy it, try it and, if lucky, fly it."

The technical defects of Safeguard are becoming clearer and clearer. It now appears that the Russians could almost certainly destroy the system's Missile Site Radars—MSR's—and thereby render the entire defense system completely useless. The MSR's are relatively soft targets which are difficult to protect from enemy missiles. Furthermore, they are so expensive—as much as $200 million for one radar and the associated data processing equipment that we cannot simply employ a number of redundant radars at each Minuteman complex. In short, Safeguard's most crucial link is its weakest link.

At recent hearings, Defense Department officials conceded that the MSR's expense and vulnerability pose serious problems. They admitted the need for research into smaller and cheaper radars which would be adequate for dedicated hard-point defense. But they insist on pressing ahead with Safeguard—phases I and II—before the required research has been completed.

It is not surprising that Safeguard is an ineffective system for the protection of our land-based missiles. Safeguard was not originally designed for that task. It is an adaptation of the former Sentinel and Nike X systems which were primarily designed as area-defense ABM's. Its mission has been altered by Pentagon decree: But this does not make the system effective.

Safeguard has been aptly termed a weapon in search of a mission. Vast scientific and technical resources have been dedicated to building a system even the Pentagon is not sure how to employ. It is tragic that we have not used these resources to accomplish such missions as the preservation of our environment and the improvement of our health care facilities.

It is particularly ironic that the Senate is being asked to vote in favor of a wasteful weapons system just 1 day after the President has vetoed the education and the housing bills on the grounds that they are too inflationary. The fact of the matter is: Military spending is the most inflationary of all Government expenditures because it does not provide any of the goods and services our citizens demand? Let us not make increased support for education and housing the scapegoat for an inflation caused largely by the continuation of the Indochina war and unnecessary weapon system in the defense budget.

Today the Senate can move the world a little further on the road to sanity. With one vote we can help halt the momentum of the arms race and help reorder our national priorities. We should not fail to take advantage of this opportunity.

Mr. STENNIS. Mr. President, I yield myself such time as I may require, and that will leave the remainder of the time to the proponents of the amendment.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I wish to answer one question that has come to me from a number of Senators and I know it is an honest question. That question is this: After all, with phase I and our present two sites, is that not enough? We are already in a war that several years ago high officials told our Preparedness Subcommittee was not likely to happen. They did not want another show of rifles; they did not want to make another strike for conventional bombs.

My humble opinion is that the protected silos and the Minuteman, and phase I with the two installations, are just not enough to carry out the purpose of protecting our ICBM's. It is just not enough to do the job. These figures are all classified but I find there has already been given the fact that Whiteman will add 40 percent to the number of protected silos we will have.

So I think we have to bear in mind that in just a few minutes we will reach a climactic vote, the key vote for this entire year's decision on the ABM. We have recognized by this amendment itself that we need an ABM and that we need to go forward. Of course, you do not touch phase I. The truth is we need phase I and we also need phase II. One stroke of the pen here will increase the capacity by 40 percent. I know everyone is most serious about this matter, but let us remember we cannot have a second chance insofar as time is concerned.

I believe we are going to go forward in the next 12 months with the same degree of development, which has been substantial, as we have in the last 12 months. In addition, we all know the SALT talks disturb the proponents of the amendment. Certainly that is part of the picture, as everyone knows.

I yield back such time as I have remaining.

Mr. HART. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator has 3 minutes remaining.

Mr. HART. Mr. President, I yield 1 minute to the distinguished Senator from Maine.

Mrs. SMITH of Maine. Mr. President, I am against spending a cent for the defective Safeguard system. But since the Hughes amendment has been defeated, I shall, with great reluctance, vote for the Cooper-Hart amendment because it does at least limit spending for Safeguard.

In doing so, my vote should not be interpreted in any respect as approval of spending any money for Safeguard.

The VICE PRESIDENT. Who yields time?

Mr. COOPER. Mr. President, I yield 2 minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, as a Senator representing a State where the ABM is in the eye of the storm, so to speak, I support the Cooper-Hart amendment because I think it goes at least 90 percent of the way toward what the President wants. He asked for a "blue chip" to help out our negotiators in Vienna. He is getting a diamond encrusted chip, in my opinion. The Cooper-Hart amendment seeks to agree to the full amount for phase I at Malmstrom, Mont., and Grand Forks, N. Dak.; and in addition to allow the approximately $350 million for continued research and development outside of the work going on in North Dakota and Montana.

It seems a little odd that every time we discuss the ABM, just before the vote

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is taken some sort of secret telegram is made public surreptitiously, or some secret information is made available. I do not see why what has been said or written could not have been told to all Members of this body in time for all of them to understand.

So I would hope that the Cooper-Hart amendment will be carried, because I think it is in the best interests of the country, it will fund the full amount for phase I in North Dakota and Montana, and will carry on all the research and development that the administration needs.

Mr. COOPER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the Cooper-Hart amendment, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness, and if present and voting would note "nay."

The VICE PRESIDENT. The Chair will remind visitors in the galleries that, under the rules of the Senate, there may not be manifestations of approval or disapproval.

The result was announced—yeas 47, nays 52, as follows:

[No. 256 Leg.]

YEAS—47

Aiken
Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Ellender
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith, Maine
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—52

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cotton
Curtis
Dodd
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
McIntyre
Miller
Murphy
Packwood
Pearson
Prouty
Russell
Scott
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—1

Mundt

So the Cooper-Hart amendment, No. 819, was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COOPER. Mr. President, yesterday the junior Senator from Washington (Mr. Jackson) made a statement on the floor of the Senate calling into question the views of a number of distinguished scientists who have testified on the ABM. Senator Jackson based his statement on a letter he received on August 10 from Drs. Wohlstetter, Herzfeld, Libby, and McMillan. On the basis of this letter Senator Jackson concluded that such respected scientists as Dr. Panofsky and the former science advisers to Presidents Johnson, Kennedy, and Eisenhower, had made an absurd error. I have already received telegrams from Dr. Herbert York, former head of research and engineering under Presidents Eisenhower and Kennedy, Dr. Marvin Goldberger of Princeton, who until recently was head of the President's Scientific Advisory Panel on Strategic Weapons, and Dr. Sidney Drell of Stanford University, who was also a member of the President's Panel on Strategic Weapons. I ask unanimous consent that their statements be included in the Record at the conclusion of my remarks because they authoritatively repute the assertions made by Drs. Wohlstetter, Herzfeld, Libby, and McMillan and put the weaknesses of the Safeguard ABM system in proper perspective.

There being no objection, the statements were ordered to be printed in the Record, as follows:

La Jolla, Calif., *August 11, 1970.*

Senator John Sherman Cooper,
Washington, D.C.:

In the debate on the ABM Senator Jackson quoted a statement by Wohlstetter, Herzfeld, Libby and McMillan which supposedly contributed an earlier statement on ABM made by me and others familiar with this problem. The Wohlstetter calculations are misleading and irrelevant. The plain fact is that Safeguard is easily attacked and overwhelmed by a combination of SS9 and SS11 missiles. The phase 1 and phase 2 Safeguard deployments make very little, if any, difference in the number of Soviet SS–9 missiles needed to achieve any rational level of destruction of our Minuteman force in the event of an attack on it.

Herbert F. York.

San Diego, Calif., *August 11, 1970.*

Senator John Sherman Cooper,
New Senate Office Building,
Washington, D.C.:

The statement submitted to Senator Henry Jackson on 10 August 1970 by Wohlstetter, Herzfeld, Libby, and McMillan is technically wrong and extremely misleading. Its criticism of a statement prepared under the auspices of the Federation of American Scientists which I and several others signed is based on a serious misconception.

Our statement asserts that quote even if Safeguard functions perfectly it offers significant protection to Minuteman only over a very narrow band of threats unquote. This point is unmistakably illustrated by the so-called Panofsky graph described in the Drell testimony before the Gore committee on 29 June 1970. Its correctness is in no way repeat in no way contingent on the assumption that the Soviet want to destroy only 700 U.S. Minutemen. In that graph the goal of preserving 300 Minutemen was chosen simply because the DOD position outlined in the Foster testimony before the Gore committee on 4 June 1970 was that quote it is important that a few hundred of the total one thousand survive and form a deterrent unquote. Whether the goal is to protect 300 Minutemen or only fifty our statement stands. No detailed technical analysis of projected Safeguard performance carried out in the Pentagon or by outside review committees supports the Wohlstetter contention that to destroy 950 Minutemen requires 800 more Soviet warheads than to destroy 700 Minutemen. Wohlstetter et al say that the FAS statement is careless. The Wohlstetter statement is not careless. It is purposefully misleading. I repeat the assertion in our FAS statement quote the protection offered by Safeguard for the Minutemen force is negligible.

Marvin L. Goldberger,
Professor of physics,
Princeton University.

Palo Alto, Calif., *August 11, 1970.*

Senator John S. Cooper,
Washington, D.C.:

The statement submitted to Senator Jackson by Drs. Wohlstetter, Herzfeld, Libby and McMillan on Aug. 10th, entitled "Effectiveness of the Safeguard ABM System" is totally wrong as well as inconsistent with the Pentagon's own calculations of the Safeguard effectiveness.

The principal technical argument against Safeguard is that it will be effective over a very narrow band of threats. This is the substance of Dr. Panofsky's testimony as well as mine and is true independent of whether we analyze Safeguard's effectiveness in terms of the presumed Soviet strategic goal to destroy all but * * * in terms of a stated U.S. goal of 300 Minutemen surviving. The Pentagon's own calculations show that if we take the Soviet objective to be to destroy all but 50 of the Minutemen missiles, the development of the full phase II of Safeguard at all four Minutemen sites, which is one site more than proposed in this year's authorization, will force them to add to their attacking force at most several hundred warheads. This is considerably less than one-half of the number 800 claimed in Wohlstetter's statement. I cannot be more precise due to the fact that the official Pentagon calculations are classified, but I think it is important to be totally clear that, independent of any and all strategic assumptions, and based on the Pentagon's own official calculations as presented to the armed services committee in numbers in Wohlstetter's statement are misleading and a gross overestimate. Moreover, if one takes into account the vulnerability of the radars (MSR's) to the smaller SS–11, for which it has been reported that penetration aids are now being tested, the additional number required is insignificant. I note that the development of such penaids for the SS–11 is a much smaller technical step than the development of accurate counterforce MIRV's for the SS–9 as projected in the Wohlstetter analysis.

Wohlstetter's statement also claims that we can protect Minuteman more cheaply than the Soviets can overcome the protection. This is not even true using their calculations as to the number of additional warheads required to overcome Safeguard. The point is that the smaller, cheaper SS–11 which has no capability to destroy Minuteman silos can now destroy the single vulnerable MSR radar, protecting an entire wing of 150 missiles relatively simply and inexpensively by exhausting the interceptors. Moreover, the correct numbers show that the cost to us to defend a Mintueman silo with Safeguard is very much more expensive than the cost of Minuteman itself, as I testified on June 29, 1970 (p. 552, hearings of the Subcommittee on Arms Control, International Law and Organization) and this is true at any level of defense: Safeguard is very substantially more expensive than building more Minutemen.

Hardsite is an effective alternative to Safeguard which can be deployed if necessary. This can be done cheaply and rapidly against Soviet threats of the immediate future as I testified by upgrading existing air defense systems in known ways. An advanced dedicated hardpoint defense, if vigorously developed during the coming year, can be available and can be effective if needed by the late 1970's.

Finally, I note that the only outside scientific and technical review made for the Pentagon of the Safeguard System (by the O'Neill panel on which both Dr. McMillan, a signer of the statement to Senator Jackson, and I served and whose report we both signed) concluded on the basis of both the cost and effectiveness of Safeguard that "if the only purpose of Safeguard is defined to be to protect Minuteman phase II-A, as defined in March 1969, it should not proceed."

SIDNEY D. DRELL,
Stanford Linear Accelerator Center.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Senator from Arizona (Mr. FANNIN) is recognized for 30 minutes.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, if the Senator will yield, we would like to make an announcement that may be of interest to the Senate.

Mr. KENNEDY. May we have order, Mr. President?

Mr. STENNIS. May we have it quiet?

The VICE PRESIDENT. The Senate will be in order. The Senator from Arizona has the floor.

Mr. FANNIN. Mr. President, I yield to the majority leader.

PROGRAM

Mr. SCOTT. Mr. President, I thank the distinguished Senator from Arizona for yielding to the distinguished majority leader. I would like to inquire of the majority leader now as to the continuing order of business. Is any amendment pending and ready, or what does the majority leader plan for today and the rest of the week?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is my understanding that the distinguished Senator from Massachusetts (Mr. BROOKE) has an amendment which he will offer, and on which he would agree to an hour's limitation, if that would be satisfactory to the manager of the bill.

Mr. STENNIS. Mr. President, if the Senator will yield——

Mr. MANSFIELD. Yes, indeed.

Mr. STENNIS. On an amendment right on this subject—and the Senator from Massachusetts has one that has this subject right at the heart of it—for myself, I could safely agree to an hour of debate on each side right now, and then vote. I think that would be ample time.

Mr. JACKSON. One hour altogether?

Mr. BROOKE. One hour on each side.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I dislike making this request, but I would appreciate it if the Chamber could be cleared of unauthorized personnel; and I would hope that the Senate as an institution and Senators individually would take that in the right spirit.

The PRESIDING OFFICER. The Sergeant at Arms is directed to clear the Senate Chamber of all unauthorized personnel.

Mr. RUSSELL. Mr. President, there is so much disorder in the Chamber that I can scarcely hear the majority leader, although I am closer to him physically than any other Member of the Senate.

The PRESIDING OFFICER. The Senate will be in order. Unauthorized personnel will please leave the Chamber.

Mr. MANSFIELD. Mr. President, it had been hoped that it would be possible to reach an agreement on the amendment to be offered by the distinguished Senator from Massachusetts (Mr. BROOKE); but, unfortunately, because of factors over which no one has any control, it seems not possible to do so at this time. I anticipate, therefore, that the distinguished Senator from Wisconsin (Mr. PROXMIRE) will call up an amendment which will become the pending business after the distinguished Senator from Arizona (Mr. FANNIN) and the distinguished Senator from California (Mr. MURPHY) complete their remarks.

Mr. STENNIS. Mr. President will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. Before Senators leave, we have such a magnificent attendance that I wish we could vote on any amendment concerning the ABM; but if we cannot, we will have to move on with the rest of the bill. There are many amendments, most of which can be disposed of in relatively short time, I believe, if we have a good attendance. Perhaps we can agree to an hour on a side on some amendments and 30 minutes to a side on other amendments. Then will come the McGovern amendment, on which I think there is the prospect of a very reasonable agreement as to time. If we do not get started on the shorter amendments, we will be here week after week.

Mr. MANSFIELD. I agree with the distinguished Senator from Mississippi, who himself has been most patient, most considerate, and most gracious. Too often has delay been occasioned by actions of many individual Senators. It is too bad that that is the case.

I intend to leave the city tomorrow. I will be gone over the weekend. I want it thoroughly understood that during my absence no votes be held up or delayed in any way. I think we all should take our chances, and no Senator should ask for any special consideration for any purpose. The business of the Senate comes first. If we are not here, it is up to us to take our chances.

I have some further comments to make.

Mr. SCOTT. Before the Senator does, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I want to concur and indicate that a great deal is being said about the desirability to adjourn Congress, the importance of getting the business done, and then every time the majority leader and the minority leader try to work out some amendment, somebody has a different idea, which of course we must respect. If this is to continue, I suspect that we will be here, to use the British phrase, until "the 17th of never."

I think it is really high time that we buckle down, get to work, get these amendments out of the way, and have some mutual concern for the problems of each other so that we can be here. I intend to be here, and I intend to take my chances if I am not here.

I think it is important that we get down to business and give a better impression to the country, if we want to do something around here except talk interminably and forever.

Mr. MANSFIELD. Mr. President, it is my understanding that the House will tomorrow take up the bills which have been vetoed by the President of the United States. At least one, I understand, will be taken up, perhaps both. If the President's veto is sustained, of course, there will be nothing for the Senate to do in respect to either bill. But if the President's veto is overridden on either or both of these bills, it would be the intention of the joint leadership, in conjunction with and with the approval of the chairmen of the committees concerned and the ranking minority members, to call up such a measure or such measures as may be available on Tuesday next and, if need be, on the Wednesday following.

These are privileged matters. The Senate should be informed. Agreement has been reached. Everybody is on notice accordingly.

Furthermore, I would like to comment on the equal rights amendment, which I understand was considered in the Committee on the Judiciary this morning. An informal understanding was reached providing that there would be public hearings—three, I believe—on this joint resolution, which passed the House yesterday, but that it would not be reported until September 19. Speaking personally, I think this is too long a delay. I wish it could be reported the day after Labor Day or 2 days after that. That should be plenty of time. The public hearings can be held in the meantime and questions can be threshed out.

The Senate has passed this joint resolution twice already. So when anybody refers to 47 years, I wish he would absolve the Senate, because we did face up to this problem.

I hope it would be possible for the Committee on the Judiciary, to report the measure before the 18th of September—and have it available on the 8th or 9th of September, so that on our return from the Labor Day recess we could take it up. It could not be considered before that time because all time will be devoted to the pending business and on the appropriation bills which will be forthcoming.

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That is the legislative situation as I see it at the moment.

Mr. SCOTT. The Senator has expressed my views, also.

UNANIMOUS-CONSENT AGREEMENT

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BENNETT. I have heard the majority leader's announcement about the intention of the distinguished Senator from Wisconsin to call up an amendment. Is it the majority leader's thought that we will vote on that amendment this evening?

Mr. MANSFIELD. Will the Senator enlighten the Senate?

Mr. PROXMIRE. I would prefer to vote on this amendment at a time certain tomorrow, if that is acceptable to the majority leader. I think this is an important amendment, and it should be fully discussed. I suspect that the Senator from Arizona and the Senator from California are going to speak at some length tonight. It might be rather late.

Mr. MANSFIELD. Mr. President, are any Senators scheduled to speak tomorrow after the two Senators, who will take about an hour?

Mr. President, I ask unanimous consent that at the conclusion of the speeches by the two Senators, ending at approximately 11 a.m. tomorrow, there be a 1-hour time limitation, the time to be equally divided, and that at 12 noon the vote come on the amendment which will be pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous consent agreement, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote at 12 o'clock noon, August 13 on the Proxmire amendment (No. 808) with the time (1 hour) before the vote to be equally divided between the proponent of the amendment and the manager of the bill, the Senator from Mississippi (Mr. STENNIS).

Mr. MANSFIELD. That is the situation as I see it. The Senate is on notice.

Mr. SCOTT. Therefore, we do not expect any votes between now and noon tomorrow. Is that correct?

Mr. MANSFIELD. That is correct.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. PROXMIRE. Mr. President, I call up my amendment 808 and ask unanimous consent that reading of the amendment be dispensed with. I shall explain it when I get the floor at a later time.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with, and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

SEC. 507. None of the funds authorized to be appropriated by this or any other Act to or for the use of the Armed Forces of the United States may be obligated or expended for any project or activity described in this section which is carried out by or for the Armed Forces of the United States, unless and until the Department of Defense has, in the case of such project or activity, complied with the provisions of sections 102 (1) and (2)(C) of the National Environmental Policy Act of 1969. Projects or activities of the Armed Forces subject to this section shall include, but not be limited to, the following:

(1) The development, construction, testing, and operation of any weapon system which significantly affects the quality of the human environment, except when maintained and used in warfare.

(2) The transportation or transfer of dangerous substances or devices.

(3) The use of herbicides or other chemical or biological warfare agents.

(4) All projects or activities carried out under contracts amounting to more than $100,000,000 and all other contracts whose completion will have results significantly affecting the quality of the human environment.

(5) All military construction projects which will significantly affect the quality of the human environment.

(6) The sale or disposal of dangerous substances or devices whose use could significantly affect the quality of the human environment.

ESTABLISHMENT WITHIN THE DEPARTMENT OF COMMERCE OF A NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. MAGNUSON. Mr. President, after 4 years of study both inside and outside of Government, a proposal is now before the Congress which would establish within the Department of Commerce a National Oceanic and Atmospheric Administration. After careful review of the Reorganization Plan No. 4 submitted by the President on July 9, 1970, I wish to state both my support for the proposal and the hope that my colleagues in the Senate will join in allowing this agency to be created so that the Nation can move ahead with the exploration and development urgently needed for the intelligent use of our marine resources.

As a result of the Marine Resources and Engineering Development Act of 1966 a study of all aspects of marine science was undertaken by a Commission on Marine Sciences, Engineering, and Resources, headed by Dr. Julius Stratton. I was privileged, together with the senior Senator from New Hampshire, to serve as a congressional adviser to this Commission, and I know of the dedication and skills of those men from the academic and business community as well as from Government. The final report of the Commission, "Our Nation and the Sea," which was issued in January 1969, focused national attention on the marine environment and recommended the establishment of a new independent agency dealing with oceanography and the atmosphere. Subsequently, a great deal of attention was given to this issue by Senator HOLLINGS' Subcommittee on Oceanography and by the Oceanography Subcommittee of the House Committee on Merchant Marine and Fisheries. Similar studies were carried out by the administration. Of the various alternatives suggested, the President's decision was to recommend the creation of NOAA within the Department of Commerce.

The reorganization plan before the Congress differs from the recommendations of the Stratton Commission in only two major aspects. It does not call for an independent agency and it does not incorporate the Coast Guard.

I do not believe these two exceptions should be allowed to detract from the other merits of the proposal and I do not think we can afford the further delays that would surely result from a rejection of the plan.

The major element of NOAA, the Environmental Science Services Administration, is already located in the Department of Commerce. This agency would comprise 73 percent of NOAA's budget and 83 percent of its personnel. It provides as well the solid base of science and technology which the Stratton Commission emphasized must serve as the common denominator for accomplishment in these areas. The national data buoy program would be transferred from the Coast Guard and with respect to the need for other Coast Guard components there is an excellent background of cooperation between ESSA and the Coast Guard.

Approval of this plan will provide an important first step in enabling this Nation fully and wisely to use and understand the oceans and the atmosphere. Wisely administered, NOAA will greatly enhance the quality of our environment, our security, our economy and our ability to meet increased demands for food and raw materials. Senator HOLLINGS has already testified before this Subcommittee of the Committee on Government Operations in support of Reorganization Plan No. 4 and I am pleased today to join in that support. I am confident the Secretary of Commerce will give to NOAA the support and backing which are absolutely essential if the visions and hopes of the Stratton Commission are to become a reality for the Nation.

Mr. President, here are some answers to questions and some of the charges that have been made regarding this matter:

What would be the basic function of NOAA?

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To describe, predict, explore, develop technology, and generate greater understanding of the oceans and atmosphere. ESSA, which would comprise over 80 percent of NOAA and which is already in the Department of Commerce, was assigned many of these tasks when President Johnson submitted Reorganization Plan No. 2 in 1965. At that time he said:

> ESSA will then provide a single national focus for our efforts to describe, understand and predict the state of the oceans, the state of the lower and upper atmosphere and the size and shape of the earth . . . Establishment of the Administration (ESSA) will mark a significant step forward in the continual search by the Federal government for better ways to meet the needs of the nation for environmental science services. The organization improvements will permit us to provide better environmental information to vital segments of the nation's economy . . . to agriculture, communications and industry, which continually require information about the physical environment. They will mean better services to other Federal departments and agencies . . . to those that are concerned with . . . the management of our mineral and water resources, the protection of the public health against environmental pollution, and the preservation of our wilderness and recreation areas.

In establishing the component agencies of NOAA, the administration has come very close to meeting the recommendations of the Marine Science Commission headed by Dr. Julius Stratton and established incidentally by President Johnson. The only basic differences are the omission of the Coast Guard from the new agency, and placing it in Commerce instead of making it an independent agency. Mr. Stratton and other key officials of the Marine Science Commission have endorsed the reorganization plan.

Charge: The Department of Commerce is not an agency to be entrusted with protecting the oceans and atmosphere from pollution.

Answer: The Department of Commerce is, and has been for some time, a multiservice agency with general purpose responsibilities in science and technology. Examples are the National Bureau of Standards, whose services extend across lines to all Federal agencies, the Census Bureau whose activities contribute to the programs of virtually every department of Government, and the Weather Bureau whose services serve a much larger constituency than just Commerce. By the same token there are many interests with vital stakes in the oceans and atmosphere: transportation, agriculture, conservation, resource development, and, of course, protection of environment. The latter is one of many concerns, albeit a most important one. There are already certain environmental responsibilities in the Commerce Department. ESSA, for example, works very closely with HEW in monitoring and measuring air pollution. In fact, there are bills before the Congress which would make air pollution reporting a daily required function of the Weather Bureau.

To suggest that the Commerce Department will exploit marine resources without regard to long range interest in conservation is to accept an earlier image of the Department which is not accurate today. Secretary Stans has pointed out that the Department regards economic development in a much more sophisticated manner than merely to exploit today and forget tomorrow.

Charge: Is Commerce not generally thought of as the agency of exploitation of resources, while Interior, for example, is thought of as the agency of conservation?

Answer: That may be true from a certain historical perspective, but by the same token was not this agency of conservation the same agency that issued the oil leases at Santa Barbara, Calif., which resulted in disastrous oil spills?

Charge: Yes, but I also recall that Secretary Hickel moved swiftly to make those oil leases subject to intensive scrutiny in an effort to protect the ecology of the area.

Answer: So you are saying that an earlier image of a department, any department, should not be locked in concrete, that, in effect, there can be a more enlightened policy. If this can happen in Interior can it not also happen in Commerce with the increasing recognition today that economic development cannot proceed without long-range consideration of the impact on environment.

Charge: We should reject the reorganization plan putting NOAA in Commerce and develop new legislation which will insure that the agency responsible for the ocean and atmospheric environment will protect and not exploit that environment.

Answer: Let us be realistic. Both the Congress and the Executive Branch have been working for 4 years to develop a comprehensive program for the oceans. Beginning with the formation of the Stratton Commission, its recommendations, intensive hearings and consideration on the oceanographic subcommittees of both House and Senate, studies within the executive branch and, finally, culminating in the President's submission of a reorganization plan creating NOAA in the Department of Commerce. To reject this proposal, endorsed by every major study group commissioned by the Congress, is to wipe out any chance for significant progress within the foreseeable future. Let us be realistic. There is no utopian organizational chart which will satisfy all the competing demands of various groups and special interests. There is only one ocean and one atmosphere. We have before us a plan which for the first time will give us the tools to deal with a significant challenge. If we reject this proposal we will lose years of work, and in effect be right back where we started.

Charge: Since EPA has been proposed as the new super Environmental Protection Agency, protection of the ocean environment and atmosphere from pollution should be assigned to that agency.

Answer: This ignores the basic differences between EPA and NOAA. EPA is basically a standard setting and enforcement agency, period, and it will have basic authority in both areas over land and sea. But to achieve these objectives it will have to draw heavitly on NOAA, whos responsibilities include developing technology for measuring, predicting and monitoring but also for the development of marine resources. Before EPA can be effective in its standard setting and enforcement task, it must first have a good information base. We have to first understand, for example, what materials are being dumped in the oceans, what alternatives there are for those materials, what materials are harmful, and what the ocean can absorb which are not harmful. We have to learn what the diffusing characteristics of the ocean streams are, and what the tolerance is of various life forms to the various things that man puts into the ocean. Then we can and must develop standards for what the ocean can tolerate and here, after NOAA has contributed to our information base, is where EPA will be expected to set standards and enforce them. But EPA is a regulatory body and as such it should not be concerned with resource development. NOAA will have this operational responsibility. It would make no sense at all to put the same agency, EPA, for example, both the operating and regulating responsibilities. To do so would be to have EPA regulating its own developmental programs. These functions are clearly separated in the two reorganization plans.

Charge: When you say resource development, do you not really mean exploitation for the profit of the few against the benefits for the many?

Answer: I do not quite understand your use of the term "resource development." To me resource development can apply very well to our food-from-the-sea program, to new sources of nourishment for the poor, a program which has long-range potential of providing long-range sources of food for an ever-increasing population.

Question No. 6: In his fact sheet on the reorganization plans, President Nixon said that one of the major reasons for EPA is that it "will insulate pollution-abatement standard setting from the promotional interests of other departments." Why should this same reasoning not apply to our Federal responsibilities in the sea? What will the relationships and delineations be between NOAA and EPA? What environmental functions will NOAA perform?

Answer: The reasoning that pollution-abatement standard setting should be insulated from the promotional interests of other departments is consistent with the concept of NOAA being placed in the Department of Commerce. We would expect EPA within its authority to set necessary pollution-abatement standards for the seas. NOAA will monitor, observe, try to understand and predict the physical environment of the air, oceans, and the live resources of the seas. NOAA intends to work closely with EPA in the same fashion that ESSA does today with the Department of Health, Education, and Welfare on air-pollution problems. ESSA monitors and predicts air-pollution potential for the air-quality control regions which in turn implement control actions.

Question No. 7: As I read the basic statutory authority of the Secretary of Commerce, it directs the Department to promote economic development of re-

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sources. Yet on page 7 of your statement you say that an NOAA in Commerce will permit the development of the resources of the sea "while guarding against the thoughtless exploitation that in the past laid waste to so many of our precious natural assets." Specfically how will NOAA perform the environmental function? Would you not need new legislative authorities to do this job? Will you seek them?

Answer: The Department regards the protection of our oceanic and atmospheric environment as essentially a two-step process. For example, we must first understand what types of materials are being dumped into the ocean, whether or not they are harmful, and what materials the ocean can absorb which are not harmful. Once we have acquired accurate data on what man is doing to the ocean and what his alternatives are, we then can develop pollution abatement standards. We regard the collection of data as primarily the task of NOAA and the setting of pollution standards based upon such data as primarily the task of EPA. At present we have sufficient legislative authority for the mission assigned to NOAA.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Arizona (Mr. FANNIN) is now recognized for 30 minutes.

A CONSTITUTIONAL AMENDMENT ON A BALANCED BUDGET

Mr. FANNIN. Mr. President, just as it has for decades, the debate continues over whether it is the President of the United States or the Congress that is responsible for the chronic imbalance of the Federal budget. Again this year the administration has proposed what it estimates to be a responsible and balanced budget. Here in these Chambers we have added, and subtracted, juggled, and rearranged the administration proposals. Citizens have reason to be confused as Congress adds millions to various appropriations bills while claiming to cut the President's budget.

After several decades of deficit financing, it is evident the only certain method of ending this confusion is through a constitutional amendment such as the one I discussed on the floor 2 weeks ago. This amendment would require that Congress approve budgets which, over a period of 2 years, would be in balance.

This amendment should have the support of both those who back the President's position and those Members of Congress who contend they have done a responsible job in revamping the President's requests.

My comments 2 weeks ago certainly did not mark the first time such a constitutional amendment has been discussed in the Senate.

In the 1950's a constitutional amendment along these lines was proposed by Senators Harry F. Byrd, Sr., of Virginia, William Langer, of North Dakota, CARL T. CURTIS, of Nebraska, and H. Styles Bridges, of New Hampshire, who at the time was chairman of the Appropriations Committee. Senator CURTIS continued to pursue the issue in the 1960's.

The amendment was needed then; it is even more desperately needed now.

Three objections have been raised against previous proposals. First, it was argued that previous amendments had technical faults that made them unworkable. Second, there was the contention that such a measure would not be enforceable. And, finally, some officials feared a constitutional amendment would impose procedures that would be relatively inflexible.

These objections can be overcome.

Mr. CURTIS. Mr. President, will the Senator from Arizona yield at that point?

Mr. FANNIN. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. I want to commend the distinguished Senator from Arizona for taking the lead in this matter. It is evident that the country will not go on a pay-as-you-go basis until, through a constitutional amendment or otherwise, we are forced to such a system.

Throughout the years that I have been interested in this subject, I have found no one opposed to a balanced budget, but they always said, "Not now. Wait until next year."

Certainly, if we believe in the programs for which we vote, we should believe in them to the extent that we are willing to pay for them.

I think it is just as wrong to charge the current costs of running the Government to our children and grandchildren as it is for us to refuse to pay our grocery bills, to skip out on a hotel bill, or to beat any other bill. It is just plain dishonest.

I commend the Senator from Arizona for bringing this subject to the attention of the Senate. Throughout the months and years since I came to the Senate, I have known many meetings going on to advocate this and that kind of program, but I have never heard of the leadership of the Senate calling a meeting to discuss how we could balance the budget or how we could stop this terrible trend toward deficit spending.

This year, the interest on the national debt will reach $20 billion.

Thus, I heartily commend the distinguished Senator from Arizona for what he is doing. He is doing something that is for the good of all the people of this great country.

Mr. FANNIN. I thank the distinguished Senator from Nebraska. I know there is not a person in the body who has greater expertise in this field than he. His accomplishments over the years are well known in the field of fiscal responsibility. Certainly his timing on the different programs has been commendable. I appreciate very much what the Senator from Nebraska has just said.

Mr. BELLMON. Mr. President, will the Senator from Arizona yield?

Mr. FANNIN. I yield.

Mr. BELLMON. I have read the speech of the Senator from Arizona and have discussed this matter with him. I agree wholeheartedly with the objective the Senator is striving to achieve.

I came to the Senate after having served as Governor of Oklahoma, just as the Senator from Arizona has served as Governor of Arizona, and I was amazed to realize that the handling of financial matters by State governments is much more responsible when compared to the system, rather, the lack of system, as used at the national level.

In Oklahoma, we know very well that any time we vote to spend more money, we must immediately find the source for that money. That seems to temper the desire of the legislature or of the Governor to spend more money, because we recognize that unless a program is worthy and meets the desire of the voters of the State, our actions will not be popular.

But here in the Nation's Capital, to my great surprise and amazement, there seems never to be any discipline, just merely voting for all these good things and giving little or no consideration to the money that will be needed to pay for them, so that at the end of the year we go into debt and no one who voted for this or that program feels any pain.

As the Senator knows, some months ago, I introduced S. 4056, a bill to develop a system of fiscal stabilization for the Federal Government, which hopes to accomplish a similar objective to the one the Senator from Arizona has in mind. I am therefore very proud to join the Senator in this effort and to work with him to try to get the U.S. Government on a sound fiscal basis, and end the policy of borrowing to pay for the cost of Government operations.

Once more, I commend the Senator from Arizona and say to him that I will do all I can to help.

Mr. FANNIN. Mr. President, I thank the distinguished Senator from Oklahoma. I know of his splendid record as Governor of the great State of Oklahoma and that he used his expertise and ability in this field very well in bringing about balanced budgets in his State. Of course, that is a necessity so far as any State is concerned. It is a requirement in my State of Arizona as well.

Thus, I appreciate his remarks and will welcome his support of my amendment. I called upon him for assistance in writing the amendment, to be sure that we had the right language.

Mr. HANSEN. Mr. President, will the Senator from Arizona yield?

Mr. FANNIN. I am very pleased to yield to the Senator from Wyoming.

Mr. HANSEN. It was my privilege to know the distinguished Senator first when he served as Governor of the great State of Arizona.

I think that those Senators who have served as Governors of their respective States will agree with me that that experience is, indeed, a most useful one to have, because most States, unlike the Federal Government, have to present balanced budgets.

In my State of Wyoming, we have laws which absolutely prohibit the operation of the State government on a deficit. With that sort of background it is not unexpected that the distinguished Senator from Arizona would be the strong champion he has been, and is now, for a system of fiscal responsibility.

As a member of the Finance Committee, I have noted and highly approved the actions he has taken from time to time in order to see that this Government, insofar as he is able to do so, will be operated on a balanced budget. That is not an easy course to take. It is not an easy position to maintain. But it is one that the distinguished Senator from Arizona has staked out, with no inconsiderable courage, for all of us who choose to follow in this remarkable fashion in Congress.

I am pleased to join with my colleagues in paying tribute to the Senator from Arizona.

Mr. President, I compliment my good friend and distinguished colleague from Arizona for the leadership he has shown in this matter. I support him in his proposal and hope that the Congress will pursue this matter and face up once and for all to its monetary and fiscal responsibility.

The proposal, which has been suggested here today, would put an end to the practice by Congress in the last 40 years of financing its expenditures through the medium of an interest-bearing charge account that is never paid.

There are those who say that the United States has never faced as many problems of a domestic or national nature as we do today. Perhaps this is a valid statement; however, there can be little doubt that many of the problems which we face today are directly or indirectly related to fiscal irresponsibility which has been this Government's course of action for many years, previous to this administration.

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Inflation is said to be the No. 1 problem facing the United States and this Congress. Despite this fact, the Congress persists in pursuing its annual practice of spending more money than it receives.

One of the many things that Americans could always be proud of is that America, more than any other country, historically had the reputation for not spending more than it could pay for. As a result, for almost 150 years we had a reasonably stable dollar, which in turn, contributed to the maintenance of a stable government.

But during the 35-year period which has passed since the Federal Government opened its multi-billion-dollar interest-bearing charge account, the value of the American dollar has been cut dramatically.

Recently, the Senate Finance Committee on which I serve held hearings on H.R. 17802 which later passed the Senate and was signed into law. This bill authorized raising the national debt ceiling from $365 billion to $380 billion.

It was pointed out that from 1966 to 1969, actual Federal funds expended exceeded actual Federal funds received by $44 billion. The Federal deficit for 1970 alone is about $11 billion.

Since 1947 we have seen the national debt ceiling raised from $275 billion to the current limit of $395 billion. Since 1960, the ceiling has been raised from $295 billion. These, Mr. President are sobering figures.

I share the belief of my good friend from Arizona that the time has come to take steps to halt the unlimited spending by Congress. The time has come to take a look at just what course we, as Members of Congress, are leading the Nation. The time has come for the United States to once again adopt a policy of fiscal responsibility.

It is my belief that our domestic as well as our international iterests demand that we adopt a system to provide for a "pay as you go" government rather than a "pay as we went many years ago" government.

It is my pleasure to support my friend the distinguished Senator from Arizona, in this proposal and I commend him for the initiative he has taken in this regard.

Mr. President, because of its applicability, I commend the most recent bulletin of the Council on State Chamber of Commerce—dated today, August 12, 1970—and entitled "Progress Report on fiscal 1971 Budget Actions," to the attention of my Senate colleagues.

Mr. President, I ask unanimous consent that a bulletin from the Council of State Chambers of Commerce entitled "Federal Spending Facts" be printed at this point in the Record.

There being no objection, the bulletin was ordered to be printed in the Record, as follows:

PROGRESS REPORT ON FISCAL 1971 BUDGET ACTIONS

In completing action on the Second Supplemental Appropriation Bill for 1970, the Congress on June 29 enacted a phony limitation on spending in the 1971 fiscal year. Under this limitation the ceiling on 1971 budget outlays was set at $200.8 billion, which is the amount provided in the original 1971 budget submitted to Congress by President Nixon last February. This ceiling, however, grants flexibility to the President to the extent of $4.5 billion unanticipated outlay increases for uncontrollable items. Moreover, it places no constraints on the budget decisions of the Congress itself.

The limitation on 1971 spending provides that whenever any action or inaction by the Congress on budget proposals affects budget outlays, the spending ceiling shall be adjusted accordingly. Thus the present limitation is quite similar to the limitation enacted a year ago which proved to be completely ineffective in controlling fiscal 1970 spending. That ceiling started at $191.9 billion plus $2.0 billion additional for uncontrollable items, but it was eventually adjusted to a ceiling of $199.9 billion.

That the present spending limitation will be just as ineffective as the one enacted last year is clearly evident from Congressional budget decisions to date. These decisions include actions on 1971 appropriation requests, action on legislative bills with "backdoor" or mandatory spending authorizations, and inaction on legislative proposals in the budget that are intended to reduce spending.

RESULTS OF APPROPRIATIONS ACTIONS TO DATE

The House has passed all of its regular appropriation bills for 1971 except for the Defense bill. In acting on these 14 bills the House considered appropriation requests in the aggregate amount of $68,393 million and approved $67,821 million for an apparent reduction of $572 million. Actually, however, the effective House cut was only $322 million because the reductions included a $250 million meaningless cut as noted below.

Senate actions on six of the House-approved appropriation bills resulted in a net increase of $2,718 million above the $31,554 million budget requests considered in these bills. In these same bills the House approved $651 million above the requests if the $250 million meaningless cut is not counted.

In five appropriation bills which have cleared Senate-House conference action and have been sent to the President for his signature, the Congress voted $990 million above the aggregate requests of $23,805 million in these bills. A summary of the major appropriations changes made so far by the House and Senate follows:

Education.—The House approved $320 million more than the President requested in the Education bill and the Senate voted $816 million above the requests. Senate-House conference agreements resulted in a net overall increase of $453 million above the total request of $3,967 million. Major increases included $232 million for elementary and secondary schools, $126 million for the Federal-impact programs, and $110 million for higher education programs.

Independent Offices-HUD.—In this bill, covering numerous independent agencies and the Department of Housing and Urban Development, the House voted a net increase of $173 million and the Senate approved $1,187 million more than the President requested. After conference action, the total appropriation provided in the bill was $18,655 million which is $541 million above the amount requested. Increases included $350 million additional for urban renewal programs, another $350 million increase for basic water and sewer facilities grants, and $105 million more for veterans medical care programs. These and some lesser increases were partially offset by reductions in other items.

Agriculture.—An apparent net reduction of $82 million was effected by the House in the Agriculture bill. This is misleading, however, because the House action included a cut of $250 million in appropriations to reimburse the Commodity Credit Corporation for prior year losses on farm price support operations. It will not affect C.C.C. operations or outlays and is virtually meaningless. Thus, in reality, the House approved $168 million more than was requested rather than having cut the request by $82 million.

The Senate restored the $250 million House cut in C.C.C. funds and voted $727 million above the $7,748 million requested by the President in this bill. A major part of this increase resulted from Senate approval of $1,750 million for the food stamp program as compared to the 1971 request of $1,250 million and the 1970 appropriation of $610 million. Conference action on this bill is still pending.

Other bills passed by both Houses.—In addition to the foregoing appropriation bills, the Senate as well as the House has passed the Interior Department, the Legislative, and the District of Columbia appropriation bills for 1971. The budget requests in these three bills total $2,370 million from which the Congress cut $11 million.

Senate floor action was pending at time of this writing on two other House-passed bills—Treasury-Post Office and Public Works-AEC. In these bills the House considered appropriation requests aggregating $8,308 million and made a net reduction of $100 million. This cut will probably be less after completion of Senate and conference action on the bills.

Foreign assistance.—The House considered appropriation requests totaling $2,877 million of which $1,813 million was for economic aid grants and loans. It cut $575 million from the bill, including a reduction of $537 million in economic assistance. An $80 million appropriation recommended by the Appropriations Committee for the Peace Corps was stricken from the bill on a technicality during House debate, but it or a slightly changed amount will be restored by Senate and conference action. Senate debate on this bill is not expected for some weeks.

Military construction.—House action on $2,135 million requests in this bill resulted in a reduction of $138 million. Senate action on the bill is unlikely before September.

State-Justice-Commerce.—The House considered approximately 100 line items in this bill and made modest cuts in more than half of them. These cuts from aggregate requests of $3,244 million totaled $137 million. Senate action at an early date is expected.

Labor-HEW.—In acting on requests in this bill totaling $18,732 million, the House approved a net increase of $93 million. A larger increase by the Senate is likely.

ACTION ON LEGISLATIVE BILLS EXCEEDING THE BUDGET[1]

The House and Senate have taken action on a number of legislative bills which provide for spending that cannot be controlled by the appropriation process. Some of these bills provide for so-called backdoor spending which is subject to control of the President, and others result in mandatory expenditures which cannot be controlled by either the Congress or the President without amending or repealing the legislation.

As of July 28 Congress had enacted two bills with backdoor spending authorizations of $780 million in excess of the budget. One is the emergency home financing bill for which the President requested $250 million and Congress approved $1,000 million of backdoor financing. Another is a land and water conservation bill which the President did not request and which authorizes $30 million for 1971.

In the mandatory spending category Congress has enacted two veterans benefits bills which authorize $230 million above the budget for education assistance and additional life insurance. A third mandatory spending bill providing increased compensation benefits for veterans was approved by the House and Senate and sent to the President on July 30. This bill will add $226 million to the 1971 budget. Also, Congress voted postal employees pay increases as a part of the postal reform bill which will cost $108 million above the budget in 1971.

The Social Security revision bill, H.R. 17550, which passed the House in May and is pending in the Senate Finance Committee, would result in $1,500 million more cost to the Social Security program in 1971 than the budget estimate. Senate action is unlikely to reduce this additional cost.

ACTION ON LEGISLATIVE PROPOSALS TO REDUCE SPENDING[2]

One of the major proposals in the 1971 budget for holding down budget expeditures was an increase in postal rates effective by July 1, 1970. This would increase postal revenues which are offset against postal expenditures in determining the budget cost of postal operations. Congress did not enact separate postal rate legislation, but in the postal reform bill it provided for approval of future rate adjustments by the Board of Governors of the Postal Service. It is not expected, however, that rate adjustments will be made effective before January 1, 1971. The President's proposed rate increases would produce $1,568 million in 1971, so if his proposals are made effective next January 1, the revenue gain in 1971 would be only one-half that amount or $784 million. Thus net budget expenditures would be increased $784 million.

In addition to the postal rate increases, the President proposed a number of other legislative measures in his 1971 budget for reducing spending. If none of these measures were enacted, the budget would be increased more than $600 million. So far the Congress has acted on only one of the proposals—authorizing the sale of surplus strategic and critical materials in the amount of $180 million. The proceeds from these sales are recorded as offsets against expenditures. If no further action is taken on the President's economy proposals, the budget will be increased by well over $400 million.

EFFECTIVE SPENDING LIMITATION NEEDED TO PREVENT LARGE DEFICIT

From this review and analysis of Congressional budget actions in the current session it is apparent that the President's budget for 1971 will be substantially exceeded unless strong spending restraints are applied in the weeks ahead.

Some Congressional leaders, including Senate Majority Leader Mansfield, have expressed the view that Defense appropriations would be reduced enough to offset increases in popular domestic programs. President Nixon and Defense Secretary Laird argue, however, that further reductions in the Defense budget beyond those already made by the Administration could only be made by cutting essential military needs. Chairman Mahon of the House Appropriations Committe has also expressed doubts that large sums can be cut from requested Defense appropriations.

On May 19 last, the Administration released revised budget estimates for 1971 showing outlays at $205.6 billion—an increase of $4.8 billion from the February 1970 budget estimate. This revised estimate took into account only a small part of the budget increases reflected in this analysis. Indications now are that Congressional budget actions and inactions on economy proposals could bring the 1971 outlay total to $208 billion. Also, increases of as much as $2 billion above current estimates for uncontrollable items could raise outlays to about $210 billion.

The Treasury's latest estimates of 1971 receipts is $204.3 billion. This total includes $3.1 billion from new tax proposals—a tax on lead used in gasoline and a speedup in payment of estate and gift taxes—which were not contemplated in the original 1971 budget. Staff experts of the Joint Committee on Internal Revenue Taxation, however, estimate 1971 receipts at only $201.1 billion if all of the President's revenue proposals were enacted on schedule. If just the two new proposals were rejected by Congress, as now looks probable, the receipts total according to the Joint Committee staff estimate would be only $198 billion.

On the basis of the above figures—$208-$210 billion outlays and $198 billion receipts—a 1971 deficit of $10-$12 billion is a distinct possibility. At this late stage of the session the only practical means of sharply reducing this prospective deficit from the spending side of the budget would be an effective expenditure limitation. That would be a limitation applicable to both the Congress and the President, and with exceptions for only the clearly uncontrollable items. Such a spending ceiling was enacted by Congress in 1968 with respect to 1969 expenditures and it helped to produce the first and only budget surplus since 1960.

President Nixon has called on Congress to enact an expenditure limitation of this type to bring spending under control. It is now up to the Congress.

Mr. HANSEN. Mr. President, all of us are most grateful to the distinguished senior Senator from Arizona. I for one, along with others I know, will be supporting him and helping him as he seeks to achieve this most laudable objective.

Mr. FANNIN. Mr. President, I certainly thank the distinguished Senator from Wyoming. He has a splendid record as Governor of his State. I know that he lived under the same restrictions that we should live under in the U.S. Congress.

There are restrictions in his State, as there are in many of the other States of the Nation.

One of the technical problems has been the fact that it is difficult to make accurate forecasts about the revenue picture for a fiscal year which will not end until some 18 months after the President submits his budget to Congress.

Critics say that because of economic uncertainties, it is virtually impossible to guarantee that a budget will be in balance each and every year.

One way to remedy this is to require that the President and Congress strive for balanced spending and revenue over a 2-year period. By using Budget Bureau reports along the route, Congress could trim programs or increase revenues to balance out each 2-year period.

What would happen if at the end of a 2-year period the Budget Bureau were to report a deficit? Then, Congress would be required to take action to make up the deficit before it could pass any further appropriations bills. This provides an enforcement feature while adding to flexibility. Of course, the amendment should enforce itself through the psychological effect. This is one reason I am proposing it as an amendment rather than as a bill which Congress could repeal at any time.

The amendment would be a mandate from the people since it not only would be passed by Congress but ratified by the State legislatures. I feel certain the people want their government to practice fiscal responsibility—just as individual citizens and businesses must. Putting this issue before the legislatures would provide the people a chance to reaffirm this belief.

Most Governors and legislatures live under fiscal restraints much, much more rigid than what we are suggesting for the Congress and President. Along these lines, I am sending letters to Governors of the States asking for their counsel on this matter.

Mr. President, I request unanimous consent to place in the Record the text of this letter.

There being no objection, the letter was ordered to be printed in the Record, as follows :

Dear Governor: Your thoughts would be appreciated on a proposed amendment to the Constitution of the United States I will introduce shortly that would provide for a balanced budget in the aggregate over a period of two years.

The amendment I am proposing would require the Federal government expenditures in a period over two fiscal years be limited in the aggregate to the Federal government's income. At the end of the first fiscal year, the Bureau of the Budget would report on the budget, and, if not in balance, the Congress would be obligated to raise revenues or decrease expenditures in the following fiscal year in order to bring the aggregate of both years in balance.

Two exceptions are provided: first, in the case of a declared war, and second, in event of a presidentially-declared emergency.

The need for such an amendment is amply demonstrated by the record. Deficit spending which was inaugurated in an effort to

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[1] Data from 1971 Budget Scorekeeping Report of the Staff of the Joint Committee on Reduction of Federal Expenditures—Report No. 8 as of July 28, 1970.

[2] Ibid.

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overcome the 1929 depression and was further accelerated during World War II and the Korean conflict has continued over the years. The Congress invariably has failed to balance appropriations with tax revenue and there has been deficit spending continuously since fiscal 1960. For fiscal 1970, the budget deficit was $2.9 billion and trends in business and actions in Congress point to a substantial increase of the deficit in the year ending next June.

There is almost unanimous agreement that uncontrolled Federal spending sustained by deficit financing is the major cause of the inflation threatening our economic stability today. In addition, the rapid decline in the purchasing power of the dollar endangers the United States as the financial leader of the free world.

The amendment I propose would not mean an end to those needed social programs which presently consume such a large percentage of governmental income nor would it cripple our ability to provide for the national defense. Rather, such an amendment would mandate an exacting appraisal of the appropriation bills as they are presented.

The Congress would be compelled to hold their appropriations and the executive department its expenditures within the amount of revenue produced.

The future of our nation depends upon our ability to meet our fiscal responsibility.

Governor, I will appreciate your comments on this constitutional amendment, especially since eventual success of the amendment would require ratification by three-fourths of the states.

Cordially yours,

Mr. FANNIN. Mr. President, I thank the Senator from Wyoming for his remarks.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. FANNIN. Mr. President, I yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I commend the Senator from Arizona for his initiative in what I consider to be a very vital area.

Congress from time to time, of course, is largely responsible for deficit financing and deficit spending.

In my State of Kansas we have what is known as a cash basis law. We are not permitted to spend money if we have a budget that does not balance.

I would say, as the distinguished Senator has said, that this idea has been considered before. It has met with widespread approval.

I believe it is the height of responsibility that Congress in a period of deficit financing consider a constitutional amendment that would require that over two fiscal years that expenditures of the Federal Government be limited in the aggregate to the Federal Government income.

I would imagine that many Members of Congress make speeches in their States about spending and the need to stay within our income. From time to time we find, particularly in the last decade, a long, sustained period of deficit financing.

I am pleased to join with the Senator from Arizona.

Mr. DOLE. Mr. President, one of the great strengths of the American people over the years has been an almost universal thriftiness and recognition of the need to match personal expenditures to personal income. Living within one's means has been a principal tenet of American life. It would not be an exaggeration to say that the American commercial empire, which is the envy and model of the rest of the world, had its foundations in the households where prudent spending with a careful eye on the bank balance was the rule. Not only did such households instill these habits in their children, who grew up to be businessmen and managers, but the savings they accumulated and put into stocks helped build the giant corporations which created our economy. In business, just as in personal affairs, the limits of incomes and spending have been recognized and heeded.

With all this tradition of thrift and sensible spending in American life, it has been mystifying and troublesome to millions of citizens that the Federal Government has totally ignored a balanced budget and the perils of deficit spending for the greater part of the past 40 years.

Responsibility for Federal spending in the red has passed back and forth and been shared by the executive and legislative branches. Currently, it is the Congress which is seeking to increase Federal expenditures beyond expected revenues, but for most of the past decade both Capitol Hill and the White House were drafting budgets from the same red inkwell.

The distinguished senior Senator from Arizona (Mr. FANNIN) has called attention to this dangerous and irresponsible practice repeatedly during Senate debates. His proposal today is made even more timely by recent congressional actions which have ballooned appropriations measures to such dimensions that the President has been forced to veto them in the interests of economic stability and responsible Government. It should be noted that before the Congress began slashing Federal revenues and expanding appropriations, President Nixon had proposed and submitted a balanced budget for the coming fiscal year. A modest surplus was even forecast. Now, however, all hopes for retaining that balanced budget have been dashed by the Congress, and only such severe measures as the veto have any hope of curtailing the deficit which is now inevitable.

A constitutional requirement for a balanced budget would be a great service to the public, and Senator FANNIN is to be commended for proposing it. The legislative history of such a measure in the 1950's and 1960's indicates that a workable and responsible amendment can be drafted, and I urge swift action to prepare such a draft and submit it to the Congress and the American people.

Mr. FANNIN. Mr. President, I express my appreciation to the distinguished Senator from Kansas for his remarks in support of this fiscal responsibility program.

The Senator from Kansas has a great record in both the House of Representatives and in the Senate for following the same principles that he has stated here.

The Senator has worked for fiscal responsibility and very successfully so in both Houses of the Congress. I appreciate his support of the program which I think is very necessary.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. GURNEY. Mr. President, I commend the Senator from Arizona for submitting this constitutional amendment which would require a balanced budget.

Everybody talks about fiscal responsibility, but no one does anything about it. Certainly this year, above all years, when we have galloping inflation on our hands everywhere and when everyone knows that the inflation has been caused by expenditures on the part of the Government, and especially because of Congress spending more money than the Government takes in.

There could not be a more appropriate time at which to do this.

We have seen this year in bill after bill that has come from the executive departments, the appropriation of hundreds of million of dollars more being added to the bill in this very Chamber.

I do not think that we will ever get fiscal responsibility unless we are forced into it.

The amendment submitted by the Senator from Arizona (Mr. FANNIN) would require that Congress live responsibly. It would prevent them from spending more money than the Government takes in. It would require a balanced Federal budget.

I certainly think that it is long overdue and much needed.

I commend the Senator for offering his amendment at this time.

Mr. FANNIN. Mr. President, I express my appreciation to the Senator from Florida. I am very thankful that the distinguished Senator from Florida does support this type of fiscal responsibility.

Certainly the record of the distinguished Senator from Florida would indicate that his convictions have been carried through in this respect.

I have been proud to observe the work of the Senator from Florida both in the House and in the Senate. He has certainly devoted much time and effort to the carrying out of his convictions. I am very pleased that he has seen fit to speak in favor of this program.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. FANNIN. I am very glad to yield to the distinguished senior Senator from California.

Mr. MURPHY. Mr. President, I, too, would like to commend the distinguished Senator from Arizona for bringing forward this amendment. I think in the light of the important actions taken here today that 2 of the most important things that have taken place, certainly in the last decade, for the future security of this Nation have occurred today in this Chamber.

We have just had a vote on an amendment and on a military basis we have decided to continue the Safeguard missile to provide what we believe is a very much needed system with which to protect the security of America.

Now on a different, but just as important, front I think that the Senator from

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Arizona has brought forth an amendment that is certainly just as important in maintaining the security of our economy.

Many of us talk about stopping inflation and balancing the budget and restoring the purchasing power of the dollar. I have talked about this matter endlessly.

I think that the Senator's amendment will do more to restore the permanent value and the purchasing power of the American dollar than anything that has happened, certainly since I have been a Member of the Senate.

I compliment him most highly and join with him enthusiastically and offer my support for whatever it is worth on the passage of the amendment.

Mr. FANNIN. Mr. President, the distinguished senior Senator from California, one of the largest States in our Nation, is very much aware of the problems of Government and the financial problems that come about from the unrestricted spending of money.

Of course, as a very successful businessman over the years, he knows that we must not spend more than we take in. This is exactly what we propose to stop by this amendment.

I am very proud to have the distinguished Senator from California join with me in this program.

Mr. President, we are putting the necessary flexibility into the amendment we are working on. During the Eisenhower administration, Secretary of the Treasury Humphrey praised the purposes of the amendment proposed at that time, although he said the resolution had shortcomings.

Here is what the Treasury Secretary said in a letter to the House Committee on Government Operations on April 13, 1953:

> MY DEAR MR. CHAIRMAN: Further reference is made to your requests for the views of the Treasury Department on House Resolution 2 and House Joint Resolution 22.
>
> The former would provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress. The latter would impose an expenditure limitation of $65 billion for the fiscal year 1954.
>
> The Treasury Department is in sympathy with the principle of statutory guidelines for bringing expenditures and revenues into balance. The Department would, however, recommend against the relatively inflexible expenditure ceiling provided for in these bills.
>
> The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.
>
> Very truly yours,
>
> G. M. HUMPHREY,
> *Secretary of the Treasury.*

Mr. President, the amendment we are working on would not set any expenditure ceiling such as the one Secretary Humphrey found objectionable.

It would provide an "escape clause" which would rest in the hands of the President rather than Congress. Suspension of the mandatory budget balancing would be allowed in the event of a war or when the President certifies there is a grave national emergency. This escape clause will have to be tight enough to prevent uncalled-for use by any spendthrift administration, but loose enough to deal with a bona fide national crisis. In addition, the certification of a national emergency would have to be renewed each year by the President to remain valid.

Thus we overcome many of the objections to previous proposals which were called too restrictive.

Yet, Mr. President, we must place some restrictions on Federal spending. Our Founding Fathers could not have conceived that our Nation would reach the point where deficit financing had become almost a way of life, or at least a way of government.

In the early days of our Nation it was relatively easy to figure out how much money would be coming into the Federal Treasury. And there was not the myriad of appropriations measures to complicate any attempt to total up proposed expenditures.

The issue of balancing the budget has not been and is not now a partisan matter. The late Senator Harry F. Byrd, Sr., for years advocated a single appropriations bill. Three times this proposal was approved by the Senate, only to die in the House. While the new constitutional amendment I envision would not require Congress to use a single appropriations bill, the effect would be the same. It should put an end to the helter-skelter process of breaking requests for new appropriations into a dozen or more unrelated bills which may be acted on separately over a period of 6 months or more. Congress would have to look at the cost of all Federal programs and compare the grand total with realistic projections of revenue.

It would not necessarily mean that Federal programs would be dropped or cut back. Congress would have the option of raising taxes to produce the revenue to continue or expand Federal programs.

Members of Congress would weigh carefully whether their constituents want more Federal programs and higher taxes, or fewer Government programs and lower taxes. Federal spending would come under the close public scrutiny it should have. This, truly, would put our national priorities in perspective.

Unbridled spending undermines confidence in the U.S. dollar abroad. At home, runaway spending by Government feeds an inflation that robs the industrious and responsible citizen. Inflation rips at the fabric of our Nation and aids that very, very small but deadly minority who would see our Nation slide into anarchy under an avalanche of economic chaos.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from California is recognized for not to exceed 30 minutes.

S. 4233—INTRODUCTION OF A BILL TO MOBILIZE INTERNATIONAL EFFORTS TO STOP THE NARCOTIC TRAFFIC

Mr. MURPHY. Mr. President, I introduce today a bill on behalf of Mr. PACKWOOD and myself. A similar but not identical measure was introduced in the House by Congressman BILL MAILLIARD of California. Our bill will provide for a needed program of international cooperation to deal with the worldwide drug problem.

Last year 950 people died from narcotics abuse in New York City alone. One-fourth of these deaths occurred among youngsters less than 20 years old. More than one-half of all narcotics deaths occurred among young people less than 25 years of age. In fact, narcotics abuse in New York City is now the leading killer of people in the 15- to 35-year-age bracket—ahead of accidents—excluding car accidents—murders, suicides, and cancer. These 950 deaths are double the figure for 10 years ago.

In September of last year, the New York Times did a study of the narcotics problem. This disturbing article estimated that there were over 100,000 heroin users in New York and estimated that addicts might be stealing as much as $2.6 billion a year since in property to support their habit.

Is New York City a unique case? Unfortunately not. An estimate, believed much too low, reports a 30-percent increase in drug addiction over the last 10 years, and more people are becoming addicts at an earlier age. Drug arrests in 1960 numbered 1,583. By 1967, the number of arrests totaled 13,904. FBI reports indicate that arrests for heroin violations alone have risen 120 percent in the last 4 years. Mr. John Ingersoll, of the Bureau of Narcotics and Dangerous Drugs, has indicated that there has been a 300-percent increase in heroin seizures between 1965 and 1968 and a 250-percent increase in seizures of hallucinogens since 1965.

The seriousness of the drug problem in the United States prompted me in testimony before the Senate Subcommittee on Alcoholism and Narcotics field hearings in Los Angeles to warn that the drug problem has reached "epidemic proportions" and that drug abuse represents a clear and present danger to the country. At that time I cited California statistics which indicated the seriousness of the problem in my State. In California, the magnitude of the drug problem can be seen by the growing number of drug arrests. In 1968—6,400 adults were arrested—a figure representing a 65 percent increase over 1967—and a 200-percent increase over 1960. Juvenile arrests totaled 29,947 in 1968—a figure representing a 115-percent increase over 1967 and a 2,000-percent increase over 1960. In California in 1967 there were over 2,000 more arrests for marihuana violations than in the previous 6 years combined. The drug abuse phenomenon is not only a problem in the major cities. For example, Bakersfield, Calif., reported 10 cases of heroin overdose in the last 2 weeks of May.

Mr. President, I ask unanimous consent that the full text of my testimony be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, the problem of drug addiction and illegal drug traffic, and accompanying increases in related crimes, are not unique to the United States or even to North America. It has reached "epidemic proportions" worldwide. A leading Italian psychologist claims that 30 percent of the young people between 14 and 22 in Rome are using some kind of drug. Authorities in Sweden and Czechoslovakia report that drug abuse has reached "alarming proportions." Vladimir Kusevic, Director of the Division of Narcotic Drugs of the Economic and Social Council of the United Nations, reported in May 1969 that narcotic drug abuse "continues to spread throughout all continents and in certain regions had begun to assume epidemic proportions."

We in the United States are dealing with what a top U.S. narcotics agent calls the bane of our national existence. It is a scourge shared by much of the world. What can we do about it? President Nixon has initiated and urged that an all-out effort be launched to combat the flow of illegal narcotics into the United States.

The administration launched Operation Intercept, now called Operation Cooperation, a massive crackdown on drug traffic coming across United States' borders. The administration has submitted to the Congress legislation to further accelerate our country's battle against drugs and to protect the public from the illicit diversion of drugs from legitimate channels and to make certain that there is greater accountability of drugs from the Nation's pharmaceutical companies. This measure, the Controlled Dangerous Substances Act, was passed by the Senate on January 28, 1970, and is now pending in the House. This is priority legislation dealing with a priority problem, and I would hope that early and favorable action will be taken by the other body on this measure. This legislation is a needed tool for a successful national effort. It is also important that we give the administration the needed manpower to stop this drug traffic, particularly the manpower demands resulting from Operation Intercept. The administration requested only 357 new positions, and these were needed to help the Bureau of Customs to keep abreast of its continued workload increases. Even including the new numbers of positions requested, the customs employment will only equal approximately its employment level under the Coolidge administration.

It is admitted that there has been neglect in this area for many, many years.

Unfortunately, the House is acting on the 1971 appropriations bill for the Treasury Department eliminated 170, or nearly one-half, of the administration's requests for new manpower. On May 10, I wrote to Senator Yarborough, chairman of the Senate Appropriations Subcommittee on the Departments of the Treasury and Post Office, urging restoration of the $1.6 million cut by the House for the Bureau of Customs. I ask unanimous consent, Mr. President, that my letter to Senator Yarborough be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MURPHY. Mr. President, the administration is doing more than just adding new manpower; it is using modern technology and transportation. For example, the Bureau of Customs will make more extensive use of planes. In 1969, the Bureau used its one plane to make 25 arrests, seize over 4,000 pounds of marihuana, 12 pounds of heroin, 2 pounds of cocaine, 11 vehicles, and three aircraft. Air smuggling is just one area of rapidly increasing modernization of smuggling techniques. Other smuggling is done by ship, and the Bureau will increase its use of ships in surveillance of our coastal waterways.

But the Customs Bureau has the responsibility for policing hundreds of border crossing points and literally thousands of miles of docks, wharves, and seaport coastal areas, as well as many international airports. The number of persons passing through these checkpoints, the fantastic quantities of goods, and the expertise of those attempting to do the smuggling makes this an almost impossible task. More than increased customs personnel is needed to remedy this threat to the national safety and well being. It is important, and the most effective method is to eliminate drugs at their source. For this reason, the administration has spent considerable time, money, and expertise at all levels to encourage the suppliers of these drugs to cut back or eliminate the production of opium, marihuana, cocaine, and other dangerous drugs. The sources of the drugs are fairly well known. For example, 80 percent of the illicit heroin sold in this country is grown in Turkey and processed in France. Most of the rest comes from Mexico, with only a small percentage originating in the Burma, Thailand, Laos area.

The U.S. Government, through diplomatic channels, has attempted to reach bilateral agreements with the countries who are the suppliers of narcotics. We should continue these efforts. The drug problem, of course, is a multifaceted problem. Often the producers of illegal narcotics are also producing narcotics for the legal market. Oftentimes they can earn more from the illegal sale than they can from the legal marketplace. Many times opium production is their only livelihood, and often they know nothing but opium production. So, a way must be found not only to stop the illegal production of narcotics but also to find a substitute income for those who raise it. For if we can solve the problems of the small farmers who earn their living from opium crops, we will have taken a giant step toward curtailing the illegal international supply.

Similarly, the United States is once again faced with problems in attempting to obtain local enforcement of narcotics control agreements in foreign countries. The major illegal narcotics dealers are often wealthy and important citizens. Often they have their own police forces. In any case, they usually have more money than the local governments, either to buy off the government inspectors, or to buy a safe route out for their products. Sometimes major government figures are involved. In the case of some Middle Eastern countries, safe passage for drug dealers reportedly is assured in return for intelligence information on enemy states.

This is an area in which bilateral arrangements between the United States and various countries frequently are not enough. A bilateral agreement, for example, with a nation to stop drugs coming into the United States is of little value if such nation continues to allow the narcotic drugs to reach a third country from which such drugs flow freely into the United States. Thus, this is an international problem run by an international criminal element, with an effect on the people of all countries, and having a multinational origin. It is an area requiring additional international cooperation and reinforced efforts by international organizations.

We have an international organization, the United Nations, and that international organization has a bureau to watch over and control narcotic traffic, the Commission on Narcotic Drugs, and the International Narcotics Control Board. And we have an international treaty on narcotic drugs, the Convention on Narcotic Drugs of 1961. In describing the value of the convention in its report to the Congress of May 3, 1967, the Senate Foreign Relations Committee stated:

> The 1961 single convention is the culmination of more than 55 years of effort and progress in the field of international narcotics control. It embodies the fundamental principles of control which have evolved during this time; namely, that the production and use of narcotic drugs should be restricted to medical and scientific purposes, that their manufacture and import should be limited to quantities necessary for such purposes, and that every step from the cultivation of the basic raw materials to the final retail distribution of the manufactured drug should be carefully regulated and supervised. Mutual obligations among States based on these principles have been undertaken in the past and are evidenced by a series of separate multilateral agreements. These various agreements bind states to establish national control agencies, to license persons and establishments engaged in handling narcotic drugs, to submit periodic reports to international agencies, to control exports and imports by authorizations, and to do many other things. The single convention, however, for the first time brought these obligations together in one instrument commanding wide acceptance among states, and this is a fundamental reason for accession.

While this international convention outlines the methods which ought to be followed in the production, exportation, importation, storage, and packaging of narcotics, its strength lies in the cooperation of the signatory powers. I think worldwide conditions today indicate that it has just not been implemented, and is not working the way it should. The United States has ratified this international agreement, as have 79 other nations including France, Turkey, Mexico, Burma, and others. Unfortunately, paper support and active support are two entirely different and unrelated matters. It is for this reason that I have chosen to introduce this measure which promises to increase the active support of the United States in the international con-

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trol of drug traffic, and hopefully will inspire other nations to cooperate in this needed activity.

This bill pledges that not less than 10 percent of the U.S. fiscal 1971 appropriations for voluntary contributions to the U.N. development program be spent to establish a multilateral fund to be used to support activities designed to bring an end to the illegal international traffic in narcotics. It directs the President to support effective multilateral undertakings aimed at the eradication of illegal production and traffic in narcotics through U.S. representatives to international organizations, including the United Nations. It directs the President to support the strengthening of those powers presently given to the United Nations concerning narcotics, to include investigation and publication of information relating to illegal production and traffic in narcotics, and a further convention concerning production and traffic in synthetic drugs, the so-called psychotropics.

Finally, this bill directs the President to withhold U.S. assistance to nations which refuse to cooperate with the U.N. programs or with the United States aimed in the suppressing of illegal narcotic traffic. The bill requires that—

> The President shall withhold assistance from any country which the President determines has refused (A) to cooperate with the United Nations or its agencies in carrying out programs to suppress international traffic in narcotics or (B) to take appropriate steps to prevent narcotic drugs produced in such country from entering the United States unlawfully.

The President, however, if he determines the furnishing of U.S. assistance to such countries is in our national interest, is not required to suspend such assistance.

This flexibility is provided in the bill for obvious reasons. Obviously, Mr. President, there is an urgent need for a more stringent control of the international production of and trade in narcotics and psychotropics. There is an urgent need to increase the powers of the international organization best suited to control the narcotic trade—the United Nations. This would seem to be an area where the United Nations could do a great deal of good in the world, and by so doing, gain considerable stature.

Mr. President, there is urgent need for this bill, and I hope the Foreign Relations Committee will accept it and take early and favorable action on it.

We are in a situation of epidemic proportions, not only in the United States but in many other nations. The physical health, the moral stamina, and the well-being of our Nation are being destroyed, and I urge the Committee on Foreign Relations to accept the bill and act on it posthaste.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4233) to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and to provide for withholding of U.S. assistance to nations refusing to cooperate with such international organizations, or refusing to take appropriate steps to control illegal international traffic in narcotics, and for other purposes, introduced by Mr. MURPHY (for himself, Mr. PACKWOOD, and Mr. FANNIN), was received, read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MURPHY. Mr. President, I ask unanimous consent that an article entitled "Deaths Attributed to Narcotics, Mainly Heroin, Increase Here," written by Lawrence K. Altman and published in the New York Times of June 21, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEATHS ATTRIBUTED TO NARCOTICS, MAINLY HEROIN, INCREASE HERE

(By Lawrence K. Altman)

Deaths from the epidemic of narcotics abuse are still rising from the highest levels in the city's history—with no abatement in sight.

Narcotics, chiefly heroin, now is the leading killer here in the 15-to-35 age group, according to statistics provided by the office of the Chief Medical Examiner.

About one-fourth of the 950 narcotics deaths in 1969 occurred among teen-agers and 53 per cent among those under 25 years of age. These percentages are about double what they were 10 years ago—meaning that more addicts are now dying at younger ages.

Through last Friday, at least 377 persons of all ages have died here this year from narcotics abuse. Pathologists at the medical examiner's office say they suspect this total will increase substantially after autopsy material is analyzed in greater detail. At this time last year, about 315 deaths were reported but subsequent analysis increased the total by 100.

Because narcotics death totals include not only those who died from "overdoses" but those who succumbed to medical complications directly related to drug abuse, some people here wondered whether this rise has been a statistical phenomenon reflecting a new reporting system.

However, pathologists in the medical examiner's office emphasize the sharp rise in heroin deaths is real. These pathologists said that heroin deaths, which have occurred among all socio-economic classes, do not represent a new phenomenon here or in this country. Rather, they represent an exacerbation of a chronic problem.

Doctors at the medical examiner's office, which has an international reputation for its contributions to medicine and society, said that in reporting narcotic deaths they applied the same criteria they had used in the last two decades. Since 1950, these pathologists have performed autopsies on all narcotics deaths. Previously—and particularly earlier in the century—many cases were not investigated as thoroughly.

Though these doctors say, and others agree, that identification of narcotics deaths here probably is the best of any city in the country, they appreciate that not every addict death gets reported and that some narcotics deaths escape diagnosis.

Not only must these experts in forensic, or legal, medicine find evidence of substantiating the use of narcotics in the deceased but these pathologists must also exclude other diseases before certifying narcotics as the cause of death. The doctors say they do not tabulate cases in which the diagnosis of narcotics abuse is unclear.

Some of the key points on heroin deaths made in interviews with Dr. Milton Helpern, chief medical examiner, and his deputy, Dr. Michael M. Baden, and by other physicians in medical journal articles are the following:

Among people 15 to 35 years of age in New York City, preliminary data for 1969 show that the 770 deaths from narcotics exceeded those from accidents (570), homicides (525), suicides (345) and cancer (420).

A total of 4,203 individuals died from narcotics abuse in the nineteen-sixties compared with 1,067 deaths from this cause in the previous decade.

About 42 per cent of the deaths in 1969 occurred in Manhattan. A decade ago, 75 per cent of the city's narcotic deaths occurred in that borough. Health officials interpret this change as a reflection of the spread of narcotics abuse in all socio-economic groups.

The heroin problem is endemic to New York City residents. Victims are not visitors or transients. About 55 per cent of the victims are Negro, 25 per cent white and 20 per cent Puerto Rican.

Of the total heroin deaths in 1969, males outnumbered female victims about 5 to 1.

The vast majority of deaths result from "overdose," though doctors do not have a clear understanding in each case of the mechanisms that cause this fatal reaction soon after injection. Medical complications from unsterile injections of heroin—such as tetanus, heart infections, hepatitis and brain damage—account for most of the other cases.

Although heroin deaths have become a major and growing problem for health officials, their involvement with the consequences of heroin addiction dates back at least four decades.

During heroin's infancy as an addiction problem here, Dr. Helpern uncovered an epidemic of 136 cases of malaria among the patients he autopsied from 1933 to 1943. Further investigations determined that these malaria cases occurred among heroin addicts who, by sharing needles, had transmitted this parasitic infection to each other.

Not only did recognition of the epidemic allow physicians to save the lives of many other addicts, but, Dr. Helpern said, "addicts and those who prepared the drug mixtures soon learned that quinine was a cure and preventive of malaria and began adding it as a diluent of the heroin mixtures."

The bitter-tasting quinine stopped the malaria outbreak in the heroin addicts. At the same time, city health officials learned that heroin had replaced morphine as the chief narcotic used by addicts.

By 1950, heroin had reached high school students here.

"With the opening of schools in September, 1950, the School Health Service was soon forced to wage a totally unprepared for, but full-scale, war," the late Dr. Harold Jacobziner wrote in 1953 in the American Journal of Public Health, "against the problem of teenage narcotic usage in the school population."

PEAK INCIDENCE AT 16

During a two-year period, doctors vertified 167 student users of narcotics among all races and socio-economic groups. Highest incidence was at age of 16 years.

"The rate among vocational high school students was 17.74 per 10,000 of the school population," Dr. Jacobziner wrote, "as compared with a corresponding rate of 2.28 in academic high schools and an overall school population rate of 1.53." He estimated these cases to represent one-fourth of the true incidence at that time.

Now, reports indicate that heroin is being used not just among high school students in New York City, but among young people throughout the country.

Drug abuse, an editorial in the current Science magazine said, "is now a plague that is spreading to the suburbs."

Wherever it is used and whatever the age of the user, heroin can kill—either by overdose or through a medical complication from

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the unsterile method by which the drug is taken.

"Each shot is potentially fatal and each could be the last," Dr. Baden said, because the bags of heroin are distributed by so many different middlemen that the individual may get a varying quantity each time he uses it. If the next dose contains larger doses of heroin than the user has customarily taken, it can be his last—as the death statistics demonstrate vividly.

When the user injects contaminated heroin or uses a dirty needle, he sets himself up for infection such as with bacteria or viruses. Bacteria, for example, may cause an abscess where the abuser has "skin-popped" and leave a circular scar. Bacteria may spread from such abscesses or, if "mainlined," go directly to any of the body's organs such as the heart.

There, bacteria may destroy any of the heart's four valves that are vital for normal cardiac function. Destruction of a valve can lead to acute heart failure and quick death unless treated properly with antibiotics and, as is often necessary, by open-heart surgery.

Such heart infections, called bacterial endocarditis, may occur in persons who are not drug abusers. But in 1968, for example, Dr. Baden reported that 12 of the 32 deaths from this cause here occurred among addicts. Doctors successfully treated many other patients with this same condition.

Tetanus, now a preventable disease, has been a complication of narcotics abusers since the first such case was reported in 1876. Tetanus as a killer of addicts has dropped from 8 to 2 per cent over the last 20 years. Yet the vast majority of tetanus cases here are among addicts.

Most tetanus victims, Dr. Charles E. Cherubin of Harlem Hospital has reported, are Harlem females. Because women's veins often are not prominent and therefore are inaccessible for intravenous injections, females are more apt to "skin-pop"—a practice more likely to produce a tetanus-prone-wound than intravenous "mainlining."

Dr. Cherubin said he suspected that the quinine, added to heroin to prevent malaria, facilitated growth of tetanus bacteria and their production of the lethal tetanus toxin. This toxin, not the bacteria, causes "lockjaw."

Dr. Cherubin, accordingly, has stressed the need for preventive tetanus immunization programs in all institutions treating narcotics abusers.

Among other complications are emboli, or clumps of clotted blood or bacteria, which can break away from the veins or heart valves where they form and then lodge in organs, such as the brain, causing paralysis and death—in effect, "strokes" at a very early age.

Now, some doctors have discovered that nerve and spinal damage may result from heroin abuse.

The list of complications reflects a medical textbook, and the costs of treatment can be enormous for society, if not for the individual.

In diagnosing narcotism as the cause of death, the medical examiner's office considers the over-all picture—history of the patient's past medical illnesses and drug use if any; a physician's examination of the scene of the death and the circumstances surrounding it; the autopsy examination, with particular attention devoted to a search for scars left from needle punctures; and, as an aid but not an absolute criterion, toxicologic studies for evidence of the narcotic in the victim's blood or organs.

Inscribed at Dr. Helpern's office is a quotation that, translated from Latin, reads:

"Let conversation cease, let laughter flee. This is the place where death delights to help the living."

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EXHIBIT 1

TESTIMONY OF SENATOR MURPHY BEFORE SENATE LABOR AND PUBLIC WELFARE SUBCOMMITTEE ON ALCOHOLISM AND NARCOTICS, LOS ANGELES, CALIF., SEPTEMBER 27, 1969

Mr. Chairman, first I want to welcome the Subcommittee to California. Earlier this year—I wrote to Senator Yarborough—the Chairman of the Senate Labor and Public Welfare Committee—and after the new Special Subcommittee on Alcoholism and Narcotics was created—to Senator Hughes urging that hearings be held in California on the drug problem. I therefore appreciate very much the Subcommittee coming to California.

The hearing today focuses on a subject which has reached epidemic proportions and which is foremost on the minds of Californians—the growing use and abuse of drugs. Frankly, Californians are deeply alarmed and—rightfully angry—over this problem.

In California the magnitude of the drug problem can be seen by the growing number of drug arrests.

In 1968—6,400 adults were arrested—a figure representing a 65 per cent increase over 1967—and a two hundred per cent increase over 1960.

Juvenile arrests totaled 29,947 in 1968—a figure representing a 115 per cent increase over 1967 and a two thousand per cent increase over 1960.

In California in 1967—there were over two thousand more arrests for marihuana violations than in the previous six years combined.

These statistics dramatically demonstrate the drug problem has reached the crisis stage. Even more alarming than the numbers is the fact that the average median age for drug arrests keeps getting lower and lower.

At one time, marihuana, for example, was a phenomenon of citizens in the ghetto areas and certain jazz musicians. More recently, there has been a growing concern in California and in the country over drug abuse by our college students. As bad as this was—and is—we now know that drug use is spreading to our high schools and junior high schools. This Special Subcommittee has heard testimony that the drug problem has reached the elementary grade levels. Recently reported in the press was a story claiming that a third grader made $40,000 trafficking in drugs. That drugs have reached the elementary level is frightening—but correspondence that I have received confirms this invasion. For example, I received a letter from Mr. Arthur H. Suddjian—Coordinator—Drug Abuse Information Center of the Fresno Unified School District—and I quote: "I can assure you that drug abuse has not decreased in our high schools—it has increased tremendously at junior high levels—and has extended into the fifth and sixth grades."

On July 17—the *San Diego Union* in a lead editorial pointed out the need for action *now* in the drug battle. The cartoon on the editorial page for the same day depicted the drug and dope problem as "The Fifth Horseman" galloping destructively across our country with a hypodermic gun labeled "Dope." This is an apt description as evidenced by the frightening possibilities raised in the editorial's conclusion which states: "Time as well as vigor is of the essence. Unless something is done quickly parents may not be able to send their children to playgrounds without exposing them to narcotics."

On September 16, 1968—then Presidential candidate Richard Nixon made an important speech to the American people in Anaheim, California. In this speech—Mr. Nixon made a pledge to the American people that he—if elected—would act on the urgent national drug abuse problem. President Nixon did act—appointing in February—a Special Presidential Task Force on Narcotics—Marihuana—and Dangerous Drugs. The Task Force began its work in March and on June 6, the Task Force report was sent to the President. On September 1, 1969, the first implementation of President Nixon's Task Force took place under the name "Operation Intercept." The FAA regulations were amended to provide, among other things, that all flights from Mexico into the United States must henceforth be made on a flight-plan basis. The regulations further provided for revocation of the license of any pilot convicted of a drug abuse offense and—where a private aircraft is used to smuggle drugs into the United States—the certificate of airworthiness for the plane may be revoked so that the plane may no longer be legally flown by anyone.

So less than a year after he took office, President Nixon launched what I called D-day in the nation's war against illegal drugs and narcotics.

A study of this Task Force report reveals that it represents a virtual battle plan of sweeping proportions. The entire US-Mexico border is under surveillance in an effort to cut off and control illicit narcotic and drug traffic. Mexico is estimated to supply about 85 to 90 percent of marihuana in the United States and is also a source of a substantial amount of other drugs. President Nixon thus has launched the crackdown of drugs and narcotics that he promised he would do in Anaheim, California, in 1968. Certainly "Operation Intercept" will have the overwhelming support of the American people.

I was pleased that many of the recommendations in the Task Force report followed recommendations and suggestions that I have submitted to the President and to the Administration. I do wish to comment on some areas that seem to me most pressing.

I believe it is essential that we increase research in the whole drug and—particularly—the marihuana area for it's quite clear that although—for example—we have known of marihuana for some time—we have in the words of the President's Task Force "comparatively little sound research on the drug." Therefore, I believe that research is necessary to provide us with the soundest possible facts on the causes and effects of marihuana.

In addition, we must step up our education programs and give our citizens and our young people scientifically accurate information regarding the dangers of drugs. A crash anti-drug program comparable to the anti-smoking campaign should be undertaken. In addition—we must work within the schools and the communities to make drugs the "out thing" rather than the "in thing".

We must enact legislation as proposed by the Administration to protect the general public from the illicit diversion of drugs from legitimate channels and to make certain that there is a greater accountability of drugs from the nation's pharmaceutical companies. The President's Task Force report and testimony before committees of Congress have indicated that there are considerable quantities of drugs being legally manufactured in the United States—sold and exported to Mexico—and then smuggled back to this country. Action in this area is particularly critical for the 1968 report of the Justice Department of the State of California shows a decrease in the percentage of drug arrests for marihuana in both the adult and juvenile categories—but an increase in the percentage of dangerous drug use. Therefore, I strongly urge that the Administration's recommendations to curb and regulate dangerous drugs be acted upon immediately.

No one likes the situation resulting from the border checks. It is harmful to business on both sides of the border—inconveniences the tourist and our citizens—and it is potentially harmful to the good relationship enjoyed by our governments and our peoples.

I have introduced in the Senate S.J. Res. 142, which urges the creation of an International Drug Commission to get international coordination, cooperation, and unified action with respect to the drug problem. In the past, the Mexican government has resisted such an international body, but I still believe that we should keep working and pushing the Mexican government on this.

We have often said that our young people represent the nation's greatest national resource. This expression may be trite—but it is nevertheless true. I strongly believe it. Therefore, we are not about to allow drugs to continue their insidious endangering of the mental and physical health of our young people and the undermining of the moral fibre of this great nation.

In short—the American people are angry over the drug problem and are demanding that action be taken to stop the drug traffic which only profits those who don't care how they make a buck.

This rightful anger and demand for action can be seen in the approximately one hundred cities in California who passed resolutions urging the closing of the Mexico-US border to minors unless accompanied by their parents.

. This rightful anger and demand for action can be seen by the action of the California State Legislature in enacting legislation restricting the border-crossing of resident minors to occasions when they are accompanied by a parent, have parental written consent, or have a passport.

This rightful anger and demand for action can be seen in New York where in a study this week by the *New York Times* it was reported that addict victims were turning vigilante and that residents in areas with large numbers of addicts now "regard retribution preferable to promises of protection and plans for therapeutic programs never seem big enough, prompt enough or workable." This disturbing article went on to estimate that there are one hundred thousand heroin users in New York and that they figure the addicts might be stealing as much as $2.6 billion a year in property to support their habits. The article also told of the United States Post Office paying $360,000.00 in overtime pay just to provide additional postmen for safety reasons in some of the heavy drug areas. It seems these added postmen are needed twice a month when welfare checks are mailed since narcotics addicts have come to regard these checks as a potential source of money with which to buy heroin.

In conclusion, Mr. Chairman, I believe the drug problem represents a clear and present danger to our citizens and our country and I certainly am pleased that you have come to California. I am hopeful that as a result of these hearings and as a result of the vigorous action taken and recommendations made by the Administration, we might begin to put an end to this terrible problem.

EXHIBIT 2

MAY 10, 1970.

Hon. RALPH YARBOROUGH,
Chairman, Subcommittee on Department of Treasury and Post Office, Committee on Appropriations, U. S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The 1971 Appropriations bill for the Treasury Department and Post Office is now before your Subcommittee. Because of my deep concern over the drug abuse problem in this country, and because the House in the Treasury Appropriations bill reduced the amount to be provided for the Bureau of Customs, I am writing to urge that the Senate restore the $1.6 million cut by the House.

As you are well aware, drug abuse in this country has reached epidemic proportions. Your intimate knowledge of the operations across the Texas portion of the Mexican border makes you aware that Customs is a key weapon in our fight against illicit drug traffic.

You are undoubtedly aware also that more than 80 per cent of Customs arrests for narcotics violations involve smuggling across the Mexican border, and that almost all the marijuana reaching the U. S. market originates there. In addition, there are considerable quantities of dangerous drugs that are legally manufactured in the United States that are sold and exported to Mexico and subsequently turn up in California's illicit drug traffic. In 1969, there were six tons, or approximately 15 million pills and capsules seized in California by government officials. It is believed that the major part of these captured drugs originated in export shipments to border towns along the California-Mexico border. Having a major port of entry from Mexico located in our State, we in California are seriously concerned about the drug problem on a local basis, as well as recognizing it is as national in dimension. I am certain that you are no less concerned.

Customs faces ever-increasing volumes of people, cargo, and carriers reaching our shores or crossing our borders. Every day the equivalent of the entire population of Washington, D.C. enters this country. It is my understanding that only a minimal number of new jobs were requested, and even this amount will only bring the customs employment total up to approximately the level under the Coolidge Administration. Most of the increase in funds requested is needed to finance the recently approved narcotics control supplemental for the full fiscal year 1971. Only 357 new average positions were requested, and these are to help customs keep abreast of its continuing workload increases in the processing of incoming mail and cargo. The House action eliminates 170 of these new jobs, or nearly half of them.

It is not enough for us in Congress to simply talk about the drug problem. We must give the Administration the tools and the manpower that they need and that they are seeking. I sincerely hope your subcommittee will agree with me and restore this $1.6 million reduction in full so that the Bureau of Customs can accelerate its battle against this illicit drug traffic during this coming fiscal year.

Sincerely,

GEORGE MURPHY.

Mr. MURPHY. Mr. President, I yield the floor.

Mr. PACKWOOD. Mr. President, the time has come for an all-out war against illegal production and trafficking of narcotics. The alarming increase in drug abuse in the United States has reached crisis proportions. Between the years 1968 and 1969, the percentage increase in drug arrests across the Nation was 45 percent. During this same period in my State of Oregon, the increase was 58 percent. In a recent survey in the District of Columbia, the number of heroin addicts was estimated at 10,400 people, or about one addict out of every 80 residents of the Nation's Capital. Most tragic is the realization that the great majority of our drug victims are our young people. In fact, statistics show that next to automobile accidents, drug abuse is the leading killer of persons between 15 and 35.

Certainly this growing menace to human health and social order does not affect the United States alone. Noting the global magnitude of this grave problem, Mr. John Ingersoll, director of the U.S. Bureau of Narcotics and Dangerous Drugs, recently announced a dramatic 300 percent increase in worldwide heroin seizures during the period 1965–68. However, despite these seizures, it is believed that at least 1,200 tons of illicit opium went undetected with much of it entering our larger coastal cities such as New York and San Francisco. Moreover, appearance of huge amounts of synthetic and semisynthetic drugs on the international scene has compounded an already complex problem for our narcotics agents. Because of the international character of illegal production and trafficking of dangerous drugs, it becomes clear that it is impossible for any single nation to solve the problem of drug abuse within its borders. Since the problem affects the entire world community, global cooperation is required if we are to alleviate a worsening situation.

In order to broaden international cooperation in the area of curbing illegal drug traffic, today I am jointly introducing with Senator Murphy, a bill designed to strengthen the United Nations ability to control and regulate illicit production of hard narcotics and dangerous drugs around the world. Specifically, the bill recommends that not less than 10 percent of the fiscal 1971 appropriations for voluntary contributions to the United Nations development program be earmarked for the establishment of a multilateral fund which would finance the collection. Investigation and publication of information relating to illicit drugs. Under the bill, the President is directed to instruct our permanent representative to the United Nations to call for a new international convention to regulate the production and trafficking of synthetic drugs. To encourage member countries to cooperate with United Nations action, the bill also directs that the President shall withhold assistance from any country refusing to take appropriate steps to comply with United Nations programs aimed at the suppression of illegal narcotic traffic. This action would be taken, "unless the President determines that the furnishing of assistance to that country is in the national interest."

I would like to add that this approach has already gained considerable support in the House of Representatives and in the administration. In testimony before the House Foreign Affairs Subcommittee on International Organizations and Movements, Secretary of State William P. Rogers announced that a major thrust of our United Nations policy is to strengthen that organization's capacity to deal with the epidemic in drug abuse. The Secretary added that he would welcome congressional initiatives such as this bill.

Mr. President, I am hopeful that this bill will receive prompt and favorable action by the Senate Foreign Relations Committee. I firmly believe this legislation is a big step in the right direction in combating this terrible scourge which is infecting our communities, our coun-

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try, and our world. Surely a war on illegal drugs is a war worth fighting.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GOODELL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the vote tomorrow on the amendment offered by the able Senator from Wisconsin (Mr. PROXMIRE)—which is presently scheduled for 12 o'clock noon, I believe—the able Senator from New York (Mr. GOODELL) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF DEFENSE PRODUCTION ACT OF 1950—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SCHWEIKER). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of August 10, 1970, pp. 28098–28099, CONGRESSIONAL RECORD.)

Mr. SPARKMAN. Mr. President, a conference committee between the House and Senate met on Thursday, August 6, to resolve the differences between the House and Senate versions of S. 3302.

The Senate version of S. 3302 authorized the establishment of uniform cost accounting standards to be applied to all defense contracts in excess of $100,000. The standards would be developed by a five-man Accounting Principles Board headed by the Comptroller General.

The House bill established a similar Accounting Principles Board; however, the accounting standards could not have been put into effect unless Congress enacted subsequent legislation.

The conference committee agreed to accept the Senate version with two amendments. The first amendment required that one of the accounting members of the Board have a background in the accounting problems of small business firms. The second amendment requires that Congress be notified in advance of all standards and regulations promulgated by the Board and be given a 60-day opportunity to rescind these standards or regulations by concurrent resolution of both Houses of Congress.

The requirement for congressional notification would not, however, apply to modifications of standards or regulations already promulgated.

The Senate bill also contained a provision limiting the loan guarantee authority under the Defense Production Act to $20 million and preventing any guarantees from being used primarily for the purpose of preventing the insolvency or bankruptcy of a firm unless the President certified defense production would be directly and substantially affected. The House conferees agreed to accept the Senate language.

Finally, Mr. President, the House bill contained a provision giving the President standby authority to control wages, salaries, prices and rents. This authority would expire on February 28, 1971. This provision was agreed to by the Senate conferees.

Mr. President, I move the adoption of the conference report.

Mr. BENNETT. Mr. President, although I was a conferee on the bill, I was unable to attend the conference; but had I been there, I would not have signed the report.

Title II, which was in the House bill, to which the chairman referred last, gives the President the power to impose wage and price controls for a period of 6 months. That reminds me of giving a fireman authority to use a water supply for only 30 minutes in case of a three-alarm fire. To me, that provision is entirely political, and it is interesting that it will expire as soon as the 1970 elections are over.

The President has made it perfectly clear that he does not believe that the use of price, wage, and rent controls is the way to solve the inflation problem which he inherited. He has made it perfectly clear that he does not intend to use this power which the bill forces on him. So it is obvious to me, at least, that the purpose of writing this into the law is so that the President's political opponents can say, "We gave you the power; inflation is not solved; therefore, you are responsible for the inflation."

I am certain that the President has courage enough to survive that kind of attack, but I am disturbed that we would write what to me is a completely political feature into a bill so far removed, whose purpose is to extend the Defense Production Act.

Also, I am one of those who have not agreed with the method contained in the bill to set up the accounting standards board. I think it is a serious mistake, a compromise of sound constitutional government and the separation of powers.

When this matter was before the Senate Committee on Banking and Currency, I offered an amendment which would have set up a cost accounting board consisting of the Comptroller General and four members to be appointed by the President, subject to the advice and consent of the Senate.

My amendment was defeated in the committee by a tie vote and, consequently, when it was offered in the Senate, it was also rejected, very largely on party grounds.

I think that a review of contract cost performance should be performed by an independent body. By placing this authority in the Board, to be approved by the Senate, I think we would have guaranteed that independence. The provision in the pending bill, in my opinion, fails because the independence of its members will have already been compromised by their very appointment. While the Comptroller General of the United States remains chairman under both approaches, under the approach approved in the bill he himself will appoint the members of the Board and, therefore, they are subject to his pressure.

The Comptroller General of the United States, Mr. Elmer Staats, in testimony before the Senate Banking and Currency Committee, opposed the provision which the bill finally contained. He argued that members of the Board should have been independently appointed by the President to represent the accounting profession, small business, as well as industry and government. But, by rejecting the position taken by the President, the Comptroller General—and, incidentally, by himself—the bill has now set up a board which has no real independence.

Mr. President, I realize that under the circumstances, these comments and criticisms of mine are more or less meaninglesss because we have gone too far down the legislative path to change that path.

Mr. SPARKMAN. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. SPARKMAN. With reference to setting up the Board, of course, the Senator will remember that we discussed it at length in the committee. I had some sympathy with his viewpoint, but the Senator will recall that the Comptroller General particularly requested this kind of setup.

But, so far as the conference itself was concerned, I do not recall that we had any choice, because the House had set up practically the same language. About the only change that was made in the conference was that they had, I believe, a provision in there that one of the accounting members had to be a man who had experience in small business. We accepted that. That is about the only difference that prevailed between the two Houses so far as setting up the board was concerned.

Mr. BENNETT. I recognize that this is a kind of expression of frustration on my part, but I cannot let the conference report be approved without expressing my disappointment in these two features; namely, the feature with respect to which we picked up from the House setting up the 6-month system, under which the President may impose wage and price controls which, I think, is for the purpose of embarrassing him politically; and then the feature——

Mr. SPARKMAN. Will the Senator from Utah yield there further?

Mr. BENNETT. I yield.

Mr. SPARKMAN. So far as the Senate is concerned, I think that I can say we did not feel it was a political matter. I think the Senator has heard me say many times that I hoped we would never have to have wage and price controls. It is unsatisfactory from the standpoint of setting it up, and also unsatisfactory from the standpoint of administering the program.

I therefore certainly hope that the President will not have to set up wage and price controls. I hope that inflation will start a downward turn so that we can get out of that problem. But that was the situation, and it was a practical situation that we were met with. We did not consider that in the Senate at all.

Mr. BENNETT. No.

Mr. SPARKMAN. We did not consider it at all. We did pass, a couple of years ago, a provision that gave the President the option to use credit controls, either voluntarily or mandatorily. The Senator will remember that. But we were faced with a realistic situation. The rollcall in the House, which appears on pages 26841–26842 of the CONGRESSIONAL RECORD of July 31, 1970, shows that the vote was 257 for it and only 19 against.

Only 19 Representatives voted against it. About a dozen of those 19 were Republicans, but nearly all the other Republicans joined in. I have forgotten what the total was, but the Republican leader over there voted for it, and the assistant leader over there voted for it—practically every one of the Republicans.

Several of the 19 were Democrats. As I say, the majority leader and the assistant majority leader voted for it. So, who were we to question this being a political matter?

Mr. PROXMIRE. If the Senator will yield on that point, I should like to point out, furthermore, that of the three Republicans in the conference committee, two of them voted for the price-wage controls in the House vote, including the distinguished ranking member of the House Banking Committee, Representative WIDNALL, and Representative MIZE, so that we were in a position in that conference where the House was overwhelmingly united on this particular position.

Mr. BENNETT. That still does not prevent me from claiming the privilege of expressing my disappointment in the results of the conference.

I have talked at some length about this problem at other times. I have talked about it before the committee. I was trying to manage a business during World War II and part of the Korean war, trying to wrestle from that point of view with the wage and price control problem. I discovered, and the record will bear me out, that wage and price controls do not control inflation; that there are so many ways to get around it, and that the rate of inflation during World War II, when those controls were in effect, was at exactly the same rate 5 years after the controls had been lifted. Thus, it is a delusion and a snare.

Well, Mr. President, I have had the opportunity to express my disappointment. I shall have nothing more to say about the report except to say that I should like to be recorded as opposing it.

Mr. PROXMIRE. Mr. President, I want to commend the fine work of the chairman of the Senate Banking Committee, Senator SPARKMAN, and the chairman of its Subcommittee on Production and Stabilization, Senator MONDALE, for their leadership on the extension of the Defense Production Act and the provision dealing with uniform cost accounting standards. I was most gratified that the House-Senate conference committee agreed to adopt substantially the Senate provisions concerning uniform cost accounting standards.

The bill passed by the Senate by an overwhelming vote of 69 to 1 would have required the adoption of uniform cost accounting standards on all Government contracts in excess of $100,000. These standards would have been promulgated by a five-man accounting board appointed by the Comptroller General who would serve as its chairman.

While the House bill established a similar accounting board, the regulations could not have been put into effect unless Congress enacted subsequent legislation. In my view, this provision would have completely negated the intent of the Comptroller General's report which concluded that uniform cost accounting standards on Government contracts were both feasible and desirable. In view of the billions of dollars a year being wasted by the Defense Department, it is time we put these standards into effect without further delay.

In that connection, the bill agreed to by the House-Senate conference committee authorizes the Accounting Principles Board to promulgate regulations without the need for coming back to Congress for additional legislation. The bill also requires the Board to report to Congress within 2 years concerning their progress in promulgating cost accounting standards. In view of the urgent need to put these standards into effect as soon as possible, I would hope that the bulk of these regulations would be completed and issued within the 2-year period. No doubt, these regulations can be subsequently refined, modified and amended on a continuing basis; however, it seems entirely reasonable to assume that the major task of the accounting board can be completed within the initial 2-year period.

Mr. President, again I wish to thank the distinguished chairman of our committee and the able chairman of the Subcommittee on Production and Stabilization for their excellent cooperation and assistance in getting this long overdue reform enacted into law.

Mr. TOWER. Mr. President, I must express my objections to the uniform cost accounting bill which we are voting on today. This measure has been characterized as totally impractical as a matter of accounting science because of the diversity of products, firms, and cost factors involved in defense contracting. I am not opposed to tightening up the procedures by which the Defense Department and the General Accounting Office assess the effectiveness of the expenditure of our tax dollars for defense procurement. But to require the General Accounting Office and the accounting board created in this bill to work out uniform standards for all defense contractors seems to be entirely impractical.

The Associate Director of the Defense Division of the General Accounting Office testified that in 99 percent of the cases the GAO can determine costs adequately from their knowledge of the accounting practices of various types of contractors and product lines. To cause all of these contractors to change over their accounting systems to some "uniform" system would be tremendously expensive, and would cost the firms more than the system could save, therefore resulting in higher prices for defense products.

Of the two versions of this bill, the House bill was much preferable because it gave Congress a chance to assess whatever standards are arrived at by the Board, and to determine whether they were too detailed to be feasible to implement. The Senate version, which was adopted in conference, does not give Congress the chance to review these standards. I think this is a mistake.

I intend to watch the developments that arise from this legislation closely in the coming months, and I hope that Congress will reconsider the wisdom of this measure at the beginning of the next Congress.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the adoption of the conference report.

The report was agreed to.

Mr. SPARKMAN. Mr. President, I move that the Senate reconsider the vote by which the conference report was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

Mr. TALMADGE. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

THE C–5A

Mr. TALMADGE. Mr. President, the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) was kind enough to send to my office an amendment which he proposes to offer to the Military Procurement Act which relates to the C–5A.

XUM

A preliminary analysis of this amendment leads me to make several comments about it.

The proposed amendment sets up only two conditions under which the $200 million contingency fund could be spent to continue C-5A production beyond the end of 1970. Neither of these conditions is a very happy choice.

The first condition is impossible to meet and the second is bankruptcy for Lockheed, the C-5 contractor.

Conspicuous by its absence is a condition which would allow the contingency fund to be spent following a negotiated settlement of the legal dispute between the DOD and Lockheed. The fact that this condition is absent, and the fact that the first condition is impossible, can only lead to the conclusion that the amendment is deliberately designed to force the contractor to bankruptcy.

So that is the real question that will face the Senate as we consider this latest C-5 amendment. Do we or do we not wish to drive Lockheed to bankruptcy—deliberately, knowingly drive them to bankruptcy—without any opportunity for them to seek redress on their legal claim either through the courts or through negotiation toward a compromise agreement on the contract?

To adopt this amendment does indeed provide us with the opportunity to assume the roles of prosecutor, judge, and jury all at the same time. It does give us the opportunity to decide this legal case unilaterally, right here on the Senate floor. It certainly gives us the opportunity to violate every basic concept of justice—and equity—and fair play that have been developed tortuously over the years of American jurisprudence.

It is incredible to me that we could even consider such a step seriously. But let me quickly outline the reasons why this amendment is not what it may seem to be at first blush.

First let us talk about the missing condition under which the money could be spent—the condition that is not there. This, of course, is a condition of negotiated settlement of the contract dispute. As has been widely publicized, the DOD and Lockheed have been working for months in an effort to reach a compromise agreement. Although such an agreement would certainly be very punishing to Lockheed financially, it also would allow them to continue normally in business to complete their various military product deliveries—some of which are vital to our Nation's security. One example is the Polaris-Poseidon program. Assumedly, such a compromise also would recognize that Government contract procedures—such as the total package procurement contract which was the only type of contract offered to the competitors in this case—would have to assume a big share of the blame for the current legal dispute.

But regardless of the merit or demerit of the legal cases—and regardless of the consideration that a now abandoned contract form may have contributed materially to the problem—and regardless of the highly inflationary condition that played such a major role in the C-5 overruns—the real point in seeking a negotiated settlement was to seek a fair compromise without having the long delay inherent in having the dispute settled through normal legal processes.

It has been estimated that a decision on the C-5 case from the Armed Services Board of Contract Appeals would be highly unlikely until the middle or latter part of 1971, even though the formal complaint to that board was filed early this year. Further, it is recognized that an appeal from the Board's decision is possible and would be made to the Court of Claims. This would add a further time lapse—the probable minimum being 2 years—or until mid-1973 or later before the appeal could be ruled on. And, even then, under some circumstances it is possible for a case like this one to be taken all the way to the Supreme Court for final judicial review.

Thus the whole purpose of arriving at a negotiated settlement is to avoid these long delays—and to allow instead an expeditious compromise settlement—and to provide in this way for an orderly procedure in completing the production of the C-5A.

As has been explained to us many times, the $200 million is needed at the end of calendar year 1970 if C-5 production is to be continued without a costly, wasteful production gap.

It should be noted here that Deputy Secretary of Defense Packard is required by the committee bill to seek clearance from the appropriate congressional committees on terms of a negotiated settlement, before he would spend the $200 million contingency fund.

Now, since this amendment would not allow C-5 production to proceed under the terms of a negotiated settlement, let us examine the two conditions for continuance that are included in the amendment. Here, we should note that the amendment states clearly that the contingency fund could only be spent under one or both of these two conditions.

The first condition would be if the Armed Services Board of Contract Appeals has made a decision as to the amount, if any, owed to the contractor from the contingency fund, and if a judicial review of the Board's decision has also been completed. In simple terms, this means that the $200 million could not be spent until both the ASBCA and an appellate court—in this case, the Court of Claims—have made their decisions about this legal dispute.

As I have already explained, such decisions would appear to be impossible before mid or late 1971 in one case and 1973 in the other.

Thus, condition number one in the amendment is totally useless as a vehicle to allow the expenditure of the $200 million, since it simply cannot be accomplished in time to be useful.

This takes us to my final comment, which is that the only condition left under which the money could be spent would be the condition wherein Lockheed is in bankruptcy.

Obviously, to adopt this amendment would put the U.S. Senate on record as saying that we have prejudged the Lockheed legal case and have found it to be worthless. Certainly this is so if we deny Lockheed the right to achieve a negotiated settlement, and if we deny them the time to seek normal court decisions. I do not believe it is fair or proper for the U.S. Senate to take such a position. Such an action would deny legal rights we provide to the citizens of the United States and would tend to force the contractor into bankruptcy whether he deserves it or not.

More importantly, action such as that contemplated by the Proxmire-Schweiker amendment would deny the planes. These aircraft must be built because they are needed. A total of 81 planes is considered the minimum number essential for an effective military capability. This is the required capability for transporting extremely heavy equipment of combat divisions that nothing else in the world can do.

No other aircraft or ship can match the unique role of the C-5. This aircraft gives the United States an airlift capability superior to that of any nation in the world, friend or foe, to rapidly respond to military crises or threats to our national security anywhere on the earth.

The President of the United States has carefully studied and analyzed the need for the C-5.

The Secretary of Defense, who has utilized all the military expertise at his command, determined the aircraft vital for national defense.

The Deputy Secretary of Defense has strongly testified to this fact.

The Joint Chiefs of Staff say the planes are required for national security.

The Armed Services Committee of the House of Representatives, and the House itself, voted overwhelmingly for production of the C-5 as a prime defense item.

The Armed Services Committee reported to the full Senate that the C-5 program is essential.

The sponsors of this amendment are selling it as the "keep building the planes" amendment. They have stated that their amendment would: First, keep the Lockheed employees at work; second, insure that the planes would be produced; and, third, protect the Government and the taxpayers' interest. However, by forcing Lockheed into bankruptcy, the amendment would have exactly the opposite effect. Under this amendment the production of the C-5A aircraft would be subjected to the uncertainties and delays of bankruptcy and reorganization proceedings.

Whether to proceed with the production of the C-5A aircraft would be a matter left to the discretion of the referee in bankruptcy rather than Congress and the Government. This latest amendment is an attempt to do indirectly what its sponsors have previously attempted to do directly by seeking to eliminate the $200 million contingency fund for the C-5A aircraft. However, both the original amendment and this new amendment would have the same impact. Both would bring chaos to the C-5A program, both would waste millions of dollars of taxpayers money and both would deny the American people an airplane which is vital to our defense.

I hope that the Senate will not gamble with the future of this vitally needed program.

S. 4234—INTRODUCTION OF A BILL TO PROVIDE FOR RELOCATION OF THE VILLAGE OF NIOBRARA, NEBR., ACQUISITION OF NIOBRARA STATE PARK AND THE CONSTRUCTION OF CERTAIN SUBSTITUTE FACILITIES

Mr. HRUSKA. Mr. President, I introduce, on behalf of myself and the junior Senator from Nebraska (Mr. CURTIS), a bill which would provide for the relocation of the village of Niobrara, Nebr., the acquisition of Niobrara State Park, and the construction of certain substitute facilities.

Mr. President, prior to 1952, the Niobrara River, with its steep slope and heavy sediment, continually deposited a large amount of silt into the slower moving Missouri River in the vicinity of Niobrara, Nebr. This created a delta formation which encroached on the main stem channel near the junction of the two streams. When the runoff conditions reached a sufficient magnitude, portions of the delta were distributed further downstream. Occasionally, these conditions would reach major flood proportions. Then a large part of this formation would be removed from the area, and the process would repeat itself.

Since 1952, when the Missouri River system of dams went into operations, the chances of floods of such proportions again occurring in the reach of the Missouri River, have been virtually eliminated.

For the vast majority of citizens living in the Missouri River Valley, the dam system provides security and economic advantage. However, the consequences for Niobrara are quite the opposite.

The operations of the Fort Randall and Gavins Point Dams have caused periodic flooding by surface waters and a rising ground water table. Based on the experience of the 15 years since the completed project went into operation, these effects will continue to encroach on adjacent private and public lands. The park and village will then be untenable.

Without immediate and vigorous action, the residents of the village will suffer irreparable financial loss. The effects of periodic flooding and slowly rising ground water are creeping and insidious in nature, and many of the residents will be unable to cope with the situation.

During the period of April 18 to 28, 1970, petitions were circulated to all the legal voters of the village of Niobrara outlining three courses of action that could be taken with respect to the future of the village. The courses of action presented were:

First. Relocation of the village to another site.

Second. Abandonment of the village.

Third. Protection of the village by dike and pumping systems.

Fourth. Did not wish to comment.

The results of the inquiry were as follows:

Persons:	*Percent*
For relocation, 298	85
For abandonment, 22	6
For protection, 13	4
No comment, 18	5

A resolution was subsequently drawn up and signed by the board of trustees of the village requesting that the Government relocate the village of Niobrara.

As a result of the vote for the relocation of the village, a determination was made as to the number of households and businesses planning to relocate to a new townsite. One hundred eighty-five households and 45 business proprietors indicated plans to reestablish themselves at the new site. The president of the Niobrara Housing Authority also indicated the authority desired to relocate its 21 units.

The Nebraska Game and Parks Commission favors the acquisition of the park and its facilities by the Federal Government rather than attempts to preserve it in its present form. The cost of future maintenance of the park is uncertain due to the extensive protection devices which would be needed.

Mr. President, I quote from an article appearing in the Omaha World-Herald on September 7, 1969, written by a native of Niobrara:

> We who live in or near this northeastern Nebraskan community know that the Niobrara River is ceaselessly piling silt at the edge of town and that the water level is creeping ever higher in village basements. We know that some day the townsite must give way to marsh and swamp.
>
> On this we all agree. . . .

Mr. President, the legislation providing for the construction of the Missouri River dams provided for reparations to persons adversely affected by the building of the dams. Clearly, the people of Niobrara are suffering greatly from the effects of the Missouri River dams.

It is up to the Congress to make amends for the destruction of this town—to allow it to go on living—because, in the words of its citizens:

> Niobrara is a place where babies are born, where fathers work, where children learn, where people die. It is a community of 700 people; it is a way of life.

Mr. President, we must not allow that way of life to be ended. The bill we offer today will help to avoid that unhappy consequence.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The **PRESIDING OFFICER** (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4234) relating to the relocation of the village of Niobrara, Nebr., the acquisition of Niobrara State Park, and the construction of certain substitute facilities, introduced by Mr. HRUSKA (for himself and Mr. CURTIS), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 4234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to remedy the adverse effects of the high ground water conditions caused by the Gavins Point Dam and the Lewis and Clark Lake project, Nebraska and South Dakota, the Secretary of the Army is authorized to acquire for inclusion in the Gavins Point Dam and Lewis and Clark Lake project—

(1) such lands and interests therein within the corporate limits of the Village of Niobrara, Knox County, Nebraska, as he may deem necessary; and

(2) Niobrara State Park, Knox County, Nebraska.

SEC. 2. (a) The Secretary of the Army is authorized to provide for the layout, design, and construction, on sites approved by him, and selected and made available by the Village of Niobrara at no cost to the United States, of substitute facilities, at a cost not to exceed $7,000,000, to replace existing municipally owned streets, utilities, and other improvements. Such facilities may be constructed to modern-day design standards for the type and kind of facilities to be replaced. In no event shall the scope of the substitute facilities so constructed be greater than that necessary to accommodate (A) the number of businesses and residents who relocate at such new village site, and (B) the future growth potential of the Village as it existed prior to such adverse effects referred to in the first section of this Act.

(b) The Secretary of the Army is further authorized to provide for the design and construction, on a site selected and made available by School District 1–R at no cost to the United States, of a substitute facility to replace the existing School District No. 1–R school at the Village of Niobrara, at a cost not to exceed $800,000. In no event shall the Secretary of the Army be authorized to provide such design and construction unless he, or his authorized representative, first determines that the relocation of the Village of Niobrara at a new site will result in undue hardship to the School District unless a substitute school facility is provided at such site, and that there is a continuing need for such substitute school facility at such site.

SEC. 3. The Secretary is authorized to make such expenditures as are necessary to carry out the provisions of this Act out of funds available to him, or hereafter appropriated to him, for water resources projects.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. PROXMIRE. Mr. President, before I speak on the pending amendment I would like to say briefly that I expect to reply in some detail to the distinguished Senator from Georgia (Mr. TALMADGE), who spoke so feelingly and strongly in connection with the C–5A amendment which the Senator from Pennsylvania (Mr. SCHWEIKER) and I have introduced.

The thrust of the speech by the Senator from Georgia was that our proposal would in effect mandate a bankruptcy for Lockheed. This conclusion can only be supported on the assumption that Lockheed has this $200 million coming. That the Federal Government owes it. This of course is not true. The Air Force insists the Federal Government does not owe this money. All the proposal would do would be to provide that the $200 million would only be given to Lockheed provided there was either a showing the money was legally due it by court finding, an Air Force board; or if a trustee in bankruptcy decided the money was needed to continue aircraft production. To proceed otherwise by a Government bailout means we are asking for real trouble. The committee is not limiting this to $200 million. The committee report makes it clear that the cost of completing the remainder of the 81-plane program will be approximately an additional $800 million over and above the total contract price for 120 planes.

Mr. President, the C–5A has been called many things but it is getting so expensive we could probably call it a "flying Rayburn Building."

We have the confession in the report that the cost of this plane will be $56 million each, even if we complete all 81 planes. If we only complete 17 the committee report says the cost will be $200 million per aircraft. The original contract promised us a plane at only about $27 million a copy.

As I have stated, I shall discuss this matter in some detail at a later time. I vigorously disagree with the conclusions of the distinguished Senator from Georgia that this would prejudge the Lockheed case. All we are saying is that the taxpayers should not be dunned $200 million or $800 million for something they do not owe. Such a generous giveaway should only be provided to a defense contractor if a court specifies it is owing or if a trustee in bankruptcy or referee in bankruptcy states it is required to fill the contract and make sure the planes are built.

XUM

ENFORCEMENT OF ENVIRONMENTAL POLICY ACT FOR MILITARY LEGISLATION AND ACTION

Earlier today my amendment No. 808 was made the pending business.

The amendment requires that the Defense Department comply with the Environmental Policy Act of 1969. The vote on it will test whether Senators mean business about saving the environment from pollution or whether they do not.

The Federal Government must set the example in the environmental field. And of all environmental pollution by the Federal Government it is authoritatively estimated the Defense Department is responsible for 80 percent. But it has failed to comply with the law.

If we allow this state of affairs to continue, we should be honest with ourselves, repeal the Environmental Policy Act, and admit it is only rhetoric.

If the Federal Government is unwilling to set the example, then how can we ask the States to stop the erosion of our environment, require that cities and towns clean up the air and water, demand that private industry stop polluting the lakes and rivers of the land, or halt private citizens from bulldozing the land or destroying our heritage?

This amendment will test whether we mean business in stopping pollution or just want to pass laws that sound impressive but do nothing.

PURPOSE TO ENFORCE ACT

The purpose of this amendment is to make certain that the Defense Department complies with the National Environmental Policy Act of 1969 and specifically with section 102 of that act. To date, the Department has essentially failed to comply with the act. My amendment does not change or amend the act itself. It merely withholds funds for specific projects or actions by the Defense Department until the Department has complied with section 102 of the act.

Section 102 of the act requires that—

> All agencies of the Federal Government shall . . . include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the environment, a detailed statement by the responsible official on the environmental impact of the proposed action.

CLEAR LANGUAGE

That language is very clear. Under the law the Defense Department, as must every other department, must file a detailed report on every proposal for legislation or major Federal action stating what effects the action or proposal will have on the environment. That is the law.

But the Defense Department, as well as most other departments, has not been complying with the law. Defense has not filed a single report for any legislative proposal or major action authorized in this bill.

WITHHOLDS FUNDS

My amendment would withhold the funds authorized in this and other acts until the Defense Department complies with the requirements of section 102 of the Environmental Policy Act of 1969. All they need do in order to free the funds is to file a report, already required by law. That is certainly not an onerous or difficult action. All the amendment requires is that the Defense Department obey the law before it can spend its funds. What possible objections can there be to that requirement?

FAILURE TO COMPLY

So far as we are able to determine, the Defense Department has filed only one major report under the act; namely, on the environmental effects the dumping of nerve gas in the Atlantic Ocean might have on the environment. They did this, I am told, both belatedly and reluctantly. But that action clearly should come under the act. It may be that they have filed one or two other reports on minor actions.

A few weeks ago, when I was holding hearings before the Subcommittee on Economy in Government of the Joint Economic Committee, I asked a representative of the Defense Department whether or not they had made reports. The witness replied that reports on legislation and major actions affecting the environment were "in the pipeline." I think it is clear that the Defense Department has the longest pipeline in the world.

SUMMARY POINTS

The following is therefore true:

First. The law requires the Defense Department to file a report on every major legislative proposal or major action significantly affecting the quality of the environment.

Second. With minor exceptions, the Defense Department has not complied with the law. No report has been filed on any legislative proposal authorized by this bill. While a report has reluctantly been filed, or will be filed, on the environmental effects of the SST, there is no report on the environmental effects of the proposed supersonic B–1 bomber which this bill funds.

Third. This amendment would withhold funds until the law had been complied with. The amendment does not change the law. The amendment would merely help enforce the law.

Fourth. Funds could be freed by a very simple act; namely, that the Defense Department file a report. That is all that is required.

POINTS NOT IN DISPUTE

Before I spell out in more detail both why it is important that the Defense Department comply with the act as well as the specific requirements of my amendment, let me clear up a few points. Let me answer some specific questions which have been raised about the amendment.

First, if all this amendment does is to require the Defense Department to comply with existing law, why is it needed at all? Obviously, there is no point in merely duplicating existing law.

The answer is simple. The Department of Defense has almost completely failed to comply with the National Environment Policy Act. According to the Council on Environmental Quality, the Department has submitted just one report since the act became law last January. This report on the disposal of the VX nerve gas in the Atlantic Ocean was submitted by the Department only after considerable pressure from the public had been placed on the Department. No other reports have been submitted by the Department in the 8 months since passage of the act.

The problem is very simple. Under the act, the agencies are given the authority to establish their own guidelines as to which projects are reportable under section 102. The guidelines, of course, are an administrative method of carrying out the intent of the act. They should not be used to gut the act. While the act clearly states that all major recommendations or proposals must have reports submitted on them, the Department of Defense has been very reluctant to report on a wide variety of projects which are clearly covered by the law. The amendment I am proposing will make sure that these reports are submitted. It will force compliance with the clear provisions of the act. Under the amendment, no funds authorized or appropriated for any project may be obligated or expended until the report has been submitted. The amendment will make sure that the act is enforced.

REFUSED REPORT ON NERVE GAS TRANSPORTATION

Last week, for example, the Pentagon refused to submit a report on the transportation of nerve gas. While such shipment represented a clear environmental hazard, the Department of Defense unilaterally decided that it did not have to report on it under the act. But surely that was a major Federal action significantly affecting the quality of the human environment. No one could reasonably deny that. My amendment would guarantee that such a report would be submitted. That is why the amendment is needed. It will help enforce the law.

Another question which has been raised concerning the amendment is whether it would apply to the activities of the Defense Department abroad. This question has nothing to do with the amendment itself. It involves an interpretation of the National Environmental Policy Act. It is clear that this amendment does not set policy in this area. It applies to only one agency of the Federal Government. Only a uniform interpretation of the National Environmental Policy Act as it applies to all agencies with operations abroad can settle this question. Thus, the question of whether the amendment affects operations of the Department abroad is beyond our concern. That issue will be resolved by the interpretation of the act itself. If the Justice Department or other legal officers in the Government determine that the act applies to actions by Government agencies outside the continental limits of the United States, then this amendment would apply to those actions. If the act does not apply outside the United States, the amendment contains no provision which would change that. The amendment is neutral on that issue. It depends on the act itself.

EXCLUDES WEAPONS IN WARFARE

Another important question is whether the amendment would require reports on the destructive capability of weapons when used in open warfare. The answer to this question is absolutely "No." The amendment clearly exempts the operation and maintenance of weapons when used in warfare. The destruction of the environment is an unfortunate consequence of any type of warfare. Such destruction is unavoidable. While such destruction is not to be condoned, it is not what we are concerned with in this amendment.

What we are concerned with here is the operation, testing, and maintenance of major weapons systems in peacetime We are concerned with the air and noise pollution caused by military aircraft. We are concerned with the oil pollution created by naval warships. This is the type of environmental damage which we are trying to prevent under this amendment.

Having answered these questions, let me give some examples of major projects on which no reports have been filed.

B–1 BOMBER

To be specific, no report has been filed on the environmental effects of the B–1 bomber. The $50 million in this bill could not be spent until such a report has been filed if my amendment is adopted. What is wrong about that? Why should not we know what effects it will have?

NERVE GAS DUMPING

Let me give one more example. Under great pressure the Defense Department did file a report on the possible environmental effects of dumping the dangerous VX nerve gas 16,000 feet into the Atlantic. As I say, they did this reluctantly. But they refused to report on the environmental, or possible environmental effects of transporting that gas across a large part of the Nation.

They refused to do so even though the Environmental Policy Act specifically requires them to file a detailed statement on major Federal actions significantly affecting the human environment. Under the provisions of my amendment, the funds could not be spent to transport that nerve gas until the Department had filed a report outlining the effects or potential effects of that major action. That is exactly the kind of situation contemplated by the act and one in which the Defense Department had failed to comply with the law.

The effect of my amendment would be to make certain that the law was complied with. The Defense Department, like any other department, is not above the law.

Now let me turn to the general issue of why this amendment is needed and why the Defense Department, especially, should comply with the act.

The Department of Defense is involved in a wider range of projects and activities than any other department in the Government. This year it will spend about $75 billion, which is vastly more than any other department spends.

Furthermore, the nature of those expenditures differs widely from the checks that the Social Security Administration or Veterans' Administration send out, or the amount in the overall budget which finances the national debt. Thus, in both the quantity of the funds it spends and the quality or nature of the activities it undertakes, it has more effect on the total environment than any other agency in the Government. It has been estimated by a spokesman for the Council on Environmental Quality that about 80 percent of the pollution caused by the activities of the U.S. Government can be attributed to the Defense Department. This is not a condemnation of the Defense Department. It is merely a statement of fact. Collectively, the Department is responsible for millions of gallons of sewage, tons of garbage, and a great deal of air pollution each year.

Another major source of environmental damage is the day-to-day operation of our military aircraft, or naval vessels, and other defense-related equipment. The Navy owns and operates about 940 ships. The military forces operate a combined total of 26,000 aircraft. The pollution from these two sources alone is substantial. Naval vessels can create oil pollution when they flush their fuel tanks at sea. While this is now prohibited, it is sometimes difficult to enforce. Some naval vessels still dump their garbage overboard.

MILITARY AIRCRAFT

Military aircraft create both air and noise pollution. Like commercial jets, they spew forth clouds of unburned kerosene and other high-octane fuel. Each year military aircraft are responsible for many sonic booms across the country which cause untold property damage.

MOTOR VEHICLES

The Defense Department owns and operates tens of thousands of motor vehicles. These give off carbon monoxide and other pollutants, as we know.

WEAPONS SYSTEMS

The construction of major weapons systems can have a significant effect on the environment. When a hundred million dollar contract for the production of a weapons system is let, it can create major environmental problems. It can affect land use, urbanization, waste disposal, air pollution, and a variety of other issues, for hundreds of families may be attracted into the area for the defense work.

CONSTRUCTION

The same is true when any major defense installations is constructed. There are many examples.

At one time the Navy wanted to fill in 95 acres of San Francisco Bay. That would merely have added to the problem of inversion, which has already changed the nature of the San Francisco area environment.

Project Sanguine in my own State is a project which can have a major environmental effect on the State. It is a huge communications grid which may be constructed in Northern Wisconsin covering 26 counties—about a quarter of the State—and would affect the ecology of the area. It is very important that we know what the environmental effects will be before that project is constructed, if it is to be constructed. That is exactly why my amendment is needed.

The problem in the past has been that the environmental effects of military construction, supersonic planes, the purchase of motor vehicles, the location of military air bases, the letting of a major contract, the testing of military weapons or the transportation of lethal gas have rarely if ever been considered when these actions are taken or when legislation is proposed.

Mr. President, we have been asking the question, as we should have, "What is the cost in money of these weapons?" That is certainly one cost we should weigh in determining whether or not to go ahead. We have not been asking the question as to the cost in environmental waste, and in damaging seriously, and perhaps irrevocably, precious and limited resources. This question seems to me to be more important than the money cost. All I am asking is that we get that environmental cost, systematically and regularly, from the military officials, and if we do not get it, they do not get their money.

TESTING OF WEAPONS

Let me emphasize the environmental effects of weapons testing. This can pose a very serious threat to the environment. It is also true of the transportation of weapons. The transfer of chemical and biological warfare agents across the United States represents a severe hazard. An accident could imperil the lives of thousands of people. There are other examples.

It has been reported that radiation levels far in excess of AEC standards have been found near major underground test sites in Nevada. We all remember that several years ago some 5,000 sheep were

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killed as a result of exposure of VX nerve gas which had escaped accidentally from testing grounds in Utah. Another example involves the island of Culebra off the Puerto Rico coast where the Navy is shelling the island in carrying out its routine target practice. This has had a considerable environmental effect on the island.

SIZE ALONE AFFECTS ENVIRONMENT

These are just a few of the activities carried on by the Department of Defense which contribute to the degradation of the environment. It would be virtually impossible to catalog all of the projects undertaken by the Department which affect the environment in one way or another.

In view of this, it is essential that every major Defense proposal for legislation or action be carefully scrutinized to determine its environmental impact. Every proposal for a major weapons system should be studied to determine what effect its development, construction, and operation will have on the environment.

WHAT WILL THE AMENDMENT DO?

What programs and activities of the Defense Department does the amendment cover? Essentially six types of activities are identified in the amendment. While this list is not meant to be all inclusive, it covers the major projects and activities of the Department for which a full environmental report is required under section 102(2)(c) of the National Environmental Policy Act. All of these are clearly required by any responsible reading of the law.

The first area covered is the construction, testing and operation of any weapon system which would significantly affect the environment, except when used in warfare. This provision would require the Department of Defense, when it proposes a new weapon, to make a full report on such effect as air pollution caused by the weapon, excessive noise during operation, and other environmental effects. This provision would also cover testing and construction of the weapon and the effects each of these would have on the environment. What is not required by this amendment is a report on the destructive capability as such of such weapons in actual warfare situations. This destruction of the environment is an unfortunate consequence of any type of warfare, and thus can be controlled only by efforts to keep the peace.

The second major activity covered under the amendment is the transportation or disposal of dangerous substances or devices. This provision is designed to cover the transfer of deadly nerve gases, for example, across the United States or to other parts of the world if that is covered by the basic act. It would also cover the disposal of such agents. This will prevent the Department from disposing of dangerous substances before the full environmental hazards of such disposal are known.

REPORT ON HERBICIDES AND CBW AGENTS

The third activity covered is the use of herbicides or other chemical or biological warfare agents. Recently, it has been reported that widespread use of herbicides in Vietnam has resulted in massive, possibly irreparable damage to the ecology of South Vietnam. The purpose of this provision is to understand the effects of such agents and their permanent impact on an area. The damage done by some of these substances may far outweigh the damage done to the environment in actual warfare. The need for knowledge before they are authorized is only too obvious.

The fourth provision requires that a report be submitted on all projects or activities carried out under contracts amounting to more than $100 million or under other contracts which, in the judgment of the Council on Environmental Quality, will have results significantly affecting the environment. The purpose of this provision is to insure that before the Department of Defense awards a major contract for the construction of a major weapon system, for example, a consideration has been given to the effect the completion of such contract will have on such factors as increased urbanization, land use, sewage treatment and other changes brought about by the infusion of large sums of money into a particular area. Too many times, huge contracts have been awarded to areas which may have been totally unprepared to deal with the economic and social and environmental consequences of large-scale military development. This provision will insure that a report detailing such potential effects will be made before construction gets underway.

Mr. President, I might point out in this connection that, of course, we would anticipate that in few, if any, of these cases, the contract would not be let. What would result, in my view, from this kind of report is that effective planning would be provided, so that environmental damage would be minimized or eliminated.

The fifth provision which is closely related to the preceding one, requires that reports be submitted on the environmental effects of all proposals for military construction projects which will have a significant impact on the human environment. The need for this has already been examined—the cases cited show the tremendous impact which military construction can have on the environment. Certainly, construction is one of the most important activities carried on by the Department of Defense which affects the environment.

COVERS DISPOSAL OF DANGEROUS SUBSTANCES

The final provision requires that reports be submitted on the sale or disposal of dangerous substances or devices whose use could significantly affect the environment. The need for this requirement was brought sharply to public attention over a week ago, when the Evening Star reported that the Defense Department had offered for sale 94,000 pounds of the deadly pesticide, dieldrin, without notifying the Department of Agriculture which is responsible for control over such pesticides. Despite the fact that Interior has already banned the use of the pesticide, the Defense Department was offering for sale a quantity of the pesticide which was three times the amount the Department of Agriculture had approved for nationwide use in this year. This type of practice should be stopped. Submission of an environmental report on such major actions will allow time for Congress or the appropriate regulatory agency to head off such action.

DOD SHOULD COMPLY WITH LAW

Mr. President, we can no longer condone damage done to the environment by military activities as well as other agencies merely due to the lack of knowledge. The amendment I am offering today will not give the Council on Environment Quality any new power to get a report. It merely requires that the Defense Department comply with the law. The National Environmental Policy Act does not exempt the Department of Defense from compliance. It specifically states:

> All federal agencies shall be required to comply with the provisions of this section.

Up to this time, the Department has not significantly complied with the law. This act has been on the books for many months, and it would seem that, in view of the many activities by the Department of Defense, we should have reports on file, but we do not have them. This amendment is one way to make sure we will get those reports. If the Defense Department is to get the money for its projects, it will have to file the reports.

The purpose of this amendment is to make certain that there is a submission of an environmental report before we fund major projects and activities. This is all the law requires—that a report be submitted. This is the very least we can do to protect the environment. Congress has a right to know before it authorizes or funds a new project what the environmental consequences of such a project will be.

POLLUTION THREATENS SECURITY

We must accept the fact that our national security is also threatened by the pollution of our environment—from whatever source. The projects of the Department of Defense are no exception. In fact they constitute, because of their numbers alone, one of the most serious threats. Of course every other agency must comply with the law, and I intend to introduce a similar amendment to other bills if that is necessary.

There is no justification for exempting the activities of the Department of Defense and every reason to make certain it complies. The amendment I am proposing today will insure that every major military program or project is subjected to a thorough review to determine in advance its probable impact on the environment. Hopefully, such studies will enable us to avoid many of the problems which such programs have created in the past. With some careful planning, many of these problems can be solved and extensive environmental damage can be avoided.

CONCLUSION

Mr. President, the Federal Government must set the example. Its actions, and particularly those of the Defense Department, have a greater effect on our environment than any other single group.

But if we fail to pass this amendment—if we fail to follow the timeless

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adage, "physician, heal thyself," how can the Federal Government demand action in good faith from the States, the counties and cities, from private industry, and from the rank and file citizens of this country?

If we say we favor effective Federal action to stop pollution, but vote against this amendment, we are hypocrites.

Can we in good faith demand that private commercial planes put suppressors on their jet engines while military jets do not?

Can we bring action against a giant steel company for polluting the air and water of the Nation if a huge military base is allowed to spew poison chemicals into the atmosphere?

Can we in good faith take land through Federal action in order to preserve our priceless seashores, our mountain slopes, and irreplaceable forests, if the military can bulldoze a unique environmental area without even a report to Congress telling us what it is doing?

The vote on this amendment is the acid test. If the largest Department in the Government can continue to flout the law, then, neither as Federal officials or as men, can we expect to be respected when we require others to clean up the environment.

The Defense Department is not above the law. It should set the example.

Mr. President, it is my understanding that one of the objections to the amendment I have offered, which may be proposed tomorrow, is that we should not proceed with this amendment because at long last, after seven and a half months, or nearly 8 months, the Defense Department is coming down with some guidelines. I have heard that just this morning Secretary Packard sent a letter specifying guidelines. I hope that the submission of my amendment had something to do with that. It is welcome.

But I think it is a long way from guidelines to compliance with this law. I will be interested in seeing what the guidelines will include. It is my understanding that they may exclude some important actions by the Defense Department that could have a seriously adverse effect on the environment.

At any rate, the amendment I have offered, it seems to me, is a mild and moderate amendment. All it requires is that the Defense Department comply with the law, and until they do comply with the law itself, they will not be funded by Congress. Certainly, in a body which above all should believe in law and order and compliance with the law and prosecution of those who do not comply with the law, the least we should do is to say, "If you don't comply, you don't get the money."

So I do hope that when this amendment is considered tomorrow—and I expect that the vote will come at 12 noon—the Members of the Senate will keep in mind that although the Defense Department at long last has come down with something like guidelines, it is a long, long way from any effective compliance with a law that has been on the books since January 1 of this year.

S. 4235—INTRODUCTION OF A BILL RELATING TO JURISDICTION OF THE U.S. DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO OVER CERTAIN CASES

Mr. HRUSKA. Mr. President, in June of this year, President Nixon signed the omnibus district judgeship bill, S. 952—Public Law 91-272; 84 Stat. 294. One section of that bill repealed 48 United States Code 863, which granted special jurisdiction to the U.S. District Court for the District of Puerto Rico over certain cases. Cases which had been filed pursuant to that section were to now come under the jurisdiction of the Puerto Rican local courts.

Apparently, the drafters of S. 952 were under the impression that there were no cases currently pending in the Federal court pursuant to that section. It now appears that some 400 cases were on the docket of the U.S. district court under the authority of Section 863. There was no savings clause in the judgeship bill so that the repeal became effective immediately. This terminated the jurisdiction of the Federal court over these cases. This bill would restore Federal court jurisdiction for the purpose of completing those cases. Rather than require the litigants to institute suit in the local courts, which would require the translation of all documents from English to Spanish and work other hardships such as delay and additional expense, I am today introducing this bill to continue the special Federal jurisdiction over these 400-odd pending cases. A similar bill, H.R. 18761, has been introduced in the other body by the Resident Commissioner of the Commonwealth of Puerto Rico (Mr. CÓRDOVA).

At this point, I ask unanimous consent to have printed in the RECORD the text of a letter I received from Mr. CÓRDOVA explaining the need for this legislation, together with the text of the bill.

I send the bill to the desk, with the request that it be appropriately referred.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill and material will be printed in the RECORD, as requested by the Senator from Nebraska.

The bill (S. 235) to continue the jurisdiction of the U.S. District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970, introduced by Mr. HRUSKA, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 4235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Act entitled "An Act to provide for the appointment of additional district judges, and for other purposes", approved June 2, 1970 (Public Law 91-272; 84 Stat. 294), is amended by striking out the period at the end thereof and inserting in neu thereof the following: "; however, nothing in this section shall impair the jurisdiction of the United States District Court for the District of Puerto Rico to hear and determine any action or matter begun in the court on or before June 2, 1970."

The letter, presented by Mr. HRUSKA, is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 11, 1970.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: On June 2, 1970, Public Law 91-272 was enacted. Among other things, it repealed 48 U.S.C. 863, a particular section which granted special jurisdiction to the U.S. District Court for the District of Puerto Rico over certain cases. This jurisdiction was broader than the ordinary diversity jurisdiction of 28 U.S.C. 1332.

However, no savings clause was put into Public Law 91-272 so that the repeal of Section 863 became effective immediately. This affects over 400 cases which had been filed in that court in which jurisdiction was invoked under Section 863. Even though many of the litigants will have the local courts available as a forum, they will have to start their proceedings all over again, and this will cause substantial additional expenses and delays. In addition, the litigation will be in Spanish so that all documents will have to be translated.

I understand that a savings clause such as proposed in my bill would have been put into Public Law 91-272 except for the fact that the proponents of the bills felt that Section 863 was never used and therefore they did not consider the possible effect on pending cases. Certainly there was no urgent reason for repealing Section 863, which has been on the books, and in use, for some 70 years, hence no reason for throwing out of the Federal Court all cases filed under Section 863 and pending when it was repealed.

Because of the uncertainty that this has brought to the parties involved, I would like to see prompt action on my bill. If you agree with me that my bill is the only equitable solution to the problem created for affected parties, I hope you will favorably consider sponsoring it yourself on the Senate side.

With warm regards, I am

Sincerely,

JORGE L. CÓRDOVA.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock p.m.) the Senate adjourned until tomorrow, August 13, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 12, 1970:

FEDERAL TRADE COMMISSION

Miles W. Kirkpatrick, of Pennsylvania, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1969, vice Caspar W. Weinberger.

HOUSE OF REPRESENTATIVES—*Wednesday, August 12, 1970*

The House met at 12 o'clock noon.

Rev. Jack Lowndes, Memorial Baptist Church, Arlington, Va., offered the following prayer:

My God shall supply all your needs.—Philippians 4:19.

Let us see anew, O God, Your offer to supply our needs and those of our troubled world. Help us to receive Your help with humility. Be with the Members of this Congress and the Speaker of this House. Supply them with wisdom and protection. May they have the strength and power of God as they seek to find and follow the will of the God of all nations for our Nation.

Lord, we need Your help as we seek to provide for the needs of our people and all the people of our world. Forgive what is wrong in our past, strengthen us for today, and make us the kind of people who help others without pride or condescension.

We pray in the name of Jesus Christ who said give to government the things that belong to government and to God the things that belong to God. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution of the following title:

S. Res 441

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. G. Robert Watkins, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3835. An act to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; and

S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes.

ATROCITIES AGAINST DIPLOMATS AND RELATED PERSONNEL IN LATIN AMERICA

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, the recent kidnapings, assaults, and atrocities against diplomats and related personnel in Latin America must be condemned by all nations.

The most recent, of course, has been the wanton and cowardly murder of Dan A. Mitrione.

We as a nation and all mankind abhor and detest this so inhumane action of this criminal group in Uruguay. I say criminal because by violating the laws of God and the laws of man, they have placed themselves in this position. Whether their grievances are just or not is now immaterial. They have forever lost any claim to be considered a responsible entity within any type of government, especially in Uruguay, where to my complete satisfaction there exists a climate for democratic endeavors.

We grieve for the family of Dan A. Mitrione and we extend them our sincere sympathy, but above all our pledge of action to do everything possible to stop these cowardly criminal actions.

I am satisfied that the Government and the people of Uruguay, both our friends, would join us in this. We cannot, we must not let this continue. I am satisfied that the Government and the people, the decent law-abiding people of Uruguay, have done, and are doing everything possible to find the criminals and prevent future similar actions.

But the matter does not remain with each individual nation, but with all nations. We must insist that all international bodies immediately condemn such actions, and further insist that all nations of the world enter into an agreement to deny asylum to any person who is in any way, form, or manner, connected to an act of international blackmail such as has been used by the groups responsible for the kidnapings of innocent persons.

THE PRESIDENT'S VETO MESSAGES

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, despite the fact that some Members on the Democratic side of the aisle had begun somewhat prematurely their recess, we have asked them all to return tomorrow to vote to override the President's two vetoes.

The country has been shocked by this double veto of two bills that are vital to the health and welfare of this country. Both of the measures were duly and seriously considered by the elected Representatives of the American people. Both measures were passed by an overwhelming majority in both the House and the Senate. Both Democrats and Republicans strongly supported each measure. Both provided for slightly more funds than the President had requested in his budget. But there was nothing extravagant about either bill.

The increased spending voted by Congress is modest in comparison with the needs in these fields. Yet the President in his veto message or messages on yesterday suggested that Congress was acting irresponsibly, and he is attempting to put a "big spending-inflation" label upon the Members of this body. He presents himself as the sole guardian of the interests of the American people against the follies of a "spendthrift Congress."

I do not think the American people are going to be fooled by this rhetoric. They will not be frightened by this bugaboo in an election year when Republicans are seeking to win more seats in the Congress.

They know that it is irresponsible to deny more money for education, for housing, for urban renewal, for pollution control, and for the veterans.

I hope that on tomorrow we will have a full turnout on both sides of the aisle, and I am very hopeful that both of these vetoes will be overridden.

SAVING MONEY IN THE GOVERNMENT

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I was interested in the President's veto messages yesterday and his stressing of economies in Government. I have a couple of suggestions for him where he can start right close to the White House.

According to the local press, the Post Office Department spent between $4,000 and $5,000 in sending telegrams to various Members of the Congress and others inviting them to attend a signing at the White House this morning.

I would have suggested that with the number of telephone operators they have down there, they could have called all those people and spent nothing. Maybe they could even have used the mail.

The second economy move that I would suggest to the President would be to bring home from the United Nations Mrs. Hauser, whose chief function at the moment seems to be going around the country promoting homosexuals and lesbians. Fire her and save her salary.

Those would be two places the White House could economize right close to home and not have to economize on items of education for the children and care of veterans in hospitals.

NO TO EDUCATION; YES TO OTHER SPENDING

(Mr. SISK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SISK. Mr. Speaker, Congress passed appropriations bills for education and for housing and urban development by overwhelming votes in both

Houses. Now Mr. Nixon has vetoed these measures. In doing so, he claims he is saying no to bigger spending and no to higher prices.

He is also saying no to educational opportunities for our children. He is saying no to the housing and urban renewal programs that are urgently needed to help relieve the plight of Americans living in impossible conditions in our overcrowded cities. He is saying no to human needs.

It was only a short time ago that the President was called upon to come to the rescue of the moneyed interests involved in the bankrupt Penn Central conglomerate. But he did not say no to the big money men. He wanted almost $1 billion in their interests.

Now he rejects an equal amount which Congress has added to the budget request to meet the needs of our cities and our schools. And in doing so, he has the consummate nerve to lecture the Congress on big spending programs, ignoring congressional cuts last year in his own budget appropriations requests.

It seems that big spending, in the eyes of Mr. Nixon, is only for big people, big banks, big corporations. Congress has demonstrated, in passing the education and HUD bills, that it is responsive to the needs of all the people. It is not spending more than the President wants, it is spending it where it is needed most. In the interests of all the people, Congress will override the President's vetoes.

IS EDUCATION, HEALTH, AND HOUSING INFLATIONARY?

(Mr. COHELAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. COHELAN. Mr. Speaker, it is difficult to assess the motives of the President in vetoing the education and HUD appropriations bills which Congress passed by an overwhelming majority.

He suggests—without using the term—that he regards these measures as inflationary, the excuse he used in his HEW veto which Congress subsequently overrode. He would have us believe that he is protecting the American people from "higher prices, higher interest rates, higher taxes."

It is appropriate for the President to be concerned about these matters. After all, his administration has brought the Nation the highest interest rates in a century, along with steadily rising prices, in spite of his promises to curb inflation. So he should be concerned. The increase cost to taxpayers in increased interest rates on the national debt alone since Mr. Nixon became President is $3.5 billion.

But if he shows his concern by withholding funds for the education of our children and desperately needed funds to alleviate the pressures of our urban problems, he shows a distorted sense of values. The amounts involved would make a significant difference in meeting the needs of our people, but they would not make a significant difference in the national budget. The amounts involved in the additional funds voted by Congress are less than we are spending each month in Vietnam, and about what the President is secretly spending on Spanish bases.

In view of all this, it is tempting to reach the conclusion that President Nixon has chosen, for partisan purposes, to downgrade human needs and give priorities to less important spending.

UNEMPLOYMENT GOES UP UNDER REPUBLICANS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, it is distressing to see the unemployment rate back up to 5 percent. Today, 4½ million Americans are jobless. More than 1½ million have joined the jobless ranks since the beginning of the Republican administration. Would that Mr. Nixon be as concerned about these millions of jobless Americans as he is about playing politics with congressional appropriations.

We Democrats have always stressed full employment, for human as well as economic reasons. We know that everyone loses when a man it out of work. He loses not only his income, but his skills and contacts and self-confidence. His family loses a sense of security and faith in our economic system. Society loses the benefits of the services the unemployed man was prepared to provide, or the goods he was trained to produce. And the Government loses income tax revenue, while paying out more in unemployment compensation. As a result, the average citizen pays higher taxes for lower productivity.

It is a matter of historical record that employment is high under Democratic administrations and low under the Republicans.

When President Truman left office, the unemployment rate was a low 2.6 percent. One year of Republican policies doubled that rate to 5.2 percent—and 8 years of Republican policies brought it to a high of 7 percent. Within 1 year, the Kennedy administration reduced it to 5.5 percent, and 8 years under the Democrats brought unemployment to a low of 3.3 percent.

And now history is repeating itself. A Republican administration that has not learned the lessons of history is responsible for putting more Americans on the unemployment rolls.

Apparently the elephant never forgets the old tricks—and never learns new ones.

LEGISLATIVE REORGANIZATION ACT OF 1970

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHWENGEL. Mr. Speaker, the Monday edition of the Washington Post contained an excellent article on the lack of action with respect to the Legislative Reorganization Act of 1970. The article indicates concern that the lack of action on the bill may result in the death of it. This justifiable concern is prompted by recent stories that the Senate plans to complete all of its legislation action prior to adjournment for the elections. If this is to be accomplished, the Senate must have our version of the Reorganization Act at the earliest possible date.

Mr. Speaker, let us give this legislation the priority which it deserves. Top priority.

THE PRESIDENTIAL VETO OF TWO APPROPRIATION BILLS

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, the opening salvos have just been fired in this Chamber against the President of the United States for the courageous action he took on yesterday in vetoing two appropriation bills.

I was interested to note the standard employed by the distinguished majority whip when he spoke of these two bills as representing only a slight increase in the President's budget. I believe that the country and the American people are going to look at appropriation bills that are more than a billion dollars over the budget as something more than slightly in excess of that budget.

It has been said that to govern is to choose. It is true that the President had a choice to make on yesterday. He could choose between that which was politically expedient and that which was fiscally responsible. He made the latter choice, and I believe the country will not only thank him but support him; and I hope the Congress will do likewise.

THE PRESIDENT'S VETO OF BIG SPENDING, BUDGET-BUSTING BILL

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALCOTT. Mr. Speaker, I was disappointed to see the majority leader line up on the left side of the line yesterday—with the other big spenders.

It is too bad that in political years too many people put votes ahead of fiscal responsibility.

It is too bad that the big spenders still think they can buy votes with the public's money.

Fortunately for the Nation, President Nixon had the courage yesterday to do what had to be done by vetoing the big spending budget-busting independent offices and HUD appropriations bill.

I am hopeful those in the legislative branch will also face up to their responsibilities to help defeat inflation by sustaining this veto. That kind of political courage would go a long way toward keeping the big spenders in line.

THE FAILURE TO SUPPORT BUDGET REDUCTIONS FOR NAVAL SHIP CONSTRUCTION

(Mr. PIKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PIKE. Mr. Speaker, I have just heard the distinguished gentleman from

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Illinois refer to "the opening salvos" on the question of the President's vetoes and spending. Salvos, as we all know, are fired by naval vessels.

I should like to point out that in this Congress I have offered amendments totaling over $1 billion to cut authorizations which were over the President's budget for naval ship construction. The amendments cut only those items which were over the President's budget for naval ship construction. The total was over $1 billion, and we got no support at all in those cuts from the leadership on the other side of the aisle. They were happy, at that time, to authorize over a billion dollars more than the President had requested.

RECOMMENDED APPOINTMENTS TO NEW POSTAL SERVICE

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, now that the so-called postal reform legislation has been signed into law and politics—sweet politics—have allegedly been stricken from the operation of the postal service, I am compelled to take this means of recommending to President Nixon the appointment of two highly qualified individuals, one a Republican and the other a Democrat, to the bipartisan Board of Governors and/or the Postal Rate Commission.

For the new hierarchy in the Postal Service I recommend the appointment of Mr. George Moore, a Republican, and Mr. Fred Belen, a Democrat. Both are former staff directors of the House Post Office and Civil Service Committee, and both have served as high ranking officials in the Post Office Department. Both are professionals of many years standing in the field of postal operations.

Mr. Speaker, in the interests of improving the badly abused Postal Service, and since I am prohibited from communicating directly, I trust that the President will read this issue of the CONGRESSIONAL RECORD and act promptly and favorably on the recommendations here submitted.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to my friend from North Carolina.

Mr. HENDERSON. I certainly want to agree that Fred Belen and George Moore are highly qualified and should be considered for appointment to the new system.

Mr. GROSS. I thank the gentleman.

EXTENDING PERIOD DURING WHICH DYEING AND TANNING MATERIALS MAY BE IMPORTED DUTY FREE

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14956) to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

> Page 2, after line 12, insert:
>
> "SEC. 3. (a) The proviso in the second sentence of section 22(b)(1) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(b)(1)), is amended by striking out '5 per centum' and inserting in lieu thereof '5½ per centum'.
>
> "(b) Section 22(b) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(b)), is further amended by adding a new paragraph (3) reading as follows:
>
> " '(3) The Secretary of the Treasury, with the approval of the President, may increase the interest rates and the investment yields on any offerings of United States savings bonds by not more than one-half of one percent for any interest accrual period that begins on or after June 1, 1970, and for any interest accrual period thereafter, to be paid as a bonus either on redemption or at maturity as the Secretary shall specify at the time the increase is provided.' "

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

Mr. BETTS. Mr. Speaker, reserving the right to object, and I shall not object. I take this opportunity to ask the distinguished chairman as to the effect of the bill on the rate of interest on series E bonds.

Mr. MILLS. Will the gentleman yield?

Mr. BETTS. I yield to the chairman of the committee.

Mr. MILLS. Mr. Speaker, as Members of the House will recall, on December 22, 1969, the House passed H.R. 14956, a bill to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty. The Senate added an amendment sponsored by Senator Williams of Delaware which would authorize the Secretary of the Treasury to increase yields on U.S. savings bonds.

The present rate of interest on series E savings bonds, which became effective for all bonds issued after June 1, 1969, is 5 percent. This rate also applied to outstanding savings bonds for interest periods beginning on or after June 1, 1969. The Senate amendment authorizes the Secretary of the Treasury to raise this rate to 5½ percent on all series E bonds sold June 1, 1970, and thereafter. Thus, new issues of series E bonds sold on that date and thereafter could have a one-half of 1 percent bonus payable at maturity raising the yield to 5½ percent from date of sale to maturity. Bonds now outstanding which have not yet reached first maturity could receive a bonus payable at maturity sufficient to raise their present yield to maturity from the start of the first full interest crediting period beginning on or after June 1, 1970, by one-half percent. That also applies to those which have matured which are being held, and which are in the second or third maturity period.

Mr. Speaker, because this matter is of some importance and because it also is not, under the House rules, germane to the subject matter of the bill that the House passed, we discussed the matter in the committee this morning and the committee was unanimous in its opinion that this amendment should be agreed to.

The Treasury has asked us as well as the Senate to concur in it.

Mr. Speaker, I have been advised by the Secretary of the Treasury that if this amendment is agreed to they will make the changes in the yields on savings bonds as set forth in the following letter:

> THE SECRETARY OF THE TREASURY,
> *Washington, August 5, 1970.*
>
> Hon. WILBUR D. MILLS,
> *Chairman, Committee on Ways and Means, House of Representatives, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: We have noted that the Senate has passed H.R. 14956 with an amendment which would authorize the Secretary of the Treasury to increase yields on United States savings bonds.
>
> If the amendment is enacted the Treasury will make the following changes in the yields on savings bonds:
>
> 1. New issues sold beginning June 1, 1970, and after would have a ½% bonus payable at maturity raising the yield to 5½% from date of sale to maturity.
> 2. Outstanding bonds, which have not yet reached first maturity, would receive a bonus payable at maturity sufficient to raise their present yield to maturity from the start of the first full interest crediting period, beginning on or after June 1, 1970, by ½ of 1%.
> 3. Issues entering an extension period on or after June 1, 1970, would be given flat 5½% yields through their next maturity, whenever redeemed.
> 4. Bonds now in an extension period would have their yields increased by approximately ½ of 1% per annum to next maturity, whenever redeemed.
>
> The Treasury will also review the entire savings bond program to determine whether any longer-range changes should be made in the program.
>
> The Senate has requested the concurrence of the House in the amendment. The Treasury recommends that the House concur.
>
> Sincerely yours,
>
> DAVID M. KENNEDY.

We have a situation that none of us like, because any time we proceed month by month to have more redemptions of these Series E savings bonds than we sell in that particular month the Treasury has to go to the banks or somewhere else to get the money. As long as the Treasury can siphon the debt into the hands of individuals it is certainly less inflationary than it is to put more and more of it into the banking stream. We are trying to reverse this situation of more redemptions than sales that we are in now.

Indeed, Mr. Speaker, we are doing it on the basis that I can assure the membership does not put us into a better position than the banks are in or the savings and loan institutions are in with respect to their rate of interest, bearing in mind that the savings and loan institutions are permitted to pay interest on deposits of 2 or more years in amounts in excess of 5.5 percent, as are the banks.

These bonds would be for a longer maturity than 2 years, so there is no question that we are not depriving the savings and loan institutions of accounts that they have which are so essential to the development of more housing in the United States.

Mr. Speaker, I would urge the House to unanimously accept the amendment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I want to thank the gentleman from Ohio for yielding, and to thank the gentleman from Arkansas (Mr. MILLS) for his explanation of what is here proposed, and to say to the gentleman that I think the situation demands passage of this amendment; otherwise I certainly would object to the consideration under unanimous consent of any ungermane amendment if it was not as meritorious as I feel this amendment is.

Mr. MILLS. If the gentleman will yield further, Mr. Speaker, there is a whole lot in the position taken by the gentleman from Iowa with respect to these nongermane amendments that are of this degree of importance in that there is some degree of difference when the committee itself has considered the amendment, and unanimously agrees to the amendment.

Mr. BETTS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE—SUBPENA SERVED ON ZEAKE JOHNSON, JR.

The SPEAKER laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

WASHINGTON, D.C.,
August 10, 1970.

Hon. JOHN W. MCCORMACK,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have in my official capacity as Sergeant at Arms of the House of Representatives been served in a civil action in the United States District Court for the District of Columbia (Civil action file number 2296-70). Having in mind that the privileges of the House of Representatives may be involved, I am bringing this matter to your attention.

I did, on August 10, 1970, address a letter to the Honorable Thomas A. Flannery, United States Attorney for the District of Columbia, requesting assignment of counsel to represent the Sergeant at Arms as provided for in 2 United States Code 118. A copy of that letter is attached hereto.

Sincerely,
ZEAKE W. JOHNSON, Jr.,
Sergeant at Arms.

WASHINGTON, D.C.,
August 10, 1970.

Hon. THOMAS A. FLANNERY,
U.S. Attorney for the District of Columbia, U.S. Courthouse, Washington, D.C.

DEAR MR. FLANNERY: I respectfully request that you assign counsel to represent the Sergeant at Arms of the House of Representatives, Zeake W. Johnson, Jr., in a civil action in the United States District Court for the District of Columbia (Civil Action File Number 2296-70) pursuant to 2 United States Code 118. I was served in my official capacity on August 5, 1970, with instructions to answer the complaint within sixty days after service.

I am enclosing herewith a copy of the summons which was served on me. I may add that I will be available at any time to confer with any counsel that you may assign to this case.

Very truly yours,
ZEAKE W. JOHNSON, Jr.,
Sergeant at Arms.

COMMUNICATION FROM THE ACTING ARCHITECT OF THE CAPITOL—SUBPENA SERVED ON MARIO E. CAMPIOLI

The SPEAKER laid before the House the following communication from the Acting Architect of the Capitol:

WASHINGTON, D.C.,
August 7, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

MY DEAR MR. SPEAKER: Yesterday I was served with a Summons upon a complaint for declaratory judgment and for injunctive relief filed in the United States District Court for the District of Columbia, relative to the display, in the Crypt of the Capitol, of the exhibit showing the treatment of American prisoners of war in North Viet Nam.

The complaint prays for a declaratory judgment that the denial to the plaintiffs of access to the Crypt for their display of anti-war propaganda material is unconstitutional and for an injunction enjoining the Acting Architect of the Capitol, the Chief of the Capitol Police, the Sergeant at Arms of the House and the Sergeant at Arms of the Senate, from interfering with the erection of the plaintiff's display in the Crypt of the Capitol.

A copy of the Summons, Complaint, Motion with Preliminary Injunction and Affidavits pertaining thereto is enclosed herewith.

I have this date requested the Attorney General of the United States to have the Department of Justice represent me in this litigation. A copy of my letter to the Attorney General is enclosed herewith.

Respectfully yours,
MARIO E. CAMPIOLI,
Acting Architect of the Capitol.

ARCHITECT OF THE CAPITOL,
Washington, D.C., August 7, 1970.

Hon. JOHN NEWTON MITCHELL,
Attorney General of the United States, Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: On August 6, 1970, I was served with a Summons in Civil Action No. 2296-70 in the United States District Court for the District of Columbia upon a complaint for declaratory judgment and injunctive relief.

A copy of the Summons, Complaint, Motion for a Preliminary Injunction and Affidavits pertaining thereto are enclosed herewith.

In view of the provisions of Title 28, Section 516 of the United States Code, I do hereby respectfully request to be represented by your Department in this litigation.

Respectfully yours,
MARIO E. CAMPIOLI,
Acting Architect of the Capitol.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE CERTAIN PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

HEART DISEASE, CANCER, STROKE, AND KIDNEY DISEASE AMENDMENTS OF 1970

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules and on behalf of my colleague, the gentleman from Florida (Mr. PEPPER), I call up the resolution (H. Res. 1180) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1180

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on amendments adopted in Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1180 provides an open rule with 1 hour of general debate for consideration of H.R. 17570, a bill to amend title IX of the Public Health Service Act. The resolution also makes it in order to consider the committee substitute as an original bill for the purpose of amendment.

H.R. 17570, as reported, would extend for 3 years the existing program, known as regional medical programs, under which grants are made for local based programs designed to improve the diagnosis, care, and treatment of heart disease, cancer, and stroke. The bill also would expand the coverage of the program to cover kidney disease, and would make a number of relatively minor modifications in the program which are desirable.

The substantive authorization for regional medical programs expired on June 30. Accomplishments of the program since its initial establishment 5 years ago, it is thought, justify its continuation.

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The bill will strengthen and expand regional medical programs in those areas where needed.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to extend for 3 years existing regional medical programs designed to improve the diagnosis, care, and treatment of heart disease, cancer, and stroke. The bill also expands these programs to include kidney disease.

The original act, the Heart, Cancer, and Stroke Amendments of 1965, sets up grant-in-aid programs to promote the development of regional cooperative arrangements among the Nation's health professions and institutions for improved regional organization of health resources and services, improvement of the capabilities for care at the local community level for persons threatened by heart disease, cancer, stroke, and related diseases.

The bill retains these features of the act, strengthens several areas in technical matters, and expands the program to now include chronic kidney diseases.

The legislation makes clear that prevention and rehabilitation as well as diagnosis and treatment are within the scope of the program.

Authorizations are contained in the bill for a 3-year period: For fiscal year 1971, $125,000,000; for fiscal year 1972, $150,000,000; and for fiscal year 1973, $200,000,000.

Additionally, during fiscal year 1971, up to $15,000,000 of the sums appropriated may be earmarked for activities in the field of kidney disease.

Finally, the bill expands the National Advisory Council for regional medical programs for 16 to 20 members so as to include experts in kidney disease and in prevention of all the diseases covered by the bill.

Mr. SISK. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

Mr. PATMAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 272]

Abbitt
Addabbo
Anderson, Tenn.
Ashbrook
Ashley
Baring
Barrett
Berry
Bevill
Biaggi
Biester
Boland
Bray
Brock
Brown, Ohio
Broyhill, N.C.
Buchanan
Burton, Utah
Bush
Byrne, Pa.
Caffery
Carey
Celler
Chappell
Clancy
Clark
Clay
Colmer
Conyers
Coughlin
Cramer
Cunningham
Daddario
Daniel, Va.
Dawson
Dent
Devine
Dickinson
Diggs
Dingell
Downing
Edwards, La.
Eilberg
Erlenborn
Eshleman
Fallon
Fish
Fisher
Flood
Foley
Gallagher
Garmatz
Gaydos
Gilbert
Goodling
Green, Pa.
Griffiths
Gubser
Hagan
Hall
Hanna
Hébert
Hull
Hunt
Johnson, Pa.
King
Kuykendall
Kyl
Landgrebe
Lennon
Long, La.
Lukens
McCarthy
McCulloch
McDade
McMillan
Mailliard
Meskill
Miller, Ohio
Montgomery
Moorhead
Morgan
Morton
Murphy, N.Y.
Nichols
O'Hara
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Philbin
Pirnie
Pollock
Powell
Price, Ill.
Price, Tex.
Randall
Rarick
Rees
Reifel
Rivers
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruth
Ryan
Saylor
Scherle
Scheuer
Schneebeli
Shriver
Sikes
Skubitz
Stanton
Stratton
Sullivan
Taft
Teague, Calif.
Thompson, Ga.
Tunney
Waggonner
Wampler
Weicker
Whalley
Whitehurst
Williams
Wilson, Bob
Wilson, Charles H.
Wold
Wolff
Wylie
Young

The SPEAKER. On this rollcall, 293 Members answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

NASSA MAKES NEW APPOINTMENT

(Mr. DANIELS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELS of New Jersey. Mr. Speaker, I was pleased to learn recently that a most capable legislative representative for the National AeroSpace Services Association, Mr. Hall Sisson, has been named acting executive director and secretary-treasurer. In this capacity Mr. Sisson will run the day-to-day operations of NASSA, and he will also continue to direct legislative activities of the association.

I want to take this opportunity to congratulate Hall Sisson and extend him every good wish on his new assignment. He is well-qualified to assume these new duties, and I am certain he will be eminently successful.

HEART DISEASE, CANCER, STROKE, AND KIDNEY DISEASE AMENDMENTS OF 1970

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17570, with Mr. PIKE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes. The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, this bill is a 3-year extension of the existing program known as regional medical programs, which was ordered reported by the full Committee on Interstate and Foreign Commerce unanimously.

In addition to extending the program for 3 years, the bill broadens the program to include kidney disease, specifically, and a number of other improvements are made in its operation.

Mr. Chairman, this bill is a 3-year extension of the existing programs under title IX of the Public Health Service Act known as regional medical programs. This bill was considered in hearings before the committee on public health and welfare, which unanimously ordered the bill reported to the full committee. The full committee was unanimous in recommending the bill to the house, and I know of no controversy as to the objectives of the bill.

Mr. Chairman, this program was initially established by the Congress in 1965, and provides for the establishment of programs throughout the United States designed to improve the diagnosis, care, and treatment of heart disease, stroke, cancer, and related diseases. Local planning groups are established under this legislation, and if they meet the criteria established in the law they receive funding by the Department of Health, Education, and Welfare for the preparation of more detailed plans covering the area which they are designed to serve.

After grants for plans have been approved the local group prepares specific project proposals which are then submitted to a national advisory council here in Washington. If the national advisory council approves the project as submitted, the council recommends to the Secretary of Health, Education, and Welfare that the project be funded, and in the event such a recommendation is made, the Secretary is authorized, but not required, to provide funding for the project.

Since this legislation was initially enacted in 1965, 55 regional medical programs have been established, which cover 100 percent of the population of the United States within their service areas. These regions vary widely in population and geographic coverage. The largest in terms of population is California with about 20 million persons while the smallest is the northern New England RMP, covering about 425,000 persons. The intermountain regional medical program covers four Western States, and part of a fifth, whereas the smallest in geographic size covers the District of Columbia. In general, this program has worked extremely well although funding has been somewhat limited in recent years. For that reason, the legislation presently being considered is primarily an extension of existing law, with authorization of $125 million for fiscal 1971, $150 million for 1972, and $200 million for 1973. In addition, a number of changes are made in the program, but its basic structure remains intact.

The principal modification in the program proposed by the bill is the expansion of the program to include specifically kidney diseases among the category of diseases covered. Under the existing program, a few projects have been funded to provide improved care for persons suffering from kidney disease. The justification for each of these projects has had to be that the kidney disease being dealt with was directly related to heart disease, stroke, or cancer.

Broadening the scope of considerations of the legislation as proposed would mean that it would no longer be necessary to tie in kidney disease with other diseases. For fiscal 1971, the bill earmarks not to exceed $15 million for kidney disease programs, but for future fiscal years the amount available for such programs will not be subject to this type of limitation.

The bill makes a number of other improvements in the overall operation of the program. The bill requires appropriate coordination between the RMP advisory council and State and local councils and areawide health agencies. It also increases the size of the National Advisory Council from 16 members to 20 in order to include an additional member outstanding in the study and care of kidney disease, and to provide for at least two members outstanding in the field of prevention of heart disease, stroke, cancer, or kidney disease. The legislation includes specific contract authority, which should be of aid in the conduct of field trials and demonstrations, manpower training, research and special projects for improving and developing new means for the delivery of health services.

Mr. Chairman, as I mentioned, the committee was unanimous in recommending the bill to the House, and we urge its passage.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am glad to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I would like to commend the gentleman as well as the committee on the excellent preparation of this legislation. This legislation is necessary, and it is for the good of everyone in America. In fact, being this year the Pennsylvania chairman of the 1970 Heart Fund Drive of many thousand volunteers for the Pennsylvania State Heart Association, I have checked into the records and have found that research on heart and vascular disease since 1958, has reduced the death rate by 22 percent. This research has been showing real results and should be emphasized.

We all in both parties in Congress, as well as the average American citizen, of every age, owe a deep debt of gratitude to President Lyndon Johnson for his leadership after his heart attack, and his foresight in proposing and working for the successful outcome of this legislation, which provides funds for research in these four major health fields. We in Congress should provide adequate research funds every year, to keep these programs actively moving ahead.

Research under this legislation has been making substantial progress. I believe that every one of us on the House floor today has had friends and relatives who have had strokes, or heart disease, kidney disease, or cancer, which are certainly our United States great "killer diseases." When the Congress has the opportunity to advance and to conquer these major diseases, these killers, by research, I feel we Members should take the responsibility and provide the funds and sinews in this war against disease, and for longer life with reduced disabilities for every American, young and old. Therefore, I compliment the committee particularly on this fine legislation.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman from Pennsylvania. Certainly he knows, having had first-hand experience with some recent ailments of the heart, how important this program is. Those of us who have had some such experience personally or in our families also know the importance of this. These are the great killer diseases of our land. We want to do everything we can to eliminate them.

We recommend this bill wholeheartedly to the Members. It passed the subcommittee and the full committee unanimously. I recommend passage of it to the Congress.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the original program suggested to deal with heart disease, cancer and stroke was a highly ambitious proposal which would have cost many billions of dollars and duplicated or replaced many of the facilities and institutions for health care already in being. The Interstate and Foreign Commerce Committee did not see fit to recommend a program of that kind to the Congress. Instead it came forth with a far more modest and realistic proposal aimed at encouraging the private sector in the health field to band together in groups of its own choosing for the purpose of brainstorming the problem. What was needed were new ideas on delivering the services and skills available and those which might become available to the victims of heart disease, cancer, and stroke.

Since the entire effort rested on the voluntary organization of many diverse organizations and individuals, it necessarily started off at a slow pace and at a low key. In each area of the country it was necessary that one institution or organization take the initiative for bringing together all of the elements necessary for successful planning. In many instances the major medical schools served this purpose. In some cases it was the State medical association. But however it started there are now 55 such organizations which cover all the United States involved in this planning, and in these arrangements for providing service are most of the hospitals, medical groups, allied health professions and voluntary health organizations. In addition, State and local governments are cooperating. Some of these organizations cover a part of a county while some cover several States.

Because the program has been strictly voluntary and based upon the industry and enthusiasm of the health fraternity itself, it is, I believe, being built upon a solid base. Experiments and demonstration of new method and novel and imaginative use of communications are bringing to patients in all areas the advantages of the best medical care available in these important fields.

Another very useful device which has emerged from this program has been the organization of regional advisory committees and regional task forces. This has brought together at the operational level, rather than merely the planning level, all of the various elements involved in health care. Individuals on these task forces represent about 6,300 health and health-related institutions. This is useful in breaking down some of the rivalries and mutual suspicions which have traditionally plagued the health care field.

The bill before us today would extend for an additional 3 years the authorizations for this effort in the amounts of $125 million for fiscal year 1971, $150 million for fiscal year 1972, and $200 million for fiscal year 1973. The budget request for this program is $96.5 million. In fiscal year 1970 the authorization was $120 million and the appropriation was $73.5 million. Somewhat more than this appropriated figure was spent due to carryover money which was available.

In addition to extending the program in its present form the bill adds kidney disease. There is a limitation of $15 million to be used in this area. It might sound to someone unfamiliar with the program that we were gradually expanding the legislation to cover too much territory. Actually the machinery for both planning and operation is already in existence. Undoubtedly the problem of kidney disease has been considered. Any additional effort required will be in the areas of providing proper kinds of medical manpower and the proper kinds of instrumentation to the arrangements already in being or in the making.

The accomplishments of organization and the advancements in the delivery of health services which are brought about by this program may very likely be extended to many other areas in the entire field of health care and the delivery of health services.

Because other legislation closely related to regional medical programs, known as comprehensive health planning is also before the House for exten-

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sion, I think it is best to say a word here about the connection. Comprehensive health planning is a Government effort at State and local levels. It looks to the role of Government in health care and to the coordination and cooperation among governmental units. It is obvious that there is a very real connection between these two programs. They should, as time goes on, become closer and closer allies in the war on disease. Where areawide comprehensive planning groups exist, it will be required under this bill that applications for grants under the regional medical program be considered by the areawide planning group. Although there is no veto power here, it is the purpose to avoid duplications and conflicts. At the same time it is provided that representatives of the comprehensive health planning groups participate in the advisory groups set up within the regional medical program. These efforts and these requirements should, more than anything else we have done heretofore, minimize fractionalization and overlapping in medical services and the use of medical facilities and manpower.

I feel that the heart disease, cancer, stroke, and kidney disease amendments provide support for one of the most important of our health programs and I recommend them to the House for favorable consideration.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Does this Federal money require matching funds from the States?

Mr. SPRINGER. Yes; it does require matching funds.

Mr. GROSS. On this new kidney program, how much is allocated?

Mr. SPRINGER. Fifteen million dollars.

Mr. GROSS. That is for 1 fiscal year.

Mr. SPRINGER. That is for 1 fiscal year.

Mr. GROSS. Is it a part of the funds otherwise authorized, the total funds for each fiscal year?

Mr. SPRINGER. That is not a separate amount.

Mr. GROSS. It is not an add-on?

Mr. SPRINGER. That is correct. It is in the total.

Mr. GROSS. It would be appropriated at the rate of $15 million in each of the years for which advance fiscal year appropriations are authorized?

Mr. SPRINGER. That is correct.

Mr. GROSS. I thank the gentleman.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I strongly favor this medical research legislation. Could Congress broaden the program, if not now, in the future, to include various conditions which cause paralysis? For example, multiple sclerosis is one of the great incurable and disabling paralyzers of young people. It is a slow and lingering progressive disease in many cases, other cases so devastatingly swift as in the case of famous ballplayer, Lou Gehrig. In addition to that, we have many veterans who have been paralyzed through war, and young people paralyzed through infections, and accidents with automobiles, and injuries of various kinds, to the brain and spinal cord.

Would it be possible, when Congress looks to the future, that the committee could include not only disabling and paralyzing strokes but also any other conditions causing paralysis?

Mr. SPRINGER. I can say that we will include them as we believe the evidence indicates we ought to. This is not a broad, cover-all program for every disease.

We did believe there was an association close enough in the kidney area that we should put it in the bill. We do not want to come in here with a whole lot of things.

May I say, as to multiple sclerosis, the NIH is doing a marvelous job. I happen to have had a niece who suffered from that, and I am somewhat acquainted with what they do there. The advice given to her in all instances I thought was excellent, and the kind of treatment they are giving is good. They have excellent multiple sclerosis programs underway now.

Mr. FULTON of Pennsylvania. The point I am making is I should like to emphasize research on paralysis from whatever cause. I do realize the National Institutes of Health have fine programs to alleviate the disease of multiple sclerosis, by palliative treatments. But there is not, of course, a known cure for multiple sclerosis.

Mr. SPRINGER. May I say that a great deal of experimenting is being done in that field at the present time.

Mr. FULTON of Pennsylvania. I am just recommending in the future we broaden the base to include other causes of paralysis.

Mr. SPRINGER. I think I can assure the gentleman that we will expand the program as the need is shown for it, and we will do it through this kind of a bill.

Mr. FULTON of Pennsylvania. I strongly support the legislation and compliment the committee again for its excellent work in this bill authorizing Federal matching funds in research on the four great killers, strokes, heart disease, kidney disease, and cancer.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman give us any idea of the total amount of money now being expended for these purposes? Is this money being spent through the NIH?

Mr. SPRINGER. This money is spent through the Department of Health, Education and Welfare in the form of grants. NIH comes under that, of course.

Mr. GROSS. That is right.

Mr. SPRINGER. But actually NIH has a separate appropriation of its own. This is in the form of grants to States on a matching basis in order to have an incentive on the local level to pursue the program. We do not want to do it all at the Federal level.

Mr. GROSS. The total expenditures for the purposes of this bill are what?

Mr. SPRINGER. May I say to the distinguished gentleman that there are millions of dollars being spent by private sources in all three of these fields.

Mr. GROSS. Some of the funds are coming into private research through the Federal Government, also, I assume.

Mr. SPRINGER. Yes. Under this contractual authority we certainly have a right to do that, but I do not want the gentleman to be under the misapprehension that this is all the money that is being spent. That is not true. A great deal of private money is being spent, also.

Mr. GROSS. I take it that other Federal funds are being spent, too, in large amounts.

Mr. SPRINGER. That is true.

Mr. GROSS. For the same general purposes.

Mr. SPRINGER. That is right. But may I say they are not overlapping. That is the one point I want to make clear to the gentleman. This is in the form of grants in the areas where we think the persons can get treatment.

Mr. GROSS. I am glad to hear that they are not overlapping.

Mr. SPRINGER. May I say to the distinguished gentleman that people have been approaching me here with a gigantic program of $600 million to conquer cancer. I will support that type of program if I have any reasonable evidence that $600 million will do it. I can remember back in the days when the great John Fogarty was here and they persuaded him to give $300 million for what they said would be a program to conquer cancer in an effort to make a breakthrough on it. They had to come back at the end of that year with $150 million or $200 million that they could not spend. The Government agency had said that they could not spend this amount of money.

These things are not easy to conquer. Money alone will not do the job, because it takes time and expertise to get it done.

Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I rise in support of this bill.

Actually, in relation to what we are spending on various other projects it is really minuscule. Only one-eighth of the amount spent each month on the war in Vietnam will be spent on this program, or less even than that. This goes to improve the health of the people of this country. I think it is a much more worthy cause.

The purposes of this bill, as my distinguished colleague has stated, are to promote research in heart disease, cancer, and stroke and to provide the communication of such findings to physicians throughout the country and the transmission of this learning to physicians as quickly as possible. As a result of the bill 55 regional medical programs have been initiated. They usually centered about a university. They provide information and assistance to communities in their neighborhood. Not only that, but physicians from the universities go out to neighboring communities and lecture to the physicians there.

This year kidney disease was added to this program. For those of us who have read about kidney disease, we know that 8,000 people die each year because of the lack of a kidney machine which would clear certain poisons from their blood. We feel that more research should be done in the field of kidney disease. Actually we feel that more of these kidney machines should be provided for medical institutions throughout our country.

The 8,000 people who die needlessly each year should not die, and we hope that in this program we will be able to prevent such deaths.

By means of this program, physicians in small communities can connect their electrocardiograms to a telephone and get an immediate diagnosis of heart disease or myocardial infarction, or whatever it might be, from a specialist in a distant city. Not only that, in other serious cases they also can receive such aid.

Mr. Chairman, I say that this is a good program, it is a worthwhile program, and it should be funded and it should be supported.

Mr. Chairman, I thank the gentleman for yielding.

Mr. STAGGERS. Mr. Chairman, I would like to respond to the remarks of our distinguished colleague, the gentleman from Kentucky (Mr. CARTER).

Mr. Chairman, we are indeed fortunate to have a medical doctor on our committee. The gentleman from Kentucky, Dr. CARTER, deserves very great commendation for his work on our committee, and for the medical information and advice that he gives us. He is not only a distinguished medical man, with a great deal of knowledge of all the different diseases that afflict our Nation but he is extremely sympathetic and helpful in the committee's efforts to pass legislation to cure these diseases.

I am sure the committee is grateful to him, and will agree that he has done a great job.

I would also wish to commend the members of the Subcommittee on Public Health and Welfare. They have done so much work and they have a great deal more to do, and so again I commend the gentleman from Kentucky, and all of the members of the subcommittee.

Mr. Chairman, I will now yield such time as he may consume to the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Chairman, I rise in support of H.R. 17570, the Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970, which was unanimously reported by both the Health Subcommittee and its parent Committee on Interstate and Foreign Commerce. H.R. 17570 would extend for 3 years and amend the present legislative authorization for the regional medical programs, title IX of the PHS Act, which expires this June 30.

Initially established in October 1965, with the enactment of Public Law 89-239, and extended for 2 years in October 1968 by Public Law 90-574, regional medical programs seeks through grants to develop regional cooperative arrangements among medical centers, hospitals, practicing physicians, voluntary and official health agencies, and other health interests and groups for the purpose of improving the quality of care provided those suffering from, and threatened by, heart disease, cancer, and stroke. During the hearings on H.R. 17570, the subcommittee was provided with evidence of substantial progress in implementing the concept and achieving the goals of regional medical programs. And in ways perhaps not fully envisaged originally. For we heard from an impressive array of public witnesses testifying on behalf of the program that it also has begun to influence, through the broad range of continuing education and training, patient care demonstration, planning, and other activities initiated by the 55 regional medical programs, the current arrangements for health services more generally in a manner which will improve their quality, accessibility, and efficiency.

Of the 55 regional medical programs established for planning programs during the first 2 years of the program, 54 are now operational. These 55 programs cover the entire country and all its people. The regions range in population from a few hundred thousand to as many as 20 million; they vary in area from several counties to several States; and the 55 reflect great differences, as well as similarities, in the nature and magnitude of their health resources and needs. All, however, are characterized by a degree of local autonomy and decisionmaking that is rather unique among Federal grant programs. Thus, each program has been able to integrate itself into the various social and political as well as health forces and traditions within its own region.

The fact that these programs are now viable elements of each region's health community is in itself a major accomplishment. What made this possible was the flexibility of the original law, the concept of regionalization it represented, the wisdom and restraint with which it has been administered at the national level, and, in the final analysis, the skill and motivation and good judgment of those who chose to implement it locally in the 55 regions.

To achieve this, virtually all elements of the health care system—medical schools, hospitals, academic and practicing physicians, dentists, members of all of the allied health professions, voluntary and public health organizations and agencies, and national, regional, State, and local government agencies—which historically were reticent to join together in such cooperative arrangements, had to be reached and convinced of both the unique concept of regional medical programs and the need for the implementation of that concept. The extent to which this joining together under regional medical programs has been accomplished can be illustrated by the numbers of individuals and institutions involved. Over and above the working staffs of the 55 programs, which now number some 2,500, collectively nearly 3,000 individuals are serving on their regional advisory groups. In addition, over 10,000 hospital administrators and trustees, practicing physicians, medical center and medical school officials and faculty, and representatives of public and private agencies serve the regional advisory group as members of regional planning committees and regional task forces and 330 local action groups. These individuals represent a total of some 6,300 health and health-related institutions, including all of the Nation's medical schools, hospitals, every State medical society, State and city health departments, voluntary health associations, other private and public agencies, and consumer groups.

We now can see that, generally, the following objectives of the regional medical programs are being realized in that they are—

Developing a base for effective regional planning and decisionmaking through broad representation and participation of health institutions and professions;

Through the professional and institutional linkages of regionalization, achieving the ever-increasing effective use of modern methods and techniques for diagnosis and treatment of heart disease, cancer, stroke, and related diseases;

Through training of new types of personnel, the continuing education of personnel already in the health field, and demonstrations of patient care, improving the distribution and gaining better utilization of the available resources of health manpower;

Increasing and improving facilities and resources for conducting demonstrations of patient care and diagnostic techniques, while simultaneously promoting the regionalization of those health resources and services;

Developing and testing new methods and approaches for improving existing medical care delivery systems, including coordinated approaches with other Federal planning efforts such as comprehensive health planning agencies; and

Becoming the focus for all provider-oriented health planning, the organization for resolving differences of needs among institutions, the resources for developing and testing new ideas, and the change element through which these actions can be implemented.

It is against the background of this legislative history and program accomplishments to date that H.R. 17570 has been drawn up. This bill, in addition to extending regional medical programs through June 30, 1973, and authorizing appropriations of $125, $150, and $200 millions respectively in each of the next 3 years, would include the following changes in the enabling legislation:

Make explicit that prevention and rehabilitation, as well as diagnosis and treatment, are clearly within the scope of the program. It also emphasizes that regional medical programs must be concerned with strengthening and improving primary care and the relationship between specialized and primary care; and improving health services for persons residing in areas with limited health services.

Promotes increased cooperation and coordination with CHP by providing for representation of official health and planning agencies on the regional advisory groups and, at the same time, RMP representation at the State and areawide comprehensive health plan-

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ning councils. It also provides that before a regional advisory group may recommend approval of an operational grant, the opportunity must be provided for consideration of the application by the appropriate areawide comprehensive health planning agency so as to insure greater coordination of health planning and programing efforts at the local level and adherence to community established priorities. These changes are designed to encourage and accelerate the development of a close working relationship between these programs along the lines that already have emerged in some regions and localities.

Providing explicit contract, as well as grant authority, to regional medical programs. This is especially important in relation to the expanded multiprogram services that would be permitted under H.R. 17570. For not only would the authorization for those interregional support activities of use to two or more regional medical programs be continued, but it would allow, for example, the conduct of cooperative clinical field trials and demonstrations relating to the development of improved methods for control of heart disease, cancer, stroke, kidney disease, and other related diseases, activities for which contracts sometimes are a far more suitable mechanism than grants.

In short, these and the other changes contained in H.R. 17570, would strengthen and expand the regional medical programs in those areas where this seems to be clearly indicated; and at the same time retain the major features of the present legislation.

Therefore, Mr. Chairman, I would in conclusion urge my colleagues in the House to support the Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970, and after due consideration join with me and my fellow members of the Interstate and Foreign Committee, and its Health Subcommittee, in insuring its speedy passage.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida, a member of the committee (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of H.R. 17570, a bill to extend and improve the existing program relating to the education, research, training, and demonstrations in the field of heart disease, cancer, stroke, and other major ailments. The purpose is to bring the latest knowledge and techniques to the American people as quickly as possible.

In 1965 we in the Congress passed the Heart, Cancer, and Stroke Amendments to the Public Health Service Act, thereby bringing into existence the regional medical programs. The aim of the original legislation was to bring to every section of the country the latest medical knowledge and expertise in the diagnosis and treatment of heart disease, cancer, stroke, and related afflictions.

During the course of the hearings on the bill now before us I became convinced that the original act was, in retrospect, one of the most important and most successful pieces of health legislation produced by the 89th Congress. The regional medical programs established by that legislation have moved from the planning stages to the operational phases.

H.R. 17570 would extend the authorizations of the program for 3 years at a level of $125 million for fiscal 1971, $150 million for fiscal 1972, and $200 million for fiscal 1973 for a total of $475 million. Of these sums $15 million will be available for activities in the field of kidney disease for fiscal 1971. It was the committee's belief that kidney disease should be specifically included within the regional medical program because of its close medical relation to heart and stroke ailments. Inclusion of kidney disease within the program will promote the testing and evaluation of methods for its prevention and control at the community level and the organization of kidney disease programs on an interregional basis across the Nation.

The regional medical program will be broadened by this legislation to promote improvements in essential communication and transportation mechanisms of data exchange and manpower allocation. The kidney transplant program will be readily adaptable to a data exchange approach, which will enable more individuals suffering from kidney disease to receive immediate transplants and on-the-spot medical expertise.

The regional medical program, as amended by H.R. 17570, will emphasize the need for increasing the quantity and quality of medical manpower and facilities. Of utmost importance is the reallocation of medical manpower and facilities to critical urban and rural areas where services are limited or nonexistent. Emphasis on prevention and rehabilitation is called for in this legislation, and I urge administrators of this program to see that such emphasis is given.

Under this legislation there will be a more coordinated effort between regional medical programs and comprehensive health planning agencies. To further promote the cooperation now existing between these programs H.R. 17570 requires representation on the regional advisory groups of official health and health planning agencies, and also provides that before a regional advisory group may recommend approval of an operational grant the opportunity must be provided for consideration of the application by the appropriate areawide comprehensive health planning agency.

The national advisory council on regional medical programs' membership will be increased from 16 to 20 members in order to give representation to individuals in the field of kidney disease and to accommodate representatives of the field of preventative medicine.

Mr. Chairman, I would again like to emphasize to my colleagues that the regional medical program is a valuable asset to our legislative package with which we are fighting to bring quality health care to the people of our Nation. Therefore, I urge that passage of this legislation receive our immediate attention.

The CHAIRMAN. The gentleman from Florida has consumed 2 minutes.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time, and reserve the balance of my time.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Chairman, I thank the gentleman from West Virginia (Mr. STAGGERS) for yielding and I commend him, and his colleagues on the Interstate and Foreign Commerce Committee, for their diligent work in behalf of the American people.

I am proud to rise in support of the Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970, H.R. 17570. This legislation will strengthen and expand regional medical programs which provide specialized services for the diseases to the physicians and hospitals which deal with patients directly. At the same time, these amendments include, for the first time, kidney disease in the regional medical programs.

Mr. Chairman, it is a most unfortunate situation when we have people dying in America solely because they cannot gain the use of a kidney machine. One of the major problems is the lack of trained personnel, available facilities, research, and equipment for the diagnosis, evaluation, treatment, and prevention of kidney disease. No parallel situation exists where techniques have been developed for the diagnosis and prevention of diseases which would save lives; and yet, at the same time, 8 million people contract kidney disease, of which 60,000 progress to a terminal disease condition and die each year if life-sustaining treatment is not available. Diseases of the urinary tract rank fourth among causes of death from chronic disease.

We desperately need basic research into the nature of disease of the kidney, and the problems of kidney transplantation, and in developing mass testing procedures for the early detection of kidney disease.

Mr. Chairman, I must say that I have a parochial interest in this act. I am proud of the fact that I was instrumental in the formation of the Harbor chapter of the Kidney Foundation of Southern California. I am honored to be a member of the Harbor chapter's board of directors and, in addition, I am an honorary lay director of the Kidney Foundation of Southern California.

I feel that through the public support illustrated by the success of these volunteer organizations and through the efforts of the Federal Government, we will make great strides toward meeting the urgent need for the implementation of a comprehensive program to combat kidney disease.

Mr. STAGGERS. I thank the gentleman for his contribution.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I thank the able chairman of the committee for his kindness in yielding to me.

Mr. Chairman, this measure means life to a lot of people who otherwise would pass away.

As one of the authors of the bill in the other body in 1937 setting up the National Cancer Institute, and later in the 1940's, as one of the authors of the bill setting up the National Heart Institute, I have been very much gratified in the intervening years to see how Congress with the encouragement and support of the country has provided increased funds to carry out the great research programs in heart and cancer.

About one out of three of all our people who die, die from heart or circulatory diseases. About one out of seven of our citizens who die, die from some form of cancer.

I have been pleased that this committee has added kidney disease as a subject also of the beneficial provisions of this program, because the fourth highest cause of death from chronic disease is attributable to kidney diseases of one sort or another.

These programs of research have saved many, many lives of people of our country. They have been very worthwhile and very meaningful programs beginning in 1965 when President Johnson recommended the setting up of this regional program to apply primarily the knowledge gained by these great research programs in the national institutes to the regional and the local levels so that the doctors and the hospitals actually treating people would have the benefit of the knowledge which has been developed by these great research programs. The research programs have become immensely more meaningful to the people of the country.

I am sure the Congress will continue increasing the effectiveness of this program so that more and more lives of our people may be saved.

Especially, I want to commend the committee on putting $15 million in this program to provide, as I understand it, the machines which aid the functioning of the kidneys. These machines are so expensive and are so few in number that most of the people who have serious kidney ailments requiring the use of these machines are not able to get them.

I have been in veterans' hospitals as well as in other hospitals and they tell me they only have one or at the most two of these machines while there is a great demand in the community for these machines, which demand is very much in excess of the number of machines they have.

While $15 million is not going to provide all the machines which are necessary to many people who could live through their use, the increased number these funds will provide will prolong the lives of many of our people.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman.

Mr. CARTER. I compliment the distinguished gentleman on his remarks.

Mr. Chairman, I regret to say that no money is provided for these machines.

This bill includes research on kidney diseases but it does not include the money, as I understand, for the machines. I regret that and I hope that at some future time, and perhaps this year, we can get an appropriation to provide such kidney machines as are necessary.

Mr. PEPPER. I ardently share the gentleman's hope. But I was led to believe that there was money in this bill to aid in providing of these necessary machines. But if it is not provided for or authorized here, I do hope that funds may be provided later this year because it is a matter of life or death to many of the people of the country who do not have the money to pay the thousands of dollars that are required to have access to one of these machines.

Mr. CARTER. May I suggest to the gentleman that working together, perhaps we can get the money for them so they can be treated too.

Mr. PEPPER. I thank the gentleman and I hope so too.

Mr. Chairman, in conclusion, we often have to establish priorities in the Congress for the country. When we are dealing with a matter that affects the lives of the people of our country, I hope that we always will err if we err at all on the side of adequacy and not of inadequacy in protecting and prolonging the lives of our people, because the thing that most matters in this country is our people. This committee deserves the commendation of the Congress and the country for providing the means by which more of our people will enjoy health and life than otherwise might be able to do so but for these programs.

I yield back the remainder of my time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. SPRINGER. Mr. Chairman, I yield to the gentleman from Illinois (Mr. MICHEL) such time as he may consume.

Mr. MICHEL. Mr. Chairman, I also want to rise in support of this authorizing legislation to extend the life and broaden the scope of the activities of the so-called regional medical program.

As you will recall several weeks ago when the health and welfare appropriations bill was on the floor of this House, we had included in our bill $96,502,000.

Our Subcommittee on Appropriations has been quite concerned that it took so long to get this program underway, and we said so with some pretty spicy language in our report. Testimony before our subcommittee indicated that 53 of the prospective 55 programs were in operation. These programs are helping hospitals, other medical service providers, and communities to identify and address specific and broad health problems and needs; they are mobilizing human and physical resources required to meet those problems and needs and are extending professional expertise and leadership to provide maximum assurance that improvements will be meaningful and lasting.

It would seem that at long last the program is in the process of doing what Congress intended when the original legislation was passed.

Mr. MAYNE. Mr. Chairman, I rise in full support of H.R. 17570, the Heart Disease, Cancer, Stroke and Kidney Disease Amendments of 1970. The authorization for the regional medical programs under which grants have been made for programs designed to improve the diagnosis, care, and treatment of heart disease, cancer, and stroke expired on June 30, 1970. It is highly important that these regional medical programs be extended. This is accomplished by the present bill, which would extend the regional medical programs for 3 years. These programs have been very successful in their cooperative arrangements and voluntary linkages, and have had a real impact.

I am particularly pleased that H.R. 17570 as reported by the House Interstate and Foreign Commerce Committee specifically extends these programs to include kidney disease. I have long shared the growing concern over the national status of this major chronic disease, particularly tragic because of its tendency to strike in the middle, most productive years of life and among the young. Nearly 8 million persons in the United States are afflicted with kidney disease, of which about 60,000 progress to a terminal disease condition and death each year if life-sustaining treatment is not available. During the last decade or so tremendous strides have been made in the diagnosis and treatment of kidney diseases. I am particularly proud of the great accomplishments in the field of kidney transplants by Dr. Thomas Starzl, a native of LeMars, Iowa, from the Sixth Congressional District which I have the honor of representing in this Congress.

On December 4, 1969, it was my honor and privilege to cosponsor, with the distinguished Member from Pennsylvania (Mr. BIESTER) and 21 other colleagues, the introduction of H.R. 15108, the National Kidney Disease Act of 1969, which was referred to the House Committee on Interstate and Foreign Commerce. The committee has taken a little different approach in the bill now before the House with regard to grants for regional medical programs designed to improve the diagnosis, cure, and treatment of kidney disease, but I am pleased to join in supporting the legislation, and would ask all my colleagues to lend their support.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 17570. This measure would extend regional medical programs for 3 years. Under the program, grants are made for local based programs in order to improve the diagnosis, care, and treatment of heart disease, cancer, and stroke. Moreover, the bill we are considering today would expand coverage of the program to cover kidney disease.

Inclusion of kidney disease in this program is deserved. Kidney disease is a major chronic disease, afflicting nearly 8 million people in our country. About 60,000 of its victims progress to a terminal condition. In fact, diseases of the urinary tract rank fourth among causes of death from chronic disease.

Placing kidney disease within the regional medical program will permit a coordinated and systematic approach to the problem. I believe it provides a sound basis for mitigating the debilitating illness caused by kidney failure and dysfunction.

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H.R. 17570 expressly provides for prevention and rehabilitation within the regional medical program, in addition to diagnosis and treatment. Although prevention and rehabilitation were included in the original provision of the program, it is important at this time to reiterate the intent of Congress to insure that adequate attention is given to primary prevention of chronic disease.

Regional medical programs present a potential effective method of improving health care, which has become an important national goal. In many areas, activities supported by a regional medical program have benefited another Federal program.

In the State of New Jersey, the regional medical program has had full-time urban health coordinators assigned to the model cities offices in Newark and elsewhere. These coordinators work with citizens' panels, serving to identify health service priorities. This in turn leads to the development of useful proposals to include in model cities plans.

Although our knowledge has increased substantially in the areas of heart disease, cancer, and stroke, we have not made the breakthroughs necessary to successfully combat these diseases. The regional medical health program would extend and improve the existing programs relating to health education, research, training, and demonstration in these areas.

H.R. 17570 provides access to improved health care. I urge its passage.

Mr. PRICE of Illinois. Mr. Chairman, an increasingly effective method for achieving order within a group of people is to ask: Who among you has not suffered the direct or indirect effects of heart disease, cancer, or stroke? This question will inevitably be answered with silence, for heart disease, cancer, and stroke are the leading killer diseases in America today. Progress in research and treatment is painfully slow, but hopefully certain. Of course I support the continuing efforts to combat these diseases. What knowledgeable, responsible legislator and citizen would not?

Today, I am pleased to note the specific—and significant—inclusion of kidney disease among the beneficiaries of the pending legislation. I say "significant" because this chronic disorder has grown over the years so that it now takes its place among the major medical scourges of the century. Approximately 8 million Americans are afflicted with this crippler. Fatalities wrought by kidney disease are all the more tragic because the typical victim is an adult in his or her most productive period, and hence prone to be struck down at an age that will probably grieve the greatest number in the severest manner. Furthermore, although the disease is treatable to such a degree that victims could normally be expected to live full and productive lives, the cost of such treatment is expensive—so expensive that the average citizen cannot be expected to afford it. Artificial kidney machines are few and costly to build and operate. It is heart rending to watch a victim's decline when treatment is physically so near, but financially out of reach. The increased funding to the alleviating the tight treatment situation and aiding the search for a cure through medication, possibly, as well as through improvement with the transplant procedure.

I urge my colleagues to offer hope to the millions of Americans afflicted with kidney disease as well as heart disease, cancer, and stroke by voting for this legislation.

Mr. GUDE. Mr. Chairman, I rise in strong support of H.R. 17570, the Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970. I am pleased that the legislation which I sponsored, H.R. 13970, is now incorporated into this bill, making these regional medical facilities available to people suffering from kidney disease. Inclusion of kidney disease will accelerate improvement in treatment of the disease, will promote the testing and evaluation of methods for its prevention and control at the community level, and will support the organization of kidney disease programs on an interregional basis across the Nation, such regional programs are particularly valuable in effectively and efficiently dealing with these problems in urban areas such as the Washington Metropolitan area which comprises parts of two States and a third jurisdiction—the District of Columbia.

Each of these diseases strikes down thousands of Americans every year. Only through legislation as this can we bring the forces together to end this needless waste of life. With this legislation we take a big step in implementing a comprehensive program to combat kidney disease through the combined efforts of the Federal Government, State and local governments, medicine, universities, nonprofit organizations, and individuals.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I believe this bill is a substantive step ahead in providing quality medical care for every American and I strongly support H.R. 17550. I consider it essential that we continually endeavor to expand our programs of education, research and training related to heart disease, cancer, stroke, and kidney disease and that, particularly, we seek to fully involve the public and private resources of every community in these efforts as well as in basic biochemical research.

This bill, I think, attests to the great success of the regional medical program concept which Congress approved in 1965 as a means of coordinating the attack on these diseases. The bill expands and extends the program for another 3 years. There are now 55 regional programs involving physicians, hospitals, medical schools, research institutions, and other private and public health agencies in programs to maximize the care available to victims of the diseases, and to extend services to those who presently lack adequate health care. The bill focuses new attention on the need for early detection, prevention, and rehabilitation services.

I am grateful that the Interstate and Foreign Commerce Committee saw fit to add kidney disease under the regional medical programs. I joined last year in introducing a bill directed at achieving a larger capacity—which has been sorely lacking—to prevent and control kidney disease. Some 8 million Americans suffer urinary tract attacks each year. Some 56,000 of these progress to terminal uremia, and die. Many could have been saved by artificial kidney machine treatment or kidney transplants.

The tristate regional medical program, which covers Massachusetts, Rhode Island, and New Hampshire, offers many examples of the kind of innovative efforts which this bill seeks to sustain and foster.

For example, it operates a comprehensive cardiovascular project at Boston City Hospital as a model program for multi-university hospitals. The project is devising organization and training techniques for providing cardiovascular services, especially for the disadvantaged. The Boston University Medical Center is developing a demonstration cancer project centered on new training and treatment methods. In New Hampshire, the Dartmouth Medical School runs a coronary care training program for nurses. In Rhode Island, there is a special regional diet counseling program for nonhospitalized patients.

In Fall River, Mass., in my district, I am told that talks are in progress to coordinate local hospital services to combine essential services and to avoid overlapping of these services for maximum efficiency. St. Luke's Hospital, in New Bedford, a city adjacent to my district, has a stroke program for the tristate area to train community hospitals and home health care agencies in the rehabilitation of stroke patients.

These basic efforts to coordinate local health-care services to offer broader local services are urgently needed. Essentially, all the programs seek to channel local resources to meet specific local needs and to provide previously nonexistent services for the poor and disadvantaged.

In view of rising medical-care costs, personnel shortages, and the critical lack of services in many urban and rural areas, I suggest that the interaction between local and regional medical-care agencies and institutions offers a sound approach to meeting a high priority need: to provide comprehensive medical care at the lowest possible cost.

The CHAIRMAN. If there are no further requests for time, pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 17570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970".

SEC. 2. Section 900 of the Public Health Service Act is amended to read as follows:

"PURPOSES

"SEC. 900. The purposes of this title are—

"(a) through grants and contracts, to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals for research and training (including continuing education), for medical data exchange, and for demonstrations of patient

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care in the fields of heart disease, cancer, stroke, and kidney disease, and other related diseases;

"(b) to afford to the medical profession and the medical institutions of the Nation, through such cooperative arrangements, the opportunity of making available to their patients the latest advances in the prevention, diagnosis, treatment, and rehabilitation of these diseases;

"(c) to promote and foster regional linkages among health care institutions and providers so as to strengthen and improve primary care and the relationship between specialized and primary care; and

"(d) by these means, to improve generally the quality and enhance the capacity of the health manpower and facilities available to the Nation and to improve health services for persons residing in areas with limited health services, and to accomplish these ends without interfering with the patterns, or the methods of financing, of patient care or professional practice, or with the administration of hospitals, and in cooperation with practicing physicians, medical center officials, hospital administrators, and representatives from appropriate voluntary health agencies."

SEC. 3. (a) (1) The first sentence of section 901(a) of such Act is amended by striking out "and" immediately after "June 30, 1969,", and by inserting immediately before ", for grants" the following: ", $125,000,000 for the fiscal year ending June 30, 1971, $150,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973".

(2) Such first sentence is further amended by striking out the period after "title" and inserting in lieu thereof "and for contracts to otherwise carry out the purposes of this title."

(3) The second sentence of such section 901(a) is amended to read as follows: "Of the sums appropriated under this section for the fiscal year ending June 30, 1971, not more than $15,000,000 shall be available for activities in the field of kidney disease."

(b) Section 901 of such Act is further amended by adding at the end thereof the following new subsection:

"(e) At the request of any recipient of a grant under this title, the payments to such recipient may be reduced by the fair market value of any equipment, supplies, or services furnished to such recipient and by the amount of the pay, allowance, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when such furnishing or such detail, as the case may be, is for the convenience of and at the request of such recipient and for the purpose of carrying out the regional medical program to which the grant under this title is made."

SEC. 4. Section 902(a) of such Act is amended by striking out "training, diagnosis, and treatment relating to heart disease, cancer, or stroke, and, at the option of the applicant, related disease or diseases" and inserting in lieu thereof "training, prevention, diagnosis, treatment, and rehabilitation relating to heart disease, cancer, stroke, or kidney disease, and, at the option of the applicant, other related diseases".

SEC. 5. Section 903(b)(4) of such Act is amended—

(1) by striking out "voluntary health agencies, and" and inserting in lieu thereof "voluntary or official health agencies, health planning agencies, and"; and

(2) by striking out "need for the services provided under the program" and inserting in lieu thereof "need for and financing of the services provided under the program, and which advisory group shall be sufficient in number to insure adequate community orientation".

SEC. 6. That part of the second sentence of section 904(b) of such Act preceding paragraph (1) is amended by striking out "section 903(b)(4) and" and inserting in lieu thereof the following: "section 903(b)(4), if opportunity has been provided, prior to such recommendation, for consideration of the application by each public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan area, or other local area plan referred to in section 314(b) covering any area in which the regional medical program for which the application is made will be located, and if the application".

SEC. 7. (a) Section 905(a) of such Act is amended to read as follows:

"SEC. 905. (a) The Secretary may appoint, without regard to the civil service laws, a National Advisory Council on Regional Medical Programs. The Council shall consist of the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs, who shall be the Chairman, and twenty members, not otherwise in the regular full-time employ of the United States, who are leaders in the fields of the fundamental sciences, the medical sciences, health care administration, or public affairs. At least two of the appointed members shall be practicing physicians, one shall be outstanding in the study or care of heart disease, one shall be outstanding in the study or care of cancer, one shall be outstanding in the study or care of stroke, one shall be outstanding in the study or care of kidney disease, two shall be outstanding in the field of prevention of heart disease, cancer, stroke, or kidney disease, and four shall be members of the public."

(b) Of the persons first appointed under section 905(a) of the Public Health Service Act to serve as the four additional members of the National Advisory Council on Regional Medical Programs authorized by the amendment made by subsection (a) of this section—

(1) one shall serve for a term of one year,

(2) one shall serve for a term of two years,

(3) one shall serve for a term of three years, and

(4) one shall serve for a term of four years,

as designated by the Secretary of Health, Education, and Welfare at the time of appointment.

(c) Members of the National Advisory Council on Regional Medical Programs (other than the Surgeon General) in office on the date of enactment of this Act shall continue in office in accordance with the term of office for which they were last appointed to the Council.

SEC. 8. Section 907 of such Act is amended by striking out "or stroke," and inserting in lieu thereof "stroke, or kidney disease,".

SEC. 9. Section 909(a) of such Act is amended by inserting "or contract" after "grant" each place it appears therein.

SEC. 10. (a) Section 910 of such Act is amended to read as follows:

"MULTIPROGRAM SERVICES

"SEC. 910. (a) To facilitate interregional cooperation, and develop improved national capability for delivery of health services, the Secretary is authorized to utilize funds appropriated under this title to make grants to public or nonprofit private agencies or institutions or combinations thereof and to contract for—

"(1) programs, services, and activities of substantial use to two or more regional medical programs;

"(2) development, trial, or demonstration of methods for control of heart disease, cancer, stroke, kidney disease, or other related disease;

"(3) the collection and study of epidemiologic data related to any of the diseases referred to in paragraph (2);

"(4) development of training specifically related to the prevention, diagnosis, or treatment of any of the diseases referred to in paragraph (2), or to the rehabilitation of persons suffering from any of such diseases; and for continuing programs of such training where shortage of trained personnel would otherwise limit application of knowledge and skills important to the control of any such diseases; and

"(5) the conduct of cooperative clinical field trials.

"(b) The Secretary is authorized to assist in meeting the costs of special projects for improving and developing new means for the delivery of health services concerned with the diseases with which this title is concerned.

"(c) The Secretary is authorized to support research, studies, investigations, training, and demonstrations designed to maximize the utilization of manpower in the delivery of health services."

SEC. 11. (a) The heading to title IX of such Act is amended by striking out "STROKE, AND RELATED DISEASES" and inserting in lieu thereof "STROKE, KIDNEY DISEASE, AND OTHER RELATED DISEASES".

"(b) Sections 902(a), 903(a), 903(b), 904(a), 904(b), 905(b), 905(d), 906, 907, and 909(a) of such Act (as amended by the preceding provisions of this Act) are each further amended by striking out "Surgeon General", each place it appears therein and inserting in lieu thereof "Secretary".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, printed in the RECORD, and open for amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair, Mr. PIKE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 17570, to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes, pursuant to House Resolution 1180, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken, and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

I ask unanimous consent in view of the fact that there are Members attending the funeral of our deceased colleague, Mr. G. Robert Watkins, that the vote be taken on this measure at a time not earlier than 4 o'clock.

The SPEAKER pro tempore. Does the gentleman withdraw his point of order?

Mr. SPRINGER. Mr. Speaker, I withdraw the point of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The vote will be put over until not sooner than 4 o'clock.

WATER CARRIER MIXING RULE

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union, for the consideration of the bill H.R. 8298, with Mr. GRAY in the chair.

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The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 1 hour, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 8298 would amend section 303(b) of the Interstate Commerce Act to modernize restrictions upon the application and scope of the 1940 exemption provided in that section for the transportation by water of bulk commodities.

This modernization is necessary because of two things:

First, there has been a great growth in the size of the barges, the towboats,, and the tows on our rivers since the act was passed in 1940; and

Second, the courts have now upheld an Interstate Commerce Commerce Commission ruling that would make it impossible for barge operators any longer to operate these efficient tows. This ruling will go into effect October 1, 1970.

The amendments proposed by the bill do three things:

First, the operators will be permitted to mix in the same tows, barges, containing regulated nonbulk commodities with barges of nonregulated bulk commodities without losing the exemptions from regulation;

Second, all operators of barges carrying nonregulated bulk commodities will be required to publish and file with the Commission their rates, but the rates themselves will not be regulated by the Commission, and

Third, these changes will be in effect for a 2-year period, before the end of which the Commission will have to report on their effect to the Congress.

The bill does not propose any change in self-propelled vessels, like the Great Lakes carriers. It was not intended, either, to make a change in any coastwise water transportation in oceangoing vessels, and at the appropriate time, I will offer a committee amendment in this regard.

The bill is the result of many years of consideration by the committee of the subject of these mixed tows on the river, and of the Commission rulings on them. We had it in 1962, 1964, 1967, and again this year. The result very frankly is a compromise, which obviously means that everyone is not fully satisfied with the result. Further consideration has been urged upon us, primarily in connection with some full-scale revision of an overall transportation policy—but this proposed revision is not yet at hand. The committee believes that it is only proper and equitable to dispose of this issue so that the operators will know definitely what is before them and so that the shippers may continue to have the benefits of this efficient type of transportation service.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

The barge mixing rule has been posing problems for the industry and for Congress for many years. The issues do not lend themselves readily to lucid explanation. The reason for this lies to a great extent in the nature of the barge business and to some extent with the interrelationships between the various modes of transportation.

The barge line industry is made up of several basically different kinds of carriers. Some are certificated by and regulated by the Interstate Commerce Commission. Some are entirely exempt from ICC regulation by reason of section 303 (b) of the Interstate Commerce Act. Some barges operate under contract with shippers over long periods of time, and some of the large shippers operate their own fleets.

Shippers of bulk commodities have found it convenient over the years to have available barge companies exempt from regulation with which they could make contracts for the movement of certain bulk products on short notice at any charge which could be agreed upon.

Under section 303(b) of the Interstate Commerce Act the so-called exempt barges can carry any three bulk products so defined by the customs of the trade in 1939 in one tow. The law says that these products must be in one vessel but specifically defines a vessel as a combination of barges if being pushed as a unit. Over the years it became customary for exempt carriers to make agreements from time to time with certificated barge lines to push those toward their final destination to be picked up again by the exempt carrier and taken to final destination. The Interstate Commerce Commission ruled that this was illegal on the ground that placing exempt products with regulated products made everything in that tow subject to regulation. The barge lines fought this ruling through the courts and eventually it was decided that the interpretation of the Interstate Commerce Commission was correct and that such mixing of exempt with fully regulated commodities should not be done. Obviously the regulated barge lines wished to continue this practice and the exempt barge lines, having found it at least convenient if not vital, also preferred to have the court ruling overturned. This is the basic issue in the mixing rule controversy.

For many years exempt bargelines have been hoping to have the restrictions as to the number of bulk commodities which could be carried and the definition of a vessel as now defined in the law changed so that any number of bulk commodities might be carried and a single barge could be considered as a vessel. This would greatly enhance the usability of exempt bargelines.

As could probably be expected there has been a great lack of agreement among the various elements of the barge industry on this point and nearly any legislative suggestion by one such element has automatically brought forth total disagreement by the rest of the industry. Consequently, legislation of any kind concerning barges has been virtually impossible.

The court decision on the mixing rule and the indication of the Interstate Commerce Commission that it would enforce its original interpretation presented the first opportunity for agreement within the industry. Regulated barge carriers were willing apparently to back a revision of section 303(b) if the other water carriers would back legislation which would undo the court decision, and thus the matter was presented to Congress.

If the proposal had been merely to undo the results of the court case and allow practices which had, in fact, been carried on for 8 to 10 years, it is very possible that it could have been accomplished. By overhauling section 303(b), however, the legislation would change all of the rules of the game in the water carrier industry and also to a great extent its relationships with other modes. Despite the fact that the various elements of the barge industry were united for the first time, the proposal engendered antagonism in other parts of the transportation industry, and this caused it to blow up. The railroad industry, which had been trying for many years to make some progress toward deregulation of water rates, made such action the price of its concurrence. Since such changes were not apt to happen, the whole matter stood on dead center for a considerable time.

Eventually some tenuous compromises were worked out, and the result was the bill which came from the committee. This would allow mixing to take place, would not change the definitions in 303(b) and would require all carriers, whether exempt or regulated to publish rates on bulk products. This does not mean that they would be fully regulated by the Commission but such rates must be filed with the ICC and maintained for at least 30 days. The shippers who use exempt water carriers contend that this provision for publication will ruin the usefulness of the exempt carriers for their purposes.

The bill recognizes that there are some imponderables and therefore put a 2-year limitation on this requirement to see what actually developed.

There have been many suggestions for alternative solutions ranging as far as complete regulation for all water carriers. There will undoubtedly be amendments proposed on the floor, but I will be surprised if the effect of any of these will be fully understood. If this legislation were not before us and the mixing rule were to be enforced, it is possible that the industry could get along. There certainly is testimony and opinion on both sides of that question. I do not profess to know the very best answer to this problem or whether in fact there is an answer.

The proposal before the House this afternoon is highly controversial and not a matter which has come from our committee with general agreement. My only purpose here is to inform the members of the history of the situation for whatever guidance it may afford.

Mr. SPRINGER. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, this bill is perhaps one of the most important pieces of legislation as far as the inland waterways are concerned and the transportation of 15 percent of the intercity traffic in the United States.

I was not on the subcommittee which dealt with this measure, but after it came to the full committee I was contacted by some of the people back home who move our grain to market pointing out the hazards of this bill.

May I say that in the Midwest today we are unable to get last year's grain to market because of the shortage of boxcars. We are hopeful of moving our last year's crop in order to accommodate this year's crop. The trucks are going day and night to deliver the grain to the barges hoping to move it out to population centers before the new crop comes in. Three million tons are moving out of our State from Savage, Minn. They are destined from Minnesota, South Dakota, and North Dakota grain markets to be loaded on the barges and on to population centers. That is 3 million tons and 2.5 million of those tons are grain.

I want to tell you that in the Midwest we do not want to have our transportation damaged by legislation that is stimulated by the desire of some to stifle opposition and competition in a manner that I think is unfair.

I want to point out first that this is a field that I have not been in, but believe me, I have studied it since it came up in our committee.

We have two kinds of carriers on the water, the exempt carrier, which is limited to three bulk commodities—I say limited; they are not certificated, they have no protection of right of entry, they have no protection under Reed-Bulwinkle if their rate structure must be adjusted. And competition is wide open—everybody hauling on the river, bringing our grain to market.

We then have the regulated carriers who can haul anything they want to. They have right of entry protection by a certificate of convenience and necessity. They have a monopoly in their business, really, because no one can freely enter this field without going before the ICC for a permit. So they do have a competitive situation similar to the railroads.

Now, originally a plan was worked out between the water carriers where a bill was proposed that came before our committee. It had wide support. And if you look at the list of witnesses that appeared before the committee, every one of the witnesses spoke to the mixing rule need, and you find no testimony in the hearings that supports the bill that is before us today as recommended by the Committee on Interstate and Foreign Commerce.

I want to say that I believe there has been a good deal of misunderstanding. I do believe that there are many who really do not understand the implications of this.

You know, as I think of it, out on the farm you go out in the pasture and there the little old meadowlark has a nest, and along comes a cowbird, and lays eggs in the meadowlark's nest, and then the mother meadowlark, when these eggs hatch, to her surprise has some cowbirds.

Now, this bill started out to do one thing, but it turned out that it is giving us cowbirds instead of meadowlarks. I just want to call that to your attention, and I sought carefully to try to meet what has been seemingly the recommendations of the witnesses who appeared before our committee, at the same time to try to work it out in such a manner that the unregulated carriers can continue to serve the farm people of our great country.

Now, then, all of the witnesses that appeared indicated that they were concerned about the mixing rule. I am concerned about it. I think it is good economics, but I would like to again call your attention to the fact that the bill that is before us puts the unregulated carriers under regulation. They cannot change their rate without a 30-day notice. They can haul only three commodities. And if the regulated carriers are going to make that kind of a deal with the railroads to get their goal, they have violated their own agreement with the other part of the water carriers transportation system of our country.

What they did, they made the agreement so that "If you will support us in mixing our tow, we will go along with levying this burden on the unregulated carriers." At the same time, the unregulated carriers got nothing as far as the original plan was concerned, or the original bill was concerned.

If the unregulated carriers are to come under regulation, then why should they not haul anything they want? Why should they not haul what the regulated carriers do, if you are going to regulate them? They have no protection of right of entry, and they have no Reed-Bulwinkle protection which the railroads have as far as antitrust is concerned.

So this bill gives no relief of any kind to unregulated carriers but gives the regulated carriers everything they want.

My bill will permit the regulated carrier to mix his tow. My bill will require that he post a minimum rate only. The bill that is before us is a regulated rate. But the regulated carriers would only have a minimum rate, which can be a floor or which can be negotiated above it. Really, it is no rate at all. But it does provide a floor. It then would exempt the unregulated carriers and keep them in the same position that they are in.

I want to say that we have about 1,700 carriers in the United States. Eight percent have certificates. Sixty-eight percent are unregulated carriers. Twenty-four percent are those who have their own carrier and haul their own commodity and are not for hire.

But, my friends, I hope there will be no other amendment other than my own amendment. I want to say I was on the Committee on Interstate and Foreign Commerce when the railroads appeared there in support of the regulation of the railroads. I supported the consideration of that kind of proposition.

I have here statements by Mr. Loomis, where he says he thinks there should be less regulation rather than more regulation. This is a testimony of the railroads. All through the statements, you will find Mr. Loomis, Mr. Brosnan of the Southern Railway System, and Mr. Heineman of the board of Chicago Northwestern Railroad all supporting the theory that we need to move in the direction of deregulation rather than more regulation.

So in my bill I am not disturbing and I am not touching the deal that the regulated carriers made with railroads. They made the deal—I did not.

I made the statement that I will not disturb the deal that the regulated carriers made because they say in their own statement that this is no problem. The letter you have in your office and the letter I have in my office from Mr. Creedy said it is no problem to publish a rate. So I did not touch the regulated carriers in any way.

But my bill will permit the mixing of the two, which is an economic contribution. My bill will exempt the unregulated carriers and let them continue as they have in the past to serve rural America in a manner that I think is very important.

I do not hold that this substitute bill I have put together has all the answers, but I can assure you that we will be going to conference and there will be things that can be worked out.

But I want to say that I am completely convinced that the bill I have offered has greater merit than the one that has been reported out of the committee and the one that the Committee on Rules has reported.

I would like to point out that I appeared before the Committee on Rules, after I studied the situation, having in mind the farmers of my area and the farmers of your area, and I took a position in opposition to the bill in the Committee on Rules and the Committee on Rules supported my position.

The bill lay dormant for a considerable length of time. It came up a second time. I appeared the second time, and the bill was laid over. Finally, the bill came out.

I think we all agree that something needs to be done. I have done my best to try to find some kind of answer. I am sure that there are areas where there can be disagreement, but I can also assure you that the major part of what we wanted in the original bill still remains in my bill to a much greater degree than the bill that came out of the committee, which is on the floor today as reported by our subcommittee.

Mr. Chairman, I yield back the balance of my time.

Mr. FRIEDEL. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, this is a bill around which a great deal of confusion has been built. One might say that this is similar to Mark Twain's story of "The Tempest in the Erie Canal," a very dramatic poem. But the situation is not nearly so complex as it has been made out. Most of the difficulty concerning the bill is not related to the economics and the law of the bill but, rather, to the history of the bill. I wish to leave the history aside and point out what the situation is in the industry and what the bill does. I think if you understand that, you will all agree that the bill should be passed as it came out of the committee.

The situation which occurred after 1940 was exactly the situation that is sought to be protected in large part by the bill today. I think in order to understand what this bill does, you need to understand the situation as it exists in fact; let me give an example.

Let us suppose that a barge tow commences on the Ohio River drawing barges from Pittsburgh with steel, which is a regulated commodity, and with bulk coal, which is not a regulated commodity, and starts down the Ohio River. Presently such a barge tow will carry with it some 35 barges by the time it gets well on the way. It may pick up barges at Cairo containing grain, perhaps. It may pick up other barges along the line which may contain a bulk commodity like salt.

The importance of permitting the mixing of the coal and the grain at Cairo and perhaps salt somewhere down the line with the regulated commodities is that today it is not economically feasible to move relatively small groups of barges which have been collected, all of one commodity. It is far more economical and, in the long run, far better for the shippers and far better for the pricing structure and, indeed, for the farmers who have experienced a shortage of railroad cars to carry their grain, if large barge tows can move. This is perfectly obvious as an economic proposition. If the large power unit that pushes the barges can push, say, 39 barges at about the same price it would, say, push 20, the total price of haulage is reduced. So it is quite necessary that both the bulk cargo and the regulated cargoes move in the same barge tow, and that there not be any artificial means by which they must be separated.

When the long tow gets down to, say, Baton Rouge, a part of these steel barges will go on, say, to New Orleans. Let us say that the coal barge goes on from Baton Rouge toward the Houston ship channel, through the Intercoastal Canal; and, let us say, the grain goes in that direction. The big tow divides up at Baton Rouge, and frequently the unregulated carriers carry the bulk from that point.

Ultimately, when the grain and the coal reach the port of Houston, it will have been unregulated in its whole route under the practice that existed before the case which upset this practice, which was the American Barge Line case, and which culminated in Gulf Canal Lines in the district court in Houston.

What was decided in these cases was that the addition of the bulk barges to the large regulated tow tainted, in effect, the entire haulage, so that the coal and the wheat moving down with the large tow had to be subject not only to posting of rates but to full regulation. Of course, this creates an artificial economic pressure, requiring a division of those tows into bulk cargo tows on the one hand, and into the regulated tows that are carried by the regulated carriers on the other.

This, if enforced, would create a tremendous, artificial inefficiency in the business. All in the world that was attempted by the bill that was introduced by the gentleman from Tennessee (Mr. KUYKENDALL) on the other side of the aisle, and by myself on this side of the aisle, the original bill, was to permit a continuation of the practice which existed from about 1940 up to the American Canal case and subsequently by more or less tacit recognition of the economic exigencies of the case by the ICC. We are just trying to continue this status quo.

But in the process of hearings on the bills that were drafted by myself and the gentleman from Tennessee (Mr. KUYKENDALL), the ICC noted that greater advantages than those provided by the bulk exemption as it had operated in practice could be gained from the bills as they were drawn. More than three bulk commodities could be hauled in the tow. Therefore, the ICC recommended certain language which limited the bills to simply permit the continuation of the practice in the industry as it existed before these cases and the continuation of the practice that exists today.

In the course of the development of the bills in the subcommittee and in the main committee, it was argued by some of the carriers and it was sustained by, I think, rather persuasive arguments that no one could complain if all of the barging companies, both the regulated and the unregulated, were required to post rates. Remember, the requirement of posting rates permits a change of that rate in a period of as little as 30 days.

It seems to me that requirement was reasonable. It seems to me the bill that came out of the committee has an absolute minimum effect on the status quo in the industry necessary to accomplish the objective maintaining efficient haulage and not upsetting equities between competing modes of transportation.

I want to expend a little time in pointing out what would happen if the amendment proposed by the gentleman from Minnesota (Mr. NELSEN) were passed. I think it would be disastrous to the bill. I will explain why.

We can do one of two things. Either we can have no posting of minimum rates by any of the persons in the industry, as the original bill provided, and as I understood the gentleman from Tennessee (Mr. KUYKENDALL) is going to offer before this Committee. We can do either that, or we can require posting of minimum rates by both the regulated and the unregulated carriers.

But let me point out why we cannot do what the distinguished Member, the gentleman from Minnesota, is suggesting that we do. Under the amendment of the gentleman from Minnesota (Mr. NELSEN), the regulated carrier, the one that is moving the 39-barge tow, for instance, would have to post his minimum rate with respect to the bulk cargo carried down the river in the 39-barge tow. But if someone segregates unregulated cargo, that is just the bulk cargo like the coal and the wheat I described, and moves it down the river separately from other commodities, then he moves it without posting any rates.

It is exactly like this as between the two competitors. Remember, they are both moving the wheat and the coal. It is exactly as if the Government contracted out the building of a building or a highway and required sealed bids, but permitted one of the bidders to open the sealed bids before he made his final bid. The thing is, we require one of the competitors to expose his hand as to what his minimum rate is with respect to the coal and the wheat that is hauled, and we permit the other competitor the opportunity of cutting below the first one by a nickel and never post his rate.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FRIEDEL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ECKHARDT. I thank the gentleman, because I am almost concluded.

I should like to wind up by saying that the bill which has been devised within the committee has taken into account these questions of balance between carriers, between transportation facilities. The committee has come out with a bill which was supported by the overwhelming majority of the committee. It was something like six to 16. I cannot recall the exact figure, but it was in that neighborhood.

I submit to the Members that if we rewrite this bill on the floor, and if we upset the considerations of the committee and of the subcommittee, we may do tremendous harm with respect to the balance between the various industries.

I submit further that it is most important that we do something to permit the continuation of the status quo that permits a very important segment of our transportation system to continue to operate in the way it is now operating.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. NELSEN. Mr. Chairman, I shall be glad to yield the gentleman another minute from our time.

So long as the gentleman has referred to my bill, I am sure he would not want the record to leave any misinformation. Under my proposal there is nothing standing in the way of mixing of tows.

Mr. ECKHARDT. I do not believe I have said so, and I do not so contend.

Mr. NELSEN. That is the implication I would gather from the debate, but I am sure the gentleman did not intend to do that.

I should like to point out further that the gentleman is making comparisons between regulated and unregulated carriers, but they are not equal in any respect. The unregulated carrier can haul only three bulk commodities. When it is suggested that they be put under regulation, with the three commodity loads, there will be a tremendous advantage to the regulated carriers which was not in the original bill.

Mr. ECKHARDT. This is on a slightly different point. Do I not correctly understand that the Ancher Nelsen amendment also strikes out the limited period of 2 years in which this bill creates an exemption and gives a permanent authority to the unregulated carriers to continue to haul, say, bulk cargoes like coal and wheat, without any posting, whereas the regulated carriers would be permanently required under this bill to post minimum rates?

Mr. NELSEN. They would be permanently permitted to mix their cargo, which they cannot do under present law, which is a tremendous advantage to them. And they will be given a minimum rate, not a rate as provided in this bill, which is not a minimum rate. We have been sold a bill of goods so far as the rate is concerned, as a minimum rate, which it is not in the bill before us.

My bill makes it very clear that it is a minimum rate above which they can negotiate.

I have here a letter from Mr. Creedy, who says:

> Shippers will not find the publication of rates burdensome.

This is a letter from the regulated carriers.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I do not intend to use my full time, but I do rise in support of the bill as passed by the committee, H.R. 8298. I believe it is a good bill and that the controversial issues have been wisely compromised.

I believe that every possible safeguard and reasonable exemption has been included in this bill. I should like to stress that this is a bill intended to strengthen the common carriers and to increase competition, and not decrease it. I am impressed by the fact that this measure has the support of the common carrier water carriers, of the common carrier railroads, and of the common carrier truckers.

We should not deceive ourselves on the importance of the common carrier system. The bill will permit the regulated bargelines to mix as many as three dry bulk commodities with any number of nonbulk commodities without losing the exemption from regulation on the bulk. This will allow the bargelines to continue present operating processes, making full use of modern technology.

The bill will also require the water carriers to publish their rates on exempt dry bulk commodities for a period of 2 years. The rates will be posted, but not regulated. The ICC will have no authority to investigate, suspend, modify, revoke, or otherwise regulate these rates.

After lengthy hearings this rate publication provision was included in the bill by a bipartisan majority vote of the committee. I believe the committee decision is a wise and proper one. Publication of these rates will make available for the first time information regarding water carrier rates on bulk commodities as they relate to shipper benefits and to regulated modes of transportation. There should be no legitimate objection to the requirement merely that the rates be posted, particularly when the committee has worked out a reasonable reconciliation of interests and concerns of the various carriers and shippers in the industry. Any published rate may be changed with 30 days' notice to the ICC.

Therefore, I respectfully urge you to oppose any attempts to remove this important provision by floor amendment.

Mr. Chairman, this bill does not increase the cost of water transportation. That has been charged, and that is not correct. I think perhaps the most important part of this bill is the fact that we are requiring published rates for the first time. We debated at length in the committee what commodities could be exempt or included and how many of them there were and who was shipping them. The Interstate Commerce Commission testified before our committee that they did not have any information ready to make a comprehensive recommendation on this overall project. They had no records of what non-regulated commodities were being shipped now and in what manner and by whom and in what total. Therefore, the Interstate Commerce Commission recommended this two-year published rate and study, which would extend to all and which is not a regulation. It is merely a published rate. Therefore, I think that this requirement is perhaps the most important part of the bill and I am hopeful that the committee will pass the bill as recommended by the committee without any substantial amendment.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, the bill before this body is a bad bill. It reflects vigorous lobbying endeavors by a small group of vested interests which seek to abolish what has been well-settled law for many years. The most remarkable thing about the bill before this body is that it has been pushed through with so little concern for the genuine interests of consumers and with so little concern for the real facts of the case.

The real facts of the matter are that what the bill seeks to undo has been the law for a long time. Back in 1955 or possibly in 1957 it was first held that an unregulated carrier towing bulk exempt barges including in its tow nonbulk loaded barges lost the exemption.

What this bill really does is to override and to change that particular provision of law.

The situation before this body today is going to resolve down to three choices for the membership:

First, to vote down the whole inequitous mess, and leave the law as it has been settled, and let the ICC regulate the industry as in fact it should. This I believe is the best choice, since in effect what we will then be doing will be assuring that the ruthless, brutal, cutthroat kind of competition that is engaged in by the unregulated carriers will not be permitted, and that we will have in a highly monopolistic situation fair rules of competition, established by an impartial regulatory, the ICC.

The second alternative is the committee bill, and the committee bill has certain virtues, the first of which is that it has the limitation of 2 years; the second that it enables us for the first time to get a clear understanding of what the situation is in this shadow world of brutal, ruthless, cutthroat competition, and to actually find out what the set of circumstances are, the factual situations that would either justify or fail to justify legislative action of the kind that we have here before us today.

There is one other thing that the committee bill would do, and that is that it would require a filing of rates. Now, this does not mean that we are going to regulate these unregulated carriers, but it means that for the first time, at least, they are going to have to tell what they are charging, and make that information available to all of the consumers and to all of the persons who use this type of transportation. And this, I believe, is a highly desirable thing, since it enables everybody to at least understand what is going on inside this industry.

And of course, last of all, the bill requires a study to be completed in conformity with the recommendations of the ICC by that agency, and to find out what the real, underlying facts are; what the competitive situations are; what the cutthroat competition is in its precise scope and detail, so that we will have a clear understanding of all of the facts. And in this particular the committee bill is good.

But the best option, I wish to again stress to this body, is that we should simply vote down the whole mess, and allow the ICC to continue to regulate the industry in their well-settled fashion, and in accordance with what everybody has known to be the law for a long time, something which has been staved off by the manipulation and connivances of the regulated and unregulated carriers who have sought to escape control by the ICC.

The last option this body is going to have before it today is that change which my good friend, the gentleman from Minnesota (Mr. Nelson), has expounded upon at great length, the results of which I wish to comment upon.

First of all, it will not let us have any filing with regard to what the unregulated carriers will charge with regard to rates and, secondly, it will not allow for the ICC to either have the factual basis or the legislative direction to carry out a study which really is going to be the key of finding out what the real circumstances are. And last of all the amendment offered by my good friend, the gentleman from Minnesota (Mr. Nelson), will not impose a 2-year limitation on this, something which everybody in the subcommittee was personally agreed was necessary so that we could have a fresh look at this when the study is concluded.

My recommendations to this body are very simply put on the back of the minority views which are available to all of the Members of this body, pointing out that the bill simply seeks to undo 29 years of established and settled law.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FRIEDEL. Mr. Chairman, I yield to the gentleman 2 additional minutes.

Mr. DINGELL. Mr. Chairman, I yield to my good friend, the gentleman from Texas (Mr. Eckhardt) for a question.

Mr. ECKHARDT. I have been very impressed by my friend's discussion. The question relates to posting rates—that is not regulating rates, but posting rates.

Mr. DINGELL. The gentleman is correct.

Mr. ECKHARDT. As I understand, if the Ancher Nelsen amendment were passed, then there would be no need to post any kind of rates by these carriers that are unregulated.

Mr. DINGELL. That is as to those that are unregulated. But the regulated carriers would have to post rates, but they would have to do that anyhow.

Mr. ECKHARDT. Here is the thing that troubles me about that. It seems that there are some carriers that are captive carriers—captive carriers of a company—like a coal manufacturing company. In that instance these are profits made both from the production of coal and from the haulage of coal by the same concern.

The price of coal at the mine determines the depletion allowance on the coal. Now if the rates need not be published, is there anything that my friend knows which would prevent coal companies from placing the absolute minimum rate on the transportation—and the maximum on production, and thus control their own depletion allowance?

Mr. DINGELL. The gentleman is absolutely correct. In effect, the coal company, by so doing, by charging zero or $1 or 50 cents per ton or something of that kind to move its coal could not only control his depletion allowance but could maximize it at the expense of the taxpayers and would thereby be getting a subsidy from the taxpayers by maximizing its depletion allowance by increasing the cost of coal and thereby increasing its depletion allowance to a maximum degree, applying it not only to coal oil and sulphur but also to any other bulk commodity that is hauled.

Mr. ECKHARDT. I thank the gentleman.

Mr. NELSEN. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee (Mr. Kuykendall).

Mr. KUYKENDALL. Mr. Chairman, I am sure that some people on the floor have noticed that several members of the Committee on Interstate and Foreign Commerce were late to get here for the handling of this bill, including its author.

I do not know the customs of this House in the past, but it does seem a little bit strange that during the funeral of a member of this committee, a bill offered by a member of this committee would be taken up in his absence and in the absence of seven members of this committee.

Mr. Chairman, H.R. 8298, the so-called mixing rule bill which I introduced in the first session of this Congress was prompted by three separate but compelling and uniting reasons to preserve the regulated water carrier industry as a necessary and viable part of our transportation system.

The first of these was a U.S. Supreme Court decision affirming a U.S. district court which had held that if the ICC interpretation of section 303(b) of the Interstate Commerce Act brought about transportation inefficiencies which discriminated against regulated carriers, the remedy is to be with Congress.

The second reason was the enormous growth in operating efficiencies resulting from improved barge technology over the years since the water common carriers became regulated. Improved technology which made the wording of Section 303 (b) archaic and unduly restrictive.

Let me illustrate quickly how far this technology advanced. A typical 1940 barge tow with towboats of 300 to 1,500 horsepower had capacity for 5,000 to 10,000 tons of cargo. Beginning in 1955 a revolution in power resulted in towboats of 6,000 to 9,000 horsepower and capacity for 40,000 tons of cargo. In the last 15 years productivity of towboats has more than tripled.

The third reason was to continue low-cost water transportation resulting from the above described improved productivity. Testimony before our committee showed that the average per ton revenues of the five principal water common carriers were reduced 10 percent from $2.56 in 1960 to $2.31 in 1966. In terms of per ton-mile, these average revenues show even greater reductions to the point that today it is below 3 mills, or to put it another way, barge rates today are at the same level of rates charged 50 years ago. This is a remarkable triumph over the pressures of rising labor—material costs and inflation.

Let me state briefly what section 303 (b) of the Interstate Commerce Act provides: It is an exemption from regulation of the transportation, by water carriers, of commodities, in bulk, when not more than three such are transported in the cargo space of a vessel. This exemption had two pertinent limitations. One defined bulk commodities in terms of the trade as of June 1, 1939. The other stated that two or more vessels while navigated as a unit were a single vessel.

It was my intention to so rephrase section 303(b) that it would meet today's needs by preserving the principle of mixing regulated and nonregulated—bulk—commodities, eliminate the archaic 1939 date, and omit the unduly restrictive language of calling two or more vessels when operated together a single vessel.

Unless this Congress preserves the right of mixing, which was my original purpose in sponsoring this legislation, you do two things which are unthinkable today. First, you deny the fruits of improved technology and cancel the efficiencies of the present large tows by requiring the breaking up of these tows into smaller units which carry regulated and exempt commodities separately; second, you will cause an increase, which has been estimated as much as 15 percent, in water transportation costs to the detriment of the public.

Now, Mr. Chairman, to get to the politics of the matter. When H.R. 8298 was introduced, and during the time that hearings were held, it was assumed that its purpose was to simply give legislative approval to the existing practices of the barge industry, practices that have been developed over a period of two decades and had been put in question by court decisions. This simply meant the allowing of a regulated barge line to carry regulated and nonregulated items in the same tow.

Under this existing practice up to three nonregulated bulk items, such as grain, coal, chemicals, and so forth, could be hauled in individual barges in the same tow without a published and regulated rate. Under the same ruling, the noncertified carriers who carried nothing but nonregulated items could also carry up to three of these items and not come under regulation.

Of course, the railroads, who seem to have spent their time in the last few years fighting such progressive legislation as this, instead of keeping their own house in order, opposed the original concept of allowing this progressive operation in the barge industry.

Granted, there is lots of room for change in the regulations and practices in the barge industry. As an example, at the earliest possible time I shall try to develop some sort of user charge for the barge lines to contribute to the upkeep of the navigable waterways. This is an area that I think has been overlooked and I think is definitely just.

During the markup session of the subcommittee there suddenly appeared an almost completely new bill with several provisions, a bill, incidentally, written outright by the railroads. One included the requirement that all barge lines publish a minimum rate on nonregulated cargo. This so-called compromise, which was not agreed to by the author of the bill, was presented in the subcommittee and passed over my strenuous objection. The same thing happened in the full committee.

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At the proper time, the gentleman from Minnesota (Mr. NELSEN) will introduce an amendment removing the regulation that the noncertified carriers publish rates on nonregulated cargo. I shall introduce an amendment to Mr. NELSEN's amendment which states that no nonregulated cargo shall require publication of rates. These two amendments will put the barge line bill back into the condition of simply allowing mixing, which was its first intent, and will not allow the railroads to make a deal with a part of the barge industry to use this bill as a vehicle to require published rates. The language offered by the gentleman from Michigan requiring a two-year study is most welcome.

I think it is a required thing. The part of the bill that also limits this legislation to 2 years is a desired thing, because it would require that the barge industry give their help in writing whatever comprehensive total transportation legislation may come up. There may or may not be a time when we will require a publication of rates by the barge industry. The Commerce Committee and the Congress will decide that in the proper time.

However, I feel very strongly that we should not allow the railroads to dictate the practices of the most progressive form of freight transportation in this country. It seems to me they have done a good enough job of fouling up their own industry, without allowing them to dictate the practices of a competitor.

I strongly urge the adoption of the amendment of the gentleman from Minnesota (Mr. NELSEN), as amended by my amendment, and then the adoption of the bill. If the Nelsen amendment is not adopted, I regretfully cannot support this bill, and I will urge its defeat.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, did I understand correctly the able gentleman in the well to say that his amendment would require posting or exemption from posting with respect to cargo, that is everyone engaged in carrying the same cargo would be treated the same, whereas the amendment offered by the gentleman from Minnesota (Mr. NELSEN) would apply the exemption with respect to the type of carrier?

Mr. KUYKENDALL. That is correct. In other words, whenever a nonregulated cargo is carried by anyone, it should not have a rate published.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, as the gentleman knows, this was a very difficult bill to compromise between the positions as stated by the gentleman from Michigan, that everything ought to be regulated, and those who felt nothing in the nonregulated field should be regulated. So my question to the gentleman is this. Suppose the gentleman's amendment is not carried—I shall probably support the gentleman on his amendment—but if it does not carry, and the Nelsen amendment carries, so we are left with the situation then that the regulated carriers publish and the unregulated do not publish or post, and the bill is then in that form, will the gentleman support the bill then?

That is an unfair question.

Mr. KUYKENDALL. I will answer the gentleman's question. The regulated barge carriers, against my very strong admonition and advice, went to the railroads and made a deal, and the amendment of the gentleman from Minnesota (Mr. NELSEN) take that into consideration. He says they made their bed; they should lie in it. That is his attitude and there may be some justice in it. But I have a little more concern for the overall industry than to think about somebody going behind my back, so without their approval I am offering this for the good of the whole industry, instead of playing ball with a few lobbyists.

My point is this. If my amendment fails and the Nelsen amendment passes, I shall support the bill. But if my amendment fails, and the Nelsen amendment fails, I simply cannot go along with this kind of action against the nonregulated barge carriers who had nothing to do with this compromise and had no part in it and were the innocent victims of the deal made. I shall not go along with the bill unless they are taken care of.

Mr. ADAMS. Would that not result in the situation then that everybody was regulated and everybody would have not only to publish their rates but go into approval of the ICC for their rates, because, as I understand it, on the three bulk items of cargo, it is that you end up with the others—in other words, it goes from regulated and nonregulated, and finally ends up being a regulated tow, and then the unregulated would have to file too. Is that not correct?

Mr. KUYKENDALL. To answer the gentleman's question, if no bill at all is passed, the nonregulated carriers will be operated exactly as they are today. They stand to gain nothing and lose everything in this legislation. If no bill at all is passed, the nonregulated carriers may carry three bulk items just as they are today. If 303(b), which grants exemption, is not repealed, and if this bill does not pass, that is it.

Mr. ADAMS. I want to be correct. It is my understanding then that as the unregulated carriers go up the river, and as their cargo is later combined into a regulated tow, then just what happens with most of these commodities? Are they under regulation and the whole rate for the whole tow must be published including the unregulated part?

Mr. KUYKENDALL. This is in a cloud. This is one of the reasons why this whole business of publishing rates is so ridiculous.

Mr. ADAMS. Will that not happen?

Mr. KUYKENDALL. The ICC cannot tell us any more than you can tell us what this minimum rate really means.

Mr. ADAMS. That was my understanding. That is why I thought we had to have it, for the benefits for the unregulated carriers up river, by passing the bill.

Mr. KUYKENDALL. The nonregulated carrier is helped in no way whatsoever by passing this bill. The nonregulated carrier is only hurt by it. He has been the victim of the so-called compromises.

Mr. ADAMS. When I have some time we will continue the colloquy, because I believe this is very important.

Mr. KUYKENDALL. On the amendments we will continue.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. FRIEDEL. Mr. Chairman, I yield the gentleman 2 additional minutes, and ask the gentleman to yield.

Mr. KUYKENDALL. I am happy to yield to the gentleman from Maryland.

Mr. FRIEDEL. I have heard the gentleman make a comment about a deal being made. I attended all of the hearings. I did not know of any deal.

Mr. KUYKENDALL. The deal was made after the hearings.

Mr. FRIEDEL. I know we accepted in amendment that they all publish their rates. The railroads were bitterly opposed to the bill.

Mr. KUYKENDALL. Right.

Mr. FRIEDEL. And they came in and fought the proposal, saying they would be hurt tremendously. They said, "We will withdraw our objections provided they publish the rates."

Is that what they call a deal?

Mr. KUYKENDALL. I ask the gentleman from Maryland (Mr. FRIEDEL), is it not true, on the day that the substitute bill—it was not an amendment—was considered—it is my recollection—it was still on railroad paper, after using their mimeograph machine?

Mr. FRIEDEL. In effect they said they would not object provided they published the rates.

Mr. KUYKENDALL. So we let the railroads write the bill.

Mr. FRIEDEL. They certainly did not write the bill.

Mr. KUYKENDALL. Other than the two amendments added by the gentleman from Michigan they wrote every word that we passed.

Mr. FRIEDEL. That is not true.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. FRIEDEL. Mr. Chairman, I yield the gentleman 1 additional minute.

That is a bad statement to make. I sat in on the consideration of the bill, and they did not write the bill. The railroads did not write the bill. The committee wrote the bill. They came in, with their right to be opposed to the bill, but they did not write the bill.

Mr. KUYKENDALL. Sir, I am the author of the original bill, and there is nothing in this bill I wrote; and there is nothing in the bill written by the committee except the two amendments by the gentleman from Michigan.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Texas.

Mr. ECKHARDT. I should like to go back for just a moment to the question asked by the gentleman from Washington (Mr. ADAMS) to give an example.

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Let us suppose that wheat and corn and salt go up in barges from the Port of Houston, and that this is carried by an unregulated carrier, but that the completion of the haul is, let us say, Cincinnati. If the unregulated carrier turns over these three barges, say, at Baton Rouge, to a regulated carrier, who carries the load on up to Cincinnati, assuming that the present determination of law is permitted to stand, is it not true that both the unregulated carrier hauling from Houston to New Orleans, and the carrier hauling from New Orleans to Cincinnati would be subject to regulated rates; and therefore the original haul would be illegal under those circumstances?

Mr. KUYKENDALL. I believe the gentleman from Texas knows there have not been any final rulings on this part, but I believe the gentleman from Texas also knows that all in the world that would happen, immediately upon the passage of the Nelsen amendment, or immediately upon the passage of no bill at all, is that every single regulated barge line in this country will have a nonregulated subsidiary. This is what will happen, because they will not allow this to happen.

According to the rules of the ICC, yes, the gentleman is right, and this makes the subject of this bill more important, and it makes it ridiculous to have this minimum rate publication. It makes it even more ridiculous.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. KUYKENDALL. We will have plenty of time for colloquy on the amendments.

Mr. FRIEDEL. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, the legislation that we are considering today is vital to the Ninth District of Texas which I represent and to all of the United States.

Barge traffic carries vast quantities of material to and from the plants of the industrial complex in the east Texas area of my district and to many other such areas throughout our Nation. This traffic represents the most economical mode of transportation available and therefore results in savings to every American.

What we are attempting to do today is to provide for more efficient and economical utilization of our waterways.

The problem that we seek to relieve is one which has been imposed by administrative regulation. If relief is not given the great technological advances in waterway traffic—the greater tow capacity, the widening and deepening of the channels—will in large part be wasted. The cost of this lack of efficiency would eventually be passed on ultimately to the consumer.

We are not seeking to exempt commodities from regulation but merely to provide that where already exempted bulk commodities are transported along with regulated commodities, the higher rates would not then be imposed on the exempt material.

Mr. Chairman, while the industries throughout the country will benefit originally from this bill, the ultimate beneficiary will be the American consumer. I sincerely urge favorably consideration of this bill as passed by the Interstate and Foreign Commerce Committee.

Mr. EDMONDSON. Will the gentleman yield?

Mr. BROOKS. I am delighted to yield to my good friend from Oklahoma.

Mr. EDMONDSON. Can the gentleman tell me a consumer group nationally recognized that is supporting this bill?

Mr. BROOKS. No. I do not think there are any, in my judgment, unless you consider the big coal operators and grain traders, who are apparently very interested in this legislation.

Mr. EDMONDSON. Does the gentleman know any consumer group? He says this is a big consumer benefit bill. Do you know of any consumer group that is backing it?

Mr. BROOKS. No; I do not. But it is quite obvious to anybody that the cost of transportation is ultimately borne by the consumer of the commodity moved.

Mr. NELSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Chairman, I wish to thank the gentleman for yielding me this time.

I rise in strong support of this legislation, H.R. 8298, to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein for the transportation by water of bulk commodities.

Actually section 303(b) of the Interstate Commerce Act of 1940 is so general that it restricts the ability of bargelines to mix regulated and unregulated in a single tow and prevents the accumulation of a sufficient volume of barges to take advantage of the capacity of larger and more powerful towboats.

I might say in answer to the gentleman from Oklahoma that the rates of the bargelines are so low that they have hardly gone up since the 1920's. The increased technological advances and larger tows are great economic advances and have been brought about by research and engineering, and a large part of it has been done in the upper Ohio River area, which I represent.

From 1930 to 1940, river operations of barge transportation changed basically—diesel engines replaced steam-powered boats, and propellers replaced the historic stern wheels. By 1940, the average towboat had 360 horsepower, and a towing capacity of 1,600 tons, in an average of two barges towed.

There has been a great increase in horsepower of riverboats since World War II. In 1955, the average river towboat has three times as much horsepower as in 1940. This 1955 average towboat had 1,169 horsepower, and towed around 10 barges. By great technical and engineering advances, in 1966 the average towboat had 2,931 horsepower, towing 24 barges at once.

The Dravo Corp. of Neville Island, Pittsburgh, Pa., has made an outstanding record of progress much above U.S. average. L. P. Struble, an officer of that company, stated at the hearings:

More horsepower was desirable, but the direct-connected, reversing, slow-speed diesel engine was so cumbersome and heavy that hull size limitations dictated a maximum horsepower of about 2,000. The breakthrough to a higher power came with the development of the reversing reduction gear which allowed the use of higher speed diesel engines, which decreased the physical dimensions of the power unit and also so reduced the weight that more horsepower could be put into a normal size towboat hull. Perfection of the supercharger added even more horsepower for a given weight and today we have twin-screw towboats with 6,400 horsepower and triple and quadruple screw towboats with horsepower ranging up to 9,000. However, it was not until late 1955 that the first of these modern powerful towboats appeared on the rivers. (P. 64.)[1]

At the same time the rivers and canals have been improved and longer and larger locks have been installed. An example of such improvement was given by Mr. Struble:

"When the Ohio was originally canalized, it had 53 locks with chambers 110 feet by 600 feet. A double-locking tow consisted of a towboat and a maximum of twenty 175- by 26-foot barges. Assuming 800 tons per barge, this made a 16,000-ton tow. In the late 1930's, it was clear that it would be necessary to replace and enlarge the locks on the Ohio River system. Construction began shortly after the war and by the late 1970's the replacement program will be completed. Each dam will have a lock of 110 by 1,200 feet. Hence a double-locking tow could then consist of 34 barges of 1,200-ton to 1,400-ton capacity, or about 40,000 tons. Couple this increase in capacity with the fact that the redevelopment of the Ohio will make possible a 12-foot instead of a 9-foot channel and the potential for further improved efficiency in the future is tremendous." (P. 64.)

The Interstate and Foreign Commerce Committee took action as follows:

COMMITTEE ACTION

The principal issue before us as set out in the bill is that of whether the statutory limitations of 1940 now are to be removed so that bargelines may have an exemption from regulation in the carriage of bulk commodities without regard to the mixture of these bulk commodities with nonbulk (regulated) commodities in the same tow. This is the issue of the "mixing rule." The bill as introduced also would eliminate the 1939 cutoff date and apply the three-commodity limitation to each barge, rather than the tow, so that a tow of 20 barges, for example, might contain as many as 60 different bulk commodities.

In the hearings on this bill, it developed that this issue was tied in by many witnesses to that of whether other modes of transportation should have an equalized opportunity for competitive traffic.

The Interstate Commerce Commission took the position that equalization of opportunity for the various modes to compete for this traffic should be attained through elimination of the exemption.

The water interests who testified presented a united front on the bill as it was introduced, that is, the removal of the statutory limitations so that the exemption from regulation of bulk commodities would pertain regardless of the number of such commodities and regardless of the "mixing" of regulated nonbulk and nonregulated bulk commodities in the same tow.

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[1] Page numbers in parentheses refer to printed hearings "Water Carrier Mixing Rule," held before the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce, 91st Cong., 1st sess. (Serial No. 91–16).

At the hearings, I submitted a statement favoring this legislation as well as testimony which I read into the record in part, with some changes to bring my testimony up to date:

Statement by Mr. Fulton of Pennsylvania

The committee is of the opinion that the simple issue of whether the exemption from regulation of the transportation by water of bulk commodities should be lost by reason of mixing this transportation with that of regulated nonbulk commodities should be met head-on. The issue has been before us too long. It was heard in 1962, again in 1963–64 in connection with a broader bill, in 1967, and again this year.

Suggestions have been made that the consideration of this issue should await the consideration of a broad revision of our overall national transportation policy. The committee is mindful of the attention which has been given to the equalization of the opportunity for the various modes to compete for certain traffic. It also is cognizant that proposals have been made for less rather than more regulation and for greater reliance upon competition and other forms of statutory restraints. The committee also cannot overlook the fact that it has been the Nation's policy to spend vast sums upon the improvements of these waterways for the purpose, among others, of permitting water transportation. There have been many improvements since 1940 and many are now in process and contemplated.

We are aware of the merit in these suggestions but we recognize that in the past few years there has been a failure to arrive at any such overall proposed revision, and it is not likely that one quickly can be attained.

We believe that this one issue should be treated of now and no longer delayed. If we do not affirmatively arrive at a legislative conclusion, the matter will become moot because the order of the Commission enforcing the 1940 provisions will become effective.

Accordingly, in the bill as here reported, the committtee has resolved the issue first by adopting the alternate language which was suggested by the Interstate Commerce Commission during the hearings on this bill. The Commission substitute would permit the mixing in one tow of barges carrying regulated and nonregulated commodities without the exemption from rate regulation being lost as to the bulk commodities. This would permit the carriers to do what they have been doing.

Statement and Testimony of Hon. James G. Fulton, a Representative in Congress From the State of Pennsylvania

Mr. Fulton. I am glad to appear before this committee. Our United States rivers are one of the greatest assets we have in the United States because they open up the whole center of the country and put every one of these cities that are inland cities on fine transportation routes just as the Great Lakes have been opened up by the St. Lawrence Seaway.

This is one of the few industries I know of where in the statute it says that it is frozen in cement with the paragraph like this under section 303(b):

This subsection shall apply only in the case of commodities and bulk which are, in accordance with existing custom of the trade in the handling and transportation of such commodities as of June 1, 1939.

That is freezing for 30 years. This is 1969. We are getting to be much more consumer minded, we producing States and industries. Of course, the consumer wants the most efficient industry and, therefore, the lower price.

So that actually we people that are speaking for this bill are testifying for freeing American industry, encouraging it be efficient, give the consumer the advantage of the reduced price, We should not have this Government by arbitrary rules increase costs, expenses, and living prices.

I am grateful for this opportunity to appear in behalf of H.R. 8398 sponsored by Mr. Kuykendall of Tennessee and H.R. 8376 by Mr. Eckhardt of Texas.

When we think of the increases in labor costs, the increases in material costs and the increases of inflation which have taken place in the past 40 years, the simple fact that technological advances have been able to contain these pressures is a remarkable tribute to the engineering capacity of such U.S. shipyards.

As a direct result of increased productivity, average barge rates have been lowered in recent years. It is good to know that the average river transportation barge rates today are at about the same level they were in the 1920's. So that nobody but nobody can complain that these people engaged in this industry are outrageously charging the consumers any more than they should be charged.

There is no attempt here to make other than a legitimate profit. The Interstate Commerce Commission and both the House and Senate committees of Congress have wisely postponed the application of an order that would result in the breaking of efficient sized tows.

In my opinion, the United States cannot afford in the present state of progress to lose the benefit of any engineering advance which results in greater productivity, better efficiency, lower costs and lower prices to the consumer.

Our job in Congress is to raise the sights of U.S. industry, research and development, so that we have a better technological advance and a lower system of costs as well as transportation costs than any other nation. Through this bill I believe we will achieve a tremendous savings and keep the costs of transportation down to the great bulk of the population of this country.

Statement of Hon. James G. Fulton, a Representative in Congress From the State of Pennsylvania

Mr. Chairman, I am grateful for this opportunity to appear this morning in support of H.R. 8298 by Mr. Kuykendall of Tennessee and H.R. 8376 by Mr. Eckhardt of Texas, bills to modernize section 303 (b) of the Interstate Commerce Act.

My Congressional district has a special interest in the success of these bills. Within my district are the engineering works of the Dravo Corporation which is the inland waterway industry's leader in the pioneering of technological advances. These advances have dramatically increased the productivity of the inland barge industry over the past few decades. As a direct result of that increased productivity, average barge rates have been lowered in recent years. It is good to know that average river transportation barge rates today are at about the same level they were in the 1920's.

When we think of the increases in labor costs, the increases in material costs and the increases of inflation which have taken place in the past 40 years, the simple fact that technological advances have been able to contain these pressures is a remarkable tribute to the engineering capacity of such United States shipyards.

The technological improvements have rendered obsolete the present wording of the dry-bulk exemption, Section 303 (b) of the Interstate Commerce Act. Under this wording, as interpreted by the Interstate Commerce Commission, it would be impossible for the barge lines to make effective and efficient use of the capacities of the large towboats such as are now being built.

The Interstate Commerce Commission and both the House and the Senate Committees of Congress have very wisely postponed the application of an order that would result in the breaking up of the efficient sized tows. The U.S. cannot afford, in the present state of progress, to lose the benefit of any engineering advance which results in greater productivity, better efficiency, lower costs and lower prices to the consumer.

The inland waterways handle nine percent of United States inter-city freight, but so low cost are these services that they cost only one half of one percent of the total revenue for freight transportation in the nation.

Congress certainly should give the United States consumer the benefits of improved technology. I therefore urge this Committee to report H.R. 8298 favorably and authorize the mixing of regulated and non-regulated commodities in a single tow. Such action will enable United States barge lines to accumulate enough barge cargoes to make efficient use of the present capacity of towboats. Important to the future welfare of our people living in the Mississippi-Ohio Valley is the encouragement that the passage of this bill will give to engineers of U.S. shipyards to develop more efficiencies for the benefit of the U.S. consumers. There must be no artificial legislative bar to increased technology efficiency.

I am aware that competitors of the barge lines may well provide opposition to this bill not on the grounds that it is a bad bill, but on the grounds that they also want consideration. It is the duty of Congress to judge every bill on its own merits. H.R. 8298 and H.R. 8376 are clearly in the public interest, I urge their prompt passage.

Mr. Chairman, the point I want to make especially is this: This bill as reported by the committee requires publication but it does not require regulation of rates. The amendment that will be offered by the gentleman from Minnesota (Mr. Nelsen), is purported to allow a continuation of mixing but will strike publication of the rates requirement as it affects nonregulated carriers. So for the consumers we can say by the publication of rates for everyone that this could be called a "truth in barging" bill. I believe it would be very unwise to have the regulated carriers have to publish their rates and only be allowed to change them on 30 days notice while unregulated carriers can secretly change their rates at will without notice. This is obviously not just, and would result in unfair competitive advantage.

The House Committee on Interstate and Foreign Commerce by a bipartisan vote of 3 to 1 gave us this bill after much study which takes into account competitive problems arising from a change in the present law.

I can say to the members that the people in the railroad industry, and in the trucking industry, and a large part of the people in the barge industry favor this bill as being reasonable, and fair to each type of transportation and, therefore, I strongly recommend its passage.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman.

Mr. KUYKENDALL. Your opposition to the partial wording of the Nelsen amendment—does that mean you would support my amendment, which will broaden it to cover all nonregulated cargo?

Mr. FULTON of Pennsylvania. Yes, I would support you, but as you know I have previously committed myself to support as adequate the bill in the form reported out by the large majority of the House Interstate and Foreign Commerce Committee. As you know, I have opposed, and still oppose the original Nelsen amendment as leading to unfair competitive advantage, which I believe to be unjust.

It is my understanding that the Nelsen amendment offered to the bill is purported to allow for the continuation of mixing, but would strike the publication of rates requirement, as it effects nonregulated carriers. Let me assure you that if that additional amendment is adopted, its effect will be to kill mixing, just the opposite of its avowed purpose.

The regulated carriers, under the amendment, would be the only ones that would be required to publish. If, they alone had to publish to mix they would be forced to stop mixing because their exempt competition could cut the published rate by a slightly lower secret rate, thus effectively stifling competition.

I urge my colleagues to vote against the Nelsen amendment and support the bill, which is really a "truth in barging bill," as reported by the committee in the interest of a strong common carrier system for our river transportation.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, I am very concerned about some of the statements that have been made by the gentleman from Tennessee and the gentleman from Minnesota with regard to the effect of this bill and what will happen if it is not passed.

I would say to the gentleman from Minnesota, my very good friend—and he is my very good friend—that if you will refer to page 19 in the report to the W-C-5 decision of the Interstate Commerce Commission, and in the middle of the page they give the example that I was going into with the gentleman from Tennessee (Mr. KUYKENDALL) about the fact that the unregulated carriers, if we do not pass this bill before October 1, could go out of business, because here is the example that was given, and here is precisely how the ICC has passed on it.

The example is that you have a carrier that is unregulated, we will say, carrying wheat from Minnesota down one branch of the Mississippi to the Mississippi River, or coming out of Tennessee with coal, or coming with wheat out of the Northwest, any of these areas, and they are not regulated, they are carrying less than three bulk commodities. They do not have to file rates, they are not under economic regulations at the present time, and they are very happy.

Now, the ICC decision grasps at this point. These tows are gathered together at a point on the Mississippi River, and at that point on the Mississippi River a big tow carrying 40 or 50 barges behind it hooks on the two or three barges that have come down by the unregulated carrier, and carries them on down the river to New Orleans, and maybe into gulf ports, and so on.

What the ICC has said is that if that regulated carrier on the Mississippi has already got on it three commodities, and you hook in these three bulk commodities onto the end of that tow, then the whole barge transaction from the first point up the river in Minnesota clear to New Orleans comes under the economic regulations of the ICC. It does not just mean posted rates, but means that the rates have to be approved by the ICC; in order to change them you have to go through the specified procedure, and so on.

Now, this will mean that the big regulated carriers on the Mississippi—and I use that example because that is the one in the report on page 19, and was the basis of the ICC decision—they are going to have to say to the unregulated carrier as he comes down, "I cannot take your tow," because at the end of the first paragraph on page 19 it says:

> If carrier A—

Which is the little one up there in Minnesota—

> has no authority to perform the transportation which it contracts to do—

In other words, to take it down to New Orleans—

> it must perform the transportation pursuant to the limitations of the exemption in order to be within its purview, otherwise it should discontinue such practices, or it subjects itself to prosecution for operating without authority.

So it cannot carry more than three.

Then if you go down to the next paragraph, it says that the carrier that picks it up, the big carrier on the Mississippi, that the conclusion then is:

> Clearly if the bulk-commodity exemption is to be applicable, the limitations thereof must be observed for the entire continuous movement.

Thus, from Minneapolis clear down to New Orleans.

And it concludes by saying:

> With the limitations imposed in connection with exemption provisions, such entire transportation is not within the exemption claimed.

So here is what I am afraid of, and I would say the gentleman from Minnesota is, that if we lose this bill entirely, and the gentleman from Michigan (Mr. DINGELL) has stated it very well when he said that we ought to regulate all of them all the way, all places, that was one position of the committee, if we lose the bill entirely, that is what is going to happen, or else the little unregulated carrier is going to have to carry it in no more than three bulk commodities from Minnesota to New Orleans, which they cannot do, because it is uneconomical.

The other alternative which we tried to do, which was a compromise between the two, was to say, "Okay, little carriers, we will not regulate you, but for 2 years let us look at this thing and for 2 years you tell us what you are doing, and we will try to see whether there should be a rate structure overall, or there ought to be an overall exemption." And that is why we put the 2-year limitation on it.

We did not want to hurt anybody, but we felt if we did not pass this bill bulk carriage on the major rivers of America was going to be decimated.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Is it not true that the problems you stated in the beginning, which was the goal shared by you and me, when we jointly introduced legislation, was the purpose of this original bill? But your idea is an excellent idea. But, for goodness sake, why do we have to throw in this phoney publication of so-called minimum rate, when the nonregulated carriers do not even have the authority under this bill to use the rate bureau without being called antitrust.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRIEDEL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ADAMS. What we are trying to do, and the reason we did that, was to try to develop for the ICC a pattern of what was occurring on these upriver branches by having them publish their rates.

Because, as the gentleman knows, this bill came up before and went nowhere. Now everybody is saying we are going to regulate them. We are not. We are trying to allow mixing. That is the reason we passed out the bill. It was not to hurt anybody.

Mr. KUYKENDALL. Is it not true though that the rate we asked to publish is nothing but a minimum rate? It would not do very much or try to add anything.

Mr. ADAMS. No, the rate we are asking to be published is the rate they are charging each of those, and if they want to change them, they can change them.

Mr. KUYKENDALL. The ICC is saying that only the minimum rate—they could not go below.

Mr. ADAMS. No. Of course, any time you post a rate, if you can get somebody to pay more than that, that is all right and that is true throughout the whole regulated industry—they can pay more if they want to. But it does not usually happen.

Mr. KUYKENDALL. But the difference is in the so-called contract rate and the actual regulated rate; is it not?

Mr. ADAMS. There is, and if the gentleman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. NELSEN. Mr. Chairman, I yield the gentleman 1 minute.

Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. NELSEN. You mentioned that the unregulated carriers would go out of business. It would seem to me that the unregulated carriers would be the better judge of what this legislation would do as compared to my bill or anyone else's.

But the horrible example that you cite as to what happens when a tow becomes mixed is the very thing I am trying to correct in my way.

It was mentioned earlier in the debate that my position was that they made their bed and let them sleep in it. I do not remember that I ever said that.

XUM

I do not want to disturb the agreement made by one section of the barge lines. I was concerned mainly in getting an area where I think an injustice was being done.

I am sure the gentleman would agree I have always attempted to be fair. I would point out that the American Cyanamid Corp., the Manufacturing Chemists Association, the National Council of Farmer Cooperatives, the Midland Cooperatives, Inc., the Fertilizer Institute, the Minnesota Farm Bureau Federal, the Upper Mississippi Waterway Association, the Farmland Industries, Inc., the Farmers Union Central Exchange, Inc., and the Cargill, Inc.—and the REA systems back home—all of them endorse the approach that I am taking.

Mr. ADAMS. If the gentleman will yield, I am concerned about that too, but we are concerned about whether certain very large shippers are forcing rates upon the unregulated carriers as well as on everybody else where they combine at a point on the Mississippi River, and might well be less.

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 8298 as it was approved by the House Committee on Interstate and Foreign Commerce.

I oppose amendments which would have a discriminatory effect on the shippers of some commodities.

The objective of H.R. 8298, to update the Interstate Commerce Act with respect to bulk shipments by water, is commendable. Since restrictions on the scope of regulatory exemptions for this transportation were adopted in 1940, the nature of this type of transportation has been changed dramatically by the advent of new technology. Modernization of the Act would also offset a regulatory agency decision that works against water carrier efficiency.

In any action taken in the heavily regulated transportation field, however, care must be taken that such changes do not unfairly affect the delicate competitive balance which has developed among industries which utilize the various transportation modes. I am convinced that the committee-approved bill dealing with the water carrier mixing rule does achieve an equitable balance with respect to all transportation modes, including railroads, that are affected.

I am opposed to the Nelsen amendment or other amendments to weaken the committee bill. The Nelson amendment would remove barge operators who do not mix their tows from the rate-filing requirement contained in the measure. The rate-filing provision was included so that for the first time there will be an opportunity to study the tariffs being charged on dry-bulk commodities by nonregulated bargelines, in relation to the present published tariffs charged by regulated bargelines, railroads, and other elements of the transportation system. At a time when our entire transportation system and national transportation policy are under review, rational decisionmaking requires such data, and it would be made available for the next 2 years under the committee bill.

To remove certain carriers from this requirement would unfairly discriminate against barge operators who move mixed tows by depriving them of the flexibility of charging rates unrestricted by the 30-day publication requirement. The proposal would permit mixing only under condition that regular common carriers file and publish minimum rates on dry bulk cargoes. No regulated common carrier barge company, however, will file such rates on exempt cargo if unregulated barge carriers of bulk freight are not subject to the same requirement. Thus, the Nelsen proposal would seriously impair the data-gathering purposes of this legislation.

As presently written, H.R. 8298 will permit shippers of regulated freight to continue to secure the advantages of barging without penalizing bulk carriers or intruding on the competitive relationships between shippers using regulated barge shipments and those using other transportation modes.

Because of the workable and equitable provisions of the committee bill, I urge that it be approved without weakening amendments.

Mr. NELSEN. Mr. Chairman, I have no further requests for time.

Mr. FRIEDEL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. If there are no further requests for time, pursuant to the rule the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 8298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(b) of the Interstate Commerce Act, as amended (49 U.S.C. 903(b)), is amended to read as follows:

"(b) Nothing in this report, except the provisions of section 306 and, in case of any violation therof or of any rule, regulation, requirements or order thereunder, or of failure to comply therewith, the provisions of sections 316 and 317, shall apply to the transportation by a water carrier of commodities in bulk when the cargo space of the vessel in which such commodities are transported is being used for the carrying of not more than three such commodities. This subsection shall apply only in the case of commodities in bulk which are (in accordance with the existing custom of the trade in the handling and transportation of such commodities as of June 1, 1939) loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count. The transportation, subject to the provisons of this part, of commodities not in bulk, or commodities in bulk at rates lawfully filed and subject to the provisions of section 307, or both, shall not prevent the application of the provisions of this subsection to the concurrent transportation in the same vessel of commodities in bulk moving under the exemption provided in this subsection. For the purposes of this subsection two or more vessels while navigated as a unit shall be considered to be a single vessel. This subsection shall not apply to tranportation subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended. The provisions of this subsection are not intended to alter existing law, as in effect on the day before the date of enactment of this sentence, with respect to water carriers operating solely within a harbor or within the Great Lakes."

SEC. 2. The amendment made by the first section of this Act shall expire at the end of the two-year period beginning on the date of its enactment. Not less than ninety days before the expiration of such two-year period the Interstate Commerce Commission shall report to the Congress on the effects of such amendment on transportation operations under section 303(b) of the Interstate Commerce Act.

SEC. 3. In carrying out its functions under section 2 of this Act, the Interstate Commerce Commission may require water carriers operating under the exemption contained in section 303(b) of the Interstate Commerce Act to file such reports containing such information as the Commission may prescribe.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the substitute committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. NELSEN

Mr. NELSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NELSEN: Strike out everything after the enacting clause and insert:

"That section 303(b) of the Interstate Commerce Act, as amended (49 U.S.C. § 903 (b)), is amended by deleting the first sentence thereof and substituting in lieu thereof the following new sentence: 'Nothing in this part shall apply to the transportation by a water carrier of commodities in bulk when the cargo space of the vessel in which such commodities are transported is being used for the carrying of not more than three such commodities, except that, when a water carrier transports commodities in bulk (as defined in this subsection) concurrently and in the same vessel with commodities moving at rates otherwise lawfully filed under this part, it shall establish and observe, subject to the penalties provided in sections 316 and 317, schedules of minimum rates and charges for transportation of the commodities in bulk, which schedules shall be filed with the Commission in accordance with the procedures specified in section 306(e), but such schedules shall not be subject to suspension or investigation by the Commission upon protest, complaint or upon the initiative of the Commission.' "

Mr. EDMONDSON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-nine Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 273]

Abbitt
Alexander
Anderson, Tenn.
Ashley
Baring
Barrett
Berry
Bevill
Blanton
Blatnik
Bray
Brock
Brown, Mich.
Burton, Utah
Caffery
Celler
Chisholm
Clark
Clay
Conyers
Cramer
Crane
Cunningham
Daddario
Dawson
Diggs
Edwards, Calif.
Edwards, La.
Fallon
Fish
Foley
Gilbert
Hawkins
Hébert
Horton
Hull
Jones, Ala.
Kastenmeier
King
Long, La.
Lukens
McCarthy
McCulloch
Mailliard
Meskill
Moss
O'Hara

O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Pepper
Pollock
Powell
Pryor, Ark.
Rarick
Rees
Reid, N.Y.
Reifel
Riegle
Rivers
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Ryan
Scheuer
Sikes
Skubitz
Stuckey
Sullivan
Thompson, N.J.
Tunney
Weicker
Young
Zion

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. Gray, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8298, and finding itself without a quorum, he had directed the roll to be called, when 353 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed is sitting.

The CHAIRMAN. When the Committee rose, the Clerk had reported the amendment offered by the gentleman from Minnesota (Mr. Nelsen).

The Chair recognizes the gentleman from Minnesota for 5 minutes in support of his amendment.

Mr. NELSEN. Mr. Chairman, as I pointed out in the debate earlier, this bill was introduced with the express purpose of permitting the mixing of tow by the regulated carriers, which was okayed by the Members of the Committee in what we sought to do by the staying of action of the court as upheld by the Supreme Court. But the bill as it came out and as reported by the subcommittee and the full committee and as reported by the Rules Committee goes much further than the original intent.

I would say that the bill started out to give the regulated carriers the right to mix their tows but the regulated carriers made a deal with the railroads to get what they wanted by putting a burden on the backs of the unregulated carriers.

So under the amendment I am offering there will be nothing that bars the regulated carriers from mixing their tow, which I think makes sense. The regulated carriers in their own agreement before the committee and before the Rules Committee recommended the posting of a rate. This has been clarified in my amendment, which is only a minimum rate. Under the other bill it is not. It is a regulated rate. But under my amendment the unregulated carriers will continue as they have in the past in the 80 percent of the traffic on the rivers of our inland waterways which carried by the unregulated carriers.

Three million tons of produce goes out of my little district down the waterways to the population centers, and we cannot move our grain and our corn in adequate amounts now. We cannot get boxcars. Now we put a burden on the only modern way that has been saving our farm communities. I think it would be a tragedy.

So under my amendment the unregulated carriers would continue to operate as they have in the past, without the posting, and under this deal the regulated carriers would live under a deal they made themselves, mixing their bulk commodities with regulated, which was an economic advantage.

The amendment that has been proposed by my colleague, the gentleman from Tennessee, I am not sure I fully understand, and I am not sure the interpretation as given on the floor is exactly right. I am not a lawyer, but I have had this amendment checked, and my only comment relative to amendments that may be offered is this. My proposal has been widely examined by the unregulated carriers. They have agreed on the proposal that I am submitting. It has wide support with farm groups all over the country as well as industrial groups.

I may say that if I were to change my position at this time, I would be fearful of confusion in what we are doing under this bill. I am fully convinced that my bill will serve the regulated carriers and the unregulated carriers in a very competent and sufficient way.

We have noted my colleague, the gentleman from Tennessee (Mr. Kuykendall), in his statement yesterday said he would support my amendment, and I do thank him. I wish I fully understood exactly what the language in his amendment would do. But I also must say this. I have no quarrel with the railroads for trying to defend their position as far as competition is concerned.

I have no quarrel with the regulated carriers or the unregulated carriers. I am trying to find an answer which I believe will save the possibility of the devastation will occur if nothing is done.

I believe my proposal can be so, by the amendment I have offered.

AMENDMENT OFFERED BY MR. KUYKENDALL TO THE AMENDMENT OFFERED BY MR. NELSEN

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Minnesota (Mr. Nelsen).

The Clerk read as follows:

Amendment offered by Mr. Kuykendall to the amendment offered by Mr. Nelsen: Restore the matter proposed to be stricken, delete the matter proposed to be inserted, and in the matter restored, on page 2, beginning in line 4, strike out ", except the provisions of section 306 and, in case of any violation thereof or of any rule, regulation, requirement or order thereunder, or of failure to comply therewith, the provisions of sections 316 and 317,".

Mr. KUYKENDALL. Mr. Chairman, if any Member on the floor believes he can read this amendment and tell what it means without reading a couple of other things basically, my amendment will do two things.

In our committee there was an attempt made by the gentleman from Michigan (Mr. Dingell) sticking with what his philosophy has been on this subject all along, to repeal section 303 (b), which is the exemption on bulk commodities, and cause them to be regulated.

In my opinion, if somebody wants to get rates published they should not go through the charade of a published nonregulated rate. If they want published regulated rates someone should offer an amendment on this floor to repeal section 303(b) and just regulate everybody. The idea that the publication of a minimum rate—even the opinions from the ICC do not agree as to what it means—of a rate that most people agree is only a minimum rate and does not really mean the rate, should be accepted from the railroads as a compromise is, in my opinion, ridiculous.

I have nothing against the railroads, either. I spend about 90 percent of my committee time trying to rescue the railroads from the trouble they are in, and I hope we shall succeed, but I have no feeling that I owe the railroads any part in writing this legislation. We are going to take care of them, hopefully, some way or other, if they will help us by taking care of themselves.

The point I want to make is this: The Nelsen amendment relieves the nonregulated carrier from the publication of rates on nonregulated cargo.

My amendment provides that no nonregulated cargo shall have a published rate. In other words, what is fair for one part of the industry is fair for the other.

Now, Members might ask me, "Why not have regulated rates for everybody?" If we want to do that, someone can simply offer an amendment to repeal section 303 (b) and regulate everyone.

But that was not the purpose of this bill, regulation or deregulation. The purpose of this bill was to allow the efficient water carrier to pass its savings on to the American consumer.

The second thing my bill would do is to restore in the Nelsen amendment a part of the bill that was added by the gentleman from Michigan (Mr. Dingell) which I believe is quite essential.

One of the problems we have, and that the ICC and DOT also have, is with respect to doing anything about the water carrier industry for lack of any statistics that mean anything as to most barge carriers. We get figures from the Corps of Engineers that guess about the number of barges that pass their stations, and that is about as accurate as we have it.

So this bill, in the part that would be restored by my amendment, would require the ICC to give us a study in 2 years, and would give them authority to get the figures for their study.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I am happy to yield to the gentleman from Maryland.

Mr. FRIEDEL. Do I hear the gentleman correctly when he says that this amendment would help the bill?

Mr. KUYKENDALL. I say to the gentleman from Maryland (Mr. Friedel) the Nelsen amendment strikes the two sections on the study. My amendment to his amendment puts them back in.

Mr. FRIEDEL. How are they going to make a study? They will not have published rates before them.

Mr. KUYKENDALL. The section that gives the Interstate Commerce Commission the right to get information has nothing to do with the filing of rates. The Interstate Commerce Commission will get the actual rates charged and not the minimum rate. The section which has to do with the study which gives the Interstate Commerce Commission the authority to get the figures for the study is not the section that requires the publication of rates.

Mr. FRIEDEL. But your amendment would take it out. Where would the Interstate Commerce Commission get the figures?

Mr. KUYKENDALL. I will put them back in. The gentleman from Minnesota (Mr. Nelsen) takes them out.

Mr. FRIEDEL. My understanding, then, is you are putting them back in?

Mr. KUYKENDALL. Yes. I think it is essential. I think what the gentleman from Michigan (Mr. Dingell) asked for in this bill is essential.

Mr. FRIEDEL. As I read your amendment, it does not read that way. You say you are taking them out.

Mr. KUYKENDALL. Believe me, I say to the gentleman—and he can ask counsel, because they prepared it—my amendment restores the section that allows for the study and simply strikes the part that requires publication by nonregulated carriers.

Mr. FRIEDEL. You restore the study but you take out the figures. What will they make the study on?

Mr. KUYKENDALL. In my amendment we give authority to the Interstate Commerce Commission to ask for any figures which they need in order to carry out the study. I say to the gentleman from Maryland (Mr. Friedel) the rate we are requiring will be useless, anyway, because the rate that they will require is not the rate that he actually charges but is only a minimum rate.

Mr. ECKHARDT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to make myself very clear on this proposition. I am for the Kuykendall amendment, because the Kuykendall amendment is far preferable to the Nelsen amendment. Also if you adopted the Kuykendall amendment, it would work and it would accomplish the purposes which we originally set out to do.

I am primarily for the bill as it came out of the committee. Therefore I will support the Kuykendall amendment, which essentially substitutes its provisions for the Nelsen amendment. If it should be so substituted, I would still prefer the bill as it came out of the committee and therefore would vote for it, but I want to urge my colleagues that it is absolutely essential to put something in this bill that will work to accomplish the purpose that the bill was originally written for.

The gentleman from Tennessee (Mr. Kuykendall) and I introduced idential bills. We are both concerned with and interested in providing for a continued healthy industry in water transportation.

I want to point out to you that the motivation or at least the purpose of the Nelsen amendment for which this would be substituted is entirely different than the purpose of Mr. Kuykendall's original bill or my bill or the committee amendment. What it seeks to do is to permit one segment of that industry which hauls bulk cargo to operate under secret rates. If this were to happen, there are two things that could occur. A minute ago I pointed out in my colloquy with the gentleman from Michigan (Mr. Dingell) that that would permit the captive barge lines of coal companies to shift the cost of haulage to the cost of production at the mine. That is very bad to permit the producer to affect the price on which the depletion allowance on coal is based. The only other group which can seriously claim a need for or an advantage under the Nelsen amendment are those very large shippers who would like to deal under the table to obtain favorable rates for themselves.

The total result of their obtaining favorable rates for themselves of course is to raise the rate for the middle sized or small shipper. And of course what happens is that Cargill, for example, wants to haul its grain by its captive barges; it does not want to have to maintain enough barges to haul in peak loads, so it utilizes common carriers, and wants to beat the rate down as low as it can. At times when it is not moving it barges fully in off season it hauls other commodities like coal, sulfur, or salt, and it would have the advantage of knowing what the minimum rate of the common carrier is, so that it could cut its rate a few cents below.

Now, it simply is not fair in the total industry with respect to the haulage of bulk cargo to require one person to submit sealed bids, and not see the bids of another, and in effect let the other group first see the bids and then make its contract for the haulage of that commodity. That is not fair. It is no more fair than if we issued contracts by the Government on that basis. And in the long run we do not keep prices down for shippers, but by creating an advantage for one group of shippers we actually make the prices go up. For instance, you may cut your rate a cent or so knowing what the bid of your competitor is. But you do not come in with an honest bid that reflects the cost of hauling the goods plus a reasonable profit. You simply look into the man's hand of cards standing face up and you bid a little better. Now, that does not help shippers, that does not create real competition in pricing, that simply gives a competitive advantage to one element of the industry.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, I would ask the gentleman if it is not true that in the letters that we have received from the ICC concerning the actual meaning of what this publication of contract rate means, that the bargeman in publishing the contract rate does not have to publish his actual working rate, all he has to publish is some rate, as long as it is above cost, and that he operates wherever he wants to above that figure. Is that true?

Mr. ECKHARDT. That is true, and I think what should be taken into consideration and what should be said about it is that either these are an absolutely meaningless fiction and a minimum rate means nothing, and therefore you are not doing anything by this measure, or else the minimum rate automatically becomes the rate, because once you publish it you have almost got to stick with it, but either way it is bad.

Mr. KUYKENDALL. If the gentleman will yield further, I agree that either way is bad, that if we are going into this thing we ought to repeal section 303(b), or have a minimum rate which really means something. I think the gentleman would agree that it would be meaningless, and if it is nothing but meaningless language you might as well, if you are going to make him publish his rate, it ought to be regulated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words. And rise to oppose both the Nelsen and Kuykendall amendments.

Mr. Chairman, there is no disagreement among the members of the committee over the fact that some bill on this subject area must be approved in order to continue to permit barge lines and shippers to obtain relief from the court-sustained ICC order prohibiting shipping of exempt bulk commodities in the same tow as regulated nonbulk commodities.

As a result of developing barge shipping technology, such combinations, if possible, are economically efficient and desirable.

The Nelsen and Kuykendall amendments, if I understand them properly, have no effect on the major objective of this legislation. However, I have considerable objection to the Nelsen amendment. And I am not sure of the effect of the Kuykendall amendment on whether or not nonregulated barge lines would be required to list the minimum charges which they require their customers to pay for the carrying nonregulated commodities and mixed nonregulated and regulated commodities.

It seems to me, at a time when we are giving consideration to possible radical changes in our whole transportation policy and changes in our transportation system, that all the information we can obtain on all of the costs and inputs that affect our transportation systems would be very helpful.

Currently we are having the government build interstate highway systems, which certainly have had a great impact on the economic operation and efficiency of the trucklines and railroads of our country.

We have had vast investments of public funds in the improvement of rivers and harbors and lakes in our country. That also has had a great impact on the transportation system in our society—bargelines, railroads, pipelines, and so forth.

Now there is legislation before this body suggesting that the Federal Government take over the rights-of-way of the railroads so as to make it possible for the railroads to operate more efficiently and economically than they have in the past.

Whether or not we do that, we have had proposed railroad safety legislation up for consideration that will require closer supervision of rights-of-way by Government in order to assure greater safety in the operation of railroads. Such things effect rates.

So, I see nothing wrong with making public the tariffs being charged on dry bulk commodities by nonregulated bargelines for the next 2 years so that we can get that information and have it available for the Interstate Commerce Commission and the Department of Transportation on which to base national transportation policies in the future.

Basically, that is what the subcommittee felt when they reported out this legislation. There has now been some rethinking about the legislation on the question of whether or not it would be disadvantageous to the nonregulated in their ability to compete in an economic sense with regulated bargelines and railroads for this business.

Mr. Chairman, I see nothing wrong with leaving the legislation as it is. I think that the amendment that the gentleman from Minnesota (Mr. NELSEN) has proposed merely goes back to the old system where we will have no information on this subject and nonregulated carriers will be able to compete with regulated carriers for shipment of nonregulated commodities without any information available.

The Kuykendall amendment, I must admit, leaves me somewhat confused as to what the objective is and to how it will accomplish that objective.

I suggest, Mr. Chairman, that we not make any change in the legislation reported out by the subcommittee and by the full committee and that we support the legislation as it came from the committee.

Mr. SPRINGER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I can see by looking around at the expressions of quandary on the faces of my colleagues that there is a great deal of confusion—and I can understand that.

I said in the beginning that this is an extremely technical matter. I just want to go through three steps and see if I can simplify it.

Now for a long time—and let us just take the Mississippi River which is the biggest waterway in the country—for years the regulated barges, the ones that had to publish rates and are regulated by the Interstate Commerce Commission, could mix regulated with nonregulated products in the same tow. That is the first one. They could take regulated and nonregulated and put them in the same tow. That is the first instance.

The ICC claimed, "No, you can't do that." They said, "You can't put nonregulated with regulated in the same tow without publishing rates."

That was the first step. It went up to the courts, and the courts affirmed the ICC.

What happened? Some of the barge lines said, "We cannot live with this."

So the ICC went along, 6 months at a time, for almost 2½ years to see if this body would come up with some kind of legislation saying to the ICC, "We are going to overrule the Court by statute and enact something which will overcome the decision of the Supreme Court with reference to mixing regulated with nonregulated."

We could not come up with a bill. About every 6 months we got to this point. We wrestled with it. We could not do anything with it. We could not get a bill on which we could get agreement. So that is where we stood.

Finally we came to the conclusion that we might as well bring it out here and let the regulated and unregulated carriers have their cases presented, and you fellows decide what you want done. That is about where we are. I think I have stated it in as simple terms as I can.

Now I want to come to what the bill does. What does the bill do with reference to mixing regulated and unregulated in the same tow? It simply provides that regulated barges can mix. They can mix regulated and unregulated cargo. But the regulated and unregulated must publish their rates. Before this the unregulated did not have to publish any rates.

Who uses the unregulated carriers, which are included in this bill?

The biggest one would be the agricultural producers. That is not the only one. Coal is one, but I would say that agriculture is the biggest. Along the river banks, if you live on a river, the ordinary fellow who wanted to get his grain carried down to New Orleans, or St. Louis, went to some little carrier and made a bargain with the operator: "Will you carry it for so much a ton." This was not a regular carrier. He did not publish any rates. The farmer or farm organization made the best contract he or they could make with the little fellow. It has always been recognized in all past history up until now that the little fellow along the river bank could make that kind of contract without the regulation or the publishing of a rate.

This bill changes that and says that both regulated and unregulated barges must publish.

What does the Nelsen amendment do? This is the third step. To simplify this question, what it does allow as a compromise is to allow regulated and unregulated cargo to be carried in the same tow. The amendment would overcome the decision of the Supreme Court and the ICC to this extent, that it would allow the regulated and the unregulated cargoes to be mixed. It would allow the big fellow to go ahead and mix regulated and unregulated cargo, as he always has. It overcomes the decision to that extent, and the Ancher Nelsen amendment also relieves the unregulated barge from publishing any rates, which would leave the little guy in the same position that he has always been. So this is a compromise which would allow the big fellow to mix regulated and unregulated cargoes, and overcomes the Supreme Court decision and the ICC to that extent.

But the Nelsen amendment comes along and relieves the unregulated barges from publishing rates and allows them not to do that.

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 2 additional minutes.)

Mr. SPRINGER. Mr. Chairman, these are the three matters I mentioned that I think simplify this as much as I can. I will have to say without any prejudice whatever to the gentleman from Tennessee (Mr. KUYKENDALL) that I do not understand his amendment, and I am not attempting to. I am for this Nelsen amendment for the reason that I think the Nelsen amendment finally gets us to what I would call a reasonable compromise which allows the big fellows to mix unregulated and regulated, and it gives them that advantage, but it still gives the little fellow the right to go ahead and bargain along the banks of the river without having to go and publish a rate.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Tennessee.

Mr. BLANTON. Mr. Chairman, is what the gentleman is saying in a sense that we are talking about freedom of having competition for the unregulated carriers or little fellows?

Mr. SPRINGER. The little fellows.

Mr. BLANTON. In other words, we are talking about free competition, with the freedom of dealing with the consumer, and they have a chance to have their products bid for at the cheapest price, especially the farmers. Their situation under the Nelsen amendment is that they would be able to have their product bid for, and they can bargain for the cheapest price. It is not a matter of having the product regulated at a certain price. The man can bargain with the small barge line owner and get the cheapest price. This is what has been happening over the years. This is one of the reasons that water freight on the Tennessee and Mississippi and Ohio Rivers has been able to provide one of the best services for agricultural products. That is why it is very important to pass this Nelson amendment. It allows the people with the large bulk items, the agricultural products, to be able to have the small barge owners provide for their products, and they get the service at the cheapest price. That is why I think the Nelsen amendment is very important.

If we incorporate this other amendment, it puts this story on a different basis, and it will bring the railroads back into the situation, and then we can put the whole thing under a regulated situation.

Mr. DINGELL. Mr. Chairman, I rise in opposition to both the Kuykendall and the Nelsen amendments.

Mr. Chairman, we have had a great many red herrings drawn across the trail today. Everybody would have us believe there has been some startling change in the law which has taken place in the law in the last few years which will regulate all the little fellows and let all the big fellows off. That is not so.

I do not arise as a friend to the legislation now before this body. As Members will remember, my minority views will show I have castigated this legislation. But I am smart enough to know one thing, that as between a bad bill which is before us, and two worse amendments, this body should very clearly consider the bill and should support the bill and should vote down these two amendments.

What do these two amendments do? Let us take them in order. First, the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL) would say that there is no need for any filing of rates under this. What is the difficulty of eliminating the filing of rates? First of all, it is this. As of this minute and when the committee considered the resolution that is now before us, we could not find one scintilla of evidence as to what the rates were that were charged by these water carrier operators. We tried to find out what the rates were so we could make some judgment as to whether there was cost cutting or fair pricing or as to whether it would benefit the big or the little. There was no way on earth to get that information. The Corps of Engineers gave us a little information as to tonnage and kinds of commodities carried. That was the only place we could get any information. The ICC, which is supposed to regulate matters of this kind, had to say they could not help us.

As a result, the committee came forward with a compromise which embodies a number of things. Filing—it more or less protects the predacious interest of the barge industry by allowing them to mix regulated and nonregulated just so long as they do file their rates and adhere to them.

Now, the amendment of the gentleman from Tennessee (Mr. KUYKENDALL) does keep something which is desirable. It says it is going to be a 2-year proposal, and that at the end of that time it will expire and then the Congress will have to act on the matter again. We will be acting, I can assure my colleagues, with a bucket on our heads, since we will not have any information on which to predicate our judgment, since we cannot compel the production or the filing of rates.

In addition to this, the ICC, which is supposed to conduct the study, will be able to get no information, because there will be no filing of rates.

So much for the Kuykendall amendment.

What does the Nelsen amendment do? The Nelsen amendment involves the same sort of operation, but it is a little different.

The Nelsen amendment says that only the regulated operators are going to file, and that they will file minimum rates, but they can proceed from those minimum rates to then dicker and to get such higher prices and charges as they can extract, which means the minimum rate that they file will be as phony as a $3 bill and there will be no way of protecting the small competitor, which the gentleman from Minnesota (Mr. NELSEN) says he wants to protect, from predation by the big ones, who essentially will be filing under the amendment, if it should carry, a group of spurious rates.

The amendment of the gentleman from Minnesota (Mr. NELSEN) does a little more, and we ought to have this in mind. The gentleman's amendment would make this permanent legislation.

It would do something else. It would strike out, as I have indicated, both section 2 and section 3; section 2 is the 2-year limitation and section 3 says that the ICC is going to make a study and give us a response as to what the legislation really does.

So the Members can see that we really do not have a really good bill here, and I urge the Members to vote against it.

If we have to have a bill, for the love of Mike, take the bill that the committee gives us, rather than the two amendments sponsored by the two gentlemen.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Since I mentioned the name of my friend from Tennessee, I yield.

Mr. KUYKENDALL. I know that my good friend would not want to get the record out of kilter here.

Is it not true that my amendment not only would restore the request for a study but also, on page 3, would restore section 3, the language which says in so many words that the ICC may require any information it wishes for the purpose of the study?

Mr. DINGELL. The gentleman is correct; but there is still not going to be any filing of rates, so obviously the agency is not going to get a very good response as to what is the real situation in the industry.

Mr. KUYKENDALL. Is it not true that the filing of rates required by the nonregulated carrier, under this bill, is only a minimum rate and is not an actual rate; is that not true?

Mr. DINGELL. No; that is not true. It is a filing which is a factual filing of rates as opposed to the kind of thing I was discussing.

Mr. KUYKENDALL. Is it not true that the contract rate would be required of the nonregulated carrier but the actual rate of the regulated carrier?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. KUYKENDALL. Is it not true that under the bill, the way it is written, the regulated carrier would be required to file an actual rate?

Mr. DINGELL. That is right.

Mr. KUYKENDALL. And the contract carrier would be required to file only a contract rate?

Mr. DINGELL. He would file his contract rate.

Mr. KUYKENDALL. Which is a minimum rate and means nothing.

Mr. DINGELL. I cannot tell whether it is a minimum rate, but he will say what he is charging that particular individual so that everybody in the industry will know what the market price is.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend from Minnesota.

Mr. KARTH. I thank the distinguished gentleman for yielding. Let me say that I have an extremely high regard for the gentleman. I consider him to be one of the finest Members of this body.

Let me ask the gentleman whether or not his rationale in this particular instance makes a great deal of good sense?

First of all, my distinguished friend in the well suggested that two of the propositions we are talking about are unexceptable and the other is extremely bad, and then on that basis that we ought to turn down two and accept the other. I am not sure that is a proper conclusion.

Mr. DINGELL. I would urge that the whole matter be terminated by voting the whole business down, but since I did not choose my brand of poison and since I expect that this place will accept some kind of bill, I suggested the least obnoxious of the alternatives.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend from Tennessee.

Mr. BLANTON. I thank my friend for yielding. I, too, want to agree that we do have three bad propositions before us.

I would like to remind the gentleman in the well that, he being a very forthright advocate of the consumer, I would hope he would look at the proposition of allowing free competition of our small barge owners that we have on the Tennessee River and the Mississippi River to allow them to compete for the products and give the consumers the cheaper rates. That is one thing that the Nelsen amendment does do and that the railroad people have not written into the whole bill. We know that the railroad people wrote this bill before us, and it is a bad bill for the barge owners.

Mr. DINGELL. Let me decline to yield further and answer the gentleman.

First of all, this is not a railroad bill that is before you. This is a subcommittee bill. Second, I would like to point out to my good friend that I have opposed the railroads often enough in my history that he knows full well when I speak I do not speak for the railroads.

Furthermore I want to point out in this business of the little barge operators that they are not really little barge operators in the first place, but in the second place these people are servants of very large vested interests.

Third, I want to point out that this is not a nice, clean world in which everybody does right because it is right. This is one of the most competitive operations in the whole of the American transportation industry. There is more rascality and cut-throat competition than you could ever imagine.

Mr. BLANTON. I agree with the gentleman.

Mr. DINGELL. One of the reasons why the so-called little barge operators rushed in to get this special relief and why they are opposed to have this filing of rates is that they represent one of the most cut-throat industries you will find and one in which there is more economic crisis than you could ever imagine.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman may have 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. EDMONDSON. Mr. Chairman, reserving the right to object, and I do not think I will object, I would like to get an assurance from the committee that somebody other than committee members will get a chance to speak before they move to cut off the time.

Mr. Chairman, I withdraw my reservation.

Mr. BLANTON. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will take a couple of minutes, and then I will yield to the gentleman from Oklahoma (Mr. EDMONDSON) to say whatever it is he would like to.

The problem that exists with the Nelsen amendment and the Kuykendall amendment and the committee bill is just like the problem of the little girl. Is everybody going to tell, is nobody going to tell, or are some going to tell and some not?

What we have tried to do in the committee bill is to have everybody tell so that the consumer, the shipper, knew what he was getting. The whole purpose of regulation is this: There may be a lot of people who do not believe in any regulation at all. I want to tell you what the railroad position was, since they were brought in. This is not a railroad bill. The position that I and the gentleman from Michigan (Mr. DINGELL) have taken and several others have taken with regard to railroad legislation indicates that we are not here to try to carry the railroads' or the truckers' or the barge lines' water or anyone else's water. The railroads wanted us to have no regulation of bulk commodities at all. "Let us have absolutely free competition and watch us cut the boys up." They did not say that, but that was the implication of it. In other words, no one will tell anything. At the present time regulation of the railroads requires that their bulk rates be filed. So, if you are the farmer on the river, nobody can come down on the railroad line and say, "Mr. Brown, you get it for 10 cents a bushel and, Mr. Adams, we will charge you 15 cents a bushel" or anything like that. They have to pay one established rate. That is the whole purpose of regulation. What we tried to do here is to say, "Look. We will not go to the unregulated barge people and say, 'OK. You have to come under regulation and publish your rates and adhere to them just like everybody else.'" We backed off and said, "Look. Let us try to find out what is going on on that river. Let us have everybody tell," just like in the case of the little girl.

Second, it provides for 2 years to tell us what you are doing with it. Then we will come back and look at the whole bill. If you fellows are in trouble, then perhaps we will deregulate everything; if you are not in trouble then, perhaps we will go in with some kind of publication of rates. That was the compromise position.

When you talk about the little man out on the river, remember that the barge owner out there on the river gets leaned on very heavily by very large shippers. Every time he is leaned on heavily by the large shipper, the farmer that you are talking about who has no special deal has his price go up.

In other words, if he had it hauled the year before for 15 cents a bushel, and the large people had to cut their rate to service the major person they were hauling in order to stay in business, then the large owners have to raise the rate. This is a nasty business out there. That is what we have been trying to bring in order, trying to develop a method that provides that everybody had to tell.

The problem with the amendment offered by the gentleman from Minnesota (Mr. NELSEN) is that you are going to make the regulated tell and the unregulated not tell, and the railroads publish, and when you get out there on the river you are going to get a lot of very sticky areas. And that is the reason for this bill. It was needed for the interest of the public. We have had the bill up for 4 years. The Supreme Court told the Congress to try to pass something, that the barge people have to have some kind of a bill, or all their technology of the last 20 years will go out the window.

Now I will yield to the gentleman from Oklahoma. I have talked enough about this, and I want everyone have a chance to talk.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman, but I shall have my own time.

Mr. ADAMS. Then I will yield to the gentleman from Texas, and then to the gentleman from Michigan.

Mr. ADAMS. Mr. Chairman, I now yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we have heard a lot of discussion about the small shippers, and I would like to speak just briefly on that subject.

If you wish to santify the conditions of the kind precisely that we have seen on the rivers over the last 2 years, you can do so by the adoption of either the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL) or that offered by the gentleman from Minnesota (Mr. NELSEN) and you are really going to hurt the little shippers because the little shippers will be the ones that will be affected, just as in the old days of the long-haul, short-haul, and you are going to subsidize the big guys because the big guys will raise their rates, and the little guys will get it put to them, but good, because the economic advantage with respect to the large operators is all in favor of guaranteeing the big shippers and all against the little shippers.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from Washington has made his points very well. The gentleman from Illinois (Mr. SPRINGER), the ranking minority member on the committee, pointed out that this bill took a long time to come out of the subcommittee and out of the full committee. The subcommittee and the full committee finally hammered out a bill on which various interests would agree and on which the various members of the subcommittee and the full committee by a large majority agreed.

It seems to me that what the gentleman has said here is let us not muddy up the waters by now amending the bill.

Mr. ADAMS. I think it has been muddied up enough already without confusing it any further.

Mr. BROWN of Ohio. As the gentleman knows, this is a complicated issue, and it ought to be left where it is. I think it has been pretty well settled there.

Mr. KUYKENDALL. Mr. Chairman, if the gentleman will yield, the point is these cutthroat price practices or rate practices that the gentleman from Michigan mentioned, if you will look at the financial statements of the barge industry you will find that they make money. In fact, I wish the railroads made that much money. We would not have the problems we have here in this Congress. And the fact is that the so-called little guys are really not that small, they own and operate very expensive equipment.

Mr. ADAMS. Mr. Chairman, I just would like to say to the gentleman that I really do not know the answer to that because the unregulated carriers do not file, do not publish, and are not under any kind of economic regulation, so I do not know what their condition is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDMONDSON. Mr. Chairman, I rise in support of the Nelsen amendment, and I move to strike the requisite number of words.

Mr. Chairman, I am one of 10 Members who sent a love letter to every colleague in the last few days. I join the gentleman from Minnesota (Mr. NELSEN), the gentleman from Minnesota (Mr. FRASER), the gentleman from Minnesota (Mr. KARTH), the gentleman from Mississippi (Mr. ABERNETHY), the gentleman from Wisconsin (Mr. THOMSON), the gentleman from Illinois (Mr. ANDERSON), the gentleman from Tennessee (Mr. BLANTON), and some others, in writing to you in support of the Nelsen amendment because we believe, and believe very firmly, that the Nelsen amendment is absolutely indispensable if we are going to preserve the traditional system of our waterways that has enabled the great waterways of our Nation to develop.

Now I will admit to some personal prejudice on this subject. I am from a district that is at the brink of getting the benefit of waterway commerce. We have been working for it for 50 years in Oklahoma and as we stand at the threshold of getting the benefits of water rates, here comes the great Committee on Interstate and Foreign Commerce and seeks to change the ground rules under which the Ohio was developed, the Tennessee was developed, the Mississippi was developed, and the Columbia was developed and they want to have a new set of rules.

Frankly, we do not think much of changing the rules. Uncle Sam has invested about $1 billion-plus in this water-

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way on the theory that the rules are going to be continued as they are and the benefits from these waterways have been figured on the basis of the rules being continued.

The biggest fairy story that has been told on this floor today has been the fairy story that this bill is in the interest of the consumer. This is pure fantasy. It is as far from fact as you can get.

There is no consumer group in the United States supporting this bill today. As a matter of fact, the only organizations identifiable as consumer organizations are supporting the Nelsen amendment.

If you want to see rates go up on coal that your homeowner buys, then support the committee bill.

If you want to see rates go up on fertilizer that your farmers buy, then support the committee bill.

If you want to see rates go up on the grain that goes into the bread that the housewife in your district buys, then you support the committee bill.

Do not tell me that this bill will not raise rates because we would not have the enthusiasm for it from the railroad industry if it were not designed to raise rates on the waterways.

If you want to pass an inflationary bill so far as the prices that the American people must pay are concerned, then you vote for the committee bill.

If you want to continue the present low rates that we have on the waterways with the benefits of low-cost fuels and low-cost grain for your bread and low-cost commodities of all kinds, then support the Nelsen amendment.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Tennessee.

Mr. BLANTON. Mr. Chairman, I thank the gentleman from Oklahoma for yielding and commend him for bringing out the most important point in the whole argument. This is raising costs to the consumers. This is exactly what the bill does. Nobody who is shipping sand or gravel or wheat or oats or any other product which at the present time is up for bids, or the coal that the consumer has to buy, will benefit from this. They are going to go to the ICC and present these false figures like they always do, and they will say: "We want our rates regulated upward because of these costs that are involved."

There is some competition because everybody does it at the same price. At the present time they can bid for this. Here you get the cheapest rate possible to transfer these products because they are in free competition. This is exactly what the Nelsen amendment does, and this is to allow these people freedom to bid competitively for your products.

You talk about consumer protection? This is one of the best consumer protections you have seen. This is why the railroads do not want competition. They have had this over a long period of time. This is what has made our waterways famous in Tennessee, Ohio, and Mississippi, because they have free competition.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. DOWNING. Mr. Chairman, I wish to say that I completely agree with the statement made by the gentleman from Oklahoma and associate myself with his remarks.

If you want to impose higher prices on the consumer, you go ahead and pass this bill without the Nelsen amendment. For the life of me, I do not know why we should seek to impose regulations on an industry that has handled itself so well over the years, and which is a perfect example of the free enterprise system.

Mr. Chairman, I have just a few towboat operators in my area, and they are understandably concerned. But the people who are really up in arms about H.R. 8298 are the users themselves—the very ones the bill alleges it seeks to protect. The fertilizer industry, the chemical industry, the coal industry, the farm bureaus, the farm cooperatives, the farmers themselves are opposed to the noxious regulation which this bill would impose.

For 29 years it has been the accepted practice to mix unregulated bulk and regulated nonbulk commodities in a single tow on our waterways. Then a decision by the ICC later upheld by the Supreme Court made the practice unlawful.

H.R. 8298, as originally introduced was intended to mitigate the effect of the ICC's decision by providing statutory authority for this long established practice of water transportation to continue. Somewhere along the legislative path however, the original purpose was aborted and a monster has emerged.

H.R. 8298 can best be characterized as another chapter in the long and bitter history of railroads versus water carriers.

I am very definitely convinced that if this bill becomes law, barge transportation costs on bulk commodities will be increased and will ultimately result in higher consumer prices.

There is such a delicate balance now as between farm prices, transportation charges, and distribution, that this version of H.R. 8298, now on the floor, will disrupt this balance to the injury of the farmer, processor, and consumer.

In one sense, legislation such as this tends to stifle the full enterprise system.

Heretofore, the dry bulk carrier and the shipper or user have dealt at arm's length trying to get the best agreement possible under our competitive system. This system needs no regulation because past experience has proven it good. It has provided good transportation at the lowest rate possible. The moment you require these people to file these tariffs the listed price immediately becomes a floor on which subsequent rate increases will be built.

The Nelsen amendment will pressure the status quo so far as the dry bulk carriers are concerned, and I urge your support for it.

Mr. PICKLE. Mr. Chairman, I move to strike out the last word.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Washington.

Mr. ADAMS. I would merely like to say to the gentleman who has just spoken that if we do not pass this bill in some form, the barge business will be just about over in terms of the consumer having a better price. Is that not correct?

Mr. PICKLE. That is exactly correct. That is the purpose of the legislation before us. Throughout the debate there have been constant references to the idea that the little man is now going to be regulated, that he is going to have to publish and appear before the ICC, and therefore he would be regulated.

That is not the case. It is not the fact, and if anyone says there is any language in this bill that says he would be regulated, I would be glad to yield time to him right now. That is not the fact.

We do require that he publish rates. They have constantly said—and the gentleman from Tennessee, who is seeking to question me now, just got through saying this will increase costs—they simply make a statement without any facts to support it. Just the opposite can take place. If we know what rates are going to be and if they are published, then everyone knows. We do away with secret rates. That is the situation we have now.

Perhaps 30 years ago, when this bill was first put on the books, there was reason to have given some of the small carriers, the little men, an exemption or exception or additional assistance. But the ICC has testified to us that that time probably has passed in view of the increase in barge technology. Therefore we need to make a new study.

The ICC wanted to make a new study. They wanted to make a new recommendation. But they had to say, "In nonregulated commodities, we cannot tell you about cost, what kind of tow, what kind of commodities, and what distances." They do not know. There is no regulation, no facts available, and if anybody in this House can tell me there are facts available, I would like to know, and would yield time to him.

You can say, "Go back. We will not do anything. We will let the ICC take over." If you let the ICC take over, as the gentleman from Tennessee wanted to do, and ask them to furnish all the information they asked for, I simply say to you the ICC could say to any carrier, big or little, "Give us this information," and they would say, "We have no information to give you. We did not keep any recommendations. We do not have any papers."

The purpose of the bill before us is to say to everyone, "Publish your rates." We are not going to regulate the little man. We can, indeed, by publishing rates, lower the rates, not increase them. In that sense it is a consumer bill. It is just as easy to stand in the well and say that the rates are going to go down as it is to say that they are going to go up. I say to you there is a good chance that they can go down, because everybody will know what everybody else is charging, and that is a fair proposition. If we do not do this, if we do not set up

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this temporary legislation for 2 years, then we will have chaos on our hands.

The courts have said we must act. And so I say to you that this bill is in the public interest. It is not for any one industry. It is in the public interest. If you want cheaper rates, or at least to have some kind of collection of information to arrive at a sensible proposal 2 years from now, you have got to have this kind of information as required by this particular bill.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman from Texas for yielding. I wish to state that I think the gentleman's statement on this point hits the nail right on the head. There is no provision in the bill that fixes rates. It permits competition, but it does it on a fair basis, with the cards on the table, so that everybody knows what the rates are, and it does not let one side play the hand face down while the other side has to play the hand up.

Mr. PICKLE. That is certainly the intent of the subcommittee and the full committee, which reported out the bill by an 18-to-6 vote when we recommended it to the House.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Is it your position that you would prefer the Nelsen amendment to be amended by an amendment or not, regardless of your position on the Nelsen amendment?

Mr. PICKLE. My position is to support the committee recommendation to this House, and not your amendment, which does away with all publication, period. It just writes it off.

Mr. KUYKENDALL. But you would rather have the Nelsen amendment as amended by my amendment or not?

Mr. PICKLE. I will say again, as I said before, that I support the committee bill and not the Nelsen amendment. Do you want me to answer it differently? That is as clear as I can possibly make it.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Tennessee.

Mr. BLANTON. I would like to ask the gentleman this question, since he is talking about the committee bill.

Supposing the barge line is then taking a tow of gravel on the river up to Cairo, Ill., and he has a chance to take a coal barge back down the river, but he has no published rate. Then is this in the consumer's advantage, that the barge owner cannot take this coal back—and he can by this bill?

Mr. PICKLE. We have to make these things apply to all.

Mr. BLANTON. But it eliminates this competition.

Mr. FRIEDEL. Mr. Chairman, I move to strike the requisite number to words.

Mr. Chairman, this bill was supported by the committee 18 to 6. We know it is a controversial bill, but it is the best that could be brought out. The bill will save the barge lines and it may help the farmers. They have been living under a cloud. They have been in the courts for 15 to 20 years. Finally, the courts ruled they were operating illegally.

The committee met. We asked the ICC not to invoke the law until we could act. We did that two or three different times. Finally we got a bill.

It has been said on the floor that this is a railroad bill. It is not a railroad bill in any sense of the word. The railroads used to fight the bill.

There is no 100 percent support for the bill. It is a controversial bill.

But when we speak of the little man that is going to be hurt—they are millionaires, the little men they are fighting for here. They are coal mine owners and sugarmill owners. These are the unregulated carriers.

But what we are asking to do is to have all carriers publish their rates—all of them. We are not asking the unregulated to be regulated. They do not want to be regulated. Now they do not want to publish. They do not want to do anything.

We are trying to bring out the best bill for the American public and to keep water traffic alive. The railroads are in trouble. If they do what they all want us to do, it will undermine all the railroads and ruin all the railroads' shipping of wheat along the waterways.

The amendment goes too far, and I am utterly opposed and bitterly opposed to both amendments. I would like to see the bill as brought out by the subcommittee and as passed by the full committee.

Mr. Chairman, I ask unanimous consent that all debate on these two amendments close at 5 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Members standing at the time the limitation was agreed to will be recognized for approximately 1¼ minutes each.

The Chair recognizes the gentleman from Wisconsin (Mr. THOMSON).

Mr. THOMSON of Wisconsin. Mr. Chairman, I rise in enthusiastic support of the Nelsen amendment. We do not need to fool anybody on this barge mixing bill. The purpose of the bill is to permit the regulated carriers to mix their tows, and that is what the Nelsen amendment does.

The unregulated carriers did not ask to file rates, and the Nelsen amendment does not require them to file rates.

We have had too much worry here about the consumers and shippers who might be injured by this. Let me tell the Members that every consumer and every shipper on the upper Mississippi River wants the Nelsen substitute for this bill, and no other amendment to the bill. The consumers and the shippers know what they have had, and they want to continue it in the same manner.

I have some 250 miles of the Mississippi River as the west boundary of my district. In my district we have the biggest cooperative generating plant in the United States, the Dairyland Power Co., that furnishes electricity to all the farm families in Wisconsin, northern Illinois, Iowa, and Minnesota. They want the Nelsen amendment to this bill. They generate electricity with coal brought by barge.

The Farmers Union wants the Nelsen amendment to this bill.

The Members talk about the great grain shippers. The Farmers Union, at its Grain Terminal Association in Minneapolis, is one of the biggest shippers of grain that there is in America. They want the Nelsen amendment.

The Nelsen amendment is a consumer's bill as well as a shippers' bill. The shippers want it. The consumers want it. The Congress should give it to them.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I join my friend from Wisconsin who just addressed the Committee in reaffirming my enthusiastic support for the amendment offered by the gentleman from Minnesota (Mr. NELSEN).

I have listened to a great deal of this debate this afternoon, and I share the feelings of others. I believe it is unfortunate that the wholly desirable objective of mixing had to be encumbered with this extraneous issue of posting tariffs.

I am a little bemused by the fact that some of the very same people who spoke here who are customarily railing against price-administered industries in this country now stand before us and warn us against cut-throat competition. I had been led to believe that competition was a very healthy thing, that this was what kept down rates for shippers and therefore prices for consumers in this country.

I happen to represent two counties which lie along the Mississippi River, and I have some interest in the inland waterway system of our country. I find no demand whatever for the suggestion principally coming from the Democratic side of the aisle that to have fairness and equity we have to introduce the posting of rates or the posting of tariffs by the shippers.

I find that the farm organizations which represent the farmers in my district want the Nelsen amendment.

The bulk transportation exemption has played a vital role in reducing transportation costs on farm products, fertilizers, coal, and other bulk commodities. Competition under this exemption has led to lower costs of food, electricity and other vital consumer items.

In the Rules Committee I voted against a rule for the committee version of H.R. 8298. The committee had not held any hearings on the regulatory features of the bill as amended, and the original bill did not contain these regulatory features. Such a fundamental change in policy should not be considered without a full opportunity for hearings. The Nelsen amendment properly limits the bill to the orignal purpose of the bill; namely, to solve the mixing problem. If the Nelsen substitute is adopted, it will be my intention to support the bill.

It is incumbent on this body not to increase the cost of bulk transportation. Unless the Nelsen amendment is adopted the benefits of mixing will be more than offset by the increased costs incident to regulation of the small carriers and the elimination of unregulated carriage as a vital competitive factor.

The Nelsen amendment in the form of a substitute to H.R. 8298 will provide a fair and equitable solution to the barge mixing problem. The Nelsen amendment will preserve the status quo with respect to the vigorous water carrier competition which exists today. It will serve the best interests of consumer transportation services by water. It will preserve the opportunity for communities along the river to continue to profit from low-cost barge transportation. It will not change the competitive situation among modes of transportation which is an important factor in today's uncertain situation with respect to certain segments of some of our modes.

I urge your support of the Nelsen amendment offered for H.R. 8298.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, I believe both these amendments are undesirable.

The large and insurmountable objection to the Nelsen amendment is that it does nothing at all. The Nelsen substitute says, in effect, let those who mix regulated and unregulated commodities publish minimum rates. Those who mix can do that today and have not done so and will never, under the present law, do so because they would be placed in a completely impossible position versus their bulk exempt competitors for the bulk exempt traffic.

Assume for a minute that you are an exempt barge operator. Your rates are secret under the present law and under the Nelsen amendment. You can change your rates at a moment's notice under the present law and under the Nelsen amendment.

Now suppose you compete against a carrier which is forced by the present interpretation of the law, now temporarily suspended by the ICC, and under the Nelsen amendment to publish all his rates and is unable to change them except on 30 days' notice. As an exempt carrier you would have an overwhelming and unfair advantage. The certificated competition would be a "sitting duck." All you would need to do is reduce your rate a few pennies and run off with the traffic. The certificated carrier would never know what your rate actually was, so he could never successfully match you and, in addition, he would always be 30 days behind.

In 1940, when some of the water carriers were brought under regulation, that unfair advantage was duly noted and the exemption applied so that both exempt and regulated carriers could compete on an even basis.

The Nelsen amendment is equivalent of leaving the law as it is and killing mixing.

The committee's recommendation, adopted by an overwhelming bipartisan vote, is one that makes sense. It preserves mixing. It goes a step further and creates a fair climate for railroad competition for this traffic by requiring the publication of rates on dry bulk commodities by all carriers. Clearly all water carriers must publish or none can.

If we are to tell the railroads that we cannot bring them a step closer to equity in competitive opportunity, then the only way to save mixing is by eliminating the publication provision altogether. The Nelsen amendment is a nullity.

Secret rates on federally financed waterways are totally inconsistent with any fair evaluation of benefits to the public from the expenditure of millions and millions of dollars in waterway improvements.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, I yield to the gentleman from Kentucky (Mr. SNYDER), for a unanimous-consent request.

Mr. SNYDER. Mr. Chairman, I rise in support of the committee bill and against the amendments to the bill.

Mr. DEVINE. Mr. Chairman, in order to add to the confusion here, I intend to vote against the Kuykendall amendment and for the Nelsen amendment and, if it prevails, for the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. BLANTON).

Mr. BLANTON. Mr. Chairman, it is rather amazing, the difference between the bill introduced by myself and some other people to allow a simple commodity mixing of regulated and unregulated freight. I want to say to this House that I am very proud my name is not on the present bill. I would accept it if we had the Nelsen amendment passed. I was amazed at the position of the distinguished chairman of the committee. I know he is a champion of all the Members of the House and a great gentleman, and I appreciate him very much. But I was amazed by his statement that the railroads object to this bill. They did object to it in its original form, but they are not objecting to it now.

I want to set the record straight. When we talk about little barge owners we are not talking about people who own sugar mills or coal mines. Tennessee barge owners wear overalls and work on tugboats and manage these things themselves. They work on their little 2- or 3-barge operations. They do not own sugar mills or coal mines. But they are being put in a position of having to publish rates that bind them for 30 days. They cannot change prices to bring a product back and cannot give the consumer the advantage of this procedure.

Mr. Chairman, I urge adoption of the Nelsen amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, this bill does not regulate the small shipper. It simply requires the publication of a rate. Within 30 days' time, if he wants to raise rates up or down, he can change that rate. The reason why this bill is not in the exact form it was when it was introduced is that it is just as normal as any bill that comes before the Congress. The bill before you now is the recommendation of the Interstate Commerce Commission.

Let me remind you, if you let either one of these two amendments prevail or specifically if you do not take any action, then I must tell you all exemptions that these little fellows have been enjoying over the years will be lost. Everybody, regulated and nonregulated, will be regulated. Do you want that? I do not think you do, because the intent of the bill was to allow the mixing of the commodities. We provide that in this bill. What we are doing here in addition is doing away with these secret rates. Up and down the rivers, different Members of the House want to have secret or hidden rates. I can understand that, but it is not in the public interest. That is why the Interstate Commerce Commission asked us to have the 2-year temporary bill put in to continue the exemptions, allow the mixing of commodities, and the publication of rates. At the end of that time let us see what the ICC will recommend.

I ask you to vote against the amendments.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Chairman, I favor the bill H.R. 8298 as reported out of the Interstate and Foreign Commerce Committee by an overwhelming majority on a bipartisan basis. This committee has given months of study to this controversy and has come up with a fair and equitable solution, which the House should adopt.

The truth of the matter is that many people would rather have secret barge rates that do not have to be published. That is the real argument here. We should call this bill the "truth in barging" bill, because it makes public the minimum rates to be charged. We used to have in the old days secret and preferential rates, and secret rebates on the railroads where certain people got preferences and low rates, while others paid higher rates for the same service.

I represent a river district, a producer district, and a consumer district. As is well known around the House, I vote to protect the consumers and working people. This bill will keep low prices on our river barge lines by encouraging fair competition. Modern technology has increased the size of the tows and increased the size and power of the riverboats that power the barge flotilla. Therefore, Congress should not limit the size of these barge flotillas, by putting into effect the Nelsen amendment.

It is more economical to have the large barge flotillas that operate on our U.S. river systems from up in Pittsburgh clear down to Louisiana and then over to Texas. The greatest economy and best efficiency means lower costs for transportation, and lower prices for the consumer.

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This bill will permit the mixing of various products and commodities in barge flotillas, which will actually help the smaller barge operator, by having his barges added on to larger barge flotillas already making the trip in the river direction that he wants his cargo to be carried. Let me emphasize again, that this bill is not a regulatory bill, and prices for barge transport can be published and changed at the choice of the owner, on 30 days' notice.

We should remember that this bill provides a 2-year-time limit, so that the situation can be checked as to how this legislation is working out. In contrast, the Nelsen amendment has no time limit, and is a final commitment forever for the method proposed. I strongly oppose the Nelsen amendment as a well intentioned but mistaken approach, both in its method and results.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. ADAIR).

Mr. ADAIR. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Minnesota (Mr. NELSEN).

The complexities of the legislation before us—H.R. 8298—have been discussed in detail, and the difficulties it creates are obvious.

In my opinion, Mr. NELSEN's amendment performs an invaluable service to both producers and consumers in this period when low-cost, efficient transport is so essential in the fight against inflation.

His amendment would promote the efficiency of barge transportation by recognizing the right of regulated carriers to mix in a single tow both regulated and unregulated commodities.

It would preserve the vital flexibility of movement for unregulated carriers that now exists, enabling products to move from point to point at less cost than would be the case if 30 days' notice for rate changes were required as is the case with barge transportation of regulated commodities.

And, Mr. NELSEN's amendment would enable carriers and shippers to continue to negotiate rates in the best interests of both producers and consumers.

Mr. Chairman, I urge that this amendment be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I hope that the gentleman from Maryland (Mr. FRIEDEL) will give me the names of those millionaire bargeline operators in Minnesota that he referred to earlier.

But may I say that the ICC did not recommend this bill that is before us today. If you will read the hearings, you will find a statement by counsel that they did not recommend the bill as presented by the committee.

Now, it may be that the impression has been left that the unregulated carriers are getting something new under the provisions of this bill. The unregulated carriers have operated in the manner that they now operate since 1940, and what we are trying to do is save that transportation system, or mode of transportation, that has served the agricultural areas of the United States of America. And I have no objection if the regulated carriers get the right to mix, they have that right under my bill, and they are required only to post a minimum rate above which they can negotiate. And they themselves have agreed to that type of an approach in their own statement, in their own letter to all Members of the Congress, and I took them in good faith, and I assume that they meant what they said. But now they have been moving in to change this bill.

I have had no interference, as far as my amendment is concerned, with the railroads. They have not interfered in any way. But I may say that we have talked with the unregulated carriers. I hope the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL) will be set aside, and that my amendment will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. KARTH).

Mr. KARTH. Mr. Chairman, I wish to join in support of Representative ANCHER NELSEN's substitute amendment to the water carrier mixing rule bill, H.R. 8298.

Because my district is on the Mississippi River, inland water transportation is of special concern and interest to me. Many businesses in my district utilize the Mississippi River for receiving and shipping commodities. The St. Paul port in 1969 handled 1,908,150 tons of coal, 902,685 tons of grain, 150,000 tons of fertilizer and 30,000 tons of salt. The river has been of great benefit to my district because of the inherent economic advantages of low cost water transportation.

The basic purpose of H.R. 8298 is to obtain relief from an order of the Interstate Commerce Commission which was upheld by the Supreme Court in 1967 whereby water carriers can no longer haul both regulated and nonregulated commodities in the same tow.

The entire water carrier industry, both the carriers themselves as well as shippers, were in agreement that mixed tows were in the best interest of the industry, and certainly in the best interest of the country as it permitted lower cost shipping on the inland waterway system. For this reason both regulated and nonregulated carriers and the shippers themselves joined in supporting H.R. 8298 as originally introduced which would amend the Interstate Commerce Act so as to permit mixed tows.

However, as my colleagues well know, what started out as a noncontroversial proposal has become a highly controversial piece of legislation that is vigorously opposed by the vast majority of inland water carriers, practically all shippers by water, various farm organizations, and by the Department of Transportation itself. H.R. 8298 was amended by the Subcommittee on Transportation and Aeronautics to require that all water carriers transporting dry bulk commodities must file rates on such commodities with the Interstate Commerce Commission. The amended bill also provides that such rates cannot be changed except upon 30 days' notice to the ICC.

So what happened was that a bill designed to permit the continuation of mixed tows, and it should be noted that only 14 water carriers of the some 1,700 inland water carriers in the United States use mixed tows to any extent, has become a bill which for the first time subjects to a form of rate regulation carriers of bulk commodities.

I think it is significant that outside of the regulated water carriers themselves who benefit by mixed tows, and, as I say, this is only 14 large regulated common carriers, the railroads are the only ones supporting H.R. 8298 in its present form.

Most significant is the fact that not only the overwhelming majority of the inland water carriers vigorously oppose this bill, but shippers who use the waterways have joined in the opposition to it. They share the definite opinion that H.R. 8298 as amended will impair the flexibility of barge line transportation and barge service to shippers—shippers of grain, chemicals, coal, fertilizers, and ores.

My colleague from Minnesota, Representative ANCHER NELSEN, a member of the House Interstate and Foreign Commerce Committee, has taken the lead in seeking to arrive at a fair solution whereby mixed tows may be continued, but not at the expense of the shipping public and of the hundreds of inland water carriers who only haul bulk commodities. Mr. NELSEN's substitute amendment will preserve the status quo with respect to the transportation of dry bulk commodities and permit the regulated common carriers to have mixed tows. The Nelsen amendment has the unqualified support of a wide spectrum of organizations made up of water carriers, shippers, and farm groups. To name but a few who support the Nelsen amendment, the American Waterways Operators, the National Coal Association, the Fertilizer Institute, the Grain Terminal Association, the American Farm Bureau, the National Industrial Traffic League, Pillsbury Co., Archer Daniels Midland Co., Cargill, the National Council of Farmer Cooperatives, and the National Association of Wheat Growers.

Mr. Chairman, I urge my colleagues to support the Nelsen amendment as a fair and equitable way of resolving what has become a very volatile and controversial issue. The Nelsen amendment will permit mixed tows, but it will not penalize the vast majority of water carriers who do not even have the right to haul mixed tows, and more importantly it will not work a hardship on the shipping public. The Nelsen amendment is a fair and practical solution and I urge that it be approved.

Mr. ZWACH. Mr. Chairman, I am in full support of the amendment offered by my able colleague from Minnesota, ANCHER NELSEN.

The producers in my district are currently facing the problem of moving grain to make room for this year's crop. With the shortage of boxcars, this is a grave problem.

The interest of farmers in this issue is substantial since grain is the most important agricultural commodity transported by barge. Competition in the inland waterway industry provides a much more effective protection of shippers' interests than regulation. Comprehensive rate regulations would impose unnecessary costs, restrictions and inefficiencies on barge operators. Since such a huge volume of grain moves by barge in bulk, farmers want strong competition rather than regulation for setting rates on bulk commodities. This will permit farmers to enjoy the benefits of low-cost water transportation on the inland waterways.

Under the Nelsen amendment, all that the certificated common carriers would be required to do in order to transport all commodities at the same time is to file minimum rates on the nonregulated commodities—the so-called dry bulk commodities. This amendment properly puts the requirement for barge mixing where is belongs, on the regulated 10 percent of the carriers who can mix and transport all commodities at the same time. H.R. 8298, as amended, puts the reporting and rate-filing requirement in the wrong place—on the unregulated water carriers who cannot transport all commodities and therefore cannot mix anyway.

The Nelsen amendment is a fair and equitable solution to the barge mixing problem and I urge my colleagues to accept this amendment.

The CHAIRMAN. The Chair now recognizes the gentleman from Maryland (Mr. FRIEDEL) to close debate.

Mr. FRIEDEL. Mr. Chairman, I rise in opposition to both the Kuykendall and the Nelsen amendment.

I am asking all Members to vote for the committee amendment.

This is a bill that is in the public interest.

We have included language that the Interstate Commerce Commission asked us to insert. We conferred with the ICC and we have language in the bill which was suggested by the ICC.

As I said earlier, this is in the public interest. This bill will benefit the shippers and if the shippers benefit, then the consumers benefit.

I am sure all of my colleagues are very well aware of the way that transportation rates on all other modes of transportation have gone up and are going up. But the rates on bargelines have been held down. With their new technology, they can tow 50 or 60 barges and can haul them much cheaper.

All the committee is asking is that they publish their rates.

Mr. Chairman, this is a very good bill and I hope the amendments are defeated.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

All time has expired.

The question is on the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL) to the amendment of the gentleman from Minnesota (Mr. NELSEN).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. NELSEN and Mr. FRIEDEL.

The Committee divided, and the tellers reported that there were—ayes 87, noes 61.

So the amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GRAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, pursuant to House Resolution 930, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute?

Mr. FRIEDEL. Mr. Speaker, I demand a separate vote on the so-called Nelsen amendment.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Strike out everything after the enacting clause and insert:

"That section 303(b) of the Interstate Commerce Act, as amended (49 U.S.C. § 903 (b)), is amended by deleting the first sentence thereof and substituting in lieu thereof the following new sentence: 'Nothing in this part shall apply to the transportation by a water carrier of commodities in bulk when the cargo space of the vessel in which such commodities are transported is being used for the carrying of not more than three such commodities, except that, when a water carrier transports commodities in bulk (as defined in this subsection) concurrently and in the same vessel with commodities moving at rates otherwise lawfully filed under this part, it shall establish and observe, subject to the penalties provided in sections 316 and 317, schedules of minimum rates and charges for transportation of the commodities in bulk, which schedules shall be filed with the Commission in accordance with the procedures specified in section 306(e), but such schedules shall not be subject to suspension or investigation by the Commission upon protest, complaint or upon the initiative of the Commission.' "

The SPEAKER. The question is on the amendment.

Mr. DINGELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 181, nays 194, not voting 54, as follows:

[Roll No. 274]

YEAS—181

Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Blackburn
Blanton
Blatnik
Boggs
Bow
Brinkley
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, Va.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Byrnes, Wis.
Camp
Carter
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Conable
Conte
Corman
Coughlin
Crane
Culver
Daniel, Va.
Davis, Wis.
Dellenback
Denney
Dennis
Derwinski
Devine
Dowdy
Downing
Duncan
Edmondson
Erlenborn
Esch
Evins, Tenn.
Findley
Flowers
Ford, Gerald R.
Foreman
Fraser
Frelinghuysen
Frey
Fulton, Tenn.
Gibbons
Gray
Griffin
Gross
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Heckler, Mass.
Hogan
Horton
Hosmer
Hungate
Hunt
Hutchinson
Jarman
Karth
Kastenmeier
Kee
Keith
Kleppe
Kuykendall
Kyl
Landgrebe
Langen
Latta
Lujan
McClory
McClure
McDade
McDonald, Mich.
McEwen
McKneally
MacGregor
Mann
Marsh
Martin
May
Mayne
Melcher
Michel
Miller, Ohio
Minshall
Mizell
Montgomery
Morgan
Morse
Morton
Mosher
Myers
Nelsen
Obey
O'Konski
Patten
Perkins
Pettis
Pirnie
Poff
Quie
Quillen
Railsback
Reid, Ill.
Rhodes
Robison
Rogers, Fla.
Roth
Rousselot
Ruppe
Ruth
Sandman
Schadeberg
Scherle
Schmitz
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Stanton
Steiger, Wis.
Stubblefield
Symington
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Wampler
Watts
Whitehurst
Whitten
Widnall
Wilson, Bob
Winn
Wold
Wright
Wylie
Wyman
Yatron
Zion
Zwach

NAYS—194

Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspinall
Biaggi
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Bush
Byrne, Pa.
Cabell
Carey
Casey
Celler
Clancy
Clark
Cohelan
Corbett
Cowger
Daniels, N.J.
Davis, Ga.
de la Garza
Delaney
Dent
Dickinson
Dingell
Donohue
Dorn
Dulski
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Farbstein
Fascell
Feighan
Flood
Foley
Ford, William D.
Fountain
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gilbert
Goldwater
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Grover
Hagan
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Howard
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kluczynski
Koch
Kyros
Landrum
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
McCloskey
McFall
Macdonald, Mass.
Madden
Mahon
Mathias
Matsunaga
Meeds
Mikva
Miller, Calif.
Mills
Minish
Mink
Mize
Mollohan
Monagan
Moorhead
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
O'Hara
Olsen
O'Neill, Mass.
Patman
Pelly
Pepper
Philbin
Pickle
Pike
Poage
Podell

Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Randall
Rees
Reid, N.Y.
Reuss
Riegle
Rivers
Roberts
Rodino
Roe
Rooney, Pa.
Rosenthal
Roybal
St Germain
Saylor
Scheuer
Schneebeli
Shipley
Smith, Iowa
Snyder
Staggers
Steed
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Taft
Taylor
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Watson
Whalen
Whalley
White
Wiggins
Williams
Wilson, Charles H.
Wolff
Wyatt
Wydler
Yates
Zablocki

NOT VOTING—54

Abbitt
Baring
Barrett
Berry
Bevill
Bray
Brock
Caffery
Chisholm
Clay
Colmer
Conyers
Cramer
Cunningham
Daddario
Dawson
Diggs
Edwards, La.
Fallon
Fish
Fisher
Flynt
Goodling
Hébert
Hull
Ichord
King
Long, La.
Lukens
McCarthy
McCulloch
McMillan
Mailliard
Meskill
O'Neal, Ga.
Ottinger
Passman
Pollock
Powell
Pryor, Ark.
Rarick
Reifel
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Ryan
Satterfield
Skubitz
Sullivan
Tunney
Waggonner
Weicker
Young

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Colmer for, with Mr. Rooney of New York against.

Mr. Flynt for, with Mr. Fallon against.

Until further notice:

Mr. Rostenkowski with Mr. Mailliard.
Mr. Waggonner with Mr. Reifel.
Mr. Hull with Mr. Fish.
Mr. Daddario with Mr. Meskill.
Mr. Bevill with Mr. Goodling.
Mr. Caffery with Mr. Cunningham.
Mr. Passman with Mr. Cramer.
Mr. Long of Louisiana with Mr. Pollock.
Mr. Barrett with Mr. Skubitz.
Mr. Edwards of Louisiana with Mr. Brock.
Mr. Rarick with Mr. Berry.
Mr. Rogers of Colorado with Mr. McCulloch.
Mr. Hébert with Mr. Bray.
Mrs. Sullivan with Mr. King.
Mr. Ryan with Mr. Diggs.
Mr. McCarthy with Mr. Clay.
Mr. Tunney with Mr. Dawson.
Mr. Ottinger with Mr. Powell.
Mr. Pryor of Arkansas with Mr. Lukens.
Mr. McMillan with Mr. Roudebush.
Mr. Abbitt with Mr. Weicker.
Mr. Young with Mr. Baring.
Mr. Fisher with Mr. Satterfield.
Mr. Conyers with Mrs. Chisholm.

Mr. ROYBAL changed his vote from "yea" to "nay."

Mr. FLOWERS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the committee amendment in the nature of a substitute adopted by the Committee of the Whole.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT

Mr. NELSEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. NELSEN. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NELSEN moves to recommit the bill H.R. 8298 to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question on the motion to recommit is ordered.

There was no objection.

The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. NELSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 230, not voting 58, as follows:

[Roll No. 275]

YEAS—141

Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Beall, Md.
Belcher
Blackburn
Blanton
Blatnik
Bow
Brinkley
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Byrnes, Wis.
Camp
Carter
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Collins
Conable
Conte
Coughlin
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Denney
Dennis
Derwinski
Devine
Dingell
Downing
Duncan
Edmondson
Erlenborn
Esch
Findley
Foreman
Frelinghuysen
Frey
Fulton, Tenn.
Gibbons
Gray
Griffin
Gubser
Gude
Haley
Hall
Hansen, Idaho
Harsha
Harvey
Hastings
Hogan
Hosmer
Hunt
Hutchinson
Jarman
Karth
Kee
Kleppe
Kuykendall
Kyl
Landgrebe
Langen
Lujan
McClory
McClure
McDonald, Mich.
McEwen
McKneally
MacGregor
Marsh
Martin
May
Mayne
Melcher
Michel
Miller, Ohio
Minshall
Mizell
Montgomery
Morgan
Morse
Morton
Myers
Nelsen
O'Konski
Patten
Pettis
Pirnie
Poff
Quie
Quillen
Railsback
Randall
Reid, Ill.
Robison
Rogers, Fla.
Roth
Rousselot
Ruppe
Ruth
Sandman
Schadeberg
Schmitz
Schwengel
Scott
Sebelius
Sisk
Smith, Calif.
Smith, N.Y.
Springer
Steiger, Wis.
Stubblefield
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Wampler
Whitehurst
Whitten
Wilson, Bob
Wold
Wright
Wyman
Zion
Zwach

NAYS—230

Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspinall
Bell, Calif.
Bennett
Betts
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Brotzman
Brown, Ohio
Buchanan
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Bush
Cabell
Carey
Casey
Celler
Chappell
Chisholm
Clancy
Clark
Cohelan
Collier
Corbett
Corman
Cowger
Culver
Daniels, N.J.
Davis, Ga.
de la Garza
Delaney
Dent
Dickinson
Donohue
Dorn
Dulski
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Feighan
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gilbert
Goldwater
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keith
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
McCloskey
McDade
McFall
Macdonald, Mass.
Madden
Mahon
Mann
Mathias
Matsunaga
Meeds
Mikva
Miller, Calif.
Mills
Minish
Mink
Mize
Mollohan
Monagan
Moorhead
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Patman
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Rodino
Roe
Rooney, Pa.
Rosenthal
Roybal
St Germain
Saylor
Scherle
Scheuer
Schneebeli
Shipley
Shriver
Sikes
Slack
Smith, Iowa
Snyder
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Symington
Taft
Talcott
Taylor
Teague, Tex.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Watson
Watts
Whalen
Whalley
White
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Yates
Yatron
Zablocki

NOT VOTING—58

Abbitt
Baring
Barrett
Berry
Bevill
Bray
Brock
Byrne, Pa.
Caffery
Clay
Colmer
Conyers
Cramer
Cunningham
Daddario
Dawson
Diggs
Dowdy
Edwards, La.
Fallon
Fish
Fisher
Flynt
Goodling
Hagan
Hébert
Hull
Ichord
King
Long, La.
Lukens
McCarthy
McCulloch
McMillan
Mailliard
Meskill
O'Neal, Ga.
Ottinger
Passman
Pollock
Powell
Pryor, Ark.
Rarick
Reifel
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Ryan
Satterfield
Skubitz
Sullivan
Teague, Calif.
Thompson, N.J.
Tunney
Waggonner
Weicker
Young

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Colmer for, with Mr. Rooney of New York against.

Mr. Flynt for, with Mr. Fallon against.

Until further notice:

Mr. Rostenkowski with Mr. Mailliard.
Mr. Waggonner with Mr. Reifel.
Mr. Hull with Mr. Fish.
Mr. Daddario with Mr. Meskill.
Mr. Bevill with Mr. Goodling.
Mr. Caffery with Mr. Cunningham.
Mr. Passman with Mr. Cramer.
Mr. Long of Louisiana with Mr. Pollock.
Mr. Barrett with Mr. Skubitz.
Mr. Edwards of Louisiana with Mr. Brock.

Mr. Rarick with Mr. Berry.
Mr. Rogers of Colorado with Mr. McCulloch.
Mr. Hébert with Mr. Bray.
Mrs. Sullivan with Mr. King.
Mr. Ryan with Mr. Diggs.
Mr. McCarthy with Mr. Clay.
Mr. Tunney with Mr. Dawson.
Mr. Ottinger with Mr. Powell.
Mr. Pryor of Arkansas with Mr. Lukens.
Mr. McMillan with Mr. Roudebush.
Mr. Abbitt with Mr. Weicker.
Mr. Young with Mr. Baring.
Mr. Fisher with Mr. Satterfield.
Mr. Conyers with Mr. Byrne of Pennsylvania.
Mr. Thompson of New Jersey with Mr. Teague of California.
Mr. Ichord with Mr. Hagan.
Mr. O'Neal of Georgia with Mr. Dowdy.

Mr. DINGELL changed his vote from "nay" to "yea."

Messrs. BOLLING, VAN DEERLIN, WIDNALL, WYATT, CHAPPELL, and BENNETT changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR THE BALANCE OF THE DAY

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, following the disposition of the bill which is still pending on which the vote was put over, we will call up the conference report on the Defense Production Act, which will be the last order of business today.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3302) entitled "An act to amend the Defense Production Act of 1950, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3637) entitled "An act to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. PASTORE, Mr. HARTKE, Mr. SCOTT, and Mr. BAKER to be the conferees on the part of the Senate.

CONFERENCE REPORT ON S. 3547, THE NARROWS UNIT, MISSOURI RIVER BASIN PROJECT

Mr. ASPINALL submitted the following conference report and statement on the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes:

CONFERENCE REPORT (H. REPT. 91-1415)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

That the Narrows unit, heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for one hundred and sixty-six thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, potential future municipal and industrial supplies, and for other purposes. The construction, operation, and maintenance of the Narrows unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Narrows unit shall include the Narrows Dam and Reservoir, fish hatchery and rearing ponds, acquisition and development of the existing Jackson Lake Reservoir, including some rehabilitation of Jackson Lake Dam, for public outdoor recreation and fish and wildlife enhancement, and other necessary works and facilities to effect its purpose.

The Narrows unit shall be operated in such manner that identifiable return flows of water will not cause the South Platte River to be in violation of water quality standards established by the State of Colorado and approved by the Secretary of the Interior pursuant to the Water Quality Act of 1965 (79 Stat. 903).

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Narrows unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 3. The Narrows unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented: *Provided*, That repayment contracts for the return of construction costs allocated to irrigation will be based on the irrigator's ability to repay, as determined by the Secretary: *Provided further*, That the terms of such contracts shall not exceed 50 years.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 5. To the extent that project water constitutes a supplemental irrigation supply, the provisions of the Act of June 16, 1938, relating to the Colorado-Big Thompson project in Colorado are hereby made equally applicable to the Narrows unit.

SEC. 6. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 7. There is hereby authorized to be appropriated for construction of the Narrows unit as authorized in this Act the sum of $68,050,000 (based upon January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

And the House agree to the same.

WAYNE N. ASPINALL,
JAMES A. HALEY,
HAROLD T. JOHNSON,
JOHN P. SAYLOR,
CRAIG HOSMER,
Managers on the Part of the House.

CLINTON P. ANDERSON,
FRANK CHURCH,
QUENTIN BURDICK,
GORDON ALLOTT,
LEN B. JORDAN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

SUMMARY EXPLANATION

The Senate conferees agreed to recede from disagreement with language in the House amendment concerning pollution abatement and water quality enhancement and agreed to the same with an amendment in the nature of substitute language.

The Senate conferees agreed to recede from disagreement with language in the House amendment clarifying the repayment period for the return of reimbursable irrigation costs.

The House conferees agreed to accept language in the Senate version of the bill with respect to applicability of acreage limitation provisions of Reclamation law.

DETAILED EXPLANATION

The House version of the bill, which is in the nature of an amendment to S. 3547, contains a proviso to Section 1 requiring that all identifiable return flows of water from the project be treated to abate pollution and enhance water quality as determined by the Secretary. The substitute language adopted by the conferees requires that the project be operated in such manner as to not cause the South Platte River to be in violation of applicable water quality standards. The agreed upon language has the effect of introducing and setting forth precise water quality standards within which the Secretary of the Interior must operate the project, as such standards have been proposed by the State of Colorado for the South Platte River pursuant to the Water Quality Act of 1965 (79 Stat. 903), and have been approved by the Secretary of the Interior.

The House version of S. 3547 also contains a provision requiring that water user contracts extend for a full term of 50 years if necessary to accomplish irrigation repayment. The Senate conferees accepted this provision.

The House version does not contain language that is in the Senate bill which would apply the same criteria for administration of the acreage provisions of Reclamation law to the Narrows unit as now pertain to the adjacent Colorado-Big Thompson project. The House conferees agreed to accept the Senate language which provides that, to the extent that Narrows unit water supplies are used for only supplemental service to presently irrigated lands, acreage limitation statutes of existing law will not apply. The agreed upon language thus allows equality of treatment among all water users of the Northeastern Colorado Water Conservancy District.

WAYNE N. ASPINALL,
JAMES A. HALEY,
HAROLD T. JOHNSON,
JOHN P. SAYLOR,
CRAIG HOSMER,
Managers on the Part of the House.

HEART DISEASE, CANCER, STROKE, AND KIDNEY DISEASE AMENDMENTS OF 1970

The **SPEAKER**. The unfinished business is the question on the passage of the bill H.R. 17570.

The Clerk read the title of the bill.

The **SPEAKER**. The question is on the passage of the bill.

Mr. **SPRINGER**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 365, nays 0, not voting 64, as follows:

[Roll No. 276]

YEAS—365

Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrnes, Wis.
Cabell
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Daniel, Va.
Daniels, N.J,
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Feighan
Findley
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass
MacGregor
Madden
Mahon
Mann
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Rousselot
Roybal
Ruppe
Ruth
St Germain
Sandman
Saylor
Schadeberg
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Symington
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—64

Abbitt
Anderson, Tenn.
Baring
Barrett
Berry
Bevill
Bray
Brock
Byrne, Pa.
Caffery
Clay
Colmer
Conyers
Cramer
Cunningham
Daddario
Dawson
Denney
Diggs
Dowdy
Edwards, La.
Fallon
Fish
Fisher
Flynt
Goodling
Hansen, Wash.
Hébert
Hull
Ichord
King
Leggett
Long, La.
Lukens
McCarthy
McCulloch
McMillan
Mailliard
Mathias
Meskill
Murphy, N.Y.
O'Neal, Ga.
Ottinger
Passman
Pollock
Powell
Pryor, Ark.
Rarick
Reifel
Rogers, Colo.
Rooney, N.Y.
Rostenkowski
Roudebush
Ryan
Satterfield
Skubitz
Stuckey
Sullivan
Teague, Calif.
Thompson, N.J.
Tunney
Waggonner
Weicker
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Colmer with Mr. Goodling.

Mr. Rooney of New York with Mr. Fish.

Mr. Fallon with Mr. Mailliard.

Mr. Flynt with Mr. Reifel.

Mr. Thompson of New Jersey with Mr. Cunningham.

Mr. Daddario with Mr. Meskill.

Mr. Hull with Mr. Cramer.

Mr. Bevill with Mr. Pollock.

Mr. Waggonner with Mr. Skubitz.

Mr. Caffery with Mr. Brock.

Mr. Passman with Mr. Berry.

Mr. Long of Louisiana with Mr. McCulloch.

Mr. Barrett with Mr. Bray.

Mr. Rostenkowski with Mr. King.

Mr. Ryan with Mr. Diggs.

Mr. McCarthy with Mr. Clay.

Mr. Tunney with Mr. Stuckey.

Mr. Ottinger with Mr. Powell.

Mr. Byrne of Pennsylvania with Mr. Conyers.

Mr. Edwards of Louisiana with Mr. Lukens.

Mr. Rarick with Mr. Roudebush.

Mr. Rogers of Colorado with Wr. Weicker.

Mr. Hébert with Mr. Teague of California.

Mrs. Sullivan with Mr. Dowdy.

Mr. Pryor of Arkansas with Mr. Anderson of Tennessee.

Mr. McMillan with Mr. Satterfield.

Mr. Abbitt with Mr. Baring.

Mr. Young with Mr. Ichord.

Mr. Fisher with Mr. O'Neal of Georgia.

Mr. Leggett with Mr. Denney.

Mr. Dawson with Mr. Mathias.

Mrs. Hansen of Washington with Mr. Murphy.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend title IX of the Public Health Service Act as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. **STAGGERS**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two bills just passed, H.R. 17570 and H.R. 8298.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT ON S. 3302, AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

Mr. **PATMAN**. Mr. Speaker, I call up the conference report on the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

Mr. **HALL**. Mr. Speaker, reserving the right to object, may I inquire as to when permission was gained to file this report on August 8?

Mr. **PATMAN**. Last Thursday, Mr. Speaker.

Mr. **HALL**. Mr. Speaker, was that per-

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mission gained after the House had gone into special orders and was it by unanimous consent?

Mr. PATMAN. It was by unanimous consent.

Mr. HALL. Mr. Speaker, I renew my query. Was it after the general business of the House was done and other business heretofore entered into in the form of special orders?

Mr. PATMAN. It was during the session of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I insist on an answer to the question, if the gentleman can answer. When was the unanimous consent granted?

Mr. PATMAN. I beg the gentleman's pardon?

Mr. HALL. Mr. Speaker, I object.

The SPEAKER. Will the gentleman from Missouri withhold his objection? The gentleman is making a serious inquiry and the Chair wants to cooperate I am sure the gentleman from Texas wants to cooperate.

Mr. HALL. That is correct, Mr. Speaker, but I did not get a serious reply.

The SPEAKER. We will not go into that.

Mr. HALL. We will.

The SPEAKER. The Chair is seeking information.

Mr. HALL. Mr. Speaker, I will be glad to withhold the objection at the request of the Speaker.

The SPEAKER. The Chair understands from the information that has been given to him that the gentlewoman from Missouri (Mrs. SULLIVAN) asked unanimous consent and that the gentleman from New Jersey (Mr. WIDNALL), and this is the information that has been given to the Chair, called on the minority leader and informed him. My further information is the request was made after special orders had been entered into.

Mr. HALL. That is the information I sought, Mr. Speaker. I appreciate the forthrightness of the Chair.

I will say for the Speaker's information that prior to departing from the floor that day, I had inquired of the responsible leadership, in my opinion, as to whether or not there was any further business. I was told that there would be no further legislative business, and for that reason I object, Mr. Speaker.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri reserve the right to object?

Mr. HALL. Mr. Speaker, I further reserve the right to object, and will yield to the distinguished minority leader.

Mr. GERALD R. FORD. Let me clarify and amplify the statement made by the Chair.

At the conclusion of the regular business that day, which I believe was on Thursday, I went to my office. We were in the special order period.

While in the office, I received a call, I believe, from the gentleman from New Jersey or from someone on his behalf asking me whether I had any objection to the filing of the conference report. On the basis of the request that was made, I indicated that I had no objection. I believe that is the full story so far as I know.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Speaker, I want to confirm what has already been said by the Speaker—that the House was in the process of the special orders and, actually, the regular order of the House had finished when the gentlewoman from Missouri (Mrs. SULLIVAN) came over with the conference report and wanted to get permission to file the conference report.

I personally saw no objection to filing the conference report and stated that it was necessary to have the leadership notified in cases like this. The minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) was notified and he agreed to the filing of the report.

That is the situation so far as I know of it. I believe the same permission had been received from the leadership on the other side of the aisle.

Mr. HALL. There is no question in my mind, Mr. Speaker, but what permission was given. But the fact remains that this is an unusual request to file on a day when the House was not in session. The fact further remains that I had made inquiry as to whether there would be further legislative business. I understand it was not cleared with the majority leader, who ordinarily schedules such things as that. It shows in the RECORD that it was one of the last items of business prior to the extensions of remarks, August 6, 1970, page 27675. The principle involved here is that we are not going to be able to depend on when legislative business is concluded and special orders start within the House, and we are all going to have to stay here the rest of the session until all business is completed at the end of day and we adjourn until the next day at the appointed hour.

For this reason I still object, Mr. Speaker.

The SPEAKER. Objection is heard. The Clerk will read the conference report.

The Clerk proceeded to read the statement.

(For conference report and statement, see proceedings of the House of August 10, 1970.)

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the conference report be considered as read and that further proceedings on it be postponed until after consideration of the veto messages tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRESIDENT MADE CHOICE IN HIS VETOES

(Mr. STEPHENS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. STEPHENS. Mr. Speaker, yesterday President Nixon vetoed the independent offices and housing appropriation bill.

In the veto message delivered to Congress, he declared that he exercised the veto power because the bill included funds for urban development which exceeded his budget request by $541 million. He failed to mention that the vetoed bill included, under housing, $500 million for aid in obtaining water and sewer lines by local, small communities which cannot afford them. It reached this sum because I added by amendment an increase of $350 million for those purposes. It was approved by both Houses.

In the same message the President announced that he had also vetoed the appropriation bill for the Office of Education passed by both the House and Senate because it was $453 million over his budget request. He stated further:

> In addition, I have committed myself to ask the Congress for an extra $350 million to fully fund the school desegregation program as soon as the Congress provides authorizing legislation.

My amendment was overwhelmingly adopted. It added $350 million to the bill. My amendment provided that from the "Cradle of Liberty" at Concord and Lexington to the new White House at San Clemente, Americans would have an additional sum of $350 million for 50-percent grants to their local governments for a simple project: pipelines for pure water and pipelines for adequate sewage disposal.

I need not point out that these facts focus a spotlight on the conclusion that President Nixon has made a fateful choice of priorities.

In this choice Mr. Nixon has decided that the $350 million I added for water and sewer lines should not be spent on these essentials but should be spent instead "to fully fund the school desegregation program."

This decision means that unwittingly, but undoubtedly, the President has chosen as follows:

Rather than spend $350 million to try and save the lives of countless numbers of American children of all races who die from polluted water, he would prefer that the survivors of our polluted environment go to a desegregated school.

Can such a conclusion be escaped when to the very penny the $350 million I added for water and sewer lines is proposed by Mr. Nixon to be spent "to fully fund the school desegregation program"?

Keeping the President's own words in mind as to how he would use the $350 million, we, as Members of the House, cannot help but know that when voting to sustain or override the vetoes of these bills that we are really voting on this choice:

Shall your child go to a desegregated school or shall your child be one who may die of drinking polluted water?

Or, the choice might be explained to a parent this way:

Your child may be dead at age 13 from polluted water but by then he will have had this privilege of attending a desegregated school before he died.

As a final thought, remember this remark made Tuesday night on television by the President in support of his veto.

He said he had made the veto because it affected everybody's pocketbook.

That is true. I do not dispute it. But, when legislation affords a choice between the possible death of children and pocketbooks, I choose children.

As I explained these bills are bound together so I will vote to override the President in his vetoes of both bills. He has his priorities mixed up. I urge my colleagues to vote also to override the vetoes.

PROPOSED SELECT COMMITTEE TO INVESTIGATE ACTIVITIES OF ASSOCIATE JUSTICE WILLIAM O. DOUGLAS

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, I am today requesting the distinguished chairman of the Rules Committee (Mr. COLMER) to grant a rule on House Resolution 922 and companion resolutions, to establish a select committee to investigate the activities of Associate Justice William O. Douglas.

This matter has languished in the tender hands of Chairman EMANUEL CELLER for more than 3 months, not in response to the more than one-quarter of the Members of this body, but pursuant to a resolution of impeachment introduced by the gentleman from Indiana (Mr. JACOBS) which was a notorious subterfuge in the first instance, Mr. JACOBS having introduced this resolution while I was speaking on the floor in support of House Resolution 922 which calls for a bipartisan select committee.

The Celler subcommittee has not called a single witness, nor held a single hearing, nor taken a single word of testimony under oath. To call its work an investigation of these serious complaints is to make a joke of the solemn responsibilities of this House.

I include in the RECORD at this point my request to the chairman of the Rules Committee:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 12, 1970.

HON. WILLIAM M. COLMER,
Chairman, Rules Committee,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I respectfully request that a Rule be granted on referenced resolutions.

It is now more than three months since the Celler Subcommittee purportedly investigating the activities of Associate Justice William O. Douglas was activated and I am informed that this Subcommittee has not yet called a single witness, nor taken a single word of testimony under oath, nor held a single hearing. Further, I strongly suspect the Subcommittee will not request a further extension of time, which means it will expire on August 20th which is while this Body is in Recess.

I think it can fairly be concluded that the necessary objective investigatory policy to discharge the responsibilities of the House of Representatives in these circumstances has not prevailed in the Celler Subcommittee, which is confirmatory of the recorded fact that it was conceived in subterfuge in the first place.

It is difficult to see how any member of the House could call the work of the Celler Subcommittee an investigation in any meaningful sense of the word.

In these extraordinary circumstances there is a continuing responsibility of the House to conduct a thorough and complete investigation of the serious charges contained in referenced resolutions. I sincerely hope that you will act promptly and favorably on this request, including a directive that all the books, papers, records, documents and information heretofore assembled by the Celler Subcommittee be transferred to the Select Committee provided for by H. Res. 922, upon its establishment.

Cordially,

LOUIS C. WYMAN,
Member of Congress.

MEAT IMPORTS

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute, to revise and extends his remarks and include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, the meat import quota law of 1964 is causing most unreasonable restrictions on meat imports, with the result that prices for hamburgers and frankfurters have jumped at a time when all consumers are deeply concerned about inflation.

With all that, we find some cattle interest in the United States still pressing and manipulating to further restrict imports of meat.

The most recent effort is to use the appeal of health and sanitation to try to make imports of cheap lean meat impossible.

Every consumer should be aware of this gigantic, phony effort. All of us should oppose the patent attempts to drive up prices for the profit of a few.

Instead of devising devious routes to restrict this supply of needed meat, Congress should ask the President of the United States—and he has the fullest authority to act—to insure a continuing supply of imported lean meat.

I call to the attention of my colleagues an editorial commentary written for the Christian Science Monitor by Roscoe Drummond. Mr. Drummond's comments are a serious disclosure about the devious means being used to try to satisfy the greed of a few at the expense of the many—the consumers.

The editorial follows:

POLITICS AND PROTECTIONISM

(By Roscoe Drummond)

WASHINGTON.—The extent to which protectionist policies in an election year are pushing Congress to extreme and indefensible measures is almost unbelievable.

The most vivid example is the Senate bill which uses a health and sanitation coverup as a device to bar processed and canned meat products from the American market.

The Mansfield-Hruska measure doesn't even breathe a word about closing off the United States market to benefit the livestock producers. With all the innocence of being against sin, the bill simply directs the Secretary of Agriculture to take special steps, carefully stipulated in the legislation, "to prevent the entry of any disease or the distribution of any unwholesome products."

Fair enough?

No. It's a fake. It's a deception.

Here is the testimony of Raymond A. Ioanes, administrator of the Foreign Agricultural Service of the U.S. Department of Agriculture: "Inspection procedures for imported meats are comparable to those provided for meat produced domestically."

Here is the supporting testimony of Dr. H. M. Steinmetz, assistant deputy administrator for Consumer and Marketing Service of the Department of Agriculture:

"Meat prepared in foreign countries for importation into the United States is equivalent to that produced under federal inspection in our country with respect to wholesomeness, sanitary quality, and freedom from disease and adulteration."

But Senators Mansfield and Hruska and their allies do not want the same inspection of imported food products which the U.S. applies to its own food products. They want something additional, and that is the purposeful catch. They want all imported meat products—including frozen and chilled—thawed and reinspected piece by piece at the port of entry.

There's no mystery as to what Mansfield and Hruska and some others are up to. By requiring that imported meats be inspected piece-by-piece—which is not the way the U.S. Government inspects domestic meats—they want to set up inspection requirements that are so onerous that no one could comply with them and offer their products at a price consumers would pay. And it would be the American consumer in the lowest income brackets who would be most penalized, because the imports the Mansfield-Hruska bill are trying to keep out are mainly ingredients for hamburger and sausage.

And what of the effect of such a discriminatory measure on the mounting sales of U.S. agricultural products abroad? This bill, as Mr. Ioanes testified for the administration, "would introduce a clear-cut risk in U.S. agricultural exports, which are now at an all-time high in terms of commercial sales."

The risk would be great because U.S. farmers exported a near record $6.6 billion in farm commodities, an outlet essential to maintain our agricultural plant at its present level. Of this total, at least $5.6 billion were commercial exports for dollars—a new all-time high.

If we start to choke off the food imports from our trading partners, understandably they will do the same to their imports from the U.S.—and both will suffer.

As to the vigor of our own livestock industry, these are the words of Aled P. Davies, vice-president of the American Meat Institute:

"The meat industry now finds a market in foreign countries of a half billion dollars yearly for its meat and livestock products. While the advocates of protection for U.S. livestock producers are endeavoring to build a fence around this country to keep foreign products out, they will discover that fences stop trade in both directions."

The need today is to keep expanding trade in both directions as the U.S. and most of the free world have been doing for the past 35 years.

THE TRUTH PRESERVATION ACT: A RIGHT OF ACCESS TO THE PRESS

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, today, with six cosponsors, I have introduced H.R. 18941, the Truth Preservation Act, a bill which would impose upon newspapers of general circulation an obligation to afford certain members of the public an opportunity to publish editorial advertisements and to reply to editorial comment.

The first amendment has been categorized as the cornerstone of democracy. This amendment is predicated upon the belief that the members of a free society can make judgments that direct the path of society and assure the viability of the democratic process only by the Supreme Court:

> It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail. (Red Lion Broadcasting Co. v. F.C.C., 395 U.S. 367, 390 (1969)).

The framers of the first amendment were clearly of the opinion that a free marketplace of ideas could be guaranteed merely by prohibiting governmental restraint. However, it has become apparent that the laissez faire approach to freedom of expression no longer can assure the maximum dissemination of information to the public. The first amendment must be viewed as providing a forum for free expression as well as protecting it from infringement once in the public domain.

Regulations by the Federal Communications Commission serve to impose upon the broadcast industry certain obligations. No such obligations are imposed upon the press. The press may personally attack the reputation or character of an individual, even if libelous, without affording an opportunity for reply. Newspapers can charge disproportionately high rates for editorial advertisements or can refuse to print editorial advertisements with which they disagree. Moreover, the press may editorially present a completely distorted view of an individual or organization with impunity.

The sharp decline in competition in the newspaper industry has significantly increased the necessity for increased social responsibility. By the beginning of 1968, only 45 cities of approximately 5,000 cities having populations of at least 2,500, had two or more competing newspapers. Twenty-two cities had separate newspapers which were jointly operated.

The broadcast industry has certain statutory obligations primarily because the supply of airwaves is limited. Economic and technological factors reducing the number of newspapers have resulted in rendering the press even less competitive than the broadcast media. The newspaper industry is just as much a limited access media as the broadcast industry.

The proposed bill is limited in scope and merely gives to members of the public the right of access to the press—the positive dimension of the first amendment. The Supreme Court has recently observed the FCC's fairness doctrine and personal attack rules enhance this Amendment (395 U.S. at 375). This bill would enhance the freedom of the press and speech protected by the first amendment in the same manner.

In summary, the bill would impose three obligations upon each newspaper of general circulation:

First, to publish all editorial advertisements;

Second, to publish editorial advertisements at rates not exceeding those for commercial advertising; and

Third, to provide a right of reply to any organization or individual that is the subject of a comment of an editorial nature.

I believe that enactment of this bill will help to make the first amendment a truly dynamic document.

TREATY BETWEEN GERMANY AND THE SOVIET UNION

(Mr. MINSHALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, on August 6 West Germany and the Soviet Union agreed on a draft treaty renouncing the use of force and affirming the inviolability of the present European borders. As a member of the Subcommittee on Defense Appropriations, I feel that this treaty could lead to a reduction in the numbers of U.S. troops in Germany and a subsequent reduction in the defense budget.

It would appear that the treaty reflects a lessening of tensions in Western Europe. Certainly, the treaty marks a change in the overall political situation in Western Europe. The extent of the change remains to be seen.

We have more than 330,000 personnel in Europe. It costs approximately $2.9 billion in annual operating costs to maintain these forces in Europe. Other related costs add substantially to the total cost. The spending of U.S. dollars in Germany adversely affects our balance of payments and "goldflow." I hope that this administration will make an immediate and thorough evaluation of the possibilities for troop reductions in Europe resulting from the new treaty.

MR. CLAUDE L. FLY, A HOSTAGE IN URUGUAY

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, we have all been highly distressed over these past few days by a series of tragic events in Uruguay.

First, on July 31, there was the news of the kidnaping of an American official, Mr. Dan A. Mitrione, an AID public safety officer assigned to the American Embassy in Montevideo. On the same day, a Brazilian diplomat, Aloysio Mares Dias Gomide, was also kidnaped. On August 7, a second American citizen working in Montevideo, Dr. Claude L. Fly, was kidnaped by the same band of terrorists. And then, on August 10, the hemisphere was stunned by reports of the brutal murder of Mr. Mitrione. Public opinion here in Uruguay and around the world has reacted strongly against this tragic violence, but Dr. Fly and the Brazilian remain captive.

Dr. Claude Fly's brother, Mr. William A. Fly, of Lockesburg, Ark., resides in my district. Numerous Arkansans share Bill Fly's pride in and admiration for Claude Fly, who has dedicated his whole life to the development of agricultural science.

Dr. Fly was awarded his Ph. D. degree at Iowa State University in 1931, nearly 40 years ago, and throughout his long career in the field of agriculture, he has continuously sought to upgrade his own vast knowledge as well as devoting his efforts during this period to impart that knowledge to others. He has always been one of our country's finest examples of a technician, using those talents and skills not only at home but abroad as well.

After completing his doctorate, Dr. Fly became Oklahoma State soil scientist for the U.S. Department of Agriculture in the Soil Conservation Service for nearly 20 years. He later served as Agricultural Administrator and Research Soil Scientist, USDA Agricultural Research Service, Soil and Water Conservation—Research Division, at Fort Collins, Colo. Since 1963, he has worked as a private consultant and contractor in agricultural development of soil and water resources. His service during these years included assignments with the Food and Agriculture Organization, a United Nations agency, that took him to nearly every continent. When he was kidnaped this month in Uruguay, he was working on a soil implementation project in Montevideo under a contract signed between the International Development Services, Inc. and the Uruguayan Ministry of Livestock and Agriculture on December 9, 1969. The contract is financed from an AID agricultural sector loan signed in 1968.

Indeed, Dr. Fly is a specialist in soil and water resources. He has been a teacher of this science and a practitioner who often has gone into the field to work as a counselor and instructor on specific tasks. The talents of Dr. Fly were also brought to bear on many special water conservation projects and flood control in the United States.

During his long career, Mr. Fly authored more than 60 professional papers on a wide range of subjects including plantology, irrigation, soils, and land and water resources development. He has been a member of numerous national boards and commisisons, such as the Natural Resources Board in 1936, the Soil Conservation Committee in 1964, and the Soils Land Use and Economy Surveys in 1950, to name only a few of many.

Among the numerous scientific publications which carry Dr. Fly's biography are "American Men of Science," "Leaders in American Science," and the "American Society of Agronomy."

Mr. Speaker, here is a man who has given much of himself in the cause of dedicated service, not only for this Nation but for others as well. He has a distinguished record of constant and vigorous pursuit of excellence in agriculture for the good of his fellow man.

I am sure that all the Members of the House prayerfully join his family and friends in the hope that he will be released unharmed and returned to us.

DISCLOSURE OF FINANCIAL INTERESTS

(Mr. BEALL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BEALL of Maryland. Mr. Speaker, it is my belief that the people who hold or seek public office should make the public aware of their financial interests. Consistent with this belief, I am disclosing herewith my assets and liabilities as of December 31, 1969. A listing of these follows:

ASSETS

Cash in banks:	
Checking accounts	$2,004.76
Savings accounts	9,333.26
Total	11,338.02
Cash surrender value of life insurance	10,466.00
Share of Beall, Garner, and Geare profit-sharing retirement plan	15,173.21
Securities:	
279 First National Bank & Trust Co. of Western Maryland	12,405.00
200 U.S. F & G	13,650.00
100 Canadian Export Oil and Gas	425.00
50 Fidelity Bank	1,000.00
17 Kaiser Aluminum (Common)	639.63
8 Kaiser Aluminum (Pfd.)	628.00
5 Cumberland Fair Assoc	250.00
30 3-M	3,288.75
39 Beall-Garner-Geare, Inc. (Common)	50,235.12
260 Beall-Garner-Geare, Inc. (Pfd.)	26,000.00
Total	108,521.50
Equity in Beall, Garner & Geare Realty Co. (co-Partnership)	8,615.15
Home and furnishings—Frostburg, Md	55,000.00
1969 Oldsmobile	3,095.00
Total	212,208.88

LIABILITIES

Mortgage on home	21,514.08
Note payable First National Bank & Trust Co	6,000.00
Total	27,514.08
Net worth, Dec. 31, 1969	184,694.08

As important as the total amount of an individual's assets is the source of his annual income. It is necessary if we are going to really disclose our financial interests that officeholders make public the amounts of their annual income as well as the sources. Such action encourages the confidence of the voters in the integrity of their elected officials.

The following is a list of my income for the calendar year 1969:

INCOME

U.S. Government	$36,708.00
Beall, Garner and Geare and other business interests in Allegany County, Md	17,500.00
Dividends	806.00
Interest	723.00
Directors Fees	1,850.00
Total	57,787.00

I also paid the following income taxes for 1969:

Federal Income Tax	$16,305.00
State and Local Income Tax	3,289.00
Total	19,594.00

FLAG OFFICER OR GENERAL OFFICER RANK NEEDED FOR DIRECTOR OF ARMED FORCES INSTITUTE OF PATHOLOGY

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, the Armed Forces Institute of Pathology is one of the outstanding scientific institutes of its kind in the world. Its research efforts reach not only the military of this country, but are spread internationally throughout the entire spectrum of government, civilian medical practice, and academic medicine.

The position of director of this institute was created over 100 years ago by the U.S. Army. At certain intervals during this time span several U.S. Army Medical Corps officers have served as the institute's director with the rank of brigadier general or with the rank of major general. U.S. Naval and Air Force medical officers have also served as director of the institute.

Mr. Speaker, I think it would greatly enhance not only the position of director, but the institute itself, if Congress would establish a Navy flag officer or Army and Air Force general officer position for the director. This proposal is supported by the scientific advisory board of the Armed Forces Institute of Pathology and I am today introducing a bill that would do just this. I hope that the House Committee on Armed Services will expedite this proposed legislation as soon as possible.

REALISTIC CONSUMER PROTECTION

(Mr. PURCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PURCELL. Mr. Speaker, in the field of consumer legislation, much as in the consumer marketplace itself, attractive labels often cover inferior merchandise. The hurried housewife who buys the label but does not examine the package is often disappointed in her purchase. The same can be said of a legislative body that acts in haste in considering proposals which will affect millions of American consumers.

There is a difference, of course. When the individual housewife makes a mistake in a purchase, she has several remedies. In the case of some products, she may even take advantage of a money-back guarantee. But a lawmaking body which approves a legislative package that does not live up to its label cannot rectify its error so easily. Legislation once enacted, good or bad, assumes a life of its own. And when it has raised public expectations in a given area of public concern, but does not deliver what it has promised, the inevitable result is increased public disillusionment in the system.

It is, therefore, vitally important that in considering consumer legislation Congress should carefully examine the contents of the package beneath the legislative label. Attractive titles are not enough. We must ask ourselves:

What does this legislation really do? Will it help remedy the problem? Or will it simply create greater problems for the consumer, while failing to achieve its stated objective?

As we know, the growth of the consumer movement in recent years has focused attention on and helped to remedy a number of ills in our complex, modern consumer economy. Consumerism today is therefore accepted on all sides as a significant force in our society, a movement that has made for increased industry sensitivity and responsiveness to the wants and needs of our consuming public.

Much has been accomplished by way of strengthening and benefiting consumer rights and interests in the marketplace. More needs to be done in this area. This job will not be completed overnight, however, for the issues and problems which fall into the consumer category are not of a kind to be solved easily or quickly.

We are dealing, after all, with the problems of an ever-changing consumer economy. The very success of that economy—the development and seemingly infinite variety of products and services being offered our people—render impossible any fixed and absolute legislative or regulative answers to consumer problems.

There are those critics, of course, who argue that the country has neglected problems in the consumer area for too many years. These critics call for wholesale action, legislation-by-the-bushel, so to speak, to make up what they believe to be lost time.

Thus, as often happens when the legislative pace quickens in a particular area of social or economic concern, there is now the danger that we may try to make up for alleged lost time by striving for quantity rather than quality in enacting consumer legislation.

Let me phrase this another way: We must move, energetically and efficiently, to develop and implement remedies for the ills of the consumer marketplace. But it will hardly benefit the consumer if, out of misdirected zeal or for any imagined short-range political advantage, the Congress should rush into the pharmacy of legislative proposals to buy, without examining the contents beneath the label, any and all panaceas and nostrums that may be placed on the shelves.

In my opinion, many bills now pending before the Congress which bear the label "consumer interest legislation" fall into the category I refer to—that of inferior merchandise covered up by attractive labels.

My purpose today is to discuss the contents inside one of these legislative packages—the proposal that bears the attractive label "consumer class action."

At the outset, let me say that I agree with the sponsors of this legislation as to the need to strengthen consumer rights and protection against fraud and deception in the marketplace. I agree with their stated objective of developing improved methods by which consumers can find redress against fraudulent and deceptive operators and practices in the marketplace.

The question, however, is whether the remedy proposed by class action legislation would be an effective means of helping the American consumer—or would it, if enacted, do more harm than good?

According to its sponsors, the ostensible purpose of class action legislation is to provide individual consumers the right to band together as a legal class in order to bring suit collecitvely for any damages suffered as a result of fraud and deception in the marketplace.

By way of making their case in the court of public opinion, supporters of the bill have held out the promise that under its provisions—to cite their examples—the housewife whose washing machine, toaster, or oven does not work properly would be able to collect legal damages for the cost of the equipment and any loss incurred as a result of the purchase. All that would be necessary, claim class action supporters, is for proof to be supplied that fraudulent, deceptive practices were involved in the promotion and sale of the merchandise.

So goes the theory of consumer class action legislation. It sounds easy enough, and attractive enough. But unfortunately, like the very consumer problem it purports to cure, class action is being sold to the public in a way that can only result in consumer disappointment and dissatisfaction with the product, should it be enacted into law.

For like the washing machine, toaster, and oven that class action advocates use in illustrating their case, the legislation they propose will simply not perform as advertised. Worse yet, it will create untold new problems, not only in the consumer field, but in our judicial system—a judicial system already strained to the crisis point as a consequence of a heavy backlog of pending cases.

The enactment of consumer class action legislation would, of course, result in a tremendous new caseload for our courts. In this respect, it would shift a major part of responsibility for action in the consumer field from the executive and legislative branches of Government to the judicial. Were such a shift to result in the expeditious remedy of consumer ills, it would be justified by the benefits it might bring to consumers. However, considering the heavy current case backlog in Federal courts throughout the country—in some districts the median time between the filing of complaints and the actual opening of a trial runs from 40 to 77 months—it is hard to see how the individual consumer can receive the quick, easy remedy promised by class action advocates.

As a lawyer and a former judge, I appreciate full well the difficulties encompassed in the forming and the filing of a class action suit. The theory of class action in itself is not new, of course. But the application of Federal class action procedures as a solution to problems of the consumer marketplace is an approach that embraces a multitude of unanswered questions.

I do not propose here to go into the many and complex questions of judicial procedure which remain unanswered by class action proponents. Nevertheless, these unanswered questions bear directly upon the inadequacy of class action as a solution to individual consumer problems and complaints concerning products or services.

In this regard, I would recommend that those concerned about the constitutional ramifications of class action legislation carefully read the testimony submitted to the Senate Commerce Committee by Prof. Charles Alan Wright of the University of Texas School of Law. Provisions of pending class action legislation would force State courts to apply Federal law or procedure to class action cases filed under State laws—even if such Federal law or procedure is contrary to State public policy. In Professor Wright's opinion, these provisions are unconstitutional infringements on State jurisdictions.

Apart from its procedural difficulties, however, there is the problem of costs to the consumer. Class action supporters have also failed to point out the potential cost of filing of class action suits.

According to Richard McLaren, Chief of the Antitrust Division of the Department of Justice, the complexity and length of class action litigation could result in preliminary court costs of $1 million—even before a class action case came to court for trial. And in the event the consumer class group that files a suit should lose its case, Mr. McLaren estimates that the costs to consumer litigants would be at least $25,000, not including lawyers' fees.

Although this information is not on the class action legislative label, it is nevertheless very much a part of the class action package. Those who are promoting and advertising this legislative package without full disclosure of its negative aspects are therefore doing the consumer cause a great disservice.

Who then would benefit from enactment of this legislation? In a recent article published in the Washington Evening Star, syndicated columnist James J. Kilpatrick makes the point that consumer class actions, however little they may accomplish for litigant consumers, would—and I quote—"open a happy hunting preserve to ambitious lawyers with a quick eye for the plump bird."

I do not believe that Mr. Kilpatrick means to reflect on the overwhelming majority of lawyers throughout the country. There is no denying however, that class action suits are an invitation to possible abuse of the judicial process by some few practitioners. Yet another critic of the consumer class action concept, Caspar W. Weinberger, has been outspoken on the possibility of such abuse. Mr. Weinberger speaks from a position of experience and responsibility in the consumer interest area, inasmuch as he was formerly Chairman of the Federal Trade Commission and is now a White House economic adviser. In a recent speech on the subject of class action and general consumer legislation, Mr. Weinberger had this to say—and again I quote:

> There is currently a fad in Washington that the one thing that is absolutely required to protect the consumer is the class action legislation.

Mr. Weinberger also said:

> Well, this bill, in one sense, is a rather technical, legal, formal procedure. In another sense, it is quite a far-ranging and rather awe-inspiring technique.
>
> What it involves is that if one individual or two or three come up with a product that is not up to standard, or has some serious defect, or is not safe, they can sue. But they can sue not only for themselves—for their own $75 or $100 damages—they can join, involuntarily, everyone in the country that happens to be in the same position.
>
> If they do so and recover damages, theoretically such damages are payable to everyone in the country that suffered similarly from what might have been a bad production run or some other kind of honest mistake on the part of a manufacturer.

The former Federal Trade Chairman then concludes that this kind of legal process would inevitably lead to—and I quote:

> An invitation to somewhat less than responsible practitioners to try to put together other groups of this kind because of the tremendous vulnerability of anyone who happens to be named a defendant.

So again, we ask: Who will benefit from enactment of a Federal class action law?

We do not have to speculate on this subject, but instead can refer to the experience of consumers in States which have previously enacted their own consumer class action remedies.

Mr. Weinberger, in fact, cites a most interesting case involving a particular consumer class action suit filed against the Playboy Clubs. After years of litigation, the case was resolved in favor of the complaining consumers. The consumer litigants won their case—but the plaintiffs each received credit slips in the amount of $8.75—for use at any Playboy Club. To quote Mr. Weinberger:

> The lawyers got a comparatively modest fee of $275,000.

There are many similar examples of consumer class action suits, filed under State law, which brought no tangible results to consumer litigants. From these examples, it is fair and reasonable to infer that the enactment of this legislation on a national level would more likely prove a boon to what Mr. Kilpatrick terms "ambitious lawyers" than to millions of American consumers, with legitimate complaints, who seek and deserve protection and redress against fraudulent, deceptive operators and practices in the marketplace.

Toward this objective, what is needed, in my opinion, is a strengthening of the arm of the Federal Trade Commission to fulfill the function of consumer protector for which it was originally created. This can be achieved in two ways:

First, the FTC should be granted power by Congress to seek preliminary injunctions against deceptive practices in the marketplace. Furnishing the Commission with this authority will mean that consumers will be afforded quick and effective protection against the fraudulent, fly-by-night kind of operator who preys on those consumers most in need of protection—the poor person of limited

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education who is lured by unscrupulous means into purchasing inferior merchandise.

Second, FTC's operations should be expanded and improved at the regional, grassroots level. Congress should take whatever action is necessary to make the Commission a true protector of consumer interests at the local, community level.

Let us remember that the original concept of the Federal Trade Commission was to provide individual consumers a means of governmental action against fraud in the marketplace other than the cumbersome method afforded by the courts. It would seem, therefore, that advocates of consumer class action, rather than moving forward, are in fact turning back the clock in this area.

In conclusion, Mr. Speaker, I would therefore urge that Members of Congress, in considering class action and the many other consumer proposals now pending, take care not to be guilty of the very abuses which we seek to protect against in the economic marketplace.

We must not mislead—or be misled—by attractive legislative labels.

We must not promise the American consumer that which cannot be delivered. We must not ourselves accept, contents of the package unexamined, any legislation which would radically affect the Nation's consumer marketplace simply to benefit a small, favored few, be they a handful of attorneys or advocates of a special interest.

REPORT OF THE VOLUNTEERS FOR VIETNAM

The SPEAKER pro tempore (Mr. ZABLOCKI). Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 45 minutes.

Mr. SCHWENGEL. Mr. Speaker, today Congressman WILLIAM COWGER and I have taken this time to present the report of the Volunteers for Vietnam made upon its return from a June 1970, trip to Vietnam.

The trip was not made at Government expense, but at private expense. All of the team members who went to Vietnam in 1970 made the same trip in 1967.

The trip in 1970 was made at the suggestion of President Nixon. Yesterday at the White House, the report of the Volunteers for Vietnam was given to the President for his consideration. This followed the pattern set in 1967, when the team's report was given to President Johnson.

Mr. Speaker, we present the report to the Congress today with the hope that it will help the Congress and all Americans better understand the situation. It is also presented with the hope that its recommendations will be carefully and seriously considered by this administration.

We feel strongly that while the situation is much improved over 2 years ago, there are serious problems remaining. We feel the recommendations made in the report can help overcome the most significant of these problems.

With these words of introduction, we present the report:

PROLOGUE: WHAT IS PAST

(By Congressman FRED SCHWENGEL)

The war in Vietnam is the longest war in our nation's history. The Revolutionary War lasted about eight years and five months, from April 1775 to September 1783. It has been more than eight and a half years since the first American soldier was killed in open combat in Vietnam, in December 1961.

Next to World War II—and that, let us remember, was a global war in which the future of all that we call civilization was at stake—it is the most expensive war in our history. The $100 billion which it is estimated to have cost as of mid-1970 is more than the combined costs of the Revolutionary, 1812, Mexican, Civil, Spanish-American, and First World Wars all together.

It has divided our nation as no other event or circumstance has divided it since the tragic Civil War. To many Americans our war aims have never been clear. Honest and patriotic citizens of all political persuasions, seeing the casualty figures mounting—about 43,000 Americans killed and 284,000 wounded in Indochina fighting to this date—ask what these sacrifices are for.

While the United States has been making such a heavy investment of blood and material resources in this small corner of Asia, the Soviet Union and Communist China, the two powerful nations which have been assumed all along to be the real threats to U.S. security, have had the satisfaction of watching us get bogged down at relatively modest expense and no damage to themselves. (The USSR's Vietnam War costs were $1,600 million and China's were $620 million for the three years 1967–1969; our costs for this period totaled $80 billion.)

Much more could be said about the price we've paid—material, moral, political, and psychological—for our Vietnam involvement. But the aim of this report is to examine what can be done to improve our present prospects in Vietnam, not to dwell on past mistakes.

Nevertheless, a quick look at certain too-often-forgotten events of the past may serve both to explain some of our national confusion and to lend perspective to this study of the present. To borrow briefly from a detailed background study, "The War in Vietnam," which was published in the *Congressional Record* for May 9, 1967:

The 30 million inhabitants of North and South Vietnam are an ancient people who—having been invaded by the Mongols, the Chinese, the Thais, the French, and the Japanese—have a strong common tradition of fighting outsiders.

From the Vietnamese viewpoint, the most oppressive occupation was that of France—a white, western, Christian, capitalist, colonial power. Regardless of motives—of whether we genuinely seek self-determination for the Vietnamese, or a balance of power which will insure peace in Asia, or both—America is inescapably associated in the Vietnamese mind with French colonial domination.

Both the U.S. and Nationalist China recognized Ho Chi Minh as leader of the free Indochina movement during World War II; we supplied the Vietminh with arms and advisors. Because of the Atlantic Charter and outspoken U.S. opposition to colonialism, the Vietminh—who had, after all, fought on our side against both Japan and Vichy France—had reason to expect U.S. support for their claim to independence following World War II. Instead, in the words of General MacArthur, the United States acquiesced in "the most ignoble kind of betrayal"—the use by the British and French in 1945 of defeated Japanese troops to reestablish French colonialism in Vietnam and "to reconquer the little people we promised to liberate."

In 1946 the French recognized the Republic of Vietnam as a "free state" within the French Union, with a government headed by Ho Chi Minh and a capital at Hanoi, and agreed to permit a referendum to determine whether all of Vietnam should become a unified, independent state within the Union; following disagreements with Hanoi about these arrangements, the French in 1949 established in Vietnam and recognized a puppet government headed by Bao Dai.

In February 1950, in a world atmosphere of increasing cold war polarization, the U.S. recognized the Bao Dai government of Vietnam and announced that aid would be provided to restore "security" and develop "genuine nationalism" in Indochina. U.S. aid was stepped up with the outbreak of the Korean War in June 1950. Thus for the first time we were officially committing American arms, money, and military advisors to a colonial war on the side of a colonial power. It is true that during this period and earlier we did urge France to grant independence to the Indochinese people, as we had to the Filipinos, but since France was vital to the success of NATO and was a permanent member of the United Nations Security Council, we found it inappropriate to press the matter very hard.

By 1954 our aid program had totaled over $1 billion. As the French military collapse accelerated, we were underwriting a high percentage of the cost of their war. However, when the U.S. could not get satisfactory assurances from France that it would grant independence to the peoples of Indochina, the U.S. Government refused to intervene militarily to save the French colonial regime. The collapse of the latter, signalled by the military disaster of Dien Bien Phu, came on the eve of the Geneva Conference, which resulted in the internationally recognized partitioning of Vietnam and the formalization of French withdrawal.

The rest is more recent and slightly more familiar history. When the new government of South Vietnam, under President Diem, formally requested U.S. assistance, President Eisenhower responded affirmatively but with strong emphasis on the self-help principle. Our greatest and most costly mistake was to depart from that principle later on and to take over the burden of fighting the war for the South Vietnamese. We did not so, of course, as a result of a simple decision; many historical circumstances contributed, and so, doubtless, did the American character itself. As the perceptive and sympathetic student of that subject, D. W. Brogan, writes in the introduction to his book entitled "The American Character":

"The hopeful American plunges rather than strides forward. After all, said Cromwell, no man goes as far as the man who does not know where he is going."

In Vietnam, despite the monstrous proportions which our military buildup and actions eventually assumed, it is not really fair to say that we plunged—many agonizing appraisals and much restraint were involved along the way—but it does seem clear enough that we did not really know where we were going.

We know somewhat better now. Under the Vietnamization program, formally instituted as of July 1, 1969, the South Vietnamese are gradually taking over the management of their own military as well as political and economic affairs, and steady progress is being made in the phased withdrawal of U.S. military forces.

But *how* the South Vietnamese are taking over is both a matter for skeptical concern and a question of critical importance. It is to this question that the present report is addressed.

INTRODUCTION

It is a very difficult task to write a comprehensive, yet comprehensible report on the situation in Vietnam. Almost every part of any one effort is closely related and affects any other one or more projects or programs. It is not easy to draw lines for analytical purposes, or even to fit everything into even the broadest outline or framework.

In this report, the team has done its best to organize the material in a logical and readable format. Recommendations and conclusions are scattered throughout the report. We have tried to summarize them as briefly as possible at the end.

In the report, we examine the Government of South Vietnam, politics and election, and its administration. We discuss pacification and the military situation. Finally we examine the American involvement.

The report is not exhaustive. It attempts to cover those areas on which the team was able to concentrate to become familiar with the problems.

Much of this report will reveal real progress and improvement.

Much of it will point up remaining problems that are difficult and will require the best of our intelligence and much patience.

Much of the report is given over to suggestions on what should be done to aid and abet our objective and goals for Vietnam.

BACKGROUND NOTE ON THE VOLUNTEERS FOR VIETNAM AND THE PRESENT REPORT

In 1967, when the debate over United States involvement in Vietnam was increasingly taking the form of highly emotional demonstrations and counter-demonstrations, inflammatory speeches, and draft-card burnings, the Volunteers for Vietnam Association was formed to try to bring a greater degree of rationality to the discussion of the war and American involvement in it.

The Volunteers are a group of people representing the broad spectrum of American life. They have sought to study the war and the political, economic, and social problems of Vietnam objectivity and in some depth.

To this end, a team assembled by Congressman Fred Schwengel, organizer of the Association, went to Vietnam in November 1967 for an on-the-spot look at the situation. Upon their return they recommended a change in military strategy from search and destroy[1] to one which they described in their report as "clear and hold." They also called for implementation of an effective land reform program. Especially important was their call for a change in American policy which would increase the responsibility of the South Vietnamese people and government in the war effort.

It is a matter for deep satisfaction that these major recommendations are being carried out now.

Two and a half years later it was apparent that a need still existed to bring a greater degree of rationality and objectivity to the Vietnam debate. Acting on the suggestion of President Richard Nixon, Congressman Schwengel reactivated the 1967 team for a return visit.

Underlying the decision to respond to the President's suggestion was the brief that a sufficient time had elapsed since November 1967 to make possible a realistic evaluation of changes in the situation and in U.S. policy. We went back to try to measure those changes and to determine whether the situation had in fact improved, as often claimed, or whether there was more truth in the counter-allegations that no real progress was being made in the war effort.

As in 1967, the Volunteers for Vietnam went at non-government expense. However, we gratefully acknowledge the help and cooperation received from U.S. and Vietnamese officials while we were in Vietnam.

Team members who went to Vietnam in 1970—all of whom had made the 1967 trip—are as follows:

Congressman Fred Schwengel, serving 7th term in U.S. Congress from the First District of Iowa. Organized Volunteers for Vietnam in 1967.

Congressman William Cowger, serving 2nd term in U.S. Congress representing the Third District of Kentucky.

Dr. Ernest Griffith, Washington, D.C. Retired Dean of School of International Service American University. Served 18 years as Director of Legislative Reference Service, Library of Congress.

Robert Henry, Springfield, Ohio. Former Mayor of Springfield.

Rev. Heinz Grabia, Davenport, Iowa. Pastor of the First Baptist Church; past President of Scott County Ministerial Association.

Vernon Shepard, Muscatine, Iowa. Farmer. Has traveled to Japan as member of trade mission. Chairman of Muscatine County Board of Supervisors.

Mrs. Harold Day, Des Moines, Iowa. Service officer for Veterans Administration.

Allan Schimmel, Washington, D.C. Administrative Assistant to Congressman Fred Schwengel.

The Volunteers for Vietnam left San Francisco on the evening of June 8 and arrived at Saigon on the morning of June 10. They left on June 19 after spending ten days making exhaustive studies and traveling extensively throughout South Vietnam.

They prepared themselves for the trip as they did in 1967. Extensive reading about Vietnam was done before leaving. Some members of the team were briefed in Washington by the Agency for International Development, the Department of Defense, and the National Security Council as well as Ambassador Ellsworth Bunker. Upon arrival in Saigon the team was given up-to-date briefings before spreading out in the countryside of South Vietnam.

All four Corps areas were visited by team members. In the Delta or IV Corps the team was in An Gian, Kien Hoa, Kien Phong, and Phong Dinh Provinces. In III Corps team cisco on the evening of June 8 and arrived in members were in Tay Ninh, Gia Dinh, Bien Hoa, and Long Khanh. In II Corps team members were in Phu Yen. In I Corps, just south of the DMZ, team members visited Thua Thien and Quang Nam Provinces. Principal cities visited by team members, other than Saigon, were Hue, Da Nang, Vung Tau, Tay Ninh, Can Tho, Long Xuyen, Bien Hoa, and Nha Trang. Three members of the team also visited the famed "Street Without Joy" in Thua Thien Province.

Among the high-ranking Vietnamese officials who met with the team were Ministers of Social Welfare, Veterans Affairs, Information and Chieu Hoi. Deputy Ministers of the Foreign Ministry and Agriculture also met with team members, as did the Mayor of Saigon.

Members of South Vietnam's House and Senate also met with the team. The presiding officers of both bodies and the chairmen of most major committees discussed the situation in Vietnam with team members.

More significant, perhaps, is the fact that team members met with a large number of Vietnamese province, village, and hamlet officials and many Vietnamese people outside the government, including Buddhist and Catholic leaders and student leaders.

The team also met with Ambassadors Bunker and Colby and with USAID Director Dan McDonald, as well as with members of their Saigon staffs. Here again, the team felt that at least as important were the discussions and visits with the "working-level" people—American advisory personnel at the province, district, and corps levels.

From the outset it was the aim of the Volunteers both to evaluate where we stand in Vietnam now and to try to project the wisest courses for American policy to follow in the future. We went as compassionate skeptics—compassionate in the sense that we were moved by the human tragedies of the war and also by the tremendous responsibility involved in bringing it to a constructive end; skeptical in that we were determined to put to the test, in the field, every statement of purpose made by the briefers in Washington and Saigon. Thus the team actively sought information from a wide diversity of people with different outlooks. International volunteer groups in Vietnam were consulted as well as Vietnamese and Americans. Newspaper correspondents also were contacted for their views.

The Volunteers for Vietnam were not content to accept the usual briefings as the whole story. We were there to see for ourselves.

THE GOVERNMENT OF SOUTH VIETNAM

In 1967 we posed the questions; Can Vietnam become a stable nation and does the Government of Vietnam have the ability to win the confidence of its people?

We answered these questions by pointing to important "ifs", *if* quality leadership is found, *if* corruption is controlled, *if* province chiefs are elected, and so on.

We can report that some of the "ifs" can be removed from the list, having been realized. Others remain, however, and new ones must be added.

Generally, the situation in South Vietnam is more stable. It is obvious that more people have confidence in the Government of South Vietnam (GVN), and virtually everyone assumes it will succeed in maintaining its independence. However, we cannot state with finality that South Vietnam is a stable nation and that the GVN has now acquired the degree of confidence of the people needed to remain stable. There has been progress, but serious problems remain. As the United States military presence continues to decline there will be increased pressure on the GVN. As the North Vietnamese and Viet Cong continue to regroup and return to the "protracted war" strategy, the GVN's ability to maintain internal security and the confidence of the people will be severely tested. The extent to which it succeeds in enlisting popular cooperation, including the recruiting for the retention of the Regional and Provincial Forces and the Peoples Self-Defense Forces is crucial.

For analytical purposes we will first examine the Government of South Vietnam as an institution, including the matters of politics and elections, and administration and operation. We will also comment on economic and social development pacification and the military situation. Finally, we will try to answer the question: Is Vietnam a nation?

GVN—POLITICS AND ELECTIONS

When the Volunteers for Vietnam made their first trip in November, 1967, the first elections provided for under the new constitution promulgated on April 1, 1967, had just been held.

The first series of elections for village councils had been held in 984 villages. Additional elections were to be carried out as security permitted. As of May 1, 1970, over 2,000 out of a total of 2,552 villages have elected governments in place. In 1970 there have been elections for the first time in over 60 additional villages. Re-elections were scheduled for 1,043 villages this year. Over 909 of the re-elections have already been held.

South Vietnam has 13,821 hamlets, of which 10,552 are so-called "active" hamlets. As of now almost 9,800 hamlets today have elected governments in place. Re-elections are scheduled in 3,762 hamlets during 1970. Elections will be held for the first time this year in 229 hamlets. In May and June of 1967 when hamlet chiefs were first elected under the new constitution, 4,476 were chosen. Here too, other elections were held as security permitted.

The story of elections at the village and

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[1] As far as the inhabited hamlets and villages were concerned.

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hamlet levels is encouraging. One measure of the increased security in South Vietnam is the increased number of villages and hamlets which now have elected their own officials and the much larger average population of those under GVN control as compared to the contested and VC controlled units.

It is interesting to note that nearly 50% of the officials elected in the village and hamlet re-elections are new people. There is a public awareness of local political personalities and of local issues.

Before elections were held at the village and hamlet levels, local officials were appointed by, and took their orders from, Saigon. Under President Diem, in particular, a great effort was made to centralize control over local government. The French tradition was all pervading.

Recently, the GVN, with U.S. prodding, has started to reverse the situation. A conscious effort based on the recognition that the stability of the GVN itself depends in no small measure on the strength of its local government is under way to broaden the authority of local officials and to give them more responsibility. The New England town meeting and U.S. village government are prototypes

The Village Self-Development Program gives considerable autonomy to village councils. Depending on the size of a village, funds are made available to each village to spend on local development projects. In succeeding years, the subsidy from the GVN will be reduced and village councils will be required to raise more funds from local taxes. At the present time, there is virtually no central taxation of rural areas, nor is any presently contemplated for central government purposes. Present programing calls for giving villages more control over revenues they can raise locally. Obviously, the objective is that of developing a tradition of self-support and self-government.

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The Team observed several Village Self-Development projects. It was impressed with the obvious pride in the projects held by local village officials. There are to be sure weaknesses in this program. First is its current dependence on the United States for funding. Secondly, while theoretically each village can set its own priorities, there are a myriad of GVN restrictions which inhibit true flexibility. Projects costing over a certain amount must be approved by province officials, projects costing still more require approval by officials in Saigon.

Basic to the program to reestablish popular local government is the effort to make it self-sustaining. The Local Revenue Improvement Project could be the most significant development in local government, next to the elections. It is our understanding that this project, which potentially can produce a 10 billion piaster increase in local revenue by 1975, is now in the process of being implemented.

It is especially significant in relation to the current proposals to turn the elementary school system over to local government. Traditionally, control over all education has been in Saigon. However, if village government can generate the tax revenue needed, they may be able to gain control of the elementary schools within their boundaries.

It is clear that local government in Vietnam in 1970 is more viable than it was in 1967. In no small measure it is the backbone of the GVN; however, it doesn't appear that the GVN fully appreciates this. A proposed piece of legislation once called Lower House Bill 84, does lay out the duties and responsibilities of village councils, village chiefs, and hamlet chiefs. It formalizes the power of the village council. However, numerous loopholes appear in the draft of the bill and give the GVN in Saigon sufficient veto authority over local government activity to make improbable the great increase in local government autonomy from this bill as some have predicted.

The Volunteers for Vietnam Team strongly supports present efforts to strengthen local government. More should be done. The emphasis on developing local revenue must continue and even be stepped up. We should do what we can to free the villages from the excessive restrictions on their activity imposed upon them by Saigon. As it is, the bureaucracy slow things down, sometimes to a halt. Getting a response on a project proposal can take months.

Elections for positions on 44 province councils and six city councils were held on June 28, shorty after the team left Vietnam. Originally, scheduled for 1968, they were postponed as the result of Tet offensive. Provincial councilors and city councilmen holding office prior to the June 28, 1970, elections had been in office since elected in 1965. So the elections this year are the first for province and city councils under the 1967 constitution.

The province council elections were heralded by Vietnamese and Americans alike as a major step toward democratizing Vietnam. No doubt they are significant, but this enthusiasm should be tempered with the knowledge that the Viet Minh held similar elections in 1945 and 1946. To at least part of the Vietnamese, the GVN is still playing a "catch-up" game with what others had done long ago. Nevertheless, the Team does consider the provincial council elections as an important step, particularly if they are followed soon by the election of province chiefs. It is worthy of note that province council members were elected from regions within the province in order to lessen the near-monopolistic control of the council by capital cities which would have resulted from at large elections.

Vietnamese and Americans at the province level placed great emphasis on the importance of electing province chiefs at the earliest possible date. At the present time, all province chiefs are still appointed and all are military officers. As such, they serve two masters. They fall in the military line of command under the ARVN CORPS commanders. In addition, they are responsible for the civilian operations in their province and therefore also serve the various ministries in Saigon.

In November of 1967 we were informed that elections for some province chiefs would be held within 3 or 4 months. The 1968 Tet offensive, of course, changed that. However, it is now two years after Tet and elections still have not been held. It was obvious, too, that American and Vietnamese officials in Saigon were not as convinced as their counterparts at the provincial level that province chiefs should be elected at this time. The Constitution of the Republic of Vietnam states that the President may appoint province chiefs during his first term in office. This means that the Constitution clearly intends that province chiefs are to be elected after the Presidential election is held in 1971. It was disturbing to note that officials in Saigon were talking about delaying these elections past this point. The Team feels it is imperative that province chiefs be elected soon. We strongly feel that the province level of government must be made more responsive to the people. Given the present power structure in which province chiefs now find themselves, it is difficult for them to be as truly responsive as they would be if their constituency was the people of the province instead of the GVN and the ARVN. Such elections should also greatly inhibit the corruption attendant upon the existing appointment system.

The draft bill which defines the powers, authority and responsibility of province councils and province chiefs also calls for the popular election of province chiefs; however, no time table is established for these elections.

As is the case for village councils, the draft law, while appearing to give substantial authority to province councils contains the same "loopholes" allowing stringent GVN control from Saigon. For instance, decisions concerning the "construction plans and programs of public interest, the level and value of which will be fixed by a Prime Minister decree" must be approved by the Prime Minister before they can be executed. There are 13 additional specific areas where a provincial council decision must be approved by the Prime Minister or a GVN minister before it can be executed.

It appears to the team that too much power and authority is left to the GVN in Saigon under the new draft law. It is our hope that the Vietnamese National Assembly will tighten some of these loopholes before the draft bill, drawn by the GVN Ministry of the Interior, is adopted. If decentralization of government power and authority really is the goal, the new draft bill does not go far enough towards meeting it.

City government is also covered in the new draft law. The provisions for city government are quite similar to those proposed for village and province councils. The Capitol City of Saigon is given special status as a prefecture. There are five additional autonomous cities, Da Lat, Hue, Vung Tau, Da Nang, and Nha Thrang. Autonomous city councils are directly responsible to the GVN in Saigon. They have the same status as provincial councils. Other cities have status similar to that of village councils and are responsible to the province chief as well. Can Tho, the largest 'city' in the Delta is divided into three villages with little or no coordination between them.

Again, the point must be made that too great a potential remains for stringent GVN control of these units of government. In our view these units of government should have more real power rather than having so many of their decisions subject to either ratification or disapproval by the GVN in Saigon. Commensurate taxing power may be a corollary.

At the national level of government, half of the Senate seats are up for election. Next year all of the Lower House seats will be up for election and, of course, there will be an election for the Presidency as well.

In order to avoid what happened last time when he found himself a minority president even though he had 35% of the vote, President Thieu is proposing that there be a run-off election between the two top candidates in the first go round. This is probably very important in the event that the National Liberation Front decides to negotiate a way of contesting these elections. Because of the unity and organizing ability of the Communists, they might find themselves first in the field of 15 candidates! As yet, the progress toward a system of political parties leaves much to be desired. Potentially, at least some of the non-Communist opposition elements might get together and form a ticket which would profit from popular discontent, especially in cities and in some of the provinces where the chiefs are particularly corrupt. The farmer-laborer party has a certain potential. It is fairly clear that President Thieu plans to base his campaign largely upon the civil service, the army, and the rural areas. If, as seems likely, the Paris negotiations get nowhere, it is probable that the quality and results of the presidential election will be crucial in the eyes of the world as regards the legitimacy of the government which emerges from them.

President Thieu has made a definite attempt to broaden the base of his government through the appointment of a more representative cabinet. In this his success was distinctly limited. Two leaders of other parties who were offered cabinet positions each insisted upon being appointed prime minister, and a third insisted on the part of minister of the interior because of the patronage it would make possible for him. As matters stand, the cabinet is predominantly a one of reasonably competent men, broadly representative of different regions of the country. Many of its members are not too well known but seem to be competent and honest. Unlike the members of the Loc government under President Ky, they are predominantly of southern origin. Of the thirty present members, twenty-three are from the South, and seven are refugees from the North. Of the twenty-three from the South, seven are from the Saigon area and its suburbs, while sixteen are from the other provinces. Two are Montagnards.

President Thieu seems to be making some effort to operate constitutionally, although in certain instances he has placed interpretation on the constitution contrary to that of the Supreme Court. In these instances, he has either obtained legislative sanction or modified his subsequent behavior.

The National Assembly appears to be operating in a substantive sort of way. It clearly has factions, both pro and anti-Thieu. It has forced the Government to back down on proposals when it felt strongly about them. The Khiem Government apparently has a much better rapport with the National Assembly than did its predecessor.

Some general observations about political development may be in order. As yet, there are no real national political parties as yet. This fact reflects a lack of national consciousness in Vietnam. The loyalty of a Vietnamese goes first to his family and then to his village. Elections for provincial council and chiefs will help broaden political perspectives. Another round of Senate and National Assembly elections and another Presidential election will have the same effect. However, a caveat should be expressed. A broadened political perspective can be a two-edged sword. It will help create a greater national consciousness and cohesiveness, but it also will create a greater awareness of where real power lies and should the GVN not be as responsive as it ought to be, it might well find itself overthrown.

The team noted with interest that some candidates for province and city council places seemed to be jostling to be in a position to run for the Senate or Lower House in the forthcoming national elections.

It is likely that political parties will become more prevelant in the years to come. Undoubtedly they will be in large measure religiously oriented. The Buddists, even with all of their factions, are powerful. Of course, the Catholics have strength out of proportion to the numbers because of their rather tight organization and cohesiveness. Also interesting were reports of attempts to form a coalition among segments of Buddists, the Cao Dai and Hoa Hao. Temporary coalitions may well precede the development of firm national political parties.

The team found itself uneasy by the not infrequent references by some of the most perceptive Americans to the ARVN as "an Army of occupation." So far as we could judge the inference was that power, however disguised, was chiefly with the military, a coterie of generals and other officers who shuffle in and out of military and civilian assignments. Thieu and Ky belong to this group as does General Cao Van Vien, the head of the Armed Forces, whose wife takes advantage of his power to engage in shameful monopolistic economic practices. Thieu's power structure rests in part on the group of Army officers whom he has appointed provincial and district chiefs to exercise largely civil functions, which contain numerous lucrative opportunities. General Tri, the hero of Cambodia, had just been caught in flagrant graft when his military exploits saved him.

Will those of this group who use their office for private profit give up without a struggle if and when peace comes or elected civilians take over most of the civil affairs decision? This is a major crisis for tomorrow.

GVN ADMINISTRATION

One of the most difficult problems faced in Vietnam is that of the administrative efficiency of the Government of South Vietnam. In 1967 it was atrociously bad. In 1970 it is still very bad.

It is not hard to ascertain why the situation has not improved very much. Salaries of civil servants remain outrageously low and are cut more each day by inflation. Many of the brightest and most able civil servants have been drafted and are serving in the army. The bulk of the Vietnamese civil service is still French-educated and French-trained. Unless they are strongly prodded their perspective seldom goes beyond the city limits of Saigon. But another and more disturbing reason for a noticeable lack of improvement is the organization of our own advisory effort. This will be dealt with in more detail later on in the report.

There are some developments which are encouraging. However, there is no doubt that time is of the essence.

One of the most hopeful aspects is the series of training programs for the village officials and the civil servants. The persons in charge of these, Dr. Bong and Colonel Be, respectively, are really first-class.

The training of middle and upper levels of the civil service is conducted by the National Institute of Administration under Doctor Bong. Programs exist here at the university level, at the post-university or experienced level, and as in-service, training. There are also evening classes for those who may wish to take them. The principal program is a three-year one at the university level. About 80 students complete the course each year out of a hundred that are very carefully selected to undertake it.

The second year of the training is spent in internships in the rural areas. The first placement of almost all of the 80 is as a deputy district or province chief and a few assigned to corresponding positions in Saigon. These young men and women are of very high caliber.

In 1970, as in 1967, we visited the training center at Vung Tau under the direction of Colonel Be. He is one of the most inspiring people we met among the Vietnamese. Whereas his earlier function was to train revolutionary development cadres for the hamlets and villages—people were assigned to other than their own. The present assignment is much better built into the structure of the society and government. His principal task now is to train the village officials, the hamlet and village chiefs and councils, and any others who may be officials of the village. In addition, he trains a small group to go into the villages to help organize cooperative projects, security, etc. President Thieu speaks at the graduate exercises of each group about their nation and their responsibilities.

The program at Vung Tau recently has been expanded. Classes are now being held at Vung Tau for civil servants working in the Ministries in Saigon. Obviously, it is thought that the Vung Tau experience will give civil servants a better knowledge of and appreciation for the nature of the rural development program.

As mentioned earlier one of the problems the GVN has today is the lack of trained and highly motivated civil service officials. This problem has been exacerbated by the drafting of many of the young and better trained civil servants into the army. The procedures do exist for returning these people back to their civil posts, but they are infinitely difficult. It appears there would be some merit in making this transfer less difficult.

Inflation has created much unrest among civil servants. It certainly is understandable. Underpaid to begin with they see their wages are cut daily by inflation. Most civil servants must hold two jobs in order to support their families. This situation also greatly increases the problem of corruption which traditionally has plagued Vietnam. While in Vietnam we were told that it now would be considered inflationary to raise the pay of government employees at this time. This may be, but on the other hand, the CVN cannot afford to do otherwise. For its own stability, it badly needs a higher quality, better trained and more seriously motivated civil service. Present policy militates again this important development.

Corruption, though perhaps less in 1970 than in 1967, remains a serious problem. It is encouraged not only by low salaries of civil servants, but also by the present development programs which deal in the commodity business, i.e., cement building material, etc. The powers given the military hierarchy as province and district chief also fuel the corruption problem.

Corruption has long been assumed to be a way of life in Asia. Corruption appears in Vietnam to become an issue only when an official takes more than a polite amount—i.e., makes a business of it. Efforts are "under way" to deal with the problem—but they have been "under way" for well over three years.

Corruption at the village and hamlet level appears to be minimal. Receipts and expenditures at these levels are posted for all to see.

At the province and district level, the problem is more serious. As long as commodities are furnished by the GVN in Saigon to the lesser levels of government and routed by way of the provinces and district the amount of corruption will remain high. A realistic approach to the problem is to make direct money grants to the villages and then allow them to purchase the supplies they need on the open market.

It is our understanding that the U.S. government last year was about to end its commodity grant program, but that it was finally deferred again on the premise that direct money grants would aggravate the inflation problem. Nevertheless, it would be advisable to end the commodity program as soon as possible. Corruption would not disappear, but it could be markedly reduced.

The District level of government is troubling to us. It has no standing as far as the Constitution is concerned. It is purported to be an administrative unit. The district chief is always a military officer, appointed to that position. He is theoretically responsible to the province chief. As does the province chief, he has both civil and military responsibilities.

The proposed legislation concerning the organization of province and village government does contain provisions concerning district government. It is termed an administrative unit. District chiefs are to be selected from a list of public officials experienced in local administration. However, the appointment is to be made by the Prime Minister in consultation with the province chief.

The team is wary of this arrangement. While termed as administrative unit, the district is a very important link in the GVN governmental structure. Presently it is a level where much of the corruption takes place because all commodities for villages must pass through district headquarters. It has, even under the draft bill, a large measure of power over village affairs.

Consideration should be given to eliminating the district level of government as far as civil operations are concerned. It could remain as an internal security level in a military chain of command. However, it seems unlikely that this step will be taken. Therefore, we feel that district chiefs should be appointed by elected province chiefs in consultation with village and hamlet officials in the district concerned.

Of crucial importance to the team is decentralization of power within the GVN and the separation of civil from military affairs. The election of province chiefs will be most helpful, taking that office out of CORPS chain of command. However, the provisions concerning the district are not comparably reassuring.

The GVN Ministry of Interior has instituted a local government training program to augment the training received at Vung Tau. The training is organized at the provincial level as well as in four of the cities. In 1969 over 37,000 village and hamlet officials were trained in Province Training Centers. In 1970 over 39,000 such officials will be trained. This is an important program that should be emphasized. It is necessary to raise a pertinent point here. Better trained and educated village and hamlet officials will increase the quality of local government; however, if the GVN in Saigon refuses to give these newly-elected and recently-trained officials the power and responsibility needed to be effective, all the training programs in the world will not help.

Before we leave our discussion of the GVN Administration, tax collection must be mentioned. Given the condition in Vietnam, it is not surprising that tax collection is woefully inadequate. However, significant progress is being made. Internal tax collections have grown from 6.2 billion piasters in 1964 to 27.3 billion piasters in 1969. There was a 50% increase in 1969 over 1968. The Directorate General of Taxation has been especially hard hit by the drafting of many of its best employees. There still is widespread tax evasion and considerable corruption in tax collection. Again, increased salaries for civil servants would help, as would the return from the army of more specialized and skilled people.

ECONOMIC AND SOCIAL DEVELOPMENT

The war in Vietnam is complex. To the dismay of many it has been and is being fought without any front lines. In the type of war being fought in Vietnam one cannot so easily segment the military, economic, political and social aspects. They are inexorably intertwined.

We have discussed the political situation, including the GVN administrative structure. Now we propose to examine substantive topics such as the economy, agriculture and the rural areas, the cities, education, refugees, industrial development, public health and the like. Obviously, pacification (a misleading and inadequate term) relates to all of these areas together. While each topic area will be examined separately, we shall attempt to pull things together in a final discussion on pacification.

In 1967 the team stated it was concerned that insufficient attention was being paid to the economic and social development in Vietnam. Generally, the situation in these areas has vastly improved since 1967. This fact is due in no small measure to better U.S. understanding the nature of the war.

a. The Vietnamese economy

There is universal agreement among Vietnamese and Americans that the problems with the Vietnamese economy are now more critical than those associated with security. Inflation is a striking example. Its effect on the morale of civil servants has been discussed.

It should be borne in mind that approximately 1,200,000 of the South Vietnamese men in their most productive years, are or will shortly be, in uniform and serving full time in either the Army, the Regional, and Provincial Forces, or the police.

Proportionately, this number would be the equivalent of some 18,000,000 under arms in the United States. However, Vietnam has no margin of manufacturing or export with which it can pay for the luxury of the war. When the Americans withdraw, the amount of money which they are presently bringing in through the expenditure of the troops and other personnel, will of course, be lacking in terms of potential foreign exchange. As matters stand, Vietnam is importing about $800,000,000 a year and exporting only about $20,000,000. There is no possibility of closing the gap of this magnitude in the immediate future. It can, however, be lessened considerably. Meanwhile, inflation continues with all its disrupting aftermath.

Manufacturing is actually declining, but the time is approaching at which it can be resumed and developed. The immediate problems are twofold—labor shortage and insecurity for investment. The labor shortage should be at an end or at least alleviated with the withdrawal of the Americans, but as long as the Vietnamese have to maintain the number of men under arms which they do, this will remain an inhibiting factor.

The security problem in factories being blown up, etc., is likely to remain as long as the Communists continue to rely upon terror of one sort or another. We feel that there is only one possible answer to this, pending the restoration of complete security. This is for the government to insure the investor against risks of this type. Domestic and foreign capital should be available for the investment itself, and it is quite possible that the country of the investing foreign nationals might be ready to assume some or all of the costs of the insurance. As matters stand at present, these would be largely Japan, Australia, the United States, and western Europe.

The Lilienthal Report has been very thorough in its projection of the post war potential of Vietnam. In general, it would seem that the development of industries should be such as to lessen imports and increase exports. Under the first heading examples would be sugar refining and textiles. Under the second heading would be plywood, paper and pulp.

It should be borne in mind that Vietnam, because of the war and because of the aid of the States, will be entering a postwar period with its infra-structure virtually complete in the form of highways, harbors, and communications. Moreover, it will have a very considerable supply of skilled labor, carpenters, plumbers, mechanics, etc.—all largely a byproduct of the war and the American presence. Were it not for the war, it would be much nearer the takeoff point for self-support than almost any other developing nation.

In addition to manufacturing, it should be borne in mind that the fisheries are potentially a very great economic asset, as regards both domestic consumption and export. Timber supplies are ample for export purposes, and the Japanese would take any amount of timber that might be harvested. The problem is security, inasmuch as the forests are a principal base of Communist terror activities. It may be a long time before these are actually cleared and exploited on a sustained yield basis. As regards agriculture, the potentials on the side of the exports of rubber are considerable. The possibilities for producing to replace imports for increased domestic consumption are also considerable. Coconuts and sugar will serve as examples. Furthermore the Vietnamese like chickens and pork, and the production of both of these is going ahead rather rapidly. This would imply also an increased growth of sorghum.

The position of organized labor is encouraging. The CVT, the largest of the federations of unions, claims 600,000 members. Its leader, Mr. Buu, is a responsible, democratic trade unionist. What has happened to the unions in South Vietnam seems to be adequate in general to keep organized labor in the democratic tradition. In addition to the normal labor functions, they have taken a considerable lead in social welfare among their own members and in organizing self-help projects. The largest single component group is that of the tenant farmer; what will happen when there are no more tenant farmers is uncertain. Mr. Buu is engaged in forming a farmer labor party which seems to be one of the few political parties that has any real chance of a national constituency.

A great economic crisis will emerge as the Americans withdraw. As the Vietnamese take over their defense, their cost will go up, although it is only a small fraction of our cost perhaps only 1/15 of ours. On the other hand, it is perfectly evident that if a major crisis with widespread disorder, employment and chaos is to be avoided there must continue to be very considerable financial aid to the nation so long as such a large fraction of its population is preempted by defense needs. That these will remain considerable is suggested by the fact that it takes from five to ten regulars to contain one guerrilla.

b. Agriculture

Agriculture is and will continue to be the most important part of the Vietnamese economy. While over 40% of the population now lives in communities of 20,000 or more, at least 70% of the population depends on agriculture to make a living.

The "Green Revolution" is underway in Vietnam. The new miracle rice strains, IR–8, IR–5, IR–20, IR–22, are being used in Vietnam. IR–8 is used more than the others. It is expected that over 500,000 hectares of IR–8 rice will be planted in 1970. This planting will almost double that of IR–8 rice in 1969.

Next year South Vietnam will again achieve self-sufficiency in rice. This will be a mixed blessing for the Vietnamese. The export market it once had for rice no longer exists to the extent it once did. Diversification is, therefore, of utmost importance. Sorghum, fruits, and vegetables, and sugar cane appear to be some of the best prospects for diversification. Livestock production must also be increased.

Poultry and swine industries are being expanded. Several swine and poultry farms were visited by the team. There is considerable promise for increased activity in these areas.

Problems such as adequate feed mills, technical expertise, and capital must be overcome.

The question of marketing is crucial. We witnessed the rivers teeming with commerce and the highways with trucks loaded with produce for the markets. This is a dramatic change from two and a half years ago.

The rural economy is healthy. Farmers are prosperous. As a result, mechanization is increasing. Pumps, roto-tillers and even tractors are not uncommon. Mechanization must be watched carefully. If pushed too hard and too fast, it can create severe displacement problems in the economy.

Perhaps the single most important need in agriculture is the development of more technical expertise and research capability. The Vietnamese have demonstrated an amazing aptitude for picking up new developments. They suffer greatly from a lack of trained agriculture experts. Programs in this area must be accelerated. Disturbing to the team was the news that the American advisory effort in agriculture is being reduced. The opposite should be true. We do possess the capacity to train and educate the Vietnamese in agriculture. As agriculture becomes more sophisticaed, a higher degree of expertise will be needed. IR–8 rice needs careful fertilization. Diversification requires planning assistance. Feed mill development means that technical knowledge is essential.

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An expanded agriculture education program is under way, though it is not as extensive as it might be. Continued emphasis on agricultural education is of the utmost importance. More about this will be found in the part of this report dealing with education.

Research is the other indispensable component of advancement of agriculture in Vietnam. Agricultural research is virtually non-existent in South Vietnam. We feel it is imperative that a national research center, located out of Saigon, be created. The need is clear. Diversification will require data on what crops can be grown where and with what kind of results. Fertilizer testing under a variety of conditions is needed. Research on new uses of rice should be undertaken.

Ideally, a new agricultural university and research center would perform long range planning. It could help anticipate future problems and make plans to deal with them.

Land reform is closely tied to agriculture. Today Vietnam has one of the highest rates of absentee land ownership of any country in the world. But at long last land reform is nearing reality. Almost all of the French expropriated land has been distributed. The new Land-to-Tiller law has been passed and early in June the implementing decree was issued. Under this decree, now being circulated in rural areas, farmers no longer need to pay rent. Rather than wait until chaotic land titles are cleared up before giving the tenant his land, he can continue to farm rent-free until this is accomplished.

Under the land reform law, a landlord may retain 15 hectares of land, provided he cultivates it himself. The government purchases the other land with payment to be made over a specified period of time.

It is expected that the new land reform law will become operational by fall. Within three years 900,000 hectares out of 1.3 million hectares will be distributed.

The war has facilitated land reform. The main purpose is primarily political and secondarily economic. It is closely tied to pacification and the appeal to the countryside. Nothing must stand in its way. With the farmers no longer forced to pay rent, they will be in a position to tax themselves for local improvements, schools, etc., in their self-government.

c. Cities

The prospect in the cities is not as encouraging as in the rural areas. About 250,000 people are employed directly or indirectly by the Americans who are leaving. The cities are terribly crowded. In Saigon, probably 50% of the dwellings are shacks and makeshifts. The re-housing which is taking place is pitifully slow and entirely inadequate to meet the continued growth in the population. The municipal services of Saigon are materially improved from what they were two and a half years ago. Garbage is being collected, streets at least the main ones are fairly well paved. Cooperative projects for the minor streets and alleys are progressing slowly, with the government issuing the necessary materials and the people in the area doing much of the work. The Saigon Water Purification and Pumping Station is a four year old facility as modern as could be found anywhere. Approximately two and a half million people in the greater Saigon area now receive potable water on a 24-hour basis as a result of the service provided by the Saigon Metropolitan Water Service. Formerly, as many as 20 families often shared water from one metered source, with the meter owner often charging his neighbors excessive rates. Requests for individual house connection are being received at a rate four times greater than that of a year ago. The average connection cost is 13,000 piasters. An engineering study to develop a master sewerage and drainage plan for the Saigon Area is scheduled for completion in November 1970. Both water and sewer projects were accomplished with USAID assistance.

The nation as a whole, and the cities in particular, have a full employment economy, and the average family has at least two people working. Many of the men hold down two jobs, moonlighting to supplement their incomes. Women and children are of course working, although the great majority of the children of elementary school age are in school for part of the day. While unemployment, especially in the Greater Saigon area, is virtually non-existent, underemployment is chronic. There is marginal employment particularly among ex-refugees, especially those too old for job retraining. There is much unrest in the cities, although, this will be more dangerous in the future than it is at the present moment, because of the rather drastic economic readjustments which sooner or later must take place.

The governing machinery of the city of Saigon, on the surface, seems somewhat akin to that of our own Washington, D.C. The Mayor is an appointee of the National Government. Operating funds for the city budget comes from the National level. The simple act of hiring additional street sweepers or any other city employees must be approved and funded by the National Government before being accomplished. Four or five weeks is usually considered speedy action. The City of Saigon has a fire department composed of about 250 men operating out of one location. Area volunteer brigades are being organized to augment the inadequate fire department.

The situation in other large cities such as Da Nang is similar to that of Saigon. Public utilities remain the biggest problem. Most of the people who have moved to the cities are not classified as refugees and do not get the provision given to other refugees. Development programs have been aimed at the rural areas because they have provided the base for VC opposition. No training program exists for urban development cadre.

In the process, however, the problems of the cities have been overlooked. A determined effort must be made to provide assistance to the cities. Our own advisory effort for urban areas is pitifully weak. We have fine people as urban advisors, but they are too few in number. We have no advisory effort on urban problems at the national level that is worth talking about.

The most serious political problems faced by the GVN today lie in urban areas. Certainly the upgrading of the quality of life in the cities would help mitigate these problems.

To sum up, urban problems have been very seriously neglected in Vietnam, by both the Vietnamese and Americans. No time should be lost in correcting this mistake. The glamour of development work in the cities is not nearly as great as in the countryside, but today it is of more importance. Housing is the number one priority.

d. Education

Elementary, secondary, technical, and university education are all increasing, but the picture is a ragged one. Dropouts in the elementary and secondary schools are a serious problem. This is partly a product of the poor teaching, which is in itself a product of a hastily put together program. The heavy concentration of American aid in the field of education has in fact resulted in very extensive American influence, counterbalancing the old French system. In the end the Vietnamese are likely to pick and choose, and introduce elements of their own culture as they are already doing.

Figures alone tell a tremendous story. Over 2.3 million children, 83% of the total, attend elementary schools. Over 500,000 youngsters attend secondary schools, ten times the number in 1955. In 1955 there was one university with only 2,900 students. Today there are five universities with 40,000 students.

The development of a sound education system does not come overnight. The training of teachers, strengthening of curriculum, textbook production and the like take time. This is one area where it appears the Vietnamese are moving with determination.

Vocational education is still largely lacking. Because of the influence of the French classical educational program, vocational education still is not held in very high regard. Changing this attitude is not easy. But progress is being made. However, emphasis must continue. New skills will be essential as the war ends, industrialization begins in greater earnest, and agriculture diversifies.

Training of teachers should be stepped up, if possible. The quality of instruction, especially at the elementary level, leaves much to be desired.

Agricultural education must be accelerated. The number of secondary schools of agriculture has grown. The number of vocational and agricultural teachers is increasing. But the Directorate of Agriculture in the GVN Ministry of Education is allotted 1.3% of the budget. Not nearly enough is being done to produce skilled and trained manpower for the rural sector of the economy. We have mentioned about the changes needed in agriculture—changes essential to economic prosperity and well-being. Those changes will occur only if a sufficient number of trained agriculturalists are available to lead the way.

e. Refugees

An indication of the improved situation in Vietnam is the progress being made in resettling refugees. The number of refugees has been reduced to about 325,000. Of some alarm, however, is the indication that new refugees chiefly from Cambodia are being generated at a higher rate in 1970 than was the case in 1969.

Nevertheless, large numbers of refugees are being resettled. No better example of this development is the resettlement taking place on the "Street Without Joy" near Hue. Thousands of refugees are moving back into villages and hamlets which some of them left as long as five years ago.

Problems of resettlement are great. Elephant grass, untillable with water buffalo or roto-tillers, can be turned over only with a powerful tractor and disc. Not enough of these tractors are available to till the ground fast enough.

The Cambodian operation has generated a large number of new refugees, many of them families of Viet Cong. For the most part, the task of caring for the refugees was done expeditiously, and primarily by the Vietnamese.

So far as the effort with people defined as refugees is concerned, the program has been reasonably successful. As mentioned earlier, there are thousands of people who do not meet the definition of refugees, but who in fact are refugees.

They are clogging the cities, living in shanties and are barely able to get by. Many are older and have no skill which is marketable in an urban community. Adult education is not widespread, so retraining or even education itself is not readily available.

It would be advisable to recognize officially the refugee status of thousands of the urban poor who have left the insecurity of the countryside for the havens of the cities. Programs should be established to provide decent housing. Job training and other social welfare programs must be instituted. It may be possible to persuade some of these refugees to move back to their villages. To our knowledge, however, no resettlement program for unofficial refugees exists.

f. Industrial development

Industrial development was discussed earlier in connection with the Vietnamese economy. However, mention must be made of the Bien Hoa Industrial Park, located on Route 1 about a half-hour drive northeast of Saigon. Over twenty plants are in operation. Others are being planned.

Long range planning for industry is needed. As farmers become more efficient and mechanized, a large segment of the present work force will have to be utilized away from the farm. By planning now for the location of agriculture-related industries, feed mills, fertilizer plants, etc., near principal farming areas, another wave of migration to the already overpopulated cities can be reduced.

Rubber is one of the most likely exportable items for Vietnam, and a rubber industry can be developed. Many of the rubber plantations are in contested areas, making production difficult. A shortage of manpower also hinders operation. In addition, most rubber plantations are French owned, which means that the Vietnamese do not benefit as much from this operation as might be the case. The fishing industry needs more encouragement, since it holds great potential for export. Emphasis on new technology is badly needed. New equipment should be made available. Even the crudest refrigeration equipment would be extremely helpful.

The lumber industry is running at only a fraction of its potential. Given the present security conditions, this is not surprising. The areas still unsecure are generally the forest areas. Until that situation changes, it is unlikely that lumber, timber, and related industries will experience much growth. Apparently there are three paper mills now owned by the government which are not being operated. We were led to understand that the natural resources are available to make these plants operational. However, the GVN has not moved. The best alternative would seem to be for the GVN to sell the plants to private entrepreneurs who might then be able to get them going.

XUM

One pressing need is for a more complete inventory of the natural resources of Vietnam. At Hue, for instance, we found there are ore and lime deposits which hold great industrial potential, but officials in Saigon apparently were not aware of their magnitude or importance. Other minerals such as tungsten may well exist in quantity.

Industrial expansion will be slow. Skilled manpower is not available in large numbers. Investment of private capital will remain at a low level until the security situation becomes more stable. However, careful planning will help avoid some of the mistakes other nations, including our own, have made while in the process of industrializing.

g. Public health

Dramatic improvement in public health is apparent. There is no apparent undernourishment. A severe shortage of trained personnel prevents more progress, but new schools for medical schools and increased enrollment will help overcome this handicap.

We have been able to shift our effort from one of augmentation to advisory although we continue to participate heavily in a construction program for health facilities.

One of the most encouraging developments is the joint utilization program. Under this program GVN military and civilian hospitals and medical personnel have been merged. This has resulted in more efficient use of personnel and facilities. Joint utilization is in effect in about one-half of the provinces in Vietnam. In some of the areas visited by the team, officials were not overly optimistic about joint utilization being accomplished on schedule. The problems of merging civilian and military are not easily overcome.

There are two great difficulties with the public health program. First is the procurement and maintenance of equipment. Since personnel are stretched thin it is difficult to keep facilities and equipment in good shape.

The second problem is that of high enough salaries for medical personnel, particularly doctors and nurses. Most can do much better in the private sector of the economy. Salaries must be raised if the public health program is going to stay on its feet.

PACIFICATION

So far we have discussed different aspects of economic and social development. When put together along with political and security developments, you have what is termed pacification.

Before going further, it is our strong feeling that the use of the word pacification is ill-advised. In 1967, we said pacification could be more aptly described as "stability and progress for people." Another term, "self-sufficiency" would also be preferable to pacification. However, since pacification has become so deeply embedded in our Vietnam vocabulary, we will reluctantly use the term as well.

Pacification is said to be built on a base of political support and combined with security and development. That is why we feel that while the pacification program looks very good from the surface, we are still not sure of the foundation.

Political support is something that cannot be easily measured. We sensed a greater loyalty to something other than the Viet Cong as compared with 2½ years ago. But that is distinct from support for the GVN. Our impression is that while the support for the Viet Cong has decreased, firm support for the GVN has not increased markedly. As a result you have a larger "middle group" now than was true in 1967.

This is an improvement and in no small measure due to the accelerated pacification effort last year. The 1968 Tet offensive seriously impaired the ability of the Viet Cong to wage its war in South Vietnam. This along with the realization that our commitment was not open-ended, spurred the GVN to take the initiative in pacifying the countryside.

Of crucial importance to the pacification is security. As noted, Viet Cong strength was drastically reduced in the Tet offensive, 1968. This made it possible for the GVN to extend security over the countryside to the highest level since Diem. By the end of 1968, the Hamlet Evaluation System showed 92.7% of the population of South Vietnam to be in reasonably secure areas.

The Hamlet Evaluation System (HES) has been subject to considerable ridicule. Its accuracy has been challenged. Presently, the input is completely American; however, the Vietnamese accept the ratings as reasonably accurate. The team was pleased to learn that soon the input will include data and information from the Vietnamese as well. Theoretically, at least, this should improve HES accuracy.

In any case, HES standards were revised earlier this year. In essence, higher standards were set for rating hamlets. This caused a drop in the overall HES ratings, but undoubtedly resulted in a more accurate picture of the situation.

If 1969 was a year of great advances, 1970 is a year for consolidation. In our opinion this will be more difficult.

First, the efforts in 1969 did in some areas lead to over-extension. We probably went further than we could reasonably expect to hold.

Second, the Viet Cong and the North Vietnam Army have had a chance to regroup and map new strategy. It is clear that they have returned to the strategy of "Protracted war." This means small unit attacks, kidnappings, assassinations, terrorism, and the like. Here is where the real battle will be fought. And here is where the responsibility lies most directly on the Vietnamese. Territorial security is in their hands. They must be able to identify and ferret out the Viet Cong. They must be able to provide the security for the development work underway.

While a more complete discussion of the GVN's military forces comes later in the report, it should be said now that we found a greatly improved situation in this area as compared in 1967.

In 1967 the Regional and Popular Forces were treated as something of a joke when it came to evaluating their effectiveness as a fighting force. This is no longer true. They have shown dramatic improvement and are primarily responsible for territorial security in the provinces for pacification. Equipping them with improved weapons is an important factor.

The Peoples Self Defense Forces (PSDF) is a relatively new force. While it, too, will be mentioned later in the report, it should be noted that it does play a role in pacification. Essentially, it means the creation of an indigenous village self defense force made up of older men, women, and young boys to whom weapons are given to defend their villages. The VC view this as important enough of a threat to have begun assassinating PSDF leaders.

Terrorist incidents in Vietnam, however, are at their highest level since 1968. Rumors abound about a Viet Cong and NVA offensive in late summer or early fall. The testing has begun. It is too early to evaluate the results.

Of course, the quality of the development effort also plays an important role. If the "breather," which existed during 1969, really did produce meaningful development work, then the Viet Cong should no longer be able to depend on support or help from the local population.

The new land reform law, progress in agriculture, an increase in educational opportunities, improved opportunities to market products, the growth and maturing of local government, refugee resettlement, better public health facilities, etc., have had their effect. One of the greatest difficulties, however, is projecting to the Vietnamese in the countryside that the GVN has helped make this possible. The information program is the weakest link in the pacification program, and probably one of the most important.

As stated earlier, the Vietnamese have a traditional loyalty to their family and village. There is a traditional antipathy towards the big cities, especially Saigon. Since the GVN is considered so largely synonymous with Saigon, this makes the task of the VIS (Vietnam Information Service) difficult.

Nevertheless, it is our opinion that not enough stress has been placed on informing the rural population in Vietnam of the development efforts which are underway. One of the main weaknesses of the 1969 pacification program was the inability or lack of will on the part of GVN officials in Saigon to explain the program to lower level officials.

There should be a closer relationship between the province and the village. This is why the district administrative unit of government, without any electing constituency, is troubling. It is also the reason why province chiefs should be elected as soon as possible. Elected province chiefs simply are going to feel a stronger responsibility to be responsive to their people and are going to be more aggressive and demanding of the GVN in Saigon in obtaining needed assistance for their people.

As an interim step we strongly recommend a higher priority be given to information dissemination. Basically, it appears to us there are two ways to do this. First of all, provide more resources and technical assistance to the VIS. The GVN should be strongly advised to upgrade this program. Here is one area where we found American advisors still in an operational rather than advisory role, simply because their counterparts were receiving so little assistance from Saigon.

One thing which the VIS has done which is having impact is the distribution of television sets. The aim is to have one operating in each hamlet. These are popular and effective. But it can only be a part of an overall information program. Radio broadcasting is probably more important because there are thousands of radios for every TV set. Again, the situation here can be improved. The strongest and most accessible radio wave length in South Vietnam is Radio Hanoi.

The impact of the revolution in communications in this country caused by electronic mass communication has been the subject of considerable discussion and debate. However, its impact has never been denied. Vietnam is also experiencing great changes in this area. We cannot afford to be insensitive to the changes, especially when such a great potential exists for the use of electronic mass communications in informing the people of what is being done.

Secondly, the GVN could do more to emphasize the importance of information dissemination to its own officials, especially the province chiefs and service officers. Since these are the people administering the development programs they should be encouraged to explain them. We could not help but feel that the GVN in Saigon was not pressing its people in the provinces hard enough on this point.

Our recommendations in the other substantive parts of pacification are found earlier in this section. Since the pacification program is largely our creation, we will discuss its organization and efficiency when talking about the American role in Vietnam. Suffice it to say now, there still are considerable problems.

One last goal of pacification which has not been mentioned up to now is reconciliation. The Chieu Hoi program is aimed at encouraging the Viet Cong to "rally" to the side of the GVN. In 1969 the number of ralliers was 47,023, one and a half times the number in 1968. The rate this year, while ahead of 1968, is considerably behind that of last year. However, the Cambodian operation did cause a spurt in the number of Chieu Hoi. Closely allied with the Chieu Hoi program is the controversial Phoenix program. This program is aimed at neutralizing the Viet Cong Infrastructure (VCI). It has had limited success. There is difficulty in making positive identification of the members of the VCI and finding them is even more difficult. Each province is given a monthly quota for neutralization. There are grounds for the statement that significant numbers of the VCI reported as killed are in fact not part of the VCI. Too often, when there is the opportunity, civilians or other war victims are identified as VCI. One American advisor is known to be pressing for a change in the criteria for neutralization. He would count only the captured VCI or those who rallied as true neutralizations. It would be advisable in our view to make this change. It should also be noted that responsibility for the Phoenix program is being shifted from the military to the GVN national police.

On the whole, the pacification picture is much better than it was in 1967. Perhaps, the most important change is that the government of South Vietnam is now a functioning government for over 90% of the population. Another 9% is contested, and 1% only, remains under the immediate VC control. On the military front, the action in South Vietnam has changed from occasional mass attacks to a campaign of terror. In other words, the Communists have slipped back from stage three to stage two in their proposed takeover. But if we have learned anything from Vietnam, it is the danger of being too optimistic. There are problems, considerable in number and serious in nature.

Very serious is the fact that the fabric of culture of the people has broken loose, involving what many consider to be a disastrous decay in morals and in the lack of respect of children for parents, etc. This is part of the process of modernization of any developing nation, but it is tremendously increased by the war and by some of the less fortunate aspects of the American presence.

There is no doubt that the nation suffers from excessive bureaucracy, but it is not alone in this. On the other hand, Vietnam can afford this less well than most any nation in the world, involving as it does almost intolerable delays in making decisions, many of which are used as a basis for receiving "speed money".

Most serious of all is the question as to the extent to which a war weary nation can sustain the levels of terror which are imposed by the present strategy of the Communists. The geography of the country is such that the prevalence of relatively inaccessible sanctuaries, both within and outside the nation create a presumption that terror will continue for a long time to come. The cleaning out of the sanctuaries in Cambodia will help greatly in the lower half of the nation which holds 75% of the population, but Laos and the demilitarized zone remain, and even if these backfire, there will be the forest and the mountains in Vietnam itself. At the present time, the civilians suffer an average of 4,000 killed, wounded or abducted a month, the majority of which are the upshot of this terror. About 800 of these on an average are assassinations or senseless killings through rocket attacks or otherwise.

This fragility may be summarized by saying that South Vietnam is still a long distance from becoming a unified nation. Village culture and village life are being restored and hopefully this will make for larger loyalties and larger inter-relationships, or at least for hostility toward the Viet Cong. Meanwhile, an economic crisis of the first magnitude is facing the nation, together with the campaign of terror. Add to this the political problem of the students and the veterans and guarded optimism is the best you can do.

What all this points to is the inevitable truth, that regardless of our best laid plans, our well-intentioned assistance, it is still up to the Vietnamese to make the substantive progress. If their bureaucracy continues to be relatively unresponsive; if they cannot cope with increased Communist terror; if they cannot maintain territorial security; if they do not possess the will to carry out the development programs, our efforts will not and can never be effective.

Does South Vietnam have the will and determination to get the job done? To a greater extent than it did in 1967? To the extent where success is in sight? We can not say.

THE MILITARY SITUATION

When the team went to Vietnam it disclaimed any great expertise in the military area. However, the team did make certain recommendations regarding military strategy. We did call for stepped-up efforts in equipping and training the armed forces of South Vietnam. And this is the single most important development militarily since we were in Vietnam in 1967.

In retrospect, it is clear that our initial military strategy failed miserably. In 1965 the United States, in effect, told South Vietnam's armed forces to "stand aside" and we would show them "how to win the war." This policy collapsed in ruins at the time of the Tet Offensive.

At that time Americans in command finally came to the realization that Americans could not win the war. Finally, we realized that the Vietnamese alone could accomplish this objective. Another aspect of military strategy was also changed along the lines the team suggested. Search and destroy, a policy which relied on the use of large American troop units, was finally discarded. It should never have been used. Our team recommended what we termed "clear and hold", the securing of areas and the maintaining of these areas. This was also implemented.

In any case, major policy changes took place. The dramatic results, it seems to us, vindicate the criticism of earlier policies.

There is no doubt that the ARVN (Army of the Republic of Vietnam) is considerably stronger than it was two and one-half years ago. It is better equipped and better trained. It performed well in the Cambodian operation. However, the quality of the ARVN units still varies greatly as does the competency and honesty of its officer corps. There are a significant number of ARVN main force units which are not "battle-tested".

Nevertheless, it does appear that American ground troops withdrawals can not only remain on schedule, but be accelerated. ARVN and GVN leadership seemingly responds best when made to realize that something we have been doing no longer may be done. The pressure of the knowledge that U.S. troop withdrawals will be accelerated should have the effect of spurring the ARVN to ready itself more quickly to take combat responsibility.

It does appear that the South Vietnamese Navy will be the first part of GVN armed forces to "be on its own." Steady progress is being made in turning over all responsibility within Vietnam to their own Navy.

One concern to the team is the fact that it does not appear that the Vietnamese Air Force is being up-graded fast enough. Unless training is accelerated, the U.S. Air Force will be in Vietnam longer than is desirable. The GVN should not be in a position of dependence on the U.S. for air power.

De-Americanization (a word much preferred by the Vietnamese to Vietnamization) is on schedule. As stated earlier, we feel it can and should be accelerated. A reluctance publicly to set a time table for complete withdrawal can be understood and defended. However, it is our opinion that a timetable for complete withdrawal should be presented to the GVN in confidence, emphasizing our determination to maintain the timetable.

The view of the team is that on the basis of existing trends and programs in prospect, complete withdrawal could take place by the end of 1972, with no combat units needed after the middle of 1971.[2]

Too often overlooked in discussions of de-Americanization are other essential elements of Vietnam's armed forces. Earlier, when talking about pacification, we noted that the quality of Regional and Popular Forces has improved significantly.

Efforts to continue to up-grade these units should be intensified. If the RF and PF can become wholly responsible for territorial security in the provinces, it will allow the ARVN more mobility in meeting enemy main force units. It will also make it possible for the ARVN to respond more quickly if enemy concentration appears in any one area.

Total strength of the RF–PF units is slightly over one-half million men. Almost all units still rely heavily on American advisors. This is why it is so important to intensify our efforts to make these units self-sufficient.

A relatively new unit in Vietnam is called the "People's Self-Defense Force" (PSDF). To date almost 2.1 million people are members of the PSDF. Slightly over a million have received some training. It is village-based. Composed of villagers of all ages, it is supposed to act as a patrol unit on the periphery of the village. Its efficacy is still questionable. No one considered it an effective fighting force, nor was it designed as such. Chiefly, it is supposed to deal with small scale terror and do patroling.

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[2] One team member questions this conclusion.

The organization of the PSDF was prompted by political considerations as much as anything else.

Over 350,000 weapons, most of them older models, have been distributed. Plans call for distribution of another 350,000 weapons by the end of 1970.

The purpose of the program is obvious: to try to instill in the villagers a loyalty and allegiance to the GVN. In no small measure, the distribution of weapons indicates the degree of confidence the GVN has in its position in the countryside.

The PSDF are under the control of the village chief.

One other aspect of internal security which has not been discussed is the National Police. In the past, it would have been proper to include it as part of a discussion on the military situation. Today, it is questionable whether it fits in this sort of framework. Nevertheless, we will make our observations on the National Police at this point.

Traditionally, national police in a situation such as Vietnam, perform not only what might be described as "normal" police activities, but also act as an important arm of the government in the maintenance of its political position. The National Police in Vietnam do not deviate from this tradition. While efforts were made to convince us that this is not the case, too much evidence to the contrary is available. Police control of the Phoenix program could make the situation even more dangerous unless its activities are closely monitored. The Phoenix program can and has on occasion been used as a means of oppressing political non-Communist opposition to the government.

Two things are important here. First, that only VCI captured alive and convicted be counted against province VCI quotas. This should discourage some abuse. Secondly, that those accused of being members of the VCI be tried in civil courts.

It must be mentioned that it was obvious to the team that National Police are taking positions in the countryside to a far greater extent than was true in 1967. At that time, most National Police were huddled in province capitols. Americans responsible for advising the National Police in the provinces reported to us that their efforts to change the role of the National Police were succeeding. It was felt that, at least at provincial levels, considerable stress was being placed on "normal" police activities as we know them, i.e., traffic control, investigation of robberies, identification of draft evaders, etc.

It is important that this trend continue and the team urges that we press our efforts in that direction.

A word about American units. As was the case in 1967, the team was greatly impressed with the high caliber of American fighting forces in Vietnam. Our young men are doing a tremendous job.

There are innumerable examples of how American soldiers, individually or by units, have taken on projects to help the Vietnamese. Orphanages have been built and supported. Furnishings for schools have been constructed. These are just a few of the things which American soldiers have done.

It should also be noted that the team noticed a distinct difference in attitude among high-ranking American officers in 1970 as compared to 1967.

To put it simply, the arrogance of power was gone. In 1967, it seemed it was an error of the highest order to admit that there were many problems. The attitude about future prospects was almost euphoric. Then came Tet, 1968. Apparently, it prompted a "new realism" on the part of our military leaders.

In 1970 the team found high ranking officers to be more responsive and more realistic in their appraisal of the situation. Optimism was guarded in nature. Problems were admitted, even pointed out.

As noted earlier the team strongly endorses the change in policy which discarded "search and destroy" as regards inhabited areas and instituted "clear and hold." The new policy has been successful and should be kept. There are, however, still some areas of concern. Bombing in South Vietnam still continues in some areas. There are indications that it is still done too indiscriminately. The results of saturation bombing are clearly evident when flying over Vietnam. Pot holes mar the countryside. Today there is no program to repair this sort of damage. One should be instituted.

Another concern is what still appears to be an indiscriminate use of artillery. As is the case with bombing, artillery attacks for the most part now are directed at VC areas, quite often forest land. On more than one occasion it was reported to the team that artillery units fire their guns needlessly in an effort to use up their monthly quota of ammunition. This should be investigated.

The effect of artillery on the forest areas is serious. At a lumber mill the team observed the problems of trying to cut up trees filled with shrapnel. Since the lumber industry is one touted as possessing great post-war potential it would seem we could be more judicious about how we abuse it.

To sum up, the military situation is improved over 1967. The ARVN, RF, and PF are more capable fighting units. De-Americanization is well-underway, on schedule, but can be accelerated. The U.S. military strategy now reflects the realities of the situation. Concerns over bombings and use of artillery remain.

One final point, the military strategy now employed in South Vietnam is now compatible with development programs. Perhaps, this is attributable in part to CORDS. This is largely responsible for the success over the past year and one-half. It took far too long for the United States to recognize the closer inter-relationship between the two.

NATION BUILDING IN VIETNAM—THE AMERICAN INVOLVEMENT

In 1967 the team said: "one of the major areas of interest of the Volunteers for Vietnam team was to determine the effect of American aid, and the organization of our efforts for its effective administration."

This remained an objective of the team in 1970.

There are four major components of our development effort in Vietnam: the U.S. Embassy, the Agency for International Development (USAID), Civil Operations for Rural Support (CORDS), and Military Assistance Command Vietnam (MACV).

Theoretically, Ambassador Bunker "runs" the entire mission, the Director of USAID is part of the Mission Council as is the tcp executive of CORDS and, of course, the Commanding Office of MACV is also a member. Organizationally, however, CORDS is part of MACV.

CORDS

The field advisory effort is known as CORDS. It utilizes both civilian and military personnel. Administered from Saigon, it maintains advisory staffs for the GVN at the Corps, province and district level. The top CORDS person in each Corps area is a civilian, however, half of all province senior advisors (PSA) are military personnel, most holding the rank of Colonel. Most District Senior Advisors (DSA) are military.

The great debate over the formation of CORDS, underway two and one-half years ago, has subsided, although it still flares on occasion. Before CORDS, the development advisory effort was under complete civilian control. The advent of CORDS brought MACV control. In 1967, strong feelings were expressed by most civilians against MACV control. The incompatibility of development goals and military strategy at that time undoubtedly heightened the tension. In 1967, it was apparent that our military goals and development goals conflicted, military consideration were always paramount, reflecting the attitude at that time, that we were waging primarily a military war in Vietnam. The realization that a political, economic and social battle was also necessary changed this situation. The change in military strategy, now in basic harmony with a development program along with the strong leadership of Ambassador William Colby, Deputy for CORDS, has resulted in a much better situation than existed in 1967.

When returning from Vietnam, we strongly recommended that all PSA's be civilians. We repeat that recommendation. The best development work is still done in provinces with civilian PSA's. Our military personnel are capable and experienced, but they simply have not had the training and background which gives them the expertise needed for PSA positions.

Obviously, CORDS is now well-established. Nevertheless, we feel it should be removed from under the egis of MACV. One of the salient reasons is the fact we are encouraging the GVN to "civilize" itself. The least we can do is make sure our advisory effort is also under civilian control. The organizational chart, so to speak, should show CORDS as being directly responsible to the U.S. Ambassador to Vietnam. In this situation, a military deputy would be appropriate. However, the U.S. Ambassador should make it clear that CORDS is to continue to have available to it the resources of MACV it has presently.

The principle of civilian control of civil and development work, is in the team's opinion of utmost importance. It should be the decisive factor in determining the nature of our organization in Vietnam. CORDS was created to promote better cooperation and coordination among all United States agencies, civilian and military, working in advisory roles in the field. The team does not argue with the single manager concept (as will be noted more extensively later). The team strongly feels that the single manager should be a civilian, and one who is not part of a military chairman of command.

The team was greatly impressed with the dedication and effectiveness of CORDS personnel. Working under many handicaps, they are doing an exceptional job. Given present conditions, the success which has been achieved is remarkable.

CORDS teams contain representatives from many government agencies. The USIA, USAID, Foreign Service Officer, and other State Department personnel along with MACV officers are part of CORDS.

In essence, American advisors act as counterparts to GVN officials. The CORDS agriculture advisor, for instance, many have two or more counterparts such as a one in animal husbandry, land reform, etc. CORDS personnel no longer are performing an operational role to the extent that was true in 1967. Reports on the increasing quality of GVN counterparts of CORDS personnel are encouraging.

CORDS personnel were very responsive to questions of the team. Answers were forthright and to the point.

One of the questions asked of CORDS personnel was "How soon can you work yourself out of a job?" The answers varied a good deal. But there are certain areas where the CORDS advisory team can be reduced. When counterparts have reached a level of competence which eliminates the necessity of an American advisor, the American advisor should be

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withdrawn. This must be done carefully, and on a case by case basis.

It must be pointed out that there also are areas where the advisory effort needs additional personnel. Agriculture, education, and area development officers who work primarily at the district level, are in short supply. Of concern to the team is that reductions in these areas are taking place in advance of the situation where advisory assistance is no longer needed.

It should be kept in mind that the development challenge becomes even greater as security increases. What is also disturbing is that it appears a higher proportion of civilian advisory slots are being reduced as compared to military positions. To the team, this is going backwards full speed. If the military and security situation is improving as alleged, the need for more civilian advisors for development work should be obvious. Apparently it is not. A final note of concern. In talking to many advisors, it became apparent that one of their key roles remains that of asking through American channels that pressure be put on the GVN in Saigon to respond to its own people at the province and district level. This is worrisome. The GVN should be responding because it's the right thing to do, not because we are there to use our leverage.

Agency for International Development (USAID)

USAID has a long history in Vietnam. It was there long before American troops were present. The creation of CORDS was a blow to USAID's pride and prestige. It still smarts from the reorganization which cut USAID field personnel from USAID operational control.

About 950 USAID personnel are assigned to CORDS/MACV. The function of USAID in Saigon is to provide advisory assistance to GVN ministries in the Nation's Capitol. In theory, its plans and programs are coordinated with those of CORDS. The team is not confident that this, in fact, is reality. CORDS provides the advisory personnel to the Ministry of Rural Development which is the GVN Ministry which has charge of its pacification program. The advisory assistance provided to the GVN's Central Pacification and Development Council (CPDC) is also provided by CORDS.

The effect of this arrangement is obvious. USAID's impact on pacification under CORDS is seriously diminished. It provides people and money for CORDS. It provides advisory assistance to "main line" GVN Ministries.

Since the CPDC consists of all GVN Ministries, the contention is that there is harmony between the work of CPDC and the Ministries. As a result, no conflict between CORDS and USAID exists. In reality, this is not true. Conflicts do arise and the mechanism to resolve such conflicts is weak. (More about this later).

Communication between USAID personnel working in CORDS and USAID personnel in Saigon is weak by design. Contact between the two is discouraged. However, USAID personnel in Saigon are too isolated from what is going on in the countryside. This makes it more difficult competently to advise the GVN Ministries.

It is the team's belief that travel restrictions on USAID people in Saigon should be relaxed. USAID program directors and other technical advisors should be encouraged to travel, even if it is just staying overnight at a district or province headquarters. It seems to us that USAID advisory personnel in Saigon would be in a better position to give effective counsel if they had more of an appreciation of what their counterpart agency was doing at the province level.

Now that security has increased, the number of wives of U.S. advisory personnel allowed in Vietnam should be increased. A program to do this is underway and can be accelerated. As noted in our report in 1967, the length of a tour of duty for advisory personnel has not been long enough to give these people the opportunity to be as effective as they might be. By granting permission to wives to join their husbands, the duty tour can be extended, increasing the overall quality of our effort.

Overdue is a buildup of the urban advisory effort. While CORDS has SCAG (Saigon Civil Assistance Group), and does have advisors to the mayors of Vietnam's larger cities, the problems of the cities have been neglected. The emphasis has been on development in the countryside. This was needed, but in the process we seemingly forgot about urban problems. It is our understanding that USAID has only one urban advisor in Saigon. There is a need for technical expertise and city manager types. The urban advisory effort will be curtailed even more when some of the personnel from civil affairs military units are withdrawn.

The team recommends that a review of our urban advisory effort be made immediately. It will be clear that it is inadequate and steps should be taken to correct the situation. With over 40% of South Vietnam's population in the cities, more attention must be directed at development work there. Add to this the political problems the GVN has in the cities, and you find a crisis already upon us.

The American effort—coordinated?

In 1967 we reported:

"At the highest level on the American side, there seems literally no advance planning between the principal groups Military, State, USIA, CIA, AID, and now CORDS. Representatives of each of these groups should, at the very least, be able to sit down with the others at the formative planning stage of programs generated in any one of them. This is such an elementary practice in any good administration that even to ask if it is being done should be an insult—except for the reason it isn't being done."

After returning from Vietnam in 1967, we recommended that a person with the rank of Deputy Ambassador be assigned the task of assuring maximum coordination of efforts.

In the time which passed since our last visit the situation has improved, but only slightly. Perhaps, the very nature of our organization itself prohibits further improvement. If that is the case, we should be thinking about how our organizational structure can be improved.

Today with CORDS having field responsibility, but little ministry advisory obligation and with USAID and others carying the major responsibility for "ministry advising" but with no field obligation, poor coordination is built into the system. Our overall development effort is too fragmented. It confuses the GVN. It leads to waste and inertia.

Effective long range planning is outrageously difficult because of the fragmented responsibilities.

The organization of our development effort did not result from careful planning. The only hard organizational decision made in Vietnam was the creation of CORDS. In one respect, it did not go far enough, in another respect it went in the wrong direction.

Earlier we discussed the merits of a single manager system and its application in CORDS. The single manager concept should be extended to Saigon. A better link must exist between the ministry and provincial advisory systems. They should not be separate, but part of one organizational structure.

There are several obvious advantages. First, improved coordination of efforts and more effective planning. Another, not so obvious, is more leverage on the GVN. The lack of a solid organizational structure now seriously limits our influence with the GVN. Because our efforts are so divided, we do not affect GVN policy as effectively as we should.

Above all, however, the lack of a well-organized effort has left a serious deficiency in the area of comprehensive advance planning. Again, this results from the split advisory responsibility of CORDS and USAID.

If a single organization encompassed the field and ministerial advisory effort, meaningful advance planning for development would be possible. Today, USAID in Saigon is preoccupied with the challenge of stabilizing and reform of the GVN. It has neglected the area of technical assistance at the field level. It is not doing the kind of job it should in pushing GVN ministries to pursue development programs in the countryside or the cities. Again, given the nature of the organization of our effort this is not surprising.

On the other hand, CORDS does not have the appreciation of the problems encountered at the ministerial level. Seemingly it discourages contact between those who give advice at the provincial level and those who give advice at the ministerial level.

The team recommends that the President reorganize our advisory effort in development along the following lines:

1. Name a single agency, forming a new one if necessary which would be responsible for all American programs, personnel and financing of economic, political and social development in Vietnam.

2. Make it clear that all advisory personnel, at the ministerial and field levels are part of this agency.

3. Name a person with a good development background and solid administrative experience to run the program.

4. Remove all parts of the civil advisory program from MACV control, but making clear to MACV that it is to provide whatever support assistance may be required by the new agency.

It can be argued that it is "late in the game" to undertake this sort of change in Vietnam. However, if development is going to come as soon as possible, it is important that the changes outlined above be made.

An overall development plan must be formulated. Priorities must be set, province by province, area by area. Coordination between Saigon and the field is essential. Maximum use of leverage with the GVN is imperative.

Yet, today this is not occurring. It is not because we don't have dedicated and competent people. It is because we have a weak organizational structure.

There is still time to improve. There is still time to make the changes necessary. We should act before time finally runs out.

GENERAL OBSERVATIONS AND MAJOR RECOMMENDATIONS

Overall the team can report an improved situation in Vietnam in comparison with that of 1967. The Government of South Vietnam has become a more viable institution. The local government component is the most politically credible unit of the GVN. As re-elections occur at other levels, a higher degree of credibility will be reached at those levels as well.

The Thieu-Ky Government does have many serious problems. Inflation is the most serious domestic problem, out-ranking security. Problems with students and veterans are so explosive. Dissatisfaction among civil servants and army officers will become a critical problem unless salaries are raised or inflation is controlled. With the growth of genuine democracy, army officers who are dishonest may find their prerequisites so curtailed as to attempt a coup d'etat.

Land reform, increased educational opportunities, the prospect of self-sufficiency in rice, better health services, and the local village economic development projects offer encouragement for the future. There must be *no* faltering

It is clear that more attention must be paid to economic and social development programs now that a higher degree of security has been achieved. The problems of the cities are of particular concern to the team. Urbanization in Vietnam has been stimulated by the flow of large numbers of refugees to the cities. The refusal of the GVN to recognize the economic and social consequences of this migration is beginning to plague it now and will loom as an even more critical problem unless the present attitude is changed.

Comprehensive planning and the setting of development priorities is of the utmost importance. Both are lacking now, a fact due in no small measure to our lack of action in this area. Now that security has improved so that real development work can take place, it appears that we are ill-prepared to take full advantage of the situation. Pacification as we have known it in the past is not an adequate framework for a real development program. It is time to look beyond a program that helps establish government services in a recently secured area, builds schools, and helps local officials undertake a few self-help projects.

Pacification can sow the seeds of economic development and recovery, but the two are not synonymous. To consider them as such is a grave mistake and will hinder development progress. As one American advisor stated: "I wonder if having won the battle for security and emerging political participation, we may not lose the battle for the hearts and minds of the Vietnamese people by failing to keep their stomachs filled." This statement sums up what economic and social development is all about.

In the team's view, our development program now is a "glorified" pacification program that has no sense of true purpose. What are the goals of development? What are the priorities? What plans have been formulated that spell out our goals, the priority in which they are ranked and the steps which should be followed to reach them?

One of the most formidable obstacles to meeting the development challenge is the organization of the American advisory effort. Overly fragmented and unmanageable, it by its very nature discourages the kind of coordination and cooperation needed among Americans to help the GVN wage a more effective development campaign. Progress is taking place under the present program structure. However, it will take longer to exploit the progress potential, and risk the loss of valuable momentum, unless a reorganization of our own efforts is undertaken. The team does not believe we can afford unnecessary delay of our own making.

As noted in the prologue, recommendations have been made throughout the report. The major recommendations are listed here.

Concerning the Government of South Vietnam

1. Local government should be strengthened.

2. Loopholes in draft bill on local government which allows GVN excessive authority over local affairs should be closed.

3. Local government should be given more assistance in developing local tax revenue.

4. Province chiefs should be elected as soon as possible and separated from the military chain of command.

5. Training programs at Vung Tau for civil servants from GVN ministries should be accelerated.

6. The GVN should end its commodity program which breeds corruption.

7. The District unit of government should be abolished, or at a minimum district chiefs should be appointed by elected province chiefs, not the prime minister.

8. Training programs for elected village and hamlet officials should be continued and strengthened.

9. Salaries of civil servants must be increased.

10. More emphasis on effective GVN tax collection is needed.

Concerning economic and social development

1. Long range economic planning done by the Lilienthal Task Force should be implemented as soon as possible.

2. Preparation must be made now for diversification in agriculture, for South Vietnam soon will have a rice surplus when the world rice market is diminishing.

3. A Closer relationship between villages and the province would be desirable.

Concerning the American involvement

1. CORDS should be removed from the MACV chain of command.

2. All Senior Province Advisors should be civilians.

3. Civil development advisory positions should not be indiscriminately reduced.

4. Travel restrictions on USAID people in Saigon should be eased.

5. Advisory assistance on urban problems should be increased markedly.

6. Advance joint planning must be improved.

7. A single manager system should be employed in administering entire development and advisory program.

8. All development and civil advisory programs should be removed from MACV control.

9. It should be made clear to all concerned that eventually economic aid for the United States will be gravely jeopardized if army control of government administration is not progressively integrated into normal civilian democratic mechanisms. We have no desire to bolster a corrupt military dictatorship, if such ever seems to be developing.

Concerning the military situation

1. American troop withdrawals can be accelerated.

2. The GVN Air Force must be up-graded at a faster rate.

3. Efforts to up-grade Regional and Popular Forces should be accelerated.

4. Activities of the National Police should be directed more toward performing peacetime police functions.

5, Only Vietnamese captured and convicted should be counted toward Phoenix program quotas.

EPILOGUE

As in 1967, the team did not address itself to the question of whether or not the United States should have become involved in Vietnam. This is a legitimate question for historians and those concerned with foreign policy formulation. We, however, took as our starting position the circumstance that we were in fact deeply involved in Vietnam. The purpose in 1967 and again in 1970 was to assess the overall quality of the American and Vietnamese effort and to make recommendations on how it could be improved. In 1970, to a greater degree than in 1967, we tried to evaluate how long American assistance, both military and economic, will be necessary.

And this is the question on the minds of Americans today. It would be easy to give a glib answer, but the situation in Vietnam and Southeast Asia is complex. The answers are not easy.

In the report, we state that we believe complete American withdrawal militarily is possible by the end of 1972 and that use of U.S. ground combat units could be terminated by the middle of 1971.[3]

It is much more difficult to put a timetable on the phase-out of economic and technical assistance. Estimates range from five to ten years. From what we were led to believe in Saigon, many plans to influence the future situation are focused on 1973 as a key year.

Many variables must be considered in making a determination on the amount of development assistance which will be needed and the length of time over which it should be spread. The team does not feel competent to formulate even an intelligent guess.

If a political settlement should be reached, the situation would be radically changed. Probably nobody can accurately predict what our development role would be in such an event.

If the GVN should attempt to maintain itself without undertaking the necessary internal reforms to insure security along with the loyalty, tacit or otherwise, of the population, our efforts would be in need of reassessment.

Assuming that the GVN does make progress at an acceptable rate—assuming that it is willing to make the sacrifices needed to become truly stable and viable—then the team believes that development assistance should be continued or even intensified. At this point it is appropriate to recall the words of the late President Eisenhower as recorded in 1954 in a letter to the then President of Vietnam, Ngo Dinh Diem: "The Government of the United States expects that this aid will be met by performance on the part of the Government of Vietnam in undertaking needed reforms."

The United States should make clear that continued assistance is conditional on the GVN's meeting the standards set by President Eisenhower. It is our billions of dollars that have been spent; it is not just Vietnamese young men, but over 40,000 of ours, who have lost their lives in Vietnam. We have an obligation to see that the Vietnamese effort in response to our further assistance has a seriousness and intensity worthy of the sacrifice of those young Americans.

Mr. COWGER. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman.

Mr. COWGER. Mr. Speaker, I would like to commend the gentleman from Iowa (Mr. Schwengel) for assembling this team, which I was a part of, first in 1967 in November of that year—and then again in June of 1970, and for the hard work that he has done not only during both of those tours of Southeast Asia, but since our return in assembling this report.

The report is some 60 pages long and it will appear in the Record. I particularly commend to my colleagues in the Congress the last four pages having to do with our recommendations and our findings.

I think it might be well, Mr. Speaker, to review very briefly our first trip in November of 1967, at which time we made a report to then President Lyndon Johnson and to the Congress. I think it was particularly surprising to the gentleman from Iowa and also to myself while we were in Southeast Asia, and particularly in Saigon, as to the number of Vietnamese and United States officials who had read that report and who were aware of our 1967 visit on that tour, and aware of our recommendations.

I know on several occasions, and I am sure the gentleman remembers, U.S. officials and Vietnamese officials said, "Oh, yes, we remember your report and your

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[3] One team member questions this conclusion.

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recommendations in this particular field have been accomplished at this time."

I would also like to recall the hour we spent yesterday with the President at the White House. As the gentleman knows, we were allowed a half hour in the oval office of the President of the United States to make a verbal report as well as the written report that we submitted to him. He kept us there for an hour discussing our recommendations, many of them not in writing, some of them rather sensitive in nature that we felt we must make verbally.

In my opinion, this report is the most comprehensive study made of our involvement in our effort in Southeast Asia that I have read, and I have read, I think, all of them from returning colleagues over the last 3 or 4 years.

I would like to point out that the recommendations are not exactly a unanimous viewpoint, because the first time there were 10 of us, and the second time there were 8 of us. However, I do think this, that all of those who joined in the original report and the one that was submitted to the President yesterday can live with those recommendations, even though in each sentence some of them might have changed something.

I think it might be well also to recall the interest on the part of President Nixon yesterday during our hour with him. Having been there himself on, I believe, three different occasions—as I recall, he visited Southeast Asia in 1954, again in 1956 and 1957, and then in 1960—he is, of course, well aware of the leadership of the nations involved. One of the questions I was very much interested in was the question of our appraisal of the Vietnamese people, and his asking us what we thought of them after two tours there, and whether their nation and these people were worth saving. I think he felt, as we did, that they are fine people, that they have a background for democracy that can work, perhaps not like the democracy we have in the United States, but one that they can live with.

He questioned us, too, about official corruption in the government and all over Asia. He asked us, too, about the popularity of the Thieu-Ky government, and he also was very much interested in the economic outlook for the nation.

I feel that most of us who were there saw a great improvement in the last 2½ years, particularly in their military, and that the big problem confronting us in the future is how much economic aid this nation is ready and willing to provide for the continuation of that small Southeast Asian nation.

If the gentleman will further yield, I would just like to, for a moment, speak of the value of this report. I think our original report in 1967 really had more value than we realized with regard to some of our recommendations, particularly in pacification, in discontinuing the search-and-destroy efforts of the military, changing them to a clear-and-hold system, which is prevalent now with the military, the fact that 2½ years ago we recommended to McVey and to the military and we discussed the problem of the demechanization of the war. It is now called Vietnamization by the administration.

I can recall one of the very first meetings we had with McVey in Saigon when the question was why we have not integrated the South Vietnamese into the American forces as we had so successfully in Korea, and we did not get a good answer. I think in the last 2 years militarily the situation has cleared considerably.

I did have an opportunity to visit all the I Corps area—Hue and Danang, and almost all the way over to the Ashau Valley. I did also visit the jumping off place in western South Vietnam, where our troops made their incursion into Cambodia, in the area of the Parrot's Beak, into the Cambodian mainland, into the eastern part of Cambodia.

I did have the opportunity to and I think I was the only Congressman or Senator who visited Phnom Penh during a time of great crisis when we could hear shelling on the outskirts of the city.

This was a great experience for me and I think the true value of this report we, perhaps, will not know for some time.

We did not spend as much of our time in making recommendations in the military field as we did in the previous report. We spent most of our time in making recommendations in the social, economic, and political fields. These are the things I think we must address ourselves to in the immediate future.

Mr. Speaker, I appreciate the gentleman yielding to me. I join him in his remarks.

Mr. SCHWENGEL. Mr. Speaker, I thank the gentleman very much. I should like to say at this point, Mr. Speaker, that the gentleman from Kentucky (Mr. COWGER) was a very distinguished and very valued member of our team. This was so, because he is a man of broad experience, a former mayor of Louisville, Ky., a successful businessman, and a public servant. He could look at the situation through the eyes of a legislator and administrator.

I recall very well that 2½ years ago, the gentleman from Kentucky (Mr. COWGER) and we sat down with the mayor and the public works officials and others in Saigon. I remember very well the gentleman telling them, after we made the tour, that what they needed is a good water system and an improvement of the sewer system and housing.

It must have been rewarding to the gentleman from Kentucky to know that there was great progress since that time in these two specific areas. I recall also the gentleman's counsel, when he said, "I think that here is a spot where maybe we can help them and take a look at it. This is how it looks to me," and I think those were the exact words the gentleman used.

We had one other member of the team, Mr. Bob Henry, who was a former Member, who joined us. This had great impact, and something over there that had great value. I am sure our observations and the gentleman's prestige and background and understanding were needed there and noted.

Mr. COWGER. Mr. Speaker, will the gentleman yield again?

Mr. SCHWENGEL. I yield to the gentleman from Kentucky.

Mr. COWGER. Mr. Speaker, I would like to add to those comments the fact that on both trips, in 1967 and in 1970, we did have a local government expert with us in the person of Mr. Bob Henry, the former mayor of Springfield, Ohio. Bob, I think, was the first Negro mayor of any large city of Ohio. He, too, took part in these question and answer periods we had in Saigon in 1967. Bob and I noticed immediate visual changes in Saigon in June of this year. I think he made a real contribution.

I also was very much impressed by the new mayor of Saigon and his local American counterpart there and their interest in affairs of local government and the problem of urban areas. Here we had a city of originally, I think, approximately 400,000 that has now mushroomed to over 3 million people, so we can imagine the problems of the local government in Saigon. I think Bob Henry made a real contribution in this field.

Mr. SCHWENGEL. I am sure that is true.

Mr. Speaker, this affords me an opportunity to say something about our team.

There were two Congressmen (Mr. COWGER) and myself.

There was also a minister who is a very broadly and based man, Reverend Heinz Grabia of Davenport, Iowa. It was his business to work on the moral aspects of the problem. He spent much time with the religious leaders there, the Buddhists. He worked on the social problems. He had a great interest in the refugee program and had some very worthwhile recommendations to make 2 years ago.

We had a distinguished lady from Iowa, Mrs. Harold Day of Des Moines, a mother who was widely acclaimed, who was received with open arms, especially in the hospitals, when the boys saw this American lady. She had a special interest in the veterans and made a very fine contribution.

I should like to dwell at some length about a farmer who was a part of our team, Vernon Shepard, from Muscatine, Iowa, who had been in that area before. He went on the first trip and again on the second trip. He had great insight from his observations, and his contributions to the report were very valuable. He was appreciated over there very much, because it seemed that even though he did not know the language he could speak the language. He seemed to get on with those people well and he got through to those people in what we call the rice roots better than anybody else.

Another very distinguished member of our team was a man many Members of Congress know, Dr. Ernest Griffith, who for 18 years headed the Legislative Reference Service of the Library of Congress, who is a writer of note and a recognized authority on political science and especially on the Far East question. His contributions were magnificent.

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One of the top aides, from a congressional office, was Mr. Allan Schimmel, my administrative assistant, a young political scientist, a graduate of the University of Iowa and a college in northwest Iowa, Northwestern. He was a work horse. He acted as a sort of "boss" of the team, and helped to direct us and to manage our schedules, to make the appointments and so forth. He was one of the principal authors of the report finally.

This group, as Members can see, was broadly based and came from differing backgrounds.

I should like also to say that they were very well read on the problem there and had a great understanding before we went there the first time. Of course, since that time they have maintained a continuing interest, which qualified them further.

I join with the gentleman from Kentucky in saying that I hope what we have done here in this report and our discussions that can come from it will help us to a better understanding of our problems, here in America, and will help those who are in leadership positions to gain an insight from an independent group which has a genuine interest, our volunteers, in a very real sense.

I am proud of this group. It has been a wonderful experience to be with them. Together we share the hope that we have made a solid contribution to, hopefully, an earlier solution of the problems plaguing us in that area of the world.

Thank you very much, Mr. Speaker.

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PERSONAL ANNOUNCEMENT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. Cowger) is recognized for 45 minutes.

Mr. **COWGER**. Mr. Speaker, I yield back my time.

THE REAL CAUSE OF INFLATION IS PRESIDENT NIXON'S MONETARY POLICIES—NOT CONGRESSIONAL SPENDING

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. Holifield) is recognized for 30 minutes.

Mr. **HOLIFIELD**. Mr. Speaker, President Nixon vetoed two appropriation bills passed by the Congress by substantial majorities. These bills were important bills as they contained funds for assistance to people in the form of educational funds, antipollution funds and housing and urban development, among other items.

President Nixon in his message to the Congress said:

> I flatly refuse to go along with the kind of big spending that is wrong for all the American people. That is why I must veto these bills which add an extra billion dollars of pressure on prices.

It is time to analyze the causes of inflation and place the Federal expenditure of a billion dollars in proper perspective. We in Congress and the American people should judge as to whether the appropriations of Congress cause the inflation the President claims to be fighting, or whether the blame lies in the monetary policies of President Nixon and the Republican administration.

On both sides of the aisle, we hear that this or that expenditure is inflationary. There is much speculation to the effect that we are financially unable to provide for an adequate national defense—that suddenly we are too poor to provide education for our children, health facilities for the sick, and assistance to the poor and aged.

From the other end of Pennsylvania Avenue we hear of inflation alerts, and commissions established to study the causes of our simultaneous recession and inflation.

I say that there is no need for further study and speculation to find the source of our economic woes. This information is readily available to everyone who wants to take the time and trouble to read it. There is no need for an inflation alert—we have been conscious of its symptoms for 18 months. What we need now is an inflation alarm, for this economic disease is beginning to feed upon itself. Inflation threatens to materially damage the economy before another year is out.

Inflation, like a physical disease, may be caused by one of several conditions, or by several unhealthy economic conditions acting in unison. Also like a disease, inflation can become crippling unless the true cause is recognized and treated properly.

In the aftermath of the two World Wars, inflation was caused by too much money in search of scarce consumer goods. In the late 1920's and early 1930's, inflation was caused by an overly expansive stock market, faulty distribution of some goods, excessive profits in some areas, and productivity far below consumer demand in others.

Inflation can be caused by an oversupply of money, and an oversupply of credit which is money in another form.

Inflation can also be caused by so-called wage-price competition in which wages are forced upward without regard to the increased production of goods, and prices are forced upward without regard to reasonable margins of profit.

Another cause of inflation may be excessive interest charges. Here, lenders through various devices charge usurious or unnecessary excessive interest on loans and purchases.

We are now in this situation where producers of goods, the workingman and lenders of money are producing a wage-price-interest spiral. Each blames the other, but collectively they produce inflationary factors which are unrelated to the present existence of a plentiful supply of goods and a reasonably high satisfaction of demand.

I hope to more clearly define the problem of inflation. Once defined and understood clearly, perhaps we can act more effectively.

FEDERAL VERSUS PRIVATE SPENDING

There is a myth that most of our current inflation is caused by Federal spending; consequently, if Federal spending is reduced, inflation will end. This myth persists for several reasons: the Federal budget is highly visible; it is an excellent political issue; and it is difficult to understand.

As controllers of the Federal purse strings, we, in Congress tend to become myopic in our vision, and therefore, fail to consider vigorous non-Federal forces and pressures which far outweigh Federal economic forces and pressures.

We also tend to forget the purposes of the Federal budget. This purpose is to allocate sufficient resources to public use to adequately meet public needs. The Federal budget was never intended to be an instrument for the manipulation of the entire economy.

To blame Federal spending for our economic ills may be convenient, but this is to ignore other things which make up 80 to 90 percent of the economy. For example, the Federal Government is now spending approximately $100 billion per year for goods and services, including goods and services for defense. But annual consumer spending is now $614 billion. Private investors are spending over $133 billion more, and State and local governments are spending over $118 billion each year. This comes to a grand total of $865 billion in annual spending over which the Federal Government exercises little, if any, control. Due to the relative size of these spending figures—$865 to $100 billion—one wonders why the larger one is not considered inflationary by critics of the Federal budget.

In 1969, consumer, corporate, and State and local government spending increased by $41.7 billion—23 times faster than the increase in Federal spending, including defense spending of $1.8 billion during the same period. In 1970, after we have had a recession for 9 months, and over a million more people unemployed, private spending increased by 5 percent to $36.7 billion, while Federal spending has decreased by $400 million.

FEDERAL VERSUS PRIVATE DEBT

Another popular myth holds that Federal debt is the cause of inflation. This also ignores the vast remainder of the economy.

At the end of 1969, the Federal Government was paying interest to the public on a debt of $279 billion—another $88 billion was owed to Federal trust funds, for a total Federal debt of $367 billion. Now, let us look at the private debt.

Total private debt—individual and corporate—at the end of 1969 stood at $1,247,000,000,000. Of this, $692 billion was corporate debt, and $555 billion was individual consumer debt. To these figures, we may add $132 billion in State and local government debt. This comes to a grand total of $1,379,000,000,000—almost four times the total Federal debt. The Federal Government has little or no control over this tremendous and overweighting factor in our inflation.

While the Federal debt increased $23.5 billion during 1968 and 1969, private debt increased 10 times faster—by $224 billion. Of this total increase, corporate debt increased by $151 billion and individual debt by $73 billion. In the same 2 years, State and local government debt increased by $15 billion for a total increase of $239 billion in the area outside of Federal control. Is it any wonder that the Consumer Price Index has increased by 15 percent since the beginning of 1968, and that general inflation is increasing at an increasing rate?

THE ADMINISTRATION'S INFLATION CURE

In January 1969, administration money planners decided that our current inflation is caused by too much money and too much demand for consumer goods. They came to this conclusion despite the fact that our economy was producing all of the hardware and consumer goods which could possibly be sold, stored, or exported. To cure this, they said, we must increase interest rates. This they have done, by about 42 percent over 1968 levels. No other effective alternative remedy has been tried during the past 18 months of our current inflation.

The results of this Republican policy was inevitable: 1,700,000 additional persons unemployed; a decrease in tax revenues, creating pressures for additional taxes; an increased drain on welfare and unemployment insurance funds; and fewer goods purchased at higher prices.

THE INFLATIONARY FIGHT AGAINST INFLATION

Instead of slowing inflation, the unnecessary and unrestrained imposition of high interest rates, and the resulting tightness in money, have brought on new inflationary pressures. In response to the new Republican monetary policy, making money scarce and interest high, American business and consumers simply created money in other forms through the unprecedented use of credit—credit at the highest interest costs in over 100 years.

Installment credit rose from a rate of $90 to $105 billion per year, at interest rates ranging from 12 to 18 percent, or more. Most installment credit bears interest at 18 percent and higher. New cars are financed at the rate of $20 billion per year, at interest rates of 12 percent, or more. Credit card distribution and use increased to unprecedented levels at equally high interest charges.

Banks found an expanding use for commercial certificates, which became, in effect, an important base for credit expansion. The banks also imported Euro-dollars, a new source for credit expansion at interest costs of 10 or 11 percent, and then reloaned the Euro-dollars at profitable margins. They used the Euro-dollar rate of interest cost as an excuse for raising rates on all loans, even though the proportion of Euro-dollars to domestic funds loaned was small. Most bank loans were actually based on domestic bank deposits at interest fixed by law at 5 to 6 percent. By these devices, the financial statements of banks, as reported in the Wall Street Journal, show fantastic profit increases ranging from 16 to 62 percent over the past 2 years.

Corporations made profits of $180 billion in 1968 and 1969. They paid out $48 billion in dividends and retained $49 billion in undistributed profits. While dividends were being paid in an attempt to maintain the market value of their stocks, these corporations piled up $151 billion in additional debt in the same 2 years, and passed the excess interest costs on to the consumer in the form of inflated prices. Excessive and unnecessary expansion of industrial capital investment, due to tax advantages, absorbed normal construction funds and the homebuilding industry sharply declined. This, in turn, caused inflation in the prices of existing housing.

THE IMPERSONAL DOLLAR

Federal spending and debt are factors in overall inflation, of course, but relatively small factors in relation to vastly greater spending and the interest burden on debt in the total individual, corporate, and State and local picture.

To see this, all we have to do is to compare the increase of $23.5 billion in Federal debt, in the 2 years of 1968 and 1969, with the increase in private—individual and corporate—and the State and local debt, during the same 2 years of $239 billion. And I have included in the 2-year comparison the year 1968, when we had an unusually high Federal deficit of $25 billion.

The total national economy cannot discriminate between a billion dollars spent or borrowed by the Federal Govment, and the same amount spent or borrowed by persons or corporations. Neither can the total economy discriminate between dollars spent for goods and those spent for interest. All spending and borrowing becomes a part of the whole—the total demand for goods, services, and money. Interest paid on the Federal and non-Federal debt is an inflationary factor which shows up in the price of everything which we buy.

We have seen that Federal spending accounted for only about 10 percent of total spending for goods and services, and that Federal borrowing accounted for only about 10 percent of total borrowing during 1968 and 1969. We have also seen that increases in Federal spending and Federal debt have been a much smaller percentage of total spending and debt. The conclusion is inescapable—Federal spending and borrowing has contributed only 10 percent, or less, to inflationary pressures in these areas, but Federal spending and debt have received 100 percent of the administration's attention.

We also have seen that total Federal debt owed to the public amounts to only 18.3 percent of the total Federal, private, State, and local debt of $1,536,000,000,000.

A 1-percent increase in Federal spending would amount to an increase of $1 billion. On the other hand, a similar 1-percent increase in the present rate of private, State, and local spending would increase the total by about $8.7 billion. Private spending has actually increased by over 13 percent, or by almost $104 billion since January 1969.

The same situation exists where borrowing is concerned. Interest rates on Federal obligations have increased by about 2½ percent since the beginning of 1968. This increase when applied to the present Federal debt owed to the public, causes an increase in annual interest cost of about $7 billion. Interest costs on the Federal debt held by Federal trust funds has increased in excess of $1 billion since 1968.

Interest rates on corporate borrowing have increased by about 3 percent. This increase when applied to the present total corporate debt adds about $21 billion of additional annual expense which is passed on to consumers.

I was unable to find reliable figures showing the increase in interest rates charged to consumers. But assuming a modest increase of only 3 percent, this would add another $17 billion in annual interest cost.

Interest rates on high grade municipal bonds also increased by about 3 percent. If this is applied to existing State and local debt, another $4 billion in additional annual interest costs results.

Thus, increasing interest rates have done nothing to cure inflation, but those increases alone now contribute an additional $49 billion annually to inflationary pressures. These increases can be directly correlated with the increase in overall inflation by 4 percent in 1968, by 4.7 percent in 1969. These increases have caused a decrease in purchasing power for the average factory worker of $2 per week during the past 12 months. They also relate to increases in the price index of 5.4 percent in 1969 and 5.9 percent in 1970, and to the current unemployment rate of 5 percent.

CONCLUSIONS

Private spending—corporate and individual—for goods and services is about nine times greater than Federal spending and is increasing at a much greater rate. Private spending is uncontrolled by present monetary policies.

Private debt is about four times larger than the total Federal debt and about five times larger than the Federal debt held by the public. Private debt is increasing at a rate 10 times faster than the Federal debt. This private debt is untouched by present monetary policies except to enlarge it through higher interest rates.

High interest rates and tight money policies have been effectively circumvented by American business through various credit devices. For this reason, the administration's monetary policies have actually added fuel to the inflation fire.

Administration monetary policies have resulted in increasing consumption expenditures at higher prices, reduced production and higher unemployment rates, increased interest costs to government at all levels and lower buying power for the tax dollar. The stockbrokers and some of our largest corporations are now appealing to the Federal Government for help. Federal, State, and local budgets are running into deficits due to increasing costs and decreasing tax revenues. No part of the economy is left untouched except the largest lending institutions, and their good fortunes will soon be on the wane.

Production has decreased and unemployment stands at the highest level—5 percent—since 1964, with higher rates predicted by the administration. These factors have combined to cause tax revenue losses which, in turn, bring on pressures for tax increases at all levels of government.

It is obvious that the wrong remedy has been applied. As in the case of a serious physical disease, administration planners have treated the localized soreness while overlooking the cause and proper treatment of the total disease. They have concentrated on Federal spending and the money supply, but the great cause of inflation lies elsewhere—in the private sector of the economy. The burden of this policy has fallen upon the aged, the middle-income wage earner, the young home buyer, and all of those not in a position to pass price and interest increases on to others. While these citizens lose, the wealth of our Nation is again being concentrated in the financial community.

Some have urged reductions in essential health, education, housing, research, and national defense programs. They have said that the Federal budget must be balanced at any cost—at the cost of our ability to defend ourselves, to care for the poor, and to educate our children.

The real problem has been ignored and the public's attention steered away from it. That is the problem of uncontrolled private credit, uncontrolled private spending and uncontrolled interest rates. Congress has given the President a method for controlling credit—it has not been used. The House of Representatives recently passed a provision giving him control over the price-wage spiral and over interest rates. I hope that this mandate will provide the incentive for him to chart a new course. This is not a classical economy, nor is this a classical case of inflation. For in the classical case, inflation and recession do not occur at the same time. Therefore, when classical remedies do not work as well as they did in the 18th and 19th centuries, no one should be too surprised or unwilling to try a different remedy.

I have given a great amount of time, research, and study to the problems of inflation. I believe it is a problem that must be solved if we are to retain a solvent, stable economy. Unless we provide a solvent, stable economy, we will not be able to maintain a viable, stable political government. I do not believe that the Congress should accept the blame for the present economic situation. Neither should we concur in the myth that the current inflation and recession are caused by Federal spending and deficits alone. We must consider the whole national picture, and include all inflationary factors, and then seek remedies for the 90 percent of non-Federal inflationary pressures as well as the 10 percent of Federal pressures.

To succeed in this fight against inflation we must admit that most prices and interest rates are not set in the market place in accordance with the simple laws of supply and demand.

We must also admit that the adjustable portion of the Federal budget is too small to use as a lever to manipulate a total annual economy of almost $1 trillion.

We must realize that what the Federal Government spends is not nearly as important as the practices it encourages, such as administered interest rates and prices, or the psychology it engenders in the expectation of never-ending inflation and continuing recession.

IMMIGRATION NATIONALITY ACT AMENDMENTS OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MESKILL) is recognized for 5 minutes.

Mr. MESKILL. Mr. Speaker, I welcome the opportunity to outline the major features of legislation introduced today at the request of the administration designed to resolve some of the difficulties that have arisen in the immigration field since the act of October 3, 1965.

This is very far-ranging legislation but I shall limit my remarks today to just a few of the provisions—those which modify the Eastern Hemisphere immigration selection system enacted into law 5 years ago. The distribution of the visa numbers among the various preference classes has not been particularly consistent with the demands for immigration within those classes. This bill would remedy some of these deficiencies. For example, by reducing the percentage of immigration presently available to the first preference class, which now uses only about 4 percent of the visa numbers attributable to that class, additional visa numbers will be made available to the heavily oversubscribed third and sixth preference classes.

We have, since World War II, exhibited rather ambivalent attitudes toward the immigration of those with needed skills. In the 1952 legislation we accorded first preference—50 percent of each quota—to those highly skilled aliens who were needed in this country. In the 1965 amendment we redefined this class to include only members of the professions and scientists and artists of exceptional ability. More important, perhaps, we not only reduced it to third preference, we also reduced this third preference share of total Eastern Hemisphere immigration to 10 percent. This simply proved to be not adequate. Fortunately, there have been enough nonpreference visa numbers available so that many potential third preference immigrants have been permitted to use nonpreference visas and immigrate despite the low percentage allocated to third preference. Yet, it seems to me to be somewhat unrealistic to have to rely on nonpreference visas to fill our need for people of a class to which we attach sufficient importance to accord third preference status.

This administration bill would attack this problem in two ways: It would raise the third preference percentage limitation from 10 to 15 percent; it would also permit fall-down of visa numbers unused by applicants in the higher preferences to be available for third preference applicants.

The sixth preference category, which is for workers found needed by American employers, is similarly too small now for our needs. It too is entitled to only 10 percent of the total Eastern Hemisphere immigration at present. Under this proposed legislation, the sixth preference would be raised in the same manner as the third preference, to 15 percent plus fall-down of visa numbers not required for immigrants in the higher preferences.

A third area in which there has been shown to be a need for a greater share of the visa numbers relates to refugees. When the 1965 amendments were enacted, there was no major refugee problem before us, and the 10,200 visa numbers allocated for this class of alien were more than sufficient. Unfortunately, they do not suffice today. We have, in the interim, been faced with such situations as the Czech crisis, which substantially increased the volume of people for whom resettlement opportunities are required. Given the tradition of this country for compassionate, humanitarian response to the tragedies of life, we must provide more room for flexibility in the refugee provision. This bill would increase the maximum refugee share of immigration from 6 to 10 percent which, it is believed, will give the Attorney General the additional needed elasticity.

This proposed legislation will also apply the same preference system in the Western Hemisphere as in the Eastern Hemisphere. This will permit the operation of the same principles of selection as we have had for the past half century in regard to Eastern Hemisphere immigration. Moreover, it will have particular import with respect to Cuban refugees who have sought temporary sanctuary in third countries, such as Spain and Mexico. At present they must await the availability of a visa number, under the badly backlogged Western Hemisphere numerical ceiling, because the seventh preference classification for refugees does not apply to the aliens born in the Western Hemisphere. Under this bill, 10 percent of the Western Hemisphere visa numbers will be available for such victims of oppression.

As I indicated at the beginning of my remarks, the administration bill includes a great many other needed improvements in our immigration and nationality legislation. The few I have outlined are just a sample of the practicality of the measures proposed. I would hope that it will be possible for the Congress to move promptly on this matter, which is of such importance both to our country and to the aliens who wish to make it their home.

OIL SHORTAGES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. BUSH) is recognized for 5 minutes.

Mr. BUSH. Mr. Speaker, earlier today I, along with Senators TOWER and HANSEN, held a press conference on the critical power shortages facing this country. Senator TOWER addressed his remarks to the gas shortages. Senator HANSEN commented on the problems involved in producing coal and nuclear energy. And, I spoke on energy produced by oil. At this time, I insert my statement in the CONGRESSIONAL RECORD. The remarks of

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Senators Tower and Hansen will also appear in today's Record.

The statement follows:

Remarks of George Bush

My remarks are directed to the oil shortages facing this country.

The demand for oil is increasing. The reasons for this are closely associated with the increased demand for natural gas. Our population is increasing. We are consuming more and more energy. Anti-pollution laws have made natural gas extremely attractive as a fuel. This demand for natural gas cannot be met. Thus, industrial consumers, especially the utilities, are trying to secure supplies of low sulfur fuel oil.

Fuel oil sales represent only a small percentage of the total oil consumed in the United States. However, the increased demand for this product is critical in view of the dependence of the East Coast upon it.

At the same time as we have this increased demand for residual fuel oil, domestic supplies are decreasing. Why?

(1) Residual fuel oil is one of the least profitable products obtained from refining crude oil. In the past, adequate supplies have been imported to the East Coast at a price lower than was attractive to domestic companies to produce it. Hence, domestic refineries specialized in producing more profitable products—such as jet and diesel fuels and motor gasolines. And domestic refineries were constructed with only a limited ability to produce residual fuel oil. So, imports of fuel into the eastern United States markets increased.

(2) The substantial imports of residual fuel oil to the East Coast acted to further discourage producers from seeking new reserves of oil. From 1959 to the present, imports of foreign oil have doubled to around 24 percent of domestic consumption.

So, with the sudden increase in demand for residual fuel oil, the nation looked to the Southwest for increased supplies. However, the transmission lines, storage and terminal facilities were already operating at, or very near, peak capacity.

Tankers were sought to transport the oil. However, on the international front tankers were already in short supply. They were being used to haul oil from Middle Eastern countries around the Cape of Good Hope to Mediterranean refineries. This was necessitated by the closing of the Suez Canal and various ruptures, acts of sabotage and decreases in production. These greater hauling distances require six tankers where in the past one has done the job.

I for one do not feel that this nation should be dependent upon foreign oil. Were we so dependent, the risk of supply interruption would be traumatic. In addition, what effect would it have upon our international diplomacy?

A good look at the world's oil reserves will indicate that the only area that could possibly satisfy the demands of the American market is the Middle East. And we know from the record the implications of resting our national security upon the petroleum supplies of this part of the world. The record is:

(1) In 1948, Iraq shut down the pipeline to the Mediterranean and prohibited completion of other lines—lines which remain unfinished.

(2) In 1951, Iran seized the properties of the Anglo-Iranian Oil Company and production was shut down for 3 years.

(3) In 1956–57, the Suez Canal was closed and the pipeline from Iraq to the Mediterranean was sabotaged.

(4) In 1961, Iraq seized a giant, undeveloped oil field. This issue remains unresolved.

(5) In 1966, Syria shut down the Iraq Petroleum Company pipelines which cross its territory.

(6) In 1967, at the start of the Arab-Israeli war, Arab producers temporarily halted production. The Trans-Arabian pipeline was shut down, and the Suez Canal was closed and remains closed.

(7) In 1969, the Trans-Arabian pipeline was sabotaged by Arab guerrillas on several occasions.

(8) In 1970, the Trans-Arabian pipeline was shut down because Syria has refused to permit repairs of an accidental break in the line.

(9) The Lybian government has reduced production by over 500,000 barrels per day.

The folley of relying too heavily upon "cheaper" foreign oil has been proven. Prices of "cheaper oil" on the East Coast have soared to well above domestic prices. But, more importantly, many users are unable to secure supplies at *any price*.

The outlook for an improved situation is not bright.

Estimates indicate that the immediate short-term supply of domestic oil is only 800,000 barrels per day at best. Given enough time and capital expenditure, production could only be increased by 400,000 barrels per day.

We could seek increased imports of oil from Canada. However, the imports from this part of the world were recently reduced from 600,000 barrels per day to 395,000 barrels per day. Perhaps, the Canadian government might find it in their best interests to again permit exports of this magnitude.

In the intermediate-term, sales of federal off-shore leases should be resumed. I have urged the Secretary of the Interior to hold the lease sales for Offshore Western Louisiana at an early date.

If additional tankers become available, imports of residual fuel oil could be temporarily de-controlled in all districts of the United States.

For the long term, the North Slope of Alaska will provide additional supplies. This has been estimated at a maximum of 2 million barrels per day.

Federal leases on the deep Outer Continental Shelf should provide additional supplies. The drill ship, *Challenger*, has scored shows of oil and gas in 11,700 feet of water in the Gulf of Mexico. As Senator Tower mentioned, the effects of the pending Seabed Treaty are not known and they provide one more disincentive to increased oil exploration.

We should accelerate technological research into economical methods of extracting oil from shale. The United States government owns vast reserves of this oil shale in the West.

Finally, and most importantly, we need to restore the confidence of the oil and gas exploration industry. A large amount of future U.S. production must come from reserves yet to be found. The amount needed equals 40 percent as much oil as has already been discovered in the United States in the entire history of the oil business. We need adequate economic and tax incentives to encourage this amount of exploration in this high risk business. Remember, only one well out of fifty drilled pays for itself. And last year only 30,800 wells were drilled as compared to 46,800 in 1961.

Long overdue increases in the price of oil would aid in restoring confidence.

In addition, restoring tax incentives would speed exploration.

There can be no doubt that for national security purposes and for purposes of maintaining our high standard of living, we must maintain a strong, viable domestic producing capacity. We must not again fall subject to the whims of fate.

OIL

Reasons for increased demand

1. Shortages of natural gas.
2. Anti-pollution laws.
3. Population increase.
4. Increase in per capita consumption.

Reasons for decreased supply

National

1. Limited domestic refining capacity for fuel oil.
2. Deliverability system operating at or near capacity (wells, pipelines, storage and terminal facilities).
3. Increased imports dampened past exploration activity.
4. Uncertainty of future import policies.
5. Restricted sales of federal offshore oil and gas leases.
6. More restrictive tax laws.
7. Low price of crude.

International

1. Suez Canal closed.
2. Trans-Arabian pipeline closed.
3. Lybia reduced production.
4. Shortage of tankers.

Sources of additional supply

Short-Term

1. Increase production in Texas and Louisiana.
2. Increase imports from Canada.

Intermediate-Term

1. Build additional tankers.
2. Decontrol residual fuel oil imports.
3. Conduct sales of onshore federal lands.

Long-Term

1. North Slope of Alaska.
2. Offshore Texas and Louisiana federal leases.
3. Onshore lower 48 production.
4. Oil shale.

HIGH INTEREST RATES: THE ROOT CAUSE OF PRESIDENT NIXON'S PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Patman), is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, in two instances yesterday the President, in his attempt to fight inflation, has thwarted the will of the Congress by vetoing the Housing and Urban Development and the Health, Education, and Welfare appropriation bills. If the President would concern himself with the root cause of the problem and not take actions which will unalterably and detrimentally affect the people of this country, he will not only provide a great service to the people, but would have the necessary Federal funds needed for education, health, water and sewers, housing, and veterans benefits.

If one studies the interest rate and cost trends on our Federal debt alone, it is easy to determine what the basic problem is. Under President Eisenhower, the interest cost on the public debt during his 8 years in office increased by 57 percent—from $5.9 to $9.2 billion—whereas the total public debt outstanding increased by only 10.4 percent. Similar experience occurred under the Kennedy-Johnson 8 years, as indicated in table 1 below.

But it is most unfortunate and startling to see what has happened to the interest cost figure on the public debt during the years that President Nixon has been in office. The public debt has increased by 6.7 percent, but already during the Nixon years in office, the interest on the public debt has increased by 32 per-

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cent—from $14.6 billion to an alltime historic high of approaching $20 billion in less than a 2-year period. If this same trend continues, in just 4 years the interest cost—under President Nixon—on the public debt will have increased almost 60 percent, as compared to less than 60 percent for the 8-year period under the Kennedy-Johnson years.

Mr. Speaker, if interest rates on the public debt were kept at levels that were in effect during the Truman years, or even during the Eisenhower years, the more than $19 billion in interest costs on the Federal debt which this Nation had to pay out of the Federal budget under Mr. Nixon would only be about half this amount. Just think what could be done with $10 billion of Federal funds available in our Federal budget for needy projects—for housing, water and sewers, pollution, and all of the other great social and economic needs we have in this Nation.

Mr. Speaker, we are, in fact, seeing a repeat—a replay—of the utter permissiveness of the Eisenhower administration, when our interest rate troubles really began.

When the Republicans took over in 1953, President Eisenhower claimed that the Federal Reserve System was somehow independent from the rest of the Government. President Eisenhower was totally and sadly mistaken about the law, but his support of the "independence" myth let the Federal Reserve and the bankers loose to prey on the American public.

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As a result, in 1953—with William McChesney Martin in charge of the Federal Reserve—the interest rates started skyrocketing.

Mr. Speaker, I place in the RECORD a table showing how the Democratic administrations kept the interest rates down between 1939 and early 1953, a period of depression, war, and inflation—a period of good times and bad times. The table shows how interest started climbing in 1953 after the Federal Reserve was allowed to claim its "independence."

Mr. Speaker, table 2 clearly points out what has happened.

When Mr. Truman left office, yields on long-term Government bonds were still below 3 percent—2.68 percent, as table 2 indicates. But we find, as the table indicates, that by 1966 yields on long-term Government bonds had reached 4.65 percent, an increase of over 50 percent.

Of course, under President Nixon, the rates have continued to climb, reaching 5.26 percent in 1968; 6.8 percent in 1969; and over 7 percent at the beginning of this year.

Mr. Speaker, the facts of history speak for themselves. During World War II and under President Truman, during the Korean war, interest rates were, as a result of the premeditated action and determination, on long-term Government bonds kept at 2.5 percent and below. Mr. Nixon can duplicate the same performance, as did President Roosevelt and President Truman. I repeat, Mr. Speaker, it takes only the will and determination of President Nixon to do it.

Mr. Speaker, as we vote tomorrow on the two appropriation bills which the President has, in my opinion, unfortunately vetoed and which I hope the Congress will override, we should keep this fact in mind. Let us attack the root cause of the problem, get interest rates down to where they are not exorbitant, and Federal funds will then become available to meet these needs.

The tables follow:

TABLE 1.—PERCENTAGE INCREASES DURING PRESIDENTIAL ADMINISTRATIONS ON TOTAL PUBLIC DEBT OUTSTANDING AND TOTAL PUBLIC DEBT INTEREST COST

Administration and year	Total public debt outstanding (billions)	Percentage increase	Total public debt interest cost (millions)	Percentage increase
Eisenhower:				
1952	$259.1		$5,853	
1960	286.3	10.4	9,180	56.8
Kennedy-Johnson:				
1960	286.3		9,180	
1968	347.6	21.4	14,573	58.7
Nixon:				
1968	347.6		14,573	
1970	[1] 370.9	6.7	19,257	32.1

[1] Estimated figure.

Note: The above figures indicate the following: (1) During the 8 Eisenhower years, the total public debt outstanding increased by 10.4 percent, while the interest cost of that public debt increased by 57 percent; (2) during the 8 Kennedy-Johnson years, the public debt increased 21.4 percent, whereas the interest cost on the public debt increased by 59 percent; (3) during the 2 Nixon years, the public debt increased by 6.7 percent, whereas the interest on the public debt increased by 32 percent. If the same Nixon trend continues, in just 4 years, based on the above figures, the interest cost on the public debt under Nixon will have increased by more than 60 percent, whereas it took twice that long or 8 years under Eisenhower and 8 years under Kennedy-Johnson to exhibit an increase in interest cost approaching 60 percent.

Source: Data compiled from official U.S. Government reports'

There is nothing wrong with the present budget that $5 billion in revenue or savings would not cure. Yet, President Nixon could have saved more than $5 billion since he has been in office on interest paid on the Federal debt alone.

On June 9, 1969, a Wall Street banker, without any authority except the big banks behind him, announced a rise in the prime interest rate of 1 percent—from 7.5 to 8.5 percent—without a murmur of dissent from President Nixon. This was a rise in interest rates on the Government and all of the people of $15 billion a year on our total public and private debts when at the time the total public and private debt was estimated at $1,500 billion. This 1-percent rise in the prime rate represents a potential $15 billion increase in the cost of interest annually. The rollback on what is provided in the Federal budget and by the Congress should be on the cost of interest, not on severely needed social and economic programs such as provided in the HEW and HUD appropriation bills which the President has just vetoed.

High, extortionate, usurious, and excessive interest rates represent the whole cause of our plight in the Nation today.

TABLE 2. *Yields on long-term Government bonds 1939 to present*

[Percent per annum]

Years:	*Yield*
1939	2.36
1940	2.21
1941	1.95
1942	2.46
1943	2.47
1944	2.48
1945	2.37
1946	2.19
1947	2.25
1948	2.44
1949	2.31
1950	2.32
1951	2.57
1952	2.68
Average for 14-year period (1939–52)	2.36
1953	2.94
1954	2.56
1955	2.84
1956	3.08
1957	3.47
1958	3.43
1959	4.08
1960	4.02
1961	3.90
1962	3.95
1963	4.00
1964	4.15
1965	4.12
1966	4.65
Average for 14-year period (1953–66)	3.65

(NOTE.—For 14 years, seven under President Roosevelt and seven years under President Truman, the interest rates on long-term Government bonds never reached an average annual rate of 2.5 percent. These figures are important because they disclose that the monetary managers can keep interest rates reasonable if they desire to do so.)

"STATE OF THE JUDICIARY"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MCCULLOCH) is recognized for 15 minutes.

Mr. MCCULLOCH. Mr. Speaker, on August 10, I introduced legislation requesting the Chief Justice of the U.S. Supreme Court to address a joint session of Congress on the "State of the Judiciary." My very able colleague from Illinois (Mr. MCCLORY) is a cosponsor and coauthor of this bill.

Members of Congress are well aware of the criticism and controversy that surround the courts of our country. We have all heard or said the truism that "justice delayed is justice denied," but delay and congestion in our Federal courts continue to grow.

The number of cases commenced in the Federal courts are at an all-time high. During the first half of fiscal year 1970—July 1 through December 31, 1969—the 11 U.S. Courts of Appeals recorded 5,600 filings, an increase of 14 percent over last year. The number of filings during the 6-month period marked another record high. The 5,600 filings can be compared to 4,908 filed a year ago and 4,392 filed 2 years ago.

In fiscal year 1969, 110,778 civil and criminal cases were commenced in the district courts, an increase of 8.4 percent over the previous year. During the first 6 months of fiscal year 1970, the overall increase in civil and criminal cases filed in the U.S. district courts rose by 14 percent—civil cases increased by 15 percent and criminal cases commenced increased by 12 percent. The number of civil and criminal cases pending in our Federal district courts in fiscal

1969 rose to 104,091, the highest pending case figure on record. The median time interval from issue to trial for civil cases was 13 months, an increase of 1 month over 1968.

Delay and backlog have most undesirable effects: witnesses give up in frustration after numerous canceled court appearances; jurors despair waiting endless hours only to go home without having fulfilled their civic duty; litigants often give up in frustration or settle for less because they cannot wait for the court to act. Too often, congestion and delay become excuses for inaction rather than focal points for reform. It is the duty of Congress not only to improve and expedite Federal justice, but also initiate innovative procedures to assist the courts in handling their problems. Our overall purpose must be to quicken the pace of justice without impairing the quality of judicial output.

For these reasons I introduced legislation requiring the Chief Justice of the United States, from time to time, to present to the Congress and the country a realistic appraisal of the state of the judiciary. This, I believe, would spotlight current and long-range problems and motivate the Congress to effective action.

I am of the opinion that the time has arrived when the problems of our judicial system should be presented to the Congress and to the country by our highest ranking judicial official. Such an address would be a dignified approach from the head of one of the coordinate branches of the Government to the branch responsible for its legislation and appropriations.

The intent and purpose of this legislation is not to demand that the Chief Justice appear before the joint session of Congress annually, but rather require the head of our judicial branch of Government, with all the prestige and wisdom of that office, to address Congress and the Nation, at his discretion, on the needs and problems of our courts. I am of the opinion that such information is of paramount importance and should come from the highest level.

I see no constitutional problem with the separation of powers between the legislative and judicial branches of Government. On the contrary, article III of the Constitution confers on Congress the authority to "ordain and establish" the lower Federal courts and each year the appropriation committees of Congress consider legislation to fund all the Federal courts. On June 2 of this year, our President signed into law legislation creating 61 new judgeships. Presently, the House Judiciary Committee is considering legislation, which I introduced, that would establish throughout our Federal judiciary a system of court executives to assist our judges with their nonjudicial responsibilities.

The Congress has created by statute the Judicial Conference of the United States, 28 U.S.C. 331, wherein we require the Chief Justice of the United States to summon annually lower court judges to a conference. In this same law we require the Chief Justice to submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation. No one has suggested that this section of the United States Code is in violation of the "separation of powers" doctrine. Indeed, anyone familiar with the function of this particular body realizes its importance to the Congress and to the effective operation of our judicial system. My bill would not, in any way, change what is presently being done under title 28, U.S.C., 331, it would merely require the Chief Justice, from time to time, at his discretion, to address a joint session of Congress.

This legislation, which has the support of the American Bar Association, is not entirely new. I believe it was first discussed publicly by our present Secretary of State, William P. Rogers, in 1953, when he was Deputy Attorney General of the United States. Mr. Rogers later served with great distinction as Attorney General under President Eisenhower.

On Monday of this week, Chief Justice Burger delivered a very worthwhile and informative address to the American Bar Association on the "State of the Judiciary," which was carried live on national television. I believe it would be entirely appropriate and most beneficial to have future addresses of this type to a joint session of Congress.

THE NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. **HOGAN**. Mr. Speaker, the plight of thousands of American families who are brought to financial bankruptcy as a result of catastrophic illness has been of great concern to me and is the focus of a bill which I introduced on June 10, 1970.

My bill, the National Catastrophic Illness Protection Act of 1970, would, if enacted, allow our Nation's families to protect themselves against the financial scourge of catastrophic illness.

Catastrophic illness does not refer to a specific or rare disease. It is any disorder—from the exotic calamity to the common coronary. It is the fall from a stepladder in a home, a highway accident, or even the untimely sting of a bee. By definition, catastrophic illness could comprise those illnesses which require health care expenses in excess of what normal basic medical or major medical coverage provides protection for. Once a family finds itself faced with having to pay for health care costs of an extended nature, they are saddled with a financial burden that is staggering to comprehend. The result of catastrophic illness is instant poverty.

In the weeks following my introduction of this legislation, I have received many letters and phone calls from individuals and families who are presently coping with the financial burden of this kind of tragedy. These cases are, however, beyond the scope of my bill. Those families who are already experiencing such a devastating burden can, at this point, only serve as ample testimony to the dire need for this type of legislation. Until the complex problems of rising medical costs are resolved, most families faced with extended illness or serious injury will continue to be financially wiped out.

I have from time to time called the attention of my colleagues to instances where this legislation would have provided some form of financial security had it been the law at the time. I would like, today, to submit for the information of my colleagues an article about Michael Berg, the 19-year-old son of Mrs. Grace Sauter of Camp Springs, Md., in my congressional district:

PUPIL'S ACCIDENT SPURS MARYLAND TO EXAMINE IMMUNITY LAW

(By Richard M. Cohen)

Michael Berg thrust himself up from the trampoline, arching his 5-foot, 8-inch body into a backward somersault that ended a split second too soon. His head hit the mat, snapping his chin into his chest with a crunching sound.

Berg's neck had been broken, his spinal cord severed. He became quadriplegic, never to walk again, his doctor says.

That was Oct. 8, 1968. Berg, then 18 years old and a senior at Crossland High School in Prince Georges County, was whisked from his gym class to Cafritz Hospital. When he emerged 14 months later—and then only to enter another hospital—his mother was billed $33,447.25.

NO LIABILITY

Last month, a recapitulation of what happened to Berg was matter-of-factly read to a shocked Maryland State Board of Education. The Prince Georges school system, the board was told, is uninsured. And, the report went on, neither the State of Maryland nor the school system can be sued either for the hospital bills or for the permanent damage.

Under the doctrine of sovereign immunity, based on the common law principle that the state—like the king—"can do no wrong," Maryland cannot be sued by its residents.

The citizen's only course of action against the state is to persuade the General Assembly to pass a specific law in an individual case authorizing compensation. This rarely happens.

Furthermore, the immunity shield, incorporated in Maryland's Constitution, covers the government at all levels, from the governor to the Washington Suburban Sanitary Commission to the Prince Georges County school system.

In fact, some lawyers say, so broad is the shield that the county school system could not be sued even if it had insurance.

INDIVIDUAL POLICIES

According to a spokesman for the State Board of Education, none of the state's 24 school districts carries liability insurance. Most of them, the spokesman said, made insurance coverage available to pupils on an individual basis.

The parent pays the premium and the pupil is insured for the school year.

In 1968, Berg's mother, Grace Sauter, looked at the policy, found the coverage inadequate and decided not to enroll her son. She thought he had ample protection under his step-father's group hospitalization coverage.

"You don't think such a thing could happen" Mrs. Sauter said. "It happens to other kids." Berg, she said, had exercised on the trampoline many times before.

MORE BILLS

On Dec. 19, 1969, Berg, who had graduated from Crossland in his wheelchair, was transferred to Western Maryland State Hospital in Hagerstown. The bill for that care, which Mrs. Sauter estimates will be about $5,000, has not yet arrived.

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On June 10 of this year, Berg was transferred to George Washington University Medical Center where he is still a patient.

A portion of the bills will be taken care of by the family's group hospitalization policy. Of the $33,447 owed Cafritz Hospital, for example, Mrs. Sauter, an editor-writer for the Army, and her husband, an industrial engineer for the Navy will pay about $8,000. Mrs. Sauter estimated the total hospital bills at "more than $50,000."

But there have been other expenses not covered at all by insurance of any sort, she said. Berg can now come home for weekend visits. The Sauters have put ramps for his wheelchair in their Camp Springs home and widened doorways so it can roll through. They have put in a second medicine cabinet and placed it low on the wall so their son, aided by orthopedic devices, can reach it.

SPECIAL EQUIPMENT

Hand rails have been placed on the toilet. the family bought a special toothbrush he can grip. They purchased an especially firm mattress and some padding. They now have acquired a $323 hoist that can place Berg in his bed or take him out of it.

Last month, after hearing the report on Berg's accident, the State Board of Education asked its staff to investigate whether the state could offer protection to its pupils under an insurance system similar to workmen's compensation.

Under such an arrangement, liability—the determination of negligence or fault—would not be a factor. The state would simply pay the bills resulting from an accident regardless of who is at fault and a law suit against the state—now impossible under the protection of sovereign immunity—would not be required.

That is the route suggested to the board by two of its members, Richard Schifter, of Montgomery County, and Mrs. William F. Robie, of Prince George's County.

RESPONSIBILITY ISSUE

"My stand," said Mrs. Robie, "is that if by law children must be in school and must follow the program, I feel that we are responsible for them while they are in school."

"Our most pressing need," she said, "is to get the school system to take out insurance."

Mrs. Sauter said her only present recourse is to sue Crossland's teachers and attempt to prove negligence. That was the course followed in Montgomery County last year by a parent whose daughter lost two teeth while performing an exercise.

Most teachers, Mrs. Sauter said, carry insurance coverage. The school system does not.

The proposed state constitution drafted by a constitutional convention in 1968 would have eliminated sovereign immunity as a defense against many lawsuits for negligence or other damages. The proposed constitution was rejected by Maryland voters.

The sovereign immunity doctrine still applies in most instances in Virginia. In the District of Columbia, recent federal court decisions have broadened the circumstances under which city agencies may be sued for damages. Congress has provided for damage suits against the federal government in the Federal Tort Claims Act.

Mike Berg's case is particularly tragic because his family must somehow cope with these enormous medical expenses, amounting to more than $50,000 the first year, for the rest of Mike's life. Because the Maryland constitution still embraces the doctrine of sovereign immunity—Maryland is one of only 13 States which continue to embrace this concept—Michael Berg's family cannot sue the State of Maryland or any of its agencies.

The legislation which I am proposing will go a long way toward mitigating against the problems of catastrophic illness because it will stimulate our insurance industry to provide coverage that will allow any family to protect itself fully against the costs of catastrophic illness. The legislation would foster the creation of catastrophic illness—or extended care—insurance pools similar to those that have been successful in making flood insurance and riot insurance feasible.

Because all participating insurance companies would be required to promote the plan aggressively, and because we would be dealing, statistically, with a small minority of all claims, the cost per policy should be low. As more people buy this new protection as part of their health care program, thereby spreading the risk, the cost should drop even more. The Federal role would be limited to reinsuring against losses in those instances where insurance companies paid out more in benefits than they took in in premiums.

To help individuals such as Mike Berg and other victims of catastrophic illness or injury, I think it is imperative that Congress enact legislation such as I have proposed and that State legislatures, particularly in those 13 States still embracing sovereign immunity, examine the loopholes in the legal structure which permit citizens to be so victimized.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Two Americans, Dr. Jonas Salk and Dr. Albert Sabin culminated years of research with the introduction of vaccines to prevent paralytic polio. With these vaccines polio cases in the United States dropped from 14,000 in 1955 to 34 in 1967.

THE RIVER REVISITED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, industry is leading the battle against water pollution in many instances. I think the L. G. Balfour Co., of Attleboro, Mass., deserves special recognition. Much publicity has been given to efforts to clean up Ten Mile River, which is located in my district, the 10th Congressional District of Massachusetts. Three years ago the Balfour Craftsman, company publication of the L. G. Balfour Co., a major jewelry manufacturer, ran a unique pictorial essay describing the remarkable efforts by that firm and other industries in the Greater Attleboro area "to restore the Ten Mile River to a semblance of cleanliness and aesthetic value." Hundreds of requests for reprints of the river study, and for information relating to industrial pollution, have been received by the company from students and others.

In 1968 the International Council of Industrial Editors awarded the Craftsman top national honors, competing against all company publications in the Nation, for its coverage of the river story. "The River Revisited," in its summer 1970 issue, carries the story up to the present time.

This is a fascinating article. It explores both the frustration and satisfaction derived by industry in meeting the costly pollution abatement requirements of the Massachusetts Clean Water Act of 1966.

It challenges the validity of a "prevalent" public view: "Manufacturing industry created this mess—let manufacturers pay to clean it up."

The questions it raises have national implications, I think, as they apply to the national effort to improve the environment. The article does not single out industry's efforts for praise, but shares credit where it is due with the unsung individuals, the government agencies, and others who really cared enough to take action to clean up Ten Mile River. It is harsh, at the same time, on the polluters and those who give only lipservice to the tasks of environmental improvement.

I believe the L. G. Balfour Co. has performed a fine public service in publishing these articles, and I personally take great pride in the accomplishments of many manufacturers in the Attleboros who have very clearly demonstrated their desire to assist in the environmental cause. I think "The River Revisited" will also be of particular interest to students.

I am pleased to insert the Craftsman article in the RECORD, with the hope that it will inspire my colleagues in Congress and all other readers to renewed efforts in this urgent cause. The text follows:

THE RIVER REVISITED

It is proper to inquire why, over a period of three years, *The Balfour Craftsman* has devoted major attention to the subject of pollution in the Ten Mile River. There are several reasons, of which the most conspicuous is "selfish." Every Balfour Company employee is now presumably aware of the enormous cost to the company of the pollution abatement program. We do not yet know what our pollution control system will cost, but the final bill will almost certainly exceed $150,000. For the most part, this is money out of pocket. The company receives only minor tax concessions for its outlay and will probably realize few production benefits. In substance, the outlay represents a significant shrinkage in funds that otherwise would have gone to the employees in the form of Profit Sharing. High operating and maintenance costs of the pollution abatement units in our Attleboro plants will be a permanent annual drain on operating income. Thus pollution of the Ten Mile River is a subject that touches the pocketbook of each one of us.

Beyond this stretches a range of far, far broader considerations. Balfour people, a large percentage of whom live in the Greater Attleboro Area, have always been deeply concerned in the general well-being of their communities. Many of them are ardent conservationists. Most of them have given freely of their time and money to make their communities better places to work and live and raise their families. To them, the Balfour

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Company's commitment to environmental improvement has been a subject of high interest and of considerable pride.

That commitment began long before the present very stern laws were enacted—long before the community at large or even most of the activist conservation groups began to call for specific improvements. Our plants and property have been kept immaculate, up-graded constantly and as rapidly as profits permitted. For years we have processed our liquid effluents before discharging into the river. Although our factory discharge proved to have contaminants in excess of the very strict Massachusetts standards that began to be applied after 1967, we were never a serious polluter.

On March 25, 1967, Balfour president C. R. Yeager put the company on record. It was one of the first and most positive policy statements to be issued by any prominent industrialist in the Commonwealth. In it, he pledged strong support for the pollution abatement program and advocated a water quality goal that actually was higher than the one proposed by the State. He also warned, with prophetic accuracy, of the enormous cost and difficulty that would be incurred in any attempt to restore the Ten Mile River to a semblance of cleanliness and aesthetic value. Following this strong pronouncement, the Balfour Company played a major continuing role in endeavoring to arouse the local manufacturing community to action and to explore possibilities for cooperation in pollution abatement, none of which, unfortunately, proved feasible. Our company also played a leading role in publicizing the pollution problem generally—in telling the community what was involved and what was being done.

For three years Balfour and seventy other manufacturing firms in the Greater Attleboro Area have been planning, working, and spending to build pollution abatement systems. Total cost will run into millions of dollars—no one knows for sure how many. If expended executive time could be price-tagged, total cost would almost certainly increase by at least one-fourth. Progress has been seriously handicapped by the complexity of the job and by shortages of equipment and experienced consultants. As of April 1, fifty-two firms had submitted the required Preliminary Plan, forty-two of them had submitted their Final Plans, twenty-four had started construction, eight had completed their pollution control installations. According to one high-level State Water Resources Commission official, the pollution abatement program in the Attleboro area is "coming along beautifully."

The figures cited above are already obsolete. Momentum is picking up. In mid-April, Texas Instruments, largest firm in the region, activated its quarter-million-dollar pollution control system. Balfour most recently delayed by the Midwest trucking strike, is still waiting for tanks and some hardware—should have its units operational by Autumn. A majority of other firms appear to be on a similar timetable, give or take a few weeks.

STATE OFFICIALS "EXCEPTIONAL"

Most local manufacturers characterize performance by State Water Resource Commission people as "expert" and their attitude as "tough but exceptionally cooperative". The Commission itself apparently has suffered growing pains and been forced to deal with enormous technical, legal, and administrative problems. Political interference and obstruction appear to have been virtually nil. There was initial, and valid, criticism that the Commonwealth regulatory agency had imposed unrealistic deadlines on local manufacturers, with resulting demoralization and possibly some waste of time and money. The state officials, however, were—and continue to be—under heavy federal pressure. Attleboro was one of the very first areas to be programmed. Much has been learned here that presumably will benefit other manufacturing communities.

COMPANIES REPORT THEIR EXPERIENCE

The Balfour Craftsman conducted an informal survey in late May, contacting representative Attleboro Area firms involved in a major way with pollution abatement programs. There were many surprises. In 1967, few firms expected any benefits from pollution control—an opinion informally shared at the time by state officials and some consulting engineers. Today, a quite different story is being recorded.

A number of manufacturers report "fringe benefits" ranging in scope from minor to substantial. Faced with the necessity for treating their liquid effluent, a number of companies have introduced process changes that promise not only cost savings but also product quality up-grading. One company production head points with pride to his "beautiful new boilers". Another is jubilant over being forced to replace an obsolete piping system that otherwise would not have been modernized because of the high cost involved. Still another reports the elimination of an antiquated acid-dip finishing process and the installation of atmospheric furnaces that have greatly improved the quality of work done. An experienced and widely respected local plant engineer states unequivocally that modernization of jewelry finishing processes in the Attleboro Area factories will be greatly expedited by the pollution control regulations. Confirming this observation, a plant superintendent in a large local firm reports that, with the equipment required for pollution control, he is able to utilize new plating solutions and obtain colors and finishes impossible with his old set-up.

Most important of all, perhaps, is the fact that a majority of companies contacted expect to realize improved recovery of precious metals from their waste effluent. Said one plant engineer, "The recovery phase on our new pollution control system is the first one I've seen that really works." The head of one of the smaller Attleboro factories went so far as to state that over a period of years the improved precious metal recovery from his system would actually pay for the cost of the pollution control installation. No one else, however, would go this far. Most were cautious in their prognostications. "I don't want to get management's hopes up until we get our first returns," remarked the plant production boss of one major local company, "but confidentially I am excited about the possibilities."

Some quantitative savings are also involved. One company—a big one—expects to save $10,000 or more on its annual water bill alone. A number of others are reducing the effluent volume to be treated—hence the cost of the treating system—by installing check valves and by diverting biologically treatable process and wash-up water to the city sanitary sewage system. This could be bad news for already overloaded municipal systems in the area, but there seems no practical alternative and so far the added load burden does not seem to have reached critical proportions. Improved water quality was cited by a number of firms as being another potential source of production savings and quality improvement. One company discovered that its extremely ancient sanitary-facility plumbing was not connected to the city's sewage system at all but was going into cesspools. The city-system tie-in was made and cesspool maintenance costs were eliminated.

Unfortunately, the overall picture is not all bright. Three or four firms, including one of the area's largest, reported flatly that they would realize absolutely nothing in the way of payback from their water pollution control installations. "In our case," stated one plant engineer, "it's a helluva lot of money for a helluva little pollution!" In one extreme-hardship case, a major Attleboro firm found its pollution problem so costly to remedy that it suspended acid finishing operations entirely and has to send work out to be finished, thereby incurring a serious competitive hardship. Everyone, without exception, is aghast at the costs involved in pollution control. "See that little valve?" one plant engineer plaintively asked, "It cost us seventy-five dollars!"

Few firms are willing to predict what operating problems will be posed by the new pollution control systems. Some—for the most part the smaller companies—foresee few difficulties. Others are less hopeful. One top-level executive who has recently completed installation of a highly automated and sophisticated unit, reports that system start-up has been "a pain in the neck," requiring close and lengthy supervision by expensive technical personnel. Once shake-down instrumentation problems are licked, however, it appears that pollution control units in large firms as well as small can be operated on an efficient routine basis. "It won't require an M.I.T. graduate to run it," declared one plant head. However, cautioned another highly qualified observer, "despite all the built-in controls, these systems will only work if they are operated by people who care!"

INDUSTRY HAS CARRIED THE BALL—ALONE

Pollution abatement, in our area at least, has ironical undertones. The prevalent public attitude appears to be, "Manufacturing industry created this mess—let manufacturers pay to clean it up!" To date, and in our area, the entire burden of this aspect of environmental improvement has indeed fallen on the manufacturing community. Manufacturers are paying the bill, largely unassisted by federal, state, or municipal participation. Almost incredibly, by the end of 1970 industrial pollution of the upper Ten Mile River basin—prevalent for at least a century-and-a-half—should virtually cease. The job will have taken approximately forty months. What, then, will this multi-million-dollar outlay have purchased for the communities involved?

The industrial pollution control bill—Attleboro–North Attleboro–Plainville

For basic installations:	
5 companies will spend an average of $200,000 each	$1, 000, 000
10 companies will spend an average of $100,000 each	1,000,000
20 companies will spend an average of $50,000 each	1, 000, 000
36 companies will spend an average of $15,000 each	900, 000
Total out-of-pocket cost for installations	3, 900, 000
Plus estimated engineering/executive time expended	500, 000
Total estimated cost (minimum)	4, 400,000
Annual estimated operating and maintenance cost	500, 000

NOTE.—These figures are based on a survey by *The Balfour Craftsman*. An official of the state Water Resources Commission believes the installation cost estimates are accurate, but feels the annual operating cost estimate is high. Plant engineers, however, fear rapid physical depreciation of pollution control hardware.

The blunt fact is that when industrial pollution ceases, the Ten Mile River will be better than it was before, and still contaminated and in biologically deplorable condition. One regional planning expert concedes that Class C water, which was the standard set for Attleboro industry to achieve and toward which goal millions of dollars are being spent, may be impossible to maintain because of a projected population increase of forty percent in the Ten Mile River watershed over the next twenty years.

Here is the irony. The river was not ruined by industrial pollution alone, although there was plenty of that. It was destroyed by the total march of civilization. Many of the concerned groups—conservationists, state agencies, local boards, politicians, dedicated individual protagonists—have been remarkably reticent to admit the fact and the general public seems completely oblivious to it. Surprisingly few among those who have sponsored the agitation for environmental improvement have evidenced fundamental understanding of all the issues involved. Many well-intentioned but ill-informed people have climbed on the ecological bandwagon because today pollution, like Sin, is something it is best to be against.

Industrial pollution will soon be eliminated. Municipal pollution of the river from inadequate sanitary sewage disposal systems will continue, perhaps for years. Attleboro's sewage disposal system study is complete. So is North Attleboro's. Nevertheless, ahead lie months—years—of effort to take the recommended remedial action. Bureaucratic red tape, says a local official, will require at least thirty-six months to cut through in order to obtain federal funds and start construction. Attleboro taxpayers, already groaning under the burden of school expansion programs, may eventually have to be asked to ante up roughly sixty percent of the $19,000,000 cost. It is not a pleasant political prospect for any municipal governing body or chief executive to face.

Unfortunately, this is not the whole story. Highway wash-off, at times lethally packed with chlorides, is going into the river. One explanation offered by a State official, possibly valid but challenged by some, is that this dose of poison comes only in periods of heavy precipitation and is rapidly dissipated. Not so easily explained away, however, are the cumulative effects of garden and farm fertilizer wash-off, domestic cesspool seepage, cutting away of natural shade cover from literally miles and miles of riverbank, walling in of the river throughout much of its passage through North Attleboro, massive accumulations of silt that impede flowage and raise water temperatures through much of the riverbed in North Attleboro and Attleboro, and the catastrophic destruction of floodplains.

To see the impact of non-industrial forces, one has only to look at the Bungay River, tributary to the Ten Mile. Above Bank Street in Attleboro, the Bungay has no encroaching industry whatsoever, yet is said by state people to be slowly dying from "natural" causes—silt, raised water temperature, excessive weed infestation. Oxygen content in this virgin water may be reaching the danger point. Trout may disappear from the stream, once acclaimed as one of the finest natural trout breeding waters in the Commonwealth

POLLUTION NOT NOW THE MAJOR PROBLEM

If up-grading the Ten Mile River is the goal, the multi-millions being spent by Attleboro manufacturers is money down the drain unless related problems, noted above, are attacked. Some seem almost insurmountable. The most grievous problem—floodplain destruction—could be solved, but solutions are presently bogged down in legalities and politics. More than eighteen months ago Balfour president C. R. Yeager warned that the Ten Mile River would become "a raging monster in our midst." No one appears to have listened to him. The March, 1968, flood was the worst in recorded history, but there will be worse still.

Floodplains, which to the casual observer seem no more than useless swamps, serve as a sponge. In periods of heavy precipitation they sop up the spate of water. If they are filled, black-topped, built upon, they no longer serve their natural purpose. The water is funneled into a constricted channel, builds up, rushes down—an awesome destructive force.

Local zoning ordinances have no clauses to restrict commercial development of floodplain areas as such. If they had, it is doubtful if such clauses could be made to stand up in court. The courts have been highly sensitive to the "rights" of private individual property-owners. Laws, however, are on the books. The Hatch Act of 1965 and the Inland Wetlands Act of 1968 are intended to control the destruction of floodplains. Neither has sharp teeth. Both are being ignored or circumvented in Attleboro almost daily. Most often, it should be said in all fairness, the guilty parties have no knowledge of their guilt, nor any comprehension of the gravity of their transgression. The municipal official in charge has recently issued seven or eight "cease and desist" orders which have stopped some land-fill operations. Nevertheless, a knowledgeable, persistent developer can with complete legality obtain official municipal and state sanction to eradicate green areas that have defied the march of civilization since the first settlers appeared in Attleboro almost three and one-half centuries ago. Needless to say, once gone, the floodplains are gone forever. And they are going fast.

THE RIGHT HAND KNOWETH NOT WHAT THE LEFT HAND DOETH

Ignorance, the curse of pollution abatement, threatens the huge investment in environmental improvement being made today by the manufacturing community. Locally and statewide, lack of goal coordination has been responsible for costly blundering. The State Department of Public Works, responsible for the Route 95/295 interchange in Attleboro, apparently had no comprehension of the fact that the State Water Resources Commission was endeavoring to upgrade the Ten Mile River from garbage to Class C water. The DPW stripped the river bare and left it mercilessly exposed to the sun for a full quarter-mile. The City of Attleboro itself has so far done little in the cause of environmental improvement. There is no money—no overall plan. The Attleboro Conservation Commission knows what could and should be done—has a meagre $24,000 to put on the line to save existing green areas. North Attleboro, perhaps wisely ignoring its hopeless streamsides, has launched a daring and potentially invaluable project in its Falls Pond reclamation program, but the regional potentialities of this large impoundment have not yet successfully been probed. Plainville, blessed with the richest of all Ten Mile River Basin natural resources, faces bitter problems of balancing industrial development against environmental preservation. In every community along this potentially beautiful river basin, lack of an overall coordinating plan threatens to produce waste, immobility, and irredeemable natural resource disaster. In the way of such a plan stand a fantastic barricade of red tape, a frustrating tangle of overlapping local, regional, state, and federal authorities, and, in the individual communities themselves, a deep-rooted Yankee determination not to surrender to "The State" or to "The Feds" any authority over the control of local resources.

And yet, amidst the confusion spawned of ignorance and apathy and bureaucracy, there is a flickering candle of hope. Something very, very important has been done. The manufacturers have done it, working in harmony with a single state agency having clear-cut authority and specific goals. Manufacturers, the only ones so far to put their money where their mouths are, may perhaps be pardoned for asking—who goes next?

POLLUTION CONTROL IS NOT ENOUGH

"You were two years ahead of the times!" These are the words of a State Water Resources Commission official, commenting on the Balfour Company's unprecedented model river restoration project. That project grew out of the hearts of Balfour people. When the challenge was issued, they responded from every level of the organization. Vice presidents donned rubber boots and slogged garbage out of the river mud side-by-side with office girls, artists, die-cutters, and bench hands. It all grew out of a simple realization. "What good is clean water, flowing over two centuries' accumulation of trash?"

What was projected as a one-day job turned into a two year chore. One Balfour employee summed up the experience of many others. "My wife got sore as hell," he stated, "I had started painting my house in the summer of 1967 and never got a chance to get back to it until the fall of 1969!" Balfour people contributed funds. The company matched them, dollar for dollar. The City of Attleboro volunteered vital material; the municipal DPW spared no effort to cooperate. It was partly inspirational and also partly dismaying. The job—modest by any standard—was done. Cost, even with most labor and material and equipment volunteered, ran up to roughly a dollar a riverbank foot. It very soon became obvious that river improvement was not a one-shot affair. Weeds, painfully grubbed out one year, appeared again the next. River trash continued to wash down and accumulate. But, a job was done, and done well. The "Balfour River Rats" received eminent citations from the Massachusetts Audubon Society and the Massachusetts-National Wildlife Federation.

Then there was a long, discouraging silence. The model river restoration program inspired no one. It looked as though nobody would follow the example. It took two years . . .

In early April of 1970 a Balfour River Rat, driving early to work on a bitter cold morning, stopped his car on lower Hayward Street, just upstream from the Balfour Riverbank Memorial Park Project. What caused him to pause was the sight of a nondescript truck loaded with brush, pulled up beside the river. A lean individual in mud-spattered clothes climbed up the riverbank. "Well, don't just sit there and stare—get out and pitch in!"

Suddenly, the hope of river restoration flared again. One man, Dr. Vincent O'Donnell, changed discouragement into elation. Aside from his joking salutation, he had asked for no help—courted no publicity. Single-handed, he tackled the stretch of river upstream from Balfour property—did the clean-up job himself on a full hundred yards of river, both banks.

Almost at the same time, the Balfour Company received a phone call from Dr. Fiore R. Rullo, owner of the "picnic area" that the Balfour River Rats had laboriously converted from utter jungle to a highly attractive neighborhood asset. The company had made an unsuccessful bid to buy the plot; its eventual disposition under new ownership was uncertain. Dr. Rullo, speaking for himself and his associate Dr. Richard W. Shea, was calling to say that Balfour employees could continue to use the area. Their housekeeping and general behavior, he reported, were exceptional. The doctors, for their part, landscaped the area immediately above the picnic plot.

Today, the combined effort of company people and abutting property owners have produced a model riverbank development of high aesthetic and utilitarian value.

The next heartening circumstance came unannounced. We should have been forewarned, because the Editorial Office had been bombarded with student requests for pictures and data to support various papers

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and projects inspired by the April 22 Earth Day observance. Only by accident, however, did we learn of a massive assault on local trash accumulations by a large group of Attleboro High School students, organized by biology instructor Matthew McConeghy. On a drizzly Friday morning, with the drizzle fast changing into a downpour, they turned out by the scores. What they accomplished was almost unbelievable. They had a few axes and grub-hoes, their bare hands, and one utterly devastating tool—youthful enthusiasm. Dr. O'Donnell, again without fanfare, was present with his old red truck to direct and assist the Ten Mile River phase of the student clean-up program.

The effort was devoid of any regional, state, or federal assistance or notice. The *Attleboro Sun* gave the project a splendid front page coverage. But there were no medals, no citations, no congratulatory speeches. The kids went home that afternoon soaking wet, scratched by briars, and caked with mud from head to foot. Certainly they were aware that this constituted "involvement", but possibly they wondered what they had really proved and accomplished. It is not improbable that they have kindled a fire. Who will keep it burning? Who's next?

CRIMINAL VIOLENCE MUST BE CURBED IF WE ARE TO SURVIVE AS A NATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. WATSON), is recognized for 10 minutes.

Mr. WATSON. Mr. Speaker, earlier this week South Carolinians were shocked to learn that an elderly couple who were among the most prominent citizens in the city of Orangeburg, S.C., were brutally and senselessly killed in their home. These dear people never harmed anyone. They reared a wonderful family, and in the golden years of their lives had been able to look back with great pride and satisfaction on a life of dedication and hard work in behalf of their children and people in the community. Now their noble lives have been snuffed out in the foulest and most dastardly way.

As always in the aftermath of such a tragedy, citizens grope to find out why such a thing could happen and what can be done to put an end to the seemingly unrestrained criminal violence that has plagued our land in recent years.

Mr. Speaker, if the slaying of this couple were an isolated incident, it would no doubt have garnered national headlines, as indeed it would have 20 years ago. But the American people have become so saturated with a flurry of unmitigated violence in the past few years that we have all become almost inured to its presence in our lives. Long ago, I warned this Congress that a very strange and horrible phenomenon was taking place in the area of American criminal justice; namely, that social do-gooders had established a new witchdoctor philosophy which, stripped of its rhetoric, simply means that a citizen is only required to obey those laws with which he agrees. If he happens to disagree, then to break the law is socially and morally justifiable, especially if he has been a so-called victim of society.

Then too, with a helping hand from the Supreme Court, liberal thinkers have rushed to protect the rights of a criminal at the expense of the lives, fortunes, and safety of society itself. An excellent case in point is the recent statement by the President concerning violence in America. He very forthrightly voiced the real concern of all of us, and yet the great advice that he offered the American people was buried in a blitz of adverse publicity regarding an indiscreet remark he made concerning the Manson trial in California.

Mr. Speaker, this is an indictment of our times. Since when does a criminal have superior rights to those of our law-abiding citizens? Never in history has a law violator enjoyed such protection and virtual immunity from punishment as today.

There was a time in this country when the wrongdoer was apprehended, tried, and sentenced without delay. The law-abiding citizens of this country want to return to those days. We have coddled criminals and criminal types for too long. We have discussed the rights of criminals for too long. We have debated such issues as the abolishment of capital punishment while crime runs rampant. We have sat back and failed to support our law enforcement officers for too long. We have sat back and watched as others were victimized by thugs and prayed that it would not happen to us. We have sat back too long and kowtowed to black militants, the white new left, hippie types, drug users, drug pushers, and the whole crowd of society's misfits—and said they were only "doing their thing." We no longer have a deterrent to crime in this country because we have looked the other way and sought excuses when crimes have been committed.

History has proven that when a nation can no longer protect itself against lawless elements, it will cease to exist. We are rapidly approaching this situation in America. The time has come for war, all-out war, on crime in America.

How many more innocent, elderly couples must be brutally slain? How many Manson-type mass murders accomplished, how many store owners shot in their shops? How many more rapes must be committed, how much more criminal looting, unrestrained drug use, hippie revelry, and filthy pornography used to exploit our youth, before we all resolve to put an end to the rampage of criminal activity? Time is growing short; history is not on our side.

Mr. Speaker, unless something is done immediately to combat the lawlessness that permeates our society, America is going to be on the threshold of national suicide. The day of coddling the criminal is past and we either get tough or get ready to be victimized by the rampant crime which borders on anarchy in this country.

LEGISLATION TO EXTEND THE FAIRNESS DOCTRINE TO NEWSPAPERS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 10 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 18927 and H.R. 18928, two bills which would extend the Federal Communication Commission's fairness doctrine to newspapers. The legislation is designed to insure a greater diversity of conflicting views in most of the Nation's newspapers.

The fairness doctrine, which requires the presentation of conflicting views and the airing of important issues, would be extended to cover newspapers which fall under the recently passed Newspaper Preservation Act and other dailies, in communities of 25,000 or over, which do not have two separately owned papers.

The Newspaper Preservation Act provides for an exemption of newspaper joint operating agreements from the antitrust laws.

The first amendment is a guarantee of an uninhibited marketplace of ideas. Fifty or even 25 years ago, that right could best be preserved by government exercising a totally hands off policy with respect to newspapers. In the America of 1970 that right, unfortunately, can no longer be so maintained.

The disappearance of newspaper competition has made many newspapers merely unthinking instruments for the presentation of their publishers' viewpoints.

Where in 1945 there were 81 cities with a population over 25,000 with at least two separately owned daily papers, by 1968, there were only 38. Over 95 percent of the communities in this country have newspapers that are controlled by a single owner.

The public under such circumstances is left totally at the mercy of the publishers' whims. While they can turn to television and radio for spot news coverage, for any degree of indepth reporting, they are left with no place to go.

Divergent points of view are not being heard not just because of monopoly ownership of newspapers, but because of the development of two other trends, which taken together have denied the citizen his right to an uninhibited marketplace of ideas.

The first is the growth of a virtual monopoly over the facility to attract news attention on a regular basis by certain persons and institutions. Whenever the President chooses, he can be on the front page of every newspaper in the country. Such potential, which has come about only in recent years, exposes the reader to a far greater degree to the views of the President, or the Department of Defense, or wherever the official line is coming from, than it does to views that tend to diverge from these. Senator WILLIAM FULBRIGHT has spoken at length and with a great deal of insight into the potential of government in this respect and the resources it can command to achieve this.

The other trend is the concentration of capital which permits advertisers to influence the type of coverage they receive. When one of the 100 largest corporate advertisers—who together represent almost $2 billion in revenue to the news media—do not like the type of coverage the media is providing them or a given issue of interest to them, the presence they can bring rarely goes unheeded.

Recently, I discussed the case of five California dailies which acquiesced to supermarket pressure to boycott news coverage of the grape boycott. It is interesting that all five of the papers with the exception of the Los Angeles Herald-Examiner were the only daily newspapers published in their cities. At that time I asked the Federal Communications Commission to investigate food advertiser pressure on broadcast media coverage of consumer questions. The FCC is currently looking into this matter.

The trend toward monopoly of ownership, automatic front page coverage of certain persons and institutions, and the concentration of advertising capital have brought about a significant decrease in the publication of divergent points of view in the daily press.

My two bills are meant to redress the imbalance caused by these trends by providing for the right to access of divergent points of view.

Under one bill, the FCC would have the authority to revoke the antitrust exemption of newspapers operating under joint operating agreements for failure to present divergent points of view.

The Congress by legislative fiat has contributed to this trend toward limitation of access to newsprint by granting the 22 joint operating agreement exemption from the antitrust laws. This has made it more difficult for new newspapers to develop and existing newspapers to compete with papers operating under such arrangements. Under my legislation this exemption would be treated as a privilege rather than a birthright. It would be continued so long as the papers complied with the criteria of the fairness doctrine.

Under the other bill, the FCC could seek a court injunction against dailies in communities of 25,000 or over, which did not have two separately owned papers, for noncompliance with the doctrine.

Under both bills, the FCC would have absolutely no authority over the contents of any article or editorial. If an individual citizen complaint were filed, the FCC would examine the newspaper as a whole to see if over time, on the particular issue raised, divergent points of view had been raised. While the editorial page might reflect only one point of view, the coverage of divergent views in the news articles, by columnists or in advertising would permit the reader to read divergent view points in that paper.

I have introduced these two bills because I am troubled by the three pronged-trend toward limitation of access to the news media; and believe that the creation of a right of access is necessary if we are to restore the traditional free play of divergent ideas which has made American journalism so exciting during so much of our history.

I insert at this point in the Record the text of the two bills:

H.R. 18927

A bill to require certain newspapers to provide a balanced and substantially complete presentation of issues of public importance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any newspaper of general circulation published in a city the population of which according to the 1970 decennial census is greater than 25,000, and in which are published fewer than two separately owned newspapers of general circulation, shall provide a reasonable opportunity for a balanced presentation of conflicting views on issues of public importance, and shall operate in the public interest by providing substantially complete reporting of issues of public importance.

Sec. 2. The Federal Communications Commission, after receiving a complaint from any person who has been denied a reasonable opportunity to present a conflicting view on an issue of public importance, or who believes that a newspaper described in the first section of this Act is not providing substantially complete reporting of issues of public importance, or upon its own motion, may obtain an appropriate order requiring such newspaper to comply with such section. In addition punitive damages up to $1,000 a day for every day that such newspaper fails to comply with such section may be assessed. The district courts of the United States shall have jurisdiction over any action brought under this Act.

Sec. 3. As used in this Act, the term "newspaper of general circulation" means any publication which is printed on newsprint which, is published in one or more issues daily, in which a substantial portion of the content is devoted to the dissemination of news and editorial opinion, and which is intended to be read by the general public of the locality in which it is published.

H.R. 18928

A bill to amend section 4 of the Newspaper Preservation Act to require newspapers which are parties to joint newspapers operating arrangements to provide a balanced and substantially complete presentation of issues of public importance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Newspaper Preservation Act is amended by adding at the end thereof a new subsection to read as follows:

"(d) (1) If any newspaper publication is a party to a joint newspaper operating arrangement that has been exempted from the antitrust laws pursuant to this section, and fails to provide a reasonable opportunity for a balanced presentation of conflicting views on issues of public importance, or fails to fulfill its affirmative obligation to operate in the public interest by providing substantially complete reporting of issues of public importance, such newspaper publication shall no longer be eligible to continue in such joint newspaper operating arrangement, or such newspaper publication shall be fined not more than $1,000 for each day such failure to comply with the standards expressed in this subsection occur, or both.

"(2) The Federal Communications Commission, in accordance with subchapter II of chapter 5 of title 5 of the United States Code, and with such regulations and procedures (similar to the extent feasible to those regulations and procedures applicable under the Radio Act of 1927, as amended) as it may establish, shall implement and enforce the provisions of paragraph (1) of this subsection."

EMERGENCY COMMITTEE FOR AMERICAN TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Dent), is recognized for 60 minutes.

Mr. DENT. Mr. Speaker, the time has come to expose the real interest of the so-called Emergency Committee for American Trade.

The following full-page ad in the Washington Post July 13 was signed by the representatives of 51 American enterprises.

Their interests are shown in the following partial listings of their ownerships and working arrangements with foreign corporations and organizations in 108 foreign countries.

Are we to continue to depreciate the American economy and to completely destroy our job opportunities at the behest of these self-serving groups on non-American—American based firms.

Every job in their foreign affiliates or wholly owned plants takes a job from an American production worker and at least three jobs from service and supplier industries—from the barber, the baker, and the candlestick maker.

If these corporations are not curtailed the decade may well spell the end of the U.S. independence as we have known it.

Already today we are at the mercy of foreign countries for many of our daily needs.

The best financed lobby the world has ever seen is represented by these huge multinational corporations and their counterparts in foreign countries.

The import-export lobby cannot be outbid, it must be outsmarted and outvoted.

Are we to ignore the challenge to our present economy and even our future existence.

How can any of their officials write such blatant and deliberate out and out false statements in defense of their selfish—self-servicing position.

The day must come and soon, when we either reduce our standards of living or do what has to be done to protect it.

I am happy to report that much of the information on these companies and their Jekyll and Hyde nationalism came from the former Member of Congress and presently director of legislative activities of the AFL–CIO.

This plainly shows the awakening awareness of this great body of American workers to the grave dangers the U.S. job economy faces from the illogical and antiquated trade policies of our State Department and the Chief Executive of the United States.

Before exposing the many faces of the so-called Committee for American Trade, I wish the House would hear this appeal from the distressed communities of my district and their injured workers:

Imports of Steel Threat to Valley

To the Editor:

I am enclosing herein a copy of a letter, the original of which was forwarded to U.S. Sens. Hugh Scott and Richard Schweiker. I am requesting that you print this and urge all citizens and people who are employed by steel plants and other industries also to write a letter to their respective senators to complain about the market being flooded by imports and jobs are slowly being terminated due to this condition. The letter is self-explanatory. Thank you!

Edward J. Siemanski.

New Kensington.

Dear Senator Scott: I am writing to you in regard to the import situation in stainless and other specialty steels. If action is not taken immediately to stop steel imports, the Allegheny Ludlum Steel Corporation in

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Brackenridge and other steel plants all over the United States will be laying off its employes. We would like Congress to support legislation that will help assure a balance of fair trade for steel products shipped between nations.

The communities of Brackenridge, Tarentum, Arnold, New Kensington and vicinity have already been hard hit with the closing of American Saint Gobain Glass in Arnold and the phasing out of the Alcoa Industry in New Kensington. Many in the above communities have spent considerable sums of money for their homes and businesses and their only concern is for them to be able to live, work and trade here.

The people in these communities are very concerned now about the build up of imported steel. If this situation continues, many in the valley and outlying communities will be out of work and in jeopardy of losing their homes which they bought by hard work and toil. Please support laws and raise tariffs on imports so that our position in the world steel market does not decline and save our jobs and give the employes back their enthusiasm for working and saving toward a better and more secure future.

The full page advertisement in the Washington Post of July 13, 1970, urged Congress not to enact a trade bill that would place quotas on imports that have recently cost 700,000 American workers' jobs and threaten tens of thousands more. The advertisement gave the impression that all the group of 51 corporations named as the "Emergency Committee for American Trade" oppose quotas solely to preserve their role as U.S. companies engaged in world trade.

In the interest of fair play—if not fair trade—we believe that Congress should be aware of these companies' non-American interests, particularly that many of these companies have large foreign operations and export goods to the United States. Thus, any import restriction legislation would have a direct effect on their foreign-made products. These companies are not American firms in the textbook sense. In matters of U.S. imports, they are no different from any other foreign corporations which ship foreign-made products—often made at pitifully low wages—into the United States to compete with U.S.-made goods at the same or only slightly lower prices.

The companies in the advertisement have foreign affiliates in 108 countries, and 32 of the companies have ownership in Japanese firms, many producing the same goods abroad they once produced in the United States. Would not it be fairer to the reader and to the Congress, for example, if Xerox had identified itself as Fugi-Xerox and Caterpillar Tractor had identified itself as Caterpillar Mitsubishi, Ltd.? Would not it have been fairer if Singer Sewing Machine had identified its affiliation with Pine Sewing Machine Co. of Japan and its full ownership of Matsumoto Mokko, Ltd. of Japan?

A full list of the foreign ownerships, patent arrangements, jointly ventures and marketing agreements of these companies is unobtainable, but some public records show a high degree of financial involvement abroad, particularly in Japan. Similar ties exist in Canada, England, and the European Economic Community, Sweden, Mexico, Taiwan, Hong Kong, Korea, and elsewhere.

The corporations that paid for the advertisement should level with Congress and the American public by using their real names. It would then be clear that these "American" companies in ECAT seek more investment abroad, more manufacturing abroad, and thus more goods to be shipped into the United States. That is not foreign trade. That is intracorporate transfers, and the losers are American citizens who lose their jobs in machinery, electronic plants, sewing machine plants, and many more. Eventually, the loser is the entire American standard of living.

The materials follow:

CONGRESS: PLEASE DO NOT DECLARE A WORLD TRADE WAR

We're talking about the kind of trade war that may well result if protectionist quota legislation now pending in Congress before the Committee on Ways and Means of the House of Representatives is passed.

After 36 years of trade expansion, Congress now is considering the enactment of protectionist quota proposals that run contrary to our traditional trade policy contrary to the needs of most American business and agriculture, contrary to the budget of every American household and contrary to our vital, immediate interests in international negotiations. If passed, this legislation could touch off a chain reaction of retaliatory measures by our trading partners around the world.

This threat of a global trade war is one of the reasons the Emergency Committee for American Trade is concerned about the proposed protectionist legislation. But there are other close-to-home reasons. Enacting such protectionist legislation would:

Gravely jeopardize foreign markets for American business, labor and agriculture that now total some $37 billion.

Create further harmful inflationary pressures to the detriment of the consumer by arbitrarily limiting foreign sources of supply.

Weaken the U.S. balance of payments position by reducing the U.S. balance of trade surplus, Government experts currently expect that, under present circumstances, the 1970 trade surplus will be double that of 1969's $1.3 billion. A trade war will drastically alter these circumstances.

Blunt domestic incentives to modernize, to cut costs, to increase productivity and output by erecting shields of government restrictions about certain industries.

Jeopardize jobs of American workers now employed in foreign trade, a labor force of some 4 million.

We urge Congressmen, the Administration and every American to think of these things when considering the import quota legislation. After all, who wants to start a trade war which nobody wants—and nobody wins?

EMERGENCY COMMITTEE FOR AMERICAN TRADE

(1211 Connecticut Avenue, N.W., Washington D.C. 20036—799 Broadway, New York, New York 10003)

William M. Allen, Chairman of the Board, The Boeing Company.

Lee S. Rickmore, Chairman, National Biscuit Company.

James H. Binger, Chairman of the Board, Honeywell Inc.

William Blackie, Chairman of the Board, Caterpiller Tractor Co.

W. Michael Blumenthal, Vice Chairman, The Bendix Corporation.

Roy D. Chapin, Jr., Chairman and Chief Executive Officer, American Motor Corporation.

Donald W. Douglas, Jr., Corporate Vice President—Administration, McDonnell Douglas Corporation.

Shelton Fisher, President, McGraw-Hill, Inc.

Henry Ford, II, Chairman of the Board, Ford Motor Company.

Frank Forster, President, Sperry Rand Corporation.

Richard L. Gelb, President, Bristol-Myers Company.

Peter Grace, President, W. R. Grace & Co.

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H. C. Harder, Chairman of the Board, CPC International Inc.

D. J. Haughton, Chairman of the Board, Lockheed Aircraft Corporation.

Ellison L. Hazard, Chairman of the Board and President, Continental Can Company, Inc.

H. J. Heinz, II, Chairman of the Board, H. J. Heinz Company.

William A. Hewett, Chairman, Deere & Company.

William R. Hewlett, President, Hewlett-Packard Company.

Edward B. Hinman, President, International Paper Company.

Melvin C. Holm, Chairman of the Board, Carrier Corporation.

Robert S. Ingersoll, Chairman, Borg-Warner Corporation.

J. K. Jamieson, Chairman and Chief Executive Officer, Standard Oil Company (N.J.).

Gilbert E. Jones, Chairman, IBM World Trade Corporation.

*Donald M. Kendall, President and Chief Executive Officer, Pepsi Co., Inc.

John R. Kimberly, Chairman, Finance Committee, Kimberly-Clark Corporation.

Donald P. Kircher, President, The Singer Company.

James A. Linen, Chairman of the Executive Committee, Time Incorporated.

Ian MacGregor, Chairman, American Metal Climax, Inc.

J. I. Miller, Chairman, Cummins Engine Company, Inc.

Milton C. Mumford, Chairman of the Board, Lever Brothers Company.

James A. Newman, President, Booz, Allen & Hamilton International.

Peter G. Peterson, Chairman of the Board, Bell & Howell Company.

Rudolph A. Peterson, Chairman of the Executive Committee, Back to America, N.T. & S.A.

John J. Powers, Jr., Chairman and President, Pfizer, Inc.

T. J. Ready, Jr., President, Kaiser Aluminum & Chemical Corporation.

C. W. Robinson, President, Marcona Corporation.

James M. Roche, Chairman of the Board, General Motors Corporation.

David Rockefeller, Chairman of the Board, The Chase Manhattan Bank, N.A.

W. E. Schirmer, Chairman and President, Clark Equipment Company.

Fred M. Seed, President, Cargill, Inc.

Robert D. Stuart, Jr., President, The Quaker Oats Company.

Charles E. Swanson, President, Encyclopaedia Britannica.

A. Thomas Taylor, Chairman, Deltec International Ltd.

Charles B. Thornton, Chairman, Litton Industries, Inc.

Lynn Townsend, Chairman, Chrysler Corporation.

John M. Will, Chairman of the Board, American Export Isbrandtsen Lines.

Joseph C. Wilson, Chairman of the Board, Xerox Corporation.

Walter B. Wriston, Chairman, First National City Bank.

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* Chairman of ECAT.

Partial summary of foreign holdings of multinational companies listed in advertisement paid for by "Emergency Committee for American Trade":

SUMMARY OF FOREIGN HOLDINGS

BOEING CO.

1. Wholly owns Boeing of Canada Ltd.; engaged in overhaul, modification, field service and spare part support for Vertol helicopters in Canada.

2. Is affiliated with and owns 10% of the largest aerospace company in Germany Messerschmidt Bolkow—Blohm GmbH.

3. Company planning to construct a $3.5 million structural fiberglass factory near Winnipeg, Manitoba.

NATIONAL BISCUIT CO.

1. Company has world-wide operations.

2. Some of the company's subsidiaries are:

Christis, Brown & Co. Ltd. (Canada).

Nabisco, Ltd (England).

Fireside Food Products Co. Ltd (Canada).

Griffin & Sons, Ltd. (New Zealand).

Nabisco—La Favorita C.A. (Caracas, Venezuela) 60% owned.

Kut-as-Sayyid Estate, Ltd. (Iraq).

Saiua Biscotti ed. affini S.p.A. (Italy).

Reid Milling Ltd. (Canada).

Nabisco-Fomosa, S.A. (Mexico).

National Biscut (France).

Oxford Biscuit Factory Ltd. (Denmark).

Industries Nabisco-Cristal, S.A. (Nicaragua).

HONEYWELL, INC.

1. Some subsidiaries are:

Honeywell Controls, Ltd. (Toronto).

Honeywell, A.B. (Stockholm, Sweden).

Honeywell, N.V. (Amsterdam, The Netherlands).

Honeywell Europe, Inc., (Brussels, Belgium).

Honeywell, S.A.I.C. (Argentina).

Honeywell GmbH. (Frankfurt, Germany).

Honeywell Defense Products Europe, S.A. R.L.

Oy Honeywell A.B. (Helsinki, Finland).

2. Affiliates:

Yamatake-Honeywell Keiki Co, Ltd. (Japan) 50% owned.

Yamatake-Honeywell Co. Ltd. (Taiwan).

CATERPILLAR TRACTOR CO.

1. Wholly owns:

Caterpillar of Australia Ltd.

Caterpillar of Belgium S.A.

Caterpillar of Brasil S.A.

Caterpillar of Canada Ltd.

Caterpillar Mexicana, S.A. de C.V.

Caterpillar Overseas Credit Corp. S.A.

Caterpillar France S.A.

Caterpillar (Africa) (Pty) Ltd. Johannesburg, S. Africa.

Caterpillar FarEast Ltd. Hong Kong.

2. Affiliates:

Caterpillar Mitsubishi Ltd. Tokyo, equally owned with Mitsubishi Heavy Industries Ltd., Segami, Japan.

BENDIX CORP.

1. Some subsidiaries are:

Akebono Brake Industry Co. Ltd., (Tokyo) 10.3% owned.

Jidosha Kiki (Tokyo) 13% owned.

Bendix Taiwan Ltd. (Taiwan)

Ducellier et Cie (Paris, France) 60% owned.

Jurid Werke Gmbh (Hamburg, Germany) 49% owned.

Bendix Mintex (Pty.) Ltd. (Australia) 51% owned.

Greenpar Engineering Ltd. (Essex, England).

AMERICAN MOTORS

1. Some subsidiaries are:

American Motors (Canada) Ltd.

Canadian Fabricated Products Ltd.

American Motors of South Africa (Pty.) Ltd.

American Motors del Peru.

A.M.C. de Venezuela, C.A.

2. Affiliates:

IKA–Renault S.A.

Vehiculos Automotors Mexicanos, S.A.

MCDONNELL DOUGLAS CORP.

Some subsidiaries are:

Douglas Aircraft Co. of Canada Ltd.

McDonnell Douglas Japan Ltd. (Tokyo).

MC GRAW-HILL, INC.

1. Some major subsidiaries are:

McGraw-Hill Co. of Canada, Ltd.

McGraw-Hill Book Co. (South Africa) (Pty.) Ltd.

McGraw-Hill Publishing Co. Ltd. (England).

McGraw-Hill Book Cd., GmbH, Dusseldorf, Germany.

Libros McGraw-Hill de Mexico S.A. de C.V.

2: Affiliates:

Technic Union, Paris, France (49% interest).

New Medical Journals Ltd. London, England (50% interest).

World Medical Publications S.A. Brussels, Belgium (50% interest).

Nikkei-McGraw-Hill Inc. Tokyo (49% owned).

Tatu-McGraw-Hill Pvt. Ltd., New Delhi, India (40% owned).

Penguin Publishing Co. Ltd. (Great Britain) 10% owned.

FORD MOTOR CO.

1. Ford Motor Company, Ltd., Britain, produces cars, trucks, commercial vans and Ford tractors, and is the 2nd largest producer of such items in the British Isles.

2. Ford Motor Company of Canada, Ltd. (81% owned) is the 2nd largest producer of passenger cars and the largest producer of trucks in Canada.

3. Ford-Werke A/G produces Ford cars, light buses, pickups and vans, and is the 3rd largest producer of such vehicles in Germany.

Subsidiaries and branches:

4. Ford also has affiliates in many countries:

Ford Motor Co. S.A. Mexico.

Ford Motor Argentina.

Ford (Uruguay) S.A.

Ford Motor Co. Del Peru S.A.

Ford Motor Co. A/S Denmark 78% owned.

Willys Overland do Brazil S.A. Industria E Comercio (Brazil) 52% owned.

SPERRY-RAND CO.

1. Main subsidiaries are:

Sperry Rand Canada.

Sperry Rand Ltd. (England).

Sperry Rand Italia, S.P.A. (Italy).

Vickers (Germany) G. mbH.

Sperry Rand Australia Ltd.

2. Affiliates:

Tokyo Keiki Seizosho Co. Ltd.

Nippon Univac Kaisha Ltd. (Japan).

Oki Univac Kabushiki Kaisha (Japan).

West & de Toit (S. Africa).

BRISTOL MYERS CO.

1. Subsidiaries:

Bristol Banyu Research Institute Ltd. (Japan).

Bristol Laboratories (Japan) Ltd., Bristol Industries Ltd. (Taiwan).

Bristol Laboratories of Canada Ltd.

Bristol-Myers Co. Ltd. (England).

Deutsch-Drackett Inc.

Bristol-Myers, Canada Ltd.

Bristol-Myers (Japan) Ltd.

Clairol (Japan) Ltd., Hair Coloring Industries (Japan) Ltd.

W. R. GRACE AND CO.

1. Some subsidiaries are:

Dearborn Chemical Co. Ltd. (Canada).

Dubois Chemicals of Canada, Ltd.

Golding Bros. Canadian Ltd.

Howard & Sons (Canada) Ltd.

Leaf Confections Ltd.

Willard Chemical of Canada Ltd.

Leaf Belgium N.V.

S. A. Rene Weil, France 85% owned.

Hughes Bros. Ltd., Ireland.

N.V. Cacaofabriek de zoan (The Netherlands).

UNITED AIRCRAFT

1. Subsidiaries:

United Aircraft of Canada Ltd. 90.6%.

2. Affiliates:

Ratier-Forest S.A. France (15% owned) makes aircraft and missile components.

Precilec S.A. (France) 20% owned makes electronic components.

Orenda Ltd. (Ontario) 40% owned.

TEXAS INSTRUMENTS

1. Texas Instruments Japan Ltd (owned equally by Co. and Sony Corporation).

2. Some subsidiaries are:

Geophysical Service International Ltd.

Texas Instrumentos and Electronicos do Brazil Ltda.

Texas Instruments Ltd. (England).

Indonesia Surveys S.A.

G.S.I. de Mexico, S.A. de C.V.

BOISE CASCADE CORP.

1. Company has foreign utility operations, mainly sale of electricity, conducted through subsidiaries in Ecuador, Guatemala and Panama—the subsidiaries are:

Empresa Electrica del Ecuador Inc.

Empresa Electrica de Guatemala, S.A.

Cia. Panamena de Fuerza y Luz.

2. Company has subsidiaries including:

Boise-Cascade International, Inc. which owns Ontario-Minnesota Pulp and Paper Company, Ltd.

Mobile home and recreational vehicle plants in British Columbia, France, England, and The Netherlands.

CPC INTERNATIONAL

Principal Subsidiaries:

Clifford Love & Co., Ltd. (Australia).

Refineries de Maiz, S.A.I.yC. (Argentina).

Refinacoes de Milho, Brazil Ltda. (Brazil).

Canada Starch Co. Ltd.

Brown & Polson Ltd. (England).

LOCKHEED AIRCRAFT

1. Among the companies principal subsidiaries, wholly-owned, are:

Lockheed Aircraft Int'l. A. G. (Switzerland).

Lockheed Aircraft Int'l. Ltd. (Hong Kong).

Lockheed Aircraft Corporation of Canada, Ltd.

Lockheed Offshore Petroleum Services Ltd. Canada.

Lockheed S.A. de C.U. (Mexico).

Lockheed Aircraft (Australia) Pty., Ltd.

CONTINENTAL CAN CO., INC.

1. Principal subsidiary:

Continental Can Company of Canada Ltd.

H. J. HEINZ CO.

1. Subsidiaries:

H. J. Heinz of Canada Ltd.

H. J. Heinz Co. Ltd. (91.16% owned) British Isles.

Nichiro-Heinz Co. Ltd. (80% owned) to make and market Heinz products in Japan also in Australia, Belgium, Luxembourg, Holland, Portugal, Venezuela, Switzerland, Italy, Pago Pago, etc.

DEERE AND CO.

1. Subsidiaries:

John Deere Ltd. (Canada).

John Deere Intercontinental Ltd. (Ontario, Canada).

John Deere (France).

2. John Deere S.A. Mexico 75% owned.

John Deere-Lanz Ver waltungs A.G. Germany (99% owned).

John Deere, Ltd., South Africa, 75% owned.

HEWLETT-PACKARD CO.

1. Company's European operations are handled by wholly-owned Hewlett-Packard

XUM

S.A. (Switzerland). This company has 2 manufacturing subsidiaries and 9 marketing subsidiaries.

2. Affiliates:

Yokogawa-Hewlett-Packard, Ltd. (49% owned) makes electronic measuring instruments in a plant at Hachoti, Japan. The affiliate also handles companies marketing operations in Japan. Also in Canada, Mexico, Argentina, Brazil, Venezuela, Australia.

INTERNATIONAL PAPER CO.

1. Subsidiaries:

Canadian International Paper Company.

British International Paper Ltd.

Canadian International Pulp Sales Ltd.

International Paper Company (Europe) Ltd.

International Paper (France).

CARRIER CORP.

1. Subsidiaries:

Carrier Air Conditioning (Canada) Ltd.

Camwell of Canada Ltd.

Toyo Carrier Kogyo Kabushiki Kaisha (Japan) 75% owned.

Carrier International Sdn. Malaysia.

Carlyle Air Conditioning Co. Ltd., United Kingdom.

Carrier GmbH Germany.

BORG-WARNER CORP.

1. Wholly-owned subsidiaries include:

Arpic N. V. (Holland).

Borg-Warner Investments Pty Ltd. Borg-Warner (Canada) Ltd.

Borg-Warner Ltd. (England) which owns Marbon, Australia Pty. Ltd. (55%) Borg-Warner.

Australia Ltd. (75%) etc.

2. Affiliates (jointly owned).

Ube Cycon Ltd. (Japan).

Nsk-Warner KK (Japan).

Aisin-Warner KK.

York, India Ltd. New Delhi, India.

STANDARD OIL CO. (NEW JERSEY)

1. Company owns 70% of Imperial Oil Ltd. (Canada).

Company owns 23% of Introprovincial Pipe Line Co. (Canada).

Company owns all of Esso Eastern Chemicals, Inc., which coordinates chemical interests in Japan.

Southeast Asia, etc.

Company has extensive European, Latin American, Middle East and Far East holdings in Norway, Denmark, West Germany, Belgium, Venezuela, Brazil, Argentina, Chile etc.

IBM

Has 17 mfg. plants in 15 nations, including Japan.

IBM World Trade Corp. & its subsidiaries operate facilities in 108 countries in 1969.

PEPSI CO.

1. Subsidiaries:

Paso de los Torros, S. A. (Uruguay).

Shani Bottling Co. (Pty) Ltd. S. (Africa).

Pepsi-Cola Italia S.P.A.

Pepsi Co. Overseas Corp.

Food Enterprises Ltd. (Japan).

Mike Popcorn K. K. (Japan).

Pepsi-Cola (Japan) Ltd.

Pepsi-Cola (Pakistan).

Pepsi-Cola Ltd. (England).

Pepsi-Cola Refrigerantes Ltd. (Brazil).

KIMBERLY-CLARK CORP.

1. Subsidiaries:

Kimberly-Clark of Canada Ltd.

Kimberly-Clark Pulp & Paper Co. Ltd. (Canada).

Kimberly-Clark Lumber (Canada) Ltd. (inactive).

Kimberly-Clark de Mexico S.A. (60% owned).

Kimberly-Clark Far East Ltd. (Singapore) 60% owned.

Kimberly-Clark Ltd. (England) 66⅔% owned.

2. Co. has property in Japan.

SINGER CO.

1. Subsidiaries:

Commercial Controls Canada Ltd. (Canada).

Friden (Holland) N.V. (Netherlands).

Friden S. A. (France)—86 percent.

Singer Co. of Canada Ltd.

Singer-Cobbie Ltd. (Great Britain).

Singer Industries Ltd. Nigeria.

2. Affiliates:

Pine Sewing Machine Mfg. Co. (50 percent owned) which makes sewing machines in a plant in Utsunomiya Japan.

Wholly owns Matsumoto Mokko Ltd. which makes cabinetware.

Owns 50 percent of Pine Transportation Ltd.

Owns 45 percent of Controls Co. of Japan.

TIME, INC.

Company publishes 6 international editions of Time Magazine Subsidiaries:

Time-Life International de Mexico, S.A.

Time-Life International (Nederland) N. V. (with subsidiaries in England, France, Switzerland and Curacao).

Time International of Canada Ltd.

Little Brown & Co. (Canada) Ltd. 60 percent owned.

AMERICAN METAL CLIMAX

1. Some subsidiaries are:

Climax Molybdenum N. V. (Netherlands)

Amax Exploration Quebec Ltd.

Amax of Canada Inc.

Kawneer Co. Canada Ltd.

Northwest Amax Ltd. (Canada) 75 percent owned—the Climax Molybdenum Co. of Michigan owns the Climax Molybdenum Development Co. (Japan) Ltd.

CUMMINS ENGINE CO., INC.

1. Subsidiaries (wholly owned):

Cummins Diesel of Canada Ltd.

Komatsu-Cummins Sales Co. Ltd. (Tokyo-Japan) 51 percent owned.

2. Foreign Licensees, etc.:

Komatsu Mfg. Co., Ltd., Tokyo, Fried's Krupp (Germany), Diesel, Nacional S.A. (Mexico) etc., Mexico City.

LEVER BROS. CO. (UNILEVER LTD.)

Has interests all over the world, including Japan—subsidiaries and affiliates are not listed separately.

BOOZ, ALLEN & HAMILTON, INC.

International consultant firm in Canada, West Germany, France, Mexico, etc.

BELL & HOWELL CO.

1. Markets in U.S. a line of cameras produced by Canon Camera Co. Inc., Tokyo and sold as Bell & Howell—camera equipment.

2. Owns 90 percent of Japan Cine Equipment & Mfg. Co.

3. Wholly owned subsidiaries include:

Ditto of Canada Ltd. Toronto.

Bell & Howell Canada Ltd. Toronto.

Bell & Howell H. B., Sweden.

Bell & Howell France S. A. Paris.

Devry Institute of Technology of Canada, Ltd. and other subsidiaries in Sweden, Belgium, Switzerland, etc.

PFIZER, INC.

Produces in Japan—owns Pfizer Int. Corp. (Panama) owns 80% of Pfizer Taho Co. Ltd. (Japan).

KAISER ALUMINUM & CHEMICAL CORP.

Company has world wide foreign affiliates in Japan, England, Canada, Germany, Italy, etc.

MARCONA CORPORATION—SUBSIDIARY OF CYPRUS MINES

Has some world wide affiliates—has $250 million contract to provide Japanese Steel Makers with 4.2 million tons of lump ore.

GENERAL MOTORS CORP.

Has world wide holdings such as:

General Motors of Canada, Ltd.

Motors Holding of Canada Ltd.

Vauxhall Motors Ltd. (England).

Adam Opel (Aktienogesellschaft (Germany) General Motors Holden's Ptg. Ltd. (Australia) etc.)

CLARK EQUIPMENT

Company's products made world wide by licensees, some of whom are in Japan—Subsidiaries include:

Canadian Tyler Refrigeration Ltd.

Clark Equipment of Canada Ltd.

Clark Equipment Ltd. (Great Britain).

Also in Switzerland, France, Venezuela, West Germany, Belgium, Brazil, Argentina, Mexico, Spain, etc.

QUAKER OATS

Subsidiaries:

Quaker Oats Co. of Canada Ltd.

Quaker Oats Ltd. (England).

Quaker Oats Co. (Germany).

Quaker Oats Co. (New Zealand).

Also in Mexico, Nicaragua, Colombia, Sweden, etc.

DELTEC INTERNATIONAL LTD.

1. Company is in investment banking business primarily in Latin America and Europe.

LITTON INDUSTRIES, INC.

1. Has plants world wide, including Japan.

CHRYSLER CORPORATION

1. Subsidiaries include:

Chrysler Antemp Ltd. (England).

Chrysler Australia Ltd.

Chrysler Canada Outboard Ltd. (Canada).

Chrysler Canada Ltd.

Chrysler Antemp S.A. (France).

Rootes Motors Ltd. (England) owns 73.3%.

(Company entering into agreement with Mitsubishi Healy Industries Ltd. subject to Japanese government approval to form joint auto venture in Japan, (65% Japanese owned.)

AMERICAN EXPORT

1. American Export Industries owns 97.49% American Export Isbrandtsen Lines, Inc.

2. Owns 95% of Premium Iron Ores Ltd. (Toronto) Owns American Export International, Inc.

XEROX CORPORATION

1. Company is world-wide, some principal subsidiaries include:

Universal Microfilms Ltd. (England).

Xerox of Canada Ltd.

2. Company affiliates include:

Rank Xerox Ltd. (England) owned 50%.

Owns 50% of Fugi-Xerox (Japan).

CHASE MANHATTAN BANK

Has branches in many countries.

FIRST NATIONAL CITY BANK

Has branches in many countries.

BANK OF AMERICA

Has branches in many countries.

GAINESVILLE DESERVES TO BE ALL-AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, Gainesville, Fla., is one of 22 cities chosen from across the Nation as finalists in the All-American Cities Awards Competition.

Approximately 100 entries were received in the competition which is cosponsored by the National Municipal League and Look magazine. The finalists were recently announced by William W. Scranton, president of the League, and former Governor of Pennsylvania.

A spokesman for the league said that the finalists this year had stressed accomplishments in the areas of social and race relations and community development.

Gainesville's entry was sponsored by the Gainesville Area Chamber of Commerce which cited 12 community organizations and 20 University of Florida fraternities as participants in community programs.

Particularly cited by the chamber were projects such as "Project Samson" in which University of Florida students worked in liaison with local anti-poverty agencies and students. Through this program they have tutored thousands of culturally deprived children and worked in adult and day-care centers as well as many other projects.

"Corner Drug Store" is an original concept of drug counseling. "Operation Outreach" was cited as a work-study program for disadvantaged youth, and "Come Together Day" was a fraternity-sponsored program to bridge the communications gap between diverse groups.

Concerned citizens combined their efforts through "Classroom '68" to revitalize a once defeated schoolbuilding bond issue. The issue was passed 3 to 1 after a concerned effort on the part of citizens of the community.

Gainesville is a progressive city which has grown from a small agricultural community following World War II into a modern cosmopolitan university city.

As the city grew, so did its problems. With the development of the University of Florida Medical Center came a Veterans' Administration hospital, and Gainesville became a national center for medical research.

XUM

The University of Florida has grown by leaps and bounds, and is today one of America's foremost educational institutions.

The story of Gainesville cannot be told in numbers of members of organizations or in projects, but only in the individual efforts of so many citizens who were genuinely concerned about the problems facing their community and a determination to do something about it.

Let me cite particularly the Gainesville Area Chamber of Commerce which is recognized as one of the most outstanding of such organizations in our State. They were an integral part of the Gainesville story which is the story of people concerned about the problems of modern society and a community willing to make the sacrifices necessary to do something about them.

There are problems which remain to be solved. But I submit that an aggressive and dedicated community has made forward strides far beyond those made by most cities its size.

In my opinion, Gainesville is an All-American City, and its story an inspiration for a nation so beset by urban problems. This country can well look to Gainesville as an example of what can be done when people care.

When the final selection of All-American Cities is made, I feel certain that Gainesville will be in that select number. It would be a well-deserved tribute.

LET US USE NASA'S EXPERIENCE TO FIGHT POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Charles H. Wilson) is recognized for 10 minutes.

Mr. CHARLES H. WILSON. Mr. Speaker, yesterday I attended the California Congressional Delegation Conference on Federal Air Pollution Control Legislation organized by the American Broadcasting Co. I would at this time like to express my appreciation to ABC for sponsoring that worthwhile meeting and to encourage them and other public service minded organizations to increase participation in and support of such activities.

As Members of Congress we are all painfully aware of the threat pollution poses to our environment and health. We are also cognizant of the immensity of the task before us; the task of saving man from himself and protecting our ecological niche. President Nixon in his 1970 state of the Union speech and in his February 10 environmental message vowed to make the quality of life in rural and urban America a major concern of his administration. Many of us have spoken out here on the floor of the House and introduced numerous pieces of proposed legislation to combat the problem. Newspapers, radio, and television have all devoted special attention to this blight. But progress has been slow in coming while the time remaining to solve the problem is rapidly running out.

In the April 24, 1970, issue of Congressional Quarterly, it was pointed out that a number of Federal agencies have been reorganized to stress environmental activities. The Water Quality Improvement Act of 1970 changed the name of the Federal Water Pollution Control Administration to the Federal Water Quality Administration. In the Department of Health, Education, and Welfare, a reorganization plan which became effective February 1 renamed the former Consumer Protection and Environmental Health Service. On January 13, the State Department announced the formation of a new Office of Environmental Affairs the purpose of which is to consider international pollution efforts. The Federal Power Commission has recently established an office of adviser on environmental quality and Congress created the National Water Commission to report by 1973 on various aspects of water programs including meeting future needs, pollution abatement, technological advances and the like.

In addition, the Interior Department has created an environmental planning staff, the Bureau of Mines was reorganized to separate its health and safety enforcement functions from its mineral resources and environmental functions, the Department of Transportation created the post of Assistant Secretary for environment and urban affairs and the White House has established its own proliferation of environmental groups.

As asked in the Congressional Quarterly article:

> Does all the activity on Capitol Hill and in government agencies just represent a 1970 fad? Or have the problems of man's effect on land and atmosphere finally caught on enough to sustain concerns for finding solutions?

I hope that the answer to the latter question is in the affirmative.

In an effort to insure continuation of the struggle to clean our surroundings I propose to utilize a work force consisting of the most expert scientists and engineers in the world. The resolution I introduce today calls for the reorienting of the National Aeronautics and Space Administration into the environmental area. With funds for space activities being cut by the Congress and domestic and environmental programs receiving greater and greater priority, I felt it would be a tremendous loss to our Nation to allow the scientists and engineers now employed by NASA who constitute a unified, coordinated, and extremely competent work force to be disbanded. Accordingly, I feel these individuals can lend their expertise into antipollution undertakings and I am calling for the President to direct NASA programs into this area and for the Congress to take cognizance of NASA's expanded role.

As an advocate of economic conversion who has particularly been concerned with the problems faced by the aerospace industry in southern California, I feel the personnel of NASA can adapt to the change in roles that I call for and work effectively in combating the problem. Needless to say, I envision similar roles available for members of the aerospace industry many of whom, at the present time, are not needed by firms in that field. Every effort must be made to utilize the skills of these individuals as well and I intend to continue in my efforts to utilize their talents for the national good.

I now intend to contact my distinguished colleague from my home State (Mr. Miller) who chairs the Science and Astronautics Committee and Mr. Teague of Texas who chairs the NASA Oversight Subcommittee to determine their reactions to my resolution. Hopefully, with their support, we will be able to utilize the assistance of the men who safely landed Americans on the moon. With their help in the environmental fight our success will be assured and man will survive so that someday the stars may be ours.

For my colleagues' information, I now include the text of my concurrent resolution and the agenda, list of invitees and participants, and suggestions put forward at the conference:

H. Con. Res. 710

A concurrent resolution to utilize more effectively the expertise and abilities of the scientists and engineers associated with the National Aeronautics and Space Administration in the fight against environmental pollution

Whereas due to the technological and industrial breakthroughs of the twentieth century the environment has been steadily polluted; and

Whereas both state and Federal governments have taken cognizance of the immediate need to combat this pollution; and

Whereas the cost of effectively curtailing all forms of pollution presently afflicting the

United States and every other nation on earth is extremely high; and

Whereas the necessity of combatting the pollution that is contaminating the air we breathe, the water we drink and the food we eat is immediate; and

Whereas the destruction of life forms that play a vital role in maintaining man's ecological niche must also be immediately halted; and

Whereas environmental responsibilities of major federal agencies are quite dispersed and uncoordinated; and

Whereas efforts to date to unify federal activities have not been effective; and

Whereas there exists under one federal agency at this time, a unified work force of such scientific and technical competence as to be unsurpassed in the history of mankind; and

Whereas this body of men and women are employed by the National Aeronautics and Space Administration; and

Whereas due to the environmental crisis and pressing domestic needs, the space program is being curtailed; and

Whereas due to this curtailment many scientists and engineers will out of necessity be forced to leave the National Aeronautics and Space Administration; and

Whereas the loss of these individuals would represent a loss to the nation of an experienced and coordinated team which should not be allowed to be disbanded; and

Whereas the need for technological breakthroughs aimed at saving our environment is extremely pressing: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that: (1) That the President should take those steps necessary to insure the continued utilization of employees of the National Aeronautics and Space Administration and treat them as a source of unlimited expertise and accordingly as a national resource; and (2) direct an increase in the National Aeronautics and Space Administration's present anti-pollution activities in the fields of energy and fuels, and science, research and technology; and that the National Aeronautics and Space Administration assign such funds as necessary from its Congressional appropriations as to insure that a top priority is given to environmental activities of that Administration.

The California Congressional Delegation Conference on Federal Air Pollution Control Legislation

AGENDA

1. 11:30 a.m.—Welcoming remarks by Ben Hoberman, Vice President, American Broadcasting Company, and General Manager, KABC Radio, Los Angeles.
2. Introductory remarks by Dr. Michael Sommer, Director of Community Relations, KABC Radio, Los Angeles.
3. Morning work session.
4. 1:00 p.m.—Lunch.
5. Afternoon work session.
6. 2:30 p.m.—Adjournment.

INVITEES TO CONFERENCE

1. Congressmen: Anderson, Bell, Brown, Burton, Clausen, Clawson, Cohelan, Corman, Edwards, Goldwater, Gubser, Hanna, Hawkins, Holifield, Hosmer, Johnson, Leggett, McCloskey, McFall, Mailliard, Mathias, Miller, Moss, Pettis, Rees, Rousselot, Roybal, Sisk, Schmitz, Smith, Talcott, Teague, Tunney, Van Deerlin, Waldie, Wiggins, Bob Wilson, Charles Wilson.
2. Senators: Cranston, Murphy, Muskie.
3. Executive: Secretary Volpe, Secretary Richardson.
4. Governors: Reagan.
5. Mayors: Alioto, Yorty.
6. Supervisors: Debs, Dorn, Hahn, Feinstein.
7. State Senators: Nejedly, Petris.
8. State Assemblymen: Sieroty, Schabarum.
9. Broadcasting Associations: Smiley.
10. Automobile Industry: Ford, Townsend, Roche, Chapin, Mann.
11. Air Pollution Control Experts: Chass, Feldstein.
12. Scientists: Dr. Haagen-Smit, Dr. Starkman, Dr. Libby, Dr. Beard, Dr. Pitts.

RECOMMENDATIONS FOR TOPICS OF DISCUSSION BY CONFERENCE

(Suggested by the following participants at a pre-conference meeting August 5, 1970, at the California Institute of Technology:)

Dr. A. J. Haagen-Smit, Chairman, California Air Resources Board and Professor, California Institute of Technology;

Mr. Robert Bush, Deputy to Los Angeles County Supervisor Kenneth Hahn;

Mr. Robert Lunche, Chief Deputy Air Pollution Control Officer, Los Angeles County Air Pollution Control District;

Mr. Walter J. Hamming, Chief Air Pollution Analyst; Los Angeles County Air Pollution Control District;

Additional suggestions were made upon a review of these recommendations by Mr. Robert Chass, Air Pollution Control Officer, Los Angeles County Air Pollution Control District.

I. General topics recommended for discussion by preconference participants

1. The desirability of Federal assistance to and cooperation with the States, private and public power sources in smog prevention and control.
2. The desirability of additional Federal air pollution controls and legislation affecting the States.
3. The desirability of resolutions by the California Congressional Delegation urging additional Federal air pollution controls and legislation for all States.
4. The desirability for Federal strict compliance with air pollution control standards.

II. Specific topics recommended for discussion by preconference participants

1. The desirability of Federal financial support for full-scale application of air pollution control techniques by States and local agencies, including Federal financial support for State and local inspection, monitoring, measurement, etc.
2. The desirability of Federal income tax exemptions for individuals wishing to install State-approved emission control devices on pre-1966 automobiles.
3. The desirability of Federal legislation requiring automobile manufacturers to guarantee emission control systems on new automobiles for a minimum of 10,000 miles of car usage, and preferably for 20,000 or 50,000 miles of car usage.
4. The desirability of Federal time schedules for the phasedout removal of lead from gasolines.
5. The desirability of Federal requirements and time schedules for the lowering of octane levels in gasolines.
6. The desirability of the creation by Congress of a Federal Power Plant Commission whose determinations regarding the sites of power plant locations should be coordinated with similar State commissions.
7. The desirability of Federal financial support for the creation and operation of additional local and State pollution control agencies, including the providing of Federal technical assistance in personnel and equipment.
8. The desirability of Federal encouragement and financial incentives for the building of nuclear power plants.
9. The desirability of Federal financial assistance to State and local agencies for solid waste disposal.
10. The desirability of Federal research funds to State and local agencies for the improvement of pollution control technology.
11. The desirability of Federal compliance with local pollution control regulations and permits.
12. The desirability of Federal post-assembly line inspection of emission control devices on new automobiles.
13. The desirability of the substitution of 1973 automobile exhaust emission standards with 1975 standards, and the substitution of 1975 standards with 1980 standards.
14. The desirability of the increased allotment of natural gas supplies by the Federal Power Commission.
15. The desirability of Federal tariffs and quotas on low sulfer oil imports.
16. The desirability of firm Congressional support of the Murphy Amendment to the Clean Air Act.

TRADE RESTRICTIONS ILL-ADVISED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HANNA) is recognized for 30 minutes.

Mr. HANNA. Mr. Speaker, the issue of textile import restrictions, although the subject of much high sounding and magnanimous rhetoric, is, after all, simply one of participation in a market. To put it plainly, a market is created when people have money to spend. This money comes from jobs. If and when jobs are denied or decreased, so likewise goes the market. This, then, is the substance of the issue over imports. In the prevailing environment of a downturn in business and an upturn in unemployment, many are focusing on imports as the culprit. Although merely a short-term outlook, this viewpoint is fast becoming, if it has not already become, the dominant political one.

I feel justified in seeing this point of view as being dominant for four specific reasons: First, over 200 of my colleagues have joined Chairman MILLS in supporting legislated trade restrictions, and that ultimately over 300 will be behind such legislation; second, through vigorous efforts, the textile industry has made great strides in minority employment, thus garnering support from minority groups for restrictive legislation; third, the labor unions have now taken a protectionist turn and have added their support for trade restrictions; and fourth, the President has indicated his clear support for definitive steps to rectify the problem. I feel I must also point out that this commitment is, however, in no wise unattached from campaign promises made by Mr. Nixon in the early stages of his southern strategy, moves which were directed to protect and improve the conditions of the southern textile industries.

These, then, are the political realities which must be taken into account. However, I also feel that we should seriously examine the premises behind these political facts of life.

The specific argument being made by those urging imposition of textile import quotas is that the domestic textile industry is being severely damaged by competition from imported textiles. I find little substance to this argument, as indicated by the figures in the attached information: the textile industry as a whole has seen marked advances in both net and gross income over the past five years. As for those few that have not managed so well, given the general picture, I would suggest that reasons other than textile imports are behind such failures. No other explanation can logically account for the differences between the accomplishments of Indian Head, Inc., and the dismal showing of Spring Mills, Inc. As the figures indicate, Indian Head has doubled its gross income and almost tripled its net income while Spring Mills was experiencing a significant decline in gross income and what must be almost a debilitating reduction in net income. Such erratic performance cannot be attributed to increased competition from imports unless the entire industry is equally affected, which is obviously not the case. I submit that a more plausible cause lies in the quality of management and administration—in this area there can be contrasting indices of performance as these inputs are isolated from the market processes, which the effect of imports quite obviously is not.

I am further disappointed by the apparent conviction held by the textile industry that it should escape the consequences of the Nixon administration's ineptness in fighting this Nation's inflation problems. By its arguments, it seems that the textile industry expects to experience no increase in unemployment and no decline in business activity when these very same conditions are afflicting the entire business community in this country. I have not been apprised of any statistics which indicate that the American textile manufacturers are suffering any more in these areas than any other comparable business sector in the economy. As a matter of fact, the loss of jobs in the aerospace industry alone far outnumbers the positions lost in the textile industry. The unemployment and underemployment in this Nation's vital housing industry reveals but another obvious error in emphasis by this administration.

Another aspect of the domestic textile market deserves mention at this time. I refer specifically to the composition of the domestic market. One small fact which is ignored by the supporters of restrictive quotas as citations of the great quantity of imports flooding the market are produced is the actual percentage of the supply provided by imports. I believe this figure is vital as it gives the relative position of imports to the domestic supply. In dollar value, all textile imports supply only 4 percent of the domestic consumption. This figure is for total imports and I think as I now turn to specifics of certain supplying countries the need for a selective approach to the problem of textile import restrictions will become clear.

Other data which I am appending to this statement relates to Pacific Ocean countries which serve as significant suppliers of textile imports to the United States and the role played by the textile industry in the domestic economies of those countries. I draw attention to the figures dealing with the Republic of Korea (ROK) and the Republic of China—ROC—Taiwan, as against the situation elsewhere, particularly pertaining to Japan. As the figures show, the balance of trade between the United States and Korea and China has placed both of these countries deeply in debt to the United States. Such is obviously not the case with Japan.

A strong case can be made for these two countries as being developing countries, especially in the field of textiles. I am fully aware that most of the discussion relative to Pacific Ocean textile supplying countries has centered about Japan. I would point out, however, that Japan does not speak with a common voice for all of these countries. Given this clarification, I think it important to consider fully the implications any general restrictive quotas might have for the separate and quite distinct economies of this area.

As can be seen in the attached information, ROC provides but 2.6 percent of all cotton textile imports. ROC and ROK combines provide only 3.3 percent of all wool imports. A special case arises in the field of manmade textiles, of which ROC and ROK together supply 22.7 percent of all imports, the circumstances of which I will return to later. In any event, it seems quite clear that these percentages can not play a significant role in the alleged problem with import competition against domestic production, a competition which, if you will recall, comprises but 4 percent of the total domestic market.

An entirely different picture emerges, however, upon examination of the role played by the textile industry in the domestic economies of the exporting countries, particularly relative to the export facet of the economies. In ROC, textile exports comprise almost 25 percent of all exports, in ROK, almost 40 percent. Of these percentages, the United States absorbs almost 40 percent of the textile exports of ROC and almost 50 percent of the textile exports of ROK. It should be quite apparent the impact restrictive quotas would have on these economies.

This destructive impact would not be limited to the domestic economies of the supplying countries. We must not forget that U.S. aid investments of hundreds of millions of dollars have been directed to making the people of these two countries consumers. With one stroke of the pen, we will in effect deny the United States this market. Ultimately, the trade balance will be the final arbiter of this action. For, if we deny these countries the U.S. dollars needed to purchase U.S. exports by restricting imports, then there will follow predictable offsetting export losses. These countries will be forced to develop new trading partners and new markets and the U.S. economy and consumer will lose.

An interesting sidelight to this economic backfire has been ignored, to date, by the proponents of this bill. The initial, short term benefits will fall in the main on the east coast, as the West and Midwest are deprived of their primary sources of supply, the Pacific Ocean nations. As these suppliers deplete their supply of U.S. dollars, their purchases of U.S. exported foods and foodstuffs, grains and fiber—items produced by the West and Midwest—will fall. This will endanger many of those employed in these activities, and no protection has been considered for these jobs as well as numerous positions in other export industries whose markets will be restricted—machinery, aircraft, computers; these jobs need protecting as much as those in the textile industries.

One last item before closing deals with a subject mentioned earlier, that of manmade textiles. This industry shows great promise for developing countries due to its high potential differential in costs which permit high profit. For a minimum outlay for crude chemicals, these industries, after minimal processing, can achieve a high net profit, a margin essential to developing countries.

A detailed consideration of other aspects of this bill reveal further significant impacts. The "trigger" date, 1967, is particularly beneficial to Japan as it seriously affects the competition facing the Republic of Korea and the Republic of China. In 1967, the Japanese exports were at their peak and Korea and China were only just beginning to compete in the world market. Thus, the provisions of this bill are not equitably applied, as has been argued by many. Japan's position is carefully safeguarded as the sole source of these imports at the expense of other suppliers. This may well develop into a statistical progression increasingly in favor of Japan as Japan will receive more and more of the consumer's purchasing dollar as prices increase. To my mind, it seems strange and unproductive to turn our public trade policy against free trade and against the consumer with special legislation for special people.

If my colleagues will recall, yesterday I urged the Rules Committee to provide this body with the opportunity to consider in some detail the provisions of this far-reaching bill. I reiterate now this plea and implore the Rules Committee to provide, if not an open rule, then at least a modified closed rule which will permit an up-or-down vote on the separate titles of the bill.

As I understand the proposed bill, it will consist of three titles. The first, dealing with Presidential authority to adjust tariffs on imported goods on labor-cost ratios is, at best ill-timed, although certain portions might be acceptable. The second title provides totally unjustifiable protection to one segment of our economy, and, as I have pointed out earlier, a segment not realistically in need of such protection. Totally ignored in this regard are the numerous small businesses which do deserve some form of protection from Japanese competition, such as musical instrument manufacturers. There are a plethora of small businesses which are literally being run out of business and whose cases are considered only to a severely limited degree, if at all, in this title.

The major portions of the third title I have little quarrel with. I am, however, upset over the provisions, as I understand them, dealing with domestic international-

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al sales corporations. In my opinion, DISC will place a needless burden on the Treasury and, ultimately, on the American taxpayer. I am not impressed that this is a program which will improve the performance of export industries in the international market.

In a letter to the President, I have urged the formulation of what I consider to be viable alternatives to this disturbing piece of legislation. The text of this letter follows as does the information which I mentioned earlier. I urge my colleagues to give careful and detailed attention to this information as I feel it provides a significant insight into the allegations and myths surrounding this issue.

The material referred to follows:

AUGUST 7, 1970.

President RICHARD NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is encouraging to note your recent statements on the probable destructive impact of the trade restriction legislation now being considered by the Ways and Means Committee. I share your concern that these proposals do not offer what is required to provide the necessary amelioration for the diverse domestic economic activities which are not competitive with today's imports.

To my mind, there exist more constructive means of dealing with this problem, means which will not have the precipitate and deleterious effect on our international trade relations as those now under consideration. I would urge the immediate formulation of proposals as follows:

(1) A program to provide government assistance to individual firms and workers injured by import competition;

(2) A program supported by the Federal government to improve and support the competitive position of the affected industries; and

(3) A program supported by the Federal government to retrain and redirect those employees irretrievably damaged by import competition.

These approaches, in my opinion, are more intelligent and rational and less negative than the approach now being considered. For these reasons, I feel there would be wide support in the Congress for such programs.

Of course, my full support will be forthcoming for any effective anti-dumping measures. Likewise, I encourage strong and effective actions, whether taken unilaterally or multilaterally, against unfair competition from our international trade partners.

I hope you can understand and share my deep concern for the future of the principles of free trade and healthy international competition. These have been the historical hallmark of America's international economic and trade policies. Any actions, whether legislative or executive, which serve to tarnish these policies must be avoided.

Thanking you in advance for your consideration of this matter, I remain

Yours sincerely,

RICHARD T. HANNA,
U.S. Congressman.

GENERAL EXPLANATORY OUTLINE OF THE DATA PRESENTED BELOW

I. Domestic textile industry (Exhibit A).

A. Market standings.

B. Economic condition.

II. Long Term interests and history re international trade (Exhibit B).

A. Percentage of textile imports re domestic consumption.

III. Contribution to "problem" (Exhibit C).

IV. Impact of Restrictions on Foreign Economies (Exhibit D).

A. Japan.

B. Hong Kong.

C. China.

D. Korea.

EXHIBIT A

BURLINGTON INDUSTRIES, INC.

Operates 127 plants in 90 U.S. Communities: 75, North Carolina; 52, 14 other states.

A. Stock activities

1. Trading prices (high and low): 1966, 50½, 25¼; 1967, 43⅜, 27⅛; 1968, 51¼, 38⅛; 1969, 46⅜, 32¼.

2. Dividends paid (stock split 2 for 1, July 1965):

1966	$1.10
1967	1.20
1968	1.30
1969	1.40

B. Earnings and volume

1. Earnings:

a. Net income:

1966	$77,094,019
1967	58,243,000
1968	78,952,000
1969	78,135,000

b. Gross income:

1966	$207,459,696
1967	183,628,000
1968	248,327,000
1969	259,415,000

CANNON MILLS CO.

Operates 16 plants in 8 U.S. Communities: 14, North Carolina; 2, South Carolina.

A. Stock activities

1. Trading prices (high and low): 1965, 128, 91; 1966, 128, 76; 1967, 100, 75; 1968, 89, 75.

2. Dividends paid:

1965	$3.95
1966	4.60
1967–69	4.00

B. Earnings and volume

1. Earnings:

a. Net income:

1965	$25,394,995
1966	20,483,574
1967	13,788,409
1968	17,748,409

b. Gross income:

1965	$58,930,203
1966	46,982,977
1967	37,574,656
1968	50,127,399

COLLINGS & AIKMAN CORP.

Operates 22 plants in 20 U.S. and Canadian communities: 11, North Carolina; 2, Pennsylvania; 3, Quebec; 4, Georgia; 1, South Carolina; 1, Ontario.

A. Stock activities

1. Trading prices (high and low): 1966, 35⅜, 18; 1967, 32, 19; 1968, 49⅝, 27⅛; 1969, 30⅛, 20.

2. Dividends paid:

1966	$1.15
1967	1.20
1968	1.20
1969	0.67½
1969 (after 3 for 2 split, June 1969)	0.50

B. Earnings and volume

1. Earnings:

a. Net income:

1966	$6,865,197
1967	6,217,533
1968	7,162,530
1969	10,510,609

b. Gross income:

1966	$169,907,000
1967	180,259,000
1968	195,952,000
1969	232,422,000

CONE MILLS CORP.

Operates 25 plants in 5 states: 16, North Carolina; 1, Alabama; 1, New Jersey; 6, South Carolina; 1, Texas.

A. Stock activities

1. Trading prices (high and low): 1965, 32, 20¾; 1966, 32½, 20; 1967, 28⅛, 20¾; 1968, 25¼, 19⅝; 1969, 24⅝, 13¼.

2. Dividends paid:

1965	$1.00
1966–67	1.20
1968–69	1.00

B. Earnings and volume

1. Earnings:

a. Net income:

1965	$9,563,485
1966	12,430,248
1967	6,377,261
1968	3,449,513

b. Gross income:

1965	$281,764,000
1966	319,306,000
1967	286,348,000
1968	281,022,000

DAN RIVER MILLS, INC.

Operates plants in 18 U.S. communities: 9, South Carolina; 2, Virginia; 1, Georgia; 5, Alabama; 1, North Carolina.

A. Stock activities

1. Trading prices (high and low): 1965, 34½, 20⅝; 1966, 37⅝, 20; 1967, 26, 20⅛; 1968, 27¾, 21.

2. Dividends paid:

1965	$1.00
1966	----
1967	----
1968	1.20

B. Earnings and volume

1. Earnings:

a. Net income:

1965	$13,742,329
1966	15,311,834
1967	7,847,000
1968	7,528,000

b. Gross income:

1965	$281,633,000
1966	320,475,000
1967	283,830,000
1968	313,083,000

FIELDCREST MILLS, INC.

Operates plants in 12 U.S. communities: 10, North Carolina; 1, Virginia; 1, Georgia.

A. Stock activities

1. Trading prices (high and low): 1965, 37⅝, 29⅞; 1966, 33¾, 19; 1967, 29⅛, 20; 1968, 45½, 25½.

2. Dividends paid:

1965–67	$1.20
1968	1.30

B. Earnings and volume

1. Earnings:

a. Net income:

1965	$7,588,000
1966	8,300,000
1967	6,938,000
1968	9,579,000

b. Gross income:

1965	$179,456,000
1966	194,860,000
1967	196,825,000
1968	233,005,000

INDIAN HEAD, INC.

Operates 64 plants in 22 states and 2 foreign countries: New York, Virginia, Ohio, North Carolina, Tennessee, Colorado, Pennsylvania, Illinois, Mississippi, Indiana, Washington, Massachusetts, Kansas, Kentucky, South Carolina, Connecticut, Alabama, Delaware, Michigan, Arkansas, California, Louisiana, and Ontario and The Netherlands.

A. Stock activities

1. Trading prices (high and low): 1965, 21, 15¾; 1966, 26¾, 16¾; 1967, 42½, 18⅝; 1968, 46½, 29½.

2. Dividends paid:

1965	$0.40
1966	.45
1967	.52½
1968	.60

B. Earnings and volume

1. Earnings:

a. Net income:

1965	$4,249,636
1966	7,995,628
1967	9,746,731
1968	12,071,782

b. Gross income:

1965	$204,049,000
1966	282,508,000
1967	365,023,000
1968	409,151,000

KENDALL COMPANY

Textile division operates 14 plants in 9 U.S. communities: 8, South Carolina; 4 Alabama; 2, North Carolina.

A. Stock activities

1. Trading prices (high and low): 1965, 50¾, 35¼; 1966, 50⅝, 30; 1967, 69¼, 35; 1968, 66, 45½.

2. Dividends paid:

1965	$0.75
1966	1.00
1967	1.07½
1968	1.10

B. Earnings and volume

1. Earnings:

a. Net income:

1965	$8,425,234
1966	9,426,000
1967	9,070,000
1968	9,164,000

b. Gross income:

1965	$20,442,926
1966	22,973,000
1967	22,275,000
1968	24,526,000

LOWENSTEIN & SONS, INC.

Operates 25 plants in 18 U.S. communities: 19, South Carolina; 2, Alabama; 2, North Carolina; 2, Massachusetts.

A. Stock activities

1. Trading prices (high and low): 1965, 26⅝, 16; 1966, 27, 14⅝; 1967, 20⅞, 15; 1968, 32⅜, 17.

2. Dividends paid:

1965	$0.45
1966	0.75
1967	0.80
1968	0.82½

B. Earnings and volume

1. Earnings:

a. Net income:

1965	$6,060,808
1966	7,893,423
1967	5,107,661
1968	8,073,970

b. Gross income:

1965	$309,356,000
1966	324,151,000
1967	311,477,000
1968	366,688,000

RIEGEL TEXTILE CORP.

Operates plants in 14 U.S. and Canadian communities: 8, South Carolina; 1, Maine; 2, Ontario; 2, Georgia; 1, Massachusetts.

A. Stock activities

1. Trading prices (high and low): 1965, 25, 20¾; 1966, 26½, 16¾; 1967, 47, 18; 1968, 49⅝, 27⅞.

2. Dividends paid:

1965	$0.25
1966	1.00
1967	1.15
1968	1.20

B. Earnings and volume

1. Earnings:

a. Net income:

1965	$5,771,000
1966	7,440,000
1967	7,635,000
1968	4,450,000

b. Gross income:

1965	$15,431,000
1966	19,609,000
1967	21,058,000
1968	15,888,000

SPRING MILLS, INC.

Operates 20 plants in 2 States: 14 South Carolina; 6, North Carolina.

A. Stock activities

1. Trading prices (high and low): 1966, 18¼, 16¼; 1967, 26, 17; 1968, 26⅜, 18¾; 1969, 23⅜, 16.

2. Dividends paid:

1966	$0.25
1967–69	1.00

B. Earnings and volume

1. Earnings:

a. Net income:

1965	$21,341,519
1966	17,996,865
1967	6,800,878
1968	1,898,611

b. Gross income:

1965	$302,156,000
1966	288,652,000
1967	266,386,000
1968	267,975,000

STEVENS & CO.

Operates 82 plants in 10 States: 33 South Carolina; 9, Georgia; 6, Virginia; 1, California; 1, Tennessee; 21, North Carolina; 7, Massachusetts; 1, Alabama; 1, Connecticut.

A. Stock activities

1. Trading prices (high and low): 1965, 73⅜, 42¼; 1966, 80½, 37¼; 1967, 57⅞, 39¾; 1968, 67, 52.

2. Dividends paid:

1965	$1.75
1966	2.06¼
1967–68	2.25

B. Earnings and volume

1. Earnings:

a. Net income:

1965	$29,413,823
1966	32,661,076
1967	24,756,612
1968	30,427,666

b. Gross income:

1965	$845,670,000
1966	891,471,000
1967	923,637,000
1968	1,064,315,000

UNITED MERCHANTS & MANUFACTRERS, INC.

Operates 22 plants in 7 States: 7 North Carolina; 4, Georgia; 1, New York; 1, West Virginia; 6, South Carolina; 2, Massachusetts; 1, Tennessee.

A. Stock activities

1. Trading prices (high and low): 1966, 36½, 22¾; 1967, 29⅞, 22; 1968, 41, 26⅝; 1969, 37½, 26⅛.

2. Dividends paid:

1966–68	$1.20
1969	1.27½

B. Earnings and volume

1. Earnings:

a. Net income:

1966	$24,100,236
1967	17,364,900
1968	21,031,248
1969	23,747,739

b. Gross income:

1966	$68,726,771
1967	64,187,771
1968	72,067,591
1969	77,814,061

WEST POINT-PEPPERELL, INC.

Operates 33 plants in 22 U.S. communities: 15, Alabama; 3, Massachusetts; 2, South Carolina; 10, Georgia; 2, North Carolina; 1, Maine.

A. Stock activities

1. Trading prices (high and low): 1966, 63½, 35¼; 1967, 64, 37¼; 1968, 54⅜, 40⅛; 1969, 51⅝, 22½.

2. Dividends paid:

1966–67	$2.25
1968	2.00
1969	1.85

B. Earnings and volume

1. Earnings:

a. Net income:

1966	$21,716,700
1967	19,697,137
1968	14,767,699
1969	12,091,615

b. Gross income:

1966	$51,260,700
1967	47,834,390
1968	42,425,544
1969	40,985,837

EXHIBIT B

MEMORANDUM ON THE TEXTILE QUOTA ISSUE

Enclosed is a series of tables, taken from U.S. government statistics, analyzing the U.S. textile and apparel industries in terms of sales and profits, employment, relationship of imports to domestic consumption and origin of imports. The data, which is relevant to the current textile issue, show clearly that the U.S. textile industry as a whole is not suffering from imports.

Whatever resolution emerges from the current textile controversy must take into account the foregoing basic fact. Before there can be any sensible resolution there must be a willingness to examine, and tailor remedies to, the problems of specific sectors of the industry. A comprehensive system of across-the-board quotas would be detrimental to American consumers and American exporters, lead to a contraction of world trade, and reverse the sustained pace of worldwide industrial growth and prosperity which has resulted from the enlightened foreign trade policies of the last 35 years.

SUMMARY OF STATISTICS ON TEXTILE PRODUCTION AND IMPORTS

The attached statistical information, all from U.S. government sources for the year 1969, shows the following:

1. Sales of the domestic textile and apparel industries have risen steadily and substantially from $27.7 billion in 1961 to $44.5 billion in 1969. Profits of both industries rose very sharply from 1961 through 1968; textile profits were static in 1969, but apparel profits showed a large increase.

2. Imports of all textiles and textile products, made of synthetic (man-made) fibers, cotton and wool, amounted to 8.5 percent of domestic consumption in bulk (pounds).

They accounted for 4 percent of the U.S. market in dollar volume. Imports of synthetic textiles and textile imports supplied 5.5 percent of the U.S. market in bulk and about 3 percent in dollar volume.

3. Employment in both the textile and apparel industry has risen steadily from 1961 through 1968, despite substantial automation. It remained static in the apparel industry in 1969 and the first quarter of 1970, and declined fractionally in the textile industry in the same period. There is no evidence of serious unemployment, despite the business slowdown, cut-back of war-related orders, and automation. Given these factors, employment remains surprisingly high.

4. Substantial amounts of textiles and textile products are sold to the U.S. by 10 countries in the Western Hemisphere, 14 in Europe, 2 in the Middle East, and 10 in the Far East—36 countries in all. Some 46 percent of all textile imports come from underdeveloped countries, while 26 percent come from Japan and 25 percent from Western Europe. The percentage originating in underdeveloped countries has been rising steadily in recent years, notably from Korea, Taiwan and Hong Kong.

5. In summary, the U.S. textile and apparel industries are continuing to enjoy a high level of sales, profits and employment. Imports from some 36 foreign countries, while important to the economies of many of them, supply only a small fraction of the huge $44.5 billion U.S. market for textiles and textile products. Contrary to popular myth, the "flood" of textile imports is substantially under 10 percent of the U.S. market, and the U.S. industry is patently not endangered thereby.

SALES AND PROFITS OF U.S. TEXTILE, APPAREL INDUSTRIES

[In millions of dollars]

	1961	1968	1969
Textile industry sales	13,400	20,800	21,800
Apparel industry sales	12,300	20,000	22,700
Total	22,700	40,800	44,500
Textile industry profits	589	1,276	1,145
Apparel industry profits	331	856	953
Total	920	2,132	2,198

Summary: Sales of the domestic textile industry and apparel industry have increased steadily since 1961, even showing an increase in 1969 over their record performance in 1968. Profits of both industries rose very substantially from 1961 to 1968. In 1969, textile profits remained static (at a record level), while apparel profits continued to rise sharply.

Source: Federal Trade Commission—Securities and Exchange Commission quarterly financial report for manufacturing corporations.

EMPLOYMENT AND UNEMPLOYMENT IN TEXTILE AND APPAREL INDUSTRIES

AVERAGE ANNUAL EMPLOYMENT

[In thousands]

	1961	1968	1969	1st quarter 1970
Textile industry	893.4	990.6	987.2	974
Apparel industry	1,214.0	1,407.9	1,417.5	1,407
Total	2,107.4	2,398.5	2,404.7	2,381

UNEMPLOYMENT RATE

[In percent]

	1968	1969
Textile industry	3.5	4.2
Apparel industry	5.9	5.9

Note: No current study seems to be available to analyze the numerous factors affecting employment and unemployment in the textile and apparel industries But several factors enter into play: (1) the slowdown of business activity since mid-1969; (2) a cutback in war-related orders in the last year; (3) a constantly increasing level of automation, resulting from a high level of investment in new plant and equipment; (4) import competition in some specific products, such as men's shirts.

Source: U.S. Department of Labor, Bureau of Labor Statistics' "Employment and Earnings"

Relationship of textile imports to domestic consumption (1969)

[Value in million pounds]

Manmade fiber textiles and manufactures:

U.S. production (shipments)	5,346
Plus imports	292
Total	5,638
Less U.S. exports	−146
Apparent consumption	5,492

Imports as percent of Consumption: 5.5 percent.

Cotton textiles and manufactures:

U.S. production (mill consumption)	3,926
Plus imports	491
Total	4,417
Less U.S. exports	−232
Apparent consumption	4,185

Imports as percent of Consumption: 11.7 percent.

Wool textiles and manufactures:

U.S. production (shipments)	315
Plus imports	105
Total	420
Less U.S. exports	−5
Apparent consumption	415

Imports as percent of Consumption: 25 percent.

Total cotton, Manmades, wool textiles and Manufactures:

U.S. production	9,587
Plus imports	888
Total	10,475
Less U.S. exports	−383
Apparent consumption	10,092

Imports as percent of Consumption: 8.5 percent.

Source: U.S. Department of Commerce, Office of Textiles

Textile imports as a percentage of domestic consumption

[Value in millions of dollars]

Imports of consumer textile products	1,099.6
Imports of finished textile materials (including $232,000,000 of jute, burlap and twine products)	776.4
Subtotal	1,876.0
Imports of rugs	68.8
Total imports	1,994.8
U.S. textile industry sales	21,800
U.S. apparel industry sales	22,700
Total domestic sales	44,500
U.S. textile exports	575
U.S. apparel exports	209
Total exports	784
Domestic textile and apparel sales	44,500
Plus total imports	1,944
Total	46,444
Less total exports	−784
Apparel domestic consumption	45,620

Imports as Percent of Domestic Consumption: 4.2 percent.

NOTE: If imports of such products as jute, burlap and twine are eliminated, the percentage of imports is reduced to 3.8 percent of domestic consumption.

Source: U.S. Department of Commerce, FT 990 FTC–SEC Study previously cited.

SOURCES OF TEXTILE AND TEXTILE PRODUCTS IMPORTS, 1969

[Figures in thousands of square yards]

	Manmade textiles	Cotton textiles	Wool textiles
Western Hemisphere:			
Barbados	2,135		
Brazil		37,389	
Colombia	778	29,224	
Costa Rica	1,237	2,324	
Haiti	2,342	946	
Jamaica	2,954	12,825	
Mexico	18,123	58,330	
Trinidad	1,606	547	
Uruguay			2,331
Canada	58,012	17,004	1,956
Europe:			
Austria	8,629	1,624	1,734
Belgium	18,115	37,291	1,993
France	22,300	7,175	2,163
Italy	65,549	61,482	22,853
Netherlands	16,370	5,575	598
Poland		5,170	
Portugal	2,780	29,698	539
Ireland	8,822		5,173
Rumania		5,621	
Spain	10,923	25,098	731
Switzerland	19,411	5,316	1,404
United Kingdom	32,354	19,259	18,827
West Germany	232,507	17,928	2,578
Yugoslavia	1,588	16,217	
Near East:			
Israel	31,172	11,430	765
Egypt		31,788	
Far East:			
Australia			4,952
Hong Kong	144,840	413,177	32,541
India		111,516	
Japan	585,242	395,697	60,463
Korea	212,193	36,436	4,052
Malaysia	2,265	14,784	
Pakistan		94,767	
Philippines	27,246	21,267	
Singapore	3,923	35,531	
Taiwan	237,595	60,861	3,409

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[1] Note: The very large number of foreign countries which supply textiles to the United States gives considerable insight into the worldwide impact of proposed textile quotas; it also suggests the tremendous administrative difficulty in applying such quotas. Though the volume of shipments of some countries shown here is small, textiles represent for them a significant part of their manufactured exports (such as Costa Rica, Haiti, Singapore, Ireland).

Source: U.S, Department of Commerce, Bureau of the Census, TQ 2010, 2210, 2310.

IMPORTS OF CONSUMER TEXTILE PRODUCTS (EXCEPT RUGS)

[Value in millions of dollars]

	Total	Western Europe	Japan	Asia	Latin America	Total from developing countries
Total	1,099.6	254.9	267.6	502.4	26.4	503.7
Percent		(23)	(24)	(45)	(2.5)	(49)
Cotton apparel and household goods	312.2	45.2	101.1	141.2	3.2	144.7
Percent		(14.5)	(32)	(45)	(1)	(47)
Wool apparel and household goods	250.5	127.8	20.2	93.7	1.4	95.3
Percent		(51)	(8)	(37)		(38)
Other apparel and household goods (mostly synthetic)	536.9	82.5	146.3	267.5	21.8	290.6
Percent		(15.5)	(27)	(49.5)	(4)	(54)

IMPORTS OF FINISHED TEXTILE MATERIAL

	Total	Western Europe	Japan	Asia	Latin America	Total from developing countries
Total	776.4	208.3	217.3	295.2	27.7	331.0
Percent		(27)	(28)	(38)	(3.5)	(42.5)
Cotton cloth and fabric	194.2	53.7	52.9	67.7	8.5	80.1
Percent		(28)	(27)	(35)	(4.5)	(41)
Wool cloth and fabric	102.0	17.8	63.3	3.4	1.8	5.2
Percent		(17.5)	(62)	(3)	(2)	(5)
Other cloth and fabrics (mostly synthetics)	217.0	87.7	89.4	23.0	8.3	31.4
Percent		(40.5)	(41)	(9)	(2.6)	(14.5)
Silk cloth and fabrics	30.7	16.6	11.3	1.6		1.6
Burlaps, jute and twine manufacturers	232.4		.2	199.3	9.1	212.6
Total, consumer textile products and finished textile material	1,876.0	463.2	484.9	797.6	54.1	861.7
Percent		(25)	(26)	(42)	(3)	(46)

Source: U.S. Department of Commerce, FT-990, December 1969.

ANALYSIS OF FOREIGN ORIGIN OF TEXTILE IMPORTS

	Major suppliers[1]	Substantial suppliers[2]	Smaller suppliers
Western Hemisphere	Mexico and Canada	Brazil and Colombia	Barbados, Costa Rica, Haiti, Jamaica, Trinidad, and Uruguay.
Europe	Belgium, Italy, United Kingdom, and West Germany	France, Netherlands, Portugal, Spain, Switzerland, and Ireland	Austria, Poland, Rumania, and Yugoslavia.
Near East		Israel and Egypt	
Far East	India, Hong Kong, Korea, Japan, Pakistan, Philippines, and Taiwan	Singapore	Australia and Malaysia.

[1] Over 50,000,000 square yards yearly.

[2] Over 25,000,000 square yards yearly.

[3] Less than 25,000,000 square yards yearly.

Note: See table below:

Major suppliers	13
Substantial suppliers	11
Smaller suppliers	12
Western Hemisphere suppliers	10
European suppliers	14
Near East suppliers	2
Far East suppliers	10
Suppliers from developed countries	16
Suppliers from underdeveloped countries	19

There are numerous other countries which ship over 1,000,000 square yards of textiles annually to the United States, including: Tunisia, Hungary, Sweden, and Norway "Smaller suppliers" listed above average 8,000,000 to 10,000,000 square yards annually.

Source: U.S. Department of Commerce, Bureau of the Census, TQ-2010, TQ-2210, TQ-2310.

EXHIBIT C

PACIFIC TEXTILE SUPPLIERS—VALUE AND PERCENTAGE DISTRIBUTION

[Dollar amounts in thousands]

	1966		1967		1968		1969	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Cotton:								
Japan	$132,229	28.5	$123,401	29.6	$148,815	29.1	$155,180	29.4
Hong Kong	88,776	19.2	92,318	22.2	112,745	23.7	124,787	23.7
China (Taiwan)	11,298	2.4	13,160	3.2	14,731	3.1	13,614	2.6
Wool:								
Japan	83,525	25.5	79,291	25.9	102,741	27.2	91,665	24.4
Hong Kong	45,402	13.8	48,553	15.8	67,778	18.0	80,662	21.5
China (Taiwan)	2,851	.9	3,112	1.0	5,393	1.4	5,746	1.5
Korea	3,024	.9	3,783	1.2	4,592	1.2	6,685	1.8
Man made:								
Japan	140,565	54.5	126,984	40.7	157,291	32.7	238,832	34.4
Korea	10,912	4.2	25,659	8.2	56,197	11.7	85,117	12.3
China (Taiwan)	7,027	2.7	15,456	5.0	35,954	7.5	71,956	10.4
Hong Kong	21,776	8.4	37,420	12.0	51,058	10.6	72,114	10.4
Wool floor coverings: Japan	8,100	31.4	3,500	16.9	2,900	9.9	1,400	4.1

SQUARE YARDS (THOUSANDS) AND PERCENTAGE DISTRIBUTION

	1966		1967		1968		1969	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Cotton:								
Japan	412,040	22.6	376,667	25.4	391,612	23.8	395,678	24.0
Hong Kong	354,275	19.4	354,868	23.9	401,796	24.4	413,154	25.0
China (Taiwan)	61,638	3.4	68,887	4.6	70,810	4.3	60,854	3.7
Wool:								
Japan	58,231	33.3	54,231	36.1	68,673	35.9	61,588	32.8
Hong Kong	20,140	11.5	20,857	13.9	29,823	15.6	32,717	17.4
China (Taiwan)	1,956	1.1	1,968	1.3	3,327	1.7	3,407	1.8
Korea	2,347	1.3	2,711	1.8	3,220	1.7	4,068	2.2
Man made:								
Japan	444,986	55.8	352,123	37.7	434,853	30.2	585,242	32.8
Korea	27,700	3.5	64,174	6.9	136,923	9.5	212,193	11.9
China (Taiwan)	32,857	4.1	59,492	6.4	122,841	8.5	237,595	13.3
Hong Kong	39,322	4.9	74,611	8.0	99,293	10.4	144,840	8.1
Wool floor coverings (square feet): Japan	30,900	72.4	12,000	51.7	10,700	32.1	3,700	12.0

MISCELLANEOUS TEXTILE SUPPLIERS—VALUE AND PERCENTAGE DISTRIBUTION

[Dollar amounts in thousands]

	1966		1967		1968		1969	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Cotton:								
India	$13,948	3.0	$13,707	3.3	$12,725	2.7	$18,441	3.5
Pakistan	8,012	1.7	6,159	1.5	7,250	1.5	11,910	2.3
Mexico	18,414	4.0	13,610	3.3	7,924	1.7	8,127	1.5
Egypt	1,508	.3	3,695	.9	5,015	1.1	4,311	.8
Others	150,152	32.4	121,585	29.2	130,593	27.4	147,237	27.9
Wool:								
Uruguay	4,768	1.5	1,697	.6	2,707	.7	1,953	.5
Others	44,791	13.7	38,195	12.5	44,838	11.9	51,583	13.7
Man made: Others	24,553	9.5	34,707	11.1	63,413	13.2	91,439	13.2
Wool floor coverings:								
Iran	8,900	34.5	8,700	42.0	9,700	33.1	12,000	35.0
India	3,300	12.8	3,400	16.4	4,100	14.0	5,600	16.3
Pakistan	700	2.7	900	4.3	900	3.1	1,500	4.4
Others	3,100	12.0	2,400	11.6	3,600	12.3	4,900	14.3

SQUARE YARDS (THOUSANDS) AND PERCENTAGE DISTRIBUTION

	1966		1967		1968		1969	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Cotton:								
India	81,894	4.5	74,868	5.0	77,665	4.7	111,142	6.7
Pakistan	58,703	3.2	45,074	3.0	55,526	3.4	95,067	5.8
Mexico	152,713	8.4	84,605	5.7	54,744	3.3	58,331	3.5
Egypt	10,741	.6	30,282	2.0	40,490	2.5	31,789	1.9
Others	516,154	32.4	360,468	24.3	374,101	22.7	371,081	22.5
Wool:								
Uruguay	7,338	4.2	1,968	1.3	4,011	2.1	2,557	1.4
Others	20,890	12.0	15,091	10.0	17,724	9.3	23,239	12.4
Man made: Others	52,237	6.5	69,152	7.4	154,057	10.7	172,691	9.7
Wool floor coverings (square feet):								
Iran	4,000	9.4	3,500	15.1	3,800	11.4	4,300	13.9
India	2,900	6.8	3,000	12.9	3,500	10.5	4,900	15.9
Pakistan	300	.7	400	1.7	400	1.2	700	2.3
Others	2,500	5.9	2,000	8.6	2,900	8.7	4,300	13.9

WESTERN EUROPE TEXTILE SUPPLIERS—VALUE AND PERCENTAGE DISTRIBUTION

[Dollar amount in thousands]

	1966		1967		1968		1969	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Cotton:								
Portugal	$15,631	3.4	$6,640	1.6	$8,671	1.8	$4,741	0.9
Spain	9,391	2.0	6,463	1.6	12,572	2.6	9,180	1.7
Italy	13,952	3.0	15,907	3.8	25,422	5.3	29,624	5.6
Wool:								
Italy	79,444	24.2	75,607	24.7	85,432	22.7	76,218	20.3
United Kingdom	47,785	14.6	39,969	13.0	45,165	12.0	44,009	11.7
Ireland	2,108	.6	6,004	2.0	5,859	1.6	5,992	1.6
West Germany	6,389	1.9	6,247	2.0	8,065	2.1	8,039	2.1
Australia [1]	7,915	2.4	4,144	1.4	4,476	1.2	2,882	.8
Man made:								
West Germany	7,443	2.9	18,223	5.8	33,295	6.9	49,343	7.1
Italy	12,786	4.9	17,368	5.6	34,969	7.3	32,497	4.7
France	12,057	4.7	15,543	5.0	7,776	3.7	18,206	2.6
United Kingdom	6,552	2.5	5,664	1.8	11,307	2.3	12,100	1.7
Switzerland	8,155	3.2	8,291	2.7	8,832	1.8	10,119	1.5
Canada	6,034	2.3	6,435	2.1	11,038	2.3	13,356	1.9
Wool floor coverings:								
Belgium	100	.4			3,700	12.6	3,500	10.2
Denmark	500	1.9	500	2.4	1,900	6.5	1,500	4.4
United Kingdom	400	1.6	500	2.4	1,000	3.4	2,000	5.8
Italy	100	.4	100	.5	700	2.4	800	2.3
Portugal	500	1.9	500	2.4	500	1.7	500	1.5
Greece	200	.8	200	1.0	300	1.0	600	1.7

[1] Not in Western Europe.

SQUARE YARDS (THOUSANDS) AND PERCENTAGE DISTRIBUTION

	1966		1967		1968		1969	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Cotton:								
Portugal	112,798	6.2	47,678	3.2	67,518	4.1	29,835	1.8
Spain	44,386	2.4	19,469	1.3	63,019	3.8	25,096	1.5
Italy	18,986	1.0	22,390	1.5	51,000	3.1	60,306	3.6
Wool:								
Italy	26,058	14.9	22,764	15.1	27,315	14.3	22,891	12.2
United Kingdom	21,397	12.3	17,005	11.3	21,405	11.2	22,313	11.9
Ireland	901	.5	3,922	2.6	4,001	2.1	5,185	2.8
West Germany	2,825	1.6	2,460	1.6	2,965	1.5	3,620	1.9
Australia [1]	12,639	7.2	7,313	4.9	8,903	4.7	6,205	3.3
Man made:								
West Germany	36,809	4.6	94,922	10.2	195,768	13.6	232,507	13.0
Italy	28,997	3.6	49,336	5.3	109,170	7.6	65,549	3.7
France	24,560	3.1	58,085	6.2	41,156	2.9	22,300	1.3
United Kingdom	17,814	2.2	16,633	1.8	38,105	2.6	32,354	1.8
Switzerland	28,843	3.6	43,682	4.7	27,370	1.9	19,412	1.1
Canada [1]	63,405	8.0	51,248	5.5	79,609	5.5	58,013	3.3
Wool floor coverings:								
Belgium	200	.5	100	.4	6,100	18.3	5,900	19.1
Denmark	600	1.4	700	3.0	2,100	6.3	1,700	5.5
United Kingdom	400	.2	400	1.7	1,300	3.9	2,700	8.7
Italy	100	.4			1,300	3.9	1,500	4.9
Portugal	600	1.4	1,000	4.3	800	2.4	400	1.3
Greece	200	.5	200	.9	400	1.2	700	2.3

REPUBLIC OF CHINA TEXTILE ACTIVITIES

	1965	1966	1967	1968	1969
Textile production as percent of GNP	8.45	7.75	8.83	8.64	9.75
Textile exports as percent of total exports	13.1	14.1	17.9	21.7	24.1
Textile exports to United States as percent of total export to United States	20.4	18.0	19.6	25.9	25.4
Balance of trade with United States (millions of U.S. dollars)	−93	−85.9	−157.3	−258.8	−358.1

Textile export by market area (1969):	Percent
West Europe	11.5
North America	45.7
United States	37.6
East Asia	14.0
Southeast Asia	11.9
Africa	5.5
Other	11.4

HONG KONG TEXTILE ACTIVITIES

	1965	1966	1967	1968	1969
Textile production as percent of GNP					47
Textile exports to United States as percent of total export to United States	42	41	38	40	37
Balance of trade with United States (millions of U.S. dollars)	+127	+166	+190	+293	+404

Textile export by market area (1969):	
United States	35
United Kingdom	19
Other	46

Note: West Germany is the only "Other" country that receives more than 5 percent of Hong Kong's textile exports, absorbing 15 percent of the total export.

JAPAN TEXTILE ACTIVITIES

	1966	1967	1968	1969
Textile production as percent of GNP		10.5		
Textile exports as percent of total exports	18	16.3	15.2	14.2
Textile exports to United States as percent of total exports to United States		12.1	11.2	11.0
Balance of trade with United States (millions of U.S. dollars)	+314	+236	+353	+486

Textile export by market area (1969):	Percent
Southeast Asia	36
West Asia	33
Western Europe	7
North America (United States, 22 percent)	25
Communist bloc	5
Other	9

KOREA TEXTILE ACTIVITIES

	1965	1966	1967	1968	1969
Textile production as percent of GNP	4.1	4.3	5.6	5.4	5.5
Textile exports as percent of total exports	19.4	18.9	20.6		37.9
Textile exports to United States as percent of total exports to United States	21.8	22.6	28.3	32.3	33.1
Balance of trade with United States: (millions of U.S. dollars)	−93	−85.9	−157.3	−258.8	−358.1

Textile export by market area (1969):	Percent
North America	49.4
United States	46.5
East Asia	24.2
Southeast Asia	7.9
West Europe	12.0
Other	6.5

WAR IS AN UGLY THING, BUT NOT THE UGLIEST OF THINGS—CWO DENNIS JAMES BRAULT'S LAST REQUEST

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, one of the more disheartening aspects of the war in Southeast Asia is that while giving exhaustive coverage to its critics the national news media have given hardly any coverage to the real heroes of the conflict. In doing so they have done a great disservice to the vast majority of our youth who have answered our country's call and have served with distinction.

An outstanding example of how fine most of our youth really are has recently come to my attention. In a brief letter to the editor of the Colebrook, N.H., News and Sentinel, Dr. Clement E. Brault of Colebrook paid an eloquent tribute to his son Dennis, who had been killed in combat in Cambodia, by reprinting a quote from John Stuart Mill which Dennis Brault had requested be inscribed on his casket should he be killed in service. These words express a feeling shared by most patriotic Americans, yet rarely are so eloquently expressed.

To appreciate the meaning of these words, it is helpful to know something about CWO Dennis Brault. Before volunteering for helicopter pilot service with the Army in 1967, he attended Holy Cross College in Worcester, Mass. During his first tour of duty, from June 1968 until late 1969, Dennis Brault had received the Purple Heart for wounds received in action, the Air Medal for combat heroism, the Silver Star for gallantry in action, and during his second tour, for which he volunteered after spending a leave at home in January, he had received the Army Commendation with "V" for valor. He had survived two previous helicopter crashes before being killed in combat in Cambodia on June 26 when his helicopter was hit by hostile fire and crashed.

Dennis Brault's record in service proves that he was a hero. His selection of the John Stuart Mill quote proves that he knew why he was in Southeast Asia and what he was fighting for.

Dr. and Mrs. Clement E. Brault can be proud of having raised a good son. They deserve our respect.

The letter follows:

A FATHER'S MESSAGE

To Colebrook News & Sentinel:

In memory of CWO Dennis James Brault. Helicopter Pilot, 1st Air Cavalry Division, Vietnam. Killed in Action, June 26, 1970.

Yesterday I buried my son. He, in expectation of his own death in action, had left in his personal effects but one request. This was that a copy of the following words by John Stuart Mill be placed on his casket:

"War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks nothing is worth a war is worse.

A man who has nothing which he cares about more than his personal safety is a miserable creature and has no chance of being free, unless made and kept so by the exertions of better men than himself."

No words of mine or anyone else can add to the ultimate testimony of a flag draped coffin. His and the thousands and thousands of others that preceded him in our history surely must have found the core of what made the United States of America a great country.

DR. CLEMENT E. BRAULT.

COLEBROOK, N.H.

PRESIDENT'S VETO STRIKES AT THE HEART OF THE FIGHT AGAINST POLLUTION IN EVERY STATE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the President's veto of appropriations for Housing and Urban Development activities is a clear rejection of the Nation's fight against pollution.

One of the main items added to the President's request was additional funding for badly needed water and sewer facilities. These funds were added in keeping with the President's own statements calling for urgent action on environmental problems.

Now the President vetoes a program which would prevent the dumping of raw sewage into the Nation's streams and which would provide local communities with the means of constructing water treatment plants.

On Monday, the President sent the Congress an urgent message on the environment in which he said:

> Although recognition of the danger has come late, it has come forcefully . . . Much . . . has already been begun, and much more can be started quickly if we act now.

The President's veto of Tuesday is a direct contradiction of his message on the environment delivered to the Congress Monday. The President's message Tuesday is an effective veto of his own words of Monday.

In his message on the environment Monday, the President warned of complacency and stated:

If the Government sits idly by these . . . ecological problems will become a permanent affliction.

It is impossible to square Tuesday's veto with the statements of Monday.

The President, in vetoing the Housing and Urban Development Department appropriations failed to tell the American people the full truth about the crisis that local communities face in providing water and sewer facilities.

The President is well aware that there is a backlog of applications by local communities aggregating more than $5 billion. Yet, the President is willing to veto a $500 million appropriation which would just begin to touch the surface of this mounting problem.

Surely the President's advisers do not believe that it is proper to fight inflation by stopping the construction of water treatment plants. Mr. Nixon is playing politics with the health of the Nation.

The Congress raised the funds for water and sewer grants from President Nixon's budget proposals of $150 million to $500 million—an increase of $350 million.

Testimony before the House Banking and Currency Committee indicates that there is a backlog of $2.5 billion in applications by local communities seeking assistance in the construction of water and sewer facilities. Including the local contribution for these facilities, the backlog represents more than $5.5 billion of water and sewer plants.

A State-by-State breakdown of the backlog:

LOCAL GOVERNMENT GRANT APPLICATIONS FOR WATER AND SEWER ASSISTANCE NOT FUNDED BY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

State	Number of grant applications	Grant applications amount (millions)	Total project cost (millions)
Alabama	51	$15.68	$33.66
Alaska	15	7.27	17.15
Arizona	31	11.85	26.30
Arkansas	52	20.97	45.57
California	271	158.17	365.25
Colorado	73	19.71	48.62
Connecticut	95	59.82	155.36
Delaware	8	3.30	6.99
Florida	135	69.12	164.03
Georgia	43	19.64	46.39
Hawaii	19	5.78	14.12
Idaho	3	.69	1.39
Illinois	191	89.58	201.96
Indiana	77	48.57	131.00
Iowa	67	20.58	44.89
Kansas	60	13.60	28.89
Kentucky	28	55.89	136.54
Louisiana	107	70.17	158.16
Maine	48	8.31	16.58
Maryland	27	22.44	51.12
Massachusetts	225	93.33	227.23
Michigan	308	331.20	722.95
Minnesota	63	42.49	68.76
Mississippi	29	10.88	28.48
Missouri	104	34.06	80.56
Montana	14	2.47	4.89
Nebraska	45	16.80	48.64
Nevada	16	4.30	11.27
New Hampshire	27	11.84	27.00
New Jersey	163	92.55	209.20
New Mexico	13	2.61	6.83
New York	426	441.50	887.13
North Carolina	48	19.12	51.30
North Dakota	7	2.01	3.51
Ohio	255	204.45	420.62
Oklahoma	51	15.31	36.68
Oregon	47	26.18	65.68
Pennsylvania	317	158.68	343.72
Rhode Island	26	16.93	39.08
South Carolina	44	16.93	48.40
South Dakota	17	3.76	8.07
Tennessee	47	16.33	38.91
Texas	224	55.39	130.52
Utah	60	14.01	33.41
Vermont	33	$7.41	$16.89
Virginia	55	47.10	101.47
Washington	63	17.06	40.51
West Virginia	36	25.13	35.54
Wisconsin	85	37.79	84.74
Wyoming	5	.37	.79
Puerto Rico	25	5.78	13.81
Virgin Islands	1	.14	.29
National total	4,308	2,496.75	5,538.22

PRESIDENTIAL COMMISSIONS—A WASTE OF MONEY AND A THREAT TO DEMOCRATIC INSTITUTIONS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, if President Nixon desires to hold down the Federal budget, I have a suggestion for him—eliminate the nearly 1,600 advisory committees and commissions proliferating the executive branch.

As Comptroller General Elmer Staats has testified, no one really knows how many of these commissions—ranging from interagency committees to full-blown Presidential commissions—actually exist in the catacombs of the Federal Government.

The Special Studies Subcommittee of the Government Operations Committee, headed by the Honorable JOHN S. MONAGAN, of Connecticut, has done an excellent job of ferretting out the facts on these commissions. Appearing before this subcommittee earlier this year, officials of the General Accounting Office identified almost 1,600 different advisory and interagency committees floating around the executive branch. The figures include nearly 200 Presidential commissions of various shapes and sizes.

Mr. Speaker, I have every reason to feel that these figures are well on the conservative side. I suspect that there are several dozen more commissions buried deep in the recesses of the administration.

However, just taking those 1,600 committees and commissions identified by the GAO, it appears that the Federal Treasury is being tapped for at least $100 million annually just to keep these advisory groups afloat. In addition, there are hundreds of thousands of dollars worth of printing costs required to immortalize the findings of these commissions.

Mr. Speaker, I think it is safe to assume that President Nixon could save the Nation between $100 and $150 million annually if he would issue an Executive order today eliminating these unnecessary commissions and advisory committees.

Some of the purely interagency committees are needed to provide coordination, but what I am talking about here today are the growing number of "outside" advisory groups. And most of the abuse has been in the willy-nilly appointment of Presidential commissions, advisory committees, and task forces.

This would be a great savings but the benefits to the American people would far outstrip the monetary saving. The elimination of this sad practice of appointing a Presidential commission for every problem might also result in a badly needed commodity—good Government.

With rare exceptions, Presidential commissions are used to dodge the issues, to circumvent the democratic processes of the Federal Government, and to elevate special interests to positions of power inside the structure of Government. Presidential commissions invariably are loaded with representatives of special interests who have created the problems the commission is appointed to study.

At best, Presidential commissions are costly, time consuming, worthless bodies. At the worst, they are the promoters—the inside lobbyists—of special interests.

A witness before a major Presidential commission recently stated:

> I must again in candor say to you members of this commission—it is a kind of Alice in Wonderland. It is the same moving picture reshown over and over again, the same analysis, the same recommendations, and the same inaction.

That, Mr. Speaker, describes the workings of most of these commissions. But it does leave out the more sinister nature of many of these commissions which are appointed solely for the purpose of moving the legislative and executive branch further away from the people and to get around the democratic processes of an open government.

Often these Presidential commissions are set up as mixed bodies with a handful of public officials—at times, Members of Congress—thrown in with a covey of representatives of the industry being studied. Usually these public officials are loaded down with their normal day-to-day duties and have little or no time to participate in the active work of the commission. But the special interest members—usually with millions of dollars at stake—are careful to attend each and every meeting and to participate fully in every aspect of the commission's activities. In the end, these outside members usually control the commission and its final product.

Many of these "industry" representatives contend that they are named to the commissions as "private citizens." They claim to put their private businesses behind them and to operate as objective members of the commission. Frankly, I find this contention difficult to accept. These outside members usually draw full-time salaries from their business organization and most of them have their entire lifetime career at stake.

Even accepting these members' claims of objectivity, the placing of special interest representatives on commissions to study their own problems is scarcely beneficial to anyone. What new ideas does a bank official bring to a commission appointed to study the problems and shortcomings of the banking industry? At best, this banker representative will come up with the same old tired ideas that helped create the very problems the commission was designed to study.

When commissions are not loaded down with special interests, they become prestige plums to be passed out among the President's political favorites. On June 21, 1970, the New York Times, in an article by Robert Semple, detailed President Nixon's use of the commissions as a device to reward political friends. I quote from Mr. Semple's article:

> Charles W. Colson, the President's liaison with special interest groups around the Capital . . . he keeps a sharp eye on appointments to Presidential Commissions to make certain that interest groups favorable to the Administration receive their share of prestigious appointments.

President Nixon has created plenty of vacancies for his political pals. Haynes Johnson, writing in the Washington Post on June 28, estimated that President Nixon has named no less than 40 separate commissions in the first 18 months of his administration.

Down in Texas there used to be a rich little town filled with millionaires. They used to say the town was so affluent that every flea had its own dog. Here in the Nixon administration it is obvious that every problem is going to have its own Presidential commission.

Earlier this year, we had an example of the Nixon concept of Presidential commissions. After many months of delay, the President named, on June 16, a Commission on Financial Structure and Regulation with the high-sounding purpose of recommending proposals "which will advance our basic goal of shaping the financial system so as to meet the credit needs of the U.S. economy and its people in the decades ahead."

XUM

To carry out this high-sounding phraseology, the President named 15 members to the Commission, 11 of whom had close ties to banking and other financial interests.

One of the people named to the Commission is Alan Greenspan, who was a Nixon adviser in the 1968 presidential campaign. Mr. Greenspan was involved in the now-famous Nixon letter which was secretly passed to the securities industry in the fall of 1968. The letter was intended to reassure the securities industry that they would face easier regulation if Nixon were elected President.

Mr. Greenspan's views are well known and I suspect that they will be a dominant force within the Commission. He is President Nixon's man on the Commission. In 1968, Mr. Greenspan wrote an article entitled "The Assault on Integrity," in which he blasted the concept of regulation and claimed that consumers are better protected without Federal regulation.

In outlining his views on regulation, Mr. Greenspan wrote:

> A fly-by-night securities operator can quickly meet all the S.E.C. requirements, gain the inference of respectability, and proceed to fleece the public.
>
> In an unregulated economy, the operator would have had to spend a number of years in reputable dealings before he could earn a position of trust sufficient to induce a number of investors to place funds with him.
>
> Protection of the consumer by regulation is thus illusory. . . .

These remarks should be a firm indication of the direction that President Nixon plans to push his new Commission on Financial Structure and Regulation.

Amidst the many bankers on the Commission is one K. A. Randall, who is listed on the White House press release as vice chairman, United Virginia BankShares, Inc., Richmond, Va. This is the same K. A. Randall who served as Chairman of the Federal Deposit Insurance Corporation until March of this year. Mr. Randall's Government career was marked by weak regulation, poor administration, and an outlandish probank attitude. Mr. Randall constantly flew around the Nation, acting not so much as a Federal regulator as a lobbyist for the banks. He reserved some of his most bitter comments to denounce efforts to bring one-bank holding companies under regulation.

At one time, his opposition became so frenzied that he announced that he would personally go to the White House and ask President Nixon to veto the one-bank holding company bill.

Like Mr. Greenspan, Mr. Randall seems to prefer no regulation.

Mr. Nixon has probably done the Nation a favor by loading up this Commission with people from the financial community. It makes the bias of the Commission very easy to spot and I do not think that the press, the public, or the Congress will be fooled by any of the recommendations from this Commission. Mr. Nixon was not subtle in the appointments to the Commission.

Later, to correct the obvious overbalance of the Commission, President Nixon rushed forward five new names expanding the Commission to 20. But the intent of Mr. Nixon's Commission on Financial Structure and Regulation is patently obvious.

To further emphasize the banker bias of the Commission, the American Bankers Association announced Monday that it had appointed a special seven-member committee to furnish information and advice to the Presidential Commission on Financial Structure and Regulation.

In announcing the Committee, the ABA stated:

> We hope creation of this special bankers' committee may help facilitate the Presidential Commission's work by making available an avenue for tapping the resources of the ABA and through it, the commercial banking industry.

The Financial Commission follows the same tired pattern which was recently described in the Washington Post as "sending goats to guard the cabbage."

In that article, which appeared in the Washington Post of April 27, 1970, Colman McCarthy wrote:

> Earlier this month, President Nixon appointed 55 industrialists to what is called the New National Industrial Pollution Control Council. The President said the group, unsalaried, would advise the government "on programs of industry relating to the quality of the environment." In particular, it would survey and evaluate the plans and actions of industry in the field of pollution control, as well as "encourage" the business community to improve the quality of the environment.
>
> On the council are the board chairman or presidents of major oil, automobile, coal, timber, electric and power, airline and manufacturing companies. . . . . In short, Mr. Nixon has searched among some of the nation's leading polluters to find men to keep an eye on the pollution problem.

Mr. McCarthy also included the following paragraph which could be applied to any commission concerning any problem:

> The importance of advisory councils depends on the subject about which they offer advice. In this case, American industry has billions of dollars at stake in how strongly or weakly the government enforces the countless anti-pollution laws. Who is to judge whether this advice is sound or partial, since no conservationists or consumers are represented? Who is to challenge the industrialists, whose natural concerns are production and profits, not ecology? Who is to know what zealous government officials are put under pressure and kept in place when they take a little too seriously their enforcement role?

When these commissions are so loaded with "industry" representatives, the best the public can hope for is that their reports will be quickly forgotten, gathering dust in the Archives. But the public interest is seriously endangered when these reports become a springboard for lobbying activity.

Many times, the finished report is designed to place a "respectable" veneer on proposals which might have difficulty being accepted in an open forum of full congressional hearings. In these cases, the commission reports become a weapon used to rush bad legislation—special interest legislation—through congressional committees without full hearings. In other cases, the report becomes an excuse for administrative and regulatory agencies to issue edicts which carry the force of law.

These administrative decisions, backed by the learned phrases of a Presidential commission report, can often change the basic course of an entire sector of the economy. When the administration officials are questioned about these rulings, they are able to fall back on the findings of the Presidential Commission. Thus, they are protected even though the original recommendations stemmed from a commission loaded with special interest advocates.

All of this points up the fact that Presidential commissions do not follow set procedures in carrying out their work. Invariably, the work of Presidential commissions is carried on behind closed doors. There is no requirement that the commission hear from opposing parties or that they hear any witnesses at all. In the end, the public has only the vaguest notion of where the commissions have gathered their facts on which they base conclusions.

In most cases, the Washington press corps is never informed of the meeting dates or even the site of the commission meetings. Only a handful of commissions—and I commend these in the highest terms—have conducted full-scale hearings open to the press and the public. Most of these commissions ignore every precept of the democratic processes.

I served on the Commission on Mortgage Interest Rates which issued its report last year. Along with my colleague, the gentlewoman from Missouri (Mrs. SULLIVAN), I was forced to dissent from the findings of this Commission because of its emphasis on higher interest rates as a solution to our homebuilding problems. While I do not want to attack any of the individual members of this commission, it is a fact that the lending industry was very heavily represented on this body. It was impossible for the mortgage bankers and others from the finance industry to view the question of mortgage interest rates with objectivity.

Likewise, today, I serve on the National Commission on Consumer Finance, and here again, Mr. Speaker, the President has loaded this Commission with a number of people who have had close contacts with finance and related industries. At my request, these gentlemen have made their employment background available to the other Commission members, but I am still concerned that the final recommendations of this group will be tainted in the public's mind by their past and present associations with the finance industry.

In my opinion, these two Commissions—which were given the responsibility of dealing with very important subjects—were essentially rendered ineffective by the President's decision to name people with obvious conflicts of interest.

Mr. Speaker, I realize my remarks are highly negative on the role of Presidential commissions and I want to emphasize that there have been some good commissions that met the public interest test. But these have been too rare and in too many cases, the good commissions have been rendered ineffective when their opinions were contrary to the position of the President.

Even recognizing the good commissions that have existed, it is obvious that the role of these bodies could be carried out equally well by existing branches of the Federal Government. The huge bureaucracy of the executive branch is quite capable of sending forward its recommendations to the Congress without the intervention of unelected Presidential commissions. Likewise, the elected representatives in the Congress are quite capable of carrying out studies, investigations, and hearings on these issues.

It is far superior to consider these issues in open hearings in the committees of Congress with all parties given an opportunity to appear and make their case. In all candor, it must be conceded that many of these Presidential commissions have come into being simply as an end-run around Congress. Often Presidential commissions are blatant attempts to wipe out the basic role of congressional committees and to impose the will of the executive branch on Congress.

In carrying out these functions, it is always possible for the committees and the entire Congress to make mistakes just as it is possible for the Presidential commissions to make mistakes. But when a Member of Congress makes a mistake, the people have a chance to remedy the situation. When a Member of Congress improperly deals with one of these subjects, the people have a remedy at the next election.

But this is not the case with the appointed Presidential commissions. The members of these commissions are not accountable to anyone but the industry from which they come. The American people have no recourse against the whims or the improper conduct of members of Presidential commissions.

In addition, the Presidential commissions are an easy out for public officials both in the legislative and executive branches. They are a convenient means for a President to avoid responsibility, to pass the buck, and dodge the key issues of the day. Congress, likewise, can be guilty of relying on a commission rather than facing the tough issues.

William D. Carey, senior consultant for Arthur D. Little, Inc., and a former official in the Bureau of the Budget, describes the problem in this manner:

> In my experience, nothing was simpler than to set up an advisory group. It started wheels turning, it bought time, it was a surrogate for action, and it produced a kind of structural grandeur. It implied that somebody was taking charge of a problem, and perhaps things would work out. This is the way of governments. I would point out, however, that the advisory committee system has its own laws of inertia and there exists no satisfactory mechanism of insuring its productivity or its accountability.

As I stated earlier, the very best thing that could happen would be an elimination of these commissions and advisory committees. However, I am realistic enough to realize that this isn't about to happen; the idea is too deeply ingrained in the governmental structure.

Nonetheless, I think that basic reform can be enacted which would make these commissions much more relevant and much more useful, perhaps justifying some of the expenditures.

Mr. Speaker, I recommend that steps be taken to require the following:

First. That no Presidential commission be appointed to make recommendations on issues which the Congress has under active consideration at that moment.

Second. That no Presidential commission shall become effective until approved by concurrent resolution of the Congress.

Third. That no member of a commission be appointed from a trade association, industry, or business which might fall under the jurisdiction of the studies to be carried out by the commission.

Fourth. That any member appointed to a commission agree not to become an active lobbyist for a period of 2 years on any legislation touching on the subject matter of the Commission's studies and recommendations.

Fifth. That all Presidential commissions shall be required publicly to announce the time and place of all meetings and that all such meetings shall be open to the press.

Sixth. That all Presidential commissions shall conduct public hearings with sufficient notice for all interested parties to appear. That all such commissions shall be prohibited from interviewing witnesses in closed sessions with the exception of issues involving the national security.

Seventh. That all Presidential commissions shall submit studies and recommendations no later than 12 months after their appointment.

Eighth. That no Presidential commission shall remain in effect for longer than 12 calendar months.

HEARINGS ON SAFE BANKING ACT IN 92D CONGRESS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the House Banking and Currency Committee will hold hearings early in the 92d Congress on the Safe Banking Act—H.R. 18676—a bill to outlaw a series of questionable and unsound banking practices.

The legislation would: First, prohibit brokered deposits; second, prohibit giveaways to attract deposits; third, prohibit lenders from acquiring equity participations.

The legislation is being put over until the next Congress to allow for the full hearings necessary for this type of measure.

HIGHWAY SAFETY NO. 7—CANADA'S EXAMPLE

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, one of the consequences of the public apathy toward the problem of highway safety is that the various agencies involved in fighting this problem often do not hear about what is being done elsewhere. This is true from State to State and from community to community. Sometimes it is true from agency to agency within a State or community. But above all there is very little communication between agencies in this country and those abroad. It often seems that we ignore what other countries are doing, in spite of the fact that many of them could give us valuable assistance.

The perfect example of this situation is to be found in Canada. As I know all too well from my experience with my own district, which borders on Canada, there is very little coordination with Canadian programs and officials. We seem to operate in a vacuum, as if our problems are unique to the United States, or as if we have all of the answers. Yet the fact is that in programs to handle the drunk driver, Canada has a generally far-sighted approach which is better than most in our country.

As well detailed in the latest Christian Science Monitor article on highway safety, Canada has combined tough laws toughly enforced with alcoholic rehabilitation programs. The programs are relatively new, but already have shown that the number of deaths caused by drunk drivers can be cut. In Ontario during the first 5 months of the year, the death toll fell from 566 to 519. How many of our States can claim that their rate is falling? I know that my own State cannot. Since the program is just getting underway and is not yet fully implemented, this is especially dramatic. As drunk drivers are further identified and isolated the death toll can be expected to fall even further.

Canada is not alone in being able to show us how to deal with this problem. The Scandinavian countries have some of the toughest laws in the world. For example, Norway has a presumptive level of 0.05 percent as the test of intoxication. Canada has a level of 0.08 percent. But most States in our country have the very loose 0.15 percent level. Some of our States even have no presumptive level. As would be expected, the death and injury toll correlates with the relative strictness of laws and enforcement. In fact, in Scandinavia the common situation is for a person not to drive after drinking even limited amounts because of the knowledge that the penalties are very severe.

There is no question that the United States has a problem. An estimated 28,000 people a year are being killed by drunk drivers. One out of every 50 cars on the highway is being driven by a drunk driver. And the problem is getting worse, not better. We should learn from countries who are dealing successfully with the problem including our neighbor Canada.

This constructive article follows:

[From the Christian Science Monitor, Aug. 6, 1970]

HOW TO STOP THE DRUNK DRIVER—IN CANADA

(By Guy Halverson)

TORONTO.—The Ontario Provincial patrolman suddenly spins his white and black patrol car out onto the nearly empty highway. Ahead, an older model automobile travels slowly, almost hesistantly, along the dark roadway.

Racing abreast of the slow-moving vehicle, the patrolman edges the car, driven by a middle-aged businessman, to the side of the road. After inspecting his driver's license and talking with him for several minutes, the officer requests the motorist to accompany him to a station house for a police breathalyzer test.

The driver's zealous overcautiousness had given him away: as the breath test indicated, he was drunk.

This incident along the MacDonald-Cartier Highway between Detroit and Toronto could, in fact, be duplicated almost any night along Canada's rapidly expanding roadway system.

Like the United States, Canada is waging a desperate, grim, yet little-publicized war against the drunk driver. Thousands of Canadians, many of them in key governmental posts at both the national and provincial levels, are involved.

DOUBLE PUNCH PROVIDED

Under way only the past year or so, the campaign carries a stiff one-two punch: effective legislation and alcohol rehabilitation.

Many U.S. specialists already believe that the program, which varies considerably from province to province, is far out in front of the U.S. in the area of legislation.

Late last year the Canadian criminal code was amended so that:

An officer who has reason to believe a driver is drunk can ask him to take a station-house breathalyzer test.

An .08 percent blood-alcohol level defines drunkenness.

Punishment applies for a refusal to take the test as well as for failing the test.

Either of the above means loss of driving privileges in Canada for up to three years.

Fines range from between $50 and $1,000 and up to six months in jail—or both.

The strict—but realistic—.08 percent blood-alcohol level provision in the national law is the steel frame upon which the excellent Ontario program is built. This provincial program could well be a model for the U.S. federal government or state governments.

The provincial program includes:

Stiff enforcement

Speedy identification of problem drinkers

A government educational campaign against drinking while driving

A well-enforced point system to record driving errors

Computerization of license and driver records (with vehicle records expected to be computerized within the next few years)

Stiff licensing reexamination for problem drivers

A well-funded rehabilitation program

Ontario provincial safety officials are admittedly delighted with the new national legislation. Prior to the law the province had no statutory definition of intoxication, although many jurists informally had settled on .10 percent blood-alcohol level as the cut-off point for defining drunkenness.

U.S. AVERAGE LOOSER

About half of the American states are at the loose .15 percent level. Only one, Utah, has adopted the realistic .08 level.

The Ontario government, however, is known to be impressed with the new alcohol countermeasures program of the U.S. Department of Transportation.

Fatalities from auto accidents throughout Ontario for the first five months of this year dropped sharply to 519 from 566 in the same period in 1969. Injuries dropped from 27,065 to 25,885. "Though we have had no definitive studies on the results of the .08 legislation, I'm personally convinced that the statute has gone far toward reducing our accident rate," says Walter B. G. Reynolds, Commissioner for Highway Safety for the province.

Mr. Reynolds, who personally would welcome even a stiffer level, such as the Norwegian .05 level, believes that there is still a tremendous public apathy toward the drunk driver in Ontario. The new legislation is as much an educational tool to alert the public, he feels, as it is a control measure itself.

WELCOMED BY POLICE

Most police agree. Inspector T. H. Craig of the traffic safety division of the Ontario Provincial Police (OPP) is also delighted with the new .08 cutoff for defining impaired driving. Any higher level, he feels, would be dangerous for safe driving.

During one classroom experiment, he related, he drank moderate amounts of liquor. He tested out a breathalyzer at .10 percent. Many officers and others who entered the classroom after he drank the liquor, however, had no idea that he was at a level considered unsafe for driving. "The liquor just wasn't observable," he says, "and yet, at that level my reflexes would have been greatly inhibited."

ACCIDENT PREDICTIONS BARRED

The Canadian Government and most provincial governments have mounted broad publicity campaigns to acquaint motorists with the new legislation. The Center for Forensic Sciences at the Ontario Department of Justice has also cooperated with several private agencies in producing a film called—appropriately enough—".08."

It shows what happens to professional racing drivers after a few drinks. "We were quite shocked at the change in attitudes of these drivers after reaching the .08 level," says David Hall of the Foresic Sciences staff. "We had assumed that being professionals, their impairment would be quite slight. It turned out to be substantial."

The film has been shown over a number of Canadian television stations.

Despite the publicity campaigns and other information programs, the province—unlike many American states and the National Safety Council in the U.S.—"flatly refuses to make accident toll predictions," says Highway Safety Commissioner Reynolds.

There is no prearrest breath testing in Ontario along the lines of the British program or the Baton Rouge, La., experiment. But many police officials with whom I talked expected such testing to eventually be legalized, despite strong constitutional doubts of some. Most departments, as is true south of the border, use intensive patrolling in their war against drinking drivers. Thus, the 3,800-man OPP heavily patrols the MacDonald-Cartier Highway in the Greater Toronto area, a high-density, high-mishap area. The Toronto police also use intensive patrols on key roadways.

The Ontario Provincial Government is one of the few jurisdictions in North America to require that medical practitioners and optometrists report to the Registrar of Motor Vehicles any patient who may be medically unfit to drive. Some safety experts believe the provincial laws have gone far toward pinpointing problem drinkers, who constitute a large percentage of liquor-related accidents.

Under medical laws, a nongovernmental advisory committee evaluates case findings on individuals believed unfit to drive. Reasons include alcoholism. The committee recommends appropriate licensing action, but the final decision, of course, is left to the registrar. The driver has the right to a hearing as well as examination by an outside physician.

POINT SYSTEM HELPS

The provincial government's point system (based on driving errors) is also quite effective in identifying the problem drinking driver. He tends to score points more regularly than most nondrinking drivers. The State of Michigan has a similar program.

In Ontario, if an individual accumulates 6 points for driving errors, he receives a warning letter from the government. At 9 points he is brought in for an interview. At 15 points he loses his license for a month.

Reduction of alcohol-related fatalities in Ontario, however, is widely attributed to a highly professional rehabilitation program. "The criminal justice system just isn't designed to handle the alcoholic, whether he be arrested for public drunkenness or driving while impaired," says one top Toronto police official.

"Fine him or jail him and he'll still be back impaired in another week."

Some 10 million Canadians are believed to drink, of which about 275,000 are classified as alcoholics. Here in Ontario, there are at least 125,000 alcoholics and another 125,000 people who are considered problem drinkers.

While social and occasional drinkers contribute a significant percentage of all liquor-related highway accidents, alcoholics and chronic drinkers with excessively high blood-alcohol levels contribute perhaps the most important share.

REHABILITATION WELL FUNDED

The main channel for alcoholism rehabilitation in the province is the Alcoholism and Drug Addiction Research Foundation (ADARF), an autonomous agency of the provincial government. Budgeted at around $9.5 million annually, the foundation undertakes clinical research and education programs and seeks to develop model pilot treatment programs that can be adopted by other nongovernmental agencies.

United States safety experts delight in comparing the foundation's $9.5 million budget to the $4 million budget of the main alcoholism program in the United States Department of Health, Education, and Welfare for the entire United States.

ADARF maintains some 26 centers throughout the province that provide counseling and clinical support ranging from detoxification to long-term treatment programs.

ADARF is now planning a new 100-bed hospital for alcoholics and drug users in the Toronto area that is expected to be completed sometime next year. At present the foundation operates a temporary 22-bed detoxification clinic, a rehabilitation farm for more intensive care, and an imaginative now industrial program at a multistory structure in one of the city's residential areas.

The latter program—dubbed the May Street program after the address of the building—has drawn special attention from many treatment experts, who believe that it clearly proves that recovery rates from alcoholism are higher when industry, labor, and other employment agencies quickly intervene in an employee's drinking patterns at an early stage.

MAY STREET CENTER VISITED

I drove out to May Street in the spring of this year. At first glance the building reminds one of the gracious decor of the type of Ivy-covered residence occupied by a diplomatic staff or a college dean. The patients represent a cross section of industry. Dressed in suits or robes, some were seated in private rooms or conference rooms reading or watching television. A special conference room—empty on my visit—utilizing a closed circuit television hook-up can be used in group therapy. As I walked through the building I didn't get the closed or confined feeling of a clinical or hospital atmosphere so common in most North American detoxification or treatment centers. The mood was low-keyed and nonthreatening.

H. David Archibald, executive director of the foundation, believes that the detoxification halfway house approach to treating alcoholism will prove to be merely a "temporary solution" and that the alcoholic must eventually be integrated into a total, comprehensive therapeutic and clinical program, such as the foundation's program.

Most jurists in Toronto and other communities throughout Ontario still have only a limited number of facilities for rehabilitation of the drunk driver. Few drinking drivers, in actual numbers, are believed to be channeled into rehabilitation programs in lieu of fines or more traditional punishments at this time, except for the most obvious cases of chronic alcoholism.

But the significant factor is that a dual approach—stiff laws and rehabilitation—is gradually being hammered into shape here.

Realists admit that it will take years to stitch together the two programs. But the final results may be among the most promising governmental-citizen experiments on the North American continent.

DR. FISHER'S LETTER TO PRESIDENT NIXON

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the letter to President Nixon, which will follow my remarks, was written by Dr. John J. Fisher, a Jacksonville, Fla., physician. Dr. Fisher's comments are particularly pertinent because he is able to draw on his public experience in the Florida State Senate as well as his private practice.

I have learned as chairman of the Select Committee on Crime that "law and order" depends as much on public confidence and cooperation as it does on police power. It is for this reason that I find Dr. Fisher's commentary so germane.

I would hope that the specific incident to which Dr. Fisher refers will be fully investigated by the executive branch. More important for us and for the people we represent is the lesson to which Dr. Fisher alludes: namely, to put into real practice the tolerance in which our Nation has always believed.

[From the Miami Herald, Aug. 3, 1970]

DR. FISHER'S LETTER TO NIXON

DEAR MR. PRESIDENT: I am forty-seven years of age and, although a practicing physician, have twice been elected to the Florida Senate as a member of the Republican Party.

This summer I rented a large camper and my wife and I took off with seven of our children for a month's tour of this nation. We believed that such a trip would provide an excellent opportunity for all to see our great land from coast to coast, and would allow us to discuss together, against such a background, some of the problems which seem to be besetting it today. We hoped also to develop a better understanding between our generation and theirs . . . with many of our campfire and after dinner discussions concerning the state of law and order in our country.

Time and again we older two tried to explain to our children that laws are to be upheld until, if they are unfair, they are repealed. We pointed out that there are acceptable means embodied within our Constitution too effect the correction of any wrong within our system. We argued that law enforcement officers exist for their protection and benefit, and that the alternative to law and order is lawlessness and anarchy. Truly, Mr. President, the relation of the police to our younger generation is, to use one of their own expressions, one of their biggest "hangups."

We stopped to spend a week at Yosemite National Park. . . . Since it happened to be the week preceding the Fourth of July weekend, the choice of camping sites was limited. I admit I was dismayed to find ourselves assigned to one in which we were surrounded by those youth whom we have, in our American way, labelled "hippies."

Such apprehension was soon dispelled, however, as we found these long-haired, oddly-dressed children to be more polite than most of my youngsters' college friends who visit our home. The campground was neat and orderly, and altogether one of the most friendly and pleasant that we visited. Curfew was observed, and we were very impressed indeed by the spirit of brotherhood that abounded. . . .

We were at the extreme end, bordering a large meadow that stretched beyond. The grassy clearing was surrounded on all sides in the near distance by Yosemite's granite mountains and provided a beautiful natural gathering place for the youngsters, whose transportation and entertainment resources are necessarily limited. In the evenings before supper I would take my two-year-old son over to the meadow and we would watch them throw Frisbees, run foot races, and sing songs.

One afternoon two of my sons, aged sixteen and thirteen, and I took a playball to kick around, and subsequently found ourselves engaged in a pick-up soccer game with some of the oddest looking players on any athletic field. I have never seen the game played more cleanly or in a more friendly spirit, however, and was indeed sorry to see it end.

On Friday, July 3 I heard that the meadow was to be closed at 7 p.m., two hours before darkness comes at Yosemite, and three before park curfew. No reason for such action was given, but there were rumors that the concessioneers at the Park, such as the Curry Company, were fearful of the young people congregating. This held some ring of plausibility to me since I had observed that the stores employ uniformed guards to keep barefoot children out of their establishments.

At 7 p.m. I was taking a predinner stroll with my twenty-one-year old married daughter, who had joined us in San Francisco, when it happened. First came the trucks from one side, with bullhorns ordering all off the meadow and back to their campsites. Before one could comply with this order, mounted troops wearing helmets and brandishing clubs, some twelve to fifteen in number, rode in from the other direction.

Before my very eyes we watched these children stampeded, several being clubbed, and two thrown to the ground, handcuffed, and led off to jail. Their crime I could not see, except that one, a David Vassar who was at Yosemite making a documentary, had a camera. This was knocked from his grasp as he was beaten.

Can this be America, I thought, the America we were telling our children still existed? Where have I been? What must my teenagers think?

My daughter, who had become separated from me in the attack was led up to me roughly held by a ranger who said, "This girl has no identification on her but claims she's your daughter." If I hadn't been there, it would have been off to the enclosure with her . . .

The children were driven to the edge of the campground by the rangers, who stood menacingly on their mounts, flanked by the ground troops. The harsh expletives that resulted from the charge soon turned to song as surprisingly cooler heads among them began to prevail.

> "Come along people now,
> Smile on your brother
> Everybody get together,
> Try to love one another,
> Right now!"

I asked a nearby ranger how I might contact the superintendent of the park, since I felt a riot threatened, one which could be averted by action on his part: either a satisfactory explanation to all of us for the early curfew on the meadow, or a rescinding of his order for such. I was told that he was unavailable until Monday morning at 8:30 a.m., almost three days later.

I finally met the assistant superintendent, a Mr. Russ Olsen, as he arrived on the scene. When I asked him the reason for the police action I had witnessed, he said the hippies were littering the meadow. When I volunteered that I had been at Yosemite five days and never even seen a candy wrapper in the field, he replied that the hippies disturbed the peace. When I answered that I had camped next to this area for five days and heard no disturbance until the rangers came, and that I had elicited similar opinions from other older ones in the campground, he said it was bad for the hippies to congregate. Would he limit the size of our church edifices, Mr. President, on such reasoning?

Despite the urging, subconscious or not on their part, of the rangers for the youth to riot by such announcements over their loudspeakers as "You are a disorderly mob," the youngsters slowly returned to their campsites, the more radical ones being quieted by their friends.

The next day many of the long-haired jean-clad cult quietly departed. . . .

When we returned to our campsite late that afternoon from our daily hike, the usual meadow games were in progress, but with a few changes. There seemed to more concern with the hour as seven approached, and a national television crew was on hand. A small new sign stating the new curfew hour for the meadow had been placed by the rangers, and a curious crowd was already lining the highway that bordered the meadow.

Promptly at seven the public address warning sounded. Helmeted rangers grouped at one side, clubs and Mace at the ready. A string of armed horsemen filed in from a new direction, into the area between the meadow and the campground. . . . They took a position where they were relatively screened from view by those standing at the edge of the field. The young people in the meadow did not see them. Moreover, they had decided that their intentions would appear more peaceful if they sat, and had formed a huge circle of several hundred on the grass.

Even the veteran news crew was unprepared for what happened next. Without any warning, the horsemen suddenly burst forth in a pack, riding their iron-shod steeds directly into the midst of the seated assembly, at full gallop, scattering those who were fortunate enough not to be run over. . . . The foot troops then moved in with their clubs, while the horsemen circled about and returned swinging lariats and belts. In one moment the peaceful meadow had been changed into a sickening spectacle by these "peace" officers.

I wonder, Mr. President, if you have ever been charged by a horseman? I can tell you now by experience that it makes you want to pick up anything you can, stick or stone, to ward off his charge. I threw my cigar, the only thing I had at hand, at the one that came directly at me, his horse already out of control. Through no effort on his part, he narrowly brushed me and went riding down into the campsites before he was able to rein in. If my infant son had been playing outside the camper, he might have been trampled to death.

Their escape route purposely cut off, the young people did the only thing they could, they fought back. I found myself cheering as with their bare hands and the few missiles they were able to find in the field, they drove the rangers from the meadow. One girl planted a hastily lettered sign "People's Park" in the place of the one announcing the new curfew, and they rushed to the intersection and put up a road block at that point from which reinforcements might be expected. The park service and its rangers had the riot they wanted at last.

Even so, the large and noisy crowd refrained from taking the large store that stood unprotected nearby. The only violence I witnessed at the intersection was when a sheriff attempted to drive his car into the crowd and almost ran down a middle-aged woman on her bicycle as she tried to get out of his way. Fireworks were set off and a celebration party ensued. We noted no rangers in the campgrounds that evening as we sat eating supper. The young people had won their park, at least for the evening.

I was awakened in the middle of the night, sometime between three and four o'clock, by the blood-chilling screams of a human being beaten. I slipped out of bed and into the cab of the camper to see what was happening. At first all was quiet again, and then another shout of agony, this time nearer by. A short time later the nearest raiding party came into view.

Flashing strong electric beams, they moved quietly from campsite to campsite, waking the sleeping occupants up, thrusting them against trees for search, scattering their belongings. If any objected, even verbally, he was beaten. I subsequently learned there were ten to fifteen in these patrols, some rangers, some highway patrolmen, and some United States marshals. They carried riot guns, sidearms, and clubs. Now they enjoyed superiority in numbers as well as weapons, as they singled out each campsite.

They would have spared our camper as they were limiting their efforts to the children, except they saw me watching them. The raiding party came up to my open window, six lights in my face. I was ordered by a voice behind one of these to produce my registration. I asked if I might see their credentials, and received the reply, "I don't need credentials."

I replied that it was the middle of a black night, they had come up to my camper, on my campsite, and they should identify themselves at least. "We can take him in for delaying a peace officer," another flashlight holder growled.

Recognizing their brand of law and order, I pointed out my registration, taped to the lower left windshield as recommended.

I learned from a newspaper account later forwarded me that over one hundred of these young people were arrested "for resisting a law officer." The following morning as we left the park after a shorter stay than we had planned, I heard two rangers bragging about beating up some of their prisoners.

Imagine, over a hundred of our next generation now carry permanent emotional scars against our type of law enforcement. . . . And let's go further, if this came about in the peace of one of our national parks, how soon shall we dread the middle-of-the-night knock on the door at home?

President Nixon, tell me what words I can find to tell my own children now that will counteract the spectacle of law and order which they have personally witnessed on federal property.

Please explain to me how this, which now seems like an awful dream, can happen in our place, in our time. And tell me how you and I can make this nation the America you say it is, and until now, I thought it was.

Until you can do this, I shall be ashamed to be a Republican, and for the first time in my life, be less proud of being an American.

Sincerely,

JOHN J. FISHER, M.D.

RESOLUTION PROPOSED FOR FCC TO INVESTIGATE RULES GOVERNING CITIZENS RADIO SERVICE

(Mr. MIZELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MIZELL. Mr. Speaker, I rise today to introduce a resolution calling for the Federal Communications Commission to make a thorough review of the rules governing the citizens radio service, with regard to standing regulations affecting that service, distribution of radio frequencies, and the possibility of expanding that distribution, and the establishment of a personal-use division augmenting the present service.

Citizens-band radio operators have traditionally been restricted in their activities to a much greater extent than other communications media. Their effectiveness in times of crisis has been proven time and time again, yet they continue to be discriminated against in various ways.

For example, license fees were recently raised by the Federal Communications Commission from $8 to $20 for citizens-band operators. Beyond the fact that many of these operators consider this fee hike disproportionate with the increases imposed on other communications media, citizens-band operators find they are receiving no more consideration of their needs and no more outlay of funds for develoment of their system than they received before the license fee was increased. This is obviously an unacceptable arrangement for all concerned, and one that calls for extensive review.

These citizens-band operators are making no unreasonable demands. Instead, they seek only the assistance and consideration now afforded other media. They want a larger portion of time, money and consideration for their problems. This should come with the larger license fee, but apparently such considerahas not been forthcoming.

They want a change in the 1965 regulations prohibiting the long-established practice of personal use of stations in the citizens-band service, and a relaxation of stringent restrictions on interstation communication.

As I said before, these operators have proven their effectiveness and provided significant service to this Nation in some of its darkest moments.

I believe we owe them at very least an official review of their grievances.

STATEMENT BY CONGRESSMAN WAYNE ASPINALL CONCERNING USE OF MILL TAILINGS

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, I would like to make a few remarks which would be intended to bring my colleagues up to date on a situation which exists in some portions of Colorado relative to the use of uranium mill tailings for fill material and road construction purposes.

I am pleased to note that the U.S. Public Health Service has provided our Colorado State Department of Health with guidance to utilize in the assessment of any potential problems related to exposure of members of the public to radioactivity from mill pile tailings used as fill material near homes and public buildings. A press release on this matter was issued yesterday by the Colorado State Department of Health. It will be reproduced in the RECORD following these remarks. U.S. Public Health Service and AEC representatives met with Colorado Health Department people last week for detailed discussion of the recommended guides upon which agreement has been reached.

There has been uncertainty for some time now whether the mill tailings would prove to be suitable material for fill and other purposes. On a number of occasions during the past several years, I have specifically encouraged the AEC and U.S. Public Health Service to speed up their study of the potential problems associated with the use of this material and present their recommendations to our State Health Department in order that appropriate precautions, if necessary, could be undertaken.

To review this whole situation in a little more detail:

During the late 1950's and early 1960's there had been accumulated large volumes of mill tailings in the vicinity of uranium mills operating in Colorado and other Western States. It was suggested that these tailings could be used for fill material and uses related to road construction. There was some recognition that a radiation risk might be associated with the use of these tailings, and since the Atomic Energy Commission had regulatory control over the uranium millers, the advice of the Commission was sought relative to the use of these tailings for construction and other purposes. Unfortunately, in large part, the Commission's response to inquiries was tempered by the fact that the materials technically did not contain sufficient uranium or thorium to qualify as a type of radioactive material over which the AEC had legal jurisdiction with respect to offsite uses. I have always believed that the Commission should not hide behind this technicality, but should have assumed early leadership in understanding possible public health implications since operation of these mills was clearly associated with the development of the nuclear energy industry.

I say this because it is clear that the Commission possesses the knowledge and technical expertise to analyze and understand the risks which may be associated with the use of this material where there could be long-term exposure of the general public to the emanations associated with the radium content of the tailings materials. In fairness to the Commission, it should be pointed out that as early as 1961 in a letter written to the State health officers of Colorado and the other Western States, the Commission said:

> The radium content of the tailings may be such as to warrant control by appropriate State authorities over particular uses of tailings having a significant radium content.

My earlier comment, of course, is pertinent here. Although in some sense the Commission discharged its legal responsibility by stating that it was without full jurisdiction and by recommending that potential uses of the material be scrutinized by State public health officials, in my view, the Commission should have pursued a more vigorous program and provided leadership in assessing the potential risks that are associated with the use of this material. If this had been done, it is my belief that at this point in time we, that is the Commission, the U.S. Public Health Service, and the Colorado State Health Department—would have a better understanding of what risks, if any, are connected with the continued occupancy of the residences and public buildings which have been constructed on mill tailings or have utilized mill tailings for land fill material.

I do not believe there is any present cause for alarm. On the other hand, I believe that the necessary answer should be secured as soon as humanly possible. It is my understanding that the preliminary measurements of radon concentrations and gamma exposure rates are in some cases close to or slightly in excess of guidelines for nonoccupational radiation exposure.

Although the study and disposition of this matter has not moved as rapidly as I would have hoped. I am confident that our Colorado State Health Department. headed by Dr. Cleere, now that they have obtained the sought-after guidance from the Federal authorities—and, with the promised assistance of instruments and supplemental technical manpower—will be able to define the nature of the public health problem and, where appropriate, devise necessary countermeasures or remedial action.

The press release issued by the Colorado State Department of Health on August 11, 1970, follows:

PRESS RELEASE

The Surgeon General has recommended the radon daughter and gamma radiation levels at which remedial action should be indicated in Grand Junction buildings where uranium mill tailings were used as fill during construction.

Any such remedial action, however, is at least a year away, pending completion of the Colorado Department of Health in-depth study now underway in the Western Slope City and the development of feasible control methods.

The additional exposure from this time lapse should not result in a significant health risk, according to health officials. Dr. Roy L. Cleere, State Health Director, said he has asked the Surgeon General to provide additional manpower and equipment to Colorado so that the Grand Junction study can be accelerated and, hopefully, completed within 18 months.

Dr. Jesse L. Steinfeld, Surgeon General of the United States Public Health Service (PHS) recommended to the State Health Department that corrective measures are indicated in those dwellings where external gamma radiation levels consistently exceed 0.1 milliroentgens (mR) per hour, or the indoor radon daughter products level is greater than a 0.05 working level (WL), above existing background levels.

(A milliroentgen is a term used to describe x-ray or gamma radiation from the tailings themselves. A working level is the term used to describe a radon daughter product's activities in air. Radon daughters are the solid particles into which radon gas decays. If deposited in the lungs in sufficient quantity, they can result in an increased risk of lung cancer. Excessive exposure to gamma radiation can result in an increased risk of leukemia.)

The recommendations just released were reviewed in Denver last week at a two-day session of top-level officials of the United States Public Health Service (PHS), the United States Atomic Energy Commission (AEC), and the State Health Department.

The Surgeon General noted in a covering letter to Dr. Cleere, State Health Director, that the recommendations were forwarded to the Colorado agency in advance of the receipt of the AEC's official views and comments, "because of the urgency attached to your receiving the recommendations as soon as possible."

The Surgeon General's recommendations for action were developed within the framework of existing Federal Radiation Council and International Commission on Radiological Protection guidelines for occupational exposure to airborne concentration of radon and its daughters.

Dr. Cleere said the State Health Department presently has the capability for in-depth sampling of a maximum of 170 locations per year. It has identified 534 Grand Junction locations where tailings were used and wants to screen another 3,500 locations where tailings may have been used. Each building designated for in-depth sampling will be sampled continuously for a two-week period every two months for a year. The sampling is done with a special instrument designed and fabricated at Colorado State University (CSU) at Fort Collins.

Already radiation physicists have noted considerable variations in radon levels from quarter to quarter, depending upon the amount of ventilation in the building, the movement of its occupants, climatic conditions, and other factors as yet unknown. A full year's data are considered vital before any of the recommendations is implemented.

"It is suggested that remedial action be taken only after an adequate number of measurements taken under a diversity of temporal and climatic conditions have clearly established that the average exposure is in excess of 0.1 mR/hr. or 0.05 WL," the Surgeon General wrote. As soon as more definitive information is available, Dr. Cleere said a public meeting will be held in Grand Junction to explain the findings and answer the residents' questions. "AEC and PHS officials have pledged their cooperation and presence at the public meeting," he said.

The Surgeon General recommended three levels for action—one at which remedial action is indicated, another at which remedial action may be suggested, and the third at which no action is indicated.

The levels proposed represent exposures which are in addition to the natural background levels found within Grand Junction dwellings where uranium tailings were not used. These background levels are approximately 0.01 mR/hr. and 0.004 WL.

In commenting on the 0.1 mR/hr. and 0.05 WL at which corrective measures are indicated, the Surgeon General said: "Under conditions of continuous exposure, these levels would result in minimum annual exposures of 900 mR and 2.5 cumulative working level months (CWLM). All values above these would indicate the necessity for remedial action, since at these levels the maximum annual exposure recommended by the Federal Radiation Council (FRC) and the International Commission on Radiological Protection (ICRP) for an individual member of the public is exceeded.

Of the 534 Grand Junction locations already sampled, 65 exceeded 0.05 WL in preliminary grab samples, and 30 were higher than the 0.1 mR/hr. in measurements made with portable instruments.

The Surgeon General also said remedial action may be suggested in the case of external gamma exposure rates of 0.05–0.10 mR/hr. or radon daughter products activities of 0.01–0.05 WL, "since under conditions of continuous exposure, these levels would result in a maximum annual exposures of approximately 400–900 mR and 0.5–2.5 CWLM."

Dr. Cleere said health officials in their ultimate recommendations will follow whichever level is higher—the external gamma radiation level or the radon daughter products concentration. The State Health Dept. hopes soon to have additional instrumentation available for the Grand Junction sampling. It hopes to obtain several hundred thermoluminescent dosimeters from the PHS for gamma radiation sampling. These particular units will be left in dwellings a month at a time, one in each room.

In releasing the Surgeon General's recommendations today, Dr. Cleere emphasized that the preliminary findings are not cause for anyone to become unduly alarmed over the health implications from the radiation levels in Grand Junction.

The Surgeon General pointed out that the ICRP has stated "that very low levels of risk are implied in the dose limits for members of the public, and it is likely to be of minor consequence to their health if the dose limits are marginally or even substantially exceeded."

"We have recognized the existence of a potential health problem," Dr. Cleere said, "We are evaluating it as rapidly as resources permit, and we are trying to keep the people of Grand Junction informed."

Colorado State University has started work on a $159,000 Public Health Service funded project to evaluate diffusion of radon through buildings erected on uranium tailings fill and to develop measures to reduce the indoor concentrations of radioactive gas.

The Public Health Service's Southwestern Radiological Health Laboratory, Las Vegas, Nevada, also is investigating temporary control measures.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Pryor of Arkansas (at the request of Mr. Mills) for balance of week on account of illness in family.

Mr. Bevill for Wednesday, August 12, 1970, for balance of week on account of official business.

Mr. McCarthy (at the request of Mr. Albert) for today on account of illness.

Mrs. Sullivan (at the request of Mr. Albert) for August 12, 13, and 14, on account of funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman for 30 minutes today and tomorrow, August 12 and 13, and to revise and extend his remarks and include extraneous matter.

Mr. McCulloch (at the request of Mr. McClory), today, for 15 minutes, and to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Scott) and to revise and extend their remarks and include extraneous matter:)

Mr. Halpern for 5 minutes today.

Mr. Hogan for 60 minutes on August 14.

Mr. Hogan for 15 minutes today.

Mr. Miller of Ohio for 5 minutes today.

Mrs. Heckler of Massachusetts for 5 minutes today.

Mr. Watson for 10 minutes today.

(The following Members (at the request of Mr. Jones of Tennessee) and to revise and extend their remarks and include extraneous matter:)

Mr. Farbstein for 20 minutes today.

Mr. Dent for 60 minutes today.

Mr. Fuqua for 10 minutes today.

Mr. Charles H. Wilson for 10 minutes today.

Mr. Hanna for 30 minutes today.

Mr. Powell for 60 minutes on August 13.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Extensions of Remarks of the Record, or to revise and extend remarks was granted to:

Mr. Holifield to revise and extend his remarks on his special order today and to include extraneous matter.

Mr. Hagan and to include extraneous matter.

Mr. Gude, during general debate on H.R. 17570 today.

(The following Members (at the request of Mr. Scott) and to include extraneous matter):

Mrs. Heckler of Massachusetts in two instances.

Mr. Robison.

Mr. Springer in two instances.

Mr. Schadeberg in three instances.

Mr. Duncan in two instances.

Mr. Schwengel.

Mr. Zwach.

Mr. Steiger of Arizona.

Mr. Schmitz.

Mr. Hall.

Mr. Ashbrook in two instances.

Mr. Mathias.

Mr. McDonald of Michigan.

Mr. Pelly in two instances.

Mr. Whalen.

Mr. Hosmer.

Mr. Rousselot.

Mr. Derwinski.

Mr. Morse.

Mr. Steiger of Wisconsin.

Mr. Dellenback.

Mr. Taft in five instances.

Mr. Adair.

Mr. Goldwater in two instances.

Mr. Bush.

Mr. Harvey.

Mr. Coughlin.

Mr. McCloskey.

(The following Members (at the request of Mr. Jones of Tennessee) and to include extraneous matter:)

Mr. Celler.

Mr. Ottinger in two instances.

Mr. Thompson of New Jersey in five instances.

Mr. Daddario in two instances.

Mr. Sikes in six instances.

Mr. Brown of California in two instances.

Mr. Boland.

Mr. Mikva in eight instances.

Mr. Charles H. Wilson.

Mr. Culver in four instances.

Mr. Roybal.

Mr. Dingell.

Mr. Moorhead.

Mr. Wolff.

Mr. de la Garza in six instances.

Mr. Gonzalez in three instances.

Mr. Jacobs.

Mr. Carey.

Mr. Daniels of New Jersey in three instances.

Mr. Fountain in two instances.

Mr. Bingham in two instances.

Mr. Cohelan.

Mr. Burton of California.

Mr. Anderson of California.

Mr. Griffin in two instances.

Mr. Hagan in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3835. An act to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes; to the Committee on Education and Labor.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Thursday, August 13, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2300. A letter from the Chairman and members, Federal Home Loan Bank Board, transmitting the 1969 annual report of the Board, pursuant to section 17(b) of the Federal Home Loan Bank Act; to the Committee on Banking and Currency.

2301. A letter from the Secretary of Health, Education, and Welfare, transmitting the third annual report of the Rochester Institute of Technology concerning the establishment and operation of the National Technical Institute for the Deaf for the year ended December 31, 1969, pursuant to section 5(b)(3) of Public Law 89–36; to the Committee on Education and Labor.

2302. A letter from the Commissioner of Social Security, Department of Health, Education, and Welfare, transmitting a report on the administration of the black lung benefit provisions of the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

2304. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for the Coast Guard to reduce the cost of vessel construction by not requiring shipbuilders to buy insurance and performance and payment bonds; to the Committee on Government Operations.

RECEIVED FROM THE COMPTROLLER GENERAL

2303. A letter from the Comptroller General of the United States, transmitting a report on construction costs for certain federally financed housing projects increased due to inappropriate minimum wage rate determinations, Department of Labor; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1192. Resolution for consideration of H.R. 10634, a bill to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence (Rept. No. 91–1412). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 1193. Resolution for consideration of H.R. 17333, a bill to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes (Rept. No. 91–1413). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 1194. Resolution for consideration of H.R. 17982, a bill to amend the Communications Act of 1934 to provide for a 1-year extension of financing for the Corporation for Public Broadcasting (Rept. No. 91–1414). Referred to the House Calendar.

Mr. ASPINALL: Committee of conference. Conference report on S. 3547; (Rept. No. 91–1415). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 18920. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. BURKE of Florida:

H.R. 18921. A bill to amend the Railroad Retirement Act of 1937 to provide a 5 percent and cost of living increases in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of California:

H.R. 18922. A bill to establish the Juan Manuel de Ayala National Recreation Area at the Golden Gate Headlands in California; to the Committee on Armed Services.

By Mr. CELLER:

H.R. 18923. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. McCULLOCH (for himself, Mr. MacGregor, Mr. Meskill, Mr. Dennis, and Mr. Mayne):

H.R. 18924. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. CORMAN (for himself and Mr. Roybal):

H.R. 18925. A bill to authorize special appropriations for training teachers for bilingual education programs; to the Committee on Education and Labor.

By Mr. FARBSTEIN (for himself, Mr. Moss, and Mr. Burton of California):

H.R. 18926. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN:

H.R. 18927. A bill to require certain newspapers to provide a balanced and substantially complete presentation of issues of public importance; to the Committee on Interstate and Foreign Commerce.

H.R. 18928. A bill to amend section 4 of the Newspaper Preservation Act to require newspapers which are parties to joint newspaper operating arrangements to provide a balanced and substantially complete presentation of issues of public importance; to the Committee on the Judiciary.

By Mr. FARBSTEIN (for himself and Mr. Córdova):

H.R. 18929. A bill to amend title 10 to require that enlisted members of the Armed Forces be given, upon request, certain examinations in Spanish; to the Committee on Armed Services.

By Mr. LANDRUM:

H.R. 18930. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges and quality of medical service; to the Committee on Ways and Means.

By Mr. LOWENSTEIN:

H.R. 18931. A bill to amend title 39, United States Code, to establish a procedure by which postal patrons may be relieved of the burden of receiving commercial advertisements transmitted in the mails, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MacGREGOR:

H.R. 18932. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 18933. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH:

H.R. 18934. A bill to provide for the establishment of a Metropolitan Drug Addiction Commission to coordinate and make more effective in the New York metropolitan area the various Federal, State, and local programs for the control, treatment, and prevention of drug addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. MOLLOHAN:

H.R. 18935. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

H.R. 18936. A bill to amend the Public Health Services Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. SPRINGER (for himself, Mr. Gerald R. Ford, Mr. Morton, and Broyhill of North Carolina):

H.R. 18937. A bill to amend the Communications Act of 1934 to provide for television broadcasting of certain evening proceedings of the Houses of Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 18938. A bill to limit membership on national securities exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON:

H.R. 18939. A bill to amend section 7275 of the Internal Revenue Code of 1954 (as added by the Airport and Airway Revenue Act of 1970) to require that airline tickets, with respect to the transportation of persons by air which is subject to Federal tax, show the amount of such tax separately from the cost of the transportation involved; to the Committee on Ways and Means.

By Mr. YATES:

H.R. 18940. A bill to amend title 38 of the United States Code to remove the requirement that the widow of a veteran must have been married to such veteran for or within a certain period of time in order to qualify for widows' benefits; to the Committee on Veterans' Affairs.

By Mr. FEIGHAN (for himself, Mr. Carter, Mr. Cowger, Mr. Leggett, Mr. Nix, Mr. Powell, and Mr. Thompson of Georgia):

H.R. 18941. A bill to impose on newspapers of general circulation an obligation to afford certain members of the public an opportunity to publish editorial advertisements and to reply to editorial comment; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 18942. A bill to amend title II of the Social Security Act to provide for the payment of widow's or widower's insurance benefits at age 50 in the case of a widow or widower whose spouse was entitled to old-age or disability insurance benefits at the time of his or her death and who had already attained such age at that time; to the Committee on Ways and Means.

By Mr. BROWN of Ohio:

H.R. 18943. A bill to authorize appropriations for the construction of economic growth center development highways, and for other purposes; to the Committee on Public Works.

By Mr. CAREY (for himself, Mr. Biaggi, Mr. Bingham, Mr. Hathaway, Mr. Hawkins, Mr. Murphy of New York, Mr. O'Neill of Massachusetts, Mr. Podell, Mr. Pucinski, and Mr. Charles H. Wilson):

H.R. 18944. A bill National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. CONABLE (for himself and Mr. Brown of Ohio):

H.R. 18945. A bill to provide emergency authority for the guarantee of loans to aid business enterprises to meet temporary and urgent financial needs; to the Committee on Banking and Currency.

By Mr. CRAMER (for himself, Mr. Frey, and Mr. Burke of Florida):

H.R. 18946. A bill to amend title 18 of the United States Code to impose certain limitations on the disposal of and contracts for the acquisition of chemical, biological, and radiological warfare agents; to the Committee on the Judiciary.

By Mr. FASCELL (for himself, Mr. Annunzio, Mr. Ayres, Mr. Boland, Mr. Brasco, Mr. Burke of Florida, Mr. Chappell, Mr. Donohue, Mr. Frelinghuysen, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Galifianakis, Mr. Gibbons, Mr. Hanley, Mr. Helstoski, Mrs. May, Mr. Michel, Mr. Moorhead, Mr. Morse, Mr. Ottinger, Mr. Pepper, Mr. Podell, Mr. Tiernan, Mr. Tunney, and Mr. Zablocki):

H.R. 18947. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

By Mr. FASCELL (for himself, Mr. Annunzio, Mr. Ayres, Mr. Boland, Mr. Brasco, Mr. Burke of Florida, Mr. Chappell, Mr. Donohue, Mr. Frelinghuysen, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Galifianakis, Mr. Gibbons, Mr. Hanley, Mr. Helstoski, Mrs. May, Mr. Michel, Mr. Moorhead, Mr. Morse, Mr. Ottinger, Mr. Pepper, Mr. Podell, Mr. Tiernan, Mr. Tunney, and Mr. Zablocki):

H.R. 18948. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national

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policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL (for himself, Mr. Annunzio, Mr. Ayres, Mr. Boland, Mr. Brasco, Mr. Burke of Florida, Mr. Chappell, Mr. Donohue, Mr. Frelinghuysen, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Galifianakis, Mr. Gibbons, Mr. Hanley, Mr. Helstoski, Mrs. May, Mr. Michel, Mr. Moorhead, Mr. Morse, Mr. Ottinger, Mr. Pepper, Mr. Podell, Mr. Tiernan, Mr. Tunney, and Mr. Zablocki):

H.R. 18949. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL (for himself, Mr. Sikes, and Mr. Haley):

H.R. 18950. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. FOLEY:

H.R. 18951. A bill to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan; to the Committee on Public Works.

By Mr. HAGAN:

H.R. 18952. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. HALL:

H.R. 18953. A bill to provide that an officer of the Army, Air Force, or Navy assigned to serve as Director of the Armed Forces Institute of Pathology shall hold the rank of not less than brigadier general or rear admiral, as the case may be, while so serving; to the Committee on Armed Services.

By Mr. KYL (for himself, Mr. McClure, Mr. Mizell, Mr. Saylor, and Mr. Pirnie):

H.R. 18954. A bill to authorize appropriations for the construction of economic growth center development highways, and for other purposes; to the Committee on Public Works.

By Mr. McMILLAN:

H.R. 18955. A bill to amend the Agricultural Adjustment Act of 1938 to authorize the sale of tobacco acreage allotments under certain conditions; to the Committee on Agriculture.

By Mr. O'HARA:

H.R. 18956. A bill to extend unemployment insurance coverage to employers of agricultural workers on the same basis as all other employers; to the Committee on Ways and Means.

H.R. 18957. A bill to extend unemployment insurance coverage to employers employing four or more agricultural workers for each of 20 or more weeks; to the Committee on Ways and Means.

By Mr. POLLOCK:

H.R. 18958. A bill to amend the Small Reclamation Projects Act of 1956, as amended; to the Committee on Interior and Insular Affairs.

H.R. 18959. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 18960. A bill to amend the National Environmental Policy Act of 1969 to provide a program for honoring industry and other private efforts to contribute to the maintenance and enhancement of environmental quality; to the Committee on Merchant Marine and Fisheries.

By Mr. REES:

H.R. 18961. A bill to amend the Tariff Act of 1930 respecting licensing of customs brokers; to the Committee on Ways and Means.

By Mr. TIERNAN (for himself, Mr. Burke, of Massachusetts, Mr. Eilberg, Mr. Kyros, and Mr. St Germain):

H.R. 18962. A bill National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. FASCELL (for himself, Mr. Burton of California, Mr. Fuqua, Mr. Kluczynski, Mr. Nix, Mr. O'Neill of Massachusetts, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Waldie, Mr. Findley, Mr. Biaggi, Mr. Hathaway, Mr. Eilberg, Mr. McFall, and Mr. Brooks):

H.R. 18963. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

By Mr. FASCELL (for himself, Mr. Burton of California, Mr. Fuqua, Mr. Kluczynski, Mr. Nix, Mr. O'Neill of Massachusetts, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Waldie, Mr. Findley, Mr. Biaggi, Mr. Hathaway, Mr. Eilberg, Mr. McFall, and Mr. Brooks):

H.R. 18964. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL (for himself, Mr. Fuqua, Mr. Hanna, Mr. Kluczynski, Mr. Nix, Mr. O'Neill of Massachusetts, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Waldie, Mr. Findley, Mr. Biaggi, Mr. Hathaway, Mr. Eilberg, Mr. McFall, and Mr. Brooks):

H.R. 18965. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. BURKE of Florida:

H.J. Res. 1351. Joint resolution authorizing the President to proclaim the third week in November of each year as "National Good Grooming Week"; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.J. Res. 1352. Joint resolution in opposition to vesting title to the seabed in the United Nations or an international regime; to the Committee on Foreign Affairs.

By Mr. TUNNEY (for himself and Mr. McFall):

H.J. Res. 1353. Joint resolution designating the first Sunday in each month a special day of prayer; to the Committee on the Judiciary.

By Mr. FASCELL (for himself, Mr. Annunzio, Mr. Ayres, Mr. Boland, Mr. Brasco, Mr. Burke of Florida, Mr. Chappell, Mr. Donohue, Mr. Frelinghuysen, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Galifianakis, Mr. Gibbons, Mr. Hanley, Mr. Helstoski, Mrs. May, Mr. Michel, Mr. Moorhead, Mr. Morse, Mr. Ottinger, Mr. Pepper, Mr. Podell, Mr. Tiernan, Mr. Tunney, and Mr. Zablocki):

H. Con. Res. 706. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. HOWARD (for himself, Mr. Harrington, Mr. Moss, and Mr. Pickle):

H. Con. Res. 707. Concurrent resolution expressing the sense of the Congress with respect to an international conference on the creation of an International Environmental Agency; to the Committee on Foreign Affairs.

By Mr. MIZELL:

H. Con. Res. 708. Current resolution relative to Citizens Radio Service; to the Committee on Interstate and Foreign Commerce.

By Mr. REES:

H. Con. Res. 709. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian Civil War; to the Committee on Foreign Affairs.

By Mr. CHARLES H. WILSON:

H. Con. Res. 710. Concurrent resolution to utilize more effectively the expertise and abilities of the scientists and engineers associated with the National Aeronautics and Space Administration in the fight against environmental pollution; to the Committee on Science and Astronautics.

By Mr. FASCELL (for himself, Mr. Burton of California, Mr. Fuqua, Mr. Hanna, Mr. Kluczynski, Mr. Nix, Mr. O'Neill of Massachusetts, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Waldie, Mr. Findley, Mr. Biaggi, Mr. Hathaway, Mr. Eilberg, Mr. McFall, and Mr. Brooks):

H. Con. Res. 711. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Tennessee:

H. Res. 1195. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of prices of coal; to the Committee on Rules.

By Mr. POLLOCK:

H. Res. 1196. Resolution relating to the protection of consumer supply of natural gas; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 18966. A bill for the relief of M. Sgt. Eugene J. Mikulenka, U.S. Army (Retired); to the Committee on the Judiciary.

By Mr. PIKE:

H.R. 18967. A bill to provide for the advancement in grade of a certain officer in the U.S. Naval Reserve; to the Committee on Armed Services.

By Mr. BOB WILSON:

H.R. 18968. A bill for the relief of Mr. Hayden A. Moore; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

568. The SPEAKER presented a petition of the 26th Annual Convention, AMVETS Department of Massachusetts, relative to the effect of the reassessment of real estate on disabled veterans and their dependents, which was referred to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

SENATOR SCOTT'S RECORD ON TRANSPORTATION PROBLEMS

HON. JAMES B. PEARSON

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, August 12, 1970

Mr. PEARSON. Mr. President, as second ranking Republican on the Committee on Commerce and on its Subcommittee on Transportation, the senior Senator from Pennsylvania (Mr. SCOTT) has compiled a very impressive record during his nearly 12 years in the U.S. Senate regarding the problems of transportation in our country.

These problems are now reaching crisis proportions, and I feel that the country is indeed fortunate to have a man such as Senator SCOTT working diligently for solutions. Since I, too, am a member of both the Commerce Committee and its Transportation Subcommittee, I am quite familiar with the dedication that the Senator from Pennsylvania has shown in this area and invite the attention of Senators to his fine record on transportation legislation.

I ask unanimous consent that Senator SCOTT's record on transportation be printed in the Extensions of Remarks.

There being no objection, Senator SCOTT's record was ordered to be printed in the Extensions of Remarks, as follows:

SENATOR SCOTT'S RECORD ON TRANSPORTATION LEGISLATION

Transportation systems in the United States have reached crisis proportions. With the increase in population in urban metropolitan areas, we have deluged our highways with automobiles and have funneled them into our cities, thus creating the greatest bottlenecks in history. Senator Hugh Scott knows that our Nation depends on a *balanced* transportation system, and he has consistently worked toward that goal.

Senator Scott was instrumental in bringing about the popular and successful Metroliner high-speed train in the crowded northeast corridor. At present, this train makes stops in Philadelphia, but high-speed *intra*-city transit may be possible with the development of the tracked air cushion vehicle, now being researched and tested in Erie.

As the Republican Leader, Senator Scott played an important role in expanding and improving our Nation's airport and airways system. More Federal assistance will be needed to keep up with the increased demands on air travel.

The following summary outlines Senator Scott's record on key transportation issues:

91ST CONGRESS

Legislation

S. 961—To provide Federal jurisdiction and uniform law for cases arising from aviation and space activities.

S. 1070—To establish a Commission on Air Traffic Control.

S. 1179—To authorize the Civil Aeronautics Board to extend half-price airfares on a standby basis during off-peak hours to young people, elderly people, military personnel and the handicapped.

S. 2050—Airways Safety Development Act—To authorize the Secretary of Transportation to use amounts in the Airways Safety Trust Fund for acquiring and improving air navigation facilities; to establish such an Airways Safety Trust Fund.

S. 2518—To authorize funds for the reduction or elimination of hazards at rail highway grade crossings along the Metroliner route.

S. 2939—Intercity Rail Passenger Service Act—to authorize the Secretary of Transportation to purchase and rehabilitate or to buy new, equipment on railroad common carriers where railroad is unable to provide this equipment.

Votes

Voted to provide long-term financing for transportation programs.

Voted for the Airport and Airway Development Act of 1969.

Voted for the Rail Passenger Service Act of 1970.

90TH CONGRESS

Votes

Voted against reducing funds for airport facilities and equipment from $65.4 million to $28.4 million.

89TH CONGRESS

Legislation

S. 1588—To authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation.

Votes

Voted for the Federal-Aid Highway Act of 1966.

Voted against reducing authorizations for each of fiscal years 1968 and 1969 from $225 to $150 million, for urban mass transportation.

Voted for the Urban Mass Transportation Act amendments.

88TH CONGRESS

Legislation

S. 6—To provide assistance for development of mass transportation systems in metropolitan and other urban areas.

S. 2796—To authorize the Interstate Commerce Commission to enter into cooperative agreements with the State to enforce State and Federal economic and safety laws and regulations relating to highway transportation.

Votes

Voted for the Urban Transportation Act of 1963.

Voted *not* to reduce by one-third the authorization for airport grant appropriations.

87TH CONGRESS

Legislation

S. 2392—To prohibit forceful seizure of aircraft in air commerce.

S. 3122—To encourage formation of regional agencies to develop plans for meeting urban transportation needs.

86TH CONGRESS

Legislation

S. 423—To provide additional highway construction funds in labor surplus areas.

Votes

Voted for the Federal Airport Act Amendments of 1959.

Voted for the Federal-Aid Highway Act of 1959.

Voted for the Federal Highway Act of 1960.

Senator Hugh Scott's efforts with respect to our Nation's transportation policy should make travelling from one place to another less of a chore and more of an event. The future of transportation is exciting, and Senator Scott intends to involve government and private industry to newer and higher levels. He will continue to work for Pennsylvania's best transportation interests.

ONE YEAR LATER

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. ADAIR. Mr. Speaker, in retrospect, the Nixon doctrine, which was formulated a year ago, stands out as a corner stone of the Nixon administration. That we would become involved in no future land war in Asia was initially considered the main tenant. While this is still of prime importance, the year's passing has witnessed implementation of other aspects of the doctrine, among which is the reduction of our troops in Asian countries.

The Honolulu Star, in an editorial entitled "One Year Later," takes a look at the Nixon doctrine a year after its inception. I believe this is a very lucid review of our defense policy as it relates to the doctrine and, therefore, request that it be printed in the RECORD.

The editorial follows:

ONE YEAR LATER

It was just a year ago Saturday, that President Nixon visited Guam and enunciated what since has been called "The Nixon Doctrine."

The occasion was a press briefing and direct quotation was forbidden—thus giving a major U.S. policy pronouncement a certain obscurity and ambiguity, perhaps desired.

The President himself put the doctrine on the record in these words in a Nov. 3 televised address to the nation:

"Before any troops were committted to Vietnam," he said, "a leader of another Asian country expressed this opinion to me when I was traveling in Asia as a private citizen." He said, "When you are trying to assist another nation defend its freedom, U.S. policy should be to help them fight the war but not to fight the war for them."

"Well, in accordance with this wise counsel, I laid down on Guam three principles as guidelines for future American policy toward Asia:

"First, the United States will keep all of its treaty commitments.

"Second, we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or a nation whose survival we consider vital to our security.

"Third, in cases involving other types of aggression, we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense."

It has become apparent since then that this Guam Doctrine or Nixon Doctrine is a major milestone in American foreign policy and is fundamental to the day-by-day decisions being made by the President.

It represents a retreat from our role as world policeman but is in no sense a "Fortress America" concept.

While the doctrine may seem reasonable to Americans we can see in current headlines that its application is far from simple.

Many Americans think it is not being applied fast enough in the case of Vietnam.

The Republic of Korea is resisting bitterly its application to reduce our forces there from 60,000 to 40,000.

The Republic of the Philippines has just learned it will mean a rollback of American

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forces there from 24,000 to 16,000. Thailand finds it means a cut in U.S. defense spending in that nation.

Taiwan and Japan are sure to feel its effect as well.

Okinawa is both demanding that we leave and protesting our work force cutbacks.

In 1946, when the U.S. and Russia were just about the only nations in the world with real strength, the "world policeman" role fell naturally and necessarily on U.S. shoulders.

In the changed circumstances of 1970 when Europe and Japan have been revitalized and other nations are growing in strength that former U.S. role seems neither desirable nor necessary.

This is what the year-old Nixon Doctrine recognizes.

It is alive and well on its first birthday—and we should hold to it despite the "Yankee, Stay Here" outcries that may be heard in affected corners of the globe.

SENATOR SCOTT'S RECORD ON LEGISLATION DEALING WITH ELECTIONS

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, August 12, 1970

Mr. GRIFFIN. Mr. President, democracy's most useful tool is the vote. Without it, we would be governed by authorities other than those chosen by the people. That is why Senator HUGH SCOTT has pressed for reform of our elections laws so that they are conducted fairly and without irregularities.

Senator SCOTT has argued for reforming campaign financing practices because, under the present system, there is too great of an opportunity for misusing funds. As the ranking member of the Senate Commerce Subcommittee on Communications, he is sponsoring legislation to provide low-cost television time to all candidates for Federal office. Senator SCOTT is also a member of the Senate Rules Committee and Judiciary Committee, both of which play an important role in determining the overall conduct of elections, thus insuring that our right to vote is never abridged.

The following summary outlines Senator HUGH SCOTT's record on election and campaign reforms.

I ask unanimous consent that the summary be printed at this point in the RECORD.

There being no objection, Senator SCOTT's record was ordered to be printed in the Extensions of Remarks, as follows:

SENATOR SCOTT'S RECORD ON LEGISLATION DEALING WITH ELECTIONS

91ST CONGRESS

Legislation

S.J. Res. 59—To amend the Constitution of the U.S. to provide that U.S. citizens shall be entitled to vote nationally without excessive residence or physical presence requirements.

S.J. Res. 147—To amend the Constitution of the U.S. to extend the voting right to citizens age 18 or older.

S. 2876—To provide Congressional candidates with opponents the opportunity to purchase communications broadcast time at low cost.

Votes

Voted to abolish restrictive residency requirements as a precondition to voting for President and Vice President, and to establish uniform nationwide standards relative to absentee registration and voting in presidential elections.

Voted to reduce the voting age from 21 to 18 years of age, effective January 1, 1971.

90TH CONGRESS

Votes

Voted to broaden the prohibition against soliciting political contributions from Federal employees, under the Election Reform Act of 1967.

Voted to require disclosure of gifts and certain compensation by any Senator or by any candidate seeking nomination or election as Senator.

89TH CONGRESS

Legislation

S. 3435—Election Reform Act—To require all candidates and all committees supporting candidates to fully disclose details of all contributions and expenses over $100; to limit to $5,000 the total amount that can come from any single source to the campaigning of any candidate; to provide for special tax deduction of up to $100 for contributions to candidates.

Votes

Voted for proposed constitutional amendment regarding Presidential succession and inability.

Voted for proposed constitutional amendment permitting apportionment of one house of a bicameral State legislature using population, geography, and political subdivisions as factors.

87TH CONGRESS

Legislation

S. 480—To prohibit application of unreasonable literacy requirements to right to vote.

S. Res. 311—To authorize the Senate Judiciary Committee to examine and investigate the establishment of congressional and State election districts to ensure against any unfair practices.

86TH CONGRESS

Legislation

S. 957—To provide for retention and preservation of Federal election records.

S. 2868—To eliminate poll tax as prerequisite to voting in national elections.

Votes

Voted to make Federal election laws applicable to primary elections.

Voted to revise the Federal election laws.

Voted to provide that the right to vote in national elections shall not be denied because of failure to pay poll tax.

As the Senate Republican Leader, Senator Hugh Scott will continue to fight for clean elections and fair campaign practices. Pennsylvanians can always be assured of their right to vote because of Senator Scott's efforts.

NEW SUPPORT FOR S. 30, THE "ORGANIZED CRIME CONTROL ACT OF 1969"

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. STEIGER of Arizona. Mr. Speaker, I rise to announce significant new support for S. 30, the "Organized Crime Control Act of 1969." Mr. Robert D. Peloquin, president of International Intelligence, Inc.—Intertel—made available to me a copy of his letter to Chairman CELLER of the House Judiciary Committee which expressed the support of his organization for title IX of S. 30 which prohibits the use of illegally acquired income to infiltrate legitimate businesses.

Intertel is a private organization which has as one of its principal objectives the aiding of businesses to protect themselves from the scourge of organized crime. Mr. Peloquin, himself, is no stranger to the field of organized crime, having served as chief of the first Department of Justice Strike Force and senior special attorney in the Justice Department's Organized Crime and Racketeering section. I consider significant his conclusion that the new tools for law enforcement found in S. 30 are both "needed" and "fairly limited to protect civil liberties." It is a pleasure to find that Mr. Peloquin, no longer associated with the Federal Government, continues in the struggle against organized crime and now volunteers the benefit of his experience and that of his organization.

Mr. Speaker, I would like to call further attention of the House to the fact that Intertel supports, as does the American Bar Association, an amendment to title IX which would provide the additional remedy of private suits based upon section 4 of the Clayton Antitrust Act. I am pleased to note that this idea which I suggested some time ago on this floor has been so well received.

The letter of support for title IX of S. 30 from Intertel follows:

INTERNATIONAL INTELLIGENCE, INC.,
Washington, D.C., August 7, 1970.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I write as President of INTERTEL, a private organization, one of the principal objectives of which is to aid businesses in protecting themselves from the hidden virus of vulnerability to organized crime. My purpose is to make known to the House Judiciary Committee the support of my organization for S. 30, the "Organized Crime Control Act of 1969," and most particularly Title IX of that measure, which prohibits the use of illegally acquired income or racketeering methods to infiltrate legitimate organizations. As investigators and attorneys formerly associated with the investigation and prosecution of organized crime, we can attest to the pressing need for the new tools S. 30 would provide to law enforcement. It is also our judgment, however, that proper and constitutional safeguards for individual rights have been built into the bill. We strenuously urge its prompt processing and early passage.

Well known facts highlight the degree of infiltration of the business world by organized crime figures. The Internal Revenue Service indicates that of 113 major organized crime figures in this country, 98 are involved in 159 businesses. The President's Crime Commission in 1967 reported that racketeers control nationwide manufacturing and service industries with known and respected names. Organized crime incursions into the hotel industry, the banking industry, the laundry industry, the recording industry, the drug industry, the grocery industry, as well as into the advertising, chemicals, insurance, oil and gas, public relations and real estate fields have been documented.

Title IX of S. 30, the title of our particular concern, would bar the use of income from organized crime or racketeering methods to acquire, operate or set up an otherwise legitimate commercial operation. Persons violating this law would be subject to criminal and civil-type sanctions. Law enforcement experience has shown that it is insufficient merely to remove and imprison individual mob members to break an organized crime stronghold on a business. Title IX attacks the problem by providing a means of wholesale removal of organized crime from all organizations, prevention of its return, and, where possible, forfeiture of its illicit gains. The legal devices used to achieve these ends are: criminal forfeiture, civil remedies of an antitrust nature, and a number of civil investigative procedures. These remedies are badly needed, 1) to prevent the use of business to legitimize a source of income for racketeers and, 2) to prevent the pirating of resources from legitimate business, the bilking of creditors and the terrorizing of owners and employees.

Though my organization supports Title IX as is, we also voice our warm approval of the two amendments recommended by the American Bar Association when it announced its approval of S. 30. The two recommended amendments would, 1) give the court discretion to decide which proceedings relating to racketeer influence and corrupt organizations shall be open to the public and, 2) to provide the additional remedy of private suit based upon Section 4 of the Clayton Antitrust Act.

I request that this letter and its attachments expressing Intertel support for S. 30 be included in the record of your hearings.

Thank you.

Sincerely,

ROBERT D. PELOQUIN.

SENATOR SCOTT'S RECORD ON HEALTH CARE LEGISLATION

HON. WILLIAM B. SAXBE

OF OHIO

IN THE SENATE OF THE UNITED STATES

Wednesday, August 12, 1970

Mr. SAXBE. Mr. President, with an ever-increasing population, Government services must keep pace with that growth. Health care is one of these services that must not be allowed to backslide. The Senator from Pennsylvania (Mr. SCOTT) knows that good health care is essential to a healthy society, and he has consistently supported greater Federal participation in health matters.

As the Republican leader, Senator SCOTT is working very closely with the administration to provide greater health care coverage to more of our citizens. Medicare and medicaid are good programs, but they need improvements. Mental health activity should also be given greater attention. These are but a few areas in which Senator SCOTT intends to place greater Federal emphasis.

The following summary outlines Senator SCOTT'S position with respect to health care:

SENATOR SCOTT'S RECORD ON HEALTH CARE LEGISLATION

91ST CONGRESS

Legislation

S. 1300—To improve the health and safety conditions of persons working in U.S. coal mining industry.

S. 1865—To establish programs to find causes and effects of malnutrition and to facilitate detection and treatment.

S. 1997—To provide for more effective prevention and treatment of alcoholism by providing grants for education and training programs and by establishing regional centers for research in alcoholism and alcohol-related problems.

S. 2809—To extend authority to make formula grants to schools of public health.

S. Res. 68—To authorize funding of the Senate Select Committee on Nutrition and Human Needs.

Votes

Voted for the Public Health Cigarette Smoking Act.

Voted to provide interim emergency coal mine disability benefits.

Voted for the Federal Coal Mine Health and Safety Act of 1969.

Voted for the Hospital and Medical Facilities Construction and Modernization Amendments of 1969 (Hill-Burton).

89TH CONGRESS

Legislation

S. 3094—To provide for inspections of mines and quarries to obtain information relating to health and safety conditions, accidents and occupational diseases.

88TH CONGRESS

Legislation

S. 2751—To provide additional funds for special milk program for children.

Votes

Voted for the Mental Health Act of 1963.

Voted for the Health Professions Educational Assistance Act of 1963.

86TH CONGRESS

Legislation

S. 3350—To provide program of Federal matching grants to States for over-65 health insurance.

Votes

Voted for the International Health and Medical Research Act of 1959.

Voted to provide a health benefits program for government employees.

Senator Scott's efforts in the field of health care continue to mean that Pennsylvanians are getting better health care than ever before. Advanced techniques and prescriptions, available only through the expenditure of additional funds, can now be made available to all citizens. Senator Scott will continue to urge a greater Federal role in health care.

LET US STOP THE WAR

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. WHALEN. Mr. Speaker, the August 6, 1970, issue of the Kettering-Oakwood Times, a biweekly newspaper circulating in suburban Dayton, contained an editorial supporting the Amendment To End the War. As one of the original House sponsors of this proposal, I am very pleased to report this endorsement.

The fact on which the editorial bases its conclusion is the recent report by Bishop Paul Moore that the Vietnamese people do not want our presence to linger indefinitely in their country.

Mr. Speaker, I insert the editorial at this point in the RECORD:

LET US STOP THE WAR

Sometime this month, the Senate is expected to vote on an amendment to a $19.2 billion military procurement bill, the "Amendment to End the War."

More than two million signatures on petitions supporting this amendment have been collected in an effort to show support for this bipartisan measure, sponsored by Senators George McGovern (D-South Dakota) and Mark Hatfield (R-Oregon).

In light of this, a recent report from Vietnam by Bishop Paul Moore, Episcopal bishop coadjuter of New York, formerly suffragan bishop of Washington, is significant.

Bishop Moore and aides, a team of 20 religious leaders and students, interviewed more than 200 Vietnamese of all walks of life. Every single South Vietnamese interviewed wants the United States to get out of the country—some tomorrow, some over a period of months. Not one single person wanted this country's presence to remain long.

But even stronger than this feeling, the bishop found, was bitterness toward the corrupt and repressive Thieu-Ky government.

The attitudes shown in this survey indicate that we can do no greater service to South Vietnam than to leave her.

We can do nothing for all the Americans that have already died there.

But we can do something to help the Americans who are fighting there now—some of whom were eight years old when the first Americans went to Vietnam to fight—and that is get out as rapidly as possible.

The amendment's aim is simply to end out involvement in military conflict in Indochina after December 31, 1970, by ending appropriations for it at that time. It would also provide, unless later needs dictate otherwise, that all American troops be out of Vietnam by June 30, 1971.

It would provide funds, as needed, for "safe and systematic withdrawal of all United States military personnel"; termination of United States military operations; assistance to South Vietnam as authorized by Congress; exchange of prisoners; and arrangement of asylum to Vietnamese who might be endangered by our withdrawal.

We support this amendment. We solicit the support of all of our readers for this effort to help restore peace to the world.

THE PRESIDENT'S "DOUBLE STANDARD"

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, we have again seen an amazing "double standard" in the President's action yesterday in vetoing the two bills making appropriations for the Office of Education and for the Department of Housing and Urban Development and the other miscellaneous executive agencies.

His irresponsible "double standard" would turn down funds that are essential in meeting the highest national priority areas of education of our children and young people and the massive needs of our urban areas on the false grounds that somehow these programs are responsible for inflation, rising interest rates, and high taxes.

At the same time, the President does not apply the same standard to inflated profits of war contractors, to his proposed Federal subsidies to bail out private corporations such as Lockheed or the Penn Central Railroad, or the expenditure of hundreds of millions of dollars to subsidize the private development of the supersonic transport plane.

The President does not even lift his voice in protest as price increases are announced in steel, copper, autos, and other basic industries—increases that push the cost of livng even higher. Meanwhile, White House economic policies have pushed interest rates to their highest levels since the Civil War and unemployment has again reached the 5-percent mark and the buying power of the average worker's paycheck has dropped below its 1965 level.

No, Mr. Speaker, it is not appropriations for education or housing that has driven prices or interest rates up to their record high levels. It is the Republican administration's own failures in the economic field and its misdirected priorities that give blank checks to multibillion dollar Pentagon weapons systems. The real culprits are not children or slum dwellers but the ABM, MIRV, the C-5A cargo plane and the "wild spenders" in the Pentagon who continue to waste our resources and manpower in Vietnam.

Mr. Speaker, it is the responsiblity of Congress to seize the initiative and to re-allocate public funds to meet our pressing national priority requirements. We have done so in increasing the Office of Education budget by $453 million and by providing $514 million more for HUD programs. We will certainly be able to cut many times this amount of $967 million from the bloated and wasteful military budget alone.

Both these appropriation bills passed the House and Senate by overwhelming margins. I urge my colleagues to override both these ill-considered Presidential vetoes by equally large margins.

SIGNS OF PROGRESS NOTED IN WAR ON INFLATION

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. DUNCAN. Mr. Speaker, spiraling inflation was one of the most pressing problems President Nixon inherited when he assumed office. It is now apparent that the President's approach to the problem is a sound one, and one which the people increasingly respect and support.

In an editorial entitled "Signs of Progress Noted in War on Inflation," the Nashville Banner delves into some of the more visable aspects of the President's economic policy. I believe these observations will benefit my colleagues and I insert the editorial in the RECORD:

SIGNS OF PROGRESS NOTED IN WAR ON INFLATION

The inflation pace—boiling under predecessor policies of fiscal recklessness—was mounting when Richard M. Nixon took office. Along with uncontrolled federal spending, the cost of living was in the ascendancy year by year; the consequences of it another inherited problem with which the new administration has had to cope. And for the most part, thinking constituents knew that there was no economic or political wonder drug to heal this disease overnight.

The President did promise to act as elementary economic principles decreed—to treat and reduce the infections that were causing this fever; and this he had been doing, notwithstanding the screams of anguish every time a saving move touched a political nerve; or liberals in either camp needled him because inflationary winds didn't instantly cease.

It has been one of the issues they have pushed with increasing sound and fury in this congressional election year. Along with the favorite text of the Doves, it has been the big hue and cry on that side. "See," they say, "Mr. Nixon has been in office now for more than a year and the war isn't over, and inflation still is with us." They overlook the fact that two predecessors, in office eight years, settled neither of these problems—but actually left both in a situation of deepening crisis.

They overlook the fact, too, that President Nixon has reversed the trend of that war. He has reduced by 119,000 the almost half-million figure of U.S. troops in Vietnam who were there when he assumed the office, and has definitely scheduled the withdrawal of another 150,000 within a year.

Try as they will, his critics can't fault the President on that—for the people know the facts in the case. But they keep trying—and even more strenuously as they see new polls attesting to the substantial margin of his public support.

Circumstances are about to disarm them, too, of those dead cats they have been throwing on the economic issue. The Commerce Department shows that the second quarter of this year show total output of goods and services stabilized after a six-month decline.

The Gross National Product is up—in terms of real meaning, not in measurement by inflated dollars. In this same interval, the pace of rising costs was definitely checked. And related statistics are demonstrably on the side of national economic strength.

That has taken time—and by no means is the nation as yet over the hump for any easy sledding. The President knows that. His advisers know it. The significant thing is that the administration is continuing to push for those adjustments—in tax policies and spending formulae—that will bring the recovery that every responsible citizen wants.

As this newspaper has observed, Mr. Nixon doesn't operate with a panic button—in the area either of foreign or domestic policy. Neither does he act with his eyes closed. Rather than the problem-making approach of wage and price controls, to put an artificial lid on the inflationary factors, he proposed and adopted volunteer action on the part of responsible labor and management leadership.

At this point there are signs that his policies, thus carefully pursued, and involving mutual trust, are paying off.

Disarming the panic element is a plus on the nation's side.

NO DEADLINE NEEDED

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. BUSH. Mr. Speaker, President Nixon, as much and perhaps more than anyone, wants to bring the war in Vietnam to an honorable end and bring our soldiers home. To set an arbitrary time limit on our involvement in Vietnam would be folly in view of the new peace initiatives at the Paris talks, the President's planned troop withdrawals, and the Vietnamization program.

Because of the time spent and the lives lost in Vietnam, I know my colleagues will continue to work with the President as he seeks to bring this conflict to a just close. In an editorial entitled "No Deadline Needed," the Dallas Morning News reasons why the President deserves maximum flexibility and support. I include the editorial in the RECORD at this point:

NO DEADLINE NEEDED

There are some Americans who urge that the President either set a firm deadline for getting out of Vietnam or have such a fixed time limit set for him.

The reasoning for this sort of dictated time limit is difficult to understand. Those who advocate imposing it seem to imply that the President gets a secret kick out of continuing the U.S. presence in Southeast Asia.

From the manner in which such deadlines are discussed, you'd get the impression that, for presidents, giving up the war in Vietnam is something like giving up smoking or desserts—they really know they shouldn't stay, but just do not have the willpower to do what has to be done.

Nothing could be farther from the truth. In fact, no American wants to get the American forces out of Vietnam more than the President. Like his predecessor in office, Richard Nixon knows what the war is costing the nation and his administration—in lives, in money, in the state of the economy.

But, also like his predecessor, Mr. Nixon does not want to withdraw in such haste that all that previous sacrifice will go for nothing. And if this country pulls out of South Vietnam before that country is able to stand on its own, all of the cost in blood and treasure will have been paid in vain.

Can anyone seriously believe that Richard Nixon would keep American troops in combat for one day longer than he thinks their presence is necessary?

Can anyone seriously believe that he is letting this nation suffer the losses in lives and in social unrest simply because he enjoys it?

From the political standpoint, the President's administration and his party have everything to gain and nothing to lose by achieving peace tomorrow. But if he achieved it at the price of a communist Southeast Asia, this peace could not last.

CONCERN OVER PRESIDENT NIXON'S VETO OF THE 1971 EDUCATION APPROPRIATIONS BILL

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. BOLAND. Mr. Speaker, I rise to express my concern over President Nixon's veto of the Office of Education's fiscal 1971 appropriations bill.

President Nixon cites the inflationary impact that the increased appropriations for education would have on the country. But how can we "hold the line against big spending" when the administration squanders billions of dollars on the Vietnam war and military projects like the Safeguard ABM? These dollars go to causes of highly dubious merit. What more meritorious commodity do we have than our youth?

The future of the United States depends on its youth—its educated youth. The high standard of living that the United States enjoys cannot be maintained if the education of our children is threatened. To jeopardize the financial stability of our educational institutions is to jeopardize the Nation itself.

The administration's budget request sought only a modest increase in spending—indeed, an almost niggardly increase—over the last fiscal year. How many more children would this increase benefit? The answer: Too few.

The budget requested by the administration for educational purposes is painfully inadequate. Less than ample funding for the Office of Education in fiscal 1971 threatens to breed mediocrity—if not inferiority—in school systems across the country.

Let me cite just one example. School districts in all our States—Chicopee, Mass., a community in my congressional district, is one such school district—are approaching major financial difficulties because of legislation revising the allocation formula for aid to impacted school areas. Faced with rapidly rising enrollment rates, and as rapidly dwindling revenue sources, impacted school districts will need more Federal aid if they are to maintain high-quality education for the children of military personnel and Federal employees.

Mr. Nixon says that his veto of this bill is painful to him, but it is not nearly as painful to him as it would be to the country's school systems—and more important, the youth—of our Nation.

Needless to say, I will support the expected effort to override the President's veto.

VIET VICTORY IS SO NEAR YOU CAN ALMOST TOUCH IT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. SCHMITZ. Mr. Speaker, an article by Col. R. D. Heinl, Jr., which appeared in the Orange County, Calif., Register of July 26, demonstrates not only the success of the Vietnamization program to date, but also the need for continued implementation of the public safety programs currently underway in South Vietnam, to cope with the resurgence of wide-spread terrorist activity.

Colonel Heinl points out that from January to May 31 of this year, aside from 816 individually fingered political assassinations, there have been more than 13,000 South Vietnamese killed, assaulted, or abducted. Many of the victims have been children.

Since the beginning of the Communist drive to conquer South Vietnam, there have been 50,000 South Vietnamese cadres, including schoolteachers, revolutionary development workers, and village chiefs, murdered. In proportion, this would be equivalent to well over 500,000 Americans. Just as organized butchery of this magnitude would never be tolerated in the United States, if we had the power to stop it, so is it necessary that we Congressmen support the efforts of the South Vietnamese government to bring an end to this horror.

Preventive detention laws have played a major role in stemming Communist terrorist activities in those nations which have been fortunate enough to overcome this type of threat to their existence. When it is a question of either isolating the enemy for the protection of the population or allowing the population to be systematically decimated there can be only one choice.

The article by Colonel Heinl follows:

VIEW FROM THE FRONT: VIET VICTORY IS SO NEAR YOU CAN ALMOST TOUCH IT

(By Col. R. D. Heinl, Jr.)

SAIGON (Nana).—Are we winning?

How nearly is the war over?

When and how can we get out of Vietnam?

What does the future hold?

The answers to these big questions are what the country needs to know about the war in Indochina—a war which, in every dimension and aspect, has changed dramatically since this reporter last left Vietnam, 18 months ago.

The computers and the analysts can come up with endless statistics and quantifications in this war of numbers (so hyper-quantified that former Army Chief of Staff Harold K. Johnson used to call it "The Scoreboard War").

They can tell you how many weapons we capture, how many bodies we tally (the "step-on count," the GIs say), the B-52 bomb-tonnages, the rice captured, the in-country troop strength, the indirect-fire attacks, the Chieu-Hoi ralliers, the junks intercepted, the night ambushes, and so on.

IMPRESSIONS

These are the trees. But the shape of the forest comes through more clearly in terms of impressions perceptions and hunches—the kind of signals no computer can quantify.

For example, 18 months ago, the night-sounds of Saigon were those of the battlefield: artillery outgoing, thunderous B-52 strikes rattling the windows, occasional spurts of small-arms fire somewhere or other inside the city.

Now, the nights are quiet, with not even the sight of a distant flare on the horizon. Only twice while in Saigon did this reporter hear any artillery at all, and that random and far away, when the wind was right.

The Hondas that choke the city streets and even the new good roads in the country . . . the bridges everywhere that are intact rather than crumpled and demolished . . . the tin and aluminum roofs that signal prosperous villages . . . the freedom of movement along roads and into villages that used to be solid VC . . . bumper corps of "miracle rice" in every paddy . . .

These impressions are among those that predominate, and in their way they tell a great deal. Behind them, and behind the big questions about the future of war, the pivotal factors that will determine the course of events—narrowly in Vietnam and broadly in Indochina—are perhaps four in number.

Pacification—The struggle to win the entire countryside from the government and away from the Viet Cong.

VIETNAMIZATION

The development and vitalization of a South Vietnamese Army (ARVN) sufficiently battleworthy to withstand the tough Communist regulars of Hanoi.

Beside Vietnamization stands its first cousin, Nixonization, or implementation of the "Nixon Doctrine," whereby Asian countries fight their own wars with their own troops.

Political viability—Evolution of the Thieu-Ky regime and Hanoi's capabilities and possible intentions.

HAND IN HAND

Pacification and Vietnamization ultimately go hand in hand. Without successful Vietnamization—i.e., without an ARVN able to shield the populated areas against devastation and invasion by the 130 North Vietnamese Army (NVA) Battalions still in the field and mainly inside, though only just inside South Vietnam—pacification can never succeed.

Today, pacification is shielded both by the ARVN and by the remaining American combat units in Vietnam. Tomorrow, it will be up to the ARVN alone.

The status of pacification is roughly as follows.

The big war inside South Vietnam has clearly receded. The Communists may be rampaging inside thinly populated, barely defended, remote northwest Cambodia, but they are no longer rampaging inside South Vietnam.

The VC are now waging a broken-backed effort to maintain themselves, using so-called VC "main force" units manned 90 per cent, not by authentic South Vietnamese, but by fillers from the north. In retrospect, it can be seen the VC virtually destroyed itself as a fighting force during the 1968 Tet Offensive.

TET VICTORY

Tet deserves a backward look, if only because it was hailed by our own doomsayers and copperheads as final proof the war was unwinnable.

The Communists did not attain a single one of their stated objectives during Tet. The people of South Vietnam did not join in the proclaimed "general uprising"; the ARVN did not fold but fought; no province, region, or major population center was taken and held by the Communists; and our Marines at Khe Sanh broke the siege that was to have been General Giap's American Dien Bien Phu.

During three weeks of Tet, more than 43,000 Communists (mainly the flower of the VC's political and military cadres) were killed. Tet can now be perceived as the first great turning point of the war.

The only defeat inflicted by the Communists during Tet was in the United States, engineered by elements of the press and TV and by New Left politicians (mainly in the Senate) who have staked careers on an American defeat and humiliation.

Returning to pacification, the people of South Vietnam now seem to have committed themselves in great majority to the government. This does not mean that the government is perfect, or is so considered by the villagers. What it does mean is that the villagers now apparently believe the government will win.

ODDS-ON FAVORITE

The turning point in an insurgency comes when people make up their minds as to who will come out on top. Every indicator suggests the government is now the odds-on favorite.

The people and the Communists are now being separated as never before. More than three million South Vietnamese men (and 200,000 women volunteers) have taken arms under the government banner in the regional and popular forces and village militia.

In this contest for people rather than territory, 89.7 per cent of the population of South Vietnam now lives in government-controlled villages or hamlets. In only eight

XUM

provinces out of South Vietnam's 45 are there any mobile VC military units still alive, and these, as noted above, are mainly manned and led by North Vietnamese officers and men.

Terror is now the main recourse of the VC. Not counting 816 individually fingered political assassinations so far this year, Communist terrorists, as of May 31, had killed, assaulted, or abducted 13,009 South Vietnamese (including a large number of children).

SHADOW WAR

Terror will remain the principal VC capability for some time, at least until the Phoenix or "Phung Hoang" long-haul campaign to uproot the hardcore VC infrastructure (VCI) progresses further.

CIA-authored, the Phoenix program is in some respects our most important and least obviously successful effort in the field of pacification. It is aimed at individually identifying, the killing, apprehending, sentencing, or converting the 71,000 members of the Mafia-like VCI—the Communist political cadres who have been operating under deep cover inside South Vietnam since the days of the Viet Minh and even before. This is a shadow war by police and intelligence against the guts of the VC.

Phung Hoang has so far only scratched the surface, but it is no more designed for or capable of instant success than our own war on the Mafia. However, if Phung Hoang does not succeed in the long run, the whole success of pacification wil be jeopardized.

Ever since the ARVN showed its mettle during the Cambodian incursions, Vietnamization has looked like a winner. Actually (even before the term was coined), Vietnamization passed its first test during Tet by virtue of the ARVN's surprising ability to hold together and fight for its life. Now that the Thieu regime has really accepted the fact and imminence of American withdrawal, Vietnamization is progressing well.

ASTONISHING PROWESS

The ARVN is now composed of basically well-trained soldiers with an increasingly capable corps of junior and mid-level officers being systematically brought forward.

The once scandalous top leadership of the ARVN is being upgraded, and as a result, once scandalous ARVN divisions are fighting. One has only to recall the astonishing recent prowess in Cambodia of the 7th and 25th ARVN Divisions, once rated by U.S. advisers as among the worst in the Free World.

With the surge of self-confidence and the time earned by devastation of the Cambodian sanctuaries, Vietnamization ought to progress well. Top American commanders believe the ARVN will be able to stand completely on its own feet as a fighting army against the NVA by mid-1972.

Paradoxically, as the ARVN improves, many observers feel the U.S. Army is slipping. Senior American commanders deny this emphatically. But those (like this reporter) who have spent time in the field with American divisions get strong impressions that the national malaise—borne by college-educated, middle-class, resentful draftee vectors—has reached Vietnam.

The shaggy-haired perfunctory, yakking, near-seditious U.S. units with fat, idle headquarters, crummy camps and dirty weapons cannot compare to the professional, keen, hard-charging Army, say, of 1967, which was in fact one of the finest our country has ever fielded.

Tragic as this is—if true—the fact remains it is now more important, far more important, for the ARVN to be on the upgrade than for our own army. In a sense, the latter has spent itself (or been morally spent) in order to buy time for the ARVN.

INTERNAL POLITICS

If Vietnamization and pacification, interlocked, represent one side of the coin, the other side is the internal political situation within South Vietnam.

The dominant political act in South Vietnam is there has not been a coup since 1965, and there appears to be no likelihood of one. Ambassador Ellsworth Bunker, in his steely way (which seems so little perceived by detractors at home; he is assuredly no puppet of President Thieu), has reportedly told the Vietnamese the next coup will be the last one: evidently, they believe him.

Elections have been progressively held throughout the south (village and hamlet elections just last month came off in orderly and decent fashion). The Thieu regime itself entered office on a plurality of about 35 per cent of the eligible voters (nearly the equivalent to those of New York's Mayor Lindsay and President Nixon), and has at least maintained if not somewhat broadened this base.

In the recent village elections, candidacies have been contested: Government nominees have been defeated. South Vietnam is certainly no more of a democracy, say, than Jersey City or Placquemines Parish, La., but by the standards of a developing Asian country still fighting for its life, the results are good enough.

FAR MORE DEMOCRATIC

Certainly, South Vietnam's imperfect democracy is infinitely more democratic than anything the Communists would ever permit. South Vietnam is developing * * * told the Vietnamese the next Supreme Court has overruled the government in a number of important cases and forced corrective action or legislation which has pinched President Thieu. To his credit, and the court's, the latter has nevertheless continued to function without impediment.

Economically, the short-term health of South Vietnam is good. With greatly improved security, development is gaining momentum. Crops of "miracle rice" have wiped out the country's million-ton wartime rice deficit.

Compared to past years, little of this rice is reaching the VC. Rice has, in fact, come in so well that farmers are now playing the market and withholding their crops so as to take advantage of price fluctuations.

In other words, here as elsewhere in the economy, the rules of a free market are working. Inflation remains a danger, but this, to some extent, will be countered by further American troop withdrawals, and consequent reductions in U.S. soft-goods spending.

STAGE II

Set against the foregoing conditions and developments in South Vietnam, the Communists have two main capabilities or a combination of both.

One, which they have already begun to implement in many parts of the country, is to fall back into what experts in their jargon call "Stage II," which means a low-level, protracted, relatively passive guerrilla effort without big battles, aimed at survival rather than victory.

The second capability is to hit hard across or just around the Laotian flank of, the DMZ.

Along and around the DMZ the NVA has more than three divisions and a host of supporting units and enormous logistic installations, all poised for a possible blow against the relatively thin forces in the north, where the two best ARVN divisions, the 1st and 2nd, hold the line with backup from our 101st Airborne Division and 5th Mechanized Cavalry Brigade.

A hammer blow across the DMZ would be a logical enemy way to try to shatter the top ARVN divisions and thus to set back Vietnamization as well as gain a new foothold in the once embattled four northern provinces.

What may perhaps deter such a stroke is fear it would provoke renewed bombing of the massive base complex the Communists have now developed north of the DMZ.

CAMBODIA

No discussion of enemy capabilities would be complete without mention of Cambodia. Communist operations in that country present a good example of the psychological warfare with which the Communists have often succeeded in sapping the will of our home front.

Despite widespread attacks and high-visibility military presence here, there, and seemingly everywhere in Cambodia, the Communists enjoy few significant new military advantages in that country.

They still hold the area east of the Mekong, which has been captured Communist territory for nearly a decade. They also are able to operate more or less at will in northwest Cambodia, but the region is remote from Vietnam and of little importance to the Vietnam war.

The vital areas of Cambodia (especially to the U.S.) are Phnom Penh and Kompong Som (Sihanoukville). Phnom Penh has been virtually guaranteed by the South Vietnamese: they have stationed marine battalions in easy striking distance of the capital, and much of their armor is in support for a push along Route 1 from the Parrot's Beak.

Kompong Som, it can be stated on high authority, will be kept closed to Communist shipping, no matter what happens inside Cambodia (just as the border sanctuaries will be cleaned out again, whether by U.S. or ARVN troops, when the need arises).

INTO THE VORTEX

It was the deposal of Sihanouk in March—not our raids into the border sanctuaries in May—that brought Cambodia into the vortex and off the tightrope. What is happening is hard on Cambodia, admittedly, but not gravely hazardous to American vital interests. Cambodia has belately but finally and inevitably been pulled into the war which Ho Chi Minh proclaimed 24 years ago as a war for a Communist Indochina.

And so, at length we return to the initial big questions.

Are we winning? Yes.

When and how can we get out of Vietnam? By next May, our army will be down to about 280,000. From that point on, it will be a supporting rather than a fighting army and it can probably become a volunteer army.

The signs now point to a Korean solution—i.e., token U.S. presence for years ahead, but few casualties and diminishing financial cost.

The imponderable is not what the Communists do, for they can now do little. That is one reason for their adamant position in Paris. As the war now stands, any settlement short of forced unification of the two Vietnams under a Communist dictatorship would be a crushing defeat for Hanoi's costly, bitter and protracted struggle.

The North Vietnamese, in short, cannot afford serious negotiations, which would of course entail compromise.

The imponderable instead is what the American home front will stand for. If our upper-middle-class, left-wing-intellectual opponents of the war, who emotionally feel it is hopeless and unwinnable, can exert their powerful influence to break off our effort (and virtually sue for peace), the war can yet be lost.

This is what Hanoi banks on as it draws aid and comfort from our copperheads and doomsayers. (It is perhaps significant that, among some units in Vietnam, the Ho Chi Minh Trail is nicknamed "The Fulbright-McGovern Memorial Highway," or just "Fulbright-McGovern.")

Will President Nixon be allowed to complete successfully what Stewart Alsop in Newsweek has so presciently described as his "Great Retreat"?

The answer lies within ourselves. As Foch said, "no one is defeated who will not admit that he is defeated."

LAW AND DISORDER II

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. COHELAN. Mr. Speaker, the Nixon administration has loudly proclaimed its concern over the rising rate of crime, yet in terms of systematic planning to meet this situation there has been little tangible progress. The administration seems content to fight crime by advancing the use of procedurally and constitutionally questionable methods such as the "no knock" and "preventive detention" procedures.

It is disappointing that this self-proclaimed "law and order" administration has not effectively utilized existing programs to assist in modernizing the criminal justice system. The recent study of the Law Enforcement Assistance Administration—LEAA—by the National Urban Coalition is the latest item detailing the administration's failure in this area.

Under the justification of State responsibility, the administration has not taken upon itself the responsibility to effecting changes in the criminal justice system. The report of the Urban Coalition is inadvertently a stinging indictment of the bloc grant approach, but its central significance is that it pinpoints areas that continue to be neglected.

The lack of emphasis on corrections and rehabilitation has been recognized by criminologists as one of the weakest links in our criminal justice system. Yet this knowledge has not motivated the LEAA or the States to move in these areas. The stress on new equipment has been a standard goal for most police units—but most of the studies show that the criminals might not be so much deterred by a shining new patrol car as by the knowledge that if he is caught he will be speedily brought to trial.

It is discouraging to see that LEAA has not moved forcefully in these areas, but I am hopeful that the wide circulation of the Urban Coalition's report and its recommendations will provide the impetus to move in these necessary directions.

I urge my colleagues to study the following report entitled, "Law and Disorder II":

LAW AND DISORDER II

(Prepared by the National Urban Coalition)

Crime is gripping our cities with fear destroying lives and property, consuming fiscal and human resources. Urban systems of criminal justice—including the police, the courts, and corrections institutions—are incapable of halting rising crime rates and unresponsive to the needs of the communities they serve. For decades these agencies have operated beyond public scrutiny, lacking either adequate support or constructive criticism. The public has refused to make the financial commitment necessary for the system to work. Few basic questions have been asked about crime, criminals, or the operation of the agencies set up to deal with them. Fewer answers have been found.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968, the grant program administered by the Law Enforcement Assistance Administration (LEAA) of the Department of Justice, is the only existing major federal program which has the potential to stop the rise in crime and to modernize the agencies of the criminal justice system. In 1969, $63 million in block grants were made available to the states for the creation of state planning agencies and the funding of action programs to improve the operation of both state and local criminal justice agencies; in 1970, appropriations under the Act were increased to $268 million; and funding proposals for fiscal 1971 range from $480 million to over $1 billion. Once the billion mark is reached the federal investment in the operation of the nation's criminal justice agencies will represent one-sixth of the total natoional expenditure in this area.

Because of the great potential of the Safe Streets Act program for dealing constructively with one of the most frightening and costly of all urban problems, the National Urban Coalition has followed its developments with great expectations. In June, 1969, the Coalition published a report, "Law and Disorder: State Planning Under the Safe Streets Act of 1968," which pointed out that evolving patterns in the state planning process threatened to impair the effectiveness of the federal grant program.

Based on an examination of 12 urbanized states (California, Florida, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Texas) the report observed that: Participation in the planning process was limited to a narrow group of officials, criminal justice professionals, and local government representatives—the same people who administered the system in need of reform. No effort was being made to provide linkages to the many private and public agencies concerned with the development of human resources that are essential to the prevention of crime or the rehabilitation of criminals. Nor were the insights of those who have been "processed" by the system being sought. Many states had created, at the suggestion of LEAA's guidelines, a regional substructure under the state agency that was not functionally relevant to the problems of the criminal justice system and that was either inoperative or ineffective in serving its intended purpose as a conduit for local participation.

Partly because of the regional structures and partly because of the structure of the state agencies, the planning process was reinforcing rather than overcoming the traditional fragmentation of the criminal justice system so that none of the agencies involved was taking into consideration its relationship to the others.

With few exceptions, planning efforts were suffering from a lack of know-how, both in terms of structuring a state operation and in terms of creating substantive programming goals. The report found that the Justice Department was doing little to overcome this deficiency.

This report is an updating of the June, 1969, findings, prepared from data gathered at federal, state, and local levels. It focuses on the Title I planning process developed by the states and on the action programs funded by LEAA under the state plans. It does not include an analysis of the academic assistance program established by Title I or a detailed discussion of the programs of the National Institute of Law Enforcement and Criminal Justice.

SUMMARY

Despite one full year of operation under the Act, many state programs have not gotten off the ground. There is evidence that in many cases the planning process is a paper exercise, unrelated to the actual distribution of action funds. Planning funds are not reaching local governments but are going to regional entities which in most cases have no operational responsibilities. State agencies—the final repositories of decision-making power—are dominated by officials of the criminal justice agencies and representatives of general units of state and local government. There is little or no representation from "citizen and community interests" (as stated in LEAA's guidelines) or from social service agencies having rehabilitative resources. Where there is minority representation, it does not adequately reflect inner-city interests. For the most part, these state-level deficiencies are not corrected by the composition of regional or local boards.

Program grants are being dissipated—geographically and programmatically—in part because of the structural difficulties which were outlined in "Law and Disorder," in part because of a lack of leadership by both federal and state agencies, and in part because of a lack of public commitment. The broad dissipation of action funds has meant that the money is not being focused on major impact programs, has little likelihood of preventing or reducing crime, and in some cases is not going to the urban population centers—where the crime is. The National League of Cities, in a report issued in February, 1970, showed that such cities as Cleveland, Toledo, Scranton, Houston, San Francisco, and Albany have received none or only small amounts of their states' fiscal 1969 funds. Our survey supported that picture.

Almost all of the 1969 action money went for police expenditures—usually communications equipment or other hardware—while only negligible attention was given to such areas as corrections, juvenile treatment, narcotics control, or court reform. This heavy emphasis on police, if continued, could cause a serious dislocation in the entire system of criminal justice. Little evidence has been produced to show that more sophisticated police equipment produces measurable results in preventing crime. On the other hand, it has been shown that meaningful treatment in corrections institutions brings down recidivism rates, that controlling narcotics addiction does away with those crimes of violence caused by the compulsion for drugs, and that effective juvenile programs halt rising crime rates in that segment of the population where crime has been increasing most rapidly. Applying simple cost-effectiveness standards, it would seem that investments in these latter areas should receive priority over the former. Yet, to date, they have been largely ignored.

As of March, 1970, only $1,109,776 had been committed to corrections in the 12 states surveyed, while $11,563,738—more than 10 times as much—had gone for police projects, and approximately 58 per cent of this latter amount for equipment expenditures. A total of $1,140,708 had been spent on court reform. A look at the specific states reveals that, in Ohio, 92 per cent of fiscal 1969 state expenditures were in the police category; in Indiana, 81 per cent; in Illinois, 79 per cent; and in Pennsylvania, 80 per cent.

The President's Commission on the Causes and Prevention of Violence and the U.S. Conference of Mayors have shown that cities and states alone cannot halt the rising crime rates, and that substantial increases are needed in federal expenditures for crime control. The Violence Commission recommended a doubling of the nation's investment in the administration of justice and the prevention of crime, with the lion's share to be carried by the federal government. Because of its present administrative and structural inadequacies, the Title I program cannot effectively handle greatly increased levels of funding. Until measures are taken to insure that planning and action funds will be used effectively, LEAA funding should be held at its present level or restricted to $480 million, as the Attorney General recommended on March 12, 1970.

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A FAILURE OF FEDERAL AND STATE LEADERSHIP

The Justice Department played only a minimal supervisory role in handing out the $63 million in grant money appropriated for Title I in 1969. Although LEAA's annual report points to an impressive structure of regional assistance offices and contain numerical tabulations of technical assistance, telephone responses, and meetings, the Administration in fact provided little leadership in the establishment of priorities, the proper structuring of regional and local planning mechanisms, or the development of sound action programs. Nor did LEAA set up a clearinghouse operation to disseminate among the states the limited information that does exist about the effectiveness of various anticrime programs.

This lack of direction has resulted in great confusion among the states on such important questions as whether the division of a state into regions is optional or mandatory; whether private agencies active in such fields as juvenile treatment and corrections can be the recipients of action grants; or whether juvenile programs are restricted to Department of Health, Education, and Welfare funds, or can be supported by LEAA grants. On another level, that of substantive impact, the lack of standards and guidelines has resulted in a tremendous duplication of effort among states and localities attacking similar problems. It has also produced such undesirable developments as the investment of "riot control" funds in small, even rural, municipalities or townships, and financial support to obsolete, irrationally constituted police departments which would either consolidate or go out of existence without the federal funding.

In many instances state agencies are looking for meaningful goals, measurements, and guidance. This year's Coalition survey showed that at least one state-agency chairman had had no contact with his regional LEAA representative. A state-agency executive director, when asked the extent of his contact with LEAA, said he would like to "get on their mailing list." And several agencies complained that the Justice Department had not even provided them with information * * * own being developed in other states or cities. For some states, the highest compliment paid LEAA was, "They haven't told us how to run our shop." The problem was particularly acute in the Midwest where the directorship of the LEAA regional office in Chicago remained vacant for several months.[1]

LEAA has attempted to justify its limited leadership role by asserting that crime is a "state and local problem" and that Congress did not intend LEAA to direct the states in their program efforts. However, the language of Title I, Sections 515(b) and 515(c), authorizes LEAA to play a leadership role by evaluating "the programs and activities assisted under this title" and by rendering "technical assistance to states, units of general local government, combinations of such states or units, or other . . . agencies in matters relating to law enforcement." Recently, the Attorney General acknowledged that LEAA was "designed to provide leadership . . . and technical assistance to help the states and cities," but there is no indication to date that this has, in fact, become Departmental policy.

The chief mechanism provided in Title I for Justice Department direction and evaluation of the state programs is the annual plan. To obtain its action funds, each state must annually submit a comprehensive plan analyzing the problems of its criminal justice system and describing the ways in which it proposes to invest the federal money to meet those problems. LEAA is authorized by Title I to fund only those states which have submitted "comprehensive plans" that encompass the activities of all agencies of the criminal justice system. Among other requirements, the plans must "incorporate innovations and advanced techniques," must show that federal funds are not being used to supplant state or local funds, and must show that 75 per cent of federal action funds are going to local governments for crime-control programs.

LEAA effectively cut itself off from a meaningful review of fiscal 1969 plans by failing to require states to show where the action money would be spent geographically or for what specific purposes. Instead, plans, described general categories such as "crime prevention" without including sufficient information with which to gauge the nature or impact of the program. A consultant hired by LEAA to assess the state plans concluded that the vagueness and lack of comprehensiveness in action-grant proposals made meaningful evaluation impossible.

Even if the plans had been more reflective of the proposed distribution of action funds, there is no reason to believe that LEAA would have played a stronger role in setting and encouraging priorities. Where the 1969 plans omitted or showed an insubstantial commitment to major elements of the criminal justice system, such as the courts or corrections, LEAA still distributed the action money—along with a weak warning that future plans should be more comprehensive.[2]

In fact, LEAA's acceptance of the heavy emphasis on police programs at the expense of other areas of the criminal justice system raises serious questions about the Justice Department's interpretation of the term "comprehensive." Moreover, LEAA has not been willing to use the leverage provided in the other. Title I plan requirements discussed above.

Although changes made by LEAA in its guidelines for fiscal 1970 require that state plans provide more specifics in regard to the geographical and categorical distribution of action money, this improvement was offset by the Administration's agreement, announced in early February, to make 50 per cent of fiscal 1970 funds available to the states on the basis of the 1969 plans.

Not all of the blame for the low level of performance in 1969 rests with the Justice Department. Neither public interest nor government commitment was high at state and local levels. One state consultant working on this survey reported that the operation of his state agency has gone "largely unnoticed and unreported." Another commented, "The program has not received attention among the public at large. There is no thoughtful middle-ground dialect on the issue." A third stated, "The fact that money is available under the Safe Streets Act is still a fairly well-kept secret."

The states generally did not succeed in providing the leadership which the LEAA was so willing to transfer to them. As of April 1, 1970, several states had fallen far behind in the distribution of 1969 action funds. A number complained that they had no applicants for the money. These states had not generated a sufficient volume of project proposals because they had either failed to get information about the program out to the cities and localities or had transmitted conflicting information which made it difficult, if not impossible, for local governments to respond. Local governments in California, for example, complained that frequent changes in directives from the state agency made it virtually impossible to complete project applications.

Other states set inadequate guidelines or failed to enforce guidelines, once established. For example, Indiana set forth 14 objectives for local planning agencies, only three of which could be interpreted as encompassing purchases of equipment. Yet, as of March, 1970, over 55 per cent of the state's committed action money for fiscal 1969 had gone for equipment. Other states allowed funds to go for routine expenditures—lighting, police uniforms, basic office equipment—which had been neglected before the federal dollars became available.[3]

Some governors failed to support the implementation of the program. Indiana, as part of an overall cost reduction effort, had a staff of two professionals (with an executive director earning $15,000) administering the fiscal 1969 action program of over $715,000. In Florida, the agency administrator claimed that he could not take steps to broaden his regional planning units to end police domination of the program because, without the law-enforcement lobby at the state level, he would be unable to obtain the matching funds necessary to trigger the federal grants. Although some state legislatures, such as Illinois' and North Carolina's, have exceeded the matching funds required for LEAA grants[4] a number of state agencies are experiencing difficulty in getting legislative support. This represents a serious threat to the program, particularly since many local governments are finding it extremely difficult to come up with the required match for action grants.

Finally, some of the blame rests with the cities. Participation at the city level has in many cases been deficient, in part because of the restricted role which the Act itself and the state administrators have carved out for the cities, and in part because many city officials have not placed a high priority on the program. A few mayors reached in the Coalition survey were not even aware of how much money had been committed to agencies within their cities or who had participated in the planning process. The Act itself does not require support to citywide planning entities,[5] but it is clear that unless such mechanisms are established by the mayors on their own initiative, the role of the cities in the program will continue to be restricted.

OPERATION OF THE STATE AGENCIES

Each state was required by Title I to establish a state planning agency under the governor—supported by staff—to be responsible for the development of the annual comprehensive plan and for administering the grants made by LEAA after the submission of the plan. All of the 12 states surveyed by the Coalition had planning agencies—ranging in size from 8 to 41, and supported by staff ranging from 6 to 56.[6]

Some of the states have also created task forces or panels of experts to advise the state boards and staff in such specific substantive areas as court reform, juvenile delinquency, and community relations. In addition, all but one of the states—New Jersey—have been divided into regions, each with its own board, staff, and, in some cases, advisory committee. This apparatus serves as an intermediate level between the cities and the states, developing plans and screening program proposals.

A. Who does the planning?

State planning agencies suffer from an across-the-board shortage of representatives from public and private social service agencies or from "citizen and community interests." For fiscal 1969, in the 12 states surveyed, 302 persons served on state planning agencies, of which 62 per cent were criminal justice officials, 26 per cent represented general units of state and local government, 7 per cent were from public and private social service agencies, and only 5 per cent represented citizen and community interests.[7]

New Jersey's 14-man board and North Carolina's 26-member board had no representatives other than criminal justice professionals; Florida's 29-member board had only three persons outside this category, and Michigan's 28-member board had only two. New York was an exception to the general pattern of limited board representation: that state's agency, after careful planning, succeeded in including some minority persons with strong community ties.

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Many states assert that representation at the state level can be limited to the "professionals" and need not be broadly diversified. Diversification, they say, can be achieved at the regional and local levels. Our review of regional structures, however, showed that in many states a heavy emphasis on criminal justice personnel was carried over to the regions. In Florida, for example, each of the seven regions is composed of four sheriffs, four police chiefs, a fiscal officer, and a hired planner. In North Carolina, 233 of the 383 members of the 22 regional policy boards are criminal justice officials, 130 represent general units of local government, and only 20 represent social service agencies or citizen interests.[8] In Ohio and Indiana, a sampling of regional boards and advisory committees indicated a similar imbalance in favor of professionals and government officials.

Those states, such as Pennsylvania, which have attempted to broaden planning and programming participation through additions to their regional boards have failed to alter the decision-making process which places final responsibility for deciding where state funds should go at the state-board level. Despite Justice Department assertions that participation in the planning process would be broadened during fiscal 1969, the domination of criminal justice officials has continued.[9]

LEAA has claimed that there is substantial minority participation on the planning agencies. But our figures show that, although they are some minority participants, almost all of them are either local government representatives or criminal justice officials.

Before April, 1970, Massachusetts had no minority members on its state board (it has since added blacks and Puerto Ricans). Mississippi is being challenged in court under Title VI of the Civil Rights Act of 1964 because of the composition of its board. The allegations in that case are that the narrow composition of the board is having a detrimental effect on the kinds of programs funded by the state, with little or no emphasis being given to programs that strengthen ties between criminal justice agencies and the community. To date, the Justice Department has failed to develop clear Title VI policy guidelines for the LEAA program. The Civil Rights Commission has reported that the Administration has no mechanism for measuring performance in this area and no staff person with responsibility for determining whether the program is in conformance with civil rights laws.

Officials of the Community Relations Service of the Department of Justice have reported that LEAA has not tried to alert community groups to the program nor to work with them, and that state agencies have provided no machinery to prompt minority interests. Even where mechanisms already provide for such participation, they are apparently being ignored.

The state agencies have not provided adequately for the participation of persons who have links to community groups and community problems. Nor have they included private interests which possess important resources for treatment, rehabilitation, and crime prevention, such as business, labor, and social service agencies.[10] Without the inclusion of these interests, the program will continue to lack both the resources and the commitment necessary to make it work. The lack of adequate participation on the planning boards, resulting in the closed nature of the planning process, has already had a negative impact on the Title I program. It explains in large part the striking lack of innovative programming in the states and the tendency to "buy more of the same old stuff." It also accounts for the over-emphasis of law enforcement programs during 1969. And, at least two states reported that a number of community-based programs were rejected at the regional level because law enforcement officials dominated the regional boards.

The isolation of the criminal justice system from other influences and resources in society is a major cause of the system's backwardness. Until linkages are made with private agencies, civic organizations, volunteer groups, and grass-roots organizations, it will be difficult to develop effective crime prevention programs or improved community relations.

Most states have not yet begun to think of the valuable resources that could be tapped by extending the planning process beyond criminal justice professionals.

B. The regional structures

With the exception of New Jersey, which scrapped an ineffective regional network in order to deal directly with its cities and counties, all the states surveyed by the Coalition have created regional substructures under the state agency with responsibility for developing a regional contribution to the state plan, and assisting with and approving action-grant applications from localities situated within the region. Most states superimposed the criminal justice planning function on preexisting state planning districts, regional planning commissions, or councils of government; a few created new regional entities.

In some states, major cities—such as New York City and Philadelphia—constitute regional entities in themselves. In Massachusetts and New Jersey, the cities relate directly to the state agency. Only less urbanized areas are combined into regions in Massachusetts. In New York, cities with a population of 500,000 or more are allowed to become separate planning and programming entities. In the majority of states, however, local governments participate in the Title I program only through regional structures which are often the result of arbitrary geographic carving up of the states.

Many regional structures have failed to give adequate representation to major cities within their borders. Detroit and Wayne County, for example, with 40 per cent of Michigan's population and half of its serious crime, are grouped together with six other counties into one region, while less populous cities such as Lansing are in regions with only two or three counties. The City of Cleveland has only 6 per cent representation in Ohio's Region IV, yet it contains 25 per cent of the region's population. (The mayor has filed suit against the regional council challenging the regional composition.) Similarly, Gary, Indiana, has only two representatives in Indiana's Region I and no representation on the state planning agency.

In at least one state, Texas, major cities have veto powers over those parts of their regional plan which directly affect them.[11] Other states, such as Michigan, require that regional plans show two sets of priorities—one for the region, the other for localities within the region. By far the majority of states, however, submerge the interests and needs of their cities within the regional structure.

The major failing of the regional networks is that most of them are artificial structures devoid of legal or political powers. The preexistent state planning regions were notorious because of their lack of authority and resources to carry out the lengthy complex plans which their staffs produced. The criminal justice planning regions suffer from from the same problem. The regions are not governing entities having tax powers and funding available to them other than the money granted by the state planning agency. In many cases that money is distributed with little or no relation to the regional plan.

Most states require the regions to develop comprehensive plans which are financed up to 90 per cent by the LEAA grant, each region receiving a grant based on a formula which usually takes into account either population or crime rates, or both.[12] Most states surveyed do not provide planning funds to local units of government even though planning at the local level would unquestionably have a greater impact on action programs; the regional grant is viewed as fulfilling the Act's provision that 40 per cent of the planning money must be made available to units of local government to enable them to participate in the formation of the state plan.

Although it is too late to prevent the formation of regions, there is a serious question whether the regional structures imposed by some of the states are authorized under title I. The language of the Act authorizes state plans to "encourage units of local government to combine or provide for cooperative arrangements." It does not suggest compulsory joinder. Regional units should be authorized only if they serve a functional purpose, if they are voluntary, and if they accommodate the fundamental planning needs of the cities.

THE PLANNING PROCESS

In most of the states surveyed, the development of the annual comprehensive plan was a lengthy, time-consuming process which frequently did little to improve the distribution of the action funds or to make the program more effective. While the process in some states helped to bring the various elements of the criminal justice system together in a coordinated effort, it is doubtful whether that alone was worth the cost.

Title I allows for a diversity of planning levels to meet a range of operational needs. State planning should deal with those problems dependent on the state for resolution, including reform of the criminal law and the laws pertaining to the operation of local criminal justice agencies, upgrading the many state law enforcement agencies, and coordination of statewide problems. The state should also provide guidance and innovative ideas for localities with major crime problems. Regional structures should be used to maximize the limited resources of small jurisdictions through sharing and joint investments, and to overcome jurisdictional limitations which prevent localities from effectively dealing with crime and criminals. Cities, as the Violence Commission and others have pointed out, should engage in citywide or metropolitanwide comprehensive planning for the reform of locally based agencies of criminal justice. Of the three levels, planning at the city level is the most important for improving the operation of criminal justice agencies and controlling the incidence of crime.

This is not the way Title I is working. In most states no planning funds are reaching those cities wihch do not constitute regions to assist them in the development of local plans or to enhance their participation at the regional level. In some cities police chiefs, prosecutors, and other criminal justice officials serve on regional boards, or lobby directly for state funds without citywide clearance.

Generally each of the regional units within the state prepares its own comprehensive plan, which is then submitted to the state agency for "consideration" in the development of the state plan. The scope of the regional plans in 1969 exceeded the resources available to the regions to such an extent that many critics called the entire process a paper exercise. This conclusion is reinforced by the fact that many regions relied on outside consultants to prepare the plans. In Michigan, for example, four out of 11 regional plans were developed by consultants. Regional planning in Texas was similarly characterized by heavy use of consultants.

Few regions were operational—developing plans and receiving funds for those programs which should appropriately be conducted on

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a regional basis. Many regions were either like California's Los Angeles subregion—generating complex regional plans which had little impact on the state plan and no relationship to action funds—or like Indiana's and Illinois' regions which did little more than sign the regions' applications to the state agency

In 1969, the states, like the regions, engaged in a planning exercise that was totally unrelated to the action resources available or to the general level of knowledge about crime in the states. A critic of the process has commented: "The state that can include the longest shopping list, decorated with the most impressive narrative—which usually means language mixing science with sociology in large doses—wins the prize." The Massachusetts plan, for example, was 1,600 pages long, and California's totaled 5,896 pages and weighed 48 pounds. But neither conveyed adequately the nature of the action programs proposed for funding, their relationship to the problems described in the plan, or their likelihood for reducing crime.

The states tended to go to two extremes. Some developed overly detailed plans which in effect precluded localities from developing their own priorities by requiring them to fit into one of the state's preferred categories. Others avoided planning responsibilities entirely by filing plans which were so general in nature that almost any subsequently submitted proposal could be tailored to fall within the plan. To illustrate the former, Illinois submitted a list of 24 program areas in its 1969 plan, but as of March, 1970, funds had not been granted in 12 of those areas because no request had been made for the designated programs. States suffering from the latter problem tended, as did Ohio, to fund numerous, scattered, small-impact programs.

DISTRIBUTION OF THE ACTION FUNDS

By June 30, 1969, the states had all received their allotted action funds.[13] By law, 75 per cent of these funds were required to go to units of local government or to combinations of such units. The remaining 25 per cent could be used for expenditures by state agencies, such as the highway patrol or the state prison; for statewide programs which would benefit a range of local agencies within the state, such as crime information systems; or for additional distribution to local governments. New Jersey, for example, distributed 88.9 per cent of its action funds to local governments.

Some states, such as Massachusetts, distributed the 75-per-cent local funding directly to local units of government for projects that had been cleared through the regional and state planning mechanisms. Others, such as North Carolina, distributed all the action funds to the regions for regional programs or for redistribution to local programs which had been approved by the state agency. Some states, such as Illinois, Indiana, and Massachusetts, had developed at the state level programs which they felt to be appropriate for local agencies but which had not been cleared by those agencies; these states were required to go out and look for participants in the designated programs. As late as April, 1970, at least two of these states were still looking for willing candidates for some of their programs. Many states requested lump sums for general categories of program activity; instead of obtaining project proposals through the planning process, they first obtained the federal grant and then opened their doors for program applicants who could tailor their needs to the broad program categories.

Title I provides federal funding on a matching scale, ranging from 33⅓ per cent for salaries to 75 per cent for riot control or organized crime programs. Construction expenditures receive only a 50-per-cent match, all other programs get 60 per cent. The sliding scale has produced a number of rather strange distortions. For example, the high funding for riot control has in some states led to grants to small communities which have no campuses or significant minority populations, and which probably will never be faced with a situation justifying the use of the equipment. In other states, planners have attempted to fund police-community relations programs with riot-control money in order to get the favorable match.

The restricted one-third match for salaries and the prohibition against funding to private entities have both been major hurdles to innovative program development. In such areas as crime prevention, rehabilitation, and community involvement, private organizations have far greater capabilities than do public agencies. A number of private agencies, such as the Vera Institute of Justice in New York City, have a demonstrated capacity for developing new operational models for the police or the courts. The major cost to these groups—or to planning or research units of public agencies seeking to develop new programs—is salaries.

In most states, fiscal 1969 action funds were widely scattered geographically and focused primarily on alleviating long-standing resource deficiencies within the criminal justice agencies. For the most part, there was little effort to develop major impact programs, the preference being to "show we're in operation by reaching a broad number of grantees." Michigan, for example, gave a local grant of $600 for training; Pennsylvania $509 for equipment; Indiana $60 for the purchase of a narcotics detection kit; and Ohio $94.80 for training. A minority of states did not fall into this category. Examples of major impact programs are Michigan's juvenile court and probation staff training program; Massachusetts' comprehensive reforms of the criminal and juvenile codes and its Youth Resources program; Illinois' police management studies program aimed at consolidation of small, ineffective departments; and the efforts of California and other states to develop meaningful data on the characteristics of crime, criminals, and the agencies which deal with them.

Many states failed to pose fundamental operational questions in defining priorities for the various agencies which submitted grant requests. As a result, the programs to reform criminal law or to restructure criminal justice agencies were few in number and small in scale. The tendency was to ask the operating agencies for their list of priority expenditures without determining whether performance would be better improved by altering the whole method of operation so that the expenditures would be unnecessary. One priority list submitted by a state corrections department contained 19 items ranging from increased salaries to a dishwasher for a prison dining room to plumbing renovation, with no reference to training, treatment, or other aids for inmates.

Police programs clearly dominated the first year of grants. This, in part, reflected the fact that Title I as presently written—particularly Section 301(b)(1) through (7), suggesting appropriate action grants—focuses almost exclusively on the police. In addition, police tended to be better prepared in pulling together proposals, to have substantial political backing, and to be viewed as the prime actors for reducing crime and bringing about criminal justice reform. The largest single funding category was equipment, representing 58 per cent of the police expenditures. Generally, police equipment expenditures varied in sophistication, reflecting existing funding levels for local departments within the states; lower-funded departments such as those in Indiana, Florida, and Ohio received such basic equipments as cameras, radios, and cars, while better-funded department such as those in Michigan and California received sophisticated communications systems, management systems, and training. A large number of grants were so small in size and so insignificant in purpose as to insure little improvement in present operation. This was particularly true of some of Indiana's, North Carolina's and Pennsylvania's police grants.

By and large, police expenditures went to support present practices and methods of operation. There was little innovation, functional reform, or alterations in the relationship of police departments to the neighborhoods they serve, even though these categories of expenditure tend to cost less than equipment. Although great emphasis was placed on sophisticated intelligence systems and on increased efficiency in apprehending offenders and processing them through the system, relatively little attention was given to prevention or to building community structures to help reduce the incidence of crime. Eight per cent of the police funds went to police-community relations programs which tended to focus on educating the community about the police or on assigning functions to the police which could better be performed by City Hall. There were few new "grievance resolution mechanisms," "community patrols," or "neighborhood participation" programs as suggested by Section 301(b)(7) of Title I.[14]

Expenditures on court reform in the 12 states constituted 7 per cent of the total,[15] with major emphasis given to studies of present court procedures and some to building prosecution and defense resources.

Professor Harry I. Subin of the New York University School of Iaw, an LEAA consultant on state proposals for court reform, has pointed out that much of the money was going for studies—in many cases, for problems or programs such as bail reform that had already been extensively studied, suggesting that the states needed information more than money. Professor Subin deplored the lack of action programs and of new approaches to court reform. The Coalition survey reinforces Professor Subin's findings.

Despite verified statistics on the failure of present corrections institutions to provide the treatment and training necessary to enable their inmates to return to play a constructive role in society, and despite rising recidivism rates, corrections programs received only 7 per cent of the total action money in the 12 states surveyed. In two major states, California and Texas, only 1 per cent of local action funds went to corrections. Of the total corrections expenditures, the largest investment went to training programs for corrections personnel. An LEAA consultant evaluating the state training proposals described them as conveying "a picture of confusion—a picture that may cost a great deal of money and produce very little."

It is essential that expenditures in the corrections area be increased and that linkages be established between existing corrections institutions and public, private, and community groups possessing education, job training, counseling, and other supportive resources.

Two other fields with a proved relationship to rising crime rates—juvenile programs and narcotics control—received less than 6 per cent and 2 per cent respectively of the 12-state funding. This is particularly low in view of the fact that the Coalition survey focused on urban states where juvenile delinquency and drug addition are major problems. Effective programs in either of these areas could unquestionably have a major impact in the reduction of crime. In some states, planning agencies seem to be confused over the division of responsibility between the Department of Health, Education, and Welfare and the Justice Department in the juvenile area, even though most states have attempted to combine the planning mechanisms for both programs. Although increased HEW funding, with related resources in health, education, and other supportive serv-

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ices, would probably be the best way for financing juvenile programs, past patterns of funding indicate that LEAA has far better chances than does HEW for obtaining substantial program funds.[10] If this is correct, it is imperative that LEAA direct the states to make a more substantial commitment to this important area of the criminal justice system.

The task of reducing crime and reforming the institutions of our criminal justice system is an extremely difficult one, but one that is essential to our survival as a nation. The time has come to translate unceasing rhetoric about the crime problem into tangible reform programs that confront the problems seriously and realistically. The first two years of operation of the Law Enforcement Assistance Administration and the action program created under Title I of the Safe Streets Act have been beset with problems; but they have succeeded in raising many important questions about crime and about the operation of the police, the courts, and corrections institutions. Further, the beginnings of a national planning and reform network have been created. The next few years will determine whether the Title I program is simply a new and cumbersome bureaucracy handing out money in a fashion that reinforces the existing problems of the criminal justice system, or whether it is in fact a serious effort to achieve institutional reform.

RECOMMENDATIONS FOR IMPROVING THE TITLE I PROGRAM

1. The Law Enforcement Assistance Administration has failed to assume an effective leadership role in the Title I program. Yet Title I and the funds available under it provide substantial leverage for federal encouragement of excellence in programming at the local level. The problem of crime is too serious not to use that leverage while at the same time encourage local innovation. Therefore LEAA should begin immediately to implement the following activities.

a. Provide technical assistance for substantive planning and programming, including the establishment of priorities;

b. Utilize fully the review power provided in the Act of determining whether state plans and program objectives are truly comprehensive, "innovative," and consistent with the requirements of the Act;

c. Develop effective program evaluation procedures.

2. LEAA's guidelines for plan requirements are overly detailed, confusing, and lacking in focus. LEAA should change these guidelines to tailor plans to the resources available, to focus less on lengthy descriptions of the problems and more on the solutions proposed to address those problems, and to provide sufficient data on the proposed programs to indicate where action money will go and how it will be spent.

3. A vital and necessary prerequisite to reform of the criminal justice system is the development of comprehensive citywide or metropolitanwide programs. The cities must take the initiative to create offices of criminal justice (as recommended by the Violence Commission) or criminal justice coordinating council (as recommended by the Crime Commission). The states must be willing to make planning funds available to such entities once they have been created. And both the states and LEAA should provide assistance in program development, particularly in such areas as courts, corrections, and narcotics control, which are not now receiving adequate attention.

4. Most regional networks, as they are presently constituted, add nothing to criminal justice programs except an unnecessary additional layer of bureaucracy. These regional networks should be abolished unless they are operational, are cutting out problems which require a regional body, and constitute voluntary combinations of units of local government. Major cities whose interests cannot be properly addressed when submerged in a regional organization should be allowed to deal directly with state agencies.

5. Many states require from their regions lengthy comprehensive plans that bear little relation to the distribution of action funds. These requirements should be eliminated. Regional planning should either relate to operations to be conducted on the regional level or should be abolished in favor of data collection and project development. Where regional plans affect cities within their borders, the approval of these cities should be required, as is done in Texas.

6. The sliding scale of matching funds gives preferential treatment to programs for riot control and organized crime, and places negative restrictions on salaries—restrictions which are particularly harmful in demonstration programs. The sliding scale should be abolished.

7. The present restriction against direct-action grants to private entities prevents the program from tapping valuable resources for seeking solutions to problems of criminal justice. This restriction should be abolished.

8. Almost all of the Title I action money is being spent on police expenditures, while only negligible amounts are going for programs that could help to reverse the rising crime rate. Therefore, LEAA and state guidelines should impose a ceiling on police expenditures or specify minimal expenditures—that are enforced—for court reform, corrections, juvenile programs, and drug abuse. Further, the states should be required to earmark a defined percentage of state appropriations for much-needed experimentation at the neighborhood level for community-based or administered criminal justice reform programs. A similar earmarking should be required for efforts to reform state criminal laws and the laws pertaining to the agencies of the criminal justice system.

9. The entire planning process, from the local to the federal level, suffers from an across-the-board shortage of representatives from public and private social service agencies or from "citizen community interests." The process should be opened up to broader participation. At the federal level, a national advisory committee of private citizens should be created to advise LEAA on overall program goals, to assess long-range planning and short-run programming, and to report to the Congress on an annual basis with recommendations for strengthening the performance of the government in achieving reform of the criminal justice system. Finally, the states should include on their planning boards—and should require inclusion on regional and local planning entities—greater representation from social service, civic, and community organizations.

10. So little is known about what actually works in the crime control area that most states have few criteria for deciding how to spend their money effectively. While this report does not analyze the operations of the National Institute of Law Enforcement and Criminal Justice, it is clear that the Institute has the power to engage in far-reaching research and program development and has projected ambitious goals. Therefore, greatly increased appropriations should be provided to the Institute to expand its efforts in researching the causes of crime and the most effective ways of treating these causes. Some of the answers should be found—through the vehicle provided by the Institute—before LEAA funding levels are increased greatly.

FOOTNOTES

[1] In general, criticisms of Justice Department performance did not extend to the National Institute of Law Enforcement and Criminal Justice. Indeed, many state agency officials singled out the Institute's work as particularly effective.

[2] Of the 12 states surveyed by the Coalition, Ohio was censured for insufficient attention to court reform, and Texas for lack of programming in the corrections and organized crime categories. A number of states not in the survey, such as Wisconsin, Nevada, Iowa, and Rhode Island, were told to include a court component in their next year's plan: South Carolina, Nevada, and Wisconsin were required to plan for corrections reform in 1970. Despite these insufficiencies, no action was taken to hold up or reduce the 1969 action funds for these states.

[3] Many of these expenditures are clearly outstanding obligations of the local government and appear to violate the Section 303 (10) requirement that federal funds not be used to supplant local funds. However, neither LEAA nor the states have interpreted them in that way.

[4] Illinois has also provided the required matching funds for economically depressed areas such as Cairo and East St. Louis. The House Judiciary Subcommittee No. 5, which held hearings on LEAA funding in the spring of 1970, has recommended that the states be *required* to absorb 25 percent of the matching funds for local action grants.

[5] The Act simply requires that 40 per cent of planning funds be made available to units of local government or combinations of such units to enable them to participate in the development of the state plan. As is shown later, most states have fulfilled this requirement by making planning grants to regional units within the state.

[6] Several of the states surveyed were not yet fully staffed. Staff sizes as of the end of 1969 were:

	Professional	Clerical	Total
California	18	22	40
Florida	5	6	11
Illinois	24	19	43
Indiana	5	1	6
Massachusetts	39	17	56
Michigan	18	7	25
New Jersey	22	13	35
New York	23	16	39
North Carolina	6	3	9
Ohio	22	16	38
Pennsylvania	24	15	39
Texas	8	6	14

[7] These figures have changed in recent months. As of May, 1970, 278 persons were serving on state planning agencies, with 60 per cent from criminal justice agencies, 28 per cent from local and state government, 8 per cent from social service agencies, and 4 per cent from "citizen and community interests."

[8] The last figure may be high: nine of the individuals listed were in one region—Cumberland. Individuals who could not be identified also were placed in this category.

[9] Charles Rogovin, LEAA Administrator until June 1, 1970, made clear his intention that "planning participation should be broad." In a May 2, 1969, speech before the Stark County Bar Association in Canton, Ohio, he said the boards should have "representation from the general community. That is, representatives from many diverse groups, who have no professional ties to the criminal justice system, also should be included on advisory boards. Some of them should be Negroes and members of other minority groups. And it further means that all the community representatives be given a meaningful role to advise, consult, express their concern, give their judgments, help shape the best programs possible. This process should occur not only at the state level, but also at the local level, where cities and counties develop advisory boards to help draft programs for meaningful local law enforcement improvements." LEAA has not used its power to achieve this goal.

[10] One exception is the planning board for New York City—the Criminal Justice Coordinating Council—which includes both private and public groups that have rehabilitative resources.

[11] Texas' "Policies and Procedures Governing Grants for Comprehensive Law Enforcement Planning" specifies that "regional planning grant applicants must provide evidence that will satisfy the governor and the Criminal Justice Council that (a) the central city (or cities) in the regional planning agency concurs that the application for a planning grant will meet its planning requirements . . ."

ORGANIZATION AND FINANCING OF STATE CRIMINAL JUSTICE PLANNING REGIONS [12]

State	Eligibility for funding		Basis for funding	
	Only regions funded	Both regions and localities funded	Population	Crime index
California		×	×	×
Florida	×		×	
Illinois	×		×	×
Indiana	×		×	
Massachusetts		×	×	×
Michigan		×	×	×
New York	×		×	×
North Carolina	×		×	
Ohio	×		×	
Pennsylvania		×	×	
Texas		×	×	

ACTION-GRANT AWARDS BY STATE [13]

[Amounts in parenthesis are the special grants awarded in August 1968, for riot prevention and control]

State	1969		1970
California	$2,351,610	($414,989)	$17,287,000
Florida	737,035	(130,065)	5,597,000
Illinois	1,338,495	(236,202)	9,877,000
Indiana	613,785	(103,200)	4,565,000
Massachusetts	548,050	(117,450)	4,902,000
Michigan	1,055,020	(186,180)	7,817,000
New Jersey	860,285	(151,814)	6,372,000
New York	2,250,545	(397,154)	16,392,000
North Carolina	618,715	(77,000)	4,613,000
Ohio	1,284,265	(226,634)	9,563,000
Pennsylvania	1,427,235	(240,524)	10,591,000
Texas	1,333,565	(215,144)	9,936,000

[14] Notable exceptions were New York's Youth Patrol for Harlem and North Carolina's "Public Grievance Officer" for Cumberland-Hake County.

[15] This is higher than the national average: at least 35 per cent of all 54 plans had no court programs.

[16] Last year the Health, Education, and Welfare appropriation under the Juvenile Delinquencies Program Act was $5 million; in fiscal 1970, it will reach $10 million.

DEALINGS WITH COMMERCE AND INDUSTRY

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Wednesday, August 12, 1970

Mr. COTTON. Mr. President, since he first came to Senate a dozen years ago, Senator HUGH SCOTT, our distinguished minority leader, has compiled an impressive record in legislation dealing with commerce and industry.

Having served with him for years on the Commerce Comittee I can testify that his leadership in the committee as well as on the Senate floor has been a powerful influence in promoting this type of legislation.

I ask unanimous consent that Senator SCOTT's legislative accomplishments in commerce and industry be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR HUGH SCOTT'S RECORD—COMMERCE AND INDUSTRY LEGISLATION

Pennsylvania ranks among the largest industrial states in the Nation. To retain its pre-eminent position, Senator Hugh Scott has always favored legislation designed to promote the expansion of commerce and industry in Pennsylvania.

The ports of Philadelphia, Chester and Erie are essential to the continuation of Pennsylvania's industrial growth. As such, Senator Scott has always supported legislation dealing with maritime and merchant marine activity.

The Senate's Republican Leader has also been concerned for many of Pennsylvania's industries which have been adversely affected by the rising level of foreign imports. Industries such as steel, shoes, flat glass and electronics have been hard-hit in recent years, and Senator Scott has taken an active role in securing relief for them.

The following is a summary of Senator Scott's activities with respect to commerce and industry:

91ST CONGRESS

Legislation

S. 766—Unfair Competition Act of 1969—to provide for registration and protection of trademarks, etc.

S. 864—Orderly Trade Expansion Act—to authorize the President to enter into trade agreements with foreign countries, etc.

S. 1164—Iron Ore, and Iron and Steel Orderly Trade Act—to limit the amount of iron ore, pig iron and steel mill products which may be imported into the United States by giving the President authority to negotiate agreements establishing import quotas.

S. 2143—To authorize the Secretary of Commerce to develop a national travel policy, to encourage and improve domestic travel facilities, and to coordinate and act as the Federal Government's liaison with State and private tourist organizations. Provides funds for new activities of the U.S. Travel Service.

Votes

Voted against the nomination of Carl J. Gilbert to be Special Representative for Trade Negotiations because of his total commitment to free trade at the expense of some of our hard-pressed domestic industries.

Voted to authorize the President to impose tariffs, and other import restrictions as he deems necessary, and requiring the President to reciprocate when other countries remove import quotas on U.S. goods.

90TH CONGRESS

Legislation

S. 612—To regulate imports of milk and dairy products, etc.

S. 1796—To impose quotas on importation of various manmade or natural articles of textile fibers.

S. 3335—To apply an acceptable credit risk standard for loans to small business concerns in certain high-risk areas.

Votes

Voted to suspend foreign aid to any country which seize or penalized a U.S. fishing vessel until that country reimbursed the United States for its payments to owners of such vessels.

Voted *not* to reduce by 122 million the authorizations for U.S. Maritime programs.

89TH CONGRESS

Legislation

S. 949—To promote State and regional centers to place finding of science usefully in hands of American enterprise.

S. 1858—To promote the expansion and replacement of U.S. nonsubsidized merchant and fishing fleets.

S. 2022—Orderly Marketing Act: to afford foreign supplying nations a fair share of the growth or change in U.S. market.

S. 3530—To create Federal Maritime Board-Administration.

Votes

Voted to exempt Rural Electrification Administration-financed cooperatives from Federal Power Commission jurisdiction.

Voted to authorize a qualified State to administer the safety standards contained in Federal Metal and Nonmetallic Mine Safety Act.

88TH CONGRESS

Legislation

S. Res. 30—To grant legislative authority to the Select Committee on Small Business.

S. 627—To promote State commercial fishery research and development.

S. 1773—To provide construction subsidies for merchant fleets.

Votes

Voted for the Commercial Fisheries Research and Development Act of 1963.

Voted not to reduce by 21⅔ percent the proposed subsidy for fishing vessel construction.

Voted for the United States Fishing Fleet Improvement Act.

87TH CONGRESS

Legislation

S. 610—To establish an Office of International Travel and a Travel Advisory Board within the Commerce Department.

S. 852—To encourage and promote the expansion through private enterprise of domestic exports in world markets.

S. 1722—To protect and equalize rights in distribution of merchandise identified by a trade-mark, brand or trade name.

Votes

Voted to strengthen and pass the Communications Satellite Act of 1962.

Voted to restore the "peril-point" provisions of existing law into the Trade Expansion Act of 1962.

Voted to provide for financial assistance to firms and workers adversely affected by the above Act.

Voted *not* to limit payments to displaced workers in affected industries to amounts they would receive under regular State unemployment compensation programs.

Voted to require the President to transmit to Congress a copy of each trade agreement entered into, with a statement of his reasons therefore.

Voted for the Trade Expansion Act of 1962.

Voted *not* to cut by $14.2 million funds for ship construction, Maritime Administration.

86TH CONGRESS

Legislation

S. 2663—To provide for equalizing conditions of competition between domestic industries and foreign industries with respect to level of wages and working conditions in the production of articles imported into the U.S.

S. 2692—To provide for a ten year program of research, construction, etc., to advance the marine sciences.

S. 1362—To encourage and stimulate production of conservation for coal; authorize the Secretary of the Interior to contract for coal research.

Votes

Voted to provide a program of assistance to correct inequities in the construction of fishing vessels.

Pennsylvania's industry should continue to grow because of Senator Scott's efforts in Washington to encourage that growth through effective legislation. Senator Scott will support additional legislation to assist Pennsylvania industries that have been hurt by imports.

THE NINTH ANNIVERSARY OF THE ALLIANCE FOR PROGRESS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. ROYBAL. Mr. Speaker, August 17, 1970, commemorates the ninth anniversary of the Alliance for Progress. The Charter of Punta del Este signed on that date by delegates of the American republics represented the blueprint for a plan of action to attack the complex problems of development in the hemisphere. We accepted the challenge and joined with our neighbors in an undertaking with broad objectives in the areas of economic growth, education, health, agriculture, and the general well-being of all the people of the Americas.

The labor of the past stirred a continent to action and commenced a peaceful revolution in progress. Those countless people who have become involved and committed to the development process can take pride in the new growth and achievement which marks these past years of the Alliance for Progress. The hopes and aspirations of President John F. Kennedy for hemispheric strength and stability are, indeed, attainable. The pace of the task at hand is steadily quickening and his ringing call in 1961 to the governments and peoples to join in a "vast cooperative effort" is vividly brought to mind on this anniversary date.

In years past, there have been unfair comparisons between the Marshall Plan and the Alliance for Progress. These comparisons were, indeed, unfair because the circumstances involved in each are entirely different.

In Europe, the economic base was there as were the skilled technicians and management. In that great massive input of capital investment to rejuvenate a continent, the rebuilding of their shattered economies was certain given a reasonable amount of time. And the time that it took to bring Europe to her feet was an impressive lesson in applying the right ingredients in the correct measurements to insure success.

In Latin America, on the other hand, the circumstances were quite different. The needed skills and infrastructure so necessary to the development process were for the most part lacking. It has taken time to mount effective government-to-government programs to do the job of training and institution building essential to achieve growth in less developed countries.

Look at our own country. It took time to develop our institutions to the point that the benefits of a strong economy could reach the people. It took time for a strong labor movement to develop and bring better working conditions to the working man and woman in this Nation. It took time to bring rural electrification to the small farms of America. It took time to develop educational facilities throughout this great land to train and to reach our youth. It did not take 9 nor 19 nor 90 years. Even now, in our Nation, we see much that remains to be done in the cities, in the rural areas, in the fields of health, education, and welfare for all the people.

And so in Latin America it will surely take time to institute an extension service to rural areas; it will take time to train doctors and nurses to wage their battle against disease; it will take time to gear up to reach through education the young; and it will take time to assist in the formation of cooperatives and making credit available to all who need it.

On the ninth anniversary of the Alliance for Progress, we should take great pride in the progress we have shared with our Latin American friends. In the boldest and most important multilateral undertaking in the history of the hemisphere, we are partners in development. It has involved governments and peoples with a common focus on the element of change. The Latin Americans, with initiatives and supplying most of the resources needed, will attain their revolution under the Alliance for Progress. With their work and sacrifice and willingness to develop new institutions, our help can be extremely important. Our contributions, in the form of capital investment and technical assistance, will help give the Latin Americans the tools they need in their struggle against poverty and misery.

Looking back on 9 years of the Alliance for Progress, there has been a strengthening of democratic institutions, growth in economic and social development, better working conditions, homes built, schools constructed, teachers trained, water systems installed, techniques improved and a multitude of related development activities underway. As we enter the 10th year of the Alliance, we should note some rather startling accomplishments. Percentage increases today, over 1960, reveal:

Annual average growth of GNP up 5 percent.

Gross investment up 53 percent.

Primary school enrollment up 61.6 percent.

Teacher training enrollment up 122.4 percent.

Classrooms construction up 121.5 percent.

Food production up 38.1 percent.

Secondary agricultural school enrollment up 212 percent.

Number of practicing physicians up 51.1 percent.

What we must remember, and perhaps the most important of all, is that it takes time. Given the time to see the task through, this hemisphere will be stronger and happier in the days ahead. Who can say what the accomplishment list will reveal next year or in 10 years—given a little time?

LEGISLATIVE REORGANIZATION ACT OF 1970

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. SCHWENGEL. Mr. Speaker, the following article appeared in the Washington Post on Monday, August 10. The article indicates concern over the lack of action on the reorganization bill, and is the article to which I referred in my 1 minute speech earlier today.

The article follows:

LAG IN HOUSE ENDANGERS HILL REFORMS

(By Spencer Rich)

Unless the House speeds up action on the legislative reorganization bill, the first major overhaul of congressional procedures in 24 years will die in the Senate adjournment rush.

The House has been debating the bill sporadically for nearly a month, putting it aside repeatedly to take up other legislation. Many controversial provisions are still to be discussed on the floor.

Senate leaders—miffed because the House killed a similar bill three years ago on which the Senate had spent six weeks of debate—have made clear they will not take floor action until the House sends over a bill.

Time, meanwhile, is beginning to run out. Although the Senate Government Operations Committee approved a bill last year almost identical to the measure passed by the Senate three years ago, it has been held from the floor to await completion of House action.

Many Senate leaders believe there will be time to send that measure to the floor before adjournment if the House finishes its bill soon. But the House did nothing on the measure last week, may well do nothing on it this week and is taking a summer recess Friday from which it will not return until Sept. 9.

Aides to Rep. B. F. Sisk (D-Calif.), floor manager of the measure, say passage by the House probably cannot be expected before mid-September at the earliest.

By then, the Senate may be driving to adjourn before the elections, with time only for top-priority bills like Social Security benefits, welfare reform, direct presidential election, and the remaining appropriations measures, including the massive defense bill. The lower-priority congressional reform bill could easily be lost in the shuffle.

If the Senate should decide to come back after election, the reform bill would have a much better chance. But even then the higher-priority bills would take most of the time.

If the Senate bill should reach the floor, it would have a good chance of rapid passage, because many once-controversial provisions were revised in the great debate of three years ago.

The bill does not eliminate the seniority system or weaken the right to filibuster. Instead, it makes a series of changes in procedures which, while individually undramatic, will add up to swifter, more democratic and more efficient ways of doing things.

Thus one provision applying to both House and Senate (which many committee chairmen may not like too well) permits the majority of a committee to call special meetings and force the filing of a report on legislation approved by the committee, even if the chairman is balky. All roll-call votes on any measure or amendment in committee would have to be shown in the committee report, a gesture to the public's right to know something of the innercommittee deliberations.

The use of general proxies (proxies given without specific instructions) would be forbidden in reporting bills.

OTHER FEATURES

The Senate reform measure also would:

Create a separate Senate Veterans Affairs Committee, giving it the jurisdiction now exercised by the Finance and the Labor and Public Welfare committees over veterans affairs. The chairman of those committees may not be happy with this.

Give the Banking and Currency committees in House and Senate general jurisdiction over urban affairs.

End the practice by which any single senator can block all committees from meeting during hours when the Senate is in session.

Establish better legislative review of federal programs and better mechanisms for looking at the federal budget, restrict senators to service on only two major committees (17 now serve on three, producing a huge work overload which often results in neglect of one assignment), and limit a senator to serving as chairman of no more than one standing, select or special committee. (These limits on committee assignment and chairmanships would not apply to senators now enjoying these positions, a "grandfather clause" which would reduce opposition to these provisions.)

Guarantee the minority at least two new professional staffers on each standing committee, and require each senator to have at least one legislative assistant.

At present, the Republican minority on some committees has only one or two staff members, with Democrats appointing all the rest on staffs that may have a dozen persons or more.

Another feature of the bill enlarges the Legislative Reference Service and seeks to transform it into a much-needed professional research service for members.

CHANGES MORE RADICAL

The House, in acting on its version of the bill, has been making more radical changes. Some observers believe that if enough of these are added to the bill on the House floor, the whole measure may be defeated when the vote comes on final passage, as opponents of different portions of the bill gang up on it.

In addition to changes in committee procedures paralleling some of those in the Senate bill, the House bill as amended so far requires committees to allow radio and television coverage of meetings, provides for the recording of teller votes, authorizes 10 minutes of debate on all amendments, flatly bans all proxy voting and provides for one-third minority staffing.

A highly controversial provision of the House bill calls for creation of a joint committee on data processing to have sole jurisdiction over the growing use of computers for keeping congressional payroll and committee records and other information retrieval.

Sisk considers this one of the key reforms in his bill, but Rep. Joe D. Waggonner, Jr. (D-La.) is strongly opposed to the provision because he wants jurisdiction retained by a House Administration Subcommittee of which he is chairman.

One House provision which the Senate surely will not accept, if the bill ever gets to conference, would require a two-thirds House vote for adoption of non-germane Senate amendments added to House bills. The controversy over addition of such amendments to House bills has been going on for years, and senators would probably let the bill die before accepting this provision.

An aide to one of the top Senate leaders said that, should time appear to be running out, it might be possible at the last minute to separate out all noncontroversial amendments and pass them, leaving disputed provisions for action in the future.

At least one senator, Robert C. Byrd (D-W. Va.), said last week it may already be too late for the reform bill "because of the time element." And Rep. Thomas M. Rees (D-Calif.), supporter of the bill, said in his newsletter that he had never seen such stalling. "If this bill is a priority item for the leadership," wrote Rees, "then it's about time to figure out a new definition of the word priority."

EQUAL OPPORTUNITY AND THE COUNTRYSIDE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. ZWACH. Mr. Speaker, the other day, I was one of many Congressmen who signed a discharge petition to get a bill to the floor which, if passed, would guarantee equality of opportunity to both sexes.

We like to think that equality of opportunity exists in this country, but in fact, and in practice, it does not.

Editor Don Olson of the Marshall Messenger, whose newspaper won first place in Minnesota for editorial excellence, points out that there is not equality of opportunity in countryside America.

Mr. Speaker, I insert Mr. Olson's editorial in the CONGRESSIONAL RECORD and urge its reading by my colleagues:

EQUAL OPPORTUNITY AND THE COUNTRYSIDE

The American people are the most mobile in the world. We seem to be constantly on the move, traveling modern highways here and there, from one end of the country to the other. Since there seems to be no restriction on travel, it seems to follow that Americans have the freedom . . . or opportunity . . . to live anywhere they choose.

But it doesn't work out in quite that way.

The hundreds of thousands of Negroes who left the South during the past decade had no good opportunity to stay there. They were pushed out by economic and social pressures in addition to racial discrimination.

They arrived as refugees in northern cities utterly frustrated and angry, ripe for the fiery oratory of an emerging leadership.

Elsewhere in the countryside young people left the towns and farms to seek employment in the large cities. They had no opportunity . . . no free choice . . . to stay in the countryside. The "pull factor" in the migration was mainly better jobs, not bright lights and culture. The "push factor" was lack of opportunity back home.

Recently released federal census figures show the migration to the big city has not slowed much, if at all. And with the built-in premise, "the greater good for the greater number" in our political philosophy, the American countryside right now stands in jeopardy.

Declining populations may be construed by some as justification for cutting state and federal spending in rural areas. This could result in a mass writing-off of thousands of countryside communities.

This type of socio-economic "jawboning" would not be predicting the future of the countryside as much as making it come true.

So what's the alternative?

We'll probably have to stop preoccupying ourselves with population figures and measuring our progress in terms of numbers of people, and take a different tack.

One such tack perhaps should be to push for equal opportunity for all people in the country. The school child at Lynd and Ruthton and Cottonwood should have as good an educational opportunity as the school child in Edina.

The retired couple in Minnesota or Marshall or Tracy should have as good a recreational opportunity as retired people in Bloomington.

The farmer in Lyon county should have as good an income opportunity as the small manufacturers in St. Louis Park. We should no longer accept the false impression that since it costs less to live in the countryside, we should be willing to work for less.

If equal opportunities were to exist throughout the nation, freedom of choice to live where one wants to live would exist. And there is reason to believe that the out-migration from the countryside not only would be stopped, but would be reversed.

The task, if we choose this route to countryside rediscovery and development, is a monumental one . . . all the more reason why we should start now. And since there is little argument that all children are entitled to equal educational opportunities, perhaps that is one area that should be stressed early in the game.

The Minnesota State Legislature, almost a decade ago, was trying to equalize opportunity in the field of higher education when it created Southwest State College. And since that time the legislature has followed the same high-minded philosophy in appropriating for plant, facility and curriculum at the college.

That the legislature's motives were sound can be seen in figures that prove more Southwestern Minnesota youths are getting a higher education today. More equal educational opportunity, in other words, was created by the legislature and others, and the young people responded.

The list of new opportunities and a strong response to them is growing longer. Some 2,500 men, women and children heard the Minnesota Orchestra at Pipestone Thursday evening. It was a cultural opportunity that did not go unnoticed or unappreciated.

Let's strive for more equal opportunities in the countryside.

SIMPLE JUSTICE FOR INDIANS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. GOLDWATER. Mr. Speaker, in our effort to right the wrongs our various minorities may have suffered, we have too often overlooked one particular group—the American Indian.

President Nixon, however, has seen the injustices quietly endured by this people and has presented to Congress and thus to the Nation proposals which will make the life of the American Indian more equitable.

Reaction to the President's recommendations has been overwhelmingly favorable. As we will soon be considering legislation enacting these proposals, I request that the following sampling of editorial response be printed in the RECORD for the edification of my colleagues:

[From the Los Angeles Times, July 10, 1970]

SIMPLE JUSTICE FOR INDIANS

"The utmost good faith shall always be observed toward the Indians; their land and property shall never be taken from them without their consent . . . laws founded in justice and humanity shall from time to time be made for preventing wrongs being done to them . . ."

So declared the Northwest Territory Ordinance of 1787, the first full statement of U.S. Indian policy. But few, if any, national pledges have been so poorly honored.

Instead, the American Indians "have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny," said President Nixon this week as he announced a sweeping new program of assistance and self-determination.

The less than a million Indians now living on reservations or in urban slums are indeed the country's "most deprived and isolated minority group," as the President described them in his message to Congress.

Unemployment among Indians is 10 times the national average; 80% of reservation Indians have incomes that fall below the poverty line. Average schooling for all Indians totals only six years. Their infant death rate is 70% higher than that of the general population, and the first Americans rank last by almost every other health standard.

Because of the wretched condition of the Indian population, the Administration wisely chose to ask Congress to continue the trustee role of the federal government in providing special education, health and economic improvement programs.

But the President also properly insisted that Indians as tribes and individuals be given a significantly larger share of control and responsibility in programs affecting them so as to break a "suffocating pattern of paternalism."

More than $400 million a year would be involved in new and existing programs for the Indians. Mr. Nixon specifically asked for a $10 million increase in the $126 million already budgeted for health programs and for a total of $75 million for economic development projects, plus $200 million in loan guarantees.

No less significant is the Administration proposal that funds allocated for education go directly to Indian tribes and communities rather than to school districts, where their influence is minimal.

Despite the greedy efforts of latter-day Americans, the Indians did not lose all of their land. More than 50 million acres are still in their hands but can only be leased for a maximum of 10 years. The Administration proposes tribal leases of up to 99 years, which Congress should authorize, as well as the restoration of 48,000 acres of sacred land to the Taos Pueblo tribe.

Half of the U.S. Indians have left the reservations for cities, where they also fare badly. The President would set up special centers in Los Angeles and six other cities to help ease their adjustment to urban life.

Finally, to assure that Indians are fairly dealt with by the government, independent counsel staffs would be created and Indian affairs would be elevated to higher status within the Interior Department.

The President's message thus represents an impressive, if much belated, start on undoing the "neglect of centuries." Every possible effort should be undertaken to make the first Americans more than second- or third-class citizens.

[From the Great Falls (Mont.) Tribune, July 10, 1970]

HOPE FOR FIRST AMERICANS: NIXON'S PROPOSAL FOR INDIANS

The proposal President Nixon announced Wednesday to improve the plight of American Indians is a promising one that deserves Congressional support.

President Nixon proposed that Indians be allowed to administer federal programs affecting them. He stressed that Indian control of Indian programs would be a voluntary matter.

In a special message to Congress, President Nixon said the Indians are the most deprived and most isolated minority in the nation. On virtually every scale of measure—employment, income, education, health—the condition of the Indian people ranks at the bottom, he said.

The President's portrayal of the dismal conditions under which Indians live is shocking—but correct.

The indicators of Indian suffering are appalling. Their life expectancy is 44 years, compared with 71 for white Americans. The average income for each Indian family living on or near a reservation—and more than half do—is only $1,500. The average years of schooling is 5.5, well behind that of both the black and Mexican American. About 90 per cent of reservation housing is substandard. Unemployment ranges from a low of 20 per cent on the richer reservations to 80 per cent on the poorest ones.

President Nixon's proposal endorses the principle of self-determination for Indians. It will mean less control of Indian life by the Bureau of Indian Affairs.

There's not much doubt that the present system is not doing a good job for Indians. The federal policy of institutionalized paternalism has stifled Indian creativity and stands convicted by the shocking standards of Indian life.

If Congress approves the President's program, Indians certainly will make some mistakes. That should be expected. Every other ethnic group in the nation has made mistakes and learned by those mistakes.

President Nixon's proposal offers hope to the nation's 650,000 Indians—about 30,000 of whom live in Montana.

[From the Wichita Eagle, July 14, 1970]

MUCH TO GAIN

President Nixon told Congress the other day that "the time has come to break decisively with the past" and welcome Indians to assume greater control of federal programs that affect them.

The time is long overdue. The federal bureaucracy's benevolent-protector role in Indian affairs has not produced the desired results, and American Indians, the original residents of this land, are this nation's most neglected minority.

If Congress agrees with the President, and legislation will be needed in some cases, more than $400 million a year in federal spending will be thrown open to control by Indians rather than by government bureaucrats.

It is amazing that the Indians have managed to hang on to racial pride in the face of the perpetual insult of living on handouts and existing on programs more often than not unsuited to their way of life.

As the President says, it is time to break with the past.

Since the white man hasn't done so well running the Indians' affairs, there is nothing to lose and probably much to gain from letting the Indians themselves have a go at it.

[From the Sacramento Bee, July 10, 1970]

NATION SHOULD RESPOND TO NIXON'S URGING TO GIVE JUSTICE TO INDIAN

For too many years the American Indian has been treated as a second-class citizen. The lands where he once hunted buffalo were taken from him by the white man and he was confined to reservations administered by government agents, many of them unscrupulous and dishonest. Solemn treaties between the government and the various tribes have been either fractured or violated, not by the Indians but by the government.

So it is like a fresh spring breeze that President Richard Nixon has promised the Indians a new deal and will prod Congress for its approval.

The President never was more accurate than when he said the condition of the Indian is a "heritage of injustice," that the white man has been guilty of "aggression" and that the Indian "surely is our most exploited minority."

"We must assure the Indian," he said, "that he can assume control of his own life without being separated involuntarily from the tribal groups. And we must make it clear Indians can become independent of federal control without being cut off from federal concern and federal support. Every Indian community should be able to control its own school boards by setting up school boards like those in other communities."

Under the President's plan Indian tribes would take over control of all federally financed programs for their benefit rather than their being administered by the Great White Father from Washington, D.C.

Federal funds would be increased for a number of aid programs and a new position of assistant interior department secretary for Indian and territorial affairs created, thus giving the office "little cabinet" status.

The President wants to increase the revolving loan fund which allows Indians to finance economic development programs.

And he would put up $200 million in the form of loan guarantees, loan insurance and interest subsidies to encourage private lenders to loan money for Indian projects.

An additional $10 million for Indian health projects would be appropriated in the current fiscal year.

The President is to be highly commended for pressing a program which would make retribution for the injustices imposed on the original owners of America.

Congress should back him without any undue delay.

[From the Arizona Republic, July 10, 1970]

OUR DEPRIVED MINORITY

Congress has an opportunity to rectify America's historic mistreatment of its Indians by adopting the program recently proposed by President Nixon.

The American Indian has not suffered from neglect so much as from contradictory programs and bureaucratic paternalism. The nine-point program proposed by Mr. Nixon, outlined in a special message to the House and Senate, realistically seeks to reconcile the various viewpoints over what the government should or should not do.

Not surprisingly, the Indian themselves disagree as to what should be done, and how. Some, particularly the articulate young Indians, seem to want as little to do with Washington as possible.

But most Indians apparently favor having the federal government provide financing and technological assistance, while they themselves establish educational, occupational, and other priorities.

Indians, perhaps more than any other large group in the U.S., are caught between two contradictory and oftentimes hostile cultures. Two embrace the one at the expense of the other—the pastoral or the technological—has usually resulted in economic stagnation, with all the woes that financial poverty brings, or social maladjustment, with all the woes (high incidences of alcoholism and suicide) that accompany spiritual poverty.

The President proposed allowing Indians freedom from government control without depriving them of federal concern and support.

Thus Washington would encourage greater local control of Indian education, even to the point of transferring school control to local Indian school boards . . . a process that has proven highly successful in Arizona at the Rough Rock Demonstration School and the Navajo Community College.

It would provide loan funds for Indian economic development, in hopes of encouraging the commercial, industrial, and recreational development that is underway in this state on the Apache, Pima, Hopi, and Navajo reservations.

It means helping Indians who leave reservations and flock to such urban areas as Phoenix, Flagstaff and Gallup, only to find themselves in a strange and often hostile environment.

And it means improving Indian health programs, in order to reduce infant mortality, TB and other sickness and disease that have doomed the Indian to a life expectancy one-third less than the national average.

For too long the Bureau of Indian Affairs has served as the whipping boy for our neglect of what the President described as "the most deprived and the most isolated minority group in our nation." In fact, the entire nation is to blame. Therefore the entire nation, through Congress, must see that the Indian is accorded equal opportunity in his native land.

[From the Fargo Forum, July 20, 1970]

Nixon's Message on Indian Affairs Contains Proposals Which Should Be Acted Upon

President Nixon's message to Congress on Indian affairs contained recommendations which we hope are enacted into law.

Mr. Nixon's program can best be described as one of self-determination for the Indian. It condemns both paternalism and neglect in government policies. Mr. Nixon stated that Indians are "the most deprived and most isolated minority group in our nation." The chief executive stated that even the federal programs which are intended to meet the needs of Indians "have frequently proven to be ineffective and demeaning."

One of the nation's leading spokesmen on behalf of the Indian, Democratic Sen. Walter Mondale of Minnesota, had praise for the President's message. Mondale, a member of the Senate subcommittee on Indian education, has long been a champion of many of the reforms Mr. Nixon recommends.

The President asked Congress to renounce its previous endorsement of the "termination" policy which promoted the weakening and ultimate finish of the reservation system. Instead, Mr. Nixon would affirm that, "the historic relationship" between Indians and the government cannot be abridged without Indian consent . . .

"Even as we reject the goal of forced termination, so must we reject the suffocating pattern of paternalism. We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group," said the President.

Mr. Nixon proposed that Indian tribes be empowered to take over the control or operation of present federally run programs if they choose without loss of federal funds.

For example, Johnson-O'Malley school aid would go directly to Indian tribes and communities as well as to public schools in order to prevent misuse of these funds. Many school districts, after receiving the Johnson-O'Malley Act federal funds for Indian education, have turned the money into the general fund, with Indians getting little benefit.

President Nixon, in his message, recognized the fact that many Indians are turning from rural to urban life, going to the cities where they are meeting special problems of unemployment and lack of social interaction. Mr. Nixon proposes to expand the operation of urban Indian centers, such as exist on a limited basis in Minneapolis and other large cities.

The President presented an impressive list of other measures which would help the Indian meet social, economic, education and health needs.

Throughout the message, the emphasis was on self-determination, giving the Indian the opportunity to live in dignity whether he chooses the reservation system or wants to enter the mainstream of American life.

The Indian himself has become more and more vocal for self-determination and participation. He wants some of the decision making power which too long has been in the hands of an impersonal bureaucracy.

With favorable action by Congress and new and eager leadership among the Indian population, perhaps we will see some strides which will help both the Indian who chooses to retain his tribal way of life, and the Indian who would rather integrate into the larger society of American life.

[From the Wilmington (Del.) Morning News, July 13, 1970]

American Indian Deserves Role In Shaping Destiny

Assistance instead of paternalism will be a new experience for the American Indian in his relationship with the federal government, but that is the commendable direction in which President Nixon would point government policy.

It is a welcome development. Few things the U.S. government has done redound less to its credit than what it has done to the American Indian. These proud descendants of what Mr. Nixon called "the first Americans" have been defrauded, brutalized and herded in a North American adaptation of the patronization embodied in "the white man's burden."

Self-determination was shelved in favor of direction from the "great white father" in Washington. Education involved separating Indian children from the influence of their parents and tribal leaders for boarding-school courses in how to be like and liked by the white man.

Government assistance too often involved help in moving from one "permanent" reservation to another when the original turned out to have an economic potential too great to leave to a tribe of poor Indians.

The importance of land and water rights, to which Mr. Nixon alluded in his message on Indian affairs, cannot be overemphasized. "In many of these legal confrontations (over land and water rights) the federal government is faced with an inherent conflict of interest," said the President. "The secretary of the interior and the attorney general must at the same time advance both the national interest in the use of land and water and the private interests of Indians in land which the government holds as trustee."

The record has not been particularly praiseworthy. Dr. Monroe E. Price, professor of law at UCLA and deputy director of California Indian Legal Services, gives just one example of the results of such conflict of interest. "In Southern California," he wrote recently, "the San Luis Rey, which used to water the reservations of the Pauma Valley, now bypasses them to serve white-owned citrus and avocado groves and the gleaming subdivisions of Escondido . . . In the San Luis Rey case, the federal government had been 'considering' how to fulfill its trust duty for almost 45 years as valuable water was lost each year."

There is now a new militancy among the young American Indians who have seen other assertive American minorities begin to win their rights. But the American Indian still has a long way to go to escape the despair of his condition, hideously documented by the extreme rates of alcoholism among adults and the appalling number of suicides among the young.

President Nixon has wisely decided to reverse the federal policy of eventual termination, in its interest, of its trusteeship obligations with the Indians. If such termination is desired by given Indian tribes, it would be possible on their instigation.

Instead, the President would continue to honor the nation's general obligations to the Indians and begin to undo the wrongs committed by violating or dishonoring specific obligations solemnly pledged in the past.

Greater self-determination, locally operated public schools and genuine economic incentive cannot help but make the American Indian's tomorrow better than today.

From that standpoint, Mr. Nixon's policies are as much in the national interest as they are in the interests of the American Indian. But if there were any question about the sincerity of the latest presidential pledge to improve the lot of the Indian, it should be answered in the Indian Trust Council Authority proposed by the President.

That authority would be responsible for providing "independent legal representation for the Indians' natural resource rights," representation previously so unsatisfactorily provided by the government and its "inherent conflict of interest."

That same government, in Mr. Nixon's plan, would now waive its sovereign immunity from suit whenever a dispute over natural resources pitted the federal plans against the private interests of the Indians.

The tragic history of the Indian's treatment by the federal government argues against unbridled optimism. But there is hope that the American Indian may finally begin to enjoy the privileges and obligations that are supposed to be synonymous with the word American.

[From the Louisville Courier Journal, July 12, 1970]

The President's Proposals for the Native Americans

If there is such a thing as a national guilt feeling we should have one over our treatment of the American Indian. It is a shameful chapter in our history. Not so very long ago it was a folk saying in the West that the only "good Indian is a dead Indian," and we in fact virtually exterminated the Indians in the 19th Century.

We treated the Indians first as savages and then as incompetents, and today, even with the past intentions, we don't quite know what to do about these native Americans in our midst.

Yet today the Indians have reason to hope for an improvement in their lot. We are at least thinking about and agonizing over the Indian problem. President Nixon has addressed himself to it, and his recommendations have much to commend them. In 1968, President Johnson became the first President to make Indian affairs the subject of a special message to Congress.

President Nixon acknowledges that the American Indians are "the most deprived and most isolated minority group in our nation." This coincides with what McGeorge Bundy of the Ford Foundation said in announcing a grant to help Indians in 1968. "The American Indians," he said, "beset with staggering problems of unemployment, education, health and housing, are by any measure, save cultural heritage, the country's most disadvantaged minority group."

A COMPLEX PROBLEM

No matter that the problem is one of our own making and of generations past, it is a real problem, and a complex one, and there are no simple solutions. We are groping to find a path between the policy of paternalism, which hasn't worked, and forced assimilation into our society that would deprive many Indians of the few benefits and limited sense of security they now have.

Stated simply, President Nixon proposes to give Indians more federal help than they are now getting and at the same time give them greater control over their affairs. Only of the worst features of our paternalistic policy has been the great power it placed in the hands of a few bureaucrats over thousands of Indians. The late Senator Robert F. Kennedy condemned the educational system provided for Indians as "barbarous."

President Nixon plans to send to Congress an array of legislation that would enable tribal groups to assume operational control over their destiny. "As a matter of justice and as a matter of enlightened social policy, it is time," the President said, "for the 462,-

000 Indians living on reservations and perhaps as many more in urban slums to determine how best to use the federal help made available to them."

Thus, if Congress adopts the President's proposals, Indian groups would have the authority to assume control over federally administered programs dealing with schools, housing, medical services, economic development and public works. To show his good faith, the President endorsed the 64-year-old legal effort of the Taos Pueblo to have returned to them the 48,000 acres surrounding Blue Lake in New Mexico, which the government appropriated in 1906 for a national forest.

Mr. Nixon also called for more federal money for Indian aid. While the additional funds are justified and needed they would not be enough to do what should be done for Indian education and health aid. The President was silent about the demands that Eskimos, Indians and Aleuts in Alaska be granted title to ancestral lands and receive compensation for property taken from them.

On the whole, however, Mr. Nixon's proposals for American Indians are humane and sensible and would, if carried out, permit American Indians a choice between preserving their tribal culture and the benefits that go with it and assimilation—and would provide help for those who choose to leave the reservation and enter the mainstream of American society.

REPORT ON PROPRIETARY VOCATIONAL SCHOOLS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. DELLENBACK. Mr. Speaker, the House Republican Task Force on Education and Training has, this summer, taken a look at private, profitmaking vocational schools and the job they are doing. Today, we are making public our report on proprietary vocational schools. This report includes several recommendations regarding proprietary vocational schools which, we feel, would contribute toward meeting both national manpower needs and the needs of individuals preparing for specific occupations.

The value of occupational training cannot be overemphasized. We know, for example, that some 80 percent of our young people do not graduate from college. Yet, only one student in 10, leaving the education system without a bachelor's degree, has some specific occupational preparation. This is occurring, furthermore, at a time when the Nation's economy demands more trained, skilled workers than ever before. The Labor Department, forecasting the employment situation for the 1970's, estimated that the demand for technical workers will increase by about 45 percent—twice as fast as demand for all workers; that the demand for white-collar workers will increase by about 50 percent—technological advances and computers will not solve clerical shortages, and that shortages of engineering graduates will require continued upgrading of skilled technicians. While we will be short on the trained, skilled workers we need, we will have a rough overall balance between the supply and demand for college-educated personnel. Clearly, therefore, our most pressing manpower needs in the 1970's will come in the subbaccalaureate skilled, technical, clerical, and paraprofessional occupations.

The 1969 annual report of the National Advisory Council of Vocational Education underlined this situation:

> At the very heart of our problem is a natural attitude that says vocational education is designed for somebody else's children. . . . We have promoted the idea that the only good education is an education capped by four years of college. This idea, transmitted by our values, our aspirations and our silent support, is snobbish, undemocratic and a revelation of why schools fail so many students. The attitude infects Federal Government which invests $14 in nation's universities for every $1 it invests in the nation's vocational-education programs . . . The attitude must change. The number of jobs which the unskilled can fill is declining rapidly. The number requiring a liberal-arts college education, while growing, is increasing far less rapidly than the number demanding a technical skill. In the 1980's, it will still be true that fewer than 20 percent of our job opportunities will require a four-year college degree.

As our report shows, the Education and Training Task Force feels that the more than 7,000 proprietary vocational schools are doing a great deal to help meet these national needs. Of the more than 1.5 million students enrolling each year, 70 percent complete their training—as compared with only 30 to 40 percent of community college entrants and 60 percent of college entrants.

We hear a great deal about the need for diversity in American education; this is a concept we value as much as we fear the idea of a single monolithic system controlling the entire educational system. Yet too often, diversity receives only lipservice while every action is taken to strengthen the already existing institutions, whether or not they are not adequately fulfilling the roles that have been set out for them. Excerpts from monograph by Stanley Moses elaborating on the point are included below. The institutions that comprise the "core" of our educational system receive most or all of the attention, while we find that the other institutions—those at the "periphery"—are neglected. Proprietary vocational schools are too often part of the educational periphery, and the importance of the contribution that they can make is not realized or recognized. We feel that there is both room for and a need for many kinds of educational institutions in this country and that to overlook these schools as we consider Federal legislation is doing the Nation a great disservice.

I hope that the task force report on proprietary vocational schools will help in some small way to bridge the gap in information and attitudes which is all too prevalent regarding these schools, and that our colleagues will find our efforts in this area of value. I would also commend to my colleagues the very fine address made by the Honorable GERALD R. FORD, the minority leader of the House of Representatives, on June 19, 1970, before the National Association of Trade and Technical Schools in which he congratulated these schools on the very fine job they have been doing, and I insert it into the RECORD. Finally, I would also like to insert excerpts from the paper by Stanley Moses which I referred to a moment ago, and an article by Lloyd H. Elliott, the president of George Washington University, which very eloquently makes the case for proprietary education as a competitive alternative to an entirely-public system:

REPORT ON PROPRIETARY VOCATIONAL SCHOOLS

(By the House Republican Task Force on Education and Training, House Republican Conference, August 12, 1970)

(NOTE.—Members: John Dellenback, Oregon, Chairman; James M. Collins, Texas; John N. Erlenborn, Illinois; Orval Hansen, Idaho; Margaret M. Heckler, Massachusetts; Earl F. Landgrebe, Indiana; Robert H. Michel, Illinois; John T. Myers, Indiana; Albert H. Quie, Minnesota; Earl B. Ruth, North Carolina; Fred Schwengel, Iowa; William A. Steiger, Wisconsin; Fletcher Thompson, Georgia; Albert W. Watson, South Carolina, and John W. Wydler, New York.)

The House Republican Task Force on Education and Training conducted a series of visits to proprietary vocational schools during June and July, 1970. The six schools visited offered a wide range of programs—medical technology, dental technology, hotel management, dry cleaning operations, electronics engineering technology, investment operations, broadcasting. Although we realize that visiting these six schools does not represent an extensive study, our research and discussions with representatives of the proprietary school movement contributed to a further understanding of the role and purposes of these schools.

OVERVIEW OF PROPRIETARY VOCATIONAL SCHOOLS

A 1966 study reports a total of 7,071 private vocational schools serving 1,563,556 students. About 80% of these students attended trade, technical and business schools; the remainder were concentrated in cosmetology and barber schools.[1] The students are drawn largely from the lower socio-economic background level, but the rank in the upper three-fourths of their high school graduating classes for the most part. 75% of the students at trade and technical schools come from more than 100 miles away from the school; less than half of business school students live at home. About 70% of those entering proprietary vocational schools complete their training, as compared with only 30% to 40% of community college students.[2]

The average enrollment is rather small in each school. Business schools enrolled fewer than 350 students on an average while trade and technical schools averaged 20% smaller. The small size is partly due to the importance of small classrooms for practical work, the wide geographic distribution of these schools and their primary focus on specialized occupations. According to a survey of the National Association of Trade and Technical Schools, however, these schools are operating at only 60% of their capacity. Consequently, it is estimated that trade and technical schools could accommodate one-half million more students without expansion of their facilities.

Proprietary vocational schools offer a wide variety of courses in practically every imaginable occupational category—the total number of separate courses is about 1500. Tuition charges range anywhere from $100 to $4500 per course; the average tuition is approximately $850 to $900 annually.

COURSE CONTENT

A heavy emphasis on the job being trained for characterizes most proprietary programs. The instruction is specialized and concentrates on the employment goal—students

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study only what they will need to know on the job. The theoretical implications of their jobs are dealt with only lightly, and liberal arts is almost nonexistent. As a result of the employment emphasis, these schools maintain close contact with industry so that they can revise their curriculum in response to technological improvements and changes in labor market demands. (Because it is not necessary to get approval from large administrative bureaucracies or school boards, even major curriculum changes can be instituted in very short periods of time.) Training is provided by practical experience, and little formal education is required for entrance into these schools.

Instruction

Instructors consider their students as clients; a considerable number of failures in one instructor's course is an indication of the instructor's failure. Teaching capability is the main criterion for reward and advancement; tenure is usually not given. Small classes and individualized instruction are the norm—the average class size is 19 students. Teachers often assume the role of counselors since there is a significant lack of adequate counseling both at the secondary and post-secondary level.

Students

The average age of day students is 20 years while it is 26 or older for night students. The general age range is 17 to 48 years. The advantage of these private vocational schools is their extreme flexibility in accepting students. There are no stringent requirements; consequently, people of varying backgrounds and levels of education are able to attend—this provides a special opportunity for poor and minority groups. The average course length is 40 weeks; courses are begun as soon as there is a sufficient number of students who are interested in one field. Students are usually able to pay for their education by means of installments rather than lump-sum payments. The major challenge for students in private vocational schools is securing adequate funds to finance its expenses. Only a small minority of students attending technical schools can rely upon their parents or personal savings to pay for their entire schooling—most students work full or part time to finance educational costs.

Student bodies include:

1. High school dropouts with no occupational training.
2. High school graduates of a general education program who lack any specific preparation for employment.
3. High school graduates who fail to pass the private schools' aptitude tests in algebra or even arithmetic.
4. Persons preparing for a licensable occupation.
5. College dropouts or even college students and graduates, desiring an otherwise unavailable course, such as computer programming.
6. Persons for whom the formal education requirement is eased because they have had several years of employment experience but are currently unemployed or finding it difficult, for physical reasons, to remain in their present occupations.

Accreditation

Licensing of proprietary technical schools amounts to merely a permit to do business in a given state. It signifies that safety and commercial standards have been met but makes no implications as to the educational content of the schools' activities. Certification is related to curriculum, staff, facilities and the like and may require the approval of the State Department of Education. Accreditation, however, signifies a thorough inspection and evaluation at least every five years by a U.S. Office of Education recognized accrediting agency. Accrediting agencies for proprietary vocational schools include the Accrediting Commission for Business Schools, the Accrediting Commission of the National Home Study Council, the Accrediting Commission of the National Association of Trade and Technical Schools, the Accrediting Bureau for Medical Laboratory Schools, the Cosmetology Accrediting Commission, and the National Association for Practical Nurse Education and Service, Inc.

Administration

Proprietary vocational schools are organized as business enterprises, in one of three ways: as sole proprietorships, as partnerships, or as business corporations.

In 1962, some 66 percent were corporations. Another recent development has occurred as large publicly held corporations have purchased proprietary vocational schools to operate them as subsidiaries. Examples are the Rochester Business Institute now owned by Lear-Siegler Corporation and the DeVry Technical Institute owned by Bell and Howell Corporation. A properly run proprietary school can yield an estimated return of 9–15% of gross annual income after taxes.

COMPARISON WITH COMMUNITY COLLEGES

It is often asked why students are willing to pay such high fees ($900 average), often at great personal and family sacrifice, to attend proprietary vocational schools when similar courses are available at no or low cost at local community colleges. Students interviewed by the Stanford Research Institute and by the task Force [4] gave three reasons:

1. Time: First, course length in proprietary schools is very short, usually falling between four months to a year. The same program in a community college would take two years and mean a loss of possible earnings during the additional period. Second, frequent registration for classes permits entry every few weeks in contrast to waiting for a new semester in a public institution.
2. Course content: Proprietary schools' courses concentrate on teaching only the job skills necessary to specific job goals, whereas the public school philosophy requires concurrent study of non-vocational subjects, often the very subjects in which students were unsuccessful in high school.
3. Placement service: The schools, with apparent considerable success, assist their graduates in obtaining job interviews and employment since continuation of the school as a business enterprise depends upon successful placement. Most schools offer a lifetime placement service.

PARTICIPATION IN FEDERAL PROGRAMS

Present public policy in federal legislation on education (as distinguished from transportation, defense and agriculture) limits grants and subsidies to public and non-profit institutions. However, aid to students, either directly or through "under contract training" is permitted.

Student aid:

1. Guaranteed Loan Program (Part B) of the Higher Education Act of 1965; as amended; P.L. 90–575.
2. College Work Study Program (Part C) of the Higher Education Act of 1965; as amended; P.L. 90–575.
3. National Defense Student Loan Program (Title II) of the NDEA; as amended; P.L. 90–575.
4. Income Tax Deducation for Student Dependents; 26 USC 151 (e) (4).
5. Cuban Refugee Student Loan Program; 22 USC 2601–04.
6. Social Security Student Dependents; P.L. 89–97; see Sec. 202(d) (8) (C).
7. F.E.C.A. Student Dependents; P.L. 89–488; See Sec 10(M).
8. Railroad Retirement Student Dependents; P.L. 89–700, See Sec. 5(1) (1).
9. Student Dependency and Indemnity Compensation for Veterans' Children; 38 USC 104, 414 (c).
10. Civil Service Retirement Student Dependents; P.L. 89–504; 5 U.S.C. 2251–2268; See Sec. 2251(j) and Sec. 2260, and P.L. 89–554; Sec. 8341.
11. War Orphans Educational Assistance; 33 U.S.C. 1701 et seq.
12. Veterans Readjustment Benefits Act of 1966; P.L. 89–358; See Sec. 1652(c).
13. War Widows Educational Assistance; P.L. 90–631.
14. Vocational Loans to Indians; 25 U.S.C. 471.
15. Vocational Loans to Eskimos; 25 U.S.C. 479.

Under contract training:

1. Vocational Rehabilitation Act; 29 U.S.C. 31 et seq.
2. Manpower Development and Training Act of 1962; 24 U.S.C. 2571 et seq.
3. Indian Adult Vocational Education; 25 U.S.C. 309, 452, 823(c).
4. Economic Opportunity Act of 1964; P.L. 89–794.
5. Government Employee's Training Program; 5 U.S.C. 4101–4118.
6. Economic Development Administration; 42 U.S.C. 2583.
7. Veterans' Vocational Rehabilitation; 38 U.S.C. 1501–1511.
8. Vocational Education Act of 1963; P.L. 88–210, Sec. 8(1).
9. Social Security Title II, Public Welfare Work Training Programs (AFDC); P.L. 90–248.

ISSUES AND CONCERNS AFFECTING PRIVATE VOCATIONAL SCHOOLS

The growing need for more skilled, trained manpower in industry and services, even during periods of high employment, has been pointed out time and time again. Traditional public education, however, has done little to meet this national need; few students leave school with an entry-level job skill. 35% of all high school students do not graduate, 45% of high school graduates do not go on to higher education, and 40% of college entrants do not stay long enough to take a degree. Added up, this means that at least 80% of our young people do not graduate from college. Of those in high school only one-fourth are enrolled in a vocational education program, and only one student in ten leaving the educational system without a bachelor's degree has some specific occupational preparation.[5]

Private vocational schools have demonstrated a capacity to meet the needs of many of these students who want to develop vocational qualifications that will enable them to meet specific occupational objectives. However, educators, school counselors, and to some extent the Federal Government, have been cool, and sometimes even antagonistic to the proprietary vocational schools.[6] Many have voiced doubts that institutions organized as business-seeking enterprises can provide a quality program. Others continue to put strong emphasis on the value of getting a four-year degree. The Federal Government is wary of appearing to provide special aid to profit-making institutions.

Yet after investigating the accredited proprietary business, trade and technical schools, the Task Force must conclude that these schools are making a major contribution both in terms of meeting the needs of individuals seeking to prepare for careers and in terms of helping to supply the reservoir of skilled manpower that is increasingly in demand. These institutions should be encouraged to continue the fine job they are now doing.

Several special advantages are offered by proprietary vocational schools. These include—

1. ability to respond quickly to changes in the manpower needs of local business and industry—courses can be added as soon as

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they can be organized, without months of red tape and procedural delays.

2. ability to respond quickly to specific needs of students—courses can also quickly be tailored to meet the needs of non-English speaking students, handicapped students, or students with other special requirements.

3. ability to concentrate on the needs of each student—marginal students who have never experienced academic successes can proceed at their own pace and successfully complete courses which are aimed at developing practical techniques rather than theoretical knowledge; faculty members are chosen more on the basis of practical experience and consequently act as excellent teachers for such training.

4. Special introductory courses have been set up in many schools to help educationally disadvantaged students meet entrance standards.

5. As compared with public institutions seeking to fulfill the same role, the proprietary institutions' courses are significantly shorter in duration—students can complete their training and begin working in a much shorter time, thus, providing an opportunity for poor students who do not have the time or money necessary for a four year college program.

6. Proprietary institutions tend to have much more equipment, and more up-to-date equipment or the kind that students are likely to encounter on the job than do public institutions.

7. Proprietary institutions have incorporated such programs as loans, installment payments for tuition fees, and work placement in nearby business and industry to help disadvantaged students.

Despite these successful and commendable things that the proprietary vocational schools are doing, there do appear to be some problems—

1. Relatively high charges prevent many students from getting the training that proprietary institutions offer. The average cost of attending a year-long course in a proprietary school is between $850 and $900 annually. In contrast, the average cost of attending public two-year colleges, which often offer similar courses, averaged $148 per year in 1969–70. Public vocational schools are usually free.

2. Most of the students who have to drop out of private vocational schools must do so because they can not afford the high tuition costs. Students at proprietary schools are not eligible for equal opportunity grants, and the student loan situation is extremely difficult in today's tight economy. Part of full-time jobs are about the only alternatives available in the absence of loans.

3. Not all private vocational schools are accredited or eligible for accreditation. This makes it difficult for students, their parents and others to assess the quality of the programs provided by unaccredited institutions.

RECOMMENDATIONS

1. Students attending proprietary vocational schools should receive the same treatment in terms of eligibility for student aid as students attending two- and four-year colleges and universities.

We recommend that all student aid legislation which is enacted be extended to include students pursuing occupational preparation progams, including programs operated by proprietary vocational schools. A specific case in point is the Education Opportunity Grant program which now excludes students at proprietary institutions. This exclusion works a particular hardship on disadvantaged students who seek technical, trade or business courses at these institutions, and we therefore recommend that Education Opportunity Grants be made available to students attending proprietary vocational schools.

Proprietary vocational schools can participate in the NDEA Student Loan Program only when the appropriation for that program exceeds $190 million (FY 1971 will be the first year that proprietary schools can participate.) We feel that this restriction should be liberalized by deleting the $190 million triggering devices and by funding applications from proprietary schools at the same level in relation to applications as other eligible institutions.

Some confusion has resulted as to the eligibility of proprietary school students under existing and proposed student aid programs. To eliminate this difficulty in the future as to the eligibility of students to participate in such programs, we recommend that a single, simplified working definition of "eligible institution" be adopted to pertain to all programs of student aid.

2. The U.S. Office of Education should collect and make public data concerning proprietary vocational schools.

These schools are performing a valuable and needed function, yet it is not possible to secure information concerning the numbers of students helped, the amount of aid provided, or the numbers and types of institutions involved—information needed if Congress is to make wise decisions regarding the relationship of federal programs to these institutions. Furthermore, objective, factual information concerning individual proprietary vocational schools—both accredited and non-accredited—is not readily available, and the consumer may suffer from this lack of information by choosing a poor quality school or one which does not meet his particular needs.

We recommend that the U.S. Office of Education begin immediately to collect and make public both kinds of data, and that efforts be started to develop effective means of disseminating information regarding proprietary schools to prospective students, high school and college counselors and vocational rehabilitation and manpower agency administrators.

FOOTNOTES

[1] Belitsky, A. Harvey, "Private Vocational Schools". The W. E. Upjohn Institute for Employment Research, June, 1970, page 3.

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[3] Bank of America, "Private Vocational Education." Bank of America Small Business Reports, 6:11, 1965.

[4] Venn, Grant, "Man Education and Work", American Council on Education, 1964, pp. 1–23.

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ADDRESS BY REPRESENTATIVE GERALD R. FORD

Henry Adams once wrote: "Nothing in education is so astonishing as the amount of ignorance it accumulates in the form of inert facts."

Whatever prompted Adams' remark, he could not have been talking about trade and technical schools because the tools of that business are lively facts, facts that can be put to good use.

I have long been a critic of our nation's public schools because I have never felt that they were achieving even a reasonable degree of their potential.

One reason for this failure is lack of competition. Another is a philosophy of education which insists upon treating every student as though he were college material and tends to hold the blue collar worker in contempt.

I am happy to see the growing emergence of high quality private trade and technical schools in this country. This is a response to a definite need. Such schools are filling a void left by the public schools. Private trade and technical schools are a natural development in a private enterprise economy which is demanding the personnel needed to fill certain jobs in growth fields and is insisting upon excellence.

It was former Health-Education-and-Welfare Secretary John W. Gardner who said: "The society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water."

I think one theory that will hold water is that private trade and technical schools are helping us approach excellence in education and make progress toward our national goal of equality of educational opportunity.

It is an inert fact of the kind Henry Adams spoke of—and yet a most startling one—that 75 per cent of America's young people do not graduate from a four-year college or university.

From that inert fact we must proceed to the inevitable conclusion that far more emphasis should be placed upon vocational education than is now the case.

Instead of an almost exclusive concentration on college preparatory programs in high schools, the goal should be to meet every student's needs. That goal should translate itself into just one objective—excellence—whether the individual involved is destined to become a doctor of medicine or a plumber.

There is another conclusion that follows from the inert fact that 75 per cent of our young people do not graduate from a four-year college. This conclusion is that the private trade and technical schools are themselves a growth field.

The private trade and technical schools are ignored by some educators and fought by others.

I personally see the private trade and technical schools as a great resource for training millions of Americans, both the disadvantaged and others.

I believe that those educators and public officials who ignore the private trade and technical schools simply are not aware of the high quality of schooling offered by accredited proprietary schools and the unique ability they have to meet special educational needs.

As for those who are fighting the proprietary schools, I think they are afraid of the competition.

In my view, competition is an ingredient that leads to excellence. It is essential to success, both among organizations and individuals.

I mentioned earlier that private trade and technical schools are themselves a growth field. I say this because the number of persons who could benefit from occupational training in America is virtually unlimited.

Despite the neglect of vocational education, there are nearly as many students enrolled in proprietary and home study courses as there are enrolled in institutions of higher learning—some 6.5 million versus 7 million.

We are also told that in the Seventies 50 per cent of all jobs will require education beyond high school but less than a baccalaureate degree.

The Bureau of Labor Statistics projects the largest proportional employment increase in the Seventies among professional and technical workers. That projection shows an increase of almost 40 per cent for this group over the figures for the 1960s. In fact, job openings for technicians are expected to exceed 100,000 a year in the next decade.

Consequently, it seems quite obvious that vocational education should be assigned greater importance in our scale of spending priorities at all levels of government.

It also appears quite clear that the role of the proprietary trade and technical school is vital to the success of vocational education as a whole and to the success of the individual in a rapidly changing society.

It strikes me as exceedingly strange, therefore, that the capabilities of the private vocational school for motivating and training individuals, including the disadvantaged, are to so large an extent neglected.

I personally believe private trade and technical schools should be given a far greater role in government training programs and should be used actively by the states under provisions of the Vocational Education Act.

Every effort should be made—at the Federal, state and local levels—to improve opportunities for students to attend private vocational schools if they choose.

One plan that could be used to aid students enrolling in private schools would be the combination loan and grant, amounting to at least $2,000 annually.

I favor Federal grants each year to a substantial number of disadvantaged persons enrolling in private vocational schools.

Serious consideration should be given to legislation that would provide for vocational education opportunity grants, of an account and duration sufficient to do the job.

If equality of educational opportunity is not to be written off as a myth, we must expand the scope of vocational education and make full use of private vocational schools as a resource for training the disadvantaged.

In that connection, I am pleased to report to you that the Administration's Higher Education Opportunity Act is being reshaped to eliminate some of the discrimiation against students attending proprietary vocational and technical schools.

For instance, such students *will* be eligible for insured subsidized loans under the Administration bill. HEW officials have clarified this matter before a House Education Subcommittee. Where it initially appeared that private school students would be excluded, we are now assured they will be covered.

HEW officials also say they are seeking ways to make students attending proprietary schools eligible for work-study assistance under the existing arrangement of work done for an agency other than the school.

I am disappointed, however, that students at proprietary trade and technical schools would not be eligible for educational opportunity grants under the Administration bill.

I firmly believe that students planning to attend such schools should be afforded the same benefits as those intent on enrolling in four-year colleges and universities.

Those who are shaping our educational policies must rearrange their thinking if their philosophy is such that students choosing to attend proprietary schools are being discriminated against.

The interest and concern of the Federal Government should be broadened to include *all* education. Unfortunately, today that interest appears to exclude proprietary schools as far as the U.S. Office of Education is concerned.

Perhaps the only way we will bring about a proper concern for vocational education and the proprietary schools in the U.S. Office of Education is to split off education from the Department of Health, Education and Welfare and combine it with the manpower training functions of the Labor Department to form a new Department of Education and Manpower.

This appears to be a most natural marriage and perhaps the best possible way to bring educators into the manpower training function.

Of course there are many other reasons why the creation of a new Department of Education and Manpower would seem beneficial to the Nation.

Perhaps the most compelling reason is that the present Department of Health, Education and Welfare has become so huge and unwieldy as to be virtually unmanageable.

This would appear to be a most propitious time for sucn a change, a time when the President has already put sweeping Executive Branch reorganizational plans into motion with his creation of the new and powerful Office of Management and Budget to monitor existing programs and bring efficiency to the operations of the Federal bureaucracy.

As I view a new Department of Education and Manpower, the combining of these functions under a single agency would produce the broadest possible approach to equality of educational opportunity.

In creating the new department, we would indicate that we are just as concerned about the training of skilled workers and subprofessional technicians as we are about turning out scientists, engineers and professional people.

A new Department of Education and Manpower would be single-mindedly concerned with our total educational and manpower needs and would therefore be concerned with all of the national resources required to meet those needs—including the proprietary schools.

The proprietary schools have not been asking the Federal Government for assistance for themselves but for equal treatment of their students. I agree with this approach.

I am pleased that the Congress has amended the student aid programs to make students attending accredited proprietary schools eligible for National Defense Education Act student loans, insured student loans, and work-study programs.

At this point, I think it appropriate to look at the Comprehensive Manpower Act currently before the Congress.

The Act is intended to attack basic problems that hamper all Federal job training and job placement programs—the fact that various combinations of Federal, state and local agencies often compete with each other to serve the same people, the fact that programs and facilities are often duplicated and not fully utilized, the fact that administration of particular programs is confused due to overlapping, and the fact that the less adept grant-seekers fail to get their fair share of available federal support.

The Comprehensive Manpower Act is designed to develop a systematic national manpower policy and to effectively deliver job training services to the people who need them.

Better employment is a possible solution to the economic problems of about 11 million Americans. About seven million of these need more education and special training to give them the skills required in today's labor market.

By contrast, about one million people have actually been enrolled in Manpower Development and Training Act programs since 1962. Currently 454,826 persons are so enrolled.

An immense effort to develop the skills and abilities of the American work force is needed in the Seventies. The Comprehensive Manpower Act seeks to set up the machinery required for that effort.

In fiscal 1970 the Federal outlay for the entire array of programs administered under the Manpower Development and Training Act was $1.5 billion.

These programs have had some success in finding jobs for the unemployed and providing them with job training but they have not significantly reduced the overall numbers of our unemployed.

The reason the annual expenditure of $1.5 billion has not reduced the pool of unemployed people is simple: The number lifted out of unemployment is almost exactly matched by the number entering the job market without the skills and preparation needed to qualify them for employment.

For instance, we have about 700,000 dropouts from high school each year, and 17.4 per cent of these join the ranks of the unemployed. The cumulative dropouts between 16 and 21 years of age are listed at 2,734,000, and their unemployment rate is placed at 17 per cent.

It seems clear that we will never reduce the overall pool of unemployed until we focus far more attention on unemployment prevention—on adequate preparation of those who will be entering the job market.

It seems clear to me that every community in the country should be developing the means to reduce the flow of untrained youth into the ranks of the unemployed as well as the means to help those who are already unemployed find jobs.

This is where we need a cross-fertilization between school administrators and those whose job it is to run manpower training programs. It is all to clear at present that public school educators are failing to meet their responsibility for preparing the disadvantaged for the world of work.

Common sense dictates that education and manpower programs be complementary, not competitive as is now so often the case. School and work must be linked. That is why a Department of Education and Manpower makes great good sense.

The outlook is not bright for higher education and manpower legislation in this Congress. For a Higher Education Act the prognosis is "doubtful." For the Comprehensive Manpower Act the chances are about 50–50.

But if the Manpower Act does emerge from the House Education and Labor Committee, I think it *will* provide for contracts with private trade and technical schools. That is my information at the present time.

Whatever the outcome of current efforts to shape such legislation, we must do a better job of advancing toward equality of educational opportunity. And in that cause the proprietary schools can be helpful.

People are this country's greatest resource. Whatever we do to develop our people to their fullest potential benefits the entire Nation. Every time we save an individual from the human scrap heap the lives of all of us are enriched.

It is said that education is what you have left over after you have forgotten everything you have learned.

For thousands of disadvantaged Americans, education is the key to a new life. And many of them have found that key in the Nation's proprietary schools.

So tonight I salute the accredited trade and technical schools. I salute them for seeing a job that needed doing, for doing that job and doing it well. I salute them for persevering in the face of adversity, for from such perseverance comes great accomplishment.

THE LEARNING FORCE: AN APPROACH TO THE POLITICS OF EDUCATION

(By Stanley Moses)

In modern society, the formal educational system has served as the transmission belt of the social engine. It has sorted, selected, and certified its students prior to their absorption into the social order. Demands for the performance of this function are likely to increase as society becomes increasingly complex and organized. Changes in the occupational and social structure will place greater demand upon the educational system to produce the sorts of products who will be able to fit in, and to make that machine which we call American society run. But resistance against these trends is also likely to increase. For the trend of modern society is away from routine and compulsion and toward more personal choice among a larger array of alternatives. At the heart of this conflict is the educational system which has developed in the United States during the past century—a huge educational apparatus which has dominated the market for educational services and goods and monopolized the access to public resources. The question remained whether this organized, mostly publicly subsidized system is able to meet the needs of modern society.

Our view of education has been restricted to a consideration of those activities in the Core. Ignored are the variety of activities engaged in by millions of learners in the Periphery—educational activities ranging from vocationally oriented programs in business, government and the military, proprietary schools, and anti-poverty programs, to culture and leisure oriented programs available through regular Core institutions, religious education, television, correspondence courses, and private associations. Our concept of what education is has been both restrictive and exclusive, ill-suited to the changing needs and demands of today. What is needed is a fresh look at other forms of education outside the traditional system and the ways in which they can contribute to public policy and educational planning—planning which will start with the needs of people and not institutions; which will focus on those who are served and not solely the professionals who control the service.

The changing economic structure of modern society offers the opportunity to devise an educational system more responsive to human needs. But there are many obstacles. Organized and established institutions and practices have a way of prolonging themselves far beyond their time. And around education, as with all social activity, there has developed an established, entrenched bureaucracy and network of interests and satisfactions that do not look with favor upon any alteration of the status quo which might reduce its influence and power. Nowhere is this more clearly demonstrated than in the regular public debates over resource allocation, where expenditures for education are debated chiefly in terms of higher or lower sums for the established portions of the system. Little attention is given to other forms of educational activity that might accomplish or achieve social objectives and satisfy personal goals in a way not afforded by traditional programs.

A neglect of the Periphery reinforces traditional patterns of influence and decision making in American education. As long as education is restricted to a consideration of the Core, there is little reason to consider alternative forms of educational organization and participation which might serve as competitors for public resources. As long as education is seen as restricted to those activities in the "educational system," there is no need to change the conceptions which have guided the existing forms of information and reporting about education. For the knowledge which we possess about education is also a form of power, serving as a guide for public policy formulation. Our existing knowledge has denied the existence of activities outside the educational system.

The Periphery has generally been excluded from the attention and consideration of public policy makers and this is reflected in the lack of adequate data and information regarding its activities and participants. For the collection of facts and the dissemination of knowledge is not merely a matter for the concern of dispassionate scientific research but is itself an important part of political and social conflict. Knowledge is a source of power and the way in which it is sought is determined by the values and interests brought to bear.

The lack of information regarding the Periphery may be attributed to (these) factors: Although susceptable to measurement and socially visible, it has been unable to develop a power base to match that of the Core and has been unable to change its marginality both within the structure of the educational system and as a source of interest to governmental information agencies. Despite decades of lobbying, its impact has been almost inaudible when contrasted with the demands of other forms of education. This is reflected not only in our lack of information but in the minor portion of resources allocated to these activities by the public sector, to say nothing of the general downgrading of its activities, both in terms of institutional certification and in the general public view.

Education at a Profit?

(By Lloyd H. Elliott)

The president of George Washington University is convinced that this country's education is bogged down in "too much bureaucratic red tape, too much homogeneity." He believes that education for the poor and the affluent alike "would be spurred along if our society could bring greater competition into the educational mainstream by encouraging profit-making educational ventures."

Education in America is in trouble. In-school education and out-of-school education are both in trouble. While progress in many areas has been notable, the gap between societal needs and educational response has been widening. Advancement in education is most obvious in medical research, food production, and the hard sciences, but shortcomings are evident almost everywhere.

Education is in trouble because more and more people of all ages are getter a poorer and poorer education in terms of preparation to meet the crises of day-to-day living in our rapidly moving society. The illiterate of 50 years ago was better off than the college dropout of today. The trouble in education will worsen before it gets better, unless:

Schools and colleges are removed from politics.

Universities are no longer expected to solve the problems of poverty at home and peace and war abroad, rebuild America's cities, or control inflation.

Accountability for the results of education (or miseducation) is opened to public view through removal of bureaucratic red tape and professional camouflage.

Parents become directly involved again in the complete educational program of their children and participate continuously in its control.

Opportunities are provided for education to benefit from the competitive marketplace of private enterprise as well as from public service.

In the education, both formal and informal, of which every civilized person is a product, it is the home that has contributed most over the centuries. In the formative years of childhood the attitudes and values, the ambitions and directions of a person's life are more basically influenced by the home than by any other force. The Dame School of the early colonial period may have been the first example of private enterprise in the field of education in America. In that day the individual woman who wished to supplement the family income could teach beginning reading, spelling, or the Catechism to a few neighborhood children. Those who bought this program for their children knew the content of the curriculum and the objectives of the teacher. Measurements of achievement were also understood by all concerned.

Control of the out-of-school environment has moved in all too many cases from the realm of the parents to that of the television programmers, the overly organized minutiae of the suburb, the uncontrollable jungles of street corner and back alley, and the power struggles of confrontation politics.

SHIFTING CONTROL BASE

Control of organized education has shifted from that small committee of parents which historically surrounded the New England school district to the halls of the state legislature, to the political horse trading of the Congress or, more recently, to the professional association, the absentee school board, the labor union, or the community action group. Each shift has brought another layer of bureaucratic negotiation, influence, and supervision, all resulting in the continued loss to the community of control over its schools. In the large cities today we see thousands of administrative and supervisory persons, both from within and without the school organization, giving the individual teacher mountains of indigestible directions for teaching pupils. We see the principal of each school caught among the forces pulling in so many different directions that he dare not move in any. Frustration marks the efforts of all: parents, teachers, children, administrators, board members, and citizens. The involvement of parents with a teacher in the day-to-day education of their child, so important to the families of the first immigrants to America, has been lost.

Looking back upon the evolution of America's school and college system, it is now clear that the education of parents in terms of understanding and appreciation outweighed even the educational achievements of the children themselves. Without deep feeling for and some degree of understanding of the in-school education, it is impossible for the parent to relate the out-of-school educational experiences to the child's overall growth and development. In these earlier days adults understood, through personal involvement, the responsibility of citizenship and the relationship of local government to neighborhood needs.

Now, conflicts between home and school have never been sharper; and it should be clear that the younger generation cannot have its values severed from the older generation without being cast adrift upon society's sea of uncertainty, an unwelcome phenomenon of the day.

The advance of layer upon layer of bureaucratic administration has resulted in the loss of integrity of the individual school. Experts wrangle with experts while the teacher wrings his hands, and the chiefs talk only to the chiefs while the Indians march off in all directions, each hearing a different command. By an all too swiftly moving erosion, control of education has passed from the family to the local community to "society," where it has now become a political football among various selfish groups with special causes and goals. There was a good old day when the integrity of the individual school was paramount, and the education of children was the major concern of all who labored there.

REVERSING THE TREND

Whether public or private in nature, the control of education must be returned to the local community; the most responsible unit of that community is still the family. The individual school must be reclaimed by its neighborhood, and the principal and teachers of that school must be responsive to the parents, grandparents, aunts, uncles, and friends of the children. In our urban centers today, and to a lesser extent in large consolidated units outside the cities, many efficiencies of large scale operation have been lost to the inefficiencies of bureaucracy. But the loss has been more than that of efficiency. It has, unfortunately, included the loss of personal involvement by parents in the education of their children.

At the same time, financing education has become a bottomless pit. No matter how much money is poured in, valid measures of both quality and quantity remain beyond our grasp. In elementary and secondary schools across America, citizens are now spending from $500 to $1,200 or more per pupil per year for formal schooling. In colleges and universities, the figure goes as high as several thousand dollars for one year's education for one student. We must ask ourselves

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what can be done to regain control of education so as to guarantee to the public a greater accountability for expenditures.

Having prided ourselves on achieving a great diversity in educational form and content, it is now time to add still another variable to formal education; the entry on a wide front of private enterprise into the formal programs of the nation's schools and colleges.

The suggestion is not as startling as it may at first appear. We now have contracts with private industry "to train, to teach, to educate" both individuals and groups of Americans for various objectives. Such agreements are being written by various agencies of state and Federal governments and, while often limited to special programs for "the unemployable or the dropout," they are nonetheless contracts to perform for a profit function previously reserved for public or private nonprofit enterprises. The profit motive should be put to work to effect economies in education, to enhance the quality of education and, most importantly, to attract more attention to the accountability of funds used for education.

SINGLE-PURPOSE PROGRAMS

Proprietary education has most frequently been concerned with business colleges, direct job training, or new areas of skills such as those related to the computer, bulldozer, or typewriter. Recently, a large corporation acquired through the usual business route three proprietary business colleges and announced that the colleges would be operated as subsidiaries of the parent corporation. Perhaps the most distinguishing characteristic of proprietary education in recent years has been the relative singleness of purpose which the institution has identified for its programs. The greatest weakness, on the other hand, has been the continued pressure to broaden the demands on public education to be all things good to all peoples. In responding, the school has come to mean in too many instances "nothing specific for anyone," "automatic promotions," "general" diplomas and "general" courses. It has come to have objectives of "socialization" and "exploration" and others of related descriptions which mean little substance, lack of quality, and few, if any, identifiable bench marks that lend themselves to entry upon the balance sheet of an educational audit.

Another possible course of proprietary education could be a public utility type educational enterprise, regulated but making a profit for its stockholders. Alongside such an educational "industry," it would be advisable to have smaller units giving formal education to individuals and groups of various ages and—a sacrilege to some, undoubtedly—completely dependent for success upon the marketability of their programs. A serious study has recommended that the country's postal system be transformed into a public utility type industry. Do the educational problems of the country not carry a far greater urgency?

School and college, and the large public university to a far greater extent, are expected to be all things to all people. State universities, in fact, are expected to stock in their warehouses educational and operational merchandise for responding to all human problems. By overt claims and by tacit acquiescence, educators have encouraged parents to believe that the school could (and would) correct all shortcomings of the home, unlock the mysteries of learning, sharpen blurred vision, inspire and arouse sleeping genius, and—the most welcome news of all—relieve the home of concern and worry. Colleges demonstrate a salesmanship that assures the prospective student of cultural enrichment, unbelievable achievement, and a life to be "lived happily ever after," if he will only apply and then, by some good fortune, be admitted to that "one and only campus."

ALL THINGS TO ALL

The state universities by both assertion and image are the worst examples of claims outrunning demands. (The author pleads guilty to contributing to the false image, having served for several years as president of one such institution.) Teaching programs are provided, so the claim might read, for all young people of the state—the sons and daughters of farmers and artisans, rural families and urban dwellers, the rich and the poor, and of course special recruitment programs for foreign students and disadvantaged. Research efforts will solve the state's agricultural, business, industrial, social, political and—yes, even the educational—problems. Public service programs—if only money is appropriated—will reach every citizen of every age and satisfy his every interest and need.

As the truth is dug out of such rhetoric, certain observations become clear:

Teaching, research, and public service are all very limited activities.

Most institutions are in reality specialized in function and limited in scope, but such limitations are usually camouflaged.

Educators have so much trouble running their own institutions that it is not very promising to expect them to operate other agencies of society as well.

Most educational programs are buried in myriad large and generally unmanageable administrative organizations.

In recommending smaller and more clearly definable educational units, it should be pointed out that similar action might be helpful for other public service agencies. Specifically, welfare services, health care, and housing are areas in which the separation of responsibility from the immediacy of the problem by layers of bureaucracy tends to take the problem out of its substantive content and make of it a political entity. In some large school systems and multipurpose institutions of higher education, answers to political problems are placed ahead of solutions to educational matters. This is a far cry from the old Deluder Satan Act of the colonial period, when parents wanted for their children a minimum of educational achievement so that each person could bear his responsibilities as a citizen, and the community in turn would be protected from ignorance. Political solutions to educational problems carry with them the danger that ignorance on the part of some people may be an insurmountable roadblock to an adequate educational solution.

Providing competition and greater choice among schools, colleges, and universities will not be easy in a monolithic, "publicly" managed system. The cry will be raised that no one should profit from a human need so vital as education, and such is a compelling argument. However, as it stands now, too many parents have no choice concerning the education their children will get, and adult "students" have little evidence of the quality of the institution they may select. It is choice that encourages and rewards parental concern and, as the family farmer demonstrated many times, the necessity for keeping ahead of the competition is the spur that makes the worker go the extra mile. Schools in poverty neigborhoods and schools among the affluent—in fact, all schools—would be spurred along if our society could bring greater competition into the educational mainstream by encouraging profit-making educational ventures. Disadvantaged children may not be able to get adequate education in any other way. Contracting for such programs with private enterprise, assessing results, and making new contracts on the basis of these results would bring badly needed reality to an educational system that now has too many "custodian type" schools, too much bureaucratic red tape, too much homogeneity, too much emphasis on teacher benefits, too little attention to pupils' achievements, too little definition of the school's work, and too few rewards for skillful, hard-working teachers who want to correct reading difficulties, counsel youngsters, and join parents in a meaningful patrnership for the benefit of sons and daughters.

Some of the trouble in education today could be alleviated by opening schools, colleges, or universities with limited objectives, clearly stated purposes and programs, financial aid to the students so they might exercise a free choice, teachers and professors committed to the programs, and survival of the institutions dependent upon the tests of the marketplace.

Education for a profit? It's worth a try.

LEGISLATION TO DEAL WITH THE FLOOD OF IMPORTS FROM FOREIGN COUNTRIES

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. SIKES. Mr. Speaker, Mr. Oscar Strackbein, who heads The Nationwide Committee on Import-Export Policy, has addressed a letter to the President of the United States which again spells out the serious need for quota legislation with which to deal with the flood of imports from foreign countries. Mr. Strackbein is an expert on this topic and his opinions are widely accepted. I feel that the points made in his letter should be called to the attention of the Members of Congress, and I submit the letter for reprinting in the CONGRESSIONAL RECORD.

THE NATION-WIDE COMMITTEE
ON IMPORT-EXPORT POLICY,
Washington, D.C., July 21, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In your press conference of July 20, you said that you would certainly veto the trade bill if it should contain provisions you did not recommend. You were particularly opposed to import quotas except on textiles.

In support of your position you said that we are an exporting nation, that quotas could cost more jobs than they would save, and that import quotas are "highly inflationary." You also warned of a trade war.

Mr. President, I wrote you a letter dated April 9, 1970 which said that you are apparently misinformed in matters of our international trade. The letter listed a number of facts relating to our trade that, if known by you, could be expected to change your view.

I do not know whether the letter reached you. I merely received an acknowledgment from your Special Representative on Trade Negotiations, Mr. Carl Gilbert.

Let me now list some of the items of crucial importance to the formulation of a trade policy that through no fault of your own, were probably not in your mind when you reached a determination with respect to trade policy. These items have special bearing on the reasons you gave for your objection to the trade bill that has been tentatively approved by the House Ways and Means Committee.

Quota legislation, you said, "mandatory quota legislation is not in the interest of the United States." You added that, "it is highly inflationary."

This latter objection to quotas is widely accepted as an economic truism. Yet the facts of the past decade and more, which is to say, the period during which we have had import quotas or their equivalent, have not borne out the widely held view. Quite the contrary. I shall not repeat the facts in the premises here, but enclose a copy of a statement on the subject which has been given to the press and sent to Congress where it has been printed twice in the Congressional Record. It refutes completely, so far as our own experience with import quotas is concerned, their alleged inflationary effects. Yet that is the objection most frequently pressed against the use of such quotas.

Another objection is that quotas would put trade in a straitjacket. Such an effect would depend entirely on the character of the quotas. They need have no such effect if they provided for flexibility, such as equal growth of imports with the growth of our market for the goods concerned. What would indeed be avoided is the intemperate and rapid rise of imports that visits distress and irreparable harm on our industries, such as is now occurring and has occurred in the past. I need only mention the watch industry, our fisheries, the typewriter industry, the bicycle parts industry, the sewing machine industry, household electronics, tile, sheet glass, canned mushrooms, tomatoes, stainless steel flatware, footwear, mink, standard machine tools, cordage, and others.

How many such skeletons or near skeletons can our economic landscape survive? We must not forget that each industry that loses employment to imports puts that much more of a burden on the other industries and services to absorb the more than a million addition to the work force every year.

You said also that we are an exporting nation. It were better said that we were an exporting nation. In my previous letter to you, mentioned above, I went into some detail about the turnabout in our trade in the past decade. The 1960–70 decade was one of defeat for our exports on a wide front. But for a very few products, notably machinery, including aircraft and computers, chemicals and a few smaller items, nearly all other broad product categories suffered a heavy deficit in foreign trade.

Employment in the industries that are in a deficit position exceeds that of the trade surplus sector by some 2 million.

These facts have probably not come to you in the usual reports of your intelligence sources. A record such as our trade record in the past decade would surely bring a team manager in the athletic field to a low level of repute. His winning achievement would be well below .500 on a base of 1000 and would win him no championship in any league.

Now, Mr. President, you are not alone in being deprived of the facts essential to the shaping of a sound trade policy.

The press of this country, the big press in particular, steadfastly refuses to convey to the public the basic facts that should guide the foreign trade policy of the nation. Consciously and deliberately, with hardly an exception in the East, it stubbornly withholds from the public the developments during the past ten years that effect deeply our trade posture in relation to the rest of the world.

Despite irrefutable demonstrations of the recently maturing counterproductive effect of the trade policy of the past thirty-five years, as revealed by indisputable statistical measures, the press culpably and inexcusably has smothered the facts that at long last have moved the House Ways and Means Committee to order a change of course, thanks to extensive public hearings.

By unconscionable suppression of facts, the press has conspired to nurture public ignorance of the true state of our commercial defeat in the markets of the world and within our own borders in the face of a competitive onslaught from abroad

Efforts over a five-year period to call attention to the clear handwriting on the wall were aborted by the press, to its profound discredit and its shame.

By ingenious methods, honed to a fine cutting edge, the press, the big press, the metropolitan press, has succeeded in keeping vital facts from the public, or dribbled fragmentary reports, in highly condensed form, to readers in a manner designed not to awaken them to the meaning of facts. The latter were unwelcome to press interests, philosophical or, more surely, commercial.

Some of the basic facts are that (1) the United States has met trade defeat in the past decade in nearly all important sectors, as already noted. To this fact, when it was called to its attention, the press, the big press, turned a broken ear drum and self-adjusted blinders.

(2) We have suffered a trade deficit in private commercial trade with the rest of the world for a number of years, not a surplus of 4, 5 or 6 billion dollars per year as reported euphorically by dedicated Departmental publicists of the government who knew better, but were imprisoned in devices not of their own contrivance. These euphoric reports were eagerly repeated by the press; and efforts to correct them were all but ignored.

(3) Employment in the trade-deficit industries is distinctly higher than in the few in which we still enjoy an export surplus. This fact has also been given to the press, but the press had free-trade fish to fry.

(4) The surplus that we do enjoy in a few products is narrowing visibly.

(5) The foreign labor cost per unit of output is in many instances well below the American, and this gap is not being closed.

(6) More and more of our industries are coming into the area of competitive defeat from abroad because foreign technology is catching up with us while their wages lag behind our wage levels.

Essentially, we are meeting our productive system, which we pioneered, coming back to us competitively from abroad, minus one ingredient, namely the high level of wages in the home market needed to buy and consume the elevated output that comes from mass production. Not having sufficiently high wages at home to absorb the output these countries must have a foreign market, and this country offers the best outlet. Never mind that the source of the competitive advantage over us is the lower foreign wages, and not, specifically not, higher productivity per man hour in manufactured goods! In that department we still lead the world; but our productivity lead is not as wide as our lead in wages. Hence our competitive handicap.

Not having met its obligation to inform the public as any press should if it is to merit the freedom guaranteed it under the Constitution, this same press is now free to criticize proposed trade legislation while the public has been short-changed in point of facts that would give it a basis of judging for itself. The press therefore has a free range of argument and can and does make exaggerated statements and use false arguments before the public; and the public is victimized.

Without knowing it, Mr. President, you too are one of the victims.

I look forward to an acknowledgment of this letter from and hope that a conference may be arranged with you for the submission of facts that will sustain what has been put forward in this letter.

With assurances of my esteem,

Sincerely,

O. R. STRACKBEIN,
President.

A MODEST PROPOSAL FOR CONGLOMERATION

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, it dismayed me to see that the Nixon administration has once more been rebuffed in its efforts to improve the quality of our Government. The President's proposal to abolish the Federal Board of Tea Experts, as an economy move, has been rescinded, largely thanks to the heroic efforts of the gentleman from Connecticut (Mr. MONAGAN).

Former Secretary Finch has vowed that he will keep the Board of Tea Experts in existence, as required by the Tea Importation Act of 1897, and legislation has been proposed to assist in the funding of the board through an additional tax on tea.

I might say that it is shocking to me that the administration would seriously consider such an oppressive tax as a means of solving problems of economy in Government. One would think that, given the strong memories of the Boston Tea Party and the inclination of present-day citizens to oppose repressive action by government with immediate confrontation, the imposition of such a burden on the tea drinking population of this country would fan the flames of revolution.

I know that in some quarters the tea drinkers of this country are considered to be no more than effete intellectual snobs, or even bums, but it seems to me particularly appropriate at this time to avoid such a confrontation. To paraphrase our President, "When the tea issue gets hot, ice it."

Mr. Speaker, I believe I have come up with the solution to the administration's problems. We must have the Board of Tea Experts, but we must have economy in Government as well. I submit that we can have both by a simple merger of two important Federal agencies: the Board of Tea Experts and the Subversive Activities Control Board.

Before dismissing this suggestion lightly, one must consider what a natural combination this is. Both agencies have the mission of protecting the American people from deleterious foreign influences. The Board of Tea Experts has a statutory duty to prevent the importation of tea that is "inferior in purity, quality and fitness for consumption in the United States."

The Subversive Activities Control Board is charged with the mission of preventing the importation of ideas that are inferior in purity, quality, and fitness for consumption by U.S. citizens. Certainly the short distance between the palate and the brain emphasizes how closely related the functions of these agencies are.

Moreover, the SACB performs its duties primarily through the sense of smell. Their job is to sniff out subversion wherever it exists. While the Tea Board uses the sense of taste, it is well known that taste is four-fifths smell. Thus, the membership of both agencies should be substantially interchangeable.

Beyond these obvious similarities, both agencies operate in utter anonymity, with a workload that is somewhat less than overwhelming. The Tea Board meets once a year. The SACB would meet at least that often if they could find a room to meet in and something to talk about. I daresay there is not a schoolchild in the country who could name a single member of either agency.

Finally, if one considers that tea connotes not only a drink, but a smoke as well, the beauty of this merger is even more apparent. What could be more subversive of our way of life than the uncontrolled importation of inferior tea?

The colleagues with whom I have discussed my proposal are enthusiastic about the idea. Indeed, some of them have suggested that I should propose further mergers of Government agencies in the name of efficiency in Government. It has been suggested that a particularly appropriate merger would be a combination of the Subversive Activities Control Board and the Bureau of Solid Waste Management, now in the Department of Health, Education, and Welfare. The former chairman of the National Endowment for the Humanities, a distinguished tea drinker in his own right, having been the president of an eastern establishment university, has expressed a willingness to take the SACB, the Tea Board, as well as the Bureau of Solid Waste Management under his protection. In Dr. Barnaby Conrad Keeney's words, such a combination would produce an agency that "really grooves."

Mr. Speaker, I shall continue my efforts to seek out possibilities for conglomeration of Government agencies, in the hope that the heavy hand of the Federal bureaucracy can be changed into no more than an upturned pinky.

TO ESTABLISH A COMMISSION ON FUELS AND ENERGY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. MIKVA. Mr. Speaker, the fuel and energy situation in America has reached the stage at which it can, without exaggeration, be called a crisis. The combination of poor economic management, new requirements for pollution free fuel, increased electrical power requirements and inadequate advance planning to meet these requirements, shortsighted economic regulation of fuel producers, and continuing artificial restrictions on access to foreign-produced fuels have all combined to produce this crisis. How it is resolved will have a great deal to do with how—and whether—our nation is able to solve many of its other pressing problems, from poverty to pollution.

The fact is that through a patchwork of private profitmaking, government ratemaking, and new pollution control laws and ordinances and the oil import quota system, America has reached a point where it faces potential shortages of almost all major fuels—natural gas, residual fuel oil, and coal—as well as a shortage of its most important source of energy—electrical power. If this conflicting patchwork is not resolved by anticipation of our future needs and rational advance planning, every citizen, every business, every industry in America will feel the adverse effects.

Just this week President Nixon's Chairman of the Council on Environmental Quality told the National Press Club that what is necessary to reconcile the often conflicting demands of more fuel, more energy and a cleaner environment is forward-looking and rational advance planning for the power and fuel needs of the Nation. I could not agree more with this sentiment.

It is because I feel so strongly the necessity for rational planning on a national scale to meet the fuel, energy, and environmental needs of future Americans that I am today introducing a bill, introduced earlier this month by the distinguished gentleman from West Virginia (Mr. STAGGERS), to establish a Commission on Fuels and Energy.

The bill would establish a National Commission on Fuels and Energy, a 21-member commission composed of six Members of both the House and Senate and nine members appointed by the President. In addition, nine specified officials of the executive branch would be advisers. Although the bill as introduced by the gentleman from West Virginia specifies only that the nine presidential appointees be expert in the matter of fuels and energy, my bill requires that these nine presidential members shall "have particular knowledge with respect to fuels, energy, and the environment."

Another small change which I have made in the bill as originally introduced is that a 10th and perhaps 11th executive branch adviser, namely, the Chairman of the Council on Environmental Quality and the new head of the Environmental Protection Agency recently proposed by the President, are added to those advisers to the Commission specified in the Staggers bill.

The Commission's most important responsibilities would be to investigate fully the energy demands and the fuels and energy resources of the Nation, and within 1 year to submit a report to the President which would "recommend those programs and policies which are most likely to insure, through maximum use of indigenous resources, that the Nation's rapidly expanding requirements for low-cost energy will be met, and in a manner consistent with the need to safeguard and improve the quality of the environment."

The Commission would reach its conclusions through public hearings, which it is authorized to hold, and through information furnished by departments and agencies of the executive branch which are directed to cooperate with the Commission and assist its purposes.

Mr. Speaker, if the kind of advance evaluation of requirements and advance planning to meet those requirements which is now advocated had been done 10 or 15 years ago, we might not face today impending shortages of fuel oil, natural gas, coal, and electrical power. If that kind of planning is done today, then in 10 years we will not face another worse—and certainly far worse—crisis of the same variety. Sooner or later we must learn the lesson of our past failures to plan adequately for the future and must begin to do that planning. The area of fuels, energy, and environmental quality is a perfect place to start. The establishment of this Commission on Fuels and Energy will be a first step toward a rational resource allocation policy to insure that our children are not faced tomorrow with the kind of fuel-energy-environmental crisis which we face in America in 1970.

I urge support for this proposal, early hearings, and early enactment.

At this point I include two recent newspaper articles which point up the seriousness of the impending shortages in fuels and energy which face this country.

The items referred to follow:

[From the Christian Science Monitor, Aug. 8, 1970]

U.S. NATURAL GAS SHORTAGE LOOMS

NEW YORK.—Hurriedly but belatedly, the federal government is trying to raise supplies of natural gas by undoing its restrictive pricing policy. Whether it will be in time to avoid industry shutdowns this winter is doubtful.

Meanwhile, the United States shortage of natural gas is spurring at least two efforts to bring it from Canadian fields above the Arctic circle. It appears that Canadian gas may appear in the U.S. market before the oil from the Alaska North Slope comes in quantity.

Nearly two decades ago the Federal Power Commission asserted its right to control the price of natural gas. This was set so low, oil men say, that it discouraged search for additional supplies. The result is that the combination of low price and no new supplies brought many users into the market whose demands cannot now be met.

A number of companies have refused to take on new industrial users; others have warned that they may not be able to maintain supplies to existing customers this winter.

"The shortage of natural gas today is real, not imaginary," said Robert E. Mead, president of the Independent Petroleum Association. "It was brought about by 15 years of unwarranted federal price control. . . .

"This price control has stimulated an artificial demand for gas while discouraging investment in the search for gas. The result is the current supply crisis for this essential fuel."

The Power Commission has proposed that 4,600 small gas producers be freed from the price controls. It also has started a new study of gas pricing, with the aim of streamlining bureaucratic procedures and setting a new price by early fall. Sen. John Tower, a Texas Republican, has proposed a flat increase of 10 cents per thousand feet, effective at once.

Longer range, there is a proposal in Congress to establish a "national commission of fuels and energy," with more than half its members being congressmen. The theory is that these elected men are more sensitive to the country's need than bureaucrats appointed for life.

Meanwhile, financing is being sought for the two proposed pipelines into the Canadian gas fields, with extensions into the gas areas on the Alaskan north coast. One line would cost $2.5 billion, about twice the proposed cost of the oil pipeline across the Alaskan peninsula.

However, the oil line is held up by conservationists' court cases, while the gas line could apparently be built through Canada without this problem.

[From the New York Times, Aug. 11, 1970]

FPC Head Warns Power Shortage Is Possible Next Winter

(By Richard Halloran)

Washington.—With the nation not yet through its summer power shortages, the chairman of the Federal Power Commission warned today that further shortages were possible next winter.

John N. Nassikas, the chairman, told a luncheon audience at the National Press Club here that next winter would bring power troubles if deficiencies in fuel supplies were not overcome and if the weather was unusually severe.

He indicated that the commission would have a better idea of the dimensions of the problem within 30 days, when the results of a national inventory of fuel were scheduled to be in.

SOME CURTAILMENT FEARED

He said that the shortages of coal, oil, and natural gas used to fire boilers in electrical generating plants "is the most acute phase of our developing energy crisis."

He said that the shortages were "dwarfing the formidable problem of installing adequate generation and transmission facilities to meet short-term demand." He also said that the shortages would mean higher electric and oil bills next winter.

"If we are successful in meeting fuel problems this winter," he said, "I do not anticipate a generalized electric power shortage."

Mr. Nassikas, who has been in office for a year, said "it may be necessary to curtail some industrial gas service in the New England area and in the Middle West."

But he added that "gas distribution companies should be able to meet all essential residential and commercial customer needs unless an unusually severe winter is encountered."

Coal, which provides 21 per cent of the nation's energy, is short because new Federal mining safety and health regulations have slowed production, rail transport is inadequate and coal exports are up.

Oil, which provides 43 per cent of the energy, is short because of the Middle Eastern crises, cutbacks in oil from Libya and inadequate tanker capacity.

Natural gas provides 33 per cent of the energy and is critically short because gas companies have cut back on discovery and exploitation of new fields.

Mr. Nassikas was asked whether he thought the companies nad done that to force up the price of gas. He said no but did not elaborate.

He said that increasingly restrictive antipollution standards had been partly responsible for the energy crisis. He called for a "balanced energy and environmental policy."

"Environmental standards must permit a transitional period allowing construction and operation of facilities to proceed," he said. He said that all methods of power generation produced some kind of waste.

"Such waste products, or thermal effects, will have an impact on the environment that cannot be completely avoided despite the most serious efforts to minimize these consequences," he contended.

He said that the best hope for an ultimate solution to the energy crisis was nuclear power. But installation of nuclear power generation is lagging two years behind schedule and will not provide significant amounts of energy until the nineteen-eighties, he said.

The lag, Mr. Nassikas said, was due to delays in delivery of equipment from manufacturers, opposition to proposed sites of the plants and technological problems.

He criticized the electric utilities for not spending enough on nuclear research. In the last four years, he said, the Atomic Energy Commission has spent $75-million, manufacturers $25-million and private utilities only $5-million on fast breeder reactor research.

He said that the utilities should spend more "to accelerate the development of vitally needed nuclear facilities to reduce environmental impact and meet power demand during the remainder of the 20th century."

He urged that comprehensive new antitrust legislation be passed to allow companies in the power industry to adopt economies of large-scale operation and to be managed more efficiently.

He said that he did not favor a national power grid run by the Federal Government. Instead, he suggested that improved connections between existing power companies would be desirable even if they were undertaken by the Federal Government.

Better interchanges of power, he said, would have helped to resolve the problems of Consolidated Edison in New York.

EULOGY TO FRANK MESZAR III

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. HAGAN. Mr. Speaker, I would like to call to the attention of my colleagues a stirringly warm and beautiful eulogy by Brig. Gen. Frank Meszar to his son, Frank Meszar III, which appeared in the Assembly, the magazine of the graduates of the U.S. Military Academy.

This young man who had but 24 years of life was without a doubt an unusual individual. In his brief span of time he took great interest in many things, accomplished much, and sought to learn and do still more. He was a truly fine person, a kindred spirit to the interests of his military father and his loving mother and family.

I attended the retirement ceremonies of General Meszar on Friday, July 31 at Hunter Army Airfield in Savannah, Ga. Having served 38 years in the military, General Meszar was the first commanding general, from March 1967 until January 1969, of the Flight Training Center at Hunter-Ft. Stewart, which he left for assignment in Vietnam.

General and Mrs. Meszar and their children call Savannah, Ga., home, and I am pleased and honored to have friends and constituents of their caliber residing within my congressional district.

I am personally gladdened at the thought that even with Frank's untimely death his father, General Meszar, has not only accepted this sad finality well, but has with a father's heart loved and understood clearly the many facets of his son's personality and character. The eulogy is a real tribute and deserves all of our attention.

The eulogy follows:

Eulogy to Frank Meszar III

Captain Frank Meszar III was born in Tuscaloosa, Alabama, on 18 July 1944. He was killed on 2 March 1969 while leading his company in the attack. His family, his friends—we buried him with full military honors in Arlington National Cemetery. In his span of twenty-four and a half years, he had accomplished what every man desires but many never do. He had found himself and his place in life.

What was he like? He could turn a card or pop a cork as a gentleman, for pleasure and not as vice. He drove his Corvette with a heavy foot, but never scratched a fender. He was at home in the major cities of Europe. In a ten-day period, he dated young ladies in London, Washington, Savannah, San Francisco, Tokyo, and Sydney. And yet, he confidently commanded a cavalry troop on the German zonal border as a Second Classman. He went through airborne training with two sprained ankles. He owned one of the finest private military history libraries in the Service. He could discuss in detail the battles of the Napoleonic Wars or of the American Civil War. His decorations include the Silver Star, Bronze Star Medal with cluster, Air Medal with two clusters, Army Commendation Medal, Purple Heart, Vietnamese Gallantry Cross with Palm and the National Order of Vietnam. In short, he enjoyed life, but with a constancy of purpose. From an early age he knew he would be a professional soldier. He was proud that he was the last of an unbroken military line that had its origins in Arpad's entry into Hungary.

After graduation and Ranger and Airborne training, Frank spent a year on the DMZ in Korea as an Infantry Platoon Leader and Company Commander. He volunteered for Vietnam where he served with the 173d Airborne Brigade and was an advisor to a Vietnamese Army unit. He then extended and commanded a rifle company in the 1st Cavalry Division.

I saw Frank at Fire Base Grant a week before he was killed. He had just returned with his company from an eighteen-day search and destroy operation in the jungle War Zone C. We had a most enjoyable visit. Frank was relaxed and happy. It was apparent to me that he was doing what he wanted to do and knew he was good at it. In the following lines I have tried to express how he and I felt about our profession.

THE CUP OF LIFE

How drinks your son his cup of life?
For drink he must, or spill or swill, in his appointed time.

Hiding on a northern neutral shore, pursing fitfully through a straw,
In abject terror less he lose the purile pap?

Or, more common, in stolid suburb sipping the uric smell of
squalling brats and shrewish spouse,

While cursing his plywood plastic jail?

But worse, a worthless wastrel, who slops his slop,
Unconscious of the maggots on the tarnished brim?

Else, a callow guru who mocks the Maker's brew,
Yet with lampreyed greed he sucks the sorcerer's mendacious mead?

Even envied, a grey flanneled great,
So enamoured of his golden grail, he cannot taste the ale?

Then pity me not, nor my son;
He stood ten feet and more.
With a deliberate stare into the face of fate,
He quaffed full draught his Warrior's Cup,
And smashed it to the jungle floor.

TO IMPROVE THE QUALITY OF LIFE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. OTTINGER. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

XUM

TO IMPROVE THE QUALITY OF LIFE: A PROGRAM FOR ENVIRONMENTAL ACTION

(By Hon. RICHARD L. OTTINGER)

"The right of the people to clean air, pure water, freedom from excessive and unnecessary noise, and the natural, scenic, and esthetic quality of their environment shall not be abridged." *The Environmental Bill of Rights.*[1]

INTRODUCTION

In spite of the growing public concern over pollution, the cold hard fact is we are still *losing* the battle to preserve the environment.

There are a number of reasons for this. First is our failure to recognize the true cost of pollution and environment damage and to apply these costs against the cost of abatement efforts. Only when we fully understand the tremendous hidden costs we are bearing, will we feel the true urgency of the need for action. As a result of our failure to understand the economics of pollution, our environmental efforts have lacked the necessary commitment and have shied away from attacking the real source of the problem—the individual polluter.

Another problem is our failure to recognize that our environment is a complex and interrelated system and that each action—even one intended to cope with an environmental problem—may have an environmentally-damaging reaction.

The final failure is to recognize that a livable environment means more than the absence of pollution. A program for the environment must include the enhancement of all of the qualities of our lives. It must work toward a clean and wholesome environment in which to live and work and toward relieving the growing stresses of our increasingly complex urban, technological society.

We have the resources and the time to preserve a livable environment *if we act now.* An effective program will require the development of a new cost-benefit system to apply in determining the desirability of various programs. It is essential to replace the old system in which the *cost* was too often to the public and the environment and the *benefit* limited to a privileged few. The program we need must also recognize an essential role that the continued population growth and the continued economic expansion play in our environment.

Above all, we must require that environment concerns be given full and equal consideration in all of our public programs. Even such programs as housing, transportation, education and health—and not just those programs traditionally considered to be "environmental."

Finally, we must recognize that effective environmental action is not a burden; it is a challenge and opportunity. Success means not only a better quality of life for all of our citizens, but new markets and new jobs. A group of experts in the *Harvard Review*, not too many years ago, described the challenge as a "$300 billion dollar market."

WATER POLLUTION

Water pollution abatement programs at both the State and Federal levels, have failed completely.

New York State's 1 billion dollar Pure Waters bond issue, approved overwhelmingly by the voters in 1965, has proved to be a sham. Under that program, we were promised that the waters of the State would be clean by 1970. But it is now 1970, and our waters are dirtier than ever. Now Governor Rockefeller, who made the original pledge, has set a new goal of 1975, but there is no reason to believe that this is any more realistic. Of the $1 billion the voters authorized five years ago, only $125 million have been spent; much of that wastefully on large staffs, redundant studies, promotional brochures, and the like. The program itself is completely bogged down in bureaucratic bungling and political squabbling.

The Federal program is no better. Launched with much fanfare, it has since been seriously under-financed and lacks effective enforcement powers. I and a group of my colleagues were able to increase Federal appropriation for pollution abatement for 1970 from the $214 million recommended by the Nixon Administration to $800 million, but there is no indication that, even with these nearly quadrupled funds, we will be able to make effective progress in restoring the purity of our waters with existing law.

At the heart of the failure of our existing programs is the unwillingness of Federal, state and local officials to meet the basic problem of water pollution head-on. We have concentrated our efforts in developing ill-defined, and basically unenforceable, standards of general water quality and have failed to attack the true cause of pollution at industrial sources.

I propose a radical revision of our water pollution abatement effort, which will reorganize that effort into an effective program.

Industrial: Under my program, it will be illegal, as of January 1, 1972, for any individual or corporation to dump environmentally-damaging material into the inland water systems of the United States, including estuaries. Any corporation or individual violating this law could be fined $1,000 a day as long as the pollution continues. In addition, I propose that citizens be given the right to take individual polluters to Federal court to enjoin violators should Federal, state or local officials fail to act.

A number of industries lack money to finance effective abatement programs by this deadline. I propose to establish a Federal program to provide long-term, low-interest loans to industries that can establish the need for such assistance.

Under this program, effective abatement of water pollution from industrial sources could be achieved by 1972. In addition, the program would mean increased employment and economic activity without loss to the taxpayer, or undue hardship to any industry.

Thermal Pollution: Thermal pollution, although relatively new, is no less dangerous to the quality of our water than any other form of pollution.

Although many other industries can produce thermal pollution, the greatest threat comes from nuclear power plants which require very large amounts of water to cool their reactors. Scientists have estimated that by the year 2000, as a result of construction of the nuclear plants necessary to meet the nation's rapidly growing power needs, virtually all of our water will be seriously degraded as a result of thermal pollution. Technologically, it is possible to resolve this problem through the construction of cooling towers, bays, and other devices.

Under my Hudson River Compact Act, Interior officials compelled the AEC to add a specific condition—the first of its kind in the nation—to Con Edison's license for its Indian Point No. 2 reactor, a provision requiring the Company to take all necessary steps to prevent thermal pollution before the facility may be operated. I am presently taking legal action to have a similar condition added to the license for Indian Point reactor No. 1, which has been in operation and causing serious damage to the Hudson since 1963. But the problem should not be resolved by piecemeal efforts. We must have a national criterion.

To compel the nation's utilities and other industries producing thermal pollution to take the necessary steps to avoid such damage I propose to include "thermal pollution" under the definition of "environmentally-damaging" material and to require that water discharged from cooling operations must be of the same temperature and quality as the water into which it is being discharged. Violators will be subject to the same fines and penalties as other polluters.

Municipal Waste: Sewage and other municipal wastes are the other major source of water pollution in the United States today. Even after 5 years of our highly-touted abatement programs, nearly one billion gallons of untreated sewage pour daily through the mouth of New York Harbor. New York City alone contributes 450 million gallons, although the city is working hard to improve this, with two plants under construction and new connections underway with existing plants. But the fact is that, today, every community in the State is contributing untreated or inadequately treated sewage to our waterways.

Even the few sewage treatment facilities we *are* building today are not adequate. Their effluent is returned to our rivers and streams rich in nitrates and phosphates which are themselves dangerous pollutants. Not only is this damaging the waterways but it represents a serious waste, for nitrates and phosphates are potentially valuable.

The answer is a major national commitment to the construction of effective sewage treatment facilities which will completely recycle sewage, recapturing valuable elements and returning water of the highest quality to our waterways. We have the technology to accomplish this goal, but so far, we lack the commitment.

I propose to vest a single Federal agency, such as the U.S. Army Corps of Engineers, which has the technological capability and engineering know-how, with the responsibility for carrying out this national program.

Funding for the construction of these treatment facilities should be 70 percent Federal, with the state governments contributing 20 percent and local governments contributing 10 percent. The Federal share could be financed at a fraction of the Corps' annual multi-billion dollar budget which is now devoted largely to environmentally-damaging projects such as dam building and dredging.

Coastal Waters: Today, we are endangering our richest marine resource—our coastal waters—by indiscriminate dumping of sewage, sludge, acids and industrial waste.

As I pointed out last February, such dumping operations at the mouth of New York Harbor have created a virtual "Dead Sea" less than 12 miles from New York beaches. This is an area of 21 square miles virtually devoid of marine life, contaminated with virus and bacteria and with cancer-causing heavy metals. It threatens not only our beaches, but the safety of our marine food sources such as fish and clams. Recently, at hearings held as a result of this report, officials of the Corps of Engineers admitted that there are 210 dumping sites in our coastal waters. Sixty-one of these are on the East Coast. Ninety-five are in the Great Lakes and the remainder in the Gulf of Mexico and along the Pacific shore. In addition, there is much unrecorded dumping. The Nixon Administration, in response to my demand, has called for a halt to Great Lakes dumping but has taken no effective action regarding our coastal waters.

This intolerable assault upon one of the most valuable of our resources must be stopped. I propose to make it illegal for anyone to dump environmentally-damaging materials in our coastal waters. Violators shall be fined up to $10,000 for each violation. Police authority will be given to the U.S. Coast Guard, and the responsibility for determining whether material is damaging will be vested in the U.S. Fish and Wildlife Service of the Department of the Interior.

The Oceans: Thor Heyerdahl in his current voyage across the Atlantic in the "Ra II" reports observing substantial pollution in the form of large globs of oil floating in the ocean. Experts at our marine laboratories have stated that the contamination of the ocean from oil and other pollutants is now so great that if we were to halt all further environmental assaults upon our oceans today, it might take as long as 500 years for the oceans to recover. I propose that the United States government call upon all nations of the world to join in a treaty to forbid oceanic pollution, provide effective police mechanisms, and provide substantial fines or other punishment for violators.

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[1] H.J. Res. 1321, introduced in the House of Representatives, June 13, 1968, by Rep. Richard L. Ottinger, *et al.* Also introduced in 91st Congress on January 3, 1969, as H.J. Res. 54.

SOLID WASTE

One immediate result of halting all forms of water pollution—and air pollution, as well—will be a substantial increase in the already nearly unmanageable volume of solid waste. For example, although it is not known exactly how much sewage sludge, dredge spoil, and industrial waste is presently being dumped at all sites in U.S. coastal waters, it is known that 18 million cubic yards annually is being dumped in only the six sites around New York Harbor—and the volume is increasing at a rate that will double every 20 to 25 years.

Even without the addition of the new sources of solid waste resulting from our air and water abatement pollution programs, the situation would be critical. The average American is responsible for nearly six pounds of solid waste every day. Major urban areas like New York are hard-pressed to find ways of dealing with the trash and garbage that is now being generated. Traditionally, these wastes are burned in low-efficiency incinerators—in themselves significant contributors to air pollution—or are used as landfill, which has resulted in the loss of thousands, if not millions of acres of valuable shallows, the most important resource for developing and maintaining the nation's fisheries. Now cities like New York are literally running out of sites.

A major contributor to the existing solid waste problem is the American packaging industry which is responsible for as much as 90 percent of the total volume. There must be a significant commitment of funds for research and development of bio-degradable packaging materials, packaging which will meet the needs of the consumer but which can then be broken down and recycled into the environment as useful products. There are, today, a number of companies producing recycled paper which would otherwise just add to the volume of trash, and a European company has reported success in developing bottles made of material that is completely bio-degradable.

For materials that are not bio-degradable and cannot be recycled, the most effective method is high-heat incineration which has been successfully developed in foreign countries but used only on a limited, demonstration basis in the United States. High-heat incineration (3,000 degrees) can be carried out with virtually no air pollution, and can reduce solid wastes by 94 to 96 percent. In the process it produces a material called "frit", which is useful in the construction of building blocks, road beds, and is now being tested for use as fireproofing material.

Many of our other wastes can be recycled without incineration and play a valuable role in our economy. For example, the sewage sludge which is now poisoning our coastal waters, is—if properly treated—a valuable source of phosphate and nitrate, which experts tell us are now in short supply, and will soon be vitally needed to maintain agricultural food supplies and meet the needs of our growing population.

I propose that the Division of Solid Wastes of the Department of Health, Education, and Welfare be upgraded and given responsibility for the development of a national solid waste program. Working in cooperation with State and local governments, the Division would be charged with developing a three-point effort: (a) to provide for the development of bio-degradable packaging materials, (b) to develop effective methods of recycling of material suitable for such use and (c) to direct the installation of effective high incineration facilities to serve our population centers.

Radioactive Wastes: Another result of our tremendous technical achievement which has created a serious environmental problem is the growing uses of radioactive materials—in power generation, medical applications, and other peaceful uses. This use, which is expanding rapidly, produces radioactive wastes, many of which are extremely dangerous and are not being adequately handled at this time. The radioactive wastes from the used fuel cells of nuclear power plants are currently disposed of only in two sites in the entire United States. One of these is in Cattaraugas County in New York, 30 miles southeast of Buffalo. The present facility at Cattaraugas County is discharging radioactive materials into the local waters at about ten times the allowable level set by the Atomic Energy Commission, and the AEC has failed to act.

Unfortunately, although it has the authority, New York State has not taken any action, apparently for two reasons. First, it relies upon the AEC and also because the waters in which the material is being discharged are not classified as drinking water. Clearly whether or not people drink the radioactive water, it poses a threat to public health which must not be tolerated.

Equally serious on a national level is the fact that many experts, including prominent scientists in the AEC, believe the agency's standards are much too lax. The State of Maryland, for example, recently established standards *one percent* of those set by the AEC.

The discharge presently taking place in the waters of Cattaraugas County would be halted with the enactment of my proposal to forbid the dumping of environmentally-damaging materials in the U.S. waterways. But in the long run, this is not enough.

None of the presently proposed methods for disposing of radioactive materials—deep wells, ocean dumping—provide effective safeguards.

I propose that a high-level commission of scientists should be established immediately to carry out *independent* research to determine safe levels of radioactive exposure and safe and effective methods of disposing of radioactive wastes. The AEC, representing a vested interest in promoting nuclear development, should play no role whatsoever in the deliberations of this commission.

AIR POLLUTION

As with water pollution, present air pollution programs at the State and Federal levels are wholly ineffective—and for many the same reason.

After five years we have clear proof that the Clean Air Act of 1965 is an almost meaningless law. Its principal weakness is the failure to attack pollution at the source. Under the Act, the National Air Pollution Control Administration (NAPCA) is allowed to set standards for ambient air quality. It is not charged with responsibility for locating pollution sources, nor does it have effective enforcement powers. In fact, polluters may use the Act to evade enforcement for at least seven and some cases as much as 17 years.

Further proof of the Act's failure can be seen in New York State where it has permitted the absurd gerrymandering of air quality districts so as to protect industrial polluters.

At present, the NAPCA's research is carried on in such a manner that there are no meaningful standards for many of the most dangerous pollutants. For example, in March of this year, I revealed that the agency had no plan to set standards governing concentrations of asbestos dust before 1972, in spite of the fact that this is the only form of air pollution definitely proven to cause lung cancer. As a result, millions of New Yorkers have been exposed to serious health hazards due to the spraying of asbestos which is used as fireproofing material in many buildings. Fortunately, following my report, New York City acted expeditiously to ban further spraying, but the residents of other cities throughout the State and the nation, do not have similar protection.

I propose that air pollution abatement laws be reorganized along the lines I have proposed for our water pollution abatement laws.

First, NAPCA will be given the authority to set and enforce standards for individual sources of pollution, if state and local governments fail to act by January, 1972. Fines of $1,000 for each day of violation will be established and a program of long-term, low-interest Federal loans set up for industries that can establish that compliance will cause undue hardship.

Second, the NAPCA will be required to undertake an immediate evaluation of all sources of air pollution and to set meaningful criteria for emissions.

Finally, citizens will be given the power to go into Federal court to enjoin violators, if government officials fail to act.

NOISE POLLUTION

We are only recently coming to recognize the serious effect that excessive noise can have upon people and upon the natural environment. Scientists in this country and in England have found that noise can and does cause deafness, plays a significant role in mental illness, and has as yet not wholly-understood effects upon the central nervous system.

Most attention has recently been drawn to the noise pollution from jet aircraft. An amendment which I proposed to the Airport and Airway Development Act of 1970, and which has now been enacted into law, should give citizens the necessary legal basis for protecting themselves from aircraft noise resulting from new airport construction. But citizens are exposed to intolerable levels of noise from other sources in their community and their places of work.

I propose the enactment of a Federal law establishing an authority to conduct research to determine acceptable levels of noise and to propose effective legislation to protect our citizens from excessive exposure.

POPULATION

Basic to all of our environmental problems is the problem of our population explosion. We can readily see that our present population of over 200 million—utilizing both renewable and non-renewable resources, contributing to pollution, noise, congestion and stress—challenges our existing institutions. How much more serious will be the problem at the end of the century when we will be 300 million in number and probably consuming more goods per capita than we are now.

As a priority program, we should start immediately to determine what our population goals will be and to work out the methods through which we will achieve these goals. An effective program should include family planning assistance, removal of all state and local barriers presently interfering with the right of a doctor to give birth control information and to perform abortions as he and the patient deem necessary and desirable.

GENERAL

Finally, we must see that every Federal and state program contains provisions with language similar to that which I included in

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the "Airport and Airway Development Act of 1970," stating that it is declared to be national policy that each Federal project, "shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation . . . including, but not limited to, fish and wildlife, natural, scenic, and recreation assets, water and air quality, and other factors affecting the environment . . ." In addition, each provision should include similar language enabling the citizen to hold government agencies accountable for the way in which they discharge their environmental responsibilities.

REDUCED AIR FARES FOR THE ELDERLY

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. CULVER. Mr. Speaker, our national economic condition causes difficulties in all sectors, but the pinch of inflation is felt particularly hard by those who are forced to live off fixed incomes, especially the elderly. They have worked faithfully all their lives but are now faced with financial insecurity as their savings and their pensions are eaten away by inflation.

The social security increase, which I strongly supported and which was recently passed by Congress, was a small and long-overdue improvement. More needs to be done, however, to assure our senior citizens a satisfying and enjoyable life in their later years.

One important measure which Congress should take is to pass my bill providing for reduced air fares for the elderly on a standby basis. I first introduced this bill in 1968 during the 90th Congress and introduced a similar version this year.

The arrangement I propose is not new in the United States, because it is presently applied to our Nation's youth. An individual would be allowed to purchase a ticket at a reduced rate but would not be able to reserve a seat on any particular flight. He would wait in "standby" status until it became clear that empty spaces were available.

The ability to travel at low prices would provide benefits for all concerned. Most importantly, of course, it would enable people 65 years of age and over to break their present enforced immobility and the isolation and loneliness it often causes. It is ironic that at a time of life when men and women have time to visit family and friends, high transportation costs keep them at home and often alone. We should do everything possible to enable our older citizens to use their leisure time to the best advantage, so that it becomes a source of enjoyment and not a burden. Permitting them to fly during nonpeak hours for reduced prices would be a significant step toward this goal.

Moreover, this policy would produce economic benefits for the airlines, by filling up seats which would otherwise remain vacant. A new market would be created consisting of people who would not be able to travel at regular prices, but who would take advantage of the opportunity to fly if the rates were within their means.

In an era of larger aircraft, it stands to reason that the increase in the number of seats available on a given flight will result in an increase in the number of unused, nonrevenue-producing seats, it is only good economics to utilize this excess capacity to the greatest possible extent.

Mr. Speaker, I believe that it is particularly appropriate at this time of inflation and economic uncertainty for the Congress to have special concern for those who, because of the dependence upon fixed incomes are most seriously affected. I believe that my bill would make a meaningful contribution to the lives of our senior citizens and benefit the airlines at the same time.

I urge its early passage.

REMARKS OF HON. WILLIAM S. BROOMFIELD

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. McDONALD of Michigan. Mr. Speaker, too much has already been said about the shortcomings of our country and our democratic system. Too much said and not enough done.

When we focus our attention on a shortcoming in our system that attention seems to amplify the shortcoming far beyond its proper relationship to its environment.

That perhaps occurs because so little attention is paid to the overwhelming number of taken-for-granted ingredients of our day-to-day system that are good.

Mr. Speaker, my respected friend and colleague, WILLIAM S. BROOMFIELD, had an opportunity last Sunday to address the Michigan Gold Star Mothers and he took great advantage of that opportunity to discuss many of the things that are good about America and the direction our country is taking.

Because I feel that we all can benefit from Mr. BROOMFIELD's remarks, I am commending them to the attention of my colleagues, as follows:

> A quarter century ago, the world stood on the threshold of peace, shaken by years of war but confident of the future.
>
> There was joy in the prospect of an end to destruction, an end to bloodshed and sudden death.
>
> There was sadness in the knowledge that your sons and your daughters would not be with us to share the wonders of a world without war.
>
> But there was a universal sense that the sacrifice had been worthwhile, that the ideals and freedoms so many died to preserve had survived undamaged and that their value had been enhanced.
>
> There was an obligation to carry on in the names of those no longer with us, to make certain their hopes and dreams would be fulfilled.
>
> Today, we stand on the downside of another terrible war, one that has been almost as costly in terms of bloodshed, destruction and heartache.
>
> But unlike World War II, the war in Vietnam has cost us dearly in our self-confidence and our pride. We are a nation given to moments of shame and self-doubt. We sometimes question our motives, our past achievements and even the very ideals for which we fought with so much determination just 25 years ago.
>
> We have tuned-in those always willing to tell us our faults and we are listening to them as never before. We seem to find morbid satisfaction in hearing again and again what is *bad* about America.
>
> The dedicated anarchists and the kill-them-if-they don't agree crowd has always been with us, hanging around the fringes of organized society.
>
> The defects they point to, for the most part, have always been there, too.
>
> Most Americans have been secure enough and confident enough to listen to them with one ear, without losing their balance, their ideals, and their sense of what is right and what is wrong.
>
> But now many are not sure anymore.
>
> We have opened the door wide to these prophets of doom and given them center-stage in the Congress, on our television screens, the front pages of our newspapers and in our minds.
>
> We tell ourselves that there might be some truth to what they say.
>
> Of course there is. We were never perfect. But it is time to look at the whole picture and to talk about what is *right* with America.
>
> It is time to remember what we believe in, what we have fought and died for in the past and to compare that with the history of other societies and other countries.
>
> It is time to turn our mirror outward and end this morbid self-examination. We need to let that mirror reflect the rest of the world as it really is, with all of its imperfections. By comparison there is a great deal that is right with America.
>
> It is time to give our President the support he needs to end this long war in Asia—at the very least we must give him the benefit of the doubt until his efforts have had a reasonable chance to succeed.
>
> The hate-peddlers and firebombers have never had it so good.
>
> They find themselves suddenly—and probably to their surprise—with a larger audience than they could ever have hoped for in their wildest dreams.
>
> They are ready to use every trick in the book to convince us that everything we believe in is dark and ugly.
>
> If there is a wart on America's face, we are told to chop off its head.
>
> The honest idealism of your children and grandchildren is their number one target.
>
> The theories of Marx, Hitler, Mao and a whole list of revolutionaries you and I never heard of are paraded skillfully through our sons and daughters heads.
>
> "The way to make this country better is to destroy it," our kids are told in a hundred different ways. The brighter the child, the smoother the lie is told.
>
> At stake in every one of these confrontations are the souls of our children and the soul of our country.
>
> What can we do about it?
>
> If we tell our children America is perfect, they will pity us.
>
> They don't know what we are talking about when we tell them they never had it so good.
>
> And, if we *order* them to be patriotic, they'll break our hearts.
>
> The thing to do is to tell them the truth. America is the greatest experiment in human dignity and freedom ever attempted by man. But it is still an experiment—one that is not yet completed. A new generation of Americans must make it better.
>
> But they need our help. Nobody can do much about America's todays and tomorrows, if he doesn't understand her yesterdays.
>
> We must remind them of those yester-

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days—yesterdays that you are better equipped to describe than anyone.

We must remind them that the American flag is a symbol, not just a colorful piece of cloth that you and I worship blindly.

It is the symbol of all we believe in, all we have fought for, and all we hope to be. It is the sum of our spirit and the insignia of our pride.

We must remind our young people what America has accomplished under that flag in just 200 years and ask them to measure those achievements against those of any nation in history.

We must concede our shortcomings, but never doubt our accomplishments or the direction in which we are headed.

To those who say that our Constitution, our system, our ideals are no good because we have not achieved the perfect society, we must ask them to show us a workable alternative.

We must challenge them to stop burning and start building.

And, we must remind them again and again that this great system remains intact—not by accident—but because of the sacrifice and courage of those Americans we honor today.

Because they faced an enemy unafraid, we, as individuals, enjoy more freedom than any other civilization.

These young men died for us. Now, they ask only that we live for them, for the country they loved, and for the ideals in which they believed.

As we honor these brave Americans and mark the end of one cruel war, let us unite in our support and our prayers for an end to that terrible conflict in Southeast Asia.

That war, like others, will end and we will go forward as a nation to other things.

Let us do so confidently, weeping only for the past, making sure there will be no cause for tears in the future.

POW'S—PRESSURE ON HANOI IMPERATIVE

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. BURTON of Utah. Mr. Speaker, of paramount concern to America at this time, is the goal of achieving peace in Vietnam. However, I am deeply concerned lest we, in our determined quest for peace, lose sight of another vital effort—that of freeing and bringing home more than 1,500 Americans who are either prisoners of war or who are listed as missing in action.

My concern is shared by many other Americans who are attempting, both through individual and organized efforts, to obtain freedom for the prisoners, many of whom have suffered cruel and inhumane treatment during their captivity.

Mr. Speaker, I would like to submit to the RECORD an article from the National Review, written by Priscilla L. Buckley, in which she gives an account of the action that some of the concerned wives of POW's are taking:

PRISONERS OF WAR: THEY ALSO SERVE

(By Priscilla L. Buckley)

I'm Mrs. William Schuddy, she said over the phone. She and two friends were in town for a couple of days making the rounds and they'd like to see my brother, or me, or anyone I'd designate on the staff. "My husband's been a prisoner in North Vietnam for five years," she explained, "and we're organizing to do something about it," because she didn't add, it doesn't look as if any one else will.

I don't know what I expected. Middle-aged women, I suppose, emotional, pent-up, driven. But the three who came in the door were, well, kids. Bright, attractive, with that clean tanned outdoor look of so many young American women. Attractive, and determined.

Jane Schuddy made the introductions. Kathy Plowman, a pretty dark intense girl, very thin. "Her husband's been missing in action three years." The blonde on the other side, with a gamin haircut and the big smile is Candy Parish. "Her husband's been missing in action for two years." MIA—Missing In Action. That means that there has been no official word since their planes went down. Candy has this to go on. The backup flier in her husband's plane is in a North Vietnamese prison camp; his wife has heard from him. But he hasn't mentioned Chuck Parish. Candy smiles, all but apologizes. "I've built a lot on a little," she says. The other flier has occasionally used "we'all" in his letters—"but then he's a Southerner." Could that "we'all," so casually dropped in a letter, mean that Chuck Parish is alive? Candy doesn't know. Kathy Plowman's straw is this. A couple of weeks after her Navy husband's plane disappeared, two Americans were spotted and their descriptions tally pretty well with the description of James Plowman and his pilot. Two of the nine prisoners who have been released have mentioned Buzz Ellison. Buzz Ellison was James Plowman's pilot. She wants to explain a little more fully why she, too, continues to hope. There was this other woman. Just a few weeks ago she heard from her husband: He'd been missing four and a half years. All that time she'd been writing him—writing into the void. In that first letter to her he asks how the child is. Kathy wants to make sure I get it. *Child*, not *son* or *daughter*. The wife was pregnant when he was shot down. He assumes a child was born. But when he doesn't say boy or girl, mention a name, she knows that all those letters, over all those years, addressed to Central Post Office, Hanoi, have been held up or destroyed. Why did they decide to let him write at all? And why now?

The women have an answer. Because of the pressure they and other men and women like them have brought to bear. Because of the publicity they're giving to the issue. And they trot out the figures. They are 1,586 men missing in action in North and South Vietnam and Laos (no one has heard anything from any man missing in the South or in Laos so for the moment we won't count them). About eight hundred of the missing men are fliers, shot down over the North. In the five years from 1965 to 1969, six hundred had come out from 115 men; in the six months between December 1969 and June 1970—after the families started agitating—1,200 letters have been received from 320 men. And they mention something else. A year or more ago, in November 1968, Hanoi announced that it would, as a humanitarian gesture, release three prisoners to a delegation of peaceniks headed by Rennie Davis and Dave Dellinger. And they did. They set free three Americans, none of whom had been in their hands more than six months, all of whom were in good shape. When Secretary Laird, last May, devoted an entire speech to the prisoner issue, Hanoi's response was to allow six Americans (one of them Admiral McCain's son—it was the first word he received that his son was alive) to broadcast messages that they were alive and well. In addition, Hanoi freed another three prisoners. This time, because Hanoi wanted to wring the greatest possible credit internationally from the gesture, it freed men who had been in prison two or more years, men in need of medical care. They, too, were released to a peace delegation.

What about the peaceniks and their efforts on behalf of the prisoners? I asked. I had read that some women had refused to accept mail from their husbands which the peaceniks had brought out rather than go along with demands that they join the end-the-war propaganda campaign.

Kathy doesn't buy it. We can't, she says. "We'll grab at any straw." If they have to work through the Dellingers & Haydens & Weisses they will. Candy, who was one of the wives who went to Paris last year to plead with the Vietnamese delegation for news of their husbands, comments that when they asked North Vietnamese delegate Xuan Oanh what they could do to help, he told them to work with Dr. Spock and Women Strike for Peace. "We dropped that right there," she says. She adds that Xuan Oanh was the only delegate who would see them at all and that he was very kind, very sympathetic. He hasn't been heard from since. He's not in Paris. Candy muses, "You don't suppose they've sent him down the Ho Chi Minh Trail?" The others are amused. They've heard it before but still it's fun. Anyway, they tell me, Hanoi's position is that all American prisoners in its camps *are* allowed to write one letter a month to their families and the reason the wives and parents aren't getting the letters is that, what else? the Central Intelligence Agency doesn't want the letters delivered and intercepts them. Jane explains further. "We address our mail to the prisoners, care of Central Post Office, Hanoi. They obviously think that all mail to the States goes through a Central Post Office, Washington, D.C."

Hanoi, they say, is big on gestures and pronouncements. But, all told over the years, it has released only nine Americans, in groups of three and always to the custody of American peaceniks. It has never given out anything like a complete list of its prisoners. It gives out the news in dribs and drabs to suit its own purposes. Examples: Hanoi did respond to an appeal by Swedish Prime Minister Palme. It gave him a list—the first and only official list incidentally. And it contained fourteen names—only two of which are new. A list published by Chicago Veterans for Peace last November had "dated" information according to the Pentagon. Two of the seven photographs were of men who had been released a year earlier. A second list released that same week had only one new name. Last Christmas, Women Strike for Peace, with great fanfare, published a list of 141 names it had brought back from Hanoi. Most of them were repeats, very few were new. Jane interjects: "Bill's name is on all those lists. I wish it weren't. I wish some other women could know what had happened to her husband." A fortnight ago there was a big flurry. Cora Weiss, of the Committee of Liaison with Families of Servicemen Detained in North Vietnam, brought out a list of 334 names. Hanoi radio announced that this was the list of all the men it had in its prison camps—complete and final. But the United States knows of 376 men that North Vietnam holds or has held. This latest list like so many in the past was, according to a Pentagon spokesman, "inaccurate, incomplete, from unofficial sources." He added: "There are no names on the list that are new to us."

The prisoners are an asset to Hanoi, says Kathy. North Vietnam can dole out the names, allow more letters out, let parcels and letters in, for its own propagandistic purposes, when it wants to and how it wants to. "We've got to change that. We've got to put so much pressure on them that these prisoners will become a liability to the North." That's what the National League of Families of American Prisoners is all about.

What about H. Ross Perot? He's the Texas

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multimillionaire who flew a planeload of food parcels, Christmas gifts, medical supplies and letters to Laos last Christmas hoping to be allowed to deliver them to American prisoners of war in North Vietnam. Which he never got to do. Candy and Kathy and Jane think Perot is great. He's got no personal axe to grind. But he did something that dramatized the situation. They tell this story about that abortive mission of his.

In Vientiane, the Laotian capital, North Vietnamese delegates threw back at Perot the charge that prisoners of the "army of national liberation"—technically Hanoi continues not to acknowledge that Northerners are fighting in the South—were being mistreated in South Vietnamese POW camps. Perot flew to Saigon. He enlisted the cooperation of newsmen, of photographers, of TV camera crews and of the U.S. and South Vietnamese authorities. His group toured the POW camps. They took pictures, stills and movies. They talked to the prisoners. They collected thousands of letters from them for their families back North. Back to Vientiane. The North Vietnamese refused to look at evidence. They wouldn't accept the pictures. And Perot wouldn't hand over the letters. The prisoners had told him to deliver them to their families if he could but by no means to entrust them to North Vietnamese authorities or even to Central Post Office Hanoi. They feared reprisals against their families.

Once a man sets forth down the Ho Chi Minh Trail he is gone, finished—he might as well be vaporized—so far as his family in the North is concerned. It is a one-way street. Nothing comes back up the trail by way of news. No R&Rs for Hanoi's soldiers; no one-year tours in the war zone. The soldier, if he survives, will not return home until the battle has been won and South Vietnam conquered.

Every week American and South Vietnamese authorities file a report, as required by the Geneva Convention, with the International Red Cross in Geneva giving in all the required detail the names, condition and place of incarceration of captured North Vietnamese troops. That list is there in Geneva and available. Hanoi has never consulted it. North Vietnam's Candys and Kathys and Janes could know what has happened to their husbands and brothers and sons; could know if they are in prison, if they have been wounded, how they are now, whether or not they are dead. But that might get in the way of the Communist wave of the future Ho and his successors are planning for Indochina. It might indicate the dimensions of the losses suffered by North Vietnam in the South. So there will be no letters home, no lists of dead and wounded, no information. Just the memory of the heroic soldier in the army of national liberation fighting to the death against the yankee imperialists and their corrupt lackeys in Saigon.

Most of the letters by those abandoned North Vietnamese POWs lie in sacks in warehouses today; the pictures are going brown around the edges. A few can be seen right now in an exhibit mounted and paid for by Perot in the crypt of the Capitol in Washington. They show Northern prisoners in the Southern camps; they also show a few pictures of American prisoners in the North.

A man in a cage.

"I knew they kept them in cages, and about the cockroaches and the rats," Candy says. "But I didn't know, before I saw those pictures, that they were fastened down. Lying on their backs, with their legs and arms fettered . . . Lots of them have dysentery. . . ."

Janie adds: 'In some places they just dig holes in the ground and drop them in. They throw food down to them, and let them live there in their own waste."

They mention these facts with very little emotion. But then these are the kind of facts they've been living with for five, three, two years.

What worries them now is Vietnamization.

American troop withdrawals continue, South Vietnam takes over more and more of the actual fighting. Eventually our troop presence is skeletal. The fighting continues in desultory fashion, on a hit-and-run raid level. There's no formal armistice or peace treaty. Just the de-escalation. That's what everyone is hoping for from Richard Nixon on down. That's the way everyone would like to see the scenario run out. But Hanoi has said it won't release its American prisoners until every last American soldier is out of the country. No strategic projection as of now calls for that. So will their husbands—at any rate Janie's—have their misery prolonged?

The senators—they've talked to lots of them, too—tell the wives that of course the Americans will be released when the withdrawal is completed. Why would Hanoi want to keep the prisoners at that time?

But the families don't believe in Hanoi's goodwill. They know that even though an armistice was signed at Panmunjom, North Korea failed to account for 389 Americans who had had one time or another been known to be prisoners. The families of those prisoners of an earlier war against a Communist foe in Asia—nearly twenty years later—still have heard nothing.

But back to Hanoi. Will a government that, as a matter of politics, withholds information from its own people about their own men, its soldiers, will such a government suddenly throw wide its prison gates unless it is forced to do so? They don't believe it. There's no reason they should from their very own, very personal, very bitter experiences with the Reds.

"The prisoners will never be released until we can make them a liability to Hanoi," Candy insists.

They get up to leave. Janie mentions that she expects there'll be a letter from Bill in her mailbox when she gets home to Virginia Beach. Nancy Rubin Jerry's wife, is just back from Hanoi and Moscow, and she brought out 143 letters. She posted them yesterday, according to a newspaper story Janie read. One could be from Bill.

They walk out, three slim, determined fighting wives whose husbands, dead or alive, have cause to be proud of them. The door swings shut. You stand there a moment, just realize with a start that they, too, are members of the Now Generation.

LEGISLATION TO LOWER THE VOTING AGE TO 18 IN THE VIRGIN ISLANDS

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. CAREY. Mr. Speaker, as chairman of the Territorial and Insular Affairs Subcommittee of the House Interior Committee, I have consistently made an effort to make certain that all residents of our territories receive due process and equal application of the law of the United States under our Constitution.

It is for that reason that I am today introducing legislation to lower the voting age in the Virgin Islands to age 18. Our fellow citizens in the territory of Guam now have the opportunity to vote at age 18. Our fellow citizens in the Virgin Islands do not. I, therefore, seek this legislation in order to put the Virgin Islands on the same basis as the territory of Guam.

Both young groups are from populations which have made great contributions to our country and have admirably served in our Armed Forces whenever called upon to do so.

I hope that the committee on which I serve and the Congress will act expeditiously to give the citizens of the Virgin Islands at age 18 the same opportunities which we now extend to our fellow citizens in other territories under the flag.

COMMISSION ON CAMPUS UNREST

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. MATHIAS. Mr. Speaker, I have recently become very concerned about the ability of the President's Commission on Campus Unrest to objectively and fairly investigate the problems on our campuses and then formulate positive and workable solutions. My concern is based upon the political philosophies and associations of some of the people appointed to top staff positions with the Commission. It also comes from an awareness that most of the witnesses that have testified before the Commission represent a liberal or radical viewpoint.

Today, Congressman Barry Goldwater, Jr., who represents the congressional district adjacent to mine, issued a press release which lists some of the Commission's top staff and some of their past affiliations. Congressman Goldwater dramatically illustrates that the staff is dominated by people with a leftist point of view, thereby making a rational investigation impossible.

I have also learned that of all the students who have testified before the Scranton Commission, all but one adhere to a liberal or radical philosophy.

The overwhelming majority of our college and university student bodies are composed of men and women who want to get a good education and who are not interested in disrupting the campuses. These students have the same right to appear before the Commission as radical students.

The problems of campus unrest are very serious and the Commision's staff and list of witnesses should be representative of every political viewpoint.

Unless the Commission on Campus Unrest has a well-balanced staff and witness list, I am afraid their report will be a complete whitewash and a political indictment against the Nixon administration.

I insert Congressman Goldwater's news release at this point in the Record:

Goldwater Doubts Credibility of Campus Unrest Commission

I was very pleased with President Nixon's decision last spring to appoint a Blue Ribbon Commission to investigate the problems of campus unrest and to arrive at some positive solutions.

However, I think recent developments relative to the President's Commission on Campus Unrest have clouded the credibility of any of its findings.

Certainly the Chairman, William Scranton, is not in question. But I am surprised at the appointments of the top staff personnel of the Commission.

William M. Byrne, the Commission's Executive Director and a Democrat, is the former U.S. Attorney from Los Angeles, appointed under former President Lyndon Johnson.

Owen Fiss, an official with the Justice Department's Civil Rights Division under both President Kennedy and Johnson, has been appointed as a top research consultant.

Seven attorneys were recently appointed as special investigators for the Commission. Five of these attorneys also served with the Justice Department under Kennedy and/or Johnson. A sixth attorney is now a partner in former California Governor Pat Brown's law firm.

I have also learned that my Democrat opponent for Congress in 1969, John Van de Kamp, has been appointed Special Assistant to the Commission to handle public relations. Mr. Van de Kamp was the Chief of the U.S. Attorney's section of the Justice Department under former President Johnson.

I personally respect Mr. Van de Kamp and these comments are no reflection of my personal feelings. However, I believe this appointment, plus the others that I have mentioned, clearly demonstrates the narrow liberal political spectrum from which the Scranton Commission is drawing.

I also note that such publications as the *Wall Street Journal* are questioning the basic makeup of the Commission. Douglas Hallett, editorial chairman for the *Yale Daily News* and a summer employee of the *Journal*, wrote in the July 29th edition "the basic thrust of the Commission is much too one-sided and much too limited by contemporary events to be of any real value."

In summary, I believe these appointments are negating the reliability of the Commission's findings. Even more important, these developments are detrimental to the Administration's efforts to solve the problems on our college campuses. The cloud placed over the Commission's credibility is unfair to the American people and to the President elected to represent them.

BLUE COLLAR JOBS OF FUTURE TO REQUIRE MORE SKILLS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. PUCINSKI. Mr. Speaker, as a longtime advocate of vocational education, I was pleased to note a story in the current issue of the Allied Industrial Worker, published in Milwaukee, concerning the need for better skills for blue collar jobs in the future.

I believe that we must prepare young people for the jobs of the future that will be changing and modifying with the times. We can no longer train young people in the stereotyped "shop" courses that characterized vocational education in the past. Young men and women need marketable skills. They have overwhelmingly demonstrated their ability to do interesting jobs well.

Mr. Speaker, I bring this timely article to my colleagues' attention today because it underscores the very realistic need for greater attention to providing skills that can grow with the jobs of the future.

The article follows:

BACKGROUND COMMENT: BLUE COLLAR JOBS OF FUTURE TO REQUIRE MORE SKILLS

Despite reports to the contrary, the blue collar worker in American industrial life will be around for a long time.

This clear conclusion can be drawn from a huge 859-page report by the U.S. Labor Department on the occupational outlook in the United States.

The "Handbook" concedes, of course, that white collar employment is steadily increasing, but it nevertheless has a 218-page section dealing with "skilled and other manual occupations."

BLUE COLLAR JOBS TO GROW

There are now 27.5 million blue collar workers in the United States and the prospect is that their numbers will increase and not decrease over the next ten years. While technological progress is causing major changes in the job makeup in the United States through automation and other devices, the Handbook concludes:

"Nonetheless, the number of skilled and semiskilled workers is expected to continue to increase through the 1970s despite this rapid mechanization and automation of production processes. It is expected that our increasingly complex technology generally will require higher levels of skill to operate and service this machinery and related equipment."

The number of blue collar workers has dropped slightly in proportion to total employment, yet during the past ten years blue collar jobs increased by more than 4 million with the number of unskilled workers dropping slightly.

SKILLS NEEDED

What has become obvious is that within the blue collar category more and more training and education will become necessary. Employment of skilled workers is likely to increase at about the same rate as total employment; however, semiskilled jobs will grow at a slower rate while there will be no growth in unskilled jobs.

Breaking down the blue collar category, the Handbook reports that skilled craftsmen numbered 10 million during 1968 when the study was made. Some groups such as the carpenters numbered almost 900,000, followed by automotive mechanics who numbered 825,000.

Chances for jobs for skilled workers are high, since some 200,000 workers are needed annually merely to replace those who retire or die.

"Young men who acquire a good basic education (including courses in mathematics and the sciences) as well as through job training, will be better able to compete for higher paying skilled jobs than applicants without this training," the Handbook says.

SEMISKILLED NUMBERS LARGE

Semiskilled workers make up the largest occupational group in the American labor force. In 1968 there were 14 million such workers, representing almost one out of five workers in the country. Of these 8.9 million were employed in manufacturing industries, making clothing, automobiles, parts, textiles, machinery and electrical equipment.

Women numbered about 4 million in the semiskilled area, with 8 out of 10 workers in the apparel industry being women.

"The broad field of semiskilled jobs will provide hundreds of thousands of employment opportunities for young people in the years ahead," the Handbook predicted. It estimated that more than 300,000 such workers will be needed each year simply to replace those who retire or die.

The Handbook said that unskilled jobs—now about 3.5 million—will continue to drop because of the growth of mechanized equipment replacing hand labor. It noted that power-driven machinery is now doing much of the work that used to be done by hand. It nevertheless predicted that industrial expansion probably would create a need for unskilled laborers "which will about offset the jobs lost to labor-saving mechanical equipment."

VOCATIONAL TRAINING GROWTH

A current report of the U.S. Department of Health, Education and Welfare shows that the nation's investment in vocational education has more than doubled in the past five years. Approximately $1.4 billion was spent—largely by state and local governments—during the year ending June 1969 on vocational education, as compared with $605 million during 1965.

Approximately 8 million boys, girls and adults took Federally supported vocational training last year in more than 18,000 schools throughout the United States—46% more than in 1965 when only 5.4 million attended classes.

An increase of 20,346 vocational education teachers was reported bringing the total to 166,898.

All in all, the American blue collar worker is marching ahead in the fields of education and training as the demands for higher skills grow greater daily to meet the challenges of greater mechanization and automation.

HIGH UNEMPLOYMENT UNACCEPTABLE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, I read with some concern this week a column entitled "Full Employment" by George Hagedorn in the NAM Reports, the weekly publication of the National Association of Manufacturers. Mr. Hagedorn espouses a callous thesis that unemployment rates at 5 percent might not be excessive or unacceptable. He states, "Judging also by the economic record of recent years, something like 5 percent unemployment is a more realistic, attainable, and sustainable goal."

Hagedorn attributes the acceptance of the lower figures of 3.8 to 4 percent unemployment as a national goal to "politicians who want to be reelected as well as to theorists who are content to dwell in their ivory towers." I want to challenge these contentions. I think it is Mr. Hagedorn who is dwelling in an insulated position which has obviously left him insensitive to the very real and tragic economic situation in which this Nation finds itself at this juncture in its history.

What Mr. Hagedorn does not realize is that an increase of 1 percent in the national unemployment statistics means an additional 800,000 men and women without jobs. This is as if the entire population of the Capital City of Washington, D.C., were on the streets looking for work. It is the same as if approximately all of the 866,000 college and university graduates in 1969 were filing claims at the unemployment offices rather than finding placements in jobs.

Can any armchair column writer sit

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back and speculate that an additional 1 percent unemployment figure may be realistic and should perhaps represent the figure acceptable as the national goal of full employment? For these 800,000 jobless about which Mr. Hagedorn speaks, there are hundreds and thousands of families lacking a breadwinner; there are teenagers who see the prospect of tuition for college becoming a dream rather than a reality as their fathers lose jobs.

I can assure Mr. Hagedorn that the percentage point is not something a politician uses for his political advantage. What it means to him is that people are out of work, that the cities in his district are declared high unemployment areas. Surely no right-thinking citizen can accept this situation of rising unemployment complacently as a pure syndrome of the seventies.

I am certain that my colleagues share genuine concern for the men and women who are today unable to find work and for those who have been laid off. The Select Subcommittee on Labor, which I chair, held 27 days of public hearings on proposed manpower bills, and we heard about high unemployment among the unskilled and rising unemployment among the semiskilled and professional workers as certain industries are forced to curtail production and go on shorter shifts.

This subcommittee will shortly be working on a bill to guarantee a job to every American who is able and willing to work. For I believe that any unemployment is too much, that every man and woman who can work should be assisted in attaining a job and should, indeed, be able to find one. In a day when the municipalities are crying for employees in the fields of health and safety, conservation and beautification, I feel this Congress can act to assist in matching men with jobs and fulfilling the needs of the community as well as providing an adequate income to the presently unemployed members of this society. To do less would be to shirk the duty incumbent upon us today.

I want to include the entire text of Mr. Hagedorn's column for my colleagues to note his remarks. I think this disregard for the welfare of American workers speaks for itself. It follows:

FULL EMPLOYMENT

(By George Hagedorn)

In politico-economic circles, agreement is almost universal that the present state of the economy falls short of "full employment." Even the Administration in power seems to accept the view. (Recently the President was reported as predicting a return to full employment during the next 12 months—thus by implication accepting the judgment that we are not there now.) Political opponents of the Administration are, of course, even more vehement in assertions that the present unemployment rate is too high.

In this column we want to challenge, or at least question, this generally accepted opinion. Maybe the unemployment rate, having been *too low* a year ago, is now just about right. The all-important question is where the line should be drawn between full employment and excessive unemployment.

In mid-1970, the unemployment rate is hovering in the neighborhood of 5 percent. The view we are questioning, then, must regard the figure as excessive and unacceptable for the long run.

Just what lower figure is regarded as the proper full-employment objective is not so clear. In their February Economic Report, Administration economists based their calculations of "economic potential" on a standard of 3.8 percent unemployment. From that one gathers that 3.8 percent unemployment is their criterion for full employment. Other economists and political spokesmen seem to have a figure in mind that is close to that one.

So, using round numbers, one may summarize the accepted view thus: 4 percent unemployment represents full employment but 5 percent unemployment represents too high a level of joblessness.

But why? Curiosity, at least, should prompt us to ask how so fine a distinction can be made. Why is 4 percent right and 5 percent all wrong? Why should we assume that the employment situation is satisfactory when 96 percent of the labor force is at work, but unsatisfactory when only 95 percent have jobs?

One would think that profound economic analysis, and careful statistical investigation, must lie behind this choice of a precise criterion for testing the presence, or absence, of "full employment."

But one searches in vain for the body of technical literature setting forth the analysis and the statistics supporting the 4 percent criterion as against some higher figure, say 5 percent. The choice seems to have been an entirely arbitrary one—as far as any basis in technical economics is concerned.

The truth is that "full employment" is a political slogan rather than an economic concept. It remained a slogan without precise statistical content until the early 1960s when the economists of the Kennedy Administration adopted 4 percent unemployment as their interim goal. Subsequent administrations have felt unable to shift to any higher figure. The leadership of the nation has slipped into the habit of regarding 4 percent unemployment as *the* criterion—despite the absence of any analytical basis for it—of full employment.

National economic experience in the years since the setting of the 4 percent interim goal ought to, but somehow doesn't, call it into question. If one were to start all over again, 4 percent would surely seem too low. During the past decade, unemployment has been below 4 percent only in inflationary periods. Worse, the mere existence of inflation is not enough. It has to be an inflation which is greater each year than the year before—a progression which can't go on indefinitely.

The experience of the past decade—for what it is worth—indicates that unemployment at or below 4 percent occurs only as part of a syndrome which involves: accelerating inflation, steeply rising interest rates, severe curtailment of homebuilding, disruption of capital markets, and other unpleasantnesses. It is surprising that as yet no one seems willing to cut the Gordian knot which ties the national leadership to 4 percent unemployment as the unquestioned goal of economic policy.

Judging also by the economic record of recent years, something like 5 percent unemployment is a more realistic, attainable and sustainable goal. However, we do not want to propose a new dogmatism which would say the same things about full employment that have been said, with 5 percent substituted for 4 percent. We would rather see a healthy skepticism toward any such precise statement of economic goals.

When we have expressed these thoughts in conversation we have often met the rejoinder that, however correct our economic analysis may be, the fact is that the political commitment to 4 percent unemployment is so strong that it cannot be broken. None of the nation's political leaders feels that he can back away from it. This political reality must be faced, just as much as the economic realities we cite against it.

The attitude just described is so deeply engrained, among both the political and the economic leadership that the question of a meaningful definition for full employment is hardly debated at all. Nevertheless, it is a question which will not allow itself to be ignored: is 4 percent unemployment an attainable and sustainable objective for national policy? We raise it here on practical rather than idealogical grounds. It is worth consideration by politicians who want to be reelected as well as by theorists who are content to dwell in their ivory towers.

Thus far, general acceptance of the 4 percent unemployment objective has led, not to its own permanent realization but to a stop-and-go type of economic fluctuation. Political leadership which accepts this objective without question will be punished for its failure as often as it is rewarded for its success.

The 4 percent unemployment objective is, ultimately, a burden to be borne by the political leaders who embrace it, rather than an asset to them. Those who first appreciate this fact will have an advantage over their rivals.

YOUTH TO BE PROUD OF

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. SCHADEBERG. Mr. Speaker, over the weekend of August 8 my wife and I were privileged to be guests of "Music on the March" program held in the drum corps capital of the world, Racine, Wis., hosted by the famous VFW national drum corps champions, the Racine Kilties. We were also guests of the Seventh Annual Pageant of Drums sponsored by the VFW Post No. 2823 of my home town, Burlington, Wis. I repeat, it was our privilege to be present for these two events because we experienced America's youth performing on the field in competition that gave us a just pride in being parents in an age in which the worst of a small minority of our Nation's youth is being publicized as representative of our Nation's youth with the ultimate effect of creating a deeper gap between our generations.

Mr. Speaker, what generally passes as representatives of today's youth is false. We witnessed this past weekend the end results of months of painstaking self-discipline of over a thousand young people who presented a program of music and marching ability that stirred our pride in these wonderful young men and women who proved they had the stamina and intelligence and will to make the sacrifices of time and talent and effort necessary to produce the kind of perfection displayed in these two programs.

I want to remind my colleagues of something I am sure they already know—that America's youth of today deserve all the encouragement they can receive from their parents, their communities, their Nation—yes, their Representatives in Congress—to welcome competition; to put their best into whatever they do; to repudiate the tendency to move toward mediocrity; and to shun the false theory that rewards are "rights" to be granted even to those who refuse to accept the labor and discipline necessary to warrant reward.

I want to publicly congratulate all the young people who presented these outstanding spectacles of talent—the Madison Explorer Scouts; Racine Explorer Scouts; Boys of '76, Racine; 32d Hussars of Madison; the Kilties of Racine, VFW national champions; the Blue Stars of La Crosse; the Kiltie Kadets of Racine; the Ambassa "Dears" of Kenosha; the Titans, all of Wisconsin; and

The Kingsmen of Anaheim, Calif.; the Kingston Indians of Kingston, N.Y.; the St. Paul Scouts of St. Paul, Minn.; the Vanguards of Des Plaines, Ill.; the Velvet Knights of Santa Ana, Calif.; the Troopers of Capser, Wyo.

I wish also to congratulate the sponsoring groups, the Racine Scout Drum Corps and the Parents Club, Inc.

I want to congratulate, too, those who worked so hard with these young people to bring them to the state of perfection—their parents who contributed so much, including their encouragement and their time and their money to support their respective corps, and the sponsors without whom these young people could not share their talents with thousands of others throughout the country.

Mr. Speaker, any one who attends a drum corps competition I am sure stands taller in his appreciation of the freedom and the great spirit that not only is displayed by these young people but the freedom and the spirit of America that makes it possible for them to be so challenged.

I recommend to my colleagues that they attend at least one of these competitions during this next month so that they, too, can be rejuvenated in their faith in America, their pride in their flag, and their hope for our future.

POSTAL CRIMES

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. ROBISON. Mr. Speaker, the following news release from the Post Office Department dealing with postal crimes is important because, if we believe in deterrence, these statistics certainly ought to be publicized to indicate that the Post Office Department "always gets its man." Once again, Postmaster General Blount and his staff deserve a hearty "well done" for the fine effort in keeping safe our mails. The news release follows:

POSTAL CRIMES

Arrests and convictions for postal related crimes reached record high levels in the 12 months ending June 30, Postmaster General Winton M. Blount reported today.

The new marks were coupled with an extremely high rate—98.5 per cent—of convictions won in crimes which went to trial, Mr. Blount noted. This continues the 98-plus per cent conviction rate of recent years.

On the arrests side, this was the 15th consecutive year for a new peak to be reached. Postal inspectors were involved in apprehending 17,423 persons in fiscal year 1970, up 15 per cent from 1969's 15,150.

Convictions were up 12.5 per cent, from 11,472 in fiscal 1969 to 12,904 during the past year, to establish another high point.

"These figures should stand as a deterrent to those individuals in our society who would misuse and abuse the mail," Mr. Blount said. "The record, a fine one, speaks for itself. We are not complacent, however, and the task of maintaining the sanctity of the mails and precluding the use thereof for unlawful purposes continues as one of the highest priority programs in the U.S. Postal Service."

Chief Postal Inspector William J. Cotter, commenting on the statistics compiled by the Postal Inspection Service, said the figures also showed that:

5,318 persons were convicted for thefts from private mail boxes, an increase of 10.9 per cent from fiscal 1969.

Criminal proceedings for mail related narcotics and dangerous drug offenses are climbing. Convictions for these crimes totaled 567 in fiscal 1970, up 220 per cent from last year.

The Nixon Administration's campaign to curb the flow of unwanted obscene advertising into American homes is showing results. The number of obscenity dealers indicted by Federal Grand Juries rose in fiscal 1970 by 161 per cent. Fourteen dealers were convicted at the close of the year; 58 others under indictment awaited trial.

Credit cards, stocks, mutilated money and a kidnaping figured in four of the most noteworthy criminal cases handled by the Postal Inspection Service in fiscal 1970, Mr. Cotter said.

On July 29, 1969, after an extended investigation, 32 persons were charged in connection with the fraudulent use of stolen credit cards. Thirty eventually pleaded guilty or were convicted of mail fraud. Banks which originally mailed the unsolicited credit cards suffered losses estimated at $12 million.

Eleven persons were indicted at Miami, Fla., on June 25, 1970, in an alleged conspiracy to "fence" or dispose of up to $43 million in stocks and other securities stolen from the mail at John F. Kennedy Airport in New York. The securities were being sent to and from banks and brokerage houses in registered pouches handled by airline companies.

On June 15, 1970, a Federal District Court jury in Washington, D.C., convicted three accused of one of the biggest armed robberies in the capitol city's history. The heist involved a U.S. mail truck hauling, among other things, a registered mail pouch with $382,000 in mutilated but usable currency being shipped from Frankfurt, Germany, to the U.S. Treasury.

Four men received heavy sentences for kidnaping the postal officer-in-charge of the Dade City, Fla., post office and attempted hold-up last February 12. Prison sentences handed out following the quartet's convictions ranged from 35 years to life imprisonment.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

FOR SWEEPING REPEAL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. HANNA. Mr. Speaker, "For Sweeping Repeal" appeared in the August 10 issue of Barons. I include it in the RECORD because I believe every Member of the House and Senate should read this insightful analysis which is presented so aptly by Prof. Yale Brozen.

The author condemns the burgeoning profusion of Government programs aimed at solving National problems. All too often, laws are enacted because more imaginative and viable alternatives were not found. Mr. Brozen argues for the greater use of our free enterprise system to find these alternatives to the problems at hand. He presents a number of excellent instances where the free enterprise system has been used with great success. He notes that one aspect of the postal function has been performed by private industry for quite some time and it is a far more efficient, economical, and effective performance than the "official" version.

It is very fortunate that we have articulate voices such as Mr. Brozen's to comment on this problem. I would hope that this article and others like it will spur renewed efforts to fully utilize the singular skills of private enterprise in creative problem solving.

The article follows:

FOR SWEEPING REPEAL—PROGRESS AND FREEDOM REQUIRE FEWER LAWS, NOT MORE

(NOTE.—The following commentary is taken from a speech, "The Subtle Suicide of Free Enterprise," given recently before the Midwest Employers Council, Omaha, Neb., by Yale Brozen, Professor of Business Economics, Graduate School of Business, University of Chicago.)

I bring you a message that will hardly surprise you. Free enterprise in this country is one-quarter dead and one-quarter strangled. It is only half alive. We are the inheritors of a proud tradition of peaceful, progressive, permanent revolution through free enterprise, but we are seeing about us increasingly unresponsive rigidity that is freezing us into a mold of stagnation.

That rising unresponsiveness leaves the young with, they believe, no alternative but either to obtain political power or begin thinking in terms of violent, destructive revolution. The peaceful, constructive, continuing revolution that was the hallmark of America's past creating the greatness of America today is neither understood nor regarded as an alternative. Many among the young mouth Marxist and Maoist slogans because they are too ignorant to know that that is the poison which is sickening them. But they do recognize that sickness is in the air. (Students listening to Ramsey Clark, former Attorney General of the United States, cheered when he said, ". . . an individual has to have some power to affect

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the quality of his schools, the quality of garbage collection, the quality of the police protection he gets, or he's utterly helpless. This means that we've got to involve communities in political power action and we've got to do it on whatever basis is necessary.")

The young recognize the senility that is setting in, if not its causes. The cause lies in the creeping socialism we have undergone. Just look around, and you see mail delivered by a socialized enterprise; children schooled in a socialized educational system; collectivized water; compulsory government annuity insurance; research for a major industry (agriculture) done by government agencies; food inspected by another government agency, cars and trucks rolling on socialized highways, and our aged parents protected by socialized medical insurance.

In that half way house to socialism, compulsory monopoly under government regulation (we ride monopolized and regulated, if not socialized, city transit systems, commuter railroads, taxicabs, air lines, buses, and trains. Our raw materials are delivered and our products shipped by regulated trucks, trains, barge and pipelines. Our homes are heated by regulated gas. We read by socialized or regulated light. And some of us clamor for regulated prices and wage rates where they are still free, crying that only price and wage controls can stop inflation. Free enterprise is half dead and some of us are asking for a noose to strangle what still lives.

Our national malaise is that every time someone sees a problem, we think that passing a law will cure that problem. We see postal service deteriorating—pass a law to reorganize the U.S. Post Office into a U.S. Postal Service. There is poverty—pass a law to get rid of it. There is crime in the streets—pass another law. There is congestion in the airports—put in another regulation. The schools are failing to educate—pass another appropriation to give them more money. Colleges face a financial crisis—pass a law providing state aid for private colleges. Juveniles are dropping out of school or becoming delinquent—pass a law providing more counselors. Our cities are burned by rioters—pass a law making it illegal to cross state lines to foment a riot. Japanese textiles are making life tough for cotton manufacturers—pass a law limiting imports. Consumers find their appliances need maintenance—pass a law requiring mandatory guarantees.

Pass a law. Pass a law. We are asking for so many laws that Congress has to stay in session almost the year round instead of going home after three or four months as they used to do. We are getting more laws than we know what to do with. We should pass a law against more laws. We should pass a law limiting Congressional sessions to a maximum of six months each year. Pass a law. Pass a law. It's become a national refrain. Perhaps we ought to put it to music.

How many of us think about the fact that many of the problems that confront us could be better solved by repealing a law instead of passing another law. For example, perhaps the postal mess can be solved better by repealing a law than by passing another one. What would happen if we repealed the provision in our postal laws which makes it illegal for anyone but the U.S. Post Office to provide first class mail service?

It is, of course, un-American to propose an alternative to a governmentally operated postal system. After all, Ben Franklin, a great patriot, was a founder and supporter of this governmental enterprise. Anyway, what sensible American would want to go into a business which loses as much money as the Post Office?

Believe it or not, a good many Americans seem to think that the postal business is worth entering. The Post Office investigates thirty to forty cases a year where it suspects that its monopoly is being infringed. It prosecutes fifteen to twenty cases a year.

Of course, first class mail is profitable for the U.S. Post Office and it is in this class of mail in which it has a legal monopoly. It has never bothered obtaining a legal monopoly of other classes of mail since it believed that it lost money on other classes. It was glad to have anyone who wished take these over. But, of course, who would want to get a piece of a money losing business?

A number of people evidently have been anxious to move in on this money losing business—and some have done so. Tom Murray started a service in Oklahoma City where he offered to deliver third class mail for $25 a thousand, much less than the $43 a thousand the Post Office charged. Also, he guaranteed delivery within a specified time. The Post Office's habit of frequently delivering such mail after the event had already occurred that was being announced created many customers for Tom Murray, giving him the opportunity to lose even more money than the Post Office since he was charging less and giving better service. To everyone's amazement, he is making money. Others find the opportunity to compete with the P.O. on these terms so attractive that Mr. Murray has now franchised operators or is operating himself in sixty other cities under his Independent Postal System of America banner. His 1500 bonded carriers are serving 70 million people in these sixty cities in the U.S. and Canada, and he appears to be making money.

In parcel post, United Parcel Service is competing with the Post Office. Its service is enormously superior to that of the U.S. Post Office, and its rates are lower. Where the Post Office charges $1.17 for a 10 lb. package mailed in San Francisco and delivered in Portland in eight to ten days, United Parcel charges 98 cents and delivers in two days.

These are services on which the Post Office claimed to be losing money, yet private operators are providing better service at less cost and a lower price. Think of what private operators could do for first class mail service—which has deteriorated to the point of being ludicrous. The service is so poor that many companies pay the postage they are required to pay by law for first class mail but never let their mail get near a U.S. Post Office. They deliver the mail themselves rather than lose the time involved in letting a U.S. postal employe get his hands on their messages.

If we wish to improve our mail service and reduce its costs, we don't need to sell the Post Office. All we need to do is repeal the law monopolizing the carriage of first class mail for the U.S. Post Office. Also, it would help to repeal the law monopolizing the use of a householder's mail box. The would-be competitors who are now being prosecuted for violating the law could operate. The alternative services that would become available would not only be an improvement but also would greatly reduce our vulnerability to postal strikes.

At present, a large portion of the monopoly power in the hands of the U.S. Post Office accrues to the interest of the postal unions. The result has been that postal workers in the last ten years have been winning wage increases outstripping those of industrial workers. From 1959 to 1969, postal wage rates rose by 4.7% per year while industrial wage rates rose by 4.4% a year. You might never suspect that listening to the complaints of New York postmen. Given their recent success, a continuation of a monopoly Post Office is going to result in postal wage rates rising even more rapidly in the future. Postmen received a 6% increase this year and are scheduled to receive another 8% for a total increase of 14.5% as compared to the 7.8% average unions have won this year in private industry.

Simply setting up a U.S. Postal Service will not cure that situation, as has been demonstrated by the transportation unions. With competition from potential entrants to the common carrier transportation industry barred by the necessity to obtain a certificate of public convenience and necessity, the unions in the industry have a monopoly position which has enabled them to win wage increases well in excess of those won by other workers—and they win them at the expense of other workers. The Brotherhoods, the Teamsters, and the Air Line Pilots Association are a labor aristocracy engaging in wage setting activities which depress the wage rates of workers in other industries.

The alternative to the present proposals for passing a law to reform the Post Office—which will do nothing to improve many aspects of the situation—is simply to repeal the law monopolizing first class mail.

Free enterprisers have been remiss in bringing about a free enterprise solution to the postal scandal. A bill has been dropped into the Congressional hopper by Congressman Philip Crane from Illinois repealing the monopoly provisions in present postal laws (H.R. 16691). Has the Midwest Employers Council, or any other association of free enterprisers, given Crane's bill any support? I have seen none.

The few I have talked with have been afraid of losing their subsidies. The newspapers and magazines want their postal subsidy continued. The advertisers in these media want the subsidy continued. They are afraid that the elimination of monopoly in first class mail will mean no subsidy for second class mail. So Crane's bill receives no coverage in the media and few know of this proposed solution.

I would suggest to the advertisers who complain about governmental regulation of advertising and of their businesses, of governmental competition with their businesses, and of the burden of taxes on their businesses—which in combination are strangling the free enterprise sector—that they have only themselves to blame. If they abandon the free enterprise principle when they think it is to their interest, the whole principle becomes suspect. Who is going to rally with them to the defense of the free enterprise principle when these enterprisers want it defended if they do not support it when it may cost them something. It becomes a principle with friends only in fair weather.

To heap irony on irony, the postal subsidies which the newspaper owners and advertisers think are in their interest benefit them but little. Most, if not all of the subsidy is consumed in inefficiency, not in providing cheaper service. The subsidy they think they receive at other people's expense yields so little benefit that it is more than offset by their own tax contributions to the subsidy—a tax they pay everytime they use first, third and fourth class mail as well as the directly perceived taxes paid to provide the billion dollar a year operating loss suffered in postal operations plus the taxes paid to provide the interest on the Federal debt incurred to finance postal facilities.

If you free enterprisers want to avoid suicide, you can start on the socialized postal monopoly. Get rid of the monopoly element in this socialized enterprise. Let free enterprise provide now unimagined solutions for delivering better and less costly service than that now provided by this legal monopoly. With the elimination of this socialized monopoly, there will be less opportunity for the strangulation of free enterprise and free choice via postal regulations on what may be transported in the mail as well as via the tax and cost burdens imposed on free enterprises by this creaking, inefficient, giant governmental business.

Let me turn to another area where we have passed a law—and more laws—to cure the problem when a more appropriate action would have been the repeal of a law—or of several laws. We were concerned about poverty, and we passed an Economic Opportunity law in 1964 to launch a war on poverty. Numerous programs managed by an Office of Economic Opportunity were set up. These were all presumably designed to lift the incomes of those making less than $3,000 a year. We could do more to raise the incomes of the poor by repealing laws than has been done or will ever be done by this law.

Minimum wage laws create poverty by forcing people into unemployment. Agricultural price support programs make people poor by raising the price of food and by decreasing job opportunities through the production restrictions imposed to maintain high agricultural prices. The laws regulating transportation rates prevent industry from moving to disadvantaged regions where the poor live and providing jobs for them. They increase the cost to the poor of migrating to regions where better paying jobs can be found and prevent them from curing their own poverty.

Union supporting legislation causes poverty by permitting and encouraging union power to grow to the point where it can be and is used to restrict the entrance of the poor into higher paying jobs. . . . The urban renewal program is forcing the poor out of inexpensive housing into more costly shelter. The Federal migrant housing act is eliminating the jobs available to migrant labor by forcing farmers to choose between constructing expensive housing if they use migrant labor or buying less expensive crop harvesting machinery. The tariff law is monopolizing low paying jobs for Americans in protected industries which yield only $2.00 an hour and preventing the expansion of our export industries which pay $3.00 to $6.00 an hour.

The Tennessee Valley program is subsidizing people to stay put in a region where their opportunities are poor. The Rural Electrification Program is eliminating job opportunities for farm labor and depressing rural wage rates. And the taxes levied to support these programs are reducing the rate at which we increase our stock of capital—tools, machines and other equipment—and are reducing the rate at which better paying jobs would become available if these taxes were not levied. We could do more for the poor by the repeal of all this legislation than we can possibly do by the special enactments designed to help the poor.

That was a rapid summary of some complex pieces of legislation, but rather than elaborate on this topic, I want to take the few minutes remaining to analyze two other proposals. We are all puzzled by the fact that our children receive so much schooling but so little education. Without dwelling on this point, let me just say that this is the inevitable consequence of subsidizing teachers and schools. If we bought a product and let free enterprise compete to see who could win the customers' favor, we would get a better product. But if we subsidize production with no competition for customers, we are guaranteed either a lousy product or a terribly expensive product or both. That is why we are getting lots of schooling at great expense and little education.

How can we cure the situation? Let schools compete for customers. How can that be arranged? Stop giving money to schools. If you want to give money away for education, give the parents of school age children vouchers which they can use to pay tuition at whatever school that can attract their patronage. If it costs $600 a child to operate the Omaha school system, give the parents of your school children vouchers good for up to $600 to pay tuition at any school. Public schools would then have to compete with each other and with private schools to see whose product can attract customers. Parents who want their children in programs with an abundance of individual attention or other especially expensive features could add the $200 or $300 required to pay the tuition in schools offering such programs. Present public schools would have to compete with each other for students as well as with private schools. The badly run schools would lose out to the well run schools. Schools would become more efficient in their use of resources as well as producing a better product in the competition to obtain students.

It's time we applied the free enterprise principle to this socialized arena in order to get our children educated. It's time that we stop putting children in jails labeled school from 9 to 3 every day.

This would have the advantage not only of improving the education of our children. It would also slow the indoctrination of our children with a socialist theology. The employes of a socialized enterprise are not likely to feel much loyalty to the free enterprise principle. (There are, of course, some exceptions.) Their analysis of the virtues of socializing economic activity is not likely to be balanced with more than a passing nod to the disadvantages. Their analysis of the defects of free enterprise is not likely to be balanced with equal enthusiasm for the discussion of the advantages of a free enterprise system.

You are killing the political support for the free enterprise principle by your support of socialized schooling. If you persist in this suicidal course, you will continue to get costly education and poor education for your children and an erosion of the free enterprise arena. Free enterprise will continue to die by the salami technique—slice by slice. . . .

FOREIGN TRADE RETALIATION—A CASE IN POINT

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. HALL. Mr. Speaker, in an effort to shed some much needed light on the question of foreign retaliation against trade restrictions, and to help draw a distinction between such retaliation and the orderly compensatory procedure provided under GATT—General Agreements on Tariffs and Trade—I offer the following article by O. R. Strackbein, president of the Nationwide Committee on Import Policy.

The article follows:

FOREIGN TRADE RETALIATION—A CASE IN POINT

A rising chorus of warnings about fearful retaliation against our exports should the trade bill before Congress provide for import quotas, assaults us from all sides. A veritable trade war, it is warned, will erupt should this country adopt import quotas.

If we impose import quotas other countries will jump to their trade weapons, and foreign trade will be thrown into a bristling exchange of reprisals to the woeful loss of all concerned.

The warnings from import and export interests in this country are echoed by threats from abroad as if this country were about to commit the unforgivable sin of rescuing our industries from irreparable loss from imports and our labor from climbing unemployment.

One cry is that other countries will throw up barriers against our exports and thus dry up our markets abroad. Such alarms are freely bandied about, but no hard supporting facts are provided. It is only fair to say that such facts are hard to come by.

However, one clear example is available.

In 1954 the Tariff Commission recommended to President Eisenhower a duty increase on watches as a result of a finding of a serious injury of the watch industry in an Escape Clause action.

An outcry of retaliation was sent up by the Maryland Congressional delegation, joined by an assortment of liberal trade supporters. Maryland cried out because Switzerland, which is the principal source of our watch imports, regularly buys much Maryland tobacco.

The Swiss, it was warned, would be sure to retaliate against imports of Maryland tobacco should the President approve the recommended increase in duties on Swiss watches. Nevertheless the President did increase the watch duty.

A fortuitous fact makes it possible to test the validity of the warnings and threats of Swiss retaliation. Our Department of Agriculture maintains a record of tobacco exports by type of tobacco and by country of destination. What do the export statistics show? They are as follows:

EXPORTS OF TOBACCO, TYPE 32 (MARYLAND TOBACCO)

Country of destination and year	Pounds	Value
Switzerland:		
1954	5,817,000	$4,790,000
1955	4,976,000	4,151,000
1956	7,395,000	5,868,000
1957	7,594,000	6,080,000
1958	6,452,000	5,260,000
1960	6,163,000	5,416,000
1962	6,756,000	6,088,000
1964	6,897,000	6,467,000

From this record of exports of Maryland tobacco the *failure* of any retaliatory effort that may have been, but probably was not, attempted by Switzerland stands fully confirmed. While there was a significant decline of our tobacco exports to that country in 1955, the first year after the increase in duty on Swiss watches, the considerable rise in exports in the following year merely confirms the vacuity of the claims of reprisal. Thereafter a broken but distinctly upward trend was resumed through the following decade.

Moreover, our total exports of all merchandise to Switzerland did not suffer, as the following short table shows:

EXPORTS TO SWITZERLAND

1954	$154,385,000
1955	163,594,000
1956	221,350,000
1957	238,562,000
1958	164,064,000
1959	188,242,000
1960	252,661,000
1961	271,973,000

The shouts of warnings and threats of retaliation whenever imposition of a quota or an increase in tariff is proposed, in any case, are easily exaggerated, especially where trade is carried on as private enterprise rather than by State trading.

For example, Swiss tobacco import merchants make profits from tobacco imports. A maximum of importation is in their interest. They do not manufacture Swiss watches. If the latter stand to suffer a setback in their export of watches, it is their problem, not that of the tobacco importers. If the watch manufacturers had sought government restrictions on tobacco imports to retaliate against U.S. action, the Swiss tobacco importers would have opposed the effort, since it would have reduced their own business.

Only if trading is a State function, as in totalitarian countries, is retaliation a ready weapon to use, and even then it may not be convenient or profitable. When, however, other private interests than the one clamoring for retaliation would find their toes stepped on, retaliation is more likely to be blocked by politics within the country. Thus, while the hue and cry of threatened retaliation is easily raised, it is not so easily carried into effect. The teeth may be bared menacingly, but the bite is not so sure to follow.

A distinction should, in any case, be drawn between retaliation, on the one hand, and compensation, as provided for in GATT (General Agreement on Tariffs and Trade), on the other. Compensation may be agreed to ahead of time or after a barrier has been imposed. Such compensation supposedly will follow only after due process in the form of orderly procedure and is not in the form of reprisal. It becomes a matter of negotiation. One of the very purposes of GATT was to establish a compensatory mechanism in lieu of retaliation by roughly conforming the compensation to the damage and no more.

The objective was to bring order into trade relations among the nations. Under this principle reparation is made through compensation but its magnitude is to be measured by the damage done; not by an ill-tempered mood of reprisal. Those who now threaten retaliation are in effect enemies of GATT, disvowing its objectives.

This country has, indeed, extended and received compensation in a number of instances over a period of years under GATT.

All of which is to say that all the gnashing of teeth and showing of fangs are mostly acts to serve ulterior ends, and represent the flouting of GATT.

FACTS AND FIGURES ON FAIR LABOR STANDARDS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. O'HARA. Mr. Speaker, a little over a week ago, Mr. George Meany, president of the AFL–CIO, testified before the General Subcommittee on Labor of the House Education and Labor Committee. He testified to the AFL–CIO's continuing very deep commitment to improvement of the Fair Labor Standards Act, along the lines of legislation now being considered in that subcommittee under the chairmanship of the very distinguished gentleman from Pennsylvania (Mr. DENT).

At the invitation of the able chairman of the subcommittee, I was privileged to participate in that hearing, and I was moved to compliment President Meany because of the fact that the thrust of his testimony was not for legislation that would only benefit his membership, but toward helping precisely those American working people who were not organized and who were, as a consequence, among the poorest paid and hardest worked.

Because President Meany's testimony and the appendix thereto contained a great deal of important statistical information which will be of use to all of us when the Fair Labor Standards Acts amendments are reported to the House by the committee, I insert these documents at this point in the RECORD:

STATEMENT OF GEORGE MEANY

Mr. Chairman, my name is George Meany. I am president of the AFL–CIO and am here to present its views on amendments to the Fair Labor Standards Act.

These amendments are among the most important legislative proposals before the Congress.

Let me summarize the kind of Fair Labor Standards legislation we need.

We need protection for the 17 million workers not now covered by the Act.

We need to increase the minimum wage to $2 an hour—*at the very least*.

We need double-time pay for overtime work.

We need premium pay for overtime in excess of 8 hours a day.

We need to shorten the work-week or the work-year.

Fair labor standards have little impact on the vast majority of organized workers. Unions, through collective bargaining, have generally been able to establish substantially higher standards than those contained in the Act.

But there are millions of low-wage workers who need the protection provided in this Act and who need a higher minimum wage and it is on behalf of these workers that we urge modernization of the Act.

When the Congress adopted the current $1.60 figure in 1966, it was barely enough to provide an income above the government-defined poverty level. Then the nation was engaged in an all-out war on poverty and it was recognized that an increase in wages for millions of Americans working at substandard wage levels was one immediate and effective way to help win that war.

Some progress has been made. Millions of Americans at the low end of the income ladder were moved a step or two above the poverty level. And we in the AFL–CIO were proud to have fully and forcefully helped make that possible.

But today millions of working Americans are slipping backwards—down again to the lowest rungs. They are the sorriest victims of inflation. And millions more never moved out of poverty.

Secretary Richardson outlined the problem to the Senate Finance Committee just the other day, when he said: "In 1968, 39 percent of the poor families with children in this country were headed by full-time workers."

Inflation hits these people harder than anyone else. Today's minimum wage of $1.60 is—just a few cents more—in terms of purchasing power—than $1.25 was in 1966.

So we need a no-nonsense approach to the problem of eliminating poverty among the working poor—one that takes into account that we have inflation in this country.

It is time to realize that if we want to get rid of the bulk of poverty in the United States, the way to do it is to get rid of sub-standard wages.

By the Administration's own testimony, "any male head of a four-person family earning less than $1.85 per hour in a full-time job in Illinois, or $2.16 per hour in Massachusetts, or $2.23 per hour in New York, would have more cash if he were on welfare."

That is appalling.

For the United States of America to be heading into the last third of the Twentieth Century in this condition is shocking. The existence of so many "working poor" is both an American tragedy and an American disgrace.

These people work hard at useful jobs; struggle to maintain their economic independence and self-dignity; and attempt to achieve self-reliance against overwhelming odds. Yet they are paid less than a subsistence wage.

We do not believe any employed worker should be forced to go on the welfare rolls in order to survive.

It has been clear for a long time that the simplest most direct and least expensive way to eliminate poverty is to amend the Fair Labor Standards Act so that it is adequate to the times. That is what we urge the Congress to do.

Now let me take the problem point-by-point.

First is the increase in the wage itself from $1.60 an hour to, at the very least, $2.00.

At $1.60 an hour, a worker earns an annual income of only $3200, if he has a full-time, year-round job. Even $2 an hour is barely above the government-defined poverty level for families with two children.

A $2 minimum wage is not an adequate wage. It is a floor—a good and necessary floor and one that will benefit the entire economy by building purchasing power, eliminating some welfare costs and eradicating the blight of poverty from one big section of struggling America.

Now, Mr. Chairman, this brings us to the second way Fair Labor Standards can help eliminate poverty.

The AFL–CIO wants the 17 million workers, now excluded by the Act, included under the Act. These workers have been excluded too long. There never was any real justification for their exclusion and there is real justification for their inclusion.

Included among these 17 million are workers in state and local government, largely still unprotected, millions more in retail trade and in various other industries; domestics and others.

Then, too, there are the farm workers. These are the people I want to especially talk about. About half of them get a minimum wage, but that ceiling never gets up to $1.60 an hour. There is no reason for this difference. It is a clear case of double discrimination.

All the farm and migratory workers of this country want is to become economically self-reliant and to be treated like workers in all the other industries of America.

They are no less human.

Their basic necessities of life are no less or different.

They are no less immune from pocket robbing inflation.

And, like the other uncovered working poor, they look to the Congress for a floor under their wages—the same floor given other workers.

So it is time for *all* farm workers to come under the full protection of the Fair Labor Standards Act, just like the other covered workers.

Now, let's talk about double time for overtime and premium pay for overtime in excess of 8 hours a day. The AFL–CIO believes double time for overtime is necessary to encourage employers to hire additional employees, instead of scheduling regularly employed people for overtime.

Thirty-two years ago, an overtime penalty of time and a half was considered adequate, But today it doesn't do the job.

In 1938, supplements to wages and salaries were about 4.5 percent of employee wages and salaries. Since then, the percentage has jumped, so that it has become financially advantageous for employers to schedule overtime work, rather than take on new workers.

There is no doubt that double-time for overtime would help solve this problem, simply by making the practice so expensive that employers would add workers to their payrolls.

Premium pay for overtime in excess of 8 hours a day, as distinguished from FLSA's requirement for overtime after 40 hours, would have the same effects and advantages.

At a time when there is serious unemployment in the economy, and when unemployment is continuing to climb, there is good reason for the Congress to think seriously about creating new jobs by reducing the work week or the work year, with no reduction in pay.

Now, Mr. Chairman, I'd like to say something about enforcement of the Fair Labor Standards Act.

In the last few days, the Labor Department has reported that illegal wage underpayments have amounted to one billion dollars since the Fair Labor Standards Act became law 32 years ago.

To put this figure in perspective, let's see just how big $1 billion is. If the minimum wage was $2 an hour, then a person earning that and nothing more would have a $4,000 yearly income.

So chiseling to the tune of $1 billion is like cheating 250,000 people out of their entire subsistence income for a full year.

Even the billion-dollar figure does not tell the whole story. Only a third of the money known to have been unpaid is ever recovered.

These blatant violations are the result of an inadequately enforced law and too few compliance officers and investigators.

Full enforcement is the only answer to chiselers.

There are two major bills before this committee—H.R. 10948 and H.R. 17596. Generally we favor H.R. 10948 and have serious disagreements with H.R. 17596. We previously discussed these in a letter addressed to you last May and I ask that a copy of it, which is included with my testimony be made a part of the record.

Let me conclude with this observation:

The whole history of the Fair Labor Standards Act proves that it works and that it adds to the economic well-being of the country. Every Secretary of Labor, no matter what his party ties, has made reports to the Congress on FLSA's impact. Universally these reports prove that FLSA works, for the workers, for the economy, for the country.

The Declaration of Policy in the Fair Labor Standards Act, which is as valid today as it was in 1938, says the United States must, as rapidly as practicable, eliminate labor conditions "detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers."

What we are saying, Mr. Chairman, is that the job of translating this policy into fact requires constant change, constant modernization.

Each of the previous amendments has been designed to that end.

In 1970, we have new problems requiring new legislation to make the goal of this law a reality.

So we urge these amendments, Mr. Chairman, and we urge that they be made promptly. Every day of delay penalizes millions of American families who should not be asked to suffer an additional, unnecessary hour.

Appendix to Statement of George Meany

The AFL–CIO urges the Congress to amend the Fair Labor Standards Act to provide an immediate increase in the federal minimum wage to no less than $2 an hour and extension of the Act's coverage to the 17 million non-supervisory workers not now covered by the law. Such action is essential to update the minimum wage level, which was most recently revised four long years ago, and to lift the wages and living standards of the working poor.

Modernization of the Fair Labor Standards Act is urgently needed, now. The present minimum wage of $1.60 an hour, under the amendments adopted in 1966, was barely tolerable at that time. It is utterly inadequate in 1970—in the face of four years of an inflationary rise of living costs and improvements in the nation's standard of living. Moreover, millions of the poorest-paid workers remain unprotected by the Act.

The major purpose of this statute, as outlined in its Declaration of Policy, is to correct and as rapidly as practicable to eliminate labor conditions "detrimental to the maintenance of the minimum standard of living, necessary for health, efficiency, and general well-being of workers."

To fulfill the Act's intent, it has been necessary to increase the floor under wages, as the cost of living and the nation's productivity have increased. It has also been necessary to extend the coverage of the Act. In the 32 years since enactment, FLSA has been amended four times—the minimum wage was updated four times and coverage of the Act was extended twice.

An increase in the federal minimum wage to at least $2 an hour, immediately, is now required on the basis of the economic facts. Indeed, the Eighth Constitutional Convention of the AFL–CIO last October unanimously adopted a resolution on the minimum wage, which declared: "The unchecked rise in living costs may soon make even a $2 minimum obsolete."

Modernization of the Act in 1970 would represent a major step in the effort to eliminate poverty. Over half of the poor, according to the government's definition of poverty, are in families headed by a worker in the labor force—low-wage, part-time or unemployed workers. About one-third of the poor—and nearly 40% of all the children growing up in poverty—are in families, headed by a full-time, year-round worker, whose wages are so low that his family is impoverished.

At a $2 an hour minimum wage, a full-time year-round worker would earn approximately $4,000 a year. This is not much above the government-defined poverty line of about $3,900. at 1970 living costs, for a non-farm family of four. But it would represent quite an improvement over the $3,200 such a worker makes at the present $1.60 federal minimum rate.

We urge the Congress to raise the federal minimum wage to $2 an hour, effective February 1, 1971, for all jobs that were covered prior to the 1966 amendments to the Fair Labor Standards Act. On that date, workers who were first covered by the 1966 amendments, will receive the final step-up to the $1.60 federal minimum; we urge the Congress to raise the minimum wage for this group to $2 an hour, effective February 1, 1972.

The minimum wage for farm workers, presently covered by FLSA, should be raised to $1.60 on February 1, 1971, and to $2 on February 1, 1972. The minimum wage for those who are first covered by the additional coverage we urge Congress to adopt this year, should be set at $1.60 an hour, effective February 1, 1971, and to $2 on February 1, 1972.

In that way, a federal minimum wage of $2 an hour would be established as rapidly as feasible. We believe that such single-standard minimum wage of $2 an hour should apply to all workers, covered by the Fair Labor Standards Act—to young workers and older workers, black workers and white workers, women workers and male workers. Multiple minimums for different categories of workers would be discriminatory.

The protection of the Fair Labor Standards Act should be extended to all workers. Employees of smaller retail establishments, state and local government employees, hired farm workers and others still denied coverage of the Fair Labor Standards Act should be guaranteed the benefits of the federal minimum wage and protection against excessive hours of work. The Act's coverage, which now protects 46 million workers, should be extended to the remaining 17 million non-supervisory wage and salary employees who are not protected by this federal law.

Approximately 6 million workers currently protected by the minimum wage provisions of the Fair Labor Standards Act are denied its hours protection because of specific exemptions. We believe that farm workers, hotel and restaurant workers, local transit employees, agricultural processing workers and other similar groups need protection from excessive hours, as well as an adequate floor under their wages. This hodgepodge of exemptions should be eliminated.

The overtime premium rate of time and one-half for over 40 hours of work per week—which is provided in the Act—is no longer an effective deterrent to long overtime hours. The growth of fringe benefits that are exempt from overtime requirements have made this premium-pay provision a less effective deterrent than in 1938, when it was enacted. We believe that FLSA should provide double-time premium pay for overtime hours of work per week.

We also urge the Congress to establish double-time premium pay for overtime work in excess of 8 hours per day—as a supplement to the FLSA provision of overtime pay for overtime hours of work per week. Such provision is needed to protect workers, not only from long work-weeks, but also from long work-days.

In addition, we believe that the equal pay requirements of the Fair Labor Standards Act, prohibiting discrimination in wages based on sex, should be extended to cover executive, administrative and professional employees. There is no basis for discrimination to exist in any segment of our economy.

Such updating of the Fair Labor Standards Act would bring obvious benefits to the workers directly involved—essentially the millions of working poor and their families. The improved buying power and living conditions of these lowest-wage workers would also be beneficial to their communities and to the national economy—lifting sales and employment and curbing the increase of welfare costs.

Moreover, the record of past improvements of FLSA clearly indicates that the economy can readily adjust to the increased minimum wage, with merely few and isolated cases of adverse impacts, while the entire national economy is benefitted substantially.

Fair labor standards legislation has had opposition from the very beginning. There are those who have opposed any attempt by federal or state law—or even by collective bargaining between unions and employers—to establish minimum rates of pay. They cried "disaster" when the Fair Labor Standards Act was passed 32 years ago and they have repeated their predictions of general disaster whenever any improvements of FLSA have been discussed.

Opponents of fair labor standards legislation have concentrated their predictions on increased unemployment. Every increase in the minimum wage has been greeted by predictions of rising joblessness.

Yet the Fair Labor Standards Act and its improving amendments have raised the wages of most of the nation's lowest-wage workers—raising their standard of living and helping to bring them and their families into America's mainstream. Employment has increased and business has prospered. Reports to the Congress by the Secretary of Labor on the effects of increases in the federal minimum wage—required by law—show that there have been substantial benefits and only rare isolated instances of adverse effects, involving a few small firms and very few employees.

The time for further updating of FLSA is now.

$2 MINIMUM WAGE

An increase in the minimum wage to $2 an hour is needed immediately to assure workers at the bottom of the economic ladder a wage that at least reaches above the government-defined poverty line for a full-time year-round worker who is the head of a non-farm family of four.

To succeed in eliminating poverty among the working poor, the nation needs $2 minimum wage. Examination of the economic impact of a $2 minimum shows that the economy can make the necessary adjustments, without serious detrimental effects. In the past, the economy has adjusted easily to increases in the minimum wage, even to the 60 percent increase passed in 1938. Surely an increase in the minimum wage to $2 an hour can be absorbed without difficulty, in an economy whose gross national product is about $980 billion.

An increase in the minimum wage to $2 an hour, combined with extension of FLSA coverage, would be a major, effective step towards the reduction of poverty in America.

Government statistics on poverty show that the heads of more than half of all poor families have a job. Moreover, nearly half of these employed family heads, representing more than a fourth of all poor families, have been holding down a full-time job for a whole year.

All told, poor families that are headed by a man, fully employed throughout 1968, included 6 million poor persons—including over 3 million children under age 18. Poor families headed by a fully-employed woman worker represented nearly an additional million persons with almost 600,000 children. Thus, nearly 40% of all the children, growing up in poverty, were in families of workers with regular full-time jobs. And the total number of people in such families of full-time year-round working poor was about 7 million.

This is the most shameful aspect of the poverty problem—the working poor. Particularly shameful is the condition of poverty among families where the head is employed full-time. That a man risks poverty for his family when he does not or cannot work all the time might be expected, but to end the year with so inadequate an income, even when he has worked all week every week, often makes his efforts seem hopeless.

Notwithstanding the essential stress on more jobs to reduce unemployment and part-time work of those who seek full-time jobs, it is clear that at least for poor families headed by full-time year-round workers, an increase in the minimum wage is a major road out of poverty. And for poor families, headed by part-time workers, an increase in the minimum wage would be an important step in helping them move above the government-defined poverty status.

At $1.60 an hour, a worker earns an annual income of only $3,200 to $3,328 if he has a full-time year-round job. Even $2 an hour is not much above the government-defined poverty line for non-farm, four-person families (that poverty line is about $3,900 at 1970 prices).

Studies made by the U.S. Census Department show the extent of low wages. Nearly 5 million (4.8 million) men worked full-time year-round and still earned less than $4,000 in 1968, according to the Bureau of the Census. These were men who worked at least 35 hours a week for 50 to 52 weeks during the year.

The majority, or nearly 4 million of these men, were white, though they represented only 11 percent of the male full-time year-round work force. However, nearly 31 percent, or about one out of every three Negro males who held a full-time year-round job in 1968, earned less than $4,000.

The report on women workers is even worse—over 6 million women workers who worked full-time year-round in 1968 earned less than $4,000. About 39 percent of white women who worked full-time year-round, and 61 percent of Negro full-time year-round workers, earned less than $4,000.

There were nearly 11 million workers—out of 52 million workers who worked year-round at a full-time job in 1968—whose earnings were below $4,000. Unless the minimum wage is increased to $2 an hour, these workers, who toil day-in and day-out, will not be able to achieve a decent income.

The Census Bureau reports that a non-farm family of four needs an income of $3,919 [1] per year to begin to lift itself above the government-defined poverty line. If a family has three children, an annual income of $4,615 [2] is needed to move it beyond that poverty line. Yet several million families—including those headed by full-time year-round workers—have lower annual incomes.

How can we expect children to aspire to be normal, productive Americans when they see their parents working, but still not earning enough to meet even minimum family needs. Certainly, a minimum wage must be set that allows a worker some dignity—a wage that shows his children it is worthwhile to work, a wage that is a real alternative to idleness and delinquency.

While improving the income of the aged and disabled is an essential step toward reducing poverty, such social security measures reach only one part of the poverty group. Training workers for jobs and educating children are also essential and desirable methods of meeting parts of the poverty problem in America.

But the majority of all poor families are headed by employed persons. A most important program to eliminate poverty, therefore, is to raise the inadequate wages of the working poor. It is because of the low minimum wage—and inadequate FLSA coverage—that many workers earn $1.60 or less an hour.

If the conditions that breed poverty in this country are to be changed, poverty wages must be eliminated. These conditions will not change unless the FLSA minimum wage is increased.

Moreover, an immediate increase in the minimum wage to no less than $2 an hour is justified—and required—by the inflationary rise of living costs and the post-World War II trend of increasing productivity in the national economy.

Between 1966, when Congress amended FLSA to establish a federal minimum wage of $1.60 an hour, and May 1970, the Consumer Price Index rose 19.5%. This sharp rise has cut the buying power value of the $1.60 minimum. Indeed, the buying power of that minimum wage is now down to only $1.29, in 1966 prices.

A 19.5% immediate increase in the minimum wage is needed merely to restore the minimum's buying power to what a $1.60 an hour level meant in 1966, when the Congress last revised FLSA.

In addition, all American workers have an economic and moral right to share adequately in the economy's rising productivity. The trend of rising output per manhour since 1947 has been an average yearly rate of 3.3%. And experts from the government and business have projected an average yearly increase of somewhat over 3% for the decade of the 1970s. The minimum wage, therefore, should be increased an additional 12-plus percent to update the $1.60 minimum, in line with the nation's rising productivity.

These two factors add up to over 31.5%—the need to raise the minimum wage of $1.60 an hour by more than 31.5%. That is certainly more than sufficient justification to boost the minimum to $2 an hour—a rise of 25%—to offset the increase of living costs and to provide the lowest-wage workers with an adequate share of the benefits of the economy's rising productivity.

Even a $2 minimum wage is far from an adequate wage. It is merely a floor. But it would be a step in the right direction.

For a worker to enjoy a modest and adequate standard for himself and his family, he needs approximately $5.00 an hour, according to 1969 figures of the U.S. Department of Labor's City Worker's Family Budget. This budget indicates that an urban family of four needs an annual income of $10,077 to live in "modest but adequate" circumstances. Even the Bureau of Labor Statistics' "lower budget for a four-person family" requires about $3.28 an hour or $6,567 a year.

An analysis of this "lower family budget" shows how meager its provisions are: It provides a family of four (husband, wife, boy 13 and girl 8) with $35 a week for food, including lunch money; $91 a month for rent and about $24 a month to cover outlays for furnishings and household operations. It provides approximately $10 a week for transportation; $539 a year for medical care; $320 a year for other family consumption expenditures; and $619 in personal taxes, including federal, state and local income taxes, as well as social security taxes.

Cut those items in half—to $17.50 a week for food and $45.50 a month for rent—and that is what an urban, four-person family can afford, if its only income is from a full-time year-round worker who is paid $1.60 an hour.

Even at $2 an hour, or $4,000 a year, the worker still would be required to pay $49 in federal income taxes, and $208 in social security taxes (according to the 1971 tax tables), leaving only $3,743 for family expenditures. But a $2 minimum would be an improved floor—assisting millions of low-wage people to lift their living standards.

A $2 minimum would tend to re-establish the relationship between the minimum wage and compensation per manhour in the private economy. In 1950, when the 75-cent minimum became effective, it was 56% of compensation per manhour in the private economy. However, in 1968, when the $1.60 minimum became effective, it was only 47.4% of hourly compensation in the private economy. And it has declined further since then.

Bringing the minimum wage to $2 an hour would help the lowest-paid workers keep pace with what has been happening in the economy. Since February 1968, when the $1.60 an hour rate became effective, average hourly earnings for non-supervisory workers in the private non-farm economy rose 43 cents an hour (June 1970). This figure represents the change in average earnings of some 47 million production and non-supervisory employees in the private non-farm economy. Raising the minimum wage by 40 cents would assure that the lowest-paid workers will not fall farther behind.

The picture for manufacturing is similar. Average hourly earnings of factory workers have risen 41 cents since February 1968. However, for millions of low-wage workers there is little, if any, movement except for increases in the minimum wage. These low-wage workers need a minimum wage of $2 an hour now.

Low-income families, who would receive the direct benefits of a rise in the minimum wage, spend their earnings quickly. The increased earnings would be placed rapidly into the economy's spending stream, rather than saved or hoarded.

This additional buying power and spending among the nation's lowest-income families would lift the demand for goods, services and jobs. And as these additional funds were circulated through the economy—respent and invested by merchants, distributors and manufacturers—the economy would receive a continuing and multiplying lift.

In an economy that can produce an increasing abundance of goods, it is both morally and economically necessary to provide additional, much-needed buying power to the nation's lowest-wage workers and their families.

ECONOMIC ADJUSTMENTS TO A $2 MINIMUM

The economy can adjust readily to a $2 minimum wage. The real impact of an increase in the minimum to $2 on the economy's total wage bill is rather small.

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[1] 1968 figure adjusted to May 1970 by changes in the Consumer Price Index.

[2] Ibid., p. 6.

A $2 an hour minimum wage universally applied would affect some workers in every major industry grouping. Detailed distributions of earnings data are not available from the Labor Department on a current basis for the entire economy. However, a review of the earnings of full-time year-round workers reported by the Bureau of the Census offers some insight into those industries that tend to pay their workers low wages. In 1968, according to the Census, 11 million full-time workers, or 21 percent of the total number of 52 million year-round full-time workers, earned less than $4,000:

FULL-TIME YEAR-ROUND WORKERS WITH EARNINGS BELOW $4,000, BY INDUSTRY, 1968

Industry	Number of full-time year-round workers earning less than $4,000	Percent of total full-time year-round workers in the industry earning less than $4,000
Agricultural, forestry, fisheries	1,299,165	56.7
Mining	42,000	10.4
Construction	451,035	15.3
Manufacturing	2,295,997	14.2
Transportation, communication, and other public utilities	381,542	9.4
Wholesale trade	238,058	11.9
Retail trade	2,157,592	32.7
Finance, insurance, and real estate	528,974	19.4
Business and repair service	298,010	18.3
Personal services	1,121,231	60.4
Entertainment and recreation services	81,603	26.6
Professional and related services	1,773,457	23.5
Public administration	316,688	8.4
Total	10,985,352	

Source: Consumer Income—Current Population Reports Series P. 60, No. 66, December 1969—Table 45, Bureau of the Census.

It would now cost approximately $8 billion to raise the earnings of full-time year-round workers to $4,000. This amounts to only 2% of the total wage bill of $380 billion paid in 1968, as wages to all full-time year-round earners.

The cost-impact of an increase to a $2 minimum for all non-supervisory workers—part-time as well as full-time—would similarly be in the neighborhood of 2% of the economy's total wage bill. Certainly the economy can afford to devote about 2% of its total wage and salary expenditures to raising the wages of the lowest paid workers to $2 an hour.

With output per manhour in the private economy expected to increase at better than 3% a year, on the average, in the 1970s, a 2% increase in the total wage bill to provide a $2 minimum should be absorbed rather easily—particularly in an economy whose gross national product is approaching a trillion dollars.

The size of today's national economy can readily absorb a $2 minimum wage. The minimum wage in 1938 was 25 cents an hour. At that time the Gross National Product (total production of foods and services) was $85 billion. In 1970 the GNP is expected to be about $980 billion, or eleven times as great as in 1938. If the 1938 economy could stand a 25-cent an hour minimum wage and even expansion of that minimum to 40 cents by steps, then certainly a $980 billion economy can stand a $2 minimum wage.

In addition, a $2 minimum wage will probably reduce—or curb the growth—of welfare costs, as low-wage workers' incomes are raised.

The Area Wage Surveys of the Bureau of Labor Statistics provide some insights into the possible impact of $2 an hour for some occupations in certain cities. These surveys show that in most cities, some workers earn less than $2 an hour for particular occupations—such as janitor, laborer or guard—while the great majority of such workers are paid more than $2 an hour for the same occupations.

For example, a Labor Department study of large Pittsburgh establishments, employing at least 50 men and women, found that over 2,000 janitors and cleaners were paid under $2 an hour. However, 71 percent of janitors and cleaners in Pittsburgh, in such establishments (5,100), were paid over $2 an hour, indicating that the Pittsburgh community's standard for this type work was above $2 an hour. Yet without a $2 floor under their wages, thousands of custodial workers in Pittsburgh were paid under $2 an hour by some employers. Further examples of the prevalence of low pay are provided in Tables V–XII for Detroit, Los Angeles, St. Louis, Chicago, San Francisco, Cleveland, New York and Indianapolis.

Most sectors of the economy and most industries can easily absorb an increase in the minimum wage to $2 an hour out of rising productivity and profits, as they successfully accomplished in the past. Some high-productivity, high-profit industries can absorb the increase and afford to reduce prices. Some others, whose productivity and profits are low, would probably have to raise prices somewhat. But the over-all impact on the price level should be very small, if at all.

The economy should be capable of adjusting successfully—and with only rare instances of adverse effects in isolated cases—as has been achieved during past adjustments to increases in the federal minimum wage.

The Labor Department has studied the effects of each increase in the minimum wage and extension of FLSA coverage. And the Secretary of Labor has reported these findings to the Congress, as required by the Act.

In 1950, when the minimum wage went to 75 cents an hour, total employment grew 1,300,000. Reporting on the effects of increasing the minimum wage from 40 cents to 75 cents an hour, the Secretary of Labor concluded: "Though causing significant payroll increases, the 75 cent rate had only very minor determinable effects on employment and other non-wage variables in the five low-wage manufacturing industries surveyed. Even within a selected group of establishments as those with reported adjustment problems, the non-wage consequences of the 75 cent requirement were on a whole not very substantial."

In 1956, when the minimum wage was raised to $1.00, total employment again increased, by 1,600,000 workers. The Labor Department studied the effects of this rise of the minimum wage in seven low-wage, small-city areas. The Secretary of Labor concluded, "Few employers in subject industries indicated that they found it necessary to discharge workers in adjusting to the higher federal minimum."

In 1962, after the $1.15 minimum wage had gone into effect in late 1961, total employment increased 1 million, following a slight decline during the recession of the previous year.

The report of the Secretary of Labor stated: "The 1961 minimum wage increases had no discernible effect on the nation-wide level of employment in the industries affected. On an overall basis employment has risen in these industries since the 1961 amendments took effect."

In 1966 after evaluating the effects of the $1.25 minimum wage, which became effective in September 1963, the Secretary of Labor reported: "On balance it would appear that the $1.25 minimum wage was adjusted to without adverse employment effects in these low-wage, high impact areas. . . ." This conclusion was based on a study of 15 low-wage areas particularly affected by changes in the minimum wage.

The Secretary of Labor reported to the Congress in January 1966:

"The period during which the 1961 amendments have become effective has been one of extraordinary price stability. The general wholesale price level in April 1964 (seven months after the $1.25 rate went into effect for the majority of covered employees) was almost exactly the same as it had been in April 1961 (five months before the effective date of the first step increase from $1.00 to $1.15)."

After trying to find a possible disemployment impact from the increase in the minimum wage to $1.40, which went into effect on February 1, 1967, the Labor Department could find only 63 people in the whole country whose layoffs may have been related in some form or other to the higher minimum wage.

As for total employment in the nation, it expanded 1.8 million in 1964, after the $1.25 an hour minimum wage became fully effective. And it rose 1.5 million in 1967 and another 1.5 million in 1968, as the 1966 amendments went into effect.

In January 1969, the Secretary of Labor reported to the Congress:

"Increases in the minimum wage required by the 1966 amendments became effective during a period of rising prices. That the minimum wage had little influence on this trend is evidenced by comparing the price movement during the first 6 months of 1966, before the 1966 amendments went into effect, with the trend in the first 6 months of 1967 and 1968, when the first two phases of the amendments became effective. The Consumer Price Index increased 1.7 percent in the first half of 1966 as compared with 1.1 percent in the corresponding period of 1967 and 1.9 percent in that of 1968. Wholesale prices of industrial commodities advanced significantly less in the first half of 1967 and 1968 (0.2 percent and 0.9 percent) than in 1966 (1.4 percent).

"A continuation of the special study of the relationship between price changes and minimum wage impact in laundries, initiated last year, lends additional support to the conclusion that factors other than minimum wages were determinants of price rises. These data do not indicate any consistent pattern between the degree of impact of the minimum wage and the prevalence and extent of price changes. For example, a large proportion of the laundries which paid no workers less than $1.15 an hour prior to February 1, 1968, the date on which that rate became the minimum, increased prices. Price increases of 5 percent or more were more prevalent among laundries where the impact of the minimum wage was small than among those where it was large."

Summarizing the employment effects of the 1966 amendments, the Secretary of Labor reported to the Congress in January 1969:

"Regarding the impact of the 1966 amendments: Employment in the areas affected by the extensions of coverage has increased, and there is no evidence of any restraining effect of the broader coverage on employment opportunity. The increased minimum wage levels set in 1966 have not contributed to the current inflationary spiral to an extent which permits reasonable questioning of their net value in strengthening both the position of low-paid workers in particular and the economy in general.

"All of the major nonagricultural industry divisions showed employment gains over the period from September 1966 to September 1968, except construction. The largest increase in the private sector in relative terms was in the services group, where the minimum wage has had the largest impact."

XUM

Different Secretaries of Labor in different Administrations representing both Republican and Democratic parties, have reported their detailed findings to the Congress that adjustments to each increase in the federal minimum wage and extension of FLSA coverage were accomplished successfully—with increasing total employment, very little direct impact on prices and only rare, isolated instances of adverse impacts.

These successful achievements point to the flexibility of the American economy and to its ability to adjust readily to the further amendments of FLSA that the AFL-CIO is urging Congress to adopt at present.

MINIMUM WAGE PROTECTION UNDER STATE LAWS IS INADEQUATE

Whenever amendments to the Fair Labor Standards Act are under consideration by the Congress, questions are raised about the role of state laws. Over the years, some state laws have filled the gaps left by the federal law. But most of the workers not covered by federal laws, are not covered by state laws either. Furthermore, those workers who are covered by state laws only, are frequently covered by a wage which is too low to yield any meaningful benefits.

Of the 11.8 million workers in the private sector, not protected by the federal Act, 7.7 million are not covered by state minimum wage laws either. About 1.6 million of those 4.1 million who receive some state coverage, are under obsolete state minimum wage laws which are well below the federal standard. For example, the rates in Kentucky are 65 cents to 75 cents an hour and even in Ohio, some rates are below $1 an hour.

Twelve states have no minimum wage laws or wage orders. In the other 38 states, what passes for protection is often grossly inadequate as to coverage or level of minimum wage required, or both (see Tables I–IV for details on current state minimum wage requirements).

In only 16 states (plus the District of Columbia and Puerto Rico) are any workers, covered by state laws, entitled to minimum rates equal to the federal minimum or better. And even in these jurisdictions, lower rates frequently apply in a number of occupations or industries.

In 17 states no minimum rate is higher than 1.25 per hour. For example, in Arizona, current rates range from 47 cents to 55 cents per hour, while under the Minnesota law, the minimum wage ranges from 75 cents to $1.15.

The evidence clearly shows that with few exceptions states simply have not been ready and willing, even if able, to provide adequate minimum wage protection for workers not covered by the federal law. Federal action in 1970 is essential if minimum wage legislation is to be responsive to the needs of all workers.

EXTENSION OF COVERAGE

The AFL-CIO favors extension of coverage of the Fair Labor Standards Act to all workers in industries affecting commerce. The coverage of the Act should be extended to all jobs within reach of the federal authority.

In 1961 and again in 1966, the Congress recognized the plight of workers excluded from the Act. In amendments enacted in those years the Congress brought the benefits of the Act to millions of additional workers. These expansions of coverage brought the Act closer to meeting its original objective, as expressed in the Finding and Declaration of Policy, the elimination of "labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency and general well-being of workers."

The benefits which accrued to workers from these amendments and the ease with which industry adjusted to the changes prompted the Secretary of Labor to recommend universal coverage in his 1969 report to the Congress under Section 4(d) of the Fair Labor Standards Act. In this report he stated:

"I recommend complete coverage of all workers—with no exceptions of any kind. To the extent that this proposal carries beyond the reach of Federal authority it should be implemented by available methods of encouraging the adoption of comparable State standards."

Today there are 63 million non-supervisory wage and salary employees, but only 46 million are covered by FLSA. The remaining 17 million workers are not accorded federal statutory minimum wage or overtime protection. These include household domestics and some employees in retail trade, state and local government, some farm workers, and thousands of others in various industries.

The following table summarizes the situation:

SUMMARY OF COVERAGE OF NONSUPERVISORY EMPLOYEES UNDER THE FAIR LABOR STANDARDS ACT BY INDUSTRY

[In thousands]

Industry	Total number of nonsupervisory employees	Total number covered	Total number not covered by the FLSA
Agriculture, forestry, and fisheries	1,273	620	653
Mining	570	565	5
Contract construction	3,444	3,409	35
Manufacturing	18,381	17,793	588
Transportation, communications and utilities	4,164	4,095	69
Wholesale trade	3,524	2,686	838
Retail trade	9,948	5,803	5,145
Finance, insurance, and real estate	3,119	2,349	770
Services (excluding domestic)	8,289	5,794	2,495
Domestic service	2,185	....	2,185
Public sector	7,866	3,141	4,725
Federal Government	2,440	729	1,711
State and local government	5,426	2,412	3,014

Source. Wage and Hour Public Contracts Division.

The AFL–CIO calls for extending FLSA protection to all the 17 million workers in the various industries who are now not covered.

These workers need minimum wage protection. Many of the workers who would be covered by our proposal earn less than $2.00 an hour.

Here is a quick summary of these deplorable conditions:

Of the 4 million additional workers in retailing who would be protected by our proposal, over a third of them, or more than 1½ million workers, are paid less than $2 an hour.

In the absence of minimum wage protection, the wages of these workers at the bottom end of the nation's wage distribution simply remain stationary or creep up belatedly, over the years, at only a fraction of the pace of general wage advances.

In industries where almost all employees are covered—such as manufacturing—production-worker wages averaged $3.36 an hour in June 1970. This is 65 cents more than 4 years ago, and $1.10 higher than in 1960.

In industries with only partial coverage—such as retail trade and hotels—workers' wages have not shown such advances and the gap continues to widen. Retail trade average hourly earnings are $2.43, an increase of only 52 cents in the past 4 years.

In hotels, hourly earnings rose 55 cents in the period from 1966 to 1970, and the average wage in 1970 is still less than $2 an hour.

This picture of general wage advances, unshared by a large, laggard group because of exclusion from coverage of the Act, is also apparent in other partially-uncovered or totally-uncovered industries.

Domestic workers

Private household work constitutes one of the least attractive fields of employment—due to substandard wages and working conditions, in the main. This condition reflects the exemption of this occupation not only from minimum wage legislation, but also from most other types of labor legislation from which most workers benefit.

In 1969 there were more than 2 million domestic workers. Of these, approximately 1.6 million women (98% of all workers in this category) were employed as private household workers. Approximately 416,000 were classified as babysitters. [This figure is very rough and probably understated. Also, it may be misleading to assume, as is frequently done, that none of the babysitters are performing full-time household work.]

Approximately 200,000 women employed as private household workers were heads of families, as of March 1969. The median (midpoint) wage of this group was $1,523 per year (40 hours per week x 52 weeks per year). The average hourly wage, therefore, was 73 cents. While the situation of day workers, in terms of salaries, hours and duties, has improved over the years, nevertheless, the majority of these workers enjoy no labor protection whatsoever. They receive no benefits such as pensions, no guarantee of severance pay, no guarantee that payment promised would be given, no paid vacation, and transportation often takes up to two hours one way.

Recently, Mrs. Matty E. Wardell, a domestic worker of St. Louis, described salary increases from the old, almost slave labor standards of $1 a day. "Then we went to $2, then jumped from $2 to $4. The next jump was to $5 and then to $7 and then to $8 plus carfare and a lot of people (employers) really thought that was the limit." (Taken from COPE Memo, June 22, 1970)

It is important to note that the demand for private household workers remains high. The supply will not be forthcoming until legislation improves working conditions and brings new status to this field of employment. Minimum wage coverage would act as a stimulant.

RETAIL TRADE

Out of some 10 million retail workers—including restaurant workers—5.8 million are presently provided with FLSA protection, while 4.1 million are excluded from such protection.

The AFL–CIO proposes that all retail employees be covered by both the minimum wage and overtime provisions of the Act, regardless of the dollar volume of business of the enterprise or the establishment. We propose the elimination of the existing dollar volume tests for coverage of establishments in Section 13(a)(2) and of enterprises in Section 3(s) of the Act. We believe that employees of all firms, as well as all employees of all stores of a firm, should be covered.

At present, two stores of the same chain may be treated differently. If one store of Company X has yearly sales of $250,000 or more, it is covered; but the other store of the same company may not be covered if its annual sales are less than $250,000. This anomaly would be rectified if all establishments and enterprises were covered.

The AFL–CIO proposal would cover an additional 4 million retail workers—bringing the total number of covered retail workers to nearly 10 million.

A study of wages paid retail workers shows the great need for FLSA protection. A June 1966 Labor Department survey showed that only 1% of the workers in covered establishments (those with sales of $250,000 or more which were parts of million-dollar enterprises) earned less than $1.25 an hour—the then applicable minimum wage. In contrast, 20% of those in uncovered establishments (establishments with sales of less than $250,000 which were also parts of million-dollar enterprises) were paid less than $1.25 an hour.

In other large stores (those where the enterprise sold less than $1 million worth of goods but its establishment sales were more than $500,000), 8% of the workers were paid under $1.25 an hour.

The situation in certain segments of the uncovered group is particularly shocking, as many workers still earn less than $1 an hour, particularly in some of the stores in the South.

The June 1962 and the June 1966 Labor Department studies of the impact of the 1961 amendments show that employers adjusted easily to the extension of minimum wages to the retail industry. The continuing exemption of large numbers of retail workers means unfair competition for covered employers and harmfully low wages for unprotected employees.

Most union contracts in this industry show that wages well above the minimum wage can and are being paid by fair employers. However, to provide protection for those retail workers who have not benefitted by the 1961 and 1966 amendments to the federal minimum wage, extension of the minimum wage to all workers in the retail industry is necessary.

The so-called Mom & Pop stores would not be directly affected by this proposal. These stores, which are owner-operated, typically hire no workers or an occasional part-time worker. Thus, they are outside the scope of this proposal. Actually, Mom & Pop stores benefit from effective minimum wage legislation. Such legislation protects small shopkeepers from being undercut by retailers who pay unfair subminimum wages.

Restaurants

Among retail employees still not covered by the Act, a major group is restaurant workers. While 350,000 such workers are now covered, approximately 1 million non-supervisory restaurant workers are not protected by the Fair Labor Standards Act. The AFL–CIO proposal would extend coverage to these workers.

The Labor Department's nation-wide survey of restaurant employment and wages shows that employment increased by 3,900 workers between October 1966 and April 1967—the period spanning the effective date of the initial phase of the 1966 amendments to the minimum wage law. They found that the "largest employment increase occurred in the South where the (minimum) wage impact was greatest." During that same period, employment in noncovered restaurants actually declined by 2,600 workers. The same study also noted a wide gap in earnings between employees in covered and noncovered eating and drinking establishments following adjustment to the dollar minimum wage. Average hourly earnings for noncovered workers increased slower than that for covered workers. In April 1967, nearly 17% of all non-tipped workers in noncovered establishments—those with less than $250,000 in annual sales—were paid less than $1 an hour, while only 2% of such workers in covered establishments were paid under $1 an hour. A special tabulation was made by the Labor Department of some 6,300 establishments, identified specifically, in both October 1966 and April 1967. One of the important insights that was found in this detailed analysis was that firms required to make large wage adjustments because of minimum wage coverage, did so with ease. The Labor Department found "there was no inverse relationship between employment changes and magnitude of wage impact. In fact, the reverse was true. Consistently, the employment increases were greater in those groups where the impact of the minimum wage was greater."

Nearly a third of all restaurant employees are now guaranteed a minimum wage of $1.45 an hour ($1.60 on February 1, 1971) by the federal minimum wage law. Thus, it is clear that the industry can adjust to a minimum wage when required to do so.

Long hours are another problem in this industry. One-fifth of all restaurant employees are now working 48 hours or more each week. In 1966, when the restaurant workers were provided coverage under the Fair Labor Standards Act, Congress failed to provide them with overtime protection. Such protection is necessary for these workers just as it is for other workers in our society. If a statutory 40-hour week were established for all restaurant employees, as many as 60,000 additional full-time jobs could be made available.

Hotels, motels

Many hotel and motel workers need the benefits of FLSA coverage. Low pay and long hours characterize their employment. There are 549,000 non-supervisory employees in the hotel and motel industry, only half of whom are now covered by a federal minimum wage, and even these are excluded from overtime protection. The covered segment of the industry has shown that it can accommodate itself to minimum wages. The present noncovered group could also do so.

Long working hours are also a feature of the hotel and motel industry. Twenty percent of the employees work 48 hours or more a week. By extending the overtime protection of the Fair Labor Standards Act to all hotel and motel workers, and establishing a standard work-week of 40 hours, as many as 20,000 additional full-time jobs could be made available.

Tips

The AFL–CIO would like to see the tip provision of the FLSA eliminated. This provision allows employees' tips to count toward the minimum wage. If an employee regularly receives more than $20 a month in tips, his employer may take credit for tips up to 50% of the applicable minimum wage. However, if an employee is receiving less in tips than the amount allowed, the employer must pay the balance—so that the employee receives at least the minimum wage.

The AFL–CIO believes that an employee should be guaranteed at least a minimum wage and that his employer should be required to pay this group. The employee should not have to depend on the generosity of the customer to earn a living wage.

Motion picture theatres

The exemption (13(a)(9)) now applicable to the more than 100,000 non-supervisory motion picture theatre employees should be removed. This is a group that sorely needs minimum wage protection.

A 1966 Labor Department study of wages paid in motion picture theatres showed that 75% of the men and women who worked in motion picture theatres were paid less than $1.60 an hour. While motion picture projectionists earn well above the minimum, thousands of concession attendants, cashiers, ushers and janitors are paid pitifully low wages.

Payroll accounts for only 23% of receipts in the motion picture industry. Wage costs are thus a small part of total costs—and increasing the wages of those workers paid less than a minimum wage to that wage would not have substantial effects upon the industry, but would certainly yield benefits to the lowest-paid workers.

Small logging crews

Small logging crews of 8 or fewer employees are now exempt, and thereby denied FLSA protection. In 1966, when the logging exemption was modified to exempt crews of 8 or fewer employees, the House Committee Report stated: "The decision on eight employees was made after careful consideration and investigation of conflicting facts. The Committee believes the eight-man criterion to be a sound basis for exemption at the present time, but intends to further investigate these logging operations." The reduction in the logging exemption from 12- to 8-man crews was designed to bring under the Act most of the exempt logging workers. It appeared at that time that a majority of these workers were employed on crews of 9 to 12 men. Actually, the change has not had the effect which the Congress intended. Many employers merely adjusted their operations so as to meet the 8-man test for exemption from FLSA. The law's protection should be extended to all logging workers now excluded from FLSA coverage.

Logging employees need minimum wage protection. Thousands are paid less than $1.60 an hour. Past Labor Department surveys showed that large percentages of these workers in small non-integrated logging establishments, particularly in the South, earned pitifully low wages.

Many of these workers are in areas of our country plagued by poverty, such as parts of Appalachia and northern Michigan, Wisconsin and Minnesota. They need minimum wage protection in order to achieve even minimum standards.

Overtime protection is also needed for workers in this industry. The 1964 Labor Department survey showed that 15% of the employees worked more than 40 hours a week. There is no reason why they should not enjoy the same overtime safeguards as covered logging employees.

Farmworkers

The AFL–CIO urges the extension of the Fair Labor Standards Act to all farm workers. The wages paid most farm workers are far below the minimum wage standards established by the Fair Labor Standards Act. Even those farm workers on very large farms who were given minimum wage protection by the 1966 amendments were not guaranteed a wage equal to that legislated for nonfarm workers.

All workers newly covered by the 1966 amendments were guaranteed a minimum wage of $1 an hour beginning in February 1, 1967. Nonfarm workers were required to be given annual increases until they reached the statutory minimum of $1.60 an hour on February 1, 1971.

However, no provision was included for raising the wages of covered farm workers to $1.60 an hour. The minimum wage for farm workers went to $1.30 an hour on February 1, 1969, and stopped there. Nonfarm workers brought under the Act by the amendments are now assured a wage of at least $1.45 an hour and a further raise to $1.60 on February 1, 1971.

The Report of the Senate Committee on Labor and Public Welfare clearly indicated that it was not the intention of the Committee that farm workers remain a substandard group under the Act. The report states:

"It is the intention of this committee that all workers under the act be subject to a single minimum wage. The committee action in limiting the pattern of escalation for agriculture at this time to $1.30 in February 1969 is to insure that there be a careful evaluation of the effects of applying a minimum wage to agriculture. The committee expects that agriculture will adjust without adverse effects as have other industries under the act and that additional increases will be provided in the future."

What has been the effect of bringing farm workers under the Fair Labor Standards Act? The Department of Labor in a report on Hired Farm Workers, submitted to the Congress in January 1969, states:

"Employment on all farms rose 7 percent between May 1967 and May 1968. On covered farms hired farm-worker employment increased 36 percent during the period spanning the effective date of the $1.15 Federal minimum wage. During this same period employment on noncovered farms decreased 9 percent. Record crops and the trend toward commercial-type farms have contributed to the increased employment on covered farms.

"In the South where the effect of the Federal minimum was greatest, covered employment increased one-fifth between May 1967 and May 1968 while there was a slight decline in employment on noncovered farms."

As of February 1, 1970, the Labor Department estimates that there are about 1,200,000 hired farm workers. Of these, somewhat more than a half-million workers are now under the Act. The remaining farm workers should also be given the benefits of the Act.

While the lot of farm workers has been improving in recent years, it has been a very slow process. Some farm workers benefited by being brought under the Fair Labor Standards Act in 1966. Others are finding their status improved by collective bargaining agreements which assures them a minimum wage of at least $1.75 an hour. But many still look to the federal government to protect their interests and to see that they are not discriminated against by the payment of substandard wage rates.

EXTENSION OF HOURS PROTECTION

Certain groups of employees covered by the minimum wage provisions of the Fair Labor Standards Act are exempted from the maximum hours provisions. Currently, some 6 million workers (or 13%) who are protected by the minimum wage provisions of the Fair Labor Standards Act are denied its overtime protection. There are some 19 specific exemptions spelled out in Section 13(b) of the Act. There is, today, no basis for most of these exemptions, particularly those affecting such large groups of employees as hotel and restaurant employees, farm workers and local transit employees.

Also, the overlapping exemptions pertaining to agricultural processing workers should be eliminated.

That the Congress intended to phase out these exemptions is evident from this statement included in the Conference Report on the Fair Labor Standards Amendments of 1966:

"It was the declared intention of the conferees to give notice that the days of overtime exemptions for employees in the agricultural processing industry are rapidly drawing to a close, because advances in technology are making the continuation of such exemption unjustifiable."

The Department of Labor has recently completed and sent to the Congress a detailed report on this subject. The report concludes:

"The survey findings clearly indicate that consideration should be given to the phasing out of the overtime exemptions currently available to the agricultural handling and processing industries under Sections 7(c) and 7(d) of the Fair Labor Standards Act even though this would affect a significant proportion of man-hours in two of the industries studied. Although focusing primarily on Sections 7(c) and 7(d) of the Act, the survey data also indicate that there is no sound basis for the continuation of the year-round exemptions available under Sections 13(b)(14), (15) and (16) of the Act nor for the overlap that presently exists between the exemptions under Sections 7(c) and/or 7(d) and those under Section 13(b).

"The favored position held for three decades by agricultural handlers and processors because of full and partial exemption from the 40-hour weekly overtime standard applicable to most industries covered by the FLSA needs reexamination. . . ."

PUERTO RICO, VIRGIN ISLANDS AND SAMOA

For Puerto Rico, the Virgin Islands and American Samoa, where special minimum wage rates are allowed, Congress should provide for automatic statutory increases in these special minimum rates equivalent to the cents-per-hour increases in the U.S. mainland rate.

These minimums should be adjusted automatically, so that the workers in these areas may advance along with other U.S. workers and maintain the same competitive relationship with these workers. Experience under the 1961 and 1966 FLSA amendments indicates that an automatic statutory adjustment of these special minimum rates is both desirable and necessary at the time of mainland adjustments.

EXTENSION OF EQUAL PAY ACT TO EXECUTIVE, ADMINISTRATIVE AND PROFESSIONAL EMPLOYEES

We urge the Committee to approve a specific amendment which would extend the Equal Pay Act to executive, administrative and professional employees. The Equal Pay Act, which outlaws wage discrimination on the basis of sex, appears in the Fair Labor Standards Act as Section 6(d). Executive, administrative and professional employees are excluded from its coverage by reason of the exemption from Sections 6 and 7 under Section 13(a)(1), which was designed to exempt such employees from minimum wage and overtime standards if they met certain standards set by the Secretary of Labor.

Bills to cover this group under the Equal Pay Act have been introduced by Representative Edith Green in the House and by Senator Philip Hart in the Senate. (H.R. 15971 and S. 3612). Their bills, which are identical, would simply modify the 13(a)(1) exemption to make it inapplicable for purposes of the Equal Pay Act.

The AFL–CIO has been a strong supporter of equal pay for equal work, without regard to sex. We believe this principle should be universally applied without regard to occupation.

There is, actually, no specific rationale or reason for the exclusion of these particular employees from the equal pay provisions of the law. Their exclusion is simply a technicality arising out of the fact that the Equal Pay Act of 1963 was enacted as an amendment to the FLSA, complete with FLSA exclusions and exemptions, developed for other reasons. It was argued at the time that making equal pay coverage co-extensive with minimum wage coverage would make for easier administration and compliance. Equal pay is now a well-established, effectively functioning portion of the law, and it is time for the "transitional" considerations under which this group was excluded to be reexamined.

Protection against wage discrimination on the basis of sex is at least as necessary for executive administrative and professional employees as it is for any other group of workers. We respectfully urge their inclusion in the Equal Pay Act be now approved.

DOUBLE TIME FOR OVERTIME

The AFL-CIO calls for an increase in penalty pay for overtime work from time and one-half to double time. We believe that this change is necessary to discourage employers from scheduling overtime work and to encourage them to hire additional employees.

The present statutory premium, under the Fair Labor Standards Act—time and one-half for over 40 hours work in a week—was adopted 32 years ago. It was written into law to encourage the expansion of job opportunities and to discourage the scheduling of overtime work. Thirty-two years ago, an overtime penalty of time and one-half was adequate for that purpose. It is much less effective today.

Time and one-half is not so costly to the employer as it might seem at first. The increased volume of production in the overtime hours reduces the employer's overhead costs per unit—the greater volume is spread over fixed overhead costs.

But more than that, the cost of hiring additional workers has increased, through both legislation and collective bargaining; various fringe benefit costs have been added to the employment-cost package, which varies with the number of workers employed, rather than with the number of manhours worked. In balancing out these additional costs against the present overtime penalty, many employers apparently believe that overtime is cheaper.

In 1938, when FLSA was enacted, supplements to wages and salaries were about 4½% of employee wages and salaries. In the thirty-two years since then, the percentage expended on supplements has jumped to 23%. Most of these benefit payments are not included in computing overtime pay. There has been a tendency, therefore, for many employers to schedule overtime work, rather than to increase employment. For example, in 1969, according to Labor Department studies, nearly 8% of the hours worked by manufacturing production and maintenance workers were overtime hours.

A comparison of the earnings of overtime workers, with those working 40 hours, shows small differences in the level or distribution of wages. Those working overtime averaged 9 cents an hour less than those who worked 40 hours a week, according to a March 1964 study of manufacturing by the Wage and Hour Division. Certainly this does not substantiate the claim that overtime hours are necessary because of a lack of skilled personnel.

An increase in the overtime penalty from time and one-half to double time would increase the employers' costs of scheduling such overtime; it would deter employers from scheduling overtime and provide an incentive for business firms to hire additional workers.

Of course, to make the double-time penalty fully effective, the coverage of the Fair Labor Standards Act needs to be extended to the millions of workers who are still excluded from the law's protection. Only 60% of all wage and salary workers are covered by the overtime requirements of the federal wage-hour law.

The AFL-CIO recommends an amendment to FLSA to provide double-time pay for overtime hours of work.

DAILY OVERTIME STANDARD

The AFL–CIO urges the Congress to establish a daily overtime standard, with double-time penalty-pay for over 8 hours of work per day.

Currently, the overtime premium of time and one-half is required by FLSA for work over 40 hours a week—regardless of the number of hours worked in any single day. The Work-Hour Contracts Act of 1962, applying to government contractors, provides a daily overtime standard, as well as a weekly standard.

We believe that the establishment of a double-time penalty for work in excess of 8 hours per day would be a deterrent to the scheduling of such overtime work by employers. It is our view that FLSA should protect workers against excessive working hours per day, as well as against excessive hours of work per week.

It is certainly time, in 1970, for Congress to amend FLSA to provide premium penalty-pay for work in excess of 8 hours per day.

REDUCTION OF WORKING HOURS

The Eighth Constitutional Convention of the AFL–CIO, held in October 1969, unanimously adopted the folowing resolution on this subject, succinctly presenting our views:

"The reduction of worktime has been a long-time goal of unions. This goal continues, as we prepare for the 1970s. We shall seek reduced schedules of working hours, additional paid holidays, longer vacations, sabbatical leaves, early retirement and similar provisions—to increase leisure and improve the quality of life of working men and women, while also creating additional job opportunities.

"Furthermore, the overtime premium rate of time and one-half is no longer an effective deterrent to long overtime hours. With the growth of fringe benefits that are exempt from overtime requirements, this premium serves as less of a deterrent than it did when first established in 1938 under the Fair Labor Standards Act. In order to discourage employers from scheduling considerable overtime, the premium should be raised to double time. Therefore, be it

"*Resolved*, We reaffirm our traditional support for reducing hours of work.

"We reiterate the position taken by the 1967 Convention, in support of legislation for a 35-hour workweek and double time for overtime.

"Furthermore we urge the incoming Executive Council of the AFL–CIO to examine the many aspects of reducing working time and increasing leisure."

ENFORCEMENT OF THE FLSA

Currently the Act is enforced either through court actions brought by the Secretary of Labor on behalf of individual employees or by such employees going into court themselves to recover unpaid wages due such employees under the terms of the Act. When the individual goes to court, he may recover not only the unpaid wages but also an equal amount as liquidated damages, plus court costs. However, if the Secretary of Labor goes to court, he can collect only the back wages due the individual, without any penalty. We believe that when the Secretary of Labor takes an employer to court for failure to pay minimum wages or overtime, a similar penalty should be applied.

Experience indicates that the Secretary of Labor is able to adjust most back-pay questions without taking the employer to court. However, we believe that if it is necessary for the Secretary of Labor to take an employer to court in order to enforce the standards required under the law, the courts should be able to assess a penalty against the employer as well as require him to pay what he should have paid in the first place. Without such a penalty, merely requiring the employer to pay the unpaid back wages is relatively ineffective; employers are simply encouraged by the absence of a penalty to take their chances on not being caught.

The extent of Fair Labor Standards Act violations can be seen in the large amounts of underpayments discovered annually by Wage-Hour inspectors. Even today, more than thirty years after the Act first went into effect, such underpayments are running approximately $100 million a year. Unfortunately, Fair Labor Standards Act investigators are able to inspect only about 3% of covered establishments annually, with the result that undiscovered amounts are estimated to be about two to three times that figure.

MINIMUM WAGE ESCALATOR

The AFL–CIO does not believe that minimum wage levels, in the future, should be set mechanically—tied to percentage pay increases for federal employees or to increases in the Consumer Price Index.

Under one proposal, future minimum wages would rise when and in accordance with increases granted to federal employees when such increases are granted. This provision would in all likelihood have the effect of retarding wage increases in both public and private sectors and could be expected to be vigorously opposed especially by the unions of federal employees. Equally objectionable is the proposal of automatic increases in minimum wages based on increases in the Consumer Price Index.

Both of these proposals carry with them the presumption that the minimum wage is adequate and, therefore, minimum automatic adjustments geared to changes in federal pay scales or increases in living costs would be adequate. This is demonstrably false. Since such automatic increases would be on a percentage basis, they would obviously be minimal because the minimum wage base itself is still unduly low.

The minimal automatic increases would also serve as a future excuse for not legislating the size of increases that are necessary.

We seriously doubt that it is feasible or desirable for Congress to abandon the oversight function with respect to the level of the minimum wage which it has under existing law. Such periodic review by the interested Congressional committees and the Congress as a whole has been useful in the past in supporting and enlarging labor standards protections, and experience indicates it will be fully as useful in the future.

MULTIPLE MINIMUMS

The AFL–CIO is opposed to different minimum wage levels for workers in different industries.

The suggested classification of industries for minimum wage purposes on the basis of the time when these industries were brought under the FLSA would have the effect of permanently freezing minimum wages at different levels among these industries. Heretofore, when industries have been brought under the Act the minimum wage in these industries has advanced, as soon as the escalation period for new industries has expired, along with and in accordance with the minimum wage for already-covered industries.

The proposed minimum wage categories would seriously and unfairly discriminate against those industries where the minimum wage is most needed, that is, those industries where it has the greatest impact. This would most significantly affect the retail and service industries, and agriculture.

Also, the minimum wage is, at least philosophically, supposed to provide the minimum income necessary for a decent standard of living. There is no rational ground for believing that some workers and their families need more or less income than others to provide for a decent standard of living. Most certainly, such an idea cannot be supported on an industry classification basis.

It does not seem to us, for example, that there is any basis whatsoever for saying that the federal minimum for a steel worker in Pittsburgh should be more than a retail worker in Pittsburgh to support his family. Furthermore, different minimum wages for employees in different industries would undercut the philosophy of the minimum wage, and its effect would be to undermine the achievement of necessary periodic increases in the minimum wages across-the-board.

The Congress should not provide legislative sanction to the unjustified premise that some workers must be permanently condemned to exist in greater poverty than others. The proposal would be confusing to the public since it would undoubtedly lead to such designations as "mini" minimums and "maxi" minimums, designations which are obviously inconsistent.

MINIMUM WAGE AND YOUTH EMPLOYMENT

The AFL–CIO is opposed to a sub-minimum wage for youth, or any other category of workers. We believe that if a job is worth doing, it is worth a fair wage—no less than the federal minimum wage, regardless of who is doing the job.

Some opponents of FLSA improvements allege that minimum wage legislation puts young people out of work. The evidence, however, indicates that the high levels of youth unemployment, in recent years, are not due to FLSA provisions.

To understand the employment problems of youth, it is important to remember that teenage unemployment has always been higher than the national average for all workers. This is because teenagers are new jobseekers, they often seek only part-time employment near home, they look for temporary summer jobs and then return to school. Moreover, out-of-school teenagers tend to have very high quit rates.

The unemployment rate for 16 to 19 year-olds in the labor force increased from 10% in 1947 and 1948 to about 16% and 17% in the recession years 1958 and 1961, and was equally high in 1963 and 1964 when the general employment situation had begun to improve. With the continuing improvement in employment, it declined to slightly less than 13% in 1966 and remained at about that level in 1967–1968—after the 1966 amendments went into effect.

The real problem of teenage unemployment in the 1960s was that it did not drop as fast as the decline of joblessness among adults 25 years of age and older. In the early years after World War II, the teenage unemployment rate was about three times greater than the unemployment rate among adults. In 1963, it moved to four times higher and by 1966–1968, it was five times greater.

This worsening of teenage unemployment in relation to adults could hardly have been caused by FLSA when it began to show up in 1963 or in the years that immediately followed. For, from 1938, when FLSA was adopted, until February 1, 1967, most typical teenage occupations were not covered by FLSA—such as medium-sized and small retail stores, restaurants, service establishments and farms. Such business activities that typically employ teenagers were not covered substantially by FLSA until 1967, under the terms of the amendments adopted in 1966.

The roots of the teenage unemployment problem of the 1960s can be found in the sharp rise of the birthrate after the end of World War II. The great increase in births in the years after World War II resulted in a sudden, sharp rise of teenagers looking for employment in the 1960s. And although teenage employment increased considerably in the 1960s, it was not enough to match the sharp influx of youngsters into the labor markets.

During the decade 1948–1958 there was actually a slight decline in the number of teenagers in the labor force—reflecting the low birthrate of the depression years of the 1930s. But in the 10 years, 1958–1968, the number of 16 to 19 year-olds in the labor force skyrocketed 53%, from 4.3 million to 6.6 million. The average yearly increase of teenagers in the labor force was about 230,000 in 1958–1968, in sharp contrast to the slight decline in the previous 10 years. One would expect that such massive change in the number of teenagers in the labor force could create problems, particularly if the demand for teenage workers did not keep pace.

Many of the part-time farm jobs, once held by teenagers, disappeared with the growth of large industrial-type, mechanized farms and the general decline of farm employment. The rapid decline of small neighborhood stores eliminated many other jobs once held by teenagers. The expansion of less-skilled jobs in retail stores and the various services was not as fast as the skyrocketing supply of teenagers in the labor force. Harold Goldstein of the Bureau of Labor Statistics has estimated that employment in the kinds of jobs typically employing three out of four teenagers increased 20% in the past decade—in contrast to the over-50% rise in the supply of teenagers in the labor force.

In addition, there has been the increasing

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participation in the labor force of married women 35 years of age and over, which results in some degree of job competition with teenagers. Many married women with no small children at home, are now at work on part-time or full-time jobs that often employ teenagers—for example, in supermarkets, restaurants, retail stores and movie theaters.

Nevertheless, employment of teenagers increased sharply in 1958–1968, in contrast to a small decline of teenage employment during the previous decade. In response to the massive influx of teenagers into the labor force in 1958–1968, teenage employment increased from 3.6 million to 5.8 million—an average of about 220,000 a year.

This turn-around in teenage employment, from a small decline in 1948–1958 to a sharp rise in 1958–1968, occurred despite the improvements in FLSA, which minimum-wage opponents claim result in denying jobs to teenagers. But this great expansion of teenage employment was insufficient in the face of the even greater growth in the number of teenagers in the job markets.

Despite the clear, factual record, some opponents of fair labor standards laws claim that the federal floor for wages results in all kinds of supposed troubles, particularly Negro teenage unemployment. This assertion is as far from the facts as other attempts to blame fair labor standards legislation for a variety of economic ills.

The causes of higher unemployment rates among Negro teenagers—about twice as high as among white teenagers—are similar to the problems confronting teenagers in general, except for two major differences: 1) racial discrimination in education and hiring has had adverse effects on Negro teenagers in the job markets; 2) the migration of a large proportion of Negroes from the rural South to the cities, as well as the mechanization of farming, has resulted in a decline of teenage farm employment.

In 1958–1968, the non-white teenage labor force rose even somewhat faster than the total teenage labor force. The number of non-white 16 to 19 year-olds in the labor force rose from 504,000 in 1958 to 780,000 in 1968—about 27,600 per year. But the migration of the Negro population to the cities and the mechanization of southern agriculture sharply reduced farm employment of Negro teenagers.

Educational opportunities for Negro youngsters have been generally inferior—in both the rural South and in urban slum areas—and the preparation of many Negro youngsters for employment was also inferior. In addition, there is discrimination in hiring.

Despite these difficulties, non-white teenage employment increased sharply—from 366,000 in 1958 to 585,000 in 1968, or nearly 22,000 per year. However, this sharp increase in employment was less than the sharper rise of the non-white teenage labor force. The result was increased unemployment.

These are the real problems that have caused high unemployment rates for 16 to 19 year-olds, in general, and for Negro teenagers, in particular. The Fair Labor Standards Acts and its improvements are not among these causes, and reducing wages for teenagers cannot be expected to solve their job problems.

The solution to teenage unemployment, generally, and especially Negro teenage jobless, requires a growing economy and full employment. For the major solution to teenage unemployment is increased jobs. And if there are insufficient job opportunities in the regular job markets, there should be a federal program of public service employment—for both adults and teenagers—to create jobs for the long-term unemployed and seriously underemployed, in providing badly-needed public services in parks, recreation centers, hospitals, schools and other public and private non-profit facilities.

The Neighborhood Youth Corps—a part-time public-service employment type program for both in-school and out-of-school youth—should be expanded considerably to provide young people with regular work-experience, training and encouragement to remain in high school through graduation.

The Job Corps program for unemployed out-of-school youth should be maintained to provide them with basic education and skill training for entry into the job market.

Improved vocational training is needed in the school systems, to prepare young people for the skill requirements of the job markets. Manpower training programs should be geared to meeting actual requirements in the labor market. Outreach programs—such as those sponsored by the AFL–CIO building trades unions in many areas—should be expanded to motivate and assist young people for entry into apprenticeship programs and skilled occupations. And federal law should be enforced to wipe out racial discrimination in hiring.

The solid base of increasing teenage employment of the 1960s and the start of federal aid for education, manpower training and youth employment programs should be continued and improved.

Such progress and the expected leveling off of the rise of teenagers in the labor force in the coming years—as a result of the lower birth rate since the latter 1950s—could begin to solve the teenage unemployment problem. But what should not be done is to establish a special, lower minimum wage for teenagers.

Opponents of the federal minimum wage often advocate that teenagers should be covered by lower minimum wage rates than adults because they are supposedly less productive. The effects of such special lower minimum wage for teenagers would have four clear social disadvantages: displacement of working family heads, discrimination against young workers, a loss of dignity in the work performed by teenagers, and increased profits to those employers who would discriminate against teenagers by paying them lower wages than adults for the same work.

Some employers would be more than happy to hire teenagers at a lower wage than adult workers, especially since low-wage employers are those most affected by minimum wage legislation. On February 1, 1968, there were about six million workers who required wage increases to bring them up to the new federal standard of $1.60 an hour. Many of these six million were adults and some of them would have lost their jobs if employers had the choice of raising their wages to $1.60 an hour or firing them and hiring teenagers for a lower wage. Such potential displacement of heads of families by lower-wage teenagers would be socially undesirable.

Also, most lower-wage jobs are unskilled or semi-skilled and require little training. Hence, the volume of work in these occupations, regardless of the age of the worker, is approximately equal. To pay a lower wage to teenagers for the same job as an adult would be clearly discriminatory against teenagers.

It should also be remembered that many teenagers measure the dignity of a job by the amount of money the employer is willing to pay. Work would hardly seem worthwhile to a teenager doing the same job as an adult if he were receiving a lower wage than his adult counterpart.

The advocates of a two-step minimum wage—lower for teenagers—use the high unemployment of teenagers to plead their case. They do not seem to realize that what they would achieve by a lower minimum wage for teenagers, relative to adults, is to attack the effect of the problem and not the cause. Providing the basis in federal law for teenagers to work for less than adults on the same job does not create more jobs. It would decrease the wage costs of those employers who would displace adults and hire teenagers, thereby raising their profits, and result in greater adult unemployment.

The need is to provide more job opportunities for both teenagers and adults—with FLSA as a uniform wage floor—rather than to encourage low-wage employers to displace adults and hire lower-wage teenagers.

A detailed study by the Bureau of Labor Statistics on Youth Unemployment and Minimum Wages[3] found that: "No single factor explains the high rates of unemployment experienced by youth. Imperfect mechanisms for finding out about the world of work and the existence of jobs, uneven changes in population, changes in the composition of demand, legal restrictions upon the employment of youth, as well as general economic conditions, have all played a part."

The final conclusion from this 189-page report is: "During the coming decade, the teenage population will increase 12 percent compared with 40 percent in the 1960's. Assuming no major decline in economic activity, this slower rate of growth, alone, should help ease problems of absorbing teenagers into the employed labor force."

This same study provides information on the failure of employers who are now authorized to employ students at less than the minimum wage to make full use of this authorization. Only 42% of the hours authorized were actually used. A significant number of employers noted that teenagers were unwilling to work at less than the minimum wage.

There is no justification in the record for a sub-minimum wage for teenagers. Moreover, establishment of a sub-minimum for teenagers would be followed by serious adverse impacts.

The federal minimum wage should provide a single standard for all workers regardless of age, sex, color or creed.

IMPORTS

There is serious question whether it is appropriate to include in a minimum wage bill the suggestion dealing with the impact of imports on employment.

The proposed provisions on this subject are largely hortatory, and there is considerable question as to the manner in which these provisions are to be enforced. Simply writing them into government contracts, without specifying the methods by which the necessary stipulations would be enforced would seem to accomplish little. In any event, the problem of imports would appear to be one to be dealt with under appropriate foreign trade legislation, rather than the minimum wage law.

TABLE I.—*Basic hourly minimum wage rates*[1] *under State laws, July 1, 1970*

1. Alabama, none.
2. Alaska, $2.10.
3. Arizona, 52 to 60 cents.[2]
4. Arkansas, $1.20.
5. California, $1.65.[2]
6. Colorado, $1.00 to $1.25.[2]
7. Connecticut, $1.60.
8. Delaware, $12.25 to $1.45.
9. District of Columbia, $1.60 to $2.00.
10. Florida, none.
11. Georgia, $1.25.
12. Hawaii, $1.60.
13. Idaho, $1.25.
14. Illinois, none.
15. Indiana, $1.25.
16. Iowa, none.
17. Kansas, none.
18. Kentucky, 65 to 75 cents.
19. Louisiana, none.
20. Maine, $1.60.
21. Maryland, $1.60.
22. Massachusetts, $1.60.

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[3] Youth Unemployment and Minimum Wages, Bulletin 1657, BLS, 1970.

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23. Michigan, $1.60.
24. Minnesota, 75 cents to $1.15.[2]
25. Mississippi, none.
26. Missouri, none.
27. Montana, None.
28. Nebraska, $1.00.
29. Nevada, $1.60.
30. New Hampshire, $1.60.
31. New Jersey, $1.50.
32. New Mexico, $1.60.
33. New York, $1.85.
34. North Carolina, $1.25.
35. North Dakota, 90 cents to $1.45.
36. Ohio, 90 cents to $1.25.[2]
37. Oklahoma, $1.00.
38. Oregon, $1.25.
39. Pennsylvania, $1.60.
40. Puerto Rico, 40 cents to $1.60.
41. Rhode Island, $1.60.
42. South Carolina, None.
43. South Dakota, $1.00.
44. Tennessee, None.
45. Texas, $1.40.
46. Utah, $1.00 to $1.15.[2]
47. Vermont, $1.60.
48. Virginia, None.
49. Washington, $1.60.
50. West Virginia, $1.00.
51. Wisconsin, $1.45.[2]
52. Wyoming, $1.30.

[1] Rates currently in effect or scheduled for later effective date.

[2] Excludes men.

Source: U.S. Department of Labor, Wage and Labor Standards Administration.

TABLE II.—*Summary of basic hourly minimum wage rates*[1] *under State laws, July 1, 1970*

	Jurisdictions
No minimum wage	12
No law	9
No orders in effect	3
Less than $1.60	22
$1.25 or less	17
Over $1.25, less than $1.60	5
$1.60 or more	18
$1.60	15
Over $1.60	3

In 7 states, minimum wage does not apply for men.

[1] Rates currently in effect or scheduled for later effective date.

TABLE III.—*States grouped by basic hourly minimum wage rates*[1] *under State laws, July 1, 1970*

NO LAW

Alabama, Florida, Iowa, Mississippi, Missouri, Montana, South Carolina, Tennessee, and Virginia.

NO ORDERS

Illinois, Kansas, and Louisiana.

$1.25 OR LESS

1. Arizona, 52 to 60 cents.[2]
2. Arkansas, $1.20.
3. Colorado, $1.00 to $1.25.[2]
4. Delaware, $1.25.
5. Georgia, $1.25.
6. Idaho, $1.25.
7. Indiana, $1.25.
8. Kentucky, 65 to 75 cents.
9. Minnesota, 75 cents to $1.15.[2]
10. Nebraska, $1.00.
11. North Carolina, $1.25.
12. Ohio, 75 cents to $1.25.[2]
13. Oklahoma, $1.00.
14. Oregon, $1.25.
15. South Dakota, $1.00.
16. Utah, $1.00 to $1.15.[2]
17. West Virginia, $1.00.

OVER $1.25, LESS THAN $1.60

1. New Jersey, $1.50.
2. North Dakota, 90 cents to $1.45.
3. Texas, $1.40.
4. Wisconsin, $1.45.[2]
5. Wyoming, $1.30.

$1.60

1. Connecticut.
2. District of Columbia.
3. Hawaii.
4. Maine.
5. Maryland.
6. Massachusetts.
7. Michigan.
8. Nevada.
9. New Hampshire.
10. New Mexico.
11. Pennsylvania.
12. Puerto Rico (40 cents to $1.60).
13. Rhode Island.
14. Vermont.
15. Washington.

OVER $1.60

1. Alaska, $2.10.
2. California, $1.65.[2]
3. New York, $1.85.

[1] Rates currently in effect or scheduled for later effective date.

[2] Excludes Men.

TABLE IV.—*Number of workers covered under State minimum wage laws only*[1]

As of February 1, 1970, 4,107,000 workers not covered by the Fair Labor Standards Act were covered by state minimum wage laws. Rates applicable:

$1.25 OR LESS	
North Carolina	$139,000
Arkansas	42,000
Indiana	91,000
Minnesota	86,000
Ohio	141,000
Oklahoma	13,000
Colorado	24,000
Nebraska	40,000
North Dakota	21,000
Utah	10,000
Kentucky	91,000
West Virginia	24,000
Delaware	20,000
Idaho	24,000
Oregon	70,000
Total	836,000
$1.25–$1.60	
Wisconsin	88,000
Texas	382,000
South Dakota	22,000
Wyoming	15,000
New Jersey	229,000
Total	736,000
$1.60 OR MORE	
Connecticut	186,000
Maine	11,000
Massachusetts	234,000
New Hampshire	26,000
Rhode Island	31,000
Vermont	18,000
Michigan	260,000
New Mexico	23,000
New York	707,000
District of Columbia	55,000
Maryland	87,000
Pennsylvania	857,000
Alaska	7,000
California	426,000
Hawaii	30,000
Nevada	26,000
Washington	101,000
Total	2,535,000

[1] Excludes Georgia & Puerto Rico.

TABLE V.—*Cleveland, Ohio*

Some 3,000 workers earning less than $2.00 an hour were reported in a September 1969 Bureau of Labor Statistics study of occupational wages paid in the Cleveland, Ohio area. This study of establishments employing at least 50 men and women, found 955 janitors and cleaners were paid under $2.00 an hour. However, 85% of janitors and cleaners in Cleveland were paid over $2.00 an hour, indicating that the community standard for this type work was well above $2.00 an hour in such establishments. Yet, without a floor under their wages, thousands of workers were paid under $2.00 an hour.

Further examples of such low pay were:

Occupation	Under $2	Percent of workers in occupation paid under $2
Clerks, accounting, class B	290	15
Clerks, file, class B	205	32
Keypunch operators, class B	137	12
Guards and watchmen	782	43
Laborers, material handling	144	3
Packers, shipping (women)	168	23

TABLE VI.—*New York, N.Y.*

Some 17,000 workers earning less than $2.00 an hour were reported in an April 1969 Bureau of Labor Statistics study of occupational wages paid in the New York City area. This study of establishments employing at least 50 men and women, found 3,544 janitors and cleaners were paid under $2.00 an hour. Almost 90% of janitors and cleaners in New York, however, were paid over $2.00 an hour, indicating that the community standard for this type work was well above $2.00 an hour in such establishments. Yet, without a floor under their wages, thousands of workers were paid under $2.00 an hour.

Further examples of such low pay were:

Occupation	Under $2	Percent of workers in occupation paid under $2
Office boys	1,775	41
Clerks, file, class B	976	26
Typists, class B	2,131	16
Guards and watchmen	3,186	30
Laborers, material handling	859	7
Packers, shipping	712	13

TABLE VII.—*Indianapolis, Ind.*

Some 4,000 workers earning less than $2.00 an hour were reported in an October 1969 Bureau of Labor Statistics study of occupational wages paid in the Indianapolis, Indiana area. This study of establishments employing at least 50 men and women, found 1,199 janitors and cleaners were paid under $2.00 an hour. However, about two-thirds of janitors and cleaners in such establishments were paid over $2.00 an hour, indicating that the community standard for this type work was well above $2.00 an hour. Yet, without a floor under their wages, thousands of workers were paid under $2.00 an hour.

Further examples of such low pay were:

Occupation	Under $2	Percent of workers in occupation paid under $2
Clerks, accounting, class B	340	29
Clerks, file, class B	187	47
Keypunch operators, class B	175	25
Guards and watchmen	459	43
Laborers, material handling	341	10
Order fillers	95	8

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TABLE VIII.—*Los Angeles—Long Beach and Anaheim—Santa Ana—Garden Grove, Calif.*

Some 11,000 workers earning less than $2.00 an hour were reported in a March 1969 Bureau of Labor Statistics study of occupational wages paid in the Los Angeles, California area. This study of establishments employing at least 50 men and women, found 2,591 janitors and cleaners were paid under $2.00 an hour. About 85% of janitors and cleaners in such establishments, however, were paid over $2.00 an hour, indicating that the community standard for this type work was well above $2.00 an hour. Yet, without a floor under their wages, thousands of workers were paid under $2.00 an hour.

Further examples of such low pay were:

Occupation	Under $2	Percent of workers in occupation paid under $2
Clerks, accounting, class B	391	7
Clerks, file, class B	829	48
Switchboard operators, class B	454	26
Typists, class B	1,070	16
Laborers, material handling	337	4
Packers, shipping	93	8

TABLE IX.—*Pittsburgh, Pa.*

Nearly 4,000 workers earning less than $2.00 an hour were reported in a January 1969 Bureau of Labor Statistics study of occupational wages paid in the Pittsburgh, Pa. area. This study of establishments employing at least 50 men and women, found 2,091 janitors and cleaners paid under $2.00 an hour. Two-thirds of janitors and cleaners in such estabilshments, however, were paid over $2.00 an hour, indicating that the community standard for this type work was well above $2.00 an hour. Yet, without a floor under their wages, thousands of workers were paid under $2.00 an hour.

Further examples of such low pay were:

Occupation	Under $2	Percent of workers in occupation paid under $2
Clerks, accounting, class B	239	25
Keypunch operators	177	26
Stenographers, general	292	18
Typists, class B	466	44
Guards and watchmen	308	15
Watchmen, manufacturing	46	18
Laborers, material handling	53	1

TABLE X.—*Chicago, Ill.*

Nearly 12,000 workers earning less than $2.00 an hour were reported in an April 1969 Bureau of Labor Statistics study of occupational wages paid in the Chicago, Illinois area. This study of establishments employing at least 50 men and women, found 3,364 janitors and cleaners were paid under $2.00 an hour. However, almost 90% of janitors and cleaners in such establishments were paid over $2.00 an hour, indicating that the community standard for this type work was well above $2.00 an hour. Yet, without a floor under their wages, thousands of workers were paid under $2.00 an hour.

Further examples of such low pay were:

Occupation	Under $2	Percent of workers in occupation paid under $2
Clerks, accounting, class B	559	7
Clerks, file, class B	1,336	32
Office girls	689	48
Typists, class B	1,029	14
Guards and watchmen	2,601	35
Laborers, material handling	591	2
Packers, shipping (women)	477	18

TABLE XI.—*San Francisco, Calif.*

Nearly 700 workers earning less than $2.00 an hour were reported in an October 1969 Bureau of Labor Statistics study of occupational wages paid in the San Francisco, California area. This study of establishments employing at least 50 men and women, found 416 guards and watchmen were paid under $2.00 an hour. Ninety percent of guards and watchmen in such establishments were paid over $2.00 an hour, indicating that the community standard for type work was well above $2.00 an hour. Yet, without a floor under their wages, hundreds of workers were paid under $2.00 an hour.

Further examples of such low pay were:

Occupation	Under $2	Percent of workers in occupation paid under $2
Keypunch operators	12	1
Office girls	79	25
Typists, class B	131	5
Janitors, porters and cleaners	46	1

TABLE XII.—*Detroit, Mich.*

Some 4,000 workers earning less than $2.00 an hour were reported in a January 1969 Bureau of Labor Statistics study of occupational wages paid in the Detroit, Michigan area. This study of establishments employing at least 50 men and women, found 1,531 janitors and cleaners paid under $2.00 an hour. More than 85% of janitors and cleaners, however, were paid over $2.00 an hour, indicating that the community standard for this type work was well above $2.00 an hour in such establishments. Yet, without a floor under their wages, thousands of workers were paid under $2.00 an hour.

Further examples of such low pay were:

Occupation	Under $2	Percent of workers in occupation paid under $2
Clerks, accounting, class B	330	14.0
Clerks, file, class B	339	47.0
Typists, class B	603	22.0
Guards and watchmen	411	9.0
Laborers, material handling	128	1.0
Truckdrivers	13	.1

FEDERAL FUNDS TO ERADICATE IMPORTED FIRE ANT HAVE INCREASED 85 PERCENT IN 3 YEARS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. GRIFFIN. Mr. Speaker, I would like to comment on the progress made the last 3 years in the effort to eradicate the imported fire ant.

For fiscal year 1968, before my election, Congress appropriated $4,138,800 for fire ant eradication.

In my first year in this body, the appropriation was increased 22 percent to $5,036,200.

In my second year, appropriations increased to $5,643,200 and this coming fiscal year will have available $7,643,200 to fight this pest.

Thus, Mr. Speaker, we have been able to increase Federal funds by 85 percent over the last 3 years for fire ant control and eradication. I consider this to be a remarkable record and I again pay tribute to my colleague, Hon. JAMIE L. WHITTEN, for his leadership in this program.

As the Members know, this is a cooperative program with State and local funds supplementing Federal appropriations. I am pleased to note that the 1970 session of the Mississippi Legislature appropriated $1,000,000 for the State's share of an eradication program.

Hon. Jim Buck Ross, Mississippi's Commissioner of Agriculture, has organized a program in our State to work with the various county boards of supervisors. He has obtained the services of the nationally known pest control expert, Bill Fancher, to head the eradication effort.

Now that State funds are available, I expect the program to go forward rapidly and successfully. However, it cannot do so until landowners and boards of supervisors provide maximum cooperation.

CONGRESSIONAL REPORT SENT TO NINTH DISTRICT RESIDENTS—AUGUST 3, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. HAMILTON. Mr. Speaker, the United States is now in the ninth month of a business slowdown. At midyear, prices are still climbing, production is sliding, unemployment is increasing, profits are off, and interest rates remain high.

The President says the business downturn has "bottomed out." No one foresees a further slide into a recession, and all agree progress has been made against inflation, even though the evidence has not been sharply reflected in the Consumer Price Index. Also on the darker side is the fact that unemployment remains a serious concern, and it may increase even more.

In Washington, the discussions on the status of the economy have centered largely on how vigorously the Government should act to energize the economy. Some urge the Government to use the Federal budget—fiscal policy—and the supply of money and credit—monetary policy—to stimulate the economy. Believing that we are in a state of recession, they argue that Government spending should be increased and the budget deficit enlarged to stimulate the economy.

Others urge that Government spending be restrained and the budget kept in approximate balance, but that the Federal Reserve expand the money supply and bank credit a little faster than has been done in the past. Still others warn of a danger of losing the fight against inflation if the economy is pumped too quickly. Pointing to a slowing down of the economic decline, a cooling of the inflation and the stock market rally, they say economic expansion at this time would be disastrous for the dollar.

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This clash of views on national economic policy recalls the quip: "If all the economists in the world were laid end to end, they would not reach a conclusion. From all this debate on economic policy, however, there is emerging a view of the economic outlook for the coming months.

Inflation does seem to be on the wane. Wholesale prices, which were increasing at an annual rate of about 6 percent in January through April, rose at a rate of less than 2 percent in May and June. But, as if to remind us the battle still has not been won, wholesale prices rose in July at the sharpest rate in 6 months.

We must be careful not to raise our hopes too high since many factors are still operating to push prices higher—large wage claims, high prices for basic commodities, the rise of protectionism, the increase in employers' social security taxes, the costs of meeting consumer protection, and the continuing rise in the cost of services.

One economist indicates we are moving out of the "epidemic" phase of inflation, adding that a 4 percent rate of increase in prices by the end of the year seems to be a reasonably good bet. Thus, it appears satisfactory price stability is not likely to be reached, although improvement will be made.

Maybe the best description of inflation is the way one writer put it, "Things are getting worse slower." The rise in the rate of inflation may have halted, but inflation goes on.

The employment picture will not improve, and may even weaken. The economy simply is not going to generate job opportunities fast enough to take care of the new people coming into the labor market. The human costs here are severe.

For the next few several months, the outlook is for anything but a boom. Recovery will not be as quick and as dramatic as many have predicted, and as all of us want. We are not yet out of the least severe, but the most sustained, recession of the post-war period.

At least for the balance of 1970, I have no great optimism. Even if there is a slight upturn in the coming months, I expect economic sluggishness and slack.

We have not really found the solution to the most complex problem of modern economics: how to have sustained high employment of men and resources, and an acceptable rate of economic growth in the economy, along with price stability.

PELLY SUPPORTS PRESIDENT'S VETO

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. PELLY. Mr. Speaker, I intend to support President Nixon's veto of the independent offices appropriations and Office of Education bills. The major problems facing America today remain inflation and our high cost of living, and yet, Congress continues to try to force the President to spend money in such amounts that it throws our economy deeper into debt. To keep up this practice will only lead to either higher prices or an increase in taxes, and I submit that the American public cannot afford either.

I voted for the education bill when it passed the House. One reason was that individually it did not appear excessive. I also personally have always placed a high priority on spending for education. But, in aggregate, now that the Congress has added spending to so many bills, the amounts are far too much. Just these two bills include nearly $1 billion over the President's request.

Mr. Speaker, we have a revolt against excessive taxation in America today, and until we begin to exercise fiscal responsibility, which must begin here in Congress, there can be no control over inflation.

Our No. 1 priority at this time must be to achieve a healthy economy, expand through peacetime activities, and accomplish reasonable price stability. To achieve this, we must support the President's veto of these two appropriation bills.

And, Mr. Speaker, I would hope that once that veto is allowed to stand, that the appropriate committees would work within the President's request and with particular emphasis on the needs of veterans and our schools and that Congress then would react immediately and responsibly.

AUTO INDUSTRY SHOULD NOT BE MADE "FALL GUY" FOR AIR POLLUTION

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. HARVEY. Mr. Speaker, Mr. Lee A. Iacocca, president of Ford Motor Co.'s North American automotive operations, makes a great deal of sense, in my opinion, relative to the criticism that has been leveled at the automobile industry in recent times. In an interview carried in this morning's Detroit Free Press, Wednesday, August 12, 1970, Mr. Iacocca, considered the No. 2 man at Ford, touches on a variety of points which many people, particularly the greatest critics of our auto business, often overlook or conveniently forget.

Certainly, we must clean our air and protect it better in the future. In that regard the auto industry must accept its share of responsibility. On the other hand, it should not be made the "fall guy" for our air pollution problems.

The article on Mr. Iacocca follows:

"LET'S NOT GET HYSTERICAL," IACOCCA SAYS

DEARBORN.—"All right," said Lee A. Iacocca, president of Ford Motor Co.'s North American Automotive Operations. "Let's give in to some of the hysterical outbreaks and ban cars—just for one week."

Iacocca paused, a big cigar stuck in the corner of his mouth as he sat in his spacious office here. "Do you realize the mess we'd have if that happened?" he asked.

"Look, this is a car-related economy. This industry employs more people than any other single industry. The radicals say do away with cars. Let me tell you that we'd have a depression the likes of which you've never seen."

Iacocca, the No. 2 man in the Ford Motor empire, was discussing government intervention in the auto industry and criticism of it. He was clearly perturbed. "The internal combustion engine will be with us for the rest of the century," he said.

"The most promising power plant isn't steam or electric. It's gas turbines, and we'll start making them for industrial use in 1971.

"If anyone is going to obsolete us, we'd better be the ones to do it. Critics say we're holding back, that we have a vested interest in the internal combustion engine. You don't think for a minute that we want an electric company to come up with a good electric car before us, do you?

"One of the big arguments is that the government put a man on the moon, so why can't automakers clean up their car engines right away. I say, 'yeah, but that was taxpayers' money that put him there.' You've never heard of a company trying to go to the moon, have you?

"Why the double standards? Why can't the automakers pool their resources on the safety issues. The government says we can't do this, that it would eliminate 'competition.' I ask where the morality is here. Hell, we'd be working to save lives.

"I'm all for social progress. I'd like to see all of America's subways as nice as the ones in Russia. I have morals. Don't get political with me, that's all I ask. Let's not get hysterical.

"When the government sets standards, says meet them and tries to tell you how to do it—well, that's getting pretty close to interrupting the free enterprise system."

Iacocca got up from his chair and began to pace around the office. "Federal intervention is needed in some areas," he continued. "They must set uniform standards for everyone. If we had a pollution-free car for $50 extra and nobody else had it, do you know what would happen? We wouldn't sell cars.

"Take the 1956 Ford. We saw a lot of people were getting killed on the highway. We loaded the car with safety features and really pushed them. GM pushed a new powerful V–8 engine. We kept saying to the public, 'Look, you don't understand. These features are good for you.' GM picked up all the marbles that year.

"On this pollution issue, nobody has all the facts. A recent University of California study in the Los Angeles area showed that almost 50 percent of pollution was caused by cars, but only 12 percent of the toxicity came from autos.

"We admit we've done things wrong. We're the only ones who can clean things up. The government, with its bureaucracy, will never do it.

"How do you react to adverse unwarranted criticism? Write a letter to the editor every time it appears in an editorial?

"We've been somewhat quiet about criticism for a long time. I spend more time in Washington than I'd like to. The politician talks to people every day. That's his job. Mine is making automobiles. The public is entitled to hear both sides of the story. We're beginning to pick our shots, and I spend more time in Washington now than I'd like to. If this doesn't work, we'll go to the press."

PSYCHOLOGICAL HABITUATION TO WAR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. BROWN of California. Mr. Speaker, on July 17, 1970, I included in

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the Record a 1967 study written by Dr. Isidore Ziferstein entitled "Psychological Habituation to War: A Sociopsychological Case Study," originally published in the American Journal of Orthopsychiatry.

Dr. Ziferstein has recently updated that study in a paper entitled "Epilogue—1970." I am inserting this psychological analysis of the factors leading to and maintaining American intervention in Vietnam at this point in the Record and recommend it highly to my colleagues:

Epilogue—1970

(By Isidore Ziferstein, M.D.)

The techniques of psychological habituation to the acceptance of war are being continued by the Nixon Administration, as it prepares and implements new "Viet Nams" in Thailand, Cambodia, and Laos, even while claiming that its policy is to get out of Vietnam and all of Indochina.

To illustrate this type of double-think: on July 27, 1969, a front-page article in the Los Angeles Times reported: "[Nixon] the Hawk of Yesteryear, arrived in Manila Saturday on a Dove's wings. The man who, as vice-president, talked about sending American infantry into Indochina as long ago as 1954, now proclaims Asia for the Asians and no more Vietnams."

Yet, two days later, in Bangkok, the same Nixon, shedding his Dove's wings, pledged to the King of Thailand and a world-wide television audience, that the United States would fight shoulder to shoulder with the government of Thailand, to defend it against internal subversion or external aggression.

These exchanges took place against a background of a controversy between the Senate Foreign Relations Committee and the Administration, in which the Administration engaged in some fancy foot-work. On July 7, 1969, Senator J. William Fulbright had revealed the existence of a secret pact between the United States and Thailand which blueprinted how U.S. troops would be used if needed to help the Thai government "resist Communist aggression." At first the Pentagon refused either to affirm or deny the existence of such a pact. Later the Pentagon denied its existence. Still later, the Pentagon declared that what existed was not a pact, but "only a military contingency plan" (such as generals are wont to draw up on a rainy afternoon when they have nothing else to do.) However, the Pentagon refused to let the Senate Foreign Relations Committee see the plan or pact.

It then became known that the document (plan or pact?) had been signed by General Stilwell and by the Thai Minister of Defense. (It should be noted the contingency plans are *not* signed by leaders of foreign governments. They are drawn up secretly by military planners and held in reserve. This was obviously not "only" a contingency plan, but an international agreement signed by the representatives of two governments.)

Then on July 25, 1969, at the start of his Southeast Asian tour, President Nixon entered the controversy. On July 26, 1969, the Los Angeles Times headlined: "President Denies Secret Pact for Thailand Defense."

On August 22, 1969, the newspapers reported that: "Secretary of Defense Melvin R. Laird said he did not agree with the controversial U.S.-Thailand military contingency plan, adding that 'it does not have the approval of this Administration.'" However, a day later, the newspapers reported that "the State Department sought to dispel the idea that Laird's public disapproval of a military contingency *agreement* (sic) with Thailand constituted official repudiation of the bilateral understanding." (Note how, for the first time, the term "military contingency plan" is changed to "military contingency agreement", thus seemingly inadvertently blurring the distinction between a contingency plan and an international agreement, and further habituating the public to acceptance of what-ever-it-is.) "Press officer Robert J. McCloskey said the plan continues in existence, and while he agreed with Laird that it is on the shelf, he said also that it could be taken down at any time necessary." (Apparently without the advice or consent of the Senate.)

Finally on November 8, 1969, the press reported that "Secretary of Defense Melvin R. Laird capitulated after months of pressure and supplied a copy of the controversial U.S. defense agreement with Thailand to the Senate Foreign Relations Committee. Senator Fulbright, after reading the text, described it as 'a blue-print for a massive U.S. involvement' in Thailand, adding that 'we're pretty heavily involved there already.'" (And this involvement continues to escalate as American planes, and ground-"advisers" are engaged in counter-guerilla activities in Thailand.)

Senator Stuart Symington has begun to reveal the results of his subcommittee's investigation of several administrations' (including the Nixon administration's) escalation of a clandestine war in Laos. He states:

"As shown by the transcripts, finally released six months after the hearings, the United States has been, and is, participating heavily in a secret war that has cost many American lives and billions of dollars. It is a war conducted far away from any Vietnam interdiction effort along the Ho Chi Minh trails of southern Laos.

From a modest 1962 role as a supplier of equipment to the government of Prince Souvanna Phouma, the United States has now become involved in fighting on a broad scale. Under the veil of what was officially termed "armed reconnaissance," American fighter-bombers, as far back as 1964, began to attack Communist ground targets and troops—and therefore inevitably civilians—in northern Laos; and American air effort in that area has grown continuously since that time.

This air support took quantum leaps during the various bombing pauses over North Vietnam, reaching a peak after the 1968 executive order to cease all raids over that country.

For over five years this secret American war has been going on in northern Laos; but until recently, the only reports on United States activities in that distant land were from representatives of the press who went to the scene in efforts to ascertain the facts.

During the years 1964 to 1969, as the clandestine American role grew steadily, executive branch discussions and presentations to Congress were extremely limited; *in some cases they were actually misleading*. (Emphasis added—I.Z.)

The subcommittee finally heard testimony on all phases of Laos, including U.S. support of this war; but the American people are still being denied full information because of the continuing refusal of the executive branch to declassify portions of the transcript which we consider should be in the public domain.

Also of grave concern is the fact that this secrecy permitted the Administration to escalate heavily the fighting in that area while it was deescalating, with much public fanfare, the war in South Vietnam. As a result, the American people were misled as to the overall role of the United States in Southeast Asia, whereas the enemy—fully aware of the stepped-up United States bombing—received quite a different impression with respect to the actual intentions of our government." (Los Angeles Times Opinion Section, Sunday, August 9, 1970.)

Now let us analyze briefly the anatomy of public-relations techniques employed in putting across the Cambodian venture. Here, too, as in the case of our original involvement in the Vietnam war, the involvement was at first seemingly indirect. Late in April, 1970, it became known that our South Vietnamese "allies" were invading, in force, the sanctuaries of the Viet Cong and the North Vietnamese just inside Cambodia. It was announced that no American combat troops were involved. The next step occurred on April 30, with the announcement by President Nixon of a massive invasion of the sanctuaries by American troops. It was stressed that the purpose of the incursion was solely to destroy the sanctuaries, and that American troops would not venture deeper into Cambodia, nor would they fight to defend or support the Lon Nol government of Cambodia.

A few days later, this was modified to state that American forces would not penetrate Cambodia beyond a line 21.7 miles from the border. This was taken to apply not only to ground forces, but also to air and naval forces. The President also pledged to pull all U.S. troops and advisers out of Cambodia by June 30.

At his May 8 news conference President Nixon was asked whether the South Vietnamese subscribe to the American pullout deadline, and he answered: "No, they do not. I would expect that the South Vietnamese would come out at approximately the same time that we do, because when we come out, *our logistical support and air support will also come out*." (Emphasis added—I.Z.) However, by May 24, Secretary of State Rogers was indicating to newsmen that South Vietnamese operations in Cambodia will have U.S. support, including air support, after American troops pulled out. (Los Angeles Times, May 25, 1970.)

And by June 24, it was announced that U.S. war-planes struck deep into Cambodian territory to help the Lon Nol government troops break the month-long siege of Kampong Thom. This air-strike was 140 miles inside Cambodia, about 120 miles past the 21.7 limit set by President Nixon. At the same time, a Defense Department spokesman maintained that President Nixon and Secretary of Defense Laird had ruled out United States combat air support for South Vietnamese forces operating more than 21.7 miles inside Cambodia. (Los Angeles Times, June 24, 1970.)

Similar double-talk (or psychological backing and filling) was demonstrated when Herbert Klein, the President's communications director, said that U.S. troops would be pulled out of Cambodia by June 30, but that they would return to Cambodia if necessary. A correspondent asked: "When might they return? Could they return July 1?" Mr. Klein replied, "Could be!"

In his July 1 "conversation" with three TV commentators, President Nixon stated unequivocally: "All Americans are out [of Cambodia]" and "We have no plans to send any advisers into Cambodia." However, on the same day, a dispatch by Jack Foisie in the Los Angeles Times reported:

"But there is evidence that some American military men continue to participate in the Cambodian war. Some are in civilian clothes and most of them commute daily from Vietnam bases and return before dark. They thus may technically fulfill the White House declaration that no American combatants other than aircraft crews remain involved in the Cambodian struggle."

And Foisie reports further: "Although Pentagon spokesmen have denied that U.S. ground crews are present to service these air craft [at the Phnom Penh airport], there is evidence to the contrary reported by correspondents on the scene."

A later report in LIFE (July 10, 1970) datelined Phnom Penh, states:

"The seed of U.S. involvement has taken and is burgeoning with all the apparatus of military, political and economic aid. . . . At the Phnom Penh airport six Westerners are loading an olive-green truck with a large olive-green container. They wear civilian clothes, but U.S. combat boots show beneath their trousers. Short haircuts and the nice moves of the man trying to hide his walkie-talkie indicate the imminent surfacing of more American presence in Cambodia. Fresh-sprayed paint shrouds every official marking but one on the truck door. It reads, 'For Official Use Only'. Embarrassed and close-mouthed, two of the party concede they are U.S. airmen, in Phnom Penh—way beyond the 21.7 mile limit—to install 'navigational equipment'. . . . The war is settling in for a long stay."

A report by Arthur J. Dommen, correspondent of the L. A. Times, datelined Phnom Penh July 25, states that "the war in Cambodia takes on some of the aspects of the war in Vietnam in late 1964 and early 1965." Meanwhile, as more and more reports began to appear that American Phantom jets were flying close support for Cambodian government troops, napalming, bombing, and strafing the anti-Lon Nol forces, American military spokesmen resumed their psychological backing and filling. On August 4, a U.S. spokesman in Saigon, when asked about these reports, said, "We have no reports on that. The only missions we fly are interdiction missions." The L. A. Times comments, "He was referring to announced U.S. policy of confining American raids in Cambodia to attacks on enemy supply lines and bases." However, the very next day, the L. A. Times reported that "American officials in Saigon confirmed that the U.S. Air Force is answering a Cambodian request for help by sending up to fifty fighter-bombers on daily raids in Cambodia." The paper added that "the President's stated policy of limiting air missions to interdiction seemed to rule out direct air support for Cambodian forces, but was ambiguous enough to allow a wide latitude of interpretation by U.S. field commanders." Two days later, August 7, the L. A. Times reported that "Secretary of Defense Melvin R. Laird denied that American war planes are flying close support for Cambodian troops fighting North Vietnamese." The following day, August 8, the L. A. Times reported further on Laird's interpretation of "the Administration's flexible definition of interdiction." The report states, "Laird, who makes a strong effort to pursue a policy of candor, convinced no-one with his exercise in semantics. . . . When pressed to explain how bombing 300 yards in front of troops, under control of a forward air-controller in a light plane, could be called interdiction, Laird ventured somewhat lamely: 'It depends on what you refer to as interdiction.'" (Shades of Humpty-Dumpty's advising Alice that "When *I* use a word, it means just what I choose it to mean. . . .")

The press-report continues, "In Saigon the U.S. command was more candid. Military officials there, according to United Press International, said the decision was to provide air support, but to call it interdiction. That way, they said, they could comply with Mr. Nixon's directives."

Senator Mike Mansfield commented prophetically, "If this continues, it could mean that we will have a repetition of what happened in Vietnam; namely, that first we will provide air-support, then send advisers, then deploy troops, and thus get into a full-fledged war."

As one reads these reports, he gets a feeling of déjà-vu. The same news-management, the same manipulation and confusion of public opinion by double-talk and psychological backing and filling, that took place over the years in the Vietnam adventure, is now being repeated in Cambodia. And there is grave danger that at some point Mr. Nixon and his military advisers will decide that American public opinion is sufficiently confused, divided, polarized, and therefore helpless, to warrant an all-out massive effort to achieve a military victory.

There is reason to fear that, just as the Eisenhower administration made a firm decision, unbeknownst to the American people, as far back as March, 1954, that the United States would intervene in the war in Indochina, if that were considered necessary to prevent the loss of Indochina to the communists, so the Nixon administration may have decided to extend the war into Cambodia and Thailand, and to score a knockout blow against "Communist subversion" in all of Southeast Asia, using nuclear weapons if necessary. While Nixon has officially withdrawn American ground forces from Cambodia, he is encouraging Thailand to intervene. A dispatch from Bangkok reports that "both Thai and U.S. officials here said last week that the U.S. appears to have a clear obligation to come to the aid of Thailand if Bangkok's efforts to support the Lon Nol government provoke attack by North Vietnamese and Viet Cong forces. A high American official said he believed the United States would act under such circumstances." (L.A. Times, August 9, 1970.) (The Nixon administration seems to be committed to a policy of provoking the North Vietnamese and Viet Cong, and thus widening the war.)

The use of nuclear weapons by the U.S. is a real, and fearsome, possibility. We have already used these weapons in one war. Statements over the years by various government figures, including former President Eisenhower, show that we rely heavily on the nuclear weapons as our chief "persuader." And recent disclosures by Senator Stuart Symington are most disquieting. He reports that "the executive branch refuses to disclose [even] to proper committees of the Senate, full details about the vast proliferation of nuclear weapons that we have distributed all over the globe." (Los Angeles Times Opinion Section, August 9, 1970.)

All these techniques and all these events continue to take their toll of the emotional health of the American people. It was this fact that moved the American Psychoanalytic Association, which had always carefully refrained from taking any political position, to protest the extension of the war into Cambodia and to state:

"At a time when this country's leadership has stated a commitment to disengagement from Vietnam, we are suddenly and without warning confronted with an extension of military involvement. This has resulted in a dramatic increase in anxiety, turbulence and conflict, involving crucial segments of our population."

WHAT IS AN AMERICAN?

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. GAYDOS. Mr. Speaker, I call to the attention of my colleagues the following message taken from the editorial page of a fine community newspaper in my 20th Congressional District of Pennsylvania, the New Daily Messenger of Homestead, Pa.

Mr. Earle V. Wittpenn, editor of the Messenger, printed a message he discovered had been posted in Pvt. John Naujokitis Post 373, Veterans of Foreign Wars, in Homestead, by the post trustee, Charles Black.

In view of the rising controversy over mandated quotas for foreign imports which are severely damaging various domestic industries, I am inserting the message in the RECORD. It reads as follows:

WHAT IS AN AMERICAN?

An American is a man who drives home in a German car from a French restaurant and a Swedish movie; slips off his Hong Kong suit and Italian shoes and puts on an English robe and Mexican slippers. He sips Brazilian coffee from Red China while sitting on Danish furniture. He then decides to write his Congressman, using Canadian paper and with a Japanese pen and India ink, demanding the Congressman do something about all the gold leaving this country, the U.S.A.

Mr. Speaker, the definition may be considered humorous, but the message is the kind of thing that gets my Irish up—and I am Slavic.

WE CAN'T RISK U.S. SECURITY

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. SPRINGER. Mr. Speaker, all too much we are hearing today from those not only in the Congress, but outside, who want to cut down on the national defense of this country. Our country's defense posture is the basis for the security of the free world.

Insofar as I am concerned, we are going to keep this country at a level of defense that can meet any emergency from any foreign aggressor.

I am delighted to append an excellent article from the News-Gazette of Champaign-Urbana, Ill., of Thursday, August 6, titled, "We Can't Risk U.S. Security." This editorial sets the problem out so completely and concisely that there can be no misunderstanding of what is now happening among certain people in this country who do not regard national defense as a No. 1 problem. It follows:

WE CAN'T RISK U.S. SECURITY

Self-preservation is the most basic natural law of the human and animal worlds. Some members of Congress who like to think of themselves as sophisticates or intellectuals either believe this law has been repealed or no longer is of any consequence.

They are mistaken. Feeding their egos on the discontentment surrounding the Vietnam war, these men—many of them in the Senate—have adopted a neo-isolationist stance on the grounds that "human values" deserve higher priority than defense in a free society.

What they fail to realize is that a free society cannot exist in a world containing a number of totalitarian powers unless its defenses are adequate. While they are chipping away at defense spending wherever they can find it, the Soviet Union—to name only one of the totalitarian states—is expanding its military capabilities in a manner which could threaten this nation's existence as a free society.

Vice Adm. Hyman Rickover, father of the U.S. Navy's nuclear force, has been as critical of the defense establishment as any man, but always with a view toward improving the nation's defenses. Noting that Soviet ballistic missile subs now patrol both U.S. coasts, presumably with their missiles zeroed in on American cities, Adm. Rickover said:

"The Soviets are capable of starting tomorrow the biggest war there has ever been and frankly I am not confident of the outcome."

These sentiments have been echoed in recent days by Dr. Edward Teller, the nuclear physicist, and Sen. John Stennis, chairman of the Senate Armed Services Committee.

In case one chooses to ignore their warnings, there is the gloating of Adm. Sergei Gorshkov, commander of the Soviet navy, who boasts his nuclear submarines have "bound the hands" of the United States.

Defense spending has been reduced in the last year, and it can be cut more in the years ahead as the Vietnam operation is phased out. But only a fool would risk the future security of the nation because of an impatient or distorted view of defense in an uncertain world.

OPPOSITION TO REORGANIZATION PLAN NO. 4

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to insert in the RECORD, resolution No. 7 adopted by the Association of Midwest Fish and Game Commissioners at their 37th annual meeting this year. This association represents commissioners from the States of Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. The resolution expresses the opposition of the association to Reorganization Plan No. 4.

The resolution follows:

RESOLUTION NO. 7: REORGANIZATION PLAN NO. 4—U.S. GOVERNMENT

Whereas, the Administration's Reorganization Plan No. 4 would transfer the Bureau of Commercial Fisheries and the marine game fish research program of the Bureau of Sport Fisheries and Wildlife to the Department of Commerce; and

Whereas, it also is proposed that the oceanic portion of the anadromous fisheries program be transferred to the Department of Commerce; and

Whereas, the reproductive success or failure of these anadromous fish will be determined within inland waters and within estuaries; and

Whereas, the Department of Commerce is an agency having limited biological research capability; and

Whereas, it is the opinion of the Association of Midwest Fish and Game Commissioners that it would be preferable to establish a broad scope department which would include the present Department of the Interior as its nucleus;

Now, therefore, be it resolved that the Association of Midwest Fish and Game Commissioners, assembled at their 37th Annual Meeting this first day of August, 1970, at the International Inn in Winnipeg, Manitoba, Canada, opposes Reorganization Plan No. 4 and urges the Congress to reject this reorganization proposal; and

Be it further resolved that the President be urged to establish a Department of Natural Resources which would include the U.S. Forest Service, U.S. Soil Conservation Service and the civil functions of the U.S. Army Corps of Engineers, in addition to the Department of the Interior bureaus.

INFLATION ALERT IS ONLY A FIRST STEP

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. ULLMAN. Mr. Speaker, last Saturday the administration released a lengthy "alert" that included a comprehensive breakdown of price and wage increases which have recently added fuel to our inflationary fires. The lengthy document, long overdue, detailed critical areas of economic trouble, including rising transportation, trucking, and home heating and power costs that have up to now not been visible in the published indexes.

The administration and the Council of Economic Advisers are to be credited with spotlighting these pressing areas of inflation. But, as the Washington Post's respected business and financial editor, Hobart Rowen, observes in yesterday's issue, this is only a first step. It is neither a corrective action nor a preventive measure, and does nothing more than put the Nation on notice of past defeats in the battle on inflation.

I would once again urge the administration to institute tough Federal guidelines to limit price and wage increases, as well as establish selective controls on credit. The sad realities of the present inflationary economy as outlined by the administration's alert are ample evidence that these guideposts are needed now. The 0.5 percent in the July wholesale price is not encouraging.

The recent alert, then, is at least a hesitant step in the right direction. But like Rowen, I am concerned that the administration will consider the job done, and not act forcefully from its own greater awareness of the dangerous trend that continues to carry the economy toward serious disruption. In my judgment, failure to act now that the administration has sounded its own alert would constitute gross irresponsibility.

Rowen's article follows:

INFLATION "ALERT" IS FINE AS A START

(By Hobart Rowen)

Mr. Nixon's "inflation alert" of last Saturday is the best evidence so far that what this country needs is a stronger wage-price policy to curb inflationary pressures that aren't being halted by other government measures.

First, let it be said that the administration deserves a good deal of credit for publishing the "alert," which included a straightaway rundown of price and wages increases that have gotten out of hand.

There were some among Mr. Nixon's advisers who would have preferred to release a long academic history of the causes of inflation, and let it go at that. But the Council of Economic Advisers put together, as well, a summary of the most pressing areas of current inflationary pressure, and the entire document prepared for the new Commission on Productivity was published.

Arm-twisting and criticism by the President was side-stepped. But there didn't have to be any name-calling: the essential story came through. And that is, as everybody knew, that some unions have gotten wage increases that exceed a reasonable level; and some industries are raising prices beyond any measure required by their costs. The question now becomes what, if anything, Mr. Nixon proposes to do about these situations beyond CEA Chairman Paul McCracken's prayerful hope that in some "inscrutable way," things will right themselves.

It is significant that the "alert" (which is probably a bad name for the exercise) did not simply discuss past price rises. That would have been, as Prof. Robert Solow once suggested, not much more of a clue to the future than an old weather report. Instead, the long and serious document detailed areas of incipient trouble, including rising transportation, trucking, and home heating and power costs that haven't yet been fully reflected in the published indexes.

Precisely as McCracken suggested, the report lifted "the level of visibility on prices and costs in these areas." It was a wholly worthwhile educational process, particularly the detailed discussion of inflated consumer bills for gas and electric power.

It should be a shock for the public to learn that the price of coal has gone up 35 per cent this year, and home heating oils 25 per cent. And since power companies must borrow heavily to finance expansion, the 21.5 per cent boost in interest rates last year is another factor contributing to higher electric utility bills. (Remember the old conventional wisdom that high interest rates would control inflation?)

But a responsible government must do more than point out what is happening; that is a good first step, but it is not enough.

By the same token, it is fair to observe that price problems in the service area—like the recent boost in bus fares in Washington—are the toughest to cope with although a strong and determined government could find ways of alleviating the situation, at least for low income groups.

In the other areas cited—rising coal and electric power costs, higher natural gas prices, advances in rubber tire and cigarette prices—government policy of a broad nature could more effectively protect the consumer. What is needed is a new attitude on the part of regulatory agencies whose instincts are normally to protect industry's profit margins first and the consuming public's needs second (if at all); in addition, stronger measures are needed to deal with industries like rubber tire producers and unions such as the Teamsters which call their own shots on prices and wages without any government interference.

Similar problems exist in the construction industry, and these—because the local unions have so much autonomy—are undoubtedly difficult to cope with.

But an effort needs to be made, shucking off the wistful belief that prices and wages are set in the spirit of free competitive enterprise, and that nothing, therefore—even a raging inflation—should be allowed to interfere with the "market place" process.

This is utter nonsense, and no better proof has been offered than the President's own report. Take the rubber tire example: during April and May, the union negotiated with the major rubber companies for a 7 to 8 per cent hourly increase in wages for a three-year period.

The most important single product group is tires and tubes, and here, productivity has been rising steadily, at an average of 5.1 per cent during the 1960s. Productivity is a simple measure of labor efficiency; in tires and tubes, it means that a tire worker on the average has been turning out 5.1 per cent more goods per hour. Thus, his compensation can increase by about the same amount without raising prices.

Indeed, in the best of all free enterprise worlds, if wages did not increase in the face of such a gain in productivity, the industry would *reduce* prices and still maintain its profit margins.

But back to the real world: the 7 to 8 per cent boost in tire worker compensation, being greater than the productivity gain means a boost of 2 per cent or perhaps 3 per cent in unit labor costs. But because labor compensation represents only 30 per cent of the value of the tires, the wage hike translates into only 1 per cent in production costs. And what did the companies do? They announced in June and July a 5 per cent hike in replacement tire prices.

The worry here is that having turned out a lengthy "alert" with lots of history and basic economics, Mr. Nixon's inflation-watchers may consider the job done. There was no specific timetable for the next "alert." But one should come soon, and be more specific. As Maurice Mann, scheduled to be George Shultz's economic aide, said in a speech back in June, "The economy can't endure the types of excessive wage and price increases we've seen recently."

VOCATIONAL-TECHNICAL EDUCATION

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. MORSE. Mr. Speaker, there is no doubt that vocational-technical education serves an essential role in our rapidly changing society. It offers alternatives to the purely college preparatory curriculum, and offers a means for keeping in step with the changes in labor market needs of today and tomorrow. It also serves to relate learning to reality, and vocational training produces self-sufficient, able, and productive citizens.

In my own congressional district in Massachusetts, the city of Lowell and the towns of Dracut, Dunstable, and Tyngsborough have joined together in planning the Greater Lowell Regional Vocational-Technical School which promises to be one of the Nation's finest examples of vocational education. Members of the school committee for this school have worked hard and long in planning, organizing, and preparing the school's innovative curriculum. Serving on the original school committee from the town of Dracut were: Helen B. Feeney, Frank J. Krawcyk, and Ernest A. Mercier; from the town of Dunstable were: James C. Dadoly, Frank Hanchett, and Lois A. Starbird; from the city of Lowell were: George D. Kouloheras, Patrick J. Mogan, and Paul J. Robinson; and from the town of Tyngsborough were: Harold O. Bell, Rupert E. Stangroom, and Francis X. Sullivan. Present members of the Greater Lowell Regional Vocational-Technical School Committee who are laying the groundwork for the actual construction of the school are: Harold O. Bell of Tyngsborough, chairman; George Gath of Lowell, vice chairman; Helen B. Feeney of Dracut, secretary, Ernest A. Mercier of Dracut; Frank Hanchett of Dunstable; and Paul J. Robinson, Clement McDonough, and Daniel Kane of Lowell. The time, effort, and energy these men and women have devoted over the past months to the school is worthy of special recognition and praise. Their work has resulted in a new curriculum that, as it pointed out in the following editorial in the Lowell Sun for July 29, 1970, is designed to give the vocational student an education to be proud of—an education that is not a dead end:

THE REGIONAL SCHOOL

The Greater Lowell regional school committee last week swallowed a bitter pill and announced its proposed vocational school will cost the region's taxpayers $18 million and maybe more.

But the committee has a good product to sell for that $18 million—a new curriculum that gives the vocational student an education to be proud of, an education that is not a dead-end.

The individualized program, heralded by State Commissioner of Education Neil V. Sullivan, gives the student a chance to make progress on his own terms and at his own speed, in a wide variety of professions. He can get the theoretical background to get retraining later on in his working career, or to go on to college.

The vocational student, too often the low man on a rigid school success scale, has been forgotten in most schools over the years, forced into a "trade training" program that can not be called education, if education is a broadening of one's capacity to learn by oneself.

Under the curriculum of the regional district, written for the committee by the Arthur D. Little Co., the vocational student will have the theory behind his trade—the basic skills in English, mathematics and the humanities to give him an education as an individual, a sensitivity for the issues he will face as a member of the community.

The vocational student too often has been forgotten in the expanded curriculum and humanities program, existing for a decade with his training classes and enough of the applied academics to have him figure the area of a piece of plywood and little more.

In the new school, slated to open its doors to 550 of its 2,000 students in 1972, the vocational student will develop a responsibility for his own educational program under the individualized curriculum—and with that responsibility, be treated as an adult controlling his own destiny instead of being led down a minutely detailed educational path. He will have a stake in determining his own future and that is important for a sense of self-pride, a sense of direction in a confusing outside world.

The regional committee has worked hard—in its selection of the Arthur D. Little Co. to write its curriculum and in its defense of that curriculum in the face of criticism from more traditional educators who fear the loose organization of the school.

The committee has worked to get the innovative curriculum approved by the state Department of Education and superintendent-director Robert R. Reeder has worked closely with the region's superintendents to see that that curriculum will be adopted in a smooth, orderly fashion.

Next spring, after the architects complete plans for the buildings, the voters of Lowell, Dracut, Tyngsboro and Dunstable will give a final verdict on the first phase of the regional school's building program. We hope those voters will recognize the regional school as a much-needed shot in the arm for an antiquated Lowell school system.

CONSIDERATION OF PROJECT STAVE MERITED TO HELP RETURNING SERVICEMEN AND VETERANS

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. COUGHLIN. Mr. Speaker, a program of considerable merit has been brought to my attention by a constituent, Mr. Luther Klosterman, of Fort Washington, Pa., a World War I veteran who is active in the American Legion. Mr. Klosterman has championed the cause of the veteran through his service as a Legionnaire on the local, district, State, and national levels.

The program, in draft proposal, is titled Project STAVE—Strengthening the American Veteran Educationally—and is the creation of Miss Laura M. Trexler, an education program specialist in the U.S. Office of Education.

Miss Trexler, a former resident of Pottstown in my congressional district, is an educator who served in the Naval Reserve during World War II as a WAVE education and program officer. In 1949, she organized and also served as the first Post commander of the Harriet L. Kulp Post No. 759 of the American Legion, Department of Pennsylvania. She was commander of this women's post for two terms and has been active on the local, district, State, and national levels of the American Legion.

As the education officer at the Naval Training Center in San Diego from 1946–47, Miss Trexler was responsible for initiation of a coordinated education program serving the three commands on the base—the Recruit Training Command, the Service School Command, and the Ship's Company.

Capt. E. R. Durgin, USN, then assistant chief of naval personnel, in a communication to the commander of the U.S. Naval Training Center at San Diego, lauded the educational program for which Miss Trexler was responsible. She also had additional responsibilities for the Demobilization—Separation—Center at the Naval Training Center.

I cite this background information to demonstrate Miss Trexler's understanding, interest, commitment, and experience in serving the serviceman and veterans. She has the comprehension and insights into the problems of returning servicemen as well as the practical knowledge for making programs work.

USE EXISTING FACILITIES

Project STAVE is envisioned as a program that would coordinate all existing facilities of the Federal, State, and local governments into a cohesive plan to assist returning servicemen to return to civilian life, either in a working capacity or as students in educational institutions. I think that it should be one of the priorities of the U.S. Office of Education in compliance with sections 1 and 2 of Executive Order 11185, dated October 6, 1964.

Under Project STAVE, the U.S. Office

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of Education would provide the leadership and cooperation with Health, Education, and Welfare, and other governmental and professional organizations in integrating and coordinating the proposed services. This would offer both vertical and horizontal direction, and dissemination on the Federal, State, and local levels.

The existing agencies such as the appropriate State education agency and the local school systems and their staffs would be the local base to establish the individual personal contact and interest in each serviceman. His specific problem or concern would be the link between him and the respective agencies.

In a concerted effort to assist the returning serviceman, local school personnel would generate community interest through service, fraternal, and local organizations. The expertise of each member of the community would be on call to work for Federal, State, and local agencies in providing these services. They would assist in job identification and placement, work-study programs, apprenticeship training, vocational, technical, trade school, junior college or 4-year college programs.

Under the program, the Department of Health, Education, and Welfare, and the Office of Education through its regional offices and the chief State school officer in each State would designate a single point of contact within each State education office to serve as a clearing house for the contact and follow through with each returning serviceman and veteran on the local level. The designated officer would have the responsibility to give leadership, replicate the national services or model on the State level, and maintain liaison with each local education agency.

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TARGET POPULATION

These services would be aimed primarily at returning servicemen. Not only do they merit this assistance, but they represent a national investment with the capability to help meet our manpower needs. A concerted effort is required to relate service experience to the work world and to provide the occupational and vocational opportunities available to the veteran in his immediate area of residence.

Local community involvement organized by the local education agency would utilize individual resources available. It would extend and reinforce previous services of the Department of Defense, Veterans' Administration, and the Department of Labor. It would integrate and continue involvement of these agencies, and fraternal and service organizations.

In advancing this program, Miss Trexler has expressed concern about the debriefing, high unemployment, and limited counseling opportunities available for the Vietnam veterans. She has noted that many are young and from economically disadvantaged families. Many have limited access and experience in educational and career counseling. While her plan is relatively simple, it has many good psychological, sociological, and economic ramifications.

Project STAVE proposes that the Department of Defense make available to all returning servicemen a short form to be completed in duplicate which would be mailed to the State and local educational agency in the area to where the veteran will return on his discharge. The local school administrator would designate a staff member, usually a counselor, to contact the returning serviceman immediately on his return to civilian life. This person would encourage the veteran to explore all possibilities for employment or education. He would assist the veteran in contracting the Veterans' Administration, State employment service, and fraternal and veterans groups which could help him.

Under this plan, the staff member and local school administration would become the catalyst for community involvement, concern, and commitment. The community, as a cooperative, would assume obligations and responsibilities for assimilating the veteran and his family into the mainstream of life.

With projected figures of 1 million returning servicemen in fiscal 1971 and between 1.3 and 1.5 million in fiscal 1972, it is imperative that this Nation develop a program of this nature. It also is important that sufficient leadtime be allowed so the program can be made vital and operational.

Dynamic and aggressive leadership in the Office of Education projected through the State education agency to the local levels would establish the local education agency as the catalyst.

Because of the importance of this approach and the large number of returning servicemen, I would like to see the Office of Education initiate, at the very least, a pilot project based on Project STAVE. I will be glad to lend my assistance.

In addition, I am most pleased that this program has been generated by an educator within the Office of Education. It is encouraging to know that within the bureaucratic ranks of Washington that there are concerned and committed individuals who recognize a void and move to fill it with a program conceived and developed on their own time and with their own initiative. I am glad that Mr. Klosterman brought Miss Trexler's program to my attention and that she was kind enough to provide me with this material.

I want to encourage the Commissioner of Education to mount and support a pilot project as the beginning to what hopefully will evolve as a practical and effective program to serve the returning serviceman whose service to all of us cannot be measured in words alone, but should be measured in deeds to him.

BERLIN WALL

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. DADDARIO. Mr. Speaker, 9 years ago today, the world woke up to the news that Soviet troops in Berlin had choked off access to and from their sector, walling in 1½ million East Berliners.

Our initial reaction was one of anger and concern but emotions soon cooled, and most of us turned our attentions to other matters. But for the Berliners who live and work in the sector every day of their lives, the wall remains a very real and immediate concern. To us, the wall may seem more like a symbol, tucked away in a corner of our minds, but we must not forget those who live with its reality.

Thousands of East Berliners fled the sector before the construction of the wall, and thousands more are now held there against their will. Let us remember them on this day, commending their courage, and reminding them of our support.

All of us look forward to the day when a unified Germany will again take its rightful place in the family of nations, and all of us respect the rights of Berliners to share in that experience.

Let us never allow time and distance to remove the tragedy of the Berlin Wall from our memories. When President Kennedy associated himself with that spirit, saying, "I am a Berliner," he spoke for freedom-loving Americans.

HERMAN KENIN

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. GIAIMO. Mr. Speaker, our Nation's cultural resources have been diminished with the recent death on July 21 of Herman Kenin, president of the American Federation of Musicians. Mr. Kenin was a familiar and respected figure in the music industry and the labor movement.

He was raised in a labor family and became a professional musician while attending Reed College in Oregon. After attaining his law degree at Northwestern College of Law, Herman Kenin was faced with a difficult career decision over whether to continue with his music—by this time he had his own band—or practice law. He opted for the legal profession, but, like many others, was loathe to sever his ties completely with the music world. He kept his membership with the musicians and over the years rose from local office to be elected national president in 1958, a post to which he was reelected in each of the 12 succeeding years.

Herman Kenin's experiences in the 300,000-member union, which includes members of symphony orchestras as well as popular music groups, led him to become a forceful proponent of Government support for our cultural institutions. He and his union played a major role as in advocating the creation of the National Endowment for the Arts and the Humanities and have been among its strongest supporters ever since.

It was my good fortune to know Herman Kenin as a resident of my State of Connecticut, as a major contributor to the building of a constructive relationship between the arts and our National Government, and as a good friend for many years.

My sympathies go out to his wife, Maxine, and their two sons, James and David

SENATE—*Thursday, August 13, 1970*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Creator, Redeemer, and Judge, humbly we stand before Thee and say with the prophet of old, "Holy, holy, holy is the Lord of hosts: the whole earth is full of His glory."

Thou art great and we are small. Thou art powerful and we are weak. Yet Thou hast made us for Thyself, formed us for fellowship with Thee, and equipped us for service to our fellow man. Keep us from discouragement in small failures or vanity in great successes. In both failure and success keep us constant in love, firm in faith, and resolute in seeking to know and to do Thy will. Refresh our spirits, renew our energies and anoint us with Thy spirit for living this day.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, August 12, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, awaiting the arrival of the distinguished Senator from Oklahoma (Mr. BELLMON) who will be recognized, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF DEFENSE

The assistant legislative clerk read the nomination of J. Fred Buzhardt, Jr., of South Carolina, to be general counsel of the Department of Defense.

Mr. THURMOND. Mr. President, it is a pleasure for me to comment on the outstanding qualifications of J. Fred Buzhardt, Jr., to be the general counsel of the Department of Defense. If it had been known on February 21, 1924, when Mr. Buzhardt was born, that he would be selected for this high position, our Government could not have trained him better to assume the great responsibilities of this important assignment.

President Nixon could not have selected a better qualified and more capable person. I congratulate the President for his selection.

Mr. Buzhardt's experience has been the right mix to prepare him for his duties. He graduated from West Point and served his country in uniform. He was first in his graduating class at the University of South Carolina Law School, and later practiced law in South Carolina. In 1958, he came to Capitol Hill for 9 years, during which time he worked in the legislative and administrative fields as a member of my staff.

Mr. Buzhardt is a man of keen intellect, stanch integrity, great courage, and dynamic drive. His record reveals him to be a man who is fair and just and without bias.

Mr. Buzhardt has gained invaluable experience in the past year in the Department of Defense, as a special assistant and the staff director of the Blue Ribbon Panel on Defense Reorganization. Upon completion of these assignments, it was an obvious move for the President to nominate him for the position of general counsel. I am confident Mr. Buzhardt will continue to render our Nation distinguished service in this important position.

Mr. President, I strongly recommend that my colleagues unanimously approve the nomination of Hon. J. Fred Buzhardt, Jr., to be the general counsel of the Department of Defense.

Mr. President, an editorial about Mr. Buzhardt's appointment was published in the August 7, 1970, issue of the Columbia Record, Columbia, S.C. I ask unanimous consent for this editorial to be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BUZHARDT FOR TOP PENTAGON POST

Appointment of J. Fred Buzhardt Jr. of South Carolina as general counsel of the Defense Department is recognition of outstanding ability that long has been evident in Washington.

Buzhardt attended Wofford College, was graduated from the United States Military Academy at West Point, served as an Air Force pilot a number of years, and was top honor graduate in his law class at the University of South Carolina.

After practicing law in his home town of McCormick he joined the staff of Senator Strom Thurmond, serving as legislative and administrative assistant, teaming up with Harry Dent, who is now on the White House staff.

During his eight years in Thurmond's office numerous attacks were made on the Senator and his position, but they all boomeranged because the Dent-Buzhardt team's painstaking research armed him with superior factual ammunition and strategy for the confrontations. Dent and Buzhardt were recognized by friends and foes as the top assistants on Capitol Hill.

Buzhardt joined the Nixon Administration as a special assistant in the office of Secretary of Defense Melvin R. Laird. For the past year he has headed the committee studying the reorganization of the entire Defense Department.

The current issue of U.S. News and World Report says: "White House aides agree that J. Fred Buzhardt, executive director of the President's blue-ribbon panel on the Defense Department, had a most embarrassing job when he briefed the Joint Chiefs of Staff on the report. It was his task to inform the generals and admirals that inefficiency in their own system led the panel to recommend, among other suggestions, that they be stripped of control over military operations in the field."

Again, Buzhardt has done an outstanding job of fact-finding and allowing the facts to speak for themselves.

President Nixon has appointed him to be general counsel of the Defense Department—chief lawyer of the Pentagon. The nomination has been confirmed by the Senate Armed Services Committee and now goes to the full Senate for approval.

Early confirmation would be in the best interests of the Defense Department and the nation.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOTIFICATION TO THE PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, is is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, is is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposition of the Journal tomorrow, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1086 and ending with No. 1093.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION TO FIX CERTAIN FEES

The bill, S. 3906, to authorize the government of the District of Columbia to fix certain fees, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Council is authorized and empowered to fix, from time to time, in accordance with section 2 of this Act, the fees authorized to be charged by the following Acts or parts of Acts:

(1) Section 2 of the Act entitled "An Act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia", approved March 3, 1931 (46 Stat. 1486; D.C. Code, sec. 1–232).

(2) Sections 571, 586a, 753, and 754 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1280, 1282, 1312), as amended (D.C. Code, secs. 1–514, 29–414, 35–905, and 35–906).

(3) Sections 5 and 6 of the Act entitled "An Act to regulate and license pawnbrokers in the District of Columbia", approved August 6, 1956 (70 Stat. 1037, 1038; D.C. Code, secs. 2–2005 and 2–2006).

(4) Sections 7, 40, and 42 of the Act entitled "An Act to amend the Code of the District of Columbia to provide for the organization and regulation of cooperative associations, and for other purposes," approved June 19, 1940 (54 Stat. 483, 490; D.C. Code, secs. 29–807, 29–840, and 29–844).

(5) Section 121 of the District of Columbia Business Corporation Act, approved June 8, 1954 (68 Stat. 228), as amended (D.C. Code, sec. 29–936).

(6) Section 92 of the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 300, 301; D.C. Code, sec. 29–1092).

(7) Section 2 of chapter 2 of the Act entitled "An Act to regulate the business of life insurance in the District of Columbia", approved June 19, 1934 (48 Stat. 1130; D.C. Code, sec. 35–402).

(8) Section 13 of title V of the Act entitled "An Act to regulate marine insurance in the District of Columbia, and for other purposes", approved March 4, 1922 (42 Stat. 408; D.C. Code, sec. 35–1113).

(9) Section 41 of chapter II and section 53 of chapter III of the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1081, 1082), as amended (D.C. Code, secs. 35–1345 and 35–1363).

(10) Section 7 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 123), as amended (D.C. Code, sec. 40–423).

(11) The Act entitled "An Act relating to tax-sales and taxes in the District of Columbia", approved February 6, 1879 (20 Stat. 283), as amended (D.C. Code, sec. 47–306).

(12) Section 21 of title II of the District of Columbia Revenue Act of 1939, approved July 26, 1939 (53 Stat. 1096; D.C. Code, sec. 47–1521).

(13) Section 4 of article I of title V of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 342; D.C. Code, sec. 47–1564c).

(14) Paragraphs 14, 15, and 16 of section 6, and paragraph 42 of section 7 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 621, 622, 628), as amended (D.C. Code, secs. 47–1706, 47–1707, 47–1708, and 47–2101).

(15) Sections 1 and 4 of title II of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 675; D.C. Code, secs. 47–1801 and 47–1804).

(16) Section 3 of the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924 (43 Stat. 107), as amended (D.C. Code, sec. 47–1903).

(17) Sections 1 and 3 of the Act entitled "An Act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes", approved June 19, 1878 (20 Stat. 173, 174), as amended (D.C. Code, secs. 47–2001, 47–2002 and 47–2003).

(18) Section 2 of the Act entitled "An Act to prevent fraud at public auctions in the District of Columbia", approved September 8, 1916 (39 Stat. 846; D.C. Code, sec. 47–2202).

(19) Section 138 of the District of Columbia Sales Tax Act, approved May 7, 1949 (63 Stat. 113; D.C. Code, sec. 47–2615).

(20) Section 2 of the Act entitled "An Act to provide for the regulation of closing-out and fire sales in the District of Columbia", approved September 1, 1959 (73 Stat. 450; D.C. Code, sec. 47–3002).

(21) Section 1 of the Act entitled "An Act to authorize associations of employees in the District of Columbia to adopt a device to designate the products of the labor of their members, to punish illegal use or imitation of such device, and for other purposes", approved February 18, 1932 (47 Stat. 50), as amended (D.C. Code, sec. 48–401).

Sec. 2. The District of Columbia Council may, with respect to each of the fees established by the Acts or parts of Acts listed in the first section, after public hearing increase or decrease such fees to such amounts as may, in the judgment of the Council, be reasonable in consideration of the interests of the public and the persons required to pay the fee, and in consideration of the approximate cost of administering each Act or part of Act to which the fee relates.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1076), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Purpose of the Bill

The purpose of the legislation is to vest authority in the District of Columbia Council, after public hearing, to set a variety of municipal fees, including fees for certain licenses and permits.

License and user fees are presently fixed by statute, and many such fees have not been adjusted over the years to reflect current costs for performing the governmental duties related to the activity for which the fee is charged.

Government of the District
of Columbia, Executive Office,
Washington, D.C., March 13, 1970.

The President,
U.S. Senate, Washington, D.C.

Dear Mr. President: The Government of the District of Columbia has the honor to submit herewith a draft bill to authorize the government of the District of Columbia to fix certain fees.

The purpose of this proposed legislation was stated by the President in his April 28, 1969 message to the Congress recommending legislation for the District of Columbia, as follows:

"The Reorganization Plan which established the present [District of Columbia] government left to Congress many mundane municipal functions which are burdensome chores to it but important functions for good local government. At present, Congress must allot a portion of its legislative calendar to setting ordinances for the District of Columbia, in effect performing the duties of a local city council for the Capital. It thus deals with matters which are of little or no importance to the Nation as a whole—the setting of a fee, for example, to redeem a dog from the city pound. The concerns of the District are frequently shunted aside to allow for higher priority legislative business. 'No policy can be worse than to mingle great and small concerns' argued Augustus Woodward, one of the founders of our city, when Congress considered establishing a territorial form of government in 1800. 'The latter become absorbed in the former; are neglected and forgotten.'

"Legislation will be proposed to transfer a number of specific authorities to the District Government—*including authority to change various fees for user charges now fixed by statute,* * * * and modernize the licensing of various businesses, occupations and professions." (Italic and bracketed language supplied.)

The government of the District of Columbia accordingly proposes that the Congress enact legislation to authorize the District of Columbia Council to change, from time to time, a number of fees specified by the Congress in 21 separate statutes. The fees provided by the statutes presently range from 10 cents for certain notary services to $500 for licenses for pawnbrokers, private banks, and the stock exchange. The District believes that these fees, which are listed and described in the attached chart, should be examined from time to time and, if appropriate, increased or decreased to such amounts as the Council determines after public hearing to be reasonable in consideration of the interests of the public and the persons required to pay the fee, and in consideration of the approximate costs of administering each of the District's statutory duties related to the activity for which the fee is charged.

The District believes that the legislation of this nature is highly desirable, both from the standpoint of relieving the Congress of these mundane municipal fee-fixing functions and from the standpoint of vesting in the municipal government and people of the District of Columbia more responsibility in local matters.

The government of the District of Columbia has been advised by the Bureau of the Budget that, from the standpoint of the administration's program, there is no objection to the submission of this legislation to the Congress and its enactment would be consistent with the administration's objectives.

Sincerely yours,

Graham W. Watt,
Assistant to the Commissioner
(For Walter E. Washington, Commissioner)

FEES SPECIFIED IN ACTS OF CONGRESS RELATING TO THE DISTRICT OF COLUMBIA

District of Columbia Code citation	Type of fee	Amount
1. 1-232	Permit for an outdoor sign	$5 per year.
2. 1-514	Notary fees for various services	$0.10 to $1.75.
3. 2-2005 and 2-2006	Pawnbroker license	$500 for 1st year and $250 per year thereafter.
4. 29-414	Filing of certificate of incorporation of institution of learning	$25.
5. 29-807	Filing of amendment of articles by cooperative association	$1.
6. 29-840	Filing of certified copy of amended articles by cooperative association.	$5.
7. 29-844	License of cooperative association	$10 per year.
8. 29-936	Fees for licenses, filing documents, etc., by business corporations	$1 to $20.
9. 29-1092	Fees for filing documents and issuing certificates by nonprofit corporations.	$1 to $10.
10. 35-402	Various fees for life insurance companies	$5 to $50.
11. 35-905	Service of process on Superintendent of Insurance	$3.
12. 35-906	Permit to do business in District of Columbia from Superintendent of Insurance.	$5.
13. 35-1113	Marine insurance company fees	$100 to $200.
14. 35-1345	Various fire, casualty, and marine insurance fees	$5 to $50.
15. 35-1363	License fee for financing insurance premiums	$50 per year.
16. 40-423	Service of process on District government for nonresident motorist	$2.
17. 47-306	Certificate of taxes and assessments due	$1.
18. 47-1521	Copy of income tax return furnished to taxpayer for a year prior to 1947.	$1.
19. 47-1564c	Copy of income tax return furnished to taxpayer for 1947 and any year thereafter.	$2.
20. 47-1706	Unincorporated private banks	$500 per year.
21. 47-1707	For business done on Washington Stock Exchange	Do.
22. 47-1708	For note brokers	Do.
23. 47-1801	Certificate of authority for insurance companies	$25 per year.
24. 47-1804	Filing of annual statement by insurance companies	$20 per year.
25. 47-1903	License fee for motor vehicle fuel importers	$5 per year.
26. 47-2001	For each dog owned or kept in the District of Columbia	$3 per year.
27. 47-2002	Certified copy of record of payment of dog fee	$0.25.
28. 47-2003	Impoundment fee for stray dogs	$2.
29. 47-2101	License fee for employment agencies	$100.
30. 47-2202	Public auction permit	Not to exceed $50.
31. 47-2615	Copy of sales tax return furnished to taxpayer	$2.
32. 47-3002	License for closing out sale	$100.
33. 48-401	Registration of union label	$1.

The committee fully endorses the above letter for the reasons stated therein.

HISTORY OF LEGISLATION

S. 3906 was introduced by Senator Eagleton at the request of the District government. Hearings were held on the bill on June 8, 1970, and testimony was presented favoring the bill by the Office of Corporation Counsel.

No unfavorable testimony or statements on S. 3906 have been received by the committee.

ANALYSIS OF THE BILL

Section 1 authorizes the District of Columbia Council to fix, from time to time, fees authorized to be charged by a number of acts or parts of acts. The affected activities are listed above in the letter from Mr. Watt.

Section 2 provides that in exercising its authority in section 1 the Council may increase or decrease such fees, after public hearing, to such amounts as, in the judgment of the Council, may be reasonable in consideration of the public interest and the persons required to pay the fee, and in consideration of the proximate cost of administering each act or part of act to which the fee relates.

CHANGES IN EXISTING LAW

In the opinion of the committee, it is necessary to dispense with the requirements of subsection (4) of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate.

Mr. WILLIAMS of Delaware. Mr. President, I have no objection to this particular bill; but many of us, when we do not know in advance that a calendar is going to be called, and find no notice to that effect in the RECORD, believe that a more orderly procedure could be arrived at, and that a time certain should be set for the calling of the calendar. For example, recently, we read in the newspaper that the Senate had passed a bill involving $1 billion to be spent over a period of 5 years. I would have supported that particular measure, but I think that more than about three Senators should be on the floor when these bills are called up. Therefore, I suggest the absence of a quorum.

Mr. MANSFIELD. Will the Senator kindly withhold that suggestion briefly?

Mr. WILLIAMS of Delaware. I am glad to withhold it temporarily.

Mr. MANSFIELD. If the distinguished Senator does not want the calendar called, we will be only too glad to hold it back. The procedure has been to require at least a 24-hour delay before any bill was called on the current calendar so that both sides could be apprised. I want to assure the distinguished Senator that if this does not meet with his approval, the leadership will be glad to consider altering this procedure.

Mr. WILLIAMS of Delaware. I have no objection to calling the calendar at the beginning of the day's session or at any time certain, but I think it would be more orderly procedure if, for example, we had known yesterday that the calendar would be called first this morning, or at 12 o'clock or some time certain. Those of us who are interested in asking questions could then be in the Chamber. But when the calendar is called at irregular intervals and when we attend committee meetings—our committee is meeting this morning, for instance—we just cannot be in both places. I was just hoping that we could get an understanding as to when the calendar would be called tomorrow, and on other days. Could we be given some notice as to when it would be called? I have no objection to its being called now, of course.

Mr. MANSFIELD. The leadership has no objection. What we are doing is calling up unobjected-to items which have been cleared by both sides.

Referring to the bill which I think the Senator has in mind, we held that one on the calendar for at least a week and stated, I believe, before the bill was called up, a day or so previously, that it would not be called up except under unanimous consent; but the bill was of such a nature that we thought there should be some debate on it.

Mr. WILLIAMS of Delaware. That is correct. Notice was given. But where the calendar is to be called, inasmuch as the pending business is the military construction bill, I think it would be proper to call the calendar when more Senators are present in the Chamber. I have no objection, but I would first suggest the absence of a quorum.

Mr. MANSFIELD. Will the Senator withhold the suggestion so that I can explain?

Mr. WILLIAMS of Delaware. Yes.

Mr. MANSFIELD. All of these bills, with three exceptions, have to do with the District of Columbia. All were reported to the Senate and placed on the calendar on August 10, 1970. One of the three bills, an act to amend the Merchant Marine Act, had a "hold" placed on it in the usual procedure for screening Consent Calendar bills and will not be brought up today.

Mr. WILLIAMS of Delaware. I would have no objection, but I am wondering whether we could not have an agreement that when the calendar will be called, in the future, we can designate a time certain whether it be today or tomorrow; then if we have a question or two, or some point we want clarified, we can be in the Chamber.

Mr. MANSFIELD. Would the Senator agree that we should continue the procedure we have, that at the beginning of business each day, provided enough time has elapsed for the committees and both sides to consider a bill, we continue this operation into the future as we have in the past, or would the Senator suggest some other procedure?

Mr. WILLIAMS of Delaware. No. I am perfectly willing to follow that procedure. But there should be an established procedure; there should be a notice placed in the CONGRESSIONAL RECORD that the calendar will be called upon the opening of the Senate, or some time certain. Then I would have no objection.

Mr. SCOTT. Mr. President, will the distinguished Senator yield?

The ACTING PRESIDENT pro tempore. Under the previous agreement, the Senator from Oklahoma (Mr. BELLMON) is to be recognized. The Chair now recognizes the Senator from Oklahoma.

Mr. SCOTT. Would the distinguished Senator from Oklahoma (Mr. BELLMON) yield to me, without losing his right to the floor or any of his time?

Mr. BELLMON. I am pleased to yield to the distinguished Republican leader.

Mr. SCOTT. I thank the Senator from Oklahoma.

Mr. President, I merely want to point out that I think the orderly procedure is that we normally do call the calendar soon after the convening of the Senate. I should like to be able to continue that procedure, with the understanding that if it is going to be irregularly called, or at an uncertain time, then it should be preceded by a short quorum call, and any Senator who has been served notice or wishes to be advised specifically has only to let us know and we will do so.

Mr. WILLIAMS of Delaware. I have no objection to any kind of orderly procedure, but then it should be made clear that the calendar will be called at the opening of each session.

Mr. MANSFIELD. On unobjected-to items.

Mr. WILLIAMS of Delaware. That is right. If that is to be the procedure then the membership should be alerted that each morning, regardless of the special orders, the calendar would be called. As we read the Record this morning, we find that immediately after disposition of the Journal, the Senator from Oklahoma would be recognized; apparently, therefore, the calendar would not be called. If the calendar was to be called first thing in the morning, it should have been so announced that immediately after the prayer there would be a calendar call. Then the Senator from Oklahoma and other Senators having orders to speak would be recognized. If we could have that understanding, it would be a more orderly procedure and I would have no objection.

I think it would clear up the point I am making.

Mr. MANSFIELD. That would be perfectly agreeable. The Senator has a good point. The joint leadership will try to be more explicit hereafter, so that the Senate as a whole, and individual Senators, will be aware of the procedure which we would like to pursue.

Mr. WILLIAMS of Delaware. Yes.

Mr. SCOTT. So in the future, when we provide for certain Senators to be recognized, perhaps we could provide that they be recognized after the call of the calendar.

Mr. WILLIAMS of Delaware. Yes, after the call of the calendar.

Mr. MANSFIELD. That would be on unobjected-to items, of course. This colloquy today can serve as notice to the Senate of the ordinary procedure followed and to be followed.

Mr. WILLIAMS of Delaware. Unobjected-to items on the calendar.

Mr. MANSFIELD. Mr. President, it is a good idea. I think it would clear it up. May we proceed?

Mr. WILLIAMS of Delaware. I would have no objection to going ahead with the call of the calendar now with the understanding that in the future advance notice will be given.

TAXATION BY DISTRICT OF COLUMBIA OF REGULATED INVESTMENT COMPANIES

The bill (H.R. 15381) to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1077), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL

The bill (H.R. 15381) would conform the provisions of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, title 47, section 1501 et seq., 61 Stat. 331) to the provisions of the Federal Internal Revenue Code relating to the treatment to be given to dividends paid by regulated investment companies which qualify for the dividends-paid deductions under section 852(b)(2)(D) and section 852(b)(3)(A)(ii) of the Internal Revenue Code of 1954.

Its purpose is to make clear that investment companies domiciled in the District of Columbia will be accorded treatment under the laws of the District of Columbia similar to that which they are accorded under Federal law, namely, the flowthrough or conduit treatment in connection with their distribution of dividends to their shareholders.

Regulated investment companies (mutual funds which distribtue their income currently are not subject to Federal income taxation. This is because mutual funds are merely conduits for the dividends and net gains which are passed on to the shareholders. Most States (including Maryland and Virginia) follow the Federal practice and do not tax mutual funds.

NEED FOR LEGISLATION

The District of Columbia Revenue Act of 1969 (Public Law 91–106, October 31, 1969, 83 Stat. 169) conformed the provisions of the District of Columbia Income and Franchise Tax Act to the provisions of the Federal Internal Revenue Code with respect to capital gains and losses generally, including the treatment accorded shareholders of regulated investment companies.

The need for this legislation is caused by the language in that act which amended the D.C. Income and Franchise Tax Act of 1947 by defining the term "capital asset" in a manner consistent with our Federal income tax laws but different from that previously the case in the District of Columbia. The new provision provided that retroactive to January 1, 1969, individuals and corporations domiciled in the District of Columbia would be taxed on their capital gains realized on capital assets held for a period of more than 6 months.

The conference report (H. Rept. 91–604) on the 1969 act, with respect to gains and losses from the sale or disposition of capital assets, reads in part as follows (pp. 16–17):

"Income and franchise taxes: Capital gains and losses—

"The Senate amendment contained provisions not in the House bill that removed (effective taxable year 1969) the exemption from the District income and franchise taxes in existing law for income from sales or exchanges or capital assets (defined under District law as certain assets held more than 2 years) and provided for bringing District capital gains tax provisions into conformity with Federal practices.

"The conference substitute conforms to the Senate provisions. In adopting those provisions, it is the intent of the Managers of both the House and Senate that gains and losses from the sale or other disposition of capital assets shall, for District income and franchise tax purposes, be determined in accordance with provisions of the Internal Revenue Code of 1954 relating or applicable to the determination of gains and losses from the sale or other disposition of capital assets for Federal income tax purposes. The intention is to conform District and Federal law in this regard to the greatest extent possible."

However, the language of the 1969 act, as finally adopted, left unclear the treatment of mutual funds, which in the District of Columbia are not explicitly accorded subchapter M conduit treatment such as is available under the Federal law, and in other States as Maryland and Virginia.

If conduit treatment is held to be unavailable to mutual funds, the net effect would be triple taxation: (1) taxation of the corporation paying dividends to the mutual fund; (2) taxation of the mutual fund itself; and (3) taxation of the shareholder.

Already, the shareholder or taxpayer does in fact pay a tax and, of course, the corporation distributing the dividends to the mutual fund pays a tax. The second tax would be eliminated by the enactment of H.R. 15381 and this would grant to mutual funds the same deductions for dividends paid to shareholders that mutual funds are allowed for Federal income tax purposes.

REVENUE EFFECT

The District of Columbia Government has informed the committee that there will not be any actual revenue loss due to this legislation.

HEARINGS

A hearing was held on this legislation on June 8, 1970, before the Fiscal Affairs Subcommittee of the Senate District of Columbia Committee. Testimony in support of the bill was offered on behalf of the District of Columbia Government by an assistant corporation counsel and by representatives of regulated investment companies located in the District.

WATER AND SANITARY SEWER RATES

The Senate proceeded to consider the bill (S. 3905) to authorize the District of Columbia Council to fix the rates charged by the District of Columbia for water and water services and for sanitary sewer services which had been reported from the Committee on the District of Columbia with an amendment on page 3, line 14, after the word "the", where it appears the third time, strike out "change" and insert "charge"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of subsection (a) of section 101 of title I of the District of Columbia Public Works Act of 1954 (68 Stat. 101), as amended (D.C. Code, sec. 43–1520c(a)), is amended to read as follows:

"In computing the charge for the consumption of water in excess of the minimum amount allowed for metered service, if such charge is for a period beginning prior to a change in water rates and ending thereafter, the charge for such excess consumption shall be based upon the rate in effect at the time the charge is rendered."

Sec. 2. Subsection (b) of section 101 of such Act (D.C. Code, sec. 43–1520c(b)) is amended to read as follows:

"(b) Notwithstanding the provisions of subsection (a) of this section, the District of Columbia Council is authorized from time to time to fix the rates charged by the District for water and water services furnished by the District water supply system, at such amount as the Council on the basis of a recommendation made by the Commissioner, determines is necessary to meet the expense to the District of furnishing such water and water services."

Sec. 3. Section 207 of title II of such Act (D.C. Code, sec. 43-1606) is amended (a) by striking out in subsection (a) ", but such percentage shall not exceed 75 per centum of the water charge"; (b) by striking out in subsection (b) ", but such percentage shall not exceed 75 per centum of such rates"; (c) by striking out in subsection (d) "not more than 75 per centum of the water charge" and inserting in lieu thereof "the amount"; and (d) by adding the following subsection:

"(e) The District of Columbia Council is authorized, in its discretion, from time to time to establish one or more sanitary sewer service charges at such amount as the Council, on the basis of a recommendation made by the Commissioner, finds is necessary to meet the expense to the District of furnishing sanitary sewer services, including debt retirement."

Sec. 4. Subsection (c) of section 208 of title II of such Act (D.C. Code, sec. 43-1607(c)) is amended to read as follows:

"(c) In computing the charge for sanitary sewer service, if such charge is for a period beginning prior to a change in the established sanitary sewer service charge and ending thereafter the charge shall be based on the rate in effect at the time the charge is rendered."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1078), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the legislation is to make it possible for the District of Columbia City Council, by appropriate increases in the rates to be charged for water and water and sewer services, to meet operating costs and debt retirement need involved in furnishing these municipal services.

The bill eliminates the maximum rate restrictions imposed on water and sewer rates and leaves the setting of such rates to the sound discretion of the District of Columbia Council on the basis of recommendation by the Commissioner.

NEED FOR LEGISLATION

Data presented by the District of Columbia Department of Sanitary Engineering demonstrates that rate increases on water and sewer must be made to defray maintenance and operating costs, costs of outstanding debt, and costs of new debt in both the water and sewage works programs. Projections for operating expenses and debt retirement indicate that by 1972 the water fund will be in a deficit position and the sanitary sewage fund will have only a small surplus to meet any unexpected demands.

Water and sewer construction must constantly expand to meet the city's growing needs, and sewage treatment must be improved to meet water quality standards.

In addition, current borowing authority is exhausted, and, hence, water and sewer rates must be increased and additional borrowing capability provided if revenues sufficient to meet demand are to be available.

The need for the bill was established by figures and projections submitted by the Director of the Department of Sanitary Engineering. These figures are summarized below.

NEED FOR INCREASED RATES, WATER FUND

Public Law 87-408, 87th Congress, second session, approved March 2, 1962, authorized the then Board of Commissioners to increase water rates up to 25 percent of the rates in effect on January 1, 1961. This authorization is now exhausted.

The first increase under this authority was on July 1, 1962, when the metered water charge for the semiannual minimum (3,600 cubic feet) was raised from $7 previously in effect to $7.5. The second was on July 1, 1967, when the minimum rate was increased from $7.50 to $8.10. The third was on April 1, 1969, when the minimum rate was increased from $8.10 to $8.75. An increase in the charge for water used in excess of the minimum was made in the same instances from 12 cents to 13 cents per 100 cubic feet in 1962 and 13 cents to 15 cents in 1967. The maximum rates authorized are $8.75 and $0.15 for the semiannual minimum and excess usage, respectively.

Estimates of water fund revenues and funds required (as of June 1, 1970), based on revenue from current rates (see table I) shows a water fund status for operations ranging from a slight surplus of $303,000 in fiscal year 1970 to an accumulated deficit of $8,092,500 in fiscal year 1976.

Table I also shows three options for increasing rates to provide the required funds and the effect of these increases on the average water bill.

NEED FOR INCREASED RATES, SANITARY SEWAGE WORKS FUNDS

Public Law 87-408 also authorized the Commissioners to increase sewer charges from 60 percent of the water charge in effect January 1, 1961, up to a maximum of 75 percent. This authorization is now exhausted.

One increase was made July 1, 1962, to 70 percent of the water charge. The second increase was made on April 1, 1969 when rates were increased to the maximum.

Estimates of sewage works fund revenue and funds required (as of June 1, 1970) based on revenue from current rates (see table III) shows a sewage works funds status for operations ranging from a surplus of $1,220,900 in fiscal year 1970 to an accumulated deficit of $10,718,200 in fiscal year 1976.

Table III also shows options for increasing rates to provide the required funds and the effect of these increases on the average sewer bill.

DISTRICT OF COLUMBIA FEDERAL PAYMENT AUTHORIZATION ACT OF 1970

The Senate proceeded to consider the bill (S. 3903) to provide additional revenue for the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments: On page 2, at the beginning of line 14, strike out "Bureau of the Budget" and insert "Office of Management and Budget"; in line 16, after the word "the", where it appears the second time, strike out "Bureau of the Budget" and insert "Office of Management and Budget"; on page 3, line 10, after the word "this", strike out "title" and insert "Act"; and in line 11, after "July 1," strike out "1969" and insert "1970"; so as to make the bill read:

S. 3903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Federal Payment Authorization Act of 1970."

Sec. 2. Regular annual payments are hereby authorized to be appropriated from revenues of the United States to cover the proper Federal share of the expenses of the Government of the District of Columbia, and such annual payments, when appropriated, shall be paid into the general fund of the District of Columbia. The annual payment so authorized shall be an amount which is equal to 30 percent of all general fund revenues derived from taxes, charges, and miscellaneous receipts, including that part of the motor vehicle registration fees which is credited to the general fund. Such authorization shall be based upon the estimate of such revenues which the Commissioner of the District of Columbia determines will be credited during each fiscal year to the general fund of the District of Columbia, but excluding any amount derived from grants and loans from the Federal Government to the District government.

Sec. 3. The Commissioner of the District of Columbia shall annually compute the amount of the Federal payment authorized to be appropriate under this Act, and the amount of such authorization so computed shall be submitted to the Office of Management and Budget with each regular budget of the District of Columbia, and, as approved by the Director of the Office of Management and Budget, shall be submitted to the Congress. Each such computation shall be determined on the basis of estimates of the tax revenues referred to in section 2 of this Act which are expected to be credited to the general fund of the District of Columbia during the fiscal year for which the annual payment is being computed: *Provided,* That the amount so determined shall be subject to review after such fiscal year, and if the Federal payment appropriated on the basis of the amount so determined differs from the amount determined on the basis of revenues actually received and credited to the general fund, the Federal payment authorization for the second year succeeding such fiscal year shall be adjusted to the extent of such difference.

Sec. 4. Amounts authorized by section 2 of this Act may be appropriated within fiscal year limitation.

Sec. 5. Article VI of the District of Columbia Revenue Act of 1947 (61 Stat. 301), as amended (D.C. Code, secs. 47-2501a and 47-2501b), is repealed.

Sec. 6. This Act shall take effect with respect to fiscal years beginning on and after July 1, 1970.

Mr. WILLIAMS of Delaware. Mr. President, I would like to have an explanation of the bill.

Mr. MANSFIELD. Under this bill the annual Federal payment authorization would be established at 30 percent of the District general fund tax revenues. Under present law, the authorized Federal payment is an amount not to exceed $105 million annually, fixed by section 1 of article VI of the District of Columbia Revenue Act of 1947, as amended by section 701 of title VII of the District of Columbia Revenue Act of 1969. Public Law 91-106, 91st Congress. The 1969 act also authorized a special one-time Federal payment supplement of $5 million for fiscal year 1970 to be used for law enforcement activities in the District of Columbia.

The new formula proposal would authorize a 1971 Federal payment estimated at $130.4 million or an increase of $25.4 million over the present annual

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$105 million authorization. It is currently estimated that general fund revenue collections for fiscal year 1971 will equal $438.8 million. Applying the Federal payment formula at 30 percent, an amount of $130.4 million would be available.

The following local tax revenues would be included in the base of the proposal for determining the Federal payment authorization:

Income and franchise taxes.

Sales and gross receipts taxes.

Deed recordation tax.

General fund portion of motor vehicle registration revenue.

Would the Senator like me to continue?

Mr. **WILLIAMS** of Delaware. I think that covers it.

Mr. **SCOTT**. Mr. President, I imagine that the increase is largely to pay for the costs involved in the new District of Columbia crime bill.

Mr. **MANSFIELD**. For law enforcement.

Mr. **WILLIAMS** of Delaware. I have no objection.

The **ACTING PRESIDENT** pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

The **ACTING PRESIDENT** pro tempore. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1079), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

Under this bill the annual Federal payment authorization would be established at 30 percent of the District general fund tax revenues. Under present law, the authorized Federal payment is an amount not to exceed $105 million annually, fixed by section 1 of article VI of the District of Columbia Revenue Act of 1947, as amended by section 701 of title VII of the District of Columbia Revenue Act of 1969. (Public Law 91-106, 91st Cong.) The 1969 act also authorized a special one-time Federal payment supplement of $5 million for fiscal year 1970 to be used for law enforcement activities in the District of Columbia.

The new formula proposal would authorize a 1971 Federal payment estimated at $130.4 million or an increase of $25.4 million over the present annual $105 million authorization. It is currently estimated that general fund revenue collections for fiscal year 1971 will equal $434.8 million. Applying the Federal payment formula at 30 percent, an amount of $130.4 million would be available.

The following local tax revenues would be included in the base of the proposal for determining the Federal payment authorization:

Income and franchise taxes.

Sales and gross receipts taxes.

Property taxes.

Inheritance and estate taxes.

Deed recordation tax.

General fund portion of motor vehicle registration revenue.

NEED FOR THE BILL

The Congress and the President have consistently recognized the unique responsibility of the Federal Government for the District of Columbia as the Federal City and the Congress has regularly provided payments to help defray the costs of operating the District.

Varying amounts of Federal support were provided to the District of Columbia over the years. During the first 89 years of the Capital City's existence, the Federal Government appropriated an average of approximately 40 percent of the cost of local government, though the amounts were not explicitly determined on any consistent basis. Beginning in 1879, the level of Federal participation was set at a flat 50 percent of total expenditures, an arrangement which was maintained for 42 years. Between 1921 and 1924 the Federal share was set at 40 percent of District expenditures. Since then, Congress has enacted lump-sum authorizations which have varied over the years.

On nine occasions since World War II, Congress has increased the lump-sum Federal payment authorization, raising it from a wartime level of $6 million to $105 million in 1969. In each case, within a short time span, the level established became inadequate as the needs of the District grew in response to changes in the District's population, greater demands for Government service, and a decline in the real value of the dollar. During this same period, taxes imposed on District residents were increased substantially in response to public expenditure needs. While increases in the Federal payment authorization have been made by Congress from time to time, its growth has been irregular, and has had no consistent relationship to annual needs. Instead, what is required is an equitable and systematic method of determining, annually, the relative amounts to be provided by District taxpayers and the Federal Government.

The committee believes that the proposed 30-percent Federal payment formula authorization represents such an equitable means of determining the fair share of the Federal Government toward helping meet the municipal expenses of the District. The formula approach would adequately compensate the District for revenue loss (primarily property and corporate income tax) and increased expenditures resulting from the Federal presence in the city. Some significant aspects of that Federal presence include:

Over the past 5 years, property of the Federal Government has averaged 32 percent of the total assessed value of land and improvements in the District.

Federal employees account for 50 percent of all employment in the city.

In the past 8 years, the Federal Government has constructed about 28 percent of all new office and related space in the District of Columbia.

The Federal Government owns 43 percent of the land in the city.

The Federal sector constitutes almost 34 percent of the annual gross product of the District of Columbia.

The additional Federal funds which would be authorized by enactment of this proposed legislation would be within the total estimate of Federal funds to the District of Columbia contained in the Federal budget submitted to the Congress by the President on February 2, 1970.

These additional funds will be helpful in meeting the serious financial needs of the District of Columbia government, as reflected in the recently enacted District of Columbia Appropriations Act, 1971. Because of a lack of revenue and because the District of Columbia budget is required to be balanced by law, the Congress was forced to approve a District of Columbia budget that was cut over 20 percent and which left the District with a smaller overall program than it had a year ago. Mainly mandatory items were spared in cutbacks which seriously limited new and expanded programs vital to the District of Columbia.

For example, the lack of funds for programs designed to fight crime resulted in serious limits on this effort. For instance, the lack of funds prohibited the hiring of 213 new roving leaders who work in the streets with juvenile gangs. This is a program which has been called by the juvenile court judge one of the most successful the District has in working with potential juvenile delinquents. But instead of 245 of these street counselors, the District will have to make do with 32.

Lack of funds meant the elimination of 43 new guard and other positions in the Department of Corrections at a time when prison population is expected to rise from 3,000 to 4,000. The prison program is already strained to the breaking point, but there will be fewer guards per 100 inmates this year than last because of lack of funds.

There will also be less work with drug addicts within the corrections system. The District's request for 22 new workers to help rehabilitate an additional 250 inmate addicts was denied, again, for lack of funds.

The court of general sessions had requested six new positions to strengthen its probation program and 24 new employees to help judges meet the growing backlog of cases. The Parole Board wanted three new employees to meet its expanded workload. All of these were cut.

These examples do not exhaust the list of cuts in anticrime programs, but they are indicative of the seriousness of the District government's revenue shortage.

Serious cuts were also made in other important areas such as proposed increases in the supply of textbooks to ghetto children, expansion of the kindergarten classes, and improvement in special education programs for children with physical handicaps.

A Federal payment authorization based on a percentage of District tax revenue would provide an annually updated measure of an equitable Federal payment toward the expenses of the Government of the District of Columbia. This would enable the District to compute the Federal payment authorization based on such a formula at the time of its earliest budgetary planning, and would make it possible for the District to assess its probable total resources from local sources and from the Federal Government so that priorities could better be established among competing needs. In this way the District will be able to evaluate and present to the Congress its recommendations for programs considered necessary for proper administration of the District government.

LEGISLATIVE HISTORY

The Senate Subcommittee on Fiscal Affairs of the Senate District of Columbia Committee held hearings on the bill on June 8, 1970. Representatives of the District of Columbia testified on behalf of the legislation and there was no opposition to the legislation.

BILL PASSED OVER

The bill (H.R. 15424) to amend the Merchant Marine Act, 1936, was announced as next in order.

Mr. **MANSFIELD**. Mr. President, over.

PROTESTANT EPISCOPAL CHURCH VESTRY ACT

The Senate proceeded to consider the bill (S. 2336) relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia

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which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That the Act of the General Assembly of the State of Maryland, passed in the year 1798, entitled "An act for the establishment of vestries for each parish in the State," ("The Vestry Act," chapter 24 of the Maryland Acts of 1798) as amended by the Legislative Assembly of the District of Columbia in 1872 and 1873, and by the Congress of the United States in 1874, 1919, and 1947, be repealed, except for paragraphs 9, 28 (without the proviso clause), 29, and 32 of chapter 24, which authorize the corporate structure of the church, its ownership of property and right to sue and be sued, which are hereby retained. Nothing in this Act shall be deemed in any way to impair or otherwise adversely affect the title to property as presently held or hereinafter acquired. Hereafter the government and operations of the Protestant Episcopal Church in the District of Columbia shall be in accordance with the constitution and canons of said church.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1081), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the legislation is to conform applicable law to changes recently enacted by the General Assembly of Maryland with respect to the Protestant Episcopal Church.

The bill will repeal those anachronistic sections of the so-called Vestry Act which deal with the internal organization and operation of the Protestant Episcopal Church, but will leave intact those provisions which establish general corporate powers and which may affect title to property held by the church.

NEED FOR LEGISLATION

The basic civil law for the organization of parishes and vestries of the Protestant Episcopal Church is the Vestry Act adopted by the General Assembly of Maryland in 1798 and continued as the law in the District of Columbia was created in 1800. The Diocese of Washington includes four Maryland counties and the District. Thus, when substantial revision of the Vestry Act was enacted in 1969 by the Maryland General Assembly, the two parts of the diocese became subject to conflicting laws which made internal government of the church difficult and certain property rights tenuous.

The Church requested introduction of S. 2336 to eliminate certain anachronistic provisions in the Vestry Act (acknowledgedly conflicting with constitutional principles of separation of church and state) but otherwise to give local parishes more control over their own affairs and to preserve property relationships.

The committee has concluded that a complete repealer of the Vestry Act in order to eliminate church-state conflicts is not an adequate solution. The chancellor of the Diocese of Washington (the honorable Oliver Gasch, a judge of the U.S. District Court for the District of Columbia) has been advised and is of the opinion that potential problems with land titles of parishes acquired under the Vestry Act would be avoided with the retention of the Vestry Act with amendments rather than for the parishes to operate under any other statutory provisions applicable to religious corporations now in effect in the District of Columbia. Further, the conversion of the parishes to such other statutory provisions would cause unnecessary administrative turmoil. Finally, and of controling significance, the effective operation of the Diocese of Washington is dependent upon all parishes operating under substantially the same provision of civil law. Any result wherein the District parishes would be operating under one set of statutory provisions, and the four Maryland parishes would be operating under another, would be extremely burdensome and undesirable.

HISTORY OF LEGISLATION

S. 2336 as introduced would have conformed the Vestry Act to the law now in effect in the State of Maryland, which presently governs the four Maryland counties included in the Washington diocese, including a repealer of a number of provisions involving internal affairs of the church.

At the hearing on the bill, strong opposition was voiced by a representative for the American Civil Liberties Union against those aspects of the bill which would continue the Vestry Act's involvement of government in any way in the internal affairs of the church, including establishing residency and age requirements for voting for vestrymen. The hearing was concluded with a request to the diocese to propose a revision which would take the government entirely out of the internal affairs of the church but would preserve vital property relationships which is the central concern of the diocese in proposing the legislation.

The diocese responded by letter on January 27, 1970, proposing a general repeal of the Vestry Act, thus leaving the government and operations of the church to its internal constitution and bylaws, but with the exception of such clauses as deal with the church as a corporate entity, its ownership of property and its rights to sue and be sued. The bill, as revised, is the version approved by the committee.

ANALYSIS OF LEGISLATION

The bill repeals the Vestry Act in large part and thus eliminates government connection with internal affairs of the church, including provisions for election of vestrymen, conduct of vestry meetings, oaths of office, and various other penalties and prohibitions directly relating to internal church organization and affairs.

The sections not repealed are limited to the following:

Section 9. Vestry to have title to parish property.

Section 28. Vestrymen of every parish to constitute a corporation with general corporate powers.

Section 29. Relating to the sale or transfer of church property by the Vestry.

Section 32. Vestry to have capacity to sue and be sued, and to have a common seal.

INCREASING THE SECURITIES ACT EXEMPTION FROM REGISTRATION FOR SMALL BUSINESSES

The Senate proceeded to consider the bill (S. 336) to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding $500,000 in aggregate amount, from the provisions of such act.

Mr. WILLIAMS of Delaware. Mr. President, could I have an explanation of this matter.

Mr. MANSFIELD. Mr. President, the purpose of the legislation is to amend the Securities Act of 1933 in order to assist small businesses in raising capital. To accomplish this objective the bill gives the Securities and Exchange Commission power by rule or regulation to increase the size of an offering of securities that may be made without compliance with the full registration requirements of the Securities Act from the present amount of $300,000 to $500,000.

At the time of its enactment, section 3(b) of the Securities Act of 1933 authorized the Securities and Exchange Commission to exempt certain classes of securities if their total offering price to the public did not exceed $100,000. In 1945 the act was amended increasing the exemption to $300,000.

This increase was intended to aid small businesses in raising capital for the commencement or expansion of their activities. In 1945 the $100,000 exemption was found to be an inadequate amount for accomplishing these objectives. This was due to the increase in the costs of equipment and labor between 1933 and 1945.

Mr. WILLIAMS of Delaware. Mr. President, I understand it. That is satisfactory.

The **ACTING PRESIDENT** pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c. (b)) is amended by striking out "$300,000" and inserting in lieu thereof "$500,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1082), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE LEGISLATION

The purpose of the legislation is to amend the Securities Act of 1933 in order to assist small businesses in raising capital. To accomplish this objective the bill gives the Securities and Exchange Commission power by rule or regulation to increase the size of an offering of securities that may be made without compliance with the full registration requirements of the Securities Act from the present amount of $300,000 to $500,000.

BACKGROUND OF THE LEGISLATION

At the time of its enactment, section 3(b) of the Securities Act of 1933 authorized the Securities and Exchange Commission to exempt certain classes of securities if their total offering price to the public did not exceed $100,000. In 1945 the act was amended increasing the exemption to $300,000.

This increase was intended to aid small businesses in raising capital for the commencement or expansion of their activities. In 1945 the $100,000 exemption was found to be an inadequate amount for accomplishing these objectives. This was due to the increase in the costs of equipment and labor between 1933 and 1945.

Since 1945, costs have continued to rise throughout the economy. The $300,000 exemption enacted in 1945 obviously, has far less purchasing power today. In many cases it is an inadequate amount to properly finance a small established business seeking to modernize or expand its facilities, or a newly organized venture. In light of these present day conditions, this legislation would increase the dollar amount to $500,000 for a securities issue which may be exempted under section 3(b) of the act. This Committee feels that this is the minimum amount necessary to carry out the original congressional intent in enacting the section.

The $300,000 limitation has also made it unduly difficult for small business issuers to secure underwriters for their offerings. When an underwriter can be found, his commission may run as high as 15% to 20% of the amount sold, thereby substantially reducing the funds which the issuer receives. An increase to $500,000 would help alleviate this situation by making the offering more attractive to underwriters, reducing underwriting costs and providing the issuer with a greater return.

SUMMARY OF THE LEGISLATION

This bill would amend section 3(b) of the Securities Act of 1933 by increasing the maximum aggregate dollar amount of securities from $300,000 to $500,000 which may be offered to the public pursuant to an exemption from the act's registration provisions. However, the Securities and Exchange Commission is required to promulgate rules and regulations under regulation A of this section which will provide investors with adequate disclosure concerning the exempted securities. The Commission has advised the committee that it will act promptly in amending its rules and regulations in order to carry out the intent of this legislation.

Regulation A of the Securities Act of 1933, as amended by this legislation, would permit a company to obtain needed capital which is not in excess of $500,000, including underwriting commissions, in any one year, from a public offering of its securities without registration, provided specified conditions are met. These conditions include the filing of a notification supplying basic information about the company, where the offering is to take place and the filing with the Commission of the offering circular which is to be disseminated to investors. These documents are somewhat simpler and less expensive to prepare than the full registration statement required under the Securities Act for nonexempt offerings.

CONVENTION ON OFFENSES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT

The Senate proceeded to consider the bill (S. 2176) to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes.

Mr. SCOTT. Mr. President, is that the aircraft hijacking convention?

Mr. MANSFIELD. Yes. Mr. President, the bill amends the Federal Aviation Act of 1958 to permit the United States to implement certain provisions of the Tokyo Convention.

Section 101 of the act is amended to create the term, "special aircraft jurisdiction of the United States" which would include, while in flight, all civil aircraft of the United States, aircraft of the national defense forces of the United States, and any other aircraft within the United States, or under specified circumstances, outside the United States.

The **ACTING PRESIDENT** pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) A new subsection (32) be inserted in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301) as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes the following aricraft while in flight—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States; and

"(c) any other aircraft—

"(i) within the United States, or

"(ii) outside the United States which has its next scheduled destination of last point of departure in the United States provided that in either case it next actually lands in the United States.

For the purpose of this definition, an aircraft is considered to be in flight from the moment when power is applied for the purpose of takeoff until the moment when the landing run ends."

(2) Existing subsections (32), (33), (34), and (35) are renumbered (33), (34), (35), and (36), respectively.

(3) Subsections 902 (i), (j), and (k) of such Act (49 U.S.C. 1472 (i), (j), and (k)) are amended by deleting the words "in flight in air commerce" wherever they appear in those subsections and substituting therefor the words "within the special aircraft jurisdiction of the United States."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1083), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILLS

The bill amends the Federal Aviation Act of 1958 to permit the United States to implement certain provisions of the Tokyo Convention.

Section 101 of the act is amended to create the term, "special aircraft jurisdiction of the United States" which would include, while in flight, all civil aircraft of the United States, aircraft of the national defense forces of the United States, and any other aircraft within the United States, or under specified circumstances, outside the United States.

Subsections 902 (i), (j), and (k) of the act (which provide criminal penalties for aircraft piracy, interference with flight crew members, and certain other acts) are then amended to substitute the "special aircraft jurisdiction" for the jurisdiction presently conferred by the term "in flight in air commerce." The effect of these amendments is to extend the criminatl provisions to all aircraft within the special aircraft jurisdiction of the United States as defined by the amended section 101. While this redefinition of jurisdiction is necessary to conform with the purposes of the Tokyo Convention, it still falls wholly within the jurisdiction of the Federal Government under the Constitution.

COMMITTEE CONCLUSIONS

In June 1950, the Legal Committee of the International Civil Aviation Organization began a study into the possible negotiation of a treaty that would establish rules respecting jurisdiction over crimes committed onboard aircraft, and other related matters. Over the next 13 years, the United States actively participated in discussions of the many problems involved and in negotiations to resolve them. On September 14, 1963, the convention was opened for signature at Tokyo, and the United States (a major supporter of the convention) signed.

The principal purpose of the Tokyo Convention is to promote aviation safety through establishment of continuity of jurisdiction over criminal acts occurring onboard aircraft. The Tokyo Convention is a desirable international agreement.

The Convention establishes a positive rule of international law respecting jurisdiction as between the contracting states. Under this rule, the state of registry of an aircraft may exercise jurisdiction over offenses committed on board that aircraft when it is: (1) In flight; (2) On the surface of the high seas; or (3) On any other area outside the territory of a state. This rule is analogous to the state-of-flag rule for jurisdiction over ships. This is not a rule of exclusive jurisdiction. Rather, the Convention ensures that the state of registry of an aircraft always is competent to exercise jurisdiction even though the aircraft leaves the state's territory, and yet allows other states to exercise concurrent jurisdiction. The exercise of concurrent jurisdiction would depend on a state's interest in the offense and the applicability of the traditional rules of international law regarding assertion of jurisdiction.

The Convention makes more certain the powers and authority of an aircraft commander and establishes a uniform international standard for judging the actions of the commander. Without these provisions, his actions to apprehend and "off-load" an offender would be subject to the laws of the state where he lands the aircraft. Also, the correctness of his decisions might be judged under the national law of a country overflown. Finally, if their actions are reasonable and comply with the Convention, each aircraft crew member and passenger, the aircraft owner or operator, and the person for whom the flight is made, all would have legal immunity. This immunity should enhance the proper attitudes and actions necessary to significantly contribute to safety of flight in international aviation.

The Convention establishes rules and procedures to "off-load" an offender. Under the Convention, the commander may disembark in any State in which the aircraft lands any person he reasonably believes has committed, or is about to commit, an act on board which might jeopardize the safety of the aircraft, passengers, or cargo or jeopardize good order and discipline on the aircraft. Also, the commander may deliver to the authorities of any contracting state in which the aircraft lands a person he reasonably believes to have committed on board a serious offense under penal law of the state of registration of the aircraft. The Convention obligates any contracting state to allow disembarkation or to accept delivery. If satisfied that the circumstances warrant, the state accepting a person "delivered" or one suspected of hijacking must take custody or other measures to ensure the suspected offender's presence. In this regard, the Convention has several provisions that are designed both to protect a suspected offender's rights and to ensure his case is handled legally and expeditiously in accordance with the generally accepted concept of due process of law.

The Convention imposes a positive obligation on all contracting states to take every appropriate measure to restore control to, or preserve control in, the lawful commander of an aircraft. A contracting state in which a hijacked or threatened aircraft lands must permit passengers and crews to continue their journey as soon as practicable and return the aircraft and its cargo to the persons lawfuly entitled to possession, thus minimizing the adverse impact that a hijacking has upon the passengers and crew. While not a complete resolution of this serious problem, this provision does represent an important step for the protection and convenience of passengers, aircraft, and cargo.

The United States has continued to press efforts to gain widespread international acceptance of the Tokyo Convention and to promote other efforts to deter and resolve hijackings. On May 12, 1969, the United States Senate gave its advice and consent to ratification of the Tokyo Convention. (See Executive Report No. 3 *of* May 8, 1969, to accompany Ex. L. 90th Cong., 2d sess.) On September 5, 1969, the United States of America presented to the International Civil Aviation Organization the instrument of ratification of the Convention, being the twelfth Nation to do so. As a result, under Article 21, paragraph 1, the Convention came into force on December 4, 1969. Following the United States' ratification, 10 other countries ratified the Convention, making a total of 22 of the 40 signatory nations that have become parties to the Convention. As an additional measure to the Tokyo Convention, the legal committee of the International Civil Aviation Organization (ICAO), with active United States participation, is meeting now in Montreal to consider a draft protocol prepared by the Legal Subcommitee on Unlawful Seizure of Aircraft that, among other proposals, would require the state in which a hijacked aircraft lands either to extradite the hijacker to the aircraft's state of registry or else to consider prosecuting him under its own laws.

S. 2176 fulfills the U.S. responsibility to implement the Tokyo Convention.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar today. Mr. President, I thank the Senator from Delaware, the Senator from Oklahoma, and the distinguished minority leader.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, none of the time used thus far will come out of the time of the distinguished Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Chair so understands.

The Chair now recognizes the Senator from Oklahoma for 30 minutes.

Mr. BELLMON. Mr. President, I thank the Chair. I will not need the 30 minutes, I will yield back some of the time.

SENATE RESOLUTION 444—SUBMISSION OF A RESOLUTION RELATING TO THE ACCOUNTABILITY OF MEMBERS OF THE ARMED FORCES OF THE UNITED STATES IN COMBAT SITUATIONS

Mr. BELLMON. Mr. President, I am today submitting a resolution relating to the accountability of members of the Armed Forces of the United States in combat situations, where they are proceeding under lawful orders. This resolution is the result of a deep feeling of concern which I have as, a result of charges which have been brought against certain members of the American Armed Forces as a result of tragic incidents which have occurred in Southeast Asia.

No reasonable person condones brutality or savagery in either war or peace. Certainly, no reasonable person approves of the injury or death of civilians who are caught up in the path of armed military conflict. Any reasonable person will take precautions, sometimes at personal risk to avoid such tragic occurrences. As a member of the Marine Corps in World War II, who was involved in intense combat in the Pacific, I have many vivid memories of the plight of civilians. Also, I recall many humanitarian efforts put forth at considerable risk to their own lives by American servicemen to save civilians from harm and to aid those who had been injured by our military action.

Mr. President, I have checked with the Judge Advocate General's office and can find no case during World War II where the American system of justice punished a member of the armed service for injuries inflicted on civilians while such member was on a combat assignment and was under fire. The concept of bringing criminal charges against members of the American armed services who are performing combat missions under lawful orders, as far as I can determine, is a recent development by our system of military justice. The practice has never been accorded congressional approval or disapproval and is a serious development so far as the future ability of our armed services to perform their mission is concerned.

For instance, it is not at all uncommon for the pilots or crews of American B-52 bombers to be assigned targets where civilians are known to be present and where civilian injuries and deaths are almost certain to occur. When these bombing attacks are carried out, under orders of American field commanders, are the pilots of crews of these planes to be criminally charged for the civilian deaths which result from their actions? These bombings take place from thousands of feet in the sky, where the crews are in virtually no personal danger and where they have no personal knowledge of the injury or death to civilians which result from their action.

It is also common for artillery or naval barrages to be ordered in support of American combat operations. On occasion, civilians are injured and killed by such action. When these tragic events occur, are the artillery crews or the commanding officers to be called to account and criminally punished for the civilian injuries and deaths?

Civilian deaths or injuries which occur as a result of bombing strikes, artillery fire, or naval gunfire in Southeast Asia are impersonal and are inflicted by American servicemen who may face no personal danger during the course of their actions.

The situation as it relates to an American infantryman is considerably different. When infantrymen are ordered into combat zones, their lives are in constant and imminent jeopardy. At any moment they may encounter a booby trap which will inflict mortal injury. At any time their movements may attract small arms, mortar, or artillery fire. In countless cases, apparent noncombatants have taken actions which have caused injury and death to Americans. The Vietcong are civilians and many members are very young or are women. In fact, it is impossible, under many conditions, to identify friends or foes among the native population.

In spite of the dangers and personal tensions which American infantrymen face in the discharge of their hazardous assignments, members of the Infantry are the only Americans in South Vietnam which have been charged, tried, and sentenced for injury or death of noncombatants.

To me, this policy seems entirely inconsistent and even dangerous to the future ability of this Nation to conduct ground military actions where civilians may be involved. Unless our infantrymen can go into battle feeling that their government will support the actions which these men feel are necessary for their own safety, I am of the opinion that the morale of our infantrymen may be totally destroyed.

Mr. President, in my opinion, the policy of this Nation toward our ground forces in combat zones must be clarified. This clarification should not and cannot come from military courts of justice in combat zones. This question is of immense importance to the security of our Nation and is a proper concern of the U.S. Senate.

Mr. President, the question of the legal accountability of members of American Armed Forces acting under lawful orders in combat situations is brought out clearly in the recent case of a marine private. The private was a member of a killer team, ordered by their commanding officer on a "search and destroy mission." He has been sentenced to life imprisonment for his actions in connection with the deaths of 12 civilians. The case is on appeal and cannot be fully discussed at this time. However, this case has been brilliantly researched and reported by Pulitzer Prize-winning Reporter Miriam Ottenberg, of the Washington Star. I ask unanimous consent that articles by Miss Ottenberg, describing this case and a copy of an editorial, dated Sunday, July 12, 1970, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibits 1 and 2.)

Mr. BELLMON. Mr. President, the resolution I am submitting is brief, and I ask unanimous consent that it be printed in full in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 444) was referred to the Committee on Armed Services, as follows:

S. RES. 444

Resolved, That it is hereby declared to be the sense of the Senate that whenever civilian casualties in connection with any military operation carried out by members of the Armed Forces of the United States pursuant to lawful orders, the law does not hold such United States military personnel individually responsible for such casualties if inflicted incident to direct ground combat with members of an opposing armed force when the United States military personnel were being resisted by hostile fire from such an opposing armed force.

Mr. BELLMON. Mr. President, this issue is one which vitally affects the ability of our Nation to provide for its security and to discharge its responsibilities as a leader of the free world. How long can we expect members of our mili-

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tary services, made up largely of men who were drafted into service, to risk their lives in combat, knowing that actions they take, under orders, may result in long prison sentences?

The question here is whether or not members of the American armed services who take action against an enemy while their own lives are in danger should face the ordeal of criminal prosecution.

Congress provides the funds for the conduct of military operations. I believe it has the responsibility of providing ground rules to guide the administration of justice in connection with these operations.

EXHIBIT 1

[From the Washington Star, July 7, 1970]

SHOULD A MARINE PRIVATE DISOBEY?

(By Miriam Ottenberg)

Can a young man trained in Marine boot camp to instant obedience be expected to disobey any order of a superior—even a "patently unlawful" one—on a night patrol in Viet Cong-infested territory?

That was the basic question in the court-martial in Vietnam of the 20-year-old Pvt. Michael Schwarz of Weirton, W. Va., on a charge of premeditated murder.

It is a question now being raised in this country by veteran Marine officers, editorial writers, parents of servicemen in Vietnam and others in the wake of Schwarz's conviction and sentence to life imprisonment at hard labor.

And it is a question sure to be aired tomorrow when attorneys for Pfc. Samuel G. Green, 18, of Cleveland, Ohio, another member of the same patrol, ask District Court here to order his court-martial postponed and absolve him of all wrong doing on the ground he was obeying orders.

In the wake of the Schwarz court-martial and in the face of the upcoming My Lai trials, another question is getting almost as much attention: Are the constitutional rights of servicemen properly protected in court-martial?

The Star discussed these and other questions with Marine headquarters, with defense attorneys for the accused Marines, with the Schwarz family and with Marine reserve officers who practice law but have no connection with the pending cases.

Although the answers apply to all four Marines accused of murdering 16 Vietnamese civilians last Feb. 19, they particularly affect Schwarz for several reasons.

He was the only one who did not have a civilian attorney before he went to trial or during his trial. He was the first tried and the only one convicted so far.

Of the other three, one of them—Pfc. Thomas R. Boyd Jr., 19, of Evansville, Ind., has been acquitted after convincing a judge—rather than a court-martial—that he never shot anybody. Attorneys for the second, Lance Cpl. Randall D. Herrod, 20, of Calvin, Okla., who was slated to go to trial July 6, have succeeded in getting his trial postponed by the Military Court of Appeals here, which has ordered the Navy to reply by July 13 to points raised by the defense. And Green's case is being fought in District Court.

These cases hinge on a time span of only two or three minutes. When it was over, five women and 11 children were dead—at least that's the number found the next day in the village of Son Thang, 27 miles southeast of Da Nang.

No autopsy was performed so there was no official determination of who shot them. but Schwarz and Herrod were charged with premeditated murder and Green and Boyd were charged with unpremeditated murder.

Charges against the fifth man on the patrol, Pvt. Michael S. Krichten, 18, of Hanover, Pa., have been "held in abeyance." He was granted immunity to testify for the prosecution at the court-martial.

Only an hour before the Son Thang shootings, a buddy of the five Marines had been killed by a booby trap.

Herrod's attorney, Oklahoma State Sen. Gene Stipe, who attended the Schwarz trial, said there was testimony that during the previous week they had lost nine members of their platoon and that their company had suffered more casualties than all the rest of the battalion.

They were, then, under more than the usual stress when they volunteered for this patrol, were given what amounted to a pep talk by their commanding officer and sent off on their night "search and destroy" mission.

Normally, the leader of such a fire team would be a corporal but, the Marines say, "due to temporary personnel attrition, sickness, wounds or temporary transfer turnover, lance corporals do command fire teams and patrols when corporals are not available." Herrod, a 20-year-old lance corporal, was assigned command of this team on the night of Feb. 19.

Accounts of what actually happened that night vary greatly. Krichten, for instance, after he was given immunity from prosecution; testified that the women and children were "herded from their hooches (huts)" and gunned down.

Stipe said he tried to look at Krichten's original statement to investigators but that the Marine major who had taken the statement said Krichten had asked for it back and the major had given it to him. He did not know what happened to it after that.

Schwarz' pre-trial statement to military investigators was used at the court-martial. In that statement, Schwarz said, "When the firing started, I joined in. When the firing quieted, the people were all dead. I started firing with everyone else as ordered."

At his trial he said each time he went into a hut to investigate, he heard the patrol leader outside shouting orders to "shoot 'em, kill 'em all."

Schwarz had been the point man ahead of the others when they first approached the village and saw a house with several people outside on the porch. He testified that as he entered the house, the Vietnamese on the porch started shouting and he believed they were trying to signal the Viet Cong. Inside, he said he found a bunker and heard what he thought were men's voices.

When he heard Herrod outside yelling, "Shoot 'em, shoot 'em all," he ran outside and began firing in the direction he saw the others firing.

At another house, where Herrod was going to throw in a fragmentation grenade, Schwarz said he asked him not to do it and went in to check it out. Again he said he heard Herrod shouting orders to kill and rushed outside, thinking the Viet Cong were coming back. He got off two shots before his rifle jammed.

(The jammed rifle took on added significance when he got back to base and found the gun had been struck twice by bullets.)

Stipe said Schwarz' commanding officer, Lt. Louis Ambort, testified that he had examined the rifle and it had been struck twice but that testimony was given at the military version of a preliminary hearing and Ambort wasn't asked about the rifle at the court-martial. And the rifle was not offered in evidence.

(The reason Stipe attaches importance to the rifle is the contention—knocked down by the prosecution at the Schwarz court-martial—that the Viet Cong were firing from the brush. Schwarz, Herrod and Green all said they saw muzzle flashes from enemy weapons in the brush. Schwarz said he fired at the flashes.)

The testimony indicated that Schwarz did some thinking about the orders he was getting that night. He testified that when Herrod ordered him to shoot a crying baby, he fired to miss the infant because "I couldn't see shooting the baby, sir." But he said he believed the other shooting was lawful "because guys don't open up on a bunch of people for no reason."

The decision to try four of the five Marines for murder was made in mid-May by Maj. Gen. Charles F. Widdecke, commander of the 1st Marine Division. Col. Robert M. Lucy, 1st Marine Division staff judge advocate, said the trials would begin in June.

The families of the men immediately started looking for civilian attorneys to defend them. Only one of them failed. Mr. and Mrs. James G. Schwarz said they wrote to senators from both Pennsylvania, where Schwarz' wife lives, and West Virginia and got no response. They couldn't find anybody who would volunteer to go to Vietnam to defend their son and the cost of paying for a defense was prohibitive. They were assured by the Marine Corps, however, that Mike would be represented by counsel, a Marine attorney.

Schwarz went on trial on June 19, but attorneys looking at news reports on his trial and Stipe, who was there, say by that time the damage had been done. Schwarz had answered every question asked him by investigators.

Were his constitutional rights violated?

These rights, as spelled out by the Supreme Court, include the right to refuse to answer questions of investigators, the right to have an attorney present, the right to be warned that anything said during the questioning may be used in a later trial.

In answer to questions, the Marine Judge Advocate Division said: "Under military law, no person subject to the Uniform Code of Military Justice may question another person who is suspected of having committed an offense unless the suspect is first advised of the nature of the offense of which he is suspected, of his right to remain silent, of the fact that anything that he does say may be used against him in a trial by court-martial, of his right to consult with a lawyer and to have a lawyer appointed to represent him and be present with him during any interrogation and of his right to terminate any interrogation at any time.

"Once a military lawyer is appointed to represent a suspect, no other lawyer may properly question the suspect without the permission or presence of his appointed counsel."

How much warning of their rights the Marines got is now a matter of controversy. A Marine major has since said he did warn them, but not the first time they faced questioning.

And Lt. Ambort, Schwarz' 23-year-old company commander, said after the court-martial verdict, "If I'd been smart, I'd have told these guys down there not to talk until they saw a lawyer. But I'm not smart. I told them to talk."

Several attorneys among Marine reserve officers question whether a Private First Class will exercise his right to remain silent—even if he gets the warning—when a major or lieutenant colonel is doing the questioning. As one reserve officer said, "This isn't police questioning a criminal. This is an officer questioning a boy who thinks he must confess."

As it turned out, the prosecutor, Capt. Franz Jevne, based much of his case on a pre-trial statement Schwarz made to military investigators. That's the statement in which Schwarz said, "When the firing started, I joined in."

As for the trial itself, Stipe said the questions posed by the prosecution to try to impeach Schwarz' character wouldn't have been allowed in any civilian court.

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He said two Marines who didn't know Schwarz well were asked if they would believe him under oath. Both said no.

At the trial, Schwarz' defense counsel, Capt. Daniel H. Legear, argued that Schwarz was obeying orders.

"We put leaders in charge," he said. "We tell subordinates to follow the leaders' orders. Let's not crucify the private who obeys those orders. If we put the burden on the private to decide the rightness of the orders, we'll have a lot of dead Marines."

He was responding to prosecutor Jevne's argument that although Schwarz allegedly had been ordered by Herrod to fire at the civilians, he should have disobeyed the order as "patently unlawful."

That was exactly the position taken by the military judge in his instructions to the seven-officer court.

"A Marine," said Lt. Col. Paul St. Amour, "is a reasoning agent, who is under a duty to exercise judgment in obeying orders to the extent that where such orders are manifestly beyond the scope of the authority of the one giving the order and are palpably illegal upon their face, then the act of obedience to such orders will not justify acts pursuant to such illegal orders."

After the verdict, defense counsel Legear commented: "It comes down to when can you disobey an order. And they just don't tell these kids that."

So The Star asked the Marine Corps when Marines are first told that they are supposed to refuse to obey "patently unlawful orders," how are they told and how often is the instruction repeated.

The Marine Corps replied that one of the objectives of basic training is "to develop a state of discipline which assures respect for authority and instant, willing obedience to orders."

"Such an objective," the Marine spokesman said, "is essential considering the fact that the basic nature of any military organization involves the need to motivate men to march into combat, thereby willingly exposing themselves to the dangers of being maimed or killed.

"In pursuit of this objective, the approach taken in Marine training is positive rather than negative. Marines are taught that discipline and obedience to orders are necessary to the creation of an environment of loyalty, unit spirit, solidarity and teamwork and that it is these qualities which permit survival on the battlefield.

"Marines are not taught in training to disobey unlawful orders but rather to obey lawful ones."

During recruit training, the Marine spokesman said, all Marines receive two hours of instruction in the Uniform Code of Military Justice, again after they complete six months of active duty and again on re-enlistment.

Included in this instruction are the articles dealing with failure to obey lawful orders. In accordance with the Code of Military Justice, "an order requiring the performance of a military duty may be inferred to be legal, but an act performed manifestly beyond the scope of the authority or pursuant to an order that a man of ordinary sense and understanding would know to be illegal or, in a wanton manner in the discharge of a lawful duty, is not excusable."

Asked to comment on the instructions as they were read into the Schwarz case, several Marine reserve officers said expecting an enlisted man to disobey a superior's orders put a tremendous burden on him when he had been taught blind obedience to orders.

Col. Marvin Schacher president of the Marine Corps Reserve Officers Association, commented: "It's a matter for the court, but it's not possible to put Marines in a position to weigh each order given as to the probabilities and likelihood of it being right or wrong. You can't run a war that way."

The stress and strain of a situation, he said, in large part dictates what a man does. The more intense the strain, the less a man can question an order.

"The further removed you are geographically from the action," he said, "the better position you are in to say 'no, this is immoral or illegal and I won't do it.' But you have to be sure you're right because you'll be called on to answer for it later."

On the question of stress the night of the patrol prosecutor Jevne said the patrol was not in a "combat situation" but Schacher commented that "the entire area is a battlefield" and a Marine reserve officer just back from Vietnam said "every time you leave the barbed wire around the base, you're in a combat situation."

Another Marine reserve officer, Col. Robert McKinley who represented a young Marine in a case similar to the Schwarz case and got his man acquitted, said he argued successfully that the boy believed the orders he got from his lieutenant to "kill everything that moves" was a lawful order.

"You can't expect kids to be judges," he contended. "If they tried, the military organization would disintegrate. What I might question as a lieutenant colonel is certainly different from what a Pfc. would question."

Retired Maj. Gen. M. Shoup, former commandant of the Marine Corps and a critic of the Vietnam war, was asked if he thinks a boy trained at Parris Island to strict obedience should be expected to disobey any order, even one that may be unlawful.

His reply recalled Schwarz testimony about avoiding killing a baby.

"I think it's reasonable," the general said, "to believe that any man committed to combat duty must surely have the good sense and judgment which would cause him to know that it is not reasonable and expected that he fire into and kill children. There's a question with women. They might have grenades. You almoust have to be there to make a judgement in each case, but it's not reasonable to kill children."

Many of the letters reaching the home of Michael Schwarz' parents—300 arrived in two days—coupled comforting words for the parents with outrage that a young Marine should be expected to refuse to obey an order.

Some of the letters enclosed copies of protest letters written to senators and the White House.

A veteran of the Vietnam war from Alexandria, Va., wrote President Nixon that he could not understand how such a "travesty" could have occurred as the Schwarz conviction.

"All through his training, a soldier, and particularly a Marine," the veteran wrote, "is told that he is not paid to think, just to obey; he is also constantly told to obey and then complain but never vice versa. All this training is opposed to the statement of the court."

Urging the President to use the power of his office to set Schwarz free, the veteran added: "Many Americans regard this conviction as merely a propaganda move, but since when does America sacrifice its young men for such a petty and worthless cause?"

Michael Schwarz, son of a steel mill foreman disabled in World War II and the next to the youngest of eight children, dropped out of high school at 16 to join the Marines. His mother knew he was altering his birth certificate but since he'd wanted to be a Marine since he was 12 years old, she let him do it. Three of her other sons were in the Navy.

The parents were so proud of the four boys that they erected a tall flagpole in the front yard of their Weirton home and flew the flag every day—until Mike's conviction.

The senior Schwarz said then he'd never fly the flag again, but he says now he's changed his mind about that.

"You can't blame this on the flag," he said.

Mike was allowed to call home once after his conviction. He told his mother, "If we hadn't shot, they would have shot us." Then he was cut off.

Mike's 19-year-old wife Linda lives with their three-year-old son in her mother's trailer in a heavily wooded area near Bulger, Pa. The state representative from her district John L. Brunner, has been trying to interest people in the case. "I've been expecting a grass-roots movement by a veterans' or service organization to help with the boy's defense," he said, "because it will be a great financial drain."

Help in the form of a highly respected civilian attorney has come to the Schwarz family. Pittsburgh attorney James E. McLaughlin of the law firm of McArdle, McLaughlin, Paletta and McVay said he got interested when a United Press International story quoted the elder Schwarz as saying all the attorneys in the area were afraid to buck the government.

"I thought it was horrible that nobody in this area would come to their aid," said McLaughlin, "so I volunteered."

His goal is complete vindication, rather than just a reduction of sentence.

"What reduction is meaningful?" he asked. "I don't think he should have been tried at all because he was obeying what he considered a lawful order."

He cited Supreme Court Justice Oliver Wendell Holmes saying "The law does not require detached reflection in the presence of an uplifted knife."

"The knife of the Viet Cong hangs over these boys every night," he said. "How much detached reflection can you expect of boys who are trained to obey instinctively and shoot to kill?"

That will be asked again tomorrow when attorneys for Pvt. Green ask Judge John Lewis Smith Jr. for a temporary restraining order to put off his court-martial until the suit they've filed in District Court can be tried.

The court will be asked for a judgment absolving him of the charge of unpremeditated murder "by reason of carrying out the orders and directives of his superior officers . . . while engaged on a "search and destroy mission" as a member of said 'killer team.' "

In arguing for the restraining order, Green's attorneys said, "He acted and participated without any fault or wrong doing on his part under the specific orders and instructions of his superior officers to the best of his information, knowledge, experience, ability, capability and training received as a member of the U.S. Marine Corps."

McLaughlin will be sounding that theme repeatedly as he follows the Schwarz case through review by the commanding general in Vietnam, through a board of review in Washington and, finally, through the Court of Military Appeals.

Meanwhile, Mike Schwarz will be confined first in Vietnam and then at a naval prison in Portsmouth, N.H. And young Mrs. Schwarz and her son will try to get along without their allotment. The checks were cut off as of the day Schwarz was sentenced to life imprisonment at hard labor.

EXHIBIT 2

[From the Washington Star, July 12, 1970]

THE SCHWARZ AFFAIR: A JUDICIAL ATROCITY

When war begins, the morality and the logic on which civilization is structured must undergo wrenching alterations.

It is demanded of soldiers that they suspend most of the moral and religious training they have accumulated. The ultimate crime of a peacetime society, the taking of a human life, is transmuted by the fact of war into an achievement to be rewarded by medals and promotions.

The ethical barrier that man has erected to protect his civilization from the jungle that surrounds it is breached in time of war. But that barrier cannot be allowed to fall. Men at war must continue to act within set boundaries of permissible behavior. The brutalizing process of combat cannot be total.

The dividing line between duty and atrocity is not readily distinguishable. In a war such as that in Vietnam the division is particularly blurred. No front lines separate the combatants. The enemy cannot always be identified by uniform, sex or age. But the fact that the war in Vietnam is an unusually difficult, dangerous and dirty war does not cancel the obligation of the military to recognize an atrocity when it takes place and to punish those who are responsible.

Atrocities would appear to have been committed by American soldiers at My Lai in March of 1968, and the process of fixing responsibility, passing judgment and meting out punishment is under way in the military courts. Another atrocity, smaller in scope but not less horrifying, took place on February 19 of this year in the village of Son Thang. And in the Son Thang case, military authorities have moved with blinding speed.

Four of the five Marines involved have been accused of murder. The fifth has been granted immunity in return for his willingness to testify for the prosecution. One of the accused has been acquitted after testifying that his revulsion against the taking of life is such that he has never, during his entire tour of combat duty in Vietnam, fired at anyone but has always carefully aimed over the heads of the enemy. One of the defendants—Private Michael Schwarz, age 20—has been tried, convicted and sentenced to life imprisonment at hard labor.

That conviction compounds the battlezone atrocity with an atrocity by court-martial.

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A detailed account of the incident at Son Thang and its aftermath, written by Miriam Ottenberg, The Star's Pulitzer prize-winning investigative reporter, was printed in last Tuesday's editions. From that account, it appears that Schwarz's rights were violated and that the the appeal process may result in a reversal of the conviction or a reduction in the sentence. But more shocking than the questions raised by evidence that Schwarz was questioned by a Marine major before being informed of the suspected offense, of his right to remain silent or his right to legal counsel, is the clear implication that the military is embarked on a broad misapplication of its own system of laws.

The body of law that governs all United States servicemen—the Uniform Code of Military Justice—states that the orders of superiors must be obeyed. And then it qualifies this unambiguous statement with the observation that the order must be "lawful." What is an unlawful order? It is, in the words of the Code, one "that a man of ordinary sense would know to be illegal."

In the courtroom in Vietnam, well removed from the scene of battle, the illegality of the order to Pvt. Schwarz appeared clear enough. The five-man "search and destroy" mission, under the command of a 20-year-old lance corporal, walked into the quiet village at night. Some three minutes later, 16 civilians—five women and 11 children—had been shot to death. According to the testimony, the order given repeatedly by the platoon leader was: "Shoot them. Shoot them all."

The order was illegal. But does it therefore follow that Schwarz should be punished with a sentence of life imprisonment for premeditated murder? By any reasonable application of logic, he should not.

The Military Code, it is true, states that unlawful orders need not be obeyed. But this theoretical legalism is negated by the fundamental realities of military life.

A recruit in any branch of the service receives saturation training in one basic military requirement: Orders are to be obeyed. There is to be no hesitation, no questioning of the logic, no consideration to the legality. There must be—particularly in combat—instant obedience. Any other reaction, the trainee soon learns, is met with swift and severe punishment.

Such a system is dictated by the brutal logic of war. In battle, men may have to be ordered into a situation of danger so extreme that it amounts to almost certain death. They are expected to follow their orders. No superior can take the time to explain the logical necessity for an action that may seem unnecessarily dangerous or inhumanly brutal. The assumption must be that a leader is rational, is logically motived and that—in the absence of overwhelming evidence to the contrary—any order given is a lawful order. The alternative is military chaos.

Does this mean that the Military Code's statement that the rule of obedience applies only to "lawful" orders is meaningless?

On the contrary, the qualifying adjective retains a very important meaning as the basis for a defense against the failure to obey an order that can be shown to be unlawful. A soldier who has the moral courage and the quickness of intellect to recognize an illegal order for what it is can use the language of the Code as a legal shield. But no soldier, sailor, airman or Marine can reasonably be obligated in a combat situation to pass instant judgment on the legality of an order.

The fact remains, however, that if an atrocity is committed, responsibility must be fixed. No Solomon-like judgment is required to determine where such responsibility rests. The man who gives an order to commit an atrocity—not the man who carries it out—is the one who should stand trial.

If that leader was given prior orders that prompted his illegal action, then the guilt must pass up the chain of command. But the leader on the scene cannot automatically be absolved. He has the opportunity to question orders given in non-combat situations. He has the time to reflect on the legality of the orders. And the responsibilities of command impose an obligation to do just that.

This is not to prejudge the case of the 20-year-old lance corporal who substituted for the regular patrol commander on the "killer" mission at Son Thang. But whatever the outcome of this trial, it is clear that the military must not make scapegoats of privates who do what they are trained to do: Obey orders. The services must in addition begin to temper the conditioned reflex of unquestioning obedience by providing noncommissioned and commissioned officers with some realistic guidelines to mark the indistinct border between necessity and atrocity.

High on the list of war's tragic byproducts is the inevitable brutalizing influence it exerts on the society that sponsors it. This instruction in inhumanity must not be augmented by a demonstration of injustice in the military courts.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order the Senator from South Carolina is recognized for 30 minutes.

NERVE GAS DISPOSAL

Mr. HOLLINGS. Mr. President, the decision of the Army to dump 65 tons of liquid nerve agent into the Atlantic Ocean raises serious and disturbing questions. Where is our much-touted concern for ocean conservation? Can we continue polluting the resources of the sea and expect to survive? How is it that the U.S. Army, operating under a veil of secrecy and callous disregard, could be allowed the sole power of decision on a question of far-ranging ecological and social importance?

I submit today, Mr. President, evidence that our Government's current scuttling operation flouts the simplest rules of commonsense, ignores significant scientific evidence on the potentially harmful effects of this sea dump, and in so doing takes unnecessary risks with the ocean's future—hence our future. If we are to overcome the challenges of survival, we must awaken to the fact that the ocean may be our best ally, maybe our last ally, in fighting for the future of mankind.

The traditional misuse of the ocean as a dumping ground for the garbage and waste of human society can no longer be tolerated. Nor can we afford the mistakes of a decisionmaking process which ignores the testimony and advice of our best minds. There has been gross and willful neglect of responsibility by the Department of the Army in the handling of the nerve gas problem.

First, the Army's continuing chemical warfare program has consistently failed to plan for the neutralization or safe disposal of these deadly weapons. I realize full well the urgent need for research and development of chemical warfare agents, and I have no desire to let the Soviet Union and Communist China develop superiority over us in this field. But I also understand the necessity for safety. These have been notably lacking throughout the history of chemical weaponry programs.

The M-55 air-to-ground rocket, the same rocket that is today being prepared for scuttling off the coast of Florida, was designed years ago without any consideration whatever for its safe and easy demilitarization. All weapons become obsolete, and all weapons must be so designed as to render them harmless when they become outdated. The M-55 rocket, loaded with its deadly store of nerve gases, could not be easily demilitarized, so the alternative is to dispose of the entire rocket physically. Such weaponry design can no longer be sanctioned.

Second, the Army failed to consider the alternative methods of physical disposal. Instead it took the easy way out, the same old careless way it had taken on two previous occasions. They chose simply to encase them in concrete and dump all these toxic agents into the sea. Out of sight, out of mind, they thought.

The rockets may end up out of sight, Mr. President, but the effects may come back to haunt us all.

Instead of exploring available options for land disposal, the Army encased the current shipment of gas rockets in concrete and steel and chose to dump them at sea. That was the procedure used in earlier programs and for the Army, apparently, what was done in the past was good enough for the future. I have always believed that we are supposed to learn from the past, to change course once we have erred, rather than blindly continue and compound the mistakes of yesterday.

Only after a storm of congressional and public protest in the spring of last year did the Army grudgingly consent to even look at other possible methods of disposal. Even then, its heart was in the old way of doing things.

Third, Mr. President, I cite the laxity of the Department of the Army in failing to pursue land disposal and both the Army and the Atomic Energy Commission in rejecting underground nuclear destruction of the nerve gas rockets. A land disposal method was first recommended to the Army by a National Academy of Sciences Committee on June 25, 1969. Public and congressional pressure had by then forced the Army to solicit the advice of outside experts. Two days later, the Department of the Interior also recommended land-based disposal. And in July, a distinguished group of experts, headed by Dr. Paul M. Gross, emeritus professor of chemistry, Duke University, and chairman of the Munitions Command Advisory Committee, chose as its first recommendation, "use of a nuclear device to completely destroy them in one explosion." The Atomic Energy Commission's Lawrence Radiation Laboratory—and this is highly significant, Mr. President—concluded:

> These obsolete chemical munitions can be reliably destroyed by an underground nuclear explosion. This operation can also be conducted with no undue or unusual onsite and off-site safety hazard if the structural integrity of the steel shipping vaults can be assured through the time of emplacement hole stemming.

In October 1969, the Lawrence Radiation Laboratory recommendation was flatly overruled by the Commissioners of the AEC. Their reasons were that there was a strong probability of adverse public reaction to such a venture and that the proposed plan would interfere with their projected series of underground nuclear tests. Imagine that. Here we were, faced with the problem of finding the safest and best way to rid ourselves of these obsolete weapons, and the Atomic Energy Commission decides that the best way might mean bad public relations. As for the AEC contention that atomic neutralization would delay other nuclear programs, I would simply point out that priorities do exist, and in my mind the effective disposal of the nerve gas should have been given No. 1 priority. The fact is that, had the AEC used an existing nuclear test hole, the job could have been done by April 13 of this year, 1970. Even if it had to dig a new hole, the task could have been finished as I stand here today, August 13.

If you refer to the report made by the Lawrence Radiation Laboratory at the request of the Department of the Army, you see that various sites were studied for the possibility of disposing of the nerve gas vaults, two at Yucca Flats and one at Pahute Mesa, the Atomic Energy Commission recommended the Pahute site over the Yucca Flats site, saying that in this way we would not disturb any on-going testing by the AEC and it would not have to do certain other procedures relative to personnel who were then engaged in nuclear testing at the Yucca Flats site. If we take the laboratory's projected weekly schedules, interpolate and expand them from a 5-day workweek to a 7-day workweek, and take out the contingency time, the gas could easily have been destroyed by now.

There is some contention even at this moment that they could not have come under the August 1 deadline recommended by the Gross committee as the date after which the safety of these nerve gas rockets could not be guaranteed.

The AEC also mentioned safety factors, but the testimony before Congress last week made it abundantly clear that no meaningful efforts to test safety considerations were made. I can only conclude that the AEC was protecting its own vested bureaucratic self-interest. It was guarding its own flank rather than considering the long-term effects of disposal by non-nuclear means. Nuclear detonation was possible. The manpower, the technology, and the money were there, but the determination was not. Buck passing carried the day, and we were back once again to the old plan of dumping the gas in the ocean.

Fourth, the Army's procedures in handling the nerve agent rockets were shocking and careless.

For example, Army witnesses last week were forced to admit that they had completely lost track of two large lethal gas shipments sunk off the coast of New Jersey in 1967 and 1968. Believe it or not, in this day of computers, sophisticated tracking equipment and all the rest, the Army just has not found over 50,000 rockets previously consigned to the deep. Why not? Because the scuttled cargo contained no instruments to pinpoint the location of the hulks.

Mr. President, there was no surveillance of marine biological life at the New Jersey site before the 1667 and 1968 dumpings, and they finally admitted, under cross-examination, that they have not found those hulks since. So obviously no post-testing of marine biological life was made off the New Jersey coast at the area where this nerve gas was dumped, and even today no one knows where those hulks, with more than 50,000 rockets are.

There are other examples of the haphazard procedures which characterize the whole program. The list is legion. When the current shipment of nerve gas rockets was encased in concrete coffins 18 months ago, no attempt was made to record the positions of the entombed weapons. Are they in there frontward or backward? Nobody knows. This meant, of course, that onsite demilitarization was impossible, because no one is going to cut or drill through the steel and concrete and thereby risk puncturing and detonating the propellant in one of the rockets. And also, the enclosed nerve gas is highly lethal: only three-thousandths of a gram—a drop so tiny as to be invisible to the naked eye—can kill a man within 1 minute.

Why the rockets were encased with their live fuel is also beyond my comprehension. And when they were, the concrete containers were placed one against the other and exposed to the intense summer heat. Not until the public outcry of 1969, and only after strong prodding from the National Academy of Sciences, did the Army take rudimentary, commonsense precautions to avoid a heat-induced explosion. Only then did the Army coat the outer layer of steel with reflective heat-resistant paint. Only then did it separate the coffins from one another to guard against triggering them all if there was an explosion in one. It is a story of incompetence hard to believe.

Another unsettling fact: Despite all the Army's protestations that there is almost no chance of sniper sabotage, we do know that a bullet actually penetrated the steel, concrete, and outer rocket casing of one of the dummy vaults used for testing and lodged in one of the rockets. Today we can all breathe a little easier because the long train ride is over. But I felt more than a little apprehensive, Mr. President, when I saw in the newspapers pictures of hundreds of people lining the routes traveled by the tow trains. We did not have a sniper disaster, but the possibility at least was there. And nobody deserves any citation because the catastrophe was averted.

Fifth, and most important, the long, dismal history of these scuttling projects shows a callous and flagrant disregard for the ocean. We have been dumping the most lethal, odious products of human ingenuity into the environment that we know least about. And we have done so contrary to the advice of our most distinguished scientists.

A National Academy of Sciences group chaired by George B. Kistiakowsky, a distinguished chemist and formerly Special Assistant to the President for Science and Technology from 1959 to 1961, argued:

> We believe . . . that the government should set an example to private organizations and individuals of minimizing risks to humans and damage to the environment even though this may complicate and make more costly its own operations.

This group went on to suggest that—

> All such agents and munitions will require eventual disposal and that dumping at sea should be avoided.

Such advice fell upon deaf ears, and the Army went ahead with the ocean-dumping operation.

The honorable Russell Train, currently Chairman of the Council on Environmental Quality, admitted to the Senate Subcommittee on Oceanography last week that—

> Clearly, the potential long-term environmental effects of sealing the rockets in concrete were not taken into consideration at the time the decision was made.

Certainly, we had a right to expect the Army to leave no stone unturned, no experiment undone, to test the ocean area where the gas was to be deposited. Earlier warning was given in a paper presented by the staff of the Sandy Hook Marine Laboratory in 1969. The possible biological destruction of dumping gas into the sea was pointed out. But nothing in the record before or since indicates that the Army followed this up with biological monitoring—either at the 1967–68 site off the coasts of New Jersey, or at the current site off the the coast of Florida. Since the New Jersey site was marked on international charts as a munitions dumping area, the Army apparently felt it could dispose of anything and everything there with impunity, with no consideration for the impact on marine life.

And the same applies, of course, to the marking of the Florida site.

Once public opinion forced the Army to seek another location for nerve gas burials, a new site, 16,000 feet deep and 282 miles off Cape Kennedy, Fla., was selected. This new locale was over twice as deep as the New Jersey site, and its environment was much different. Yet not a single biological test was made in this basically unknown environment. Not one. And the physical and chemical tests which were hastily made were sadly inadequate to test the full range of environmental impact. The Army contented itself by taking a number of pictures, and then tried to tell the Subcommittee on Oceanography that no important life existed at that depth—"so do not worry. Just leave it to us."

I asked Dr. Howard L. Sanders, senior scientist at the Woods Hole Oceanographic Institution, about this last week. He quickly dispelled the false notion that the vast stretches of the deep ocean floor constitute a barren and desolate wasteland. Rather, said Dr. Sanders, the deep ocean harbors a rich and varied animal life. The diverse marine environment at those depths is finely tuned, and the various life forms have a narrow range of tolerances. Commenting on the testing that was done in the pre-dump survey, and the relative lack of testing at the drop site off New Jersey, Dr. Sanders stated:

> It appears that a somewhat uncritical mania for secrecy has created a needless danger to our society and potentially serious although unmeasured threat to the marine environment.

I submit, Mr. President, that there are very real risks to deep marine life in this current scuttling operation. Herein we encounter yet another Army blunder. In one of the 418 vaults—they do not know which one it is—there is a mine containing 10.4 pounds of deadly VX nerve agent. On land and against humans and other mammals, VX is 200 to 400 times faster and more effective than the GB gas which comprises the remainder of the shipment. In sea water, VX is considered less toxic than GB to marine life, but we now know that it retains its power much longer. It can last for up to 20 years; and in that time who knows what evil it might work?

We just do not know enough about conditions at 16,000 feet to make confident judgments and reassuring public statements. Until many more tests are conducted, all of our judgments are tenuous in the extreme.

Fifteen years ago, we were not even aware of the existence of the Mid-Atlantic Ridge, an important part of a world circling mountain range extending over 40,000 miles. That, Mr. President, is how sketchy our knowledge is of the ocean.

The Army's soothing reassurances rest upon a foundation as volatile as the M–55 rocket's gas. Let me give you an example. In 1964, a munitions-laden liberty ship was scuttled off the New Jersey coast. Five minutes later, it exploded. To this day, the Army is uncertain whether the explosion resulted from the impact on the ocean bottom or from the tremendous pressure at that depth. The blast was so severe that it registered on seismic instruments all over the world.

On another such scuttling operation, the vessel exploded on the way down, causing another seismic disturbance and sending a 600-feet-high waterspout into the air. Even more startling, the SS *Robert Louis Stevenson*—which was supposed to sink to a specific depth and then explode with the munitions aboard, destroying the munitions and removing all danger—sank so slowly off the Aleutians that it drifted into water too shallow to detonate its fuses. Consequently, it is still there intact, and today it is marked on the charts as a navigational hazard.

Within the past few weeks, the Army has assured us that no more sea-dump operations are planned and from now on, disposal will take place on land. I pray this is correct. But I insist that we follow up on this, that we initiate measures to guarantee that no more lethal chemicals are deposited in the ocean. We can no longer afford the luxury of avoiding our responsibilities. We can no longer sanction one small sector of the Government making unilateral policy decisions affecting the future of us all.

In addition to a rigorous followup on future decisions, I earnestly recommend that professionally respectable surveys be conducted at both the New Jersey and Florida sites. We must have accurate data on all the physical, chemical, and biological conditions in the dump areas.

I recommend, further, that the Army be required to furnish annual reports to the appropriate congressional committees, detailing the results of their studies, and the overall status of its chemical warfare disposal projects.

I recommend also that the Army furnish this body with data as to the volume and location of nerve agent munitions—classified material, of course, to be given to the appropriate chairmen of our special Committees of Armed Services and Appropriations and to the leadership. We are told only that the current shipment represents a small percentage of lethal gases stockpiled around the world in M–55 rockets, howitzer shells, land mines, aerial bombs, aircraft spray tanks, and ground-to-ground missiles—all weapons of war.

I could go on with this recitation, Mr. President, but time does not permit a complete presentation of the facts.

The Army has, in effect, locked us all in concrete. The hour is late, and the dumping operation will not now be halted. But we can halt future steps which would imperil the ecology of the ocean. We are dumping not only nerve gas into the deep, but also city wastes, lead, arsenic, mercury, persistent pesticides such as DDT, oil wastes, and countless other effluents. Off of the Pacific coast there are some 40 approved dumping areas. Off the Atlantic seaboard there are some 49. Off the Gulf of Mexico there are 34. That is a total of 123 appproved dumping areas, approved through ignorance and operating in a vacuum of ignorance. The ocean is not a refuse dump into which we can continue casting our waste. We must stop polluting the oceans, and we must stop now.

The problem of the ocean is the problem of us all. Its fate cannot be entrusted to those whose past record is writ large in failure. For my part, as chairman of the Subcommittee on Oceanography, I am determined to do everything in my power to stop the needless depredation of our marine resources. But we need help—help from the American people. Only when the people have made their wishes clear, only when the people have committed themselves, will Government respond with a meaningful program for the future. We all know the inertia of Government, its slow response to most problems. The only way to galvanize it into action is for the people to make their voices heard—not just to articulate environmental quality, but it is time to practice what we preach. Too often, we just deal with the politics of problems rather than with the problems themselves. It is time for the President to get involved, too, instead of relaying word through his press secretary on this particular important subject that he would take no part in this debate.

I submit also that the ocean's future rests not with just one nation, but with all nations. So I suggest that serious efforts be made to develop increased international cooperation for the conservation of the sea. The hour is already late but not, I hope, too late.

Mr. President, we have important committee meetings in course. Both the distinguished Senator from Kentucky (Mr. COOK) and the distinguished Senator from Virginia (Mr. SPONG), among other committee members, have participated very actively in the hearings we have had. They both wanted to be heard on this subject and join generally in these remarks. I am sure they will at a later time elaborate and comment on our hearings, but they wanted the RECORD to reflect—which is certainly appreciated by me—their vital interest in his important subject.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. METCALF. Mr. President, I ask unanimous consent that I be allowed to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FEDERAL POWER COMMISSION

Mr. METCALF. Mr. President, it is my understanding that the Federal Power Commission is now considering the appointment of Mr. T. A. Phillips, vice president of the Arizona Public Service Co., to the position of Chief of the Bureau of Power. I understand that in his new position with the Federal Power Commission, Mr. Phillips will continue to draw a pension from his former employer, the Arizona Public Service Co., which is a so-called "regulated" utility.

I suggest that before this appointment is made, it be cleared with the Department of Justice to determine whether or not there is a conflict of interest in connection with a man who is supposed to be in a regulatory agency, regulating power, and at the same time drawing a pension from the Arizona Public Service Co.

I would suggest that the administration apply the same standards to its appointment that it is demanding that we apply in Congress and be applied elsewhere.

I am concerned about putting a man in a regulatory position who is on the payroll of an industry that he is supposed to regulate. I think the ethics are clear that there is a conflict of interest, but I have misgivings even about the legality of the appointment.

I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R 8298. An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein;

H.R. 17570. An act to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes; and

H.R. 18110. An act to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated.

H.R. 8298. An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein; to the Committee on Commerce.

H.R. 17570. An act to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes; and

H.R. 18110. An act to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning; ordered to be placed on the calendar.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. The Chair would inform the Senate that at 12 noon a vote will be taken on the amendment (No. 808) offered by the Senator from Wisconsin (Mr. PROXMIRE). The time between 11 a.m. and 12 noon is under control and will be equally divided between the Senator from Mississippi (Mr. STENNIS) and the Senator from Wisconsin (Mr. PROXMIRE).

Who yields time?

Mr. STENNIS. Mr. President, I understand that the parliamentary situation at this time is that a request should be made to lay before the Senate the pending business, and I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which the clerk will read by title.

The legislative clerk read as follows:

H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 808) of the Senator from Wisconsin.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. Mr. President, it could be that the Senator from Mississippi would have to ask unanimous consent for more time to be allowed on the pending amendment than was requested yesterday. The unanimous-consent request was made during the only 10 minutes when I was not in this Chamber yesterday. I was not consulted and knew nothing about it. Thus, the manager of this bill was caught unaware on this matter. I am not complaining. I am just stating facts. Even though I hate very much to ask for more time, I may be compelled to do it.

The Senator who handled the legislation under consideration, the Senator from Washington (Mr. JACKSON), is tied up in the committee, of which he is chairman, and it may be impossible for him to be here between now and noon.

Since this is an attack on that legislation to a degree, I think that the Senate would want to hear from the nonmilitary committee.

I yield the floor.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 minute.

Mr. PROXMIRE. Mr. President, what this amendment attempts to do is not to attack any legislation or to reduce its effectiveness in any way. Quite the contrary. What the amendment attempts to do is to enforce a law which we passed last year and which has been in effect since January 1, 1970, requiring an agency of the Federal Government, whenever it engages in any significant action that could have an adverse effect on the environment, or whenever it proposes any major legislative measures, to make a report on the effects of that on the environment.

Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 additional minutes.

Mr. PROXMIRE. Mr. President, in that time, there have been only 75 reports made by agencies of the Government. Far less than there should have been. But of the 75, only one has come from the Department of Defense, in spite of the fact that environmental experts say the Department of Defense is responsible for 80 percent of the pollution caused by the Federal Government.

That one report, which was made with respect to the placing of poisonous gas in the ocean, the Department of Defense refused to issue a report on the transportation of the gas across the country although, of course, many people, not just conservationists, were concerned with the possible environmental effects of that transportation.

Again, this is in no way designed to inhibit or restrain the Department of Defense at all. Its only purpose is to see that a report is filed. The benefit of the report will be to alert Congress to the cost of weapons systems, the cost of testing, the cost of maneuvers, and the cost of a big contract all in environmental terms. We are aware of the money cost. We should be made aware of the cost to our environment.

It will also enable the Department of Defense and the Congress to consider what steps are being taken by the Department of Defense to mitigate and reduce environmental effects so that we know they have given consideration to the environmental consequences. That is what my amendment attempts to do.

I think it is a modest amendment and a limited amendment. If there is anything we can do to modify it or make it acceptable to the Department of Defense so that it would not in any way inhibit, slow down, or delay them, I want to do it. But we want to do it in such a way that we do not destroy the effectiveness of the amendment, of course, which is to prevent pollution.

The main moral force behind it is that the Federal Government calls on the cities, States, counties, and private industry to reduce their pollution at consider-

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able sacrifice, certainly the least we should do would be to require the biggest department of Government to make a report on the environmental consequences, the pollution consequences, of the activities of that department.

That is what my amendment attempts to do.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, reserving my right to ask for additional time because of the reasons already given, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. I am prepared here and now to discuss this amendment on its merits from the opposition standpoint. There are only four or five Senators in the Chamber at this time and a vote is scheduled for 12 noon, so that I do not see how it is possible to pass on this matter on its merits within that time.

I mentioned that the Senator from Washington (Mr. JACKSON), who is trying to get to the Chamber, is tied up in committee as its chairman right now, but he handled the original bill.

One of the basic points in connection with this amendment—I am not speaking against the National Environmental Policy Act, I am for it and support it—but this amendment, in great measure, undertakes to provide that the Department of Defense cannot make contracts for weapons until all of the provisions of the pending amendment have been complied with.

I would emphasize that the amendment would apply to all appropriations of the Department of Defense and would, in effect, become permanent law. Equally important, it would affect prior year moneys not yet expended, so that, we would be, in effect, laying down a special law and tying up the money for the hardware in the military procurement bill for the Department of Defense.

If enacted, the amendment would prohibit the obligation or expenditure of funds for any project or activity included in six general categories enumerated in the amendment until the Department of Defense has complied with the provisions of sections 102(1) and 102 (2)(C) of the National Environmental Policy Act of 1969. The bill purports merely to require the Department of Defense to comply with the existing law; in fact, it will complicate implementation of that law.

The proposed amendment will interfere with the orderly execution of many important programs of the Department of Defense. Let us examine the specific terms of the proposed amendment, which refer to the following two sections of the act:

Section 102(1) of NEPA requires that the policies, regulations, and public laws of the United States be interpreted and administered in accordance with the NEPA policies;

Section 102(2)(C) of the NEPA requires all agencies of the Federal Government to prepare a detailed statement of the environmental aspects of every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the environment. The statement will accompany the proposal through agency review processes, and copies of it will be furnished to various agencies and persons.

The problem is one of time. That is the key to this matter, Mr. President. The amendment would make the provisions of NEPA effective during fiscal year 1971.

That is the present year. NEPA does not establish deadlines for compliance with provisions of sections 102(1) and (2)(c). Those who drafted those sections that are already in the law know that deadlines were impracticable so early in the game. That is bound to have been the basis of it, that it was impracticable to establish hard, firm deadlines and datelines at such an early date.

Section 103 of NEPA established July 1, 1971, as the date by which Federal agencies will propose to the President such measures as are needed to bring their authority and policies into conformity with the intent, purposes and procedures set forth in that act. This amendment, though, would set that time back a year and make it be in effect during fiscal year 1971.

The establishment of that date is clear recognition of the complexity and difficulties involved in implementing this important legislation. Establishing the necessary organization, procedures, both intra and interagency, and putting these into effective operation is a monumental task which takes time.

The details of the proposed amendment may well evolve in the normal implementation of NEPA. There is no reason why the proposed amendment should be injected at this time because it would disrupt the action which is being taken by the Department of Defense in cooperating with the Council on Environmental Quality and following interim guidelines issued by that Council to all Federal agencies.

Another problem which results from the proposed amendment involves the description of projects or activities which are made subject to section 102(2)(C). This determination should be made as part of the normal implementation of the act. It should include direct negotiations between the Council on Environmental Quality and Defense. In my view, it is presumptive to preempt the prerogatives of the agencies and Council which have been charged directly and specifically by law with this responsibility. Definitions should be drawn by the experts in these agencies who are closest and most versed in the technicalities of these matters as they pertain to the unique missions and responsibilities of each agency. The proposed amendment would "jump-the-gun" on this whole process.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. PROXMIRE. Mr. President, I believe that the implication of the Senator's remarks was that when the act was passed, it would not be complied with for a year and a half until guidelines were worked up. It seems to me that if we read the language of the act, it does not suggest that at all.

The section to which the Senator refers says that all agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of the act.

What the act provides is that they have a year and a half to determine whether there is any legal, I repeat legal reason why they cannot comply. In the meantime it was certainly contemplated that they must file reports and that they would not continue for a year and a half with whatever pollution the various Federal agencies might be engaged in without any improvements.

The best evidence of that is that 75 reports have already been made, and the Defense Department has only made one; 80 percent of the pollution and one report.

Mr. STENNIS. Mr. President, I thank the Senator from Wisconsin.

The act we are talking about, NEPA, was approved January 1, 1970. One of the delays stemmed from the fact that the Council of Environmental Quality Control which was set up by that act finally issued implementing guidelines in early May 1970, which in turn were further implemented by agency instructions and guidelines which, in the case of the Department of Defense, were issued on August 8, 1970.

So, half a year was gone before the Council issued guidelines. Some time had to pass in which to allow the Department to get their guidelines.

I was in a hearing this morning and Secretary of Transportation Volpe emphasized that he worked on this matter and got a man in charge of environmental compliance and was able to abolish an office and set this up without asking Congress for an additional secretary. I commend him for that.

They had to rush around and get ready to create a new bureau within the department and get ready for compliance.

I do not know of any department that had a more serious problem than did the Department of Transportation.

Mr. PROXMIRE. Mr. President, I think the Senator from Mississippi is fair and considerate. I know that he has the same objective I do. He, too, would like to prevent pollution and recognize that the Federal Government should be setting an example and should not be dragging along in these matters.

Under these circumstances and in view of the Senator's position—which I respect, although I disagree—suppose that I modify my amendment to provide as follows:

> None of the funds authorized to be appropriated by this act or any other act or for the use of the armed forces of the United States may be obligated or expended after June 30, 1971, for any project or activity described in this section.

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This would do several things. It would exempt the Defense Department, in effect, from the amendment for a fiscal year. It would delay the effectiveness of this until the last deadline set in the basic law had been reached.

Would the Senator feel that this would be a reasonable and fair accommodation?

Mr. STENNIS. Mr. President, I thank the Senator for his suggestion. I will certainly consider it.

I think, though, that the committee which handled this measure and presented it to Congress, headed by the Senator from Washington (Mr. JACKSON) and who handled the bill on the floor, should have a major part in any decision made about this matter.

The Senator from Washington is trying to arrange his affairs so that he may come to the Senate floor. I expect him shortly.

Mr. President, I thank the Senator for his suggestion. The Senator from Washington is trying to arrange it so that he can get to the floor to be heard. I will continue with my explanations here, as we see it, on the requirements of the bill.

I emphasize that it took 5 months after the bill passed for the council to get their regulations. There certainly should be a reasonable period for the Department of Defense to get theirs, by August.

I do not know how they did it. I do not know of any proof here. I do not know of anything except the general statement that they have been dragging their feet. I do not know of any hearings. Maybe there are some facts. But I do not think that there have been any hearings on this matter—none that I know of.

I imagine that they have about as hard a job with such a large activity and so many operations as any department, and perhaps more so.

Mr. President, I continue with my statement with reference to this amendment.

NEPA has qualifying language, by deliberate design, to recognize that the implementation of all the provisions should not be absolute. Section 101(b), for example, states that it must be "consistent with other essential considerations of national policy." Section 102 states "to the fullest extent possible" agencies shall comply. I must conclude, therefore, that the proposed amendment, which is expressed in absolute terms relative to restrictions on the obligation or expenditure of funds and its implementation during fiscal year 1971, is not compatible with the broader intent of the law.

The control of the quality of the environment is a complex matter. The act represents the first attempt of the Federal Government to deal comprehensively with this important subject. The implementation of the act is under the direction of the recently established Council on Environmental Quality, and the Department of Defense is working closely and constantly with the Council in an effort to comply with the letter and spirit of the law. The Council has distributed Interim Guidelines relating to section 102(2)(C) for the Federal agencies to follow. They are interim because of the extremely technical and difficult subject matter with which they deal, and the Council needs to obtain experience in this area in order to develop permanent programs. The proposed amendment would create obstacles to the efforts of the Council. It not only requires the Department of Defense to comply with the 1969 act, but it defines what the provisions of that act are by enumerating specific categories of activities for which the Department must comply with the act, whether or not those activities would otherwise be included in the provisions of the act itself.

In substance, Mr. President, this amendment can be expected to delay many important projects for the reason that funds could not be expended until the reports called for in the law have been submitted.

Mr. President, this amendment gets ahead of the present law; it gets ahead of the surveillance of the parent committee of the Senate, the Committee on Interior and Insular Affairs; and it gets ahead of the whole program in picking out the Department of Defense in adding these additional requirements.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that we have a quorum call, the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may I have the attention of the acting minority leader?

Mr. President, I ask unanimous consent that the vote on the pending amendment take place at 1 o'clock rather than 12 o'clock, because of circumstances which none of us foresaw at the time the request was made.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, I thank the majority leader for fixing that time.

The PRESIDING OFFICER. Without objection, it is so ordered and the time until 1 o'clock will be equally divided.

Mr. GOLDWATER. Mr. President, I would like to ask the Senator from Wisconsin a few questions. Unfortunately, I was not in the Chamber yesterday when he made his presentation.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, this will be on my time. I yield myself 10 minutes.

Mr. GOLDWATER. I did not realize we were under controlled time.

I have a brief résumé of what the Senator proposes in his amendment. The Senator states:

> The Department of Defense is responsible for 80 percent of the pollution caused by the Federal Government.

That is a rather large figure. I wonder if the Senator could give an explanation of that statement.

Mr. PROXMIRE. Yes. This was an estimate made by an expert on the Council on Environmental Quality. The reason he estimated it this high is that this is the biggest department; this is the department that has almost 1,000 ships, 26,000 planes, and which engages in testing of all weapons, and that kind of thing.

Looking at the Federal Government as a whole, we know that that part of the Government that expends its funds in areas such as service on the national debt and social security checks paid out, engenders no pollution; and of course some other agencies for example: Transportation, do engender pollution. But Defense is No. 1.

Also, if there is a particular contract in a particular part of the country, where a small town, as has happened, might get a billion-dollar contract, this brings in a great number of people, which affects land use and sewage, and the environment problem could be serious.

I do not say we should stop or delay the contracts for a minute. I say the Department of Defense has a responsibility to say they are aware of the adverse effect on the environment and to indicate what alternatives are available to meet that situation, and the plans to reduce the adverse effect. That is what the report would achieve.

Mr. GOLDWATER. In the Senator's paper the Senator states:

> 4. The amendment states that no funds for the military for a specific proposal or major action "significantly affecting the human environment" in this or other Acts may be expended until the military complies with the law.

I understand what the Senator is trying to get to, but I can think of weapons systems on which reports cannot be made because of lack of knowledge of what might happen.

I think it would be easy to estimate the effect on a community by moving a military base, or a large manufacturer moving a plant to a more favorable location. I can understand how studies could be made on existing equipment.

To give an example, there has been a lot of talk lately about pollution that is going to be caused by the SST, the 747 and its large engines, and all the large air buses. The truth is there is less pollutants coming from these engines than from the 727 or the 707; the truth is that when water vapor is released from these engines the carbon monoxide molecules are turned to water and there is no pollution at all.

Mr. PROXMIRE. The Senator may well be right, but we had some contrary testimony which indicates that the SST would provide more pollution per passenger mile flown, and so forth. But that is in controversy. All that has to be done in this case is to file a report. If the opinion just expressed is the conviction of the Defense Department, all they have to do is say that.

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Mr. GOLDWATER. What would be the nature of the report?

Mr. PROXMIRE. The nature of the report is spelled out in the public law itself, and I quote from it. This is not my amendment; this is the law now on the statute books. It reads:

> Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—
>
> (i) the environmental impact of the proposed action,
>
> (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
>
> (iii) alternatives to the proposed action,
>
> (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
>
> (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Once again, it is hard to spell these things out. They just have to do the best they can. The report can be concise. They can speak in general terms about it. What they have to do is make a report. They do not have to stop the contract. They simply say what they have done to show the impact on the environment.

Mr. GOLDWATER. Is there any penalty in the existing law for not complying?

Mr. PROXMIRE. There is no penalty. That is why the amendment is necessary. There is no effective penalty.

Mr. President, the whole purpose of the amendment is to provide some kind of effective sanction. At the present time it could be argued that the Defense Department and some other agencies are violating the law and not complying with it. Ordinarily, people are fined or sent to jail for violating the law. All we are doing here is providing that if they do not comply with the law, they will get no funds. Compliance with the law is going to take no great sacrifice. It will take no substantial amount of time, or it should not.

Mr. GOLDWATER. In effect, the amendment would require a report as a prerequisite for the spending of moneys for the types of activities specified?

Mr. PROXMIRE. That is correct.

Mr. GOLDWATER. Let us assume the money has been authorized and appropriated. How would that be controlled?

Mr. PROXMIRE. If the money had already been authorized and appropriated, the only way we could control it would be in the event the Defense Department were to engage in a significant action—this is what the basic law says—that had not been contemplated before, but for which moneys were available. Say they wanted to change the kind of weapons systems they had, which would adversely affect the environment. At the time they wanted to go ahead with the new project, they would be required to file a report.

Mr. GOLDWATER. I think the amendment would be very restrictive on ongoing projects or in delaying new projects because of this requirement. I am in sympathy with what the Senator is trying to do. I personally think the law can do that. If they are not complying with the law, I think we can bring the necessary pressure.

I do not like the pressure of holding back money that is badly needed for research and development to find out these things, or for the development of weapons systems that we must have, because many times we have to sort of guess. I would not be able to tell the Senator, for example, that the B–1's engines will not pollute, or if I said they would pollute, I could not tell the Senator how much they would pollute. I do not think anybody really knows.

In this general field, the Air Force would be at a great disadvantage with their planes. So would the Army. So would the Navy.

With respect to an oceangoing ship, I think anyone who has ever been on one knows that it pollutes the water. But can anything be done to change that, for example? If we authorize and appropriate money for the Navy to build a new ship, can we expect the Navy to produce a clean ship that leaves no pollution?

Mr. PROXMIRE. I think that is an excellent example of how this provision, if made effective, could provide protection to the environment. The Navy discharges garbage from its tremendous ships. They take action which results in pollution, in harbors and other areas. All we ask is that they be aware of it, that they are conscious of it, and that they have considered alternatives and are trying to do their best to mitigate it in ways they can. The amendment does not require that they do anything but make Congress aware of what they are trying to do to prevent pollution of the environment.

We must recognize that if we are trying to be tough about cracking down on industrial polluters, the least we can do in the Federal Government is to require the biggest department of the Government to file a report, when it does not really have to comply with the law at all. It seems to me this is a modest, limited proposal. If we could arrive at sanctions other than through limiting funds, I would be happy to consider any other way which could bring pressure on them to file a report.

There is no evidence that they really intend to do anything. They have indicated that they have some guidelines, but they are weak, as I shall indicate later.

Mr. GOLDWATER. I am far more interested in what they do. If the Senator is interested only in receiving a report, I do not think that goes far enough.

Let me cite an example that I saw last week. On Sunday I flew out West and took my boat down to San Diego. As I was coming out of the harbor, coming back to San Diego, here came a great, big freighter which was washing out its bilges. This is done by every ship in the world. Why cannot we, either by State law of California, or by Federal law, make it illegal to flush bilges out except, say, 100 miles at sea?

That is the kind of action I am in favor of taking to get at what the Senator proposes.

For example, we have said to the mining companies in my State, where we produce 52 percent of the copper produced in this country, that in 2 years they have got to get the smoke out of their stacks; we do not care whether they produce copper or not. I think the same kind of action could be taken to prevent the pollution of our streams.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself 3 additional minutes.

Mr. GOLDWATER. I do not think it is sufficient just to ask for a report and not demand that something be done. If the report is made, for example, and they say, "This weapon will pollute," what would the Government do, under the Senator's proposal?

Mr. PROXMIRE. I think the Defense Department and the other Federal agencies are sufficiently sensitive—if not, we can make them sensitive—to criticism and action by the Congress and the Executive. If it is sufficiently disclosed that there is pollution, we will be in a position to take action. That was the spirit of the Jackson bill which became law and has been in effect since January 1.

It would not. The Senator from Arizona is perfectly correct; it would not by itself stop any pollution, but it would require the agency to identify it and to demonstrate that they have considered alternatives to it, and it would put the overseeing agencies in Congress and the administration in a position to know what was at stake, and how the environment was being damaged by Federal action.

Mr. GOLDWATER. Let me pursue the amendment a little bit further. I want the Senator to understand that I am in complete sympathy with what he is trying to do. My feeling is that we have already provided the mechanism. If it is not working, let us perfect the mechanism, and not add more law to what we already have.

As I understand it, this amendment would apply not only to fiscal year 1971, but to any expenditure, including, of course, prior year moneys, being effective on the date of enactment, insofar as the reporting requirement is concerned, and could cause some real delays in major programs; am I correct in that?

Mr. PROXMIRE. Will the Senator repeat his question?

Mr. GOLDWATER. Yes. As I understand, the amendment would apply not only to fiscal year 1917 funds, but also to any other funds.

Mr. PROXMIRE. Well, it would apply in the sense that those funds might conceivably be used to fund new action; and if new action with funds that have already been provided is contemplated, that could have an adverse effect on the environment, the Defense Department would be required to file a report.

Of course, let me say that as far as this amendment is concerned, I think the implication of the Senator's question is quite correct that where the funds

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have been appropriated, there is nothing we can do to reclaim those funds; they have been appropriated.

All I am saying is that their past action would not free them from at least a moral requirement of indicating what effect the new action would have on the environment.

Mr. GOLDWATER. Well, let us say, for example—and I am sure there are many others—that the Navy discovers a new atomic submarine is emitting waste. They did not think it would happen; it did not happen on earlier models, but the last one they built, they discover, is putting out waste—not atomic waste, necessarily, but waste. In other words, it is polluting.

What effect would the Senator's amendment have on another submarine of the same type that was being constructed, say, at Norfolk?

Mr. PROXMIRE. It would only have an effect if we have funds in this bill that would provide for the consideration of that particular submarine. Just because there are similar submarines which are polluting the environment would not absolve the further action with respect to a submarine to be constructed in the future. They would still have to file a report indicating what effect this has on the environment, and what the alternatives are, with a view to preventing it.

Mr. GOLDWATER. Let me pursue this just a little further.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. Will the Senator from Mississippi yield the Senator from Arizona further time?

Mr. STENNIS. Yes, I yield the Senator 3 minutes.

Mr. GOLDWATER. As to the Senator's comment, the application of the amendment to prior year funds will pose serious administrative problems, no matter what the effective date of the amendment might be.

For example, in a competitive contract, where the life of the bid remains over 60 days after the contracts have been revealed, there might not be, in many instances, time to assess the environmental impact, and this might impose a problem on any beginning implementing date. I can see grave reservation on a manufacturer's part on getting into a competitive bid where this problem might exist.

Mr. PROXMIRE. Well, this is difficult, but again, it does not require any action on the part of a contractor or on the part of the Defense Department except the filing of a report indicating what the pollution might be.

It is true that when they file that report, there may be indications that the Defense Department is going to have to change its approach and take a more expensive approach that would have an effect on the contract.

But I think once we adopt this amendment, it would be clear that the Defense Department is going to have some problems, and that this is something to consider as they move ahead on these contracts.

The whole point to consider is that if we are serious about preventing pollution, this is the minimal action, certainly, we would have to take. It would be effective under the present law, inasmuch as it would require reports not now being made.

Mr. GOLDWATER. I could not disagree with the Senator's intent, nor what he is saying, but I cannot see that just the filing of a report is going to help the thing.

Let us say they admit they have a weapon that will pollute. I think the answer should then be, "Let us do everything we can to make it nonpolluting."

Mr. PROXMIRE. Exactly. But there is no one who asks that question now.

Mr. GOLDWATER. There is no provision in the Senator's amendment for that.

Mr. PROXMIRE. But we would be made aware. We would be in a position, then, to consider the cost, not only in terms of money, but in terms of environmental destruction, which may be more serious, even, than money. We would at least know about it, and could consider our options at the congressional level, when we decide to fund one weapon instead of another, or do our best to persuade the Defense Department to adopt measures which would reduce pollution.

Mr. GOLDWATER. If the Defense Department has failed to report under the existing law, then I think that the very fact that we are discussing this matter on the floor should wake them up. I am amazed that they have not done it, although I have to say that I can understand their inability to do it, because of the complete lack of knowledge, in many cases, of what the weapon might do in the way of pollution.

I think, too, that in the long run you could stretch this thing to the manufacturer.

In other words, let us say that we are going to build a tank, and the factory that builds it is polluting a stream, and the Defense Department reports that fact. Then what penalties do we have to use on the manufacturer, who is polluting the stream that is getting the Defense Department in trouble because they need the weapon?

Mr. PROXMIRE. Well, of course, all we get out of this law and my implementation of the law would be a report. It is true there are other provisions; I would hope we can provide those, and make them much stronger on the Federal level.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. Two additional minutes. And much stronger, perhaps, on a State and local level, to prevent air pollution.

That is a different issue. But we should have the awareness of whether or not the Defense Department or other agency—and I intend to broaden this as we go along to cover the Transportation Department, public works, and so forth—so that we will at least know what pollution effect our actions have, and so we will be in a position to act to discourage pollution.

It may well be that as we go down the line, and pollution gets worse in our country, we may want to take more serious action; but at least now we can take the first step, and make that first step meaningful—not just pass a law, as we did last year, and have it flouted and ignored.

Mr. GOLDWATER. Can the Senator tell me if anyone who is in charge of the operations under this law has made a specific request of the Secretary of Defense? I wonder if he is aware of the fact that he has to submit these reports.

Mr PROXMIRE. I am sure the Secretary of Defense is aware of it. As a matter of fact, we have just gotten action by the Defense Department, after my amendment was introduced. They have enunciated some guidelines which they expect to put into effect, and that action was only taken within the last 72 hours or so by Deputy Secretary Packard, who indicated that there are some guidelines he wants to follow. I have a lot of trouble with those guidelines; I think they are pretty weak, and ignore some important areas that could result in environmental pollution. But nevertheless, they have begun to take action.

After all the Defense Department has very able people in it, including the Secretary and the Deputy Secretary.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. GOLDWATER. Let me have 5 more minutes, to complete the colloquy.

Mr. PROXMIRE. And I am sure they were aware of this Jackson bill when it was passed. I brought it up with the Defense Department when its representatives appeared before my Joint Economic Subcommittee. I asked them why they did not comply, and was told that it was in the pipeline.

So they are aware of the law, and just have not complied with it. It seems to me we need some muscle in order to make that compliance effective.

Mr. GOLDWATER. Mr. President, I may be wrong in this, but I am informed that the Corps of Engineers has submitted 26 or 27 reports since this law became effective, and I believe it was only set up on the 8th of this month.

Mr. PROXMIRE. The Corps of Engineers, as I understand, is operating in the public works area. In making these reports, such as on dumping certain matters in a lake in connection with dredging on a public works project, the Corps of Engineers, in this capacity, is working as a part of our public works effort, not as a part of our defense effort, primarily.

Mr. GOLDWATER. Does the Senator feel that the fact that this law has only been effective, we might say, since August 8, might have some bearing on the matter?

Mr. PROXMIRE. The law has been in effect since January 1, 1970.

Mr. GOLDWATER. I know, but the machinery was not set up. It has not been a working organization, as I understand it, since the first part of this month.

Mr. PROXMIRE. Well, since the first part of this month, the Defense Department has begun to take cognizance, since we introduced the amendment, and since they have begun to get some questions and pressure from the chairman of the committee; at least, he has been asking

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about this, and why they have not complied with it. But 75 reports have been made, including, as the Senator pointed out, 26 by the Corps of Engineers and a number by other agencies; only one by the Defense Department in connection with any military action, and that was the burying of the poisonous chemicals in the ocean.

Mr. STENNIS. Mr. President, will the Senator yield with respect to a matter that occurred while the Senator from Arizona was out of the Chamber momentarily?

Mr. GOLDWATER. I yield.

Mr. STENNIS. The proof shows that the Council on Environmental Control did not issue their guidelines until April 30, 1970. The Defense Department came along on August 8, 1970, with theirs, which was a mighty good run for the money, and that was only a few days ago. Today is the 13th.

Mr. GOLDWATER. Will the Senator put that in the Record?

Mr. STENNIS. Yes.

Mr. GOLDWATER. I was unaware of that.

Mr. STENNIS. Mr. President, I ask unanimous consent to have this memorandum printed in the Record at the conclusion of the colloquy between the Senator from Arizona and the Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. May I say to the Senator from Mississippi and the Senator from Arizona that the issuance of guidelines is not necessary for compliance with the law. When they contemplate a new action or propose legislation, it seems to me that they can issue a report without waiting on guidelines either from the Environmental Control Administration or from the Defense Department. They know that the law requires this, and the law was effective as of January 1. They did not say that the enactment would not take place until the later date.

Mr. GOLDWATER. I have one more comment to make, and I would like the Senator from Wisconsin to respond.

As I understand it, the amendment sets up six categories of activities that must be complied with prior to the spending of money. The 1969 act is cast in much broader terms and does not specify the activities to be covered. It is left to the discretion of the agency. The amendment, as I see it, goes beyond the intent of the act insofar as attempting to specify the activities to be covered is concerned. The act was purposely left broad because of its pioneering character. Would the Senator agree with that assumption?

Mr. PROXMIRE. No, I would not agree.

What we tried to do in setting forth these specific areas was to recognize that the failure of the department to comply had been perhaps because the law itself had been so general; that they did not feel that anything they were doing—although they were doing many things that could obviously have an adverse effect on the environment—would have a significant effect on the environment.

We specified particular areas, and it seems to me—if the Senator would go over those areas—that if the DOD objects to these guidelines, it means they do not mean business about stopping pollution. It includes "developing, construction, and testing of any weapons system which significantly affects the environment."

If you are going to have an effective Environmental Quality Act requiring reports from agencies which are polluting the environment, it should be required.

Another thing that concerns me is that in our amendment we specified that the transportation or transfer of dangerous substances or devices, and this is explicitly left out of the Defense Department guidelines. They are not going to report on that, and I think they should.

Mr. GOLDWATER. I thank the Senator for engaging in this colloquy. It has cleared up some points.

My reaction at the end of this exchange is that we are not giving the Defense Department or any other department time to get going under this act, because they have only had a relatively few days. I think that the Senator and I, if we were engaged in a business, would expect departments in our business to report promptly. But we have been around this Government long enough to know that those things do not happen in the Federal Government, as he and I would like to have these things happen. I would like to have them submit these reports. I think we ought to give them a little more time.

If Secretary Laird is politically smart, as I know him to be, I think that the discussion of the Senator's amendment will give him the needed nudge to get going with these reports, even though reports have been made.

As I say, my knowledge of weaponry and weapons and manufacturing leads me to believe that in many cases there is no way that the Defense Department can make a report that would satisfy the environmentalists of this country, and I am one of them.

There are areas that I think they can correct themselves and start correcting immediately, and I would hope that the mere discussion of this matter on the floor of the Senate would suffice.

I dislike to see another law where we already have a law. If there are deficiencies in the other law, let us amend that law and not get into the business of controlling the expenditure of funds that are asked for and, I might say, thanks to the Senator from Wisconsin, are getting extremely tough to get. I dislike to see it made any tougher.

Mr. PROXMIRE. I think the Senator raises a very understandable objection, as does the Senator from Mississippi, that the Defense Department should have more time.

In the first place, let me point out that they have had more than 7 months now. It went into effect on January 1 of this year. They have not complied so far. We can say that they have had this much notice and they ought to comply from now on.

To accommodate the further allowance of time, I am willing to modify my amendment to provide that the funds would only be withheld after June 30, 1971, which will give them an entire year.

It seems to me that this is a very substantial compromise on my part, and it would give them all the time in the world—a full year and a half from the time of enactment—in order to come into line with what the law requires.

Mr. GOLDWATER. I thank the Senator. I yield the floor.

Exhibit 1

Interim Guidelines on Environmental Statements

1. PURPOSE

Pending the publication of a DoD Directive on the National Environmental Policy, this memorandum provides interim guidance with regard to the general policies and procedures required by Section 102(2)(C) of Public Law 91–190, the National Environmental Policy Act of 1969 (NEPA); Executive Order 11514; and the Interim Guidelines for Statements on Major Federal Actions Affecting the Environment published by the Council on Environmental Quality (CEQ). This memorandum will amplify these documents by (a) identifying actions requiring environmental statements; (b) clarifying procedures for obtaining the information and reviews required for their preparation; (c) designating officials responsible for the preparation, review and disposition of environmental statements; (d) insuring proper coordination of such actions, including consultation with appropriate Federal, State and local agencies; and (e) explaining requirements for providing timely public information on proposals for legislation and other major actions having potential significant adverse effects on the natural environment.

2. BACKGROUND INFORMATION

Section 101 of the NEPA has established the Federal policy on environmental quality. Section 102 of the NEPA directs that the policies, regulations and public laws of the United States will be interpreted and administered to the fullest extent possible in accordance with the NEPA. Section 102(2)(C) of the NEPA requires, among other things, that there be included with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the natural environment a detailed five-point statement of the environmental impact of the intended action.

The NEPA further directs that prior to submitting the final environmental statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise. Copies of such statements and the comments and views of the appropriate Federal, State and local agencies which are authorized to develop and enforce environmental standards will be made available to the President, the CEQ and the public, and will accompany the proposal through the existing agency review processes.

The CEQ has provided Interim Guidelines herewith attached to assist Federal departments, agencies and establishments to implement the NEPA.

3. POLICY

a. At the inception of a major action, including the preparation of recommendations on reports or proposals for legislation of primary concern to the Department of Defense, the Office of the Secretary of Defense, Military Departments, Organization of the Joint Chiefs of Staff, and Department of Defense Agencies (hereafter referred to as DoD components) shall make an assessment of the probable ecological and environmental impacts of that action.

b. In the continuation of an existing program which was initiated prior to the passage of the NEPA, DoD components will similarly assess the environmental impact of the proposed continuing action.

c. If these appraisals indicate that (1) a significant adverse environmental effect will result from a proposed action or a proposed legislation or (2) a proposed action is likely to be controversial with respect to environmental effects, a five-point draft environmental statement will be prepared in accordance with this memorandum.

4. ACTIONS REQUIRING ENVIRONMENTAL STATEMENTS

a. The necessity for submitting an environmental impact statement should be evaluated in accordance with the attached CEQ guidelines. If in the best judgment of the DoD component, the proposed action will cause important adverse changes in natural surroundings, including effects on man, wild life, plants, fish and marine life, or will result in substantial controversy, submission of an environmental statement is required. To assure that the requirements of the NEPA are met, DoD components will interpret broadly the scope of the term "significant adverse environmental effect."

b. Activities or actions of the following types, in particular, should be assessed carefully for the necessity of preparing an environmental statement:

(1) Real estate acquisitions, outleases of land, and developments of new installations;

(2) Construction at installations of major mission changes which will result in a significant impact on the surrounding communities or natural resources;

(3) Initiation of the development of new weapons systems whose noncombat use may adversely affect the environment;

(4) Programs for weapons testing;

(5) Large scale training operations;

(6) Programs for utilization of pesticides and herbicides;

(7) Proposed legislation which, if enacted, would initiate commitments of natural resources, result in possible degradations of the environment, forecast changes in the use of land, or alter population concentrations.

c. Examples of some activities or actions which normally would not require submission of an environmental statement include the following:

(1) Improvement projects for the abatement of air and water pollution;

(2) Routine training operations;

(3) Combat operations;

(4) Transportation of munitions;

(5) Activities or actions in foreign countries (However, the requirements of Section V, I of DoD Directive 5100.50 are to be complied with.);

d. Separate guidance will be issued regarding environmental protection requirements of contractors in their performance of contracts with the Department of Defense.

e. *Projects or Programs Initiated Before January 1, 1970*. Consistent with the above guidelines, an environmental statement shall be filed on actions significantly adversely affecting the quality of the environment even though the actions arise from projects or programs initiated prior to enactment of the NEPA on January 1, 1970. Where it is not practicable to reassess the basic course of action, further incremental major actions should take into account environmental consequences not fully evaluated at the outset of the project or program.

f. In cases where the DOD component has any doubt about the necessity of preparing an environmental statement for a particular proposed action, the Office of the Assistant Secretary of Defense (Health and Environment) (OASD (H&E)) should be consulted.

5. PREPARATION OF AN ENVIRONMENTAL STATEMENT

An environmental statement shall be prepared by the DOD component which is proposing the intended activity, is proposing the legislation, or is the principal agency concerned with the proposed legislation. The statement must include the following information:

a. Predictions of the probable *total impact of the proposed action on the environment*. This shall include commentary on the direct impact on some part of the environment such as the clearing of forests or the pollution of air or water resources, as well as the more threatening dangers associated with changes in existing ecosystems. Likewise, any benefits to the environment resulting from the proposed action shall be mentioned.

b. A statement of any *adverse environmental effects which cannot be avoided should the proposal be implemented*. This would include an evaluation of the extent to which aesthetically or culturally valuable surroundings, human health, high standards of living, and other of life's amenities would be sacrificed.

c. A list of carefully developed *alternatives to the proposed action* that might avoid some or all of the adverse environmental effects. Include with these alternatives economic, technical and operational considerations, as well as their environmental impact.

d. Exposition of the *relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. For this exposition*, assessment of the actions' cumulative and long-term effects is required. Short-term uses are to be construed as those not affecting succeeding generations.

e. *An inventory of all irreversible and irretrievable commitments of natural resources which would be involved if the proposed action should be implemented.* This section should identify the extent to which the action curtails beneficial uses of the environment.

6. PROCESSING ENVIRONMENTAL STATEMENT ORIGINATED BY A DOD COMPONENT

a. *Submission of Draft Statement to "the OASD (H&E)*. The cognizant DoD component shall prepare a *draft* environmental statement in accordance with paragraph 5 above and submit 3 copies to the OASD (H&E). This submission will be accomplished prior to any formal review outside the DoD.

b. *Review of Draft Statement by the OASD* (H&E). The OASD (H&E) shall review the draft statement and obtain comments from other appropriate elements of OSD. The OASD (H&E) shall then communicate with the originating DoD component, indicating concurrence or recommending changes.

c. *Submission of Draft Statement to the CEQ*. Following receipt of the OASD (H&E) review and concurrence, the originating DoD component shall submit 10 copies of the *draft* or revised *draft* statement to the CEQ. A copy of *revised* draft statements shall be sent to the OASD (H&E).

d. *Review of Draft Statement by Other Federal Agencies*. Immediately after submission of the *draft* statement to the CEQ, the originating DoD component shall solicit the views of other Federal agencies having jurisdiction by law or special expertise with any of the environmental problems associated with the proposed action in accordance with paragraph 8 of the attached CEQ guidelines.

e. *Review of Draft Statement by State and Local Agencies*. Concurrently with solicitation of the views of other Federal agencies, the originating DoD component shall solicit comments from State and local agencies when the environmental impact of a proposed action is pertinent to those agencies. A significant degree of public interest in the proposed action or similar previous actions would be one indication of the pertinence of the issue to State and local agencies. Also, the need for State or local authorizations to enforce environmental standards would necessitate solicitation of their remarks. Comments on the *draft* environmental statement may be obtained directly or by publication of a summary notice in the *Federal Register*. The notice in the *Federal Register* may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.

f. *Submission of the Final Statement to the CEQ*. After concluding the review process with other Federal, State and local agencies, 10 copies of the final environmental statement including 10 copies of all comments received shall be forwarded to the CEQ. When appropriate, a presentation of the problems and objections raised by other agencies in the review process and the disposition of those issues should be included with the *final* environmental statement. Concurrently a copy of the *final* submission will be provided to the OASD (H&E) by the originating DoD component.

7. PROCESSING ENVIRONMENTAL STATEMENTS ORIGINATED BY OTHER FEDERAL AGENCIES

a. When a request for review and comment on an environmental statement prepared by another Federal agency is received by OASD (H&E), the following procedure shall be followed:

(1) The OASD(H&E) shall determine which DoD components or elements within DoD should review the environmental statement. This determination shall be based upon the nature of the environmental impact involved and the DoD expertise available.

(2) The appropriate DoD components or elements will be requested to review environmental statements and shall provide OASD(H&E) with comments.

(3) The OASD (H&E) shall prepare a consolidated review report or designate the DoD component or element with primary interest to prepare such a report. The consolidated review report shall be forwarded to the requesting Federal agency by the OASD(H&E).

b. Should a request for review and comment on an environmental statement from another Federal agency be received directly by a DoD component, these procedures shall be followed. If the DoD component:

(1) Concurs with or without comment—reply directly to the requester and provide the OASD(H&E) with an information copy:

(2) Nonconcurs—send the proposed comments to the OASD(H&E).

c. If it is determined that more than one DoD component has been requested to review and comment on an environmental statement prepared by a Federal agency, the reply shall be forwarded through the OASD(H&E) for preparation of a consolidated response.

8. PROCESSING OF LEGISLATIVE ACTIONS

Pending definitive guidance from the Office of Management and Budget, the present methods for accomplishing coordinating actions on proposed legislation shall be continued. Necessary comments indicating the impact on the environment shall be included in DoD legislative proposals and in comments prepared by DoD components on legislation prepared by other Federal agencies or introduced by members of Congress and of primary concern to the DoD.

9. AVAILABILITY OF ENVIRONMENT IMPACT STATEMENTS AND COMMENTS TO PUBLIC

The DoD component which has prepared an environmental statement is responsible for making its statement and all comments pertinent to it available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. Sec. 552).

10. IMPLEMENTING ACTIONS

DoD components shall comply with the provisions of this memorandum and shall:

a. Designate an individual who will act as liaison with the OASD(H&E) with respect to environmental impact statements.

b. Identify new and continuing actions and advise th OASD(H&E) no later than 60 days from the date of this memorandum of all environmental statements pending preparation or submission.

c. Submit 2 copies of implementing instructions to OASD(H&E) within 60 days of date of this memorandum.

d. Provide OASD(H&E) with recommended changes in the policies and procedures delineated in this memorandum within 90 days of the date of this memorandum.

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

1. PURPOSE

This memorandum provides interim guidelines to Federal departments, agencies and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by Section 102(2)(C) of the National Environmental Policy Act (P.L. 91–190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 *Fed. Reg.* 4247) of March 5, 1970 that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals.

2. POLICY

Before undertaking major action or recommending or making a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State and local agencies, assess in detail the potential environmental impact in order that adverse affects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. AGENCY AND BOB PROCEDURES

(a) Pursuant to Section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish no later than June 1, 1970 its own formal procedures for (1) identifying those agency actions requiring environmental statements, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State and local agencies and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activties.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Bureau of the Budget will issue instructions, as necessary, to take ful advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. FEDERAL AGENCIES INCLUDED

Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in Section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Sec. 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. ACTIONS INCLUDED

The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) recommendations or reports relating to legislation and appropriations;

(ii) projects and continuing activities directly undertaken by Federal agencies, supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance, and involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) policy- and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes *major* action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of *significant effect*. The Act also indicates that adverse *significant effects* include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the *human environment* include both those that directly affect human beings and those that *indirectly* affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities of Federal environmental protection agencies (e.g., the Federal Water Quality Administration of the Department of the Interior and the National Air Pollution Control Administration of the Department of Health, Education, and Welfare) are not deemed actions which require the preparation of an environmental statement under Section 102(2)(C) of the Act.

6. RECOMMENDATIONS OR REPORTS ON PROPOSALS FOR LEGISLATION

The requirement for following the Section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement). The Bureau of the Budget will supplement these general guidelines with specific instructions relating to the way in which the Section 102(2)(C) procedure fits into its legislative clarance process.

7. CONTENT OF ENVIRONMENTAL STATEMENT

(a) The following points are to be covered:

(i) the probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(ii) any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set forth in Section 101(b) of P.L. 91–190.

(iii) alternatives to the proposed action (Sec. 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative

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and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, mere reference to the previous certification is sufficient.

(c) Each environmental statement should be prepared in accordance with the precept in Section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

8. FEDERAL AGENCIES TO BE CONSULTED IN CONNECTION WITH PREPARATION OF ENVIRONMENTAL STATEMENT

The Federal agencies to be consulted in connection with preparation of environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards". These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Department of Agriculture.
Department of Commerce.
Department of Defense.
Department of Health, Education and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of Transportation.
Atomic Energy Commission.

For actions specially affecting the environment of their regional jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult. It is recommended that the above listed Departments establish contact points for providing comments and that Departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in Section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty days for reply, after which it may be presumed the agency consulted has no comment to make.

9. STATE AND LOCAL REVIEW

Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Bureau of the Budget Circular No. A–95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A–95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local government will be conducted pursuant to procedures established by Bureau of the Budget Circular No. A–85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the *Federal Register* (with a copy of the environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the *Federal Register* may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.

10. USE OF STATEMENTS IN AGENCY REVIEW PROCESSES; DISTRIBUTION TO COUNCIL ON ENVIRONMENTAL QUALITY

(a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State and local agencies in the legislative and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ *significantly* from those that have already been reviewed an environmental statement should be provided.

(b) Seven (7) copies of draft environmental statements (when prepared), seven (7) copies of all comments received thereon (when received), and seven (7) copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmenttal statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved.

11. APPLICATION OF SECTION 102(2)(C) PROCEDURE TO EXISTING PROJECTS AND PROGRAMS

To the fullest extent possible the Section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of P.L. 91–190 on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. AVAILABILITY OF ENVIRONMENTAL STATEMENTS AND COMMENTS TO PUBLIC

The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. Sec. 552).

13. REVIEW OF EXISTING AUTHORITY, POLICIES AND PROCEDURES IN LIGHT OF NATIONAL ENVIRONMENTAL POLICY ACT

Pursuant to Section 103 of the Act and Section 2(d) of Executive Order 11514, all agencies, as soon as possible, shall review their present statutory authority, administrative regulations, and current policies and procedures, including those relating to loans, grants, contracts, leases, licenses, certificates and permits, for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of the Act. After such review each agency shall report to the Council on Environmental Quality not later than September 1, 1970, the results of such review and their proposals to bring their authority and policies into conformity with the intent, purposes and procedures set forth in the Act.

14. SUPPLEMENTARY GUIDELINES; EVALUATION OF PROCEDURES

(a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will assess their experience in the implementation of the Section 102 (2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1970. Such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 36 minutes, and the Senator from Mississippi has 28 minutes.

Mr. PROXMIRE. I yield myself 5 minutes to yield to the Senator from Maine.

Mr. MUSKIE. I am extremely interested in the basic provision of the law to which the Senator's amendment is directed. It is section 102 of the Environmental Quality Act as it was passed last year.

In the Public Works Committee, and specifically the Subcommittee on Air and Water Pollution, we have over the past 6 or 8 years undertaken to develop effective policies to come to grips with the activities of Federal agencies which in themselves have an undesirable environmental impact.

Last year, two provisions were written into the law—the one upon which the Senator has focused, and a second one, which was written into the law and finally signed into law this March by the President in the Water Quality Improvement Act.

Section 21, covering cooperation by all Federal agencies in the control of pollution, was written for the purpose of policing Federal activities from an environmental point of view.

For example, section 21 (b)(1) provides that any applicant for a Federal license or permit to conduct any activity, including but not limited to the construction or operation of facilities which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate. The effect is to see that the water quality standards of that State are being complied with.

The pertinent paragraphs of section 21 read as follows:

> SEC. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.
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> (b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

The sanction in that provision of the law is the issuance of the permit or the license which may be required. This covers dredging activities, for example. It involves any activities conducted under a Federal permit or license. It includes, in addition, the activities of the Atomic Energy Commission in approving licenses for nuclear powerplants. It also, I think, could be used to cover discharges under the Refuse Act of 1899, which prohibits the discharge from industrial or any sources into the navigable waters of the United States.

In brief, section 21 of the Water Quality Improvement Act provides sanctions—through the permitting or licensing authority of the United States—which can cover every industrial establishment in the country.

That was worked out, as I say, over a period of years, as we sought to find some kind of precision instrument for getting at Federal activities.

What troubles me about the Senator's amendment is this: Section 102 was written last year under legislation reported initially by the Committee on Interior and Insular Affairs. Because it also involved the jurisdiction of the Public Works Committee, we became involved with the Committee on Interior and Insular Affairs in writing this and other provisions of that act. Consequently, the provision does require a report. The law as written did not include the sanction because at that time there was no central agency in existence with the authority to police it. Under the provisions of that act, the Council on Environmental Policy was created and now consists of three commissioners, chaired by Russell E. Train. The first report of the Council was just issued this week.

My Committee on Air and Water Pollution received testimony from Mr. Train and his people on the report, and one of the questions raised in the hearing this week was the implementation of section 102, under existing provisions of law. What must be done is this: First of all, the Council has assumed authority given under the act to implement section 102. It is in the process of doing so. It has developed guidelines which have been circulated to the Federal agencies for that purpose. It is going to require, under the authority of the Presidential office in which it is located, compliance with section 102.

There are two limitations at the present time—three, really.

The first is the inadequacy of the Council staff at this point. The Council was created in January. It has been staffing up before its appropriations picture has been fully defined. The President requested full funding for this year of $1½ million. The Appropriations Committee approved only $1 million. If the $1 million is its ceiling, the total staff of the Council will be 37 or 38. That is the first limitation.

The second limitation is that the guidelines have just been developed, are being circularized, and will be implemented.

The third limitation, the extent of which we do not fully understand as yet, is that there are no sanctions other than the prestige of the Council and the backing of Presidential authority. Its effectiveness will require implementation.

May I say, in addition, to the Senator, that in the Public Works Committee, with those Federal activities under our jurisdiction, we have assumed the responsibility for insisting that the provisions of the act be complied with.

For instance, the Senate earlier this year considered the rivers and harbors bill. There were included in that bill, as it came to the committee, reports that did not include the section 102 reports. We sent them back and required that section 102 reports be filed and sent up to the committee. That demonstrates, I think, it was the intent of both the Interior and Insular Affairs Committee and the distinguished Senator from Washington (Mr. JACKSON)——

The PRESIDING OFFICER (Mr. McINTYRE). The time of the Senator from Wisconsin has expired.

Mr. PROXMIRE. Mr. President, I yield 3 additional minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 3 additional minutes.

Mr. MUSKIE. The intent of the Committee on Interior and Insular Affairs and the Senator from Washington (Mr. JACKSON), who will comment on that himself, as well as the Public Works Committee, was to establish a clearcut policy to be implemented under the emerging authority and prestige of the Council on Environmental Policy, backed up by the two committees involved in writing the law.

What troubles me about the Senator's amendment are two questions.

The first is this: Section 102 requires that reports shall be filed in connection with any legislation proposed by any department on any major action proposed by the department.

Someone has to decide what is a major action requiring compliance with the law.

The second question is this: The law is specific with respect to the makeup of the report and the questions it must cover. That means someone must decide, if the Senator's amendment is adopted, whether a satisfactory report has been filed under section 102, because the Senator's amendment does not impose or give that responsibility to any agency of government—it does not give that authority to any agency of government.

It may be an assumption that the Council on Environmental Policy will assume those functions. It is not equipped to do so. There may have been the assumption that some other agency of government will have that responsibility. It is not identified, if that is the case.

But in the case of the Department of Defense, what troubles me is that in order to insure that a report is filed with respect to every action that may have been recommended as major by someone, under section 102, there is going to have to be a monitoring by some agency outside the Department of Defense of all decisions taken.

That seems to me to be an administrative task of some magnitude that should be carefully examined in committee.

Thus, I should like to suggest to the Senator from Wisconsin that this proposal, which I think has merit, certainly in terms of its objective, be referred to the Committee on Interior and Insular Affairs, and to my Committee on Air and Water Pollution, as well as to other appropriate committees, so that we can examine it. It may well be there is a need for this kind of tough sanction to implement section 102, but we should really focus on the implication of the various sanctions which can be made available and which we can use.

The Senator from Wisconsin should be complimented on offering his amendment, but I am troubled about the mechanics of implementing it, if it should become law.

Thus, I thought it might be helpful to give this background to the Senate as a matter of record.

Mr. PROXMIRE. The distinguished Senator from Maine speaks from a great deal of experience in this area. He has worked on it as much as any Member of the Senate—perhaps more than any other Senator. He knows what he is talking about.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. PROXMIRE. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 3 additional minutes.

Mr. PROXMIRE. The Senator from Maine makes a legitimate point, but I feel that the Council has guidelines, the Department of Defense now has guidelines, and in general there will be agreement. It would seem to me that where there is disagreement, it would have to be resolved by the President or the Attorney General. There could be additional consideration given by the Committee on Interior and Insular Affairs or the Public Works Committee, which could be useful, but what concerns me very deeply is that we have waited for more than 7 months now for some effective action under the law, and we have not received any.

There is no question that we have not gotten the kind of report we should have. The Department of Defense is the most clearly negligent because, with respect to defense itself, it filed exactly one report.

Mr. MUSKIE. Will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. MUSKIE. Let me read section 102. The Senator is impatient in having to wait 7 months. I have been impatient for 8 years, may I say to the Senator, as we have undertaken to write this legislation. Let me read section 102 and what is required of every department. Unless the departments equip themselves with staff and resources to do it, this is not an easy task.

This is what section 102(c) requires:

> All agencies of government shall include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—
>
> (i) the environmental impact of the proposed action,
>
> (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
>
> (iii) alternatives to the proposed action,
>
> (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
>
> (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
>
> Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5 United States Code, and shall accompany the proposal through the existing agency review processes;
>
> (D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;
>
> (E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;
>
> (F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

Let me say to the Senator from Wisconsin that when we wrote this provision into the law, what we were interested in getting was not some pro forma, routine, casual examination of the environmental impacts of the actions taken by the Federal agencies. We wanted the kind of in-depth study and evaluation that could come only if each agency organizes itself with the appropriate staff and with the appropriate resources in research and other activities to do the job right.

Our complaint about the Department of Defense, the Department of Interior, the Corps of Engineers, and all of the other agencies is that they have given nothing but casual attention to the environment. We have thought we should split off the environmental improvement responsibilities of agencies from their resource development responsibilities.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 additional minutes.

Mr. MUSKIE. I think there is a conflict and inconsistency which makes them less than an objective judge of the environmental impact of their own activities—if 7 months of useful time would not necessarily be sufficient to produce the kind of reports we had in mind for section 102.

I appreciate the impatience of the Senator, but I really earnestly ask him to consider whether this matter ought not to be given adequate care and study.

We thought about it. My committee is concerned. The committee of the Senator from Washington is concerned. We are concerned about the matter. We have written this provision into law. I think it would be most helpful for the achievement of the Senator's objective.

Mr. PROXMIRE. Mr. President, it seems to me that the Defense Department certainly has staff to burn. They have plently of personnel. They have hundreds of thousands of people. They have a colossal number of personnel. They should be able to comply with the law in 7 months and should be able to file more than one report.

They did object to filing the report but not because it took expertise. They objected to filing the report on policy grounds. They should have been able to file many more reports than just the one.

It is clear that they will not comply, in my view, with the very comprehensive charter which the Senator from Maine has detailed unless we provide this kind of effective sanction.

I have suggested that we go another year. If 7 months is not enough—and it seems to me that it is—let us give them 18 months. Would that be enough to satisfy the Senator from Maine?

Mr. MUSKIE. Mr. President, I have served on committees with the Senator from Wisconsin. I know how carefully he examines every detail of legislative proposals which come before him.

I undertake to do the same thing in my committee. We devoted long hours, days, and weeks to this very problem. Now the Senator is suggesting that, in the hour since I learned enough about this amendment to understand it, that I should be able to form a judgment that it ought to be written into law effective a year from now.

The Senator himself does not apply that kind of judgment making process to legislative proposals that come before him. And I find it difficult to do it myself.

It may be an answer, but it has not had that kind of attention.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. JACKSON. Mr. President, first of all, I associate myself with the remarks of the able Senator from Maine in connection with the pending amendment.

Mr. President, much as I understand the concerns of the Senator from Wisconsin, I must oppose his amendment requiring the Department of Defense to comply with the National Environmental Policy Act. Because the amendment requires the Department to do what it is already legally required to do, it seems innocuous. But there are, I believe, real dangers in starting a recodification of the National Environmental Policy Act on a department-by-department, agen-

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cy-by-agency basis. If we accept this amendment today, it is only the beginning. From now on, we may expect a series of amendments designed to relate different agencies to different sections of the act. It would be tempting, for example, to write special language covering the Corps of Engineers or the Federal Highway Administration. Once this process is started, there is no logical place to draw the line.

The net result of this approach is to undermine the broad, comprehensive coverage of the National Environmental Policy Act by suggesting that some problems are more important than others and by sowing the seeds of confusion as to what matters are covered by the act. No doubt some agencies would prefer that their activities not be covered by the act. The fact remains that the act is all-inclusive in its coverage and it is the responsibility of the Council on Environmental Quality and the Congress, in the exercise of its oversight function, to see that the act is complied with.

Mr. President, the members of the Council on Environmental Quality appeared before the Senate Interior Committee this morning and I asked the chairman, Russell Train, to comment on the pending amendment. Mr. Train made it perfectly clear that the members of the Council share the views I have expressed here this morning. Although the Council has only been in office 6 months, I personally have every reason to believe that it is prepared to see that the executive branch fulfills its obligations under the National Environmental Policy Act. I believe that passage of the proposed amendment would unduly complicate the Council's task of administering the act. It should be rejected.

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Mr. President, this bill originated in my committee. I introduced it, as the Senator from Wisconsin knows. I worked very closely with the able Senator from Maine. We worked out the differences between the House version and the Senate version.

It is fundamental to this act that all agencies be included. I want to point out—and the Senator knows—that there are some real legal problems involved if we follow this course. If we single out the Department of Defense for special treatment, would that mean that other agencies are immune?

Mr. PROXMIRE. Of course not. We do not limit this to the Defense Department.

Mr. JACKSON. Why does not the Senator introduce an amendment to provide that it will be a condition precedent to the expenditure of any funds that agencies first comply with section 102?

Mr. PROXMIRE. I will do that when the legislation comes before us. It is not appropriate at this time.

Mr. JACKSON. We have had other appropriation bills here, and other measures. We have not added this kind of condition.

I concur completely in what the Senator is trying to do. I commend him for it.

I point out that the guidelines for compliance have now been submitted for the Department of Defense, and all its subagencies. They are moving on this problem.

I held hearings on the problem of Culebra. The Senator may be familiar with that problem in Puerto Rico. The Department is submitting to the committee the necessary information in compliance with section 102.

A lot of Federal agencies have not yet fully complied with section 102. The Department of Defense is not the only one.

We are, in our oversight authority, going into the whole problem.

I am working very closely with the able Senator from Maine in a joint effort of the Public Works Committee and the Senate Committee on Interior and Insular Affairs to see that the objective of section 102 is fulfilled.

I caution about the danger here of saying that this agency is the one that is not complying when other agencies have yet to comply.

The council has been operating under very difficult circumstances. They have had a difficult problem in getting adequate staff, as the Senator from Maine knows. We provided $1.5 million for staff in the Senate version of the appropriations bill which was vetoed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield an additional 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for an additional 5 minutes.

Mr. JACKSON. Mr. President, as the Senator knows, the House cut it by $500,000. Only $1 million is available. There is not adequate funding for staff purposes. We hope that the money will be restored if the veto is sustained or if a supplemental bill is submitted.

Mr. President, I yield to my friend, the Senator from Maine.

Mr. MUSKIE. Mr. President, I think it would be helpful to read into the Record the comments of Chairman Train earlier this week before the Air and Water Pollution Subcommittee on section 102.

He said this:

> Section 102(2) (C) of the National Environmental Policy Act has helped meet the second deficiency which I noted in the Federal Government's organization with respect to environmental issues—environmental impacts of Federal action were being overlooked in decision-making.
>
> Section 102(2) (C) requires Federal agencies to include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement on: the environmental impact of the action, adverse impacts that cannot be avoided, alternatives, the relationship between short- and long-term uses, and any irreversible commitment of resources involved.
>
> These detailed statements are to include comments of State and local environmental agencies as well as appropriate Federal agencies with environmental expertise.
>
> The statements are to be made available to the Council on Environmental Quality, the President and the public.
>
> On April 30, the Council issued Interim Guidelines for the preparation of environmental impact statements, requiring each Federal agency to establish internal procedures for implementing this provision of the Act by June 1, 1970.
>
> These Interim Guidelines have been published in the Federal Register, under date of May 12th, as I recall.
>
> In response to these guidelines the agencies have been developing internal procedures to implement Section 102.
>
> At the same time, with help from the supplementary staffing authorization contained in the Environmental Quality Act, we have been developing our own staff capacity to review agency programs with particular impact on the environment, to evaluate the Section 102 statements that have been filed and to identify actions which should be covered.
>
> With this foundation we should be able to assess the overall effectiveness of the Section 102 procedure.

Mr. Train also stated:

> Finally, with respect to the Section 102 procedure, we have not limited our operating responsibility simply to the issuance of formal guidelines.
>
> On the contrary, we have endeavored to develop and maintain close working relationships at the staff level with the key agencies.

I also call attention to this testimony by Mr. Train:

> Senator Spong. On pages 9 and 10 of your statement, you speak of Section 102. That section was employed, was it not, in the decision to dump the nerve gas in the Atlantic Ocean?
>
> Mr. Train. Yes. You said "employed", and I want to comment on the use of that word, because——
>
> Senator Spong. Well, use your own, if you will.
>
> Mr. Train. Because it is a section of the statute which is self-operative. It comes into play whenever any Federal agency is recommending any major action with potential significant environmental impact, and these are submitted to us.
>
> Such a statement was submitted by the Department of the Army to the Council. The Council has commented to the Department of the Army on its statement, pointing out certain deficiencies which we felt of a procedural or technical nature in that particular Section 102 report.
>
> Senator Spong. If I recall, this is my own conclusion from listening to testimony, the report dealt possibly with the chemical aspects, but told us very little, and possibly that is because of lack of knowledge as far as everyone is concerned about the biological effects.
>
> But what I would like to ask you is: Was that report prepared and circularized for comment early enough to affect the decision-making process before the action was taken?
>
> Mr. Train. The report was initially submitted to the Council in draft form on the 8th of July, and a final version was submitted to the Council on the 30th of July, as I recall, and during that period, although only before us in draft form, our staff did have occasion and opportunity to comment on and discussion with the Department of the Army's staff various aspects of the project.
>
> It is hard to state, in any case, whether sufficient time has been given. In a case that is as complicated and controversial, necessarily, as this kind of project, I would say that the 30-day period which our guidelines provide is probably on the short side.
>
> I hestitate to generalize. I think in many cases, the answer to that question would turn upon the completeness of the information provided in the first instance, so that in this case, where we felt there were some deficiencies of information, the period probably was not long enough.

The second point, I think, is covered

by Mr. Train's testimony. I ask unanimous consent that all of his testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. RUSSELL E. TRAIN, CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY

Mr. TRAIN. Thank you, Mr. Chairman.

If I might respond to one of the Chairman's introductory remarks, in which he expressed the hope that the Joint Committee on Environment might be established soon, I think that the Council would be glad to associate himself with that hope, noting that we are presently scheduled to testify before three committees this week on the report, and I suspect this may be only a beginning. I am sure a joint committee would be very welcome by all hands here.

Senator MUSKIE. Well, I hope we can help to prepare you this morning for your later bouts this week.

Mr. TRAIN. Mr. Chairman, and members of the committee:

It is a pleasure to appear before this distinguished committee for the first time, I would say, in our role as a Council, because, of course, I have appeared before this committee on previous occasions.

For the record, I would like to note that I am accompanied by both members of the Council, Mr. Robert Cahn, and Dr. Gordon MacDonald.

Our appearance today, in connection with the filing by the President of the First Annual Environmental Quality Report, furnishes a good opportunity to review the work of the Council and those areas in the report of particular relevance for this committee.

As you know, the First Annual Report has been prepared during the organizing period of the Council. Only a few months have been available for the task.

Likewise, the Council has had only a small staff during this period, all of whom have carried major responsibility for the wide variety of projects and issues, other than the report, which have concerned the Council during these months.

We also recognize that we possess insufficient environmental quality indicators or systems by which to monitor the environment and outline trends with any degree of the accuracy at this time.

Nevertheless, within the bounds of these limitations, the Council has attempted to bring together a comprehensive description of environmental problems and issues facing the Nation.

It does not require a highly developed monitoring system to tell that the present state of our environment is badly degraded, that our waters remain seriously polluted, that the air in and around our cities is in unsatisfactory condition, that congestion and noise and stress are increasing, that environmentally related disease is rising, that the solid wastes of our society are continuing to mount, that open space and natural areas are diminishing, that the natural diversity of our surroundings is decreasing, that ugliness and tawdriness are spreading across our American landscape.

Nevertheless, the year 1970 has marked the beginning of a significant attack on these problems. Not only has public awareness and concern reached new levels, but at the same time:

We have begun to achieve a better understanding of the complex root causes of our problems;

We have begun to build into the decision-making process of Federal agencies a consideration of a broad range of environmental factors;

We have continued and strengthened the development of a comprehensive action program that, given persistence and support, can arrest and reverse the adverse trends in our environment, and

We have begun to build the institutional base for more effective environmental management.

I would like to just give one word of emphasis to that last item, which I think is too often overlooked, when public attention tends to focus on specific problems.

We think so much in terms of programs to deal with those ad hoc, immediate problems, and rightly so, but over the long pull, we feel that the better institutional base for environmental management is one of the very basic fundamental goals which we must achieve.

The Annual Environmental Quality Report deals at some length with problems of interest to this committee. It includes analyses of the sources, effects, and major problems of water pollution, air pollution, and solid waste.

In the field of water pollution, vigorous and effective enforcement of water quality standards is necessary, as this committee well knows. The first need is to strengthen the legal basis for enforcement.

This committee has devoted much time to an examination of the Administration's proposals which would extend Federal jurisdiction to intrastate and groundwaters, streamline the conference hearing procedures, establish effluent requirements, and authorize fines up to $10,000 a day.

We understand that this committee is working on legislation along these lines.

However, a strengthened legal basis is only the first step in enforcement. To be truly effective, enforcement must be triggered by information from an adequate information system. States, municipalities, and industries should systematically be warned of violation of standards.

If action does not follow, and if extenuating circumstances do not exist, the Federal Government should automatically seek court action.

The successful control of air pollution requires strengthened legislation, as does successful control of water pollution.

I know that this committee has been working long and hard on proposed amendments to the Clean Air Act, and I hope that you soon will be reporting them out of committee.

The automobile is clearly the number one air pollution problem. The President has proposed legislation to provide for certification of assembly line vehicles to assure that emission control standards are met.

The Council on Environmental Quality is overseeing an effort to develop non-polluting alternatives to the internal combustion engine. However, there is still a need to insure that once new model vehicles are certified as conforming to the standards, they continue to meet the standards under actual operating conditions.

The Council report states that alternatives to assure continued control of motor vehicle emissions under actual road conditions should be evaluated.

The international dimensions of the air pollution problem should not be overlooked. The report contains an entire chapter devoted to man's unintentional modification of world climate.

The discharge of particulates and carbon dioxide to the atmosphere could have dramatic and long-term effects on the world's temperature with many major consequences.

The United States should take the initiative in forming cooperative arrangements to control air pollutants that could have widespread effects.

As this committee has recognized, we need to develop much better techniques for disposing of solid wastes. We must also aim at reducing the volume of material which is considered waste by encouraging maximum recycling and reuse of materials.

The Council is working with a number of Federal agencies to develop a recycling strategy and is studying a variety of special disposal problems, such as non-returnable bottles.

These are just a few of the many recommendations which our report makes. However, the significance of the document lies as much in its total coverage as in any of its specific recommendations.

We have tried to view the environment as a whole, and we have dealt with some of the root causes of environmental problems such as population and economic growth and land-use.

While there are many specific actions which must be taken, there is also a need to improve our thinking about the environment so that the interrelationships among problems are recognized and so that we do not create new problems by our attempts to solve existing ones.

IMPROVING THE FEDERAL GOVERNMENT'S ABILITY TO DEAL WITH ENVIRONMENTAL PROBLEMS

I would like to introduce the subject of the role of our Council by reviewing briefly the steps taken this year to improve the Federal Government's ability to deal with environmental problems.

In recent years, our Federal institutions responsible for environmental quality have been handicapped by organizational arrangements poorly suited to effective programs. There has been need for improvement in at least three areas.

First, there has been the need to focus environmental policy development and analysis of trends and programs. Since many problems of the environment cut across the responsibilities of a number of Federal agencies, no one entity had an overview function.

Second, environmental concerns have often been slighted when agencies pursue their primary missions with inadequate attention to side effects.

For example, the agencies constructing highways, dams, or airports are chiefly concerned with economic and engineering feasibility.

Such quantitative factors have tended to overshadow consideration of the environmental impact of proposed projects.

Finally, as pollution control programs have grown in scope and authority, effective management has become increasingly difficult.

Different agencies carrying out simliar pollution control functions such as standard-setting, research, monitoring and regulation have grown up piecemeal.

There has been progress this year in all three areas. The establishment of the Council on Environmental Quality under the National Environmental Policy Act (P.L. 91–190) has provided a focal point in the Executive Branch for the development of environmental policy.

The Council's ability to perform its functions has been significantly strengthened by the passage of the Environmental Quality Improvement Act of 1970 (P.L. 91–224) which your committee initiated. This legislation provided for the Office of Environmental Quality and staff support to the Council.

The Chairman of the Council on Environmental Quality serves as director of the office and in practice the provisions of the two Acts have meshed together in a highly useful way.

P.L. 91–224, for example, provides useful contracting authority and flexibility in the hiring of specialists and experts.

This additional legislation brought the total authorization for the Council and the Office to $800,000 for fiscal year 1970; $1,450,000 for 1971; $2,250,000 for 1972; and $2,500,000 for 1973.

For fiscal 1971, the Administration requested funding up to the full amount of our authorization. That is, $1,450,000 and an

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additional $50,000 for the Citizens' Advisory Committee on Environmental Quality.

As you know, Congress recently appropriated a total of $1 million for the Council and Office and for the Citizens' Committee.

Section 102(2) (C) of the National Environmental Policy Act has helped meet the second deficiency which I noted in the Federal Government's organization with respect to environmental issues—environmental impacts of Federal action were being overlooked in decision-making.

Section 102(2) (C) requires Federal agencies to include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement on: the environmental impact of the action, adverse impacts that cannot be avoided, alternatives, the relationship between short- and long-term uses, and any irreversible commitment of resources involved.

These detailed statements are to include comments of State and local environmental agencies as well as appropriate Federal agencies with environmental expertise.

The statements are to be made available to the Council on Environmental Quality, the President and the Public.

On April 30, the Council issued Interim Guidelines for the preparation of environmental impact statements, requiring each Federal agency to establish internal procedures for implementing this provision of the Act by June 1, 1970.

These Interim Guidelines have been published in the Federal Register, under date of May 12th, as I recall.

In response to these guidelines the agencies have been developing internal procedures to implement Section 102.

At the same time, with help from the supplementary staffing authorization contained in the Environmental Quality Act, we have been developing our own staff capacity to review agency programs with particular impact on the environment, to evaluate the Section 102 statements that have been filed and to identify actions which should be covered.

With this foundation we should be able to assess the overall effectiveness of the Section 102 procedure.

In our view, it would be desirable to get another six months or so of experience before considering the desirability of any change in the law.

Our guidelines have only been in effect for a short period. The agencies' own internal procedures are even more recent. We are only now beginning to have an opportunity to develop actual operative experience with these new procedures.

Having said this, I would like to underline the understanding of the Council on two points that have occasioned some debate:

First, it is our understanding that Section 102(2) (C) contemplates preparation of the impact statement and its circulation for comment by the relevant agencies early enough to affect the decision-making process before the action is taken.

We believe this interpretation to be consistent with and, indeed, required by, the statutory requirement that the statement "shall accompany the proposal through the existing agency review processes."

Secondly, we believe Section 102(2) (C) to be a remedial provision that should be applied, to the fullest extent possible, to further actions even though they may be part of a sequence started before January 1, 1970.

As our Guidelines put it with respect to existing projects and programs:

Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences.

It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

Finally, with respect to the Section 102 procedure, we have not limited our operating responsibility simply to the issuance of formal guidelines.

On the contrary, we have endeavored to develop and maintain close working relationships at the staff level with the key agencies.

The third gap in our Federal organization to handle environmental problems I mentioned—the fragmentation of our pollution control operating programs, is proposed to be redressed in Reorganization Plan No. 3, which would consolidate our major operating pollution control programs in a new, independent Environmental Protection Agency.

This consolidation is based on the same concept of an independent environmental standard-setting and protection agency as the proposal authored by Chairman Muskie and co-sponsored by members of this committee.

Our Council strongly supports the plan of reorganization. We see no conflict between the missions of EPA and the Council on Environmental Quality. Indeed, the two organizations should be mutually reinforcing.

The Council is not intended to have operating responsibilities, and its functions are to advise the President with respect to environmental policies and to coordinate all activities of Federal agencies related to environmental quality.

EPA, on the other hand, will be responsible for executing anti-pollution policies and for carrying out the many functions involved in controlling pollution.

It will assist the Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment.

There is also a difference in the scope of concern of the two agencies. The Council is responsible for the environment, broadly defined. This includes such subjects as population, land use, and conservation.

I believe that our Annual Report, before this committee, bears out that scope of concern and responsibility to which I have alluded.

The new agencies, on the other hand, will focus specifically on pollution control, which is only one part of the Council's responsibilities.

However, the creation of EPA will be a significant building block in achieving the comprehensive view of environmental matters which the Council has tried to encourage.

OTHER COUNCIL ACTIVITIES

Apart from these matters of the Federal Government's organization and procedure to handle environmental issues, the Council has been involved in a broad variety of environmental policy questions which I will mention briefly.

In his February 10, 1970, message on the Environment, the President directed the Council to provide leadership in the areas of agricultural pollution, the research and development of non-polluting power sources for the automobile, the problem of junked automobiles and the recycling and reuse of commonly used materials.

In a subsequent message to the Congress on pollution in the Great Lakes and the oceans, the President also directed the Council, in consultation with other Federal agencies and State and local governments, to develop a Federal policy and programs for controlling disposal of wastes in the oceans.

The Executive Order which directed Federal agencies to undertake an extensive program for bringing Federal facilities into compliance with air and water quality standards also assigned the Council continuing responsibility to oversee implementation of the Order.

In addition to these Presidential directives, the Council is involved in a number of other activities. It participated with other agencies in the development of the President's proposals to control and prevent oil spills from waterborne transport.

It is currently working with a number of Federal agencies on proposals for improved control of pesticides, noise, and mercury pollution; reduction of phosphates in detergents; and pollution control programs in the Great Lakes.

A number of our projects relate to assignments made to the Director of the Office of Environmental Quality in P.L. 91–224.

For example, we are giving priority attention to review of existing environmental monitoring systems, the development of improved indicators of environmental quality and establishment of comprehensive environmental monitoring systems.

Secondly, the Council is evaluating the impact of a wide variety of Federal programs on development and growth of areas, the sufficiency of land-use planning and control at State and local levels, and alternative institutional and control mechanisms for better land-use management.

Thirdly, as an aspect of the impact of new technology, the Council is giving attention to the growing levels of toxic substances in the environment resulting from new and complex manufacturing processes and is evaluating alternative methods of pre-testing and controlling these substances.

In the Council and the Office of Environmental Quality, the President now has a permanent staff in the Executive Office for the specific purpose of evaluating the effects of Federal programs and policies on the environment and for developing environmental policy recommendations. We have built this staff capacity slowly and carefully.

Mr. Chairman, I am particularly proud of our Council's staff.

As you might imagine, the nature of our responsibilities has excited interest throughout the country, and we have received literally hundreds of applications for employment.

We have been able to accept, of course, only a few of the many outstanding candidates. I believe the group we have put together is exceptional.

The first Environmental Quality Report shows that much can be done to prevent some of the worst forms of environmental deterioration.

If I might go back to the staff again for a moment, Mr. Chairman, we have—I think it would be of interest to this committee—about seven interns working with us this summer, which I suspect, given the total number of our staff, may represent a higher proportion of interns than any other agency of the Government, and this has been a highly successful endeavor on our part.

The young people come from law school, colleges, and I believe one high school, and they have worked out absolutely splendidly, and have made a substantial contribution, in fact, to the work of the Council during this month, and I think speaking for the Council, we will miss them when they go.

Senator MUSKIE. They are good. I have got 38.

Mr. TRAIN. You have 38. Well, perhaps you have larger resources than we do. (Laughter.)

Senator MUSKIE. That certainly reflects my lack of resources. I have to reach out and get them, but they are good, delightful.

Mr. TRAIN. And I would like to mention, also, that yesterday the President had our entire staff to the White House, at noon, and he met with the entire staff, professional, secretaries, interns, temporary people on loan from other agencies to help on the report, and so forth, and the President was able to speak with and meet each single in-

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dividual, and this was, I think, a very inspiring occasion for the staff.

Senator Muskie. How large is your staff altogether at this point?

Mr. Train. We have at the present time, if I could focus on full-time professional people, approximately 17, of whom either two or three are on detail from other agencies on a rather long-term basis, and we have one Foreign Service Officer, for example, working with us, on international programs.

Senator Muskie. How large a staff will you be able to assemble under the appropriation already approved by the Congress, of a million dollars?

Mr. Train. Our expectation and plan, under the requested appropriation, had been a staff in both professional and clerical, totalling approximately, as I recall, 54.

Now our reexamination of the state of the Council's economy, based upon the recent appropriations, would indicate that we probably would have to cut this back to about 39 personnel all told, and I believe a second serious effect would be an almost complete erasure of our capacity to enter into contracts, because I think that we would, if forced to a choice, rather put the available funds on strengthening our staffing, rather than on outside contracts.

Senator Muskie. Well, I think this whole committee sympathizes with your need for the full funding that you have requested. I think this view is shared by Senator Jackson and his colleagues, so maybe we can mount an effective effort to get full funding for your work.

I think it is terribly important that you get off to a good, solid start, with the adequate staffing, and I am sure you have not been excessive in your request, from my understanding of the problem, and what needs to be done.

Mr. Train. Thank you, Mr. Chairman.

We believe, on this point, that looking ahead, and looking to the authorizations for subsequent years, it is very important to build the staff in a methodical fashion, and our own analysis is that the kind of staff level which we had requested for 1971 is fully within our ability to manage and make effective use of, and we have kept away, I think, from seeking large levels of staffing and funding, simply for the sake of large levels.

Now, the levels requested are those which we believe we can effectively use at this time, and would represent a very important step in our development as an effective instrument of government.

I will return to the beginning of this paragraph.

The first Environmental Quality Report shows that much can be done to prevent some of the worst forms of environmental deterioration. As it spells out in detail, much improvement can be accomplished despite serious deficiencies in research and monitoring.

In the foreseeable future, it is reasonable to expect to be able to slow or to stop environmental degradation, especially air and water pollution. Many essential steps toward this end have been proposed by the President and are awaiting action by the Congress.

Our Report lists a number of specific recommendations for the directions in which we should move in the future.

We believe that the Annual Environmental Quality Report should be of considerable use to your committee by providing a regular survey of our environmental problems and measurement of our progress.

It should also aid your work by fostering greater public understanding of the nature of environmental problems and the prospects for taking action to control them. Improved monitoring systems and the development of indicators of environmental quality should also prove as useful to your committee as to the Council.

I will conclude this first appearance before your committee by saying that we have valued the sustained support and interest of this committee and the help we have received from many quarters.

We are conscious of the many contributions made by the Congress to our understanding and better handling of environmental problems. This committee, in particular, has played a vital role in the development of our pollution problems programs and deserves much credit for the progress that has been made.

Thank you, Mr. Chairman.

Senator Muskie. Thank you, Mr. Chairman.

I suggest to my colleagues that we might invoke the 10-minute rule on the first round of questions. That may exhaust them, although I doubt it, and then we will proceed from there.

With respect to the air, water and solid waste proposals in the Report, I gather there are no new recommendations in this Report.

The recommendations are those submitted to us by the President earlier this year, and upon which this subcommittee is now working. Am I right?

I detect no new recommendations.

Mr. Train. No, there are a good many new directions which we recommend, Mr. Chairman.

Senator Muskie. I mean, legislative recommendations.

Mr. Train. Specific legislative recommendations for action now are restricted to those already pending before Congress.

In addition, the Council has set out in varying detail a large number of recommendations for the directions in which we should be moving in all of these programs. I think in the pollution sections alone, we have some 50 proposals for action. But we have not set these out as "must" legislative items at this time.

Senator Muskie. No, I understand the distinction. I wanted to be sure we didn't overlook any specific legislative proposals at this time.

The reason I put the question, in addition to wanting to identify the nature of the report in this respect is this: One of the reasons we still are discussing, for example, the air pollution legislation in the committee is that in response to the testimony that we received in 10 days of hearings which we conducted, in response to, I think, much that we have learned about the urgency of the problem this year, and the reaction of the public to it, we felt a responsibility to re-focus on some of the legislative proposals which the President introduced, which I introduced, which other members of the Senate introduced, to determine whether or not there were not better answers than those contained in that initial legislation to the problems with which we must deal.

We are conscious of the fact that lead times are vanishing on us, and the policy we write this year is policy we are going to have to live with and work with for some time in the future, and so wanted to be sure that we had the best answers that we were capable of putting together this year.

Because the committee hasn't reached agreement yet on what concepts we ought to write into the law, I don't know if I can surface all of the options that we are considering, but we may get into some of them, if we have enough time.

Mr. Train. We certainly wouldn't wish to discourage this committee from acting affirmatively on any of the additional proposals which the Council has set forth.

Senator Muskie. No, we look at those, too.

Mr. Train. We feel that they very definitely deserve careful consideration, and the President himself has said that, in his letter of transmittal.

Senator Muskie. May I ask this question: Have you developed a sufficient expertise in your own staff to get into specific legislative proposals, in the air pollution field, for example, or do you rely upon the air quality, the Air Pollution Control Administration to develop specific legislative proposals which appear in your Report?

Mr. Train. We do have expertise within our own staff, in the field of air pollution.

Naturally, we also do look to the responsible program agency for a great deal of technical support in the air pollution field, as well as others.

So it is neither one or the other, but we do definitely have our own staff competence in that particular field.

Senator Muskie. Well, in due course, then, I suspect that the committee will be in touch with you as well as the Air Pollution Control Administration, to test out whatever new concepts the committee has agreed upon.

May I say this: I realize, out of the months that have passed since last January, that there is a tendency to think of the development of ideas in this field as an exercise in partisanship.

That is understandable, I suppose. But these ideas really don't fall under those labels very comfortably, or very usefully. We welcome ideas. We deal with them in our committee on a non-partisan basis. That doesn't mean that we are not going to disagree with each other, or with the Administration, but I think we have got some hard decisions to make in this situation, and we can't hope to make them if the basis of our judgment is political partisanship.

That is our attitude, and I am sure it is yours. At least, that has always been my reaction to your approach to the problem.

So we hope to have a tough air pollution law, and we may ask for your reaction to it before we reach our own final decision.

Mr. Train. Well, we may have differences in detail, Mr. Chairman, but I assure you that the Administration also wants a tough air pollution law, and will be happy to cooperate with this committee in helping to produce such legislation.

Senator Muskie. I would like to ask two or three questions related to your testimony, if I may. You spoke about the need for international cooperation in this field, and I must say I compliment you for focusing upon that need.

On the top of page five, you discuss this briefly.

Now there is an international problem, it seems to me, which falls right in the context of your comments. The most obvious basis for international action, of course, is the effect on the atmosphere of the earth, which doesn't distinguish between peoples on the basis of political boundaries.

Now, as far as long-term, world-wide weather effects are concerned, there are reports that the operation of the SST at high altitudes will emit water vapor which will have profound effects on world climate. Whenever questions of this kind are raised, the usual argument that we get in response is that the SST is necessary, because of competition from abroad, and the possible unfavorable impact upon our balance of payments situation if some other country develops an SST that is attractive in the world market before we do.

Now, if the SST has these potential atmospheric effects, then we ought to be looking toward an international judgment on whether or not it ought to be developed on a competitive basis. An agreement among all the nations to drop the SST might serve the needs of humanity better than competition among the nations to build it.

Would you have any comment on that?

Mr. Train. Well, on two points: We certainly agree wholeheartedly on the importance that international cooperation bears to this whole business of producing a better environment for all people. The problems are global, in many cases. Atmospheric problems, and, of course, related climatic prob-

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lems, that an area such as Europe has, and river basin problems are frequently international in nature. Of course, in our own case, the problems of the Great Lakes are international in nature.

In very many ways, problems of the enviromnent can only be gotten at effectively by international initiatives of various kinds, and we strongly support a leadership role on the part of the United States, world-wide, in the fight for a better environment.

On the second point, with respect to the supersonic transport specifically, the uncertainties as to possible atmospheric impact of the operation of a commercial fleet of supersonic transports sometime in the future are certainly of a kind which lend themselves naturally to international cooperative efforts, leading to the resolution of those uncertainties, and in the testimony which I presented on May 12th, I think, before the Joint Economic Committee on behalf of the Council, I stressed the desirability of international discussions of the various possible long-range atmospheric consequences in particular, and also noise characteristics of the SST.

Senator Muskie. Well, the report on page 99, for example, says "Further study is necessary to better determine the effects of supersonic jet transports in the stratosphere before they are mass produced."

And on page 127, you have similar comments on the noise effects to which you referred. And we are now considering in Congress, and this subcommittee had hearings recently, on an international agreement to deal with the consequences of oil spills.

It seems to me that our Government might well take the initiative and raise the question of the SST as another environmental hazard with international implications.

All of the momentum is on the other side. That is, in the interest of international economic competition, we have got to be in the head of the race, and to do that, we have got to build.

It seems to me we might well take the initiative to raise these environmental questions with governments of the other countries involved, the Soviet Union, and France, to see whether or not it is in the interest of mankind to go forward with this kind of technological development.

As the report emphasizes over and over again, in a sense, the environmental crisis of today is the product of heedless and headlong technological development. The SST represents and symbolizes this very thing, and gives us an opportunity, it seems to me, to focus internationally upon the kind of rearrangement of values that your report represents domestically here at home.

I don't know that you have any role or any influence in the international area, with respect to the State Department, the White House, or any other agency of the Government that might be able to take such an initiative, but if you have, I would urge its consideration.

Mr. Train. Well, we very definitely do have a role. The President has confirmed this by the Executive Order which he issued shortly after the Council was set up by legislation. The legislation itself didn't address itself expressly to the international aspects of the environment, although I think the legislative history indicated the intent of Congress quite clearly, to the effect that the Council should concern itself with the broader international concerns.

As I mentioned in my testimony on the supersonic transport, in addition to proposing international discussions, which have taken place on a very informal basis so far, and which we would recommend be carried out on a definite basis, and a positive scale, in the near future, we have also suggested that the possibility of this kind of technological development being the subject of discussions at the 1972 United Nations Conference on the Problems of the Human Environment.

We have had very informal discussions, again, with officials of both France and Great Britain on this general subject.

You will also recall, I think, that in my testimony of May 12th, we in pointing out some of the more significant, as it seemed to us, environmental uncertainties, recommended a concerted research effort on the part of the Federal Government, to address itself to those uncertainties, hopefully, to lead to their resolution, and the Department of Transportation has developed, and I believe has discussed with the appropriate committees, a fairly comprehensive research package, costing, I think, in the neighborhood of 26 plus millions of dollars, which our Council has reviewed and, based on that review, feel is responsive and does address itself to the environmental questions which we believe should be answered.

Senator Muskie. With respect to the SST.

Mr. Train. Yes.

Senator Muskie. Should they be answered before we proceed with further investment of public funds?

Mr. Train. Of course, this represents a judgment involving a great many matters that this Council really does not consider itself appropriate to offer public conclusions on, such as balance of payments, technological spin-off, airframe sales, and things of this sort, or the competitive situations with other aircraft.

We really are not experts in those particular fields. We have looked at the prototype program, which has been proposed by the Administration, which calls for the design, development and, I believe, 100-hour or so flight testing of two prototype commercial supersonic transports, and we believe that those prototypes, in and of themselves, raise no significant environmental problems at all, assuming that the flight testing is carried out under reasonably appropriate control circumstances.

Senator Muskie. Well, you can answer this question, perhaps, then, or will, at some point: Whether or not if the environmental risks which the report refers to in connection with the SST are not resolved, whether or not we should proceed to build it and operate it.

Mr. Train. It is always difficult to look ahead, but I would risk stating this amount of looking ahead, and that is, if it is the conclusion of this Council, following research, reasonable research efforts, over the next two, three, four years, whatever is available, if it is then determined that there are remaining significant environmental uncertainties, then I have no question in my own mind that this Council would recommend against the development of a commercial fleet of SSTs at that time, until those uncertainties were resolved.

That is our present position.

Senator Muskie. Well, with that advice, the Congress, I think, is in a better position to decide, I think, whether or not to invest more money in it at this time. That is a decision for us to make.

I have used more than my 10 minutes, but I will be back.

I yield to Senator Boggs at this time.

Senator Boggs. Well, thank you, Mr. Chairman. I know you want to follow the 10-minute rule, and I think you are very good to do that. I will be brief, but if you want to pursue the questions at this time, I will be glad to yield to you.

Senator Muskie. No, I was going to shift to another subject.

Senator Boggs. Very good. I want to say again, Mr. Chairman, that I have been impressed with this First Annual Report of the Council. I realize in the brief time that you have had, the six months, the organizing period, that it has been very difficult to cover the whole subject, and you have covered it well, and I don't mean to repeat this, but the format of it, I think, is helpful not only to the Members of the Congress, the committees, and so forth, but I would think to State and local organizations, and citizens' groups, advisory groups.

I can't imagine a question I get more often, since I have been serving on this committee, and certainly in the last year, from citizens all over the country, and especially in my own State, than, "What can we do?" And I think your approach and your format is very good and helps me in answering those questions, and I think this report, the First Annual one, is going to help to accomplish a lot of progress in itself, regardless of the recommendations and your recommendations to the Congress, and how the Congress, after hearings, may approach those recommendations and so forth.

I know, out of all of it, we are going to make some great forward progress in this environmental control.

And the concept, Mr. Chairman, of the Annual Report, is a great thing in this field. As you mention in your testimony, to institutionalize, or lay the firm foundation of government organization for the meeting of the total environmental program, I again want to compliment the report aspect of it.

I think in itself it is a great contributor to the goals we must attain.

I didn't mean to take up all my time by making a statement, Mr. Chairman, but I couldn't help but say that, because this committee, under the outstanding leadership of Chairman Muskie, as you well know, since 1963, when the committee was organized, has been struggling along, and I say for the committee, and I believe made great accomplishments during this period, under rather difficult circumstances, and this past year, development and the public recognition of the problem, and that something must be done about it, in its total aspect, has been most encouraging, and this report, I think, pulls together this whole picture, and to me, it is very encouraging, and very pleasing.

I realize the Council is not an operating agency, but I suppose there are a lot of twilight areas there, gray area between the Council and the operating program agencies, the EPA, for example, but I just had people in my office this morning, including a constituent of mine, from the area of Dover, Delaware, who has been working in this problem of waste oil, crankcase oil, as one example, and as you know, there is about a billion gallons of that a year, and some of it is used, and some of it is collected, but a lot of it, millions of gallons, nobody knows what happens to, and it is presumed that that gets into streams and sewers, and in the ground, and so forth, and I was wondering if the Council has been directing any attention on this subject, and what observations you may care to make, as one example of the recycling and one example of the things we must look to that are, every day, polluting, really, the air, the water, and the land.

Mr. Train. Well, we certainly recognize the problem of waste oils as one of the more important of our waste problems, and the Council has been directing attention to this.

We have set up an interagency task force, with representatives of the various departments that are concerned with the problem. For example, HEW, Interior, Treasury, Commerce, and the Federal Trade Commission, and we are working with them, taking a look, to get a better understanding of what causes the problem, what the economic forces are that are at work here, and what possible economic incentives or disincentive could be generated to help meet the problem, but we are by no means at any point of conclusion on this at this time.

Senator Boggs. Well, I commend you for that, and that encourages me, that you do

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have the problem in focus, and are working on it, because I think that is one example of how if we can meet this problem successfully, that one item, that a great deal can be accomplished in both air and water pollution and land pollution control. I commend you on that.

Now, your Report discusses the need for land-use planning, which is certainly very important.

Could you discuss and make any observations on how such planning would be complemented by the imposition of regulations dealing with air and water quality standards?

While land-use planning, as you know, is not necessarily before this subcommittee, it seems to me that the air and water pollution regulations and standards, quality standards, would have a considerable impact on land-use programs, and vice versa, too.

Mr. Train. There is obviously—I think this committee is well aware of it—a very close and intimate relationship between air, water pollution programs in particular, and wise land-use, and one need only look at the air quality impact of highways, expressways, in the close proximity to our metropolitan areas, to see one example.

The siting of power-generating plants is another exceedingly important example of the relationship of pollution problems to land use, and I think this, the latter one in particular, is an area in which we must be moving forward very, very shortly, and we, here again, are working closely in this case particularly, with the Office of Science and Technology, Dr. DuBridge's group, on the development of appropriate Federal policy in connection with the siting of electric generating plants for later submission to the Congress.

Senator Boggs. Very good.

Mr. Chairman, I know our time is moving on, and I want to yield back the balance of my time for you and my colleague here.

Senator Muskie. Senator Spong.

Senator Spong. Mr. Train, the battle for a better environment has been very gleefully joined by Madison Avenue. Many enterprises. We hear jingles every day about lead-free gasoline. I don't know the effect of lead-free gasoline on either the environment or on one's automobile, but I hear of it daily.

Just around the bend, I foresee phosphate-free detergents being sung about. Do you believe that the Council has any power or responsibility to the public or to the Congress, to try to comment upon what might be called fraudulent advertising in this area, either to the public or to FTC, or the FCC?

Mr. Train. I think we certainly would have a responsibility to work closely with the appropriate regulatory agencies, and I suppose this would be mainly the Federal Trade Commission, and if anything of this sort came to our attention, we certainly would take it up with the FTC.

Senator Spong. On pages 9 and 10 of your statement, you speak of Section 102. That section was employed, was it not, in the decision to dump the nerve gas in the Atlantic Ocean?

Mr. Train. Yes. You said "employed," and I want to comment on the use of that word, because——

Senator Spong. Well, use your own, if you will.

Mr. Train. Because it is a section of the statute which is self-operative. It comes into play whenever any Federal agency is recommending any major action with potential significant environmental impact, and these are submitted to us.

Such a statement was submitted by the Department of the Army to the Council. The Council has commented to the Department of the Army on its statement, pointing out certain deficiencies which we felt of a procedural or technical nature in that particular Section 102 report.

Senator Spong. If I recall, this is my own conclusions from listening to testimony, the report dealt possibly with the chemical aspects, but told us very little, and possibly that is because of lack of knowledge as far as everyone is concerned, about the biological effects.

But what I would like to ask you is: Was that report prepared and circularized for comment early enough to affect the decision-making process before the action was taken?

Mr. Train. The report was initially submitted to the Council in draft form on the 8th of July, and a final version was submitted to the Council on the 30th of July, as I recall, and during that period, although only before us in draft form, our staff did have occasion and opportunity to comment on and discussion with the Department of the Army's staff various aspects of the project.

It is hard to state, in any case, whether sufficient time has been given. In a case that is as complicated and controversial, necessarily, as this kind of project, I would say that the 30-day period which our guidelines provide is probably on the short side.

I hesitate to generalize. I think in many cases, the answer to that question would turn upon the completeness of the information provided in the first instance, so that in this case, where we felt there were some deficiencies of information, the period probably was not long enough.

Senator Spong. Well, this will certainly be one of the decisions that you will have under review in your six-month's study that you referred to.

Mr. Train. That is correct.

Senator Spong. Senator Boggs questioned you about land-use.

In your statement, you referred to land-use as one of the root causes of environmental problems.

Senator Muskie, in his opening statement, said that any land-use policy that failed to consider the existing Federal system would not be better than no policy at all.

Has the Council focused upon land-use policy to the extent that you have commented on what you see as the role of the States in the formulation of this policy.

Mr. Train. In a very general way, I would comment. And we are actively engaged in looking at this whole, very complex area of land-use.

I think the chapter in our Report on this subject indicates the scope and complexity of this problem. It is not a single-shot kind of thing. It involves a whole range of functions and responsibilities.

I think we can be absolutely certain that under any allocation of responsibilities, there is going to be a very important role for the Federal Government, for State governments, and for local governments, in land-use.

I don't think there is any suggestion, when we talk about a national land-use policy, that Washington take over all responsibility for all land-use decisions at the local level. Obviously not.

Now, if there is a major shift in the allocation of responsibilities that is needed, I would say that this would be a shift of some responsibility from the local units of government, both municipality and county, back toward the State.

So many of the problems of land-use, with which we are all becoming increasingly familiar, extend by their very nature well beyond the boundaries of the particular political entity which may have, in fact, the responsibility.

The town has a responsibility, but the impact of its decision goes far beyond that town, so that we have to, in some fashion, institutionalize this broader kind of responsibility for dealing with these problems, on a regional basis, and in many cases, on a State basis.

As you know, in most States, all zoning authority resides in the local unit of government. Sometimes towns, sometimes county. And none in the State government. There is very definitely a trend in the other direction underway. Some States have already established, I think—about two States have a State zoning law.

There is also the taking back of authority in some States over specific kinds of zoning, such as flood plains zoning, shoreline zoning, in the State of Wisconsin.

I think these are indicative of a growing recognition that these problems have a much broader geographical makeup than can be adequately handled by most local units of government.

So I would say this is the major direction I would see in the years ahead, in terms of the allocation of responsibility between different units of government. It is apt to be very controversial, as you all certainly are aware. I mean, this is a very jealously guarded prerogative of local government, and local governments and local communities should play a very significant role in the making of decisions that so significantly affect the well-being and futures of their own communities, so there is a balance here of interests and of responsibilities that must be achieved.

Senator Spong. Thank you, Mr. Chairman.

Senator Muskie. Senator Dole.

Senator Dole. Let me say as others have said that I certainly appreciate what I consider to be an excellent report that has been very helpful and will be very helpful.

I have been viewing with great interest the very excellent program on CBS morning news with reference to radiation, apparently triggered, since this is the 25th anniversary of dropping the A-bomb, particularly concerned because Kansas may become the dumping ground for atomic wastes, solid wastes.

We are very eager to have new industry in Kansas, but we have some qualms about becoming a dumping ground in abandoned salt mines for atomic wastes, and I note some serious questions have been raised on the CBS programs—they have been continuing all week, and will continue the balance of the week.

Do you have any jurisdiction? Does this fall in the same category under Section 102 as the so-called nerve gas question?

Mr. Train. Yes, certainly, Senator. Any program for the below-ground disposition or storage of large amounts of radioactive wastes would, in my opinion, call for the preparation of an environmental impact statement, under Section 102 of the National Environmental Policy Act, and submission to our Council.

And I think as you know, the Act also contemplates that in the preparation of such statements, the comments of other agencies with expertise or jurisdiction in a particular matter is required to be gotten, as well as the comments of State and local governments that may be involved in some way in the particular project.

So that there should be, in the process of developing a decision in this area, full opportunity for the people of your State and the communities concerned to make their views known fully.

Senator Dole. There appears to be a great potential for storage of solid wastes in the State of Kansas, because of the salt mines, and they appear to be ideally suited, at least according to the AEC, for safe storage for hundreds and hundreds of years.

But it was pointed out, I think, on this morning's program, that because of a so-called melting process near Detroit, Michigan, a few years ago, there was some serious talk about a total evacuation of the City of Detroit. There were also estimates of possible destruction, contamination, as well as physical injury and death, which were very frightening to me.

So it indicates it is a very serious problem, because we are building more and more atomic reactors, and they are larger and larger, and apparently, every day of production means a problem that extends for as much as 200 years.

Now, in a recent bill passed by this committee, and I understand it is now awaiting action by House and Senate conferees—at least, waiting for the House to respond—Solid Waste Resource Recovery Act, we provide in Section 212 a National Disposal Sites Study, which would create a system of national disposal sites for storage, and also of hazardous, radioactive, toxic in chemical and biological and other ways, which might endanger the public health, and in addition, the Environmental Protection Agency would have jurisdiction in the event this program becomes operable.

Now I don't criticize the AEC, but it does appear that some independent review would be most helpful; because they are in part a party in interest, not only developing reactors, but disposing of the waste, and we have had some very serious questions raised in our area. And I am certain they have been raised and will be raised; I think the chairman raised some questions, just last week, about the potential hazards of disposal of liquid or solid atomic wastes.

Dr. MacDonald, do you have any comment on that area?

Dr. MacDonald. I would of course, like to distinguish between the disposal of the waste and the reactor accident that you referred to, or a potential accident in Detroit.

However, we will certainly be reviewing the AEC's 102 statement, when they have prepared it, and as Chairman Train pointed out, there will be an opportunity at that time for a really rather wide-ranging discussion of the whole issue of the disposal of waste.

It does underline one point that we consider very important: That as one develops new technologies, it is important to look way ahead, to the whole process. It is not just the creation of electrical power, but everything that goes with it, and when we talk of a national energy policy in the report, it is addressed just to this question, and we can't just look at the building of a particular power site, but how that fits into overall national needs.

Senator Dole. Well, I agree with that, and I think the report indicates that there has been may be some lack of looking at the entire problem.

We have looked at the consumers' interests, and production, the national energy policy, creation of power, and I assume at the same time, a great emphasis on disposal of the waste, but perhaps not in the priority that it deserves.

There are questions being raised, again, on this same program, which to me appears to be most interesting, that didn't suggest we were near a crisis point, but there are areas where we have liquid atomic wastes stored, and the tanks are corroding, and the question very properly raised as to how much time do we have, and what policy do we have?

Now the other side of the coin, of course, from AEC, is that there really is no danger, there was no danger in Detroit, there was no danger in Washington, but there have been instances, I think, in Idaho, where three persons were killed because of some—I don't understand the melting process, but at least there is potential danger.

This may not, hopefully will never happen, but the threat is there, and it is encouraging to me to know that the Council, as well as the EPA, and provision in the Resource Recovery Act will provide more review of this very important problem.

Mr. Train. You know, I just add on that point, Senator Dole, that the AEC's own agency procedures, which have been adopted and published for compliance with Section 102, specifically list designation of disposal sites as one of the programs which will call for a Section 102 statement and its submission to the Council by the AEC.

So the agency itself very defintiely recognizes that this kind of program which we describe comes under the requirements of that section.

Senator Dole. Well, I say very seriously that there is a site now in central Kansas, which if approved—it has been under study for seven years or longer—would have some economic impact in the area, but there is some reluctance, bipartisan reluctance—a Democratic governor and Republican Members of Congress—to encourage this type industry, and I think it is much like the nerve gas; you know, there are many opportunities to bring in a little industry, if you want nerve gas in your State.

But there also needs some assurance that nothing will happen. I am not certain it is possible to ever guarantee that you can store solid wastes or liquid wastes, but at least, the people of Kansas appreciate the fact that there will be additional review. Nothing is certain, I guess.

Thank you.

Senator Muskie. Along that line, Senator Dole, there is an interesting little story in this morning's Washington Post, based on a Reuters dispatch. It is short, and I think it is worth reading:

"Dateline London, August 10th: Police today toured vacation resorts in the Isle of Wight off Britain's south coast, to warn swimmers of lethal gas, after cannisters containing a corrosive chemical washed ashore on some beaches.

"The chemical, ferrous chloride, used in dye manufacture, gives off deadly hydrochloric gas when mixed with water. The manufacturers believed that the one-gallon cannisters were dumped at sea several years ago. It was normal practice to puncture the drums before disposal."

These foolproof methods of disposing of nerve gas, radioactive wastes, may turn out not to be so foolproof after all.

The time is rapidly slipping by, Mr. Chairman. It is clear we are not going to be able to get into all of the aspects of the Report that we might like to, let alone all of the others that merit discussion.

I am going to try to concentrate on two or three other points that might be useful, and one of them relates to something the report says on page 53.

On that page, the report discusses the Federal Water Pollution Control Act, and as you noted in your testimony, this committee is working on legislation proposed by the Administration as well as other bills that have been introduced to strengthen that Act, and we all recognize the need to strengthen it.

But you say this in the report:

"Finally, the only force that the government can wield against a polluter is a cease-and-desist order. The court's only option in the case of noncompliance is a contempt-of-court action."

I think a cease-and-desist order, rather than an injunction, or a specific performance of relief, can be very effective tolls, but I would like to suggest another one, that I gather the Administration is turning to increasingly, and it may be the kind of a policy question you would like to consider as a Council, in conjunction with the Air Quality Administration, and this is the Refuse Act of 1899, in conjunction with Section 21(b) of the new Water Quality Improvement Act of 1970.

Now, the Refuse Act of 1899 says this:

"It shall not be lawful to throw, discharge, or deposit or cause, suffer, or procure to be thrown, discharged or deposited, either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever."

Now, that was not written as an antipollution piece of legislation. It was legislation written to protect navigation. But nevertheless, it provides the authority to stop any discharge whatsover.

Then there is a provision that reads as follows:

"Provided that the Secretary of the Army, whenever in the judgment of the Chief of Engineers, anchorage and navigation would not be injured thereby, may permit the deposit of any material above-mentioned in navigable water, within limits to be defined and under conditions to be prescribed by him."

So there is a permit authority, that gives them a handle on these discharges.

Now, under the language of that Act, the conditions apparently relate to anchorage and navigation. But then we come to Section 21(b) of this year's Water Quality Improvement Act, it reads as follows:

"Any applicant for a Federal license or permit to conduct any activity, including, but not limited to the construction or operation of facilities which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or if appropriate, from the Interstate Water Pollution Control Agency having jurisdiction, certification that there is reasonable assurance, as determined by the State or interstate agency, that such activity will be conducted in a manner which would not violate applicable water quality standards."

Now, what is the state of the 1899 law?

Congressman Reuss, and I want to read this into the record, Congressman Reuss, in, I think, an excellent study which reports to the Congress on July 29, 1970, and you might want to look at that, points out that that is permit authority, has not been used.

Table A, which is attached to his statement, "shows that there are no existing Corps permits for industrial wastes in 23 States." That includes mine, I might add.

And all of those States, then, those discharges into navigable waters or tributaries of navigable waters, are illegal at the present time. They are not operating under permits of any kind.

"In Massachusetts, the only existing Corps permits"—there is only one of them—"was suspended on February 13, 1970, because of unspecified complaints by State officials. Except for New Jersey, California, and Louisiana, there are less than 25 existing Corps permits for industrial waste discharges in each of the remaining States and Puerto Rico.

"The discharges covered include some of the nation's producers of pulp and paper, synthetic fibers, chemicals, petroleum products, steel and aluminum."

So there is here authority which, if used. could establish by means of permit guidelines controls, direct controls over all industrial discharges into navigable waters of the United States, those permits to be conditioned upon compliance with water quality standards set up under the 1965 Act.

I think it would be useful, and I am not going to ask for an off-the-cuff policy opinion from you on this, but it would seem to me that here is an area of established authority, and we are going to supplement it this year with additional law, established authority that is not being used—and that is no criticism of this Administration; it hasn't been used since 1899, so there is a lot of blame to be spread out over a long period of time—authority that might be very useful

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to more effectively control discharges of industrial wastes into our navigable waters.

Mr. TRAIN. Well, let me comment on that, Senator Muskie.

We are quite aware of the existence of this authority in the statute, and while it has not been used, as you point out, since the statute was put on the books in 1899, the Corps of Engineers has recently announced in, I believe, public hearings before another subcommittee of the Senate, that it intends to and in fact, is developing a program which would involve the use of this permit authority, and our Council is working closely with the Corps of Engineers, and the Department of Justice, and the Department of Interior—FWQA, specifically—to coordinate the various interests involved here, because as you point out, we are now also very much aware of the relationship between this permit authority in the 1899 Act and the certification requirement in the legislation Section 21(b) which you mentioned.

And speaking insofar as the Council is concerned, we are fully in accord with the maximum use of the Refuse Act of 1899 and all other available tools to the Federal Government for the enforcement of water quality standards. No question about it.

And we believe that this permit authority does—although apparently it has never been used, really, over the years—it does provide a very significant kind of Federal leverage, and I would be hopeful that in a very short period of time—I don't know quite what I mean by that, perhaps a month's time—there will be a promulgation of an actual program.

But just exactly what the timing on that is, I can't answer. I would presume that this would address itself first to new facilities, rather than trying to deal ex post facto way, with what is it someone said? some 50,000 plants scattered all over the United States already.

But with respect to new facilities, I would think that this program would get underway fairly soon, and be very effective, and would require the certification by the appropriate water standard administration of the various States.

Senator MUSKIE. It would be ironic, wouldn't it? Perhaps one of the most effective statutory tools we have is one written in 1899, for other purposes entirely.

Mr. TRAIN. I would also point out, of course, the cease-and-desist authority of the 1899 Act is being employed. It is the basis of the action recently brought by the Department of Justice against some eight concerns in connection with alleged mercury violations.

Senator MUSKIE. That includes firms in my State.

We are back on the record now.

Did you complete your statement on that? You did.

Mr. TRAIN. Yes, sir; I believe I did.

Senator MUSKIE. Now on the question of new legislation, I would like to pose just one or two questions. Not so much to get at this point your definite response to policies that this committee is considering, but to test the flavor of your reaction to this kind of thing.

I think the most difficult problem we are facing in the Air Pollution Subcommittee is the question of national deadlines of some kind to meet either ambient air quality standards or emission standards, on a national scale.

And the single most important problem that we see in this is the automobile, which you have correctly identified in your statement as the single most important air polluter.

The problem is not the new automobile we have tended to focus on since the 1965 Act, but the used car. There are 110 million of them on our highways, and although there have been developed, add-on hardware of one kind or another, which initially, at least, might improve the environmental performance of used cars, they involve considerable cost, $150 to $250 per car. They involve the problem of enforcing their attachment on 110 million automobile owners, and involve the problem of leaded gasoline, which we still have, even though there seems to be increasing consensus that we ought to get rid of leaded gasoline.

In other words, we still have it, and that affects the performance of these devices. You have the economic burden on a lot of people who can't afford it, who need the automobile, in day-to-day work, and so on.

There are all sorts of other questions that arise, as we pursue the implications of a national policy.

But what is the answer, to cleaning up the performance of this huge used car population?

If we proceed under the present policy, even strengthened by the amendments which the Administration has submitted, and others which we have submitted, what the Congress talks about is 1990, before we have turnover in this used car population, and new technology on new cars that are manufactured in the future, before we begin to get a clean automobile in cities and urban areas.

Can we wait that long? Must we set what might appear to be arbitrary national deadlines, in order to increase the set of urgency to develop the new technology or to find some substitute for the automobile in our crowded cities?

This is really a tough problem, with tough choices, that this committee is faced with. We could simply, you know, try to accelerate the evolutionary process that we tried to set in motion with the 1965 Act and the 1967 Act, but that clearly is not going to move us along the road fast enough to deal with this automobile problem, in my judgment.

Has the Council really focused on this? Does it have some guidance to give us?

Mr. TRAIN. Well, the Council very definitely is focusing on this particular problem, Mr. Chairman.

The President, in his February 10th Message, devoted quite a bit of attention, as you will recall, to the problem of automotive emissions, and I believe he singled it out as, if memory serves, the single most important problem that we had to deal with.

And he made a number of suggestions, but specifically, I believe, directed to your concern, he charged our Council with responsibility for coordinating the Federal Government's research and development efforts with respect to the development of what has been called unconventional vehicles, substitutes for the internal combustion engine, and the goal of that program, as established by the President, is the development of two commercially feasible alternatives by 1975.

And that is a goal toward which we are working, and there is a research and development program in this year's budget of $9 million, with primary responsibility in HEW, in furtherance of that goal.

Senator MUSKIE. Well, you see, that is the evolutionary approach, and that is the one this committee adopted in 1965. It means, perhaps, that if you do develop those commercially feasible clean cars by 1975, the industry may be able to tool-up and put them on the road in another couple of years, but in the meantime, we will be putting on the road unsatisfactory automobiles, from the environmental point of view, for another seven or eight years, at the rate of seven million or eight million a year or more, thus perpetuating this problem.

The automobiles that were built under the guidelines established under the 1965 Act simply haven't been satisfactory, from an environmental point of view. We wrote the law. We hoped that we would stimulate the evolutionary process, but they are not satisfactory now, and I suspect that 1975 may be as early as you could hope to get a prototype of the internal combustion engine, at least, developed by 1975. Or maybe even an electric automobile, but if we get an electric automobile developed by 1975, what do we do about providing the electric power to fuel those cars?

We have had hearings in another subcommittee pointing up the dilemma that the power companies face, especially in the New York area, with respect to providing their present projected needs, let alone the massive amounts of power that would be needed to fuel an electric automobile.

What is the answer to this? Do we need to restrict the use of individually operated automobiles in our urban centers? Are we going to get some judgments from the Council on questions like that, say, in its second Annual Report?

I realize it is not a judgment you are in a position to make in this Annual Report. But how do you do it? We have just had this air pollution problem on the whole East Coast within the last two weeks, and that was the automobile. There is no other important source of pollution here in Washington.

We approached the air pollution alert stage here, in the District of Columbia. That was the automobile. And in accordance to the Administration's program, and indeed, legislation that we have written, it is going to be some time later than 1975 before we really begin to clean up the problem that is created by the automobile. Isn't that right?

Mr. TRAIN. Yes, that is correct, sir.

Senator MUSKIE. So that isn't a satisfactory answer. I am not being critical of you. I am as frustrated as anybody else is.

Mr. TRAIN. No, I would hope not.

Senator MUSKIE. You have been in office six months. Another year, maybe we will blame you a little.

Mr. TRAIN. I am a little bit alarmed by the fact we only filed our Annual Report yesterday, and now you already have me worrying about the contents of the second Annual Report. We had hoped for a little longer vacation than that.

Seriously, in terms of the unconventional vehicle, you refer to the problems of the electric-battery-driven alternative and I think that we give this a very low priority at the present time, as a viable possibility.

It certainly would represent a major new demand on electric power, with all of the pollution side-effects that we are all too familiar with, and I think our present best bet would be in the area of the steam turbine and gas turbine and hybrid vehicles.

You asked me whether we recommend a banning of the automobile, and I certainly do not believe that the time has yet come when we would recommend undertaking such a step. That is not to say it could not be a possibility at some future date, of course.

The automobile does represent, particularly in our urban areas, a very major source of air pollution.

Now we believe that as new emission standards take hold, and as the older cars get phased out, that there need not be in the immediate future any substantial worsening of the situation. There will come a time, as the President indicated in his February Message, and as we do in our Report, that despite the improvement in individual automobile emission controls, the shear increase in automobile population will at some point probably toward 1980, overcome any possible, or could overcome any possible improvement such as I have described.

It is for this reason, and to guard against this kind of eventuality, that is leading us to emphasize the development of viable alternatives. But first, we do not have the alternatives at hand as yet.

I would not believe that the pollution impact of the automobile is yet to a degree which would lead this Congress to tell the

American people that you can't drive a car anymore.

Now that day may come, but I would say it is a considerable ways off yet.

And in the meantime, I think that what we should be doing is emphasizing the development of alternatives, and that is what we are doing.

Senator Muskie. According to the criteria on carbon monoxide emissions, by the Department of HEW just what, within the last six months, the carbon monoxide concentrations exceed, what would be the health effects limits in every major city of the United States today, for some period of time, during the day.

Now, this is bound to increase, because the used car population is going to be increased by some millions of unsatisfactorily operating automobiles, before we begin to get the satisfactory substitute which you are talking about, so that the level of carbon monoxide levels in these cities is going to rise, even above the present levels.

I don't think that is going to stabilize at present levels. I think it is going to rise above the present level, that over the years, we are talking about finally getting something like a clean, new car.

It seems to me that unless we impose some kind of pressure we do not now have, that the evolutionary approach isn't satisfactory.

Now, this is the question the committee is laboring with. I can't prejudge what the committee will do. I think we are all frustrated by it. But I think we are strongly drawn to the idea of national deadlines as a way of applying the pressure, leaving it, of course, to the particular regions to establish stronger standards or more restrictive ones, within their own areas.

We are not talking about the national mandate to limit the movement of cars, but national standards which give regions that option, if that is the one they choose.

Mr. Train. Of course, I haven't seen the language which the committee may have developed. I am not even sure whether the committee has developed language along these lines.

But if I could comment very generally, not having seen any specifics, and addressing myself to this idea of deadlines, national deadlines on an across-the-board kind of way, and not speaking specifically of the automobile problem, but of a range of problems, I think that probably much could be said for that kind of an approach.

Now again, I would want to know what the details would be, before committing myself to that statement, but in principle, I think there is much to be said for the use of that kind of deadline.

I think we all have to recognize that deadlines don't solve problems. There is a lot else that has to go with it. Tough standards, and tough enforcement, and funding to support those programs, training, and so forth.

But deadlines, I suppose, can help create an atmosphere of urgency, and help encourage the kind of action which leads toward solutions.

I think that would be my general reservation. I don't think that the public should be led to believe that just because we set some deadline dates, that the particular problems will go away on that date. They might or might not.

We must make some technological breakthroughs, and this takes a lot else beyond just deadlines, but in principle, I am not a bit opposed to the idea. I think that there may be much to be said for it.

Senator Muskie. It might be useful to you to give a little bit of the argument we have with ourselves, that led us to our present state.

First, the Administration proposed national ambient air quality standards. We felt that, at least I felt, and there have been several members of the committee who felt, that that would be deluding the public, to set national ambient air quality standards, without a deadline.

Without a deadline, there is nothing national about the standard.

To make them national, there must be a national deadline, it seems to us, because under the proposal submitted, we have national standards, but the deadline for meeting them would have varied within various regions and various cities of the country.

I am saying this not in critical context at all, but this was the way our reasoning went.

So then we began to debate with ourselves the idea of a national deadline for ambient air quality standards. This seemed to us to pose the problem then that we have discussed of the automobile. We are talking about a national deadline three or four or five years from now; how do we on a national basis insure that at the end of that period, whichever we choose, the automobile is going to be in a position to comply? That created a problem for us.

Now we are considering a combination, of national emission standards for automobiles, tied to a deadline, combined with regional ambient air quality standards, which gives communities with the tougher problems the option of being tougher in dealing with them, by either requiring add-on devices, or restricting the movement of automobiles within their own limits.

Now this, I think, this traces the route that I think it has taken, and this takes you to the point at which we are now trying to decide what we ought to do, and I would be interested in having any follow-up comments off the record or in any way representing your reaction to this approach.

Mr. Train. Well, naturally, we would be delighted, members of the Council and our staff, to discuss these matters with the members of your subcommittee, your staff.

Senator Muskie. Thank you very much.

Senator Boggs. No further questions.

Senator Muskie. I guess that there are no further questions that we have time to ask at this point. There are many we would like to ask, and I am sure in the course of the months and years ahead, we will have many exchanges.

Mr. Train. We would be willing to come back, Mr. Chairman.

Senator Muskie. Thank you very much.

Mr. MUSKIE. I would say the Council regards this as one of its prime responsibilities and that it is moving actively and positively to implement it. I expect, under the leadership and stimulation of the Council, that the agencies of Government, including the Department of Defense, will respond to the mandate of the law.

Mr. JACKSON. Mr. President, I concur in the Senator's statement. I was about to get to that point, but I do concur in the statement which has been made by the able Senator from Maine.

The agency response under section 102 has been quite good. We have to realize that this applies to every Federal agency in the Government. It is a complicated matter to implement. The agencies have accelerated their planning in this regard. The Senator from Maine pointed out that the Department of Defense has submitted its guidelines for compliance under this particular provision.

There is an obvious need for amendments to the National Environmental Policy Act. We asked Chairman Train about this this morning. As the Senator from Colorado knows, he indicated that the Council would be submitting recommendations for amendments to the act to better do their job and carry out the charter we gave them.

I believe the sensible thing to do here is to let the committees responsible for this program do the job of oversight they have started.

The Senator from Maine has started his hearings. We started ours today to review the entire National Environmental Policy Act in connection with the annual report just submitted as required by law.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the Senator for yielding. I wish to make an observation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JACKSON. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. ALLOTT. Mr. President, we are all involved very deeply in the writing of section 102; and section 102 involved a great deal of time in the conferences on that bill, as the Senator knows.

My observation with regard to this matter and the amendment pending is that we are moving, in my opinion, in a sensible way now in the entire environmental problem; not as fast as some people would like, but we are moving sensibly. It is my hope that we do not clutter this matter with a lot of other provisions of law which, in my opinion, would keep the provisions of S. 1075, if it became law, from being meaningful and constructive in the objective of getting a world that is more environmentally acceptible to all of us.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JACKSON. I wish to make one comment and then I shall be happy to yield to the Senator from Arizona.

Mr. President, I wish to say that the Committee on Interior and Insular Affairs and, I know also, the Committee on Public Works, are reviewing this entire matter very carefully and the sensible thing here is to give us the opportunity to complete that process. The report was just submitted. It was submitted as of August 10. Our responsibility under the law is to review this situation. We have an oversight responsibility. We have started that process; and I know we are going to complete it. I know the Senator from Maine is of the same mind.

I wish to emphasize again what has been said by the Senator from Maine. There is a conflict of interest under the amendment because although the Council on Environmental Quality is policing this matter under the act, the Department of Defense would police its obligation under the amendment. I point this out as all the more reason this matter should be studied carefully.

I admire the Senator from Wisconsin for what he is endeavoring to do.

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Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. PROXMIRE. There is nothing in my amendment which would change the Jackson bill that passed. All we say is that we will not appropriate funds, or authorize funds until the act is complied with. As far as the administration of the act, we do not touch the basic law at all.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, the matter is quite clear to me.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. MUSKIE. This goes to the question that puzzles me. The basic act gives the Council no authority over expenditures. We give them no authority to decide whether the departments can spend money in connection with an amendment, such as the amendment offered by the Senator from Wisconsin.

I assume that since that responsibility is not placed anywhere else, either the Department of Defense will decide if it complies with this amendment, or the question will be left in confusion.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes in order that I may reply to the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. What we specify here is that a report has to be made.

Mr. MUSKIE. But that is already a requirement by law, so it is not new.

Mr. PROXMIRE. That is correct, but we indicate to the Department of Defense specific areas where a report must be required.

That differs from the views which the Department of Defense indicated in the guidelines. They would not report on transportation of dangerous substances or devices, for instance.

Mr. MUSKIE. There is nothing in section 102 which would exclude these things——

Mr. PROXMIRE. The guidelines exclude them.

Mr. MUSKIE. The guidelines presumably would not be approved by the Council. They are too narrow. They are proposed guidelines by the Department of Defense; so section 102 is administered by the Council, and the Council, I am sure, will zero in on that point.

The question is: Who decides whether or not expenditures should be withheld under the operation of the amendment? As I read it, either the Department decides it, or it is left in the air.

Mr. PROXMIRE. Under the present circumstances funds are not limited at all; they can make the report or not make it.

Mr. MUSKIE. I disagree with the Senator. I have undertaken to explain the history and the thrust of the act. I have undertaken to elicit from Mr. Train this week the steps he has taken to implement it. They are positive steps, they are working, and I am sure they will be effective in implementing the law.

Mr. JACKSON. The effectiveness of the section has been dramatized in lawsuits. Failure to comply with this section makes it possible to get injunctive relief, and it has been granted. There is legal authority for an individual or cities or States to go into court for failure to comply with section 102, and there have been a number of decisions rendered in such cases.

Mr. PROXMIRE. I think the Senator from Maine and the Senator from Washington have made clear that there has been compliance by the Corps of Engineers. There has not been compliance by the rest of the Department of Defense. They filed only one report, and that was under great duress, with respect to burying chemicals in the ocean, but nothing else. Do Senators mean to say there has been no action by the Defense Department in 7 months that had an adverse reaction on this environment?

Mr. JACKSON. May I say to my friend—and let us make this very clear—it is simply not possible to overcome all the guidelines that have to be proposed and approved in this time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JACKSON. It is just not physically possible to do it.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Washington.

Mr. JACKSON. Mr. President, what concerns me is that I do not know why the Senator wants to single out one agency. If we go through the list of them, we will find that all the agencies have not had time to fully comply with the law.

I certainly concur with the objective of the Senator from Wisconsin, but the Chairman of the Council on Environmental Quality, Mr. Russell Train, said today they are considering amendments to the act and they want time to be able to determine what new tools they may need. They are insisting on compliance, but I do not think it is humanly possible to get definitive guidelines on all the needs in this time frame. First of all, Congress has not even given them money to provide a full staff. They are struggling without the people to administer this program.

Mr. MUSKIE. Mr. President, on this point, the Council on Environmental Quality last year was provided a limited authorization of funds. The additional authorization was included in the Environmental Quality Improvement Act which was signed into law by the President this March. It was not until March that the Council was in a position to come to the Congress and ask for the $1.5 million in appropriations necessary to do the job. It has been only since March that the Congress has been in a position to arm the Council with the kind of authority to implement section 102.

March to August is not an unreasonable amount of time, since the money has not yet been appropriated. The Council has not been able to get a full staff to do the job. I do not think the Council could be faulted on the performance of its job.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself 2 additional minutes.

They could do the job far better than they have done it. They have filed only a single report. That is the first point. Second, this amendment would give them another year before it would be effective, before it would restrain funds for not complying with the law. So the agency would be given ample time to develop its guidelines.

Mr. MUSKIE. Mr. President, may I respond to that?

Mr. PROXMIRE. Let me finish this thought, because the Senator from Washington has asked me again and again why we do not apply it to other agencies. The answer to that is that we ought to, and I intend to do so, but the testimony is, and it has not been challenged, that 80 percent of the pollution caused by Federal agencies is by the Defense Department. This was the opinion of an official of the Council on Environmental Quality. So I think it reasonable to provide an amendment that would include some muscle requiring such a report.

The Senators from Maine and Washington are two of the ablest men in this body, but I think on this particular matter they are just too patient, if, from the biggest agency of the Federal Government, we are told that they cannot file more than one report on this matter——

Mr. MUSKIE. May I say that the first effective provisions on this subject were written last year by the Committee on Interior and Insular Affairs and my committee, laws that we are now trying to implement with the product of our committees. We have formed some judgment which I hope we can get to the Senate on how best to proceed. That does not mean we are infallible, but it suggests that we ought to be able to make some inquiry into the sanctions that are provided.

The Senator is saying, all right, it has not had enough experience; let us give them a year's time, but at the end of the year, let us make sure that this is the solution, no matter what they may find. It does not matter that they may identify some other sanction in that year that would work better, but whatever finding they make in that year, they have to do this.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator.

Mr. MUSKIE. It seems to me this is not the intelligent way to be proceeding. If the Senator concedes that a year's experience would be useful, why do we not use that year's experience to examine not only this kind of sanction but also other kinds of sanctions that might be applicable, and then make the judgment about which one should be selected? Instead, the Senator says:

> We will give you one year to develop an experience, but at the end of the experience we want only one kind of answer, and that is this sanction.

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Mr. PROXMIRE. They are having 1 year's notice, or 10 or 11 months' notice, that they are going to have to comply; that there is real muscle in the law; that they have to make reports.

If that is not done, if we delay until next year then next year they will say, "Give us another 6 or 7 months in order to comply."

It seems to me, on the basis of the way things operate, if we act today, get it into the bill, and the bill becomes law next month, then Defense will have ample time to prepare, to make their reports, beginning July 1. If we wait until next July 1 to do it, we will have to wait that much longer.

If we are going to have action, we should indicate that we mean business as far as the biggest department of the Federal Government is concerned.

I agree that we should crack down on industrial and private polluters, but I do not think we should permit the Defense Department to get into a position in which they drag their feet. They do not seem to be complying. It is true that there are situations in which these kinds of delay can be rationalized or justified, but it seems to me the Department could do a better job than it has done.

Mr. MUSKIE. That is not an easy judgment to challenge. We all could have done better. We could have written a better law. We could have written it earlier than we did. We could have had it enacted 3 or 4 years earlier. That is the kind of judgment I cannot contest. The Senator probably can.

What I am saying is that we have been working since the first of the year on the new antipollution law. The committee has spent more hours in executive sessions on the question of how tough it should be, what sanctions should be included, how they should be put together in a comprehensive policy that makes sense, than I could count on the fingers of my hand if I stood here counting the rest of the day.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 3 minutes.

Mr. MUSKIE. What the Senator is saying is that all that is wasted effort; that, instead, we should put together an amendment on the first day of the session, bring it in, and let the Senate act on it, just because somebody has not done as good a job as he should have done in the past.

I take the view that when we get into complicated questions of this kind, they are deserving of some time and testing and dialog and testimony and interaction of opinions. But, no; the Senator has developed his sanction and has brought it on the floor of the Senate. The Senate is not deserving of further consideration of it. It is not important that the Senate does not know enough about it.

If that is his view, then we should not hold any more executive sessions or markup sessions on the air pollution law. I will report it tomorow as an amendment on the floor, without further consideration of it.

These are complicated questions, I may say.

The Senator paid a tribute to my interest in this area. May I just suggest that he consider this opinion from me: That it is complicated; that it does take time to develop ways and guidelines; that we have worked on it; that the provisions of the law we enacted last year dealing with that question——

Mr. PROXMIRE. I think the law is very helpful.

Mr. MUSKIE. But it requires that kind of time.

Mr. PROXMIRE. I think the law specifying that kind of policy should be followed. The report required can be enormously helpful. The provisions are the result of discussions, hearings, and careful deliberation, and I commend the Senator for that.

I think that the Senator from Washington and the Senator from Maine have cooperated very effectively in getting a good law. All I say is that it has not been complied with, on the basis of the record we have and the hearings we have had before my committee. When we have asked witnesses who have appeared in behalf of the Defense Department and others, they say they have not filed reports. It seems to me it does not take a great deal of time and effort, or they should not have to have an enormous amount of detail and extensive hearings, to provide this simple and limited sanction. All we say is, "The law has been worked out very carefully; comply with the law, or you do not get any funds."

Mr. MUSKIE. I must say to the Senator it is not that simple. If it were, we would not need any legislative hearings on environmental legislation. Wherever there are sanctions of any kind, whether in the form of criminal penalties, civil penalties, or otherwise, it is just as complicated, with respect to the report being filed.

Senator PROXMIRE's amendment, by requiring the Department of Defense to impose sanctions on itself for not implementing the requirements of Federal law, would establish an unacceptable precedent. The Department of Defense and other Federal agencies whose activities may affect the environment should not have the final authority to determine whether or not sanctions will be imposed, which activities will have environmental effects or what environmental effects may result. These decisions should be made by the Environmental Protection Agency or the Council on Environmental Quality.

Mr. GOLDWATER. Mr. President, will the Senator from Mississippi yield me 2 minutes?

Mr. STENNIS. Mr. President, I wanted to yield to the Senator from Tennessee (Mr. BAKER), but he does not seem to be present at the moment.

Mr. GOLDWATER. Will the Senator give me 2 minutes while we wait for the Senator from Tennessee?

Mr. STENNIS. The Senator from Florida had asked me first. How much time does the Senator from Florida require?

Mr. GURNEY. Two minutes.

Mr. STENNIS. I yield 2 minutes to the Senator from Florida.

Mr. GURNEY. I thank the Senator from Mississippi for yielding.

Mr. President, I have listened very carefully to the colloquy between the Senator from Maine and the Senator from Wisconsin on this matter of the environment. It seems to me that the argument made by the Senator from Maine is a valid one. What he is saying is that this whole area of the environment is something that is not a new problem, but it is new as far as Congress is concerned, and therefore we ought to have a little more time on the part of the people concerned with the problem.

The Public Works Committee and the Council on Environmental Quality have been dealing with it, attempting to come to grips with the proper solutions; and, once having found some key to the proper solutions, to implement them, and then go after the Defense Department and the other agencies of the Government to enforce compliance. That makes all kinds of sense to me.

It occurs to me, as to this great problem of the environment and environmental quality that faces the Nation today, that I do not think the Federal Government has ever taken faster action or come to grips more quickly with a national problem, once we realized it, than we have with this one. Certainly asking for more time—say 6 months or a year—for the guidelines to be established and further hearings to be conducted on how to implement the solution to the problem more properly, is the sensible way to go about it, rather than come up with some sort of big stick to hold over the Department of Defense and say, "Unless you comply we are going to hit you over the head."

The job of the Defense Department is defense. That is their main business; and as a matter of fact, right now they are fighting a war—one of the longest, most difficult, and most extensive in our history. I would think that would be occupying their attention more than the environment.

So let us let the people who are handling the environmental problem——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield the Senator an additional minute.

Mr. GURNEY. I might say that the Senator from Maine has made a valuable contribution to this effort, in his leadership in coming to grips with the problem.

I say let those people who are primarily saddled with the responsibility of coming up with answers to the problem of environmental quality get a little better handle on this problem. Then we can go to the Defense Department and say, "This is what we want you to do; these are the guidelines." Then I think we will have compliance. That certainly is the businesslike, sensible, reasonable way to go about it.

I certainly am opposed to the amendment, and I think the argument of the Senator from Maine makes eminent good sense.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Mississippi has only 1 minute remaining.

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Mr. PROXMIRE. Mr. President, I am happy to yield 2 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, we discussed this matter earlier, but I want to point out again that the Senator's amendment does nothing at all to eliminate environmental problems. It merely says to the Department of Defense, "You cannot spend the money until you send a report over." It does not say what we are going to do with the report if it indicates the weapon will cause environmental problems.

It is merely another weapon hung over the head of the Department of Defense, that says they have to comply with the law before they can spend the money. It does not seem to matter whether it pollutes the whole atmosphere or the surface of the earth, just so they submit a report.

Mr. President, I think, too, that the argument that has been made—one that I made earlier—that this is entitled to more study, is a very sound one, because I do not think this amendment will accomplish what the Senator rightfully wants to accomplish.

I might point out that in May of this year, the guidelines were drawn by the Council, and on August 8, less than 10 days ago, the Department of Defense drew their own guidelines.

I suggest that we have a little patience. Let us see how this law is going to work that the two distinguished Senators, one from Maine and one from Washington, have worked so hard on, and on which the staff is working so hard. Let us see if it works. If it does not work, we can amend it, but I do not think we should amend it on the floor of the Senate without any discussion at all, when this amendment is aimed at the Department of Defense only because it happens to be the Department of Defense.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, because the amendment is subject to a time limitation, I do ask unanimous consent to modify the amendment.

So I ask unanimous consent, Mr. President, that on line 3, after the word "expended" the words "after June 30, 1971" be inserted.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—I did not hear all the Senator's proposed modification.

Mr. PROXMIRE. I simply propose to modify it as I suggested earlier, to make it effective after June 30, 1971, so it would not be effective upon enactment.

Mr. STENNIS. I do not object to that, of course.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the amendment is so modified.

Mr. PROXMIRE. Mr. President, before yielding to the Senator from Mississippi, let me say that again and again, in this debate, Senators have said, "Give us more time, be more patient."

The Senator from Washington has said, "The agency response has been quite good."

The Senator from Colorado said, "We are moving in a sensible way to meet environmental pollution."

Now the Senator from Arizona has just said, "Have a little patience, the DOD just enunciated their guidelines a few days ago."

Mr. President, I wonder how patient we should be, when we consider what is happening to our environment, when we consider the fact that, regardless of all the rationalizations and all the arguments about guidelines, and so forth, the fact is that this is the law of the land, and has been in effect since January 1, 1970. It has been the law of the land for more than 7 months. The fact is that there has been some compliance; some agencies have complied very well.

But it is clear that with respect to this action, the Defense Department has not. I am not singling out the Defense Department for particular criticism. I am saying, however, that it is a fact that they have not complied with the act, and the very notion that they have only enunciated their guidelines a few days ago is an indication of how delinquent they have been in complying with the act.

Also, I emphasize once again that they have filed one report. That was with regard to sinking the poisonous chemicals in the ocean. They did that under great duress, and with considerable objection. The guidelines that they have enunciated are extremely limited. They leave out of account one requirement which the amendment specifically requires, and that is that they make reports on the transportation or transfer of dangerous substances or devices.

If we do not pass this amendment, it is clearly the intention of the Defense Department not to alert us when they contemplate such action, or when they propose legislation which would provide them with funds to carry it out.

Mr. President, I expect to sum up later, but notwithstanding the great prestige and the great ability of the men who have spoken here against the amendment, I do hope the Senate will give it careful consideration, because it is a simple, straightforward action that provides an effective sanction against the failure of the biggest department in our Government, the department that, on the basis of competent testimony, has polluted, to the extent of 80 percent of the total pollution by all agencies combined, their failure to comply with the law.

I yield to my colleague, the distinguished junior Senator from Wisconsin.

Mr. NELSON. I thank the Senator.

Mr. President, I support the amendment of my senior colleague of Wisconsin. I think the issue of what is happening to the environment is probably the most critical issue facing the whole world. When we pass a very good act, as we did here, and the biggest agency of the Federal Government does not comply with it, it is scandalous, in my judgment.

I am going to vote for the amendment. But I think the record should be perfectly clear that whether the amendment is adopted or not, the legislative history should be clear that this may not be interpreted by the military as an exemption under the law as it now stands. Unless the Senator's amendment is adopted, I would serve notice that we will be back on the floor every time the military does not comply with the law, and I will join the Senator and raise this fight month after month after month, until the Department of Defense complies with the law.

Mr. PROXMIRE. I thank the distinguished Senator from Wisconsin, who has done more than anybody I know, and has done it longer, in fighting for a cleaner and better environment and opposing the very serious pollution problem we have.

Mr. President, I yield 4 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Wisconsin.

Mr. President, how much time do I have now?

The PRESIDING OFFICER. The Senator have 5 minutes in all.

Mr. STENNIS. I yield 1 minute to the Senator from Kansas.

Mr. DOLE. I thank the Senator.

Mr. President, I want to associate myself with the remarks of the Senator from Maine and the Senator from Washington.

One point that I think has not been mentioned by anyone is the fact that on July 9, 1970, President Nixon transmitted to Congress a reorganization plan which would create a new and independent environmental protection agency. This would combine programs now housed in five separate Federal agencies and would have jurisdiction over the very problem which concerns, and should concern, the Senator from Wisconsin (Mr. PROXMIRE).

I point out that the Council on Environment is only an operational council. It has no jurisdiction as such. It cannot enforce compliance. But the EPA will be a fact, perhaps by October. It will have jurisdiction. It is an independent agency. I think it addresses itself to the very problem raised by the Senator from Wisconsin.

Mr. STENNIS. I yield 2 minutes to the Senator from Maine (Mr. MUSKIE).

Mr. MUSKIE. Mr. President, no one on the floor is urging that the Department of Defense be excepted from the provisions of section 102. I should like to read from the first annual report of the Council on Environmental Quality:

> In addition to its immediate impact within the Federal establishment, the provision of the law requiring detailed environmental statements has been the subject of litigation in several lawsuits and administrative proceedings. In one instance a Federal court blocked a Federal loan to develop a wildlife habitat into a golf course pending submission of the required environmental analysis. In another, the Corps of Engineers was enjoined from removing the ground cover along a river in Arizona.

This law has teeth. They have been applied to the Defense Department specifically, as indicated in this paragraph.

It is the intent of the Council on En-

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vironmental Quality to see that this provision of the law is honored and enforced. It is the intent of the Committee on Interior and Insular Affairs and the Committee on Public Works to see that this law, which those committees were responsible for, is enforced. That is what will be done regardless of the result of this vote today.

Mr. STENNIS. Mr. President, I will sum up quite briefly.

I call attention to the very strong statements made here by the Senators who have the legislation in charge, as to what the estimate of this amendment is and what they propose to do on the followthrough generally.

Mr. President, I believe that thousands and thousands of transactions by the Defense Department would be affected by this amendment. I warn the Senate now that if it should become law, the moment the President signs this bill, every dime and every dollar that has already been appropriated in prior years, but not yet obligated and expended, all the money that is in the bill and all future money under its terms, is locked in, dead as Hector, and cannot move until the elements of this amendment are complied with.

It is unthinkable that we would tie up any major department, more particularly a department that is so essential and so vital.

I have great deference for the Senator, but I believe that his amendment overspoke itself by a thousand miles and that whatever merit it has can be taken care of by these expert committees, and I trust that the amendment will be rejected.

The PRESIDING OFFICER. The Senators' time has expired.

Mr. PROXMIRE. Mr. President, to listen to the distinguished Senator from Mississippi—who is, of course extraordinarily able and fair—one would think that this amendment was going to close down the Defense Department. All this amendment does is provide that they have to make reports—that is all—to comply with the present law, the law that this Congress enacted and put into effect on January 1, 1970. That is all we ask.

Furthermore, we postpone, on the basis of the modification that has been accepted by the Senate, the withholding of funds until June 30, 1971. So, in effect, they have another 12 months before they have to comply with this very limited action. Of course, when they comply with the law by filing a report, it does not mean they have to stop the pollution. It means they will have to make us aware of it, so that we know, when we go ahead with a weapons system, not only the money cost but also the environmental cost.

Mr. President, the Federal Government ought to set the example. Its actions, and particularly those of the Defense Department, have a greater effect on our environment than any other single group.

If we fail to adopt this amendment, how can the Federal Government demand action in good faith from the States, the counties, the cities, private industry, and the rank and file citizens of this country?

This law has been on the books since January 1, and the Defense Department has filed one report—nothing on the B-1 bomber, nothing on the ship construction they have had, no reports, none on some of the biggest defense contracts that this Government has ever entered into, although the law says that any significant action must require a report on the impact of it on the environment. The Defense Department is responsible for 80 percent of the pollution caused by our Federal Government, according to experts on the environmental council.

How can we in good faith demand that private commercial planes put suppressors on their jet engines while military jets do not?

Can we bring action against a giant steel company for polluting the air and water of the Nation if a huge military base is allowed to spew poison chemicals into the atmosphere?

Can we in good faith take land through Federal action in order to preserve our priceless seashores, our mountain slopes, and irreplaceable forests, if the military can bulldoze a unique environmental area without even a report to the Congress telling us about it?

The vote on this amendment is the acid test. If the largest Department in the Government can continue to flout the law, then, neither as Federal officials or as men, can we expect to be respected when we require others to clean up the environment.

Mr. President, I know the great sincerity of some of the fine Senators who have spoken against this amendment, and I know that they feel deeply about conservation. But I honestly feel that if we mean business, if we are not hypocrites about cracking down on pollution, this kind of amendment, which provides some muscle for a change and requires the biggest agency in our Government to conform with the law, should be adopted.

I ask for the yeas and nays on the amendment, Mr. President.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, what is the situation on time?

The PRESIDING OFFICER. The Senator has approximately 30 seconds remaining.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I rise to record my opposition to amendment No. 808 of the military procurement bill.

This amendment, if adopted, would attempt to resolve complex issues by fiat that are presently being resolved by the application of existing technology, available knowledge, and experience. The Department of Defense is cooperating with the National Environmental Council in working to resolve many problems which are unique as they relate directly to the national security of this country.

Mr. President, while this amendment purports to require compliance with the National Environmental Policy Act of 1969 known as NEPA, it in fact introduces confusing language changes. In my opinion it would bring about a disruption of many vital defense programs.

The Senate should remember that application of this act is underway as it concerns all governmental agencies and interpretation of its various provisions. The Defense Department, along with all Government agencies, is working in this connection. Passage of this amendment would throw these efforts into confusion and possibly result in a delay of implementation. It should also be recognized that of all Government agencies the Defense Department has special and unusual problems in connection with coming into compliance with the NEPA.

Mr. President, while this amendment purports to require compliance with the National Environment Act it is actually duplicative of this act in some respects and introduces confusing language.

This amendment should be rejected solely on the basis of timing. If such an amendment is needed such need could not be properly determined at this point in time.

The Defense Department is especially concerned about the provision of the amendment that none of the funds authorized in this or any other act may be expended for any project or activity described in the section. This requirement is subject to considerable interpretation. Does it mean any existing project or activity carried out by or for the Armed Forces of the United States regardless of the stage of such a project? What about projects on which funds may have already been obligated for completion of that particular project? What about funds scheduled to complete some weapon system critical to our national security?

Mr. President, I hope the Senate will reject this amendment.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to vote on amendment No. 808, offered by the Senator from Wisconsin (Mr. PROXMIRE).

All time on the amendment has expired. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Nevada (Mr. BIBLE), is absent on official business.

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I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) is absent on official business.

The Senator from Arizona (Mr. Fannin), the Senator from Oregon (Mr. Packwood) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kentucky (Mr. Cooper) is detained on official business.

If present and voting, the Senator from Massachusetts (Mr. Brooke), the Senator from Arizona (Mr. Fannin), the Senator from South Dakota (Mr. Mundt), and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 26, nays 59, as follows:

[No. 257 Leg.]

YEAS—26

Bayh
Case
Fulbright
Goodell
Harris
Hart
Hatfield
Hollings
Hughes
Javits
Kennedy
Mansfield
Mathias
McCarthy
McGovern
Metcalf
Mondale
Nelson
Pastore
Prouty
Proxmire
Ribicoff
Schweiker
Williams, N.J.
Yarborough
Young, Ohio

NAYS—59

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Boggs
Burdick
Byrd, W. Va.
Cannon
Church
Cook
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eastland
Ellender
Ervin
Fong
Goldwater
Gore
Griffin
Gurney
Hansen
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McIntyre
Miller
Murphy
Muskie
Pearson
Percy
Randolph
Russell
Saxbe
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, Del.
Young, N. Dak.

NOT VOTING—15

Bible
Brooke
Byrd, Va.
Cooper
Eagleton
Fannin
Gravel
Hartke
McGee
Montoya
Moss
Mundt
Packwood
Pell
Tower

So Mr. Proxmire's amendment (No. 808) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GURNEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from New York is recognized for a period of not to exceed 20 minutes.

Mr. PASTORE. Mr. President, will the Senator yield to me for several minutes? While Senators are present, I would like to explain the situation that confronts the Senate today.

Mr. GOODELL. Mr. President, I would be delighted to yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senate will please be in order. The Chair has repeatedly called for order. Senators will please take their seats. If they want to talk, they will please do it outside.

EQUAL TIME REQUIREMENTS FOR CANDIDATES FOR PUBLIC OFFICE

Mr. PASTORE. Mr. President, I have a conference report I wish to call up this afternoon. This is a conference report that I think most Senators are interested in, whether they are Republicans or Democrats.

This has to do with a limitation on the amount of money which can be spent either in a primary or in a general election on electronic broadcasting, whether radio or television.

The matter came before the Senate. The bill was introduced with quite a number of sponsors on the part of the Senate. Our committee heard the matter at length.

We came back with a recommendation in April of this year. And we passed the bill on the floor of the Senate and sent it to the House. The House made certain amendments and passed the bill only this week.

We realize that the House is going to be in recess for some weeks beginning tomorrow night. I thought that we could resolve this matter today and give the Members of the House an opportunity to vote on it tomorrow before they leave.

I realize that some Senators are not in agreement with this legislation; but after all, this is a privileged matter. This matter was debated at some length on the floor of the Senate and it was debated at some length on the floor of the House of Representatives. We have gone to conference and we have come back with a conference report. I must be honest in saying that the Republican conferees refused to sign the report.

I want to assure Senators this is not a partisan measure and it was never intended to be a partisan measure. As a matter of fact, I have no personal interest in it one way or the other. But it is my duty and responsibility and I would like to see it go through.

I wish to ask the distinguished majority leader what he expects me to do about this matter. I would like to go home myself today, if possible, but on the other hand we have a job to do and if we do not pass this measure today the House will wait until it comes back sometime in September and you might as well kiss this goodby.

Mr. MANSFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield to me, so that I may reply to the Senator from Rhode Island?

Mr. GOODELL. I yield.

Mr. MANSFIELD. Mr. President, I have discussed this matter earlier today.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Staff members will please be seated.

The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, at that time I told the Senator from Rhode Island, "Anything John wants, John gets."

Mr. PASTORE. That is Lola who gets what she wants.

Mr. MANSFIELD. Since that time I understand that from the Republican side there has been a suggestion that this matter be postponed until next week. However, the chairman of the Senate conferees is quite correct when he says that the House will recess tomorrow for almost a month. There will be no chance for action. Even though I do not intend to be here I would suggest to the Senator from Rhode Island that, in view of the fact this is a privileged matter, and he is the manager of the bill, at the conclusion of the remarks of the Senator from New York, he go ahead with the conference report.

Mr. SCOTT. Mr. President, will the Senator from New York yield to me?

Mr. GOODELL. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I think the reason for the discussion about the measure is that there appears to be some sense of haste here, inasmuch as the conferees only agreed this morning. There has been no opportunity to disseminate the decision of the conference, which represents a divided point of view and I might say a sharply divided point of view. It seems to me it would be unfortunate to rush this matter under those circumstances. Normally we would have sufficient time to gain at least the opportunity to advise our colleagues as to what was done in conference. I do not know why there has to be all this haste and urgency about the matter. The other body is not going to be able to act, as I understand it.

Mr. PASTORE. That is just the point. They could act tomorrow.

Mr. SCOTT. We have seen no evidence that they are prepared to act tomorrow or even to have a quorum.

The "hegira" is underway over there. They are pursuing the course of lemmings. They are headed toward their expected coasts with varying prospects of survival, and it is a situation we must all face.

But it seems to me this is—I would certainly not call it indecent haste—a rather headlong move to try to bring up a matter which has not been disseminated here, which could hardly be disseminated here today to all of our colleagues.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. MANSFIELD. I would like to propound a question to the distinguished minority leader. How much time does he think the Senate should have before this privileged matter could be brought up?

Mr. SCOTT. I think if we could bring it up on Monday, it would be all right. We are not seeking an inordinate delay, but the Senator knows there are some quite serious differences of opinion. It is a matter that was debated at quite some length, not only in this Congress but also in other Congresses.

Mr. PASTORE. Would the Senator agree to a unanimous consent to vote at 1 p.m. on Tuesday?

Mr. SCOTT. I would have no objection to that if the Senator from Tennessee has none.

Mr. PASTORE. That will give Senators an opportunity to debate this matter for 72 hours. We could make it 2 p.m. Tuesday.

Mr. BAKER. Mr. President, will the Senator yield to me so that I might reply?

Mr. GOODELL. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I was the other conferee on the Republican side; I am on this committee; and I opposed these amendments in the conference report on the floor when they were offered. I have deep feelings about this matter, and I intend to resist adoption of the conference report as strongly as I know how.

Mr. PASTORE. I understand.

Mr. BAKER. I expect other Senators will want to speak, not at great length but at some length. I think a time certain to vote is appropriate, but I am not sure Wednesday is enough time.

Mr. PASTORE. Tuesday at 2 p.m. That will give everyone a chance to study the features of the bill. I can explain it this afternoon, and it will be in the CONGRESSIONAL RECORD. Any Senator who has anything to say would have tomorrow, Monday, and Tuesday until 2 p.m. to debate the matter.

This is a privileged matter. This legislation has been discussed here before. I know the Senator from Pennsylvania and the Senator from Tennessee voted against it, but it was passed by the Senate, it went to conference, and we have to expedite it. I do not care if Senators vote it up or down, but it should be expedited. I say that Tuesday at 2 p.m. is fair.

Mr. BAKER. I have no feeling on the time, but I think there will be a day or two of fairly energetic debate. I think we are subsidizing our own campaigns.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. CURTIS. When would this bill become effective if the conference report is adopted and the bill signed?

Mr. SCOTT. January 1.

Mr. PASTORE. No.

Mr. SCOTT. Thirty days after enactment.

Mr. PASTORE. Yes; 30 days after enactment.

Mr. SCOTT. That is correct.

Mr. PASTORE. Mr. President, will the Senator from New York yield so that we may resolve this matter?

Mr. GOODELL. Mr. President, I yield further. Mr. President, I ask unanimous consent that this time not be taken from my allotted time.

Mr. PASTORE. I have no objection.

The PRESIDING OFFICER. The time will not be deducted from the 20 minutes allocated to the Senator from New York.

Mr. PASTORE. Can we agree on Tuesday at 2 p.m.?

The PRESIDING OFFICER. Is there objection to a time certain of Tuesday at 2 p.m.?

Mr. MURPHY. Mr. President, will the Senator yield to me?

Mr. GOODELL. I yield.

Mr. MURPHY. Mr. President, it seems to me quite obvious that there is an objection on the part of the distinguished Senator from Tennessee and the distinguished minority leader, and they have expressed it. This seems to be a hurried decision.

I appreciate the fact that my good friend wants to get it done and over with. I agree the matter should be resolved, but I am concerned now about the objections. I am worried that there are Senators who are not here. Few will be here later. I would be concerned if we were to rush into something in haste that we might regret.

Quite frankly, I am not certain of all the provisions of the measure. I have not had a chance to look at them. I think that out of deference to the two Senators on this side of the aisle who have expressed themselves, we could work out a better time—maybe Wednesday or Thursday.

Mr. PASTORE. I hope the Senator realizes that this is a privileged matter. I could call it up this afternoon, no matter who thinks what. I want to be agreeable. I do not want to become involved in a filibuster. I do not care who has anything to say about it, it would not take 5 minutes to resolve the matter and say if one is for the measure or against the measure. Personally I do not care whether Senators are for it or against it, but in deference to the Senator from Rhode Island, who has of official necessity put in so much time on this matter we should agree on a time certain to vote. If Senators would like Wednesday I can agree to Wednesday, but let us have a time certain.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. SCOTT. I suggest we take it up Wednesday.

Mr. PASTORE. For a vote?

Mr. SCOTT. We could vote after it is taken up. We want a chance to talk about it.

Mr. PASTORE. No. This can be discussed today, Monday, and Tuesday; otherwise I will bring it up this afternoon. It is a privileged matter. If anyone wants to stay here and debate it with me he may stay and debate it.

I have just as much time as anybody else. I have gone through this and gone through this and gone through this. It is a delaying tactic, nothing more. If Senators want to do it Thursday, I will do it.

Mr. MURPHY. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from New York has the floor. He has yielded.

Mr. MANSFIELD. Mr. President, if the Senator will yield, may I point out that if Tuesday, Wednesday, or Thursday is agreed on, the House will not be back until the 9th of September. Then, it is my understanding, it does not go into effect until 30 days later.

Mr. PASTORE. After the President has signed it.

Mr. SCOTT. Mr. President, we are willing to have a vote at 2 o'clock Thursday if the Senator will withdraw his remarks regarding delay.

Mr. PASTORE. Mr. President, I withdraw my remarks.

This means a vote at 2 o'clock on Thursday? Is that correct?

Mr. SCOTT. This means a vote at 2 o'clock.

Mr. MURPHY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. MURPHY. The Senator from New York has yielded to the Senator from California.

I would like to say to the distinguished Senator from Rhode Island that there was no intention to delay on my part. There was an effort to accommodate, to make certain every Senator knew what was happening.

Mr. PASTORE. I understand that. I understand.

The PRESIDING OFFICER (Mr. HUGHES). The Senate will be in order. The Senator from California is entitled to be heard.

Mr. MURPHY. I will turn up my machine. [Laughter.]

Since the distinguished minority leader has agreed on the time that the matter will be introduced—or voted upon?

Mr. SCOTT. Voted upon on Thursday at 2.

Mr. MURPHY. Thursday at 2.

I withdraw my objection, and I assure my friend from Rhode Island that I have no intent to delay.

Mr. PASTORE. I know that, and there was no implication from the Senator from Rhode Island that he meant the Senator from California.

Mr. MURPHY. I was sure of that.

Mr. PASTORE. Furthermore, I have read the Senator's book, and it is beautiful—captivating from cover to cover.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. GOODELL. I yield to the Senator——

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly so that, in the third or fourth degree, I may yield to the Senator from Rhode Island?

Mr. GOODELL. I yield.

Mr. PASTORE. Mr. President, may I have another word?

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. I understand if the papers are sent to the House there is a likelihood it can act today or tomorrow.

Mr. SCOTT. Mr. President, we have an agreement to vote on Thursday. Why can we not stay with the agreement?

Mr. MANSFIELD. If we have an agreement.

Mr. SCOTT. I ask unanimous consent that we agree to vote on Thursday at 2:00.

The PRESIDING OFFICER. The question has been raised and the Senator from Tennessee has sought to ask the Senator from New York to yield to him.

Mr. BAKER. I understood the Senator to yield.

Mr. GOODELL. I yielded to some other Senators and then the Senator from Rhode Island was yield to.

I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I make inquiry as to what the proposal is as to

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when the conference report will be laid down and made the pending business. We have information that if it is laid before the Senate on Thursday at 1 o'clock——

Mr. PASTORE. Mr. President, I understand the House is ready to act on it. For that reason I withdraw my request and will make it next week.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on August 12, 1970, the President had approved and signed the act (S. 3348) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. JORDAN of Idaho) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HUGHES). Pursuant to previous order, the Senator from New York (Mr. GOODELL) is now recognized for a period not to exceed 20 minutes.

Mr. GOODELL. Mr. President, on July 9 I made a speech——

The PRESIDING OFFICER. The Senator from New York will suspend until we have order in the Chamber.

The Senator from New York.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 838

CULEBRA II

Mr. GOODELL. Mr. President, on July 9, in a speech on the Senate floor, I noted that the education of the children of the island of Culebra, the island's economy, and its ecosystem are being greatly and irretrievably damaged by the Navy's continued bombardment of that island.

At that time, I wrote to the distinguished Senator from Washington, Senator JACKSON, recommending that the Subcommittee on Military Construction of the Senate Armed Services Committee, a subcommittee of which he has ably served as chairman, convene hearings upon Culebra as soon as possible.

The PRESIDING OFFICER. The Senator will suspend until there is order in the Chamber. There are conferences going on all over the Chamber. The Senator from New York cannot be heard. He is entitled to be heard. Will you please extend the courtesy of the Chamber to the Senator from New York?

The Senator may proceed.

Mr. GOODELL. Mr. President, I suggested that the hearings focus upon the following issues:

First. What precisely are the purposes in all their technical detail, for which the Navy utilizes portions of Culebra?

Second. Are those purposes consistent with the maximation of our national security in general and with the imperative of having, in particular, a bombardment practice setting as close to combat conditions as possible?

Third. What precisely are the methodologies, in all technical detail, which the Navy utilizes to fulfill those purposes? Are those methodologies consistent with maximization of the combat-realism of the simulation setting?

Fourth. What alternatives to the use of Culebra are there which would meet the Navy's objectives and/or revised objectives which your subcommittee may decide would better further the national security?

Fifth. How has the economy of Culebra been affected by the Navy's utilization of the island? Is any effect of Navy's utilization irreversible?

Sixth. How has the ecosystem of Culebra and its surrounding cays been affected by the Navy's utilization of the island? Is any such ecological effect irreversible?

Seventh. Has the education of the children of Culebra been affected by the Navy's utilization of the island? Is any such effect upon their education irreversible?

Eighth. Have any of the civil liberties of the people of Culebra been infringed upon as a consequence of the Navy's utilization of the island? With what cost?

Ninth. Should the Navy be permitted to fulfill its plan of taking over another third—2,350 acres—of the island?

Tenth. Should the Congress require the Navy to cease using Culebra totally for bombardment practice purposes?

In a reply dated July 29, Senator JACKSON noted that he had requested a report from the Navy on the matter and that he had also requested a report from the Defense Department. He further noted:

> I expect to meet with Navy officials in executive session within the next few days to discuss the future of Culebra and possible alternatives. Whether public hearings will follow depends upon the outcome of this meeting.

I also sent a letter to the distinguished Senator from Mississippi, Senator STENNIS, seeking his reactions to the recommendation for hearings which I had made and to the specific questions which I had suggested be considered. In his reply of July 31, Senator STENNIS noted the following:

> It is my understanding that Senator Jackson intends to explore this matter with the appropriate officials of the Department of the Navy in executive session at the propitious time. This will probably be before the completion of the hearings on the military construction authorization bill which we are now considering.

I am confident, therefore, that the deliberative processes of this body have taken cognizance of the needs of the people of Culebra, and that action in the Senate to help them has become a possibility.

The interests of Culebrans have not fared so fortunately in other parts of our Government, regrettably. Representative CHARLES BENNETT's Real Estate Subcommittee of the House Armed Services Committee has issued a report whose conclusion is that the Navy has no cheap alternative to Culebra for its goal of bombardment practice, and that the Navy should be permitted to acquire another third of the island. The report suggests, moreover, that perhaps the Navy should take over the island entirely, with the people of Culebra being relocated en masse to a nearby island.

Despite the possibility of constructing artificial islands or floating platforms to serve as targets, and despite the availability of two alternative islands which the Governor of Puerto Rico has offered the Navy in lieu of Culebra, Secretary of Defense Laird has flatly stated that there is no Navy alternative to Culebra. He came to this conclusion despite the contradictory conclusion of the Advanced Research Projects Agency—ARPA—of the Defense Department, for ARPA scientists have publicly stated that construction of artificial targets is feasible. A research program officer of the Office of Navy Research, as I noted in my speech on July 9, has confirmed that.

Given the availability of alternatives to Culebra, the conclusions of the House subcommittee and of the Secretary of Defense are insensitive, irresponsible, and inhumane. There is no excuse whatsoever for the Navy's retention of bombardment upon Culebra.

Accordingly, I am this morning submitting an amendment to H.R. 17123, the Military Procurement Authorization Act, which would terminate the Navy's bombardment of Culebra. The text of the amendment is as follows:

> At the end of the bill add a new section as follows:
>
> "SEC. 507. None of the funds authorized to be appropriated by this Act or by any other law shall be used for research, development, test, evaluation, personnel training exercises, or the procurement of weapons or other supplies by any military department if such activities include the naval shelling or air bombardment of the island of Culebra (located off the coast of the Commonwealth of Puerto Rico), of any of the keys adjacent to such islands, or of any waters within three nautical miles of such island."

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be received and printed, and will lie on the table.

Mr. GOODELL. Mr. President, for the information of other Senators, I ask unanimous consent to have inserted in the RECORD at the conclusion of my remarks an excellent series of Armed Forces Journal articles upon Culebra. The articles detail the damage which is being done to the Culebrans and to the ecosystem of their island, and discuss the feasibility of alternatives to the island for the Navy's purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. JAVITS. Mr. President, the Senator is speaking on a very important matter, and taking an important initiative, in which I join with him, and join in his remarks now in urging action by the Armed Services Subcommittee under the Senator from Washington (Mr. JACKSON).

Mr. President, our relationship with Puerto Rico is a very special one under Commonwealth status. It is not a State of the United States, nor is it a dependency or territory of the United States. Puerto Ricans are American citizens. I was a member of the Puerto Rican Commission to determine what should be its form of government. We decided that Congress would undoubtedly accept whatever status the majority of Puerto Ricans wished, that it was entirely up to them. Right now, they seem to be staying with the Commonwealth.

Therefore, in our relations, as we handle their defense and Puerto Ricans serve in our Armed Forces, and as we handle their foreign policy, a great degree of tact and wisdom must be exercised in respect to the impact upon them of our defense activities.

This bears very heavily on the people of Culebra, and yet it presents an important strategic question for the United States as well. I think my colleague is approaching it in exactly the right way. I shall do my utmost to work with him in respect of it.

In this situation, the burden is on the Navy. The Navy has to show that strategically it must have this facility, that it cannot do without it and, therefore, that these citizens simply have to accept something in their own interests and the interests of the United States. We are not at all convinced of that. Neither are the Puerto Rican authorities themselves, Mr. President. I think Senator GOODELL and Senator JACKSON are going at it in the right way, and I only hope—and I am sure this will happen—that the two curves cross, and that, before it is necessary to take the plenary action which the Senator suggests by his amendment, we may have an authoritative finding from our own Armed Services Committee as to whether or not these citizens really have to take the punishment they are taking. Senator GOODELL does not believe they do, and I do not believe they do; but we are willing to accept the substantive proof, if there is any.

I compliment my colleague upon the tact and statesmanship with which he is approaching this matter.

Mr. GOODELL. I thank my colleague from New York. Obviously, the senior Senator from New York has been much interested in this problem and other problems that affect the Commonwealth of Puerto Rico.

I might emphasize here that there is solid evidence from experts, including the Advance Research Projects Agency of the Defense Department, that Culebra is not necessary. I agree with my colleague that if the Defense Department can come forward with some irrefutable evidence, unknown in any form at this moment, to my knowledge, we obviously would reassess the situation. But I am introducing my Culebra amendment today because I believe that it is now clear that if the Senate does not act to protect the American citizens upon Culebra, no one will. It is squarely our responsibility.

Since Senator JACKSON's Military Construction Subcommittee has begun executive session inquiry into the issue, I do not intend to call up the amendment for a vote while there appears to be substantial hope that that subcommittee's efforts may persuade the Navy to withdraw from the island. I hope that the subcommittee will indeed be successful in this regard, and I offer to it and to Senator JACKSON whatever aid I can give.

Should the Navy maintain its intransigence on this issue over the coming weeks, however, and should no steps toward withdrawal from the island be taken as this body finishes its debate upon the Military Procurement Authorization Act and moves on to consideration of the Military Construction Act, I will feel compelled to reassess the situation at that time and to take such action as will protect the interests of the people of Culebra. It is my hope that the Navy will carefully listen to the Subcommittee on Military Construction, and that such further action will prove not to be necessary.

EXHIBIT 1

[From the Armed Forces Journal, May 23, 1970]

CULEBRA: NAVY FOCUS ON CINCLANT'S BULL'S-EYE IS WAY OFF TARGET, BUT MAY BE COMING INTO RANGE

(By Ben Schemmer, Clare Lewis, and the Journal staff)

CULEBRA ISLAND.—Like the mouse that roared, the tiny island of Culebra—owned in part by 743 Spanish-speaking, patriotic U.S. citizens who have representation but no vote in Congress—has appealed to the Governor of Puerto Rico and the House Armed Services Committee to help it win a battle with the United States Navy it has tried hard to avoid.

The Navy wants to expand gunnery and bombing operations on this docile, 7,000-acre Caribbean municipality used as CINCLANT's bull's-eye. Culebrans have accepted their odd destiny with quiet humility for over 35 years, in some respects for almost 70. Now, they want the Navy to shoot at something else.

The Navy says that it has no choice: that it needs more targets and larger safety zones on Culebra for new air-to-ground missiles like Walleye, Standard ARM, Bulldog, and Hobo glide bombs. But some of the very experts who stress this now admit they haven't even read the studies telling what's wrong with a host of other, uninhabited nearby island alternatives.

You probably read about Culebra in *Life* on 10 April. But *Life* cut into the onion no deeper than the peel, and facts available to The Journal suggest that the Navy—even though it sliced a lot longer—hasn't gone much deeper. Hopefully, the Governor of Puerto Rico and the House Armed Services Committee will cut through to the middle.

Hearings on the Culebran issue will be held this week before an HASC Real Estate Subcommittee headed by Representative Charles Bennett (D-Fla). Since 1954 the Navy has wanted to buy the entire island, on which it already owns at least 2,683 acres. But on 31 December, Culebrans wrote to President Nixon objecting to Navy plans—never explained to them—to resettle Culebra's 450 families on the nearby island of Vieques, which in part is another Navy bombardment range.

The quiet islanders began making noise when bombardment operations peaked, early this year—led by the Navy, but with ships of at least six (and some say over 20) other nations peppering away, too.

Since, the mouse that roared has lost a major court battle, won a partial but ironic victory from the Navy (see page 39), and today could be calibrated on a political/social bull's-eye which the Navy apparently doesn't see.

After stabbing at the onion for the last ten days, our impressions of the "Culebra problem" could fill a book. The Navy would not like it. Nor does The Journal. Here, in brief, is why:

INNUENDOS

We've heard more innuendos from the Navy than facts from either side. Navy spokesmen suggested, in The Journal's preliminary inquiries, that the Culebra problem stemmed —to a large degree—from "confusion stimulated by greedy guys." What apparently were innuendos about Culebran landowners and other U.S. citizens hoping to develop small parcels of land or exercise development options jeopardized by the Navy's Culebran plan just didn't check out.

In the case, for example, of a St. Louis Washington University professor who has a limited option on property near the harbor of Dewey, but who has been outspoken on behalf of the Culebrans—and whose interests were subtly questioned by the Navy—The Journal has a sworn affidavit that he would give up his option, *at cost*, "to the end that goals of the people of Culebra may be realized."

Suspicions that expenses incurred by Culebra's Mayor Ramon Feliciano, traveling on his islanders' behalf, were paid by land promoters just aren't true.

Slurs against a retired Methodist minister on Culebra who's added his voice to the mouse's roar aren't worth the paper they're printed on—except to put the *Navy's* problem in perspective.

A group of so-called "squatters" turned out to be Culebrans who have built houses on land the Navy moved them to, but for which they can't get deeds.

SINCERITY ON BOTH SIDES

The Navy is sincere, but readers who talk with the Culebrans would probably find them even more so. The Culebran problem isn't targets: it's people—patriotic, warm, gracious, honest, candid Americans who aren't accustomed to dealing with bureaucratic subtleties. They are not at war with the Navy. The only enemy the Culebrans have is indifference. But when you're sitting on the bull's-eye, it doesn't matter whether it's friend or foe who pulls the trigger.

The Culebrans earn their living from the land, and from the sea. They have only limited access to both, and the Navy proposes to make the limits even tighter. There is no school on the island; there is, as yet, no hospital. For both, the Culebrans must go to the Puerto Rican mainland. Denial of that access becomes a major infringement on their very lives.

What the Culebrans have asked for—and for 35 years didn't get, until about two weeks ago—was a "dialogue" with the Navy.

ILL-ADVISED EXPERTS

Some Navy Culebran "experts" are, in large part, ill-advised, misinformed, or blind. Asked "How do the Culebrans really feel?" an OpNav action officer, referred to The Journal by a higher authority, said bluntly: "The Culebrans want the Navy to stay." Asked about a very recent poll in which 304 out of 313 Culebran families voted to have the Navy *leave*, this officer said he had not heard of any such vote, but got his dope from a Culebran who "really had his pulse on the people." When The Journal later got the

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source's name, he turned out to be custodian of the Navy's Culebran range. Culebrans said they love this man, but that he is 70-some years old, and perhaps not attuned to his people today.

Navy spokesmen—guys on the front line on the Culebran issue—had few details on and little perception of alleged serious safety problems and near the island first "joined" the Navy in 1901.

In 1914, Isaac Espinosa lost his right arm from a grenade or detonator he picked up on Culebra's shore. In 1935, Alberto Pena Garcia, a 15-year-old schoolboy, was killed when he playfully banged a USMC grenade with a hammer. That same year, in a different accident, Vincento Romero lost his right arm.

These accidents don't quite track with carefully structured Navy statements that "no one has been killed or injured as a result of this training." Because the Navy statement technically refers to ships gunfire practice since 1936, after Marine Corps maneuvers were moved to Vieques. But no one The Journals was referred to had ever heard of young Sixto Colon, who lost his right eye in 1964 playing catch with an explosive toy which Culebrans say the Navy left on the island. And the Navy spokesman didn't mention the nine Navymen killed in April 1946 when an aircraft dropped its ordnance on an observation post painted the same color as the target.

Navy spokesmen mention near accidents, such as the time the battleship *New Jersey*, late in the '40s or early in the '50s, lobbed shells on a cistern between the town of Dewey and the impact area. Or when the *Missouri*, about the same time, scored on the safety zone instead o fthe impact area. Or when "destroyers fired over the island." But no one The Journal has been referred to by the Navy seemed remotely aware of even more recent incidents in which:

The San Juan yacht *La Vagabunda* had smokepots dropped athwartships during five passes by an aircraft on a clear day while the vessel cruised amidst a flotilla of 14 others.

A bomb "or something" landed in Dewey Harbor just months ago, 400 yards from the house of Culebra's only doctor.

"1,000-lb bombs" landed intact in six to 10 feet of water just off Culebra's eastern shore.

(Each of these allegations was verified by The Journal through recorded eyewitness reports and/or on-the-ground surveys.)

ALTERNATIVES

There may not be any alternative to expanded operations on and near Culebra. CINCLANT *does* need targets, especially for new missiles with bigger "footprints." What bothers us is that the "experts" who rejected the alternatives apparently haven't read the studies about them—that's what two of the experts conceded.

The Journal doesn't want to second-guess the Navy, but Puerto Rican Governor Luis Ferre told us on 22 May that "There is so much area nearby that has *not* been exhaustively studied." He mentioned such possibilities as:

Vieques—The Navy and Marine Corps already use the island's eastern 2¾ miles for naval gunfire support/aerial close support targets, the next three miles inland for a Marine landing/maneuver area, and Vieques' western end for an "inert" naval ammunition depot. *Question:* Why not move the "ammunition depot" to Culebra, the Marine maneuver area to the western end of Vieques, and the new targets and expanded safety zones for Walleye, etc., to the freed area on Vieques' eastern coasts? CINCLANT's "expert" conceded he had "never thought about it." Yet SecNav's office repeatedly deferred to this very officer on questions on the alternatives so "exhaustively studied." A CINCLANT spokesman later explained, however, that "it's really not [this officer's] job to answer these kinds of questions," and referred The Journal back to Navy headquarters in Washington. Governor Ferre told The Journal Friday that the Culebra/Vieques switch could have substantial merit and that he'd probably discuss it with his "good friend Mel Laird."

Isla Palominos—At the very closest, by nautical charts The Journal looked at on the scene, this 165-foot-high island is at least 2¾ miles east of Puerto Rico, 1¾ miles from the nearest (and uninhabited) island—and it's close (10 nm) to CINCLANT's gunnery operations center at Roosevelt Roads.

Caya Lobos—A 40-foot-high island 2½ miles from the northeastern tip of Puerto Rico, which boasts of a luxurious hotel. The hotel has been empty for the past four to five years. (If the Navy needs more varied terrain than this "flat" island provides, barges of dirt could change it, we think, and dirt costs less than the rental on Culebra—even under the Navy's 30 April $70,000-a-year easement.)

We don't question Navy statements that, from a strictly military viewpoint, Culebra is "the most suitable" target complex. What's at issue is whether or not others, more "suitable" from a political/social viewpoint, still could be militarily "acceptable."

WHAT IT BOILS DOWN TO

Navy spokesmen have been less than candid. What sounded like "substantial investments" turns out to be acquisition costs of $501 for Culebran land Culebrans can't use. Injuries, incidents, and accidents alleged apparently haven't been checked out.

The irony of the "Culebra problem" merits thought. A Supreme Court ruling of 1958—won by the *American Communist Party*—held that the right to travel "across frontiers in either direction and *inside the frontiers as well*" is a right guaranteed by the fifth amendment (emphasis added). It is incongruous that Culebrans don't benefit from this ruling, while the American Communist Party does.

Culebra's new "custodian," Admiral Ward, is the Navy's former (and first) Safety Director—another irony, but perhaps a hopeful sign as well. An attorney writing Culebra's appeal to the Supreme Court is a Director of the San Juan Navy League.

And the final irony may prove to be this: The whole Culebra problem hinges on the five-mile safety zone needed for Walleye and other new guided missiles. But Walleye apparently isn't funded for production next year. And all the follow-on missiles (Condor, etc.), a Navy expert let slip, have safety-zone footprints so much larger that they "could not be tested at all on the Culebrita targets" about which the Navy has been so adamant.

The Navy may have legal as well as political and social problems with Congress over the Culebra issue. For one thing, the statute under which the new leasehold is being requested apparently requires the Navy to specify payment costs. The 30 April request says only that the new easement "exceeds $50,000." Second, a key CINCLANTFLT official told Washington attorneys representing the Culebrans—on a no-fee, "pro bono publico" (for the public good) basis—that Culebra is a "range." He said the area is not a "training camp." But Title 10 USC 2663(a)(1), from which the Navy request derives, provides condemnation power *only* for fortifications, coastal defenses, or military training camps. A fine point, perhaps—but it could be a crucial one for the Culebrans. And for the Navy as well.

As Governor Ferre told The Journal, "This is an issue *everyone* can still win," given time for the dialogue Culebrans have sought—given time for a really good whack at the onion. But if *anyone* loses, no one wins. And the Culebrans lose if the Navy wins too soon. Congress should give the Culebrans time for the Navy to catch up on its reading.

[From the Armed Forces Journal, May 23, 1970]

"Las Bambas—Vamanos" (The Bombs—Let's Get Out of Here)

Culebra/San Juan.—The resident Navy seaman in charge of firing operations on Culebra admitted in writing today that he and three other Navymen fired six mortar rounds into a bay on Flamingo Beach where "bathers were . . . earlier"—but that "when we fired the mortar rounds, we did not look at the beach." By his description, "Three rounds were fired long and three were fired short." The shells landed within 200 yards of seven children and at least one adult, interviewed and photographed on the spot today by The Journal.

The Navyman also admitted that, at the time of the near tragedy, "The red flag was not raised" (over their observation post, which has a commanding view of the beach). The flag is a standard range signal to warn those in the area that firing operations are about to begin or are underway.

Two of the children and a 30-year-old Culebran woman signed a separate statement that:

They had checked firing schedules posted throughout the town of Dewey before going swimming; "No firing was scheduled." (The Journal has the schedules: No firing was scheduled.)

Before swimming, and moments after seeing the rounds land, they had checked for the red flag on the OP above the beach: "We looked for a red flag—but saw only the United States flag."

Just one hour earlier, Journal publisher Ben Schemmer—flying into Culebra for a meeting there with Governor Luis Ferre—listened to the Navy OP, call sign "Big Mary," advise his aircraft that "We have no operations today." Schemmer had requested permission to photograph Navy targets on Culebrita Island. Big Mary inquired, "Request why you want to take pictures of Culebrita." Told that Schemmer was an editor, Big Mary responded, "hmmmmmm," "Wait," and then advised, "Request you remain clear of area near Twin Rocks." Targets on Twin Rocks, a federal bird sanctuary, are at least seven miles east of the beach toward which the mortar rounds were aimed.

RAdm N. G. Ward told The Journal in San Juan late today: "The incident reached my attention today and it is under active investigation to understand why it happened. There is no denial the incident occurred. The info I have is not clear and garbled."

The senior man on the island in charge of "Big Mary"—a Navy petty officer first class—said in his written statement, "I asked [the Navy range officer at Roosevelt Roads] if we could make these [mortar] firings . . . He said go ahead." The same officer had been asked on Friday or Saturday, by Washington attorenys representing the Culebrans without fee, about the then-alleged mortar firings on Flamingo Beach last Friday, and reportedly said: "No, it's impossible, it never happened. Every mortar round was under lock and key. There were no operations scheduled and none were carried out."

The Journal was told by several Culebrans that the Navy Seaman in charge of the Friday firings said at a town meeting on 14 March (the day before the Culebrans delivered their "ultimatum" for the Navy to leave their island): "Culebra could demonstrate as much as it wants, but with one shot the Navy could blow everybody off the island."

[From the Armed Forces Journal, May 23, 1970]

Culebra's Fight for Life

Presidential Executive orders signed in 1901 and 1902, and reaffirmed on 26 June 1903, reserved all public lands on Culebra and adjacent cays for use of the U.S. Government, under Navy jurisdiction. Air space over the island and water three miles around it were restricted to exclusive use of the military by Presidential Executive Order 8684, signed 14 February 1941.

One effect of these Executive orders is that private planes and ships must arrange for special Navy permission to approach or leave the island—one of 76 municipalities of the Commonwealth of Puerto Rico. *Life* magazine wrote on 10 April: "To all intents and purposes, the 700 [*sic*] islanders are prisoners on their own land."

On 5 December of last year, RAdm Alfred R. Matter, then Commander Caribbean Sea Frontier, wrote a Puerto Rican land developer—who wanted to build vacation condominiums on 225 acres on Culebra's eastern tip—an unfortunate letter which described vividly what the Executive orders mean to U.S. citizens on the island:

"Culebra Island is a keystone in the Atlantic Fleet weapons range, which encompasses Naval Station, Roosevelt Roads, nearby Vieques Island, and thousands of square miles of ocean area. This large complex is expanding and operations are becoming increasingly intensive, frequently being conducted through seven days of the week. As such use increases, inhabitants of nearby areas such as your property will be subjected to the noise of supersonic booms, gunfire, rocket fire, and heavy air traffic."

Culebrans since have lost two legal battles to replace the "supersonic booms, gunfire, rocket fire, and heavy air traffic" with the more tranquil environment for which their neighbors on the U.S. Virgin Islands just 10 miles to the east are envied. On 11 March, the U.S. Court of Appeals in Boston upheld an earlier District Court decision and reaffirmed the Navy's legal right to bombard, strafe, and mine Culebra and its nearby cays and rocks.

Two days later, on 13 March, Culebrans voted in a town meeting to ask the Navy to withdraw from their island. What turned these docile custodians of CINCLANT's bull's-eye into the mouse that roared, one citizen told The Journal, was the "new generation." "We have been peaceful and tolerant, but our lives have been in danger. I am the father of two sons and a daughter. Airplanes loaded with bombs pass over. It's as simple as that."

In past years, three Puerto Rican governors have resisted DoD overtures to buy the island outright, citing a provision of the Commonwealth's Constitution that no municipality could be dissolved without approval by its own people in a referendum. On 26 March, the Puerto Rican Senate passed a unanimous resolution asking President Nixon to "re-examine the Navy's activities in Culebra for the purpose of assuring the residents . . . peace, order, free movement, and development of economic interests." Since, the Culebran issue has been widely publicized. Feature articles have appeared in the *Miami Herald* (2 April), the *San Juan Star* (4 April, 17 May), *Life* (10 April), and the *New York Times* (15 April).

President Nixon on 14 April directed staff assistant Hugh W. Sloan, jr, to write Mayor Feliciano, informing him that the Defense Department "is reviewing restrictions imposed."

On 24 April, Culebrans won a partial victory, but a questionable destiny. RAdm Alfred R. Matter announced an alternative Navy plan at a press conference in San Juan. (The Navy never consulted with Mayor Feliciano or the citizens of Culebra in developing the plan, nor were they invited to the press conference at which it was announced.)

Instead of outright purchase of the entire island, the plan would return to the Culebrans 10 miles of beach and coastline, along with 680 acres of land near the town of Dewey (named for the naval hero) for use as homesites, recreational areas, and a medical dispensary. (Earlier, the Navy had refused to turn over two acres of unused land so that Culebrans could build a hospital for which the people—only half of whom have jobs—had already raised the money.)

But the Navy still proposed to lease, and later to buy by right of eminent domain, a new parcel of 2,350 acres covering the eastern one-third of Culebra. Since the western third of the island is an impact area and safety zone for naval ship-to-shore gunnery training, Culebran families centered in the town of Dewey felt they would be "strangled." Shells would still explode $2\frac{1}{2}$ miles to their west, and bombing/missile runs would intensify $3\frac{1}{2}$ miles to their east. The Navy told the Journal that the bombardment operations would climb from about 5,000 sorties in FY 69 to over 9,000 sorties this year.

Governor Luis Ferre—who reportedly had not set foot on Culebra since 1943—greeted the revised Navy plan with enthusiasm. He said it would pave the way for the turnover to his Commonwealth of other Navy-owned land in Puerto Rico, at Fort Buchanan and Isla Grande. (He did not say, but The JOURNAL learned, that other Navy lands on the north central coast of Vieques might also be freed.) Governor Ferre said that the Navy's new Culebran plan would "substantially improve the living conditions of residents on this island" and that it revealed a "new attitude" on the Navy's part which would probably lead to better relations in the future between the Navy and residents of Culebra.

But on 15 May, the Puerto Rican Senate voted, with only one dissenting vote, to back the Culebran islanders in opposition to the Navy plan. (In the Puerto Rican Senate, Governor Ferre's party is in the minority.) On 21 May, the Senate's minority leader indicated that he would go to Washington to testify on behalf of the Culebrans. Although Governor Ferre has been careful not to take a strong public position, it is now clear that bipartisan support is coming together throughout the Commonwealth of Puerto Rico for the Culebrans. Governor Ferre made it clear to The JOURNAL on 22 May that he would give serious study to other alternatives and would get the Navy to work with him so that peace and calm could return to Culebra.

At JOURNAL presstime, however, the Navy proposal still stood. It was submitted to Congress 30 April as a routine, $1\frac{3}{4}$-page FY 70 real estate acquisition request. But the House Armed Services Committee will give the islanders a chance to make their feelings known early next week.

Their feelings are clear. Earlier this month, 304 families of 313 polled voted to back Mayor Feliciano's request that the Navy leave Culebra. Unless the House Armed Services Committee specifically disapproves the Navy request, they could still lose: condemnation proceedings could begin the day after the mouse makes its roar heard in Congress.

Culebra Act II: House Panel Reschedules Hearings; Navy Still Adamant on Need for Targets

(By Ben Schemmer and Bruce Cossaboom)

The Navy apparently intends to turn a deaf ear to the mouse that roared—the tiny Puerto Rican island of Culebra.

Navy officials this week told Puerto Rico's Resident Commissioner in Washington, Jorge Cordova, they have no intention of abandoning their missile target range activities on the island, despite recent shore-shelling incidents and misfires on the island.

Cordova, who sits as a non-voting member of the House Armed Services Committee, met this week with Assistant Secretary of the Navy (I&L) Frank Sanders and SecNav Civilian Special Assistant (on Culebra) Joseph A. Grimes, jr.

Cordova told Sanders of his conviction (and that of the island's political leaders) that the Navy should cease use of Culebra as a target area—much less expand it, as the Navy now proposes in an action pending before the House Armed Services Real Estate Subcommittee.

Cordova told The Journal he was informed the Navy "could not accede" to this request.

The Navy is now investigating the firing incidents (Journal, 23/26 May) and told Cordova that, after studying its findings, it would try to insure that there would be no repetition of the near misses.

Cordova had suggested to the Navy that it extend his investigation beyond the shelling incidents to the whole question of the use of the island. He said the Navy should find other uses for its property on the island, and consider abandoning it altogether as a target area.

The Navy says it needs Culebra as a target range and that the "incidents don't change the picture," Cordova told The Journal.

Meanwhile, a Real Estate Subcommittee hearing on the Navy's proposal to expand bombardment activities on the island—originally scheduled for 1 June but postponed after a public furor broke over the island—has been rescheduled for 10 June.

Two days after a 23/26 May Journal Commentary suggested that "Congress should give the Culebrans time for the Navy to catch up on its reading," Representative Charles E. Bennett (D-Fla) announced on 28 May that his panel would postpone hearings on the Navy's 30 April request to lease—and later to buy—a new, 2,350-acre safety zone on the 7,000-acre island for Walleye and other guided-missiles.

Bennett's original postponement action apparently stemmed in part from news that mortar rounds fired without warning on 22 May toward a beach on which Culebran children were swimming—on a day when no firing operations were scheduled—caused the yacht on which Governor Luis Ferre was leaving the island to change course after its pilot heard the rounds.

Ironically, Ferre's visit to Culebra was his first there since 1962—and he had just been briefed by the Navy on ship-to-shore bombardment and aerial bombing exercises on and near the island. The incident happened within an hour or so after The Journal interviewed the governor on Culebra.

Ferre got his briefing from the Navy at the very observation post from which the mortar rounds were later fired. A Navy officer at Roosevelt Roads called them "marking rounds" without much explosive.

Bennett said, "Before conducting hearings on any new plans for the island, I want to first get a report from the Navy Inspector General, who has been asked to look into this most recent incident. I then plan to ask my Subcommittee to conduct its own investigation."

The Subcommittee staff declined to state whether Congressman Bennett or the Navy initiated action to postpone the hearings.

Governor Ferre told The Journal in Washington earlier this week that he does not expect to testify personally at the hearings. But he said, "Every measure must be taken to protect the lives and tranquility of the Culebrans" and that he supports Jorge Cordova's efforts. He said the Navy may be re-examining an alternative target area, the island of Desecheo, about 20 n.m. from Ramey AFB on Puerto Rico's northwest corner.

(The Journal was in error last week when we said that Governor Ferre had suggested, when interviewed on Culebra 22 May, another possible alternative, an island called "Box of the Dead," only six miles from his home town. That alternative was mentioned by a Navy official in the area. Governor

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Ferre did cite the other island target alternatives mentioned in the 23/26 May issue.)

Ferre has been cautious in recent weeks, commending the Navy for its revised April 24 proposal to return to the Culebrans about 680 acres of land in and around the harbor of Dewey, but not endorsing Navy plans for a new 3,250-acre easement on the island's eastern tip.

Bi-partisan support on behalf of the Culebrans, who now want the Navy to quit shooting at their island altogether, has been mounting.

Cordova announced on May 28 in San Juan that he would testify against Navy plans to continue, much less expand, range activities on the island. Heretofore, he has been relatively non-committal on the issue.

Also in Puerto Rico, the Commonwealth's Senate minority leader, number two man in Governor Ferre's own party, on May 26 made public his position that the Navy should stop using Culebra as a target. The next day, the Senate's majority leader announced that he, too, opposed the Navy's continued use of the island.

DOT, WHITE HOUSE INTEREST?

The Journal also learned that at least three senior members of the White House staff have begun looking into the Culebran issue. So, apparently, has Senator Edward Brooke (R-Mass.). Brooke's interest reportedly stems from a conversation he had with Transportation Secretary (and former Massachusetts governor) John Volpe, shortly after Volpe read page proofs of The Journal's 23/26 May Culebra Commentary while he was flying back to the U.S. on May 25 from a brief weekend respite on St. Thomas, 10 miles east of Culebra.

Governor Volpe told The Journal that he was unaware of but would look into allegations of near misses between commercial and general aviation aircraft flying into Culebra and St. Thomas and Navy aircraft engaged in bombing and gunnery operations on the range near Culebra.

Senator Sam Ervin's Subcommittee on Constitutional Rights may also look into the Culebran problem. (Ervin is also a member of the Senate Armed Services Committee.) Previous Supeme Court rulings indicate that restrictions imposed on the islanders' free access to and from their island may violate their rights under the Fifth Amendment. The restrictions stem from a 1941 Executive Order (#8684) which prohibits anyone from entering or leaving the island, or the airspace about it, without explicit prior Navy permission. One such Supreme Court ruling cited similar restrictions imposed on U.S. Japanese citizens impounded on the west coast during WWII and said: "We allowed the government in time of war to exclude citizens from their homes and restrict their freedom of movement only on a showing of the greatest imminent danger to the public safety—[But] the nation was then at war. No such condition presently exists."

A related report (Number 940) filed by the Committee on Naval Affairs, 2nd Session, 64th Congress, said that powers which Congress gave to the President under 18 U.S.C. 96—the authority cited for the 1941 Executive Order on Culebra—to establish defensive sea areas for purposes of national defense "is valid only in times of actual or threatened war."

The President has exercised the expropriation powers under 18 U.S.C. 96 on some 26 different occasions, designating defensive sea areas in Chesapeake Bay (Executive Order #2898), in the Los Angeles-Long Beach Harbor area (#8970), and in New York Harbor (#8978). But all of these designations have since been expressly revoked. Currently, there are only about 10 such defensive sea areas still in effect: besides Culebra, the areas affected include Pearl Harbor, Guam, Honolulu, and Whittier, Alaska.

Some of the Constitutional issues in question include:

Whether the unusual restrictions imposed on the Culebrans—who are U.S. citizens with representation but no vote in Congress—represent a curtailment of their liberty of movement to such an extent as to be prohibited under the Fifth Amendment;

Whether enforcement of the 1941 Executive Order represents a taking of property without prior compensation and without the due process of law also spelled out in the Fifth Amendment; and

Whether Congress specifically intended under 18 U.S.C. 96 for the President to create *permanent* defensive sea frontiers which would remain in force even when a state of actual or threatened war no longer existed.

Culebrans have said they decided to ask the Navy to withdraw entirely from the island after bombardment operations were intensified earlier this year. But CINCLANTFLT spokesmen told the Journal that there has been negligible, if any, change in the pattern or intensity of operations over 1969. On Friday, 22 May, a blackboard in the Navy's observation post on Culebra showed that to date this year, 17,680 target runs had been carried out, compared with a total of 37,500 in all of 1969. The same blackboard showed that in 1969 rockets were fired on 228 days, strafing was conducted 114 days, air-to-ground missiles were fired on 13 days, aerial mines were emplaced on 42 days, and naval gunfire practice was conducted on 123 days. The Navy states that it needs additional land on Culebra because operations will intensify in the future.

When asked by The Journal why they remained quiet for so long about Navy bombardment operations on their island, several Culebrans stated that their previous mayors just "weren't interested" in the issue.

Cordova, in Washington before his meeting with Navy officials, told the Journal that the Navy's investigation came about as a result of the incidents, his request and those of others, and the Journal Commentary.

Cordova called The Journal publicity "more helpful" than anything else he could cite.

CULEBRA, INTERMISSION—THE TARGET SHOOTS BACK—CULEBRANS TESTIFY AT HASC REAL ESTATE SUBCOMMITTEE HEARINGS

(By Clare Lewis and Bruce Cossaboom)

Hearings on the Navy's plans for Culebra were scheduled to begin on Wednesday, 10 June—just as this issue went to press.

In a statement prepared for presentation before the House Armed Services Committee's Real Estate Subcommittee, attorney Richard D. Copaken, counsel for the Municipality of Culebra, said his focus would be twofold:

"1. Is there an acceptable alternative for the Navy training mission now carried out on the Island of Culebra and its neighboring cays?

"2. To whom is the Navy proposal a matter of grave concern? . . ."

In describing his early conversations with Joseph A. Grimes, jr, Special Civilian Assistant to SecNav John Chafee, Copaken says: "I learned that the Navy assumed that only land speculators were dissatisfied with the present level and proposed level of Navy training operations on Culebra and its neighboring cays. Mr. Grimes conceded that his assumption that the vast majority of Culebrans were content with the Navy's present operations and proposal was based on questionable sources of information that are second-hand at best. I explained to Mr. Grimes that Covington & Burling [Copaken's law firm] had an identity of interest with the Navy in ascertaining whether the Navy assumptions were accurate because if they were, Covington & Burling would be obliged to withdraw."

Copaken says, in his statement, that he urged Grimes to check out the situation for himself—to go to Culebra and talk with the islanders, adding that "'Mr. Grimes refused to undertake this inquiry."

In an effort to determine the true sentiments of the majority of Culebrans, Copaken says, his firm sent Thomas C. Jones, Jr., another attorney, to the island.

Jones, in his statement, details the thoroughness with which he attempted to objectify his survey, beginning with his announcement to the crowd gathered at the airport upon his arrival that he "wanted to interview anyone interested in expressing his opinion about the general subject of the relationship between the United States Navy and the Island of Culebra."

In response to his invitation, Jones says, "A large crowd gathered outside the Town Hall and people lined up patiently to be interviewed."

Not satisfied with this approach, and fearing that he might be seeing "only the vocal persons," he extended his interviews to stopping persons at random on the street and interviewing them "in the nearest shady place," and began going house-to-house.

SEARCH FOR OBJECTIVITY

Jones' surveying practices seem to present a model of objectivity: "I attempted in every manner I could conceive of to guarantee that the results of the survey would reflect an accurate and impartial impression of the attitudes of the people of Culebra. Indeed, because the results that I was obtaining showed virtually unanimous opposition to the Navy proposal, I searched out four of the Navy's five, six, or seven employees (the number of Navy employees seems to vary between five and seven and even Admiral Ward was unable to give us the precise number) in order to see whether there was some hidden reservoir of support of the Navy that I had been unable to uncover myself. However, even the Navy employees admitted to me that there was virtually no one in Culebra who supported or would benefit from the Navy plan. Thus, I am personally convinced that if there is any error in the results of my survey it is an error which would tend to exaggerate the support for the Navy proposal rather than the opposition to it."

As a check on his findings, Jones says, he announced the results of his survey to an open town meeting of "approximately 150 Culebrans," explaining how the results had been obtained, and inviting comment and/or criticism. "Not a single complaint was voiced," he adds.

The lopsided results are, in Jones' words, "clear and unequivocal statistics." Of the Culebrans he interviewed, 95% opposed the Navy plan, and approximately 75% wanted the Navy to leave the island altogether.

"'Thus," he concluded, "Mr. Grimes' assertion was completely erroneous, as is any decision which relies on such an assumption."

Having established the Culebrans' attitudes toward the Navy, Jones' statement goes on to detail the effect on the islanders of the Navy's attitudes toward the Culebrans.

"The sketch of the life of a Culebran shows a people who have been abused by the Navy in a particularly devastating and to me unexplainable sense," Jones says. "I refer to the fact that the Navy's warning system with regard to its bombardment and shelling schedules has been absolutely unreliable. Every single fisherman with whom I spoke on this subject said that he had had to flee or turn back as a result of unannounced weapons activity. This inexcusable neglect has clearly added greatly to the anxiety and outright fear which is so apparent."

Culebra's Mayor Ramon Feliciano has come to Washington to testify at the hearings, as the next step in his efforts to improve the quality of life for the Culebrans. According to a statement prepared in conjunction with his testimony before the Subcommittee, "The

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constant shelling and the occurrence of accidents which the Navy has denied instilled fear and desperation in the citizens to the extent of fearing for their lives and demanding that the Navy abandon Culebra and leave the Culebrans to live in peace."

WHITE HOUSE DISINTEREST?

Mayor Feliciano has been working toward that end for some time, now. His private letter campaign to enlist Executive Branch support—if not direct intervention—on behalf of Culebra did not meet with much success, although he apparently escalated it from SecNav to the White House itself.

On 19 February, Frank P. Sanders, Assistant SecNav (I&L), replied to Feliciano "on behalf of President Nixon" that the position of the U.S. Government is that Executive Order No. 8684 "must remain in force" and that the pending court action made it "inappropriate to comment further at this time."

"Thank you for expressing your feelings on this subject to the President," Sanders told Feliciano.

Apparently Feliciano had the feeling he hadn't gotten through. On 26 March, the White House received both a telegram and a letter.

On 14 April, another letter to Feliciano "on behalf of the President" arrived but this time from Hugh W. Sloan, Jr., Staff Assistant to the President.

Sloan reiterated the Navy position, essentially, and advised Feliciano that DoD "is reviewing the restrictions imposed by the naval operations to ensure that the civilian inhabitants are allowed a maximum freedom of movement, consistent with safety."

Sloan expressed regret that a personal appointment with the President requested by the Mayor could not be granted, but added "thank you for corresponding with the President."

BIRDLIFE THREATENED?

As the Culebrans' protests reached the U.S. mainland, the Department of Interior apparently began to wonder what effect all this Navy activity was having on its sanctuaries in the area.

Concerned by possible damage to nesting birds at national wildlife refuges on Culebra Island (but mainly on the adjacent small cays) the Department of Interior (Bureau of Sports Fisheries and Wildlife) sent the Chief of its Division of Wildlife Refuges, Robert Scott, and other staff members to Culebra last month to make an on-the-spot reconnaissance of Culebra Island and adjacent cays to determine means for providing greater protection for migratory birds.

Scott told the Journal that his trip produced no "specifics" about injuries or deaths that may have been suffered by birdlife on the island as a result of naval bombardments.

A Navy official indicated, however, that these small islands—never before considered to be prime targets—now face an uncertain future on this score.

They have had an uncertain past as well, according to Culebrans: In May 1968 the Navy launched a massive coordinated air strike against Twin Rocks, one of the bird refuges. "It sounded as if the world were coming to an end," said one of the Culebrans. Thousands of nesting marine birds were killed, said islanders who visited the refuge the next day.

Scott said no one had told him of this incident.

Scott explained that, as a result of his trip and Interior Department concern over the refuges—a concern not previously evidenced, apparently engendered by the current publicity—Interior and Navy have set about working out a "memo of agreement," a joint understanding for modifying and improving present wildlife management practices there.

Scott said nothing had been formalized on this, but it would probably involve having the Navy avoid using the refuges as targets during certain crucial nesting periods or targeting parts of the refuge which Interior had determined to be free of the nests.

Scott cites as a precedent for establishing peaceful Navy Interior coexistence between bull's-eyes and nest eggs on the same island a joint management agreement that now prevails on "No Man's Island" off the coast of Massachusetts.

This agreement maintains the goals of both agencies, Scott said, and he sees nothing "mutually exclusive" about having birds and bombs on the same islands.

Scott explained that in 1909 Theodore Roosevelt dedicated the cays off Culebra and other small outlying islands as national wildlife refuges "superimposed on a prior right" of Naval use.

The only concern on Culebra itself, Scott told The Journal, is for a colony of nesting sooty terns in the northwest impact area.

Scott said the refuges themselves are located on the offshore islands, but that the "exact status of the ownership of the offshore islands is not clear to us."

Scott said the Department's realty people have been instructed to answer the question: "Who owns what?"

Scott said some of the islands are known not to be public property at all, but leased. North Cay, for example, one of the larger offshore islands, was reportedly leased by the Navy from a single individual owner.

There are no wildlife refuges on it, the Navy said, "just someone running some goats."

LAND VALUES VS. HUMAN VALUES

Attorney Thomas Jones apparently has no doubt that at least a portion of the problem is land value. But his investigations have led him to conclude that it is not the "speculators" the Navy points its finger at who are the culprits, but rather the Navy itself. As he says in his statement:

"There is no mystery in the strong opposition of the people of Culebra to the Navy plan. The plan is widely believed to be the penultimate step in the Navy's desire to obtain the entire island; a high-ranking Puerto Rican government official told us that the Navy has wanted to resettle the Culebrans at least since 1960.

"This date corresponds to the time when the Navy began slowly to intensify its military training maneuvers. This intensification reached the point where last year—1969—the Culebra target system was in use day and night for an average of 9½ hours per day from Monday through Saturday and 3½ hours on Sunday. An even greater intensification is planned for this year. The effect of this intensification, naturally enough, has been to decrease the value of the land which the Navy will have to pay for if it acquires additional land. . . .

"Thus, the sketch of a Culebran is the portrait of a man who feels that his present way of life is imminently threatened, a man who feels forced by his sense of self-preservation to cry out."

THE STAGE IS SET

The stage is set for the third—but possibly not the final—act in the Culebra story.

Senator Edward W. Brooke (R-Mass)—who has expressed concern over the Navy's proposal for Culebra—told The Journal that Senate Armed Services Committee Chairman John C. Stennis (D-Miss) has agreed to place a 30-day "hold" on any further Navy plan.

"There is a possibility that hearings may also be held in the Senate at a later date," Brooke told The Journal. The law requires a report to both committees on any proposed real estate action. How thoroughly the background of a given transaction should be explored is at the discretion of each committee. Sources close to SASC told The Journal there are no present plans to hold a Culebra hearing.

MORE HILL CONCERN?

Aside from the Armed Services Committee itself, at least one other member of the House has become involved in the Culebra matter: Representative James Symington (D-Mo) received questions on Culebra from one of his constituents, a Mr. Daniel Kohl, relative to property interests there, but also expressing concern, Symington's office told The Journal, about "a small group of people being exploited."

Feeling that "some important issues are involved," Symington requested—and received—information (based on plans as of 11 May) on the Navy's plans for use of the Atlantic Fleet Weapons Range.

Important issues *are* involved, and important questions being asked. Once again, Congress is faced with a matter of priorities—and it's up to the Navy to explain why its priorities should come first. All the Culebrans want is their own island back.

Culebra, Act III: Navy Asked to Zero in on Facts; Committee May Go See for Itself

(By Bruce Cossaboom and Ben Schemmer)

A missile of goodwill from the Congress will impact on the embattled island of Culebra in the very near future.

Representative Charles E. Bennett (D-Fla), Chairman of the House Armed Services Real Estate Subcommittee, which is considering the Navy's proposal to acquire more target safety zone land on the Puerto Rican island of Culebra, told The Journal he and possibly other members of the Subcommittee would make a personal visit to the island either this past weekend (at Journal presstime) or this coming weekend.

Bennett said he had been invited by the Culebrans to make the trip and that he was accommodating this request and going "simply to see things on the spot"—to measure the psychological impact of the Navy's proposal on the islanders.

The announcement came about a week after a protracted and often difficult but illuminating hearing on the Navy's twin proposals—to acquire 2,350 acres of land for target practice expansion and to dispose of 680 acres on the southern coastline near Dewey.

A parade of nearly a score of Culebran and Puerto Rican witnesses urged the Subcommittee—sometimes emotionally, sometimes with logic, at times with deference, occasionally antagonistically—to reject the Navy's proposal. The islanders now want the Navy to leave altogether.

The Navy literally stuck by its guns, arguing that Culebra is an indispensable link in the Vieques/Culebra/Roosevelt Roads target complex of the Atlantic Fleet Weapons Range, and that its studies have demonstrated conclusively that nothing comparable is available in the Atlantic Ocean. "Why should we leave?" a high Navy official asked The Journal.

The Culebrans, meanwhile, have filed with the Supreme Court a petition for a writ of certiorari, asking the nation's highest tribunal to invalidate the Executive Order which they claim has virtually strangled their economy at a time when there is no war, actual or threatened.

At the hearing, the possibility of White House involvement in the final decision was raised by Chairman Bennett. The Journal has learned that senior aides at the White House have already taken a keen interest in the controversy, although it has not been formally presented to them (except in letters from Culebrans).

Meanwhile, at Journal presstime, Navy Secretary John Chafee's office confirmed that no request by the Culebrans for a personal meeting with the Secretary has been received by the SecNav's office, although Secretary Chafee is reported to be following the case closely.

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Washington attorneys for the municipality of Culebra have been critical of the fact that there has been no face-to-face confrontation between Secretary Chafee and the Culebrans.

A decision to call upon the Commander-in-Chief to be the ultimate arbiter of Culebra's dispute with the Navy—a dispute perhaps now regarded as too hot a political potato for Congress to decide alone—would not be inappropriate.

THAT "FUNNY VALENTINE"

After all, the problem for the Culebrans began in the White House when the late President Franklin D. Roosevelt, on 14 February 1941, signed Executive Order No. 8684—establishing the Culebra Island Naval Defense Sea Area and Culebra Island Naval Air Space Reservation—shutting off air and sea passage into or out of the island except with Navy permission.

It is true that, at the start of the hearings, the Navy announced it was, for the first time, establishing an unrestricted-access sea corridor off the southern tip of the island. But this was seen by some as "nickel and dime relief," especially since many Culebrans regularly violate the requirement to obtain Navy permission by coming and going at will.

The Culebrans want no more interim relief. They want the order rolled back, and/or the Navy to cease use of the island for firing.

"I personally believe this is of such magnitude," Bennett said at the hearing, "that . . . the White House itself ought to be involved in it to a degree. And therefore, I think at the moment that at least an offer to the White House to become involved in this decision is a wise course for the Committee to take.

"We will submit the evidence to whoever will look at it in the White House," Bennett said, "and discuss it with the highest level of our government and try to see if they can resolve it in some manner."

Bennett said also that a Subcommittee review of the Navy's study of possible alternatives to Culebra should occur "before any final decision . . . to see if the White House wants to be involved in it."

The Journal has learned, meanwhile, that certain parties in the White House have already involved themselves in the Culebran problem and that an earlier disposition in some quarters to let the Navy resolve the matter itself has given way to a more involved stance.

WHITE HOUSE OFFER A FEINT?

Sources close to the Culebran protesters, however, tell the Journal they feel Bennett's offer is no more than a procedural feint to allow the Navy to ride out this storm.

They feel the White House position will be simply to let it rest with the Navy and not deal with it "until a crisis arises" (such as a fatal firing incident on the island), or until it become politically embarrassing for the President to continue ignoring it.

There are already the incipient beginnings of a partisan tinge to the Culebran issue, with the interest being taken in the affair by Senator Edward M. Kennedy (D-Mass) and other Senators on the Hill. (There is presumably no partisan angle to the already expressed concern of Republican Senator Edward Brooke, also of Massachusetts.)

Kennedy has recently requested SecNav John Chafee himself to investigate and report on alternative uninhabited sites which would serve Naval training purposes and would permit the return of the entire island to the Commonwealth of Puerto Rico.

Whatever some may allege is the reason for the White House suggestion, a sincere commitment to his duties lies behind Bennett's trip to Culebra. At the hearing, one of the witnesses had expressed the hope that the Chairman would "go there when they are not shooting."

Bennett said he appreciated the invitation, but added, "I am not a traveling Congressman"—a remark he tempered by saying, "If it seems helpful to go there, I would go there."

Despite the witness' warning about not going while shooting is in progress, Bennett told The Journal that he and his colleagues hope to view a demonstration of target shooting while there, and to spend time in Dewey talking with inhabitants and officials.

In a related vein, when Culebra's Mayor Ramon Feliciano told the Subcommittee he and his friends were happy to be in Washington to answer questions, a newsman quipped it was because it was "safer" than their homeland.

THE COURSES OPEN

What courses of action are open to the White House, should it decide to become involved?

It could endorse the Navy's plan wholeheartedly and urge congressional approval. It could advise the Navy to withdraw its acquistion request and intensify its efforts to find possible site alternates.

And, although it seems unlikely at the moment, a stronger course of action could be followed.

If he felt such a course were indicated, the President has the authority to modify the Executive Order even further than the Navy has already done, or revoke it altogether, or issue a new one to take care of the Culebran situation.

But the Culebrans are looking to all three branches of the federal government for help and have gone to the Supreme Court, raising some of the constitutional points:

Whether the unusual restrictions imposed on the Culebrans represent a curtailment (not similarly imposed on known Communists, for example) of their liberty of movement to such an extent as to be prohibited under the Fifth Amendment.

Whether enforcement of the 1941 Executive Order (and whether it should still be considered constitutional—another point at issue) represents a taking of property without prior compensation and without the due process of law, also spelled out in the Fifth Amendment.

The U.S. First Circuit Court of Appeals has already rebuffed the Culebrans in a decision handed down 11 March. But they have now asked the Supreme Court to take the case on a writ of certiorari. No word had come at Journal presstime on Supreme Court acceptance or rejection.

WARTIME MEASURES IN PEACETIME?

The Culebrans' attorneys have told the Supreme Court that the "issues raised by the existence and enforcement of defensive sea area orders against civilians in time of peace are of continuing importance and should be decided by this Court."

"The power to create defensive sea areas both in war time and peace time is constitutional," the Appeals panel has ruled, "and the enforcement of Executive Order 8684 does not constitute either a taking of property without compensation or constitute an unconstitutional restriction of personal liberty . . . .

"In fact," the Court maintained at another point in its decision—indicating perhaps how strongly held its views were—"as long as Puerto Rico remains a part of the U.S., it would probably be unconstitutional for Congress to allow Puerto Rico any say whatever over maritime regulations involving national defense."

Title 18 of the U.S. Code, Section 96, gave the President statutory authority to establish defensive sea areas in both wartime and peacetime, and the President has not abused his discretion in continuing in effect Executive Order No. 8684.

The Court said the government selected the "least drastic means of achieving the congressional objective of safeguarding the national security of the U.S. In any event, this Court cannot and will not, under these circumstances, substitute its judgment for that of the Executive Branch in a matter of this nature."

Legal sources close to the Culebrans concede that it is a "long shot" that the Supreme Court will even agree to review the complaints, much less substitute its judgment for that of the lower court.

They say that if the Executive Order were to be invalidated (or the statute in question be deemed unconstitutional), this would certainly prove a "fatal blow to Navy operations" on Culebra, for it would permit fishing all around the perimeter.

Apparently the unique feature of the Culebrans' case—to the Supreme Court, the President, or whatever legal figure would be disposed to aid them—is the unarguable contention that FDR's "funny valentine" places the residents, as their argument before the appeals body put it, "in a 'legal cocoon,' the penetration of which is subject to the exclusive and unappealable discretion of the controlling military authorities."

Or, as they framed the "question" at another point: "Whether the Executive Branch has statutory authority to maintain on the basis of an executive order issued during World War II, the seas surrounding an entire island inhabited by U.S. citizens as a defensive sea area from which all persons are excluded except as the military permits."

So it would seem that the Culebrans' best avenue for relief would be, not the Navy, the Congress, or the Supreme Court, but the White House.

It is the President whom they must convince that they need their island more than the Navy—even their country—does.

The President may have to weigh in the executive scales two most stubborn quantities—the sentimental patrimony claims (assuming the Court denial of constitutional rights) of a group of people who are truly, in a legally realistic sense, second-class citizens, and the Navy's strategic weapons testing needs in a time every bit as perilous as 1941.

A HOLE IN THE COCOON

The hearings got off to an auspicious start when Assistant SecNav Frank Sanders (Installations and Logistics) announced that the Navy was boring a hole in Culebra's legal cocoon by establishing a free-access sea lane to Dewey and the harbor through which boats may pass without checking with the Navy.

"Additional relaxation of controls consistent with safety may be possible and the Navy will welcome suggestions from the people of Culebra," Sanders said. (For the rest of Sanders' statement, see full text.)

Sanders was followed by a parade of witnesses from Culebra and Puerto Rico (and two Washington lawyers whose statements were quoted in last week's Journal), who detailed in many ways the bad effects they say the shelling has had on the economy and the people of the island.

Chairman Bennett conducted the hearings with the aplomb of a prosecuting attorney for both sides. His seemingly antagonistic stance toward the Culebrans' position the first day—followed the next by incisive and acerbic, almost tongue-in-cheek probing of the Navy's rationale for having all its target practice "just so," came as no surprise to anyone who could see he was playing the devil's advocate role to the hilt.

He constantly reminded the Culebrans that other people in the United States have been forced to give up cherished homeland property and freedom of movement in the name of national defense or to accommodate the irresistible force of eminent military domain.

Bennett said there are several states in which a large percentage of the total land

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area is owned by the federal government. He noted that the area for many military reservations has come from land previously owned by private citizens and that people are prohibited from trespassing on many areas. (At least 25 signs on Culebra warn the people: "Propiedad federal, Prohibido el paso." "Federal property. No trespassing.")

In Bennett's home district of Jacksonville, for example (geographically, the largest city in the United States), there are 36,700 acres of Naval installations out of a total of 497,280 acres.

One shore community, Mayport, is now nearly encircled and is much smaller than its original size, Bennett told the Culebrans.

Bennett noted that their objection that Navy planes overfly Culebra with loaded weapons is "not a unique one" and that he did not "know of many cities in the U.S. over which dozens of planes, with loaded weapons, do not fly daily." A bombing range is used by Navy pilots near Jacksonville, but only practice, not live, ammo is dropped over the city.

Bennett asked Culebra Mayor Ramon Feliciano if he were "familiar" with the fact that there are bombing ranges and live ammo fired on many other areas in the United States—very populous areas not too far away, in some cases.

DIFFERENT ORDER OF MAGNITUDE

Richard Copaken, of the Washington law firm of Covington and Burling, which is representing the Culebrans, observed that when you "have naval gunnery fire and bombing and strafing in close proximity to this very small area it is a different order of magnitude of difficulty than larger spread-out areas of the U.S. It is the proximity that I think represents the grave danger and the sense of fear of the Culebrans."

Bennett conceded that the accidents that have occurred "can give rise to this emotional feeling that maybe if it was a Navy officer's child, it wouldn't happen.

"I can understand when you have only small population it becomes more disturbing psychologically because you have nothing else to divert you; there is nothing else happening of any great disturbing nature."

Bennett questioned the Navy closely on the matter of alternatives (see also "If Not Culebra, What?"), and whether floating targets could be used, or rake stations on ships.

Bennett raised the possibility at one point of putting rake stations on ships offshore "which would be trained therefore in operations of this type to their advantage. . . . If we get into combat off some foreign shore we are not going to have all kinds of OP stations on the land," he observed.

"We are not training on a foreign shore," Admiral Moore objected.

NAME OF GAME IS COMBAT TRAIN

"No, I am talking about combat," Bennett rejoined. "After all, the whole thing is to train for combat. So if we get off a foreign nation that we are belligerent with, we are not going to have any OPs sitting around there on land, and so why wouldn't it be a good thing to train people in observing this type of thing?"

"We do train shore gunfire control parties," Captain George W. Gaienne replied. "We also have aircraft spotters to assist. But in the air-to-ground ordnance, observing from a ship introduces another variable, the position of the ship with respect to the target, which makes your plotting of the fall much less precise."

"Well," Bennett answered, "since that is exactly what we need in time of combat, I am not real sold on that sentence in the Admiral's statement."

Here are excerpts from the statements made by the Culebrans or on their behalf:

Jorge L. Cordova, Resident Commissioner in Washington: "Either Culebra's inhabitants are evacuated so that the Navy can use it for its weapons range, or the Navy foregoes using Culebra as a target area. . . . And even the Navy has now been convinced that it should not insist on the evacuation of Culebra.

"The Atlantic Fleet needs a target. It needs some place where intensive firing can be conducted seven days a week. . . . This place is clearly not Martha's Vineyard, nor Nantucket, nor Sea Island. It is equally clear to me that it must not be Culebra."

Fernando Chardon, Secretary of State of the Commonwealth of Puerto Rico: "If, in the opinion of this Committee—which has access to information not available to us—the security of our nation were at stake if the Navy were to eliminate or curtail its present activities in Culebra and move all or the more objectionable targets somewhere else, then our government would reassess its position, since we feel, as United States citizens, that national defense should have top priority. If, on the other hand, it is proven to the satisfaction of this Committee that the requirements of national defense can be satisfied otherwise, then our administration feels that the Navy should entirely eliminate all its activities in Culebra."

Rafael Hernandez Colon, President of the Senate of Puerto Rico: "This prestigious journal [Armed Forces Journal, 23/26 May] made the comment, 'Our hearts are with the United States Navy, but not about Culebra.' This is the basic position of almost everyone who will address this committee."

Dr. Hernan Padila, Majority Leader of the Puerto Rican House of Representatives: "For more than thirty years the people of Culebra have borne more than their share of the burden of national defense than that borne by American citizens elsewhere."

Anastasio Soto, fisherman, President of the Committee for the Rescue of Culebra: "If this [the Navy's plan] happens, a community of American citizens living in their country in time of peace will be treated like enemies in time of war."

J. Gonzalez, largest businessman on the island: "Since the Navy announced its plan to take more land, business has decreased because even fewer people come to Culebra and building has stopped entirely."

Representative Benny Frankie Cerezo, member of the House of Representatives of Puerto Rico: "Why has such a small island raised such a big issue? . . . Culebra is a symbol of the fight of the humble masses against the military-industrial complex. . . . The Culebra issue is an American one. . . . We are not Vietnamese. We are not Cambodians. We are American citizens. The design of Pentagonism in Culebra cannot triumph."

Jackie Santos, counsel for the Committee for the Rescue of Culebra: "The Navy should make clear to Congress and to the nation its ultimate goals in Culebra, To lease under present conditions is the same as taking the land for the price of a leasehold."

Ruben Berrios Martinez, President of the Puerto Rican Independence Party and Professor of International Law in the University Law School, Rio Piedras, Puerto Rico: "It is impossible to discuss the Culebra affair without understanding and recognizing the colonial status of Puerto Rico . . . the impotence of the Puerto Rican government to deal with the United States Navy from a position of equality."

Sixto Colon Robinson, injured by a gunpowder accident in 1958: "Many Culebrans with potential suits against the Navy, never file any claims because they do not know their rights, nor do they know how to go about filing such claims, and, finally, because there is a belief that the Navy never loses."

Carmelo Feliciano, grade school teacher on the island: "Unlike children in the mainland of Puerto Rico and in the United States, the students in Culebra must attend school in a state of fear and anxiety that does not permit them to function in a normal way."

Claro Feliciano, farmer: "We live in constant danger of being killed while working in our farms. There are many unexploded bombs and shells in private farms."

Ramon Feliciano, Mayor of Culebra: "The Navy must leave Culebra in peace and abandon its intention of continuing to use us as a target so that our Puerto Rican people and the American nation can proclaim that our country is indeed the true protector of democracy."

Joseph Grimes, Special Assistant to SecNav in charge of Culebra, noted at the start of his statement that "Culebra is a political issue in the Commonwealth of Puerto Rico—and one of delicate sensitivity."

The excerpts from the statements above attest to a contrary conclusion, as did Commissioner Cordova, who told Grimes, "It was perhaps an issue. It is no longer an issue. The Navy has been quite successful in uniting Puerto Rico, which was otherwise divided and is still divided politically on many other issues, but not on Culebra."

CULEBRA: ACT III, SCENE 2—NO ISLAND ALTERNATIVE?

HONOLULU FIRM OFFERS TO BID ON BUILDING ONE

(By Bruce Cossaboom)

The Culebran Cauldron cooled down to a simmer this week, but at least four new developments bubbled up in the case of Culebra vs. the U.S. Navy:

(1) A large construction firm which enlarged Pacific islands for the Navy during WWII told the Journal it would be glad to undertake a feasibility study for building an artificial island alternative to Culebra as part of the Atlantic Fleet Weapons Range—if Congress asks it to.

(2) Branded "absolutely unfounded" by Jorge L. Cordova, Puerto Rican Resident Commissioner in Washington—and dismissed by the Navy with a "no comment"—was a *San Juan Star* story citing unattributed "Washington reports" that the Navy and the Puerto Rican government have already arrived at a settlement of the Culebra dispute behind closed doors.

(3) House Armed Services Real Estate Subcommittee Chairman Charles E. Bennett (D-Fla) and at least three other members of his seven-man panel were preparing at Journal presstime, to fly to Culebra for an on-the-spot inspection tour. (Bennett's Subcommittee is currently considering the Navy's acquisition request for additional acreage on Culebra to enlarge existing safety zones for planned expansion of firing range activities.)

(4) A Naval Research official who had been quoted by Richard Copaken (Washington attorney for the municipality of Culebra) during the Subcommittee hearings as saying that floating platforms—another suggested target alternative—are "clearly within the state of the art," now tells the Journal he was quoted somewhat out of context and that "The concept of large floating stable platforms (needed for the Navy's target practice) is fraught with technological problems." This official projected deployment of such a device as falling within the 1985–90 time frame.

ISLAND-BUILDER CONFIDENT

Dillingham Land Corporation of Honolulu (together with Ocean Industries, one of its subsidiaries), a large and diversified land builder and developer, says it feels it could build an island the Navy could use as a target range near Roosevelt Roads if the proper conditions and requirements were met.

"It appears that there are some areas near Culebra where we could do it," company officials told The JOURNAL, "but it would need intensive study. We'd be willing to do a detailed study if the Committee wanted us to," they said, adding that the company would provide its brochure for the Subcommittee's consideration in evaluating possible alternatives.

Dillingham officials said they would be glad to meet with the Navy, take soundings in the Culebra area, try to find suitable shallow banks or rock outcroppings that could be used as a base, and provide a quick answer at reasonable cost.

"We have built islands before," firm officials observed, citing a 75-acre island which the company built (at a cost of $4-million) in the Bahamas to support facilities for the mining of calcium carbonate.

From 1949 to 1946 the company sponsored a partnership of builders which constructed all naval military installations in the Pacific. "For this project," officials noted, "we took many islands that were too small and made them larger, such as Canton Island."

The firm was awarded the Navy "E" for excellence. It claims to have more "island-building experience" than anyone else, with operations in both the Pacific and the Atlantic.

More recently (1956–58) the company rebuilt Midway Island to lengthen the airstrip there, and built a port/airfield facility at Sattahip, Thailand.

Other company officials conceded, however, that the firm has had no mountain-building experience—and the Navy insists that any man-made targets must incorporate contours and relief similar to the features found on Culebra and other real islands.

Copaken introduced the subject of artificial islands in response to the Navy's repeated assertions that there are no natural islands which it regards as viable alternatives.

Navy officials told the House Armed Services Real Estate Subcommittee that, after studying a list of a score or more possible sites, they concluded that there is no alternative to Culebra.

Navy officials told the Journal that Atlantic alternatives from Newfoundland to the Gulf Coast and the Canal Zone had been checked out and "every logical island in the Caribbean examined," but not one of them fits Admiral Moore's six ground rules as does Culebra. ("This area is unique," Admiral Moore said of the Roosevelt Roads/Vieques/Culebra complex. "It fits our desires precisely.")

But Representative Charles E. Bennett (D-Fla), Subcommittee Chairman, apparently regarded unsupported conclusions as inadequate testimony, and asked the Navy to provide the Committee with the detailed documentation of its "no other alternative" position.

After considerable questioning on the subject, Bennett and other Subcommittee members indicated they felt the Navy should go back and study some more.

Bennett gave the Navy its choice between detailing the strong points and weak points of other areas at another adjourned meeting (which Bennett says now is not likely to be held) or to present them administratively with members of the staff. Navy officials at CINCLANTFLT Headquarters said they could not provide The Journal with this information before it is given to Congress.

Navy officials told The Journal that if the House panel rejects their request for approval of the Acquisition Report, they have, in effect, no contingency plan ready to go into operation.

"If the Navy directed you to use another target instead of Culebra," The Journal asked at CINCLANTFLT, "which would you use? What would be the next four or five best places?"

In the event of an adverse ruling, officials said, the Navy would have to "sit down and do some homework, some serious consideration." Alternatives—"As far as we're concerned, there are none." Loss of Culebra, officials said, "would have a significant impact on the training of the Atlantic Fleet."

(Officials also told The Journal the Navy opposes any rearangement of the target complex, any shift in target utilization, any greater increase in the density of operations in target complexes other than Culebra because this would "increase the safety hazard to Navy personnel." As a matter of fact, the casualty ratio of Navymen to Culebrans killed in accidents is ten to one right now.)

Navy officials also said that the idea of floating platforms as targets, although under study by Navy R&D, has not been keyed in specifically in conjunction with Culebra.

SOME OTHER POSSIBILITIES

Here are some of the other Caribbean island possibilities, as discussed during the hearings and in conversations between The Journal and Navy official, with the Navy's assessment as to why they are unsuitable as alternatives.

NORTH CAY

A large island off the Northwest coast of Culebra. It would be "unsafe for a bombing target," the Navy told The Journal, because its necessary safety zone would extend closer to Dewey than the zone radiating from the present targets on Culebrita Island.

MONA ISLAND

A virtually uninhabited island, owned by Puerto Rico, on the other side of the mainland from Roosevelt Roads. It would take a period of years, the Navy said, to set up the necessary surveillance radar installed as on the complex. Its location in the international shipping lanes of Mona Passage would raise questions of international law.

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This island "does not afford two vantage points from which to determine the fall of a shot precisely."

The Navy and Marine Corps already use the island's eastern 2¾ miles for naval gunfire support/aerial close support targets, the next three miles inland for a Marine landing/maneuver area, and Vieques' western end for an inert naval ammo depot. The possibility of moving the depot to Culebra, the Marine maneuver area to the western end of Vieques, and the new targets and expanded safety zones for Walleye to the freed area on the east coast would be unworkable, the Navy told The Journal. The reason: the beaches to which it is proposed to move the Marine manuever area are not suitable for amphibious training, the Marines say.

DESECHEO

An island south of Mona, "worse" than Mona in the drawbacks it presents as an alternative, the Navy said.

EAST PALOMINOS

This island doesn't have enough land mass, the Navy says, lacks suitable air space, and is in a shipping area.

LUIS PENA CAY

This island off the coast of Culebra is already used as a rake station and is too close to Dewey.

The Navy stressed that any alternative would "have to be out of the shipping lanes . . . have to have the proper population density . . . have to be out of air travel lanes."

To move to some other island complex altogether would necessitate the transplantation of the Roosevelt Roads base. Bennett told Navy spokesmen he felt they should "come back and give us intensive research about that general pattern where you could still use Roosevelt Roads."

But if some are still interested in finding an alternate target to replace Culebra in the Atlantic Fleet Weapons Range, others claim that a behind-the-scenes alternative may already have been arrived at.

The *San Juan Star* cites anonymous "Washington reports" to give currency to rumors that the government of Puerto Rico (specifically Governor Luis Ferre) has made an "agreement" or a "deal" with President Nixon, SecNav John Chafee, and Henry Kissinger, the President's adviser on national security, whereby the Navy would make some concessions to the Culebrans, but would continue its operations on the island essentially unaltered.

Commissioner Cordova emphatically denied this report and said that Governor Ferre—though known to be a good friend of the President, socially and politically, and said to have been a heavy campaign contributor in the 1960 election—has not yet talked to the President personally about the Culebran issue.

But this non-visit is actually a sore point for some Culebrans, who insist that Ferre should draw on his political assets in an attempt to exert leverage on the Commander-In-Chief.

Puerto Rican Senate President Rafael Hernandez Colon—a member of the opposing political party—said at a news conference after his return from Washington (as reported in the same *Star* story) that the solution of the Culebra-Navy controversy depends upon the pressures Ferre exerts on the White House on behalf of the island.

CULEBRA: ACT III, SCENE 3—BENNETT PAYS 'TRIBUTE' TO PRESS FOR ITS CULEBRA COVERAGE

(By Bruce Cossaboom)

> "No other Americans [in a similar land-taking situation] have ever been given so much attention." *Representative Charles E. Bennett (D-Fla.), Chairman, House Armed Services Real Estate Subcommittee*

A congressional panel has returned from an on-the-spot visit to Culebra with basically the same devil's advocate stance it showed before—not impressed that the Culebrans' case warrants the unique, press-inspired consideration it is said to be getting, but not very convinced, on the other hand, that the Navy really can't find some other target.

Members of the House Armed Services Real Estate Subcommittee, headed by Representative Charles E. Bennett (D-Fla.), returned to Washington last Sunday after a three-day inspection trip to the embattled Puerto Rican island of Culebra, part of the Navy's Atlantic Fleet Weapons Range.

The panel has under advisement a Navy real estate acquisition proposal to take additional land on the small island to use for safety zones for proposed expanded missile activity. The Culebrans are not only opposing this proposal (which came as a substitute for taking the whole island, a plan the Navy earlier backed down on); they now want the Navy to case using the island as a target altogether.

Bennett told The Journal shortly after his return from Culebra that the Subcommittee will probably hold one final hearing to have the Navy explain its objections to other island alternatives.

Bennett also said that the case of Culebra would not stand where it does today if it had not been blown out of all proportion by: (1) the news media; (2) potential tourist developers on Culebra; and (3) far left political groups in Puerto Rico.

Bennett said the panel told the Navy that "even if they have to go to great inconvenience and expense," they should not rule out any "alternative on pure dollars and economic" but should determine whether they can come up with a comparable target. But "that's not clear" at the present, Bennett said.

The Navy thinks it has already exhausted the possibilities: this was made clear in testimony before the House panel on 11 June and in various Journal interviews with Navy officials in Washington and at CINCLANTFLT Headquarters in Norfolk. But the House panel wants to *see* the studies—and what results from the panel's "damn the expense" directive. No specific date has been set for the next hearing, Bennett said.

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The panel wants the Navy to answer these questions, Bennett said:

(1) If you feel you can't move elsewhere, why not?

(2) If you can move elsewhere, what will it cost and how much inconvenience is involved?

"We are leaning over backwards in this case," Bennett told The Journal. "I hope we can solve the problems" for both sides in the dispute.

Bennett said he and other Subcommittee members who made the trip held "very extensive consultations—not hearings—with the people" on two separate visits to the island, went to nearby Vieques, flew over most of the suggested island alternatives in the Caribbean (including Mona Island) and the islets off Culebra itself, and were present on the island during what they were told was supposed to be a typical firing—with as much firing as they usually do."

Presumably, Bennett was playing his typical "devil's advocate" role while talking with The Journal about his visit to Culebra. (By one informed reports, this was the *first* time he has ever traveled on Armed Services Committee matters: Bennett has made it clear that he does not enjoy traveling, and his visit to Culebra is a good measure of his determination to give the islanders a full and impartial hearing.)

Asked his impression of the noise level and intensity which the islanders experience—and which he experienced that day—Bennett told The Journal that the actual firing is not as frequent as it would sound from Culebrans' reports to Congress, since much of the time is taken up in studying and plotting the actual shots before and after firing.

"I can understand the problem," Bennett conceded, "but the noise is just barely discernible if you are carrying on a conversation. You have to remain quiet to hear it."

(His statement contrasts with those of islanders who claimed before the House panel on 10 June that the noise is more frequent and more nervewracking, keeps children awake at night, interferes with thier health and education, and—according to Culebra's only doctor—causes an "extraordinary presence of nervous disorders.")

Bennett noted that the Culebrans' problem of land takeover is "not nearly as acute as many places on the U.S. mainland." (When asked for a specific example, however, of one of those "places," much less for a place where firing on a mainland U.S. target creates a comparable problem, Bennett said he did not have time to provide one offhand.)

JACKSONVILLE WORSE OFF?

He did say that more people are being displaced for a new post office in his home city of Jacksonville than live on the entire island of Culebra.

Bennett claimed that the Culebrans are getting much more attention than people in comparable situations usually get. Every national park and urban renewal acquisition involves the same thing, he said, but these property owners get far less publicity.

"No other Americans have ever been given so much attention" (in this kind of situation), he observed.

Bennett complained, indeed that the Culebra case has become "unlike most taking of lands." He said it would probably be no different than other property takeovers except for at least three factors:

(1) The exciting confrontation of the dramatic, beautiful little Caribbean island at war with the U.S. Navy—getting widespread publicity through the "wonderful news media." (If the press had similarly gone to bat for those dispossessed by Everglades National Park, Bennett suggested, there might never have been a park there.)

(2) Pressures for development of high-rise apartments for a tourist attraction—reference to such a possibility was made in some of the Culebrans' own testimony and stressed by Bennett at that time as incompatible with the island's idyllic image. (Bennett may have purposefully overlooked, in a typical devil's advocate role, that on 10 June Culebra's Mayor Ramon Feliciano said he would "have no objection to a directive" from the House Subcommittee "to turn Culebra into a National Park, thereby eliminating" any possible doubt about land speculations. The President of the Puerto Rican Senate assured the House Subcommittee that the Commonwealth's Senate would back Mayor Feliciano on such an offer.)

(3) The existence in Puerto Rico of the *Independistas*, a very "left-wing" (perhaps Communistic, Bennett suggested) splinter party "which seizes on any awkwardness in the government's position" to promote its own causes.

Bennett may have been overstating the case purposefully; during the 10 June hearings before his Subcommittee, leaders from virtually every political party on Puerto Rico testified on behalf of the Culebrans.

When SecNav Special Assistant Joseph A. Grimes, jr., opened his testimony the next day by saying, "Culebra is a political issue in the Commonwealth of Puerto Rico," he was corrected sharply (but politely) by Resident Commissioner Jorge L. Cordova. As Cordova (a non-voting member of the House Armed Services Committee) noted, "Culebra . . . *was* perhaps an issue. It is no longer an issue. The Navy has been quite successful in uniting Puerto Rico, which was otherwise divided and [which] is still divided on many *other* issues; but *not* on Culebra."

Bennett said none of the Culebrans with whom he talked had any positive remarks to make about what the Navy has tried to do in an effort to improve relations with the islanders—including the opening of a free-access sealane in the formerly completely restricted perimeter. (The Navy's Commander Caribbean Sea Frontier appointed a Navy captain to be his "personal representative for community affairs" on Culebra and for Vieques on or about 11 June. Possibly, not enough time has elapsed for this officer's work to take effect. One problem may be that, as of the last report, the Navy still did not have a Spanish-speaking officer on Culebra.)

As an example of the over-exaggerations which Bennett said may have been made in the attempt to describe the harmful effects of the shelling, Bennett cited the case of a species of parrot which is said to have been killed off as a direct result of the shelling. He noted that the bird had been "extinct for a long time." (See box on "The Ecology of Culebra.")

Bennett said that, beyond the resolution of the controversy with the Navy, the island's long-range future is likely to be one of rather rural, undeveloped status, since it is not very large and will never have a very substantial population.

He compared Culebra to the larger, nearby islands of Vieques, which has hospitals, industries, high schools—none of which could Culebra sustain, even if the Navy left the island entirely.

If their land is taken or condemned (there is no mention of "condemnation" in the Navy's current acquisition report before the Committee), "every penny the people have in it will be paid to them," Bennett stressed.

CULEBRANS GATHER SENATORIAL SUPPORT

Another Senator has enlisted on the side of the Culebrans in their battle with the Navy as the rhetorical bombardemnt shifts to the Senate side of Capitol Hill.

While the House Armed Services Real Estate Subcommittee awaits the Navy's presentation of its study of alternatives to Culebra as a part of the Atlantic Fleet Weapons Range, some new voices are joining the chorus of those in House and Senate who have spoken out on behalf of the Culebrans.

Both Massachusetts Senators, Edward Brooke (R) and Edward Kennedy (D), have expressed concern about the matter.

Now New York's junior Republican Senator, Charles E. Goodell, has held a New York City press conference with Puerto Rican leaders (from both the U.S. and the Commonwealth), in which he issued a strongly pro-Culebra statement.

He publicly called on the Senate Armed Services Committee to hold hearings on the Culebra affair.

Goodell also announced formation of a nationally based Save Culebra Committee, made up of Culebran and Puerto Rican leaders in New York and any national dignitaries who might wish to lend their names to the cause.

Goodell's office said one of the functions of the new popular-action group will be to develop "facts on the bad effects of the shelling of the island."

Juan Feliciano, the brother of Culebran Mayor Ramon Feliciano, will be a member of the SCC.

For the past month or so, Goodell's office told The Journal, the Senator has been working "quietly" on behalf of the Culebrans, meeting with Puerto Rican Governor Luis Ferre and other Puerto Rican leaders.

Goodell is said to have "exerted pressure" on the White House, the Navy, and the House Armed Services Committee, but finally decided to bring the mater out into the open, after it became clear to him that "all these options seem to be closed, with the Senate the only path left."

"ALL DOORS SLAMMED"

"Since all of the doors have been slammed in the face of the Culebrans," Goodell said at the New York meeting, "I have suggested that the Senate Armed Services Committee begin an investigation of the Culebra issue and of the Administration's handling of it."

Goodell's office told The Journal that among the Administration witnesses the Senator hopes would be called are Henry Kissinger (the President's National Security Adviser), SecNav John Chafee, and Assistant Secretary of the Navy (I&L) Frank Sanders.

Goodell stressed that he still hoped some good would come from the House Armed Services Real Estate Subcommittee's consideration of the Navy's land acquisition proposal and from Senator Henry Jackson's request to the Navy for a "full report" on the Culebran situation.

But "neither that Subcommittee nor the Navy is disposed to act favorably on the rights of Culebrans," Goodell added.

Goodell's New York speech dwelled on the economic, educational, and ecological consequences of the Navy's shelling on Culebra, and on the Navy's—now abandoned—original plan to take over the entire island.

FULBRIGHT SPEAKING OUT?

Meanwhile, Senator William Fulbright (D-Ark.) reportedly was ready at Journal presstime to make a pro-Culebra speech on the Senate floor. He earlier had written the Navy expressing his concern about the issue and asking supplementary information. He was expected to include the Navy's reply in his floor statement.

And, in a related development, Representative Shirley Chisholm (D-NY) hosted on Tuesday, 7 July, a "caucus" of Congressmen who have now expressed active interest in the Culebra issue. Staff members for seven Senators and six Representatives showed up, in addition to Congresswoman Chisholm herself and Puerto Rico's Commissioner Jorge Cordova, a non-voting member of the House. The meeting was reportedly intended to take an inventory of who was taking what actions, with a view toward further discussions of new initiatives that should be taken on behalf of the Culebrans.

On the Senate side, staffers attended from the offices of Senators Edward W. Brooke (R-Mass), J. W. Fulbright (D-Ark), Charles E. Goodell (R-NY), Henry M. Jackson (D-Wash), Jacob K. Javits (R-NY), Edward M. Kennedy (D-Mass), and Hugh Scott (R-Pa).

Members of the House who were represented included six New York Democrats (A. K. Lowenstein, Mrs. Chisholm, R. L. Ottinger, Ben S. Rosenthal, W. F. Ryan, and J. H. Scheuer) and C. A. Vanik (D-Ohio).

Meanwhile, as reported in last week's Journal, Senator Henry M. Jackson, Chairman of the Interior and Insular Affairs Committee and a senior member of the Armed Services Committee, has asked the Navy for a "full report" on Culebra, but had not received an answer at Journal presstime.

Jackson has also reportedly agreed to let Jorge L. Cordova, Puerto Rico's Resident Commissioner, personally air the Culebrans' case before his Armed Services Military Construction Subcommittee.

The office of Senator Brooke told The Journal (4 July) that Armed Services Committee Chairman John C. Stennis (D-Miss) has now placed an indefinite "hold" (it had been for 30 days) on any Navy action on Culebra until the issue has been resolved "satisfactorily."

Presumably, this means that the Navy's 30 April real estate acquisition request—now pending before the House Armed Services Real Estate Subcommittee headed by Representative Charles E. Bennett (D-Fla)—cannot be acted upon without a counterpart affirmation from the Senate panel.

Culebrans may thus have a second "court of last resort" if the House panel approves the Navy's proposal.—Bruce Cossaboom

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[From the Armed Forces Journal, July 18, 1970]

Culebra Hearings Reconvene With Host of Questions at Issue

(By Ben Schemmer and Bruce Cossaboom)

Governor Luis Ferre of Puerto Rico, who had been expected momentarily to shed his ambivalent neutrality on the Navy's request to expand its Culebran bombardment range, apparently plans to remain silent until House Armed Services Subcommittee hearings have run their course. Ferre was expected last week to announce that the future of Culebra is "not negotiable" and to ask the Navy to leave the island entirely.

High Administration and several congressional sources told the Journal such a stand by Ferre would have a decisive impact in rallying White House support for the Culebrans. (Ferre reportedly was one of the largest single contributors to President Richard Nixon's 1960 campaign and is said personally to have raised substantial contributions for the President's successful 1968 bid. Ferre also told the Journal weeks ago that he is a close personal friend of Defense Secretary Melvin Laird—but Laird has yet to comment on the Culebra issue.)

Puerto Rico's Resident Commissioner in Washington, Jorge Cordova, told The Journal that he had strongly urged the Governor on Friday, 10 July—when Ferre returned from a trip to Japan and Southeast Asia—to speak out publicly on behalf of the Culebrans. Cordova said he and Ferre had discussed the Culebran issue twice that day. He expressed "surprise" that Ferre had not made the expected statement at a major news conference which Ferre held upon his return to Puerto Rico last Saturday. Cordova expressed his "disappointment" when told that The Journal had been advised at presstime that no new statement would be made by Ferre until hearings before the House Armed Services Real Estate Subcommittee had "run their course."

Ferre's ambivalence on Culebra has been of concern to the islanders and has puzzled officials in Washington, since the Culebra issue has united virtually every political faction in the Commonwealth. Observers here suggest that Governor Ferre stands to lose any political benefits he could rally by speaking out on behalf of the Culebrans if he defers such a stand too long—particularly in view of revelations (Journal 11 July) that he was privy, in late 1968, to details of an agreement made between the Navy and the previous administration on Puerto Rico whereby the Navy would take over the entire island and have the Culebrans resettled. Ferre (and others in his administration who were briefed by the outgoing administration and by the Navy) never advised the Culebrans that such a deal had been made.

DISCUSSIONS "CONFIDENTIAL"

When asked early this week about his part in that agreement, SecNav Special Assistant for Culebra Joseph A. Grimes, jr., would say only, "All of my discussions with the Commonwealth of Puerto Rico have been on a confidential basis . . . We have not divulged anything publicly about those meetings." Grimes admitted, however, that he had met with Governor Ferre and with Commissioner Cordova shortly after Grimes assumed his current Pentagon post in February 1969. He denied that CINCLANTFLT Admiral Ephraim Holmes was present at any meetings with Cordova or Puerto Rican officials, as had been alleged by Cordova in a Journal interview (4 July) when he spelled out the deal on Culebra allegedly agreed to by previous governors of Puerto Rico.

Ferre's new stand on behalf of the Culebran municipality was expected to coincide with resumption of hearings on the Navy's real estate acquisition request for a new easement on the eastern third of Culebra. But Ferre's office told The Journal no such statement should be expected. Dr. Roland Perusse, Special Assistant to the Governor, told The Journal that Ferre felt "it was necessary for the Navy to guarantee the peace, welfare, and happiness of the people on the island, whatever solution is arrived at or taken into consideration." But Perusse also said that Ferre wants to see "the HASC hearings run their course before he intercedes."

The Navy acquisition request is now pending before the House Armed Services Real Estate Subcommittee. At Journal presstime, the subcommittee was to reopen its Culebra hearings on Friday, 17 July.

One of the Subcommittee's major purposes is to have the Navy explain in detail its analyses of possible alternatives for the Culebran bombardment and gunnery range. When the Navy gave the Subcommittee on 11 June a summary of those alternatives, Committee Chairman Charles E. Bennett (D-Fla) cut the Navy off and asked Navy witnesses to do more homework and to return prepared to answer specifics they were unable to discuss at that time. For instance, the Navy had ruled out as an alternative target site the island of Mona, midway between Puerto Rico and Cuba, in part because there was no radar equipment for command and control of the ship and aerial bombardment training. But Navy witnesses were unable then to offer any figures on the cost involved or time needed to set up the required radar and telemetry network. The Subcommittee also asked the Navy to take a new and thorough look at the possibility of using artificial or floating islands as targets, and of using Navy ships for the rake (spotting) stations to score its gunnery/bombing exercises.

SENATOR JACKSON GETS NO NEW DOPE

Navy officials have been unwilling to discuss the results of any such analyses prior to making the data available to the House Armed Services Subcommittee. But no mention whatever of artificial or floating island alternatives was made in the Navy's 7 July reply to Senator Henry M. Jackson (D-Wash) request of 19 June for a full report on the Navy's use of and plans for Culebra. The Navy's reply, signed by Assistant Navy Secretary (I&L) Frank Sanders and made available to The Journal by Senator Jackson's office, provides virtually no new insight on the Culebra issue.

The Navy's reply to Senator Jackson dismissed five nearby alternative target sites on the following grounds:

OTHER ISLANDS CONSIDERED

Mona Island

"1. The island lies in the middle of Mona Passage, a major international waterway with an average daily ship count of 17 ships within a 50 mile radius of the island. The United States is presently engaged in preliminary international negotiations with respect to extending territorial waters from 3 to 12 miles. Fundamental to the U.S. position is that the straits of the world will be left as high seas. Any U.S. proposal to restrict Mona Passage might adversely affect the U.S. negotiating position.

"2. There is a lack of reserved air space since the area is traversed by three international airways with Mona Island a major intersection for reporting purposes.

"3. Western Puerto Rico does not have a command and control facility comparable to that of Roosevelt Roads in the east, therefore, adequate air/surface surveillance and warning is not possible.

"4. The flat topography would make difficult the installation of adequate spotting facilities and profile trackers."

Isla Desecheo

"1. Located 27 miles northeastward of Mona Island and 12 miles westward of Punta Higuera, Desecheo is a small island a mile in diameter. Since it is in the Mona Passage, the same undesirable international waterway aspects associated with Mona Island are present here.

"2. As with Mona Island the lack of reserved air space and command and control facilities is also present.

"3. The size of the island is not sufficient to locate spotting facilities and profile trackers.

"4. The U.S. Department of Health, Education and Welfare and the Puerto Rico Medical School have an agreement for joint use of the island for study purposes."

Isla Palominos

"1. This small privately owned island is located in the Fajardo Roadstead only 6800 yards from the mainland of Puerto Rico. The area is a major recreational waterway and includes a commercial marina on Isla Marina, 750 yards from the mainland. The footprints of the inert Walleye missile fired at Isla Palominos would fall within 500 yards of this marina.

"2. The island does not contain sufficient land mass (1100 x 500 yards) for a target impact area.

"3. There is a lack of suitable reserved air space which will become more severe with the completion of the planned Fajardo commercial airport."

Caya Lobos

"1. This privately owned island is located in the Fajardo Roadstead 5300 yards from the mainland in the same recreational waterway as Isla Palominos. It is a tourist area and contains a small aircraft landing strip.

"2. The footprints of an inert Walleye missile would fall within 300 yards of the mainland and would include Cayo Icacos.

"3. The land mass (600 x 300 yards) is insufficient for a target impact area."

Isla Caja de Muertos

"1. This island is 5 miles off the south central coast of Puerto Rico mainland and 7 miles from the city of Ponce, a major shipping port and center of the sugar refining industry.

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"2. There are no command and control facilities to provide surveillance and warning.

"3. The land mass of the island (1½ x ½ miles) is insufficient to locate spotting stations and profile trackers. Additional land in the vicinity would be required."

OTHER DEVELOPMENTS

Other developments have been breaking fast on the Culebra issue:

The New York Times in a lead editorial of 10 July asked: "Can anyone really believe that the only suitable target area in the entire Atlantic Ocean for testing a new generation of guided missiles and glide bombs is a 7,000-acre island off Puerto Rico which 726 Americans call home? . . . It would be a salutary example of what one likes to think the United States is all about if the mightiest Navy in the world now decided on its own to weigh anchor and go elsewhere to explode its new arsenal, leaving 726 islanders in peace and quiet."

The Washington Post in an editorial of 14 July said: "It is time that high level attention be paid to the controversy over Culebra. . . . Repercussions from this use of an inhabited island as a target have spread far beyond Culebra itself. Many Puerto Ricans see in it evidence of a general lack of sensitivity in Washington to commonwealth problems . . . relations between Washington and San Juan are enormously influential in our dealings with the rest of Latin America. Even though the Navy finds Culebra a convenient area for training operations, we simply cannot afford as a nation to get into the posture of putting bombs ahead of people."

A new York film company has shot 10 hours of documentary film on Culebra, including scenes of Navy ships firing against the island (reportedly, the Navy had denied such permission to CBS and NBC news), and plans to distill this footage into a one-hour documentary in time for the HASC hearings and for sale to a nationwide TV network.

WHITE HOUSE INTERESTED?

White House interest in the Culebran issue peaked on July when Presidential Counselor Bryce Harlow visited Puerto Rico for a "routine" Independence Day ceremony. Commissioner Jorge Cordova told the Journal he discussed the Culebra issue then with Harlow (who also serves as Chairman of the White House Excess Property Committee) for 15 to 30 minutes. Cordova said Harlow apparently had not been aware of the Culebra problem "other than as a newspaper or magazine reader." Cordova said also he had not heard from any White House official since (or before) about the Culebra problem—notwithstanding the fact that on 11 June HASC Subcommittee Chairman Charles E. Bennett (D-Fla.) said: "The White House itself ought to be involved . . . at least an offer to the White House to become involved in this decision is a wise course of action for the committee to take. . . . We will submit the evidence to whomever will look at it in the White House and discuss it with the highest level of our government and try to see if they can resolve it in some manner. . . . This is government in the open."

[From the Armed Forces Journal,
July 25, 1970]

NAVY CALLS CULEBRA "IRREPLACEABLE"— LAIRD SAYS REEVALUATE

(By Bruce Cossaboom)

The fate of Culebra is still up in the air, as the House Armed Services Real Estate Subcommittee has held its last public hearing on the Navy's study of possible alternatives to Culebra as the "keystone" of the Atlantic Fleet Weapons range.

Subcommittee Chairman Charles E. Bennett (D-Fla.)—at its conclusion—announced that the panel "will have an adjourned meeting at some later date to resolve what we will do about this thing."

But it appears that the hearts of the Subcommittee are with the Navy.

The members did not seriously question at the hearing the Navy's contention that Culebra is "irreplaceable" and that it had investigated "every conceivable alternative" and found none which could be acceptable.

Chairman Bennett did say: "There are just many places in the U.S. where people make sacrifices much greater than the people of Culebra are being asked to make. They should not be asked to make these sacrifices unless the Navy really does need this for the national defense of our country."

And: "It still remains if the Navy really doesn't need this range, the Navy shouldn't have it. And that is the thing we have to decide. We have to decide whether the Navy needs it or not."

The Navy seeks to acquire a new nonhabitation easement on Culebra's eastern trip for safety zones—an easement which would leave about one-third of their island for the Culebrans' use.

If the Subcommittee makes its decision on the basis of the evidence submitted by the Navy at the hearings, it could hardly rule against the Navy.

The adversary proceeding atmosphere which characterized Chairman Bennett's confrontation with both Culebrans and Navy officials at the 10-11 June hearings changed dramatically in the second-round hearing 17 July.

The devil's advocate sounded more like the witness' coach.

THE NAVY'S STATEMENTS

The witness, Joseph A. Grimes, Jr., Special Assistant to the Secretary of the Navy, brought two different statements to the hearing. He read the shorter one—a six-page general discussion of why the Navy needs an Atlantic Range, why the range is located where it is, and why Culebra is an essential part of that range—in open session.

The longer statement—11 pages going into a little more detail on four major alternatives (and dismissing all the rest of the hundreds of islands in the nearby Caribbean basin as "too small" or "too far")—was not read at all by Grimes but was distributed to the Subcommittee members at the start of the hearing. The Journal obtained a copy afterward.

But based on either statement, there was remarkably little questioning on the alternatives by Subcommittee members.

Grimes discussed briefly why Mona, Desecheo, Isla Caja de Muertos, Isla Palominas, Cayo Lobos, and Vieques do not fit the bill—ground that had already been sketchily covered at the first hearing. Nor was Grimes' statement much of an expansion of the "full report" asked of the Navy and received by Senator Henry Jackson (D-Wash) (Journal 18 July).

OVERKILL ON AN ALTERNATIVE

The only new alternative raised and given any attention in the questioning—Virgin Gorda—was tossed out at the outset of the questioning by Chairman Bennett, who noted that it had been suggested by a Journal reader.

Chairman Bennett and witness Grimes teamed up for the better part of five minutes to rule out the Virgin Gorda proposal (some 10 separate objections were raised against it) with much the same data printed in The Journal 18 July ('Journal Alternative Won't Hack It') and already given to Bennett by The Journal.

THE ANSWERS HAVE VARIED

Puerto Rico's Resident Commissioner Jorge Cordova—a nonvoting member of the Subcommittee—did press the Navy for replies to questions asked repeatedly and never more than cursorily answered.

At one point, questioning Grimes, Cordova remarked: "The answers . . . have varied from time to time, Mr. Grimes, that is why I want to clear it up." The remark was specifically addressed to the size of the bombs being dropped in the area and whether they were "live" bombs, but it could equally appropriately have been applied to most of the subjects covered.

Apparently SecDef Melvin Laird hasn't been satisfied with the Navy's answers, either. *The San Juan Star* has quoted Governor Luis Ferre's announcement of a telephone conversation he had with Laird: "The Secretary of Defense personally assured me today [15 July] that because of my efforts he has ordered Naval authorities to make an immediate re-evaluation of the Culebra situation." Ferre said Laird had promised to call him upon completion of the study, expected in about a week's time. No announcement of the second call had been made as of Journal presstime.

On another tack, Commissioner Cordova developed an illuminating comparison of the Atlantic and Pacific Fleet Weapons Ranges, with the Pacific range clearly, in Mr. Grimes' estimation, coming in second-best. Apparently no island—or, at least, no *available* island—in the Pacific range offers the "ideal" features the Navy desires on Culebra, and the Navy has had to "make do" with less (a course they reject for the Atlantic range).

THE VIEQUES TRADE-OFF

Grimes' longer statement for the record ruled out one early proposal for an alternative to the expanding Culebra Walleye range simply by misstating it. Puerto Rico Governor Luis Ferre suggested to The Journal on Culebra (23/26 May) that, since the Navy and Marine Corps already use Vieques' eastern 2¾ miles for naval gunfire targets, the next three miles inland for a Marine landing/maneuver area, and Vieques' *western* end for an inert naval ammo depot, the Navy might move the Vieques ammo dump to Culebra, the Marine maneuver area to the *western* end of Vieques, and use the freed area on Vieques' eastern tip for its new Walleye targets.

A CINCLNTFLT spokesman later told The Journal that the big objection to this trade-off is that the western end of Vieques doesn't have beaches as suitable as those on the island's eastern tip for marine amphibious training.

But Grimes ruled out the Vieques alternative by erroneously restating the proposal. He said: "The eastern end of Vieques has been mentioned as an alternative Walleye target. It has also been suggested that the other targets in the air-to-ground target sub-area to the east of Culebra be moved to the eastern end of Vieques. What these suggestions fail to recognize is that the *eastern* end of Vieques is already one of the three air-to-ground target sub-areas in the Culebra/Vieques complex. Furthermore, the Vieques impact area is more restricted than the two sub-areas near Culebra because safety regulations do not permit simultaneous amphibious landings, artillery fire and air-to-ground ordnance delivery unless these operations are part of a coordinated exercise."

No mention whatever was made of the Vieques-Culebra switch as it was spelled out by Governor Ferre.

THREE KEY ISSUES

The hearing also failed to produce any discussion—much less answers—on three key issues raised by The Journal 18 July:

(1) Where will the Atlantic fleet fire new guided missiles and glide bombs whose "footprints" are larger than the Walleye's or Hobo's—i.e. missiles which cannot be fired on the Culebrita target complex within the Navy's proposed new safety easement on Culebra?

(2) Could the Navy use the targets required for these larger-footprint weapons for the Walleye and Hobo glide bomb training now planned for Culebrita—thus obviating the need for new safety easements on Culebra's eastern peninsula?

(3) Where would the Navy, under its Culebra contingency plan, conduct Atlantic Fleet gunnery and air-to-ground training in the event that Congress or the Supreme Court precludes continued use of—or expanded operations on—Culebra? How much would Atlantic Fleet training really be degraded using such contingency targets, and what would the resulting inefficiency cost, both in dollars and in fleet readiness?

But the biggest unanswered question of all involved something brought up at the first hearing, but never mentioned at the second.

The Subcommittee in early June had asked the Navy to take a new and thorough look at the possibility of using artificial or floating islands as targets, and of using Navy ships for the rake (spotting) stations to score its gunnery/bombing exercises.

An "island builder" offered—by telegram sent at Bennett's suggestion late last week to Navy Secretary John Chafee—to make a feasibility study for an artificial island in the general vicinity of Roosevelt Roads with the necessary mass and contours.

At one point in the 17 July hearing, Grimes made Culebra sound so important as the keystone of the Atlantic Fleet Weapons Range that if it didn't exist it would have to be invented.

But the possibility of "inventing" artificial islands or floating targets and rake stations simply wasn't addressed.

In closing the hearings, Bennett castigated the press, calling much of what has been written about Culebra "distressing" and "inaccurate." Bennett has said he feels the charges against the Navy were not substantiated by what he personally experienced on his visit to Culebra, when the Navy provided him with an opportunity to observe the effects of their firings.

But Commissioner Cordova summed up his feelings on that subject in one last statement before adjournment: "I'm not at all satisfied that on our own short trip to Culebra we received any idea of what may go on there when Culebra is being used as a weapons range. . . . I am far from persuaded from what little we saw and heard that the complaints are necessarily unfounded. I fear that we just didn't have the opportunity to hear what actually goes on."

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. GOODELL. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. I, too, commend the Senator from New York on what he has done. As I understand, he is offering an amendment to the pending bill; is that correct?

Mr. GOODELL. Yes. I am introducing an amendment today, to be printed. I am not calling it up at this time, because Senator JACKSON's subcommittee is investigating the matter, and hopefully will be able to persuade the Navy without our passage of this legislation to remove themselves from the island of Culebra.

Mr. PROXMIRE. The thrust of the amendment is that it would remove the Navy from that area, and stop the kind of firing which, as I understand, has resulted in enormous damage to the Culebrans' property and in some deaths; is that correct?

Mr. GOODELL. That is correct. It is not just the thrust; the amendment would prohibit the use of the island of Culebra for either sea or air bombardment purposes or practices by the Navy.

I might say not only have some individuals been killed, but in early June, the Governor of Puerto Rico, Mr. Ferre, was out in his boat nearby, and almost got hit by one of the Navy shells, which landed right near his boat.

I am sure that brought home to the Governor of Puerto Rico rather dramatically the need for some change in this situation. He has been in the forefront of those who are trying to work this thing out and get the island of Culebra given back to the Puerto Rican people and the Culebrans.

These are American citizens, I might point out, whom we are firing around and about.

Mr. PROXMIRE. I congratulate the Senator from New York. It is shocking and scandalous that any human beings, certainly not only American citizens but any human beings, should be endangered and their lives lost by practice firing from our Navy.

It was my understanding, from the experience that I have had in the military—which is limited to 5 years in World War II—that great care was taken in all kinds of practice firing, to make sure there was no possible danger to life or limb of any soldier or sailor or anyone else who could be involved, certainly any civilian.

The fact that this has resulted in death of some persons and a real threat to the life of the Governor of Puerto Rico is most shocking, and I think the Senator from New York has performed great service in bringing this matter to the attention of the Senate.

I hope if there is no satisfactory reconciliation by the Senator from Washington and others, the Senator will press this matter to a vote. I think the Senator from New York should stand up and be counted, unless we can work it out on some kind of negotiated basis.

Mr. GOODELL. I thank the Senator from Wisconsin, and say to him that I do intend to press the issue.

I am offering this amendment today to afford a chance for negotiation. But I think it is time the Congress of the United States acted to meet this problem.

Mr. President, I ask unanimous consent to add as cosponsors of my amendment the Senator from New York (Mr. JAVITS) and the Senator from Iowa (Mr. HUGHES).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOODELL. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I commend my colleague from New York for his thorough, careful, and painstaking analysis of a difficult and emotional subject in connection with Puerto Rico.

I have some personal knowledge of the situation in Culebra. I know of the difficulty that the residents of that island and that area of the Commonwealth have had with this problem. I know of the deep concern that the Governor of Puerto Rico, the distinguished Luis Ferre, has had over this situation.

I also know of the efforts he has made to try to find an alternative to the use of Culebra for these purposes. I commend our colleague from New York for his thorough appraisal of the situation, and join with him in urging that there be an early favorable disposition of this problem, and to support Governor Ferre in his efforts to bring it to a satisfactory conclusion.

Mr. GOODELL. I thank the Senator from Tennessee, and I join him in his comments with reference to the Governor of Puerto Rico. The Governor of Puerto Rico has been patient and persistent on this subject, as have many other leaders in Puerto Rico.

This has been a longstanding problem. It has deeply troubled the people of Puerto Rico as well as the people who reside on the island of Culebra, and I think it has reached the point now where futher negotiations without pressure from Congress will not resolve the matter with the Navy. We have made every kind of approach to the Pentagon and to the Navy Department over a period of years, striving to get them to agree that they should suspend these operations of the Navy. As a practical matter, the net result has been that the Navy is now making a proposal to expand the area they control on the island, adding about one-third of the island.

We have pointed out many difficulties that have occurred—some deaths, shells falling near children swimming at the beaches. It is an intolerable situation, and it must be ended.

Mr. President, I hope that the Senator from Washington (Mr. JACKSON) will be able to work this matter out in the several weeks ahead, because time is running short, and I intend to offer this amendment this year, in this session of Congress, and have Congress face the responsibility one way or another.

Mr. FULBRIGHT subsequently said: Mr. President, I was not in the Chamber when the Senator from New York discussed the matter of the shelling of Culebra, near Puerto Rico. I intend to support his amendment.

The Governor of Puerto Rico called upon me yesterday and described in considerable detail the significance of this matter. The very least our Government should do would be to enter into serious negotiations about giving up the shelling of this important island, which is a part of the Commonwealth of Puerto Rico. Puerto Rico is overpopulated. It is a small island itself and Culebra is smaller. I believe there are only 6,000 acres on the island of Culebra.

I believe that our Navy has been remiss in not seeking to find some alternative to the use of this island, which has nearly 1,000 inhabitants, and to find some alternative for the purpose of practicing its gunfire.

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram from Mr. Rafael Hernandez Colon, President of the Senate of the Commonwealth of Puerto Rico.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

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August 11, 1970.

Hon. WILLIAM J. FULBRIGHT,
Senator, U.S. Capitol,
Washington, D.C.

On behalf of the Senate of Puerto Rico, I urge and request your support of an amendment to H.R. 17123 to stop further naval shelling and bombing of the inhabited island of Culebra.

The shelling has produced a human and political problem of the utmost gravity in Culebra and Puerto Rico. Puerto Ricans are unanimous in believing that the shelling should stop, in the interest of the Culebrans and of continued warm relations with the United States. Moreover, there is considerable evidence that superior alternative sites which are uninhabited are available for such shelling which would obviate such a serious human and political problem. I therefore strongly request your support for the proposed addition of a new section 507 being introduced by Senators Goodell and Cranston, which would prohibit use of U.S. military resources for such bombing and shelling.

RAFAEL HERNANDEZ COLON,
President of the Senate,
Commonwealth of Puerto Rico.

Mr. FULBRIGHT. I hope that the Senate will give very serious consideration to Senator GOODELL's amendment.

Mr. CRANSTON. Mr. President, the tiny island of Culebra, located 20 miles east of Puerto Rico, has been subject to periodic shelling and bombardment exercises. The bombing is being done by the U.S. Navy. The people whose lives are being disrupted, and occasionally threatened, by these activities are American citizens. These 726 American citizens have vehemently protested the Navy's activities and I join their protest.

The Navy has stated that conditions on Culebra represent optimum opportunities to simulate wartime operations. For over 30 years the Navy has conducted operations on this island, and at the present time plans are underway to acquire by right of eminent domain another third of the island. This planned acquisition, added to the land the Navy already utilizes, would leave one-third of the island to the inhabitants.

Five thousand sorties were executed last year, and 9,000 are planned for this year. If such operations are deemed essential by the Navy, uninhabited islands in the vicinity are a preferable alternative. Two such islands off the west coast of Puerto Rico are currently available as an alternative to Culebra.

Why must lives be threatened, endangered and disrupted by such dangerous operations when other islands in the area are available? The inhabitants of this tiny island have continued to suffer these many years from the Navy's presence. It it time to alleviate this suffering and terminate the Navy's operations there.

For example, it has been documented that as a result of these operations, the fishing industry has deteriorated, tourism and industrial development have been restricted, and the ecology of the island has suffered adversely. In addition, lives are continually threatened. Not long ago, an errant Navy shell almost killed the Governor of Puerto Rico, who was sunning himself on a boat off Flamingo Beach.

There is no need to document further the disruption which has taken place on that island. Alternative, uninhabited islands in the vicinity exist. They should be utilized.

I am pleased to join my colleague, the Senator from New York (Mr. GOODELL), in cosponsoring the amendment to H.R. 17123 which would terminate the bombardment of Culebra and allow the citizens to live in peace. I urge the adoption of this amendment.

THE NAVY'S CONTINUING USE OF THE ISLAND OF CULEBRA

Mr. KENNEDY. Mr. President, I strongly support the amendment submitted by the Senator from New York (Mr. GOODELL).

On July 14 of this year, I told the Senate that I hoped the Navy would undertake an immediate review of the alternatives to the continued use of the island of Culebra. I said:

> If the Navy does not act in the matter, I believe that the U.S. Congress must.

Unfortunately the Navy has not acted. Although it asserted that it has studied "every conceivable" alternative site to Culebra, it has never made its studies public. And it has admitted that it has not considered the possibility of using manmade islands or contoured floating platforms.

The use of Culebra as a target area has subjected the more than 700 residents of that island to constant noise pollution and constant fear of injury. This alone should convince the Navy to seek an alternative target site. But the Navy policy has an impact far beyond Culebra itself. In Puerto Rico, where relations with the United States are a vital and sensitive issue, the Navy's actions have been criticized by every political force. Continued disregard to Puerto Rican views on Culebra could lead to hostility against all U.S. bases in the Commonwealth, including the $300 million installation at Roosevelt Roads.

I believe, therefore, that Congress must act now. Indeed, I think we should consider going beyond the proposed amendment and study the possibility to establishing a national park on Culebra to perserve the natural condition and beauty of the island.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL PROTOCOL II TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA, AND A TAX CONVENTION WITH BELGIUM—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive H, 91st Congress, second session, additional protocol II to the Treaty of the Prohibition of Nuclear Weapons in Latin America; and Executive I, 91st Congress, second session, a tax convention with Belgium, transmitted to the Senate today by the President of the United States, and that the protocol and convention, together with the President's messages, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

The messages from the President are as follows:

To the Senate of the United States:

I transmit herewith Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, with a view to receiving the advice and consent of the Senate to its ratification. The Additional Protocol was signed on behalf of the United States on April 1, 1968.

For the information of the Senate, I transmit also the report by the Secretary of State with respect to the Protocol and a copy of the Treaty to which it relates.

The Treaty for the Prohibition of Nuclear Weapons in Latin America, done at Mexico City February 14, 1967, is the first successful attempt to create a nuclear free zone in a populated region of the world. The Treaty is limited to states located in the Latin American region and is already in force among 16 Latin American nations.

Additional Protocol II is designed for nuclear-weapon states, which are not eligible to sign the Treaty itself. It calls upon them to respect the denuclearized status of Latin America, not to contribute to violation of the Treaty, and not to use or threaten to use nuclear weapons against the Treaty parties.

It is in the best interests of the United States to assume these obligations toward the Latin American countries bound by the Treaty. By creating this nuclear-free zone the nations of Latin America have made an important contribution to peace and security in the Western Hemisphere. Ratification by the United States of Additional Protocol II would not only indicate our support for the Latin American nuclear-free zone but would reinforce our other arms control efforts such as the Non-Proliferation Treaty.

I recommend that the Senate give early and favorable consideration to Additional Protocol II and give its advice and consent to ratification, subject to the statement which accompanies the report of the Secretary of State. That statement, which is similar to the one made by the United States at the time of signature, expresses our understanding concerning territories and territorial claims, transit and transport privileges, non-use of nuclear weapons, and the definition of "nuclear weapons." The statement also reaffirms our willingness to make available nuclear explosion services for peaceful purposes on a nondiscriminatory basis under appropriate international arrangements.

RICHARD NIXON.

THE WHITE HOUSE, *August 13, 1970.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and the Kingdom of Belgium for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Brussels on July 9, 1970.

For the information of the Senate, I transmit also the report of the Secretary of State with respect to the convention.

The existing income-tax convention of October 28, 1948 with Belgium, as modified by supplementary conventions of September 9, 1952, and August 22, 1957, and by the protocol of May 21, 1965, would be terminated and replaced by the new convention upon the coming into force of the latter.

In revising the existing convention, as modified, it has been possible to incorporate in a single comprehensive convention provisions which reflect changes in the internal tax laws of the United States and Belgium. The revised convention, while following in general the pattern of bilateral income-tax conventions now in force between the United States and a number of other countries, reflect in particular certain tax treaty policies established in recent revisions of such conventions with France, the Federal Republic of Germany, and the United Kingdom. Moreover, the revised provisions reflect, to the extent that policy and technical considerations permit, the model income-tax convention published by the Organization for Economic Cooperation and Development.

As in the cases of other income-tax conventions of the United States, provisions in the new convention with Belgium that are of special interest include those which relate to commercial and industrial profits, dividends, interest, royalties, and capital gains. The revised provisions regarding social security payments, governmental salaries and similar remuneration, income from teaching and research and other personal services, and exemptions to which students and trainees are entitled should also be of particular interest.

The maximum 15 percent rate of tax at source on dividends, as provided in the existing convention, is retained in the new convention. The 15 percent rate of tax at source on interest, as provided in the existing convention, is retained as a general rule in the new convention, but interest arising from commercial credit or on interbank transactions is exempted from tax. The provision of the existing convention granting an exemption from tax in the source country to royalties derived from sources within one of the countries by a resident of the other country is retained in the new convention.

I recommend that the Senate give early and favorable consideration to the convention.

RICHARD NIXON.

THE WHITE HOUSE, *August 13, 1970.*

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. McINTYRE. Mr. President, I want to inform Senators, for the distinguished Senator from Massachusetts (Mr. BROOKE) and myself, that we plan to call up amendment No. 821 on the ABM system at an early date. As soon as we can reach agreement as to a proper time, we plan to move promptly to a vote.

In the meantime, I want to set forth again my view that this proposal which my distinguished colleague has submitted and which I have joined at this time with the able Senator from Kentucky (Mr. COOK) in cosponsoring well satisfies the principal objectives of both those inclined to support ABM deployment and those inclined to oppose it.

The amendment itself is extremely simple. It reads:

> Funds authorized pursuant to this Act for the procurement of anti-ballistic missile defenses may be used only for defense of strategic forces deployed at Grand Forks Air Force Base, North Dakota and Malmstrom Air Force Base, Montana.

The amendment leaves intact every dollar recommended by the committee for work on ABM. It authorizes precisely the same rate of production on ABM components. It provides accordingly the full momentum of an on-going ABM program, and of a growing capability to expand the system's deployment should the Strategic Arms Limitation Talks fail.

The amendment grants broad latitude to the Department of Defense to meet the projected threat to our deterrent. It in no way inhibits the technology or the scale of deployment, but requires only that any such deployment take place at the two sites already authorized, Malmstrom Air Force Base and Grank Forks Air Force Base. Thus, the Department can do exactly what a number of experts familiar with the Safeguard system have suggested, namely, establish defense in depth at the first two sites rather than a thinner defense at three or four sites. By installing additional radar and computer capability together with additional interceptors at Malmstrom and Grand Forks, the system can attain a significant improvement in the phase I capability to protect the Minuteman force. The exact manner and degree of this improved capability is left for determination by the Department of Defense. Using existing technology, the Department might choose to deploy one additional missile site radar and related elements to achieve a significant increase in phase I capability at no greater cost than the proposed Whiteman deployment. It might choose to begin installing two missile site radars which would provide virtually the same number of surviving Minuteman as the phase I deployment or it might accelerate work on advanced radars to supplement the first two MSR's scheduled for the phase I sites. The latter option is the one many of us prefer and in the long run might provide substantially superior hard-point capability.

The important point is simple; the concept of defense in depth at the phase I sites would permit the Department of Defense to establish progressively heavier protection for the Minuteman silos in that area. It would go far toward meeting the possible strategic threat of a growing Soviet offense and would clearly authorize sufficient production and deployment momentum to bolster our diplomatic position in SALT.

I would also like to point out that this proposal is the logical culmination of the series of votes we have taken on ABM. Those who supported the Hughes amendment voiced the conclusion that the United States needed only an active program and did not require the proposed deployment of an operational system. Those who voted for the Cooper-Hart amendment expressed their considered judgment that the United States needs nothing beyond phase I deployment which has been authorized; they explicitly indicated that they did not believe phase II as proposed should be installed at this time.

I am sure that all those who supported the Cooper-Hart amendment will recognize that since the majority of the Senate did not share their judgment, this proposal represents a constructive middle ground between stopping the system at phase I and proceeding with the proposed phase II deployment.

As I made clear in announcing my decision to oppose the Cooper-Hart amendment, I have concluded that we do need a dynamic ABM program to support the SALT negotiations; however, my consultations with the American delegation in Vienna have lead me to conclude that intensified work at the phase I sites—short of the full phase II proposal to which the backers of Cooper-Hart objected—will provide ample momentum to support our negotiators.

That is the essence of the Brooke-McIntyre amendment.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Is an amendment to the present bill pending?

The PRESIDING OFFICER. Nothing but the committee substitute for the bill. The bill is open to amendment.

Mr. GOLDWATER. Would it be in order to ask for third reading?

The PRESIDING OFFICER. Not until the committee substitute is agreed to.

Mr. GOLDWATER. Would it be in order to ask for agreement on the committee substitute?

The PRESIDING OFFICER. The question is on agreeing to the committee substitute.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND obtained the floor.

Mr. GOLDWATER. Mr. President a parliamentary inquiry.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Senator from Arizona will state it.

Mr. GOLDWATER. Is my question still in order?

The PRESIDING OFFICER. The Chair would advise the Senator from Arizona that the Senator from Mississippi has the floor.

Mr. GOLDWATER. I will wait until the Senator has finished.

GRANTING THE CONSENT OF CONGRESS TO STATES OF NEW JERSEY AND NEW YORK FOR CERTAIN AMENDMENTS TO THE WATERFRONT COMMISSION COMPACT—REREFERRAL OF SENATE JOINT RESOLUTION 222 TO COMMITTEE ON COMMERCE

Mr. EASTLAND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 222 at this time and that it be referred to the Committee on Commerce for a period of 30 days, exclusive of any days on which the Senate is not in session, and shall again be referred to the Committee on the Judiciary for the purposes previously mentioned.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. GOLDWATER. Mr. President, is my previous question still in order?

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The question is on agreeing to the committee substitute.

Mr. GOLDWATER. Mr. President, I ask for the yeas and nays.

Mr. BYRD of West Virginia and Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, I may suggest the absence of a quorum, but before I do so, may I say to the Senator from Arizona that he knows full well that the acting majority leader on this side of the aisle does not intend to permit the committee substitute to be voted on today, not that I personally am not ready to vote on it, but the Senator from Arizona knows that the situation at the moment is not favorable to such action.

Mr. GOLDWATER. I know the situation very well. I have to say, too, that those of us who live 2,500 miles from here are getting sick and tired of sitting here day after day after day with no action on the bill. I know that there are piles of amendments to the bill and if we have to use this process, we are going to start calling up amendments offered by the other side. I think it makes the Senate look rather ridiculous for Senators to sit here day after day after day and have a vote once a week. This bill has been before the Senate now for going on a month. I have a hunch that if those who are delaying the bill have anything to say about it, we will be on the bill well into the end of September, for political purposes only.

It is necessary that the defense of this country be taken care of. I am perfectly willing to stay here night and day and vote on every one of these amendments, as ridiculous as some of them are. I had no idea that we would ever get away with what I tried to do here, but I did want the opportunity to call the attention of my good friend from West Virginia to the fact that this was beginning to look a little stupid in the eyes of the American people.

I would suggest that the leadership on the Senator's side of the aisle get around to prodding some of the reluctant Senators and have them call up their amendments, or we will start calling them up.

Mr. BYRD of West Virginia. Any Senator on either side may call up an amendment, at any time, this afternoon. There are no restrictions on the calling up of an amendment by any Senator. The Senator knows very well that the leadership on this side of the aisle is ready to go forward with amendments, but Senators are not yet ready for third reading or anything of the sort. The junior Senator from West Virginia is here day after day. I would imagine that I sit in this Chamber as much as does any other Senator. Thus I am quite willing to vote on any amendment, at any time. I, personally, am now willing to have a vote on the committee substitute and final passage of the bill. But the leadership on this side of the aisle and the leadership on the Senator's side of the aisle, I am quite sure, are not ready for that to occur yet, because there are Senators on both sides of the aisle who have amendments yet to be called up.

Mr. GOLDWATER. I can understand that, Mr. President, and I want to compliment the Senator from West Virginia for the careful and industrious way he pays attention to his duties. I do not believe I have ever seen a Senator, in the years that I have served here, who has spent as much time or done as good a job as has the distinguished Senator from West Virginia.

The point I wanted to make by my effort to get some action on this bill is that we are just stalling. It is a political stall. I can see it being taken advantage of in late September with television shows and radio shows. I know that the Senator from West Virginia will not like it any more than I do, but I think we are neglecting the business of the Government. To those Senators on this side of the aisle and on the other side of the aisle, I have to say that I would like to get home, too, but there is something to having to go 2,500 miles rather than just jumping in an airplane and going two States away. I would like to get on with the business of the Senate. I should like to see the Senate end its work sometime this fall so that we can have a little time with our families.

I have been ready to vote since the first day the bill was brought up, but there are amendments that are supposed to be important amendments. We have heard that every single item in the military procurement bill will be challenged. We are ready to answer all challenges. But here we sit, day after day after day, doing nothing. I would hope that the leadership on the Senator's side of the aisle and the leadership on this side of the aisle—I do not happen to be a Member of either of those two groups—would get their heads together and forget that a Presidential election is 2 years away, and that there is an election this fall, and let us get on with the business of the country.

Mr. BYRD of West Virginia. Mr. President, I do not believe that the record should be left unclear here. The Senator from Rhode Island wanted to bring up a conference report a little while ago, and he was willing to vote on it today. He was also willing to vote on it tomorrow. From which side of the aisle did the objections come?

Mr. GOLDWATER. I was not here.

Mr. PROXMIRE. They came from the Republican side of the aisle.

Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. PROXMIRE. The Senator from Massachusetts (Mr. BROOKE) wanted very much to bring up his ABM amendment yesterday right after we voted on the most important amendment that is likely to come before the Senate in a long time. That was done yesterday. Today we had another vote on an amendment.

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The Senator from Arizona did not think much of my amendment but I thought it was important and we voted on it.

The Senator from Massachusetts wanted to vote yesterday on his amendment. He was willing to move, and move then. Senators representing the viewpoint of the Senator from Arizona wanted to delay that. We did not agree to a time limitation yesterday. They wanted to put it off. So that has been put off until next Wednesday. Thus, all the fault is not on one side of the aisle by any means.

Mr. GOLDWATER. I am not suggesting that it is, but I might suggest to the Senator from Wisconsin, who has a stack of amendments himself, I understand, why does he not call them up?

Mr. PROXMIRE. I have just finished with one. I have got one here that I am willing to call up. It is right here on my desk and ready to go.

Mr. GOLDWATER. Then let us go to work.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. Mr. President, I think that I recall—I may be mistaken—but I thought I saw an amendment at the desk sponsored by the distinguished Senator from Arizona (Mr. GOLDWATER). Am I in error?

Mr. GOLDWATER. I have one there, yes.

Mr. BYRD of West Virginia. I thought so. We could consider it.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Chair, on behalf of the Vice President, pursuant to title 22, United States Code, section 276, appoints the following Senators to attend the Interparliamentary Union Meeting, to be held at The Hague, Holland, October 1-9, 1970: The Senator from Alabama (Mr. SPARKMAN), chairman; the Senator from North Carolina (Mr. JORDAN), the Senator from Texas (Mr. YARBOROUGH), the Senator from Ohio (Mr. YOUNG), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. ALLOTT), the Senator from Idaho (Mr. JORDAN), and the Senator from Oklahoma (Mr. BELLMON).

The Chair, on behalf of the Vice President, pursuant to Public Law 91-332, appoints the following Senators to the National Parks Centennial Commission: The Senator from Washington (Mr. JACKSON), the Senator from Nevada (Mr. BIBLE), the Senator from Arizona (Mr. FANNIN), and the Senator from Wyoming (Mr. HANSEN).

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, the Senator from Arizona (Mr. GOLDWATER) may be assured that an amendment will be called up shortly. It is my understanding that the Senator from New Jersey (Mr. WILLIAMS) is planning to call up an amendment momentarily. I think that there will be action on that amendment this afternoon.

Mr. GRIFFIN. Mr. President, I think that the distinguished Senator from Arizona has performed a very important service today in calling attention to what has been going on. In effect, he has served notice upon the Members of the Senate that we cannot go on and on in this way without expecting some Senator to press for third reading and passage of the bill.

I think the Senator from Arizona is entirely within his rights.

The leadership on this side of the aisle wants to cooperate, on a reasonable basis, as much as we possibly can. But I must say frankly that the primary objective of the leadership on this side of the aisle is to get the bill passed. It is supported by the administration. We do not particularly want any other amendments added to the bill, although some may be supported. We would like to get to third reading as quickly as possible.

Mr. President, with respect to the remarks made by the Senator from Wisconsin, I do not know whether the Senator from Massachusetts could have gotten a time limitation yesterday on his amendment. No request was made on the floor, as I recall. The amendment could have been called up and made the pending business.

It is my understanding that some of the supporters of that amendment were leaving yesterday and did not want a vote at that time. That was my understanding. Perhaps I am mistaken.

I wish the amendment had been called up. Whether there could have been a time limitation agreed upon, I do not know.

Mr. PROXMIRE. Mr. President, it is my understanding that the Senator from Massachusetts was prepared to call up his amendment provided he could get a time limitation.

The feeling of those opposed to the amendment was that they would prefer to debate it for a day or so. Under those circumstances, the Senator from Massachusetts preferred not to call up the amendment.

Mr. GRIFFIN. Of course, that is the choice of any individual Senator.

Mr. PROXMIRE. Mr. President, I would like to point out that with respect to the amendment the Senate just acted on, I was prepared to call up that amendment a long time ago.

The reason why I delayed until today is that we were waiting for the Defense Department to react to the amendment and give us the benefit of their judgment on it so that we would have a chance to analyze and discuss the matter.

Obviously, in that time those who were opposed to the amendment had a chance to develop very effective opposition to it. I do not think that the RECORD should show that those of us who are interested in amending the bill are trying to delay it. We are not.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I think that there is a misunderstanding. I think that all Senators want to expedite this matter.

I ask unanimous consent that there be a time limitation of 2 hours on all amendments to the bill.

Mr. BYRD of West Virginia. Mr. President, I am constrained to object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, let the RECORD show that the able majority leader on yesterday sought to get a unanimous-consent agreement on the Brooke amendment. However, there were Senators who did not want to enter into an agreement whereby there would be only 1 hour on that important amendment.

I am sure that the leadership on this side of the aisle would like to see action go forward on this bill. The able assistant majority leader certainly will do everything he possibly can and as the presently acting majority leader, in my limited capacity, I will do everything that I can to make progress.

Let it not be said that the fault lies on this side of the aisle. All Senators have a responsibility. I have a responsibility to be here and on the job, and so does every other Senator.

The other day when we sought to get an agreement by which we would vote at a certain time on the ABM amendment, there was an objection from the other side of the aisle which, in the final analysis, culminated in no agreement. That objection was based on a particular Senator's wanting to attend a luncheon. Then other difficulties arose until the proposed agreement fell through.

I think that we have a case here perhaps of the pot calling the kettle black. Suffice it to say, we will have an amendment called up this afternoon by Mr. WILLIAMS of New Jersey, and I hope that there will be other amendments today and tomorrow.

Mr. GOLDWATER. Mr. President, I have counted the amendments at the desk. I come up with the figure of 22. From some hasty calculations, which might be inaccurate, based on the rate of calling up amendments in the weeks we have been on the bill, it could well be around Christmas time before we finish.

I will do everything I can to cooperate in my limited way to see that the leadership on both sides get the amendments acted on.

I do not think that is wise for the Senate to be acting as it is, whether it is Republican or Democratic action.

The statement was made that those Senators opposed to the Brooke amendment objected. I do not believe that is absolutely correct. We felt that if the vote were held yesterday we had a very good chance of beating the amendment. We would not have objected. It would have to be a proponent of the amendment.

If this is a case of the pot calling the kettle black, I do not know whether I am the pot or the kettle. It does not matter much to me. I have been called a little bit of everything.

Mr. BYRD of West Virginia. Mr. President, I hasten to assure the distinguished Senator that I did not mean to cast aspersions on any Senator. I would be the last one to do that. The Senator knows of my affection and high regard for him.

Mr. GOLDWATER. There are 22 amendments.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. KENNEDY. Mr. President, does that include the Hatfield-Goldwater amendment?

Mr. GOLDWATER. The Hatfield-Goldwater amendment with 15 other sponsors, yes. It is there.

Mr. KENNEDY. Is the Senator prepared to call up that amendment?

Mr. GOLDWATER. It is the job of the Senator from Oregon (Mr. HATFIELD) to call it up. He intends to call it up.

We were told that the Brooke amendment would be considered today. We found out this morning that it would not be called up until next Wednesday.

We thought that the Senator from Wisconsin (Mr. PROXMIRE) on the completion of his amendment might bring up one or two other amendments.

We have been expecting amendments to be called up on the floor aimed at certain weapons systems. We are at a loss to understand the delay.

I hope that we can get along with the business of the Senate.

Mr. BYRD of West Virginia. Mr. President, there are amendments at the desk by Senators PERCY, BROOKE, FULBRIGHT, SCOTT, PROXMIRE, MCGOVERN, BAYH, and HUGHES. I counted 18 at the desk earlier today.

So, there are sponsors of amendments on both sides of the aisle. I would like therefore, at this moment to inquire whether any Senator on the other side of the aisle wishes to call up an amendment at this time.

Mr. WILLIAMS of Delaware. Mr. President, we could get amendments called up on one side of the aisle or the other if the leadership would cooperate and say that in 15 minutes we will have third reading if there are no further amendments offered.

I venture to say that Senators would be in the Chamber and amendments would be called up. That statement goes for both sides.

Mr. BYRD of West Virginia. Mr. President, I assure the able Senator from Delaware, who is my friend, that an amendment will be called up this afternoon. The distinguished Senator knows perfectly well that we cannot have third reading within 15 minutes.

THE SITUATION IN THE MIDDLE EAST

Mr. JAVITS. Mr. President, on Sunday last on, "Face the Nation," I tried to explain the situation and answer questions on the problem in the Mideast in the frame of reference as I saw it.

I ask unanimous consent that a transcript of the broadcast be printed at this point in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

FACE THE NATION—CBS NEWS, AUGUST 9, 1970

HERMAN. Senator Javits, do you have any reason to believe or do you in fact know whether the United States has given any secret assurances to Israel to obtain the relative cease-fire that we now have?

Senator JAVITS. I would hardly call them secret. I think it is very obvious that the United States must have assured Israel that a cease-fire would be effectively policed, and I do not believe that oblique photography by the air forces of both the United Arab Republic and Israel would have been adequate for that purpose. I'm confident that at the very least some assurance was given that both great powers would use satellites or whatever other means they had to be sure it wasn't abused, and, in addition, I believe that the United States must have made it clear to Israel that this would not represent a stoppage or diminution of the military materiel which she must have if she is to survive.

ANNOUNCER. From CBS Washington, in color, Face the Nation, a spontaneous and unrehearsed news interview with Senator Jacob Javits, Republican of New York. Senator Javits will be questioned by CBS News Correspondent Nelson Benton, John Finney of the New York Times, and CBS News Correspondent George Herman.

HERMAN. Senator, you've put that rather more in the negative, the question of arms to Israel, rather than the positive. You said there would be no stoppage. Do you think that we may have given some implicit or direct assurance that there would be a step-up in arms support?

Senator JAVITS. Well, I think—I'm sure that that could be included. It all depends upon the situation Israel faces, both now and at the end of the 90-day truce. It is very significant that neither side has committed itself to arms deliveries or an arms embargo behind the, roughly, 32-mile zone bordering the Suez Canal. And the attrition on Israel in respect of arms could be substantial in view of the fact that unlike the Arab States, she must face commando activity, which indeed has already begun. And one of the real items of delicacy in enforcing the cease-fire has got to be to distinguish between commando attacks and attacks supported, fomented or prompted by the Arab governments concerned.

Now I believe—I genuinely believe that this is a good faith effort. I've begun to believe that. I didn't when we began, on all sides, and therefore I do not believe that this problem will be as difficult as it might otherwise have been in the absence of the feeling that the United States and the Soviet Union really want to work it out, if it can be worked out at all.

FINNEY. Senator, this is an area that you've been intimately involved in over the years, sometimes even in the role of honest broker. Looking ahead here and assuming it is a good faith atmosphere at the present time, what concessions do you envision that Israel is going to have to make to get an agreement?

Senator JAVITS. I believe that the concessions will revolve mainly around territory, the so-called occupied territories, with respect to the '67 war when Israel moved into the Sinai, I think out of sheer survival self-defense—moved into the West Bank, bordering the Jordan, seized the Golon Heights. I think the stickiest problems are not going to be Sinai, because I think there there will be some demilitarization, perhaps with the use of some forces, and this time, interestingly enough, perhaps including as part of the peace-keeping force, U.S. and Soviet forces if both governments are willing, in order to implement the guarantee that it will remain demilitarized. That may also be true about access through the Straits of Tehran, which are critically important to Israel, leading to its Port of Elat, and the problem of transit through the Suez Canal will also have to be dealt with, at least practicably so that Israel is not barred from Suez.

The real problem, if I may just finish, is going to come on the eastern side, that is, the west bank of the Jordan—what's going to happen there where Israel faces a 12-mile waste, which is all she has in the way of area—that's medium artillery range—and the Golon Heights which have been used so strongly against her by the wild Syrians. Now that's going to be quite tough, because Israel cannot make a peace and leave herself so defenseless. And even President Nixon has spoken about defensible borders, notwithstanding the U.S. desire not to irritate that question of borders. And then Jerusalem will be a very, very difficult and probably the most difficult of all.

FINNEY. Senator, you spoke of assurances you think that the government of the United States has given Israel. Conversely, do you think the government of the United States made implied threats to Mrs. Meir's government if Israel did not accede to the peace initiative and did not agree to the cease-fire?

Senator JAVITS. I think the mere relationship of the United States to Israel doesn't represent a threat, but represents something Israel has to think about. The United States is the only country in the world really supporting Israel, France having passed out of the picture, most regrettably and deplorably. So the Israelis, who must have military materiel and who have tremendous economic strains, have simply got to work with the one power which is working with them, and it happens to be the superpower. In addition, this was a very important American initiative. It's very interesting to me that everybody, the USSR, Israel, and the United Arab Republic all in their statements refer to it as the American initiative. Now you could hardly let down a brilliant and a very important diplomatic initiative in terms of the timing by your best ally, which is true of Israel vis-a-vis the United States, without feeling that that is going to make a material difference in the relation between the two countries.

On the contrary, it seems to me the sheer fact was already so overwhelming that I'm sure that the United States had to assure Israel not to be scared, but to really use its best judgment as to what it needed for its own defense. It just worked the other way.

HERMAN. But isn't part of the hard reality of the Middle Eastern situation the fact that the Russians have been trying to make some progress into the Middle East, an area where they have always wanted to be? Now why are they so pleased with this ceasefire? What do they stand to gain out of this American initiative?

Senator JAVITS. The Russians stand to gain more than anybody except Israel. Israel stands to gain a land and survival, though

I believe she would have made it because I believe the United States would have backed her anyhow, in her own self-interest, as we just cannot afford to have the Mediterranean a Russian lake, and soon the NATO countries would have wakened to the same fact of the time-honored axiom of Churchill about the soft underbelly of Europe, which is extremely vulnerable to the Mediterranean. So I believe Israel would have made it, but nonetheless she wants to make it in peace not in war, and this gives—opens the door to that.

Now as to the Soviet Union, she is in the Mediterranean. If there is peace in the Mediterranean, she will have tremendous standing in the Arab countries, she will very likely have free transit, just as we want Israel to have it through the Suez Canel, giving her the opportunities of the Indian Ocean, and we will face Soviet competition, diplomatically, economically, and in every other way—and military—in the Indian Ocean and all over the world. That is not necessarily bad, as this situation in the Mideast has shown, because I doubt that the people in the Arab countries, who are engaged in all of this war and intransigence, could have been restrained otherwise, than by the Soviet Union being strong then. Now the Israelis might have beaten them all hollow, but to carry on 30 or 40 years of war with 50 to 100 million people is not funny by a small nation of two or three million.

And that's the world overview in which we have to look at it, and in which the United States obviously did look at it, in consulting its own national interests. The statement the President made, backed by 71 Senators, on July 1, was, I think, the key to the ability of the United States to bring this off.

Herman. I got a little drowned in words there, but what I saw before this was the Russians moving in stronger and stronger. We seem to have sort of overlooked or be forgetting the fact that there was a strong report of Soviet pilots involved in a clash. Now, if they were pushing in so rapidly and in such military fashion, why are they so pleased, as you seem to think, with the American peace initiative?

Senator Javits. Because they see the benefit of everything that they've done, including sending pilots in there, as within reach, without the necessity for a dangerous confrontation with the United States in a critically strategic area of the world, and confrontations of that kind they do not wish to invite—they want to avoid—but they are willing to run the risk of them in order to gain big objectives, to wit, an important position in the Middle East.

Benton. Senator, you dropped a trantalizing suggestion earlier, that perhaps the United States and the Soviet Union would jointly police a demilitarized Sinai. Is this an idea that is being actively discussed between the two governments?

Senator Javits. I would say that it is an idea that is abroad. It's been discussed. I'm not privy to the secrets of the two governments, but this time the feeling is that we should have United Nations forces, if there are going to be any peace-keeping forces there, which have some muscle, and which will not disappear when Nasser says go, which is what happened in '67 and brought on the '67 war. Therefore, the possibility of an international force composed of many elements, but including U.S. and Soviet Union elements, cannot be eliminated.

Benton. Senator, if there were a two-power—the great power forces enforcing the cease-fire, isn't this actually courting confrontation between the two great powers in the Middle East?

Senator Javits. Not necessarily. The two powers shared the policing of Berlin, for example, and notwithstanding all our difficulties, including the Wall, the powers have been rather careful not to confront each other there, and when they have actually faced it, they have sidestepped it. But I'm not talking about the two powers policing Sinai. I'm talking about an international force with many components, as international forces have had before, but with the possibility of a U.S. and a Soviet element this time, because the two powers have so staked their prestige on a peace which will be kept. Bear in mind that the Israelis in 1956 and 1957—the end of '56 and early '57—at the request of President Eisenhower, moved back out of Sinai at a time when Nasser could have been snuffed out, and that they did it on the promises of freedom of navigation and assurance of their national integrity and many other things—none of which were kept. So they have learned the hard way that you cannot depend upon a loosely-knit international force of small nations or neutrals, run by the Secretary General from New York who will flee at the first breath, which is what happened in June of 1967.

Herman. Senator, with the relative success of this American peace initiative, what becomes of the White House doctrine enunciated to a news gathering some time ago that it is necessary to expel—and I don't think the word "expel" was meant literally—but to expel the Soviet forces from Egypt? Is that no longer a goal?

Senator Javits. Well, the White House doctrine, if there is one—there is supposed to have been a report of a particular White House official who used that very unhappy word. He himself said later that it was very unhappy. I don't think there's any—

Herman. I'm not insisting on the word, but the idea that the Egyptian—the Russian forces should be maneuvered diplomatically, or however, out of Egypt, is that any longer a goal of ours?

Senator Javits. I should say that the United States' goal would want to reduce, or even eliminate, if it could, diplomatically and peacefully, the Russian running of the United Arab Republic, which is what's happening now. They're running the country. Just as they want to eliminate our presence in Viet Nam, that doesn't mean they're going to send an expeditionary force there. These are the legitimate goals of competition between two great powers. It doesn't mean that the result has to be bad or that the result has to be war. But nonetheless, when men play they play to win. And that's—it's the game in great international affairs, and that's all that that spells out into. So I don't give it any sinister connotation at all.

If you ask the Russians about the United States, they would say, sure, we'd like to eliminate American influence from that whole part of the world. So we're the primary power there with influence. I'm not scared of that and I don't think anybody is.

Finney. Senator, here you are accepting the Russian alliance in the presence of North Viet Nam and objecting to it with the United Arab Republic. Aren't you getting yourself in a contradictory position here, where you're doveish in Southeast Asia and hawkish in the Middle East?

Senator Javits. Well, I'm not accepting a Russian presence in North Viet Nam any more than I'm accepting a Russian presence in the Middle East, but I think the latter part of your question is a very serious one, because it's been bandied about and I thank you for asking it. To wit, can you be doveish in respect to Viet Nam and can you be hawkish in respect to the Middle East, and my answer is decidedly yes. And the reasons are very numerous, but I'll give only two, just to save time. One reason is that the strategic situation is completely different. The United States' fundamental national interest, as defined by the President, as defined by NATO, because we're charged with coming to the rescue of the NATO countries, as defined by our economic and commercial interests with three continents at stake—Europe, Africa and Asia, the crossroads of which is the Middle East—our strategic interest is heavily and deeply involved in the Middle East.

That is unlike Southeast Asia, where the best that Lyndon Johnson could do is to say we're trying to establish the principle of self-determination for small peoples, and will not allow them to be the subject—swallowed up by aggression by a communist-backed state.

Secondly, and very importantly, in the Middle East you've got the whole energy resources of Europe—80 per cent of Europe's oil comes from the Middle East and 90 per cent of that of Japan. So the economic life of the world is at stake, which the Soviet Union, which is now in there in a big way, could hold hostage and succeed in a way which the Soviet Union never dreamed of, in terms of holding the world for ransom. Now we and the rest of the world just can't allow that to happen.

And we don't have a government which is under attack, a government which has to be propped up. In terms of an ally there, we have a tough, durable, effective little Israel which says, give us the stuff and we'll do the job. Now it seems to me that's a hundred per cent different. In addition, having spent 50,000 lives and 250,000 wounded in Viet Nam, in a war which we have fought for five years, it seems to me we've certainly paid the price that any human being could ever ask on earth for what is alleged to be a commitment, which many of us challenge. Whereas in the Middle East, there is no such history. So I just don't think the two are relevant at all.

Benton. Senator, you were quoted Friday after the cease-fire was announced, cautioning against euphoria about a settlement. And just this morning, Israeli planes have struck back at guerrilla positions after guerrilla fire across the border. Are you indeed, despite all this, pessimistic about any sort of settlement in the Middle East?

Senator Javits. I'm realistic. I wouldn't say I'm optimistic or pessimistic. I think it's very tough. I think that Jarring's history doesn't indicate that he has that kind of decisive charisma which is settlement-producing, but nonetheless, I think that the world is now committed—the two great powers are committed—and the Jarring technique of indirect discussions may be the vehicle behind which a settlement can be made. But I'm realistic about the fact, as I said before, that commandos are going to continue to attack, and therefore it will take a high degree of intelligence and selectivity, both by Israel and the United Arab Republic, and by the United States and the Soviet Union, to be sure that somebody just doesn't say, well, the truce has been violated because a rocket landed somewhere in an Israeli encampment on the shore of Suez. It's going to be a tough one, and one can't have euphoria, but I do think that willing shoulders, under what I consider to be an extraordinarily gifted initiative by our Secretary of State, under the President's direction, has brought us to a point where peace may be possible. But euphoria, in a case like this, would mean letting down one's guard, ceasing, perhaps, supply to Israel, and forgetting the fact that it's still a very tough situation.

Herman. Do you have a similar division in another field, same kind of division. You talked about one attitude towards Viet Nam, another attitude towards the Middle East. Do you find a similar kind of divided state of affairs in the relationship between the Foreign Relations Committee, of which you're a member, and the President? Is he more frank with the Foreign Relations Committee on say, the Middle East, than he is on Viet Nam?

Senator Javits. I would say that the principal problems between the Foreign Relations Committee and the President of the

United States in using the presidency as the symbol, because it's been with the executive department, has been the question of the commitments which the United States has all over the world in terms of military relationships, where we have troops or where we have bases, et cetera. This has been the sticking point. I think it's a serious problem between the two, and I believe that it's considered seriously both by the President and the Foreign Relations Committee, and I am very hopeful that effective measures will be taken to at least heal the—that breach, insofar as the procedure is concerned. We can't make people agree in terms of substance, and it's not essential that they should. But if the relationships and the procedure is improved, there is a greater chance of agreement.

In addition, I believe we're entering, as it were, out of the valley of the shadow, into a brighter day for those relationships, because I think we're on issues upon which there can be greater agreement. For example, the Middle East. You're absolutely right about that. There's a very different attitude toward the Middle East when you get three quarters of the Senate to back so forthright and decisive a policy as the President has uttered in that area, as contrasted with Viet Nam.

Finney. You saw the President on Friday, Senator. Did you discuss this problem of relations between the committee and the presidency at that time?

Senator Javits. I did discuss the problem, and that's as far as I can go; as you know, the President is the only one who can be quoted. If he says he wants to be quoted, he'll say what he has to say.

Benton. Was that meeting, Senator, the basis for your hope for what you say will be more effective means of having good relationships between the President and the Foreign Relations—

Senator Javits. No, it's not the basis for the hope at all, but it didn't dash my hopes.

Herman. Well, you have tried at least twice, that I know of, to bring together the President and the Senate Foreign Relations Committee, without success. Are you now trying a third time?

Senator Javits. Well, one doesn't bring together the President of the United States with anybody. I have tried to see if we could develop a better degree of relationship between the Senate Foreign Relations Committee and the Executive Department. I'm still trying. I'm not the only one. Other members of the committee and other senators are just as deeply interested as I am. I am hopeful that we will all be successful. But the President of the United States stands alone, the head of the government, and nobody tries to reconcile him with anybody, but I do believe the relationships between the whole Executive Department and the Foreign Relations Committee—it's a very open secret—can be greatly improved, and I and others are doing our utmost to improve them.

Finney. Senator, as you know, there have been recurring reports that Israel has or is about to possess an atomic bomb, and this assessment seems to be shared by the U.S. intelligence community. In view of that, I wonder why do you think we should continue giving Israel F-4 phantom jets, which are capable of carrying an atomic bomb, until Israel signs the nonproliferation treaty?

Senator Javits. I believe that the United States has real assurances with respect to the F-4 phantoms and how they will be used, and I am not in any way privy to Israel's secrets as to whether she does or does not have any such bomb. As I am sure you know, she has denied it on many occasions. As to her signing of the nonproliferation treaty, this may very well have been a tactical abstention by her, in view of the tremendous embroilment that she is in with the Arab States, and I think her attitude would be very different, completely different, once you get a reasonably peaceful situation in that area of the world. So my attitude on that would be to suspend judgment, instead of either allowing it to paralyze us, in respect to aid to Israel, or to be overly suspicious of her at this particular time. I have confidence that our authorities are as aware of these rumors as we are, and that they are not inviting a sudden nuclear use by Israel.

Finney. What kind of assurances were these?

Senator Javits. I couldn't tell you. I don't know, but, as I say, I believe that the United States, being just as knowledgeable about these things as we are, would make some effort to be sure that its Phantoms would never be used for such a purpose.

Herman. Senator, you have a vote coming up in the Senate this week—Wednesday, I believe—on the antiballistic missile, the Safeguard system. How do you estimate the chances?

Senator Javits. I think the chances are quite good, that the Cooper-Hart amendment, which would strike out new installations of the ABM and leave these to be developed, or some variant thereof—Senator Brooke of Massachusetts has a variant—Senator Hughes of Iowa is proceeding to seek to strike out the whole thing as if it had never been done—some variant of Cooper-Hart, in my judgment, has at least a 50–50 chance to pass, probably the Cooper-Hart amendment itself which seems to have the most support.

Benton. Senator, isn't there some validity to the administration's contention that the Senate's tipping its hand on further ABM development would indeed weaken this country's position at the arms control talks in Vienna?

Senator Javits. The administrataion has made the big point, the use of the ABM as a card in the SALT talks at Vienna, that is, the talks about limiting and controlling nuclear armaments generally. Now, whether or not one agrees with that, the administration is the negotiator, and I think many of us—and I notice the Majority Leader Senator Mansfield seemed to feel that way—Senator Cooper does—and I am in the process of making up my mind about a vote which would otherwise be open and shut to me, to wit, to vote to strike out the whole business as if it had never happened. For that reason—I may not vote that way, or I may—I'm still trying to decide it—but even me, diligent as I have been in opposing the ABM, I've been given pause by this claim. So I think the Cooper-Hart amendment, which I mentioned before, is a compromise. It doesn't seek to strike out what's been done. It just seeks to prevent expansion. So it is a compromise because they really admit that what we opposed before—and incidentally is even more opposable, to coin a word, now because of additional evidence that has come in in the last year that it really isn't a desirable or advisable alternative for the United States.

Herman. So how do you figure the vote?

Senator Javits. I still figure the vote compounded of two elements, one, the card, the drawing card idea, which the administration is making much of, and two, the fact that the nation having committed itself which should not be aborted, in respect to what's been done already. So I think the Cooper-Hart compromise is the most likely winner, and I think it has at least a 50–50 chance to win.

Finney. Senator, you've been critical in the past of the administration on the school desegregation issue. I wonder whether you feel that in recent weeks the administration is getting back on the right track, at least from your perspective on the school desegregation issue?

Senator Javits. Not yet, and it seems to me most significant that we are right now in the midst of testimony by Secretary Richardson and the Attorney General is coming up next week, and that the President is sending a special representative, as it were, into black communities in order to see what can be done. What shook the confidence in terms of school desegregation was the going up hill and then down again on the so-called 100 lawyers who were going to go into the South, and the red herring issue that, well, the North is as bad as the South. I'm from the North and I'm from as good a state as there is on civil rights, and I welcome any prosecution, any delegation of the Department of Justice, or anything else that is being done in the South, with respect to any segregation which is unconstitutional and unlawful in my state, in New York, or in any other place in the North, and I'm the author of the $75 million—I tried for $150—to aid just exactly in that process, whether it's North or South. I just believe that the administration should this week be absolutely unequivocal on that subject and prove it. If they prefer litigation to cutting off money, then they've really got to litigate decisively, and the Attorney General has got to pledge himself to that, which I hope he'll do this week, with all the machinery at his command. If they do, the situation and the atmosphere will change.

Herman. Thank you very much, Senator Javits, for being with us today on Face the Nation. We'll have a word about next week's guest in a moment.

Announcer. Today on Face the Nation, Senator Jacob Javits was interviewed by CBS News Correspondent Nelson Benton, John Finney of the New York Times, and CBS News Correspondent George Herman. Next week, John Gardner, Chairman of the National Urban Coalition, and former Secretary of Health, Education and Welfare, who is about to launch a citizens' movement that will attempt to influence and reform political institutions, will Face the Nation.

SALT AND THE ABM "BARGAINING CHIP"

Mr. JAVITS. Mr. President, an important news analysis by Chalmers Roberts was printed in this morning's Washington Post, dealing with the question of ABM as a "bargaining chip" at the SALT negotiations in Vienna—and the significance of the Senate votes on the Cooper-Hart and Hughes amendment in this context. Since this article deals with matters of such great interest to Members of the Senate, in a manner which appears to reflect the thinking of the administration in an authoritative way, I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Aug. 13, 1970]

ABM Vote Is Signal to Moscow

(By Chalmers M. Roberts)

The Senate voted yesterday to send a message to Moscow offering a choice of a SALT agreement or of a continuing strategic nuclear arms race.

This was the essence of the 52-to-247 vote rejecting the Cooper-Hart amendment, which would have limited the "momentum" of the American Safeguard ABM program that the Nixon administration has sought as a "bargaining chip" at the SALT talks.

The Vienna phase of those talks will formally end on Friday. Word of that came yesterday after Moscow sent to its delegation the approval of the projected communique. That joint Soviet-American statement will say the two sides have made progress in considering how to curb the major components of the strategic nuclear arms race and that they will meet again in Helsinki in an effort to reach a formal agreement.

Ironically, the closest thing to a statement of just what is in the administration's mind in pushing the "bargaining chip" argument came on Tuesday from a senator who yesterday voted for both Cooper-Hart and for the Hughes amendment, also defeated, which would have halted all work on Safeguard.

Without revealing his source, Sen. Javits (R-N.Y.) said that "it has been explained to me that the Soviet negotiating team represents a coalition of interests having diverse reasons for wanting a SALT agreement. It is said that the Soviet negotiating coalition is a delicately constructed one and that the element representing the military is the most reluctant and suspicious element.

"The group representing the Soviet Union's military viewpoint is said to be interested primarily in halting the development of an American ABM system. Presumably—using the 'worst case' war-gaming approach—the Soviet strategic planners place a higher efficiency factor on Safeguard's capabilities than our own scientific community does.

"Accordingly, it is contended that the Soviet military component, which is prominently represented in the Soviet negotiating team, might lose interest in achieving a SALT agreement if the Safeguard system is killed off in the Senate. The defection of the Soviet military element could disrupt the delicately constructed Soviet negotiating concensus and thus jeopardize an agreement otherwise desired by other elements of the Soviet hierarchy."

All this, indeed, fits the verdict of those who have patiently labored at the Vienna conference. The Soviet military representatives have clearly been the hard-nosed parties in the Kremlin's delegation. The foreign office and scientific members of the delegation have seemed far more willing to come to terms with the United States.

Much has been written, but little is really known about the power of the Red Army marshals on the decision making by the Politburo, which has no military members. That the marshals have much influence is beyond doubt, but how much is crucial in relation to SALT and a lot of other problems, too.

The American aim is to build a SALT deal around a swap of Safeguard for a ceiling on the massive Soviet SS-9 missiles. So far, the Kremlin has yet to give an OK to limit the SS-9s or at least it has not let the American delegates know whether it has.

There continues to be here a lingering feeling that some Red Army marshals, and perhaps some Kremlin ideologues as well, want to go beyond the rough nuclear parity the Soviet Union now has with the United States and try for out and out superiority.

A recent report by Georgetown University's Center for Strategic and International Studies, raises this question, asking whether a significant element in the Soviet leadership thinks superiority is a feasible goal "and that its achievement will transfer the initiative to Moscow and bring about a reversal of roles between the two global powers."

It is for these reasons that the administration last night was glowing at the defeat of Cooper-Hart and was hoping that Sen. Edward Brooke's amendment also will be defeated.

Thus, if Safeguard comes through Congress unscathed (except for elimination of the anti-Chinese area defense section), the men in the Kremlin will have a couple of months to decide among themselves just how determined the Americans really are in offering either a SALT pack to curb the arms race or an unlimited escalation into a new generation of costly weapons systems.

Mr. JAVITS. Mr. President, it will be noted that the article in question quotes extensively from my floor remarks of August 11. It will also be noted that the article by Mr. Chalmers Roberts characterizes the quotation from my remarks as:

> The closest thing to a statement of just what is in the Administration's mind in pushing the "bargaining chip" argument.

And further says about my quoted remarks:

> All this, indeed, fits the verdict of those who have patiently labored at the Vienna conference.

Within this context, the article characterizes my vote in favor of the Hughes amendment as "ironical."

Mr. President, I wish to use this opportunity to point out the reasons why I voted "aye" on the Hughes amendment. I did so on the criteria of national and budgetary priorities. Strictly within the parameters of the ABM debate, as my previous floor statement makes clear, I favored an accommodation of the "bargaining chip" argument. I believe that this argument was adequately accommodated in the terms of the Cooper-Hart amendment.

My vote for the Hughes amendment was in the context of, and in response to, President Nixon's veto on August 11 of the two important appropriations bills—the independent offices appropriations and the Office of Education appropriation.

The President's veto message refers to these two bills in the context of such language as "a dangerous budget deficit" and "the kind of big spending that would drive up prices or demand higher taxes." Within the parameters of these criteria, Mr. President, I believe that the interests and long-term security of our Nation would be better served by meeting our own needs in housing and education than by further appropriations of billions of dollars for the Safeguard ABM system. The timing and substance of the President's veto message seem to me to imply that Senators must make a choice, as the President himself had in insisting on Safeguard while vetoing housing and education appropriations. My choice would be different. I expressed my view in this regard by voting for the Hughes amendment.

Mr. HANSEN. Mr. President, I would like to observe that perhaps the 2-hour time limitation that had been called for by the distinguished Senator from Delaware was not sufficient. I would like to ask the distinguished Senator from West Virginia if he would be agreeable to a 3-hour limitation on each of these 22 amendments, or however many there may be.

Mr. BYRD of West Virginia. Mr. President, the able assistant majority leader is now present and he may wish to reply, but since the question has been addressed to me I shall respond by saying yes, I am agreeable, but I cannot so speak for my colleagues today.

Mr. HANSEN. Would the Senator speak negatively for them today? Or would the Senator object?

Mr. BYRD of West Virginia. Yes, I would be constrained to object.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. KENNEDY. I would be more than delighted, if the Senator would withhold his request for a period of perhaps 1 hour, to permit me to attempt to get in touch with sponsors of the amendments to see if they object; and then I would be glad to support the Senator. I understand the Senator has made reference to a 3-hour limitation on any of the amendments.

Mr. HANSEN. The remaining amendments.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HANSEN. I am happy to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I have just returned to the Chamber. I would like to be advised what the Senator had proposed. The Senator referred to 2 hours and 3 hours.

Mr. HANSEN. Mr. President, I respond to the Senator by saying that earlier the distinguished Senator from Delaware (Mr. WILLIAMS) had asked if there would be objection to a unanimous-consent request limiting debate on each of the amendments to not more than 2 hours. There was objection to that request. I then posed the question as to whether there would be objection to a 3-hour limitation.

Mr. STENNIS. What amendments was the Senator referring to?

Mr. HANSEN. I was referring to all amendments.

Mr. STENNIS. Mr. President, will the Senator yield to me so that I may make a brief statement on that point?

Mr. HANSEN. I yield.

Mr. STENNIS. I was away from the Chamber solely in an effort to have a little lunch. I had planned to make a statement about the situation as to these amendments. I want to make that statement as the chairman of the committee that reported the bill, the so-called floor manager or floor leader, however one may designate the position.

I could not agree to a 2-hour limitation on all amendments and I could not agree to a 3-hour limitation on all amendments. There is no use to give a lot of reasons but some of the amendments are so far-reaching and important that they are bound to require debate.

One measure would be the McGovern amendment. We have another ABM amendment in prospect. I do not know whether it will be offered or not. I think the key vote on that subject has already occurred. The majority voted for four installations. Anyway, it is here.

I have heard there will be an overall amendment for an across-the-board reduction in the amount authorized. It would not be directed to any particular weapon but would call for a reduction across the board. That is so serious I do not know of anything that would be more injurious to our military program. That would require more than 2 hours or even 3 hours.

Having said that, it is my duty to keep the bill moving. I am very much interested in getting these amendments called up. I think the time has run out when we should have them called up. I am not re-

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ferring to the Senator from Wisconsin. He has a lot of ammunition, a lot of amendments. But I think we have taken enough time preliminarily and we should get down to these amendments and make whatever sacrifice is necessary to have them called up.

I hope something can be started to move. The Senator indicated he would attempt to bring this situation to a head. There has already been mentioned to me by the majority leader the prospect of a vote on the ABM sometime next week. That is under consideration.

Mr. HANSEN. Mr. President, I wish to observe that in view of what has been said by the distinguished Senator from Mississippi there would be no point in pursuing the gracious offer of the Senator from Massachusetts earlier to poll those who have amendments to offer. I thank the Senator from Massachusetts for his offer.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

The **PRESIDING OFFICER.** The Senator from Wyoming has the floor.

Mr. HANSEN. I yield.

Mr. BYRD of West Virginia. Could the very able Senator state whether or not his colleagues would be willing to enter into a unanimous-consent agreement that we vote on the equal-time conference report this afternoon, with 3 hours equally divided between the manager of the conference report, the Senator from Rhode Island (Mr. Pastore), and the able minority leader, or his designee?

Mr. HANSEN. Mr. President, I respond to the Senator by saying that I can speak for no one except myself. I regret that I cannot. The distinguished minority whip is here. Perhaps he can help us.

Mr. BYRD of West Virginia. May I say to the very able minority whip, I had asked the able Senator from Wyoming if we could agree on a time to vote on the conference report which the Senator from Rhode Island sought to have brought up today and voted on. I would suggest we have 3 hours' debate on the conference report, equally divided, with an agreement to vote at, say, 5:30 this afternoon on the adoption of the conference report.

Mr. GRIFFIN. The announcement was made on the floor, as I understand it, by the Senator from Rhode Island that the papers are no longer at the desk and that they have gone to the House. Is that correct?

Mr. BYRD of West Virginia. I am not sure.

Mr. GRIFFIN. I understand the conference report is in the House of Representatives awaiting action.

Mr. BYRD of West Virginia. I am not sure. We would be happy to retrieve the papers if we can have an agreement to vote this afternoon.

Mr. GRIFFIN. Mr. President, I would respond to the Senator by saying that in view of the deep interest in that matter by the conferees on our side, the minority leader, the Senator from Pennsylvania (Mr. Scott) and the Senator from Tennessee (Mr. Baker), I would have to confer with them. After I have had a chance to confer with them, I would be able to give a response to the Senator.

Mr. BYRD of West Virginia. Inasmuch as the able Senator from Arizona (Mr. Goldwater) first injected this matter for discussion, I wonder if he would offer his good offices in getting the cooperation of the Senators just mentioned by the able acting Republican leader, because I am sure all Members on both sides of the aisle want to get on with the business, and we are all very strongly against delay.

I see nods in the affirmative on the part of Senators on this side of the aisle. Hence, if we would cooperate and reach an agreement as to when we might vote this afternoon on the conference report, we can complete that business. If one of the aides will contact the Senator from Rhode Island (Mr. Pastore) we will request that he come to the Chamber if the able leader thinks there is a reasonably good chance that we might vote this afternoon on the conference report.

Mr. GRIFFIN. Mr. President, it is interesting to talk about what we might be able to do on business not pending before the Senate, which is the case in connection with the conference report. It has not been called up by the Senator from Rhode Island. The pending business is the military authorization bill. That is the measure on which we want action and on which we would like to make progress.

Mr. BYRD of West Virginia. Mr. President, would the Senator yield?

Mr. HANSEN. I yield.

Mr. BYRD of West Virginia. Any Senator may call up the conference report. It is not incumbent upon the Senator from Rhode Island to call up the conference report. I would be glad to call it up now, or the able acting majority leader could call it up if we can be assured by the minority of agreement to vote on the conference report this afternoon.

Mr. GOLDWATER. Mr. President, the Senator asked a question. I will respond in the affirmative. I will do all I can to get our minority members to come to the Chamber. I think that first the majority side has to find the Senator from Rhode Island.

Mr. BYRD of West Virginia. There will be no problem so far as the Senator from Rhode Island is concerned if we can enter into an agreement with the minority to vote at 5:30 this afternoon.

Mr. GOLDWATER. As an individual Senator, I have no objection to it. I think 3 hours is probably too long before action, but I will certainly talk to my leader and, in my capacity as a single Senator, I will urge him to get to work on it this afternoon.

Mr. BYRD of West Virginia. Make it 2 hours.

Mr. GOLDWATER. My major interest is in getting the military procurement authorization bill acted on.

Mr. BYRD of West Virginia. I know the Senator's major interest, but I thought the primary motive was to get on with Senate business without delay.

Mr. GOLDWATER. To get on the authorization bill without delay.

Mr. BYRD of West Virginia. But as the Senator knows, conference reports are highly privileged matters and can be brought up at any time.

Mr. GOLDWATER. We have been putting the bill aside for weeks.

Mr. PROXMIRE. Mr. President, it is interesting to hear Senators talk about delay. This year the bill that was deliberately and calculatedly delayed was the Foreign Military Sales Act. Who delayed that Military Sales Act and especially the Cooper-Church amendment to that act? It was delayed by our good friends who are now calling for immediate action on a bill that calls for the spending of $20 billion, I believe the biggest authorization bill we are going to have up for consideration. We have had that bill before us now for 2 weeks. We have already disposed of the principal amendment. Last year it took us 7 weeks to dispose of the amendment on the ABM. This year that has already been acted on.

It seems to me there is a very good prospect of getting this bill disposed of in 3 or 4 weeks.

I know of no Senator—and I have talked to them as much as any other Senator, I think—who has any intention of filibustering the bill.

I understand why the Senator wants action. We all do. I think we have a record so far of reasonable speed in disposing of proposed amendments to the bill.

Mr. GOLDWATER. Mr. President, I want to correct one statement. It will be 3 weeks tomorrow that we started consideration of the bill. I can recall 3 days when we had recesses, in fact 1 day in which we had three recesses, because no Senator was on the floor ready to speak.

Some of us have taken a great deal of time and made a great deal of effort to defend particular parts of the bill. I have the aircraft part to defend. I sit around here twiddling my thumbs ready to oppose amendments about airplanes. They are not called up. That is fine. I think it would be wise not to call them up. But let us decide whether to do it or not.

We have been operating on a comfortable schedule, coming in at about 10 o'clock and adjourning at about 6 o'clock. We talk about everything but the military procurement authorization bill.

My whole interest is in getting action on the military procurement authorization bill and any other legislation which comes along.

I have never objected to disposing of any legislation that is ready for action. I will do everything I can to get the minority leader to agree to that.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, now that we have all had our say about delays, and the need for action on the bill, I wonder if we could get on with the consideration of it. The Senator from South Carolina (Mr. Thurmond) is ready to be recognized. May I assure the Senators on the other side of the aisle that the leadership on this side of the aisle is going to do everything possible to encourage Members to call up their amendments. I trust that the leadership on the minority side will likewise seek cooperation from Members so that Senators will come to the floor and call up their amendments.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, some Senators would like to have on the floor the aides who worked with them on this $20 billion military procurement authorization bill. In view of that fact, I ask unanimous consent that such members of the staff of the Armed Services Committee as may be needed by the members of the committee be granted floor privileges during the consideration of the pending bill.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

The bill is open to amendment.

Several Senators called for third reading.

Mr. MATHIAS. Mr. President, I have been very much interested in listening to the colloquy about who was stalling for time and who was wasting time. It reminds me a little of the story told of a Maryland lawyer who was approached by a prospective client who wanted representation in a criminal case. The lawyer said he would consider the case. What was it all about? Well, the prospective client said he had been accused of stealing; he wanted a lawyer, but he did not have the money. The lawyer said, "Well, we still consider representation in those cases, even without the money. Have you something you can pay in lieu of the fee?" The prospective client said, "Yes, I have a barrel of oysters and six Maryland hams." The lawyer said, "I will take that. What are you accused of stealing?" The client said, "A barrel of oysters and six Maryland hams."

I think that is the kind of circle we have been hearing in the last hour or so.

Mr. BYRD of West Virginia. Mr. President, may I say that the subject of delay came from the Senator's side of the aisle. I would hope that the majority side would certainly be allowed to respond.

Mr. President, unless a Senator has an amendment to be called up at this time, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, inasmuch as no period has yet been set aside today for the transaction of routine morning business, and until such time as an amendment to the pending bill is called up, which I hope will be shortly, I ask unanimous consent that there now be a brief period for the transaction of routine morning business, with a limitation of 3 minutes on statements made therein.

The **PRESIDING OFFICER.** Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object, I would like to inquire of the distinguished Senator from West Virginia if he plans on placing a limitation on the time for the transaction of routine morning business.

Otherwise, it seems to me that we might just as well have the acting floor leader for the majority offer a motion to adjourn, and we can all go back to the office and start working.

Mr. BYRD of West Virginia. Mr. President, the Senator's inquiry is an appropriate one. The able Senator from New Jersey is in the Chamber, and will shortly call up his amendment.

Mr. ALLOTT. Mr. President, I withdraw my objection.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from West Virginia?

Mr. STENNIS. Mr. President, reserving the right to object, what would the request do?

Mr. BYRD of West Virginia. May I say to the able chairman of the Committee on Armed Services that there has been no period for the transaction of routine morning business today, and in order to accommodate Senators who may have morning business, I just asked that we have a brief period for the transaction of routine business.

Mr. STENNIS. I withdraw my objection.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

WHAT TO DO ABOUT OIL

Mr. HANSEN. Mr. President, there has been a lot of interest, and well there should be, in the oil situation. We have had a number of studies inaugurated. Some have been completed. Many of the predictions that were made earlier have since been proved to be wrong.

In order that Senators might better understand what is happening today, I ask unanimous consent to have printed in the RECORD an article entitled "What To Do About Oil," written by Ralph de Toledano, and printed in the Montgomery Advertiser of August 7, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN WASHINGTON—WHAT TO DO ABOUT OIL

(By Ralph de Toledano)

Last December, I wrote in this space: "Six months from now, for all we know, Saudi Arabia, Kuwait, and the other Arab countries may embargo the shipment of oil to the United States—and we will be faced with a drastic shortage that will affect every housewife, every car driver, and much of our industry." And I called for a healthy oil industry in this country to prevent a petroleum blackmail by Arab producers. There were some who wrote to me at the time that I was touting for the domestic oil producers.

What has happened since then? The so-called consumer-minded people won't like to read the facts, or to admit that legislation passed by the Congress under pressure has played into the hands of the Arab producers and is now hurting those industries and individuals that depend on an adequate supply of oil at reasonable prices. The record speaks for itself.

1. The Syrians have refused to allow repairs made to the sabotaged Trans-Arabian pipeline. The line normally carries 475,000 barrels of oil a day.

2. Libya, taken over by a government hostile to the United States, has forced produc-
this is only a beginning.
tion cutbacks of 550,000 barrels a day—and

3. Europe and the United States have had to draw more heavily on crude oil from the Persian Gulf area.

4. Because the Egyptians have kept the Suez Canal closed since 1967, Persian Gulf oil must be shipped south and around the Cape of Good Hope.

5. As a result, the cost of shipping a barrel of oil from the Persian Gulf to the United States east coast has jumped to about $3.30 a barrel. Add the cost of the oil itself, and the total cost comes to roughly $4.55 a barrel. But a barrel of crude from Louisiana producers costs only $3.75 when delivered to the east coast.

6. Middle Eastern oil is therefore not only more expensive than domestic oil, but it has become a pawn in the power politics of the Israeli-Arab conflict. If the American economy is to be riveted to Middle Eastern oil, then we might just as well cash in our chips.

Yet every move in recent months has been to weaken the American oil industry, to discourage new exploration, and to make it economically unsound to develop marginal oil resources in this country.

Under these circumstances, the oil industry might well ask itself: Why spend the estimated $200 billion dollars over the next decade to meet future requirements in this country? And it is a good question. The oil industry has been fighting a losing battle, while "consumer experts" argue that every blow struck at American producers helps the domestic purchaser of oil. If the President vetoes a bill to continue oil import quotas, however, the price of oil and oil products will shoot up in this country, sure as shooting.

I have no particular brief for the oil industry. But I do not care to see it driven to the wall, thereby leaving this country at the tender mercy of Arab oil producers whose prices are higher and whose ideology is anti-American. They can, with the stroke of a pen, cut us off, leaving the American economy crippled.

It should be no great task for the great brains in and out of Congress who rail at American industry to work out a system that will permit the oil industry to develop new sources within the country, to give us self-sufficiency, and yet to keep prices at an equitable level. Certainly, creating a vulnerability that plays into the hands of the Soviet-Arab bloc is no solution.

Oil, of course, is just one facet of a much greater problem. The United States has passed the point where it can count on its industrial know-how to compete with the rest of the world. In textiles, for example, American workers earn $2.43 an hour, whereas in Asia, the wage is 11 cents. Technology cannot cope with this. With oil, with textiles, with any resources in international trade, simplistic answers and ideological shortcuts no longer apply. Oil is vital, and must be seen in that light. The American standard of living is also vital. To apply the formulations of the Thirties to the problems of imports and exports may give such Senators as Edmund Muskie, Edward M. Kennedy and William Proxmire, a heady nostalgic feeling, but it will be the American economy, and the American consumer, that will suffer the hangover.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **ACTING PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improved accounting con-

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trol over equipment at the Kennedy Space Center, National Aeronautics and Space Administration, dated August 11, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on construction costs for certain federally financed housing projects increased due to inappropriate minimum wage rate determinations, Department of Labor, dated August 12, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity for the Coast Guard to reduce cost of vessel construction by not requiring shipbuilders to buy insurance and performance and payment bonds, Department of Transportation, dated August 12, 1970 (with an accompanying report); to the Committee on Government Operations.

Report of Rochester Institute of Techology

A letter from the Secretary of Health, Education and Welfare, transmitting, pursuant to law, the third annual report of the Rochester Institute of Technology, concerning the establishment and operation of the National Technical Institute for the Deaf, for the year ended December 31, 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 3129. A bill for the relief of Dr. Pio Albert Pol y Zapata and his wife, Dolores S. Alvarez de Pol (Rept. No. 91–1119).

By Mr. HRUSKA, from the Committee on the Judiciary, with amendments:

H.J. Res. 236. A joint resolution authorizing and requesting the President of the United States to issue a proclamation designating the week of August 1 through August 7 as "National Clown Week" (Rept. No. 91–1120).

By Mr. TYDINGS, from the Committee on the District of Columbia, without amendment:

H.R. 18725. An act to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia (Rept. No. 91–1122).

Report Entitled "Revision and Codification"—Report of a Committee (S. Rept. No. 91–1121).

Mr. ERVIN, from the Committee on the Judiciary, submitted a report entitled "Revision and Codification," pursuant to S. Res. 51, 91st Congress, first session, which was ordered to be printed.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRIS (for himself, Mr. Bayh, Mr. Bible, Mr. Hollings, Mr. Inouye, Mr. Magnuson, Mr. Mansfield, Mr. Montoya, Mr. Pell, and Mr. Young of Ohio):

S. 4236. A bill designating certain election days as legal public holidays; to the Committee on the Judiciary.

(The remarks of Mr. Harris when he introduced the bill appear below under the appropriate heading.)

By Mr. HRUSKA (for himself, and Mr. Allott, and Mr. Mundt):

S. 4237. A bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Company; to the Committee on the Judiciary.

(The remarks of Mr. Hruska when he introduced the bill appear below under the appropriate heading.)

By Mr. INOUYE (for himself, Mr. Cannon, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Kennedy, Mr. Magnuson, Mr. McGovern, Mr. Metcalf, Mr. Moss, Mr. Young of Ohio, and Mr. McCarthy):

S. 4238. A bill amending Title 13 of the U.S. Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency: to the Committee on Post Office and Civil Service.

(The remarks of Mr. Inouye when he introduced the bill appear below under the appropriate heading.)

By Mr. CHURCH (for himself, Mr. Jordan of Idaho, Mr. Magnuson and Mr. Jackson):

S. 4239. A bill to amend the Act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Church when he introduced the bill appear below in the Record under the appropriate heading.)

By Mr. GURNEY:

S. 4240. A bill for the relief of Uhel D. Polly; to the Committee on the Judiciary.

S. 4236—INTRODUCTION OF A BILL DESIGNATING CERTAIN ELECTION DAYS AS LEGAL PUBLIC HOLIDAYS

Mr. HARRIS. Mr. President, the right to vote is the fundamental hallmark of democratic government. Yet, 47 million Americans failed to exercise this privilege in our 1968 Presidential election.

Why is it that the United States—history's greatest democracy—has the lowest democratic participation of any modern nation?

The 47 million Americans who did not vote in 1968 represent an increase of 8 million nonvoters since the 1960 election. This means that the number of nonvoters in the United States is now greater than the total electorates in such democracies as France, England, Italy, West Germany, Canada, and Australia, where voter participation is higher than in our own country.

Let us look at this problem from another perspective. The steady downward trend in voter participation means that the nonvoter has undeniable power in determining the outcome of Presidential elections. In 1968, the nonvoters exceeded by 17 million the total number of people who voted for President Nixon. For every vote separating the two major candidates in that election, there were 150 people who did not vote. In 1960, for every vote separating the major contenders there were 330 people who did not vote. Thus, in all too many of our recent elections, the nonvoters could easily have changed the course of history.

Last year, as chairman of the Democratic National Committee, I appointed a Freedom To Vote Task Force to explore the reasons for this poor record of voter participation and to find ways to remove barriers to the right to vote.

As I said at that time:

> If we really believe in democracy in this country, we must assure every citizen's freedom to vote. If we really believe in citizen participation in this country, we must knock down the registration and other barriers which restrict the right to vote.

The task force, headed by former Attorney General Ramsey Clark, unanimously recomended the implementation of a universal voter enrollment plan, establishment of a National Election Commission, and declaration of a National Election Holiday. Their perceptive recommendations can insure that all our citizens will be able to enjoy the right to vote for the President and Vice President of the United States.

The task force noted that the decline of democratic participation holds both a danger and a paradox. The danger is that democratic institutions cannot function effectively or respond promptly to society's needs unless citizens participate in the decisions that affect their daily lives. The paradox is that while millions of citizens, at odds with basic national policies, are struggling for a more active role in public decisionmaking, participation in the electoral process continues to wane.

The fact that 40 percent of the American people failed to vote in the last Presidential election should be taken as a warning sign that our Government is not working well.

When people fully believe in the system, they vote. They participate. They have a stake in Government. But to the nonvoters, their stake is not so apparent. It is our responsibility to make sure they have every opportunity to vote. Their voices must be heard. Their hopes, fears, and the reasons for their alienation must be communicated through the electoral process, not outside of it. They must be able to participate in the decisions which affect their lives so that they may feel a part of the system.

One of the major barriers to citizen participation has been voter registration requirements, which unnecessarily, bar millions of voters in every election. In areas of our country where there are no registration requirements the voter turnout averages 10 to 15 percent higher than in areas where there are restrictions.

State residency requirements in our highly mobile society exclude millions of Americans from voting. Long lines, short hours inaccessible places, and registration periods remote from the date of election, all limit voter participation.

The universal voter enrollment plan can overcome these hurdles. Experience in Canada, South Dakota, Idaho, and parts of California and Washington, shows that such a program can achieve registration of better than 90 percent of the voting age population. This is because the Government, through the National Election Commission, takes an active role in the registration of its citizens.

Today, I am introducing a bill to establish a national holiday on the date of

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every Presidential election. A National Election Holiday would help to assure full opportunity for voter participation and would solemnize this important occasion for the exercise of a citizen's responsibilities in a free society.

Twelve West European countries have their elections on Sundays or public holidays, and they all have a larger voter turnout than does the United States. The turnout for our 1968 Presidential election was only 61 percent of the potential electorate, while some democratic nations have turnouts of 80 to 90 percent. I believe the declaration of a public holiday for Presidential elections would lead to greater citizen involvement in our electoral process.

The United States has pioneered in the development of democratic institutions. Our system has proven resilient and responsive to many stresses and strains. As our Nation's 200th birthday approaches, we should declare our Presidential elections a national holiday. The greater participation of our citizens would be a most fitting tribute to the form and stability of our Government.

An observation by President John F. Kennedy highlights the importance of having all our citizens exercise their right to vote:

> Our privilege can be no greater than our obligations. The protection of our rights can endure no longer than the performance of our responsibilities. Each can be neglected only at the peril of the others.

The PRESIDING OFFICER (Mr. McIntyre). The bill will be received and appropriately referred.

The bill (S. 4236) designating certain election days as legal public holidays, introduced by Mr. Harris, for himself and other Senators, was received, read twice by its title and referred to the Committee on the Judiciary.

S. 4237—INTRODUCTION OF A BILL FOR THE RELIEF OF HAROLD C. AND VERA L. ADLER, DOING BUSINESS AS THE ADLER CONSTRUCTION CO., AND SUBMISSION OF RESOLUTION (S. RES. 445) RELATING THERETO

Mr. HRUSKA. Mr. President, for myself, the Senator from Colorado (Mr. Allott) and the Senator from South Dakota (Mr. Mundt), I introduce for appropriate reference a bill "for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Company" and submit a resolution referring this matter to the Chief Commissioner of the Court of Claims.

This matter was first brought to my attention in 1960. At that time I introduced a bill and submitted a resolution similar to those I send forward today (S. 3199 and S. Res. 288, 86th Congress, second session). The case was ultimately referred to the Court of Claims, which accepted reference. Adler was then allowed discovery of Government records relating to his claim. However, in 1962, the Supreme Court decided the cases of *Glidden* v. *Zdanok*, 370 U.S. 530. The Court of Claims interpreted this case as denying that Court the right any longer to entertain congressional reference matters. The case was returned to the Congress in 1962. Nevertheless, the matter was continued on the docket of the Court of Claims under its general jurisdiction and was tried as to the liability issue in 1966 before a commissioner of the Court of claims. The commissioner, and in April of this year, the court, found favorably to Adler and stated that the court was agreeable to Adler's seeking a new congressional reference under the 1966 revision of that statute, 28 United States Code 2509.

It is pursuant to this recommendation of the court and the request of Mr. Adler, that we introduce this bill today. At this point I ask unanimous consent to have printed in the Record the text of the bill and the resolution and a synopsis of Adler's claim for relief.

The PRESIDING OFFICER (Mr. McIntyre). The bill and resolution will be received and appropriately referred; and, without objection, the bill, resolution, and synopsis will be printed in the Record.

The bill (S. 4237) for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Co., and resolution (S. Res. 445) relating thereto, were received, the bill was read twice by its title, both bill and resolution were referred to the Committee on the Judiciary, and were ordered to be printed in the Record, as follows:

S. 4237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Adler Construction Company of Littleton, Colorado, the sum of ———. The payment of such sum shall be in full satisfaction of all claims by such company against the United States for compensation for losses sustained by such company in connection with a contract between it and the Department of the Interior, Bureau of Reclamation, providing for certain work on the Pactola Dam project near Rapid City, South Dakota, the United States having failed (a) to fully rectify a mistake in the bid by such company for such work, (b) to allow equitable adjustment to such company for excess costs arising from changed or latent conditions at the site of such work and overruns of quantities connected with such conditions, and (c) to allow equitable adjustment to the contractor for excess costs arising from certain breaches by the United States of such contract, such breaches including, but not limited to, undue acceleration of performance and issuing misleading, erroneous, self-contradictory and conflicting drawings in important respects; *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

S. Res. 445

Resolved, That the bill (S. ——) entitled "A bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Company" now pending in the State, together with all the accompanying papers, is hereby referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of section 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

The synopsis, presented by Mr. Hruska, is as follows:

Synopsis

(Providing a brief description of Adler's claims for relief)

Adler bid $3,761,115 in September 1952, in response to the government's invitation for bids on Pactola Dam, a large earth-filled dam project in the Black Hills near Rapid City, South Dakota. His bid was obviously, very low, being 23% under the next low bid ($4,878,468), and 38% under the government's pre-bid estimate ($5,962,341). Suspecting a grave mistake in bid, Adler immediately reviewed his figures, but asked the government to delay award. Adler very promptly advised the government at its supervisory Denver office that he had made a mistake of $621,000, so advising the government before award. Adler stated his bid was not acceptable without a correction to his intended bid, or the erroneous bid must be rejected.

The government, nonetheless, precipitously awarded the contract on October 14, 1952, thereby putting Adler's bid bond of $376,111 in jeopardy. He was told by the government the next day to send proofs of his claimed bid errors of $621,000 to the Contracting Officer who would forward showings to the Comptroller General. The government told Adler that the Comptroller General was the only one who could grant the relief Adler requested. Adler presented his proofs of error about October 20, 1952.

After the proofs were forwarded from the Contracting Officer about October 31, 1952 to the Comptroller General, that government officer held, in a written decision dated November 14, 1952 that the errors had been made as claimed and could be fully corrected.

The government representatives in Denver who received Adler's proofs of error in Denver on October 20, 1952, had (in an internal memorandum dated October 31, 1952 never disclosed to Adler) concluded on their own part that Adler had made the errors as claimed, stated that the award earlier made on October 14, 1952 was not intended to prejudice or foreclose Adler's right to have his bid errors corrected, and stated that if his errors were corrected such would be to the advantage of the government because the resulting contract amount would still be over $500,000 under the next low bid. The Chief of the Bureau of Reclamation and the Administrative Assistant of the Department of Interior agreed with all these conclusions and recommended full correction of bid errors. But this was not revealed to Adler.

On November 17, 1952, a Denver conference was convened by the government, with Adler. He was not given a copy of the Comptroller General's decision. Nor was he told of the internal memorandum of October 31, 1952 or the conclusions of the Chief Assistant of the Department of Interior.

At this November 17, 1952, conference, the government representatives made an about face from their earlier position, telling Adler that "all we can pay" for bid corrections is approximately $485,000, leaving Adler shorted by $136,240 from having his bid corrected to accord with his known intended bid. Government representatives further demanded he must sign an Amendatory Agreement (which the government had unilaterally conceived and drafter), in which he would agree to be paid less than his known intended bid, or else his bid bond would be taken. This put Adler under the pressure of financial ruin if he did not sign the Amendatory Agreement. There wasn't the slightest consideration for such Amendatory Agreement. The recited consideration that the government was waiving its right to waive the construction contract was in error. There was no construction contract in existence to waive, the award being illegal and the construction contract not signed. The refusal of the government representatives to abide by the decision of the Comptroller General was in violation of the Dockery Act.

Nonetheless, Adler was forced on November 17, 1952 to sign under the unconscionable pressure being applied, while at the same time the government was concealing from him the fact that several government officers, in control of the events, had professed internally that they had no desire to prejudice or foreclose his rights to have his bid fully corrected as beneficial to the government. In short, the negotiating steps taken by the government were carried on in a matrix of deception by the government's representatives and their failure to reveal the truth about existing circumstances and their own intentions earlier declared unilaterally one to another about October 31, 1952. The above circumstances involving the government's unconscionable denial of $136,240, and the unjust taking thereof, constitutes Adler's Claim (a).

His Claim (b) based on encountering radically changed conditions and his Claim (c) for breach of contract are next briefly described.

Once Adler started performance, matters became still worse for Adler by reason of other circumstances which were to develop. Beginning about March 1954 (after construction began in November 1952), Adler had completed all of the scheduled quantity of Item 2 work. Adler began to complain as early as February 1954 as to improper classification of material as Item 2, that should have been classed as Item 3. The on-site construction engineer ignored and "buried" this communication from Adler. There never was a definitive ruling on that.

Also the excavation situation in the main dam area (83% of the whole job) was increasingly appearing to be materially changed from what had been expected. Adler complained repeatedly. (The old version of Article 4 clause was included in this particular contract, requiring the government to discover the situation, as well as calling for notice to be given by the contractor.) Adler made an extended written complaint charging changed conditions and seeking modification of his contract and a large extension of time.

The government failed, and continued to fail, to make any decision or finding as to what was the cause of the increase in volume of excavation in the main dam area (up 261%, or excess and unexpected cubic yardage of excavation so vast that it would take a 50-mile-long-train of gondola cars to move it, and a 77-mile-long-train of excess refill to replace in the embankment. Still other unexpected difficulties began to unfold.

Moreover, these great excess yardages of excavation and refill had to be performed under very complex conditions not expected or represented. For example, the defendant encountered a very rough, step-like and chaotic rockscape over the lower area of the dam foundation. The drawings had not depicted this; instead they depicted this area as relatively smooth.

Even the cutoff trench, depictod in the drawings given to bidders as having a maximum width of 150 feet, had an actual width of 300 feet to 500 feet, and with very irregular margins.

To worsen matters yet further, the depth of actual excavation below the depth of the natural ground surface, was 2 to 3 times that shown on the drawings and specifications. In places, the actual depth of excavation below ground surface was in several places as deep as 48 feet as compared to about 7.5 feet average depth estimated from the drawings originally given the bidders.

In fact, the drawings and specifications were misleading and defective.

All this caused grave difficulties, and grossly increased construction costs to Mr. Adler. Not only was the work made far more expensive, but these difficulties made it impossible to perform the work in the original performance period of about 2¾ years. An entire extra year was required.

Though Adler asked for a time extension, with a particular amount requested on June 15, 1955, the government refused to give him a timely time extension. Instead the government urged and required him to speed up the work, even to continue it into one of the most severe winters in many decades. Thus, the government unduly and wrongfully accelerated the work, at serious loss to Adler. The winter work forced upon Adler in the winter of 1955 to 1956 which was not anticipated in the original contract, was performed at only 55% efficiency, as the Contracting Officer admitted.

The government breached its contract in many ways, including, but not limited to, failure to make a decision (as the contract required) as to whether or not there was a changed condition, and as to whether Adler was entitled to a classification of a large quantity of excavated material as Item 3 (at $1.20 per cu. yd.) instead of Item 2 (at 53c per cu. yd.) It wrongfully and unduly accelerated the work; and the drawings and specifications were misleading and inconsistent. The government was negligent and not rational in the preparation of its estimates of quantities and of conditions yet to be encountered.

It concealed much vital information from Adler; yet at the same time demanding of him that he give a release to any claims he might have based on anything occurring before July 5, 1956, thereby denying him an opportunity for equal bargaining power.

When Adler sought Congressional relief in 1960, Congress adopted a resolution authorizing a Congressional reference to the Court of Claims. The Bureau of Reclamation, on a retrospective review recognized with honor, that it had unconscionably forced, or overreached, Adler as Adler had stated in his "Claim (a)," requesting full rectification of the bid error, the entire correction of which has been denied him by a sum of $136,240 wrongfully taken from him.

As to Adler's "Claims (b) and (c)," the Bureau of Reclamation stated that the Contracting Officer held the belief that these claims were not based on fact. Nonetheless, the Bureau of Reclamation suggested that those two claims should, if in Congress' judgment it thought such as warranted, be referred to the Court of Claims, thereby allowing an independent tribunal to judge whether the claims of changed conditions, and breach of contract for undue acceleration and other breaches, were based on fact.

Congress did make Congressional reference in 1960 of all Adler's Claims (a), (b) and (c).

The Court of Claims, though originally accepting jurisdiction of the Congressional reference aspect of the case in 1960 (along with accepting jurisdiction on the basis of its general jurisdiction), denied jurisdiction after the appearance of the Supreme Court's decision in *Glidden v. Zdanok*, 370 U.S. 530 (1962). That decision cast doubt on the right of the Court of Claims to consider such reference cases if the members of that court were to enjoy the status of a constitutional court, with life terms for its judges.

In a recommended decision of the Commissioner of the Court of Claims, affirmed by the Court on April 17, 1970, the Court concluded, nonetheless, that if the matter were, in fact, before that Court on a Congressional reference, it would hold and recommend that Adler's Claim (a) for the $136,532 not yet paid him to fully rectify his bid error made known before award, be paid by Congress as an equitable obligation of the Government in a non-juridical sense. This was the Court's recommendation irrespective of any releases which Adler might have given to the government, or whether they were valid.

The Commissioner and Court also have now found as a fact that Adler's Claims (b) and (c) based on changed conditions and on undue acceleration and other breaches of contract are based on fact. The Commissioner and the Court made extensive detailed findings clearly establishing that there were radically changed conditions, and very damaging undue acceleration. It found breaches of contract based on the fact that the plans and specifications were misleading and inconsistent. It found that the government did not make an adequate investigation of the subsurface conditions resulting in its scheduled quantities for excavation and refill that were in gross error. It found Adler's costs to perform the work were severely enlarged over that which he had a right to expect from the documents bid upon. By reason of these matters for which the government, not Adler, was responsible, and coupled with the original wrong of the government's unconscionable deprivation of $136,532 of Adler's entitled bid correction, he was mired in a dire financial distress known to the government at the time it demanded from him both a general release on July 6, 1956, and a government form of release on November 20, 1956.

Adler's financial ruin being even deeper in 1956 than it was in 1952 when the government overreached Adler unconscionably for the so-called Amendatory Agreement, it appears clear that Congress should allow an equitable payment in a non-juridical sense for all three of Adler's claims. The original wrong taints all that follows.

S. 4238—INTRODUCTION OF THE UNIVERSAL ENROLLMENT ACT OF 1970

Mr. INOUYE. Mr. President, I introduce, for appropriate reference, legislation to be known as the Universal Enrollment Act. Joining with me as cosponsors of this legislation are Senators Cannon, Gravel, Harris, Hart, Hughes, Kennedy, Magnuson, McGovern, Metcalf, Moss, Young of Ohio, and McCarthy.

This important measure is also being introduced in the House of Representatives today under the principal sponsorship of Representative Morris K. Udall, Democrat, of Arizona. It is my understanding that Congressman Udall will be placing in the Record today an extensive statement outlining the purpose and procedures which this legislation envisions, with a significant volume of supportive data.

My interest in this matter was sparked by my service this past year on the Freedom To Vote Task Force under the able leadership of former Attorney General Ramsey Clark. This proposal is an attempt to reduce in a very significant and meaningful way what we found to be the primary barrier to equal participation within the political system.

By all persons otherwise eligible to vote the procedural difficulty of meeting registration and local residence requirements and the variety of restrictions limiting

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absentee voting disenfranchises a most significant segment of the electorate.

It is estimated that present registration laws acted to deny the opportunity to vote to some 6 million Americans who could not meet the necessary residence requirements to vote for President and Vice President in the 1968 election.

It is estimated another 8 million were unable to vote because of inability to get to the poll or to get an absentee ballot to vote that election day despite the fact they were otherwise fully qualified to express their preference and participate in choosing the President and Vice President of our Nation.

This measure is designed to remove totally those barriers to participation.

Further the legislation would provide a universal enrollment plan which would seek out and encourage the enrollment of all otherwise qualified Americans under a National Director of Enrollment, the Director of the Bureau of the Census.

It contains powerful encouragement to the States in the form of a direct grant to those States when enrollment of voters in any congressional district exceeds 90 percent of those eligible.

Further, this legislation would establish a National Enrollment Commission of nine members, including the Secretary of Commerce and the Director of the Bureau of the Census to consult with, and give advice to, the National Director of Enrollment.

For all of us who have a real interest in seeing our political system work, and in encouraging all of our people to work within the system, this measure provides an important means of reducing those impediments currently frustrating that desire.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred.

The bill (S. 4238) amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency, introduced by Mr. INOUYE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

ADDITIONAL COSPONSORS OF BILLS

S. 4050

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Alaska (Mr. STEVENS), I ask unanimous consent that, at the next printing, the name of the Senator from Vermont (Mr. PROUTY) be added as a cosponsor of S. 4050, creating U.S. conservation savings bonds.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

S. 4197

Mr. GURNEY. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of S. 4197, to encourage States to establish junked motor vehicle disposal programs, and for other purposes.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

SENATE RESOLUTION 444—SUBMISSION OF A RESOLUTION RELATING TO THE LEGAL ACCOUNTABILITY OF MEMBERS OF THE ARMED FORCES OF THE UNITED STATES IN COMBAT SITUATIONS

Mr. BELLMON submitted a resolution (S. Res. 444) relating to the legal accountability of members of the Armed Forces of the United States under certain circumstances, which was referred to the Committee on Armed Services.

(The remarks of Mr. BELLMON when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 445—RESOLUTION SUBMITTED TO REFER THE BILL (S. 4237) TO THE U.S. COURT OF CLAIMS

Mr. HRUSKA (for himself, Mr. ALLOTT, and Mr. MUNDT) submitted a resolution (S. Res. 445) to refer the bill (S. 4237) entitled "A bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Co." to the Chief Commissioner of the U.S. Court of Claims for a report thereon, which was referred to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he submitted the resolution appear earlier under the appropriate heading.)

SENATE RESOLUTION 446—SUBMISSION OF A RESOLUTION EXPRESSING THE SORROW OF THE U.S. SENATE OVER THE DEATH OF DAN MITRIONE

Mr. BAYH (for himself, Mr. HARTKE, Mr. SCOTT, and Mr. KENNEDY) submitted a resolution (S. Res. 446) expressing the sorrow of the U.S. Senate over the death of Dan Mitrione, which was considered and agreed to.

(The remarks of Mr. BAYH when he submitted the resolution appear later in the RECORD under the appropriate heading.)

LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS BILL, 1971—AMENDMENT

AMENDMENT NO. 837

Mr. TYDINGS submitted an amendment, intended to be proposed by him, to the bill (H.R. 18515) making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, which was referred to the Committee on Appropriations, and ordered to be printed.

(The remarks of Mr. TYDINGS when he submitted the amendment appear below in the RECORD under the appropriate heading.)

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 838

Mr. GOODELL (for himself, Mr. CRANSTON, and Mr. KENNEDY), submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks and discussion when Mr. GOODELL submitted the amendment appear later in the RECORD under the appropriate heading.)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 839

Mr. PERCY (for himself, Mr. JAVITS, and Mr. HUGHES) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

(The remarks of Mr. PERCY when he submitted the amendment appear below under the appropriate heading.)

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NO. 840

Mr. KENNEDY (for Mr. CANNON) submitted amendments, intended to be proposed by Mr. CANNON, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. KENNEDY when he submitted the amendments for Mr. CANNON appear later in the RECORD under the appropriate heading.)

LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS BILL, 1971—AMENDMENT

AMENDMENT NO. 837

Mr. TYDINGS. Mr. President, I rise today to submit an amendment to H.R. 18515, the Labor-HEW appropriations bill, to financially assist the Department of Health, Education, and Welfare convert Fort Detrick in Frederick, Md., into a much-needed health research center. This amendment to provide $15 million would allow HEW—in particular, the National Institutes of Health—to assume operation of the main research and development areas and adjacent animal facilities located at Fort Detrick, and would permit the creation of 700 new scientific and support positions to fill the employment void being created by the Army's departure.

Last November, following the President's announcement that all offense-related biological warfare activities in this country would be discontinued, the Army declared the biological laboratory mission at Fort Detrick surplus to its needs. At the same time, hope was expressed that HEW would assume control of the facilities being vacated and provide meaningful employment opportunities for the current Detrick staff. The fort's scientific team, carefully assembled over 27 years, is one of the finest in the world. Both for the welfare of the Nation and out of consideration for the loyal members of this team and their families, it is imperative that the enormous expertise and experience of these men and women be directed toward badly needed investigations to advance the state of the Nation's health.

HEW has expressed a strong interest in utilizing the fort's staff and facilities for such a purpose. The final obstacle to actual conversion appears to be a shortage of funds.

NIH officials have informed the Senate Appropriations Labor-HEW Subcommittee that the $15 million proposed in this amendment would permit conversion of the fort to a health research center to provide and permit the immediate creation of 700 new health-research positions for the fort's present staff.

According to the NIH, the new programs at Fort Detrick would include slow virus disease research; animal holding facilities; studies on hepatitis, fungal diseases and latent viruses in animals; tissue culture studies on genetic defects; national dental caries program; broad research on diseases of the eye; production of senescent animals needed in aging research; and the study of cancer-producing and related viruses, viral oncology and chemical carinogenesis.

Mr. President, I ask unanimous consent that a more-detailed breakdown of these new programs be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Hughes). The amendment will be received and printed, and will be appropriately referred; and, without objection, the table will be printed in the Record.

The amendment (No. 837) was referred to the Committee on Appropriations.

The table, presented by Mr. Tydings, is as follows:

FORT DETRICK

SUMMARY—ESTIMATED NIH SPACE AND FUND REQUIREMENTS AT FORT DETRICK

[Dollars in thousands]

			Annual cost				First year cost—Jan. 1–June 30, 1971				
			Personal services				Personal services				
	Space needed	Square footage	Positions	Amount	Other costs	Total costs	Positions	Amount	Nonrecurring costs	Other costs	Total costs
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES											
1. "Slow Virus" Disease Research—Studies on certain animal diseases having apparent counterparts in human infection, in facilities having adequate provision to protect the staff. Investigations will involve naturally occurring slow viral diseases of animals, to ascertain whether these viruses are the cause of certain chronic diseases of man. Scrapie and progressive pneumonia of sheep, Aleutian mink disease, and encephalopathy of mink are the currently known animal diseases in this category. Studies will include isolation and characterization of etiologic agents, the mechanisms of infections, pathologic processes, and immunologic mechanisms. Human specimens from patients with comparable chronic diseases will be included in the studies. Characteristic also of such studies is the need of secure facilities for the long-term holding of experimental animals from rodents to primates.	Building No. 560....	130,155	20	$240	$130	$370	20	$90	$13	$60	$163
2. Hazardous virologic research—Studies on virologic diseases, the agents that are dangerous to the health and lives of the staff and require containment facilities for the holding of experimental animals. The projects selected are those infectious disease studies which have been handicapped or in some cases almost impossible, due to a lack of suitable biohazard containment facilities. Projects will include (1) Hepatitis—the recent discovery of the Australian antigen has stimulated research interest in this important disease; (2) Arboviruses—this large group of viruses includes a number that are highly infectious to man requiring special containment facilities, in addition, comprehensive studies with many strains present problems of preventing cross contamination; (3) Hemmorrhagic fever and other exotic viruses—study of these viruses in segregated suites of laboratory and animal holding facilities will avoid unfortunate fatality experiences such as those with the Machupo, Marburg, and Lassa viruses; and (4) Exotic agents of unknown pathogenicity—newly discovered agents, and usually viruses, are recovered from animals and man which turn out to be more hazardous than anticipated. Ability to study such new agents immediately, safely, and effectively is of utmost importance.	Building No. 539...	96,778	55	660	581	1,241	55	255	55	200	510
3. Other research requiring special facilities—Studies in this area are characterized by their need for facilities that protect the staff from the organism being studied, protect the experiments from contamination, require aerosol and controlled environment equipment, and provide for long-term holding of experimental animals in protected facilities, Studies will include viral respiratory disease research, special research in tuberculosis, and research on antiviral substances including interferon and interferon inducers.	Building No. 376; Building No. 539.	25,000	35	420	400	820	35	150	45	180	375

FORT DETRICK—Continued

SUMMARY—ESTIMATED NIH SPACE AND FUND REQUIREMENTS AT FORT DETRICK—Continued

[Dollars in thousands]

	Space needed	Square footage	Annual cost				First year cost—Jan. 1–June 30, 1971				
			Personal services		Other costs	Total costs	Personal services		Nonrecurring costs	Other costs	Total costs
			Positions	Amount			Positions	Amount			
4. Supporting—Laboratory direction and administrative support for the above three programs, increased staff in the office of the Institute Director, and the maintenance of the agent, storage and distribution facility.	Building No. 560		10	120	78	198	10	50	10	30	90
Total NIAID programs		251,933	120	1,140	1,189	2,629	120	545	123	470	1,138
NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE											
Relocate the Patuxent Laboratory—with its "slow virus research" program. There are 12 positions and $200,000 in the 1971 budget for this program. No additional funds or positions are being requested.	Laboratory	6,500									
	Animal	7,000									
2. Relocate animal holding facilities—There is $300,000 in the 1971 budget which supports animal holding contracts. The efforts could be moved to Fort Detrick, but only with the provision that the positions would be made available to perform the services. No additional funds are needed at this time.	Laboratory	5,000									
	Animal	17,000	15				15				
3. Epidemiological and infectious disease studies—Studies of the immuno-pathogenesis of subacute sclerosing panencephalitis, multiple sclerosis, and Creutzfeld-Jacob disease, etc., and of the role of simultaneous chronic virus infections in such diseases.	Laboratory	200									
	Animal	3,300	6	72	8	80	6	24	7	4	35
4. Genetic engineering research—Utilizing the tissue culture and fermentation facilities, take over the ongoing Fort Detrick operation. Utilizing the knowledge, skill, and facilities of a group of geneticists and tissue culture specialists now at Detrick, change their direction of research to health-related studies toward the curing of hereditary diseases by genetic transfer.	Building No. 376; Building No. 539.	15,000	14	168	112	280	14	84		76	160
Total NINDS programs		54,000	35	240	120	360	35	108	7	80	195
DIVISION OF BIOLOGICS STANDARDS											
1. Study hepatitis in primates, smallpox and monkey pox, tuberculosis and B.C.G. and other vaccines, fungal diseases, plague and tetanus, cytomegaloviruses, and latent viruses in animals used as the sources of cells for vaccine development. Utilize facilities for large scale tissue culture production. Acquire expertise on problems involving the possibly oncogenic viruses of human beings and the "slow" viruses.	Laboratory	6,800	41	492	208	700	41	127	20	78	225
	Animal	6,800									
	Contamination	1,000									
	Office	1,500									
	Cold storage	4,000									
	Also animal center space. Building No. 539.										
Total DBS		20,100	41	492	208	700	41	127	20	78	225
NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES											
1. Large scale pilot plant production of bacteria and viruses, and from these and from normal animal tissues the isolation of large quantities of pure proteins and nucleic acids (such as DNA, the genetic material).	Building No. 431	25,600	45	540	540	1,080	45	145	100	215	460
	Building No. 470	37,600									
	Building No. 472	6,500									
2. Tissue Culture—It is now possible to grow outside the body tissues from patients with diseases of genetic origin. Detrick's facilities are outstanding for this purpose. When these human tissues are grown in the test tube, it is usually possible to pinpoint the exact chemical defect which causes the disease; and these cultures provide a rapid and convenient means of evaluating possible treatments.			15	180	180	360	15	60	50	60	170
Total NIAMD programs		69,700	60	720	720	1,440	60	205	150	275	630
NATIONAL INSTITUTE OF DENTAL RESEARCH											
1. Laboratory research and control activity in support of national caries program—A new laboratory base must be created in support of the National Caries Program. Enlarged microbiological facilities are needed where the identification, characterization and manipulation of microorganisms known or thought to be pathogenic in the caries process can be performed. Large volumes of oral plaque samples can be microbiologically screened. Of equal importance to adequate laboratory support for the National Caries Program would be facilities and resources for biochemical and chemical analyses, especially those relating to trace elements in tooth samples and body fluids. Elimination of dental caries is primary; however, the need to remedy the ravages of dental disease in the existing population is needed. The Detrick primate facilities have great potential for use in screening candidate material for implants.	Building 560	5,000	20	240	340	580	20	108	30	140	277
2. Viral etiology of oral soft tissue lesions—Research relating to the role of viruses in the etiology and pathogenesis of infection. Focused new studies concern (1) the viral etiology of aphthous ulcers of the mouth, and (2) systematic exploration of possible viral etiology of oral tumors, particularly defining the oncogenic impact of derpes simplex.	Building 560	9,000	10	120	200	320	10	52	20	85	157
Total NIDR programs		14,000	30	360	540	900	30	160	50	225	434

			Annual cost				First year cost—Jan. 1–June 30, 1971				
			Personal services				Personal services				
	Space needed	Square footage	Positions	Amount	Other costs	Total costs	Positions	Amount	Nonrecurring costs	Other costs	Total costs
NATIONAL EYE INSTITUTE											
Laboratory for animal models of diseases of visual system—Simulating a number of diseases of the eye and visual system in experimental animals, study in mechanism of these diseases in animals which have a counterpart in man, including retinitis pigmentosa in C₃H strain mice, galactose cataracts in weanling rats, glaucoma in congenital buphthalmic rabbits, etc. Develop new animal models for other diseases in man such as diabetic retinopathy, retinal detachment, and uveitis.	Animal space building 1021–1040–1043–1049.	3,825	8	$60	$150	$210	8	$20	$18	$65	$10
3. Laboratory for ocular tissue research—Establish a regional distribution point for biological material used in vision research utilizing the large abattoir in Frederick which would result in having available large quantities of purified photopigments and enzymes from ocular tissues.	(2) Cold rooms (2) laboratories building 560.	900	6	68	67	135	6	24		35	59
3. Tissue and organ culture laboratory—Recent advances in growing cornea and retina in tissue culture as well as the organ culture of lens make possible the study of such disease processes as herpes complex keratitis, retinoblastoma * * * cataracts. The availability of * * * ocular tissue from the * * * in Frederick and the isolation and decontamination facilities at Detrick makes this type of research possible.	(3) Laboratories building 560.	1,350	4	58	47	105	4	24		21	45
. Regional toxicology unit-mechanism and treatment—Establish the first facility in the * * * where vision research is being conducted in the broad area of toxicology of air pollutants, household plants, insecticides, herbicides, * * * and medicinals. The airosol units and other specialized * * * devices for the handling of * * * materials * * * are available at Detrick for performing this type of research.	(6) Laboratories animal operating room building 560.	2,700 900 450	9	121	195	316	9	55	20	30	155
Total NEI programs		10,125	27	307	459	766	27	123	38	201	362
NATIONAL INSTITUTE OF HUMAN HEALTH AND HUMAN DEVELOPMENT											
1. Gerontological research—Establish a source for senescent animals critical to the goals of the Gerontology Research Center. Such sources are unavailable at this time. The ability to support species other than rats in an outside facility would provide major assistance and permit full activation of the gerontological program.	Building 539	539	6,000	15	111	34	145	15	48		15
Total NICHD programs		6,000	15	111	34	145	15	48		15	68
NATIONAL CANCER INSTITUTE											
1. Engineering and consultation for containment of biohazards—To provide consultation in the effective utilization of facilities, equipment and procedures for containment of biohazards to assure that investigators are following optimal procedures of safety.	Building 560	13,500	21	252	248	500	21	105	30	98	238
2. Tissue culture requirements of cells for optimal virus production.	Joint use of space with NIAMD in buildings 431, 470 and 472.		5	60	90	150	5	16	10	25	50
3. Large scale production of suspect viral tumor agents			18	216	284	500	18	60	30	70	160
4. Purification of viral reagents			15	180	220	400	15	54	30	60	140
Total NCI programs		13,500	59	708	842	1,550	59	235	100	253	588
CENTRAL SUPPORT SERVICES											
1. Research Services—This would include production and long-term holding of animals inoculated with hazardous infectious agents; increased production of bacteriological and tissue culture media; development of new approaches in the detection and containment of bioaerosols, viruses, infectious agents and isotopes; medical library services; medical arts and photography services; and fabrication and maintenance of research equipment.	Shop space in building 1054 plus program space in various buildings listed above.		30	240	760	1,000	30	120	80	380	580
2. Engineering Services—This would include utilities service; building maintenance and alteration; shops service; and grounds and road maintenance.	Same as above		205	1,640	2,540	4,180	205	820	500	1,270	2,590
3. Administrative Services—This would include communications; fire protection and guard service; transportation service; custodial service; supply operations; and property management.	Same as above		65	520	300	820	65	260	40	150	450
Total support services			300	2,400	3,600	6,000	300	1,200	620	1,800	3,620
Subtotal—Operating cost			687	6,778	7,712	14,490	687	2,751	1,108	3,397	7,256
Repair and improvements (buildings and facilities)—This item includes general repair and improvement of a recurring nature such as roofing, painting, laboratory facilities, utility repairs, etc.					500	500				300	
Total		439,358 (laboratory space only)	687	6,770	8,212	14,990	687	2,751	1,108	3,697	7.5

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 839

Mr. PERCY. Mr. President, as each day goes by, it becomes increasingly and dramatically evident that once again we in this Nation face the possibility of a dangerous and inflationary budget deficit. Some predictions run higher than $10 billion.

Faced with this possibility, I am doing what I can to eliminate wasteful Government spending. I have resolved to identify areas where $4 billion could be saved. So far, I have advocated recommended changes that would mean savings of over $1.5 billion.

Today, I will add to the list two more areas in which money could be saved.

The first is the Peace Corps. Since its inception, this body of idealistic and energetic Americans, young and old alike, has shown to the world a face of America that too frequently is lost behind the headlines. Peace Corps volunteers have offered to the people of the less-developed countries the tools by which the people themselves can build their own nations.

Within the operation of the Peace Corps, however, there is a procedure that is superfluous—the full field investigation, or FFI. This is an in-depth investigation of each Peace Corps volunteer who is invited to training prior to an overseas assignment.

Ordinarily, a national agency check and inquiry will suffice for most Government jobs. This check can be made for about $25 per individual. But each full field investigation cost about $480 last year, and will cost an estimated $525 this year. Included in this cost is the normal national agency check.

It just does not make sense to me that some crew members of a nuclear-powered submarine serve after only receiving a national agency check, while a person who will teach agriculture or English requires a full field investigation.

Last year, some 5,400 FFI's were conducted for Peace Corps volunteers at a total cost of nearly $2.6 million. If national agency checks alone had been run, the cost would have been $135,000.

This wasteful and unnecessary practice should not be permitted to continue. Joseph Blatchford, director of the Peace Corps, has indicated a desire to stop this practice, and this year, approximately 20 percent of the FFI's will be eliminated in favor of the national agency checks.

I commend Mr. Blatchford for his initative, but, I would hope that the Congress would act to eliminate all FFI's this year. By eliminating FFI's, and keeping the national agency checks, $2.7 million could be saved, assuming a volume that is the same as last year's. The Peace Corps should move ahead to eliminate this needless cost as soon as is possible.

The other area I would today like to mention in which we could save the taxpayer's money involves the so-called forest highways. Though funds from the highway trust fund are used to build sections of the Interstate System, they are not used to build the connecting parts of highways through public lands. Additional funds must be appropriated from general revenue funds to build the connecting link of road through a public land to join the two sections of the interstate highway. This additional appropriation is especially unnecessary when one takes into account that last year $2 billion from the trust fund was unobligated. This year, $15 million is included in the Department of Transportation bill for the construction of these forest highways. I believe that it is obvious that this is an unnecessary expenditure. The funds could just as easily come out of the trust fund, at a savings to the taxpayers of $15 million for this year.

Therefore, Mr. President, I submit for appropriate reference an amendment to H.R. 17755 which provides for the appropriate funds to be derived from the highway trust fund. I ask unanimous consent that this amendment be printed in the RECORD at this point.

A saving of $15 million may not seem too large when compared to a possible deficit of $10 billion. However, by combining such items, large and small, I have now been able to identify areas where we could save $1.617 billion. Mr. President, I intend to continue to search for areas where excesses have been overlooked, and I invite my colleagues to join me in this effort.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 839) was referred to the Committee on Appropriations, as follows:

AMENDMENT NO. 839

On page 12, line 6, after "expended," insert "and to be derived from the Highway Trust Fund,".

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 765 TO H.R. 17123

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that, at the next printing, the name of the Senator from Tennessee (Mr. BAKER) be added as a cosponsor of his amendment No. 765, to the pending military authorization bill, to create a volunteer military.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

NOTICE OF HEARING ON SLEEPING BEAR DUNES NATIONAL LAKESHORE

Mr. MANSFIELD. Mr. President, on behalf of the Subcommittee on Parks and Recreation of the Interior Committee, I announce that a public hearing has been scheduled for Wednesday, August 26, on S. 1023, to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes.

All interested Members of Congress and the public are invited to participate in these hearings. It is requested that anyone wishing to appear notify the staff of the Interior Committee. The hearing will begin at 10 a.m. in room 3110, New Senate Office Building.

ADDITIONAL STATEMENTS OF SENATORS

A LITTLE GIRL'S LAST WISH

Mr. MATHIAS. Mr. President, my State, Maryland, is often called America in miniature because of its beautiful ocean beaches on the Eastern Shore, the magnificent Chesapeake Bay and tidewater areas of central Maryland and the majestic mountains in western Maryland. I am proud of all of Maryland's scenery as well as the people who contribute to the traditions of each part of the State.

Recently, a situation was brought to my attention which made me a bit more proud that I am privileged to represent the people of Maryland.

In Little Italy, a section of east Baltimore, Maryland's largest city, not more than six to eight blocks square, the entire community joined together to give a dying neighborhood girl her last wish—a pizza party. Now, Little Italy is not a natural scenic area such as Maryland's mountains or seashore. It is comprised mainly of immaculate rowhouses and sparkling white marble steps which line narrow, asphalt streets and dotted with some of the finest Italian restaurants in the world. But Little Italy's wealth is not the beautiful old homes or its fine restaurants; rather it is her people. It is people like these strong, hardworking, law-abiding citizens of Little Italy who went out of their way to make the last days of a little girl's life happy that reassure me the future of America is bright.

I ask unanimous consent that a column by Seymour Kopf of the Baltimore News American, reporting this event, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAN ABOUT TOWN

(By Seymour Kopf)

It was Mary Ellen's last party.

Josie went out hours before and bought her a pink dress. Now, at her final party, she wore the dress with a pink, yellow and red corsage.

There were presents all around her, but Mary Ellen seemed to be especially fond of a teddy bear nearby. Her friends from her graduating class at St. Leo's were there, and a slim girl danced only a few feet from her—she danced and danced as if she were propelled by a jet engine.

The people of Little Italy have always believed in Life, and you could see that even the older men and women here now in the basement of St. Leo's The Great Church could not fully understand that 15-year-old Mary Ellen was going to die soon. She seemed healthy until one month after her graduation from St. Leo's. The next thing they heard was that Mary Ellen was going to die.

"Isn't Mary Ellen that lively girl who shopped in our stores and walked down our streets?" the people of Little Italy asked. "What could we do for her? Didn't she once say that having a Pizza Party was the dream

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of her life? Why don't we make a Pizza Party—the biggest one ever held in Little Italy—for her?"

And so Little Italy did. There are the talkers and the doers in Baltimore. The people of Little Italy are amongst the doers. Vince Pastore, 43, the Italian food chain co-owner and Mr. and Mrs. Gus and Josie Giorigilli are doers. Vince told Josie—a woman always trying to do good for people—"Buy Mary Ellen a party dress, a pocketbook, and everything—and charge it to me." Vince had never seen Mary Ellen before—he stays in his Lombard St. store—but that's how the people of Little Italy are.

Now the psychedelic rock bands were playing. Two bands came—just fellows who know music getting together. They were splendid—and the drummer was better than Gene Krupa—and they lit up the word "love" in yellow, and in bright red "Mary Ellen."

There were red, blue and yellow balloons on the tables, and the older Italians serving the pizzas, hot dogs, sodas—and everything else Italian and American—came out with funny hats on their heads. One hat had pears, oranges, carrots, lettuce and tomatoes on it. Another hat supported a large movable duck. And there was one with a hen on it. A man came by with a bird cage hat, and made Mary Ellen laugh.

Most of the boys seemed to be bashful—so there were mostly girls dancing on the floor. A few nuns were at the table. They were Mary Ellen's teachers.

Inside St. Leo's large kitchen there was an Italian grandmother helping a man called Carmen—he was too busy to spell out his last name—making more and more pizzas. Carmen is a strong, muscular man, and his pizzas were lined up by the dozens on a long wooden table. "I'm an electrician by trade," he shouted above the din of a busy kitchen. "But I like to make pizzas."

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Mary Ellen opened some of the presents—soap she would not use, writing paper she would not use. Her parents were near her at the table. You could see that they tried to be happy on this day. But they sat there looking at Mary Ellen. Sometimes their eyes seemed to stare into nowhere. They did not cry. They did not laugh. You could tell by looking at them that they were plain, good people who did the most they could to raise their daughter, and now she was going to be taken away from them.

Did Mary Ellen know? I don't know. Many of the kids there thought that this was a recovery party for her. They did not know that she would have liked to dance at this—her last party—but she was too weak to. So others danced, and more pizzas came.

The pizzas, the cookies, the cokes came by the hundreds—and it was indeed Little Italy's biggest Pizza Party. As the guests left, they went over to Mary Ellen to say a few words. What could you say to a dying girl? Yet they tried in their own kind ways. And the bands played on until Mary Ellen left. It was her Big Day.

On Thursday—not quite two weeks after the party—I received a telephone call from Vince Pastore. Mary Ellen died. She was going to be buried in her last party dress. . . .

AMERICAN PRISONERS OF WAR

Mr. MURPHY. Mr. President, man's inhumanity to man has been a subject of speculation and philosophical discussion by poets and scientists, by philosophers and statesmen, since the dawn of history. Yet, today—indeed, for the past several years—we have seen daily examples of exactly what that one word, inhumanity, means.

Over 1,400 American men are still held prisoner by the North Vietnamese under conditions that violate the Geneva Convention.

Charles Sumner once said that the age of chivalry had gone and the age of humanity had come. The truth of that statement, Mr. President, has yet to be proven.

THE 1970 AMENDMENTS TO THE 1965 FEDERAL VOTING RIGHTS ACT

Mr. CRANSTON. Mr. President, the 1970 amendments to the 1965 Federal Voting Rights Act will enable many persons from my State to register to vote without harassment.

I am sending a letter to many of my constituents informing them of the change. I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C.

Dear Friend: California and the nation are faced with complex and diverse problems. I know you will want to be involved in their solutions by voting for those candidates who best represent your point of view.

In order to vote in November you must be registered by September 10th. The 1970 Amendment of the 1965 Federal Voting Rights Act has removed tests as a condition of registration. Therefore the only criteria for you to register in the State of California are for you to be—

21 years old by November 3, 1970;

A California resident for one year by November 3, 1970; and

A County resident for 90 days by November 3, 1970.

Registration information is available at your County Registrar of Voters which can be located in your local phone book under the listings of your County Government Services.

I hope you will want to check the status of your registration by the September 10th deadline and then exercise your franchise in November.

Sincerely,

Alan Cranston.

PRESIDENT NIXON SIGNS VETERANS BILL

Mr. GRIFFIN. Mr. President, yesterday President Nixon signed the veterans disability rate increase bill (S. 3348) which will provide increased compensation payments and dependency allowances for service-disabled veterans.

The legislation provides for an average increase in benefits of about 11 percent for our disabled veterans.

I commend the President for signing the bill, and I ask unanimous consent that the text of a statement by the President be printed in the Record.

Mr. DOLE. Mr. President, yesterday President Nixon signed the bill providing for increased aid to disabled veterans.

This bill will significantly increase benefits for veterans with service-connected disabilities and thus reduce the heavy impact inflation has had on their compensation payments in recent years.

The President's statement on the signing of the bill reflects his deep concern for disabled veterans, as well as his concern that the costs of increased benefits to them do not add to the inflationary squeeze facing all our citizens.

I join the Senator from Michigan in asking unanimous consent that the President's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by the President on Veterans Compensation Rate Increase

The Veterans Disability Compensation Rate Increase bill (S. 3348), which I am signing today, will increase the compensation payments and dependency allowances for service-disabled veterans. These increases—retroactive to July 1, 1970—will vary with the degree of disability, but we estimate that the average recipient will realize an increase in benefits of about 11 percent. This bill will also make it easier for former prisoners of war to obtain compensation for disabilities arising from their imprisonment.

Although this legislation calls for spending that would be well above the budget for fiscal year 1971, I sign it because I recognize the nation's debt to those who have served in the Armed Forces and its special obligation to those who have been disabled in its service. We must make every effort to fulfill all of our responsibilities to those who have done so much for us.

I also recognize that the rising cost of living places special burdens on those who depend upon a monthly benefit check for a significant part of their income. This is a point that I have made frequently with respect to Social Security recipients and I believe that it is also true of disabled veterans. Benefits for our two million disabled veterans have lagged behind the rise in the cost of living. This bill will allow them to catch up.

In signing this legislation, I am acceding to an increase of some $218 million in the budget for the current fiscal year. This added money must come by offsetting reductions in other Federal spending programs, if we are to avoid further inflationary pressures.

The President has discretionary authority to make certain administrative reductions in the level of Federal spending. I feel that I must use that authority at this time in order to pay for the increased spending called for in this veterans' bill.

I have ordered spending reductions equalling the $218 million from other Federal programs, including the following:

Medicaid, by changing administrative regulations to reduce certain excessive charges far above the national average imposed by some medical institutions;

GSA, by cutting supply purchases and deferring some Federal construction in areas where unemployment is not a major problem;

Federal land acquisition, by imposing restrictions upon expenditures for this purpose in several areas;

Atomic Energy Commission, by reducing certain planned expenditures.

I have carefully considered the need for these adjustments and I am convinced that they are in the public interest. It would be most regrettable if our efforts to help disabled veterans cope with the cost of living had the effect of aggravating that same problem for other Americans by increasing the Federal deficit. We cannot permit that to occur.

THE SOVIET UNION AND THE INDOCHINA CONFLICT

Mr. McGOVERN. Mr. President, amendment No. 609 to the military procurement authorization bill—the amendment to end the war—may be brought up in the Senate within the next 2 weeks.

In preparation for the debate, the sponsors believe it is worth while to make available to other Senators, as well as to Members of the House and the public, some of the recent scholarly work which has been done on various aspects of American involvement in Indochina.

In the weeks following the Cambodian action, Prof. Alexander Dallin, a highly respected political scientist at the Russian Institute of Columbia University, prepared an excellent analysis of the impact of the war on Soviet planning and on United States-Soviet relations.

He points out that prior to our buildup in Vietnam beginning in 1964 the Soviet Union had regarded Southeast Asia as a peripheral interest at most. It is apparent that they placed more emphasis on questions including the improvement of relations with the United States than on supporting Hanoi. Even after the bombing of North Vietnam was begun in February of 1969, Professor Dallin notes that the initial Soviet reaction was to intensify its efforts toward peace.

The Chinese, meanwhile, were also reluctant to become involved.

Professor Dallin recalls that after the Soviet Union increased its assistance to North Vietnam:

> China refused to join with the Soviet Union in "united action" in support of Hanoi. While there were some in the Chinese elite who seemed prepared to intervene, the issue was apparently closed when, in his famous September 1965 pronouncement, Lin Piao counseled "self-reliance," implying that the Maoist formula called for do-it-yourself "national liberation wars."

The paper concludes, with respect to recent events in Cambodia, that the effects on Communist powers will be counterproductive:

> It will not bring Hanoi to the bargaining table. It again polarizes the international, as well as the domestic environment, and is bound to reward the extremists and penalize the moderates, both among America's allies and among its adversaries. Though as yet invisible, there is bound to be a price Nixon will have to pay in U.S. relations with the Soviet Union, too.

It seems to me that Professor Dallin's examination has a central bearing on the whole rationale for our involvement in Vietnam. It is exceedingly doubtful whether anyone would have advocated large-scale assistance to the Diem regime and its successors if the war had been perceived as simply a dispute between warring Vietnamese factions. But policymakers have all along seemed determined to believe that the Vietnam conflict represented an attempt by the Soviet Union, China, or both to take over an Asian country and to expand their international domain.

That assertion actually reverses reality, not only in terms of the Chinese and Russians but also in terms of the Vietnamese, who can be expected to resist domination by any country regardless of the political philosophy it represents.

Mr. President, I ask unanimous consent that the paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE SOVIET UNION AND THE INDOCHINA CONFLICT

(By Alexander Dallin)

To review the Soviet role in Indochina may help, once again, to answer the question which has caused so much unnecessary confusion, in and out of Washington: who precisely is the enemy the United States is fighting in Southeast Asia? Whence comes the dire threat to our national security which alone could justify such a disastrous commitment?

To assert that the Vietnamese Communists are nobody's puppets is scarcely news. With the collapse of "International Communism" as a single, united, and disciplined movement, Hanoi—like other Communist powers and parties—has been able to chart an autonomous course, agreeing with Moscow on some issues and disagreeing on others, shifting its alignment toward Peking and away from it as it deems appropriate, but at no time—any more than North Korea, Rumania, or Cuba—becoming a tool of either Communist superpower. Hanoi's independence has in fact been a source of repeated frustration to both Moscow and Peking; and, notwithstanding the myths, the United States has been fighting neither "Muscovites" nor "the Chinese Reds" in Vietnam—nor that non-existent entity called "International Communism."

For the Soviet Union Southeast Asia was, both before and after the second World War, in the marginal field of peripheral vision. Stalin's interests and priorities lay elsewhere; recent studies have only confirmed that "Moscow not only paid little attention to Communism in Southeast Asia but consistently showed little insight in its grasp of the political situation there."[1] True, in 1948 the Communist parties, there as elsewhere, responded to the Cominform's call for "direct action" and launched a round of insurrections—in Malaya, Burma, Indonesia, and elsewhere—all of which ultimately failed. By 1951–52 Stalin had apparently become reconciled to the prospect of another long stretch of coexistence with the non-Communists who remained in control of the entire crescent, from India to Japan.

It is worth recalling that Stalin was skeptical of the ability of any foreign Communists to come to power without Soviet help. Just as he discouraged Mao Tse-tung from bidding for power—and recognized Chiang Kai-shek until 1949—he doubted the Viet Minh's ability to defeat the French and until 1950 withheld recognition from the Ho Chi Minh regime. Even when North Vietnam became one of the dozen or so *bona fide* Communist states, Moscow failed to extend its network of bilateral military alliances to Hanoi. At the Geneva Conference of 1954, after the French defeat at Dienbienphu, the Soviet and Chinese foreign ministers persuaded Ho Chi Minh to accept the partition of Vietnam, against his better judgment. Moscow countered his objections that this would make the Viet Minh, who had been the only victors on the battlefield, the only losers at the peace table, by arguing that the best prospects for consolidation lay in a division of the country and that any bid for complete takeover was apt to be suicidal, as it might well precipitate "massive retaliation"—retaliation against the Soviet Union, too, Moscow seemed to fear at a time when it was not about to bleed for Hanoi. The Vietnamese comrades would not soon forget this Soviet and Chinese "betrayal."[2]

Their sense of having been tricked was of course reinforced when in 1956 "free elections" were not, as required by the Geneva accords, held in the South—because, as President Eisenhower disarmingly stated, "possibly 80% of the population would have voted for the Communist Ho Chi Minh as their leader."[3] Moscow was unwilling to put itself out on behalf of the extension of the Hanoi regime to the south. In 1957 Khrushchev urged the admission of both Communist North Vietnam and non-Communist South Vietnam as members of the United Nations.

In the Khrushchev era Moscow thus continued to discount the importance of Southeast Asia. This was confirmed by relative Soviet restraint in the Laotian crisis of 1961–62: the Soviet leaders evidently saw no reason for a confrontation with the United States over so secondary a problem area.[4]

Meanwhile the Communist world had come apart at the seams, and Ho Chi Minh—senior in Communist circles to both Mao and Khrushchev—was among the small group of Communist leaders who tried (unsuccessfully) to mediate between Moscow and Peking. This mediating posture reflected Hanoi's perception of self-interest, inasmuch as it stood to benefit from such help as other Communist powers were prepared to provide; but it also echoed the traditional antagonism of Vietnamese and Chinese, which made Hanoi eager to make Moscow a counterweight to Chinese pressures, as well as some ideological elements: while the Soviet Union had the greater authority and resources, the Maoist model of an anti-Western, peasant-based "national liberation war" seemed far more suitable for Vietnam than Khrushchev's ambiguous revisionism.

Thus, without becoming a Chinese client, Ho in 1961–64 found himself inching closer to Peking than to Moscow, which for all intents and purposes seemed to have written off South Vietnam as a marginal target, even if "American policy in Vietnam could only increase Soviet apprehensions."[5] Especially after the Cuban missile crisis, Khrushchev shifted to what he deemed "first things first," an improvement in Soviet-American relations while Sino-Soviet relations rapidly went downhill.

The situation began to change in the winter of 1964–65, thanks largely to two developments: Khrushchev's ouster by the Brezhnev-Kosygin team, in October 1964, and the escalation of American intervention in Vietnam (including the bombing of the North), in February 1965. On the one hand, the new Soviet commitments to North Vietnam were part of a broader Soviet policy to woo all the countries along the perimeter of the Soviet Union, from Turkey and Iran to Pakistan and North Korea—a policy both anti-Chinese and anti-American in design. Indeed, this double purpose of interdiction has remained central to Soviet efforts in Southeast Asia, providing a general guideline but leaving open the question whether the anti-Maoist or anti-American facet receives priority at any given time.

On the other hand, the increased American involvement on the Asian mainland was bound to have a more direct effect on Soviet policy. At first Moscow merely intensified its efforts, begun during the preceding months, to bring the fighting to an end. As the Chinese later revealed, Kosygin (who was in Hanoi when the American bombing began) on his way home sought to convince them of "the need to help the United States 'find a way out of Vietnam.'"[6] But in 1965–66—as has now been amply documented—the Johnson Administration time and again ignored or rebuffed such peace proposals. Very soon Moscow felt obliged to honor its pledges and increase its assistance to North Vietnam, to prove the Chinese wrong, and to protect its own "credibility" as defender of Communist power.

Soviet efforts to maximize their presence on Chinese soil, ostensibly to facilitate the transshipment of goods to Vietnam, understandably aroused Peking's suspicions regarding Moscow's motives. China refused to

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Footnotes at end of article.

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join with the Soviet Union in "united action" in support of Hanoi.[7] While there were some in the Chinese elite who seemed prepared to intervene, the issue was apparently closed when, in his famous September 1965 pronouncement, Lin Piao counseled "self-reliance," implying that the Maoist formula called for do-it-yourself "national liberation wars." One consequence of this chain of events was the political reorientation of the Ho Chi Minh regime from Peking toward Moscow. From then on, all through the years of the Cultural Revolution, China's role in Southeast Asia was relatively subordinate: this could not fail to please Moscow.

No less important was the effect of the American escalation on the Soviet assessment of U.S. intentions. On the one hand, "the American bombing was putting the Soviet Union on the spot at a time when she could neither completely control nor completely disinterest herself in the fate of the North Vietnamese Communists."[8] On the other, United States action was more broadly important in the context of the esoteric Soviet debate on whether one "can do business" with the Americans. There were those in Moscow who still held that the U.S. was an untrustworthy partner, that by its very nature the American system would be forced to act aggressively, that the imperialist beast could not change its spots. By the early 1960's Khrushchev, on the contrary, had joined those who believed that the United States had no aggressive designs on the Soviet Union; who recognized the overriding urgency of arms-control agreements to minimize the chances of a nuclear showdown; who looked forward to a *détente* that would permit the reallocation of Soviet resources to more productive pursuits; and who probably saw in an improved Soviet-American relationship some vital compensation for the deteriorating Sino-Soviet alliance.

The period prior to the American escalation in Vietnam had indeed seen some real improvement, highlighted by the nuclear test ban treaty. Tacit rules of the game were developing between Washington and Moscow, and each was learning to read the signals from the other with growing sophistication. One such unwritten agreement was that neither side would use force to change the status quo in the other's sphere. Moscow perceived its application in American passivity in the Hungarian revolt; in part, it rationalized its withdrawal of missiles from Cuba on these grounds. This understanding also implied the mutual respecting of "sanctuaries" beyond national frontiers, as had been true in the Greek civil war and in the Korean war, as well as in Soviet efforts to restrain the Chinese Communists from attacking the Off-shore Islands. In this light the Soviet leadership was bound to interpret the American bombing of North Vietnam as a direct and blatant violation of this unwritten accord.[9]

Thus the American involvement—along with the U.S. reaction to various peace proposals—provided telling arguments for, and strengthened the hand of, the militant "anti-imperialist" elements in Moscow who did not believe in the possibility of a Soviet-American *detente*, and who tended to see in Vietnam just another link in the lengthening chain of American efforts to impose its will by force—as in Cuba in 1961, the Dominican Republic in 1962, in Vietnam in 1965 (and, to anticipate, in Cambodia in 1970). As one Soviet official privately summed up the continuing arguments in Moscow, over U.S. intentions, "We have not yet decided whether your actions in Vietnam prove that you are stupid or evil."

The debate has continued to this day; it is easy to imagine its script. In regard to Vietnam, some Soviet analysts found the conflict to be dangerous and detrimental to the Soviet Union; it imposed new strains on Soviet-American relations; it diverted Soviet resources from preferred uses; it impeded arms control agreements; it increased the risks of nuclear escalation; it propelled Moscow away from its own frail "liberalization" policy at home. Others, on the contrary, welcomed the American intrusion in the Vietnamese quagmire, which (they hoped) would produce American frustration and failure in the field, an alienation of America's friends and allies, U.S. neglect of Europe and the Middle East, multiplication of strains within the United States, and perhaps greater American flexibility in reaching agreements with Moscow so as to minimize the costs of the Vietnamese blunder.

For a time, the balance between these two orientations seems to have been fairly close. But in 1966 it tipped against "the worse, the better" crowd, and we can only guess that one of the major reasons was Soviet fear of a conflict with China. Perhaps the best indicator of the Soviet reorientation was the shift from the argument that no Non-Proliferation Treaty could be concluded while the U.S. was fighting in Vietnam, to the view that, whatever American behavior, the need for NPT and similar accords remained paramount.[10]

In this fashion Moscow managed, over the past five years, to improve its relative standing vis-a-vis both Washington and Hanoi—championing North Vietnam's integrity, stepping up Soviet economic and military assistance, but refusing to become directly involved in the fighting, not even sending military "advisers," and not committing itself to the survival or victory of the NLF in the South. But despite "business-like relations" with Washington, there can be no doubt that in the meanwhile the dominant Soviet mood and expectations regarding the United States had decisively changed, away from the rosy hopes of 1963–64.

The Soviet reassessment of American behavior and motives contributed to a harder line—and to a heavy Soviet commitment to a vast strategic-weapons program. To what extent this might have happened anyway, in the absence of an American involvement in Vietnam, we shall never know; in the event, Vietnam was unmistakably a significant input into Soviet recalculations.

Given also the frustrating limits to the Soviet ability to influence Hanoi, Moscow's peace-making initiatives soon dried up. Yet by 1968 Moscow clearly welcomed the suspension of American bombing of the North and the start of the Paris peace talks, and looked forward to an early end of the Vietnamese conflict which now promised to produce neither American nor Chinese hegemony in Southeast Asia. In 1969 the Sino-Soviet conflict became even more severe, with serious border clashes, a build-up of military power, and extravagant rhetoric on both sides. Last winter Soviet officials seemed to be genuinely concerned about modest American initiatives to open up a dialogue with Peking intended to lessen Sino-American tensions: typically, each of the three super-powers fears a coalition of the other two against it. After long hesitation, Moscow committed itself to the Strategic Arms Limitation Talks with the U.S. And Brezhnev broached the possibility of a collective security system in South and Southeast Asia which, under Soviet auspices and with Soviet assistance, would serve to contain China but would, more generally, permit Moscow to play a greater role in the area once both the American retrenchment and the British withdrawal from "East of Suez" became realities (a Soviet scheme that got nowhere fast).[11]

It is against this background that the recent Cambodian crisis must be read. The American move into Cambodia unhinged Soviet assumptions and expectations. It seemed to validate the worst fears and confirm the analysis of the most militant, die-hard, and ideologically-committed. It was bound to weaken Soviet influence in Hanoi and elsewhere in and out of the Communist world. And it permitted the Chinese to stage an unexpected comeback by championing an all-Indochina liberation war under Peking's sponsorship.[12]

Up to a point, the events repeated the trauma of 1965. They undermined, at least temporarily, the arguments of the Soviet experts on the U.S. who had taken the Nixon Administration (almost) at its word; had expected a genuine reduction of U.S. commitments in Southeast Asia; had accepted at face value the Administration's discovery that "international communism" was shattered forever and hence no threat to the U.S.;[13] had concluded that the U.S. was pursuing an essentially rational and predictable policy—a prerequisite for any effective arms-control agreement; and had (some of them) evidently pressed for Soviet-American contacts as if to prove them preferable to improved Sino-American relations. The position of such policy advisers in Moscow—diplomatic, academic, and journalistic—had already become more difficult in the months preceding the Cambodian events. Some analysts saw a peculiar hardening of American attitudes on Vietnam;[14] the ouster of Norodom Sihanouk was put at the door of the CIA;[15] U.S. involvement in Laos was widely reported as becoming more extensive and more overt.

But just as in 1965, the new American "forward" policy did not bring Moscow and Peking together again: for this, the rift was too deep. Just as on that earlier occasion, the crisis evidently obliged Moscow to explore the possibility of "united action" with Peking on behalf of their Indochinese comrades—probably without expectation of success.[16] Once again, the feelers failed, and by mid-May Soviet and Chinese attacks on each other were as bitter as ever.[17]

Unlike 1965, however, the effect of the U.S. initiative was to give Peking a great opening. Moscow suddenly realized that the Chinese had it over a barrel. Having once let Sihanouk proceed from Moscow to Peking, what could the Soviet government do? While Peking sponsored and recognized Sihanouk's exile regime (which some 18 states recognized), Moscow continued to maintain *de jure* relations with the Lon Nol government in Phnom Penh (as well as with the Royal Laotian government in Vietnam).

By following suit and endorsing Sihanouk, it would lend support to a Maoist maneuver; by refusing, it would lay itself open to charges of having "sold out" to the imperialists.

Perhaps the most bothersome ploy, to Moscow, was China's well-advertised sponsorship of the Indochina "peoples' summit" conference on April 24–26, which saw Chou En-lai hosting Prime Minister Pham Van Dong, of North Vietnam; Prince Souphanouvong, for the Pathet Lao; Sihanouk, now leading a Cambodian "united front" of both his former supporters and his former Communist foes; and the heads of the South Vietnam NLF and "Democratic and Peace Alliance." Moscow's influence in all the Indochina capitals was bound to be diminished as a result of its own passivity and the evidence that Peking was now prepared to play a more dynamic role.

While verbally bitter and sharp, Kosygin in his press conference on May 4 foreshadowed no Soviet retaliatory action against the U.S. Moscow was playing for time, wishing to assess the consequences of both American and Chinese initiatives before committing itself any further. No doubt, it was eager to see whether Cambodia was another aberration of American conduct or the harbinger of things to come; whether it would make the U.S. more inflexible or on the contrary more conciliatory elsewhere; whether dialectically the lastest American

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Footnotes at end of article.

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move would provoke greater counter-pressure for an American disengagement and non-involvement anywhere overseas.

Nor was there much Moscow could see itself doing without costs or risks to itself—perhaps underestimating the costs of inaction just when Washington had underestimated the costs of action. In the long run Moscow no doubt counts on the underlying fragility of the new Peking gambit. It banks on the centuries-old feuds between Vietnamese and Khmers, Vietnamese and Chinese, Cambodians and Thais;[18] on the unreliability of the erratic Sihanouk, who had so often in the past shifted position; on Hanoi's undoubted concern lest the Chinese gain too much leverage in Indochina at this stage. The Soviet leadership thus banks on the tensions both among Asian Communists and among (both Asian and non-Asian) non-Communists. For the present it must step up its aid and replace the weapons and supplies lost by the North Vietnamese, hoping that the Soviet-oriented wing in Hanoi will carry the day; but it may well find itself obliged to take more decisive measures.[19]

Thus far the Soviet Union has reacted with considerable restraint. In large measure this is because it means to keep its powder dry; because it has been uncertain about the meaning of the latest events (or else has been hearing divided counsel—which typically leads to inaction on its part); and because its options are severely circumscribed by its unwillingness to play into Peking's hand; for Moscow has clearly perceived (1) that the only ones to benefit from the American move to date (other than the Saigon regime) have been the Chinese Communists, and (2) that there is indeed reason to doubt the reliability, steadiness, and purpose of the United States.[20]

If, as has been reported (and as he implied in his television address of June 3) the President's calculus in going into Cambodia was in large measure to confer credibility to American threats and warnings, especially in Communist eyes, he has indeed proved his willingness to resort to force. But, predictably, the domestic and foreign reaction has made similar moves more "incredible" in the future. Moreover, by the invasion of Cambodia he has undermined the essential confidence in his oft-professed desire to move U.S. dealings with the Communist powers from confrontation to negotiation. It remains to be seen whether he has also double-crossed his own Administration's efforts to find a modus vivendi with Peking. In any event, he has meanwhile breathed life and credibility into the ludicrous Maoist image of the enemy, providing a better live target than Peking could ever have dreamed.

Were it not for the argument made by the White House, it would be belaboring the obvious to add that Soviet analysts would not have considered the U.S. a "second-rate power" if it had stayed out of Cambodia. Moscow reached no such conclusion when—despite Nixon's eager advice—the U.S. failed to go into Vietnam in 1954; its respect for the U.S. did not go up when it did, in 1965. Nor did the West think the Soviet Union more "second-rate" for failing to invade Yugoslavia after its break with Tito, or Finland and Iran when its designs were frustrated there. We would have thought more, not less, of it had it stayed out of Hungary in 1956 or Czechoslovakia in 1968. De Gaulle suffered no loss of prestige by yielding Algeria—which surely meant more to France than Indochina should to the United States.

Whatever the long-range consequences for the fighting in Indochina, the effects of the Cambodian adventure on the Communist powers are bound to be counterproductive. It will not bring Hanoi to the bargaining table. It again polarizes the international, as well as the domestic, environment, and is bound to reward the extremists and penalize the moderates, both among America's allies and among its adversaries. Though as yet invisible, there is bound to be a price Nixon will have to pay in U.S. relations with the Soviet Union, too.

FOOTNOTES

[1] Leonard Bushkoff, in *Problems of Communism,* Nov.–Dec. 1969, p. 53, reviewing Charles B. McLane, *Soviet Strategies in Southeast Asia* (Princeton, 1966).

[2] See, e.g., Anthony Eden, *Full Circle* (Cassell, 1960), ch. 6; Douglas Pike, *Viet Cong* (MIT, 1966), pp. 52–53; George McT. Kahin and John W. Lewis, eds., *The United States in Vietnam* (Dell, 1969), p. 45; Theodore Draper, *Abuse of Power* (Viking, 1967), pp. 38, 129.

[3] Dwight D. Eisenhower, *Mandate for Change* (Doubleday, 1963), p. 372.

[4] See Roger Hilsman, *To Move a Nation* (Doubleday, 1967); Arthur Lall, *How Communist China Negotiates* (Columbia, 1968); Adam Ulam, *Expansion and Coexistence* (Praeger, 1968), pp. 652–53.

[5] Ulam, p. 701.

[6] Donald S. Zagoria, *Vietnam Triangle* (Pegasus, 1967), pp. 46–53.

[7] The evidence is reviewed in Maury Lisann, "Moscow and the Chinese Power Struggle," *Problems of Communism,* Nov.-Dec. 1969, p. 34.

[8] Ulam, pp. 798–99.

[9] Alexander Dallin, "Moscow and Vietnam," *The New Leader,* May 10, 1965.

[10] See Thomas B. Larson, *Disarmament and Soviet Policy, 1964–1968* (Prentice-Hall, 1969), pp. 59–60, 132; and Zagoria, p. 57ff.

[11] *The New York Times,* Oct. 25, 1969; and Hemen Ray, "Soviet Diplomacy in Asia," *Problems of Communism,* March-April 1970, pp. 46–49.

[12] Until then Hanoi had been suspicious of Peking's advice to concentrate on defensive guerrilla warfare rather than frontal, "main force" war. Meanwhile North Korea had likewise moved closer to Peking again.

[13] In the words of President Nixon's "State of the World" message to Congress, after World War II "we were confronted by a monolithic Communist world. Today, the nature of that world has changed—the power of the individual Communist nations has grown, but international Communist unity has been shattered. Once a unified bloc, its solidarity has been broken. . . . The Marxist dream of international Communist unity has disintegrated." ("United States Foreign Policy for the 1970's: A New Strategy for Peace," February 18, 1970.)

[14] Similar fears were voiced, e.g., by competent non-Communist observers. See Philippe Devillers, "Perspektiven des Vietnam-Konflikts nach dem Tode Ho Chi Minhs," *Europa-Archiv,* 1970, no. 2, pp. 59–70.

[15] E.g., *Pravda,* March 25, 1970.

[16] The day after the American "intrusion," Mao Tse-tung had a "friendly" exchange with Soviet *charge d'affairs* Gankovsky at the May Day celebrations in Peking. Soviet Deputy Foreign Minister Kuznetsov returned to the Chinese capital on May 5, a fact which foreign correspondents in Moscow linked to the Soviet effort to coordinate aid to "neutral and Communist forces in Indochina"—a formula which, if correct, was bound to be unacceptable to Peking. In line with the Kosygin statement of May 4, Radio Moscow in Chinese appealed for "solidarity of all anti-imperialist forces" and called for "united action" in their support. If efforts to reach a new formula for "united action" were indeed made, they appear to have failed, as Sino-Soviet vituperation reverted to earlier levels by May 12–14. One correspondent reported from Vienna that "according to East bloc sources, [the Chinese] have so far rejected all. Soviet proposals—pressed anew after the invasion of Cambodia—seeking Chinese facilities and cooperation for the movement of supplies into Vietnam." (*Christian Science Monitor,* May 22, 1970; see also *ibid.*, May 5 and 19.)

[17] Moscow's detailed rebuttal of the Chinese attack on the Soviet leadership (on the occasion of Lenin's 100th anniversary, on April 21) included the charges that in all recent crises "the Peking leadership has invariably striven . . . to heat up the atmosphere even more, to push the world to war," and that China has invariably refused to act jointly with the "socialist commonwealth" and other "anti-imperialist forces" so as to give "coordinated rebuff to the forces of reaction and aggression"; indeed, that by showing the imperialist that it is not prepared to act together with the Soviet Union, Peking had encouraged the aggressors, as the latest events in Indochina confirmed. ("Lzherevoliutsionery bez maski," *Pravda,* May 18, 1970.)

[18] Moscow may have been heartened by the clever North Vietnamese remark, in an otherwise enthusiastic welcome to Norodom Sihanouk, that the unity and cooperation of the Vietnamese, Khmer, and Lao peoples must take place "on the basis of the principle that the liberation of a country is the undertaking of its own people." (Radio Hanoi, May 25, 1970.)

[19] On May 25, *Izvestia* carried the note which Soviet Ambassador Kudryavtsev delivered to the Phnom Penh government. After reminding the Cambodians that when they were neutral, they had peace, but that their present policy—and, in particular, their cooperation with the Saigon regime—invited civil war, the Soviet government declared that it would "make conclusions for its policy from the direction in which this [Cambodian] situation develops."

[20] One must assume that its fears were strengthened by the Ford Motor Company's rejection of the proposed construction of trucks in the Soviet Union after Secretary Laird opined that it was more expensive and difficult to destroy these trucks on the Ho Chi Minh trail than not to build them in the first place. Moscow is likely to have taken this as an indication of official American thinking about the likely duration of the war in Indochina.

THE GLEN ECHO, MD., RESCUE SQUAD

Mr. MATHIAS. Mr. President, the men of the Glen Echo Rescue Squad have devised a unique system to help save lives in their Western Montgomery County community. On the dashboard of every rescue vehicle in the town is a book containing information on residents who have special medical problems and who may need special treatment or medication.

Recently, this information contributed in saving the life of a boy who was injured in a fall. The report of this incident was carried by the Bethesda-Chevy Chase Tribune in an editorial commending the Glen Echo Fire Department for initiating this vital service.

I, too, wish to commend these concerned servants of the public and ask unanimous consent that the Tribune editorial be printed in the Record, so that other fire departments may initiate similar lifesaving services.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Saving a Life

Recently the men stationed at the Glen Echo Fire Station went their appointed rounds, did their duty and may very well have saved a life. By their swiftness, efficiency, training and care they showed their worth.

A little boy had been seriously injured in a terrible fall. The parents of this child credit the "extraordinary service" of the Glen Echo Fire Station with saving him.

The practice of this Fire Station in annually collecting information on invalids, specific health problems, new babies, and any citizen in their jurisdiction that may need special help paid off. It got young Kirk Simon to the hospital within minutes of his fall and started on emergency treatment 15 minutes before his parents could even get there. The hospital had been given valuable information about the youngster, who is asthmatic, and where his doctor could be reached. This special information is kept on the dashboard of every rescue vehicle in the station. It is a practice that other fire stations could take note of.

This week the County Council recognized the service of the Glen Echo firemen. We would like to commend them also. Public servants generally get more brickbats than bouquets. We'd like to take this opportunity to join Kirk's parents in a sincere tribute to Company No. 11 in Glen Echo.

REFORMING MILITARY JUSTICE

Mr. GOODELL. Mr. President, I had my first encounter with military justice as an Air Force JAG lawyer in the Korean war.

I encountered at that time many of the abuses that still exist. One abuse was command interference: when I successfully defended what my superiors considered to be too many cases, I was involuntarily switched to the role of military prosecutor.

Last year, one of my caseworkers brought to my attention some letters regarding San Francisco's Presidio Stockade. I conducted an investigation, together with my colleague Senator CRANSTON. We unearthed scandalous conditions that received nationwide attention: filth, overcrowding, suicides, wanton shootings, vindictive punishments meted to inmates who had protested what was happening to them.

As time went on another abuse came to my attention: The use of military courts to punish servicemen who dissent on the war. A glaring example of this—on which I spoke out—was the prosecution of Roger Priest.

Having become so deeply interested in these and other incidents, I should like at the present moment to state in more general terms the reforms I recommend for the military justice system.

I. THE PROBLEM OF COMMAND INFLUENCE

Perhaps the most pervasive evil in the military justice system is command influence—the warping of the objectivity of the system to suit the real or imagined wishes of the commanding officers.

SELECTION OF THE MILITARY JURY

The commander selects the jury in a military trial—known as "the court" in military parlance.

This procedure has serious disturbing influence.

If the commander wants a conviction he can "stack" the court against the defendant by selecting "right thinking" officers.

It will be easy for him to find "right thinking" officers because they are subordinates, who are dependent upon the commander for assignments, ratings, and promotions. The 1968 law contains language purporting to prohibit this form of influence, but it has proven wholly unenforcible.

Even if the commander sincerely intends to be fair, his authority casts a shadow over the proceedings. Officers he selects for the court are tempted to bend over backward to deliver a verdict which they imagine would please him.

The fundamental vice of the present system is the conflicting roles the commander assumes:

As the convening authority—the person who initiates the charges and the proceeding—he has the role, in effect, of chief prosecutor.

As the person who selects the members of the military jury, he determines who decides the facts.

This is analogous to having the district attorney choose the jury—and having each member of the jury dependent upon that official for his livelihood and prospects of promotion.

These defects are compounded by a provision in the Uniform Code of Military Justice that generally require the members of a military jury to be senior in rank to the defendant.

As originally interpreted, this provision meant all-officer juries. Then a clause was added guaranteeing that upon the request of an enlisted defendant, one-third of the jury should be enlisted men. In practice, however, commanders usually satisfy this requirement by choosing career sergeants—who tend to be, if anything, less sympathetic to low-ranking enlisted defendants.

The objectivity of juries so composed tends to be clouded—by the conflict between their desire as ranking military men to preserve discipline and their duty as jurors to decide the case on its merits.

The keystone of Anglo-Saxon jurisprudence—established eight centuries ago—is the randomly selected jury of peers. It is high time that this fundamental guarantee of fair trial be carried over to military trials.

A military jury should be selected in essentially the same manner as a civilian jury—by random selection in a voir dire proceeding.

Specifically, I propose the following procedure: From an installation's roster, a jury-duty list should be randomly chosen by the independent judicial clerk. The men listed should then undergo a question and answer process identical to the civilian voir dire. Each attorney should be able to challenge any potential juror for cause. He also should have as many preemptory challenges as have attorneys in civilian courts—not just one preemptory challenge, as military law now provides.

GRAND JURIES

The commander can exert the same excessive influence in the investigation of the charges as in the selection of the jury.

In military law, there is no grand jury. Instead, the investigation of the charges is made by an officer—usually not a lawyer—who is appointed by the commander.

The investigating officer examines the substance of the charges and then recommends their disposition to the convening authority. However, the convening authority can refuse to accept the recommendations, and force the officer to rewrite them, as happened in the Roger Priest case. Or, as in the Presidio cases, the convening authority can appoint a series of investigating officers until one finally returns the recommendations he desires.

Imagine how we could view a civilian parallel to this procedure: the prosecuting attorney dispenses with the grand jury. Instead, he appoints one of his subordinates, not a lawyer, to investigate. If that subordinate has the temerity to return with a recommendation he does not like, he can tell him to change it or can appoint a more pliable substitute.

The fifth amendment guarantees a grand jury for any capital or infamous crime "except in cases arising in the land or naval forces or in the militia, when in actual service in time of war or public danger". On its face, this would seem to imply that the grand jury requirement applies to military courts, too, except in the time of war or national emergency.

However, the Supreme Court has ruled—once in 1895 and once in 1959—that this requirement does not apply to our Armed Forces. Both rulings indicate that the requirement only applies to the militia.

Although not required under current Supreme Court interpretations, I see no reason why the fundamental procedural safeguard of the grand jury should not apply in military as well as civilian felony cases.

A grand jury list should be randomly chosen from the installation's roster by the independent judicial clerk. No military felony proceeding should be initiated unless the grand jury, after hearing the prosecutor's evidence, determines that the case meets civilian standards of probable cause.

I also recommend the establishment of an independent corps of investigating magistrates for nonfelony cases. These magistrates ought to be independent of the post commander. Their recommendations would be binding on the convening authority—so that if a magistrate finds the charges against an individual are without substance, the commander would have to accept this finding and drop the case.

DEFENSE LAWYERS

The problem of command influence extends to defense lawyers.

If a defendant cannot afford a civilian lawyer, a military lawyer is appointed. He, too, is a subordinate of the commander who convened the court-martial, and dependent upon him for ratings and promotion. This obviously can serve as a deterrent against his conducting an aggressive defense.

Again, the solution lies in creating a corps of military lawyers, independent of the commanding officer.

INDEPENDENT JUDICIAL COMMAND

A fundamental safeguard of the fairness and quality of civilian justice is the independence of the officials responsible for its administration.

This independence must be carried

over to the military. Military judges, the defense lawyers, magistrates, clerks, and court administrators should be members of an independent judicial command.

Each service has a JAG Corps. However, this corps is not truly independent, as its members—with the exception of military judges in general courts-martial—are assigned to individual bases, and are subordinate to the base commanders.

I recommend that the JAG Corps be converted into an Independent Judicial Command—IJC.

The IJC would operate on a circuit system, similar to our Federal circuit court system.

Each circuit would be responsible for deciding cases in defined geographical areas, consisting of several bases.

The IJC would have separate staffs of military judges, defense lawyers, magistrates, clerks and court administrators. These officials would be independent of the base commander. They would be responsible to and evaluated by the circuit IJC and the service IJC commander.

The only judicial officers who would continue to be answerable to the base commander would be the prosecuting officials—the post staff judge advocate and the trial prosecutors.

This system will assure a new professionalism in military justice. It will also assure a new sense of commitment—a corps of men who will devote their full energies delivering justice, not to deferring to the real or imagined wishes of base commanders.

II. PROCEDURAL PROBLEMS

There are several serious procedural flaws in the present military justice system, that must be corrected if justice is to be done in our Armed Forces.

I recommend that the defense have its own right to call any witnesses it wishes. The right effectively to present evidence should not be lost when someone enters the military.

SENTENCING

Where a court-martial is tried by a military judge and jury, the jury both tries the facts and determines the sentence. This is contrary to the practice in civilian courts, where the jury decides guilt or innocence, and the judge passes sentence. The military practice of having juries pass sentence creates the risk that the treatment accorded the convicted defendant will be more of a punitive than a rehabilitative nature.

PRETRIAL DETENTION

Pretrial detention is a concept much in the news today, and has just been adopted—over my opposition—in the District of Columbia crime bill. The Uniform Code of Military Justice provides for pretrial detention "as circumstances may require." This phrase allows such detention with virtually no limiting standards.

One abuse has been that pretrial detention has been unequally applied. Officers are rarely detained, even for grave offenses. Lower-ranking enlisted men are detained, even for AWOL and other minor charges.

The determination of whether or not to detain is ostensibly made by the arresting officer but in actuality by the commanding officer.

I recommend that a general right to bail be established in military criminal proceedings. Pretrial detention should not be the rule—but the unique exception where, according to the most narrowly defined standards, a demonstrable danger exists that the defendant would harm others if released.

CALLING WITNESSES

Essential to conducting a trial in which all sides of the case are heard is the right to call witnesses. It is through witnesses that the accused can establish his guilt. For this reason in a civilian trial, the prosecutor and the defense have the prerogative to call and present their own witnesses.

However, in a court-martial proceeding the defense does not have this prerogative. The prosecutor merely issues a subpena if he desires a witness but if the defense desires a witness, it must ask the prosecutor to issue the subpena. If the prosecutor refuses, the defense can appeal that refusal or conduct its case without the testimony of necessary witnesses.

I therefore recommend that the civilian practice be adopted, giving the judge—rather than the jury—the responsibility of determining sentence.

Moreover, the powers associated with sentencing—such as the granting of probation—should be a function of the military judge, not the commanding officer.

RELEASE PENDING APPEAL

Usually, convicted servicemen begin serving their stockade sentence while they appeal their convictions. If they are exonerated they do not receive credit for time served or any pay forfeited. If the conviction is upheld no credit is given for time spent in pretrial or posttrial confinement.

I recommend that if a defendant is exonerated on appeal, the time he spent in the stockade should be credited toward his date of discharge and all his backpay given to him. If his conviction is upheld on appeal, the time spent should be credited toward the completion of the sentence.

III. STOCKADES

For the past few years, there has been growing evidence of serious abuses in the military prisons.

The movie "The Brig" demonstrated the brutality that is standard fare in a Marine Corps prison. Articles have been written citing intolerable conditions in stockades from Fort Dix to Long Binh. The issue came to a head with the Presidio and Pendleton disclosures last year.

Public outcry led to the appointment of the Special Civilian Committee for the Study of the U.S. Army Confinement System. The committee's report was issued in May 1970. It is very worthwhile; I hope it will not join many other noteworthy commission reports, on an ignored shelf.

GUARDS

Presidio and other incidents revealed that stockade guards are shockingly untrained and ill supervised.

Some of the guards so often demonstrated brutality toward their prisoners that their mental stability was in doubt.

Th Civilian Committee report called in general terms for the Army to take "whatever steps are necessary be taken to insure that personnel are equipped—for the task of supervising and participating in the rehabilitation of Army prisoners."

I recommend these specific steps be taken.

First, guards should be subjected to psychological testing before being assigned to prison duty. Those manifesting mental instability or aggressive tendencies should be excluded.

Second, all guards should receive an intensive training course before being assigned to stockade duty. The worst abuses in Presidio, for example, were attributed to guards who had received no training.

In addition to initial training, there should be on-the-job training provided at each stockade by traveling instruction teams.

Third, guards should be transferred from one stockade to another in a normal rotation of duty. They should also be subject to psychological testing and performance evaluation every 2 years in order to ascertain whether the duty has adversely affected a man's ability to perform competently.

FACILITIES

A shortage of facilities has seriously eroded the quality of military prisons. Overcrowding is common and—in the worse stockades, like Presidio—sanitary facilities and other basic amenities are lacking.

It is imperative that the armed services undertake a major program of stockade modernization and construction.

MENTALLY ILL PRISONERS

Recent investigations show that many military prisoners are mentally unstable, yet only those deemed "psychotic" are removed from stockades. Many of the suicides that occur in the stockades are attributable to this practice of incarcerating those in need of psychiatric help.

I recommend that all prisoners should be given psychological tests before they are interned. Mentally ill patients should not be incarcerated in stockades. They should be subject to commitment to hospitals in a similar manner and with similar procedural safeguards as now obtained for civilian defendants.

INDEPENDENT CORRECTIONAL COMMAND

I recommend the establishment of an Independent Military Correctional Command—IMCC.

The IMCC should administer all military prisons.

It should be directed by trained officers and civilian penologists.

It should make extensive use of trained civilian field personnel to assist in the management of stockades and the supervision of guards.

It should operate a correctional training academy, which would train all stockade personnel. The academy should also be responsible for followup testing and instruction, and develop pilot programs of job training and rehabilitation.

Specialized personnel, such as counsellors, social workers, psychiatrists, and extensive medical services, should be part of the command, and such personnel should be associated with each stockade.

The command should operate independently of local base commanders.

IV. SUBSTANTIVE LAW

In civilian life, the criminal law is chiefly designed to prevent individuals from intentionally injuring others. It is not used to assure the effective performance of an individual's work.

Military law is different. It is designed to preserve military discipline, not merely to safeguard others. Conduct which interferes with effective performance of military duties—disobedience, desertion, and negligence—is therefore made punishable although there is no equivalent crime in civilian life.

Yet, even judged by the standard of preserving discipline, there are some serious flaws in some of the substantive provisions of military law.

VAGUE STATUTES

In military as in civilian law, the Constitution requires that criminal statutes must be sufficiently precise to give individuals an intelligible guide for their conduct.

Two provisions of the Uniform Code of Military Justice are so vague as to be virtually unintelligible.

Article 133 provides that any officer who is convicted of "conduct unbecoming an officer and a gentleman" shall be punished as a court-martial may direct.

Article 134 provides that "all conduct of a nature to bring discredit upon the Armed Forces" is punishable.

The evident purpose of these sections is to proscribe, in some general way, conduct that is inimical to Army discipline.

Elementary fairness—as well as the U.S. Constitution—requires, however, that even statutes designed to preserve discipline be written in a way that is precise enough to place individuals on notice as to what specific activities would violate them.

These catch-all provisions must be repealed.

FREEDOM OF EXPRESSION

Some limitation of expression is required by the exigencies of military life.

Disrespectful behavior that directly interferes with the performance of military duties—such as willful disobedience to an order in the line of duty—is properly in the ambit of military law.

Expressions of personal political belief, however, are clearly beyond the proper reach of military discipline. Political freedoms do not end when a person dons a uniform.

Yet the Code of Military Justice seeks to regulate political expression. One blatant example is Article 88, which makes it punishable for a serviceman to use contemptuous words against the President, Vice President, or Congress.

Provisions of this nature should be dropped from the code.

LEGALITY OF ORDERS

The Code of Military Justice makes the disobedience of "legal" orders punishable.

Yet it makes the murder of civilians or other war crimes punishable notwithstanding the fact that they were perpetrated pursuant to an "illegal" order.

The code makes no attempt to distinguish "legal" from "illegal" orders. Thus it gives virtually no guidance to the soldier in the field, faced with a decision on how to respond to an order to take reprisals against civilians.

It is essential that the code spell out criteria defining the circumstances under which an order is presumptively illegal.

Mr. President, military justice must be real justice—not just the ritualized prelude to punishment.

In uniform as out of uniform, when a man's liberty is at stake, he is entitled to the firmest guarantees of a fair trial under fair laws.

WHY THE BUFFALO RIVER, ARK., SHOULD BECOME A NATIONAL RIVER

Mr. FULBRIGHT. Mr. President, almost a year ago the Senate passed a bill which would make the Buffalo River in Arkansas a national river. The bill still awaits action in the House, although I am hopeful that it will be approved before the conclusion of this session.

More and more people across the country are becoming aware of the attractions of the Buffalo, which the Department of the Interior has called "one of the country's last significant natural rivers."

The Buffalo was the subject of a lengthy article written by Fred P. Graham and published in the New York Times of August 9, and a major article written by Robert F. Jones and published in Sports Illustrated of August 10.

The article in Sports Illustrated, illustrated with a number of color photographs, reports on a float trip on the Buffalo made by artist Thomas Hart Benton and some friends. Mr. Benton is quoted as saying:

> If every American could run the Buffalo just once, the way we did today, then I think our rivers would be beyond the reach of trouble.

Mr. Benton has a long acquaintance with the river. Nearly half a century ago in his autography, "An Artist in America," he wrote during a float trip down the Buffalo:

> There is something about flowing water that makes for easy views. Down the river is freedom from consequences. All one has to do is jump in a skiff at night and by the morrow be beyond the reach of trouble . . . This is an old and beloved sport of the country.

Both of these articles give a good indication of why the Buffalo should become a national river.

Mr. President, I ask unanimous consent that the New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Drifting Down Arkansas' Rivers, Business Barons Become Huck Finns

(By Fred P. Graham)

CALICO ROCK, ARK.—They come from such far-flung points as Santa Barbara and Baltimore—sometimes in expensive private planes—to loll in little, flat-bottomed boats drifting aimlessly down the clean mountain rivers of Arkansas, as their fathers did when hard times made Huck Finning in the Ozarks the only vacation many Arkansans could afford.

Evenings they can be seen lounging in portable captain's chairs on gravel bars along the rivers, mixing their martinis below high stone bluffs.

Some float the rapids and quiet pools in tax-deductible comfort, as professional guides pilot johnboats bearing them and sometimes their business clients downstream on float-fishing safaris. Others navigate their own canoes, stopping occasionally to fish the most promising patches of water or to swim and eat along the deserted shores.

The styles differ, but they are all part of a renaissance in floating the mountain rivers of Arkansas—a renaissance born of nostalgia.

Forty years ago, when the Depression made travel unthinkable, the men of Arkansas discovered two rivers—the narrow, crooked Buffalo and the broad, swift White—in the blunt Ozark mountains, 100 miles due north of Little Rock, and thereby found a Huckleberry Finn style of vacation that was cool, lazy and inexpensive.

FLOATING AND FISHING

For as little as $5, a man could buy an oak-planked scow that would be simply discarded at the end of his voyage. For even less he could rent a johnboat which the owner would later pick up downriver. Drifting along, he could hook enough smallmouth bass, perch, catfish and bullfrogs to eat well, and, of course, he would pay nothing for nights spend on gravelly sandbars.

At the unhurried rate of 15 miles a day, it was a five-day float down the White River from Cotter to Batesville, and about the same down the Buffalo River from Ponca or Pruitt to its junction with the White, and on down to Shipp's Ferry, the first landing downstream.

It was a pleasant way for a man to spend a week with his brothers and cousins (in those days women were never invited but many have recently become avid floaters), and it became an annual event in many Arkansas households.

River-floating has changed since the days of the five-dollar scow. Like change and progress elsewhere, the blessings are mixed.

The simple joys of floating the river have been packaged so efficiently into float-safaris by commercial float-fishing businesses that it has become a part of corporate expense-account entertaining. About a dozen docks in the upper reaches of the White River offer these trips, which make it possible for the untutored vacationer with no skill or equipment to float downstream for up to five days in comfort and safety, with a strong likelihood that he will catch lots of fish.

COMMISSARY AHEAD

Each flat-bottomed johnboat carries two fishermen, who sit in captain's chairs, placed forward and center, and a guide who sits on a wooden thwart in the stern and steers. For each two or three johnboats there is a commissary vessel that chugs ahead with food and camping necessities.

When the floaters round a bend at noon or at dusk, the cook has a big tarpaulin stretched beside a table on one of the numerous gravel bars. An 18-inch skillet is on the fire ready to fry newly-caught fish, and all the trimmings for a sumptuous meal are nearby. Cots are set up for sleeping under the stars.

The commissary-boat setup is flexible, allowing float party groups to be expanded as additional commissary boats and their satellite johnboats are tacked on. Because the gravel bars are often quite long, a fleet of boats can spread out over the river for fishing during the day and gather at one spot for some convivial camping in the evening. So successful have such group outings been that a number of businessmen have taken to float-fishing as a way of entertaining clients. One corporate float trip several years ago included more than 60 guests, and several large businesses send parties each year. An advertising executive from St. Louis floated

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the White River 11 times last year, showing clients a good time.

COPING WITH DRINKERS

The presence of high-powered tycoons along the rivers of Arkansas has led to some heavy drinking as well as avid fishing, but the guides are catching on to the tricks of that, too. "Fellow gets too much liquor in him and he'll always try to stand up in the boat," an old hand explained recently. "I just nudge the boat on a rock and he goes over the side. That cold water takes it out of him."

The Hurst Fishing Service in Cotter, with 20 guides, is the largest of the local float-fishing outfitters and the one that handles most of the large parties. But many groups include only two to six fishermen, and there are several outfitters who handle trips of this size, among them the Cotter Trout Dock and Pace and Watson Fishing Services in Flippin and Rose Fishing Service in Norfork.

The cost is $36 per day for each fisherman if there are four or more: $46 per day for three or less. This price includes everything—boat, guide, equipment and food (not drink)—except the price of a fishing permit ($3.50) and the purchase of a few lures that the river fish are known to like.

MIXED BLESSINGS

Most of the modern-day amenities are unarguable improvements over the five-dollar scow, but the outboard motor does detract from some pleasures that came with drifting with the current. Now, a guide may motor upstream several times to drift back through productive stretches of water, or chug downstream through a lean area to reach better waters. This practice increases the chances of catching fish, but it also punctures the sensation of being a part of the river and frightens away wild animals that might otherwise be seen along the banks.

On a recent trip, nevertheless, one fisherman caught sight of beaver, muskrat, red and gray squirrel, mink, whitetail deer, raccoon, and a dozen huge blue heron as they flapped noisily about their nests in a sycamore tree. Also on view were ugly-looking cottonmouth moccasins, leather-back turtles as big around as volleyballs, and huge bullfrogs so imperturbable they could have been shot or gigged with ease.

Of the two Ozarks rivers suitable for float fishing, the White sharply reflects the encroachments of civilization while the Buffalo, at least for the present, is practically unchanged since the first Indian tribes moved into the caves along its bluffs thousands of years ago. The banks of the Buffalo are still so desolate that it is possible to float for days there without seeing anyone except other fishermen. The high bluffs and thick growth along the shore give the area a primeval look, and the water is so rich with life that the state does not trouble to stock it with fish.

It is not a James Dickey-style wild river with perilous rapids, and yet in places the water is swift and tricky enough to make for interesting floating. On a recent day a group of 20 canoes, paddled by young and noisy beginners, approached a chute where the Buffalo narrowed to a width of 10 feet and slid down a steep, 100-foot incline. In the chute, the first canoe swamped and then the others began to pile up on it; in a few moments only three canoes were still upright.

"Considered for size, for completeness, and for wild qualities," says a United States Department of the Interior publication, "the Buffalo is one of this country's last significant natural rivers." The Buffalo has managed to remain unpolluted and unexploited because the region of the Ozarks it traverses is so poor it is almost deserted. But the very remoteness of the river has begun to attract people, and a tug-of-war between commercial interests and conservationists is taking place.

Most of the local people want to leave the river as it is, hoping that it will not attract enough traffic to inspire landowners along the shore to become innkeepers and bartenders. But there have been some signs already that this is wishful thinking. Several years ago a landowner who owned land on both river banks stretched a fence across and tried to charge a toll for each floater who wished to pass. There was some fistfighting and pistol-brandishing before the fence came down.

CONSERVATION OR CONGESTION

To head off commercial exploitation, the United States Department of the Interior wants the Government to purchase generous strips of land along both banks—almost 100,000 acres in all—to preserve the Buffalo as a national river. That would guarantee that the shores would become campsites and not subdivisions, but many local Arkansans fear that by building roads and tourist facilities the Government would invite the congestion that no one wants.

For the present, anyway, floaters have the best of both worlds.

The people who own the shores have not yet figured out entreprenurial schemes that would make it profitable to defile the river, and there is no government to say that you cannot fish, camp, shoot, drink or swim naked wherever you wish.

There is a benign lawlessness along the Buffalo River that is its special charm. A curious squirrel is likely to end up in a skillet, in or out of season, and a fearless beaver may expect to have someone sharpen a round or two near the swimmer's tail. If there are any legal restrictions on where people can camp, they are ignored.

The White River, in contrast, lost its innocence many years ago. It is a broad, swift river, big enough to handle sternwheelers—as it once did.

The river's banks are lined with the same species of sycamore, sweetgum, willow, elm and birch that grow along the Buffalo, but the banks of the White have pastures beyond the thin band of trees.

The important change in the river came about when Bull Shoals Dam near the Missouri line was completed in 1961. Its eight turbines, at the base of the dam, suck the coldest water from the bottom of Bull Shoals Lake and spew an unnaturally chill trout river into the sweaty hills of Arkansas.

The result is an ecological curiosity that combines astounding trout fishing with the vaguely unsettling sensation of floating a river that has been refrigerated by man.

Visitors like to float the White River in the spring or fall, when the river temperature is in the low forties and Arkansas weather is still in the bearable low eighties. But trout can be caught all through the summer in the river, which stays so cold that on most warm days fishermen cast their lures through fog until mid-morning.

The cold water drove out all the indigenous fish except a few smallmouth bass, but it created a river so full of trout that the most fumbling beginner can catch his or her limit—six a day, not counting those you eat—and many of which would be called whoppers in other waters.

The basic fishing method is casting and retrieving large, shiny silver or gold-plated metal lure which is almost half the size of a trout that a Northern fisherman would keep. This lure produces some trout catches that would be big enough to be respectable on a deepsea fishing trip. The record brown trout caught so far from the White weighed 25 pounds and was almost as big around as a wrestler's thigh. The largest rainbow was 15 pounds 3 ounces.

LURING THE RAINBOWS

When the big trout aren't biting, the smaller ones are sought, either by casting large gold spinners or by drifting with the current and trolling worms or artificial caterpillars with spinners. It is not unusual to catch three-pound rainbows by trolling, but the average is between one and two pounds. When all else fails, the White River angler usually swallows his pride, baits his hook with ordinary niblet corn from a can and catches as many 10-inch rainbows as the law allows.

Catching so many trout is unreal, and it is done at the cost of a vague sense of unreality that accompanies the floater down the river. In addition, the water level rises and drops at erratic hours as the turbines run and stop, and campers are occasionally awakened at early hours and sent scrambling to higher ground when the river submerges their gravel bar.

To a man, the river guides prefer to float the Buffalo, yet they appreciate the sure-fire trout fishing of the White, which always sends tourists home satisfied. They lament that some of the nostalgia of river floating has been lost in the changes that have overtaken the White, and they look with apprehension at signs that change is coming to the Buffalo, too.

HOUSE PASSAGE OF EQUAL RIGHTS FOR WOMEN AMENDMENT: FIRST STEP TOWARD RATIFICATION OF POLITICAL RIGHTS OF WOMEN TREATY

Mr. PROXMIRE. Mr. President, House passage of the equal rights of women represents a major milestone in the battle for equal treatment of women. This amendment had been introduced for 47 consecutive years in the House. For 26 years both parties in their political conventions have endorsed it. Finally the House has approved it. It represents a major victory for women's rights advocates and should be a clear signal to the Senate that it is time for positive action on the treaty which will guarantee the political rights of women.

Women have made it increasingly clear in recent months that they will not accept unequal treatment. They refuse to be treated as second-class citizens. Most recently a great deal of attention has been placed on equality in employment. Women are demanding equal pay scales with men and equal advancement opportunities. On every front, women are pressing for the same rights which men enjoy.

Political rights are one of the most important areas in which women deserve the same advantages as men enjoy. It is not enough to merely guarantee women the right to vote. They must be assured of the full panoply of rights which men enjoy in this area. Passage of the Equal Rights for Women Treaty will accomplish this on an international scale.

Action on this treaty is long overdue. Like the amendment to guarantee equal rights for women, it has been bottled up for years. The time has come to take action on it. The passage by the House of the amendment to guarantee equal rights for women should be a clear indication to the Senate that passage of the women's rights treaty is long overdue. Let us move swiftly toward the consideration of this important treaty.

THE ABM VOTE A SIGNAL TO MOSCOW

Mr. PEARSON. Mr. President, yesterday the Senate rejected the Cooper-Hart amendment by a vote of 47 yeas to 52 nays. The amendment would have limited

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the "momentum" of the ABM program beyond the limits already placed on its expansion by the Senate Committee on Armed Services. The administration had opposed any further limitation on the expansion of the ABM under the assertion that progress for this program was needed as a "bargaining chip" with the Russians at the SALT talks.

This morning's Washington Post contains what I consider a very good "news analysis" by Post Staff Writer Chalmers Roberts. In his first paragraph, he interprets this Senate vote as sending "a message to Moscow offering a choice of a SALT agreement or of a continuing strategic nuclear arms race." In my opinion, as evidenced by my statement and vote of yesterday on the Cooper-Hart amendment, this is a very thoughtful interpretation.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ABM VOTE IS SIGNAL TO MOSCOW

(By Chalmers M. Roberts)

The Senate voted yesterday to send a message to Moscow offering a choice of a SALT agreement or of a continuing strategic nuclear arms race.

This was the essence of the 52-to-47 vote rejecting the Cooper-Hart amendment, which would have limited the "momentum" of the American Safeguard ABM program that the Nixon administration has sought as a "bargaining chip" at the SALT talks.

The Vienna phase of those talks will formally end on Friday. Word of that came yesterday after Moscow sent to its delegation the approval of the projected communique. That joint Soviet-American statement will say the two sides have made progress in considering how to curb the major components of the strategic nuclear arms race and that they will meet again in Helsinki in an effort to reach a formal agreement.

Ironically, the closest thing to a statement of just what is in the administration's mind in pushing the "bargaining chip" argument came on Tuesday from a senator who yesterday voted for both Cooper-Hart and for the Hughes amendment, also defeated, which would have halted all work on Safeguard.

Without revealing his source, Sen. Jacob Javits (R-N.Y.) said that "it has been explained to me that the Soviet negotiating team represents a coalition of interests having diverse reasons for wanting a SALT agreement. It is said that the Soviet negotiating coalition is a delicately constructed one and that the element representing the military is the most reluctant and suspicious element.

"The group representing the Soviet Union's military viewpoint is said to be interested primarily in halting the development of an American ABM system. Presumably—using the 'worst case' war-gaming approach—the Soviet strategic planners place a higher efficiency factor on Safeguard's capabilities than our own scientific community does.

"Accordingly, it is contended that the Soviet military component, which is prominently represented in the Soviet negotiating team, might lose interest in achieving a SALT agreement if the Safeguard system is killed off in the Senate. The defection of the Soviet military element could disrupt the delicately constructed Soviet negotiating concensus and thus jeopardize an agreement otherwise desired by other elements of the Soviet hierarchy."

All this, indeed, fits the verdict of those who have patiently labored at the Vienna conference. The Soviet military representatives have clearly been the hard-nosed parties in the Kremlin's delegation. The foreign office and scientific members of the delegation have seemed far more willing to come to terms with the United States.

Much has been written, but little is really known, about the power of the Red Army marshals on the decision making by the Politburo, which has no military members. That the marshals have much influence is beyond doubt, but how much is crucial in relation to SALT and a lot of other problems, too.

The American aim is to build a SALT deal around a swap of Safeguard for a ceiling on the massive Soviet SS–9 missiles. So far, the Kremlin has yet to give an OK to limit the SS–9s or at least it has not let the American delegates know whether it has.

There continues to be here a lingering feeling that some Red Army marshals, and perhaps some Kremlin ideologues as well, want to go beyond the rough nuclear parity the Soviet Union now has with the United States and try for out and out superiority.

A recent report by Georgetown University's Center for Strategic and International Studies raises this question, asking whether a significant element in the Soviet leadership thinks superiority is a feasible goal "and that its achievement will transfer the initiative to Moscow and bring about a reversal of roles between the two global powers."

It is for these reasons that the administration last night was glowing at the defeat of Cooper-Hart and was hoping that Sen. Edward Brooke's amendment also will be defeated.

Thus, if Safeguard comes through Congress unscathed (except for elimination of the anti-Chinese area defense section), the men in the Kremlin will have a couple of months to decide among themselves just how determined the Americans really are in offering either a SALT pact to curb the arms race or an unlimited escalation into a new generation of costly weapons systems.

THE BERLIN WALL

Mr. BAYH. Mr. President, men who covet independence and freedom will always look upon this day with sorrow.

Well do I remember my own feelings of shock when I read, 9 years ago today, of the erection of the Berlin wall. I was dismayed that Germans who lived in the east sector of the city were to suffer greater indignities and more severe privations than was already their lot under the Soviet-dominated government.

The free world was shocked that any government found it necessary to build a wall to keep people in—not to keep intruders out.

No one who has been to Berlin and viewed the wall can leave without a deep feeling of sadness, because we all know there is no such artificial division in the hearts of the people of the two Berlins.

Impregnable as the wall seems to be, however, some East Berliners have managed to escape to freedom. But our hearts go out to the families of the almost 100 who have been shot down in attempted escapes.

Mr. President, we must not forget the people on the other side of the wall. We must not diminish our efforts to help them regain their freedom, so that once again East and West Berliners together can say, "Ich bin ein Berliner."

THE CRITICISM OF VICE PRESIDENT AGNEW

Mr. GURNEY. Mr. President, we have a good deal of extraordinary and shotgun criticism of Vice President AGNEW in recent weeks. Mr. Arthur Schlesinger gave us his outlandish portrait of Vice President AGNEW in the Sunday New York Times several weeks ago. It was a poison-pen piece, but it was at least predictable. Arthur Schlesinger's problem, as Eric Hoffer pointed out some time ago, is that he has to live with himself, and that experience must be a terrible cross to bear.

Of all the unfair and invalid criticism leveled at Vice President AGNEW, the most noteworthy criticism comes from the former Vice President, the Honorable Hubert H. Humphrey. In his March 16, 1970, column, Mr. Humphrey said, for instance:

> The Nixon Administration, especially through Vice President Agnew, seems more intent on polarizing the American people. The Vice President is quick to pin labels on others, to use harsh language, ridicule those who do not agree with him.

I am indebted to the National Review for some of Mr. Humphrey's earlier utterances which I shall quote now. We all recall the outrageous conduct of the anarchists who tried to disrupt the Democratic Convention in Chicago 2 years ago this month. During the 1968 campaign, Mr. Humphrey was constantly harassed by these same militants, and he let us know how he felt about these hecklers and malcontents:

> Humphrey told the 3,500 persons who remained at the rally that the protesters, most of them young, were "Hitler-types, storm troopers."—Story in the Philadelphia *Bulletin*, September 25, 1968.
>
> Later, as war protesters chanted at the rear of the crowd, Humphrey drew cheers when he criticized "extremists and those who chant as if they learned it by rote, but think not."—Story in the Philadelphia *Bulletin*, September 9, 1968.
>
> Vice President Humphrey told a group of college students today that a lot of antiwar activity is "escapism" by those "who don't want to go out and to work about problems in this country."—AP story in the *New York Times*, August 14, 1968.
>
> The Vice President chose this ultra-conservative state (Utah) yesterday to excoriate the hecklers who have plagued his campaign. He labeled them extremists, followers of Nazi philosophy and enemies of America. . . . Humphrey charged that the antiwar hecklers are part of a disciplined group intent on destroying "our democratic society as we know it." . . . Speaking at a Boston rally . . . he called them "mean anarchists . . . filled with hate, bitterness and bigotry." Article in *Newsday*, October 12, 1968, about Humphrey and his hecklers.

So much for pining labels on "those who do not agree with him."

It is perfectly clear, I think, that Vice President Humphrey was justified in his criticism of these same anarchist elements in 1968. That fact makes his current criticism of Vice President AGNEW that much more unfair and ill-advised. Former Vice President Humphrey has reason to know better, and those of us in the Republican Party who, though differing with him, admire him personally, feel let down by Hubert Humphrey's re-

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sort to ad hominem attacks on SPIRO T. AGNEW.

SENATE SHOULD ACT QUICKLY ON EQUAL RIGHTS FOR WOMEN

Mr. McGOVERN. Mr. President, constitutional amendments are a serious business and deserve the serious attention of Congress. Constitutional amendments have served two purposes historically. They have sought to remedy imperfections in our constitutional machinery, as did a recent amendment limiting the successive terms of office to which a President is permitted. And they have been used to guarantee or extend the liberties and rights of our citizens. Of the first type of amendment we have a few examples, thanks to the intelligence and foresight of our constitutional architects. The second type is more familiar. It was the genesis of our Bill of Rights, the instrument by which our black citizens were emancipated, and the means by which half of our population, whom our forebearers ignored in defining full citizenship, were enfranchised. The proposed amendment guaranteeing full equality of rights under the law for women, so ably guided through the House by Representative MARTHA GRIFFITHS, of Michigan, is in the tradition of constitutional amendments seeking to expand and guarantee essential liberties.

It is startling to realize that just 50 years ago, women did not have the right to participate in Federal and most State elections. The United States in 1920 was among the first nations to enfranchise female citizens. Women did not acquire full voting rights in Britain until 1928, and in France until 1945. Today in the most ancient and venerable of republics, Switzerland, women still are denied the right of suffrage.

In 1869 the Woman Suffrage Association was founded by Susan B. Anthony and Elizabeth Cady Stanton to encourage Congress to enact what was to become the 19th amendment. It took that movement 51 years to succeed.

We are now in the 47th year of debate on the corollary amendment to woman suffrage, an amendment guaranteeing women the equal protection of the law. That it should have taken us so long to come to grips with an issue of this importance is inexcusable. The Congresses which lingered 51 years over the original suffrage proposal had at least the excuse of public (in those days mostly male) antipathy. This is an excuse which for us is invalid. For 26 years this proposed amendment has had the consistent support of the platforms of both our major political parties.

Mrs. GRIFFITHS has made a convincing case, which will persuade anyone with lingering doubts about the legal disabilities which handicap women. For my part, I would like to draw your attention to a serious area of discrimination based on sex of which I have special knowledge, the virtual exclusion of women from the councils and conventions of our major political parties. My own Democratic Party has not been free from remission in reconciling policy and performance. The Commission on Party Structure and Delegate Selection, of which I have the privilege to be chairman, discovered in its investigation the disappointing fact that women, although they comprise more than a majority of our Nation's voters, filled only 13 percent of the delegate positions at the 1968 Democratic National Convention. In 10 State delegations women were insufficiently represented to fill the four places traditionally reserved for them on the convention's permanent committees. In one large Democratic delegation only six of 116 places were filled by women. Only one State's delegation was headed by a woman.

Consequently, our Commission adopted as a mandatory party guideline the following:

> The Commission believes that discrimination on the grounds of age or sex is inconsistent with full and meaningful opportunity to participate in the delegate selection process. Therefore, the Commission requires State Parties to eliminate all vestiges of discrimination on these grounds. Furthermore, the Commission requires State Parties to overcome the effects of past discrimination by affirmative steps to encourage representation on the national convention delegation of young people and women in reasonable relationship to their presence in the population of the State.

I am confident that by 1972 this guideline will have been incorporated in the practices of each of our Democratic State parties and perhaps may serve as an example to our distinguished opposition party.

I commend Mrs. GRIFFITHS for the able leadership she has given this long overdue and necessary amendment and urge my Senate colleagues to hasten its passage. The case for equality for women is so clear that we ought to move without any further delay to passing the amendment in the form which was given such overwhelming support in the House.

CRITICISM OF THE FBI

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Mr. David Lawrence and published in the Washington Star of August 11, 1970.

As we know, the Federal Bureau of Investigation has been subjected to an unmerciful barrage of criticism from the radicals in our country. The criticism is completely unwarranted and irresponsible, in my judgment. A recent poll indicates that the FBI has diminished in esteem, particularly among easterners, college-educated people, and young people generally. Mr. Lawrence attributes this sorry development to what he calls a smear campaign directed at the Bureau and Director Hoover by youth groups and so-called antiwar groups. If the poll is correct, it is most unfortunate. However, it is well to note that even though this particular poll shows a decline in the "favorable rating," the poll still shows that 71 percent of the American people still—nearly three-fourths—still regard the FBI as first rate.

I associate myself with Mr. Lawrence's statement that the FBI continues to be "the most effective agency related to law enforcement in the world today."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FBI THE TARGET OF SMEAR CAMPAIGN

(By David Lawrence)

The Federal Bureau of Investigation is perhaps the most effective agency related to law enforcement in the world today. It is at the same time the victim of more barbs of hate and criticism from the so-called "liberal" group than any other part of the government.

A Gallup poll, therefore, which has just been issued is significant. It shows that the favorable rating of the FBI by the public has declined from 84 percent in December 1965 to 71 percent today. This can be attributed largely to the attitude of the younger respondents, and is doubtless due to the antiwar and youth groups which have made the FBI a special target in their criticisms of the "establishment."

As a matter of fact, the FBI carries on investigative work where there are violations of federal law and crimes across state lines. It simply gathers information and reports findings to the Department of Justice or to state or city agencies which might use them. Many an important criminal has been caught as a result of the data collected by the FBI.

Interestingly enough, the Central Intelligence Agency, which does not operate in this country but investigates certain American interests in foreign countries, is also the object of attack and scorn. It has long been the custom for some of the people who would ignore the law to denounce both the FBI and the CIA and to give the impression, especially to young people, that these agencies are possessed of evil motives and are engaged in improper practices.

But all the prosecuting attorneys and officers who are familiar with what these two agencies do for the federal government in collecting data about criminals and their activities know that, except for the skill of the agents who come up with information that helps to catch and indict many a wrongdoer, a lot of guilty persons would have escaped punishment.

The FBI has a considerable influence on the police systems of this country and plays an important role in the methods of training police officers. It collaborates often with state and city authorities who seek advice and counsel on how to improve law-enforcement agencies.

The change in the Gallup poll ratings from 1965 to 1970 is not really noteworthy except that it indicates the continuing effects of smear tactics. Many of the younger people believe the reports they are hearing about the FBI, even though there is really nothing on which to base them.

The FBI was established in 1908, but it was not until it was reorganized and J. Edgar Hoover became chief of the bureau that the agency began to be a model of efficient operation. The bureau maintains a total abstention from all political affiliations or entanglements, and not only follows closely the instructions given by each attorney general but carries on a good deal of work on its own initiative in order to collect valuable information about crime and subversion in America.

Hoover has been the head of the FBI since 1924. He rarely gives interviews or makes appearances in public. He keeps out of the political controversies of the day. But he is the object of bitter denunciation by groups which have lately been showing defiance of law and order in America.

The FBI gathers information to guide its own agents in being at the right place at the right time in order to catch criminals who are fugitives from justice. It is one of the remarkable achievements of the bureau that, over the years, some of the most dangerous of the criminals may have for a while escaped capture, but in the end found themselves in the hands of the FBI.

The police departments of states and cities have confidence in the FBI, cooperate with it and employ its help in ferreting out criminals, especially those who have fled from their jurisdiction. The FBI does not participate in any of the decisions as to whether a case shall be prosecuted or abandoned, but leaves such matters to the attorney general or the solicitor general to determine.

All this is why the FBI has achieved its reputation for fairness, efficiency and nonpolitical involvement as an information-gathering agency for the federal government.

PRESS STILL SPEAKS OUT AGAINST DISTRICT OF COLUMBIA CRIME BILL

Mr. HART. Mr. President, several weeks ago during debate on the District of Columbia crime bill, those of us opposed to the dangers in that bill were joined by many voices in the Nation's press and other news media.

They emphasized that the rights of all Americans were threatened by the passage of the bill, not only the rights of District residents. Although the bill has now become law, these public voices of concern are not stilled. A recent editorial in the Mining Journal, a leading Michigan newspaper, warns of the danger posed by the bill to all of us, should its provisions be extended throughout the Nation.

The Journal reminds us again that—

> If the D.C. Crime Bill were to become a model for the Nation as a whole, the United States would have foresaken some of its precious liberties.

I hope the able Senator from North Carolina (Mr. Ervin), whose persuasive efforts to defeat the District of Columbia crime bill failed, will draw satisfaction from this proof that his efforts have alerted the country.

Mr. President, I ask unanimous consent that the August 4 editorial of the Marquette Mining Journal be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Threat to Freedoms

"Excessive bail shall not be required," states the Eighth Amendment to the Bill of Rights.

"The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized," states the Fourth Amendment.

Yet the U.S. Senate last week approved (54–33) a bill that denies bail entirely under certain circumstances and allows police to enter homes without knocking. Also provided in the bill is broadening of the wiretapping practices of the government.

The measure is the District of Columbia crime bill, which is aimed at trying to reduce the excessively high crime rate in the nation's capital. The end is salutary, but the means are questionable, to say the least.

The bill provides the jailing of an accused person for up to 60 days before his trial if the judge thinks the defendant's record indicates he might be a crime risk in the interim. In other words, it denies bail completely in some cases. It also provides for "no-knock" entry, permitting law officers to enter a home without identifying themselves if they think the suspect might otherwise destroy evidence or endanger the officers' lives.

The vote on the bill cut across party lines and, the measure found supporters and opponents together at both ends of the political spectrum. Numbered among the supporters, for instance, were several liberal Northern senators, while the principal opponent of the bill was a conservative Southerner.

The Southerner was Sen. Sam J. Ervin Jr., a North Carolina Democrat, who is regarded as the strictest constructionist in the Senate. His description of the D.C. crime bill is something to be savored:

"This . . . is as full of unconstitutional, unjust and unwise provisions as a mangy hound dog is full of fleas . . . a garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented . . . an affront to constitutional principles and to the intelligence of the people of the United States."

One does not have to search far to learn why the measure passed. Some of those who voted for the bill could find sanctuary in its provisions for reforming the crowded court system in Washington and for establishing a public defender program. Others undoubtedly were sincerely concerned with the appalling tide of crime in the District. And some must have feared that a negative vote would not have been politically expedient in this election year.

These are all understandable motives, and no one doubts that the heavy incidence of crime in Washington must be checked, but must this be done at the expense of individual freedoms that are guaranteed to Americans in their Constitution? If the D.C. crime bill were to become a model for the nation as a whole, the United States would have forsaken some of its most precious liberties. Fortunately, the bill will be tested in court, where Sen. Ervin's accusation of unconstitutionality should be proven.

REORGANIZATION PLAN NO. 4—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. COTTON. Mr. President, I was surprised to learn that there is some opposition to Reorganization Plan No. 4 which would establish within the Department of Commerce a National Oceanic and Atmospheric Administration—NOAA. The distinguished senior Senator from Washington (Mr. Magnuson) chairman of our Committee on Commerce, made an excellent statement in the Chamber yesterday, August 12, refuting many of the charges made against this plan by its opponents. I wish to associate myself with that statement.

I have worked with Senator Magnuson for many years on matters concerning the Department of Commerce. I feel as he does that this Department does have the requisite knowledge and expertise and that it is the logical place for NOAA. I shall now add some further comment on this point.

To begin with, as Secretary Stans pointed out, more than 60 percent of the budget and personnel of the Department of Commerce is now utilized for scientific and technical purposes. Units of the Department having a primary scientific and technological mission include not only ESSA, which combines the Weather Bureau and the Coast and Geodetic Survey, but the National Bureau of Standards, the Patent Office, and new responsibilities which have been assigned in the field of telecommunications. This emphasizes the fact that there is present in the Department of Commerce the "solid base of science and technology" that is the "common denominator for accomplishment" stressed by the Stratton Commission, the recommendations of which form the basis of the administration's plan.

It should be clear to even the most casual observer that NOAA was placed in Commerce because the largest of its components, ESSA, is already located in that Department. It is expected that ESSA will comprise 73 percent of NOAA's budget and 83 percent of its personnel. As pointed out by the President in his message of July 9, 1970:

> Placing NOAA within the Department of Commerce therefore entails the least dislocation, while also placing it within a department which has traditionally been a center for service activities in the scientific and technological area.

No one could possibly contend that ESSA is not environmentally oriented. In 1965, when President Johnson proposed his plan for the administration, he said the following:

> Establishment of the Administration (ESSA) will mark a significant step forward in the continual search by the Federal Government for better ways to meet the needs of the Nation for environmental science services . . . It will mean better services to other Federal departments and agencies—to those that are concerned with the national defense, the exploration of outer space, the management of our mineral and water resources, the protection of the public health against environmental pollution, and the preservation of our wilderness and recreation areas.

No one has contended that ESSA is not performing its assigned functions admirably. In fact, there have been several proposals to increase its responsibilities to include the monitoring of pollution levels around the globe.

In view of these facts, it is difficult to understand why the NOAA proposal is being attacked by environmentalists.

The argument that development and protection functions should not be placed in a single agency will not stand up under a proper examination of the reorganization plan involved.

There will be no basis for conflict between NOAA and the proposed Environmental Protection Agency. The latter is basically intended to be a standard setting and enforcement agency. It is clear from the President's message that with respect to the setting of environmental standards, NOAA would be subordinate to EPA and subject to the Council on Environmental Quality. As stated by the President in his message: NOAA will be expected to maintain continuing and close liaison with the new Environmental Protection Agency and the Council on Environmental Quality as part of an effort to insure that environmental questions are dealt with in their totality and that they benefit from the full range of the government's technical and human resources. To lump NOAA in with the components of EPA would mean that oceanographic problems would continue

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to be subordinate to other activities and receive less attention than they deserve.

Environmental quality is everybody's responsibility. As we develop resources for the well-being of all, we must understand what adverse impacts that development will have, and try to avoid those adverse impacts or minimize them. With a long and distinguished background in the development of technology, the Department of Commerce is well equipped to accomplish this. It has demonstrated its concern for environmental matters, and has committed itself to the task of dealing with them effectively.

The plan proposed by the President is a sound one. Those who have been closest to the problem, such as Dr. Julius Stratton, Chairman of the Commission on Marine Science, Engineering, and Resources; Dr. Edward Wenk, former Executive Secretary of the National Council of Marine Resources and Engineering Development; Senator ERNEST HOLLINGS, of South Carolina, chairman of the Commerce Committee's Subcommittee on Oceanography; Senator HOWARD BAKER, of Tennessee, the ranking Republican member of the Subcommittee on Oceanography, and Senator WARREN G. MAGNUSON, chairman of the Committee on Commerce, each endorses the proposal. Surely they would not have done so if there were any genuine basis for the fear that environmental and conservation considerations will be disregarded.

It is certain that after a decade of waiting, this reorganization plan is long overdue. If we are going to have a comprehensive national program for the development and protection of our oceans and atmosphere, this proposal must have our support. I urge Senators to give it their complete and immediate endorsement.

TWO ANNIVERSARIES OF SOVIET TREACHERY

Mr. SMITH of Illinois. Mr. President, I invite the attention of Senators to the two anniversaries of Soviet treachery which fall in this month. More than once the Soviets have suddenly, and under cover of night, slammed the door of freedom closed in the face of a captive people.

Nine years ago, on the morning of August 13, 1961, the world awoke to discover that the "divided" city of Berlin had been further separated by a grim defensive wall, not to keep people out, but to keep hostages in. That crude concrete and cinderblock construction has been replaced by more sophisticated masonry works, barbed wire, watch towers, searchlights, and check points, but it has never, with its antitank barricades turned in on the people of East Berlin, been a "defensive" fortification. To date more than 65 Eastern Germans have given their lives seeking the refuge and freedom of the West over and under the infamous Berlin wall.

Just 2 years ago, during the night of August 20–21 a Soviet-led Warsaw pact invasion of Czechoslovakia attempted to still the feeble stirrings of independence from strict Russian control. In that assault a reported 20 to 70 Czechoslovakians died. The present Prague government has yet to release an official report on the number of victims.

In other areas the "new" government has been more active. The party rolls are being purged of all "traitors" and supporters of the "quiet counterrevolution." The party presidium has reversed itself and now calls the invasion a necessary act. Alexander Dubcek and his allies in reform have been banished from public view or pensioned off to "safe" occupations. The government has been purged and brought into line, but the Interior Ministry, last year, planned heavy guard for government leaders to protect them from any "antisocialist, antiparty, and anti-Soviet' anniversary demonstrations by the people of this captive nation. The date, however, was marked quietly by freedom-loving Czechoslovakians and their supporters around the world as the "Soviet day of shame."

This year ceremonies will again be held to recall the attention of the world to those who died in a vain struggle for freedom and those who are more firmly locked behind the Iron Curtain. I commend the efforts of the Czechoslovak National Council of America to keep alive the dream of freedom and liberty in Czechoslovakia.

CHIEF JUSTICE BURGER'S AMERICAN BAR ASSOCIATION ADDRESS

Mr. McCLELLAN. Mr. President, the extent and intensity of lawlessness and moral decay that pervades our land today are of unprecedented gravity and magnitude. The rapid rise in serious crime and the steady decline in effective law enforcement during the past several years present a most unsavory and forbidding record—a record that is a reproach to our Nation and to our civilization.

Just this week the Federal Bureau of Investigation reported that since 1960 serious crime has risen 148 percent. Violent crime—murder, rape, aggravated assault, and robbery—has risen 130 percent. Stated another way, the risk to each person of becoming a victim of serious crime since 1960 has increased 120 percent. Since 1960 our population has increased but 13 percent while the volume in crime, as I noted above, has increased 148 percent.

Many socioeconomic factors can be identified as causes of crime; such as poverty, overcrowded living conditions, unemployment, lack of education, broken homes, exposure to violence in movies and on television, drug addiction, and many others. These causes do exist in varying degrees, and they should, of course, receive the attention of both Government and society.

Nevertheless, other factors must be included in an overall assessment of what has brought us to our present posture. It was in this context, therefore, that I found instructive the remarks of Chief Justice Burger before the American Bar Association in St. Louis, Mo., on Monday of this week. I have on other occasions suggested that the revolution in criminal law and procedure, accelerated during the years of the Warren court, was leading to a collapse of our judicial machinery. Mr. Justice Burger in his St. Louis speech confirms that judgment. He observed:

> Experienced trial judges note that the actual trial of a criminal case now takes twice as long as it did 10 years ago because of the closer scrutiny we now demand as to such things as confession, identification witnesses and evidence of a seizure by the police, before depriving any person of his freedom.
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> Changes in the law that are part of what we lawyers call the "revolution in criminal justice" which began as far back as the 1930's have brought this about . . .
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> This was graphically illustrated in Washington, D.C. where the guilty plea rate [because of procedural rules] dropped to 65%. In 1940, 3 or 4 judges were able to handle all serious criminal cases. By 1968, 12 judges out of 15 in active service were assigned to the criminal calendar and could barely keep up. Fortunately, few of the federal districts experienced such a drastic change, but to have this occur in the national capital, which ought to be a model, was little short of disaster.
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> There is a widespread public complaint resulting in the news media, in editorials and letters to the editor, that the present system of criminal justice does not deter criminal conduct. That is correct, so far as crimes which trouble most Americans today. Whatever deterrent as may have existed in the past has now virtually vanished as to such crimes.

Mr. President, I am encouraged by the recognition of the Chief Justice of the significance of the direction taken by the Court in the recent past. I am encouraged, too, that it now appears that that direction is reversed. As evidence of this, it is significant to note that during the last term of the Warren court—1968–69—the Court heard and decided 26 appeals in criminal cases. The Government—the prosecution—won only 8 or 31 percent of them; 16 or 69 percent of them were reversed. Quite in contrast, during the first term of the Burger court—1969–70—the Court heard and decided 29 appeals in criminal cases. The Government—the prosecution—won 18 or 62 percent of these. Percentage wise, this represents a 100-percent improvement over the previous years of the Warren court.

This indicates to me that the activism and false liberalism which I think characterizes some of the Court's decisions in the past few years has diminished and that its apparent "search and reverse" policy is now being abandoned. Anyway, this marked improvement gives promise that the judicial pendulum is beginning to swing back toward a better balance of justice as between the rights of the criminal and the protection of society. Let us fervently hope so.

I ask unanimous consent that the text of the Chief Justice's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF WARREN E. BURGER

When President Segal and the Board of Governors of this Association invited me to discuss the problems of the federal courts with you, as leaders of the legal profession, my mind turned at once to one of the great

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statements on the problems of the administration of justice. That was Dean Roscoe Pound's famous speech to this Association at your meeting 64 years ago. He said then that the work of the courts in the 20th Century could not be carried on with the methods and machinery of the 19th Century. If you will read Pound's speech, you will see at once that we did not heed his warning, and today, in the final third of this century, we are still trying to operate the courts with fundamentally the same basic methods, procedures and machinery he [Pound] said were not good enough in 1906. In the supermarket age we are like a merchant trying to operate a cracker barrel corner grocery store with the methods and equipment of 1900.

I would not be warranted in coming here today if I spent our very limited time reminding you what is good about our courts, or about the splendid and dedicated judges and others, most of whom are overworked to make the system function. I wish the public could know what you have accomplished first, in the support of public defender programs and now more recently in providing free legal services for people long unrepresented in civil matters. My responsibility today, however, is to say to you frankly—even bluntly—what I think is wrong with our judicial machinery and what can and must be done to correct it in order to make the system of justice fulfill its high purpose.

The changes and improvements we need are long overdue. They will call for a very great effort and they may cost money; but if there are to be higher costs they will still be a small fraction, for example, of the 200 million cost of a C–5A airplane. The entire cost of the Federal Judicial System is 128 million dollars. Military aircraft are obviously essential in this uncertain world, but surely adequate support for the Judicial Branch is also important.

Wall Street experts recently estimated that American citizens and businesses spend more than 2 billion dollars a year on private security and crime control. Aside from the ominous implications of this in a free society, just think what 2 billion dollars could do for public programs to prevent crime and enforce law. That is where such support belongs.

More money and more judges alone is not the real solution. Some of what is wrong is due to the failure to apply the techniques of modern business to the administration or management of the purely mechanical operation of the courts—of modern record keeping, systems planning for handling the movement of cases. Some is also due to antiquated, rigid procedures which not only permit delay but often encourage it.

I am confident that if additional costs arise in the process of making needed changes and improvements in the management of the judicial system, Congress will support the Courts. But judges must demonstrate the needs clearly. Congress is harassed with demands for more appropriations for more and more new programs, each of which is labeled a high priority. We must first show that we are making the best possible use of what we already have and it is here that improved methods and skilled management techniques will count. These will cost relatively little in relation to the whole budget.

You know that in this brief report I can do no more than touch highlights and more detailed treatment of these problems must follow. I hope we can provoke debate—and even controversy—to explore and test what I have to say. With increasing urgency every one of my distinguished predecessors from Chief Justices Taft and Hughes to Chief Justice Earl Warren have pressed these matters, but today I place this burden squarely on you, the leaders of the legal profession, in common with all judges. If the 144,000 lawyers you represent in 1,700 state and local bar associations will act promptly, you will prevent a grave deterioration in the work of the federal courts. And you should remember Justice Vanderbilt's warning that these tasks are "not for the shortwinded."

In the federal courts today the problem areas are essentially in large cities. Here we find in the judicial system no more than a reflection of the complexities created by the population shift to large urban centers. The problems exist where the action is.

In Maine, for example, there is only one federal District Judge and literally not enough for him to do. As a result he has, for 15 years or more, accepted assignments to go to courts all over the country where help was desperately needed. Many judges in the less busy districts have done the same. It is in the large centers that both civil and criminal cases are unreasonably delayed and it is there that the weaknesses of our judicial machinery show up.

How did this situation come about in the face of numerous additional judgeships added by Congress in the past 30 years?

When we look back, we can see three key factors that are important to our discussion:

First, the legal profession—lawyers and judges and Congress, with few exceptions—did not act on Dean Pound's warnings to bring methods, machinery and personnel up to date.

Second, all the problems he warned about have become far more serious by the increase in population from 76 million in 1900 to 205 million in 1970, and with it came the growth of great cities and the increase in the volume of cases.

Third, entirely new kinds of cases have been added because of new laws passed by Congress and decisions of the courts.

In this 20th Century, wars, social upheaval, and the inventiveness of Man have complicated individual lives and society. The automobile, for example, did more than change the courting habits of American youth—it paved the continent with concrete and black top; it created the most mobile society on earth with all its dislocations; it led people from rural areas to crowd the unprepared cities. That same automobile which altered our society also maimed and killed more persons than all the wars combined and brought into the courts thousands of injury and death cases which did not exist in 1900. Today automobile cases are the largest single category of civil cases in the courts.

All this ferment of wars, of increased movement of people, congestion in the cities, and social changes produced dislocations and unrest that contributed to an enormous increase in the rate of crime.

In a free society such as ours these social and economic upheavals tend to wind up on the doorsteps of the courts. Some of this is because of new laws and decisions and some because of a tendency that is unique to America to look to the courts to solve all problems. From time to time Congress adds more judges but the total judicial organization never quite keeps up with the caseload. Two recent statutes alone added thousands of cases relating to commitment of narcotics addicts and the mentally ill. These additions came when civil rights cases, voting cases and prisoner petitions were expanding by the thousands.

Meanwhile criminal cases, once a stable figure in the federal courts, were increasing. The records show that in all federal district courts it now takes twice as long as it did 10 years ago to dispose of criminal cases from indictment to sentence.

To illustrate the changes, consider just a few figures: From 1940 to 1970:

Personal injury cases multiplied 5 times;

Petitions from state prisoners seeking federal habeas corpus relief increased from 89 to over 12,000;

And during this period Congress increased the number of judges by 70%, while the total number of cases filed in the federal district courts nearly doubled.

But the increase in volume of cases is not by any means the whole story. Experienced trial judges note that the actual trial of a criminal case now takes twice as long as it did 10 years ago because of the closer scrutiny we now demand as to such things as confessions, identification witnesses, and evidence seized by the police, before depriving any person of his freedom. These changes represent a deliberate commitment—some by judicial decision, and some by legislation—to values higher than pure efficiency when we are dealing with human liberty.

The impact of all the new factors—and they are many and complex—has been felt in both state and federal courts. A few illustrations as to federal courts may help.

The Criminal Justice Act of 1964 guaranteed a lawyer for criminal defendants—at public expense for the indigent—and along with it appeals at public expense. The Bail Reform Act of 1966 authorized liberal release before trial without the conventional bail bond. Each of these Acts was an improvement on the existing system, but we can now see what was produced by their interaction in a period when crime was increasing at a startling rate. The impact was most noticeable in Washington, D.C., where federal courts handle all felony cases. Defendants, whether guilty or innocent, are human: they love freedom and hate punishment. With a lawyer provided to secure release without the need for a conventional bail bond, most persons indicted (except in capital cases) are released pending trial. We should not be surprised that a defendant on bail exerts a heavy pressure on his court appointed lawyer to postpone the trial as long as possible so as to remain free. These postponements—and sometimes there are a dozen or more—consume the time of judges and court staffs as well as of lawyers. Cases are calendared and reset time after time while witnesses and jurors spend endless hours just waiting.

If trials were promptly held and swiftly completed, and if appeals were heard without delay, this would be less a problem, and debates over preventive detention would probably subside. But these two Acts of Congress came in a period when other forces including decisions of the courts were making trials longer, appeals more frequent and retrials commonplace. We should not be surprised at delay when more and more defendants demand their undoubted Constitutional right to trial by jury because we have provided them with lawyers and other needs at public expense; nor should we be surprised that most convicted persons seek a new trial when the appeal costs them nothing and when failure to take the appeal will cost them freedom. Being human a defendant plays out the line which society has cast him. Lawyers are competitive animals and the American system encourages contention and often rewards delay; no lawyer wants to be called upon to defend the client's charge of incompetence for having failed to exploit all the procedural techniques which we have deliberately made available.

Yet the best defense lawyers know that the defendant's best interests may be served in many cases by disposing of the case on a guilty plea without trial.

A new category of case was added when it was decided that claims of state prisoners testing the validity of a state conviction were to be measured by federal constitutional standards. As a result federal district courts were obliged to review over 12,000 state prisoner petitions last year, as compared with 89 in 1940.

There is a solution for the large mass of state prisoner cases in federal courts—12,000 in the current year. If the states will develop adequate post conviction procedures for their own state prisoners, this problem will largely disappear, and eliminate a major source of tension and irritation in State-Federal relations.

But there is another factor. It is an elementary fact, historically and statistically, that the system of courts—the number of judges, prosecutors, and of courtrooms—has been based on the premise that approximately 90% of all defendants will plead guilty leaving only 10%, more or less, to be tried. But that premise may no longer be a reliable yardstick of our needs. Changes in the laws that are part of what we lawyers call the "revolution in criminal justice", which began as far back as the 1930's, have brought this about. Anyone who questions these changes must recognize that until recently criminal law was the neglected stepchild of the Law. The consequence of what might seem on its face a small percentage change in the rate of guilty pleas can be tremendous. A reduction from 90% to 80% in guilty pleas requires the assignment of twice the judicial manpower and facilities—judges, court reporters, bailiffs, clerks, jurors and courtrooms. A reduction to 70% trebles this demand.

This was graphically illustrated in Washington, D.C., where the guilty plea rate dropped to 65%. In 1940 3 or 4 judges were able to handle all serious criminal cases. By 1968 12 judges out of 15 in active service were assigned to the criminal calendar and could barely keep up. Fortunately few other federal districts experienced such a drastic change, but to have this occur in the national Capital, which ought to be a model, was little short of disaster.

There is a widespread public complaint reflected in the news media, in editorials and letters to the editor, that the present system of criminal justice does not deter criminal conduct. That is correct, so far as the crimes which trouble most Americans today. Whatever deterrent effect may have existed in the past has now virtually vanished as to such crimes.

If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and most obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.

Efficiency must never be the controlling test of criminal justice but the work of the courts can be efficient without jeopardizing basic safeguards. Indeed the delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial.

The addition of 61 new federal district judgeships by Congress within recent weeks is the result of efforts which began 5 years ago. Since it takes time to fill these important positions and new judges do not reach peak efficiency at once, their full impact will not be felt for a long time. We see therefore that the additional judges, needed in 1965, were not authorized until 1970. We cannot solve our problems by meeting needs 5 or more years after they arise. The time to plan for 1975 and 1980 needs is now, and I hope this can be accomplished, not simply by adding more judges, but by the more efficient use of judicial manpower and greater productivity through improved methods, machinery, management and trained administrative personnel.

Meanwhile, not a week passes without speeches in Congress and elsewhere and editorials demanding new laws—to control pollution, for example, and new laws allowing class actions by consumers to protect the public from greedy and unscrupulous producers and sellers. No one can quarrel with the needs nor can we forget that large numbers of people have been without the protection which only lawyers and courts can give.

The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in terms of caseloads. This is dramatically illustrated in the current budget of the Office of Economic Opportunity. Congress has granted that program 58 million dollars for legal services. That 58 million is a sound commitment to an underprotected segment of our people whose rights have suffered because they could not afford a lawyer. Few things rankle in the human breast like a sense of injustice. Whether the problem is large or small in the abstract it is very large to the person afflicted. We should applaud Congress for taking that step. But cases cannot always be settled by lawyers and the burden thus falls on the courts. This allowance for Office of Equal Opportunity legal services is almost half of what is allowed for the operation of all the courts in the federal system. Here again we have an example of a sound program developed without adequate planning for its impact on the courts.

What this all adds up to is that for at least 50 years the federal court system has experienced the combination of steadily increasing burdens while suffering deferred maintenance of the total judicial machinery—and added to that, much of the machinery has long been obsolete. The foresight of Congress in creating the Federal Judicial Center for research and study of court problems 2 years ago is one of the few bright spots in the past 30 years.

Now we must make a choice of priorities. When we want to dance we must provide the musicians and the public may well be called upon to pay something more for the federal judicial system to increase its productivity. But neither costs nor the number of judges can be held down if the caseload is steadily enlarged.

To prepare for this report to you, I asked every federal judge for suggestions. The hundreds of replies reflected a note of frustration and even anguish at the daily management and administrative burdens that drained time and energy from their primary duty to dispose of cases. That was the common denominator and the common complaint. Federal judges are today in somewhat the position of members of Congress a generation ago, before the Reorganization Act which gave adequate staffs to the Members and to the important committee work of the Congress.

The business of litigation is highly complex. To assemble all the necessary individuals is not as simple as TV shows depict. It actually involves the very difficult task of bringing together a judge, 25 or more prospective jurors, lawyers, witnesses, court reporters, bailiffs and others, at the same place at the same time without lost motion. The absence or tardiness of single person will delay the entire process and waste untold time. Countless citizens serving as jurors have been irritated with the inefficiencies of the courts because they find themselves watching TV in the Jurors' Lounge rather than hearing cases in court.

Modern court management calls for careful planning, and definite systems and organization with supervision by trained administrator-managers. We have at least 58 Astronauts capable of flying to the moon, but not that many authentic court administrators to serve all the courts in the state and federal systems. The federal courts need immediately a court executive or administrator for each of the 11 circuits and for every busy federal trial court with more than 6 or 7 judges. We need them to serve as the "traffic managers," in a sense as hospitals have used administrators for 40 years to relieve doctors and nurses of management duties. We are almost half a century behind the medical profession in this respect.

In basic principles, it is indeed essential that we maintain our links with the past and build carefully on those foundations because they are a result of thousands of years of human experience and the evolution of the law. There is great value in stability, predictability and continuity. But the procedures of the law ought to respond more swiftly—as hospitals and doctors, farmers and food distributors have changed their methods. Yet the major procedural change of this Century was the development of the Federal Rules of Civil Procedure a generation ago. Except for those Rules, Thomas Jefferson of Virginia, Alexander Hamilton of New York and John Adams of Massachusetts would need only a quick briefing on modern pleading and the pre-trial procedures in order to step into a federal court today and do very well indeed. We see, therefore, that the judicial processes for resolving cases and controversies have remained essentially static for 200 years. This is not necessarily bad, but when courts are not able to keep up with their work it suggests the need for a hard new look at our procedures.

If the picture I have been painting seems melancholy, I must in fairness touch on a few brighter sides—but sadly there are only a few.

In recent years the ferment stimulated by Roscoe Pound, Vanderbilt of New Jersey, Parker of North Carolina—to name only three now gone—has brought on widespread growth of Judicial Seminars, Institutes and Study Centers that have contributed much. We owe a great debt to my colleague, Justice Tom Clark, who has worked tirelessly on improvements in state and federal courts.

Perhaps one of the most significant developments in a generation is the creation this year—under the leadership of this Association—of the Institute for Court Management at the University of Denver. Here for the first time is a place where court administrators can be trained just as hospital administrators have long been trained in schools of business administration.

Sadly even these bright spots emphasize how painfully slow we are to supply what courts need. The price we are now paying and will pay is partly because judges have been too timid and the bar has been too apathetic to make clear to the public and the Congress the needs of the courts. Apathy, more than opposition, has been the enemy, but I believe the days of apathy are past.

As to the future I can do no more than emphasize that the federal court system is for a limited purpose and lawyers, the Congress and the public must examine carefully each demand they make on that system. People speak glibly of putting all the problems of pollution, of crowded cities of consumer class actions and others in the federal courts. We should look more to state courts familiar with local conditions and local problems.

Let me list some major steps for the future—steps to begin at once:

1. The friction in relations between state and federal courts presents serious problems in both the review of state prisoner petitions and other cases. I strongly urge that in each state there be created a State-Federal Judicial Council to maintain continuing communication on all joint problems. Such a body could properly include a member of the highest state court, the chief judges of the larger state trial courts and the chief judges of the federal district courts. In some states such bodies have already been created on an informal basis.

2. State and federal judges should continue cooperation with the appropriate Committees of the American Bar Association to establish standards of conduct of lawyers and judges that will uphold public confidence in the integrity of the system we serve.

3. We should urgently consider a recommendation to Congress to create a Judiciary Council consisting of perhaps 6 members,

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one-third appointed by each of the three branches of government, to act as a coordinating body whose function it would be to report to the Congress, the President and the Judicial Conference on a wide range of matters affecting the judicial branch. This Council could (a) report to Congress the impact of proposed legislation likely to enlarge federal jurisdiction; (b) analyze and report to Congress on studies made by the Judicial Conference and the Federal Judicial Center as to increase or decrease in case loads of particular federal districts; (c) study existing jurisdiction of federal courts with special attention to proper allocation of judicial functions as between state and federal courts; (d) develop and submit to Congress a proposal for creating temporary judgeships to meet urgent needs as they arise (Some state legislatures authorize such appointments based on a formula of population and caseloads in order to adjust promptly to population changes in rapidly developing areas.); (e) study whether there is a present need for three-judge District (trial) Courts and whether there is a present need for federal courts to try automobile collision cases simply because of the coincidence that one driver, for example, lives in Kansas City, Kansas, and the other in Kansas City, Missouri.

4. The entire structure of the administration of bankruptcy and receivership matters should be studied to evaluate whether they could be more efficiently administered in some other way. (Pending studies on this problem should be pressed to conclusion.)

5. Over the years various statutes and decisions of courts have altered many aspects of criminal procedure. Meanwhile some of the states have experimented with innovations and have developed new procedures to improve justice. Since Congress is now considering an entirely new federal criminal code we should soon undertake a comprehensive re-examination of the structure of criminal procedure to establish adequate guidelines reflecting adjustment both to the new code and judicial holdings.

6. The system of criminal justice must be viewed as a process embracing every phase from crime prevention through the correctional system. We can no longer limit our responsibility to providing defense services for the judicial process, yet continue to be miserly with the needs of correctional institutions and probation and parole services.

7. The whole process of appeals must be re-examined. It is cumbersome and costly and it encourages delay. Some courts, notably the overworked 5th Circuit, have developed procedures to screen out frivolous appeals. Finality at some point is indispensable to any rational—and workable—judicial system.

8. We made a wise choice in guaranteeing a lawyer in every serious criminal case, but we must now make certain that lawyers are adequately trained so that the representation is on a high professional basis. It is *professional* representation we promise to give—nothing more—and within accepted standards of conduct. This Association has now provided lawyers for the first time with comprehensive and authoritative standards and it is now up to the courts and the Bar to make sure they are followed.

I have necessarily left some subjects untouched and others undeveloped, but I hope I have imparted a sense of urgency on the problems and needs of the courts. I hope also I have made my point that it is not simply a matter of more judges but primarily better management, better methods and trained administrative personnel.

A sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people. Three things could destroy that confidence and do incalculable damage to society.

One is that people come to believe that inefficiency and delay will drain even a just judgment of its value.

One is that people who have long been exploited come to believe that courts cannot vindicate their legal rights from fraud and over-reaching in the smaller transactions of daily life.

One is that people come to believe that the law—in the larger sense—cannot fulfill its primary function to protect them and their families in their homes and on the public streets.

I have great confidence in our basic system and its foundations, in the dedicated judges and others in the judicial system, and in the lawyers of America. Continuity with change is the genius of the American system and both are essential to fulfill the promise of equal justice under law.

I ask your help to see to it that this is done.

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

Mr. MATHIAS. Mr. President, this week I had the pleasure and privilege of testifying before the House Committee on Interior and Insular Affairs in support of legislation to create the Chesapeake and Ohio Canal National Historical Park.

One hundred forty-two years ago, on July 4, 1828, at Great Falls, President John Quincy Adams broke ground for the canal which was envisioned as "a great central chain of union" between the eastern seaboard and the West across the Alleghenies. The canal, extended 184 miles through the Potomac Valley to Cumberland, Md., by 1850, never reached the Ohio Valley, but still carried commerce until 1924 and fostered traditions which still survive.

The canal is now beginning its second career as a historical and recreational resource, a unique national asset which deserves protection and enhancement. The National Park Service estimates that more than 1.5 million people, of all ages, visited some segment of the canal last year, and the potential public use of this property is virtually unlimited. Clearly, now is the time to establish this park, as the first and central strand in enlarging the recreational opportunities of the great Potomac Valley.

I am hopeful that the hearings this week will be followed by prompt congressional action to create the Chesapeake and Ohio Canal National Historical Park this year. It seems appropriate, as we consider the canal's future, to recall its beginnings by re-reading the newspaper accounts of the 1828 groundbreaking ceremonies and President Adams' inspirational address.

I ask unanimous consent to have printed in the RECORD my testimony before the House Interior Committee and the text of a Washington newspaper article published July 7, 1828.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR CHARLES McC. MATHIAS, JR.

Mr. Chairman, I want to congratulate and thank you for holding these hearings and once again extending your hospitality to the friends of the Chesapeake and Ohio Canal. Your interest in this project has been sustained and essential. I trust that after hearing our testimony you will agree that now is the time and this legislation is the way to create the Chesapeake and Ohio Canal National Historical Park, thus taking a long, important step to preserve the unique natural and historical resources of the Potomac Valley and to fulfill its vast recreational potential.

The wealth of the Potomac Valley has been treasured since colonial days. "Nature has declared in favor of the Potomack," George Washington wrote to Thomas Jefferson; Jefferson himself declared that the view from Harpers Ferry, one of the most spectacular vistas in the nation, was "worth a voyage across the Atlantic." Our history has upheld the vote of nature and the judgment of the founding fathers. The Potomac Valley now harbors the nation's capital, a dynamic metropolitan area and countless cities and towns. Despite many environmental problems, the landscape remains relatively unscarred.

In many ways the Chesapeake and Ohio Canal is the Potomac Valley on a shoestring. It capsules the region's history, its commercial hopes, its enduring natural values and its human appeal. Built between 1828 and 1850, the 184-mile Canal parallels the Potomac from the heart of Washington to Cumberland. Until commercial operations ceased in 1924, the 76 canal locks raised and lowered barges some 600 feet between tidewater and the Alleghenies, following the historic pathway to the West.

At the groundbreaking for the Canal in Georgetown on July 4, 1828, an occasion of great pomp and ceremony, President John Quincy Adams declared:

"The project contemplates a conquest over physical nature, such as has never yet been achieved by man. The wonders of the ancient world, the Pyramids of Egypt, the Colossus of Rhodes, the Temple of Ephesus, the Mausoleum of Artomisia, the Wall of China, sink into insignificance before it—insignificance in the mass and momentum of human labor required for the execution—insignificance in the comparison of the purposes to be accomplished by the work when executed."

In fact, the Canal even today is probably the finest relic of the impressive engineering feats of the nation's canal-building era, with its sturdy locks, its arched masonry aqueducts, and the magnificent Paw Paw Tunnel of over 3000 feet through a mountain. Equally important is the lively culture and colorful lore of the canallers, which survives in such towns as Williamsport and Oldtown, and in being rediscovered and preserved by area historians as a unique slice of our history.

A trip along the C & O Canal today offers a breadth of natural assets unequalled anywhere. The towpath, beginning as an urban oasis a few steps from the streets of Georgetown, proceeds up the valley to the rugged mountain slopes of the Alleghenies. No other park can boast such scenery, wildlife and history so close to millions of Americans, and yet so undisturbed.

For more than three decades, from the end of commercial operations until the mid-1950's, the Canal lay neglected, preserved primarily by the Valley residents who have always been its staunch friends and caretakers. During the past fifteen years, however, the public has rediscovered the Canal with energy and appreciation. According to the National Park Service, over 1.5 million people—hikers, bikers, campers, canoeists, sportsmen and naturalists, of all ages—used some segment of the Canal last year. This total includes 547,144 visitors to Great Falls; 312,011 at Seneca; and 268,549 at Fletcher's Boat House, all on the heavily-used lower end of the Canal. The Boy Scouts have been particularly active and have in fact established a special merit badge for hiking all or parts of the Canal. Since 1967, over 60,000 Scouts have walked or cycled about 1.6 million miles of towpath, and have helped the Park Service build a number of camping areas and picnic grounds.

The potential public use of the Canal is staggering. Preliminary 1970 census returns show that over 5.3 million Americans live in parts of Maryland, Virginia, West Virginia, Pennsylvania and the District of Columbia within an hour's drive of some segment of the Canal. It has been estimated that the valley is within relatively easy reach for as many as 9 million people now, a total that will grow to 12 million by 1985 and will exceed 15 million by the year 2010.

The Canal now is in no shape to serve even a fraction of these millions. As one hikes along the towpath today, the need for legislative action is evident at every mile. In some areas National Park Service field personnel have worked wonders in providing rudimentary public services within the severe constraints of inadequate funds and very narrow property lines. But at major points of public entry there is a clear need for unobtrusive parking lots, picnic areas, boat ramps, and interpretive programs to educate this generation about 19th-century commerce and engineering. At other points historic aqueducts are crumbling. Old lockhouses stand empty and forlorn. Locks have ceased to work. Where the canal banks and diversion dams have given way, the canal bed is dry and overgrown with trees and underbrush. Even basic maintenance of the towpath is somewhat irregular.

When I first introduced C & O Canal park legislation as a freshman in the House of Representatives in 1961, my objectives were to preserve this historic waterway and to encourage recreational use of it. Now, nine years later, our obligation is to respond to demonstrated public interest and use. Potomac Basin officials and citizens spent much of the 1960's in extensive studies and intensive debate over the future of the valley. Now, as we enter the 1970's, we have reached what I believe to be the predictable consensus that the Chesapeake and Ohio Canal National Historic Park should be established now. It is justified in its own right and it will also serve as the backbone for future recreational efforts and environmental protection in the Potomac Basin.

Mr. Chairman, we cannot afford to wait. If we delay, land prices will soar and open space will shrink under the pressures of the area's population growth, and the Canal could become not a path through the countryside, but a sidewalk through a supermetropolis. Likewise, if we wait until everyone in the Basin agrees on a comprehensive program for the entire Potomac, we will gain more huge piles of paper—but we will lose a park which is within our means and our reach today.

I want to thank Congressman John Saylor, the distinguished ranking minority member of this Committee, for his sustained efforts in behalf of this legislation. I also want to record my thanks to the Secretary of the Interior for endorsing this approach and recognizing that the first step in the Potomac Basin should be along the C & O Canal.

Mr. Chairman, I have reviewed the Interior Department's report and proposed amendments to H.R. 658, and the similar report submitted to the Senate Committee on my own bill, S. 1859. While we are in general accord on the objectives of this legislation and its importance, I would like to submit for your consideration my own thoughts on several points:

1. *Park acreage and means of acquisition.* The Interior Department recommends the acquisition of 15,000 acres beyond the 5,250 now in Federal ownership, for a total of about 20,250 acres. My own legislation (S. 1859) proposes a total park of 15,000 acres. I will leave a precise determination to the wisdom and judgment of your committee. I would recommend, however, two thoughts:

(a) It would seem constructive to authorize a full range of alternatives to fee acquisition of acreage, including acquisition of scenic easements and development rights, and also to make provisions for life tenancy by the present owners of developed properties, leaseback for agricultural purposes, and similar steps. Such provisions are especially appropriate in relation to many sportsmen's clubs and organizations which own lands along the Canal and which have been for many years reliable trustees of the area's resources.

(b) The Federal acquisition plan should give full recognition to the plans of the State of Maryland and local governments for park development in certain areas, such as Fort Frederick. We should encourage maximum coordination, especially since acquisition costs are high and funds are scarce.

2. *Access across the Canal.* Access, both for public utilities and for individuals, has been a perennial problem along the Canal. During the past several years Interior Department personnel have shown an encouraging recognition of the legitimate needs of Maryland communities and citizens. In regard to access across the Canal to the Potomac for public utilities such as water lines, I am pleased that the Interior Department has recommended continuation of the Act of August 1, 1953 (67 Stat. 359). This Act authorized and directed the Secretary to grant perpetual easements for utilities, "subject to such reasonable conditions as are necessary for the protection of the Federal interests." This is a workable approach which guarantees both environmental protection and the access to the Potomac which is absolutely essential to the growth of Western Maryland.

Access for individuals, particularly those who own property between the Canal and the Potomac, has been secured to date through a complicated system of permits which often requires prolonged negotiations but in the main ought to be workable when common sense is employed. If the Committee agrees that arrangements such as leaseback and life tenancy should be available to such landowners, their continuing access to their homes and farms will obviously have to be insured.

3. *Cooperation.* Section 5 of H.R. 658 and a similar section of my bill authorize and direct the Secretary of the Interior to cooperate fully with other Federal agencies, state and local governments, private groups (such as conservation organizations, historical societies and sportsmen's groups) and individuals in a broad range of park-related efforts, including historic restoration and interpretation, recreation, conservation, scenic preservation, and wildlife propagation. Section 5(c) of H.R. 658 further directs the Secretary to take into account comprehensive state and local land use and development plans involving the Canal area, and wherever practicable to coordinate Federal activities with these plans.

To me these provisions are extremely important in establishing a framework for full, candid cooperation among all parties interested in the Canal area. This spirit is essential in administering a park which runs 184 miles through a populated area with many local jurisdictions, many plans for managing regional growth, and enormous non-Federal resources which could be marshalled for the benefit of the Canal. I regret that the Interior Department recommended the deletion of this section, since the general authority cited as a substitute in the departmental report seems to me to be far more limited. I therefore hope you will recommend the retention of section 5.

4. *Advisory Commission.* I am pleased that the Department supports the creation of a 21-member citizens' advisory commission. To maintain communications and cooperation between the park's administrators and its neighbors, however, I would recommend that the commission be made permanent, as proposed in H.R. 658.

5. *Costs.* The park plan offered the Interior Department would require, according to department estimates, almost $19.5 million over five years for land acquisition and long-term development costs of $47 million, of which $25 million would be programmed for the first five years. Land acquisition costs of course are rising rapidly in this region and deferral would be uneconomic. In regard to development, however, your committee may well decide that some reductions are required. I hope that first priority for restoration and development will be given to the most rudimentary public facilities which are clearly required, and to the repair and restoration of the towpath, the Canal bed, aqueducts and other engineering features, and the dams necessary to rewatering long stretches of canal which are now dry and overgrown. It is worth noting that of the $25 million suggested for "development" during the first five years, $14 million—over half the total—is actually programmed for such restoration projects.

In conclusion, I believe that this legislation offers us the opportunity to create a park which will rank among the finest in the nation. The Chesapeake and Ohio Canal National Historical Park will protect irreplaceable natural and historical resources, and will serve the recreational needs of millions. By establishing this park, we will take the first step in insuring that the beauty of the Potomac Basin and the heritage of generations in this valley will be preserved and enhanced.

THE FOURTH OF JULY—BREAKING GROUND UPON THE CANAL, WASHINGTON, MONDAY, JULY 7, 1828

Friday, last, the Fourth of July, the Anniversary of the Declaration of Independence of the United States, was a proud day for the District of Columbia—for the States interested in an open navigation from the Chesapeake to the Lakes, and to the waters of the Mississippi—for the Friends of Internal Improvement everywhere.

On that day, which, by concurrent votes of the President of the Chesapeake and Ohio Canal Company, and the Corporations of Washington, Georgetown, and Alexandria, had been fixed upon for breaking ground upon the line of the Canal, this interesting ceremony took place, in the order prescribed by the Committee of Arrangement, as heretofore published, which was most successfully carried into effect by Gen. Thornton and Col. Stull, Marshals of the Day, and the Aides whom they appointed.

At an early hour, the members of the several Corporations, and those who were invited to accompany them and the President and Directors of the Canal Company on this interesting excursion, began to assemble at Tilley's Hotel, and cordial greetings were exchanged between them. At half past 7 o'clock the President of the United States arrived, escorted by Capt. Turner's and Capt. Tyler's Troops of Cavalry, under the command of Major Stewart, who politely tendered their services on this occasion, which were found highly useful throughout the day.

Amongst the gentlemen composing the Company thus assembled at the invitation of the Committee of Arrangements, were (besides the President of the United States) the Secretaries of the Treasury, War and Navy Departments, Mr. Rush, General Porter, and Mr. Southard; the Postmaster General, Mr. McLean; Senators of the United States, Mr. J. S. Johnston and Mr. Bouligny—and Mr. Washington, Representative in Congress; Mr. Vaughn, the Minister of Great Britain to the United States; Baron Krudener, the Minister of Russia, and Baron Maltitz, Secretary of Legation from the same power; the Chevalier Huygens, Minister from the Netherlands; Baron Stackelberg, Charge d'Affaires from the King of Sweden; Mr. Lisboa, Secretary of Legation from the Emperor of Brazil; Mr. Hersant, Vice Consul General of France—comprising all the Representatives of Foreign Powers at this moment

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in the city and able to attend. Among other invited Guests was the Commander of the Army, General Macomb, and General Stuart and Colonel Brooke, Surviving Officers of the Revolutionary Army. (The invitations were necessarily circumscribed within the limits of the accommodation which the boats procured by the Committee of Arrangements were calculated to afford. It was a subject of unmixed regret to the Committee that the same accommodation could not be extended to all, which they were able to provide for a few only. Besides those invited, a great number of the most respectable citizens of the District and adjoining States either accompanied the procession by water, or kept pace with it by land.)

About eight o'clock, the Procession was formed on Bridge-street, and moved on, to the excellent music of the full Band of the Marine Corps, to High Street Wharf, where they embarked in perfect order, as previously arranged, and the boats immediately set forward, amidst the cheers of the crowds which lined the wharves.

The Steam-Boat Surprize, followed by two other Steam-Boats and a line of barges and other boats, led the procession up the Potomac, coursing the wild margin of what was once the Virginia Shore—still bordered, as when it came from the hands of its Maker, with primitive rocks, and crowned with the luxuriant and diversified foliage of its natural forest. A kindly sky shed its refreshing influence over the water, whose surface the West wind gently ruffled. The Sun shone now and then from the clear blue Heavens through fleecy clouds. All Nature seemed to smile upon the scene. Along the road on the Maryland shore, crowds of moving spectators attended the voyage of the boats, and met the procession on landing above the lower termination of the present canal. On leaving the "River of Swans," as it has been lately happily surnamed, a march of a few hundred yards, conducted the Company, in the same order in which they embarked, to the Canal Boats prepared to receive them at the Upper Bridge across the Canal. Seated in these boats, gently gliding along the tranquil stream, like "the Swan through the Summer Sea," the senses of the Company were regaled by a scene at once novel and really enchanting. From the banks of this Canal of more than forty years antiquity there shot up, along its entire course, a variety of the most beautiful native trees, whose branches, interwoven above, would have excluded the rays of the most piercing Sun. Beneath these trees, as far as the eye could penetrate on either side, were seen, in bright luxuriance growing, every species of plant and wild flower recorded in the Potomac Herbal. They looked as if they had never known the footsteps of man, as they refreshed the sight of the voyagers, whilst onward each galley moved. "By cliff, and copse, and alder tree."

There was a part of this passage, when the music of Moore's sweet song of "The meeting of the Waters," poured its melody on the ear, so as to suspend the labor of the boatmen, and charm to silence every voice. Noiseless, but in crowds, the people moved forward on the bank of the Canal, keeping even pace with the long line of boats, whilst airs, now animated, now plaintive, from the Marine Band, placed in the forward boat, lightened the toil of the walk. As the boats neared the ground destined for the commencement of the Canal, the Procession discovered, posted on the bank, two companies of Riflemen, commanded by Captain Thomas and Captain Haller, scarcely to be distinguished, in their uniform of green, from the trees in which they stood embowered, who paid to the President of the United States, both going and returning, the military honors due to his station. The multitude now visibly increased. Thousands hung upon the overlooking hill to the North, and many climbed the unbrogeous trees bordering the River and the Canal. Perfect order every where prevailed.

On landing from the boats, and reaching the ground (one or two hundred yards West of the line of the present Canal) the Procession moved around it so as to leave a hollow space, in the midst of a mass of People, in the centre of which was the spot marked out by Judge Wright, the Engineer of the Chesapeake and Ohio Canal Company, for the commencement of the work. A moment's pause here occurred, while the spade, destined to commence the work, was selected by the Committee of Arrangements, and the spot for breaking ground was precisely denoted.

At that moment the sun shone out from behind a cloud, and, amidst a silence so intense as to chasten the animation of hope and to hallow the enthusiasm of joy, the Mayor of Georgetown handed to Gen. Mercer, the President of the Chesapeake and Ohio Canal Company, the consecrated instrument, which having received, he stepped forward from the resting column, and, addressed as follows the listening multitude:

"Fellow Citizens: There are moments, in the progress of time, which are the counters of whole ages. There are events, the monuments of which, surviving every other memorial of human existence, eternise the nation to whose history they belong, after all other vestiges of its glory has disappeared from the globe. At such a moment have we now arrived. Such a monument we are now to found."

Turning toward the President of the United States, who stood near him, Mr. M. proceeded:

"Mr. President: On a day hallowed by the fondest recollections, beneath this cheering (may we not humbly trust, auspicious) sky, surrounded by the many thousand spectators who look on us with joyous anticipation; in the presence of the representatives of the most polished nations of the Old and New Worlds; on a spot, where, little more than a century ago, the painted savage held his nightly orgies; at the request of the three cities of the District of Columbia, I present to the chief Magistrate of the most powerful republic on earth, for the most noble purpose that was ever conceived by man, this humble instrument of rural labor, a symbol of the favorite occupation of our countrymen. May the use, to which it is about to be devoted, prove the precursor, to our beloved country, of improved agriculture, of multiplied and diversified arts, of extended commerce and navigation. Combining its social and moral influences with the principles of that happy Constitution, under which you have been called to preside over the American People; may it become a safe-guard of their Liberty and Independence, and a bound of perpetual Union!

"To the ardent wishes of this vast assembly, I unite my fervent prayer to that infinite and awful Being without whose favor all human power is but vanity, that He will crown your labor with His blessing, and our work with immortality."

As soon as he had ended, the President of the United States, to whom Gen. Mercer had presented the spade, stepped forward, and, with an animation of manner and countenance, which showed that his whole heart was in the thing, thus addressed the assembly of his fellow citizens:

"Friends and Fellow Citizens: It is nearly a full century since Berkeley, Bishop of Cloyne, turning towards this fair land which we now inhabit the eyes of a prophet, closed a few lines of poetic inspiration with this memorable prediction:

"Time's noblest Empire is the last:

"A prediction which, to those of us whose lot has been cast by Divine Providence in these regions, contains not only a precious promise, but a solemn injunction of duty, since upon our energies, and upon those of our posterity, its fulfillment will depend. For, with reference to what principle could it be, that Berkeley proclaimed this, the last, to be the noblest Empire of Time? It was, as he himself declares, on the transplantation of Learning and the Arts to America. Of learning and the arts: The first four acts—the Empires of the old world, and of former ages—the Assyrian, the Persian, the Grecian, the Roman Empires—were empires of conquest; dominions of man over man. The Empire which his great mind, piercing into the darkness of futurity, foretold in America, was the Empire of Learning and the Arts—the dominion of man over himself, and over physical nature—acquired by the inspirations of genius, and the toils of industry; not watered with the tears of the widow and the orphan; not cemented in the blood of human victims; founded not in discord, but in harmony—of which the only spoils are the imperfections of nature, and the victory achieved is the improvement of the condition of all. Well may this be termed nobler than the empire of conquest, in which man subdues only his fellow man.

"To the accomplishment of this prophecy the first necessary step was the acquisition of the right of self-government by the People of the British Northern American Colonies, achieved by the Declaration of Independence, and its acknowledgment by the British Nation. The second was the union of all these colonies under one General Confederated Government—a task more arduous than that of the preceding separation, but at last effected by the present Constitution of the United States.

"The third step, more arduous still than either or both the others, was that which we, fellow citizens, may now congratulate ourselves, our country, and the world of man that it is taken. It is the adaptation of the powers, physical, moral, and intellectual, of this whole Union, to the improvement of its own condition: of its moral and political condition, by wise and liberal institutions—by the cultivation of the understanding and the heart—by academies, schools, and learned institutes—by the pursuit and patronage of learning and the arts: of its physical condition, by associated labor to improve the bounties, and to supply the deficiencies of nature; to stem the torrent in its course; to level the mountain with the plain; to disarm and fetter the raging surge of the ocean. Undertakings, of which the language I now hold is no exaggerated description, have become happily familiar, not only to the conceptions, but to the enterprise, of our countrymen. That, for the commencement of which we are here assembled, is eminent among the number. The project contemplates a conquest over physical nature, such as has never yet been achieved by man. The wonders of the ancident world, the Pyramids of Egypt, The Colossus of Rhodes, The Temple of Ephesus, the Mausoleum of Artomisia, the Wall of China, sink into insignificance before it—insignificance in the mass and momentum of human labor required for the execution—insignificance in the comparison of the purposes to be accomplished by the work when executed. It is, therefore, a leasing contemplation to those sanguine and patriotic spirits who have so long looked with hope to the completion of this undertaking, that it unites the moral power and resources—first, of numerous individuals—secondly, of the corporate cities of Washington, Georgetown, and Alexandria—thirdly of the great and powerful States of Pennsylvania, Virginia, and Maryland—and lastly, by the subscription authorized at the recent session of Congress, of the whole Union.

"Friends and Fellow Laborers: We are informed by the Holy Oracles of Truth, that, at

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the creation of man, male and female, the Lord of the Universe, their maker, blessed them, and said unto them, be fruitful, and multiply, and replenish the Earth and subdue it. To subdue the Earth was, therefore, one of the first duties assigned to man at his creation; and now, in his fallen condition, it remains among the most excellent of his occupations. To subdue the Earth is pre-eminently the purpose of the undertaking, to the accomplishment of which the first stroke of the spade is now to be struck. That it is to be struck by this hand, I invite you to witness—[Here the stroke of the spade]*—and in performing this act, I call upon you all to join me in fervent supplication to Him from whom that primitive injunction came, that he would follow with his blessing this joint effort of our great community to perform his will in the subjugation of the Earth for the improvement of the condition of man. That he would make it one of his chosen instruments for the preservation, prosperity, and perpetuity of our Union. That he would have in his holy keeping all the workmen by whose labors it is to be completed. That their lives and their health may be precious in his sight; and that they may live to see the work of their hands contribute to the comforts and enjoyments of millions of their countrymen.

"Friends and Brethren: Permit me further to say, that I deem the duty, now performed at the request of the President and Directors of the Chesapeake and Ohio Canal Company, and of the District of Columbia, one of the most fortunate incidents of my life. Though not among the functions of my official station, I esteem it as a privilege conferred, upon me by my fellow-citizens of the District. Called, in the performance of my service heretofore as one of the Representatives of my native Commonwealth in the Senate, and now as a member of the Executive Department of the Government, my abode has been among the inhabitants of the District longer than at any other spot upon the earth. In availing myself of this occasion to return to them my thanks for the numberless acts of kindness that I have experienced at their hands, may I be allowed to assign it as a motive operating upon the heart, and superadded to my official obligations, for taking a deep interest in their welfare and prosperity. Among the prospects of futurity which we may indulge the rational hope of seeing realized by this junction of distant waters, that of the auspicious influence which it will exercise over the fortunes of every portion of the District is one upon which my mind dwells with unqualified pleasure. It is my earnest prayer that they may not be disappointed.

"It was observed that the first step towards the accomplishment of the glorious destinies of our country was the Declaration of Independence. That the second was the union of these States under our Federative Government. The third is irrevocably fixed by the act upon the commencement of which we are now engaged. What time more suitable for this operation could have been selected than the Anniversary of our great National Festival? What place more appropriate from whence to proceed, than that which bears the name of Citizen Warrior who led our armies in that eventful contest to the field, and who first presided as the Chief Magistrate of our Union? You know that, of this very undertaking, he was one of the first projectors; and if, in the world of Spirits, the affections of our mortal existence still retain their sway, may we not, without presumption, imagine that he looks down with complacency and delight upon the scene before and around us?

"But, while indulging a sentiment of joyous exultation, at the benefits to be derived from this labor of our friends and neighbors, let us not forget that the spirit of internal improvement is catholic and liberal. We hope and believe that its practical advantages will be extended to every individual in our Union. In praying for the blessing of Heaven upon our task, we ask it with equal zeal and sincerity upon every other similar work in this Confederation; and particularly upon that which, on this same day, and perhaps at this very hour, is commencing from a neighboring City. It is one of the happiest characteristics in the principle of Internal Improvement, that the success of one great enterprise instead of counteracting gives assistance to the execution of another. May they increase and multiply, till in the sublime language of inspiration, every valley shall be exalted, and every mountain and hill shall be made low; the crooked straight; the rough places plain. Thus shall the prediction of the Bishop of Cloyne be converted from prophecy into history, and, in the virtues and fortunes of our posterity, the last shall prove the noblest Empire of Time."

As the President concluded, a national salute was fired by a detachment of United States Artillery posted upon the ground. As soon as the cheering which followed the close of the President's speech had subsided, the Chairman of the Committee of Arrangements delivered the following brief Address:

"In the name of the Committee of Arrangements of the Corporation of the District I tender to the President and Directors of the Canal Company, and to this crowd of gratified spectators, our congratulations on the happy commencement of this great work.

"To the President of the Company, we and the country are indebted for his early, persevering, and successful efforts in the great cause, the triumph of which we have this day assembled to honor; and we cordially respond to those emotions which the occasion is so well calculated to inspire in his breast.

"To the President of the United States we are under obligations for the kindness and cheerfulness with which he accepted our invitation to practically begin the labor, which is to unite, by closer ties of amity and interest, the inhabitants of the borders of the Atlantic, of the margins of the Lakes, and of the rapidly peopling forests and prairies of the interior. In the name of our Corporations, we return our acknowledgements to him for the countenance and aid which this undertaking has constantly received from him.

"To the Director from the State of Pennsylvania, who may be considered in his present relation to us, the Representative not merely of his own State, but of the whole West, we offer our cordial felicitation on the prospect of the early completion of the work which has just now been symbolically begun, and of which he too has been the zealous and efficient advocate.

"To the almost unanimous support of the Senators and Representatives of the Western States, united to that afforded by valuable friends from other States, we, of the Atlantic Shore, greatly owe the aid which Congress has liberally granted to this undertaking. It is our earnest hope, that, in the advantages to be derived from the opening of this great channel of commerce—from the construction of this great central chain of union—the States of the West will find their most sanguine calculations surpassed by the reality, and that, in the result, the whole sisterhood of States will be made sensible of the benign influence of liberal legislation."

When the Chairman had concluded—

Mr. Stewart, (the Director referred to above) after returning his thanks to the Committee from the three Corporations of the District, for the flattering terms in which they had noticed him in the address delivered by their Chairman, begged to avail himself of this occasion, to tender also his grateful acknowledgments to the Stockholders now present for the distinguished and unexpected honor they had conferred on him, by calling him from a distant residence, to a seat at the Board of Directors. He had, however, to regret that, owing to his very limited experience, he could bring to the Board little more than his hearty good will, and an ardent desire to do every thing in his power to give energy to the prosecution of this great work to a speedy and successful termination—a work preeminently national in all its aspects, commenced, as had been well remarked by the President of the Company, under the most cheering auspices, by the hands of the Chief Magistrate of the greatest Republic on earth, and in the presence of the official Representatives of several of the most refined and powerful nations of Europe.

"Designated by you, gentleman, (said Mr. S.) as the representative of the Western States, on this occasion I may venture to tender you their thanks for the just tribute you have paid to the liberal and magnanimous spirit by which they have been governed. I need not say that the people of the West take a deep and lively interest in the success of this great enterprise. They have spoken their sentiments by much higher authority, by their immediate Representatives in Congress; for, in eight of the nine Western States there was but one vote against the liberal appropriation granted at the last session to this object, and to which we are so greatly indebted for the gratification we all experience on this glorious and joyful occasion.

"Looking, as we do, in the West, with intense interest to the accomplishment of this great object, it would be unjust, on this occasion, to withhold the expression of our obligations to our brethren of the East, for their liberal support: for, in eight of the Eastern States, likewise, there were but eight votes in the House against this appropriation. Our obligations, however, are confined to no section; they belong to the whole Union. Justly regarding this as an object eminently national, the Representatives from all portions of our country, influenced by a liberal and enlightened policy, extended to it a generous support. This liberality, however, was not confined to this object alone, but extended largely and freely to others—to Tennessee, to Ohio, to Pennsylvania.

"You have very justly, gentlemen, described this as 'a great central chain of union between the Atlantic and Western States.' I am happy, however, in the conviction that there are other and stronger ties which bind us together—ties of a higher and nobler origin—ties 'not made with hands,' but found in the hearts, in the affectionate attachment, in the patriotic devotion of the People of the Government and Union of the States. These are the bonds of the Union, after all, to which we must look, and on which we must rely; these are the bonds which we are called on by every patriotic feeling to cherish, to strengthen, and in-

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*Attending this action was an incident which produced a greater sensation than any other that occurred during the day. The spade which the President held struck a root which prevented its penetrating the earth. Not deterred by trifing obstacles from doing what he had deliberately resolved to perform, Mr. Adams tried again, with no better success. Thus foiled, he threw down the spade, hastily stripped off and laid aside his coat, and went seriously *to work*. The multitude around, and on the hills and trees, who could not *hear*, because of their distance from the open space, but could *see* and understand, observing this action, raised a loud and unanimous cheering, which continued for some time after Mr. Adams had mastered the difficulty.

crease. Every attempt, no matter from what quarter it may come, to dissolve these bonds, weaken these ties, which bind the People to the Union, to the Constitution, and laws of their country, should, as it must, meet the indignant reputation of every true patriot. For, should this Union be destroyed, what becomes of this fair land, with all its cheering prospects? Where will persecuted liberty longer look for an Asylum? Where will the patriot turn his eyes for safety? What becomes of *our bright example* to the friends of freedom throughout the World? Extinguished forever.

"But I will dismiss this reflection as inappropriate to the occasion, as an event beyond the reach of anticipation, to which we should never look but to avoid it.

"I present you, gentlemen, and all present, the congratulations of the West on this occasion; and permit me to express the hope that we will be able to complete the work, now so happily begun, in the three years from this day; and, by a union and co-operation with our friends at Baltimore, when the two works become united on the Potomac River, with a common object and a common interest, may we not indulge the hope that the day is not distant when we shall again assemble, at the summit level, to celebrate an event still more glorious than this—the mingling of the waters of the Chesapeake and Ohio; when we may truly exclaim, without the spirit of prophecy.

"Art's noblest, greatest triumph, is her last."

These addresses being concluded, the Spade was taken, and sods of earth dug in succession by the President of the Canal Company, the Mayors of Washington, Georgetown, and Alexandria, the Secretaries of the Treasury, War and Navy, the Postmaster General, the Commander of the Army, the Revolutionary Officers present, the Directors of the Canal Company, and then by a great number of other persons.

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After a few moments of repose, the Procession again formed, and returned to the boat, and by the way of the Canal back to the tide water, where they reembarked on board the Steam Boats.

A cold collation was then partaken of on board the boats, with a relish sharpened by exercise, and by the gratification, free from the least particle of alloy, which the whole excursion and the incidents of the day had afforded to all.

At the table on the deck of the Surprize, the President of the United States, being called upon for a toast, gave the following:

"The Chesapeake and Ohio Canal.—Perseverance!"

The President of the Canal Company, on being called upon for a sentiment, gave the following:

"The Constitution of the United States—The offspring of mutual concession, may it be preserved by mutual forbearance!"

The Secretary of the Treasury, being also called on for a Toast, gave the following, which only spoke the universal feeling:

"The Chesapeake and Ohio Canal—May its completion be as productive of public benefits, as its commencement has been of social pleasures."

By the time the steam boats had arrived opposite to Georgetown; and after lying in the stream a few minutes, proceeded down the river, and swept up to Davidson's wharf, in the city, where most of the passengers were landed, at about half past 2 o'clock, and the Company dispersed to their respective homes, with the kindest feelings in themselves and to one another.

Thus ended the most delightful commemoration of this eventful day that we have ever witnessed, and thus auspiciously was begun the work upon the Chesapeake and Ohio Canal.

ROCKFORD SPEAKS ON NATIONAL SECURITY

Mr. SMITH of Illinois. Mr. President, the Rockford Register-Republic recently conducted a national security issues poll. I submit the final tabulation for the consideration of the Senate. On the basis of nearly 1,000 replies, I consider this a representative sampling of the Rockford area's views on national security issues.

I commend the Register-Republic for its enterprise not only in keeping itself informed on local public opinion, but also for enabling elected officials to gage more accurately the public sentiment.

I ask unanimous consent that the tabulation be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

NATIONAL SECURITY ISSUES POLL RESULTS

	Agree	Disagree	Undecided
1. The Safeguard Anti-Ballistic Missile Defense System (ABM) is necessary for the defense of the United States	712	122	84
2. The United States should maintain military strength greater than that of the Soviet Union and Red China	746	116	56
3. Communists and other revolutionaries should be permitted to teach in tax-supported educational institutions	58	836	19
4. Communists and other revolutionaries should be permitted to hold sensitive positions in defense facilities	10	885	20
5. The United States should have a national objective of victory in the cold war	693	144	83
6. The United States needs a "Freedom Academy" to train leaders for new forms of non-military conflict	454	199	262
7. The United States should help the people of Czechoslovakia, Hungary, Cuba, and other captive nations in their struggle for freedom	476	276	164
8. The United States should have a national objective of victory in Vietnam	644	194	67
9. The United States should give economic aid to foreign governments even if they are Communist or pro-Communist	61	816	40
10. The United States should extend diplomatic recognition to Red China	265	578	74

Here are the final tabulations of replies to the 10 questions in the National Security Issues Poll conducted by The Register-Republic during the week of July 20–25.

The final tabulation is being published in order that respondents to the poll may ascertain how others who participated answered the 10 questions.

Just under 1,000 ballots were received. Only 24 declined to sign their names, as requested by the American Security Council, originator of the public opinion survey. The Register-Republic will send only the results of the poll—not any names or addresses—to the ASC.

Signed ballots were requested to prevent any effort to "pack" the ballot box.

The answers, we believe, provide a representative cross-section of public opinion in the Rockford area on major national security issues.

COMMENTS ON THE C–5A PROGRAM

Mr. GOLDWATER. Mr. President, in my last discussion of the current business before the Senate, the Armed Forces authorization bill, I stated that I would comment further on the report on military spending by Members of Congress for peace through law, so today I would like to discuss what is unfortunately one of the most controversial pieces of equipment that we are asking authorization for. I use the term "unfortunately" because this airplane is sorely needed for transporting the Army of the future. The truth is that desired reductions in the force level of the Army cannot be accomplished without this airplane because the Army of the 1980's is being planned on the ability to rapidly transport itself to any part of the world. Before discussing the airplane itself, I would like to engage now in comments on the C–5A section of the report I have previously mentioned.

Four categories of commentary, critical of the C–5A program, are identifiable in the report on military spending. These categories pertain to: First, the basic requirement for the C–5A; second, the performance of the aircraft relative to changes in specification requirements; third, operating costs; fourth, acquisition costs and the financial problems of the contractor. Each of these areas of criticism will be addressed. First, the comments relative to the need for the C–5A.

In this regard, a particularly misleading statement is made in the report on military spending; namely, that the reasons for buying the currently planned C–5A force are obscure. Even the most superficial examination of the legislative history of the airlift program reveals the fact that the Congress has for many years pressed upon the Defense Department the urgent need for a major expansion in our military airlift capacity. Therefore, congressional initiative as well as efforts within the Department of Defense provided the initial impetus toward the achievement of that objective.

With regard to the C–5A requirement, itself, the authors of the report are apparently aware that it grew out of a series of airlift studies conducted during the early 1960's, which culminated in September 1964 with a joint Army-Air Force study called AIRTRANS—1970's. It was from this last mentioned study that the specific requirement for six squadrons of C–5A's—96 U.E. aircraft—emerged. And, it was this program which was presented to the Congress in tentative form in early 1965, and reaffirmed in its final form in early 1966.

There are several points to be kept in mind with regard to this requirement. First, the decision to buy six squadrons of C–5A's was accompanied by a decision to reduce the planned C–141 force from 20 to 13 squadrons—later increased to

14 squadrons. This was done to achieve a better balance within the total airlift force, which in the 1970's was to consist principally of C–5A's, C–141's and the Civil Reserve Air Fleet—CRAF. The C–5A's were to carry primarily the larger, bulkier items of equipment which no other aircraft could carry. The C–141's were to carry primarily the smaller, denser items of equipment and general cargo and passengers. The CRAF were carried to carry primarily passengers, and the lighter items of equipment and general cargo.

Thus, the principal reason for buying the C–5A was not "its prospective cost-effectiveness as a mode of transportation," or "as a rugged assault-type transport operating at the FEBA," that is, the forward edge of the battle area. The principal reason for buying the C–5A was its outsize cargo capacity. Cost-effectiveness was important, and the C–5A even at the higher acquisition cost will still be a good buy, providing it is bought in reasonable numbers. Its pure operating cost, excluding amortization of the cost of the aircraft, will still be approximately half that of the C–141 on a comparable ton-mile basis. That was another reason why the number of C–141 squadrons was reduced when it was decided to buy the C–5A. The C–5A was designed to land at "support area airfields," characterized by short, lightly paved runways and austere cargo handling facilities. This capability is important to reduce congestion at major terminals and to deliver forces close to the area in which they are required. This capability will still be available when needed.

Also in the context of the basic need for the aircraft, it can be seen that the requirement for six squadrons of C–5A's, formulated in the mid-1960's, was always related to a requirement for "fast deployment" sealift. Even as late as January 1969 Secretary of Defense Clifford described the desired airlift/sealift capability as follows:

> 6 C–5A squadrons, 14 C–141 squadrons and 30 FDL ships; prepositioned materiel in Europe and in the Pacific; a Civil Reserve Air Fleet (CRAF) equal to 465 B–707/DC–8s; and the equivalent of 460 typical commercial cargo ships.

The fact that the basic General Purpose Forces strategy has been changed from "2½ wars" to "1½ wars" does have some bearing on the airlift requirement. But it should be noted that the Congress has refused to approve the FDL program, leaving the full weight of the quick response lift requirement on the airlift. In late 1969, during the course of the fiscal year 1971 budget review, Secretary of Defense Laird decided to hold the C–5A force at four squadrons and the total buy at 81 aircraft. He did so because of the tight budgetary constraints, the rising cost of the C–5A, and the overall reappraisal of defense requirements. Accordingly, there is nothing inconsistent in the JCS position, still validating a six-squadron C–5A requirement.

It has been well understood for many years among informed Members of Congress that the first 30 days of a limited war in Europe or Asia would be the most critical. The quick response lift requirement has always been related to that premise. Accordingly, there is a very great premium on an ability to get our forces to the scene of action during that critical period. For example, in the case of a war in Europe, a typical reinforcement of our forces there might consist of 300,000 men, 105,000 tons of bulk cargo, and 66,000 tons of outsize cargo. With 97 C–5A's in operational units, plus all of the C–141's and 75 percent of the CRAF aircraft, this reinforcement can be moved to Europe in 20 days, fully ready for combat. With 70 C–5A's, the number expected to be available for operating units from a total buy of 81, this reinforcement could be moved to Europe in 28 days. Thus, it is perfectly clear why the JCS still validates a requirement for 120—that is, 96-unit equipment—C–5A's, and why the Defense Department still insists that a total of at least 81 aircraft should be bought.

The second major area of criticism contained in the report on military spending relates to the performance capability of the aircraft.

The report lists 12 specification changes which were originally compiled in a report prepared by the Office of the Secretary of the Air Force during a comprehensive analysis of the C–5A program. This report, appropriately entitled "Review of the C–5A Program," represents an authoritative documentation of the background of the C–5 program from its inception through June 1969, Philip N. Whittaker, Assistant Secretary of the Air Force for Installations and Logistics, was charged with the responsibility of conducting this review. In fulfilling his charter, Secretary Whittaker attempted to achieve the highest feasible degree of objectivity and impartiality. He relied upon expert military judgment and the considered opinions of a civilian advisory council, consisting of four persons outside the Air Force having no previous involvement with the C–5A, but possessing extensive experience in aeronautical research and development.

The Whittaker report, as it is commonly called, in addition to complete coverage of the program, contained specific answers to allegations that certain revisions of detailed specifications by the Air Force impacted adversely on the performance characteristic of the aircraft. However, the report on military spending dismisses this thorough investigation with flavored words rather than dealing directly with the substantive findings. The report adds nothing new to the prior allegations and fails even to present the readers with the substantive summary findings, relevant to the list of 12 specification changes. These are contained in the following extract from the Whittaker report:

> There have been 46 design and performance changes to date. None of these changes degraded the mission specification performance requirements, e.g., payload/range, takeoff and landing distance, or cruise speed. Nor did these changes reduce the safety factors below those standards associated with other USAF aircraft performing similar missions.

Referring to these changes in specifications, an ad hoc committee of the Air Force Scientific Advisory Board also concluded that:

> Thus, no net change of performance results, and it is concluded that the Air Force has *not* granted specification deviations which have reduced the flight-performance requirements of the C–5A airplane.

It certainly appears that conclusive statements of that nature, from groups possessing such a high level of technical expertise, should suffice as adequate refutation of the out of context commentary on C–5 performance which is contained in the report on military spending.

In respect to the cost aspects of the C–5A program, the report on military spending is useful in voicing the concern over cost growth within the program. However, the authors of the report should have been more precise in their use of summary data comparing the costs associated with the April 1965 estimates versus the October 1968 estimate. For example, the report on military spending lists $293 million as "AFLC investment." This figure represents cost estimates for initial spares only. The comparable amount in the summary table listing the October 1968 estimate should have been $483 million rather than the $968 million used in the report on military spending. Mistakes of this magnitude, whether intentional or labeled an oversight, tend to cast doubt as to the validity of the other data.

Likewise, the report on military spending devotes considerable space to a discussion of increased operating costs of the C–5A, when development and production costs are amortized over a given life expectancy. Any computation of operating cost, which includes amortized costs of the system, must incorporate assumptions on several factors. However, the items having prime impact on the computation are the assumptions relative to daily utilization rate and life expectancy. For example, the costs per ton mile used in the report on military spending were based on a life expectancy of 10 years. Changing the assumed life expectancy to 20 years would obviously produce a proportionate reduction in the operating costs.

However, the critical item relative to operating costs is the fact that the C–5A was procured to satisfy a need for such an aircraft during wartime conditions. The availability of this aircraft for peacetime operations is merely an added benefit of the procurement decision. Consequently, the issue of amortizing development and production costs is not germane to the computation of operating costs for the C–5, unless it is also considered appropriate to apply comparable amortization data to the operating costs of other weapon systems.

The fourth major area of critical commentary contained in the report on military spending is focused on the acquisition costs of the aircraft and the financial problems of the contractor. To examine these topics in the proper context, it is essential to understand the impact of potential alternatives which the Congress could employ in acting upon the fiscal year 1971 budget request. The Air Force has requested $544.4 million in procurement funds for the C–5A program. Of this amount, $344.4 million is required for prior year unfunded production obligations. Of this amount, $296.0 million is for the prime contractor, Lockheed. Failure to appropriate the $344.4 million requested for fiscal year 1971 would, in accordance with the present Lockheed contract, soon halt payments to the contractor. Because of Lockheed's critical position, the contractor would in all probability have no choice but to stop production should these payments cease.

Assuming the $344.4 million is approved, about 30 airplanes will have been delivered by the end of December 1970. Shortly thereafter, it is estimated that Lockheed's portion of the $344.4 million will have been exhausted and additional funding will be required to continue production.

This additional funding is reflected in the $200 million in contingency funds, also contained in the budget request and recommended for approval by the Senate Committee on Armed Services. If the $200 million is not approved, and the program is terminated after having received only 30 aircraft, the average unit program cost will be approximately $125 million per aircraft. This is the unit program cost which prorates all R. & D., production, initial spares and direct C–5A military construction costs over the 30 aircraft. If, however, a total of 81 aircraft are produced, the average unit program cost will be approximately $56 million. However, and this is the crucial point, the incremental cost of the 51 aircraft that we could get from funding the total program, beyond the $344.4 million in this request, would be about $16 million each. In other words, after the $344.4 million owed under the contract is authorized, additional funds of about $800 million will be required for 51 additional aircraft. This results in an average cost of about $16 million per aircraft.

The $200 million in contingency funds contained in this request represents the initial increment of the estimated $800 million. The report on military spending rightfully expresses concern about the intended use of this $200 million. However, it should be absolutely clear that the potential use of these funds is adequately safeguarded by the restrictive language in the authorization bill, as reported by the Senate Committee on Armed Services. This language provides that the $200 million will not be obligated until the Secretary of Defense has presented an expenditure plan to the Congress, for approval by the Committees on Armed Services of both the House and Senate. Additionally, the language in the bill provides strict statutory guidelines to insure that the $200 million will only be used for the C–5A program and not directed to other Lockheed programs. The concern expressed on this subject in the report on military spending is well taken, and the Congress and the Air Force are taking adequate steps to insure that the procurement process for military equipment does not result in a relief program for the aerospace industry.

Mr. President, having commented on what I believe are the errors and false assumptions of the report from the Committee for Peace Through Law, I would now like to discuss the C–5A itself.

THE AIR FORCE C–5A

A. DESCRIPTION

The C–5A is a high wing, low-to-the-ground fuselage, heavy cargo transport aircraft in the 765,000 pound gross weight class. It is powered by four large high-bypass turbofan jet engines and can fly at a normal cruise speed of mach 0.77 at an altitude of more than 30,000 feet fully loaded. Its cargo compartment provides about 33,500 cubic feet of usable space and a floor area of 2,750 square feet. The level cargo area—excluding the fore and after integral ramps—is 121.1 feet by 19 feet. The maximum ceiling height of 13.5 feet extends the length of the fuselage, except for 3 feet on each side which tapers down to a minimum of 9.5 feet. The cargo floor is stressed to bear 300 pounds per square foot throughout the level area and 400 pounds per square foot in the center strip to accommodate heavy vehicles weighing up to 80 tons. Large 13.5 by 19.0 feet openings and integral ramps fore and aft permit drive-through loading and unloading of both wheeled and tracked vehicles.

In point-to-point service, the C–5A is designed to carry a 265,000 pound payload 2,500 nautical miles or a 100,000 pound payload 5,800 nautical miles. These ranges can be further extended by in-flight refueling. It is also designed to land—over 50-foot obstacles—on a 4,000-foot runway with a payload of 100,000 pounds and enough fuel on board for a return trip of 1,000 nautical miles.

For aerial delivery, the C–5A can carry a payload of up to 200,000 pounds. The rear cargo door can be opened in flight to permit a series of air drops of up to 50,000 pounds each.

The unique landing gear on the C–5A has been specifically designed to permit the aircraft to operate into forward airfields. For example, the gear can be swivelled 20° to the right or left to permit cross wind landings at airfields with a single runway. The large number of wheels—four main gear with six wheels each and one nose gear with four wheels—for a total of 28—and the ability to deflate the tires in flight permit the C–5A to land on lightly paved runways. The "kneeling" feature, that is, the ability to partially retract the gear, permits the cargo floor of the aircraft to be lowered to truck bed height. Finally, each set of main gear can be retracted independently under the aircraft's own power so that the tires can be changed without having to jack up the airplane.

In addition to a double crew totaling 16 men, the C–5A can accommodate about 75 passengers in the rear, upper deck compartment. Thus, operating and maintenance crews, as well as cargo handlers, can be carried with the equipment in a ready-to-go condition.

B. PURPOSE

The C–5A is primarily designed to carry outsize items of military equipment—tanks, self-propelled artillery, assault helicopters, et cetera—which are too heavy and/or too large to be carried by any other type of aircraft, military or civilian, available to the Defense Department. In this respect, the C–5A will complement rather than compete with other elements of the strategic airlift force, including the Civil Reserve Air Fleet—(CRAF). In concert with the other elements of the force, the C–5A will enable the Defense Establishment, for the first time in its history, to airlift even a mechanized or armored division overseas complete with virtually all of its heavy equipment in a ready-to-go condition.

The C–5A will be used predominately for deployment and logistics support airlift to the more rearward areas. However, when tonnage requirements justify and the risk is acceptable, the C–5A may also be employed for airlift directly to forward areas. The aircraft is specifically designed to operate in and out of forward airfields, which typically have short runways and austere cargo handling facilities. This capability not only helps reduce congestion at the major airports in the combat theater, and the need to unload and reload the cargo but also permits the delivery of major items of equipment closer to the scene of action.

As noted earlier, the C–5A is also designed for the long range, accurate delivery of large quantities of supplies and equipment by airdrop. This capability could be of critical importance in many types of combat situations where no other means of logistics support are available or feasible.

C. THE NEED

The need for airlift is directly related to our national strategy, which requires that we be prepared to help defend the territories of other nations with whom we have mutual defense agreements, or whose defense is vital to our own national security interests. Although the commitments and obligations assumed by the Nation in support of that strategy are not directly translatable into precisely defined and measurable force requirements and deployment schedules, we know from past experience that the ability to respond promptly to threats against our allies or our national interests can serve to deter aggression, or prevent small conflicts from expanding into larger ones.

There are essentially two major ways in which such a rapid response capability can be provided. The first is to maintain large general purpose forces stationed around the globe near all potential trouble spots. The second is to maintain a central reserve of highly ready forces in the United States, supported by a lift capability sufficient to deploy them promptly to wherever they might be needed.

Falling somewhere in between is a third, partial solution—preposition-

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ing of major items of equipment overseas, near the most likely trouble spots. We have such stocks of prepositioned equipment in Western Europe and in the western reaches of the Pacific. But this method, particularly in distant parts of the world, has a number of disadvantages: equipment requirements are increased; facilities and personnel must be provided overseas to care for the equipment; and, if the attack occurs elsewhere, the equipment would have to be moved or other equipment would have to be provided from the United States. And, of course, there is always the possibility that the storage site could be overrun before our troops arrive.

In any event, it is clear from what has been said in President Nixon's foreign policy report to the Congress in February that the trend in the future will favor the second choice: maintenance of a central reserve. But, it is also clear from what the President has said that we will continue to honor our commitments to our allies and defend our national interests wherever they may be threatened. Consequently, the ability to deploy our general purpose forces rapidly will be even more important in the future than it has been in the past.

President Nixon's decision to tailor our peacetime general purpose forces to a "1½ war" instead of a "2½ war" contingency, will not significantly alter our rapid deployment requirements. We have never had enough airlift or sealift capacity to meet the early movement requirements of even one major war, for example, in Europe, and at the same time assist our allies against non-Chinese threats in Asia and contend with a military contingency elsewhere in the world. Furthermore, the new strategy requires us to be prepared to deal with a major war in either Europe of Asia. This means, in particular, we must be prepared to move large forces rapidly between Europe and Asia, as well as from the United States.

The principal rapid response lift capability available to the United States today consists of several hundred transport aircraft operated by the Military Airlift Command—MAC—plus several hundred commercial airliners which can be made available in an emergency through the Civil Reserve Air Fleet—CRAF—program.

The bulk of the long-range MAC capacity is presently provided by a force of 14 C-141 squadrons, with a total of 234 operational aircraft. This fleet can carry 2,100 tons per day from the United States to Europe on a sustained basis. While the C-141 cannot accommodate many important types of wheeled and tracked vehicles in a combat ready condition, it can carry the lighter and smaller items of equipment as well as bulk cargo and passengers.

The CRAF, which by 1972 should number some 325 large commercial airliners, including the new Boeing 747 jumbo jets, would be able to carry 5,500 tons of troops and cargo per day from the United States to Europe on a sustained basis. But even the largest of the CRAF aircraft—for example, the 747—would not be able to carry the bulkier items of ground force equipment because of the limited dimensions of their cabin doors and, in some cases, the cabins themselves. The 747, for example, has a cargo door opening 12 feet wide. However, only 8.7 feet of this width has a clearance of as much as 8.1 feet. The C-5A has two openings each 19 feet wide and 13.5 feet high. Furthermore, most CRAF aircraft require long, well paved, heavy runways, and specialized ground handling equipment, and, therefore, cannot operate into forward airfields. The main cargo deck of the 747, for example, is more than 16 feet above the ground. Accordingly, these aircraft would be restricted to the carriage of passengers, bulk supplies, and the smaller equipment items, to and from major airfields.

Notwithstanding the impressive carrying capacity of the C-141 fleet and CRAF, they still cannot deliver an Army division overseas complete with all of its major equipment. As shown in the following table, only the C-5A can do that.

PERCENTAGE OF EQUIPMENT BY WEIGHT IN EACH TYPE ARMY DIVISION (DIVISION BASE PLUS MANEUVER BATTALIONS) THAT IS AIR TRANSPORTABLE BY TYPE OF AIRCRAFT

	Type aircraft			
Type division	C-5	C-141	747[1]	707/DC-8
Armored	100	52	34	4
Mechanized	100	59	37	4
Infantry	100	74	60	6
Airborne	100	97	89	25
Airmobile[2]	100	93	81	28

[1] Figures for the DC-10 or L-1011 would be roughly comparable.

[2] Figures do not include 6 Mohawk OV-1 aircraft.

Although the C-141 and the 747 can carry a large portion of the equipment required for an airborne or airmobile division, they cannot do so in the case of the other types of divisions. And, it should be borne in mind that the items which these aircraft cannot carry, but which the C-5A can, provide a major part of the combat power of these other types of divisions. This point is well illustrated in the following table.

SIGNIFICANT ITEMS OF EQUIPMENT WHICH ONLY THE C-5A CAN CARRY

	Total number of each item per division				
Item[1]	Armored	Mechanized	Infantry	Airborne	Airmobile
Howitzer, self propelled, 8" 26.5 tons	12	12	4		
Howitzer, self propelled, 155 mm., 22.2 tons	54	54			
Tank, combat, 105 mm., 48.5 tons	324	216	54		
Tank, combat 76 mm., 22.3 tons	27	27	27		
Combat engineer vehicle, 54 tons	8	8	4		
Tank recovery vehicle:					
24.2 tons	43	48	16	5	5
53.8 tons	37	27	10		
UH1D helicopter, 2.1 tons	10	10	35	35	176
CH47A helicopter, 7.9 tons					48

[1] All tonnage figures are in short tons.

It should be noted that only the C-5A can carry the UH-1D and CH-47A helicopters, which are the backbone of the airmobile division even though they represent only a small part of the total weight of the division's equipment.

Thus, it is clear that the full value of the C-141 fleet and CRAF in the overseas movement of major ground forces units cannot be realized without at least a certain minimum number of C-5A's in the airlift forces.

Calculations have been made to determine the number of C-5A's required to balance properly the capacities provided by the C-141 fleet and CRAF. For this purpose, it was assumed that about 75 percent of the CRAF cargo and convertible-to-cargo aircraft would be available for overseas deployments—about 160 aircraft in 1972—in addition to the 234 C-141's. On that basis, about 95 C-5A's would be required to balance the capacities provided by the C-141 fleet and CRAF in deploying armored divisions, and about 84 C-5A's would be required in deploying mechanized divisions. Putting it another way, with a force of about 95 C-5A's, plus the 160 CRAF aircraft and the 234 C-141's, an armored division could be airlifted to Europe, complete with virtually all of its heavy equipment, every 7½ days.

This was one of the parameters used in arriving at the six squadron program—96 aircraft in operational units—originally proposed for the C-5A. With a total buy of 81 aircraft—the presently authorized number—only about 70 would be available for the operational units. Consequently, more than 7½ days would be required to deploy an armored division to Europe since the rate of deployment would have to be paced to the capacity of the C-5A force. But even so, we would still have a very significant rapid response capability, particularly for the deployment of the lighter types of divisions—infantry, airborne, and airmobile. The 70 C-5A's could carry about 2,800 tons per day to Europe on a sustained basis, considerably more than the C-141 fleet.

Another even more significant parameter used in sizing the C-5A fleet was our NATO commitment. As matters now stand, even with several U.S. divisions and additional prepositioned equipment in Europe, we still need a very substantial airlift capacity to just come near matching the Warsaw Pact mobilization capability, particularly during the very critical period M+15 to M+30 days. The originally proposed C-5A buy of 120 aircraft would have provided the capability to substantially balance the U.S.-NATO force buildup rate with that of the Warsaw Pact. The current proposal of 81 production aircraft leaves us with some deficit but with a substantial gain over the situation without any C-5A's. Reductions below 81 would seriously erode our continued ability to underwrite deterrence in Central Europe.

For example, if we were to reinforce our NATO allies in an initial defense of Western Europe with an additional force of 300,000 men, 105,000 tons of bulk cargo and 66,000 tons of outsize cargo, 97 C–5A's would be required to close the force in a balanced manner. The deployment would take 20 days.

With fewer C–5A's than the number needed for balance, the outsize cargo would be delayed with a corresponding delay in attaining effectiveness of the combat units. In the above example, reducing the number of C–5A's to only 70 U.E. aircraft—81 production—would increase the time to complete the delivery of the outsize cargo to 28 days and would not allow us to fully exploit the utility of our existing airlift resources; that is, CRAF and C–141's.

Any further reduction in the number of C–5A's available would obviously erode if not destroy our deterrent posture. For example: 48 C–5A's would take 41 days; 28 C–5A's would take 69 days, and 16 C–5A's would take 121 days. Clearly, these long deployment times would not establish any meaningful remote presence and would not underwrite our deterrence.

The nature and magnitude of future military contingencies is, of course, not within our power to control. The United States, however, has adopted a general strategy of deterrence—of conventional as well as nuclear attack—and we seek to provide forces to underwrite this strategy. The deployment described above is typical of the deployments which are considered necessary to achieve this deterrence in NATO.

Another factor taken into account in establishing the preferred composition of our airlift fleet as a whole was the favorable operating efficiency of the C–5A. With a ton mile per day capacity about four times greater than the C–141, its annual operating cost is only about 80 percent greater. In other words, the operating cost of the C–5A on a comparable capacity basis would be approximately half that of the C–141. It was for this reason that the C–141 program was cut back from the originally planned 20 squadrons to the current level of 14 squadrons, once it was decided to produce and deploy the C–5A. In fact, if a further increase in the strategic airlift capacity is desired, over and above the level now planned, the C–5A would still be the best buy even at current prices.

Moreover, the present Air Force fleet of outsize cargo aircraft, the C–124's and a few C–133's, is old and costly to operate and maintain. The C–124's have already been phased out of the active force into the reserves and the C–133's will be phased out during the next few years. And, as noted earlier, the C–141 fleet cannot carry the larger items of ground force equipment. Thus, there is really no other practical alternative to the procurement of at least 81 C–5A's if this Nation is to have the ability to rapidly deploy its general purpose forces overseas when required.

D. TECHNICAL STATUS

The C–5A was originally envisioned as a state-of-the-art aircraft, ideally suited to the total package procurement approach. In fact, the successful bidder, Lockheed, referred to it as a "scaled-up" version of the C–141. No particular problems were anticipated in either its development or production.

Subsequent events have shown these assessments to be overly optimistic. While it is true that the C–5A development did not require a major breakthrough in aircraft technology, it did require an extremely refined design to achieve the high performance goals provided in the contract. The additional effort required to perfect the design was one of the principal sources of the subsequent delays and a contributing factor to the cost overruns. Engineering man-hours alone turned out to be double the number originally estimated by the contractor.

For example, to meet the highly demanding short takeoff and landing goal, Lockheed had to add about 600 square feet to the area of the wing. This change increased the weight of the aircraft, thereby necessitating a redesign of the airframe. The redesign succeeded in reducing weight but unfortunately increased the drag to the point where the range/payload goal could not be met. To cope with this combined weight/drag problem, Lockheed undertook a further, more comprehensive, redesign of the airframe. Additionally, Lockheed expanded their use of lightweight materials, such as beryllium and titanium, and advanced manufacturing techniques, such as honeycomb construction and chemical milling.

These changes not only increased the cost of development, but even more important, they also increased the cost of production. The late release of engineering drawings caused a great deal of overtime work and out-of-station installation, both in the prime contractor and subcontractor plants. The advanced manufacturing methods not only created a requirement for new production equipment and tooling and the extensive retraining of production workers, but also increased production man-hours, scrap, and rework.

Notwithstanding all of these problems, first flight was achieved in the month scheduled, and the empty weight of the aircraft was within 1 percent of the contracted weight of about 320,000 pounds. This is a remarkably small increase when compared with the 6 to 8 percent weight growth experienced with other cargo aircraft.

The C–5A is now in flight test and production. As of early June 1970, 15 aircraft were flying. Eight were being used in the flight test program by the contractor and the Air Force, six in the MAC Training Wing and one had been delivered to the operational wing at Charleston Air Force Base, S.C. The 15 aircraft had already accumulated more than 4,200 flying hours, of which more than 900 were flown by MAC. MAC pilots report that the aircraft handles very well, particularly in landing.

On the basis of the test results to date, the Air Force has concluded that the aircraft essentially meets all of its performance goals—speed, range, altitude, load carrying capacity and short takeoff and landing capabilities. However, some technical problems still remain to be resolved. These fall under three main headings—landing gear, avionics, and the wing structure.

The difficulties being encountered with the landing gear are those normally experienced in any development program which pushes the state of the art. As noted earlier, the C–5A landing gear marks a major advance. Because of all of the tasks it is required to perform, it is understandably more complex than the gear used on other transport aircraft. Even so, the basic design has proved to be sound. The difficulties encountered are all of a type which can be corrected in time.

About 75 percent of the avionics installed in the C–5A is of a new design. Consequently, it is not surprising to encounter development problems in this area as well. Because of the demanding tasks laid on the C–5A design—navigating to forward airfields in all kinds of weather with little or no help from the ground, air dropping large amounts of suppiles and equipment in formation without the help of ground beacons, and so forth—it is equipped with a variety of avionic subsystems. The integration of these subsystems into a properly functioning whole has been the most important source of the problems encountered. While an extensive development and testing program is still ahead of us, the technical experts see no insurmountable obstacles to achievement of the specification requirements.

Potentially, the most serious technical problem encountered to date concerns the structural integrity of the wings. In July 1969, the full scale static test article developed a large crack in the wing structure. The cause of the crack was soon traced to a local stress concentration and a fix in the form of 11 reinforcement fittings for each wing was designed. These fittings are to be fastened to the main joints of the wing, 11 for each side, for a total of 22 fittings.

In January 1970, however, small cracks were found in both the left and right wings of aircraft No. 3, which was then being prepared for the installation of the reinforcement fittings. This particular aircraft had been used in the flight test program and had accumulated 293 flying hours. More important, in the course of the specialized test program it had been subjected to loads and stresses substantially greater than would be encountered in normal operations.

A careful analysis of the problem by both contractor and Air Force engineers led to the conclusion that the cracks in the aircraft No. 3 and the crack in the static test were similar in nature and origin, and that the fix devised for the latter would also correct the problem encountered in the former. Accordingly, fixes are now being installed in the aircraft already produced, and these same fixes will be installed in the production line beginning with the 14th production aircraft. The 15th production of aircraft was delivered to the first MAC operational squadron on June 6, 1970.

Meanwhile, the test program is being monitored very closely. The present full scale static test article, with the wing fixes incorporated, has been tested to 120 percent of the design load limit. The normal load limit expected in the actual operation of the aircraft is 100 percent, but testing to 150 percent of the design limit is necessary—and is normal practice—to provide a factor of safety against unusual and unforeseen loads and stresses. Further testing will continue not only with the static test article, but also with the full scale fatigue test article and the flight test aircraft. If the test results indicate that additional measures are needed to alleviate excessive stresses on the wing and prolong its useful life, several techniques are available. For example, a load distribution control system could be installed. This system would automatically activate the ailerons in such a way as to shift the center of lift inboard, thereby maintaining the desired lift with less bending of the wing and, therefore, less stress on the wing structure. Similar devices have been studied by the Air Force for many years, and are installed in several aircraft.

Although the C–5A wings are highly stressed and require great care in their manufacture and assembly, the damage tolerant design concept makes the danger of a structural failure in flight quite remote. The static and fatigue tests will lead the operational fleet by many months in terms of equivalent flying hours. Consequently, there will be ample warning of any further difficulties which might endanger the structural integrity of the aircraft, and sufficient time for corrective action.

Earlier this year, a special ad hoc committee of the Air Force Scientific Advisory Board was appointed to study the C–5A wing structure. Later, the scope of these investigations was expanded to include a review of the avionics and the landing gear as well as the performance of the aircraft.

The Secretary of the Air Force received the results of these analyses in mid-June 1970. In the performance category, the study committee reported that—

> The flight performance of the C–5A meets the guarantees of the contract within the accuracy limitations of good flight-test measurements.

Likewise, the gear was judged to be of sound design and construction. The subcommittee on avionics reported that there is a "good prospect that a versatile and comprehensive navigation, flight control, and landing capability will be achieved." The subcommittee investigating the wing structure felt that a useful compromise between aircraft usage and aircraft longevity could be attained. Such a compromise would require some constraints on the peacetime usage of the aircraft, so as to insure that all facets of the wartime mission can be completely and effectively executed.

E. THE PROPOSED PROGRAM

Inasmuch as the history of the C–5A program through June 1969 has already been described in great detail in the "Air Force Review of the C–5A Program," dated July 24, 1969, this paper will deal mainly with the program changes which have taken place subsequently.

At the time that review was made, the officially approved C–5A program was still six squadrons with a total of 96 operational aircraft. To equip these squadrons and provide for flight test, training, support and attrition replacement, the total approved buy was set at 120 aircraft, including 5 for R.D.T. & E.

The initial buy, however, was limited to 53 production aircraft plus the 5 for R.D.T. & E., for a total of 58. This quantity was designated as "Run A" in the contract with Lockheed. Two additional quantities were also specified in the contract as procurement options—57 aircraft as "Run B" and 85 aircraft as "Run C". The expiration date of the "Run B" option was January 31, 1969.

By late 1968, it had become clear that the cost of the C–5A program would substantially exceed the original estimate. The total program cost to the Government for 120 aircraft was estimated at about $3,370 million at the time the contracts were signed with Lockheed and General Electric in October 1965—excluding spare engines and including only $283 million for initial aircraft spares. By October 1968, the estimate had risen to $4,831 million—including spare engines and $483 million for initial aircraft spares.

In view of this substantial increase in cost, Secretary of Defense Clifford decided to exercise the "Run B" option before it expired, but with the proviso that the Government's liability would be limited to $48.8 million for long leadtime items, plus a contingent liability in the event of termination. In the fiscal year 1970 appropriation, 23 additional aircraft were authorized, bringing the cumulative total to 81 aircraft authorized, sufficient to equip and support a full four-squadron force. Separate decisions were to be made later on the equipping of the fifth and sixth squadrons.

In late 1969, during the course of the fiscal year 1971 budget review, Secretary of Defense Laird decided to hold the C–5A force at four squadrons and the total buy at 81 aircraft. He did so because of the tight budgetary constraints, the rising costs of the C–5A and the overall reappraisal of defense requirements. The total program cost to the Government of the 81 aircraft, assuming the Air Force's interpretation of the contract with Lockheed prevailed on all disputed points, was estimated at about $3,827 million—including a small amount for military construction uniquely related to the C–5A. Since the Congress had already provided about $3,404 million for the C–5A through fiscal year 1970, the balance of $423.6 million was included in the fiscal year 1971 budget request.

However, it was recognized at the time the fiscal year 1971 budget was prepared that some serious problems still remained to be resolved in the C–5A program. These included the structural problem with the wing, the difficulties with the avionics, the dispute with Lockheed on the repricing formula and other contractual details, and the inability of Lockheed to meet the current delivery schedule. To deal with these contractual uncertainties, a contingency fund of $200 million was also included in the fiscal year 1971 budget request, bringing the total for the C–5A program to $623.6 million.

In May 1970 the Secretary of the Air Force informed the Congress that even if the Government's interpretation of the Lockheed contract prevails the 81 aircraft program will cost about $4.0 billion. This figure reflects additional cost analysis to further refine the estimates prepared for the fiscal year 1971 budget.

But regardless of what the total cost to the Government may turn out to be when the contractual dispute is finally resolved, it is now clear that without the availability of the $200 million requested for contingencies, Lockheed will not be able to finance the C–5A program beyond the end of this calendar year. The Government would then have to terminate the contract under very uncertain conditions, without knowing what it would get for its very large investment in the C–5A program. The Air Force has no stake in the contractor's present corporate structure or management. The Air Force's only concern is in maintaining an entity in existence which has the means to produce the goods for which it has contracted. Accordingly, it appears prudent to take those actions which are the minimum essential to insure an orderly continuation of the program.

In any event, contingency funds would not be expended until the Congress has been fully advised of the plan for their expenditure. Furthermore, expenditure of these funds would be controlled and managed by the Air Force to pay allowable expenses incurred by the prime contratcor in direct association with the C–5A program.

The Department of Defense has recently decided to accept the Lockheed request to reduce the production rate to two aircraft per month. Under the revised schedule the 81 aircraft would be delivered in early 1973.

The Air Force's own best estimate of the final cost to produce these 81 aircraft, including initial spares, aerospace ground equipment, and so forth, based on the revised production schedule, is $4.6 billion. It is not yet clear how much of this will be funded by the Government. Including the $200 million contingency, some $4 billion will have been funded through fiscal year 1971.

Although much higher in cost than initially planned, the C–5A provides the major link between strategic airlift requirements and the capability to fulfill those requirements. Considering its unique capabilities and overall operating efficiency, the C–5A is still a good investment.

Mr. President, Dr. Robert Seamans, Jr., Secretary of the Air Force, asked the U.S. Air Force's Scientific Advisory Board to make a complete study of the C–5 and

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report back to the Air Force its findings. This ad hoc committee was chaired by Dr. Raymond Bisplinghoff. This report covers completely all of the reported weaknesses of the airplane and points out how they can be overcome.

I have personally visited Edwards Air Force Base and spoken with the Air Force test crew of the characteristics of the airplane and what problems they had discovered. They, like anyone who has flown the airplane, including myself, had nothing but praise for it. In fact, testing has proceeded so well that the program is ahead of schedule. There is full knowledge of what must be done to alleviate the wing problem which, frankly, is one of stiffness just inboard the aileron; but instead of condemning this, the manufacturer should be praised for having built a wing of this strength. I believe that all Members of Congress should have the opportunity to read the relatively short report of the ad hoc committee I mentioned earlier, so I ask unanimous consent that it be printed in its entirety at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE USAF SCIENTIFIC ADVISORY BOARD AD HOC COMMITTEE ON THE C–5A

This report discusses the limitations of a major strategic support system. Reproduction in whole or in part is prohibited without the express permission of the Office of the Secretary of the Air Force.

MEMBERSHIP

Name and affiliation:

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Dr. Alfred J. Eggers, Jr. (Vice Chairman), Headquarters, NASA.

Brig. Gen. Carroll H. Bolender (General Officer Participant), Headquarters USAF.

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Subcommittee on avionics

Mr. David McColl (Subcommittee Chairman), Aerospace Corporation.

Mr. James P. Andersen, NASA Electronics Research Center.

Mr. George W. Church, Bendix Aerospace Electronics Company.

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Subcommittee on performance

Mr. Waldemar Breuhaus (Subcommittee Chairman), Cornell Aeronautical Laboratories, Inc.

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Mr. William T. Hamilton, The Boeing Company.

Subcommittee on wing structure

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Dr. Hassel C. Schjelderup (Liaison from SAB F–111 Committee), McDonnell-Douglas Corporation.

I. INTRODUCTION

This is the report of a technical committee. Financial and contractual arrangements involving the Lockheed Company, its vendors and the Department of Defense were neither investigated nor discussed.

On 11 February 1970, Dr. Robert C. Seamans, Jr., Secretary of the Air Force, asked the USAF Scientific Advisory Board to conduct a study of the C–5A wing structure (Annex A). The SAB Steering Committee approved the task and an Ad Hoc Committee was formed under the chairmanship of Dr. Raymond L. Bisplinghoff. The Committee met initially at the Lockheed-Georgia Company on 21–22 February 1970.

On 23 February 1970, Dr. Bisplinghoff and Colonel Steiner orally reported the Committee's preliminary findings to Mr. Grant Hansen, Assistant Secretary of the Air Force for Research and Development. During the discussion Mr. Hansen reported that Secretary Seamans would like Dr. Bisplinghoff to expand the scope of study to include a review of the C–5A avionics and performance. Dr. Bisplinghoff agreed and a C–5A Committee was structured into three Ad Hoc Subcommittees on C–5A avionics, performance and wing structure, chaired by Mr. David McColl, Mr. Waldemar Breuhaus, and Mr. Herbert Hardrath, respectively.

On 4 May 1970, Dr. Bisplinghoff and the three Sub-committee chairmen gave an oral interim report to the Secretary. During the discussion that followed this briefing, Dr. Seamans asked the SAB to form an additional subcommittee to review the C–5A landing gear. Dr. Bisplinghoff agreed to do so and appointed Dr. Eldon E. Kordes as chairman.

During this exercise, Dr. Bisplinghoff retained his position as Chairman of the C–5A Ad Hoc Committee and served as ex-officio member of each of the four Subcommittees.

The Subcommittee chairmen and members and their affiliations are listed in the preliminaries section of this report. Task statements for each Subcommittee are included as Annex B. A chronological list of activities of the Committee is included as Annex C.

Performance summary

II. SUMMARY OF SUBCOMMITTEE REPORTS

The members of the Performance Subcommittee met at the Lockheed Georgia Company on 14 and 15 March 1970. During this meeting a final Subcommittee Task Statement was formulated and adopted. The Subcommittee was briefed by technical representatives of Lockheed Georgia, General Electric, the C–5A SPO, and the Air Force Flight Test Center relative to the measured flight performance of the C–5A. Documentation describing the performance characteristics was also received, and discussions were held between the members of the Subcommittee and technical representatives of the aforementioned organizations.

On the basis of the data received, it appears that the flight performance of the C–5A meets the guarantees of the contract within the accuracy limitations of good flight-test measurements. There are slight deficiencies of range when all other specified quantities of the various guaranteed missions are met, but these deficiencies lie within the uncertainty band of flight-test measurements. These conclusions apply at the current weight of the airplane. If the empty weight of the airplane should be increased there will be an inevitable degradation of the performance of the airplane. The decrease of range with weight increase is approximately 25 nautical miles per 1000 pounds of Operating Weight Empty. Likewise, should the aerodynamic configuration of the airplane be modified, the range will change approximately 25 nautical miles for each count of drag change ($\Delta C_D = .0001$).

The Subcommittee received information describing change actions which have applied to the C–5A contract and concludes that these change actions have not reduced the flight-performance requirements which Lockheed has been required to meet.

Landing gear summary

In the process of evaluating the status of the C–5A landing gear systems, the two-day review held at the Lockheed Georgia Company was divided into the general areas of design and testing, materials and processes, electronic subsystems, operation, malfunction, and assessment of engineering changes. During the review, a tour of the airplane was made by the Subcommittee members to observe firsthand the operation of the landing gear system. Demonstrations were conducted on gear retraction and extension and on the kneeling operation. Examples of aircraft towing were also observed.

It is the opinion of the Subcommittee that the design of the landing gear system is based on good engineering principles backed by adequate tests and is basically sound. The design has included backup or alternate component provisions for emergency operation of the gear. The system has suffered from development problems, but these problems are not likely to cause a major accident if proper emergency procedures are followed.

Many of the problems that have occurred with the landing gear can be directly related to the large number of components required to meet all the landing and ground-handling requirements of the aircraft. It is essential that correct procedures be established, documented, and made available to train crews in proper procedures.

The Subcommittee also recommends that, from time to time, an aircraft with all production changes incorporated be assigned for a program of landing gear system testing and evaluations to insure satisfactory operation under service use conditions.

Avionics summary

The Subcommittee believes that, with a reasonable amount of additional work, the majority of the Air Force's needs can be met and, given a sound improvement program, there is a good prospect that a versatile and comprehensive navigation, flight control and landing capability will be achieved.

It is clear that all specified electronic functions will not be available in fleet aircraft for a considerable time to come. Some test programs, such as that on the automatic flight-control system, will not be complete for almost a year. However, a very useful performance can still be obtained from early aircraft. In particular, the MAC basic airlift mission and training which on past experience in the C–141 has used nearly 90% of all flight-hours, can be met adequately with a limited complement of electronics. Such capability can be provided much sooner than the difficult all-weather low-altitude cargo

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drop, and terrain-following modes of flight. Operational all-weather landing at poor quality airfields will also take longer to attain.

Of the many avionic subsystems in the aircraft, only two have experienced difficulties to a degree that make it doubtful that the aircraft could perform the most straightforward transport mission satisfactorily unless some changes are made. These two subsystems are the Multimode Radar (MMR) and the Inertial Doppler Navigation Equipment (IDNE).

Major recommendations on these subsystems are made as follows:

1. Reconfigure the present triple redundant pitch, roll and heading sensor assemblies from two Attitude Heading Reference Units (AHRU's) and one Inertial Measurement Unit (IMU) to an assembly consisting of three AHRU's. The IMU should be retained solely for navigation purposes.
2. Provide triple redundancy for fail-operational pitch, roll and heading information fed to cockpit displays.
3. Substitute a state-of-the-art weather and mapping radar for the MMR to accomplish the transport mission.
4. Operate with the above radar alone until adequate reliability and performance for the other modes has been demonstrated by one (or both) radars of the MMR.

A number of detailed engineering improvements have been assessed and are discussed in the avionic report that follows. These improvements are important and should also be pursued.

Wing structure summary

The Wing Structure Subcommittee met on four separate occasions. Discussions were held with and data gathered from the Lockheed Georgia Company, the C–5A SPO and MAC personnel on the varied aspects of the structural integrity of the wing.

Static tests of the C–5A wing have progressed to the point where 80% of the design ultimate strength has been demonstrated. On the other hand, the full-scale fatigue test article has accumulated only 1500 simulated hours of life. Hence, a definitive assessment of fatigue life is not possible at this time. Strain measurements have identified regions of high stress which are suspect for static strength and fatigue life. Therefore, the Subcommittee believes that additional modifications to the wing structure in conjunction with other measures will be required in order to provide an operationally useful vehicle. Foremost amongst these measures is a program for tracking the usage of each individual C–5A aircraft by means of load recorders. In this way the inspection intervals can be adjusted and remaining life monitored. Next, a determined effort should be made to accelerate all tests so that most of the problems can be identified in the laboratory rather than in service. A second fatigue test of a C–5 wing is strongly recommended. Finally, the Air Force must choose one of several viable proposals which will enable the wing to more easily meet its static strength requirements. One of these is the load distribution control system.

Appropriate implementation of these recommendations should lead to a useful compromise between aircraft usage and longevity.

III. REPORT OF THE SUBCOMMITTEE ON C–5A PERFORMANCE

Guaranteed flight performance

The flight-performance guarantees of the C–5A are contained in 14 different specified flight missions and several other individual requirements.

The 14 missions consist of different combinations of payload, range, cruising speed, cruise altitude, takeoff distance, and (for several missions) a requirement for intermediate landing and return to original base without refueling. The latter cases contain landing requirements at the intermediate point, and the return flight is made at a different takeoff weight than is the outbound leg.

Individual flight-performance guarantees include (1) takeoff distance with no payload but sufficient fuel to make good a specified range; (2) one-engine-out-rate-of-climb at a specified takeoff load; (3) landing distance on an alternate runway-surface material at the midpoint of the resupply missions; and (4) cruising speed capability at the cruising altitude.

It is worthy of note that the Air Force SOR which predated the contract definition contained two specified missions rather than the 14 which are presently specified. These two missions are contained within the present 14, but one of these permitted a 7% longer takeoff distance than is presently required and the other permitted 9% less payload than is presently required. Thus, although there can be no doubt that the existing contract guarantees arose from the represented capability of the C–5A at the time of contract signing—these guarantees—both in number and in overall flight performance—represent an increase over the original Air Force requirements.

Actual performance

When the 14 flight missions are computed on the basis of the flight test data, the calibrated performance of the actual engines, and with a required increase of fuel flow rate which is 5% above the calibrated value, all guaranteed performance requirements are met or slightly exceeded except range. In the majority of the flight missions there is a slight deficiency of range. The maximum value of the deficiency is 2.6% of the specified range. In addition, all non-mission (individual) flight performance guarantees are met.

The Subcommittee was supplied with plots of flight test data for such quantities as thrust, fuel flow, drag coefficient, maximum lift coefficient, and specific range. These results are the basis for the calculation of mission performance. The scatter of the individual points indicates that the flight tests were performed with as high a degree of precision as can be reasonably expected. In general, the scatter band of the flight test data was about ±3% from the mean, with slightly less dispersion for thrust and fuel flow and slightly more dispersion for specific range. It was learned that there was no disagreement between Lockheed Flight Test and Air Force Flight Test Center personnel with regard to the acceptability and the accuracy of the flight test data.

On the basis of the foregoing it is concluded that technically there is a slight deficiency in the range of the C–5A airplane for certain of its flight missions. However, the maximum magnitude of this deficiency is within the accuracy limitations of flight testing and the deficiency should not be considered to be significant within practical terms.

Change actions

The Subcommittee has received from the Chief Systems Engineer of the C–5A SPO the numbers, titles, and brief summaries of the 46 change actions which were deemed to possibly have modified the design and performance requirements which Lockheed was obligated to meet. These 46 actions had been screened from a total of 3,445 change actions which had been accumulated by the C–5A contract through June 1969. The screening had been performed by personnel of the C–5A SPO, and we were informed by the C–5A Chiefs Systems Engineer that he had personally spot-checked a number of changes which had been placed in other categories than Performance/Design and had not found any of these that should have been placed in this latter category.

Of the 46 change actions which were screened as Performance/Design changes, only one is related in any way to performance. This is "CCN 649, ECP 260, Redesign of C–5A Empennage Bullet Fairing." This change permits an increase of Operating Weight Empty if a revised aerodynamic fairing is developed for the tail of the airplane. The resultant reduction of drag produces an increase of range which cancels the decrease of range which would result from the weight increase. Thus no net change of performance results, and it is concluded that the Air Force has *not* granted specification deviations which have reduced the flight-performance requirements of the C–5A airplane.

Engine operation

Lockheed has made further analysis of the Arnold Engineering Development Center (AEDC) engine calibration data. They state that corrections are required for static pressure and airflow conditions within the AEDC J–1 test cell and that, when these corrections are made, the specific fuel consumption of the engines is about 3% higher than is obtained without these corrections. They further state that the SFC values no longer meet contract requirements. Lockheed has submitted its analysis to General Electric and to the Air Force, but these organizations have not yet commented on the proposed correction. The nature of the data submitted to the Subcommittee is such that the Subcommittee can have no opinion on the validity of the proposed correction. The Subcommittee can only comment that the proposed correction can have no effect upon the performance of the complete airplane, but rather it can only influence the allocation of deficiencies between engine and airframe.

One other possible problem area of engine operation was described to the Subcommittee. This is a characteristic called "EPR droop", which consists of a slow variation of thrust and Turbine Inlet Temperature (due to thermal transients) for some time after the initial setting of the takeoff value of Engine Pressure Ratio (EPR). This is not a direct contract-guarantee item between the Air Force and Lockheed, although Lockheed has set requirements for General Electric as a part of the interface documents which exist between these two organizations. General Electric is investigating corrective action. The Subcommittee does not believe that this is a substantial problem and since it does not directly enter into guaranteed performance, it is not discussed further in this report.

IV. REPORT OF THE SUBCOMMITTEE ON C–5A LANDING GEAR

Discussion

Mechanical design.—The overall mechanical design of the gear system is considered to be straightforward and adequate in light of the design requirements that were necessary for the mission of this large aircraft. The design of almost all the gear components except the shock strut piston were governed by the ground-handling conditions, including the kneeling operation. The total number of components is unusually large because the runway flotation requirements dictated the use of four main landing gear with six wheels, tires, and brakes on each. Further complexity is caused by the need to rotate and fold the triangular shaped bogies and store them within a minimum space without infringing on the cargo compartment. In addition, the requirements for kneeling, steering, and crosswind positioning of all gears result in still more mechanisms and controls than on any previous cargo aircraft. The requirements for redundancy in operation and control systems appear to have been met adequately except for the retraction-extension reduction unit and drive shaft assembly on each gear and the speed changer box on the nose gear. However, these speed reduction assemblies have been shown to be highly reliable from simulated service tests results.

All the preceding operational conditions combine to result in the complexity mentioned but are considered necessary for this aircraft. It follows that a proportionally large number of development problems and malfunctions will be encountered during the first phases of the flight-test program. However, the added complexity allows for operational features and safety not previously available, such as individual gear jacking for field repair of gear parts, lifting of two main bogies for ease of towing, and capability of landing on three main gear as a result of landing load margins.

Mechanical testing.—The overall testing of mechanical systems is considered to be straightforward and adequate. Strength, fatigue, and environmental tests were considered to be representative of the conditions recognized during the design. The unusual requirements for kneeling and steering of all gear under remote-site conditions added complexity and unknowns to the simulated test conditions. Although the mechanical testing program is invaluable in the proof of the strength and operation of the gear system, it is impossible to foresee and simulate all possible conditions. Thus a large number of malfunctions could be expected early in the flight-test program. All known failures of load-carrying members of the gear occurred during the simulated laboratory tests.

Materials and processes.—From the data presented, it has been concluded that there are no known serious materials or processing problems in the landing gear. The designers placed reliance on well-characterized, readily available materials as of 1965, and the 300M VAR (vacuum arc remelting) steel was a better choice for the major structural components than the air-melted 4340 steel or H–11 steel used on other aircraft.

The vacuum arc remelting reduces inclusion contents, which leads to better impact toughness and presumably improved fatigue life. The aluminum alloy of 7075 is a good, high strength alloy with satisfactory properties. The brakes represent one innovative change in that beryllium is used as a heat sink material. Although this is the first extensive use of beryllium for this purpose, no malfunctions have been reported, and any structural problems with the beryllium that might occur in the future would not be expected to result in any danger to the aircraft.

From the standpoint of quality control, it appears that heavy reliance is placed on reports of the suppliers and subcontractors. Criticism can be directed at the lack of any toughness requirement in the purchase specification. Transverse reduction of area, while useful, is not an adequate measure of the ability of a material to resist brittle, catastrophic failure. Some better measure of toughness, such as Charpy V-notch impact energy or possibly fracture toughness, should be considered. Greater reliance should be placed on the properties after fabrication and heat treatment, rather than on the properties of the incoming billets.

The aircraft landing gear, utilizing steels at the 280 ksi to 300 ksi ultimate strength range, represent the most extensive use of high strength steels in massive section sizes at this strength range. As such, they are particularly sensitive to flaws in the initial steel, such as large inclusions or forging defects, as well as defects that may be introduced later by tooling or impact by flying objects during landing, which may lead to subsequent failure. Other time-dependents phenomena may occur from hydrogen embrittlement or stress corrosion, since the gear are exposed to a range of humidity conditions, including exposure to salt water at ocean-side runways. Although no such problems have yet been encountered with the C–5A, and surprisingly few with other aircraft utilizing steels at this strength level, such failures are to be expected, and careful maintenance and monitoring of the highly stressed components is recommended. Protection of parts by the usual methods of platings and coatings has been provided. A superficial assessment of the results of Lockheed's stress analysis shows that the design is satisfactory.

The choice of the 300M VAR steel for the landing gear, made in 1965, took into account some of the early problems with maraging steel and the 9 Ni–4 Co steel. Many of these problems have now been overcome so that either of these materials would be an excellent choice at this time. Both of these steels can be obtained at the desired strength level with greater toughness than the 300M steel now being used. On a straight design basis the margin of safety that can be obtained with these higher toughness steels would warrant their consideration should future problems occur with the 300M steel application of the C–5A.

Electronic subsystems.—Satisfactory performance of the kneeling operation, crosswind landing with steering and castering of the main landing gear, anti-skid braking, and gear extension and retraction depends on satisfactory performance of all the electronic subsystems. Although the electronic subsystems appear to be based on the state-of-the-art and standard practices, problems have occurred in the logic applied to function monitoring and in design and mounting of proximity sensors. These sensors provide the necessary signals to the electronic systems that control the sequences of operation. Forty-seven proximity sensors are used for sensing the position of gear components, doors, and locks.

Mechanization of all servo control and on-off command circuits uses conventional semiconductor techniques. Problems that have occurred are in the logic applied to function monitoring, in quality control of proximity sensor design, and in their mounting tolerances. Work is in progress to cure these development troubles and to retrofit improved units. This action should eliminate deficiencies which in the past have resulted in incorrect landing gear indications in flight and malfunctions in gear retraction.

The system design provides for mechanical override and bypass control of hydraulic control valves so that a single electronics fault alone cannot completely immobilize the gear. Lockheed personnel reported that a detailed fault analysis has been made of the electronic subsystems to prove that no command signals originating therein will result in any dangerous gear malfunction.

Malfunction reports were examined and gave no indication of difficulties in the electronic subsystems beyond those already mentioned. It should be emphasized, however, that the full flight-test program of the crosswind landing mode has not yet started. This is scheduled for June 1970 and C–5A's are now operated with wheels set in line with the fuselage for landing. Furthermore, electronic monitoring of the kneeling sequencing and interlocks has still to be incorporated. These matters in no way inhibit current aircraft operations, but the added safety and ease of the electronic control and monitoring are most desirable for operational use. Hence, testing and incorporation of this capability should proceed.

Malfunctions and engineering changes.—During the review of the history of malfunctions, it was brought out that because of problems with vendors the landing gear systems on aircraft 0001 through 0008 are not representative of production hardware. Aircraft 0009 through 0014 have been delivered to MAC and are being operated from Altus Air Force Base. As a result of the high rate of malfunction during the early part of the flight-test program, Lockheed appointed a special task force team and the C–5A SPO created a special task force team to look into these problems. As a result of this effort, 54 ECP's have been issued on the landing gear system; four of these are still under negotiation and three have been cancelled. These engineering changes are being incorporated into production and being retrofitted to other aircraft. Aircraft 0018 has been designed as the landing gear evaluation airplane and will have 23 of the proposed ECP's incorporated. This aircraft is scheduled to complete this program by early fall of 1970.

Since the C–5A flights at Altus Air Force Base are considered to be the most typical of expected service, the bulk of the malfunction and corrective action review covered the Altus operation. From January through May 18, 1970, this operation reported 811.9 flying hours in 256 flights with 1803 landings, 364 to full stop. Of these flying hours, 418 hours in 140 flights with 791 landings (195 to full stop) occurred between April 8 and May 18, 1970. The reported trend in the landing gear system failure was 0.09 subsystem failures per flight hour in January 1970, which has reduced to 0.03 subsystem failures per flight hour by April 1970.

Many of the reported "squawks" or malfunctions have been attributed to improper service, rigging, or operating procedure. Improvement, clarification and rapid updating of the handbook would do much toward solving these problems.

The Subcommittee studied all expected failure modes of the landing gear system that could lead to a major accident during landing and evaluated the available means for avoidance of and recovery from the malfunction. It was determined that, except for double or triple failures within major subsystems, means of recovery and satisfactory landing gear extension could be accomplished. However, in many cases, the proper recovery procedures are not simple or straightforward and could not be accomplished by the flight crew unless they had been thoroughly trained in the use of emergency procedures.

Conclusions and recommendations

It is the opinion of the Subcommittee that the design of the landing gear system is based on good engineering principles backed by adequate tests and is basically sound. The system has suffered from development problems, too many of which have been carried into flight tests, but these problems are not likely to cause a major accident if proper emergency procedures are followed.

The designers have placed reliance on well-characterized, readily available materials. Effects of embrittlement, corrosion, and impact damage on the life of components from the 300M steel material could not be assessed; however, "usual practice" protection is provided. It should be emphasized that inspection procedures and programs are necessary to insure that the protection is effective and remains intact under service use.

The electronic subsystems are conventional semiconductor circuits which should be reliable. Most problems have occurred in the logic and in use of proximity sensors. All known or anticipated problems are being studied by Lockheed for corrective action, and the planned action should eliminate deficiencies and improve reliability. Rapid solutions to the sensor problems are essential for satisfactory operation.

Many of the problems that have occurred with the landing gear can be directly related to the large number of components required to meet all the landing and groundhandling requirements of the aircraft. The design has included adequate backup or alternate component provisions for emergency operation of the gear except for the single speed-reduction unit in the retraction and extension system of each gear and the single speed-changer unit of the nose gear retraction-extension and kneeling system. Although these single unit items have successfully passed extensive service life tests, the

Subcommittee recommends that a thorough study be made to insure that a failure in these speed-reduction units, particularly the nose gear units, will not lead to a major accident.

System development during flight test has delayed the documenting of proper rigging and maintenance procedures for use by service crews. The Subcommittee is deeply concerned with this slow documentation of critical procedures for rigging and servicing the landing gear system. It is essential that correct procedures be established, documented, and made available to service crews who are responsible for proper operation of the aircraft. Adequate, up-to-date procedure training for service crews and emergency training for flight crews are necessary for the safe operation of the landing gear system.

The review of engineering design changes showed that these changes are considered adequate to remove the major deficiencies but that production changes and retrofits are scheduled over an extended time. The Subcommittee recommends that, from time to time, an aircraft with all production changes incorporated be assigned for a program of landing gear system testing and evaluations to insure satisfactory operation under service use conditions.

V. REPORT OF THE SUBCOMMITTEE ON C–5A AVIONICS

General observations

The Subcommittee, in reviewing the overall avionics systems concepts and the subsystem implementations, has received presentations giving Air Force (MAC) statements of requirements. Four of the major subsystem contractors have been visited by one or more members of the Subcommittee for detailed discussions and equipment performance appraisal, and the prime contractor, Lockheed, has been visited twice.

The total avionics installation on the C–5A is more extensive by far than any on a current cargo aircraft, and is comparable in sophistication to the avionics in an advanced fighting aircraft such as the F–111. There are 38 avionic systems with 239 replaceable units in the C–5A. The Subcommittee has been informed that 75% of the electronics are new and specifically developed for this aircraft. As configured, many systems are highly interdependent. Single functions frequently require several interlocking electronic systems each of which must work satisfactorily. As a result, progressive introduction of capabilities is not simple. The reliability of certain functions tends to be reduced.

Inertial doppler navigational equipment (IDNE)

This equipment includes, in addition to the Inertial Measuring Unit (IMU) and the doppler radar, a main and auxiliary digital computer, a main and auxiliary signal converter, a power supply, a control panel and display panel. The group of equipment supplies the high quality navigation information needed to complete a cargo air drop mission. Reduced accuracy navigation is available in the event of failure of individual units. Limited redundancy for improved reliability is supplied by the main auxiliary computer/data converter.

Status

The IDNE in limited testing has demonstrated on a number of flights a capability for a navigation accuracy better than required by equipment specifications, verifying the inherent high quality of the inertial instruments. In-flight IMU alignment has also been demonstrated.

Computer performance, both hardware and software, has been excellent. While a few operational modes such as terminal navigation and celestial fix-taking remain to be checked out, results to date give every indication that this will be completed in the near future. Subsystem unreliability is the main cause for concern for the IDNE. The primary problems have been in the IMU and the doppler radar.

An IMU change package was incorporated in mid 1969, based on results of quality, development, flight, and reliability tests to that date.

Doppler radar problems identified to date have included interference from the Multimode Radar, and uncertainty in doppler velocity determination due to a seventy foot line carrying the low-level velocity signal from the doppler back to the data processor. In addition an antenna mechanical resonance is driven by a coinciding airframe resonance leading to major gear train wear.

Adequacy of Development/Improvement Program

The problems with the IMU derive from using a relatively new approach to stabilizing the inertial instruments. This is done by mounting them in a ball floated in an external supporting sphere.

New techniques for communicating with the platform electronics and instruments have had to be developed. Due to concurrency of development and production, new manufacturing and testing techniques had to be developed and used while design changes were still being incorporated in the system.

The contractor has had problems with such things as developing a good process for plating the interior of the supporting ball so the plating would not flake off in the electrically insulated suspension fluid and lead to power or communication failures. Fabrication processes for novel items such as the subassembly which determines the relative azimuth angle of the floated ball with respect to the support ball within a few minutes of arc were difficult to bring to maturity. This led to a number of minor interruptions in the sensor output requiring computer software workarounds to avoid false equipment failure alarms.

Fixes for significant doppler unit problems identified to date are straightforward with the exception of working at high flight altitudes over very low sea states. The latter problem is common to all doppler radars. No unusual difficulties are foreseen in correcting the main problems, and current actions appear to be adequate.

Conclusions and Recommendations on the IDNE

While IDNE navigation accuracy should be satisfactory in all respects the IMU reliability is and will remain a problem for some time. As a result, *it is recommended* that avionics system mechanization be revised so the IMU is neither a dispatch item[1] nor safety-of-flight item. The addition of a third Attitude and Heading Reference Unit (AHRU) will allow this change to be made, and this is recommended in the appropriate sections of this report.

Improvements in the IMU may in time increase its reliability to the point where even the most difficult missions can be completed with a high probability of success. A continuing product improvement program for the IMU *is recommended.*

In the event the present IMU does not achieve an acceptable reliability level, alternatives are available. Taking advantage of the inherent flexibility of the digital computers in the IDNE an alternate IMU now in production using conventional gimbals can be substituted for the present IMU.

Lockheed has already carried out an exercise to show the feasibility of this action. It is recommended that Lockheed monitor IMU reliability improvements closely. The Air Force should be prepared to make a change if it becomes apparent that IMU performance will be the limiting factor in enabling the C–5A to carry out its assigned missions.

The design changes to improve reliability and performance in the Doppler Unit are commended and should be followed vigorously. Many of these fixes have already been defined and no unusual difficulty is foreseen in making the Doppler Unit a satisfactory piece of equipment.

Automatic flight control system

Status.—The automatic flight control system is an extremely complex integration of partially redundant hardware which is intended to perform a very large number of functions. As a system it includes the aircraft dynamics and serves as an intermediary coupler between the aircraft and much of the avionics equipment in automatic modes. The six major subsystems, associated avionics systems, and redundancy levels are listed below.

Subsystem	Redundancy level	Associated system elements
Pilot assistance cable servo (PACS)	Single	Airframe primary controls.
Lateral and directional stability augmentor systems (SAS).	Triple (fail operational)	Inertial measurement (IMU) of IDNE; attitude and heading reference units (AHRU) of instrument system. Central air data computers (CADC).
Longitudinal stability augmentor system (SAS)	do	
Autopilot	Dual input	SAS, CADC's.
Control wheel steering, cruise autopilot modes, attitude (pitch and roll) hold, altitude hold, heading select and hold, pitch and turn control.	Single	SAS, CADC's.
Navigational modes, en route navigation	Single	Radio (VOR, TACAN), inertial doppler AHRU (heading).
Terminal navigation		Multimode Radar Inertial Doppler.
Critical automatic modes	Part dual part triple (fail operational).	
Automatic approach		Glideslope and localizer receivers, radar altimeters.
Autoland		Radar altimeters.
Go-around Terrain following	Single	Multimode radar.
Automatic throttle system	do	

The pilot assist cable servo (PACS) and the lateral and directional stability augmentation system (SAS) are fundamental parts of the aircraft, being required during manual flight. Accordingly, they have status as "dispatch" items. Certain of the other systems have "dispatch" status if the mission is to include particular operations, e.g., the longitudinal stability augmentation system is needed if any autopilot mode is to be used, autoland is needed if the flight plan includes a Category III landing, etc.

The hardware is packaged in 18 Line Replaceable Units (LRU), 13 being different. A major redesign to simplify, to improve reliability, and to ease manufacture has been in process for over a year. The new, so-called "B" systems are being delivered and on-station installation and/or retrofit is proceeding. However, flight testing of many of the functions has just begun, and a further retrofit involving all subsystems but not necessarily all LRU's will be required. This will primarily involve substitution of modified LRU's, although some aircraft wiring and equipment mounting provisions will, no doubt, also be affected.

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[1] Dispatch item. An item that should be operating satisfactorily before an airplane is released or "dispatched" to flight status.

As presently configured, the "B" autopilot units include the full system, with all modes (designated the B1 system). However, the system is inhibited to operate only the PACS, SAS, and cruise autopilot functions. The cruise autopilot functions are limited, by placard, to the 200–280 knots range for reasons of structural safety.

The problem here is the classical one of limiting the autopilot servo output so that a hardover failure when operating with aft c.g. near the critical mach number (i.e., the most sensitive airframe configuration) will not cause structural damage, while still permitting sufficient output to maneuver the aircraft when it is operating at forward c.g.'s (the least sensitive configuration).

This "g" limiting function is currently performed by torque limiting, although not without associated problems with both servo command limiting and pilot override functions. The present autopilot servo includes a torque limiting clutch which permits an overshoot in torque when confronted with a step command. Consequently the pilot override clutch slip setting is now adjusted to handle both override and torque limiting functions. This clutch requires an eighteen-day inspection cycle to insure that its limit remains properly set. Further complicating the servo problem at present is a lack of such positive disconnect.

These fundamentally mechanical problems are being tackled by improving the present design and investigating alternate servos. Further, the "g" limiting function has, as a result of recent analysis and flight test results, been configured using the longitudinal SAS. This system will utilize a triple redundant fail-operational combination of acceleration and pitch rate signals through the SAS to the inboard elevators. This means of "g" limiting is made feasible because the pitch SAS is totally independent of the autopilot pitch axis and is, therefore, not affected by failures which might produce an autopilot hardover.

Adequacy of Development/Improvement Program

In terms of the total automatic flight control system capability the simulation and flight test program is still in early stages. As there are no unusual difficulties foreseen and since little new technology is involved, the long-term prognosis for the future of the automatic flight control system is good. Its total potential will, of course, be dependent on that of other avionics (radar altimeter MMR, INS, etc.) associated with the basic flight control equipment in more complex functions along with careful execution of the planned flight-test program.

Recommendations on AFCS

The quite complex lateral/directional SAS has some features which can be faulted from a service and repair standpoint. The most notable of these stems from the need for a triple redundant bank angle signal. One of the signals is currently acquired from the inertial measurement unit (IMU) of the inertial doppler system, while the other two come from the two attitude and heading reference units (AHRU). Not only does the platform-derived roll angle sometimes differ momentarily from that of the AHRU's, causing a nuisance tripout, but the current reliability of the IMU is low. Because the lateral SAS is needed for manual flight, this makes the IMU a critical dispatch item even on missions where inertial doppler is not otherwise required. To reduce IMU removals, to improve the maintainability, and to improve flight safety, the Subcommittee recommends the replacement of the IMU by another AHRU for flight control purposes. The additional AHRU can also be used to improve the reliability and fail safety of the instrument system, including the flight director.

The lateral/directional SAS is now required for flight safety not because of its effects on flying qualities, but because it provides for emergency rudder trim. As presently constituted this means all parts of the SAS must be functioning; this means the AHRU's, IMU, and all six rate gyros be operating. If the inputs from this complex of sensors could be switched out of the rudder SAS servo while keeping a rudder trim signal (and the SAS servo) active, the emergency rudder trim function would have a far-higher integrity and far better dispatch reliability. Consequently, the Subcommittee *recommends* that this modification be seriously considered.

Radar altimeter

Status

There are two radar altimeters operating in slightly different frequency bands in each aircraft. Their use is for category IIA and IIIA landings, and as a safety check in terrain avoidance. Due to the size of the aircraft, the antennas are mounted close to the main wheels. Output is fed to cockpit instruments and to the autopilot. Accuracy called for (and delivered under almost all conditions) is high not more than 2 ft error up to 100 ft altitude and 2% maximum error from 100 to 5000 ft.

The design, fabrication and reliability is generally satisfactory, although the early production units require a modification (local temperature control of a critical component group) to achieve the specified altitude accuracy over the full temperature range.

Adequacy of Development/Improvement Programs

The current program to incorporate the temperature fix appears adequate and should be pursued.

Conclusions and Recommendations on the Radar Altimeter

The equipment is now reported to be performing well in all vital respects. Hence, no recommendation is made other than to continue the corrective actions already in progress, and to apply design changes to all units.

Attitude and heading reference unit (AHRU)

Status

Two AHRU assemblies are provided in the C–5A at present. Each contains a vertical gyro to provide pitch and roll information and a directional gyro to provide heading information. Each AHRU in turn drives a flight director display in the cockpit, one for the pilot, the other for the co-pilot.

Additionally, the outputs of the AHRU are at present compared with the Inertial Measurement Unit (IMU) to provide fail operational signals to the automatic flight control system.

Approximately 60 systems have been delivered. The best estimate of actual Mean Time Between Repair (MTBR) is 530 hours when total running time is accounted for. The system has not yet passed the exacting reliability demonstration test, but it has passed the stringent MIL STD. 810A humidity test.

Of malfunctions which have occurred, it is presently thought that a number may have been caused by rough handling somewhere between the contractor's plant and the aircraft. Packing may not have been adequate. Other sources of failure such as mass shifts, failures of slip rings, torquers and switches, have been identified and corrective action is in hand.

Adequacy of Development/Improvement Programs

Both the prime contractor and the USAF representatives have reported that the subcontractor has been very responsive to all reliability problems associated with his equipment. Cooperative efforts by all parties are under way to improve the handling of the unit so as to eliminate damaged bearings. As the program matures it is expected that aircraft wiring errors and power supply perturbations will disappear. In-house development efforts at the subcontractor are under way to eliminate the source of gyro drift rate. The technology is not difficult. The subcontractor is one of the leaders in the field.

Conclusions and Recommendations on the AHRU

Although the AHRU systems have not as yet demonstrated the required reliability it is felt that achieving the required reliability should be straightforward if sufficient attention to detail is applied. The Subcommittee believes sufficient corrective actions are being taken on the AHRU itself.

However, a system level change is *recommended*. A third AHRU should be incorporated to perform functionally the same as the other two but in place of the IMU. The IMU would then perform only the navigation function. The reason for this change is to substitute a relatively simple and cheap system in place of a costly, complex and, presumably, less reliable unit into a function which has to operate in order for the aircraft to be dispatched. (All three sources of bank, roll, and heading information must be working to dispatch the aircraft as presently configured).

If this recommendation is adopted, the Subcommittee further *recommends* that the third AHRU be used to improve the reliability and/or fail safety of the attitude and heading display in the cockpit. The detail implementation of this can be left to Lockheed's discretion. Two possibilities are to install a third flight director display in the cockpit where the three displays could be visually cross checked or to switch out automatically a malfunctioned AHRU from the display and switch in the standby AHRU system with appropriate warning signals to the pilots.

Multimode radar

Status

The multimode radar (MMR) consists of an X-band multifunction radar and a K_a-band multifunction radar. Each radar accommodates seven operating modes while its display system accommodates an eighth mode of station keeping (which is performed by a separate equipment not considered part of the MMR). The seven modes consist of high and low altitude mapping, contour mapping, weather mapping, terrain following, terrain avoidance, radar approach and beacon operation. The equipment to accomplish the various modes is for the most part common in each radar and as a result the modes are highly interdependent, although redundancy exists between the two radars for the most part. The two radar antennas are mounted on a common roll stabilized yoke, one above, and the other below, the roll axis. For terrain following and contour mapping each radar contains a phase interferometer system. This consists of a horizontal array of pairs of horns which is used to make a phase comparison in elevation of the received signals. This technique requires that microwave components and some receiver elements be mounted on the back of each of the two dish type antennas. These features have produced a relatively heavy and complex antenna assembly for each radar. Some difficulty has been experienced in getting a good

XUM

antenna for ground mapping, because part of the dish had been clipped to accommodate the interferometer array. A modification of the feed has recently been devised to compensate for this deficiency.

From experience to date, the principal concerns are as follows: (1) low reliability, (2) an antenna pattern in the mapping modes that necessitates modifications as mentioned previously, (3) gearing problems in the antenna drive and stabilization assemblies and (4) a "solid state" modulator that has not been operating reliably. There may be a continuing problem in either radar in getting the more frequently used weather and mapping portions to perform as reliably as desired even though these are relatively simple modes. There is insufficient information at present to assess accurately the performance of the contour mapping and terrain following modes of operation.

Overall there are other detailed problems in passing qualification tests particularly these relating to electromagnetic interference (EMI).

Adequacy of Development/Improvement Program

The method of correcting antenna pattern deficiencies with a feed modification appears to be reasonable. With the proper use of sensitivity time control (STC) in the receiver, the modification should provide an adequate solution.

The program for the solid state modulator involves further qualification, particularly in regard to its components. Satisfactory performance is made difficult by the relatively small volume of this unit.

Judgment must be reserved on the overall outlook for the Multimode Radar because there remains much engineering to improve the hardware reliability.

Conclusions and Recommendations on the MMR

It is concluded that the normal airlift (logistics) mission can be compromised by a radar configuration that is tailored to the more demanding low-altitude cargo drop and category III landing missions. Radar state-of-the-art can permit the functions of weather and mapping required for the transport mission to be accomplished with a high degree of reliability. To provide a satisfactory weather and mapping radar capability at the earliest operational time, *it is recommended* that a contemporary weather and mapping radar be procured as a substitute for the current radar(s). Several "on-the-shelf" weather (and mapping) radars are available for selection. Some of these models contain redundant standby transmitters and receivers.

It is further recommended that the capability for terrain following, contour mapping, and precision approach required by the more demanding, but seldom used, missions be phased in at such time as these capabilities can be demonstrated conclusively with adequate reliability. If one (or both) of the two MMR radars can demonstrate adequate reliability for these modes, the other could possibly be eliminated.

Madar

Status

The term MADAR is an acronym for *M*alfunction *D*etection, *A*nalysis, and *R*ecording Subsystem. It is a new and interesting combination of several principles. The purpose is to test, wherever reasonable, the inner functioning of many items of avionics and other systems, to provide light alarm displays of malfunctions when they occur, to record the details of the occurrence in printout for flight and ground use and to record on magnetic tape for subsequent ground maintenance and record purposes. It also has diagnostic data recorded on film to aid in flight diagnosis of faults.

While not all functions of all equipments can be monitored by MADAR, intelligent application of the system has made this a valuable item for test, checkout, and maintenance.

The design concept appears sound. The hardware implementation is satisfactory with the exception of some difficulties with the mechanical drive and with dust in the film projector used in fault diagnosis. This unit uses 575 ft. of film and provides access to as many as 10,000 miniature film frames in less than 20 seconds.

The Subcommittee looked into two other points of concern and received good response to both. With any equipment of this type there is always the fear that the device may feed back into unwanted signals or voltage line equipment, thereby causing malfunction. It appears that this point has been very carefully borne in mind throughout development and adequate buffering is provided. No "active" tests are made since these also might interfere with line functioning of vital equipment being monitored.

The second point is the adequacy of testing, since it cannot in practice be made comprehensive in all instances. A surprisingly large number of functions are nevertheless monitored satisfactorily. A total of 1894 line replaceable units out of 3175 candidates have been monitored.

Adequacy of Development/Improvement Programs

There is now little required by way of improvement programs beyond the continuing update of software which seems to be progressing well. Fixes for the mechanical difficulties previously reported (unsatisfactory film drive and dust problems) are in progress and should be successful.

Conclusions

The outlook that this equipment will be reliable and meet its specification has been greatly improved by the energetic and intelligent work by Lockheed to make the pioneering MADAR development fully successful. No special recommendation is made by the committee.

VI. REPORT OF THE SUBCOMMITTEE ON THE C-5A WING STRUCTURE

General background

The Subcommittee investigating the C-5A wing structure was asked specifically to evaluate the adequacy of modifications to the wing and the test procedures for validating the structure, and to assess the long-term outlook for the wing structure.

The original C-5A contract specified a number of key performance requirements as well as the operating weight. In general, as shown by the report of the Subcommittee on Performance, the C-5A meets these requirements.

After the weight was fixed, some normal growth occurred and some rather major changes to the aerodynamic configuration were found to be necessary to meet lift and drag requirements. The aerodynamic changes alone added about 14,000 pounds to the structural weight and dictated compensating structural weight reductions in other areas to stay within the specified gross weight.

In order to meet the low structural weight requirement, Lockheed has employed stresses at higher levels than are normally used in other aircraft. For example, the lower skin of the C-5A wing structure is designed to 1-g operating stresses one-third higher than those in the C-141, which uses the same material. Thus, in order to meet the fatigue life requirements, the quality level of the design details in the C-5A must be significantly better than have been attained in the past.

Two of the C-5A structural integrity requirements are concerned with static strength and fatigue life. The static requirement is satisfied if the airplane can sustain without failure the one time occurrences of a small number of critical loading conditions. The locus of these conditions, together with a factor of safety of 1.5, define flight envelopes within which the airplane can be safely operated. A very simplified measure of the safe flight envelopes is provided by the limit load factor of 2.5 g, i.e., any flight operation which produces no more than 2.5 g's (payload $\leq$220,000 lbs) is considered as a condition for safe operation.

The fatigue requirement is satisfied if the structure can sustain, without damage, the many repeated applications of normal operating stresses which the airplane would experience in its specified lifetime of 30,000 hours. A factor of safety (or scatter factor as it is called) of 4 is specified and hence the validation of the fatigue life requires carrying the full scale fatigue test to 4 lifetimes (120,000 hours). The normal operating stresses are defined in terms of missions (training, airlift, etc.), mission segments (takeoff, cruise, etc.), payload, fuel weight, and other parameters.

Static strength

Deficiencies in the static strength of the wing were uncovered by the failure of the full-scale static test article in July 1969. Modifications intended to correct these deficiencies have been validated by component tests but the final proof must await completion of the static test program. These tests of components of the reinforced wing reached ultimate load, but several areas of high stress were identified and further were corroborated by measurements made on the full-scale static test.

Two other factors contribute to the present concern for the static strength of the wing: (a) Measurements made on the static tests have shown the chordwise stress distributions to be considerably different from those which were used for design. (b) The tension allowable stresses used by Lockheed for design have not been attained in the component tests. The Subcommittee is concerned that the static test of the reinforced wing may not reach its ultimate strength goals.

Lockheed plans to conduct the remaining static tests of the airframe under a series of progressively higher load levels to reduce the risk of failure for a given test condition. The Subcommittee agrees that this procedure will yield the most information obtainable from a single static test article for defining the capability of the present structure. However, the procedure delays the final proof of static strength.

Because the present configuration of the wing structure is unlikely to reach all of its ultimate static design points, several alternative actions have been explored. They are:

1. Employ a load distribution control system which reduces the stresses in the wing by redistributing the external aerodynamic loads on the wing. This can be accomplished by (a) an active system which deflects the ailerons symmetrically in response to accelerometers located in the wing, (b) a semi-passive system which, in effect, uprigs the ailerons as a function of air speed, and (c) a semi-passive system as in (b) but which operates for only a few combinations of gross weight and payload.

2. Accept a reduction in allowable load factor. The extent will depend upon the strength level attained by the static test article. Presently, the static test results show at least a 2-g (limit) capability.

3. Accept a reduction in payload and gross weight.

All of these approaches appear to offer reasonable solutions to the static strength problems. The passive load distribution control systems entail increased drag and

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an attendant reduction in performance. However, some improvement in fatigue life is expected if the passive system is used. The reductions in allowable load factor, and in payload and gross weight must be assessed against the restrictions in the operational usage of the airplane. The Air Force is in the best position to evaluate the tradeoffs among these choices after all data are available.

Fatigue life

The high average operating stress levels have raised serious doubts that the wing can meet its design goal of 4 lifetimes (120,000 hours). Strain measurements have identified some of the more critical regions. For example, the rear spar and the mid beam at W. S. 120 are two areas that have high local stresses and, therefore, have high risk of early fatigue failures. In fact, the component simulating the modified structure in the rear spar at W. S. 120 failed after 23,000 flight hours had been simulated. (The goal for this component test was 180,000 hours.)

The failure occurred in the spar web at the edge of the modification introduced to correct the static deficiency found in July 1969. (It should be recognized that modifications made to improve static strength may adversely affect fatigue life.) As a result, an additional doubler and stiffener have been designed and installed in the component. The test will be continued to assess the adequacy of the new modification before a decision is made to retrofit the fleet. If all goes well this decision should be made about the end of July 1970. Although these component tests have considerable value in determining the fatigue adequacy of the structural modifications, final judgment must be withheld until the airplane fatigue test is completed.

The Subcommittee believes that additional structural modifications will be required. The particular stations where these modifications will be required can be identified only by continued fatigue testing of the complete wing structure. The fatigue test is scheduled to complete the first of four required lifetimes about the end of 1970. The Subcommittee urges that this test be accelerated to provide this urgently needed information as soon as possible.

Aircraft usage

At the Subcommittee's request, MAC and the SPO have updated the planned usage of the C–5A. A preliminary assessment indicates the fatigue severity of the updated usage to be essentially equivalent to that of the one used in design. The increased rate of accumulating fatigue damage in some missions is balanced by decreased rates in others. Parametric analyses are planned which will help the operating commands assess the impact of particular usage patterns and help program usage for the best compromise between productivity and longevity.

Because individual aircraft life is critically dependent upon the actual usage, the Subcommittee strongly recommends that a flight load monitoring program be instituted for this aircraft. The Air Force has proposed an Individual Aircraft Fatigue Tracking Program for the C–5A. However, the program apparently will not be implemented for some time because of unavailability of suitable recorders. In view of the urgent need for such data on the C–5A, the Subcommittee recommends that presently available recorders be installed immediately on fleet aircraft as an interim measure.

Conclusions and recommendations

The modifications introduced to correct the deficiency uncovered in the static test failure in July 1969 have been shown to be statically adequate by component tests. Final validation of this aspect must await the successful completion of the full-scale static test program.

However, one disturbing feature is that the modification to the rear beam at W. S. 120 has introduced stress concentrations which produced an early component fatigue failure. Thus, at this time, the fatigue capabilities of the modifications are still in doubt.

The wing structure has been designed to be damage tolerant. This feature improves safety because flaws and fatigue cracks will grow to detectable size before catastrophic failure occurs. However, fatigue cracks are likely to develop because of high stress levels, and thus, each aircraft requires frequent and careful inspections. Additionally, it is the consensus of the Subcommittee that further engineering changes are likely to be needed to correct deficiencies not yet located.

The impact of retrofits on operations can be reduced if problems are discovered as early as possible. Thus, the Subcommittee recommends consideration of the following:

1. Accelerate the static and fatigue tests by combining loading conditions into fewer envelope conditions for the static test, and into fewer combinations of payload, fuel and gross weights. Also the intervals between inspections for the cyclic test could be increased.

2. Commence a second fatigue test on another complete wing as soon as possible. This test should proceed at the highest possible cyclic rate to identify other potential weaknesses in the structures. A significant lead time to start a second test is recognized, but the test should provide valuable new information and expedite the evaluation of further changes when needed.

3. Implement an interim load monitoring program on fleet aircraft immediately.

4. Accelerate the parametric analysis of fatigue damage due to usage patterns. According to the present schedule this analysis will be accomplished by September 1971, a date which the Subcommittee believes should be advanced to be of maximum benefit to usage planners.

ANNEX A

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., February 14, 1970.

Dean COURTLAND D. PERKINS,
Chairman,
USAF Scientific Advisory Board.

DEAR COURT: I would appreciate having the Scientific Advisory Board conduct a study of the C–5 structure. Initially, the committee should concentrate on the problems that have occurred in the wing structure, considering all structural materials and aerodynamic aspects of the failures that have occurred and the reinforcement planned for installation in all airplanes. Specifically, advice and recommendations are needed on: a) the available information on the static test failures to determine if the conclusions as to the cause of the failures are supported by a thorough and comprehensive engineering analysis, b) the adequacy of the proposed reinforcements, c) the presently planned component and full scale test program to validate the adequacy of the wing fix, and d) the need for the proposed stiffener for the front and rear spar web.

On the basis of the questions raised in items a through d, above, the Scientific Advisory Board should submit recommendations regarding the continuation of the proposed retrofit program, the need for additional component/full scale testing, and the desirability of additional analysis/test of other wing areas that may be suspect from a design load standpoint.

I have asked Doctor Ray L. Bisplinghoff, MIT and Doctor Alfred J. Eggers, NASA, to serve as Chairman and Vice Chairman, respectively. Both have agreed.

I know you are aware of the significance and urgency of this project. The retrofit program is currently underway and the first airplane will be completed by the end of March. A report is desired as early as possible to minimize disruption if the presently planned program is found to be inadequate.

Because of the urgency, I would like to be kept informed of the progress of this review by the submission of interim reports.

Sincerely,

BOB.

ANNEX B

TASK STATEMENT—PERFORMANCE SUBCOMMITTEE

Subject: C–5A Performance.

Problem: It is alleged that the range of the C–5A does not meet guaranteed values when other required items of performance are met during the defined mission for which the overall performance of the airplane is guaranteed. Further allegations have been made that the Air Force has granted many specifications deviations which have reduced performance requirements.

Assistance desired: The USAF Scientific Advisory Board is requested to advise the Secretary of the Air Force and the Chief of Staff on the overall performance of the C–5A as predicted by test results to date and as it relates to the performance requirements of the contract. Specifically, the Committee will:

1. Analyze the specification deviations/waivers that have been granted to determine if flight performance requirements have been reduced. Comments regarding empty weight and structural integrity will not be included as a part of this task statement.

2. Determine from available test data whether the flight performance guarantees will be met.

On the basis of their review, the Committee is requested to submit its conclusions regarding the degree to which the C–5A will meet contractually required flight-performance guarantees.

TASK STATEMENT—LANDING GEAR SUBCOMMITTEE

Subject: C–5A Landing Gear.

Problem: Malfunctions of the C–5A landing gear have been occurring at an unacceptably high rate in all functional modes—extension, retracting, crosswind steering and kneeling.

Assistance desired: The USAF Scientific Advisory Board is requested to review the C–5A landing gear and advise the Secretary of the Air Force and the Chief of Staff of the actions necessary to improve the reliability of the system. Specifically the committee should:

1 Review the malfunctions that have occurred to date to determine what conclusions can be reached regarding the probable causes of these malfunctions.

2 Evaluate the landing gear system design and assess the possibility of the occurrence of a catastrophic failure (a failure which would result in major damage to the aircraft).

3. Determine the adequacy and timeliness of the program underway by the contractor to improve system reliability.

4. On the basis of items 1 through 3, submit recommendations for additional actions and/or acceleration of the existing improvement program that may be required to provide a reliable system that will minimize the possibility of a major accident occurring due to landing gear malfunctions.

TASK STATEMENT—AVIONICS SUBCOMMITTEE

Subject: C–5A Avionics.

Problem: Major problems with various avionics subsystems have resulted in operating restrictions that seriously limit the C–5A use in any but the most straightforward MAC "Channel traffic" type cargo mission.

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Assistance desired: The ad hoc committee of the Scientific Advisory Board is requested to conduct a review of the C–5A avionics subsystems focusing their attention on the areas where problems have been identified and the corrective actions that are being taken. The committee will advise the Secretary of the Air Force and the Chief of Staff on the status of the avionics program, the adequacy of the development/improvement programs and the outlook and methods for achieving contractually required performance.

The committee will pay particular attention to the following avionics subsystems which have experienced difficulties during qualification/flight testing:

1. Multi-mode Radar.
2. Attitude and Heading Reference Unit.
3. Inertial Doppler Navigation System.
4. Automatic Flight Control System.
5. MADAR.
6. Radar Altimeter.

TASK STATEMENT—WING STRUCTURE SUBCOMMITTEE

Subject: C–5A Wing Structure.

Problem: To conduct a study of the C–5A wing structure, considering all structural materials and aerodynamic aspects of the failures that have occurred and the reinforcement planned for installation in all airplanes.

Assistance desired: The USAF Scientific Advisory Board has been requested to advise the Secretary of the Air Force and the Chief of Staff on the adequacy of the structural reinforcements currently being installed on the C–5A wing. The retrofit program is currently underway and the first airplane will be completed by the end of March. A report is desired as early as possible to minimize disruption if the presently planned program is found to be inadequate. Specifically, the committee will:

1. Review the available information on the static test article failure that occurred in July 1969 and the recently discovered wing center section cracks on airplane No. 3 to determine if the conclusions as to the causes of the failures are supported by a thorough and comprehensive engineering analysis.

2. Evaluate the adequacy of the proposed reinforcements at Wing Stations 120 and 577.

3. Review the presently planned component and full scale test programs to determine if they will provide sufficient test data to validate the adequacy of the wing fix.

4. Evaluate the need for the proposed T section stiffener being considered for the front and rear spar web.

5. On the basis of items 1 through 4, submit recommendations regarding continuation of the proposed retrofit program, the need for additional component/full scale testing, and the desirability of additional analysis/test of other wing areas that may be suspect from a design load standpoint as they may be exposed in the course of reviewing this particular problem.

ANNEX C

CHRONOLOGICAL LIST OF ACTIVITIES OF THE C–5A COMMITTEE

Date, subcommittee or subcommittee representative(s), and meeting site:

21–22 February 1970, Wing Structure, Lockheed-Georgia.

14–15 March 1970, Wing Structure, Lockheed-Georgia.

14–15 March 1970, Performance, Lockheed-Georgia.

9–10 April 1970, Avionics, Lockheed-Georgia.

22 April 1970, Avionics, Nortronics, Palos Verdes, Calif.

29 April 1970, Avionics, Honeywell, Minneapolis, Minn.

2–3 May 1970, Wing Structure, Avionics, Performance, Lockheed-Georgia.

4 May 1970, Chairman and Subcommittee Chairmen, Oral Briefing to Secretary of the Air Force, Pentagon.

12 May 1970, Avionics, Norden, Norwalk, Connecticut.

21–22 May 1970, Landing Gear, Lockheed-Georgia.

25 May 1970, Avionics, Aerospace Corp., Los Angeles, Calif.

5 June 1970, Avionics, Lear-Siegler, Grand Rapids, Mich.

8–9 June 1970, Avionics, Pentagon.

10 June 1970, Wing Structure, Pentagon.

11 June 1970, Subcommittee Chairmen, Pentagon.

12 June 1970, Chairman and Subcommittee Chairmen, Oral Briefing to Secretary of the Air Force, Pentagon.

Meeting statistics bearing on this report including all times, dates, places, a listing of persons in attendance and purposes therefor, together with their affiliations and material reviewed and discussed, are available in the SAB Secretariat offices for review by authorized persons or agencies.

HAROLD A. STEINER,
Colonel, USAF, Assistant Executive Secretary, USAF Scientific Advisory Board.

AMENDMENT TO END THE WAR: ECONOMICS

Mr. HATFIELD. Mr. President, I invite the attention of Senators to the second in a series of articles that I am placing in the RECORD on various aspects of American involvement in Southeast Asia. The article, entitled "How the War in Indochina Is Being Paid for by the American Public: An Economic Comparison of the Periods Before and After Escalation," was written by economist Charles J. Cicchetti for the Congress of Young Professionals for Political Action. The Congress of Young Professionals for Political Action, incorporated in May of 1970, is a group of young professionals—doctors, lawyers, businessmen, teachers, engineers, social workers—dedicated to involvement in the political process out of their conviction that U.S. military involvement in Indochina must be brought to an end. The organization is presently involved in a variety of educational projects directed toward passage of such legislative measures as Senate amendment No. 609 to the Military Procurement Authorization Act, and has future plans geared toward a much broader spectrum of political activity and involvement.

Mr. Cicchetti's research into the economic repercussions of our involvement in Southeast Asia brings to light the very direct economic effect that this war has on every public sector of the Nation.

I ask unanimous consent that Mr. Cicchetti's clear and concise study of the economic effects of the war in Indochina be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

HOW THE WAR IN INDOCHINA IS BEING PAID FOR BY THE AMERICAN PUBLIC: AN ECONOMIC COMPARISON OF THE PERIODS BEFORE AND AFTER ESCALATION

(By Charles J. Cicchetti)

INTRODUCTION

During popular wars the people of a country can be expected to "rally around the flag" and "pull in their belts" to support the actions of their government against a common foe or menace. An example of such a war was World War II. During such conflicts the President can be expected to ask the Congress to pass war taxes and to encourage the citizens to purchase war bonds. If the costs of the war still exceed revenues, the President will pay for the war by using deficit financing.

One predictable side effect of deficit financing when the economy is running at near full employment is to cause a rapid increase in prices of those consumer goods which are being produced during the war years. If the war is a popular war the President and the Congress are likely to pass laws which will institute a system of wage-price controls and price rationing to control the inflationary impact of deficit financing. That the present war in Indochina is not a popular war can be determined by the fact that no American President has asked the Congress for war taxes.[1]

The war has been financed instead by carrying large budget deficits during the period of escalation as shown in Table 1.

TABLE I

[In billions]

Year	Budgetary cost of the war in Indochina (incremental outlays)	Budget deficit
1965	$0.1	$1.6
1966	6.0	3.8
1967	18.0	8.7
1968	23.0	25.2
1969	22.0	[1] 3.2
1970	17.0	[1] 1.8

[1] Surplus.

Note: All figures are in current billions of dollars.

The inflation which most economists predicted would follow was allowed to go unchecked by failing to institute proper wage and price controls, as would have been possible during a popular war. Instead of controls, each administration has been using various combinations of fiscal and monetary adjustment without placing the full blame for the present state of the economy on the war, which no President has asked the Congress and the American people to fully finance and support.

The effect of trying to conduct a war and hide the full costs has been the creation of a situation where unemployment is approaching the old 1960 level of 5% nationally with regional and minority group levels much higher. Industrial production and corporate profits are down, the stock market is in a major slump; yet prices continue to increase at nearly a 6% annual rate and interest rates are at their highest levels in over 100 years. With the contradictory economic conditions of a war, recession, inflation, and stock market slump, the costs of the war to all Americans staggers the minds of rational men.

The supporters of the McGovern-Hatfield Amendment proposes several simple premises related to the above discussion. First, the war in Indo China is not a popular war and has never been fully supported by the American people. Second, the costs of this unpopular war have affected many if not all segments of our society and many of the effects have been hidden. Third, as all economic indicators show, most of the critical parameters are growing worse as this war drags on. Therefore, the costs are rising exponentially rather than becoming less as the President's budget would indicate. Finally, the burden of ending this war must be shared by the members of Congress who allowed an unpopular was to be conducted; and therefore, the Congress should vote to either end the war or make the continued costs of the war explicit rather than hidden.

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[1] Even the surtax of the late 1960's which President Johnson proposed and later President Nixon endorsed, was presented to the American people as a fiscal device to control inflation, not as a tax to pay for the war which was the direct cause of this inflation.

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THE HIDDEN COSTS OF THE WAR IN INDO CHINA

The escalation of the war in Vietnam began in 1965 as the incremental budget figures for the period 1965 to 1970 in Table 1 indicate. The groundwork for our present economic state was also laid in 1965. The conditions of our present economy are critically related to our increasing involvement in Indo China. Accordingly, the causal relationship between the war and our present economic conditions in various segments of the country can be determined by comparing the manner in which a set of key economic indicators changed from 1960 to 1965 with the way these same parameters changed during the years 1965 to 1970.

A. The consumer and producer

During the period before escalation, the advance in consumer prices averaged less than one percent per year or 5.2% for the entire 1960 to 1965 period, as shown in Table 2. This compares with an advance of 23% during the 1965 to 1970 period, which matched our increased involvement in Indo China. Not only were gods more expensive in 1970, but the index of all industrial production advanced at only about one-half the rate it advanced in the early 1960's before the escalation. These latter figures suggest the reason why the official language has dropped the "we can have both more guns and butter" claim.

Perhaps the greatest myth related to this war is the feeling that big business has prospered during the war. After a very rapid advance of some 12 percent per year in current dollars before escalation, business profits actually fell during the period between 1965 and 1970. Workers, who had realized nearly an 11% increase in real purchasing power during the early 1960's had to settle for an advance of less than 2% during the heightened war years.

With the rising of food prices, it might be assumed that farmers are gaining as this war continues. Nothing could be more incorrect, as shown in Table 2. Farmers, who remained at the same parity level after the 1960 to 1965 period of economic growth, will have realized a deterioration in their parity position of some 6% by the end of 1970.

TABLE II.—THE COST OF THE WAR TO THE AMERICAN CONSUMER AND PRODUCER

[Percent changes for the entire period]

	Period, 1960–65	Period, 1965–70
Index of all consumer prices	+5.2	+23.0
Index of all industrial production	+32.0	+17.6
Total corporate profits after taxes (current dollars)	+71.0	−4.1
Weekly wages in real dollars for nonagricultural sector	+10.5	+1.85
Farmers parity position (actual)	−3.8	−6.5
Farmers parity position after direct Government subsidy	0	−6.1

Note: All figures are based upon official data prepared for the Joint Economic Committee of the Congress bv the Council of Economic Advisers. The latest publications (July 1970) have been used.

B. Real weekly wages

In Table 3 the effect of the war on real purchasing power for three classes of nonagricultural labor (manufacturing, construction and retail) are shown. All sectors realized significant gains in purchasing power during the early 1960's. This increased purchasing power of labor was further increased during this period by both a tax cut and a decline in the costs of consumer credit and home mortgages. During the period of escalation, only construction workers matched their earlier gains and all workers suffered a tax increase and increased interest costs for consumer credit and home mortgages.

TABLE III.—REAL WEEKLY WAGES IN SELECTED INDUSTRIES

[Percent changes for the entire period]

	Period, 1960–65	Period, 1965–70
All nonagricultural industries	+10.5	+1.85
Manufacturing	+12.4	+1.6
Construction	+14.6	+15.8
Retail	+8.9	+1.6

Note: All data are based on official JEC statistics.

C. Unemployment

With the change in administrations, the burden of the fight against inflation and deficit financing of the war in Indo China was placed squarely on the shoulders of the American working man. In 1960 there were nearly 4 million workers unemployed, or 5.6% of the civilian labor force. During the period of economic growth of the Kennedy/Johnson years, this unemployment was reduced gradually to 2.8 million unemployed, or 3.5% of the civilian labor force in 1968, and a rate of about 1.5% for married men with a wife and family to support.

One of the reasons for the continued inflation during the Johnson years was decision on the part of the Democrats that it was either morally or politically better to finance the war with spiralling prices as the side effect rather than unemployment. The Nixon Administration perhaps in response to a different set of political forces has reversed this policy in response to declining corporate profits and a slumping stock market. The result of the changing policy and the concomitant uncertainty and apprehensions created in various segments of the economy is that the number of workers out of work has been increased by 1.2 million to about 4 million and the percent unemployment has been hovering close to 5%. The stock market continues to remain in a slump and business profits are still down. The political transition which the President claims is a natural side effect of changing back to a peacetime economy has created the worst of both worlds, as the economy now suffers from both inflating prices and a recession in employment.

D. The housing market

In Table 4 two key indicators of the availability of housing are shown. During the early Kennedy-Johnson years new housing starts increased by nearly 20% and the percentage drop in mortgage rates was over 10% of the 1960 level. During the heightened war years (1965–70) both of the housing indicators moved in the wrong direction. New housing starts fell off by nearly 13% and the percentage increase in mortgage rates was 67% to an all-time high for FHA rates. The ability of young people to purchase houses has been further compounded with the required cash down payments for conventional mortgages reaching 30% of the principal in some areas of the country in early 1970.

TABLE IV.—THE EFFECT OF THE WAR ON THE HOUSING MARKET

[Percent changes for the entire period]

	Period, 1960–65	Period, 1965–70
New housing starts	+19.8	−12.8
FHA mortgage rates	−11.3	+67.0

Note: All figures are based upon official JEC statistics.

D. The securities and finance market

The old precept of using the stock market as a "hedge against inflation" was another principle which was relegated to the forgotten myth category by the war in Indo China. As shown in Table 5, the stock prices, which advanced by about 10% per year during the early 1960's, showed a decline during the period of our increasing involvement in Southeast Asia.

The interest on prime commercial paper is another area where the comparison of these two periods shows a remarkable difference. The soaring interest rates of the escalation period are a prime indication that consumers buying on credit and firms financing new investment must pay much more in 1970 to borrow money. Most of this increase (about two-thirds) coming during the first year and one-half of the Nixon Administration.

TABLE V.—THE EFFECT OF THE WAR ON THE SECURITIES AND MONEY MARKET

[Percent changes for the entire period]

	Period, 1960–65	Period, 1965–70
Prime commercial paper (interest rates)	+13.7	+87.5
Stock market prices	+58.0	−14.3

Note: All figures are based upon official JEC statistics.

E. The elderly

If one group of our population seems to be suffering even more than others from the present economic conditions, it is the elderly of this country. With rising prices and generally fixed retirement incomes the effect of inflation is a double cross to bear for the elderly. This group also has the greatest concentration of poverty and the greatest need for medical care. With medical costs rising by approximately 12% per year recently, the elderly are bearing the costs of this war far in excess of any possible benefits they may be receiving.

SUMMARY AND CONCLUSION

In this paper there has not been a discussion of the moral or immoral consequences of the war in Indo China, of the thousands of lives and casualties suffered by Americans and inflicted by them on the people of Indo China. There has not been a discussion of the deep divisions at home that have resulted from this war and the uncertainty caused by the draft among young people between the ages of 18 and 26 to fight in a war they feel is wrong and immoral.

All of the above facts, to be sure, are very important reasons for ending the war, and even may have economic consequences. However, the war, whether it is opposed because it is immoral or supported because it involves our national interest, is costing all Americans from the rich stockholder to the poor black a great deal in terms of where we might have been today if we never had become involved in this war. The tasks of redressing our social injustices at home and providing a better life for all Americans, which we began from 1960 to 1965 and could have continued if we avoided the war in Indo China should no longer be postponed.

The hopes for the economic future are grim and the war continues. As the months go by the sorry state of the economy continues to worsen. In spite of reduced outlays for the war and troop withdrawals, every major economic indicator discussed in this paper is in a poorer position since Nixon took office as President, as compared with the last years of the Johnson Administration. Some of this is certainly inherited, as the war was inherited. More is probably due to a shifting of a greater burden for fighting the inflation produced by the war on to labor.

With a budget deficit expected in 1971 and an even bigger deficit expected in 1972, we can expect the economy to weaken even more. The Congress must come to realize these extraordinary hidden costs of foregone opportunities and economic instability, being suf-

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fered by all Americans and outlined in this paper, and move to either end the war or to go to the American people and ask for the funds to support to continue this foolhardy and unpopular venture. The prospects for the latter support are probably close to zero, which is why no President has proposed sweeping economic reforms to conduct this war and why the economy is presently in such a sorry state.

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act, and for other purposes; and

H.R. 14956. An act to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

The bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 793

Mr. WILLIAMS of New Jersey. Mr. President, I call up my amendment No. 793 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from New Jersey (Mr. WILLIAMS), for himself and others, proposes an amendment (No. 793) as follows:

On page 15, line 7, strike out "10,000" and insert in lieu thereof "15,000".

Mr. WILLIAMS of New Jersey. Mr. President, I offer this amendment for myself, the Senator from Maine (Mr. MUSKIE) and the Senator from Indiana (Mr. HARTKE).

Mr. President, this amendment to the Military Procurement Authorization bill is quite simple. It takes the Senate Committee figure of 10,000 officers and men for the Coast Guard Selected Reserve and increases it to 15,000—the approximate present strength of the Reserves.

The figure of 10,000, reported by the Committee, represents, as I understand it, a tentative figure. During hearings, testimony was not forthcoming in time to support a definite figure. However, testimony before the Transportation Appropriations Subcommittee, chaired by the distinguished floor manager of the pending bill, Senator STENNIS, demonstrated the necessity for the higher figure.

For this reason, I am hopeful of enlisting the support of members of both Committees as well as that of all Senators whose States have benefited in many ways from the excellent work of the Coast Guard and its Reserves during severe emergency and disaster situations.

I understand legislation is being drafted which will not detract from the defense mobilization capability of the Selected Reserves, but will augment, through training and peace time mobilization, their quick-response capability in natural disasters, dangerous ecological threats, and other emergencies we know the country will experience.

I believe channeling disciplined and trained personnel into environmental surveillance and emergency disaster aid is the kind of additional role we all would like to see for the Selected Reserves. This controlled transformation of an essentially military reserve force into a conservation factor, demonstrates the commitment of the Congress to improving the quality and safety of life for all Americans.

Mr. President, authorization of 15,000 is lower than the 16,590 added on the floor of the House by a large majority. This personnel ceiling will represent a total cost of $25.9 million. Surely, this investment is small in comparison with the undoubted benefits to be realized during times of national disaster or severe ecological threat.

Mr. President, my feelings about military spending vis-a-vis shortchanging severe domestic needs in housing, help for the aged, medical research and care, and education, are quite well known. My record on these issues will stand scrutiny next to that of any Senator. The question might logically be raised as to why I am now authoring an amendment that provides authorization for increased funds for the Coast Guard Reserves.

The answer to that question is as easily understood as the amendment itself. Among the greatest threats America and, indeed, the whole world faces are those of total environmental pollution—threats to the air we breathe, to the water we drink, to the food we eat, to the higher atmosphere that protects us, to the peace and quiet that restores a natural awareness of ourselves and the beauty that surrounds us. All these most basic threads in the fabric of our lives are being eroded by a multitude of disruptive, devouring and, unless checked, fatal combination of agents.

The Congress has begun to meet its responsibilities in these areas and has passed legislation calling for the abatement and eventual halting of this potentially fatal escalation of man's poisoning the world we inhabit. Part of this total antipollution arsenal is the Water Quality Improvement Act cf 1970.

This legislation designates the responsibility for ecological surveillance to the Secretary of Interior and the Secretary of Transportation. Each Secretary has jurisdiction for pollution prevention and control in his own areas—the Secretary of the Interior on inland areas and the Secretary of Transportation for navigable waterways and coastal areas. The Secretary of Transportation has delegated actual operational functioning for his areas to the Coast Guard.

Mr. President, I asked unanimous consent to have printed in the RECORD at this point in my remarks the following items: First, Executive Order 11548, explaining the various delegations of authority contained in the Water Quality Improvement Act of 1970; second, a summary of the Coast Guard's pollution and surveillance functions; third, an outline of presently expanding Coast Guard missions; and fourth, appendixes A, B, C, and D of Maritime Environmental Protection Activities of the U.S. Coast Guard. These appendixes explain the various explicit national and international responsibilities of the Coast Guard contained in the Water Quality Improvement Act of 1970, plus a cost breakdown of programs for fiscal year 1970 through fiscal year 1972.

There being no objection, the items requested were ordered to be printed in the RECORD, as follows:

DELELGATION FUNCTIONS OF THE PRESIDENT UNDER THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED

By virtue of the authority vested in me by the Federal Water Pollution Control Act (62 Stat. 1155, as amended, 33 U.S.C. 466 et seq.) as amended by the Water Quality Improvement Act of 1970 (Public Law 91–224, approved April 3, 1970), hereinafter referred to as the Act, by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SEC. 1. Delegations to the Secretary of the Interior. There is hereby delegated to the Secretary of the Interior responsibility and authority:

(a) to carry out the provisions of subsection (1)(2) of section 5 of the Act, relating to the study and investigation of methods to control the release of pesticides into the environment, including the preparation of a report on such investigation for submission by the President to the Congress;

(b) in consultation with the Secretary of Transportation, to carry out the provisions of subsections (b)(2) and (b)(3) of section 11 of the Act, referring to the determination of those quantities of oil the discharge of which, at such times, location of circumstances, and conditions, will be harmful to the public health or welfare of the United States and those which will not be harmful.

(c) to carry out the provisions of subsection (c)(28)(C) of section 11 of the Act, relating to identification of dispersants and other chemicals to be used;

(d) to carry out the provisions of subsection (c) of section 11 of the Act, relating to determinations of imminent and substantial threat because of actual or threatened discharge of oil, and relating to securing relief necessary to abate such actual or threatened discharges through court action;

(e) in consultation with the Secretary of Transportation, to carry out the provisions of subsection (j)(1)(C) of section 11 of the Act, relating to procedures, methods, and requirements for equipment to prevent discharges of oil from nontransportation-related onshore and offshore facilities;

(f) to carry out the provisions of subsection (a)(1) of section 12 of the Act, relating to the designation of hazardous substances, other than oil which when discharged into or upon the navigable waters of the United States or adjoining shorelines or waters of the contiguous zone, present an imminent and substantial danger to public health or welfare;

(g) in consultation with the Secretary of Transportation, to carry out the provisions of subsection (a)(2) of section 12 of the Act, relating to the establishment of recommended methods for the removal of hazardous substances within the meaning of subsection (a)(1) of section 12 of the Act.

SEC. 2. Delegations to the Secretary of Transportation. There is hereby delegated to the Secretary of Transportation responsibility and authority.

(a) in consultation with the Secretary of the Interior, to carry out the provisions of subsection (j)(1)(C) of section 11 of the Act, relating to procedures, methods and requirements for equipment to prevent discharges of oil from vessels and transportation-related onshore and offshore facilities;

(b) to carry out the provisions of subsection (j)(1)(D) of section 11 of the Act, relating to the inspection of vessels carrying cargoes of oil and the inspection of such cargoes;

(c) to administer the revolving fund established pursuant to subsection (k) of section 11 of the Act;

(d) to carry out the provisions of subsection (m) of section 11 of the Act, relating to the boarding and inspection of vessels, the arrest of persons violating the said section 11, and the execution of warrants or other process;

(e) in consultation with the Secretary of the Interior, to carry out the provisions of subsection (g) of section 12 of the Act, including the preparation of a report for submission by the President to the Congress.

SEC. 3. Delegations to the Federal Maritime Commission. (a) There is hereby delegated to the Federal Maritime Commission responsibility and authority.

(1) to carry out the provisions of subsection (p)(1) of section 11 of the Act, relating to the issuance of regulations governing evidence of financial responsibility for vessels to meet liability to the United States.

(2) to carry out the provisions of subsection (p)(2) of section 11 of the Act, relating to the administration of the said subsection (p).

(b) Without derogating from any action heretofore taken thereunder, the letter of the President to the Chairman of the Federal Maritime Commission dated June 2, 1970 (35 F.R. 8631), is hereby superseded.

SEC. 4. Delegation to the Council on Environmental Quality. (a) There is hereby delegated to the Council of Environmental Quality the responsibility and authority to carry out the provisions of subsection (c)(2) of section 11 of the Act, providing for the preparation, publication, revision or amendment of a National Contingency Plan for the removal of oil (hereinafter referred to as the National Contingency Plan.)

(b) Without derogating from any action heretofore taken thereunder, the letter of the President to the Chairman of the Council on Environmental Quality dated May 26, 1970 (35 F.R. 8423), is hereby superseded.

SEC. 5. Other delegations. (a) There is hereby delegated to the Secretary of the Interior and to the Secretary of Transportation, respectively, in and for the waters and areas assigned to each in section 306.2 of the National Contingency Plan (35 F.R. 8511) responsibility and authority.

(1) to carry out the provisions of subsection (c)(1) of section 11 of the Act, relating to the removal of oil discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the United States;

(2) to carry out the provisions of subsection (d) of section 11 of the Act, relating to the coordination and direction of removal or elimination of the threat of oil discharges, and the removal and destruction of vessels;

(3) to carry out the provisions of subsection (j)(1)(A) of section 11 of the Act, relating to methods and procedures for the removal of discharged oil;

(4) to carry out the provisions of subsection (j)(1)(B) of section 11 of the Act, relating to criteria for the development and implementation of local and regional oil removal contingency plans;

(5) to carry out the provisions of subsection (d) of section 12 of the Act, relating to the removal of discharged hazardous substances.

(b) The civil penalty authority of section 11(j)(2) of the Act shall be exercised by the Secretary of the Interior and the Secretary of Transportation for the enforcement of the respective regulations issued by each pursuant to delegations in this order.

SEC. 6. *Agency to Receive Notices of Discharges of Oil or Hazardous Substances.* The Coast Guard is hereby designated the "appropriate agency" for the purpose of receiving the notice of discharge of oil required by subsection (b)(4) of section 11 of the Act and for the purpose of receiving the notice of discharge of any hazardous substance required by subsection (c) of section 12 of the Act. The Commandant of the Coast Guard shall issue regulations implementing this designation.

SEC. 7. *Redelegation authority.* Secretaries of Departments and heads of agencies are hereby authorized to redelegate within their respective departments or agencies the responsibilities and authority delegated to them by this order, subject to the requirements of 3 U.S.C. 301.

SEC. 8. *Regulation.* Authority to carry out any of the foregoing responsibilities includes the authority to issue necessary implementing regulations.

SEC. 9. *Reorganization Plan No. 3 of 1970.* Upon the taking effect of Reorganization Plan No. 3 of 1970, the responsibility and authority conferred upon the Secretary of Interior by this order, including the authority conferred by reason of his designation in the National Contingency Plan, and including the responsibility to consult with other officers, shall vest in the Administrator of the Environmental Protection Agency: *Provided,* that the Administrator shall thereafter consult with the Secretary of the Interior regarding the responsibility and authority delegated by section 1(a) of this order and officers who by this order are required to consult with the Secretary of Interior shall consult with the Administrator of the Environmental Protection Agency.

RICHARD NIXON.

THE WHITE HOUSE, *July 20, 1970.*

COAST GUARD POLLUTION CONTROL FUNCTIONS

The Coast Guard has been concerned with and involved to some degree with pollution control efforts for many years. Under our general maritime law enforcement functions, we are responsible for the enforcement of various Federal laws on the high seas and in U.S. waters. These Federal laws include specific anti-pollution statutes such as the Refuse Act of 1899, the Oil Pollution Act of 1961, and the Water Quality Improvement Act of 1970 (PL 91–224). All of these involve activities of the Coast Guard. However, it was not until 1968 that a project was undertaken to assemble the various elements into one program. The first step was the creation in January 1969 of a separate Maritime Pollution Control Branch. A new program was established and elements of other programs were incorporated into it. The new program, based on existing legislation and interagency agreement, has been developed anticipating the enactment of additional pending legislation, which became reality with the signing of PL 91–224.

The Coast Guard's preventive activities include: regulatory measures aimed at prevention of spills from vessels, development and utilization of equipment to prevent spills from grounded and otherwise damaged tankers, prevention of pollution by shore facilities, formulation and enforcement of vessel sewage regulations, public education and international cooperation. We also have plans for offshore terminal regulations and are interested in vessel air pollution and the disposal of waste on the high seas. In addition, major Coast Guard programs, including Aids to Navigation, Bridge Administration, Commercial Vessel Safety, Port Safety, and Boating Safety, while primarily safety-oriented, obviously result in pollution prevention through the reduction of maritime casualties.

Coast Guard detection and response activities include: detection and surveillance of pollutant spills, investigation of pollution incidents, development and utilization of more efficient and effective cleanup methods. The National Oil and Hazardous Materials Contingency Plan is implemented by the National Response Center, pollution strike forces and administration of the Revolving Fund.

In a major effort to gain a more thorough understanding of the actual dangers presented by various pollutants, the Coast Guard carries on various pollution base line monitoring programs and also incorporates pollution research and monitoring into the Oceanographic, Ocean Station and Polar Scientific Operations programs.

The Coast Guard has traditionally emphasized cooperation with other government agencies in the national interest. This has been especially important in the pollution control field and will continue with the added thrust of the anticipated creation of EPA and NOAA. We are also aware of the Navy's willingness to provide resources for assisting in the national maritime environmental protection effort, and we are interested in arranging a cooperative allocation of responsibilities with them so as to make efficient use of all available resources.

EXAMPLES OF COAST GUARD MISSIONS WHICH ARE PRESENTLY UNDERGOING EXPANSION

1. Oceanography—Federal agencies (including DOD) as well as the business and academic communities are generating an ever-increasing demand for information concerning the physical characteristics and behavior of the oceans. Many Coast Guard vessels now assist in gathering oceanographic data in addition to performing other duties. Three Coast Guard cutters are now assigned the primary duty of conducting oceanographic surveys.

2. Aids to Navigation—Increased commercial and recreational traffic in our harbors and waterways is resulting in increased demand for facilities to aid in conducting the mariner safely to his destination. New methods of radar monitoring, harbor traffic control and obstruction marking are being evaluated with a view to reducing navigational hazards.

3. SAR—The Search and Rescue workload, particularly in connection with recreational boating, grows heavier from year to year. Education and enforcement activities must grow apace. Presently developing approaches in this area are grant in aid programs to state governments to bolster state boating safety

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programs, the development and establishment at the Federal level of minimum safety standards for boats and related equipment, and the implementation of pilot programs to precisely measure the effect of Coast Guard efforts in boating safety, so that resources may be allocated to cost-beneficial programs.

4. Marine Environmental Protection Activities—The Water Quality Improvement Act of 1970 (PL 91–224) expands the Coast Guard's regulatory authority in the prevention of marine pollution through the discharge of oil into the navigable waters of the U.S. or the waters of the contiguous zone. It directed the formulation of a contingency plan to provide for the establishment of a strike force and a system of surveillance and notice which was published by the President in June 1970. The plan specifies that the strike force shall be furnished by the Coast Guard. In Executive Order 11548 the President delegated the following authority and responsibilities to SECTRANS, who is in turn expected to redelegate them to the Coast Guard:

(a) Regulatory authority to prevent discharges of oil from vessels or transportation-related on shore or offshore facilities.

(b) Regulatory authority governing inspection of oil carrying cargo vessels.

(c) Administration of the revolving fund established to pay for government clean-up of spills of oil or other hazardous materials.

(d) Enforcement authority in the boarding and inspection of vessels and facilities for which we have regulatory responsibility.

(e) Authority to clean up spills in the coastal area which are not properly cleaned up by the spillers.

(f) Direction of efforts to remove a substantial threat of oil spillage in coastal area including destruction of a vessel if necessary.

It is in this mission area, as well as in the occurrence of natural disasters such as hurricanes and floods, that peacetime employment of the Coast Guard Selected Reserve appears most useful. Episodes of this nature would be typified by a short term requirement for manpower in excess of that normally available to the active duty Coast Guard in a specific area. Moreover, the additional manpower required must be trained in Coast Guard operating methods and must be available on short notice. The Selected Reserve in many cases would be the sole source of additional manpower meeting these criteria:

(a) Location—The Selected Reserve is an organized force already located at or near all major port/port complex sites and, therefore, ideally situated to provide support under the direction of cognizant active duty commands.

(b) Training—Port security units contain, in addition to port security/port safety skills, personnel trained in fire fighting, damage control, pump operations, boat operations, communications and law enforcement. With specific respect to oil pollution, the port security training curriculum presently used includes knowledge of Federal statutes, investigative procedures, collection of evidence, sampling and the reporting of violations.

(c) Availability—the Selected Reserve constitutes the Coast Guards's early response Reserve force for military mobilization. This quick response capability would be equally important to and available for domestic emergency.

APPENDIX A—SUMMARY OF SECTIONS 11, 12, AND 13 OF THE WATER QUALITY IMPROVEMENT ACT OF 1970 (PL 91–224)

On 3 April 1970 the President signed into law PL 91–224, the Water Quality Improvement Act of 1970. Under the terms of this Act the Congress declared it to be the policy of the U.S. that there should be no discharges of oil into or upon the navigable waters of the U.S. or the contiguous zone. Such discharges in harmful quantities are prohibited, except in certain enumerated cases. Any person in charge of a vessel or facility who has knowledge of a discharge of a harmful quantity of oil caused by that vessel or facility shall report it; failure to report subjects the violator to a criminal penalty of not more than $10,000 or imprisonment for not more than one year, or both. Any owner or operator who knowingly discharges a harmful quantity of oil subjects himself to a civil penalty of not more than $10,000 for each offense.

Within 60 days the President was required to prepare and publish a National Contingency Plan, which was required to include, among other things, (a) establishment or designation of a strike force and (b) a system of surveillance and notice, both of direct Coast Guard concern.

Whenever a marine disaster on U.S. navigable waters causes a substantial pollution threat because of a discharge, or an imminent discharge, of large quantities of oil from a vessel, the President was authorized to take control and remove and, if necessary, destroy the vessel.

The owner or operator of any vessel from which oil is discharged is liable with some exceptions for the actual cost of removal of such oil in amounts not to exceed $100 per gross registered ton or $14,000,000, whichever is lesser. The owner or operator of an onshore or offshore facility is similarly liable in an amount not to exceed $8,000,000. The law authorizes a revolving fund in the treasury not to exceed $35,000,000 to meet the costs of government cleanup and response operations.

As soon as practical the President must issue regulations: (a) establishing methods and procedures for removal of discharged oil; (b) establishing procedures and methods and requirements to prevent discharges of oil; and (c) governing the inspection of vessels carrying cargoes of oil in order to reduce the likelihood of discharges. Any operator who fails or refuses to comply with these regulations shall be liable to a penalty of not more than $5,000 for each violation. To enforce these provisions, law officers are empowered to board and inspect vessels, arrest violators, and execute warrants.

The law also contains a separate section on control of hazardous polluting substances, which calls for the development and promulgation of regulations designating as hazardous polluting substances other than oil elements and compounds which when discharged in any quantity present an imminent and substantial danger to the public health and welfare. The law also provides for cleanup and the establishment of recommended methods for the removal of such substances.

There is also a section on the control of sewage from vessels. This calls for the Coast Guard to promulgate regulations governing the design, construction, installation, and operation of marine sanitation devices. Equipment and regulations will become effective for new vessels two years after promulgation, and for existing vessels, five years after promulgation.

APPENDIX B—PRESIDENTIAL DELEGATIONS UNDER PUBLIC LAW 91–224

On 20 July 1970 the President issued Executive Order 11548 delegating to several Federal agencies the responsibilities and authorities assigned to him by the Federal Water Pollution Control Act (33 USC 466 et seq.) as amended by the Water Quality Improvement Act of 1970 (PL 91–224), which became law as of April 3. The following functions were delegated to the Secretary of Transportation, and it is anticipated that he in turn will delegate all or most of them to the Coast Guard:

1. Issuance and enforcement of regulations establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and transportation-related onshore and offshore facilities. (Parallel responsibility for non-transportation-related onshore and offshore facilities was assigned to the Secretary of the Interior, and the two Secretaries are required to consult with each other on these regulations).

2. Issuance and enforcement of regulations governing the inspection of vessels carrying oil cargoes in order to reduce the likelihood of oil discharges.

3. Administration of the revolving fund established to pay for government cleanup of spills of oil and hazardous substances and for other purposes.

4. Enforcement of the new law by boarding and inspecting vessels in U.S. navigable waters or the contiguous zone, arresting violators, and executing warrants or other legal processes.

5. Preparation of a report to Congress, in consultation with the Secretary of the Interior, on the need for legislation imposing liability for cleaning up spills of hazardous substances other than oil, and study of methods of preventing such spills, penalties, and recovery of government cleanup costs.

This Executive Order also designated the Coast Guard as the appropriate agency to receive the immediate notice of a spill of oil or a hazardous substance which the law requires a spiller to give. The Commandant was authorized to issue regulations implementing this designation.

In addition, in the areas where the Coast Guard is responsible for providing on-scene commanders for polluting spills under the National Oil and Hazardous Materials Pollution Contingency Plan the Secretary of Transportation was assigned the following responsibilities and authorities:

1. Cleanup of spills of oil and other hazardous substances which are not properly cleaned up by the spillers.

2. Direction of efforts to remove a substantial threat of oil spillage created by a marine disaster, including destruction of a vessel if necessary.

3. Issuance and enforcement of regulations establishing methods and procedures for cleanup of spilled oil.

4. Issuance and enforcement of regulations establishing criteria for the development and implementation of local and regional oil spill contingency plans.

All of these functions are in addition to those which the Act itself assigns specifically to the Coast Guard. Included in this category are assessment of civil penalties of up to $10,000 for oil spills and a variety of duties relating to control of pollution by sewage from vessels.

The Executive Order also assigned certain functions to the Secretary of Interior. Briefly, he was given responsibility for defining the quantities of spilled oil which are harmful and hence illegal under the Act, for determining what chemical dispersants may be used to clean up oil spills under the National Contingency Plan, for removing a threat of an oil spill from an onshore or offshore facility, for issuing and enforcing regulations to prevent oil spills from non-transportation-related facilities, and for designating hazardous materials other than oil and recommend methods of cleaning them up when they are spilled. These responsibilities and those conferred on the Secretary of the Interior by the National Contingency Plan will be transferred to the Administrator of the Environmental Protection Agency when Reorganization Plan No. 3 of 1970 takes effect. This reorganization plan is presently under review by Congress and would transfer FWQA to the new agency.

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The Federal Maritime Commission was given responsibility and authority for issuing regulations governing the required evidence of vessels' financial responsibility to meet their maximum possible liability for government cleanup costs.

Finally, the Council on Environmental Quality was assigned responsibility and authority for preparation, publication, and revision or amendment of a National Contingency Plan for the removal of spilled oil.

APPENDIX C—SUMMARY OF PROGRAM BUDGETS

The FY70 figures below represent the actual budget for that year. The FY71 figures comprise the basic budget request, already submitted to Congress, plus a supplemental request which has been submitted to the Office of Management and Budget but has not yet been approved by them. The FY72 figures represent the forecast stage budget submitted by the Coast Guard to the Department of Transportation, plus an estimate of the additional operating funds which will be required if the FY71 supplemental request is approved. All figures are approximate. Coast Guard programs which have little or no impact on environmental quality are not listed.

[In millions of dollars]

Program	Fiscal year—		
	1970	1971	1972
Aids to navigation	63.8	66.4	72.8
Bridge administration	9.9	.7	11.5
Commercial vessel safety	18.6	22.6	22.8
Port safety	17.5	24.7	19.2
Boating safety	6.5	9.1	10.8
Oceanographic activities	12.7	26.0	33.8
Ocean stations	36.3	28.9	86.7
Polar operations, science	5.5	5.7	6.0
Total for supporting programs	170.8	180.1	263.6
Maritime environmental protection	6.5	21.9	34.0
Total	177.3	202.0	297.6

APPENDIX D—SUMMARY AND IMPLEMENTATION OF SECTIONS OF THE PRESIDENTIAL MESSAGE OF MAY 20, 1970

On 20 May 1970 the President sent a message to the Congress entitled "Marine Pollution from Oil Spills." This message outlined a ten-point program to reduce oil pollution from vessels. Plans for implementing the parts of the program which were assigned to the Secretary of Transportation and the Coast Guard are summarized below:

Section 1. *International Conventions*—This section concerns the submission to the Senate of:

(a) An international convention on civil liability for oil pollution damage and an international convention relating to intervention on the high seas in case of oil pollution casualties.

(b) An amendment to the existing International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended; and

(c) A declaration of support particularly to the efforts of NATO's Committee on the Challenges of Modern Society concerning a planned oil spill conference in Brussels in November 1970.

The two conventions referred to under (a) will require implementing legislation, and at the request of the Department of State the Coast Guard is already engaged in drafting such legislation. In connection with the amendment to the present convention referred to in subparagraph (b), the Coast Guard is also drafting legislation to be submitted to the Congress which will bring into effect for American vessels the provisions of the proposed amendment in anticipation of later action by other nations. As to subparagraph (c), the Coast Guard has furnished, along with the Marine Science Council, one of the two members of the Steering Committee established to develop the agenda for the fall conference. Captain F. D. Heyward, Chief, Law Enforcement Division, Office of Operations, served at the two working meetings held for that purpose.

Section 2. *International Standards for Ship Construction and Operation*—As drafted, the section instructed the Secretary of State to seek effective international action to prescribe standards for the construction and operation of tankers. The responsibility for development of such standards nationally is assigned by statute to the Coast Guard. In the belief that there was no intention to derogate from this responsibility, the Coast Guard is continuing to perform the supporting role in the international field which it has performed in the past. Plans for the next IMCO subcommittee on ship design are going forward. The Coast Guard is further prepared to work closely with Department of Commerce personnel in developing specific technical standards or criteria which could form the basis for the desired international action.

Section 3. *Ports and Waterways Safety Act*—This section covers proposed legislation drafted by the Coast Guard and forwarded to the Congress by the President which will provide permanent broad authority for the issuing of regulations necessary for the control of ship movement and operations, as well as for the supervision of cargo movements at the ship-shore interface. Two bills, H.R. 17830 and S. 3918, have been introduced and referred to appropriate committees in the House of Representatives and the Senate. Hearings on H.R. 17830 were initiated by the House Merchant Marine and Fisheries Committee on 22 July. Although the bill addresses itself to safety requirements in general, it will provide an additional weapon in the Coast Guard arsenal to insure that adequate measures are taken to prevent pollution by oil as well as by other pollutants.

Section 4. *Increased Surveillance*—This section calls for a program of increased surveillance and enforcement by the Coast Guard to detect violators of oil pollution laws and regulations, including a call for citizen participation in detecting and reporting spills to the Coast Guard. The Coast Guard's FY 71 supplemental appropriations request includes funding for additional personnel, equipment, and aircraft for this purpose. A *Commandant Instruction* directing the organization of public reporting systems is in final draft. An extensive R&D program is under way, aimed at developing remote electronic sensors; when completed, this program will materially increase our ability to detect violators. Additional enforcement personnel have been requested for selected port areas throughout the country.

Section 5. *Harbor Advisory Radar Systems*—This section calls for the establishment of harbor advisory radar systems at major U.S. ports to aid in ship traffic control in congested waterways. There is already a prototype system in San Francisco. Monies for systems for Houston and New York are requested in the FY 71 supplemental appropriations request; the systems should be in operation by the end of CY 72.

Section 6. *Research and Development: Emergency Oil Transfer and Storage Systems*—This section covers the accelerated program of research and development on oil containment and cleanup including development and subsequent establishment of an emergency Air-Deliverable Anti-Pollution Transfer System (ADAPTS) on each coast to permit the off-loading of oil from stranded tankers. Prototype testing of the ADAPTS will be completed this summer; two sets are on order in the FY 71 budget (including the amendment), one each for the east and west coasts. An additional set is being requested for FY 72 for the Gulf coast (this system may be relocated to Alaska if required).

Section 7. *Cooperation of Private Industry and Port Authorities*—Coordination of the effort to accomplish this section has been assigned to the Secretary of Commerce with the assistance of the Secretaries of Interior and Transportation. The reception facilities referred to are derived from the requirements of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954. This Convention has been implemented in this country by the Oil Pollution Act of 1961, which is administered and enforced by the Coast Guard. In order to insure the accomplishment of the aims of section 7, we have undertaken a survey of reception facilities now available throughout the country. With this information in hand, this Department is prepared to help identify the needs of various port areas and to do its part in assisting the implementation of section 7.

Section 10. *Financing Cleanup Operations*—This section covers the establishment of a $35-million revolving fund to finance cleanup operations in the event of oil spills, as provided in the Water Quality Improvement Act of 1970. Regulations for administering the fund have been drafted by the Coast Guard, as has a proclamation declaring the existence of a contiguous zone. The FY 71 supplemental appropriations request includes money for the fund.

It is anticipated that the implementation of the various sections will be accomplished within the following time periods:

Section 1:

(a) IMCO Conventions—December 1972.

(b) Oil Pollution Convention Amendments—July 1972.

(c) CCMS Oil Spill Conference—November 1970.

Section 2: (a) Ship Construction Standards—December 1972.

Section 3: (a) Port and Waterways Safety Act—July 1971.

Section 4: (a) Increased Surveillance—February 1971.

Section 5: (a) Harbor Advisory Radar Systems (two port areas)—December 1972.

Section 6: (a) Air-Deliverable Anti-Pollution Transfer Systems—December 1972.

Section 7: (a) Port Reception Facilities (determination of needs)—July 1971.

Section 10: (a) Revolving Fund—December 1970.

It should be noted that implementation of the assigned sections is dependent on some basic assumptions, including:

1. The fiscal year 71 supplemental appropriations request will be approved. (Slippage in this approval will result in slippage of fund-dependent items by the same amount of time as budget action slips beyond August 1, 1970.)

2. The Senate will give prompt advice and consent to the pending amendment to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended; and implementing legislation will be passed in the first session of the 92nd Congress.

Mr. WILLIAMS of New Jersey. Mr. President, it is quite clear that the Coast Guard is now carrying out large and expanding programs in ecological surveillance. Their responsibilities are clearly both changing and expanding. However, as insertion No. 3 makes clear, personnel for major disaster assistance and for pollution control and clean-up must come from individuals who are trained in the proper methods. The outline says:

It is in this mission area, as well as in the occurence of natural disasters such as hurricane and floods, that peacetime employment of the Coast Guard Selected Reserve

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> appears most useful. Episodes of this nature would be typified by a short term requirement for manpower in excess of that normally available to the active duty Coast Guard in a specific area.
>
> Moreover, the additional manpower required must be trained in Coast Guard operating methods and must be available on short notice. The Selected Reserve in many cases would be the sole source of additional manpower meeting these criteria.

These criteria, Mr. President are: Location, training, and availability.

A look at the dollar totals being spent on some of the weapons systems we are now considering leaves a man absolutely aghast. ABM, Poseidon, C–5A, F–111A, nuclear frigates—all will be costing us this year, at least $20 billion, and if past is indeed prolog, billions more than this figure.

The total cost for the Coast Guard Selected Reserves, who will be trained and available to meet emergencies we know will come, is $25.9 million. The cost of this investment is so comparatively small when looked at in relation to a Camille, or a Santa Barbara Channel, or a Celia, or a *Torrey Canyon*.

Mr. President, we all know the magnificent services rendered by the Coast Guard and its Reserves during various natural and ecological disasters. There is not a Senator here whose State has not directly or indirectly been aided by their continuing to carry out their missions.

Passage of this amendment serves both national security and environmental protection. We have an established force to police enforcement of our environmental protection laws. Let us provide it with the resources to do that job for us all.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I am happy to yield to the Senator from Maine.

Mr. MUSKIE. As the Senator knows, I agreed to cosponsor this amendment because of my appreciation of the additional responsibilities that have been given to the Coast Guard under the Water Quality Improvement Act, which was signed into law in April of this year. The provisions of that act with which the Senate is most directly connected are the provisions designed to impose liability for the cost of cleanup of oil spills. There are other ecological responsibilities with which the Coast Guard will be concerned.

One of the great frustrations about the oil spillage problem is that, although the Water Quality Improvement Act imposes absolute liability for the cost of cleanup, once a spill occurs, in many cases the damage that develops is irreversible.

A second problem that is involved—one in which the Coast Guard could, I think, exercise some useful responsibility and action—is in protecting against the navigational hazards that can result in oil spills. The 1970 law, the Water Quality Improvement Act, imposes absolute liability except where a spill is solely the result of an act of God, for example, or an act of war. In these cases, liability is lifted. These are the areas within which the Coast Guard could usefully operate.

One of the reasons why many of our laws dealing with environmental protection and improvement have not been as effective as they might be is the manpower shortage. And this obtains across the board. The manpower ceilings imposed during the last year or two have directly limited and inhibited environmental improvement agencies from doing the job which the Congress has given them to do.

Here, in connection with ecological hazards on the oceans and the shorelines—an area within which the Coast Guard has developed expertise and traditions and know-how—there is a manpower problem. It seems to me that the Senator's amendment is directed to it. I am not sure as to the numbers, but I do know that we need more manpower to do this ecological job, and it is for that reason that I supported the Senator's amendment.

This is an authorization bill. The numbers can be worked out. The responsibilities can be worked out. But I think it would be useful for the Senate to give this evidence of its conviction that we need to attack the manpower problem in dealing with ecological problems as well as the money problem or other related problems.

I am happy to support the Senator's amendment, and I congratulate him for offering it.

Mr. WILLIAMS of New Jersey. The support of the Senator from Maine is most significant, and of course it is greatly appreciated by me.

I am sure that this area is one in which the Coast Guard, with its training and background, can have a highly beneficial effect on a massive problem. As the Senator has said, sufficient personnel is not available to meet troublesome situations in ecology on the water.

Mr. MUSKIE. One of the great oil spills which have triggered this great public concern about the dangers from oil was the *Torrey Canyon* disaster. That was related to navigational hazards, either the product of negligence of the ship and its operators, or natural hazards. I would not attempt here to make a legal judgment as to which, but it was in the area of navigational hazards, an area within which the Coast Guard operates.

It sems to me, in accordance with the mandate which we imposed upon the Coast Guard in the act signed by the President into law in April of this year, that we must be sensitive to the additional burdens that the Coast Guard now has in this field. That is the problem to which the Senator's amendment is addressed.

Mr. WILLIAMS of New Jersey. I thank the Senator from Maine.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. GOLDWATER. Mr. President, I want to congratulate the Senator from New Jersey for having offered his amendment. I think it is a needed amendment.

I was in complete disagreement with the head of the budget when they suggested cutting out the Reserve of the Coast Guard. We seem to forget in this country that the Coast Guard is part of our armed services, and it is a voluntary organization which has performed a very valuable job for many, many years.

I probably have closer acquaintanceship with this organization than many other Members of this body, because I happen to have a boat, and I use it, and I depend upon these people, both Active and Reserve. The work that the reservists have done throughout the country, in almost every State, has been a great contribution to boat safety.

The Senator may not realize it, but the State of Arizona has the largest per capita boat population of any State in the Nation. When I think of the good work these reservists have done there in organizing boat squadrons and power squadrons and teaching boat safety to us desert rats, who do not know what good water looks like, let alone boats, I think we should be encouraging the Coast Guard rather than discouraging them.

I am happy to support the Senator's amendment, and I hope that the chairman, in his wisdom, would carefully consider it.

Mr. WILLIAMS of New Jersey. I certainly appreciate the important contribution and support of the Senator from Arizona.

It does, of course, come as news to some of us in the coastal areas that boating is such a major activity in Arizona.

Is Lake Havasu in Arizona?

Mr. GOLDWATER. Lake Havasu is on the Colorado River. Of course, California lays claim to any water near it, so part of the lake is in California, the part west of the threadline of the river.

The boating comes about because of manmade lakes. We have five within an hour's drive of the capital city of Phoenix. We have several others in other places in the State.

When I talk about the per capita boat population, I am not talking about yachts. I am talking about 14-, 16-, and 18-foot boats with outboard motors. On Friday afternoon, one can fly over Phoenix, and every road leading to a lake is bumper to bumper with families and their little boats.

The Coast Guard Reserves are the ones who voluntarily give their time to teaching boat sailing.

Mr. WILLIAMS of New Jersey. For one who has had rare occasion to go to Arizona, I will have to correct my impression. I thought it was pretty much high and dry.

Mr. GOLDWATER. I might say that it is both high and dry. Where I live, we average approximately 7 inches of rain a year. We get as much as 40 inches in some parts of the State. The elevation of the State runs from 150 feet above sea level to more than 12,000 feet above sea level. It is a dry State, but we have lived by learning how to conserve water and learning how to fend off California as she constantly borrowed our water.

Mr. WILLIAMS of New Jersey. It seems to me that what we are trying to do by my amendment is to restore personnel level for the Coast Guard Reserve so that trained men can be available should the interior of the country

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be stricken by any emergency that threatens or has actually occurred.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. STENNIS. Mr. President, I believe the case for the amendment has been overproved already.

I am glad the Senator has offered this amendment. I am going to give my reasons, and I am going to recommend to the Senate that the amendment be agreed to. I do want to give the reasons, a little background, if the Senator will yield to me.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question before he yields to the Senator from Mississippi?

Mr. WILLIAMS of New Jersey. Yes.

Mr. PROXMIRE. I would like to know if the Senator has any estimate of the cost involved.

Mr. WILLIAMS of New Jersey. The total personnel cost for this Reserve will be $25.9 million for 15,000.

Mr. PROXMIRE. That is the annual cost?

Mr. WILLIAMS of New Jersey. Yes.

Mr. PROXMIRE. I thank the Senator.

Mr. WILLIAMS of New Jersey. I would say, before yielding the floor and looking forward to the statement by the Senator from Mississippi, that I was encouraged to develop the amendment right from the start by the able floor manager of the bill, the Senator from Mississippi, and I very much appreciate his cooperation.

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Mr. STENNIS. Mr. President, as I said, I am going to recommend that the Senator's amendment be agreed to, and now wish to give its background.

For fiscal 1971, the Budget Bureau sought no authorizing legislation for the strength of the Coast Guard Reserve. In other words, they dropped it, and that dropped the money out except over in the Transportation bill they did request $10 million to accomplish the phaseout of the Coast Guard Reserve program. The law with reference to that sets the manpower strength of the Coast Guard Reserve. The appropriations for it are in the Department of Transportation. I happen to be chairman of that subcommittee. The Senator from Colorado is a valuable member of it also. I learned for the first time the details about the Coast Guard, when I became chairman of the appropriations subcommittee and I have never been more impressed with an organization which I found in its manpower to have talent and dedication, which made careful use of the expenditures of the dollars entrusted to it. I also found a very fine group of young men in the training schools, young men of talent—some of them high school graduates and some of them beyond that. They were all young men of purpose and resourcefulness, and they worked hard. I was tremendously pleased with what I learned. Their commissioned and noncommissioned officers are very high in morale.

I was shocked when I learned that these reserves had been left out altogether, but I found one factor that had a bearing on it; namely, the reserves have not been called up in a long time for any kind of special duty.

Mr. President, the law should be expanded and more activities delineated in the law so that these men could be called up for some kind of special service. Something along that line will be forthcoming, I am sure, before long.

However, when we marked up the bill, we did not have any testimony before us as to actual need, but if we were going to continue the Coast Guard we had to put in 10,000 as a token figure, as the Senator suggested, with the idea of getting proof. Since that time the Transportation Subcommittee has developed the facts with reference to the program and to the need for a definite response. The testimony shows the need for a minimum of 15,000 men. That is the testimony the Armed Services Committee was expecting but did not have when it marked up the bill.

Thus, it is in keeping with that situation that, as chairman of the committee, I can recommend to the Senate that the amendment be agreed to.

The estimated cost is right about the figure already quoted, a little over $25 million. It is already $10 million in the Department of Transportation bill this year, but that was for the phaseout which will not happen if Congress intervenes. So it will be about $15 million over the budget if the Appropriations Committee allows that item. I do not know where we can make a better investment in trained manpower, in training for emergencies, in training for most anything, in training for more and more activities that are being placed upon them by law. The reserves I have come in contact with have been extraordinary men, a real asset to the Federal Government and the people of this country, particularly in the fields for which they might be called.

I hope that we can expand the law in keeping with their new duties and expand the purposes for which they can be called.

Thus, Mr. President, I recommend adoption of the pending amendment.

The PRESIDING OFFICER (Mr. SAXBE). The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 816

Mr. PROXMIRE. Mr. President, I call up my amendment No. 816 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the bill insert a new section, as follows:

SEC. 507. No funds may be authorized or appropriated to or for the use of the Armed Forces of the United States for the production of any weapons systems until the Secretary of Defense has submitted a report to the Armed Services Committees and to the Appropriations Committees of the Senate and the House of Representatives indicating the degree to which the Department of Defense has complied with the following conditions:

(a) that exploratory and advanced development of selected subsystems and components of the weapons system have taken place independently of the development of the weapons system;

(b) that Government laboratories and contractors have been used to develop selected subsystems and components on a long-term level of effort basis;

(c) that competitive prototypes have been used in addition to or in lieu of paper studies;

(d) that production schedules will be selectively lengthened, long-range production will be contracted for, and new models of the system will not be produced without specific authorization by Congress;

(e) that concurrent development and production do not take place and that a small number of development prototypes have been developed and fully tested and successfully demonstrated;

(f) that detailed cost studies establishing that modifications to existing weapons systems still in production or previously in production will not provide sufficient capability at a lower cost;

(g) that elements of the systems or subsystems do not include "gold plating";

(h) that the type of contract selected is the most appropriate for development and the assessment of the technical risks involved in the weapons system;

(i) that the requirement for formal contract definition is not involved where it is inapplicable to the weapons system development;

(j) that maintainability and reliability have been assured by means other than detailed documentation by the contractor as a part of the design proposal;

(k) that appropriate planning occurred early in the development cycle for test and evaluation, and that procedures were followed for an effective transition to the test and evaluation phase; and

(l) that a total packaged procurement contract for research, testing, development, and/or production was prohibited.

Whenever the Committee on Armed Services of the Senate or the House of Representatives or the Committee on Appropriations of the Senate or the House of Representatives determines that one or more of the conditions described above have not been complied with by the Department of Defense in the case of any weapons system, that committee shall state in any report prepared by it on any legislative bill authorizing funds for the production of such weapons system or any bill appropriating funds for the production of such weapons system that such condition or conditions have not been met by the Department of Defense.

Mr. PROXMIRE. Mr. President, the purpose of the amendment that I have called up is to put into effect the so-called fly-before-you-buy recommendation of the Fitzhugh Commission, a so-called blue ribbon commission which has made its report to the Secretary of Defense.

It is also the principle that has been enunciated by the Secretary of Defense this year and last year. Last year he called it the milestone principle. This year he has called it the fly before you buy.

Fly before you buy is a very sound notion that before we move into the production of a weapons system it should be thoroughly tested so that the defects have been corrected and so that we may know how much the production cost is likely to be and so that the leadtime would be reduced and the performance would be adequate.

Everyone agrees on the wisdom of the principle. The Secretary of Defense, I think, has made a fine contribution toward better procurement in the future by stating that he intends to pursue this policy.

The difficulty, however, is although defense has announced that policy of fly before you buy, they depart from it on a number of important and substantial procurements. So what the amendment tries to do here is to require that whenever there is a departure from this principle, the Defense Department reports to the appropriate committees—that is, the Armed Services Committees and the Appropriations Committees of the House and Senate—as to the reasons why they are not following this principle of testing before moving into production, or the so-called fly before you buy.

Mr. President, I have been very critical of the Fitzhugh Commission, its membership, and the procurement portion of the report of the Fitzhugh Commission.

I made a speech in the Senate recently detailing my criticisms and objections to those portions of the report dealing with overruns, procurement, and weapons system buying.

This recommendation in the report is, I think, a wise one. That is the recommendation that in the procurement of military weapons the Pentagon should fly before they buy, or to put it another way, develop fully tested and fully working prototypes before hundreds of millions or billions are spent for production. The point is to make certain, through the development of prototypes and full testing, that the bugs are out of the system before the production runs begin. This obviously was not the case with the C–5A, with the TFX, with a score of missiles, with the MBT–70 tank, and with numerous other weapons systems which universally have cost more than the original estimate, which are delivered a year or two too late, and which fail to meet their specifications.

There are some ironic facts about the fly-before-you-buy recommendation. First of all, I thought that the policy was already in effect. About a year ago at a time the Department was under great criticism for its vast deficiencies in procurement, it announced that it was turning to the Milestone system of procurement. Milestone merely meant that the Department would proceed, stage by stage, to research, development, contract definition, and production of weapons. It was a fly-before-you-buy policy. It was announced with considerable flair. As a result, I thought the Defense Department was already following the policy.

My best judgment is that one of the Department's public relations officers, for whom we pay at least $40 million a year, devised a new slogan. "Fly before you buy" is certainly snappier than "Milestone." It has been worth 2 or 3 days of publicity and has obscured, to a very considerable degree, the deficiencies of many of the procurement aspects of the report and the controversy over many of the proposals for the reorganization of the services and the Chiefs of Staff.

But the real test is: Do they mean it? Do they really mean business?

I have gone to the Fitzhugh report where on pages 74 and 75 I find a dozen recommendations which are designed to carry out the fly-before-you-buy policy which the Department has embraced so enthusiastically. I have taken those recommendations, almost precisely as given in the Fitzhugh report, and I have drafted an amendment to implement them.

The amendment requires that before any weapons system can go into production, the Secretary of Defense must submit a report to the Armed Services and the Appropriations Committees of the House and Senate indicating the degree to which the Department has complied with the Fitzhugh recommendations which make up the "fly before you buy" policy.

The requirement to send the report to both the Armed Services and the Appropriations Committees is important because systems are authorized by the Armed Services Committee but funded by the Appropriations Committees.

The requirement that the Secretary of Defense should make the report, rather than the individual services, is an effort to give the Secretary some means of enforcing the "fly before you buy" recommendations during the research, testing, and development stage of a weapons system.

The amendment does not prohibit the authorization or funding of the production of the weapons system if the service has failed to follow the "fly before you buy" conditions. There may be a number of reasons in any one case why a particular condition is inappropriate impossible to fulfill or unnecessary. But where Armed Services or Appropriations Committees have authorized or funded the production of a weapons system and where the fly before you buy conditions have not been met, the amendment requires that the committee state that fact in the report on the bill which authorizes or funds the production of the weapons system.

May I point out that the statement would be involved only when a request was made to authorize or fund production of the weapons.

In my statement on the Senate floor, I proposed certain questions to the distinguished chairman of the Armed Services Committee (Mr. STENNIS) which grew out of the fact that many of the weapons systems authorized in this bill were originally asked for by the Pentagon before prototype had been tested and before research and development had been completed. I was pleased to note that in case after case, the Senate Committee on Armed Services had cut out or cut back on funds where the Pentagon had asked for production funds before the weapon was adequately tested. I commend the chairman for that action.

There were exception, however, as we all know, in the committee's recommendation. One of the most conspicuous exceptions, of course, was the ABM. The whole argument, or at least one of the principal arguments last year for going along with phase I, the first two sites, was that then we could test ABM at those sites to determine whether it was practicable. This was exactly what the Secretary of Defense asked us to do.

Now the committee has proceeded with phase II, or site three, without "flying before we buy" and without testing at those two sites before proceeding.

Even through the Pentagon has had the Milestone system in effect for over a year, it is clear to me that on weapon after weapon they have wholly disregarded their own "Milestone" or "fly before you buy" policy.

My amendment, therefore, is necessary if we are to transform public relations gimmicks into effective policy, and to make the distinction between form and substance.

Let me say a word or two about the specific recommendations of the Fitzhugh Commission which form the 12 conditions in this amendment on which the Secretary of Defense must report.

The Fitzhugh Commission recommended: First, that exploratory and advanced development of selected subsystems and components of weapons systems should take place independently of the weapon system itself.

Mr. President, let me add that the Fitzhugh Commission consisted of 15 members, two of whom dropped out. Of the remaining 13 members, a substantial number—I believe seven—were either top executives or very important officials of defense contracting firms. These are people who are very sympathetic with the problems of defense contractors and who also have long and substantial practical experience in dealing with defense contracts.

They feel that this kind of principle should be put into effect, but that it should be put into effect in terms of specific recommendations which I have written into my amendment. This exploratory or advance development of selected subsystems should take place independently.

That is an important point. On hearings held before the Subcommittee on Economy in Government of the Joint Economic Committee on weapons systems, we found that the avionics systems for planes, the radar for ships, and the weapons and sonic systems on the new destroyers were often highly deficient when delivered to the weapon for inclusion in the system. These should be tested and ready to go before they are delivered as components for a ship or plane or tank.

Second, that Government laboratories and contractors be used to develop selected subsystems and components on a long-term level of effort basis.

That, too, is important. There are far too many crash programs for important and vital components of major weapons.

Third, that competitive prototypes be used in addition to or in lieu of paper studies.

It is important that prototypes be used instead of paper studies. No one can really tell how a system will work until it is built.

It is also true that whenever possible, it is good to have competitive prototypes;

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namely, that more than one company build a prototype before production. But on huge weapons, such as the B–1 bomber, which I do not think should be built in any case, or on a major ship, competitive prototypes may be far too expensive.

Fourth, that production schedules be selectively lengthened, that long-range production be contracted for, and that new models of the system not be produced without specific authorization by Congress.

This is very important. We have far too many crash programs. We have far too many weapons systems which have taken on all the aspects of the yearly models of the automobile business. We have also seen the Defense Department shift to the second or third version of a system or a new model of the system without adequate authorization by Congress. At times what is said to be a new model is really a means of spending many billions on a new system without effective control.

Fifth, that concurrent development and production do not take place, until at least a small number of development prototypes have been developed and fully tested and successfully demonstrated.

This is the heart of the fly before you buy policy. Development must come before production. They must not be concurrent, except in the most unusual circumstances,

Prototypes should be developed, tested, and demonstrated successfully before production.

Equally important is that only a small number of prototypes be developed. It is obviously improper to build 25 or 50 fighter planes as prototypes before production. That merely gives the service an argument that so much has been spent already that production must follow in any event.

Sixth, that detailed cost studies be made to establish that a modification of an existing system would not be cheaper to produce and provide sufficient capability than an entirely new system.

I think this recommendation is good and an obvious one. This may help stop the rushing into a new model of a weapon or new weapons while the old one is fundamentally good.

Seventh, that gold plating be eliminated.

That is, providing a much higher performance than is required by contemplated combat conditions.

Of course, this has been policy for some time, but it needs to be watched on every weapon. It is a policy which needs enforcement and needs to be applied to all weapons. Some of them are so complicated and so sophisticated that they not only cost more money but also do not work.

Eighth, that the type of contract selected is the one most appropriate to develop and assess the technical risks of the weapon.

That, of course, is an obvious recommendation.

Ninth, that the requirement for contract definition not be invoked where it is inappropriate.

That, of course, is a sensible recommendation. But it must not be used to avoid the contract definition stage when it is needed.

Tenth, that maintainability and reliability be assured by means other than documentation during the design proposal stage.

We want proof that a weapon is reliable and can be maintained easily. That proof should be more than the paper work or initial design of the contractor. If such condition had been in effect and the prototype recommendation in effect for our tank program, much of the lack of reliability would have been avoided.

Eleventh, that planning for testing and evaluation occurred early in the development cycle, and that procedures were followed for an effective transition to the test and evaluation phase.

That is an obvious recommendation.

Twelfth, that total package procurement be prohibited as a means of contracting for weapons systems.

That, Mr. President, is music to my ears. I believe I was the first one to criticize total package procurement. Yet Assistant Secretary of the Air Force Charles insisted that it was a great system of procurement even after we had uncovered the $2 billion overrun on the C–5A.

Since I called for the elimination of total package procurement myself, because like so many other methods it was both inherently bad and a public relations effort, I welcome the Fitzhugh recommendation on that point, which comes more than a year after the Defense Department castigated our efforts to do away with it.

I commend the amendment to the Senate. If the Defense Department really means business, they will support this amendment. In the vernacular, they now have the chance either to fish or cut bait.

Mr. President, I wish to give some examples of weapons where it appears "fly before you buy" has not been used.

M60AI TANK

There has been a lot of trouble with tanks. What about the M60AI tank? It is in production at about 30 a month. More money is asked for—page 23, report. But improvements are needed. Should we not get a completed prototype, fully tested and workable, before we continue production?

MBT–70

What about this tank? Do we have one or two prototypes fully tested and which really work? I noted that we are asked for $41 million for "advanced production engineering" in addition to R. & D. funds—page 24.

Is it not a fundamental principle that we should build one or two of these weapons first and fully test them before moving into production? At least, is that not the fundamental meaning of "fly before you buy"? But, under the tank programs, it appears that we have been moving into production while the tanks are still not fully tested, and unworkable? Should we not apply fly before we buy to the tanks?

AX

What about the AX—the close air support aircraft? The report states—page 24—that $27.9 million is requested to initiate development. Has it been fully tested? How many prototypes were there?

TOW MISSILE

Report, pages 25–26—Does the TOW really work? We are authorizing $113 million for production. Is it not a duplication of the Shillelagh? Why is it needed now? But, particularly, how can we go ahead and comply with the principle that the Secretary of Defense has enunciated, which Americans have been told we are putting into effect in our Defense Department, of "test before you buy" or "fly before you buy," when we are asked to authorize $113 million for production, when we are not assured that this missile works?

F–15 AIR FORCE FIGHTER

Apparently there is $370 million for R. & D. for the F–15 in this bill. But it will apparently be operational in the mid-1970's. How many planes are there under the R. & D. portion? Will we really have one or two prototypes fully tested before it becomes operational? Or are we just moving ahead with a large number of R. & D. planes in the hope that we will get the bugs out later?

Of course, that is another question. We certainly do not want to get into the position of saying that we are only going to have research and development and then find that the prototype concept has been extended to such a point that we are actually producing many planes as prototypes because this is the one way we can justify going into production before we finish testing. It is true that we have to have some prototypes, but they should be one or two or three and not an indefinite number.

If we have an indefinite number, we are then not following the fly-before-you-buy principle, but are going into production before we have tested the equipment.

F–14 NAVY FIGHTER

Here is a real question. Apparently we are building some 26 of the F–14's while we are testing. What about the fly before we buy policy here? Page 27, report. A third of the money is for R. & D. Two-thirds is for production of 26 F–14A aircraft. Should not we produce a few prototypes, fully tested and fully workable, before rushing into production?

What about other programs?

B–1 BOMBER

Here is an example of fly before you buy, but it is not intended to build seven planes? Why are not two or three enough? The XB–70 was stopped after two were produced. Why do we need seven B–1's to test it?

S–3A CARRIER-BASED ANTISUBMARINE AIRCRAFT

How many of these are we asked to fund for production? Have they been tested? Do they work? Are we moving into production before adequate testing? Does the fly-before-you-buy principle apply here?

MISSILES: CONDOR, MAVERICK, AND SPARROW F

I note that the committee is cutting back on funds for these programs because they need additional research and development. I commend the committee heartily on that action. But why did not

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the Pentagon apply the fly-before-you-buy policy here? I am pleased that the committee is doing this, even though the Pentagon recommended them.

CHAPARRAL, IMPROVED HAWK, LANCE

These three missiles are apparently new or newly developed. Has there been a fly-before-you-buy policy on these? Pages 43–44.

SPARROW AIR-TO-AIR MISSILE

I note on page 46 of the committee report that the committee recommends a reduction in the funds for the AIM–7F on grounds that we need additional development before a significant buildup in production.

That looks as if the Navy asked for production funds before it had been fully tested. The committee refused to go along. I commend the committee. Did the Navy fly that one before it urged Congress to buy it?

SIDEWINDER

What about Sidewinder? The committee report—page 47—says it has an expanded acquisition mode plus new solid state electronics for greater reliability and repairability. That sounds as if it did not work very well in the past. Was it fully tested first?

PHOENIX AIR-TO-AIR

We are asked to authorize $101 million for procurement. But we are also asked for $8.5 million in R. & D. Have we had workable prototypes fully tested? From the report it looks like they are still testing.

STANDARD MISSILES

According to the report—page 47—these replace Tartar and Terrier. Is the money for procurement or for R. & D.? Has Standard been fully tested? Does it meet the fly-before-you-buy principle?

SUBROC

Does it work? Is the money for procurement or for testing? Does it really work?

CONDOR (NAVY)

The committee is knocking out $28.9 million in procurement money because this weapon needs more research and development. Did the Navy ask for the procurement money before it was fully tested? What about fly before you buy for Condor? Apparently the Navy Department did not do that. I commend the committee for its action.

SHIPS

We have a vast new shipbuilding program. Many of them are under a "system contract" with companies designing them and building them without completing prototypes.

What about the destroyers—DD 963? Do we build prototypes there? We authorize $459 million for six ships. Why not build one prototype first?

LHA (GENERAL PURPOSE ASSAULT SHIP)

We fund two and go for leadtime on two more. According to the table on page 59 of the report, it appears that eight are authorized. What about fly before we buy the LHA?

DLG

What about the DLG guided missile frigate? Last year we authorized one and go for four more this year. Has the one been fully tested? Does it work?

MSO MINESWEEPERS

What about the MSO minesweeper? We approved 10 last year and five more this year. Has prototype been built and fully tested?

These are some of the examples from the report which indicate that in some instances the committee seems to be going ahead and providing production money even though tests have not been completed. It seems there are numerous cases in which the Department has requested production funds where the committee has wisely and ably stepped in and said the production money will not be available until testing is completed.

I commend the committee under those circumstances, but the Defense Department has not been following the policy which it has enunciated, and that is that the Congress, the Armed Services Committees and the Appropriations Committees, should be notified in advance before they depart from the "fly-before-you-buy" principle.

AMENDMENT NO. 789

Mr. SCOTT. Mr. President, I send to the desk an amendment and ask that the clerk state it.

The PRESIDING OFFICER. An amendment is already pending.

Mr. SCOTT. Mr. President, will the Senator from Wisconsin agree that his amendment may be temporarily laid aside so that I may bring one up, as to which I understand there is no contest?

Mr. PROXMIRE. Yes, with the understanding that my amendment will become the pending business immediately after the amendment of the Senator from Pennsylvania is disposed of.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the amendment of the Senator from Pennsylvania.

The legislative clerk proceeded to read the amendment.

Mr. SCOTT. Mr. President, I ask unanimous consent that the reading of the remainder of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 789 is as follows:

AMENDMENT NO. 789

Forces, and for other purposes:

At the end of the bill, insert the following new section

"SEC. 507. It is the sense of the Congress that—

"(1) any department or agency of the United States Government making appointments in the competitive service should, in filing vacant positions within such department or agency, give priority consideration to employees holding career appointments in the competitive service who are being displaced from their present positions in the Department of Defense or other department or agency as the result of reductions in force;

"(2) the heads of each such department and agency should implement, to the fullest extent practicable, the memorandum of the President, dated April 24, 1970, requiring that 'each department and agency must accept responsibility for assuring that qualified displaced employees are given full and sympathetic consideration when vacancies are filled'; and

"(3) the heads of each such department and agency should cooperate fully with the United States Civil Service Commission in carrying out the Commission's displaced employee program, which is designed to insure priority treatment of displaced Government employees."

DAN MITRIONE

Mr. SCOTT. Mr. President, I yield to the distinguished Senator from Indiana (Mr. BAYH) without losing my right to the floor.

Mr. BAYH. Mr. President, I appreciate the courtesy of the distinguished minority leader.

Mr. President, for myself and on behalf of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Pennsylvania (Mr. SCOTT) I submit a resolution in tribute to Dan Mitrione, of Richmond, Ind., whose long and distinguished career of public service to his city, his State, and his Nation has ended so tragically while he was serving abroad.

His life was full of meaning and purpose.

His death, in contrast, was senseless and a contradiction of the very principles for which he lived and worked.

The final chapter has been written. We can now only share in the appreciation of his life and in the common prayer that his death will rekindle within the hearts and minds of all mankind a greater understanding of the value of human life.

For those of us who knew him, his death has an even greater personal meaning.

I ask unanimous consent that the resolution be immediately considered.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 446) expressing the sorrow of the U.S. Senate over the death of Dan Mitrione.

The PRESIDING OFFICER. The question is on proceeding to the consideration of the resolution.

There being no objection, the resolution was considered and unanimously agreed to, as follows:

S. RES. 446

Resolved, That the Senate express its sincere sorrow over the untimely death of Dan Mitrione of Richmond, Indiana, while loyally serving as an employee of the United States Department of State in Montevideo, Uruguay.

Resolved further, That the Secretary of the Senate communicate a copy of this resolution to the family of the deceased.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Se-

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lected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. SCOTT. Mr. President, if I may have the attention of the Senator from Mississippi, the amendment now pending and which, thanks to the Senator from Wisconsin (Mr. PROXMIRE), I have now offered, is known as the job assistance amendment. This amendment, I believe, should not give us any reason for dissent.

As President Nixon has emphasized, we are moving from a wartime economy to a peacetime economy. This shift in national priorities is unquestionably in the interest of the country as a whole. We must remember, however, the cases of individual citizens whose jobs may be eliminated in this process.

In March, the elimination of 58,600 positions in the Department of Defense was announced. The vast majority of the people displaced by this reduction in force were career civil servants. Future reductions will also involve career employees. To seek new jobs poses a tremendous hardship to these people. Similarly, the Federal Government can ill afford to lose their skills and experience.

The amendment I am introducing would affirm the sense of the Congress to be that Government departments and agencies, when filling vacancies, give priority consideration to Federal career employees who have been displaced from positions eliminated in the Department of Defense or other departments or agencies as the result of reductions in force.

My amendment would also declare the sense of the Congress to be that departments and agencies should comply fully with the Presidential memorandum of April 24, 1970, and with the displaced employee program of the U.S. Civil Service Commission, both aimed at effecting priority consideration for displaced employees.

Sufficient normal vacancies occur each year to permit the Government to absorb qualified displaced persons who want to continue in the Federal service. All that is required is a conscientious effort by departments and agencies to place these persons. The Congress should lend its voice to the efforts of the executive branch and the civil service to insure that this task is accomplished.

I ask unanimous consent that a letter to me from Carl W. Clewlow, Deputy Assistant Secretary of Defense, under date of August 10, 1970, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 10, 1970.

HON. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: This is in reply to your letter of July 30, 1970, concerning the amendment you have introduced to H.R. 17123 to require priority hiring treatment for Federal employees displaced by reduction in force.

As you know we are making every effort to ease the adverse impact on individual employees of current civilian manpower reductions in the Department of Defense. To the maximum extent possible voluntary attrition is being used to accomplish reductions. Where such attrition alone is not sufficient, additional steps are taken, such as utilizing the Defense Department Priority Placement Program to make employment offers to qualified displaced employees for vacancies arising in the Department which must be filled, restricting the filling of most vacancies by permanent appointment in order to stockpile vacancies for displaced career employees, and referring displaced career employees for placement consideration in vacancies arising in other Federal departments and agencies through the Civil Service Commission's Displaced Employee Program (DEP).

We are of the opinion that the DEP and the efforts within the Executive Department to help displaced career employees find other jobs, reinforced and supported by the President's memorandum of April 24, 1970, urging other Federal departments and agencies to give priority consideration to displaced career employees when filling vacancies, will produce maximum results without legislative action. However, we have no objection to the amendment if the Senate believes it will assist us in our efforts.

Sincerely,

CARL W. CLEWLOW,
Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

Mr. STENNIS. Mr. President, in response to the remarks of the Senator from Pennsylvania addressed to me, as a matter of fact, this is a sense-of-the-Congress resolution, so to speak. Is it not?

Mr. SCOTT. It has that effect.

Mr. STENNIS. It is also in keeping with a memorandum by the President on April 24, 1970, urging consideration of the people that were displaced.

I think it is a commendable amendment. It does not in any way change the civil service laws, as I understand. It is a recognition of hardship that has come to certain people as a result of necessary changes not only in military programs but in others. It expresses a very strong sentiment here that they be given consideration and calls upon the heads of departments and agencies to cooperate fully with the U.S. Civil Service Commission.

I think that the Senator has made a contribution in spelling this matter out so clearly and forcefully, that it will do good and will serve the Government as well as individuals with a solid basis for action, and also that it will prompt agency heads to live up to the requirement which the Senator has so well spelled out.

Mr. SCOTT. I am very grateful to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOMINICK. Mr. President, it is my understanding that we are dealing with amendment No. 789. Is that correct?

Mr. SCOTT. Yes.

Mr. DOMINICK. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 789.

The amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, does the Senate now continue to consider the Proxmire amendment?

The PRESIDING OFFICER. The Senate will now revert to the consideration of amendment No. 816 of the Senator from Wisconsin (Mr. PROXMIRE).

AMENDMENT NO. 816—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have discussed a time to vote on this amendment with the able minority leader, and it is my understanding that the manager of the bill and the author of the amendment are willing to vote at 3 on Monday afternoon next, the time on the amendment to begin running at 12 noon, and the time to be equally divided between the manager of the bill (Mr. STENNIS) and the author of the amendment (Mr. PROXMIRE).

Mr. SCOTT. Mr. President, I have heard no objection to this proposal whatever.

Mr. BYRD of West Virginia. So I propound the proposal in the form of a unanimous-consent request.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—this amendment offered by the Senator from Wisconsin would have a very far-reaching effect. If it becomes a part of the law of the land—without hearings, without evaluation of the impact of these words, and without a lot of definitions written into it—I think, with all deference, it would almost create havoc. So I think it ought to be thoroughly understood and fully debated, and that is the reason why I advised against trying to rush to a vote on it this afternoon. I believe great harm could be done.

I intend to make some remarks about it this afternoon, and to discuss it fully tomorrow for the RECORD, so that any Senator or his staff who cares to may pursue it; and I certainly hope they will.

I would be delighted to see us get to a vote on it at 3 o'clock Monday afternoon, however. That would allow 3 hours of debate on Monday, at which I hope the attendance of Senators will be far above average.

So I have no objection to the request of the Senator from West Virginia.

The PRESIDING OFFICER. Is the Chair's understanding correct that the time is to be equally divided between the manager of the bill and the Senator from Wisconsin?

Mr. BYRD of West Virginia. That is correct.

Mr. STENNIS. Beginning at 12 noon on Monday.

Mr. BYRD of West Virginia. Mr. President, perhaps the able assistant majority leader, who is now in the Chamber, would like to indicate at what time on Monday the Senate will convene; because if time starts running at noon on the agreement, I assume the able assistant majority leader would intend that the Senate come in at 10 o'clock or 11 o'clock on Monday morning.

Mr. KENNEDY. Mr. President, we will take that into account. We will designate the time tomorrow for coming in on Monday. We will see what requests are made of the leadership tomorrow, but we will certainly be mindful when we set the meeting time for Monday of this 3-hour request, so that there will be the full 3 hours available for debate, to be divided as designated in the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

> *Ordered,* That the Senate proceed to vote at 3 o'clock p.m., Monday, August 17, 1970, on the pending amendment by Mr. PROXMIRE (No. 816) to H.R. 17123, the military procurement authorization bill, with the time between 12 noon and 3 p.m. to be equally divided and controlled by the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Mississippi (Mr. STENNIS).

Mr. DOMINICK. Mr. President, I shall not take long at this time, because I am frank to admit that I have not had time to assimilate all the problems this amendment would bring about. But I think it is worthwhile to point out some of them which occur right off the bat, so the record will not go unchallenged in the form it was left by the Senator from Wisconsin.

This amendment, if adopted, would prohibit us from passing any bill until the Defense Department has made this massive report, because it is stated in the amendment that no funds may even be authorized for weapons systems until these reports have been delivered to the various committees.

Here we are, already in the third week of debating this bill, and all of a sudden an amendment comes up which has the effect of saying we are not going to be able to go forward at all until the Defense Department has taken these steps.

The second thing is the question of what is a weapons system. There are all kinds of definitions of what a weapons system is, but in the current terminology, at least, an aircraft is considered a weapons system. We have in this bill authorizations for purchases of additional 87's, F-4's, and a variety of other aircraft which are already in the production system, and which have been produced for a long time and are highly acceptable in the eyes of the service. The idea of having the Defense Department create a separate report, with 12 subheads, as to what must be reported on, before we can even authorize the production of more aircraft of types that have already been proven, seems to me to be of no help to either the defense of the country or the efficient operation of the Defense Department.

The distinguished Senator from Wisconsin also represented that the action of the Senate yesterday in the process of maintaining the phase II portion of the ABM was a deviation from the so-called fly-before-you-buy system. I am frank to admit that when you have a system of this kind, which we are now trying to develop and test on site by 1974 or 1975, if we have to wait until that length of time before we go forward with any other, it is perfectly apparent to me that, once again, all we would be doing would be preventing ourselves from having a defensive weapon which is probably necessary for the safety of the United States.

As I said, I am not going to speak long at this time, but just from a cursory reading of the amendment, if it were adopted and put into the law, and passed the conference—which I do not think it ever would, but suppose it did—I think it would substantially nullify the ability of our committee, which has been given jurisdiction by the Senate to try to authorize the necessary weaponry that we need for the defense of 200 million Americans; and I think that would be a tragic mistake.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, as I said before, I think this is a very far-reaching amendment. I know it is, and I believe that virtually all members of the Armed Services Committee that have dealt with this problem for any appreciable time would agree that it is far reaching.

I think they would agree further that many of these points are worthy of further consideration and development, but that the enactment of anything into hard law in this field should be done only after the most careful consideration of the application: how it would hinder, if in any way, these weapons programs; what obstacles it would put in the path of any phase of our development; and what the time lag would be in carrying them out.

Definitions would have to be supplied for words and terms, and everything that is going to be enacted into law spelled out very carefully. That would require hearings with competent examiners and competent witnesses, and it would require phrasing by experienced drafters of legislation. Nothing short of that should be written into law on this subject matter.

With all deference, Mr. President, this amendment has some catch phrases. This idea, for example, of "fly before you buy"—that is a slogan, like "look before you leap," and is just about as uncertain as to what it means.

Those matters cannot be written into the firmness of regulatory law or requirements of legislation, much less when the main clause in it says that they shall not spend any of the money authorized here until all these things are done. It reads:

> No funds may be authorized or appropriated to or for the use of the armed forces of the United States for the production of weapons systems until the Secretary of Defense—

That is another tying up of all this money. I think that clause covers existing appropriations and past appropriations and future appropriations, also. That would be permanent law for weapons systems. That is why I said it could not be hastily voted on.

I call it to the attention of all members of the Armed Services Committee and specifically request them to apply themselves to the problem presented by this amendment and to take part in the debate, in a frank analysis of what it would mean.

The recommendations made by the Fitzhugh panel—the ink is hardly dry on them—are made by men most of whom have not had to deal directly with the problem that is represented here, with which the Secretary of Defense would have to deal.

Some of these practices are insisted on and followed now by the Armed Services Committee and by the Defense Department. I, personally, favor virtually every one of them as a general policy. But I certainly do not favor trying to write them into law.

Mr. President, I have a few remarks now of a more formal nature which I will make, and that will conclude my remarks for today.

I do not propose at this time to discuss the Panel itself or to get into the merits of its findings. I refer to the President's blue ribbon Defense Panel chaired by Mr. Fitzhugh.

It is obvious to me that the Panel's report will require serious and detailed study and analyses before the policies recommended by it are considered and implemented. This is one of the primary points that we must consider before we vote on Senator PROXMIRE's amendment. It takes a recommendation from a Panel study, which the Defense Department has not yet considered fully, and proposes to escalate this recommendation into a legislative reporting requirement. This hardly comports with the Senator's prior view that the Fitzhugh report would not "inspire faith" in procurement recommendations.

The Panel report suggests that a "new development policy for weapon systems and other hardware should be formulated and promulgated to cause the reduction of technical risks through demonstrated hardware before full-scale development, and to provide the needed flexibility in acquisition strategies." The report goes on to recommend that this new policy should encompass certain conditions which, taken word for word from the report, are proposed in Senator PROXMIRE's amendment.

I say, Mr. President, that there are good purposes here; but these words are just taken from a panel report and put into this amendment, word for word and sentence for sentence, in places.

Mr. President, I will discuss one or two of these conditions that the Senator's amendment would require a report on the degree of compliance. One is that "that elements of the systems or subsystems do not include 'gold plating'." I believe that I have a general understanding of what is referred to as "gold plating" on a weapon system. It is sometimes referred to as "value engineering." However, I am not at all sure that my interpretation would be the same as the Senator from Wisconsin. As a matter of fact, I am not sure that what is considered "gold plating" by me or the Senator would also be considered "gold plating" by the pilot that has to fly the airplane or the tanker that has to ride the tank into battle. I am sure that we all want to eliminate the costs of these weapon programs, but I believe that we have to be sure first what we are eliminating is, in fact, "gold plating."

Another matter which would be required is "that the type of contract selected is the most appropriate for development and the assessment of the technical risks involved in the weapon system." Again, Mr. President, I ask who is to make the judgment that this condition has been met and the degree to which the condition has been met. Will the judgment of the Defense officials be accepted by all who will be asked to review the report?

At the very beginning it is inferred that this amendment is to be applicable to all weapon systems. Here is another ambiguity. A weapon system is not defined and we on the floor of the Senate are asked to judge the parameters of that term. Does the amendment mean to cover every relative low dollar weapon system in the inventory of the Defense Department? If this is the case, there would be countless reports covering systems ranging from guns and bombs to tanks and planes. On the other hand, without a clear definition of weapon systems we cannot be sure of what reports would be required.

I am not just trying to find fault. I think the report as a whole is constructive, particularly as to procurement. But this matter is just not cooked and boiled and concentrated and defined—these recommendations are not—and it is nowhere near ready for presentation on the floor of the Senate for enactment into a solid law.

I believe, Mr. President, and I am sure that each Member of the Senate shares this belief, that when we are asked to pass on major legislation, it must be as clear and definite as possible, so that the people who are required to implement the legislation can do so with a clear understanding of what is intended. This is certainly not the case with this amendment. The examples of ambiguities in this amendment which I have discussed make it evident that the amendment is not clear or definite as to its purpose or meaning. The technical terms used in this amendment, such as "gold plating," "formal contract definition," "long-term level of effort," as well as the intent of certain entire sections in this amendment, are of sufficient ambiguity to warrant detailed study and possible hearings to be held in an effort to get a clear understanding of the meaning and substance of these terms and conditions before this body can be expected to act on legislation of this nature.

It is my understanding, Mr. President, that the Department of Defense is currently studying the issues in the Defense Panel study report and has plans to implement many of the policy suggestions included in the report. One of the main thrusts of their current analyses, however, is to relate the Panel suggestions into clear and meaningful language that is capable of implementation.

From the day after this Panel report came out, we have had a member or members of our committee staff studying it, outlining it for the committee, defining many of its terms, defining what practices they are referring to, and getting this matter into such condition that it can really be considered by the Armed Services Committee. I do not believe that a single member of that committee would dare try to come to the floor of the Senate, with this matter in its present form, and try to give a full meaning to all the recommendations, much less say that we have here, just taken out of this Panel report, items that we want the Senate to enact. I emphasize that. I have studied it somewhat, and I do not yet have enough knowledge that I would try to explain it to members of the Armed Services Committee, men who are versed in these items and have a background of knowledge with reference to these weapons.

Still, without any recommendation of a committee, without one iota of testimony, without any hearings, without any report of an experienced staff, without anything, the Senate is asked to pass this document into a form which, if not checked by the other body or the President in a veto, will become the law of the land, applying to every weapon system we have. It is unthinkable, Mr. President, that we would seriously consider doing such a thing, and that is the prime reason why I insist that it not be taken up hastily.

I am sure, Mr. President, that if the Senator desires a report on various conditions of selected weapon system procurements, such a report can be obtained without legislation. I had no trouble establishing a reporting system on selected programs that advises the Armed Services Committee quarterly of the status of the programs. This was done without legislation, and as I have recently noted, the reporting system is considered useful even to the Senator from Wisconsin.

I, therefore, urge the Senate to reject this amendment, not only as unnecessary for legislation but unclear and indefinite as to meaning and substance.

Mr. President, I have tried to make clear the vast undertaking of this amendment, laudable as are the purposes of the Senator from Wisconsin.

I want to refer to one item he mentioned about the F-14. That is the new plane for the Navy. He said that we were going into production too rapidly and that there should be a slowdown for more research and development. I think that was a good comment and a good criticism. That was one case where the committee consciously and intentionally violated its own general rule on holding back production of airplanes and other weapons.

The reason was that we went on year after year researching and developing and producing the old TFX Navy for years, which never did work, and finally we got so far behind, insofar as the Navy planes were concerned, that Congress finally took every last one of them out of the budget, refused the money, and authorized an appropriation for research and development on a new plane, the F-14. It is somewhat of a rush job, based solely on the need which I have already described. But that is a high exception in the concept of the Armed Services Committee and, I think, the Department of Defense now.

Thus, the work of the panel will be considered by the committee, by the House committee, and I am sure also by the Department of Defense, as to whether its work should be adopted. Otherwise, we not only destroy the program, but set back the Department of Defense, and ourselves, if we try to grind this all into sausage meat and run it through the mill before any committee experts or evaluators have had an opportunity to make a hard and firm recommendation to the Senate. The only recommendation we have now is the individual recommendation and the composite work of the panel.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 16916) entitled "An Act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GURNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO AND SENATOR BAYH TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that, following disposition of the Journal on tomorrow, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for a period of not to exceed 15 minutes; and that the distinguished Senator from Indiana (Mr. BAYH) be recognized for not to exceed 45 minutes; and, following the remarks of the distinguished Senator from Indiana (Mr. BAYH), that there be a brief period for the transaction of routine morning business, following which, the Senate will return to the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE CALENDAR TOMORROW

Mr. KENNEDY. Mr. President, I should like to amend the unanimous-consent request to ask unanimous consent that, following the disposition of the Journal, and prior to the time the distinguished Senator from Ohio (Mr. Young) is recognized, the Senate proceed to the consideration of unobjected to items on the calendar, and that the calendar call be disposed of prior to the recognition of the distinguished Senator from Ohio (Mr. Young).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, my understanding is that the point was made earlier today that the unobjected-to items on the calendar, hopefully, in terms of good Senate procedure, would be considered prior to the recognition of Senators to speak under special orders. I think the point was well taken. We are trying to accord the unanimous consent request to take that into consideration.

Let me say to my good friend from Michigan, if that is not specifically what was requested at the opening of the Senate, we will try to make whatever additional adjustments we can.

Mr. GRIFFIN. Mr. President, whether or not that meets the point made early today by the distinguished Senator from Delaware (Mr. Williams), I am not altogether sure; but, in any event, it does not prejudice his rights in any way, and I appreciate the statement by the Senator from Massachusetts.

S. 4239—INTRODUCTION OF A BILL TO AUTHORIZE USE OF NEZ PERCE JUDGMENT FUNDS

Mr. CHURCH. Mr. President, I introduce for appropriate reference on behalf of myself and my colleague from Idaho, Mr. Jordan, and the Senators from Washington (Mr. Magnuson and Mr. Jackson) a bill to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe.

The Indian Claims Commission recently entered a judgment in Docket No. 179, awarding $1,119,077 to the Nez Perces. That judgment has become final and funds to pay it have now been appropriated by the last Supplemental Appropriations Act for the fiscal year 1970. In order for the funds to become available to members of the Tribe, legislation is necessary.

Mr. President, I hope that the Senate gives early approval to this bill.

Mr. President, I am joined in the introduction of this bill by my colleague (Mr. Jordan) who also has a statement to make at this time.

Mr. JORDAN of Idaho. Mr. President, I am glad to join my colleague from Idaho (Mr. Church) in introducing the bill to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe.

Since this judgment by the Indian Claims Commission has become final, and funds have been appropriated through the last Supplemental Appropriations Act for the fiscal year 1970, I think we should move as quickly as possible to make these funds available to the tribe.

The Nez Perces reside on both their Idaho reservation and on the Colville Reservation in the State of Washington. A division of judgment has already been provided through Public Law 87–24, which directs that the Idaho tribe will receive 86.6 percent of the proceeds, and the Washington members 13.4 percent.

Mr. President, I also hope that the Senate can get early action on this bill.

The PRESIDING OFFICER (Mr. Saxbe). The bill will be received and appropriately referred.

The bill (S. 4239) to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe, introduced by Mr. Church (for himself, Mr. Jordan of Idaho, Mr. Magnuson, and Mr. Jackson), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

VETO OF APPROPRIATIONS FOR EDUCATION, 1971

Mr. KENNEDY. Mr. President, I ask unanimous consent that the veto message on H.R. 16916, appropriations for education, 1971, be held at the desk for future consideration.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

THE SOCIAL SECURITY AMENDMENTS OF 1970

AMENDMENT NO. 840

Mr. KENNEDY. Mr. President, on behalf of the distinguished Senator from Nevada (Mr. Cannon), I submit an amendment to H.R. 17550, the House-passed Social Security Amendments of 1970, which is now pending before the Senate Finance Committee. I ask unanimous consent that the amendment and some brief remarks prepared by the Senator from Nevada be printed at this point in the Record in accordance with his request.

The PRESIDING OFFICER (Mr. Saxbe). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment and statement will be printed in the Record.

The amendment (No. 840), which reads as follows, was referred to the Committee on Finance:

On page 39, line 8, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 39, line 12, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 39, line 19, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 40, line 13, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

The statement of Senator Cannon is as follows:

Mr. Cannon. Mr. President, I rise at this time to submit an amendment to H.R. 17550, the House-passed social security amendments of 1970 which is now before the Senate Finance Committee. I ask unanimous consent for the printing in today's Record of my amendment in order that my colleagues may review this proposal. Rather than waiting for the social security bill to reach the Senate floor, I am offering my amendment at this time so that the finance committee may study this proposal along with the other alternatives under consideration. Essentially, I am sponsoring an amendment which would increase the amount of earnings a social security recipient could receive before reduction of benefits. I propose to exempt $208.00 per month from benefit reduction. The House passed bill permits $2,000 a year of earned income, I propose $2,500.

Our retired citizens, perhaps more than others, are suffering from the pains of inflation and recession. My proposal will help ease the economic crisis for retired people and encourage many talented retirees to seek work that will supplement their pension income.

ADJOURNMENT

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Friday, August 14, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 13, 1970:

NATIONAL SCIENCE FOUNDATION

Raymond L. Bisplinghoff, of Massachusetts, to be Deputy Director of the National Science Foundation. (New Position)

IN THE MARINE CORPS

To the Senate of the United States

The following-named officers of the Marine Corps for permanent appointment to the grade of captain:

Kevin R. Danehy
Leroy B. Evans
Stephen R. McComb

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant:

James P. Byrnes
Edgar M. Campbell

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant:

Donald L. Abblitt
John C. Adams
Timothy M. Atkinson
Edward J. Baker
Rignal W. Baldwin, IV
Gary W. Barnes
Michael V. Bergamini
Jeffrey S. Beyer
Dennis G. Bolton
David F. Boulden
James J. Cain
Edmond R. Casey
Stephen B. Casey
Lusty L. Cebula
Gary W. Collenborne
John D. Counselman, Jr.
Daniel R. Dame
Gilbert H. Davis
Terence A. Davis
Orland O. Defrates, Jr.
Donald V. Demikis
John C. Dowell
Charles C. Emmons
Paul R. Fields
Thomas A. Flaherty
Leonard S. Foster
John D. Frew
David M. Gally
Dennis T. Gaudio
Lawrence R. Getter
David S. Goble
Alfred O. Goellner
David E. Gordon
Francis P. Hagan
Michael B. Harrison
Edward G. Hayen, II
Donald L. Hensley
Christopher R. Hickey
Stephen M. Hill
Kennon D. Hines, Jr.
Herbert S. Holland, III
Lonnie A. Howerton
Jan U. Jansen
Floyd T. Johnson
Bruce B. Johnston
Robert E. Jones
William K. Jones, Jr.
Kevin P. Judkins
George Kazonich
Paul V. Kelly
George S. Keys
Frank N. Kibler
Pierce R. King
Thomas E. Lakin
Jack D. Larson
Timothy B. Levan
Gregory K. Manary
Steven E. Martin
Frederick McConnell, II
Ray M. McCormick

XUM

John F. McGuire, III
Peter T. Metzger
Dennis R. Miller
Alex G. Mitkevich
Roy E. Moffit, Jr.
David L. Moody
Ronald V. Murray
Richard Myers, III
William C. Neasham
Richard E. Nelson
James H. Patterson
Paul L. Persinger, Jr.
Jackson S. Pharris, II
Terry R. Phelps
Stephen E. Potter
James P. Rathbun, Jr.
Robert W. Rathbun
Joseph F. Riley, III
Raymond W. S. Schellinger
Walter P. Schortmann
Richard R. Schwabe
Harvey W. Senter
John D. Slattum
Danuel L. Smith
Terry A. Smith
John D. Stokes
William G. Strohlein
Thomas G. Tomkowiak
Joseph E. Tommaney
Samuel S. Trant
Neal W. Vanhouten, Jr.
Bill W. Vaughn
David A. Wellman
Charles N. Wells
William J. Wesley
Rufus T. Williams, Jr.
William T. Williams
Robert C. Wooten
Donald W. Workman
Charles W. Wright
Glenwood H. Yopp, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 13, 1970:

DEPARTMENT OF DEFENSE

J. Fred Buzhardt, Jr., of South Carolina, to be General Counsel of the Department of Defense.

U.S. ATTORNEY

George Beall, of Maryland, to be U.S. attorney for the District of Maryland for the term of 4 years.

U.S. MARSHALS

Marshall F. Rousseau, of Texas, to be U.S. marshal for the southern district of Texas for a term of 4 years.

Jose A. Lopez, of Puerto Rico, to be U.S. marshal for the district of Puerto Rico for the term of 4 years.

Edward S. King, of New York, to be U.S. marshal for the western district of New York for the term of 4 years.

Charles W. Koval, of Pennsylvania, to be U.S. marshal for the western district of Pennsylvania for the term of 4 years.

Juan C. San Agustin, of Guam, to be U.S. marshal for the District of Guam for the term of 4 years.

Johnny M. Towns, of Alabama, to be U.S. marshal for the northern district of Alabama for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Thursday, August 13, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let integrity and uprightness preserve me; for I wait on Thee.—Psalm 25: 21.

O God and Father of us all, who art a strong tower of defense to all who keep faith with Thee, We Thy children come before Thee in gratitude for Thy steadfast love and Thy enduring truth. In Thee alone is our hope and in Thee alone is the strength of our Nation.

In our restlessness may we know the peace of Thy presence, in our fears the faithfulness of Thy spirit and in our uncertainties the certainty of Thy creative love. May our little efforts for good be supported by the greatness of Thy power and the goodness of Thy grace.

We remember in Thy presence all those bound to us by the ties of family, friendship, and the fellowship of working together; all who work for our country at home and abroad; all who serve in our Armed Forces and for our prisoners of war. Give to us such a depth of social vision and such a width of social concern that we shall seek the release of the captives, the end of war, and the coming of peace.

In the spirit of Him who sought the good of all mankind, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday were read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to the bill of the Senate of the following title:

> S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act.

The message also announced that the Vice President, pursuant to Public Law 91–354, appointed Mr. BURDICK and Mr. COOK to the Commission on the Bankruptcy Laws of the United States.

TRIBUTE TO VINCE LOMBARDI

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, Vince Thomas Lombardi is a Brooklyn-born New Yorker who epitomizes the advent of the golden millennium of professional football; the tough but humble taskmaster, emperor of the Green Bay Packers and now, the coach who made the Washington Redskins a winner in his first year at their helm.

Much has been recorded about this loquacious man, called by many a "living legend," but who, in fact, combines Puritan ethic and a Catholic boyhood with a belief in two-fisted American salesmanship and the Knute Rockne school of evangelism—a very mortal man.

Whatever it takes to become a successful football coach, however, Lombardi has. He inspires spartan pride, discipline, and determination in his players.

Lombardi says:

> I'm a religious man. I've got a great deal of faith in God, a great deal of dependency on God. I don't think I'd do anything without that dependency. We don't pray to win. I do think we pray to play the best we can to keep us free from injury. And the prayer we say after the game is one of thanksgiving.

This then, Mr. Speaker, is the man I pay tribute to today.

The Green Bay job came to Lombardi when he was 45, and it gave him his first taste of real power. But the toughness was instilled by his father, Harry, an immigrant Italian meatcutter who settled first in Bensonhurst, Brooklyn, and later raised his family in Sheepshead Bay.

Lombardi was an all-star fullback at St. Francis Prep, but switched to guard when he played for Fordham, then one of the great citadels of collegiate football. As a 5-foot-10, 170-pound guard who flouted the odds, he convinced himself he could become one of the famed "Seven Blocks of Granite," and did, naturally, in 1934, 1935, and 1936.

Making up in ferocity what he lacked in poundage, Lombardi played with disregard for injuries that has become legendary. Lombardi says in his own book, "Run for Daylight":

> No one is ever hurt. Hurt is in your mind.

But in one Fordham game, Lombardi was repeatedly jabbed in the mouth by an opposing tackle. He did not falter on a single play, but it later took 30 stitches to close the cuts inside his mouth.

Lombardi still likes to quip:

> When I got home that night I certainly was hurting in my mind.

Of course, Lombardi got his grounding in the dividends that can be reaped from sacrifice for a goal, respect for authority and commitment to duty from another master, Col. Earl "Red" Blaik, at West Point—the man he admits had the single greatest influence on his life.

Lombardi worked 6 years—1948–54—under Red Blaik at the Point and no doubt this is where he picked up his military bearing and organizational genius which runs on military precision.

I know, for Mr. Lombardi was my coach when I was privileged to play on the great Army teams of that era.

But just before his association with the equally legendary Blaik, Lombardi was a high school coach at St. Cecelia's in Englewood, N.J. There he got an understanding of the kid inside the man as a chemistry teacher and coach, and gained a small measure of fame by taking his teams through 36 games without a defeat. Yet, in 8 years there—1938–46—he never made more than $3,500 annually. He returned to Fordham briefly, acting as freshman coach in 1947.

With Blaik's assistance, Lombardi was signed as an offensive line coach by the New York Giants in 1954. He was slated to become head coach when Jim Lee Howell retired, but Green Bay grabbed him and in 1959 Vince Lombardi had his own football team. The rest is history.

Packer teams coached by Lombardi won 141 games, lost 39 and tied four. This amazing .783 record gave Green Bay five National Football League championships—three of them in a row—plus victory in both the 1967 and 1968 Super Bowl games. As Art Modell, president of the NFL and owner of the Cleveland Browns said over those victories:

> This is for quotation and all caps: Vince Lombardi is without a doubt the greatest coach in the history of professional football.

But after a year of personal purgatory—retirement from the coaching ranks, he relinquished his general manager post at Green Bay last year to come—lock, stock, and legend—to accept full responsibility for the Washington Redskins, a fun-loving group that last won an NFL championship in 1942, had a dismal 126–190–15 record since then, including an indifferent 5–9 performance on the eve of Lombardi's arrival.

At his first press conference, the new boss of the 'Skins told reporters:

> Gentlemen, it is not true that I can walk across the Potomac River—not even when it is frozen.

But, with a voice that thunders like a sonic boom, he stoked the fires of determination in his players, reversed the accepted tide of chronic losing and kindled a spirit of awe and optimism in the 50,000 faithful who cram Robert F. Kennedy Stadium every Sunday. If he could not walk on water, he certainly performed a miracle in leading the Redskins to their first winning season in ages—seven wins, five losses, and two ties.

Clearly, Lombardi has high hopes of turning the Redskins into another victory dynasty like the Packers. And just as clearly, Washington's victory-craving fans believe his messianic mystique will produce that miracle.

Mr. Speaker, Vincent Thomas Lombardi, 57, will not resume his duties as head coach this year. On July 27, he underwent a second major operation within 30 days.

So we fans may have to wait a little while for that championship. The extensive surgery has ruled out any prospect of his return in time to handle the demanding jobs of coach and chief executive officer. But Vince Lombardi is fighting as only he can to rebound. This man, a daily communicant whose early parochial training never deserted him; this man who attends mass every morning and who throughout the years has led his team in prayer before and after games, now needs our prayers.

And so it is the privilege of the Congress today to pay tribute to Vince Lombardi—the coach and the man—to let him know that our prayers are with him. To us, he is still a "Block of Granite."

Mr. CAREY. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to my colleague from New York.

Mr. CAREY. Mr. Speaker, I wish to join in and associate myself with the remarks of the gentleman from New York (Mr. MURPHY) whose own life has exemplified faith, courage, and fortitude under great stress in the Armed Forces and in his political career.

As one who has known and been inspired by the progress of Vince Lombardi for over 40 years, I wish to recite some of the highlights of his career since he came from the Sheepshead Bay section of Brooklyn as a schoolboy to become the best known and best loved figure in American football.

In 1932, Vince Lombardi transferred from Cathedral Preparatory Seminary to St. Francis Prep where he played fullback and was a shotputter. Upon graduation the following year he attained a 4-year scholarship to Fordham University. At Fordham he played right guard on the famous "Seven Blocks of Granite" in 1934, 1935, 1936, graduating magna cum laude in 1937. While working on his law degree at Fordham he taught physics and coached football at St. Cecilia's High School in New Jersey.

Following World War II, Vince Lombardi became assistant coach at Fordham in 1947-48 under Ed Danowski. The following year he went to West Point as assistant to Earl Blaik and in 1954 left the Academy to become assistant coach of the New York Giants under Jim Lee Howell.

In 1958 Vince left the Giants to go to Green Bay where he remained for 10 years compiling a record of six division championships, five NFL championships, and two superbowl victories. He retired in 1967 from active coaching to devote full time to his duties as general manager of the Packers, but 2 years later came out of retirement and moved to Washington, D.C., and gave the Redskins their first winning season since 1955, ending a 14-year famine.

In May of this year, Vince Lombardi became the original inductee into the Fordham Hall of Fame. He was appointed a trustee of Fordham University to serve a 3-year appointment. In 1967 he was awarded the Fordham Insignis Medal which is the highest honor, other than an honorary degree, that the university can bestow.

Today, Vince Lombardi is one whom athletes in all sports regard as standing shoulder to shoulder with Knute Rockne. He has been a model for our youth. In a sense, he is the coach of our generation.

Now he is engaged in a struggle with illness and we know he will battle and win. We hope and pray that he will win that struggle and live to serve all that is good in America for many years. He has everything going for him—the love and prayers of millions of Americans—young Americans particularly. His life exemplifies all that is good in society, in faith, in devotion to his church, and to his country.

TRIBUTE TO VINCE LOMBARDI

(Mr. BYRNES of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. BYRNES of Wisconsin. Mr. Speaker, Vince Lombardi had his greatest triumphs in Green Bay, my own hometown, and I know I speak for all its people, and indeed for millions of Green Bay Packer fans throughout Wisconsin, when I join today in this special tribute to a remarkable man.

Vince came to Green Bay when our football fortunes were at their lowest ebb; he led the Packers to one of the great golden eras in the history of sport, and he left us, not only with the memory of that magnificent feat burning bright, but with a spirit of excellence and victory so deeply instilled that no Green Bay fan doubts that the Packers will once again triumph.

But, we in Green Bay, and, indeed, the Nation as a whole, owe more to Vince Lombardi than the thrills he gave us on the football field. He made excellence, determination, discipline, and dedication—words that somehow had started to lose their meaning—meaningful once more. He showed that spirit—in the face of adversity—has its own rewards. He set the tone for an entire generation of athletes.

Vince now faces his own personal hour of trial. We know he will meet it with the same qualities which have distinguished his career—courage, determination, and a humility stemming from a deep-seated faith in God. We who came to know him best want him to know we are behind him. He gave us the courage to say with confidence that "The Pack will be back." We join the Nation in its prayers that Vince, too, will soon be back.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding. I wish to associate myself with the gentleman's remarks and join in this deserved tribute to a truly outstanding American. The thoughts and prayers of many in the Sixth District are with Vince Lombardi.

TRIBUTE TO VINCENT LOMBARDI

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I wish to join the other Members on both sides of the aisle who have spoken in praise of that great American, Vince Lombardi. It has been my privilege to know Vince Lombardi for a good many years. We were more or less contemporaries as far as football was concerned. We both coached. I should say, however, he has been infinitely more successful than I in that profession.

We have been friends. I have been the beneficiary for having known Vince Lombardi for a number of years. Let me say we all hope and trust that Vince Lombardi's health improves and that he is again able to make a wonderful contribution to a better America.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding and I join him and the others in this tribute to one of the great Americans of our time.

I think it was evident to everyone who had the slightest interest in athletics and particularly football that the spirit of Lombardi began to manifest itself with the Washington Redskins the very minute he took over, and the upsurge of success that followed his appointment was something that was really splendid. We wish Vince Lombardi a speedy recovery. We all look forward to seeing him go on and coach the Redskins to the championship.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, I am privileged to associate myself with the remarks of my colleague and his comments about a great American, Vincent Lombardi.

Vince Lombardi's years as an outstanding student and athlete at Fordham University located in my Congressional District in the Bronx, his reputation as one of the famous Seven Blocks of Granite of the mighty Fordham football teams of the 1936 to 1939 years, his talent as a coach and builder of character in men, and his promotion of hard but fair play both on and off the gridiron have endeared him to millions of Americans across the Nation. Today, Mr. Lombardi is engaged in a crucial battle against a serious ailment that threatens his very life. It seems ironic that this robust, clean-living man whose booming roar is balanced by his hearty laugh, is now subdued by a quick-striking disease.

Let us offer our fervent prayers for the quick recovery of Vincent Lombardi, devoted father, loving husband, idol of millions of Americans and an outstanding member of the Italo-American community, and hope that he will soon return to the active outdoor life he loves so much and performs so well.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. Mr. Speaker, I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, Vincent Lombardi is one of those legends of time and as long as men participate in sports and admire courage, leadership and determination—then they will talk about "Coach Lombardi."

He showed the tenacity that was to mark his life as one of the collegiate "Seven Blocks of Granite." He would inspire a nation as the coach of a football legend called the "Green Bay Packers."

Going to Green Bay from the New York Giants, he began to build. The legend grew as the names of Bart Starr, Paul Hornung, Boyd Dowler, Jerry Kramer and Jim Taylor became a part of the sports legend that is typically American.

Perhaps no team in the history of football captured the imagination of the American people as did the Packers during that period. They took three consecutive National Football League championships. No other team had ever done so before—or since. Victories in the first two Super Bowls only added to the record.

Lombardi came here to Washington last season and gave us a squad which was imbued with the fierce competitive spirit that has been typical of the man.

Americans admire their sports heroes. In Vince Lombardi they found so much to admire that he has become one of the authentic heroes of our time.

I think I speak for all America when I say "We're pulling for you, Coach."

Mr. MOORHEAD. Mr. Speaker, we who are fans of the Pittsburgh Steelers hold Vincent Lombardi in awe and reverance but also in great affection. We join in the prayers for the quick and complete recovery of this giant in the field of American sports.

Mr. HOWARD. Mr. Speaker, today I join my colleagues in paying tribute to a great American, Vincent Thomas Lombardi, and in offering a prayer for his speedy recovery.

Certainly every football fan, and probably most Americans, know the miraculous job he performed with the Green Bay Packers, in the process of which he became a living legend.

Most football fans know, too, that he built that victorious dynasty through hard work, emphasizing fundamentals, and strict discipline. He drove the Packers hard, probably harder than any other professional football team. But he drove himself hard, too. For him there was no off season, just a change of emphasis. He asked much from his players, but he never asked more than he himself was already giving.

We in the Third Congressional District of New Jersey are particularly aware of the accomplishments of Coach Lombardi, because he has been a resident of Rumson, in Monmouth County.

Coach Lombardi can be an inspiration to us all in these troubled times. When radicals on the right and left scream "freedom" and "liberty" in their chaotic race to destroy the institutions of America, we can point to Coach Lombardi and the Packers to demonstrate that success in any field comes through hard work, discipline, and dedication.

We here in Washington Redskin country have a special interest in Coach Lombardi's recovery. The people of New Jersey's Third District have a special interest in the speedy recovery of their respected neighbor. We join with all the Nation in praying for his speedy and complete recovery and send him all our good wishes.

Mr. KLUCZYNSKI. Mr. Speaker, I rise to express my concern for Coach Vince Lombardi of the Washington Redskins. Vince is over at Georgetown Hospital at this hour, fighting the toughest battle of his entire life. But something about him tells me that he shall pull through.

Vince is a natural leader of men, as all District of Columbia sports fans know. He built the Green Bay Packers into the greatest professional football team ever known to man. Then he came here, to see if he could do the same thing for Washington; and the results already have been gratifying.

But Vince, a great player and a superb coach, is also a hundred percent American citizen. When asked to be one of the sponsors of Honor America Day last July 4, Vince said, sure; he would do it; he was all for honoring America. But he was not going to do it if it was only going to be a partisan exercise for those who espoused certain policies abroad and at home. He was not going to do it unless he was joined by members of the opposition party as well. And so he was. And thus Honor America Day became an all-American day as well, free of strife and full of good fellowship.

For that single act, Americans owe Vince Lombardi a debt of thanks. I would like to extend to the coach and his family my sincerest best wishes and hope for his recovery.

Mr. PATTEN. Mr. Speaker, Vincent T. Lombardi—a great coach, a great man, and a real inspiration to football and America—has suffered two serious operations in 2 months. But if courage and faith will help determine his recovery, I believe that next year, he will return to the fields of friendly strife he loves so well.

Vince Lombardi, who is really a living legend, is a true coaching genius—brilliant, dynamic, and phenomenally successful. When he became head coach of the Green Bay Packers, that team had won only one game the previous year, but a few years later, because of his superb leadership, the Packers won the professional football championship.

Of course, he was fortunate to have outstanding players, too—Starr, Taylor, Hornung, Kramer, and several other stars of the gridiron. Yet I do not think that any player, coach, or fan, would deny that Vince Lombardi's tremendous coaching ability was a major reason for starting and continuing that amazing dynasty. He instilled in his players a fierce desire to win—and that is one of the reasons they won year after year, for desire is vital to victory in any field, but especially in sports.

He came to Washington to coach the Redskins in 1969 and the team achieved its first winning season in 14 years. And although Pliny the Elder reminded us that the only certainty is that nothing is certain, I have a strong feeling that Vince Lombardi will return to coach the Redskins and that the Nation's Capital will have a championship professional football team in a few years.

My hopes and prayers are with him as he faces this serious battle. With God's help, I know he will win this fight, too, for his spirit and his goodness are unconquerable.

Mr. MICHEL. Mr. Speaker, I take great pleasure in joining my colleagues in paying tribute to a fine American and charismatic coach, Vince Lombardi.

Being a Chicago Bear fan I suffered through many defeats at the hands of Coach Lombardi and his Green Bay Packers. Many's the time I have sat cold as an iceman's pants in Wrigley Field and thought some mighty unpleasant thoughts about the man we honor today.

Nevertheless, one always admires and respects a man who knows his job thoroughly and consistently proves his worth to his chosen profession. Vince Lombardi is such a man and I was delighted when he decided to come out of coaching retirement to guide our Washington Redskins.

Seldom does an individual win the praise of those who oppose him. Even less seldom is that man well liked by all. Mr. Lombardi is the exception that proves the rule and I have no doubt that his worst rivals on the football field would agree with me.

The dynamic character and keen ability of Mr. Lombardi have proved to be an inspiration to the young people of this country. He has provided entertainment and healthy competition for players and fans alike. My admiration for him is unlimited and I hope the first season game of the Redskins will see Coach Lombardi back at his command post in front of the home team bench.

Mr. PODELL. Mr. Speaker, of all the great athletes to have been born and raised in Brooklyn, N.Y., Vince Lombardi best epitomizes the courage of the sport he represents. Tough, but humble, determined but always fair, Coach Lombardi more than any other man has helped raise professional football to its present position of national popularity.

Lombardi's first association with football came on the sandlots of Bensonhurst and Sheepshead Bay, in Brooklyn, where his father, an immigrant meatcutter, settled and raised his family.

He was an all-star fullback at St. Francis Prep. Later, when playing for Fordham, he overcame his relatively small size to become one of the famed "Seven Blocks of Granite" on Fordham's offensive line.

Lombardi's career in pro football began in 1954, as the offensive line coach of the New York Giants. New Yorkers remember with pride and longing the powerful offensive machine Lombardi fashioned in his 5 years with the Giants.

In 1959, to the regret of New York football fans, Lombardi left the Giants to take the head coaching job at Green Bay.

When Coach Lombardi took over the Packers, they were notorious as the doormats of the rugged NFL Western Conference. Within 2 years, though, the coach's remarkable ability had transformed the Packers into perennial world's champions.

Packer teams coached by Lombardi won 141 games, losing only 39, and tying 4. This fantastic .783 record gave Green Bay five NFL titles, three of them consecutively, and victory in both the 1967 and 1968 Super Bowls. Art Modell, president of the NFL and owner of the rival Cleveland Browns gave Lombardi the highest praise one football man can give to another, saying:

> Vince Lombardi is without a doubt the greatest coach in the history of professional football.

After a year of self-imposed retirement from the coaching ranks, Lombardi gave up the post of general manager at Green Bay to take over the reins as head coach of the Washington Redskins. In his first press conference as coach of the 'Skins, Lombardi said:

> Gentlemen, it is not true that I can walk across the Potomac River—not even when it is frozen.

However, with the legendary determination only he can inspire, Vince Lombardi performed a miracle of his own by leading the once hapless 'Skins to their first winning season in recent memory.

Mr. Speaker, Vince Lombardi will not be at the helm of the Washington Redskins again this season. On July 27, he underwent major surgery for the second time in 30 days. The newspapers report that he is resting comfortably, and we are all sure that he is fighting back with the determination and spirit that only he can muster. This man, who has contributed so much to football and to American life, now deserves the hopes and prayers of all Americans. It is a privilege to join my colleagues in Congress today in paying tribute to Vince Lombardi—the coach and the man. We know he will pull through, and we are looking forward to seeing him back in action soon.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I would like to commend the gentleman from New York (Mr. MURPHY) who has long been familiar with Vince Lombardi both as a coach and as a personal friend.

It gives me great pleasure to have the opportunity to join this tribute to Vince Lombardi, whose unequaled feats as a professional coach have thrilled us all for the last decade.

Like all football fans, I mourn Coach Lombardi's temporary absence from his role as savior of the Washington Redskins and look eagerly forward to his speedy return.

Coach Lombardi's teams have exemplified qualities that we would all do well to emulate. He has that rare ability to mold widely diverse elements into a unified, cohesive force. At Green Bay he molded the flamboyance of a Paul Hornung, the raw power of a Jim Taylor, and the cool efficiency of a Bart Starr with countless other degrees of ability and personality and produced the most successful football team of our generation and possibly of all time.

Today, when the strident voices of many competing elements threaten the stability of our system, we might reflect on the single-mindedness of purpose and devotion to a goal that has been and still is a mark of Coach Lombardi's teams. Leadership of this caliber is vital to success not only on the football field, but in any endeavor worth undertaking.

Again, I commend Vince Lombardi on his achievements and urge that we mirror his talent of unifying individuals without subverting individuality.

Mr. REUSS. Mr. Speaker, when Vince Lombardi was the leader of the Green Bay Packers, his players used to say that when Lombardi told you to jump, you only asked, "How high?"

During the Packers golden decade, Coach Lombardi became a living legend, not only because he was a winner, but also because he won the love and respect of his team, and the admiration of 4 million Wisconsinites.

Today, Coach Lombardi is hospitalized, fighting as only he can to bounce back from two serious operations within a month.

I know that every American wishes Coach Lombardi a speedy recovery, and is eagerly awaiting the day when his thunderous voice will once again be heard along the sidelines.

Mr. ANNUNZIO. Mr. Speaker, I am delighted to join my distinguished colleague from New York, the Honorable JOHN M. MURPHY, in paying tribute to an outstanding Italo-American, Coach Vince Lombardi of the Washington Redskins, and I commend Congressman MURPHY for taking this special order.

Vince Lombardi is a legend in his own time. As offense coach with the New York Giants, as assistant coach of the Army team at West Point, as coach of the Green Bay Packers, and currently as coach of the Washington Redskins, he has compiled an admirable winning record.

At Green Bay he won three straight National Football League titles and two Super Bowls. He was named "Coach of the Year" by AP and UPI in 1959 and 1961. As a result of his coaching skills and an impressive record of 62 wins and only 16 losses during his early years as coach of the Packers, the Associated Press in 1962 named the Green Bay Packers "Team of the Year." During the brief time that he has served as coach of the Washington Redskins, he is already well on his way toward turning that team into a winner, too.

Vince is the son of immigrant Italian parents, and in the true immigrant tradition, worked hard and raised himself by his own bootstraps to become a man admired by his contemporaries and to become a source of inspiration to the young people of America in the field of athletics.

He graduated from Fordham University and earned his law degree from the Fordham School of Law. He took his first coaching job at St. Cecilia High School in Englewood, N.J., and from this position, launched his legendary career as one of the greatest football coaches America has seen in this century.

Vince Lombardi is hospitalized, and like the champion he has always been, he is fighting to recover from two serious operations within a month. Our thoughts and prayers are with him and with his lovely wife and his two wonderful children at this difficult time, and we know he will soon be back at his post to lead the Washington Redskins to a victorious year.

Mr. MATSUNAGA. Mr. Speaker, there is a small college in western Pennsylvania called St. Vincent College, named after the charitable man of so long ago who spent his life helping the poor.

But when football fans in Green Bay, and now Washington, implore "St. Vincent" to intercede on behalf of their favorite team, the fans are not referring to the college's patron.

They are calling on Vincent Thomas Lombardi, supersuccessful football coach, a man whose very name has become a euphemism for self-sacrifice, determination, and respect for authority.

It is natural enough for lovers of football to attribute messianic qualities to Vince Lombardi. He brought National Football League championship trophies, one after another, lined up like firewood to warm the hearts of the Packer fans in Wisconsin. When he came to the Redskins last year, he brought with him that victorious aura—and Washington's first winning season in over a decade. Of course, his task in Washington has been eased by the presence on the team of two boys from Hawaii, Ray Schoenke and John Hoffman.

Today, as Vince Lombardi fights his way back to good health, I join my colleagues in wishing this fine man, this courageous man, this religious man, the quickest possible recovery.

Mr. HALPERN. Mr. Speaker, I rise to pay tribute to a man who has given the American people hour after hour of entertaining and exciting football. Coach Vince Lombardi has inspired his players to give their utmost on the gridiron and in so doing has inspired millions of Americans. He is a man respected by management, players, coaches, and millions of fans.

I was deeply grieved to learn of Vince's

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current illness. He is presently hospitalized after two serious operations within a short period of time. I am sure that Vince is fighting his illness with all the determination that made him a football legend. The American people are rooting for him and praying for his complete and speedy recovery.

I am proud to pay tribute to this great New Yorker and great American and am looking forward to seeing him taking charge on the gridiron real soon.

Mr. DERWINSKI. Mr. Speaker, I join the gentleman from New York in this very well-deserved tribute to the coach of the Washington Redskins, Vince Lombardi, in wishing him a complete recovery. I feel that professional football and for that matter the country needs him back on the sidelines.

As a rabid Chicago Bear fan, I obviously had to admire the wonderful football dynasty that Vince Lombardi developed while coaching the Green Bay Packers. In 1 year under his command, the Washington Redskins showed great improvement. It is obvious that Coach Lombardi was able to inspire his team to the type of effort that produces victory. He did so in the great traditions of American sportsmanship setting an example for dedication, perserverence, performance, excellence and personal sacrifice that is the formula for success in any field of endeavor.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I am delighted to join my colleagues today in wishing Vince Lombardi a swift recovery from his second operation. We join his family in sharing their concern for his well-being and avidly await his return to the gridiron.

Before Vince came to Washington, we knew him as the mentor of the World Champion Green Bay Packers. The name of the legendary coach became a household word. His rival teams and rival sport fans respected the man who was responsible for much of their disappointment and frustration. Every team would take pride in playing well against the Packers despite the almost inevitable prospect of defeat. The people of Green Bay love Vince. Green Bay is proud of its hero and cherishes the landmark street that bears his name.

Although we usually think of Vince as a football coach, we also respect him for his character. There are numerous stories about his sense of fairness and ability to instill unity in a team. There is one story that I will never forget. The Packers had just finished dinner and were ready to leave. The manager of the restaurant informed Vince that the black players would have to leave through the rear exit. Since the blacks had to leave through the rear exit, Vince escorted the entire team through the rear exit. Vince could never tolerate discrimination and judges his players by their ability and desire and not the color of their skin.

Before Vince came to Washington, there was little interest in the Redskins. After just 1 year of his tutelage, the Redskins were converted into instant winners. Suddenly, there is a sense of excitement and a vibrant interest in the Redskins. To no one's great surprise, the foundation for a future championship contender materialized. For the first time in years there is insufficient space to accommodate the throng of fans that wish to attend a game to cheer the Redskins on to victory.

Vince's charisma has permeated the entire city. When Washingtonians see him on the street, in a restaurant, or on television, they take pride in his being part of this city.

We all look forward to the day when Vince will reassume the reins and fulfill the hopes of the Washington Redskins—molding them into champions second only to the Boston Patriots. If any man can return and fulfill this dream, Vince can.

GENERAL LEAVE TO EXTEND

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks concerning Mr. Vincent Lombardi, and that the remarks of Members may be printed in the Record after the approval of the Journal.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONGRESS CALLED UPON TO OVERRIDE DOUBLE-BARRELED PRESIDENTIAL VETO

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, today we in Congress face an historic occasion. This is the first time in living memory that the Congress has been called upon on one day to vote to sustain or override a double-barreled Presidential veto of two appropriation bills.

The President says that total spending must be kept within his budget limits.

Mr. Speaker, we in the Congress would go further toward fiscal responsibility and appropriate total funds below his total budget figure.

But Mr. Speaker, we, the elected representatives of the people, have the right and constitutional duty to determine where those cuts will be made.

The President wants to spend and spend—for a new manned bomber—in a missile age; for a new aircraft carrier—in a missile age; for AWAC's—a warning system against bombers—in a missile age.

We in the Congress, in time of trouble at home, believe we should take some of the money we are wasting on military spending and allocate these resources to educating our young people and redeeming the centers of our civilization, the cities of the United States.

COMMENDATION OF THE VOLUNTEERS FOR VIETNAM

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I would like to take this opportunity to commend Congressman Fred Schwengel, chairman of the Volunteers for Vietnam, Congressman William O. Cowger and the other members of this volunteer committee who went to Vietnam in early June and made a thorough study of U.S. involvement in Vietnam. This was the second time this committee has been to Vietnam; the first time was in 1967.

I find the report of the volunteer group to be generally in agreement with our own findings, that is, those of the Select Committee on U.S. Involvement in Southeast Asia.

The volunteer's report is impressive and I recommend to the Members that they read the special order in today's Congressional Record.

I again compliment Congressman Schwengel and the other members of his team for bringing to the attention of the Members of the House and the American people this up-to-day information on Vietnam.

PERMISSION FOR THE COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT, AUGUST 21, TO FILE CERTAIN REPORTS

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the House Committee on Government Operations may have until midnight, August 21, to file one or more legislative reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE REORGANIZATION ACT OF 1970

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, it has been exactly 1 month since we commenced consideration of H.R. 17654, the Legislative Reorganization Act of 1970. On the sporadic occasions on which we have considered the bill since that date we have had meaningful debate and discussion on this important legislation. Significant improvements have been made in the bill as it was reported from the Rules Committee.

Among the most important changes made to date are the following:

First. Record teller votes;

Second. Elimination of proxy voting in committee;

Third. Assurance of funding for minority staffing;

Fourth. Faster quorum calls;

Fifth. Televising committee hearings; and

Sixth. Public disclosure of committee votes.

We must not let these significant and important reforms die.

Mr. Speaker, I am not a superstitious person, and so the fact that today is August 13, and the fact that we commenced consideration of this legislation on July 13, do not in and of themselves concern me. However, the continued, and

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unjustifiable delays in consideration of this bill do bother, and do bother me a great deal. It is my humble opinion that it bothers the people of this country a great deal too. It would be my prediction that the voters of this country will make this point quite clear to Members during the coming 3 weeks.

It is my sincere hope that the Members of this great House will return from the recess determined to "overcome the jinx of the 13th," if it exists, and give the people of this Nation the meaningful congressional reform which they want, deserve, and are entitled to receive.

EXPLANATION FOR THE UNUSUAL NUMBER OF MEMBERS ABSENT DURING QUORUM CALL 272 YESTERDAY

(Mr. HUNT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, yesterday's rollcall No. 272, a quorum call, reflects the absence of an unusual number of Members from this Chamber. I take this occasion to remind my colleagues that the reason for this unusual number of absent Members from the Chamber yesterday was because they were attending the last rites and the burial of our beloved former colleague, the late Honorable G. Robert Watkins.

Mr. Speaker, this was a poor time for a quorum call in view of the number of Members who were absent from the Chamber in order to pay their last respects to one of our Members.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. HUNT. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I might point out that one of the largest congressional delegations in history to attend the funeral of any departed Members attended the funeral of the late Honorable G. Robert Watkins. We counted 52 Members in attendance at the cemetery. A fitting tribute to one of the great Americans of all time.

Mr. HUNT. Mr. Speaker, I thank the gentleman.

CALL OF THE HOUSE

Mr. BOW. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 277]

Anderson, Tenn.
Bevill
Boggs
Bray
Buchanan
Cabell
Caffery
Chisholm
Clay
Cramer
Cunningham
Daniels, N.J.
Dawson
Dennis
Diggs
Edwards, Ala.
Fallon
Fuqua
Gallagher
Gibbons
Hansen, Wash.
Hathaway
Hébert
Hull
King
Leggett
Long, La.
McCarthy
McCulloch
Mailliard
Mayne
Meskill
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Pollock
Powell
Price, Tex.
Pryor, Ark.
Rarick
Rees
Reifel
Rooney, N.Y.
Roudebush
Ryan
Scheuer
Wold

The **SPEAKER.** On this rollcall, 381 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 18970

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Friday, August 21, to file a report including minority and separate views, of course, on the bill, H.R. 18970.

The **SPEAKER.** Without objection, it is so ordered.

There was no objection.

NATIONAL REFUGE SYSTEM ENDANGERED

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, as chairman of the Subcommittee on Fisheries and Wildlife Conservation this morning I was holding hearings on the migratory bird hunting season and bag limits.

In the course of the hearings, a fact came to light that very much distressed me, and I hastened over here to report to the House of Representatives that the administration has issued a most unwise order to the Department of the Interior directing that agency to sell 10 percent of its land holdings.

Included in this order to see 10 percent of land holdings as near as I can ascertain is the national refuge system administered by the Fish and Wildlife Service. The land in question shall be sold without regard to the value of the land or to its value to the national refuge system. This means that 3 million acres out of 30 million acres are up for disposal. Depending on how the figure is interpreted and depending on the lands selected, every single acre of land bought from duck stamp receipts will be required to be sold. This will be in open defiance of the intent of this Congress. The Department of the Interior and national conservation organizations have been working very hard over the years to establish a national refuge system which will preserve or bird population, with one stroke of the pen of Richard Nixon this system can be wiped out unless a very real change is made in the order.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my dear friend and mentor, the distinguished gentleman from California.

Mr. MILLER of California. Is it not a fact that most of these lands are purchased with duck stamp money and that it is a separate fund?

Mr. DINGELL. The gentleman from California is entirely correct. A large portion of these lands are purchased by the duck stamps which are acquired each year by the sportsmen and duck hunters of this land. This means that the lands that have been purchased with this hunter contribution, and which have been operated under the very careful management of the Department of the Interior will be dissipated by the administration unless this order is rescinded. This action by the administration can very well result in the destruction of our great refuge system, and dissipation of millions of acres of refuge, recreation, and hunting lands. It can destroy our whole land management program for these purposes.

PRESIDENT'S VETO OF HOUSING AND EDUCATION BILLS

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOLLOHAN. Mr. Speaker, I am voting to override the President's veto on both the education and housing appropriations. The Nation must have these additional funds in both areas, and we should seek other areas of the budget for pruning rather than these two areas. The impact of the President's veto on West Virginia alone is enormous. The difference in his recommendations and those passed by the Congress are substantial.

Mr. Speaker, the amount that the Congress appropriated over and above the President's request for education is less than the total of money that could have been saved if we had postponed funding the SST for a year and had simultaneously limited the payments under the farm program to no more than $20,000 per farm. Had we taken those two measures, we would have saved the taxpayers more than half a billion dollars, far more than needed to finance the $434 million increase in education.

Mr. Speaker, the SST and farm payments over $20,000 have very little effect on West Virginia or many other States, for that matter. But under the President's request, West Virginia would receive only $32.5 million for education, but under the House-Senate action. West Virginia will receive nearly $40 million, and that means a great deal to the people of my State and its future growth and welfare.

The State of West Virginia cannot do without a realistic commitment to education, nor can any other State. The value of gigantic payments to corporate farmers and the development of a supersonic transport is dubious indeed when set in comparison.

OFFICE OF EDUCATION APPROPRIATIONS, 1970

The **SPEAKER.** The unfinished business is, will the House, on reconsideration, pass the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD), for 1 hour.

GENERAL LEAVE TO EXTEND

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the veto message of the President in the body of the RECORD prior to the vote on the question.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Texas, the chairman of the Appropriations Committee.

SPENDING WITHOUT REVENUES IN HAND OR IN SIGHT: THE THREATENING DISASTER

Mr. MAHON. Mr. Speaker, it is said that the President is trying to blame Congress and Congress is trying to blame the President for the economic plight the country is in. I would like to sidestep that exercise and talk about the substance of the real problem.

Mr. Speaker, it is not difficult to pin an authentic "big spending" label on both the administration and on Congress. Last year the administration asked for and spent in total, about $12.2 billion more than was spent the prior year. The Congress made the money available for expenditure. So we are in the same boat together.

The fundamental problem, however, is not necessarily big spending. Much big spending for high priority purposes is inevitable. Holding spending in reasonable bounds is, of course, part of the problem. But what threatens disaster is big Federal spending without revenues in hand or in sight to pay the bills.

DEFICITS, DEFICITS, DEFICITS

The Federal funds deficit for the current fiscal year will likely be within the range of $13 to $20 billion. The Federal funds deficit last year was $13 billion.

The administration is working on the budget for fiscal year 1972—next year—and the deficit in Federal funds for next year could easily be in the $20 to $30 billion range unless revenues are materially increased or spending drastically reduced. An increase in revenues would have to be a joint effort of the administration and the Congress. No agreement to drastically cut spending or sharply increase revenues is anywhere in sight. That is the alarming situation which places both Congress and the administration in an untenable position.

REALISTIC CONFRONTATION WITH THE ISSUE

Reducing a few items in the pending bills today would not be a monumental step. Perhaps it could be a straw in the wind toward preventing the collapse of the housewife's dollar. Perhaps it could shock the administration and the Congress and the country into the mood for a realistic confrontation on the issue of spending and revenues.

THE DOLLAR CRISIS OF 1968—A REPEAT?

Do you remember the dollar crisis of 1968 when we had a $28 billion budget deficit and the Secretary of the Treasury flew to Europe to calm the nerves of world bankers who were beginning to demand gold for dollars? The Secretary of the Treasury at the time warned that we were on the brink of disaster. Do you remember our response? It was a sharp cut in spending and the 10-percent surtax. Big spending without the funds in hand or in sight is rapidly propelling us toward that brink again and the Federal funds deficit next year could very possibly approximate the 1968 figure.

Our spending demands are multiplying and we are not providing the wherewithal to cope with them.

THE INDIVIDUAL'S POCKETBOOK STAKE

The dollar lost about 5 cents last year as a result of inflation. Deficit spending played its part. The housewife at the grocery store can buy less and less month by month with funds available to her. This is not too significant to the well-to-do but the poor are suffering the consequences of this intolerable situation.

It would have a wholesome effect if Congress and the administration showed the will to meet the situation head on. That is far more important than the dollars involved in the veto messages.

JOINT RESPONSIBILITY

The administration has requested in the two vetoed bills, $21.4 billion. This is $700 million above the previous year's total. Congress has increased that amount by $1 billion. In other words, 95 percent of the funds involved were requested by the administration. This total sum is the principal inflationary pressure, not the congressional add-on. The add-on only makes a bad situation worse.

I do not discount the fact that much of the above-the-budget money in the bills—especially the independent offices-HUD bill—will not be actually paid out in the current fiscal year and thus the impact on actual spending from the sums above the budget would not be at a maximum this year; the impact would come in fiscal 1972 and thereafter. The fiscal 1972 budget is due for presentation to Congress in 5 months. The administration is looking down the gun barrel toward that budget submission and decisions of the greatest magnitude in regard to spending and revenues will have to be made.

Inflationary pressures neither begin nor end in the Halls of Congress. If the Congress gave the administration every penny it has requested in the budget in spending authority—and not 1 penny more—the problem would be approximately the same as it now is. Massive spending—beyond Federal revenues available—supported by both the administration and Congress is the backbone of the difficult fiscal problem which is confronting us.

THE VETOED EDUCATION BILL

With respect to the education bill, the Committee on Appropriations promised last year and again early this year that we would undertake to enact an education appropriation bill in time for the schools to know how much money would be available from Federal funds before they started the new school year this fall. We have fulfilled our pledge.

Many of the schools will be starting next week or soon thereafter. We must avoid a repetition of the disruptive delays of last year. Time is of the essence. Under the circumstances at this time I see no logical alternative to overriding the veto.

The **SPEAKER** pro tempore (Mr. NATCHER). The time of the gentleman from Texas has expired.

Mr. FLOOD. Mr. Speaker, I yield 2 additional minutes to the gentleman from Texas.

THE INDEPENDENT OFFICES—HUD BILL

Mr. MAHON. Mr. Speaker, as to the independent offices-HUD bill, the Committee on Appropriations tried to write the bill within reasonable limits and we did. The House thought the committee was too economy minded and added $375 million.

The Senate added $1.2 billion above the President's budget.

Congress and the administration are in this problem together, and there is no easy answer. If the veto is sustained, there is no assurance that the bill will be improved.

In my capacity as chairman of the Appropriations Committee, I have been pounding the table and shouting from the housetop that the administration and the Congress should make a more determinded effort to hold the line in Federal spending in the absence of any assurances of funds in hand or in prospect to pay the bills.

In the light of the $13 billion Federal funds deficit of last year, the anticipated Federal funds deficit of this year of probably more than $13 billion, and the prospect of a more appalling Federal funds deficit next year—in the absence of increased revenues—I have no logical alternative under these particular circumstances except to vote my approval of the bill as originally written by the House Appropriations Committee which means a vote to sustain the veto.

Mr. FLOOD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio, the ranking member of the minority on the Appropriations Committee (Mr. BOW).

(Mr. BOW asked and was given permission to revise and extend his remarks and to include extraneous matter and tables.)

Mr. BOW. Mr. Speaker, the gentleman from Texas has made another fine address to this body. However, I believe his conclusions are only half right when he says that he is going to vote to sustain the veto of the HUD bill. I believe his decision on the other bill is a mistake.

The votes today on two Presidential vetoes are not votes pro or con the desirable programs involved; they are votes for or against inflation. I will vote to sustain the vetoes.

Adjusting priorities while fighting inflation is a delicate operation. For the first time in 20 years the Nixon budget provides more for human needs than for defense. Nixon defense cuts have permitted $1 billion more for education this year than in fiscal 1969. I am for that, but there is no place to get the other half billion Congress has added except from inflation. I am for a fair share of the tax dollar for housing and related program, but I am against appropriating more than we can afford.

We will never cut the cost of living if we continually increase the cost of government.

If Congress sustains these vetoes, then we can quickly prepare new bills that will provide adequate support for these programs, including the additional funds needed for veterans hospitals. My conferences with the President lead me to believe that he would approve the budget increase for medical care for veterans provided the unnecessary inflation of other activities in this bill are overcome.

I include the following tables to illustrate the commitment of the Nixon administration to the programs contained in these bills, as compared with the last budget request of the previous administration, and also the effect of congressional action on the education budget request this year:

EDUCATION

	1970 Johnson budget estimate	1971 Nixon budget estimate	Vetoed bill
Elementary and secondary education	$1,525,876,000	$1,614,693,000	$1,846,968,000
School assistance in federally affected areas	315,167,000	425,000,000	551,068,000
Education professions development	136,100,000	136,100,000	135,800,000
Higher education	897,259,000	857,525,000	967,880,000
Vocational education	279,216,000	440,046,000	494,196,000
Libraries and community services	155,625,000	59,446,000	85,040,000
Education for the handicapped	85,850,000	95,000,000	105,000,000
Research and training	90,000,000	118,329,000	90,077,000
Education in foreign languages and world affairs	20,000,000	(1)	(1)
Research and training—special foreign currency program	$4,000,000	$3,000,000	$3,000,000
Salaries and expenses	43,375,000	46,733,000	45,164,000
Student loan insurance fund	10,826,000	18,000,000	18,000,000
Loans to higher education institutions (obligations)		(10,000,000)	(25,000,000)
Participation sales insufficiencies	2,918,000	2,952,000	2,952,000
School desegregation funds		150,000,000	75,000,000
Total, Office of Education	3,566,212,000	3,966,824,000	4,420,145,000

[1] Included under higher education in fiscal year 1971.

INDEPENDENT OFFICES—HOUSING AND URBAN DEVELOPMENT

Selected items	Johnson budget estimate, 1970	Nixon budget estimate, 1971	Vetoed bill
NASA	$3,760,527,000	$3,333,000,000	$3,268,675,000
NSF	500,000,000	513,000,000	513,000,000
VA	7,740,985,000	8,960,528,000	9,065,528,000
(VA medical care)	(1,541,701,000)	(1,752,200,000)	(1,857,200,000)
Renewal and housing assistance:			
As shown in the budget including advances	2,161,250,000		
Actually requested for the fiscal year	1,661,250,000	1,782,000,000	2,123,000,000
Urban renewal:			
As shown in the budget including advances	(1,500,000,000)		
Actually requested for the fiscal year	(1,000,000,000)	(1,000,000,000)	(1,350,000,000)
Low Rent public housing annual contribution	(473,500,000)	(654,500,000)	(654,500,000)
Metropolitan development	344,750,000	307,200,000	641,500,000
(Water and sewer facility grants)	(135,000,000)	(150,000,000)	5500,000,000)
Model cities:			
As shown in the budget including advances	$2,000,650.000		
Actually requested for the fiscal year	750,000,000	$575,700,000	$575,600,000
Urban technology—Research	25,000,000	55,000,000	30,000,000
Mortgage credit:			
Home ownership assistance cumulative annual contract authorization	125,000,000	325,000,000	325,000,000
Rental housing assistance cumulative annual contract authorization	125,000,000	325,000,000	325,000,000
Rent supplement program cumulative annual contract authorization	142,000.000	197,000,000	177,000,000
Federal home loan interest adjustment payments		250,000,000	85,000,000
Total bill:			
As shown in budget including advances	18,200,182,000		
Actually requested for the fiscal year	15,525,182,000	17,468,223,500	18,009,525,300

DEFENSE

Item	Johnson budget estimate 1970	Nixon budget estimate 1971
I—Military personnel	$24,384,200,000	$24,226,800,000
II—Operation and Maintenance	21,941,000,000	19,512,045,000
III—Procurement	23,240,900,000	17,690,000,000
IV—Research, development, test, and evaluation	8,174,100,000	7,401,600,000
V—Other		302,621,000
Subtotal		69,133,066,000
Proposed for rescission		−387,400,000
Total	77,740,200,000	68,745,666,000

CONGRESSIONAL ACTION ON THE EDUCATION APPROPRIATION BILL—SUMMARY OF CHANGES FROM THE BUDGET

President's budget		$3,966,824,000
Increases:		
Mandatory formula grant programs	+$559,865,500	
Discretionary programs	+39,961,500	
Subtotal		599,827,000
Decreases: Discretionary programs		−146,506,000
Net change		+453,321,000
Conference agreement		4,420,145,000

Mr. FLOOD. Mr. Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I am deeply disappointed that the President has seen fit to veto the Office of Education appropriations bill for fiscal 1971. It is essential that the Congress override this veto and get these needed Federal funds on their way to schools, colleges, and libraries before the academic year begins next month.

If the veto should be upheld it may be October before a new bill can be enacted. Last year the veto of the Labor-HEW appropriations bill resulted in a delay of over 2½ months, from December 1969, to March 1970. If we are going to have these last-minute annual vetoes of education appropriations bills, we shall never get on to a reasonable schedule of making the amount of Federal education funds known to the recipients well in advance of the beginning of the school year.

This is a good bill, and it should be enacted, the conference report passed the House by a vote of 370 to 30, and the other body by 88 to 0. These votes reflect the considered judgment of the Congress and the Congress should stick by that judgment.

The President justifies the veto on the grounds that the amount in the bill is some $435 million over his budget request—roughly 10 percent. But the important thing about the effect of Federal expenditures on the economy is not one bill or $435 million in a budget of some $200 billion, but the total of all Federal expenditures after all appropriations bills have been passed. The record of the Congress shows that it is fiscally responsible: Last year, the total money appropriated by the Congress for fiscal 1970 was $6.4 billion less than the budget requests of the administration. The Congress regularly reduces Executive budget requests, and I am sure will do so again for fiscal 1971.

The issue is not inflation—the issue is whether the President is to dictate national priorities as between expenditures down to the last decimal point, and deny to the Congress its constitutional duty of setting national policy through legislation. I urge this House to defend its historic responsibilities and vote to override the veto.

Mr. FLOOD. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, because of the extreme seriousness of the overall fiscal problem and particularly the problem on the two appropriation bills we face today, I do not intend to speak as a Republican, and I do not think Members on the other side should approach the debate on this vote as Democrats. This should be a nonpartisan concern.

As the distinguished gentleman from Texas has said, this basic issue transcends whether we are a member of the legislative branch on the one hand, or an individual in the executive branch on the other. I look at the problem we face today as a Member who spent 14 years on the Committee on Appropriations, serving with the distinguished chairman of the committee, and many others, including the gentleman from Pennsylvania (Mr. Flood). It was a great and exhilerating experience. The members of that great committee over the years have done an excellent job, and I know in this case they did the best they could in marking up the bill and in the conference.

But, unfortunately, because of pressures from the inside and outside, and particularly pressures from the other end of the Capitol, we have ended up with a conference report that in reality is $1 billion more than the budget recommended by the President in these two appropriation bills.

In this particular appropriation bill for the Office of Education the add-on, over and above the President's recommendation, is $453 million even though President Nixon's budget recommendations were greater than those of his predecessor.

I do not blame the members of the subcommittee, or this House Committee on Appropriations. There are outside forces, there are pressures from the other end of the Capitol that I believe have forced this crisis on us. The crisis is here. The gentleman from Texas, the chairman of the committee, has put his finger on it in the remarks that the gentleman made on the floor of the House not more than 10 minutes ago. Let me read what the gentleman from Texas said:

> The federal funds deficit for the current fiscal year will likely be within the range of $13 billion to $20 billion. The federal funds deficit last year was $13 billion. The administration is working on the budget for fiscal year 1972, next year, and the deficit in federal funds for next year could easily be in the range of from $20 billion to $30 billion unless revenues are materially increased, or spending drastically reduced.

The gentleman from Texas has warned every one of us, whether you are on that side of the aisle or whether you are on this side of the aisle, or whether you are a Democrat or whether you are Republican, throughout the country we face a fiscal crisis of major magnitude. And I happen to think the issue is best presented—best presented, I repeat—by this headline that appeared in the Philadelphia Inquirer on yesterday. The headline reads, "Nixon vetoes two bills to save $1 billion. That is the issue.

If you vote to sustain the President's veto you are contributing to the maximum in an effort to save $1 billion.

Now, I am frank enough to admit that maybe we will not save $1 billion, but we ought to try, and we ought to try right now: $453 million on this appropriation bill and $541 million on the next appropriation bill.

Mr. Speaker, this morning we had a meeting and one of our Members raised the question in this way—and I think this is the way we ought to look at it—suppose you had a public referendum on each of these appropriation bills in each of your congressional districts right now? How do you think the voters in your district would vote?

I venture to say that the public would support the veto in both cases so as to save a total of $1 billion.

Second, approximately a week ago we had a vote here which I think indicated the public point of view. It was a relatively insignificant vote to authorize an increase in pay for two of the employees in the House of Representatives. It involved a couple of thousand dollars in each instance. The vote was overwhelmingly against the increase in pay for those two individuals. I do not intend to mislead the Members, I voted for the legislation but that is not the point.

However, in the debate, one of the Members, and I do not remember from which side of the aisle, pointed out the overall fiscal problem involving the Federal Government in a very specific way. The Member who spoke condemned the pay increase. As I recollect, the applause in the gallery was overwhelming. That was an indication of how your constituents feel.

So I say to you, do not be bludgeoned by a lobby here and a lobby there. Your constituents are going to look at these two votes today on this basis—whether you are willing to save $1 billion. You can, you should, and I hope we will.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. Flood).

Mr. FLOOD. Mr. Speaker, I have the high honor and great privilege of yielding 5 minutes to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. McCormack).

Mr. McCORMACK. Mr. Speaker, what we have just heard from my distinguished friend is what is known as the "scarecrow argument."

The question of inflation is not honestly involved here. The amounts of the increases by the Congress were reasonable under the circumstances in both of these bills.

In the Washington Post this morning's editorial said in referring to the education bill:

> But the extra money appropriated by Congress is not especially inflationary in its impact.

The editorial also referred to the impacted area program. Well, you could save tens of millions of dollars there. Do you want to wipe that program out? You are not going to do it—that affects about 300 districts in the country and 300 Members are interested—and I do not blame them. So there is one place where you could save a large sum of money.

I assume that my friend, the gentleman from Michigan, might have the courage to vote to strike out the whole program. But I wonder how many others might feel that the program is a reasonably necessary program for their district.

While this program does not affect my district, I have gone along with it because I realize it has become more or less a way of life.

The editorial also said:

> The extra money which Congress voted for housing and urban development is money for long-term commitments.

This is not money that is going to be spent right away. As the editorial pointed out:

> It is unlikely to be expended in the current fiscal year; but it has a vital bearing on undertakings which must be planned for months and even years ahead. Denial of these funds would seriously inhibit the ability of local authorities to start on the rehabilitation measures needed to make our cities livable and to cut the terrible social costs of crime and urban unrest.

Every year I receive 25 to 50 letters from the Governor of Massachusetts, who, politically, is a Republican, urging me to increase the President's budget. And I imagine that Members from other States in which the Governors are Republicans get similar letters and telegrams, without regard to political party. So the question is not inflation. That is a scarecrow item as far as the amounts involved in these bills are concerned.

If some who support the veto, and want to save a lot of money, why do they not wipe out the farm subsidy program? I have supported the farm subsidy program. But let us be clear now.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Texas.

Mr. MAHON. Why does not the Speaker agree with me that we ought to raise the necessary revenues before we commit more funds than we receive?

Mr. McCORMACK. I will do it. Will you do it?

Mr. MAHON. What did the Speaker say?

Mr. McCORMACK. I will do it. Why does not the President recommend increased taxes?

Mr. MAHON. When we have the money, the Committee on Appropriations will appropriate it for high-priority items, but we do not have the money to appropriate at this time.

Mr. McCORMACK. The scarecrow issue of inflation raised by some Members in connection with the two veto messages, are on untenable grounds.

Let me make one more observation. Let me show the disturbed state of mind that President Nixon had when he vetoed these messages. In his veto message the President said—

> My veto of both of these bills is painful.

If he was coming up for reelection this year, it would be so painful he would sign the bills. The President is secure. Yet he says his action is painful. How painful are we here? The President has 2 years of additional security, as far as the public is concerned. But every Member of this body has to go before the public this year, and it must be painful for my Republican friends, particularly those who come from close districts.

There are many items in these bills

which will cause pain. It is going to be painful to cut funds for veterans' health; $100-and-some-odd million would be wiped out in connection with medical care and hospitals.

It will be painful for our cities in their rehabilitation programs. It will be awfully painful, and that painful situation is going to confront Members.

So when the President said it was painful for him, I point out that it would be exceedingly painful for Members of Congress who are coming up for reelection this year.

Mr. FLOOD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, every day we learn something. This is the first time I knew, according to the words of the Speaker, that this is a political issue. I thought we were talking about fiscal responsibility. I have listened to my good friend the Speaker many, many times, and I think this is the first time, in the speech he just made, that he did not quite add up, and I say that respectfully.

Economists are agreed that fiscal restraint is basic to achieving stability in prices. And there is no denying that as Members of Congress we share with the President the responsibility for exercising such restraint.

The question before us today is simply this: Are we going to support the President in his efforts to hold the line against further increases in the cost of living for those who can least afford higher and higher prices?

Are we going to help the President hold the line against higher interest rates which hurt most the very people we want to help in our education and urban renewal programs?

Are we going to join with the President in holding the line against a bigger tax deduction from the paycheck of the already overburdened wage earner?

Make no mistake about it—unless this body responds to the President's request to reconsider actions previously taken on these appropriation bills the end result will be higher prices, higher interest rates, and higher taxes. As spokesman for all the people we represent we will have betrayed their trust to do that which best serves the many and not a favored few at the expense of the many.

No one of us can fail to understand the President's statement that his decision to veto these measures was "painful." Certainly, no one can accuse him of political expediency. He made no new friends among the special interest groups who mobilized their forces in a massive emergency "operation override" within hours after news of the vetoes had been announced by the White House. I certainly will not vote to override what is in the best interests of the country as a whole to serve the special interests of a shortsighted few.

The reasons the President set forth in his veto message for his actions are not to be taken lightly. And I have a feeling that all right-thinking citizens will applaud his courage, admire his consistency, and share the concern reflected in his words of warning.

The President has acted in a manner worthy of the responsibilities of his office as President of all the people. I ask: Are we as responsible? Or if you override do you have the courage to say to your constituents that we have to raise their taxes?

I urge the Members of this body to now act in a manner worthy of our responsibilities which we share with the President for promoting the general welfare of our beloved country. I urge, as sincerely and as earnestly as I know how, that you vote to sustain the President's veto.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Pennsylvania.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, when President Nixon took office in 1969, the first order of business was to ask the Congress to raise the national debt $12 billion. I voted for a tax reform bill, so-called, which I am told will lessen taxes some $9 billion. I have already voted this year to increase the national debt another $18 billion. Also today we are with information that these two bills total another billion dollars over the budget. Practically every appropriations bill put in front of us this year has been $500 million over the President's budget. And current publications all forecast a probable deficit this year of from $13 to $20 billion.

In other words, we are running this Nation into bankruptcy. I want to tell everybody in this House I am going to vote to sustain this veto. I am not going to be part of the scheme to destroy the fiscal integrity of the United States, and in order to save this country from virtual bankruptcy, I am going to vote to sustain both these vetoes.

Mr. FLOOD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois, the ranking minority Member of this committee (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, may I say at the very outset that with these last two vetoes of HEW appropriation bills, I am getting far more exposure here in the well of this House than I crave, believe me.

Mr. Speaker, when we brought the conference report on this vetoed education bill to the floor, I said at the time that I was "very distressed that this second or third appropriations bill to go to the President for his signature is in the neighborhood of a half billion dollars over his request, and I suspect it might be tempting for the President to veto it in view of the very serious fiscal situation we find ourselves in today, particularly so when there are several other appropriations bills waiting in the wings that in the aggregate are several billion dollars over the President's budget request."

By way of quick review, Members will recall that the 1970 HEW bill that was vetoed carried $4.2 billion for education and the final version of that appropriation bill ended up at a level of $3.8 billion for 1970.

Now, the President's 1971 budget request came to us at a level of $3,966,000,000, or slightly in excess of $150 million over the spending level for the previous year, for 1970. The bill ultimately, as we all know, ended up $453 million over the President's budget.

This $453 million over the President's budget in the main is made up of increases in mandatory formula grants. As a matter of fact, the increases in mandatory grants in this bill of $560 million are really greater than the net increase over the budget, and these of course include such items as the $111 million for impact aid, $160 million for ESEA, title I, $23 million for supplementary services, ESEA, title II, $50 million for equipment and minor remodeling, $50 million in the area of vocational education and grants to the States and a variety of others.

In the interest of time I shall insert the entire list in the RECORD at this point.

The information is as follows:

MANDATORY FORMULA GRANT PROGRAMS RECEIVING INCREASES OVER BUDGET

[In thousands of dollars]

Office of Education appropriation/activity	1971 budget	Conference action	Difference
School assistance in federally affected areas:			
Maintenance and operations (874)	425,000	536,068	+111,068
Elementary and secondary education:			
Educationally deprived children (ESEA I)	1,339,050	1,500,000	+160,950
Supplementary services (ESEA II)	120,393	143,393	+23,000
Equipment and minor remodeling (NDEA III)		50,000	+50,000
Vocational and adult education:			
Basic vocational education grants:			
Grants to States (VEA, part B)	300,336	350,336	+50,000
Consumer and homemaking education (VEA part F)	15,000	21,250	+6,250
Work-study (VEA, part H)		5,500	+5,500
Students with special needs	17,000	20,000	+3,000
Higher education:			
Direct loans	176,925	243,000	+66,075
Aid to land-grant colleges (Bankhead-Jones Act)		10,080	+10,080
University community services (HEA I)		9,500	+9,500
Undergraduate equipment		7,000	+7,000
Construction grants (HEFA I, & II.)		43,000	+43,000
Community education:			
Public libraries:			
Services (LSCA I, III, IV–A, IV–B)	35,459	40,709	+5,250
Construction (LSCA II)		7,092	+7,092
Education for the handicapped: State grant programs (ESEA VI)	31,900	34,000	+2,100
Total	2,461,063	3,020,928	[1] +559,865

[1] Net amount is as follows:

President's budget	$3,966,824,000
Increases:	
Mandatory formula grant programs	+559,865,500
Discretionary programs	+39,961,500
Subtotal	599,827,000
Decreases:	
Discretionary programs	−146,506,000
Net change	+453,321,000
Conference agreement	4,420,145,000

Mr. Speaker, with these increases in mandatory formula grants it seems to me we are tying the President's hands in his attempt to control spending.

I have been listening in recent weeks and, yes, earlier today, to the distinguished chairman of our Appropriations Committee, and his repeated warnings about our fiscal problems. He has time and time again taken the floor to remind us that under the unified budget concept we are taking in more revenue in our trust fund accounts than we are spending in these same accounts, and that tends to improve our overall fiscal picture. There is no doubt about it.

While the latest official projections would indicate we have a deficit in this fiscal year of $1.3 billion, we all know it is going to be considerably more than that. The last official estimate publicized is based upon additional revenue being generated to the tune of $4.6 billion in either increased or extended taxes of one kind or another. It would appear to me that at most the President will be getting only that revenue generated by an extension of excise taxes, and that will be about $600 million. So if we do not enact any kind of tax legislation here, like the Speaker said he was willing to support, of some $4 billion, we have to add that to the officially announced deficit of $1.3 billion, and we have a minimum deficit of $5.3 billion. If the economy does not improve, we are going to have a further loss of revenue, and the picture will be much worse.

XUM

So there is no question about it. If Members want to fund these programs at a higher level than what they are currently being funded, we have to be thinking seriously about tax increases to cover the cost. We just cannot have it both ways.

We cannot afford to go down this road here in this Congress without restraining some of our own spending proclivities.

In my opinion the vast majority of the American people will back up the President in his attempt to cut Federal spending by a billion dollars with these two vetoes we are considering today.

These education and housing appropriation bills are only the third and fourth of this session to reach the President's desk, and there will be 10 more to follow, of regular appropriation bills. We might just as well face up to the issue at this time as to whether or not we are going to help the President keep Federal expenditures in line or open up the floodgates as the session wears along.

I intend to vote to sustain both vetoes and urge my colleagues to do likewise.

Mr. FLOOD. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I rise to urge the House to override the President's veto of H.R. 16916, the Office of Education appropriation bill for 1971.

I do not intend to indulge in any partisan political rhetoric. I have never been very good at it, and I do not intend to try now. However, I must say that I think the President's reasons for vetoing this bill must be political, because the veto certainly will not stand up when measured by any other standard. Do not misunderstand me, gentlemen. I am not against politics. Politics is a very important function in our Government. However, we should recognize this veto, naked, for exactly what it is.

Why do I say this? First of all because this veto, if sustained, will cause further delay—remember this back home—further delay and uncertainty in the allocation of Federal funds to thousands of school districts back home and to colleges all over the nation. It will hurt the schools and it will hurt the students. Do not forget that.

Mr. Speaker, this bill came out of the Committee on Appropriations subcommittee of which I am the chairman, I was the floor manager of the bill in the House. After our experience with the 1970 Labor-HEW bill, which was not enacted until March 5 of this year—March 5 of this year—we made a solemn vow, as far as the House Committee on Appropriations was concerned, that we would do everything in our power to enact an education appropriation bill for 1971 as early as possible. Remember? We began hearings on this bill on March 4. We reported it out on April 9. Remember these dates. It passed the House on April 14. It is now August 13. In a very few weeks—now hear this—in a very few weeks the Nation's schools and colleges will open their doors for the 1970–71 school year. If this veto is sustained, no one, but no one, knows how long it will take to put through another education appropriation bill which would be acceptable both to the Congress and the President. No one, but no one, knows how many weeks or how many months it will be before thousands of school districts would receive title I funds. These are your school districts. Keep that in mind. You will hear about it.

Second, Mr. Speaker, I do not see how the expenditure of $239 million in outlays for 1971 in this bill over the President's budget can possibly have any measurable effect upon the Nation's economy. The amount at issue between the President and the Congress amounts to one-tenth of 1 percent of the total Federal budget for 1971, and about one-fiftieth of 1 percent of the gross national product. I am not an economist, but I think I can recognize miniscule figures when I see them.

Mr. GERALD R. FORD. Mr. Speaker, would the distinguished chairman of the subcommittee yield to me for just one question?

Mr. FLOOD. To the gentleman from Michigan? Of course.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished chairman of the subcommittee yield for just one question?

Mr. FLOOD. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I would ask the gentleman from Pennsylvania if it is not true that if this veto were sustained that the existing continuing appropriation resolution would take care of the problem the gentleman mentions, in other words there would be Federal funds available under the continuing resolution?

Mr. FLOOD. Well, there would be Federal funds available for the next month or two. It is mainly a question of degree. Of course, what the gentleman says is true.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I would ask the gentleman from Pennsylvania does not the continuing resolution expire on October 1?

Mr. FLOOD. It is either October 1 or October 15, but in either case it is a stopgap measure, as the gentleman infers, and not a very good substitute for the regular appropriation bill.

There are many line items in this bill. I will not mention them all. They are legion. But I would like to mention a few of the increases over the President's budget which led to the veto.

Wait until you hear about this one—wait until you hear about this one—just so you will know what you are doing: Impacted area aid. Did you ever hear of that one? This bill is $126 million over the President's budget. Do not forget that. That is one of your prize pigeons.

Education for the handicapped. You are against that? Well, I do not think so, really.

Vocational education. You were enthused about that when you authorized it.

The community colleges—these wonderful, new community colleges in your communities, one a week we are giving birth to. A $43 million increase. You are against that?

Let me just recite some of the increases over the President's budget that are in the bill:

Impacted area aid	+$126,000,000
Title I, ESEA	+161,000,000
School equipment (NDEA III)	+50,000,000
Supplementary services and guidance, counseling, and testing (ESEA III)	+23,000,000
Bilingual education	+3,750,000
Education for the handicapped	+10,000,000
Vocational education	+54,000,000
NDEA student loans	+67,000,000
Aid to land-grant colleges	+10,000,000
University community services	+9,500,000
Construction grants for community colleges	+43,000,000
Public libraries	+12,000,000
College libraries	+5,400,000
Educational broadcasting facilities	+7,000,000

Now, Mr. Speaker, these are the programs, and the House has heard about them again and again. These are programs for the people of every Member's district. Mr. Speaker, there is no dividing aisle in this House on this bill. You passed the conference report on this bill on July 16. And what was the vote? 357 to 30. Remember? The other body passed the conference report 88 to nothing. These were not partisan votes, and the vote we are about to take should not be partisan.

Mr. Speaker, I urge the veto be overridden.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. FLOOD) has consumed 10 minutes.

Mr. FLOOD. Mr. Speaker, I yield 5

minutes to the gentleman from Arizona (Mr. RHODES).

Mr. CRANE. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. RHODES. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, I thank the gentleman from Arizona for yielding.

(Mr. CRANE asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. CRANE. Mr. Speaker, regarding the Presidential vetoes of the pending appropriations bills, I insert in the CONGRESSIONAL RECORD at this point a copy of an editorial which appeared in this morning's Chicago Tribune:

TWO MORE VETOES

Some members of Congress have expressed surprise at Mr. Nixon's veto of the two latest appropriation bills, one for aid to education and the other for various agencies, including the Department of Housing and Urban Development. Expressing surprise is a subtle way of implying that Mr. Nixon's action was unexpected, unwarranted, and therefore presumably unwise.

If anything is surprising, it is these expressions of surprise. Mr. Nixon has consistently attacked the two bills for overshooting his spending goal—the education bill by $453 million and the other bill by $541 million. On June 22 he vetoed a hospital construction bill that exceeded his request by $350 million, and he explained perfectly clearly that he was doing so because the added spending was unnecessary and would be inflationary. Did Congress expect him now meekly to accept an added burden amounting to nearly $1 billion?

Congress may very well override these vetoes as it did the hospital construction bill veto. Even the White House concedes that the chances of sustaining the education bill veto are slim.

But if Congress does override one or both of these vetoes, it will be demonstrating its own weakness, not the President's. It isn't easy for a President to veto bills for such popular and generally worthy purposes as hospitals, schools, and urban affairs. Mr. Nixon did so because he was convinced that the added money was unnecessary or could not be efficiently spent, and that it would be inflationary.

"My veto of these bills is painful," he said, "but necessary to hold down the rising cost of living. I flatly refuse to go along with the kind of big spending that is wrong for all the American people."

To override the vetoes will prove that Congress, unlike Mr. Nixon, prefers the easy and painless way out. This, especially during an election year, is to be as generous as possible with federal funds. True, the inflationary effects will ultimately hurt everybody, including the supposed beneficiaries of Congress' extravagance. But this is a matter that many congressmen prefer not to think about, at least until after the election.

If it should happen that Congress does have second thoughts and does cut out some of the excessive spending, as it did when Mr. Nixon vetoed a labor-welfare appropriation bill in January, then Mr. Nixon's courage will have paid off and we shall be gratified [we might say surprised, but won't] at Congress' wisdom.

Mr. RHODES. Mr. Speaker, this matter today should not be political. But, unfortunately, I am afraid that it has been put into the realm of politics. I do not believe anybody ought to vote for or against this veto on the basis of whether it will help him to be reelected or not. I would hope each of us would vote either for or against this on the basis of his own personal conviction as to what is best for his country.

I do not think anybody can say that a billion dollar deficit in two particular appropriation bills is not inflationary. To me every deficit is inflationary.

I do not know anythng about "black hat" deficits or "white hat" deficits. For anybody to say that these deficits are not inflationary as compared to all others—this to me is a kind of reasoning that is even more than specious. It is incomprehensible.

Mr. Speaker, today the House of Representatives is called upon to either agree or disagree with the President of the United States on an assessment of economic priorities. The Congress has passed and sent to the President two appropriations bills, which together exceed the President's budget by almost $1 billion. The President has vetoed these bills, on the basis that the amounts in excess of the budget would tend to exacerbate the inflationary spiral, and to raise the cost of living for the average American.

I doubt that very many Members of this body would challenge the President's statement. I think most of us realize that increased Government spending at this time can be accomplished only at the expense of inflation, increase in the cost of living, and decrease in the value of the dollar. However, many of our Members will vote to override these vetoes because of their sincere devotion to the various categories of Government expenditures included in these bills. And they will do so in the sincere belief that each of these Government endeavors is indispensable, and must be funded at the level provided in the bills, or the public weal would suffer.

Many of us will vote to uphold the President's veto, because we believe that the increase in the cost of living is the most important domestic problem facing the Congress and the administration. We will not be voting this way because of any lack of devotion or appreciation for the programs involved in these appropriations bills. In fact we will be voting with the clear belief that there will be other appropriations bills addressed to these programs, and that they will not go unfunded for the next year.

We do, however, feel that the overall public welfare demands that inflation and the rise in the cost of living be stopped, and stopped as soon as possible. In choosing priorities, we must put this as the No. 1 domestic priority. Closely followed by this priority is the belief of many of us that the programs financed by these bills should be financed as adequately as is possible under the present conditions of Government finances.

There are many Members of the House who will vote to override these vetoes, in the sincere belief that a budget balance will finally be obtained by huge cuts to be made in the Defense appropriations bill. We have heard pronouncements, mainly from Members of the other body, that the defense appropriations bill could be cut by as much as $10 billion. These estimates of huge cuts tend downward to more modest but still unrealistic figures. The facts are, Mr. Speaker, that the Defense budget for fiscal 1971 is already a tight budget. The President and the Secretary of Defense, with the cooperation of the uniformed members of the armed services, have already cut their budget to the bone and sometimes into the very marrow. The reduced American presence in Vietnam caused by the success of the Vietnamization program has allowed us to reduce our troop level. In fact, the Defense budget from 1968 to 1971 is down by $17.3 billion. This cut has been made in the face of rising costs, and while attempting to wind down a war. While this occurred, other Federal programs have gone up in their expenditure level by $18.4 billion.

As an illustration of the problem faced by the Department of Defense, if our troop level today were the same as the troop level in 1964, just to pay the troops would cost us 11 billions of dollars more than it would have cost to pay the same number of troops in 1964.

I realize that it is a comforting thought for many of our Members to contemplate the so-called Vietnam dividend. The facts are that this dividend has already been largely used. It will become necessary, unless the SALT talks are completely successful, for the Department of Defense to increase expenditures in the next few years in the fields of research and development, and in the procurement of more sophisticated global weaponry. We are all very much in hope that the SALT talks will succeed, and that much of this additional outlay can be avoided. However, I think it would be absolutely foolhardy for us to place the economy of the United States for the years to come in jeopardy, relying on the complete success of the SALT talks. We can hope for that success, but we certainly should not plan for it.

I see no corners to turn, and no stones to hide behind. The time has come for the Congress to join the Executive and bite the bullet. The President's vetoes are correct, considering all the factors of life in the 1970's, and they should be upheld.

Mr. FLOOD. Mr. Speaker, I yield the remaining time to the gentleman from Iowa (Mr. SMITH), a member of the committee.

The CHAIRMAN. The gentleman from Iowa is recognized for 7 minutes.

Mr. SMITH of Iowa. Mr. Speaker, it was only a few months ago that we were in here because the President had vetoed the bill for the same purpose and the President used the same excuse. The President was sustained on that occasion, and this House and the Senate went ahead and reduced his overall budgets by an additional $6.4 billion. He was robbed of his excuse for inflation. And we did him one better. We reduced his budget by another $6.4 billion.

But inflation did not disappear. We had more inflation. Obviously, pointing the gun at a one billion dollar shift in a trillion dollar economy is not the real cause of inflation.

XUM

I supported that override a few months ago, but I did so with an apology, because in that bill—some of the higher priority items were somewhat smothered, and some of the lower priority items were put up at the top.

But I say that today there is no need for anybody to apologize for what is in this bill. This is as good a bill as it is possible to write for 1971 for the Office of Education.

Let us look at exactly what is in this budget and what we did to it. We provided for increases totaling $556 million. We also provided for decreases of $103 million, making a net increase of $453 million, the figure the President used. Of the $556 million increase, $492 million was for grants to States and local governments. This is not money to be spent in Washington or wasted. This is a shift of the burden of taxation in this country.

The Federal Government is now paying only 8 percent of the cost of education. Children are educated in the local school districts. The property owners local district pay the necessary taxes to operate the schools in the district. As a result of the education the child receives, as an adult he can produce more, and when he moves off to another State, he pays more Federal income tax. The local government pays the tax to educate the child to enable him to produce more, and the Federal Government collects more income taxes as a result.

We are now making a shift that should have been recognized a long time ago. We need a broader base for education. The President has said that he wants to help the States. I have heard him make that statement several times. I saw several State governors on TV Sunday. We saw Republican governors elbowing one another out of the way trying to get their hands out further toward the Federal dollars. They wanted to solve their fiscal crises that way. Well, here is a chance to help them. Give them some of these Federal grants. We have $40 million more in this bill for Federal grants to States and local governments than the total increase over the President's budget compared to what he has requested.

So actually the increase in this bill represents an increase in grants to local government primarily.

I am inserting a table at this point to show the increases in grants per State:

OFFICE OF EDUCATION—ALLOCATION OF GRANTS TO STATES AND LOCAL GOVERNMENT—COMPARISON OF 1971 AMENDED REQUEST AND 1971 CONFERENCE REPORT

[Budget request included nothing for impact aid although President recommended $425,000,000 by message. Report included $536,000,000]

State and outlying areas	1971 amended request	1971 conference report	Difference
Total	$2,446,535,189	$3,400,819,218	$954,284,029
Alabama	63,239,784	84,252,949	21,013,165
Alaska	4,829,683	24,501,679	19,671,996
Arizona	22,246,132	36,162,449	13,916,317
Arkansas	38,190,816	47,374,375	9,183,559
California	194,189,374	308,266,773	114,077,399
Colorado	24,085,296	41,036,766	16,951,470
Connecticut	26,241,368	34,428,682	8,187,314
Delaware	7,090,510	15,478,969	8,388,459
Florida	69,661,894	95,592,300	25,930,406
Georgia	68,022,940	97,102,404	29,079,464
Hawaii	8,905,283	21,188,526	12,283,243
Idaho	9,347,933	13,772,614	4,424,681
Illinois	105,464,792	137,144,077	31,679,285
Indiana	44,991,312	57,868,670	12,877,358
Iowa	33,482,095	41,376,199	7,894,104
Kansas	25,480,512	39,286,107	13,805,595
Kentucky	56,747,207	75,389,619	18,642,412
Louisiana	58,763,928	73,347,502	14,583,574
Maine	10,835,486	15,959,837	5,124,351
Maryland	37,779,766	70,068,806	32,289,040
Massachusetts	52,334,115	77,097,027	24,762,912
Michigan	88,679,827	109,899,861	21,220,034
Minnesota	43,170,213	54,490,269	11,320,056
Mississippi	59,193,317	71,326,344	12,133,027
Missouri	52,238,874	70,102,218	17,863,344
Montana	$9,848,418	$17,042,583	$9,194,165
Nebraska	17,477,844	26,370,132	8,892,288
Nevada	4,677,556	9,355,493	4,677,937
New Hampshire	7,136,890	10,933,115	3,796,225
New Jersey	62,846,017	86,118,295	23,272,278
New Mexico	18,933,951	33,379,172	14,445,221
New York	262,405,414	325,698,961	63,293,547
North Carolina	90,809,283	118,527,743	27,718,460
North Dakota	10,727,481	16,927,233	6,199,752
Ohio	94,785,425	123,017,000	28,231,575
Oklahoma	35,642,214	55,292,217	19,650,003
Oregon	22,311,263	28,923,006	6,611,743
Pennsylvania	116,058,725	145,685,576	29,626,851
Rhode Island	10,738,281	16,486,339	5,748,058
South Carolina	52,286,673	70,114,530	17,827,857
South Dakota	12,064,678	18,803,341	6,738,663
Tennessee	61,741,043	78,793,315	16,998,272
Texas	147,991,255	201,417,464	53,426,209
Utah	12,638,655	22,577,776	9,939,121
Vermont	6,417,050	7,914,376	1,497,326
Virginia	58,045,631	103,889,495	45,843,864
Washington	32,569,562	51,513,353	18,943,791
West Virginia	32,482,292	38,593,650	6,165,358
Wisconsin	42,597,161	52,780,311	10,183,150
Wyoming	5,341,488	8,363,598	3,022,110
District of Columbia	12,802,482	19,840,122	7,037,640

Let us look at the specifics. On impact aid, which was mentioned here, the increase is $126 million. The President says he wants to reform that program. I do too. He wants 90 percent for A category pupils and 45 percent for B's. This bill provides 90 percent for A's, just what he wants, and 65 percent for B's and $8.8 million he wanted for hardship cases. This is the first time in many years that we have had a difference in A's and B's. This bill provides the first real long step toward reform.

As late as 2 years ago no one would have dreamed this big step could be taken in the 1971 appropriation bill. Reform cannot be accomplished in 1 year. This bill provides a long step toward reform, and these are also grants to States or local governments.

Funds for elementary and secondary education were increased $232.3 million. That is grants to States or local governments.

There is an increase for the handicapped of $10 million, $2 million of which is grants to States, and $3 million is for early childhood programs. Everybody agrees this is the program which saves on welfare costs a few years down the road. On vocational education, the increase was $50.15 million, of which almost all, $50 million, is for grants to the States.

Then there is student assistance, a net increase of $48.175 million was included in this bill. The President wanted to use the loan guarantee program all the way. It costs more, not less, to use the loan guarantee program. So we are saving money by increasing the NDEA loans instead of using the loan guarantee program to that extent. Some of these students could not find a bank to get a loan from anyway, so we are helping them in that case, and at the same time saving money.

Next is aid to the colleges, the increase was $62.28 million, of which, as the chairman said, $43 million in aid for construction for community colleges. These are State-supported colleges. So again we have aid to the States, grants to the States.

On libraries, the increase was $25.594 million, and that includes public libraries that are supported by local taxes.

But on the other hand, with all those grants to the States, we cut research $28.25 million. That is all money spent out of Washington.

The bill also cut $75 million from his desegregation recommendations. It is really $275 million, because he has already said he is going to ask for a total of $350 million. That almost offsets the total increase in the bill. The program has not been authorized and he wanted an open-ended right to spend the money any way he sees fit. The $75 million might all be spent out of Washington. We do not know.

So I say what is really involved here is a shift in part of the tax burden from State and local government to the Federal level.

Now, the Republicans are in an enviable position. Obviously, the President feels he needs an excuse for inflation. This inflation problem is kind of getting to him. His high interest approach has not worked. He tried to blame Congress last year but lost the excuse because Congress sustained the veto and cut the budget. If enough Republicans do not vote to override and make it two-thirds today, the President is going to be robbed of his excuse again—and what can he say this fall?

So the Republicans can help the President save his excuse for inflation by voting to override, and at the same time to help their constituents. By voting to override the President can have his cake and my friends on the Republican side eat it too. By voting to override, the Democrats can help the Governors meet their demand for more Federal help and help education too.

What a happy day—by voting to override all can get what they want and I urge my colleagues to vote yes to override the veto.

Mr. SAYLOR. Mr. Speaker, I have always enjoyed the sign that former President Truman had on his desk which read, "The Buck Stops Here."

In vetoing H.R. 16916 and H.R. 17548, President Nixon has said, literally and figuratively, "the buck stops here." Agreeing with the President that these bills are superinflationary, I have voted to sustain his necessary and courageous action.

Fiscally responsible Members of Congress know full well that the Government cannot indefinitely spend more of the taxpayer's money than it receives. It is a simple and straightforward fact. A fact that every American citizen knows to be true, yet day in and day out, some Members of Congress act as if they believed that spending money is "the solution" to all our national problems.

Today's major, national domestic problem is inflation. Federal spending that caused the enormous $25 billion deficit in fiscal year 1968 has since slashed the value of the dollar by 11 percent. Last year inflation robbed Americans of $60 million of their savings in banks and life insurance.

The problem of inflation cannot be solved simply by the President issuing "warnings" to industry and labor to halt wage and price increases. The problem cannot be solved by the President using the dictatorial methods of wage and price controls urged upon him by some Democrats. No. The only way to stop inflation is by setting an example—that is, leadership—and the President is doing that in his veto messages. What is needed is cooperation from the Congress.

Congress has been asked one major question with regard to Government spending: "Will this new expenditure, when tied to all the others, require increased taxes or cause a deficit which would bring about an increase in prices?" With respect to the bills recently vetoed, there is no question in anyone's mind that the question has been answered in the negative. The independent offices appropriations bill exceeded the administration's budget request by $541 million. The appropriation bill for the Office of Education is $453 million over the budget request. That is over $1 billion worth of pressure on what we already know is going to be another deficit year.

The question of the control of inflation is not one for the President alone. Mr. Speaker, the control of inflation is justifiably an equal responsibility of the Congress of the United States.

Mr. GALIFIANAKIS. Mr. Speaker, the veto message by President Nixon on Tuesday is one of the most perplexing documents that I have seen since entering the Congress.

Of course, I recognize that it is the President's prerogative to veto whatever he chooses. He need not even give the Congress his reasons for rejecting a piece of legislation.

But on Tuesday, the President gave us his reasons. I regret to say that they do not comprise a rationale.

The President, in his veto message, spoke of "big spending" by the Congress. I am sure all of us share his concern. Surely no one here this afternoon wants to feed the economic troubles of inflation and recession that face this country.

Yet the size of the entire education bill for fiscal 1971, $4.4 billion, is less than the cost overruns for some of our overgrown military projects.

The amount of money in the education bill which the President objected to, $453 million, is nearly $300 million less than the administration planned to spend to bail out the Penn Central Railroad after it collapsed into bankruptcy.

Where was the complaint about big spending then? Where was the uproar about big spending when the administration sent its budget request for foreign assistance to the Congress? We cut that request by $655 million—more savings in that item alone than the amount of money at issue here today.

Where was the complaint about big spending when the administration sent its budget request for the Departments of the Treasury and the Post Office to the Congress? We cut that request by $73 million.

Where was the cry about inflationary spending when the President sent his request for the State-Commerce-Justice-judiciary appropriations bill to Capitol Hill? That item was trimmed by $136 million.

What of the President's request for the Department of Transportation? The House of Representatives cut it by $36 million. The administration's request for the Department of Agriculture was reduced by $81 million. The administration's request for Public Works-AEC funds was cut by $26 million.

I could go on. But what I want to know is where the opponents of "big spending" were hiding at the time these budget requests were sent to the Congress.

That is a fact which I believe has escaped many in the public. In this one session of Congress, the House of Representatives has cut the administration's specific budget requests by a net of $572 million.

Yes, we have raised the President's budget in several areas. We did vote to spend more for education. We did vote to spend more so that our cities may be renewed and our citizens may have decent homes. We did vote to spend more for public health and hospital construction, for water and for sewers.

Yet when you match the raises against the cutbacks, the House of Representatives has reduced the President's budget requests for fiscal 1971 by more than $572 million. We have trimmed the President's running budget by more than $7 billion since he took office. And we are being charged with "big spending."

Mr. Speaker, there is a deep inconsistency in that accusation. For as we all know—we have seen it happen to various programs—the President and his budget office have the power to impound appropriations if they feel that an expenditure is not wise.

I recall an incident several months ago, when the President vetoed his last appropriations bill. That one was for hospital construction and renovation.

In that last veto message, the President specifically objected to language in the bill which required that he spend the appropriation. Were it not for that language, the President said, he could impound the funds.

That is as true today as it was 2 months ago. The President could impound at least $435 million from the Federal budget if he desired, and the veto of this education bill would be unnecessary.

We must remember that while it is the Congress which puts the appropriations into the Treasury, it is the Executive who spends the money.

And often enough, Mr. Speaker, that money is not expended. I will give you only one example.

At the Duke University Medical Center in Durham, N.C., more than $17,000,000 in research grants have been either not funded or turned down since January 1970.

This is money which has already been appropriated. It is money for cancer research, and for studies into the problems of heart disease, and blindness, and the infirmities of the aged and the poor. It is money which has not been spent by this administration.

I also would like to know, Mr. Speaker, why there was never a suggestion, never a signal, that the administration found this education bill to be objectionable. After all, the bill was passed in the House by 357 to 30 and in the Senate by 83 to 0.

Had we been told beforehand that there was a provision in this bill that displeased the President, we might have corrected the situation.

We might not. It is entirely possible that we would have still viewed the education of our children as a higher priority than the bankrolling of a dictator, or the financing of a railroad, or the payment of a cost overrun. But we would have had the chance to consider other action.

Yet there were no warnings from the White House. In fact, I am told that the veto of the education bill took even some members of the White House staff by surprise.

Mr. Speaker, we must have better communication with the administration than we have had on these two vetoes and on the veto of the Hill-Burton Act appropriation. It serves no purpose for these confrontations between the Congress and the President to continue.

If the President disagrees with the spending priorities of the Congress, then it is incumbent on him to let us know not after legislation is enacted, but while it is before the House. There are enough delays in the legislative process without taking the additional time to consider needless veto messages.

And I do consider these vetoes to be needless. For the President himself has acknowledged that he can impound appropriations.

Mr. Speaker, I want to make two more points. First, if the Federal Government does not provide funds for education, then the local governments will be forced to turn for revenue to those who are already overburdened by taxes: the Nation's property owners.

It is the property owners, the people who finance local bond issues with taxes on their homes, who will suffer along with our children if this veto stands. And if they do not assume the burden—we all know about the success of bond issues today—then it would be an educational tragedy.

Last, Mr. Speaker, I want to read from a statement made earlier by President Nixon in remarks about the importance of education. I quote:

> When we talk about cutting the expense of government—either federal, state, or local—the one area we can't shortchange is education. . . . When you cut expenditures for education, what you are doing is shortchanging the American future. For our children to have a better chance than we have had, we have to constantly spend more.

I could not in good conscience vote to sustain this veto without feeling that I was shortchanging education in America. I will vote to override.

Mr. MADDEN. Mr. Speaker, today the House of Representatives is confronted with two Presidential vetoes—one—the bill H.R. 16916, pertaining to appropriations for the education crisis throughout our country. The other bill, H.R. 1748, pertaining to appropriations for the Executive Bureaus and to provide funds for community facilities, water and sewer installations, veterans' educations, housing and other essential domestic programs affecting millions of our citizens.

It is remarkable that only a few months ago the President, through a veto, curtailed temporary operations of thousands of schoolrooms throughout the country. That veto affected millions of students because various school installations could not arrange for their current school program on account of the President's veto. Today we are faced with another veto, which if not overridden will again throw a cloud over the progress of the American school system and affect the education of millions of our American youth.

In several of the speeches during the presidential campaign in 1968 President Nixon assured the American people that any economizing he would recommend during his administration would not be in the necessary expansion of American education. The Congress, in increasing the President's budget on education programs, is merely carrying out the wishes of millions of taxpayers, including primarily the parents of American schoolchildren. The vast majority of cities demand that school opportunities be not curtailed, but are desiring school facilities expansion in order to accommodate the Nation's increased school population, especially in urban centers.

About 72 percent of the Nation's population now resides in metropolitan areas. The local property owners of the city areas are bearing the heavy school tax burden of this influx of population into their communities. On account of the cost of living and the added school taxload and paying high interest on school bonds, the vast majority of our people are demanding school aid from the Federal Government. On account of the two major vetoes in 1970 curbing our education expansion and progress I firmly believe the education crisis in metropolitan areas will be one of the main issues in the coming campaign.

The second veto under consideration by the House today affects the living conditions of a great segment of population in metropolitan areas. This bill provides additional money for necessary municipal facilities, including housing expansion, water facilities, sewers, veterans' education and other programs which, if provided with sufficient funds, will be expended by the States and cities within the States. I firmly believe that 90 percent of the Governors of the States of both parties, if consulted, would advocate the overriding of the President's veto of this legislation.

I firmly believe that the President and his advisers in sending up these two vetoes of highly necessary, humanitarian legislation, are possibly playing politics in order to have some excuse for the administration's failure to curb inflation, unemployment, and provide excuses for the recession now existing throughout the Nation.

In the President's news conferences and broadcasts, unfortunately, he endeavors to pass the responsibility for inflation on to the Congress and accuses the Congress of unreasonable expenditures.

Unfortunately, the President nor Vice President Agnew nor any of their political speakers never inform the people that the present Congress has reduced his budget by approximately $6,370,000,000. This figure was mainly composed of approximately a $5 billion reduction of his $80 billion defense and armaments budget. The Congress reduced his foreign aid budget by almost $2 billion.

His two vetoes on education legislation and also on the community facilities legislation are brought about because the Congress increased the education budget by approximately $1 billion and the community facilities by approximately four hundred million.

The above figures alone should satisfy the American public that these Presidential vetoes are ill advised and for some reason are being used as political propaganda to discredit the Congress of the United States. I do hope both vetoes are overridden today.

Mr. ZION. Mr. Speaker, the obligation of this House could not possibly be more clear. The wage earner and housewife can no longer be hoodwinked into thinking that they can get tremendous increases in Government services without paying tremendous prices for them.

The American people know what happens when the Government spends more money than it receives in revenue. They know that when spending exceeds income the Government must borrow money to meet its obligations. From 1960 to 1968 we had to borrow over $60 billion. When the Government borrows in the market at this exorbitant rate, it reduces available money for private uses and forces interest rates up.

Now the special interest groups are all shouting for increases in their own pet projects and say we should take the money away from something else. Spending for space and the Department of Defense are usually singled out for big cuts. I agree that they should be reduced. They have been reduced significantly. The 1971 Nixon budget for defense is more than $17 billion less than the Johnson budget for 1968. The space program has been reduced to the extent that serious unemployment has resulted in the space laboratory areas of Florida and California. Lesser cuts must be made in other low priority programs and reasonable increases are indicated in education, health, and environment control.

If this House fails to employ fiscal responsibility at this time, we will continue to suffer the same triad of diseases that have plagued us for the past 10 years.

I am unalterably opposed to high prices. I am unalterably opposed to high interest rates. I am unalterably opposed to high taxes.

I entreat my fellow legislators to forsake the politically expedient role of Santa Claus and to vote to save the country for the honest hardworking taxpayers who deserve responsible representation.

Mr. LUJAN. Mr. Speaker, today we are faced with two very difficult votes. That is, whether we will agree with the President that an increase of $152 million for education and an increase of $388 million for urban development is sufficient or whether we need to increase these appropriations by an additional $1 billion.

Now, Mr. Speaker, we all agree that our children should have a good education, and we provided for this in increasing education funds by $152 million. But, Mr. Speaker, I feel that another billion dollars is excessive unless we are ready to increase taxes, and I certainly am not ready to do any such thing.

Mr. Speaker, I vote today to reduce Government spending by $1 billion.

Mr. CLANCY. Mr. Speaker, the important question before this body today is not whether we are for education and urban development or against it, but whether the Federal Government can afford to partake in the type of big spending which would drive prices up and demand higher taxes.

In an attempt to care for the urgent needs of our cities, the President's original urban development request was double the amount in the last fiscal year of the previous administration. Congress exceeded this budget request by $541 million. As the President stated, this kind of excessive spending would cause the deficits that drive interest rates up and make it literally impossible for the housing industry to speed its recovery. This bill would therefore be detrimental to just those persons it was originally designed to aid.

Although the President's original budget request for the Office of Education was a $972 million increase over fiscal 1969, producing 28 percent more spending than in the previous administration's

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last fiscal year, Congress appropriated $453 million over this request. It is important to note that total spending on federally supported education programs will be nearly $12 billion in 1971. This amount is the highest figure in history.

As the President stated, we now spend more than our tax system can produce. The average American must pay for this type of spending spree by higher taxes.

In an effort to balance the budget, the President is determined to prevent further inflation. I join with President Nixon in saying "no" to a higher cost of living, higher interest rates, and higher taxes. I strongly feel that the increases proposed by the appropriations legislation before us again today are not in the best interests of all the American people.

For these reasons, I support the efforts of the President and sustain his veto.

Mr. HANLEY. Mr. Speaker, the President has vetoed two major, domestic appropriations bills, and the House must decide to let these actions stand or to override them. I shall vote in both cases to override the action of the President.

The President's skillful and pervasive use of national television in this effort is an ominous note for those of us who are going into the lists this fall.

I oppose the President's decisions today at great risk. My political instincts urge me to avoid the confrontation: my conscience and my sense of fairplay command that I accept the challenge, along with the others of my colleagues.

There is a great irony here today. Over in the Senate, the President is achieving a victory because authorization is being given to him to widely expand the deployment of his antiballistic-missile system. I have always supported and will continue to support a strong defense posture. But when the House debated the military authorization bill earlier this year, I supported the unsuccessful effort to hold ABM expenditures to funds needed for continued research and development and to postpone what I deeply believe to be an imprudent and unwarranted deployment of this weapon system at this time. We were confronted during that debate with a mass of conflicting testimony as to the feasibility of the program. We are faced now with a Presidential decision to hold the line and retrench on education, water and sewer facilities, urban development, housing, veterans programs, and other vitally needed domestic programs. There is no question in my mind as to their importance. Congress will make substantial cuts in the budget requests of the President, more than enough reduction in the total budget to allow for these modest increases in vital programs which Congress has made.

Congress has a solemn obligation to exercise its judgment on the matter of priorities of Federal spending. I happen to believe that it is important to make inroads on the awesome backlog of our domestic needs. Unlike the President, I believe that funds are needed for education more than they are needed to bail out mismanaged big businesses. The President wanted hundreds of millions of dollars for welfare payments to railroad companies. He supported the continuation of a bloated subsidy program to big nonfarming farmers. I believe that there is a matter of basic priorities here, and I am not afraid to say that I feel that education and housing are far more important to Americans as a whole than welfare for railroads and wealthy southern and midwestern farmers. This is the question which faces the House today.

When the largest banking houses in this country raised the prime interest rate by a full percent last year, the highest since the Civil War, it was estimated that this act alone was going to cost the American people $15 billion in purchasing power. The administration condoned the increase. It did not lift one finger to come to the aid of the small businessman, the consumer, the potential home buyer. And yet, Congress has the temerity to add funds for education and housing, and we are faced with the wrath of the White House. Someone's priorities are out of whack, I submit that they are not ours.

As Members of the House of Representatives, we have the right and a duty to act independently of the executive branch in pursuit of the common good. We do not have the tremendous resources of national television to make our case. We are at a terrible disadvantage. Nevertheless, the House cannot afford to back down. It cannot afford to sacrifice its constitutional responsibility to contribute an independent direction to the course this Nation is following.

There, no doubt, will be those who will scream that this is strictly a partisan matter, to which I say "rubbish." There is nothing partisan about a veteran's hospital that is underequipped and understaffed; there is nothing partisan about a suburban town or village whose sewage facilities are all but non-existent; there is nothing partisan about urban decay. These are problems facing all Americans, regardless of their political philosophy or their political persuasion.

The President should not ask education and housing to carry the burden for his failure to curb inflation in this country. To my way of thinking, the administration policy of promoting high interest rates and unrestrained credit is deeply responsible for the economic mess we find ourselves in, not education expenditures, not veterans programs, not the national housing crisis, not urban decay, and certainly not the hard-pressed suburban and rural communities who desperately need sewer and water facilities.

If the President's veto is sustained, then the desperately needed additional 120 million dollars for VA hospital and outpatient facilities will go down the drain. If the veto is sustained far less than 20 percent of the approved applications for sewer funds can be met. If the veto is sustained the elementary and secondary education act will suffer a severe blow.

I share the realization of the President that Federal expenditures must be controlled. That is why we pared $5 billion off his budget last year. But we are being victimized by the tremendous command of the executive branch over the mass media in America. We may not be able to make our case in the face of these odds. It is my hope that the House will sustain its earlier actions and override the vetoes of these bills.

Mr. EDWARDS of California. Mr. Speaker, lacking the profound economic insight that would lead President Nixon to conclude that his veto of the education bill is "in the interest of all the American people," I can only look at the facts as they arrange themselves before me—essentially the same pot of tea leaves, so to speak—and wonder what the President sees in them that I do not see.

In his veto message the President said it was "painful but necessary to hold down the rising cost of living." To have signed the education bill would have been, in his view, "saying yes to higher prices, yes to higher interest rates, yes to higher taxes."

In the case of the education bill we are talking about a difference of $453 million—the amount by which the bill exceeded the President's request. I do not question the President's sincerity when he said he found it "painful" to veto the bill. But I wonder if he will find it equally "painful" to sign the defense procurement bill containing the $322 million approved by the Senate yesterday for the Safeguard antiballistic missile system. The Senate vote yesterday was a clear victory for the President. I wonder if his anguish over spending will be as intense when the defense package arrives on his desk with most of the $19.3 billion he has requested intact, as it appears it will be. That is approximately $75 billion for instruments of death as opposed to $4.4 billion for education.

Recently the Members of Congress for Peace Through Law Military Spending Committee released a very interesting "Report on Military Spending." One conclusion of the committee was:

> Military spending is not only the major cause of inflation but is itself a major victim in terms of increasing the cost of its *own* operations. The Indochina war and our continued role in it is a major contributor to the inflationary problem in particular sectors of our economy.

The cost of that war is $17 to $32 billion a year depending on whose method of cost accounting is used. And we are talking here about a $4.4 billion education bill.

Mr. Nixon says the education bill will produce higher taxes. In my district, the Ninth District of California, the bill would provide $1.1 million in special aid for federally impacted areas. If that veto is not overridden, if the bill is not passed as it stands, the amount of Federal funds for education will be substantially reduced in my district. Yet the citizens of my district will have the same number of schools to maintain, the same number of children to educate, the same number of books to buy or—as an alternative—they will have to accept a drastic reduction in the quality of education. There are no other choices. They will either pay out of their own pockets, through their property taxes, to maintain the quality of education at its present level or they will have to cut back.

It is a fact today, in my district and in most of the urban areas of the Nation, that children go to classrooms that are overcrowded and underequipped. In many if not most cases they are getting little more than custodial care.

The schools of the District of Columbia are a prime example, as the recent report indicated. Yet we have a nationwide teacher surplus, an artificial surplus of trained people ready and eager to do the job. Yet there are not enough jobs because there is not enough money. Santa Clara County in my district has a seasonally adjusted unemployment rate of 6.1 percent. If the figure was available for the entire district I believe it would be close to 12 percent. Many of these unemployed are teachers or could readily be trained as teacher aides. Many more of them are highly skilled engineers and technicians whose skills could be harnessed for the enormous task of cleaning up and preserving our environment. Yet the President has not called for a plug nickel for serious reconversion programs, for peacetime research and development programs in which these people could be employed.

What am I to tell the unemployed teachers? What am I to tell the parents of children herded into classrooms with 30 or 40 students to a teacher? What am I to tell my constituents when their property taxes increase to meet the rising cost of education, a cost which is already a crushing burden to them?

Am I to tell them, as the President did, that painful as it is, we cannot spend more money for education? Am I to tell them that our resources are not great enough to provide the instruments of death demanded by the military and still permit us to educate our children? Am I to tell them that the business of death, right now, is more important than the business of life?

Mr. Speaker, if Mr. Nixon succeeds in his campaign to convince the American people that a spendthrift Congress is responsible for the failure of his economic policies, it will be the greatest fraud since the Gulf of Tonkin incident.

If we play the President's game of neglecting such basic needs as education and housing while permitting him to continue our present level of military spending, we will be courting disaster.

Let us, for once, get our priorities straight, and let us vote accordingly.

Mr. TALCOTT. Mr. Speaker, I am as anxious as anyone to meet the fiscal crisis of our Nation. I voted to sustain a presidential veto of an education bill earlier this year. I believe no Federal program should be sacrosanct when the fiscal condition of our Nation is in jeopardy. I believe we here in this House as well as the President, ought to be concerned about the plight of the taxpayer and the devastation of inflaton.

It appears to me that one increase in the education bill is "impact aid," so called. There may be faults, inequities, and abuses in the Federal aid for impacked areas bill, but the faults cannot be cured by an appropriations bill. The corrections ought to made in the legislative committee. If changes are to be made in the "impact aid" bill—and I think many should be made, and soon—the authorization bill ought to carry the changes.

At this late date, I cannot vote to sustain this veto of an education appropriation bill.

Mr. MYERS. Mr. Speaker, I am confident that every Member of this body believes in education of our young people. We all will and have voted for as much money as possible for the purpose of providing the best education possible for the youth of our Nation.

I am supporting the President's veto of the appropriation bill for education, not because I want to hurt education, but because I am deeply concerned about this terrible inflation that is hurting all segments of this country, including education.

The Speaker of the House of Representatives indicated to the chairman of the Committee on Appropriations that he would vote for a tax increase to pay for greater spending programs. I know the Speaker is sincere in his belief that more taxes is preferable to cutting expenditures. That is his right to think tax increases are better than economy.

But for me, I am voting in the interest of our poor overtaxed citizens by cutting some of the appropriations. Even if it is education, I am certain that even it too can continue to do the fine job it always has and economize at the same time.

A vote for sustaining the President is not a vote against education, but a vote to prevent more taxes. It is a vote for the taxpayer.

Mr. LEGGETT. Mr. Speaker, simply stated, I support overriding the President's veto of the education appropriations bill for 1971 and the housing and urban development appropriations bill for 1971.

As the U.S. Chamber of Commerce has pointed up in a recent bulletin, the education bill contains increases primarily consisting of $232 million for elementary and secondary education and $126 million for Federal impact aid and $110 million for higher education.

The HUD appropriations bill increases are primarily for $350 million for urban renewal programs, $350 million for water and sewer grant facilities, and $105 million for veterans medical care facilities.

The President says that by vetoing these items totaling $1,273 billion he can control inflation. I have said before, it is a question of really what the President wants to emphasize. The President has supported $200 million additional for Lockheed Aircraft. He supported $200 million for the Penn Central Railroad. He supported $200 million plus for the development of the SST, plus a $2.3 billion escalation in the ABM.

The President believes, however, that these business expenditures are not inflationary, but that education, handicapped and vocational education, local antipollution public works, veterans hospitals and local hospital construction would be inflationary.

The President believes that inflation can be controlled by 9- and 10-percent interest rates, and I believe these rates merely contribute to bank profits and higher taxes.

I believe that a red hot trillion dollar economy must be controlled by wage and price controls and severe presidential jawboning of major industry as opposed to the rather superfluous surplus or deficit of $1 billion which the President now considers to be monumental. The country is starved for leadership which does not appear to be forthcoming from the White House.

Mr. WYATT. Mr. Speaker, excessive Government spending is the prime cause of inflation. In the last 9 years the Federal Government has spent $60 billion more than it has taken in. This has created the booming inflation which has pushed up costs to the average worker, the housewife, those living on fixed incomes, and all Americans.

These vetoes were not made to reduce appropriations. The sole question is how much of an increase there should be this fiscal year for education and for the independent offices appropriations. The President's budget request for education was for 28 percent more than that requested in the last year of the previous administration, only 2 years ago. To this increased amount Congress piled on an additional $453 million.

It should be of particular interest to us in the Northwest that no housing funds are in controversy. The areas in dispute are urban renewal, water and sewer grants. In these areas alone plus housing subsidies, the President's budget request was double the outlay of the last year of the last administration. Congress then added a whopping $453 million over and above this figure. Veterans hospital money is not involved because the President has made it clear he will approve the additional amount of $105 million for this purpose.

We face a serious budget deficit this year. When the Government goes in the hole, it must either raise taxes, or compete with the private sector for borrowing money, all of which raises interest rates and throws gasoline on the inflation fires.

We should stop kidding ourselves. We should either fight inflation on all fronts, or admit that we don't mean business and sit back and watch prices continue to rise for all consumers.

For these reasons, I have determined that I can best help both education and the housing industry by backing the President in his fight to contain inflation.

Mr. PUCINSKI. Mr. Speaker, I rise in opposition to the President's veto of the education bill. The President has told us in his veto message that he was "determined to hold the line against a dangerous budget deficit," and that this appropriations bill was "the kind of big spending that would drive up prices or demand higher taxes."

Mr. Speaker, this is a charade, a sleight-of-hand trick which is meant to distract the American people from the true issue of uncontrolled prices. There is nothing in the Constitution that requires the President to spend a penny of appropriated funds. This veto was not necessary because the President can achieve the same goal merely by not spending the money.

Let us pause for a moment to put this charge of "big spending" into proper perspective. For this fiscal year, 1971, the President requested $3,966,824,000, and the Congress finally appropriated $4,420,145,000. Now this is an increase approximately $453,000,000, or an increase of 11 percent over the budget request.

The President calls this increase "big spending" and yet it represents less than .002 percent of the total Federal budget. Is this two-thousands of a percentage point going to throw the Federal budget out of whack? Is the Congress being fiscally irresponsible by increasing the Federal budget by .002 percent for funds to educate the disadvantaged, funds to buy textbooks, and funds to train the handicapped?

This veto of education funds for 2 years in a row now is especially peculiar when compared with President Nixon's approval of other appropriation bills which exceeded his requests.

Last year the President signed into law the public works appropriations bill which exceeded his budget request by more than 13 percent. There was no veto there. Does the President consider funds for the construction of buildings and dams more important than funds for the education of our young people?

Mr. Speaker, Chicago has received $65 million in all education programs last year. If we fail to override the President's veto, Chicago would lose approximately $5 million for ongoing programs. It would mean that programs we are counting on and have budgeted would have to be dropped.

Mr. Speaker, I said the veto was not needed. The President could have brought the appropriation into line with his request by simply ordering the Office of Education not to pay out the increases voted in the impacted areas bill. I have been trying to get impact reform out of my committee for weeks with no help from the adverse motion or its party.

The subcommittee held 10 days of hearings on the Impact Aid Reform Act. Only three congressmen testified in support of the bill, and at least twenty opposed it.

During the hearings the subcommittee discovered that the administration did not have statistics on the effects of this legislation on local school districts. Consequently, the subcommittee has requested that the administration provide the committee with adequate statistics. The last request was made during the second week of July, and to date there has not been any response. The data requested at that time included the following: A listing by school district of the approximate number of "B-out" children since the Reform Act reduces payments for these children by more than 50 percent.

Let us not lead the public. The President knows it is members of his party that get most of the benefits from impact aid and they are not about to support impact reform.

I shall continue supporting economy in Government. But the veto is not an economy move. It is for that reason I shall vote against the veto.

Mr. EILBERG. Mr. Speaker, I rise in opposition to the President's veto of the Office of Education appropriation bill. This action is but another clear indication that the administration has embarked on a policy of billions for defense and not one cent for education. Do the powers that be in the executive branch not realize that today there is a crisis in educational funding throughout this country at every level, but most especially at the local level in elementary and secondary education?

This allegedly inflation-stopping measure will have harmful ramifications throughout the Nation. It has been described as a "crushing blow" by an official of the Philadelphia school system. The president of the board of education advised me only hours ago that an initial analysis of the effect of the veto indicates a loss of millions of dollars in vitally needed Federal assistance to the schoolchildren of my city.

Allow me to itemize some of the anticipated losses to Philadelphia:

Almost a half million dollars lost in Elementary and Secondary Education Act Title II funds for library and textbooks.

Almost a half million dollars lost in National Defense Education Act title III funds for instructional equipment and material.

The effect on impacted aid under Public Law 874 is not presently calculated, but is estimated as substantial.

The Federal aid coordinator of the Philadelphia Board of Education estimates aggregate losses at an excess of $3 million.

Losses to my State of Pennsylvania are estimated at $7.8 million in ESEA title III funds and $11.8 million in student assistance money. These are examples, mind you, not figures indicating the total impact. It is not possible to exactly assess the impact of the President's decision in all areas of assistance with such short notice but it is fair to say that it will be little less than devastating—not only in Philadelphia, not only in Pennsylvania, but in every town and city in America.

We hear much from the executive branch in terms of concern for the young and for education. Yet we see no action.

We are told that this veto is anti-inflationary. But is any thought given to the cost—both monetary and spiritual—with which a crippled national system of education will burden future generations of Americans?

Finally, it is indeed a strange demonstration of concern in this vital area that this shortsighted and callous administration should choose to make the schoolchildren and schoolteachers of the Nation the first casualties in its alleged war on inflation. A few less bombs and a few more books would be a demonstration to our people and to the world that this Nation is not only capable of solving its problem in education, as in other areas, but also that we are indeed doing so.

Thus, Mr. Speaker, I recommend that the House firmly and clearly override this veto, demonstrating that even if the President is willing to do no more than provide lipservice in meeting the needs of education, that the Congress is resolved and willing to take meaningful action.

Mr. WOLFF. Mr. Speaker, I am voting today to override the President's vetoes of the education and housing and independent agencies appropriations with the firm conviction that these appropriations, supported overwhelmingly by both parties in the House and Senate, are fiscally responsible, consistent with our national interests, noninflationary, and an integral part of efforts to reorder our national priorities.

I believe these appropriations are essential and are fundamental to the wellbeing of the people of this Nation. The American people must not be shortchanged in the crucial areas of education, housing, water pollution control, veterans' hospital care, et cetera.

Certainly our economy is in trouble and nonessential Federal spending should be reduced. It is not a question of spending more but of spending more wisely. Only a grossly distorted view of our national needs could justify cutting less than a billion dollars in the areas listed above while we waste at least nine times that on special interest appropriations.

Mr. Speaker, we must accomplish effective cutbacks in nonessential Federal spending. For a start I propose the following spending reductions which will save nine times what will be saved if these vetoes are sustained:

Proposed savings, in billions

Farm subsidies	$3.5
Public Works "pork barrel"	3.5
ABM deployment (while continuing research)	1.0
SST	1.0
Savings	9.0

This is just a sample of how Federal spending can be significantly reduced while continuing all necessary programs. This does not take into account the billions that could be saved by cutting excess military spending or ending the war in Vietnam.

Now let us look at how the Congress wants to increase spending on certain vital domestic programs for the good of all Americans:

Increased funding, in millions

Education	$343
Handicapped training	10
Libraries	25
Vocational training	54
College student assistance	48
Improved medical care for Veterans	100
Assistance to localities for sewage treatment and control of water pollution	350
Housing	90

These increases coupled with certain cutbacks initiated by the Congress in unsuccessful programs meant a net total increase in the two vetoed appropriations bills of less than $1 billion.

Mr. Speaker, I say let us cut Federal spending. Yes let us cut the $700 million we are planning to spend to control inflation in Vietnam while inflation runs

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rampant here at home. We can cut spending. But not at the expense of our children and grandchildren's education, not at the expense of our wounded and sick veterans, not at the expense of the handicapped, not at the expense of localities that are trying desperately to reclaim polluted waterways, unplug stopped sewers and meet our environmental crisis with success.

What we have here, Mr. Speaker, is a perfect example of the question of what our national priorities should be. The vetoes give a higher priority to Federal giveaways than they do to our schoolchildren, our veterans, our handicapped, or cleaning up pollution. The vetoes pose "people" priorities against bailing out, to the tune of half a billion dollars, special interests such as the Penn-Central Railroad and Lockheed Aircraft.

I reject this logic; I reject the rationale that vetoes money for necessary programs while billions are wasted in military cost overruns, in boondoggles such as the ABM which will not enhance our security, and for the SST which could well destroy the environment in which we have to live.

What especially galls me about the vetoes, Mr. Speaker, is that despite contrived arguments, the extra money appropriated by the Congress will not contribute to inflation. In every case these expenditures are in areas where the dividend received is far better than the initial outlay. This money for schools, libraries, hospitals, pollution control is an investment not only in our future, it is a need that exists today and which once postponed will only mean added costs later on.

But make no mistake, we do need to fight inflation with deep and carefully chosen cuts in nonessential Federal spending. Also, the futile administration policy of trying to control inflation by monetary means with higher interest rates has not worked and, in fact, has added sharply to inflation by increasing the cost of borrowing.

High interest rates have created the following increases in debt service—increases that all must be carried by the taxpayer and which are the significant factor of inflation:

Annual rate increases, in billions

Borrowing agent:	
Federal Government	$7
Municipal bonds	4
Corporations	21
Consumers	17

Thus, increasing interest rates have done nothing to cure inflation, but those increases alone now contribute an additional $49 billion annually to inflationary pressures and increased prices. In the case of the Federal Government and municipal bond debt service increases the public pays the bill in higher taxes; in the case of corporate and consumer borrowing the expense is passed on in the form of higher prices for goods and services.

The American public demands and deserves an end to our deepening economic morass. A solution can be found in a responsible, courageous program incorporating the following elements:

Significant but prudently chosen cuts in nonessential Federal spending.

A reduction in interest rates for all levels of government, home buyers, consumers, and corporations.

A broad reordering of national priorities in which limited resources are more judiciously allocated to vital domestic programs.

Tax reform that will erase inequities and produce more revenue.

Restoration of full employment, recognizing that rising unemployment as recommended by the administration is no way to fight inflation and actually increases the cost of Government by driving welfare costs upward.

Effective use of wage and price authority approved by the Congress and requiring action by the executive branch.

More than anything else we must dedicate ourselves to solving our economic problems for only a solvent government with funds for necessary programs can enable us to move forward on meeting our national responsibilities in the 1970's.

Finally, Mr. Speaker, I have received a large number of telegrams asking me to vote to override the vetoes. Only one, from the chamber of commerce, asked that the vetoes be sustained. Since the content of these telegrams dramatically summarizes the situation I would like to read a sampling of the wires opposed to the vetoes and the lone dissenting telegram which callously ignores the American people:

ALBANY, N.Y.

Hon. LESTER WOLFF,
Washington, D.C.:

I am deeply disappointed in the President's action on educational expenditures. Continued investment in the education of future citizens should have the highest national priority at the same time that educational reforms are being made.

I ask your support in being present tomorrow and in voting to override the President's veto of H.R. 16916.

EWALD B. NYQUIST,
New York State
Commissioner of Education.

BROOKLYN, N.Y.

Congressman LESTER L. WOLFF,
U.S. House of Representatives,
Washington, D.C.:

It is imperative that you be present and join your colleagues to override the veto of the education aid bill by the President. It will be a disaster for the Nation and particularly for the children of New York City if the action of the President is not reversed.

MURRY BERGTRAUM,
President, New York City
Board of Education.

ALBANY, N.Y.

Hon. LESTER L. WOLFF,
House Office Building,
Washington, D.C.:

Federal financial support of the Nation's public schools is critically needed therefore the New York State School Boards Association urges you to vote to override the presidential veto of H.R. 16916.

JOHN E. GINTER, *President.*

NEW YORK, N.Y.

Hon. LESTER L. WOLFF,
Washington, D.C.:

Respectfully request your vote for education appropriations bill maximum Federal support vital to Fordham University.

MICHAEL P. WALSH, S.J.

BROOKLYN, N.Y.

Hon. LESTER L. WOLFF,
House of Representatives,
Washington, D.C.:

On behalf of the New York Library Association, I strongly urge you to attend the floor debate on August 13 concerning the appropriation act for the U.S. Office of Education and to argue and vote for its passage over the President's veto.

JOHN C. FRANTZ,
Legislative Chairman,
New York Library Association.

WASHINGTON, D.C.

Hon. LESTER L. WOLFF,
Washington, D.C.:

The American Institute of Architects is deeply concerned and disappointed over the President's veto of the fiscal 1971 HUD appropriations bill. In 1949, the Congress enacted the national housing goal of a "decent home and a suitable living environment for every American." Practically each year thereafter this goal has been reaffirmed. Despite these good intentions sufficient funds have not been appropriated to fulfill this national commitment. The AIA believes that adequate funding of housing programs is one of the highest ranking national priorities. Accordingly, we strongly urge that you vote to override the President's veto.

REX WHITAKER ALLEN,
AIA President.

Hon. LESTER L. WOLFF,
Washington, D.C.:

Full appropriations 235–236, sewer water essential to housing. Urge yes vote veto override Thursday.

LOUIS R. BARBA,
President, National Association of Homebuilders.

WASHINGTON, D.C.

Hon. LESTER L. WOLFF,
Washington, D.C.:

Chamber of Commerce of United States urges you support President's veto of education and independent offices appropriation bill budget deficits in recent years especially 1968 major cause of painful inflation still not yet overcome continuing deficits are disservice to American citizens control of budget calls for highest degree of statesmanship if Congress fails sustain veto will reflect callous disregard for taxpayers who are getting fed up with high cost of government.

HILTON DAVIS,
General Manager,
Legislative Action Department.

Mr. MINISH. Mr. Speaker, this is the second education appropriations bill that the President has vetoed, consecutively. Obviously, the administration's priorities are not alined with those of Congress. For while opposing adequate support of domestic needs, the executive branch has been pressing for expensive military hardware and supersonic transport planes.

The problem is one of priorities, and not of big spending. Congress reduced the budget request by more than $5.4 billion in the last fiscal year; moreover, over the past quarter century, it has consistently slashed funds from the President's budget request.

Although the Office of Education appropriations are $435 million above the President's budget request, nonetheless, by the time all of the funds for fiscal 1971 are allocated and appropriated, the total budget request will have been subtracted from, not added to. This prerogative on the part of Congress to determine where the Federal revenue shall be spent,

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although exasperating to the administration, is nonetheless beneficial to the Nation.

The Office of Education appropriations measure, including as it does worthwhile programs such as title I programs, school library resources, title III, dropout prevention, bilingual education, education for the handicapped, in addition to vocational and adult education, higher education, education professions development and community education, deserve the full support of the Congress. I hope that we will proffer it.

Mr. BELL of California. Mr. Speaker, I recognize how difficult it must have been for the President to decide to veto the Office of Education appropriations.

And I have sympathy for his arguments.

But for many years, as my colleagues are aware, I have striven under both the Johnson and Nixon administrations to assure a higher slot on the priority scale for the critical requirements of education.

Unlike many other areas of Federal support, education revenues are contributed primarily by local taxpayers, local property owners whose tax burden has exceeded their ability to shoulder it.

In California, particularly in Los Angeles, school deficits have already resulted in severe cuts at every level from assistant superintendent on down.

The schoolday has been shortened.

Vital remedial programs are being reduced and in many cases eliminated.

Building maintenance is not being performed.

Trash collections have slowed.

School lawns are not mowed.

Football teams and marching bands have been cut out.

The so-called "frills" have long since been eliminated in many areas, Mr. Speaker.

Now we are witnessing cuts in the most basic education programs.

California faces, moreover, perhaps the largest numerical and percentage increase from "immigration" than does any other jurisdiction.

California taxpayers, who cannot raise the money for the education of their own children, are asked additionally to educate the children of families from other States who have not contributed to the tax base.

Now I do not suggest that we close our State borders.

But I do suggest that this should not be viewed as solely an intrastate responsibility.

As I have said before in this House and will repeat again: education spending cannot be viewed as strictly a program on a par with the many other needs included in the bills that come before us.

It must be viewed as a long-range investment not only in the children but in the Nation itself.

Our Nation is straining under the weight of welfare programs, nutrition programs, job programs, housing programs.

I support all of them, but I recognize their cost.

But I submit that every dollar invested in education will be returned a hundredfold in future welfare-related costs we will not have to make if these youngsters in school now can receive the education they need to become productive members of a society which will need their skills.

This is a most difficult decision, Mr. Speaker.

Inflation is robbing education of the limited dollars it already has.

But I must, nevertheless, register my strong conviction in the ultimate economy of education investment now.

I will, through my vote to override the President's veto, reaffirm my conviction that education must receive a higher national priority.

Mr. DADDARIO. Mr. Speaker, I rise today to express my deep concern over the Presidential veto of the $4.4 billion Office of Education bill and the $18.1 billion independent offices appropriation. The President's rejection of these two measures—following his earlier vetoes of the Labor-HEW appropriations and the hospital construction bill—is unfortunate. It is so because it raises a political issue at a time when there is so much contention in this Nation and when the President could by his own action take those steps necessary to meet those objectives voiced so strongly in his veto message. If there are funds that ought not to be spent, he does have the authority to withhold them. I do believe that we would all be served best if the President chose to face the issue by making these determinations as the Chief Executive as he has the power to do.

The independent offices appropriations bill would provide $18,009,525,300 for some 22 departments and agencies, including the Department of Housing and Urban Development. The President's objection that this bill is $541,301,800 in excess of his budgetary request, fails to perceive several critical domestic needs.

One of the substantial increases in the conference version of the bill is an appropriation of $105 million for Veterans Administration medical care. At present, VA medical care is unsatisfactory. The Veterans Affairs Committee's recent study detailed the desperate need for increased funds, emphasizing that the VA hospitals were some $180 million short of anticipated requirements for 1971. It should be noted that VA funding is now remaining constant at last year's inadequate levels under a continuing resolution.

Of particular significance are two specific appropriations for the Department of Housing and Urban Development: $350,000,000 for urban renewal, and an equal amount for grants for basic water and sewer facilities. Both of these amounts relate to programs involving long-term commitments, and each would provide additional job opportunities for the unemployed. We should be sensitive to the fact that we are facing a period of unemployment because of decreased defense spending. Funds provided here for the initiation of these programs can serve to soften the impact during this transitional period.

There are numerous other worthwhile items contained in the independent offices bill, such as the $10 million added by Congress for housing loans for elderly or handicapped families. This appropriation was not included in the President's budget, but its importance is obvious. This and many other needed programs would be lost or seriously curtailed if the veto is sustained. The total cost of all these housing and environmental items would cost $541.3 million over the President's request, or roughly one-third of the projected cost of the Safeguard ABM system, whose operational effectiveness is still uncertain.

The President's veto of the education bill is equally distressing. As funded by Congress, this legislation would continue a national policy of full support for the promotion of educational opportunity. Directly or indirectly, the $4.4 billion involved in this bill would benefit some 52 million students throughout the country, a figure representing a full one-fourth of the U.S. population.

A closer examination of the bill's provisions indicates a congressional willingness to take the lead in supporting all aspects of education. Included in the $453.3 million difference between the administration request and the conference report were appropriations of $10 million for education for the handicapped, $110 million for higher education, and $232 million for elementary and secondary education. An additional $54 million for vocational and adult education recognizes that effective vocational programs are essential if we are to equip today's young people with the skill, training, and ambition to achieve meaningful participation in tomorrow's increasingly demanding job market.

Extremely significant in light of today's economic climate is the appropriation of $243 million for national defense education loans, an increase of $66 million over the administration's budget. There has been much concern recently over the inability of college-bound youths to secure sufficient funds for their education. The primary reasons for this condition, of course, stem from the rising tuition costs, difficulty of obtaining loans from commercial lending institutions, and the elimination of student jobs in the severely depressed job market.

Concerned with this problem, I recently requested that the House Special Education Subcommittee No. 1 take action to increase the maximum amount that can be borrowed by students during the first 2 years of their post-secondary education, from $1,500 to $2,000. I urged such action convinced that the present maximum was clearly insufficient in meeting college costs. Now, at this critical time, we should not limit the overall amount that can be made available for student loans.

Overall, the $4.4 billion in this bill constitutes only a small fraction of the total amount of over $70 billion annually spent on education at all governmental levels. Still, congressional leadership is critically important in this area, with its objective of seeking full and productive educational opportunities for all Americans. At the recent National Gov-

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ernors' Conference in Missouri, the Governors reiterated the call for Federal leadership in this area, asking the Federal Government to assume greater responsibility for the financing of education. In my home state of Connecticut, this bill would distribute over $30 million to the State's various educational institutions, including some $3 million in direct student loans.

I doubt that the House will agree with the President that it would be fiscally unwise to override his vetoes. In fact, the reverse would be more accurate: for every $1 spent on student aid, the Government receives in return approximately $14 through higher taxes on higher incomes. Education is an excellent investment in human resources, one that will continue to pay dividends in future years. The Senate and House chambers obviously recognized this investment value in giving overwhelming approval to the Education appropriations. Such investments in educational and vocational programs, designed to promote eventual financial independence, can result in long-term savings of social services, unemployment compensation, and welfare payments. In the same manner, the $105 million designed for VA medical care would act as a depressant on the spiralling medical costs now facing us all. Perhaps most importantly, the appropriations for $350 million for urban renewal and $350 million for water and sewer facilities would provide a source of additional employment opportunities for the jobless.

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We are in a period of shifting priorities. The programs that are included in these appropriations bills affirm the congressional commitment to those domestic problems requiring immediate attention. The Administration is attempting to use Congress as a scapegoat, blaming it for its own fiscal miscalculations. As I have said earlier, the President does have the authority to manage these funds under his own terms, and he also has the responsibility to do so.

Mr. DONOHUE. Mr. Speaker, I intend to vote and I earnestly hope a resounding majority of this House will also vote to override the President's veto of this education appropriations bill for 1971.

The legislative challenge presented to us today is, in my opinion, the establishment of priority spending when there is not enough money to take care of all requested budget items. It is my intense conviction that the immediate, urgent educational needs of the American people and of the cities and towns throughout this country are deserving of the highest priority in the allocation of Federal funds and that these essential needs must be met as completely as we can reasonably do so within our legislative responsibility.

Let us recall that the President himself stated, as a presidential candidate, back on October 1, 1968, this pledge and conviction to the American people, and I quote:

> When we talk about cutting the expenses of government, either Federal, State or local, the one area we can't shortchange is education.

Let us also recall that practically every responsible education authority in this Nation was and is in favor of this appropriations bill, as passed by the House and Senate and that the measure was approved in the House by a vote of 357 to 30 and in the Senate by 88 to 0.

Quite clearly these votes represent the overwhelming nonpartisan judgment of the Congress that ought not to be negated by presidential action. Nor should it be if the Chief Executive really meant what he said back in October of 1968. There can be no doubt as he then clearly indicated, that education is, indeed, "the one area we can't shortchange." I heartily agree with him in that conviction and I shall, therefore, vote to override the veto.

Mr. BROYHILL of Virginia. Mr. Speaker, I voted to sustain the Presidential veto on previous measures, one of which was similar to the vetoed educational appropriations bill we have before us for consideration at this time. I supported the President on these previous occasions even though a substantial amount of funds for my district were involved in both bills. I said at the time, however, that we would never bring an end to inflation unless we were all willing to tighten our belts and to cut expenditures across the board. The only alternative to cutting expenditures is to raise taxes or suffer ruinous inflation, high interest rate, and economic chaos.

It is never easy to reduce expenditures, particularly when it involves our own congressional district. However, if every Member of Congress continues to take such an attitude without regard to the overall good of our country and what is in the long-range best interest of the people they represent, there is no question but what we will ultimately be confronted with a national disaster.

It is, therefore, with great reluctance that I, today, am going to vote to override the President on the educational appropriations bill for fiscal 1971. I will, however, vote to sustain the President on his veto of the appropriations bill for the Department of Housing and Urban Development and independent offices.

My reason for voting to override the veto of the educational appropriation bill is not because the President is demanding too great a reduction in expenditures in this area but because he has failed to demand a sufficient cut in expenditures in all areas. I feel it is unfair to single out the field of education, particularly when the school systems have had to set their own budgets in anticipation of certain commitments made by the Congress of the United States. To cut these funds at the last minute is bound to cause a much greater hardship to these various communities which could have been avoided if the commitments had not been made to start with. In addition, this administration seems to be determined to end the program for Federal aid to schools in impacted areas not only because they want to reduce expenditures but because they do not agree that this is a Federal responsibility and obligation. I vigorously disagree with the administration's opinion in this regard for the program for aid to schools in impacted areas is merely a formula by which the Federal Government makes a payment to the communities in which it owns property in lieu of taxes. The formula, in fact, provides revenue for the communities in an amount which is far less than it would receive from taxes if the Federal Government were private industry operating in the same way. My reason, therefore, for voting to override the veto of this bill is due to the fact that one of the primary targets of the cutback in expenditures is in this aid to impacted area programs. The cutback would be approximately 44 percent of entitlement even though the Congress reduced the program this year to 65 percent of entitlement. In the current fiscal year we appropriated funds for 77 percent of entitlement even though we sustained the President's veto of the educational appropriations bill for that year. Mr. Speaker, I am, of course, referring to the "B" category pupils in these impacted areas which are the pupils whose parents either live or work on tax-free Federal property. If this program is not a fair and equitable program, Congress should repeal the act and let the communities know they will no longer receive the funds rather than a hit-and-miss approach by spasmodic cuts in the appropriations.

As I stated earlier, Mr. Speaker, I feel the President should go even further in cutting back expenditures rather than just a few selected projects. There are many extremely wasteful programs still on the statute books in which very little effort has been made in reducing expenditures. I make specific reference to the Office of Economic Opportunity and the so-called war on poverty program which has been one of the most miserable failures in the history of our country and has already cost the American taxpayers approximately $10 billion in wasted funds.

I say again, Mr. Speaker, I support the President in his courageous efforts to cut expenditures but I insist that these cuts be made in broader areas and in the areas where we have been spending the taxpayers' funds to appease the misfits, militants, and the individuals who would like to destroy our system of government.

Mr. ADDABBO. Mr. Speaker, I rise to express my opposition to the President's veto of the education appropriation bill and to urge my colleagues to join with me in voting to override that veto. I will also vote to override the veto of the Housing and Urban Development appropriation measure for these two bills represent the heart of the Nation's domestic commitment to build a better society. If there are to be any priorities in Government spending, then those priorities should begin with education and housing.

The double veto is difficult to understand in view of the fact that while these bills may appropriate more than the President requested, there is no requirement that the President spend the total amount appropriated. His double veto then can only be explained by political motives and a continuing desire on the part of the President to blame the Congress for the economic troubles which this administration has done so little to resolve.

In fact Congress has simply done its job by assigning high priorities to education and housing—higher than the President would have liked—and lower priorities to other programs requested by the administration. Together funds appropriated to date are only slightly higher than those requested and the massive military budget has not yet been pared.

As a member of the House Appropriations Committee, I have worked on these appropriation bills and have seen the responsible and bipartisan approach to the budget questions now before this body. Programs of school aid, veterans hospital and medical care, senior citizen housing, urban renewal, model cities, and a number of other major domestic projects are included in these two bills. To veto these measures in the name of economy while urging Congress to approve spending for supersonic transports, ABM's, and new military hardware is to sacrifice basic human needs for political self-advantage.

The Congress has expressed its concern with domestic problems but we are lectured by the President. We are concerned about the conditions in our Nation's cities, about the lack of adequate housing of millions of Americans, and about the need for improved education. We are told that spending in these areas is inflationary. The only answer is to cut spending in other areas for the Congress has decided that education and housing shall be assigned high priorities. I urge my colleagues to vote to override these vetos and to reaffirm the right of Congress to set national priorities.

Mr. DEVINE. Mr. Speaker, the key issue before this body today is not whether we are for education and urban development or against it, but whether the American people can afford this type of big spending which would drive prices up and require higher taxes, or bigger deficits.

To care for the urgent needs of our cities, the President's original urban development request was double the amount in the previous administration. Congress violated this budget request by $541 million. As the President stated, this kind of excessive spending creates the deficits that drive interest rates up and make it literally impossible for the housing industry to speed its recovery. This bill would work a hardship on those persons it was originally designed to aid.

The President's original budget request for the Office of Education was $972 million above fiscal 1969. This produces 28 percent more than in the previous administration's last fiscal year. Congress appropriated $453 million over this request. Total spending on federally supported education programs will be nearly $12 billion in 1971, the highest figure in history.

To override the veto will require a vote for more taxes on the people. They do not want more taxes.

I join with President Nixon in saying "no" to a higher cost of living, higher interest rates, and higher taxes. The increases proposed by the appropriations legislation before us are not in the best interests of all the American people.

I applaud the efforts of the President and will vote to support his veto.

Mr. BIAGGI. Mr. Speaker, I rise to urge that my colleagues vote to override the President's veto of the $4.4 billion education bill. The expenditures authorized in this measure not only are not inflationary as Mr. Nixon maintains, but moreover are urgently needed if we are to help provide the upcoming generation with the solid foundation in knowledge they will need to take over the leadership of this Nation in the years ahead.

The President has argued that Congress voted a big education bill because this happens to be an election year. Yet the President was quick to support the $5 billion plus agriculture bill this body unfortunately passed last week which was one of the most inflationary, goody-packed measures ever to move through the Halls of Congress during any election year.

And the President further argued that to say "yes" to education would be to say "yes" to a higher cost of living, "yes" to high interest rates, "yes" to higher taxes.

Yet he continues to support the billion-dollar boondoggle called the SST which lines the pockets of the rich stockholders of private corporations with the dollars of poor taxpayers.

And while saying "no" to education, he continues to tolerate waste and inefficiency in the Government bureaucracy—which current estimates put at $30 billion a year.

It appears that the "education" he received from all the special reports by Presidential commissions on improving the Federal executive branch operations has done little to influence his decision to put his own house in order.

Mr. Speaker, the President's argument that this measure will contribute to the highest Federal expenditure in the field of education in the history of this democracy on its face is true. But why is this high expenditure necessary? The inflation which Mr. Nixon so devoutly promised to end 2 years ago has made it necessary just to maintain most existing programs.

Such an argument would be the same as saying that because a wage earner is making more money today than he did in 1960, he does not need an increase in salary. Yet almost all wage earners need increases in salary this year just to keep up with inflation.

The past and present actions of the President in vetoing measures aimed at improving the health and well-being of this Nation can only demonstrate his lack of concern for the average, everyday American.

These hard-working taxpayers have their needs: a good education, good job and advancement opportunities, a good home for their families, a fair shake from their Government.

I hope my colleagues will join with me here today to support education for the sake of this great country's future. The $4.4 billion appropriated here is a small investment to make for keeping America strong and ever ready to defend freedom and justice throughout the world.

Mr. ANDERSON of California. Mr. Speaker, inflation is one of the most urgent problems facing our Nation today. Perhaps one of the causes of inflation is the fact that the Federal Government spent more money than it received in taxes during the early years of the Vietnam buildup. I, personally, feel that the practice of "spending what you do not have" does contribute, though in a small way, to inflation. Thus, I strongly endorse fiscal responsibility by keeping expenditures in line with revenue.

Since entering Congress, I have supported funding reductions in areas which I feel should receive a lower priority, such as foreign aid and farm subsidies. On the other hand, I have supported increased expenditures in areas which I feel are crucial to insure our continuance as a strong, viable nation and measures which would improve the quality of life, such as pollution control, education, and housing. In the overall process of balancing the reductions and the increases in spending, I have been ever mindful of the necessity to reduce overall Federal expenditures.

This practice has been followed by the Congress. Last year Congress cut the President's budget requests by $6.4 billion. While we increased expenditures for pollution control, education, food for the needy, and housing; we cut funds for foreign aid by over a billion dollars; we reduced military expenditures commensurate with our phased withdrawal from Vietnam; and we cut the budget for the Departments of State, Justice, and Commerce by $100 million. To repeat, we reduced the President's budget requests for fiscal year 1970 by $6.4 billion.

This year is no different—again, we will reduce the President's budget by millions of dollars. Thus far, the House of Representatives has passed all appropriations bills except for the $70 billion defense appropriation. This year, we cut the President's request for foreign aid funds by $655 million; we cut the Departments of State, Justice and Commerce budget requests by $136.9 million; we cut funding for military construction by $137.7 million. Overall, including the increase for education and housing, the House of Representatives has, thus far, reduced the President's budget by $572 million.

Mr. Speaker, last year—fiscal 1970—the administration requested $189.4 million for California schools. This was $100 million less than California received in 1969. Who would pay for this extreme reduction? The answer is obvious—the local taxpaying property owner would absorb the difference.

Mr. Speaker, those of us from Los Angeles know the burden that is carried by the property owner—we know that he cannot pay higher taxes. We have worked to lighten his load. Thus, last year, we increased Federal expenditures for California schools from $189 million to $275 million.

This year, the administration again requested an inadequate sum for California schools—$194 million and, again, we fought for increased funding. With my support, the House raised this sum to $282 million, and again, we find the education bill vetoed.

Mr. Speaker, today we are facing a financial crisis in education.

Nearly one in every four Americans is now attending elementary or secondary school. Last year, local educational agencies spent over $34 billion. The cost of education rose by 13 percent, and total education costs are expected to double by the end of the decade.

Where is the money going to come from? Certainly not from property taxes. In California, local taxpayers already pay over 55 percent of the school budget—compared to the national average of 52 percent.

I believe that the Federal Government must assume a larger share of the school budget than the present 3 percent which it is paying in California—compared to the national average of 7 percent.

Mr. Speaker, I cannot accept a national priority which would rather send our money overseas in the form of foreign aid, than return the taxpayer's money to educate his children.

We must accept John Adams' challenge when he said:

> The whole people must take upon themselves the education of the whole people and we must be willing to bear the expense of it.

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Surely a Nation which pays an average of over $1,400 a year in armaments for each South Vietnamese soldier can afford more than $54 a year for each American schoolchild. Surely we can spend the funds necessary to put every child in a decent educational program.

Thus, Mr. Speaker, I must vote to override the President's veto of the education appropriation bill for fiscal year 1971.

Mr. FLYNT. Mr. Speaker, it is always unpleasant to vote against an appropriations bill which contains money for good and popular programs. Today is no exception. It is most unpleasant and distasteful.

I am not a disciple of doom nor a prophet of disaster. On the contrary, I am an optimist by nature but I think I can recognize certain danger signals when I see them.

The principal reason for high interest rates and a perilous economy seem to me to be the fact that we are not reconciling appropriations with revenues. As long as the Federal Treasury requires an increasingly larger share of the available money supply—interest rates will continue to rise and less and less money will be available for home construction and financing.

I shall vote to sustain both vetoes because in my judgment it is a tangible effort on my part to stabilize the economy. I am well aware that the $1 billion that I am trying to save is not going to make the difference between a deficit and a surplus this year. I have no illusions about that. However, these two vetoes added to three or four possible future vetoes could total as much as $6 billion, which is the estimated deficit for this year.

I approve of most of the proposals for which this $1 billion would be spent. If we had the money I would vote to provide full funding for most of these programs and there would be no problem. I guess I am old fashioned enough to believe there is a difference between full funding out of a surplus and full funding with borrowed money.

I and my colleagues who shall vote to sustain may not be able to prevent an economic collapse, but if it does come, I want to be able to say with a clear conscience that I did my best to prevent it.

Mr. WILLIAM D. FORD. The President's surprise veto of the education appropriation and the independent offices and Housing and Urban Development appropriation for fiscal year 1971 appears to be little more than a calculated political stunt. By all the normal White House indicators it seemed clear that the President was going to sign these bills. Then, quite suddenly, the President vetoed them with a last-minute statement intended to make education appear inflationary.

This move, with obvious political motivation, was designed to lay the groundwork for an election year attack on Congress for what the President calls inflationary spending. But the President missed his mark. In one swift action, he simultaneously slammed the school doors in children's faces while kicking the crutches out from under our veterans.

I certainly share the President's concern over inflation and have been working to help bring it under control. However, I resent the administration's attempt to try to escape responsibility for its own inflationary policy by tagging the 91st Congress as the sole cause of inflation because we voted for a $453 million increase for education and a $541 million increase for housing, antipollution, water, and sewer grants and critically needed medical care for veterans.

I proudly stand on my own record of efforts to cut what I see as unwise and inflationary budget expenditures. However, I believe that an investment in our future through education is the least inflationary expenditure we can make, and in fact this is the better way to fight inflation by heading off increased costs for unemployment compensation and welfare which will continue to rise if we fail to educate and train people for gainful employment.

A recent chart from the Appropriations Committee sets forth the figures for action on appropriations bills as of August 11, 1970. I would strongly suggest that those who would try to "pass the buck" by labeling us as "Big Spenders" take a long, hard look at the figure on this chart which shows that the House has actually cut the President's budget requests by over $2 billion—$2,103,178,345.

The issue brought forth by the President's vetoes is not inflation per se—it is one of priorities. In his veto message the President said:

> I urge the Congress to reconsider the spending course it has taken, and to place first priority on achieving our goal: a healthy economy, expanding through peacetime activities, with reasonable price stability.

Well, I have reconsidered. And I am even more firmly convinced that I and many of my colleagues have been doing just that—placing first priority on achieving the goal of a healthy economy, expanding through peacetime activities, with reasonable price stability.

I have voted for total cuts of $7.7 billion from Federal spending this year. In light of that fact, my votes for $453 million for education and $541 million for such things as housing, badly needed water and sewer facilities, and better care for our disabled soldiers in veterans hospitals cannot be called inflationary.

What is inflationary are the items which the administration obviously has no intention of vetoing—items such as huge farm subsidies, the ABM system, the supersonic transport—SST—high interest rates for big banks, untested and unproven military hardware, foreign aid, tax loopholes for the rich, and the amounts sought by the administration to bail out the big bankers and financiers of the bankrupt Penn Central conglomerate. Yet, this administration seems eager to attack as inflationary our efforts to insure the future of our children, to provide decent care for our wounded soldiers and housing for many poor and elderly who would otherwise live in crowded, rat-infested places.

This veto of the education bill is cavalierly explained away by the President as "necessary to hold down the rising cost of living." The American people are far too intelligent to swallow that kind of argument. They know that the costs of running schools and constructing school buildings are rising at a fantastic rate.

Just to keep pace with what they had last year they have to spend far more money. School costs have been estimated to be rising as fast as 20 percent a year. If Federal money for school assistance is cut, this is not going to magically bring economic relief to the housewives and workers across this country.

They are going to be faced with the choice of either: First, closing down schools, putting more children on half days, and providing poorer quality education for their children or second, raising local property taxes once again to pay for the increased costs of keeping the communities' educational systems at the same level as last year.

President Nixon may think that the working people of this country are going to thank him for claiming to save them a little money by vetoing $453 million for education nationwide; but I am quite sure they are too smart to fall for such a lawyer's trick. When they get their property tax bills this year and see how much the President's gesture takes from their own pocketbooks, they are going to know just how sincere the President really was in his pretended concern for "lower taxes."

For just one example, I would like to give a few figures for a community within the congressional district which I represent—Lincoln Park, Mich.

Voters in Lincoln Park, a city of nearly 60,000 persons, have turned down proposed millage increases four times in the past 2 years. The most recent defeats came in March and June of this year, when voters rejected a proposed 10-mill increase—$10 per $1,000 of assessed valuation.

Lincoln Park's last millage increase was approved 4 years ago. Rising costs during the past 4 years, and voter refusal to approve new increases, have forced local school officials to adopt an austerity budget which has reduced the educational program in Lincoln Park to a bare "three R's" approach.

The entire athletics program has been dropped, along with art, music, band, summer school, and driver training. Adult education has been eliminated, cafeterias have been closed, and physical education has been ended in the 10th and 11th grades.

The board of education has eliminated 130 teaching positions, and all elementary school students will go on half-day sessions when classes resume next month. Cutbacks will also be made in special education classes and in transportation for handicapped children.

Lincoln Park voters, I think, are typical of those throughout the Nation. They are telling us, loud and clear, that higher property taxation is not the answer to this Nation's growing educational crisis. The State of Michigan is financially unable to provide any additional help, and the only remaining source is the Federal Government. Lincoln Park's total school revenue from Federal funds has risen in the past 5 years from $83,000 to $253,000, representing about 3 percent of the district's total educational budget.

The children of Lincoln Park are already receiving less than a first-rate education, and the situation will obviously worsen in the coming year, as the austerity program continues. Only three of 10 graduates now attend college, and this ratio will obviously drop under the present circumstances. The only salvation for Lincoln Park is a massive infusion of Federal aid. Are we, instead, going to tell them that they must make further cutbacks in the name of fighting inflation?

Lincoln Park is only one example. The adverse effect which this would have will be widespread.

The administration has caused a bill to be introduced by the minority leader of the House and others which seeks $1½ billion for school desegregation during this year and next year. In the President's veto message on the education appropriation, he commits himself to asking for an extra $350 million for his school desegregation program.

If the President thinks that $435 million just to keep our present educational system going is inflationary, then I am unable to understand how over $1½ billion for his own school programs is not inflationary, too. I do not mean to say that it is wrong to spend money to fulfill the requirements of the law in achieving desegregation. What I do mean to say is that the President is not being consistent.

President Nixon criticized Congress for causing inflation, yet he has refused to use the anti-inflationary authority given to him by Congress. Last year, Congress passed H.R. 15091, providing tools for him to fight inflation. Just last month, the House passed H.R. 17880, the Defense Production Act amendments, which included a provision giving the President the authority to order wage, price, and rent controls.

We should vote to override the President's two vetoes and reject his obviously political claim that these bills are inflationary.

Investing in education will provide an anti-inflationary effect in terms of future reductions in moneys spent on welfare, unemployment compensation, and other social services now necessary for those who lack the education and training to enter the job market. Increased assistance for veterans medical and hospital care will help alleviate our present medical shortage which creates ever-rising medical and hospital costs. Funds for housing and sewage and water facilities will provide more jobs for those who are now victims of high unemployment rates.

Therefore, Mr. Speaker, I urge my colleagues to vote to override President Nixon's veto of the education appropriation, and to cast their votes also to override the veto of the independent offices appropriation.

Mr. HORTON. Mr. Speaker, I have reluctantly decided to vote to override the President's vetoes of the Office of Education appropriation bill and the HUD-independent offices appropriation bill.

I say that my decision is a reluctant one, because I am in full agreement with President Nixon's priority on exercising control over Federal expenditures and keeping budget deficits as close to zero as possible. I believe the President is correct in saying again that unless we control the level of deficit spending, or eliminate it altogether, we can only prolong the day when the battle against higher prices and higher interest rates is won.

Unfortunately, the decisions we are asked to make on these veto messages is not limited to being for or against inflation or a balanced budget. We also must consider, as we did in passing these two appropriations measures, where we will place our priorities for Federal outlays in this and future fiscal years.

Some of our colleagues in Congress have taken the floor to lambast the President and accuse him of misplacing his budget priorities—of downgrading the need for programs which help our cities, our children, and our people. I do not think these accusations are fair or accurate. For some of these colleagues have voted to add funds to other spending bills which, I think, should be given far less priority. Having made no selections themselves, they have left the President no choice but to choose priorities for them.

I refer specifically to those who made it impossible to obtain rollcall votes on the amendments that were offered to make substantial cuts in the defense authorization and appropriations bills, and who voted for funds for the SST development and other postponable or unnecessary expenditures.

Mr. Speaker, the President has a duty to manage the operations and expenses of the Government. He must choose where he feels the line can be held.

This is also the duty of every responsible Member of Congress. I feel I have properly exercised my duty in this regard. Knowing full well that I preferred and would vote for modest increases over the administration budget requests for antipollution programs, veterans care, elementary and secondary education programs, higher education aid, housing and urban renewal, I studied carefully the amounts recommended in measures we considered for other programs.

I voted on several teller votes to eliminate weapons and military construction projects of low priority, some of which were passed without a request from the Department of Defense.

When no opportunity was afforded Members to record their votes on the proposed $365 million expansion of the ABM system, I decided to record my feeling on that program by voting "no" on the Defense appropriation bill.

I also voted against allocating $200 million in taxpayer funds to develop and produce the SST airplane, because I believe it presents serious environmental problems and I think it could be funded more efficiently through federally guaranteed bonds.

Thus, Mr. Speaker, when the time came to consider the proposal to increase construction grant funds for sewer and water facilities by $350 million, I had already made my decisions on budget priorities and carried them out by subsequent votes. I come from a part of the country where pollution has reached staggering proportions, where smaller towns and communities desperately need to equip themselves with modern municipal water and sewer systems, and where both the State and localities are already doing more than their share to solve the problem. I did not feel we could let them down by appropriating only 30 percent of the authorized amount for this HUD program.

I faced the same situation with urban renewal, education, and veterans care programs. Just yesterday, the president of the Rochester, N.Y., Board of Education called me to say that the threat of a $200,000 Federal grant expiring this year could mean a severe cutback in essential services to elementary school and high school students in our area.

Several urban renewal projects in my area are awaiting adequate Federal appropriations. While the Senate's addition of $700 million for this program may be excessive, I do not believe the compromise figure arrived at is unreasonable.

Nor do I feel that the amounts included in the independent offices bill for veterans care are excessive. If anything, we have shortchanged the thousands of wounded men returning from Southeast Asia.

I am not able, in good conscience, to push these human needs aside in favor of a new airplane to overfly the oceans, or a costly antimissile system which may or may not be workable.

If I thought that it would help Congress as a whole to exercise greater responsibility in budget priority planning, I would vote to sustain the President's reluctant vetoes of these bills. But, on the contrary, I believe that those of us in Congress who have made prudent and rational priority decisions with our votes, whether or not we always agree with the administration, should stand by our decisions and continue to vote for modest increases in higher priority domestic items, and against allocations for lesser priorities.

Only in this way will we establish any firm commitment to the people that we can exercise prudence in budgeting their tax dollars.

I do not fault the President for his choices. I know there is a possibility that he may have to hold back some of the funds in these and perhaps other programs.

Those of us who place genuine priorities on the antipollution, veterans, education, and renewal programs in dispute here must back up these judgments by voting consistently with our votes when these measures come before us earlier this year. In this way, perhaps the President can be influenced to make the necessary budget reductions in other, lower priority areas of the budget.

Mr. OTTINGER. Mr. Speaker, it is incredible that we are again called upon to vote on education and housing funds of such vital importance to this Nation.

I cannot conceive of any way that the administration can justify to the American people its continuing opposition to urban renewal funds, low-rent housing aid, water and sewer grants, model cities, rent supplements, National Science Foundation programs, aid to educationally deprived children, education for the handicapped, aid to college students, college construction, vocational and adult education, and a range of other forward-looking programs through which we are attempting to reorder our priorities and improve the quality of life for all Americans.

Mr. Speaker, I am at a loss to understand why the domestic needs of the country are time and again made the scapegoat for inflation by a President who requests $1.45 billion for an ABM system that will run into the tens of billions, more than $1 billion for a MIRV, $438.5 million for an F–111 whose ability to perform its mission is still in question, more than half a billion for the C–5A transport, $290 million for a supersonic transport whose cost to the taxpayer may well go over $3 billion 200 million to bail out an ineptly managed railroad, and a slush fund for Lockheed to cover its inefficient contract performance.

This is the same President who supported a giveaway of $55,000 per farmer under the crop subsidy program, who refused to phase out the oil import program under the advice of his own committee that such a move would lower prices to the consumer, who refuses to fight inflation with the selective credit controls that the Congress has authorized, and who has announced that he will not use the wage-price-rent control authority that we are making available in the Defense Production Act amendments.

It is clear, Mr. Speaker, that inflation has become an excuse for regressive administration policies across the board, and the President's own Cabinet members can no longer conceal their chagrin over this meat ax approach to domestic priorities. The unemployed of America are fighting inflation, but the Military Establishment is not. The low- and middle-income American is fighting inflation, but the highway builders are not. The blacks and the disadvantaged are battling inflation, but the wealthy farmer is not.

The clear and unequivocal support of high interest rates by this administration belies the pious sentiments of the veto messages coming up to Capitol Hill with increasing frequency. The refusal to employ economic controls which Congress and the people clearly want demonstrates something less than true concern about the state of the economy. There are many ways to cut the Federal budget without attacking priority programs, and it is obviously up to the Congress to accomplish what the administration is reluctant to do.

I call on my colleagues to show their commitment to the betterment of education and housing by overriding these ill-conceived vetoes. Our responsiveness to the people of America must be convincingly demonstrated here in this Chamber today.

Mr. KOCH. Mr. Speaker, I will vote to override the President's vetoes of the Office of Education appropriations bill and the Housing and Urban Development and independent agencies appropriations bill. The President seeks to place the blame for inflation on the Congress' expenditures for the human needs of this country. But, what in fact is the President taking exception to when he vetoed these bills?

The President takes exception to the $453 million add-on appropriation which will be used to assist our education programs that are in great financial distress. I supported this increase when it came to the floor. It was right then and it is right now.

The President supports his veto of the Housing and Urban Development and independent agencies bill by claiming that the $541.3 million contained in that bill over and above his request is inflationary. What is that amount for? The $350 million is to help the cities and States upgrade their sewer facilities. The President talks a lot about dealing with our water pollution, but when it comes to funding his rhetoric we find him absent. Mr. Speaker, in the city of New York, because we do not have the funds to upgrade our sewage treatment plants, we are pouring into our rivers 300 million gallons of raw sewage every day. The rivers in the city of New York, Mr. Speaker, are dead rivers and our beaches are polluted. It was right to provide those moneys when I voted for that appropriation bill then and it is right now.

The people of this country ought to know that $105 million of the funds added by the Congress to the HUD-independent agencies appropriations bill is to provide for the hospitalization and care of wounded servicemen. I went to the Veterans' Administration hospital in the Bronx and personally saw the outrageous conditions and lack of services provided there. Those conditions arose because the prior administration and the Nixon administration have refused to request adequate moneys for these hospitals. Mr. Speaker, I am unalterably opposed to the war in Vietnam, but I am just as firmly committed to providing the best medical care for our young men who have been sent to that war and who have returned home injured. I supported the increase in VA medical appropriation when it came to the floor. It was right then and it is right now.

Mr. Speaker, I contrast the President's attitude about human needs in this country which he has demonstrated by the vetoes in these two vital areas with his original request to this Congress that it bail out 70 banks involved in the Penn Central Railroad debacle. Fortunately, the Congress resisted his request and he withdrew it. More important, the President has endorsed unnecessary military expenditures far exceeding our security needs and their intrinsic worth. Last year, Mr. Speaker, this Congress, myself included, reduced the President's total budgetary requests by more than $6 billion and we took it from the military side of his budget. If the President were interested in the people as opposed to a political ploy, he would not be vetoing an education budget, a Veterans' Administration hospital budget. No, he would be reducing his military budget.

Mr. Speaker, our gross national product is almost $1 trillion. The President is concerned, as appears by his vetoes, about a relatively insignificant part of the economy, namely one-tenth of 1 percent of the gross national product when he should be directing his energies at changing our national priorities.

Mr. CLEVELAND. Mr. Speaker, after considerable study and evaluation of President Nixon's veto of the HUD and Office of Education appropriation bills, I have decided to vote in favor of sustaining both vetoes. Having previously voted in favor of these two appropriation bills, my decision has not been easy.

For that matter, I am sure that the President's decision to veto these two bills was not an easy one either.

But if we are to practice what so many of us seem to enjoy preaching, fiscal restraint and living within our income, some hard decisions are clearly called for. To put this matter in perspective, it must be remembered these two bills are the first major appropriation bills which the Congress has sent to the President this fiscal year. If he were to passively allow a billion-dollar increase over his budget with these two bills, it would obviousy encourage Congress to increase the other appropriation bills which we will be sending him in the near future. We are already faced with a projected deficit for this fiscal year which is substantial.

In my opinion it would be irresponsible not to support the President in an action which after careful study he has decided is necessary to prevent inflation, higher interest rates and inevitably higher taxes.

Day after day on the floor of the House, I have heard Members of both sides of the aisle speak about the problems of inflation, higher interest rates, taxes and the slackening of business. These problems result from the enormous deficits accumulated during the sixties and also our shifting from a wartime toward a peacetime economy.

Having frequently spoken and voted against the deficits of the sixties and predicted their unfortunate results, I cannot in good conscience fail to support President Nixon in his efforts to act responsibly and exercise a measure of long overdue fiscal restraint.

If the President's vetoes are sustained new appropriation bills will be promptly drafted and promptly acted upon. Under the continuing resolution expenditures in the affected areas will continue. I want to make it clear and my record supports this statement that I am not against the programs funded by these appropriation bills. I do feel that some of these programs need to be reordered and reevaluated as they have clearly failed to meet expectations. I also feel that we are spending too much on some of the programs and too little on others. In all fairness, it is important to bear in mind that in the areas covered by these two bills, the President's requests were substantially in excess of the last budget requests of the previous administration.

In voting to sustain the President's vetoes, I am voting in the final analysis for the principles embodied in his veto messages. Some may chose to construe my votes wrongly and describe them as being against the specific programs funded by these two bills. I am confident that the people in my district will recognize my votes for what they really are, votes in support of the President of all of the people of America and this difficult decision on their behalf.

Mr. RANDALL. Mr. Speaker, for me it is an easy vote to override the President's veto of the Office of Education appropriations bill for fiscal year 1971.

I can make such a statement as to this veto without fear of being tagged as a big spender, because in my opinion, funds for education are not really an expenditure of our assets, but a sound investment in our country's future.

Today we are at a critcial moment as far as schools are concerned because within the next 2 or 3 weeks, 52 million children will return to school across the land. It is not just a convenience, it is an absolute essential and a necessity that Federal funds provided in the 1971 Office of Education bill be available, at or near the time for the opening of school, notwithstanding the President's veto. Otherwise, the educational opportunity of million among our total of 52 million children, especially the disadvantaged and the handicapped, as well as those living in impacted districts, will be jeopardized. For those who say it is only a matter of a short delay fail to recognize that by the time another appropriations bill can be enacted, several months of the school year will have passed. In the meantime, those school districts that have counted on Federal funding will find they have to borrow funds from other sources. Such financing is not only wasteful, it is inflationary.

Moreover, if this veto is not overridden and there happens to be a reduction in Federal funds for education, there will undoubtedly be an increase in local property taxes in those communities which find they are able to provide more local taxes. In those districts where the legal limits of expenditures have already been reached schools may have to close or go on part-time schedule if they had depended upon Federal funds to make up the difference between their total annual budgets over their maximum legal capacity to raise local revenues.

Further delay will hurt thousands of school districts and colleges. Not only the schools will be hurt, but the students will be hurt. A good illustration of the adverse consequences of delay is found in the instance of the HEW fiscal 1970 appropriations which was not finally enacted until March of this year. Such delay, protracted and compounded, was the reason the Office of Education bill was considered separately and as early as possible this year.

There are many important line items in this appropriations bill.

First there are the funds for aid to impacted areas. Many school districts in my congressional district could not open their doors except for this assistance because of the presence of children from two sizable airbases and one large Army ammunition plant. This year, in my opinion, we have made progress to improve the formula on impacted aid. There was an increase of $126 million, but it was sorely needed.

In the area of elementary and secondary education, again there was an increase, but none of this money is spent by the Federal Government. It all goes to the States.

Then there are the funds for the handicapped or for the special programs under the Education of the Handicapped Act. Who can be against such a program? Even if someone was inclined for strange or unknown reasons to oppose such a program, then they should recognize that in a practical matter this program saves on future welfare costs.

Finally there is the item of vocational and adult education. Can anyone really be against the great number of new and wonderful community colleges that have sprung up across this country?

At the time the House passed this Office of Education bill, very few thought there was anything wrong with it. At that time there was no political aisle as there may be today. The House passed H.R. 16916 by a 357-to-30 vote.

Contained also in this veto is the line item of aid to colleges, or higher education. In this item there are loans to students including grants for college work-study programs.

There is money in this bill for the Library Services and Construction Act, as well as funds for the education professions development.

Returning to the higher education facilities loan fund, most of the money is for grants for construction of public community colleges and technical institutes under title I of the Higher Education Facilities Act of 1963.

Considering the present plight of our local school districts, it is my recollection that the Governors of those 40 States present this week that came to Lake of the Ozarks in my home State of Missouri, adopted a resolution which unanimously set forth their conviction that a greater proportion for funding for education in the United States should be borne by the Federal Government. The President has said many times that he wants to help the States. He has said again and again that he is in favor of Federal revenue sharing with the States. How can it be then, that we in the Congress can fail to perform our obligation to shift some of this burden from the States to the Federal Government? The Federal Government is only paying about 8 percent of education's total cost today and the local school districts are paying the untold millions of dollars of the remainder. If this veto is sustained the result will be not a shifting of the burden from the States to the Federal Government but a step backward or a regression from the 8 percent of the total cost of education now paid for by the Federal Government.

Mr. Speaker, because of all the worthwhile items enumerated in the foregoing paragraphs, I have no apology to vote to override the veto because I submit that education ranks very near the top among our national priorities.

Mr. VANIK. Mr. Speaker, I will cast my votes today to override the President's vetoes of the education and independent offices appropriations bills.

It is incredible that the President of the United States should have taken his veto action on these two critical pieces of legislation. Education is the first line of American defense. If we are to survive in this world and continue our leadership it will be because we have developed the talents of our young people to their highest capacity. There is no more important tool in the arsenal of democracy than an educated populace prepared to meet any challenge of our times.

Day after day I have become more disheartened and chagrined at the effects of cutbacks in educational expenditures by the Federal Government to great institutions in our community such as Case Western Reserve University, John Carroll University, Cleveland State University, Baldwin-Wallace College, Kent State University, Ursuline College, Notre Dame College, and Cuyahoga Community College.

These cutbacks have resulted in higher tuition charges and drastic reductions in allocations for educational assistance. The collapse of the fellowship program has created an adverse impact on the quality and the spirit of professional teaching staffs. Private educational institutions are threatened with financial collapse. Highly qualified students must defer plans for education because student loans are not available.

The Federal cutbacks in research have had a crippling effect in vital lifegiving programs. At Ohio State a breakthrough on cancer diagnosis by a Columbus, Ohio, team is suspended in middevelopment because of the cutback in Federal allocations for research. Whose life will be short-spanned because of this kind of economy?

The medical schools of America are most critically affected. In Washington, D.C., the medical and dental school of Georgetown University and the medical school of George Washington University are currently seeking help from the government of the District of Columbia in order to continue the medical education of young doctors upon whom all of us must depend. The same crisis confronts the medical and dental schools of Case Western Reserve University in Cleveland.

The independent offices bill is of tremendous importance because of the extra funds that are provided for the care of our disabled veterans. If our Government has the authority to commit thousands of our young men in the military services to the crippling effects of distant conflicts, we certainly have an obligation to provide for their recovery and their rehabilitation. The independent offices appropriations bill would provide $105 million additional for the care of disabled veterans. In addition, it would provide an increase of $350 million for the rehabilitation of our cities which are also sick.

If these expenditures for human needs are inflationary, how can the President assume that it is not inflationary for him to recommend the establishment of a permanent tax bonanza for export-oriented corporations which will cost the Treasury $640 million a year in lost revenues? How can the President say that it is more important and not inflationary when he requests extra billions for the construction of the supersonic transport, the billion dollar merchant marine subsidy, and the $3½ billion farm subsidy? Certainly these are the inflationary and deferrable requests.

Just 2 hours before the President vetoed these bills, the National Governors Conference meeting in Missouri passed a resolution asking the Federal Government to take on a larger share of the burden of financing education. We in Ohio have a greater awareness of this problem since we have more schools closed because of lack of funds than any other State in the Union. Since Ohio has an extraordinary number of private colleges, the threat of educational chaos becomes even more real.

The education, health, and housing increases provided by these two bills are considerably less than what we are spending in Vietnam in a single month. From newspaper reports, it appears that the administration has just reached a new secret agreement with Franco's dictatorship in Spain which will cost the American taxpayer $400 million in the next several years. The administration is willing to spend hundreds of millions to support a dictator, but not the same amount for educational assistance. The front page of many of today's papers showed West German Chancellor Brandt and Soviet Premier Kosygin signing a nonagression treaty in Moscow. Yet we continue to maintain 330,000 military and support personnel in Europe at a cost of more than $3 billion. The signing of the German-Soviet Treaty should indicate that our force level in Europe can be reduced. If Nixon is worried about inflation, he should begin reconsidering our troop levels in Europe and our support of dictatorships around the world.

I happen to think that education and health of our people are our first line of defense. I also believe that the restoration of urban life cannot be put off another year. I therefore cast my vote to override.

The SPEAKER. All time has expired.

Mr. FLOOD. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 289, nays 114, not voting 26, as follows:

[Roll No. 278]

YEAS—289

Abbitt
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Aspinall
Ayres
Baring
Barrett
Bell, Calif.
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Cabell
Carey
Casey
Celler
Chappell
Chisholm
Clark
Cohelan
Conte
Conyers
Corbett
Corman
Cowger
Culver
Daddario
Daniel, Va.
Davis, Ga.
de la Garza
Delaney
Dellenback
Dent
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Feighan
Fisher
Flood
Flowers
Foley
Ford, William D.
Foreman
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Gude
Hagan
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kyl
Kyros
Latta
Leggett
Lennon
Long, Md.
Lowenstein
McCarthy
McClory
McCloskey
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mann
Marsh
Mathias
Matsunaga
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, N.Y.
Reuss
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
St Germain
Sandman
Satterfield
Scheuer
Schwengel
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NAYS—114

Abernethy
Anderson, Ill.
Andrews, Ala.
Arends
Ashbrook
Beall, Md.
Belcher
Bennett
Berry
Betts
Blackburn
Bow
Brinkley
Brock
Brown, Mich.
Broyhill, N.C.
Buchanan
Burke, Fla.
Byrnes, Wis.
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Coughlin
Crane
Davis, Wis.
Denney
Dennis
Derwinski
Devine
Dickinson
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Flynt
Ford, Gerald R.
Frelinghuysen
Frey
Goldwater
Goodling
Gross
Grover
Haley
Hall
Hammerschmidt
Harsha
Harvey
Hastings
Hosmer
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Kuykendall
Landgrebe
Landrum
Langen
Lloyd
Lujan
Lukens
McClure
Martin
May
Mayne
Michel
Mills
Mizell
Montgomery
Morton
Myers
Nelsen
Pelly
Poff
Price, Tex.
Reid, Ill.
Rhodes
Rousselot
Ruth
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Smith, Calif.
Smith, N.Y.
Springer
Steiger, Ariz.
Thompson, Ga.
Thomson, Wis.
Ullman
Vander Jagt
Waggonner
Wampler
Whalley
Wiggins
Williams
Wilson, Bob
Wold
Wyatt
Wylie
Zion

NOT VOTING—26

Bevill
Bray
Caffery
Clay
Cramer
Cunningham
Daniels, N.J.
Dawson
Edwards, La.
Fallon
Hansen, Wash.
Hébert
Hull
King
Long, La.
McCulloch
Mailliard
O'Neal, Ga.
Passman
Pollock
Pryor, Ark.
Rarick
Reifel
Rooney, N.Y.
Roudebush
Ryan

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York and Mr. Hébert for, with Mr. Cunningham against.

Mr. Pollock and Mr. Daniels of New Jersey for, with Mr. Cramer against.

Mr. Fallon and Mr. Bevill for, with Mr. Reifel against.

Until further notice:

Mr. Passman with Mr. Bray.

Mr. Rarick with Mr. King.

Mr. Long of Louisiana with Mr. McCulloch.

Mr. O'Neal of Georgia with Mr. Roudebush.

Mr. Caffery with Mr. Mailliard.

Mr. Hull with Mr. Pryor of Arkansas.

Mr. Ryan with Mr. Clay.

Mrs. Hansen of Washington with Mr. Dawson.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1971—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The further unfinished business is, will the House, on reconsideration, pass the bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, the objections of the President to the contrary notwithstanding.

The Chair recognizes the gentleman from Tennessee (Mr. EVINS) for 1 hour.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in the RECORD and include extraneous matter on the veto message of the President on H.R. 17548.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks on the veto message.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVINS of Tennessee. Mr. Speaker, the independent offices and Department of Housing and Urban Development appropriations bill for 1971—which the President has vetoed—is an important bill—a reasoned bill.

This bill provides essential funding for many vital domestic programs—including medical care for our veterans, housing, and urban renewal for our cities, water and sewage grants for rural communities, and funds for some 22 independent agencies of the Government.

This bill is the product of the give-and-take of the legislative process.

It represents a bipartisan effort to respond to many of the crucial problems of our times.

I regret that a political veto, in an election year, has returned this bill to the Congress.

Let me summarize briefly the highlights of this bill:

The President's amended budget, submitted to the Congress, requested $17,468,223,500.

The final conference action approved $18,009,525,300—an increase of $541,301,800.

This increase represents new obligational authority which the President can release or withhold at his discretion.

There is no "mandatory direction" in the bill that the funds appropriated have to be spent. The President can withhold from spending any of the funds which he considers inflationary.

Therefore, the veto is entirely unnecessary.

As provided by the conference agreement, the bill provides additional funds over the budget for three critical programs—namely: medical care for our veterans, urban renewal, and water and sewage grants for cities and rural communities.

We provided $105 million for veterans' medical care—for our returning Vietnam veterans and other veterans—some 115,000 veterans are now in veterans' hospitals.

Testimony is conclusive that these funds are desperately needed.

The second item to which objection is made is $350 million for urban renewal. The Senate added $700 million for urban renewal and in conference we reduced this amount to $350 million. The mayors of our cities insist that these funds are desperately needed to combat blight and decay and to restore our cities.

The other item to which objection is made is $350 million for water and sewer grants—which both the House and Senate approved in separate votes.

Water and sewer grant assistance is greatly needed in our small towns and rural areas, for basic water supply and to combat pollution.

The applications pending and demands are far greater than can be supplied.

The President, in his veto message, says he objects to "outlays and expenditures" which he says these items will provide.

The fact is that the total outlays in the bill, as approved by the Congress, is some $24 million below the amount proposed in the President's budget for 1971.

Furthermore, Mr. Speaker, the outlays—or expenditures provided by the education bill the House has just voted to enact over the President's veto are $239,000,000 over the budget. The outlays for this bill—independent offices and housing—are actually estimated to be $24,000,000 under the total in the budget of the President for 1971.

The reason for this is that many contracts will run over several years—particularly Federal building construction contracts. All the amounts made available for obligation will not be expended during the next fiscal year.

As we know, there is marked distinction between "appropriations" and "outlays or expenditures." Much of the new obligational authority will not be used or expended for several years.

In other words, although we appropriated more on a long-range projection—we will be expending less, under this bill in fiscal 1971 than the President proposed in his budget.

The President's budget calls for outlays or expenditures—of $17,542,214,000 for fiscal year 1971.

The bill, which the Congress approved, provides for outlays or expenditures for next year of $17,515,214,000, or $24 million less in projected expenditures for 1971 than provided in the President's budget.

Some have asserted that this bill is inflationary—that it contributes to inflation. This bill is to combat inflation—it provides for vital domestic needs in many ways.

While we are all concerned about inflation, we ar emore concerned about the recession that is occurring in some areas in our Nation.

As a matter of fact, the President, in one specific instance, requested that funds be approved for a large public building construction project in Seattle, Wash., to stimulate the economy in that depressed area.

This, because of the current high level of unemployment in that area.

We provided the funds for this project as requested.

So this bill gives the President flexibility to combat unemployment in many areas hard hit by recession, if he chooses to use it.

With the use of urban renewal and water and sewer grants, the President can stimulate local economies where needed.

However, the President can withhold funds if he so desires.

I want to point out further that this bill provides a number of cuts and reductions where the Congress thought reductions should be made.

We set some priorities.

For example, the Congress cut $165 million from the President's request for interest subsidy payments to Federal home loan banks.

The President asked for $250 million for this purpose—we allowed only $85 million—making a cut in bank interest subsidies of $165,000,000.

In this bill we cut and reduced the space program by $65 million below the budget.

We cut and reduced various HUD programs by $59,940,000.

Congress cut the independent agencies by $16,329,000.

Overall, the Congress cut items in the President's budget by more than $305 million—$305,594,000.

In other words, Mr. Speaker, the Congress in setting priorities cut more than $305 million from the President's total budget requests for this bill, while at the same time increasing funding for critical needs of high priority.

These include: veterans' medical care, urban renewal, and water and sewer grants.

Mr. Speaker, certainly the need for these funds has been demonstrated.

Regretfully, the new Office of Management and Budget did not give the President all the facts—some advised a political veto in an election year.

Certainly politics motivated the veto action on this bill.

The funds provided in this bill are indeed modest, as compared to the need.

If the President is concerned about inflation—as he insists he is—he can withhold expenditure of any funds which he considers inflationary—or unnecessary.

As I have indicated—the actual outlays or expenditures provided in this bill are estimated to be less than the expenditures proposed in the President's budget for fiscal year 1971.

The amount of "outlays," which the Congress approved, for 1971 is $24 million less than that proposed in the President's budget.

This is not an inflationary bill—this is a sound, reasoned bill which responds to many crucial needs of our time.

A vote to override will mean that you are voting for quality medical care for our veterans.

A vote against this bill is a vote against quality medical care for your veterans in your district.

A vote to override will mean that you support needed urban renewal for our cities.

A vote against this bill is a vote against the urgent demands for urban renewal, and many other programs, for our cities and towns.

A vote to override will mean that you approve of needed water and sewer facilities for your communities.

A vote against this bill is a vote against these needed water and sewer facilities for your communities.

This bill, Mr. Speaker, has been through the crucible of the legislative process.

This is a good bill.

The President's veto is ill-advised, and should be overridden.

Mr. Speaker, I urge that the Members override the veto.

Mr. EVINS of Tennessee. Mr. Speaker, I yield to the distinguished minority member of the committee, the gentleman from North Carolina (Mr. JONAS), 10 minutes.

Mr. JONAS. Mr. Speaker, my friend, the distinguished gentleman from Tennessee, has just said that a vote to sustain this veto is a vote against quality medical care for veterans. I really do not see how he can say that because without the $105 million add-on above the budget, there would have been provided under the budget for medical care for veterans the sum of $1,752,000,000—and that is $96,000,000 more than the 1970 appropriation. So the budget itself calls for a very substantial sum for the VA medical program and it was $96,000,000 more than was provided last year.

A vote to sustain this veto is a vote to return to the rule of reason and for fiscal responsibility. It is a vote to protect the value of our dollars and to curb inflation. It is a vote to try to hold the line. It is not a vote to reduce programs. It is not a vote to cut back anything. It is a vote just to reduce the amount of the increases that Congress voted to impose upon the substantial increases that were already provided in the budget over the funding level voted by the Congress last year.

Let me just give you a few figures to prove that what I am saying is so. This bill now under consideration appropriates $18,009,525,300. Comparable figures in the bill last year provided $16,902,737,800—an increase in this one bill, in 1 year, of $1,106,000,000.

Now there are some of us who think we cannot afford to increase these programs by that substantial amount in 1 year. I deny that this means that we are opposed to water and sewer grants or to the medical care programs for veterans or to the other programs under discussion. We are merely saying that an increase of more than $1 billion in 1 year is more than we can afford—if we mean to attack the inflation that is running the cost of living up and increasing the prices of groceries in the corner grocery store. Do not forget those figures—the bill that is now under consideration—the vetoed bill—is more than a billion dollars above the amount provided for the same programs last year.

Now how did this bill get $1 billion above last year's level? It was done because this body did not support your own Appropriations Committee. We brought a bill in here from the Committee on Appropriations to operate these programs, which bill was substantially higher than last year's figures—but not $1 billion higher.

Let me read you some figures. The House Committee on Appropriations considered a budget calling for $17,216,823,500 for these programs. The committee recommended $17,015,212,300. So if you had sustained your own Appropriations Committee, we would have cut the budget by $201 million in this bill.

But the House repudiated—and maybe that is a hard word—but it failed to follow the recommendations of its own committee and so, instead of going over to the other body with a bill that was $201 million below the budget, when that bill left this floor it was $173 million above the budget.

The other body then considered some supplemental budget requests amounting to $17,468,000,000, and increased those requests by $1,186,000,000. That is where the increases above the budget came about—on this floor and on the floor of the other body. As I have already said, the conference action was $18,009,525,300. That is $541 million above the budget. It is $619 million above the House-passed bill. It is $994 million above the House committee.

I ask my colleagues in all seriousness, and without regard to politics and without regard to any capital that is going to be made out of this on one side or the other just in all fairness and as reasonable men and women, how can we justify, in this period of financial distress the country is in, with the prospect next year of another mammoth budget deficit coming on top of the substantial deficits piled up during the decade of the 1960's—increasing the budget by $1 billion in just one bill?

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I am glad to yield to the gentleman from Florida.

Mr. GIBBONS. That worries me, too, because the deficit is really much greater than the $2.9 billion the President has announced.

Mr. JONAS. I do not agree with you on that. The President has stated the facts. But there are really two budgets; the Federal funds budget and the unified budget.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield further?

Mr. JONAS. Yes, I yield to the gentleman from Florida.

Mr. GIBBONS. The Ways and Means Committee has just voted out today a tax relief measure. We will call it that. That is a rather civilized term to give it. One of the provisions in that bill recommended by the President calls for a tax relief that is variously estimated to be between $300 million and $1 billion. That is highly inconsistent with the gentleman's position or with the President's position, if we are in such dire financial circumstances.

Mr. JONAS. Let me say to my friend from Florida, let us cross that bridge when we get that bill on the floor. We have a bill before us today on which we can strike a blow to bring the cost of groceries and interest charges down and increase the purchasing power of the dollar. That is the only bill that is before us. Let us not confuse the issue by talking about some other bill out of some other committee that is coming in September.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield further?

Mr. JONAS. I am glad to yield to the gentleman from Florida.

Mr. GIBBONS. The gentleman is familiar with this trade bill, that has just been voted up, because I think the gentleman is a cointroducer of a similar textile bill. In this so-called trade bill there is a provision that helps oil companies maintain a price structure that costs the consumer $5 to $7 billion a year every year, a situation that the President's own Cabinet has said ought to be changed. How is that consistent?

Mr. JONAS. That was not in the bill I introduced, I will say to the gentleman. However, I am glad to answer the question. I am not making this argument on behalf of the President of the United States. I am making it on behalf of the taxpayers and the homemakers and housewives and the borrowers. Will not somebody please have mercy on them once in awhile? I am saying to you that here, in one bill, you are loading onto the taxpayers $1 billion more than was spent on these same programs last year. I say that is moving too fast. We should show a little restraint and stop this deficit financing.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Illinois.

Mr. YATES. Is it not true that adding money to the programs in these bills would not increase the inflationary thrust if corresponding decreases are made in other programs?

Mr. JONAS. This is one of the first two bills that have gone to the President. We had better not wait on subsequent bills to do the work we ought to do on these bills. I think we ought to send this bill back to the committee because I think the committee, your own committee, can do a better job the next time than we did the first time.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 10 minutes to the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, we are considering the second of two Presidential vetoes of two very important appropriations bills. The bill which we have just considered and this bill, taken together, probably touch the lives of more Americans than any other appropriations bills. We have overridden the veto of the education bill; in my judgment the independent offices and housing appropriations veto must also be overridden.

The issue is not inflation, as the President would have the American people believe. The issue is not an overspending Congress. The issue is not how much is spent, but how it is spent. Congress is not spending "more." Congress is spending "more wisely."

On the independent offices and housing appropriation bill, the President stated, and I quote:

> I am vetoing this bill because it would help drive up the cost of living, harming the people it was designed to help. This kind of excessive spending would also help cause the kind of huge deficits that drive up interest rates, which would make it impossible to speed the recovery of the housing industry.

The only correct statement in that paragraph is the implied notation that the housing industry needs to recover.

The housing industry is in a depression—not just a Nixon recession—but a serious depression.

As for the cost of living—it has increased sharply in recent months. For instance, the price index on the main dish foods—meat, poultry and fish—is up some 15.8 points since President Nixon assumed office—that is five times as fast as the last 18 months under President Johnson. However they may try, the administration spokesmen cannot change the facts. So they do the next best thing. They attempt to confuse the issue and distract concern from the real problems. If the President does, indeed, feel these measures are inflationary, then he can withhold spending funds. Other Presidents have done so. Indeed, President Nixon withheld some $60 million in funds for improving and building VA medical facilities from last year's appropriations, if I remember correctly.

The inflation issue so far as these bills are concerned is obviously phony.

The real truth is that Congress in fiscal 1970, which ended just a few weeks ago, cut—yes, reduced President Nixon's total budget appropriations request by $6.4 billion. To be more exact, the figure is $6,370,945,390. This is never mentioned by the President, for the facts would interfere with his sales pitch.

As for fiscal 1971, I am quite sure that when the appropriating is all done this fall, we will see no great increase in total appropriations by Congress. The President knows this. He also knows that his party is in real trouble because of recession, unemployment and inflation.

I repeat that what is really happening is that Congress is not spending any more than the President wants; it is spending it more wisely, with emphasis on human needs. We want to provide more for education, for wounded and ill veterans, for housing for water and sewer grants so desperately needed by the cities and the rural communities all across the Nation. Just prior to the veto one of the ranking men in the Department of Housing, commenting on the possibility of such a veto, said he only wished the President knew how many good, sound requests are pending and how badly needed are the funds for water and sewage grants. The increase in the independent agencies and HUD bill was only $350 million for the grants, for a total of $500 million. That $500 million is only one-fifth, or 20 percent, of the requested funds from the cities and towns.

The President also opposed adequate funding for treatment of our veterans. Congress, after committees had investigated the deteriorating state of medical care at VA hospitals, added $105 million to the President's requests for veterans' medical care. The committee, and the press including Life magazine and CBS, found that wounded Vietnam veterans were being returned to the United States, and were receiving less than adequate and in some instances, rather pathetic medical care. Fortunately, this is not the case everywhere but hospital directors have said it could become general unless they received more funds. Congress provided a little more—not enough—but additional funds to meet the desperate needs. Now, the President says it is inflationary. Are we to ask our young men to go fight our wars, to suffer wounds, and come home to inadequate medical care?

Another contrast in the administration's sense of values and its sense of priorities is demonstrated in the effort to bail out the big financiers of the Penn Central conglomerate. They sought, and quite illegally say many experts, to provide an immediate $200 million to the big banks and then furnish another $500 to $600 million later. This was not to help the railroad, but to help the financiers who held the debts and stocks of the mismanaged conglomerate. Is almost $1 billion for big banks less inflationary than a like amount for health, veterans, education, and housing?

As for accelerated inflation, we need only look at the record. The deficit in 1970 can be directly attributed to $1 billion more in interest on the public debt, to $1 billion less in income because of slow business and unemployed taxpayers and in payment of half a billion dollars more in unemployment compensation. If the President is interested in fighting the cost of living, instead of partisan political games, he ought to join with this concerned Congress. He ought to use the powers of his office against the price gougers rather than seeking to discredit the legislative body elected by the people.

The argument that we should let the President win this round to soften his issue is playing Mr. Nixon's brand of politics. Remember, his 1970 HEW veto was sustained—did that lessen his political propaganda directed at Congress? We should override the vetoes because it is the right thing to do—and that, I believe, is the best politics for both Democratic and Republican Congressmen.

I hope every Member joins me in voting to override the President's veto. The integrity of the Congress is at stake. The prerogatives of the Congress are at stake. We are the elected representatives of the people. We can do no less than to sustain the position of the people's branch of the Government.

I urge that the veto be overridden.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 2 minutes to the distinguished Minority Leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I request that the time be yielded, if it is available, to the gentleman from Illinois (Mr. ANDERSON).

The SPEAKER pro tempore (Mr. HOLIFIELD). Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. EVINS of Tennessee. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I think that this afternoon all of us feel a little indebted to our distinguished Speaker, who addressed us a little bit earlier on the other bill that was before the House, because I think in a very real sense he served to enliven not only the rhetoric of the debate that has surrounded these two issues but also served to point up a very fundamental difference in philosophy between those of us who today will vote to sustain the President of the United States on both of these issues and those of us who will vote to override.

I am sure that you will recall in that very vivid and colorful language which he employs so very skillfully—and—JOHN MCCORMACK, the political leader, was at his very best today in the well of the House—he referred to the inflation argument as a scarecrow argument. In other words, if I am interpreting him correctly, he was saying that this was an argument with shadow but without substance; that we are flaunting before the American people today when we talk about inflation as some kind of a ghostly apparition, something of which we really have no cause to be afraid.

I think there is a difference in the philosophies of the two parties on this very basic issue, because, Mr. Speaker, I would concede that we who represent the Republican Party in this Chamber are mortally afraid of what inflation can do to the economy and to the American people.

When I read the figures that were released a few days ago by the U.S. Savings and Loan League that if we had inflation at the rate that we had it in 1969 and if that inflation were to continue over the next three decades, a man who was earning $10,000 in 1970 would need $57,000 a year to maintain the same standards of living; that a bag of groceries that today cost that individual $30 would cost him $115; that a $3,000 car that comes off the assembly line in Detroit would be costing him $17,000, then I think we are dealing with more than a ghostly apparition. We are dealing with a very grim reality and one which concerns not just those of us within the range of my voice in this Chamber but 200 million Americans as well.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield to me?

Mr. ANDERSON of Illinois. Of course. I will be pleased to yield to the distinguished Speaker.

Mr. McCORMACK. I want to get the gentleman's record correct. What I said was that what we had just heard from

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my distinguished friend is what is known as the scarecrow argument. The question of inflation is not honestly involved here in the two veto messages.

Mr. ANDERSON of Illinois. I am pleased to know that the distinguished Speaker is as concerned, then, as I am about inflation and that the only difference is—

Mr. McCORMACK. The gentleman from Illinois is one of the most eloquent men I have ever heard. Without limitation I say that. But the gentleman, with all of his eloquence, I doubt has the ability to put into my mouth words I did not say.

Mr. ANDERSON of Illinois. I have no such intention, Mr. Speaker, but the fundamental difference between your position and the position which I espouse on this floor today is that you cannot, you cannot, in two bills out of 13 bills, spend more than $1 billion over the budget and then send the Government into the money market to borrow the money that it does not have and say that that is not inflationary.

What we are ignoring today—and the gentleman's intention is clear—the chairman of the distinguished Committee on Appropriations tried to point out to members of his own party, but they are not listening—what we are ignoring is the revenue side of this whole argument. The actions taken in this House up to the 28th of July, up to the 28th of July of this year, on revenue proposals total $708 million. That leaves a balance of exactly $4,009 million of additional revenue increases that would be needed to meet the President's budget request for fiscal year 1971.

The Speaker said that he would be willing to stand before this Chamber and recommend the increases that would be needed to balance the budget. I say that the Democratic Party is in control of this House; they are in control of the Committee on Ways and Means; they are in control of every legislative committee. Where is the action? We have been in session in this 91st Congress for better than a year and a half. I do not see very much action on the revenue side of the equation that we are talking about.

Let me in the time that I have left address myself to specific questions on this bill—and some of you may think it is becoming a little bit repetitive, but they have to be reemphasized.

The gentleman from North Carolina (Mr. JONAS) pointed out that this bill is $1 billion over the same bill for the same programs last year—$995 million over the recommendations of our own House Committee on Appropriations. What we do today, Mr. Speaker, when we vote to sustain the President's veto, is not simply to help the hand of President Nixon, we are in effect, by sustaining that veto, giving a vote of confidence to our own distinguished Committee on Appropriations of this very Chamber.

Let me say that of all the bills that come before this House, there are none in which I feel a more profound interest and in which I feel a greater attachment than those that deal with the housing programs of our country.

As I said in April of 1968, the report of the Kerner Commission on Civil Disorders made clear that in 127 cities where we had civil disorders, there was very definite evidence, as one of the incidents that led to these disorders, of substandard housing.

Well, I believe I am as interested in providing decent housing for the people of this country as anyone could be, and yet when we had an opportunity in this very housing bill to advance the one program that held the most promise—the most promise to provide decent, low-cost housing—what did we do? We slashed it from $55 million, which the administration had asked for, to $30 million.

Now, why do I mention it? I think it is relevant to this point, because unfortunately my friends, while this was true this year, and it was true last year and it was true during the whole decade of the sixties when we rolled up deficiencies of more than $60 billion, we have submitted every one of these programs to a quantitative analysis: If we are spending more money we must be doing better. That is what they told us.

The distinguished majority leader said it is not what we are spending more money but that we are spending it more wisely today than ever before. I challenge that statement. I dispute it. I do not believe that we have subjected these programs to the kind of qualitative analysis that we should have. Maybe it is because of the culture in which we live today where almost as a matter of course we think anything that is bigger must somehow be better.

But, Mr. Speaker, let me tell you in this election year of 1970, and despite the efforts by some to foreclose the issue of politics, it is here on the floor this afternoon, make no mistake about it. And maybe the advice that I am about to give you is a little bit gratuitous when I suggest that the American people are not quite so convinced as they were a few years ago that big government is good government; that the more moneys we spend and the bigger programs that we set here in Washington as our goals, are necessarily going to give us what we want.

I believe it was Peter Drucker who said that what began as a private romance between the American people and big government has sort of dwindled away into just a tired, middle-aged liaison today.

I believe it is true that those who have said that we have not been sufficiently critical in our analysis of some of these programs are correct, and so, when we had a chance, as I pointed out in the Operation Breakthrough program, to really break ground—and the gentleman from Massachusetts (Mr. BOLAND) is sitting here, and he supported my argument when we had this before us on the 16th of July, that we should not have cut the very kind of a program that might provide a welcome handle with which we might strike out at some of the problems on which solutions have eluded us for so long a time.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I am glad to yield to the gentleman.

Mr. GIBBONS. I have listened to the gentleman expound on this political situation. As I understand, and has been stated here, there is nothing in this bill that requires the President to spend a nickel's worth of money. Why the veto?

Mr. ANDERSON of Illinois. If I may conclude, I only have a half minute remaining. Let me use it to conclude on this point.

We need to change our priorities in this country. Make no mistake about it. I would suggest that we ought not just talk in broad brush fashion about changing priorities without looking at specific programs, like those that are embraced in this particular bill.

We have to see where we ought to be changing these priorities—where we ought to be maybe spending less and ought to be spending more.

It is only when we accept a self-imposed discipline and some fiscal restraint as in this bill that we are ever going to get around to the point where we make those kinds of decisions.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. MOSS).

Mr. MOSS. Mr. Speaker, we are not spending more, we are spending more wisely. That is the truth.

I cannot understand the philosophy of an administration that says you can spend $290 million for an SST, of questionable value, and that comes before the Commerce Committee and asks for $750 million in urgent loan guarantees to bail out the principal creditors for the Penn Central railway system—guarantees secured only by the accounts receivable—the most worthless assets that can be offered to any lender or guarantor, and then says that these actions are not inflationary. But, that same administration, in a veto message from the President, brands as highly inflationary the appropriation of $350 million to improve sewerage treatment plants and water systems and $350 million for urban renewal, which is desperately needed, and $105 million to improve medical care for our veterans who are returning from serving their Nation in Vietnam, having sustained horrible injuries in many cases in the service of this country. Those are inflationary items? That is what the Nixon veto message would have the American people believe.

How shocking. What false economics. What duplicity—to tell the American people fables of that type.

Mr. Speaker, this is a disgraceful veto. This is a veto which has absolutely no merit. Sustain it and we will drive prices up. Sustain it and we will drive up the cost of local government at every level because these expenditures finally must be made, either from a narrow local tax base or from a broad Federal tax base.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. STEPHENS).

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Mr. STEPHENS. Mr. Speaker, I speak on this bill because I feel somewhat responsible for the veto, having sponsored an amendment to add $350 nillion to the HUD appropriation bill for 50 percent help on water and sewer lines for small communities.

I am still glad I did so. But I am not glad the President vetoed the bill largely on this account. The veto is an error.

This is the most popular assistance that the U.S. Government gives to local governments.

The Committee on Banking and Currency has evidence before it that applications amount to about $4 billion for this assistance. When the $350 million was added, the Secretary of the Department of HUD said that he could not use the money.

Since that time, I have received from Secretary Romney the following letter which was dated July 28, 1970, and he says:

> Thank you for your recent letter regarding the application (PFL–Ga–160) submitted by the City of Sandersville under our Public Facility Loans Program.
>
> I regret to advise you that we are unable to consider a loan application from the City in an amount greater than $500,000. Unfortunately, because of the heavy backlog of applications on hand and limited program funds, we cannot provide the additional assistance requested.

In the President's veto message, he says in effect that he acted because the bill included $350 million for water and sewer lines. He also said he had committed himself to ask the Congress for that exact same sum: $350 million, to "fully fund the school desegregation program."

That is not economy—$350 million equals $350 million on either side. Some Members have said that they would vote to override a veto on the education bill but would vote to sustain the veto on the HUD bill. If you do so, this is what you will be approving: You will vote to take $350 million from water and sewer lines and put $350 million, in the Presidents words, "in the school desegregation program."

This reverses my priorities. I have already voted today to override the education bill veto and I will vote again today to override this veto.

If economy is wanted, it is not in the President's vetoes. It is in places of less priority, for example, in the "guaranteed income" program which will add more than $4½ billion for the taxpayers to pay.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Speaker, I should like to address myself to my distinguished friend from Illinois (Mr. Anderson). Yes, we are concerned with inflation on this side, but to charge that the bills we consider today are causes for the inflation, is, as the Speaker says, "scarecrows." The huge deficit that the President says is impending, is in great measure attributable to the miscalculation by the President in the tax revenue which he estimated would accrue this year. Unfortunately, his economic policies have brought the mighty American industrial machine to a very severe slowdown and between the lack of profits and resulting unemployment, the budget has been placed in severe unbalance.

Nevertheless, the President continues to blast the Congress for spending above his budget figures.

Yes, the Congress has voted increases above the President's budget in these two bills but they are necessary increases, and surely in the huge budget that the President has given to the Congress, there are programs that can be cut to offset these additional amounts. Certainly adding money to the programs in these bills will not increase the deficit if corresponding reductions are made in other budgeted programs. If the total budget remains the same, these increases do not contribute to any inflationary thrust.

The fundamental question is which programs deserve first crack at the limited amount of Federal dollars which are available this year.

Can there be any doubt that the education of our children deserves the highest priority?

Can there be any doubt that the plight of our cities—cities great and small—plagued with crime, suffering deterioration of their housing and neighborhoods, choking under air pollution—can there be any doubt that these, too, deserve highest priority?

Compare these with some specific programs that the President could reduce if he sees fit. There is Vietnam, for example. In the military construction bill recently passed by the House, $170 million is allocated to build housing for Vietnamese troops. I do not know how many hundreds of million dollars have been spent to house American troops on our very elaborate bases and elsewhere, but I am informed that when our troops leave, the bases will be closed up. Why? Why cannot these be used by their Vietnamese forces and the $70 million saved?

And Mr. Speaker, a dollar spent for Vietnamese troop housing is just as inflationary as one spent for housing in this country under this bill.

Second, I read recently that the United States will make available $700 million to stabilize Vietnam's balance of payments and to reduce inflation. If inflation is such a powerful force that is being aggravated by budget expenditures, why cannot the President cut this amount in half to help fight inflation in the United States as well as Vietnam? Certainly, a dollar spent for this purpose is just as inflationary as one spent for veterans hospitals in this country.

Third, there are funds for expansion of the Safeguard ABM system, for which the total appropriation this year is $1.450 billion. Of this amount $1,046 billion is for continued development of our two Minuteman bases in Montana and North Dakota.

But $404 million is for expansion of the ABM system through other parts of the country. If the expansion is deferred for 1 year, the program to protect our Minuteman sites will still go forward and the President will have saved over $400 million.

Finally, the SST appropriation for this year is almost $300 million. What is lost if this expensive bauble is deferred for a year in the name of stopping inflation?

Mr. Speaker, these savings total over $1 billion without touching the military budget except for an expanded ABM, $1 billion the President could save to balance the appropriations in these bills which the President says are excessive.

Every city in the country—and nonurban communities as well—faces the problem of increasing budgets. Their policemen want salary increases and they are entitled to them.

Their firemen want salary increases and they are entitled to them.

Their teachers want salary increases and they are entitled to them.

They will receive their salary increases only if the Federal Government shares with them the burgeoning costs of local government.

These are good bills. These are bills that will help build America. These are programs that should be supported. The House should vote to override the veto.

Mr. EVINS of Tennessee. Mr. Speaker, I yield to the gentleman from Texas.

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, let us keep in mind what it means when we talk about the investment of $350 million for water and sewer facilities and $350 million for urban renewal projects.

First of all, for water and sewer facilities all of us know how desperate we are to provide our districts and within our districts towns, cities, and communities—with adequate water and sewer facilities. Right at this moment there are requests for $5.5 billion of water and sewer applications pending at HUD and here we find ourselves funding a program at a pittance level of $150 million a year. Remember, too, that for every thousand dollars worth of investment—so the officials of the Bureau of Labor Statistics tells us—in water and sewer and waste treatment disposal plants, we provide 222 man-hours of labor. Stated in another way, for every million dollars invested in public facilities, an additional 100 jobs a year are created—40 jobs at the construction site and 60 jobs in industry supplies, building materials, equipment, and services.

In other words, the $350 million in dispute between the Congress and the President for water and sewer facilities if not provided by the action of this and the other body will mean a loss of 350,000 jobs per year.

Now, as regards to the urban renewal question, in testimony before the Appropriations Committee, HUD officials indicated that there was a backlog of pending and proposed urban renewal applications totaling more than $3 billion. Before us is the question of whether or not the Congress will provide an additional $350 million in urban renewal funds over and above the budget request. Let us see what this $350 million means in terms of jobs and new housing units. It is reasonable to assume that of the $350 million which the Congress has appropriated and which is in controversy here today, some two-thirds, or $250 million, would be available for new projects—enough to fund 120 new urban renewal projects. Using HUD's own estimate, this amount of funds would provide an additional 57,000 new housing units and, again using HUD's own figures, it would create new jobs in the magnitude of 95,000.

But there is another matter of vital concern here. As we all know, in urban renewal funding, the local community must provide one-third of the funds for an urban renewal project. In most instances there is a cash equivalent funding to meet the local community's contribution which generally translates into the local community placing some of its own constructed public facilities as an equivalent for its local cash contribution. Significantly, however, under the law, these local public facilities cannot be more than 3 years old if they are to be counted as part of the local community's contribution. By delaying action here today, if the veto is not overridden, millions and millions of dollars in local community public facilities will no longer be eligible for use by the local community for its cash equivalent contribution to the urban renewal project.

As far as water and sewer assistance grants, we may look at any State. Take the great State of Michigan, for example, currently pending before HUD are applications for grants in the amount of $331 million; for Texas $55 million; for Georgia $19 million; for Florida $69 million; for New York $442 million; for Maine more than $8 million.

Comparable figures pending in urban renewal applications for the various States are $54 million for Alabama; $67 million for Arkansas; $342 million for California; $26 million for Colorado; $233 million for Connecticut; $81 million for Georgia; $45 million for Iowa; $81 million for Maryland; $182 million for Massachusetts; $187 million for Michigan; $33 million for Mississippi; $191 million for New Jersey; $356 million for New York; $264 million for Ohio; $72 million for Oklahoma; $376 million for Pennsylvania; $32 million for Rhode Island; $4 million for South Carolina; $98 million for Tennessee; and $63 million for Texas.

LOCAL GOVERNMENT GRANT APPLICATIONS FOR WATER AND SEWER ASSISTANCE NOT FUNDED BY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

State	Number of grant applications	Grant applications amount (millions)	Total project cost (millions)
Alabama	51	$15.68	$33.66
Alaska	15	7.27	17.15
Arizona	31	11.85	26.30
Arkansas	52	20.97	45.57
California	271	158.17	365.25
Colorado	73	19.71	48.62
Connecticut	95	59.82	155.36
Delaware	8	3.30	6.99
Florida	135	69.12	164.03
Georgia	43	19.64	46.39
Hawaii	19	5.78	14.12
Idaho	3	.69	1.39
Illinois	191	$89.58	$201.96
Indiana	77	48.57	131.00
Iowa	67	20.58	44.89
Kansas	60	13.60	28.89
Kentucky	28	55.89	136.54
Louisiana	107	70.17	158.16
Maine	48	8.31	18.58
Maryland	47	22.44	51.12
Massachusetts	225	93.33	227.23
Michigan	308	331.20	722.95
Minnesota	63	42.49	68.76
Mississippi	29	10.88	28.48
Missouri	104	34.06	80.56
Montana	14	2.47	4.89
Nebraska	45	16.80	48.64
Nevada	16	4.30	11.27
New Hampshire	27	11.84	27.00
New Jersey	163	92.55	209.20
New Mexico	13	2.61	6.83
New York	426	441.50	887.13
North Carolina	48	19.12	51.30
North Dakota	7	2.01	3.51
Ohio	255	204.45	420.62
Oklahoma	51	15.31	36.68
Oregon	47	26.18	65.68
Pennsylvania	317	158.68	343.72
Rhode Island	26	16.93	39.08
South Carolina	44	16.93	48.40
South Dakota	17	3.76	8.07
Tennessee	47	16.33	38.91
Texas	224	55.39	130.52
Utah	60	14.01	33.41
Vermont	33	7.41	16.89
Virginia	55	47.10	101.47
Washington	63	17.06	40.51
West Virginia	36	25.13	35.54
Wisconsin	85	37.79	84.74
Wyoming	5	.37	.79
Puerto Rico	25	5.78	13.81
Virgin Islands	1	.14	.29
National total	4,308	2,496.75	5,538.22

TABULATION OF CURRENT AND PROPOSED RENEWAL PROGRAMS BY STATE—3,000,000,000 TOTAL BACKLOG AS OF MAY 1970

State	Number of localities			Number of pending applications	Amount	
	Current	New	Total		Committed [1]	Pending and proposed [2]
Alabama Ashland, Albertville, Alexander City, Auburn Bay Minette, Bessemer, Birmingham, Boaz, Childersburg, Cullman, Decatur, Demopolis, Dothan, Elba, Enterprise, Eufaula, Fairfield, Florence, Foley, Gadsden, Guin, Guntersville, Haleyville, Hamilton, Hartselle, Huntsville, Jasper, Linden, Livingston, Luverne, Mobile, Montgomery, Opelike, Ozark, Opp, Phenix City, Piedmont, Prichard, Selma, Sheffield, Sylacauga, Troy, Tuscaloosa, Tuscumbia, Daleville, Hobson City, Northport, Scottsboro, Talladega.	41	8	49	(39) 47	$178,129,939	$53,584,707
Alaska Anchorage, Cordova, Fairbanks, Homer, Juneau, Ketchikan, Kodiak, Seldovia, Seward, Sitka, Valdez, Nome, North Pole, Wrangell.	9	4	13	(13)14	44,366,149	48,469,382
Arizona Eloy, Scottsdale, Tucson, Lompoc.	2	2	4	(4)7	9,096,835	24,799,196
Arkansas Batesville, Blytheville, Camden, Clarksville, Crossett, El Dorado, Fayetteville, Forrest City, Harrison, Heber Springs, Hope, Hot Springs, Junction City, Little Rock, Magnolia, Marianna, McGehee, Monette, Morrilton, Newport, North Little Rock, Osceola, Pine Bluff, Russellville, Searcy, Springdale, Texarkana, Truman, West Memphis, Helena, Paragould, Van Buren.	21	5	26	(31)38	95,361,633	66,655,021
California Bakersfield, Berkeley, Calexico, Campbell, Coachella, Colton, Compton, Corona, Crescent City, Dunsmuir, East Palo Alto, El Cerrito, Fontana, Fresno, Hawaiian, Gardens, Hayward, Imperial Beach, Indio, Ingelwood, Kentfield Corners, LaVerne, Lompoc, Long Beach, Los Angeles, Los Angeles County, Marin County, Merced, Monterey, Napa, National City, Norwalk Oakland, Oxnard, Pasadena, Pittsburg, Port Hueneme, Redding, Redondo Beach, Richmond, Rio Vista, Riverbank, Sacramento, Salinas, San Bernardino, San Buenaventura, San Diego, San Francisco, San Jose, San Mateo, San Pablo, Santa Barbara, Santa Clara, Santa Cruz, Santa Fe Springs, Santa Maria, Santa Monica, Santa Rosa, Seaside, South Pasadena, Stockton, Sunnyvale, Torrance, Trace, Tulare, Vallejo, Visalia, Willows, Yuba.	51	9	60	(62)64	547,083,847	342,420,124
Colorado Aurora, Colorado Springs, Denver, Fort Lupton, Greeley, La Junta, Littleton, Longmount, Pueblo, Trinidad, Wellington, Walsenburg.	5	3	8	(11)14	62,019,623	25,911,336
Connecticut Ansonia, Berlin, Bloomfield, Bridgeport, Bristol, Danielson, Danbury, Derby, East Granby, East Haddam, East Hartford, East Haven, Farmington, Glastonbury, Hartford, Killingly, Manchester, Meriden, Middletown, Milford, New Britain, New Haven, New London, Norwalk, Norwich, Portland, Putnam, Seymour, Stamford, Storrs, Stratford, Suffield, Torrington, Vernon, Washington, Waterbury, West Hartford, West Haven, Willimantic, Windsor Locks, Enfield.		2	40	(34)40	436,566,252	232,612,143
Delaware Wilmington.	1	0	1	(1)8	23,679,863	11,969,873
District of Columbia	1	0	1	1	152,995,930	9,065,916
Florida Bradenton, Dade County, Daytona Beach, Fort Lauderdale, Fort Pierce, Fort Walton Beach, Jacksonville, Key West, Miami, Orlando, Palatka, Plant City, St. Petersburg, Sarasota, Tampa, Titusville, Sanford, Tallahassee.	12	4	16	(18)12	101,386,113	23,386,981
Georgia Alma, Americus, Athens, Atlanta, Augusta, Bainbridge, Baxley, Brunswick, Camilla, Carrollton, Cartersville, Chatham County, College Park, Columbus, Conyers, Cordele, Dalton, Decatur, DeKalb County, Douglas, Dublin, East Point, Elberton, Fitzgerald, Gainesville, Lavonia, Lawrenceville, Lithonia, Macon, Marietta, Metter, Monroe, Montezuma, Moultrie, Nashville, Newman, Rome, Savannah, Tallapossa, Thomaston, Thomasville, Toccoa, Valdosta, Warner-Robins, Waycross, Waynesboro, West Point, Winder, Cedartown, Eastman, Hinesville, Washington.	44	8	52	(52)79	150,450,258	81,014,060

Footnotes at end of table.

TABULATION OF CURRENT AND PROPOSED RENEWAL PROGRAMS BY STATE—3,000,000,000 TOTAL BACKLOG AS OF MAY 1970—Continued

State	Number of localities			Number of pending applications	Amount	
	Current	New	Total		Committed [1]	Pending and proposed [2]
Hawaii	3	0	3	(3)8	$51,321,450	$21,794,993
Hilo, Honolulu, Honolulu County.						
Idaho	3	0	3	(3)4	18,742,709	5,555,000
Twin Falls, Boise, Idaho Falls.						
Illinois	27	2	29	(32)24	274,439,104	81,054,301
Aurora, Bloomington, Cairo, Carbondale, Champaign, Chester, Chicago, Chicago Heights, Danville, Decatur, DeKalb, East Chicago Heights, East St. Louis, Elgin, Galena, Galesburg, Jacksonville, Joliet, Kewanee, Maywood, North Chicago, Peoria, Robbins, Rock Falls, Rockford, Rock Island, Springfield, Urbana, Waukegan, West Frankfort, Herrin, Mount Vernon.						
Indiana	21	1	22	(22)23	122,615,170	32,541,971
Anderson, Batesville, Bloomington, Brazil, Charlestown, Columbus, Connersville, East Chicago, Elkhart, Evansville, Fort Wayne, Gary, Hammond, Indianapolis, Jeffersonville, Kingsford Heights, La Porte, Michigan City. Mishawaka, Richmond, South Bend, Terre Haute.						
Iowa	14	0	14	(14)19	83,184,454	45,327,846
Carroll, Cedar Rapids, Charles City, Council Bluffs, Des Moines, Dubeque, Evansdale, Fort Dodge, Iowa City, Keokuk, Muscatine, Ottumwa, Sioux City, Waterloo.						
Kansas	13	1	14	(21)30	111,105,236	50,338,038
Atchison, Bonner Springs, Coffeyville, Colby, Dodge City, Fort Scott, Galena, Garden City, Kansas City, Lawrence, Leavenworth, Lyons, Manhattan, Merriam, Olathe, Parsons, St. Paul, Salina, Wichita, Neodesha, Topeka.						
Kentucky	25	4	29	(31)31	119,317,048	58,009,721
Ashland, Bardstown, Bowling Green, Corbin, Covington, Danville, Frankfort, Fulton, Glasgow, Hazard, Hopkinsville, Jefferson County, Lebanon, Lexington, Louisville, Martin, Maysville, Middlesboro, Newport, Paducah, Paintsville, Paris, Pikeville, Pineville, Prestonburg, Whitesburg, Williamsburg, Campbellsville, Harrodsburg, Hodgenville, Richmond.						
Louisiana		0	5	(5)12	12,826,222	47,633,237
Baton Rouge, Lake Charles, Monroe, New Orleans, Shreveport.						
Maine	12	1	13	(12)20	47,538,939	15,635,826
Auburn, Bangor, Cape Elizabeth, Caribou, Fort Fairfield, Lewiston, Orono, Portland, Presque Isle, Sanford, Waterville, Westbrook.						
Maryland	12	1	13	(14)21	182,235,010	81,013,943
Annapolis, Baltimore, Cambridge, College Park, Crisfield, Cumberland, Elkton, Essex, Glenarden, Montgomery County, Prince Georges County, Rockville, Salisbury, Colmar Manor.						
Massachusetts	37		38	(40)41	492,750,339	182,347,134
Adams, Beverly, Boston, Brockton, Brookline, Cambridge, Chelsea, Chicopee, Dedham, Fall River, Fitchburg, Framingham, Gloucester, Haverhill, Holyoke, Hull, Lawrence, Lowell, Lynn, Malden, Marlborough, Medford, New Bedford, Newburyport, Newton, North Adams, Peabody, Pittsvield, Plymouth, Quincy, Revere, Salem, Somerville, Springfield, Stoneham, Taunton, Waltham, Watertown, Woburn, Worcester.						
Michigan	58	4	62	(62)69	349,967,054	187,067,941
Albion, Algonac, Alma, Ann Arbor, Battle Creek, Bay City, Belding, Belleville, Benton Harbor, Big Rapids, Buchanan, Center Line, Clawson, Clinton Township, Coldwater, Dearborn, Dearborn Heights, Detroit, Fenton, Ferndale, Flint, Garden City, Grand Rapids, Hamtramck, Hazel Park, Highland Park, Inkster, Jackson, Kalamazoo, Lansing, Lapeer, Lincoln Park, Madison Heights, Manistique, Marin City, Marquette, Mount Clemens, Muskegon, Muskegon Heights, Niles, Plymouth, Pontiac, Port Huron, River Rouge, Riverview, Rochester, Rockwood, Rogers City, Romulus Township, Royal Oak Township, Saginaw, St. Clair, St. Clair Shores, St. Joseph, Sault Ste. Marie, Warren, Wayne, Wixom, Wyandotte, Wyoming, Ypsilanti, Holland.						
Minnesota	18	0	18	(18)18	182,828,219	89,944,991
Albert Lea, Chisholm, Crookston, Duluth, East Grand Forks, Hibbing, Hopkins, LeSueur, Mankato, Minneapolis, Montevideo, Moorhead, Pipestone, St. Cloud, St. Paul, South St. Paul, Willmar, Winona.						
Mississippi	20	7	27	(28)30	56,516,889	32,675,274
Aberdeen, Amory, Bay St. Louis, Biloxi, Cleveland, Corinth, Greenville, Gulfport, Holly Springs, Jackson, Kosciusko, Laurel, Long Beach, Louisville, McComb, Meridian, Oxford, Pascagoula, Pass Christian, Picayune, Pontotoc, Senatobia, Starkville, Tupelo, Vicksburg, Waveland, West Point, Yazoo City.						
Missouri	17	4	21	(22)19	173,085,084	58,600,845
Columbia, Diamond, Independence, Jefferson City, Joplin, Kansas City, Kinloch, Lees Summit, Mexico, Moberly, Noel, Olivette, Richland, Rolla, St. Charles, St. Joseph, St. Louis, Smithville, Springfield, University City, Webster Groves, St. Louis County.						
Montana	2	1	3	(4)2	7,500,499	1,785,427
Anaconda, Butte, Havre, Helena.						
Nebraska	1	0	1	(1)1	1,865,569	204,666
Omaha.						
Nevada	3	0	3	(3)4	8,625,127	7,007,499
Las Vegas, North Las Vegas, Reno.						
New Hampshire	11	0	11	(11)15	37,989,845	12,333,600
Berlin, Claremont, Concord, Dover, Laconia, Lebanon, Manchester, Nashua, Portsmouth, Rochester, Somersworth.						
New Jersey	62	4	66	(71)77	471,726,357	191,011,783
Asbury Park, Atlantic City, Barnegat Light, Bayonne, Belmar, Belvidere, Bloomfield, Boonton, Bordentown, Bridgeton, Burlington, Camden, Cape May, Carteret, Clementon, Clifton, Clinton, Dover, Dover Township, Dumont, East Brunswick Township, East Orange, Edison Township, Elizabeth, Englewood, Flemington, Glassboro, Gloucester City, Hackensack, Highlands, Hightstown, Hoboken, Irvington, Jersey City, Keansburg, Lakewood Township, Lodi, Long Branch, Maple Shade, Millville, Montclair, Morristown, Mt. Holly Township, Neptune Township, Newark, New Brunswick, Newton, Oceanport Borough, Orange, Passaic, Paterson, Perth Amboy, Phillipsburg, Plainfield, Pleastanville, Rahway, Salem, Scotch Plains Township, Sea Isle City, Somerville, South Plainfield, South River, Trenton, Union City, Vineland, Wayne Township, West New York, West Orange, Wildwood, Woodbridge Township.						
New Mexico	5	5	10	(10)11	48,391,346	30,426,573
Alamogordo, Albuquerque, Artesia, Carlsbad, Clovis, Gallup, Las Cruces, Roswell, Santa Fe, Tucumcari.						
New York	82	0	82	(86)75	1,080,187,772	356,497,958
Albany, Amsterdam, Auburn, Batavia, Beacon, Binghamton, Buffalo, Catskill, Corning, Dunkirk, East Rochester, Ellenville, Elmira, Elmira Heights, Fairport, Freeport, Fulton, Geneva, Glen Cove, Glens Falls, Gloversville, Gouverneur, Greenburgh, Hempstead, Hempstead Village, Hornell, Hudson, Huntington, Ilion, Islip Township, Ithaca, Jamestown, Kingston, Lackawanna, Lancaster, Lewisboro, Little Falls, Lockport, Long Beach, Mamaronack, Mechanicville, Middletown, Monticello, Mount Kisco, Mount Vernon, Newark, Newburgh, New Rochelle, New York City, Niagara Falls, North Hempstead, North Tarrytown, Norwich, Nyack, Ogdensburg, Olean, Oneonta, Oswego, Palmyra, Peekskill, Penn Yan, Plattsburgh, Port Chester, Port Jervis, Potsdam, Poughkeepsie, Rensselaer, Rochester, Rockville Centre, Rome, Salamanca, Saratoga Springs, Schenectady, Syracuse, Tarrytown, Tonawanda, Troy, Tuckahoe, Utica, Watertown, Watervliet, White Plains, Woodbridge, Yonkers, Yorktown, Ossining.						

Footnotes at end of table.

State	Number of localities: Current	Number of localities: New	Total	Number of pending applications	Amount: Committed[1]	Amount: Pending and proposed[2]
North Carolina	31	10	41	(45)63	$208,249,953	$112,333,424
Asheville, Beaufort, Burlington, Chapel Hill, Charlotte, Clinton, Durham, Elizabeth City, Farmville, Fayetteville, Gastonia, Goldsboro, Greensboro, Greenville, Hendersonville, Hickory, High Point, Kings Mountain, Laurinburg, Lenoir, Lumberton, Monroe, Morganton, Mount Airy, New Bern, North Wilkesboro, Plymouth, Raleigh, Rockingham, Roxboro, Salisbury, Sanford, Selma, Shelby, Smithfield, Statesville, Tarboro, Washington, Williamston, Wilmington, Wilson, Winston-Salem.						
North Dakota	5	1	6	(7)4	9,573,290	11,248,051
Bismarck, Fargo, Grand Forks, Hillsboro, Minot, Ray, West Fargo.						
Ohio	42	3	45	(45)56	443,346,378	263,907,443
Akron, Amherst, Ashtabula, Athens Barberton, Campbell, Canton, Chillicothe, Cincinnati, Cleveland, Columbus, Crestline, Cuyahoga Falls, Dayton, Dover, East Cleveland, Elyria, Hamilton, Hamilton County, Huron, Ironton, Lincoln Heights, Lockland, Lorain, Lucas County, Mahoning County, Mansfield, Martins Ferry, Middletown, New Boston, Niles, Norwood, Painesville, Portsmouth, St. Bernard, Springfield, Steubenville, Toledo, Van Wert, Warren, Wooster, Youngstown, Zanesville, Berea, Sandusky.						
Oklahoma	10	7	17	(16)19	118,007,503	72,305,341
Edmond, Elk City, Grandfield, Hugo, Lawton, McAlester, Miami, Muskogee, Norman, Oklahoma City, Sand Springs, Stillwater, Tahlequah, Tulsa, Wilburton, Yale.						
Oregon	8	0	8	(8) 2	50,638,344	8,371,251
Cascade Locks, Coos Bay, Corvallis, Eugene, Portland, Reedsport, Salem, Springfield.						
Pennsylvania	15	11	126	(128) 130	908,394,156	376,469,007
Aliquippa, Allentown, Altoona, Ambridge, Apollo, Archbald, Beaver Falls, Bethlehem, Blairsville, Blossburg, Boyertown, Brackenridge, Braddock, Bradford, Bridgewater, Bristol Borough, Bristol Township, Brownsville, Butler, Butler Township, California, Canonsburg, Carbondale, Carnegie, Chambersburg, Charleroi, Cheltenham Township, Chester, Clairton, Clairon, Coaldale, Chester Township, Coatesville, Collier Township, Conshohocken, Corry, Danville, Darby Township, Dickson City, Donora, Downingtown, Dunmore, Duquesne, Easton, East Pittsburgh, East Stroudsburg, Eddystone, Erie, Farrell, Franklin, Grove City, Hanover Township, Harrisburg, Hazelton, Homestead, Hughestown, Indiana, Jermyn, Johnstown, Kingston, Kittanning, Lancaster, Lansdale, Latrove, Laurel Run, Lebanon, Lewistown, Lock Haven, Luzerne Borough, Mansfield, Masontown, McKeesport, McKees Rocks, Meadville, Media, Middletown Township, Milton, Monessen, Monongahela, Moosic, Nanticoke, New Brighton, New Castle, New Kensington, Norristown, North Union Township, Oil City, Olyphant, Perkasie, Philadelphia, Pittsburgh, Pittston, Plymouth, Pottstown, Pottsville, Punxsutawney, Quakertown, Rankin, Reading, Rochester, Royersford, Schuylkill Haven, Scottdale, Scranton, Shamokin, Sharon, Sharpsville, Steelton, Sunbury, Swatara Township, Tarentum, Taylor, Titusville, Towanda, Turtle Creek, Uniontown, Vandergrift, Warren, Washington, West Middlesex, Wilkes Barre, Wilkinsburg, Williamsport, Wilmerding, Windber, York, Morganton.						
Rhode Island	7	1	8	(8) 5	88,268,319	31,962,898
Bristol, East Providence, Narragansett, Newport, Pawtucket, Providence, Warwick, Woonsocket.						
South Carolina	5	1	6	(6)13	24,217,597	4,270,296
Charleston, Columbia, Fort Mill, Rock Hill, Spartanburg, Sumter.						
South Dakota	1	0	1	(3)1	7,634,000	1,400,110
Fort Pierre, Mitchell, Sioux Falls.						
Tennessee	41	11	52	(52)47	251,829,590	97,526,260
Athens, Bristol, Chattanooga, Clarksville, Cleveland, Clinton, Cookeville, Dayton, Dickson, Dyersburg, Elizabethton, Fayetteville, Franklin, Gallatin, Greenville, Harriman, Huntsville, Jackson, Jefferson City, Johnson City, Kingsport, Knoxville, La Follette, Lawrenceburg, Lebanon, Lewisburg, Livingston, Manchester, Maryville, McMinnville, Memphis, Morristown, Murfreesboro, Nashville, Newbern, Newport, Paris, Portland, Pulaski, Ridgely, Rogersville, Shelbyville, Smithville, South Pittsburg, Sparta, Springfield, Sweetwater, Tazewell, Tullahoma, Union City, Waverly, Winchester.						
Texas	31		31	(38)46	181,069,974	62,670,591
Alice, Arkansas Pass, Austin, Brenham, Cameron, Corpus Christi, Crockett, Crystal City, Dallas, Edienburg, El Paso, Fort Worth, Georgetown, Grand Prairie, Hearne, Los Fresnos, Lubbock, Marshall, Mercedes, Mission, Port Arthur, Port Isabel, San Antonio, San Marcos, Savoy, Schertz, Sinton, Stanton, Sundown, Texarkana, Waco, Whitesboro, White Settlement, Wink, Galveston, Holton City, Mineral Wells, Parkland and Uncertain.						
Utah	2	0	2	(2)0	625,117	0
Ogden, Salt Lake City.						
Vermont	2	1	3	(4)2	3,638,061	2,248,282
Burlington, Hartford, Montpelier, Winooski.						
Virginia	17	1	18	(18)23	175,699,870	60,882,111
Alexandria, Bristol, Charlottesville, Chesapeake, Danville, Franklin, Hampton, Harrisonburg, Hopewell, Lynchburg, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, Roanoke, Staunton, Waynesboro.						
Washington	8		8	(9)14	36,706,203	25,692,492
Anacortes, Ellensburg, Hoquiam, Longview, Pasco, Seattle, Spokane, Tacoma, Vancouver.						
West Virginia	11	0	11	(11)11	38,745,743	7,341,023
Benwood, Bluefield, Charleston, Dunbar, Grafton, Huntington, Parkersburg, Spencer, Weirton, Wheeling, Williamson.						
Wisconsin	6	4	10	(13)19	73,432,911	64,259,793
Brillon, Green Bay, La Crosse, Madison, Manitowoc, Milwaukee, Monroe, Sheboygan, Stevens Point, Wausau, Wisconsin Rapids, Beloit, Fond Du Lac.						
Wyoming	2	0	2	(2)2	2,067,303	1,200,000
Casper, Cheyenne.						

[1] Committed figures based on HUD Report, Mar. 31, 1970.

[2] Pending and proposed figures based primarily on HUD figures dated, Mar. 31, 1970, and special NAHRO survey June 30, 1970.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I might remind the gentleman from Illinois that he mentioned the fact that on July 16 he took a certain position. The record indicates that he voted for the conference report, which is exactly the same legislation we are working on today.

Mr. YATES. The gentleman means the gentleman from Illinois, (Mr. ANDERSON).

Mr. DENT. The gentleman from Illinois (Mr. ANDERSON) yes.

I might remind the gentleman from North Carolina (Mr. JONAS) that he has talked about the taxpayers. Well, the whole amount of this bill divided up among the taxpayers and the citizens of the United States amounts to 2½ cigarettes a week, or 2½ sticks of chewing gum, or one-half bottle of soda pop. I am not so sure that that is so important as to deprive the veterans of this great Nation of ours, those who, the VFW says, are veterans of previous wars who were wounded on the battlefront.

In their telegram they said:

Hon. JOHN H. DENT
Washington, D.C.

The veto of the independent offices appropriations bill with its money to operate VA programs for 1971 has stunned the 1,600,000 members of the Veterans of Foreign Wars of the United States.

The failure of the President to indicate his approval of the additional funds, wisely added by the Congress, to overcome deteriorating conditions in VA hospitals has deeply disappoined our organization.

The VFW takes the position that Vietnam veterans and veterans of previous wars who were wounded on the battlefront contribute enough when they fight in the shooting war in the National interest and should not be expected to fight the inflation war at the expense of their health.

Every dime of the extra money in this bill for the VA will be spent to provide better medical care for the veterans of this Nation, which everyone agrees is urgently needed at the earliest possible time to prevent further deterioration of conditions in VA hospitals.

For these reasons, your vote to override the veto will be deeply appreciated by the membership of the Veterans of Foreign Wars of the United States.

RAY GALLAGHER,
National Commander in Chief, Veterans of Foreign Wars of the United States.
WASHINGTON, D.C.

Again allow me to remind you that inflation while being serious is also a very useful political weapon in the hands of any political trickster.

Never in any economy has inflation developed when sufficient goods were available for the consumers to purchase.

The trouble with our economy is that the shelves are bulging with foreign-made goods that are produced by more consumers namely the foreign worker in an American plant overseas.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Veterans' Affairs, the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Speaker, I rise in support of the motion to override the veto on H.R. 17548 which makes 1971 appropriations for many independent Federal agencies including the Veterans' Administration. The plight of the VA medical program is well known to all members of this body. I have written to each of you periodically advising you of the findings of a 6-month long Veterans' Affairs Committee staff investigation which I requested last December. The results of the initial investigation disclosed serious funding deficiencies of over $100 million for all of the 166 VA hospitals. These hospitals do not have enough funds for proper staffing—as a matter of fact, it appears that many hospital employees are having to do the work of two people as compared to private sector hospitals. The most recent survey made of the VA hospitals revealed that initial funding allocations for 1971, based on the administration's request for 1971, fall almost $180 million short of the required needs to render prompt and proper service to the wounded, sick, and disabled veterans of America.

Mr. Speaker, the following is a breakdown of the 1971 nationwide deficiencies just compiled by the Veterans Affairs Committee:

Dental care for returning Vietnam veterans	$20, 409, 707
Community nursing care program	7, 524, 798
Purchase of new equipment	11, 644, 159
Purchase of replacement equipment	14, 667, 774
Nonrecurring maintenance and repair	35, 526, 747
Recurring maintenance and repair	1, 982, 412
Recruitable medical personnel	83, 495, 450
Other categories—(that is, fees for medical consultants, contract hospitalization, outpatient fee medical, State home program grants, and so forth	$5, 259, 253
Total 1971 VA hospital deficiencies	180, 510, 300

Mr. Speaker, in view of the findings of our most recent survey, the $155 million which the conferees agreed on for VA medical care in this bill is a most reasonable compromise. To keep faith with America's veterans we have a most solemn duty here today to see that no further delays occur in providing second-to-none hospital care in our veterans hospitals. This is one of the major reasons I intend to vote to override this veto. To do otherwise will needlessly delay the recruitment of much needed hospital personnel to care for our hospitalized veterans and to provide the equipment and facilities which are desperately needed now—today—to treat America's veterans who need medical care in our VA hospitals.

Mr. Speaker, I include with my remarks communications which I have received from national officials of various organizations urging this body to override the veto of this bill which includes 1971 appropriations for the Veterans' Administration:

HOUSE OF REPRESENTATIVES, COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., August 5, 1970.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Now that the Congress has completed action on the Veterans' Administration appropriation for fiscal year 1971, I wanted to convey to you some personal observations relating to the Veterans' Administration hospital and medical program which has been under consideration for the past several months.

At your direction, in December 1969, the Hospital Subcommittee initiated an investigation to determine whether the Veterans' Administration medical program was being properly funded and whether the hospital staffs were adequate to give prompt and proper care to veterans. On December 8, 1969, a special questionnaire was sent to the director of each hospital and independent outpatient clinic requesting detailed information about the hospitals' funding and staffing levels and information concerning deficiencies in equipment and maintenance and repair projects.

We also held extensive hearings in Washington and several hearings were held in other selected areas. The overall results of the investigation, which has been on-going for over 6 months, indicated that as of the end of December 1969, the VA medical program had fallen woefully behind in its ability to promptly and properly care for America's disabled veterans. While workloads in major medical care areas were rising sharply, personnel in the VA medical program were not increased to meet their higher workloads.

This staffing problem had its origin in the Revenue and Expenditures Control Act of 1968. The Veterans' Administration was one of the few agencies in the Federal Government which complied with the personnel ceiling provision imposed by this law and when it was repealed by Congress in July, 1969, it was difficult for VA to make immediate and significant employment gains because of increased hospital operating costs which had to be met before employment could be significantly increased. Our December 1969 survey of the hospitals indicated that about 4000 unfilled hospital positions, which had been authorized, could not be filled because funds were insufficient at the various hospitals to fill them.

Tabulation and review of the December 1969 questionnaires from the hospitals and outpatient clinics disclosed well over $100 million in funding deficiencies for fiscal year 1970.

Briefly the investigation indicated the following:

1. Private sector general medical and surgical hospitals have an average ratio of 2.72 employees for each patient while the Veterans' Administration has only 1.5 staff for each patient. Some university hospitals operated in connection with medical schools have staffing ratios of over 3 employees for each patient. On the basis of consultations with many hospital directors, deans of medical schools, who are members of the Veterans' Administrator's Special Medical Advisory Group, and a review of standards established within the Veterans Administration for its various hospital services, it appears that the national staffing ratio for most VA general and medical and surgical hospitals should be about two employees for each patient and a one for one ratio should exist in psychiatric hospitals. To achieve this ratio, about 28,000 additional employees were needed as of December 31, 1969, which would cost about $240 million annually. According to the VA hospital directors, about 85% of these personnel could be recruited if funds were made available for their salaries. I believe that favorable action on H.R. 18252 will sufficiently improve recruitment and retention of career personnel in the Department of Medicine and Surgery so that the 15% reported by the hospital directors as not being recruitable can be recruited. This bill has been favorably reported by the Hospital Subcommittee and I hope will soon receive full Committee action. It should be of great help in providing the necessary personnel to properly operate the VA medical program and truly give veterans "second to none" medical care. Favorable action by the Congress on H.R. 18252 should eliminate the problem we found in a number of hospitals where on night shifts and weekends one nurse plus an attendant was responsible for more than one ward with the result that during emergencies large numbers of patients went unmonitored for long periods of time.

2. In order to pay hospital salaries and buy drugs and medical supplies the December 1969 questionnaire disclosed that millions of dollars were being diverted from equipment purchases and maintenance and repair funds which was impairing the care of hospitalized veterans because new life-saving and life-prolonging equipment could not be purchased by many VA hospitals. Late in fiscal year 1970, Congress appropriated in the Second Supplemental Appropriations bill about $7 million in additional funds which was allocated to the various hospitals to eliminate some of their most critical and urgent equipment deficiencies. However, our July 1970 survey indicated that the initial 1971 funding allocation leaves a funding deficiency of about $63 million in equipment and maintenance and repair items in VA hospitals. Recent action by Congress to increase the 1971 appropriations should have a significant impact on this deficiency.

3. Education and training of medical personnel, serving veterans and the nation, was being seriously curtailed due to budgetary limitations.

4. Due to inadequate funding to provide necessary staffing of about 2700 employees, over $20 million in specialized medical services, such as coronary care, kidney dialysis, pulmonary emphysema, pulmonary function, and other intensive care units were idle or so inadequately staffed that they could not fully perform the innovative care needed for many sick veterans. The staffing of many of these units has been increased since last December

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but a great deal of this has been accomplished by transferring ward nursing personnel and other technicians from regular wards to the specialized medical services rather than through significant employment increases. This is borne out by a comparison of full time permanent personnel statistics furnished the Committee by the Veterans' Administration as of June 30, 1969 and June 30, 1970. On June 30, 1969, the Veterans' Administration reported to the Committee that there were 121,434 full time permanent "Medical Care" employees. As of June 30, 1970 the report showed a total of 121,868—an increase of only 434 throughout the VA system.

5. The 12-year long-range construction and modernization program has fallen woefully behind. This plan was devised in 1960 under a joint agreement with the Bureau of the Budget, the House Veterans Affairs Committee and the Appropriations Committee of Congress. The plan has been stretched out by several Administrations because of inadequate funding and it has now become a 20 year plan. There will be substantial obligation of funds, voted by previous Congresses, during fiscal year 1971 for construction and modernization of hospital facilities, and $59 million in new obligational authority has been voted in the 1971 appropriation. Recent unfavorable public criticisms of the Bronx and Wadsworth VA hospitals are directly attributable to the inadequacy of construction funds over the past 10 years because the physical plants at both of these installations are most inadequate to render proper patient care. This public embarrassment of the VA medical program could have been avoided if the original long range plan for hospital replacement and modernization had been followed. There are still over 40 unairconditioned VA hospitals and/or domiciliaries which qualify for airconditioning, but no design funds have been sought to start the planning. These conditions are shameful and should be corrected without further delay. I do not believe that the VA construction program can endure very long on the hit-or-miss basis which it has experienced over the past 10 years. Many VA hospital plants are deteriorating at alarming rates and this may seriously lower the quality of patient care.

6. An intolerable dental backlog built up in fiscal year 1970 involving hundreds of thousands of returning Vietnam veterans who were having to wait from 4 to 8 months to have their teeth fixed because of inadequate funding. On April 2, 1970, the Administration requested from the Congress $9.8 million which was supposed to substantially clear up this backlog; however, recent information obtained from the hospitals and outpatient clinics indicates that as of June 30, 1970, the end of the 1970 fiscal year, about 75,000 cases were still backlogged and that over $3.8 million more was needed to clear this up. On July 1, 1970, the directors of hospitals and outpatient clinics estimated that they were over $20 million short of fiscal year 1971 funds to meet their estimated dental needs. This situation must be carefully monitored in the future to be sure that the extra funds recently voted by the Congress are allocated to the hospitals on a timely basis to clear up existing backlogs and keep pace with new workloads.

7. The December 1969 questionnaire disclosed that funds were being denied many hospitals to provide community nursing care for eligible veterans who no longer needed expensive care in VA hospitals and could be transferred to community nursing homes at VA expense and be nearer their homes and relatives.

8. Drugs for patients on outpatient status were being curtailed because of lack of funds and needy veterans were being given prescriptions and told to have them filled at their own expense. Mail order prescriptions filled by VA pharmacies were running weeks behind normal schedules because of lack of funds.

9. During fiscal 1970, the medical care program was forced to "absorb" $26 million in unbudgeted costs, thus reducing patient care services to veterans. These "absorbed" costs included portions of pay hikes for personnel and new laws which the Congress enacted mostly to extend benefits to needy and sick disabled veterans. If Congress passes legislation which increases the cost of operating the VA medical program, the Administration should request and the Congress should appropriate the funds necessary to fully support the increased costs.

10. Old and chronically ill veterans were being denied needed hospitalization because staffing and funding problems at many hospitals made it desirable to attempt to treat the veteran on an outpatient basis at less cost rather than putting them into hospitals where they could receive more attention.

Some of these deficiencies have been corrected either administratively or by congressional action in appropriating additional funds; however, major problems still exist which I believe we must continue to closely monitor.

The most recent survey conducted earlier this month of the VA hospitals and outpatient clinics indicates that as of July 10, 1970, there existed over $180 million in funding deficiencies. Congress has recently acted to add $155 million to the original budget request of the Veterans' Administration medical care program for 1971 and the expenditure of these additional funds would correct a major portion of the most pressing deficiencies. Notwithstanding the Administrator's statement before the Appropriations Committee in the other body that the Veterans' Administration could not use additional funds over and above those requested in the amended 1971 budget, it is evident from our July 1970 survey of all VA hospitals and outpatient clinics that the additional funding is needed to meet the medical needs of our nation's veterans. I hope that we will not experience a reluctance on the part of the Bureau of the Budget to release these funds. Over the years the Bureau of the Budget has been largely responsible for not permitting the Veterans' Administration to seek adequate funds to keep the VA medical program on a par with private sector hospitals.

I am convinced the American people want its veterans to have the finest available medical care, and I believe that the Congress must be sure that it takes the action necessary to make veterans hospitals the nation's showcase of superb medical care.

Sincerely,

James A. Haley,
Chairman, Subcommittee on Hospitals.

Veterans of Foreign Wars of the
United States,
Washington, D.C., August 13, 1970.

Hon. Olin E. Teague,
Chairman, House Veterans Affairs Committee, U.S. House of Representatives, Washington, D.C.

Dear Mr. Teague: The Presidential veto of the Independent Offices Appropriation Bill has stunned the membership of the Veterans of Foreign Wars of the United States.

First class medical care for veterans is the Number One Priority Goal of the Veterans of Foreign Wars. The Congress has been most sympathetic to V.F.W. please for additional personnel and funds for VA hospitals. Unfortunately, and tragically, the Administration has turned a deaf ear to most of our requests for additional money and personnel which VA hospitals so desperately need. This veto is the crowning blow. Again, the V.F.W. is calling upon our friends in Congress to help us in this grave situation with which VA hospitals are faced.

The evidence is overwhelming and beyond any doubt that the VA has to have more money right now if it is to carry out its mission of providing quality medical care to veterans. A few of these programs which are at the critical stage are: an intolerable backlog of applications for dental care by returning veterans; community nursing care for chronically ill elder veterans; purchasing of new and replacement of equipment; maintenance and repairs which have been postponed and deferred too long; more funds for the construction and modernization programs for hospitals such as the one at Bronx which graphically depicted shocking conditions in a VA hospital; and recruiting authorized medical personnel to man life saving services such as cardiac, intensive care, kidney and pulmonary units.

The additional $155 million in this VA appropriation will be a giant step toward reducing some of these pressing deficiencies which VA hospital managers have reported as needing immediate attention. In fact, the 166 VA hospital managers have indicated there presently exists $180 million in funding deficiencies. Sick and wounded Vietnam veterans being treated in VA hospitals need this VA appropriation now. They have made one sacrifice in the national interest by fighting on the battlefield in Vietnam. They should not be expected to fight the inflation war at the expense of their health. To postpone approval and prompt allocation of these funds for VA hospitals could be disastrous.

The Congress spoke when it approved the VA appropriation with its additional $155 million for VA hospitals as authorized in the Independent Offices Bill. The V.F.W. strongly recommends that the Congress once again resolve any doubt in favor of veterans and first class medical care for veterans by voting to override the President's veto. The money is desperately needed today and a delay will further damage the VA hospital system to the detriment of thousands of wounded and disabled veterans.

The favorable consideration of these views by you and your House colleagues will be deeply appreciated by the 1,600,000 members of the Veterans of Foreign Wars of the United States.

Sincerely,

Ray Gallagher,
Commander in Chief.

August 12, 1970.

Hon. Olin E. Teague,
House of Representatives,
Washington, D.C.:

The Disabled Veterans urges your vote to override veto of H.R. 17548. Veterans Administration funds desperately needed to improve quality of hospital care for wounded and sick returning from Vietnam and other veterans entitled to VA benefits.

Cecil W. Stevenson,
National Commander,
Disabled American Veterans.

August 12, 1970.

Hon. Olin E. Teague,
Chairman, Committee on Veterans Affairs,
Washington, D.C.:

Paralyzed veterans are deeply disturbed over yesterday's presidential veto of the independent offices appropriations bill H.R. 17548. This great Nation cannot afford to lose any of its veterans to a degenerating and underfunded Veterans Administration. In light of your many and great efforts on behalf of the American veteran we urgently request that you do all within your power to insure that the VA appropirations as outlined in H.R. 17548 be speedily enacted.

Peter L. Lassen,
Executive Director,
Paralyzed Veterans of America.

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AMVETS,
Washington, D.C., August 12, 1970.
Hon. Olin E. Teague,
House of Representatives,
Washington, D.C.

Dear Congressman Teague: AMVETS strongly urge you to vote to override the veto of H.R. 17458 which includes appropriations for FY 1971 for the Veterans Administration. Of particular concern is the immediate critical need for the additional $105 million in medical care funds voted in the House-Senate Conference Report to prevent further deterioration of the V.A. Medical Program and its hospitals.

The President's veto message appears to be directed at large increases in "HUD" Urban Renewal Project Funds.

The V.A. Hospital Program cannot wait another quarter of the 1971 FY for desperately needed additional funds to care for America's wounded and disabled veterans. Your vote in favor of the motion to override this Presidential Veto is extremely important to AMVETS membership and indeed to all America's sick and disabled veterans.

Sincerely yours,
Robert B. Gomulinski,
National Commander.

Alexandria, Va.

Hon. Olin E. Teague,
Washington, D.C.:

In view of the mandates of our department conventions pertaining to conditions existing in the various hospitals throughout the country, I am sure the membership of our organization would approve my requests to you to use every influence to override the veto, for the VA medical appropriation.

Edgar G. Burkhardt,
National Commander, Veterans of World War I.

Dallas, Tex.

Hon. Olin E. Teague,
Washington, D.C.:

Council of Veterans Organization of Greater Dallas urge you to vote to override the veto of the appropriation bill for education welfare and veterans benefits.

Wendell A. Marin.

The American Legion,
Washington, D.C., August 13, 1970.
Hon. Olin E. Teague,
Chairman, House Committee on Veterans Affairs, Washington, D.C.

Dear Chairman Teague: The American Legion appreciates and strongly supports your effort in the House today concerning H.R. 17548 insofar as it affects funds for the Veterans Administration for Fiscal 1971.

As you have pointed out, for several years the Veterans' Administration has been caught in an impossible budget squeeze between higher medical and drug costs and rising workloads without receiving proportionately higher funds and staffing allocations. The new budget approved by the Congress, while not an overly generous one, contains additional funds in the amount of $105 million above that recommended by the Administration. It is urgently needed if the VA's lagging medical program is to be brought back to reasonably accepted levels.

The first quarter of the 1971 Fiscal Year is now two-thirds over and until the new budget is approved the VA must continue to operate at last year's spending level. This is further delaying and retarding efforts to expand and improve VA services to needy war veterans, particularly its medical program, at a time when the demand for treatment is increasing as a result of the war in Vietnam.

Your assistance in providing these funds for the Veterans Administration at the earliest possible moment is appreciated by The American Legion.

Very truly yours,
J. Milton Patrick.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. Boland), a valued member of the committee.

Mr. BOLAND. Mr. Speaker, I join in the appeal to the Members of this House to override the President's veto on this bill. The independent offices bill is no less important than the education bill. I think in many respects it is more important.

Mr. Speaker, this appropriation bill was vetoed by the President because it is $541,301,800 over the amount recommended in his budget. The distinguished gentleman, from Illinois (Mr. Anderson), indicated that these programs in this bill have been based on quantity rather than quality. I submit that is not so.

The major amounts over the amended budget request are in the areas of Veterans' Administration medical care, urban renewal programs, basic water and sewer facilities grants and loans for housing for the elderly and the handicapped.

Mr. Speaker, all the Members of this House are aware of the crisis in medical care in our Veterans' Administration hospitals. Conditions in these hospitals have been highlighted in the press—newspapers and magazines—on television and radio and before committees of this Congress. The able chairman of the Veterans Affairs Committee, Mr. Teague of Texas, has just expressed his concern as the veto of this bill affects medical care for veterans. His committee has done considerable work in this area and has concluded that this program needs more money if it is to serve properly and adequately the veteran population of this Nation and particularly, the returning veteran from Vietnam. All of the great veterans organizations—American Legion, Veterans of Foreign Wars, Disabled Veterans, AMVETS, and a whole host of other veterans organizations have expressed their support for the action of the Congress in increasing medical care for veterans by $105 million over the amount recommended by the administration. Who can say that this quantitative rather than qualitative? What we are talking about is quality care for those who have served their country in the armed services.

It seems to me, Mr. Speaker, that the areas in which the Congress has increased the figures in this bill are precisely those areas that carry the highest priorities. I need not tell the Members of this House what urban renewal programs have done in rebuilding the physical and social structures of our cities—big and small. No one needs to be reminded of the need for housing—the dire and urgent need for housing—to lift the hopes and aspirations of so many of the Nation's people who are ill-housed in the ghetto areas of this land. Everyone is talking about the environment and pollution but it cannot be dealt effectively unless added money is spent for basic water and sewer facilities. The added moneys in this bill to which the President objects will go giving better medical care for the veterans, to continue the fight against the decay, blight and rot of our cities, to provide needed housing for the presently ill-housed and the elderly, and to increased activity in the fight to control pollution.

I repeat, Mr. Speaker, that this bill is just as important, if not more so, than the bill that was overridden a few moments ago by this House, and I trust the House will vote to override the President's veto of this bill.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. Hays).

Mr. HAYS. Mr. Speaker, I concur with the last remark of the gentleman from Massachusetts, that this bill is as important, if not more important than the other bill. I am for education and I belive in it, but what is the point in educating children if the air they breathe is not fit to breathe, and if the water they drink is not fit to drink?

This bill has money in it not only for the cities, as the gentleman said, but for the small towns and the villages across this country.

I think probably the most important thing that has been said is what the distinguished chairman said, that we require a great deal of lead time in these programs, and although more money is appropriated in this bill, actually less will be spent than in the preceding year. I think we cannot just put off forever starting to make the plans to clean up the water and to clean up the pollution in this country.

I think the people back home are going to ask a great many questions about it.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, as the gentleman from Massachusetts so well said a moment ago, this bill is every bit as important—if not more important—than the education appropriations bill we passed here a few minutes ago.

Let me, if I may, deal with this specious argument about inflation. First, let us take a look at the economy of this country. The gross national product today approaches a trillion dollars. A trillion dollars is a sum that is difficult to imagine.

I might say, incidentally, we have the lowest rate of growth now that we have had in the last 10 years. Nevertheless, we do have a gross national product nearing a trillion dollars. It is $980 billion.

In an economy of a trillion dollars, a billion dollars, as much as it is, cannot possibly have any significant inflationary effect.

The inflation in this economy is easy to explain. It is not the result of Federal expenditures. The total impact of the whole Federal Establishment, including the trust funds such as social security, is about 10 percent of the gross national product. The impact of the 10 percent cannot possibly be the overriding consideration in inflation. It lies in the other 90 percent.

Let us see what has happened as a direct result of the policies of this administration. To begin with, the reason the President vetoed this bill is he is trying to put the inflation tag on Congress and take it off himself, where it belongs.

We have the highest interest rates in

the history of this country. The increased interest alone on the Federal debt amounts to $2 billion per annum. That $2 billion is a billion dollars more than is involved in both these bills we have been considering here today.

Let us take a look at what is happening with respect to Federal revenues. There is an outfall in Federal revenues in fiscal year 1970 of about $1.5 billion. In fiscal year 1971 it is estimated it will be between $4 billion and $5 billion.

Now, why? It is because unemployed workers and unprofitable businesses do not pay taxes. Quite to the contrary, we have had to increase unemployment compensation payments by a billion dollars to meet the unemployment in this country today.

This unemployment figure of 5 percent is the highest we have had in the past 8 years, since 1961. And unemployment, unfortunately, continues to rise.

Somehow or other I have not seen the cost of living figures. There is something mysterious about that. Why have they not been related? I think the answer again is quite obvious; it is going up.

Here is where inflation is. It gets right back to trying to control the inflationary situation by using monetary policy alone, high interest rates and tight money.

And who has been affected by that? It has affected the small fellow trying to buy a home. It has affected the homebuilder. It has affected the materials supplier. It has affected small business.

It has even had a fantastic impact on Wall Street. The value of securities on Wall Street since Nixon became President of the United States has decreased by $300 billion.

So now we have a message up here saying that we are creating inflation because we say we are going to do something about cleaning up the cities, about the veterans, and about all these other programs that are necessary.

Why, we have a backlog in this country of about $5 billion in applications from every State in this Union for sewage projects.

The **SPEAKER** pro tempore. The time of the gentleman from Louisiana has expired.

Mr. **EVINS** of Tennessee. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. **BOGGS**. Mr. Speaker, this bill provides practically nothing, if we really look at it in perspective.

We have a backlog of billions and billions of dollars for every manner of project, and this bill provides $350 million additional for water and sewer grants. Now let us look at that. This money cannot be spent in fiscal year 1971 The best you could hope for would be commitments whereby the communities could have some assurance that they could start planning and awarding contracts.

To me this argument that $1 billion in an economy of $1 trillion would have a vital effect on inflation is so specious that it really should not command the respect of thoughtful people. What is involved here is an attack on education, on pollution, on health, on urban decay, and I want to take my stand for cleaning up the cities and cleaning up the rivers and helping the veterans and starting programs that are essential to the economy of this country.

Mr. **SCHWENGEL**. Mr. Speaker, it is with considerable reluctance that I cast my vote today to override the vetoes of the HEW and HUD appropriation bills.

Needless to say, I share the President's concern about the need to control inflation. I share the President's view that Government spending must be kept in check if the battle against inflation is to be won.

When combined, the appropriation bills at issue today exceed the budget by about $1 billion. It is my view that it is possible to cut $1 billion at other points in the budget to make up the amount that these two bills exceed budget requests.

As you recall, Mr. Speaker, earlier this year, I cosponsored an amendment to the military procurement authorization bill to reduce the authorization by 5 percent. In the $20 billion authorization bill, $1 billion could have been saved by the adoption of my amendment. This amendment has been called the "efficiency" amendment. It was designed to trim the waste from defense contracting programs. The adoption of the amendment would not jeopardize our Nation's defense, in fact, it would strengthen it and make it more efficient. The amendment will be offered again when the appropriation bill for military procurement comes before the house. The adoption of my amendment at that time would provide the $1 billion in dispute today.

There are other considerations as well. Should the vetoes be sustained today, a delay of at least 8 weeks would result. With the school year about to begin, this delay would work a tremendous hardship on our school systems. It would mean additional weeks of uncertainty as to the levels of Federal funding and would prompt another increase in the cost of education.

A delay in approval of HUD funds would cause hardship and uncertainty for thousands of families waiting for word on when housing assistance will be available. A continuing resolution does not allow for along term commitments of funds. In addition, the HUD bill contains $10 million for housing for the elderly and handicapped. Several first district communities; such as Fort Madison, have applications on file now for low-rent housing for the elderly projects with no funds available. The city of Keokuk benefited from this program last year. The first district population has a high percentage of residents who are 65 and older who need adequate housing. A delay in final approval for HUD funds would mean these people would have to wait longer for new housing.

Mr. Speaker, in view of the fact that I sincerely believe that we can save the $1 billion which these two bills exceed the budget elsewhere and in view of the problems, lack of final action on the bills will bring about, I must cast my votes today to override the veto of the HEW and the veto of the HUD appropriation bills.

Mr. **TAFT**. Mr. Speaker, after careful study and much consideration, I have decided to support President Nixon's veto of the independent offices and HUD appropriations bill, but I am not able to support the veto of the Office of Education appropriations bill.

In reaching this decision, I have weighed the merits of two compelling positions. One is the necessity for the Congress to take strong and positive action to combat inflation and thus to strengthen and encourage our economy. The other was the crucial nature of the many areas of public responsibility in the programs which these bills would fund. Balancing these considerations led me to the conclusions that the independent offices-HUD appropriation veto should be sustained, but that on the Office of Education appropriation I must vote to override the veto.

I share the President's concern that we should be consistent in our program to halt inflation, since inflationary conditions adversely affect every program and service to people. The President has acted courageously to strengthen our economy, a task necessitated by the ill-advised monetary and fiscal policies followed by the Democrats in the 1960's. If we are to have economic stability in the 1970's, it is essential that the type of fiscal prudence which President Nixon has practiced continue to prevail. Therefore, for reasons of the economy and not in opposition to the particular programs which would have been funded—many of which I have strongly supported—I shall vote to sustain the veto of the independent offices-HUD appropriations bill. While the urban renewal program has been and must continue to be an effective help to our entire Nation, especially in providing new and rehabilitating old housing, there remains considerable funding and the increase of about $350 million over the budget is inflationary and not justified at this time. No field of needed progress has been hurt more by inflation than housing. Responsibility in economic policy must be maintained if it is to prosper.

Similarly, there is drastic and immediate need to strengthen our steps against water pollution. However, the increase of almost $350 million over the budget in this bill is inflationary and not aimed at the principal area of need, the building of secondary treatment facilities, which is being supported in greatly increased scope by other legislation. Rather, the increase in this bill would take over against federally borrowed funds, expansion of sewer facilities which in many cases could be financed by local charges on a pay as you go basis. The expansion of Federal support here would in effect penalize those communities which have done the job themselves. One program in the bill, although reduced, is still grossly excessive in my opinion. That is the space program. It could be reduced by $1 billion and still be meaningful. That alone is enough reason to sustain the veto.

My decision not to support the veto of the Office of Education appropriations bill was a very difficult one for me to make. This is the first time that I have not voted to sustain the veto of a money bill by President Nixon. In spite of the fact that the amount appropriated ex-

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ceeds the President's budget request by $453 million, I feel that the funds for education are a must at this time. The opening of the school year is just around the corner, and I would not want to see many vital programs curtailed due to uncertainty as to the amount of Federal funding. In the area of vocational education, for example, there is much reliance placed upon the existence of Federal funds, and a veto at this time would be disruptive. It is important that programs, such as vocational education not be restricted, or perhaps canceled, due to a lack of certainty as to Federal funds.

While I reiterate my long standing conviction that inflation cannot be curbed without a reduction in Federal spending and that education has been greatly harmed by it, I feel that it is not right to jeopardize educational programs. Accordingly, I will vote to override the President's veto of the Office of Education appropriations bill.

Mr. OBEY. Mr. Speaker, I truly regret that the President has vetoed these two appropriations bills.

It strikes me as peculiar that the same people who cry inflation when we spend on sewer or water lines, or on hospitals or school kids, stand strangely silent when vast sums are appropriated for a space shuttle, the beginning of a man-on-Mars program, or for jet-set hardware like the SST.

This Nation of ours is a great one, but somehow the attention of its Government seems diverted from programs with long-range impact to flashy programs of immediate but temporary visibility. Despite this diversion, despite the Presidential fairy tale of a spendthrift Congress, the fact is that during President Nixon's first year in office the Congress cut his specific spending requests by $6.4 billion.

So far this year the House has cut the President's budget in 10 places and increased it in three for a net decrease of $572 million below his requests. It has cut his budgets for such things as foreign aid and military construction, transportation, and public works, and increased them in such unglamorous areas as hospital construction and water.

The upshot is that we are spending less for fancy space programs and less to support foreign dictators, and we are spending more on education, more on hospitals and health, and more to fight pollution—or so we thought we were.

In the process we intended to spend less overall, and what is wrong with that? It means an effort by Congress to get a better balance in what we spend our money for.

The President seems to be going the way of several former Presidents who believed they had an almost absolute authority to establish spending priorities with no advice from Congress.

The facts are that the Constitution gives Congress control of the Nation's purse strings, and that for the last 25 years Congress has cut the budget requests of whatever party had control of the White House and reshuffled priorities in the process.

The country is bigger than one man, and Congress has the Constitutional right to reshuffle expenditures. The Constitution did not design Congress to be a rubberstamp.

In my congressional district there are 91 small communities without water systems. There are 106 such communities without sewer systems. The President's action, if allowed to stand, will mean that communities like Plover and Shawano and Antigo and Cecil will be forced to wait months more for community services which they need now.

If Congress cannot reallocate a tiny percentage in a Federal budget of more than $200 billion, then it might as well pack up and go home and allow the President to don a gold crown and rule by fiat.

If the President really wants to hold down spending intelligently, he can do it not by vetoing bills because they spend too much on water cleanup, hospitals and housing, but rather by vetoing bills because they spend too much on the space program, the SST, and subsidies for military dictatorships hidden under the guise of foreign aid.

Mr. COHELAN. Mr. Speaker, upon hearing of the President's decision to veto two needed appropriations bills, I stated in the House yesterday that I was absolutely appalled. Upon reflection and analysis of the circumstances of these vetoes, I cannot but express my disgust over the political motivations behind these vetoes.

It is well known that I have been very involved in both of these money matters. I led the fight for the increased funding of education and I also led the fight for the increased funding of urban renewal. Yesterday I commented on the education aspect of the veto; today I would like to comment on the housing and independent offices appropriations veto.

What a cruel fate, Mr. Speaker, for the people who live in our large and decaying cities. They are now to be saved from the raging fires of inflation by being allowed to live in less than adequate housing. What a consolation it must be to these citizens to know that their continued privation is the only bulwark against increased inflation. It might be hard for them to understand this, since they are probably in the 5 percent who are out of work.

I cannot wait for the President to meet with the mayors and the governors and offer them pallatives of the "New Federalism" or "returning responsibility to the local governments," and then slip them the hooker—finance it out of your dwindling property taxes because the Federal Government is fighting inflation.

What a cruel hoax. What a gross political act. I am sure that combat veterans who are in our VA hospitals will be consoled that they, too, are fighting inflation, by being provided with less than adequate medical facilities.

I can hardly wait for the latest White House Commission or Committee, is it Cabinet level post, on the environment to discover, or is it rediscover, that we have problems in water pollution and that something should be done about it. Well something has been done about it. This Congress added money for water pollution control to the President's meager budget.

Make no mistake, Mr. Speaker, these vetoes have little to do with the economy. They have everything to do with branding this Congress as "spendthrift." The Nixon administration desires to shift the burden of responsibility for the economic crisis we are in to the Congress. After responding with only the weakest of antiinflation moves that did not stem the course of inflation, the administration now desires to look for a scapegoat. I guess political reality dictates that the scapegoat should be the Congress but I think the President could have been more discerning in its choice of programs. Our Nation's children, our decaying cities, our polluted rivers, our scandalous VA hospitals—are these the way to cover an inadequate inflationary policy? I cannot believe this is the case.

We are in the process of trying to reorder our national priorities. This Congress has led the way in the direction of more adequate funding for education, urban renewal, by putting money into programs designed to eliminate the pollution of our waters. This Congress has demonstrated its leadership role and has sent viable legislative programs to the White House. Now, we have attempted to fund these programs—and they are being returned to us marked "inflationary"—It is painfully apparent that the ideology that pervades the White House is "speak loudly and passionately on the issues, but do not do a thing about them."

Let us look again, one more time. We had a budget of $200.8 billion. By fine tuning early in the year, the administration determined that we would have a budget surplus of $1.3 billion. And now because inflation has been allowed to continue, we find business is not as profitable, personal income is not as high as anticipated, and we are faced with a deficit. This economic condition has been going on for the past year and a half, and is now attributed to these two bills. I submit, Mr. Speaker, that this type of thinking will not be unchallenged in this Congress and will not be accepted by the American people.

I earnestly hope that this body will hold to its original convictions and will act today to override both these vetoes. The needs in these areas are manifest, they must be met not only with pious statements but with adequate funds.

Mr. SCOTT. Mr. Speaker, I share the concern of the President regarding the dangers of inflation and intend to vote to sustain his veto.

It is interesting to note that the Chamber of Commerce of the United States also shares this concern. On the front page of its Washington Report of August 10 is an article entitled "Let's Shake the Inflation Habit, or Why Excessive Spending Is Not Good Politics." It is a well-reasoned discussion of inflation which concludes, "A candidate who has no regard for your tax dollar does not deserve your campaign dollar or your vote." Let me insert the entire article in the RECORD at this point:

Let's Shake the Inflation Habit or, Why Excessive Spending Is Not Good Politics

Inflation erodes everybody's dollars.

The spending that caused the enormous $25-billion deficit in fiscal 1968 has since slashed the value of the dollar by 11%.

Last year inflation robbed Americans of $60 billion of their savings in banks and life insurance.

The time has come to shake the habit of deficit government spending that feeds inflation, however painful it may be.

Some progress was made over the past two fiscal years: A small surplus, then a $2.9 billion deficit.

But the way things are going now we may be heading into another inflationary binge unless we show more determination to hold the line against government expenditures that exceed revenues.

Already there has been a turn-around in the Administration's estimates for fiscal 1971 from an original $1.3 billion *surplus* to a $1.3 billion *deficit*—and even that is growing illusory. Some responsible sources are predicting much larger deficits.

This gloomy outlook stems from a combination of factors and sources.

Most significant is the readiness of too many members of Congress to spend money in the belief that it is both the handiest and best solution to our problems, and that it will win votes.

The problem is compounded by the reluctance of Congress in an election year to raise taxes. While Congress is ignoring President Nixon's requests for additional tax revenues, revisions in last year's tax bill have already cut revenues projected for this year by $3 billion and those requested for fiscal 1972 by $5 billion.

The Nixon Administration is not without fault either for its proposal of new or expanded federal programs at this time—witness the expensive welfare bill with its revolutionary concept of a guaranteed income for families with a fully employed father.

Many others must share the responsibility for the critical situation we face and change their ways.

The public must stop demanding government services for which it is not willing to pay in higher taxes, and stop electing big spenders to public office.

Organized labor must stop using its power to force wage increases that are not earned through higher productivity, thus putting upward pressure under prices through higher labor costs.

Business and labor must work together to increase productivity and the quality of goods in all sectors of our economy, which is one of the best ways to get economic growth without inflation.

States and local communities need to think of meeting more of their own responsibilities and learning to depend less on federal handouts.

Mr. Nixon is on sound ground when he threatens to veto or ignore some of the spending bills. We believe he is right when he says:

"When the American people learn that the big spenders in Congress are primarily responsible for higher prices, and eventually even higher taxes, I think that the American people will turn on the big spenders politically."

In a warning that taxpayers will not tolerate irresponsible spending, the President voiced this advice:

"Congress should ask itself in every case: Will this new expenditure, when tied to all the others, require increased taxes or cause a deficit which would bring about an increase in price?

"The Congress must examine with special care those spending programs which benefit some of the people but which really raise taxes and prices for all the people."

If we are going to shake the habit of deficit spending—and brake inflation—the voter, and the businessman in particular, must ask all candidates who seek his vote in the coming elections whether they do or will apply the spending test suggestetd by Mr. Nixon, and judge them accordingly.

A candidate who has no regard for your tax dollar doesn't deserve your campaign dollar, or your vote.

Mr. TALCOTT. Mr. Speaker, there are many who are better qualified to provide the advocacy for the special interests involved in this bill—some may know more precisely where the dollars are going to be used, but I want to suggest a few simple reasons why I believe the average taxpaying citizen would want us to sustain the President's veto.

All of us have talked about revising priorities—the priorities in this bill are out of balance with the needs and desires of the American people. Our bill aggravates the inequities of the priorities.

For instance, housing is one of the important needs and deficiencies of our citizenry—socially and economically. We appropriate only $30 million for research and development for housing—maybe this is all we can afford at this time. I think it is inadequate.

Space research is beneficial but not essential to the immediate needs of our citizenry—especially when we are experiencing such a budget crisis and a fiscal deficit. Nonetheless the conference report added $65 million to the already recommended sum of $250 million for space research.

I am convinced that the American taxprayer would prefer that, if anything, these two priorities be reversed at this time and under present conditions. I do not suggest this complete reversal. But I do suggest that we sustain the President's veto and give our committee not only a chance to reduce the appropriation but to do better in allocating priorities.

The conferees added $350 million for urban renewal. Now, urban renewal has been useful, but it does not provide economical housing, it is not popular among citizens. Some mayors enjoy the massive grants of Federal funds, but most citizens know that these funds are taxpayers' money. Neither the Congress nor the taxpayer would approve a tax increase equal to the increases suggested by the conferees who proposed the bill which the President vetoed.

I urged my colleagues to sustain the President's veto and give us a chance to present a bill more in keeping with the taxpayers' desires.

Mr. MYERS. Mr. Speaker, I am voting today to sustain the President's veto of the appropriation bill. I do this, not because I am a Republican and our President is a Republican, I am supporting him because I believe he is right. I recognize that the shortage of housing is critical and may even get worse before it gets better, but the largest contributing factor is a shortage of private money and the high interest rate that prevails today. To continue to spend more money from the U.S. Treasury than is there will further aggravate these conditions. We must start to think seriously about spending more than we have. This has caused the inflation that is the real problem with our economy today.

I have decided to vote to stop excessive spending only after assurance that the much needed care for our veterans will not be reduced nor the care affected by this action. This veteran's care money will not be reduced.

Today, we must vote for the hard-working taxpayers of the country. I am voting for the taxpayers by voting to sustain President Nixon's veto.

Mr. BUSH. Mr. Speaker, as one who is extremely concerned about inflation, the fact that these two appropriation bills—independent offices and Office of Education—each run approximately half a billion dollars over the President's fiscal year 1971 budget has me concerned. However, when one takes a look at the increases, one realizes that the reasons for them are unique.

In regard to H.R. 16916, the Office of Education Appropriation, I intend to vote to override the veto. I want to commend the Appropriations Committee for its action in separating this measure from that containing other Health, Education, and Welfare funds. As we all remember, it was February of this year before the schools knew the amount of Federal funds they were eligible to receive for last year. Our schools need these funds badly and they need to know how much they will receive in advance so that adequate plans can be made. And, as I study the additions made by the Congress, I feel that, for the most part, they are in worthwhile programs such as bilingual education, dropout prevention and aid to deprived districts. Further, the increases come in areas where the budget requests were not substantially increased over the expenditures of the previous years.

However the independent offices appropriation is a horse of a different color and I intend to vote to sustain the President's veto in this instance. Let me make one point clear, I am in total support of the increase for veterans medical care. If this were the only reason for the veto, I would vote to override it. But, the increases in H.R. 17548 for the Department of Housing and Urban Development came in areas where the President had already significantly increased outlays. For example, the President's request for urban renewal, water and sewer grants and housing subsidies was double the outlays in the last fiscal year of the previous administration. At the time the appropriation agreed to by the conference committee came to the House floor I voted against these increases by voting for a motion to recommit the bill. I have not changed my mind that the spending in this bill is excessive and, therefore, will vote to sustain the veto.

Mr. BIAGGI. Mr. Speaker, I again must urge my colleagues to vote to override the President's veto of the independent offices and HUD appropriations bill. This veto, like that of the education bill just repassed by this body, is more a matter of grandstand politicking than a real concern for controlling inflation.

Why is it, I ask, that those measures which the Chief Executive sees as inflationary are those measures which are aimed at helping the vast majority of average, everyday taxpaying Americans, who form the backbone of the Nation? Yet those proposals such as the billion dollar SST which lines the pockets of a few corporate stockholders or the farm program which subsidizes a handful of wealthy nonfarmers to the tune of over $3 billion, are not considered inflationary?

H.R. 17548 is clearly aimed at helping the vast majority of middle Americans—that so-called silent majority. One section of this bill increases the funds urgently needed to improve Veterans' Administration services. In New York City there is tremendous need for a new veterans hospital. The existing facility is old and overcrowded. Its services suffer from a lack of funds. Its depressing situation was recently spotlighted in a national magazine. Yet President Nixon considers it inflationary to spend money to build a new facility for the veterans of our Armed Forces.

Another section of the bill would provide funding for assistance to middle-income housing projects such as cooperatives. Our housing programs have completely ignored that vast group of Americans that neither qualify for public housing because of larger incomes nor satisfy the monetary requirements to purchase expensive new housing. This bill takes a large step toward providing help to this group. The high interest rates have already closed these people out of the market. The extra funds will help bring them back in.

Mr. Speaker, I would like to briefly quote from the President's message:

> Taken individually, there is much that can be said in favor of every spending bill, including the ones I have vetoed.
>
> But a President is not elected to see any one bill in isolation. He must see them as part of a whole, because his constituency is 200 million Americans.

It appears that the President is taking a myopic view of the budgetary situation, rather than the broad overview of which he speaks. This body is as committed toward a balanced budget as is the Chief Executive. However, it is clear that Mr. Nixon's goals of spending billions for the benefit of a few cannot be condoned when millions of taxpaying Americans are in dire need of help and assistance from their Federal Government.

When the health and well-being of the people of this country is at stake—as I feel it is at this time—we cannot afford to quibble over a mere $541 million. However, I can assure you that when the wealth and good-living of a limited few are the object of legislation, I will be among those registering the loudest "nay."

This measure greatly benefits a vast majority of Americans—taxpaying Americans who now deserve a fair shake from their Government. I strongly urge my colleagues to take the side of these millions of neglected citizens whose stoic silence must now be answered with action. I strongly urge that this body repass this measure despite the objections of the President.

Mr. MORTON. Mr. Speaker, the vote taken today to sustain or to override the President's veto of the Office of Education appropriations bill, H.R. 16916, and the independent offices and Department of Housing and Urban Development appropriations bill, H.R. 17548, does not represent an argument for or against any of the programs or elements funded by these two bills. The fact is together they obligate nearly $1 billion more than the President's budget for the same programs.

Neither is there an argument in this case on the butter or guns issue or on the matter of redirection of priorities for Federal spending. We have already moved from guns to butter and toward a peacetime economy. Vast cuts have been made in defense spending. The annual cost of the Vietnam war has been reduced by $14 billion. In fact, 800,000 people who were formerly employed directly or indirectly in the Defense Establishment have had to seek other work.

The original budget requests of the President for funds to pay for the programs in these two bills were, in fact, a large increase over the expenditures of the year before in the same areas, and in the case of education were nearly 30 percent higher than funds requested by the last budget of the Johnson administration.

In the area of independent offices and Department of Housing and Urban Development, the administration request actually about doubled previous spending in these areas; so there can be no realistic argument as to the redirection of priorities.

The whole matter gets down to raw politics. It gets down to the question whether you really want to control inflation or whether you do not. It gets down to whether you really want a very substantial increase in taxes or you do not. I have heard of no creditable economist who will argue that over-budget spending is not a key force which causes inflation.

Another fact is that a great deal of the money appropriated in both of these bills is nondiscretionary as far as the Executive is concerned. These funds will have to be spent and spent in the ensuing fiscal year. The result will be either a demand for a substantial increase in taxes or an excessive deficit for the year or a decided reduction in the application of funds in other areas.

Somewhere, something will have to give. If the arguments that have been made even by the Speaker himself are valid, then why not add another billion dollars or even another $2 billion more to these programs. If the plan is to print money irresponsibly, then why not accept the large economy size.

There is much talk in these times about our responsibility to the young people of America, and I share a deep feeling of trusteeship for their welfare and for their future. There is nothing worse that we can do for the generation to follow than to spend our way into oblivion, to destroy the economic foundation on which this country was built or to tax the citizen to the point that he loses his motivation to improve himself or worse than this, his confidence in his country.

I, for one, voted to save the taxpayers a billion dollars. I believe the programs encompassed by these bills could have been effectively funded in accordance with the President's request.

Mr. MINISH. Mr. Speaker, as the House considers the Presidential veto of the appropriations for independent offices and the Department of Housing and Urban Development, I wish to call to the attention of my colleagues some of the worthwhile appropriations contained in this bill.

The Council on Environmental Quality is funded within this measure.

The Department of Housing and Urban Development is contained within this measure. Included therein are programs for Government assisted housing such as urban renewal, model cities and diverse mortgage credit programs. As the urban crises in many cities worsens, we in the Congress must consider ourselves responsible for alleviating some of the bad conditions endured by urban residents. Moreover, to underfund these important programs is to guarantee their failure.

Funds for Veterans' Administration programs are contained in this measure, including veterans compensation and pensions, readjustment benefits, veterans insurance and indemnities, medical care and prosthetic research. I know personally that the East Orange Veterans Hospital facility, located within my Congressional district, has been making do with an inadequate level of funding for some time now. Although morale is high at this particular veterans installation, it would be unjust for those who have given so much for their country to receive so little in return.

Mr. BELL of California. Mr. Speaker, with as much reluctance as I am sure the President felt when he vetoed the independent offices and Department of Housing and Urban Development appropriations, I will vote to sustain his veto.

It is a painful fact of life that there simply are not enough revenues to finance every individual worthwhile undertaking designed to meet the needs of a particular group or segment of our Nation.

Priorities must be set.

While I respectfully differ with the President in the area of education funding, in fairness to him it must be pointed out that under his administration new priorities have emerged.

He has cut military and space spending drastically.

He has increased domestic spending by a large proportion.

His budget request for urban renewal, water and sewer programs, and housing was double that of the last year of the previous administration.

No less than any of us, I am sure that the President looks forward to the time when all of the vital needs of our citizens can be met.

In the meantime, he and all of us must exercise reasonable discretion.

On the question of the HUD veto, I believe he has done so.

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Mr. DONOHUE. Mr. Speaker, I shall vote to override the veto of this Housing and Urban Development and independent agencies appropriations bill of 1971.

Every Member of Congress is intensely concerned with the individual responsibility to prudently invest the taxpayers' money. I and every other Member present recognized that duty when we unanimously voiced our approval of the original bill, here in the House and so did the great majority in the Senate when they passed the original measure by a vote of 70 to 8. Our separate and nonpartisan responsibility is not and should not be changed by any Presidential action.

The same basic question that we answered "yes" to when we acted on the original bill must be answered again today. That question is simply this, shall the immediate and urgent human needs for housing, our veterans needs for medical and rehabilitation treatments and programs, our communities needs for sewer systems and flood control facilities and our cities needs for urban renewal be placed above the need for expanding military operations and expenditures, excessive foreign aid, the SST, a man on Mars, ABM expansion and other very questionable and nonessential expanding proposals and projections. Mr. Speaker, this is not a partisan question and its vital importance requires a nonpartisan response.

Whatever resultant response may be made to this question today, I deeply believe that the substance of this question very clearly and objectively emphasizes the absolute necessity of this administration to scrupulously and prudently review and reorder its recommendations and actions for the priority spending of the American taxpayers' money in the national interest and welfare. Certainly, a claim that the expenditure of $994 million in the two vital areas of housing and education, reflects a very dangerous inflationary influence, in relation to a total national budget of some $198 billion, imposes a great strain upon even the most prejudiced imagination.

Mr. Speaker, beyond the reasons I have already outlined, my conscientious answer to the question is based on the yardstick for legislative and executive action advocated by our late and revered President Eisenhower. His sole yardstick was, and I quote, "Is this good for all Americans?" On that standard of judgment, my answer is "Yes," this Housing and Urban Development appropriations bill for fiscal year 1971 is indeed good and of priority urgency for each American community and I hope the House will sustain its original judgment and resoundingly override the Presidential veto in the national interest.

Mr. FRIEDEL. Mr. Speaker, I rise to wholeheartedly support the efforts of the leadership of this House today in once again overriding a most unfortunate act by the President. Previously, in instances where the President had seen fit to veto measures passed by the Congress for programs badly needed by the country, I differed with the President's reasoning on the basis of priorities. Today, Mr. Speaker, I take issue with the President not only on his false sense of priorities but on his political judgment. The President vetoed the independent offices and the Office of Education appropriation bills last Tuesday, reportedly on the grounds that $1 billion added for these vital programs by the Congress was inflationary.

I believe that the President's purpose in taking this grave and unfortunate action was sheer politics. It is apparent that the President believes that this issue can be used throughout the forthcoming campaign and he wishes to take such issues as education, housing and veterans care into the partisan arena of this year's congressional elections. Mr. Nixon is attempting to blame a Democratic Congress for fueling the flames of inflation but an examination of his record shows just the contrary. He has consistently refused to exercise his powers as President to hold down the cost of living and ruinous interest rates.

The Defense Production Act contains a section which authorizes the President to set wage and price guidelines and I submit this could be done and properly backed up by a President who was serious about inflation. But what has Mr. Nixon done? He has specifically stated that he will not use these powers to control the massive price and wage rises. Instead he has chosen to set up more committees, more advisory boards, more panels, which merely restate the problems which he refuses to take the proper means to solve. For the projected deficit that the administration has forecast, is in my opinion completely attributable to the Nixon administration's mismanagement of our economy.

The $1 billion appropriation for badly needed education, housing, and veterans' programs is not going to substantially contribute to the deficit. The Congress has repeatedly, this year, manifested its willingness to cut in other lower priority Government programs, such as space, defense, agriculture subsidies, and foreign aid. In these fields, the administration has been strangely silent. Schools for our young, care for the veterans, and housing are not partisan issues and I predict that the President will deeply regret his action in making these programs a matter of partisanship.

I also find it indeed strange that the President would take the action that he took on these two important bills at the very time that the National Governor's Conference was meeting in Missouri and passing resolutions calling for the Federal Government to assume a greater share of the educational burden of the country. Everyone in this Chamber knows the problems that our States are having with regard to coping with the educational responsibility that they carry. President Nixon's actions run contrary to the needs of the States as expressed by the Governors at their meeting this week. In my State of Maryland, the impact of Mr. Nixon's unfortunate act will be most grave. The school systems of Baltimore City and County need to know where they stand. And our veterans' hospitals need the increased funds that were provided for in the independent offices appropriation bill to make the needed improvements in health care now being afforded.

Mr. Nixon's action in vetoing these two important measures is further difficult to understand when we reflect on what we have heard over the last year from the Nixon administration. What have we heard? Well, I recall hearing the Secretary of the Treasury, the Chairman of the Federal Reserve, and other prominent members of the administration consistently tell the public that the inflation that is robbing the savings and futures and income of millions of Americans was under control. We heard from the Nixon administration about how price increases were slackening but today, of course, prices continue to go up faster than ever, business is off and unemployment is rising, interest rates are higher than ever and we have witnessed over recent months one of the largest stock market slides in the history of our country. The administration's anti-inflation policies are simply not working. Mr. Nixon's tokenism in vetoing legislation for education, veterans, and housing is a sham. If we are to control inflation, we must take actions much more responsible, much more vital and much more significant than using these kinds of programs in a political manner.

Mr. Speaker, I want to emphasize that one of the items contained in the independent offices appropriation bill, which Mr. Nixon has seen fit to veto, was the $105 million that many of us in the House worked for to provide the badly needed improvements for our veterans' hospitals. I think all of my colleagues will recall the shocking exposé that appeared in Life magazine with regard to conditions prevailing in some of the Nation's veterans' hospitals. When you vote today on this measure, please think deeply about whether it really is inflationary to provide adequate and decent care for those people who have given the country so much.

In conclusion, I would like to remind my colleagues that what the President neglected to tell the American people is that it was the Congress that cut his budget last year by $6.4 billion and now he wants to quibble with us over a billion dollars for essential programs and make the American people think that the Congress is fiscally irresponsible.

Mr. RANDALL. Mr. Speaker, I voted to sustain the veto of the independent offices-HUD appropriations bill. That action is a sincere and honest effort to apply the yardstick of priority.

While it is true that I voted against the motion to recommit at the time of the conference report, there was only one vote taken. To vote for the motion to recommit could have been construed as a vote against all of the items contained in that conference report.

I am glad I had the foresight to enter my remarks in the CONGRESSIONAL RECORD on the day of the vote on the conference report. At that time I pointed out the evil of having to act upon an appropriations measure which contained so many important and necessary items all bound up in the same package with some other items of very doubtful priority. Having to act on such a bundle containing many low priority items

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along with some other very sorely needed increases, the membership of the House was put in an almost impossible dilemma.

Today as we talk about the need for congressional reorganization or congressional reform we should carefully consider the need for the addition of more than one motion to recommit with instructions. Of course we should continue to allow the minority side of the aisle its motion to recommit but many times one motion is not enough to pinpoint or ferret out the questionable or bad items that are all tied up together with the good or necessary things. If and when we get back to considering congressional reorganization I hope I may have the opportunity to offer such an amendment to our procedures in the House.

Now, Mr. Speaker, the President's veto of the independent offices-HUD appropriations bill falls in a very different category from the veto of the education appropriations bill. First off, the education bill contains one subject matter, whereas the independent offices bill is a sort of catchall or canopy or a kind of big basket to carry appropriations ranging all the way from SEC to FTC, FCC, GSA, and others. True, the largest items are for Housing and Urban Development, National Aeronautics and Space Administration, and the Veterans' Administration. I will address some comments to each of these largest items.

To say the HUD part of the bill has to do with housing in the sense that it concerns itself with funds to loan to home builders, is neither a fair nor accurate statement. The big addition, or the really significant increase in the HUD appropriations, has not been for home loans or to finance our hard-pressed home builders. You may recall the House made a valiant effort in that direction by trying to make available the resources of the various pension funds as a loan with guaranteed repayment by the Government.

The truth then, is that the $350 million addition to the HUD appropriations has all been for urban renewal.

In lots of places across our country, the record of the administration of urban renewal funds has not been a source of pride. But to leave out the matter of administration of these funds, I am convinced the facts are that even with these increased amounts for urban renewal such could best be described, not as a cure for urban ills, but only a bandage applied to the wounds of our cities. It is almost impossible to estimate the total amount it would take to rebuild all the ghettos in America. Certainly, it is more than our present national resources can provide in the foreseeable future.

It is my conviction that more funds should be devoted to the concept of rural revitalization to attempt to arrest the trend of migration to the cities. Unless this is done, as surely as one ghetto is eliminated by urban renewal another one will spring up in some other part of the megalopolis. Moreover, it has been my observation that in many places the process of urban renewal has been only one of tearing down and cleaning up. The rebuilding process has not kept pace. This means a loss of local tax base to the considerable headache of all municipal office holders.

In the conference report which has now been vetoed there were some increases which were most justified, needed, and acceptable to nearly every Member even though they happened to be intermingled and thus cast under a cloud by the huge urban renewal increase. I refer to the addition of Veterans' Administration appropriations for medical care and also to the increases for water and sewer facilities grants for towns of all sizes.

No one can say that any veto is ever welcomed. Perhaps it should not have happened, but one possible advantage is to give us a chance to make a better selection of priorities than was given us before. Even the severest critics of those of us who vote to sustain the veto know that today is not the end of the line for veterans appropriations. Both the House and the Senate will see to that. These same critics also know that today is not the end of the line for adequate appropriations for smalltown water and sewer systems. Once again both the House and the Senate will see to that. It is true that there may be some slight delay. But there is ample time remaining in this session for the Congress to work its will on these two high-priority and very meritorious items.

Finally, Mr. Speaker, there is one item bundled up in this vast bill about which comment must be made. It is well and good to talk about priorities. If we do nothing about priorities then the talk is rather useless. One such item in this appropriations bill that had not been accorded sufficient attention because of being buried beneath so many other items is the space appropriation. While the conference report figure did not greatly exceed the Nixon budget request, there should have been the opportunity for the House to work its separate will on such a large item as the space appropriation. The conference report for space was a higher figure than the House appropriation bill. Those of us who had opposed the authorization bill for space and the House appropriation bill for space should be entitled to an effective way to voice our views that the time has come to slow down on space. We are now far ahead in the space race. Since Sputnik, we have caught up and gone ahead of the Russians. But now is no time to talk about more men on the Moon, or going to Mars or making some kind of planetary excursion. If priorities really mean anything, the time has come to assign to this program a much lower priority than as it appears in this great big package we all had to vote up or down at the time of the conference report. By sustaining the veto the committee will have to take another look at this excessively large space appropriation.

Returning to the appropriations for our veterans, there will undoubtedly be heard the complaint that those who vote to sustain this veto have suddenly turned against our veteran population and are no longer in favor of good medical care facilities in our veterans hospitals. Well, of course, such a charge is ridiculous. It would be true and apply only to those who have had a record in the past as being consistently against beneficial veterans legislation. The fact that the Veterans' Administration happens to be one of the independent offices included in this vast bill does not mean that the membership of the Congress has suddenly become oblivious to the needs of our veteran population. As a matter of information there was less than $80 million added for the Veterans' Administration medical care, while there was an addition of over $88 million for the space program alone. Surely, the needs of our veterans rate a higher priority than the space program and this veto will give us a chance to take another look at the relative priority of these two programs.

But, Mr. Speaker, I submit that this Congress has not failed our veterans nor will it fail them in the remaining days of this session. Only yesterday, August 12, the President signed the veterans disability compensation rate increases bill into law. This is the bill which Congress had passed increasing the compensation and dependency allowances for all service-disabled veterans. These increases were, if you remember, retroactive to July 1, 1970. While they vary with the degree of disability, the average recipient will receive an increase of about 11 percent. This disability increase bill was far-ranging. It provided for former prisoners of war to obtain compensation for disabilities arising from their imprisonment.

The increases in veterans compensation in this bill alone will cost about $218 million over the budget figure for the current fiscal year. The point I hope I may make is, that the Congress has, by this compensation increase, been at the task of fulfilling its responsibility for those who have done so much for all of us. The Congress has certainly not forgotten its 2 million disabled veterans nor will it forget good medical care in our veterans hospitals in the days that remain in this session.

Mr. Speaker, if the veto should be sustained, our Appropriations Subcommittee will then have another opportunity to pare down those items which had been given the biggest increase under the conference report. It will also give the committee another opportunity to take a look at those high-priority items which were not as carefully considered as they deserved to be at the time of the adoption of the conference report. We all hope the committee in its deliberations will carefully but strictly apply the yardstick of priority.

Mr. GIAIMO. Mr. Speaker, I rise in support of the motion to override the President's veto of the independent offices-HUD appropriation bill.

Mr. Speaker, there has been much concern expressed today over the President's veto of the $4.4 billion education appropriation bill. Yet I submit, and mark me well, that his veto of the independent offices-HUD bill is more untimely and more damaging to the people of this Nation.

Let us look closely at what the Presi-

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dent is asking us to do, Mr. Speaker. By vetoing this bill, he wants us to cut by $350 million the funds for the vital urban renewal program. We all know the pressing need for urban renewal, Mr. Speaker, in cities and towns throughout the United States. We all have seen the decay of our large cities. We all realize that something must be done to make our cities flourish again as centers of commerce, culture, and decent living. I maintain that our urban renewal efforts have begun to pay off. Are we willing to cripple this promising effort when so much more needs to be done?

By vetoing this bill, the President is asking us to eliminate funds for housing for the elderly and the handicapped under the section 202 program. At a time when our senior citizens and others living on fixed income are suffering the most from high prices and high interest rates, at a time when construction costs and rents are prohibitive for many middle- and low-income families, are we willing to ignore the critical need for housing for our senior citizens?

By vetoing this bill, the President is asking us to cut $350 million from grants for basic water and sewer facilities. Imagine, Mr. Speaker, the same administration that called earlier this week for a massive antipollution effort in this Nation is today defending a cut of $350 million in the budget for basic water and sewer facilities. The same administration that prides itself on suburban and rural political support is calling for a budget cut that will hinder construction and growth in these same areas. The fact is, Mr. Speaker, that the need for adequate water and sewer facilities is great throughout the country. Are we willing to forget this pressing need?

By vetoing this bill, the President is asking us to cut $80 million from funds for medical care for our veterans. We all know the storm of protest that was raised by the Life magazine story about conditions in VA hospitals. We all know, regardless of the validity of that story, that the American people want the best possible medical care for veterans. I say that they deserve the very best. Are we willing to deprive them of it after they have sacrificed so much for all of us?

Let the record state, Mr. Speaker, that these are the real issues involved in this untimely veto. The fact is, regardless of administration efforts to create an economic smokescreen on this issue, that we are voting today for funds for urban renewal, senior citizens' housing, water and sewer facilities, and medical care for veterans. The fact is that in nearly every other area of this complex budget, the Congress has approved amounts that are the same or smaller than the President's budget requests. The fact is that the actual spending requirement in this bill for fiscal year 1971 is $1.8 million less than the President requested.

Those are the facts, Mr. Speaker. Congress has lived up to its responsibility by providing the necessary funds for pressing needs while keeping the amounts in other areas below the budget request. Congress has not ignored the crisis in housing. Congress has not ignored the need for medical care for our veterans. Congress has not forgotten the need for adequate water and sewer facilities throughout this Nation.

I urge my colleagues to continue to act in behalf of all Americans by overriding this tragic veto.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 204, nays 195, not voting 30, as follows:

[Roll No. 279]

YEAS—204

Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Aspinall
Ayres
Baring
Barrett
Biaggi
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Brown, Calif.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Cabell
Carey
Casey
Chisholm
Clark
Clausen, Don H.
Cohelan
Conyers
Corbett
Corman
Cowger
Culver
Daddario
Delaney
Dent
Diggs
Dingell
Donohue
Dorn
Dowdy
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Feighan
Flood
Flowers
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis

Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Gude
Hagan
Haley
Halpern
Hamilton
Hanley
Hanna
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Leggett
Long, Md.
Lowenstein
McCarthy
McFall
McKneally
McMillan
Macdonald, Mass.
Madden
Matsunaga
Meeds
Meskill
Mikva
Miller, Calif.
Minish
Mink
Minshall
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara

O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Philbin
Pike
Poage
Podell
Powell
Price, Ill.
Pucinski
Purcell
Rees
Reid, N.Y.
Reuss
Riegle
Rivers
Roberts
Rodino
Roe
Rogers, Colo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
St Germain
Scheuer
Schwengel
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Watson
Watts
Weicker
Whalen
Whitehurst
Widnall
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young
Zablocki

NAYS—195

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, Ala.
Arends
Ashbrook
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Biester
Blackburn
Bow
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrnes, Wis.
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Conte
Coughlin
Crane
Daniel, Va.
Davis, Wis.
de la Garza
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Flynt

Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Fuqua
Goldwater
Goodling
Griffin
Gross
Grover
Gubser
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Heckler, Mass.
Henderson
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Keith
Kleppe
Kuykendall
Kyl
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Lujan
Lukens
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
MacGregor
Mahon
Mann
Marsh
Martin
Mathias
May
Mayne
Melcher
Michel
Miller, Ohio
Mills
Mize
Mizell
Montgomery
Morse
Morton

Myers
Nelsen
Nichols
Pelly
Pettis
Pickle
Pirnie
Poff
Preyer, N.C.
Price, Tex.
Quie
Quillen
Railsback
Randall
Reid, Ill.
Rhodes
Robison
Rogers, Fla.
Roth
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Waggonner
Wampler
Whalley
White
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wyatt
Wydler
Wylie
Wyman
Zion
Zwach

NOT VOTING—30

Bevill
Blatnik
Bray
Caffery
Celler
Clay
Cramer
Cunningham
Daniels, N.J.
Davis, Ga.

Dawson
Edwards, La.
Fallon
Griffiths
Hansen, Wash.
Hébert
Hull
King
Long, La.
McCulloch

Mailliard
O'Neal, Ga.
Passman
Pollock
Pryor, Ark.
Rarick
Reifel
Rooney, N.Y.
Roudebush
Ryan

So (two-thirds not having voted in favor thereof) the veto of the President was sustained and the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York and Mr. Hébert for, with Mr. Cunningham against.

Mr. Daniels and Mr. Celler for, with Mr. Cramer against.

Mr. Bevill and Mr. Fallon for, with Mr. Reifel against.

Mr. Pryor of Arkansas and Mr. Ryan for, with Mr. Pollock against.

Until further notice:

Mr. Long of Louisiana with Mr. Bray.

Mr. O'Neal of Georgia with Mr. McCulloch.

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Mr. Passman with Mr. Roudebush.

Mr. Rarick with Mrs. Hansen of Washington.

Mrs. Griffiths with Mr. King.

Mr. Davis of Georgia with Mr. Caffery.

Mr. Blatnik with Mr. Clay.

Mr. Hull with Mr. Mailliard.

The result of the vote was announced as above recorded.

The SPEAKER. The message and the bill are referred to the Committee on Appropriations.

The Clerk will notify the Senate of the action of the House.

POLITICAL BROADCASTING—CONFERENCE REPORT

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 3637) to amend section 315 of the Communications Act of 1934 with respect to equal time requirements for candidates for public office, and for other purposes:

Conference Report

(H. Rept. 91–1420)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3637) to amend section 315 of the Communications Act of 1934 with respect to equal time requirements for candidates for public office, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That (a) the first sentence of section 315 (a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: ", except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States in a general election".

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period."

Sec. 2. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (f) and by inserting immediately before such subsection the following new subsections:

"(c)(1) For purposes of this subsection, the term 'major elective office' means the office of President, United States Senator or Representative, or Governor or Lieutenant Governor of a State.

"(2)(A) No legally qualified candidate in an election (other than a primary election) for a major elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(i) 7 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office; or

"(ii) $20,000, if greater than the amount determined under clause (i) (or if clause (i) is inapplicable).

"(B) In the case of a candidate for United States Senator in a State in which the total number of votes cast for all legally qualified candidates for Senator in the last preceding election for Senator was less than the greatest total number of votes cast for all legally qualified candidates in any election (held after such preceding senatorial election) for a statewide office in such State, the amount determined under subparagraph (A)(i) shall be 7 cents multiplied by such greatest total number of votes for statewide office.

"(3) No legally qualified candidate in a primary election for nomination to a major elective office, other than President, may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under paragraph (2) with respect to the general election for such office.

"(4) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for major elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(5) No station licensee may make any charge for the use of such station by or on behalf of any candidate for major elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2) or (3), whichever is applicable.

"(d) If the Commission determines that—

"(1) a State by law—

"(A) has provided that a primary or other election for any office of such State (other than Governor or Lieutenant Governor) or of a political subdivision thereof is subject to this subsection, and

"(B) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a major elective office, or nomination thereto,

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation upon total expenditures.

"(e) For the purposes of this section, the term 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system."

Sec. 3. (a) The amendment made by subsection (b) of the first section of this Act shall take effect on the thirtieth day after the date of its enactment.

(b)(1) The amendments made by section 2 of this Act, insofar as they relate to primary elections, shall take effect on January 1, 1971. Except as provided in paragraph (2), the amendments made by section 2, insofar as they relate to general elections, shall apply with respect to amounts paid for broadcast time used after the thirtieth day after the date of enactment of this Act.

(2) If the Federal Communications Commission determines that—

(A) on August 12, 1970, a person is a legally qualified candidate for major elective office (or nomination thereto),

(B) there are in effect on such date one or more written agreements with station licensees for the purchase of broadcast time to be used after such thirtieth day on behalf of his candidacy for such office (or nomination thereto), and

(C) such agreements specify amounts to be paid for the purchase of such time to be used after such thirtieth day which, in the aggregate, exceed the limitation imposed by section 315(c)(2) of the Communications Act of 1934 with respect to the general election for such office,

then such amendments shall not apply to any of the candiates for election to such office in an election held before January 1, 1971.

And the House agreed to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

Harley O. Staggers,
Torbert H. Macdonald,
Lionel Van Deerlin,
Managers on the Part of the House.

Warren G. Magnuson,
John O. Pastore,
Vance Hartke,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3637) to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The substitute agreed upon in conference is exactly the same as the bill passed by the House except for section 3, which established an effective date for the legislation. The effective date for the bill passed by the House was January 1, 1971.

The Senate passed bill had two effective dates. The first section, which repealed the equal-time provisions of section 315(a) of the Communications Act of 1934 with respect to presidential and vice-presidential candidates and made a broadcast station's lowest unit charge available to legally qualified candidates for public office, would have been effective on the date of enactment. Section 2, imposing limits on expenditures for the purchase of broadcast time by certain candidates for public office would have been effective 30 days after the date of enactment of the legislation.

Section 3 of the conference substitute establishes new effective dates for the legislation. Under it, section 1(b), which makes a broadcast station's lowest unit charge available to legally qualified candidates for public office, would take effect on the thirtieth day after the date of enactment of the legislation.

Section 2, imposing the broadcast expenditure limitations, would take effect as follows:

(1) The broadcast expenditure limitations for primary elections would not take effect until January 1, 1971.

(2) The broadcast expenditure limitations for general elections would apply only to amounts paid for broadcast time used after the thirtieth day after the date of enactment of the legislation, except in election contests to which the rule described in paragraph (3), below, applies.

(3) The general election broadcast expenditure limitation would not apply to an election to a major elective office held before

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January 1, 1971, if the Federal Communications Commission determined that—

(A) on August 12, 1970, a person is a legally qualified candidate for that office, or nomination thereto,

(B) there are in effect on August 12, 1970, one or more written agreements with station licensees for the purchase of broadcast time to be used after the thirtieth day after the enactment of the bill on behalf of his candidacy for such office, or nomination thereto, and

(C) these agreements specify amounts to be paid for the purchase of time to be used after such thirtieth day which, in the aggregate, exceed the limitation imposed by the legislation with respect to the general election for such office.

Although they accepted all other provisions of the legislation as passed by the House, the Managers on the part of the Senate were adamant in their refusal to accept the House effective date. The Managers on the part of the House reluctantly acceded believing that the legislation is much more important than the date it becomes effective.

As already indicated, this will make available to legally qualified candidates for public office the lowest unit charges of broadcast stations on and after the thirtieth day after the date of enactment of the legislation. Thus, these charges should be available to candidates for at least a portion of the upcoming election campaign. Under the House passed legislation, of course, they would not have been available until January 1, 1971.

The limitation on expenditures by candidates for major elective office for use of broadcast stations would, in most cases, also take effect on the thirtieth day after the date of enactment. However, the conferees were concerned that some of these candidates already might have agreements for use of broadcast time calling for payments in excess of the limits provided in the legislation. The conferees were concerned that, if this legislation were imposed on those cases, it might have the effect of completely disrupting the campaigns of those candidates and wreak havoc with the program schedules of the broadcast stations with which those agreements were in effect. Therefore, the conference agreement makes the expenditure limitation inapplicable in those cases, if the agreements were in effect on August 12, 1970, and provide for payments for broadcast time which is to be used after the effective date of amounts in excess of the expenditure limitation which would otherwise be applicable. Of course, the limitation would also be inapplicable to any other candidate for the same office. Thus, whether or not the expenditure limitations apply with respect to candidates for any particular major elective office in the upcoming November general elections, all candidates for the same major elective office would be operating under the same groundrules insofar as this legislation is concerned. The date of August 12, 1970, was established as the date on which agreements had to be in effect in order to forestall the subsequent contracting for broadcast time to avoid the expenditure limitations for the upcoming general election campaign.

It is anticipated that in administering the provisions of section 3(b)(2), the FCC will give public notice of those provisions and set a date by which all candidates seeking to be excepted from the expenditure limitations must file proof of the necessary agreements. Then after determining the cases where the conditions set forth in section 3 (b)(2)(A)—(C) are met the FCC would give public notice as to the major elective offices the candidates for which are exempted from the expenditure limitations for broadcast time for the forthcoming general election.

In closing, the Managers on the part of the House, wish to emphasize that although the effective date provisions of the conference substitute are different than those in the legislation passed by the House they contain the hallmark of fairness in the House passed legislation, namely, that insofar as this legislation is concerned all candidates for the same office run under the same groundrules.

Harley O. Staggers,
Torbert H. Macdonald,
Lionel Van Deerlin,
Managers on the Part of the House.

CONFERENCE REPORT ON S. 3302, AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

The SPEAKER. The unfinished business now is the further consideration of the conference report on the bill, S. 3302.

The Clerk read the title of the bill.

The SPEAKER. The Chair will state that on yesterday it was agreed that the conference report be considered as read, and that further proceedings thereon be postponed until today following disposition of the veto messages.

The Chair recognizes the gentleman from Texas (Mr. Patman).

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, will the gentleman give us at least some faint idea of what happened in the conference, if anything? I presume this is the conference report on the infamous standby wage and price control bill?

Mr. PATMAN. That is correct.

The position of the House was maintained, and with some improvements—I will say that.

Mr. Speaker, on last Thursday, August 6, the Senate and House conferees on S. 3302 met and agreed on a conference report. The Senate has now acted favorably on the report.

I believe that the statement of the managers on the part of the House fully explains the results of the conference. At this point I would simply like to stress one or two points.

First of all, final action on this bill is a matter of some urgency. The Defense Production Act was to expire originally on June 30, 1970. The act received a temporary extension of 30 days, extending the act to July 30, 1970. On July 9, the Senate took final action on S. 3302. On July 27, the House committee reported its version of the Defense Production Act extension, and the House acted on July 31. On July 30, a 15-day extension was secured until this Friday, August 14. We must act now so that the basic defense production authorities found in the Defense Production Act, and that are so important to our country's national security, do not expire.

Second, it is important to point out that, while the conference report would permit the newly created Cost Accounting Standards Board to develop and promulgate cost accounting standards designed to achieve uniformity and consistency in cost accounting for defense contractors and subcontractors in connection with negotiated contracts, two important safeguards are provided against arbitrary and overly cumbersome administration of these provisions.

One is that certain types of contracts, such a contracts of $100,000 or less, contracts where prices are established on the basis of catalog or market price for standard commercial items sold in substantial quantities to the general public and contracts for utility services the rates of which are established by law or regulation, are exempted from coverage of the act. In addition, the House conferees insisted that any proposed standards, rules or regulations to be promulgated by the Board must be transmitted to Congress for 60 days of continuous session, during which Congress could, by concurrent resolution block the proposed standards from taking effect.

It was felt by a majority of the conferees that this was a reasonable and workable compromise between the Senate and House versions of S. 3302 on the cost accounting standards issue.

It is also important to point out that Comptroller General Staats in a letter to Chairman Sparkman of the Senate Banking and Currency Committee, a copy of which was forwarded to me by Mr. Staats, had several important objections to the House version of S. 3302. Among the most important were the following: the freezing of standards into statutory form would remove the flexibility needed by the Cost Accounting Standards Board to adjust standards promptly to changing procurement programs and policies, varying conditions in industry, and changing concepts in the cost accounting field; it is questionable whether the Congress would desire to become involved in the complexities of developing cost accounting standards which require a considerable amount of technical cost-accounting expertise and coordination with government, industry and the accounting field; a temporary board, limited in its functions as provided in the House bill would have little stature, and therefore it is questionable whether the services of individuals having the necessary qualifications could be obtained when its work would be subjected to a complete review through the entire legislative process prior to their becoming effective; the bill as passed by the House would not have adequate provision for enforcement of any standards adopted and would not provide for publication of proposed standards in the Federal Register, which would have given industry an opportunity to participate in the formulation of standards; the House version of S. 3302 would have required the Cost Accounting Standards Board to recommend standardized bid procedures and bid forms, a complex field involving the procurement process requiring expertise quite different from that needed for carrying out the functions of the Cost Accounting Standards Board; and the House bill does not authorize the appropriation of funds to finance the functions to be performed by the Cost Accounting Standards Board.

I would like to have printed in the RECORD at the end of my remarks the entire text of Comptroller General Staats' letter.

Finally, the House accepted an amendment added on the floor of the Senate by Senators BYRD of Virginia and PROXMIRE to foreclose the use of Defense Production Act loan guarantees in the future in a way similar to that attempted by the administration in June to bail out the Penn Central Railroad Co. This provision would limit such guarantees to $20 million unless Congress approved a higher limit, and would prohibit the use of the Defense Production Act loan guarantee program primarily to prevent insolvency or bankruptcy unless the President certifies in detail to Congress that such a business failure would have a direct and substantially adverse effect upon defense production and presents such a certification at least 10 days prior to the granting of the loan guarantee.

In addition, the Senate conferees agreed to accept the House provision giving the President standby authority to stabilize prices, wages, rents, and salaries. The House conferees agreed to drop from this provision the coverage of interest rates because the President was already provided with standby authority to control interest rates under Public Law 91-151 passed by the Congress in December 1969.

In summary, Mr. Speaker, I feel strongly that the House should act on this very important piece of legislation immediately.

The letter referred to follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., August 6, 1970.
Hon. JOHN J. SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate.

DEAR MR. CHAIRMAN: This letter is in response to your request of August 3, 1970, for comments on the provisions of S. 3302 relating to cost-accounting standards for negotiated contracts as passed by the House of Representatives on July 31, 1970.

We have given careful consideration to the House-passed bill. Our conclusion is that the measure as passed by the House is unworkable and would not accomplish the objective of achieving cost-accounting standards for negotiated defense procurements. We reach this conclusion from the following principal considerations:

1. The freezing of standards into statutory form would remove the flexibility needed by the Cost-Accounting Standards Board to adopt standards promptly to changing procurement programs and policies varying conditions in industry, and changing concepts in the cost-accounting field. In our testimony, we stressed the importance of flexibility and the need to work closely with the accounting profession and industry to make certain that cost-accounting standards meet their intended objective without creating hardships or problems for the contractors. In our opinion the loss of this flexibility would be contrary to the interest of both Government and industry and would make it virtually impossible to develop meaningful standards under these circumstances.

2. The bill as passed by the House limits the Cost-Accounting Standards Board to developing recommendations for standards to be considered by the Congress. Each recommended standard would presumably go through the entire legislative process of committee consideration, floor action, and Presidential approval before becoming effective. Aside from the likelihood that this would be a very time-consuming process in achieving a set of cost-accounting standards, we doubt whether the Congress would want to become involved in such details in an area which requires a considerable amount of technical cost-accounting expertise and coordination with Government, industry, and the accounting profession. Even assuming that Congress desired to legislate standards, such standards as are enacted could not be modified or amended without again going through the whole legislative process.

3. A temporary board, limited in its functions as provided in the House bill would have little stature. I question, therefore, whether it would be possible to obtain individuals with the necessary qualifications. The qualifications and stature of the Board are most important if its recommendations are to be accepted by the Congress, the accounting profession, and industry. It could be persuasively argued in fact that the Board would serve no real purpose if the standards had to be subjected to a complete review in the entire legislative process prior to their becoming effective.

In addition, we believe that there are other serious defects in the bill as passed by the House which are set forth below:

1. The bill as passed by the House has no provision requiring contractors and subcontractors to disclose to the Board in writing their current cost-accounting practices. Such disclosure is essential to the establishment of cost-accounting standards, since it provides a means for the Cost-Accounting Standards Board to determine cost-accounting practices currently followed in industry from which cost-accounting standards could be evolved and what effect proposed standards might have on existing practices. Without a provision of this nature, the cost-accounting standards to be recommended by the Board might fail to give adequate consideration to established industry practices.

2. The lack of a provision for examination of contractors' or subcontractors' records is a deficiency in the bill as passed by the House. Such authority is essential to the Cost-Accounting Standards Board in developing cost-accounting standards, particularly in developing criteria for use of cost-accounting alternatives. As we visualize the Board's operations, task forces composed of representatives from industry, Government, and the accounting profession, would study and propose cost-accounting standards in specific areas for consideration by the Board. As we understand both the House and Senate bills, the Cost-Accounting Standards Boards, although headed by the Comptroller General, would be an agency whose functions are separate and apart from the functions of the General Accounting Office. Therefore, the Board and its representatives would require specific authority to examine contractors' records for purposes of verification of contractors' practices and the development of criteria for cost-accounting standards.

3. Coupled with the absence of a provision on disclosure of contractors' cost-accounting practices is the absence of a provision for publication by the Board of proposed standards in the Federal Register, thus limiting, to a great extent, the opportunity for industry and others to cooperate or participate in the formulation of standards by submitting views and comments. While this might be accomplished administratively we believe that all interested parties should be given assurance in this regard.

4. The bill as passed by the House requires the Cost-Accounting Standards Board to recommend standardized bid procedures and bid forms to be used by contractors subject to the cost-accounting standards. While we agree with the desirability of uniformity to the extent practicable in this area, the problems involved are extremely complex, pertain to the procurement process rather than cost-accounting, and would require expertise quite different from that needed for the functions of the Board. In our view, uniformity of bid procedures and bid forms are proper considerations for the contracting agencies and the Commission on Government Procurement rather than the Cost-Accounting Standards Board, and the related requirement in the bill should be stricken.

5. The bill as passed by the House fails to make any provision for the application and administration of cost-accounting standards after they have been recommended and enacted. Cost-accounting standards would be developed one at a time and it would take several years to develop a complete authoritative set of standards. While legislation relating to the application and administration could conceivably be considered after a standard has been developed and recommended, we believe it would be preferable to provide for them in legislation now. For one thing, it would facilitate the development of standards since the language of the standards would in large measure depend upon rules and procedures adopted for their implementation and administration.

6. Under the bill as passed by the House, the Cost-Accounting Standards Board would not be permanent, as in the case of the Senate bill, and would exist only until June 30, 1972, the expiration date of the Defense Production Act. The task of developing standards is a continuous one, and even after some standards are developed, there is no doubt that interpretations and revisions would be required on a continuous basis as circumstances change. This is true today with respect to the Armed Services Procurement Regulation Committee, which concerns itself with the Armed Services Procurement Regulation, and the Accounting Principles Board of the American Insitute of Certified Public Accountants which concerns itself with generally accepted accounting principles.

7. We also note that the bill as passed by the House does not authorize the appropriation of funds to finance the functions to be performed by the Cost-Accounting Standards Board.

As you know, I recommended strongly that the responsibility for the development of cost standards be placed in an executive branch board. The reasons for this position were set forth in testimony before both the Senate and House Banking and Currency Committees. However, the bill as passed by the Senate is a workable approach and contains provisions which would overcome the objections which I have set forth above to the bill as passed by the House. I strongly urge, therefore, that the provisions of the Senate passed bill be adopted in conference.

A minor change which we would hope could be effected in the bill as passed by the Senate is to change the word "principles" in line 8, page 5 and in line 4, page 6 to the word "practices."

I would of course be happy to meet with you or any of the conferees if you wish.

I am taking the liberty of sending a copy of this letter to the Chairman of the Committee on Banking and Currency of the House of Representatives.

Sincerely,

ELMER B. STAATS.

Mr. Speaker, the House version of S. 3302 established a five-member Cost-Accounting Standards Board appointed and chaired by the Comptroller General, and made up of two members of the accounting profession—one with knowledge of small business accounting practices—one representative of industry and one representative of a Government agency, all serving 4-year terms. The Board was given the power to recommend to the Congress by June 30, 1971, and each June 30 thereafter, cost accounting standards designed to achieve uniformity and consistency for use by defense contractors and subcontractors for negotiated contracts.

The version agreed to by the conferees would establish the same five-man Cost-Accounting Standards Board as created under the House version and would include the provision that one of the two professional accountants on the Board must have knowledge of small business accounting. The House conferees agreed to the Senate version that the Board would have the power to promulgate cost accounting standards designed to achieve uniformity and consistency for use by defense contractors and subcontractors for negotiated contracts, but these standards would not be applied to: First, contracts of $100,000 or less; second, negotiated contracts where prices are established by catalog or market price of commercial items sold in substantial quantities to the general public; third, utility rates set by law or regulation; and, fourth, where the Board finds it is not necessary to apply the standards to certain classes of contractors because of the size of the contracts or otherwise.

In addition, the House conferees insisted that the Senate version be changed to require that any proposed standards, rules, or regulations to be promulgated by the Board be transmitted to Congress for 60 days of continuous session, during which Congress could by concurrent resolution block the proposed standards from taking effect.

However, minor and technical modifications in already promulgated standards, rules or regulations which do not in effect constitute the issuance of new standards, rules or regulations would not have to be submitted to Congress prior to promulgation.

The compromise version also contained various administrative and enforcement provisions concerning uniform accounting standards contained in the Senate version of S. 3302.

The House version of S. 3302 gave the President standby authority to stabilize prices, wages, salaries, rents, and interest rates at levels not less than those prevailing on May 25, 1970, but adjustments could be made to avoid inequities. This authority would expire February 28, 1971. The Senate conferees receded to the House on this entire provision except for the deletion of interest rates from the standby controls title. This amendment was accepted by the House conferees because the President was already given standby authority to control interest rates under Public Law 91–151 passed by the Congress in December 1969.

The House version of S. 3302 did not contain any amendments affecting the Defense Production Act loan guarantee program. The Senate version limited these loan guarantees to a maximum of $20 million per contractor, except with congressional approval. It also prohibits the use of the Defense Production Act loan guarantee program primarily to prevent insolvency or bankruptcy unless the President certifies in detail to Congress that such a business failure would have a direct and substantially adverse effect upon defense production and presents his certification at least 10 days prior to such loan guarantee. The House receded to the Senate version on this provision because of the need to prevent unwarranted use of DPA loan guarantees without adequate safeguards.

I must make one other statement, and that is that the Defense Production Act really expired June 30. Just before that time the House and Senate passed a resolution extending the time 30 days. That time is about to expire again. We passed a resolution providing for a 15-day extension, which will expire tomorrow. If we do not pass the conference report today, the Defense Production Act will expire, and that will cause many troublesome complications.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. So the date remains the same, May 25, 1970, as the date on which wage, salary, price, and rent controls could be put into effect, and that date was selected, strangely enough, if I remember correctly, because, and only because, it was the date the bill was introduced in Congress. Is that correct?

Mr. PATMAN. It was the week before the day of introduction. It is customary to fix a date prior to that time because it would otherwise permit some people to get under the line who are not entitled to do so.

Mr. GROSS. That is interesting. So with this conference report, and with the enactment of the credit control bill some 2 or 3 months ago, Congress has delegated to the President of the United States total authority to put into effect wage, price, rent, and interest controls—controls over all credit of the United States and that without the declaration of an emergency of any kind either prior to putting these controls into effect or concurrently with such action.

In all conscience, how much more power do you want to give to the President, any President of the United States?

Mr. PATMAN. The President must act quickly to be effective in the event inflation should become so bad that prices would be going out the roof. Time would be of the essence, and he must be enabled to act quickly and swiftly. That is what theis measure will enable him to do. I do not contemplate that he would think about putting any of these price and wage controls in effect——

Mr. GROSS. Then why should this legislation be approved?

Mr. PATMAN. Unless it became very bad.

Mr. GROSS. Why should the President not declare an emergency?

Mr. PATMAN. He would probably do that. He would probably ask Congress to implement the powers given by furnishing personnel and money.

Mr. GROSS. Congress could not implement any power. It will have already been spinelessly given away.

Mr. PATMAN. I am not uneasy about it.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. What did the conferees do with the amendment that we adopted here to include interest rates among the items to be regulated by the President?

Mr. PATMAN. That was put in. I was for it, but after we discussed in the conference committee the fact that it would interfere with powers we had already given to the President in a bill that he had signed about 2 days before Christmas 1969, we decided otherwise. Furthermore, the conferees were unwilling to accept that date of May 25 as the date on which interest rates could not be lower, because at that time interest rates were at the top, and they did not want to have such high interest rates to fix a standard. That is the reason the conferees voted not to leave it in because we had plenty of protection without that.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I believe the conferees did the House a disservice in accepting the Senate language and deleting the words "interest rates" from this bill. I am not at all persuaded by the argument that we have already given the President those powers, because they are not the same; nor am I at all persuaded by the argument that the May 25 cutoff has some magic. We heard less than an hour ago the distinguished minority leader of the House tell the House that it is entirely possible the national debt for 1972 may go as high as $30 billion. If that should happen—heaven forbid—those interest rates are going to continue skyrocketing, and the language we voted here when we wrote "interest rates" in this bill would at least have kept those interest rates from not going beyond the May 25 cutoff date.

I believe it was a great disservice to this House. I just wonder why it is that we are willing to penalize the worker by putting a ceiling on his wages, and we are willing to penalize the businessman by fixing his prices, and we are willing to penalize the person who owns property by fixing his rents, but we are not willing to go to the source of all this inflation, the big international moneychangers who charge these high interest rates, and are the principal cause of inflation.

Mr. PATMAN. Mr. Speaker, I am as much against high interest rates as the gentleman from Illinois.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, would the gentleman tell me, are all the inadequacies of title II, the so-called wage and price measure, still in the bill, no ceiling, no real price and no real value stabilization, no means to implement any kind of stabilization activity, and no time within which to do it?

Mr. PATMAN. They are not inadequacies.

Mr. BROWN of Michigan. Let me pursue it.

Mr. PATMAN. The gentleman asked me a question, and I want to answer it. I want to answer that question. This is giving the power to the President to stabilize and anything that can be done that he wants to do and any money that is needed for personnel and establishment, he can ask for. Nothing will be done until the President expressly desires to use a part of these stabilization authorities or all of them and comes to the Congress, and the Congress will implement and supplement it by appropriating money and establishment to carry out what he wants to carry out.

Mr. BROWN of Michigan. The gentleman knows I think it is totally irresponsible for this body to pass this kind of legislation.

Furthermore, this legislation has been sought on the basis that it leads to some stabilization, and the May 25 date has been referred to as the date which establishes a ceiling. Let me make it abundantly clear, because a tremendous facade has prevailed with respect to this legislation; we are not talking about a ceiling as to May 25. The bill says prices and wages may not be less than they were on May 25. Therefore, as far as doing something about stopping inflation, this does nothing, and the gentleman knows it.

Mr. PATMAN. We have to be realistic. The May 25 wages and salaries levels will be mighty low if the President sees runaway inflation that he must stop, and this date will look mighty good to him at that time.

Mr. BROWN of Michigan. Would the gentleman not agree the President has no funds with which to do anything and no time in which to do it?

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Speaker, I would ask the chairman of the Banking and Currency Committee, if the gentleman from Michigan (Mr. BROWN) brings before the gentleman's committee a bill to permit a greater rollback of prices than May 25, would this get consideration?

Mr. PATMAN. It would get early consideration.

Mr. BROWN of Michigan. The gentleman from Texas knows I offered an amendment on this very point that permitted adjustment upward and downward of wages and prices. The gentleman also knows that the Members on his side of the aisle walked down the aisle in opposition to that amendment.

Mr. PATMAN. The gentleman had his day in court.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this conference report, and that all Members speaking may have the privilege of extending their remarks and including extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WIDNALL. Mr. Speaker, I want to make a statement as well as the gentleman.

Mr. PATMAN. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. WIDNALL) for the purpose of making a statement only.

Mr. WIDNALL. Mr. Speaker, I was one of the three minority conferees on this bill. Of course, there was no problem at all with title I, which had to do with renewal of the act, and both the Senate and House bills contained 2-year provisions for extension of the Defense Production Act.

On title II, which had to do with cost accounting, the House receded to the Senate.

On title III, the other one having to do with price controls and wage controls, the Senate receded to the House.

There was no change in the provisions of either the Senate version of title II or the House version of title III, with the exception of the addition of a man on the Board to represent small business and bring in findings with respect to cost accounting standards.

We did not sign the report, because we felt that the entire thing had been explored on the floor of the House.

The House has worked its will and shown very clearly that it wanted the position of the House with respect to cost accounting.

We also discovered the view of the House with respect to wage and price controls. We had a vote in the House, and an overwhelming vote against mandatory price controls. That is a matter of record. So title III is actually an exercise in futility, with only 6 months effectiveness, with no money for the hiring of staff, for the maintenance of staff or the other things that would go with the enforcement of a wage and price control act.

We did shift the monkey over to the President's back, and this is all a matter of record.

I personally am not going to support the conference report because I feel that it is not a good bill as drawn and that it should be defeated.

Mr. PATMAN. There was considerable testimony that it should not be longer than 6 months, to give the President an opportunity to make up his mind. If we put it into effect we would have to extend it and also implement it and furnish money for personnel and administration and all the other purposes. It just did not logically come into this bill, to let the President exercise an option.

Mr. BLACKBURN. Mr. Speaker, if the gentleman will yield, I should like to have 3 minutes.

Mr. PATMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia for comments.

Mr. BLACKBURN. Mr. Speaker, I was a member of the conference and I will vote against the conference report. I want to tell the Members that the reason why I will vote against the conference report is not because the House position on standby controls was upheld, because that was the House will expressed by the vote of the House. The reason why I oppose the conference report is because we permitted the Senate to tack on this uniform Cost Accounting Standards Board under conditions which were not asked for by the Comptroller General and under conditions which were expressly rejected by the Banking and Currency Committee, which took extensive testimony on the subject.

In fact, the vote before the Committee on Banking and Currency was a vote of 23 to 12, as I recall, almost a 2-to-1 vote. This vote reflected the views of members of both political parties and it reflected the views of Members of all shades of the political spectrum.

Those of us on the committee who heard the testimony recognize that this concept of uniform cost accounting standards has a superficial appeal, but testimony from the experts reveals that it is going to be impossible to implement. It will do great damage to our whole defense industry. In fact, we find it will run many of our defense contractors out of even bidding on defense contracts. I do not believe that is what we want to do.

Gentlemen, I do not believe we want to burden our defense industry with two accounting systems, one to satisfy the Government and one to satisfy the stockholders. The one to satisfy the Government will be paid for, I can assure the Members, and it will be paid for by the taxpayers of this country. So it is not going to cut the cost of our defense production. To the contrary, it is going to raise the cost of our defense production.

Furthermore, it will drive out of the defense industry many of the companies we need and upon which we depend to produce the hardware and the items we need in order to defend ourselves as a Nation.

I sincerely urge the Members of the House to reject this conference report and to reject it on the basis that the members of the Committee on Banking and Currency, based on the testimony before the committee, voted almost 2 to 1 to reject the concept that was forced on us by the Senate.

I do not believe the House conferees adequately defended the position of this House. I do not believe they presented their case properly. I believe it is up to the Members of the House to take a very strong stand, if we are going to prevent needless expense to our taxpayers by imposing unnecessary burdens upon the defense industries of this country.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I am happy to yield to my chairman.

Mr. PATMAN. I believe the gentleman favored mandatory controls.

Mr. BLACKBURN. I believe I gave an opportunity to the Members to vote for it.

XUM

Mr. PATMAN. On a motion to recommit.

Mr. BLACKBURN. Yes, sir.

Mr. PATMAN. And make it mandatory right now.

Mr. BLACKBURN. That is exactly what I submitted to the Congress.

Mr. PATMAN. There is quite a difference between the two.

Mr. BLACKBURN. I do not think it has anything to do with my discussion of uniform cost accounting standards. I think you are trying to lead the House away from the most damaging portion of this bill.

Mr. PATMAN. We looked into this and found it was very satisfactory.

The **SPEAKER.** The time of the gentleman from Georgia has expired.

Mr. PATMAN. Mr. Speaker, we have had plenty of discussion on this subject and, if the gentleman from New Jersey (Mr. WIDNALL) does not want more time——

Mr. WIDNALL. Mr. Speaker, I would like very much to see the gentleman from Texas yield some time to the gentleman from California (Mr. GUBSER).

Mr. PATMAN. I will be glad to yield to him for a question.

Mr. GUBSER. Mr. Speaker, I happen to have an intense interest in this subject and make a considerable study of it. I would like the opportunity of expressing myself on this important matter for 3 minutes. Will the gentleman be so kind as to yield me 3 minutes?

Mr. PATMAN. Yes. You would like to have him have 3 minutes on your side?

Mr. WIDNALL. Yes.

Mr. PATMAN. Fine. Mr. Speaker, I yield the gentleman 3 minutes.

Mr. GUBSER. What I have to say will be largely a repetition of the points made by the gentleman from Georgia (Mr. BLACKBURN). But I have intensely studied the subject of defense procurement over a long period of time, and I must emphasize the points that this complete capitulation to the Senate is adverse to the interests of the American taxpayer and, secondly, it should be called a bill for the relief of the giant companies of the military-industrial complex.

Let me tell you why.

As the gentleman from Georgia (Mr. BLACKBURN) said, this will require a duplicate set of books because accounting is a management tool. Every company must have the right to adopt accounting practices to serve management and insure efficient low cost operations. So they cannot have accounting procedures dictated to them by the Federal Government.

This legislation will require a second set of books, which will be costly and add to the price paid by the U.S. Government. That is why it is adverse to the taxpayer.

Now let me tell you why this is a bill for the relief of the giant corporations in the military-industrial complex.

Today we have many hundreds of small firms who do, let us say, only 25 percent of their business with the Department of Defense. They cannot afford to maintain duplicate accounting systems for only 25 percent of their business. So they will get out of the defense business as many are already doing. This bill will restrict competition and narrow the base of expertise which is available to the Department of Defense. The business these firms now handle will then be concentrated in the defense cartel. That is why this is a bill for the relief of the giant corporations in the military-industrial complex.

We have accounting requirements now which are adequate for the Renegotiation Act; we have accounting now which is adequate for the Truth in Negotiations Act. I ask you why do we have to impose still another requirement on industry and drive more people out of the defense business.

Mr. PATMAN. Will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. PATMAN. We give the contractors and the subcontractors an opportunity to be heard all the time and to file statements before our committee. We gave great consideration to everything they said. We feel as though this will be fair and equitable.

Mr. GUBSER. Let me ask you if one subcontractor has favored the uniform cost accounting standards.

Mr. PATMAN. No; they do not, because they are making a lot of money out of this thing. This will save $2 billion. If we have cost accounting standards, it will save the Government over $2 billion a year.

The **SPEAKER.** The time of the gentleman from California has expired.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER.** The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 217, nays 153, not voting 59, as follows:

[Roll No. 280]

YEAS—217

Abbitt
Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspinall
Barrett
Bennett
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Calif.
Broyhill, N.C.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Casey
Chappell
Chisholm
Clark
Cohelan
Colmer
Conyers
Corman
Culver
Daddario
Delaney
Dent
Diggs
Dingell
Donohue
Dorn
Dowdy
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Flood
Flowers
Foley
Ford, William D.
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Hagan
Halpern
Hamilton
Hanley
Hanna
Harrington
Harsha
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Koch
Kyros
Latta
Leggett
Lennon
Long, Md.
Lowenstein
Lujan
McDade
McFall
Macdonald, Mass.
Madden
Mahon
Mann
Marsh
Mathias
Matsunaga
Meeds
Melcher
Mikva
Miller, Calif.
Mills
Minish
Mink
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Preyer, N.C.
Price, Ill.
Pucinski
Randall
Rees
Reid, N.Y.
Reuss
Riegle
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
St Germain
Satterfield
Scheuer
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Steed
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Tex.
Tiernan
Udall
Ullman
Vanik
Vigorito
Waggonner
Waldie
Watts
Whalen
White
Whitten
Williams
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Yatron
Zablocki

NAYS—153

Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Belcher
Bell, Calif.
Blackburn
Bow
Brock
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Bush
Byrnes, Wis.
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Conable
Conte
Coughlin
Cowger
Crane
Daniel, Va.
Davis, Wis.
de la Garza
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Flynt
Ford, Gerald R.
Frelinghuysen
Frey
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harvey
Hastings
Hosmer
Hunt
Hutchinson
Jarman
Jonas
Kleppe
Kuykendall
Kyl
Landgrebe
Langen
Lloyd
Lukens
McClory
McCloskey
McClure
McDonald, Mich.
McEwen
McKneally
Martin
May
Mayne
Michel
Miller, Ohio
Minshall
Mize
Mizell
Morton
Mosher
Myers
Nelsen
Pelly
Pettis
Pirnie
Poff
Price, Tex.
Quie
Quillen
Railsback
Reid, Ill.
Rhodes
Rivers
Robison
Roth
Rousselot
Ruppe
Ruth
Sandman
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Taft
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Wampler

Watson
Whalley
Whitehurst
Widnall
Wiggins
Wilson, Bob
Winn
Wold
Wydler
Wylie
Wyman
Zion
Zwach

NOT VOTING—59

Adair
Baring
Beall, Md.
Berry
Betts
Bevill
Bray
Cabell
Caffery
Carey
Celler
Clay
Corbett
Cramer
Cunningham
Daniels, N.J.
Davis, Ga.
Dawson
Edwards, La.
Fallon
Farbstein
Foreman
Fraser
Griffiths
Hansen, Wash.
Hawkins
Hays
Hébert
Horton
Hull
Keith
King
Kluczynski
Landrum
Long, La.
McCarthy
McCulloch
McMillan
MacGregor
Mailliard
Meskill
O'Neal, Ga.
Passman
Podell
Pollock
Powell
Pryor, Ark.
Purcell
Rarick
Reifel
Rooney, N.Y.
Roudebush
Ryan
Stephens
Thompson, N.J.
Tunney
Van Deerlin
Weicker
Young

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Berry against.

Mr. Thompson of New Jersey for, with Mr. Cunningham against.

Mr. Horton for, with Mr. Reifel against.

Mr. Daniels of New Jersey for, with Mr. Cramer against.

Mr. Corbett for, with Mr. Betts against.

Mr. Bevill for, with Mr. Adair against.

Until further notice:

Mr. Hébert with Mr. King.

Mr. Passman with Mr. Bray.

Mr. Hays with Mr. Mailliard.

Mr. Fallon with Mr. Beall of Maryland.

Mr. Caffery with Mr. Foreman.

Mr. Rarick with Mr. McCulloch.

Mr. Pryor of Arkansas with Mr. MacGregor.

Mr. Kluczynski with Mr. Keith.

Mr. Hull with Mr. Pollock.

Mr. Long of Louisiana with Mr. Roudebush.

Mr. Cabell with Mr. Weicker.

Mr. Celler with Mr. Clay.

Mr. O'Neal of Georgia with Mr. Fraser.

Mr. Podell with Mr. Hawkins.

Mrs. Griffiths with Mr. Farbstein.

Mr. Davis of Georgia with Mr. Edwards of Louisiana.

Mr. Van Deerlin with Mr. Landrum.

Mr. McMillan with Mr. McCarthy.

Mr. Young with Mr. Tunney.

Mr. Baring with Mr. Stephens.

Mr. Ryan with Mr. Powell.

Mr. Purcell with Mrs. Hansen of Washington.

Mr. Carey with Mr. Dawson.

Mr. ROBERTS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time to keep the Members of the House advised as best I can, and while the distinguished minority leader is on the floor, as to the legislative program.

We are going on with the wage adjustment bill this evening.

We will not take up the Emergency Community Facilities Act before the recess.

We do have a conference report which will be called up presently by the gentleman from Colorado (Mr. ASPINALL) and we have another conference report that will be called up tomorrow on the political advertising bill.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO CONSTRUCT, OPERATE, AND MAINTAIN THE NARROWS UNIT, MISSOURI RIVER BASIN PROJECT, COLORADO

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows Unit, Missouri River Basin project, Colorado, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado (Mr. ASPINALL)?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, and I will not object, but I do so to ask the chairman of the committee, my distinguished colleague, the gentleman from Colorado, if he will explain just what is in the conference report.

Mr. ASPINALL. I shall do so, but I would like to have the reading of the statement taken care of first.

Mr. SAYLOR. If the gentleman is going to do that, then I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Colorado (Mr. ASPINALL)?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 12, 1970.)

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, there are three differences in the House and Senate versions of S. 3547. I will discuss them individually.

The first difference is in section 1 where the House bill contained a provision requiring that the Secretary of the Interior treat identifiable return flows of water from the project to abate pollution and enhance water quality. I believe that every one subscribes to the objective of this amendment, which was offered by our colleague, the gentleman from Pennsylvania (Mr. SAYLOR), in the interest of assuring that Federal programs are in the forefront of the fight to preserve and improve the environment. Thus, while agreeing with the objective and spirit of the Saylor amendment, the conferees had difficulty with the specific language. The committee of conference adopted substitute language to require that the project be operated so as not to cause the South Platte River to be in violation of applicable water quality standards. Such standards have been promulgated and approved by the Secretary of the Interior in accordance with the Water Quality Act of 1965. They provide a statement of acceptable water quality conditions to which all interests must conform. The language adopted by the committee of conference provides the Secretary with precise guidelines to govern his operation of the Narrows unit. This would not have been the case under the original language in the House version.

The second difference in the two versions of the bill is language in the House bill that sets out with more clarity the repayment conditions of the Narrows unit. Based on present analysis, the water users can repay the irrigation costs in 40 years. This means that no assistance from power revenues is anticipated, although the bill does authorize such assistance, if required. The House language, which the conferees adopted, places a requirement on the Secretary to extend the contract term to a full 50 years, if necessary, to achieve irrigation payout, before reliance can be placed on power revenues.

The third difference deals with acreage limitation provisions. The Senate bill contained a section, which was adopted by the conference committee, that authorizes the same handling of acreage limitation matters as applies to the Colorado-Big Thompson project. Both the Colorado-Big Thompson project and the Narrows unit provide supplemental water service to presently irrigated lands within the Northeastern Colorado Water Conservancy District, and the same general conditions of altitude, growing season, and crop adaptability pertain to both land areas. The committee of conference believes it is reasonable to follow the precedent established with respect to the Colorado-Big Thompson project in development of the Narrows unit.

Mr. Speaker, I move the adoption of the conference report.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I thank my colleague for yielding.

The substitute amendment that was adopted in conference regarding the standards of water states that the Secretary of the Interior is required to see to it that the water quality standards of the State of Colorado will be maintained.

Mr. ASPINALL. Not only maintained, but it will be at least equal with the standards of the Federal Government.

Mr. SAYLOR. It is also our understanding that no State is permitted to adopt water quality standards which are lower than the Federal standards.

Mr. ASPINALL. The gentleman is correct as this legislation affects those States involved.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 337, nays 4, not voting 88, as follows:

[Roll No. 281]

YEAS—337

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Barrett
Belcher
Bell, Calif.
Bennett
Betts
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Camp
Carter
Casey
Cederberg
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corman
Coughlin
Cowger
Crane
Culver
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Long, Md.
Lowenstein
Lukens
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
Madden
Mahon
Mann
Marsh
Martin
Mathias
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watson
Watts
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zion
Zwach

NAYS—4

Gross
Hall
Jonas
Schmitz

NOT VOTING—88

Alexander
Baring
Beall, Md.
Berry
Bevill
Bray
Brock
Burleson, Tex.
Cabell
Caffery
Carey
Celler
Chappell
Clark
Clay
Corbett
Cramer
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Dawson
Dennis
Diggs
Dowdy
Edwards, Calif.
Edwards, La.
Fallon
Farbstein
Feighan
Fisher
Flynt
Foreman
Fraser
Fulton, Tenn.
Griffiths
Hansen, Wash.
Hawkins
Hays
Hébert
Horton
Hull
Keith
King
Kluczynski
Landrum
Lennon
Lloyd
Long, La.
Lujan
McCarthy
McCulloch
McMillan
MacGregor
Mailliard
Matsunaga
May
Meskill
Mikva
Mollohan
O'Hara
O'Neal, Ga.
Passman
Pickle
Poage
Podell
Pollock
Powell
Pryor, Ark.
Purcell
Rarick
Reifel
Robison
Rooney, N.Y.
Roudebush
Ryan
Stephens
Stubblefield
Teague, Tex.
Thompson, N.J.
Tunney
Van Deerlin
Vander Jagt
Weicker
Whitten
Wold
Young
Zablocki

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Mailliard.
Mr. Hébert with Mr. King.
Mr. Daniels of New Jersey with Mr. Lujan.
Mr. Hays with Mr. Horton.
Mr. Mikva with Mr. McCulloch.
Mr. Daddario with Mr. Meskill.
Mr. Caffery with Mr. Pollock.
Mr. Long of Louisiana with Mr. Bray.
Mr. Passman with Mr. Corbett.
Mr. Rarick with Mr. Cramer.
Mr. Kluczynski with Mr. Cunningham.
Mr. Hull with Mr. Weicker.
Mr. Thompson of New Jersey with Mr. Reifel.
Mr. Edwards of Louisiana with Mr. Roudebush.
Mr. Pickle with Mr. MacGregor.
Mr. Cabell with Mr. Foreman.
Mr. Fallon with Mr. Beall of Maryland.
Mr. Bevill with Mr. Berry.
Mr. Feighan with Mr. Brock.
Mrs. Griffiths with Mr. Lloyd.
Mr. Stephens with Mr. Keith.
Mr. Celler with Mr. Robison.
Mr. O'Neal of Georgia with Mr. Vander Jagt.
Mrs. Hansen of Washington with Mrs. May.
Mr. Young with Mr. Wold.
Mr. Zablocki with Mr. Dennis.
Mr. Pryor of Arkansas with Mr. Flynt.
Mr. Stubblefield with Mr. Purcell.
Mr. Hawkins with Mr. Ryan.
Mr. Edwards of California with Mr. Diggs.
Mr. Podell with Mr. Clay.
Mr. McCarthy with Mr. Baring.
Mr. O'Hara with Mr. Powell.
Mr. Farbstein with Mr. Fisher.
Mr. Fulton of Tennessee with Mr. Fraser.
Mr. Clark with Mr. Carey.
Mr. Matsunaga with Mr. McMillan.
Mr. Lennon with Mr. Van Deerlin.
Mr. Teague of Texas with Mr. Tunney.
Mr. Alexander with Mr. Burleson of Texas.
Mr. Landrum with Mr. Mollohan.
Mr. Dowdy with Mr. Davis of Georgia.
Mr. Chappell with Mr. Whitten.

Mr. GROSS and Mr. HALL changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

SLEEPING BEAR DUNES NATIONAL LAKESHORE

Mr. MADDEN, from the Committee on Rules, reported the following privileged resolution (H. Res. 1198, Rept. No. 91–1429), which was referred to the House Calendar and ordered to be printed:

H. Res. 1198

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18776) to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous questions shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

ESTABLISHMENT OF GULF ISLANDS NATIONAL SEASHORE

Mr. MADDEN, from the Committee on Rules, reported the following privileged resolution (H. Res. 1197, Rept. No. 91–1427), which was referred to the House Calendar and ordered to be printed:

H. Res. 1197

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Alabama, Florida, Louisiana, and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida and Fort Massachusetts in Mississippi, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

PROVIDING FOR CONSIDERATION OF H.R. 17809, PREVAILING RATE PAY SYSTEMS FOR GOVERNMENT EMPLOYEES

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1182, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1182

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1182 provides an open rule with 2 hours of general debate for consideration of H.R. 17809 to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government. The resolution also makes it in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 17809 is to establish statutory policy for setting the pay of some 850,000 prevailing rate Government employees working in the several States and the District of Columbia, either as appropriated or nonappropriated fund employees. The employees affected are commonly known as wage board or blue collar workers and include laborers, craftsmen, tradesmen, and so forth.

The definition of "prevailing rate employee" is exemplified by H.R. 17809 to include approximately 143,000 employees of nonappropriated fund activities of the Armed Forces and of the Veterans' Canteen Service.

Through the years the blue collar workers' pay has been based on a survey of a sample of private industry in the local labor market area. This bill would provide an equitable system for fixing and adjusting their rates of pay.

A Federal Prevailing Wage Advisory Committee would be established to replace the present 11-member advisory committee, which was established administratively to guide the coordinated Federal wage system. The newly established committee would also be composed of 11 members, one of whom would be a full-time chairman, not otherwise in the Federal service, appointed by the President for a 4-year term.

A five-step wage schedule would be provided instead of the present three steps, the third step of which is presently 104 percent of the prevailing wage. The proposed fifth step would be 112 percent.

Automatic step advancements would be provided after 26 weeks' work in step 1; 78 weeks in step 2; and 104 weeks in each of steps 3 and 4.

A 7.5-percent pay differential would be provided, nationwide, for scheduled nonovertime work during the second shift—3 p.m. to midnight—and 10 percent for the third shift—11 p.m. to 8 a.m.

"Saved pay" would be provided for 2 years for employees who are reduced in grade. GS employees now have this protection.

It is estimated that the annual cost of the legislation will be $230 million.

Mr. Speaker, I urge the adoption of the rule in order that House Resolution 17809 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the gentleman from Indiana, House Resolution 1182 provides for 2 hours of debate under an open rule, and makes in order the committee amendment in the nature of a substitute as an original bill for the purpose of amendment.

In the interest of saving time, I will simply add some things to the statement made by the gentleman from Indiana.

The purpose of the bill is to establish a statutory authority for the setting of wage rates for some 850,000 "prevailing rate employees" of the Federal Government and the District of Columbia, whether such employees are paid from appropriated or unappropriated funds.

Employees covered by the bill are the blue collar skilled and unskilled employees in all lines of work from carpenters and electricians to maids, bartenders, and barbers. They are employed throughout the Government in all branches and departments, within the United States and abroad.

The bill creates a Federal Prevailing Wage Advisory Committee with six management members and five employee members to advise the coordinated Federal wage system in setting wages for this group of employees. The chairman, a full-time member of the committee, could not hold any other Federal office. He shall be appointed by the President for a 4-year term.

The bill also creates a five-step wage schedule instead of the current three-step system. Further, the bill provides for a 7.5-percent pay differential for employees working the second shift—3 p.m. to midnight—and a 10-percent differential for those on the third shift—midnight to 8 a.m.

The estimated cost of the bill is $230 million annually broken down as follows: $190 million for the additional fourth and fifth pay step inserted into the current three-step wage schedule; $40 million for the premium pay for the second and third shifts.

The bill is opposed by the administration as evidenced by several letters from the Civil Service Commission, the Bureau of the Budget, the Veterans' Administration, and the Department of Defense.

Minority views are filed by Mr. Gross, Mr. Derwinski, and Mr. Lukens. They oppose the legislation because of its restrictive provisions which will limit administrative flexibility. They do not approve adding two steps to the wage schedule now in effect nor the pay differential for night shift duty.

Mr. Speaker, I urge the adoption of the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding me this time. I take it to call attention to the announcement made by the distinguished majority leader only a few moments ago, in which he put over until after the so-called recess of the House of Representatives to September 9 a bill cited as the "Emergency Community Facilities Act of 1970"—an emergency bill. The language reads in part:

> The Congress finds that a large number of municipalities and other entities of local government throughout the Nation are unable to finance construction of vital and urgently needed public facilities * * *.
>
> The Congress further finds that there is an immediate need for such facilities.

That emergency bill is being put over until September 9 or thereafter, yet we have here a bill for which there is no emergency.

Or can it be that there is a convention going on in Denver, Colo., and this bill must be passed tonight because of the convention? Could that be possible?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. ALBERT. I appreciate the gentleman's yielding.

In the first place, a request was made to me from the committee not to call that bill up tomorrow or tonight; and, in the second place, from my own standpoint, this bill I believe is related to the veto override we had this afternoon. Three weeks of rest on the part of our Republican friends might enable them to see the necessity of this sort of legislation.

XUM

Mr. GROSS. It is now 6:30 in the evening. This is not in any sense an emergency measure. We have been here night after night, unable to get home to supper until 8 or 9 o'clock. Would the gentleman entertain a suggestion that we dispose of the rule and put this over until after September 9, as a nonemergency measure? The gentleman says someone beseeched him not to call up the other bill. I want to beseech him to put this bill over.

Mr. ALBERT. I could not make that kind of a commitment, let me say. I do not have authority to change the program without consulting other Members. But I will tell my friend that if our friends will let us take up the conference report on the political broadcasting bill by unanimous consent that we intend to take up tomorrow, we might be able to finish up everything tonight.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. SMITH of California. Mr. Speaker, I will yield the gentleman from Iowa such further time as he wishes.

The SPEAKER. The gentleman from Iowa is recognized for 25 minutes.

Mr. GROSS. It does seem to me highly incongruous that this bill would be called up tonight and an emergency bill be put over for 3 weeks to a month from now. I am unable to understand it.

Mr. ALBERT. After the gentleman goes home and has communion with his constituents he might have a little more understanding about the emergency nature of the bill that we will take up in September.

Mr. GROSS. The gentleman from Iowa will still be wondering why this programing of legislation. He will still be wondering why an emergency measure is not being brought up tonight instead of this. I can think of no other reason than that there is a convention in session somewhere and that this bill must be passed as an accommodation to that convention.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I am glad to yield to the gentleman if I have any time.

Mr. DERWINSKI. Mr. Speaker, it is my observation that very often Members do not take time to stop and recognize the unusual background of individuals who engage in conversation. Of course, I refer to the gentleman from Iowa and the distinguished majority leader. I thought for a moment they had the basis for an agreement. It is my understanding that the gentleman from Oklahoma is a Rhodes scholar and, therefore, automatically a great diplomat. The gentleman from Iowa went overseas with Pershing in World War I.

Mr. GROSS. Let me interrupt the gentleman to say that on that trip through England in 1918 on the way to France, I did not stop for a diploma at whatever university sponsors Rhodes scholarships.

Mr. DERWINSKI. I realize that.

But the point I was about to make is the gentleman from Iowa is also a member of the Committee on Foreign Affairs and is a great diplomat.

I thought for a moment that he and the majority leader were reaching some agreement. I recognize agreements can best be worked out in a quieter and less conspicuous atmosphere than the floor itself.

Therefore, hopefully to provide for such time element I now make the point of order, Mr. Speaker, that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

CALL OF THE HOUSE

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 282]

Anderson, Tenn.
Ashley
Baring
Barrett
Beall, Md.
Berry
Betts
Bevill
Bingham
Blackburn
Boggs
Bray
Brock
Burleson, Tex.
Cabell
Caffery
Carey
Cederberg
Celler
Chappell
Clark
Clay
Corbett
Cramer
Culver
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Dawson
Diggs
Dingell
Dowdy
Dwyer
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fisher
Ford, William D.

Foreman
Fraser
Frey
Fulton, Tenn.
Gilbert
Griffiths
Gubser
Hansen, Wash.
Harsha
Hastings
Hawkins
Hays
Hébert
Horton
Hull
Jarman
Jones, Ala.
Keith
King
Kluczynski
Landrum
Leggett
Lloyd
Long, La.
Lujan
Lukens
McCarthy
McCulloch
McMillan
MacGregor
Mailliard
Martin
Melcher
Meskill
Mikva
Minish
Mink
Mollohan
O'Hara
O'Neal, Ga.
O'Neill, Mass.
Ottinger

Passman
Patman
Pickle
Poage
Podell
Pollock
Powell
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Rarick
Reid, N.Y.
Reifel
Rivers
Roberts
Rooney, N.Y.
Rosenthal
Roudebush
Ryan
Scheuer
Sikes
Snyder
Stephens
Stuckey
Symington
Taft
Teague, Calif.
Thompson, N.J.
Tunney
Van Deerlin
Weicker
Whitten
Widnall
Wold
Wright
Wydler
Young
Zablocki

The SPEAKER. On this rollcall 308 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 17809, PREVAILING RATE PAY SYSTEM FOR GOVERNMENT EMPLOYEES

The SPEAKER. The Chair recognizes the gentleman from Indiana.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. DERWINSKI) there were—ayes 71, noes 53.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 236, nays 86, not voting 107, as follows:

[Roll No. 283]

YEAS—236

Abbitt
Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspinall
Bell, Calif.
Bennett
Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Casey
Cederberg
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Cohelan
Collier
Colmer
Conte
Conyers
Corman
Culver
Daddario
Daniel, Va.
de la Garza
Delaney
Dellenback
Dent
Devine
Dingell
Donohue
Dorn
Downing
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eshleman
Evans, Colo.
Fascell
Feighan
Findley
Flood
Flowers
Flynt
Foley
Ford, William D.

Fountain
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Gubser
Gude
Hagan
Hamilton
Hanley
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Hosmer
Howard
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Koch
Kyl
Kyros
Lennon
Long, Md.
Lowenstein
McClory
McDade
McDonald, Mich.
McFall
Macdonald, Mass.
Madden
Mahon
Mann
Marsh
Martin
Matsunaga
Meeds
Melcher
Minish
Mink
Mize
Mizell
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher

Nedzi
Nichols
Nix
Obey
O'Konski
Olsen
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pike
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Randall
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rostenkowski
Roth
Roybal
Ruppe
St Germain
Satterfield
Scott
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Udall
Ullman
Vanik
Waggonner
Waldie
Wampler
Watts
Whalen
Whalley
White
Whitehurst
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Yates
Yatron
Zwach

NAYS—86

Adair
Anderson, Ill.
Arends
Ashbrook

Belcher
Betts
Bow
Brown, Mich.

Bush
Camp
Carter
Clawson, Del

Cleveland
Collins
Conable
Coughlin
Cowger
Crane
Davis, Wis.
Dennis
Derwinski
Dickinson
Duncan
Edwards, Ala.
Erlenborn
Esch
Fish
Ford, Gerald R.
Frelinghuysen
Frey
Goldwater
Goodling
Gross
Grover
Hall
Halpern
Hammerschmidt
Hansen, Idaho
Hastings
Heckler, Mass.
Hogan
Hunt
Kleppe
Kuykendall
Landgrebe
Langen
McCloskey
McClure
McEwen
McKneally
Mathias
May
Michel
Miller, Ohio
Minshall
Morse
Morton
Mosher
Myers
Nelsen
Pettis
Price, Tex.
Quillen
Railsback
Reid, Ill.
Rousselot
Ruth
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Sebelius
Skubitz
Steiger, Ariz.
Steiger, Wis.
Thomson, Wis.
Vander Jagt
Watson
Wiggins
Winn
Wyatt
Wylie
Wyman
Zion

NOT VOTING—107

Anderson, Tenn.
Ayres
Baring
Barrett
Beall, Md.
Berry
Bevill
Blackburn
Boggs
Bray
Brock
Burke, Fla.
Burleson, Tex.
Cabell
Caffery
Carey
Celler
Chappell
Clark
Clay
Corbett
Cramer
Cunningham
Daniels, N.J.
Davis, Ga.
Dawson
Denney
Diggs
Dowdy
Edwards, La.
Eilberg
Evins, Tenn.
Fallon
Farbstein
Fisher
Foreman
Fraser
Fulton, Tenn.
Griffiths
Haley
Hanna
Hansen, Wash.
Hays
Hébert
Horton
Hull
Keith
King
Kluczynski
Landrum
Latta
Leggett
Lloyd
Long, La.
Lujan
Lukens
McCarthy
McCulloch
McMillan
MacGregor
Mailliard
Mayne
Meskill
Mikva
Miller, Calif.
Mills
Mollohan
O'Hara
O'Neal, Ga.
O'Neill, Mass.
Passman
Pickle
Pirnie
Poage
Podell
Pollock
Powell
Pryor, Ark.
Purcell
Rarick
Reifel
Roberts
Rooney, N.Y.
Rosenthal
Roudebush
Ryan
Sandman
Scheuer
Smith, Calif.
Snyder
Stephens
Symington
Taft
Teague, Calif.
Thompson, N.J.
Tiernan
Tunney
Van Deerlin
Vigorito
Weicker
Whitten
Widnall
Wold
Wolff
Wydler
Young
Zablocki

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Mailliard.
Mr. Hébert with Mr. King.
Mr. Daniels of New Jersey with Mr. Lujan.
Mr. Hays with Mr. Horton.
Mr. Mikva with Mr. McCulloch.
Mr. O'Neill of Massachusetts with Mr. Meskill.
Mr. Caffery with Mr. Pollock.
Mr. Long of Louisiana with Mr. Bray.
Mr. Passman with Mr. Corbett.
Mr. Rarick with Mr. Cramer.
Mr. Kluczynski with Mr. Cunningham.
Mr. Hull with Mr. Weicker.
Mr. Thompson of New Jersey with Mr. Reifel.
Mr. Edwards of Louisiana with Mr. Roudebush.
Mr. Pickle with Mr. MacGregor.
Mr. Cabell with Mr. Foreman.
Mr. Fallon with Mr. Beall of Maryland.
Mr. Bevill with Mr. Berry.
Mr. Boggs with Mr. Brock.
Mrs. Griffiths with Mr. Lloyd.
Mr. Stephens with Mr. Keith.
Mr. Celler with Mr. Ayres.
Mr. O'Neal of Georgia with Mr. Blackburn.
Mrs. Hansen of Washington with Mr. Burke of Florida.
Mr. Young with Mr. Wold.
Mr. Zablocki with Mr. Denney.
Mr. Pryor of Arkansas with Mr. Latta.
Mr. Wolff with Mr. Purcell.
Mr. Leggett with Mr. Ryan.
Mr. Scheuer with Mr. Diggs.
Mr. Podell with Mr. Clay.
Mr. McCarthy with Mr. Baring.
Mr. O'Hara with Mr. Powell.
Mr. Farbstein with Mr. Fisher.
Mr. Fulton of Tennessee with Mr. Fraser.
Mr. Clark with Mr. Carey.
Mr. Burleson of Texas with Mr. Lukens.
Mr. Eilberg with Mr. Mayne.
Mr. Roberts with Mr. Pirnie.
Mr. Olsen with Mr. Sandman.
Mr. Mollohan with Mr. Smith of New York.
Mr. Davis of Georgia with Mr. Snyder.
Mr. Vigorito with Mr. Taft.
Mr. Anderson of Tennessee with Mr. Teague of California.
Mr. Barrett with Mr. Widnall.
Mr. Dowdy with Mr. Wydler.
Mr. Miller of California with Mr. Mills.
Mr. Landrum with Mr. McMillan.
Mr. Whitten with Mr. Tunney.
Mr. Tiernan with Mr. Symington.
Mr. Van Deerlin with Mr. Haley.
Mr. Evins of Tennessee with Mr. Hanna.
Mr. Chappell with Mr. Rosenthal.

Mr. GUDE, Mr. PELLY, and Mr. WAMPLER changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on agreeing to the resolution.

PARLIAMENTARY INQUIRY

Mr. SAYLOR. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. SAYLOR. To propound a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SAYLOR. Mr. Speaker, in view of the fact that the Reorganization Act of 1946 states that the Congress shall adjourn on or before the 31st day of July each and every year, and it now being the 13th day of August, 1970, would a motion to adjourn sine die be in order at this time?

The SPEAKER. No. The provision of the Legislative Reorganization Act to which the gentleman refers is not applicable during a national emergency.

The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. SAYLOR. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAYLOR. Mr. Speaker, it seems to me, and I have not been able to find out any emergency that has been declared by President Kennedy, President Johnson, President Eisenhower, or President Nixon.

Can the Chair tell us what this national emergency is under which we are continuing to do business?

The SPEAKER. The Chair has already answered the gentleman's parliamentary inquiry.

DR. CLAUDE L. FLY KIDNAPED IN URUGUAY

(Mr. ASPINALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, Americans of both hemispheres have been painfully distressed since July 31 when an American AID official Mr. Dan Mitrione was kidnaped in Uruguay. Later a Brazilian official was kidnaped and then on August 7, Dr. Claude L. Fly of Fort Collins, Colo., was also kidnaped by the same band of terrorists. Since then we have been shocked at the terrible killing of Mr. Mitrione. Señor Gomide of Brazil and Dr. Fly have not been released.

Dr. Fly and his wife, Miriam, most recently resided in my district when Dr. Fly served as agricultural administrator and research soil scientist, USDA Agricultural Research Service, Soil and Water Conservation—Research Division located at Fort Collins. Since 1963 he has worked as a private consultant and contractor in agricultural development of soil and water resources as president of Claude L. Fly & Associates.

Many Colorado friends of Dr. Fly and his family prayerfully hope for his safe release. I know my colleagues and all Americans join with the many friends of Dr. Fly and his family in waiting for his release.

As my distinguished colleague from Arkansas (Mr. HAMMERSCHMIDT), indicated in his remarks yesterday, many Arkansans join Coloradoans in their concern for Dr. Fly. I join him for I too know of Dr. Fly's work of over 40 years as a scientist and public servant since receiving his Ph.D. in 1931 as an agronomist and soil expert. Dr. Fly has worked for numerous distinguished public and private organizations; he has been published over 60 times and his value as a consultant has taken him to nearly 20 countries on nearly every continent. His release means much to many people all over the world.

When he was kidnaped in Uruguay he was heading one of two teams in that nation under a soil and land development contract with International Development Services, Inc., and the Uruguayan Ministry of Livestock and Agriculture. It is financed from an AID agricultural sector loan signed in 1968.

Yesterday the Department of State disclosed two communications. These were found on August 11 in a downtown Montevideo theater after a local radio station received a tip as to the location. The local police believe them to be authentic.

Mr. Speaker, I include these two messages—one from the kidnapers and the other written by Dr. Fly to his wife, Miriam—in the RECORD as follows:

Message from the kidnapers:

> Señor Aliysio Mares Dias Gomide and Dr. Claude Fly are well. Sentence still has not been passed on them. Our comrades who are guarding the detained diplomats have firm orders to pass judgment upon them if the repressive forces find them. The oligarchs of the Pacheco Government, the repressive forces and the American advisors will answer for the well-being of our arrested friends.

Message from Dr. Fly to his wife, Miriam:

> DEAR MIRIAM: I have bathed and received clean underthings and shirt so I feel better. They have had a doctor examine my throat and chest and prescribed medicine. The food

is good—meat, potatoes, fruit and other things. We can only hope and pray that matters will work out—then wait. I want so much to be back at work and out if it can be arranged. I now have some reading material in English and am using some glasses here. They are trying to get my glasses fixed, when it will be so much better.

Write the kids and tell them I love them and not to worry. I know nothing but do feel many will worry about me. They have been kind to me so I am being a good boy.

May God bless you and keep you.

Love,

Claude.

NATIONAL ELECTION HOLIDAY

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSS. Mr. Speaker, I am today introducing with our colleagues, Peter W. Rodino, Morris K. Udall, Harold D. Donohue, John Conyers, William F. Ryan, and Abner J. Mikva, a bill to designate a public holiday on the day of national elections.

The voting record of our country is distressing. Voter turnout in our Nation is certainly not what it should be or could be in a democracy. For instance, in the presidential election of 1876, 81.8 percent of the electorate cast their votes to select the President of our growing Nation. Yet, 92 years later, in the presidential election of 1968, only 60.6 percent cast their ballots. What is worse is that 47 million people, eligible voters, neglected to vote for the Chief Executive at all. Forty-seven million is a greater figure than the number of people who voted for the winner in that election.

I say that this is a sad commentary on democracy in our country. It is also somewhat frightening to think that those who do not vote have the potential power to change the results of a presidential election, and it does not even have to be a close race at that.

Our Government has a real stake in seeing to it that voting is made easier for everyone. Steps should be taken to remedy the voter participation situation so that we can keep a viable democracy for the future of this country. A democracy should not just be based upon an elite who suffer little or no difficulty in voting at an inconvenient time or place, but we should assure that all people have a convenient time and place to cast their ballot. Congress has worked toward expanding the vote before—toward granting the franchise to women, toward assuring minorities the vote, and, most recently, toward allowing more young people an opportunity to vote. I feel that now we should strive to make voting a convenience.

We need sound and active sufferage in this Nation. No longer can arbitrary barriers interfere with voting in this land. No longer can we allow voting to be put aside as a secondary responsibility. It is now time, or perhaps past time, to revitalize the electorate in this country. The election of a President is the most important occasion for a citizen to exercise his obligations in a free society and that importance should be solemnized. By designating a national holiday on presidential election days, which would fall, in the American tradition, on the first Tuesday after the first Monday in November, we would assure our citizens the convenience and accessibility to the polling booth on election day. Such a holiday would, in my opinion, result in greater voter participation and would impress upon all of our citizens that the election of the highest official of our Nation is one of the most important pursuits that we are privileged to undertake.

I urge all of you not to ignore this significant step toward assuring a stable democracy for generations to come. I ask each and every one of you for your support of this needed legislation.

OPEN LETTER TO PRESIDENT NIXON

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. UDALL. Mr. Speaker, yesterday the President signed a historic postal reform bill. Yesterday the gentleman from North Carolina (Mr. Henderson) and I sent to the President a letter expressing our concern over the important appointments he will soon make of five members to the Postal Rate Commission.

In our letter we urge that these appointments be most carefully made and that efforts be taken to insure that this agency become a model for other regulatory bodies.

So that our colleagues may share this letter, we insert it immediately following these remarks:

House of Representatives,
Washington, D.C., August 12, 1970.

Hon. Richard Nixon,
President of the United States, The White House, Washington, D.C.

Dear Mr. President: The undersigned are proud to have played active roles in the long and difficult legislative battle to achieve passage of the Postal Reform Act of 1970. We have high hopes that this Act will in time bring savings, efficiency and better postal service to the American people. We are most anxious that this new postal service succeed and that it meet the expectations which led us to fight for its creation.

Our pleasure at the enactment of this legislation is tempered, however, by our realization that the approach taken toward operational aspects of the new postal service will largely determine whether the enterprise succeeds or fails. We write this letter to underline our joint concern about risks and pitfalls which need to be avoided as the transition is made to the new system. We believe that many features of that system will require close attention in the coming months, but our object in writing to you at this time is to discuss the new Postal Rate Commission.

Mr. President, we recognize the large and important role played in our society by independent regulatory commissions, some have earned the complete confidence of the public, while others have at times fallen short of this goal. While the Postal Rate Commission is not an independent regulatory agency and shares a large measure of its rate-setting procedures with the Board of Governors, there are certain similarities between the Commission and the independent regulatory agencies. These similarities are most apparent in the relationship of user groups to the Rate Commission.

These observations lead us to believe that the patterns and attitudes within and about an agency are often set in the early months and years of its existence. We urge you to employ your influence and prestige to insure that the new Postal Rate Commission becomes a model of what an independent regulatory commission ought to be. We think the decisions you make in the next few weeks and the leadership you exhibit in launching the new postal service can have far-reaching and permanent benefits that will help achieve the goals we all sought in advocating postal reform.

Our strong feelings about the Postal Rate Commission are built upon participation, as members of the House Post Office and Civil Service Committee, in Congressional action on several postal rate bills in past years. We have learned that rate decisions involve hundreds of millions of dollars and are of great concern and interest to large organized groups of mail users. We have also learned that these decisions involve complex technical questions. The philosophy of the new Act is that Congress will lay down broad guidelines for policies governing postal rates, but that we will leave the task of applying those guidelines to the combined efforts of the Board of Governors and the Postal Rate Commission. There is a shared responsibility between the Postal Service and the Rate Commission in this effort in that the Service must make the initial recommendations which the Commission must act upon. After the final recommendation, the Board of Governors must place the final decision into effect. The Commissioners will have to be conscious of the heavy burden placed on the Board of Governors in recommending rate changes and should give great weight to the needs of this huge enterprise in their deliberations. Within this context, the Rate Commissioners and their professional staff should act in producing a rate structure consistent with Congressional policy.

Given the transfer of rate setting authority from the Congress to the Postal Service and Rate Commission, it is apparent to us that one of the potential dangers of the new arrangement is that the intensive, well-financed, and expert lobbying activities previously directed to Congress will be primarily focused on the five members of that commission. We do not suggest that the interested parties have in the past or will in the future resort to dishonest or dishonorable means. We recognize that there are legitimate business interests which have a large stake in decisions that are made. These groups have every right to be heard and should have every opportunity to make their case in an honorable way using accepted techniques of persuasion.

But if we are to have fair and just rate policies, if the public is to have confidence in the way rates are determined, and if the Post Office is to generate the revenues necessary to bring about the modernization and improvements we all seek—then it is vital that the Rate Commissioners not only be exceptionally well qualified and above reproach, but that the general public believes this is the case. As we have all learned over the years, the appearance of impropriety can be just as damaging to the public confidence as impropriety itself.

Much has been said in recent days, particularly by opponents of postal reform, about the inability of the new system to preserve requisite ethical standards. These comments reflect a cynicism about whether the new Postal Service can avoid politics as usual in its operations. Fears have been expressed that the Rate Commissioners and members of the Board of Governors will be individuals who are closely identified with large mail user groups. It has been contended that if Congress is removed as a buffer between special interests and the public, the

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new Service will in time be heavily influenced and perhaps captured by user groups.

Mr. President, we believe that these potential problems can be largely if not entirely avoided if you take certain steps at the outset. Specifically, we solicit your consideration of several main points:

1. We urge that exceptional care be used in the search for talented individuals to serve as the first Postal Rate Commissioners. It is vital, in our judgment, that these individuals have no prior connections with or background in the commercial operations of the large mail users. We recognize the advantages that previous familarity with postal matters would bring to the rate setting function. We believe, however, that rate decisions are not so complicated that a person of exceptional ability cannot quickly overcome a lack of prior experience, and that there would be a great deterioration of public confidence if the Commissioners were picked from the ranks of those who have been connected with or who have represented large mailer groups.

2. We urge that you meet with the first Rate Commissioners prior to their formal appointment, and that you indicate to them in the strongest possible terms that the hopes of all of us rest on their objectivity, complete impartiality and fidelity to the public trust.

3. We urge that you advise the new Commissioners of your strong desire that they initially and immediately establish administrative practices and procedures within the Commission designed to make it a model for other regulatory agencies in terms of complete impartiality and public confidence. We assume that Executive Order 11222 of May 8, 1965, will be applicable to the new commission, but if it is not we think the Commissioners would want to adopt its terms by regulation to apply to themselves and to chief staff employees.

4. We hope you will urge the Rate Commissioners not only to adopt the standards of ethical conduct defined in Executive Order 11222, but to expand and to enlarge them as necessary in order to insure—

a. That all Rate Commissioners and key staff employees are annually required to disclose to the Civil Service Commission and/or the appropriate Congressional Committees the financial information referred to in Part IV of the Executive Order cited above;

b. That strict rules are adopted regarding informal or ex parte contacts with individuals, groups, or their representatives having business with the Commission. Such rules should require a public record to be made and kept of any such contacts including luncheons, informal gatherings or any occasion on which matters pending before the Commission are the subject of discussion;

c. That such regulations include strong prohibitions against the acceptance of honoraria, travel expenses, entertainment or the like in connection with attendance at conventions or gatherings of industrial groups.

Mr. President, if you should decide to take the actions we have outlined, we believe you will have done much to insure the initial success of the United States Postal Service. We think our ideas are shared by many members of Congress, and we hope for your favorable consideration of them.

Sincerely,

David N. Henderson.
Morris K. Udall.

INCREASING THE PRODUCTIVITY OF OUR FEDERAL EMPLOYEES

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, the President has recently stated that one of the fuels that fan the flames of inflation is the failure of productivity increases to keep pace with pay raises.

I certainly agree with the President; but, at the same time I believe that the Federal Government, with the biggest payroll in this country, over 2,900,000 civilian employees, should lead the way.

Our Government has been rather generous in raising the pay of its employees. For example, since January 1965, there have been six pay raises for the Classification Act's 1,300,000 employees, amounting to 31 percent. The 675,000 postal field service employees have had, also, six pay raises representing 28.2 percent. Likewise, the wage board employees, with their pay dependent on surveys of private industry in their respective labor market areas, have averaged better than 5 percent each year, for several years.

The Manpower and Civil Service Subcommittee for the past 15 years has worked witih the departments and agencies of the Government in attempts to improve the utilization of manpower. After reviewing current manpower management policies, problems, and procedures throughout the Government, we feel it is now timely to re-emphasize employee productivity.

A principal factor in employee productivity revolves around the fact that there has been far too little emphasis over the past several years by management in general in the Government. Inquiries by our subcommittee have revealed fairly inconsequential actions by many of the departments and agencies. Yes, there have been some programs to save man-hours and materials. But, unfortunately, too many of these programs appear to have become, over the years, fads or frequently represented surface approaches to in-depth management problems.

I recognize that there have been obvious increases in productivity in the Federal Government where mechanization and automation have taken over. I refer specifically to such functional areas as social security payments, payroll activities, and internal revenue. Likewise, I recognize that there are many functions in the Federal Government that are not easily measured as to employee productivity.

However, in attempting to improve manpower utilization in the executive branch over the years, the subcommittee has identified factors contributing to lower productivity. These include unnecessary work, duplicate and overlapping functions, inefficient work procedures, top-heavy administrative overhead, and dual staffing—two people in a single job. I specifically brought this to the attention of the Secretary of Defense earlier this year in discussing ways to reduce labor costs and at the same time maintain high productivity.

The Department of Defense has now issued a set of guidelines to improve manpower utilization in the military departments. It is my understanding the services have begun to implement these guidelines.

With increased emphasis on saving tax dollars in face of yearly increases in hourly labor rates, the recent actions in the Department of Defense are certainly in the right direction. But there is need, Government-wide, for more interest by top management and certainly more positive and specific action programs, than we have noted to date, in most of the departments and agencies.

The subcommittee is initiating an accelerated action program to bring about improved manpower utilization of Federal employees. Therefore, just as soon as possible after the House recess I plan to ask several top Government officials, including Hon. George P. Shultz, Director of the Bureau of Management and Budget, to appear before the subcommittee to reveal current policies and programs in the Federal Government for improving Government employee productivity.

We must show the American taxpayer that the Federal Government, itself, is trying to control inflation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HENDERSON. I am delighted to yield to the gentleman from Iowa who is a member of the subcommittee which I have the honor to chair.

Mr. GROSS. Mr. Speaker, I concur with the chairman of the Subcommittee on Manpower and Civil Service, my friend Dave Henderson of North Carolina, in his statement concerning the need for the Federal Government to improve the utilization of its employees.

It has been my pleasure to serve on this subcommittee since it was organized in 1956, first under the Honorable James C. Davis of Georgia, and now Dave Henderson of North Carolina. I have worked with them trying to reduce the Government's labor dollar and yet preserve the efficiency and effectiveness of the Government for the people.

Our efforts have not resulted in all of the improvements which I would liked to have seen, however, we have exercised our congressional oversight responsibility in a number of areas, which has had a positive impact in many of the departments and agencies.

Now, with our Federal Government's annual labor costs at $28.9 billion, representing an increase of 54 percent in the past 5 years, I feel it is high time for the Congress to become more interested in getting increased productivity for our labor dollar. If we mean business in fighting inflation, let us start right here at home.

Therefore, Mr. Speaker, I strongly concur in Chairman Henderson's statement and will look forward to reviewing in September any plans that the executive branch has developed to control labor costs by improved manpower management.

I am sure there are many American taxpayers who likewise share my interests.

DISMANTLING OF CORNER MAILBOXES

(Mr. EILBERG asked and was given permission to address the House for 1

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minute and to revise and extend his remarks and include extraneous matter.)

Mr. EILBERG. Mr. Speaker, my constituents have been protesting the dismantling of corner mailboxes they have used for many, many years. The Post Office Department explains that its campaign to remove mailboxes is in the interest of economy. Well, we all encourage economy. However, the Post Office has missed the point. What my constituents have found most deplorable is not the motive, but the method, of the Post Office.

One afternoon a mailbox will be standing on a familiar corner, where it has stood for a quarter of a century. The next morning a neighborhood resident will go to that corner to mail a letter and the mailbox will have disappeared.

No explanation. No mailbox. The Post Office Department declares that it carefully studies the collection pattern of a neighborhood before removing a mailbox. If the Department takes the care it claims, I demand to know why it also cannot make some attempt to consult the community. Certainly it would be an easy matter for inquiries to be placed in the mailboxes of neighborhood residents by the postman on his daily rounds.

And finally as a simple courtesy the Post Office could certainly post notice on the mailbox to be removed that such action is either being considered or is imminent. That the Post Office has refused to take either of these simple steps reveals to me a certain arrogance toward the people it is mandated to serve. We will now have a postal corporation, the U.S. Postal Service, and I hope that it remembers that it exists only to serve the American people, not to do them disservice.

STATE BENEFITS TO PENNSYLVANIA BLACK LUNG VICTIMS

(Mr. CLARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLARK. Mr. Speaker, I take this time to address the House in order to give the Members a chance to see the letter President Boyle, United Mine Workers, has sent to Mr. Ball, Commissioner of Social Security.

Following is the text of letter from W. A. "Tony" Boyle, president, United Mine Workers of America, to Robert M. Ball, Commissioner of Social Security, challenging the administration's decision cutting off payments of $100 per month in State benefits to Pennsylvania black lung victims:

JULY 31, 1970.

DEAR MR. BALL: The State of Pennsylvania has just enacted legislation ending payment from its general funds of $100 per month to mine workers disabled by pneumoconiosis, the dread black lung disease. State action was taken because of an interpretation of the Federal Coal Mine Health & Safety Act by the Social Security Administration which flies in the face of the meaning of the law as intended by the United States Congress.

The Joint House-Senate Conference Committee clearly stated that where state benefit payments are made from state general revenues, they are not deductible from federal payments. The conference intent is made clear by the following language:

"Benefit payments under state programs funded by general revenues are not included in the maintenance of effort in the House amendment for the reason that they are not considered to be workmen's compensation, unemployment compensation or disability insurance as such programs are generally understood within the context of this benefit program."

The Social Security Administration has chosen to ignore this language although the House amendment was included in the act as signed by the President. The Administration instead informed the State of Pennsylvania that it would deduct $100 of the $144 federal black lung payment due under the law if state payments continued. Pennsylvana has obliged by amending its law and depriving miners permanently disabled and unable to work of state benefits.

"Black lung victims can barely subsist on the $144 federal benefit, and the Social Security Administration ruling condemns some 27,000 victims in Pennsylvania to abject poverty. This bureaucratic ruling is an inhuman interpretation of the intent and meaning of that section of the Federal Coal Mine Health and Safety Act dealing with black lung benefits.

"In rescinding its state law, the Pennsylvania legislature (Senate bill 1476) noted that it was acting because of 'federal administrative interpretation,' and that 'state amending legislation must be so written to protect the recipient's right to receive both state and federal payments in the event that any future action of Congress, federal executive departments or the courts should change the administrative interpretation.' The legislature further stated that 'it is also the purpose and intent of this act to protect the continued and future eligibility of present recipients of state payments under the Pennsylvania Occupational Disease laws.'

"As written, Pennsylvania law now makes it mandatory to reinstitute state benefits at any time federal law is changed by Congress, court rulings or administrative interpretation. As a matter of justice and humanity to 27,000 Pennsylvania miners who now suffer the living death of black lung, the United Mine Workers of America calls upon you to reinterpret the law in a manner consistent with the clear intent of the Congress.

"The UMW intends to fight this matter all the way, as a matter of principle and justice. It is our intent further to seek legislation in all coal states to permit both federal and state benefits for coal miners suffering from black lung.

"We urge an immediate answer regarding your intentions in this matter. We are sending copies of this letter to the leadership in Congress and releasing its contents to the press."

Sincerely yours,
W. A. BOYLE,
President,
United Mine Workers of America.

OUR U.N. HUMAN RIGHTS REPRESENTATIVE SHOULD BE ASKED TO RESIGN

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. I don't know who appointed Rita E. Hauser as the U.S. representative to the United Nations Human Rights Commission but her selection was an embarrassing mistake and I suggest that the President ask for her resignation.

In a speech delivered in St. Louis the other day, she assailed existing laws which call for married couples to be of opposite sexes. This, she says, is no longer reasonable or consistent with fact. It is also, she says, causing the birth of children and this does not wash with the social goal of limiting the population.

Now, this woman has the right to her own social philosophy and she can subscribe to any queer notion she wants as a private citizen. But she is not a representative of any meaningful portion of the population of this country. Surely the President can find someone a little saner than this to represent us, even at a worthless organization like the United Nations Human Rights Commission.

A news report which appeared in the Post of August 10 tells of her speech:

U.S. AIDE AT U.N. ASSAILS BISEXUAL MARRIAGE LAWS

ST. LOUIS.—Rita E. Hauser argued today that state laws requiring prospective marriage parties to be of different sexes are unconstitutional.

The U.S. representative to the United Nations Human Rights Commission said "such a requirement predicates reproduction as the legal consideration of marriage and that view, I submit, is no longer reasonable or consistent with fact."

In a speech on "Women's Liberation and the Constitution" prepared for delivery at an American Bar Association program, she said:

"Indeed, one can argue that limiting reproduction has become the social goal, and I know no better way of accomplishing that than marriage between the same sexes.

"I am not urging this as a social policy; rather, I am arguing that the right to marry, right guaranteed by law, cannot be premised on sex distinctions which serve to deny equal protection of the law to all persons, whatever their tastes in life may be."

CONCERNING EQUAL RIGHTS FOR WOMEN

(Mr. DAVIS of Wisconsin asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DAVIS of Wisconsin. Mr. Speaker, in light of the overwhelming vote in this Chamber earlier in the week with respect to the so-called equal rights amendment, I find it a little difficult to understand the vehement exception that the gentleman from Louisiana made here just a moment ago to an expression by one of the gentle ladies that there ought not be any discrimination based upon sex as to who should be permitted to live together.

MORE PASSPORT ASSISTANCE FOR CONNECTICUT

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I am pleased to call attention to the announcement by the Department of State that 93 Probate Courts in Connecticut will commence accepting passport applications this month. I congratulate these courts on this public-spirited decision.

For years I have tried, both through legislative action and cooperation with the State Department, to remedy the annual passport logjam experienced by Connecticut travelers and those in other States. This problem had reached serious proportions. Increased travel in recent years had strained inadequate passport procedures to the point where many citizens justifiably felt frustration and resentment over their travel treatment.

In the past, legislative proposals have failed to resolve the problem. At a May 12 hearing of the Subcommittee on State Department Organization and Financial Operations of the Committee on Foreign Affairs, I made the suggestion to the Department of State that probate courts in Connecticut accept passport applications as a way of smoothing the passport procedure. I am now pleased to include here the text of the letter from Assistant Secretary for Congressional Relations, David Abshire, announcing the acceptance of this suggestion.

This action by the State Department represents another effective solution to the passport problem.

In July, through the combined efforts of the State Department, the Post Office Department, and the Congress eight Connecticut post offices started accepting applications for passports. This action has been effective and will continue. The Probate Courts will supplement the services of the post office and the U.S. district courts. It also marks the culmination of successful cooperation between myself, the State Department, and such capable people as Judge Jay E. Rubinow, judge of the Connecticut Superior Court and probate administrator; Judge Neil F. Murphy, president of the Probate Assembly; and Judge Robert M. Dowling, executive secretary of the Probate Assembly.

The text of Mr. Abshire's letter follows:

DEPARTMENT OF STATE,
Washington, D.C., August 11, 1970.

HON. JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MONAGAN: Knowing of your long and continuing interest in resolving the difficulties Connecticut residents have experienced in applying for U.S. passports, I am happy to inform you that beginning on or about August 12 Probate Courts in Connecticut will commence accepting passport applications. As of now, ninety-three of the one-hundred and twenty-five Probate Judges in Connecticut have indicated their intention to accept applications.

We proposed to the Probate Assembly that Probate Courts in Connecticut accept passport applications as a result of the suggestion that you made at the May 12 hearing of the Subcommittee on State Department Organization and Financial Operations of the Committee on Foreign Affairs. Agreement by the Probate Assembly followed several meetings between representatives of the State Department and Judge Jay E. Rubinow, Judge of the Superior Court and Probate Administrator, Judge Neil F. Murphy, President of the Probate Assembly, and Judge Robert M. Dowling, Executive Secretary of the Probate Assembly. Through the efforts of these Judges the necessary steps were taken, including approval by the Judicial Department of Connecticut, for the participation by Probate Courts in the passport application process.

Acceptance of passport applications by the Probate Courts of Connecticut will supplement the existing arrangements whereby Connecticut residents may apply for passports at Post Offices in Hartford, New Haven, Bridgeport, Waterbury, Stamford, Greenwich, New London, and Willimantic, and at the Federal District Courts at Hartford, New Haven and Bridgeport.

We appreciate your efforts in resolving this problem and, particularly, your suggestion regarding the Probate Courts that has resulted in this significant improvement in passport facilities for the residents of your State.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

BILL TO ESTABLISH HEALTH STANDARDS FOR EMPLOYEES OF FOOD SERVICE ESTABLISHMENTS IN THE DISTRICT OF COLUMBIA

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, today I have introduced a bill to protect the health and well-being of Congressmen, Government employees, and citizens of the District of Columbia by the establishment of health standards for employees of food service establishments in the District. The bill follows delving research and is partially in reaction to the six-plus cases of tuberculosis on Capitol Hill that first came to light last June.

The bill brings the District health code in line with the codes of other major cities in the Nation.

The District code now contains a law stating that no person afflicted with any communicable disease can work "with food." But no law or regulation requires current congressional food handling employees or such applicants anywhere in the District of Columbia area to take a physical examination of any sort. Moreover, the District law is not enforceable at the Capitol, having been specifically excluded, paradoxically.

In essence, the Hall bill requires that no person can be employed by any food establishment in the District of Columbia unless he meets such health standards prescribed by the District of Columbia Council in pursuance to the tests outlined in the bill. The bill calls for annual examination which include a tuberculin test, X-ray, of the chest—uncovered—a serological test, and examination of hands, skin, nose and throat and body orifices—including a culture where appropriate. These standards would provide sufficient protection against further outbreaks of communicable diseases such as tuberculosis, and other common and rare diseases ordinarily associated with food handling and preparation.

These requirements would be administratively and budgetarily feasible. Tuberculin tests are not costly. Up to 1957 the District of Columbia had an annual physical examination and health permit requirement for restaurant workers. The point is, we cannot afford to do without them. The marvel is that an entire Capitol Hill force has escaped so long.

Tuberculosis is a highly contagious bacterial disease usually associated with poverty, stress, overworked, and social problems. The average active case of tuberculosis will be the source for the infection of 15 persons before it is detected. The TB victim can begin infecting others well before his own symptons force him to seek medical advice. Therefore, people constantly in contact with the public should meet such minimal health requirements as I have outlined above in order to prevent outbreaks similar to that of Capitol Hill.

It may surprise you to know, the District of Columbia ranks fifth in the incidence of active new tuberculosis cases among the more than 50 cities in the Nation with a population of 250,000 or more. New case rates are nearly three times the national average and the death rate more than triple that of the rest of the Nation, according to H. Michael Cannon, director of the District of Columbia's Tuberculosis and Respiratory Disease Association.

Public apathy is one of the greatest problems now confronting those involved in controlling tuberculosis. Given the record of the District of Columbia, I feel that it is time that the Congress set an example for the rest of the Nation in the field of public health. As one of the "doctors in the house," I am sure of it.

President Nixon began larger efforts to control crime in the Nation's Capital upon taking office. The President realized the importance of cleaning our "home shop" in order to provide a model for the rest of the Nation. It is time we make like efforts in public health. This bill is designed to do just that. I commend it to you and have been assured of early consideration.

SICKNESS THAT PERVADES PARTS OF GOVERNMENT

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, some apparently have misunderstood my criticism of the fact that convicted rioter Rennie Davis was allowed to address a group of HEW employees at HEW.

While I believe he should have been stopped, the fact that he was allowed to speak is only a part of the problem. Rennie Davis is only one symptom of the sickness that pervades in parts of Government.

That sickness is in the minds of some civil servants, and some middle-level policymakers who have forgotten that it is their duty to serve the Government, not to foster revolution.

Civil service was set up to afford job protection to Government employees on a nonpolitical basis. In return they were supposed to bring to their jobs a nonpolitical professionalism and dedication.

Somewhere along the line, some have forgotten that they are servants of all

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people, not agents of the new left or of a particular political party.

If HEW is unable to cope with those employees who refuse to separate their political ideologies from their nonpolitical, safeguarded jobs as public servants, then I would suggest that the heirarchy of HEW take whatever action is needed to weed out this small group of malcontents and ideological misfits.

Within the National Institute of Health and the National Institute of Mental Health—subdivisions of the Department of Health, Education, and Welfare—a group of malicious maligners, some hiding behind the protective cloak of civil service, publish a despicable newsletter entitled "Rainbow Sign."

This vicious rag is distributed throughout the Government offices and halls of the National Institutes of Health complex. It prints extremely repugnant personal attacks against President Nixon, as well as criticism of his domestic and foreign policies. Pictured on the front page of a recent issue of this propaganda pamphlet, was a photograph of an obnoxious poster reading "Pull out Nixon—Like Your Father Should Have Done" and "Strike Nixon Out!" The vile newsletter also purports to rate President Nixon on an HEW performance appraisal sheet. Not surprisingly, these ingrates rate the Chief Executive of the United States in the lowest possible categories of personal evaluation.

The masthead of a recent edition of this hate sheet lists the following Government employees as staff members:

Marty Blumsack, Public Health analyst, NIH, $11,905.

Bob Dworkin, microbiologist, NIH, $8,638.

Bob Lesser, Public Health Commissioned officer, NIH, $10,725.

Mike Mage, Public Health Commissioned officer, NIH, $13,991.

Kathy L. Moore, secretary/steno, NIH, $8,752.

Phil Ross, research chemist, NIH, $20,953.

Bob Ryder, Chief of Section of Family Development, NIMH, $20,000.

Dorothy Stewart, secretary/typist, NIH, $7,340.

When contacted by my office, the above-named individuals or their supervisors confirmed that these Government employees were engaged in this publication. Two of them, a Dr. Lesser and a Dr. Mage, are commissioned officers in the Health Service and, therefore, not subject to civil service regulations.

Similar information has also been made available to me concerning the activities of other employees in a separate agency of the Department of Health, Education, and Welfare. However, at the request of top echelon HEW officials, this information and evidence has been turned over to them for immediate appropriate action. If these officials do not honor their pledge then I am determined to seek a congressional investigation.

The right to dissent from official Government policy is a cornerstone of democracy. However, civil service employees who are dedicated to subverting and sabotaging Government programs are hereby placed on notice that the American taxpayer will no longer tolerate such contemptible conduct. The citizens they are supposed to serve demand their full cooperation and loyalty in the discharge of their official duties. This obligation cannot be fulfilled by engaging in personal attacks against the President of the United States, or the administration.

LUXURY UNLIMITED

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, at my request the General Accounting Office has investigated the lavish refurbishing of his office by Interior Secretary Walter Hickel and has just reported its findings.

I was shocked to learn that at a time when the taxpayers of this Nation are facing ruinous inflation on all fronts, Mr. Hickel is now sitting at what the GAO describes as "a Dunbar custom—special—desk" priced at $1,795 and walking on carpeting that cost $56.25 a square yard.

All told, Mr. Hickel spent nearly $40,000 to refurnish his office.

He flew in from Seattle, Wash., an interior designer and his staff and paid them $7,800 for their services—which were obtained under an oral contract, a procedure that caused more than one raised eye at the General Accounting Office.

Arthur Morgan Designers then proceeded to specify $27,000 worth of luxurious furnishings and the Interior Department blithely ordered them without so much as a nod in the direction of the General Services Administration.

As Comptroller General Staats points out, this is clearly beyond the legal authority of the Department.

I am pleased to note that the General Accounting Office has told the Interior Department either to return the furniture and obtain a refund or face action by the Comptroller General against the responsible fiscal officers of the Department.

I would hope this would serve notice on Mr. Hickel as well as on other officials of the Government that they have absolutely no business spending the public's money in this fashion, and especially when this Nation is in such dire financial straits.

Mr. Speaker, I include for insertion in the RECORD at this point the GAO report to me:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., August 12, 1970.

B-169502.
Hon. H. R. GROSS,
House of Representatives.

DEAR MR. GROSS: This letter is in further response to your letter of March 31, 1970, in which you requested our Office to inquire into the refurbishing of the offices of the Secretary of the Interior.

In September 1969, the Department of the Interior initiated action to refurbish the suite of offices of the Secretary of the Interior. The Department engaged a firm of interior designers, Arthur Morgan Designers, Inc., to provide a proposal for the redecoration of the offices, and subsequently issued purchase orders for the furniture and furnishings as set forth in the designer's specifications. The cost of refurbishing the Secretary's offices totaled about $39,400 at August 3, 1970, consisting of about $7,800 for design services, $27,000 for furniture and furnishings, and $4,600 for repairs and alterations.

We conclude that the Department of the Interior had authority to obtain the design services from outside sources and, therefore, there is an obligation to pay for the reasonable value of these services.

As to the procurement of the furniture and furnishings for the refurbishing of the Secretary's suite of offices, we conclude that the purchases were not made in accordance with the applicable provisions of the Federal Property Management Regulations and the Federal Procurement Regulations.

The Department has suggested the possibility of returning the items that have been delivered and that have a counterpart under Federal Supply Schedule contracts. We would see no objection to such action provided that full refund is made to the Government for any payments which have been made for the items returned and provided also that no costs to the Government are incurred. Alternatively for each item which could have been purchased from the Federal Supply Schedules, we intend to take exception in the accounts of the responsible fiscal officers to the portion of the payments under the several purchase orders involved which are in excess of the General Services Administration's maximum prices.

Our detailed comments which are set forth in the enclosure to this letter give recognition to the statements of officials of the Department of the Interior involved in the refurbishing of the Secretary's offices.

The enclosure is being sent to other interested members and committees of the Congress. The enclosure is also being sent to officials of the Department of the Interior and the General Services Administration.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

GENERAL ACCOUNTING OFFICE REVIEW OF THE REFURBISHING OF OFFICES OF THE SECRETARY OF THE INTERIOR

In September 1969, the Department of the Interior initiated action to refurbish the suite of offices of the Secretary of the Interior. The Department engaged a firm of interior designers, Arthur Morgan Designers, Inc. (Morgan), of Seattle, Washington, to provide a proposal for the redecoration of the Secretary's suite of offices, and subsequently issued purchase orders for the furniture and furnishings as set forth in the designer's specifications.

At August 3, 1970, the cost of refurbishing the Secretary's suite of offices totaled about $39,400 consisting of about $7,800 for design services; $27,000 for furniture and furnishings, and $4,600 for repairs and alterations.

DESIGN SERVICES

The Secretary of the Interior and his staff negotiated an oral contract with Morgan for the redecoration of a substantial portion of the Secretary's suite of offices. The Director, Office of Management Operations, Department of the Interior, told us that the contract and the negotiation of the contract was not documented.

At August 3, 1970, the invoices received from Morgan for design services, travel, and other costs, totaled $7,790, of which $6,585 had been paid. The costs of the design services were based on a rate of $35 an hour for the principal designer and of $20 an hour for other designers.

The initial invoice from Morgan for $1,629.70, dated October 31, 1969, covered design services for September and October 1969, and included travel and other expenses of $329.70. The second invoice from Morgan for $3,795, dated November 30, 1969, covered design services for November 1969. On December 12, 1969, the Chief, Division of Fiscal Services, Department of the Interior, commented on this invoice in a memorandum to the Chief of the Department's Division of General Services, stating:

"We do not have authority to incur obligations in this office and a contract or purchase order signed by an authorized contracting officer is necessary.

"I would suggest that a purchase order be issued to cover these design services. This does present some problems from the standpoint of either the limitation on purchases for contracts without advertising, or the restrictions on strictly personal services without complying with Department regulations on such, but guess we have no choice at this point."

On December 15, 1969, the Department's Supply Branch issued purchase order A–1402 to Morgan in the amount of $3,795. The purchase order contained a notation that services had been completed per the vendor's invoice dated November 30, 1969.

On December 30, 1969, the Supply Branch canceled purchase order A–1402 by issuing two purchase orders—A–1421 for $2,450, and A–1422 for $1,345. These orders were for a total of $3,795, the amount of the canceled purchase order A–1402, and were based on Morgan's invoices dated November 15, 1969, for $2,450 and November 30, 1969, for $1,345. The latter invoice was numbered and dated the same as the invoice upon which purchase order A–1402 was based. The Director, Office of Management Operations, told us that he did not know who instructed Morgan to submit these two invoices that totaled the amount of the original November 30, 1969, invoice. The Director stated that there were many telephone contacts between Department personnel and Morgan's staff and that probably during one of the telephone calls, a suggestion was made to submit revised invoices.

Morgan submitted three additional invoices, one for $1,160.43 for services during December 1969, one for $1,125 for services during January and February 1970, and one for $80 for services during the period March through May 1970. The two most recent invoices had not been paid at August 3, 1970.

At hearings before the Subcommittee on Department of the Interior and Related Agencies, House Committee on Appropriations, on April 10, 1970, the Assistant Secretary for Administration stated that the regulation, 41 CFR 1–3.204, specifically authorizes the negotiation of contracts for professional services, and that such contracts were exempt from the requirement for competitive bidding and were not subject to the $2,500 limitation. Although the regulation cited does permit negotiation of contracts in excess of $2,500 for professional services without formal advertising, we do not believe that the negotiation requirements of the regulation were complied with in obtaining Morgan's services.

Section 1–3.101(c) of the Federal Procurement Regulations (FPR) provides that:

"Whenever property or services are to be procured by negotiation, proposals shall be solicited from the maximum number of qualified sources, including small business concerns (see § 1–1.702(b)(3)), consistent with the nature of and requirements for the supplies or services to be procured, in accordance with the basic policies set forth in this Part 1–3, to the end that the procurement will be made to the best advantage of the Government, price and other factors considered. * * *"

Paragraph (d) of the same section of FPR provides that:

"Negotiated procurement shall be on a competitive basis to the maximum practical extent. When a proposed procurement appears to be noncompetitive, the procuring activity is responsible * * * for assuring that competitive procurement is not feasible * * *."

As stated previously, the work done by Morgan was on the basis of an oral contract. During our review, we found no indication that proposals were solicited from other sources and the Department did not furnish information to us to demonstrate that Morgan was the only qualified source and that competitive procurement was not feasible.

In addition, the Federal Supply Service (FSS), General Services Administration (GSA), has a staff of designers to assist Federal agencies in interior planning and design activities as provided for in section 101–26.506 of the Federal Property Management Regulations (FPMR) which states that:

"The Federal Supply Service, through facilities at GSA Central Office and regional office locations, will provide advice and assistance on various phases of interior planning and design to interested Federal agencies and, to the extent necessary, will provide for these services either directly or through commercial sources (for services involving interior office design or space layout see § 101–20.404)."

Section 101–20.404 states that:

"No Federal agency shall, without the written approval of GSA, enter into a contract for interior office design or space layout, with any non-Federal firm or individual. When it is determined that a contract is required, GSA, with the advice of the agency, will enter into the contract and supervise the contractor's performance. The contract will be completely reimbursable by the requesting agency."

Section 101–20 of the FPMR, which is a part of subchapter D, Public Buildings and Works, prescribes the policies and procedures relative to the assignment and utilization of space in Government buildings, the responsibility for which is vested in the Public Buildings Service (PBS). Section 101–20.4 outlines the methods for planning and layout of space assignments and prescribes the conditions governing GSA-agency coordination. Section 101–2.401 defines "space planning" as a study to determine the placement of an agency's operations within a building and the space layout of its furniture, and defines "space layout" as the specific placement of work stations, furniture, and equipment, to provide maximum efficiency of an agency operation. Neither the term "interior office design" used in section 101–20.404, nor the term "interior planning and design" used in section 101–26.506, is defined.

Section 101–26 of the FPMR which sets forth policies and procedures regarding the procurement of personal property and nonpersonal services from or through Federal agencies and from non-Federal agencies established as sources of supply, is a part of subchapter E, Supply and Procurement. Section 101–26.5 prescribes policies and procedures relating to GSA procurement programs other than the GSA supply depot and Federal Supply Schedule programs.

We discussed the applicability of sections 101–26.506 and 101–20.404 of FPMR to contracts, such as the oral contract entered into between the Department of the Interior and Morgan, with personnel of the FSS Procurement Policy Area and the PBS Design and Construction Area. Some of the personnel expressed the opinion that the term "interior office design" as used in section 101–20.404 is broad and comprehensive and would include the refurbishing or redecorating of a Government official's office. These persons stated their belief that such services should not, according to section 101–20.404 be contracted for with non-Federal entities without GSA's written approval. Others, however, stated that section 101–20.404 is in the subchapter of FPMR which deals with the assignment and utilization of space and therefore would not be applicable to interior design services which are furnished by GSA under authority of section 101–26.506 in the Supply and Procurement subchapter of FPMR.

The Acting Assistant Commissioner, Procurement, FSS, stated that interior design is a service that would be furnished other Federal agencies if they requested it. However, in his opinion, it was not the intent of GSA to consider interior design as a service that could not be contracted for without GSA approval. This view was concurred in by the Deputy Assistant Commissioner, Office of Space Management, PBS. The General Counsel of GSA has advised us that he agrees with this view, which may be regarded as GSA's official interpretation of the referred to regulations.

CONCLUSION

Under the circumstances described above, we believe that the services actually provided by Morgan appear to be the "interior planning and design" services as described in section 101–26.506 rather than "space planning" or "space layout" services as defined in 101–20.401, and that the specific prohibition contained in section 101–20.404 is not applicable to the Morgan contract. Therefore, we conclude that the Department of the Interior had authority to obtain such services from an outside source.

With respect to the procedures followed in obtaining the services of Morgan, we believe that the noncompetitive procurement of such services was not sufficiently justified by the facts contained in the record. However, the services provided by Morgan at the request of the Department, and the acceptance of the services, as evidenced or ratified by the issuance of purchase orders for the furniture and furnishings gave rise to an obligation on the part of the Government to pay for the reasonable value of the services. We doubt that the Government could successfully contest the reasonableness of the rates of compensation paid to Morgan according to commercial standards.

PURCHASE OF FURNITURE

Of the purchases for the refurbishing of the Secretary's suite of offices, all but a desk and credenza costing $2,235 had been received as of July 10, 1970.

At the hearings held on April 10, 1970, before the House Subcommittee on Appropriations, Department officials in a statement pointed out that Morgan, the interior designer, had specified furniture and furnishings from designated manufacturers that generally were not available from Federal supply sources; and that for the Department to have procured items other than those specified would have negated the benefits and wasted the cost of the designer's services.

Since the interior designer had specified furniture and furnishings from suppliers who were not listed in the Federal Supply Schedules for executive type office furniture, the items specified were not available from Federal supply sources. However, we question whether it was necessary for the interior designer to specify such furniture or furnishings for use in the Secretary's offices. FSS issues schedules listing executive type furniture, the use of which is generally limited to personnel in grade GS–18 and above. Our review indicated that executive type furniture listed in Federal Supply Schedules had been used in offices of other cabinet officials.

Section 101–26.401–3 of FPMR provides that agencies obtain needed items under the Federal Supply Schedule contracts, instead of procuring similar items from other sources, when the FSS item will adequately serve the required functional purpose. When an agency determines that an FSS item will not serve the required functional end-use purpose, a waiver of these requirements must be obtained from GSA.

More specifically, with respect to office and household furniture and furnishings, section 101–26.505–3 of the FPMR requires that:

'Where an agency determines that office and household furniture and furnishings obtainable from GSA supply depots or Federal Supply Schedule contracts, when required to use these sources, will not serve the required functional end use, requests to procure similar items from other than GSA sources shall be submitted to the Commissioner, Federal Supply Service, as prescribed in §§ 101–26.301–1 and 101–26.401–3, respectively."

Although in our opinion, many of the items specified by Morgan appear to have the same functional purpose as items that were available under the Federal Supply Schedule contracts, the Department purchased the items from the sources specified by Morgan and did not request waivers from GSA for these purchases. Items such as a Dunbar custom (special) desk priced at $1,795 and carpeting, some of which was priced at $56.25 a square yard would appear to be in this category. In this regard, we noted that under the Federal Supply Schedule contracts the most expensive desk available was $463 and the most expensive FSS carpeting was $9.63 a square yard.

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AGENCY COMMENTS

In a letter received by us on July 10, 1970, the Solicitor, Department of the Interior, stated that the furniture items were part of a design and motif developed by Morgan and were not FSS items. He added that therefore the purchases of the furniture items were legal and proper because:

"(a) the items were not Federal Supply Schedule items, since being a part of an overall decorator development causes the items to include design, decor, and motif features.

"(b) only non-listed furniture items which are sufficiently similar to items on the Federal Supply Schedule require a waiver from General Services Administration; and Interor did not believe the items were sufficiently similar and did not ask for waivers, because the items were so much a part of the decorator's over-all development for the suite of offices."

CONCLUSION

The FPMR requires that Federal agencies either obtain needed items under FSS contracts when FSS items will serve the required functional purpose, or request waivers from GSA when it is determined that FSS items will not serve the functional end-use purpose. As noted previously, in our opinion, many of the items purchased from non-FSS sources served the same functional end-use purpose as items that could have been acquired under FSS contracts. However, the Department did not request waivers from GSA as required by the FPMR.

Moreover, even if the Department had been granted waivers, the method of contracting for the specified items was clearly unauthorized. Section 302 of the Federal Property and Administrative Services Act of June 30, 1949, as amended (41 U.S.C. 252), requires that all purchases and contracts for property and services shall be made by advertising, except that negotiation is authorized in 15 specifically enumerated instances. In the absence of a real emergency, 41 U.S.C. 252(c)(10) might have been considered as the negotiating authority applicable to these purchases. Under this provision, an agency may acquire property or services through noncompetitive negotiation when it is "impracticable to secure competition."

Federal Procurement Regulations (FPR) 1–3.210, implementing the statutory negotiating authority, cites the following as an illustration of circumstances permitting use of the authority—"when property or services can be obtained from only one person or firm (sole source of supply)." However, FPR 1–3.210 also requires that every contract negotiated under this exception shall be supported by a determination and findings prepared and signed by the contracting officer justifying use of the authority.

Determination and findings to support sole source negotiation for the furniture and furnishings in question would, in our opinion, have to set forth facts and circumstances illustrating why a product having features which are peculiar to the product of one manufacturer, producer, or distributor are essential to the Government's requirements and that similar products of other companies lacking those features would not meet the minimum requirements for the item. The Department has not furnished us with a sufficient basis to justify these purchases on a noncompetitive basis.

Since it appears that the purchases in question were not made in accordance with the applicable provisions of the Federal Property Management Regulations, and were made without waivers by GSA of any of such provisions, and that issuance of the purchase orders violated the cited provisions of the Federal Property and Administrative Services Act and the Federal Procurement Regulations promulgated in implementation thereof, we conclude that such purchases were beyond the legal authority of the Department of the Interior.

Representatives of the Department of the Interior have suggested that one possible course of action would be to return the items which have been delivered and which have a counterpart under Federal Supply Schedule contracts. The General Accounting Office would see no objection to taking such action provided full refund is made to the Government for any payments which have been made for the items returned and provided also that no costs to the Government are incurred.

Alternatively, we are requesting that the Department prepare a detailed description of all items purchased, following the requirements set forth in FPMR 101–26.301 and 101–26.401, which we will submit to GSA with a request that we be advised as to the maximum prices for similar items which could have been purchased in accordance with GSA regulations. For each item which GSA determines could have been purchased from the Federal Supply Schedules, we intend to take exception in the accounts of the responsible fiscal officers to the portion of the payments under the several purchase orders involved which are in excess of GSA's maximum prices.

THE COURTROOM TRAGEDY IN CALIFORNIA

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, the recent courtroom tragedy in California, resulting in the merciless slaying of Judge Harold J. Haley of the Marin County Superior Court, and two others, makes clear the types of crime which can be perpetrated by the use of handguns.

The investigation of this case indicates that the gun used in the slaying of the judge was registered in 1968 by Angela Davis, a controversial person who has been barred from her teaching position at the University of California.

The significance of this disclosure is that the investigators of this heinous crime have been able to trace the acquisition of the guns used by the alleged perpetrators to Angela Davis. This is, indeed, an essential element in the total investigation and the ultimate apprehension of all of those responsible for these brutal slayings.

In the last Congress, I sponsored an amendment to the omnibus crime bill which would have required Federal licensing of all handguns. Since most crimes of violence are committed with handguns, the wisdom of such a Federal statute should be apparent. Certainly, the California gun registration law has been useful in identifying the alleged purchaser in 1968 of the gun which was used to set off the multiple slayings which occurred last Friday. With the mobility of today's population, the need for such a Federal small gun registration or licensing law is greater than ever.

The political beliefs of Angela Davis are of no concern to me in this context, but her identity as the apparent purchaser of the gun in question and the valuable use to which this information may be put cannot be questioned.

Mr. Speaker, I am reintroducing the measure for Federal licensing of handguns. It is my hope that this measure will receive an early hearing by the House Judiciary Committee, as well as overwhelming passage by this House.

LEAA CORRECTIONAL PROGRAM

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, on June 30, 1970, the House acted favorably on amendments to the Omnibus Crime Control and Safe Streets Act providing for improvements in and a continuation of the law Enforcement Assistance Administration. These amendments were most significant in that for the first time funds will be directed to the correctional facilities of this Nation. It is also highly significant that Congress has led the way in this area, an area that has been neglected for decades.

Last Saturday I visited the Riker's Island correctional facility in New York City. I liken my observations there to similar such observations that the gentleman from California (Mr. HAWKINS), my esteemed colleague, made concerning the Con Son prison facility in South Vietnam.

There is one section of the Rickers Island facility where 2,150 boys are locked up two to a cell that measure 6½ by 8 feet. These boys have not been convicted of any crime, yet some have been there almost 18 months. I was shocked at the size of those cells and the confinement of two to each small area.

Moreover, there is little or nothing for the boys to do. The lack of mental activities has no doubt been responsible for several attempted and successful suicides. The shelter has a public school, but its eight teachers can handle only 200 students or less than 10 percent of the detainees.

I also saw several fully equipped, but unused vocational training shops for machinery work, metal fabricating, woodworking, furniture finishing, printing, and trades. Yet these boys who are presumed to be innocent under law are not able to use the facilities.

It is incomprehensible to me that with a surplus of teachers we cannot expand the public school program at the island facility. Moreover, it is simply faulty logic for a $2.5 million vocational training center to be established and then go unused due to lack of adequate funding.

This week New York experienced an outburst at another correctional facility, the Tombs in Manhattan. A facility for males charged with crimes ranging from murder on down, it was originally designed to hold 932 persons. Today it holds nearly 2,000.

The inmates cried, "We are not animals." Yet the attention paid to this facility was worse than that given to the Bronx Zoo.

The prisoners in the Tombs are not going to take inhuman treatment. The New York City prison system is one big, boiling, seething cauldron similar to the Tombs and Rikers Island.

So now this body has passed the Law Enforcement Assistance Administration amendments. This bill provides $3.1 billion over the next 3 fiscal years to establish new programs for construction, acquisition, and renovation of correctional facilities at all levels of government, as well as for other law-enforcement activities.

A minimum of one quarter of the total appropriation or $1.09 billion, is to be expended for grants to States and localities for the improvement of correctional facilities, rehabilitation programs and practices.

These funds are desperately needed to expand the correctional facilities in New York City and elsewhere. Experts have testified time and time again that the one area with great possibilities for reducing crime in the streets is in rehabilitating the first offenders so as to cut down recidivism to the lowest possible rate.

Rikers Island has an $18.4 million plan for improvement. But twice that much will have to be spent if the facility is to adequately serve the needs of those incarcerated behind its walls.

All the words of rhetoric that filled the pages of the Record during the Senate debate recently on the District of Columbia crime bill will not help those people outside of the District of Columbia. The Senate must act, and it must act now to pass the LEAA amendments.

How many outbursts like those in New York City during the last few days will this country have to experience before its elected officials take corrective action? How many more presumably innocent minds will be destroyed in overcrowded detention centers awaiting trial? How many more youths will be prepared for a life of crime instead of of a life of productivity and happiness working within his society? What is necessary in this area of correctional facilities and proper training and rehabilitation programing is a massive commitment at all levels of government. We in this House have shown the way. Let us hope the Senate acts quickly toward ultimate enactment of this important legislation.

MILITARY ASSIGNMENTS

(Mr. MORSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, a number of my colleagues have joined with me today to introduce a bill which would require that maximum effort be made to assign a serviceman as close to his home as possible for the completion of his duty, when he returns from a combat zone.

We have all known, directly or indirectly, the hardships and anxiety suffered by both servicemen and their families while these men are fulfilling their military obligation in Southeast Asia. All too often, however, the joy and relief at the return of many of these combat veterans is overshadowed by the fact that they must once again, frequently on their final tour of duty, be separated from family and friends by many hundreds of miles at a military post far from their homes. Apart from a short period of leave, they have no opportunity to renew and strengthen long-missed bonds with friends and loved ones.

This situation should and can be greatly improved. While I realize that it may not always be possible to assign every combat veteran to an appropriate installation near his home, I believe it is our duty and responsibility to make every effort to prevent unnecessary or unwarranted separations. The legal requirement, encompassed in this bill, of maximum entitlement for such an assignment for combat veterans will go a long way in improving this situation by helping to insure that a serviceman's preferences will be properly considered. Not only is such treatment fair, but it will also, I feel, help to improve morale at home and abroad and to alleviate the anxiety that such separations have already caused so many American families.

I include at this time a list of the cosponsors and the full text of this proposal:

Cosponsors

Mr. Flowers, Mr. Hansen of Idaho, Mr. Jones of North Carolina, Mr. Brinkley, Mr. Tunney, Mr. Reid of New York, Mr. Poage, Mr. Wampler, Mr. Hathaway, Mr. Rosenthal, Mr. Scott, Mr. McDade, Mr. Ryan, Mr. Smith of New York, Mr. Brasco, Mr. Halpern, Mr. Nix, Mr. Kyros, Mr. Obey, Mr. Harrington, Mr. O'Neill of Massachusetts, Mr. Friedel, Mr. Conyers, Mr. Johnson of California, Mr. Pike, Mr. Addabbo, Mr. Whitehurst, Mr. Roe, Mr. Fraser, Mr. Corman, Mr. Moss, Mr. Button, Mr. Yatron, Mr. Byrne, Mr. Anderson of Tennessee, Mr. Frelinghuysen, Mr. Kazen, Mr. Fish, Mr. Johnson of Pennsylvania, Mr. Hanley, Mr. Biester, Mr. Anderson of Illinois, Mr. Wolff, Mr. Lloyd, Mr. Matsunaga, Mrs. Chisholm, Mr. Carter, Mr. Broyhill of North Carolina, Mr. McKneally, Mrs. Heckler, Mr. Green of Pennsylvania, Mr. Hastings, Mr. Bingham, Mr. St Germain, Mr. Buchanan, Mr. Wyman, Mr. Kuykendall, Mr. Moorhead, Mr. Van Deerlin, Mr. Pelly, Mr. Gilbert, Mr. Gude, Mr. Fulton of Pennsylvania, Mr. Tiernan.

A Bill To Amend Title 10 of the United States Code to Provide That Members of the Armed Forces be Assigned to Duty Stations Near Their Homes After Serving in Combat Zones

That (a) chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1041. Duty station assignment after combat zone duty.

"Any member of a uniformed service is entitled, to the maximum extent practicable and consistent with the needs of the service, to be assigned to a tour of duty at a station or post near the location designated in the member's military records as his legal residence if the immediately preceding tour of duty of the member was in a combat zone. The Secretaries concerned shall prescribe such regulations as may be necessary to carry out this section."

(b) The analysis of such chapter 53 is amended by inserting

"1041. Duty station assignment after combat zone duty."

immediately after

"1040. Replacement of certificate of discharge."

TRIBUTES TO THE LATE HONORABLE G. ROBERT WATKINS

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania (Mr. Goodling), is recognized for 60 minutes.

Mr. GOODLING. Mr. Speaker, I have asked for this special time in order that Members who wish to do so may pay their respects to my very good friend and your very good friend, Bob Watkins. At this time I would be happy to yield to any Member who desires recognition.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I am happy to yield to our distinguished minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. The other day, following the death of our dear friend, Bob Watkins, I had an opportunity to make some comments concerning him and his record. On this occasion I would like to amplify those expressions of feeling and repeat my deep, deep sympathy for his wife and family in this hour of tragedy.

I did not know Bob Watkins as I have known a good many Members in the House of Representatives with whom I serve. But in the short period that we were friends, I developed a great affection and admiration for him. I,

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among many others, will miss him a very, very great deal. He was a person who wore well. He was a person who had the courage of a lion, and yet he had the manner of a perfect gentleman.

I will never forget the place that he occupied in this Chamber, because if we needed help on any legislative matter, we knew where he was, and if he possibly could, he would rise to the occasion and vote to help either the President or those of us on this side of the aisle. If he thought it was in the national interest, he would vote his conscience under any and all circumstances.

Mr. Speaker, let me say in conclusion we have lost a fine legislator and a good friend. I extend again to his lovely wife and to his family our deepest condolences.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Tennessee.

Mr. BLANTON. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

It has been my sincere privilege to be able to serve on the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce with the late distinguished gentleman from Pennsylvania. I say this with the utmost humility. If ever I have seen a man who was a man's man, Bob Watkins was a man's man. He stood head and shoulders, he stood solid when he made his commitment, his word was his bond, he was a sound man, he was an honest man, and he was a straightforward man—no varnish, but straightforward. Sincere is a very inadequate word to describe him.

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I extend my condolences to his family. Just last week he was talking with me about his sons and his business. It was always a pleasure for me to discuss with him our friends and our families whenever we had the time and whenever the occasion would permit. We have fought for the same purposes many times in our subcommittee and the same bills, and I have always known Bob would be there, solid, well prepared, and very effective.

Again I extend to the family my sincerest and deepest regrets. It is a great loss to me and to this body.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. Mr. Speaker, I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, it is with a great sense of personal loss that I join my good friend, the gentleman from Pennsylvania (Mr. Goodling) in commenting on the service and life of our departed friend, who has left this Chamber and this earth.

Bob Watkins was a good man in every sense of the word. He was a big man physically, but even more than that he was a big man mentally and morally. When he made up his mind, he had always thought over the problem carefully, and then there was not any doubt in anybody's mind as to what his decision was, because he would let people know.

He was a man who will be missed, not only by the Members of this House, but also by the constituents of his district and the citizens of the great Commonwealth of Pennsylvania. Even more than that he will be missed by the people of this country who rely so much on the statesmanship of the Members of this House, who will miss Bob Watkins as the years go by, because he was a great statesman and a man who had deep convictions and the ability to set forth those convictions.

On top of that—and I think this may be about as important a comment as can be made—he was a blithe spirit. Because of his being here, we all felt better, and because of the work he did, we all were better.

It is with a deep sense of sorrow and a personal sense of loss that I join my colleagues in extending my personal sympathy to his family and extend to them the condolences which come from a true faith in the Almighty and the assurance that here was a great man whose life they shared and whose life we shared and whose passing is mourned by many people throughout the United States.

Mr. GOODLING. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. Hunt).

Mr. HUNT. I thank the gentleman from Pennsylvania.

I want to tell the Members this evening a little bit about the man, Bob Watkins, as I knew him. I believe I have known him as well as anyone in this House.

I met Bob Watkins back in the middle 1930's. I knew him as a fine, hardworking businessman, as a sheriff of his county, later as a legislator in Harrisburg, and as a commissioner in his county, and later as a Member of the House of Representatives.

At no time during by acquaintanceship with Bob Watkins did I ever have any reason to doubt his sincerity, his honesty, or his utmost devotion to his family and to his country. I have never heard a man have a bad word for Bob Watkins.

Those Members of the House who knew him must realize now that the gentleman who sat in the far corner on the right-hand side of this Chamber—a portion of this Chamber referred to by some Members, in jocularity, as the hard corner—will recognize the fact that the man in himself was one we can never replace. A man like Bob Watkins comes along once in a lifetime.

He was a true friend, and he was steadfast in his convictions. In the last few months of his earthly life Bob Watkins was extremely happy. He had celebrated his 50th wedding anniversary with his lovely wife Hilda Jane and their family. He had been a speaker at the congressional prayer breakfast in this very House. He had been engaged in a political fight which had been satisfactorily resolved. He had made a speech to a ladies' group in his home district and had completed a successful and very enjoyable evening by making the speech. Then suddenly he was stricken and removed from our midst.

I knew him as a God-fearing man. I realize now what people mean when they say that some persons are ready to meet their maker. I know that George Robert Watkins was ready to meet his maker.

But the pathetic part of it is that we were not ready to lose him. I know my grief and my sorrow are shared by many people, not only those in the House of Representatives but also the people who work in and about the Capitol here and the people in his district, the people he met wherever he met them, in Harrisburg or in many farflung places. All recognized the fact that Bob Watkins was unto himself a monumental descriptive man. It will be a long time before another man of his caliber comes along in this House. We sorely miss him.

Many of the fellows whom one might think are sort of light hearted today are really heavy at heart. Yesterday I was one of those privileged to attend the funeral, with 52 Congressmen from the House who journeyed to Chester to pay their respects.

There is nothing much more that can be said, I know, except to say this in finality: I know that Robert Watkins is looking at us today. I know he smiled down yesterday and said, "I knew you would be there, my friends."

I knew him not only as a Congressman and a man in the business world but as my steadfast friend of many, many years. I can only say that we have suffered a tremendous loss, of a man we cannot replace.

I only hope that this House will remember the tremendous contribution he made not just to the Members and to the legislative body but also to those little people on the outside to whom he meant so much. This world never know of the many deeds George Robert Watkins performed on the outside.

I want to extend my condolences to his lovely wife and to their family and, to my good friend Bob Watkins, "Good night."

Mr. GOODLING. Mr. Speaker, I yield to the gentleman from Indiana (Mr. Myers).

(By unanimous consent (at the request of Mr. Myers) Mr. Bray was allowed to extend his remarks at this point in the Record.)

Mr. BRAY. Mr. Speaker, this House is saddened today by the loss of our colleague, the gentleman from Pennsylvania, Robert Watkins.

It is always with great regret that we in the Congress receive news of the passing of one among us. When that colleague has been a great personal friend as well, we are doubly sorrowed.

Bob Watkins was a personal friend of mine. We had worked together, relaxed together, laughed, and grumbled together. Bob Watkins was an extraordinary individual, a man with rare personal warmth and charm.

I need not reiterate Bob's record of service for the people, not only of the Commonwealth of Pennsylvania but Americans everywhere. These facts are well established, and his deep dedication and devotion to his responsibilities were above question.

I mourn the loss of Bob Watkins. I mourn his loss from public life, a calling he had accepted for himself many years ago. I mourn his loss from the House of Representatives, where he served so effectively the people of the Ninth District of Pennsylvania. But greater than these is the personal grief I hold at the loss of a cherished friend. I mourn the loss of our rapport, the great harmony in our relationship.

I pass to his family my deepest and most heartfelt sympathy. I pray that God will grant them serenity in these days.

Mr. MYERS. Mr. Speaker, I thank the gentleman for yielding to me.

I rise with many other friends of Bob Watkins not to idolize Bob or to try to raise him above the point that he raised himself to but with a sense of love.

Bob was a Member of this body for almost 6 years. I am confident that many Members never really learned to know him, but I must honestly say I never saw anyone here who did not have a deep affection and respect for Bob. As has been said before, many Members, including myself, sought out Bob for his advice, because we knew it would be sound and it would be wise and would take into consideration what was best for America.

Mr. Speaker, the reason why many Members did not know Bob was because he was not one of those Members who speak often but was, rather, one who listened and reasoned soundly from his great experience.

Bob was a self-made man. He rose himself from humble parentage and worked and developed himself into one of the leaders of this Nation.

About a month ago I asked Bob Watkins to be our speaker at prayer breakfast. Some of his friends said, "You will never get Bob to accept an invitation to speak at prayer breakfast." Well, when I asked him, Bob did not hesitate. When he accepted he said, "Sure. I would love to." The morning he spoke he came to me and told me that this was one of the most inspirational experiences, one of the highlights of his life. He gave a most inspirational address. He said that he enjoyed it as much as the experience of serving the Nation in this body.

Mr. Speaker, America is a better place to live in this evening and to raise our children in and this body is a better body and each of us is a better Member because Bob lived and served with us here. So we direct our prayers for his soul and that his family shall be consoled at this time.

Mr. GOODLING. Mr. Speaker, I yield to the gentleman from Iowa (Mr. Scherle).

Mr. SCHERLE. Mr. Speaker, I thank my colleague from Pennsylvania for yielding me this time.

There are many times in our lives when we feel at a loss for words. I certainly do at this time. I wish I had the ability and the eloquence that so many of my colleagues have shown time and time again on this floor.

I do not think this House, in my humble opinion, in the short time I have been here, ever had a man with the character and integrity of Bob Watkins. I do not think anyone could ever fill his shoes or fill the place of Bob Watkins. Never was there a man here who had such an impact on this House, as far as I am concerned. He was real, kind, gentle, and generous. Bob Watkins never intentionally ever hurt anyone's feelings. I have seen him go out of his way to help some whom he thought had their feelings hurt or injured at some time.

Bob was a remarkable man. He stood tall. Everything he did seemed to be right. He was an inspiration to every one of us. He was a man of humble beginnings and never at any time was he ever pretentious although we all know he had every right to be. He was a success in business, a success in politics, and a success as far as life itself is concerned. Everyone liked Bob Watkins.

I have never known a man in the Chamber who did not have a kind thing to say about Bob Watkins. He had friends on both sides of the aisle, and everyone enjoyed his company. We would go out and have dinner, and we did this a number of times, and I was so grateful of having the opportunity of being associated in his presence.

As I look over there now in that hard corner, that hard core, as many call that right side of the Chamber, Bob Watkins will always be there as long as I am in this House. I think the inspiration and the dedication that this man gave to this body will never leave this House.

He left a wonderful family, and a wonderful wife. At this time I would like to express my deep sorrow and offer my condolences, and say to his family that as far as I am concerned there is no one whom I will miss more than Bob, and I will remember Bob Watkins as long as I live.

Mr. Speaker, I thank the gentleman for yielding.

Mr. GOODLING. Mr. Speaker, I now yield to the gentleman from Alabama (Mr. Buchanan).

Mr. BUCHANAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is very difficult indeed in words to adequately describe the life of our beloved friend, Bob Watkins. He sounded no trumpets before him, and yet he accomplished much, and his quiet strength was an inspiration to us all. He loved his country, his colleagues, and the people it was his privilege to represent. He was a man of conviction who believed in something and stood for something. His success in business and in politics was based on the sound foundation of hard work, perseverance, and honest service to the people. His unfailing sense of humor was a source of joy to those around him. He was a man of unimpeachable integrity, of courage, and of genuine humility. Bob Watkins was a part of the strength of this House, and of our country. He was a man of honest stature, and a public servant fully worthy of the public trust.

Mr. Speaker, those of us who were privileged to know him as a friend knew too of his great faith, a faith that sustained him throughout the long years of his life, throughout hard times and throughout good times, and these years in the House were good times for him. I am supremely confident that that faith was not in vain; that the faith which sustained him in his life here has sustained him in the life beyond. It has been a privilege to know him and to work with him. The House was made richer by his presence, and poorer by his passing. He shall be greatly missed. We, therefore, join in extending our heartfelt sympathy to his loved ones, and share their loss.

Mr. Speaker, I thank my colleague for yielding.

Mr. GOODLING. Mr. Speaker, I now yield to the gentlewoman from Massachusetts (Mrs. Heckler).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I must confess some stunned sadness over the loss of one of my favorite colleagues, Bob Watkins. I am sure that those who knew him longer than I and knew him better than I have suffered a very great loss, but I think that certainly all of us have felt a loss that is rather unique in this body.

His family indeed deserves and receives the sympathy of the Members of the House, and all of the people who knew Bob Watkins here and in his district also deserve sympathy, because I know that they will find it difficult to choose a successor equal in any way to his accomplishments. I know further that the Committee on Interstate and Foreign Commerce will also find it difficult to replace a man who, when others were swaying reeds, was a mighty oak who stood fast in his convictions and who at the same time never altered his principles.

Mr. Speaker, I have to confess as well that I feel in remembering Bob Watkins that I must remember him with a smile throughout the weighty decisions and the crises and the challenges that we feel in this body on so many occasions, and especially today with the great problems our Nation faces. Nevertheless there are the human touches that lighten the burden, that make the load of every moment more pleasurable, more enjoyable and more memorable, and Bob Watkins certainly performed this function for me, and for countless others.

How well I recall intruding in his discussions with the gentleman from New Jersey (Mr. Hunt) and intruding when he insisted that Congressman Hunt was outdoing him, and asked me to back him against John. And it was at those moments when we were perhaps off the track that I got to enjoy and appreciate a truly superb human being, a really genuine person whose spirit exceeded indeed his expansive size.

It will be hard for those who carry on here to fulfill the responsibilities of that one chair which he so frequently occupied. I wonder who will dare to presume to sit there, to occupy the chair of a man who gave so much solace to all of us.

So, Mr. Speaker, while I join my col-

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leagues to express my great sadness today I also have to confess to his family and to all the Members of the House that I feel very fortunate to have enjoyed the privilege of his friendship, for however brief a time it was, and to say that it has indeed enriched my life.

Perhaps this will be of some consolation to those who have suffered this most grievious loss, especially to his wife who undoubtedly will realize that while he will be missing from us all, he will still be present in that spirit and example and the enrichment that he offered to every human being in this life.

Mr. GOODLING. Mr. Speaker, I yield to the gentleman from New York (Mr. Smith).

Mr. SMITH of New York. Mr. Speaker, I want to associate myself with the remarks of all those who have spoken and who knew Bob Watkins so well and who will miss him.

A few of us came to the Congress together in 1965 which was a bad year for Republicans as I remember. There were about 20 new Republicans elected in 1964, and we came in together in 1965 and associated ourselves in the 89 Club, the 20 Republicans who came in in that year, which is an organization which still limps along from time to time every Monday night.

There was a long period, because Bob Watkins lives within commuting distance of this Capitol, when he did not appear at the 89 Club meetings on Monday night. There was a long period of time before anybody in our new group had really met Bob. So he became known after a while, before we met him, as the "ghost" because we really did not believe he existed.

Well, finally, of course, we did meet Bob and got to know him and to love him. We found that far from being a ghost, he was solid all the way through—in his beliefs, in character, and in all of the things that he did. We will miss him. He has been a good servant—a good servant to his family—a good servant to his country and to his district and a good servant to his country and to his God.

I know that he has left a splendid heritage to his family of whom he was so proud. They, I am sure, are proud to have had a husband and a dad such as Bob.

We are proud to have had him as one of our colleagues. We shall miss him, but we shall remember him with great affection.

Mr. GOODLING. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. Davis).

Mr. DAVIS of Wisconsin. Mr. Speaker, I too want to express my appreciation for having known and for having gained a deep affection for Bob Watkins in the 6 years that he served here among us.

Like so many of rather crusty exterior and a very effective sense of humor, Bob Watkins beneath it all was a man with a very warm heart, a deep sense of duty and patriotism and love for his country.

I suppose it could be said that those of us who knew him for such a short time in the span of his years cannot appreciate the part that he played in his home community and among the family of which he was so proud. But I think all of us have been enriched for having known Bob Watkins, for having gained a deep affection and a deep appreciation for the service which he performed here and which he performed for his country. He loved his country with a passion, and was willing to perform his duty as he saw it in order to enhance the interests of his country.

I know that you of the Pennsylvania delegation will miss him, perhaps more than any of the rest of us can assert that we shall miss him. But in these short 6 years he has indeed made a deep impression upon the House of Representatives. He has served his country well, and I know that the number of us here tonight, in the lateness of the hour, testifies to the deep affection that we held for him, and I hope that somehow these less than ample words that we say now will help to ease the grief of his family and his constitutents in the Commonwealth of Pennsylvania.

Mr. GOODLING. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. I thank the gentleman from Pennsylvania (Mr. Goodling) for yielding.

Mr. Speaker, 52 Members of the Congress attended yesterday's funeral services in Chester, Pa., for our late colleague, the Honorable G. Robert Watkins.

Such representation at such a critical moment in this session of the Congress was, in itself, a most significant indication of the high regard with which Bob Watkins was held by his peers and colleagues.

It might well be said, in fact, that such representation constituted the most eloquent of the myriad of eulogies to which voice was given within this body.

I would note, however, that the Reverend John S. Nichols, in final eulogy, revealed that, in planning for death even as Bob Watkins planned his life, he wrote his own epitaph.

It was simple, it was direct and, as Bob saw it, quite obviously, it summed up his most active, diversified, and successful life of personal achievement and public service. Said Bob Watkins in his own epitaph:

> I lived life as I saw it. I accepted others as they were.

In consideration of those words which, more than any others, gave insight into the mind, heart, and philosophy of Bob Watkins, it might well be said that, even in death, he gives us much to contemplate most seriously:

> I lived life as I saw it. I accepted others as they were.

I have been asked by the clerks of this U.S. House of Representatives at the desk to express their deep sympathy to Bob's wife, Jane, and to his family.

Thank you.

Mr. GOODLING. I yield to the gentleman from Virginia (Mr. Wampler).

Mr. WAMPLER. I thank the gentleman for yielding.

Mr. Speaker, I was shocked and grieved to learn of the passing of our beloved friend and colleague, Bob Watkins. Bob Watkins and I had a lot in common. My name immediately preceded his on the call of the roll of the Members of the House of Representatives. Our respective congressional districts were both numbered 9. Our voting records, and particularly on the great issues of the day, were almost identical.

Although Bob Watkins lived most of his life in the great State of Pennsylvania, he was a native of my State of Virginia, and I know Bob Watkins was proud of the State of his native heath, and certainly we in Virginia are proud to call him one of our illustrious sons.

Mr. Speaker, Bob Watkins was truly a Virginia gentleman in the noblest sense of the word. A wise man once said that we never forget a person in our hearts unless we forget his greatness. If this be true, then surely those of us who were privileged to know Bob Watkins will never forget him. I do not know how long I will be privileged to serve in the House of Representatives, but it will never be quite the same to me without the presence of Bob Watkins.

So, Mr. Speaker, I extend my sincere condolences to his lovely wife and to his sons and to the other members of his family and say that I truly loved Bob Watkins and I shall never forget him.

Mr. GOODLING. Mr. Speaker, I yield to the gentleman from New York (Mr. Grover).

Mr. GROVER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I was privileged to serve on the Committee on Merchant Marine and Fisheries with Bob Watkins during the year he was here. It is difficult to add to the accolades and the beautiful eulogies which have been presented here in his memory tonight, but I must say in serving with Bob on the Committee on Merchant Marine and Fisheries in these years and in these times when we were attempting to develop legislation which will be far reaching and preserve the human ecology and the human environment and during these days in which we have been struggling to and have finally come up with a broad, new maritime program, Bob was very effective on that committee in bringing about the new legislation. He was most effective and zealous in his work in ecology and environment.

Bob would sit in the hearings and listen to some of the senior Members question people who were before us in the hearing room. When his turn came, his questions were concise and sharp and effective and they elicited points which had not been brought out before and which, indeed, should have been brought out. He took great pride in his work and was most dedicated to that committee on which I served with him.

But Mr. Speaker, I remember Bob even more for something else, and it was something alluded to by the gentleman from Iowa (Mr. Scherle) when he pointed to the corner of the room where Bob most times would sit during the

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quorum calls or rollcalls, where we would find a sort of unofficial caucus in that corner of the room—and they were not there because someone else was there, but they were there because Bob was there. The conversation during those slack periods during the rollcalls would be very light—and the attraction was the subtle but warm charisma of Bob, who had a wonderful humor which just sort of captivated us all. In the more serious moments of debate we would also find a caucus over there of people waiting for the words of wisdom from Bob's many years of experience.

Mr. Speaker, Bob is gone from this Chamber, but as others have said, he will live in our memory, and he will not be forgotten, because his memory will stay with us. It is as if the Lord would send unannounced a disciple into our midst to set examples of brotherhood and human understanding. Bob certainly did that.

Mr. Speaker, I join my colleagues in extending my condolences to his family.

Mr. GOODLING. Mr. Speaker, I yield to the gentleman from New York (Mr. McEwen).

Mr. McEWEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I was one of the small band of Republican Members, that a previous Speaker referred to, who first came to this House in the 89th Congress. Bob Watkins is the first of that group to depart from our scene for the world hereafter. All of us in that group, and the others who have spoken here this evening, as we got to know Bob, found that he grew in our esteem and in our affection.

A prior speaker said that although Bob had a somewhat crusty exterior, or an appearance of a crusty exterior, he was a warm and wonderful and understanding human being. Firm in his convictions, he was free to express them. But he was tolerant, and understanding, and appreciative of the fact that not everyone was of his point of view and conviction on all matters.

He was a man who took pride, and properly so, in what he had accomplished. He believed, as he personified in his own accomplishments, in the virtue of work and attention to his duties.

He was a man who was beloved by all of us; he will be sorely missed. I know, for myself, that I shall never walk by that one corner of this Chamber except I shall think of Bob Watkins, as he sat there, always with some word of humor or valued comment to make, whenever, one stopped to speak to him.

To Mrs. Watkins and the members of his family, I express my deepest sympathy and most sincere condolences.

Mr. GOODLING. Mr. Speaker, I yield to the gentleman from Missouri (Mr. Randall).

Mr. RANDALL. Mr. Speaker, it is a privilege and an honor to be permitted to participate in this eulogy to Bob Watkins. As one who usually sits on the other side of the aisle from Bob, I am one who enjoyed many visits with him over yonder in the southwest corner. They call it the hard corner, or the hard core corner.

Through our mutual friends the gentleman from Indiana (Mr. Roudebush), the gentleman from Ohio (Mr. Clancy), and the gentleman from New Jersey (Mr. Hunt), it was my privilege to engage in many conversations. I can assure the Members that I enjoyed every one of them.

Bob prided himself on being a breeder of thoroughbred horses. I shall never forget him saying at one time that a horse can be a better friend than a lot of men.

Once I told him of a visit to Delaware County, and how I had a run into a herd of red cattle, a sort of velvet red, a new breed. He took time to explain the pedigree of those cattle to me, and he told me how this ranch, not far from Philadelphia, incidentally, was owned by some people from the King Ranch of Texas. He went on and remarked about it. He said, "Wasn't that a beautiful sight?" He said, "You know, Bill, there is nothing like being on a ranch like that. It makes you feel like you are closer to God when you are out in the country that way."

While I am not a member of the prayer breakfast, Bob was. I am reliably advised he recently spoke to that breakfast, and my informant tells me his talk was one of the finest ever presented. I believe the reason was because of his deep sincerity and his deep and inspired belief in the Supreme Being.

One characteristic that I shall never forget about Bob was his great sense of humor. No matter how unpleasant the day, or no matter the hour—like some of the days we have put in recently—he would always say to me, "Things just cannot be that bad. Think it over and you will realize things are just not quite as bad as they seem."

I have thought about that a lot. If only more of us had that same attitude we would all be better off.

I am richer for having known Bob. I know that is true for all of us who knew him and loved him.

The fact that 52 Members from both sides of the aisle made the trip to Pennsylvania attested to something more than what we call popularity, to the great respect and high regard we all had for him.

There was a great outpouring of the entire community up there that morning to pay tribute not so much to one who was their Congressman but to one who was their friend.

We will all miss Bob. We will never forget him because he was a friend to us all, because he followed the creed that to have friends one must conduct himself in a way to be a friend.

We all extend our condolences and sympathy to his good widow and his two fine sons, of whom he was so proud.

May his good soul be at peace and at rest.

Mr. GOODLING. Mr. Speaker, I yield to the gentleman from New York (Mr. Reid).

Mr. REID of New York. I thank the distinguished gentleman from Pennsylvania (Mr. Goodling), for yielding.

The U.S. House of Representatives has suffered a serious loss.

His sense of humor, his directness, his friendship for one and all was a capacity that few have in this body and which none have equaled.

He will be deeply missed both for the soundness of his judgment and the fine character of his person.

Bob Watkins was a humble man. He stood for the best in America. He always had a kind and friendly word for everyone. His humility was shown by his concern for everyone in this body and above all what he believed in for this Nation and for the world we live in. This body is a better place for his life. Our country is a better country for his living.

To those of us who were privileged to call him friend we will always keep him close to our hearts. While he is physically not present in the House of Representatives, his spirit will always be here as an inspiration to this body and to his countless friends.

Mr. Speaker, I wish to offer my deepest sympathy to his wife, his two sons, his family, the Pennsylvania delegation, his constituency, and the State and Nation which he served so ably and so thoughtfully.

Mr. GOODLING. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. Carter).

Mr. CARTER. Mr. Speaker, as it happens, I came to the Congress with our departed friend, the Honorable Robert Watkins.

He was one of the finest men I have ever known. He was quite a conservative. As we learned, he was born in poverty. He had a very difficult time in his younger years, but by hard work and by intelligence he became an extremely successful man. He was a strict Christian. Bob Watkins was a great believer in the Christian religion. He tried to live it and he did live it. On the 23d of July he spoke to the prayer group. His remarks at that time were well received, most impressive.

Certainly we wish to console his widow and his sons, of whom he was so proud.

Bob Watkins will certainly be missed by the Members of this House.

Mr. Speaker, I thank the distinguished gentleman for yielding to me.

Mr. GOODLING. Mr. Speaker, I have never seen a finer tribute to any man than that which we have just witnessed here. I think it is most significant that after a hard day of legislative work and at this late hour so many Members have remained to pay tribute to a friend of all of us, Bob Watkins.

Mr. Speaker, I have already paid my respects to this very great friend of mine, and I again thank all the Members who have joined with me today.

Mr. LANDGREBE. Mr. Speaker, yesterday in Chester, Pa., a personification of the American dream was laid to rest. It was at once a sad duty and a great honor for me to attend the funeral of our departed colleague, Bob Watkins.

Bob's story is well known to all of us. Born of humble beginnings in the seaport town of Hampton, Va., he resolved early in life to rise to business prominence by his own hard work and dedication. At the age of 9, he was selling newspapers to the crews of ships anchored in Hampton Roads. Later, he became a shipfitter in Newport News.

But in America, a newsboy or a shipfitter can rise to greater heights, if he has the will to do so. Bob Watkins proved that. He migrated to Chester, where he began his own stevedoring firm.

From the docks of Philadelphia, it was a short step to the highways of America. With technological progress, the truck replaced the horse-drawn dray, and Bob Watkins became a small trucker.

He built the Blue Line Transfer Co. into a thriving trucking business and began at a time when other men had despaired, the depression year of 1932. As another Member of this body who has built a trucking business from scratch, I know firsthand the difficulties, the heartaches, the joys and rewards of such a struggle.

In America, a man's success is limited only by the limitations of his own initiative, ambition, and diligence. In only a few nations of this world could the dramatic success story of Bob Watkins be recorded.

The unlimited opportunities of America produced in Bob Watkins a deep sense of gratitude. It was, therefore, inevitable that, being the kind of man he was, he would want to do something for America in return.

Once established as both a trucking magnate and a breeder of thoroughbred horses, Bob Watkins began to pay his debt to America's bounty through service in the political arena. This service began at the county and State level—as Delaware County sheriff, as Pennsylvania State senator, and as Delaware County commissioner. It culminated here, in our Nation's Capital.

First elected in 1964, and it was typical of the man that, like the game fish, he swam upstream. Year 1964 was not the best year for a Republican to seek his first term in Congress. But a man who begins a business in 1932 has little to fear from a landslide of the opposition in 1964. He won election and repeated his triumphs by even greater margins in 1966 and 1968.

Drawing on his experience in land and sea transport, Bob Watkins served as one of the most qualified and respected members of the Committees on Interstate and Foreign Commerce and Merchant Marine and Fisheries. Now that he is gone, his expertise will be sorely missed.

My wife, Helen, and I extend to Bob's widow and family our heartfelt sympathies.

Mr. **ROGERS** of Florida. Mr. Speaker, I wish to join my colleagues in expressing my sincere sorrow at the passing of a personal friend, Bob Watkins.

Bob has served his country well during his many years of service as a county sheriff, a State senator, a county commissioner, and finally as a Member of the House of Representatives. Along with all of his accomplishments and his distinguished service as a leader and loyal American, we will always remember him for his interest, perserverance, and dedication. He served with distinction on both the Interstate and Foreign Commerce Committee and the Merchant Marine and Fisheries Committee. I will always value my association with Bob in these two groups and will continue to remember his many contributions to committee work.

Bob Watkins' worth never was measured by narrow or partisan standards. He served always as a statesman and not as a politician, thinking the most important thing to consider was the interests of the Nation.

We will miss him in this Chamber and I know the people of the Ninth District of Pennsylvania will miss his leadership.

My wife and I both offer our sympathy in this hour to his wife, Hilda Jane, and his two sons, G. Robert, Jr., and Dwain.

Mr. **HALPERN**. Mr. Speaker, it is with great sadness that I rise to pay final respects to Bob Watkins, an esteemed colleague and great American. The House will long remember the contribution of Representative Watkins to this Chamber, and will long feel the loss of his presence.

A man close to the grassroots from which he came, he brought the experience of a local political leader and businessman to the ongoing national process. His time served as a county sheriff and State senator from 1949 to 1961 prior to his election to the House in 1964 made him a true representative of the people in the Ninth District of Pennsylvania. His entrepreneurial spirit and keen business sense enhanced his position in the workings of the Chamber, especially in the day to day work of the Interstate and Foreign Commerce Committee and the Merchant Marine and Fisheries Committee.

Such loyalty to both his constituents and fellow legislators will be a great loss and a dual devotion which will be very hard to match. To his family, his wife, Jane, and their two sons and six grandchildren, I can only express my deepest sympathy and sadness, and to his constituents, I can only hope they will find another representative of equal ability.

Mr. **BROTZMAN**. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding. One of my great pleasures in this body was to get acquainted with Bob Watkins. I sat next to him in the Interstate and Foreign Commerce Committee and was impressed by his dedication, his sincerity, and his ability. Even more I appreciated his sparkling sense of humor which he often asserted at some tense moment in committee proceedings. Mrs. Brotzman and I extend our deep sympathy to Mrs. Watkins and the family.

Mr. **BROYHILL** of North Carolina. Mr. Speaker, Bob Watkins was not a Member of this body long. But I know of no one who made a greater personal impact in that time on his fellow Members.

Bob was a genuine person. He was a real person. There was no pretense about him. His relationship and dealings with his fellow Members was always in a straightforward manner. His opinions were always briefly and concisely stated.

Bob was a good friend to me and to many more. He always had a friendly word of welcome when you saw him in the House Chamber or in committee.

He was a man of courage. He always thought of his country first—not himself or his party—but his country, of which he was justly proud. His country which gave him such unparalleled opportunity to succeed. He was a man of firm conviction and dedicated service.

I was proud to call him my friend.

Mr. **DERWINSKI**. Mr. Speaker, it is with great sadness that I join the Members of the House in paying tribute to our late colleague, the Honorable G. Robert Watkins of Pennsylvania.

Bob was a truly dedicated public servant who ably represented the Ninth Congressional District of Pennsylvania, having formerly been a county sheriff and commissioner, and a Pennsylvania State senator for three terms. In addition, he brought firsthand knowledge to his committee assignments—on the Interstate and Foreign Commerce Committee and the Merchant Marine and Fisheries Committee—having had experience in both the shipping and trucking industry before becoming an elected official. Indeed, Bob was a a dear, warm, personal friend whose dry wit and gentlemanly nature was appreciated by us all and he will certainly be long missed as an individual.

Mrs. Derwinski joins me in extending our deepest sympathy to his wife and sons.

Mr. **O'NEILL** of Massachusetts. Mr. Speaker, the death of a great friend and colleague, Bob Watkins, is indeed a loss to each of us. He was truly a man who lived the American dream. From his humble beginnings, his hard work, ambition, and enthusiasm brought him to the high ranks of Government.

Bob Watkins' friendliness was extended to every Member of Congress. He knew each Member by name and was a friend to people of all political philosophies. His warmth and good will infused us all with hope and optimism.

Bob and I often voted on opposite sides of issues, but we had great respect for each other.

The Congressman from Pennsylvania was truly a dedicated public servant. He represented his district faithfully and well. His unrelenting efforts to serve his constituency, and his dedication to principle marked his service in the House. He was a diligent worker in committee, and an untiring advocate of that in which he believed.

We will miss Bob Watkins in the House of Representatives. I am sure that he will long be remembered here for his many contributions. My sympathy is extended to his family.

Mr. **CLANCY**. Mr. Speaker, with the untimely passing of Bob Watkins, a number of us lost a close friend; the House and the Nation lost a truly dedicated American. He was a man of great ability, deeply committed to serving his country.

We were most fortunate to know Bob. We had the greatest admiration for him as a man, as an American, and as a leader. He was a warm and humorous man who enjoyed a rapport with virtually everyone who knew him. Bob was a great man, but more importantly, he was a good man. He was truly devoted to his fine family. Bob not only brought honor to the State he represented but to all of us who had the pleasure of serving with him in the Congress of the United States.

His passing leaves a great empty space in my life and in the lives of his loved ones and friends. A thousand cherished memories will help to ease this loss and fill the void his absence brings. We are all truly fortunate that we will have the recollection of these happy experiences shared with Bob. We were always proud and delighted to partake in his wonderful friendship.

I know, Mr. Speaker, that each one of us here today joins in extending heartfelt sympathy to his beloved wife and family.

Mr. DEL CLAWSON. Mr. Speaker, the entire back row was unoccupied on the Republican side of the aisle during the first quorum call of the House of Representatives on Monday, August 10, 1970.

Not only for the first time was Bob Watkin's name omitted from the call, but the vacant seat of his favorite place on the House floor visibly dramatized his absence and the tragic loss of our beloved colleague. "Honest Bob Watkins," the third-person, self-reference he enjoyed using, leaves an irreplaceable void in the Congress. Congressman Watkins "built his house upon a rock" and the foundation of his love of home, community, and country never failed. His deep-seated faith in America frequently surfaced in his private and public discussions. The successes achieved in his own life were revealed as humble examples of the opportunities available to every man in this land of liberty. "Self-made" is truly descriptive of this friend of mankind. One of Bob's humorous expressions about the lack of so-called intellectual achievement was that he was a "high school put out," recognizing again the "self-made" description of his life. In serious reflections Bob Watkins humbly voiced appreciation for the association in the Congress of his colleagues, often "wondering" out loud why the Good Lord had blessed him with this honor. At times he was openly emotional in his patriotic praise for the United States and condemnation for her detractors. It was only necessary to point to his own life to support his argument that America offers unlimited opportunity for success to any individual who is willing to make the necessary effort. Friendships were valuable to Bob and easily made if loyally given. His generosity was exceeded only by his great heart and love of fellowmen. Many in all walks of life, the high and the lowly, have been the beneficiaries of his beneficence.

A noble American, a friend and colleague, has left us, but his memory will endure and our soft-toned references will recall the pleasant associations and occasions spent with Bob.

May his wife and family find solace in the spiritual values held by their husband and father and in the efforts of all of us in sharing their loss. We pray that a Divine Providence will bless and console them in this period of bereavement. Their loss is our loss.

Mr. BYRNE of Pennsylvania. Mr. Speaker, Pennsylvania has lost a dedicated and faithful public servant; the House of Representatives has lost a hard working and effective Member; and I have lost a deep, warm, personal friend with the death of G. Robert Watkins.

I was shocked to hear of Bob's sudden death last Friday. It was only a day since seeing him on the floor of this body.

I had known Bob since 1934 and had the privilege of serving with him in the Pennsylvania Legislature and for more than 5 years in the Congress.

I feel qualified to say he was a dedicated public servant throughout his entire public career—as sheriff of Delaware County, Pa., for 4 years; as a State senator for 12 years; as Delaware County commissioner for 4 years; in addition to his three terms in the House of Representatives.

In his private life, Bob was an example of what a determined man can do. Born in poverty, Bob worked long and strenously to make himself a wealthy man and a respected citizen.

Yet Bob was an extremely charitable man. He never expected others to make the same sacrifices he himself had made. I never heard Bob speak ill of ayone, and I think you will agree this is quite an accomplishment for a man in political life.

Let those inclined to speak disdainfully of "politicians" look to Bob Watkins. Bob's word was his bond, and his word was never doubted by anyone. So few people in this world can lay claim to this trust.

My wife, Virginia, joins me in extending our heartfelt sympathy to Bob's beloved wife, Hilda Jane, and his sons, Robert G. and Dwain Joseph.

It is my earnest prayer the good Lord will reward Bob for his many good deeds performed while here on earth.

Mr. ESHLEMAN. Mr. Speaker, like all of his colleagues, I was shocked and deeply saddened by the death of my Pennsylvania neighbor, G. Robert Watkins.

Our loss of Bob Watkins was a special one for me. I first served with him in the Pennsylvania General Assembly. There I knew him to be a conscientious public servant, an impression which was reinforced when we became colleagues again in the 90th Congress. Throughout these periods of mutual service, I valued his friendship and often his counsel.

The American dream certainly applies to Bob Watkins' record as a successful businessman and a respected public official. He was 9 years old when he started selling newspapers in Newport News, Va., and still in high school when he became an apprentice shipfitter. It was also during his youth that he excelled as an athlete, pitching semipro baseball for $10 a game. In 1936, after several previous business associations, he organized the Blue Line Transfer Co., which today operates hundreds of trucks throughout the eastern portion of the Nation.

Bob Watkins' distinguished service as Congressman from Pennsylvania's Ninth District was the culmination of a long dedication to public service.

In the public arena, his career began 29 years ago when he was appointed to the Delaware County Prison Board in Pennsylvania. His first elective office was Delaware County sheriff. Later he was elected county commissioner, State senator, and finally U.S. Representative.

Our country benefitted from Bob Watkins' love of it and his service to it. We mourn his passing and extend to his wife and his family our heartfelt sympathy.

Mr. PELLY. Mr. Speaker, I was saddened to learn of the sudden death of Representative G. Robert Watkins, who was a Member of Congress since 1964 and of my committee, the Merchant Marine and Fisheries Committee.

During his three terms in the Congress, Bob won our admiration and respect and held a warm spot in the hearts of all his colleagues.

Mr. Speaker, only recently he celebrated his 50th wedding anniversary and when I congratulated him he said it was the happiest day of his life. He said he had married the most wonderful girl he had ever known and was the luckiest man alive.

Bob had many friends and I was fortunate to be one of them. He will be greatly missed and I know that those of us who knew him are grateful that we did. No one who was his friend will ever forget his cheerful ways and great sense of humor, nor will his contribution in the Congress be forgotten.

I extend my deep sympathy to his widow and loved ones.

Mr. SCOTT. Mr. Speaker, I would like to join with other Members of the House in paying my respects to the memory of our colleague Bob Watkins.

He was a likeable individual, kind, and considerate, and yet a person who did not hesitate to take a position he considered to be in the best interest of his constituents and his country.

Certainly, we will miss him in the House and I know all of us want to extend our sympathy to his widow and family. He was dedicated to what was best for America and men of his caliber are needed in the Congress. We mourn the loss of this great and good man.

Mr. MATSUNAGA. Mr. Speaker, it is with a sense of deep loss and sorrow that I join my colleagues in eulogizing the memory of a great American, Bob Watkins.

In the relatively short time that Bob Watkins spent in this Chamber and in the Halls of Congress, he made many friends on both sides of the aisle. He always seemed to carry about with him an air of cheerfulness which invited friendship.

Bob Watkins will be missed sorely by his colleagues, by his constituents, his

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State, and Nation, all of whom he served so well. He leaves behind him a record of accomplishments of which his family can rightfully be proud, and which will serve as an inspiration to those who will follow him.

While I realize that the grief over the sudden and unexpected loss of one so dear must be almost unbearable, if not unbelievable, I do hope that his beloved widow and other members of his family will find some solace in the fact that there are many who share in their great loss and deep sorrow.

As one who was privileged to gain his friendship, I extend my deepest sympathy and heartfelt condolences to his surviving widow and family. May the blessings of the Almighty be upon them in their bereavement.

Mr. DUNCAN. Mr. Speaker, I would like to pay tribute today to a man whom I greatly respected, the late Honorable G. Robert Watkins.

I was very sorry to learn of the death of our colleague last Friday and my prayers and condolences go with his widow and children.

Bob came to Congress the same year as I and somehow there is always a greater bond between those who entered in the same "class." He was a wonderful person to me, a very kind man, and a gentleman respected and loved by all who knew him.

Not only was Bob a hard-working legislator, but he was successful in all endeavors which he tackled. He was a very successful businessman, a community leader, a family man, and a kind servant of the public.

We will miss him greatly, yet he has left us with fond memories and with good examples to follow.

Mr. McCLORY. Mr. Speaker, it is with deep personal sadness that I pause to pay tribute to my late esteemed colleague, Congressman G. Robert Watkins, of Pennsylvania.

I have observed this reserved and conscientious gentleman during the years that we have served together in the House of Representatives. In addition, I have been aware of the broad background of experience which preceded his conscientious and useful service in the House of Representatives.

Mr. Speaker, recently I had occasion to hear Congressman Bob Watkins speak at a meeting of our congressional prayer group. It would not be appropriate to discuss the subject of his remarks. However, I want to say in all sincerity that Congressman Bob Watkins revealed a great sense of spiritual faith and understanding. The genuine goodness of Bob Watkins came through as he spoke with full candor and humility—and his remarks touched deeply all who had the privilege of hearing him.

I know that Bob Watkins' home has always been an abode of love and devotion. His pride in his wife and children are characteristic of one so richly endowed with spiritual as well as material blessings.

Mrs. McClory joins me in extending deepest sympathy to Mrs. Watkins and to other members of the family.

Mr. COLLINS. Mr. Speaker, it came as a shock and complete surprise to learn of the death of Bob Watkins. When I came back to Washington, I learned that Bob had died suddenly over the weekend.

Last week Bob was with us on the House floor. He had his usual dynamic spirit and definite ideas on every issue that came on the floor.

To lose a friend so quickly brings in sharp the realities of this world. Bob was a fine man. He was honest, sincere, and straightforward.

Bob Watkins was a man of strong courage and conviction. If the issue was rough and the political implications were heavy, he never hesitated. He voted right and he never equivocated. The U.S. Congress lost a great man when Bob Watkins passed away.

From the bottom of my heart, I extend sincerest sympathy to the entire Watkins family.

Mr. WIDNALL. Mr. Speaker, many of us view the sometimes uncertain and bleakly appearing future with a humorless demeanor. When the problems of our world are weighed against the prospects for solution, the assessment is often discontenting. Bob Watkins showed us that problems still were solvable when approached in an atmosphere that combined a generous mix of humor and friendliness with the solemnity of the cloakroom and the committee room.

Perhaps Bob Watkins learned this easy going approach to difficult problems while he developed his own stevedore operation while in his twenties, or while he built a successful trucking company during the depression.

He was a very productive and respected Member. He earned this reputation with a low key, good humored manner that made him not feared but beloved.

His gentleness may have been honed from caring for thoroughbred horses these past three decades, or leading employees in two prosperous business ventures. At any rate, Bob Watkins knew how to treat people well, to make them feel comfortable and best of all, to lift spirits when they were down. He is a model to all people, showing that one need not be feisty and disagreeable to be a success.

We will very much miss the wit and ease of Bob Watkins. To his wife and sons, I wish to extend my deepest sympathy in their bereavement.

Mr. COUGHLIN. Mr. Speaker, I offer my deepest condolences to the family of Congressman G. Robert Watkins whose passing is mourned by his colleagues in the House.

There are too many things in the life of a man to sum up in a few words and this is especially so for a man such as Bob Watkins. I will remember him for many things, but one thing in particular always will remind me of Bob Watkins.

In the busy world of the Congress, too often the predominant theme for a younger Member of the House seems to be the discouraging word. Bob Watkins, a man with a long and successful career in politics and business, indeed was the marked exception to the discouraging word.

Because with Bob Watkins, it was the encouraging word.

I valued his friendship and admired his empathy in going out of his way to say a kind word, an encouraging word about what I was doing or how I was voting. This to me typified Bob Watkins so that he truly stood as a big man in the finest sense of that description.

In his life, Bob Watkins demonstrated that he lived what he believed America to be. From humble beginnings, he worked starting as a teenager and by dint of his industriousness and ability acquired material success in the business world.

But his vision was far beyond this. Bob Watkins accepted the challenge of public service and soon matched his success in the business world with an outstanding political career.

Bob Watkins served as a county sheriff, a county commissioner, a State senator, and a U.S. Representative. His life was filled with the activities of a dedicated public official, yet he never neglected his family or his pursuits as a sportsman.

Whether as a young baseball player or a breeder of thoroughbred horses, Bob Watkins possessed a zest for these pursuits that was so much in evidence in the way he lived.

Bob Watkins lived a full and active life up until the very moment he died. We can find solace in this even though we are so saddened and distressed by his sudden passing.

But, perhaps even more than the monumental legacy he leaves in the political and business world, is the very personal legacy that he bequeaths us.

For Bob Watkins demonstrated as he went through life that the basic attributes of man's best nature are the ones that long will be remembered when the achievements of the material world are consigned to newspaper files and warehouse records:

A generous heart. A bubbling sense of humor. A warm and engaging personality. A compassion for others. A sense of sincere camaraderie. A cheerfulness and friendliness. All these finest traits and more are the legacy that Bob Watkins leaves us.

> "His life was gentle, and the elements So mix'd in him that Nature might stand up And say to all the world, 'This was a Man!' "
>
> —*Shakespeare.*

Mr. MAILLIARD. Mr. Speaker, the House of Representatives once again has been shocked by the sudden death of one of our colleagues. The passing of the Honorable G. Robert Watkins is a tragic loss to our Nation and has deeply saddened those of us who worked with him in this Congress.

Congressman Watkins began life in humble surroundings and rose to positions of leadership in the field of business. His experience in the shipfitting and interstate trucking businesses prepared him well for service in the House of Representatives on the Committees on Merchant Marine and Fisheries, and Interstate and Foreign Commerce. In both of these fields, he was an expert by interest and experience.

Mr. Speaker, the Congress will truly miss not only the expertise, but also the great personal warmth of G. ROBERT WATKINS.

My wife joins me in extending to Mrs. Watkins and their sons our deepest sympathy in this time of sorrow.

Mr. SHRIVER. Mr. Speaker, I join my colleagues in paying tribute to the late gentleman from Pennsylvania, the Honorable G. ROBERT WATKINS. The House has lost a sincere, friendly and capable Member whose service and dedication to duty has been recognized as outstanding. I greatly value my association with BOB WATKINS in the House of Representatives and I have always admired his friendly, happy and courteous manner. BOB WATKINS was a man of genuine character and stature. We regret his untimely passing and our prayerful sympathy goes out to his wife and family in this hour of darkness and sorrow.

Mr. BIAGGI. Mr. Speaker, I want to join with my colleagues in expressing my deep sense of loss at the sudden death of ROBERT WATKINS of Pennsylvania. The fact that he died while actively engaged in the work he has loved for the last 6 years is indicative of the kind of man he was.

His philosophy was one of service. His first business enterprise at age 9 was selling newspapers. In his later years he established a trucking business that eventually operated hundreds of trucks in all parts of the Eastern United States.

While in this body, his aid and assistance could always be counted upon by the people around him. It has been a personal privilege for me, especially as a newcomer, to work with him on the Merchant Marine and Fisheries Committee and in Congress.

I am sure his death will be a great loss not only to his family and his constituency, but also to his country.

Mr. MURPHY of Illinois. Mr. Speaker, it was with great sorrow that I learned of the death of our colleague, the Honorable G. ROBERT WATKINS from Pennsylvania.

Representative WATKINS was a man who devoted the majority of his lifetime to public service. He began his career as sheriff of Delaware County, Pa., then served as a State senator for 12 years and county commissioner before coming to the House of Representatives in 1965. During his three terms in the House, his personality and his work earned him the respect and admiration of his colleagues. The dedicated and conscientious manner with which he served the House and the people of the Ninth District of Pennsylvania will be greatly missed by those of us who knew and worked with him.

Mrs. Murphy joins me in extending our deepest sympathy to his wife and two sons. We hope that their sorrow may be eased by the knowledge that he lived a successful and fulfilling life.

Mr. ROONEY of New York. Mr. Speaker, the passing of the Honorable G. ROBERT WATKINS came as a severe shock to us all because we knew him as such a warm human being. He was a man of great integrity and honor and though we voted differently on many phases of legislation, I had nothing but the deepest admiration and respect for him. He loved life and lived it fully and by doing so made life for those around him that much better.

Life was not always easy for BOB, perhaps that is why he savored it so much. He started earning his way at 9, selling newspapers aboard ships tied up in his then hometown of Newport News. He went on to form his own longshoring and trucking company. He entered politics and in time was sheriff, State senator, county commissioner, and finally U.S. Representative in Congress. BOB was a hard-working and productive Member of the House and we shall all miss his presence. To his wife and family I extend my deepest sympathy in their sad bereavement.

GENERAL LEAVE TO EXTEND

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks in the RECORD concerning our late colleague, the Honorable G. ROBERT WATKINS.

The SPEAKER pro tempore (Mr. MATSUNAGA). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SOUTH AFRICA

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from New York (Mr. LOWENSTEIN) is recognized for 60 minutes.

Mr. LOWENSTEIN. Mr. Speaker, the hour is late, and in deference to that fact I will truncate my remarks.

But it seems to me it would be entirely inappropriate for this House not to take notice before the recess of a number of events involving South Africa.

I want to bring these events to the attention of this body on behalf of not only myself but on behalf of many other Members who had hoped to be here, and would have been here, had we arrived at this point in our agenda earlier. I think there are upward of 30 Members who have asked to be identified with the remarks I will make today, and many of them want to put their remarks in the RECORD.

On August 24 in the Old Synagogue, Pretoria, the trial of Mrs. Winnie Mandela, and of several well-known African journalists, trade unionists, and students, will begin. Accused No. 1 is a newcomer: Mr. Benjamin Ramotse, who was held in solitary confinement for 702 days before he was charged. It will be 67 weeks since Mrs. Mandela and most of the others were arrested. A brief description of what they have endured is given in the testimony to the United Nations Special Committee on Apartheid, June 8, 1970. I will insert in the RECORD that testimony at the end of these remarks.

There are now 19 of the original 22 on trial, with Mr. Ramotse making 20 accused. And, after being originally detained under the Terrorism Act, only to be charged, tried, and found not guilty under the Suppression of Communism Act, they are now charged again under the Terrorism Act. And the charges, which in that earlier trial during December covered a period from October 1967 to June 1969, now extend from June 1962 to May 1970. In other words, they are charged for things that have happened while they were in jail, and also possibly for things that were legal at the time, but which the retrospective powers of the Terrorism Act now make a crime.

Three men among the original 22 are no longer accused. One of them, Mr. Paulus Matshaba, has emerged from 43 days in a mental hospital and has no recollection of being taken there by the police from prison. It appears the security police have succeeded in persuading the other two to become state witnesses—at any rate, the responsible minister and other senior officials show a singular ignorance about the circumstances surrounding the release of these men.

I insert in the RECORD at this point a statement by Miss Mary Benson, a South African writer and one of those rare and beautiful people whose presence on earth attests to the fact that we can still produce courageous souls who will dedicate their lives to the cause of freedom and to the well-being of other people, even at great sacrifice to themselves:

STATEMENT BY MISS MARY BENSON, WRITER, BEFORE THE SPECIAL COMMITTEE ON APARTHEID, JUNE 8, 1970

(NOTE.—Miss Benson, South African born writer and journalist, has appeared as a petitioner before the Special Committee on several occasions. In 1966, she was issued with severe banning and house arrest orders which prohibited her *inter alia* from taking any part in, or transmitting, any publication. She left South Africa later in the year and now lives in London. Her works include: *Tshededi Khama* (1960); *Chief Albert Lutuli* (1963); *South Africa: The Struggle for a Birthright* (1966); *At the Still Point* (1969).)

In 1963 the phrase "torture by mind-breaking" was coined by Mr. Hamilton Russell, former Member of Parliament and a leader of the Progressive Party in South Africa. He was describing the new law introduced by the then Minister of Justice, John Balthazar Vorster: detention without charge or trial for 90 days, renewable. In 1965 the period was doubled to 180 days, renewable. And in 1967 under the Terrorism Act—the Act of Terror as it has been called—*indefinite* detention without charge or trial was enacted.

"Torture by mind-breaking" and other less subtle forms of torture have become a custom in South Africa, and over the years more and more people have suffered; some have suffered even unto death. In 1963 one man died while detained in solitary confinement. In 1964, two. In 1966, two. All those five were allegedly suicides. In 1967 two

XUM

died—one an alleged suicide, the other "an unknown man who died on an unknown dated of cause unknown". In 1968 one died, allegedly suicide. And last year, in 1969, seven men died.

As Dr. Barend van Niekerk, a senior lecturer in law at the University of the Witwatersrand, told the Council of Churches in Johannesburg on May 26:

"In the short life of the Terrorism Act there have been more than a dozen known deaths of detainees which, in view of the small numbers involved, must surely represent the highest death rate for a single group of prisoners in the Western world."

He spoke of the Terrorism Act as an "institutionalization of cruelty". Others have described it as a license to torture.

Of the fifteen known deaths since 1963 we have little detail—you have on record as much as has been published. For instance, that James Lenkoe, on whose toe there was evidence of an electric thermal burn, was found by the magistrate to have committed suicide by hanging by a belt. A belt which, so his widow said at the inquest, was not his; he had left his only belt at home when he was arrested. Nicodimus Kgoathe, according to Security Police, died of a fall while taking a shower, and Solomon Modipane slipped on a piece of soap, with the magistrate finding that his death was due to "natural causes".

The one thing we do know for certain is that all these men died while their lives were under the absolute control of the Security Police. And the Minister of Justice, Petrus Pelser, according to *Reuters* on May 28, said: "I can assure the public that I am at all times kept informed of all the circumstances concerning a person's detention under the Terrorism Act".

XUM

When I testified before the Ad Hoc Working Group of Experts of the Commission on Human Rights in February, I accused the South African Government through its hired interrogators, of murdering the men who died in detention. I particularly singled out Major Theunis Jacobus Swanepoel, who heads the team of interrogators and whose name recurs again and again in affidavits about the sadistic methods of the police. Not unexpectedly, the South African Ambassador here was quoted in the press as saying that my accusation was nonsensical, a big lie. Apparently the Ambassador does not understand the implications when men choose the terrible anguish and annihilation of violently ending their own lives, rather than endure continued torture—whether mental or physical—from their interrogators. Have they hanged themselves? Have their enraged, possibly frustrated, interrogators hanged them? Did one man jump from a window? Or was he pushed? We shall never know. Just as we do not know how many men and women the Security Police have chosen to imprison under the Terrorism Act.

We know there are some Namibians. Who? How many? How long have they been imprisoned and where? We presume there must be freedom fighters captured in Rhodesia. Who? How many? How long . . .? And we know that the State has had scores of witnesses "at its disposal"—sinister words—in the case of twenty-two men and women who have been held under the Act. Exactly how many are still held and who are they? Most vital question of all: How are they?

It does not matter whether the State suspects someone, or thinks it has a possible witness to prove those suspicions: Not only the potential accused but prospective witnesses for the State are victims of the Security Police.

What is meant by "the State"? Normally one thinks of the President, the Prime Minister and Cabinet, or the Attorney General and then, if the matter comes to court, the State Prosecutor. But in South Africa under the Terrorism and "BOSS" Acts, none of these need be directly involved, they are simply rubber stamps for the Security Police. It is the Security Police who decide who to arrest, who shall be accused and who a witness; for months they work on these individuals to build up a case, and then they escort their witnesses to court, sit watching them as they give evidence, and escort them back to jail.

During the seven years since "torture by mind-breaking" was enacted, one particular building has become notorious because it is there that most of the interrogations take place: Compol, an abbreviation for Commissioner of Police, a cream-painted Colonial-styled building in Pretoria, a stone's throw from Church Square where President Kruger's statue looks down on symbolic Boers, and a block from the Headquarters of the Security Police.

THE CASE OF THE TWENTY-TWO AND THE TWO WITNESSES WHO SAID "NO"

It is fifty-six weeks since that day in May 1969 when seventeen men and five women and an unknown number of prospective witnesses were imprisoned by the Security Police in a case which has become of international concern. It took a year for any substantial protests to be made inside South Africa but at last the Black Sash women's protests of the past few months and international censure have been greatly augmented throughout South Africa, with students, church leaders, and professors of law—including Afrikaner Nationalists—joining in condemnation of the Terrorism Act and the continuing detention without charge of the twenty-two.

Among other mothers in the case are Mrs. Winnie Mandela—wife of Nelson Mandela, the African National Congress leader who is serving a life sentence on Robben Island—and Joyce Sikakhane, a young journalist. In age the twenty-two range from a 19-year-old schoolboy to a 73-year-old pensioner, Mr. Mvemve. And of very great significance are the two women who, when called as witnesses by the State, despite the standing torture and threats, and despite certain prison sentences if they defied the State, yet refused to give evidence against their friends. They are Shanti Naidoo, whose late father was Gandhi's adopted son, and Mrs. Nkala (or Mamkhala).

The twenty-two and these two women have now been imprisoned for 393 days: 393 days locked in a small cell, with only a mat and a slop bucket. Most of that time in solitary: No access to lawyers, family or friends.

In the course of that period, in December, when the twenty-two were brought to trial, though arrested under the Terrorism Act, they were charged under the Suppression of Communism Act for furthering the aims of the banned African National Congress. The evidence produced by the State was remarkable for its triviality—indeed some of it was ludicrous. Yet much of this evidence was extracted through threats and assaults. For instance, one State witness, Philip Golding, who was comparatively privileged because he was white and British, with the British Government putting pressure on the South Africans on his behalf, was nevertheless so terrified of his interrogators that when brought to court (where, incidentally, his evidence was innocuous), he would not talk about their assaults; the defence had to drag from him some mention; not until he was back in England did he dare describe what he'd been through. And he then also said he felt he had perjured himself in court.

As you know, in February the Attorney General announced that the State withdrew the charges against the twenty-two and the Judge found them all "not guilty". The Security Police promptly stepped in and rearrested them under the Terrorism Act. Shanti Naidoo and Mrs. Nkala were also—like the others—again at the mercy of their frustrated interrogators. As I said earlier, the Attorney General is one of the rubber stamps for the Security Police. In April he said the case was out of his hands, then on May 24 he said no further charges were yet preferred and, as far as he knew, no charges were being considered. (Report in Johannesburg *Sunday Times*). Yet four days later on May 28, Minister of Justice Pelser—clearly as a result of the outcry in South Africa—announced that police investigations were nearly completed and that the Attorney General would soon give a decision.

The *New York Times* commented on February 25, at the time of the arbitrary rearrests:

"The prosecution's strategy seems clear: It will simply hold the defendants under the Terrorism Act until more 'evidence' can be obtained or concocted by the bestial methods that have become a hallmark of South African 'justice'."

Since February, what has been happening to the twenty-four? We have no idea. Their attorney, Joel Carlson, has tried to get information. The Security Police do not reply. A desperate attempt by fifteen relatives to get a court order restraining the police from assault and torture, failed. The Judge ruled that the matter was not urgent. This despite the fact that three men connected with the case had died in dentention! Despite the affidavits from seventeen of the twenty-two concerning police cruelty.

TORTURE OF DETAINEES

Major Swanepoel and his team have become experts at the statue torture—forcing the victim to stand in one place, to stay awake, for days on end—an almost infallible technique for breaking people in such a way that no mark is left on them. But in the Compol building the team has added a refinement: the victim is now forced to balance on bricks. In his affidavit, David Motau, a 47-year-old truck driver, described this and how, after being then beaten and punched, he was hung by the neck with his toes just touching the bricks.

Mrs. Rita Ndzanga, whose husband is also one of the twenty-two—they have four children—describes the third occasion on which she was interrogated. A white Security man hit her and she fell and began to scream, then:

"They closed the windows. I continued screaming. They dragged me to another room, hitting me with their open hands all the time . . . They ordered me to take off my shoes and stand on three bricks. I refused . . . One of (them) climbed on a chair and pulled me by my hair, dropped me on the bricks. I fell down and hit a gas pipe. The same man pulled me up by my hair again, jerked me, and I again fell on the metal gas pipe. They threw water on my face. The man who pulled me by my hair had his hands full of my hair. He washed his hands in the basin. I managed to stand up and then they said: 'On the bricks!' I stood on the bricks and they hit me again . . . I fell. They again poured water on me. I was very tired. I could not stand the assault any longer. I asked to see Major Swanepoel."

Mr. Mvemve, the 73-year-old man, was unable to balance on the bricks so they handcuffed him and tied a rope through the handcuffs and to a grating above his head, his feet touching the bricks. After three days and nights he told them he accepted every word they said. A statement was slowly compiled. "But I didn't sign it," the old man said afterwards.

The youngest, Joseph Sikalala, was made to catch and kill cockroaches with his hands; then the "grey, wobbling bricks", kicks, blows, a sjambok beating knees, feet, genitals, threats: "Kaffie . . . jy sal doodgaan" (Kaffir you will die), sleeplessness, fatigue, the blurring, hopelessness.

And for Mrs. Mandela, who was allowed to sit through her five days and nights of interrogation because of a heart condition and oedema, the time when Swanepoel sent for her, and asked abruptly who was Thembi Mandela. She replied, "My eldest stepson" and he then said, "He is dead." He had been killed in a car accident. She was too shocked for control, she broke down and wept.

DEATHS IN DETENTION

As I mentioned, three men concerned in this case of the twenty-two died in detention. Of one, Michael Shivute, we know only that he is alleged to have committed suicide on the first night.

Caleb Mayekiso A.N.C. leader and trade union organizer since the 1940's, whose most recent term of imprisonment for political activity had been served on Robben Island, was quite fit, his wife said, when the Security Police took him away on May 14 last year. In two weeks' time he was dead. That is all we know.

And then, the Imam Abdullah Haron: We know far more about his death because in Cape Town a number of prominent white people made a fuss about it. If only the fuss could have been made ten months earlier, when he was detained without charge!

Twenty thousand people attended his funeral—he was a greatly loved and respected leader of the Muslim community, and utterly opposed to *apartheid*.

On May 28 last year, he was detained. Aged 43, he was, so his widow says, in excellent health. Four months later, on September 27, he was pronounced dead. An inquest was not held until five months later. Police evidence was that in July the Imam complained of pain over his ribs, he was twice seen by doctors and was given pain-killing tablets. There was no indication of heart trouble.

Between July 2 and 11, he had been interrogated by Sgt. van Wyk and as a result reluctantly made a statement. (Van Wyk is the man who assaulted two white detainees in 1964—Stephanie Kemp and Alan Brooks, both now in London—cases in which the Government made out-of-court settlements with his victims.) Police testified further that on the night of September 19 the Imam fell down some stairs and suffered injuries. (Though these injuries included a broken rib, no doctor was called.) The police treated him with pain-killing tablets. During the next eight days he did not walk around. He usually sat or stood in the sun, and sometimes he did not leave his cell. On September 27 he died.

The post-mortem next day disclosed twenty-six bruises on the body, haemotoma, blood clots in the chest wall, a narrowing of the artery and clots in the deep veins of the calves. The seventh right rib was broken. One bruise was twenty by eight centrimetres. Some bruises were possibly seven to ten days old, but others were fresher. Two parallel bruises were similar to injuries seen on those hit by an instrument such as a stick. At the inquest five months later, the Magistrate accepted police evidence, said a substantial part of the trauma, contributing to death by myocardial ischemia, was caused by an accidental fall down a flight of stone stairs. He was unable to determine how the balance of the trauma was caused.

The evidence and the finding aroused wide disquiet in South Africa and provoked demands for a judicial inquiry. No such inquiry has been held. In April the Imam's widow sued the Ministers of Police and Justice, but there has been no subsequent report as far as I can ascertain.

Meanwhile relatives of all those detained wait and wonder. Mrs. Naidoo has said she is haunted by these deaths. Shanti is frail and delicate. She herself is old and ill and fears she will never see her daughter again. (Her one son, tortured in 1964, shot at the time of his arrest, is serving a twelve-year sentence for sabotage.) Her appeal to the authorities that Shanti be charged or released met with silence.

A BRUTALIZED SOCIETY

There is something peculiarly obscene about Major Swanepoel and his team. It is not as if they are dealing with great leaders, with militants or freedom fighters. The case of the twenty-two centers on a small group who through leaflets, through trying to gather clothes and cash for families of political prisoners, were desperately struggling to keep a spark of protest and of humanity alive. But with "BOSS," with the Terrorism Act, the Security Police have to justify their existence.

And their unknown number of victims are but one aspect of the "brutalized society which connives with a brutal regime in applying brutal measures" against the non-white people of South Africa. Those are not my words. I am quoting a *Rand Daily Mail* report of the words of Mrs. Jean Sinclair, President of the Black Sash women in South Africa. She was describing the destruction of lives, of families and of homes that are all facts of life there. Her words also remind us that along with the many who suffer, there do remain the tiny handful who never cease to protest, right inside South Africa.

KEEP UP THE PRESSURE

Among them: Joel Carlson, attorney for the twenty-two and so many others. In a speech to students in Johannesburg in April, he said that inaction and silence are tantamount to condoning and approval. To know that the evil exists and to do nothing is soul-destroying. "Change will not come about by people wishing for it, but if we persist, with courage, we shall overcome," he told the students.

One hopes that the students and all the others now protesting in South Africa will not be intimidated, nor deceived by false assurances. That when the twenty-two are released or charged, they will continue and make ever more penetrating their demands on behalf of the others, helpless, silenced, in solitary confinement; and here it is vital that you and your Committee, keep up the pressure, that as long as there is a single political prisoner in South Africa, a single person suffering under *apartheid*, you will make known the abhorrence of the outside world.

I will also include in the RECORD at this point an editorial from the Rand Daily Mail of June 24, 1970, on the question of his trial and a document from the United Nations Unit on Apartheid.

This covers three subjects which are of great concern to the American people and to people anywhere on earth who care about freedom.

The first has to do with the problem of deaths under mysterious circumstances of persons in detention in South Africa, of which there are now a substantial number, including a 15th, Mr. J. Iyitya, whose death by hanging in a cell in Port Elizabeth occurred after the U.N. compilation.

The second is a report on the fate of the late Imam Abdullah Haron.

The third is a poem by one of the great authors of our time, Alan Paton, who, though now denied a passport by the South African Government, is still carrying on the effort to speak for those who have been silenced by that peculiarly repressive government.

The material follows:

[From the Rand Daily Mail, June 24, 1970]

WHERE ARE THEY?

A detainee whose "release from detention" was announced by the Minister of Justice six days ago was discharged from Weskoppies Mental Hospital yesterday. He had been there, he thinks, for 44 days. Two other detainees have also been "released from detention". Where are they?

In administering any law, the authorities have a duty to keep the public informed of their activities. In administering the Terrorism Act—Section Six of which arms the police with extraordinary powers—the onus is far greater. Section Six allows for a great deal of official secrecy. The police have authority to arrest people and keep them in indefinite solitary confinement—secretly. Once a month they are required to tell the Minister of Justice why they are doing so. No one else need know. Thus it was possible to produce a man in court last week who claimed to have been held incommunicado for 23 months, and about whom no further information was offered.

But wherever the law does not specifically require secrecy, the authorities have a special obligation to keep the public informed of how they are using their vast powers. The matter of the 22 is a case in point. Their situation was revealed because they appeared in court, were found not guilty and then were redetained in circumstances which made it impossible to conceal this fact. The case caused considerable concern and finally even the Government took note of the weight of critical opinion. The Minister of Justice promised that the Attorney-General would give the matter his "immediate attention".

Four hundred days after the 22 were first held the State acted. Nineteen were brought to court. Three were "released from detention". The further fate of these three is of obvious public interest. But the authorities have still not told us the whole truth about them.

On June 17, and for a number of days before that, the Attorney-General told the "Rand Daily Mail" that he had not come to a decision about the 22 detainees. He apparently did not know that one of them was in a mental home.

On June 18, the Minister of Justice announced that three detainees were "free". They were not, to his knowledge, being held as witnesses. He apparently did not have all the facts. Yet the Commissioner of Police is required by law to explain to him once a month "why any detainee should not be released". The Minister has the right to order a release at any time. He surely ought to have been told that one detainee was in a mental home. Was he?

Since then officials who might be expected to know have refused to be drawn on the possible whereabouts of the "freed" detainees. The Attorney-General said he did not know if the men had actually been released, "doubted" that the prosecutor in the case would know, and parried a question about whether it was possible they were being held in terms of the 180-day law by saying: "You can't question me like that." The acting Commissioner of Police has been quoted as saying that he could not make a statement because the records were not too handy and, later, that one detainee had been released on June 11 and the other on June 18. The Commissioner of Prisons said it was "the business of the police" and a security police spokesman said yesterday that the men had been released—and refused to answer further questions.

There are a number of things the public is entitled to know. Why was the announcement of the first release apparently delayed for more than a week? Was this the man in the mental home? Why have the families not been informed of what is happening? Why have two of the men not so far appeared in their old haunts? Why does the State insist that it does not know where these two men are, when it is confirmed that they are going to be State witnesses?

Such things happen in countries like Russia. Have we really come to that here?

[United Nations Unit on Apartheid,
Report of May 1970, No. 18/70]

DEATHS IN DETENTION

In issue No. 12/69 of "Notes and Documents", the Unit of Apartheid published particulars on eleven persons who had died in detention in South Africa since 1963. The list has now grown to fourteen, as follows:

NAME AND DATE OF DEATH

"Looksmart" Solwandle Ngudle: September 5, 1963.

Suliman Saloojee: September 9, 1964.

J. Jyitya: found hanged in cell, Port Eliz., 1964.

James Hamakwayo: date unknown, 1966.

Leong Yum Pin: November 19, 1966.

Unknown: date unknown (death disclosed in Parliament on January 28, 1967, without detail, in reply to a question).

Ah Yan: January 5, 1967.

J. B. Tubakwe: September 11, 1968.

Nicodimus Kogathe: February 2, 1969.

Solomon Modipane: about February 28, 1969.

James Lenkoe: March 10, 1969.

Caleb Mayekiso: June 1, 1969.

Michael Shivute: June 16–17, 1969.

Jacob Monakgotia: September 9, 1969.

Imam Abdullah Haron: September 27, 1969.

These detainees had been held incommunicado so that only the prison warders and the Security Police knew of the treatment they had endured in prison. Nevertheless, in a number of inquest proceedings, medical evidence became available that the detainees had been subjected to brutal assaults during interrogation, including burns by electric shock torture.

Brief particulars on the recent deaths in detention are given below.

MR. NICODIMUS (NICK) KGOATHE

Mr. Kgoathe, 57, a furniture worker, was detained on November 7, 1968, and died on February 2, 1969.

The Security Police claimed that he had fallen while taking a shower. The post-mortem showed that he had died of bronchopneumonia, possibly as a complication of a minor head injury.

It was disclosed at the inquest, however, that he had spent two weeks in hospital before his death. The doctor who had him admitted to hospital said that he had found various injuries which he thought were the result of assault. A police sergeant testified that Mr. Kgoathe had complained of assault by Security Police during interrogation. But the magistrate found that he was unable to conclude that any person was to blame for the death.

MR. SOLOMON MODIPANE

Mr. Modipane, a Bakwena tribesman, died in prison about February 28, 1969, three days after his arrest.

Police spokesmen claimed that he had slipped on a piece of soap. A magistrate endorsed a post-mortem report that death was due to natural causes. No inquest was held.

MR. JAMES LENKOE

Mr. Lenkoe, 35, a Lesotho national, and railway worker, died in prison on March 10, 1969, five days after being detained. The Government claimed that he had committed suicide.

It was revealed at the inquest that traces of copper had been found in a wound on his toe. Four pathologists, including a renowned American expert, Dr. Alan R. Moritz, testified that the wound was caused by an electric burn, a few hours before his death, and could have been caused by electric shock torture. The Magistrate, however, accepted the Security Branch version of suicide.

MR. CALEB MAYEKISO

A prominent trade union leader and a leader of the African National Congress, Mr. Mayekiso was detained on May 14, 1969 and died on June 1, 1969.

The Government claimed that he had died of "natural causes".

MR. MICHAEL SHIVUTE

Mr. Shivute was detained on June 16, 1969, and died during the night of June 16/17. The Government claimed he had committed suicide.

MR. JACOB MONAKGOTLA

One of several members of the Bakubung tribe, arrested in a tribal dispute and held in detention under the Terrorism Act, Mr. Monakgotla died on September 9, 1969, the day before the trial was to begin. The district surgeon found that he had died from thrombosis. No inquest was held.

IMAM ABDULLAH HARON

Imam Haron, a prominent Moslem leader, was detained on May 28, 1969, and died on September 27, 1969. (see separate note in this issue).

TRIALS UNDER THE TERRORISM ACT

The detentions and trials which have so far taken place under the Terrorism Act have disclosed, in addition to violations of the most fundamental principles of justice, gross abuse of the Act for holding people incommunicado in cases where no charge of "terrorism" was involved. In one case, seventeen Africans involved in a tribal dispute were detained under the Act, but were not charged under the Act. In another case, thirty-eight Africans were detained under the Act, but only ten were charged under the Act and these charges were not pressed. As noted earlier, Mrs. Mandela and her colleagues were also detained under the Act, but were charged under another statute.

In most of these cases, brutal torture of the detainees (accused and witnesses) was alleged.

The trial of Mrs. Mandela and twenty-one others has been reviewed in this issue. Earlier trials are briefly reviewed here.

TRIAL OF 37 NAMIBIANS 1967–68

Immediately after its enactment in June 1967, the Terrorism Act, with its retroactive provisions, was used against thirty-seven of an unknown number of Namibians who had then been in detention, some for more than a year.

The illegal trial of these Namibians led to widespread international protests and condemnation—including condemnation by the United Nations organs concerned (the General Assembly, the Security Council, the Commission on Human Rights, the Council for Namibia, the Special Committee of Twenty-four).

Of the thirty-seven accused, fifteen were eventually sentenced to life imprisonment and sixteen to terms of imprisonment ranging from five to twenty years. Three were sentenced to five years each under alternative charges under the Suppression of Communism Act, rather than the Terrorism Act. Two were acquitted and one died in prison during the trial.

During the course of this trial, in December 1967, an urgent application was made for a court order to protect Mr. Gabriel Mbindi, a Namibian detainee, from cruel and brutal assaults, including electric shock torture. Affidavits in support of his application were filed by some of the accused who also alleged torture. Mr. Mbindi was released two months after, before the court was to hear oral evidence. An agreement was reached between the parties in terms of which the State paid 3,000 rand ($4,200) to Mr. Mbindi toward the costs of the application, though without admitting the truth of the allegations.

TRIAL OF 12 AFRICANS IN PIETERMARITZBURG IN FEBRUARY-MARCH 1969

Of the twelve accused, adherents of the African National Congress, eleven (ten men and one woman) were sentenced on March 26, 1969, to terms of imprisonment ranging from five to twenty years. One was acquitted.

One of the State witnesses in the trial, Mr. Desmond Francis, told the Court that he had been arrested in Southern Rhodesia and handed over to the South African Police who had kept him in solitary confinement for over 400 days and had subjected him to brutal torture. (An account of his experience in prison and a review of this trial were published in "Notes and Documents" No. 8/69).

Windhoek trial, July-August 1969

Eight Namibians were tried under the Terrorism Act in Windhoek in July-August 1969. A number of other detainees were produced as State witnesses.

On August 22, 1969, the Court sentenced five of the accused to life imprisonment and one to 18 years. Two others were acquitted.

Trial of Bakwena tribesmen, August 1969

Following the burning down of a Bakwena tribal sub-chief's home near Hebron in October 1968, and reports of dissatisfaction with Chief Lerothidi II for imposing collective fines, the police arrested seventeen Bakwena tribesmen between October 1968 and February 1970.

These detentions received public attention only in March 1969 when two of the tribesmen died in detention.

Mr. Nick Kgoathe, arrested in November 1968, died in prison early in February 1969. Mr. Solomon Modipane, arrested on February 25, 1969, died in prison three days later. They were both married with children. The Security Police claimed that they had died of "natural causes". The inquest on the death of Mr. Kgoathe, at which the family was represented by counsel, disclosed police brutality. No inquest was held on the death of Mr. Modipane.

Only six of the Africans were eventually charged on June 24, 1969. The others were released after many months in detention. The charges were not under the Terrorism Act, but of sabotage, alternatively attempted murder, alternatively arson. In August, the Pretoria Supreme Court acquitted them of all the charges, finding the evidence against them conflicting and valueless.

Trial of Bakubung tribesmen, September 1969

Several members of the Bakubung tribe in the Rustenburg district were detained in April 1968 and subsequently charged with attempting to murder Katherina Monakgotla, chieftainess of the tribe.

On January 21, 1969, one of them, Mr. Marks Monakgotla, 50, appeared in the Rus-

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tenburg magistrate's court on an application for bail. He told the court that he had been shocked unconscious by an electric machine and beaten by policemen in an attempt to get him to make a statement. He opened his shirt and showed a red mark of about five inches in diameter on the right side of his chest. Two days later, the Pretoria Supreme Court granted an interim order, restraining any member of the police from interviewing him.

The next day, the State withdrew the charge of attempted murder against the nine prisoners so that the bail application of Mr. Marks Monakgotla could not be considered. However, before the Africans could leave the court, they were arrested under the Terrorism Act and transferred to Pretoria. On 29 January 1969, the Court refused to extend the interim order against the police, on the State's submission that the courts had no jurisdiction over the prisoner now that he had been detained under the Terrorism Act. Between January 29 and March 17, thirty-eight other tribesmen were detained under the Terrorism Act.

Mr. James Lenkoe, one of the detainees, died in prison on March 10, 1969. The inquest revealed evidence of electric shock torture, though the magistrate accepted the police version that Mr. Lenkoe had committed suicide.

Ten of the prisoners were charged on August 4, 1969 with terrorism, alternatively with intent to commit murder. One of them, Mr. Jacob Monakgotla, died of "natural causes" on 9 September, a day before the trial began. Three were discharged on 11 September and the State withdrew the main charge of terrorism when the six others pleaded guilty to attempted murder. (Strangely, Major Swanepoel, chief interrogation officer of the Security Branch, gave evidence in mitigation).

Mr. Justice Theron said he had sympathy for the reasons the six accused had attempted to murder the chieftainess. He sentenced them to three years' imprisonment each, two years of which was suspended.

Trial of Mr. Mathangela, December 1969

Mr. Donald Sifiso Mathangela, 26, a Malawi national, was sentenced to seven years' imprisonment under the Terrorism Act in Pietermaritzburg in December 1969.

THE LATE IMAM ABDULLAH HARON[1]

Imam Abdullah Haron, a prominent Moslem leader of Cape Town, was detained under the Terrorism Act on May 28, 1969, and died in prison on September 27, 1969, after four months in solitary confinement. The Government claimed that he had died of a heart ailment, but this story was widely questioned.

As the Reverend Canon L. John Collins wrote to the Special Committee on Apartheid:

"He was a loved and respected religious leader in the Cape and utterly opposed to the doctrine of apartheid. He aided the victims of the system by giving solace and support to the wives and families of political prisoners and by educating their children, irrespective of their religious beliefs or political persuasions.

"As no charges were brought against him, and as he was not brought to trial, one is entitled to assume that he was detained because of this work among the dependants of political prisoners. He is the twelfth man to have died in detention in South Africa, and the fifth this year while kept incommunicado in solitary confinement in terms of the Terrorism Act.

"The South African authorities have given the cause of his death as heart failure. He was in excellent health before his arrest and we also have evidence that he was still well and his spirit unbroken at the end of July after he had been in detention and under police interrogation for fifty-eight days.

"The death of the Imam, which has brought grief not only to his family and to the Moslem community, but also to all who have known and revered him, gives the lie to 'any claims made by the South African Government that its apartheid regime is humane and stable, a bastion of Western and Christian civilization. We believe him to be another martyr to the cause of freedom from racial tyranny in South Africa."

The Imam's funeral was attended by 30,000 people who walked several miles from his home to the burial ground. "It was not just a funeral. It was a political demonstration."

The Special Committee on Apartheid in a communique on October 7, 1969, protested vigorously at the Imam's death and expressed its belief "he was victimized for his anti-racialist views and his belief in the brotherhood of mankind and equality of all men."

The South African Government did not accede to widespread demands for an impartial inquiry, but held an inquest after a delay of several months. It was then disclosed that the Imam had twenty-six bruises on his body covering 560 square centimetres and a haematoma on his back; his seventh right rib was broken.

Sergeant J.F.P. Van Wyck of the Security Police testified that Imam Haron had been taken out of the Cape Peninsula between September 17 and 19, 1969, in the exclusive custody of the Security Police. He stated that on the night of September 19, he had fallen down some stairs and had suffered injuries.

Sergeant Van Wyck and Major Dirk Genis, Security Branch detectives, claimed that the Imam had been held on suspicion of contacts with the Pan Africanist Congress, of receiving money from the Anti-Apartheid Movement and the Defence and Aid Fund and of taking money out of South Africa for use by exiles.

The following facts were brought out during the inquest:

(a) Sergeant Van Wyck was the officer who had assaulted Miss Stephanie Kemp and Mr. Alan Brooks in 1964. The Government made out-of-court settlements in those cases and allowed the victims to leave the country.

(b) Imam Haron had been interrogated by Sergeant Van Wyck between July 2 and 11, 1969, and had reluctantly made a statement. During that period, the Imam, who had no complaint before, had twice been seen by doctors. He had complained of pain over his ribs and was given pain-killing tablets. There was no indication of heart trouble. After September 20, however, though the Imam had a broken rib, no doctor had been called. The Security Branch had "treated" him with pain-killing tablets.

(c) During the last ten days, the Imam did not walk around. He usually stood or sat in the sun, and sometimes did not leave his cell.

(d) The first mention of the alleged fall was on the afternoon of September 28 when Major Dirk Genis had seen the body and noticed the bruises.

(e) According to Dr. T. G. Schwar, the former senior State pathologist in Cape Town who had conducted the post-mortem on September 28, there were twenty-six bruises on the body, a haemotoma, various blood clots in the chest wall, a narrowing of the artery and clots in the deep veins of the calves. The seventh right rib was broken. One of the bruises was large, twenty by eight centimetres. Some of the bruises were possibly seven to ten days old, but others were fresher. Two parallel bruises were similar to injuries seen on those who had been hit by an instrument such as a stick.

(f) According to Dr. Percy Helman, a prominent specialist surgeon, all the bruises on the Imam's body could not have been caused by a fall down stairs.

The inquest magistrate, however, accepted police evidence and declared that the cause of death was myoacardial ischemia: a likely contributing cause being trauma (injury) superimposed on a severe narrowing of a coronary artery. A substantial part of the trauma he said, was caused by an accidental fall down a flight of stone stairs. "On the available evidence I am unable to determine how the balance thereof was caused."

The evidence at the inquest and the finding caused wide disquiet and provoked demands for a thorough judicial inquiry.

On March 15, Mrs. Catherine Taylor, United Party Member of Parliament, called for a top-level inquiry into the death of Imam Haron in view of the fact that the evidence led at the inquest cast "ugly doubts" on the treatment of prisoners in detention, especially those "held *incommunicado* under the Terrorism Act".

Professor Hansi P. Pollak, chairman of the Cape Western Region of South African Institute of Race Relations, wrote in a letter to *Cape Times* (March 19, 1970):

"We . . . strongly support the growing demand for a judicial commission of inquiry into this whole grave matter, more particularly into the treatment meted out to the Imam while in detention.

"The aspect of this case which makes it the special concern of my committee is that a full inquiry and report by a manifestly impartial commission is surely required in the interests of harmonious race relations.

"The late Imam was a public figure and important religious leader among Cape Moslems. The circumstances of his death while in official hands and the many disquieting aspects of the inquest evidence can surely, if left unexplained, potentially have great repercussions on their relations with Europeans in general and the authorities in particular.

"The inquest can be no substitute for the kind of inquiry now being sought. For there, the sole relevant issue was the cause of death . . .

"But the issues requiring investigation by a judicial commission are obviously not thus limited. They would include, for instance, precisely why the evidence placed before the magistrate was so scanty, especially since the Imam was being held incommunicado. Hence the cause of any injuries he may have sustained must, prima facie, be within the exclusive knowledge of his official custodians (presumably other than those who testified at the inquest).

"Again, the inquiry would not be limited to the cause of death but would include the question whether or not, independently of such cause, the detainee was the victim of unlawful violence."

The Reverend C. S. Sergel, Mrs. C. Sergel, the Reverend J. A. Stewart and Mrs. Mary Schurr of Bellville wrote in a joint letter to *Cape Times* (March 19, 1970):

"May we express publicly our real concern and extend our sympathy to the family of Imam Haron and to the Moslem community. They must have felt sickened with horror at the facts disclosed at the inquest . . .

"This tragic event, with so much else in this land, gives such cause for sorrow that we hope, as the Cape Times said in an excellent leading article, there will be 'profound disquiet by members of the public of all political convictions'.

"Every thinking person in South Africa, and far beyond her borders, will be waiting anxiously to hear what the Government will say and do about this matter. In the mean-

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[1] See also "Notes and Documents," No. 16/69 and No. 20/69.

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time we, as members of the Christian community, would like to say we do care, very much indeed."

Death of a Priest [1]

(A poem by Alan Paton)

Most Honourable I knock at your door
I knock there by day and by night
My knuckles are raw with blood.
I hope it does not offend you
To have these marks on your door.

I know you are there Most Honourable
I know that you hear my knocking
But you do not answer me
Pity my impotence I cannot reach your power
I cannot bring you my tale of sorrow
You may die and never know
What you have done or you may fall
And leave no chance of its undoing.

Most Honourable the sorrow is not my own
It is of a man who has no hands to knock
No voice to cry. A sorrow so deep
That if you had it for your own
You would cry out in unbelieving anguish
That such a thing could be.

Most Honourable do not bestir yourself
The man is dead
He fell down the stairs and died
And all his wounds can be explained
Except the holes in his hands and feet
And the long deep thrust in his side.

I also must discuss a recent announcement made by the new government of Great Britain at the very moment when these events are transpiring in South Africa.

In connection with this announcement of Her Majesty's government, I want to insert in the Record at this point the text of Resolution 282, of the 1970 United Nations Security Council, adopted by the Security Council on July 24, 1970, which calls upon all states to observe strictly the arms embargo against South Africa and to assist effectively in the implementation of the embargo.

Resolution 282 (1970)

(Adopted by the Security Council at its 1549th meeting on July 23, 1970)

The Security Council,

Having considered the question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Republic of South Africa as submitted by forty Member States,

Reiterating its condemnation of the evil and abhorrent policies of *apartheid* and the measures being taken by the Government of South Africa to enforce and extend those policies beyond its borders,

Recognizing the legitimacy of the struggle of the oppressed people of South Africa in pursuant of their human and political rights as set forth in the Charter of the United Nations and of the Universal Declaration of Human Rights,

Gravely concerned by the persistent refusal of the Government of South Africa to abandon its racist policies and to abide by the resolutions of the Security Council and of the General Assembly on this question and others relating to southern Africa,

Gravely concerned with the situation arising from violations of the arms embargo called for in its resolutions 181 (1963) of 7 August 1963, 182 (1963) of 4 December 1963 and 191 (1964) of 18 June 1964,

Convinced of the need to strengthen the arms embargo called for in the above resolutions.

Convinced further that the situation resulting from the continued application of the policies of *apartheid* and the constant build-up of the South African military and police forces made possible by the continued acquisition of arms, military vehicles and other equipment and of spare parts for military equipment from a number of Member States and by local manufacture of arms and ammunition under licenses granted by some Member States constitutes a potential threat to international peace and security.

Recognizing that the extensive arms build-up of the military forces of South Africa poses a real threat to the security and sovereignty of independent African States opposed to the racial policies of the Government of South Africa, in particular the neighboring States,

1. *Reiterates* its total opposition to the policies of *apartheid* of the Government of the Republic of South Africa;

2. *Reaffirms* its resolutions 181 (1963), 182 (1963) and 191 (1964);

3. *Condemns* the violations of the arms embargo called for in resolutions 181 (1963), 182 (1963), and 191 (1964);

4. *Calls upon* all States to strengthen the arms embargo

(a) by implementing fully the arms embargo against South Africa unconditionally and without reservations whatsoever;

(b) by withholding supply of all vehicles and equipment for use of the armed forces and paramilitary organizations of South Africa;

(c) by ceasing supply of spare parts for all vehicles and military equipment used by the armed forces and paramilitary organizations of South Africa;

(d) by revoking all licenses and military patents granted to the South African Government or to South African companies for the manufacture of arms and ammunition, aircraft and naval craft or other military vehicles and by refraining from further granting such licences and patents;

(e) by prohibiting investment in or technical assistance for the manufacture of arms and ammunition, aircraft, naval craft, or other military vehicles;

(f) by ceasing provision of military training for members of the South African armed forces and all other forms of military co-operation with South Africa;

(g) by undertaking the appropriate action to give effect to the above measures;

5. *Requests* the Secretary-General to follow closely the implementation of the present resolution and report to the Security Council from time to time; and

6. *Calls upon* all States to observe strictly the arms embargo against South Africa and to assist effectively in the implementation of this resolution.

I wish also to insert in the Record an article from the Sunday Times, of July 19, 1970, which analyzes the reasons given by the British Government for its decision to reconsider its position on arms sales to South Africa. This article contains a knowledgeable and careful statement of facts relating to the British Government's statements about potential threats to western security involving the sea route around the Cape of Good Hope:

The Myths of Simonstown

"I would not be too impressed by what soldiers tell you about the strategic importance of these places. If they were allowed full scope they would insist on the importance of garrisoning the moon in order to protect us from Mars."—Goschen to the Duke of Devonshire, 6 September, 1895

"I cannot think who Alec has been talking to," said one baffled Labour ex-minister last week. "He really does still believe in 1951, and global confrontation." It was, naturally, a partisan comment on the attitude of the Conservative Foreign Secretary. But it illustrates the point that in the current debate about Simonstown and the supply of arms to South Africa, both sides have tended to take up positions based more on faith than logic.

On the one hand, there is the belief that if Britain has an interest in an area, warships must be there to defend it. Against this is the belief that Britain should no longer try to patrol the world.

Yet, essentially, the argument boils down to two specific questions. Can the weapons on South Africa's shopping list be used to enforce apartheid? and is there a genuine Russian threat in the Indian Ocean which these weapons would counter? In the past week Insight has talked to politicians and defence strategists—both in and out of the Government—to military officers, and to African guerrillas.

Their answers suggest, first, that for the weapons most commonly named as being on the South African shopping list, no dividing line can be drawn between an "external" and an "internal" role. Second, it is doubtful whether the West can counter what Russian threat there is in the Indian Ocean without a massive increase in sea power—committing Britain to a costlier naval policy than either side in the debate has yet publicly admitted.

The Buccaneer's appeal is its load-carrying capacity; it will carry as much as the Canberra—the RAF's aging medium bomber—for more than 1,000 miles. And, supersonic in a shallow dive, it is maneuverable enough to perform formation aerobatics.

Essentially the Buccaneer is a strike aircraft. The Fleet Air Arm, for which it was developed, wanted it to bombard shore installations—bridges, dams, railway yards and the like—from an offshore carrier. However, it is not an antisubmarine weapon. Although over water its radar can pinpoint a surface vessel about 150 miles away, it cannot detect submerged craft.

The latest land version of the Buccaneer—as adapted for the RAF—can carry almost half as much again as the naval plane. This makes it especially useful in carrying the latest anti-personnel weapons. Being almost solid steel, these are particularly heavy. Most of them are designed to explode just above ground level showering anything from razor-like slivers of steel to bomblets which themselves explode.

"They're intended to destroy any soft-skinned target within about 100 yards of the explosion said a Buccaneer expert. "The advantage of these over, say, 30mm cannon is that you don't have to actually hit the enemy to destroy him."

Our source had no doubts about the Buccaneer's superlative fitness for these anti-personnel tasks: "It carries an observer which is a tremendous help. It flies down to 200 knots. And it will dive-bomb—which makes time error less critical in bomb release. Forget the argument about the Buccaneer being too sophisticated, or too expensive. Each pilot needs a bare minimum of 15 hours a month flying just to keep in training. You've got to keep the aircraft flying, too. If you're going to be flying, anyway, why not use it for whatever crops up?"

This possible function had clearly occurred to the British Government in 1965, when a dozen South African pilots attended a training course at Lossiemouth, the Royal Naval air station in Scotland. They were taught everything about the plane, but were denied any bombing practice. Another pilot who had been on the same course said. "We just assumed they went straight home and got their bombing practice there."

They appear to have been right. Since delivery the Cape Coast Defence Force has been operating out of four airfields along South Africa's northern border with Angola, Botswana, Rhodesia and Zambia—as far from the Cape coast as it is possible to get in the country.

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[1] This poem was first published in the *Sunday Times*, Johannesburg, on March 22, 1970.

The only targets the force has seen have been guerrillas crossing this border. Reports from the area claim that, in January, 1968, Buccaneers attacked around Andara, after guerrillas had blown the Okavango river bridge at that point—one of the key border crossings. Six months later Buccaneers, armed mainly with rockets, strafed 100 miles of the Zambesi valley from Katima Mulilo to Victoria Falls.

Between October and December last year widespread and systematic bombing by Buccaneers of the Caprivi Strip—the critical central point of this northern border—effectively drove 2,000 refugees over into Zambia. Finally in mid-January this year Buccaneers moved into Rhodesia to retaliate against guerrilla attacks on Victoria Falls airport.

These reports, although circumstantial, are difficult to confirm: details of South Africa's counter-insurgency operations are classified. But the lack of a fixed target for the Buccaneers is common to all of them. They were straightforward anti-guerrilla operations.

So far, it needs to be said, the evidence is that South Africa has used Buccaneers only in defence of her borders. The point is that the techniques would serve equally well against any insurgent section of her own population.

The South African thinking on this role for the Buccaneer was most clearly pointed up a year ago in Northern Transvaal. A full scale army/air-force exercise—Operation Sibasa—was mounted in open scrubland. Its object, South Africa House reluctantly confirmed last week, was training in counter-insurgency. Buccaneer aircraft played a key part. "It was just an everyday exercise," said the spokesman.

The other aircraft on South Africa's shopping list is the Nimrod, the RAF's replacement for the old Shackletons. Based on the design of the Comet, the Nimrod is generally acknowledged as the finest maritime reconnaissance aircraft in production today. Besides being crammed with radar and electronic equipment, its galley and rest quarters for the crew of 12 men that the Nimrod can loiter on station for long periods without the crew becoming exhausted. It can carry bombs, mines, depth charges and torpedoes in addition to various types of sonar-buoys—listening devices dropped into the water in the search for submarines. It can also take air-to-ground missiles, and even carry 45 troops. It flies at just under the speed of sound.

As a weapon to track Russian nuclear submarines off the Cape it would be unsurpassed. The trouble is that the Nimrod is more versatile still. There is, to start with, no reason why search and attack roles should not be carried out over land, in the same way that Shackletons were used for bombing in the Aden Protectorates.

But the central value of the Nimrod in an "internal" capacity lies in the fact that its electronic capabilities would make it ideal as a flying operations room. A logical force in a counter-insurgency operation would consist of half a dozen low-flying light aircraft acting as forward air controllers, reporting target positions to a circling Nimrod. The Nimrod, using its enormous communications range, could then call in Buccaneers from up to 1,000 miles away—effectively from anywhere in South Africa. "In fact," one expert said last week, "if I wanted to put together a highly mobile and very powerful counter-insurgency force, I'd have a couple of Nimrods and a handful of Buccaneers."

The ships on the South African shopping list are the Leander class, the latest British frigates. They are an improved version of the old Whitby class, three of which South Africa already possesses under the terms of the Simonstown agreement.

Teamed with the Nimrod, the Leander is undoubtedly the most effective anti-submarine weapon available to South Africa as long as the American embargo continues. (Its French rival lacks the maneuverability provided by the Leander's twin rudders, and the French weapons and detection equipment are held by NATO assessment to be inferior.) There is a possibility, however, that the Japanese could produce a comparable vessel for the South Africans were the Leander denied them.

The problem, as with the Nimrod, is that the "Leander" is not confined to a maritime role. For the edge that the class has over its fore-runners is its long-range air warning radar, more sophisticated detection equipment ,"Seacat" anti-aircraft missiles, a Wasp helicopter which carries homing torpedoes, and, crucially in this context, the ability to carry out an air-direction role.

The "Leander" would, as a result, have increased value as a counter-weapon, for instance, an ability to come inshore for coastal bombardment directed by its helicopter, or to guide ground-attack aircraft. As Lord Carrington, the present Defense Secretary, said in 1963: "The Government cannot guarantee that no weapon could ever in any circumstances be used for this purpose (enforcing apartheid) . . . even naval weapons could at a pinch be used to bombard a land target."

Lord Carrington's forecast is borne out by the evidence of a former gunner in the South African navy. Desmond Macallister, who now lives in London claims that his gunnery training was conducted, not on the assumption of a Russian naval threat, but on the need for shore bombardment. "It was never specified," he told us last week, "whether we would be shelling black countries or black people in South Africa."

Macallister also highlighted the ambiguous nature of South Africa's quite genuine concern about submarines. "We always understood," he said, "that our peacetime role was to patrol the coast and prevent the landing of guerrillas from yachts, trawlers and submarines. No mention was ever made of a possible Soviet blockade of the Cape route or of South African ports."

Macallister's story is supported by a recent South African treason trial. The defendants were alleged, among other things, to have been engaged in seeking out possible spots for submarine landings in the heavily forested Knysna area of Cape Province.

Guerrilla landings are clearly a threat to South Africa. But is there a Russian presence in the Indian Ocean which constitutes a serious threat to *us?*

Two study groups, both secret, considered Simonstown and the related problems while the Conservatives were in opposition: a working party under the backbencher Sir Frederic Bennett, and a policy group under the Shadow Defence Minister, Geoffrey Rippon. Both groups included outside advisers.

The conclusions of Bennett's study were the more dramatic. "To avert historic tragedies which . . . may well otherwise be inevitable," urgent action was necessary to bolster the security of the Cape—including a regional defence pact, a reactivating of Simonstown, and the maintenance in the area of an aircraft carrier and "one or more nuclear-powered submarines in support of the South African Navy." There is no mention of the protecting ships the carrier would need.

The threat that these vastly expensive proposals are designed to counter was spelled out by the other study group whose conclusions were incorporated by Rippon into a study of "South Africa and Naval Strategy." "The enormous increase in (Russian) naval activity, in all oceans of the world, which has developed since the end of the last war, cannot be regarded as anything but ominous. Her concentration on building an offensive rather than a defensive naval capability . . . should have woken the West up to the enormous potential threat which faces it."

Bennett's proposals are logical however—and indicate the scale of British commitment necessary—if there is really this Russian threat.

The major Russian force in the area known to NATO intelligence consists of two nuclear-powered hunter-killer submarines; though for much of the last year there has been only one. Another five Russian hunter-killers are known to have left their Baltic bases in the last year and traveled round the Cape to reinforce Russia's main submarine fleet based around Vladivostok and operating in the eastern Pacific.

In the last two years, four groups of Russian surface warships have operated in the Indian Ocean: two on show-the-flag visits, one mainly to the Persian Gulf, another to East Africa. The other two groups were a task force in December 1968 and another early this year, both composed largely of technical vessels picking up tests of long-range missiles fired from eastern Russia.

Military sources in London also reckon that Russia's missile programme explains the two other major signs of her presence in the area. These are mooring buoys off the Seychelles—and an agreement the Russians have just signed with Mauritius. This nominally covers the establishment of a Russian fishery force. But clauses in it, according to sources in London, allow Russia unlimited wireless traffic from the island and equally unlimited use of the local airstrip—neither an obvious requirement for a fishery force, but explicable in terms of a missile testing range.

As Lawrence Martin, Professor of War Studies at King's College, London, has said: "Judged by the standards of the West, these operations are still on a modest scale. But they demonstrate the importance Russia now attaches to impressing others with her naval power, and they must be expected to continue to grow, especially if the Suez Canal is reopened."

But the Russian Navy, though formidable, consists primarily of submarines and missile ships operating under cover of land-based aircraft. Its normal sphere of operations is largely sub-oceanic waters—the Mediterranean, the Baltic, the North Sea—around the Russian mainland. It does not—a crucial point—have a general capacity to operate on an ocean, without air cover. Nor is there evidence that Russia is making the major changes in her naval thinking necessary to develop this oceanic capability. The Russian presence in the Indian Ocean may therefore grow, but it is unlikely to change much in kind.

But if the Russian presence, as it stands now, is a "threat to the Cape route," combating it would entail a massive buildup of Western naval strength in the area—most probably of nuclear hunter-killer submarine supported by carrier based aircraft. (To counter the "prestige" element of the Russian presence would of course necessitate a surface fleet of our own. And since Simonstown can only take two frigates at a time, new bases around the ocean would immediately be needed—possibly Singapore once again.

Whether any Western Power except the Americans could afford to produce that scale

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of commitment is doubtful, in the view of the experts we consulted. And even if Britain had the money, whether we could man any Indian Ocean fleet without a reintroduction of conscription is apparently even more doubtful. For the past five years, British defence planners have rejected any such course—simply because they do not believe that the Russian presence does in fact pose any credible threat to the Cape Route (except in terms of a general conflict, in which case we would not be in a position to worry about the Cape).

We have excellent authority for thinking that in the last five years the British Chiefs of Staff have not once pressed for the defence of the Cape Route as a British priority in consequence of Russian expansion in the Indian Ocean.

On the contrary they have consistently said that Simonstown is "useful but not essential." They have advised that the only real value of giving such sophisticated instruments of war as Nimrod, Buccaneer or Leander to South Africa, would be to increase marginally Nato's knowledge of Russian submarine movements. And it is on that basis that most of the experts we have questioned feel the wisdom of supplying arms to South Africa should be evaluated.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, I would like to commend the gentleman from New York (Mr. LOWENSTEIN) for taking this initiative. There is no question but that the conditions evidenced by the terrorism acts in South Africa have deteriorated, that the light of freedom burns with more difficulty in that country all the time. And yet there are voices speaking out continually for freedom there, in the Progressive Party or in other parties or amongst the students of the National Union of South African Students. I think the fact that South Africa is a signatory to the Human Rights Convention for the United Nations should serve as a daily reminder to the world that the government of that land has not wholly upheld the provisions of that document, that human rights are in jeopardy not only in southern South Africa, but are jeopardized daily.

More than that, the gentleman has discussed the possible decision of the United Kingdom relative to a change of policy which would permit the sale of arms to South Africa. The gentleman from New York (Mr. LOWENSTEIN) joined today with 46 Members of this House and of the other body, including seven Members of the other body, in a letter to the Secretary of State, Mr. Rogers, as well as in a statement by Members of Congress on the proposed sale of arms to South Africa. I would like to make several points about that.

First, I ask unanimous consent to include in the RECORD at this point the text of that statement and of the letter to Secretary Rogers with the signatures of those who joined in the letter and in the statement.

The SPEAKER pro tempore (Mr. MATSUNAGA). Without objection, it is so ordered.

There was no objection.

The letter and statement are as follows:

Letter to Secretary of State Rogers on Proposed British Arms Sale to South Africa

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State.

DEAR MR. SECRETARY: We are writing to express our deep concern about the proposed decision of the new British Government to sell arms to South Africa, in implementation of the Simonstown Agreement of 1955.

In our view, an affirmative decision of this character would have the gravest international repercussions. Not only would the continued existence of the Commonwealth as a multi-racial organization be seriously in doubt, but the sale of arms may well be viewed as an invitation to increased militancy by the black African states.

The sale of arms to South Africa by any nation is in direct violation of a 1963 Security Council embargo. Moreover, any future arms deal with the Vorster government will plainly flout a new and tightened embargo voted unanimously by the Security Council on July 23 of this year. We applaud the U.S. reaffirmation in March of our own embargo on such sales, but surely respect for the rule of law will not be enhanced by disregard of these two forthright United Nations resolutions. While there is no question but that the Soviet Union is attempting to outflank NATO, to strengthen its position in the Near East, and to focus on the Persian Gulf, the response to this should not be further arming of South Africa.

Our chief concern, however, is that while the arms are intended solely for maritime defense, no paper promises will insure that the weapons will not be used to uphold white supremacist regimes at the expense of majority rule that must come to all of southern Africa. The sale of arms to the Vorster regime by Great Britain or any other nation, regardless of the safe guards attached thereto, will regrettably enhance the diplomatic stature of the South African Government.

Consistent with the strong endorsement you and the President have given the Lusaka Manifesto, we would hope that the United States will take a strong stand on this issue at the United Nations. Further, we are sure that appropriate representations will be made to Her Majesty's Government to indicate the United States' view and to emphasize that the proposed British action could be widely misinterpreted throughout the world. At the very least, any British arms sale to South Africa may well dash the hopes held by many that peaceful change to independence and majority rule can prevail in that continent and throughout the underdeveloped nations of the world.

With best regards,

Sincerely yours,

———— ————.

Statement by Members of Congress on Proposed British Arms Sale to South Africa

As Members of the House and Senate who have long been concerned about Africa, we deplore the announced intention of the new British Government to resume the sale of arms to South Africa, in implementation of the Simonstown Agreement of 1955, providing for British-South African cooperation in the defense of the sea lanes around the Cape of Good Hope. While there is no question but that the Soviet Union is attempting to outflank NATO, strengthen its position in the Near East, and obviously focusing on the Persian Gulf, the response to this should not be further arming of South Africa.

The British Government has proposed to supply arms to a racist and repressive regime. While the arms are intended solely for maritime defense, no paper promises will insure that the weapons will not be used to uphold white supremacist regimes at the expense of majority rule that must come to all of southern Africa. The sale of arms to the Vorster regime by Great Britain or any other nation, regardless of the safeguards attached thereto, will regrettably enhance the diplomatic stature of the South African government.

Tanzania and Uganda have already indicated that they would withdraw from the Commonwealth if this plan were carried through; indeed, the viability, if not the very existence, of the Commonwealth as a multiracial organization is at stake. Moreover, the provision of arms to South Africa by Great Britain may well be an invitation to increased militancy by the black nations of the continent. Surely, a call to arms anywhere in Africa will not encourage the growth of non-racialism or peaceful change to independence and majority rule that are crucial to the future of the continent.

The sale of arms to South Africa by any nation is in direct violation of a 1963 Security Council embargo. Moreover, any future arms deal with the Vorster government will plainly flout a new and tightened embargo voted unanimously by the Security Council on July 23 of this year. This newest resolution calls for the embargo to be carried out "unconditionally and without reservations whatsoever."

As Members of Congress, we urge Members of Parliament, and the British Government to debate this issue fully and forthrightly, and to reverse the Government's intention before a tragic decision is taken.

Members of the House and Senate who signed letter to Secretary of State William P. Rogers:

CONGRESSMEN

Reid, Ogden (R-NY).
Bingham, Jonathan (D-NY).
Brademas, John (D-Ind.).
Brown, George, Jr. (D-Calif.).
Burton, Phillip (D-Calif.).
Chisholm, Shirley D-NY).
Conyers, John, Jr. (D-Mich.).
Corman, James C. (D-Calif.).
Culver, John C. (D-Iowa).
Diggs, Charles C., Jr. (D-Mich.).
Edwards, Don (D-Calif.).
Fraser, Donald M. (D-Minn.).
Gude, Gilbert (R-Md.).
Halpern, Seymour (R-NY).
Harrington, Michael (D-Mass.).
Hawkins, Augustus F. (D-Calif.).
Helstoski, Henry (D-NJ).
Jacobs, Andrew, Jr. (D-Ind.).
Kastenmeier, Robert W. (D-Wis.).
Koch, Edward I. (D-NY).
Lowenstein, Allard K. (D-NY).
McCarthy, Richard D. (D-NY).
Mikva, Abner J. (D-Ill.).
Moorhead, William S. (D-Pa.).
Morse, F. Bradford (R-Mass.).
Moss, John E. (D-Calif.).
Nix, Robert N. C. (D-Pa.).
O'Neill, Thomas P., Jr. (D-Mass.).
Ottinger, Richard L. (D-NY).
Reuss, Henry S. (D-Wis.).
Rosenthal, Benjamin S. (D-NY).
Roybal, Edward R. (D-Calif.).
Ryan, William F. (D-NY).
Scheuer, James H. (D-NY).
Stokes, Louis (D-Ohio).
Thompson, Frank, Jr. (D-NJ).
Whalen, Charles W., Jr. (R-Ohio).
Tunney, John V. (D-Calif.).
Wolff, Lester L. (D-NY).

SENATORS

Brooke, Edward W. (R-Mass.).
Cranston, Alan (D-Calif.).
Goodell, Charles (R-NY).
Javits, Jacob K. (R-NY).
Kennedy, Edward M. (D-Mass.).
Moss, Frank E. (D-Utah).
Packwood, Robert (R-Oreg.).

Mr. REID of New York. Specifically I would like to state very simply that not only would the proposed action now under consideration in the United Kingdom be a backward step—which could well result in several members of the Commonwealth withdrawing from it—but more important, it would flash a signal around the world that the opportunities for peaceful change in Southern Africa were dimmer.

The President of the United States and the Secretary of State have given their strong endorsement to the Lusaka Manifesto, that puts the United States strongly on the side of majority rule and independence for all nations. To provide arms to South Africa is not only a clear violation of the U.N. Security Council Resolution of July 23, but, more than this, would set the stage for further repressive actions by South Africa.

There is no question in my judgment that in Southern Africa there will be change. There is no question in my mind that the words of Luthuli and others will ultimately prevail. The only question, I think, that is before us is whether this change will be soon or later, and more particularly, whether the change will be violent or peaceful.

Those governments that are white, that are in the minority, and that would seek to shut out the majority and seek to live by repression, to live by fear, not only destroy human dignity but also fly in the face of history and in the face of mankind.

I would deeply hope that our colleagues in the House of Commons will have an opportunity to thoughtfully consider this action and that the British Government would decide not to provide arms to South Africa. Indeed, I would hope we could see progress in an affirmative direction with Portugal and others, so that it will be possible in the foreseeable future for steps to be taken to negotiate with Portugal and Mozambique and Angola and Guinea Bisseau for independence and majority rule.

I hope majority rule will one day come to all the countries of Southern Africa, to Rhodesia, and that the principles of human rights will apply in all South Africa. This is not now the case. But I would hope that those who live in those countries will realize the conditions under which they live do not go unnoticed in this body, that their courage is admired, and that wherever men fight for freedom, there will be voices raised in this body to sustain their spirit and their effort.

I thank the gentleman most warmly for the action he has taken in calling these several matters to the attention of the House.

Mr. LOWENSTEIN. Mr. Speaker, I appreciate the remarks of the gentleman from New York. We are fortunate to have Members like him in this House who concern themselves about human liberty, even in places where ordinary political considerations would not elicit much interest from American politicians.

Americans are preoccupied today with difficulties involving our own country, and it is easy—and understandable—to forget problems that seem remote elsewhere in the world. Specifically for that reason, it is important to reassert from time to time how deeply troubled we are about the plight of Africans, Indians, people of mixed ancestry, and any white people who speak out against oppression in southern Africa.

The constant reminder that the doctrine of white supremacy continues to rule an enormous part of Africa—of all places—is a cancer poisoning relations between men of different races all over the world. It jeopardizes us all. Commonsense as well as simple justice demand that this situation be ended. At the very least, governments based on race and sustained by force ought not be abetted in their misbehavior by people concerned about freedom and hoping for a time of peace on this tired and bruised planet.

For that reason if no other, I hope the Government of the United Kingdom will not reverse its ban on the sale of arms to South Africa. The decent opinion of mankind, expressed not only in resolutions of the Security Council, but also in outpourings of concern from men of goodwill all over the world—the decent opinion of mankind will not easily forgive a government for helping to furnish weapons to make this Pariah government more secure.

GENERAL LEAVE

Mr. LOWENSTEIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL INDIAN DAYS SCHEDULED IN NORTH CAROLINA AND ELSEWHERE SEPTEMBER 4 AND 5

(Mr. HENDERSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, I wish to take advantage of this last day we will be in session before September 4 and 5 to remind the Members of various celebrations which will take place throughout the country on those dates in observance of National Indian Day.

In my congressional district, the Eastern North Carolina Indian Association will sponsor special ceremonies and festivities in connection with the celebration and I look forward to an opportunity to participate.

Many people have the impression that all of our country's Indians live on reservations in the Western and Plains States and are not aware of the large number of Indians in Eastern States like North Carolina who are, and for a long time have been, totally and completely a part of the local communities in which they live side by side with all other citizens and residents.

It is highly appropriate, however, in my opinion, for occasions such as this one which call attention to the history and the rich heritage of the North American Indians. In the case of the Eastern North Carolina Indian Association, the festivities will include a rodeo, wagon train parade, two nights of entertainment, and many exhibits, displays, contests, and games.

I want to urge all of my colleagues to join their Indian constituents in their celebration of National Indian Days, and for any who may not be so fortunate as to have Indian constituents, "Chief" James Brewington and I will welcome you to join us in Clinton, N.C. on Friday and Saturday, September 4 and 5.

THE PAST PRIMARY IN THE 18TH DISTRICT OF NEW YORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. POWELL) is recognized for 60 minutes.

Mr. POWELL. Mr. Speaker, for the benefit of history I am putting in the CONGRESSIONAL RECORD the facts concerning the fraud, corruption, and the thievery in the past program of the 18th Congressional District.

This matter is before several courts; but regardless of the final outcome, I desire the history record the corruption and fraud in the election of 1970 in the city of New York.

The material follows:

[In the Supreme Court, New York County]

IN THE MATTER OF THE APPLICATION OF ADAM C. POWELL, PETITIONER v. MAURICE J. O'ROURK, ET AL., RESPONDENTS

Henry R. Williams, being duly sworn, deposes and says:

1. That he is an Attorney at Law maintaining offices at 271 West 125 Street, New York City, New York.

2. That on this 6th day of July, 1970, he attended at the Board of Elections of the City of New York, for the purpose of continuing an investigation of the election returns of the 18th Congressional District of the City of New York.

3. That as a result if the aforesaid examination of election returns deponent discovered that there were only public counter cards for ten of the fifty four election districts in the 72 Assembly District of the State of New York. The aforesaid 18th Congressional District has therein 211 election districts covering seven Assembly Districts.

FINDINGS

No public counter cards

Assembly district:	*Election districts*
67	11 ED's
68	1 ED
69	19 ED's
70	32 ED's
72	44 ED's
74	54 ED's

UNAUTHORIZED VOTES ON VOTING MACHINE

93 E.D. of the 66 A.D.: 14 more votes on machine than signatures on Buff Cards.

27 E.D. of the 70 A.D.: 41 more votes on machine than signatures on Buff Cards.

INELIGIBLE VOTES

Republicans	616
Liberals	233
Conservatives	11
Voids, missing, blanks	417

TAMPERING WITH VOTING MACHINES

70 A.D.: 3 voting levers found on window ledge, 131 East 104 Street. Voting machines abandoned by Police after close of Polls.

72 A.D.: Russworm Public School, 3 voting machines unguarded on June 26, 1970.

74 A.D.: 805 St. Nicholas Avenue, New York City, Police left voting machine in lobby of building for at least two days, unguarded and unprotected.

18th Congressional District of New York voting machines were never impounded by Police even though Commissioner O'Rourke announced on June 24, 1970 that they had been.

Affirmed under penalties of perjury this 6th day of July, 1970.

BY CHESTER BAGLEY

Electoral district	Assembly district	Name and address	Party	Explanation
93	66	Louise Pierre, 165 East 96th St.	Republican.	
93	66	Virginia Pagan, 179 East 96th St.	Conservative.	
93	66	Gion Rios, 1265 Park Ave.	No party.	
93	66	Maria Ramos, 1496 Lexington Ave.	do.	Registered Feb. 2, 1970.
93	66	Eve Spillman, 1259 Park Ave.	Democratic.	Last voted November 1968.
93	66	Robert Sherzer, 154 East 97th St.	No party.	
93	66	Tecla Selnick, 162 East 97th St.	Liberal.	

BY PEARL SWANGIN

25	67	Martin Reinach, 711 Amsterdam Ave.		Blank.
25	67	Virginia E. Smit, 711 Amsterdam Ave.	Liberal.	
25	67	Frank A. Vitals, 150 West 95 St.	Missing.	
25	67	Barbara K. Wirth, 106 West 96 st.	Liberal.	
25	67	Mirion Jaeger, 110 West 96 St.	Republican.	
25	67	Bernard Keiser, 160 West 96 St.	Missing.	
25	67	Angel Fuentes Jr., 160 West 97 St.	Liberal.	
25	67	Felicita Ponseca, 160 West 97 St.	Republican.	
25	67	Elisa Fuentes, 160 West 97 St.	No party.	

BY LOUIS UPSHUR

26	67	Elneita Beasley, 70 West 95 St.	Republican.	
26	67	Sharon Blocker, 21 West 94 St.	Liberal.	
26	67	Dorothy Buckner, 350 Central Park West.	Republican.	
26	67	Anna Fuchs, 25 West 95 St.	do.	
26	67	Helen Ganz, 70 West 95 St.	No party.	
26	67	Winifred Gallant, 21 West 94 St.	do.	
26	67	Thelma Harris, 70 West 95 St.	Liberal.	
26	67	Merill Kaplan, 70 West 95 St.	Republican.	
27	67	Emma Bernson, 12 West 96 St.	No party.	
27	67	Doris Getzler, 10 West 96 St.	Party missing.	

BY CHESTER BAGLEY

27	67	Leah Tobin, 19 West 96 St.	Blank.	
27	67	Joseph Zoncnshine, 50 West 97 St.	No party.	

BY LOUIS UPSHUR

27	67	Elixabeth Bennett, 120 West 97 St.	Republican.	
27	67	Sterling Bough, 129 West 97 St.	Missing.	
27	67	Walter Benths, 120 West 97 St.	Republican.	
27	67	James Hill, 120 West 97 St.	Liberal.	
27	67	Clara W. Donahue, 127 West 96 St.	Missing.	
27	67	Lillian Eicheron, 160 West 97 St.	do.	

BY OLIVIA WILLIAMS

29	67	Lillian T. Phillips, 120 West 97 St.	Liberal.	
29	67	Charles Phillips, 120 West 97 St.	do.	
29	67	John K. Zachlerle, 125 West 96 St.	do.	
29	67	Luz Minerva Hernandez, 153 East 118 St.	do.	
29	67	Jaun Morales, 185 East 117 St.	Republican.	
29	67	Eusibio G. Rodriguez, 2135–3d Ave.	do.	
29	67	Hugh Pressley, 53 East 132 St.	No party.	Void.
29	67	Bessie White, 2174 Lexington Ave.	Republican.	
29	67	Eva Stratton, 50 Manhattan Ave.	do.	
29	67	Jacob Rosenblum, 160 West 97 St.	No party.	
29	67	Marina Calcano, 177 East 117 St.	do.	
29	67	Catherine Williams		Void.

BY LOUIS UPSHUR

30	67	Permet Morgan, 765 Amsterdam Ave.	Liberal.	
30	67	Valerie Martin, 784 Columbus Ave.	Republican.	
30	67	Mildred Martin, 784 Columbus Ave.	do.	
30	67	Terence Murphy, 382 Central Park West.	No party.	
30	67	James Nabors, 382 Central Park West.	do.	
30	67	Anneatha Nabors, 382 Central Park West.	Liberal.	
30	67	Joseph Westman, 784 Columbus Ave.	No party.	
30	67	Barbara Aubrey, 382 Central Park West.	do.	
30	67	Suzanne Abeloff, 382 Central Park West.	do.	
30	67	Ruth Berger, 382 Central Park West.	do.	
30	67	Mary Beit-Halachmy, 382 Central Park West.	do.	
30	67	Mary Bowman, 784 Columbus Ave.	Liberal.	
30	67	Luis Cintron, 765 Amsterdam Ave.	No party.	
30	67	Dorothy Dembry, 784 Columbus Ave.	do.	
30	67	Gerard Duviller, 382 Central Park West.	Liberal.	
30	67	Lavnetter Finkel, 784 Columbus Ave.	No party.	
30	67	David Levenson, 784 Columbus Ave.	do.	

BY PEARL SWANGIN

Electoral district	Assembly district	Name and address	Party	Explanation
31	67	M. Peter Leifert, 372 Central Park West	Missing	
31	67	Marguerite L. Priolsou, 372 Central Park West	No party	
32	67	Joyce A. Reibe, 400 Central Park West	Republican	
32	67	Eugene Svare, 400 Central Park West	do	
32	67	Smith L. Starling, 300 Central Park West	do	
33	67	Beatrice N. Gottlieb, 392 Central Park West	No enrollment	
33	67	Nina K. Hockt, 392 Central Park West	Missing	
33	67	Anna R. F. Hopkins, 392 Central Park West	Republican	
33	67	Eleanor R. Herman, 392 Central Park West	Missing	
33	67	Lee A. Matthews, 392 Central Park West	do	
33	67	Mary V. Morse, 392 Central Park West	do	
33	67	Clara Peters, 792 Columbus Ave	Republican	
33	67	Anthony J. Tejoda, 792 Columbus Ave	Blank enroll	
33	67	Theresa M. Van Putten, 392 Central Park West	Missing	
		BY LILLIE BELLE BROWN		
4	68	William Gonzalez, 221 East 96 St	Missing	
4	68	Ramoneta Gonzalez, 221 East 96 St	do	
4	68	Clarivel Velez, 202 East 97 St	Republican	
		BY GRAHAM		
6	68	Sarah Harvin, 1902 2d Ave	Republican	
6	68	Gladys Soto, 1905 2d Ave	do	
6	68	William Vestal, 1905 2d Ave	do	
		BY WILLIAM S. EPPS		
8	68	Gregoria Cruz, 210 East 102 St	Party missing	
8	68	Lillie Mabry, 220 East 102 St	Conservative	
8	68	Norman Meyer, 1809 3d Ave		No signature tampering.
8	68	Peter Roux, 220 East 102 St		Do.
8	68	Janie Reddick, 210 East 102 St	Conservative	
8	68	Leslie Tyler, 1955 2d Ave	Republican	
		BY ESTHER McCALL		
11	68	Jose D. Perez, 1875 3d Ave	Republican	
11	68	Carmen Diaz, 1851 3d Ave	do	
		BY MRS. GRAHAM BAGLEY		
18	68	Mosser Wascott, 225 East 106 St	Republican	
18	68	Emory Bythwood, 2075 2d Ave	Liberal	
18	68	Myrtle Christopher, 1941 3d Ave	Republican	
18	68	Irene Giles, 1941 3d Ave	do	
18	68	Emily Hill, 1941 3d Ave	do	
18	68	Carolyn Jacobs, 1941 3d Ave	do	
18	68	Lucia Morales, 221 East 106 St	do	
18	68	Sarah Silber, 221 East 106 St	No party	
18	68	Benjamin Sheppard, 1941 3d Ave	Missing	
18	68	Vila Ramon, 1941 3d Ave	Republican	
		BY MRS. E. McCALL		
21	68	Carmen A. Lebron, 207 East 111 St	Blank	
21	68	Luis C. Novarro, 210 East 112 St	Miss	Scratched out and Democrats written no date.
21	68	Teardis Vines, 258 East 112 St	No date	Voting.
		BY ANNA ENGLISH		
32	68	Rosa Soto, 212 East 119 St	Republican	
32	68	Petrona Valcarcel, 201 East 118 St	do	
32	68	Luis Comacho, 208 East 118 St	Liberal	
32	68	Luiz Perez, 216 East 118 St	do	
32	68	Manuel Cruz, 251 East 119 St	Missing	
32	68	Victoria Galloway, 240 East 119 St	do	
		BY WILLIAM S. EPPS		
34	68	Lloyd Addison, 100 East 123 St	Liberal	
34	68	Julia Couvertier, 104 East 120 St	do	
34	68	Carmen Couvertier, 104 East 120 St	do	
34	68	Beulah Dye, 104 East 124 St	Republican	
34	68	Catherine Foy, 120 East 123 St	Liberal	
34	68	Petronila Gracia, 132 East St	Missing	
34	68	Edwina Gracia, 132 East 123 St	do	
34	68	Pedro Lopez, 116 East 123 St	do	
34	68	Angel Lopez, 137 East 122 St	Liberal	
34	68	Luis Mocete, 2026 Lex Ave	No party	
34	68	Susie Williams, 108 East St	Missing	
34	68	Justo Soto, 102 East 121 St	do	

Electoral district	Assembly district	Name and address	Party	Explanation
		BY GRAHAM		
35	68	Ambrosa Rivera, 58 East 120 St	Missing	
35	68	Flora Rivera, 58 East 120 St	do	
35	68	Yvonne Robinson, 1710 Park Ave	do	
35	68	Miguel Rivera, 58 East 120 St	do	
35	68	Annie Williams, 71 East 119 St	do	
35	68	George Fong, 58 East 120 St	do	
35	68	Daisy Kennedy, 68 East 120 St	do	
35	68	Alice Allanby, 63 East 121 St	Republican	
35	68	Janice Berry 75 East 119 St	Missing	
35	68	Isabelino Delgado, 58 East 120 St	do	
35	68	Arnold Hector, 63 East 121 St	Liberal	
35	68	Jessie Mae Jones, 56 East 120 St	Void	
35	68	Margaret Rose, 68 East 120 St	Missing	
35	68	Junior Tucker, 16 East 120 St	Void	
		BY ELAINE PARKER		
39	68	Rafalia Lopez, 2353, 2 Lexington Ave	Missing	
39	68	Israel Lopez, 206 East 123 St	Liberal	
39	68	Blanca Marchese, 163 East 122 St	Republican	
39	68	John Newton, 2011 Lexington Ave	Liberal	
39	68	Lucila Peredo, 215 East 120 St	No party	
39	68	Petroni Morales Ramos, 254 East 122 St	Republican	
39	68	Luisa Ramos, 229 East 121 St	No party	
		BY PEARL SWANGIN		
47	68	Bertha Allen, 1980 Park Ave	Liberal	
47	68	David L. Blockman, 1980 Park Ave	do	
47	68	James Patterson, 2101 Madison Ave	do	
47	68	Hawkins Plummer, 1980 Park Ave	do	
47	68	Caleb Ricks, 1960 Park Ave	Republican	
		BY OLIVIA WILLIAMS		
7	69	Rosalee Bethea, 850 Columbus Ave	Void	
8	69	Alejo Abad, 825 Columbus Ave	do	
8	69	Andres Cancel, 845 Columbus Ave	Republican	
8	69	Paul Jones, 845 Columbus Ave	do	
8	66	Addie Jones, 845 Columbus Ave	do	
8	69	Eliezer Megron, 845 Columbus Ave	do	
		BY GRAHAM		
9	69	Edwin Clifton, 418 Central Park West	Liberal	
9	69	Delores Resto, 10 Manhattan Ave	Republican	
9	69	Rachel Vixman, 415 Central Park West	Liberal	
10	69	Eva Stratton, 50 Manhattan Ave	Republican	
10	69	Alfonso Vidal, 10 West 104 St	Liberal	
10	69	Catherine Williams, 14 West 103d St	Void	
		BY WILLIAM S. EPPS		
11	69	Louis Galenson, 444 Central Park West	No party	
11	69	Libby Galenson, 444 Central Park West	Liberal	
11	69	Hattie Garner, 142 Manh Ave	No party	
11	69	Frank Lum, 40 West 106 St	Republican	
11	69	Jacinto Lopez, 15 West 106 St	do	
11	69	Eula Walker, 465 Central Park West	No party	
		BY ELAINE PARKER		
12	69	Mary Lopez E., 67 West 104 St	Liberal	
12	69	Juan Pedrosa, 69 West 109 St	Blank	
12	69	Richard Payne, 50 West 106 St	Liberal	
12	69	Steve M. Tipton, 56 West 105 St	Blank	
12	69	Burney Whitaker, 50 West 106 St	Republican	
12	69	Ronald N. Prudden, 77 West 104 St	Blank	
		BY J. NELSON		
13	69	Louise J. Cooper, 870 Columbus Ave	Republican	
13	69	John Mikulskis, 60 West 104 St	do	
		BY EULA HODGE		
13	69	Julita Rosado, 60 West 104 St		
13	69	Fred Wilson, 875 Col. Ave	Republican	
13	69	Agnes Wilson, 875 Col. Ave	do	
13	69	Evelyn Bieber, 875 Col. Ave	Liberal	
13	69	Elizabeth Smith, 875 Col. Ave	do	

BY E. McCALL

Electoral district	Assembly district	Name and address	Party	Explanation
14	69	Catherine Brennan, 135 West 104 St	Liberal	
14	69	Helen K. Baum, 865 Amsterdam Ave	Republican	
14	69	Consuela Forusia, 140 West 104 St	Blank	
14	69	Joseph Hermendez, 140 West 104 St	Missing	
14	69	Fannie D. Harris, 865 Amsterdam Ave	Blank	
14	69	Margaret Quarles, 140 West 104 St	Republican	
14	69	Angel Rios, 140 West 104 St	Missing	
14	69	Juan Rodriquez, 101 West 104 St	Republican	
		BY MARY WARWICK		
26	69	Florence Perry, 64 West 108 St	Republican	
26	69	Albert Sicilia, 70 West 108 St	do	
26	69	Ophelia Sylvester, 475 Central Park West	do	
26	69	Eunice Agee, 480 Central Park West	do	
26	69	Jacob Brydie, 4 West 108 St	do	
26	69	Angelica Celeloa, 196 Manhattan Ave	do	
26	69	Lillie Dennon, 64 West 108 St	do	
26	69	Ralph Greenhut, 157 Manhattan Ave	do	
26	69	John Kennedy, 70 West 108 St	do	
		BY J. NELSON		
29	69	Ana Esmurrias, 69 West 108 St	Republican	
29	69	Flor Garcia, 62 West 109 St	Blank	
29	69	Ires Maldonado, 58 West 109 St	do	
29	69	Gloria Rivera, 104 West 109 St	Republican	
29	69	James Reid, 122 West 109 St	Liberal	
29	69	Janny Zambrana, 73 West 108 St	Republican	
		BY E. McCALL		
44	69	Maurice Butler, 44 Morningside		No date.
46	69	Lawrence S Vivion, 400 West 119 St	Void	
47	69	Thomas S. Seligson, 414 West 121 St	Republican	
47	69	Florian Stubes, 415 West 120 St		Incorrect date.
		BY E. PARKER		
1	70	Consuelo Alvarez, 1511 Lexington Ave	Republican	
1	70	Kavork Atamain, 167 East 99 St	do	
1	70	Harvey Ballou, 1539 Lexington Ave	do	
1	70	Seymour Hinkson, 154 East 100 St	do	
1	70	Marine Limason, 110 East 99 St	do	
1	70	Vincent Marrero, 1539 Lexington Ave	Liberal	
1	70	Andres Marino, 1515 Lexington Ave	Republican	
1	70	Felix Ortiz Ceballo, 1509 Lexington Ave	do	
1	70	Aaron Prileau, 183 East 98 St	do	
1	70	Reggie Utley, 1539 Lexington Ave	do	
1	70	Velma Williams, 1155 Lexington Ave	do	
		BY J. NELSON		
2	70	Rose Mary Griffiths		
		BY W. S. EPPS		
6	70	Carrie Tully, 60 East 102 St	Republican	
6	70	Dorothy Fraser, 1465 Amsterdam Ave	do	
6	70	Louise Gayles, 1351 Madison Ave	do	
6	70	Lillian Jones, 1465 Madison Ave	No party	
6	70	Lionel Morris, 1355 Park Ave	Liberal	
6	70	Victor Otero, 50 East 102 St	Republican	
6	70	Yvonne Poussaint, 112 East 101 St	do	
6	70	Evelyn Wilkes, 50 East 102 St	do	
		BY P. SWANGIN		
5	70	Joseph Bellini, 57 East 98 St	Republican	
5	70	Felicia Baez, 65 East 99 St	do	
5	70	Edna M. Partalatin, 65 East 99 St	Missing	
5	70	James C. Smith, 65 East 99 St	Republican	
		BY R. TUGGLE		
7	70	Angel Venero, 1569 Lexington Ave		Incorrect date.
7	70	Cristina Ayala, 173 East 101 St	Republican	
7	70	Carlos Hernandez, 1511 Lexington Ave		Do.
7	70	Carmen Livigne, 1575 Lexington Ave		Do.
7	70	Rosario Sanchez, 193 East 100 St		Signature diff.
7	70	Zoraida Saavedra, 122 East 102 St	Conservative	

BY LOUIS UPSHUR

Electoral district	Assembly district	Name and address	Party	Explanation
8	70	Juanita Arroyo, 60 East 106 St	Republican	
8	70	Jessie Cameron, 50 East 106 St	do	
8	70	Houston Cameron, 50 East 106 St	do	
8	70	Stephen Gilliard, 60 East 104 St	do	
8	70	Louis Gonzales, 60 East 104 St	do	
8	70	Ishmael Hernandez, 60 East 104 St	No party	
8	70	Frederick Griffith, 55 East 102 St	Liberal	
8	70	Harry Padillo, 60 East 106 St	Republican	
8	70	Emma Royal, 55 East 102 St	do	
8	70	Yolanda Silver, 55 East 102 St	Liberal	
		BY E. HARRIS		
9	70	Ramonia Cirilo, 107 East 102 St	Republican	
9	70	Elviro Diaz, 1405 Park Ave	do	
9	70	Florie Davis, 170 East 106 St	No party	
9	70	Henry Dandy, 1626 Lexington Ave	Void	
9	70	Ramon Espino, 122 East 104 St	Republican	
9	70	Joaquin Ramos, 1405 Park Ave	do	
9	70	Juan Fontanes, 126 East 103 St	do	
9	70	Federico Leon, 124 East 103 St	Void	
9	70	Senen Luciano, 124 East 107 St	No party	
9	70	George Maldonado, 126 East 103 St	do	
9	70	Hector Morales, 1405 Park Ave	Republican	
9	70	Francisco Ortiz, 105 East 102 St	do	
9	70	Antonia Rivera, 126 East 103 St	do	
9	70	Luz Serrano, 126 East 103 St	No party	
9	70	Jorge Serrano, 124 East 103 St	Republican	
9	70	Manuel Segerra, 108 East 104 St	No party	
9	70	Raymond Vargo, 130 East 104 St	Liberal	
9	70	Petro Soto, 1405 Park Ave	No party	
9	70	Felipe Torregrosa, 108 East 103 St	Republican	
		BY CHESTER BAGLEY		
9	70	Catherine Avery, 2256 7th Ave	Republican	
9	70	Maude Bell, 281 West 132 St	do	
9	70	Reginald Bean, 218 West 133 St	do	
9	70	Beatrice Garraway, 237 West 132 St	do	
9	70	Daisy Graves, 2246 7th Ave	do	
9	70	Frank Green, 255 West 132 St	do	
9	70	George Jones, 455 Lenox Ave	do	
		BY LILLIE BELLE BROWN		
10	70	Maria Martinez, 176 East 103 St	Republican	
10	70	Anacleto Mendina, 168 East 104 St	Liberal	
10	70	Gloria Ortiz, 159 East 103 St	Republican	
10	70	Juan Orta, 1641 Lexington Ave	Missing	
10	70	Petra Pena, 1677 Lexington Ave	Republican	Dec. 1, 1965.
10	70	Jose M. Quinones, 156 East 103 St	Liberal	
10	70	Eitter Rodriguez, 163 East 104 St	Republican	
10	70	Miguel A. Rivera, 1679 Lexington Ave	Missing	
10	70	Michael Rivera, 166 East 105 St	Republican	
10	70	Eddie Sanchez, 155 East 103 St	Liberal	
10	70	Maria Castro, 1677 Lexington Ave	Republican	
10	70	Grabiel A. Canales, 164 East 104 St	Liberal	
10	70	Carmen D. Canales, 164 East 104 St	do	
10	70	Carmen Calderon, 170 East 105 St	Missing	
10	70	Juan B. Gardel, 163 East 104 St	Republican	
10	70	Consuelo Garcia, 160 East 103 St	do	
10	70	Juana Kosmoglow, 175 East 105 St	No party last date Dec. 12, 1966	
10	70	Blanca L. Laguez, 157 East 104 St	Republican	
10	70	Alejandro Laguer, 157 East 104 St	do	
10	70	Floisa Lugo, 163 East 104 St	do	
		BY GRAHAM		
11	70	Raimundo Ortis, 1703 Lexington Ave	Liberal	
11	70	Hector Castonia, 170 East 107 St	do	
11	70	Eugenia Gomez, 159 East 106 St	Republican	
11	70	Angela Martinez, 124 East 108 St	do	
11	70	Jeffrey Richman, 153 East 107 St	Liberal	
11	70	Asuncion Ortiz, 157 East 106 St	No party	
		BY W. E. EPPS		
12	70	Gabriel Amaro, 70 East 108 St	No party	
12	70	Alice D. Acevero, 70 East 108 St	do	
12	70	Henry Boyd, 1595 Madison Ave	do	
12	70	Annie Bailey, 70 East 108 St	Republican	
12	70	Linda A. Corcelles, 21 East 104 St		Check for party.
12	70	Janie L. Cooper, 70 East 108 St	Republican	
12	70	Ana Delia DeJesus, 1595 Madison Ave	No party	
12	70	Edwin Martinez, 1548 Madison Ave	Liberal	
12	70	Maria Machin, 21 East 104 St		No signature.
12	70	Ramon Padilla, 70 East 108 St		Check party.
12	70	Eulojio Medina, 25 East 104 St		No signature.
12	70	Roberto Rivera, 1595 Madison Ave	No party	
12	70	Cleofe Vazquez, 70–72 East 108 St	Blank	
12	70	Alexander Whitaker, 70–72 East 108 St	No party	
12	70	Olivia Walker, 1595 Madison Ave	do	
12	70	Carrie Walker, 1595 Madison Ave	do	

BY E. M CALL

Electoral district	Assembly district	Name and address	Party	Explanation
13	70	Pedro Oquendo, 10–12 East 108 St.		No date.
13	70	Ana Maria Rios, 1–3 East 107 St.		Do.
13	70	Richard J. Radna, 1270 5th Ave.		Do.
13	70	Peter Rivera, 6 East 108 St.	Liberal	
13	70	Vidal Santos, 17–19 East 107 St.	Republican	
13	70	Paulette C. Suber, 1274 5th Ave.	Liberal	
13	70	Martha D. Trowbridge, 1270 5th Ave.		No date.
13	70	Augustus Trowbridge, 1270 5th Ave.		Do.
13	70	Leo A. Trowbridge, 1270 5th Ave.		Do.
13	70	Winifred D. Barnes, 1270 5th Ave.		BlanK enrollment.
13	70	Deliah J. Boyden, 1270 5th Ave.	Republican	
13	70	Rodell A. Cole, 1274 5th Ave.	Liberal	
13	70	Miguel Gonzales, 1600 Madison Ave.		No date.
13	70	Joanna Hinton, 1270 5th Ave.		BlanK enrollment
13	70	Helen E. Harden, 1270 5th Ave.		Incorrect date.
13	70	Louis Leanusa, 19 East 108 St.		No date.
13	70	Ellen E. Murphy, 1274 5th Ave.		BlanK enrollment.
13	70	Alfred A. Munoz, 13 East 107 St.		Do.
13	70	Jonge Negron, 22 East 108 St.	Republican	
13	70	Hilda Ortiz, 6–8 East 108 St.		No date.
		BY D. JOHNSON		
14	70	Candita Correa, 3–5 East 109 St.	Blank	
14	70	Asuncion Castoine, 1644 Madison Ave.	Republican	
14	70	Mary Dorman, 1622 Madison Ave.	Void	
14	70	Hector Quinones	Republican	
14	70	Hector Rivera, 1641 Madison Ave.	do.	
14	70	Migdalia Velazquez, 1626 Madison Ave.	do.	
14	70	America Ramo, 80 East 110 St.		
14	70	Odell White, 80–82 East 110 St.	Void	
		BY R. TUGGLE		
17	70	Murphy Montford, 1830 Lexington Ave.	Republican	
17	70	Gelacio Negrono, 158 East 112 St.	do.	
17	70	Jennie Partz, 69 East 111 St.	Void	
17	70	Pablo Paris Cortijo, 1695 Madison Ave.	Republican	
17	70	Petra Perez, 1791 Lexington Ave.	Void	
17	70	Carmen Sierra, 1810 Lexington Ave.	Liberal	
17	70	Julia Torrado, 1683 Madison Ave.	do.	
17	70	Maria Vargas, 132 East 112 St.	Republican	
17	70	Geraldine Wanzer, 172 East 112 St.	Liberal	
17	70	Basilio Alicea, 1681 Madison Ave.	Void	
17	70	Vicente Carvaial, 1830 Lexington Ave.		Incorrect date.
17	70	Carmen Carrillo, 1546 Park Ave.	Missing	
17	70	Julia Cruz, 69 East 111 St.	Republican	
17	70	Jesus Delgado, 158 East 112 St.	Void	
17	70	Felipe Gonzalez, 158 East 112 St.	do.	
17	70	Gilberto Laboy, 123 East 112 St.	do.	
		BY O. WILLIAMS		
15	70	Luisa Diaz, 1760 Lexington Ave.	Missing	
15	70	David Melondez, 1738 Lexington Ave.	Republican	
15	70	Eusebio Ruiz, 1738 Lexington Ave.	Liberal	
15	70	Antonio Torres, 1738 Lexington Ave.	Blank	
16	70	Ana Serrano, 180 East 111 St.	No party	
16	70	Conchita Caraballo, 179 East 110 St.	Missing	
16	70	Alyandro Dondrade, 122 East 111 St.	Republican	
16	70	Victor Feliciano, 107 East 110 St.	Blank	
16	70	Blanca Hernandez, 135 East 110 St.	Missing	
16	70	George L. Sierra, 233 East 111 St.	Republican	
16	70	Paul Torres, 154 East 111 St.	do.	
16	70	Hazel Brown, 20 West 115 St.	do.	
16	70	Nelsie P. Brown, 70 West 115 St.	Liberal	
16	70	Ricky Coleman, 70 Lenox Ave.	do.	
16	70	Reuben Eady, 40 West 115 St.	do.	
16	70	Victor Hemphill, 70 Lenox Ave.	do.	
16	70	James C. Isaac, 70 Lenox Ave.	Void	
		BY J. NELSON		
18	70	Allan Sealy, 103 West 115 St.	Missing	
18	70	Haro d Spooner, 1840 Lexington Ave.	do.	
18	70	Lucille Spooner, 1840 Lexington Ave.	do.	
18	70	Edith Stancil, 1840 Lexington Ave.	Republican	
18	70	Juan Rosaria, 1840 Lexington Ave.	do.	
18	70	Francisco Rajas, 1591 Park Ave.	Missing	
18	70	Felicita Reyes, 1840 Lexington Ave.	do.	
18	70	Constance Rivera, 1840 Lexington Ave.	Blank	
18	70	Eduar Otero, 1591 Park Ave.	Liberal	
18	70	Paquita Ortiz, 130 East 115 St.	Missing	
18	70	Mercado Perdo, 1611 Park Ave.	Republican	
18	70	Oliva Harris, 1591 Park Ave.	Void	
18	70	Victor Allende, 1840 Lexington Ave.	Blank	

BY ELAINE PARKER

Electoral district	Assembly district	Name and address	Party	Explanation
19	70	Juan B. Alicia, 152 East 116 St.	No party	
19	70	Carmen Fuentes, 171 East 115 St.	Liberal	
19	70	Jimmie Jeffrey, 2060 3d Ave.	Blank	
19	70	James Gilbert, 2070 3d Ave.	Republican	
19	70	Alvin Jackson, 2070 3d Ave.	Liberal	
19	70	Cruz Lizard, 2060 3d Ave.	Republican	
19	70	Rosa Mendoza, 2070 3d Ave.	do.	
19	70	Isabel Mendez, 165 East 112 St.	Liberal	
19	70	Angelo Melendez, 155 East 115 St.	do.	
19	70	Juan Padillo, 165 East 112 St.	Republican	
19	70	Jose Pacheca, 1829 Lexington Ave.	do.	
19	70	Aurara Pacheco, 1829 Lexington Ave.	do.	
19	70	Carmen Rexach, 175 East 112 St.	Blank	
19	70	Luis Ramos, 165 East 112 St.	Liberal	
19	70	Bienvenida Ramos, 1829 Lexington Ave.	do.	
19	70	Carmen Sanzana, 171 East 115 St.	Blank	
19	70	James Scott, 171 East 115 St.	Void	No signature.
19	70	Mary Torres, 2060 3d Ave.	Republician	
19	70	Gloria Wilson, 2070 3d Ave.	Liberal	

BY LILLIAN UPSHUR

20	70	Veronica Sands, 123 East 116 St.	Republican	Voted but scratched out.
20	70	Gladys Semedei, 115 East 116 St.	do.	
20	70	Crus Santes, 110 East 116 St.	Missing	(In pencil and date but voted.)
20	70	Elena Rosa, 108 East 116 St.	do.	(Scratched out, replaced by Democratic enrollment.)
20	70	Miguel Rodriguez, 153 East 116 St.	do.	But voted.
20	70	Jaunita Rodriguez, 135 East 115 St.	Void	Do.
20	70	Jaun Rodriguez, 106 East 116 St.		No enrollment number—buff.
20	70	America Perez, 125 East 117 St.	Missing	In pencil and enrollment date.
20	70	Barbara Rodriguez, 101 East 116 St.		No enrollment number.
20	70	Israel Ramiry, 156 East 117 St.		No enrollment number on buff.
20	70	Luz Arenas 115 East 116 St.		No enrollment number.
20	70	Angelina Amed, 165 East 116 St.		No enrollment number or date on bottom of buff card.
20	70	Juan Burgos, 105 East 116 St.	Republican	
20	70	Juan Bermdez, 182 East 117 St.		No enrollment number on buff bottom.
20	70	Cuntres Guillerio, 110 East 116 St.		No enrollment number on buff.
20	70	Felicita Flores, 2134 3d Ave.		No enrollment number.
20	70	Manuel Feliciano, 187 East 116 St.		No enrollment number on buff.
20	70	Jacob Grodnik, 101 East 116 St.	Void	
20	70	Adelina Jacobs, 156 East 117 St.	Missing	Written in pencil and initialed in pencil.

BY ORA MOBLEY

21	70	Marcano Hermogenes, 1665 Park Ave.	Republican	
21	70	Ortiz, Pagan Rafael, 105 East 117 St.	No party	
21	70	Rivera, Rafael, 1928 Lexington Ave.	do.	
21	70	Soto, Anibal, 1689 Park Ave.	Republican	

BY LOUIS UPSHUR

22	70	Patricial Davis, 57 East 118 St.	Republican	
22	70	Curley Floyd, 1668 Park Ave.	Liberal	
22	70	Maria Petersen, 59 East 117 St.	Republican	

BY ESTELLA HARRIS

23	70	Rossie Earhart, 18 East 117 St.	Republican	
23	70	Isidora Gonzales, 18 East 117 St.	do.	
23	70	Orlen Johnson, 10 East 116 St.	do.	
23	70	Noel R. Mangome, 91 East 116 St.		Incorrect date.
23	70	James A. Pore, 3 East 116 St.	Republican	
23	70	Beatrice White, 24 East 116 St.	Liberal	
23	70	Nellie Pearson, 1403 5th Ave.	do.	
23	70	Bertha Richardson, 1774 Madison Ave.	do.	
23	70	Phyliss C. St. John, 3 East 116 St.	do.	
23	70	Arline Thomas, 1780 Madison Ave.	Republican	
23	70	Alfredo Verdeio, 1648 Park Ave.	do.	
23	70	Barbara White, 1771 Madison Ave.	Liberal	

BY LILLIE B. BROWN

24	70	Daniel Corbett, 70 East 115 St.	Liberal	
24	70	Vincent Evans, 70 East 115 St.	Republican	
24	70	Doris Ford, 65 East 112 St.	Liberal	
24	70	Wislon Mendez, 65 East 112 St.	Republican	
24	70	Ruth McCrea, 65 East 112 St.	Void	
24	70	Irene Reid, 1735 Madison Ave.	Republican	
24	70	Pedro M. Rivera, 65 East 112 St.	Missing	
24	70	Juan Santiago, 1735 Madison Ave.	No party	Party stamped on book June 30, 1970.
24	70	Estella Smith, 70 East 115 St.	Void	Oct. 8, 1963.
24	70	Charles Smith, 65 East 121 St.	Liberal	
24	70	Juan Texidor, 70 East 115 St.	Republican	
24	70	Oscar Watson, 65 East 112 St.	do.	

BY GRAHAM

Electoral district	Assembly district	Name and address	Party	Explanation
25	70	Avelina Barbosa, 1345–5th Ave	Liberal	
25	70	Wilhelmina Bailey, 1694 Madison Ave	do	
25	70	Wilbert Brown, 1694 Madison Ave	Republican	
25	70	Antonia Dalman, 1694 Madison Ave	do	
25	70	Rosa Frazier, 1365–5th Ave	do	
25	70	Rosa Gonzalez, 1385–5th Ave	Missing	
25	70	Alfred Helwig, 1365–5th Ave		
25	70	Lillie Bailey, 1385–5th Ave	Democrat	No machine, no No signature.
25	70	Joaquin Betancourt, 1345–5th Ave	do	No machine No voted Lydia Betancourt serial No. 1274851.
25	70	Kenneth Miller, 1385–5th Ave	Void	
25	70	Juaquin Negron, 1734 Madison Ave	Republican	
25	70	Edwardo Ortiz, 1694 Madison Ave	Liberal	
25	70	Rosa Riveea, 1345–5th Ave	do	
25	70	Juana Rivera, 1694 Madison Ave	Republican	
25	70	Robert West, 1365–5th Ave	Liberal	
		BY SELIKA S. DeLAIGLE		
26	70	Charles Bass, 27 East 110 St	Republican	
26	70	Cabrera Donato, 22 East 112 St	do	
26	70	Harold D. King, 1331–5 Ave	do	
26	70	Carmen Lopez, 20 East 112 St	No Party	
26	70	Robert Nugent, 35 East 110 St	Republican	
26	70	Carmen A. Rodriquez, 35 East 110 St	do	
26	70	Arcadia Romero, 2 East 111 St	No Party	
26	70	Raymond Trigo, 1682 Madison Ave	Liberal	
26	70	Ramon Velez, 63 East 112 St	do	
		BY J. NELSON		
27	70	John Williams, 55 West 110 St	Republican	
27	70	Pearl V. Watkins, 19 West 110 St	do	
27	70	Lillian Vanderbilt, 45 West 110 St	do	
27	70	Lola Vaughn, 55 West 110 St	Missing	
27	70	Harry T. Tyner, 55 West 111 St	Liberal	
27	70	Ocie Steinberger, 35 West 110 St	do	
27	70	Claudette J. Sally, 32–36 111 St	Republican	
27	70	Raymond Sally, 32–36 111 St	do	
27	70	Mary Queen, 35 West 110 St	Void	
27	70	Cecelia Pagan, 32–36 111 St	Liberal	
27	70	James Landeau, 45 West 110 St	Republican	
27	70	Beatrice Kelly, 35 West 110 St	do	
27	70	Frank Jones, 32 West 111 St	Liberal	
27	70	Guadelupe Demartinez, 2 West 111 St	Republican	
27	70	John Bryant, 52 West 111 St	Liberal	
27	70	Susie Boyd, 46 West 111 St	do	
		BY LOUIS UPSHUR		
28	70	Calvin Dickens, 2 West 111 St	No party	
28	70	Julia Daniels, 50 West 112 St	Liberal	
28	70	Olive Gonzonie, 55 West 113 St	Republican	
28	70	James Godfret, 57 West 111 St	No party	
28	70	Alden Gibson, 1332 5 Ave	Republican	
28	70	Dora Miller, 24 Lenox Ave	No party	
28	70	Alfred Page, 57 West 111 St	Republican	
28	70	Joella Thomas, 3 West 111 St	do	
		BY ORA W. MOBLEY		
29	70	Zenobia Alezuin, 21 West 112 St	Republican	
29	70	Roosevelt Adams, 71 West 112 St	Void	
29	70	Isabel Burgis, 41 West 112 St	Republican	
29	70	Jacqueline, Durham, 1370 5 Ave	do	
29	70	Rudy Edwards, 21 West 112 St	do	
29	70	Carrie Gaylord, 1370 5 Ave	Void	
29	70	John Gibbs, 1370 5 Ave	do	
29	70	Thomas Harvey, 71 West 112 St	Republican	
29	70	Elizabeth Meyers, 1370 5 Ave	Void	
29	70	Viola Norris, 21 W 112 St	Republican	
29	70	Joan Russell, 1370 5 Ave	Liberal	
29	70	Eddie Valentin, 41 West 112 St	Republican	
		BY PEARL SWANGIN		
30	70	Rosalie Jenkins, 20 West 115 St	Blank	
30	70	O. Bed Jones, 40 West 115 St	Republican	
30	70	Lewis Liverpool, 20 West 115 St	do	
30	70	Carmen Negron, 40 West 115 St	do	
30	70	Evarista Padilla, 70 West 115 St	Blank	
30	70	Jessie M. Peppers, 1390 5 Ave	do	
30	70	Virginia Rich, 70 Lenox Ave	Missing	
30	70	Julia Swarez, 70 Lenox Ave	do	
30	70	Mabel Thompson, 70 West 115 St	Republican	
		BY ANN ENGLISH		
31	70	Daniel Abrahamson, 28 West 116 St	Republican	
31	70	Robert Sutton, 1410 5 Ave	do	
31	70	Frances Caldwell, 42 West 116 St	Missing	
31	70	Osborne Edwards, 10 West 116 St	do	
31	70	Mildred Harville, 42 West 116 St	do	
31	70	Thelma McNeill, 34 West 116 St	do	
31	70	Gertrude Liberty, 61 West 115 St	Liberal	

BY O. WILLIAMS

Electoral district	Assembly district	Name and address	Party	Explanation
32	70	Alexander Gumbo, 3 West 116 St	Republican	
32	70	Mary McCutchen, 58 West 117 St	Liberal	
32	70	Harold Owens, 36 West 117 St	Republican	
32	70	Cindy Rivers, 71 West 116 St	Liberal	
32	70	Mabel Ramsey, 2 West 117 St	Republican	
32	70	Simon Simmons, 73 West 116 St	do.	
32	70	Joannie Simmons, 18-20 West 117 St	Missing	
32	70	Curtis Simmons, 18-20 West 1117 St	No party	
32	70	Minnie B. Smith, 1420 5th Ave	do.	
32	70	Herman E. Smiley, 7 West 116 St	Republican	
32	70	Evelyn Watson, 71 West 116 St	do.	

BY E. HARRIS

33	70	Elias Alston, 120 West 117 St	Republican	
33	70	Eula Dalton, 140 West 117 St	No party	
33	70	Seaphus Grant, 146 West 117 St	Liberal	
33	70	Jerome Moore, 144 West 117 St	Republican	
33	70	Samuel T. Patterson, 100 West 117 St	do.	
33	70	Cornelius Sherrod, 1925 7th Ave	do.	

BY R. TUGGLE

34	70	Clayton L. Bailey, 278 West 117 St	Republican	
34	70	Leona Barzey, 1902 7th Ave	Liberal	
34	70	Veterlean Bower, 131 St. Nicholas Ave	Republican	
34	70	Abraham Brown, 216 West 116 St	No party	
34	70	Geovcia M. Brown, 215 West 116 St	Liberal	
34	70	Lilymae Edgecombe, 235 West 116 St	Void	
34	70	Leonard F. Edmonds, 222 West 116 St	Republican	
34	70	Beatrice Gilchrist, 215 West 116 St	Liberal	
34	70	Lealor Medlin, 235 West 116 St	Void	
34	70	Gladys Miranda, 230 West 116 St	Liberal	
34	70	Abraham Nelson, 222 West 116 St	No party	
34	70	Mamie Rivers, 235 West 116 St	Void	
34	70	Ernesta Young, 245 West 116 St	Republican	
34	70	Herbert Young, 245 West 116 St	do.	
35	70	Willie Call, 1919 7th Ave	do.	
35	70	Alan Coleman, 136 West 116 St	do.	
35	70	Howard Ellis, 143 West 116 St	do.	
35	70	Isabel Halsey, 100 St. Nicholas Ave	No party	
35	70	Joseph Houston, 136 West 116 St	Republican	
35	70	Dorothy Merridy, 125 West 115 St	do.	
35	70	Elaine McCarrol, 135 West 115 St	do.	
35	70	Mae McKinney, 138 West 116 St	do.	
35	70	William North, 129 Wesf 116 St	No party	Missing.
35	70	Eric Robertson, 143 West 116 St	Republican	
35	70	Lena Yancey, 123 West 115 St	No party	

BY EULA HODGE

36	70	Irvin M. Allison, 122 West 114 St	Liberal	
36	70	Estelle Clark, 122 West 115 St	do.	
36	70	Wilmer Cooper, 110 West 114 St	Republican	
36	70	Thomas W. Edwards, 89 Lenox Ave	do.	
36	70	Fleta Wilkes, 112 West 114 St	do.	
36	70	Lemuel Challenger, 265 West 113 St	do.	
36	70	Paige Edwards, 216 West 114 St	No party	
36	70	Elsie Hawkins, 226 West 114 St	Republican	

BY LOUIS UPSHUR

36	70	Archibald Donabelle, 128 West 115 St	No party	
36	70	Katherine Lee, 106 West 114 St	do.	

BY W. S. EPPS

37	70	Marcel Armand, 1890 7 Ave	No party	
37	70	Frances Durham, 1886 7 Ave		Voted twice—1st Joseph Draper 2d Frances.
37	70	John T. Ellison, 273 West 114 St	Republican	
37	70	Kendall Feurtado, 257 West 114 St	No party	
37	70	John W. Gibson, 231 West 115 St	Republican	
37	70	William Harris, 2116 8 Ave	Liberal	
37	70	Carnies Hawthorne, 241 West 115 St	No party	
37	70	Robert Johnson, 1890 7 Ave	do.	
37	70	Leroy Jones, 1886 7 Ave	Republican	
37	70	Mabel Lane, 269 West 114 St	Liberal	
37	70	Katherine Pinkney, 207 West 115 St	Republican	
37	70	Martha Smith, 257 West 114 St	No party	
37	70	Samuel S. Winston, 225 West 115 St	Republican	
36	70	Catherine Taylor, 272 West 115 St	do.	

BY E. PARKER

38	70	Carolyn Allen, 1855 7 Ave	Republican	
38	70	Florie Bean, 1871 7 Ave	do.	
38	70	Gladstone Hinds, 113 West 113 St	do.	
38	70	Maybelle Middlebrooks, 133 West 113 St	Liberal	
38	70	Estella Poole, 1855 7 Ave	Republican	
38	70	Dorothy Shaw. 1855 7th Ave	do.	
38	70	Corrine Wilson, 101 West 113th St	do.	
38	70	John W. Shaw, 1855 7th Ave	Conservative	
38	70	Charles Stewart 1867 7th Ave	Republican	
38	70	Pauline Stubbs, 67 St Nicholas Ave	do.	
38	70	Charles Woods, 1845 7th Ave	Liberal	

BY E. HODGE

Electoral district	Assembly district	Name and address	Party	Explanation
39	70	June Lundy, 35 St. Nicholas Ave	Republican	
39	70	George Harvey, 8 St. Nicholas Ave	Missing	
		BY D. JOHNSON		
39	70	Foster Babo 51 St. Nicholas Ave	Republican	
39	70	Keither Bailey, 1925 St. Nicholas Ave	Liberal	
39	70	Many Cherry, 15 St. Nicholas Ave	do	
39	70	Allen Hillman. 56 St. Nicholas Ave	do	
		BY ANN ENGLISH		
40	70	Bluies Robinson, 137 West 110 St	Republican	
40	70	Ida L. Smith, 109 West 111 St	Missing	
		BY LOUIS UPSHUR		
41	70	Augustus Vanterpool, 234 West 111 St	No party	
41	70	Mabel D. Flores, 200 West 111 St	Liberal	
		BY ORA MOBLEY		
43	70	Inetta Barnwell, 2055 8th Ave	Republican	
43	70	George Denmark, 254 Manhattan Ave	do	
43	70	John Morton, 316 West 111 St	do	
43	70	Rudolf Schack, 272 Manhattan Ave	Blank	
43	70	Ivan Sloan, 250 Manhattan Ave	Liberal	
		BY E. HARRIS		
43	70	Thelma L. Pleasant, 255 West 111 St	Republican	
43	70	Margaret Richardson, 1842 7th Ave	Democrat	No signature.
43	70	James Royster, 247 West 111 St	Liberal	
43	70	Georgia Samuels, 200 West 112 St	Republican	
43	70	Wilbert Smith, 257 West 111 St	do	
43	70	Mabel Smith, 241 West 111 St	Democrat	Incorrect date.
43	70	Kathleen Smith, 255 West 111 St	do	No signature.
43	70	Delorese Stanton, 241 West 111 St	Republican	Do.
43	70	Ruby Walker, 237 West 111 St	do	
		BY LILLIE B. BROWN		
44	70	Harry Allen, 223 West 112 St	Republican	
44	70	Lovey A. Burton, 282 W. 113 St	Liberal	
44	70	Irma Booth, 200 West 113 St	Republican	
44	70	Mabel Hobbs, 205 West 112 St	do	
44	70	Dennis R. Jones, 200 West 113 St	do	
44	70	Edward Johnson, 280 West 113 St	Blank	
44	70	Irma Keyes, 205 West 112 St	do	
44	70	Ida Lee Reid, 200 West 112 St	Republican	
44	70	Norris Turner, 227 West 112 St	do	
		BY EULA HODGE		
45	70	Gilbert Paschall, 232 West 114 St	No party	
45	70	Evelyn Sullivan, 1878–7 Ave	Republican	
45	70	Clinton Sullivan, 1878–7 Ave	do	
45	70	Ruby Turner, 246 West 114 St	do	
		BY R. TUGGLE		
46	70	Sanford Fox, 312 West 114 St	Void	Blank.
46	70	William Phillips, 310 West 113 St	Liberal	
46	70	Robert Walker, 300 West 114 St	do	
46	70	Mary E. Watts, 312 Manhattan Ave	Republican	
		BY LOUIS UPSHUR		
47	70	Wilhelminia Brown, 352 West 115 St	No Party	
47	70	Melvin Dunn, 347 Manhahan Ave	Liberal	
47	70	Loretta Francis, 310 West 116 St	do	
47	70	Samuel Pulliams, 350 Manhahan Ave	Republican	
47	70	Charles Sutton, 316 West 116 St	Liberal	
47	70	Lindon Young, 302 West 116 St	No party	
		BY O. WILLIAMS		
48	70	Algernon W. Smith, 397 Manhattan Ave	Liberal	
48	70	Lavenia A. Sallmon, 22 Morningside Ave	Republican	
48	70	Ella Vesha, 375 Manhattan Ave	do	
48	70	Charles S. White, 16 Morningside Ave	do	
48	70	Ronald Boutelle, 364 West 116 St	Void	
48	70	Richard C. Deveaux, 14 Morningside Ave	do	
48	70	Charles M. Friend, 352 West 117 St	Republican	
48	70	James C. Mossley, 20 Morningside Ave	do	
48	70	Gaston L. Owens, 359 West 116 St	do	
48	70	Edward L. Rivers, 375 Manhattan Ave	Liberal	
48	70	Annie L. Rivers, 375 Manhattan Ave	Republician	

BY LILLIE B. BROWN

Electoral district	Assembly district	Name and address	Party	Explanation
49	70	Carolina Bethea, 300 West 119 St	Republican	
49	70	George Baxter, 400 Manhattan Ave	do	
49	70	Frezell Bailey, 444 Manhattan Ave	do	
49	70	Eugene L. Chinn, Sr., 304 West 118 St	do	
49	70	Josephine Gurley, 348 Manhattan Ave	Missing	
49	70	Benjamin Gurley, 348 Manhattan Ave	do	

BY E. McCALL

49	70	Ernest L. Simmons, 315 West 116 St	Republican	
49	70	Aldine Sellers, 303 West 117 St	do	
49	70	John Summers, 400 Manhattan Ave	Signature different	
49	70	Arthur Wand, 436 Manhattan Ave	Void	
49	70	Clemente Wright, 408 Manhattan Ave	Blank	
49	70	Clyde Woodruffe, 304 West 119 St	Missing	
49	70	William Wilson, 408 Manhattan Ave	Republican	
49	70	Ravannah C. Wilson, 408 Manhattan Ave	do	

BY E. HARRIS

1	72	Lee B. Boyde, 34 East 119 St	Conservative	Voted.
1	72	Lucille S. Bonilla, 11½ East 117 St	Republican	Do.
1	72	Ruth Brisby, 9 East 118 St	do	Do.
1	72	James W. Brown, 60 East 123 St	do	Do.
1	72	Elias Francis, 1469 5th Ave	do	Do.
1	72	Anna Walcott, 1790 Madison Ave	do	Do.
1	72	Samuel Innis, 5 East 118 St	Liberal	Do.
1	72	Maggie Jackson, 60 East 118 St	Republican	Do.
1	72	Joseph Luke, 2 East 119 St	No party	Do.
1	72	Gene Morris, 1816 Madison Ave	do	Do.
1	72	William Pitts, 1443 5th Ave	Republican	Do.

BY ANNA ENGLISH

3	72	Clarence Hill, 1 East 128 St	Republican	Voted.
3	72	Richard H. Watkins, 2 East 127 St	do	Do.
3	72	Jenny Lee, 17 East 124 St	Liberal	Do.
3	72	James P. Marshall, 2 East 128 St	Void	Do.
3	72	Marun Randolph, 15 East 127 St	Liberal	Do.

BY LILLIAN UPSHUR

4	72	Mark Riley, 2109 5th Ave		No enrollment.
4	72	Mamie Reeves, 30 East 130 St		Signature questionable.
4	72	Jeffie Smith, 5 East 131 St	Republican	
4	72	Marion Walker, 10 East 132 St		No enrollment.
4	72	Edwarde Wage, 11 East 129 St	No party	Do.
				No enrollment, miss in pencil, voted.
4	72	Henry Wynn, 20 East 129 St	Liberal	Voted.
4	72	Frances Bruhur, 2090 Madison Ave	Missing	No enrollment.
4	72	Louise Harvey, 2 East 129 St	Republican	Voted.
4	72	Samuel Kirby, 20 East 132 St	do	Do.
4	72	John Mills, 2090 Madison Ave	Liberal	Do.
4	72	Sybil Matterson 2109 5th Ave	Republican	Do.

BY PEARL SWANGIN

5	72	Hedy Hamilton, 2140 Madison Ave	Republican	Voted.
5	72	William Jackson, 2120 Madison Ave	do	Do.
5	72	Eddie Johnson, 2120 Madison Ave	do	Do.
5	72	Evelyn Major, 2177 5th Ave	Party void	Do.
5	72	Omar Ahmed, 2177 5th Ave	Party blank	Do.
5	72	Sebrena K. Ahmed, 2177 5th Ave	do	Do.
5	72	Simon Brown, 2140 Madison Ave	Party void	Do.
5	72	Livingston J. Bryant, 2110 Madison Ave	No party	Transfer of enrollment.
5	72	Vilma R. Chase, 2144 Madison Ave	Republican	Voted.
5	72	Felix Coleman, 2120 Madison Ave	do	Do.
5	72	Robert L. Dukes, 2175 5th Ave	Party blank	Do.
5	72	Vivian Easterling, 2140 Madison Ave	Republican	Do.
5	72	Lowell Faison, 2199 5th Ave	Republican	Voted.
5	72	Celia A. Garvin, 2120 Madison Ave	Liberal	Do.
5	72	Anita F. Gibson, 2144 Madison Ave	Republican	Do.
5	72	Ruth P. Gibson, 2201 5th Ave	do	Do.
5	72	George Hamilton, 2140 Madison Ave	do	Do.

BY TUGGLE & MOBLEY

6	72	Harriet Abel, 10 West 135 St	No party	Voted.
6	72	Joan Belle, 10 West 135 St	do	Do.
6	72	Georgia H. Capel, 10 West 135 St	do	Do.
6	72	Ardmer Clark, 40 West 135 St	Republican	Do.
6	72	Sarah Dozier, 40 West 135 St	do	Do.
6	72	Beverly Manning, 40 West 135 St	do	Do.
6	72	Marcus McCormack, 10 West 135 St	do	Do.
6	72	Alice Miller, 10 West 135 St	Missing	Do.
6	72	Lloyd McDuffie, 10 West 135 St	do	Do.
6	72	Frederick Stephenson, 10 West 135 St	do	Do.
6	72	Allan Stephenson, 10 West 135 St	do	Do.
6	72	Jane Tandy, 10 West 135 St	Party void	Do.
6	72	Mary Woodhouse, 10 West 135 St	Republican	Do.
6	72	Louis Niblack 10 West 135 St	Missing	Do.

BY EULA HODGE

Electoral district	Assembly district	Name and address	Party	Explanation
7	72	Pauline Carter, 25 West 132 St	Missing	Voted.
7	72	Ivan Ceasar, 28 West 132 St	Republican	Do.
7	72	Josie Cooper, 2185 5th Ave	Missing	Void marked in.
7	72	Mary Clay, 34 West 134 St	Liberal	Voted.
7	72	Oakley Elliott, 25 West 132 St	do	Do.
7	72	Luther Hilton, Jr., 2186 5th Ave	Republican	Do.
7	72	Eloise Allen, 25 West 132 St	Liberal	Do.
7	72	Algera L. Allen, 25 West 132 St	Republican	Do.
7	72	Dennis Brooks, 2186 5th Ave	do	Do.
		BY REGGIE TUGGLE		
7	72	Barbara King, 25 West 132 St	Republican	Voted.
7	72	Herbert King, 25 West 132 St	do	Do.
7	72	John Lane, 2186 5th Ave	do	Do.
7	72	Benjamin Martin, 32 West 132 St	Liberal	Do.
7	72	Henrieta Mase, 25 West 132 St	Party blank	Do.
7	72	Ella Meade, 2186 5th Ave	Liberal	Do.
7	72	John Meade, 2186 5th Ave	do	Do.
7	72	Thomas Mitchell, 25 West 132 St	Party blank	Do.
7	72	Mary E. Moragne, 25 West 132 St	Republican	Do.
7	72	Alma R. Poole, 25 West 132 St	do	Do.
7	72	Anna Robinson, 2186 5th Ave	do	Do.
7	72	Monica Scarlett, 25 West 132 St	Missing	Do.
7	72	Joseph Sellers, 2186 5th Ave	Party void	Do.
7	72	Tena Smith, 25 West 132 St	Liberal	Do.
7	72	Edna Spencer, 30 West 132 St	Republican	Do
7	72	Ellen Tsilimore, 25 West 132 St	Party void	Voted.
7	72	Nazarine Tyree, 25 West 132 St	do	Do.
7	72	Jean Watkins, 25 West 132 St	Party blank	Do.
7	72	Rev. Arve West, 25 West 132 St	Republican	Do.
7	72	Barbara Williams, 25 West 132 St	do	Do.
8	72	Delores Allen, 45 West 132 St	Liberal	Do.
8	72	James Brown, 45 West 132 St	Missing	Do.
8	72	Booker G. Cole, 45 West 132 St	Liberal	Do.
8	72	Frances H. Cole, 45 West 132 St	Republican	Do.
8	72	Mary Cottrell, 470 Lenox	do	Do.
		BY LOUIS UPSHUR		
8	72	Melzie Hamrick, 45 West 132 St	Liberal	Voted.
8	72	Syneatha Humphries, 630 Lenox	do	Do.
8	72	Audrey Johnson, 470 Lenox	Missing	Do.
8	72	Eddie Johnson, 45 West 132 St	Liberal	Do.
8	72	Tyron Johnson, 45 West 132 St	Missing	Do.
8	72	William Joseph, 470 Lenox	Republican	Do.
8	72	Pearlie Koto, 470 Lenox	Void	No party.
8	72	James Little, 45 West 132 St	Republican	Do.
8	72	John Morgan, 470 Lenox	do	Do.
8	72	Virginia Moultrie, 470 Lenox	do	Do.
8	72	William Smith, 470 Lenox	do	Do.
8	72	James Spratley, 470 Lenox	Party blank	Do.
8	72	George Thomas, 45 West 132 St	Republican	Do.
8	72	Helen Thomas, 45 West 132 St	Void	Do.
8	72	Jessie Williams, 45 West 132 St	Liberal	Do.
8	72	Ora Wright, 45 West 132 St	Republican	Do.
		BY D. JOHNSON		
9	72	Viola Parker, 108 West 133 St	Republican	No party.
9	72	Viola Reed, 117 West 132 St	Party changed	Do.
9	72	Richard Sampson, 125 West 132 St	Republican	Voted.
9	72	Olessa Simpson, 149 West 132 St	Liberal	Do.
9	72	Alice Walker, 216 West 133 St	Republican	Do.
9	72	Sadie Lemon, 2474 8th Ave	Liberal	Do.
9	72	Mary Love, 2474 8th Ave	Republican	Do.
9	72	Jane Moore, 2474 8th Ave	Blank	Do.
9	72	Clement Norman, 253 West 132 St	Republican	Do.
9	72	Mary Norman, 253 West 132 St	do	Do.
9	72	Georgiana Palmer, 201 West 132 St	do	Do.
		BY LILLIE B. BROWN		
10	72	Canzerlee Best, 440 St. Nicholas Ave	Republican	Voted.
10	72	Sylvia Gibson, 440 St. Nicholas Ave	do	Do.
10	72	Eunice Johnson, 450 St. Nicholas Ave	Liberal	Do.
10	72	Donald W. Johnson, 2447 8th Ave	Liberal	Voted.
10	72	Irene Jones, 438 St. Nich. Ave	Republican	Do.
10	72	Emma B. Jones, 440 St. Nich. Ave	do	Do.
10	72	Mazzie Quartebaum, 2451 8th Ave	Missing	Do.
10	72	Melvin E. Waiters, 422 St. Nich. Ave	Republican	Do.
		BY E. PARKER		
11	72	Marsha Cozier, 124 West 132 St	Blank	Voted.
11	72	Rosie Davis, 2228 7th Ave	Republican	Do.
11	72	Dora Hobbs, 234 West 132 St	do	Do.
11	72	Gloria Johnson, 2462 8th Ave	Liberal	Do.
11	72	James Jones, 112 West 132 St	do	Do.
11	72	Eugene Lewis, 230 West 131 St	Republican	Do.

BY E. MCCALL

Electoral district	Assembly district	Name and address	Party	Explanation
12	72	Catherine Boucarut, 55 West 131 St.	Missing	Voted.
12	72	Flossie M. Bush, 408 Lenox	Republican	Do.
12	72	Mattie Gadson, 69 West 131 St.	Void	Do.
12	72	Lillie Henderson, 69 West 131 St.	Blank	Do.
12	72	Dorothy Hall, 35 West 131 St.	Republican	Do.
12	72	Reuben Richards, 22 West 131 St.	Void	Do.
12	72	Jeannette J. White, 49 West 131 St.	Republican	Do.
12	72	Zuline Wooter, 36 West 131 St.	Liberal	Do.
12	72	Jonnie Wooter, 36 West 131 St.	do	Do.

BY LILLIE B. BROWN

14	72	Opreas Barclay, 3 West 129 St.	No party	Voted.
14	72	Irene Bailey, 2100 5th Ave.	Blank	Do.
14	72	James N. Green, 33 West 130 St.	Liberal	Do.
14	72	Nat Higgins, 52 West 130 St.	Blank	Do.
14	72	William Harris, 28 West 130 St.	Republican	Do.
14	72	George R. Murrain, 39 West 130 St.	Liberal	Do.
14	72	James A. Quick, 29 West 130 St.	do	Do.

BY E. HARRIS

16	72	Mary Anderson, 166 West 129 St.	Republican	Voted.
16	72	James Bell, 20 West 129 St.	do	Do.
14	72	Ella Ellison, 152 West 129 St.	do	Do.
16	72	John Hunter, 2 West 129 St.	No Party	Do.
16	72	Jasper Thompson, 2 West 139 St.	Republican	Do.
16	72	Octavia Johnson, 54 West 129 St.	No Party	Do.
16	72	James Johnson, 54 West 129 St.	Liberal	Do.
16	72	Clarence McClai n, 142 West 129 St.	Republican	Do.
16	72	William Nettles, 368 Leonx	do	Do.
16	72	Flossie Perkins, 60 West 129 St.	do	Do.
16	72	John Rawley, 4 West 129 St.	do	Do.
16	72	Majester Steward, 36 West 129 St.	do	Do.
16	72	Ludet Waller, 42 West 129 St.	do	Do.

BY E. MCCALL

18	72	Beverly DeBrill, 2410 8th Ave.	Republican	Voted.
18	72	Lucille Harrison, 225 West 129.	do	Do.
18	72	Ethel M. Jenkins, 230 West 131.	Void	Do.
18	72	Willie P. Miller, 250 West 131.	Republican	Do.
18	72	Nina Pryor, 225 West 124 St.	do	Do.
18	72	Georgia Reid, 260 West 131 St.	do	Do.
18	72	Alice H. Smith, 250 West 131 St.	do	Do.
18	72	Viola L. Sapp, 230 West 131 St.	Liberal	Do.

BY O. WILLIAMS

19	72	Vera Davis, 366 St. Nicholas Ave.	Republican	Voted.
19	72	Ruby E. Hogans	do	Do.
19	72	Ethel Johnson, 2423 8th Ave.	Void	Do.
19	72	Grant McPherson, 2355 8th Ave.	Liberal	Do.
19	72	Ernie Porter, 311 West 126 St.	Republican	Do.
19	72	Helen Stewart, 305 West 127.	Liberal	Do.
19	72	Alvin E. Thomas, 386 St. Nicholas Ave.	do	Do.
19	72	Oscar Walsh, 2361 8th Ave.	Republican	Do.
19	72	Ella Young, 350 St. Nicholas Ave.	do	Do.

BY ANNA ENGLISH

20	72	Margaret Collins, 260 West 125 St.	Republican	Voted.
20	72	Amy Jackson, 320 St. Nicholas Ave.	do	Do.
20	72	Susie F. West, 286 West 127 St.	do	Do.
20	72	Hattie Wooding, 274 West 127 St.	do	Do.
20	72	Louis Whitfield, 167 West 126 St.	Missing	Do.
20	72	Gladys Whitaker, 167 West 127 St.	do	Do.
20	72	Nicholas Williams, 153 West 126 St.	do	Do.

BY J. NELSON

21	72	Joseph M. Wright, 134 West 127 St.	Liberal	
21	72	Catherine Stearns, 145 West 127 St.	Missing	
21	72	Althea Simmons, 237 West 127 St.	Republican	
21	72	Constancia Rivera, 255 West 127 St.	Missing	
21	72	Albert Robinson, 277 West 127 St.	Republican	
21	72	Rosalie Anderson, 277 West 127 St.	Conservative	
21	72	Lue Ethel Bray, 277 West 127 St.	do	
21	72	Annie Chavis, 2155 7th Ave.	Republican	
21	72	Erie Boggan, 217 West 127 St.	do	
21	72	Ruby Douglas, 217 West 127 St.	do	
21	72	Barbara Fells, 217 West 127 St.	do	
21	72	Sybil Gooding, 103 West 127 St.	Blank	

BY M. WARWICK

22	72	Walter Cribbs, 212 West 129 St.	Liberal	Voted.
22	72	Ruby Icelon, 230 West 129 St.	Void	Do.
22	72	Bobby R. Harding, 2406 8th Ave.	Republican	Do.
22	72	Alice Sanders, 102 West 128 St.	do	Do.
22	72	Sophie McDougald, 240 West 129 St.	do	Do
22	72	Charles Tange, 2406 8th Ave.	Republican	Voted.
22	72	Willie White, 125 West 128 St.	Void	Do.
22	72	Nettie P. Alexander, 101 West 128 St.	do	Do.

BY LILLIAN UPSHUR

Electoral district	Assembly district	Name and address	Party	Explanation
23	72	Lloyd Bagley, 54 West 128 St	Missing	Voted.
23	72	Vernon Bailey, 40 West 128 St	Republican	Do.
23	72	Eleanor Crute, 40 West 128 St	do	Do.
23	72	Samuel Grant, 39 West 128 St	Void	Do.
23	72	William B. Johnson, 53 West 128 St	Republican	Do.
23	72	Alma Polite, 53 West 128 St	do	Do.
23	72	Celestine Senor, 1 West 127 St	do	Do.
23	72	James L. Tyson, 21 West 127 St	do	Do.
23	72	Mary Wilkerson, 9 West 128 St	do	Do.

BY LILLIE B. BROWN

24	72	Elsie A. Cormier, 15 West 124 St	Republican	Voted.
24	72	Caroline H. Dukes, 1 West 126 St	do	Do.
24	72	Viola Harrison, 2008 5th Ave	do	Do.
24	72	Lewis L. Murray, 14–16 West 127 St	do	Do.

BY PEARL SWANGIN

26	72	Eugene Adair, 2 West 122 St	Blank	Voted.
26	72	Willie Mae Allen, 28 Mount Morris Park	Liberal	Do.
26	72	David L. Brown, 24 Mount Morris Park	Blank	Do.
26	72	Evarine Dotson, 15 West 123 St	Liberal	Do.
26	72	Edwina Fleming, 228 Lenox	Republican	Do.
26	72	James B. Hook, Sr., 33 Mount Morris Park	do	Do.
26	72	Norman H. Horne, 16 West 122 St	Void	Do.
26	72	Mary Kelly, 22 Mount Morris Park	Liberal	Do.
26	72	Adelaide Neischer, 266 Lenox	Void	Do.
26	72	Hender J. Smothers, 15 West 123	Republican	Do.
26	72	Margaret Taylor, 15 West 123 St	do	Do.
26	72	William Taylor, 15 West 123 St	do	Do.
26	72	John Thompson, 22 Mount Morris Park	Liberal	Do.

BY D. JOHNSON

27	72	Cornelious Adams, 68 West 120 St	Missing	Voted.
27	72	Alma Brown, 25 West 120 St	do	Do.
27	72	Hollis Champion, 214 Lenox	Liberal	Do.
27	72	James Davis, 218 Lenox	Missing	Do.
27	72	Loomis Freeman, 42 West 120 St	Republican	Do.
27	72	Francina Gardner, 23 West 120 St	do	Do.
27	72	Mae Greene, 68 West 120 St	do	Do.
27	72	Herbert Hayes, 24 West 121 St	Missing	Do.
27	72	Annie Manning, 5 West 121 St	Void	Do.
27	72	Viola Washington, 22 Mount Morris Peak	Liberal	Do.

BY LOUIS UPSHUR

28	72	Etta Baker, 86 West 119 St	Republican	Voted.
28	72	Pearl Chambers, 59 West 119 St	Liberal	Do.
28	72	Edward Clark, 29 West 118 St	No party	
28	72	Sadie English, 86 West 119 St	Republican	Voted.
28	72	Mary Franklin, 3 West 118 St	do	Do.
28	72	Marguerite Gordon, 5 West 119 St	do	
28	72	Harold Hemmins, 50 West 119 St	do	
28	72	George Johnson, 69 West 118 St	Liberal	
28	72	Etta Larry, 27 West 119 St	No party	
28	72	Maxine Miller, 95 West 119 St	Liberal	
28	72	Anna Patton, 86 West 119 St	Republican	
28	72	Sallie Prince, 86 West 119 St	do	
28	72	Mary Smith, 29 West 118 St	Liberal	
28	72	Annie Taylor, 37 West 118 St	do	

BY E. McCALL

30	72	Carl George, 211 West 117 St	Liberal	Voted.
30	72	Alfred V. Phillips, 1975 7th Ave	Republican	Do.
30	72	Alice M. Sutton, 112 West 117 St	do	Do.
30	72	David Smalls, 100 West 118 St	Missing	Do.

BY ANNA ENGLISH

31	72	Adeline Clark, 105 West 118 St	Void	
31	72	Edward Clement, 201 West 118 St	Republican	
31	72	Marcus A. Jackson, 150 West 119 St	do	
31	72	Laura Jones, 204 West 119 St	do	
31	72	Vapoleon Waters, 103 West 118 St	do	
31	72	Lucretia White, 152 West 119 St	do	

BY O. WILLIAMS

32	72	Luree Brown, 279 West 119 St	Republican	
32	72	Gale Dolison, 205 West 119 St	Liberal	
32	72	Lelia Green, 188 St. Nicholas Ave	Republican	
32	72	Charles Jones, 272 West 119 St	Void	
32	72	Kelly Morton, 278 West 120 St	do	
32	72	Norman Prester, 278 West 120 St	Republican	
32	72	Florence Stewart, 188 St. Nicholas Ave	do	

XUM

BY E. McCALL

Electoral district	Assembly district	Name and address	Party	Explanation
33	72	Annie R. Armstrong, 204 West 120 St	Liberal	
33	72	Iris E. Brash, 113 West 119 St	Republican	
33	72	Flora L. Footman, 236 West 120 St	do	
33	72	Ann G. Foley, 1980 7th Ave	Liberal	
33	72	John Fernandez, 115 West 120 St	Republican	
33	72	Sarah Heard, 166 West 120 St	do	
33	72	Esther H. Hunter, 1980 7th Ave	do	Signature question.
33	72	Beenie Midgette, 149 West 120 St	Void	
33	72	Arthur Peterson, 124 West 120 St	Missing	
33	72	Marvis A. Walker, 152 West 120 St	Void	Voted.
33	72	Herman Wideman, 1990 7th Ave	Republican	Do.

BY E. PARKER

34	72	Charles Bailey, 120 West 123 St	Missing	Voted.
34	72	Mable Bowman, 158 West 123 St	Republican	Do.
34	72	Prince Colloymore, 159 West 121 St	Blank	
34	72	Willie Fabers, 151 West 122 St	Republican	
34	72	Lillie M. Gulley, 104 West 121 St	do	
34	72	Jennie Marsh, 231 Lenox	do	
34	72	Rita Quarles, 137 West 122 St	do	
34	72	Hal Truell, 2035 7th Ave	Missing	
34	72	James Sanders, 114 West 123 St	Void	
34	72	Annie Thompson, 229 Lenox	Liberal	
34	72	Rebecca Williams, 245 Lenox	Republican	

BY LILLIE B. BROWN

35	72	Adam J. Phoenix, 2026 7th Ave	do	
35	72	Addie M. Richardson, 234 West 122 St	Missing	
35	72	Gertrude Render, 200 West 133 St	Liberal	
35	72	Mary Scott, 257 West 122 St	Republican	
35	72	Virginia Solomon, 268 West 123 St	Liberal	
35	72	Jesse Tarrant, 2040 7th Ave	Republican	
35	72	Gloria Vaughn, 200 West 123 St	do	
35	72	Julia Abner, 226 West 123 St	Void	
35	72	Eugene M. Dunn, 2026 7th Ave	Liberal	
35	72	Lettice Droughn, 262 West 123	do	
35	72	Annie M. Grannum, 259 West 122 St	Void	
35	72	Gloria Johnson, 268 West 123	Liberal	
35	72	Alyce R. Jones, 243 West 122 St	Republican	
35	72	Isabell Mitchell, 226 West 123 St	Void	
35	72	William A. McLean, 2026 7th Ave	Liberal	
35	72	Adon R. McKinzie, 264 West 123 St	Republican	

BY LOUIS UPSHUR

36	72	Willie Finn, 255 West 121 St	Missing	
36	72	Agnes Harrison, 201 West 120 St	Liberal	
36	72	Ellis Robinson, 249 West 121 St	Republican	
36	72	Addie Sheppard, 206 St Nicholas Ave	do	
36	72	Mary Sylla, 2014 7th Ave	Liberal	
36	72	Evelyn Thomas, 217 West 121 St	Void	
36	72	Clarence Wade, 255 West 121 St	Conservative	
36	72	Christine Washington, 212 St. Nicholas Ave	Republican	
36	72	Ralph Williams, 204 West 121 St	do	

BY REGGIE TUGGLE

37	72	Emma L. Barrett, 438 West 118 St	Liberal	
37	72	Leory Biven, 50 Morningside	do	
37	72	Ernest Camps, 352 West 118 St	Republican	
37	72	Ocie Carpenter, 40 Morningside	do	
37	72	Robert Chatman, 40 Morningside	do	
37	72	Porter Craig, 354 West 119 St	do	
37	72	Alice Gary, 50 Morningside	Liberal	
37	72	Ellen Kennen, 40 Morningside	Republican	
37	72	Joseph Kirkland, 362 West 119 St	do	
37	72	Catherine Lloyd, 50 Morningside	do	
37	72	James Mack, 35 Morningside	do	
37	72	Carrie Roberts, 40 Morningside	Void	
37	72	Fred Thomas, 437 Manhattan	Republican	
37	72	John Watthe, 357 West 118 St	do	
37	72	Jeffery Washington, 348 West 118 St	Liberal	

BY PEARL SWANGIN

38	72	Nina Bell, 450 Manhattan	Liberal	
38	72	Roy E. Bunch, Jr., 458 Manhattan	do	
38	72	Emanuel Ford, 63 Morningside	Republican	
38	72	Samuel R. Gittens, 361 West 120 St	Liberal	
38	72	Sally M. Lightbourne, 355 West 120 St	Republican	

BY EULA HODGE

39	72	Evelyn Boyed, 317 West 121 St	Republican	
39	72	Francis Foster, 509 Manhattan	do	
39	72	Phobe Semper, 346 West 121 St	do	
39	72	Beatrice Cooper, 494 Manhattan	do	

BY O. WILLIAMS

Electoral district	Assembly district	Name and address	Party	Explanation
40	72	James Chapelle, 540 Manhattan	Republican	
40	72	James Dalrymple, 352 West 124 St	do	
40	72	Ida L. S. Evans, 530 Manhattan	do	
40	72	Simon Fox, 540 Manhattan	do	
40	72	James O. Foushee, 98 Morningside	Missing	
40	72	Bertha Harley, 530 Manhattan	Republican	
40	72	Silas McAllister, 50 Morningside	do	
40	72	Jesse Wells, 359 West 122 St	do	
40	72	Lillie Wilkinson, 92 Morningside	do	

BY LILLIE B. BROWN

Electoral district	Assembly district	Name and address	Party	Explanation
41	72	Martha Brooks, 370 West 127 St	Republican	
41	72	Robert Cooper, 376 West 127 St	do	
41	72	Harold Gobson, 321 St. Nicholas Ave	do	
41	72	James J. Johnson, 301 St. Nicholas Ave	Void	
41	72	Vincent Lindsay, 368 West 127 St	Republican	
41	72	Charles B. Odoms, 374 West 127 St	Liberal	
41	72	Blanche Pelton, 378 West 125 St	Missing	
41	72	Goldie Rosemond, 373 West 126 St	Republican	
41	72	William Sanders, 385 West 126 St	do	
41	72	Louise Smith, 29 Hancoch Pl	do	

BY ANNA ENGLISH

Electoral district	Assembly district	Name and address	Party	Explanation
42	72	Lucy Barrow, 1315 Amsterdam	Republican	
42	72	Menserate Colon, 430 West 125 St	do	
42	72	Minnie Cameron, 430 West 125 St	do	
42	72	Carlos Cabrera, 430 West 125 St	Void	
42	72	Patricia Mack, 430 West 125 St	do	
42	72	Celestine Placide, 430 West 125 St	do	
42	72	Lorraine Coleman, 430 West 125 St	Missing	
42	72	Marcia Cuevas, 430 West 125 St	Liberal	
42	72	Dorothy Robinson, 1315 Amsterdam	do	
42	72	James E. Henry, 430 West 125 St	Blank	
42	72	Alona E. Hill, 430 West 125 St	Missing	
42	72	Aurea Martinez, 430 West 125 St	do	
42	72	Olive Newsom, 430 West 125 St	do	
42	72	Julia Roque, 1315 Amsterdam	do	
42	72	Julia Vigoreaux, 430 West 125 St	Liberal	

BY MARY WARWICK

Electoral district	Assembly district	Name and address	Party	Explanation
43	72	Milagros Alemang, 1295 Amsterdam	Republican	
43	72	Alezta Colon, 1295 Amsterdam	do	
43	72	Elease Harrell, 1295 Amsterdam	Liberal	
43	72	Marie Johnson, 1305 Amsterdam	Missing	
43	72	Jean Weston, 1305 Amsterdam	Liberal	
43	72	Oreby Weston, 1305 Amsterdam	do	
43	72	Agnes Sanders, 1295 Amsterdam	Blank	
43	72	Harry Watson, 1305 Amsterdam	Missing	

BY J. NELSON

Electoral district	Assembly district	Name and address	Party	Explanation
50	72	Helen Robinson, 409 West 127 St	Republican	
50	72	William Timmons, 409 West 127 St	do	
50	72	Raymond Tate, 445 West 125 St	Missing	
50	72	Annie Foster, 464 West 126 St	Republican	
50	72	Jobie Goodwine, Jr., 424 West 126 St	Liberal	
50	72	Sir Vincent M. Barrett, 406 West 127 St	Republican	

BY EULA HODGE

Electoral district	Assembly district	Name and address	Party	Explanation
51	72	Harry Boyd, 351 St. Nicholas Ave	Republican	
51	72	George Himmel, 351 St. Nicholas Ave	do	
51	72	Dee Loper, 400 West 128 St	do	
51	72	Leola Franklin, 5 St. Nicholas Ave	do	
51	72	Eugene Fox, 1 Convent Ave	do	
51	72	Mildred L. Lane, 351 St. Nicholas Ave	Missing	

BY LILLIAN UPSHUR

Electoral district	Assembly district	Name and address	Party	Explanation
51	72	Ermile Reaves, 35 St. Nicholas Terrace	Republican	
51	72	Betty D. Sheppard, 6 St. Nicholas Terrace	Blank	
51	72	Helen Stirrup, 351 St. Nicholas Ave	Republican	
51	72	Eloise E. Stevens, 25 St. Nicholas Terrace	Liberal	
51	72	Robert Tootley, 419 West 128 St	Republican	
51	72	Lionel Van Duyne, 25 St. Nicholas Terrace	Liberal	
51	72	Emma L. Whitehead, 411 West 128 St	Republican	
51	72	Mable Williams, 2 St. Nicholas Terrace	Void	

BY S. DeLAIGLE

Electoral district	Assembly district	Name and address	Party	Explanation
52	72	Ollie M. Austin, 416 West 129 St	Liberal	
52	72	Hyman Forte, 409 West 129 St	Republican	
52	72	Sylvester Scott, 420 West 129 St	Liberal	
52	72	Leon Shay, 409 West 129 St	No party	
52	72	Lottie Stokes, 41 St. Nicholas Terrace	Blank	
52	72	Lee Hunter, 142 West 129 St	Republican	
52	72	Hazel Johnson, 49 St. Nicholas Terrace	do	
52	72	William Johnson, 420 West 129 St	do	
52	72	Katie Moore, 49 St. Nicholas Terrace	do	

BY PEARL SWANGIN

Electoral district	Assembly district	Name and address	Party	Explanation
53	72	Carrie Harvey, 41 Convent	Republican	
53	72	Dolores Harvey, 41 Convent	Missing	
53	72	Kenneth Jackson, 408 West 130 St	Blank	
53	72	Margaret E. Lewis, 41 Convent	Republican	
53	72	George B. Pinckney, 50 Convent	do	
53	72	Alvin G. Reid, 420 West 130 St	do	
53	72	Naomi Steele, 1407 Amsterdam	No party	
53	72	Luthia M. Thomas, 41 Convent	Missing	

BY LOUIS UPSHUR

54	72	Irvin Brown, 100 Convent	Republican	
54	72	Wilhimina Dye, 100 Convent	do	
54	72	Gloria Galtan, 1467 Amsterdam	do	
54	72	Thelma Kaui, 90 Convent	do	
54	72	Carmelo Ramos, 1429 Amsterdam	do	
54	72	Emma Robinson, 110 Convent	Void	
54	72	Alicia Sanabria, 460 West 131 St	Republican	
54	72	James Sturgis, 1463 Amsterdam	Liberal	
54	72	Mattie Woods, 102 Convent	Republican	

BY W. S. EPPS

1	74	Ernest Thornton, 180 West 135 St	Void	
1	74	Barse Weston, 129 West 133 St	Republican	(Deceased but voted.)
1	74	Martha Wright, 116 West 134 St	Liberal	
1	74	Louis Wright, 2263-7 Ave	Republican	
1	74	Mary Wormsley, 161 West 133 St	do	
1	74	Ross Wilson, 122 West 134 St	No party	
1	74	Eunice Mitchell, 159 West 133 St	Republican	
1	74	Aaron Moore, 180 West 135 St		(1st time voting reg Jan. 8, 1970.)
1	74	Gertrude Payne, 197 West 134 St	do	
1	74	Henry Ramsey, 116 West 134 St	Blank	
1	74	Scar Stainback, 180 West 135 St	do	

BY GRAHAM

1	74	Mabel Harris, 192 West 134 St	Republican	
1	74	Mary Hart, 112 West 134 St	do	
1	74	Rufus Edmonds, 180 West 135 St	Missing	
1	74	Melvin Gilliam, 114 West 134 St	Liberal	
1	74	Jesse Jenkins, 471 Lenox Ave	Republican	
1	74	Michelle Lacurtis, 2289—7 Ave	Conservative	

BY E. PARKER

2	74	Patrick Dodson, 319 West 134 St	Liberal	
2	74	Floretta Harrell E., 2272—7 Ave	do	
2	74	Helen Johnson, 236 West 135 St	Republican	
2	74	Robert Johnson, 221 West 134 St	do	
2	74	Beulah I. Hall, 254 West 135	do	
2	74	Mary Alston, 303 West 134 St	do	
2	74	William Bostick, 2270—7 Ave	Liberal	

BY J. NELSON

2	74			(No machine No.)
2	74	Leona Miller, 2496—8 Ave	Republican	
2	74	Leroy H. Moss, 2282—7 Ave	do	
2	74	Mabel G. McCormick, 484 St. Nich. Ave	do	
2	74	James Townsend		

BY PEARL SWANGIN

3	74	Leila Benson, 316 West 137 St	Republican	
3	74	Terrence Clarke, 318 West 137 St	do	
3	74	Robert Charles, 203 West 135 St	Missing	
3	74	William Duncan, 36 Edgecombe Ave	Republican	
3	74	Samuel H. Edwards, 314 West 137 St	Liberal	
3	74	Robert Foote, 238 West 136 St	Republican	
3	74	Ella Harris, 312 West 137 St	Void	
3	74	Olivia Mayfield, 221 West 135 St	Republican	No signature on front buff card.
3	74	Arthur Scott, 246 West 136 St	do	
3	74	Sarah Williams L., 328 West 137 St	Void	

BY McCALL

4	74	Dennis J. Butler, 170 West 136 St	Republican	
4	74	Lottie B. Cox, 100 West 136 St	do	
4	74	Richard H. Davis, 136 West 136 St	do	
4	74	Samuel A. Hall, 170 West 136 St	Liberal	
4	74	Grady L. Russell, 135 West 135 St	Republican	
4	74	Henry Reid, 111 West 135 St	Void	
4	74	Soffer Smith, 142 West 136 St	Liberal	
4	74	James W. Wheeler, 174 West 136 St	do	
4	74	Dave Washington, 174 West 136 St	Republican	
4	74	Gardner N. Ware, 107 West 135 St	do	

BY LILLIE B. BROWN

Electoral district	Assembly district	Name and address	Party	Explanation
5	74	Eugene Baker, 235 West 137 St.	Liberal.	
5	74	Edward L. Brown, 237 West 136 St.	do.	
5	74	Lillian Braswell, 269 West 136 St.	do.	
5	74	Lenora Glover, 2340 7th Ave.	Republican.	
5	74	James C. Gordon, 201 West 136 St.	Liberal.	
5	74	Egbert Hudson, 2322 7th Ave.	Republican.	
5	74	Samuel J. Iris, 255 West 137 St.	do.	
5	74	Carrie Parker, 229 West 137 St.	do.	
5	74	Ira P. Scott, 229 West 137 St.	do.	
5	74	Susie Smith, 251 West 136 St.	do.	
5	74	Thirstin Sowell, 2350 7th Ave.	do.	
5	74	Joann Stephens, 244 West 137 St.	do.	
5	74	Ardell Wood, 217 West 137 St.	do.	
		BY D. JOHNSON		
6	74	Rowland Allison, 101 West 137 St.	do.	
6	74	King Small, 163 West 136 St.	do.	
		BY LILLIE B. BROWN		
7	74	Claude Mann, 17 West 137 St.	Liberal.	
7	74	James E. Owen, 63 West 137 St.	Missing.	
7	74	Margaret Phillips, 19 West 137 St.	Void.	
7	74	Ernest Richardson, 21 West 137 St.	Republican.	
7	74	Thomas Turner, 9 West 137 St.	Liberal.	
7	74	Katie Walker, 67 West 137 St.	do.	
		BY LILLIAN UPSHUR		
8	74	Mavis Burton, 2170 Madison Ave.	Republican.	
8	74	Betty Belasco, 2225 5th Ave.	do.	
8	74	Adele Boston, 2170 Madison Ave.	Missing.	
8	74	John E. Crawford, 2235 5th Ave.		Signature different.
8	74	Millard J. Graham, 2235 5th Ave.	Blank.	
8	74	Michael Goode, 2234 5th Ave.	Liberal.	
8	74	Dorothy Goode, 2225 5th Ave.	do.	
8	74	Theodore Gross, 2225 5th Ave.	Republican.	
8	74	Julian Jefferies, 2170 Madison Ave.	do.	
8	74	John Lassiter, 2255 5th Ave.	do.	Do.
8	74	Frances L. Lucas, 2255 5th Ave.	Liberal.	
8	74	Milton Richardson, 2235 5th Ave.		No enrollment, no date, no initial on bottom buff card.
8	74	Bertha Ruffin, 2335 5th Ave.	Republican.	
8	74	Rose Stewart, 2255 5th Ave.		No enrollment No. on change of enrollment.
8	74	Danice Wilkins Nixon, 2255 5th Ave.	Republican.	
8	74	Celia D. Wickham, 2170 Madison Ave.	do.	
8	74	John A. White, 2235 5th Ave.	Missing.	
		BY C. HARRIS		
9	74	Effie L. Argumper, 2181 Madison Ave.		Date incorrect.
9	74	Moses Allen, 2160 Madison Ave.		Do.
9	74	Morris Clemons, 2171 Madison Ave.	No party.	
9	74	Anne E. Morrison, 2160 Madison Ave.	Republican.	
9	74	Ruth Robinson, 2160 Madison Ave.	do.	
		BY LOUIS UPSHUR		
10	74	Grace Calloway, 10 East 138 St.	Republic.	
10	74	Clifford Garvin, 2190 Madison Ave.	do.	
10	74	Mary D. Galloway, 2200 Madison Ave.	do.	
10	74	Minnie James, 2200 Madison Ave.	do.	
10	74	Hilda Michael, 10 East 138 St.	do.	
10	74	John Palmer, 2265 5th Ave.	do.	
10	74	Helen R. Rose, 2265 5th Ave.	No party.	
10	74	Inez Simpson, 2190 Madison Ave.	do.	
10	74	Francena Taylor, 2190 Madison Ave.	Liberal.	
12	74	Mollie Brown, 125 West 138 St.	Republican.	
12	74	Ernestine Brown, 137 West 138 St.	Void.	
12	74	Roosevelt Cooper, 135 West 138 St.	Republican.	
12	74	Annie Cooper, 559 Lenox Ave.	do.	
12	74	Clara Coger, 131 West 138 St.	Void.	
12	74	Richard Dixon, 108 West 138 St.	Conservative.	
12	74	John Deas, 111 West 138 St.	Republican.	
12	74	Beulah Harris, 112 West 138 St.	do.	
12	74	Vanderbilt Hunter, 133 West 138 St.	do.	
12	74	Olivia L. Klass, 100 West 138 St.	do.	
12	74	Willie M. Keno, 112 West 138 St.	do.	
12	74	Darsye Mitchell, 547 Lenox Ave.	do.	
12	74	Margaret Major, 120 West 138 St.	Liberal.	
12	74	Vonetta Mack, 112 West 138 St.	Republican.	
12	74	Matilda Smith, 145 West 138 St.	do.	
12	74	Daisy Wiley, 104 West 138 St.	Liberal.	
12	74	James P. Young, 120 West 138 St.	Blank.	
		BY ANN ENGLISH		
29	74	Estella Branch, 126 West 143 St.	Republican.	
29	74	Dew Apcillar, 2453 7th Ave.	do.	
29	74	Ruby Bash, 130 West 143 St.	No party.	
29	74	Rosalie Brown, 115 West 142 St.	do.	
29	74	Rosetta Carroll, 2441 7th Ave.		No Signature.
29	74	Henrietta Fagan, 117 West 142 St.		Do.
29	74	Robert Teams, 125 West 142 St.	Republican.	
29	74	William Vanderburg, 147 West 142 St.	do.	
29	74	Oscar Walker, 147 West 142 St.	do.	

XUM

BY LOUIS UPSHUR

Electoral district	Assembly district	Name and address	Party	Explanation
31	74	Mollie James, 141 West 144 St	Republican	
31	74	James Strickland, 125 West 144 St	Void	
31	74	Mary Downing, 673 Lenox Ave	No party	
33	74	Zelma Barnes, 2512th 7th Ave	Void	
33	74	Edward L. King, 239 West 145 St	Missing	
33	74	Vernett Mickle, 2508 7 Ave	do	
33	74	William Sims, 247 West 145 St	do	
33	74	Walter Simmons, 243 West 145 St	do	
33	74	Lawford Spencer, 275 West 145 St	Republican	
33	74	Herbert Williams, 219 West 145 St	Liberal	
		BY ANNA ENGLISH		
35	74	Cassandra Buzzell, 306 West 144 St	Republican	
35	74	Richard Graham, 308 West 147 St	do	
35	74	Dorothy Hawkins, 2697 8th Ave	do	
35	74	Albert Hunter, 302 West 145 St	do	
35	74	John King, 314 West 145 St	do	
35	74	Rose Anderson, 2697 8th Ave	Missing	
35	74	Alice Joyner, 306 West 144 St	Void	
35	74	Willie White, 28 Bradhurst Ave	Republican	
		BY PEARL SWANGIN		
36	74	Eleanor Beckett, 345 West 145 St	Republican	
36	74	Lester Childs, 770 St Nicholas Ave	do	
36	74	Ruth Buffington, 345 West 145 St	do	
36	74	Eugene Brooks, 770 St Nicholas Ave		No Signature.
		BY GRAHAM		
36	74	Mattie Rideout, 770 St. Nicholas Ave	Republican	
36	74	Dennis Smith, 770 St. Nicholas Ave	Void	
36	74	Mary Thompson, 345 West 145 St	Republican	
36	74	Clarence Thompson, 345 West 145 St	do	
36	74	Janie White, 746 St. Nicholas Ave	No party	
36	74	Willie Williams, 2–4 St. Nicholas Place	Void	
		BY LILLIE BROWN		
36	74	Carlton Coleman, 345 West 145 St	Republican	
36	74	Leonard E. de Paur, 746 St. Nicholas Ave	Liberal	
36	74	Alexander Davis, 345 West 145 St	Republican	
36	74	Walter W. Fraser, 345 West 145 St	do	
36	74	David W. Henderson, 345 West 145 St	do	
36	74	Reginald F. Knox 345 West 145 St	do	
		BY DOTTY JOHNSON		
69	74	Marie Austin, 2333 5th Ave	Missing	
69	74	Gertrude Austin, 2333 5th Ave	do	
69	74	Joseph Ananias, 2333 5th Ave	Republican	
69	74	Charles Bland, 2311 5th Ave	Liberal	
69	74	Carl Dominic, 2311 5th Ave	Missing	
69	74	Ellis David, 2289 5th Ave	do	
69	74	John Finney, 2333 5th Ave	Liberal	
69	74	Jean Gentry, 2311 5th Ave	do	
69	74	Jeanne Hazer, 2301 5th Ave	Republican	
69	74	Richard Harwell, 2333 5th Ave	Blank	
69	74	Simon Jones, 2289 5th Ave	Republican	
69	74	Frank Jones, 2311 5th Ave	Missihg	
69	74	Gladys Johnson, 2311 5th Ave	Blank	
69	74	Helen Kiney, 2333 5th Ave	Liberal	
69	74	Jo Ann Pace, 2289 5th Ave	do	
69	74	Ina Rouse, 2305 5th Ave	Missing	
69	74	Doris Taylor, 2311 5th Ave	Blank	
69	74	Mary Walker, 2289 5th Ave	Liberal	
69	74	Charlene Walker, 2333 5th Ave	Blank	
69	74	Cynthia Wiles, 2333 5th Ave	Republican	

Mr. Speaker, I have been asked by the Baptist Ministers Conference to place the following affidavit in the CONGRESSIONAL RECORD as a matter of history concerning the fraud and corruption in New York City in the Primary of June 23, 1970.

[In the Supreme Court, New York County]

AFFIDAVIT

In the Matter of the Application of DAVID N. LICORISH, Petitioner against Maurice J. O'Rourks, Et al., Respondents STATE OF NEW YORK, County of New York.

William C. Chance, being duly sworn, deposes and says:

1. That he is an Attorney at Law maintaining offices at 408 West 145 Street, New York, New York.

2. That attached hereto is a list of the names and descrepancies alleged in the within action, David N. Licorish vs the Board of Election et al.

3. On information and belief as a result of the aforesaid examination of election returns, it was discovered that there were only public counter cards for ten of the fifty four election districts in the 72 Assembly District which is a part of the 18th Congressional District of the State of New York. The aforesaid 18th Congressional District has therein 211 election districts covering seven Assembly Districts.

4. The persons making the actual examination and others will be called as witnesses if deemed necessary by the court.

FINDINGS

No public counter cards

Assembly district:	*Election districts*
67	11
68	1
69	19
70	32
72	32
74	54

UNAUTHORIZED VOTES ON VOTING MACHINE

93 ED of the 66 AD: 14 more votes on machine than signatures on Buff Cards.

27 ED on the 70 AD: 41 more votes on machine than signatures on Buff Cards.

INELIGIBLE VOTES

Republicans	616
Liberals	233
Conservatives	11
Voids, missing, blanks	417

TAMPERING WITH VOTING MACHINES

70 AD: 3 Voting levers found on window ledge 131 East 104 Street. Voting machines abandoned by Police after close of Polls.

72 AD: Russworm Public School, 3 Voting machines unguarded on June 26, 1970.

74 AD: 805 St Nicholas Avenue, New York City, Police left voting machines in lobby of building for at least two days unguarded and unprotected.

18th Congressional District of New York voting machines were never impounded by Police even though Commissioner O'Rourke announced on June 24, 1970 that they had been.

Affirmed under penalties of perjury this 6th day of August, 1970.

(NOTE.—Supporting material for this affidavit identical to that for previously listed affidavit.)

WASHINGTON REPORT BY HON. LAWRENCE G. WILLIAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 30 minutes.

Mr. WILLIAMS. Mr. Speaker, as I have stated in previous Washington reports, President Nixon inherited a mess in South Vietnam with approximately 540,000 U.S. troops there the day he was inaugurated. By April 15, 1970, he had withdrawn over 110,000 of them and had announced that he would withdraw an additional 150,000 by the end of May 1971.

By the first part of August, our troop strength in South Vietnam had been reduced to approximately 400,000. It will be reduced to 280,000 by the end of May 1971. Secretary of State Rogers and Defense Secretary Laird have suggested that all U.S. troops will be withdrawn from combat assignments in South Vietnam by the end of June 1971, and there is reason to hope that all of our troops will be removed from there by the end of 1971.

President Nixon is achieving his objective of withdrawing our troops in a manner which will permit the people of that country to defend their own soil. While some may disagree with this timetable, the President is achieving what almost everyone regards as highly desirable.

Due to the President's policies, the Communist attitude has begun to soften and our outlook for peace has greatly improved. The Arab Nations and Israel have accepted a 90-day cease-fire during which negotiations could result in a permanent peace in the Middle East. The Paris peace talks on Vietnam have begun to show some progress, and the strategic arms limitation talks—SALT—are showing evidence of producing a reasonable compromise between the United States and Russia on nuclear weapons.

RAILROAD RETIREMENT ACT

It took an aggravatingly long time, but Congress finally passed the bill providing a 15-percent increase in benefits under the Railroad Retirement Act (H.R. 15733). The House passed it on April 7, 1970, and sent it to the Senate. The Senate passed it on June 25, 1970, with amendments which required a House-Senate conference. On July 29, 1970, the Senate passed the conference report and sent it to the House which passed it the next day and sent it to the President. This action, for which I voted on April 7 and on July 30, 1970, was designed to match the previously approved 15-percent increase in social security benefits. These increases were essential to protect beneficiaries from inflation-created impoverishment.

BIG FARMER SUBSIDIES

Every year, I have voted to place a limitation of $20,000 on subsidy payments to individual farmers. On June 9, 1970, the House passed the 1971 agriculture appropriation bill (H.R. 7923) after the amendment to limit individual farmer subsidy payments to $20,000 had been defeated. Of course, I voted for the amendment.

Now the U.S. Senate has added the $20,000 limitation to its 1971 agriculture appropriation bill, and the difference between the House and Senate-passed versions are being worked out in conference. If the conference report contains the $20,000 limitation on payments, I shall vote for it; if it does not, I shall attempt to have the $20,000 limitation added to the report.

On August 5, 1970, the $20,000 limitation amendment to the Agriculture Act of 1970 (H.R. 18546), which authorizes agriculture appropriations for the next three fiscal years, was defeated; so I voted against the bill. H.R. 18546 contains a provision which would limit subsidy payments to individual farmers to $55,000 each year for each crop. This means that farmers who grow two or three crops annually could receive an annual subsidy of $110,000 or $165,000 for the next 3 years.

This subsidy program will cost U.S. taxpayers over $10.5 billion in the next 3 years. This will amount to a cost of about $100.00 for every person in the United States over the next 3 years. Even the Pennsylvania Farmers Association opposes this bill. This bill passed in spite of my negative vote.

JACK ANDERSON COLUMN

A recent column by Jack Anderson falsely claimed that, with 22 other members of the House Banking and Currency Committee, I voted to continue $2 billion annually in excess profits to defense contractors. This totally inaccurate statement resulted from Mr. Anderson's failure to check facts before writing his column.

When the Banking and Currency Committee was considering the defense production act amendments (H.R. 17880), introduced by Chairman WRIGHT PATMAN, the section providing for uniform cost-accounting standards to be used by all defense contractors was so poorly written that 23 members of the committee voted to strike it. The committee then voted to include a section similar to one contained in the Senate bill (S. 3302). The new section even closed some of the loopholes of the Senate section. Conveniently, Mr. Anderson failed to mention this.

H.R. 17880, as reported out of the committee and passed by the House on Friday, July 31, 1970, is substantially better than the bill authored by Mr. PATMAN. It will better achieve the control of defense contractors which is highly desired by Admiral Rickover and myself.

Mr. Anderson stated that the Committee "voted behind closed doors, of course, to hide their actions from the voters back home. This column, however, can identify the Congressmen who voted to line the pockets of the defense contractors at the taxpayers' expense." Actually, rule 15 of the committee states:

> At the conclusion of any Executive Session of the Committee, information shall be made available to the press as to how each member voted on any record vote or votes.

Since this rule is followed religiously, all voting information is available to the media.

FISCAL IRRESPONSIBILITY

The Democratic-controlled Congress continues to increase Federal spending over the budget despite the fact that President Nixon's $200.8 billion budget for fiscal year 1971, which began July 1, 1970, was the largest in history. I have been voting consistently against this over-budget spending for such items as the additional $453 million for the Office of Education and for the additional $541.3 million for independent offices and HUD. It is anticipated that, if overspending continues, the deficit could reach $15 billion for fiscal year 1971, $23 billion for fiscal year 1972, and $20 billion for fiscal year 1973.

This continued deficit spending will increase inflation, hurt our national economy, cause increased taxes, and increase interest payments on the money we owe. Even with no increased spending, the interest on our national debt will be $30 billion annually by fiscal year 1973.

We must reduce Federal spending and start paying off our debt if our Nation is to survive. Wasteful programs and abuses of programs must be eliminated. Food stamps and public assistance for able-bodied members of hippie communes is one example of such abuses.

LEGISLATIVE REORGANIZATION

For the first time in over 24 years, the House is considering congressional reorganization in the form of the Legislative Reorganization Act of 1970 (H.R. 17654). I am supporting this enlightened effort to modernize congressional operations.

When the House is amending a bill, it sits as the Committee of the Whole House on the State of the Union. Votes on amendments are taken by "teller votes." Members simply walk up the center aisle to be counted for or against the amendment; no record is made of the way individual Members vote. I successfully supported an amendment to record all teller votes as I want my constituents to know how I vote on all issues.

Other important improvements of H.R. 17654 provide public availability of all votes taken in executive sessions of the various committees, such as we now have on the Banking and Currency Committee; the televising of House committee hearings, and assigning one-third of a committee's professional staff to the committee's minority membership.

Thank you.

INTERIOR DEPARTMENT SIGNS GOOD CONTRACT FOR MONTANA TRANSMISSION LINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, for the past 3 years there has been controversy in our public works appropriations bills concerning the proposed use by the Bureau of Reclamation of a 115-kilovolt transmission line constructed by the Montana Power Co. to furnish dual electric service to the Shelby-Cut Bank-Browning area of northern Montana.

I have recently been advised that Assistant Secretary of the Interior for Water and Power, James R. Smith, instructed the Bureau of Reclamation's regional director in Billings to consummate a wheeling contract for the use of these facilities to furnish such dual source of power to the area.

Secretary Smith should be highly commended for his outstanding success in culminating this contract in accordance with the wishes of the Congress. Last year, both the House of Representatives and the Senate, in appropriating $450,000 to start the construction of a Federal line costing $4 million—which would essentially duplicate the facilities of the Montana Power Co.—instructed the Bureau of Reclamation to resume negotiations with the Montana Power Co. in an effort to reach a satisfactory wheeling agreement. Both bodies of the Congress directed the Bureau of Reclamation to report to the respective Appropriations Committees to secure prior clearance before any of the $450,000 could be expended for the initiation of construction of the Federal line.

Secretary Jim Smith has displayed great patience in the successful culmination of this matter, particularly in light of the almost blind opposition of some of those persons who would benefit most by this contract. I refer to the cooperative preference customers of the Bureau of Reclamation in that area who now have available a reliable second source of power merely by agreeing to an interconnection with Glacier Electric Cooperative. This is available to them immediately—not 4 years from now—as would probably be the case if actual construction of the Federal line were authorized.

In addition to making these Montana Power Co. facilities available now to the preference customers, the contract saves the Federal Government from spending some $4 million at a time when we should carefully scrutinize every Federal expenditure in our fight against inflation. I am advised that the contract saves the U.S. Government some $419,000 in fixed charges each year until 1976, and substantially that same amount thereafter depending upon the percentage of use the Government makes of such lines.

During some of the controversy surrounding this proposal the charge has been made that it would violate the antitrust laws. This argument has been put in its proper perspective when the Justice Department sent Assistant Secretary Smith a letter on July 22 saying:

> You have submitted to this Division drafts of a proposed contract between the Bureau of Reclamation and the Montana Power Company concerning the Bureau's purchase of approximately one half of the capacity of the latter's 115 kv line between Great Falls and Cut Bank, Montana for the purpose of enlarging the transmission capacity into the area and improving the reliability of service to the Bureau's customers. The drafts have incorporated suggestions of our staff intended to avoid the possibility of anticompetition impacts from the signing or the terms of the contract. This letter is based on the most recent draft, copy attached.
>
> With the amendments suggested, there is no Antitrust objection to the Government entering into this contract.

It seems inconceivable to me that anyone can seriously still press for this unnecessary Federal expenditure in light of the successful signing of a wheeling agreement. This is particularly true in light of the Keating amendment which has been carried in every public works appropriations bill for almost 20 years providing that none of the Bureau of Reclamation's appropriations "shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers except where the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer." This is certainly not the current situation in Montana since the Secretary, through his Assistant Secretary Smith, has specifically approved the wheeling agreement.

There are some individuals who are attacking the recently signed contract on the basis of some lack of reliable electric service in the area to serve the ABM system. They suggest that only a Federal line can provide the needed reliability. Such a charge simply cannot be sustained by the facts. I am advised that the people planning the ABM installation in the area are completely satisfied with the adequacy and the reliability of the power supply in the area with the present transmission facilities, including the newly constructed 115 kv. line of the Montana Power Co. To use our national defense to make a spurious argument for unnecessary Federal expenditures of this nature is indeed grasping for straws in the wind.

Mr. Speaker, through the successful conclusion of this controversy by the signing of the wheeling agreement, the Federal Government offers the preference customers in the area an opportunity to have a dual feed for reliable electric service. The cooperatives, in turn, will show their desire to have such reliable service by authorizing an interconnection with this line in accordance with the terms of the newly signed contract. It appears at the moment, however, they may be more interested in the unnecessary expenditure of large sums of Federal funds than they are in obtaining additional reliability of their systems to the benefit of their customers.

The Federal Government, through Secretary Smith, has done its part to assure such reliability in a prudent and economical manner. It is now up to the cooperative representatives to be responsible and authorize the interconnection necessary to upgrade the electric service to their customers. Only then can they convince all of us that they are truly interested in trying to upgrade their power supply rather than spend Federal funds unnecessarily at a time when such funds are in short supply and so badly needed for other higher priorities.

ROTC MUST REMAIN ON THE COLLEGE CAMPUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. WATSON) is recognized for 10 minutes.

Mr. WATSON. Mr. Speaker, at a time when the ROTC program is under attack by leftist forces, I was surprised and dismayed to note earlier this week that a group of our colleagues have introduced a bill to physically move this outstanding and time-honored program from the college campus.

While I can certainly appreciate the concern by our colleagues that something must be done to stop the radicals from disrupting ROTC activities, unfortunately, in my judgment, they have not recommended the best course, but the course of least resistance.

Mr. Speaker, we have come to expect crys of "down with ROTC" by student militants, but when some of our adult colleagues recommend action that would virtually bring this condition about, I feel compelled to disagree with them most vigorously. By taking ROTC off campus, students will become less interested in participating, and it will become a sideline activity.

Mr. Speaker, the Students for a Democratic Society, particularly the Weatherman faction of this dangerous organization, has established as a No. 1 goal the elimination of college ROTC. Through the use of violent tactics they have already gotten commitments from some college administrators to abolish ROTC on their campuses. They fully realize that by destroying ROTC they have eliminated a principal source, especially during time of war, of our officer corps. If successful in this insidious scheme, our military posture will be dealt an irreparable blow.

This is no time to capitulate to the anarchists. It is time to seek ways to strengthen ROTC. It must remain on campus.

AN ALL-VOLUNTEER MILITARY FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RUPPE), is recognized for 10 minutes.

Mr. RUPPE. Mr. Speaker, when I was first a candidate for Congress, in 1966, I pledged to work toward the goal of a volunteer military and an end to compulsory conscription. During that campaign, at the height of the Vietnam war, there were not too many political candidates talking about the issue. In the Congress there was a handful of Republican incumbents, led by our former colleague Robert Ellsworth of Kansas, calling for an end to the draft. Other than limited activity in Congress, and a few political candidates, and some concerned private citizens, such as Bruce Chapman, the author of "The Wrong Man in Uniform," there were not many who believed the volunteer Army was much more than the pipedream of idealists.

A great deal has happened since 1966, much to the gratification of the pioneers of draft reform. In fact, so much has happened that I am concerned that there are those who are adopting the issue without a full understanding of the complexities involved. I am concerned that there are those who are espousing the rhetoric of draft termination and are creating the monstrous political illusion that we will indeed terminate the draft on July 1, 1971, when indeed, all viable proposals contain a standby draft. When a young man is conscripted through a standby draft he has been just as drafted as a young man conscripted today under our present selective service laws.

Therefore, I have prepared these remarks, as one who has been working for draft reform for a long time, to take a hard and realistic look at where we stand today in relation to the volunteer army.

As we are winding down our defense commitments abroad and encouraging self-reliance on the part of other nations, I too believe the time is right to embark on a comprehensive reform of our present military system. While I laud the President's initiative in the creation of a lottery system, I continue to believe that the ultimate answer to creating an equitable and effective military system is to eliminate the draft and create an all volunteer army. President Nixon has taken major steps in moving the Nation in this direction by announcing the elimination of the draft as his personal goal and by creating a Commission on the All Volunteer Force under the capable leadership of former Defense Secretary Thomas Gates. As the Commission has concluded, since only a minority of our citizenry is needed, a force of men freely choosing to serve could adequately assure our national defense and enhance military dignity and prestige as well. Moreover, the report indicates that the all volunteer force is a feasible as well as a desirable goal to strive for in the current decade.

At present, approximately 50 percent of the men annually entering the Armed Forces are volunteers who enlisted despite low and inequitable entry pay. With this number continuing to volunteer, an all-volunteer force of 2.5 million men would require only 75,000 annual enlistees who could be obtained by improving recruiting, pay, and conditions of service. Moreover, the Commission estimates that the additional budgetary increase required for the desired force could be met. Finally, by improving basic pay and conditions of service, military career opportunities will be more attractive. Thus these improvements should enable the military to maintain a high quality, more-experienced force with higher motivation and morale.

Achieving these important objectives will require the farsighted initiative and enthusiastic cooperation of the Congress, the Executive, and the military services. I believe we must continue to carefully examine all aspects of the present system and consider alternatives while beginning to develop concrete legislation. First of all, adequate assurance of the national security requires that an in-depth study be made to determine precisely how many men are needed and in what capacity. The Department of Defense should undertake such a study which should include an analysis of the optimum reserve organization and the number of present military jobs which could be performed by civilians or by military volunteers physically unfit for combat. As the Gates Commission points out, not only would replacing military personnel with civilians be less expensive, there would also be reduced demand for new recruits. In an all-volunteer army, civilian personnel would need less training, involve fewer personnel transfers, and require lower levels of compensation. Perhaps when forces have reached their post-Vietnam equilibrium level, a program of civilianization could be initiated and carried out over a 3- to 4-year period.

Attention should be given to developing a variety of options in regard to types of individual training and areas of assignment. Each 18-year-old could then be given a comprehensive booklet when he registers for the draft informing him of the advantages and opportunities available to him in military service. In order to increase public awareness of opportunities and respect for career service, perhaps an education campaign could be launched concerning the nature of the services and the importance of this protective shield for an increasingly prosperous civilian economy.

Naturally, the viability of an all volunteer force depends on the willingness of the Executive, the Congress, and the military to maintain reasonable qualification standards, competitive levels of military compensation, and attractive conditions in military life. If the draft is eliminated, the services will not be able to dictate the previously high mental and physical standards; however, it should be remembered that these standards had to be lowered to meet the requirements of the Vietnam buildup. Moreover, even in the most severe case of unemployables, encouragement can be taken from the fact that private industry has shown it is possible to train a surprising number of uneducated, socially handicapped young men. With regards to compensation, on an interim basis, raising current pay scales could induce enlistment by making mitilary wages more equivalent to civilian pay while removing a large part of the implicit tax burden on the draftee who is compelled to serve at a financial sacrifice. The current system of multiple allowances should be changed to one of salaries. Salaries should be set for specific jobs on the basis of pay scales for equivalent civilian jobs and carry provisions for pay increases or promotions for a job well done.

Along with improving inservice conditions, we must also strive for major changes in our present recruiting and training programs. The possibility of an all-volunteer force could conceivably reduce ROTC enrollments and thus endanger a highly qualified source of officers. However, because ROTC itself is a volunteer force, it could become the lifeline of any all-volunteer military system. By continuing to serve as an important part of the machinery of officer production, it would assure the military of a flow of college-trained officers so necessary to an increasingly sophisticated Military Establishment. To meet anticipated recruiting problems, ROTC must offer attractive benefits.

The most productive solution would seem to be a complete revamping of ROTC to best meet the needs of changing military requirements and to reflect campus realities. I believe the present program should be replaced with three 10-week summer institutes during which students would receive an adequate salary. The compensation plan could be arranged to continue throughout the academic year thereby providing students with funds for tuition or personal expenses. In addition, there should be an increase in the number of ROTC tuition scholarships. While a campus office would be retained for coordination functions, it would no longer duplicate military efforts. At the same time, while cadets would be allowed to wear uniforms on campus for social events, the visibility of uniformed soldiers would be lowered, perhaps helping to cool the volatile situation which has developed on many campuses.

Restructuring of ROTC would thus provide general benefits to students, the military, and the university. The student would benefit by increased financial support and the flexibility to coordinate military obligations with college plans. Similarly, the military could continue to recruit a broad-based officer corps while cutting costs and reducing duplication efforts. Intensified training would also permit a higher degree of specialization so necessary to the technical requirements of the future. Finally, restructuring would eliminate the disatisfaction and aura of hostility surrounding the relationship between the military and the university. Conducting training in the summer institutes would remove an inflammatory source of campus unrest and eliminate the controversy concerning the scientific and academic value of present ROTC courses.

Under the Nixon administration, this Congress, and this Nation are moving toward the goal of a volunteer military. But, the realities are such that we will

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continue to need strong armed services. It is particularly important that the officer corps in a volunteer military have a strong civilian orientation. In sum, ROTC, which now provides 43 percent of the officers commissioned must be revamped and made more attractive to provide highly motivated officers who are there because of interest—not because they were compelled.

Finally, in addition to making a volunteer service more attractive, steps could be taken to make the draft, on a standby basis, less objectionable. Legislation might include a provision for a national register of all males who might be conscripted when deemed essential for national security, a clearly explained system for the notification, examination, and selection of inductees, and a requirement of a resolution of Congress at the request of the President to invoke the standby draft. While this is by no means a comprehensive list, it does indicate the scope and complexity of the problems that will have to be solved in order for an all-volunteer force to become a reality in the near future.

In closing, I would like to again return to a word of caution about this incredibly important issue which involves the very lives of our young men. Let us not create the illusion that we are going to terminate the draft on July 1, 1971, when, in fact all proposals contain a standby draft. It is probably that a sufficient number of enlistees would not be attracted to institute a true volunteer army next year. It would be the cruelest kind of hoax to tell our young men that we are ending conscription on that date certainly only for them to discover that the draft is still a fact of life once the date passes.

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Rather than hold out false and arbitrary deadlines for short-term political gain, let us be completely honest and abandon rhetoric for rhetoric sake, because the issue is too important for cheap hypocrisy. Let us embark with a spirit of profound statesmanship and then let us proceed with enthusiasm and determination, tempered by farsighted realism, in the crucial but complex transition to an all-volunteer force.

THE HARD REALITIES OF THE DRUG EPIDEMIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, for most Americans, the hard realities of the drug epidemic have become another regular, gnawing chapter of the evening news.

Stories of 7-year-old heroin addicts in New York City still shock; stories spelling out widespread drug use in posh suburban communities still hit us with the same tearing impact.

But for many Americans, another aspect of drugs in our society—one that has gained a certain respectability—is not at all shocking.

For me, however, that aspect is almost more disturbing than the growth of drug subcultures among youth. It is frightening because of its apparent respectability and its effect on youth.

Along with news reports of drug abuse and the in-depth commentary probing the underlying reasons, we, as television viewers and radio listeners, are confronted with a myriad of advertising copy designed to sell drugs.

How often during the day are we told of the virtues of over-the-counter drugs. This pill will keep you alert, that pill lets you sleep, another pill calms shattered nerves, and another peps you up. These are all patent medicines sold without prescription and advertised extensively on radio and television.

We ask ourselves why many youngsters today have virtually no fear of drugs.

The answer to that question is complex, but I would submit that we might find at least a partial answer in the fact that this generation has grown up with television and has been inordinately influenced by television advertising. Every parent of a young child knows the effect of pre-Christmas toy advertising on youngsters.

The effects of television violence have been under study for quite some time, and in recent years we have seen a real, and voluntary effort on the part of the industry to curb the presentation of violence. Its effect on youth has been recognized. But there is, it seems to me, another important question which has not been probed:

What are the effects of advertising on children.

The examples of patent drug advertising I am about to give would be amusing were they not representative of real commercials. We have all heard similar presentation.

We are told about a fellow named "Sam," supposedly representing the common denominator of the American businessman.

Sam has been keyed up for weeks. He has a big contract coming up and his nerves are shot. His boss and the clients do not seem receptive. Sam, in a state of irritation, does not seem to be getting along with his family. In short, life has not been treating him well at all.

Sam manages to spell the whole thing out to his neighbor and business associate. We will call him "George."

George, for his part, tells Sam about a little pill.

In the next scene, Sam is shaking hands with the big clients. His boss tells him he has earned a bonus, and his family tells him what a great guy he is. And Sam tells us he was able to do it all with the help of the little miracle pill that can be purchased at a nearby drug store. In other words, he is telling all the viewers that he solved all his problems and achieved his accomplishments all while under the influence of a drug.

It is frightening. What would be the reaction if that same scenario were applied to the use of alcohol. Sam gets the contract and the raise because of the physical effects, say, of a certain brand of gin.

The public, no doubt, would be alarmed at that kind of pitch selling liquor, but few people are alarmed at that same pitch selling drugs as a panacea.

And we ask ourselves why youth has no fear of drugs.

Another commercial, aired in New York City, depicts a number of businessmen talking about their frustrations and worries and the pressures of the business world. It obviously bothers them. They take the little pill. Somebody mentions that they will be late for work. One of the businessmen, under the influence of the pill, says, "Who cares."

There is still another ad in which an overly soft spoken, obviously relaxed announcer asks if your wife has been irritable and upset lately. "Maybe she is suffering from simple nervous tension," he suggests. He goes on to suggest that you bring her home a box of little pills and implies maybe it is the answer to her problems and yours.

"Maybe," he says, but maybe she is suffering from schizophrenia, or acute paranoid delusions.

Maybe she is suffering from any other maladies running the gamut from sniffles to cancer.

In all these cases, that "maybe" is something to be analyzed by a physician or psychiatrist.

I would suggest in Sam's case, the hypothetical nervous tension case and the businessmen's copout case, we may be talking about serious medical problems to be dealt with and diagnosed by a medical expert.

We are not dealing with a misrepresentation of the effects of a mouthwash on somebody's social life. The Nation is not facing a bad breath epidemic.

We are talking about the effects of drug advertising—commercials selling chemicals represented as altering mental processes.

I use the word epidemic when I refer to the drug problems of this Nation. It is just that.

The figures associated with drug abuse, especially among the young, paint a frightening picture.

The FBI reveals that since 1960, the number of arrests of persons under 18 rose by 1,800 percent, while the figures for persons over 18 rose by 235 percent.

A conservative White House estimate recently revealed that at least 5 million Americans have used marihuana. The National Institute of Mental Health puts that estimate from between 12 and 20 million.

According to still other estimates, if all the people who smoke pot were arrested and convicted, the number would be about 25 times the number of places to hold them in the total of the Nation's prisons and jails.

The figures for the use and abuse of other drugs are just as appalling.

On the legitimate side, it is estimated that from a quarter to a third of all the prescription drugs sold in this Nation are for mood-changing pills—pep pills or tranquilizers.

To a great extent, we have become and are a drug-oriented society. We spend millions of dollars on mood-altering drugs—both through prescription and nonprescription purchases.

For example, in one county, San Mateo figures are even more overwhelming.

On the other side, the dark side, the County, Calif., newspaper accounts say that about a sixth of the total high school population has used speed—amphetamines—and more than a third have tried hallucinogens or barbiturates.

We are told by all experts dealing with the drug problem in America that education must provide a good part of the solution, at least for future generations.

The Department of Health, Education, and Welfare has just allocated over $3 million for drug education training projects. The National Institute of Mental Health provides an ongoing drug education program, and other public and private agencies and organizations are in the battle. It is a battle to save our children.

If we are to educate children on the evils of drug use and drug abuse, that fight will continue to be undermined, as it has for years, by the subliminal bombardment from commercials extolling the virtues of patent drugs.

Much of a child's education today comes from television. To a child, television represents what is real in the world. And when television presents to a child's undiscerning eyes and ears a message approving drugs for the solution of major emotional problems, that approval is real.

And we ask why youth is not afraid of drugs.

We must do everything in our power to slow and halt drug abuse and we must end the commercial persuasion that drugs—any drugs—offer a panacea.

I urge the Federal Communications Commission, the medical profession, the drug industry, the electronic media, public officials, and private citizens to join in solving this problem. It is an effort for future generations.

It is encouraging that the Federal Trade Commission has already initiated an investigation into the relationship between advertising and drug abuse. The report of the Commission is to be made available in January, 1971. No doubt it will contain many controversial findings in this area.

Mr. Speaker, I believe that both the electronic media and the drug industry should take a long, hard look at what patent drug commercials do and how they impress the young and very young.

If voluntary curbs are not instituted, Congress should initiate legislation legally banning such advertisements.

This is a situation that has existed untouched for too long. It must be resolved.

REVENUE SHARING COULD LOWER LOCAL PROPERTY TAXES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. **Hicks**) is recognized for 30 minutes.

Mr. **HICKS**. Mr. Speaker, all across the State of Washington homeowners are receiving notices from their banks that read:

> Due to an increase in your property taxes, your monthly mortgage payment has been raised $—.

Some families in the Sixth Congressional District have told me that their property taxes have been increased by several hundred percent.

And if this were not bad enough, Mr. Speaker, it appears to be only the beginning for my district. A recent Government study shows that property taxes in some American cities have swollen to alarming proportions.

For example, a family of four living in Pierce or Kitsap Counties who earns $7,500 per year pays on the average of $225 annually in property taxes—that already seems pretty high to me.

However, the same family earning $7,500 in Baltimore pays $638 per year in property taxes, its counterpart in Buffalo pays $668, and in Milwaukee the bill is $812—almost 11 percent of the family's income paid out in property taxes alone.

Renters, too, are losing out to rising property taxes—they simply have been paying them indirectly through rent increases. In fact, Richard Nenneman, financial editor for the Christian Science Monitor, points out that "property taxes are the main reason rents have climbed so fast in the past 5 years."

The heaviest burden, of course, is being borne by retired individuals living on modest fixed incomes—and they can least afford it. Often the bulk of their life's savings is in their homes, and if the present trend continues, I fear that many senior citizens will be taxed right out into the street.

THE FINANCIAL SQUEEZE

As you know, Mr. Speaker, the Federal Government does not tax property—in fact, it never has—nor does it have the authority to roll back increases in the local property tax, but Congress can help by sharing a portion of its revenue with State and local governments.

We are all aware that our fast-growing population is demanding new and better services from local government. And unpopular as the property tax is, other local tax sources seem to have been about squeezed dry. As a consequence, property taxes are going up.

Presently, property taxes account for 87 percent of all local tax revenues collected in the State of Washington. With new funds that would be available through revenue sharing, cities and counties would not need to depend so heavily upon property taxes.

HISTORY OF FEDERAL AID

Federal revenue sharing is not a new idea. The Federal Government has, in fact, been helping State and local governments for some time. As far back as 1802, Congress provided that 5 percent of the proceeds from the sale of public lands in the new State of Ohio be applied to the construction of roads in that State. In 1836, during the administration of Andrew Jackson, Congress granted the States $28 million—an amount equal to that year's entire Federal receipts.

In 1964, Dr. Walter Heller, Chairman of the Council of Economic Advisers under President Kennedy, first proposed a revenue sharing plan that would specifically return a percentage of Federal revenues to State and local governments with "no strings attached."

Since then, members of both parties in Congress have introduced legislation for various forms of revenue sharing, and President Nixon has given revenue sharing strong White House endorsement. I personally applaud the President's stand and believe he deserves the support of every Member of Congress in his effort to help develop a workable revenue-sharing plan.

THE PRESENT SYSTEM

While the history of Federal assistance to State and local governments goes back to the beginnings of our country, only within the last 20 years has it become a major item in the Federal budget. In the 10 years prior to 1956, Federal aid doubled from $1.8 to $3.7 billion, in the next 4 years it doubled again, and between 1960 and 1970, it mushroomed from $7 to $27 billion—an increase of 300 percent in 10 years.

Yet, in spite of this growing flow of cash from the Federal Treasury to State and local coffers, there seems to be an increasing amount of dissatisfaction on the part of the recipients, at least with the terms on which the gifts are being made.

Here are a few of the more frequent complaints I receive from officials in the Sixth District:

First. There are too many "strings" attached to Federal aid—funds have to be used for a specified project often at the expense of others equally needed in a State or city.

Second. There are too many programs administered by too many bureaucracies—our colleague from Delaware (Mr. **Roth**) has counted an incredible 1,315 separate Federal aid programs.

Third. In many cases funds are allocated on a "first-come, first-served" basis. This means that some communities may not even be considered for aid because they are not aware of various programs, or because they cannot afford to hire experts to develop detailed grant applications.

Fourth. There are unnecessary delays in Federal approval of project applications, and in some instances after programs have been started funds will be unexpectedly withdrawn, so that projects must be scrapped at added expense to the taxpayer.

WHAT CAN BE DONE

In my view, the best reason for replacing many of the present "strings attached" grants with a more flexible revenue sharing plan is that it would strengthen the hand of State and local officials in dealing with their own particular problems. In addition, it would permit greater leeway for direct citizen participation in programs that effect their communities.

Where grants-in-aid programs have been successful—they should be continued. But where programs simply compound the web of bureaucratic confusion, they should be replaced with direct sharing of Federal revenues.

As you know, Mr. Speaker, it would be all too easy for us in Congress to take the position that these problems should be solved by State legislatures, city councils, and county commissioners. However, claiming that this is a problem for local government, or strictly a matter for each individual State, simply will not work. The problems of governing 200 million people are too big, too complex, for one branch of Government.

We are all aware that the answers to local problems cannot be manufactured on some Federal assembly line—State and local governments are much better equipped to meet the needs of local citizens. We, in Congress, can help them do this job more effectively by enacting a revenue-sharing plan now.

THE MILITARY DISCRIMINATION AGAINST SPANISH-SPEAKING RECRUITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Farbstein) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, on Wednesday, I asked Attorney General John Mitchell to investigate the armed services for possible violation of title 7 of the Civil Rights Act of 1964 by denying equal opportunity to Spanish-speaking recruits.

Military job placement and training is based upon the results of the Armed Forces qualifying examination, administered immediately after induction. The examination is given only in English despite the fact that a large portion of the recruits entering the military are more proficient in the Spanish language.

By placing recruits on the basis of intelligence tests given in English, the military is virtually guaranteeing the Spanish-speaking will end up carrying rifles rather than serving as electrical engineers. Because of such biased placement policies, Spanish-speaking recruits fare much worse than their English-speaking counterparts and have a higher casualty rate.

A California court recently threw out a similar testing procedure used by some California schools which resulted in a large number of Spanish-speaking students being placed in mentally retarded classes because the IQ tests were linguistically and culturally biased. Students who retook the tests in Spanish scored an average of 12 IQ points higher.

The Army should permit Spanish-speaking recruits to take placement tests in Spanish and permit all Spanish-speaking recruits now in the armed services to be retested and reassigned. The placement tests themselves should be immediately redesigned to eliminate all traces of cultural bias.

To back up my demands, I have introduced, for myself and the Resident Commissioner of Puerto Rico (Mr. Córdova), H.R. 18929, legislation to require the Armed Forces to permit Spanish-speaking recruits to take placement tests in Spanish.

The problem of language bias is not unique to the Armed Forces, but with programs like bilingual education, the schools and job training and placement programs are beginning to overcome it.

It is about time that the Armed Forces faced up to it as well. The previous administration initiated a program to assist the retiring soldier in securing full opportunity upon leaving the military. The armed services should see to it that a similar opportunity is afforded the soldier just entering.

I insert, at this point in the Record, the text of the bill:

H.R. 18929

A bill to amend title 10 to require that enlisted members of the Armed Forces be given, upon request, certain examinations in Spanish

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1041. Examinations in Spanish

"(a) Any enlisted member of an Armed Force, whether inducted for service or otherwise, is, upon request, entitled to take in the Spanish language any examination given to him for the purpose of determining the military job speciality for which he is qualified, for which he will be trained, or to which he will be assigned.

"(b) No examination referred to in subsection (a) shall be given to any enlisted member of the Armed Force unless he has been notified (with adequate explanation) of his entitlement to take the examination in the Spanish language.

"(c) The Secretaries concerned shall prescribe such regulations, which so far as practicable shall be uniform, as are necessary to carry out this section."

(b) The analysis of such chapter 53 is amended by adding after

"1040. Replacement of certificate of discharge."

the following:

"1041. Examinations in Spanish."

Sec. 2. Subsections (a) and (b) of section 1041 of title 10, United States Code, as amended by the first section of this Act shall not apply to any examination given during the 60-day period beginning on the day after the date of the enactment of this act.

POLLUTION CAUSED BY DISPOSAL OF WHEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Rooney), is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, it has come to my attention that a situation exists in the dairy industry that is not only financially difficult for dairy farmers but also contributes to the pollution in our rivers. The problem I refer to is the one faced by manufacturers of cottage cheese and Bakers cheese.

As an example, Lehigh Valley Cooperative Farmers is a dairy marketing cooperative owned by approximately 800 dairymen, for the most part from my district. The cooperative owns and operates three major dairy processing plants and seven distributing branches in the eastern Pennsylvania and south Jersey areas, through which is processed and marketed, on a cost basis, the milk produced on the farms of its dairymen owners.

Lehigh Valley Cooperative Farmers produces annually approximately 14 million pounds of cottage cheese and approximately 6 million pounds of Bakers cheese. The whey from the cottage cheese and the Bakers cheese is about 42 million pounds annually. The whey has been and is presently handled as a waste product. The high acid content of cottage cheese and Bakers cheese whey historically has practically nullified the use of the whey. However, recent technological advances indicate cottage whey can and is being used.

The real problem of growing concern is the pollution caused by the disposal of the whey.

Lehigh Valley Cooperative Farmers recognizes its responsibility to mankind and this most serious and perplexing pollution problem, and in this regard established a grant with the Pennsylvania State University to research wider use for the whey, and it is reasonably expected such a wider use will be found shortly. The cooperative is presently making arrangements with the University of Maryland whereby the cooperative would give financial assistance to the University of Maryland for similar research.

One of the elements of whey is lactose. This country is polluting its streams and waterways with lactose while importing the product at the rate of 4 to 5 million pounds a year. The economics of recovering the lactose from whey are prohibitive when compared with the imported price of lactose. In testimony before the U.S. Tariff Commission, Lehigh Valley Cooperative Farmers recommended the disallowance of all imports of lactose.

In addition to the serious pollutant problem created by the dumping of cottage cheese whey into our streams and waterways, there is also the problem of imported lactose replacing domestic nonfat milk. Nonfat milk is a quota product. Therefore, imported lactose at a lesser price is creating an additional burden on this country's Government in its efforts to maintain and develop domestic food sources for our growing population. Lactose is a form of milk sugar derived from whey. It is now being used in place of nonfat milk in fortifying low-fat fluid milk, the manufacture of candy, baby foods, and now even in ice cream. Imported lactose could be classified as the new evasion tactic for foreign governments to circumvent our import quotas on milk solids.

Millions of dollars are being spent to develop an effective whey utilization program. Pilot programs are being financed and grants have been made to several individual firms to develop whey products. The Lehigh Valley Cooperative Farmers encourage this approach and would recommend greater efforts by our Government in the interest of developing and utilizing our own domestic agricultural products. Certainly, control of imports is most important. Private industry cannot expend great efforts only to be discouraged by the access of an imported product at a ridiculously low price.

GROSS MISREADING OF THE INTENDED BRITISH ARMS DEAL WITH SOUTH AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Diggs), is recognized for 15 minutes.

Mr. DIGGS. Mr. Speaker, in the July

31 issue of the Washington Post, there appeared an article by Mr. Kelvin P. Phillips entitled "British Policy in Africa Merits U.S. Aid to Counter Soviet Push."

To attempt to justify the resumption of arms sale by Britain to South Africa on the grounds that this would "counter Soviet push," is dangerously misleading. For, there is no question that the combined naval strength of Britain and South Africa in the area around the cape and in the Indian Ocean cannot force the Soviets out of the area, nor can it really be an effective buffer to the so-called Soviet push.

Mr. Phillips also asserts that in spite of African hostility and Labour Party opposition to the British announcement, Britain's Conservative Government "is sticking to its guns" to carry out its intentions. Such an assertion seems unwarranted; at least for the moment, because it grossly underestimates the great impact in Britain of the African and Commonwealth reaction to the declared British intention. One might recall the immediate demonstrations which took place in Kampala, Lusaka, Mogadiscio, Dar es Salaam, Lagos, and other African capitals. It also overlooks the fact that the Presidents of Zambia, Tanzania, and Uganda met in Dar es Salaam on July 22 and later summoned the British High Commissioner to register their joint protest; and the equally strong opposition expressed by Canadian Prime Minister Trudeau and Mrs. Gandhi of India to the issue. In fact, these protestations have led to some speculation in the London press that this issue may well be the "undoing" of British Foreign Minister Home. The growing intensity of this reaction against the British decision is indicated by the joint communique issued on August 5 by the Foreign Ministers of Kenya, Uganda, Tanzania, and Zambia announcing that they had adopted a common strategy on the matter.

It is sufficiently clear that these actions of the countries mentioned have been strong enough to have forced the British Government to reconsider its decision by delaying its timetable and agreeing to consult with the Commonwealth countries before taking the next step. This obviously is an important change.

Phillips' statement that "It cannot really be argued that antisubmarine frigates, Sea Dart ship-to-air misisles, Nimrod maritime reconnaissance planes and the like are weapons against African guerrillas or demonstrators," is perhaps misleading. In fact, several countries neighboring South Africa have expressed their fear that their security is in danger. The Zambia Mail of July 29 for example, reported Vice President Kapwepwe's concern that these weapons could be used to bomb and attack "progressive African governments."

As for Phillips' assertion that the black African nations have not objected to France's arms sales to South Africa this is simply not true. In the United Nations Security Council discussion of the resolution against the proposed British sale of arms to South Africa, for example, numerous complaints against the French were raised.

There is a curious belief by some that expanded relations between South Africa and Britain might "help bring South Africa out of its Afrikaner nationalist and apartheid cocoon." This is false and especially this particular kind of contact which violates the U.N. arms embargo can only strengthen the Afrikaner nationalist in their racial views. They are likely to feel that outsiders are beginning to see the merit of apartheid which the Nationalist Government has long proclaimed, and are likely to feel strengthened in their espousal of the master-race theory.

Finally, Mr. Phillips' argument that arms sales amounting to 20 to 40 million pounds a year would provide for the maintenance of a British naval force from the Persion Gulf to Malaysia-Singapore is a weak argument indeed. The assertion that this relatively insignificant sum could achieve such an end does not seem reasonable nor convincing.

A step which could lead to the breakup of the Commonwealth and force many of the independent states of Africa to seek military and other support from sources unfriendly to the West does not merit U.S. support. Neither is it likely in the long run to counter a "Soviet push" as Mr. Phillips claims.

TRIBUTE TO HIS EXCELLENCY WALTER A. FOERY, BISHOP of SYRACUSE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on Tuesday, August 4, the apostolic delegate in Washington, D.C., announced that Pope Paul had accepted the resignation of His Excellency Walter A. Foery, bishop of Syracuse. This announcement marked another achievement for the man who has served the people of God as bishop in this diocese for 33 years.

Consecrated on August 18, 1937, and installed in the Cathedral of the Immaculate Conception on September 1, 1937, as fifth bishop of Syracuse, Walter A. Foery was the youngest man ever appointed bishop of this see and held the post longer than any of his predecessors.

Between the dates of installation and resignation lay the most memorable and productive years in history of the diocese.

In an age of slogans and catchwords, Bishop Foery's simple motto, "Keep the Faith," has been the staff with which he guided the spiritual welfare of the 338,000 Roman Catholics in Onondaga, Oswego, Oneida, Madison, Cortland, Chenango, and Broome Counties.

The list of the bishop's accomplishments during these past 33 years surpasses that of most dioceses in the Nation. Knowing the character of the man and his love for children, it is not surprising that such a large share of his time and planning was successfully devoted to an expansion of Catholic education and the spiritual care of young people. During his administration 38 parish grammar schools were founded. His efforts to meet an ever-growing need for secondary and higher Catholic education resulted in 10 new Catholic high schools, four of which were financed by a $10 million financial drive on the occasion of Bishop Foery's silver jubilee of consecration, and two colleges, Maria Regina and Le Moyne.

Thousands of central New York Catholics, and I number myself among them, have already benefited from these schools and from the inspired, patient nuns, priests, brothers, and lay teachers who staff them.

Bishop Foery has conferred the Sacrament of Holy Orders on 257 priests for the diocese and has seen the number of diocesan and religious priests increase from 265 in 1937 to 522 today.

Every pastor of our diocesan churches, with the exception of Msgr. William L. Walsh of Our Lady of Pompei, was appointed to his present post by Bishop Foery. He founded the Priests Eucharistic League, instituted diocesan vocational programs for future seminaries and founded novitiates for Marianists and Stigmatine Fathers.

Bishop Foery founded 42 parishes in the diocese and dedicated 84 new church buildings. In 1954 he initiated a diocesan development drive that provided Saint Pius X Home for retired priests, a new chancery building, the renovation of the cathedral, a retreat house for laymen and laywomen, and three new hospital buildings in different parts of the diocese.

Walter A. Foery, fifth bishop of the diocese of Syracuse is a product of the Catholic home of William J. and Agnes O'Brien Foery of Rochester and of the Rochester Catholic schools.

During his tenure as bishop he never asked us to do anything he was not willing to do himself, and in keeping with his own admonition to "keep the faith," he has kept the faith with us for 33 years.

Much of the stability and decisiveness of the American character can be traced to the influence of men such as Bishop Foery. We ask God to send us more men like him.

Mr. Speaker, I include in the RECORD at this point a biographical sketch of Bishop Foery which appeared August 6, in the Catholic Sun, the official organ of the diocese of Syracuse:

BISHOP WALTER A. FOERY

The Most Reverend Walter Andrew Foery, Fifth Bishop of the Roman Catholic Diocese of Syracuse, today announced that he will resign from the position of Ordinary of the Diocese. He will be succeeded by the Most Reverend David F. Cunningham, present Coadjutor Bishop.

Bishop Foery, 80, has been the spiritual leader of the Roman Catholics living in the counties of Onondaga, Oswego, Oneida, Madison, Cortland, Chenango, and Broome for the last 32 years. A priest for 54 years, Bishop Foery was the youngest of the Bishops appointed to the See of Syracuse and has held the post longer than any of his predecessors. These include: Bishop Patrick A. Ludden, Bishop John Grimes, Bishop Daniel J. Curley and Bishop John A. Duffy.

Bishop Foery was born in Rochester, New York on July 6, 1890, the son of William J. Foery and Agnes O'Brien Foery. His father died when Bishop Foery was five years old. His mother died in 1950 at the age of 81. He attended St. Bridget's School and St. Andrew's and St. Bernard's Seminaries in Rochester. While at St. Bernard's, he earned the degrees Licentiate in Sacred Theology and Doctor of Philosophy. Bishop Thomas F.

Hickey ordained him a priest in Rochester on June 10, 1916.

The Bishop's first assignment was as Assistant Pastor of Rochester's Mount Carmel Parish. He served the Italian Americans of that parish for 16 years, the last 10 years as their pastor. In 1932, he was named pastor of Holy Rosary Parish in Rochester as he continued his two year old duties as Diocesan Director of Catholic Charities. The energetic and social minded Father Foery was designated by the Bishops of the United States as their delegate to the Third International Conference on Social Work in London in 1936. A strong speaker, with working knowledge of foreign languages, he was active in community work in Rochester serving as Vice-President of the Council of Social Agencies and as the Rochester Diocesan delegate to the New York State Welfare Conference. In this latter capacity, he was instrumental in bringing about the Child Labor Laws.

At 46 years of age, on May 26, 1937, Father Foery was preparing to celebrate a requiem Mass at Holy Rosary Parish when word reached him through the Most Reverend Amleto Cicognani, Apostolic Delegate, that Pope Pius XI had named him the Fifth Bishop of the Diocese of Syracuse to succeed the Most Reverend John A. Duffy who was appointed to the See at Buffalo. The Bishop was consecrated in St. Patrick's Cathedral in Rochester on August 18, 1937 and installed in Syracuse's Cathedral on September 1, 1937.

When the new Bishop arrived at the New York Central railroad station in Syracuse in 1937, he said to the huges crowd of welcomers: "I have come to do the work of the Church." His accomplishments can be measured by comparing the statistics of the Diocese of Syracuse for 1937 and 1970.

Some notable "firsts" during Bishop Foery's administration were: The first new parish established was St. Mary's in Kirkwood, just 24 days after Bishop Foery's installation; his first Diocesan appointment was Father Martin J. Watley as Director of the Propagation of the Faith Office; the first priest death of his new administration was Father Ambrose M Dwyer of St. Patrick's, Binghamton; and the new Bishop's first public appearance at a civic function was the speech he gave at the County Conference on Childhood and Youth, October 14, 1937.

It is interesting to note that Bishop Foery has appointed every pastor in the Diocese to his present position with the exception of Monsignor William L. Walsh of Our Lady of Pompei Parish in Syracuse.

Although the Diocese has witnessed a vast material growth under the leadership of Bishop Foery, his primary concern has been, and is, the spiritual. On the occasion of the 75th Anniversary of the Diocese in 1961, he said: "While so many of the undertakings of the Diocese partake of the physical and the material, let us never lose sight of our spiritual and supernatural goal. As we thank God for His blessings and seek His continued care, first among our petitions is the salvation of souls. All else is unimportant if in this we fail."

On the human side, Bishop Foery is known for his great love of children and his interest in sports. He enjoys following the Syracuse Chiefs, the LeMoyne Dolphins, the New York Yankees and the New York Giants. The Bishop is an avid reader and much time is spent in preparing the many talks he is called upon to give. His concern for "being on time" is well known throughout the Diocese.

The Bishop has two sisters, Miss Florence Foery and Miss Loretta Foery, and a brother, Frank, all of Rochester.

Under Bishop Cunningham's administration, Bishop Foery will continue to serve the people of the Diocese of Syracuse for whom he has labored so unselfishly these past 33 years.

The response of the priests, sisters, brothers, and all the members of the Diocese of Syracuse was summed up by the late Father John W. Lynch in the closing lines of a poem he wrote on the occasion of Bishop Foery's Golden Jubilee: "He merits all of us, supporting, glad. And, we would have him know, he always had."

HIGHWAY SAFETY, NO. 8—WHAT CAN THE INDIVIDUAL DO?

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, since I began inserting into the RECORD the series of articles from the Christian Science Monitor, I have received a number of letters from concerned citizens inquiring what they can do in the fight against the drunk driver. I really have not had a good answer for them, except to say that they should contact their State legislators. I am sure that many of my colleagues have run into similar problems.

Now I have an answer. The eighth article in this series by Guy Halverson discusses the role of individuals, organizations, and businesses in getting action against the drunk driver. I was surprised to learn just how many people are active in this effort, and that there are a number of rather effective organizations which have gotten organized in recent years. Their programs offer valuable guidance to others who want to help.

The underlying theme of this article is also relevant to many of the problems of our time. So many people say that Government is unresponsive to the wishes of the people. This article is evidence that the opposite is the case. If people make their feelings known, then Government acts. Witness the fact that implied consent laws have been enacted in a number of States recently as the direct result of citizen lobbying. Note that a number of States have lowered their presumptive blood-alcohol definition of drunkenness, as the direct result of citizen lobbying. Previous articles have made a clear case that our laws are not tough enough to get drunk drivers off the road and that enforcement of even weak existing laws is inadequate. But this article makes the equally important point that where change has taken place it is the result of citizen activity in making their views known to their legislators, Governors, and State officials. We need more of this citizen participation to make our democracy function more effectively.

Mr. Speaker, this constructive article gives deserved attention to many of those who have been active in the emerging drive against the drunken driver as well as many of those who have developed and implemented creative programs to deal with alcoholics. They deserve credit for their work, and this article gives it to them. I intend to use it to answer inquiries about what individuals can do about this problem, and I urge my colleagues to give this consideration.

The article follows:

[From the Christian Science Monitor, Aug. 13, 1970]

THE FIGHT NEEDED SO BADLY

(By Guy Halverson)

LOS ANGELES.—"Sometimes I still can't believe that it happened," the attractive North Carolina housewife says slowly. "My son was a healthy, strong, happy boy. We just didn't expect it."

In early August of 1968 at Albermarle, N.C., while returning home with a friend after visiting a local swimming pool, 11-year-old Mark Sugg was killed by a drunken driver. The two boys were riding bicycles. The driver of the car—a woman—had been mixing liquor with tranquilizers.

Despite an unexpected and cruel personal loss, Mrs. John D. Sugg has refused to retreat behind walls of shock and tragedy. As a key leader of the North Carolina Association of Women Highway Safety Leaders, an organization encompassing some 15,000 women from 250 local women's clubs, Mrs. Sugg is but one of a growing army of citizen warriors throughout the United States determined to stop the drunken driver.

EFFECTS ON FAMILIES RECORDED

In cooperation with the North Carolina Department of Motor Vehicles she has just completed a film on her son's accident. And most important, she is actively lobbying for stronger antidrunken-driver legislation at the state level.

"People just don't realize what a family goes through when something like this happens," she says. "Before, accidents like this were always just statistics to me. Now . . . well, I want Mark's death to mean something. Maybe he can serve as a symbol for the fight that's needed so badly in this country."

Mrs. Sugg is not alone in that fight. Though he might be surprised to find himself included in it, there is George W. Sales, a labor-relations counselor at the Rocketdyne Division of North American Rockwell here in Greater Los Angeles.

There is Lt. Floyd Flowers, a rangy southern California police detective who has spent the past months crisscrossing the North American continent in a large walk-in van demonstrating a new portable breathalyzer machine. I met Lieutenant Flowers as he rumbled through the steep inclines of the Colorado Rockies in late May of this year.

Down in Raleigh, N.C., J. Marse Grant, editor of the Biblical Recorder, an arm of the Southern Baptists Convention, drives more than 35,000 miles a year. Disturbed at the rising highway fatality rate, Mr. Grant wrote an impressionistic little book focusing on the effects on the families of accident victims. Called "Whiskey at the Wheel" (Broadman Press), the book is approaching sales of 50,000.

The war against the drunken driver is not just a citizens' crusade. It's also an organization's crusade. Scores of major organizations are involved, ranging from the American Trial Lawyers Association to the traffic-court program of the American Bar Association to the National Safety Council itself. And there are more than 780,000 highway-safety specialists at all levels of government, in private industry, and at major universities, most of whom are more than aware of the menace of the drunken driver.

COORDINATION LACKING

Taken together—this army—involving millions of people and hundreds of committees, agencies, and organizations—could be formidable.

But that's the greatest tragedy of all.

Coordination between these agencies—the social rehabilitators, the police, the private citizens' lobbies—is almost nonexistent in any meaningful sense. The highway-safety lobby, I have found, is riven with rivalries, petty squabbles, and struggles over policies and objectives.

The same apathy that virtually smothers public indignation over the role of the drinking driver seems to fragment and divide the safety warriors themselves.

In fact, divisions are already evident over administration of the new Department of

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Transportation campaign to curb the drinking driver. The Washington State Patrol, for example, has declined to participate in a DOT study because the force was being asked to undertake acts that it felt were not in the "proper image" of a law-enforcement agency, and also because the force could not meet the needed personnel increase.

Among other things, the force was asked to station troopers outside bars, a practice followed in several other states.

Few of these organizations fully realize their potential. In sheer numbers and influence they make up a collective entity that if properly mobilized could well become one of the most powerful and most effective citizen lobbies in American history.

What's needed, say many experts, is nothing less than a presidential or at least federal conference on the drinking driver. It could pull together representatives from across the nation. Mayors and governors should be included. Speakers should be sent into every major community.

TOTAL OFFENSIVE URGED

American highways have become battlegrounds, these experts argue. And the responses should be nothing less than a total citizen offensive.

The National Association of Women Highway Safety Leaders, Inc., vividly illustrates the type of grass-roots strength available in the antidrinking-driver campaign. The association has made eradication of drunken driving one of its top priorities.

The association, which includes scores of local women's clubs around the nation, was formed about three years ago at a national conference of state governors. The women were asked to help muster support for the federal standards passed under the Highway Safety Act of 1966. Today the association is considered a formidable lobby in 26 states. It has weaker, but still visible, organizations in another 11 states. Only in New England and parts of the South is the movement lagging.

In Ohio the state affiliate has local organizations in all 88 counties. Ohio women, such as Mrs. Paul J. Gnau of Cleveland, are contacting state legislators in support of a reduction of the state's presumptive blood-alcohol level, which defines drunkenness. The current .15 percent is considered too loose and a stiffer .10 percent is being sought. A .10 percent bill easily sailed through the Ohio House last year but sank with hardly a moan in the Senate Judiciary Committee.

CAMPAIGN IN ILLINOIS

"We're expectant of passage this next year," says Mrs. Gnau, who in addition to being a key official of the Ohio association is also vice-chairman of the national association. The Ohio clubs are also pushing for stiffer enforcement of existing traffic laws.

"We want our judges to know that we're watching them and that we'll have no more of this 'touch on the wrist' business for drinking drivers," Mrs. Gnau warns.

Illinois is one of four states plus the District of Columbia that still have no implied-consent statutes, under which acceptance of a license implies a driver's consent to a chemical or a breath test if arrested.

The Illinois Conference of Women Leaders for Traffic Safety is pushing hard for implied consent. The group is also lobbying for motor-vehicle inspection (only one major Illinois town, Evanston, is believed to have such a statute) and a statewide law for medical review board of physicians to keep medically impaired drivers (including alcoholics) off the highway. Such a program has been successfully applied in Ontario, Canada.

"Starting in October we're going from the top part of the state to the bottom to mobilize support for our program," says Miss Eleanor Freeman of the Illinois conference. Miss Freeman says that her organization is working closely with aides of Illinois Gov. Richard B. Ogilvie (who favors implied consent) and the National Safety Council, headquartered in Chicago.

Miss Freeman considers association with the National Safety Council most fortunate. The council is the greatest and most prestigious of all agencies in the highway-safety area—almost a subgovernment, some critics grumble. Budgeted at around $10 million annually, with 85 local commissions and safety committees, the council is both an advisory agency to Congress on matters of legislation, a powerful lobby group, and the principal source of safety statistics in the United States.

Council officials still firmly believe that perhaps the key to highway safety is still the driver himself—and his own sense of personal repsonsibility. "Highway safety is enormously complicated," says Howard Pyle, council president. "But we know that most accidents still involve a driver error of some kind, we want to reach the individual and we want the individual to put pressure on government officials. Governors are accessible to the public, as are almost no other officials," says Mr. Pyle—himself a former governor.

"The individual can provide quite a din if he has the heart to do so."

INDUSTRY DRAWS ON EXPERTISE

For its part, the council has graduated more than 1 million drivers from its defensive-driver schools. It has mounted a major television and press campaign against the drunken driver, in conjunction with the National Advertising Council.

Industry draws heavily on the council's expertise. And for good reason. It is estimated that as much as 5.3 percent of the entire U.S. work force is affected by alcoholism. Consequently, through its alcoholism-prevention and rehabilitation campaigns, industry is seeking to reduce the increasing numbers of workers dependent on liquor—thousands of whom drive to and from work daily.

Industry programs often score as much as a 65 to 70 percent recovery rate—possibly the highest rate of any type of recovery program.

All told, some 300 companies in the United States have alcoholism programs or policies. Some of them, such as at Allis-Chalmers, Equitable Life, and Eastman Kodak, are considered genuinely innovative and successful.

Almost all the programs involve the same features: early identification of the problem drinker, followed by company intervention to channel him into some type of rehabilitative program.

FIRM'S PROGRAM TYPICAL

The program of the Rocketdyne Division of North American Rockwell at Canoga Park, not far from here, is typical. Like many aerospace firms, Rocketdyne has had a major employment slump during the past few years, sagging from a 1964 high of 20,000 to around 4,000 now. The company's full-time alcoholism counselor was among those lost in the tightening. But an alcoholism program continues—albeit on a reduced level—under the direction of Mr. Sales, a labor-relations specialist.

"I keep up contact with all top supervisors, asking them for identification of any worker who might show evidence of alcoholism," said Mr. Sales. As we talked, a steady procession of workers and secretaries rushed back and forth past his open office door.

Rocketdyne sends its problem-drinking employees to outside programs such as the Pioneer Foundation at Pomona, or halfway houses or even hospitals with treatment programs. The company also maintains stiff rules designed to prevent workers from driving to work under the influence of liquor. "We insist that our supervisors identify the problem drinker," said Mr. Sales. "We absolutely will not tolerate a cover-up. "We want to get to these people if they're here."

INSURANCE COMPANIES ACTIVE

Of all American businesses, the insurance industry has taken the strongest lead in seeking to stop the drunken driver. The Insurance Institute for Highway Safety, headed up by Dr. William Haddon, a former director of the National Highway Safety Bureau, is cooperating with the City of Baton Rouge, La., in a prearrest, road-breath-test program. A number of companies, including State Farm, Preferred Risk, and Allstate have undertaken costly and effective individual campaigns.

Allstate has financed perhaps the most significant campaign of all. During 1969 alone the company ran large advertisements in a number of national publications as well as in special target states. Results were astonishing. Fourteen of 16 target states passed an implied-consent law. Nine of 20 targeted states passed a 10 presumptive level.

Industry, the private citizen, the various highway safety lobbies—individually, each is taking tentative, and in some cases definite, steps to curtail the drunken driver. United they could be invincible allies in wresting stiff and much-needed legislation from too-apathetic state legislators.

But sad to say, unity is not yet the magic password in the highway safety-rehabilitation field.

WHAT YOU CAN DO

1. Align yourself with a local safety agency or alcoholism rehabilitation organization. If unsure of what groups are in your area you might want to contact any of the following national organizations:

The National Safety Council, 425 North Michigan Avenue, Chicago, Ill. 60611.

National Association of Women Highway Safety Leaders, Inc., 1225 Connecticut Avenue, N.W. Room 414, Washington, D.C. 20036.

National Council on Alcoholism, 2 Park Avenue, New York, N.Y. 10016.

2. Let your governor and state legislators know that you support a "no-nonsense" .10 percent presumptive blood-level statute as well as an implied-consent law.

If your state has both, push for the even more realistic .08 percent Canadian level.

3. Ask your local law-enforcement agencies to adopt selective enforcement in high-mishap areas and specially trained "drunk squads" along the lines of programs of the San Diego, Calif., department.

Don't accept vague reassurances from department administrators. Visit your law agencies and see firsthand what emphasis is placed on traffic safety in general and stopping the drunk driver in particular.

4. Ask your local chamber of commerce to support industry rehabilitation programs as well as antidrunk-driver campaigns. Contact service groups, such as Rotary International, the Elks, Lions, etc.

JOINT ECONOMIC COMMITTEE STUDY OF ENERGY PRODUCTION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, our whole economy is heavily dependent on fuel to produce energy. It has been estimated that the vast amounts of goods and services produced in this country depend on fuel for 99 percent of the necessary power and on human labor for only 1 percent. Obviously, we could not get very far as a society without the fuels necessary to create the huge quantities of energy that we consume.

Almost every day new information is brought to our attention which gives additional cause for concern, perhaps even for alarm, concerning the health of

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the energy producing sector of our economy. Again and again we see in the news predictions of dire shortages of electricity, of blackouts or brownouts during hot spells this summer. These predictions are not idle or unfounded, as we have already seen from the recent events in New York, where power supplies had to be reduced and subway service slowed down. Nationally, the Federal Government has already had to take various steps to ease the shortage by reducing its own consumption of electricity. Appeals have been issued to consumers in various parts of the country to go easy on their use of air conditioners and other electrical appliances.

This situation should never have been allowed to develop. The electrical utilities should have done a better job of foreseeing demands. At the very least, they should have stopped advertising for new customers at a time when they were having difficulty meeting the existing demand. The Federal Government should have had policies under which the utilities would have been required to provide adequate capacity, and to do so in ways compatible with the preservation of our natural environment. Both the private and the public sectors appear to have been somewhat derelict of their responsibilities.

What is most alarming is that even worse problems may be ahead of us after this summer is over. Demand for electricity will continue to grow, and we have yet to figure out how to meet this demand in ways which do not do intolerable damage to our natural environment. On top of this, there is mounting evidence of a serious shortage of the basic fuels from which we produce electricity. This shortage is being reflected in rapidly rising prices. The "inflation alert" published by the Council of Economic Advisers last Friday, although it was a pretty feeble substitute for an anti-inflation policy, did contain some very interesting information—some very disturbing information—about the prices of coal and of gas and oil. I ask unanimous consent that the portions of the Council of Economic Advisers "inflation alert" relating to fuel and energy prices be printed in the RECORD at the conclusion of my remarks.

The price of bituminous coal went up 35 percent during the 12 months ending in June. Not only that, but this price rise has been accelerating. If we take only the last 3 of those 12 months, that is April, May, and June of 1970, the price of bituminous coal was going up at an annual rate of over 80 percent. The increase in the price of residual fuel oil was almost as bad, increasing during those same 3 months at an annual rate of 60 percent. The price of natural gas has not gone up so much, because, of course, this price is regulated in interstate commerce, but, as we all know, there is a serious shortage of natural gas. It is only because of regulation that this price too does not skyrocket, and the flow of natural gas to some users is "interruptible"—service can be cut off when supplies are inadequate.

Of course, there are special factors involved in these extraordinary price increases. The foreign demand for our coal has increased. Domestic utilities are using more coal than they had anticipated, because the building of nuclear generating plants has been delayed. Pollution regulations are requiring electric utilities to switch to low sulfur grades of coal. What all these special factors add up to is that demand is outstripping supply. Our country is blessed with abundant supplies of coal, but new mines and also new gas and oil fields must be developed. This will take time. Meantime we have a classic situation of excess demand, the kind of situation in which the Government must step in and develop policies to check the rise in prices and to protect the public interest in a dependable supply of energy.

It will not take very long for increases in the prices of coal, oil, and gas to be translated into increases in the price of electricity. Over half of the electricity in this country is produced by burning coal. We all know how much the availability of abundant supplies of electricity at reasonable prices has done to benefit the economy of this country and to increase the well-being of our people. Most of us are old enough to remember what it was like in rural areas before electricity became available. We understand what a difference electricity makes. We must not allow faulty public policies to lead to unnecessary increases in the price of electrical energy.

Perhaps it is necessary to have some increase in the price of electricity to cover the cost of generating it in ways which do less damage to the environment. And certainly, the price of coal must cover the cost of providing safe working conditions for the miners. But we must not stand for price increases caused by our failure to develop dependable supplies of basic fuels, our failure to encourage healthy competition in the fuels industry, our failure to do the research which would lead to more efficient and environmentally less harmful ways of producing electricity, and our failure to keep the cost of borrowing money under control.

Each of these failures is putting unwarranted pressure on electricity prices today. Natural gas and low-pollution grades of coal and oil are in short supply. Concentration of ownership in the fuels industry has increased markedly. The Senate Antitrust and Monopoly Subcommittee, chaired by my distinguished Senate colleague, Senator HART, has recently begun some very worthwhile and very useful hearings on the extent of concentration of ownership in the energy sector of the economy. These hearings revealed that of the 10 largest coal companies in the country, only two remain independently owned. The other eight are owned by oil companies, other mineral companies, or other big companies with multiple stakes in the energy field. Certainly we should look further into this increasing concentration of ownership. I doubt whether it can be in the public interest.

The utilities must borrow money, and borrow heavily, if they are to expand their capacity and meet the rapidly growing demand for electricity. The Council of Economic Advisers points out in its "inflation alert" that the cost of borrowing, as measured by the rate on Aaa corporate bonds, went up 21½ percent in the past year. The utilities' costs of borrowing are, of course, reflected in the price of electricity. This is another way in which bad public policies—in this case, disastrous high interest rate policies—have put upward pressure on the price of electricity.

The many underlying economic factors which help determine the supply of energy and its price should receive a thorough examination. The Joint Economic Committee intends to undertake such an examination. Already the Legislative Reference Service of the Library of Congress has prepared an excellent background study for the committee. This will be published shortly. I plan to schedule hearings on this subject after Congress returns from its Labor Day recess. A dependable energy supply is too fundamental to our economic well-being to allow present inadequate public policies to continue unexamined.

Enclosed for the RECORD is an excerpt from the recent "inflation alert" by the Council of Economic Advisers:

EXCERPT FROM THE COUNCIL OF ECONOMIC ADVISERS INFLATION ALERT

FUELS

Prices of industrial fuels have advanced with exceptional rapidity during the past year and especially during the first half of 1970 (Table III-7). The sharpest increase has been for bituminous coal which rose at the annual rate of 18 percent in the last half of 1969 and spurted to a 56 percent rate in the first half of the current year. There have been several reasons for this development. In the first place, there has been a very substantial increase in foreign demand, especially for metallurgical coal used in steel making, while some domestic utilities have had to use more coal than anticipated because of delays in their nuclear generation projects. Secondly, increasingly stringent pollution regulations have required many electric utilities to change their fuel specifications to low-sulfur coal. As it happens, most low-sulfur coal is also metallurgical grade, further augmenting the pressure on the type of fuel. Third, safety regulations are being tightened and, while these may not yet be fully effective, it appears that they have added substantially to mining costs. Labor unrest and wildcat strikes in some fields have put still further pressure on supplies. Finally it takes years to open the new mines that may be needed to cope with this unforeseen increase in demand.

TABLE III-7.—CHANGE IN WHOLESALE PRICES OF FUELS DURING 2D HALF OF 1969 AND 1ST HALF OF 1970

[Not seasonally adjusted, except as indicated]

Item	Percentage change per year during			
	1969, 2d half	1970		
		1st half	1st quarter	2d quarter
Fuel and related products and power[1]	3.3	3.6	0.8	6.5
Bituminous coal	18.1	56.0	34.4	81.1
Residual fuels	6.2	47.6	36.0	60.3
Natural gas	2.4	3.1	−1.1	5.1

[1] Seasonally adjusted; includes some commodities not shown separately.

Source: Department of Labor.

The price of residual oil, most of which is imported, has also advanced very rapidly, at an annual rate of 48 percent in the first 6 months of 1970. Here, again, a number of factors have been involved. World demand has been rising sharply. As in the case of coal, many utilities have been required to shift to lower sulfur oils, adding to costs and limiting sources of supply. In addition, tanker rates have increased very rapidly in recent months, partly as a result of the closure of a pipeline through Syria and production cutbacks in Libya.

Prices of natural gas also rose somewhat more rapidly in the first half of 1970 than in the last part of 1969. The increase in natural gas prices, however, has not been nearly as rapid as for coal and residual fuels, averaging an annual rate of only 3.1 percent in the 6 months ended June 1970. It should be noted, however, that natural gas prices are subject to regulation and that the flow of natural gas to utilities and other major consumers is often "interruptible," subject to being cut off when supplies are inadequate to meet total demand.

* * * * *

Another important increase appears to be in progress in energy prices, some of which have already been discussed above. Electricity prices have to date moved only slowly. Wholesale electricity prices are up only 1.8 percent in the twelve months ending in June, although this is itself a departure from the stability of earlier years. Wholesale natural gas prices have increased about three percent in the last twelve months. These conditions of relative stability, however, are likely to change. Recently the Tennessee Valley Authority announced an average price increase of electric power at wholesale of 23 percent. Other power companies have applied to the regulatory authorities for large increases in power rates. The Federal Power Commission has proposed to lift its ceiling on natural gas prices in several areas in order to encourage production.

There are a number of reasons for these price increases. First, the prices of fossil fuel (coal and oil), which accounts for over three-quarters of the production cost to generate electric power, have skyrocketed. Over half of the electric power in the country is generated by burning coal, and utility rates often contain an escalator clause tying the price of power to the price of fuel. Bituminous coal prices, on the average, have increased 35 percent from June 1969 to June 1970; the increase to some utilities has apparently been considerably greater. Power companies also burn residual fuel oil and natural gas. While natural gas has not gone up much in price, the supply has become increasingly short. Gas pipelines have had to interrupt deliveries to some utilities and industrial users, thereby increasing the reliance of large gas consumers on coal and residual oil. The price of residual oil in turn is up 25 percent in the last twelve months. Thus two of the three major sources of fuel for power generation are up significantly.

To help relieve the coal supply situation the ICC has directed that hopper cars be returned promptly to their owners in order to speed up the movement of coal to power plants. Moreover, the Atomic Energy Commission has reduced the production of enriched uranium, thereby saving considerable quantities of power. This in turn has reduced moderately the need for coal.

Contributing to higher power prices is the increase in interest rates during the last year. The rate on Aaa bonds has gone up 21.5 percent in a year. Most power companies have to borrow heavily for expansion and to refinance past borrowings. Thus capital costs, which are significant in this industry, are up noticeably. Moreover, productivity in terms of thermal efficiency and capital cost per kilowatt seems to have reached a limit in the last few years. Prior to that, increases in productivity had been sufficient to offset higher wage and equipment costs. Finally, environmental considerations are increasing the cost of power. Thus the move to low-sulfur fuels which are in short supply has increased costs, and so has the need to find appropriate plant sites which do not harm the environment.

STUDIES PROVE BANK PROFITS LINKED TO HIGHER INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, last year, when the big commercial banks in New York raised the prime rate to 8½ percent, I was convinced that the action was nothing more than a grab for more profits.

The bankers, of course, contended that they were raising price to the American consumers "for the good of the country." They were appalled at the suggestion that they might have raised the price of their product for the purpose of more profits.

In June of 1969, the Banking and Currency Committee conducted extensive hearings into the prime rate increase and at that time, banker after banker appeared before the committee to deny that their earnings had anything to do with the fact that the prime rate went up six times after President Nixon was elected in November 1968.

Mr. David Rockefeller, who has become the spokesman for the Wall Street complex of banks, was very quick to deny that earnings were the reason that his bank had participated in these increases in the prime lending rate. When he appeared before the committee on June 23, 1969, Mr. Rockefeller stated:

> It is said that the commercial banks arbitrarily raised their rates in an unconscionable quest for profits. The fact is that this is simply not true . . . Neither costs nor earnings played a part in this decision.

A year later, in the July 1970 Federal Reserve Bulletin, the Federal Reserve staff flatly contradicts Mr. Rockefeller and his fellow bankers. In an analysis of bank income for 1969, the Federal Reserve states that the fantastic profits of the commercial banking system stem directly from the dramatic increases in interest rates during that year.

Mr. Speaker, I quote from the Federal Reserve Bulletin's analysis:

> As in other recent years, most of the rise in gross operating revenue of member banks in 1969 was attributable to income from loans. Such receipts increased half again as much in 1969 as in 1968 and accounted for more than seven-tenths of all operating income—compared with about two-thirds in 1968. While some of this growth reflected a further expansion in volume of loans outstanding, most of it was attributable to the highest average rate of return on loans in more than 40 years.

Overall, the Federal Reserve, which is not known for its adverse statements about the banking system, calculates that the commercial banks had an increase in profits after taxes of more than 16½ percent in 1969. This is an average and there were many major banks with earnings well above this figure.

After the swollen profits of 1969, it was difficult to believe that the banks would show any substantial increase in 1970. But the profitmaking abilities of the commercial banking system have been underestimated.

The reports from the first half of 1970 indicate that the banking system is outstripping the tremendous profits of 1969. The first-half figures indicate that the earnings are up more than 11 percent among the 50 largest commercial banks. A handful of the big banks have shown slight declines but it must be remembered that these are declines from the fattest year in the history of banking. In fact, nine of the 10 largest banks in the Nation show increases in net income per share during the first half of 1970.

Mr. Speaker, I place in the record a table detailing the earnings of major commercial banks in the first half of 1970:

OPERATING RESULTS FOR 1ST HALF OF 1970 COMPARED WITH 1ST HALF OF 1969, FOR THE 50 LARGEST U.S. BANKS (RANKED BY DEPOSIT SIZE)

Deposit rank and name of bank	Net income		Net income per share		Percent change
	1st half of 1970	1st half of 1969	1st half of 1970	1st half of 1969	
1. Bank of America N.T. & S.A. (San Francisco, Calif.)	$73,583,000	$67,230,000	$2.14	$1.96	+9.2
2. First National City Bank (New York, N.Y.)	67,128,000	63,280,000	2.31	2.25	+2.7
3. Chase Manhattan Bank, N.A. (New York, N.Y.)	46,032,021	44,249,288	1.44	1.39	+4.0
4. Manufactureres Hanover Trust (New York, N.Y.)	41,184,179	34,479,623	2.94	2.46	+19.4
5. Morgan Guaranty Trust Co. (New York, N.Y.)	41,900,000	36,800,000	2.29	2.02	+13.7
6. Chemical Bank New York Trust (New York, N.Y.)	35,549,849	31,406,405	2.43	2.35	+3.4
7. Bankers Trust Co. (New York, N.Y.)	27,344,000	23,719,000	2.67	2.32	+15.3
8. Continental-Illinois National (Chicago)	29,400,000	26,600,000	1.73	1.57	+11.0
9. Security Pacific National Bank (Los Angeles)	26,092,738	23,124,380	1.55	1.38	+12.3
10. First National Bank of Chicago	25,882,000	29,826,000	2.59	2.98	−13.2
11. Irving Trust Co. (New York, N.Y.)	14,565,000	14,967,000	1.93	1.98	−2.5
12. Wells Fargo Bank, N.A., (San Francisco)	15,100,000	15,300,000	1.65	1.69	−2.4
13. Crocker-Citizens National Bank (San Francisco)	14,500,000	14,600,000	1.39	1.40	−.7
14. Mellon National Bank & Trust (Pittsburgh)	24,705,000	21,213,000	2.47	2.12	+16.6
15. United California Bank (Los Angeles)	16,116,847	14,117,486	2.66	2.34	+13.2

Footnotes at end of table.

Deposit rank and name of bank	Net income		Net income per share		Percent change
	1st half of 1970	1st half of 1969	1st half of 1970	1st half of 1969	
16. First National Bank of Boston	$19,930,000	$19,555,000	$3.32	$3.26	+1.9
17. National Bank of Detroit	16,855,975	16,046,174	2.81	2.67	+5.2
18. Marine Midland Grace Trust Co. (New York City)	(2)	(2)	(2)	(2)	(2)
19. Franklin National Bank (Mineola, N.Y)	10,000,000	10,117,000	1.86	1.89	−1.5
20. Cleveland Trust Co	12,004,000	12,129,000	4.80	4.85	−1.1
21. 1st Pennsylvania Bank & Trust Co. (Philadelphia)	13,400,000	13,000,000	1.19	1.14	+4.4
22. Detroit Bank & Trust	9,981,850	8,846,656	4.07	3.61	+12.7
23. Philadelphia National Bank	10,834,146	9,204,465	2.00	1.70	+17.6
24. Manufacturers National Bank of Detroit	6,566,000	5,486,000	3.84	3.21	+19.6
25. Girard Trust Bank of Philadelphia	8,080,000	7,700,000	3.16	3.02	+4.6
26. Seattle First National Bank	8,934,563	8,937,816	1.98	1.99	−.5
27. Northern Trust Co., Chicago	9,514,000	6,284,000	4.76	3.14	+51.5
28. Union Bank, Los Angeles	8,100,000	7,400,000	1.98	1.81	+9.1
29. Bank of California, N.A. (San Francisco)	2,119,000	2,555,000	.78	.88	−11.3
30. First National Bank of Portland, Oreg	6,949,727	6,925,603	1.21	1.30	+.8
31. Bank of New York	8,400,000	0,200,000	1.28	1.44	−11.1
32. National Bank of North America (Jamaica, N.Y.)	9,338,000	7,138,000	1.87	1.43	+30.7
33. Harris Trust & Savings Bank (Chicago)	8,850,269	6,283,406	3.54	2.51	+41.1
34. Valley National BanK (Phoenix, Ariz.)	6,798,141	6,164,730	.83	.77	+7.8
35. Pittsburgh National Bank	10,495,000	7,119,000	3.42	2.35	+45.8
36. U.S. National Bank of Oregon (Portland)	6,162,611	5,818,413	1.51	1.44	+4.8
37. First National Bank of Dallas	8,546,200	5,258,100	1.73	1.50	[1] +15.4
38. Citizens & Southern National Bank (Georgia)	9,544,184	6,840,347	.86	.69	+24.6
39. Wachovia Bank & Trust Co., N.A. (North Carolina)	13,098,832	9,912,743	1.83	1.41	[3] +29.7
40. Marine Midland Trust Co. of Western New YorK (Buffalo)	(2)	(2)	(2)	(2)	(2)
41. Republic National Bank, Dallas	9,030,000	6,690,000	.96	.71	+21.1
42. Fidelity Bank of Philadelphia	8,099,000	7,089,000	2.02	1.82	+19.9
43. National Bank of Commerce (Seattle)	4,926,554	4,174,918	----------	----------	[4] +18.0
44. National City Bank of Cleveland	9,182,000	7,504,000	2.82	2.31	+22.1
45. 1st Wisconsin National Bank (Milwaukee)	7,800,000	6,300,000	1.93	1.60	+20.6
46. North Carolina National Bank (Charlotte)	6,484,562	5,356,833	.99	.83	+19.9
47. Bank of the Commonwealth (Detroit)	5,486,164	4,790,664	1.51	1.42	+6.3
48. Central National Bank of Cleveland	4,300,000	4,700,000	1.31	1.44	−9.1
49. Michigan National Bank, Lansing	3,100,000	3,400,000	1.43	1.55	−7.7
50. 1st City National Bank (Houston)	5,200,000	4,400,000	1.23	1.05	+17.1

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[1] Based on income before security transactions.

[2] Figures not available.

[3] Includes American Credit Corp., acquired July 1, 1970; on a pooling-of-interests basis.

[4] Represents increase in net income; no breakdown per share available.

UNIVERSAL ENROLLMENT ACT OF 1970

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include tables and extraneous matter.)

Mr. UDALL. Mr. Speaker, it is my privilege today to introduce, on behalf of myself and 11 colleagues, a bill that goes to the heart of one of the major problems confronting our Nation—the need to draw more people into politics in a constructive and creative manner.

Cosponsoring this legislation with me are my distinguished colleagues, the gentleman from New York (Mr. BINGHAM), the gentleman from Michigan (Mr. CONYERS), the gentleman from Minnesota (Mr. FRASER), the gentleman from Tennessee (Mr. FULTON), the gentleman from Indiana (Mr. HAMILTON), the gentleman from California (Mr. MOSS), the gentleman from Pennsylvania (Mr. NIX), the gentleman from New York (Mr. OTTINGER), the gentleman from California (Mr. ROYBAL), the gentleman from Ohio (Mr. STOKES), and the gentleman from New York (Mr. BRASCO).

In the other body today a companion bill is being introduced by Senator DANIEL K. INOUYE, of Hawaii, and a number of cosponsors.

Mr. Speaker, at the minimum, the vast majority of Americans should vote in elections. This is their opportunity to select the people who shall make the decisions that affect us all and to set the broad outlines of policy. This is an absolutely critical step in any democratic nation. It is the essence of democratic responsibility. Yet the present dimensions of the problem are appalling.

This Nation achieves its greatest voter participation in presidential elections. Voter turnouts vary with the highest ranging between 60 and 63 percent, not very impressive compared with turnouts of between 75 and 90 percent or better in Canada, Britain, the Commonwealth democracies, and Western European countries. In elections below the level of presidential contests, State turnouts can fluctuate between 40 and 50 percent of the eligible electorate, and in local elections some turnouts during this past year alone fell to 5, 10, and 15 percent of the eligble voting age population.

This record is even more alarming if approached in another way. We have become used to dealing with statistics in this Nation, a sign of our technological growth and our more impersonal approach to problems. We are dealing here with people. If we translate these percentages into the number of people affected the results are startling. Forty-seven million people did not vote in the 1968 presidential election alone. Further, the number of nonvoters is increasing at an average over the last decade of 1 million each year, 4 million each presidential election. Thirty-nine million people did not vote in 1960; 43 million people did not vote in 1964. As the trend continues it will accelerate. There could be 70 to 90 million people not voting over the next two decades. And this could occur during an era that emphasizes participatory politics and citizen involvement as has no other and in a nation that justly prides itself on being the oldest of democracies; a nation that has led the way in pioneering means of continually increasing individual participation in politics through a variety of commendable means—the secret ballot, elections at all levels of the political system for every conceivable office, referendums, recall devices, primaries, representative conventions, and so on. The list is virtually endless. Our imagination has proven fertile in devising ways of giving citizens the means to choose their representatives and hold them accountable for their decisions.

Yet somewhere along the line we failed to take adequate notice and provide intelligent remedies for the increasingly serious problem of nonvoting.

In effect, we are talking about a nation within a nation and one that we have failed to include in an elementary way in American politics. Voting should be only the first step in citizen participation.

We are talking of 47 million people not voting, 24 percent of our total population and 40 percent of our eligible voting age population. The number of people is awesome; it is greater than the total electorate of such democracies as England, France, Italy, West Germany, Canada, and Australia.

The potential impact of these nonvoters is great. In 1968, the nonvoters exceeded by 17 million the total number of people who voted for Richard M. Nixon. For every vote separating the two major candidates in that election, there were 150 people who did not vote. In 1960, for every vote separating the major contenders there were 330 people who did not vote. Even in the more decisive elections in our recent history, nonvoters could have changed the majority. Franklin D. Roosevelt defeated Alf Landon in 1936 by 11 million votes; Dwight D. Eisenhower defeated Adlai Stevenson in 1956 by 9.5 million votes; and Lyndon B. Johnson defeated Barry Goldwater in 1964 by 16 million votes.

It is our duty to include these people in politics, to have them vote. If not, the potential for dissatisfaction and alienation is tremendous. And, if it occurs it will be because we did not have the foresight to recognize the problem and resolve it.

Ironically, in earlier times more Americans voted. Between 1840 and 1900—a period marked by the beginnings of mass suffrage and preceding the adoption of restrictive voter registration requirements—an average of three out of four—76.9 percent—of the electorate voted. In the presidential contest of 1876, the percentage rose to 82 percent of the electorate.

The United States has changed immensely since 1876. In only 92 years, the population climbed from 46 to over 200 million. The winning presidential candidate in 1876 received 4 million votes; in 1964, the winner received 10 times as many. And in 1968, in a three-candidate race, the victor received 31 million votes.

If our population growth is incredible, our technological growth is more so. It is still difficult to grasp the reality of placing a man on the moon in 1969. But other advances are also difficult to grasp. Although we live with these conveniences daily, the mere numbers are staggering: 85 million automobiles in 1968; 100 million television sets, 225 million radios. Increased mobility provided by mass transit and automobile travel should facilitate voter participation. Mass communication—including, along with radio and television, an abundance of newspapers, magazines, and books—should certainly contribute to an informed electorate. And the innovation of electronic voting machines has made the election process speedier.

Yet despite these technological advances, the political participation of Americans has not increased, it has declined.

Mr. Speaker, the decline of democratic participation holds both a danger and a paradox. The danger is that democratic institutions cannot function effectively or respond promptly to society's needs unless citizens participate in the decisions that affect their daily lives. A government that derives its just powers from the consent of the governed must be able to hear the voice of the people if it is to make orderly, systematic adjustments to the problems of change. It cannot assume that silence is consent. Silence may well imply alienation, frustration, and a widening rift between the government and the governed.

The paradox is that while millions of citizens, at odds with basic national policies, are struggling for a more active role in public decisionmaking, participation in the electoral process continues to wane. We hear much talk of participatory democracy and community control, but there can be little hope for success in the more difficult roles of self-determination when so many citizens are not even involved to the extent that they participate in the election of a President. If we can involve all people in presidential elections, perhaps we will open all elections to wider participation. Such involvement will achieve needed reforms if democracy is relevant to mass society.

If the people are to make effective use of their political power, they must begin with the Presidency, the focal point of our political system. The Presidency is more important to the people now than ever before in our history. During the 19th century, when three out of four Americans voted for President, the impact of the Presidency was remote to the average citizen.

This is not true today. Now no individual can escape the constant impact of Presidential decisions and action. Presidential policy toward such distant places as Vietnam, Biafra, and the Middle East is of direct concern to all. A cold war, a hot war, the threat of nuclear weaponry, and the vast power of the military-industrial complex affect us all. We must look to the wisdom and leadership of the President to solve such urgent problems as inflation, unemployment, crime, poverty, hunger, racism, repression, the pollution of our environment. The problems are legion, and Presidential action is essential to their resolution.

Yet 40 percent of the people fail to vote for the President. This fact alone warns that the system is not working well.

People who vote believe in the system. They participate. They have a stake in government. But, to the nonparticipants, their stake in government is not so apparent. Their alienation from the system is harmful not only in their own lives, but it threatens the survival of democracy itself.

Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they had no voice in making. We must do everything in our power to encourage them to vote. Let the people choose.

The principal cause of nonvoting is registration. Our registration practices are archaic. They have not been modernized to meet the demands of our changing electorate. They are not equipped to deal with the mobility of our national population or the size of our contemporary electorate. They are more onerous and oppressive in the 1970's than they were in the 1870's, a stinging indictment of our neglect of the problem and our failure to do anything about it. Registration practices must be harmonized with the needs of a 20th-century America.

Our bill would accomplish these objectives. It would involve tens of millions more Americans in elections. If enacted, this Nation could experience voter turnouts of from 75 to 90 percent of the voting age population, a level of participation unheard of in recent times but consistent with our earlier performances.

Mr. Speaker, our bill introduces in presidential elections a form of a plan in use in virtually every other advanced democratic nation and several of our States for comprehensive enrollment of all eligibile voters. Our bill proposes a universal voter enrollment system; a plan under which the Government would canvass, door to door in each presidential election year to register all eligible citizens. The plan also proposes a National Enrollment Commission to supervise the enrollment and to maintain current and comprehensive election returns as well as the legal provisions that apply to elections. There is no agency, public or private, that currently does this.

Such a plan is critically needed now. It will become increasingly important as time passes on. It appears that the 18-year-old vote has become a reality. If so, to make it meaningful we must reach these prospective voters and enroll them, thus giving them a realistic opportunity to make good on the promise of participating in elections. If we do not enact such a plan, these people are among those hurt the most by present registration requirements and practices. We will create greater problems for ourselves and our Nation if we legalize the 18-year-old vote and yet provide no mechanism to make it effective.

If the direct election of the President is adopted, the next logical step would be to provide a means of including people in the electorate as our plan does. It would stimulate and encourage participation. Further, a system for the direct election of the President would accentuate the need for a National Enrollment Commission as our plan provides, to serve as a clearinghouse for election information; to make current, accurate returns available; and to assist the States in advising them as to any election problems they may encounter.

Finally, present registration practices are beginning to come under legal assault. Present cases pending in Texas and Ohio question whether requirements and procedures for registering to vote in one State can be substantially different from those in another State. Some counties within a State have no registration requirements. Is this constitutional? One State, North Dakota, has no registration qualifications. Do the citizens in the other States have equal opportunity and equal access to the ballot when they must meet registration barriers to voting?

The whole question of registration practices and procedures is open to constitutional attack. They have never been systematically reviewed. Our plan provides a means for averting many of the complications in present incoherent registration practices. It provides for universal voter enrollment. It reaches those who because of travel, business, schooling, or military obligation are effectively frozen out of participation in elections today; and it provides adequate means for absentee balloting to enable citizens of the United States who are stationed overseas in military or civilian capacities to vote in presidential elections. For these reasons, our proposal for a universal voter enrollment plan should be enacted as soon as possible.

Mr. Speaker, I have had my staff prepare background material on the nature of registration systems, their evolution in the States, and their effect on the vote. I also have various supporting tables, a discussion of the provisions of the universal voter enrollment plan and the text of the bill itself. Since all of this can be extremely useful to my colleagues in acquainting themselves and their constituents with the issues involved in this legislation, without objection I will insert these materials in the RECORD at this point:

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THE DEVELOPMENT OF REGISTRATION PROCEDURES

The principal restriction on voting is registration qualifications. The original justification for the introduction of registration requirements was the attempt to insure the integrity of elections. The intention was to free them from fraudulent manipulation.

A 1929 work on the subject, and the only major study to date, presented the rationale used to justify registration limitations. The author, Joseph Harris, noted that:

"Our elections have been marked by irregularities, slipshod work, antiquated procedures, obsolete records, inaccuracies and many varieties of downright fraud. In only a few cities is the administration of elections conducted with a modicum of efficiency." [J. Harris, *Registration of Voters in the United States* (1929), pp. 3–4.]

The answer to such abuses according to Harris and those of like mind was a registration system:

"The requirement that all voters shall be registered prior to the day of the election is one of the most important safeguards of the purity of the ballot box. It constitutes the very foundation upon which an honest election system must rest, and if properly administered, prevents many of the more serious frauds which have marked the conduct of elections in the past." [J. Harris, *Registration of Voters in the United States* (1929) pp. 3–4.]

Harris' argument is interesting from a number of perspectives. First, it gives the rationale for supporting registration limitations during the era of their greatest expansion, the mid to late nineteenth and early twentieth century. Second, it represents the thinking of civic reformers who felt, somewhat naively in retrospect, that such checks would purify elections of many, if not most, of their objectionable features. Third, the statement suggests that registration systems were intended primarily for urban areas.

There were a number of reasons for this selectivity. In rural areas, election officials knew most of the voters and thus argued that there was no need for a prior listing of eligible citizens. The population concentrations in the urban areas, however, did not encourage any easy familiarity with all prospective voters, hence the need for a registration system.

Another factor was the maturation of the urban machine. The machine depended upon a controlled vote to maintain its position of power. Such a system encouraged abuse.

For example, in one Chicago precinct (20th Ward, 24th precinct) during one primary election in 1926, the Citizens' Association of Chicago reported that the bogus votes outnumbered the valid ones. Of the 566 votes cast, 352 were described as fraudulent, that is, the ballot cast was not done so by a bona fide resident of the precinct. The argument could be made that the same officials who controlled the polls on election days, resulting in a fraudulent vote count, would control the registration procedures, thus insuring no fundamental changes. Nonetheless, those favoring registration emphasized such cases as these to argue the need for the pre-election listing of eligible voters.

Until this day, registration systems have been centered in cities and have spread only gradually to smaller towns and rural areas. Ohio, for example, has registration only in urban areas of 50,000 or more. A rural state, North Dakota, that boasts of no city over 55,000 population, has no registration at all. Alaska, a state of only 294,000 inhabitants, has relaxed registration procedures which, similar to many areas of sparse population, allows the registrar leeway in adding to the rolls at his discretion people he knows to be eligible to vote.

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Registration procedures do have an effect on voting turnout. The U.S. Census publication shows that of the 32 percent of the electorate not claiming to vote in the 1968 elections, 72 percent were barred because of failure to meet registration qualifications. A study was made by Professor Stanley Kelley, Jr., of Princeton University and associates of registration and voting in the 104 largest cities in the United States during the 1960 presidential election. They studied the effect of socio-economic factors (age, sex, race, education, income and length of residence), party competition, and registration requirements (residence and literacy tests, permanent or periodic registration systems, the time and place for registration, and the closing dates for registration) on voter participation. The study concluded that "registration requirements are a more effective deterrent to voting than anything that normally operates to deter citizens from voting once they have registered." [S. Kelley et al., "Registration and Voting: Putting First Things First", *American Political Science Review* (1967), p. 362.] The authors found, for example, that better than three-fourths (or 80%) of the variations found between the number of people voting and those of voting age was accounted for by registration demands. There was almost a perfect correlation in the criteria between the number of people registered and those voting: that is, on the average, for each percentage increase in registration between cities there was a percentage increase in voter turnout. The mean percentage of those of voting age who registered was 73.3 percent with a standard deviation of 14.3. The mean percentage of those registered who voted was 81.6 percent with a standard deviation of 11.7. As the authors noted, the latter set of figures was both higher and varied less than those between voting age population and those registering, thus supporting their contention that the critical hurdle to voting is registration.

In the midwest, some counties still have no registration requirements while others, usually the more urban ones, do. Consistently, the turnout is higher in counties with no registration qualifications. For example, in Missouri the discrepancy in voter turnout between the urban counties (Jackson, St. Louis City, St. Louis County) with registration qualifications and the counties without registration, representing 80 percent of the state's land area, average between 10 percent and 12 percent. The experience of Pennsylvania for the period between 1920 and 1936 and prior to the introduction of statewide registration procedures and of Ohio for the period 1932–1960 when a variety of practices were in effect ranging from no registration through a partial listing of qualifications to a full-fledged registration system illustrates the depressing effect of those requirements on voter participation. For the Pennsylvania counties, there is a six percent to ten percent difference in turnout. The Ohio returns illustrate the same phenomena, a decline in the vote that correlates with the severity of the requirements. (See Table 1.)

History

The North

The spiritual ancestor of latter registration systems was a Massachusetts requirement, adopted in 1742, that limited the franchise to property-holders and required local assessors to compile a list of each man's property assets.

The first actual registration law in the United States was enacted by the State of Massachusetts in the year 1800. This provided for the listing of all qualified voters in each town in the Commonwealth prior to elections. While other New England states adopted similar procedures, the practice was slow in spreading to other areas. When a registration system was adopted prior to 1862, it was done so only in a few selected major urban areas. Columbia, South Carolina instituted registration procedures in 1819. The state of Pennsylvania required registration in 1839 for elections in the city of Philadelphia. And New York City adopted registration qualifications in 1840, but soon abandoned them.

The big push in the adoption of registration limitations began in the 1860's with the accelerated growth of the large urban areas, the industrialization of the nation necessitating large clusters of working people in confined geographical areas, the refinement of machine politics, and the mass immigrations to this country, and particularly to its cities, that took place up until 1920. The steadily increasing electorate culminated in the 19th Amendment giving the vote to women and also provided pressure for a more systematic enumeration of eligible voters.

Between 1860 and 1880 most Northern states adopted registration procedures. Beginning in 1880, the practice also spread to Western and Southern states, although the Southern experience differed from that of the rest of the nation.

The study by Stanley Kelley, Jr., and associates introduced earlier notes that:

"In the period from 1896 to 1924, when the turnout declined almost steadily, state after state enacted registration laws which typically required registration annually and in person of all voters in the nation's large cities; the registration procedures of this era have been described by one student of registration practices [Harris] as 'expensive, cumbersome, and inconvenient to the voter.' In the period from 1924 until the present, during which time the turnout has gradually risen, more and more states have been liberalizing their registration laws, particularly as these apply to the larger cities. In short, turnout in presidential elections in the United States may have declined and then risen again, not because of changes in the *interest* of voters in elections, but because of changes in the *interest demanded* of them." [S. Kelley et al., "Registration and Voting: Putting First Things First", *American Political Science Review* (1967), p. 374.]

Whatever the justification or the original intent, registration systems have a selective effect in whom they bar from voting.

A Gallup poll conducted in December of 1969 found that registration systems had an uneven effect on the electorate. The report released by the Gallup organization, entitled "Registration Laws Boon to Republicans," stated that two out of three people not registered had Democratic leanings; the young (50% not registered), and those who rented (44% not registered) rather than owned their own homes were the most heavily hit by registration requirements.

Gallup concludes from his studies that it is not lack of interest but rather residency and other registration qualifications that provide the biggest barrier to voting. The results are not accidental. Registration requirements are more difficult for the less educated to meet. The registration systems favor those in higher social classes, disproportionately increasing their weight in the electorate. The city of Baltimore can serve as an example. Correlation of social class characteristics, as measured by occupation, with the 1960 voter turnout in 83 political units in the city produced the results shown in Table 2.

These figures (Table 2) indicate that the upper-class, as stratified by occupation, have a political weight roughly twice that of the lower classes.

The U.S. Census report on registration and voting in the 1968 election provides a more detailed commentary. The figures are self-reporting and they over-represent the number of people registered and voting. Nevertheless, the trends revealed within the cateportions of the returns should provide a reliable index of relative discrepancies within the population.

The highest proportion of those not registered and/or not voting fall among blacks, those who did not finish high school, manual and service workers, and those of lower incomes. The family income and education figures, in particular, show a progressively clearer relationship between an increase in income or educational achievement and percentage registered and voting. As an example, 87 percent (86.5%) of those with a college degree are reported as registered and 83 percent as voting. One-half (49.5%) of those with only one to four years education are reported as registered and only 38 percent of the total as voting.

Registration requirements place a disproportionately heavier load on those least able to meet them. The registration system now in effect do not fall on all individuals impartially. (See Table 3.)

The South

The modus vivendi worked out between the South and Republican leaders in the contested outcome of the Presidential election of 1876 gave the victory to Hayes in return for the freedom to conduct political affairs in the South much as they had been prior to 1860. To return power to propertied classes favored before the Civil War necessitated the exclusion from the Southern electorate of blacks newly enfranchised since 1865. A number of legal and extra-legal strategies were employed prior to 1890, but beginning approximately in this year and extending through 1910, Southern states settled on restrictive registration procedures as an effective legal means of limiting Negro involvement in elections. There followed during this period such limitations as the "grandfather clause," the "white primary," the poll tax, which effectively barred poor whites as well as blacks, and arbitrarily administered tests of literacy and state and federal constitutional interpretation. Mississippi began the practice in 1890 requiring a "reasonable" interpretation of the Constitution as a prerequisite to voting. By 1915, the U.S. Commission on Civil Rights reports that other Southern states had adopted similar practices, requiring applicants to meet as a criteria for voting standards of "good character," property qualifications, civic knowledge, and other arbitrary restrictions designed to exclude Negroes from voting. For example, offenses believed to be related to Negroes, crimes of petty larceny or illegal child bearing were grounds for restricting the vote in some Southern states, were included in the laws to cast a net as widely as possible to minimize Negro political involvement.

Once the process began of adding provisions to restrict the vote on grounds of acceptable moral behavior, there was virtually no limit to the ingenuity of the lawmakers in adopting unusual restrictions. The South was not alone in this regard.

A listing of the restrictions placed on who may vote by one Southern and one non-Southern state, Louisiana and Idaho, illustrate how out of hand the process of excluding reportedly undesirable types from electoral can become. See Table 4.

It was not until the Supreme Court decision in Smith v. Allwright (1944) that the trend was effectively reversed. The Allwright decision outlawed the "white primary." Successive court decisions buttressed by the Congressional passage of the Civil Rights Acts of 1957, 1960 and 1964 began the process of increasing Negro registration. The greatest progress, however, was made with the enactment of the Voting Rights Act of 1965. The Act suspended discriminatory registration requirements, including literacy tests, in any state or political subdivision where 50 percent of the voting-age population were either not registered or did not vote. These provisions applied to Alabama, Georgia, Louisiana, Mississippi, South Carolina and Virginia, as well as to 40 of North Carolina's 100 counties. In addition, the Attorney General of the United States had the discretion to assign federal examiners to register qualified voters and federal observers to monitor elections in the same counties. The Act proved to be extremely successful.

Black registration now exceeds 50 percent in all southern states. As the following table shows, whites as well as blacks benefited from the Act and will benefit from its reenactment by the Congress in 1970. (See Table 5.)

The experience of both the South and the North emphasizes the power of registration qualifications to restrict the vote. It also provides a persuasive argument that a comprehensive voter enrollment plan under government auspices, such as the Universal Voter Enrollment plan, would result in significantly higher voter turnouts.

REGISTRATION REQUIREMENTS OF THE STATES[1]

Contemporary registration requirements vary greatly. Each was added over a period of time and often at the whim of specific state legislatures or in reaction to a passing public mood. Few states have codified their requirements and systematically evaluated their consequences. As a result, the registration qualifications in effect, as the earlier comparison between the states of Idaho and Louisiana illustrated, can become quite elaborate.

The following reviews the registration requirements of the states presently in effect as they relate to the Universal Voter Enrollment plan. It begins with one of the most common, residency, and discusses these requirements as they pertain to state, county, precinct and city elections, and what, if any, options for presidential waivers are available to potential voters. Each of the states with registration systems has some type of residency requirement in effect. For example, for presidential elections these range from three months or 90 days in some states (New York, Pennsylvania) up to—until it was revised in 1968 to one year—two years in Mississippi. South Dakota uniquely adds a further stipulation that a voter must be a resident of the United States for five years.

American civilians living abroad, estimated in 1968 to be about one-half a million people, are also excluded by residency limitations from voting. American military personnel abroad must qualify for the frequently cumbersome absentee ballots, thus diluting the force of their vote. Of the 2,675,000 military personnel of voting age in November, 1968, 1,142,000, or 43 percent of the total, actually voted.

Several states (e.g., New Mexico, Mississippi, Washington and Utah) exclude Indians not taxed or those, and others, living on Federal lands from voting. The legal stipulations covering these exclusions are so varied that it is virtually impossible to estimate the number of individuals excluded from the ballot by these restrictions.

As the following shows, 33 states have one year residency requirements before one can vote. 35 states require some period of residence in the county, the same number in the precincts, and a smattering of states have city requirements as well, although Connecticut's is in lieu of any other residency qualifications.

Thirty-one states relax their provisions for presidential elections, although the effect of several is questionable. Colorado, as an example, substitutes a six month period for the original one year the mandatory requirement in 18 other states. Several states permit presidential voting under a waiver system only in specific places, the town clerk's office or for maximum inconvenience, only in one city in the state, as is the case in Delaware.

The requirements normally in effect stipulate that to vote a person must be a resident of the state for at least one year, of the county for 30 to 90 days, and of the precinct for 30 days. It is estimated that these requirements exclude from the electorate, through an individual's inability to meet the specific residency qualifications in an election jurisdiction, five percent of the potential electorate. For the 1968 election, this would mean that six million voters were denied participation by residency alone.

The following summarizes the various residence requirements in each of the fifty states and the District of Columbia. (See Table 6.)

State requirements[2]

Thirty-three states and the District of Columbia require an individual to be a resident for a period of one year before he may cast his ballot in an election.[3] Fourteen states have residence requirements of six months—Connecticut has no state requirement, but does have a six month residence requirement for cities—and only two states, New York and Pennsylvania, allow an elector voting privileges after three months and 90 days of residence, respectively.

County requirements

Thirty-five states have county residence requirements of from one month to as long as six months. (Hawaii has a residence requirement of three months in a State Representative District.) Fourteen states have no county requirements.

Precinct requirements

Thirty-three states have precinct residence requirements of from ten days to six months. Sixteen states have no residence requirements for precincts. Missouri has a precinct residence requirement of ten days in only some of its counties.

City requirements

Connecticut has a six month residence requirement in cities, but there are no state, county or precinct requirements. Rhode Island and Massachusetts require a six month residence; New Hampshire, six months in ward or town. Vermont and Maine have a three month requirement. Maryland's residence requirement is six months, but may apply to a county or city, and New York's is three months and also applies to a county or city. Michigan has a city residence requirement of on or before the fifth Friday before the election. All other states have no city requirements.

Presidential waivers

Nineteen states and the District of Columbia have no provisions for new residents voting in Presidential elections. Thirty-one states have some type of Presidential waiver, with fifteen of those states requiring lengths of residence of from fifteen days to three months. Delaware, for example with a three month residence requirement for Presidential elections, requires the individual first, to register in person in Wilmington and second, to vote in Wilmington only on election day.

Nevada and South Carolina have Constitutional Amendments that will be submitted to the voters this year to change the residence requirements for Presidential elections only.

Former residents

The states that allow a former resident to vote by a special or an absentee ballot until residence requirements of the new state are met, or for a specified length of time are as follows:

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[1] As of January 1, 1970.

[2] In some states a Presidential election is an exception; see Presidential Waivers.

[3] South Dakota, Utah and Vermont have Constitutional Amendments pending that are to be submitted to the voters this year that would change the existing residence requirements.

Alaska: May vote absentee for President until he meets residence requirements in new state.

Arizona: May vote absentee for 15 months after leaving if cannot meet requirements in new state.

Connecticut: May vote absentee for 24 months after leaving if cannot meet requirements in new state.

Michigan: May vote until requirements are met in new state.

New Jersey: May vote by special absentee ballot for president if cannot meet requirements in new state.

Texas: May vote by absentee ballot for President for 24 months if cannot meet requirements in new state.

Wisconsin: May vote by absentee ballot for President for 24 months if cannot meet requirements in new state.

Wyoming: May vote absentee until such time as residence requirements are met in new state of residence.

In addition to residency, each of the states with registration systems requires U.S. citizenship as a precondition for voting and sets a minimum age for eligibility. Beyond this, the states have a variety of other requirements ranging from literacy qualifications and provisions barring those in prison or those mentally incapable from voting to the truly exotic, e.g., excluding from the electorate those of "bad character", duelers, Mongolians, those in common law marriages, and so forth. Since these are not of direct concern to our bill they will not be reviewed.

Registration procedures

Beyond the registration requirements themselves, there is the added barrier of the physical means by which prospective voters must qualify to vote. These procedures vary widely from one state to the next and frequently within a state. They are not well understood, but they provide an additional obstacle that those who are otherwise eligible must overcome. (See Table 7.)

As Table 7 shows, the periods provided for registration vary greatly. Some are open for specified periods of time, others are open year around. Some close two weeks or less immediately prior to election day; Texas closes its rolls at the end of January, nine months prior to election day. In all cases, the burden is put upon the individual to familiarize himself with the registration dates and and places and then to register himself, should he meet the qualifications.

Finally, provisions for absentee voting, as Table 8 shows, can be cumbersome. The initiative is placed on the individual to find the time period in which requests for absentee ballots will be honored and his eligibility can be certified (usually beginning 60 to 90 days prior to the election and ending within the week preceding the vote); to contact, in person or by mail as required in law, the proper official (usually a city or county clerk); and, if he qualifies, to insure that his properly marked ballot reaches the designated election official by the time specified in the law. The total burden is placed on the individual to acquaint himself with the diversity of regulations and to meet the specified time limits and qualifications for absentee voting. The process is awkward and discourages voting. (See Table 8.)

Registration and nonvoting

The foregoing introduces state registration qualifications and provides some indication of their effects. In an attempt to establish the causes of non-voting and the groups within the population most seriously affected, the U.S. Bureau of the Census has analyzed the results of recent elections and notably that of 1968. In analyzing the 1968 vote, the Census reported that:

"Higher voter participation was found among men, persons 45 to 64 years old, whites, people living outside the South, those with larger family incomes, and persons in white-collar occupations, especially professionals and managers. Lower participation was more likely among women, persons under 35 years of age and to a lesser degree those 65 and older, Negroes, residents of the South, those of low educational level, those with small family incomes, and persons in unskilled occupations, such as laborers (both industrial and agricultural) and private household workers."

In exploring the contribution of registration systems to non-voting, the Census found that 67.8 percent of the total voting age population participated in the elections. Most impressively, of all those who claimed to be registered, a striking 91 percent (91.2%) also claimed to have voted.

The Census report is based on a person's response as to whether he voted or registered and thus, by the Census' own admission, overestimates both voting and registration. The figures should be valid as to relative trends and proportional relationships. If this is the case, then the earlier contention that registration systems provide the greatest hurdle to voting has substantial merit.

The 27 million people not registered were asked why they had failed to take this initial step to qualify themselves to participate in elections. The largest group, 53 percent (53.3%) said they were not interested in either politics, the election or political process more generally; ten percent (9.9%) reported that they did not register because they were not citizens; eleven percent (11.2%) did not meet residency requirements; thirteen percent (13.4%) were barred from registering because of illness, lack of transportation, inability to take time off from work, and related reasons; ten percent (9.5%) gave other reasons for not registering but ones that the interviewers were not able to place in the major categorizations provided; and three percent (2.6%) either did not know why they did not register or the interviewer reported no reasons.

Residency qualifications were given as a reason for not qualifying with increasing frequency as one climbed the educational ladder; for example, approximately 16 times as many people with five years or more of college offered this explanation than did those with nine years or less of total schooling. Disinterest was given as a reason for not registering proportionately more often by those with the least education, declining in importance with the formal educational achievements of the respondents. Residency was a great barrier to younger potential voters, than to those middle aged or older. Six percent more blacks offered election disinterest or physical barriers to registration as major reasons for their failure to enroll than did whites. The latter reason was of even greater importance for Negro families, averaging nine percent of the norm for all groups.

Over-all, the evidence indicates that a reasonable set of limited registration requirements, coupled with a universal enrollment system, would greatly increase voter turnout, bringing into the electorate groups badly in need of representation, while at the same time making allowance for those who would normally vote but are excluded by physical inconvenience from registering.

A study by Professor William Andrews (W. G. Andrews, "American Voting Participation", Western Political Quarterly ([illegible]), pp. [illegible]) adds an interesting perspective to this analysis. Andrews made a detailed examination of registration and voting in the 1960 election. He estimates that legal restrictions on the vote disqualified approximately 13 million people from participation. In addition, another eight million did not vote because of problems in getting to the polls, traveling at the time. These factors result in the elimination of between [illegible] and 28 million people from the electorate. Of those remaining in what he refers to as the "eligible, able" electorate, 80.5 percent voted.

If these figures, or those of the U.S. Census are close to being accurate, a modification of registration procedures through the enactment of the Universal Voter Enrollment plan would have two major results: a) it would substantially increase the number of eligible voters; and b) it would stimulate a considerably higher voter turnout.

A SOLUTION: UNIVERSAL VOTER ENROLLMENT

There is a way of achieving virtually full enrollment. It is tested, safe, inexpensive and effective. It can vastly increase voter participation. It is Universal Voter Enrollment.

Proven in Canada, Idaho, Washington and in parts of California and elsewhere, it has achieved enrollments of better than 90 percent of the voting age population. Universal Voter Enrollment shifts the initial burden of registration from the individual to the government. Government must move from old and inadequate methods that serve to inhibit voter participation to a new and effective method of enrollment. The United States is virtually the only advanced democratic nation that does not have some variation of the plan in effect.

The plan

In the weeks immediately preceding an election, enrollment officers would visit every residence in the land and enroll every qualified person to vote who does not refuse.

For enrollment purposes, the 435 Congressional Districts—the smallest federal election unit—would serve as the unit for enrolling voters. This assures a local operation of manageable size and of comparatively equal population, as well as one that reflects population shifts over the years. Each District would be placed under the supervision of a local District Director. Teams of volunteer sworn election enrollment officers would be recruited and trained by professional staff personnel in comprehensive canvass and enrollment procedures. They would be assigned limited areas within the District in which they would be responsible for enrolling everyone of voting age population.

The enrollment officers would begin with existing lists of state and local voting registration. In the canvass of every residence, enrollment officers would confirm the accuracy and completeness of the lists. Those already registered would be offered federal enrollment if they desired it. Errors and omissions in existing lists would be reported to local officials. In addition, every qualified person who is located and does not refuse enrollment would be placed on the rolls of the District.

Each enrollee would be given a certificate which he would sign together with the District Roll in the presence of the officer. On election day the enrollee, if not registered for state purposes, would present his enrollment certificate for validation, countersign the District Roll and vote on a special ballot for President and Vice President. If registered for state purposes, he would vote on state ballots, but would have his federal certificate validated as evidence of his having voted.

If the proper authority in a state or election district chose to do so, it could request full state or local registration by the federal enrollment officials. Any jurisdiction which followed this course would have virtually full enrollment at no expense. States or election districts which preferred to perform enrollment functions themselves, [illegible]

To assure coverage of the enrollment effort, and [illegible]

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canvass, advertising on radio, TV, and in newspapers during the weeks of enrollment and for several days immediately preceding the election would inform the people of their duty to enroll and vote and of the procedures for doing so.

No citizen would be barred from voting because of failure to enroll before election day, or loss of enrollment certificate, or absence from his District or from the country. Nor would he be disqualified from voting for President if he changed his place of residence—even the day before the election. He would simply have to complete an affidavit identifying himself, following a procedure no more complicated than that required to cash a check. On completion of the affidavit, he would be permitted to vote, and his ballot would be placed in a sealed envelope with the affidavit attached. If he were voting outside the District—for example, at an American Consulate in a foreign country—his sealed ballot and affidavit would be placed in a special delivery envelope addressed to the District Director of his place of residence. Mailed ballots would receive full franking privileges. When the statements in his affidavit were verified, the envelope containing his ballot would be placed with all other ballots received in this manner, opened, and counted. Perjury or misrepresentation would be a federal offense.

THE NATIONAL ENROLLMENT COMMISSION

To administer and supervise the Universal Voter Enrollment plan, a National Enrollment Commission would be created. The National Director of Enrollment would be the head of the U.S. Bureau of the Census. Acting in this capacity, the National Director's primary responsibility would be to achieve full voter enrollment. To assist him in the execution of his responsibilities, an adequate staff of career personnel would be maintained in the national office.

The National Enrollment Commission would consist of nine members. The Secretary of the U.S. Department of Commerce and the Director of the U.S. Bureau of the Census would serve as members. The balance of the Commission would be appointed by the President with the advice and consent of the Senate. The members appointed by the President would serve terms of six years. No more than five of the members can be members of the same political party.

The Commission would oversee the performance of the National Director of Enrollment, hear complaints, and recommend methods for improving the elective process. The Commission would report to the President.

The Commission would also be charged with maintaining complete records of all election returns and all laws and procedures for every public election district in the nation. These would be available to the public. At present there is no single depository for such information. As a result, it is extremely difficult to obtain complete and accurate election information from existing sources.

The Commission would be authorized to study and comment on the adequacy and fairness of the election processes of any public jurisdiction, but it would have no power over any state, local or special election district officials. The Commission would also be instructed to undertake any study requested by any public election district designed to improve voter participation or guarantee a republican form of government. It would report to the President after each presidential election, evaluating the thoroughness and fairness of the registration effort and presenting the final election returns. Periodically, it would make available studies on the quality of American voter participation.

The District Director in each of the 435 federal election districts would be provided with staff and funds in election years to carry out the duties of his office. Federal Election Enrollment Officers would be volunteer workers serving without compensation. Recruited from civic groups, educational institutions, and individual interest, they would be commissioned as federal officers and subject to federal penalties. They would receive suitable recognition for their public service.

Estimated total costs for the operation of the Commission are $5 million in non-presidential election years and $50 million in presidential election years. This averages less than 50¢ per eligible voter in election years—a small price to pay for the involvement of all citizens in the electoral process.

In more detail, the plan would operate as follows:

I. The National Enrollment Commission

The National Enrollment Commission would enroll all individuals of voting age population for presidential elections. In addition, it would perform a number of duties directly related to its principal concern. The National Enrollment Commission would:

1. Enroll all voters for presidential elections;
2. Report on its enrollment effort and obtain complete and accurate results of each presidential election;
3. Create an election information center, a public repository of all laws, regulations and procedures and data on voter participation and election results for federal, state, local and special district elections;
4. Study the elective process to assure full voter participation, integrity and efficiency in federal, state and local elections with authority to advise and consult with governmental and non-partisan private groups seeking to improve the democratic process and to report on elections and election practices and recommend techniques for their perfection;
5. Aid and assist governmental and private non-partisan efforts to achieve full voter participation;
6. Train federal enrollment officers and provide training programs for state and local election officials on request.

The National Enrollment Commission would assure all qualified individuals of their right to vote for president and serve an educational function by providing information and analyses relevant to elections. It would collect election laws and the results of public elections held in the United States and make these available to all interested groups and individuals.

The National Enrollment Commission would be non-partisan. The Director would be the Director of the Bureau of the Census. The Director would supervise the National Enrollment Commission as its chief executive officer.

The Commission would have professional staff of adequate size to perform its duties. Its division would include: (1) enrollment services, (2) information, (3) research, and (4) training. The operating budget of the Commission would approximate $5 million annually.

The operating budget would be increased substantially in presidential election years to approximately $50 million. The major portion of the additional expense would be to cover the costs of enrolling all eligible voters through door-to-door contact.

District Directors

In election years, the Director of the National Enrollment Commission would appoint 435 District Directors—one for each of the Congressional Districts—to supervise the enrollment of voters within their districts.

The District Director's position would be unsalaried.

The District Director would have one responsibility—preparing for and supervising the enrollment of all voters in his district.

The District Director would receive a grant of up to 50 cents for every person of voting age residing in the district to cover enrollment expenses.

Any state or local governmental agency operating throughout a Congressional District where 90 per cent or more of the eligible eloctorate is enrolled through local efforts prior to July 1 of any Presidential election year may receive the federal funds available for the District as a grant-in-aid to help defray registration and election costs. A state reaching a 90 per cent or better enrollment of its eligible voters may receive a sum equivalent to the federal funds available for all Congressional Districts within its borders that attain a 90 per cent or better registration.

District staff director

The District Director would also have responsibility for hiring a Staff Director to serve for a six-month period (July 1-December 31) during each Presidential election year to supervise administration of the enrollment program in the district. This position would be compensated at an attractive salary to obtain the full time services of a well qualified individual who might take leave of absence from business, education or a profession.

The National Enrollment Commission and its Director would provide the local District Director and his staff with supervision, training and all possible aid in enrolling voters in their districts.. The emphasis would be on decentralizing administrative responsibilities and performance. The system as a whole must be flexible and with the capacity to adjust to the peculiar demands and enrollment needs of each of the districts.

The district board

Each district shall have a review board of at least five members nominated in equal numbers by the political parties whose candidates received more than 10 per cent of the vote in any public education covering the entire district within the past four years. Whenever an additional board member is necessary to achieve an add number of board members, the District Director shall appoint one member to the Board.

The District Director shall:

1. Consult with, advise, and recommend methods for full enrollment and fair election procedures to the District Director.
2. Review complaints and report its findings to the District Director and the National Enrollment Commission.

Enrollment officials

The Staff Director, under the supervision of the District Director, and in consultation with the District Board would recruit individuals to conduct the actual enrollment of citizens. This service would be voluntary and the enrollment officers would not be financially compensated.

The enrollment officials would be drawn from civic groups, political party workers, or other organizations and individuals who might want to volunteer their services. Each district should recruit not fewer than one enrollment officer for each one hundred persons of voting age in the district.

In performing their duties, enrollment officers would be administered oaths of office as public officials and subject to legal penalties for any prospective abuse of their offices.

Enrollment officers would be required to attend training sessions prior to participating in the enrollment of voters.

II. The enrollment of voters

The quadrennial enrollment of voters would begin on the first Monday in October and would be concluded by the end of the third week in October. The enrollment drive would be short and intensive. It is intended to coincide with the interest and enthusiasm generated during the campaign period. Enrollment activities would complement party and candidate efforts and should help to stimulate interest in the election and a higher turnout on election day.

Enrollment officials would be required to make a minimum of two personal calls at every place of residence in the district, if all

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voting age residents were not contacted on the first visit. If the personal visits fail to reach every voting age resident, the enrollment official would be required to leave notification of the times and places where the individual would be able to enroll.

The enrollment officials would be required to compare their enrollment lists with all other available voting lists compiled by state or local governmental agencies to insure that no eligible voter had been omitted from the enrollment.

If the proper state and/or local authorities requested it, enrollment officials would enroll voters for state and/or local elections at the same time they were enrolling them for the Presidential election.

Also, if the state or local authorities requested it, the federal enrollment lists would be made available to the proper state or local agencies to update their enrollment records or to serve as a guide to the voting age population.

Any enrollment list not turned over to state or local authorities for the purpose specified would be destroyed within one month of the official certification of the election results. No registry of citizens would be maintained at the national or district level.

When an individual was enrolled as a voter he would receive a card certifying his enrollment. The card would bear the individual's name, his address and his signature, in addition to the signature of the enrolling official. The same information would appear on the list compiled by the enrollment official and would be available at the polls on election day.

The individual would present his voter card to the election officials at the polls on election day. The card would be validated by the election officials. The voter would also sign the enrollment registry beside the signature obtained at the time of his enrollment. These procedures would safeguard the integrity of the election.

The enrollment as described would qualify an individual to vote for the President and the Vice President. If an individual has registered under state law prior to federal enrollment, he need not enroll to vote for President.

Any individual who was eligible to vote yet whose name did not appear on the enrollment lists would have two options after the regular enrollment period had ended:

1. He could contact the District Director or other designated officials who would have the power to determine the individual's eligibility and add his name to the enrollment list, or

2. He could appear at the polls on election day, sign an affidavit that he was eligible to enroll and cast a special ballot for the President. The ballot would be sealed and then placed in an envelope with the affidavit supporting enrollment. It would be the duty of the District Director to determine the voter's eligibility. If found eligible, the ballot would then be counted along with all others cast in this manner and the results added to the election tally.

An individual who loses his enrollment card could still vote. His ballot would be held separately, under procedures described above, until his eligibility was determined by the local election officials from the information in the affidavit.

An individual absent from his home district, but otherwise eligible to vote in the election, could vote for the President at another polling place. To do so, he would have to provide the local election officials with proper identification—name, address, signature, plus personal identification similar to that for cashing a check. The burden of proof in this case would be placed on the individual. Special ballots could be provided for these contingencies. These ballots would be air mailed, special delivery—franking privileges would be provided—to the individual's home District Director. He would determine the eligibility of the voter and then count his sealed ballot along with the others received in this manner.

UNIVERSAL VOTER ENROLLMENT AND STATE PRACTICES

Universal Voter Enrollment is not outside the nature of current registration practices in the United States. It is primarily an extension of present and very successful registration procedures in many of the states, procedures which have led to increased voter participation. A brief look at the basic features of the registration systems employed by Utah, Idaho, Washington and California will illustrate.

The state of Utah had a phenomenally high 1968 estimated registration of 97.8 percent. Utah's registration requirements themselves are of about average difficulty. The emphasis on registration is on bringing it close to the people. Local registration agents, appointed by the County Commissioners, establish and publicize—either through a local newspaper or by notices posted in public places, as required by law—their names, the dates and hours for registering, and the centrally located place within the election district where residents may enroll. In addition to the local agents, individuals may also register with the County Clerk up to 10 days before the election. Mail registration is possible if an individual is absent from the county. It appears that Utah's near perfect voter registration record is due to the ability of the voter registration system to keep registration opportunities as close to the individual as possible. The basic concept of Universal Voter Enrollment brings the process one step closer by having the registrar go to the individual's home and enroll him.

In 1968 the state of Idaho had an estimated 91.4 percent of its potential electorate registered to vote, compared with a national average of 77.8 percent. This ranks the state second only to Utah in this regard.

The principal features of Idaho's registration system are its simplicity, its attempt to decentralize registration centers and give responsibility to local units, and its aggressive search to include new registrants on the voting lists. Local registrars are enlisted for each precinct in the February preceding the election. They set up registration centers in their homes or places of business within the precinct. They also can canvass door-to-door and register voters. New housing developments, small population centers, or the like (for example, mobile housing areas) can request that one of their members be commissioned registrar or deputy registrar with authorization to enroll all the inhabitants. This permission is given virtually without exception. Registration is permitted up to the Saturday preceding the Tuesday's election. Over-all, the Idaho practices are very simple, localized and very successful. The emphasis is on taking the registration to the voter to the extent possible.

The state of Washington ranked third in the nation in 1968 in registration with an estimated 90 percent (89.7%) of the potential voters registered. Washington's registration system is characterized primarily by an evident desire to attempt to register as many people as possible rather than by any unusually facilitative or easy registration requirements. Conveniently positioned local registration centers are set up fifteen days prior to the close of registration in local precinct areas. Door-to-door registration is permitted and encouraged. In addition, portable mobile registration units can be sent into neighborhoods to increase registration opportunities. These practices are perhaps the greatest stimulant to a high registration. In effect, the government eases the citizen's burden by assuming responsibility for taking the registration to him.

Another state with a similar registration plan is California. The outstanding feature of California's registration system is the freedom and flexibility given local registrars to determine the means to be used in contacting potential voters. Community groups can actively seek out and register voters, door-to-door registration can be employed, and mobile registration units can be sent into localities. In addition, the more conventional media outlets for publicizing registration drives can be supplemented with sound trucks sent through election districts to encourage voters to register.

As a result of very effective and highly successful enrollment programs these states have equally impressive voter turnout records. In the 1968 presidential election, the state of Utah led the nation with a turnout of 76.1 percent, as compared with a national average of 61 percent. Idaho has been either the first or second state in the proportion of voters participating in the last three elections. In 1960 it had a turnout of 80 percent, and for the election years of 1960, 1964 and 1968, it averaged a turnout of 78 percent. Similarly, the state of Washington's voter turnout record in 1968 was 71 percent, ten points above the national average.

The significance of the unusually high voter turnout records in Utah, Idaho and Washington must not be overlooked. It is apparent that the increased voter participation in these states is due to a voter registration system that emphasizes the responsibility of government to bring registration opportunities, to the extent practical, to the voter, primarily by localizing registration centers within precincts. And the Universal Voter Enrollment plan, which likewise places the responsibility for registering voters on the government rather than an individual's willingness and initiative in meeting and over-coming a series of government inspired obstacles to his participation, is primarily an extension to the national level of present practices in many states. Clearly not a radical approach to voter registration, the Enrollment plan fits in well with the American system. The plan will increase participation in the democratic process by enabling as many people as possible in the United States to take part in elections. The importance of citizen participation in a democracy cannot be over-stated and must not be overlooked.

THE CANADIAN SYSTEM

There are possible alternatives to the registration plan proposed here. One example is the Canadian enrollment system. In the Canadian system there are two enumerators for each polling district (roughly 250 to 300 people). The two political parties with the highest number of votes in the last election each nominate an enumerator for each urban area. These enumerators, acting as a team, enroll the voters in a door-to-door canvass similar to that proposed in the Universal Voter Enrollment plan.

Enumerators begin enrolling voters 49 days prior to the election. They must go to each residence together at least once during daylight hours and, if they fail to contact the prospective voter, once during the evening. They must also notify residents who are not contacted where the enumerators may be reached.

On the 42nd day prior to the election, the enumerators must return a complete copy of their enrollment list to the "returning officer", an individual in charge of the over-all district's enrollment. The enumerators must also post the list in a public and conspicuous place. Procedures are made available for people omitted from the list to have their names entered on the roll.

Enumerators receive a fee of $32 plus 10c for each elector on their list of electors, a practice roughly similar to that in use in the state of Idaho.

The practice in rural areas is for the government to appoint the enumerators and

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there is only one enumerator per polling division. In other respects the system is generally the same, the basic divergencies allow more flexibility in reaching prospective voters scattered over widely diverse geographical areas. In these respects, the Canadian practices are similar to those in Alaska, South Dakota and more rural areas in the United States.

WHY THE SPECIFIC PROVISIONS OF UNIVERSAL VOTER ENROLLMENT PLAN

The intention of the Universal Voter Enrollment plan is to register as many people of the voting age population as possible. The Director of the Bureau of the Census was placed in charge of the operation because he is a non-partisan figure of integrity and the one person in the government with experience in the type of operation envisaged in a residential canvass of all prospective voters.

The duties of the National Director of Enrollment are detailed in the Act. He shall supervise the enrollment of all people who meet state registration qualifications. The only exception to this practice is in the case of residency. It is felt that any individual in the country should have the opportunity to vote for president and vice-president. State residency qualifications should not preclude them from voting in presidential elections.

The National Director of Enrollment would also assist people in voting, provide studies and information on our enrolling and voting practices, advise states on the mechanics of their election problems as requested, collect the results of all elections and make these available to the public and record all the laws covering election jurisdictions. There is no agency in the United States that now provides such badly needed services.

The enrollment of voters would take place in the three week period immediately preceding the week of the election. Thus, the enrollment of voters would coincide with the campaigns for public office, reinforcing the voter's interest and encouraging him to vote on election day.

Every person enrolled to vote in presidential elections shall meet the state qualifications except residency. The person's name and signature shall be entered on an enrollment roll. When he votes, he shall again sign the enrollment roll. These safeguards should promote the integrity of elections and, combined with the residential canvass, should make for the most precise registration system this country has known.

Each enrollee, in addition, will be given an enrollment certificate inscribed with the person's name, address and signature plus the name of the enrolling officer. When he votes, the individual will present this enrollment cerificate in addition to signing the enrollment roll.

Should a person fail to register prior to election day for any reason, he may—

(1) contact the election official in his district who will have the authority to validate an individual's qualifications and add his name to the enrollment roll, thus enabling him to vote, or

(2) appear at the appropriate voting place on the day of election, sign an affidavit stating that he meets the requirements for enrollment and voting, in which event he will be enrolled and may cast a special ballot for the offices being contested.

These special ballots will be checked by the election officials in each district to determine the eligibility of those casting them to vote. The same procedure with regard to special ballots will also apply in the case of an individual who misplaces his enrollment certificate.

Any person absent from the election district in which he is eligible to vote will be permitted to cast a special absentee ballot provided at a voting place in any other election district upon presentation to the appropriate election officials of identification showing his name, address, and signature. The special absentee ballot will be mailed, registered mail, special delivery, air mail to the voter's home election district, where the election official will determine whether such person was eligible to vote.

These procedures should protect the integrity of elections. They provide adequate means of determining all bone fide voters. They also allow everyone who is eligible to exercise his right to vote.

The bill does not provide for any national registry. The reasons for this are many. A national registry of citizens could abuse the privacy of the individual. The arguments made before congressional committees against a national data bank apply with equal force to a national registry. There seems to be no need under the provisions of the Universal Voter Enrollment to maintain a dossier on each individual. Rather, the bill provides that the enrollment rolls for each jurisdiction be destroyed within 30 days after the results of the election have been certified unless they are turned over to a state, at the state's request, for use in the state's registration system.

The idea of identifying each individual as he comes of voting age, sending him an enrollment card and then maintaining a permanent roll of all voters holds some attraction. However, there are problems in identifying all prospective voters that the authors of the bill could not overcome. The most feasible means of achieving this would be to have all people register within a specified time period when they reach voting age. There is a compulsory connotation to such a system which could be troublesome to enforce. Also, the idea of government stimulating registration as it does in the bill, rather than forcing registration, is more in keeping with the American experience.

The possibility of establishing a centralized file of registrants with basic data available of direct concern to their registration has several additional problems implicit in its realization. It would be difficult to establish a data center based on present data repositories. Assessments of these repositories conclude that their files are not complete, even the most comprehensive are selective in their focus, and much of their information is dated (addresses, for example) and/or incorrect, and the number of people involved is limited, as befits the specific focus of the agency involved.

Even if the data from all repositories—as it pertains to a registration file—could be pooled, many of the same inadequacies would remain. Many people would not be reached and the accuracy of much of the information would be suspect.

Keeping the data bank on registration current and applicable—allowing for changes of address, newly-eligible members of the electorate, and those disqualified for varying reason (e.g., a criminal conviction)—would represent a continuing and difficult problem to overcome. Where the pressure is not present for annual purification of the files, similar, say, to the Internal Revenue Service, the scope of the problem would increase.

In view of the problems presented by the establishment and maintenance of a national registery of citizens, the authors of the bill concluded that it was not feasible to include a provision for a national registry in the Universal Voter Enrollment system.

The congressional district was chosen as the enrollment unit because it is the federal jurisdiction closest to the voter. Also, it is large enough, on the average of 600,000 per district, to allow for centralized enrollment procedures and normally is of compact enough geographical size to permit efficient enrollment procedures.

The Commission is established in the bill to supervise the overall enrollment procedures. With the exception of the Secretary of Commerce and the Director of the Bureau of the Census, the members are appointed by the President for six year terms with the advice and consent of the Senate. The Commission as constituted is intended to insure an objective, non-partisan and comprehensive enrollment of all voters. It should be composed of nationally known citizens of unquestioned integrity, and its powers to hear and publicize complaints should help insure open and fair enrollment procedures.

The Commission should be provided with staff and legal powers adequate for the obligations it undertakes in the Act.

The Universal Voter Enrollment plan is not intended to intrude on the states in any manner. Its enrollment powers are confined to presidential elections, although the states, if they so desire, are free to employ the enrollment rolls as the basic registration list in their own elections. Further, under the provisions of the act, a state would receive $100,000, the estimated costs of enrollment in a district under the Universal Voter Enrollment plan, for every congressional district in the state with 90 percent or better enrollment. This practice would reward the state for its efforts and help to defray some of the expense and it would relieve the Director of National Enrollment from registering voters in the District.

The costs of the plan, based on estimates taken from Census and other sources, are under $5 million in non-election years and $50 million in election years. At less than 50¢ per voter, this is a very small investment to make for a more vital and responsive political system.

CONCLUSION

The Universal Voter Enrollment plan meets one of the greatest deficiencies in American government. It provides a means for registering individuals, 47 million of whom did not vote in the last presidential election. It is safe, tested and designed within the framework of the American experience. It should be enacted now.

The bill proposing the Universal Voter Enrollment plan is as follows:

H.R. 19010

A bill amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency. This Act is to be known as the Universal Enrollment Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Universal Enrollment Act of 1970.

NATIONAL DIRECTOR OF ENROLLMENT

Sec. 2. (a) The Director of the Bureau of the Census shall serve as the National Director of Enrollment.

(b) The National Director of Enrollment may appoint additional staff personnel as deemed advisable and develop the procedures deemed necessary to enroll quadrennially all citizens to vote for President and Vice President who meet the qualifications of the various states except residency.

DUTIES OF THE NATIONAL DIRECTOR OF ENROLLMENT

Sec. 3. The National Director of Enrollment shall—

(a) establish and supervise a Federal system for the enrollment of all persons who meet the qualifications for enrollment in the State in which they reside, except that there shall be no residency requirement for President or Vice President;

(b) assist and encourage all qualified persons to enroll to vote in Federal elections;

(c) conduct a continuing study of Federal, State, and local election practices and procedures;

(d) provide advisory, educational, and informational services to State and local authorities regarding elections;

(e) encourage and foster, to the maximum extent possible, State and local efforts to achieve full voter participation in elections;

(f) collect the results of all Federal elections held in the United States, analyze such results in a manner to enable the voters to better understand such results, and provide for the publication of such results and analyses;

(g) compile and maintain the laws and procedures in effect for each election jurisdiction in the United States and make such information available upon request to any interested person;

(h) provide assistance upon the request of local communities to assist such communities in solving their election problems.

ENROLLMENT OF VOTERS

SEC. 4. (a) The program to enroll all unenrolled persons in any State who have the qualifications for enrollment in such State shall be carried out during a three week period immediately preceding the week in which the Presidential election is to be held in such State.

(b) During the enrollment period referred to in subsection (a), national enrollment officials acting under the supervision of the National Director of Enrollment shall conduct an intensive drive to enroll all persons who meet the qualifications for enrolling as voters in each election jurisdiction and who have failed to enroll under State law.

(c) No person shall be enrolled by a national enrollment official unless it is determined by such official that such person meets the qualifications prescribed by the laws of the States concerned for enrolling for voting in Federal elections. Whenever such determination has been made with respect to any person his name shall be entered on an enrollment roll compiled by the national enrollment officials for the election district concerned.

(d) Each person who is found to be qualified to enroll to vote shall be issued an enrollment certificate in such form as may be prescribed by the Commission containing the person's name, address, and signature, and the name of the national enrollment official concerned. The identical information shall appear on the enrollment roll referred to in subsection (c). The enrollment roll containing a person's name and other information shall be available at the particular voting place within the election jurisdiction where such person may vote.

(e) Any person enrolled to vote pursuant to this section shall be permitted to vote in the same Federal elections which he would have been permitted to vote had he enrolled under State procedures. When any such person appears at the appropriate voting place to vote he shall be required to present the enrollment certificate issued him pursuant to subsection (d). He shall also be required to sign the enrollment roll a second time beside his first signature.

(f) In any case in which a person has failed for any reason to enroll to vote prior to election day and otherwise meets the State qualifications for voting with the exception that there shall be no residency qualification for voting for President and Vice President as provided in section 3, subsection (a), he may—

(1) contact the election official in charge of the election district concerned and he shall have the authority to validate such person's qualifications and add his name to the enrollment roll, and such person shall be permitted to vote, or

(2) appear at the appropriate voting place on the day of election, sign an affidavit stating that he meets the requirements for enrollment and voting, in which event he shall be enrolled and may cast a special ballot for the offices being contested.

A special ballot cast pursuant to clause (2) shall be placed in an envelope and sealed with information relating to the enrollment of the voter. The election official concerned shall have the responsibility of determining the eligibility of such person to vote in such election. If the election official determines such person was eligible to enroll and vote the ballot shall be counted together with other ballots cast in the same manner and shall be added to the final election tally.

(g) Any person who appears at the appropriate voting place on the day of election and signs an affidavit stating that he was issued an enrollment certificate under this section but has lost such certificate shall be permitted to cast a special ballot for the offices being contested. The same procedure with respect to a special ballot cast under this subsection shall be followed as in the case of a special ballot cast under subsection (f).

(h) Any person absent from the election district in which he is eligible to vote shall be permitted to cast a special absentee ballot provided at a voting place in any other election district upon presentation to the appropriate election officials of identification showing his name, address, and signature. A special absentee ballot cast pursuant to this subsection shall be mailed, registered mail, special delivery, air mail to the election official of the election district in which such person is eligible to vote. The election official shall determine whether such person was eligible to vote and, if it is determined such person was eligible to vote, the sealed ballot cast by such person shall be counted in the same manner as special ballots cast pursuant to subsection (f). All special ballots cast pursuant to this section shall be sealed separately from other ballots cast in the same manner or in any manner that would permit identifying a particular voter with a particular ballot. Special absentee ballots mailed pursuant to this subsection shall be transmitted by the United States Post Office Department without charge.

(i) National enrollment officials, as well as all other election officials and the staff under the supervision of the National Director of Enrollment, shall be considered public officials for the purposes of section 201 of title 18, United States Code.

ENROLLMENT INFORMATION

SEC. 5. (a) No national registry of persons shall be compiled or maintained.

(b) The enrollment roll compiled in any congressional district pursuant to this Act shall be made available to any State or local election officials upon request and permanent possession of such enrollment roll shall be given to any such official 30 days after the results of the election have been certified if a request has been made therefor. Otherwise, the enrollment roll in each election district shall be destroyed by the election official 30 days after the election results have been certified.

ESTABLISHMENT OF COMMISSION ON FEDERAL ELECTIONS

SEC. 6. (a) There shall be established a Commission to be known as the National Enrollment Commission (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of nine members, seven of whom shall be appointed by the President by and with the advice and consent of the Senate. The Secretary of Commerce and the Director of the Bureau of the Census shall serve as members of the Commission. Not more than five of the members shall at any one time be of the same political party. Members of the Commission shall be appointed for a term of six years, except that the terms of office for the first members appointed shall be as follows: three members shall be appointed for terms of two years; two members shall be appointed for terms of four years; and two members shall be appointed for terms of six years. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed may be appointed only for the unexpired term of his predecessor.

(c) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. Neither the Chairman nor the Vice Chairman shall be full-time federal employees. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitations with respect to party affiliations as the orginal appointment was made.

(e) Five members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 7. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $150 per day for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of chapter 57 of title 5, United States Code.

DUTIES OF THE COMMISSION

SEC. 8. (a) The Commission shall—

(1) consult with, advise, and recommend to the National Director of Enrollment, appointed under section 2 of this Act, methods for effectively carrying out the duties of the Commission under this Act;

(2) review complaints of malfeasance and nonfeasance against the National Enrollment Director or those under his jurisdiction and report to the President the results of the Commission's review;

(3) recommend to the National Enrollment Director how enrollment programs in specific election jurisdictions should be improved;

(b) The Commission shall submit an annual report to the President and to the Congress not later than June 30th each year of its activities under this Act together with such recommendation for legislative or administrative action as it deems advisable.

STAFF

SEC. 9. (a) The Commission may appoint and fix the compensation of such staff personnel as it deems advisable; and may procure temporary and intermittent services to the same extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

ADDITIONAL POWERS OF THE COMMISSION

SEC. 10. (a) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before

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such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated members of the Commission, and may be served by any person designated by the Chairman or such member.

(b) In the case of contumacy or refusal to obey a subpena issued under subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this Act. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this Act.

DISTRICT DIRECTORS

SEC. 11. (a) In each year in which a Federal election is held, the National Director of Enrollment shall appoint a District Director for each congressional district. District Directors shall be residents of the congressional district.

(b) It shall be the responsibility of the District Director in each congressional district to organize and supervise the enrollment of all persons residing in such district who can meet the qualifications for voting in Federal elections in the State in which they reside but have failed to enroll to vote.

(c) District Directors shall be paid at a rate not to exceed $100 a day for individuals.

(d) Except as provided in subsection (e), in any year in which a Federal election is held in any State the Commission shall allocate not more than $100,000 per congressional district to the District Director for the purposes of carrying out the provisions of this Act.

(e) (1) Where the Commission finds that 90 per centum or more of the persons qualified to enroll to vote in Federal elections in any congressional district were acutally enrolled to vote in the most recent Federal election, the Commission shall grant to the appropriate State and local officials of such congressional district the sum of $100,000 to help defray enrollment and election costs incurred in such district. Whenever a grant is made under this paragraph no grant shall be made under subsection (d).

(2) When the Commission finds that 90 per centum or more of the persons qualified to enroll to vote in Federal elections in any State were actually enrolled to vote in the most recent Federal election, the Commission shall grant to such State a sum determined by multiplying $100,000 by the number of congressional districts in such State qualifying for grants under paragraph (1) of this subsection. Grants made under this paragraph shall be for the purpose of helping the State defray the cost of conducting Federal elections and maintaining full voter enrollment.

DISTRICT STAFF DIRECTORS

SEC. 12. The National Enrollment Director for each congressional district not qualifying under the provisions of section 7, subsection (e) (1) or (2) shall employ a District Staff Director for a period of six months, beginning July 1, in each year in which Federal elections are held. The District Staff Director shall assist the District Director in supervising the enrollment program carried out in the district. The salary of District Staff Directors shall be fixed by the Commission.

REGISTRATION OFFICIALS

SEC. 13. (a) The District Staff Director, under the supervision of the District Director, in each congressional district shall recruit persons to serve as national enrollment officials. It shall be the duty of such officials to enroll persons who meet the State requirements to enroll and vote in Federal elections with the exception that there shall be no residency requirement for President or Vice President.

(b) Persons who are recruited to serve as national enrollment officials shall be given a brief training course prior to assuming any enrollment duties under this Act. The training program shall be conducted under the supervision of the District Director concerned in accordance with regulations prescribed by the Commission. The duties of national enrollment officials shall be prescribed by the Commission. The duties of national enrollment officials shall be prescribed in regulations promulgated by the Commission and such duties shall be carried out in each congressional district under the supervision and control of the District Director and the District Staff Director of such congressional district. Persons recruited to serve as national enrollment officials shall serve voluntarily without compensation.

(c) National enrollment officials, as well as District Directors, District Staff Directors and their staffs, shall be considered public officials for the purposes of section 201 of title 18, United States Code.

DEFINITION

SEC. 14. As used in this Act, the term "Federal election" means any general or special election held solely or in part for the purpose of electing any candidate for the office of President, Vice-President or presidential elector.

TABLE 1.—DIFFERENTIAL TURNOUT RATES BY CLASSES OF COUNTIES

I. OHIO

	Registration category by county		
	Full	Partial	None
1932:			
Mean turnout [1]		67.5	79.5
Standard deviation		6.31	7.20
N		28	59
1936:			
Mean turnout [1]		73.1	82.6
Standard deviation		6.04	6.84
N		28	59
1948:			
Mean turnout	58.3	58.3	64.3
Standard deviation	5.46	4.70	5.76
N	6	25	57
1952:			
Mean turnout	66.9	71.4	75.0
Standard deviation	4.43	4.56	5.52
N	17	17	54
1956:			
Mean turnout	64.6	67.5	71.6
Standard deviation	5.30	3.40	6.14
N	22	15	51
1960:			
Mean turnout	66.2	73.4	78.6
Standard deviation	13.45	4.46	5.35
N	28	12	48

[1] Excluding Cuyahoga.

REGISTRATION CATEGORY BY COUNTY (EXCLUDING PHILADELPHIA)

II. PENNSYLVANIA

	Registration	No registration
1920:		
Mean turnout	41.9	48.2
Standard deviation	5.14	6.61
N	29	37
1924:		
Mean turnout	46.0	52.8
Standard deviation	5.09	7.05
N	29	37
1932:		
Mean turnout	51.6	61.6
Standard deviation	5.37	7.81
N	30	36
1936:		
Mean turnout	70.2	80.0
Standard deviation	5.91	7.43
N	30	36

Source: Compiled by Prof. Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Mo.

TABLE 2.—OCCUPATION AND 1960 TURNOUT CORRELATED FOR 83 ELECTORAL UNITS, BALTIMORE, MD.

Occupation	1960 turnout
Professional-managerial	+0.706
Other white collar	+.610
Skilled and semi-skilled	−.572
Unskilled	−.695

Source: Compiled by Prof. Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Mo.

TABLE 3.—REGISTRATION AND VOTING IN THE 1968 PRESIDENTIAL ELECTION, BY SOCIO-ECONOMIC CHARACTERISTICS

	Population of voting age	Registered	Percentage registered	Voted	Percentage voting
Total	116,535	86,574	74.3	78,964	67.8
Race:					
White	104,521	78,835	75.4	72,213	69.1
Negro	10.935	7,238	66.2	6,300	57.6
Residence:					
Metropolitan areas	75,756	55,593	73.4	51,503	68.0
In SMSA's of 1,000,000 or more	41,395	30,689	74.1	28,631	69.2
In central cities	18,841	13,427	71.3	12,373	65.7
Outside central cities	22,518	17,262	76.6	16,258	72.2
In SMSA's of under 1,000,000	34,397	25,905	75.3	22,873	66.5
In central cities	16,776	12,047	71.8	10,994	65.5
Outside central cities	17,621	12,858	73.0	11,879	67.4

Footnotes at end of table.

	Population of voting age	Registered	Percentage registered	Voted	Percentage voting
Residence—Continued					
Nonmetropolitan areas	40,778	30,981	76.0	27,461	67.3
Nonfarm	35,255	26,454	75.0	23,501	66.7
Farm	5,524	4,527	81.9	3,960	71.7
Education:					
Elementary:					
0 to 4 years	5,926	2,937	49.6	2,278	38.4
5 to 7 years	9,687	6,108	63.0	5,072	52.4
8 years	14,817	10,627	71.7	9,242	62.4
High school:					
1 to 3 years	20,429	13,987	68.5	12,519	61.3
4 years	39,704	30,859	77.7	28,768	72.5
College:					
1 to 3 years	13,312	11,038	82.9	10,443	78.4
4 years	7,974	6,899	86.5	6,627	83.1
5 plus years	4,685	4,120	87.9	4,016	85.7
Occupation:					
White-collar workers	33,709	28,167	83.5	26,898	79.8
Manual workers	25,229	17,434	69.1	15,719	62.3
Service workers	8,078	5,615	69.5	5,068	62.7
Farm workers	2,987	2,380	79.7	2,087	69.9
Family income:					
Under $3,000	11,293	7,381	65.3	6,037	53.5
$3,000 to $4,999	14,557	9,641	66.2	8,435	57.9
$5,000 to $7,499	22,870	16,475	72.0	15,019	65.7
$7,500 to $9,999	18,920	14,807	78.3	13,806	73.5
$10,000 to $14,999	19,744	16,333	82.7	15,496	78.0
$15,000 and over	9,707	8,521	87.8	8,162	84.1

Note: The numbers are in the thousands and the figures are for the civilian noninstitutionalized population.

TABLE 5.—VOTER REGISTRATION RESULTS FROM VOTING RIGHTS ACT OF 1965, BY RACE

State	Percent registered	
	Prior to Act	1968
Alabama:		
Nonwhite	19.3	51.6
White	69.2	89.6
Arkansas:		
Nonwhite	40.4	62.8
White	65.5	72.4
Florida:		
Nonwhite	51.2	63.6
White	74.8	81.4
Georgia:		
Nonwhite	27.4	52.6
White	62.2	80.3
Louisiana:		
Nonwhite	31.6	58.9
White	80.5	93.1
Mississippi:		
Nonwhite	6.7	59.8
White	69.9	91.5
North Carolina:		
Nonwhite	46.8	51.3
White	96.8	83.0
South Carolina:		
Nonwhite	37.3	51.2
White	75.7	81.7
Tennessee:		
Nonwhite	69.5	71.7
White	72.9	80.6
Texas:		
Nonwhite	[1] 53.1	61.6
White		53.3
Virginia:		
Nonwhite	38.3	55.6
White	61.6	63.4

[1] A breakdown by race is not available.

Source: Political Participation: A Report of the United States Commission on Civil Rights (Washington, D.C.: U.S. Government Printing Office, 1968), pp. 12–13.

TABLE 4.—*Restrictions on the vote in Louisiana and Idaho (persons prohibited from voting)*

IN LOUISIANA

Those who are not U.S. citizens.

Those who do not meet residency requirements.

Those under 21.

Those who fail literacy test.

Those judged insane or placed under guardianship.

Those who commit a felony.*

Inmates of prison.

Inmates of charitable institutions.

Deserters.

Those dishonorably discharged from military service (unless pardoned).

Those of bad character.

Those convicted of a crime carrying 6 months or more imprisonment.

Those in "common law" marriages.

Parents of illegitimate children.

IN IDAHO

Those who are not U.S. citizens.

Those who do not meet residency requirements.

Those under 21.

Those judged insane or placed under guardianship.

Those who commit a felony.*

Prostitutes.

Persons who frequent houses of ill fame.

Persons who lewdly cohabit together.

Those in prison.

Those convicted of a criminal offense.

Bigamists.

Polygamists.

Those living in or encouraging others to live in "patriarchial, plural or celestial marriages."

Those who teach state laws are not supreme.

Those of Chinese or Mongolian descent.

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*Unless civil rights have been restored.

Source: See tables that follow

TABLE 6.—STATE RESIDENCE REQUIREMENTS

State	In State	In county	In precinct	In city	Presidential waiver	Former residents
Alabaama	1 year	6 months	3 months		None	
Alaska	do		30 days		No residence requirement, special ballot	May vote absentee for President until new State requirements are met.
Arizona	do	30 days	do		Not less than 60 days and registered voter in previous State.	May vote for 15 months after leaving State if cannot vote in new State.
Arkansas	12 months	6 months	1 month		None	
California	1 year	90 days	54 days		At least 54 days but less than 1 year, special ballot.	
Colorado	do	do	22 days if moved to another county within 90 days of election.		Not less than 6 months in State, 90 days in county; 15 days in precinct absentee absentee ballot.	
Connecticut				6 months	At least 60 days but less than 6 months at town clerk's office within 30 days of election.	May vote absentee in old town 24 months if cannot qualify in new State.
Delaware	do	90 days	30 days		At least 3 months may register for a Presidential ballot, only in Wilmington and vote in Wilmington on election day.	
District of Columbia	do				None	
Florida	do	6 months			No residence requirement, must register between 45th and 75th days prior to election, must cancel old registration, must vote by 5 p.m. of day before election.	
Georgia	do	do			At least 30 days but less than 1 year and registered voter in previous State, special location.	
Hawaii	do	3 months [1]			Must meet all requirements to vote except residency, special ballot.	
Idaho	6 months	30 days	90 days (for county seat election)		At least 60 days but less than 6 months, special absentee ballot.	
Illinois	1 year	90 days	30 days		Less than 1 year in State or 90 days in county but in election district at least 60 days before election, special ballot.	
Indiana	6 months	60 days (township)	do		None	
Iowa	do	60 days	10 days (for municipal and special).		None	
Kansas	do		30 days		At least 45 days but less than 6 months in township, precinct or ward, special ballot.	
Kentucky	1 year	6 months	60 days		None	

Footnotes at end of table.

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TABLE 6.—STATE RESIDENCE REQUIREMENTS—Continued

State	In State	In county	In precinct	In city	Presidential waiver	Former residents
Louisiana	1 year	6 months	3 months		Less than 1 year and registered voter in previous State special ballot.	
Maine	6 months			3 months	No residence requirement, special ballot.	
Maryland	1 year	6 months (or city)	6 months (if less vote in old precinct).		Less than 6 months in State provided resided in ward or election district at least 45 days before election.	
Massachusetts	do			6 months (or town).	Less than 1 year but at least 31 days in city or town preceding election, special absentee ballot.	
Michigan	6 months			(2)	Less than 6 months but more than 30 days and is ineligible to vote in old State, special ballot.	May vote after leaving State if cannot vote in new State.
Minnesota	do		30 days (if less may vote in former precinct if in same municipality)		Less than 6 months must apply at least 30 days prior to election, special ballot.	
Mississippi	1 year	1 year	6 months		None	
Missouri	do	60 days	In some counties precinct residence requirement of 10 days.		Less than 1 year but more than 60 days, special ballot.	
Montana	do	30 days			None	
Nebraska	6 months	40 days	10 days		Less than 6 months in State; or less than 40 days in county but more than 2 days, special ballot.	
Nevada	do	30 days	do		None [3]	
New Hampshire	do		6 months (in ward or town).		Less than 6 months but more than 30 days, special ballot.	
New Jersey	do	40 days			Less than 6 months but at least 40 days in State and county, special ballot.	May vote by special absentee ballot for President if cannot vote in new State.
New Mexico	1 year	90 days	30 days		None	
New York	3 months	3 months (city or village).			Must be resident for 3 months and 30 days in election district, special ballot.	
North Carolina	1 year		30 days (may vote in old precinct).		Less than 1 year but more than 60 days, special ballot.	
North Dakota	do	90 days	30 days		Was a citizen of another State and meets all other requirements to vote, no residence requirement, special ballot.	
Ohio	do	40 days	40 days		Less than 1 year but more than 40 days and was a qualified voter in former State, special ballot.	
Oklahoma	6 months	2 months	20 days		Less than 6 months but more than 15 days, meets all other requirements and was qualified voter in former State, special absentee ballot.	
Oregon	6 months				Less than 6 months to 5 p.m. on day before election, special ballot.	
Pennsylvania	90 days		60 days		None	
Rhode Island	1 year			6 months	do	
South Carolina	1 year (ministers, teachers and their spouses, 6 months.)	6 months	3 months		None [4]	
South Dakota	1 year [5] (5 years in United States.)	90 days	30 days		do	
Tennessee	1 year	3 months			do	
Texas	do	6 months			Less than 1 year but more than 60 days and was qualified voter in former State special ballot.	May vote absentee for President for 24 months after leaving State if cannot vote in new State.
Utah	do [6]	4 months	60 days		None	
Vermont	do			90 days	do	
Virginia	do [7]	6 months	30 days		do	
Washington	1 year	90 days	do		Less than 1 year but more than 60 days, special ballot.	
West Virginia	do	60 days			None	
Wisconsin	6 months		10 days (if less may vote in old precinct).		Less than 6 months and was a qualified voter in former State, no residence requirement, special ballot.	May vote absentee for President for 24 months after leaving State if cannot vote in new State.
Wyoming	1 year	60 days	10 days		None	May vote absentee until new State requirements are met.

[1] State representative district.

[2] On or before the 5th Friday preceding election (if less may vote in old district).

[3] Constitutional amendment on the ballot for 1970 creating special procedures.

[4] Legislation pending which deals with this subject.

[5] Constitutional amendment to be submitted to voters to change the State residency requirement to 180 days.

[6] Constitutional amendment to be submitted to voters in 1970 to change the residency requirements to 90 days in the State, 60 days in the county and 30 days in the precinct.

[7] Proposed constitutional amendment would change the requirements to 6 months in the State and 30 days in the precinct.

Source: Election Laws of the 50 States and the District of Columbia, The Library of Congress, Legislative Reference Service, June 5, 1968; local election officials.

TABLE 7.—REGISTRATION PROCEDURES

State	Registration		Where to register	Registration period	Cancellation, registration, purge
	In person	By mail			
Alabama	P		County board of registrars	Close 10 days prior to the election; open Oct. 1 to Dec. 31 in odd years, the number of days being discretionary with each county; 10 days beginning 3d Monday in January in even years; in larger cities open 4 additional times for 10 days each.	Complete registration of all persons entitled to register every 2 years.
Alaska	P	M	Local election board	Open year around; close 14 days prior to election	1968: No registration required. Present: Cancellation for failure to vote in 4 years.
Arizona	P	M	County recorder	Open year around; close 4 months prior to primary and 7 weeks to general election.	Cancellation for failure to vote in neither preceding primary nor general election.
Arkansas	P		Permanent registrar or his deputy	Open year around; closes 20 days prior to election	Cancellation for failure to vote in 4 years.
California	P	M	County clerk	Open year around; closes 53 days prior to election	Cancellation for failure to vote in preceding general election.
Colorado	P	M	County clerk (Denver Election Commission).	Open year around; closes 20 days prior to and 45 days after general election and 20 days prior to primary.	Cancellation for failure to vote once in 1 year.
Connecticut	P		Town clerk or registrar of voters	Open 8th week prior to election and 1 day each month during the year; closes 4th week prior to any election.	Annual canvass to purge registration list.

Footnotes at end of table.

State	Registration		Where to register	Registration period	Cancellation, registration, purge
	In person	By mail			
Delaware	P	M	County department of elections	Open on the 4th Saturday in July, 2d Saturday in September, and 3d Saturday in October prior to election.	Cancellation for failure to vote in 2 years.
District of Columbia				Pre 1969: Open January 1; close 45 days prior t o election. At present open year around; close prior to election.	Pre 1969: Reregistration of all voters each election year. At present cancellation for failure to vote in 4 years.
Florida	P		County supervisor of registration	Open year around; close 30 days prior to election	Cancellation for failure to vote in 2 years.
Georgia	P		County board of registrars	Open year around; close 50 days prior to election except when there is a November general election, then open 1 day a week during the 50-day period.	Cancellation for failure to vote in 3 years.
Hawaii	P	M	County clerk (Honolulu—City clerk)	Open year around; close 5th Friday before primary; open 10 days after primary; close remainder of period between primary and general election.	Cancellation for failure to vote in preceding primary or general election.
Idaho	P	M	County auditor	Open 1st Monday in March; close Saturday next preceding primary and Saturday next preceding general election.	Cancellation for failure to vote in last general election.
Illinois	P		County clerk	Open year around; close 28 days prior to election	Cancellation for failure to vote in 4 years.
Indiana	P	M	County clerk or board of registration	Open Dec. 1 until 29 days prior to primary; open May 15 until 29 days prior to general election.	Cancellation for failure to vote in 4 years (changed to 2 years in 1969).
Iowa	P	M	City or town clerk or commissioner of registration.	(a) Open year around; close 10 days before election; (b) Open 2d Tuesday and last Saturday prior to election for 3 days and on election day.	(a) Optional permanent system: Cancellation for failure to vote in 4 years; general; (b) regular system: Cancellation for failure to vote in 2 years.
Kansas	P	M	City clerk (in Johnson, Sedgwick, Shawnee, and Wyandette Counties with election commission).	Open year around; close 20 days prior to any election	1968: No registration required. Present: Cancellation for failure to vote in November general elections held in even-numbered years.
KentucKy	P		County clerk (Louisville-Board of Registration Commissioners).	Open year around; close 59 days prior to and 5 days after general election and primary.	Cancellation for failure to vote in any election during a 2-year period.
Louisiana	P		Registrar of parish	Open year around; close 30 days prior to primary and general election.	Cancellation for failure to vote in 4 years in large parishes; general reregistration every 4 years in small parishes; cancellation for failure to vote in 2 years in certain parishes.
Maine	P	M	Board of selectmen in towns; board of registration in cities.	Depending on size of city open 4th and 8th, 6th to 10th, 8th to 14th, or 10th to 18th day prior to election; close 3, 5, 7 or 9 days prior to election.	Annual purge by registrar.
Maryland	P		Board of supervisors of election	Open 1st and 3d Tuesday of each month with additional sessions at discretion of board; close 5th Monday prior to and 15 days after general and primary elections.	Cancellation for failure to vote in 5 years.
Massachusetts	P		Town or city clerk	Open year around; close 31 days prior to statewide elections and 20 days prior to city elections.	Combination of annual canvass and checklist.
Michigan	P	M	City or township clerk	Open year around; close 5th Friday prior to election	Cancellation for failure to vote in 2 years.
Minnesota	P	M	City clerk or commissioner of registration	Open year around; close 20 days prior to election	Cancellation for failure to vote in 4 years.
Mississippi	P		Circuit clerk (county registrar)	Open year around; close 4 months prior to election	General reregistration at discretion of county board.
Missouri	P		County clerk (Kansas City—St. Louis City and County Board of Election Commissioners).	Open year around; close 24 days preceding election in small counties; close 4th Wednesday prior to election in large counties.	Cancellation for failure to vote in 4 years in larger cities; 2 years in smaller cities.
Montana	P	M	County clerk and recorder	Open year around; close 40 days prior to any election	Cancellation for failure to vote in any general election.
Nebraska	P	M	County clerk (Douglas and Lancaster Counties—Election commissioner).	Open year around; close on 2d Friday prior to election	Purge by board prior to State general elections and at their discretion.
Nevada	P	M	County clerk	Open year around; close on 7th Saturday prior to primary and 6th Saturday prior to general election.	Cancellation for failure to vote at any general election.
New Hampshire			Board of supervisors of checklist of town or city.	List posted for corrections 30 days prior to election; close to corrections 5 days prior to election.	Checklist.
New Jersey	P		City board of elections or municipal clerk	Open year around; close 40 days prior to any election	Cancellation for failure to vote once in 4 years.
New Mexico	P	M	County clerk	Open year around; close 42 days prior to any election	Cancellation for failure to vote at last general election.
New York	P	M	Board of elections in county seat	Open year around; close 30 days prior to any election	Cancellation for failure to vote once in each period of 2 successive calendar years.
North Carolina	P		County chairman of board of elections or local registrar.	Open year around; close 21 days prior to election	Cancellation for failure to vote in 4 years; general reregistration at option of county board.
North Dakota					No registration required.
Ohio	P		County election board	Open year around; close 41 days prior to any election	Cancellation for failure to vote in 2 years; cities may call general reregistration every 4 years.
Oklahoma	P		County election board or deputy registrar	Open year around; close 10 days prior to any election	Cancellation for failure to vote in 4 years.
Oregon	P	M	County clerk (Portland—Registrar of elections).	Open year around; close 30 days prior to any election	Annua l mail canvass by board.
Pennsylvania	P		County Board of elections (Philadelphia—Registration division).	Open year around; close 50 days prior to any election and 25 days after primary and 30 days after general election.	Cancellation for failure to vote in 2 years.
Rhode Island	P		Local board of canvassers and registration	Open year around; close 60 days prior to election	Cancellation for failure to vote in 5 years.
South Carolina	P		County registration board	Open year around; close 30 days before general and primary election.	Cancellation for failure to vote in an election during period since last two preceding statewide elections; general re-registration every 10 years.
South Dakota	P	M	County auditor	Open year around; close 15 days prior to any election	Cancellation for failure to vote in 4 years.
Tennessee	P	M	County election commission	Open year around; close 30 days prior to any election	Do.
Texas	P	M	County tax assessor—Collector	Open Oct. 1; close Jan 31	Annual registration of all voters.
Utah	P	M	County clerk	Open 1st Tuesday; 2d Saturday and 4th Tuesday of month prior to primary. Open 4th Saturady and 3d Tuesday and 1st Wednesday prior to general election.	Cancellation for failure to vote at last or next previous general or municipal election.
Vermont			Board of civil authority of town or city	List posted 30 days prior to election; close to corrections 36 hours prior election on Saturday before a Tuesday election.	Check list.
Virginia	P		General registrar of county or city	Open year around; close 30 days prior to election	Purge at the direction of county and on every 6 years.
Washington	P		County auditor or city clerk	Open year around; close 30 days prior to election	Cancellation for failure to vote in 30 months prior to Apr. 1 of odd numbered years.
West Virginia	P	M	Clerk of circuit court	Open year around; close 20 days prior to election	Cancellation for failure to vote in 2 years.
Wisconsin	P	M	City, town or village clerk (Milwaukee—Board of Election Commissioners.)	Open year around; close 3d Wednesday prior to election in large cities; 2d Wednesday prior to election in small cities.	Cancellation for failure to vote in 2 years in small cities; annual purge in larger cities.
Wyoming	P	M	County clerk	Open year around; close 15 days prior to and 10 days after election.	Cancellation for failure to vote in any general election.

Sources: League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036, "Year of the 1970 Voter—Get Ready to Vote." Robert Doty, "The Texas Voter Registration Law and the Due Process Clause," Houston Law Review, spring 1970.

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TABLE 8.—ABSENTEE VOTING PROCEDURES

	Request absentee ballot when	Secure absentee ballot from	Official application	Voted ballot must be received by election officials
Alabama	From 45 to 5th day before election	Register of the county civil circuit court	Yes	No later than day of election.
Alaska	Not more than 6 months nor less than 4 days prior to election.	Secretary of State—Pouch AA—Juneau 99801.		Postmarked no later than day of election.
Arizona	Within 30 days prior to the Saturday before an election.	County recorder		By 7 p.m. of day of election.
Arkansas	Within 90 to 1 day prior to election	County clerk	Yes	By 7:30 p.m. of day of election.
California	Not more than 60 nor less than 7 days prior to election.	do	In some counties.	By 5 p.m. of day prior to election.
Colorado	From 90 days to the Friday before an election	County clerk (Denver, election commissioner).		By 5 p.m. of day of election.
Connecticut	Anytime so voted ballot can be received in Conn. by day prior to election.	Town clerk	Yes	By 6 p.m. of day prior to election.
Delaware	From 30 days to 12 noon of day prior to election	County department of elections	Yes	By 12 noon of day prior to election.
Florida	From 45 days to 5 p.m. of day prior to election	County supervisor of elections	Yes	By 5 p.m. of day prior to election.
Georgia	Within 90 to 5 days prior to election	County board of registrars		By 7 p.m. of day of election.
Hawaii	Not more than 60 nor less than 5 days prior to election if within state; nor less than 10 days if outside state.	County clerk (Honolulu, city clerk)		Postmarked no later than the day prior to any election.
Idaho	Anytime prior to election	County clerk		By 12 noon of day of election. Return ballot by certified or registered mail.
Illinois	Not more than 30 nor less than 5 days prior to election	County clerk (Chicago election district, board of election commissioners).	Yes	In time to be delivered to local precincts by 6 p.m. of election day.
Indiana	Within 90 days prior to election	County election board	Yes	By 6 p.m. of day of election.
Iowa	Within 20 days prior to election	County auditor	Yes	In time to be delivered to local precinct before 8 p.m. of election day.
Kansas	For primary, between April 1 and Thursday prior to election. For general election, between Sept. 1 and Thursday prior to election.	County clerk or election commissioner	Yes	By 12 noon of day prior to election in counties using paper ballots.
Kentucky	Anytime prior to 20 days before election	County court clerk	Yes	By 6 p.m. of day of election .
Louisiana	Between 60th and 6th day prior to election	Clerk of parish court (New Orleans, civil sheriff of parish).		In time to be delivered to the precinct by 8 p.m. of day of election.
Maine	Anytime prior to election	Town or city clerk		By 3 p.m. of day of election.
Maryland	Anytime prior to 10 days before election	Board of supervisors of elections	Yes	By 8 p.m. of day of election.
Massachusetts	Anytime prior to day before general election	City or town clerk		Before polls close on day of election.
Michigan	Anytime prior to election	City or township clerk	Yes	By 8 p.m. of day of election.
Minnesota	Not more than 45 nor less than 1 day prior to election	County auditor	Yes	Before polls close on election day.
Mississippi	Not earlier than 60 days prior to election	County or city registrar		In time to be delivered to precinct before polls close.
Missouri	Between 30th and 4th day prior to election	County clerk or board of election commissioners.	Yes	By 4 p.m. of day prior to election.
Montana	Between 45th and 1 day before election	County clerk and recorder	Yes	By 8 p.m. of day of election.
Nebraska	Between 90th and 2nd day prior to election	County clerk (Douglas and Lancaster Counties, election commissioner).	Yes	By 10 a.m. of Thursday, following day of election.
Nevada	Anytime prior to 7 days before election	County clerk		Before polls close on day of election.
New Hampshire	Anytime prior to election	Town or city clerk		In time to be delivered to local officials before polls close on election day.
New Jersey	Anytime prior to 8 days before election	County clerk		By 8 p.m. of day of election.
New Mexico	Anytime prior to 10 days before election	do	Yes	By 12 noon of day prior to election.
New York	Between 30th and 7th day prior to election	Board of elections of County or Borough	Yes	By 5 p.m. of Friday prior to election.
North Carolina	Between 46th and 5th day prior to election	Chairman of county board of elections	Yes	By 6 p.m. of Wednesday prior to election.
North Dakota	Within 30 days prior to election	County auditor	Yes	In time to be delivered to precinct before polls close on election day.
Ohio	Between 30th and 5th day prior to election	County election board	Yes	By 12 noon of Friday before day of election.
Oklahoma	Anytime but preferably at least 30 days before election	do		By 5 p.m. of Friday before day of election.
Oregon	Between the 60th and 5th day prior to election	County clerk (Multnomah County, Department of records and elections).		By 8 p.m. of day of election.
Pennsylvania	Anytime prior to 7 days before election	County board of elections	Yes	By 5 p.m. of Friday prior to election.
Rhode Island	Anytime but completed form must be received by board by 21st day before election.	Local board of canvassers	Yes	By 9 p.m. of day of election.
South Carolina	Anytime prior to 30 days before election	County board of registration	Yes	Before polls close on election day.
South Dakota	Anytime prior to election	County auditor	Yes	By 7 p.m. of day of election.
Tennessee	Between 40th and 5th day prior to election	County election commission	Yes	By 10 a.m. of day of election.
Texas	Between 60th and 4th day prior to electon	County clerk	Yes	By 1 p.m. of day of election.
Utah	Within 30 days prior to election; earlier if overseas	do	Yes	By 8 p.m. of day of election.
Vermont	Anytime prior to 4th day before election	Town or city clerk	Yes	In time to be delivered to local election officials before polls close.
Virginia	Between 60 and 5 days prior to election if within United States between 90 and 10 days prior to election if outside United States.	Precinct or general registrar	Yes	In time to be counted in precinct before polls close.
Washington	Within 45 days prior to election	County auditor or city clerk		No later than 10 days after primary and 15 days after general election.
West Virginia	Between 60th and 4th day prior to election	Clerk of circuit court	Yes	In time to be delivered to local polls by 7:30 p.m. election day.
Wisconsin	Between 90th and 3d day prior to election	Town or city clerk (Milwaukee, board of election commissioners).		In time to be delivered to local precinct by 8 p.m. of election day.
Wyoming	Within 40 days prior to election	County clerk		In time to be delivered to precinct officials when polls open.

JUSTICE FOR RHODESIA: WILL YOU ACT, MR. HEATH?

(Mr. LANGEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LANGEN. Mr. Speaker, on behalf of the 51 House colleagues who have joined with me, I am taking this opportunity to announce a new initiative undertaken on behalf of the good people of Rhodesia, who have traditionally courted friendship with the United States.

On numerous past occasions Members of both Houses of the Congress, from both sides of the political aisle, and representing all parts of the United States have joined in efforts to bring an end to the unproductive and negative atmosphere surrounding current American policy toward that nation.

And now the accession of the new Conservative Government of Prime Minister Edward Heath to power in Great Britain has afforded a new opportunity to work for this desirable goal. Vowing during the recent campaign to seek new initiatives toward conciliation with the states of Southern Africa, Mr. Heath should now be encouraged in his efforts to achieve this wise goal.

I wish to extend publicly my deepest appreciation to my good friends and colleagues—all 51 of them—who have joined with me in sending a personal letter to Mr. Heath regarding this matter.

As the letter has already been delivered to the Prime Minister at his London office, I feel it appropriate at this time to make public the message contained. The letter reads as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 9, 1970.

The Right Honorable Mr. EDWARD HEATH,
Prime Minister, London, England.

SIR: We, the undersigned Members of the United States Congress, wish to congratulate you on your recent accession to the high office of Prime Minister. In addition we wish to express to you our hopes for great success as you grapple with the problems of the new government.

One of the many concerns which is occupying the attention of a large number of us in the United States Congress, and one in which there is a deep grassroots sentiment all over this country of ours, is the continuation of economic sanctions by the United Kingdom against Rhodesia.

Our official and national policy has hitherto been one of support for the United Kingdom in her efforts to effect a reconciliation without bloodshed with her runaway colony. However, after five years of inconclusive efforts, the Government of Rhodesia has finally severed all connections with the mother country. The imposition of strict economic sanctions against Rhodesia, by vote of the Security Council of the United Nations, has resulted neither in the economic collapse or breakdown of that country's financial structure, nor has it forced her leaders to come to terms with the British Government at the bargaining table.

What is apparent to us are the following facets of the problem:

1. Rhodesia is not on the verge of a collapse.

2. Great Britain and most other free western world trading partners have lost a valuable and growing Central African market.

3. Subvention and third-nation channels of trade are being opened up which lead to distortions of international trade and investment and a sense of hypocrisy in our official commercial relationships.

4. The cessation of our trading relationships has caused a void which we may find hard to fill in view of the fact that other countries, whose basic philosophies are inimical to those of the western free world nations, are stepping up their trade and investment there, and may be adverse to sharing their advantage with us in the future.

5. The white population of Rhodesia is apparently able to "make do" under continuing sanctions, but our concern is also for the native population which is increasingly being caught in an economic squeeze.

6. The cost of the British blockade against oil imports by Rhodesia must seem needless in view of Rhodesia's ability to get her needs supplied by South Africa and Portugal.

7. In the final analysis the prevention of the Rhodesian problem from erupting into a wider African impasse or its settlement is considered to be solely within the internal jurisdiction of the United Kingdom.

With these facts before us and without any intention of interfering in your Government's internal affairs, the consensus of the undersigned is that we want to ask you to consider, at your earliest opportunity, the possibility of ending British economic sanctions against Rhodesia. We feel that new channels of renegotiation could speedily be opened and with that eventuality in prospect a British request to the United Nations for a cessation of sanctions would be readily granted. Such a proposal of magnanimity on the part of your new government towards Rhodesia would result in greater accommodations being achieved than envisioned hitherto. We feel that we express to you, unofficially, the desire of a great proportion of the American people in the sure hope that Rhodesia will be reaccepted into the comity of nations and that with your help she will be able to ensure far greater political participation by all segments of her population.

It is with this sincere desire for a speedy renewal of discussions and the concurrent withdrawal of sanctions that we, the undersigned, wish you an effective course of action.

We remain, Sir,

Signed by the following Members of Congress:

Yours sincerely,

James A. Haley, Earl F. Landgrebe, Roger H. Zion, William L. Scott, Watkins M. Abbitt, Tom S. Gettys, George W. Andrews, Jamie L. Whitten, Joe D. Waggonner, Jr., Durward G. Hall, Edward J. Derwinski, Jack H. McDonald, Wm. M. Colmer, Philip M. Crane, and O. C. Fisher.

Odin Langen, Charles H. Griffin, James M. Collins, William J. Randall Thomas G. Abernethy, James G. Fulton, Carleton J. King, Maston O'Neal, James A. McClure, Robert H. Michel, Donald E. Lukens, John Buchanan, Sam Steiger, E. Y. Berry, and Robert L. Sikes.

Barry M. Goldwater, Jr., Ben B. Blackburn, John J. Flynt, Jr., L. Mendel Rivers, Thomas M. Pelly, William J. Scherle, L. H. Fountain, Roy A. Taylor, G. V. Montgomery, Del Clawson, and Clarence E. Miller.

Harold R. Collier, George A. Goodling, William L. Dickinson, Albert Watson, Fletcher Thompson, Don H. Clausen, John M. Ashbrook, John M. Zwach, Ancher Nelsen, Gene Snyder, and Wm. Jennings Bryan Dorn.

Mr. Speaker, I wish to emphasize here that our letter to Mr. Heath was sent through proper State Department channels, and Secretary Rogers has been fully advised of the contents. And while there was a certain amount of delay due to protocol in forwarding our letter, nevertheless, I appreciate the State Department's cooperation in making the delivery.

Mr. Speaker, I am greatly encouraged by recent events and trends involving our relations with Rhodesia. Paramount in this issue has been the change of administration in London. Mr. Heath is neither pledged nor committed to the harsh and errant policies of the past, and now has a glowing opportunity to reestablish the traditionally close and harmonious relationship that has existed with the Rhodesian people. Furthermore, our State Department has given a great deal of attention to our letter to Mr. Heath, which obviously means that they too realize the importance of what is happening. The inertia of the past has at last yielded to movement and hope for progress.

Mr. Heath has promised to set Great Britain on a better course toward Rhodesia. Our Department of State will be both wise and anxious to cooperate with the British whose sovereignty and sole responsibility in this matter have long been recognized by the Department.

It is my understanding that we may expect a direct reply to our letter from the office of the Prime Minister. To be certain, my colleagues and I look forward to that response with great hope and earnestness. The goal of conciliation with Rhodesia is both just and wise, and there can be no question that success is going to be achieved.

On behalf of my fellow cosigners, I invite every Member of this House to join with us in initiating new efforts toward this goal, and I publicly challenge the Department of State to take the leadership in bringing the United States to share this better policy of enlightenment and conciliation.

A PLAN FOR CLEAN AIR

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today I am joining with 18 of my colleagues in establishing an ad hoc Congressional Clean Air Committee and in introducing a bill, H.R. 18980, that incorporates a series of clean air amendments presently being considered in the Senate. These amendments would do much to realize the "Plan for Clean Air by 1975" proposed by Environmental Action, and endorsed by a number of the country's major conservation organizations. It is our hope that the Clean Air Act of 1970 can be strengthened before it is finally enacted into law.

The recent smog crises warned not of a passing problem, but of a growing problem; the temperature inversions have served to unveil the dimensions of our air pollution problem and have demonstrated the need for immediate action. Today an estimated 142 million tons of pollutants are discharged annually into the atmosphere at an estimated cost of $13 billion to the taxpayers; and, estimates suggest that this cost goes even higher—to $30 billion a year. In addition to the economic costs, pollution is undermining the public's health—often killing its victims over a long period of time without special occasions of temperature inversions, smog, or noxious odors.

Mr. Speaker, our present air pollution control statutes are pitifully weak—giving us no more than minimum auto emission control devices with an 80-percent failure rate and providing us little protection from the industrial smokestack. Unfortunately, the bill passed by the House just promises more of the same: A smoke screen for national and local inaction and a continued license to pollute.

The legislation I am introducing today with the ad hoc Congressional Clean Air Committee would provide the amendments needed to strengthen the Clean Air Act of 1970 in the areas in which it is weakest. Essentially, H.R. 18980 provides for the following:

First. Public disclosure by individual and corporate polluters of the pollutants they are discharging into the air and in what quantity.

Second. Exemption from the national auto emission standards for States establishing standards that are more restrictive than the national standards.

Third. A low-emission automobile by 1975.

Fourth. Regulation of fuel additives by the Secretary of Health, Education, and Welfare.

Fifth. Class action suits by individuals against polluters or against Government agencies not enforcing the pollution control laws.

Sixth. Establishment of national emission standards for stationary polluters within 2 years.

Seventh. Prohibition against Government contracting with violators of the Federal clean air statutes.

Today there is no law requiring polluters to register with the Secretary of Health Education, and Welfare the nature and quantity of the pollutants they are putting into the atmosphere. It is even difficult for the Government to get this information from companies, and often they are able to do so only by agreeing not to release the information to the public.

Mr. Speaker, I believe that we all partake in a common ownership in the air—and that the public has the right to know who is polluting the air it breathes and to what extent. I propose that both

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individual and corporate polluters be required to file with the Federal Government quarterly reports on the substance and quantity of their pollution; these reports would be subject to public disclosure and would be verified by the Government through monitoring.

The automobile is our country's single largest polluter of the air, accounting for 60 percent of the Nation's total air pollution, and contributing up to 75 to 80 percent of the pollution in cities such as New York and Los Angeles. The cities of our country cannot survive much longer under such conditions, particularly since even with improved auto emission standards and control devices, the automobile's total pollution will again reach today's proportions at the end of the decade due to the increased number of vehicles.

Essentially, two things need to be done to meet the automobile challenge. First, States must be allowed to establish auto emission standards that are more restrictive than the national standards; the way the law is written now, California is the only State that can adopt tighter standards, but surely the auto pollution in States such as New York is as critical as California's. And second, an alternative to the internal combustion—IC—engine must be developed. Both electric and steam propulsion systems have been offered as alternatives to the IC engine. But, Detroit has stalled their development because of its investment in the IC propulsion system. And yet, sufficient data is available which demonstrates that the steam engine, in particular, can both operate and provide the performance demanded by the driving public; furthermore, its emissions are less than 1 percent of the IC engine.

Unfortunately, Detroit is motivated only by the dollar, and does not seem concerned about its pollution. The incentive to change will have to be an economic one. Therefore, I propose that Detroit be given a deadline of January 1, 1975, by which time it will be allowed to market only a low-emission vehicle. I think that if this is required—and the alternative is to go out of business—the auto manufacturers will find a way to make a pollution free engine go.

We have to acknowledge that considerable costs will be incurred in retooling for a new engine, and so I am introducing today, House Concurrent Resolution 714, first introduced by Senator GAYLORD NELSON, to provide that it be the sense of Congress that there be a moratorium on automobile styling changes. This would make available the estimated $1 billion spent each year by Detroit in model changeovers to finance the development and conversion to a clean propulsion system.

Mr. Speaker, let us accept the recent air pollution disaster alerts which spread across the globe from New York City to Tokyo as warnings of things to come. In Biblical days Babylonia was warned of disaster when the words, "Mene Mene Takel, Upharsin" appeared on the king's banquet hall wall. Today we are being warned, not by words, but by smog settling over our cities. The Babylonians were destroyed. Let us not suffer this same fate. There still is time but that time is running out.

Members of the ad hoc Congressonal Clean Air Committee and sponsors of its bill are:

ALPHONZO BELL, Republican, California.

JOHN BRADEMAS, Democrat, Indiana.

GEORGE E. BROWN, JR., Democrat, California.

LEONARD FARBSTEIN, Democrat, New York.

DONALD M. FRASER, Democrat, Minnesota.

GILBERT GUDE, Republican, Maryland.

MICHAEL HARRINGTON, Democrat, Massachusetts.

KEN HECHLER, Democrat, West Virginia.

EDWARD I. KOCH, Democrat, New York.

ALLARD K. LOWENSTEIN, Democrat, New York.

RICHARD MCCARTHY, Democrat, New York.

PAUL N. MCCLOSKEY, JR., Republican, California.

ABNER J. MIKVA, Democrat, Illinois.

F. BRADFORD MORSE, Democrat, Massachusetts.

RICHARD L. OTTINGER, Democrat, New York.

OGDEN REID, Republican, New York.

HENRY S. REUSS, Democrat, Wisconsin.

BENJAMIN S. ROSENTHAL, Democrat, New York.

CHARLES A. VANIK, Democrat, Ohio.

SUGGESTED IMPROVEMENTS IN NIXON WELFARE PLAN FOR AGED, BLIND, AND DISABLED PERSONS

(Mr. BURTON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURTON of California. Mr. Speaker, the following suggestions of mine to improve the program, financing, and administration of the adult public assistance categories—may be of interest to those following the Nixon welfare plan.

The material follows:

SUMMARY OF RECOMMENDATIONS—AGED, BLIND, AND DISABLED, AUGUST 1, 1970

(A) Program—(Aged, blind, and disabled)

1. Increase Aged, Blind, and Disabled minimum payment to $130/month (as of Jan. 1, 1971)!

2. Include a Cost of Living factor—to be applied to the minimum payment (as of Jan. 1, 1972).

(This amount—a Federal expense—must be disregarded by states, for their payments over the minimum—thus assuring adult recipients receiving more than the minimum will also benefit from this cost of living provision.)

3. Reduce the present 65 year in Aged programs to 60.

4. Require that states "disregard" $7.50/month. (This provision of current law is now permissive.)

5. Provide statutory assurance that no applicant for, or recipient of adult public assistance on the effective date of the applicable provisions of the bill shall have their benefits reduced, nor be rendered ineligible as a result of the enactment of the legislation.

6. Requires states to meet their budgeted needs for adult recipients.

NOTE.—If the food stamps—for aged, blind, and disabled—are converted into cash—accomplish this by raising the above $130/month minimum to $140.

7. (B) Source of funds—and cost analysis (See Attached).

8. (C) Administrative suggestions (See Attached).

9. (D) Technical changes (See attached).

10. (E) Blind and disabled—Special provisions.

Extend the 3-year training and rehabilitation period to enable their training and/or rehabilitation to be completed (Section 1603 (a) (3) and (4).

Extend Aged treatment of "relatives" to Blind and Disabled.

Permit Blind to earn up to poverty level (Section 435c) before imposition of 50% income deduction.

Add $30 per month to minimum—for Blind.

Provide $1 million for "Prevention of Blindness" program.

B. ADULT CATEGORIES—AGED, BLIND, AND DISABLED: SOURCE OF FUNDS AND COST ANALYSIS TO INCREASE MINIMUM INCOME

$66.2 Million,[1] reduced cost of substituting "freeze" and 10% saving.

+$38.9 Million,[2] use exact, rather than rounded costs of Adults.

+$128.8 Million,[3] impact of pending Social Security 5% bill.

Subtotal $233.9 Million, +$300.0 Million,[4] added Social Security income to "concurrents."

Subtotal $533.9 Million, Less $420 Million,[5] cost to increase minimum from $110/mo. to $130/mo.

Balance $113.9 Million.

+$46.7 Million,[6] residual impact in 1971 of 15% Soc. Sec. Bill.

Subtotal $160.6 Million, Less $154.1 Million,[7] added costs to lower age from 65 to 60 years.

Balance $6.5 Million.

Add Annual Cost of Living Adjustment to the Minimum.

(The costs can be borne within added Social Security income impact.)

FOOD STAMPS CONVERTED TO CASH

If 100% Utilization: $360 Million (3 Million adults/mo. x 12/mo. x $10 (F.S. Bonus/mo.) equals $360 Million plus $36 Million ($1.00/mo./transaction (paid to Banks) x 3 Million Adults x 12 months) equals $396 Million (round to $400 million).

If 60% Utilization: $240 Million plus $57 Million (1/7 of $400 est. —added F.S. Costs) (Table 1) for Adult portion of same) plus $50 Million (Admin. F.S. Savings, if Adults F.S. converted to cash).

Subtotal $347 Million.

Less 240 Million,[8] added Costs to Increase Min. from $130 to $140/mo.

Balance, $107 Million.

Less 95 Million, added Costs to Mandate current "permitted" $7.50/mo.

Balance $12 Million.

Less 12.26 Million,[9] add costs to raise those between 60 & 64 to $140/mo. from $130.

Balance, 0.

This analysis does not take into account the $29 to $45 million of reduced food stamp costs when the House approved the $110/month minimum.

FOOTNOTES

(NOTE.—Senate finance: This term used to identify the June 1970 Family Assistance Act of 1970, revised and resubmitted to the Committee on Finance by the Administration.)

[1] See Senate Finance, page 26, Table VI. The Adult savings are $166.2 Million. The Adult savings using the "Freeze" year, less 10% is $100 Million; hence a difference of $66.2 Million.

[2] See Senate Finance, page 73, Table I. The stated cost of Adults is $600 Million. This is a rounded figure. The actual figure is $561.1

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Million (See June 25, 1970 SRS—Planning & Evaluation estimates).

[3] The House passed Social Security bill will reduce Adult costs by: $61.0 Million, Aged; $0.7 Million, Blind; $8.0 Million, Disabled (See May 26, 1970 Estimates (X)); $23.1 Million, Cost of Living Increase Factor; $36.0 Million, Widows Increase (82½% to 100% PIA); Total $128.8, Pending Social Security Bill.

[4] See NCSS Report G-2 (2/69)—"Concurrent Receipt of Public Assistance Money Payments and OASDI Cash Benefits by persons Aged 65 or Over."

(A) Each year from 3.0% (last 10-year average—from 1960 to 1969, included) to 3.5% (last 5-year average—from 1964 to 1969, included more aged welfare recipients also received social security payments. For example:

In February 1969, 58.2% of Aged Welfare also received social security.

In February 1964, 40.7% of Aged Welfare also received social security.

In 5 years, 17.5% increase.

Five-year average, 3.5% per year increase.

In February 1969, 58.2% of Aged, Welfare also received social security.

In February 1960, 28.5% of Aged, Welfare also received social security.

In 10 years, 29.7% increase.

Ten-year average (rounded) 3.0% per year increase.

(B) Also, each year, aged "concurrents" receive a higher amount of social security cash benefits. For example:

In February 1969, $63.10/mo. average OASDI cash benefit.

In February 1964, $48.80/mo. average OASDI cash benefit.

In 5 years, $14.30/mo. increase.

Five-year average, $2.86/mo. increase.

In February 1969, $63.10/mo.—average—OASDI cash benefit.

In February 1960, $43.30/mo.—average—OASDI cash benefit.

In 10 Years, $19.80/mo.—increase.

10 Year Average, 1.98/mo.—increase.

For obvious reasons, the last 5 years data and averages are the most recent and relevant. In this most recent 5 year period we see a 3.5% average increase every year in the number of concurrents—and a $2.86/mo. average increase every year in the OASDI cash benefits paid.

Since all the adult cost estimates were based on Feb. 1969 social security data (the latest available at the time in 1969 that the legislation was introduced)—after the House passed H.R. 16311, upon my request, HEW calculated the projected cost reductions due to this interplay of Social Security benefits and Adult Welfare payments to 1971 and 1972 (See Estimate (E) April 17, 1970).

[5] See House Committee Report, H.R. 16311, page 51, Table VII.

[6] The 15 percent social security bill would result—for first full year—in savings in Adult Public Assistance of $164 million aged; $23.5 million (blind and disabled) total adult assistance cost reduction—$187.5 million first full year.

One quarter (first quarter of calendar 1970) not in "Freeze" year of Calendar 1970; therefore, one quarter of savings recaptured—($46.7 million).

[7] Cost of lower age from 65 to 60 years: If $90 minimum/month, $104 million; if $150 minimum/month, $177.6 million; (cost increment, $12.25 million for each $10 increase over $90.00, so at $130/min (4 steps) $104 million plus (4 times $12.26) equals $154.1 million to lower age to 60 years, at $130/mo. minimum.

[8] Added costs (in addition to footnote 7)—if minimum is increased from $130 to $140/mo. (for 60–64 year olds) another $12.26 million.

TABLE 1.—OAA MONEY PAYMENT RECIPIENTS ALSO RECEIVING OASDHI CASH BENEFITS, TOTAL OAA MONEY PAYMENT RECIPIENTS, AND TOTAL OASDHI CASH BENEFICIARIES AGED 65 OR OVER IN THE UNITED STATES, SPECIFIED MONTHS IN 1948–69

Month and year	OAA money payment recipients also receiving OASDHI cash benefits			Total OAA money payment recipients	Total OASDHI cash beneficiaries aged 65 or over[1]
	Number	As percent of—			
		Total OAA money payment recipients	Total OASDHI cash beneficiaries aged 65 or over		
June 1948	146,000	6.1	10.0	2,365,000	1,457,000
September 1950	276,000	9.8	12.6	2,810,000	2,192,000
August 1951	377,000	13.8	11.9	2,728,000	3,174,000
February 1952	406,000	15.1	12.0	2,654,000	3,404,000
February 1953	426,000	16.3	10.7	2,572,000	4,010,000
February 1954	462,000	18.0	9.6	2,567,000	4,801,000
February 1955	487,000	19.2	8.6	2,537,000	5,640,000
February 1956	514,000	20.4	7.9	2,520,000	6,490,000
February 1957	553,000	22.2	7.8	2,489,000	7,127,000
February 1958	596,000	24.2	7.1	2,464,000	8,420,000
March 1959	644,000	26.7	6.9	2,410,000	9,379,000
February 1960	669,000	[2] 28.5	6.6	2,349,000	10,135,000
February 1961	709,000	31.0	6.5	2,288,000	10,870,000
February 1962	744,000	33.7	6.4	2,208,000	11,668,000
February 1963	807,000	37.2	6.5	2,169,000	12,488,000
February 1964	871,000	[3] 40.7	6.6	2,139,000	13,123,000
February 1965	[4] 944,000	[4] 44.7	[4] 7.0	2,113,000	13,580,000
February 1966	1,007,000	48.7	7.1	2,067,000	14,246,000
February 1967	1,096,000	53.1	7.0	2,062,000	15,558,000
May 1968	1,154,000	57.2	7.1	2,019,000	16,144,000
February 1969[5]	1,181,000	[2,3] 58.2	7.1	2,028,000	16,539,000

[1] Estimated by the Social Security Administration.

[2] Over 10 years, 29.7 percent; 2.97 percent increase in 1 year.

[3] Over 5 years, 17.5 percent; 3.5 percent per year.

[4] Data on concurrent receipt of OAA and OASDHI estimated on national basis; State reporting waived for February 1965.

[5] Does not include Guam and the Virgin Islands; data not reported.

TABLE 2.—AVERAGE PAYMENTS TO CONCURRENT RECIPIENTS OF OASDHI CASH BENEFITS AND OAA MONEY PAYMENTS AND TO NONBENEFICIARY RECIPIENTS OF OAA MONEY PAYMENTS IN THE UNITED STATES, SPECIFIED MONTHS IN 1951–69

Money and year	Average payments to concurrent recipients of OASDHI cash benefits and OAA money payments			Average OAA money payment to beneficiary recipients of OAA
	Average OASDHI cash benefit	Average OAA money payment	Combined average OASDHI and OAA payments	
August 1951	$29.85	$36.00	$65.85	$44.85
February 1952	29.60	36.85	66.45	46.60
February 1953	33.90	38.75	72.65	51.55
February 1954	33.90	40.35	74.30	50.35
February 1955	38.75	37.40	76.15	50.65
February 1956	38.70	40.35	79.05	52.00
February 1957	40.10	42.70	82.75	55.45
February 1958	40.70	43.60	84.30	59.25
March 1959	43.85	43.80	87.70	60.60
February 1960	[1] 43.30	45.80	89.10	61.70
February 1961	$45.80	$44.90	$90.65	$63.35
February 1962	47.30	41.95	89.20	65.30
February 1963	47.75	44.10	91.80	70.50
February 1964	48.80	47.80	96.65	70.15
February 1965	(3)	(3)	(3)	(3)
February 1966	52.75	47.70	100.45	77.75
February 1967	52.95	56.75	109.70	80.30
May 1968[4]	61.85	56.50	118.35	82.05
February 1969[5]	[1,2] 63.10	59.30	122.40	85.80

[1] Over 10-year period, plus $19,80; average 1 month, $1.98 increase.

[2] Over 5 years, $14.30; average 1 month, $2.86 increase.

[3] Reporting requirement waived for 1965.

[4] Does not include Guam and Nevada; data not reported.

[5] Does not include Guam and the Virgin Islands; data not reported.

C. ADMINISTRATIVE SUGGESTIONS—ADULT (AGED, BLIND, AND DISABLED) PROGRAMS

1. "Freeze" all states at their "current" (Calendar 1970) level of non-federal expenditures—for Adult cash payments.

2. As of Jan. 1, 1971, each state should receive a 10% reduction in amount of their non-federal share during Calendar 1970.

The non-Federal share is approximately $1 billion/year. A 10% reduction equals $100 million/year. (This reduction would be equitably shared by all the States (unlike House verson).

(If the Administration would allocate 10% of its first year revenue sharing—already budgeted amount of $1 billion, and I strongly recommend that the Senate Finance Committee urge this course of action—then I would further recommend that the 10% reduction in the "current year" expenditures in each state be continued until the state's (Adult) costs are phased out.

3. The "freeze" amount 10% savings should be required to be shared with local

political subdivisions to the same extent that these political subdivisions shared the cost of the non-federal share of the Adult cash payments in Calendar 1970.

4. "Freeze" all states, as of July 1, 1970, so as to prohibit manipulation of eligibility or standards in order to falsely depress their non-federal costs during the "current" year.

Note: The current year (Calendar 1970) "freeze" should obviously permit the states to comply (without added cost to the states) with the provisions of the bill and to implement their already approved state plan.

I would concurrently urge the following changes to simplify the proposed Federal administration of the adult programs:

1. HEW should be required to administer the Adult Programs by Jan. 1, 1973, unless, by January 1, 1972, a State "opts out."

(The pending proposal requires them to "opt for").

2. HEW should be authorized to increase or reduce other funds due the state under the Social Security Act to effectuate the "freeze" and 10% state cost reduction policies without necessitating a state to "send money to Washington."

3. Conform adult program to family provisions, to standardize and simplify administration as follows:

Treat "casual and inconsequential" income that is disregarded and eliminate liens (as recommended by the administration). See comparable provisions in FAP—Sec. 443(b) (2), (5), (6), & (9) and Sec. 452(b)(8). Also, authorize quarterly benefit determinations (see Sec. 446(a)(1)). Also, Adult program should prohibit "imputing income" to recipients living in their own home.

4. Provide for Federal administration of Adults if a state fails to comply with the provisions of this legislation.

(D) TECHNICAL CHANGES

1. Amend Section 1007 to include Railroad Retirement annuitants and others with outside income. For greatest administrative simplicity and equity, add after "Social Security recipient" the following language (and make section permanent law): ", and the equivalent treatment of other income for the aged, blind, and disabled public assistance recipients who do not receive OASDI."

2. Restore the House-passed version of 1603(a) (current law) dealing with computation of work expense in Adult programs.

3. The Cost of Living adjustment (in the Adult minimum) should contain a prohibition against the deduction of this Cost of Living amount from the payment to which the recipient is otherwise entitled. [By this wording, the entire Adult caseload would receive the benefit of the C/L].

The same procedures and standards utilized in the Federal Employees Retirement Act should be applied to the Adult Public Assistance Programs.

4. In the event, the Adult minimums are not raised to $130/month for each Aged, Blind, and Disabled recipient—the Social Security increases contained in the pending bill should be required to be disregarded.

However, in any event for those who do not receive an increase in total income (incl. OASDI and the minimums) as a result of the passage of the bill, the Social Security increases should be required to be passed on.

5. Add a provision assuring that payments for medicare be disregarded as income or resources.

6. The Secretary, in all programs, should be authorized to make payments from the 1st of the month of application for benefits.

7. Add language providing specific statutory assurance that no family eligible for assistance under current law shall after the effective date of the applicable portions of the bill be rendered ineligible by the passage of the legislation, nor shall its benefits be less than those to which they are entitled under existing law.

8. Add language mandating no dimunition of eligibility standards or payments in states that have programs for the working poor. In addition, require states that now have such programs to maintain eligibility standards and payments in AFDC-UP programs as of the date of enactment.

9. Restore the preamble as originally recommended by the Administration and add language expressing the intent of Congress that the Federal government assume responsibility for administration and payments in all public assistance programs in the long term.

RESOLUTION COMMENDING THE HONORABLE HOWARD W. POLLOCK

(Mr. MAYNE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAYNE. Mr. Speaker, it is my privilege this year to head the Republican 90th Club, composed of Members elected to this body for the first time for that Congress.

Without recapping history, I should state that our 1966 class represents the largest Republican group in years to make it to this Chamber. We organized as a club shortly after our arrival here and have continued to meet frequently with prominent figures in and out of Government. These are give-and-take sessions involving frank exchanges of views and discussion of mutual problems. During these past 4 years we have developed a working relationship affording special opportunities to observe the day-to-day performance of each Member.

Our membership will be voluntarily decreased after the next election by the departure of some headed for other positions in public service. One will become a Federal judge, several have been nominated for the Senate, and others are running for Governor.

At a recent meeting of the 90th Club, we noted with regret the fact that these valued Members will not be returning. One of those we will be missing is our good friend the Honorable HOWARD W. POLLOCK, who has announced his candidacy for the governorship of Alaska after nearly 4 years in the U.S. House of Representatives.

It is with a mixture of pleasure and sorrow that I include at this point in the RECORD the resolution adopted at that meeting of the 90th Club, pleasure in revealing our high regard for HOWARD POLLOCK, and sorrow that he will not be back with us:

A RESOLUTION

Whereas Congressman Pollock has rendered distinguished service as Alaska's lone representative in the U.S. House, proving himself an able legislator and earning the respect and trust of his fellow Congressmen; and

Whereas Congressman Pollock was elected by the members of the 90th Club to serve as their representative to the Republican Policy Committee, thus becoming the first Alaskan to be honored with that important office, and for his excellent service in that capacity received an award from the 90th Club for distinguished Congressional service; and

Whereas Congressman Pollock is the only Alaskan, and only living American to have served in a territorial legislature, a state legislature, and the United States Congress and, thus, has shown his ability to lead and represent the people of Alaska on both the State and federal levels; and

Whereas the members of the 90th Club will sincerely miss our esteemed colleague, and do deeply regret that Congressman Pollock will not be returning next year to his seat in the U.S. Congress; and

Whereas, as the lone Representative from Alaska, he has constantly kept in mind the welfare of ALL Alaskans, with their diverse, and, sometimes, conflicting interests, striving to fairly represent all viewpoints, promoting legislation favorable to the greater good of all Alaskans, as well as promoting the welfare of the United States as a whole; and

Whereas the efforts of Congressman Pollock to resolve the Native Land Claims is an outstanding example of his above-mentioned legislative efforts made in behalf of the best interests of all Alaskans and the entire United States, for until these claims are settled, all Alaskans are hampered in their efforts to develop the State, and the entire United States must wait until this settlement occurs before the vast resources of Alaska's mineral, oil, and gas deposits are readily available, and to this effect, Congressman Pollock has labored tirelessly to resolve this issue; and

Whereas Congressman Pollock possesses both the personal qualities, and experience, necessary for leadership of a vital state, in particular: intellectual ability, educational background, diplomacy, enthusiasm, perceptiveness, fairness, varied political experience, both in state and national politics; and

Whereas Congressman Pollock has shown great leadership ability throughout his entire political career as well as his personal life; and

Whereas Congressman Pollock has demonstrated his concern for the well-being of his state, above and beyond personal considerations, relinquishing virtually assured reelection to his third term in Congress for a challenging race for the Governorship of Alaska; and

Whereas Congressman Pollock's entire life has been an example of challenge well met, and he has proven his ability to turn challenge into success; and

Whereas the State of Alaska, now, more than at any other moment in history, faces a challenge which, if correctly met, can propel Alaska into an era of unprecedented prosperity for the benefit of all Alaskans as well as the entire United States:

We, the Congressmen of the 90th Club, therefore resolve that, while we personally regret the loss to Congress of our respected and valued colleague, we do hereby commend the Honorable Howard W. Pollock for his selfless decision to run for the Governor's seat of Alaska, and do hereby endorse Congressman Pollock as a man unusually well-prepared and well-motivated to meet the challenges facing the State of Alaska at this time, and do wholeheartedly as a group commend his candidacy for Governor.

PROTECTING THE WORLD'S ART TREASURES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on July 16, I advised this House that more than 100 cultural leaders of our country had signed a petition addressed to the Honorable U Thant, Secretary-General of the United Nations, urging protection for the architectural and art treasures of the world from the threat of damage and destruction wherever they are located. I further advised the House that a request

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had been made to President Nixon asking that he submit the Hague Convention for the protection of cultural property in the event of armed conflict to the Senate for ratification. Since that date, I have been advised by the White House that the request is under consideration.

I would also like to especially note that this mobilization of cultural leaders came about partially as the result of a meeting which I had with Elizabeth C. Baker of Art News magazine, whose immediate concern was for the safety of Angkor Wat and Angkor Thom, the great architectural gems of Cambodia.

I would like at this time, Mr. Speaker, to add to the rollcall of names those who have joined in signing the petition sent to the Secretary-General of the United Nations. The rollcall follows:

B. Adams.
Joseph and Dorothy Ansen.
Elizabeth C. Baker, Art News Magazine.
Cornelia Bailey.
Dr. and Mrs. Richard M. Baum.
Charles Becker, Los Angeles.
J. Braun, University of Southern California.
Devra M. Breslow, Los Angeles.
Dr. and Mrs. Martin Brunner.
Peggy Christian, Los Angeles.
Dr. and Mrs. Alfred Cordley.
William B. Dailey, Los Angeles.
Mr. and Mrs. Gustav Dalla Calle, Los Angeles.
Florence Dauben, Los Angeles.
Ross N. De Vian.
Roy Doumani.
Dr. and Mrs. Robert Einstein.
Helen J. Epstein.
Mr. and Mrs. Alan Fels.
Margot Flatan, Los Angeles.
Dr. Marvin S. Freilich, MD, L.A. County Museum of Art.
Tom S. Fricaro.
Philip Glusker, Beverly Hills.
Margaret R. Goldschmidt.
John I. Goodlad, University of California, Los Angeles.
Jean Haase, Los Angeles.
Lois T. Handler.
Arthur T. Harris.
Mrs. Dalzell Hatfield, Dalzell Hatfield Galleries.
Sam Hellinger, Los Angeles.
Dr. and Mrs. E. Craig Heringma.
John Huinger, Los Angeles.
Hilda H. Hunter, Pasadena, Calif.
John T. Hurst, School of Architecture and Fine Arts Dean, University of Southern California.
James Jarvis.
Jeanne Kamm, Los Angeles.
Norman M. Kelly, Los Angeles.
Ruth W. Klebau.
Mr. and Mrs. Leo M. Klein.
Nanette Klein, Los Angeles.
Isabelle Kleinfield, New York, N.Y.
Mrs. David Leipziger.
Mr. and Mrs. Kim Linnett, Palos Verdes Estates, Calif.
T. David Lipton, MD, and Judith Lipton.
Saul and Lillian Marks.
Sylvia Meller, Los Angeles.
Henry W. Mills.
John J. Nelson, Los Angeles.
Bonnie Newman, Los Angeles.
Gary Nuttenberg, Los Angeles.
Patsy Palmer.
Alice L. Palt, Los Angeles.
Ferdinand Ponthier, Los Angeles.
Lucretia Randall.
Yella M. Roberts, Los Angeles.
Alice L. Reifler, Beverly Hills.
Robert Rounds, Los Angeles.
Dr. and Mrs. Max M. Saks.
Mr. and Mrs. T. Salmeyer.
Mrs. Mary Saltzberg.
Helen Saltzberg.
Dr. and Mrs. Samuel Sapin.
Dr. and Mrs. Jud R. Scholtz.
Marvin Scholtz.
Mr. and Mrs. N. J. Schweitzer, Los Angeles.
Blessing B. Semler.
V. W. Small, Santa Monica, Calif.
Mrs. L. W. Smith.
Lee Soble.
Percy and Janice Solotoy.
Mrs. Leonard M. Sperry.
Herbert Sterzer, Los Angeles.
Whitney I. Stewart.
Serena Stier, Ph.D.
Geraldine Strock.
A. L. Strock.
Mr. and Mrs. Henry A. Vewentes.
J. Wall, University of Southern California Fine Arts Department.
Barbara D. Weber.
Charles D. Weber.
Charles and Frances White.
Mrs. Roy B. Williams.
Mr. and Mrs. Joseph Willens.
Frank and Hausi Williy, Los Angeles.
Mr. and Mrs. Al Yaller, Beverly Hills, Calif.
Mr. and Mrs. David Zeitlin.
Josephine Zuller.

PROPOSED REVENUE SHARING

(Mr. BURTON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURTON of California. Mr. Speaker, the following article by Mr. Leo Rennert, one of our most perceptive reporters, should be of interest to our colleagues:

[From the Sacramento Bee, Aug. 5, 1970]

THE $536 MILLION IS EARMARKED YEARLY FOR CALIFORNIA IF REVENUE SHARING BECOMES LAW

(By Leo Rennert)

WASHINGTON.—In an effort to pump new life into President Nixon's revenue sharing plan, the Treasury Department has told California members of Congress that their state would receive $536 million a year if the proposal becomes law.

The department, however, failed to state this amount would not become available for another five years. Nor did it mention the fact that the program would start with a fractional allocation of only about 5 per cent—with all 50 states having to divide half the sum projected for California.

During the current fiscal year, which began July 1, California would receive $28.5 million—approximately 1-20th of the department's advertised amount.

SLOW START

In pushing revenue sharing, Nixon actually recommended to Congress a slow spending start—a national total of $275 million next spring which would grow gradually to a $5 billion level in the fiscal year starting July 1, 1975.

The department omitted the timetable from a thick brochure it sent lawmakers, listing only the allocations for their states "during the first full year of permanent implementation." Nowhere is this period defined as the 1975–76 fiscal year.

In response to a press query, Charles Arnold, the department's information chief, confirmed that congressional approval of Nixon's plan would result in a flow of considerably less money to the states during the first five years.

The national total would rise from $275 million this fiscal year to $1.5 billion in fiscal 1972, $2.2 billion in fiscal 1973, 3.2 billion in fiscal 1974, $4.2 billion in fiscal 1975 and finally to $5.1 billion in fiscal 1976.

NO STRINGS

The funds would go to states, cities and counties without any strings attached as to their use. The President contends this would reduce federal control and give state and local officials more discretion in determining priorities for expenditure of federal funds.

The proposal, however, has made no headway in the democratic-controlled Congress. Critics contend it is unwise for one level of government to raise taxes and permit another level to decide how to spend it. They also have expressed concern that revenue sharing eventually would supplant or tend to reduce many of the present categorical grant-in-aid programs for health, education, mass transit, urban renewal and rural assistance, which carry much higher price tags.

In its projection for California, the department estimates that the state's $536.3 million share (five years hence) would be divided so that state government would keep $370.5 million while local governments would receive $165.8 million. The local slice would be split on the basis of $85.4 million to counties and $80.4 million to cities.

By 1975–76, annual allocations would total $1.6 million for the City of Sacramento, $1.1 million for Fresno, $283,000 for Modesto, $424,000 for Bakersfield, $152,000 for Redding, $712,000 for Stockton, $268,000 for Santa Rosa and $248,000 for Vallejo.

THE $2.9 MILLION

County shares in five years would amount to $2.9 million for Sacramento, $1.8 million for Fresno, $943,000 for Stanislaus, $529,000 for Butte, $162,000 for Colusa, $503,000 for El Dorado, $159,000 for Glenn, $639,000 for Humboldt, $2 million for Kern, $307,000 for Kings, $279,000 for Madera, $287,000 for Mendocino, $583,000 for Merced, $345,000 for Napa, $791,000 for Placer, $1.4 million for San Joaquin, $818,000 for Shasta, $225,000 for Siskiyou, $549,000 for Solano, $1 million for Sonoma, $242,000 for Sutter, $178,000 for Tehama, $975,000 for Tulare, $429,000 for Yolo and $194,000 for Yuba.

For the current fiscal year each jurisdiction would receive about 5 per cent of the listed amount.

HEARINGS ON LOBBYING

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Illinois. Mr. Speaker, the House on July 8 adopted House Resolution 1031 directing the Committee on Standards of Official Conduct, of which I am chairman, to conduct investigations and studies of lobbying activities and campaign finances, and to report our findings and recommendations at the earliest practicable date.

While these two complex subjects are in some way related, our committee has decided to hold separate hearings on each inasmuch as many witnesses would want to address themselves to only one of the the two areas.

Accordingly, the committee had scheduled public hearings for September 10, 15, 16, and 17 to seek views from the general public for our guidance in determining what, if any, remedial legislation is necessary to improve regulation of lobbying practices.

At a later time appropriate to the legislative program, we will establish a similar schedule for Members' testimony or submission of statements on lobbying.

I make this announcement in order to alert those Members who may be queried by interested constituents as well as to notify those Members interested in submitting views on lobbying, whether they desire to appear in person or file statements for inclusion in the record of the hearings.

Following this portion of the assignment, we expect to conduct similar hearings on the raising, reporting and use of campaign funds for candidates for the House, as directed in House Resolution 1031.

DISCLOSURE OF FUNDS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, if citizens are to have a complete picture of a candidate's campaign for public office during the coming elections, they must have a complete and detailed reporting of all campaign receipts and expenditures. Maryland and many other States provide for detailed campaign disclosures, but there are no such safeguards in the laws governing the District of Columbia.

I have felt it essential to provide detailed reporting of my campaign receipts and expenditures for the District of Columbia and I have introduced, with cosponsorship by 47 of my colleagues, legislation to close this loophole in the District law and I urge its adoption. I am heartened by the support of my colleagues and the favorable response I have had from the community. Washington radio station WTOP recently editorialized in support of this legislation, noting that "a District of Columbia disclosure law would help to purify elections from one end of the country to the other."

Citizens should also have the benefit of a statement of the financial holdings of elected public officials. This provides another measure by which citizens can assure themselves that public officials are not subject to conflicts of interest which could prevent or deter them from performing their official duties in an objective manner. I insert in the Record at this point a statement of my wife's and my financial holdings:

Financial statement of Gilbert Gude and Jane Callaghan Gude, his wife, July 25, 1970

Assets:	
Cash, checking and savings accounts	$3,083
First National Bank of Maryland, (stock—100 shares)	4,500
Part ownership of A. Gude Sons Co., Inc. (family landscape nursery and florist firm)	625,000
Residence	65,000
Life insurance, cash value	6,670
Household furnishings, personal belongings	$23,000
Two automobiles	2,160
Total	729,413
Liabilities:	
Accounts payable	500
Mortgage, residence	20,114
Personal note	9,000
Life insurance, loan	500
Total	30,114
Net worth	699,299

The only substantial change in our holdings in the last year has been the acquisition of the listed bank stock.

Net income in 1969 after taxes, $39,225. All income exclusive of that from the U.S. Government was from sources listed under assets.

RESOLUTION COMMENDING HON. J. HERBERT BURKE

(Mr. MAYNE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter).

Mr. MAYNE. Mr. Speaker, I am pleased to inform the House that at a recent meeting of the 90th Club, our membership adopted a resolution commending the service in this body of the Honorable J. Herbert Burke, representing the 10th Congressional District of Florida. Since the resolution speaks for itself, I include at this point in the Record a copy of the resolution passed by our 90th Club, which I have the honor to serve as president:

90th Club Resolution

Whereas, Members of the Congress of the United States and other public officials are looked upon to provide innovative thought and decisive judgment concerning the welfare and the destiny of their constituents and of their country; and

Whereas, since becoming a Member of the Congress of the United States the Honorable J. Herbert Burke, United States Representative from the Tenth Congressional District of Florida, has conscientiously concerned himself with the vital issues confronting the people in his District and in our Nation today, and has made in depth research studies into many important issues with the result that the information obtained and submitted by him has been extremely valuable to the Members of Congress, Republican and Democratic; and

Whereas, the Members of the House Republican Leadership appointed and recommended the Honorable J. Herbert Burke for appointment, and he was appointed, a member of the prestigious House Foreign Affairs Committee and to the Executive Committee of the Republican National Congressional Committee; and

Whereas, the Honorable J. Herbert Burke was appointed to serve as a member of the only official Congressional Study Mission to investigate and report its findings on the Biafran-Nigerian conflict; and

Whereas, the Honorable J. Herbert Burke did in the fulfillment of his assignment go into the war torn zone at great personal risk and did, therefore, submit to the Congress a report which contained information valuable to the Congress and to the Executive Branch of our government; and

Whereas, the Honorable J. Herbert Burke because of the trust and confidence the Republican leadership has in him, was appointed by the Congress of the United States as a delegate and advisor at the historic first General Assembly of the Association of American States, and served as a delegate and Congressional advisor at the recent meeting of that organization assembled in Washington, D.C.; and

Whereas, the Honorable J. Herbert Burke had the distinction of being one of the first to recognize and call the public's attention to the naval and military build-up of the Soviet Union in the Mid-East which could well have upset the balance of power in world affairs at the expense of our nation's security; and

Whereas, the Honorable J. Herbert Burke has been a strong critic of reckless government spending policies, and has been a strong advocate for Congressional reform and Congressional review of our government's spending policies with the result he was cited by the Americans for Constitutional Action, the United States Chamber of Commerce and by the National Associated Businessmen for his notable voting record in the Congress of the United States, in support of those legislative measures which would serve to sustain, strengthen and defend the free enterprise system and the spirit and principles of the Constitution of the United States, and was also further recognized by the AMVETS, who bestowed upon him a special meritorius commendation for leadership in the Congress of the United States in sponsoring and supporting effective programs for the continuing growth, welfare and security of the nation and its citizens, and was cited in this regard also by a number of other organizations;

Now therefore, Be it Resolved that the 90th Club, which is composed of 58 Republican members of the Congress of the United States, hereby commends and pays tribute to the Honorable J. Herbert Burke, the Representative of the 10th Congressional District of Florida for his valuable and faithful service and constructive efforts on behalf of the people of his District and of his nation since becoming a Member of the Congress of the United States.

Signed this Aug. 6, 1970.

Wiley Mayne,
President, 90th Club.

STATEMENT OF HON. RICHARD L. OTTINGER REGARDING INTRODUCTION OF THE AIR POLLUTION ABATEMENT ACT OF 1970

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the Record.)

Mr. OTTINGER. Mr. Speaker, today I and 18 of my colleagues are joining in a bipartisan effort to get effective action to deal with the very real and serious threat posed by the pollution of our air.

The events of this summer have given us dramatic evidence of just how serious that threat is. During the last week of July in New York, air pollution rose to such levels as to endanger public health and require emergency abatement measures. Similar incidents have occurred in other major cities throughout the Nation and, indeed, throughout the world.

To date, existing legislation designed to deal with this problem has proven to be so ineffective as to actually protect polluters. We can no longer tolerate this situation. The health and even the lives of our citizens depend on our taking effective action now.

The major failure of existing programs is that they do not attack pollution at its source, but instead set vague and unenforceable standards of general air quality. Only by attacking pollution at its source can we deal effectively with the problem.

The automobile is the cause of 60 percent of our national air pollution and as high as 92 percent of the pollution in some of our urban areas. The legislation that my colleagues and I are proposing today will deal with this problem in two steps.

First, it will require the Secretary of Health, Education, and Welfare to speed up the application of abatement standards. Under this measure, the standards now proposed to be applied to 1975 automobiles would be applied for 1973 models. This is an important step but it is only a beginning. Even the 1975 standards will permit more pollution than is safe for the people of this country. The legislation that we are introducing will require the Secretary of Health, Education, and Welfare to undertake a crash program of research into feasible alternatives to the internal combustion engine, and will require that after 1975 no motor vehicle shall be sold in this country that exceeds the lowest emission standards for any otherwise feasible propulsion system. It sets fines of $25,000 for the first violation and $50,000 for each subsequent violation and it provides that each motor vehicle sold in violation of this law will constitute a separate offense.

The other major causes of air pollution in this country are emissions from stationary sources such as power generating and manufacturing plants and heating and incineration facilities. The only way to deal with this type of pollution is to set specific standards for the maximum emissions of all forms of pollution to be permitted from each installation. The legislation that we are introducing today directs the Secretary of Health, Education, and Welfare to conduct a program of research to determine maximum acceptable emissions. It requires that by 1972 the standards shall be enforced for every stationary source. In order to assure compliance it sets a fine of $10,000 for the first violation and $25,000 for each subsequent violation and specifies that each day of continued violation shall constitute a separate offense.

The cause of pollution from both motor vehicles and many stationary sources is the fuel and fuel additives that are consumed. The legislation we are introducing directs the Secretary to relegate the sale or use of fuel or fuel additives. It requires him to conduct an immediate program of research to determine what fuel and fuel additives can safely be used and how they can be used to assure the protection of the public health. Based upon this information the Secretary shall, by 1971, issue standards for safe fuel additives and after January 1, 1975, it shall be unlawful for any person or corporation to sell and use fuel or fuel additives that fail to conform to these standards. A fine of $25,000 will be assessed against violators for the first offense and $50,000 for each subsequent offense. Again, each day of violation shall constitute a separate offense.

Finally, this legislation authorizes any citizen to bring action to compel compliance with this law and provides that any person bringing information that leads to the conviction of a violator shall receive 50 percent of the fine assessed.

Since I first came to Congress in 1965, I have been warning of the dangers of pollution and advocating the enactment of effective legislation to protect the public from this threat. Time and time again Congress has approached the problem and then failed to take the forceful and effective action that is essential. We can no longer wait. My colleagues and I are therefore joining in the formation of a congressional Clean Air Committee, the purpose of which is to win early enactment of this legislation and then to assure its effective enforcement.

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I am pleased to be able to report that the effort we are launching here today is fully coordinated with a similar program in the Senate. In the other body, the distinguished Senator from Wisconsin, Gaylord Nelson, is leading an effort to incorporate similar provisions to those proposed in our bill as amendments to the Clean Air Act Amendments of 1970 when that measure is reported to the Senate floor.

With this kind of organized effort, I believe that it is possible to correct the failures of the past and enact legislation that will for the first time give us the tools to clean up our air and preserve a wholesome and liveable environment.

IT PAYS TO ORGANIZE

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, one of my constituents, Eli Rucker of Chilhowee, Mo., has written a letter to the editor of one of the papers in our congressional district which in my opinion is worth sharing with my colleagues.

It is entitled, "It Pays to Organize" and covers such subjects as women's rights, the TV appearances of male hairdos which he says would look good on any woman and sundry other comments that show a great sense of humor by this constituent.

Consistently enough he points out that the really disorganized group in our society are the tax-paying law-abiding, silent majority. The fact that they are disorganized is probably the reason they are the forgotten people. My salute goes to my friend, Eli Rucker of Chilhowee, for his well-considered views on the plight of the silent majority of our citizens.

But in my opinion it is significant that he firmly believes that even though we have spent billions of dollars and lost hundreds of our best men in Southeast Asia to prevent a Communist takeover of a small Asian country, we cannot lose sight of the fact that it is still possible for a conspiracy to take over this great country of ours and our freedom slide by default into oblivion. He is so right that we must resolve that those brave men who died shall not have died in vain.

The letter to the editor follows:

It Pays To Organize

Dear Editor: It pays to organize. So they say, and every segment of our society seems to be organized except the law-abiding taxpaying majority.

To my knowledge, the latest group to organize is a group of women back east, to fight for women's rights and surely no one would blame them for that, but some of their group are against men and I for one don't blame them on that score either.

Since woman throughout the ages has been bogged down with the burden of bringing children into the world, and one lady I listened to on TV thinks it's time they shove that job off on men. Now, I am not one who claims to know much about such things, but in falling back on the little I know, I have grave doubts about them getting that job done. But if the long-haired boys find out about it, they at least will try. And I will admit some of them would make very good looking mothers, but of course it takes more than looks to be one.

About all us ordinary folks know these days is what we read in the papers or see on TV, and all are impressed one way or another by what they see and hear. On the talent scout program Saturday evening a young fellow about 25 or 30 years old showed up in a hair-do that would look good on any woman. It was neatly combed down over his ears, or holes in his head! Your guess is as good as mine. But, he also wore a mustache, which detracted somewhat from his motherly appearance, since I have no recollection of ever seeing a mother wearing a mustache. But the fellow is deserving of one compliment. His hair-do was neatly combed, as many of the long-haired boys look as though their hair has never been introduced to a comb.

Now back to the question of organizing. It looks from here that everybody is organized except those that should be. The atheists, anarchists and communists are all organized and they are making their influence felt and known everywhere except Washington, D.C., who haven't heard about it or else too politically minded to do anything about it.

The disorganized in our society are the tax-paying, law-abiding, silent majority and that is probably the reason why we are the forgotten people. And I can think of but one reason why we are not organized and that you too may know. I will tell you a story that I heard that probably explains it. The story: One day while a group of inmates from an asylum, about 20 in all, were policing the grounds and only one guard was guarding them. A passerby noticed that spectacle and said to one of the inmates, "Is there only one man guarding you fellows?" "Yes, that's all," said the inmate. "Well, said the passerby, if you fellows would organize you could overpower the guard and go free." So the inmate said, "If we could organize, we wouldn't be here."

Now, good citizens in this section of America, let's not be so naive as to rear back on our haunches and watch the communists and anarchists take over without letting our voices be heard.

This nation has sent half a million men to fight and die in an effort to prevent a communist takeover of a small Asian country. In doing so, he gave rise to an increased effort on the part of that longtime conspiracy to take over over here.

So, win or lose in Asia, if and when the half million men are brought home and find that those who sent them over there to fight for freedom have let that freedom slide by default into oblivion and these words from Lincoln's Gettysburg speech float through their minds, and I quote: "that we highly resolve that these dead shall not have died in vain." they probably will want to pay a visit to every one of the 40,000 graves of those that won't be back and place this epitaph:

"One hundred billion dollars gone down the drain and 40,000 of America's best—died in vain."

Eli Rucker.

Chilhowee, Mo.

THE GREAT ENERGY GRAB

(Mr. ANDERSON of Tennessee asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDERSON of Tennessee. Mr. Speaker, the monopolistic oil industry has embarked on a scheme to ultimately control virtually all raw energy sources in the United States. Such control, if successful, would lead to a stranglehold on the entire economy of our Nation because everything we do—everything we produce—depends upon energy. No factory, no store, no home, no transportation system can operate without it. The implications are frightening for the economic well-being and the security of the entire Nation.

What is happening, Mr. Speaker, will be the No. 1 domestic economic crisis of this generation—a crisis resulting from exorbitantly high fuel and power costs coupled with widespread fuel and power shortages. This crisis can lead to catastrophe.

It is hardly necessary to point out that the oil industry is comprised of the most powerful economic giants in the country. Due to high depletion allowances and other forms of protection, they have amassed huge capital assets. But the oil interests are not satisfied with huge profits and control over their own huge industry. Through a powerful and effective lobbying force they have caused our Government to impose and uphold extremely low quotas for foreign oil imports. This in itself has been a major factor in moving petroleum fuel prices to an artificially high level and in the creation of severe fuel oil shortages last winter. These shortages are likely to be worse this winter and prices will be higher. The only thing we will have plenty of fuel for will be for the fires of inflation.

Mr. Speaker, let us now talk about coal. Recently the Tennessee Valley Authority announced an earth-shaking 25- to 30-percent rate increase. Between two-thirds and three-quarters of the reason for this gigantic boost is the fact that the price of coal has virtually doubled in a year's time. TVA was paying $4 per ton. In July of this year the price was as high as $8.20 per ton and continuing to increase.

Why has the price of coal more than doubled? Is it higher wages, Republican interest rates, the Coal Mine Safety Act, additional reclamation expenses? Only in relatively small part are these the causes, Mr. Speaker. The main reason is that there is an unprecedented demand for coal for domestic power generation and unprecedented increases in exports, mainly to Japan. Coal is in very much a seller's market. Current coal prices bear little or no relationship to costs, but are simply based on charging the maximum the traffic will bear.

But the crowning blow, Mr. Speaker, is that the oil industry is buying up the coal industry a mile a minute and is doing everything possible to market both petroleum products and coal at prices which have little relation to production costs. The oil industry is trying to take complete control over the coal industry and the results are proving disastrous.

And another question, Mr. Speaker, what is the Justice Department doing about this? Is this not a clear violation of antitrust laws? Are not these practices monopolistic in a form clearly detrimental to the public interest? Does the oil industry really care about our national economic well-being? Does it really care about the citizens whose hard-earned dollars create their great wealth? I wonder.

Mr. Speaker, after the oil giants control all the oil and gas and coal, and carefully continue to throttle down oil imports, what is there left? Except for direct application of solar energy and a small hydroelectric generating capacity there are only the nuclear fuels. These fuels are of dramatically more importance today than anyone dared dream just 5 years ago. The main reason is the fantastic increase in coal prices. This administration has already, in more ways than one, tipped its hand on what it wants to do with the huge Government-owned gaseous diffusion uranium production plants at Oak Ridge. It wants to sell them to private industry. Who wants to buy them? The oil industry, Mr. Speaker. Yes, Mr. Speaker, the greedy, public-be-damned oil industry. If the present course of the oil industry continues and their schemes of monopoly are permitted to materialize while this administration and the Justice Department sit idly by, the Dixon-Yates scandal is going to look like a kindergarten game.

The attitude of those controlling the base energy sources is further reflected in a report in Business Week—August 1, 1970, page 22—which stated:

> The major oil companies, which control most of the natural gas supplies in the U.S. have made it clear that they are not interested in increasing gas production until it becomes more profitable than other investments they can make. But that could mean a 60 percent increase in the present ceiling prices that producers can charge for natural gas.

These same companies control a major portion of the coal reserves, and it is clear from what is happening that the same attitude exists insofar as any effort to increase coal production is concerned.

As a first step in encouraging the Congress to exercise its urgent duties to investigate and act to save the country from this disastrous takeover, I have introduced a resolution urging and requesting the Committee on Interstate and Foreign Commerce to investigate the high prices of coal. Other actions will follow along related or similar lines.

Mr. Speaker, again I point out, the security of the Nation is at stake. At the present time if a national emergency required large blocks of power on short notice the Nation's electric industry would find it almost impossible to provide it on a sustained basis unless coal supplies are increased drastically. It is unthinkable to permit a continuation of the present trends which severely limit the capacities of the Nation's electric utilities to respond to a national crisis.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. An American must work approximately 3.6 months to buy a small car while a Russian must work 23.3 months.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Pryor of Arkansas (at the request of Mr. Albert), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Albert, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Jones of Tennessee) to revise and extend their remarks and include extraneous material:)

Mr. Hicks, for 30 minutes, today.

Mr. Farbstein, for 20 minutes, today.

Mr. Rooney of Pennsylvania, for 10 minutes, today.

Mr. Diggs, for 15 minutes, today.

(The following Members (at the request of Mr. Scott) to revise and extend their remarks and include extraneous material:)

Mr. Williams, for 30 minutes, today.

Mr. Saylor, for 15 minutes, today.

Mr. Watson, for 10 minutes, today.

Mr. Ruppe, for 10 minutes, today.

Mr. Hogan, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Flood, for all Members speaking on the veto message of the President, to revise and extend their remarks and include extraneous matter.

Mr. Randall and to include extraneous matter in two instances.

Mr. Biaggi, to extend his remarks in the Record today immediately before the vote on the independent offices appropriation veto.

Mr. Lowenstein to revise and extend his remarks and include extraneous matter in his special order today.

(The following Members (at the request of Mr. Scott) and to include extraneous material:)

Mr. Springer in four instances.

Mr. Halpern.

Mr. Bush.

Mr. Horton in nine instances.

Mr. Pelly in three instances.

Mr. Ruppe in two instances.

Mr. Steiger of Wisconsin.

Mr. Foreman in three instances.

Mr. Price of Texas in four instances.

Mr. Erlenborn.

Mr. Wyman in two instances.

Mr. Zwach in two instances.

Mr. Findley.

Mr. Sebelius in two instances.

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Mr. Bob Wilson in two instances.
Mr. Reid of New York in two instances.
Mr. Ashbrook in two instances.
Mr. Lujan.
Mr. McClure.
Mr. Kleppe.
Mr. Landgrebe.
Mr. Bell of California.
Mr. Buchanan.
Mr. Keith in five instances.
Mr. McCloskey.
Mr. Mize.
Mr. Shriver.
Mr. Fulton of Pennsylvania in five instances.
Mr. Robison.
Mr. Devine.
Mr. Whitehurst.
Mr. Burke of Florida in three instances.
Mr. MacGregor.
Mr. Snyder in two instances.
Mr. Morse.
Mr. Conte.
Mr. Duncan in two instances.
Mr. Lloyd.
Mr. Gerald R. Ford.
Mr. Brotzman.
Mr. Hogan in five instances.
Mr. Watson in two instances.
Mr. Hosmer.

(The following Members (at the request of Mr. Jones of Tennessee) and to include extraneous matter:)

Mr. Boggs.
Mr. Fraser in five instances.
Mr. Waldie in two instances.
Mr. Annunzio in six instances.
Mr. Farbstein in six instances.
Mr. Wolff in two instances.
Mr. Symington.
Mr. Harrington in six instances.
Mr. Bingham in two instances.
Mr. Leggett in three instances.
Mr. Culver in two instances.
Mr. Powell in five instances.
Mr. Patten in two instances.
Mr. Rogers of Florida in five instances.
Mr. Helstoski in four instances.
Mr. Lowenstein in eight instances.
Mr. Stuckey.
Mr. Griffin.
Mr. Zablocki in two instances.
Mr. Nedzi in three instances.
Mr. Fountain in two instances.
Mr. Gallagher.
Mr. William D. Ford.
Mr. Dulski in four instances.
Mr. Mahon in three instances.
Mr. Anderson of California in two instances.
Mr. Pucinski in six instances.
Mr. Abbitt in three instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14956. An act to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on August 12, 1970, present to the President, for his approval, a bill of the House of the following title:

H.R. 17711. An act to amend the District of Columbia Cooperative Association Act, and for other purposes.

ADJOURNMENT

Mr. JONES of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 51 minutes p.m.) the House adjourned until tomorrow, Friday, August 14, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2305. A letter from the Deputy Administration, National Aeronautics and Space Administration, transmitting a list showing the number of individuals in each General Schedule grade employed by the administration under the Classification Act of 1949, as amended, on June 30, 1969, and on June 30, 1970, pursuant to 65 Stat. 736, 758; to the Committee on Post Office and Civil Service.

RECEIVED FROM THE COMPTROLLER GENERAL

2306. A letter from the Comptroller General of the United States, transmitting a report on action required to improve the Department of Defense career program for procurement personnel; to the Committee on Government Operations.

2307. A letter from the Comptroller General of the United States, transmitting a report on progress and problems in U.S. aid to the economic unification of Central America, Department of State, Agency for International Development; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Science and Astronautics. Senate Concurrent Resolution 49. Concurrent resolution providing for congressional recognition of the Goddard Rocket and Space Museum (Rept. No. 91–1416). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 18686. A bill to authorize the lease and transfer of Burley tobacco acreage allotments; with an amendment (Rept. No. 91–1417). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. House Joint Resolution 1247. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934 (Rept. No. 91–1418). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 8668. A bill to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes (Rept. No. 91–1419). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 3637 (Rept. No. 91–1420). Ordered to be printed.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 11771. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes; with an amendment (Rept. No. 91–1421). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 14396. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians; with amendments (Rept. No. 91–1422). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 15469. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47–A, 162, and consolidated 47 and 164, and for other purposes; with an amendment (Rept. No. 91–1423). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 15624. A bill to convey certain federally owned lands to the Cherokee Tribe of Oklahoma; with an amendment (Rept. No. 91–1424). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 16833. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket numbered 349, and for other purposes. (Rept. No. 91–1425). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 18298. A bill to amend the Central Valley reclamation project to include Black Butte project; with an amendment (Rept. No. 91–1426). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1197. Resolution for consideration of H.R. 10874, a bill to provide for the establishment of the Gulf Islands National Seashore, in the States of Alabama, Florida, Louisiana, and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes (Rept. No. 91–1427). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules: House Resolution 1198. Resolution for consideration of H.R. 18776, a bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes (Rept. No. 91–1428). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL:

H.R. 18969. A bill to provide for comprehensive surveys with respect to the ade-

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quacy of game and other animals and game birds and other birds and fish, and their habitat, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLS (for himself, Mr. Byrnes of Wisconsin, and Mr. Broyhill of Virginia):

H.R. 18970. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 18971. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

By Mr. GILBERT (for himself, Mr. Addabbo, Mr. Annunzio, Mr. Brasco, Mr. Byrne of Pennsylvania, Mrs. Chisholm, Mr. Daniels of New Jersey, Mr. Delaney, Mr. Dent, Mr. Friedel, Mr. Gallagher, Mr. Garmatz, Mr. Helstoski, Mr. Karth, Mr. Mikva, Mr. Minish, Mr. Murphy of Illinois, Mr. Nix, Mr. Rodino, Mr. Roe, Mr. Rooney of Pennsylvania, and Mr. Rosenthal):

H.R. 18972. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. HALL:

H.R 18973. A bill to direct the establishment of health standards for employees of food service establishments in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McFALL (for himself, Mr. Stubblefield, Mr. Meskill, and Mr. Rarick):

H.R. 18974. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McKNEALLY (for himself, Mr. Wydler, Mr. Wolff, Mr. Helstoski, Mr. Halpern, Mr. Mikva, Mr. Button, Mr. Powell, Mr. Hastings, Mr. Monagan, and Mr. Gilbert):

H.R 18975. A bill to amend section 222(h) of the Interstate Commerce Act to provide for penalties for violation of any safety requirement prescribed by the Interstate Commerce Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA:

H.R. 18976. A bill to prohibit denial of equal employment opportunity by States and local governments because of color, race, religion, or national origin; to the Committee on Education and Labor.

H.R 18977. A bill to amend title II of the Civil Rights Act of 1964; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 18978. A bill to provide that disabled individuals entitled to monthly cash benefits under section 223 of the Social Security Act, and individuals retired for disability under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act without regard to their age, and to reduce from $50 to $25 the annual deductible imposed under the supplementary medical insurance program; to the Committee on Ways and Means.

By Mr. MOSS (for himself, Mr. Rodino, Mr. Udall, Mr. Donohue, Mr. Conyers, Mr. Ryan, and Mr. Mikva):

H.R. 18979. A bill designating certain election days as legal public holidays; to the Committee on the Judiciary.

By Mr. OTTINGER (for himself, Mr. Bell of California, Mr. Brown of California, Mr. Farbstein, Mr. Gude, Mr. Harrington, Mr. Koch, Mr. Lowenstein, Mr. McCarthy, Mr. McCloskey, Mr. Mikva, Mr. Morse, Mr. Reid of New York, Mr. Reuss, Mr. Vanik, Mr. Rosenthal, Mr. Brademas, Mr. Fraser, and Mr. Hechler of West Virginia):

H.R. 18980. A bill to provide for the abatement of air pollution by the control of emissions from motor vehicles, motor vehicle engines, stationary sources and fuel, and fuel additives in order to protect the health and welfare of the people of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 18981. A bill to amend the Federal Power Act to promote the creation of a national grid for the supply of electric power; to the Committee on Interstate and Foreign Commerce.

By Mr. REID of New York:

H.R. 18982. A bill to provide emergency authority for the guarantee of loans to aid business enterprises to meet temporary and urgent financial needs; to the Committee on Banking and Currency.

H.R. 18983. A bill; Newsmen's Privilege Act of 1970; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 18984. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the United States requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPE:

H.R. 18985. A bill to require the Secretary of the Army to make a survey of St. Marys River, Sault Ste. Marie, Mich.; to the Committee on Public Works.

By Mr. RYAN (for himself, Mr. Burton of California, Mr. Farbstein, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Lowenstein, Mr. Moorhead, Mr. Morse, Mr. Rosenthal, and Mr. Tunney):

H.R. 18986. A bill to amend the Truth-in-Lending Act to protect consumers against careless and erroneous billing, and to require that statements under open-end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. SIKES:

H.R. 18987. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. VIGORITO (for himself, Mr. Hosmer, Mr. Bennett, Mr. Rosenthal, Mr. Hays, Mr. Ottinger, Mr. Farbstein, Mr. Biaggi, Mr. Rodino, Mr. Rhodes, Mr. Moorhead, Mr. Hanna, Mr. Matsunaga, Mr. Olsen, Mr. Reid of New York, Mr. Hechler of West Virginia, Mr. Brown of California, Mr. Barrett, Mr. Bingham, Mr. Koch, Mr. Harrington, Mr. Morse, and Mr. Vanik):

H.R. 18988. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. YATRON:

H.R. 18989. A bill to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 18990. A bill for the relief of certain farmers who sold Commodity Credit Corporation mortgaged grain to Lafayette Farm Services, Inc., Lafayette, Minn.; to the Committee on the Judiciary.

By Mr. ASPINALL:

H.R. 18991. A bill to extend the boundaries of the Arapaho National Forest in Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUSH:

H.R. 18992. A bill to amend the Internal Revenue Code of 1954 to provide more favorable income tax treatment for gain derived by individuals from the sale or exchange of capital assets held for more than 2 years; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 18993. A bill to amend section 700 of chapter 33 of title 18 of the United States Code to provide penalties for showing disrespect for the flag of the United States; to the Committee on the Judiciary.

H.R. 18994. A bill to make certain individuals who participate in civil disorders civilly liable for damages to persons who suffer loss; to the Committee on the Judiciary.

H.R. 18995. A bill to repeal chapter 44 of title 18, United States Code (relating to firearms), to reenact the Federal Firearms Act, and to restore chapter 53 of the Internal Revenue Code of 1954 as in effect before its amendment by the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 18996. A bill to amend section 4182 of the Internal Revenue Code of 1954, to remove statutory restrictions on the sale of .22 caliber ammunition; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 18997. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California:

H.R. 18998. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system; to the Committee on Agriculture.

By Mr. JOHNSON of Pennsylvania:

H.R. 18999. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLURE:

H.R. 19000. A bill to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Pérce Tribe; to the Committee on Interior and Insular Affairs.

By Mr. McKNEALLY (for himself, Mr. Wydler, Mr. Wolff, Mr. Halpern, Mr. Mikva, Mr. Powell, Mr. Hastings, Mr. Monagan, and Mr. Gilbert):

H.R. 19001. A bill to amend section 5 of the Department of Transportation Act to authorize the National Transportation Safety Board to employ 5,000 investigators to carry out its powers and duties under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA:

H.R. 19002. A bill to improve the administration of criminal justice by promoting professionalization of police, criminal court, prosecutorial, public defender, probation, parole, corrections and related personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. MORSE (for himself, Mr. Pike, Mr. Addabbo, Mr. Whitehurst, Mr. Roe, Mr. Fraser, Mr. Corman, Mr. Moss, Mr. Button, Mr. Yatron, Mr. Byrne of Pensylvania, Mr. Anderson, of Tennessee, Mr. Frelinghuysen, Mr. Kazen, Mr. Fish, Mr. Johnson of Pennsylvania, Mr. Hanley, Mr. Biester, Mr. Anderson of Illinois, Mr. Wolff, Mr. Lloyd, Mr. Matsunaga, Mrs. Chisholm, Mr. Carter, and Mr. Broyhill of North Carolina):

H.R. 19003. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. MORSE (for himself, Mr. Flowers, Mr. Hansen of Idaho, Mr. Jones of North Carolina, Mr. Brinkley, Mr. Tunney, Mr. Reid of New York, Mr. Poage, Mr. Wampler, Mr. Hathaway, Mr. Rosenthal, Mr. Scott, Mr. McDade, Mr. Ryan, Mr. Smith of New York, Mr. Brasco, Mr. Halpern, Mr. Nix, Mr. Kyros, Mr. Obey, Mr. Harrington, Mr. O'Neill of Massachusetts, Mr. Friedel, Mr. Conyers, and Mr. Johnson of California):

H.R. 19004. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. MORSE (for himself, Mr. McKneally, Mrs. Heckler of Massachusetts, Mr. Green of Pennsylvania, Mr. Hastings, Mr. Bingham, Mr. St Germain, Mr. Buchanan, Mr. Kuykendall, Mr. Moorhead, Mr. Van Deerlin, Mr. Pelly, Mr. Gilbert, Mr. Gude, Mr. Fulton of Pennsylvania, and Mr. Tiernan):

H.R. 19005. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. O'NEILL of Massachusetts:

H.R. 19006. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR (for himself, Mr. Haley, Mr. Hosmer, Mr. Taylor, Mr. Skubitz, Mr. Johnson of California, Mr. Burton of Utah, Mr. Carey, Mr. Kyl, Mr. Udall, Mr. Steiger of Arizona, Mr. Burton of California, Mr. McClure, Mr. Kastenmeier, Mr. Ruppe, Mr. O'Hara, Mr. Meeds, Mr. Rhodes, Mr. Dingell, Mr. Hansen of Idaho, Mr. Boland, Mr. Keith, Mr. Ottinger, Mr. Hathaway, and Mr. Frey):

H.R. 19007. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Tunney, Mr. Pollock, Mr. Foley, Mr. Don H. Clausen, Mr. Ryan, Mr. Wold, Mr. Kee, Mr. Camp, Mr. Gerald R. Ford, Mr. Nedzi, Mr. Vander Jagt, Mr. William D. Ford, Mr. Cederberg, Mr. Brown of Michigan, Mr. McDonald of Michigan, Mr. Esch, and Mr. Riegle):

H.R. 19008. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 19009. A bill to provide for employment within the Environmental Protection Agency of commissioned officers of the Public Health Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. Bingham, Mr. Conyers, Mr. Fraser, Mr. Fulton of Tennessee, Mr. Hamilton, Mr. Moss, Mr. Nix, Mr. Ottinger, Mr. Roybal, Mr. Stokes, Mr. Brasco):

H.R. 19010. A bill amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency. This act is to be known as the Universal Enrollment Act of 1970; to the Committee on House Administration.

By Mr. ADAIR:

H.R. 19011. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BENNETT:

H.R. 19012. A bill to provide for the construction of naval vessels in the United States, and for other purposes; to the Committee on Armed Services.

H.R. 19013. A bill to amend title 10 of the United States Code to provide a more adequate survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

By Mr. BROTZMAN:

H.R. 19014. A bill to prevent the dumping of chemical, biological, or radiological weapons or materials into any body of water; to the Committee on the Judiciary.

By Mr. DERWINSKI (for himself, Mrs. Reid of Illinois, Mr. Arends, Mr. Kluczynski, and Mr. Erlenborn):

H.R. 19015. A bill to declare the Illinois and Michigan Canal abandoned as a navigable waterway of the United States of America and quitclaim any interest which the United States of America may have therein to the State of Illinois to remove or prevent clouds upon land titles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH (for himself, Mr. Abernethy, Mr. Broomfield, Mr. Fish, Mr. Fulton of Pennsylvania, Mr. Flynt, Mr. Horton, Mr. Jones of North Carolina, Mr. Ruppe, Mr. Scheuer, Mr. Stratton, and Mr. Griffin):

H.R. 19016. A bill to extend for 2 months the period within which the Secretary of Commerce is required to report the decennial census tabulation of total population by States for the apportionment of Representatives; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself, Mr. Don H. Clausen, Mr. Flood, Mr. Howard, and Mr. Udall):

H.R. 19017. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

By Mr. FASCELL (for himself, Mr. Blatnik, Mr. Don H. Clausen, Mr. Flood, Mr. Howard, Mr. Matsunaga, and Mr. Udall):

H.R. 19018. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL (for himself, Mr. Don H. Clausen, Mr. Flood, Mr. Howard, and Mr. Udall):

H.R. 19019. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. McCLORY:

H.R. 19020. A bill to improve judicial machinery by providing for the appointment of a district court executive for each district court having six or more authorized permanent judges; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 19021. A bill to amend title 23, Highways, United States Code, relating to Indian reservation roads; to the Committee on Public Works.

By Mr. STUCKEY:

H.R. 19022. A bill to require under the supervision of the Securities and Exchange Commission a full and fair disclosure of the nature of interests in business franchises, and to provide increased protection in the public interest for franchises in the sale of business franchises; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT:

H.R. 19023. A bill; the Consumer Agricultural Food Protection Act of 1970; to the Committee on Education and Labor.

By Mr. TUNNEY:

H.R. 19024. A bill to amend the Clean Air Act to establish statutory limits on emissions from motor vehicles manufactured after January 1, 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. MacGREGOR:

H.J. Res. 1354. Joint Resolution proposing an amendment to the Constitution to limit the tenure of Senators and Representatives; to the Committee on the Judiciary.

By Mr. ZABLOCKI (for himself, Mr. Hays, Mr. Nix, Mr. Fountain, Mr. Fraser, Mr. Thomson of Wisconsin, Mr. Broomfield, Mr. Findley, Mr. Fulton of Pennsylvania, Mr. Taft, Mr. Fascell, Mr. Gibbons, Mr. Hathaway, Mr. Holifield, Mr. Miller of California, and Mr. Pepper):

H.J. Res. 1355. Joint resolution concerning the war powers of the Congress and the President; to the Committee on Foreign Affairs.

By Mr. ICHORD:

H. Con Res. 712. Concurrent resolution authorizing the printing of additional copies of the committee's annual report for the year 1969, House Report No. 91-983, 91st Congress, second session; to the Committee on House Administration.

By Mr. FRASER (for himself, Mr. Whalen, Mr. Hechler of West Virginia, Mr. Ottinger, Mr. Edwards of California, Mr. Eilberg, Mr. Conyers, Mr. Corman, Mr. Moss, Mr. Friedel, Mr. Addabbo, Mr. Matsunaga, Mr. Mikva, Mr. Podell, Mr. Koch, Mr. Brown of California, Mr. Scheuer, Mr. Gibbons, Mrs. Chisholm, Mr. Karth, Mr. Nix, Mr. Helstoski, Mr. Rosenthal, Mr. Stokes, and Mr. Powell):

H. Con. Res. 713. Concurrent resolution to establish a Joint Committee on Intelligence and for other purposes; to the Committee on Rules.

By Mr. KOCH:

H. Con. Res. 714. Concurrent resolution on the conversion to a low-emission propulsion system for motor vehicles to replace the internal combustion engine; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN (for himself, Mr. Fraser, Mr. Button, Mr. Findley, Mr. HALPERN, Mr. MORSE, Mr. RIEGLE, and Mr. ROBISON):

H. Con. Res. 715. Concurrent resolution to establish a Joint Committee on Intelligence, and for other purposes; to the Committee on Rules.

By Mr. FASCELL (for himself, Mr. BLATNIK, Mr. DON H. CLAUSEN, Mr. FLOOD, Mr. HOWARD, and Mr. UDALL):

H. Con. Res. 716. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. SPRINGER:

H. Res. 1199. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MATHIAS:

H.R. 19025. A bill for the relief of Miguel Maria Irigoyen; to the Committee on the Judiciary.

By Mr. STAFFORD:

H.R. 19026. A bill to provide for the advancement in grade of a certain officer in the U.S. Naval Reserve; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII,

569. The SPEAKER presented a petition of the General Assembly and General Board of the Christian Church (Disciples of Christ), relative to conscription, which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

PETER LISAGOR

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. PUCINSKI. Mr. Speaker, Time magazine in its current edition has paid a well deserved tribute to Chicago Daily News, Washington Bureau Chief Peter Lisagor.

It has been my privilege to know Peter Lisagor for almost three decades and I concur in the tribute paid him by Time.

Since he is not one for flowery compliments, I shall confine my remarks today to a simple request to place the Time article in the RECORD.

The article follows:

HORIZONTAL IN WASHINGTON

Washington, D.C., is a city of hustlers and manipulators, full of pitfalls for the journalist, and covered by some of the most experienced reporters in the U.S. It stands to reason that the newspaper correspondent conceded by his colleagues to be Washington's all-round best would be cynical and a big smug. He isn't. The Chicago Daily News' Peter Lisagor, 55, has made his mark by 20 years of hard work and humor, and if he has scooped every competitor and pulled every beard in the capital, he remains the most popular newsman in town.

Laughter is Lisagor's calling card. He has stepped on Khrushchev's foot, fallen asleep in the Taj Mahal and walked head-on into a lamppost (with bloody consequences) while recording the words of Lyndon Johnson. He tells terrible jokes and laughs so hard at them that everyone laughs with him. Still, no member of the press corps makes the mistake of writing off "Old Pete" as a buffoon. They all laughed when he foiled security by slipping his rented car, crudely lettered State Department 1-A into a key position in Khrushchev's 1959 motorcade through Des Moines, but the joke was on them. It usually is.

WHISPERS WITH J.F.K.

The lighthearted Lisagor is admired as a great generalist in a field where specialists are taking over. As chief of the New's five-member bureau, he practices what he calls "horizontal" journalism—he and his reporters follow their stories wherever they lead rather than sticking to narrow beats, as they might at a large "vertical" bureau. Pete himself covers the White House, foreign policy, Washington politics and whatever captures his fancy. He is reputed to have the widest range of true friends in the Government's employ of any correspondent in D.C. L.B.J. has called him "brilliant." To the consternation of Lisagor's colleagues, John Kennedy used to call him aside for lengthy whispered consultations. J.F.K., a fellow sufferer, was actually asking about Pete's bad back. "I always told the other reporters it was a privileged conversation about Berlin or Cuba or the cold war," Lisagor recalls gleefully, "and that I couldn't divulge any part of it."

Lisagor modestly attributes his popularity to the fact that he works for a provincial paper. None of his sources, he claims, ever see what he writes. But being a "busher" in the bailiwick of the Eastern press giants has had its drawbacks. Lippmann or Reston could get a Cabinet member by phone, but Lisagor once waited weeks trying to see John Foster Dulles. He got an interview immediately when, on the strength of a New York Times Sunday Magazine assignment, he identified himself as Mr. Lisagor for the Times.

On another occasion, the wire services entirely ignored one of his scoops—the discovery that President Syngman Rhee had refused the offer of Indian troops at the height of the Korean War—until he leaked it to the New York Herald Tribune. By 1966, when he beat everyone with the first authentic account of the Jackie Kennedy-William Manchester squabble, A.P. and U.P.I. were finally paying attention.

RON'S BAD NEWS

Outside the profession, much of Lisagor's recognition and prestige is due to his appearances on television, which he pretends to disparage. "I belong to the dirty-fingernail set," he boasts. "Those who work with pencil and notebook, as opposed to the folk heroes on T.V. I'm a working stiff, a shoe-leather man." He is embarrassed when little girls recognize him and ask for his autograph. Nevertheless, he does a weekly report for NET and is the most frequent guest journalist on NBC's *Meet the Press*, a program that displays Lisagor's most conspicuous talent: he is far and away the most skillful interrogator in the business. On TV, at press conferences, and at the now-famous breakfasts run by Godfrey Sperling of the *Christian Science Monitor*, he breaks through the reserve of official after official with the wit, insight and irreverence of his questions.

"After a year," he asked an evasive Daniel P. Moynihan, "how does it feel to be the house liberal?" Lisagor had used the approach before. "If you were Secretary of State," he asked Johnson Adviser McGeorge Bundy several years ago, "would you want a McGeorge Bundy in the White House?" And when Nixon Press Secretary Ron Ziegler began a song and dance about how General Lewis Hershey had not actually been canned as Selective Service director but promoted to a higher advisory post, Lisagor stopped the nonsense and broke up the house by asking quietly: "How did he take the bad news, Ron?"

SHORN OF BRITCHES

Those fortunate enough to catch Lisagor in print (his features and weekend columns are syndicated in 90 cities but seldom appear in D.C. or New York) find Pete hanging on no ideological peg. An apolitical anomaly in a highly partisan town, he is praised by Bill Buckley's *National Review* and quoted by the liberal *New Republic*. "An old editor once told me to walk down the middle of the street and shoot windows out on both sides," he says. "I guess that's about what I try to do." He will agonize for hours over his lead. One colorful effort dramatized L.B.J.'s technique of silencing the G.O.P. by stealing its issues: "There is no other word for it—the Republicans have been held up in broad daylight by a daring political desperado from Texas. Lyndon B. Johnson has shorn them of their britches, in the patois of the Pedernales."

Pete Lisagor's "plain folks" pose is an honest one. He was a 14-year-old orphan when he went to Chicago from the West Virginia coal fields in 1930. He played pro baseball "for $65 a month and hamburgers" in Iowa, until he saved enough money to go to the University of Michigan. With time out for the Army and a Nieman Fellowship at Harvard, he has worked for the *News* almost continually since 1939. In Washington, Old Pete never flaunts his unique eminence, but he obviously enjoys it. When a friend called to ask if a big story had been leaked to him—he had a 24-hour beat on it—he chuckled comfortably and replied: "They don't leak stories to me. I'm just a barefoot boy from over the mountains."

THE IMPACT OF CRIME ON SMALL BUSINESS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. CULVER. Mr. Speaker, one of the most far-reaching problems facing the businessman today is that of theft of materials in transit. These thefts result in disruption of business schedules, as essential parts do not arrive on time. Ultimately, of course, it is a problem which affects every American consumer, because it causes higher prices through increased insurance costs.

I am encouraged to note that the Senate Small Business Committee, chaired by Senator ALAN BIBLE, has undertaken an extensive investigation of this situation and has held a number of hearings on this subject recently.

Late last year the committee issued a report detailing the problem as it pertains to shipment by air. This report is particularly informative, and I insert the introduction, conclusion and other relevant passages at this point in the RECORD:

XUM

THE IMPACT OF CRIME ON SMALL BUSINESS—PART II

I. INTRODUCTION

The purpose of this report is to summarize the findings of the Senate Select Committee on Small Business concerning theft and pilferage losses in air cargo shipments.

Briefly, your committee found that present efforts to arrest the mounting toll of this kind of crime were ineffective. The most notable weakness was the absence of provision for systematic collection of data to afford guidance in the design of preventive measures.

Another weakness was that crimes committed at airports are subject to many overlapping jurisdictions of law enforcement agencies. Accordingly, what is everybody's business is nobody's: there is no one in charge.

A third weakness is the passive role of the air carriers themselves, despite their ultimate responsibility for the safety of the goods they transport. There is no present way to tell at what point the losses occur, and efforts to keep goods safe are not impressive. There is also evidence of some division of authority as among shippers, carriers, terminals, and truckers.

These are among the most significant findings of your committee, but there are a number of others. The report identifies these, and proposes an action program to correct a situation that is rapidly getting out of hand. We have no good way of knowing exactly how much the loss is, because the obligation of the carriers to report these losses is not firmly established. However, in the case of a single airport, we know the figure exceeds several millions of dollars annually. Nationally, the toll would be many times that figure.

II. THE PROBLEM REVEALED BY THE HEARINGS

XUM

This report describes the findings in the first in a projected series of investigations by your committee to explore the full impact of crime against the small businessman. The focus of the study is the vulnerability of goods and cargo to theft and pilferage, from the point of shipment from the factory or importation, as they enter the transportation network on their way to the wholesale distributor, retailer, and consumer. In this report your committee has centered its attention on the effects on the business community of the vulnerability of air-shipped cargoes to theft and pilferage.

In order to have first-hand, accurate information on the physical security at many air cargo terminals across the Nation, your committee sent staff personnel to conduct onsite surveys of airports at New York (J. F. Kennedy), Baltimore (Friendship), Los Angeles (International), San Francisco (International), Chicago (O'Hare), and Washington, D.C. (National). At many of these facilities, the staff found important deficiencies in security arrangements and physical security of facilities for handling air cargo.

Among the more glaring deficiencies found were: inadequate fencing of cargo areas, and in some cases, no fences at all; unlimited access to cargo terminals and warehouses; and general employee parking directly adjacent to cargo terminals and warehouses. None of the airports visited during this investigation had employee identification systems to prevent entry into cargo handling areas by unauthorized personnel. A considerable number of the air cargo terminals visited did not have special strongroom facilities for high-value cargo.

The committee's review of air cargo theft and pilferage entered the stage of open hearings on May 21, 1969, with the statement by your chairman that "The thievery plague at our major airports, especially at international ports of entry, is a major part of the biggest multibillion dollar racket—stealing from business."

Perspective on the impact of this type of crime on small business was provided by the testimony of Mr. Walter G. Perry, of the American Institute of Marine Underwriters, New York City. First, he spoke of the rapid growth of the air freight industry—

"Although the carriage of freight by air is still at an early stage of development, in the world context, air freight is at present growing at an amazing increase of over 20 percent a year."

Mr. Perry ascribed this growth to the fact that for goods needing fast delivery, fragile goods, and goods having high value-to-weight ratio, cost of air shipment and handling was often less than for surface shipment. Hence, he said:

"* * * Promotional efforts of the air carriers are capitalizing on the benefits and economy of air transportation and have thus attracted high valued and sensitive goods." The concentration of the air cargo carriers on this kind of freight, easy and rewarding to steal, he pointed out, had not been accompanied by commensurate efforts by the carriers to secure these cargoes against loss. Accordingly—

"As airlines have considered this development of air freight merely as an adjunct to passenger service, with this rapid growth and with inadequate terminal facilities and because of the lack of a sufficient pool of skilled cargo handlers and experienced terminal supervisors, it was inevitable that security measures would be taxed beyond all tolerance and larceny was beckoned into the field of air transportation.[1]"

Because of the generally defective level of reporting of thefts, hard information about the magnitude of the problem is hard to come by.

Though the magnitude of the problem may not be known, the effect it poses to the businessman was graphically illustrated by testimony received by the committee. The following extracts confirm this:

"Because of the extensive losses, the insurance rates quoted us for 1969 are "astronomical." [2]

"* * * Systematic pilferage and theft of comparatively small quantities from almost every shipment. * * * Losses from [truck] highjacking and other causes, have increased greatly. [3]

"Of recent alarming concern to those American underwriters who undertake to insure goods and merchandise in transit has been the sharp increase in preventable types of aircargo losses." [4]

An excellent description of the impact of losses due to aircargo theft was provided by representatives of the watch industry in their testimony during the committee's hearings. They described their losses of $2.5 million since January 1967 as having an extremely serious impact on their business. The direct financial losses are only the most obvious consequence. Insurance rates have been increased. Some policies have been canceled.

But even more important is the fact that business and profit opportunities have been lost, sometimes forever. Promotions scheduled by customers have had to be canceled. There have been instances in which catalogs had been circulated featuring merchandise which failed to arrive and which was essentially irreplaceable. * * * customers do not take kindly to extended delays in delivery of goods, particularly when a check has accompanied the order.

In an industry like ours, which does a very substantial share of its total business in the Christmas season and on other gift-giving occasions such as June graduations, once you have disappointed a jeweler or a department store on promised deliveries, once the chance for a sale is gone, replacing the stolen goods is no answer at all. That is why, for the companies principally affected, the $2.5 million in merchandise lost since January 1967 has been [disastrous].

[Also] it may add some perspective to this matter to note that in a good year, profits for the entire watch importing industry probably amount to only about $15 million. So you can see that losses of the magnitude I have been describing are of the utmost seriousness to our industry. On a comparable basis, it would be something like the automobile industry's losing $300 to $400 million in stolen cars over a 2½-year period.[5]

The projected growth of air cargo in the next decade with the advent of the new generation aircraft, such as the Boeing 747 and the Lockheed L500, which is capable of carrying 320,000 pounds of cargo or the equivalent of 100 Volkswagen automobiles in addition to spare parts and accessories in one load, will more than quadruple the rate of tonnage in air commerce. It is virtually impossible to project growth beyond that, but it is generally agreed by experts in the transportation field that with the development of the new generation of aircraft, air commerce may become the dominant means by which goods are moved in transit in the United States and in a great deal of the export-import traffic. This, naturally, will result in even greater security problems than those now being experienced.

Thus, your committee is compelled to the conclusion that a serious problem exists at the present, which will be compounded many times with the advent of aircraft with a payload capacity 10 times that of the present generation aircraft, but that no one—the carriers, the Air Transport Association, nor the Civil Aeronautics Board (the regulatory agency charged with fostering the growth of air commerce for the good of the public)—has seen fit to develop a records system to document the rate and extent of such losses.

Your committee further concludes that all parties mentioned above have been negligent at the worst, or inattentive at best, in this regard. It strongly urges the CAB to take immediate action to require air carriers to file with the Board a quarterly report on all losses of air cargo, and classification of such losses to indicate which types of cause (i.e., theft, damage, mysterious disappearance, etc.) were responsible. This is an essential first step in finding a solution to the problem.

VIII. CONCLUSIONS AND RECOMMENDATIONS

In the hearings on which this report was based, your committee has been concerned only with aspects of preventing theft and pilferage of air cargo. Your committee intends to continue its investigation into thefts from other modes of transportation. It is possible that some general conclusions and recommendations may result from the completion of the total projected program of investigations, in the form of findings and recommendations for action with respect to transportation as a whole. However, at this time, your committee offers the following findings and recommendations:

Findings derived from investigation of air cargo theft and pilferage

Your committee finds that law-enforcement agencies, such as the FBI, State, and local police having jurisdiction, are doing a good job in the apprehension of criminals involved in the theft of air cargo. The number of thefts, however, is rising at such a rate that these forces are having a very difficult time coping with the problem. Witnesses were outspoken in their criticism of lax and careless practices and the dearth of data on which to mount effective strategies of either prevention or apprehension.

Your committee feels that an effort directed explicitly at crime prevention, rather than an enlarging of these police forces, is necessary to stem the rising tide of cargo theft.

Footnotes at end of article.

Your committee sees no need for increased criminal penalties. These are adequately provided in the United States Code, dealing with the theft of goods in interstate commerce.

It is also the belief of your committee that the new Federal Magistrates Act[6] will have a salutary effect on the growing judicial caseload resulting from this criminal activity; no further recommendations with respect to the Judiciary are offered at this time.

This does not preclude continued diligence on the part of the Judiciary to render swift and firm justice, meting out sentences consistent with the criminal act. Additional personnel and funds for the judiciary are needed in order to enable it to handle the increased caseload being experienced as a result of the rising rate of crime in the United States.

Deficiencies in crime prevention practice have been identified by your committee in the generation and management of data about crimes, in the procedures and practices of the airlines and terminals to make theft hard to carry out undetected, in the stimulation of more vigorous cooperation by the responsible parties, and in the secure, unobtrusive packaging of valuable goods for shipment by air.

Recommendations

Based on information developed in hearings on the economic impact of aircargo theft, your committee accordingly recommends the following:

Recommendation 1.—That the Civil Aeronautics Board, based on its statutory authority provided by the Federal Aviation Act of 1958, should compel all U.S. air carriers, air freight forwarders and agents thereof, engaged in the carrying of goods and cargo by air, to report on a quarterly basis all cargo damaged, lost, missing, stolen, or presumed stolen, the value of such cargo, the amount paid, and the number of claims against the carrier for such damage, loss, stolen, or presumed stolen, cargo. The CAB should prescribe formally the standards under which such reports are to be prepared and submitted, in order to maximize the utility of the data collected for purposes of systematic analysis in the preparation of crime prevention programs and activities.

Should the Board fail to act to require these most essential data, it is the recommendation of your committee that legislation be offered to amend section 407 of the Federal Aviation Act of 1958 (49 U.S.C. 177).[7]

Recommendation 2.—That under its statutory authority, the CAB should initiate a formal Board investigation into the rate of liability of the carrier to determine if such liability is too low, and if there is justification to change the applicable tariff and amend this present rate.

Should the Board not act in this most important area, legislation should be introduced to establish a select commission charged with examining such rates of liability to determine if there is a justifiable basis for changing the present tariffs relating to the maximum rate of liability of air carriers.

Recommendation 3.—The CAB under its statutory authority should require all carriers to affirmatively disclose to the shipper the rate and limit of liability of the carrier, and the fact that the shipper can, by making appropriate declaration, obtain increased liability for his shipment. The carrier should have the shipper sign a document acknowledging receipt of this information and indicating acceptance or rejection of increased liability.

Recommendation 4.—That the Federal Aviation Act of 1958 be amended by inserting after section 417 a new section recommending that the Civil Aeronautics Board, after consultation with the Secretary of Commerce, shall prescribe regulations establishing packaging requirements with respect to property transported in air commerce, which will insure maximum safety against theft or damage. Further, the Secretary of Commerce should make an investigation and study of packaging design and requirements as per this act, for the purpose of making recommendations which the Civil Aeronautics Board is to consider pursuant to the requirements of this amendment.

Recommendation 5.—The Secretary of Transportation should immediately begin a study to determine the need for minimal physical standards of aircargo facilities at all U.S. airports engaged in interstate and international air commerce; this study should determine the best method by which to promulgate these standards, for example, (1) by means of CAB certification procedure of air carrier, (2) by regulations developed and issued by the Administration of the Federal Aviation Administration, or (3) by the establishment of a Select Commission by the U.S. Congress charged with proposing such standards as might be necessary to effect maximum security of all cargo facilities at U.S. airports. These standards would then be proposed as amendments to the Federal Aviation Act of 1958.

Recommendation 6.—That the efforts of the private sector, such as the Air Transport Association Security Council and the John F. Kennedy Airport Security Council, should be encouraged and promoted. Appropriate assistance and cooperation in such efforts on the part of appropriate Government agencies are urged and recommended.

Recommendation 7.—That in the event that any actions recommended in the above enumerations are found to require additional legislative authority, the agencies in question advise appropriate committees of Congress of the fact, and submit their recommendations for appropriate enlargement in their statutory authorities.

Recommendation 8.—That in view of the primary responsibility of the aircargo carriers for the safety of goods in transit, that their efforts to combat theft and pilferage, and reduce the vulnerability of aircargo to theft, be recognized as a matter of high public interest and concern.

FOOTNOTES

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[1] Hearings before the Senate Select Committee on Small Business, on The Impact of Crime on Small Business, part 1, May 21–July 22, 1969, pp. 220–221.

[2] Ibid., p. 160.

[3] Ibid., p. 165.

[4] Ibid., p. 220.

[5] Ibid., p. 228.

[6] Public Law 90–578, Oct. 17, 1968.

[7] Senator Bible introduced S. 2787 on August 6, 1969. (See appendix, page 17, for floor statement at time of introduction of the bill, and comments of the Comptroller General of the United States relating to the act.)

MARIHUANA BY THE WAYSIDE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. SPRINGER. Mr. Speaker, not a day passes that every Member of Congress does not receive anxious letters from parents concerned with drug abuses and especially how it is affecting the young people in junior and senior high schools as well as those of college age.

Even to Members of Congress who are somewhat hardened to this situation, we are surpised to find that marihuana will grow almost anyplace where there is warm weather and a reasonable amount of water.

I will have to say that I was surprised to discover, within the last 12 months, the amount of marihuana growing in my own home county—Champaign County, Ill.

Mr. Ed Borman, News-Gazette news editor, is writing a series of four articles not only on the overall comprehensive problem of marihuana and the young, but also how much of it has been growing within my own congressional district.

The chairman of the Committee on Interstate and Foreign Commerce recently sent an investigator, Mr. Robert Rebein, a former FBI agent and now an investigator on the Special Subcommittee on Investigations of the Interstate and Foreign Commerce Committee, to Champaign County to check into the prevalence of marihuana there. I append herewith for the benefit of my colleagues the first two articles by Mr. Borman which I know all of my colleagues will want to read.

It is barely possible that within your own congressional district you may find marihuana growing wild and that nine-tenths of the people living in your congressional district are unaware of that fact.

The House Committee on Interstate and Foreign Commerce is getting ready to report a bill to the floor of the House within the next few days on drug abuse. It is probable that it will be on the floor of the House soon after the August recess. We are trying to give, in this bill, to the Attorney General the right to get at this very important problem of the indiscriminate wild growth of marihuana.

The first two articles follow:

CONGRESSIONAL INVESTIGATOR AMAZED BY POT IN COUNTY

(By Ed Borman)

A congressional investigator, with 11 years experience in the FBI, pulled his car off U.S. Route 45, six miles north of Urbana.

Motorists whizzing by probably thought he was admiring fine crops of corn and soybeans.

However, the investigator's attention was focused along a fence that divided the corn and soybeans. Along the fence for at least a quarter of a mile there was a lush growth of marijuana—taller than the investigator and ready for harvest.

In today's flourishing drug traffic the marijuana along the fence row can be sold for much more money than the corn and soybeans it separates. There is the possibility of thousands of dollars in this one spot—illegal but there for anyone who wants to take the chance.

For a dime the U.S. Government Printing Office sells a pamphlet that says:

"Wild hemp (Cannabis sativa L.) is a weed which contains powerful hallucinogenic compounds called tetrohydro-cannabinols. Although hemp may not be lawfully cultivated without special license, it grows wild in many parts of the United States. It is from this plant that the drug marijuana is prepared for illegal distribution and sale.

"Marijuana abuse has increased and is now a major menace. It is the most common form of drug abuse, and it frequently leads to dangerous forms of addiction and dependence. Its sale provides profit to criminals at the expense of society."

For quantity sales, the Government Printing Office will knock down the price of the pamphlets to $5.50 per 100, but that's about all the federal government has done to eradicate marijuana that grows freely over Champaign County and much of the Midwest.

Millions of dollars in taxpayers funds are being spent to try to shut off the flow of marijuana from Mexico to the United States, but law enforcement officers say that success at the border has improved the market and raised the price of the "grass" that is being harvested in Champaign County.

The congressional investigator, Robert Rebein, came here because Rep. William L. Springer asked him to determine for the Interstate and Foreign Commerce Committee of the House of Representatives whether there is a marijuana problem—and a federal government responsibility—in Champaign County as well as along the Mexican border.

Rebein is a staff attorney for the Permanent Investigating Subcommittee of the House Interstate and Foreign Commerce Committee. Springer is the ranking Republican on the full committee, which now has before it a comprehensive bill aimed at drug abuse.

"It astounds me to learn marijuana is so prevalent," Rebein said as he looked down the fence row along U.S. Route 45.

Chief Sheriff's Investigator Joe Brown told him that this was only his first stop on a tour of Champaign County. Rebein will take back to Washington pictures of marijuana growing along fence rows and ditch banks over much of Champaign County.

As just one example, Brown took him to a privately-operated fishing lake near Rantoul. It costs money to fish there, but marijuana can be picked there for free. And it's growing all over the property.

Do many people pick, process, use and sell the illegal weed?

Brown gave the congressional investigator typical case histories of dozens of local youths who were caught when they couldn't resist temptation and found themselves facing felony charges in court.

Even as Brown and the investigator toured the county, they came upon three Champaign-Urbana youths, 19 and 20 years old, who were busy with long knives along the creek bank near Mahomet.

Rebein stood by while Brown arrested the trio. Soon three families received calls that their sons were in the county jail.

These three were local talent. Brown took the Congressional investigator through fertile fields near Flatville and pointed out where people from California had picked enough to operate a "factory" that was set up in a rented Rantoul house.

Brown told Rebein that Champaign County deputy sheriffs have arrested marijuana pickers from 14 states.

Is there big money in Champaign County marijuana?

Brown told Rebein the Californians had $7,000 in cash when the Rantoul "factory" was raided.

An agent of the U.S. Bureau of Narcotics came here to meet the congressional investigator. The agent agreed with Brown's estimate that a kilo of dried and processed Champaign County marijuana (2.2 pounds) will bring $250 to $275 on today's market. The price is going up as the Mexican supply is shut off.

These are wholesale prices. Brown estimated that the marijuana confiscated from captured pickers in Champaign County last year would bring a million dollars at retail.

And Brown emphasized to the Congressional investigator that local authorities are catching only a small number of the pickers who flock to the fields at this time of year.

Rebein conferred with Wesley Schwengel, chairman of the Champaign County Board of Supervisors, who told him about local efforts to eradicate the narcotic weed, but Schwengel readily conceded that the local efforts have been ineffective.

The congressional investigator was here to consider whether there is a federal responsibility for eradication. He was reminded that marijuana is wild hemp and that hemp is grown commercially for fiber.

During both World War I and World War II, Illinois farmers were encouraged to cultivate hemp as a part of the war effort.

Rebein was handed a publication by the Division of Plan Industry of the Illinois Department of Agriculture, which says:

"During World War II, hemp was raised in Illinois when the supply of rope from the Philippines was stopped. About 44,000 acres of hemp were grown in the state in 1943, and 11 processing plants were located in Central and Northern Illinois."

The hardy plant is still around, despite efforts by farmers and local governments to get rid of it.

Today's "turned on" generation knows it as "pot," "grass," "Mary Jane," and other names.

And "fast buck boys" know how to cash in on the "green" of Illinois fields.

Congress Probes Local Pot—Federal Action To Eradicate Pot Pondered

(By Ed Borman)

Is Champaign County's profusely growing marijuana a problem for farmers and the U.S. Department of Agriculture?

Or it it a police problem that deserves some of the federal money that is being sewn in all directions these days for law enforcement assistance?

Robert Rebein, an investigator for the Interstate and Foreign Commerce Committee of the U.S. House of Representatives, has been in Champaign County this week to consider the questions.

He saw for himself:

—There is marijuana all over Champaign County.

—Farmers aren't doing very well in eradicating it.

—Local government's efforts to force eradication are ineffective.

—Police and court records show strange characters are coming from all over the country to harvest marijuana for the national narcotics market.

Local law enforcement officers urged Rebein to recommend to Rep. William L. Springer and other members of his committee that something be done to eliminate the ready source of supply for a growing illicit market.

Chief Sheriff's Investigator Joe Brown told the congressional investigator that enough raw marijuana to fill a dozen or more railroad cars could be harvested in Champaign County.

About 100 pounds of marijuana leaves can be processed into 10 pounds of "pot" ready for sale. The 10 pounds will bring about $1,250 on the wholesale market, and the retailers than can start adding their own "markup" for street sales.

An ounce can be sold "on the street" for $10, according to narcotics agents. A $5 bag contains enough for about a dozen cigarettes.

Marijuana is narcotic under both U.S. and Illinois laws. With narcotics so readily available, local lawmen can only play "cat and mouse" with persons who take to the fields to capitalize on it.

Brown reported to Rebein that the Champaign County sheriff's department has arrested marijuana pickers from 14 states, as well as dozens of local persons and University of Illinois students.

Brown said that during the harvest season (this time of year) the sheriff's office receives an average of five reports of pickers each day, but he added that many farmers have said "to hell with it" and stopped calling the sheriff when they see the strange characters in the countryside.

Rebein was an FBI agent for 11 years. Brown asked him to imagine how many pickers can go undetected at night.

What kind of people come to pick?

Brown suggested that Rebein take back to the congressional committee the records on Donald Persinger, 37, and three companions, arrested while they were picking in Champaign County.

One of the companions, David Gulich, 22, of Chicago, was wearing only an undershirt on his upper body when he appeared in court. He also wore a large beard. On his left arm there was a tattoo, "Outlaws of Chicago," centered around a skull and crossbones.

Companion Eva McGee, 25, of Chicago, was a husky young woman, dressed in skin-tight cycle pants and an even tighter short sleeve sweater.

In the car driven by Persinger police found two loaded handguns, along with marijuana. The car bore Louisiana license plates, but in the car were other plates from Missouri and Illinois.

And also in the car was a hand-drawn map showing the location of choice marijuana in Champaign County.

A pamphlet published by the U.S. Government Printing Office for benefit of farmers says:

"Marijuana abuse has increased and is now a major menace. It is the most common form of drug abuse, and it frequently leads to dangerous forms of addiction and dependence. Its sale provides profits to criminals at the expense of society.

"One way to reduce this illegal traffic is to eliminate wild hemp. Eliminating the plant will reduce trespassing by lawless persons in search of sources and will serve the public interest."

About all the federal government has done thus far to carry out its own advice is to allocate $25,000 in funds from the U.S. Bureau of Narcotics for a "pilot program" of marijuana eradication, in two countries in each of 11 states.

This necessitated a meeting in St. Louis of 33 people from 11 states, plus Washington officials. The meeting ate up most of the $25,000, but there was some money left to print up some pamphlets, importuning farmers to do something about it. In Illinois, the two "pilot" counties are Cook and Henderson, on the west side of the state.

Marijuana grows along fence rows, on ditch banks, and in other uncultivated areas, so it is difficult to get at for spraying.

Moreover, marijuana does no economic harm to the farmer. Farmers are being asked to take time out from tilling their crops to destroy a social menace and help law enforcement officials.

While he was here, the congressional investigator met Dr. Ellery Louis Knake, professor of weed science at the University of Illinois, who told him there is a simple method of eradicating marijuana if it can be done at the right time on a broad basis rather than by hit-and-miss voluntary efforts.

That is why Rebein agreed to report to the congressional committee whether Midwest marijuana deserves federal law enforcement funds.

LIBERALS BACKED INTO RHETORICAL CORNER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. ASHBROOK. Mr. Speaker, the August 6 issue of the Congressional Record carried an extensive statement on the Black Panther Party in which I illustrated the violent and revolutionary nature of the BPP. It was pointed out that despite the violent record which the BPP has compiled since its beginning in 1966 some members of the liberal camp had apologized for, explained away, or contributed to BPP activities. Time and time again we have seen the liberal defenders of the BPP condone their vicious statements against law-enforcement officials as merely a matter of rhetoric. It has been charged that the Panthers in reality have been sinned against, with the police conspiring to eliminate them through harassment tactics.

If newspaper accounts of circumstances surrounding the brutal slaying of Judge Harold Haley last Friday in Marin County, Calif., prove correct, liberal apologists for the BPP are indeed going to be hard pressed to ignore BPP violence.

A UPI story appearing in the Washington Post this morning cites the San Francisco Examiner as stating that two of the guns used in the abduction and shooting were purchased by Angela Davis, the UCLA philosophy instructor who had been ousted from that institution. An admitted member of the Communist Party, Miss Davis was quoted by reporter Ed Montgomery in the June 12, 1970, issue of the Examiner as saying:

> The press has tried to create the impression that I have left the Black Panther Party. This is not so.

The UPI account also stated that Huey P. Newton, one of the founders of the BPP and recently released from jail, hailed the men involved in the shootout as "true revolutionaries." He further stated that Jonathan Jackson, one of the kidnapers slain in the shootout, "would have been my successor" if he had not died.

Another UPI release appearing in today's Washington Daily News reported that Jonathan Jackson was a companion-bodyguard for Miss Davis.

If news accounts of Angela Davis' involvement with BPP activities are correct, a survey of Miss Davis' defenders in her fight with the University of California Board of Regents should prove amusing. The above quote attributed to her by Mr. Montgomery as to her BPP membership was actually made on October 8, 1969, in a radio interview in Los Angeles over KPFK–FM, and presumably there was no secret of her BPP relationship long before the UCLA controversy. Despite her membership in the CPUSA and the BPP, both of which she openly admitted, some evidently could find no objection to exposing impressionable students to her revolutionary philosophy.

Indications are that the Black Panthers are deeply involved in the death of Judge Haley, and perhaps at long last liberal defenders of the BPP will take the time and effort to learn about the philosophy, program, and violent record of this treacherous group. Perhaps the next time the BPP's chief rhetorician, Huey Newton, talks of revolution and violence, he will be taken seriously. Perhaps our liberal leaning friends will finally come to realize that if the Black Panther Party succeeds in its ultimate aims, the necks supporting taped shotguns may well be their own.

I include at this point in the RECORD the three items mentioned above:

[From the Washington (D.C.) Post, Aug. 12, 1970]

Angela Davis Linked to Shootout Guns

SAN FRANCISCO, August 11.—The San Francisco Examiner said today two of the guns used in a Marin County kidnaping and shooting in which four persons were killed were purchased by ousted UCLA philosophy instructor Angela Davis.

The newspaper, in a copyrighted story, said a 30-caliber carbine wielded by one of the kidnapers of Judge Harold Haley was purchased by Miss Davis in Los Angeles April 7, 1969.

A Browning 380 semiautomatic pistol, also used in the shootout, was bought by the former instructor Jan. 12, 1968, the Examiner said.

Assistant Attorney General Al Harris refused to confirm or deny the report. "I think the report is a little premature," Harris said.

Miss Davis, an avowed Communist, was recently dismissed by the UC board of regents.

Jonathan Jackson, 17, one of the four kidnapers of Judge Haley and three others Friday at the Marin County Civic Center, had been a "bodyguard-companion to Miss Davis recently, the Examiner said.

"The 30-caliber carbine wielded by Jackson when he took command of Judge Haley's court was purchased by Miss Davis on April 7, 1969, at Western Surplus, 8505 S. Western Ave., Los Angeles," the newspaper said.

The newspaper said the Browning pistol was purchased by Miss Davis on Jan, 12, 1968, at the Brass Rail, 711 N. Labrea Ave., Los Angeles.

In Los Angeles, police said weapons similar to that description and belonging to Miss Davis had been seized in a raid on a Black Panther headquarters in Los Angeles about two months ago.

In Berkeley, meanwhile, Black Panther Party co-founder, Huey P. Newton, hailed the men involved in the shootout as "true revolutionaries." He said Jackson "would have been my successor" if he had not died.

The university regents recently refused to renew Miss Davis' contract. An earlier attempt to fire her outright was overturned by the courts.

Friday Shootout: Con's Guns Are Traced

SAN FRANCISCO.—Two guns used Friday in a fatal attempt to help three black convicts escape from a San Rafael courtroom were reported purchased by Angela Davis, the black communist fired from her UCLA teaching job by the California regents.

The San Francisco Examiner said in a copyrighted story a .38 caliber Browning automatic pistol was purchased in January, 1968, and a .30 caliber carbine also used in the shootout was bought in April, 1969, both by Miss Davis.

John Plimpton, a salesman in a Los Angeles gunshop, told UPI he sold the pistol to Miss Davis and produced a sales slip dated Jan. 12, 1968, signed by a Miss Angela Davis. He also identified a photograph of the ousted philosophy instructor.

Miss Davis has said she is a communist.

NEWTON'S SUCCESSOR

The Examiner also said Jonathan Jackson, 17, an accomplice killed in the escape try, was a companion-bodyguard for Miss Davis. Black Panther defense minister Huey Newton had declared Mr. Jackson to be his successor.

In Berkeley, Newton hailed four Negroes involved in the bloody and unsuccessful attempt to flee the courtroom as "true revolutionaries."

Newton asserted the "fascist police" were responsible for the courtroom deaths.

"Everyone is aware the revolutionaries did not fire the first shot," he said. "It shows the oppressors are more interested in apprehending revolutionaries than in preserving human life."

Assistant State Attorney General Al Harris refused to confirm or deny the newspaper's report, deferring to local authorities. Marin County inspector Ronald Retana, the only person authorized to speak for the local sheriff's office, was not available.

Mr. Jackson, who smuggled the fatal guns into Superior Court, reportedly had accompanied Miss Davis to Glide Memorial Church in San Francisco where she spoke for the "Soledad brothers," three Negro convicts charged with murdering a white prison guard.

BROTHERS

One of the accused Soledad prisoners, George Jackson, 28, is a brother of Jonathan Jackson, the youth slain Friday.

Miss Davis had pleaded unsuccessfully to interview the Soledad group as an investigator for their defense. Judges ruled she was not qualified as an investigator.

Marin County Judge Harold Haley, Mr. Jackson and San Quentin convicts John D. McClain, 37, and William Christmas, 27, all were killed in the shootout at Marin County Community Center as the result of the smuggled guns. All but the 65-year-old judge were Negroes.

[From the San Francisco (Calif.) Examiner, June 10, 1970]

Miss Davis and Panther Gun Buys

(By Ed Montgomery)

The Black Panther affiliation of Angela Davis, controversial UCLA philosophy teacher, will be taken into consideration by the University of California Board of Regents in reaching a final decision on her proposed firing.

Miss Davis, an acknowledged Communist, has spoken freely of her Black Panther Party membership.

In a KPFK–FM radio interview in Los Angeles on Oct. 8, Miss Davis declared:

"The press has tried to create the impression that I have left the Black Panther Party. This is not so."

GUN SALES

Los Angeles Police Chief Edward M. Davis said today his department was aware of her Black Panther affiliation and activities but declined to elaborate.

"I do not want to infringe on the Constitutional rights of the several Black Panthers now awaiting trial in Los Angeles County Superior Court by openly discussing at this time our knowledge of Miss Davis' activities," he said.

One police report states that on Jan. 2, 1968, Miss Davis purchased a Browning .380 semi-automatic pistol, serial number 595071, at the Brass Rail, 711 North LaBrea Ave., Los Angeles, using her Alabama driver's license as identification.

PANTHER DISTURBANCE

On June 28, 1968, police responded to a peace disturbance complaint at 2837 South Bronson St., Apartment 7, Los Angeles, encountering three members of the Black Panthers.

Police found the Browning handgun and took it in for identification. Subsequently it was claimed by Black Panther Franklin D. Alexander, an identified member of the Communist Party.

On April 7, 1969, just prior to her being hired by Prof. Donald Kalish of the UCLA Philosophy Department, Miss Davis purchased a Llama .45 caliber automatic pistol, serial number 457457, and a Plainfield .30 caliber rifle, serial number 18514, at West-

XUM

ern Surplus, 8505 South Western Ave., Los Angeles.

Miss Davis, who has maintained a weekend retreat on Newport Ave. in Cardiff by the Sea, north of San Diego, gave as her address 1107½ West 87th St., Los Angeles, in purchasing the weapons.

She offered as identification her passport, No. Z 7221179.

CONGRESS AND THE INFORMATION EXPLOSION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, each of us has only to look around our own offices and our committee offices to be staggered by the amount of information that crosses our desks each day. We are painfully aware of the staff time involved in reviewing, filing, and gathering material on the many topics we are required to deal with in our official duties. This deluge of information is both our lifeblood here in Congress, as well as our nemesis—at times threatening to bury us under it and bog down the whole system.

There has been a strong interest among my colleagues to come to grips with the problem and make information work for us, rather than becoming its slaves.

A prime mover in this effort to help Congress has been Robert L. Chartrand, specialist in information sciences at the Library of Congress. His tireless work in this field has proved invaluable to each of us. Bob has written an excellent article which appeared in the spring 1970 issue of the Rutgers Journal of Computers and the Law detailing the implications the information explosion has for Congress and most importantly what is being done to harness these resources.

It is an excellent article and I commend it to all of my colleagues:

CONGRESS: THE THREE-DIMENSIONAL CHESSBOARD [1]—THE ROLE OF INFORMATION TECHNOLOGY

(By Robert L. Chartrand [2])

Imagine Congress as a three-dimensional chessboard. The three levels represent realms of member activity: the chamber, the committee, and the individual office. The role of the Congressman—or the power of the chess piece—will often vary between strata. Certain determinants affecting the power, both overt and covert, of the member can be identified. These include his seniority, committee and subcommittee assignments, personal character and persuasiveness, party affiliation, and orientation within his party. Another critical factor is the effectiveness of his decision making, which is contingent in large part upon the information at his command.

Much as in the "royal game," there are many stratagems for achieving congressional objectives. In some situations, a powerful frontal assault may be most expedient; in others, an oblique approach may be desirable. All too often, the member may feel that he is a "pawn" of the system. Seldom, and usually only in a transient sense, is any individual all-powerful. The moves and countermoves within the Federal legislature are numerous, varying, and motivated by a richness of complexity. Every move or deployment, whether seemingly spontaneous or fully calculated, is made on the basis of information in hand. This information is weighed in light of the experience of the "player," his position on the "board" at the moment, a "gut feel" for consequences, and a willingness to take a risk if the stakes warrant it.

Information then might well be viewed as the unifying element which transcends strategy, tactics, and other considerations. Certain data, which may be in the form of laws, standards, regulations, or statistics will be of value to the members of Congress. In particular, a continuing requirement has evolved for legislative and legal information.

What are the conditions which cause Congressmen to place such a high priority on information? A Congressman actually fulfills three distinct roles: a legislator charged with acting on issues of international, national, or regional significance; the prime representative of his district or state; and an official contact for any constituent with a problem. To carry out these duties, he must have a good staff and access to a wide range of information. Every day Congressmen seek various forms of legal advice, historical and comparative data, special analysis, and supporting information of a kind often impossible to anticipate, locate, and obtain.

Experience has shown that when a given issue is "hot," the demand for facts and interpretations is often overwhelming. Such questions as tax reform, pollution control, and military involvements may cause thousands of letters to pour into the office of each Congressman. These requests for information or action cannot be ignored, and may be answered through personal letters, news releases, constituent opinion surveys, statements in the *Congressional Record*, or the introduction of a bill or resolution designed to correct the situation.

With increasing frequency, the traditional mechanisms for handling information within the legislative framework are bogging down. Legislators at all levels of government are joining practicing lawyers, judges, and law schools in a search for new tools and techniques which will allow them to cope with the information explosion. During the past decade the focus has been upon the development of Automatic Data Processing (ADP).

LEGAL INFORMATION REQUIREMENTS AND RESOURCES

The member of Congress now finds himself in a dilemma. His constituency is growing—the average size district in 1970 is about 475,000. There is also a growing desire on the part of his constituents to increase their participation in the legislative process. This situation overly burdens outmoded congressional machinery for gathering information. The Congress cannot afford to ignore the danger signals of frustration caused by such information inadequacies; nor may Congress move precipitously forward without carefully judging the ramifications of departure from established practice.

Indicative of the pressures upon the members and committees is the large number of issues to be considered. To stay abreast of even the most major developments requires a well managed staff and the optimal utilization of information resources. In addition to the member's personal staff, he can turn for information to any of the Executive branch agencies and departments, lobbyist organizations, university and foundation resources, and the Legislative Reference Service (LRS) of the Library of Congress. In many cases he will be well served, but in others the information may be incomplete, irrelevant, or delivered too late for meaningful utilization.

An illustration of the type of issue-related information might be of value at this juncture. Most certainly the problem of environmental pollution control is high on everyone's priority list, and while there is a plethora of information on this complicated topic, very little has been done to systematize this data. A suggested file of essential information elements which could be readily placed in machine readable form might include:

1. *Delineation of the problem*—statements by the President, key Congressmen, involved Executive Department officials, state and local officials, and private sector spokesmen.
2. *Summaries of existing programs*—descriptions of pertinent Department of Health, Education and Welfare (and other agency) programs, statements of congressional committees on the programs, and a concise index to the major programs.
3. *Related written commentary*—selected news and editorial items from leading newspapers and magazines, *Congressional Record* articles, and special reports containing findings and recommendations.
4. *Listing of legislation*—passed and pending legislation, including a synopsis of content and current status.

Each year the American Law Division of the Legislative Reference Service, a nonpartisan research functionary, receives thousands of inquiries for information from the Congress. Legal information is often at a premium, and the specialists of the Division are asked to prepare general studies, a few of which have been: [3]

a. "Federal Witness Immunity Statutes"

b. "Conflict of Interest Provisions (including Dual Office Holding) in State Constitutions and Statutes: a State-by-State Survey"

c. "Provisions in the United States Constitution, Federal Statutes and Rules of the House Governing the Conduct of Activities of Members of Congress"

d. "State and Federal Laws on Riot"

e. "Election Laws of the Fifty States and the District of Columbia"

In preparing such studies, the researcher normally pursues the time-honored patterns of ferreting out sources, analyzing the findings, and preparing his report. The potential of the computer in conducting such a search should not be overlooked nor misunderstood. Services now exist under the aegis of the United States Government, as well as within the private sector, which feature information retrieval from massive, full text data bases.

For example, both Project LITE (Legal Information Through Electronics),[4] which is now operated by the Office of the Judge Advocate General, Department of the Air Force, and the Aspen Systems Corporation [5] have the U.S. Code in their computer data bank. A request directed to either system, transmitted in writing or by telephone, can produce a search of every word in the entire Code, and a listing of those sections where the relevant information appears. A typical inquiry, which was made of the LITE system, asked for "All references to the Architect of the Capitol in the U.S. Code." A formated search statement then took the key words "architect" and "capitol" and converted them by machine into a retrieval command. The subsequent listing showed those Code section elements where the desired terms appeared. The power of this kind of system is self evident, and the applications are far-ranging.

Presently Executive branch agencies and departments are commencing to develop limited holdings of machine-readable information. Regulatory agencies such as the Federal Aviation Agency and the Federal Communications Commission have undertaken the computerization of selected decisions and reports, with special indexes created to expedite retrieval.

Footnotes at end of article.

Aside from the operational systems such as those already described, there is continuing experimentation by the private sector and government groups to determine the best devices, computer programs, and man-machine techniques for facilitating use by the legal community.[6] Encouragement and funding have been forthcoming from such legal professional organizations as the American Bar Association, which recently published its second edition of *Computers and the Law*,[7] the Federal Bar Association, Association of American Law Schools, and the Association of American Law Libraries.

Current activities on Capitol Hill

The period from 1966 to the present has witnessed a burgeoning interest on the part of Congress in what computers can do. Bipartisan support for the creation of a congressional computer facility has taken the form of individual bills[8] introduced (but not acted upon), speeches and news releases by members of both chambers, and participation by Congressmen in seminars and symposia stressing the role to be played by systems analysis and ADP in the legislative process. One advocate of modernizing the legislative process, Representative William S. Moorhead of Pennsylvania, pointed out that:

"Computerization of legislative data is an absolute necessity if any legislative body is to continue to make a meaningful contribution to the governmental process in today's complex world. Without the technological advantages of automated research, our prime purpose as a law-making body could very well come to a standstill."[9]

Initiative for creating ADP support capability for some aspect of congressional activity has taken place in three areas: the Office of the Clerk of the House of Representatives, the Office of the Sergeant-at-Arms of the Senate, and the Legislative Reference Service at the Library of Congress. In each instance, a computer facility has been established, staffed, programs for priority applications purchased or specially written, and an operational capability achieved.

While the Senate installation performs only an automated mailing service, the House facility has expanded from merely handling the payroll to certain inventory and related functions. The Clerk of the House has vigorously advocated the inception of new services, including a computerized addressing system and a system by which members would have rapid access to information on the status of legislation, budgets, committees, and Federal agencies.

LEGISLATIVE REFERENCE SERVICE ACTIVITIES

The Legislative Reference Service began supporting congressional members and committees in the information sciences in 1966. Several major studies were prepared in response to specific requests such as the following: "Systems Technology Applied to Social and Community Problems," "Applications of Automatic Data Processing and the American Political Campaign," and "Automatic Data Processing and the Small Businessman."[10] Member requests for consultation and support have continued to rise, and at the end of 1969 this involved more than 250 member offices and 55 committees and subcommittees.[11]

Information about the status of pending legislation is not always easy to obtain, and for this reason the *Digest of Public General Bills*[12] has been a regular product of the Legislative Reference Service. Late in 1967 synoptic and status information on each piece of legislation began to be placed in computer storage via an Administrative Terminal System (ATS) unit. Key identifying information, i.e., name of sponsor(s), date introduced, bill number, and committee to which assigned, accompanies the synopsis. Six computer terminals are used for inserting, recalling, and editing the bill digest information, which then is published through a photo-composition process at the Government Printing Office.

Another regular report prepared monthly by the LRS for Congress is the *Legislative Status Report*,[13] a handbook on 250 major bills and resolutions. In addition to a "legislative check list" (see illustration #1 for an example), there is a "narrative section" (see illustration #2 for a typical entry) which identifies the bill or bills, the general content, and current status information, which is updated on a weekly basis. The network of computer terminals within LRS, numbering more than 25, allows changes to this report to be made from any of the subject-oriented divisions (e.g., Environmental Policy, Foreign Affairs, Science Policy Research).

ILLUSTRATION NO. 1.—SAMPLE LEGISLATIVE CHECK LIST OF LEGISLATIVE STATUS REPORT

Status report page number	Bill title and number	House			Senate			Conference	Public Law Number
		Hearings	Reported	Passed	Hearings	Reported	Passed		
	AGRICULTURE								
1	Food and Agriculture Act, H.R. 12430	×							
1	Rural Telephone Bank, S. 1684, H.R. 7	×	×		×				
1	Agricultural Stabilization Act, H.R. 14014	×							
2	Agricultural Adjustment Act, S. 2524				×				
	CIVIL RIGHTS								
3	Omnibus Civil Rights Act of 1969, S. 2029				×				
3	Amendments to Voting Rights Act of 1965, S. 2507				×				
4	Voting Rights Act of 1965, Amendments, S. 818, H R. 4249	×	×	×	×				
4	Equal Employment Opportunity, S. 2453				×				

Illustration No. 2.—Sample narrative section of legislative status report

DRUG ABUSE EDUCATION ACT OF 1969

H.R. 14252:

To authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes. To authorize for these purposes $7 million for fiscal year 1971, $10 million for fiscal year 1972, and $12 million for fiscal year 1973. (Related bills: S. 1687, S. 1895, S. 2608, S. 2637 (See "Law Enforcement and Criminal Procedure"), H.R. 9312, HR 11701 (See "Health and Health Insurance"), HR. 12882.)

Status: H.R. 9312 referred to House Committee on Education and Labor, March 20, 1969. Hearings held by Select Subcommittee on Education, July 9, 10, 11, 14, 21 and 25, 1969. H.R. 14252, a clean bill in lieu of H.R. 9312, reported October 27, 1969 (H. Rept. 91-599). Passed House, amended, October 31, 1969. Referred to Senate Committee on Labor and Public Welfare, November 4, 1969.

Early in 1969, a step-by-step development of a "Current Awareness Program"[14] was started with an emphasis on reviewing new acquisitions—government publications, magazines, journals, selected books—and preparing a computer-generated set of subject and author indexes. In order to more directly assist the individual researchers, "profiles" of each specialist's interests were created through a keyword list, and tailored printouts were delivered to each researcher weekly. This service of selective dissemination of information is now earmarked for use by congressional committees.

A full text retrieval capability is already contracted for, and will allow information retrieval from a varied data base either through the present typewriter terminals or advanced videoscreen units. Congressional users can then formulate their inquiries to the system. For example: "Which bills and resolutions are concerned with the war on poverty?" or "Provide a listing of all current legislation and recent (last year) articles on solid waste disposal."

Direct support of congressional committees has presently been initiated in a modest way by providing computer facilities for the preparation of legislative calendars. Representative Wright Patman of Texas, chairman of the House Committee on Banking and Currency, directed his staff to work with the LRS in the establishment of procedures which would result in a better calendar. The format and contents of this calendar, just as that of the House Committee on Judiciary, have been revised and improved, with a measurable cost saving.

PLANNING FOR THE FUTURE

There has been progress in developing modern services for the Congress through the use of ADP although it was not until 1969 that a formal mechanism within Congress was given the responsibility to develop an ADP capability.[15] As the result of a resolution prepared by Representative John Brademas of Indiana the following was endorsed by the Democratic Caucus:

"*Resolved*, That the Committee on House Administration be fully supported by Democratic members in efforts to improve the efficiency of operations of the House of Representatives, and we urge that these efforts include, but not be limited to, the use of computers and of a centralized mail processing system"[16]

The Committee on House Administration has assigned the responsibility for determining member requirements and developing such a system to the Special Subcommittee on Electrical and Mechanical Office Equipment. A working group comprised of key staff personnel from the Office of the Clerk, LRS, and the General Accounting Office (GAO) has prepared its First Progress Report,[17] which reviews past and current suggestions and recommendations for congressional use of computers, and sets forth possible approaches to developing an operational system. A compilation of possible uses of ADP in Congress appears in Appendix II, and

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Footnotes at end of article.

shows a significant number of applications involving legal and legislative information. This checklist of applications includes politically-oriented information, some of which perhaps would not be handled in a legislative information handling center, but which cannot be ignored as the needs of the Congress are scrutinized.

There is a widely recognized need for further orientation [18] of "Hill" personnel in the use of computers. A few seminars and symposia have been held, such as the evening session for a score of House members at the Brookings Institution and the recurring seminars held for staffers by LRS.

CONCLUSION

It would seem as if the members of Congress have been the recipients of the ancient Chinese curse, "May you live in the most interesting of times." Indeed this is the case, and an analogy with a gigantic game of chess is more than tangentially appropriate. If one were to reconstruct the preliminary ruminations, the weighing of optional strategies, the gambits both proven and untested, and the ebb and flow of fortunes which accompany any legislative endeavor, the parallel is unmistakable. The player is seldom fortunate, as almost two hundred years of congressional functioning has shown, to enjoy a posture of uncompromised strength for long. Even the most powerful committee chairman has to rejoin the crowd when it comes to a battle over a key issue outside his direct control.

In the years to come, the role of information technology will increase dramatically. The mastery of new, creative, challenging devices and techniques is an absolute prerequisite for those who will lead our Nation. It is gratifying to observe that the Congress does not intend to place itself in "check," but has moved to establish a position of strength by examining its own needs and taking that action which will insure its continued effectiveness.

APPENDIX I

BILLS INTRODUCED TO DATE ARE

Number and title	Introduced by	Date
H.R. 21: A bill to authorize the Legislative Reference Service to make use of automatic data processing techniques and equipment in the performance of its functions.	Robert McClory	Jan. 10, 1967
H.R. 7874: A bill to provide that the Joint Committee on the Library shall make an annual report on the use of ADP by LRS.	John G. Dow	Apr. 3, 1967
H.R. 10493: Amendment to Legislative Reorganization Act of 1946.	Jerry L. Pettis	June 1, 1967
H.R. 20422 A bill to establish a Legislative Data Processing Center.	William S. Moorhead	Oct. 10, 1968
H.R. 518: Amendment to Legislative Reorganization Act of 1946.	Jerry L. Pettis	Jan. 3, 1969
H.R. 404: A bill to amend the Budget and Accounting Act, 1921, to direct the Comptroller General to establish information and data processing systems, and for other purposes.	Jack Brooks	Jan. 3, 1969
H.R. 5522: A bill to amend the Budget and Accounting Act, 1921, to direct the Comptroller General to establish information and data processing systems and for other purposes.	Dante B. Fascell	Jan. 30, 1969
H.R. 7102: A bill to establish a Legislative Data Processing Center.	William S. Moorhead	Feb. 18, 1969

APPENDIX II.—*Possible uses of ADP in Congress suggested in prior studies, articles, and speeches.*[19]

For Congress as a Whole:

I. Legislative and legal information:

(a) Status of bills.

(b) Content of bills.

(c) Information concerning major bills.

(d) Access to the United States Code and other legal information.

(e) Legislative calendars.

(f) Summarization of daily congressional action.

(g) Index of congressional documents.

2. Other information:

(a) Description of information stored on computer files in the executive branch.

(b) Budgetary, appropriation, authorization information.

(c) Federal contract award information.

(d) Current information on issues up for vote or debate.

(e) Topical research information and statistical data.

3. Administrative functions:

(a) Information on lobbyists.

(b) Payrolls.

(c) Maintenance of current telephone directories.

For Each Chamber of the Congress:

1. Automated voting and post-voting analytical information.

For Congressional Committees:

1. Committee calendar details.

2. Status of legislation pending in the committee.

3. Information and analysis on subjects under committee jurisdiction.

4. Exclusive files for the committee.

5. Compilation of histories of committee action.

For individual Congressman [sic]:

1. Information to assist in deciding how to vote.

2. Maintaining relations with constituency.

3. Reading and analyzing written material.

4. Exclusive file for each Congressman.

5. Constituent interest file.

6. Constituent correspondence file.

7. Reelection information.

For Political Parties:

1. Information on objectives and policy.

2. Information by States or areas of the country.

3. Information by subject categories (space, air pollution, etc.).

4. Opposition parties' policies and objectives and arguments against same.

5. Voting information:

(a) Campaign planning and funding.

(b) Names and addresses of State and local leaders.

(c) Opposition parties' strong and weak areas.

(d) Policies and backgrounds of voting blocks divided by economic strata, ethnic groups, and/or geographic areas.

FOOTNOTES

[1] The views expressed in this paper are those of the author and are not necessarily those of the Legislative Reference Service nor the Library of Congress.

[2] Specialist in Information Sciences, Legislative Reference Service, Library of Congress, Washington, D.C. Mr. Chartrand received an M.A. degree from the University of Missouri. The recipient of a Fulbright-Hays Lectureship in 1968, Mr. Chartrand consulted with Italian Chamber of Deputies regarding the establishment of a computer-supported legislative information handling system. He is on the editorial board of *Law and Computer Technology* and has authored numerous articles mostly in the area of information retrieval systems.

[3] These studies were actually prepared by specialists of the American Law Division of the Legislative Reference Service, Library of Congress. They are on file at the LRS but are of a type not generally available to the public.

[4] Among the holdings of the LITE system are several items of paramount interest to potential congressional users: the complete United States Code; the Comptroller General's Decisions complete to the last published volume, and the unpublished decisions from 1955 to the present; the Armed Service Procurement Regulations; international agreements of interest to the Department of Defense (DOD); Fiscal Year 1966–67 Appropriations Acts, and assorted DOD regulations, directives, and instructions.

[5] An outgrowth of the University of Pittsburgh Health Law Center team which pioneered the full text retrieval techniques still in use. The Aspen Systems Corporation has prepared a unique data base which includes the U.S. Code, the statutes of all fifty states, decisions of the United States Supreme Court (since 1950), Circuit Courts of Appeals, and other Federal, State, and municipal legal decisions. Maintained in disc storage for rapid access, this 200 million word corpus allows a lawyer or legislator to request, for example, all references to the "animal bites human" question. The search was framed into several lists, in order to insure comprehensive coverage:

List 1 Dog, dogs, pet, pets, cat, cats, animal, animals.

List 2 bite, bites, bitten, dog-bite.

List 3 rabies, rabid.

List 4 human, humans, person, persons, people, individual, individuals, anyone, whoever, child. Later added were: child, child-stealing, child-welfare, childbirth, children, childrens, childs.

List 5 List 1 & List 2 & List 4.

List 6 List 3 & List 5.

Selected sections then were printed out by the computer which displayed germane references to the statutes of Ohio, Georgia, New York, Rhode Island, Connecticut, California, Wisconsin, and Florida.

[6] The following are among the categories of legal data which might be amenable to ADP technology:

*1. statutes
*2. court decisions
*3. administrative decisions
*4. administrative decisions and orders
5. title records
6. mortgages, liens, and similar recorded instruments
*7. cases and judgments in courts of record
*8. patents
*9. trademarks
*10. legislative history
*11. legal periodicals and other literature
*12. files, records, and evidence in significant cases

XUM

The asterisked items would probably be of value to the Congress.

[7] R. Bigelow, ed., *Computers and the Law* (1st ed., 1966; 2d ed., 1969). Available from Commerce Clearing House.

[8] See Appendix 1.

[9] Comments made at the Seminar held Jan. 22, 1968, at the Brookings Institution (Computer Applications to the Legislative Process).

[10] These studies were prepared by Robert Chartrand in his capacity as Specialist in Information Sciences for the L.R.S. "Systems Technology Applied to Social and Community Problems," which appeared previously as a Senate Committee Print, is presently being published by Spartan Books and will be available in June, 1970. "Applications of Automatic Data Processing and the American Political Campaign" appeared as an extension of Rep. Richard Bolling's remarks in the daily Congressional Record, pp. A3829–A3834, July 27, 1967. "Automatic Data Processing and the Small Businessman" appeared as Senate Document 82, 90th Cong., 2nd Sess., "A Report to the Select Committee on Small Business."

[11] These figures are the result of a survey recently conducted by the staff of the L.R.S.

[12] The *Digest of Public General Bills* is a continuing series, available to the public, from the U.S. Government Printing Office.

[13] The *Legislative Status Report* is a special product prepared monthly by the LRS for congressional use and supplemented weekly by ADP devices.

[14] This Program was developed by the LRS and is presently being expanded. It will be available for use during 1970.

[15] This "mechanism" is the House Special Subcommittee on Electrical and Mechanical Office Equipment which is chaired by the Hon. Joe D. Waggonner, Jr. of Louisiana.

[16] Congressional Quarterly, April 11, 1969, at 525.

[17] House Committee on Administration, First Progress Report, Automatic Data Processing for the House of Representatives, Subcommittee on Electrical and Mechanical Office Equipment (October, 1969).

[18] Only a few books as yet have addressed the subject: Dr. J. Saloma III, *Congress and the New Politics*, Little, Brown & Co., 1969; and R. Chartrand, K. Janda and Mr. Hugo, eds., *Information Support, Program Budgeting, and the Congress*, Spartan Books, 1968. These two works provide a good insight into the problems.

[19] House Committee on Administration, First Progress Report, Automatic Data Processing for the House of Representatives, Subcommittee on Electrical and Mechanical Office Equipment, at 5 and 6 (October, 1969).

FINANCIAL CRISIS FOR STUDENTS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. CULVER. Mr. Speaker, the new school year is rapidly approaching, and with each passing day it is becoming more and more apparent that the problem of finding the money to send our sons and daughters to college will be particularly difficult.

The present economic condition of the United States affects the ability of families to finance college education in several different ways. Rising unemployment forces more and more families to live on unemployment insurance, usually at levels so low that it is difficult to feed and clothe all the children, much less send one to college.

Inflation and rising tuition costs reduce the value of a family's savings, so painstakingly built up over the years, and disappoint the expectations that they would cover college expenses.

The tight money situation has severely limited the ability of banks to make the loans upon which many students have depended. Many banks report that they simply do not have enough money to lend to all the students who apply.

The impact of this situation would be compounded by the President's recommendation to restrict the eligibility limits of the Federal guaranteed loan program. Its effect is well described in a recent article by Sylvia Porter, which I insert in the RECORD at this time:

[From the Washington Star, July 8, 1970]

FINANCIAL CRISIS FOR STUDENTS

(By Sylvia Porter)

The American Bankers Association is querying banks across the nation on how many low-cost federal-state guaranteed student loans they will make for the next school year. No details are as yet available, but it is certain that on a large scale banks will be reporting big cutbacks, and in many cases complete abandoning of this college loan program.

Meanwhile, spokesmen for college and state student financial aid officers are reporting a financial crisis for students from coast to coast.

July is the month in which banks and other lending institutions begin to accept applications for student loans under the successful federal-state guaranteed loan program. And this year, the outlook is grim, particularly for the student of a family in the $7,500 to $15,000 income bracket.

The middle income parents already are in a bitter squeeze of inflation and soaring taxes.

Teenage children already have been rebuffed in large numbers in this year's tight summer job market. The value of savings carefully accumulated to help put youngsters through college already has diminished.

Today, if a college-age child is an A student, he almost surely will qualify for a scholarship or low-cost loan. If family income totals less than $7,500 a year, the child's chances of getting college financial help also are excellent.

But, if a child is only average and if family income is in the $7,500 to $15,000 bracket, his chances of getting a meaningful scholarship or loan are meagre. Specifically:

Two of three low-cost federally-subsidized college loans under the National Defense Education Act of 1958 are going to students from families earning less than $7,500 a year.

Three of four federally-backed work-study jobs are going to students whose families are in this income bracket.

85 percent of Federal Equal Opportunity Scholarship grants are going to students in the under-$7,500 group.

Even in the federally-backed guaranteed student loan program—designed to help the middle-income family—only 20 percent of the loan funds are going to students in families earning over $9,000 and only 10 percent to students in families earning over $15,000.

Now, to make it even worse, President Nixon has recommended the elimination of any federal college loan interest subsidies for a student in an over-$10,000 family—although others in his administration have been urging Congress to ease this cutoff point. While Nixon's plan to rechannel funds to lower-income students has a laudable goal, it utterly ignores the equally desperate plight of the middle-income family trying to send more than one child through college.

What is the prospect, then? If parents and students needing this superb college loan assistance put on the pressure, the probability is Congress will extend the loan program and will continue to include middle income families.

The likelihood also is that Congress will vote the establishment of a National Student Loan Association, which should raise money by selling government-guaranteed obligations at competitive interest rates in the open market. "Sallie Mae" would then use these funds to buy student loans from private lenders and thereby would provide the lenders with more money to make more loans.

POLLUTION PRICE TAG: $71 BILLION

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. GOLDWATER. Mr. Speaker, I know all of my colleagues are concerned about the future of our environment. However, there is presently much rhetoric regarding this subject and I think it is very important to face this all-important question in a responsible and accurate manner.

The great question facing us, as usual, is the price tag. The following article is the best I have seen concerning this aspect of the pollution question. The article, "Pollution Price Tag: $71 Billion," is published in the August 17 edition of U.S. News & World Report. It was written by Marshall Hoffman and Ellis Haller. I wish to present the content of this excellent article to my colleagues:

POLLUTION PRICE TAG: $71 BILLION

Controversy is boiling up anew over what to do about polluted air, water and land in the U.S.—and how much the cleanup job is going to cost.

Now an authoritative study puts a price tag on the task: 71 billion dollars of new spending in the next five years.

Of that total, about 54 billions is required to clean up waterways, 13 billions to combat dirty air and 4 billions to improve methods for disposing of solid wastes.

The study, just completed by the Economic Unit of "U.S. News & World Report," notes that even 71 billions may not be enough to do the job. And it makes this additional point: Ultimately, consumers everywhere are the ones who will foot the bill, whatever it turns out to be.

Spending to save. The outlays, large as they loom, will not be money down the drain, the study points out.

Cleansing the environment actually will save the country vast sums, in addition to enhancing the quality of day-to-day living.

Polluted air costs 13.5 billions a year in property damage from soiling, corrosion and abrasion of materials. Nobody knows how many more billions should be added for health-care bills and the loss of farm crops.

Similarly, polluted water costs the nation 12 billion dollars a year. The five-year economic loss of 60 billion is more than the estimated tab for making waterways cleaner. And improving the disposal of solid wastes, authorities say, would contribute to better public health, save money on trash collection, incineration and dumping.

"A NATIONAL OBSESSION"

Regardless of cost, it seems clear that Americans suddenly have decided it is time to tackle the environmental crisis head on.

In the words of one expert: "What for years was the concern of only a handful of scientists and conservationists suddenly has become a national obsession."

A raft of menacing developments has spurred demands for action. For example—

Major cities along the East Coast were smothered in choking smog in late July and early August.

Streams and lakes in seven States have been closed to commercial fishermen because of evidence of mercury poisoning of fish.

An oil spill, described as the worst in New England's history, smeared beaches on Cape Cod as the summer vacation season moved toward its peak.

Autos and trucks, the single biggest source of contaminated air, are coming in for heightened criticism. Fifteen States filed suit in the Supreme Court on August 5 seeking to force auto makers to produce pollution-free cars "at the earliest possible date."

If the fight against polluted air, water and solid waste is to be won, officials say, it must be waged simultaneously on all three fronts. Here, from the Economic Unit study, is a detailed look at each aspect of the problem.

Estimates of pollution-control costs over the next 5 years

[In billions of dollars]

Sewer systems, new and improved	30.0
Municipal waste-treatment plants	10.0
Controlling sediment	6.8
Industrial waste-treatment equipment	4.4
Cooling power-plant water	2.1
Waste treatment on ships	0.7
Cleaning up the water	54.0
Auto-pollution control	5.9
Controlling smoke, fumes, dust from industry	5.3
Government research, other programs	1.6
Controlling incinerators, open burning	0.3
Cleaning up the air	13.1
Updating collection systems	2.8
Eliminating open dumps	1.2
Increasing incinerator capacity	0.2
Disposing of solid wastes	4.2
Total cost	71.3

Source: Estimates by USN&WR Economic Unit, based on data from U.S. Depts. of the Interior and Health, Education and Welfare; Bureau of the Budget, and industry sources.

WHERE POLLUTION COMES FROM

Every year, billions of tons of pollutants are poured into the air and water, and scattered over the U.S. landscape. Among the sources:

Autos: Exhaust fumes and crankcase gases totaling 91 million tons foul the air.

Industry: Factories and power plants belch smoke, fumes and solid particles, adding 29 million tons to the atmosphere. Industrial processes dump 31 trillion gallons of waste into waterways, generate millions of tons of rubbish.

Homes: Trash, garbage, smoke from household furnaces and incinerators add to environmental problems. Every American creates 6 pounds of trash a day.

Farms: Crop refuse, animal manure account for 2 billion tons of solid pollutants annually. In addition, there's widespread river and stream pollution from fertilizers and pesticides draining into waterways.

Government: Overloaded sewage-treatment plants foul rivers in thousands of communities with 14 trillion gallons of waste each year. Burning at incinerators and dumps releases fumes and ash, spreading 11 million tons of pollutants in the atmosphere.

Mines: Residues from mining total 1 billion tons annually. Acid runoff from abandoned mines poisons rivers. Some mining processes generate dust and grime that contaminate the air.

(Basic data: National Air Pollution Control Administration; Federal Water Quality Administration; Bureau of Solid Waste Management.)

AIR POLLUTION

Just coming to light is the fact that cleaner air can save the U.S. economy about 11 billion dollars a year. That is because the expense of freshening the atmosphere is figured at 2.6 billion annually, compared with damage estimated at 13.5 billion a year.

Says John T. Middleton, Commissioner of the National Air Pollution Control Administration:

"Government and industry together are spending only millions annually to fight air pollution.

"When we consider the priceless benefits of clean air to our health, adequate control of pollution is a bargain."

Air pollution corrodes steel 200 to 400 per cent faster in urban, industrial areas than in the countryside. Cleopatra's Needle, an ancient Egyptian obelisk, has been more deeply eroded since coming to New York City 89 years ago than it was in the 3,000 years it spent in Egypt.

Farm losses caused directly by air pollution are put at 500 million dollars annually, not to mention indirect costs that have never been reckoned. For example, growth of cattle has been stunted in areas where pollution is bad.

California farmers and ranchers suffer the most from dirty air. Their losses last year alone were put at 132 millions. Half of the citrus crop was lost.

Property values are depressed in residential areas where air is dirty. A new analysis by air-pollution-control authorities compares selling prices of homes in various neighborhoods in Washington, D.C., Kansas City, and St. Louis. Homes in areas of greatest air pollution generally bring $300 to $500 less than comparable dwellings in cleaner communities.

Widespread medical surveys confirm the health hazards of polluted air. A recent study by the Albert Einstein College of Medicine in New York shows that daily mortality rises in New York City when the level of air pollution goes up. Another report, on elementary-school children living in the most heavily polluted areas of London, shows a higher incidence of respiratory disease than for children in less-polluted areas of the same city.

What causes air pollution in this country? Sources of contamination include 103 million motor vehicles, as well as factories, power plants, municipal dumps and incinerators. Toxic pollutants from all these are released into the atmosphere at a rate of 214 million tons a year—more than a ton for every American.

The National Air Pollution Control Administration lists the five worst air contaminants this way:

Carbon monoxide: 100 million tons a year. This tasteless, odorless lethal gas comes largely from autos, trucks and buses. Even in small doses it affects reflexes and judgment.

Particulates: 28 million tons. These are tiny bits of solid matter, some of which are dangerous irritants. They come mainly from smokestacks.

Sulphur oxide: 33 million tons. An irritating gas, it comes mostly from the burning of coal and oil. It affects the lungs and throat and aggravates respiratory ailments.

Hydrocarbons: 32 million tons. Half originates in discharges from trucks and autos. These chemicals are a key ingredient in smog. Some hydrocarbons are suspected as cancer-producing agents in cigarettes.

Nitrogen oxide: 21 million tons. Another smog ingredient, this gas pours out of motor-vehicle tailpipes and also comes from fuel burned at stationary sources.

Says a public-health official:

"Air pollution costs each American $65 a year. For those who live in the most highly polluted areas, the cost per person, including higher medical bills, household maintenance and other expenses, can be more than $200 yearly."

Autos spew some 91 million tons of toxic gases annually into the atmosphere. The fight against this source of contamination is gaining momentum as control standards become more stringent year by year. Proposed 1975 standards call for a cut of 97 per cent in hydrocarbons and 91 per cent in carbon monoxide below the levels in 1963, when cars had no pollution-control devices.

Motorists already are beginning to shoulder the expense of cleanup of the internal-combustion engine. Pollution-control devices to meet standards through 1974 will cost the driving public an additional $48 per unit, or a total of 2.6 billion dollars. Maintenance bills for these devices will total an additional 300 million over the same period.

By 1975, when stricter standards for auto emissions are expected to become effective, the cost per unit is estimated by industry sources at $200—a total of 2 billion dollars. Motorists will pick up another 1-billion-dollar tab in higher prices for nonleaded gasoline.

Apart from autos, the next-largest amount of air pollution comes from fuels—coal, oil, gas—burned in the nation's 60 million residential heating units, 100,000 commercial and institutional heating plants, 307,000 industrial boilers and 410 power plants producing steam and electricity. All told, these sources annually pour 46 million tons of pollutants into the air. Estimated cost of control over the next five years: 4 billion dollars.

FRESHENING THE AIR—THE COST IN 50 URBAN AREAS

Official estimates of the cost, in next five years, of ending air pollution caused by industry, government facilities and private households in major metropolitan areas—

[In dollars]

Albany/Schenectady/Troy, N.Y.	11,900,000
Allentown/Bethlehem/Easton, Pa	42,800,000
Atlanta, Ga	35,300,000
Baltimore, Md	84,200,000
Birmingham, Ala	94,800,000
Boston, Mass	45,800,000
Buffalo, N.Y	129,300,000
Charleston, W. Va	26,200,000
Chicago, Ill	801,300,000
Cincinnati, Ohio	162,800,000
Cleveland, Ohio	209,600,000
Dallas/Fort Worth, Tex	15,700,000
Dayton, Ohio	42,200,000
Denver, Colo	67,100,000
Detroit, Mich	263,700,000
Grand Rapids, Mich	41,000,000
Harrisburg, Pa	16,800,000
Hartford, Conn	43,700,000
Houston/Galveston, Tex	38,500,000
Indianapolis, Ind	46,000,000
Kansas City, Mo	29,200,000
Knoxville, Tenn	13,800,000
Los Angeles, Calif	42,200,000
Louisville, Ky	114,800,000
Milwaukee/Kenosha/Racine, Wis	109,600,000
Minneapolis/St. Paul, Minn	57,800,000
Mobile, Ala	15,000,000
New Orleans, La	22,600,000
New York, N.Y	338,300,000
Omaha, Nebr	16,200,000
Peoria, Ill	25,000,000
Philadelphia, Pa	199,300,000
Pittsburgh, Pa	287,900,000
Portland, Oreg	23,100,000
Providence/Pawtucket, R.I./Fall River, Mass	16,800,000
Rochester, N.Y	17,000,000
St. Louis, Mo	257,500,000
Saginaw/Bay City, Mich	42,400,000
San Francisco, Calif	17,700,000
Scranton/Wilkes-Barre, Pa	30,900,000
Seattle/Everett/Tacoma, Wash	17,300,000
South Bend, Ind	17,500,000

XUM

Salt Lake City, Utah	17,000,000
Steubenville, Ohio/Weirton/ Wheeling, W. Va	166,600,000
Tampa, Fla	27,800,000
Toledo, Ohio	45,500,000
Tulsa, Okla	8,900,000
York, Pa	13,700,000
Youngstown/Warren, Ohio	46,000,000
Washington, D.C	98,900,000

Source: U.S. Dept. of Health, Education, and Welfare.

Cost of air cleanup in these 50 areas will be 4.4 billion dollars in the next five years . . . and removing pollutants from auto exhausts in cities will add huge sums to that bill.

Industrial plants put some 29 million tons of toxic pollutants into the air each year. Seventeen industries, ranging from iron and steel to cement and fertilizers, are classified as "major air polluters." For some businesses, cost of upgrading facilities to cut air contamination will be substantial.

For example, in terms of cost per $100 of sales at the factory, pollution control will cost $1.94, on average, for iron and steel mills; $2.89 for iron foundries; $3.92 for nonferrous-metal plants; 1 cent for petroleum refineries; 21 cents for grain mills and 95 cents for cement plants. Over the long run, customers probably will pay in the form of higher prices. The total bill for five years: 1.3 billion.

WATER POLLUTION

Cleaning up waterways will be a monumental and expensive task, the Economic Unit study notes. Money alone will not be enough to accomplish it. More research is needed to uncover sources of pollutants in rivers, bays and lakes.

Laments one Government official:

"Few people thought thermal water pollution, resulting from discharge of heated water from power plants, would be a problem until five or 10 years from now. All of a sudden, the issue has become urgent because of an increase in present and projected nuclear power-plant construction."

Mercury pollution is another example of a new danger just coming to public attention. Only recently have abnormal concentrations of mercury been found in major waterways.

Problems of maintaining water quality are complex. More than 500 new chemicals are developed each year. Many enter and contaminate both surface and ground water. Warns Dr. Harold Wolf of the U.S. Bureau of Water Hygiene: "For most of these new chemicals, we simply do not know what the health effects will be."

The two chief sources of water pollution are municipal sewers and industrial plants. Together they pour more than 45 trillion gallons of waste each year into U.S. waterways.

Consider the problem of inadequate sanitary sewers: About 68 per cent of the population lives in communities with sewers, but almost half the plants serving those places already are overloaded. Some 1,000 communities a year are outgrowing their treatment systems. Seven per cent of all U.S. communities provide no sewage treatment at all.

Raw municipal wastes increase the concentration of bacteria in water, decrease oxygen—this kills fish and creates odors—and promote growth of algae. Fighting the municipal-waste problem will be a continuing struggle, since loads are expected to increase by 400 per cent in the next 50 years.

Industry discharges a huge volume of toxic substances into rivers and streams. More than half comes from four major industries—papermaking, petroleum refining, organic-chemical manufacturing, and iron and steelmaking.

Sediments—washed from croplands, overgrazed pastures, highway construction and bulldozed urban developments—are the most extensive pollutants of surface waters. Cost of controlling such erosion is figured at about $1,000 per mile of new highway, and anywhere from $100 to $1,000 for a single-family home site. All told, erosion control will cost 6.8 billion dollars in the next five years.

Other major water-pollution threats include oil spills, mine drainage, runoff of fertilizers and pesticides from farms, and rubbish and sewage from ships.

SOLID WASTES

Fifty years ago, the typical American generated a bit less than 3 pounds of trash per day. The figure now is about 6 pounds, and by 1980 will rise to an estimated 8 pounds. All told, the country accounts for 3.5 billion tons of rubbish annually. Demand for throwaway containers and other hard-to-destroy convenience products is accelerating the trend.

Richard D. Vaughan, director of the Bureau of Solid Waste Management, comments: "Current disposal practices are unsatisfactory, and upgrading the present system alone will not provide a long-range solution."

The Bureau estimates that a minimum of 4.2 billion dollars in new money is needed between now and 1975 to modernize trash-collection systems, eliminate open dumps and improve incinerator capacity.

At present, solid-waste disposal follows this pattern: 46 per cent is handled by open burning, 16 per cent by incineration and 38 per cent by landfill or dumping in the sea.

These disposal methods have two major drawbacks. They contribute more than 11 million tons of pollutants to the air each year, and most of the practices are unsanitary.

Cost of cleaning up air pollution from solid-waste disposal is estimated at 325 million dollars in the five-year period covered by the Economic Unit study—or 39 cents per ton of refuse. That is relatively small in relation to the cost of the air and water-cleanup bills. It is likely to be reduced even further, because industry is finding profitable ways to reuse many products formerly discarded. Programs are under way to reclaim aluminum from cans, to salvage "one way" glass bottles, to make fertilizer from garbage and trash.

The Nixon Administration is committed to provide leadership and "seed money" to help cope with the environmental crisis. One official notes, however, that the Government is limited in how far it can go. Says this authority:

"Industries that are releasing waste products into the air or water cannot escape the responsibility for cleaning up their own pollutants. State and local governments, too, must do their share, because most programs for curbing pollution are outside the jurisdiction of federal agencies."

All in all, the effort to provide a better environment is shaping up as a job of mammoth proportions. Latest developments point to costly programs involving individuals, business and Government alike.

A look at water pollution across the United States—Percent of stream miles polluted in regions of the United States

	Percent
Northern Plains	42
Northeast	40
Lake States	35
Southern Plains	29
Pacific States	25
Southeast	8

Official ratings on some major waterways

[Percentage of miles polluted]

Kansas River	90
Lower Missouri River	90
Calumet River (Illinois, Indiana)	90
James River (North Dakota, South Dakota)	80
Illinois River	80
Grand River (Michigan)	80
Kennebec River (Maine)	70
Red River of the North (Minnesota, North Dakota)	70
Lower Platte River (Nebraska)	70
Lake Michigan, western shore	70
Washita River (Oklahoma)	70
Upper Snake River (Idaho)	65
Narragansett Bay	65
Monongahela River (Pennsylvania, West Virginia)	65
Lake Erie, western shore	60
Housatonic River (Connecticut, Massachusetts)	55
Fox River (Wisconsin)	50
San Francisco Bay	50
North Canadian River (Oklahoma)	50
Des Moines/Skunk Rivers	50
Lower Hudson River	50
Savannah River	50
Lower Colorado River	50
Red River from Denison, Texas, to Mississippi River	40
Mohawk River (New York)	40
Rock River (Illinois, Wisconsin)	40
Allegheny River (Pennsylvania)	40
Ohio River	40
Central Snake River	35
Connecticut River	35
Lake Ontario	30
Genesee River (New York)	30
Wabash River (Indiana, Illinois)	30
Rio Grande	30
North Platte River (Nebraska)	30
San Joaquin River (California)	25
Upper Colorado River	25
Lake Huron, western shore	25
Lake Ontario	25
Yellowstone River	20
Susquehanna River (Pennsylvania, Maryland)	20
Middle Hudson River	20
Lake Huron, northern shore	20
Lower Columbia River	20
Kentucky River	20
Upper Missouri River	15
Potomac River	15
Cumberland River (Tennessee, Kentucky)	15
Sacramento River	15
Upper Mississippi, Rock Island to Cairo, Ill	10
Arkansas River	10
Lower Tombigbee River (Alabama, Mississippi)	10
Pee Dee River (North Carolina, South Carolina)	10
Upper Chesapeake Bay	10
Lake Michigan, northern shore	10
Mobile Bay	10
Lake Superior	8
St. Croix River (Minnesota, Wisconsin)	5
Little Colorado River (Arizona)	2
White River (Arkansas)	2
Middle Mississippi River, Cairo, Ill., to Helena, Ark	2
Lower Mississippi, Helena, Ark., to Natchez	1
Ouachita River (Louisiana, Arkansas)	0
St. Johns River (Florida)	0
Tampa Bay	0

Note: Waters are considered polluted when they contain more man-made wastes than minimum Government standards specify. Percentages shown above do not indicate degree of pollution, but only the mileage that fails to meet standards. Degree of pollution often is greater near large cities.

Source: Federal Water Quality Administration.

LETTER TO THE PRESIDENT FROM 40 YOUNG ARMY OFFICERS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. McCLOSKEY. Mr. Speaker, I place in the RECORD today a letter sent to the President of the United States on July

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26, 1970. The letter is unique in that it was written by 40 young Army combat officers scheduled for early service in Vietnam. Most of the signers of the letter are infantrymen and most are second lieutenants. Their life expectancy is not great and they represent the very cutting edge of our entire national policy in Southeast Asia. Their letter expresses the anguish and patriotism of the very finest Americans this country can produce. Both their letter and their willingness to quietly lead troops in combat represent the highest courage and idealism an American can offer his country, in my judgment.

I hope my colleagues will read this letter with an appreciation of the tremendous sacrifice we are asking of a relatively few individuals in order to achieve the dubious goal of "peace with honor." No one wants to be killed on the last day of the war, or during a withdrawal from a cause conceded to be lost. No one wants to be killed during a "transition to a peacetime economy." Our colleagues who have recently been to Vietnam have returned with a near-unanimous view that our troop withdrawal should be accelerated. This letter would certainly seem to provide a conclusive argument for acceptance of that view and the recent suggestion of the gentleman from New York (Mr. ROBISON) that all combat troops be withdrawn from Vietnam by next May and that all combat support troops be withdrawn by May of the following year.

The letter follows:

FORT SHERMAN, C.Z.,
July 26, 1970.

Hon. RICHARD M. NIXON,
President,
United States of America.

DEAR PRESIDENT NIXON: We the undersigned are all officers in combat branches of the United States Army, and are all on orders to Vietnam. Currently we are at Ft. Sherman undergoing training at the Army's Jungle Warfare School in preparation for our duties as junior officers in Vietnam. First of all, we want to make it clear that we have accepted our orders, and that we are going to Vietnam; most of us will be there by the middle of August. Nevertheless, we have some serious reservations about the war and about the roles that we are being asked to play in it. We think that you as our commander-in-chief should be made fully aware of these reservations, because they are shared by a very large number of young men—officers and non-commissioned personnel—throughout the military services.

At this point in the Vietnam War, it is obvious that America is not willing to go all out to win the war. The country is reluctant to send over the large numbers of troops that the generals still say will be necessary to win. At the urging of your military advisors you ordered the attack on the Cambodian sanctuaries, but public opinion forced you to declare limits on the duration and the penetration of the invasion. The country has been shocked and outraged by the My Lai and Colonel Rheault incidents—incidents of mass killing and assassination which are and have always been characteristic of warfare. The American people do not want to pay the terrible prices of war—they don't want to see their own young men killed and they don't want to face the brutal acts which these young men must perform on people of another country. In short, America has not been sufficiently convinced that the things we have been told that we are fighting for—i.e., democracy for the people of South Viet Nam, and protecting America from spreading communism—justify the methods necessary to obtain those ends.

We, too, find the continuation of the war difficult to justify, and we are being asked to lead others who are unconvinced into a war in which few of us really believe. This leaves us with nothing but survival—"kill or be killed"—as a motivation to perform our missions. But if this is the only thing we have to keep us going, then those who force us into this position—the military, the leadership of the country—are perceived by many soldiers to be almost as much our enemies as the Viet Cong and the NVA. There is a great amount of bitterness both towards the military and towards America building up within the military forces.

We find it hard to believe that you could not be aware of the extent of disaffection among the American troops; it is equally hard to believe that knowing about this disaffection you could hope to continue much longer to force young Americans to go to this war against their wills. As the war drags on, the troops will become increasingly opposed to the war and increasingly bitter about going. It seems very possible that if the war is allowed to continue much longer, young Americans in the military will simply refuse en masse to cooperate, thus causing a crisis similar to the current difficulties of the draft bureau. This day is coming quickly—you must have us out of Vietnam by then.

In your speeches and news conferences you often contrast the disaffection of the American student protesters with the devotion and patriotism of our soldiers in Vietnam. We want you to know that in many cases those "protesters and troublemakers" are our younger brothers and friends and girlfriends and wives. We share many common causes with them. Please get this country out of Vietnam before we, too, become completely disaffected.

The purpose of this letter is not to publicly embarrass you or the military—we are not sending copies to the press. We only want you as commander-in-chief to know that a large number of officers and soldiers in Vietnam and on their way to the war have serious misgivings about the war and their participation in it. To this date, officers have remained silent about their feelings, but we think it important that you be informed of the widespread dissatisfaction amongst us.

We sign this letter knowing that it will be seen by your military staff before you ever see it—if it gets to you at all. We also know of punitive action taken by the Army to officers who have written similar letters to you. Nevertheless, we must take chances to inform you of these feelings within the Army. Since you and the country seem to have decided that Vietnam is not worth the awful price of victory, we plead with you to get the country out of this half-hearted war at the extreme earliest moment.

Sincerely,

(NOTE.—The foregoing letter was signed by 40 young Army officers, 27 of whom are infantry officers. 36 are second lieutenants; 2 are first lieutenants and 2 are captains.)

KINGSVILLE, TEX., AND HURRICANE CELIA

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. DE LA GARZA. Mr. Speaker, when disaster hits, friends rally—and this is true whether there is a personal disaster or one affecting vast areas.

When Hurricane Celia devastated a major portion of south Texas, the cities which had been spared dug in immediately to help those who had been hit.

While all cities in the area provided untold assistance, Kingsville, Tex.—which I proudly represent—located just south of the storm, acted with a neighborliness that is God-given, devoting all its resources to those whom Celia struck.

The Kingsville Chamber of Commerce did such a fine job of chronicling that city's participation that I wanted all to know how good neighbors perform. Here is the chamber's newsletter:

KINGSVILLE CHAMBER OF COMMERCE NEWSLETTER

The cancellation of our August board meeting was caused by—

Celia, the uninvited chick that entered each pad throughout the Coastal Bend. Yes, she came with a mighty roar and left her mark. The blow is over and the work of recovering is well under way.

Though your Chamber of Commerce is not in the disaster business it still has a concern for people in need.

The warning of the morning of August 3rd. All the supermarkets completely depleted their bread supply. Telephone calls were placed to the baking companies in Harlingen and San Antonio to advise them of the situation and request that emergency action be taken to send their delivery equipment loaded with an emergency supply of bread to whatever area they could reach immediately after the hurricane. The stores of Kingsville received their next bread supply by noon the following day and has had a steady supply since. Congratulations to the bread industry for their tremendous and untiring effort.

The morning of August 4th orders for ice were being placed with all ice plants in Texas. The need for ice was recognized by the complete destruction of electrical power systems in the metropolitan area of Corpus Christi. Food spoilage, baby formulas and sick room needs was the motivating force that caused the Chamber of Commerce to get into the ice business. All the way through the emergency the regular market prices were maintained. Special effort and special allotments were channeled to the Central Power and Light Company for their employees in the disaster area and the Humble employees in the Flour Buff area. A special shipment was made to Memorial Hospital in Corpus Christi, Naval Air Station, and City offices in Corpus Christi, but could not reach its destination.

Kingsville and Corpus Christi must express their thanks to the Mission Ice and Fuel Company in San Antonio, Mr. Kenneth Neal, President, who was with the first truck to arrive in Kingsville. He and his employees worked without sleep for long hours to keep a steady flow of ice to Kingsville. We will all be forever grateful to them for their fine efforts.

Kine-Kpup emergency and disaster communications center for the Coastal Bend. We are proud of Andy Cook, his family, and the entire crew for their untiring efforts and ability to meet the emergency. Many visitors to this office following the disaster stated that the only contact with the outside world was with Kine-Kpup in Kingsville and that they do not know what they would have done without the reporting of the situation from the Kingsville area.

If you will recall this is not the first time that the Kingsville station served as the major source of communication during a disaster. During Beulah we had the same situation and same dedication from Andy Cook and his personnel.

Kingsville was the nearest community with

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complete facilities following hurricane Celia. Congratulations are due to the Citizens of Kingsville, many who opened their homes to the Corpus Christi citizens, some who had lost their homes and many who were caught in the Kingsville area after curfew and could not return until the following morning.

The service station attendants were courteous and made all efforts to serve the gasoline needs which were not available in Corpus.

All washterias in Kingsvile were filled with Corpus people trying to get their clothing and bedding materials clean and free from glass and mildew to return home. Kingsville citizens were glad to loan their washing machines and dryers to their neighbors in order to leave the washterias free for the emergency.

The restaurants were packed and eager to serve the Corpus visitors their first hot meal since the blow.

All the merchants were making an extra effort to get additional supplies of gasoline stoves, lanters, lamps and other camping equipment that would serve the emergency.

The grocery stores were extra busy supplying foods with emphasis on those that required no refrigeration.

The building material interest in Kingsville has been drawing as much material from the Valley as possible in order to supply the needs in Corpus.

City departments as well as local disaster and relief organizations played a very important roll in the aid and assistance to Corpus Christi. National Guard, Jaycees, and other organizations have been active in the collection and transporting needed material to the disaster centers.

The Kingsville U.S. Naval Air Station had the only weather station in operation and was providing medical assistance to the Corpus Christi area.

Texas A. & I. University students loaded hammer, nail, and saw in cars and drove to Corpus Christi and where they found citizens working to repair or secure a damaged home they would stop and assist, moving on from house to house.

Kingsville should be proud of its merchants and citizens at the way they came to the aid of their neighboring community. All information in this office indicates that regular prices were maintained throughout the emergency and even in some instances and specials were held at the reduced prices until the supply was exhausted.

It will take time but we are looking forward when the Sparkling City by the Sea will be sparkling again.

MATCHING WAGES WITH PRODUCTIVITY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Sun Times recently ran an excellent editorial pointing out the need in our country for a greater emphasis in productivity.

The Chicago Sun Times performs a notable public service by stimulating this dialog. I am placing the editorial in the Record today with the hope it will stimulate a greater discussion on this very complex issue.

The Sun Times editorial follows:

Matching Wages With Productivity

U.S. Rep. Roman C. Pucinski (D-Ill.) has a reputation for being a "friend of labor." He is the fifth-ranking Democrat on the House Education and Labor Committee. It is especially interesting, therefore, to read that he recently lectured AFL–CIO president George Meany on the need for worker productivity to be considered in labor wage negotiations.

Meany bristled at a labor subcommittee meeting when Pucinski suggested increases in minimum wages be tied to increases of worker output per man-hour "to pay for all the things you want."

"Unless the country finds a way to improve quality and productivity," said Pucinski, "then the other countries of the world are going to pass us by."

Meany replied acidly, "I will wait with bated breath for your solution to this point."

Pucinski promised to work out a productivity quotient which should become a third party to wage negotiations. He's taking on a big job.

President Nixon in his June 17 statement emphasized the need to increase productivity and he set up a commission to find ways to stimulate it. Mr. Nixon's definition of productivity was "how much real value is produced by an hour of work."

Until last year, productivity had an estimated annual increase of about 3 per cent. For nearly a year it has virtually stood still.

Productivity was used by the White House to set the wage guidelines a few years ago. Wages could go up about 3 per cent without inflationary effect. Those guidelines have been abandoned by Mr. Nixon. In today's economy they are unrealistic.

Inflation has become so strong that labor starts out asking at least 6 per cent just to keep even and then goes on from there. Wage increase settlements are the highest since records were first kept in 1913. They are running at an annual rate of 8.3 per cent. Some contracts provide an increase over three years of far more than that.

These increases can hardly be made up with more productivity. In fact some unions while demanding higher wages have resisted technological or work-rule changes that would increase productivity. And, of course, there are some lines of work that would have to undergo fundamental changes in order to boost productivity. The service industries come immediately to mind—hospital workers, teachers, gas station attendants, and others. Yet these workers will justifiably be asking increases to keep up with inflation.

You will be hearing a good deal more about productivity in the weeks to come as the squeeze on business gets tighter. Forbes, the business magazine, recently commented, "Until productivity gains again come close to matching wage increases, it will be hard to bring inflation under control." The message is getting through when friends of labor such as Pucinski become concerned about productivity.

CONGRESSMAN MONAGAN REPORTS ON SURPLUS PROPERTY DONATION PROGRAM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. MOORHEAD. Mr. Speaker, the schools, hospitals, and civil defense organizations within our States are fortunate that many years ago Congress established a program for donating to them personal property no longer needed by Federal agencies. The program, authorized by subsection 203(j) of the Federal Property Act of 1949, as amended, has continued to grow over the years. In fiscal year 1970, donable property which originally cost the Federal Government over $309 million was received by State surplus property agencies for distribution to eligible recipients for educational, public health, and civil defense purposes.

Today, a test project shows that there is a great deal of desirable property overseas unneeded by the Department of Defense and very much desired by other Federal agencies and by donee organizations within the States. The project is developing capability and procedures for returning this unneeded property to the United States for further Federal utilization or donation. The test project is the direct result of a recommendation by the Government Operations Committee in House Report 865, 90th Congress, based on a study by a subcommittee headed by the Honorable John S. Monagan, of Connecticut.

In the 91st Congress, oversight of this Federal donation program within the Government Operations Committee has been assigned by Chairman William L. Dawson to the Special Studies Subcommittee, of which I am a member. Recently, Congressman Monagan, chairman of that subcommittee, addressed a convention of the National Association of State Agencies for Surplus Property. His remarks discuss the state of the program and the work of our subcommittee in connection with it. They particularly recognize the fine support given to the subcommittee's donation program activities by our retiring Government Operations Committee chairman, Congressman Dawson. Mr. Monogan's comments also include a tribute to you, Mr. Speaker, acknowledging your own great work in furtherance of this program's uniquely beneficial objectives.

All our States, as well as the District of Columbia, Puerto Rico, and the Virgin Islands, receive continuous benefits from donated Federal surplus property. Thus, there should be wide interest throughout Congress in Congressman Monagan's remarks, and I wish to include the text of his address in the Record as follows:

Remarks of the Honorable John S. Monagan Before the 23d Annual Convention of State Agencies for Surplus Property, Denver, Colo., July 27, 1970

Thank you, President Izbicky.

And I thank the National Association of State Agencies for Surplus Property for this chance to be here. I feel greatly honored. It is my first visit to one of your National Conventions. It is the best opportunity I have had to greet so many of you who serve the Federal donable surplus property program as State and Federal officials. This I do most warmly—both for myself and for the Special Studies Subcommittee, which I have the privilege to Chair. I am frankly delighted to be able to join you to discuss from the vantage point of Congress and the subcommittee what is beckoning—or looming—on the expanding horizons in the donation program.

Speaking of horizons, I must admit, Mr. Izbicky, that you have brought us to a pretty impressive setting. But a visitor from the Nation's capital need not feel out of place here in Colorado's capital. Denver, they say, has more Federal offices than any other city outside Washington, D.C. Because this is the Centennial State, the year 1976—Colorado's one hundredth birthday—will offer

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Coloradans even more to celebrate than Washingtonians. The Winter Olympics will certainly give Colorado a head start.

In spite of obvious physical contrasts, there are connections between my State of Connecticut and Colorado beyond their being 6th and 7th on the alphabetical roll of the Union or, more significantly, beyond the reliance of many of my State's manufacturing industries on the products of Colorado's mines.

History suggests that Connecticut should take some credit for starting the "Westward Ho" tradition in our country, which eventually reached into Colorado in the mid-19th Century. It was back in 1636 when some restless and cramped men from Massachusetts Bay Colony headed out and marched cross-country to settle Hartford, which is now our capital. One might say that this migration was the forerunner and precedent for the countless Westward migrations to come.

When I look at this group and note where you originate, I realize that you represent a respectable, if temporary, migration yourselves. Your coming together like this is a good indication of the scope, the importance and the viability of the donation program, and the soundness of the concept which Congress enacted into the authorizing legislation.

Though the donation program deals with property, it is able and dedicated people—I mean you here, and those working with you—who are the program's greatest resource and asset. It is you who are its best hope for the future and the instruments for approaching and exploiting the new horizons.

But before I talk about horizons as seen from the standpoint of our Special Studies Subcommittee, I should tell you a little about it.

The Special Studies Subcommittee is one of eight standing subcommittees established by Chairman William L. Dawson of the House Committee on Government Operations. Besides myself, the Members on the Democratic side are: Congressmen Moorhead of Pennsylvania, Gallagher of New Jersey, and Rosenthal of New York. Our Minority Members are: Congressmen Wydler of New York, Myers of Indiana, and Cowger of Kentucky.

Our subcommittee jurisdiction, as assigned by Chairman Dawson, covers quite a range of matters. For instance, in addition to donable property, they include operations of the Executive Office of the President (except the Bureau of the Budget—now the Office of Management and Budget), District of Columbia matters, Federal agency accounting systems, consumer representation in the Federal Government, invasion of privacy, and special studies as approved by the Full Committee chairman. We have, for example, conducted, this year and last, investigations into the Office of Economic Opportunity, which is part of the Executive Office of the President. We completed in this Congress a study of the Government's insurance of housing constructed in hazardous geologic areas. We have another study in progress concerned with Presidential advisory commissions, of whose number there seems to be no end. Right now, we are looking into the District of Columbia's police-force recruiting programs. We have continued our investigation of A.I.D.'s excess property program, and concluded a hearing 10 days ago.

Nevertheless, I assure you that donable property matters represent a substantial part of our subcommittee activity and occupy a great deal of my attention. Our Full Committee chairman has generally allowed us additional staff support as needed for this phase of our activity. The Members of our subcommittee, Majority and Minority, as well as the Majority and Minority staffs, have always worked well together in this area. It is testimony to the program's manifest soundness and value that it has not been a partisan issue.

I want to talk specifically now about some new horizons and also some familiar landmarks. I will cover, first, the oversea property program—or Operation DOMUS, as we have called it.

This topic ties to my second, namely, prospective legislation.

Third, I'll discuss a new horizon in communications, the Federal Telecommunications System for State surplus property agencies.

Topic number four will touch an old landmark, exchange/sale.

Finally, I shall say something about the future.

Topic No. 1 is Operation DOMUS. This is a bright spot on the horizon. You will hear a good deal about it from others here. Most of you are probably familiar with the current picture. But I must admit to a sense of satisfaction in seeing where that recommendation, made by our Committee's report of October 1967, has led. Through sustained joint efforts of State, Federal, and transportation industry people, Operation DOMUS has now yielded a total of 178 approved container-van shipments and five Military Sea Transport Service shipments of good property from Europe and Asia. This represents a total original Government acquisition cost of $8.3 million.

Operation DOMUS has generated not only property for donation but some practical experience and procedures. The General Services Administration has helped greatly. GSA also, I'm sure, knows a good thing when it sees it. Last month, GSA announced a program to make available to all Federal agencies certain foreign excess property located in Southeast Asia and unneeded by the Department of Defense. Our subcommittee, of course, supports the principle of further Federal utilization of unneeded property wherever located, which GSA's new program furthers. We have, however, expressed to the Administrator of General Services our hope that this program will be administered with a fair eye to the needs and equities of the State agencies in their overseas property endeavors, so that donation will not be unnecessarily diminished. We have asked GSA to keep us advised about developments in this utilization program. I believe GSA's past cooperation in enabling the donation program to get overseas property is the best evidence that the agency will continue to work actively and sympathetically for donation program needs.

Looking to the horizon again, I see an interesting and significant legislative development concerning overseas property. One of our prime legislative objectives has in this Congress come another step closer to realization. I refer to the provisions of S. 406, introduced by Senator Proxmire. That bill passed the Senate, and it has just been voted favorably out of our Government Operations Committee. The bill would, first, improve availability for further Federal utilization of short shelf-life medical materials held for national emergency purposes. Failing such disposal, these materials would be available as surplus for donation. A second, and really separate, facet of the bill would expressly authorize return to the United States of foreign excess property for utilization and donation, subject to GSA regulations, a determination by the head of the Federal agency concerned that it is in the Government's interest, and payment of return transportation cost by the Federal or non-Federal entity receiving the property.

Some of you will recall that a bill I introduced, H.R. 16907, of the 91st Congress took its section 2 from the overseas property provision of S. 406. If S. 406 had encountered difficulties on the score of the medical materials, there would still have been another legislative route for the overseas property provision. S. 406 emphasized Federal utilization of medical materials and supplies; hence, our Full Committee Chairman felt that it was more closely associated with excess property disposal than with donable surplus property. It was thus referred to Government Activities Subcommittee under Congressman Jack Brooks of Texas for consideration. After study and hearings, that subcommittee approved the bill and reported it to the Full Committee, where, as I said, it was approved for reporting to the House of Representatives.

H.R. 16907 encountered Budget Bureau opposition as to its section 1. It was quite unexpected by any of the agencies with which we had been in communication concerning the bill. The Bureau felt that the first subsection, to give HEW a little more flexibility in determining eligible institutions for educational and public health purposes, might risk adding too many eligibles. In addition, BOB opposed the second subsection, to raise to $4,000 the existing $2,500 cost threshold for HEW use restrictions. In fact, they were against any change at all—this despite the fact that HEW had been permitted to testify last year before the Senate that it would support lifting this threshold to $3,500.

At our request, HEW has been assisting in making back-up analyses and working out some new language for the bill. However, it appears unlikely that action on such legislation could be completed by the Congress this session because of the press of other business. In any case, a bill can be re-introduced at the beginning of the next Congress, when I think it would stand a good chance of ultimate approval.

We are giving a great deal of consideration to several other bills pending before the subcommittee and are definitely planning to hold hearings on at least some of these before the end of the current session.

I come to my second topic, the Federal Telecommunications System on the donable property program horizon. Last year and again early this year, I wrote to the General Services Administration, which manages the Federal Telecommunications System, and requested action to make System service available to State surplus property agencies, on a reimbursable basis. It would be idle for me to stress to you the boon from this type of service to the economy and efficiency of State and Federal agencies' operations within the program. Availability of such service to State agencies rests on Title III of the Intergovernmental Cooperation Act of 1968, a measure the Government Operations Committee considered and favorably reported to the House.

On March 18, 1970, the Administrator of General Services, Mr. Robert L. Kunzig, wrote to us of GSA's decision that FTS service could be made available for State agencies where existing facilities and personnel were sufficient to meet the requirements for additional service.

Last week, we spoke with the Director of Program Management in GSA's Transportation and Communications Service. He had good news. On July 16, 1970, South Dakota's State agency became the first, among what I hope will be many, to connect with the FTS. There ought to be some sort of "early-bird" award for that agency's director, Mr. S. W. Kyle. GSA also told us that arrangements to provide FTS service to the Colorado and the Massachusetts State agencies are well under way.

I have already expressed appreciation to the Administrator of General Services for his agency's effective action. No small credit for the big forward step must go to your energetic and positive-thinking President, Mr. Izbicky, who has worked hard for this as an objective of the National Association.

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A good beginning seems to have been made. I hope by next year the horizon will show we have traversed a long distance toward broad integration of the State agencies into the FTS.

Now to topic 4—a familiar if not always popular landmark. I am referring to exchange/sale transactions, those disposals of nonexcess property for replacement purposes under section 201(c) of the Federal Property Act.

Fiscal Year 1970 statistics on exchange/sale transactions are not yet available, so we are unable to make accurate assessment of any apparent trends. Defense sales catalogs do not suggest a downturn in volume with respect to the major property types being disposed of, namely, trucks, sedans, jeeps, forklifts, and office equipment. It is still a mixed picture, however, since frequently equipment held at one installation may be listed for exchange/sale disposal while in the same catalog similar equipment at another installation will be for disposal as surplus. I suspect that a difference in replacement requirements is not always the major reason for such variations.

When DOD's and GSA's Fiscal Year 1970 results are in, we shall scrutinize and evaluate them with much care and interest.

Last May, we made our first investigation into an exchange/sale disposal outside of DOD and GSA itself. We received information about an agency sale that carried several earmarks of being in violation of section 201(c) or GSA's exchange/sale regulations. The sales catalog offered a variety of good property totaling 304 items. Most of the items were single, but some were as lots. *All* these items were specified for sale under the exchange/sale authority. This and other aspects of the offering strongly indicated that the allegations of irregularity had apparent substance. Therefore, we promptly forwarded to the Comptroller General of the United States the evidence and a set of questions to explore. We asked him to furnish us a report of his findings and conclusions. On June 30 last, the General Accounting Office presented to us a draft report. It demonstrated clearly that this sale involved a whole array of violations:

1. Excess property was included in the sale.
2. The agency did not intend to acquire similar items for all those sold.
3. Property was sold that had not been utilized prior to sale.
4. Several items of equipment in new or unused condition were sold.
5. The agency did not completely screen other Federal agencies known to use or distribute such property.
6. The agency did not prepare a written administrative determination to apply the proceeds of sale in acquiring replacement property.

The report suggested that preparation of the administrative determination would have required the agency management to take a realistic look at the restrictions and limitations on exchange/sale set forth in the regulations.

Since this sale was handled through GSA acting as sales agent, it also raises questions about the extent to which GSA should monitor individual agency sales, especially where official documentation given GSA seems patently suspicious on the point of compliance with the law.

To carry out the exchange/sale requirements as prescribed by GSA is, granted, a little complicated. It involves some special paper work in reporting and accounting. But GSA's current regulations have now been the basis for exchange/sale operations of all agencies, without major revision, since 1966. I believe they have been worked out with care to prevent abuse of the intent of Congress and detriment to the public interest.

I think this case demonstrates there must be no letup on exchange/sale education or supervision at both the administrative and property management levels of Federal agencies. After all, it is grossly unfair to the beneficiaries of the utilization and donation programs when improper use of the exchange/sale authority deprives them of benefits the law intends them to have.

The subcommittee plans to reemphasize these points to all Federal agencies making use of the exchange/sale authority.

This case also demonstrates how the economics of unguided, across-the-board employment of the exchange/sale mode of disposal are frequently submarginal. The total acquisition cost of the property involved in this sale was $414,000. The sales proceeds were $12,300. This means a 3.0 percent return. The pecentage would be 2.5 but for one item in the sale, a machine tool which cost $6,067 and brought a price of $2,111.

Let me also say, parenthetically, that this case is a good example of how an allegation backed up by relevant documentation can aid prompt, effective committee investigation.

A few words now about the future. It has been several years since we have conducted a broad, comprehensive study of the donation program. I believe that it is time to do it again. In fact, some preliminary work has started. Such a study with full hearings is something I hope we of the committee may be able to look forward to next year. I am concerned, for instance, that some States are not getting the benefit from the program they should and are not able to provide certain needed reciprocal services for the benefit of other States. The problem of allocating areas, and cooperative State agency organizations to simplify and streamline interstate activities are imperative and deserve all the sympathetic support the Federal Government can provide to the State agencies. Looking to a far horizon—and I hope not the sky—I have long been intrigued by what automatic data processing may hold for this program. By their very nature, the program's operations lend themselves to systemization and automation. The big questions, as always, are: Which system and at how feasible a cost?

Now, an epilogue. Let me begin it by addressing you, Mr. Izbicky. In a short time, you will be stepping down as president of the National Association. You have served with distinction. You have displayed energy, enthusiasm, dedication, and good humor in abundance. I believe I can also add that you have shown yourself commendably intrepid. As I see them, the results of your term as president are positive, constructive, and hopeful. I thank you for the great courtesy and cooperation which has marked your association with the subcommittee. I wish you well in your "retirement"—perhaps not quite the word for you. And I wish the same for your successor who, I know, will be a worthy one.

Retirement is soon to come for another public servant who has always stood strongly behind the donation program. After congressional service in many respects uniquely distinguished, our beloved Chairman, William L. Dawson, has decided to close his nearly 30-year career in the House of Representatives at the end of this 91st Congress. Congressman Dawson, a magnificent public servant and friend of the people, has been Chairman of the Committee on Government Operations since 1949, the year of the Federal Property Act and the inception of the donation program. His unfailing support has been, of course, vital to the committee's having been able to devote the effort and the manpower it has to oversight of the donation program. I am grateful to Chairman Dawson for his confidence when he first designated me chairman of the Special Subcommittee on Donable Property and for his continued sustaining of our subcommittee in this work. His fair, able leadership and his warm, gracious person will be missed by every Member of the Committee and its staff.

I close now with a tribute to another grand figure of the Congress who is on the verge of retirement. The important legislative accomplishments of this man are without number. But one of these is surely the purposeful leadership he proivded for so many years in the House concerning donable property program matters. This man, more than any other, I believe, deserved the gratitude of all who worked for and benefited from the donation program.

Among his singular achievements must be included the legislation in 1955 that rescued the program from the working-capital fund straightjacket which the Department of Defense had designed and which was keeping unneeded property out of excess and surplus channels and hence away from utilization or donation.

Here was an immediate and grave threat to the program. This man requested the Chairman of the Committee on Government Operations to authorize him to head a special subcommittee on donable property. The Chairman did so. Promptly, this man introduced a bill and held hearings. In less than six months after its introduction, the bill emerged as Public Law 61 of the 4th Congress. The working-capital fund principle was no longer a threat to utilization and donation.

Today, when we look at the 1970 Fiscal Year figure of $309 million for the acquisition cost of donable property received by the States, we should remember this is nearly three times the figure for 1955. The durable and dynamic donation program, which benefits almost every community in the land, is a fitting monument to this remarkable man. It is a monument to stand in the hearts of all of us who know and believe in what has been done through his help. You all know the man I speak about: The supreme gentleman and revered Speaker of the House, the Honorable John W. McCormack. I know you join me in saying, "Thank you, Mr. Speaker, and Godspeed."

TALK ABOUT THE GOOD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. DERWINSKI. Mr. Speaker, an editorial in the Pointer, Riverdale, Ill., August 6, is such a practical summation of positive thinking that it is with special pride that I place it into the RECORD.

This publication which effectively serves communities in suburban Cook County, Ill., expresses in this particular editorial the positive thinking concerning our country and certainly the fundamental commonsense involved in this editorial will be apprehensible to all readers. The editorial follows:

TALK ABOUT THE GOOD

People should start talking about what is good in America instead of what is wrong with their country. The old saying of "see no evil, hear no evil, speak no evil" seems to have been replaced with a new creed of see no good, hear no good, speak no good. Can this really be the American way?

This is a nation of freedoms—freedoms hard fought for on bloody battlegrounds in this country and in others. Freedom of speech, freedom of the press, freedom to worship as one chooses . . . these we all learned about in the early grades of school. But these freedoms must not be abused.

They must be cherished—they must be held sacred. People once were proud to say they were Americans—once people were proud of their heritage—of their forebearers. So, why do we now waste time, sitting at home, deploring the situation and wishing we were anywhere but where we are. Why do we flee from our responsibility to teach, to show, to lead today's youth, instead of reverting back to "When I was a kid . . ."? Perhaps the time has come again to fight, but this time the battle can be waged in our own living rooms, talking to our own children.

In no other country is youth so cherished. In no other country does any person have the rights that are given him here in America. Americans can only hope that the up and coming younger generation can have the spirit of our flag re-kindled in them. They can hope that these youths will learn that there are no short cuts in life. The youth of today does not seem to have learned this all-important lesson.

If we do not shirk our responsibilities as citizens and parents, possibly we can rekindle that flame. If our nation is to survive in these trouble times, our youth, especially, must be embedded with a spirit of freedom and tolerance which are the hand maidens of the law.

Radicals fan the flames of ugliness by rock throwing, burning, stepping on the freedoms of others and obeying only the laws they choose to obey. When we set down a law, that rule is made for everyone, as are all laws. We have differences in this country because our system is designed to encourage differences and dissent. However, our nation was founded on the principle that observance of the law is the real safeguard of liberty. We are free to disagree with it, but not to obey it.

We as a nation, must see to it that demagogues, whether from the left or the right, can never take hold in our society. We must teach our young the value of democracy. We must teach them that wrong is never right despite what they might see around them. They must learn love and respect for country must come after love and respect for God and home. They must be taught that one cannot successfully flourish without the other.

TRIBUTE TO JOHN D. CALAS, SR.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. ANDERSON of California. Mr. Speaker often there are men who distinguish themselves in a specific endeavor. Rarely, however, is there a man who makes outstanding contributions in a wide variety of activities. Because of this, it gives me great pleasure to offer this tribute to one such man, John D. Calas, Sr., for he has excelled in many fields of endeavor, both public and private.

John D. Calas, Sr. has been a citizen of the Carson area for over 38 years. He has been an active and dedicated leader in numerous State and local civic, educational, youth, political and fraternal organizations.

Mr. Calas' record as a civic leader is indeed outstanding. He was seven times president of the Carson Chamber of Commerce and was voted a life member of the Board of Directors. In addition, he served as chairman of the Los Angeles County Health Program for Carson, chairman of the Health and Welfare Committee of the Carson Chamber of Commerce, originator and chairman of the Carson Area Rabies Clinic, chairman of the Carson Commercial Property Owners, and a director of the Carson Park Home Owners Association. He has also served on numerous committees working for projects to improve the Carson area.

In the areas of education and youth, Mr. Calas' record is equally remarkable. He was instrumental in obtaining legislation establishing the permanent location of California State College at Dominguez Hills in the city of Carson and has been an active supporter of the college since its inception. He served as chairman of the Los Angeles County Library Advisory Council, as well as being a member of the advisory council for Phineas Banning Adult Education Program. He is a member of the Carson High Boosters Club, and a life member of the Carson Street Elementary School PTA. In the area of youth activities, he has served as a member of the board of governors of the Carson-Dominguez-Wilmington YMCA, and a member of the advisory council for the Boy Scouts of America.

In the political arena, John Calas has also been active. He is a charter member of the city of Carson Democratic Club and has served as the club's president for the past 2 years. He has also been an active member of the Democratic State Central Committee of California, and was recently elected to the Los Angeles County Democratic Central Committee.

In addition to his other activities, Mr. Calas has also found the time to participate in numerous charitable and fraternal activities. Among them are the United Fund, March of Dimes, Red Cross, Shriner's Hospital, the City of Hope, the Elks, Rotary Club, Masons, Shriners, Odd Fellows, the National Sheriffs Association, and the International Footprinters. Indeed, not only does he belong to all these organizations, but he is a life member and active participant in most of them.

After looking over the astounding list of activities that John Calas has participated in, one would be inclined to think that he was a bachelor who had no family responsibilities to take his time. Nothing could be further from the truth. Mr. Calas has been happily married to his wife, Kay Calas, for 24 years, and they are the proud parents of five healthy boys.

Mr. Speaker, distinguished colleagues, it is with great pleasure that I offer this tribute to John D. Calas, Sr.

WBBM'S EDITORIAL: "SMUT IS NO HELP"

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. PUCINSKI. Mr. Speaker, radio station WBBM, a Columbia Broadcasting affiliate in Chicago, has performed a notable public service by exposing as "all wet" a report by the President's Commission on Pornography, that pornographic literature does not corrupt a youngster's morals.

I feel quite confident that President Nixon will likewise reject the findings of the Commission.

I am placing in the RECORD today the WBBM editorial "Smut Is No Help," an excellent example of a radio station's public contribution to the community it serves.

The WBBM editorial follows:

SMUT IS NO HELP

The President's Commission on Pornography has reached some tentative conclusions about obscene books, magazines, and movies. It says that these things do not cause sex crimes or corrupt a youngster's morals.

It may be very true that pornography does not cause sex crimes, but when it comes to the corruption of morals, we think the commission is all wet. It is our opinion that pornography certainly does nothing to help improve morals! If it does not help, then it probably has the opposite effect.

We'd rather not have our youngsters learn the facts of life from some obscene, distorted book, magazine or movie. We believe that there is no better way to learn about the beauty of a healthy relationship between a man and woman than from a good family situation itself. Another way it can be taught is through proper sex education classes in school, and it surely can be a fit subject for church work.

The Presidential study says that repression by overly strict families is a greater problem. We can agree with this to a point. We're concerned, however, about the extremes of the Puritanical approach to sex on one hand and the "anything goes" attitude on the other. We don't support repression of the facts of life. In fact we encourage it under the proper circumstances.

Nevertheless, we are convinced that pornographic material—whatever its source—tends to give a distorted picture of the healthy relationship between man and woman—and thus by its very nature breaks down self-respect and future family stability which is the basis of a viable society.

AGRICULTURAL CONSERVATION PROGRAM

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. CULVER. Mr. Speaker, the agricultural conservation program has gained a reputation over the years as being one of those relatively rare Federal programs which can have a great impact on the improvement of our countryside at a relatively minimal cost to the taxpayer.

Especially at a time when the Nation is becoming increasingly concerned with the destruction of our environment and when our economic situation requires that every Federal dollar be spent as wisely as possible, it is crucial that we recognize and support those programs which give us the best results at the least cost.

When the ACP was being considered by the Agriculture Subcommittee of the House Appropriations Committee, I testified in favor of full funding of the program. I submit my testimony for the Recorr at this time:

STATEMENT OF CONGRESSMAN JOHN C. CULVER BEFORE THE AGRICULTURE SUBCOMMITTEE, HOUSE APPROPRIATIONS COMMITTEE, FRIDAY, MARCH 19, 1970

Mr. Chairman, I welcome the opportunity to express my views on the Agricultural Conservation Program. It has been my experience that the ACP has produced important benefits for the farming community and the nation as a whole, and that these results have been achieved with relatively minor federal expenditures. I believe that the Congress should continue to fund the program.

The ACP has been instrumental in stimulating better farming methods and in turning the tide of erosion when it threatened to destroy our countryside. Mr. Chairman, you have been among the staunchest supporters of this program. I know, therefore, that I need not elaborate upon the specific ways in which it has contributed to a more beautiful and more productive America.

The point which I would like to emphasize here is that the ACP is an anti-pollution program which has proven itself to be both effective and efficient. It is true that this is a time when government expenditures need to be reduced as much as possible. It is also a time, however, when the nation has become aware of the necessity of undertaking a major effort to control pollution and to restore our environment to a livable condition. The ACP is one of the best ways in which we can spend our tax money in the fight for clean air and water.

When I say that it is one of the most effective anti-pollution programs, I am referring to the fact that it attacks one of the major causes of water pollution at its source. In farming states such as Iowa, a large proportion of water pollutants are washed into streams and lakes from the land rather than being dumped there by industry or municipal sewer systems. Plant and animal waste, fertilizer, and various pesticides are carried into bodies of water clinging to grains of silt. The Secretary of Agriculture has estimated the annual cost of sediment and the pollutants it brings with it is over half a billion dollars. Without the ACP it would certainly become much greater.

The ACP is also a very efficient way of spending scarce federal funds. This program does not involve the construction of sewage plants or other types of large equipment, which are both complicated and expensive. Small water control structures, a few trees, a small pond and utilization of modern cultivating techniques can be coordinated to significantly reduce erosion at very small cost.

Participating farmers match federal funds dollar for dollar, and in addition, invest their own labor in conservation projects. Many of these participants are never personally benefitted to the extent of their contribution. Often the practices they undertake actually increase their cost of operation. Moreover, the ACP is a relatively cheap program. The average federal cost per project is less than $200. The savings of our natural resources are enormous by comparison.

Mr. Chairman, in my opinion the Congress should continue to support the Agricultural Conservation Program which does so much to maintain the continued fertility of our farmland and to protect our waters from pollution. I urge this committee to recommend that it be fully funded in Fiscal Year 1971.

PROCEEDINGS BEFORE THE AD HOC INVESTIGATING COMMITTEE OF BLACK ILLINOIS STATE LEGISLATORS—I

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. MIKVA. Mr. Speaker, recently a group of black members of the Illinois State Legislature held ad hoc hearings in Chicago on an incident which involved the Afro-American Patrolmen's League, the Chicago Police Department, and the more general subject of police-community relations of Chicago.

Beginning today, I am inserting in three parts the transcript of those hearings in the CONGRESSIONAL RECORD to make them a matter of public record and more easily available to interested parties, including Members of the House. The material below will be followed by two subsequent installments containing the remainder of the hearing transcript.

The document referred to follows:

PROCEEDINGS BEFORE THE AD HOC INVESTIGATING COMMITTEE

Chairman NEWHOUSE. Ladies and gentlemen, I notice you are all on a tight schedule. We are awaiting the arrival of two of our leadoff witnesses.

However, I think that there are a few preliminary matters that we ought to perhaps clarify before the hearing does begin. I am Senator Richard Newhouse from the 24th District. To my far left is Rep. Otis Collins. To my immediate left is Rep. Harold Washington. To my right is Attorney Howard Savage, who is acting as counsel for this Committee.

I would like to advise all the people in the audience that those who are testifying in all matters discussed today, will be taped and will be manually recorded. We will observe all the amenities of a formal hearing, for the purpose of preserving for any future use all of the testimony that is presented here today.

Now, I'd like to give you a little background as to what lead up to these hearings and the reason for this group being formulated.

As you well know, there were numbers of allegations and counter-allegations that appeared in the public press with regard to the question of whether or not the Chicago Police Department was harassing members of the Afro-American Patrolmen's League.

Its president, Renault Robinson, alleged that there was a pattern of harassment of many personnel and officers and members of the League.

There were written statements in the newspapers attributed to officials of the Police Department, discussing the case in which the League was termed as a "Racist Organization." There were allegations in the newspapers by officials of the Police Department that there was a quota system for arrests and for automobile tickets.

Based upon these allegations, a group of legislators, who are greatly concerned about the problems of police community relations in the City of Chicago, met to ask if they could not discuss with the Police Department officials and other individuals interested in these problems, on an informal and voluntary basis concerning the charges and counter-charges that have been levied.

I'd like to read to you a copy of the resolution and telegram that was sent to the Superintendent of Police regarding this matter. I am now reading the telegram:

"We, the undersigned state legislators, are concerned with the allegations and counter-allegations appearing in the public press regarding the case of Patrolmen Renault Robinson, President of the Afro-American Patrolmen's Association.

"Serious questions have been raised within our constituencies regarding the handling of this matter. As elected officials, we therefore request that all administrative action on this matter be suspended until such time as we are able to discuss these matters with you and other police officials.

"Please consider this telegram a request for suspension of all activity on the Robinson matter and a request for a mutually agreeable date in time for a meeting with you at the State Office Building.

"Because of the danger of serious harm to the career of Patrolman Robinson, and the danger of further community misunderstanding, we would appreciate an immediate response to this communication.

"May we hear from you by tomorrow noon, Wednesday, at 12:00 P.M., at the address and phone number listed below."

It was signed by me, on behalf of Representatives Isaac Sims, Elwood Graham, J. Horace Gardner, Raymond W. Ewell, Harold Washington, Otis Collins, Corneal Davis, and Lewis W. Caldwell, as well as Sen. Fred Smith and Sen. Charles Chew.

We received a reply from Superintendent Conlisk, which I'll also read for the record. I will now read the reply:

"The Chicago Police Department's disciplinary process has been applied impartially in the case of Patrolman Renault Robinson.

"Findings and recommendations in this case were determined by the Command Process, review by his commanding officer, the Internal Inspection Division, and myself.

"The involvement of a political committee in the process of the Police arm of government would be unique, and in my judgment, not in the best interest of sound Police Department discipline.

"James B. Conlisk, Jr., Superintendent of Police."

To clarify our position, and to answer the implication that this is a political committee, we want to make very clear that we are acting in response to requests from our constituents, and as their duly elected officials acted out of a sense of courtesy to the Department in the hope that anything that was done or any recommendations that were made would result in a better Police Department for the City of Chicago.

I'd like to read now some community response, though limited, that we have received.

I will read first a telegram from the National Association for the Advancement of Colored People, its President, Reverend Robert Thomas, who opens up another facet of concern.

The telegram:

"On behalf of the officers and members of the National Association for the Advancement of Colored People, Chicago Branches, urge the immediate enactment of an ordinance to more effectively deal with the inadequacy of police, to ferret out culpable bomb and arsonists who terrorize and victimize our law-abiding citizens because of their race, religion, or national background, strongly urge that Ordinance made the City of Chicago financially responsible for losses incurred by victims of their personal and real property in instances where the Police cannot find culpable individual or individuals.

"We further urge that elected officials from this City, representing the people of Chicago, introduce similar legislation at the State and National levels of Government.

XUM

"The record of law enforcement in this area of public safety in our City is disgraceful."

It is signed, "Chicago Metropolitan Council of NAACP Branches, Reverend Robert Thomas, Jr., Chairman."

Let me make this clear, that this was not an area where we intended to go initially. However, it may be on request from our constituencies, we may vary from the initial purpose of determining harassment of the black police officers in the Afro-American Patrolmen's Association.

I will now read a telegram from E. Duke McNeil, Executive Vice President, Woodlawn Organization.

"The Woodlawn Organization, a confederation of 115 Black Clubs, supports the black legislative committee in its investigation of Chicago Police Department practices as they relate to disciplinary actions against law enforcement officers discrimination in hiring, promoting and upgrading of black law enforcement officers and alleged harassment of black police officers.

"The Woodlawn Organization has specific evidence and testimony that would be useful to this investigation."

Let me now state that based upon the request of the Woodlawn Organization, and the Organization of Southwest Community Organizations and others, we will hear testimony from community organizations at some point in the future.

Let me now read an editorial from the Chicago Defender, entitled, "Harassment Probe":

"The black legislative committee which is looking into the charges of harassment made by the Afro-American Patrolmen's League against the Chicago Police Department is headed by Sen. Richard Newhouse, a man whose integrity and civic interests are beyond challenge.

"His chairmanship of the inquiring committee is virtually an ironclad guarantee that the matter at issue will be investigated with impartiality and thoroughness.

"However, those who are familiar with the inflammable state of race relations in the black community deplore the postponement of the hearings.

"Delays of this kind tend to complicate abrasive matters whose spread might have been arrested had corrective action been taken in time.

"Harassment by white policemen is one of the many grievances which have disturbed the black community as a whole to a dangerous point of impatience.

"Accumulation of hostile incidents involving white patrolmen together with construction unions discrimination against the black labor have created a situation which amounts to a shortening of the fuses to the powder-keg that may explode any day.

"Hopefully, the union matter is at a negotiating stage with high prospects of a satisfactory solution.

"The question of police harassement is no small matter. It should be attended to with deliberate dispatch if black resentment is not to go into an insurmountable conflagration.

"Police officials would be evincing an indefensible lack of moral responsibility by not cooperating fully with Chairman Newhouse's Legislative Committee."

I am a bit embarrassed having to read a statement that has personal credos in it. But let me suggest to this body that two things have happened. One of those is this:

That there was no wish on the part of this body to postpone these legislative hearings at all. As we explained to you at that time, these hearings were postponed for the sole reason that we did not get the cooperation of the Chicago Police Department.

Now, we asked for that Police Department cooperation, and we'll ask for it again. We are hoping that there will be a change in heart on the part of Police officials that will prevent us from having to drag on and on a series of hearings that could very possibly be shortened, and out of which some recommendations could come that would be satisfactory to our community and would place the Police Department in the role of protector of the community. And that is the view in which we see it.

As you know, this committee is a voluntary committee. It is requesting testimony from witnesses. It has no subpoena power. However, we have every intention of listening to the other side in this discussion. And for that purpose, we have asked the Public Welfare Committee of the House of Representatives to join us in this inquiry for the reason that it is a standing committee with interests in this area and with subpoena power to direct those officials that it deems necessary to appear before it, to come before it and testify as to the practices complained of.

One final statement: Between the time of the initial hearing two weeks ago and the hearing today, several things have occurred.

One of the things that has occurred is that Patrolman Robinson has been suspended. The total number of days, as I understand from him, are forty days at the present time.

There may or may not be other charges pending. We are expecting Patrolman Robinson here in a moment to give us some testimony to the extent that he can in this matter.

May we hear now from our first witness, Donald Moseby.

Mr. Moseby, would you come forward, please.

Representative Washington. May I invoke the oath, Mr. Chairman?

(Witness sworn.)

Donald Moseby, having been first duly sworn, was examined and testified as follows:

Chairman Newhouse. Mr. Moseby, I wonder if you might identify yourself.

Mr. Moseby. My name is Donald Moseby. By profession, I am a reporter for the Chicago Daily Defender.

For four years now I have served that newspaper as a police reporter, working with police primarily in the Police Pressroom at Police Headquarters.

Mr. Chairman, I come this morning to speak on a matter of great concern to all of us, and that is namely the role of the police in our society, as it has been and as it is now. The Police Department is a significant institution within the ranks of our civilized society, and certainly of paramount importance within ourselves.

Therefore, the first statement I will make this morning shall be shocking, and perhaps the most significant statement I shall make today; namely, the police operate oppressively in the black ghetto.

This is nothing new, however, since 1619 police have been used to oppress black people in this society. The nature of that oppression has not changed, only the methods used by the various police departments throughout America to contain and control black people.

When we deal with the police, we must all understand why and how police came into being. The various organizations which antiquity tells us were the forerunners for today's police departments originally were established for the sole purpose of protecting property.

In 1619 and as late as the 1930's black people in this society were considered property. We have all heard of or read of black persons being referred to as this or that whiteman's nigger or niggers.

In this context property can be and is protected, but said property has no rights. If the property ran away, it was forthwith returned to his or her owner by the police, sheriff and/or U.S. Marshall.

Because black people have constantly been thought of as property belonging to someone else, most white people have come to believe that no black people have any rights that whites need accept or respect.

The single most consistent fact in black history in America is the universal denial of the due process to black people, which the Constitution guarantees, by the society.

Traditionally, since 1863, police have been used to "contain and control" black people in the ghettos where they have been forced to live.

According to Webster a "ghetto" is a section or quarter of a city, town or village where a person and/or persons are compelled to live because of racial or ethnic reasons.

I've clarified this point because in order to understand and indeed appreciate the matter at hand and the overall situation of police in black America, we must all understand how and why ghettos exist.

In 1900 there was no black ghetto in Chicago, but by 1910 such a ghetto had begun to form. In 1917 the black ghetto was officially established and with the exception of geographical expansion, it has not changed in half a century.

At the same time the black ghetto was taking shape, the methods whereby the police would control its people were being defined as well.

We are a nation of two societies; one black and the other white. And we are a nation of two standards; one black and the other white.

This single fact is at the crux of all the struggling and striving which has occurred since Rosa Parks' tired feet set the present phase of black America's freedom fight in motion in Montgomery, Alabama.

It is necessary to understand all the above if we are to realize that police conduct and actions in the black community did not like Topsy, just grow, but are the result of long years of practice and racial attitudes.

Once there were two Chicago police captains. Each had a son who in turn became a policeman. James B. Conlisk, Jr. eventually became Superintendent of Police. Milton Deas is currently working as a sergeant in the gang Intelligence Section.

The reason this is significant, is that from the very beginning, each son knew exactly how far he could go in the Department. The sky was the limit for Jim Conlisk, Jr. Milton Deas knew he would be lucky to make sergeant.

In 1955 there were six black police sergeants, two lieutenants and one black captain. In those days a black sergeant usually became a lieutenant just as the sole black captain was getting ready to retire.

The first black Chicago police captain was John Scott. Harry Deas was made a lieutenant shortly before Scott left the force. In 1947, after Scott retired, Deas became a captain.

The pattern repeated itself with Kinzie Bluett, who was the first black man to command the Wabash District.

This is significant, because at one time a station commander's slot was a very lucrative position, and Wabash was one of the most lucrative. Thus even in graft and corruption in his own community, the black cop came in a very distant last.

We have mentioned the above facts in order to clarify in your minds the roles that black policemen have traditionally been forced to accept in the Police Department.

In my work with the Police Department, I have encountered generation white captains. None of the present black captains and lieutenants had a parent who attained a similar rank with the Police Department.

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The fact that for most of the history of the Police Department there were never more than one black captain and at best two black lieutenants, plus only a handful of black sergeants, is a clear readable measure of the double standard which has always existed in the Police Department.

For the first sixty years of this century, the Police Department was corrupt, racially bigoted and infested with petty thieves and cheaply bought crooks.

It is a matter of record that politicans ran the Department and in many instances the police served as a private army for some Ward Committeemen and Aldermen.

In 1959 the running sore festered and burst and the city was confronted with the public knowledge of what many people had known privately for years. Some of the worst crooks in the city worked for the Police Department.

At the same time the Police Department was criminally corrupt, it was racially corrupt as well. So much so that black men who chose a police career, chose the Old Park District Force in preference to the City.

When the Summerdale scandal broke in 1959, it had become an accepted fact of life that most black policemen would never rise above the rank of patrolman, with a handful becoming detectives and less than one percent attaining ranks higher than detective.

Today, there are more sergeants, lieutenants and captains than have ever served at one time with the Department.

There are four District Commanders and a Deputy Chief of Patrol. In addition to this, the Director of the Data Processing Section is a black man as well.

Moreover there are 1,800 black police officers which is the largest number of black police working for any police department in the world. Most of these officers were attracted to their present jobs after O. W. Wilson became Superintendent of Police.

In light of all the above, it can truly be said there have been tremendous changes in the Department since the days when the late Robert Sengstacke Abbott began a campaign to get more black officers on the force in the 1920's.

The charges leveled by the Defender at that time have a frighteningly familiar and contemporary ring to them.

A brief glance at today's papers tells us that black people are leveling exactly the same charges against the Police Department: harassment, brutality, intimidation, that black people and their representatives hurled at police over half a century ago.

It would appear that despite an almost 100 percent increase in the population, it would appear that the game is the same and only the names of the players have changed.

In light of the above statements, it can be said there is cause for great alarm in regards to police relations and the black community.

The Police Department is a microcosm of the city. Its members come in every color and political persuasion. They accurately reflect the attitudes and prejudices of the larger society.

These same members carry over their bias into their function as policemen, with the result that black officers become victims and suffer oppression in almost direct proportion to that which is suffered by black citizens.

A recent story in the Daily Defender told of how a black police officer was prohibited from giving a white police officer a traffic ticket charging involuntary manslaughter in the death of a black woman.

The black officer was ordered not to give the ticket by a white Assistant Deputy Superintendent of Police.

Chairman NEWHOUSE. May I stop you just a moment, Mr. Moseby. I hate to stop you in the middle of a prepared statement, but you have hit on some specifics, and I'd like to get to the specifics you mentioned.

You mentioned a name. Can you tell me how this case differed from the normal handling of a case.

Mr. MOSEBY. The case in question, a white man struck a car driven by a black woman, driving her off the Expressway into a post, and she was killed.

The traffic officer sent to the scene was a black officer who was prepared to write three tickets charging changing lanes without a proper signal; driving under the influence; and involuntary manslaughter.

Chairman NEWHOUSE. That is the normal procedure?

Mr. MOSEBY. It is normal when death occurs in a traffic accident, that a ticket for involuntary manslaughter be written.

Chairman NEWHOUSE. That is a policy matter?

Mr. MOSEBY. It is a policy matter. It is a matter of normal policy when a death occurs, to write this particular ticket.

There maybe, when a child darts in front of your car and you could not avoid the child. This is brought out subsequently in court and the ticket is dismissed.

It is normal for the ticket to be written, but this was not normal operating procedure in any stretch of the imagination.

If I might continue, this came almost two weeks to the day that a white officer charged a black officer with driving under the influence after a drunk test proved the black officer could not have possibly been under the influence of alcohol when he was stopped by police.

The above is a classic example of the kinds of situations black policemen encounter daily and the bias of their professional lives as well.

There are a number of reasons for this and not the least of them is the fact that there is no black policeman in a policy-making position for the Police Department.

It would appear the District Commander is the highest rank a black policeman can attain in the current table of operations for the Department.

While it is true that Sam Nolan is a Deputy Chief of patrol, it is just as true that he doesn't make policy, he only implements it. His sole task is repairing the severly damaged image of the Police Department, primarily in the black community.

In the last eighteen months there have been a number of high level command changes in the Police Department. At one time or another the following positions became vacant:

Director of the IID, Task Force Commander, Director of Vice Control Division, and last but not least, Deputy Superintendent of Police in charge of the Bureau of Inspectional Services.

All these vacancies were filled by white captains.

What this says, almost without contradiction is that black captains were not offered any of the posts. I say this because the last white captain who refused a position offered him by the Superintendent was transferred to what constitutes exile.

What I am saying, gentlemen, is that almost any one of the black captains, lieutenants and sergeants would accept any of the above positions.

It must be noted the Department has what are called "exempt positions" not controlled by civil service. As a result it is possible for the Superintendent to appoint anyone to one of these positions, including civilians. The ladies present here today could even be appointed to one of the positions.

I did hope, perhaps, I would be able to talk about another matter that is crucial to us, and that is police brutality as it occurs in our society as well.

I didn't need to prepare a text for this, because I believe I have written more police brutality stories than any single reporter in the last decade. And what these stories clearly indicate is that there is a pattern of police abuse of black citizens in the ghetto.

Let me hasten to add that I say "ghetto," because this pattern of abuse occurs not only in the black ghetto, but in the white ghetto as well.

Chairman NEWHOUSE. Mr. Moseby, thank you very much. You painted a background picture for us very well.

Let me ask you, and we'll want to get to the brutality angle at some point in the future, perhaps not today.

What I would like to know is this:

Based on your experience as a police reporter have you, of your own knowledge, specific instances of harassment of black police officers who were trying to do their job?

Mr. MOSEBY. Well, I spent what was several weeks in 1968—yes, 1968—prior to going abroad, writing about an incident which I thought was flagrantly unfair, which a black policeman—Police Captain was sent to the Police Review Board, because he was charged with malfeasance.

He was a Watch Commander in the Marquette District.

Chairman NEWHOUSE. What was his name?

Mr. MOSEBY. Julius Witkin.

He was a Watch Commander in the Marquette District at that time, at the time some youths were arrested for allegedly burglarizing the Hallicrafter Plant on Fifth Avenue.

And the youths who were arrested made the allegation that when they entered the plant—they did not deny going into it, a car was parked outside, loaded with apparent contraband from the plant.

The police responded to the call and they say the police passed the car that was parked there and nothing was done about the car. When they came out the car was gone. And this was an allegation that was brought to the attention of Capt. Witkin.

At the time the allegation was brought to Capt. Witkin he was off duty, and he told the persons involved to be at his office when he returned the following evening.

That evening he got a complaint review number from the IID—you know, the IID has—is a section which investigates complaints of policemen.

During this 24 hours of getting the IID complaint, Julius Witkin was brought before the Review Board and suspended for 30 days. He waited 24 hours, and he was off duty.

Now, I felt that in the face of the situation at that time, and I stated in—stated this in the article, he was the fifth black police captain that we had in line to a promotion to a significant position, that there was more to this complaint than merely he didn't get the complaint number within 24 hours.

As you know, a complaint on the Captain's record put him in serious jeopardy of being promoted to a significant rank in the Police Department.

Chairman NEWHOUSE. What you have said to us, is that in your opinion there is a double standard in the Police Department in the administration of justice?

Mr. MOSEBY. There is a double standard in the Police Department that begins with careers and goes all the way through. There are limits that a black policeman may achieve in the Police Department.

Chairman NEWHOUSE. Let me ask you this:

If there is a double standard within the Department, would that double standard also reflect itself in the carrying out of duties outside the Department?

You mentioned police brutality which we are not getting into at the moment, but does the administration carry over in the duties of the individual police officer?

Mr. MOSEBY. Certainly it does. There is no doubt and no one can contradict the fact that white police officers have an attitude in the black community, which was reflected in the attitude held by their white superiors, held in the black community.

I think one of the things we really have to understand, we are dealing with racial attitudes as well as—and I might hasten to add on the other hand, there are some fine white policemen in the Department.

One of the facts we are dealing with, politics is an important part of the Police Department, despite O. W. Wilson, and the administration.

This following the rioting of the big snow, following the "shoot-to-kill" order by Mayor Richard J. Daley.

Chairman Newhouse. There may be some other questions.

Representative Washington. Yes. And I know this hearing is motivated by the allegation of Officer Renault Robinson, that he is being harassed by his own Police Department because of his involvement in the Afro-American League, and he implied that other officers in that League were also being harassed, we have got to establish that, because you are the first witness.

Let me ask you this question:

If Officer Robinson's allegations are found to be correct, that he is being harassed, and obviously the motivation of that harassment must be in the makeup and the nature of the Afro-American Patrolmen's League, as a reporter in the black community, what is your impression of that league?

What are they doing?

What is the ostensible purpose?

What is the image of the Afro-American Patrolmen's League in the black community?

Mr. Moseby. I think for the most part, it has a positive image. It is a professional organization that has stated that black policemen as well as white policemen abuse and indeed often break the law in dealing with black people in society, and they have stated as their purpose they are going to change police conduct in the black community.

Now, there is a direct challenge to those clearly defined attitudes I spoke of earlier, which have come to exist over a significant period of years.

They are admitting, openhandedly admitting, that their fellow officers do break the law. It is against the law to use excessive force to arrest a person. It is against the law to threaten and intimidate a person.

When they do this, they are breaking the law. So they have admitted that there are law-breakers within the ranks.

This challenge to the—their fellow officers, can only lead to resentment on the part of these officers.

It is significant that the officer in question has been on the Department for four years. This is his fifth year. And for four of those years he never had any serious or significant disciplinary problems.

It is significant that after he became an out-spoken critic of the Police Department, that he was the recipient of 17 allegations of misconduct.

Now, in speaking to then Director Raymond Clark of the IID concerning this matter, he stated that none of these allegations taken individually were cause for alarm and could not result in Renault Robinson being dismissed from the Police Department.

However, this is a general order and regulation which says that a policeman may be discharged from the Department when there is a consistent pattern—a consistent pattern of departmental regulations violations.

He may be discharged on the grounds of inefficiency, ineffectiveness. There are several charges. So if all of these charges were sustained, then Renault Robinson would be in serious question concerning his job. And there would be nothing that the police—the Civil Service Board, which is the final question in the matter, could do to keep his job.

And while I am talking of that—

Chairman Newhouse. May I stop you just a moment.

Are those regulations you are talking about written regulations?

Mr. Moseby. The regulations that he is charged with violating are all written. He is charged with sleeping—

Chairman Newhouse. Now, I am referring to the regulations that provide for discharge.

Is that a statute?

Mr. Moseby. That is a Departmental regulation.

Chairman Newhouse. It is Departmental?

Mr. Moseby. A Departmental regulation, which under this circumstance, there is 17 of them, if he is convicted of all 17, then they could take him to the Police Board for dismissal for cause.

Chairman Newhouse. Let me ask you this one:

If I recall, one of the charges against Robinson, was that he was inside a school building on duty, he did not have his hat on.

You say that if there were 17 instances of his not wearing his hat, he could be discharged from the Police Department?

Mr. Moseby. He could be.

I wanted to mention another patrolman, who was—who arrested the nephew of an Alderman. And in this arrest it has resulted in his having been charged with battery.

He was convicted of the charge, and he has now been suspended from the Police Department.

This was an interesting case, because at the time of the arrest, an allegation of police brutality was made, this officer, Richard Jennings, and Officer Jennings after the allegation was made, there was another break in policy, in that the District Commander of the 14th District, I believe it was—

Chairman Newhouse. Who is that?

Mr. Moseby. I can't say off the top of my head—conducted the investigation of excessive force.

There is an Excessive Force unit with the Police Department. An Excessive Force officer was dispatched to the station—Excessive Force officers—when they arrived, they were told all they could do would be to advise and counsel, they would not conduct an investigation.

And to my knowledge, the years I have been in the Police Department, this is the first time an Excessive Force investigation was not conducted by a District Commander.

The recommendations of that investigation was that Jennings be dismissed from his job. After a hearing before the Civil Service Board, Jennings was reinstated.

He was subsequently, after being reinstated, charged by the State's Attorney office and found guilty of battery. He has been suspended, and a charge to separate him from the force has been leveled.

For the second time in a little over a year they are seeking to dismiss this officer from the Department.

Representative Washington. Getting back to my original question, Mr. Moseby, if I understand your testimony, you are saying that the Afro-American League in the black community is looked upon as a positive good, in your view?

Mr. Moseby. Yes. In my view.

Representative Washington. And am I also correct, in eliciting from your testimony, that as part of the Afro-American League's toward the Police Department, criticizing it and the criticism to make that Department more appreciable of it, is it your opinion that some of the officers of that League are being harassed?

Mr. Moseby. It is my impression that officers of the League are constantly being harassed and intimidated if it is known that they are officers in the League.

It is not my impression that this harassment is condoned by Superintendent Conlisk, or Officers of that rank. I could not say that.

But it is, I believe, a matter of almost—well, you can't really word it—but it is occurring and it occurs in this matter: A supervising sergeant may write a charge against you at any time he feels like, that you have violated a regulation, or he wants to write a charge.

Representative Washington. In other words, you are saying the harassment is not from some sort of any trickle-down theory from the head of the department?

Mr. Moseby. I wouldn't say it was a result of Conlisk's displeasure of this League. I wouldn't say it trickled from the top.

This is because I believe there are people that are outright bigots.

Representative Washington. Of course, they are subject to Superintendent Conlisk, though?

Mr. Moseby. Yes, they are.

Representative Washington. Hypothetically, it is possible for a pattern to exist in an organization such as the Chicago Police Department; a pattern which you find out for this pattern not to be brought to the attention of the Police Department?

Mr. Moseby. Well, I think that the matter could go on for a significant number of years, because the disciplinary process is such that a charge or an allegation made against a particular patrolman, the Superintendent is not necessarily aware of the implications of this, because he is not aware of all the organizations that the patrolmen belong to.

After we ascertained that, members of the Afro-American Patrolmen's League have been charged with several allegations after it has become known that they were members of the League. Then it is possible to establish a pattern.

But it is possible to slip past the Superintendent for a certain period of time.

Representative Collins. Mr. Chairman, noting that the Marquette Station is located in the Lawndale area, am I correct in noting that—that the Marquette Station is located in Lawndale, am I correct in assuming from your testimony that it is your opinion, that your opinion would be that these practices, the pattern would be more evident in areas where we have a high incidence of poverty; in poverty-stricken areas?

Mr. Moseby. It has been my experience a pattern of brutality and threats of this nature, occur with most frequency in an area like Uptown, where there is the Appalachian core, and areas like Woodlawn and the Grand Crossing area, and Grand Boulevard, and in Lawndale and in Fillmore.

It seems the person on the lower rung of the economic ladder is always a victim of the denial of due process.

Chairman Newhouse. Let me ask you this one question: You are familiar with this organization, and with the various other organizations, the Confederation of Police, the Federation of Police, the Illinois Police Association, and the various others; the Italian, the Polish, the Black, so forth.

Has it come to your attention that any of these organizations have received the same kind of treatment as the officers and members of the Afro-American Patrolmen's Association?

Mr. Moseby. No, it has not. I think that is explainable.

These organizations are all purveyors of influence within the Police Department, and

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they attempt by their very nature to influence the direction that the Superintendent will take in any given matter.

In Chicago we created a term "clout."

All of these organizations have a great deal of "clout" behind them.

Chairman NEWHOUSE. And I take it it is your opinion that the Afro-American Patrolmen's Association has no "clout"?

Mr. MOSEBY. At this point, they lack "clout."

Chairman NEWHOUSE. Mr. Moseby, thank you, very much.

I wonder if you would leave with us a copy of your testimony for inclusion in the record, and make yourself available for further questions at some future time.

Mr. MOSEBY. I would ask that I be able to mail you a better copy, and I would be available.

(Witness excused.)

THE IMMIGRATION AND NATIONALITY ACT PROPOSALS OF THE ADMINISTRATION

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. CELLER. Mr. Speaker, I am today introducing the proposals of the administration to amend the Immigration and Nationality Act. While I do not subscribe to all the proposals, I believe it would be well for all the Members to study them and to that end I have inserted a section-by-section analysis of the proposed measure:

SECTION-BY-SECTION ANALYSIS OF ADMINISTRATION OMNIBUS IMMIGRATION AND NATIONALITY BILL

Section 1 contains the short title of the bill.

Section 2 amends the table of contents.

Section 3 amends section 101(a)(13) to redefine "entry" by specifying that a person who obtains an adjustment of status will be regarded as having made an entry for the purposes of the immigration laws. This would place such a person in parity of status with one who enters through a port of entry. The proposed amendment would treat both classes of immigrants alike, subjecting them to like consequences and time limitations (if any), and granting them identical benefits, when benefits are available.

Sections 4 (a) and (c) amend section 101(a)(15) (E) and (I) in identical fashion to provide derivative nonimmigrant status for "members of the immediate family" of treaty traders and investors and of information media representatives, rather than only for the spouses and children. This would enable dependent relatives (parents; unmarried daughters, etc.) of such nonimmigrants who normally are members of the household to receive the same nonimmigrant treatment accorded to the principal alien.

Section 4(b) amends section 101(a)(15) (F) to confer upon the Secretary of Health, Education and Welfare the responsibility for approval of schools to be attended by nonimmigrant students. In addition, the amendment would eliminate the reference to "approved" schools. The amended statute retains for the Attorney General a measure of supervision, in authorizing him to prohibit the entry of students coming to schools which fail to furnish required reports of termination of attendance.

Section 5(a) amends subparagraph (A) of section 101(a)(27) to delete the present definition entirely and to substitute a definition including only aliens born in contiguous territory (Canada and Mexico), their spouses and children. Two provisos are included: (a) to limit to 35,000 the number of immigrant visas which may be issued to natives of any single contiguous foreign state in any fiscal year, exclusive of immediate relatives and other special immigrants; and (b) to provide that an alien described therein cannot be deemed to be qualified for such classification until he has obtained a labor certification if he seeks to enter the United States to perform skilled or unskilled labor.

Section 5(b) amends subparagraph (D) to provide special immigrant status for religious functionaries as well as for ministers of religion. This amendment would make possible the admission as immigrants without numerical limitation of other religious workers as well as ministers of religion.

Section 5(c) amends subparagraph (E) to delete the requirement that the approval by the Secretary of State of special immigrant status under this subparagraph be upon a finding that "exceptional circumstances" exist in the case of the applicant concerned.

Section 6 amends section 101(b)(1)(E) to amend the definition of "child" to include adopted children who have been in the legal custody of, and have resided with, the adoptive parent or parents for a period of one year rather than the present two years. The proposed amendment would also permit periods of residence prior to the issuance of the adoption decree to be counted.

Section 7 amends 106 of the Immigration and Nationality Act, 8 U.S.C. 1105A. As enacted in 1961, Section 106 sought to minimize dilatory, repetitious challenges to deportation orders by providing a single, unitary review proceeding in the United States Court of Appeals. Experience has demonstrated that this aim has not yet been fully achieved.

The amendments would specify that the statute's unitary review proceedings would include review of determinations ancillary to the deportation edict, and would eliminate automatic stays of deportation.

Section 8 amends section 201(a) to establish a separate numerical limitation of 80,000 per annum and 22,000 quarterly for the Western Hemisphere, other than Canada and Mexico for which a specific limitation is set forth in section 5. The dependent areas physically located within the Western Hemisphere would be included within this overall ceiling. Together with the amendments in sections 9 and 10, this amendment places all countries of the Western Hemisphere (other than Canada and Mexico) under a system identical to that now applicable to the Eastern Hemisphere.

Section 201(b) is also amended to provide "immediate relative" status derivatively for the spouse or child of any alien entitled to immediate relative classification, whether or not such spouse or child may also be entitled in his own right to such status.

Section 9 amends section 202 in the following ways—

(a) a separate annual ceiling of 600 is established for each dependent area and this ceiling is charged against the overall limitation for the hemisphere in which the dependent area is located rather than against the 20,000 foreign state limitation of the governing country.

(b) the provisions relating to alternate foreign state chargeability for a spouse or child are amended to be applicable to a spouse or child following to join the principal alien, as well as one accompanying such an alien.

Section 10 amends section 203 in the following ways—

(a) the percentage reserved for the first preference category is reduced from 20% to 10%;

(b) the definition of aliens entitled to second preference classification is expanded to include the parents of a permanent resident alien if the permanent resident is at least twenty-one years of age;

(c) the percentage reserved for the third preference category is increased from 10% to 15% and provision is made for the visa numbers unused by higher preferences to "fall down" to third preference;

(d) the percentage reserved for the fifth preference category is reduced from 24% to 20% and the class of aliens entitled to fifth preference classification is restricted to the unmarried brothers and sisters of United States citizens;

(e) the percentage reserved for the sixth preference category is increased from 10% to 15% and provision is made for visa numbers unused by higher preferences to "fall down" to sixth preference;

(f) the percentage reserved for seventh preference refugees is increased from 6% to 10%;

(g) the definition of "refugee" is amended to add a requirement that an alien not be firmly resettled in any country in order to qualify for refugee status under section 203(a)(7).

Section 11 amends section 204 to require the filing and approval of a petition to accord special immigrant status to a religious functionary under section 101(a)(27)(D), and to require, as a prerequisite to the approval of a third or sixth preference petition, a certification pursuant to section 212(a)(14) instead of "consultation with appropriate government agencies."

Section 12 (a) amends section 211(a) to delete the references therein to the transition period from December 1965 to July 1, 1968.

Section 12 (b) restores discretionary authority to waive innocent defects in visas presented by entrant aliens. The amendment would in effect restore subsection (c), and would authorize the Attorney General to grant relief where an entry is defective for technical reasons.

Section 13(a) amends section 212(a)(14) to add nonimmigrants under section 101(a) (15)(H)(ii) to those classes of aliens to whom the section is applicable and to provide that the exemption from the provisions accorded to certain special immigrants under section 101(a)(27)(A) shall be available to the parents of a permanent resident only if the permanent resident is at least twenty-one years of age. The present reference to exemption on the basis of a specified relationship to a United States citizen has been deleted, inasmuch as such relatives are eligible for "immediate relative" status and are thereby excluded automatically from the provisions of section 212(a)(14).

Section 13(b) repeals section 212(a)(24) relating to ineligibility of an alien applying from contiguous territory or adjacent islands if the alien arrived in such place within two years preceding the application on a nonsignatory transportation company.

Section 14 amends section 212(d) by—

(a) making an editorial change in paragraph (4) and by deleting the word "unforeseen" therefrom; and

(b) by adding to the section a new subsection (9) to provide that certain grounds of ineligibility specified in section 212(a) shall be inapplicable to aliens seeking admission as nonimmigrant visitors for business or pleasure for periods not exceeding ninety days and who are nationals of countries designated by the Secretary of State on a basis of reciprocity or a finding that the designation would be in the national interest. The grounds of ineligibility which would be made inapplicable include that relating to the nonimmigrant visa requirement, waiving, in effect, the visa requirement

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for aliens who fall within the purview of the provision. The subsection provides that aliens admitted pursuant to it may not have their stay extended beyond ninety days from date of admission, may not change to any other nonimmigrant category, and may not have their status adjusted to that of permanent resident under section 244 or 245. In addition, provision is made for placing an applicant for an immigrant visa further down on the appropriate waiting list if he had previously been admitted under this provision and had violated the terms of his admission by overstaying, accepting employment or otherwise.

Section 15(a) amends section 212(g) to add aliens afflicted with psychopathic personality or a mental defect to those aliens who may benefit from the relief provided in the section if a qualifying relationship exists between the ineligible alien and a citizen of the United States, a permanent resident alien, or an alien to whom an immigrant visa has been issued.

Section 15(b) amends section 212(h) to incorporate the provisions of present section 212(i) relating to ineligibility under section 212(a)(19) and revises the relationships which will qualify an ineligible alien for the relief to match identically those contained in section 212(g).

Section 15(c) amends section 212(i) to add a "statute of limitations" on the operation of certain grounds of ineligibility by authorizing the Attorney General, in his discretion, to waive ineligibility under sections 212(a) (9), (10), (12), or (19) in the case of an alien if (1) the act or acts giving rise to the ground of ineligibility were committed more than ten years prior to the date of application for a visa; (2) if any conviction in a court of law resulting from the commission of the act or acts occurred more than ten years prior to the date of application for a visa; (3) if any period of confinement resulting from such a conviction terminated more than ten years prior to the date of application for a visa; and (4) during the ten year-period immediately preceding the date of application for a visa there was a clear record of the alien's rehabilitation.

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Section 16 amends section 221(a) editorially to change the word "quota" to "foreign state limitation," where appearing. It also amends section 221(b) to authorize the Secretary of State and the Attorney General to waive, in their discretion, the fingerprint and photograph requirement in the case of a nonimmigrant alien. Section 221(c) is amended to require reciprocity in the setting of nonimmigrant visa validity, if practicable, rather than "to the extent practicable," and by removing the requirement that an alien to whom a replace immigrant visa is issued pay again the issuance and application fees.

Section 17 amends section 223(b) to extend the period of validity of reentry permits to three years, removing the provision for renewal. The present statute makes a reentry permit valid for one year, and authorizes a one year renewal. The proposed change would amply meet existing needs, and would materially conserve manpower and funds in eliminating the need to deal with thousands of applications for extension of reentry permits.

Section 18 amends section 238 by—

(a) repealing section 238(a) which is related to section 212(a)(24), also being repealed as obsolescent;

(b) by redesignating subsections 238(b) through (e) as (a) through (d);

(c) by amending subsection (d), redesignated (c), to authorize the Attorney General to contract with private carriers for the departure of aliens admitted under section 212(d)(9) (see Section 14 of this bill); and

(d) by making technical amendments to the definition of "transportation line" contained in section 238(e), redesignated (d).

Section 19(a) amends section 241(a) to remove from the grounds of deportability enumerated therein paragraph (10) relating to deportability for entry in violation of the conditions of section 238(a) which is repealed by section 18(a) of this bill.

Section 19(b) amends section 241(c) to provide that an alien's visa could be considered to have been obtained by fraud or willful misrepresentation within the meaning of section 212(a)(19) if the marriage to the citizen fiance or fiancee of an alien admitted under section 101(a)(15) (K) were terminated within two years.

Section 19(c) amends section 241(f) to eliminate inherent ambiguities and administrative difficulties in the statutory provisions for waiver of deportability for misrepresentations in connection with entry.

The proposed amendments would accomplish the following major results—(1) would specify that deportability can be waived for a person who entered through fraud only if he is not deportable on an additional ground other than those based on the misrepresentation itself, e.g., if he is in the immoral, subversive or criminal classes; (2) would make the waiver of deportation discretionary, and thus would make possible the denial of the relief in an undeserving case; (3) would specify that relief under this section is available only to those who enter as immigrants, thus making its benefits unavailable to those who enter surreptitiously, or on a false claim to be U.S. citizens, or as nonimmigrants; (4) would specify that an alien whose deportability is waived shall be regarded as lawfully admitted for permanent residence.

Section 20 amends section 244(d) to remove the requirement that a nonpreference visa number be deducted from the applicable numerical limitation in connection with the suspension of deportation of an alien under the provisions of section 244.

In addition section 244(f) is technically amended to bring it into conformity with the amended provisions of section 212(e) relating to the imposition of the two-year foreign residence requirement upon former exchange visitors.

Section 21 amends section 245(c) to restrict the prohibition against applying for adjustment of status in the United States to aliens born in contiguous territory or adjacent islands. The amended section would include two exceptions to the general prohibition in that aliens born in contiguous territory or adjacent islands would nonetheless be entitled to apply for adjustment of status if they were—

(1) classifiable as immediate relatives; or

(2) the child of parents, both of whom were entitled to apply for adjustment of their status.

Section 22 repeals section 246 of the Act, 8 U.S.C. 1256, which deals with rescission of adjustment of status. The provisions for rescission of adjustment of status will be unnecessary in the light of the amendment of the definition of "entry" in Section 3, under which an improper adjustment of status will be subject to the same consequences as an improper entry.

Section 23 amends section 248 to provide that an alien in the United States as an "exchange vistor" under section 101(a)(15) (J) would be entitled to change to another nonimmigrant status without restriction unless he were subject to the two-year foreign residence requirement of section 212(e) as recently amended.

Section 24 amends section 251(d) to increase from $10 to $500 the fine for failure to report to the Service the illegal landing of an alien crewman. Because of organizational changes in the Bureau of Customs, the term "district director of customs" is substituted for the term "collector of customs."

Section 25 amends section 254(a) to provide that the penalty for failure to detain an alien crewman on board until inspected, or a failure to detain an alien crewman on board after inspection when no landing permit or parole has been authorized, or failure to deport an alien crewman when required to do so, be increased to $2,000 from $1,000.

Section 26 amends section 274 to impose criminal sanctions on those who knowingly employ aliens who are illegally in the United States or in an immigration status in which such employment is not authorized. Failure of the employer to inquire whether the prospective employee is an alien or a citizen, and to request production of an alien registration card by an alien is considered prima facie evidence of the defendant's knowledge that the alien was in the United States in violation of law. The penalty for this offense is made a "minor offense" within the meaning of Section 302(f) of the Federal Magistrates Act (82 Stat. 1107–1119), so as to make the offense triable before federal magistrates, facilitate prosecutions, and not unnecessarily to encumber already overcrowded federal court dockets. The amendment would also repeal the proviso in present section 274(a), 8 U.S.C. 1324(a), which states that mere employment of aliens shall not be deemed to constitute unlawful harboring of such aliens.

Section 27 amends section 275 to provide for a penalty for attempted illegal entries, not provided in the present statute, as well as a penalty for wilfully remaining in the United States after an entry in violation of law and the violator may be prosecuted whenever encountered or located. Violations of this section, which relates to unlawful entries, will be misdemeanors, and could be tried before federal magistrates. More serious offenses now classified as felonies, which are detected at time of attempted entry, i.e., 18 U.S.C. 1546 (falsification or misuse of entry documents), could, when deemed appropriate, be handled as a violation of this amended section and tried before a federal magistrate as a misdemeanor.

Section 28 adds new section 278A to prescribe a new criminal offense for the acceptance of employment by a nonimmigrant during the period of his authorized stay or within one year thereafter.

Section 29 amends section 287 by adding a new subsection (d) to specifically authorize immigration officers to carry firearms.

Section 30 amends section 301(a) to simplify the conditions for acquisition of United States citizenship by children born abroad to U.S. citizens by making uniform the conditions precedent for acquisition of U.S. citizenship by the child, whether the child has one or two citizen parents at that time. In both situations, one year of prior continuous physical presence in the United States of one citizen parent will be sufficient.

Section 31 amends section 301(b) with regard to retention of U.S. citizenship. Where a child acquires U.S. citizenship at birth abroad to a single citizen parent the condition subsequent for retention of such citizenship is made more lenient, by requiring that the child be physically present in the United States for an aggregate period of two years between the ages of 18 and 23, and by providing that the retention provisions become inapplicable upon the timely naturalization of the alien parent.

Section 32 amends section 301(c) to apply the same condition subsequent for retention of U.S. citizenship to children born abroad to a single U.S. citizen parent subsequent to May 24, 1934.

Section 33 amends section 316(a) to liberalize the residence requirements for naturalization by providing that a petitioner who has been physically present in the U.S. for 3 years of the 6 year period prior to naturalization can qualify.

Section 34 amends section 316(b) to liberalize the permissible absences from the United States during the prescribed period of qualifying residence by extending the statute's benefits to aliens employed by recognized philanthropic organizations and to owners or partners of business concerns.

Section 35 amends section 316(c) to liberalize the requirement of one year's continuous physical presence in the United States prerequisite to obtaining approval of an extended absence from the U.S. by a naturalization applicant, by permitting absence aggregating 60 days during such one year period.

Section 36 adds a new subsection (d) to section 316 to extend eligibility for approved absences from the United States by naturalization applicants to the spouses and children of aliens to whom such approval is granted, and makes appropriate editorial changes in the other subsections.

Section 37 amends section 319(a) to extend naturalization benefits available to the spouse of a U.S. citizen to any alien who is or was married to a citizen and lived with such citizen in marital union for 3 years. This change would mean that termination of the marriage after such 3 year period of living together would not affect the alien spouse's eligibility for naturalization.

Section 38 amends section 319(b) to permit immediate naturalization of the alien spouse of a U.S. citizen who is regularly stationed abroad in connection with specified employment, eliminating the 30 day waiting period now required.

Section 39 amends section 320 to authorize derivation of U.S. citizenship upon naturalization of a citizen parent having legal custody of an alien child, and enlarges the age limit for derivation of such citizenship to 18.

Section 40 repeals, as no longer necessary in the light of Section 39, the present statutory provisions (section 321) for derivation of citizenship through the naturalization of alien parents.

Section 41 amends section 322 to facilitate naturalization of the alien child, under 18 years of age, of a U.S. citizen, upon application filed by the citizen parent in lieu of a petition for naturalization, and upon taking the oath of allegiance before a naturalization court.

Section 42 amends section 323 to facilitate naturalization of an adopted alien child, under 18 years of age, of a U.S. citizen, upon application filed by the citizen parent in lieu of a petition for naturalization and the taking of the oath of allegiance before a naturalization court. The amendment substitutes the prerequisites that the adoption must have taken place when the child was under the age of 16 and that the child is in the legal custody of the citizen adoptive parent at the time of naturalization.

Section 43 amends section 328(a) to liberalize special naturalization benefits for honorably discharged veterans with three years service in U.S. armed forces by eliminating limitation of such benefits to those who apply within 6 months after discharge.

Section 44 amends section 328(b)(2) to eliminate the requirement of witnesses to support petition for naturalization under military veterans statute.

Section 45 adds a new paragraph (4) to section 328(b) to eliminate the requirement of lawful admission for permanent residence by aliens seeking special naturalization benefits on the basis of three years honorable service in U.S. armed forces.

Section 46 makes adjustments in section 328 on the basis of changes in Sections 43, 44, and 45.

Section 47 adjusts section 329(b)(5) in light of the change made in Section 44.

Section 48 amends section 332(b) to extend to approved nonprofit organizations the present statutory provisions for sending to schools the names of naturalization applicants and for distributing citizenship textbooks.

Section 49 amends section 334(a) to eliminate the requirement that a naturalization petitioner produce two citizens as verifying witnesses.

Section 50 amends section 334(f). While retaining provision for filing declaration of intention, although such declaration is no longer part of the naturalization process, this amendment provides that such declaration must be approved by and filed with the Service, instead of with the naturalization court.

Section 51 adjusts statutory language of section 335(b) because of the elimination of a requirement for verifying witnesses to the naturalization petition under Section 49.

Section 52 amends section 335(d) to eliminate the provision that the designated naturalization examiner and the Attorney General may make separate recommendations to the naturalization court in regard to a petition for naturalization, specifying that the decision of the Attorney General shall be controlling as to the recommendation to be made to the naturalization court.

Section 53 eliminates statutory provisions in paragraphs (f) and (g) of section 335 dealing with verifying witnesses, in light of elimination of the requirement for such witnesses under Section 49.

Section 54 makes editorial changes in paragraph (h), redesignated (f), of section 335 to make it consistent with provisions authorizing temporary absence of applicants performing religious duties abroad.

Section 55 redesignates paragraph (i) of section 335 as paragraph (g) and amends it to authorize transfer of naturalization petition upon approval of the Attorney General when the petitioner changes his residence during the pendency of the petition. The present statute also requires approval of both courts.

Sections 56, 57, and 58 amend section 336 to adjust the statutory language because of the elimination of the requirement for verifying witnesses under Section 49.

Section 59 amends section 340(f) to specify that children who acquired U.S. citizenship upon naturalization of a parent do not lose such citizenship if the parent's naturalization is later revoked on grounds not involving fraud.

Section 60 eliminates statutory provisions for expatriation under section 349(a) which have specifically been declared unconstitutional by the United States Supreme Court.

Section 61 eliminates the statutory provision in section 352 for expatriation by residence abroad of a naturalized U.S. citizen, which was declared unconstitutional by the United States Supreme Court in *Schneider* v. *Rusk*, 377 U.S. 163 (1964).

Sections 62, 63 and 64 adjust the statutory language in sections 353, 354, and 355 by eliminating provisions relating to the statutory provision repealed by Section 61.

Sections 65 and 66 amend several statutes relating to enforcement of narcotics and smuggling laws to provide that the Attorney General may provide for the seizure and forfeiture of vessels, vehicles, and aircraft used to transport illegal aliens. The statutes amended already contain provisions granting such authority to the Secretary of the Treasury with respect to vessels, vehicles and aircraft used in smuggling narcotics or other articles into the United States. These statutes would be amended by adding appropriate references to the Attorney General.

Section 67 is a "savings clause" designed to protect and retain the entitlement to immigrant classification of (1) married brothers and sisters of United States citizens who are beneficiaries of petitions filed prior to the effective date of this Act; and (2) of certain Western Hemisphere-born aliens who have qualified as visa applicants on the basis of current regulatory and statutory provisions, but for whom no entitlement to such qualification would exist after the effective date of this Act.

Section 68 would amend the Act of November 2, 1966, by adding a new section 5 which provide that visa numbers need not be used in connection with the adjustment of status of Cuban refugees in the United States under the provisions of section 1 of that Act.

Section 69 establishes, for a three fiscal year period, a special program under which aliens who have been admitted to the Virgin Islands in a nonimmigrant status and who possess an indefinite labor certification granted by the Secretary of Labor pursuant to 212(a)(14) and remaining valid may, without regard to numerical limitations and notwithstanding the prohibition of section 245(c) against the adjustment of status of certain classes of aliens, have their status adjusted to that of permanent resident or be issued immigrant visas. The spouse and minor unmarried children of any such alien would also be entitled to benefit from this provision.

Section 70 repeals section 21(e) of the Act of October 3, 1965. This section provided for the establishment of the numerical limitation on immigration by aliens born in independent countries of the Western Hemisphere and would be incorporated into the Immigration and Nationality Act itself through section 8 of this bill.

This section also repeals section 8 of the Act of September 11, 1957, which provided authority for waiving the fingerprinting requirements for nonimmigrant aliens, now incorporated into section 221(b), as amended by section 16 of this bill.

Finally section 16 of the Act of September 11, 1957, is repealed. This section provided for absences of up to 12 months during the period of residence and physical presence required under section 301(b) for retention of citizenship.

SALE TO CHINA OF MOTOR VEHICLES DISTURBING

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. SCHADEBERG. Mr. Speaker, an article under dateline July 30, 1970, Washington Associated Press entitled "U.S. Approves Sale To China" is most disturbing to me. It follows:

> In another gesture toward improving relations, the government has okayed a proposed sale of motor vehicle equipment to Red China.
>
> At the same time, a State Department spokesman portrayed President Nixon as looking for more diplomatic contacts with the Chinese mainland, but not, as yet, seeking formal recognition of one another.
>
> Press Officer John King announced approval of a sale to Red China of 80 Italian-made dump trucks with General Motors engines under the Nixon administration's relaxation of trade restrictions.
>
> The sale was termed the first major one since the Treasury Department officially eased the trade ban with Red China last December.

It is difficult for me to understand how we can relax trade with Red China when it is obvious that she is supporting the Hanoi government in Vietnam and has been most vociferous in her threats against the United States. Certainly I believe in trade between nations but I certainly do not want $1 of profit to be made by any American business if it serves to support an enemy government responsible for extracting 1 ounce of blood from our American men.

I am not questioning the "intent" of the relaxation of U.S. trade with Red China. I just feel this is an extension of a policy that has worked to our disadvantage and has proved an abysmal failure in the past decades. If we think we can make friends with the Communists by trading with them, then we have either not read history correctly or we have grossly misinterpreted it. To be sure this proposed sale of motor vehicle equipment to Red China is not earth shaking in size, but it is the break in the dike that could well cause a flood of activity in trade that could strengthen that government and make it impossible for those who are held slaves under its tyranny to even hope for the day they can be free.

If we need any further indication of Red China's attitude toward us or toward our President, we need but to read some of the articles coming out of their controlled press.

Mr. Speaker, I submit these for the Record. They speak for themselves. The time has come for us to recognize the enemy for what he is and to refuse to give any economic advantage to him.

The materials follow:

Appeal for U.S. Assistance

Peking, July 26 (HSINHUA)—The Lon Nol-Sirik Matak clique which is gasping for life is servilely pleading with its U.S. master and other U.S. lackeys for aid to maintain its tottering reactionary rule.

Op Kim Ang, a "cabinet minister" of the Cambodian rightist clique, admitted that "Cambodia will have to depend on friendly countries to give currency or goods," according to a Western news agency report. He said that the Lon Nol rightist clique regarded the United States as its "number one hope" for economic assistance. It was disclosed that the Lon Nol clique had asked the United States for a monetary aid of over 127 million U.S. dollars to meet its financial deficit.

Recently "Ambassador" of the Cambodian rightest clique to the United States Sonn Voeunsai again begged "aid" from the Nixon administration. A U.P.I. report quoted him as saying that "Cambodia (the Lon Nol rightist clique) needs American aid to increase its army from the current 120,000 troops to 200,000."

The "New York Times" disclosed that the Nixon administration will ask the Congress to approve a military assistance program in excess of 25 million dollars, perhaps as high as 50 million dollars, for fiscal 1971. "The military and economic price tag for the United States in Cambodia this fiscal year could run to about 50 to 55 million U.S. dollars," said U.P.I.

Military officers and officials of the Lon Nol-Sirik Matak rightist clique have also gone from door to door to beg "aid" from the U.S. lackeys in Saigon, Djakarta, Taiwan and Bangkok. Invitations have been extended to the reactionary Sato government of Japan and the Australian Government to send their missions to Phnom Penh to negotiate "aid."

Western news agency reports said that the Lon Nol rightist clique is "actively seeking major aid programs from Japan." The Lon Nol regime of Cambodia asked the Japanese Liberal Democratic Dietmen visiting Phnom Penh to offer economic aids to the amount of 40 million U.S. dollars." "Japan has pledged 20 million dollars in economic assistance," said U.P.I.

At the same time, Lon Nol, chieftain of the Cambodian rightist clique, explained to the Australian mission visiting Phnom Penh its specific "economic aid requirements in order of priority." The Australian authorities have announced a special grant of 500,000 U.S. dollars to the Cambodian rightist clique. The "ambassador" of the rightist clique to the United States disclosed that "Australia already has given 1.1 million Australian dollars." Australian Minister of Repatriation Holten said that his country might provide further "special aid" to the Lon Nol rightist clique.

Lon Nol recently went to Bangkok hat in hand and asked the Thanom clique to increase its military and economic "aid," especially to "send combat troops to secure the provinces of Battambang, Siem Reap . . . close to the Thai border."

The Cambodian rightist clique which is trying to turn back the wheel of history will not save itself by foreign aid.

U.S. People Vent Antiwar Feelings Against Nixon

Peking, July 25 (HSINHUA)—In face of the American people's revolutionary mass movement against the expansion of the U.S. imperialist war of aggression in Indo-China, U.S. imperialist chieftain Richard Nixon is like a rat crossing the street being chased by all passers-by. Wherever this god of plague went in the United States, he was "greeted" with protests and demonstrations from the people, according to Washington reports.

When Nixon arrived in Salt Lake City, capital of Utah, yesterday, the reactionary authorities organized a meeting to "welcome" him in the downtown district. Gleefully, Nixon climbed up the steps of a building and said, "I have never seen a crowd so big or so friendly." But he had hardly finished the sentence when vehement shouts against the war of aggression broke out among the "welcoming" crowd. People also shouted in unison "Power to the people!"

In face of the mass protests, Nixon was greatly embarrassed. His "smile vanished and he tensed slightly, clasping his hands" and he "was forced to raise his voice." But this was futile, for his speech was interrupted time and again by the shouts of the people and the meeting had to be wound up in a hurry. On the same evening he dejectedly returned to his den, the "White House West" at San Clemente.

Nixon had arrived at Salt Lake City from Fargo, North Dakota, where a demonstration was also held against his expansion of the war of aggression in Indo-China. The demonstrators demanded an immediate end to the war of aggression in Viet Nam. A big sign mocking him read, "War is good business, invest your son!"

In fact, these were by no means the only demonstrations that greeted him. On June 25, when Nixon went to deliver a speech at a businessmen's organization in St. Louis, Missouri, 300 people held a protest demonstration and blocked the main entrance to the auditorium, compelling him to enter the hall through a side door. On May 28, while addressing a mass rally at the University of Tennessee in Knoxville, Tennessee, the masses shouted again and again: "We don't want Nixon's war!" and "Thou shall not kill." During his 15-minute speech, Nixon was interrupted several times by shouting of slogans from the masses.

Nixon's crime of war of aggression in Indo-China has met with strong opposition not only from the people of the world, but also from the American people. The going is getting tougher and tougher for him.

SECRETARY VOLPE'S PLAN TO HELP THE ST. LAWRENCE SEAWAY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. PUCINSKI. Mr. Speaker, I was very pleased to learn today that Secretary of Transportation John A. Volpe has announced the administration will ask Congress for legislative authority to cancel interest payments to the U.S. Treasury on the debt of the St. Lawrence Seaway Development Corporation.

I shall be pleased to cosponsor such legislation. The St. Lawrence Seaway, the fourth seacoast of our country, is vitally important not only to the economy of the Nation, but it also serves as an important link in Chicago's continued growth.

The Nation owes Secretary Volpe a debt of gratitude for his realistic approach to a very serious problem.

The Volpe proposal would relieve the seaway of an annual interest burden of more than $6 million and an interest deficit totaling $22.4 million as of December 30, 1969.

Secretary Volpe's proposal fortifies my own efforts to help refinance the seaway to avoid toll increases.

Last year in a speech delivered on the floor of this House, I noted that an audit by the Comptroller General's office concluded—the St. Lawrence Seaway was dangerously close to bankruptcy.

The Department of Transportation at that time considered increasing toll rates by 20 to 40 ercent, which would have been devastating to the economy of the Midwest.

Since the seaway is the only federally supported waterway required to be self-sustaining and fully amortized through commercial earnings, I introduced H.R. 9877 at the time which would permit the conversion of the indebtedness of the seaway into a permanent U.S. investment by restructuring the financial makeup of the St. Lawrence Seaway Development Corporation.

Mr. Speaker, I believe Secretary Volpe's suggestion is an acceptable alternative to my proposal since under H.R. 9877 the Corporation would pay the Government a fair dividend return on its investment at the interest rate at which the Corporation is now paying the Treasury.

At the time I introduced my proposal, the seaway's debt stood at $146.7 million. However, the overall debt today—including unpaid interest—has reached $156 million and revenues have not been adequate to meet the interest on the debt.

Raising tolls is not the answer to the problem for it would decrease traffic on the seaway and general cargo would drop 25 percent by 1980, according to the best studies available on the seaway.

While bulk cargo, such as iron ore and wheat, provide the greatest tonnage, general cargo is the major revenue producer.

Furthermore, general cargo has the greatest economic impact on the port cities.

In Chicago, each ton of bulk commodities, such as iron ore and wheat, adds $7 to $9 to the city's economy; but each ton of general cargo adds $24 to $26.

I was particularly pleased to see Secretary Volpe's reassurance that an increase in tolls on the seaway would tend to discourage use of the waterway and, in turn, would be detrimental to the growth of the Midwest economy. It fortifies my own contention.

By assuring the cities of the economic soundness of the seaway, the cities will be given added impetus to expand and improve their port facilities. The shippers in turn will not be faced with a toll increase and will continue to use the seaway. Many shippers not presently using the seaway will be drawn to it by its steady rates and improved facilities.

I agree with Secretary Volpe that the administration proposal will place the Seaway Corporation on a sound long-term financial footing, and it properly balances the worthwhile statutory goals of offering services at fair and equitable rates, encouraging increased utilization of the seaway facilities, and effecting recovery of construction and operating costs.

Last year I pointed out that the trend in shipping today was toward containerization. I noted that DOT has a study under way to examine a container-feeder service operating with the lakes. Such a feeder system would collect cargo and transport it to a central load point for consolidation into a larger carrier.

I have also proposed a longer shipping season noting that we have the technical know-how to break up the ice along the seaway, and there is no question that extending the shipping season to 10 months would substantially increase yearly revenues.

Secretary Volpe took note of this problem when he stated that DOT is working on an agreement with power authorities to permit the early removal of ice booms and on the modification of boom design to permit a longer navigation period. He also stated that the Seaway Corporation and the Coast Guard are working with various Great Lakes interests in putting together a pilot project to permit the winter navigation of vessels.

I join with Secretary Volpe in his efforts to seek a realistic solution to the threat which faces the Saint Lawrence Seaway. This move, which I hope Congress speedily approves, will ultimately benefit the economy not only of the Midwest, but the Nation as a whole.

Mr. Speaker, I am placing in the Record the DOT press release on Secretary Volpe's proposal. The release follows:

Secretary Volpe's Plan To Help the St. Lawrence Seaway

Secretary of Transportation John A. Volpe today announced the Administration will ask Congress for legislative authority to cancel interest payments to the United States Treasury on the debt of the Saint Lawrence Seaway Development Corporation.

Secretary Volpe revealed the Administration's new proposed policy regarding the operation of the Saint Lawrence Seaway at the National Governors' Conference at Lake of the Ozarks in Missouri.

"This Administration believes any discouragement of Seaway traffic at this time would be detrimental to the growth of the Midwestern economy, and the economy of the Nation.

"Any increase in tolls," he said, "would tend to discourage traffic growth. Therefore, we are going on record as being opposed to an increase in the present toll structure.

"In addition," the Secretary said, "it is our position that the debt burden of the Seaway must be moderated in order to remove the constant pressure for higher tolls.

"Freed of the burden of annual interest payments, the Seaway will effectively develop and promote the movement of cargo, and at the same time return to the Treasury the capital costs incurred in its construction," Secretary Volpe said.

The interest balance of the Saint Lawrence Seaway Development Corporation was $22.4 million as of December 30, 1969.

The annual interest burden of the Corporation is now more than $6 million.

THE RIGHT TO FREEDOM FROM MASS GUILT

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. NEDZI. Mr. Speaker, every American should be entitled to the precious right to be judged as an individual.

We know, however, that there are occasions when certain ethnic and racial groups are viewed as a single entity. In such an environment, innocent individuals suffer from mass guilt. This is a clear injustice.

Publisher Ben Nathanson of the East Side Newspapers, whose award-winning column is widely read in the Detroit area, addressed himself to this issue in the East Side News of July 22, 1970.

It also should be noted that Congressman Mario Biaggi, Democrat, of New York, is an articulate and knowledgeable spokesman on this subject and is quoted extensively in the article, and particular attention should be given to Congressman Biaggi's observation that over 22 million Italo-Americans live among us peacefully and as devoted workers, parents, and community leaders.

Under leave to extend my remarks in the Record, Mr. Nathanson's thoughtful article follows:

Equality for Everyone?

(By Ben Nathanson)

Almost 200 years ago our fathers and forefathers had the courage and dedication to separate themselves from an oppressive British government and to set up a different form of government by which they could govern or rule themselves.

The Declaration of Independence told the world that the founders of this country believed ALL men were created equal and entitled to certain unalienable rights such as life, liberty and the pursuit of happiness.

Liberty was achieved in years of armed struggle against the forces of the English Crown. The proposition that all men are created equal—the fundamental principle of the new nation conceived by those who wrote and signed the revered Declaration—has yet to be realized.

EQUALITY NATIONAL GOAL

"When in the course of human events, it becomes necessary for one people . . ." Thus begins the document which we all become acquainted with in our earliest school years, the revolutionary document that gives us our social significance as "one people."

That's the idea of the United States of America: "One people" whose members hold equal rights. Nothing short of these standards can be accepted. Nothing short of them can be employed as working policy by any individual or group in the nation.

In a speech on Italian Unity Day before 250,000 people at Columbus Circle in New York, Cong. Mario Biaggi stressed how essential it is that all free-thinking people who believe in the principles of democracy be treated equally, fairly and with justice under our laws.

Biaggi, before going to Congress, earned the distinction of being America's most decorated policeman while he served 23 years in the New York Police Department.

PRESERVE PRINCIPLES

In defending the civil rights of his fellow Italo-Americans, Biaggi spoke not only as a congressman but also as president of the Grand Council of Columbia Associations in Civil Service, which represents more than 80 thousand Americans of Italian origin.

"We have joined here today to demonstrate our solidarity with the more than 22 million other Americans of Italian ancestry who are working daily with us to preserve the principles of democracy and freedom we are able to enjoy in this country," Congressman Biaggi stated.

"But isn't it strange that we should find it necessary to gather here at all, to demonstrate what should be well known to all Americans?

"I have heard it said that it would be all right for non-Italian speakers to appear here today, but that an Italian speaker would do so at his own peril. They say my attempt to defend the civil rights of my fellow Italo-Americans would be misrepresented—even distorted—as a defense of criminal influences.

CIVIL RIGHTS PRECIOUS

"But I don't buy that and every right thinking American will reject that premise. It certainly reveals the disastrous effects of an evil psychology that has been allowed to develop imperceptively but insidiously over the years.

"The civil rights of everyone are precious; they transcend ethnic lines. We can't afford to be content because it's a neighbors house that is burning and not our own; it might easily spread to ours," Biaggi warned.

He observed:

That a lack of response to the sensitivities of people is the root of most of the problems in this country.

That some individual members of the news media and the law enforcement agencies share a persistent attitude that defames the Italian-American community as a whole.

That the founder of the present Federal Bureau of Investigation was an Italian by the name of Charles J. Bonaparte who served as attorney general under President Theodore Roosevelt.

Biaggi asserted that out of more than 22 million Italian-Americans, only 5,000 are involved in organized crime. This is one-fiftieth of one percent. Yet, he says, this terrible crime-association myth continues.

MEDIA HELP ASKED

"No matter that tens of thousands of our outstanding law enforcement people are of Italian descent; no mater that the social, economic and Political contributions of the Italian-American community are legion; no matter that the history of cultural development of all immigrant groups contains an era in which illegal activities may have presented

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the only avenue for upward mobility; and no matter that the FBI itself traces its own history back to a founder of Italian heritage."

Biaggi concluded by pleading with the news media to break away from the indiscriminate use of alleged "Mafia" or alleged "Cosa Nostra" as synonyms for organized crime—an equation that carries with it the connotation that crime is the exclusive preserve of Italian-Americans.

He believes the press should view crime for what it is—a national evil threatening the very fabric of America, a plague that knows no geographic, economic or ethnic boundaries.

Finally, Biaggi said, "We shall be peaceful, we shall be loyal, but we will not be afraid to stand up and demand justice. We shall never again tolerate humiliation or injustice . . . Let us hope that this day of unity shall continue into something which helps to heal the wounds and bind our courage more firmly with our fellow Americans in freedom and justice for all."

TRIBUTE TO HERMAN KENIN

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, words are always inadequate when one speaks of the death of a friend. This is particularly so when the loss leaves a void which can never really be filled. This was my feeling upon receiving word of the death of Herman Kenin, president of the American Federation of Musicians. He was my friend. He was the devoted champion of the 300,000 union members whom he served for more than 30 years. And he was an untiring advocate of measures to uplift the cultural resources of our Nation.

Herman Kenin was one of the first to recognize the need for Government assistance to our cultural institution. Under his leadership, the musicians helped educate the public concerning the Federal Government's role in fostering the arts. He was a prime mover in the creation of the National Arts and Humanities Endowments in 1965 and served for several years as a member of the National Council on the Arts. Under his leadership, the American Federation of Musicians founded many new programs to strengthen the position of music in our culture. Perhaps the most significant is the Congress of Strings, a scholarship program which extends assistance to promising string players. This program, now in its 11th year, has helped more than a thousand young instrumentalists gain the musical education and experience required to perform in our symphony orchestras.

I am proud that Herman Kenin was born in my State of New Jersey. His father was a member of Samuel Gompers' Cigar Makers Union. In his early years the Kenin family moved west and young Herman made his first professional performance while still a student at Reed College in Oregon. By the time he had earned a degree at Northwestern College of Law, Mr. Kenin had his own successful band on the west coast. Although he chose a career in the law, he continued his association with the entertainment world. He kept his membership in Portland's Local 99 and became its president in 1936. Twenty-two years later, Herman Kenin succeeded James C. Petrillo as AFM president and was reelected to that office for 12 consecutive terms. Once described as a "pragmatist with a soul," Herman Kenin devoted his energies to championing the cause of music—in symphony halls as well as on the bandstand. He waged a successful campaign to reduce the 20-percent cabaret tax thus opening up many more jobs for professional musicians. He established the first pension program ever created for musicians, and shortly before his death, initiated a "young sounds" program designed to give practical aid and instruction to young musicians.

In addition to serving as president of his union, Herman Kenin was a member of the AFL–CIO Executive Council, international secretary of the Entertainment Trade Unions organization, and treasurer of the Council of AFL–CIO Unions for Scientific, Professional, and Cultural Employees.

I extend my deepest sympathy to his wife Maxine, and their two sons in their hour of grief and to all of those who shared Herman Kenin's friendship.

HUEY NEWTON AND ANGELA DAVIS LINKED TO SAN RAFAEL COURTHOUSE SLAYING

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 12, 1970

Mr. ROUSSELOT. Mr. Speaker, there appeared on page 3 of the August 12, 1970 issue of the Washington Daily News, a United Press International release which links self-admitted Communist Angela Davis and Black Panther leader Huey Newton to Jonathan Jackson. Jackson was one of the three convicts who recently staged the well-publicized courthouse "shoot-in" in San Rafael, Calif. The shooting resulted in the deaths of a superior court judge, an assistant district attorney, Jackson, and his two "associates in crime." Jackson is the individual credited with smuggling the murder weapons into the courthouse.

The UPI release points to the validity of my publicly stated contention that Angela Davis, Huey Newton, and their revolutionary cohorts are extremely dangerous people who are dedicated to preaching a course of action in this country, indeed throughout the world, that can lead only to the total destruction of freedom, including that academic freedom which Miss Davis hides behind, and the creation of the cruelest totalitarian dictatorship.

Mr. Speaker, it is high time Americans wake up to the fact that the Angela Davises and the Huey Newtons among us must be punished to the fullest extent of the law for their crimes against humanity.

The article referred to follows:

FRIDAY SHOOTOUT: CONS' GUNS ARE TRACED

SAN FRANCISCO.—Two guns used Friday in a fatal attempt to help three black convicts escape from a San Rafael courtroom were reported purchased by Angela Davis, the black communist fired from her UCLA teaching job by the California regents.

The San Francisco Examiner said in a copyrighted story a .38 caliber Browning automatic pistol was purchased in January, 1968, and a .30 caliber carbine also used in the shootout was bought in April, 1969, both by Miss Davis.

John Plimpton, a salesman in a Los Angeles gunshop, told UPI he sold the pistol to Miss Davis and produced a sales slip dated Jan. 12, 1968 signed by a Miss Angela Davis. He also identified a photograph of the ousted philosophy instructor.

Miss Davis has said she is a communist.

NEWTON'S SUCCESSOR

The Examiner also said Jonathan Jackson, 17, an accomplice killed in the escape try, was a companion-bodyguard for Miss Davis. Black Panther defense minister Huey Newton had declared Mr. Jackson to be his successor.

In Berkeley, Newton hailed four Negroes involved in the bloody and unsuccessful attempt to flee the courtroom as "true revolutionaries."

Newton asserted the "fascist police" were responsible for the courtroom deaths.

"Everyone is aware the revolutionaries did not fire the first shot," he said. "It shows the oppressors are more interested in apprehending revolutionaries than in preserving human life."

Assistant State Attorney General Al Harris refused to confirm or deny the newspaper's report, defering to local authorities. Marin County Inspector Ronald Retana, the only person authorized to speak for the local sheriff's office, was not available.

Mr. Jackson, who smuggled the fatal guns into Superior Court, reportedly had accompanied Miss Davis to Glide Memorial Church in San Francisco where she spoke for the "Soledad brothers," three Negro convicts charged with murdering a white prison guard.

BROTHERS

One of the accused Soledad prisoners, George Jackson, 28, is a brother of Jonathan Jackson, the youth slain Friday.

Miss Davis had pleaded unsuccessfully to interview the Soledad group as an investigator for their defense. Judges ruled she was not qualified as an investigator.

Marin County Judge Harold Haley, Mr. Jackson and San Quentin convicts John D. McClain, 37, and William Christmas, 27, all were killed in the shootout at Marin County Community Center as the result of the smuggled guns. All but the 65-year-old judge were Negroes.

SENATOR SCOTT'S RECORD ON CONSUMER AFFAIRS LEGISLATION

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, August 13, 1970

Mr. GOODELL. Mr. President, I invite the attention of Senators to the efforts which the distinguished minority leader (Mr. SCOTT) has made in the field of consumer affairs. Senator SCOTT and I both serve on the Committee on Commerce. As a member of the consumer subcommittee of the Commerce Committee, and as a Senator from Pennsyl-

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vania's neighboring State of New York, I take great interest in the legislation he supports on behalf of his constituents in the important area of consumer affairs.

Although there are occasions on which our views on issues differ, I have long admired Hugh Scott for his integrity, his honesty, his judgment—and his commitment to the cause of consumer legislation.

Mr. President, I ask unanimous consent to have printed in the Record, a statement on Senator Scott's activities on behalf of the consumer.

There being no objection, the statement was ordered to be printed in the Record, as follows:

SENATOR HUGH SCOTT'S RECORD ON CONSUMER AFFAIRS LEGISLATION

Although legislation designed to protect the consumer is very much in the news today, Senator Hugh Scott has been urging the passage of such legislation for many years. He has recognized that the combination of big business and big government often leaves the consumer with few friends.

The Senate's Republican Leader struck a blow for the Nation's consumers early in the Nixon Administration by recommending Pennsylvania's Virginia Knauer as the President's Special Assistant for Consumer Affairs. Following her confirmation by the Senate, Senator Scott has worked closely with her on legislation such as the Wholesome Fish Act and deceptive advertising. Hopefully, Congress will enact legislation to give consumers the legal means to enforce their rights in court.

The following summary outlines Senator Scott's record on consumer legislation:

THE 91ST CONGRESS

Legislation

S. 861—To provide Federal assistance to States for establishing and strengthening consumer protection programs.

S. 1689—To protect children against dangerous toys.

S. 2259—Credit Union Act amendment to assist in meeting the savings and credit needs of low-income persons.

S. 3204—To require safety devices on household refrigerators.

Votes

—Voted to prohibit issuance of credit cards, except on request, and to limit holder's liability for loss.

—Supported the Consumer Products Warranty and Guaranty Act.

THE 90TH CONGRESS

Legislation

S. 1003—To increase protection afforded consumers against injurious flammable fabrics.

S. 1129—Fire Research and Safety Act.

S. 2268—Requiring meaningful disclosure of the cost of credit in advertising promoting retail installment sales, loans, or open-end credit plans.

S. 2966—To limit categories of questions required to be answered under penalty of law in the decennial censuses.

S. 3771—To amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, etc.

Votes

Voted for the Truth in Lending Act.

THE 89TH CONGRESS

Legislation

S. 3054—To provide for a study of serious interruptions of certain essential services due to power failures, etc.

S. 3059—To authorize Secretary of Agriculture to regulate animals used for research, experimentation, etc.

Votes

Voted for the Tire Safety Act of 1966.

Voted for the Fair Packaging and Labeling Act.

Voted for the Humane Handling of Research Animals Act.

Voted for the Traffic Safety Act of 1966.

THE 88TH CONGRESS

Legislation

S. 774—To promote quality and price stabilization, restrain unfair distribution, equalize rights of producers and resellers in the distribution of goods identified by distinguishing trademarks.

S. 1249—To protect consumers against misbranding, false invoicing and false advertising of certain wood products.

THE 87TH CONGRESS

Legislation

Senate Resolution 119—To establish a Select Committee on Consumers.

THE 86TH CONGRESS

Legislation

S. 73—To prohibit certain acts involving import, transport, possession or use of explosives.

Senate Joint Resolution 160—To combat traffic in obscene matters.

Pennsylvania's consumers are now almost guaranteed to be getting what they pay for because of Senator Scott's efforts to improve consumer programs. More effective legislation is needed, however, to ensure that consumers continue to get a fair deal. Senator Scott pledges himself to that goal.

STUDENTS MUST OPPOSE THE VIOLENT

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. McCLURE. Mr. Speaker, we have heard a great deal from student radicals about their concern for the country. They justified their violent and destructive actions as an expression of their concern for the country. Many of them confess that destruction of the country and its social and political institutions is their goal. Much less has been said publicly by the other students who have not taken part in these destructive campus rebellions. Perhaps it is time that we should call attention to the thoughts and actions and potential reactions of the other students on the campus.

A member of my staff called my attention to a "Letter to the Editor," appearin the Dover Time-Reporter in Dover, Ohio. I think the letter speaks eloquently for itself, and, while I am sure Susie wouldn't use this term, it almost literally screams for the attention of all of those of us who have some responsibility in directing and maintaining our Government. I commend this letter and editorial footnote to the attention of all the Members of this body and to all Americans everywhere. Let me express too, my warmest congratulations to Susie Miller for speaking out as she has for that great body of young Americans in our colleges and universities across this land, who are just as sick of campus unrest as are their elders, and who are much more affected by it.

The material follows:

STUDENTS MUST OPPOSE THE VIOLENT

DOVER.

I am 20 years old and was a sophomore at Ohio University until 6 days ago when it was forced to close due to student unrest and disorder.

My feelings are a combination of sadness, anger and frustration. It is a sad situation when a small minority of young "adults" can savagely run away with a school, causing much heartache for the other 19,000 students enrolled. O.U. is a great school, and now it is "shut down!"—what a waste!

We tried to keep O.U. open. Two thousand male students offered their services as marshals to patrol the buildings, hoping to protect them against firebombing. Girls sat up all night in the lounges of dorms, guarding against outsiders slipping in to cause destruction.

However, the efforts which were displayed by those students, the faculty, and President Soule failed! It is going to take more organization and cooperation between authorities, administrations, faculty, parents, students and, in general, the "silent majority."

We no longer can fight these irrational "hell raisers" merely by sitting at home or in our dorms and not participating. If necessary (which I feel it is) force must be used, for most of these violent people will heed nothing but physical force.

We have let these people bend us over backwards, and it is time we sprung back to a standing position. Many of the demands stated by these people are unreasonable, and worse yet, if they are not appeased within several days some type of violence occurs.

Granted, there is a lot of controversy at the present time over certain actions which the United States has taken; a lot of questions over the procedures of today's colleges and universities, and a lot of reforms needed to improve and better our government. But we ought to thank God everyday for the wonderful America in which we live. At least we have the opportunity to correct and improve her.

In other countries, if citizens even speak against their government they are eliminated by one method or another. It is true, young people have some great ideas which can greatly improve our government, and sometimes adults should be more willing to listen. However, no one is going to listen to anyone or anything as long as this violence persists on the campuses.

Two days ago I read an editorial in this paper by a girl who wrote of her "love for humanity, for freedom, and for the principles upon which this country was founded." Not 2 weeks ago she was charged for burning an American flag in which she saw little value. What is going through her mind? Does she not realize that the flag which she burned was a symbol for the "freedom and principles upon which this country was founded?" The same freedom which gives her the privilege to voice her opinion.

Definitely, reforms are needed to reach the goals of our country, but they certainly will not come about by burning and destroying the principles (which are symbolized in our flag).

Rather than trying to destroy America, why not get together and make her better! Peacefully!

American and proud of it!

SUSIE MILLER.

(NOTE.—Jackie and Susan Miller, twin daughters of Bob (Fizz) and Pat Miller of Dover, are on the honor list at Ohio University where they are sophomores but both still find time to take part in campus activities. Susan has a perfect 4 point grade average and Jackie a 3.

(Both are members of Pi Beta Phi social sorority and were runners-up in varsity queen competition.

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(The girls are cheerleaders and Susan was selected as one of five cheerleaders for the Mid-American Conference schools.

(Susan also is queen of the School's Pershing Rifles (ROTC drill team) and was selected queen of the Pershing Rifles from 12 states who took part in a Queen City Invitational last week in Cincinnati.)

ANTI-MONTANA BALLISTICS—AMB'S—PART IV: WATER AND SEWER FACILITIES

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, August 13, 1970

Mr. METCALF. Mr. President, I have previously discussed the overwhelming impact Safeguard will have on the Small Montana communities near its construction sites. Although the Corps of Engineers has to some degree forecast the effects of this population flood, it has seriously underestimated the magnitude of the problems involved and has failed altogether to suggest a solution. The schools in these communities, as I noted yesterday, must now apply for $6.7 million of construction aid to a Federal program whose national budget is $15 million and whose backlog of requests is $268 million.

Today, I want to detail the seriousness of a similar problem in the area of another community service: water and waste treatment facilities. As in the case of schools, adequate water and waste treatment facilities are vital to the public well-being in any community. The recent experience of Maryland suburbs whose governments ordered a cessation of expansion until sufficient sewage facilities could be provided offers an example of just how essential these facilities are. The Montana communities are relatively far worse off than the suburban housing developers.

The communities in the impact area of Safeguard are projected to expand by as much as five times their existing populations by mid-1971. A partial estimate in the Safeguard Command Report of the funds to accommodate the new population is $746,200 for expansion of existing sewer systems. This assumes an ideal distribution of new population—a very tenuous assumption—and does not account for the construction of new sewer facilities in the four communities studied which have no public sewage systems. Thus, the $746,200 is just the beginning of the story.

Disregarding for a moment the problem of where these small communities are supposed to acquire three-fourths of a million dollars for expanded water sources and sewage treatment plants, let us consider the assumptions behind this cost figure. Repeatedly in the Safeguard Command Report the recommendation appears:

> Expand the schools to accommodate an additional number of people, at which point the sewer system will reach maximum use.

Who is to determine that the population is to stop growing when the sewer system reaches the magic number of maximum capacity? The notion that people settle in an area according to the size of its sewer system seems questionable at least.

Mr. President, this means that the report cost estimates for the expansion of sewer facilities must be considered inadequate. Communities such as Shelby which form natural centers of attraction for a temporary population will very probably have to increase the size of their sewer systems to accommodate a greater population influx than the report anticipates.

Moreover, the report accounts for only the expansion of the sewage treatment lagoons and not for the cost of installing collection systems which every community will experience. This would be another cost to communities not even mentioned.

Further, the report simply omits the cost of installing entirely new systems in those communities which have none at present. Such a town as Power, whose present population of 89 is served by septic tanks would need a brand new community system for an expected population increase to 300. The report fails to mention this. Inverness and Kevin find themselves in similar situations.

Finally, in the list of the report omissions are 30 of approximately 50 towns in the impact area. Information is provided for only 20 "selected" communities on the basis that they will presumably attract the bulk of the population influx. A disclaimer is added, however that—

> It is recognized that all of the communities within the study area may experience some effect from population increases resulting from the Safeguard program.

But absolutely no information is provided for the other 30 communities which "may experience some effect." Certainly some of these communities may have to expand their public facilities as a result of the Safeguard population. This cost is not analyzed.

In sum, then, a great many predictable costs to communities in the impact area are not included in the $746,200 figure cited as the necessary price of adequate water and sewer facilities for the incoming population. The inclusion of the unmentioned costs would certainly bring the total figure to over a million dollars.

Where are these rural Montana communities to raise a million dollars by 1971?

In the "Courses of Action" section the Safeguard Command Report confidently suggests that the solution to this dilemma lies in Federal assistance programs. Specifically it recommends that the committees involved "Make application through the State Health Board to the Federal Water Quality Administration" and that "application should also be made to the Farmers Home Administration." Apparently the Safeguard planners have not read the laws applying to the administration of these programs.

Public Law 90-488 which provides for the FHA program for loans and grants for water and sewer systems in rural areas reads:

> No grant shall be made under Paragraph Two of this Subsection unless the Secretary determines that the project will serve a rural area which will not decline in population below that for which the facility is designed.

The law prohibts the use of funds for boom towns of the type the Safeguard project will bring about.

Similarly, the procedure authorizing grants for construction of sewage treatment works through the Department of Housing and Urban Development also prohibits grants for projects designed for a temporary population increase. Thus, the Federal programs suggested by the Safeguard report as sources of assistance do not bear out. They strictly prohibit the use of funds for this purpose. The great majority of the 12,200 person influx who will be staying for only 2 to 4 years are not eligible as community residents for Federal assistance in the area of water and sewer facilities construction.

Even if the temporary people were to qualify for assistance as permanent residents, it is an idle dream to think of the affected communities receiving funds in the next few years. The report blithely lists four Federal programs which provide assistance to communities for water and sewage systems. What Safeguard Command either does not know or does not mention, however, is that each of these programs has serious limitations which make its application to the Malmstrom area communities highly unlikely. The communities to receive the permanent population influx of about 3,500 therefore have little better prospects of receiving Federal aid in sewer construction than do those with high temporary population increases.

Consider the first Federal program suggested by the report, the Farmers Home Administration water and waste disposal systems for rural communities. The total backlog of applications which have been processed but are unfunded amount to approximately $500 million. In addition, over $1 billion in project applications have been returned with no prospect of funding in the near future. Yearly funding of the program has been in the $100 million range. While the funds allotted to the program are expected to be increased slightly by Congress—in spite of the cutback requested by the administration—the backlog of applications is enormous and the FHA estimates that no new project could be conceivably approved before at least a 2- to 3-year delay, and then only for planning stages.

In Montana, project applications totaling approximately $2 million presently await funding in the FHA program, with a great surge of additional applications totaling $40 million or more expected as soon as the legal questions of local bond issues is clarified. Following the Supreme Court decision on the voting rights of nonproperty owners on bond issues, Montana communities have not been able to apply for Federal assistance requiring partial support from local sources. When this problem is finally resolved the Malmstrom area communities will be far back in an avalanche of applications from all over Montana for the available funds.

The second source suggested in the Safeguard Command report is the Economic Development Administration's grants and loans for public works and development facilities. Apparently Safeguard planners have again not bothered to inquire from the Federal agency involved about the requirements for obtaining such grants. Officials in the Economic Development Administration inform me that communities in the Safeguard impact area would not qualify for this program since it is designed for exactly the opposite situation; that is, for high unemployment areas which are organized for economic development. Temporary high employment caused by Safeguard construction would make the area ineligible for designation for an Economic Development Administration grant. Again the planners have failed to do thier homework.

The third alternative for Federal financing listed in the report is the Department of Housing and Urban Development, Community Resources Development Administration's basic water and sewer facilities program. This program is likewise inapplicable to the Safeguard area because it accepts applications only from nonrural communities. And the only two towns in the area which could by any stretch of the imagination be considered urban—population over 5,500—Great Falls and Havre, are not among the communities which would need assistance anyway. Moreover, this program which has a yearly operating budget of $150 million, which accepts only one out of 10 project applications, which has a backlog of one-half billion dollars in pending applications and which has just had its budget vetoed by the President, would offer little hope for assistance even if the communities were eligible.

Mr. President, the final suggestion for Federal assistance is the Federal Water Quality Administration's waste treatment works construction grants program. As the Members of the Senate are well aware, this program has been traditionally underfunded. It has also been tied to an allocation system based on population which has left a surplus of unspent funds for major urban areas while urgent requirements in rural areas have not been met. Applications are on hand for projects totaling $7.6 billion while $1 billion is the expected appropriation for fiscal 1971.

Because of the enormous needs in this area and the insufficient funding, the Federal commitment to projects under this program is limited to a maximum of 30 percent. In Montana, applications for projects totaling $11,349,700 for 1971 are eligible for only $3,486,000 in Federal grant assistance. None of the 50 communities in the Safeguard area are even scheduled for this minimal assistance. Only three are scheduled for programs within the next 5 years.

The chief difficulty, however, is that these communities, were they to successfully pass through the State, regional, and Federal application process and wait in line for approval, still have no other source of funding for the remaining 70 percent of the funds.

Mr. President, I have previously noted that Montana local property taxes are the highest—with Wyoming—per dollar of income in the Nation. I have shown that the local taxes to be derived from the temporary population are almost nil. I have indicated that raising money through municipal bonds is almost impossible in Montana, pending legislative clarification of a Supreme Court decision and a lowering of commercial interest rates, even if the local residents wanted to place themselves into debt for the next 40 years for population which will be gone in 3. And I have stated the time delay involved in any local revenue issues precludes their passage in time to prepare for the 1971–72 peak Safeguard population influx.

Thus, without local or other Federal means of support a possible 30 percent grant is not very helpful. In addition, grants under the FWQA program specifically do not cover sewer collection systems, which would be at least of equal importance to treatment plant expansion in communities experiencing a rapid growth in mobile homes.

What we learn from a closer look at the problem of water and sewer facilities, then, is that what is supposed to be a scientific report by the Safeguard Command is really more like science fiction. What the report optimistically suggests as potential sources of Federal assistance turn out to be a planner's daydreams. The paltry sum which could be actually realized from these sources leaves us with the same question we have asked in every area of impact: How are the Montana communities really going to survive Safeguard?

THE NEWSMEN'S PRIVILEGE ACT OF 1970

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. REID of New York. Mr. Speaker, I am introducing today the "Newsmen's Privilege Act of 1970," a bill which will protect all newsmen and other persons directly engaged in the gathering or presentation of news for any newspaper, periodical, wire service, or radio or television station from the forced disclosure of their confidential information and the sources thereof.

While similar legislation in this area has already been introduced this session, it is my view that the bill I am introducing today offers a more complete and justified protection to newsmen. Specifically, my bill provides that in a civil action for damages a newsman will keep his privilege against forced disclosure of his source unless the court makes a finding that substantial injustice will result to the party seeking the information if the source remains anonymous. In other bills in this area, a newsman would automatically be forced to disclose his source in any civil suit for damages.

In my judgment, recent events have pointed out the crucial need for legislation of this type. In February, the Justice Department attempted to subpena newsmen in order to view reporter's notes, tapes, recordings, news film, and unedited files. As noted by former Attorney General Ramsay Clark, this type of action represented a sharp departure from previous department policy. Also in February of this year, two CBS reporters were issued subpenas to testify before a Federal grand jury inquiry into the Black Panthers. In order to cover the vast number of possible instances in which protection for newsmen is needed, my bill extends its jurisdiction over all Federal courts, grand juries, agencies, commissions, the Congress, and all committees thereof.

This legislation realizes, and I believe rightly so, the preferred status accorded to the first amendment freedoms in recent years by the U.S. Supreme Court. Freedom of the press implies the free flow of news and information, within the limitations of libel and obscenity and, in essence, represents the public's right to know. Only the most overriding considerations of public policy or the individual's right to redress of grievances in civil actions through the courts should take precedence over the public's right to be informed on all subjects.

This legislation does not intend to place newsmen above the law, but is designed to defend against possible repression of the news media which could conceivably transform our sources of news into little more than propaganda arms for the Government.

Section 2 of the bill refers to the nondisclosure of confidential information, while section 3 refers to the nondisclosure of sources of information. Section 4 contains several important qualifications to the privileges provided in the previous two sections: First, pertaining to the privilege conferred in section 2 concerning the information itself, the privilege shall not apply to any information which has been previously published or broadcast as to its contents by the person claiming the privilege. This provision is specifically drawn narrowly, so that only in the case where the newsman had previously allowed the content of the material in question to become public, may he be denied his privilege of nondisclosure.

The second qualification pertains to the privilege of nondisclosure of the source of information in section 3. The most important point here is that which I mentioned at the beginning of my remarks: A newsman will only be required to name his source when the court finds that substantial injustice would result to the other party if the source remained anonymous. This provision applies only to civil actions for damages.

Yet another qualification limits the privilege concerning the source when it would apply to the details of any grand jury investigation or other proceeding required to be secret under the laws of the United States.

Section 4(c) provides that in any case where a person claims the privilege under section 2 or 3, the person seeking the information may apply to the appropriate Federal district court for an order divesting the privilege. The order shall be granted if, after a hearing, there is substantial evidence that disclosure of the information is required to prevent a threat to human life, espionage, or of foreign aggression. This interposition between prosecutor and newsman provides a buffer zone against "fishing expeditions" by requiring that the party seeking the information prove the existence of a legitimate and specific threat. It should be noted that this applies to both privileges, and is the rule for all cases except those which are of the nature of a civil suit for damages. In these particular cases, the rule 4(b)(1) applies for the source of the information only. Otherwise, 4(c) governs.

In conclusion, I would add that freedom of the press, like freedom of speech, can easily be emasculated. Sometimes this may occur at such an incremental pace that the erosion is difficult to see until the freedom is irrevocably impaired. In my view, legislation such as this bill will provide a formidable barrier to those who, whether the Government or private parties, seek to use the press to further their own interests—often which are not the interests of the pubic.

I am, therefore, hopeful that the House of Representatives will carefully consider this legislation, and pass favorably upon it.

FARM SUBSIDIES MAKE HEADLINES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. ZWACH. Mr. Speaker, agriculture is of prime importance in our Minnesota Sixth Congressional District.

Our people know, from firsthand experience, the impact the farm has on our rural towns and cities. They realize the interdependence between the people on the farms and those in the towns and cities.

It is easy to understand why farm legislation is one of the favorite topics of our editorial writers at this time.

Mr. Speaker, for the information of my colleagues, I would like to insert in the CONGRESSIONAL RECORD at this time an editorial by Gordon E. Duenow in the Little Falls Daily Transcript on the most timely subject of farm subsidies:

FARM SUBSIDIES MAKE HEADLINES

"Farmers fight for subsidies" read the headlines of an eastern daily newspaper we read this week. The first paragraph pointed out that "though much of the world goes hungry, not growing crops is one of the more lucrative occupations in America. The more crops some big farm corporations don't grow the more the government pays them."

Continuing, the story related: "With $250 million at stake for big farm corporations, they are expected to make a desperate effort in Senate-House conference to throw out a $20,000 limitation on such subsidies just voted by the Senate."

The Nixon administration has decided to support a $55,000 farm-subsidy limitation instead of $20,000. Previously it took no position.

Limiting subsidy payments to large farmers has been the subject of discusion in Congress and elsewhere for many years but nothing has been accomplished. We suspect that one of the reasons why Congressmen and Senators have been reluctant to act is because some of their campaign money comes from these big farmers and very little from the family farmer. They needed that money to get elected in the first place and will need it to get re-elected.

We've seen news stories which told of the fight being waged by farm organizations to keep a no-limit subsidy program. There may be some farm organizations fighting for this but we've known at least one farm organization which has been fighting for over 20 years to set a limit on payments to one farmer.

While we'll have to admit that farm subsidies cost a lot of money, the amount seems insignificant when compared with what we spend attempting to kill somebody in far-off places many of us never even heard of before our boys were sent there. The ABM system being built in North Dakota, we suspect, costs the taxpayers more money than the subsidies paid farmers in that state.

According to figures we have seen, in 1969 eight subsidy payments were in excess of $1 million. Total recipients in 1969 were 2,525,800 with the average farmer receiving $1,463. A third of the subsidy recipients got less than $500—and many got much less than that.

We hope that the House and Senate committee can get together and set a limit on the payment any one farmer can receive. It won't hurt us one bit in Morrison County. Maybe if we can get over that hurdle we can get around to improving the program to benefit small farmers such as we have in this area. The big farmers should be able to take care of themselves. If not, let them sell the land back to the family farmer and we'll all be better off.

—G.E.D.

CONGRESSMAN McCLOSKEY COMMENTS ON THE PRESIDENT'S VETO MESSAGE

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. McCLOSKEY. Mr. Speaker, I have carefully examined the President's veto message on the education and independent offices appropriations bills. I have also reviewed the details and legislative history of these bills and am voting today to override the veto of the first and sustain the veto of the latter for the following reasons.

First, I agree with the President that cuts in Federal spending are absolutely necessary because of the overriding domestic problem of continuing inflation.

Second, however, the President has asked us to support an SST expenditure this year of $290 million and an estimated $17 billion expenditure in Vietnam which will permit maintenance of a troop strength of over 250,000 men in Vietnam by May of 1971. As nearly as I can determine, we save approximately $1.5 billion per year each time we bring one combat division and its supporting personnel home from Vietnam. Most of our colleagues who have visited Vietnam in the past 2 months have reported back their opinion that we could withdraw troops at a faster rate than the President is now pursuing. Bringing home 250,000 men rather than 150,000 men during fiscal year 1971 would thus very probably save $3 to $4 billion. Compared with the inflationary impact of the $453 million budget overage for education, the inflationary impact of the SST and current Vietnam policy is at least eight times as great. Furthermore, I am impressed that $453 million for education this year is more important to the national security than are the SST and an additional 100,000 men in Vietnam. If the President were to cut his expenditures in these areas as he has suggested in the field of education, I would cheerfully vote to sustain his veto, believing that fiscal responsibility and the attack on inflation were receiving even-handed treatment across the board. With his present priorities, however, I cannot agree. Therefore, I will vote to override the education veto and try to cut an additional $453 million from the defense appropriations bill when it comes before us next month. In so doing, I hope the President will perceive that the House of Representatives, in voting more money for education and less for Vietnam, is encouraging him to direct a more rapid withdrawal from Vietnam. In so doing, we are also reflecting the expressed views of our constituents that we withdraw more rapidly. A recent poll of my own congressional district reflected that 55 percent want to spend more money for education. Seventy-five percent asked that Vietnam spending be reduced. I so vote today.

With respect to the independent office appropriations bill, I will vote to sustain the President's veto, partly in sympathy with the need to fight inflation, but more particularly because I object to the reduced expenditures for Operation Breakthrough and the Environmental Quality Council which were arrived at in conference.

I am likewise in disagreement with the mixture of expenditures determined by the conference committee. I believe that Veterans' Administation expenditures, particularly for medical care, should have been increased, and that NASA expenditures should have been reduced. I believe that the construction of rental unit housing perpetuates a program which has proven both cost-ineffective and detrimental to human dignity. If the veto is sustained, I am hopeful that the ultimate appropriation bill will be more balanced along these lines.

CHILDREN'S MEDICAL RELIEF INTERNATIONAL, INC., WORKING IN VIETNAM

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. WHITEHURST. Mr. Speaker, recently I received a letter from a constituent of mine, Dr. Charles E. Horton, concerning the outstanding work which is being done in Vietnam by Children's Medical Relief International, Inc.

So that more people may become aware of what American citizens are doing in Southeast Asia and other parts of the world, I am inserting Dr. Horton's fine letter in the Record. Dr. Horton is a member of the national advisory board of Children's Medical Relief International, Inc., as well as president and member of the board of directors of the Educational Foundation of the American Society of Plastic and Reconstructive Surgeons, Inc.

Mr. Speaker, I commend this fine letter to your attention:

July 23, 1970.

Hon. William Whitehurst,
House of Representatives,
Washington, D.C.

Dear Bill: Recently, I received some correspondence from the Executive Director of the Children's Medical Relief International, Inc., which operates a hospital for plastic surgery in Viet Nam. I am on the National Advisory Board for this institution, and the Educational Foundation of the American Society of Plastic and Reconstructive Surgeons, Inc., of which I am now President, officially endorses and is affiliated with this institution. Apparently the committee of responsibility, COR, has been making leftwing statements for some time regarding the advisability of our involvement in the Vietnamese conflict, and our moral responsibility to take care of the warinjured. They mounted a big effort some three years ago to try to bring a lot of warwounded children to the United States to get plastic surgery care. Our plastic surgery society stated that we would help in any way possible, if bringing such wounded children to the United States was necessary, however, we supported the principle of training Vietnamese Nationalists to take care of their own problems, and felt that much greater good could be performed for their country by this effort. For example, it costs anywhere from $50,000.00 to $100,000.00 to bring a child to this country, care for it adequately over a 6 to 12 months period of time, perform major surgery and rehabilitative efforts on the child, and then perhaps change the child so drastically by exposing it to our civilization that it may not wish to return to Viet Nam. For $10,000.00 we can build an operating room in Viet Nam which will work for 30 years and will take care of thousands of patients.

Although I cannot prove this, many other people feel as I do, that the COR is an organization trying to find a way to influence public opinion in this country against the present administration and our involvement in the war, and most people suspect that it has definite Socialistic and Leftist leanings.

Our plastic surgery participation in Viet Nam is virtually unknown, but is a true example of private enterprise attacking a problem vigorously. When Dr. Richard Stark of New York City was President of the Educational Foundation of the American Society of Plastic and Reconstructive Surgery, this project was approved by our Board. As a consequence, approximately 30 plastic surgeons have volunteered their services over the past four years, each spending a month or more in Viet Nam to operate on plastic surgery patients, and to teach Vietnamese surgeons the art and skill of plastic surgery. Lectures were given, conferences were scheduled, ward rounds were made, services of the plastic surgeons in the Army, Navy and Air Force were utilized, other plastic surgeons from other countries were mobilized into the effort, and as a consequence, last year, an official Society of Plastic Surgery consisting of nine Vietnamese surgeons, all well trained by American standards, was formed. This represents quite a triumph, and has brought a country which had no plastic surgeon five years ago, to a point where they now can begin to take care of their own problems. All this was done at no expense to American taxpayers, as each plastic surgeon donated his time, effort and paid his own expenses.

Concurrently with this effort, Dr. Arthur Barsky, another New York surgeon, was able to persuade the United States government that a model hospital for plastic surgery reconstruction was necessary. This has resulted in the Children's Medical Relief International, which supplies plastic surgeons to this hospital, and through which our plastic surgery society volunteers work. Care MEDICO has also been of great help to us in Viet Nam, and our Educational Foundation is directly affiliated with this organization. I am currently on the National Advisory Board of Care MEDICO, representing the Foundation.

We plan to start a similar program of plastic surgery volunteers to the Dominican Republic where a great need exists. Plastic surgeons have also donated their services to the ship "HOPE", and to hundreds of other developing countries overseas.

This letter is sent to you because so many times, you do not have material available to you to document the gifts which American citizens are giving out of their own pockets in order to promote their own sincere feelings of the right for all people of the world to have liberty and freedom as we do here in the United States. I thought you might find this information useful and, if it can be publicized in any way around the capitol, and if you need more direct specific information to do so, I can provide this at any time.

Incidentally, the two senior plastic surgeons in Viet Nam, Dr. Cat and Dr. Hai will be visiting with us in Norfolk in October on their way to our National meeting in Los Angeles.

With kindest personal regards, I am
Sincerely,
Charlie
Charles E. Horton, M.D.

HOUSE OF REPRESENTATIVES—*Friday, August 14, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Rest in the Lord and wait patiently for Him.—Psalm 37: 7.

O God, whose spirit dwells in the heart of every man and who art seeking to lead Thy children in living happy and useful lives, grant that we may be strong of will, loyal in affection, and great with good thoughts as we endeavor to guide our Nation in these days of decision and destiny. Make us instruments through which justice and good will may come to our Nation and make our Nation a channel through which truth and love may flow into our world.

To this end bless our President, our Speaker, and these Representatives of our people. Lead them in finding the way to a lasting peace, an enduring justice, and an abiding good will in our Nation and among the nations of the world.

May our recess be a source of refreshment and recreation and may we return renewed in body and spirit to carry on the work for our beloved country.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 15381. An act to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 336. An act to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding $500,000 in aggregate amount, from the provisions of such act;

S. 2176. An act to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes;

S. 2336. An act relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia;

S. 3903. An act to provide additional revenue for the District of Columbia, and for other purposes;

S. 3905. An act to authorize the District of Columbia Council to fix the rates charged by the District of Columbia for water and water services and for sanitary sewer services; and

S. 3906. An act to authorize the government of the District of Columbia to fix certain fees.

The message also announced that the Vice President, pursuant to Public Law 91–332, appointed Mr. Jackson, Mr. Bible, Mr. Fannin, and Mr. Hansen to the National Parks Centennial Commission.

The message also announced that the Vice President, pursuant to title 22, United States Code, section 276, appointed Mr. Sparkman (Chairman), Mr. Jordan of North Carolina, Mr. Yarborough, Mr. Young of Ohio, Mr. McIntyre, Mr. Hollings, Mr. Gravel, Mr. Allott, Mr. Jordan of Idaho, and Mr. Bellmon to attend the Interparliamentary Union Meeting to be held at The Hague, Holland, October 1 through October 9, 1970.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 9, 1970, the Clerk be authorized to receive messages from the Senate and that the Speaker be author-

XUM

ized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZING PRINTING BY THE CLERK OF REPORTS FILED BY COMMITTEES AUTHORIZED TO CONDUCT INVESTIGATIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the adjournment of the House until September 9, 1970, by committees authorized by the House to conduct investigations may be printed by the Clerk as reports of the 91st Congress.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until September 9, 1970, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

XUM

DISPENSING WITH BUSINESS IN ORDER ON CALENDAR WEDNESDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, September 9, 1970, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION TO REVISE AND EXTEND NOTWITHSTANDING ADJOURNMENT OF THE HOUSE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until September 9, 1970, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they desire, and also to include therein such short quotations as may be necessary to explain or complete such extension of remarks, but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of the House.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MAKING IN ORDER CALL OF THE CONSENT CALENDAR AND MOTIONS TO SUSPEND THE RULES ON SEPTEMBER 14, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on September 14, 1970, it shall be in order for the Speaker to entertain motions to suspend the rules notwithstanding the provisions of clause 1, rule XXVII, that it shall be in order to consider business under clause 4, rule XIII, the Consent Calendar rule.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, this means that an unlimited number of bills might be called up under suspension of the rules, and that would be on September 14?

Mr. ALBERT. If the gentleman will yield, the gentleman is correct. The regular day would be September 21, this will set the day a week earlier and give us a chance to get rid of some of the bills on September 14, and not have such a long day on September 21. The request would give the Speaker the power that he already has under the rule except that it provides for setting the day up 1 week earlier. That is all.

Mr. GROSS. And this is for 1 day only?

Mr. ALBERT. That is correct, for only 1 day, September 14.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REPUBLICANS SHOULD HANG THEIR HEADS IN SHAME OVER REFUSAL TO GIVE RETURNING VIETNAM VETERANS NEEDED MEDICAL CARE

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, Thursday's vote against the returning Vietnamese war veterans was a shameful act that the Republican Party will never be able to live down.

By agreeing with the President's veto, these Members voted against providing the returning veterans with adequate medical care—care they have earned many times over on the battlefield. I cannot imagine how any Member of this House could vote to deny a veteran proper hospital and other medical treatment for the wounds received in the defense of his country.

We have reached a sorry state when a major political party is willing to use the veterans as a whipping boy to make a partisan issue out of inflation. I say shame on a President who would deny $105 million for medical care for these veterans; and I say shame on the Members of Congress who would go along with such a cold and cruel decision.

Mr. Speaker, the national commander of the Veterans of Foreign Wars put the issue squarely:

> The VFW takes the position that Vietnam veterans and veterans of previous wars who were wounded on the battlefield contribute enough when they fight the shooting war in the national interest and should not be expected to fight the inflation war at the expense of their health.

The President has exhorted us to support the war in Vietnam and provide the funds to send American boys to Southeast Asia. I have supported him in these efforts, but I never dreamed that the day would come when this same President would say "No" to medical care for these boys we have sent into combat. I am surprised that Members who have been instrumental in sending American boys to Vietnam would not have the compassion necessary to provide these same boys with medical treatment on their return.

Mr. Speaker, the President may think he has a great political issue about spending, but I am convinced that the American people are going to be sickened when they learn the Republican Party is sacrificing wounded veterans in this political game.

THE SOVIET INVASION OF CZECHOSLOVAKIA

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VIGORITO. Mr. Speaker, freedom, the exemption or liberation from the control of some other person or some arbitrary power, is a privilege treasured by all people with independence of spirit. As the tragic 20th of August, the second anniversary of the Soviet aggression and occupation of Czechoslovakia approaches, we should be painfully aware of the repression of freedom now ruling the existence of the Czechoslovaks.

In 1948 a Communist coup shattered Czechoslovakian hopes of becoming a modern democracy. The 20 years of deceit and corruption which followed left the nation politically manipulated with no freedoms of speech, press or assembly. In the spring of 1968, despite the great disillusionment, the Czechoslovaks, united behind new, young leaders, began to correct past errors. A spirit of liberty was again felt in the land. Then in August of 1968, violating the principles of international law and the United Nations, the Soviet war machine, sensing its reactionary system in danger, invaded the small country and subdued her.

Mr. Speaker, this crime against freedom cannot be forgotten. This crime against a small nation attempting to establish its own social order is one of the most serious perpetrated in our time. Spurious justifications cannot satisfy the outraged world or the noble Czechoslovaks who continue to resist the growing repression in their midst. I call on my fellow Americans to firmly support the resistance of the Czechoslovaks and to denounce the government which so completely deprives them of their freedom.

REQUEST FOR PERMISSION FOR THE COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT AUGUST 21, TO FILE A REPORT ON H.R. 17555

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight, August 21, to file a report on the bill (H.R. 17555), the Equal Employment Opportunities Enforcement Act of 1970.

The **SPEAKER.** Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would ask the gentleman from Kentucky if this request is being made with the knowledge of the minority members of the committee?

Mr. PERKINS. If the gentleman will yield, I would say to the gentleman that I have not personally discussed it with the minority members. Filing of the report is overdue, and all the minority members know that the report is overdue. We are just trying to expedite the business of the House instead of waiting until we get back after the recess. Under our committee rules the draft of a committee report must be circulated to all members of the committee before it is filed. The report is prepared, but it must be circulated before filing.

Mr. GROSS. Mr. Speaker, I would ask the gentleman to withhold his request until he has consulted with minority members of the committee.

Mr. PERKINS. Mr. Speaker, I will be delighted to do so.

Mr. Speaker, I withdraw my request.

POLITICAL BROADCASTING

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, the conferees from the House and Senate have reached an agreement on the terms of the bill to make broadcast time, both radio and television, more accessible to candidates at reasonable rates and to limit campaign spending for radio and television time.

This is a good bill and a fair bill. It merits the bipartisan support that secured its passage in both the House and Senate.

The amended version adopted by the conference should have the same bipartisan support today.

There have been a few making loud and rather vociferous objections to the amendment that would make the bill take effect in time to cover this fall's general election. The conferees or the majority of them at least, say that if the bill is good for 1972, then why not for the election in 1970?

I hope our friends on the Republican side of the House will continue to look at this matter in the statesmanlike and bipartisan way in which they supported this bill when it passed the House in the first place and we will see the enactment of this bill before the close of business today.

THE EXISTENCE OF A NATIONAL EMERGENCY

(Mr. SAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker, last evening I propounded a parliamentary inquiry to the distinguished Speaker. My parliamentary inquiry was to ask whether or not, in view of the fact that the Reorganization Act of 1946 requires Congress to adjourn on or before the 31st of July of each year unless a national emergency exists, Congress should now adjourn. I was informed then by the Speaker, and correctly so, that the reorganization is not in effect because a national emergency exists.

I have carefully checked the Record and find that President Nixon has not declared any national emergency, President Johnson did not declare a national emergency, President Kennedy did not declare a national emergency, and President Eisenhower did not declare a national emergency.

But there was a proclamation issued by President Truman which proclaimed the existence of a national emergency based upon events in Korea, and that has not been rescinded and is therefore still in effect. It is Proclamation No. 2914 of December 16, 1950. It may be found in title 50, United States Code Appendix, footnote to chapter 3, page 9497, 1964 edition under the subtitle "Miscellaneous Proclamations and Executive Orders."

THE REQUEST OF ISRAEL TO ACT ON EMPLACEMENT OF MISSILES

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, on July 27 I addressed the House on the then pending negotiations relative to a cease-fire between Israel and Egypt. In the course of my remarks I said:

> So while our Government is carrying on these efforts I am sure we are aware of the responsibilities we must face if, having induced the Israelis to give up their present policies they should suffer some gross danger or disaster. We would be wise, I believe, while hoping and working for the best to be prepared for the worst in case there is duplicity or deceit on the part of the Egyptians and the Russians.

The Washington Post of today carries a headline, "Israel Asks United States To Act on Missiles," which they allege, formally and solemnly, were moved to a forbidden area on the adjacent side of the Suez Canal the very night after the 6 o'clock deadline on which they had already agreed to desist fire. I think we can do no less, Mr. Speaker, than to respond to this appeal and live up to our obligation to see to it that the Israelis are protected in the dutiful observance of this agreement.

Mr. Speaker, I insert articles from this morning's Washington Post:

Israel Asks United States To Act on Missiles—Dayan Says Egypt Broke Cease-Fire

(By Alfred Friendly)

Jerusalem, Aug. 13.—Gen. Moshe Dayan said today that his government has "demanded" of the United States that the Soviet surface-to-air missiles introduced into the Suez Canal military standstill zone in violation of the cease-fire agreement be returned to their former sites.

The emplacement of the missiles—SA-2s and SA-3s—"is of considerable military significance," the defense minister told the Knesset, the Israeli parliament. "It is not a marginal act, a burst of fire."

He said that the forward deployment of the missiles into the cease-fire zone, where the truce agreement provides that no new weapons be introduced, occurred "on the first night of the cease-fire—the night of Friday-Saturday—and thereafter." An Israeli newspaper reported today that a presumed second operation took place the following night.

[Cairo Radio denounced the Israeli allegations as an "organized campaign" against the cease-fire. The radio called it a "contemptible Israeli attempt to evade the consequences of their acceptance of the American peace initiative."]

Dayan did not specify the number of missiles, but it is understood in Israel that at least a dozen new sites were constructed and equipped. In SA-2 sites, there are six missiles, in SA-3 sites eight. There are also back-up missiles at each site.

In obtaining rectification of the violation, Dayan said, Israel looks upon the Americans "as bearing a heavier responsibility in this matter, particularly on the basis of their own words, namely that when they came and proposed this agreement to us, they told us that this agreement, with special reference to the standstill section, was made with the knowledge of the Soviets who, as is known, have an important part in the ground-to-air missile systems in Egypt."

Dayan submitted an official complaint of the violation to the chief of staff of the United Nations Truce Supervision Organization. Map reference points were given to UNTSO for the new missile sites.

The matter is taken extremely seriously here. In principle, Israel has "reserved its military option"—presumably an air attack to wipe out the new emplacements—but there is little thought that it will act on it, certainly not at this stage.

Israel's hope—or as Dayan put it, its "demand"—is that the United States in some way induce the Russians to force the Egyptians to pull the missiles back from the cease-fire zone.

More realistically, for the prospect of a pullback seems slight, it is believed that in the absence of corrective action on the Egyptian side, Israel will invoke a recent, secret but apparently firm agreement from the United States to maintain the balance of forces.

This would mean the immediate supply to Israel of aircraft in amounts necessary to offset the new Egyptian defensive capability and, according to reports from abroad, promised electronic anti-missile jamming equipment.

Dayan also made the first official disclosure of the text of the cease-fire agreement, quoting it in full. The "stand-still" section of it says that both sides will refrain from changing the military status quo within a zone extending 50 kilometers (32 miles) on both sides of the Suez Canal, and will not introduce or construct any new military installations in them. Activities in that area are to be limited to maintaining existing installations and to the rotation and supply of the forces now there.

The standstill section, Dayan emphasized, is "a central part of the agreement. More so—the entire agreement bears considerable weight in the American peace initiative."

"The violation is weighty, the section violated is weighty, and this agreement is of weight within the context of the dialogue under the American peace initiative," he said.

DEMAND TO WASHINGTON

When Israel learned of the violation, he explained, it approached the United States, advised it of the facts and "demanded . . . that matters be returned to their correct status: that these batteries, which were advanced after zero hour, be returned to their former sites."

The official Israeli announcement late yesterday said the SA-2s and SA-3s had been moved up to between 20 and 30 kilometers (12 to 18 miles) from the canal and were in the area between the Suez-Cairo and Ismailia-Nile Delta roads.

If so, this means that they are at least half-way into the cease-fire zone on the Egyptian side. Those to the north, between Ismailia and the Damiata outlet of the Nile, would be a totally new departure. Hitherto there had been no missiles in that area.

In a television interview tonight, Israeli Foreign Minister Abba Eban sidestepped a question on whether the alleged violation would cause Israel to hold up naming its representative to the forthcoming peace talks under the auspices of United Nations special negotiator Gunnar Jarring.

Eban said that the first priority was to get the United States to agree to the facts of the violation, and the second was to get Washington to do something about it.

Eban asserted that Jarring had expressed a preference for the talks to begin at the foreign minister level. Egypt and Jordan have asked for the talks to be held in New York, where the representatives would be the heads of the U.N. delegations.

From Dayan's remarks, and from informed sources, the sequence of the violation can now be reconstructed:

News of the alleged Egyptian "cheating" apparently was not brought to the Israeli cabinet until late Sunday or possibly Monday. The cabinet had met for five hours Sunday on a quite different issue, the truncated wording the U.S. State Department used to convey Israel's acceptance of the cease-fire agreement to Jarring.

Israel's ambassador to Washington, Yitzhak Rabin, had been called home to discuss the issue and was supposed to stay on for another cabinet session Wednesday. But on Monday Rabin was suddenly sent back to Washington, to bear word of the new discovery:

Soon thereafter, news of it spread like wildfire in top governmental and parliamentary circles. By yesterday it had reached some portions of the public through U.S. and British press reports.

Israeli papers alluded to the situation broadly yesterday afternoon, but without specifics. Although the brief official word came only at 11 p.m. yesterday, the Israeli press editorialized on the matter this morning, revealing considerable knowledge of the details.

ISRAELI JETS STRIKE TARGETS IN JORDAN

From News Dispatches

Israeli air force planes crossed the Jordan cease-fire line yesterday to attack a guerrilla base in reprisal for rocket attacks on a frontier settlement, the military command in Tel Aviv reported. Jordan said a village was strafed but there were no casualties.

The 20-minute raid was the first conducted against Jordan-based irregulars since the Middle East cease-fire went into effect Friday night. Israeli planes have hit guerrilla positions in Lebanon three times.

The Israeli command also reported that two guerrillas were killed and three captured in a clash with an Israeli patrol in the Jordan Valley. The infiltrators were identified as members of the leftist Popular Front for the Liberation of Palestine, one of the most outspoken opponents of the U.S. peace initiative.

Jordanian security authorities have been alerted to guard against attempts to kidnap diplomats, foreigners or government leaders by radical Palestine commandos opposing a peace settlement, diplomatic sources said in Beirut yesterday.

King Hussein of Jordan will arrive in Egypt next Thursday for talks with President Nasser, it was announced in Cairo yesterday.

UNITED STATES WITHHOLDS JUDGMENT, CHECKS CHARGES BY ISRAEL

(By A. D. Horne)

Despite growing public pressure from Israel, the United States continued yesterday to withhold judgment on that country's charges that Egypt had violated the Suez Canal cease-fire by moving forward antiaircraft missiles the night it went into effect.

"We are still looking into the matter," said State Department spokesman Robert J. McCloskey. "The United States government has not come to a judgment."

Israeli Ambassador Yitzhak Rabin, making his second visit to the State Department in three days, told reporters, "We expect the United States, which is responsible as the initiator of the cease-fire, first to study the facts and second to come to a conclusion."

U.S. officials stressed that the facts were still far from clear and that it might take several days more for Washington, collecting and analyzing its own aerial photographs, to arrive at any verified conclusion from which it might accuse Egypt of violating the truce.

The tentative view here was that between nightfall Friday and dawn Saturday some truck-mounted missiles were moved forward in the 31-mile-deep standstill zone. But there was still no proof here that any of the movement had come after 1 a.m. Cairo time, when the cease-fire began.

Rabin, asked when the missiles were moved, replied, "I believe it started several hours prior to the cease-fire and continued afterward."

Israel, some officials suggested, purposely was making an early test case of American willingness to enforce the letter of the cease-fire agreement, which bars any forward movement of men or weapons into or within the 31-mile zones on each side of the Suez Canal. Defense Minister Moshe Dayan yesterday made public for the first time the language of the agreement.

The United States, however, is anxious to maintain progress toward peace talks likely to begin soon at the United Nations through mediator Gunnar Jarring.

Egypt and Jordan reportedly have told Jarring they want to conduct the talks through their U.N. ambassadors in New York. U.S. officials believe that Israel, which has asked that the talks be between foreign ministers on Cyprus, will agree to the U.N. arrangements. The level of the meeting could be raised easily by Sept. 15, when foreign ministers will be arriving for the opening of the General Assembly.

Yesterday Israel's Rabin and Dr. Ashraf Ghorbal, Egypt's minister here, met separately with Assistant Secretary of State Joseph J. Sisco. Afterward Ghorbal, who returned Wednesday afternoon from several weeks in Cairo, told reporters:

"I think the parties should address themselves to the peace talks and not accuse each other in incriminations and bring about allegations that are unfounded. It would reflect on their future intentions."

Rabin, echoing Dayan, said flatly, "I believe there was . . . a violation of the cease-fire standstill." But he would not go into detail on how many missiles were involved or how close to the canal they were moved.

Other Israeli and American officials said the charges provided to the U.S. government were detailed, but that Israel wanted the details kept secret to avoid letting Egypt and the Soviet Union know whether anything has gone undetected.

U.S. officials noted that the high-altitude SA-2s could be moved rapidly to prepared sites. Israel is more concerned about the Soviet-crewed SA-3s which are used to protect the SA-2 sites against low-level attacks.

As of last night, American officials said they did not know whether any SA-3s were involved.

TERMS OF CEASE-FIRE

(These are the clauses of the cease-fire agreement between Egypt and Israel, as outlined yesterday by Israeli Defense Minister Moshe Dayan. The clauses were broadcast by Jerusalem and translated by Washington.)

Both sides will honor a cease-fire effective Friday, Aug. 7, at 2200 GMT (6 p.m. EDT).

Both sides will cease infiltration and shooting on land and sea across the cease-fire line.

Both sides will refrain from changing the military status quo in the areas extending 50 kilometers (32 miles) east and west of the cease-fire line. Neither side will introduce or set up any new military installations in these regions. Activities within these regions will be limited to the maintenance of existing installations in their present area and positions and to the rotation and supply of forces now in these regions. In order to bolster the honoring of the cease-fire, each side will rely on its national means, including reconnaissance planes which will be free to operate unhindered up to a distance of 10 kilometers (6 miles) from its side of the cease-fire line.

Each side is entitled to enlist the help of the U.N. machinery, if needed, for reporting to the other side claims of cease-fire violations and the freezing of military operations.

Both sides will act according to the 1947 Geneva Convention regarding the treatment of war prisoners and will agree to enlist the help of the International Red Cross Committee in implementing their commitments under this Convention.

MR. NIXON SAYS "YES" TO HIS OWN BIG SPENDING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, in announcing his vetoes of housing, veterans, antipollution, and education appropriations voted by Congress, Mr. Nixon sought to picture himself as the guardian of the taxpayers' dollars, courageously saying "No" to spending. The "No" to spending for education, health, wounded veterans, housing, and water and sewer grants to hundreds of communities, must raise questions in people's minds about priorities.

The people may begin to wonder why he did not say "No" to an $830,000 expenditure of tax money to plush up his airplane, already the plushest plane in the world. The people may also wonder why he did not say "No" to the construction of a $350,000 helicopter pad on his Key Biscayne property.

They may wonder why he did not say "No" to the cost of the taxpayers footing the bill for a $60,000 windscreen around his swimming pool at the San Clemente

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retreat. They may wonder why he did not say "No" to the expenditure of an admitted $250,000 for extra facilities and another $100,000 annually just to maintain them at San Clemente.

They may wonder why he did not say "No" to the $1½ million spent on plush White House offices for the largest Presidential staff in history, and "No" for thousands of dollars for silly gilded uniforms for White House guards. They may wonder why he did not say "No" to the additional $4 million for that staff, many of whom devote time almost solely to partisan political activities in behalf of Republican candidates.

When they look at the life style of this so-called economy-minded administration, the people will not be surprised at a Cabinet member who redecorated his office at a cost of $40,000 to the taxpayers—including an $1,800 desk and carpeting priced at more than $56 per square yard.

The people cannot be fooled forever. They know who the "big spenders" really are.

WAR RISK INSURANCE EXTENSION

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of H.R. 17133 to extend the provisions of title 13 of the Federal Aviation Act of 1958, as amended, relating to war risk insurance.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman take a few minutes to explain this?

Mr. STAGGERS. Mr. Speaker, if the gentleman from Iowa will yield, I will be happy to.

This legislation was originally enacted some 19 years ago. It expires September 7, 1970. This renewal—which is the fourth one—would extend the legislation through September 7, 1975.

Briefly this law allows the Secretary of the Department of Transportation to negotiate with the air carriers and provide premium or nonpremium war risk insurance for the protection of aircraft, persons and property transported thereon, after the Secretary has made a determination that such insurance cannot be obtained on reasonable terms and conditions from companies engaged in the insurance business in the United States. Ordinary aviation insurance policies exclude certain named "war risks" from coverage.

This exclusion applies to war, hostilities, insurrections or acts of foreign enemies. The Vietnam war and other trouble spots in the world well establish the need for this legislation if we are to require our air carriers to provide service in such trouble areas. The extension is supported by the Department of Transportation, the Civil Aeronautics Board, the Bureau of the Budget, and the air carriers.

Mr. GROSS. Mr. Speaker, how long has this program been in effect?

Mr. STAGGERS. For 19 years.

Mr. GROSS. Mr. Speaker, we have had a loss of only some $600?

Mr. STAGGERS. Only $650.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill as follows:

H.R. 17133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1312 of title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542), is amended by striking out the words "September 7, 1970", and by inserting the words "September 7, 1975" in place thereof.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House Resolution 1132 was laid on the table.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 284]

Abbitt
Abernethy
Addabbo
Andrews, Ala.
Annunzio
Ashbrook
Ashley
Ayres
Baring
Barrett
Belcher
Berry
Betts
Bevill
Blackburn
Blatnik
Boggs
Brasco
Bray
Brock
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clay
Conte
Conyers
Corbett
Corman
Cowger
Cramer
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
Dennis
Dent
Devine
Diggs
Dowdy
Edwards, La.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fisher
Flood
Flowers
Flynt
Ford, William D.
Foreman
Frey
Fulton, Tenn.
Fuqua
Gallagher
Gilbert
Gray
Griffiths
Haley
Hall
Halpern
Hanley
Hansen, Wash.
Hathaway
Hays
Hébert
Horton
Hull
Johnson, Calif.
Keith
King
Kluczynski
Koch
Landgrebe
Landrum
Latta
Leggett
Lloyd
Long, La.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McEwen
McMillan
MacGregor
Martin
May
Mayne
Meskill
Michel
Mikva
Miller, Calif.
Mills
Mink
Mize
Mollohan
Montgomery
Morgan
Morton
Murphy, Ill.
Nichols
Nix
O'Hara
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Pickle
Pirnie
Poage
Podell
Pollock
Powell
Pryor, Ark.
Purcell
Rarick
Rees
Reid, N.Y.
Reifel
Rivers
Rooney, N.Y.
Ruppe
Ryan
Sandman
Schadeberg
Scheuer
Shipley
Sikes
Skubitz
Snyder
Stafford
Stanton
Steed
Steiger, Ariz.
Stephens
Stokes
Taft
Taylor
Tunney
Van Deerlin
Vander Jagt
Waggonner
Watson
Weicker
Whalley
Whitehurst
Whitten
Wiggins
Williams
Wilson, Charles H.
Wold
Wydler
Yates
Yatron
Young
Zablocki

The SPEAKER. On this rollcall 253 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR HOUSE COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT, AUGUST 21 TO FILE REPORT ON H.R. 17555, THE EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1970

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT AUGUST 21 TO FILE CERTAIN INVESTIGATIVE REPORTS

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight August 21 to file certain investigative reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONSUMER PROTECTION AND REPRESENTATION ACT OF 1970

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, I am introducing today the Consumer Protection and Representation Act of 1970, which I hope to offer at the appropriate time as a substitute for the consumer protection legislation recently reported out by the House Government Operations Committee. This bill is designed to meet some of the deficiencies in that legislation as pointed out by the supplementary views of some of the Members.

Mr. Speaker, I call this to the attention of my colleagues at this time.

LEGISLATIVE PROGRAM FOR WEEK OF SEPTEMBER 9

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader as to the legislative program for the balance of this day and what we may have for the week after we return.

Mr. ALBERT. Will the gentleman yield?

Mr. ARENDS. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, we are not going to have any further legislative business this week. The program for the week of September 9 is as follows: We are listing these bills for Wednesday and the balance of the week:

H.R. 17809, prevailing rate pay system for Government employees, open rule, 2 hours of debate.

H.R. 17795, Emergency Community Facilities Act, open rule, 1 hour of debate.

H.R. 16542, to regulate the mailing of unsolicited credit cards, open rule, 2 hours of debate.

H.R. 17982, extension of financing for Corporation for Public Broadcasting, open rule, 1 hour of debate.

H.R. 11913, Communicable Disease Control Amendments of 1970, open rule, 1 hour of debate.

H.R. 9804, Supplemental Facilities Yuma Mesa Irrigation District, Ariz., open rule, 1 hour of debate.

H.R. 16987, Minot extension, Missouri River Basin project, North Dakota, open rule, 1 hour of debate.

H.R. 7521, Riverton Extension, Missouri River Basin project, open rule, 1 hour of debate.

H.R. 10874, to establish Gulf Islands National Seashore, Alabama, Florida, Louisiana and Mississippi, open rule, 2 hours of debate.

H.R. 13001, Navajo Indian irrigation project, open rule, 1 hour of debate.

H.R. 9306, to establish Apostle Islands National Lakeshore, Wis., open rule, 2 hours of debate.

This announcement is made subject to the usual general reservation that conference reports may be brought up at any time and any further program may be announced later.

I may add that the conference report which had been previously announced for today will probably be called up during the course of that week.

Mr. ARENDS. I thank the gentleman from Oklahoma.

TWENTY-TWO PERCENT DEPLETION ALLOWANCE PROPOSED TO STIMULATE PRODUCTION OF LOW SULFUR COAL TO FIGHT POLLUTION

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, today I introduced legislation which would permit a 22-percent depletion allowance for the production of low sulfur coal or coal byproducts as a major weapon against air pollution.

A way must be found to increase the production of low sulfur coal or its byproducts because low sulfur coal or solvent refined coal can reduce sulfur dioxide discharges in utility plants, steel mills and other large users to a tolerable and acceptable limit.

My proposal is aimed at stimulating production of coal with less than 1.5 percent sulfur and free of ash as quickly as possible.

At the turn of the century when our Nation was faced with an oil shortage to meet the needs of our industrial growth, the oil depletion allowance was enacted by Congress and it has more than served its purpose.

As we view the crises which face America's utilities and industrial growth because of the mounting problem with air pollution, we must apply the same kind of stimulus to encourage mining of low sulfur coal or production of low sulfur coal byproducts.

My proposed tax break would be applied to the cost of locating low sulfur coal mines, opening such mines, mining the coal, and processing regular coal through various solvent refining methods to convert it into a low sulfur byproduct which also meets the antipollution standards of most communities.

I believe the dual approach of actually mining low sulfur coal or changing bituminous coal to low sulfur fuel would more than meet the needs of our expanding economy and would provide the most meaningful alternative to mass power blackouts being predicted throughout the Nation.

There are three basic methods for converting regular coal to low sulfur fuel and all would be covered under this tax depletion proposal.

These include solvent refined coal, which converts regular coal to low sulfur and no-ash reconstituted coal liquid through application of solvents; the production of coal to gas and firing it into boilers, and the process of hydrogenating coal into low sulfur fuel oil.

Studies indicate that based on the 1969 production rate of 580 million tons of coal, there are sufficient quantities of 1.5 percent sulfur coal to last more than 200 years at a 50-percent recovery rate. This assumes that there would be a demand for 1.5 percent sulfur coal for the entire 580 million tons.

The only solution to the shortage of low sulfur coal is to open new mines in areas with this type of coal.

Unless major steps are taken to increase production of low sulfur coal or low sulfur coal byproducts, this Nation will not only be faced with a major power blackout but also with a disastrous shortage of energy to keep the Nation's industries going as we surge toward a $2 trillion economy by 1980.

The need for low sulfur coal is aggravated by the fact that municipalities all over the Nation are enacting local laws setting rigid limitations on the effusion of sulfur dioxide from coal burning power plants. New York City has a 1-percent sulfur coal ordinance while Chicago will require 2-percent sulfur coal this summer and ultimately reduce its requirements to a 1.5-percent sulfur limitation.

The overall needs of energy production in the wake of America's enormous industrial growth and fantastic power needs cannot be met by low sulfur fuel oil whether produced domestically or imported. Nor can it be met by atomic energy which at best has limited uses at extremely high cost.

Once the coal mining industry has sufficient incentive to invest in the location and opening of new low sulfur coal mines or the creation of processing plants to produce solvent refined low sulfur coal, the price of American coal per 1 million B.t.u.'s to utilities and steel mills will be substantially below the cost of import oil for the same amount of B.t.u.'s.

We have ample studies to show that low sulfur coal can be produced with adequate tax incentives to meet the long range needs of our Nation to produce energy.

I hope the legislation will get an early hearing from the Ways and Means Committee.

SHOE IMPORT SITUATION

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to bring to the attention of the Members a copy of a letter which was directed to Time magazine with regard to the shoe import situation from Mr. William Sheskey, president of Bostonian Shoes in Whitman, Mass.

I hope that the Members will take the time to read this letter as it does an excellent job outlining the plight of the American shoe industry, and I hope they will bear this letter in mind when we consider the trade bill which has been reported out of the Committee on Ways and Means.

The letter follows:

BOSTONIAN SHOES,
Whitman, Mass., July 31, 1970.

EDITOR IN CHIEF,
Time, Inc., New York, N.Y.

DEAR SIR: Time did not distinguish itself in its report on the Trade Bill, page 62 of the July 27th issue. This thoroughly warped picture of Ways and Means Committee action and foreign Trade Policy contains a number of inaccuracies. It is larded with hyperbole and does a disservice to readers who have a right to know why Congress is concerned with imports and the deteriorating trade position of the United States.

Such comments as "surge of protectionism a consequence of the nations economic woes," and "inflation has driven up prices of many U.S. products leading manufacturers to clamor for barriers against imports" indicate the writer's meager understanding of what is going on in international trade today.

The demand for some help against the growing flood of imports has increased over the past decade in response to enormous changes in world trading conditions since World War II. Probably, the most important factor has been the phenomenal industrial recovery of Europe and Japan. Sparked by American aid, these areas are now fully competitive with the United States. As a result the U.S. share of world trade has been shrinking and in 1969 fell to 18.4% of the nearly $250 billion total. Japan's share has doubled during the past decade and the European share has shown substantial growth.

Another factor is the internationalization of production led by the United States. Sales of American companies to foreign markets out of facilities established abroad are at least five times U.S. exports. This had spread the advanced American technology and management know-how throughout the world.

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The U.S. leadership in technology has now disappeared in the majority of lines, and is rapidly disappearing in computers and aircraft. West Germany and Japan particularly, without military burdens, have shown enormous progress in manufacturing technology.

Finally the organization of trade blocs, such as the European Economic Community, and the European Free Trade Association have introduced customs unions which have injected wholly new elements into the trading picture. The EEC, for example, has eliminated internal tariffs and averaged up external tariffs. In the drive for a certain degree of self-sufficiency, barriers to the import of American agricultural products, and nontariff obstacles to industrial imports have been erected. On the other side of the globe, the Japanese have maintained literally hundreds of restrictions on imports, and on investment in Japan. Some reduction of these barriers is now taking place; but almost one hundred restrictions on imports remain.

Following the War, it was the U.S. intention to aid the rebuilding of war-torn economies and help their obtaining dollars by not insisting on a true reciprocity in trade negotiations. Now that these countries are fully recovered and providing severe competition for American industry, which enjoying a marked competitive advantage in lower labor costs, the import flood as well as restrictions on American exports become of vital importance to the long-run welfare of the American economy. Although the impact of steel imports has already produced voluntary restraints, it is usually the labor intensive industries such as shoes and textiles that suffer most from imports from lower wage countries. Countries advancing industrially move first into labor intensive industries which require less capital to increase exports to obtain dollars for capital intensive industralization.

Labor intensive industries and labor organizations in the U.S. see in our declining share of world trade and the growing pressure of imports on domestic industry, major problems of adjustment in hundreds of communities throughout the nation. For example, footwear imports in the U.S. this year will probably reach 220 million pairs, or almost 38% of domestic production. The domestic industry will produce about 565 million pairs, 20 million less than in 1955. A continuation of this trend will mean closing of more plants; loss of capital to family businesses and stockholders; and further declines in employment opportunities. The economy will need viable labor intensive industries such as shoes and textiles to provide opportunities for entrepreneurs and jobs for the normal increase in the work force, expanded by additions from the reduction of the military complex. The unrest which will result as we move into the 70's and are unable to find employment for the disadvantaged, many of whom could be employed in labor intensive industries, will present a political as well as economic problem. After all there is an Employment Act of 1946 on the statute books.

This is the background for an understanding of the present trade situation which has aroused industry, labor, and a growing number of members of Congress to demand action to slow down the export of jobs and the liquidation of labor intensive industries.

There are other aspects of the Time story which are far from commendable and which present a very misleading picture of trade to the lay reader. Time should have known that the U.S. has no real surplus of exports over imports. The Secretary of Commerce testified before the Ways and Means Committee a short time ago that if grants in aid and give-aways amounting to between $2.5 and $3. billion annually are deducted to arrive at the "commercial" exports, imports and exports for 1969 will about balance. In 1968, Time will find there was over a $1 billion "commercial" trade deficit.

The statement that free trade has been a "mighty engine" of global prosperity exaggerates and in the case of the U.S., grossly exaggerates the importance of foreign trade. U.S. exports and imports are relatively small in relation to Gross National Product. In 1969, exports were about 3.9% of GNP as compared with a 3.2% 35 years ago. Of this total, about 25% goes to the subsidiaries of American corporations abroad.

U.S. imports have risen from 2.6% of GNP in 1934 to 3.8% in 1969 and it is important to note that almost 40% of all imports are duty free. Average duties which were about 47% in 1934 will be about 8% at the end of the Kennedy Round cuts in 1973. The United States is still the greatest free market in the world, and is the target for every exporting country.

While exports may run from 12 to 14% for such nations as England, Germany, Italy and have doubtless aided in the industrial expansion, internal policies and the development of the Common Market rather than foreign trade have been the "engine" of prosperity for these countries. Japan might be one country where foreign trade has actually been an "engine" of prosperity.

The statements that the Ways and Means Bill would "reverse the whole U.S. led postwar movement toward free trade" and "be a great leap backward to the protectionism of the 30's" are hyperbole and misread the present proposals as well as the strength of world trade today. Free World Trade has expanded to its present almost one quarter trillion in spite of the fact that there are restrictions of one type or another in practically every trading country in the world. There are quotas, tariffs, nontariff barriers, value added taxes, subsidies and many other types of hidden restrictions on our trade today. The slow down of a few imports into the U.S. will be insignificant to the present massive world trade.

Moreover, a more careful examination of the proposed bill would have revealed that mandatory quotas may be avoided by voluntary arrangements between countries to slow down imports. The President is also authorized to exempt those imports he deems to be non-disruptive. This could reduce substantially the impact of the proposal. Finally, quotas are authorized on products with over 15% of U.S. market only at the discretion of the President.

At for preventing many Americans from buying products under quotas, if the shoe case is typical this is another error. Had the present proposal been in effect last year, 167,000,000 pairs of shoes could have come in, or about 28 million pairs less than were imported. Furthermore, an additional 5% or about 8 million pairs, would be allowed for the next year. (As a practical administrative matter, it probably would be greater than 5%.) The import base would expand each year as the 5% increase is added. There will be very few Americns who will be unable to find all the imported shoes they want under this arrangement. It is a far cry from the "protectionism" of the 30's.

Only the most gullible consumers will be taken in by the statement that the Ways and Means Committee is turning out a consumer-be damned Bill. If there is one thing this Congress is noted for, it is its interest in consumer protection. The number of consumer bills mount with each session of Congress.

The statement that competition from inexpensive imports is one of the few forces that have moderated inflation will mislead the reader on the importance of imports in the price structure. From 1959 to 1969, total service prices increased over 40%, while all commodities increased about 20%, or half this amount. Considering the fact that imports make up less than 4% of GNP, and that the prices of many imports have increased as rapidly as domestic products, the moderating influence cannot be substantial. As Time well knows, imports and exports have little influence in this cost-push in the price of products and demand-pull in services, inflation. According to the American Footwear Manufacturers Association, if footwear had been under quotas in 1969, wholesale footwear prices would have been but 1.6% higher and retail prices 0.6% higher.

And as a counter weight to these insignificant increases in prices, it should be pointed out that consumers are workers. Without paychecks, they are not satisfactory consumers. If the above-mentioned quotas had been in effect in 1969, at least 20 Million more work hours would have been available for American workers. This would have meant more jobs for those seeking work and more work of those presently employed. Is it any wonder the unions are waking up to the significance of the export of jobs?

Another unsupported assertion is the statement in Time that economic wars deepened the depression of the 30's. U.S. Gross national product fell from $103 billion in 1929 to $55.6 billion in 1933—while exports fell from $5.2 billion to $1.7 billion. As any student of the '29 episode knows, and as the above figures indicate, foreign trade played a very small part in this world wide depression. To imply that it played an important part is to make a very small tail wag a very big dog.

Time raises the retaliation bogey which has been the standard propaganda line of the cabal of international bankers, businessmen and ship owners who are joined in fighting any action to help import plagued industry. If there is any basis for retaliation, it lies with the U.S.—not with the EEC or with the Japanese. The Japanese have violated all the Gatt rules, prohibiting restraints in trade. The EEC have taken whatever action is necessary to protect their industry and agriculture. The waiver of U.S. obligations under Gatt on dairy quotas; lack of any action on oil quotas; and sponsorship of the Long Term Cotton Arrangement indicate that the elaborate consultative procedures of Gatt would move slowly on any hasty retaliation. Whatever would be done, would be done very cautiously. After all, countries will continue to buy where they can get the best products at the lowest prices.

The writer's imagination was fully employed in the charge that the Trade Bill threatens to shake the entire monetary system by starting a run to convert dollars to gold. Just the opposite is likely to take place. If Europe believes the U.S. is making an attempt to eliminate, or at least improve its trade deficit, confidence in the dollar will increase. The central banks of Europe have financed some 35 billion of U.S. payments deficits in the last twenty years. As a result the dollar has become the chief international currency and the main currency in exchange markets. The banks must purchase any overflow of dollars in their market to prevent it falling more than 0.75% below the IMF par value. At the time this was agreed to, the dollar could be converted at any time into gold at the U.S. treasury. Conversion is now discouraged and in the face of any threat to convert, this privilege would be withdrawn. These countries have a choice, therefore, of continuing to accept dollars, or appreciating their own currencies in terms of the dollar. The reluctance with which the Germans moved does not forecast a rush in this direction. Until they develop their own common currency, they have no other place to go.

Most everyone today will agree that we must do all we can to expand trade with other nations. But changes in world conditions demand new approaches to methods of trading. Someone has said, "The case for free trade stated so dogmatically in the past in contemporary international trade theory is an extremely qualified proposition today".

A distinguished group of economists pointed out to the Ways and Means Committee, April 9, 1962, while endorsing the theory of free trade, that "It does not exist in a vacuum—but only within the context of certain conditions". Free trade assumes the maintenance of international monetary stability and convertibility of currencies; one homogenous payment community; no trade restrictions; no special advantages from internal tax structures, subsidies or monopolies; that the ratio of money wage increases to productivity increases be approximately uniform in the free trade area; and that there not be a chronic balance of payments deficits existing as in the U.S. Moreover, it has been estimated that 15 to 20% of free world trade is state owned or controlled. In the light of all this much of free trade theory does not seem relevant to world trading conditions today.

The proposed Trade Bill can lead to the expanded use of negotiation techniques to arrive at voluntary arrangements, based on the principle of orderly marketing, to continue the expansion of U.S. and world trade. Countries will be given an opportunity to share in the growth of the U.S. market. There is no doubt that there has been an expansion in world trade in cotton fabrics under the Long Term Cotton Arrangement which permits an expansion of 5% per year. In fact, it is reported the expansion has been more than twice this amount.

At the same time, the Bill will provide a transition period or "breathing spell" for those labor intensive industries which cannot now meet the competition from countries with wage and working conditions that are illegal in the U.S. This is not a turning back of the clock, but a step forward to meet the challenges presented by world trading conditions today.

As the President pointed out in his message accompanying the Trade Expansion Act of 1969, "We can no longer afford to think of our trade policies in the simple terms of liberalism vs. protectionism". "We need a deeper understanding of the ways in which the major sectors of our economy are actually affected by international trade."

It is hoped that Time will provide its readers with a deeper understanding of the trade problems than that presented in the July 27 issue.

Sincerely yours,

WILLIAM SHESKEY,
President, Commonwealth Shoe & Leather Co., Chairman, National Affairs Committee, American Footwear Manufacturers Association.

LEGISLATIVE REORGANIZATION ACT OF 1970

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, I rise once again to deplore the lack of action on the Legislative Reorganization Act of 1970. Yesterday, I quoted language from an editorial in the Cedar Rapids Gazette questioning whether we were leading the American people on a "wild goose chase." Today I would like to call your attention to an editorial which appeared in the August 11 issue of the Washington Post. The editorial makes reference to the king of France who "went up the hill and then came down again." The editorial will appear in full in today's Extensions of Remarks.

Mr. Speaker, we are part way "up the hill," let us move on to the top rather than turn around and "go back down the hill."

CAN WE AFFORD THE NIXON ADMINISTRATION

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, 2 days ago, we heard President Nixon denounce "the big spenders" in Congress as he vetoed funds the Congress had voted for education, housing, medical care for veterans, water and sewer facilities, and urban renewal. He showed great concern for the taxpayers who would have to pay the bill for these programs—programs that would benefit the people, programs that are desperately needed. The President suggested that we cannot afford these vital programs.

I suggest that we cannot afford the Nixon administration.

The cost of maintaining the executive branch of Government is going higher and higher. Take, for example, the $40,000 bill Secretary of the Interior Hickel incurred for refurbishing his office in lavish style. His taste runs to carpeting that costs $56 a yard. The most expensive carpeting the Government supplies is a mere $9.63 a square yard. The most expensive Government desk available costs $463—but Secretary Hickel wanted one four times as good as that, at four times the cost: $1,800 for a desk.

Of course, Secretary Hickel will refund the "excessive costs"—at the request of the Government Accounting Office because he was caught by our investigators. His extravagance is a drop in the bucket compared to other expenses of an administration that is living in a style that is shocking to taxpayers at a time of rampant inflation.

Consider: $830,000 for refurbishing the presidential airplane; $350,000 for the Western White House in San Clemente, plus $100,000 a year in operating costs; an expanded White House staff that is the largest in history, with a sharp salary jump from a total of $3.9 million to $8.5 million in July of this year—and many of those added staff members are there for political support of Republican candidates. Consider the $350,000 modern communications system installed at San Clemente.

At a time of combined inflation and recession, when the President talks about combating high costs in Government one wonders about the frugality of maintaining three White Houses—in Washington, San Clemente, and Key Biscayne, not to mention Camp David. What of the tremendous cost of communications to link them all?

Certainly no one begrudges a busy President a rest retreat and our President deserves the finest facilities. But our children also need education, wounded veterans need adequate medical care, and our communities need sewer and water facilities. So let the President be consistent, if he wants to project the frugal image for political reasons—for that is the reason—then let him look to the same frugality in his own office.

REDUCED-RATE AIR TRANSPORTATION FOR ELDERLY PEOPLE

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, I am introducing a bill today which will make it easier and less expensive for retired persons to travel.

It provides for reduced fares for air travel, and I feel that it improves upon other measures which have been introduced for this purpose. The reduced rates would follow the lines of the present youth fares, which now provide for a 40-percent reduction on a space-available basis, or a 25-percent reduction on reserved seats with a limitation that excludes travel on Friday and Sunday after 1 p.m.

A number of bills have been introduced in the Congress that would give reduced fares to the elderly, but only on a space-available basis. Many senior citizens simply do not have the health to wait around an airport until a seat is open.

My bill would offer an option—either a 40-percent fare reduction for those who have the stamina to wait for an available seat, or a 25-percent fare reduction with reserved seats.

This 25-percent reduction differs from the reduction on excursion fares. There is no requirement to buy a round-trip ticket. If the traveler is returning, there is no restriction on the length of time he must stay. The reduction would hold whether he returns the next day or 3 months later.

I think that it is important for us to make it easier for senior citizens to travel, both so they can enjoy trips during their retirement and so they can visit their sons and daughters and grandchildren.

A notable characteristic of our society today is that never before have so large a percentage of our young adults moved away from where they grew up and from the towns and cities where their parents still live. This is a new historical phenomenon and it has important consequences on people's lives. Granted that it has meant better jobs for many young persons, at the same time it has disadvantages, too, which I, believe we should try to compensate for. Among other things, it has meant greater loneliness for parents. It has brought a weakening of family ties, and I am sure that it has contributed to the lack of understanding between the younger and the older generation. By making travel easier and less costly for these people it would help to keep families close and mitigate some of these problems. Grandparents should have more opportunity to see their grandchildren who live far away.

It should be kept in mind that, in general, senior citizens do not have as much access as other groups in our society to automobile trips which are a less expensive way to travel. Many elderly women now living by themselves never learned how to drive. Health problems and failing eyesight prevent countless people over 65 from driving. Also, an automobile is often just too great an expense on retirement

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income. And long automobile trips are simply too tiring for many senior citizens.

In short, because automobile travel is less available to them, senior citizens are at an economic disadvantage in traveling. I want to balance out that disadvantage by providing them with reduced air rates.

BALANCED SYSTEM OF FEDERAL FUNDING FOR TRANSPORTATION

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, for several years I have been interested in trying to bring about a balanced system of Federal funding for transportation.

In 1965, Senator JOSEPH TYDINGS and I introduced a bill which would provide a local option to the States to use some of their highway trust fund moneys for desperately needed mass transit facilities. We have had no success in getting this legislation considered in the Congress, partly because of the committee structure of the House and Senate, which divides the various transportation forms among several committees.

This last week the Governors Conference, after first turning down the proposal, reversed itself and, I am happy to say, endorsed the idea of flexibility and of some local option in the use of the transportation trust funds—not only the highway trust fund but also the recently enacted aviation trust fund. The Governors also approved the idea of having a mass transit trust fund which similarly would be subject to some flexibility on the use of the funds at the State level.

Acting upon the recommendation of the Governors, Senator TYDINGS and I are introducing today—he in the other body and I in the House—a new bill which will give effect to the transportation funding recommendations of the National Governors Conference.

The bill would create a separate urban mass transit trust fund. It would also provide for some flexibility at the State level in the use of the proceeds of the three transportation trust funds that would exist if this bill is enacted.

This proposal moves in the direction of local participation in the use of transportation funds.

It also goes in the direction of a balanced transportation program that would put an end to the extreme discrepancy which exists today in terms of the ways in which the Federal funds are used. And it would bring us closer to a broad transportation trust fund from which all modes of transportation could be supported in a balanced and coordinated manner.

I hope that this legislation will receive consideration—hopefully in the Ways and Means Committee, because I believe it is a Ways and Means Committee problem to consider how these various trust funds may be used. It is something that cuts across the jurisdiction of several other committees that are concerned with various parts of the transportation program.

I hope that the House will give consideration to this measure after the recess.

DESEGREGATION, NORTH AND SOUTH

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I was very interested to notice in the news accounts of today, and also yesterday, that President Nixon and a group of his top Washington advisers were to fly to New Orleans today to talk with people from seven Southern States about how fast and how far school desegregation will be carried out in the South this fall.

This is commendable, and I hope the President comes up with some workable solution.

But it would seem to me, Mr. Speaker, and it would seem to most of the people in my area of the country and indeed to most people of the United States, that if this administration is in fact interested in carrying out the law equally there must be evenhanded justice.

Mr. Speaker, it would seem to me that if this administration is genuinely interested in evenhanded justice and in carrying out the laws of this land, it would be just as concerned and as preoccupied with segregation in the North as in the South.

As a matter of fact, Mr. Speaker, as of today, there is more genuine segregation in the North and in Chicago itself than there is in the whole State of Alabama.

If this administration is truly interested in carrying out the law of the land and in treating everyone fairly, then I would say it is time to bring lawsuits elsewhere than in Alabama, Georgia, and Mississippi. There are 90 school suits consolidated in one suit in my district, the middle district of Alabama. There has not been one suit filed in Illinois that I know anything about or in any other State that has in fact more segregation than we have.

Mr. Speaker, I am calling on the Department of Justice today to start enforcing the law fairly throughout this land.

Mr. Speaker, according to the Health, Education, and Welfare's "1969–70 Survey of the Top 100 Schools," there are over 87 percent of Chicago's Negro students going to schools in essentially all-black schools. An all-black school is defined by HEW as having an enrollment of between 90 percent and 100 percent black students.

Only 3.4 percent of Chicago's blacks are attending integrated school systems. An integrated school, according to the Health, Education, and Welfare definition, is one where blacks are enrolled with 50 percent or more of the enrollment consisting of white students.

The survey continues pointing to the double-standard policies that are ignored in the North and abhorred in the South. How can the schools outside the South continue to receive preferential treatment when their school system are much more segregated, when there is much less compliance there, when there is no real effort by them to obey the law? The answer is simple. They are allowed to keep their segregated neighborhood school systems while busing and closing of schools is rampant throughout the Southern States.

We in the South are not asking for special handling and special treatment. We are merely asking that laws which we deem unworkable, especially in regard to bussing, be applied equally throughout the United States. We are sick and tired of being the scapegoat. If the laws being applied in the South are just and equal, we demand that they also be applied justly and equally to all sections of the country.

Schools in the South are complying, but HEW's own statistics—which appear below—show clearly that this is not the case outside of the South.

If they mean what they say and the law applies in every State, enforce it in every State—not just in the South.

Mr. Speaker, I include a tabulation of the HEW survey:

TAKEN FROM HEW'S "1969-70 SURVEY OF THE TOP 100 SCHOOLS"

[In percent]

City	Blacks attending integrated schools	Blacks attending all-black schools
New York	17.6	54.3
Chicago	3.4	87.1
Milwaukee	11.4	71.3
Gary, Ind	2.9	86.6
Detroit	6.4	69.2
Newark, N.J	2.4	72.5
Philadelphia	9.6	69.6
Washington, D.C	1.1	94.9

ISRAELI-EGYPTIAN CEASE-FIRE

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, present reports coming out of Israel have indicated that the Russians are taking advantage of the cease-fire along with the Egyptians and moving Soviet antiaircraft missiles up to the Suez.

If this is true, Mr. Speaker, this is a very serious event and it should not be underestimated by our State Department, Israel in agreeing to the cease-fire made it very clear that they were so doing with the understanding that there would be in effect a military standdown. If the Egyptians are going to take advantage of this cease-fire to improve their military position, then I think, Mr. Speaker, we may find that the Israelis may feel they must protect themselves

This would be very detrimental to the start of any peace talks.

Mr. Speaker, I hope that our State Department will look into this matter carefully and seriously, and if there is indeed truth to the statement that these missiles are being moved up to the Suez, that they will immediately contact the Russians and let them know how seriously we consider this breach of the cease-fire agreement, and ask for an immediate pullback of these particular missiles.

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DISILLUSIONMENT WITH POLICIES OF CURRENT ADMINISTRATION

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, I rise before you today to voice my utter disillusionment with the policies of the current administration. I rise also to apologize for the misapprehension I had and still have that Members of Congress, act in the Nation's best interest. Surely President Nixon must believe they do not. It would appear that he is convinced that the 535 Congressmen and Senators are bent not only upon the destruction of the economy but upon the destruction of the very country itself. In vetoing the HEW and HUD bills he stated:

> I am saying no to bigger spending and no to higher prices in the interest of all the American people.

Gentlemen, let me reiterate, Mr. Nixon and Mr. Nixon alone is acting "in the interest of all the American people" or so he would have us believe.

The two bills have painstakingly been deliberated over and debated by every Member of Congress. They have been approved because they are necessary. Neither I nor anyone here would ever conceive of taking any action that would be detrimental to this great Nation. But yet this is the distorted picture the President has painted.

Mr. Nixon, in his infinite wisdom, relying upon a hand picked group of advisers, has determined that $1.46 billion for an ABM system is not inflationary even though its supporters concede it will be obsolete when completed. Neither is $2.7 billion for naval ship construction in this day and age inflationary nor $78.7 million for the research and development of that horrible tool, chemical biological warfare. I think it is about time that Mr. Nixon realizes that the Members of Congress have been elected by the people to act in their best interest and that 535 Members are infinitely more capable of reaching such a result than one isolated Chief Executive.

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THE MISSILE CRISIS IN THE MIDDLE EAST PEACE TALKS

(Mr. VANIK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, I take this time to express my grave concern at the reported action of the Government of the United Arab Republic in moving the SAM III missiles closer to the banks of the Suez Canal in direct violation of the cease-fire agreement which was recently concluded.

The movement of these missiles constitutes an offensive military act which threatens the cease-fire agreement and hope for a settlement of the war in the Middle East.

Israel cannot be expected to stand idly by while these offensive missiles are moved into positions which threaten the integrity of the nation. The Soviet commanders who have installed and manned this equipment must be fully aware of the grave consequences of this action. They must assume the burden of wrecking the hopes of the world and dashing any possibility for a peaceful settlement of the conflict.

Our Government should insist on the dismantling of these offensive missiles. President Kennedy successfully made this kind of a demand on the Soviets in the Cuban missile crisis. This administration should do no less at this critical moment.

We can only conclude that the movement of these missile sites within 12 miles of the Suez Canal constitutes an offensive act. Our Government should insist on the prompt and immediate retraction and dismantling of the missile threat to Israel, the Middle East and to the world.

Mr. VANIK. Mr. Speaker, I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I was very pleased to see so many Members today react to the charges made by the Israeli Government that the Soviet Government obviously has moved the SAM II and III missile installations since the announcement of the cease-fire.

Mr. Speaker, there is every reason to believe that these statements are correct, that indeed the Soviet Union did violate the conditions of the cease-fire, and after Israel had been assured that there would be no change in status of the missile sites when the cease-fire was negotiated and announced.

Mr. Speaker, it occurs to me that our own Government ought to react as sharply today as it did in 1962 when there was another missile crisis with the Soviet Union.

If indeed the SAM III missiles have been moved closer to the Suez, no longer are they a defensive missile, as they had previously been; they now become offensive missiles in every sense of the word for, indeed, with the range of the SAM III missiles, and being this close to the Suez Canal, it now changes the whole concept of that particular military piece of equipment.

So, Mr. Speaker, it would be my hope that the administration would react to the words of the Members in the House today who have spoken out on this subject, and raise a strong protest with the Soviet Union.

Mr. Speaker, I said on the floor of the House before the cease-fire was agreed to that the first condition of that cease-fire ought to be the removal of the Soviet SAM III and SAM II missiles from Egypt because there is no question in my mind—and we have ample evidence on that—that those missiles are operated and maintained by the Soviet Union.

So it would be my hope that the administration would issue the firmest and strongest protest to the Soviet Union demanding the removal of these missiles before this very carefully negotiated cease-fire falls apart upon us. All of us, I know, hope and pray that there will be peace in the Middle East, but it is obvious now that the Soviet Union does not want peace. It is obvious to us that the Soviet Union has tried to set up a trap, and I think the United States and the free world ought to react in the strongest terms possible. It is no coincidence that in the Soviet press there has been no mention made of the Soviet acquiescence in the cease-fire. Obviously this is a carefully calculated plot of the Soviet Union to wreck the cease-fire so that there will be no peace in the Middle East.

So, Mr. Speaker, I hope that the voices of all of the Members who have spoken here today will be heard by the administration, and that the administration will break its silence. All we hear now is that somebody is studying the Israeli charges that there has been a movement of the Soviet missiles when the fact of the matter is that the Israel Government has provided ample evidence to show that these missiles have been moved closer to the Suez Canal since the cease-fire started.

And we now have the right to ask ourselves what is now the purpose of the cease-fire? Was that why Nasser so quickly agreed to the cease-fire, because the Soviets wanted to intensify and reorganize not only their defensive installations, but their offensive installations? I say to you, Mr. Speaker, the situation in the Middle Ease today with the presence of these Soviet missiles is no more different and no less dangerous and no less offensive than the presence of the Soviet missiles in Cuba was in 1962.

It would be my hope that this administration would have the courage that President John Kennedy showed when he stood up to the Soviet Union and demanded the removal of these missiles from Cuba.

Our front line of defense is in the Middle East today. We know that the Soviet Union is trying to move in the Middle East and create out of the Middle East another pro-Soviet Cordon-Sanitaire of captive nations.

America has the greatest interest in what happens in the Middle East. So I hope that the President is going to heed the advice of responsible Congressmen today and demand of the Soviet Union that these missiles be removed forthwith, before this carefully put together cease fire falls apart and we see the resumption of hostilities in the Middle East.

Mr. VANIK. I heartily agree with the position taken by my distinguished colleague, the gentleman from Illinois.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman.

Mr. BINGHAM. Mr. Speaker, I would like to express my great concern about this development in the Middle East.

I think that the Department of State should make its views clear. I think we should bear in mind that the objective is to make the cease-fire a success in terms of leading to a permanent peace in the Mideast in which all the States there would be recognized and secure.

I think we have an opportunity here, and the opportunity should not be missed. If the cease-fire falls apart, it would be a great tragedy. Whatever is done, I hope it will not be done in such a way as to prematurely assume that the cease-fire effort is a failure.

Mr. VANIK. I thank the gentleman.

MENTAL ILLNESS—THE NATION'S NO. 1 HEALTH PROBLEM

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, mental illness still ranks as the No. 1 health problem, despite the fact that in recent years, significant advances have been made in the areas of research and treatment. It surpasses the infectious diseases in the total number of Americans affected each year. There are more people in hospitals for mental illness than for polio, cancer, heart disease, tuberculosis, and all diseases combined.

Mental illness is not a new disease. Actually it dates back to the very beginning of man's existence. Each generation has had its own method for treating mental illness. Over the centuries, mentally disturbed people have been beaten, starved, purged, and imprisoned. Yet we have only recently begun to understand and effectively treat this problem, and hopefully this trend will be continued.

Just 10 years ago, if you were severely afflicted with mental illness, and were unable to pay for private psychiatric care, the only alternative was to send you to a State mental hospital, usually located a great distance away from your home and family. There, you had little chance for rehabilitation. The hospital was overcrowded, poorly funded, understaffed, and often provided nothing more than custodial care. The only treatment was short term, consisting perhaps of symptom-soothing medications.

Within the last 10 years, however, research has shown that there is no better place than the patient's own community for the prevention, detection, and treatment of mental illness. We also know that a patient's chances for successful rehabilitation may be increased if his family life is kept intact.

Congressional support of these new approaches began in 1963 with the passage of the community Mental Health Centers Act. This act authorized funds for the construction of comprehensive community mental health centers which would provide complete programs of preventive and treatment services for everyone who needs them. In 1965 the act was amended to provide grants to cover the initial staffing costs. The primary goal, of course, is to provide effective treatment for the emotionally disturbed person so that he may resume a normal pattern of living as soon as possible after diagnosis of his illness. I think it is notable that this goal is on its way to realization: today between 85 and 90 percent of the patients who enter a mental hospital can expect to be discharged within one year.

In addition, this act encourages a comprehensive program of treatment services, not only in response to the severely mentally disturbed, but also in response to the mental health problems found among other members of our society: the business executive on the verge of a nervous breakdown; the adolescent drug addict; the newly retired senior citizen adjusting to his new life; or the rehabilitated mental patient who needs temporary supportive therapy. Help is available for all individuals, whether it be in the form of inpatient or outpatient services, as well as education and prevention programs.

Fortunately, Congress has wisely chosen to continue these problems. In March of this year, we passed the Community Mental Health Centers amendments which extend and increase the authorizations for the construction and staffing of both Community Mental Health Centers, and facilities for alcoholism and narcotic rehabilitation through fiscal year 1975. Since urban and rural poverty areas tend to have a high incidence of mental illness and few local resources for dealing with these problems, the 1969 amendments provide special benefits to these areas by funding up to 90 percent of the construction costs and staffing grants.

The National Institute of Mental Health estimates that 10 percent of our Nation's schoolchildren are emotionally disturbed and in need of psychiatric guidance. In response to this, these new amendments have provisions for grants to public and private nonprofit organizations which will offer a full range of mental health services for children. To be eligible for a grant, these facilities must be affiliated with a community mental health center or, if there is no center in the area, it must have its services coordinated with other related community services.

At the present time there are approximately 300 such community centers, each distinctly different and tailor made to the needs of the community, whether it be in New Mexico or New Jersey, California or my home State of Maryland.

One of the greatest challenges for mental health experts and participating citizens is determining the organization of the community mental health center. They must establish the personality of the community itself and the needs which prevail within that community.

The population of the South Bronx, for example, is about 40 percent Negro and 55 percent Puerto Rican. There the Lincoln Hospital Center has opened storefront counseling centers adjacent to bars, pawnshops, and restaurants and convenient to public transportation. The atmosphere of these centers is totally informal, with no appointments necessary and no waiting lists. The receptionist greets patients in either Spanish or English, and the professional staff as well is multilingual. These centers serve dual functions: they offer mental health services and they also cooperate with other agencies, such as welfare, vocational rehabilitation, and employment counseling, by screening and referring the patients.

In my own State of Maryland, the State department of mental hygiene has been granted funds to construct a center in a ghetto area of Baltimore near the University of Maryland Medical School.

The plan for this facility shows that the two main centers of activity will be connected by a large walkway. The offices and service units will be grouped around a plaza which will also serve as a meeting place for the school and community. This facility will also have organized activity centers such as art exhibits, music, games, and a "marking wall" on which demonstrative residents may express themselves freely.

Perhaps the most impressive service of the community mental health center is the 24-hour emergency clinic. For example, the Hahnemann Community Mental Health Center in Philadelphia has an accident ward, a crisis clinic, a walk-in clinic, and a 24-hour telephone service. A psychiatrist and social worker are on duty 24 hours a day, 7 days a week. They may administer emergency treatment immediately or send the patient to the crisis clinic.

In many instances, emergency home care may also be provided. A mental health worker responds to a distressed telephone call by administering to an individual at home, a suicide threat at the scene, or a restless group on the streets.

The outpatient services of the community mental health centers are quite beneficial for the ambulatory patient in that he may take advantage of the full range of treatment with the least amount of disruption to his normal daily functioning. Treatment includes such programs as individual, family, and group psychotherapy; social, recreational, educational, and vocational activities; and emergency visits to the home.

The patient who needs more care than the outpatient services can provide, or who has no family contacts within the community, would find the partial hospitalization program particularly valuable. It offers either daytime or nighttime in-residence treatment programs for the patient who is able to work part time within the community.

Despite our recent progress in the field of mental illness, we still have a long way to go. Economically speaking, the cost of mental illness is estimated at over $20 billion per year; excluding the costs of related major social problems as suicide, alcoholism, drug abuse, crime, and delinquency. It is estimated that over $4 billion a year is expended as a result of the 20,000 suicidal deaths reported in America. If only one-third of this country's potential suicide victims were treated successfully, the cost would be less than $100 million. Of course, I am speaking only of monetary terms. In terms of human suffering, the cost is immeasurable. Nearly one-half of all hospital beds in this country are now occupied by mentally ill persons, and too many of these patients are still receiving only custodial care.

We can and should do more for these people. The task of conquering mental illness is tremendous, and we must not allow ourselves to be content with past accomplishments. New, productive, and enlightened research is vitally important and we must continue to experiment with new ideas and evaluate our programs, until our techniques are perfected.

However, it is the human element which will finally overcome the problem of mental disease. Prevention of mental illness must become an individual and community effort as well as a scientific and governmental one. The American people, especially the younger generation, must insist upon the necessary changes which will free society from its psychological and social ills.

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In the opinion of the National Institute of Mental Health:

> The wars against poverty, ignorance, and hatred are wars fought in the name of every citizen. In the final analysis, the mental health of each citizen is affected by the maturity and health of our society—from the smallest unit to the largest. The structure of the home and the well-being of the family, the compassion of the surrounding community, the social conscience and social action of our government and its citizens—all of these are crucial. If we fail at any point, the outcome is clear: We shall walk a treadmill of pathology and social unrest. If we succeed the grandest dreams of the American heritage can become reality.

With these sentiments I am wholeheartedly in agreement.

A STATEMENT IN SUPPORT OF H.R. 17767, 91ST CONGRESS, A BILL TO REGULATE RENTS IN THE DISTRICT OF COLUMBIA

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, the worst thing about inflation is that both the symptoms and the cure fall unevenly on the various segments in our society. We see inflation eating into the share of real income received by those on social security and welfare. We see the high interest rates reducing the flow of funds into the housing and real estate market and also forcing State and local governments to postpone or cancel their planned bond sales for education, health, and highway improvements. Today we are in one of the worst phases of this dreaded economic disease and only a few members of the body politic have escaped its wrath.

It is apparent that the Nixon administration is not doing enough to stem this inflation. Unemployment was only 3.4 percent when the present administration took office. This figure is now 5 percent and is estimated to reach at least 5.5 percent in the near future. The housing industry, which was constructing nearly 2 million units a year in 1968, has now declined to the woefully inadequate rate of only 1.2 million new units annually. To further complicate matters, the Federal budget deficit for 1970 is expected to be more than the officially estimated $1.6 billion being probably at least $3 billion.

All of these figures demonstrate that Mr. Nixon has not yet come to grips with inflation. The administration seems wedded to the policy of letting the market mechanism right itself. In the meantime, millions of people are losing their jobs, schools, and hospitals are not being built, and our less fortunates remain in their substandard housing. The President's recent economic speech contained only a vague concession toward establishing some tye of governmental intervention in the market. This is clearly not enough.

What is needed is far stronger medicine in the form of effective control that can really dampen the violent cost-push inflation we are now up against. The inactivity of the administration sounds the call to action for Congress and I want now to ask your support for a bill that would be a beginning step in the right direction of actively combating inflation.

My bill, H.R. 17767, would freeze rents in the District of Columbia for both hotel and permanent accommodations at their June 1, 1969, level. This legislation would be in effect through May 31, 1974, and would provide for the appointment of an administrator of rent control. No rent increase or decrease would be allowed unless it were first approved by the administrator. Hopefully, similar rent control legislation would be passed by our States and this followed up by Federal wage and price control.

Housing costs represent a large slice of the cost-of-living pie. Most major cities, Washington, D.C., included, suffer from an undersupply of housing and this problem is further compounded now by the ravages of inflation upon the housing market. Thus there is a tremendous gap between the demand for housing and the supply which offers landlords the opportunity to raise rents, in almost all cases, with impunity.

These landlords, in a move to maintain their profit ratios in an inflationary situation, pass on operating cost increases to their tenants. The result is an overpriced apartment or rented home, a severe burden on the tenant, and a financially unscathed owner.

Mr. Speaker, Government intervention is clearly justified in order to ease the burden of inflation on our hardest-hit groups and to prevent any one segment of society from reaping undue profits from inflation. More farsighted anti-inflationary programs are needed to spread the burden of ending inflation more equitably on all groups in our society.

Congress must put a stop to this rent profiteering. Control of rents would serve both to end this unfair practice and to check the rampant increase in the cost of living. When the economy has slowed down, allowing the housing market to catch up with the housing demand, the rent controls be relaxed. Until then, however, I feel we are in an emergency economic situation and that severe methods should be utilized.

Rent control for the District of Columbia would be an effective means for dealing with a serious situation. I feel Congress must step in where a weak administration refuses to tread. The job must be done and I ask all of you for your support of H.R. 17767.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman form Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

In the past 30 years over $2 billion has been spent in America to conquer cancer. Today one in every three persons with cancer is saved compared to one in five in 1940.

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGE FOODS—X

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, from time to time, I have been inserting in the CONGRESSIONAL RECORD feature articles which have been appearing in newspapers across the country in connection with H.R. 14816, legislation I have introduced to require the last day a food item can safely be sold to appear on the label of all perishable, semiperishable and canned foods.

The Minneapolis Star recently carried a five-part series on food dating by its women's editor, Suzanne Hovik. The series is certainly the most extensive I have seen, and without doubt the best to date.

Miss Hovik's series reveals the results of a Minneapolis Star survey of food coding practices in the Minneapolis area, which found significant amounts of out-of-date food being sold in supermarkets in both the central city and suburbs.

The series also examines in some detail the open dating practices being adopted by some grocery chains and food manufacturers, and their economic and freshness consequences. An area dairy switched to open dating 2 years ago and has experienced no problems. Now even its own personnel can understand the freshness date. An area supermarket switched to open dating of eggs and found the number of eggs unsold by the expiration date was not enough to have any effect on the price of their product. A national bakery products firm has actually been able to cut the price of its refrigerated dough products following the adoption of open dating. It has experienced a very low rate of return from stores.

Finally, Miss Hovick finds that most food manufacturer and grocery personnel do not oppose mandatory open dating. Many store personnel are as baffled as the consumer with respect to the meaning of the coded dates and would prefer upon dating so that they could better serve the public. Many have to rely on salesmen for the food manufacturer to rotate their stocks for them, and when the salesmen slip up, it is the store which gets the blame.

A couple of managers frankly admitted that open dating would force them to follow their stock more carefully, "something we don't watch as closely as we should." Some store managers said open dating would not only help the store employees keep closer watch on the food, but also would help customers find items that were overlooked in the stocking of shelves. One of the largest cold meat manufacturers in the country is test marketing open dating products in the Minneapolis area.

The one negative note in the entire series to my mind comes from an interview with Commissioner Mary Jones of the Federal Trade Commission, who expresses a note of caution with respect to open dating. I hope this is not an indication that the Federal Trade Commis-

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sion intends to drag its feet on my petition for open dating. An article in today's Washington Post described the FTC's new image as the consumer's advocate as merely the result of a change in public relations men. I hope this will prove untrue. The FTC's action or nonaction on open dating will be a major test of this.

I insert at this point in the RECORD the text of the Minneapolis Star series.

[From the Minneapolis (Minn.) Star, Aug. 3, 1970]

FRESH, "UNFRESH" FOODS SIDE BY SIDE—I

(By Suzanne Hovik)

(EDITOR'S NOTE.—Consumer groups are demanding that shoppers be able to tell how fresh food is in stores. Suzanne Hovik, The Minneapolis Star's women's editor, decided to find out how fresh the food is in Minneapolis-area stores, how difficult it is to find out and what changes are being proposed).

Unfresh food does exist in Minneapolis-area supermarkets. In a shopping survey of 20 supermarkets, the following were found:

A half-gallon of milk which had been bottled two weeks earlier. Normal shelf life is 10 days.

("Shelf life" is the term used by the food industry for the maximum period of time a product should be offered for sale.)

A carton of sliced beef liver which had been packaged eight days earlier. Normal shelf life is three days.

A package of chicken thighs which had been packaged six days earlier. Normal shelf life is two days.

Two bakery racks almost filled with five-day-old bread. Normal shelf life is two days.

A package of vacuum-packed pepper loaf which was to have been removed from the shelf three months earlier.

A carton of cottage cheese which was to have been removed from the shelf seven days earlier.

Choice beef cuts which had been packaged six and seven days earlier. Normal shelf life is three days.

Pork cuts which were five and six days old. Normal shelf life is two to three days.

Admittedly, unfresh food is the exception rather than the rule when the total number of items on the shelves is considered.

Nevertheless, unfresh food is there for sale, often right next to fresh food.

You could easily spend money on food that may not be as tasty as fresh food, may not be as nutritious, or, worse, yet, may not be safe.

Even if the food has not quite lost its freshness, the longer it has been on the store shelf, the less time you can safely keep it in the refrigerator before using it.

Unfortunately, you do not know how fresh the food is.

The food industry does.

It gives each product a code, a combination of numbers and letters, which tells industry personnel how fresh that item is and how much longer its shelf life is.

This shelf life usually allows some time for the item to be stored at home.

Some of the codes give the day the food was packaged. Others give the day it should be removed from the shelves of the store.

Despite this information available to store managers, food remains in the stores beyond its normal shelf life.

The items checked in the survey were fresh meats, vacuum-packed meats, milk, cottage cheese and bread.

It doesn't make much difference whether you buy food in the city or a suburb. Unfresh food exists in all parts of the area.

Stores in south Minneapolis, north Minneapolis, northeast Minneapolis, southwest Minneapolis, Richfield, Bloomington, Edina, Golden Valley, Brooklyn Center, Fridley and St. Anthony, all had at least one item that was still offered for sale after its shelf life had ended. Some had many items, a few only one.

The 20 stores were all affiliated with major chains—Penny's, Red Owl, Country Club, Kroger, National and Super Valu.

The managers had a variety of reasons for the old foods being on the shelves.

A common one was that it had been "overlooked."

A few said the package must have been incorrectly coded. One manager said his bread wasn't really five days old—"they probably put the wrong code on it."

His bread department supervisor explained, "Naturally, everybody doesn't pull their bread every day."

A frequent response from meat managers about unfresh meat, especially beef, was that it was "aging."

There was also meat in the display cases which had been rewrapped. Sometimes this is done if the original package is no longer good. Other times it is done when the original wrapping has been removed to allow a check of the meat.

For example, a store which has a three-day rotation policy for beef will usually check the meat at the end of that time. If it is still good, it will be wrapped and placed on the counter for one more day, then removed if not sold.

Sometimes the second wrap is coded, sometimes not. Even if it is coded and you understand the code, you still do not know how old it is because you do not know when it was packaged the first time.

A high degree of confidence in vacuum-packed luncheon meat was also expressed by meat managers when questioned about old packages .

Most of them said the product had a shelf life which went months beyond the date the manufacturer stamped on the package as the limit for quality and freshness.

"If the vacuum seal is intact, that meat is good for three or four months . . . even indefinitely," assured one meat manager.

He ripped open a package of peppered loaf which, according to the shelf life formula, should have been removed from the shelves April 28. It did not taste spoiled but there was no way to compare quality or freshness.

Most managers, when asked about out-of-date products on their shelves, quickly removed them.

But some gave a reason for the items' being there and left them for a consumer to buy.

Consumer groups have urged stores to reduce the price of food as it reaches the end of its shelf life.

Only one store followed such a practice. Beef which had been offered for sale the previous week was marked with a sale price.

THE DATING GAME: THE FOOD YOU BUY

(EDITOR'S NOTE.—Information on the following codes was provided by grocery store employees and managers and by manufacturers. The information was accurate for codes in use when research was done for this series of articles in mid-July. However, these codes may not be followed by all stores of a chain. And they may have been changed since or may be changed after publication of the keys. "Packaging date" is the date of manufacture or bottling (in the case of milk). "Pull date" is the date the product should be removed from the grocer's shelves.)

Penny's Super Markets

Fresh Meats—Packaging day. A two-letter code. The first letter is the week. The second letter is the day of the week. This remains the same from week to week. In the code given below, the store is in week L. The order for the days of the week is the original order for the code. Individual stores in the chain may have altered this somewhat. LO—Monday, LP—Tuesday, LS—Wednesday, LT—Thursday, LV—Friday, LX—Saturday.

(No store brand vacuum-packed meats.)

Bread—(Penny's)—Pull day. A single-letter code printed on plastic tab used to close package. A—Monday, E—Tuesday, C—Wednesday, D—Thursday, B—Friday, F—Saturday.

(No store brand milk, cottage cheese or sliced American cheese.)

Kroger Food Stores

Fresh Meat—Packaging day. A three-digit code. The first number is the week of the cycle for the store. The first letter is the first letter of the day of the week (except Thursday which is represented by the letter TH or H). The third digit, added by some stores, "means nothing."

In the example, the store is in the second week of one of its 13 cycles. 2MO—Monday, 2TO—Tuesday, 2WO—Wednesday, 2HO—Thursday, 2FO—Friday, 2SO—Saturday.

(No store brand vacuum-packed meats).

Bread (Kroger)—Arrival date. Coded by color of twist closing package. Red—Monday, White—Tuesday, Blue—Wednesday, Yellow—Thursday, Orange—Friday, Green—Saturday.

Milk (Kroger)—Pull day. A three-number code. The first two numbers are the date of the month it should be pulled. The third number does not relate to the date.

For example: 29 1—July 29.

Cottage cheese (Kroger)—Packaging day. A three-number code. The numbers give the day of the year it was packaged. For example, 199—July 18.

Sliced American cheese (Kroger's)—Packaging day. A three-number code. The same as cottage cheese.

[From the Minneapolis Star, Aug. 4, 1970]

FOOD CODED, CONSUMERS DEFIED TO DECODE—II

(By Suzanne Hovik)

To the consumer, they are just a jumble of letters and numbers—H-03, 206, 5154, 6UO3, LV, B4 and LO1OWI.

In fact, she probably doesn't even pay any attention to the markings on the package as she looks for price, weight and possibly ingredients.

But those confusing letters and numbers also could tell her the freshness of the product if she knew how to read them.

They form a code—a secret combination that tells somebody (the store manager, the stock boy, the delivery man or the manufacturer) how fresh that product is.

The codes are punched into the top of the can, printed on the label of the jar, stamped on the back of the package or imprinted along the top of the carton.

They are not easy to read sometimes, even for those in the know.

The blue ink used to stamp some meat and dairy packages gets wet from moisture in the refrigerated cases and smears into an unintelligible blur that neither the consumer nor the codekeeper can read.

Some manufacturers place the code directly over another word on the package or over a section of fine print.

Other times the codes are imprinted into the carton or package. No ink is used and the colorless impression easily disappears into the box.

These codes are not meant for the consumer to know. They have two purposes, according to those in the food industry.

The codes help the manufacturer to know his product is being sold to the consumer still fresh. And they are to enable him to trace down a bad or faulty product detected in a grocery store or by a consumer.

The codes contain either the date of manufacture or the date the item should be removed from the shelves—the "pull date." Some codes also contain the plant number,

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the shift, the machine operator or the machine.

Consumer groups say the consumer has the right to know how fresh the food is she is buying. And they would like to see legislation or regulations passed that would require "open dating"—the final date a product may be kept on the grocer's shelf.

As the codes are now, it would be an impossible task for the average consumer to break them herself.

She does not have the available information. Even her neighborhood store manager probably could not help her, even if he were willing to tell her the codes. Many managers do not know the codes. They say the freshness of many of the products is the responsibility of the salesman or delivery man.

Codes essentially fall into two categories: Those giving the packaging, bottling or manufacturing date, and those giving the "pull date."

This is about as close as one can get to establishing some kind of system of codes. And even here there is no consistency.

Milk can be coded according to the packaging date or the pull date, depending upon the dairy.

Most bread is coded according to the delivery date, but Penny's codes its bread according to the pull date.

Most vacuum-packed luncheon meats are coded according to the packaging date. But Oscar Mayer codes its products according to the "quality control" or pull date.

Even within a brand, the coding can change. Kroger brand grocery products can have either the pull date or packaging date depending upon how perishable they are.

Fresh meats are almost always coded by packaging date.

The codes can be relatively simple combinations or more complex. Some are without any order.

A common milk code, for example, is a combination of a letter and a number. The letter stands for a 10-day period and the number is added onto that to get that date.

A code that read A4 would be the fourth of the month. B4 would be the 14th and C4 the 24th.

A simple code used by some dairies for items such as cottage cheese and sliced American cheese is the day of the year.

Most consumers could see that 30 would mean Jan. 30. But they would need a special calendar to know that 230 meant Aug. 18.

All of the day-of-the-year codes broken for this series of articles started with Jan. 1 as No. 1 and continued through Dec. 31 as 365.

However, this type of code has also been known to be used in reverse, with Jan. 1 as 365 and running backward to Dec. 31 as 1.

Another simple code used by some dairies for items such as cottage cheese is a letter plus a number. The letter is the same number down the alphabet as the month is into the year. The day is the day of that month.

For example, G–22 would be July 22. July and G are the seventh in the calendar and the alphabet.

Most bread is coded according to the color of twist that closes the package.

Egekvist uses the letters from the word FRESH to indicate the delivery day Monday through Friday. For example, Monday is the letter F. On Saturday there is no letter.

Most vacuum-packed meats have a common code—one used by the American Meat Institute. It is a four-number code in which the first and last numbers added together give the month of the year. The middle two numbers give the day of the month.

For example, 4233 would be July 23. Instead of 4 and 3, 5 and 2 or 6 and 1 might be used to equal 7.

Fresh meat codes range from the simple to the impossible.

Some Super Value stores put the date of packaging right on the label. Some National food stores run just the simple alphabet A to F for Monday through Saturday.

A more common method is a two-letter code, with the second letter designating the day of that week.

Other codes are impossible to determine. The wrapper in the meat department at the Country Club store at 2101 W. Broadway sits down with a calendar at the start of each month and arbitrarily gives each day a number code.

For example, one recent week (from Wednesday to Wednesday) read 81, 90, 74, 50, 62, 14 and 30.

The consumer can determine the meat code, at least for that week and day, by looking at the ground beef. In almost all stores this has a one-day shelf life. A quick check of the predominant code on the ground beef will tell the consumer the code the store is using for that particular day.

Most meat department managers say there is a three day counter life for beef, with two days for chicken, veal, lamb and pork.

Buying meat that has been packaged that day may not be as important as making sure you don't buy meat that was packaged the previous week.

As indicated in the shopping survey, while most meats are fresh, area stores still have occasional packages of meat that were wrapped six to eight days previously.

An example of the complexity of the coding of the grocery products can be found in the code for Betty Crocker cake mixes. The code, which gives the packaging date includes the month (lettered, starting with June as A), last number of the year, day of the month, plant and shift.

The code, L010W1 would be May 10, 1970, plant W, shift 1.

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RED OWL STORES

Fresh meat—packaging day. A two-lettered code. The first letter represents the week, the second letter is the day of the week. In the example, the store is in week L. The weeks go KHLX, with K for the first week of the month. The second letter, representing the days of the week, stays the same each week.

LP—Monday
LO—Tuesday
LN—Wednesday
LV—Thursday
LS—Friday
LT—Saturday

Vacuum-packed meat (Farmdale)—packaging day. A four-number code. The first and last numbers added together give the month of the year. The middle two numbers give the day of the month.

For example, 4033—July 3.

Bread (Red Owl)—arrival date. Coded by color of twist closing package.

Red—Monday
Green—Tuesday
Blue—Wednesday
Yellow—Thursday
Orange—Friday
White—Saturday

Mike (Farmdale)—pull date. A four-digit code. The first number and letter do not relate to the date. The last two numbers are the last day of the month the milk can be sold.

For example, 6U31—July 31.

Cottage Cheese (Farmdale brand). The same as milk.

American sliced cheese (Farmdale)—packaging day. A three-number code giving the day of the year it was packaged.

For example, 156—June 5

BREAD, BAKERY PRODUCTS

Wonder Bread

Bread—delivery date. Coded by color of twist closing package.

Red—Monday
White—Tuesday
Blue—Wednesday
Yellow—Thursday
Orange—Friday
Green—Saturday

Egekvist

Sweet rolls—arrival day. A one-letter code which when read Monday through Friday spells out fresh. The frosted rolls have a one-day shelf life, the others have a two-day shelf life.

F—Monday
R—Tuesday
E—Wednesday
S—Thursday
H—Friday
Saturday (no letter)

Bread—delivery date. Coded by color of twist closing package.

Brown—Monday
Green—Tuesday
Red—Wednesday
Blue—Thursday
Yellow—Friday
Black—Saturday

Pillsbury

Cake and brownie mixes—packaging date. A five-digit code. The first letter is the same number down the alphabet as the month is down the year. The first number is the last number of the year. The third digit is the plant letter. And the last two numbers give the day of the month.

For example, A0H15—Jan. 15, 1970, plant H.

Betty Crocker

Cake and brownie mixes—packaging date. A six-digit code. The first letter is the same number down the alphabet as the month is into the fiscal year (with June being letter A). The first number is the last number of the year. The next two numbers are the day of the month. The letter is the plant and the last number, sometimes omitted, is the shift.

For example, L010W1—May 10, 1970, plant W, shift 1.

[From the Minneapolis Star, Aug. 5, 1970]

PRODUCT FRESHNESS FIGHT PRESSED ON THREE FRONTS—III

(By Suzanne Hovik)

The Star's Women's Editor

Grocery shoppers will be given product-freshness information about the food they buy if attempts by various consumer groups are successful.

Efforts to bring about open dating—printing on the food package the last day the item can be sold in the store—are being pushed on three fronts:

Local pressure on store chains to give information about the codes of the products in their stores.

Petitions to federal agencies requesting regulations that would require open dating.

Introduction of bills into Congress to require open dating.

Mrs. Erma Angevine, executive director of the Consumers Federation of America, said that since there is no law, the best way to get open dating is for a local group to pressure a local chain or supermarket to do it.

"Competition will force the rest of them to do it," she said.

Mrs. Angevine credits a Chicago-area consumer group, the National Consumer's Union, with a role in the decision of the Jewel Food Stores in Chicago to make available to their customers a book of all codes for all products sold in its stores.

The union has campaigned against outdated foods since it was formed in September.

It has conducted shopping surveys of Chicago-area stores and reported on outdated food it has found. It is dealing with the stores on the subject of open dating "through collective bargaining," according to Mrs. Lynne Heidt, one of its directors.

Rep. Leonard Farbstein, D-N.Y., has used some of the union's information when he has spoken in the House in support of his bill that would require open dating.

The bill has 60 cosponsors in the House—none is from Minnesota—and is in a subcommittee. Sen. Joseph M. Montoya, D-N.M., introduced a companion bill in the Senate. That bill also is in a subcommittee.

Farbstein also has filed jointly a petition with the District of Columbia Democratic Central Committee in which they ask the Federal Trade Commission (FTC) to require open dating on all perishable foods.

The petition also requests that the FTC prohibit food repackaging or product redating.

"We feel this is within the purview of the FTC," said Ellis Levin, the congressman's legislative assistant.

"Not only does the FTC have the authority, but if it is serious about being a consumer-institution spokesman, this would be a dramatic act to demonstrate it."

The U.S. Department of Agriculture last week agreed to study whether perishable foods should be dated for the customer as well as the grocer.

Levin said open dating has the interest of the consumers. "We have received a huge amount of mail from all parts of the country," he said.

Levin said the congressman's office has heard of consumers who have bought extremely outdated food.

For example, a mother in Louisiana bought a case of brand-name strained liver for her baby this spring. It was spoiled. It was found the food had been manufactured in January 1962.

The shelf life for strained liver is 18 months, if it is kept at 70 degrees, Levin said. If kept at 90 degrees, the shelf life is nine months.

Another consumer bought mayonnaise in May. It had been manufactured in January 1968, Levin said the shelf life of mayonnaise is six months.

He said the open-dating legislation is aimed at two kinds of situations: The store manager who is just not efficient and the store manager who deliberately sells out-of-date food.

"New York City has open dating of milk, and it forces the food-store manager to become efficient. Either he starts paying attention to how much he is selling, or he goes out of business," Levin said.

Some opponents of open dating say consumers would buy only the items with the latest dates on them, leaving behind food that was older but still fresh.

The ignored food, the argument goes, would sit on the shelves until the expiration date and then would have to be returned to the manufacturer for credit or thrown away.

The opponents say the result would be higher food prices.

Levin said he does not think the argument is valid.

"If a manager properly rotates his stock, he is not going to get caught," Levin said.

He said Jewel officials—now that the customers can figure out how old food is in its stores—expect to alter their purchasing practices to help them make sure they don't get caught with unfresh food.

"If a customer has confidence the food she is buying is fresh," Levin added, "she is not going to poke through every item to see if one item is fresher" and thereby leave the store unable to sell any but its freshest food.

He said that if a store did end up with food that is nearing its expiration date, the store could sell the food at a reduced price.

Not only would open dating not increase the cost of food, Levin said, but "by being more efficient, stores might actually save money."

Open-dating legislation is being supported by the Consumers Federation of America and the Consumers Union.

The Minnesota Consumers League does not give it top priority but says it is an area important to consumers, according to Mrs. Toby Lapakko, president of the local group.

A spokesman for Mrs. Virginia Knauer, the presidential adviser on consumer affairs, said her office has not taken a stand on any legislation but that generally it operates on the premise that "the more information the consumer has, the better off he or she may be."

Mrs. Knauer has resisted attempts by companies to make the coding even more complex, the spokesman said.

Editor's Note.—Information on the following codes was provided by grocery store employees and managers and by manufacturers. The information was accurate for codes in use when research was done for this series of articles in mid-July. However, these codes may not be followed by all stores of a chain. And they may have been changed since or may be changed after publication of the keys. "Packaging date" is the date of manufacture or bottling (in the case of milk). "Pull date" is the date the product should be removed from the grocer's shelves.)

NATIONAL FOOD STORES

Fresh meats—Packaging date. Usually a one-letter code. The letters go alphabetically for Monday through Saturday. Some stores will add another letter or two in front of the code.

A—Monday.
B—Tuesday.
C—Wednesday.
D—Thursday.
E—Friday.
F—Saturday.

Vacuum-packed meats (Top Taste)—Hot dogs, luncheon meats and bacon—packaging date. A four-number code. The first and last numbers added together give the month of the year. The middle two numbers give the day of the month.

For example, 6200—June 20.

Bread (Top Taste)—Delivery date. Coded by color of twist on closing of package.

Yellow—Monday.
Orange—Tuesday.
Blue—Wednesday.
Green—Thursday.
Red—Friday.
Red—Saturday.

Milk (Top Taste)—Packaging date. A three-digit code. The first letter is the machine operator's number. The two numbers indicate the code for that bottling date. The code starts with numbers 33 and goes consecutively by days up to 99. It then starts over again at number 33. The dairy gives a calendar to the store to indicate which number is the bottling code for that particular day. Milk is bottled five days a week. The code for last week and this week is:

July 27 H75.
July 28 H76.
July 29 H77.
July 30 H78.
July 31 H79.
Aug. 3 H80.
Aug. 4 H81.
Aug. 5 H82.
Aug. 6 H83.
Aug. 7 H84.

Cottage Cheese (Top Taste)—Packaging date. A three-number code giving day of the year.

For example, 191—July 10.

Sliced American Cheese (Top Taste)—Packaging date. A three-number code giving the day of the year.

For example, 111—April 21.

VACUUM-PACKED MEATS

Schweigerts: Vacuum-packed luncheon meats and wieners—packaging date. A four-number code. The first and last numbers added together give the month of the year. The middle two numbers give the day of the month.

For example, 4093—July 9.

Peters: Vacuum-packed luncheon meats—packaging date. A four-number code. The first and last numbers added together give the month of the year. The middle two numbers give the day of the month.

For example, 4073—July 7

The company is also experimenting with a pull date on some of its packages now in the meat counter. The same code is used but the date is a 30-day advance at which time the products should come off the shelves.

For example, 4064—Aug 6

Oscar Mayer: Vacuum-packed luncheon meats, wieners and bacon—"control" or pull date. A four-number code. The first and last numbers added together give the month of the year. The middle two numbers give the date of the month.

For example, 4064—Aug. 6

[From the Minneapolis Star, Aug. 6, 1970]

THREE COMPANIES FOUND NO PROBLEM WITH OPEN DATING, BUT THEIR PRODUCTS REPRESENT ONLY FEW OF 10,000—IV

(By Suzanne Hovik)

Among those 1,000 items on the supermarket shelves there are few, very few, that are "open dated"—marked with the last day on which the product can be sold.

Norris Creameries of Minneapolis, for example, open-dates its milk.

Kroger food stores stamp an expiration date on their medium and large eggs.

Pillsbury open-dates its refrigerated dough products.

And Ross Industries in Columbus, Ohio. open-dates its prepared baby formula, Similac.

The experiences of these companies with open dating are significant because they say they have not met the problems posed by some in the food industry as reasons not to have open dating.

The opponents say the consumer wants her bread baked early that morning, her milk delivered that morning and her meat packaged that morning. Yet, they say, these items are still fresh and good two or three days later.

The consumer will look through the shelves for items with the latest date, the argument goes. Fresh food will sit on the shelves, eventually become out of date and have to be thrown away or returned to the manufacturer for credit.

Somebody will have to pay for this wasted food, the opponents say, and eventually it will be the consumer, who will face higher food prices.

The firms that have tried open coding say this does not happen.

Open dating of milk by Norris has been in effect two years, according to Farrell Roser plant superintendent.

"We used to have an awfully difficult code. We tried to confuse the customer, and we got confused ourselves," he said.

The company changed to an open date, marking its milk to be pulled from the shelves 10 days after it has been bottled. It could go 14 days, Roser said, but the company cut back 4 days as a safety margin.

"I think most of the customers know it is there. We tell them what it is. We want them to know," he said.

"We thought we might run into a lot of problems, but we didn't. The consumer wanted to know this information, and it has worked out better."

Store managers at several Kroger stores said there has been no problem with the open-dated eggs and there have not been enough eggs unsold by the expiration date to cause a price rise.

However, they also said they don't think most of the consumers realize the expiration date is on the eggs.

"There is no problem with the eggs," said Leo Friesen, manager of the store at 3717 23rd Av. S. "Most don't realize the date is there. Those that do realize it know the eggs are in date."

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Friesen said that if they misjudge in ordering, they reduce the price so the eggs will sell while they are still in date.

Pillsbury Co. open-dated its refrigerated dough products when they first introduced them on the market because the item is a "living dough," with the leavening in it, according to Linda Anderson, who handles public relations for the products.

"We wanted to indicate to the consumer she had to use it before that date. After that date it is still healthy and will still bake, but it might not raise up as high."

She said the dating in no way has affected the price. In fact, she said, the price on biscuits has come down 40 percent.

When the total number is considered, the number of returns is very small, she said.

Lou Gelfand, director of news media for Pillsbury, said that within the next couple of months in an Upper Midwest city, the company will test the open dating of other Pillsbury products.

Gelfand said the company has no evidence that consumers want Pillsbury to open-date other products. "But we are certainly open-minded about it," he said. "The question is not closed."

Similac has had an open dating for a little more than a year.

The reason Ross Industries uses it is the "psychological reaction from the parent," according to Ron Mullett, manager of nutritional products. "He is assured that the product is in a fresh, nutritious form."

The return rate on Similac, which has an 18-month shelf life, has been no problem, he said. "There has been a very, very low return rate, less than a half percent."

While it cannot be considered open dating because it does not give the date the item should be removed from the shelves, there is another example of consumers being given easily understood product-freshness information.

Some Super Value stores are stamping the day of the month the meat was packaged on its fresh meats. July 28, for example, is 28.

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U.S. SAYS ALL EGGS MUST DISPLAY DATE

A uniform method of marking all eggs packaged under supervision of the U.S. Department of Agriculture (USDA) went into effect July 1.

Under a new department regulation, all egg cartons must be stamped with a "lot number." The lot number must be the day of the year the eggs were packaged.

For example, 215 would be Aug. 3.

The packagers may put other dates, such as the date they want the eggs off the shelves or the date the eggs were delivered to the store, on the cartons in addition to the lot number, according to Raymond Greenfield, national supervisor of shell egg grading for the department.

He said a shelf life of two weeks is not unreasonable if the eggs are not improperly handled, such as by inadequately refrigerating them.

[From the Minneapolis Star, Aug. 6, 1970]

Chicago Food Chain Offers Customers Code Details in Book—V

Jewel Food Stores, a major chain based in Chicago, started three weeks ago to make available a code book so customers can tell how fresh the food is in Jewel stores.

The code book which is kept at the customer service desk in every store, is organized by types of food and lists code explanations by brand. The book indicates whether the code tells the date of manufacture or the date the manufacturer wants the food off the shelves.

Jewel is believed by consumer groups to be the nation's first major food store chain to translate codes for its customers.

And it is being watched by consumer groups and the food industry to see what, if any, problems arise.

At the same time it made the book available, the company also put signs in the stores explaining the codes on some of the more popular types of food, such as fresh meats, processed meats, refrigerated biscuits, butter and potato chips.

The store has always been willing to explain a code to a consumer, according to William Newby, director of public information for the chain.

And many customers knew the simple or common codes, he said.

Newby said the average consumer did not demand code explanations.

"Most of the demand has been from the professional consumers," he said. "This has been on their 'want list,' along with unit pricing."

Newby apparently used the phrase "professional consumers" to mean organizations and a group of housewives that have pushed for more freshness information in Chicago.

The chain has unit pricing—the price per unit of weight is displayed on the package—on 1,000 of its fastest-moving products, and the list is being expanded.

Newby said the company is working with manufacturers to get packages dated in ways that will permit the consumer to figure out the date without having to use a book.

He said there is a risk to Jewel that shoppers will buy only the freshest food leaving other fresh food to sit on the shelves until it must be removed and destroyed or returned to the manufacturer for credit.

"It is a gamble that not so many will do it that it will upset the rotation of products," he said.

Consumers have to be assured, Newby said, that most types of food are fresh not only the first day the food is on the shelves but also the next few days.

He said they also must be assured that although the food industry says a package should be off the shelves by a certain date, the food is still fresh after that date. The date was picked to allow a few days for the shopper to get the food home and use it before it loses its freshness, he said.

(Editor's Note.—Information on the following codes was provided by grocery store employees and managers and by manufacturers. The information was accurate for codes in use when research was done for this series of articles in mid-July. They may have been changed since or may be changed after publication of the keys. "Packaging date" is the date of manufacturing or bottling (in the case of milk). "Pull date" is the date the product should be removed from the grocer's shelves.)

DAIRY PRODUCTS

Clover Leaf

Milk—pull day. A two-digit code. The letters go alphabetically A, B, C. The letter B adds 10 to the number following the letter. The letter C adds 20.

For example, A9—July 9; B9—July 19; C9—July 29.

Cottage Cheese—pull day. A three-digit code. The letter is the same number down the alphabet as the month is into the year. The two numbers are the day of that month.

For example, G-22—July 22.

Sour Cream—packaging day. A three-number code giving the day of the year the product was packaged.

For example, 191—July 10.

Fairmont

Milk—pull date: A four-digit code. The first number and letter do not relate to the date. The last two numbers are the last day of the month the milk can be sold.

For example, 6U31—July 31.

Cottage Cheese—pull date. A four-digit code. The same as milk.

Dairy Fresh

Milk—packaging date. A three-digit code. The first number is the machine number. The letters go alphabetically A, B, C. The letter B adds 10 to the number following the letter. The letter C adds 20.

For example, 1C2—July 22.

Old Home

Cottage Cheese—pull date. A four-number code. The first and last numbers added together give the month of the year. The middle two numbers give the date of the month.

For example, 3224—July 22.

Sour Cream—pull date. A four-number code. The same as cottage cheese.

COUNTRY CLUB MARKETS

Fresh meats—Packaging date. Most stores with new labeling machines use a two-number code. The first number may be for that particular week, or it may not relate to the date. The second number goes from 1 to 6 for Monday through Saturday. Codes will vary from store to store among those with old labeling machines. An example of the code of the new labeling machine:

31—Monday
32—Tuesday
33—Wednesday
34—Thursday
35—Friday
36—Saturday

(No store brand vacuum-packed meats.)

Bread—Arrival date—coded according to color of twist closing package. Country Club private brands are baked by two companies, Emrich Baking Co. and Pan O'Gold Baking Co. Each has a different code.

Emrich Baking Co.

Brown—Monday
Green—Tuesday
Red—Wednesday
Blue—Thursday
Yellow—Friday
Black—Saturday

Pan O'Gold Baking Co.

Orange—Monday
White—Tuesday
Blue—Wednesday
Yellow—Thursday
Green—Friday
Red—Saturday

(No store brand milk, cottage cheese or sliced American cheese.)

[From the Minneapolis Star, Aug. 7, 1970]

Some Managers Find Codes Baffle Them—V

(By Suzanne Hovik)

Codes keep store managers and employees in the dark almost as much as they do the consumers.

Most of the food men do not oppose open-dating of foods.

It would help them get the freshest products to the consumers, they say.

Except for store-label brands, many managers and employees said, they do not know the codes of many of the products in their stores.

Those who said they are in the dark include stockboys for the dairy cases and managers who take care of the vacuum-packed meat display.

The store sets rotation policies—bringing the older products to the front of the shelf and placing the fresh ones in the back. This is done every time the shelf is stocked with perishable items or periodically for semi-perishable items.

Store employees and managers said delivery men or salesmen for many products check the shelves to make sure the food is fresh.

When they slip up, the manager finds out when the customer brings an old or spoiled item back to the store, they said.

A spokesman for a union whose members handle food in stores said, however, that the union has limited the types of food that salesmen are permitted to check in stores.

Eugene Utecht, field representative for the Amalgamated Meat Cutters and Food Handlers of North America, Locals 653 and 653A, said salesmen may check bakery goods, cookies, crackers, baby foods, potato chips, beverages, and dairy products (milk, cream, butter, cottage cheese and ice cream).

"All other items are stocked and checked by our members," he said.

Some store managers said open dating would not only help the store employees keep closer watch on the food but also would help customers find items that are "overlooked" in the stocking of shelves.

A couple of managers frankly admitted that open dating would force them to follow their stock more carefully, "something we don't watch as closely as we should."

James H. Willie, president of Red Owl Stores, Inc., said his firm has been working in cooperation with its suppliers and the National Association of Food Chains in an effort to improve the coding of perishable products.

"When our current studies assure us that changes in our coding systems will be beneficial to our customers, coding changes will be initiated by Red Owl," he said.

There are also some food processors who do not object to open dating.

Open dating is "almost a nation-wide trend," said a spokesman for Mid-America Dairymen, Twin City Milk Producers Division.

"Other states are going more and more to the day-of-the-year code. The trend is motivated by the interest these days of consumers wanting to know how old the product is," he said.

Technology, he said, has increased the shelf life of milk to the point where rotation is not a problem. He said his company considers 10 to 11 days the shelf life for grocery store and home.

"I've had milk for as long as 24 days, and it still tasted good," he said.

He said he couldn't give an answer on whether open dating would increase food costs.

"It would come down to the need for arranging things so you never had old stock."

Oscar Mayer and Co. is test-marketing open-dated vacuum-packed meats in some SuperValu stores in the Twin Cities area.

Currently Mayer meats are coded according to a "quality control" date, which is "in practice" the date the meat should be pulled from the shelves, according to the company.

While the meat could still be sold and consumed after that time, the quality would not be as high, a spokesman for the company said.

Most food-stores employees and managers and food manufacturers deciphered their codes for the Minneapolis Star when a reporter asked about them recently.

However, a few placed a great deal of emphasis upon the secrecy of their codes and refused to give out any information on them.

A spokesman for Zinsmaster Baking Co. said the company does not want the information public.

"We have never given out the code. If we had wanted it made public, we would have done so long ago. It is strictly our business," he said.

"There is nothing wrong with bread two days old."

A week's shopping survey of stores carrying Zinsmaster's Master Bread indicates the code for the color of the closing twist is probably as follows:

Blue for bread new on Monday, white for Tuesday, green for Wednesday, orange for Thursday, yellow for Friday and red for Saturday.

Nabisco refused to verify the information about its codes that is in the code book that Jewel Food Stores, a Chicago-based chain lets its customers use to help them figure out how fresh food is.

The request by a reporter for verification was transferred from a local spokesman to a local division sales manager to the director of marketing in the New York City office of the director of public relations in the office.

At some of the earlier stages of the reporter's efforts, the employees verified the first part of the code information in the book. When asked about the date part, however, the employees said the information is incorrect.

The assistant to the director of public relations finally said that "the company had no statement on it, right or wrong."

"We don't give out our code date to anyone," she said. "It is highly confidential. I don't know if it is correct, and I won't tell you if it is correct or not. We don't talk about them. They are for our own personal use."

She said that no Nabisco official gave code information to Jewel.

The Jewel book says the Nabisco code for pretzels is as follows: The first number is the shift that packaged them, the first letter is the plant and the last three numbers are the day of the year.

For example, 11.103 would mean the pretzels were packaged during shift 1 at Plant 1, on April 13.

[From the Minneapolis Star, Aug. 7, 1970]

FOUR ARGUMENTS GIVEN BY OPEN DATING FOES; SHELF HAVOC FORESEEN

(Editor's Note. These are the last in recent interviews with men and women in the food industry. The Minneapolis Star found that some of them oppose a proposal by consumer groups that the industry stamp on packages of food the date that the food should be removed from the shelves in order to guard against lost freshness.)

More of the food men do not oppose the proposal.

(The Star interviewed store employees, managers and officials, along with manufacturers and spokesmen for trade associations.)

Supermarket managers and officials stress one point over and over again when talking about food freshness:

"It is as much to our advantage (as to the consumers) to keep it fresh."

They say they have to sell fresh food to stay in business. And it does not make much difference whether the consumer can read the code or not. If she gets home and finds she has bought stale or spoiled food, she is not likely to buy at that store again.

If the food men are convinced they are selling fresh food, why do some oppose open dating—stamping on the product the last day it may be sold in the store?

There are four main arguments opponents make:

Freshness is the grocer's responsibility, and the consumer should trust him to provide fresh food.

Open dating would create havoc with the order of goods on the shelves as consumers "pawed over" the food to find the items with the most recent dates stamped on them.

It would increase the cost of food to consumers, because the unfavorable image of "day-old" food is difficult to erase from the consumer's shopping habits. A "day-old," but still perfectly good, item would remain on the shelf as the customer chose the freshest item. Eventually, it would go out of date and have to be returned for credit or destroyed.

The time a perishable item has been on the shelf is not as important to its freshness as the temperature at which the food is kept.

Melvin Berg, plant manager for Superior Dairy Fresh Milk Co., said he is not in favor of open dating.

"If the code is so the consumer can read it, she figures she wants milk from that morning. It is not necessary anymore, Milk can keep a week or more with absolutely no problem."

Berg said that technology has increased the shelf life of milk to the point at which "a carton of milk kept in the cooler three weeks would be a better product than milk kept just three days 20 years ago."

He said he is sure open dating would increase the cost to the consumer.

"It is hard to tell the consumer that milk bottled a couple of days ago is still good," he said.

The president of a local independent chain said he does not object to open dating if it would help the consumer.

But he added that there may be something to the objection that it would increase food costs.

These would be very insignificant in a large operation, he said, because the turnover is high. He said the owner or manager of the small store would be the one who would be hurt.

This point was also made by Commissioner Mary Jones of the Federal Trade Commission (FTC), which is hearing a petition requesting that the FTC require open dating.

"We have to act very carefully to know just what we are involved with," she said.

"We have to weigh what is the impact on the little stores. We can hurt the consumers in the long-range by throwing all of them (little stores) out of business."

Some store managers, affiliated with chains said they feel open dating would increase the costs greatly for them also.

"Prices would go sky high" with open dating, said John Sullivan, owner-manager of the Diamond Lake Super Valu, 5937 Nicollet Av.

"The minute an open date is put on a product, it will double the cost of the food."

The spoilage that would result when buyers refused to buy any but the freshest food would not be the only contributor to higher cost, he said.

Another contributor, he said, would be necessary changes in shelf-stocking procedures.

Sullivan said he has had more returns on the Pillsbury refrigerated dough products, which are open-dated, than on any other product in his store.

Stocking the shelves with products of just one date would not be the answer, he said. It has been shown that a "well-stocked shelf will sell 10 percent more food than a partially filled shelf."

The National Association of Food Chains is in favor of anything that better informs the customer and makes her a better buyer, said Wayne Warrington, director of public affairs for the organization in Washington.

"But you have to balance off whatever additional service we have to provide with the ultimate cost of that service to the consumer. We have to balance off the costs against the potential benefit."

A key point to consider when talking about open dating, he said, is that the temperature is seven times as important as the time factor in its effect on the nutritional value and edibility of food.

Temperature is a factor over which the store has no control as the food moves from the fields through the processing stage to the back door of the store, he said.

Warrington also said there is a problem of what date to put on the package. "When dating a package, do you make the assumption the consumer is not going to have it in her home over a week?" he asked.

He said the industry is watching closely the Jewel Food Stores in Chicago, which make available to customers a book giving the codes for all the products sold in Jewel stores.

(Editors Note.—Information on the following codes was provided by grocery store employees and managers and by manufacturers. The information was accurate for codes in use when research was done for this series of articles in mid-July. However, these codes may not be followed by all stores of a chain. And they may have been changed since or may be changed after publication of the keys. "Packaging date" is the date of manufacture or bottling (in the case of milk).

XUM

"Pull date" is the date the product should be removed from the grocer's shelves.)

SUPER VALU STORES

Fresh meats—packaging date. The division office recommends to its stores, which are independently owned and operated, two meat codes. The first is on the older label printing machines and is a two-letter system. The first letter is the week, the second letter stands for the day of the week.

An example is:

KH—Monday
KK—Tuesday
KL—Wednesday
KN—Thursday
KO—Friday
KP—Saturday

The second recommended meat code is done on the newer label printing machines. It is almost a form of open dating in that it gives the day of the month the meat was packaged.

For example, 31 would be July 31.

Vacuum-packed meats (Good Valu)—"caution" (date by which it should be sold) or pull date. A four-number code. The first three numbers are the day of the year. The last number is the last number of the year.

For example, 2120—July 31, 1970.

Bread (Flavorite)—arrival date. Coded by color of twist closing package.

Orange—Monday
White—Tuesday
Blue—Wednesday
Yellow—Thursday
Green—Friday
Red—Saturday

(No private label milk in Twin Cities area.)

Cottage Cheese (Flavorite)—"caution" or pull date. A three-number code. The numbers give the day of the year.

For example, 208—July 27.

Sliced American Cheese (Flavorite)—"caution" or pull date. A three-number code. The numbers give the day of the year.

For example 217—Aug. 5.

XUM

WATER POLLUTION AND THE REFUSE ACT OF 1899: THE CORPS OF ENGINEERS IS DOING ITS DUTY, WHY NOT THE DEPARTMENT OF JUSTICE?

The SPEAKER. Under a previous order to the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, I reported to the Members of this House on June 17, 1970, "about the significant step forward" taken by the Corps of Engineers in recently revising its regulations pursuant to the recommendations of the House Committee on Government Operations—House Report No. 91-917, March 17, 1970. These regulations govern, among other works, applications for Corps permits to conduct filling, dredging, and refuse disposal in navigable waterways.

Today, I am again able to report to the Members of the House about another progressive step taken by the Corps in announcing a policy of enforcement of the 1899 River and Harbor Act (30 Stat. 1151). Equally, I must point out the total abdication by the Department of Justice of its statutory duty "to vigorously enforce" that act. The Attorney General, whose sworn duty it is to enforce law and order, is a scofflaw where water pollution is concerned.

A review of a tabulation of existing industrial waste permits issued by the Corps since March 3, 1899, which was prepared by the Corps at the request of the Subcommittee on Conservation and Natural Resources, of which I am chairman, showed: First, that there are many industrial polluters in this Nation who are discharging refuse materials into our waterways without a Corps permit and in violation of the 1899 law; and second, that even where a permit exists there appears to be little, if any, treatment of the refuse before it is discharged.

I therefore wrote to the Corps on July 28, 1970, and I urged that it "begin now to notify all present and future discharges of refuse materials into this Nation's waterways about the requirements of the 1899 River and Harbor Act." I informed the House about this on July 29—CONGRESSIONAL RECORD, page 26439.

I am very pleased to report that the Corps on July 30, 1970, has announced a policy of full enforcement of the 1899 law as follows:

> Permits will be required for all industrial discharges into navigable waters and their tributaries. New permits will be required where existing permits were granted without adequate consideration of the quality of the effluent. Permits will also be required for current discharges into navigable waters where no permits have been granted.

I commend the Corps for recognizing its responsibility for vigorous enforcement of the Refuse Act. With the adoption of this new policy by the Corps, the polluter will either have to apply for and obtain a permit, or face prosecution under the Refuse Act, or cease discharging its wastes.

No longer will the Nation's polluters be able to gain substantial profits through the use of our public waters as their private sewers. The public's right to clean waters is now recognized by the Corps as superior to the polluter's profits.

With this new policy, the discharger who applies for a Corps permit must also obtain a certification from the State in which the discharge originates, as required under section 21(b) of the Federal Water Pollution Control Act, as amended by Public Law 91-224 enacted April 3, 1970. When a State grants a certificate, after notice and an opportunity for public hearings, it certifies that the applicant's activity "will be conducted in a manner which will not violate" applicable Federal, State, or local water quality standards. Under the Corps recent revised regulations—Circular No. 1145-2-18, expires June 30, 1971—it will not begin to process a permit application until the certificate is granted.

In addition to the certificate, the Corps recently issued regulations requiring that applicants for dredging, filling, and disposal operations list first, the type and quantity of solids to be removed or deposited; second, the proposed method of measurement; third, alternate methods of disposal; and fourth, the economic and environmental impact of alternate methods. Applicants for permits for outfall sewers from industrial and other plants and similar work "which may affect the ecology of a waterway are required to furnish data to identify the character of the effluent."

In the latter case, the applicant must include "data pertaining to chemical content, water temperature differentials, toxins, sewage, amount and frequency of discharge and the type and quantity of solids involved and provide information on plans to abate pollution of solids." The Corps regulations also encourage the holding of public hearings "whenever there appears to be sufficient public interest."

Finally, the "decision as to whether a permit will be issued will be based on an evaluation of the impact of the proposed work on the public interest," including such factors as navigation, fish and wildlife, water quality, economics, conservation, esthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people.

One can readily see that, when the Corps applies these new requirements to applicants who are now discharging wastes without a permit and to existing permittees, the dischargers may find it difficult to comply. They will have to either cease discharging wastes into our waterways or provide effective treatment before the discharge occurs. But that, after all, is the very objective of all our pollution control laws. Until this objective is achieved, we cannot expect clean water.

Again I commend the Corps for announcing this policy. Its action is consistent with the recent decision by the U.S. Court of Appeals for the Fifth Circuit in *Zabel* v. *Tabb* (C.A. 5, July 16, 1970, No. 27555) which held—page 2:

> We hold that nothing in the statutory structure compels the Secretary [of the Army] to close his eyes to all that others see or think they see. The establishment was entitled, if not required, to consider ecological factors and, being persuaded by them, to deny that which might have been granted routinely five, ten, or fifteen years ago before man's explosive increase made all, including Congress, aware of civilization's potential destruction from breathing its own polluted air and drinking its own infected water and the immeasurable loss from a silent—spring-like disturbance of nature's economy.

I hope, however, that the Corps will do more than just issue a press notice of its intentions. I hope the Corps will follow up on this announcement by conducting, as I urged in my letter to the Corps of July 28, a vigorous campaign to notify all polluters of the requirements of the 1899 law and section 21(b) of the Federal Water Pollution Control Act.

I also hope that the Corps will support the current effort by Senator HART and others to add $4 million to the public works appropriation bill for fiscal year 1971—H.R. 18127—which passed the House on June 24, 1970, for the Corps to carry out this work on an accelerated pace. I urge my colleagues in the House to support this effort.

The Corps' policy of enforcing the Refuse Act is being applied somewhat gradually, because of personnel shortages.

Mr. Robert E. Jordan III, Special Assistant to the Secretary of the Army for Civil Functions who supervises the Corps civil works program, testified on July 29 before the Senate Subcommittee on Energy, Natural Resources and Environment of the Commerce Committee, as follows:

> Specifically, we are instructing all District Engineers that permits will be required for future discharges into navigable waters and that applications for such permits must be accompanied by an appropriate state certification.

> Initially we will have to concentrate on applying the permit and certification requirement to discharges from new facilities where the certification requirement is immediately effective and, with the assistance of FWQA, to discharges which are known to have a significant adverse affect on water quality. It will, of course, be impossible to individually notify all companies who now discharge into navigable waters of the requirement to apply for a permit. We will, however, through the Federal Register and other public means, attempt to make industry and concerned persons aware of our regulatory changes.

Similarly, Chairman Russell E. Train of the Council on Environmental Quality testified on August 11, 1970, before the Senate Public Works Subcommittee on Air and Water Pollution. Mr. Train said that the Council was working with the Interior and Justice Departments and the Corps in formulating a "new program" to be announced in about a month concerning enforcement of the 1899 law, regarding permit applications for "new facilities."

Mr. Speaker, I urge that the Corps' new policy of full enforcement of the 1899 law be made applicable, as soon as possible, to existing permittees, new facilities, and to existing dischargers who have failed to obtain a Corps permit. The damage to our waters and environment must be remedied with urgency.

There is one discordant item in the Corps press release of July 30, 1970:

> All actions under the Refuse Act having Water Quality implications are being closely coordinated *to insure unity in the Federal Water anti-pollution program.* (Italic supplied.)

This statement appears to reiterate the doctrine of limited enforcement of the 1899 law adopted by the Justice Department on July 10, 1970. That doctrine favors the polluter over the public's interest in preventing the pollution of our waterways.

The Justice Department has said that a polluter can continue to violate the 1899 law, if he is subject to some unspecified proceeding of the Federal Water Quality Administration. No one knows what this proceeding is. I doubt that even the Justice Department or FWQA have any understanding of what it might be.

But, most importantly, it is a doctrine that has no relevance to the 1899 law or section 21(b) of the Federal Water Pollution Control Act.

The Federal Water Pollution Control Act specifically disclaims that it, in any way, effects the 1899 law. To discharge refuse material into a navigable waterway without a Corps permit, even if treated, is a violation of the 1899 law, the law says that U.S. attorneys must vigorously prosecute the violator.

I wrote to Attorney General Mitchell on July 8, 1970, urging him to abandon that pollution-oriented doctrine, and I informed the House about this on July 15, 1970—CONGRESSIONAL RECORD, pages 24529–24531. However, I have not yet received a response from the Department.

The Corps' press release mirrors that doctrine when it states:

> All actions under the 1899 act with water quality "implications are being closely coordinated" with FWQA *to insure unity in the Federal Water antipollution program.* (Italic supplied.)

Last May the Corps and Federal Water Quality Administration announced they were preparing a memorandum of understanding on enforcement of the 1899 act which would, in effect, give the Federal Water Quality Administration, not the Corps, responsibility for enforcing that act. Under the proposed memorandum, the Corps would ask the Federal Water Quality Administration to make recommendations on each proposed enforcement action to see how the Federal Water Quality Administration "proceeding" would be affected.

As I have stated time and time again, the responsibility to enforce the 1899 act belongs solely to the Corps and the U.S. attorneys, not the Federal Water Quality Administration. The recommendations of the Federal Water Quality Administration do not alter that responsibility.

It is my hope that the Corps will not repeat the errors of the Justice Department. The Corps should resist the pressure to tie its hands through such coordination. Its only course must be to enforce the 1899 law as announced above. It must require, through all appropriate means, including criminal sanctions and civil actions, that all waste dischargers obey the law and stop the degradation of our waterways to the public's detriment and the polluter's profit.

The Congress recently stated a new national policy for protecting the environment. This policy, and the procedures to carry it out, are carefully detailed in the National Environmental Policy Act of 1969—Public Law 91–190, approved January 1, 1970—and the Environmental Quality Improvement Act—Public Law 91–224, title II, approved April 3, 1970.

Section 102(C) directs all Federal agencies, including the Justice Department, to include, in all "major Federal actions significantly effecting the quality of the human environment," a detailed statement on—

First, the environmental impact of the proposed action;

Second, any adverse environmental effects which cannot be avoided should the proposal be implemented;

Third, alternatives to the proposed action;

Fourth, the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

Fifth, any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Section 5(a) of the interim guidelines issued by the Council on Environmental Quality dated April 30, 1970 (35 F.R. 7390 7391) defines the term "actions," for the purpose of determining whether a "detailed statement" is required, to include "policy-and-procedure-making" activities of an agency.

In its "Guidelines for Litigation Under the Refuse Act (33 U.S. Code 407)" of July 10, 1970, the Justice Department states as follows—page 3:

> II. POLICY
>
> 1. The policy of the Department of Justice with respect to the enforcement of the Refuse Act for purposes other than the protection of the navigable capacity of our national waters, is not to attempt to use it as a pollution abatement statute in competition with the Federal Water Pollution Control Act or with the State pollution abatement procedures, *but rather to use it to supplement that Act by bringing appropriate actions either to punish the occasional or recalcitrant polluter, or to abate continuing sources of pollution which for some reason or other have not been subjected to a proceeding conducted by the Federal Water Quality Administration or by a State, or where in the opinion of the Federal Water Quality Administration the pollutor has failed to comply with obligations under such a procedure* * * *." (Italic supplied.)

Thus, the Justice Department, in issuing its guidelines, established a "policy" as that term is defined by the Council, but it did not, to our knowledge, prepare and send to the Council a "detailed statement," as required by the National Environmental Policy Act, on that policy.

Mr. Speaker, how can the public believe that its Government will relentlessly follow a course of protecting and enhancing the quality of the environment, when the Government's chief law-and-order agency violates one of the most important environmental protection laws of this country?

The Justice Department is quite willing to enforce the law against the occasional polluter, but not against the big corporate polluters who continuously violate our pollution laws. It is this type of ragged enforcement that breeds contempt and disrespect for the law.

I urge the Chairman of the Council to review this violation with the Justice Department and to seek the prompt recession of this unfortunate policy.

Section 21(b) was added to the Federal Water Polution Control Act by the Water Quality Improvement Act of April 3, 1970, Public Law 91–224. That section requires, as I have said, that an applicant "for a Federal license or permit to conduct any activity, which may result in any discharge into" a navigable waterway, must obtain a "certification from the State in which the discharge originates or will originate." The State must certify "that there is reasonable assurance, as determined by the State, that such activity will be conducted in a manner which will not violate applicable water quality standards" before such license or permit may be granted.

Many Members of the House and Senate have joined with me in pointing out that, if the Corps and the U.S. attorneys vigorously enforce the 1899 law by requiring polluters to get Corps permits, it will trigger the certification provisions of section 21(b). We expect these certificates will not be granted until the State is satisfied that there is, in fact, a firm basis for such assurances. In the absence of such an application for a permit, section 21(b) will not apply. Further, applicants for Corps permits must also comply with its new regulations which are designed to protect our environment.

Mr. Shiro Kashiwa, Assistant Attorney General, Lands and Natural Resources Division, does not yet seem to understand the law.

In a letter he sent to the Conservation Foundation on July 27, 1970, he said:

> I cannot agree with you that the licensing procedure you advocate would be an effective way to abate pollution. The chief defect of the plan is that it does indirectly, and re-

quires an extra step to do, what may now be done directly and without further licensing. *No person or firm at the present time is exempt from the requirement of compliance with water quality standards,* where those standards have been established; and *it is therefore completely unnecessary for the federal government to license a person's activities to subject him to those standards.* Thus your statement on page 3 of your letter that 'of no permit is required by the Corps of Engineers, then the guarantes of Section 21 (b) cannot be applied' *misses the point entirely, for it supposes that the States cannot impose their own laws on their citizens except through the medium of a federal license. The purpose of Section 21(b) of the Water Quality Improvement Act is to prevent the federal government from licensing polluting activities which are unlawful under the laws of the state where the activities occur; it is unnecessary to bring this Section into play where a federal license has not issued and the polluting activity is therefore illegal under federal as well as state law.*" (Italic supplied)

I respectfuly suggest that Mr. Kashiwa, not the Conservation Foundation, misses the point entirely.

First, not all polluters are subject to water quality standards under section 10 (c) of the Federal Water Pollution Control Act. The only polluters who are subject to water quality standards are those who discharge wastes into interstate waters covered by section 10(c) or into those noninterstate waters for which the State has adopted its own standards.

Second, Mr. Kashiwa states that the purpose of section 21(b) is to prevent the Federal Government from licensing polluting activities in violation of State laws. That is far too narrow an interpretation of the law.

Its purpose is to assure that all activities, which, in order to discharge lawfully into a navigable waterway, must obtain a Federal license or permit, will also comply with applicable Federal, State, or local water quality standards. Congress sought to assure this through the use of a certification issued by a State, or, if appropriate, by the Secretary of the Interior.

Clearly, a discharger who has failed to obtain a Corps permit under the 1899 act is not "lawfully" discharging into a waterway. Yet that discharger is discharging into a waterway, probably without consideration of applicable water quality standards. There is no assurance that a State is aware of the discharger's violation of its standards, let alone the Federal law. But, if the discharger is required to obey the law and apply for a Corps permit, it will soon come to light whether the discharger is or is not complying with applicable standards.

Third, and most importantly, as we have stated time and time again, the 1899 law is a valid act of Congress. It must be enforced. No polluter may discharge refuse into a navigable waterway without a Corps permit. The responsibility of the polluter to get a permit is not diminished or eliminated by the fact that the polluter may be violating a Federal or State law too.

Mr. Kashiwa, in his July 27, 1970 letter to the Foundation, also said as follows:

> Let me here assert that where the Department is supplied by a United States Attorney or any other source with hard evidence of a violation of the Refuse Act, and where the violation is of a type which the United States Attorney cannot under the Guidelines initiate on his own authority, this Department will authorize the initiation of the action, *unless effective measures to abate that pollution are already being taken by the Federal Water Quality Administration or by a State through court action.*" (Italic supplied.)

I am very puzzled by Mr. Kashiwa's statement when viewed in juxtaposition with the Justice Department's Guidelines.

Does he really mean that where any U.S. attorney requesting authorization to institute an action against a violator of the 1899 law shows first, that the violator is continuously discharging wastes into a navigable waterway; second, that he has hard evidence of a violation; and third, that the Federal Water Quality Administration or a State has not already taken steps "to abate that pollution through court action," the Justice Department will authorize such action? If the answer to that question is "yes," then I congratulate Mr. Kashiwa for, in effect, sacking the guidelines by defining "proceeding" to mean there must be underway a FWQA or State instituted "court action."

This would be a far cry from the totally non-public-interest position of the Justice Department, as stated in its guidelines. While it does not conclude that a Corps permit must be obtained regardless of the Federal Water Quality Administration's or a State's court action, it has the same effect. Why? Because there are no Federal Water Quality Administration abatement actions now in court under the Federal Water Pollution Control Act, and, to my knowledge, none is on the horizon.

Mr. Kashiwa's letter explains that one of the purposes of the guidelines was to acquaint the U.S. attorneys that actions not merely for fines and imprisonment, but also for injunctive relief could be brought under the Refuse Act. The report of the House Government Operations Committee emphasized this aspect of enforcement of the act. I am pleased that the Justice Department is now emphasizing it too.

I again call on the Justice Department to respond to my letter of July 8, 1970, rescind the guidelines, and vigorously enforce the 1899 law as the Corps is now doing.

I append the text of the Corps of Engineers press release of July 30, 1970; Senator Philip A. Hart's letter of August 7, 1970, to Senator Ellender urging that $4 million be added to the Corps appropriation for fiscal year 1971; and Mr. Kashiwa's letter of July 27, 1970, to the Conservation Foundation and the Foundation's reply of August 7, 1970, for inclusion in the Record at this point:

Corps of Engineers Announces New Permit Requirements

The Corps of Engineers today announced new permit requirements under the Refuse Act (33 USC 407) concerning all discharges into navigable waters. Permits will be required for all industrial discharges into navigable waters and their tributaries. New permits will be required where existing permits were granted without adequate consideration of the quality of the effluent. Permits will also be required for current discharges into navigable waters where no permits have been granted.

Applicants for new permits are now required to identify the character of the effluent and to furnish pertinent data such as chemical content, water temperature differentials, toxins, sewage, quantity of solids involved and the amount and frequency of discharge.

The Corps' revised requirements are in compliance with the Environmental Policy Act of 1969 which requires agencies to consider environmental impact in the administration of public laws, and with the Water Quality Improvement Act of 1970 which requires applicants for Federal permits to file a certification from the appropriate State that the discharge "will not violate applicable water quality standards." Under the revised procedures, the effects of discharges on water quality will be considered in processing the permit.

While permits will be required for all future discharges into navigable waters and their tributaries, the Corps of Engineers will initially concentrate on major sources of industrial pollution not covered by existing permits. The Corps hopes that through widespread knowledge of its new permit requirements including State certification, it will, along with other Federal, State, and local anti-pollution activities, encourage industries to accelerate their own anti-pollution efforts.

All actions under the Refuse Act having Water Quality implications are being closely coordinated with the Federal Water Quality Administration to insure unity in the Federal water anti-pollution program.

U.S. Senate,
Washington, D.C., August 7, 1970.

Hon. Allen J. Ellender,
U.S. Senate,
Washington, D.C.

Dear Senator Ellender: In hearings last week on mercury pollution before the Senate Subcommittee on Energy, Natural Resources and the Environment, we discussed the potential usefulness of the Refuse Act of 1899 to prevent further crises of the kind experienced with mercury. The Corps of Engineers testified that while the Act was a valuable tool for pollution control, it had not been used as such in the past. The Corps pledged, however, to begin to administer the Act aggressively if adequate staff and funding could be made available.

The Act states that no waste may be dumped into the navigable waters of the United States without a permit from the Corps. It thus provides a means to compile an inventory of all effluents being discharged into our waters and to effect pre-clearance by federal authorities of all potentially harmful pollutants in such discharges. Such inventorying and pre-clearance mechanisms, I would argue, are essential to effective water pollution control.

These mechanisms will operate, however, only if those discharging waste are made plainly aware of the permit requirements of the Refuse Act. Increased personnel will be needed both to pass on applications and to police those who fail to apply on their own initiative.

The Corps' "fact sheet" of August 4 specifies the additional personnel and funds required to "initiate expanded activity" under the Act. It is my hope that your committee will include in the bill it reports their figure of $4,000,000 for fiscal year 1971. In light of the alarming evidence of nationwide water pollution with which we are increasingly confronted, we must do what is necessary to reverse the trend. Increased appropriations for the administration of the Refuse Act, I believe, would be a major step in that effort.

Sincerely yours,
Philip A. Hart,
Chairman, Subcommittee on Energy, Natural Resources and the Environment.

DEPARTMENT OF JUSTICE,
Washington, D.C., July 27, 1970.

Mr. ARTHUR A. DAVIS,
Vice President, The Conservation Foundation,
Washington, D.C.

DEAR MR. DAVIS: I am happy to have this opportunity to answer the questions with regard to the enforcement of the Refuse Act raised in your letter of July 15, 1970 to me, and to correct the misconstruction of our Guidelines for Litigation under the Refuse Act which have been publicized by certain persons and which are reflected in your letter.

The first thing which you must realize is that the Guidelines are instructions to the United States Attorneys. The reason for the issuance of the Guidelines was that many United States Attorneys were unfamiliar with the provisions of the Refuse Act of 1899, and those who were familiar with it were uncertain as to how they might proceed to prosecute violations. For example, Section 17 of the Rivers and Harbors Act of 1899 (of which the Refuse Act is Section 13) states that "it shall be the duty of the United States Attorneys to vigorously prosecute all offenders against the * * * [Refuse Act] when requested to do so by the Secretary of the Army or by any of the officials hereinafter designated * * *." It has become increasingly common, however, for possible offenses of the Refuse Act to be reported to the United States Attorneys from sources other than those designated in the statute, and the manner of proceeding on these cases, therefore, was not clear. Very often, the reports of violations were in the most general terms—"X Company is polluting"—and nothing even remotely resembling proof in support of the allegation was presented; the problm then arose, how to obtain evidence to prove the charge in court.

Furthermore, the Refuse Act—that is, 33 U.S.C. 407—is in its express terms of criminal statute, and the only sanctions specifically provided for the violation of its provisions are fine and/or imprisonment. Obviously, thus to punish pollution without stopping it would not be of much aid to the environment.

The purpose of the Guidelines, then, was to advise the United States Attorneys that they might take action on violations of the Refuse Act reported from any *source*, to indicate to them what federal agencies could be of assistance to them in securing proof of the allegations of discharges in violation of the Refuse Act, and to acquaint them with the fact that the Department believed that actions not merely for fines and imprisonment, but also for injunctive relief could, in appropriate cases, be brought under the Refuse Act.

To this end, the first significant change in previous procedures instituted by the Guidelines was to authorize the United States Attorneys, when they had acquired what they deemed to be evidence sufficient to prove a case, to initiate on their own initiative and authority, with no need of approval from the Department of Justice in Washington, either criminal actions to punish violations of the Refuse Act, or civil actions to enjoin such violations. Prior to the authorization to bring such actions thus conferred by the Guidelines, any United States Attorney who wished to bring any type of action under the Refuse Act involving shore-based pollution, except in New York Harbor, was required to secure the approval of the Department of Justice. Thus the statement on page 2 of your letter, that prior to the issuance of the Guidelines Departmental clearance for the initiation of an action under the Refuse Act was not required, simply is not correct, and the Guidelines represent a significant decentralization of authority in the operations of the Department.

Now it is true that there are three significant areas wherein the requirement for Departmental clearance was continued. These three areas are set forth in Paragraph III-3, 4 and 5 of the Guidelines. These three exceptions embrace alleged violations of the Refuse Act by (1) State or municipalities, or persons whose actions in violation of the Refuse Act are purportedy authorized by States or municipalities; (2) persons or firms whose polluting activities are the subject of an administrative proceeding conducted by the Federal Water Quality Administration, and (3) persons or firms who are the subject of State, County or Municipal civil or criminal litigation. (A fourth exception, involving foreign vessels, is of minor consequence). In any matter falling within these three exceptions, the United States Attorney may not initiate action on his own; instead, as required by Paragraph III–7 of the Guidelines, he must assemble the facts and evidence showing that a case exists, and then, after himself making the initial decision as to whether injunctive or criminal sanctions would most be in the public interest, forward the information either to the Criminal Division or to this Division to secure authorization to bring the suit.

Much of the criticism I have read of the Refuse Act Litigation Guidelines appears to be based on the assumption that because the United States Attorneys may not themselves initiate three types of actions, then the Department of Justice will not initiate actions falling within these three areas. But this assumption is erroneous, and indeed could not have been arrived at by anyone willing to read the guidelines carefully: the first sentence of Paragraph II–1 states:

> The policy of the Department of Justice with respect to the enforcement of the Refuse Act for purposes other than the protection of the navigable capacity of our national waters, is
>
> (1) not to attempt to use it as a pollution abatement statute in competition with the Federal Water Pollution Control Act or with State pollution abatement procedures, but rather
>
> (2) to use it to supplement that Act by bringing appropriate actions either to punish the occasional or recalcitrant polluter, or to abate *continuing* sources of pollution which for some reason or other have not been subjected to a proceeding by the Federal Water Quality Administration or by a State, or where in the opinion of the Federal Water Quality Administration the polluter has failed to comply with obligations under such a procedure.

I have added the brackets and underlining to this quotation to facilitate its reading, since so many seem to have had difficulty in reading it in its ordinary form, and to emphasize that continuing industrial discharges are not automatically exempted from prosecution by the Department. In your letter, you stated on page three:

> "We recognize that the Refuse Act does not itself constitute a water pollution control program. Rather it is a means by which federal and state water quality programs can be enforced."

This, I think you will agree, is substantially the same as the quoted language from our policy statement.

But to make the matter clear beyond doubt, let me here assert that where the Department is supplied by a United States Attorney or any other source with hard evidence of a violation of the Refuse Act, and where the violation is of a type which the United States Attorney cannot under the Guidelines initiate on his own authority, this Department will authorize the initiation of the action, unless *effective* measures to abate that pollution are already being taken by the Federal Water Quality Administration or by a State through court action.

This brings us to your suggestion that the Corps of Engineers use its permit authority to require polluters to obtain licenses, thereby requiring them to comply with applicable water quality standards. What policies the Corps of Engineers might adopt with respect to the issuance of licenses under the Refuse Act is, of course, a matter for the Corps to decide, but I cannot agree with you that the licensing procedure you advocate would be an effective way to abate pollution. The chief defect of the plan is that it does indirectly, and requires an extra step to do, what may now be done directly and without further licensing. No person or firm at the present time is exempt from the requirement of compliance with water quality standards, where those standards have been established; and it is therefore completely unnecessary for the federal government to license a person's activities to subject him to those standards. Thus your statement on page 3 of your letter that "if no permit is required by the Corps of Engineers, then the guarantees of Section 21(b) cannot be applied" misses the point entirely, for it supposes that the States cannot impose their own laws on their citizens except through the medium of a federal license. The purpose of Section 21(b) of the Water Quality Improvement Act is to prevent the federal government from licensing polluting activities which are unlawful under the laws of the state where the activities occur; it is unnecessary to bring this Section into play where a federal license has *not* issued and the polluting activity is therefore illegal under federal as well as state law.

In my opinion, the policy we are pursuing is the one most calculated to obtain the maximum results from existing statutes. Since, under our Guidelines, the United States Attorneys now have considerable authority to initiate actions under the Refuse Act on their own, I do not know how many actions have been initiated by them since June 15, and I expect that it may be some time before we can have these figures. We have attempted to act promptly on the requests for authorization which have been sent in to us pursuant to the Guidelines; as you may have read, we recently authorized the United States Attorney in New Haven, Connecticut to initiate actions against the City of Bridgeport and five firms within the city to enjoin their violations of the Refuse Act. We have given similar authority to the United States Attorney in Cleveland with respect to the continuing violations of the Refuse Act committed by a chemical company. On Friday, July 24, having been supplied with evidence of violations by the Department of the Interior, we authorized the United States Attorneys to bring actions to enjoin the discharges into the navigable waters of the United States of mercury issuing from ten plants. Other requests for authorization are under study.

One of the most important things for you to be aware of is that the greatest limitation on our ability to bring actions under the Refuse Act is not that statute, or any other statute, or our policies thereunder, but the acquisition of substantial evidence to prove the charge. It is apparently your assumption that the Corps of Engineers has referred to the Department of Justice many alleged violations of the Refuse Act, which the Department has failed to prosecute; I think that if you will check with the Corps of Engineers, and its regional offices, you will find that in fact the United States Attorneys have asked the Corps of Engineers to supply data or evidence with respect to many alleged violations, but that the Corps, because of limitations of manpower, simply has not been able to investigate these alleged violations, or to supply the required data. Lacking proof of a violation of the Refuse Act, the United States Attorneys cannot go to Court. Improved ways of obtaining proof, and the opening up on the local level of channels of communication between the United States Attorneys, the regional offices of the Corps of Engineers, and the local offices of the Federal Water Quality Administration, are subjects which are now under discussion. I believe that the situation will improve considerably in the near future, and that if you but observe our implementation of the Guidelines, you will be more than satisfied with the actions we take.

Sincerely,

Shiro Kashiwa,
Assistant Attorney General.

The Conservation Foundation,
Washington, D.C., August 7, 1970.

Hon. Shiro Kashiwa,
Assistant Attorney General, Lands and Natural Resources Division, Department of Justice, Washington, D.C.

Dear Mr. Kashiwa: We appreciate your response to our letter of July 15 regarding the Justice Department Guidelines for Litigation under the Refuse Act. Your letter has, indeed, clarified the Department's position.

The need to inform U.S. Attorneys about Refuse Act remedies is, as you explain, understandable. Certainly we agree that the Refuse Act could be used with more effect if U.S. Attorneys were made more familiar with it.

Our basic difficulty, which your letter has not dispelled, is with the underlying policy of the Guidelines. There is a difference between use of the Refuse Act as a supplement to the federal and state water quality program, and its use as an enforcement tool to pursue that program.

This difference is highlighted by the statement in your reply that water quality standards can be obtained without regard to the provisions of Section 21(b) of the Water Quality Improvement Act. You note that "no person or firm at the present time is exempt from the requirement of compliance with water quality standards, where those standards have been established; and it is, therefore, completely unnecessary for the Federal government to license a person's activities to subject him to those standards." Your letter goes on to say that our recommended use of Section 21(b) "misses the point entirely, for it supposes that the states cannot impose their own laws on their citizens except through the medium of a federal license."

XUM

The policy you articulate disregards the theory behind the Federal Water Pollution Control Act; federal leverage is required to force states to establish and implement water quality standards. Mercury dumping is only one example indicating that while states now have a water pollution permit system, they frequently neglect it. That the Federal government should insist on such state attention to individual polluters is consistent with current federal water pollution policy. Therefore, Section 21(b) requires states to implement their pollution controls under federal supervision over all U.S. navigable waters, whether or not intrastate. Federal policing initiative under the Federal Water Pollution Control Act is, of course, limited to interstate pollution.

Use of Refuse Act permits under Section 21(b) likewise allows quick federal enforcement of state water quality standards through injunctive remedies, rather than under the six month procedures on which FWQA must rely. Where the Federal government alone has testing facilities capable of detecting pollution, especially the toxic variety like mercury, this injunctive use of Refuse Act remedies under Section 21(b) is both logical and necessary. Once Corps permits were issued in accordance with Section 21(b), the Federal government would be in a position to take quick abatement action when it determines that state water quality standards were being violated in U.S. navigable waters.

We are heartened, of course, to know that the Justice Department has taken action against certain companies now dumping mercury in violation of the Refuse Act. We hope that the Department will take similar action against the unlawful discharge of other insidious, less notorious substances in the future. That such actions have been difficult to bring because U.S. Attorneys lack information on Refuse Act violations should be easily remedied. It is true, as you state "that the Corps, because of limitations of manpower, simply has not been able to investigate these alleged violations or to supply the required data." But although the Corps does require a larger staff in its district permit offices, expertise on these matters resides with the FWQA and not the Corps. Vigorous efforts of the Justice Department would seem best directed to ensure optimum cooperation from the FWQA. We look forward to early and satisfactory reports of your current efforts to improve the relations between Justice and the FWQA.

We were gratified to learn that the Department will authorize actions under the Refuse Act "unless effective measures to abate that pollution are already being taken by the Federal Water Quality Administration or by a state through court action." As we observe the Department's implementation of the Guidelines, we share your hope that we will be satisfied with the results.

Sincerely,

Arthur A. Davis,
Vice President for Operations.

SPEAKERS FOR AMERICA, INC., NATIONAL MEETING TO BE HELD IN DALLAS, TEX.

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. Kee), is recognized for 10 minutes.

Mr. KEE. Mr. Speaker, on Wednesday, July 15, 1970, I brought to the attention of the Nation through the Congressional Record, "The No. 1 Problem of America: Drug Abuse." In addition to my remarks, I inserted for all to read an article which I fully and completely endorsed, written by Mr. Zig Ziglar, chairman of the board of trustees of Speakers for America, Inc., and a truly effective and concerned leader.

Mr. Speaker, I also wrote to each Member of the House, extending an invitation to attend the national convention to be held at the Statler-Hilton Hotel in Dallas, Tex., on Saturday, August 29 and Sunday, August 30, 1970, beginning each day at 2 p.m.

The meeting on the 29th will be primarily an organizational one which will be open to the decisionmakers of America. The meeting on August 30 will be open to the general public and we are all extremely fortunate to have our most distinguished colleague, Congressman Claude Pepper, of Florida, chairman of the Select Committee on Crime of the House of Representatives, deliver the principal and most informative address.

Mr. Speaker, this is the very first time in the history of America that outstanding Americans have joined together to hold a national convention on this matter of not only the most vital problem in America, but a matter that will determine the future leadership of America in the very near future which, in turn, will determine the form of government in which the younger generations will live. In addition to Chairman Pepper we owe a deep gratitude to the Honorable John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, for his full and complete cooperation.

This national convention of concern to American citizens has been properly designated "the most important sales meeting in history." The time has arrived when we must sell America to Americans if we are to preserve our heritage and prevent anarchy. This nonprofit corporation was officially chartered by the State of Texas on August 6, 1970, charter No. 279011.

Mr. Speaker, the major domestic problem of our Nation is drug abuse. We must eliminate the continued growth of this destroyer of America in the process of selling America to all Americans.

Both meetings will be informative and factual. It is my hope that responsible citizens who can possibly do so will attend and learn from the discussions that will be held. This additional knowledge will enable our concerned citizens to be more effective in presenting known facts to those who ask the question, "What can I do?"

In conclusion, Mr. Speaker, I hope to see as many of our colleagues or their representatives in Dallas for the reason that each of us will learn and, therefore, prevent the destruction of America.

CANNING THE CONTROLLERS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, most of us in this House are regular air commuters; I myself fly virtually every weekend to my district and back. As a frequent air traveler, I am keenly aware of the responsibilities of the air controllers who guide aircraft along their paths, and who are responsible for directing the traffic in the thickly filled airspaces of metropolitan areas.

Most of us know that the air controllers have tasks so onerous that the controllers are subject to physical and mental stresses that few men can long tolerate. Indeed many air controllers suffer at an early age from diseases associated with prolonged exposure to extremely tense work that requires hour upon hour of sustained concentration.

Most of us know too that the air controllers work very often with inadequate and outmoded equipment; they make the air traffic control system work despite the system itself.

Most of us know that the air traffic controllers are underpaid, and that they ought to receive consideration for more pay and for early retirement, in consideration of the stress of their jobs and the relatively short worklife that a man can endure in this occupation.

Most of us admire the air traffic controllers, and sympathize with them in their efforts to obtain better pay and better working conditions. We agree with them that there is a need for better equipment and more men to work in the control system.

Knowing all of this, I am surprised to learn that the FAA is taking pains to fire controllers who recently were said to be responsible for starting a massive "sick-in" that slowed air traffic, and for instigating what the FAA says were work slowdowns to dramatize their demands.

Now I can understand that the FAA does not want to be embarrassed by employees who are trying to tell the public that their boss is imperfect, and in fact might not be too bright. But these FAA employees have done no more and in fact have done less than postal workers who went on strike to dramatize their pay demands, or the Government Printing Office personnel who did the same thing. Yet the Post Office and the GPO has not fired anyone. Why should the FAA fire controllers who are supposed to be union leaders when the only thing they have done is to first, instruct their men to report in sick when they felt sick, and second, to control air traffic according to FAA regulations.

The answer might be that the controllers did strike. But it could also be that they simply decided to follow the book, and show what would happen to the air traffic control system if the controllers actually lived by the FAA's own rules. Perhaps the FAA is trying to discourage these tactics because it does not want the public to become alarmed or concerned about the safety of the control system that it devised and is responsible for.

I can understand this, just as I understand why the FAA a few years ago juggled its regional traffic control system in the Texas area from a location in my district to another—it was not to promote air safety, or improve controlling—it was a purely political move, designed to take advantage of the ambitions of the then administrator. The FAA could not defend that move then and they cannot now. But what was relevant about this episode was that the FAA did not want to have any public discussion about the air safety aspects of the move. At first the Administrator reacted angrily to my protests; but then confronted with technical arguments he receded behind the safe walls of bureaucratic obfuscation.

The FAA could not can me, but it can and has begun to purge controllers who dare challenge them.

This is a most unfortunate thing; it is bad precedent, because it is unfair; it is poor administration because it is manifestly contrary to established practice; and it is dangerous politics because it clearly intends to show any controller that he cannot criticize the FAA or the air traffic control system—even if he knows that it is dangerous—for fear of losing his job. And as everyone knows, for air traffic controllers there is only one game in town, and that one is run by Uncle Sam, who it seems will tolerate strikes by some, but not protests by others. Could it be that the FAA cannot accept protests because it knows that the controllers are right, and cannot afford to admit that they are right? I wonder.

VISION AND FORESIGHT ON THE CAPTIVE NATIONS WITH A SPECIAL HOUSE COMMITTEE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD), is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, the recent and highly successful 1970 Captive Nations Week observance stressed the need for vision and foresight with regard to all of the captive nations, particularly those in the Soviet Union. This need can be satisfied by creating a Special House Committee on the Captive Nations. One of the salutary results of the 1970 week is a new drive among our citizenry for such a committee. Dozens of our Members have submitted resolutions favoring this special committee. We look forward to action on this vital measure in the period ahead.

Many Members were struck by the passage in the appeal made by Dr. Lev E. Dobriansky of Georgetown University and chairman of the National Captive Nations Committee for our implementation of the Captive Nations Week Resolution passed by the Congress in 1959:

> Ironically enough, as all reports at this stage show, the captive nations in Eastern Europe, the U.S.S.R., Asia and Cuba, not to speak of the near-captives in Southeast Asia and elsewhere, have far more faith in the historic role of America than some segments of our populace. Congress can responsibly and assertively rectify this lag by (1) creating a Special House Committee on the Captive Nations, which would unquestionably offset the appalling ignorance of our youth and others regarding the captive nations.

This objective would be only one among many. Most important would be the development of a vision and foresight concerning the captive nations that would contribute substantially to our foreign policy by substituting this for our current play-it-by-ear approach.

As is well known, our play-it-by-ear policy has not proven to be fruitful and successful against the aggressive forces of Soviet Russian imperio-colonialism.

The wealth of ideas and knowledge to be gained through a special committee is suggested in part by the forum and activities of the observance itself, as illustrated by the following: Proclamations by Gov. Louie B. Nunn of Kentucky, Gov. John Dempsey of Connecticut, and Gov. Frank Licht of Rhode Island; also proclamations by Mayor Roman S. Gribbs of Detroit, Mayor Moon Landrieu of New Orleans, Mayor Joseph L. Alioto of San Francisco, and Mayor Thomas J. D'Alesandro III of Baltimore; news reports and releases on the Boston observance, the one in Cleveland, and the one in Los Angeles; further accounts of the observances in Free China, Midland, Tex., New York, Philadelphia, and Detroit; and a letter to the editor of the Pittsburgh Press, one in the Greensboro, Pa., Tribune Review, and a release by Women for Freedom.

The material follows:

PROCLAMATION BY THE GOVERNOR OF THE COMMONWEALTH OF KENTUCKY

To All To Whom These Presents Shall Come:

Whereas, In accordance with Public Law 86–90, unanimously adopted by the 86th Congress, the President of the United States will proclaim the third week of July as Captive Nations Week, following the tradition established by all his predecessors over the last eleven years; and

Whereas, The observance of Captive Nations Week provides another tangible demonstration of the free world's support of the aspirations of the peoples of East-Central Europe to freedom; and

Whereas, Public observances of Captive Nations Week 1970 in the United States would encourage these people in continuing to persevere in their quest for greater freedom; and

Whereas, This observance will dramatize the quest for universal peace through freedom and will help promote the spiritual unification of Europe and its eventual political reunification;

Now, therefore, I, Louie B. Nunn, Governor of the Commonwealth of Kentucky, do hereby proclaim the period of July 12–18, 1970, as Captive Nations Week in Kentucky, and urge the citizens of this Commonwealth to observe this week with appropriate ceremonies and activities.

LOUIE B. NUNN,
Governor.

OFFICIAL STATEMENT ON CAPTIVE NATIONS WEEK, JULY 12 THROUGH 18, 1970, BY JOHN DEMPSEY, GOVERNOR OF CONNECTICUT

Captive Nations Week, observed annually since 1959 in accordance with legislation approved by the Congress of the United States, is a tangible sign that we share in the free world's opposition to Communist oppression.

Observed this year from July 12 through 18, Captive Nations Week is an occasion which again calls public attention to the plight of millions of people in Europe and Asia who are deprived of their national independence and their individual liberties.

It is fitting that we, as citizens of a nation long regarded as a citadel of human freedom, take note of Captive Nations Week as a means of sustaining the morale of the residents of captive nations.

Let us reaffirm, therefore, at this time our support of the just aspirations of the people of the captive nations who seek only their true right to independence and self-determination.

PROCLAMATION ON CAPTIVE NATIONS WEEK BY FRANK LICHT, GOVERNOR OF RHODE ISLAND

As the world is buffeted by a combination of limited wars, police actions, and general strife; it is important to remember the people of the captive nations who live under the yoke of foreign domination.

The freedom-seeking people of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania need the moral support of the free world as they pursue their aspirations to become liberated. Now, therefore, do I, Frank Licht, Governor of the State of Rhode Island and Providence Plantations, proclaim the week of July 12–18, 1970, as Captive Nations Week and urge the people of Rhode Island to commemorate this week with solemn observations.

CAPTIVE NATIONS WEEK JULY 12-18, 1970

Whereas, since 1920, the imperialistic policies of Communist Russia have led to the subjugation of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others, and

Whereas, arresting and containing the spread of Communistic poison is vital to the preservation of the national security of the United States which stands in danger of becoming surrounded by hostile forces whose objective is the weakening of America's effectiveness as the leader of the fight to pre-

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service individual freedom and dignity, and

Whereas, the National Captive Nations Committee from its headquarters in Washington, D.C., maintains continuous moral pressure on Russia to abandon its role of tyrant and oppressor in keeping with the United Nations Universal Declaration of Human Rights

Now, therefore, I, Roman S. Gribbs, Mayor of the City of Detroit, do hereby proclaim the week of July 12-18, 1970 as Captive Nations Week in Detroit and urge all citizens to support our government's efforts to restore liberty and independence to the millions of people who are innocent victims of Communist aggression and terror.

PROCLAMATION OF CITY OF NEW ORLEANS

Whereas, the imperialistic policies of international communism have resulted, through direct and indirect aggression in the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, the Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Armenia, Azerbaijan, Georgia, Mainland China, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Crossakia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the cause of individual and sovereign right, remains a universal aspiration; and

Whereas, the freedom-loving peoples of these captive nations look to the United State as the citadel of human freedom; and

Whereas, the Congress of the United States in June 1959 passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate programs, ceremonies and activities expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence:

Now, therefore, I, Moon Landrieu, Mayor of the City of New Orleans, do hereby proclaim the period of July 12 through July 18, 1970, to be Captive Nations Week in New Orleans.

PROCLAMATION OF THE CITY OF SAN FRANCISCO

The Captive Nations Committee, Northern California, has requested support for the forthcoming Captive Nations Week in the United States during July 20–25, 1970.

Public Law 86–90, enacted by the Congress of the United States July 17, 1959, calls for the national government and the American People to extend all possible help to the peoples who are true allies of the United States.

Many peoples of the world continue to struggle for the God-given rights of freedom and independence and look to the West, especially our Nation, for moral support, guidance and encouragement.

Now, therefore, I, Joseph L. Alioto, Mayor of the City and County of San Francisco, do hereby proclaim the week of July 20–25, to be one of special observance of the national aspirations and goals of all freedom and independence loving peoples of the world, and I call on all San Franciscans to join in local observances during this week reaffirming their solidarity with all people who seek the goals of freedom and independence.

PROCLAMATION BY MAYOR THOMAS J. D'ALESANDRO III DESIGNATING THE WEEK OF JULY 12, 1970 AS CAPTIVE NATIONS WEEK IN BALTIMORE

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week, and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence.

Now, therefore, I, Thomas J. D'Alesandro, III, mayor of the City of Baltimore, do hereby proclaim the week of July 12, 1970, as "Captive Nations Week" in Baltimore, and call upon the citizens of Baltimore to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

BOSTON COMMUNITY OBSERVED CAPTIVE NATIONS WEEK

BOSTON, MASS. /O. S./—A motorcade of over forty cars through the main streets of downtown Boston and the placing of a wreath at the Washington Monument at Boston Public Garden highlighted the observance of this year's Captive Nations Week in this historic city on Saturday, July 18, 1970.

Held at noontime when hundreds of shoppers were on the streets, the motorcade proceeded through the busy streets in downtown Boston and attracted thousands of viewers. All cars were decorated with banners which called viewers' attention to the captive nations and their struggle for freedom: "Freedom for Ukraine and all captive nations," "Freedom of Latvia," "Freedom for Lithuania," "Yes, Virginia, Soviet Union is a prison of captive nations," "UN investigate poisoning of Ukrainian political prisoners" and others. The motorcade included a public address truck which transmitted to the public short messages about the purpose of the CNW. The announcements were delivered by Att. Anna Chopek of the Ukrainian group.

The observance was sponsored by the Ukrainian Congress Committee of America (Boston Chapter), Latvian American National League of Boston and Lithuanian American Council of Greater Boston.

CEREMONY AT BOSTON PUBLIC GARDEN

The ceremony at Boston Public Garden was opened with the singing of the American national anthem. Att. Anna Chopek lead the gathering with the recitation of the pledge of allegiance and also read Governor Francis W. Sargent's CNW proclamation. Rev. Oswald Blumit of the Latvian group delivered a prayer for the freedom of all captive nations. Representatives of Ukrainian, Lithuanian and Latvian organizations placed a wreath at the Washington Monument. Konrad Husak, President of the Boston UCCA, represented the Ukrainians. In conclusion, Orest Szczudluk, Vice President of the Boston UCCA and Marshal of the parade, spoke briefly on the purpose of the CNW. The speaker, having enumerated all captive nations, called upon the assembled to work for the establishment of a Special Committee on Captive Nations in Congress.

PRESS AND TELEVISION COVERAGE

All Boston newspapers, television and radio stations received a special press release about the parade and CNW. The Boston Globe covered the parade in the July 19th and 21st editions. Channel 5—WHDH covered it in the evening news edition. Boston Record American printed a letter, under the heading "Not part of Russia," about Ukraine and CNW in the July 31st edition. Special articles also appeared in the Lithuanian weekly Keleivis and in the Armenian Weekly.

GOVERNOR'S PROCLAMATION

As in previous years, Governor Francis W. Sargent issued a proclamation, designating the week of July 12 to 18 as "Captive Nations Week" in Massachusetts. "During his annual celebration," the proclamation read in part, "Americans of all extractions throughout our nation have the opportunity to manifest that we share with those nations held in bondage their aspirations for the recovery of their freedom and their independence."

At the ceremony in the Governor's office, the Boston Chapter of the Ukrainian Congress Committee of America was represented by Konrad Husak and Orest Szczudluk, President and Vice President respectively.

[From the Boston (Mass.) Evening Globe, July 21, 1970]

BOSTON P.M.

When a group gathers on Boston Common or Public Garden after a parade through the streets of Boston—and doesn't cause a ruckus—that's news.

The other day, a cavalcade of autos manned by members of the Ukrainian Congress Committee of America, Inc., convened at the Prudential Center, made a fast run downtown and wound up on Arlington street.

A group of 50 to 60 marched across the Garden, over the little footbridge crossing the pond filled with swan boats gliding slowly by, and on to the statue of George Washington.

There was a small contingent of Boston Police waiting (just in case of trouble from hecklers?), but everything remained peaceful. The group sang The Star Spangled Banner (a cappella), recited the Pledge of Allegiance, read Gov. Sargeant's proclamation on "Captive Nations Week" and placed a wreath on the greensward in front on the statue.

The police drifted off, and the little knot of men and women quietly walked away, leaving the area to the ubiquitous pigeons and the long and short-haired strollers on a hot Saturday afternoon.

"Captive Nations Week," proclaimed by Congress in 1959, was so named to remind the American public of the nations which, through the years, have lost their independence. Cited by the governor were Armenia, Latvia, Lithuania, Estonia, Hungary, Poland, Rumania, Azerbaijian, Byelorussia, Cossackia, Albania, Serbia, Croatia, Slovenia, Bulgaria, North Korea, Czechoslovakia, mainland China, Tibet, North Vietnam and Cuba.

[From the Boston (Mass.) Record American, July 31, 1970]

NOT PART OF RUSSIA

We are gratified that Ivanka Myhal, a noted Ukrainian mezzo-soprano, received recognition in the Harold Banks column in the Record American of July 8. However, Harold Banks' identification of Ukraine as "Russia's Ukraine" was incorrect. Ukraine, a country of

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232,000 sq. miles and 47 million people, belongs to Ukrainians, who have a distinctive history and culture. Because Communist Russia brutally destroyed the Ukrainian National Republic in 1920, the loss of Ukraine's independence did not make it part of Russia. The week of July 12–18 is observed as "Captive Nations Week" in this country. One of its objectives is to focus our attention on captive nations whose independent states were destroyed by Communist Russia: Ukraine, Armenia, Byelorussia, Georgia, Latvia, Estonia, Lithuania and others. It is also very important to note that the name of Russia cannot be identified with that of the Soviet Union. The Soviet Union is a colonial . . . primarily downward. Seeing a renewal of captive nations have outnumbered Russians. sus in the Soviet Union, the non-Russian captive nations have outnumbered Russians.

Orest Szczudluk,
Vice President, Ukrainian Congress Committee of America (Boston Chapter).

Press Release

Boston, Mass.—A motorcade through the streets of downtown Boston on Saturday, July 18, 1970, will mark this year's observance of the "Captive Nations Week." The motorcade will start at 12:00 noon from the John B. Hynes Civic Auditorium and will end on Arlington Street in front of the George Washington Monument in the Boston Public Garden, where a wreath on behalf of the captive nations will be placed. It is sponsored by Ukrainian Congress Committee of America, Inc., Lithuanian American Council of Greater Boston and Latvian American National League of Boston.

Governor Francis W. Sargent designated the week of July 12–18, 1970, as "Captive Nations Week" in Massachusetts. "Captive Nations Week" proclamations were also issued by President Richard M. Nixon, many governors and mayors.

Enacted by Congress in 1959, the purpose of the "Captive Nations Week" observances is to reacquaint the public with the captive nations which lost independence to Communist Russia: Ukraine, Armenia, Latvia, Lithuania, Estonia, Byelorussia, Georgia, Cossakia, Turkestan and others. We are also reminded that the "satellite" nations of Hungary, Czechoslovakia, Rumania and Poland cannot pursue their national policies unless "approved" by Moscow.

During this annual observance, Americans have the opportunity to manifest that we share with the captive and satellite nations of Central and Eastern Europe, as well as with the captive nations throughout the world, their aspirations for the recovery of their freedom and their independence.

Press Release

Boston, Mass., July 18.—A motorcade of over 50 cars paraded here through the streets of downtown Boston in observance of the annual "Captive Nations Week." Cars carried colorful posters which called public attention to the captive nations and their struggle for freedom. The posters read: "July 12–18 is 'Captive Nations Week'," "Freedom for Ukraine," "Freedom for Latvia," "Freedom for Lithuania," "U.N. investigate Moscow's atrocities in captive countries."

The parade ended in the Boston Public Garden, where a brief ceremony was held in front of the George Washington Monument. Over 400 concerned citizens said a prayer for captive nations and also heard Governor Sargent's proclamation, which called upon Americans to manifest our support for the freedom and independence of the captive nations under Russian Communist domination. A wreath on behalf of the captive nations was also placed in front of the monument.

This year's observance was sponsored by Ukrainian Congress Committee of America, Inc., Lithuanian American Council of Greater Boston and Latvian American National League of Boston.

The purpose of the "Captive Nations Week" observance is to stress that the Soviet Union is a totalitarian empire, consisting of captive non-Russian nations: Ukraine, Latvia, Lithuania, Estonia, Byelorussia, Georgia, Turkestan and others. It is also to point out that the "satellite" nations of Poland, Hungary, Czechoslovakia and others are controlled by Moscow.

Reports from the captive nations indicate that these nations are the thorn in the Russian Communist empire. It is important to repeat that Czechoslovakia's short-lived freedom was brutally destroyed by Moscow, because the Kremlin feared that the spirit of independence and freedom will spread to Ukraine, Latvia, Lithuania, Estonia, Byelorussia, Georgia, Armenia and all captive nations.

July 10, 1970.

Dear Friend: The American Nationalities Movement of Greater Cleveland will hold a World Forum for Captive Nations on July 17, 1970, at St. John's College Auditorium, Cathedral Square, East 12th and Superior Avenue, at seven thirty in the evennig.

Accusations against communist oppression of Captive Nations will be presented by "accusors" on behalf of each oppressed nation.

A panel of judges will preside over this World Forum representing various areas of public opinion: labor, business, science, art, politics, education and minorities.

Among the judges are: Appeals Court Judge John M. Manos, Common Pleas Judge Alvin I. Krenzler, Common Pleas Judge Perry B. Jackson, Cleveland Municipal Court Judge Norman Fuerst, Professor Michael S. Pap, Institute for Soviet Studies, John Carroll University, Professor of Law Howard Oleck, Cleveland Marshall Law School of Cleveland State University, Mr. James Iafelice, District President of the International Association of Machinists (AFL-CIO), Attorney William Petro, Sr. and Honorable Ralph J. Perk, founder and chairman of the Movement, who will act as Chief Judge.

The chief prosecutor will be Attorney Nicholas A. Bucur, who will deliver the final summation and the Chief Judge, Honorable Ralph J. Perk, will submit the case to world public opinion with an appeal for help and action.

The chief purpose of the World Forum is to commemorate Captive Nations Week and to remind ourselves and the entire free world of the real historical conduct of the Soviet Union, marked by genocide, brutality and tyranny. The World Forum will end with ecumenical prayers for all victims of communist persecution and for world peace and freedom for all nations.

We earnestly urge your attendance. Bring your family and friends, and invite everyone who is interested in the cause of the Captive Nations. Parking facilities are alongside the Cathedral.

Hoping to see you on July 17th, on this momentous occasion, we remain,

Sincerely yours,

Ralph J. Perk,
Chairman.

Program Commemorating Captive Nations Week, Los Angeles, July 11, 1970

ACKNOWLEDGMENT

Local Committee: Bernard Nuremsen, President; Nick Medvid, Secretary; Olgiert Klejnot, Treasurer.

General Chairman: Nivk Medvid, Ukrainian.

COORDINATORS

Welcome at Airport, Mykola Novak, Ukrainian.

July 10 evening reception, Bernard Nuremsen, Estonian.

Commemorative Program at City Hall, July 11, Antoinette Rydzeski, Polish.

Luncheon July 11th, Olgiert Klejnot, Polish.

City Council Reception, July 13th, Dora Gabensky, Bulgarian.

Rededication Ceremonies at Freedom Fighter's July 18, Dr. Geza W. Rethy, Hungarian.

Captive Nations Exhibit at City Hall July 20–24, Ivan Metkovich, Vladimir Novak, Stephen Cadovec, Croatian.

And to the countless others who have helped financially and morally to bring the message of the Captive Nations before the eyes of our citizens.

PROGRAM

Opening Salute, Bernard Nuremsen, President Local Chapter.

Welcome and Introduction of Master of Ceremonies, Antoinette Rydzeski of the Polish Community.

Master of Ceremonies, Robert K. Dornan, Channel 5 Commentator.

Presentation of Colors, Polish Army Veterans No. 173, Pulaski Post No. 542, Polish Veterans Association.

Pledge of Allegiance, Ava Szurangyi of the Hungarian Community.

Star Spangled Banner, Edward Partyka of the Polish Community.

Invocation, Rev. Alexander E. Pinter of the Hungarian Community.

Greetings, Mayor Sam Yorty.

Reading of Mayor's Proclamation, Edward Martinez, Chief of Protocol.

City Council Resolution, Councilman R. Stevenson.

Board of Supervisors Resolution, Mr. Robert Donaghue, Deputy for Sup Debs.

America the Beautiful, God Bless America, Polish Community Choir and General Assembly.

Address, Dr. Lev Dobriansky, National President of A.F.C.N.

Response, Dr. Anthony Butkovich of the Croatian Community.

Recognition of Special Guests or messages.

Acknowledgment, Nick Medvid, General Chairman.

Benediction, Right Rev. Dr. M. Ognyanov of the Bulgarian Community.

Americans for Freedom
of Captive Nations,
Los Angeles, Calif.

You are cordially invited to attend the ceremony opening the Captive Nations Exhibit in the Rotunda of the Los Anglees City Hall, on Monday, July 20, 1970 at 4:00 P.M.

This exhibit will be a graphical presentation depicting the cultural, historical and social events of those nations forced to live under communism, known as Captive Nations.

The exhibit is in conjunction with the commemorative program of Captive Nations Week which was proclaimed by President Nixon, in July.

The exhibit will be on display from July 20 through July 24, 1970 during the business hours of City Hall and is under the auspices of the Americans for Freedom of Captive Nations in cooperation with Mayor Yorty and our City Council.

Chairman of the exhibit is Mr. Tom Gabric, assisted by Mr. Vladimir Novak.

Sincerely,

Nick Medvid,
Chairman, Captive Nations Week.

Captive Nations Week

Mayor Yorty and many civic and community leaders, members of the Los Angeles City Council have been invited to attend the Ribbon Cutting ceremony of the Captive Nations Exhibit. This exhibit will be located in the Rotunda of the Los Angeles City Hall, and officially opened on Monday, July 20, 1970 at 4:00 P.M.

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This exhibit will be a graphical presentation depicting cultural, historical and social events of those nations forced to live under communism, known as Captive Nations.

The exhibit is in conjunction with the commemorative program of Captive Nations Week which was proclaimed by President Nixon in July.

The exhibit will be on display from July 20 through July 24, 1970 during business hours of the City Hall and is under the auspices of the Americans for Freedom of Captive Nations, in cooperation with Mayor Yorty and our City Council.

Chairman of the exhibit is Mr. Tom Gabric, assisted by Mr. Vladimir Novak.

Free China To Hold Captive Nations Week Rally Friday

Taipei, July 15.—Some 2,000 representatives from all walks of life in the Republic of China will hold a mass rally on Friday at the City Hall to support the "Captive Nations Week" campaign.

Ku Cheng-kang, honorary chairman of the World Anti-Communist League, will preside over the meeting.

Vice President C. K. Yen and P. M. Cranes, U.S. Congressman (Republican-Illinois) who is to arrive here tomorrow to attend the rally, are expected to give speeches on the occasion.

The central theme of this year's Captive Nations Week campaign (July 16-July 22) is to urge the free world to fight for the victory of freedom in the 70s.

Other activities include seminars, prayer meetings, and broadcast programs.

Freedom seekers in Taiwan will hold a seminar tomorrow to discuss ways and means of helping mainland people fight the Communists.

Religious bodies will hold prayer meetings to pray for the liberation of the enslaved peoples at an early date.

The China Youth Corps will sponsor an international youth conference to support the campaign.

All the activities will be broadcast to the people behind the Iron Curtain encouraging them to fight for freedom.

The Captive Nations Week, initiated by the United States in 1959, is aimed at helping enslaved people regain freedom.

The Committee for the Freedom of Captive Nations in this country was set up in 1961.

President Chiang Urges Moral Courage for Winning Freedom

Taipei, July 16.—President Chiang Kai-shek said that peace cannot be had without toil and freedom must be gained with moral courage.

In a written message prepared for delivery to the Captive Nations Week rally tomorrow the President added: "A bright world of true peace can emerge only when the earth is without an Iron Curtain and an international society of lasting security can be born only when mankind is completely free from slavery."

The message will be read at a 3,000-man rally to be held tomorrow morning at the City Hall. Dr. Ku Cheng-kang, honorary chairman of the World Anti-Communist League, will preside over the gathering.

Under the impact of man's desire for freedom, President Chiang pointed out, many tyrannical regimes have been overthrown one after another in the course of history.

"The Communist totalitarians today far exceed all the preceding tyrants in their atrocious and vallainous disregard of human nature, destruction of human rights and persecution of people," he said. "But tyranny is destined to perish and slavery ultimately will fail."

President Chiang charged that the Chinese Communists are resorting to all extremes in their oppression of people under their rule.

He said that anti-Maoist and anti-Communist forces are growing constantly everywhere waging struggles of life or death against the Peiping regime and gradually shaping up an anti-Mao and national salvation united front.

"No matter what may come, we must hold fast to our stand as protectors of freedom and strive to launch a mainland counter-attack at an early date, thereby freeing our compatriots from their suffering plight," the President declared.

"This is our solemn responsibility to our compatriots and also the way to eliminate the source of scourges in Asia," he added.

The President deplored that a small number of short-sighted Americans are fanning the air of appeasement because of their lack of knowledge of the true situation.

"We are sure that no one can obstruct the forward-moving power of history," he said.

The Chinese Chief of State expressed his belief that the downfall of Communist tyranny will be a certainty when the anti-Communist force of the peoples behind the Iron Curtain and the supporting strength of the free world are brought into contact and merged as one.

Meanwhile, U.S. Congressman Philip M. Crane (Republican-Illinois) said that all free Chinese in Taiwan have a splendid opportunity to serve as a beacon to the people suffering under the Communist rule on the Chinese mainland.

"It is to you that your fellow Chinese on the mainland look for guidance and hope," he said.

The U.S. congressman arrived here today to take part in the Captive Nations Week activities here.

Answering questions at the airport, he said he supports President Richard Nixon's policy on Indochina, especially the U.S. military operations in Cambodia.

He said the anti-war movement in the United States is promoted by a few young people who are misled by Communist or pro-Communist propaganda. The majority of the American people support President Nixon's policy, he added.

This afternoon, Crane called on Oscar V. Armstrong, deputy chief of mission of U.S. Embassy, and Dr. Ku Cheng-kang, Honorary Chairman of the Anti-Communist League and chairman of the Committee of the Civic Organizations of the Republic of China in Support of the Struggle for Freedom behind the Iron Curtain. He will be Ku's dinner guest in the evening.

The U.S. congressman will deliver a speech to the Captive Nations Week rally tomorrow morning.

On Saturday, he will call on Chinese government officials including Vice President C. K. Yen, Vice Premier Chiang-kuo and parliamentary leaders.

The 39-year-old congressman, who was elected to the House of Representatives last November 25, will leave for Saigon Monday morning.

Free China Marks Captive Nations Week

Taipei, July 17.—More than 2,000 representatives from all walks of life gathered here today at the City Hall to mark the Captive Nations Week.

The rally, presided over by Dr. Ku Cheng-kang, honorary chairman of the World Anti-Communist League, heard a message from President Chiang Kai-shek who predicted that tyranny is destined to perish and slavery ultimately will fail.

The Chief Executive, who has been engaged in anti-Communist struggle for half a century, declared that "no matter what may come, we must hold fast to our stand as protectors of freedom and strive to launch a mainland counter-attack at an early date."

Addressing the rally, Vice President and Premier C. K. Yen urged all free people to bring forth their moral courage, give full play to the power of justice and disperse all the dark clouds of appeasement in the face of Communist threat.

He said anti-Communist struggle should not be confined to any one country or area and must be "an all out global action" because "its consequences are bound to affect all the people without exception."

No nation can evade its share of anti-Communist responsibility as peace cannot be had separately and feedom cannot be enjoyed alone, the Chinese Vice President said.

"At this moment as the anti-Communist war in Southeast Asia is undergoing a crucial phase and appeasers are still active anywhere," he said, "it is imperative that all the free world governments and people clearly recognize the need of an allout endeavor, calmly examine the situation and start shouldering a greater responsibility on the anti-Communist battlefront."

He pointed out that the Chinese Communists are not just the public enemies of the Chinese people, they are also the world's chief trouble-makers bent on endangering all mankind.

In this connection, he warned that "if the free world were to ignore the Chinese Communists aggressive and belligerent true faces . . . and seek compromise and peaceful coexistence with them, it would be tantamount to raising tigers to harm ourselves."

Speaking at the rally, Dr. Ku called on all freedom-loving people in the world to arouse and organize the silent masses.

"The Communists and their fellow travelers in the United States have been effective in exercising minority influences upon the majority and in covering up their illegal activities with legal fronts," he noted.

The Communists can be dealt with only through organizing the silent masses, he stressed.

In presenting what he called "major guidelines" in the struggle for freedom and victory over slavery, Ku said free people must help the enslaved people behind the Iron Curtain regain their freedom.

"If we were to shun the responsibility of helping the more than one billion enslaved people," he said, "we would be committing not just a moral crime but a strategic blunder as well."

The staunch anti-Communist leader urged the free world not to make any concessions to the Communists. Instead, he added, "we must make full use of the new anti-Communist situation that is now shaping up, unite all the available forces and start strong counter-attacks on the enemies."

U.S. Congressman Philip M. Crane (Republican-Illinois), who arrived here yesterday to take part in the Captive Nations Week activities here, said in his speech that the Republic of China is a beacon of light to the oppressed people on the Chinese mainland.

"The longing for freedom of the Chinese people will outlive the tyranny of the present Communist regime on the mainland," he said.

The 39-year-old U.S. Representative praised President Chiang Kai-shek for his "effective leadership" under which the Chinese people established on Taiwan an "economically stable and militarily strong fortress."

The rally then adopted a proclamation, calling on all anti-Communist forces in the world to unite, mobilize and establish a powerful and consolidated international anti-Communist united front advancing toward the target of victory.

It also resolved to send cables to U.S. President Richard Nixon, Vietnamese President Nguyen Van Thieu, Cambodian Prime Minister Lon Nol and the armed forces of the United States, Korea, the Philippines, Aus-

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tralia, New Zealand and Thailand to pay tribute.

[From Free China Weekly, July 19, 1970]

Taipei Observes Captive Nations Week: Victory of Freedom in 1970's Pledged

A mass rally of government and civic organizations in the Republic of China pledged all-out support to the peoples of Captive Nations to win Victory for Freedom in the 1970s.

The pledge was contained in a proclamation issued by the rally, held at the Taipei City Hall July 17.

The proclamation denounced international Communist rule for unprecedented crimes that have endangered mankind. It blasted the foolish, timid talk of retreat by international appeasers.

Recalling the lessons learned in Laos and Cambodia, the proclamation urged countries inclined toward neutralism to abandon that dream and the mistaken route of a nonalignment policy.

"All non-alignment policies will only facilitate Communist expansion," the proclamation declared.

The proclamation further urged all anti-Communist forces in the world to unite, mobilize and establish a powerful and consolidated international anti-Communist united front to advance toward the target of victory for freedom in the 1970s.

More than 3,000 representatives of various circles in the Republic of China and anti-Communist leaders from other parts of the world attended the Taipei rally, which was presided over by Dr. Ku Cheng-kang, honorary president of the World Anti-Communist League.

Dr. Philip M. Crane, a member of the U.S. House of Representatives was among the distinguished guest speakers.

A written message from President Chiang Kai-shek was read at the meeting.

The Chinese Chief of State said the Communists have created "a dark reverse current never before known in history," but he added "man ultimately will overcome and cross this channel of ruthless waves and reach the shore of happiness and freedom."

Vice President and Premier C. K. Yen, who addressed the rally in person, said that the anti-Communist struggle to save the peoples of captive nations should not be confined to any one country or area. "It must be an all-out global action," he declared, "because its consequences are bound to affect all people without exception."

He said that even though the Communist bloc is being plagued by internal strife, its external move to Communize the entire world and enslave the whole of mankind remains unchanged.

The vice president urged all the freedom-loving people of the world to bring forth their moral courage, give full play to the power of justice and wipe out all the dark clouds of appeasement in the face of the Communists.

In addition to the rally, other activities of Taipei's Captive Nations Week included seminars, prayer meetings and special broadcast programs.

Freedom-seekers who escaped from the Chinese mainland to Taiwan held a seminar to discuss ways and means of helping the people of the mainland in their struggle for freedom.

Religious bodies held prayer meetings to pray for the liberation of the enslaved people in captive nations.

The China Youth Corps sponsored an international youth conference to support the Captive Nations Week campaign.

Reports of the activities were broadcast to the people behind the Iron Curtain to encourage them to fight for freedom.

[From the Midland (Tex.) Reporter Telegram, July 13, 1970]

Greater Support Merited

Captive Nations Week, now being observed, warrants a great deal more citizen support and cooperation than it receives in most communities.

It was on July 17, 1959, that Congress by unanimous vote, passed Public Law 86–90 which established the third week in July each year as Captive Nations Week and invited citizens to observe the occasion with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence.

Interest was aroused at the time, but today all too many persons are indifferent to the whole business.

Yet, the matter of captive nations now is just as important, and even more so perhaps than ever before.

Captive Nations Week is a tangible sign of the Free World's opposition to Communist oppression. This should be enough to stimulate citizen involvement in a year-round campaign in behalf of residents of captive nations.

". . . The enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples," declares the Joint Resolution constituting Public Law 86–90.

Furthermore, the resolution states, "The submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them . . . their individual liberties."

Citizens of the United States simply cannot and must not forget the peoples of captive nations. This is the basic appeal of Captive Nations Week, as cited by the National Captive Nations Committee.

As Midland Mayor Edwin H. Magruder said in proclaiming Captive Nations Week. "It is fitting that we clearly manifest to the peoples of submerged nations through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence."

Furthermore, it is essential today that the United States and other nations of the Free World exert every means to make sure that no new captive nations are created by Communist penetration in Southeast Asia, the Middle East, or anywhere else.

Let freedom and independence for all nations be the goal of All Free World nations.

[From the Brooklyn Tablet, July 16, 1970]

Asks Refugees Tell United States, Church of Red Menace

A former prisoner of the Chinese Reds warned in a sermon at St. Patrick's Cathedral Sunday that Communist leaders have two principal goals, "systematic destruction from within of the United States and the Catholic Church," and called on refugees from Communism to alert Americans to the Red menace.

Rev. Raymond J. de Jaegher, now vice-chairman of the New York-based Free Pacific Association and on the editorial board of "Twin Circle—The National Catholic Press," preached at a special Mass marking the start of the 11th annual observance of Captive Nations Week (July 12–19).

The Eastern Rite Mass, attended by more than 4,000 representatives of 26 formerly free nations now under Communist control, was celebrated by Bishop Joseph M. Schmondiuk of the Ukrainian Diocese of Stamford, Conn. Cardinal Terence Cooke presided.

Father de Jaegher, a Belgium missionary in China for 20 years spent four of those years as a Japanese prisoner, then seven under the Chinese Communists. Jailed by the Reds, he escaped to Vietnam where he served for the next ten years. He has visited Vietnam many times since then and is considered a foremost authority on Indochina.

Addressing himself to the hundreds of thousands who have found refuge in the United States from Communist tyranny in once-free nations, Father de Jaegher said "Now, in this time of danger, you must repay the people of the United States for their hospitality and their friendship."

"You must help to educate the American people about the dangers of Communism through your own experiences," he added. "You must speak out, you must be active, you cannot be silent!"

In Communist-controlled countries, he continued, "Christians and others who believe in God do not accept Communism but they are dominated by force." On the other hand, in free countries such as the United States, too many people "do not know the true nature of Communism and how it would destroy their freedoms; even some Christians believe that Communism could be good for the whole world and, unwittingly and through ignorance, are helping pave the way for their own destruction if ever Communism gains control."

Father de Jaegher asked for continued prayers for members of the United States Armed Forces serving in Vietnam, and on guard against Communist take-overs in Korea, Europe and other areas of the world, especially for those who have died fighting Communism or who are prisoners of war, and for the unfortunate people in the one-third on the world who live under Communism.

Captive Nations Week

New York, July 13.—Church services, parades and protest marches Sunday marked the opening of the Captive Nations Week in New York.

President Richard Nixon designated the week beginning July 12 as Captive Nations Week and called upon Americans to observe it with appropriate ceremonies and activities.

New York Mayor John V. Lindsay also proclaimed the week of July 12 through 18 as Captive Nations Week in New York City.

Over 2,500 people filled New York's St. Patrick's Cathedral Sunday for a devine pontifical mass celebrated by Bishop Joseph M. Schmondiuk of the Ukrainian Catholic Diocese of Stamford. Terrence Cardinal Cook, Archbishop of the Roman Catholic Diocese of New York presided over the colorful eastern right liturgy.

Immediately after the mass, an estimated 1,000 persons, grouped by nationalities and carying their national flags, marched along Fifth Avenue to Central Park for a special Captive Nations Week program, that, beside speeches, included Ukrainian dancers, Byelorussian chorus and a Rumanian folk band.

Speakers on the program included Judge Matthew J. Troy, Sr., of New York, chairman of the New York chapter of the Captive Nations Committee; Dr. Ivan Docheff chairman of the American Friends of anti-Bolshevik bloc of nations, Mario Aguilera, chairman Americans to Free the Captive Nations and Michael Piznak representing the UCCA.

At the conclusion of the Central Park program, some 200 people marched to the Soviet U.N. Mission Headquarters. They were allowed to stage their demonstration two blocks from the Mission Building. The protest received coverage in radio and television news programs Sunday night.

In St. Louis, the Captive Nations Week will get underway today (Monday) with a candlelight march through the downtown section.

One of the featured speakers in the St. Louis program will be a former teacher of Russian in Prague, Czechoslovakia. Miss Monika Flidr, the teacher, will speak on Wednesday (July 15) from the steps of this Midwestern city's old Post Office Building.

Her speech, she said, will include a prayer for the freedom of all peoples "imprisoned behind the Iron and Bamboo Curtains".

Sponsors of the week's activities—the Free Friends of Captive Nations—will begin the program with an evening candlelight procession from the Old Bascilica of St. Louis IX, the oldest cathedral West of the Mississippi River, to the Soldiers Memorial Building. The Soldiers Memorial is a World War One monument.

Professor Radko Jansky, of the Political Science Department of St. Louis Maryville College, will make an address as part of the Soldiers Memorial ceremony.

The sponsors of the event say that the purpose of the demonstration is "to give hope to the people living in the captive nations under the tyranny and oppression of atheistic communism, and to pay tribute to the millions who have died at the hands of Communists".

[From the Ukrainian Weekly, July 18, 1970]

NEW YORK CAPTIVE NATIONS WEEK

NEW YORK, N.Y.—Over 3,000 people filled St. Patrick's Cathedral here last Sunday, to attend a special Divine Liturgy of the Ukrainian Catholic Rite. The Liturgy, which was celebrated by the Most Rev. Joseph Schmondiuk and presided over by Archbishop Terrence Cardinal Cook, took place in observance of the 12th Annual Captive Nations Week.

Preceeded by a parade on Fifth Avenue of the various organizations representing the 22 national groups in the Captive Nations Week Committee, the Liturgy was attended by hundreds of Ukrainians some in colorful national costumes and others dressed in the uniforms of the various youth groups they represented.

RESIST ONSLAUGHT

The Rev. Raymond J. DeJaeger, one-time prisoner in Communist Red China, delivered the sermon, urging the gathered faithful to "fight the onslaught of Godless communism and to support the struggle of captive peoples throughout the world."

During the Liturgy the responses were sung by the well known choir of St. John the Baptist Ukrainian Catholic Church in Newark, N.J., under the direction of Michael Dobosh.

After the Liturgy the day's program continued with a rally at the Central Park Bandshell, where the participants heard addresses by the Hon. Matthew J. Troy, chairman of the N.Y. Captive Nations Week Committee, Dr. Ivan Docheff, chairman of the American Friends of the Anti-Bolshevik Bloc of Nations, and Mr. Mario Aguilera, chairman of the American Friends of Captive Nations.

Earlier in the week, Mayor John V. Lindsay of New York, issued a proclamation declaring the week of July 12 through 18 as Captive Nations Week in the City of New York.

On hand for the Ceremony at City Hall were many prominent Ukrainians including: Joseph Lesawyer, UNA Supreme President; Dr. Walter Dushnyck, UCCA publications editor; Roman Huhlewych, president of the United American Ukrainian Organizations Committee of Greater New York; Mrs. Mary Dushnyck, representing Women for Freedom; Mrs. Rosalie Polche of the League of Ukrainian Women; Roman Hoydysh, Wasyl Magal, and Katherine Poleshok, of the N.Y. UCCA branch, and Mrs. Mariana Mohylyn-Blume.

"As Americans committed to democratic values, we deeply sympathize with the just aspirations of people in Eastern and Central Europe and in other parts of the world. We believe that our fellow human beings should enjoy the kind of liberty we treasure.

"As we try to live in peace with all nations, we hope that more nations will attain the chance to live in freedom.

"The Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July of each year as Captive Nations Week. The people of the United States are invited to observe this week with appropriate prayers and ceremonies.

"Now, there, I, John V. Lindsay, Mayor of the City of New York, do hereby proclaim July 12–18, 1970, as "Captive Nations Week." I call upon New Yorkers to express peacefully their concern for the future of individual rights in Eastern and Central Europe and wherever those rights are threatened or violated.

"In witness whereof I have hereunto set my hand and caused the Seal of the City of New York to be affixed."

"JOHN V. LINDSAY,
Mayor."

[From the Ukranian Weekly, July 18 1970]

INDEPENDENCE HALL RALLY STAGED IN PHILADELPHIA

The Philadelphia community marked last Sunday, as it has for the past 11 years, the observance of the Captive Nations Week with a motorcade and a rally at Independence Hall.

Sponsored by the Philadelphia Captive Nations Week Committee, scores of organizations, representing the various nationality groups which make up the committee, participated in the motorcade that saw 200 autos, decorated with anti-Communist signs, banners and flags as well as a number of floats, make the drive to Independence Hall. The motorcade was led by UCCA chairman and newly elected UNA Supreme Auditor, Iwan Skalczuk. Leading the Ukranian contingent was W. Zabrotsky.

The rally began at Independence Hall with the reading of Pennsylvania Governor Raymond P. Shafer and Philadelphia Mayor James Tate, proclamations of Captive Nations Week by state cabinet member, Perrin Hamilton, and by the Philadelphia committee head, Dr. Austin App. Serving as master of ceremonies at the rally was Ignatius Billinsky, executive vice-chairman of the CN Week committee.

Afterwards there was a wreath laying ceremony at the Liberty Bell, where Dr. App spoke, describing the events as symbolic of the captive nations yearning for freedom and drawing comparisons between the American people's struggle for liberty and the captives' plight in modern times.

Thousands of leaflets were distributed in Philadelphia Friday, July 10, by young girls dressed in national costumes. Religious services in the Ukranian churches preceded the observances on Sunday.

DETROIT, MICH.

FELLOW PARTICIPANTS: Our presence here today clearly demonstrates the great concern which we feel for the Captive Nations behind the Iron and Bamboo Curtains. As descendents of the Captive Nations who have found refugee in America we can better appreciate the liberties and freedoms—so often taken for granted by most Americans—which are denied to the captive people. Today, as Americans, we have a graeter obligation to work more actively for the eventual liberation of those lands which are oppressed today.

Reserving one day in the year for the remembrance of the Captive Nations is not enough! It is not enough that the President of the United States sign a proclamation honoring the Captive Nations once a year and then ignore their cause in his actions! It is not enough that mayors, governors and congressmen show their concern one day in the year. It is not enough that the Captive Nations Committee function during only a few weeks a year.

Our efforts should not be limited to a day, a week, a month. They must continue throughout the year. We must assert ourselves. We must organize. Captive Nations Committees must function permanently in all major cities. Our students should form a joint organization to promote the cause of freedom for Captive Nations on university campuses. Through our combined and continuing efforts freedom for the Captive Nations *can* become a reality!

"Only he deserves freedom and life who daily conquers them" Goethe.

UKRAINIAN STUDENT ORGANIZATION OF
N. MICHNOWSKY.

FELLOW AMERICANS: This year marks the tenth anniversary since the Congress and Senate of the United States of America instructed the president (Public Law 86–90) to proclaim the third week in July as Captive Nations Week, and to continue this until all nations are free. Former President Eisenhower, in his first proclamation, in 1959, stated the following:

"Whereas the peoples of the Soviet-dominated nations have been deprived of their national independence and their individual liberties; and

"Whereas it is appropriate and proper to manifest to the peoples of the captive nations the support of the government and the people of the United States of America for their just aspirations for freedom and national independence, and . . ."

For this support, expressed yearly since, by the government and people of the United States of America, we, on behalf of all the captive nations, are and will be, eternally grateful.

The political situation, since 1959, changed very little in favor of human liberty. To the contrary, there has been a continuous assault by the Russian Communism on the basic human rights of individuals and nations. They kill everything in their way to a final conquest and domination of the world.

They kill individuals as, for example, the leader of the Ukraine Liberation Movement (OUN) Stepan Bandera, who was murdered by an agent of the Russian politburo on specific orders by Alexander M. Shelepin, a leading member of the new and so-called "technokrate" elite class.

They kill whole nations, as in the case of the Crimean Tartars and more recently the Czechoslovakian invasion that shocked the civilized world from its complacency.

They attempt to kill whole continents by their penetration in South-East Asia and the Middle-East. And, as a too-familiar-slogan of World War II, by another tyrant said ". . . tomorrow the world."

The tyrants will not permit even a speck of liberty. They could not permit that ray of hope to penetrate from Czecho-Slovakia and infect the captive nations: Albanians, Armenians, Azerbaijanis, Byelorussians, Bulgarians, Mainland Chinese, Cossacks, Croatians, Cubans, Czechs, Estonians, Georgians, East Germans, Hungarians, Idel-Uralians, North Koreans, Latvians, Lithuanians, Poles, Rumanians, Serbians, Slovaks, Tibetans, Turkestanians, Ukrainians, North Vietnamese, and others.

XUM

The world must realize a need to take some action, not only because it wants to help these nations but simply for its own survival. The free world must fully reaffirm its resolve to defend freedom—not with half measures, but resorting to full measures as the situation may require. One of those measures is the full truth—the truth about Russian imperialism.

Fellow Americans! Don't we really see the bloody Russian hand in this now troubled country of ours. Don't we pay any attention to F.B.I. Director, J. Edgar Hoover, or the distinguished and patriotic Americans who recognize that conspiracy is clear in many "peacenik" or "anti war anti draft" movements? The only difference is they call it "Communist" conspiracy and we who know the threat from sad experience call it "Imperial Russian Conspiracy."

For in Czecho-Slovakia, there was not a communist conspiracy. Czechs and Slovaks apparently did not object to communism but decided to rule themselves by their own government and under their concept of communism. But again, the Russian true face and purpose was revealed (not unpredictably) when it crushed, with brute force, this attempt at selfdetermination.

There are many painfully striking facts and definite evidences that a similar fate is being in active preparation by the Russian Communist forces for the as yet free world. We, therefore, feel that our commemoration of the Captive Nations Week should serve everyone as a gruesome reminder of what might happen to the free world if we don't take a very realistic approach in defense of the freedom and justice in the world. A very realistic approach is a firm and persistent policy of liberation of the captive nations.

CAPTIVE NATIONS WEEK COMMITTEE.

RESOLUTION OF CAPTIVE NATIONS WEEK COMMITTEE

Whereas: The people of Detroit having gathered for a mass meeting on July 18, 1970, at the Veteran's Memorial Building to conclude the observance of the Captive Nations Week which included appropriate prayers, ceremonies, and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence; and

Whereas: The desire for liberty and independence by the overwhelming majority of peoples presently enslaved in Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas: The freedom loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about freedom and independence; and

Whereas: The majority of the peoples of Detroit are linked to these captive nations through the bands of family and who through nativity or ancestry, treasure the heritage which endowed them with the culture and industry which are theirs:

Now therefore, be it resolved: That we pledge our support to our President and his policy to contain the spread of communism in Southeast Asia and other parts of the world; and

We request the President to initiate a strong program against imperialistic policies of Russian Communists who have enslaved and subjected millions of people; and

We condemn the commemorations held under the auspices of the United Nations honoring the centennial birthday of Lenin, thus highlighting and honoring the father of terror and genocide; and

We request the United Nations De-Colonialization Committee to fulfill its duty and take up the case of Soviet Colonialism in the world; and

We request our government to increase and expand the operations of the United States Information Agency, especially increasing the number of hours of broadcast by the Voice of America to the peoples of the captive nations; and

We further request the United States Congress to create a special committee on the Captive Nations in the House of Representatives; and

We pledge to avail ourselves and our organized activities to combat communistic imperialism on all moral and legal grounds, as spokesman for the oppressed, until the captive nations are free again; and

Be it resolved that copies of this Resolution be sent to the President, Secretary of State, United States Ambassador to the United Nations, United States Senators from Michigan, members of the United States House of Representatives from Michigan, the Governor of the State of Michigan, and the Mayor of the City of Detroit.

PROGRAM COMMEMORATING THE CAPTIVE NATIONS WEEK, JULY 18, 1970, VETERANS MEMORIAL BUILDING, DETROIT, MICH.

HONORARY COMMITTEE

Chairman

William G. Milliken, Governor, State of Michigan.

Members

Philip A. Hart, Senator, United States Senate.

Robert P. Griffin, Senator, United States Senate.

William S. Broomfield, Member of Congress, U.S. House of Representatives.

Gary E. Brown, Member of Congress Congress, U.S. House of Representatives.

Rev. Father Malcolm T. Carron S. J., president, University of Detroit.

Charles C. Diggs, Jr., Member of Congress, U.S. House of Representatives.

John D. Dingell, Member of Congress, U.S. House of Representatives.

Marvin L. Esch, Member of Congress, U.S. House of Representatives.

Gerald R. Ford, minority leader, U.S. House of Representatives.

Roman S. Gribbs, mayor, city of Detroit.

Martha W. Griffiths, Member of Congress, U.S. House of Representatives.

James Harvey, Member of Congress, U.S. House of Representatives.

Guy Vander Jagt, Member of Congress, U.S. House of Representatives.

Emil Lockwood, majority leader, Michigan State Senate.

Jack McDonald, Member of Congress, U.S. House of Representatives.

Lucien N. Nedzi, Member of Congress, U.S. House of Representatives.

William Ryan, speaker, Michigan State House of Representatives.

Robert Waldron, minority leader, Michigan State House of Representatives.

Executive board

Sigurds Rudzitis, co-chairman.

Bohdan Fedorak, co-chairman.

Emily Zaporozet, secretary.

Committee chairmen

Exhibit, Michael Baansky.

Decorations and Program, Emily Zaporozetz.

Motorcade, Mykola Klymyshyn.

Ticket and Patrons, Petro Rohatynsky.

Publicity, S. Barda and C. Zaparackao.

PROGRAM

1. Opening Remarks, Sigurds Rudzitis.
2. Presentation of the Flags.
3. National Anthem, The Polonaise String Trio and Audience.
4. Invocation, Rev. Valter Liventals, Pastor or the St. Pauls Latvian Ev. Lutheran Church.
5. Address, Judge George N. Bashara, Jr.
6. Proclamations.
7. Remarks, Hon. Mary V. Beck.
8. Resolutions.
9. The Polonaise String Trio, Noreen Smialek Sinclair, Violin; Gass Smialek, Viola; Marta Szynal Dyczewski, Piano:

Lithuanian Song, Opus 74, No. 16, Fryderyk Chopin;

Sorrow (Zal), Etude in E Major, Opus 10, (1810-1849, Polish);

Andante from the Sonatina for Violin and Piano, M. Hayvoronsky, (1892-1949, Ukrainian);

Rumanian Folk Dances (Transcribed by Zoltan Szekely) B. Bartok;

1. Dance with Sticks (Joe Cu Bata), (1881-1945, Hungarian);

2. Waistband Dance (Braul);

Romance from the Second Violin Concerto in D Minor, Henryk Wieniawski (1835-1880, Polish);

Slavonic Fantasie in B Minor, Antonin Dvorak (Medley of Slavic melodies arranged by Fritz Kreisler) (1841-1904, Czech);

Aria for String Trio, Janis Medins (1890-1967, Latvian);

Melody, Opus 18, No. 1, Moritz Moszkowski) (1854-1925, Polish);

Polish Dance, Opus 3, No. 1, Xaver Scharwenka (1850-1924, Polish).

Trio and audience: Finale—America, the Beautiful, Words by Katherine Lee Bates. Music by Samuel A. Ward. (Written in 1893).

10. Benediction, Rev. Father Patrick Paschak, Father Provincial OSBM.

Master Ceremony, Bohdan Fedorak.

SPONSORS

American Friends of ABN.

Baltic Nations Committee of Detroit, Mich.

Ekrem Bardha.

Mr. and Mrs. V. Eelnurme.

Estonian Organizations in Detroit, Mich.

Petras Januskas.

Arpo Jemen.

Latvian Daugavas Vanagi of Detroit, Inc.

Latvian Association in Detroit, Inc.

St. Paul's Latvian Evangical Lutheran Church.

St. Paul's Latvian Federal Credit Union.

Lithuanian Organization's Center of Detroit.

Arturs and Daina Mednis.

ODFFU (Ukraine).

Polish American Congress, Detroit, Mich.

Petro Rohatynskyj.

Dainis Rudzitis.

Sigurds Rudzitis.

Ukrainian Sport Club "Chernyk".

Mr. Emily Zaporozetz.

[From the Pittsburgh Press, July 16, 1970]

LETTERS TO THE EDITOR: CAPTIVE NATIONS WEEK REMINDS UNITED STATES THAT RUSSIA STILL PROWLS

This week, July 12 through 18, has been designated by congressional resolution as Captive Nations Week.

The author of the resolution, Dr. Lev Dobriansky of Georgetown University, advocated its passage in 1959 as a periodic reminder to the American people of the plight of 27 once-free nations now dominated by communism without the express will or consent of their people.

Calling attention to the captive nations each year at this time enables us to review Moscow's intentions in the light of her most recent actions.

A close analysis of what has happened in the last few years will indicate to the astute observer that the cold war as waged by Moscow and its proxies has not ceased as far as the Communists are concerned.

Vietnam, where Moscow has had us by the tail for years, has cost us over 40,000 men and endangered our economy.

The recent Russian penetration in the Middle East is not motivated by improving the lot of Arab refugees but by acquiring control of Arab oil, much of which feeds the U.S. economy.

In Latin America, Havana, backed by Russian military aid, has become the key exporter of revolution against so-called Yankee imperialism.

The recent rape of Czechoslavakia and the announcement of the Brezhnev doctrine of justifiable intervention into the affairs of any socialist state under the guise of insuring its security should shatter any illusion of a detente with Russian imperio-colonialism.

And let us not be deceived by diplomatic gestures that produce irrelevant treaties on nuclear test bans, fisheries, airway routes, consular establishments and strategic arms control.

These are deceptive deterrents from the main issue, Moscow's ever-present, compulsive drive for world domination.

In our efforts to cope with the spread of Russian influence throughout the world we have neglected to call to our assistance the one force that Moscow fears—the nationalism of the captive nations, both within the Soviet Union and outside of it.

Nationalism means self-determination, independence, economic freedom, cultural progress and a respectful place in a peaceful community of independent nations.

These are honorable concepts that should be advocated by us at the United Nations in behalf of the silenced majorities in the captive nations.

MICHAEL KOMICHAK.

MCKEES ROCKS.

[From the Pittsburgh Post-Gazette, July 21, 1970]

COMMUNISM—"NOT MELLOWING"

In 1959 Congress passed Public Law 86–90, commonly known as the Captive Nations Resolution. The third week in July is set aside each year to remind the world of the plight of our fellow human beings behind the Iron Curtain.

Among others, these nations are under Red rule: Albania, Armenia, Bulgaria, Cuba, Czechoslovakia, East Germany, Estonia, Hungary, North Korea, Latvia, Lithuania, Poland, Red China, Romania, Russia, Tibet, Ukraine, North Vietnam and Yugoslavia.

Americans must be informed of the fact that Communism is not "mellowing" because we might be put to sleep and wake up some morning in another "workers' paradise." The Captive Nations themselves need this peaceful demonstration of our solidarity with them. They must know that they are not forgotten. This will restore their hope that someday they will be free.

Some suggestions on how to become involved:

Display the flag at half-mast every day of that week.

Contact groups that have speakers who are well qualified to speak on the Captive Nations.

Distribute posters on the Captive Nations Week observance.

Write your Congressman to introduce bills and official protests directed at the Communists' weakest points: their enslavement of over one-third of the human race. Encourage your legislators to make this year's Captive Nations Week with its "ceremonies and activities" more dramatic and better executed than ever before. . . .

ANNE BURDICK.

PITTSBURGH.

[From the Greensburg (Pa.) Tribune Review, July 6, 1970]

CAPTIVE NATIONS WEEK

DEAR SIR: On July 17, 1959, the Congress of the U.S. passed unanimously Public Law 87–90 which provided for the designation of the third week of July as Captive Nations Week. The quickest and most effective way to begin our homework on the precarious condition of human liberty throughout the world today is to understand exactly what is meant by Captive Nations Week. Let us examine portions of this Congressional resolution.

"Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of: (here are listed 32 formerly sovereign nations who have been imprisoned by the communists—including North Vietnam.)

"Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their religious freedoms, and of their individual liberties; and Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive."

The unanimous finding of fact by Congress that the murderous Communist conquest of human freedom and the consequent "mockery of the idea of peaceful coexistence" with Communist governments was undeniable in 1959 and remains undeniable today.

Unfortunately, during the eleven years that have elapsed since it was passed, our government has done literally less than nothing to implement the Captive Nations Resolution—the boldest profession of our faith in freedom since 1776.

For our failure to encourage the revolutionary anti-Communist liberation of the captive people of North Vietnam in 1959, we are now face to face with the pro-Communist "liberation" of the United States by the outspoken, unrestrained advocates of obscenity, murder, arson and wholesale universal destruction.

For 25 years we have been buying our own temporary security by prostituting our birthright of self-evident truth with official sanctions for the progressive enslavement of other people. Before our own time runs out, perhaps we should read the Captive Nations Resolution again before we are forced to join the club.

ALBERT N. HOPFER.

YOUNGWOOD, PA.

1970 CAPTIVE NATIONS WEEK

Captive Nations Week, established by the U.S. Congress on July 17, 1959, will be noted for the 12th consecutive year during the week of July 12–19 with appropriate programs and observances throughout our country and 17 other free nations. These annual observances of Captive Nations Week reaffirm the affinity of freedom-loving citizens in the free world with the enslaved people of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Cuba and others, who aspire to freedom.

It will be particularly significant this year for us to take time out from the turmoil around us to note the fate of the captive nations and the billion people who are being denied their basic freedoms—freedoms which we take so much for granted.

We would like to see the youth and intellectuals of the free world demonstrate their concern for the men and women behind the Iron, Bamboo and other Curtains, who are persecuted through arrests, incarceration in mental institutions and in concentration or labor camps. Few of our youths or intellectuals stop to realize that one-third of the earth's people are captives of regimes which deny them their God-given rights.

A most recent example of the Communists unrelenting efforts to impose their ideology upon others is demonstrated by the tactics of the Soviet delegates at the World Youth Assembly at the United Nations, where they are trying to bar the participation of delegates from South Vietnam, South Korea, the Republic of China and others, whom they label puppets!

An appropriate time for the youth and intellectuals of the free world to start raising their voices for the freedom of the hapless victims of Communist totalitarianism would be now—during Captive Nations Week.

In observing Captive Nations Week, we appeal to all citizens to support legislation for a Special House Committee on the Captive Nations and a Freedom Academy bill.

WOMEN FOR FREEDOM, INC.

CAPTIVE NATIONS WEEK OBSERVANCES

The following local public observances will be held during Captive Nations Week:

Saturday, July 11, 1970, 10:30 A.M.—Special Services at Temple Emanu-El.

Sunday, July 12th, at 10:00 A.M.—St. Patrick's Cathedral—Solemn Mass presided over by His Eminence Terence Cardinal Cooke.

The Celebrant will be the Most Rev. Joseph M. Schmondiuk, Bishop of the Ukrainian Catholic Diocese of Stamford. The Mass will be accompanied by the St. John the Baptist Ukrainian Catholic Choir of Newark, N.J. Sermon by Rev. Raymond J. de Jaegher.

11:00 A.M.—Special Services will be held at St. John the Divine Cathedral, with sermon by Canon Edward West.

11:30 A.M.—Protest March on Fifth Avenue from 51st Street to 72nd Street to Central Park's Band Shell;

12:00 noon—A Captive Nations Week program with speeches and Folk Dancing and singing.

Sunday, July 19th, at 1:00 P.M.—Assembly at Statue of Liberty, and parade.

1:30 P.M.—Rally, with addresses by prominent speakers.

COAL MINE SAFETY: A CONTINUING BATTLE

(Mr. HECHLER of West Virginia asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. HECHLER of West Virginia. Mr. Speaker, on April 22, 1970, my colleagues, Hon. JOHN H. DENT and PHILLIP BURTON, and myself addressed a joint letter to

XUM

Secretary of the Interior Walter Hickel, followed by a letter from me dated May 20, 1970. We have just received an extensive response by Acting Secretary of the Interior Hollis Dole, dated August 10, 1970, as well as a response to my May 20 letter written by Acting Secretary of the Interior Fred J. Russell and dated August 7, 1970.

For purposes of continuity, I am placing this complete correspondence into the Record because of its importance in relation to coal mine safety:

March 5, 1970.

Hon. Walter J. Hickel,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

Dear Secretary Hickel: Sixty-five days ago the landmark Federal Coal Mine Health and Safety Act of 1969 was signed into law by President Nixon after the Congress worked nearly ten months to draft the most comprehensive worker's health and safety Act of this nation. What has happened since then? Hardly anything for the good of the coal miner.

In less than one month, the Act will be in effect. Yet your department and the Health, Education and Welfare Department have failed to meet any of the following time schedules listed in the Act:

1. Section 101(j)—All interpretations, regulations, and instructions in effect on enactment must be published, according to the House Conference Report "as soon as possible after enactment for information purposes and to consolidate them in one place. The managers view this requirement as a very minimal task for the Department to undertake and one that is quite important to both the operators and the miners."

2. Section 202(a)—Prescribe methods, locations, intervals, and manner of sampling respirable dust within 60 days after enactment.

3. Section 307(d)—Prescribe procedures and safeguards for making repairs on high-voltage lines within three months after enactment.

In addition to failing to meet these time schedules, a number of key positions in the Bureau of Mines have long gone unfilled and remain unfilled, except in an acting capacity, even today—just 27 days before the Act becomes effective. Some of these are:

1. Associate Director of Health and Safety—Mr. Henry Wheeler is filling this position in an acting capacity. The position has been vacant for over a year.

2. Assistant Director for Mineral Industries Health—Mr. Henry Doyle is filling this position in an acting capacity, but I understand that he has submitted his resignation because your Department has not appointed him permanently to the position for over one year.

3. Assistant Director Minerals Research—Mr. Carl Rampacek is filling this position in an acting capacity.

Now, over the last weekend the President abruptly and unceremoniously accepted the pro forma resignation of Mr. John F. O'Leary effective on Sunday, March 1, 1970—one month before the Act becomes effective, leaving the Bureau to be run, again in acting capacity, by Dr. Earl T. Hayes who has little or no experience or understanding of this new Act. Mr. O'Leary is a dedicated public servant who realized at the time of the tragedy in Farmington, West Virginia, on November 20, 1968, that, while coal mining is a hazardous occupation, it can be made many times safer and healthier. His efforts in seeking workable, but strong, health and safety legislation will, in future years, be remembered by coal miners. Although I have not always agreed with him, I believe his performance overall for the coal miner was commendable.

In accepting Mr. O'Leary's resignation, your Department has rid itself of the only person with any real understanding or knowledge of this new Act. It will take time for new people, when finally appointed to these positions, to have even a modicum of this knowledge and understanding. This delay in leadership will inure to the benefit of those operators who continue, and there are still many, to oppose the legislation and resist its enforcement and to the detriment of the coal miners. It will be used as an excuse for lackadaisical enforcement—an excuse that the Congress, I am sure, will not tolerate.

Mr. Secretary, the Department's record since March, 1969, when President Nixon sent a proposed bill to Congress in this area has been equivocal, inept, and unresponsive, and it has generally exhibited, by its inaction, an unconcerned attitude for the coal miner. Even its rhetoric has been less than satisfying to the coal miner. Now the fate of the coal miner is left by the Department to the mercies of a leaderless Bureau of Mines that has long history of floundering before the Farmington disaster. While I generally believe that no one is indispensable, I am convinced that the demise of Mr. O'Leary at this very crucial time is one instance where the falseness of this belief is unmistakably demonstrated.

I understand that, prior to his leaving office on March 1, Mr. O'Leary had approved a number of proposed health and safety regulations for publication in the Federal Register, including one on dust sampling. I would appreciate promptly receiving a copy of these proposed regulations. I would also appreciate a prompt response to my letter of February 20, 1970, regarding regulations published in the Federal Register under Section 303(r) of the Act.

Sincerely,

Ken Hechler.

February 20, 1970.

Hon. Walter J. Hickel,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

Dear Secretary Hickel: I am concerned with the Interior Department's new final regulation published in the *Federal Register* on February 18, 1970 (35 F.R. 3122) regarding applications for extension of time under section 303(r) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

Why was not the new regulation published as proposed rule-making under the first sentence of section 302(d) of the Act, since there appears to be sufficient time to do so before Title III of the Act becomes operative?

A review of the definition set forth in the regulation of a "mechanized mining section" indicates that it is at variance with the definition of that term in the Senate Report on the legislation (see S. Rept. No. 91-411, p. 63) and the section-by-section analysis of the Act set forth in the Congressional Record on final passage of the Act in the Senate (see Cong. Rec. of December 18, 1969, p. 39990). I would appreciate your advising me why there is such a variance. I also would like to know what is excluded from the term "production equipment" by referring to a "conventional" or "continuous mining section."

The last paragraph of the regulation provides that the Bureau of Mines' district manager "will advise the operator of the conditions which must be met during the period of extension", but there is no reference made anywhere in the regulation to the rights of the miner in the affected mine.

The second sentence of section 301(d) of the Act provides:

"*Before granting any exception to a mandatory safety standard as authorized by this title*, the findings of the Secretary or his authorized representative shall be made public and shall be available to the representative of the miners at the affected coal mine." (Italic supplied)

This provision is designed to protect the miners at a mine from the granting indiscriminately of exceptions from the mandatory safety standards of Title III of the Act. It also makes public such exceptions and avoids the often criticized procedure of carrying out a safety program without active participation by those most interested, namely the miner. The statement of the Managers of the House on the bill explains this provision as follows (H. Conf. Rept. No. 91-761, p. 78):

"3. The Senate bill provided that, where an exception to a standard is authorized, it can only be made when the criteria for the exception as set forth in the standard is met and upon a finding that granting the exception would not pose a danger to the safety of miners. There was no comparable House provision. The conference agreement adopted the approach of including this requirement in the appropriate provision of the title which permits exceptions rather than making it a general requirement, but, at the same time, requiring that, in granting any exception to a standard, the Secretary or his inspector must publish the reasons therefor and make them available to the miners at the mine before the exception is effective. If the miners believe that the granting of any exception will diminish safety, their redress is to utilize the provisions of section 301(c)."

A similar statement is in the Senate's section-by-section analysis (see Cong. Rec., supra, p. 39989).

I would appreciate your promptly advising me (a) why there is no reference to section 301(d) of the Act in the new regulations, and (b) what steps you have taken to implement section 301(d) in connection with exceptions such as the one in this new regulation.

As you know, I am very much interested in insuring that this new Act will be implemented and administered vigorously and in a manner that will afford the greatest health and safety protection to the miner as is possible.

Sincerely,

Ken Hechler.

Washington, D.C., *April 22, 1970.*

Hon. Walter J. Hickel,
Secretary of the Interior,
Washington, D.C.

Dear Secretary Hickel: Thank you for your letter of April 3, 1970, in response to a letter of March 5, 1970, concerning the administration of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 97-173; 83 Stat. 742), to Congressman Hechler.

SUMMARY

After reviewing the actions taken by the Department since the new law was approved on December 1, 1969, we are seriously concerned (1) that with 31 top positions of the Bureau of Mines filled with officials who serve in an acting capacity only, it cannot function effectively; (2) that the new reorganization divides the Bureau's health functions into separate divisions for coal mines and for metal mines which will duplicate each other, and fosters too close a confidential relationship with industry in its research function which could be harmful to workers and to protecting the total environment; (3) that the schedule of fees set forth in the regulations for violations of the Act is contrary to law; (4) that it failed to provide an opportunity for rule-making as di-

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rected by the new law; (5) that the Department, in apparently publishing new "mandatory safety standards" in its regulations of March 28, 1970, did so without following the precedures of Title I of the Act; (6) that its announced policy of conducting "partial, but representative" inspections is not in accord with the law; and (7) that the Department say fit to be critical of some provisions of the new law after being silent on them during its consideration.

DISCUSSION

I. Personnel of the Bureau of Mines

Your letter of April 3, provides assurance that the Bureau of Mines' "entire Health and Safety organization is intact with minor exceptions." While the organization may be intact, it is clear that the personnel are still in a state of flux. It has not had a permanent director since March 1, 1970. In your letter you state as follows:

"Mr. Henry P. Wheeler, Jr., who was recommended by John O'Leary to the position of Associate Director—Health and Safety, Bureau of Mines, has been formally appointed to the position. Mr. Henry Doyle has been offered a choice of positions in a new organizational set up which we plan to put into effect shortly, but has so far declined the opportunities. Mr. Carl Rampacek's detail as the Acting Assistant Director for Minerals Research has been terminated. He has returned to his permanent assignment and is under consideration for a key position in the new organization. Earl T. Hayes, as Deputy Director under John O'Leary, followed the health and safety activities of the Bureau closely, and, since he himself has suffered from silicosis when he worked in the mines, can naturally be expected to favor strict application of the law in his present capacity. He is being assisted by Harry Perry of my staff, who worked closely with John O'Leary during Congressional consideration of the law, and has now been detailed as Acting Deputy Director of the Bureau."

Mr. Henry P. Wheeler, according to the Bureau's Personnel Bulletin No. 70–73 of April 1, 1970, is again listed in an acting capacity and in two positions.

Mr. Henry N. Doyle was appointed to his position in acting capacity on February 13, 1969. His appointment terminates on April 30, 1970. We understand that Mr. Doyle declined an offered position in the Bureau's new reorganization because he disagreed with it and expressed his views in writing. We would appreciate your providing us with a copy.

Mr. Carl Rampacek was in an acting capacity from July 27, 1969, through March 24, 1970, and now the position is vacant. In the above bulletin, he is listed as Acting Assistant Director of Metallurgy. What, in fact, is his status?

Dr. Hayes, as Deputy Director of the Bureau is familiar with its health and safety functions prior to enacement of the new law. In the past year, he had little direct contact with the development of the new law. He did not participate with the committees or the staff during its consideration. As a matter of fact, he was traveling for the Department during a large portion of the period the legislation was being considered. The above bulletin which was signed by Dr. Hayes as Deputy Director lists him also as acting in two other positions. How can the acting head of the Bureau effectively carry out his heavy responsibilities of leadership if he is also required to act in two other capacities?

The choice of Mr. Harry Perry, who is familiar with the new law and its background and participated in its development in the Congress, as Acting Deputy Director is a good one. The fact still remains that you have only "detailed" him to the position.

Thus, the Bureau continues to have no one in its top staff on a permanent basis of Mr. Perry's or Mr. O'Leary's caliber and experience. Further, 31 of the Bureau's most important posts are not permanently filled, including the four heads of the health and safety divisions. (See Bulletin No. 70–73.)

II. Reorganization of the Bureau of Mines

The Bureau was reorganized in January, 1969, for the primary purpose of upgrading the health function of the Bureau. The overwhelming evidence that occupationally caused health problems in the coal and metals industry which are at least as serious, and possibly even more serious, than safety problems helped to bring about this charge. (See attached Press Release.)

Yet, on April 1, 1970, at a time when all of the Bureau's energies and attention should have been directed at implementing the new law, a new reorganization was devised. This time, the Department has reversed its earlier decision of January, 1969, and moved once again to submerge the Bureau's health function from its once prominent, but shortlived, position to a division level subordinate to an assistant director for both health and safety. Further, it no longer treats coal mine health and metal mine health as one unit with its common problems. Instead, it divides the function into two separate entities subordinate to a health and safety assistant director for coal mines and one for metal mines, Mr. Westfield and Mr. Jarrett, who have no health background.

Safety too is downgraded from a position headed by an assistant director solely for coal mine safety and one for metal mine safety to two divisions headed by a division chief who is subject to an assistant director for both health and safety.

In addition, the reorganization appears to divorce completely the Bureau's health and safety functions and the Bureau's research functions. This, despite the fact that Congress, in the new law greatly expanded the Bureau's health and safety research function and, in sections 301(b) and 501(a), set forth specific priorities in this area. We fail to see how the health and safety program can be effectively carried out unless there is, as the enclosed press release emphasizes, a close relationship between those who investigate and enforce and those who research and test. A Bureau divided under two deputy directors, in our opinion, will not foster such a relationship.

Further, we believe that the reorganization will encourage an even closer, confidential relationship with industry in the research area than that now cherished by it. Such a relationship could well be detrimental to the miner concerned with health and safety and to the public concerned that the mineral industry meet its responsibilities to prevent the degradation of the environment. In this reorganization, what efforts have been made by your Department to require greater public participation and disclosure in the Bureau's research programs as required by section 501 (c) of the new Act and section 102 of the National Environmental Policy Act?

We strongly recommend that the new reorganization be rescinded for these reasons:

First, it is ill-conceived and designed to foster an unhealthy confidential relationship between parts of the Bureau and industry, while dismantling the Office of Mineral Industry Health which was seeking ways to curb and eliminate occupationally caused diseases, such as pneumoconiosis, in the case of coal miners, and lung cancer, in the case of uranium miners. As a matter of fact, Mr. Doyle was an outspoken advocate of tough health standards for uranium miners along the lines adopted by former Secretary of Labor Wirtz. The uranium industry, including Mr. J. Rigg of Assistant Secretary Dole's staff, has a long history of opposing the Wirtz standard.

Second, the President's Advisory Council on Executive Reorganization is now in the process of preparing a report on the organization of the executive branch, including the Interior Department and the Bureau of Mines. In view of this, the Bureau's new reorganization should be shelved, at least until that report is available and its recommendations fully evaluated.

We would appreciate your comments on this recommendation.

III. Regulations publication

Thank you for providing copies of the proposed Coal Mine Health and Safety regulations recommended to you by Mr. O'Leary on February 27 and 28, 1970. We will compare them with the published regulations and comment thereon, where appropriate, at a later time.

In addition to the regulation which was referred to in the February 20, 1970 letter, the Interior Department has now published under the Federal Coal Mine Health and Safety Act of 1970 the following regulations and notices:

(A) Coal Mine Dust Personal Sampler Units—(35 F.R. 4326–4329)—Published March 11, 1970;

(B) Mandatory Safety Standards, Underground Coal Mines—(35 F.R. 5221–5258)—Published March 28, 1970;

(C) Notice of Regulations Continued in Effect—(35 F.R. 5335–5345)—Published March 31, 1970; and

(D) Mandatory Health Standards—Underground Coal Mines—(35 F.R. 5544–5550)—Published April 3, 1970. In the case of the mandatory safety standards, Congress specifically provided in section 301(d) of the Act that "where the provisions of sections 302 to 318, inclusive, of this title (Title III of the Act) provide that certain actions, conditions, or requirements shall be carried out as prescribed by the Secretary, or the Secretary of Health, Education and Welfare, as appropriate, the provisions of section 553 of Title 5 of the United States Code shall apply unless either Secretary otherwise provides." In publishing these final regulations, the Department did not refer to this exception to the rulemaking requirement, but found that it is "impracticable" under section 553 to have proposed rulemaking. We are distressed at this finding.

Congress, in enacting this statute, clearly recognized that the Department probably could not properly issue regulations of the magnitude found in the March 28, 1970, publication and, at the same time, provide the operators, the miners, and the public sufficient time to review and comment on them by April 1, 1970. That is the reason section 101(j) was added to the Act. That section provides that "interpretations, regulations, and instructions" existing under the 1952 Act which are consistent with the new Act could, upon republication, continue to exist until superseded by more comprehensive regulations. In the letter of March 5, 1970, to you, it was pointed out that the Conferees expressly urged that this republication be made "as soon as possible after enactment." Despite this congressional admonition to act quickly, the Department did not republish these until March 31, 1970. Many of the mandatory safety standards in Title III could be enforced on April 1, 1970, without the need for additional regulations immediately. In such cases, proposed rulemaking of these comprehensive regulations would have been quite proper. We would appreciate your Department advising us (a) why it was impracticable to publish such extensive regulations on March 28 without proposed rulemaking as required by section 301(d) of the Act; (b) what standards in Title III could not be enforced without implementing regulations on April 1, 1970; and (c) why it took your Department so long to develop regulations that were begun, as your April 2, 1970, press release states, in December, 1969.

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IV. Scope of safety regulations

The preamble to the March 28 regulations (35 F.R. 5221) states that the regulation:

"includes mandatory safety standards for underground coal mines which are set forth in Title III * * *, other mandatory safety standards issued pursuant to that title and section 101(j) of the Act, and interpretations and supplementary regulations."

The publication identifies each statutory standard. It does not, however, identify these other items. Please identify each item in the publication that your Department considers to be "interpretations and supplementary regulations" and each item that it considers to be "other mandatory standards." Since neither Title III nor section 101(j) of the Act authorize the issuance of such standards, we would appreciate (a) your requesting the Department's Solicitor to provide us with a legal opinion concerning the authority for such other standards, and (b) advising us why such other standards were not issued in accordance with the procedures set forth in Title I.

V. Fee schedule

Section 301.50 of the regulations (35 F.R. 5257) establishes proceedings for the assessment of civil penalties to be initiated by a hearing examiner or the Appeals Board if an operator or miner fails to pay a fine to the Bureau "within 30 days after receipt of the notice of violation by the mine operator or miner" in accordance with a fee schedule in the regulation.

Under section 109(a) of the Act, an operator who violates any provision of the Act, except Title IV, shall be assessed a civil penalty of up to $10,000 for each violation, after an opportunity for a hearing. It also provides that, in determining the amount of the penalty, the Secretary (whether a hearing is held or not) "shall consider the operator's history of previous violations, the appropriateness of such penalty to the size of the business of the operator charge, whether the operator was negligent, the effect on the operator's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation."

The schedule sets a fine for first violations committed by an operator in a 12 month period (a) for imminent danger violations at $500.00; (b) for unwarrantable failures (which the conferees described as a "failure of an operator to abate a violation he knew or should have known existed, or the failure to abate a violation because of lack of due diligence, or because of indifference or lack of reasonable care on the operator's part") at $100.00, and (c) for all other violations at $25.00. Miners who willfully smoke or carry smoking materials underground are charged $5.00 out of a possible $250.00. We understand that, by first violations, the Department means—violations cited in a first inspection. Violations cited in second and later inspections in such period incur a progressively greater fine.

We are strongly opposed to this illegal fee schedule or "justice of the peace" type of approach to civil penalties because:

(a) It is contrary to law. The statute requires that the above cited factors be considered when a penalty is assessed. The fee schedule is an assessment of a penalty in advance of the violation and does not consider those factors at all. Thus, a negligent operator whose violation resulted in death or injury could pay his $25.00 and avoid a higher penalty when the factors are considered.

(b) It establishes the same penalty for a 500 man mine operator and for a ten man mine operator. A $25.00 penalty against a Bethlehem Steel mine is a mere slap on the wrist. Even in the case of a ten man mine, a $25.00 fine may not be appropriate.

(c) In the case of a miner, a $5.00 fine for "willfully" smoking underground in a mine endangers the lives of his fellow miners. It amounts to a mere license to smoke. We are sure that the workers themselves would support a more realistic fine where, as the law provides, there are proper proceedings instituted before the fine is assessed.

We call upon the Department (1) to rescind this fee schedule in the regulations immediately; (2) to reassess civil penalties according to law for violations arising since April 1; and (3) to establish a policy that provides meaningful penalties for all violations consistent with the above factors.

On April 20, 1970, a House staff member talked by telephone to Assistant Solicitor Gershuny of the Department who apparently will handle litigation under the new law. Mr. Gershuny stated that he knew when he drafted the fee schedule for the Department that it was "illegal", but it was needed to "wash-out" some of the proceedings before the Board, since the Bureau anticipated about 25,000 violations per year. He also contended that the Act impliedly authorized the Secretary to "compromise" civil penalties once assessed.

We request a detailed explanation as to why the Department, knowing the fee schedule was illegal, published it. We understood from Staff discussions with Department officials, during consideration of the civil penalty provisions proposed by it, that Bureau officials (other than inspectors) would assess the penalty subject to the right of the alleged violator to request a public hearing. We, therefore, would like to know why it is necessary or desirable for the Board or a hearing examiner, who are not administrators, to assess civil penalties when a hearing is not requested.

Finally, since Congress failed to adopt the Department's civil penalty provisions which provided for administrative compromise, and did not specifically authorize such compromise, as it did in the case of other recent statutes, we fail to see how the Department now believes from the statute and its legislative history that administrative compromises are authorized after considering the above cited factors. We would appreciate your providing us with the Department's rationale for administrative compromises.

VI. Burden of proof

Section 301.68 of the regulations (35 F.R. 5258) states:

"In proceedings under Subparts B, C, and F of this part, the burden of proof shall be on the Bureau of Mines. In all other proceedings, the burden of proof shall be on the moving party."

Under the second sentence of the regulation, the moving party, who is the miner or his representative, has the "burden of proof" on applications for compensation or for review of discharge actions or acts of discrimination under section 110 of the Act.

We believe that this requirement is totally inconsistent with section 110(a) of the Act. It is an outrageous attempt by your Department to bail out the coal operators from enforcement of section 110 of the Act which protects the worker's salary and job status. Under section 110(a), compensation to the miners is guaranteed for specified periods where a closure order is issued under section 104 of the Act, where a final unwarrantable failure closure order is issued, and when an operator violates or fails or refuses to comply with a section 104 closing order. Only in the case of an unwarrantable failure order is there any requirement that the order be a final one or that there be an opportunity for a hearing. In the other cases, the miners must be compensated once an order is issued, even if, on appeal, it is vacated. There is no proceeding in such cases in which the miner or his representative must prove a violation.

Further, under section 110(b) of the Act the operator is prohibited from discharging or discriminating against a miner under the circumstances prescribed. If he violates the prohibition, he is subject to the penalty section of the Act. The Secretary must enforce this prohibition too on his own motion or on application by the miner or his representative. He does so by investigation which may or may not include a public hearing. We fail to see why the minor or his representative should bear this burden.

We believe that the last sentence of section 301.68 should either be abandoned or substantially clarified consistent with the requirements of section 110 of the Act. Please advise us when you do so.

Subpart B relates to applications for review of orders and notices, subpart C to review of notices under section 104(h) of the Act, and subpart F to assessment of penalties. Thus, in these three proceedings the "burden of proof" is on the Bureau. Please provide us with a legal opinion from the Department's Solicitor (a) establishing the statutory authority for placing this burden on the Bureau and not on the appellant in each case; and (b) setting forth what the Solicitor considers sufficient proof in each proceeding for the Bureau to sustain this burden.

VII. Inspections

Your Department's news release of April 3, 1970, announcing the adoption of an "Interim Coal Mine Inspection Plan" quotes your statement that the Bureau has "only about 220 fully qualified coal mine inspectors now", and that 50 more have been hired and are being trained. Yet, in testimony before the House Subcommittee on Department of the Interior and related agencies, the Department's witness, Mr. Wheeler, testified that you "have about 300 coal mine inspectors at the present time." (Hearings, p. 806). Why this discrepancy?

We are concerned about the slowness of the Department's efforts to hire and train inspectors. We, therefore, would appreciate promptly receiving your response to the following questions:

1. How many inspectors will be needed to make four complete inspections a year under the Act?

2. How many inspectors will be needed to carry out inspections under section 103(i) of the Act?

3. What is your authorized personnel ceiling on inspectors?

4. (a) Has the Department sought new increased funds and personnel authorizations in this fiscal year for inspectors?

(b) If so, how much money, and how many positions?

(c) If not, why not?

5. (a) Is the Department seeking increased funds and personnel in the fiscal year 1971 budget now before Congress for inspectors?

(b) If so, how much money, and how many positions?

6. What salaries are being offered to attract qualified people as inspectors?

7. (a) How long is the training period for inspectors?

(b) When did you begin hiring new inspectors?

In his statement before the House Subcommittee on Appropriations, Dr. Hayes stated (supra, p. 783):

"In the past the Bureau has inspected every underground coal mine twice a year and we have managed to inspect most of the large coal mines three times a year."

While we recognize that the new law has many more mandatory provisions to be enforced during an inspection than existed under the 1952 Act, many of these provisions are similar to the old voluntary Code provisions which were also enforced during those inspections. Thus, if the Bureau inspected every mine completely twice last year, as the above statement indicates, and most of the larger mines three times last year, how long will it be before the Department makes all of the inspections required by the Act for its first full year in operation?

In testimony before the House Subcommittee on Appropriations, the Department's witnesses testified that the Administration cut $8.3 million from the Department's budget for Fiscal Year 1971 for the enforcement of the new Federal Coal Mine Health and Safety Act of 1969. (See hearings, *supra*, p. 805). With the mandates expressed by Congress to the Department to increase its enforcement activity now, how is it possible that the Administration would apparently disregard that mandate and reduce substantially the Department's budget request in this area? What was the use intended for this sum? Did the Department appeal the cut by the Budget Bureau? If so, what was the Budget Bureau's justification for this cut?

We are also disturbed about your program of representative inspections with the stated objective of inspecting all underground coal mines by the end of June, 1970. While it is, of course, desirable to inspect all mines as soon as possible, the Congress in enacting the new law was not concerned with the volume of inspections, but with the adequacy of each inspection. The law contemplates four complete inspections, plus spot inspections. The "partial, but representative inspection" is a new concept altogether which was never previously mentioned during consideration of the new law. The Associate Director for Health and Safety describes, in his March 26, 1970 memorandum to Dr. Hayes, each of these as follows:

"1. A spot inspection, which would enable us to get into all of the mines as quickly as possible but which would not be extensive enough to be informative to the operator as to what is required throughout the entire mine;

"2. A regular inspection, which would extend throughout each mine inspected, but which would, because of the time required for each such inspection, leave some mines for a rather long time before an inspection could be made under the new law; and

"3. A partial, but representative inspection (PBR inspection), in which we would inspect enough, but only enough, of a mine to be representative of the entire mine insofar as health and safety are concerned. A PBR inspection would take longer than a spot inspection but not nearly as long, in most instances, as a regular inspection."

The law now requires four complete inspections per year. The Administration proposed three per year in its legislative proposal of March, 1969. Did the Administration contemplate PBR inspections then? If not, how did the Administration intend to comply with its own recommendation in one year?

VIII. Accidents

We would appreciate your providing us with the complete details concerning the two mine accidents of a few days ago which killed two men—one a roof fall and one an ignition—and the actions taken by the Bureau to prevent them in the future. Also, we would appreciate your providing us with the details concerning the accident at the Helen Mining Company in Homer City in Pennsylvania, including the area of the mine inspected just prior thereto, a copy of the inspection report, and an identification of the area of the mine where the accident occurred.

IX. Interior's criticism of statutory safety standards

It is inconceivable to us that a Federal agency, such as the Department of the Interior, would appear before the Appropriation Committee of the House of Representatives after Congress enacted the 1969 law and criticize various provisions of it after remaining silent on the provisions during its consideration by the legislative committee of the House. Yet, the Department's witness did just that on March 2, 1970, when he said (hearings, *supra*, p. 815–816) as follows:

"Mr. WHEELER. Madam Chairman, overall I do not think anyone would have any question with the objectives and law itself. But there are a few provisions and I would like to cite one of them to you—there is a provision in the law that all mine cars after a year must be provided with automatic brakes and there are no automatic brakes that can be put on mine cars.

"Mrs. HANSEN. Are they nonexistent?

"Mr. WHEELER. There are none in existence.

"Mrs. HANSEN. What are you going to do about that provision?

"Mr. WHEELER. Maybe we have some consternation in our own organization. I think what we will have to do is to cite them as being in violation of the law, because they will be.

"Mrs. HANSEN. Is anyone in the process of developing automatic brakes?

"Mr. WHEELER. Yes, ma'am. We have met with all the car manufacturers to first find out if there are any brakes, and we found out there are none. And since then we have been talking with them as to how we can get some developed as soon as possible.

"Mrs. HANSEN. Has the Department appeared on behalf of this provision before the Education and Labor Committee?

"Mr. WHEELER. We have not gone back to them yet. We will have to after we study all the provisions of the law. We are now studying this new law section by section to determine what the problem areas are. This is just one which is obvious on the face of it that I have decided to use. There are others.

"Mrs. HANSEN. Will you please insert in the record other areas of the Coal Mine Health and Safety Act which cause similar problems?

"Mr. WHEELER. Yes, ma'am.

(The information follows:)

"In addition to the matter of the act requirement for car brakes which must be resolved before March 30, 1970, there are other unresolved problems. Among these are:

"1. Sec. 315 of the Act provides that the Secretary may require that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine. Such chambers to be equipped with first-aid materials, an adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the persons while awaiting rescue, and other equipment. Where shelters are required, there shall be an approved plan for the erection, maintenance, and revisions of such chambers and an approved training program for the use of the shelter.

"Much of the technology involved is unclear, especially in connection with an integrated standby system. A contract for the development of a total rescue and survival system should be awarded shortly and completed within a year thereafter.

"2. Section 317(e) requires the Secretary to propose standards by December 30, 1970, under which all working places in a mine shall be illuminated by permissible lighting within 18 months after promulgation of the standards.

"The nature and content of these standards is being considered in the light of practicability. Some research may be required and new permissibility standards may have to be developed. These efforts are being carried on at a rapid pace in order to meet the deadlines. It is not certain, however, that the present uncertainties can all be resolved in the available time.

"3. Section 317(j) authorizes requiring electric face equipment, including shuttle cars, be provided with canopies or cabs to protect the miners from roof falls and from rib and face rolls where the height of the coal bed permits.

"Practical designs are under consideration and consideration is being given to determining the minimum height of the coal bed which will permit installation of such devices.

"4. Section 317(g) provides that the Secretary shall require, when technologically feasible, that devices to prevent and suppress ignitions be installed on electric face equipment.

"Research on an ignition suppression system has been carried out in the Bureau's laboratories and experimental mine for several years. We are presently concentrating on converting our basic knowledge into a commercially feasible system. Progress is being made and emphasis placed on the project; nevertheless, it is not possible to set a specific completion date."

It is obvious that the Department's witness is not very familiar with the provisions of the Act in making this criticism. None of the standards referred to in the Department's four numbered paragraphs just quoted requires action by March 30, 1970. In the case of the rescue chambers, the Department, by section 315 of the Act, is given discretion to require them when the technology is available. The same is true for underground lighting and canopies and cabs. In the case of ignition suppression devices (the reference is section 317(q), not section 317(g)), we fail to see why it is the Bureau's responsibility to convert its experiments into a "commercially feasible system." Why not make this knowledge public and let American business convert it competitively into an effective commercial system?

In regard to automatic brakes, the Act only requires them "where space permits." The Department, in its letter of July 17, 1969, to the Senate Committee on Labor and Public Welfare (Sen. Hearings—Part 5, Appendix, p. 1589, 1594) said that the provision "should be deleted at this time because *in many instances it is not physically possible in the limited space underground in some mines to install and operate such automatic brakes*." (Italic supplied.) Based on this comment, the Congress added "where space permits", the Department did not say, as it is now contended, that they were unavailable in all mines or that they were "nonexistent". "Where space does not permit," other devices may be used to achieve the same objective. What has the Department done to insist on such other devices?

X. Mine closures by operators

We are deeply concerned about the increasing number of coal mine operators in this country who are closing their mines.

A. Some are closing because of the uncertainty surrounding the Department's administration of the law. The Interior Department has contributed to this situation by its long delay in issuing regulations and republishing old ones and by eliminating any opportunity for the operators and the miners to express their views on them before they were finalized. Only a short while ago, Assistant Secretary Dole wrote, in connection with regulations for metal mines, that by publishing proposed regulations "the Bureau is following a long-established policy to afford the public an opportunity to participate in the rule-making process." He noted that "the benefits to be reaped from analysis and consideration of comments received may save considerable legal involvement later." He did not follow his own sage advice for coal mines.

Further, the Department in applying the statute to each mine apparently has failed to recognize that some violations, such as the failure to have a bulletin board, are not as serious as others. It has treated them equally in its fee schedule and thus caused operators to turn to closing their mines rather than pay the same penalty for all violations, regardless of their gravity.

B. Some are closing with the objective of creating a coal shortage in lieu of meeting the requirements of the Act. Many of them predicted early last year, when the legislation was being considered by Congress, that

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it would close many mines. Now they are apparently attempting to make their predictions come true without any sincere, good faith effort to comply with the new law.

They are using these tactics to embarrass the Congress for passing a strong health and safety law designed to protect coal miners. They are attempting to demonstrate that the Act will close mines, cause coal shortages, and eventually cause blackouts. They have not, however, even made a good faith effort to comply with the Act. Many are marginal operators whose profits are dependent on not providing safe and healthful working conditions. In some cases, one need not even go underground to find hazardous conditions. An inspector need only look at the unsafe conditions on the surface to realize that many of these operators are not safety conscious, but rather are profit and production conscious only.

C. In our opinion, both of these reasons are an attempt to create a crisis in the industry to force changes in the law. We are certain that Congress will not stand for such a patent attempt to weaken the law.

Please provide us (a) with a list of the mines closed in each State by the operators since April 1, 1970; (b) the number of persons working in each; (c) the reason for closure, if known; and (d) the estimate of tons lost per day from such closures. If a mine was reopened since then, was it inspected as required by section 303(x) of the Act? If not, why not?

Also, we would appreciate your providing us (a) with a list of the mines inspected during the first three weeks of this month; (b) the number of working sections in each; (c) the working sections inspected; (d) the violations per working section; and (e) the fines assessed or paid per violation.

XI. Temporary relief

Section 301.15 of the regulations (35 F.R. 5256) provides a procedure for filing applications for temporary relief, except "in the case of a notice issued under section 104(h) or section 104(i) of the Act." The reference to section 104(h) is in error. Section 105(d) of the Act provides that the exception applies to notices "issued under section 104(b) or (i)." Please advise us when this section is corrected, and when it is amended to show that such relief is *not* available in cases of "an order issued under section 104(a)" of the Act.

XII. Notices

Section 301.10 provides that an operator or miner or the miner's representative may file an application "for review of orders and notices." We believe that this provision needs clarification to assure that review of notices is limited only to the reasonableness of the time prescribed therein as is explained in the Senate's section-by-section analysis of the Conference Report (Cong. Rec., December 18, 1969, p. 39987) as follows:

"Subsections (a), (b), and (c) establish a procedure for reviewing administratively withdrawal orders issued by an inspector, modifications or terminations of such orders by an inspector *and the reasonableness of the time limits in notices*, upon request made by an operator or representative of the miners. Upon making the request, the Secretary must undertake a special investigation to ascertain the facts which must include an opportunity for a public hearing pursuant to 5 U.S.C. 554." (Italic supplied.)

On December 18, 1969, when the Congress adopted the conference report, both the Department and the operators should have been certain of its provisions, but for the threat of a "veto" by the Administration which threat was not quashed until December 30, 1969, when the President signed it. Congress provided an additional delay period of 90 days before the safety standards became effective to enable the Department and the operators to adjust to the new law. This delay was only 30 days less than that recommended by the Department. Based on the Department's performance to date, twice as much time would apparently not have been enough.

The Department's actions, or rather its inaction, has given the operators ammunition to wage war against the new law. It is time that the industry and the Department recognize the fact that the Congress and the public will not tolerate unsafe and unhealthful working conditions in the coal mines. Both expect, so long as the program remains in Interior, that the Department will act reasonably and responsibly to administer the law and to obtain quickly the personnel to do so. To date, Congress, the public, and most important, the miners and many operators have been disappointed.

We hope to hear from you on these vital issues by May 4, 1970.

Sincerely,

JOHN H. DENT, *Chairman.*
PHILLIP BURTON,
KEN HECHLER.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., August 10, 1970.

Hon. JOHN H. DENT,
Chairman, General Subcommittee on Labor, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. DENT: This is in reply to your letter of April 22, 1970, signed jointly by Representatives Burton and Hechler, concerning the administration of the Federal Coal Mine Health and Safety Act of 1969. For your convenience, our reply is keyed to the numbered paragraphs in your letter.

I. PERSONNEL OF THE BUREAU OF MINES

It is true that a number of officials were designated to serve in an acting capacity as a result of the Bureau reorganization effective April 1, 1970. Prompt action was necessary at that time to eliminate gaps in the redelegation of authority within the Bureau. Also, under Civil Service procedures, position descriptions must be revised and grade levels redetermined whenever an organization structure is changed. This results in an increase in the number of "Acting" positions, as the Civil Service Commission must approve the revised position descriptions and grade levels prior to formal designation for all positions GS–16 and above. These top Bureau positions (Deputy and Assistant Directors and Chief Scientist) are now in the final stages of processing at the Civil Service Commission. The remaining positions for Division Chiefs and their subordinates are currently being revised to reflect new organizational arrangements and these actions should be completed in the very near future.

As your letter pointed out, several Bureau officials were named as acting in two positions, and Dr. Hayes' name appeared under three titles. We recognize that this is a very heavy responsibility for all concerned, but we are accomplishing the programs under these individuals by a tremendous amount of team effort. Recognizing further that a very heavy responsibility had been placed on Dr. Hayes and that this burden would not be alleviated until such time as a Bureau Director is appointed, we designated Mr. Carl Rampacek as Acting Deputy Director—Mineral Resources and Environment Development on July 23, 1970.

Specific information on the current status of the other individuals named in your communique is as follows:

(1) *Mr. Henry P. Wheeler*—Acting Deputy Director—Health and Safety, and Acting Assistant Director—Education and Training. Mr. Wheeler had been appointed to the position of Associate Director in the previous organization. However, in the reorganization his title was changed from Associate to Deputy. As this is a supergrade position, he must serve in an acting capacity until the Civil Service Commission approves this change of title. The appointment papers for the new Assistant Director—Education and Training are now in process. Mr. Wheeler will continue to act in this position until the candidate is approved.

(2) *Mr. Carl Rampacek*—As we mentioned above, Mr. Rampacek has been designated Acting Deputy Director—Mineral Resources and Environmental Development. The position in which Mr. Rampacek was acting until March 24 was abolished under the reorganization. He is presently our primary candidate for the position of Assistant Director—Metallurgy and is also serving in an acting capacity in this position until such time as his new position is approved by the Civil Service Commission.

(3) *Dr. Earl T. Hayes*—Our third paragraph explains Dr. Hayes' present situation. The criticism of his knowledge of the Act is in our opinion without a sound basis. His involvement with the Act, while not as complete as others who had the direct responsibility, was more than adequate to permit him to enforce the Act efficiently and in a manner prescribed by the legislation. Dr. Hayes is intimately familiar, from his previous experience, with the other programs of the Bureau of Mines.

(4) *Mr. Henry Doyle*—Mr. Doyle resigned his position with the Bureau on April 12, 1970. A copy of his memorandum on a reassignment to a line position is attached. (Attachment A.)

(5) *Mr. Harry Perry*—Mr. Perry resigned his position with the Department of the Interior effective June 30, 1970, for a position with the Library of Congress.

II. REORGANIZATION OF THE BUREAU OF MINES

There are substantive changes in the responsibilities assigned to defined organization units that perhaps are not fully revealed by a comparison of the titles used prior to April 1 with those in the new structure. The full significance of separating all of the greatly expanded enforcement functions from other responsibilities of the Bureau of Mines must be appreciated when comparisons are to be made between the old and new organization units.

In announcing the reorganization the Department clearly stated that the express purpose was to insure that the Bureau of Mines capabilities would be strengthened in response to its new responsibilities in the field of mine safety and recent developments on the national scene in the resources area. As a result more attention was given to waste and pollution and more emphasis was placed on environmental problems associated with mining and with the processing of minerals and fuels. The enforcement powers provided by new legislation in the fields of mine health and safety also were carefully weighed to relate and substantially strengthen the Bureau's capabilities in that area. In addition, the increasing variety of complex mineral and fuel supply problems called for a major overhauling of organizational alignments so as to improve performance in that critical area of Bureau responsibility.

Your letter also expresses concern about the way in which staff responsibilities for health are divided between the jurisdictions of the Assistant Director—Coal and the Assistant Director—Metals and Nonmetals. The Bureau is, as you say, charged with similar responsibilities under both acts. But we cannot agree that the problems in the industries to which the separate laws apply are also similar. In fact, they are so dissimilar as to require a considerable array of specialization, and we intend to provide just that. As structured, the new organization was designed to facilitate continuous interchanges between Assistant Directors and between their respective organization components.

Another point we wish to emphasize is that all permissibility testing remains with the enforcement functions. Moreover, all research

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was supervised by the Director of Mining Research (now the Assistant Director—Mining) prior to reorganization. The system for assuring considertaion of research needs that are indicated by enforcement experience is firmly established under the Deputy Director—Health and Safety and is not changed by the reorganization.

Experience in planning for the assumption of new obligtions has demonstrated the need for greater and more effective staff support oriented to the specialized requirements of the individual laws rather than to the common increments of both laws.

We cannot agree that there is any impropriety in the objective of closer relationships between the Bureau and all levels of the industry, nor can we agree that the objective is in any way inconsistent with any of the Bureau's statutory obligations. We believe our position becomes clear if the cited phrases are presented in their proper context.

The quoted objective applies exclusively to the instance where "the nature of the mineral and energy supply problems that merit Federal attention *demand* the closest of relationships . . ." Our material supplies, in this country, are products of private industry under a free enterprise system. When some part of the system appears to conflict with the public interest and thus "merit Federal attention," a thorough understanding of the involved industry sector is necessary if the Federal decisionmaking process is to function effectively. In this regard, the Bureau of Mines has repeatedly expressed its statutory responsibilities as follows:

"The present mission of the Bureau of Mines is to conduct such programs of inquiry and regulation as necessary to inform the Government and to stimulate the private sector in production of minerals and fuels to supply an appropriate and substantial share of the national needs in a manner that is acceptable in the public interest. Specifically, concern is directed to the means by which current and emerging demands may be met, the real cost of such achievements, and the assessment of related socioeconomic factors, seeking ways to accommodate material needs in a manner that minimizes occupational hazards to workers in the industry, that reduces wastes, and that ensures that mineral raw materials are supplied and mineral-based products are used and disposed of without objectionable social and environmental costs."

The reorganization is expressly designed to strengthen this concept. It also recognizes that basic data and intelligence in matters relative to the private sector must be improved if the job is going to be done more effectively. Whatever knowledge is available on mineral reserves, production, consumption, production costs, prevailing technology, investments, plant capacity, plans, or any of the facts that are necessary to understand supply trends or the nature of emerging social or environmental issues is derived through voluntary responses to Bureau of Mines inquiries. The Bureau of Mines has no mandatory authority to require reporting of this information. Yet, an effective exchange has been developed over the years and a means of maintaining and strengthening the system to insure that the Government, the public, and the industry are correctly informed is the single purpose of the objective that has aroused your concern.

Based on the foregoing we believe that the reorganization should not be rescinded and that to do so would hamper and hinder implementation of Health and Safety Acts and development of our other program responsibilities.

III. AND IV. REGULATIONS PUBLICATION AND SCOPE OF SAFETY REGULATIONS

These parts of your letter are addressed to the regulations issued as Part 75 of Title 30, Code of Federal Regulations. I am sure you are aware that the basis for and the validity of the regulations are at issue in the case presently pending in the U.S. District Court for the Western District of Virginia. Therefore, in our opinion, it would be inappropriate to answer these inquiries at this time.

V. FEE SCHEDULE

You have expressed concern over Section 301.50 of the regulations which contains procedures under which the mine operator can avoid assessment of penalty procedures contemplated by Section 109 of the Act. You have requested an explanation of the publication of such a schedule and for assigning responsibility to the Board of Mine Operations Appeals to conduct the assessment proceedings. Inasmuch as the validity of the fee schedule is in issue in the case pending in the Western District of Virginia, we will address ourselves only to the second part of your request.

Responsibility to set penalties was delegated to the Board for a number of reasons. This responsibility should, in our judgment, be delegated to someone having the facilities for gathering and considering evidence bearing upon the factors required to be considered under Section 109(a)(1). While much of the information would be readily available to the Bureau of Mines, at least two of the factors are economic in nature and one—whether the operator was negligent—is legal. We chose to delegate this responsibility to the Board because it has the capability of receiving the relevant evidence and because it is independent of the Bureau of Mines. It would have been inappropriate, we believe, to assign this quasi-judicial function to the Bureau of Mines, which now functions in the capacity of the "policeman." On the other hand, assigning this responsibility to the Board will, in our judgment, produce an eminently efficient and equitable procedure.

VI. BURDEN OF PROOF

You have requested that the Secretary amend the procedural regulations for the Board of Mine Operations Appeals so as place the burden of proof, in cases arising under Section 110 of the Act, upon the mine operator. Section 301.68 of the regulations presently assigns the burden of proof in such cases to the miner or representative of the miner.

This provision of the regulation, we believe, is entirely consistent with Section 110 of the Act. Moreover, it preserves the traditional allocation of proof in legal proceedings and comports with traditional notions of justice. Section 110 of the Act is not self-executing. If the operator has not voluntarily compensated the miners or abated the allegedly discriminating conduct, the miner or the representative of the miners must invoke the administrative procedures established by the Secretary. The Act does not contemplate the initiation of administrative action by the Secretary on his own motion.

Nor is it unconscionable to place the burden of proof on the applicant. The burden of proof contemplated by Section 301.68 is neither rigid nor inflexible. In cases involving claims for compensation, the requisite proof often will be slight, consisting principally of (1) evidence concerning the issuance of the notice or order and the condition existing in the mine, and (2) evidence establishing the applicant as an eligible employee of the operator. In discrimination cases, the proof ordinarily will consist solely of the testimony of the applicant and fellow employees. In either case, however, the investigation contemplated by the Act will take the form of an adversary-type proceeding before the hearing examiner, with the examiner being empowered to call witnesses. Moreover, Section 301.65 grants to the hearing examiner broad powers designed to simplify the issues and reduce the need for an evidentiary hearing. In our judgment, the purpose of Section 110 is well served by employing this kind of a procedure and the rights of both the miner and the mine operator are fully protected.

You have also questioned that portion of Section 301.68 which assigns to the Bureau of Mines the burden of proof in proceedings for the review of orders and notices, including Section 104(h) notices, and for the assessment of civil penalties. This provision is consistent not only with procedures of the now defunct Federal Coal Mine Safety Board of Review, but also with the philosophy of the Administrative Procedures Act, which provides that "except as otherwise provided by statute, the proponent of a rule or order has the burden of proof" (5 U.S.C. 556).

The Bureau's proof, in the ordinary case, will consist of evidence concerning the condition existing in the mine and the results of laboratory tests if any. In proceedings for the assessment of a civil penalty, additional evidence bearing upon the factors required to be considered by the hearing examiner will be offered. Again, I would expect that much of the evidence will be documentary, including stipulations and records of the operator and the Bureau of Mines.

VII. INSPECTIONS

The figure of "only about 220 fully qualified inspectors" contained in the April 3 news release did not include the specialized inspectors or engineers who support the regular inspection force. The total figure of "about 300" is comprised as follows:

Coal mine inspectors and supervisors	220
Coal mine inspector trainees	54
Coal mine inspectors (roof control specialists)	11
Coal mine inspectors (electrical)	8
Engineers	17
Total	310

The following information is keyed to the questions contained in your letter. Questions 1 and 2 have been combined to give a more complete picture.

1 and 2. Inspectors required to make four complete inspections of underground mines a year, 440.

Inspectors required to make inspections under Section 103(i) of the Act, 200.

Inspectors required to make two complete inspections of strip and auger mines a year, 53.

Inspectors required to make spot check inspections other than those required under Section 103(i), 68.

Inspectors required for health inspections, 285.

Total inspectors required (including supervisors), 1,046.

3. Authorized personnel ceilings include 506 inspectors.

4. The Department received a supplemental appropriation for fiscal year 1970 in the amount of $12,000,000 for the purposes of carrying out the provisions of the Federal Coal Mine Health and Safety Act of 1969.

One and a half million dollars was allocated for increased inspection work with personnel ceilings for an additional 188 employees including inspectors and support personnel.

5. Budget estimates for fiscal year 1971 provide additional increases of $12,421,000 for inspection work and 592 additional inspectors and support personnel.

6. Inspectors are hired at Grades GS-9, GS—11 or GS-12 depending upon the qualifications of the person employed. Entrance salary rates for these grade levels are $9,881, $11,905 and $14,192 respectively.

7. New inspectors generally require extensive training, including classroom instruction and on the job experience, to become fully qualified for their duties. Training is geared to the progress of the individual and he receives inspection assignments during the training depending upon his demonstrated capability and with close supervision and review of his work.

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Hiring of new inspectors has been a continuing process. During the first four months of FY 1970 we recruited inspectors for a class that began in October 1969 and 54 inspectors completed the course. Since passage of the Federal Coal Mine Health and Safety Act of 1969, intensified recruitment of inspection personnel has been in progress. In February 1969, 1459 applicants took the Coal Mine Inspector Test. Of the 586 applicants that passed the initial written part of the examination, 287 were rated eligible for appointment after considering their experience and other qualifications. Information on 121 written test eligibles was combined with the results of regular Civil Service scheduled examinations, and the pass-fail rate for this group is not available. A second nationwide walk-in examination is planned for September 1970.

As indicated above, in order to carry out the provisions of the Act we estimate 1046 inspectors will ultimately be required and we are making a massive effort to recruit and train new inspectors in the shortest possible time. The requirement for four inspections a year will be met although, during the first and possibly through part of the second year of enforcement, we will not be physically able to comply with this provision of the Act.

The "partial but representative" inspections concept was developed to be used during the early enforcement period when there would be a major deficiency in the number of inspectors. Through this type of inspection the Bureau will optimize the use of its limited inspection force so as to obtain the most rapid compliance by industry with the provisions of the new Act. After the first PBR inspection, complete inspections will be undertaken but until the inspectorate grows to its required size it will be necessary to strike a balance between complete inspections, spot inspections, and those required under Section 101(i) in such a way as to continue to make optimum use of the limited inspection force.

The table below shows the requested appropriations and the amount allowed by the Bureau of the Budget for FY 1971. An analysis of the reductions follows:

BUREAU OF MINES—COMPARISON OF REQUEST WITH BUDGET BUREAU ALLOWANCES—HEALTH AND SAFETY INSPECTIONS AND INVESTIGATION, FISCAL YEAR 1971

	Request	Allowance	Reduction
Safety inspections	$16,943,000	$15,480,000	$1,463,000
Technical support	1,000,000	1,000,000	
Permissibility equipment testing	1,210,000	1,100,000	110,000
Accident analysis	769,000	616,000	153,000
Statistics	1,170,000	1,070,000	100,000
Dust inspections	5,646,000	5,446,000	200,000
Dust laboratory	300,000	300,000	
Health studies	150,000	150,000	
Training inspectors	1,424,000	1,324,000	100,000
Industry education	1,050,000	1,050,000	
Industry assistance	900,000	900,000	
Grants	2,400,000	400,000	2,000,000
Mine Safety Institute	3,500,000	500,000	3,000,000
Metal and nonmetal mine safety	5,471,000	4,221,000	1,250,000
Total	41,933,000	33,557,000	8,376,000

1. Safety and dust inspections, $1,663,000 reduction: We believe there will be difficulty even in hiring the number of inspectors allowed for fiscal year 1970. However, we have been assured by the Bureau of the Budget that if we are able to hire inspectors at a rate faster than the 1971 budget allowance would permit, the matter will be reconsidered.

2. Grants, $2,000,000 reduction: Because we have as yet no information on what claims the States will make for grants, there was no basis on which to appeal the reduction. At the same time the Bureau of the Budget stated that if substantial requests from the States materialize, the Bureau of the Budget will permit a reconsideration of the funding level.

3. Mine Safety Institute, $3,000,000 reduction: The Bureau of the Budget allowed $500,000 for planning of the Institute but disallowed funds for construction since they will not be required during FY 1971.

4. Metal and nonmetal mine safety, $1,250,000 reduction: This item is of course not involved in the enforcement of the Coal Mine Health and Safety Act.

The other small reductions in the budget request were made for a variety of administrative reasons.

VIII. ACCIDENTS

Attached are copies of the report on an explosion at Compass No. 2 Mine of the Clinchfield Coal Company on April 2, 1970 (Attachment B), copies of the report of a fatal roof fall accident at Lancashire No. 20 Mine on April 4, 1970 (Attachment C), and copies of a report on the details concerning an accident at Homer City Mine (Attachment D), including copies of inspection reports of July 22 to 29, 1969 (Attachment D–1), November 19 to December 2, 1969 (Attachment D–2), and April 6 to 8, 1970 (Attachment D–3).

IX. INTERIOR'S CRITICISM OF STATUTORY SAFETY STANDARDS

We do not believe that Mr. Wheeler's testimony before the House Appropriations Committee was critical of the Federal Coal Mine Health and Safety Act of 1969, nor did it reflect a lack of familiarity with the law. Rather, in the testimony referred to in your letter he emphasized portions of the Act which require the development of new technology and the inherent uncertainty in predicting the success and timing of such development.

With regard to automatic brakes on mine cars, Mr. Wheeler's comments were based upon advice from our representatives who participated in the drafting of the legislation and from our attorneys that Section 314(e) requires automatic brakes, speed reduction gear, or other similar braking devices on *each* locomotive and mine car used in an underground coal mine. Although Mr. Wheeler referred specifically to only the unavailability of automatic brakes for mine cars, his remarks were intended to cover generally the unavailability of any braking devices suitable for use on individual mine cars. Further, we are advised by our representatives who worked with your staff that, in addition to citing the problem of space for automatic brakes on mine cars in low coal, they also informed the staff concerning the unavailability of automatic braking equipment for mine cars generally.

In reply to your question regarding the Bureau of Mines responsibility to convert its experiments into "a commercially feasible system," we believe that it is our responsibility to promote this development either through additional research and development by the Bureau of Mines or by persuading the industry to do it. Mr. Wheeler certainly did not mean in his remarks that we would attempt to go any further than necessary to indicate the feasibility of the project and to attract further development, manufacture, and sale of equipment by industry. Information concerning the research and development undertaken by the Bureau of Mines is, of course, made public at appropriate times during its progress.

X. MINE CLOSURE BY OPERATORS

There is attached a listing of mines, of which the Bureau of Mines has a record, which we understand have been closed (Attachment E). There is no requirement that an operator advise the Bureau of his intention to close a mine, so the listing may be incomplete. Moreover, most of the mines listed are relatively small. They may decide to operate again at any time and it is thus difficult to keep a current list of active or inactive mines.

There is also attached a listing of all mines inspected along with the information about each which you requested (Attachment F).

We, too, are deeply concerned about any significant loss of production that might be caused by the enforcement of the new law. We have done everything within our power to administer the law fairly, efficiently, and in conformance with our best understanding of the intent of Congress. It is, of course, impossible for us to know the reasons why some operators have decided not to operate their mines at this time. We certainly hope that your statement that "some are closing with the objective of creating a coal shortage" is not an accurate evaluation of the present situation.

XI. TEMPORARY RELIEF

You properly point out that Section 301.15 of the regulations erroneously refers to Section 104(h) rather than 104(b). This was a typesetting error and a correction appears in the Federal Register of April 25, 1970 at page 6650. We concur that there is a need to also provide in the regulation that temporary relief from a Section 104(a) order is not available, although that limitation appears in Section 105(d) of the Act.

XII. NOTICES

We agree that Section 310.10 should specifically provide that notices are subject to review only insofar as concerns the reasonableness of the time allowed for abatement. This limitation is clearly set forth in Section 105(a)(1) of the Act but for administrative clarity should be restated in the procedural rules. This matter, as well as others, including that immediately above, is presently under study by the Board with a view toward amendment of the rules of procedure at the earliest opportunity consistent with sound administrative practice.

We hope that this information will be helpful to you in understanding the methods we are using to enforce this complex new Act.

Copies of this letter are being transmitted to Representatives Burton and Hechler for their information.

Sincerely yours,

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

ATTACHMENT A

MEMORANDUM, MARCH 9, 1970

To: Acting Director, Bureau of Mines. Through: Associate Director—Health and Safety.

From: Acting Assistant Director—Mineral Industry Health.

Subject: Reassignment of line position.

I am grateful for your discussion with me on March 6 transmitting an offer of a GS–16 line position in Coal Mine Safety. This offer is respectfully declined.

For the past 20 years, the greater part of my work has been devoted to health problems in the total mining industry. My career in occupational health has covered the full

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gamut of the field. Therefore, a staff position in Coal Mine Safety would be quite restrictive and most unrewarding. Additionally, the health problems to be faced by the Bureau could not be dealt with effectively at that organizational level.

Trends in the mining industry are such that in a relatively short time, the industry will be unable to operate until critical health problems have been solved. Some of my views on this subject have been expressed in previous memoranda and budget justifications. The absence of a strong health component in the Bureau of Mines has allowed at least three problems to become significant causes of industrial morbidity and mortality—lung cancer due to radiation in uranium miners, coal workers, pneumoconiosis and silicosis. Thus, the Bureau would be well advised to reevaluate the decision to abolish the Office of Mineral Industry Health.

Morbidity and mortality due to occupational causes in the mining industry is far greater than that due to occupational accidents. Conservative estimates place the number of deaths due to coal pneumoconiosis in excess by a factor of four of the number due to occupational accidents. Among uranium miners over 150 deaths, due to occupational lung cancer, have been identified and it is estimated that this is less than one-fourth of the number expected among those already exposed. The compensation cost for all forms of pneumoconiosis, most of which comes from the minerals industry, exceeds the combined compensation cost for all other occupational diseases.

A shortage of ore reserves will soon require exploration of deep earth deposits and the recovery of ore conglomerates on the sea floor. High energy sources such as laser beams will doubtlessly be used in the mining process. In all cases, the health restraints are such that these procedures cannot be used until health protective measures have been developed. Public issues will soon require an immediate solution to more mundane problems such as noise and sanitation. So far, our efforts in Mineral Industry Health have only dealt with the visual disease spectrum. Evidence indicates that certain chronic diseases, such as heart, cancer, respiratory, and arthritis have a higher incidence among miners and that these diseases may have their origin in, or may be aggravated by, the mining environment.

Recent information from the Social Security Administration disability statistics indicates that there is approximately a four-fold increase in disability due to psychosomatic reactions attributed to stressful occupations of miners.

Mineral products are increasingly being identified as significant causes of mortality among workers and those innocently exposed Asbestos and beryllium are excellent examples of these offenders. Metals which are now laboratory curiosities will in the near future be items of commerce and some of these have tremendous toxicological implications.

The abolition of the Office of Mineral Industry Health is certainly not consistent with the Secretary's public policy of dealing with environmental problems before they become major issues. Before such action is taken, the Bureau should have a review of actual and potential health problems, in the mining industry, made by a group of outside experts.

The accomplishments of the Office of Mineral Industry Health during the past year have been phenomenal, notwithstanding limited staff and facilities. Our demonstrations of controlling face-generated dust in underground coal mines permits most mines to meet the dust requirement of the Federal Coal Mine Health and Safety Act at a nominal cost and virtually assumes the elimination of coal workers' pneumoconiosis. These accomplishments, in my opinion, have not been evaluated.

In the event that the abolition of the Office of Mineral Industry Health is an irrevocable decision, it is best that I permit my temporary appointment to expire on April 30.

The past 18 months with the Bureau has been a highly rewarding experience. A personal goal has been a dedication to the elimination of certain diseases in the mining industry. It has been gratifying to have been able to make one small step in that direction and to know that many individuals in the Bureau share this concept. It is disappointing, however, to realize that others are unaware of the fact that mining, from the health standpoint, is our most dangerous industry.

I would appreciate your transmitting a copy of this memorandum, as well as the attached document entitled, "Acting Program for the Prevention of Coal Pneumoconiosis," to the Assistant Secretary for Mineral Resources.

HENRY N. DOYLE.

ATTACHMENT B

Subject: Explosion Compass No. 2 Mine, Clinchfield Coal Co. (Div. of Pittson Co.), Dola, Harrison County, W. Va., April 2, 1970.

An explosion occurred in the Compass No. 2 mine about 3:40 p.m., April 2, 1970. Twelve men were underground at the time of the explosion. One man, the superintendent, was killed, but the other 11 men underground were uninjured and escaped without assistance. Shortly after the explosion occurred, Federal Inspector Layne arrived at the mine, posted a closure order on the entire mine and assessed the operator a penalty of $500. Bureau personnel began an investigation of the occurrance the same day, completed the underground investigation Friday, April 3, and conducted a joint hearing with the West Virginia Department of Mines on the occurrence Saturday, April 4. The investigation and hearing established the fact that severe thunderstorms occurred in the area on April 2. The electric company's main power failed, and the mine fans ceased operating for about 40 minutes, between 11:00 and 12:00 a.m. After the fans resumed operating, the mine was fire-bossed, found safe, and underground employees reentered the mine. At 1:19 p.m., the mine's electrical power failed again and the fans stopped. The men were again withdrawn. The fan was restarted at 2:20 p.m. Officials of the company made another complete fire-boss examination of the entire mine, and these officials were on their way to the surface when the explosion occurred. Apparently, methane was ignited on the 12 right supply tracks, about 500 feet inby the belt drive, as the mine superintendent was preceding to the shaft bottom in a personnel carrier. The most likely source of ignition was an electric arc from the personnel carrier. Although it is possible that methane was ignited at the belt drive by an electrical arc or spark, coal dust entered into and helped propagate the explosion. The 12 right entries are surrounded on three sides by unsealed abandoned workings, and the investigators believe the methane from the unsealed pillared areas escaped and contaminated the 12 right entries. Mine personnel stated that barometer readings were lower on the day of the occurrence than any previously recorded readings. Following the explosion, the mine operator was required to rehabilitate and reventilate the mine and ventilate or seal the abandoned workings before resuming operations. The operator chose to ventilate the abandoned area which was possible because of two shafts into the abandoned areas. The work of rehabilitating the mine and ventilating the abandoned areas was done during the week of April 6–10 and an inspection of the entire mine on April 11 indicated the mine was free of violations and the abandoned area was being ventilated by exhaust fans. Therefore, Federal inspectors abated the closure order. The Compass No. 2 mine is entered by shafts and drifts into the Pittsburgh No. 8 coalbed. Six active sections were being operated with continuous miners and 162 underground employees working three shifts a day produced an average of 4,000 tons of coal daily.

The final report of this investigation is being prepared and upon completion of this report, a copy will be submitted.

ATTACHMENT C

[U.S. Department of the Interior, Bureau of Mines, Coal Mine Safety District A]

REPORT OF FATAL COAL-MINE ROOF-FALL ACCIDENT, LANCASHIRE NO. 20 MINE, BARNES & TUCKER CO., CARROLLTOWN, CAMBRIA COUNTY, PA., APRIL 4, 1970

(By Warren K. Lewis, Federal Coal-Mine Inspector, and W. O. Montgomery, Federal Coal-Mine Inspector (Roof Control)

Originating Office, Bureau of Mines, Federal Building, U.S. Post Office, Johnstown, Pennsylvania 15901.

Donald W. Huntley, Subdistrict Manager, Johnstown, Pennsylvania, Subdistrict, Coal Mine Safety District A.

INTRODUCTION

This report is based on an investigation made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

On Saturday, April 4, 1970, about 10:30 a.m., Stanley J. Benosky was killed instantly by a fall of roof in the first crosscut between the main J track and belt entries inby J–1 in the Lancashire No. 20 mine. Benosky, age 51, is survived by his widow and one dependent child under 18 years of age. He had 16 years and 3 months experience as a miner, the last 2 years and 3 months with this company. He was employed as a bratticeman and was performing his regular duties when the accident occurred. Only maintenance work was being performed on this shift

Paul Lenyo, Federal coal-mine inspector, was notified of the accident by Robert Stratton, company safety inspector, at 11 a.m. the same day. Lenyo informed the writers by telephone about 11:20 a.m., and an investigation was started the same day.

GENERAL INFORMATION

The mine openings consist of two drifts, a slope, and two shafts into the Lower Kittanning coalbed, which averages 60 inches in thickness in the active areas. Of the 276 men employed, 28 worked on the surface and 248 worked underground on 3 shifts a day, 5 or 6 days a week. The average daily production of 3,500 tons of cleaned coal was mined with ripper-type continuous-mining machines and a longwall system. Shutttle cars were used to transport coal from the face areas to the belt conveyors.

A room-and-pillar method of mining was followed and pillars were recovered. Entries were driven on 60- and 90-foot centers in sets of three to nine. The widths of entries, rooms, and crosscuts were not to exceed 18 feet. The distance between crosscuts was not to exceed 100 feet. The immediate roof in the crosscut where the accident occurred was sandy shale intersected by a previously undetected slickensided slip near the left rib of the crosscut. Posts, set at 3- to 4-foot intervals on one or both sides of the crosscut within 3 feet of the ribs, were the sole means of permanent roof support in the accident area, which had been mined in June 1969. The roof in the crosscuts and entries in the nearby area was bolted with the exception of this crosscut and the crosscut immediately outby. The adopted plan for roof support specified that permanent posts were to be set 4 feet apart in a row on one side of a 15-foot-wide roadway. Additional supports were to be set where necessary. Roof bolts were used as supplemental roof support and had been installed in compliance with the company's bolting plan. There were several unintentional roof falls in entries and crosscuts throughout this area of the mine.

Information for this report was obtained from an investigation at the scene of the accident and from statements by Richard Seabolt, mine foreman; William Carroll, general assistant foreman; John Toth, third-shift assistant foreman; Joseph Ciccotelli, bratticeman, who worked with the deceased; and John Glinsky and Clair Peacock, rockmen.

The investigating committee consisted of the following persons:

Barnes and Tucker Company: Edward Arotin, Production Manager; George Kutchman, Superintendent; Richard Seabolt, Mine Foreman; William Carroll, General Assistant Foreman; Julius Klemstine, Mining Engineer.

United Mine Workers of America: Thomas Smith, Michael Zeanchock, Jr., Darrell Lane, Safety Committeemen.

Pennsylvania Department of Mines and Mineral Industries: Lawrence Jones, Inspector, 19th Bituminous District; Anthony E. Valeri, Inspector, 24th Bituminous District.

United States Bureau of Mines: Warren K. Lewis, Federal Coal-Mine Inspector; W. O. Montgomery, Federal Coal-Mine Inspector (Roof Control).

The last Federal inspection was completed September 10, 1969. Spotcheck inspections were made on December 3, 1969, and February 2 and 3, 1970.

DESCRIPTION OF ACCIDENT

The maintenance crew, which included Stanley Benosky and Joseph Ciccotelli, bratticemen, entered the mine at 8 a.m. and arrived in the working section about 8:30 a.m. Benosky and Ciccotelli were instructed by William Carroll, general assistant foreman, on the surface to go to the undercast in J–1 section and complete the installation of concrete blocks on the sides of the undercast. When they arrived at the entrance to J–1, Benosky went to the crosscut in which the accident occurred. There he found that boards to be used for building a door in the crosscut to provide ingress and egress into J–1 had been delivered during the previous shift, and Benosky told his helper they would build the door instead of going into J–1 as instructed. Benosky also told Ciccotelli to wait there while he went into J–1 to get the necessary tools. Ciccotelli stated he made a thorough examination of the roof in the crosscut while Benosky went to get the tools and found the roof good in his opinion. After Benosky returned with the tools, they measured for the door frame and Ciccotelli got a plank and prepared to measure and cut the plank to the proper length. Benosky, upon determining that one of the posts in the crosscut was in the way of the door frame, attempted to knock the post out with an ax. The post was too tight to knock out so he told Ciccotelli that he would have to cut the post out with a saw and he proceeded to start cutting the post. In the meantime, Ciccotelli, who was near the main J belt and facing Benosky, had sawed the plank for the door frame nearly through when he heard the sound of the roof falling and saw a cloud of dust. After a few moments, the dust cleared and Ciccotelli called to his buddy and received no answer. After determining that Benosky was under the fall, he hurried to get help from the crew in J–1. The victim's body was recovered in approximately 1 hour and was placed on a stretcher and transported to the surface where Dr. A. W. Fees pronounced him dead at about 12 o'clock noon.

The roof rock that fell was slickensided on one side and measured 26 feet long, 13 feet 6 inches wide, and was 16 inches thick at two sides and near the center, and tapered to a featheredge on the other two sides. The post the victim was sawing was within three quarters of an inch of being cut through when the roof collapsed. The saw and post were found under the fall, see sketch (not reproduced in the Record).

During the preceding (12 midnight to 8 a.m.) shift, two workmen had removed the concrete-block stopping in the crosscut in which the accident occurred in order to move some equipment into and out of J–1. They stated that John Toth, night assistant foreman, had inspected the crosscut and tested the roof at approximately 2 a.m. and 6:30 a.m., and Toth stated that he considered the roof normal. The workmen also tested the roof throughout the shift and considered the roof safe. They also stated that they removed three posts along the main J belt and three posts from the entrance to the affected crosscut near the track entry to allow clearance for the equipment being moved. The workmen stated that the posts they knocked out and also the brattice which was removed did not show any pressure and were not difficult to take Out. William Carroll, general assistant foreman, said he examined the area on April 2, 1970, and that, in his opinion, the roof was good at that time.

CAUSE OF ACCIDENT

Failure of the victim (employee) to provide equivalent support before removing permanent posts and failure of management to roof bolt the crosscut according to the plan used in the immediate area was the cause of this accident.

RECOMMENDATIONS

Compliance with the following recommendations may prevent accidents of a similar nature:

1. Supports should not be removed unless equivalent temporary protection is provided prior to removal, and the workmen should be in the safest location possible while removing supports.
2. In areas where roof bolting is being done, all roofs should be bolted.

ACKNOWLEDGMENT

The cooperation of the company officials and employees, members of the Mine Safety Committee, and representatives of the Pennsylvania Department of Mines and Mineral Industries during this investigation is gratefully acknowledged.

Respectfully submitted.

Warren K. Lewis.
W. O. Montgomery.

Attachment D

Inspection of Homer City Mine, Helen Mining Co., Homer City, Indiana County, Pa.

PBR inspection made April 6–8, 1970. Area covered was track and belt entries, and 4, 5, 6, and 7 entries of crossover mains, and second right. Area not inspected was the south main face area, 1, 2, and 3 crossover main entries, and none of the back entries were inspected.

Explosion occurred in No. 7 entry crossover mains section. This area was inspected April 8 and explosion occurred April 10.

There was a total of five mechanical mining units in operation, and the inspector observed the conditions in the area in which two units were in operation.

During the PBR inspection 14 Notices and 1 Directive were issued. The exhaust line brattice was approximately 27 feet from the face at the time of the explosion. The continuous miner was in the initial sumpcut (line brattice side) and the sump was approximately 14 feet deep.

An Order was issued because of the explosion. The Order covered the entire mine and is still in effect.

Some of the actions taken by the Bureau of Mines to prevent a similar occurrence follows:

1. The entire mine was inspected thoroughly and 45 Notices and 5 Directives were issued. The majority of Notices have since then been abated.
2. Each mechanical unit will be put on a separate split of air.
3. Line brattice will be installed to within 10 feet of each working face.
4. Methane monitors are required.
5. Until methane monitors can be obtained, tests for methane are required after each shuttle car of coal is loaded using a flame safety lamp with a nonluminous flame, or a permissible methane detector.
6. Water sprays shall be turned on before the bits are rotated for the purpose of cutting or trimming coal or rock.
7. When the mine resumes operation, there will be spot check inspections made at least once every 5 working days.
8. After the mine resumes operation, it is intended that an investigation wil be made to determine whether methane liberation while coal is being produced will require an increased volume of air to meet the requirements of the law.

Attachment D–1

[U.S. Department of the Interior, Bureau of Mines, Division of Coal-Mine Inspection]

Coal Mine Inspection Report, Homer City Mine, Helen Mining Company, Homer City, Indiana County, Pa., July 22–25 and 27–29, 1969

(By Harry C. Thompson, Federal Coal Mine Inspector)

Originating Office, Bureau of Mines, Federal Building, U.S. Post Office, Johnstown, Pennsylvania 15901.

Donald W. Huntley, Subdistrict Manager, Johnstown, Pennsylvania, Subdistrict, Coal Mine Safety District A.

INTRODUCTION

This report is based on an inspection made in accordance with provisions of the Federal Coal Mine Safety Act (66 Stat. 692; 30 U.S.C. Secs. 451–483) as amended.

The operator and mine workers are parties to the National Bituminous Coal Wage Agreement which requires compliance with provisions of the Federal Mine Safety Code.

GENERAL INFORMATION

The Homer City mine is adjacent to Legislative Route No. 32024, about 1 mile west of Coral, Indiana County, Pennsylvania, where it is presently served by autotrucks. The coal produced at this mine will in the near future be utilized by the Homer City electric generating station.

The mine was opened on May 26, 1969, by the present company. The names and addresses of the operating officials are as follows:

James H. Hurley, President, Indiana, Pennsylvania.

Thomas Musick, Vice President and General Manager, Indiana, Pennsylvania.

Joseph Nippes, Production Manager, Homer City, Pennsylvania.

Michael Gatskie, Mine Foreman and Superintendent, Coral, Pennsylvania.

The mine is opened by a double-compartment slope, 2,617 feet long on a 15 degree pitch and a 15-foot-diameter shaft, 608 feet in depth, with a metal curtain wall installed 5 feet from the nearest side. A double-compartment shaft is presently being sunk by a private contractor. The shaft is 106 feet in depth at the present time and will penetrate the coalbed at 635 feet at a distance approxi-

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mately 2 miles from the bottom of the present slope.

The Upper Freeport coalbed, which ranges from 48 to 96 inches in thickness in the present workings, was being mined. The coal is medium-volatile bituminous, the dust of which is explosive.

Of the 29 employees, 18 worked underground on 3 shifts a day, 6 days a week, and produced an average of 300 tons of coal daily.

Surface structures at the slope opening consisted of a main office building, hoist house, a combination mine office, supply room and shop and a combination lamp house and bathhouse, all of sheet-metal construction; two 2,500-ton-capacity raw-coal storage silos and a 2,000-ton-capacity clean-coal storage silo, both of concrete construction; a 42-inch belt conveyor from the slope portal to the raw-coal storage bin, 522 feet in length; a 36-inch belt conveyor from the raw-coal storage bin to the breaker, 310 feet in length; and a 36-inch clean-coal belt conveyor from the breaker to the clean-coal storage bin, 505 feet in length. At No. 1 shaft opening surface structures consisted of a small wooden building located within 60 feet of the mine opening which was owned by the contractor who sunk the shaft; and a combination mine office, bathhouse and lamp house of sheet-metal construction. At No. 2 shaft surface structures consisted of two hoist houses and a small building that housed the air compressor, all of sheet-metal construction. A small supply house and a carpenter shop of wooden construction were located within 60 feet of the mine opening. A changehouse of wooden construction was located more than 100 feet from the mine opening.

A room-and-pillar system of mining will be used. Entries 18 feet wide were driven in sets of four on 85-foot centers. Crosscuts were driven 16 feet wide on 100-foot centers. Pillars were not recovered. Coal was mined with continuous miners equipped with water sprays to control dust on the cutting heads and from observation they appeared to be effective.

The immediate roof consisted of sand rock and was supported by conventional timbers and roof bolts. The adopted roof-support plan appeared adequate and was followed.

Permissible explosives were used by the contracting crew to blast rock at the No. 2 shaft; however, drilling and blasting were not being done during this inspection.

The mine is classed gassy in accordance with the laws of the State. Preshift, on-shift, and weekly examinations were made; however, the results of the weekly examinations for dangerous conditions were not recorded until brought to the attention of the mine officials. During this inspection the mine examiner was accompanied while making a preshift examination of the mine. Ventilation was induced by two Aerodyne fans properly installed on the surface at the slope and at the No. 1 shaft operating exhausting, and were equipped with the necessary safety devices except pressure recording gages. Ventilation at the No. 2 shaft was induced by an auxiliary blower fan installed on the surface with 18-inch tubing installed in the shaft. The air current was controlled by solid concrete-block stoppings, and air was conducted to the working faces by use of check curtains and line brattice. Face ventilation was adequate. Tests made in all active working places throughout the mine with a permissible flame safety lamp and a methane detector did not indicate the presence of methane accumulations or an oxygen-deficient atmosphere. One air sample was collected near the bottom of the No. 2 shaft presently being sunk by a private contractor and two samples were collected in the main returns, see table 1. Methane monitors were not used.

The mine surfaces ranged from wet to damp and were free from accumulations of loose coal and coal dust. The applications of rock dust and general cleanup of loose coal in the face regions were included as part of the mining cycle. Rock dust had been applied to all areas of the mine, including back and parallel entries, but dust samples were not collected due to excessive moisture. Float dust was controlled with water sprays on the heads of the continuous miner and at the feeder car when coal was transferred into the bucket at the bottom of No. 1 shaft. Coal was transported from the working faces in shuttle cars to the bottom of the shaft where it was discharged onto a belt feeder car into a bucket of 2-ton capacity. The bucket was lifted to the top landing of the shaft with a hoist, where it was dumped into an autotruck. Men and supplies were lowered into and lifted out of the mine in the bucket used to transport coal. The hoist was equipped with automatic stop controls but not overspeed or overwind devices; however, when men were being transported in the bucket a second engineer was on duty at all times. The hoisting equipment was inspected daily by a competent person, and a record of the examination was kept. The ¾-inch-diameter no twist rope was connected to the bucket with a self-locking hook, and the rope was fastened to the hook by means of five properly installed Crosby-type clamps. Two bridle cables were connected securely to the rope at least 3 feet above the socket and attached to the bucket securely. Rope guides were used on each side of the bucket to prevent the bucket from twisting while in transit. The bucket was equipped with locking devices on each side to prevent the bucket from tilting. Four men were transported at one time at a speed of approximately 300 feet a minute. As soon as the contractor completes his work in the slope, a period estimated at about two weeks, coal production will start at the bottom of the slope.

Coal will be transported from the face with shuttle cars which will discharge onto belt conveyors that will transport the coal directly to the Homer City electric generating station. Men will be transported on a man-trip car equipped with the necessary safety devices. The hoist used at the slope will be equipped with all the necessary safety devices. The track and rolling stock were in good condition. Clearance was adequate and shelter holes provided where necessary.

Electric power at 110, 220, 480, 2,300, and 13,200 volts alternating current was used on the surface and 550-volts alternating current and 250-volts direct-current power was used underground. Alternating current at 13,200 volts was taken into the mine through shielded cables properly installed in the No. 1 shaft to the 600-kilowatt silicon-diode rectifier and into the slope to the 100-kilowatt silicon-diode rectifier. Cutout switches were provided where required. Lightning protection was provided for the power circuits leading underground. All underground face equipment was of permissible type, maintained in permissible condition, provided with overload protection, and frame grounded or equivalent devices provided. The trailing cables were of fire-resistant type and were provided with short-circuit protection. Tests for methane were made frequently while electrical equipment was being operated in face areas and just prior to the time such equipment was taken inby the last open crosscut.

Firefighting facilities were adequate and consisted of chemical fire extinguishers, water piped to the faces, and rock dust.

An accurate map of the mine was posted in the mine office and indicated that the active workings were not approaching abandoned workings, adjacent mines, impounded water or oil wells. Several gas wells were on the property but none in the area presently being mined. Escapeways were adequate and marked. Permissible electric cap lamps were used for portable illumination underground and smoking was not permitted in the mine. A suitable check-in and check-out system was being used by the close of the inspection. Protective hats and protective footwear were worn by the workmen and eyeshields were worn by the workmen where there was a hazard from flying particles. Health hazards from dusts, fumes, and mists were not present in and around the mine. Adequate first-aid supplies were available by the close of the inspection. Self-rescuers were provided for underground personnel.

Most of the employees had been trained in accident prevention and first aid, and eight employees had been trained in mine rescue and recovery operation.

The importance of complying with the provisions of the Federal Coal Mine Safety Act and the Federal Mine Safety Code between inspections was discussed with mine officials and the mine safety committee.

Part I—Federal Coal Mine Safety Act

Violations of the Mine Safety Provisions of the Federal Coal Mine Safety Act were not observed during this inspection.

Part II—Federal Mine Safety Code

Article II—Miscellaneous Surface Conditions

Section 1d. Two buildings of wooden construction at No. 2 shaft and one at No. 1 shaft were located within 60 feet of mine openings.

This hazard was partially corrected by removing the building at No. 1 shaft from the property.

Article III—Control of Roof, Face, and Ribs

Section 2a. Several posts were set in Nos. 2, 3, and 4 entries on cap wedges or round insecure blocks.

No action taken.

Section 2f. Several posts knocked out accidentally along the supply roadway were not reset promptly.

No action taken.

Article V—Ventilation and Mine Gases

Section 1f. The main fans at the No. 1 shaft and at the slope were not provided with pressure-recording gages.

No action taken.

Section 10f. A record of the weekly examinations for dangerous conditions was not kept at the mine.

Corrected.

Article VII—Transportation

Section 2d. A second means of signaling between the bottom and hoisting station at No. 1 shaft was not provided.

Corrected.

Article VIII—Electricity

Section 5a. The switchboxes for the two hoists and the air compressor at the No. 2 shaft were not frame-grounded.

No action taken.

Section 7c. Lightning arresters were not provided where the telephone circuits enter the mine at the slope and at No. 1 shaft.

Corrected.

Article XI—Miscellaneous

Section 6a. A check-in and check-out system was not provided.

Corrected.

Article XII—General Safety Conditions

Section 4a. The first-aid supplies at the top of No. 1 shaft did not include stretchers and splints, and at the bottom splints were not provided.

Corrected.

HARRY C. THOMPSON,
Federal Coal Mine Inspector.

HOMER CITY MINE—HELEN MINING CO.

Date of inspection	Violations observed	
	Act	Code
July 22, 1969	0	(1) Art. II, sec. 1d. (1) Art. III, sec. 2a. (1) Art. V, sec. 1j. (1) Art. V, sec. 10j. (1) Art. XI, sec. 6a. (2) Art. XII, sec. 4a.
July 23, 1969	0	(1) Art. III, sec. 2f. (1) Art. VII, sec. 2d. (1) Art. VIII, sec. 7c.
July 24, 1969	0	0.
July 25, 1969	0	(1) Art. V, sec. 1j. (1) Art. VIII, sec. 7c.
July 27, 1969	0	0.
July 28, 1969	0	0.
July 29, 1969	0	(1) Art. II, sec. 1d. (3) Art. VIII, sec. 5a.

TABLE 1.—HEALTH AND SAFETY RESEARCH AND TESTING CENTER, BUREAU OF MINES, 4800 FORBES AVENUE, PITTSBURGH, PA.

ANALYSIS OF AIR SAMPLES—HOMER CITY MINE, HOMER CITY, INDIANA COUNTY, PA., HELEN MINING CO.

[Collected July 23, 29, 1969; last sample received July 31, 1969]

Bottle No.	Laboratory No.	Location in mine	Percent by volume					Cubic feet air per minute	Cubic feet methane in 24 hours
			Carbon dioxide	Oxygen	Methane	Carbon monoxide	Nitrogen		
A-8865	408726	Working place, sinking shaft near bottom of No. 2 shaft, 13 ins. from floor and 13 ins. from nearest sides.	0.03	20.93	0.00		79.04		
A-8890	408727	Main return, 25 ft. inby slope fan	.03	20.93	.00		79.04	58,050	
B-7978	408728	Main return, 50 ft. inby bottom of shaft	.03	20.93	.00		79.04	27,360	

ATTACHMENT D-2

[U.S. Department of the Interior, Bureau of Mines]

COAL MINE INSPECTION REPORT, HOMER CITY MINE, THE HELEN MINING CO. (FORMERLY HELEN MINING CO.), HOMER CITY, INDIANA COUNTY, PA., NOVEMBER 19–20, 24–26, 28, AND DECEMBER 2, 1969

(By Frank A. Koza, Federal Coal-Mine Inspector)

Originating Office, Bureau of Mines, Federal Building, U.S. Post Office, Johnstown, Pennsylvania 15901.

Donald W. Huntley, Subdistrict Manager, Johnstown, Pennsylvania, Subdistrict, Coal Mine Safety District A.

INTRODUCTION

This report is based on an inspection made in accordance with provisions of the Federal Coal Mine Safety Act (66 Stat. 692; 30 U.S.C. Secs. 451–483) as amended.

The numeral recorded after a section identification shows the number of consecutive repetitions of the hazard cited under the Code.

The operator and mine workers are parties to the National Bituminous Coal Wage Agreement which requires compliance with provisions of the Federal Mine Safety Code.

GENERAL INFORMATION

The Homer City mine is adjacent to Legislative Route No. 32024, 1 mile west of the village of Coral, about 4 miles west of Homer City, Indiana County, Pennsylvania.

Since the previous Federal inspection, which was completed July 29, 1969, Alfred J. Horwath, Shadyside, Ohio, had been appointed superintendent, and Rudolph Sisitki, Bolivar, Pennsylvania, had been appointed mine foreman.

The mine is opened by a double-compartment slope 2,617 feet long on a 15-degree pitch, and a 15-foot-diameter shaft 608 feet in depth, with a metal curtain wall installed 5 feet from the nearest side. A double-compartment shaft is presently being sunk by a private contractor. The shaft is 400 feet in depth at the present time and will penetrate the coalbed at 635 feet at a distance approximately 2 miles from the bottom of the present slope.

The Upper Freeport coalbed, which ranges from 48 to 96 inches in thickness in the present workings, was being mined. The mine afforded employment on 3 shifts a day, 6 days a week, for 120 men, 45 of whom worked on the surface and 75 underground. The average daily production was 800 tons of coal. An official estimated the life of the mine to be 30 years.

Coal was mined with two Lee-Norse continuous miners. Pillars were not recovered.

The immediate roof in the slope section was 24 inches of top coal, and the immediate roof in the shaft section was shale. Roof conditions varied from good to poor, and the roof was supported by conventional timbers and roof bolts. The bolts were installed in compliance with the Bureau-approved plan. The roof-control plan required temporary supports to be set at 4-foot intervals in the first lift to within 4 feet of the face before the second lift was started. One row of permanent posts is set on 4-foot centers to maintain a 14-foot-wide shuttle-car roadway. Turnout openings bypassed for haulage purposes are to be posted to comply with roadway widths. The adopted roof-support plan appeared adequate and was followed.

This mine is classed gassy in accordance with the laws of the State. Check curtains and line brattice were used to conduct the air to the working faces. Face ventilation was adequate. Methane was being liberated freely in the face areas, but it was being diluted properly and carried away by adequate air currents during this inspection. Preshift, on-shift, and weekly examinations were made, and they included tests for methane and oxygen deficiency with a permissible flame safety lamp and a methane detector. During this inspection, a fire boss was observed while performing his duties during the preshift examinations. Tests made in all active and inactive places throughout the mine with a permissible flame safety lamp and a P-2 methane detector did not indicate the presence of methane accumulations or an oxygen-deficient atmosphere. The analyses of five air samples collected, one near the bottom of the No. 2 shaft presently being sunk by a private contractor, two in the return from immediate working sections, and two in the main returns, are shown in table 1. The main returns samples indicated that the mine was liberating 1,180,000 cubic feet of methane in 24 hours, see table 1. Methane monitors were not used.

The mine surfaces varied from wet to dry and were free from accumulations of loose coal and coal dust. The applications of rock dust and general cleanup of loose coal in face regions were included as part of the mining cycle. The areas along belt heads, belt tails, and air locks along the belts were cleaned of coal-dust accumulations daily, and rock dust was applied to the affected areas. Two continuous miners were used to mine coal and produced coal dust; however sprays of water were conducted onto the cutting heads of the miners as the coal was being mined. The water sprays appeared to be effective when coal was being mined but were only paritally effective when rock was cut with the miners. Air locks were used to control dust along belt conveyors. All areas of the mine, including the back and parallel entries, were rock-dusted adequately. A dust survey was made in the advancing main entries in the No. 1 shaft section and the slope section by the standard Bureau of Mines method, see table 2. All dust samples collected contained more than 65 percent of incombustible material.

The electric face equipment was of permissible type, maintained in permissible condition, and provided with overload protection. The trailing cables were flame resistant and were provided with short-circuit protection. Tests for methane were made frequently while electrical equipment was being operated in face areas and just prior to the time such equipment was taken inby the last open crosscut.

An up-to-date map of the mine was posted in the mine office on the surface, and it indicated that the active workings were not approaching abandoned workings, adjacent mines, impounded water or gas, or oil and gas wells.

The section escapeways, belt entries, and main returns were traveled during this inspection; they were in safe, travelable condition and were marked. The mine has only one separate opening to the surface; however, the only work being done in the mine is confined to development of the main entries between the slope section and the No. 1 shaft section to provide a separate escapeway and an airway to the surface.

Both the slope and the No. 1 shaft section are liberating methane freely and must be given constant supervision at all times to prevent the possibility of an accumulation.

Most of the employees had been trained in accident prevention and first aid, and 10 employees had been trained in mine rescue and recovery operations.

The importance of complying with the provisions of the Federal Coal Mine Safety Act and the Federal Mine Safety Code between inspections was discussed with mine officials and a member of the mine safety committee.

Part I—Federal Coal Mine Safety Act

Provisions of the Federal Coal Mine Safety Act were being complied with at the time of this inspection.

Part II—Federal Mine Safety Code

Article III—Control of Roof, Face, and Ribs

Section 2a. 1. Many posts which were too short were set on cap wedges or round, insecure blocks in the No. 1 shaft and slope sections.

No action taken.

Section 2f. 1. Posts knocked out accidentally at several places along the shuttle-car roadways in the No. 1 shaft and slope sections were not reset promptly.

No action taken.

Article V—Ventilation and Mine Gases

Section 1j. 1. The main fan at the slope was not provided with a pressure-recording gage.

No action taken.

Section 6a. The No. 5 main entry in the No. 1 shaft section was advanced 120 feet beyond the last open crosscut.

No action taken.

Article VII—Transportation

Section 4e. The clearance space at one place outby the main slope belt tail was obstructed with discarded supplies.

No action taken.

Section 6b. The lights on the small Kersey mine tractor in the No. 1 shaft section were not maintained in working condition.

Article VIII—Electricity

Section 5b. 1. The switchboxes for the welder on the surface at No. 1 shaft, and the pump in No. 2 main entry in the slope section were not frame-grounded. The frame-grounding circuits in the trailing cable to the Joy loader in the slope section were twisted onto the grounding medium.

Corrected.

Section 6e. Insulating mats or other electrically nonconductive material were not provided at the power-control switchboxes for the air compressor on the surface and the heater in the washhouse at No. 1 shaft, and at the pump in No. 2 main entry in the slope section.

Corrected.

Section 6f. The resistors for the No. 2 hoist at the No. 2 shaft were not guarded against personal contact.

No action taken.

Article IX—Safeguards for Mechanical Equipment

Section 2a3. The belt drives on the air compressor on the surface at No. 1 shaft and on the Barber Greene portable belt conveyor at the silo at the slope were within 7 feet of the floor and were not guarded.

This violation was partially corrected by adequately guarding the belt drives on the air compressor on the surface at No. 1 shaft.

Section 2a4. The flywheel on the vibrator at the cleaning plant was not guarded.

No action taken.

Article X—Fire Protection and Mine Disasters

Section 1k. Empty paper rock-dust bags were piled at one place along the main slope belt and were strewn out by the belt tail.

Corrected.

Frank A. Koza,
Federal Coal-Mine Inspector.

HOMER CITY MINE—THE HELEN MINING CO.

Date of inspection	Violations observed	
	Act	Code
Nov. 19, 1969	0	(1) Art. III, sec. 2a. (1) Art. III, sec. 2f. (1) Art. VII, sec. 6b.
Nov. 20, 1969	0	(1) Art. VIII, sec. 5b. (2) Art. VIII, sec. 6e. (1) Art. IX, sec. 2a3.
Nov. 24, 1969	0	0.
Nov. 25, 1969	0	(1) Art. III, sec. 2a. (1) Art. III, sec. 2f. (2) Art. VIII, sec. 5b. (1) Art. VIII, sec. 6e. (1) Art. VIII, sec. 6f.
Nov. 26, 1969	0	(1) Art. V, sec. 6a.
Nov. 28, 1969	0	0.
Dec. 2, 1969	0	(1) Art. V, sec. 1j. (1) Art. VII, sec. 4e. (1) Art. IX, sec. 2a3. (1) Art. IX, sec. 2a4. (1) Art. X, sec. 1k.

TABLE 1.—HEALTH AND SAFETY RESEARCH AND TESTING CENTER, BUREAU OF MINES, 4800 FORBES AVENUE, PITTSBURGH, PA.

ANALYSES OF AIR SAMPLES—HOMER CITY MINE, HOMER CITY, INDIANA COUNTY, PA., THE HELEN MINING CO.

[Collected Nov. 19, 25, 28, 1969, last sample received Dec. 1, 1969]

Bottle No.	Laboratory No.	Location in mine	Percent by volume					Cubic feet air per minute	Cubic feet methane in 24 hours
			Carbon dioxide	Oxygen	Methane	Carbon monoxide	Nitrogen		
B-8992	410459	Return air, split return between No. 1 and No. 2 main entries No. 1 shaft section.	0.03	20.77	0.35		78.85	27,740	140,000
B-8994	410460	Main return air course 30 ft. in by No. 1 shaft bottom	.04	20.72	.48		78.76	38,000	260,000
B-2311	410552	Working place, sinking shaft near bottom of No. 2 shaft, 24 in. from floor and 13 in. from nearest side.	.04	20.92	.00		79.04		
B-2391	410553	Main return air, main return top deck of slope at trap door.	.03	20.81	.49		78.67	130,000	920,000
B-2547	410554	Return air, return from immediate working section, 0 entry slope section.	.03	20.82	.44		78.71	86,400	550,000

TABLE 2.—ANALYSES OF DUST SAMPLES, HOMER CITY MINE, THE HELEN MINING COMPANY

[Collected by Frank A. Koza]

Lab. No.	Sample No.	Sample of dust from	Location in mine, dust survey samples	[1] As received percent incombustible
			NOV. 20, 1969	
			5 main entries No. 1 shaft section. Starting point 15 feet inby No. 4 shaft entry.	
			No. 1 return entry:	
J-38169	1A1	Band	0+00	98
J-38170	1A1CCR	do	0+180 ft.	93
J-38170	1A2	do	0+200	98
J-38172	1A2CCR	do	0+360	91
J-38173	1A3	do	0+400	96
J-38174	1A3CCR	do	0+540	95
J-38175	1A4	do	0+600	96
			No. 2 belt entry:	
	1B1		0+00 (moving belt)	
	1B2		0+200 (moving belt)	
	1B3		0+400 (moving belt)	
J-38176	1B4	Band	0+600	98
			No. 3 entry (purposed belt entry):	
J-38177	1C1	do	0+00	86
J-38178	1C1CCL	do	0+190	98
J-38179	1C2	do	0+200	82
J-38180	1C2CCL	do	0+370	81
J-38181	1C3	do	0+400	90
J-38182	1C3CCL	do	0+550	98
J-38183	1C4	do	0+600	98
			No. 4 entry (intake):	
J-38184	1D1	Band	0+00	95
J-38185	1D1CCL	do	0+170	85
J-38186	1D2	do	0+200	87
J-38187	1D2CCL	do	0+360	88
J-38188	1D3	do	0+400	86
	1D4		0+600 (not driven)	
			No. 5 entry (intake):	
J-38189	1E1	do	0+00	93
J-38190	1E1CCL	do	0+170	96
J-38191	1E2	do	0+200	92
J-38192	1E2CCL	do	0+350	98
J-38193	1E3	do	0+400 ft.	97
	1E4		0+600 (not driven)	
			NOV. 28, 1969	
			5 main entries slope section. Starting point—72 ft. inby bottom of slope.	
			0 entry (return):	
	2A1		0+00 (not driven)	
	2A2		0+200 feet (not driven)	
	2A3		0+400 (not driven)	
	2A4		0+600 (not driven)	
J-38915	2A5	¾ band	0+800 (left rib wet)	96

Footnote at end of table.

XUM

Lab. No.	Sample No.	Sample of dust from	Location in mine, dust survey samples	[1] As received percent incombustible
			No. 1 entry (return):	
J-38916	2B1	Band	0+00	99
J-38917	2B1CCR	do	0+180	96
J-38918	2B2	do	0+200	93
J-38919	2B2CCR	do	0+380	95
J-38920	2B3	do	0+400	100
J-38921	2B3CCR	do	0+580	100
J-38922	2B4	¾ band	0+600 (left rib wet)	99
J-38923	2B4CCR	Band	0+780	97
J-38924	2B5	do	0+800	96
			No. 2 belt entry:	
	2C1		0+00 (moving belt)	
	2C2		0+200 (moving belt)	
	2C3		0+400 (moving belt	
	2C4		0+600 (moving belt)	
	2C5		0+800 (moving belt)	
			No. 3 entry (intake):	
J-38925	2D1	Band	0+00	97
	2D1CCL		0+180 (gobbed)	
J-38926	2D2	Band	0+200	91
	2D2CCL		0+308 (gobbed)	
J-38927	2D3	Band	0+400	95
J-38928	2D3CCL	do	0+550	82
J-38929	2D4	do	0+600	95
J-38930	2D4CCL	do	0+760	97
J-38931	2D5	do	0+800	93
			No. 4 entry (intake):	
J-38932	2E1	do	0+00	93
J-38933	2E1CCL	do	0+180 ft.	92
J-38934	2E2	do	0+200	93
J-38935	2E2CCL	do	0+380	89
J-38936	2E3	do	0+400	92
J-38937	2E3CCL	do	0+580	89
J-38938	2E4	¾ Band	0+600 (left rib wet)	95
	2E4CCL		0+780 (too wet for sampling)	
J-38939	2E5	¾ Band	0+800 (left rib wet)	100

[1] By volumeter.

ATTACHMENT D-3

[U.S. Department of the Interior, Bureau of Mines]

COAL MINE INSPECTION REPORT, HOMER CITY MINE, THE HELEN MINING CO., HOMER CITY, INDIANA COUNTY, PA., APRIL 6-8, 1970

(By Stanley J. Smetana, Federal Coal-Mine Inspector)

Originating Office, Bureau of Mines, Federal Building, U.S. Post Office, Johnstown, Pennsylvania 15901.

Donald W. Huntley, Subdistrict Manager, Johnstown, Pennsylvania, Subdistrict, Coal Mine Safety District A.

INTRODUCTION

This report is based on an inspection made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

GENERAL INFORMATION

The Homer City mine is located about 2 miles south of Homer City, Indiana County, Pennsylvania.

The mine is opened by a shaft and an over and under two-compartment slope into the Upper Freeport coalbed. Of the 128 employees, 108 worked underground on 3 shifts a day, and produced an average of 1,100 tons of coal a day.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Notices and orders

Violation—Section 75.518: The three-phase alternating-current pump motor at the slope bottom was not provided with adequate overload protection that would deenergize all three phases in the event that any phase is overloaded. A Notice of Violation No. 1 was issued April 6, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on April 8, 1970, and a Notice of Penalty No. 1 pertaining thereto was issued April 6, 1970. This violation was not totally abated in the time set, and a Form 104.(b) extension was issued, extending the time for abatement to 8 a.m., April 15, 1970.

Violation—Section 75.1101: Deluge-type water sprays or foam generators automatically actuated by rise in temperatures or other no less effective means approved by the Secretary of controlling fires were not installed on the No. 1 flight belt conveyor drive. A Notice of Violation No. 2 was issued April 6, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 2 pertaining thereto was issued April 6, 1970.

Violation—Section 75.1100: The waterline along No. 1 flight belt conveyor was not provided with 150 feet of rubber-lined firehose or the equivalent at each firehose outlet. A Notice of Violation No. 3 was issued April 6, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 3 pertaining thereto was issued April 6, 1970.

Violation—Section 75.1404: The haulage locomotives underground were not equipped with automatic brakes or other devices approved by the Secretary, which are designed to stop the locomotives with the proper margin of safety. A Notice of Violation No. 4 was issued April 6, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on June 19, 1970, and a Notice of Penalty No. 4 pertaining thereto was issued April 6, 1970.

Violation—Section 75.1715: The employees were not provided with a positive identification check fastened to the lamp belt and made of rust-resistant metal of not less than 16 gage. A Notice of Violation No. 1 was issued April 7, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on April 15, 1970, and a Notice of Penalty No. 1 pertaining thereto was issued April 7, 1970.

Violation—Section 75.1714: Self-rescuers were not provided for the miners in 2 right that would protect the miner for 1 hour or longer. A notice of Violation No. 2 was issued April 7, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 2 pertaining thereto was issued April 7, 1970.

Violation—Section 75.1712: Sanitary toilet facilities were not provided in the active workings of 2 right. A Notice of Violation No. 3 was issued April 7, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 3 pertaining thereto was issued April 7, 1970.

Violation—Section 75.1718: Potable water for drinking purposes was not provided in the active workings in 2 right. A Notice of Violation No. 4 was issued April 7, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on April 15, 1970, and a Notice of Penalty No. 4 pertaining thereto was issued April 7, 1970.

Violation—Section 75.1101: Deluge-type water sprays or foam generators automatically actuated by a rise in temperature or other no less effective means approved by the Secretary of controlling fire were not installed at 2 right belt conveyor drive. A Notice of Violation No. 5 was issued April 7, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 5 pertaining thereto was issued April 7, 1970.

Violation—Section 75.516: The power wires in 2 right for the battery charger, the pressure pump, and the control cable along the belt conveyor were in contact with combustible material at many locations. A Notice of Violation No. 6 was issued April 7, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on April 8, 1970, and a Notice of Penalty No. 6 pertaining thereto was issued April 7, 1970. This violation was totally abated in the time set.

Violation—Section 75.1712: Sanitary toilet facilities were not provided in south mains crossover. A Notice of Violation No. 1 was issued April 8, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 1 pertaining thereto was issued April 8, 1970.

Violation—Section 75.1101: Deluge-type water sprays or foam generators automatically actuated by a rise in temperature or other no less effective means approved by the Secretary of controlling fire were not installed at south mains crossover belt drive. A Notice of Violation No. 2 was issued April 8, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 2 pertaining thereto was issued April 8, 1970.

Violation—Section 75.1718: Potable water for drinking purposes was not provided in the active working section in south main crossover. A Notice of Violation No. 3 was issued April 8, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on April 15, 1970, and a Notice of Penalty No. 3 pertaining thereto was issued April 8, 1970.

Violation—Section 75.1100: Waterlines parallel to the track-haulage entry equipped with outlets at intervals of 500 feet and 1,000 feet of firehose with suitable fittings at strategic locations, or two portable water cars were not provided in the mine. A Notice of Violation No. 4 was issued April 8, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 4 pertaining thereto was issued April 8, 1970.

Safeguard—Section 75.1403: Positive stopblocks or derails were not provided in the track near the top and at the slope landing. A directive No. 1 was issued April 8, 1970, requiring that this condition be abated by 8 a.m. on April 15, 1970.

STANLEY J. SMETANA,
Federal Coal-Mine Inspector.

XUM

PT. I—COAL MINES CLOSED BY OPERATOR APR. 1, 1970 THROUGH APR. 24, 1970

ALABAMA

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Mine still closed		Remarks 303.(x)
						Yes	No	
C	No. 5	W. M. Taft Coal Co.	3	Unable to comply with act	12	×		Does not apply.
C	No. 5	Mahaffey Coal Co.	10	do	35	×		Do.
C	No. 7	Higginbotham Coal Co.	6	do	25	×		Do.
C	No. 8	River Valley Coal Co., Inc.	12	do	50	×		Do.
C	No. 10	B & D Coal Co.	14	do	45	×		Do.
C	No. 19	A. J. Taft Coal Co.	5	do	15	×		Do.
C	No. 40	Webster & Sons Coal Co.	7	do	70	×		Do.
C	Norris No. 1	Norris Coal Co.	3	do	8	×		Do.
C	Prichett No. 3	Tolbert Coal Co.	6	do	35	×		Do.
C	Prichett No. 4	Butler Coal Co.	6	do	20	×		Do.
C	Prichett No. 5	Jett Coal Co.	6	do	20	×		Do.
C	Riverside	Harden Coal Co.	7	do	20	×		Do.
C	Riverside No. 7	Abbott Coal Co.	8	do	40	×		Do.
C	Riverside No. 9	Young Coal Co.	7	do	25	×		Do.
C	Turley No. 2	Turley Coal Co.	5	do	8	×		Do.
C	Trussel No. 4	Edgefield Coal Co., Inc.	6	do	50	×		Do.
C	Pate No. 5	Pate Coal Co., Inc.	6	do	50	×		Do.
C	Blocton No. 11	Black Diamond Mining Co.	27	Fear of penalties	250	×		Do.
C	B and D	B & D Coal Co.	5	Unable to comply with act	25	×		Do.
C	Caserock No. 11B	Jimmy Melcher Coal Co.	5	do	15	×		Do.
C	Caserock No. 14	(No. 2 mine) Abbott Coal Co.	6	do	15	×		Do.
C	Childers No. 6	Childers Coal Co.	10	do	35	×		Do.
C	F & W	F & W Coal Co., Inc.	9	do	65	×		Do.
C	Box & Huguley	No. 2, Box & Huguley Coal Co.	15	do	60	×		Do.
C	Holmes	Holmes Coal Co.	6	do	20	×		Do.
C	Melcher No. 6	B. & W. Melcher Coal Co.	4	do	15	×		Do.
C	Moody No. 2	Moody Coal Co.	5	do	12	×		Do.
C	No. 1	Miles & Spiller Coal Co.	8	do	75	×		Do.
C	do	Troy Morrison Coal Co.	7	do	15	×		Do.
C	do	Reames Coal Co.	3	do	30	×		Do.
C	No. 2	Weeks Coal Co.	7	do	25	×		Do.
C	do	Earley Coal Co.	11	do	75	×		Do.
C	do	Garrett Coal Co.	6	do	20	×		Do.
C	do	Miles & Spiller Coal Co.	8	do	50	×		Do.
C	do	Lloyd Pharris Coal Co.	7	do	20	×		Do.
C	do	Sims Coal Co.	9	do	50	×		Do.
C	do	Sprinkle Coal Co.	21	do	120	×		Do.
C	No. 3	Miles & Spiller Coal Co.	7	do	40	×		Do.
C	do	Mahaffey Coal Co.	12	do	40	×		Do.
C	do	Abe Burgess Coal Co.	8	do	55	×		Do.
C	No. 4	Pate Coal, Inc.	6	do	40	×		Do.
C	do	Gray Coal Co.	7	do	30	×		Do.
C	do	Miles Coal Co.	16	do	70	×		Do.
C	No. 5	do	10	do	50	×		Do.

ARKANSAS

D	Johnson	Johnson Coal Co.	17	Cannot comply with law	125	×		Does not apply.
D	Praire No. 2	Praire Coal Co., Inc.	20	Cannot change to permissiable equipment	150	×		Do.

COLORADO

E	Imperial Mine	Imperial Coal Co.	20	Act	200	×		Does not apply.
E	Golden Quality No. 5	Dominic and Tony Carestia	2	do	50	×		Do.
E	Red Canyon No. 1	Belden Enterprise, Inc.	3	do	25	×		Do.
E	Top	Wellard W. States Co.	4	do	20	×		Do.

INDIANA

D	Boone	Boone Coal Co., Inc.	11	Cannot comply with law	150	×		Does not apply.
D	RSK No. 1	RS & K Coal Corp.	18	do	500	×		Do.

KENTUCKY

C	No. 1	Bradley & Wicker Coal Co.	4	Lack of knowledge of the act	150		×	Does not apply.
C	No. 2	K. Kaiser Coal Co.	4	do	150		×	Do.
C	No. 1	Garner Coal Co.	4	do	100		×	Do.
C	do	Gracie May Coal Co.	5	do	100		×	Do.
C	No. 2L	Cantrell Coal Co.	6	do	100		×	Do.
C	No. 11	Nichols Coal Co.	6	do	150		×	Do.
C	No. 1	Varney & Thacker Coal Co.	14	do	200		×	Do.
C	No. 21	Greer & Salyers Coal Co.	6	do	150		×	Do.
C	No. 102	Big Wood Coal Co.	7	do	100		×	Do.
C	No. 7	Reese Coal Co.	6	do	100		×	Do.
C	No. 3L	O. L. & M. Coal Co.	6	do	250		×	Do.
C	No 2	Coleman A. J. Coal Co.	6	do	150		×	Do.
C	No. 1	Stiltner Coal Co.	4	do	100		×	Do.
C	do	Hursel Justice Coal Co.	7	do	100		×	Do.
C	No. 2	Genia Fay Coal Co.	6	do	100		×	Do.
C	No. 1	Bennett Looney Coal Co.	4	do	90		×	Do.
C	No. 12	Premium Coal Co.	3	do	80		×	Do.
C	No. 3	Four L Coal Co.	5	do	75		×	Do.
C	No. 1	B. P. & W. Coal Co.	6	do	100		×	Do.
C	No 6	Johnie Childers Coal Co.	6	do	125		×	Do.
C	No. 117	Double O Coal Co.	4	do	100		×	Do.
C	No. 1	Taylor & Thompson Coal Co.	6	do	200		×	Do.
C	No. 121	Double O Coal Co.	9	do	300		×	Do.
C	No. L-7	Smallwood Coal Co.	6	do	100		×	Do.
C	No. 93	Double R Coal Co.	6	do	200		×	Do.
C	No. 1	Belcher & Justice Coal Co.	5	do	100		×	Do.
C	No. 7	Little Beaver Coal Co.	4	do	90		×	Do.
C	No. 2	Stewart Coal Co.	9	do	250		×	Do.
C	No. 6A	Williams Coal Co.	4	do	100		×	Do.
C	No. 2	Honeydew Coal Co.	10	do	500		×	Do.
C	No. 1	Rockhouse Coal Co.	6	do	150		×	Do.
C	do	Stalker & Wellman Coal Co.	5	do	80		×	Do.
C	No. 116	Clevinger & Swiney Coal Co.	9	do	350		×	Do.
C	No. 2	Three Forks Coal Co.	6	do	150		×	Do.
C	No. 9	Spring Branch Coal Co.	9	do	500		×	Do.
C	LS-2	Wellman Coal Co.	4	do	100		×	Do.
C	LB-1	Dimple Coal Co.	11	do	250		×	Do.
C	LA-3	Wellman & Wallace Coal Co.	4	do	90		×	Do.
C	LB-5	Kermit Meade Coal Co.	3	do	60		×	Do.
C	LD-2	Rita Coal Co.	9	do	150		×	Do.

XUM

PT. I.—COAL MINES CLOSED BY OPERATOR APR. 1, 1970 THROUGH APR. 24 1970—Continued

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Mine still closed		Remarks 303.(x)
						Yes	No	
C	No. 29	Little Hackney Creek Coal Co.	8	Lack of knowledge of the act	250		×	Does not apply.
C	No. 30	do.	8	do.	250		×	Do.
C	No. 2	Chaney & Justice Coal Co.	8	do.	300		×	Do.
C	No. 12	Thorpe & Farley Coal Co.	8	do.	200		×	Do.
C	No. 14	do.	7	do.	200		×	Do.
C	No. 1	Little Beaver Coal Co.	6	do.	150		×	Do.
C	do.	Conn & Parker Coal Co.	7	do.	200		×	Do.
C	do.	May & Bevins Coal Co.	6	do.	150		×	Do.
C	No. 6	Justice Brothers Coal Co.	10	do.	450		×	Do.
C	No. 101	Lookout Mining Co., Inc.	6	do.	150		×	Do.
C	No. 4	Bithe Hollow Coal Co.	4	do.	90		×	Do.
C	No. 5	DeLuxe Coal Co.	12	do.	500		×	Do.
C	No. 21	Little Hackney Creek Coal Co.	8	do.	200		×	Do.
C	No. 21 B	do.	8	do.	200		×	Do.
C	No. 28	do.	8	do.	200		×	Do.
C	No. 28 A	do.	8	do.	200		×	Do.
C	No. 5	Mullins & Ratliff Coal Co.	4	do.	90		×	Do.
C	No. 2	Elkhorn Fuel Co. Inc.	7	do.	150		×	Do.
C	No. 3	do.	8	do.	200		×	Do.
C	No. 4	do.	8	do.	175		×	Do.
C	No. 19	Childers & Field Coal Co.	6	do.	200		×	Do.
C	No. 3	Little Creek Coal Co.	5	do.	90		×	Do.
C	No. 1	Adkins Coal Co.	3	do.	60		×	Do.
C	do.	Younce Coal Co.	6	do.	100		×	Do.
C	No. 10C	Mile Tree Mining Co., Inc.	9	do.	300		×	Do.
C	No. 6C	Ramey Coal Co.	5	do.	150		×	Do.
C	No. 5L	Prospect Coal Co.	9	do.	250		×	Do.
C	No. 5C	Southern Mining Co., Inc.	6	do.	125		×	Do.
C	No. 2C	Ratliff, Adkins Coal Co.	7	do.	200		×	Do.
C	No. 8C	do.	6	do.	100		×	Do.
C	No. 12C	do.	5	do.	90		×	Do.
C	No. 1	R & S Coal Co.	5	do.	75		×	Do.
C	No. 2	do.	5	do.	75		×	Do.
C	No. 6	Mill Branch Coal Co.	7	do.	100		×	Do.
C	No. 3	Camp Fort Fuel Co.	8	do.	200		×	Do.
C	No. 1L	Adams Branch Coal Co.	4	do.	75		×	Do.
C	No. 4	Mullins & Ratliff Coal Co.	5	do.	100		×	Do.
C	No. 3	Eddie Coal Co.	10	do.	300		×	Do.
C	No. 2	Hodge Harvey Coal Co.	4	do.	55		×	Do.
C	No. 1	May & Johnson Coal Co.	5	do.	75		×	Do.
C	No. 112	Claymon, Abram, Adkins Coal Co.	6	do.	200		×	Do.
C	No. 103	Birchfield & Adkins Coal Co.	6	do.	200		×	Do.
C	No. 120	Alfred Adkins Coal Co.	4	do.	90		×	Do.
C	No. 1	O'Quinn Coal Co.	7	do.	110		×	Do.
C	No. 2	Anderson & Barkley Coal Co.	7	do.	150		×	Do.
C	No. 24	Big Ridge Coal Co.	9	do.	125		×	Do.
C	No. 118	Mountain View Coal Co.	8	do.	170		×	Do.
C	LM-1	Stalker and Wellman Coal Co.	8	do.	250		×	Do.
C	No. 5	Elkhorn Fuel Co.	5	do.	100		×	Do.
C	No. 1	Raccoon Coal Co.	6	do.	100		×	Do.
D	No. 3	Dolph Hazelwood Coal Co.	18	Cannot comply with law	150		×	Do.
C	No. 1A	Cumberland River Coal Co.	43	Inability to mine at a profit and comply with the act including penalties.	700	×		Do.
C	No. 1	John Kent Coal Co.	10	do.	80	×		Do.
C	do.	Garry Coal Co.	12	do.	100	×		Do.
C	do.	Sheppard Coal Co.	25	do.	150	×		Do.
C	No. 1A	Sheppard Coal Co.	10	do.	100	×		Do.
C	No. 5	House Branch Coal Co.	12	do.	80	×		Do.
C	No. 3	Cal-Glow Coal Co.	51	do.	800	×		Do.
C	No. 2	Tan Coal Co.	2	do.	10	×		Do.
C	No. 1	Gary Helton Coal Co.	4	do.	18	×		Do.
C	No. 18	Day Coal Co.	8	do.	120	×		Do.
C	No. 4	H. & V. Coal Co.	2	do.	20	×		Do.
C	No. 1A	T. & S. Coal Co.	2	do.	20	×		Do.
C	No. 4A	Alonzo Cohen Coal Co.	2	do.	40	×		Do.
C	No. 1	Vernon Bailey Coal Co.	7	do.	65	×		Do.
C	No. 4A	D. & H. Coal Co.	6	do.	120	×		Do.
C	No. 113	Cedar Grove Coal Co.	7	Lack of knowledge of the act	200		×	Do.
C	No. 119	Hillard Bryant Coal Co.	4	do.	90		×	Do.
C	No. 2	Art Coal Co.	6	do.	125		×	Do.
C	No. 11	Two Rose Coal Co.	9	do.	150		×	Do.

MISSOURI

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Yes	No	Remarks 303.(x)
D	Clark	Henry T. Clark Coal Co.	5	Cannot comply with law	12	×		Does not apply.

PENNSYLVANIA (BITUMINOUS)

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Yes	No	Remarks 303.(x)
A	Molnar No. 5	Molnar Coal Mining Co., Inc.	24	No money to comply with act	250	×		Does not apply.
A	Scott Haven	Krevokuch Coal Co.	8	Could not comply with act because of economics.	30	×		Do.

TENNESSEE

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Yes	No	Remarks 303.(x)
C	No. 2	Lynn Coal Co.	3	Fear of Public Law 91-173	30	×		Does not apply.
C	No. 1A	K & G Coal Co.	3	do.	25	×		Do.
C	No. 63	Gob Coal Co.	12	do.	150	×		Do.
C	GC No. 4	Gravitt Coal Co.	4	do.	80	×		Do.
C	Maple No. 3	M & N Coal Co. Inc.	4	do.	50	×		Do.
C	No. 1	Morgan County Coal Co.	2	do.	8	×		Do.
C	do.	Lone Mountain Coal Co.	7	do.	95	×		Do.
C	do.	L & C Coal Co.	12	do.	100	×		Do.
C	No. 3	Hickory Coal Co.	6	do.	75	×		Do.
C	No. 2	L & L Coal Co.	5	do.	50	×		Do.
C	No. 1	Mill Creek Coal Co.	8	do.	200	×		Do.
C	No. 2	Seals Coal Co.	2	do.	15	×		Do.
C	No. 1	Patton & Sanders Coal Co.	6	do.	50	×		Do.
C	No. 23	Sycamore Coal Co Inc.	9	do.	8	×		Do.
C	No. 2	Wiggins Coal Co.	4	do.	35	×		Do.
C	do.	Walter Reed Coal Co.	3	do.	12	×		Do.
C	A-1	Gene Kilgore Coal Co.	2	do.	15	×		Do.
C	No. 1	Hackworth Coal Co.	5	do.	18	×		Do.
C	Clearcreek No. 2	Clearcreek Coal Co.	23	do.	250	×		Do.
C	No. 1	C & R Coal Co.	2	do.	8	×		Do.

TENNESSEE

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Mine still closed		Remarks 303.(x)
						Yes	No	
C	No. 1	Maples Coal Co.	3	Fear of Public Law 91-173	30	×		Does not apply.
C	No. 3	C. L. Kline Coal Co.	4	do	30	×		Do.
C	No. 1	John Sowders Coal Co.	3	do	12	×		Do.
C	do	Rex Mining Co.	11	do	40	×		Do.
C	do	S & J Coal Co.	9	do	50	×		Do.
C	do	Campbell Coal Co.	7	do	40	×		Do.
C	No. 2	Braden Mountain Coal Co.	5	do	80	×		Do.
C	L. Duncan	Ivey Dell Coal Co.	3	do	8	×		Do.
C	No. 1	Rutherford Coal Co.	5	do	40	×		Do.
C	Rogers	S & W Coal Co.	10	do	80	×		Do.
C	No. 2	Bill Gothard Coal Co.	3	do	20	×		Do.
C	do	Carl Baird Coal Co.	3	do	12	×		Do.
C	do	Sweetwater Coal Co.	2	do	10	×		Do.
C	East Fork	Shultz Coal Co.	3	do	15	×		Do.
C	Curley Maple	Wilson Coal Co. Inc.	9	do	150	×		Do.
C	East Fork	A. D. Murphy Coal Co.	2	do	10	×		Do.
C	No. 2	Layton P. Hood Coal Co.	11	do	75	×		Do.
C	No. 11	James E. Nunley Coal Co.	3	do	30	×		Do.
C	No. 9	G. E. Gilbert Coal Co.	5	do	30	×		Do.
C	GC No. 3	H & L Coal Co. Inc.	12	do	225	×		Do.
C	No. 1	Cedar Ridge Coal Co. Inc.	5	do	150	×		Do.
C	GC No. 10	John Stephenson Coal Co.	8	do	120	×		Do.
C	No. 1	J & H Coal Co.	3	do	35	×		Do.
C	Oak Hill No. 8	Oak Hill Coal Co.	6	do	60	×		Do.
C	No. 2	Barney Kilgore & Sons Coal Co.	5	do	25	×		Do.
C	No. 4	Poor Mountain Coal Co. Inc.	4	do	60	×		Do.
C	No. 3	Phillips & West Coal Co.	10	do	60	×		Do.
C	No. 1	Duncan Coal Co.	5	do	15	×		Do.
C	No. 1A	Pine Knott Coal Co.	3	do	25	×		Do.
C	No. 1	Earl Phillips Coal Co.	6	do	80	×		Do.
C	do	Flatwood Coal Co.	5	do	30	×		Do.
C	No. 2	H & W Coal Co.	5	do	100	×		Do.
C	do	Ernie Phillips Coal Co.	6	do	65	×		Do.
C	do	Lee Roy Galbraith Coal Co.	5	do	30	×		Do.
C	Graves Gap	Tennessee Auger Co. Inc.	16	do	250	×		Do.
C	No. 2	J. L. Long Coal Co.	3	do	25	×		Do.
C	No. 1	C & J Coal Co.	6	do	50	×		Do.
C	Grays Gap No. 1	T. T. & W. Mining Co.	4	do	50	×		Do.
C	No. 1	Pine Knot Coal Co.	2	do	12	×		Do.
C	Grays Gap No 2	T. T. & W. Mining Co.	4	do	50	×		Do.
C	Gulf	James Earle Nunley Coal Co.	4	do	15	×		Do.
C	Smith No. 1	Smith Coal Co.	2	do	10	×		Do.
C	No. 3	Island Creek Coal Co.	3	do	20	×		Do.
C	No. 1	Hickory Coal Co.	4	do	50	×		Do.
C	do	L & L Coal Co.	5	do	35	×		Do.
C	do	Indian Creek Coal Co.	4	do	8	×		Do.
C	2-A	J & V Coal Co.	9	do	200	×		Do.

UTAH

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Mine still closed		Remarks 303.(x)
						Yes	No	
E	No. 7	Spring Canyon Coal Co.	62	Act	860	×		Does not apply.
E	No. 1	Sunshine Coal Co.	13	do	500		×	Do.

VIRGINIA

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Mine still closed		Remarks 303.(x)
						Yes	No	
C	No. 10	McGlothlin Coal Co.	8	Fear of Public Law 91-173	80	×		Does not apply.
C	No. 4	James Strouth Coal Co.	6	do	60	×		Do.
C	No. 1	Pond E Coal Co.	9	do	50	×		Do.
C	No. 2	do	3	do	35	×		Do.
C	No. 9	Webb & Whited Coal Co.	12	do	125	×		Do.
C	do	H. N. McGlothlin Coal Co.	5	do	80	×		Do.
C	No. 1	John Brewster Coal Co.	10	do	100	×		Do.
C	do	Patsy Coal Co.	12	do	125	×		Do.
C	No. 2	Enterprise Coal Co.	8	do	80	×		Do.
C	No. 1	Mary E Coal Co.	7	do	70	×		Do.
C	do	Cantrell Bothers Coal Co.	10	do	100	×		Do.
C	No. 7	Howard Lowe Coal Co.	10	do	100	×		Do.
C	do	Horn Coal Co.	13	do	140	×		Do.
C	No. 1	Flora Coal Co.	4	do	40	×		Do.
C	No. 4	Smith Coal Co.	9	do	90	×		Do.
C	No. 7	Salyers Coal Co.	12	do	125	×		Do.
C	No. 10	Harvie Cordill Co.	9	do	80	×		Do.
C	No. 14	Lawson Brothers C. C.	8	do	85	×		Do.
C	No. 10	do	7	do	60	×		Do.
C	No. 4	L. M. Colley Coal Co.	11	do	135	×		Do.
C	No. 2	D & J Coal Co.	5	do	40	×		Do.
C	No. 5	Harold Webb Co.	12	do	110	×		Do.
C	No. 1	V & Z Coal Co.	3	do	40	×		Do.
C	No. 2	Aulbert Burke Coal Co.	6	do	50	×		Do.
C	No. 12	Maggard Coal Co.	14	do	140	×		Do.
C	No. 3	Ken Coal Co.	10	do	80	×		Do.
C	No. 1	Left Fork Coal Co.	17	do	200		×	Do.
C	No. 3	do	15	do	200		×	Do.
C	No. 11	Little Rock Coal Co.	9	do	100		×	Do.
C	No. 9	Little Mike Coal Co.	8	do	120		×	Do.
C	No. 8	Van-Bill Coal Corp.	8	do	120		×	Do.
C	No. 10	Slate Creek Coal Co.	12	do	250		×	Do.
C	No. 3	Wanda Coal Co.	4	Loading dock idle	50		×	Do.
C	No. 6	Hurshel Justus Coal Co.	12	do	200		×	Do.
C	No. 1	Sharon Coal Co.	13	Fear of Public Law 91-173	200		×	Do.
C	No. 5	L & M Coal Co.	8	do	100		×	Do.
C	No. 1	Dilston Mining Co.	10	Loading dock idle	140		×	Do.
C	No. 2	Ramey & Skeens Coal Co.	11	do	175		×	Do.
C	No. 3	do	11	do	150		×	Do.
C	No. 6	Betty Jean Coal Co.	2	do	30		×	Do.
C	No. 19	Presley Whited & Whited Coal Co.	7	do	100		×	Do.
C	No. 2	Top Notch Coal Co.	7	To get mine in compliance	150	×		Do.
C	No. 3	S & F Coal Co, Inc.	13	Fear of Public Law 91-173	150	×		Do.
C	No. 7	David Branch Coal Co., Inc	8	do	100	×		Do.
C	No. 2	Double "M" Coal Co.	12	do	300	×		Do.
C	do	Mullins Coal Inc. of Virginia	14	do	400	×		Do.
C	No. 1	John C. Comony Coal Co.	4	Unknown	40	×		Do.
C	No. 3	Red Ash Coal Co.	4	do	30	×		Do.
C	No. 1	W. W. L. Coal Co.	4	do	40	×		Do.

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Mine still closed		Remarks 303.(x)
						Yes	No	
C	No. 3	Wharton Coal Co	14	Fear of Public Law 91-173	150	×	--------	Does no apply.
C	No. 5	A. C. Coal Co	7	do	75	×	--------	Do.
C	No. 8	Kilgore Brothers Coal Co	7	do	50	×	--------	Do.
C	No. 1	Ace Coal Co	5	do	120	×	--------	Do.
C	No. 7	Columbus Hale Coal Co	3	do	45	×	--------	Do.
C	No. 15	Dorothy Mae Coal Co	6	do	65	×	--------	Do.
C	No. 2	Dislton Mining Co	9	do	200	×	--------	Do.
C	No. 3	do	9	do	200	×	--------	Do.
C	No. 4	do	10	do	120	×	--------	Do.
C	No. 13	Rock Branch Coal Co	15	do	200	×	--------	Do.
C	No. 1	Russell Dye Coal Co	7	do	50	×	--------	Do.
C	No. 13	Skeggs Branch Coal Co	9	do	120	×	--------	Do.
C	No. 14	Van Dyke Coal Co	9	do	120	×	--------	Do.
C	No. 2	Everett Bailey Coal Co	12	do	175	×	--------	Do.
C	No. 1	Maverick Mining Corp	25	do	400	--------	×	Do.
C	do	Purple Lead Coal Co	10	do	175	×	--------	Do.
C	do	Spring Hollow Coal Co	11	do	150	--------	×	Do.
C	No. 2	Big Branch Coal Co	6	do	125	×	--------	Do.
C	No. 9	North Hill Coal Co	6	Adverse mining conditions	100	×	--------	Do.
C	No. 11	Coleman Coal Co	8	Lack of coal and fear of law	80	×	--------	Do.
C	No. 1	Virginia Mining Co	7	Fear of public law 91-173	100	--------	×	Do.
C	No. 2	J & L Coal Co	4	do	40	--------	×	Do.
C	No. 16	Anchor Coal Co	9	do	150	--------	×	Do.
C	No. 14	do	20	do	450	--------	×	Do.
C	No. 7	G & G Coal Co	10	do	170		×	Do.
C	No. 6	Broyles & Dotson Coal Co	14	do	200	--------	×	Do.
C	No. 11	Smith & Baker Coal Co	12	do	200	--------	×	Do.
C	No. 2	Hobbs Brothers Coal Co	1	do	60	×	--------	Do.
C	No. 6-A	do	7	do	70	×	--------	Do.
C	No. 13	do	8	do	80	×	--------	Do.
C	No. 14	do	8	do	80	×	--------	Do.
C	No. 15	Hobbs Brothers Coal Co	9	do	90	×	--------	Do.
C	No. 2	Mindy Mining Corp	8	do	80	×	--------	Do.
C	No. 8	Richardson Coal Co	10	do	125	×	--------	Do.
C	No. 1	Lonesome Pine Coal Co	10	do	175	×	--------	Do.
C	No. 2	Raines & Fuller Coal Co	9	do	180	×	--------	Do.
C	No. 1	Deep Hollow Coal Co	7	do	140	×	--------	Do.
C	No. 5	R & A Coal Co	6	do	120	×	--------	Do.
C	No. 1	Coleman & Yates Coal Co	9	do	160	×	--------	Do.
C	No. 1	D. O. W. Coal Co	10	do	120	×	--------	Do.
C	No. 6	Anchor Red Ash Coal Corp	8	do	150	×	--------	Do.
C	No. 15	Ratliff & Son Coal Co	12	do	200	×	--------	Do.
C	No. 2	Ivy Branch Coal Co	9	do	200	×	--------	Do.
C	No. 4	Anchor Red Ash Coal Corp	13	do	220	×	--------	Do.
C	No. 5	Muney Coal Co	8	do	120	×	--------	Do.
C	No. 11	R. F. Coal Co	8	do	150	--------	×	Do.
C	No. 11	Fields Coal Co	13	do	200	--------	×	Do.
C	No. 10	do	13	do	150	--------	×	Do.
C	No. 6	Little Rock Coal Co	10	do	130	--------	×	Do.
C	No. 1	C. B. Coal Co	6	do	100	×	--------	Do.
C	No. 3	Sue Coal Co	11	do	200	--------	×	Do.
C	No. 18	Presley Whitedj & Whited Coal Co. Inc	9	do	150	--------	×	Do.
C	No. 11	Q & G Coal Co	4	do	125	×	--------	Do.
C	No. 2	Breeding & Belcher Coal Co	4	do	60	--------	×	Do.
C	No. 9	Muncy Coal Co	4	do	100	×	--------	Do.
C	No. 22	Ramey Coal Co	7	do	110	--------	×	Do.
C	No. 1	Founding Mill Coal Co	11	do	275	×	--------	Do.
C	No. 5	Mullins & Smith Coal Co	4	do	50	×	--------	Do.
C	No. 11	H. M. Baker Coal Co	4	do	60	×	--------	Do.
C	No. 2	H & E Coal Co	6	do	80	×	--------	Do.
C	do	Belibe Coal Corp	11	do	225	×	--------	Do.
C	No. 3	do	13	do	160	×	--------	Do.
C	No. 10	Bulgove Ridge Coal Co	7	do	50	×	--------	Do.
C	No. 12	Fowler & Chaney Coal Co	7	do	125	×	--------	Do.
C	No. 15	do	11	do	140	×	--------	Do.
C	No. 2	Hess & Hale Coal Co	7	do	70	×	--------	Do.
C	No. 5	J & M Coal Co	11	do	225	×	--------	Do.
C	No. 7	Leetown Coal Co	4	do	50	×	--------	Do.
C	No. 2	Melba Coal Co	5	do	40	×	--------	Do.
C	No. 3	Stiltner Coal Co	9	do	150	×	--------	Do.
C	No. 5	Stiltner Coal Co	8	do	150	×	--------	Do.
C	No. 4	Yuna Ellon Coal Co	6	do	70	×	--------	Do.
C	No. 5	White Birch Mining Co., Inc	11	do	100	×	--------	Do.
C	No. 1	W. H. Coal Co	8	do	100	×	--------	Do.
C	No. 7	Black Guns Coal Co	6	do	150	--------	×	Do.
C	No. 1	S & D Coal Co	5	Short life mine	70	×	--------	Do.
C	No. 3	Little Beaver Coal Co	9	Fear of Public Law 91-173	150	×	--------	Do.
C	No. 7	Elsie Lester Coal Co	6	do	70	×	--------	Do.
C	No. 16	Welmore Coal Corp	10	Loading dock idle	100	--------	×	Do.
C	No. 21	do	8	do	120	--------	×	Do.
C	No. 7	Q & G Coal Co	9	do	120	--------	×	Do.
				WASHINGTON				
E	Martin No. 1	Stoker Coal Co	5	Act	40	×	--------	Does not apply.
				WEST VIRGINIA				
B	No. 1	Kessler Coals Inc	60	To avoid payment of penalties	750	[1]	[1]	Does not apply.

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[1] Mine closed ¾ shift only.

PT. II.—COAL MINES INSPECTED APR. 1 1970, THROUGH 24, 1970

District	Mine	Company	Working sections	Working sections inspected	Violations		Fines assessed per violation
					Total	Per section	
		ALABAMA					
C	Sayre	Republic Steel Co	5	3	29	9⅔	$25
C	Mulga	Woodward Co	5	2	5	2½	25
C	Concord No. 1	United States Steel Corp	13	3	6	2	25
C	Bessie	U.S. Pipe & Foundry Corp	3	2	[1] 5	2½	25
C	No. 1	Mahaffey Coal Co	1	1	0	0	500
C	Chetopa	Alabama By-Products Corp	2	1	7	7	25
C	Flat Top	U.S. Pipe & Foundry Corp	3	2	6	3	25
C	Segco No. 1	Southern Electricity Generating Co	11	3	27	9	25
C	Gorgas No. 7	Alabama Power Co	7	3	13	4⅓	25
		COLORADO					
E	Allen	C.F. & I. Steel Corp	8	2	10	5	$25
E	Bear	Bear Coal Co	1	1	6	6	25
E	Dutch Creek No. 1	Midcontinent Coal & Coke Co	2	1	5	5	25
E	Imperial	Imperial Coal Co	2	1	19	19	25
E	Lincoln	Clayton Coal Co	2	1	15	15	25
E	L. S. Wood	Midcontinent Coal & Coke Co	3	2	4	4	25
E	Somerset	United States Steel Corp	4	2	5	2½	25
E	Redwing	Colorado Coal Co	1	1	17	17	25
E	Calumet No. 2	Delcarbon Coal Co	1	1	4	4	25
E	White Hill No. 4	Silengo Coal Co	1	1	14	14	25
E	Maitland No. 2	Red Ash Coal Co	1	1	14	14	25
		ILLINOIS					
D	Orient No. 3	Freeman Coal Mining Corp	12	2	11	5½	$25
D	No. 10	Peabody Coal Co	14	3	7	2⅓	25
D	No. 5	Sahara Coal Co	3	2	11	5½	25
D	No. 24	Old Ben Coal Corp	8	1	7	7	25
D	Zigler No. 4	Bell & Zoller Coal Co	6	2	27	13½	25
D	Crown	Freeman Coal Mining Corp	8	2	12	6	25
D	No. 16	Sahara Coal Co	2	2	8	4	25
D	Orient No. 4	Freeman Coal Mining Corp	7	2	5	2½	25
D	V-Day	V-Day Coal Co	1	1	19	19	25
D	Midwest Highwall No. 2	Peabody Coal Co	2	1	17	17	25
D	Spartan	Bell & Zoller Coal Co	3	2	8	4	25
D	Orient No. 5	Freeman Coal Mining Corp	4	2	6	3	25
D	No. 1	Harrisburg Coal Co	1	1	7	7	25
D	Mine No. 26	Old Ben Coal Corp	8	2	16	8	25
D	Hillsboro	Truox Traer Coal Co	4	2	5	2½	25
		INDIANA					
D	R. & H.	R. & H. Mining Co	1	1	7	7	$25
D	Kings	Old Ben Coal Corp	4	2	12	6	25
D	Mine No. 1	Mt. Pleasant Coal Corp	1	1	8	8	25
		KENTUCKY					
D	Dotiki	Webster County Coal	3	2	6	3	25
D	Zigler No. 9	Bell and Zoller Coal Co	4	2	11	5½	25
D	Ken No. 4	Peabody Coal Co	6	2	11	5½	25
D	Crescent	Island Creek Coal Co	4	2	8	4	25
D	East Diamond	do	7	3	12	4	25
D	Providence No. 1	do	3	2	9	4½	25
D	Drake	Pittsburg and Midway Mining Co	2	1	6	6	25
D	River Queen No. 1	Peabody Coal Co	6	2	10	5	25
D	Buffalo Creek No. 1	Rialto Coal Co	2	1	5	5	25
D	Uniontown	Island Creek Coal Co	6	2	12	6	25
D	Mine No. 1	Roberts Bros. Coal Co	1	1	5	5	25
D	Ken No. 3	Peabody Coal Co	2	1	6	6	25
D	Hamilton	Island Creek Coal Co	12	3	13	4⅓	25
D	Fies	do	8	3	12	4	25
C	No. 1	S. R. Coal Co., Inc	1	1	6	6	25
C	No. D-1	International Harvester Co	2	1	5	5	25
C	No. 2	Tudor Key Coal Co., Inc	1	1	21	21	25
C	do	Potter Mining Co., Inc	1	1	16	6	25
C	do	Tantrough Coal Co	1	1	1	1	500
C	No. 5	E. B. Coal Co	1	1	14	14	25
C	No. 3	Caperton Coal Co	1	1	17	17	25
C	do	Cal-Glo, Inc	3	1	33	33	25
C	Jones Fork	Beaver Creek Consolidated, Inc	2	1	5	2½	25
C	No. 1	Belman Coals, Inc	2	1	19	19	25
C	No. 2	Karst-Robbins Coal Co	2	1	14	14	25
C	Leatherwood	Blue Diamond Coal Co	9	2	14	7	25
C	Wisco No. 1	Pioneer Coal Co	1	1	20	20	25
C	No. 2	Harlan Mason, Inc	2	1	18	18	25
C	No. 1-A	Ellis Branch Coal Co	1	1	26	26	25
C	No. 1	Harlan No. 4 Coal Co., Inc	1	1	18	18	25
C	No. 4	South-East Coal Co	5	2	28	14	25
C	do	Liberty Coal Co	2	1	37	37	25
C	No. 5	Patsy Development Co., Inc	1	1	22	22	25
C	Sapphire	Elkhorn-Jellico Coal Co	2	1	16	16	25
C	Caperton	Caperton Coal Co	2	2	17	8½	25
C	No. 1-A	M. & W. Coal Co	1	1	9	9	25
C	No. 1	Perry County Coal Co	3	2	19	9½	25
C	No. 6	Kentucky East Corp	2	1	[1] 24	24	25
C	No. 1	Pratt Bros. Coal Co., Inc	1	1	14	14	25
C	do	Dixie Jewel Coal Co	1	1	28	28	25
C	No. 11	Adkins Coal Co	2	1	19	19	25
C	No. 3	Oliver Springs Mining Co., Inc	1	1	5	5	25
C	No. 1	Anderson Coal Co	2	2	12	6	25
C	Peewee	Peewee Mining Corp	1	1	13	13	25
C	No. 1	Birch Coal Co., Inc	1	1	5	5	25
C	No. 5	Gay Coal Co	1	1	3	3	25
C	Windrock No. 2	T. T. & W. Mining Co	1	1	5	5	25
C	No. 24	Grundy Mining Co	1	1	7	7	25
C	No. 1	Volunteer Mining Corp	1	1	5	5	25
C	Mathews	Consolidated Coal Co	7	2	7	3½	22
C	No. 36	Mary Lee Coal Co	2	1	6	6	55
C	No. 22	Beth-Elkhorn Corp	6	2	10	5	25

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PT. II.—COAL MINES INSPECTED APR. 1 1970, THROUGH 24, 1970—Continued

District	Mine	Company	Working sections	Working sections inspected	Violations		Fines assessed per violation
					Total	Per section	
C	No. 7 South Mains	United States Steel Corp	5	2	5	2½	25
C	No. 32	Little Hackney Creek Coal Co	1	1	3	3	25
C	Gund No. 2	Island Creek Coal Co	4	2	27	13½	25
C	No. 1	Standard Sign & Signal Co., Inc	1	1	11	11	25
C	Chisholm	Pikeville Coal Co., Inc	4	2	6	3	25
C	No. 10	International Harvester Co	4	2	9	4½	25
C	Second Fork	Kentland Elkhorn Coal Corp	3	2	15	7½	25
C	No 27	Beth-Elkhorn Corp	5	2	7	3½	25
C	Winifred	United States Steel Corp	5	2	5	2½	25
C	No. 11	Tri-Moore Mining Co. Inc	1	1	15	15	25
C	Federal No. 1	Mars Mining Corp	2	1	6	6	25
C	Kencar No 1	Kentucky Carbon Corp	4	2	26	13	25
C	Buckingham	Island Creek Coal Co	7	2	23	11½	25
C	No. 3	D.R.T. Coal Co	1	1	6	6	25
C	Stone	Eastern Coal Corp	11	2	32	16	25
C	No. 1	Feds Creek Coal Co., Inc	3	2	9	4½	25
C	Republic	Republic Steel Corp	5	2	18	9	25
C	Pike No. 27	Beth-Elkhorn Corp	7	2	7	3½	25
C	No. 1-A	Sovereign Coal Corp	1	1	10	10	25
		MONTANA					
E	Divide	Divide Coal Mining Co	1	1	15	15	$25
E	Mies	Mies Coal Co	1	1	6	6	25
E	Square Deal	Square Deal Coal Co	1	1	5	5	25
		NEW MEXICO					
E	York Canyon No. 1	Kaiser Steel Corp	8	2	7	3½	$25
E	Sisneros	Sisneros Bros. Coal Co	1	1	6	6	25
		OHIO					
A	C. and W. No. 4	C. and W. Mining Co	1	1	8	8	$25
A	Nelms No. 2	Youghiogheny & Ohio Coal Co	6	2	16	8	25
A	Saginaw No. 1	Oglebay-Norton Co	6	2	18	9	25
A	Rose Valley No. 6	Home Coal Co	6	2	11	5½	25
A	Powhatan No. 5	The North American Coal Corp	6	2	15	7½	25
A	Franklin Highwall	Hanna Coal Co	1	1	7	7	25
A	Allison	Youghiogheny & Ohio Coal Co	4	2	7	7	25
A	Midvale No. 7	Midvale Coal Co., Inc	3	2	16	8	25
A	Vale No. 20	Island Creek Coal Co	7	2	12	6	25
A	Sunny hill underground No. 7	Peabody Coal Co	3	2	9	4½	25
A	Powhatan No. 1	North American Coal Corp	14	2	12	6	25
A	Jean	C.R.N. Mining, Inc	1	1	8	8	25
D	Howe No. 1	Howe Coal Co	6	3	17	5⅔	25
D	Choctaw	Kerr-McGee Corp	1	1	10	10	25
		PENNSYLVANIA (BITUMINOUS)					
A	Colver	East Association Coal Corp	8	2	23	11½	$25
A	Grove No. 1	G.M. & W. Coal, Inc	2	1	7	7	25
A	Solar No. 3	Solar Fuel Co	2	1	5	5	25
A	Metro No. 3	G.M. & W. Coal, Inc	1	1	12	12	25
A	Sugar Camp	Doverspike Bros. Coal Co	3	3	13	3½	25
A	North Camp No. 3	North Camp Mining Co	2	1	10	10	25
A	Bear Run	Johnstown Coal & Coke Co	3	2	12	6	25
A	Rosemary	Elliott Coal Mining, Inc	1	1	7	7	25
A	Robinson Portal (Florence No. 1)	Florence Mining Co	6	2	12	6	25
A	Lancashire No. 24	Barnes & Tucker Co	20	2	21	10½	25
A	Genter No. 1	Channel Coal Co	1	1	12	1	25
A	Bird No. 2	Island Creek Hammer Division	5	2	22	11	25
A	No. 77	Beth Mines Corp	5	2	8	4	25
A	Schrock No. 3	United Industries Inc	2	1	10	10	25
A	Lancashire No. 26	Greeneich Coll. Co	2	2	9	4½	25
A	Dixon Run No. 2	Dixon Run Coal Co	1	1	14	1	25
A	Rushton	Rushton Coal Co	3	2	16	8	25
A	Homer City	Helm Mining Co	3	2	14	7	25
A	No. 44	Maria Mining Co	2	1	13	13	25
A	Renton	Harmar Coal Co	4	2	7	3½	25
A	Russelton	Republic Steel Corp	4	2	9	4½	25
A	Mathies	Mathies Coal Co	12	2	13	6½	25
A	Westland	Pittsburgh Coal Co	4	2	9	4½	25
A	Fawn	Union Carbide Corp	2	1	6	6	25
A	Walker No. 1 and 3	Allegheny River Mining Co	1	1	7	7	25
A	Mahoning Creek	Carpentertown Coal & Coke Co	3	1	7	7	25
A	Decker No. 5	Powell Coal Co	1	1	9	9	25
A	Jane No. 1 and 2	Rochester & Pittsburgh Coal Co	14	2	7	3½	25
A	do	do	14	1	0	0	0
A	Casella	Casella Coal Co	1	1	14	14	25
A	Margaret No. 7	Rochester & Pittsburgh Coal Co	5	2	17	8½	25
A	Gateway	Gateway Coal Co	18	2	7	3½	25
A	Shamopin	Jones & Laughlin Steel Co	10	2	8	4	25
A	Warwick No. 2	Duquesne Light Co	7	2	9	4½	25
A	Clyde	Republic Steel Corp	7	2	19	9½	25
A	Marianna No. 58	Beth Mines Inc	7	2	7	3½	25
A	Pegs Run No. 2	Peggs Run Coal Co	1	1	20	20	25
A	Delmont 10B	Eastern Association Coal Corp	5	2	11	5½	25
A	David	Canterbury Coal Co	4	2	9	4½	25
A	Harwick	Duquesne Light Co	2	1	2	2	25
A	Hutchinson	Pittsburgh Coal Co	4	2	6	3	25
A	Harmar	Harmar Coal Co	4	2	7	3½	25
A	Mateer No. 4	Mateer Coal Co	1	1	7	1	25
A	Allegheny	Penn Allegheny Coal Co	2	1	8	8	25
A	Foster No. 5	Leechburg Mining Co	2	1	11	11	25
A	Harold No. 1	Allegheny Power Mining Co	5	2	14	7	25
A	Brookes	Mohawk Mining Co	2	1	13	13	25
A	Harman No. 1	Harman Coal Co., Inc	2	1	19	19	25
A	Emilie No. 1 and 2	Rochester & Pittsburgh Coal Co	7	2	9	4½	25
A	Vesta No. 5	Jones & Laughlin Steel Corp	6	2	7	3½	25

District	Mine	Company	Working sections	Working sections inspected	Violations		Fines assessed per violation
					Total	Per section	
		PENNSYLVANIA (BITUMINOUS)—Continued					
A	Robena	United States Steel Corp	20	2	10	5	$25
A	Vesta No. 4	Jones & Laughlin Steel Corp	4	1	6	6	25
A	Isabella	National Mines Corp	6	2	7	3½	25
A	Nemacolin	Buckeye Coal Co	7	2	10	5	25
A	Somerset No. 60	Beth Mines Corp	10	2	6	3	25
A	Maple Creek	United States Steel Corp	16	2	10	5	25
A	No. 5	Beth Mines Corp	5	2	7	3½	25
A	Earl Titus	Eberhart Coal Co	1	1	11	11	25
A	Sapper	McGee Coal Co	1	1	7	7	25
A	C. and W. No. 4	C. and W. Mining Co	1	1	8	8	25
		PENNSYLVANIA (ANTHRACITE)					
A	Forge Slope	Glen Nan Coal Co	7	2	6	3	$25
A	No. 1 and 2 Slopes	Hatter Coal Co	2	1	8	8	25
A	Top Split Mammoth Slope	Bush Coal Co	3	2	6	3	25
A	Wanamie No. 18	Blue Coal Corp	4	2	9	4½	25
A	Skidmore Slope	Williamson Coal Co	1	1	7	7	25
A	Porter Tunnel	Leon & Kocher Coal	1	1	6	6	22
A	Wanamie No. 19	Blue Coal Corp	4	2	8	4	25
A	B. & M. tunnel	V. & M. Coal Co	1	1	6	6	25
A	Eureka Water level tunnel	Mercury Coal Co	3	2	6	3	25
A	Skidmore Slope	R. & K. Coal Co	2	1	5	5	25
		UTAH					
E	Geneva	United States Steel Corp	5	2	21	10½	$25
E	Kenilworth	North American Coal Corp	3	2	18	9	25
E	King	U.S. Fuel Co	4	2	17	8½	25
E	Sunnyside No. 1	Kaiser Steel Corp	5	2	17	8½	25
E	Beehive	Corporation of Presiding Bishop Church of Jesus Christ of Latter Day Saints.	1	1	10	10	25
E	Plateau	Plateau Mining Co	1	1	17	17	25
E	No. 1	Southern Utah Fuel Co	1	1	12	12	25
		VIRGINIA					
C	Bullitt	Westmoreland Coal Co	3	2	10	5	$25
C	Moss No. 2	Clinchfield Coal Co	8	2	34	17	25
C	Laurel Fork No. 12	Jewell Ridge Coal Corp	4	2	13	6½	25
C	No. 2	Edd Potter Coal Co	2	1	13	13	25
C	No. 3	Young's Branch Coal Co	2	1	8	8	25
C	do	Betty B. Coal Co	1	1	9	9	25
C	Hagy No. 1	Clinchfield Coal Co	2	1	7	7	25
C	Virginia Pocahontas No. 3	Island Creek Coal Co	2	1	5	5	25
C	No. 1	Maverick Mining Corp	1	1	5	5	25
C	No. 19	Buchanan Coal Co	1	1	24	24	25
C	Open Fork No. 2	Clinchfield Coal Co	4	2	29	14½	25
C	No. 4	Anchor Red Ash Coal Corp	1	1	17	17	25
C	Pine Branch Coll. No. 1	Westmoreland Coal Co	5	2	18	9	25
C	Beatrice	Beatrice Pocahontas Co	8	2	13	6½	25
C	Virginia Pocahontas No. 2	Virginia Pocahontas Co	5	2	7	3½	25
C	Big Creek Jewell	Jewell Ridge Coal Corp	2	2	10	5	25
C	Va. Pocahontas No. 1	Island Creek Coal Co	9	2	9	4½	25
C	No. 14	Anchor Coal Co	1	1	17	17	25
C	No. 1	Quincher Coal Corp	1	1	7	7	25
C	do	Raven Smokeless Coal Co., Inc	2	1	8	8	25
C	do	Virginia City Jawbone No. 2 Coal Co	1	1	29	29	25
C	No. 7	R. & W. Coal Co	1	1	11	11	25
C	No. 2	Oakwood Red Ash Coal Corp	1	1	13	13	25
C	Moss No. 3 Portal C	Clinchfield Coal Co	4	2	21	10½	25
C	No. 11	Jewell Ridge Coal Corp	5	2	26	13	25
C	Big Creek Pillar	do	1	1	5	5	25
C	No. 5	Alfredton Coal Co	2	1	8	8	25
C	No. 2	Harmon Mining Corp	1	1	7	7	25
C	No. 3	Little Byrd Coal Co	1	1	20	20	25
C	Wentz No 1	Westmoreland Coal Co	7	2	17	8½	25
C	Lambert Fork	Clinchfield Coal Co	5	2	12	6	25
C	Smith Gap	do	2	1	11	11	25
C	No. 2	Eddy B Coal Co	2	2	10	5	25
C	No. 1	Left Fork Coal Co	1	1	6	6	25
C	do	R. & E. Coal Co	1	1	12	12	25
C	do	Mark Alan Coal Co	1	1	19	19	25
C	No. 6	Long Branch Coal Co	1	1	12	12	25
C	No. 11-B	Jewell Ridge Coal Corp	1	1	21	21	25
C	No. 2	Vansant Coal Corp	1	1	9	9	25
C	No. 6	Broyles & Dotson Coal Co	1	1	10	10	25
		WEST VIRGINIA					
A	Ireland	Ohio Valley Division Consolidated Coal Co	20	2	11	5½	$25
A	Shoemaker	do	9	2	18	9	25
A	Valley Camp No. 1	Valley Camp Coal Co	11	2	10	5	25
A	Alexander	do	5	2	4	2	25
A	Beechbottom	The Windsor Power House Coal Co	2	2	5	2½	25
B	Loveridge	Mountaineer Coal Co	14	2	5	2½	25
B	Osage	Christopher Coal Co	12	2	6	3	25
B	Christopher No. 5	National Coals Inc	2	1	5	5	25
B	No. 8	Kittaning Coal Co., Inc	1	1	6	6	25
B	Simpson Creek	McClandish Coal Co	2	1	4	4	25
B	Blacksville	Consolidation Coal Co	5	2	5	2½	25
B	Mars No. 2	Clinchfield Coal Co	4	2	7	3½	25
B	Buffalo No. 1	Buffalo Coal Co	2	1	8	8	25
B	Joanne	Eastern Association Coal Corp	6	2	9	4½	25
B	Adrian	Upshur Coals, Ltd	2	2	7	3½	25
B	No. 6	Roaring Creek Coal Co	2	1	9	9	25
B	No. 1	W. R. Nethkin & Co	1	1	7	7	25

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PT. II.—COAL MINES INSPECTED APR. 1 1970, THROUGH 24, 1970—Continued

District	Mine	Company	Working sections	Working sections inspected	Violations		Fines assessed per violation
					Total	Per section	
		WEST VIRGINIA—Continued					
B	No. 1	Coal Lick Coal Co	1	1	5	5	$25
B	Kanes Creek	Reliable Coal Corp	3	1	5	5	25
B	Arkwright No. 1	Christopher Coal Co	10	2	5	2½	25
B	No. 5A	A. C. & H. Coal Co	1	1	5	5	25
B	Dawson	Galloway Land Co	5	2	7	3½	25
B	No. 4	Killkenny Coal Co	1	1	5	5	25
B	Federal No. 1	Eastern Association Coal Corp	11	2	9	4½	25
B	No. 44	Bethlehem Mines Corp	7	2	6	3	25
B	Alpine	Island Creek Co	6	2	7	3½	25
B	No. 93	Mountaineer Coal Co	7	2	3	1½	25
B	Borgman	Borgman Coal Co	2	1	3	3	25
B	Compass No. 3	Clinchfield Coal Co	5	2	4	2	25
B	Pursglove No. 15	Christopher Coal Co	8	2	7	3½	25
B	No. 2	Herring Coal Co	1	1	5	5	25
B	No. 6	Marson Coal Co	2	1	6	6	25
B	Marybeth No. 2	S & P Coal Co	1	1	6	6	25
B	Ruby No. 4	Ohio Mining Co	3	1	7	7	25
B	Badger No. 13	Badger Coal Co	5	2	5	2½	25
B	Badger No. 14	Badger Coal Co	5	2	8	4	25
B	Hampton No. 3	Westmoreland Coal Co	6	2	14	7	25
B	Sewell No. 1	Sewell Coal Co	6	2	11	5½	25
B	Quinwood No. 7	Imperial Smokeless Coal Co	6	2	5	2½	25
B	Saxsewell No. 8	Island Creek Coal Co	2	1	8	8	25
B	Saxsewell No. 15	do	3	2	9	4½	25
B	No. 2	E & J Coal Corp	1	1	8	8	25
B	Putnam	Union Carbide Corp	4	2	6	3	25
B	Coal Brook No. 1	Central Appalachian Coal Co	4	1	6	6	25
B	Lady Dun No. 105	Cannelton Coal Co	5	2	20	10	25
B	No. 1	Peerless Eagle Coal Co	4	2	5	2½	25
B	No. 2	Margaret Peerless Coal Co	2	2	9	4½	25
B	No. 1	Douglas Eagle Coal Co. Inc	1	1	5	5	25
B	Douglas Eagle No. 2	Iron City Eagle Coal Inc	1	1	5	5	25
B	No. 1	Forty Three Mining Co	2	2	11	5½	25
B	No. 6	A & A Coal Co	1	1	8	8	25
B	No. 27	Davison Fuel & Dock Co	3	1	3	3	25
B	Robin No. 1	Brooklyn Coal Co	2	1	8	8	25
B	No. 5B	Union Carbide Corp	3	1	8	8	25
B	No. 1	J. O. Mining Co	2	2	11	5½	25
B	No. 12	Valley Camp Coal Co	1	1	6	6	25
B	No. 3J	Union Carbide Corp	2	1	8	8	25
B	No. 2	United States Steel Corp	9	2	4	2	25
B	Turkey Gap Colliery	Pocahontas Fuel Co	4	2	5	2½	25
B	No. 56	Hawley Coal Mining Corp	2	1	4	4	25
B	ElKhorn No. 11	Pocahontas Fuel Co	1	1	5	5	25
B	Peerless No. 2	Miller Coal Co	1	1	9	9	25
B	Donegan No. 10	Island Creek Coal Co	4	2	12	6	25
B	Tioga No. 1	do	5	2	10	5	25
B	Saxsewell No. 16	do	1	1	6	6	25
B	No. 1	Craigsville Coal Co	1	1	4	4	25
B	Milburn No. 4	Milburn Colliery Co	2	1	10	10	25
B	Keystone 3B	Eastern Association Coal Corp	2	1	11	11	25
B	Guyan No. 5	Island Creek Coal Co	5	2	11	5½	25
B	No. 31B	do	1	1	9	9	25
B	No. 1 Cedar Grove	Boone County Coal Corp	5	2	9	4½	25
B	No. 4B	Belva Coal Co	1	1	10	10	25
B	Jane Ann No. 15A	Powellton Coal Co	1	1	10	10	25
B	Jane Ann No. 17	do	1	1	11	11	25
B	Dehue	Youngstown Mines Corp	8	2	12	6	25
B	No. 2	Chafin Coal Co	2	1	9	9	25
B	No. 18L	Wheeling Pittsburgh Steel Corp	1	1	9	9	25
B	No. 34F	Island Creek Coal Co	1	1	5	5	25
B	No. 2	Kermit Coal Co., Inc	1	1	15	15	25
B	No. 7	Amherst Coal Co	4	1	7	7	25
B	No. 25	Island Creek Coal Co	8	3	17	5⅔	25
B	No. 19C	Wheeling Pittsburgh Coal Corp	2	1	16	16	25
B	Alma No. 12	Sycamore Mining Co	1	1	18	18	25
B	Lundale No. 1	Amherst Coal Co	4	1	15	7½	25
B	Lundale No. 2	do	3	2	18	9	25
B	Paragon	do	5	2	14	7	25
B	No. 1	Smith Bros. Construction Co., Inc	1	2	12	12	25
B	No. 6	Snap Creek Coal Co	2	1	14	14	25
B	Jane Ann No. 2	The Powellton Co	2	1	12	12	25
B	No. 2C	Boone County Coal Corp	3	1	18	9	25
B	No. 2	Omega Smokeless Coal Co	2	2	13	13	25
B	No. 2A	do	1	1	5	5	25
B	No. 2	Karen Coal Co	1	1	5	5	25
B	B	Ranger Fuel Corp	2	1	6	6	25
B	Eccles No. 5	Winding Gulf Coals Inc	4	1	13	6½	25
B	No. 4	Imperial Colliery Co	2	2	4	4	25
B	Siltix	The New River Co	4	1	15	7½	25
B	Robin Hood No. 8	Armco Steel Corp	8	2	12	6	25
B	Lochgelly	The New River Co	2	2	10	10	25
B	Keystone No. 2	Eastern Association Coal Corp	11	2	17	8½	25
B	Mac Alpin No. 3	Winding Gulf Coals Inc	4	2	13	6½	25
B	Keystone No. 4	Eastern Association Coal Corp	6	2	9	4½	25
B	Crane Creek No. 6	Pocahontas Fuel Co	3	2	4	2	25
B	Eckman	do	2	1	4	4	25
B	Eckman No. 12	do	1	1	4	4	25
B	No. 1	Trace Fork Coal Co	1	1	4	4	25
B	Lynco Colliery No. 2	Pocahontas Fuel Co	1	1	10	10	25
B	No. 10	United States Steel Corp	3	1	1	1	25
B	Gary No. 11	Ridge Land Co	1	1	12	12	25
B	No. 3	White Park Coal Co., Inc	1	1	8	8	25
B	Bishop	Bishop Coal Co	12	2	15	7½	25
B	No. 33-37	do	3	2	5	2½	25
B	No. 7	Pocahontas Fuel Co	3	1	5	5	25
B	Eckman Page	do	1	1	2	2	25
B	No. 1	Genoa Coal Corp	1	1	11	11	25
B	No. 6 East	United States Steel Corp	1	1	2	2	35
B	No. 11	Imperial Colliery Co	1	1	4	4	25
B	No. 34	Carbon Fuel Co	1	1	3	3	25

District	Mine	Company	Working sections	Working sections inspected	Violations		Fines assessed per violation
					Total	Per section	
		WEST VIRGINIA—Continued					
B	No. 31	Carbon Fuel Co.	2	1	4	4	[1]25
B	No. 1	Ford Coal Co.	1	1	2	2	25
B	No. 115	Bethlehem Mine Corp.	3	2	6	3	25
B	Sewell No. 4	Sewell Coal Co.	4	2	12	6	25
B	Birch No. 1	Island Creek Coal Co.	3	2	8	4	25
B	Summersville No. 2A	do	3	2	9	4½	25
B	No. 11	Leckie Smokeless Coal Co.	1	1	10	10	25
B	No. 27	do	1	1	9	9	25
B	Harewood	Allied Chemical Corp.	5	2	10	5	25
B	No. 8	Cannelton Coal Co.	3	2	10	5	25
B	No. 5	Zella Coal Co.	1	1	7	7	25
B	No. 3	Johns Coal Co.	1	1	6	6	25
B	No. 3	E. B. Coal Co.	1	1	7	7	25
B	No. 4	Jacks Branch Coal Co.	1	1	8	8	25
B	Nos. 3 and 4	Cannelton Coal Co.	4	2	12	6	25
B	Indian Ridge No. 6	United Pocahontas Fuel Co.	1	1	9	9	25
B	Angus	Robinson & Phillips Coal Co.	1	1	8	8	25
B	No. 17	United Pocahontas Coal Co.	1	1	9	9	25
B	No. 39	Robinson & Phillips Coal Co.	1	1	7	7	25
B	Brian Creek No. 1	do	1	1	8	8	25
B	East Gulf	Winding Gulf Coals Inc.	5	2	24	12	25
B	Kopperston	Eastern Association Coal Corp.	8	2	18	9	25
B	No. 10	Sterling Smokeless Coal Co.	2	1	13	13	25
B	No. 5	Hawley Coal Mining Corp.	2	1	14	14	25
B	No. 116	Bethlehem Mines Corp.	2	1	11	11	25
B	No. 6	Hawley Mining Corp.	1	1	11	11	25
B	No. 5	Hawley Coal Mining Corp.	2	1	20	20	25
B	No. 9E	Island Creek Coal Co.	4	2	12	6	25
B	No. 9M	do	1	1	5	5	25
B	No. 1	Shannon Construction Equipment Co.	1	1	4	4	25
B	Ashland 11A	Ashland Mining Co.	1	1	4	4	25
B	No. 1	Wyoming Mining Co.	1	1	3	3	25
B	do	C & C Coal Co.	1	1	3	3	25
B	No. 6	Perry & Hylton Inc.	1	1	5	5	25
B	Keystone No. 1	Eastern Association Coal Corp.	13	2	7	3½	25
B	Algoma No. 12	United Pocahontas Coal Co.	2	1	7	7	25
B	No. 7	Hawley Coal Mining Corp.	2	1	5	5	25
B	Crane Creek No. 11B	Pocahontas Fuel Co.	2	1	3	3	25
B	No. 5	L. & D. Coal Co.	1	1	4	4	25
B	Chesterfield No. 1	Omar Mining Co.	3	1	9	9	25
B	Chesterfield No. 3	do	1	1	11	11	25
B	No. 1	V & B Coal Co., Inc.	1	1	4	4	25
B	V. C. No. 30	Valley Camp Coal Co.	2	1	9	9	[2]25
B	No. 1	Backus Branch Coal Co.	1	1	11	11	25
B	No. 8L	B & B & N Coal Co.	1	1	11	11	25
B	Roland No. 1	Consolidation Coal Co.	1	1	5	5	25
B	Kepler	Pocahontas Fuel Co.	2	1	5	5	25
B	Olga	Olga Coal Co.	9	2	8	4	25
B	Ashland No. 11	Ashland Mining Corp.	1	1	5	5	25
B	Maitland	Pocahontas Fuel Co.	6	1	3	3	25
B	Itmann No. 3	Itmann Coal Co.	5	2	27	13½	25
B	Tralee	Allied Chemical Corp.	2	1	10	10	25
B	Buckeye Colliery	Pocahontas Fuel Co.	5	2	25	12½	25
B	No. 4H	Amherst Coal Co.	2	2	17	8½	25
B	No. 8B	Buffalo Mining Co.	1	1	18	18	25
B	No. 4B	Island Creek Coal	1	1	15	15	25
B	No. 4	do	2	1	15	15	25
B	No. 1	do	5	1	19	19	25
B	Slab Fork No. 8	Slab Fork Coal Co.	4	2	15	7½	25
B	No. 10	Slab Fork Coal Co.	5	2	13	6½	25
B	Gaston No. 2	do	4	2	9	4½	25
B	No. 9	Red Bird Mining Co.	1	1	6	6	25
B	No. 41	Robinson & Phillips Coal Co.	1	1	6	6	25
B	Shannon Branch	Allied Chemical Corp.	10	2	11	5½	25
B	No. 18	Riverton Coal Co.	4	2	25	12½	25
B	Harris No. 1	Eastern Assoc. Coal Corp.	4	2	13	6½	25

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[1] 1 imminent danger order.

[2] 3 imminent danger order.

DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 2, 1970.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: This is in reply to your letters of April 22, 1970 and May 20, 1970, commenting on this Department's enforcement policies under the Federal Coal Mine Health and Safety Act of 1969 and requesting the comments and opinions of this Department. Your letter of February 20, 1970 was answered on April 30, 1970. A detailed response to the April 22, 1970 letter was being prepared, but in the meantime on May 1 and May 14, 1970, protracted meetings were held between representatives of this Department and representatives of both the Senate and House Labor Subcommittees.

The purpose of these meetings—the first of which was attended by the Under Secretary, the Assistant Secretary and me and members of our staff—was to initiate a dialogue concerning enforcement policies and problems under the Act. I am happy to report that the purpose of the meetings was achieved and there developed an extended and candid exchange of views concerning this Department's enforcement plans in general.

Each of the subjects raised in your letters was discussed at some length at these meetings which lasted more than eight hours. It would appear that the staff members from the House Labor Subcommittee who were present—Messrs. Vagley, Finnegan, Bernstein, Baker and Sellers—have not yet had an opportunity to report the results of these meetings to the members of the Subcommittee. I am certain you will find that comprehensive answers to your questions already have been provided.

Inasmuch as further meetings are contemplated, I believe that any other questions can be dealt with most effectively in this way.

One further comment should be made at this time. Difficult enforcement problems have been encountered and this Department is making every effort to meet its obligations under the Act in such a way as to insure the health and safety of the miners. In discharging these responsibilities this administration is not and will not be dominated by any interest group, industry or labor, in the enforcement of the Act.

I am sending copies of this letter to Congressmen Dent and Burton who also signed the April 22 letter.

Sincerely yours,

MITCHELL MELICH,
Solicitor.

MAY 20, 1970.

HON. WALTER J. HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.S.

DEAR SECRETARY HICKEL: I know that you are deeply concerned about the plight of this Nation's coal miners. Your concern was evidenced early in the consideration of the Federal Coal Mine Health and Safety Act of 1969 when you testified before the House General Subcommittee on Labor on March 4, 1969 and said (Hearings, pp. 52–54):

"* * * it is clear that our society can no longer tolerate the exorbitant cost in human life and human misery that is exacted in the mining of this essential fuel. Unless we find ways to eliminate that intolerable cost, we must inevitably limit our access to a resource that has an almost inexhaustible potential for industrial, economic, and social good.

"Our society has achieved an affluence unparalleled in man's history. It is time, I think—in fact, past time—that we begin to recognize more distinctly the responsibilities and realize more fully the opportunities which that affluence has given us.

"No longer can there be a claim that the safety and health of the workers in one of our major industries are luxuries that we cannot afford.

"As a people we have always placed human values at the summit of our esteem. We pride ourselves on our resourcefulness and our efficiency Yet, the way that we mine coal today is not humanitarian, resourceful, or efficient. It is inexcusably wasteful of our most precious asset—the human being."

But unfortunately, I find little evidence that other officials of the Interior Department who are responsible to your for the administration of the Federal Coal Mine Health and Safety Act of 1969 share your concern. They do not even attempt to show a sense of urgency in administering this law. Frankly, I am appalled at some of the actions taken by the Department to date, as well as at the many instances where it has failed to act.

I urge you to make a personal review of the administration of the Act to date before the situation worsens.

I believe it appropriate to bring the following points to your attention.

I. NO GOVERNMENT POSITION ON TEMPORARY RESTRAINING ORDERS

On April 23, and 30, 1970, United States District Court Judge H. E. Widener, Jr., issued two temporary restraining orders governing coal mine health and safety enforcement.

Almost a month has passed since the first order was issued and the Interior Department has yet to state its position on the orders. It has not even indicated what, if any, actions it will take to appeal them, or to revise its regulations to remove the objectionable features that caused the Judge to issue the orders.

As a matter of fact, the Department's first response was a negative one, namely on April 24, 1970, it issued an instruction by telegram to cease all inspections.

Next, the Department responded to the suit by extending the scope of the orders beyond the 77 plaintiffs to the entire nation. Thus, the largest operators, like U.S. Steel, have received from the Department a gift of the fruits of the orders which they did not seek themselves in court. They are not even parties to the suit, except behind the scenes.

Further, Under Secretary Russell, in two recent amendments to the penalty fee schedule, which the court forbade the Department to enforce, is still acting as if the fee schedule is in accord with the law.

1. What is the Department's position on these temporary restraining orders?

2. Is it not more profitable from the standpoint of the miner's safety to take steps to rescind the fee schedule and the regulations in the March 28, 1970 *Federal Register* publication which the court now forbids the Department to enforce and republish those which meet the requirements of sections 101(j) and 301(d) of the Act than attempt to fight the orders before a three judge court, and possibly lose?

II. REMARKS BY ASSISTANT SECRETARY HOLLIS M. DOLE

On May 11, 1970, Assistant Secretary Dole spoke before the 1970 Coal Convention of the American Mining Congress, in Cleveland, Ohio. A copy of his remarks is enclosed.

Mr. Dole said in part as follows:

"The intent of the Congress in this Act is clear, and the provisions are quite specific. In the Administration of the law, we in the Interior Department feel that very little has been left to our discretion. If there are any doubts with respect to the wording in particular places, we believe we must resolve them in favor of affording greater protection to the men working in the mines, even if we are knowingly putting an additional burden on the industry."

3. (a) What is the Department's basis for concluding that "little has been left to our discretion under the law?"

(b) Is it not true that the Department has wide discretion, for example, (i) to establish new standards, (ii) to provide reasonable time and to extend that time in notices of violations issued to operators to comply with various provisions of the Act, (iii) to determine whether a closing order should be issued, and (iv) to establish the amount of any civil penalty?

I am heartened to see that Mr. Dole believes that if "there are any doubts with respect to wording 'in the Act, the Department' must 'resolve them in favor of affording greater protection to the men working in the mines.' "

That statement is significant because it is consistent with the preamble in section 2 of the Act which provides that "the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner."

It also is consistent with the Statement of the Managers on the Part of the House (H. Conf. Rept. 91–761, December 16, 1969) which holds "* * * the managers intend that the Act be *construed liberally when improved health or safety to miners will result.*"

It is, however, disquieting, Mr. Secretary, to also see Mr. Dole adding a final patronizing clause to an otherwise fine sentence that the Department will resolve those doubts in favor of the miners "even if we are knowingly putting an additional burden on the industry."

This is a "burden" that is long overdue in this industry. It is a burden that is inherent in a broadened health and safety program that requires many more safety standards and a dust standard, and that eliminates the unscientific distinction between gassy and non-gassy mines. You recognized that there would be such a burden just in eliminating this distinction when you said, at the March 4, 1969 House Hearings, it "will require large new investments and increased operating costs * * *." Rather than expressing patronizing statements to the industry, the Department, in its rhetoric and its actions, should assure the operators and the miners that it will act reasonably and responsibly in its administration of the law.

III. NO REPLY YET

On April 3, 1970, you responded to my letter of March 5, 1970, concerning enforcement of the Act. I had also written the Department on February 20, 1970. In your letter, you advised me that since my letter of February 20, 1970, "raised a legal question" it was referred to the Solicitor and I will receive a "substantive reply in a few days."

More than 40 days have passed and the Solicitor has yet to reply.

IV. JOINT CONGRESSIONAL LETTER

On April 22, 1970, the day before Judge Widener's first order, Congressman Dent, Chairman of the General Labor Subcommittee, Congressman Phillip Burton, a member of that subcommittee, and myself sent a joint letter to the Department raising a number of issues concerning its administration of the Act and requesting a response to the issues raised therein by May 4, 1970.

We have yet to receive that response.

V. THE FEE SCHEDULE

In our April 22, 1970, joint letter to you, we called upon the Department to "rescind" this fee schedule which is not in accord with the Act. Seven days later, Federal District Court Judge Widener specifically restrained the Secretary of the Interior and others from enforcing section 301.50 of the Department's March 28, 1970 regulations (35 F.R. 5257) "insofar as it permits the Bureau of Mines to assess penalties and accept payments in accordance with the schedule published therein in lieu of hearing * * *."

Yet, on May 4, 1970, the Department published two separate amendments to this fee schedule (35 F.R. 7181 and 7182). Both are effective upon publication. Both amendments were approved by Under Secretary Russell.

4. (a) If the Department is restrained from enforcing the fee schedule by the court order of April 30, 1970, what is the legal effect of these two amendments (i) on the plaintiffs in the law suit, and (ii) on operators and miners not plaintiffs to the law suit?

Please provide to me a legal opinion of the Solicitor on this point.

(b) If, under the order as the Department interprets its scope, the Solicitor finds the amendments without legal effect, then why did the Under Secretary find it necessary or desirable to publish them?

(c) Since the Department recognized that the rulemaking provisions of 5 U.S.C. 553 applied to the fee schedule on initial publication, but found it "impracticable" to have rulemaking, what is the legal basis for the Department now concluding (i) that, in the case of the first amendment (35 F.R. 7181), rulemaking is not applicable because the "amendment involves rules of agency organization, procedure, or practice", and (ii) that, in the case of the second amendment (35 F.R. 7182), there is no need to cite a reason for failure to provide rulemaking?

Please provide to me a legal opinion on this point also.

(d) Was there consultation with the Justice Department prior to publishing the amendments? If so, please provide a copy of any written views of that agency.

5. (a) Why is the definition of second, third, and additional violations set forth in the first amendment limited to violations of "a particular standard" only?

(b) What about violations of Title I of the Act?

6. In our joint letter of April 22, 1970, we said that we understood that the Department intended the terms first, second, and third violations to mean that violations "cited in second and later inspections" in a 12-month period would "incur a progressively greater fine." Please explain the reasons for the Department changing its position so as to require increased penalties only if there is a repeat of "a particular violation" on reinspection.

7. What is the legal basis in the statute for, in effect, wiping the slate clean at the end of each 12-month period and reducing the penalty to the level of a first violation?

8. (a) In regard to the second amendment, why are those reduced penalties applicable retroactively to Mar. 30, 1970, and prospectively to Sept. 30, 1970?

(b) What is the justification for reducing an imminent danger penalty, for a violation that could be as serious as the Farmington disaster that killed 79 miners, from $500 to $20?

(c) What is the justification for reducing the other penalties from $100 to $4, and $25 to $1, respectively?

(d) Is the footnote added to the fee schedule by the second amendment intended to apply to the second and subsequent violations also?

(e) If the Department found it appropriate to reduce the penalties for the mine operators under the fee schedule, why was not a proportionate reduction made for the miners also?

VI. MANDATORY SPOT INSPECTIONS

Section 103(i) of the Act requires that the Secretary "provide a minimum of one spot inspection by his authorized representative of all or part of" a mine having a history of certain hazardous conditions "during every five working days."

In response to my request of April 7, 1970, the Acting Director of the Bureau of Mines by letter of May 6, 1970, provided to me three tables listing underground coal mines in West Virginia which the Bureau finds (1) meets the criteria of section 103(i), and (2) that spot inspections are required for such mines. The tables identify 91 mines in West Virginia subject to section 103(i). The tables also show that few spot inspections have, in fact, been made by the Department at these mines between April 1, 1970 and May 6, 1970.

9. When will the Department meet the requirements of this section as to each of these mines?

10. (a) If a death or injury occurs in any one of these 91 mines during any five day period when a required spot inspection does not take place, will the United States be liable for damages in a suit brought by the miner or his survivor under the Federal Tort Claims Act, as amended for failure to comply with the statutory mandate? Please provide to me a legal opinion on this issue.

(b) If the answer is yes, what steps is your Department taking to prevent the possibility of such suits and loss to the treasury?

VII. INTERIOR'S APRIL 25, 1970 TELEGRAM TO INSPECTORS

Enclosed is a copy of my statement of April 29, 1970, "Crisis in Coal Mine Safety" (CONG. REC. pp. 13479–13491), concerning some of the actions of the Interior Department under the Act. The statement includes a discussion of a telegram issued by the Bureau of Mines to its 5 district managers directing them to resume inspections suspended by the Bureau on April 24, 1970.

11. (a) What, in either temporary restraining order issued by Judge Widener, leads the Department to the conclusion that the orders apply nationwide? Please cite the appropriate provision in the orders.

(b) If there is nothing in either order to support the Department's action, what is the administrative justification for extending the application of these orders nationwide?

12. What is the legal basis in the Judge's orders for the Department's statement in the wire that the March 28, 1970, regulations of the Department "are invalid and unenforceable"?

13. (a) What is the legal basis in the Judge's April 23, 1970, order for Interior stating in the wire that the Act's Title III mandatory safety standards "may be enforced to the extent that the operators are able to comply within the bounds of existing technology and available equipment"?

(b) If there is none, why has the Department so limited its enforcement?

14. (a) What is the legal basis in the Judge's April 23, 1970, order for the Interior Department to instruct its inspectors to "inspect all coal mines *only* as against the safety standards under Title III of the Act"? (Italics supplied.)

(b) If there is none, why has the Department so limited its enforcement?

15. Did Judge Widener hold that "with regard to conditions that cannot be abated because of the lack of technology or because equipment is not available" the Department's inspectors should not "issue any notice or penalty"?

I hope that the Department can promptly answer this letter and my letter of February 20, and our joint letter of April 22. If, however, the Department finds it impossible to provide a complete response to all of the issues raised in these letters within a short period of time, I hope that it will respond to as many as possible and indicate when a response will be made on the others.

Sincerely,

KEN HECHLER.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., August 7, 1970.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: This is in reply to your letter of May 20, 1970 concerning the administration of the Federal Coal Mine Health and Safety Act of 1969. For your convenience our reply is keyed to the numbered paragraphs in your letter.

I. Following receipt of the restraining order of April 23, 1970 late that afternoon, the Department suspended inspection activities for Friday, April 24, 1970 to permit an assessment of the effect of the restraining order. On Monday, April 27, 1970, enforcement activities were resumed and the Department limited enforcement to the provisions of the Act itself. Although the litigation had been instituted only on behalf of seventy-four operators and one miner, the theory of the case—and the basis for the restraining order—went beyond the application of the safety regulations to these particular plaintiffs. Rather, the plaintiffs challenged their general validity. Had the regulations continued to be enforced with regard to other operators, the Department's action would, in our judgment, have resulted in a multiplicity of "tag-along" litigation. Moreover, considering the basis for the order, it would have been unfair to continue to enforce the safety regulations elsewhere.

As you are aware, we have recently decided to republish the safety regulations, together with certain amendments and additions, as proposed rule making. Written comments, suggestions or objections will be invited. The decision of whether or not to republish the safety regulations as proposed rule making involved a delicate balance of a number of factors:

One, the order temporarily restrained enforcement of the safety regulations on the ground that they should have been promulgated under Section 101 of the Act. Republication under Section 301(d)—the provision under which they were originally promulgated—might not necessarily moot the litigation. Two, we continue to be of the opinion that the regulations were properly promulgated. And three, we were continually reassessing our position to determine whether the regulations could be revalidated faster by defending the litigation than by republishing. We believe now, under present circumstances, that republication of the safety regulations, with revisions and additions, is the more appropriate procedure to follow.

II. The general remarks of Assistant Secretary Dole to the 1970 Coal Convention of the American Mining Congress are being read entirely out of context. There is no basis for disagreement on the terms of the Act; in certain areas, considerable discretion has been delegated to the Department.

III. Your letter of March 5, 1970 was answered on April 30, 1970.

IV. Your letter of April 22, 1970, signed jointly by Representatives Burton and Dent, was answered on June 2 and a further response is being prepared.

V. Since the validity of the fee schedule is in issue in the case pending in the Western District of Virginia as well as in the case instituted by you in the District of Columbia, it would be inappropriate, in our opinion, to answer your inquiries concerning the fee schedule at this time.

VI. Similarly, it would be inappropriate to answer your questions concerning mandatory spot inspections, since the requirements of Section 103(i) of the Act are in issue in the case instituted by you in the District of Columbia.

VII. Our decision to limit enforcement to the provisions of the Act has already been discussed under Paragraph I of the letter. The telegram of April 24 sent by the Bureau of Mines to the five Coal Mine Safety District Managers was intended to explain, in general and simple terms which could be understood by laymen, the effect of a complex restraining order.

While the language used would not meet the requirements for a court pleading, it does accurately and fairly state that the Court based its *temporary* injunction upon his *determination* that the regulations were not properly promulgated. The District Managers were advised that the safety standards could be enforced "to the extent that the operators are able to comply within the bounds of existing technology and available equipment" since, essentially, that was what the Order provides. Section 104(h) (1) of the Act—the only procedure which the Order permits in cases of lack of technology or unavailability of equipment—is, in our judgment, a wholly inappropriate procedure under the circumstances. The procedures of that Section are entirely too cumbersome to be employed with regard to such violations, particularly at a time when inspectors should be devoting their maximum efforts toward enforcement of standards which can presently be met.

We hope that this information is fully responsive to your inquiry.

Sincerely yours,

FRED J. RUSSELL,
Acting Secretary of the Interior.

THE EXETER-ANDOVER INTERN PROGRAM—A PLEA FOR POLITICAL OBJECTIVITY IN THE ACADEMIC COMMUNITIES OF OUR NATION

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, for many years now, I have been concerned about the lack of political objectivity and the imbalance of political thought and opinion that prevails on some of our Nation's campuses. In these times of tension, complexity, and challenge, I have been disappointed by the apparent narrowness of view that prevails in some segments of the academic community. This narrowness strikes me as unscholarly, unintellectual, and perhaps worst of all unproductive in developing creative solutions to the problems facing our Nation.

I believe that this ideological and political imbalance is in large part due to the failure by the academic community to expose itself equally or fairly to differing points of view. I refer to a lack of exposure to conservative and even moderate viewpoints by the academic community which may be inadvertent, and perhaps it is deliberate. Perhaps conservatives and moderates of both parties do not want to talk with this country's youth, to explain their stands, to show their concern; but I doubt it. Whatever the reason for the imbalance, it is regrettable. How can we expect students to make sound decisions about political issues today? They have too often been either partially or totally deprived of

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exposure to conservatives and moderates on the college campuses. They have been overexposed to the Jerry Rubins, the Abbie Hoffmans, the Huey Newtons, and the Mark Rudds of America. The academic community should make a more conscious effort to attract middle-of-the-road and conservative guest speakers and lecturers to expose their constituency to different points of view. This would be a most welcome breath of fresh air and a renewal of the goals of all true academicians: to maintain intelectual honesty, to continue academic integrity, and to preserve the campuses as truly open and free-thinking communities.

It is unwise to legislate political balance to traditionally and legally apolitical institutions. The initiative for achieving intellectual honesty must come from within the academic community—from its teachers, its students, and its administrators.

The Phillips Exeter Academy in Exeter, N.H., and the Phillips Academy in Andover, Mass., have determined that education is more than just classroom studying, that it is practical experience and dealing with people. They have given a limited number of young men a chance for an interesting and eye-opening experience in Government, and Members of Congress have welcomed their presence. I agree with this approach to education, and I applaud these two schools for implementing this program, the first such secondary school program. Many of my colleagues in both the House and the Senate have had participants in the Exeter-Andover spring intern program gaining valuable experience helping in the workings of their congressional offices.

I have had an Exeter intern in my office on two occasions and they have both proved extremely helpful to me. They have done their share of the drudgery involved in office work, and they have researched some very useful projects and reports for me. I find that the youthful and fresh ideas my interns have given me enlightening and helpful. My most recent Exeter intern is George Teller, of Nashua, N.H., who proved so useful to me during the spring that I hired him to help me this summer.

Every year, to accompany and supplement the work experience on Capitol Hill, the two academies conduct a seminar program, inviting guests of various expertises to talk with the interns, field questions, and introduce interesting proposals and opinions. These seminars and many of the ideas that came out of them were useful to the interns in their work, and I am sure that they greatly influenced the political persuasions and leanings of these young men.

A case in support of my assertions that the academic communities often lack exposure to all points of view is the Exeter-Andover seminar program. This program is an example of the imbalance of political exposure that pervades segments of the academic community today and to which I referred earlier.

Last May, after George and I visited Dartmouth College's "lobbying group", the Continuing Presence in Washington, we talked about the Exeter-Andover seminar program. I was surprised to learn that no practicing Republican officeholder had visited with the group. I readily volunteered to be the "token Republican" for the Phillips Academies intern program of 1970, and George arranged with the director of his program to schedule me for the last seminar of the spring internship. I found my 2-hour meeting with these interns stimulating and most encouraging. I am sure that many of the young interns disagreed with my "moderately conservative" views and opinions, but at least they were exposed to new opinions which tested the validity of some of their own. I would like to insert the list of seminar guests during the 1970 Exeter-Andover intern program and letters I received in reaction to my meeting with the interns in the RECORD at this time, along with a reiteration of my plea for the restoration of political balance and a more meaningful dialog in our academic communities.

The material follows:

THE PHILLIPS ACADEMIES WASHINGTON INTERN PROGRAM OF 1970

SEMINAR GUEST SPEAKER LIST

February 26, 1970—Roan Conrad, Center for Political Research.

March 4, 1970—S. Douglas Cater, former Special Assistant to President Johnson.

March 5, 1970—Chester E. Finn, Jr., Staff Assistant to President Nixon.

March 9, 1970—Gale P. Gotschall, Federal Trade Commission.

March 11, 1970—Grenville Garside, Legislative Assistant to Senator Jackson.

March 17, 1970—Lloyd L. Duxbury, Vice-President of Burlington-Northern Railroad.

March 19, 1970—Bruce Rabb, Staff Assistant to President Nixon.

March 24, 1970—John R. Kramer, Executive Director of the Council on Hunger and Malnutrition.

March 26, 1970—Karl G. Harr, President of Aerospace Industries Association.

March 30, 1970—Wilcomb E. Washburn, Historian at the Smithsonian Institution.

April 2, 1970—Charles W. Bailey II, Bureau Chief for Cowles Publications.

April 7, 1970—Richard J. Ramsden, White House Fellow, O.E.O.

April 8, 1970—Robert Amory, Jr., former Deputy Director of C.I.A.

April 9, 1970—Terry F. Lenzner, Assistant Director of Legal Services, O.E.O.

April 13, 1970—James A. Guest, Jr., Legislative Assistant to Senator Kennedy.

April 16, 1970—Richard W. Murphy, Bureau of Near East and South Asian Affairs, State Department.

April 22, 1970—John T. Walker, Canon at the Washington Cathedral.

April 23, 1970—Bruce K. MacLaury, Deputy Under Secretary for Monetary Affairs, Treasury Department.

April 28, 1970—Timothy E. Wirth, Deputy Assistant Secretary for Educational Affairs, H.E.W.

April 30, 1970—Robert B. Choate, Jr., Hunger Lobbyist.

May 3, 1970—Thomas G. Corcoran, Special Assistant to President Franklin D. Roosevelt.

May 6, 1970—Edward I. Koch, Representative from New York.

May 7, 1970—Nan Robertson, Staff Reporter for the *New York Times*.

May 11, 1970—Richard C. Van Dusen, Under Secretary of HUD.

May 12, 1970—Barry Zorthian, President of *Time-Life* Broadcasting.

May 13, 1970—Eric Wentworth, Staff Reporter for the *Washington Post*.

May 21, 1970—Robert Semple, Staff Reporter for the *New York Times*.

May 23, 1970—Neil MacNeil, Correspondent for *Time, Inc.*

May 26, 1970—William Proxmire, United States Senator from Wisconsin.

SPECIAL EVENTS

April 10, 1970—The Freer Gallery of Art, Director John A. Pope.

April 15, 1970—The State Department Asian Affairs Expert, Jonathan Moore.

April 17, 1970—Luncheon at the Capitol with Senator Philip Hart of Michigan.

April 20, 1970—Interview with S. French; the Senate Committee on Interior and Insular Affairs.

April 29, 1970—Dinner with Herbert Salzman (A.I.D.).

May 5, 1970—Conference at the Supreme Court with Associate Justice Thurgood Marshall.

May 6, 1970—Luncheon with Representative John Brademas of Indiana.

May 27, 1970—Luncheon with Representative James C. Cleveland of New Hampshire.

THE PHILLIPS EXETER ACADEMY,
Exeter, N.H., May 28, 1970.

DEAR MR. CLEVELAND: On behalf of our 1970 program, I want to thank you for redressing the political balance at yesterday's luncheon. Your trenchant defense of G.O.P. positions was welcomed especially by some of the interns. I shall intrust my successor to schedule you for another session next spring.

In the meantime, I hope that I may find another candidate for work in your office.

With warm regards—

Cordially,

JOHN MAYHER,
Director of Exeter-Andover Intern Program 1970.

May 27, 1970.

Congressman JAMES C. CLEVELAND,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CLEVELAND: I would just like to say that it was a genuine pleasure to listen and exchange ideas with you at the Phillips Academies' Washington Intern luncheon today. While I would tend to disagree with you in some areas, particularly in the means to subsidize mass urban transit and on your stand in Cambodia, I was greatly impressed by the sincerity and honesty of your views.

I hope that your efforts in the area of Congressional reform are successful and that the idea to provide congressional offices with computers and closed circuit televisions is adopted.

While working on the Hill, I have come to know well the demands of time made on congressmen, and I would like to thank you again for taking the time to talk to us. I feel strongly that if somewhat conservative thinkers like yourself were to make yourselves more in evidence on the nation's campuses, there would be a far better understanding on the part of the students of the divisive issues facing the country today.

Take good care of our man George, over the summer.

Sincerely,

RICHARD SCHAEDEL,
Exeter Intern to Congressman Brademas.

MAY 27, 1970.

Hon. JAMES C. CLEVELAND,
House Office Building,
Washington, D.C.

CONGRESSMAN CLEVELAND: On behalf both of myself and the entire group, I want to thank you for taking time off from your busy schedule to talk with us this afternoon.

Our session with you was certainly fascinating and will be remembered as a high point of the Washington experience by everyone. I especially enjoyed having the opportunity to listen to a public official who could be classified as something other than a liberal Democrat. Thank you for imposing

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this diversity on Mr. Mayher, our program director, who, despite the fine job he does otherwise, is often prone to repetition in his selection of speakers.

Again, sir, thank you very much.

Sincerely yours,

Peter F. Olberg,
Exeter Intern.

May 28, 1970.

Hon. James C. Cleveland,
Longworth House Office Building,
Washington, D.C.

Dear Mr. Cleveland: I want you to know how grateful I am for your splendid appearance before our group at yesterday's luncheon. I must say that I was slightly prejudiced in your favor, since I knew you previously, and since I find myself in agreement with you most of the time.

To hear a Republican congressman address us was a truly great privilege, especially for me. It was certainly a much needed and sorely lacking aspect of the Washington experience for most of the interns. I only wish that the imbalance had been turned the other way, and that there had been more Clevelands and Teagues in the program and addressing us.

I was really proud, as a Republican and and American, to hear this group of students be told a few hard facts for once, from a man so eminently qualified on an intellectual and political basis to do the telling.

In closing, I must say that I do disagree on one point—your views on highways. While I may be a conservative, I am also militantly inclined towards a radical line on conservation. Nevertheless, you would certainly have my sentiments with you when you run against Tom McIntyre in 1972, as I pray you will.

With warmest personal regards,

Michael S. Burd,
Exeter 1970.

CAPITAL LEADERS HONOR L. MENDEL RIVERS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is no ordinary thing when a Member of this body is honored simultaneously by the Air Force Association and the Navy League—two great and respected national organizations.

It is even more unusual when more than 2,000 Capital leaders—Senators, Congressmen, Government officials, heads of industry, military leaders, and others from many walks of life, gather to pay tribute to one individual for his contributions to national defense and to a better way of life for uniformed personnel of the armed services and their families.

Add to this the presence of such outstanding personalities as Deputy Secretary of Defense David Packard, members of the Defense Secretariat, and members of the Joint Chiefs of Staff and you really get a feel for the importance of the event.

The occasion was a luncheon honoring L. Mendel Rivers, who has served with great distinction as chairman of the House Committee on Armed Services. It was held in Washington on Wednesday, August 12. The speakers who joined in tribute to our distinguished colleague included South Carolina's senior Senator, the Honorable Strom Thurmond.

It is my privilege to submit for printing in the Congressional Record the remarks made by this great leader on this most significant occasion:

Remarks by Senator Strom Thurmond Before Capital Chapter of Air Force Association Honoring L. Mendel Rivers, August 12, 1970

Mr. Vice President, Chairman Rivers, President Schissell of the District Air Force Association, Members of the Senate and House Armed Services Comittees, Distinguished Guests, Ladies and Gentlemen.

This is "Speedy" Strom, and I have come to hail "Caesar."

That is what my colleague, Senator Bill Fulbright, calls our distinguished guest of honor, and I kind of like it. What this country needs is more Caesars and fewer Chamberlains.

Last Monday when I thought I might need a lawyer to help with a traffic ticket, the first name that crossed my mind was Mendel Rivers—symbol of power.

Back during the first decade of this century in a community called Gumville, South Carolina, situated in an area also known as Hell Hole Swamp, the man being honored here today began the great adventure called life.

It was not an easy life, for at the age of eight, his father passed away and responsibilities far beyond his years were thrust upon his shoulders. Before attending school each day he milked cows and delivered newspapers. This habit of being an early riser has carried over to his work in the Congress today.

This restlessness to get with the work at hand and get things done personally—has characterized a life of public service. He was elected to the House of Representatives of South Carolina in 1932, the same year I was elected a State Senator in that Body. This state-wide public service first brought us together and we have been good friends since that time.

One of the first impressions I received of our honored guest back in those early days was that he possessed a deep sense of loyalty. He was not only loyal to his friends but to any organization to which he belonged.

I recall an incident during our first year in the State Legislature. The City of Columbia, our capital city gave a barbecue for the lawmakers, and the legislator with whom Mendel was rooming ate too much hash on this occasion. During the night he began to have nightmares and awoke shouting, "There are Robbers in the House. There are Robbers in the House!" Hardly awake, but preserving that keen sense of loyalty I have just mentioned, Mendel turned over and said, "Oh, no, there may be Robbers in the Senate, but not in the House."

It was in these early days in the South Carolina House of Representatives that Mendel first exhibited that immensity of energy, devotion to a cause, scorn for those who despaired, and an abiding faith in America—those qualities that have made Mendel's name a beacon of strength in these troubled times.

During that time, and to this day, he has been an admirer of another great South Carolinian, John C. Calhoun. He has lived by Calhoun's admonition: "The very essence of a free government consists of considering public office as a public trust, bestowed for the good of the country and not for the benefit of an individual."

He has also faithfully followed the challenge laid down for us all by Daniel Webster who said: "Let our object be our country, our whole country, and nothing but our country."

Over the years I have worked with Mendel on many matters. During this time he has been a source of inspiration, of wisdom, and above all, of faith that right and justice firmly maintained will triumph. His life style, his flamboyance, his wit, his intelligence, his personality are all unique in the annals of American politics.

One of the rarest things a man ever does is to do the best he can. Chairman Rivers has always met that test. In my studied opinion, I can say that no man in America, including our Presidents, has done more for our national defense than L. Mendel Rivers.

This man has ably applied his qualities of leadership and determination to his role as Chairman of the Armed Services Committee of the U.S. House of Representatives. In this role, and before as a Committee member under the Chairmanship of Carl Vinson, he has clearly left his mark on our defense establishment. He has fought long for a modern Navy; he is the father of the unchallenged airlift capability of our Air Force; he has fought harder for increased pay of our servicemen than any previous Chairman; and he is a strong advocate of providing the most modern tools for our foot soldiers.

Many defense programs which have become reality were brought to fruition under his leadership. He championed the nuclear submarine when the Navy itself was full of doubters; he pushed forward with the C–130, the C–141 and the C–5A when the need for these aircraft was not recognized by many. He dedicated himself to a tremendous increase in the nation's military airlift capability; and today men and equipment can be quickly deployed anywhere in the world to aid our allies and preserve our national security.

The B–1 bomber, the Navy's all purpose F–14, the Air Force's F–15 superiority fighter, and the Marine's vertical takeoff fighter, the Harrier, have all received his special attention.

All of these accomplishments, and many more, were possible because L. Mendel Rivers is a man of exceptional personal qualities. He is a man of courage, a man of action and a true espouser of Americanism.

Mendel is also a devoted family man. His wife, Margaret, a dedicated and intelligent lady, who understands Communism better than her husband, has shared with him the demands of high office. They have reared three handsome children: Two daughters, Margaret Middleton Eastman, the mother of their two grandchildren; Lois Marion Rivers, a ladies' fashion designer in London; and a son, L. Mendel Rivers, Jr., a Phi Beta Kappa student, who is now working on his law degree at Georgetown University.

I am pleased that the Capital Air Force Association has seen fit to recognize Mendel Rivers on this occasion. It is rare that a man is properly recognized in his own time. The accomplishments of my distinguished colleague from South Carolina are such that his name has already been inscribed across the nation and the world. His portrait hangs in the House Armed Services Committee Room, a rare tribute for a man who still sits in the Chairman's seat. A bronze bust has been erected in his honor by his hometown of Charleston. In North Charleston there is a Rivers Avenue and the Rivers Postal Annex. A high school in Altus, Oklahoma bears his name. In Vietnam there is Rivers Boulevard. There is also a Rivers Gate, Men-Rivers Park, and so-on.

A distinguished colleague, Rep. Philip J. Philbin of Massachusetts, has described Mendel Rivers as one who "never falters, never hesitates, never draws back, once he is sure he is right." It is *that* sense of duty—duty understood and faithfully discharged—which our Nation urgently needs in these tension filled times.

Some years ago, the title of a popular play summoned men to "Watch on the Rhine." It has been the singular achievement of L. Mendel Rivers to summon his fellow citizens for the past three decades to stand watch at the frontiers of national security on the land, on the sea, and in the air. The American people have reason to be grateful for his steadfast leadership.

America draws its real strength from men such as Mendel Rivers. The Poet Laureate of South Carolina, Archibald Rutledge, wrote a poem entitled "Our Land" which makes this point. He penned these words,

"We do not love our land because,
Her might can mold all human fate.
Her power has its source in us.
It is our love that makes her great."

The life of Chairman Rivers has been guided by a deep and abiding love for his country. His life brings to mind the words of the great Winston Churchill as recited recently by the Rev. Dr. Billy Graham: "Never give in!" But Dr. Graham did not complete the statement made by that wise, old British Statesman, and I offer it to you now, as it expresses better than I can, the philosophy of L. Mendel Rivers:

"Never give in! Never give in! Never, Never, Never, Never—in nothing great or small, large or petty. Never give in except to convictions of honor and good sense."

Ladies and gentlemen, that is the philosophy of a fighter. That is the philosophy of L. Mendel Rivers.

BICENTENNIAL OF THE AMERICAN REVOLUTION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, as we approach the bicentennial of the American Revolution, there has been a spirited and refreshing increase in interest in the great events of the Revolution. Fortunately for history itself, there has been emphasis on many Revolutionary events which heretofore had received comparatively little attention. The Sons of the American Revolution, a great national organization, has quite naturally devoted much interest to all phases to that great and important conflict. One in particular, which should be better known to historians, is the contributions of Don Bernardo de Galvez, a great Spanish general who fought against the British during the American Revolution. In connection with the Galvez story, I am pleased to call attention to the fact that on September 26, 1970, the Republic of Spain will honor the National Society of the Sons of the American Revolution with a reception in Madrid.

His Excellency, Jaime Arguelles, the Spanish Ambassador in Washington, and Fernando Sartorius, Viscount Priego, the cultural counselor of the Spanish Embassy in Washington, have announced that the mayor of Madrid, Don Carlos Arias, will receive more than 50 SAR's and their wives in the Salon Goya of the Primera Casa Consistorial. The event will be dedicated to the memory of Don Bernardo de Galvez, the Spanish commander whose record of smashing victories in Florida, Louisiana, Mississippi, and Alabama against the British in the American Revolution is without parallel. The ceremonies will inaugurate a program instituted by the Spanish Government, the U.S. American Revolution Bicentennial Commission and the Sons of the American Revolution, to develop belated and justified recognition of General Galvez about whom Washington wrote—in a letter October 12, 1781—regarding Gen. Galvez' well-known attachment to the cause of America.

Although students and historians of the American Revolution are well aware of the victorious role of the youthful Don Bernardo de Galvez in capturing Mobile, Baton Rouge, Natchez, and Manchac from the British, he is best known for his smashing victory at the Battle of Pensacola—Florida—long considered by qualified authorities to be the most brilliantly executed battle of the Revolution. With negligible losses to his own forces, consisting of Spanish, French and Americans, Galvez captured 1,113 British troops, two naval frigates, 143 cannons, six howitzers, four mortars, 40 swivel guns, 2,142 guns, 8,000 flints, 298 barrels of gunpowder, and thousands of bombs, balls, grenades, bayonets and so forth.

The military genius displayed in his brilliant and unanimously successful campaigns created a vital diversion in the South, and the opening of a "second front," stifling the possibility of British military movements in that direction. Galvez permanently relieved the American Colonies from all danger of attack from the rear or flank by way of the upper Mississippi and east Florida.

With the American Revolution Bicentennial years close at hand, we must, at long last, recognize the critical role of Spain and her distinguished son, Don Bernardo de Galvez, in the American Revolution.

CLEVELAND'S LITTER SUGGESTION—AUTO AND OIL COMPANIES RESPOND

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, last month I inserted into the Record—July 20, page 24988—an article proposing that automobile companies should build litter containers into their cars, and that oil companies should have their service stations empty these containers as part of their service. In the interest of finding out how these two industries would react to the idea. I sent letters and copies of the Record insert to the four major American car makers and 14 oil companies. I have found the responses most interesting. Several oil companies in particular have shown themselves to be most willing to cooperate. One company, Standard Oil of California, sent along a plastic litter bag that is given out to motorists by the company's stations. At this time, I would like to insert the letters which I have received to date into the Record. I hope that the auto and oil industries will finally get together on a cooperative program of litter control on our highways. I have seen that each one separately has shown an interest; but they must work togther if a substantial contribution is to be made toward cleaning up our road.

The letters follow:

Humble Oil & Refining Co.,
Houston, Tex., August 4, 1970.

Hon. James C. Cleveland,
House of Representatives,
Washington, D.C.

Dear Mr. Cleveland: Thank you for your letter of July 27 and your suggestion concerning a possible method of alleviating highway litter. We will certainly give your suggestion serious consideration. I am referring your letter to Mr. L. G. Rawl, Humble's Vice President for Marketing. You may expect a further reply from Humble in the near future. Thank you for taking the time to write me concerning this matter.

Sincerely,

Chas. F. Jones.

Cities Service Co., Inc.,
New York, N.Y., August 4, 1970.

Hon. James C. Cleveland,
House of Representatives,
Washington, D.C.

My Dear Mr. Cleveland: Thank you for your letter of July 27th calling my attention to your proposal that automotive companies install a built-in litter container for automobiles and requesting that oil companies arrange for their service stations to assist in keeping them clean.

We are thoroughly in accord with your idea that provision should be made in automobiles for collecting litter and we are prepared in our service stations to take care of emptying them when the cars come in for service. We sell small litter baskets in many of our service stations and have a manufacturing concern which manufactures plastic litter baskets under the Festival trade name.

It may well be that such a removable basket would be more satisfactory than a "built-in" container.

Very truly yours,

J. E. Heston.

Texaco, Inc.,
New York, N.Y., August 5, 1970.

Hon. James C. Cleveland,
House of Representatives,
Washington, D.C.

Dear Mr. Cleveland: Thank you very much for your letter of July 27th to Mr. Marion J. Epley, Jr. and the enclosed copy of the extension of your remarks on highway litter as contained in The Congressional Record of July 20th.

There is no question but that in some areas highway litter poses a real problem. Of course, this is but one aspect of the problem of general refuse disposal in this country.

Our Company is indeed interested that our nation's road and highway system be maintained in an esthetically appealing manner and cleanliness is a prerequisite. Thus, we have initiated specific programs designed to reduce the occurrence of litter on the highways.

For some time, Texaco has made litter bags available to motorists so that refuse can be disposed of without its being carelessly thrown by the roadside. Recently a Texaco test program was carried out in New Canaan, Connecticut where, in addition to distributing litter bags, publicity was carried in the local newspaper and discussion took place in local organizations such as the women's clubs. This program was immensely successful in enhancing awareness of the litter problem and, because of the favorable results, other communities are now being selected for similiar programs. Awareness of, and education regarding, proper litter disposal are basic in our opinion to coping satisfactorily with the problem on a national basis.

In addition, Texaco service station personnel are being trained as part of their service training when performing oil changes, lubrication and other maintenance work to empty litter bags and other trash receptacles. And our stations have facilities available to motorists for disposal of litter.

We carefully analyze the design of facilities including service stations to assure their compatability with the area where located. In our opinion, a pleasing well-designed facility itself encourages cleanliness by those who are in contact with it.

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Your proposal for built-in litter containers in automobiles would of course be fully consistent with Texaco's programs outlined above.

You are to be congratulated for your efforts to deal with this aspect of the environmental problem and we wish you every success in your endeavors.

With kindest regards, I am

Sincerely,

J. HOWARD RAMBIN, Jr.

STANDARD OIL CO. OF CALIFORNIA,
San Francisco, Calif., August 7, 1970.

Hon. JAMES C. CLEVELAND,
House of Representatives,
Washington, D.C.

DEAR MR. CLEVELAND: Thank you for your recent letter on highway litter and the copy of the Congressional Record discussing litter on the highways. I share your concern on auto litter, its rapid growth, and increasing tax burden on our communities.

Our Marketing Departments are implementing a program to assist in collecting the litter in autos with litter bags, providing collection receptacles at our stations, and notifying the public of the availability of this service through newspaper advertising. I am enclosing a sample litter bag for your review.

You will be interested to know that the Eastern Division of the Chevron Oil Company, our operating subsidiary in the eastern United States, will be introducing the auto litter program this fall.

Sincerely,

H. J. HAYNES.

STANDARD OIL CO.,
Chicago, Ill., August 11, 1970.

Hon. JAMES C. CLEVELAND,
House of Representatives,
Washington, D.C.

DEAR SIR: Your letter of July 27 regarding highway litter points up a growing national problem toward the solution of which a significant effort should be made. Our dealers have supported a multitude of car litter bag programs over the years, and I am sure that their and similar efforts have helped.

In my opinion your suggestion has real merit. The automobile companies could well build into the American automobile a uniform device that can accommodate a uniform litter bag. Conceivably, this is a device with plastic disposal inserts (bags), available and disposable in the nation's service station network across the country.

Should this concept be pursued by the auto industry, you can certainly count on our company's total cooperation, both with others in the oil industry and with the auto industry, in working toward a solution in this vital concern.

Very truly yours,

ROBERT C. GUNNESS.

PHILLIPS PETROLEUM CO.,
Bartlesville, Okla., August 6, 1970.

Representative JAMES C. CLEVELAND,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CLEVELAND: This will acknowledge your letter of July 27, to Mr. John Houchin, President of Phillips Petroleum Company, regarding your efforts in behalf of a built-in litter container for automobiles, combined with the assistance of service stations in emptying them.

Phillips has for a number of years encouraged its dealers to provide this type of service for their customers, and although we have not been as successful as we had hoped, many of our dealers do offer this service. In our publications we continually encourage them to provide this service and for your information I attach a copy of the front page of our dealer publication issued July 1, 1970, which again reminds the dealer of the importance of helping relieve the litter situation. We think it is a good program and we are striving to make all our dealers conscious of its importance.

Yours very truly,

G. E. GLATFELDER.

GENERAL MOTORS ENGINEERING STAFF,
Warren, Mich., August 7, 1970.

Hon. JAMES C. CLEVELAND,
House of Representatives,
House Office Building,
Washington, D.C.

MY DEAR MR. CLEVELAND: Mr. E. N. Cole, President of General Motors Corporation, has referred to our New Devices Section your letter of July 27 enclosing a copy of a House Congressional Page dated July 20 indicating your concern and interest in having built-in litter containers for automobiles. For your interest, enclosed is a copy of the pamphlet explaining our activity.

We very much appreciate both your concern and suggestion. Apparently, more and more people are also becoming concerned and the expressions we receive from our friends collectively assist our people in learning about those things desired for cars. As you undoubtedly know, our car divisions have been selling accessory litter containers for a number of years. A few of our automotive vehicles have also been provided with center console compartments which, while not designed exclusively for litter, can be used for this purpose. It is always possible that litter containers might become standard items on future cars.

Thank you for your correspondence.

Very truly yours,

G. P. RUMBOLD.

THE REALITY OF THE CAPTIVE NATIONS AND THE PRESSING NEED FOR A SPECIAL COMMITTEE

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, a few weeks ago the 1970 Captive Nations Week was observed enthusiastically both in our country and in over a dozen nations abroad. So far, the chief significance of this annual observance has been to enable us to regain a sense of perspective toward the realities of the international situation. The reality of the captive nations, 27 of them, is brought home to us by this observance. Really, there is no major problem affecting the security of our Nation, whether directly or indirectly; that is, not tied up with this fundamental reality. The billions expended for our national defense would, clearly, not be necessary if all of the captive nations were free and independent today of Soviet Russian domination and its threat of power in the direction of even Red China.

Except for the representatives of the National Captive Nations Committee and its associated bodies, I know of no one who has advanced this fundamental view more cogently and persistently for the benefit of our security and progressive internal development. Nor have I heard a valid and strong counterargument to this viewpoint, except the naive and unvalid one of trusting in the imperiocolonialist Russians—"They'll stop in the eastern Mediterranean, Southeast Asia, and with dependent Cuba." Negotiations will see us through. Maybe, but Russian diplomacy over centuries, not just by years, more than adequately shows that the process of negotiations is only a technique for the next aggressive move.

THE SCORECARD OF CAPTIVE NATIONS

In our short, contemporary period of 50 years, experience shows that the submergence of nations into Red captivity was largely preceded by some sort of Russian "negotiations." Over and beyond the annual Captive Nations Week observance, it is well for us to continually recite the long list of captive nations which, as provided by Dr. Lev E. Dobriansky, of Georgetown University, and chairman of the National Captive Nations Committee, cumulates as follows:

The captive nations—Who's next?

Country and people:	*Year*[1]
Armenia	1920
Azerbaijan	1920
Byelorussia	1920
Cossackia	1920
Georgia	1920
Idel-Ural	1920
North Caucasia	1920
Ukraine	1920
Far Eastern Republic	1922
Turkestan	1922
Mongolian People's Republic	1924
Estonia	1940
Latvia	1940
Lithuania	1940
Albania	1946
Bulgaria	1946
Serbia, Croatia, Slovenia, etc. in Yugoslavia	1946
Poland	1947
Rumania	1947
Czechoslovakia	1948
North Korea	1948
Hungary	1949
East Germany	1949
Mainland China	1949
Tibet	1951
North Vietnam	1954
Cuba	1960

[1] Of Communist domination.

Who's next? South Vietnam? Algeria? Colombia? Congo? Laos? Tanzania? Cambodia. Thailand? Greece? Guatemala? Chile? Israel?

LET US FACE REALITY

Mr. Speaker, I, and most of my colleagues, are for negotiations with Moscow, but let us engage in these knowledgeably, imaginatively, and with a thriving sense of basic reality. There is a whole ripe area for negotiations, and peaceful coexistence and understanding with the nations in the Soviet Union itself. This area has not been adequately explored by our Government in the interest of world peace. We in the Congress have this opportunity to invest in our foreign policy by creating a Special Committee on the Captive Nations to investigate and analyze this new dimension of our foreign policy. While we are negotiating, let us also face reality and let Moscow know that we know what the scorecard is.

During the 1970 Captive Nations Week observance and now, groups in all sections of our country have urged the establishment of a Special House Committee on the Captive Nations. They will continue to fight for this necessary committee. The following material exemplifies the breadth of captive nations support both here and abroad: First, proclamations by Gov. Jack Williams of Arizona, Gov. Robert B. Docking of Kansas, and Gov. Francis W. Sargent of Massachusetts; second, additional proclamations by Mayor Sam Yorty of Los Angeles, Acting Commissioner Graham W. Watt of the District of Columbia, and Mayor Stephen P. Clark of Miami, Fla.; third, the program, news accounts, and items of the Arizona Captive Nations Week observance; fourth, an address by Clarence Manion at the Chicago observance; fifth, an article on the subject by Father Donis Dirscherl, S.J., in the August 9 issue of "The Way"; sixth, an August 6 American news reports on "Captive Nations Week in Boston," similar reports and a release on the San Franciso observance, and a statement and clarification by the Senate minority leader, HUGH SCOTT; seventh, reports on the New Orleans CNW observance; eighth, further accounts of the week in the Vietnam Newsletter Serboda, the New York Daily News, and an editorial in the Minnesota Nationalities Reporter; and ninth, Life Line on "Russia, the Captor," and an address at the New York observance:

PROCLAMATION: CAPTIVE NATIONS WEEK, 1970

Whereas, the free people of the United States hold within them a special compassion for those peoples of the earth who live in less than freedom; and

Whereas, there is a growing concern for the integrity of human rights among those individuals living in the captive nations of the world; and

Whereas, the National Captive Nations Committee conducts the annual observance of Captive Nations Week, as called for in Public Law 86–90; and

Whereas, the observance has as its aim the reaffirming of America's moral support for the captive and freedom-seeking peoples of those nations now under the domination of world Communism;

Now, therefore, I, Jack Williams, Governor of the State of Arizona do hereby proclaim the period from July 12 through July 18, to be Captive Nations Week, 1970, and do urge all the citizens of Arizona to enter wholeheartedly into the spirit of this observance.

In witness whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Done at the Capitol in Phoenix this 6th day of July in the year of Our Lord One Thousand Nine Hundred and Seventy and of the Independence of the United States the One Hundred and Ninety-fifth.

JACK WILLIAMS,
Governor.

Attest:

WESLEY BOLIN,
Secretary of State.

PROCLAMATION BY THE GOVERNER

To the people of Kansas, greetings:

Whereas, Captive Nations Week was inaugurated in 1959 by a Joint Resolution of the United States Congress; and

Whereas, each year, Captive Nations Week has provided a fitting opportunity for the American people to show their solidarity with their captive brethren in East and Central Europe; and

Whereas, twenty-five years ago, the war in Europe came to an end, but the hopes and expectations that came in the wake of the hard-won victory over the Nazi military machine have yet to be realized, and for 100 million people in East and Central Europe Nazi domination has been replaced by Communist rule:

Now, therefore, I, Robert B. Docking, Governor of the State of Kansas, do hereby proclaim the week of July 12, through July 18, 1970, as Captive Nations Week, and urge all people of the free world to support the aspirations of the people of East-Central Europe to freedom.

Done at the Capitol in Topeka Under the Great Seal of the State this 29th day of June, A.D., 1970.

By the Governor: ROBERT B. DOCKING.
ELWILL M. SHANAHAN,
Secretary of State.

A PROCLAMATION BY THE GOVERNOR

Whereas, The week of July 12–18, 1970 will be observed as "Captive Nations Week," and

Whereas, A large number of the citizens of our State are Americans who proudly claim ancestry to those once free nations now held under Communist domination: Armenia, the Ukraine, Latvia, Lithuania, Estonia, Hungary, Poland, Rumania, Azerbaijan, Byelorussia, Cossackia, Albania, Serbia, Croatia, Slovenia, Bulgaria, North Korea, Czechoslovakia, Mainland China, Tibet, North Vietnam and Cuba, and

Whereas, It is especially appropriate for the people of Massachusetts to take note of the "Captive Nations Week," since our Commonwealth has always been a populous center of the heritage stocks, many of whose parental nations are either captives or satellites of Communist Russia, and

Whereas, During this annual celebration, Americans of all extractions throughout our nation have the opportunity to manifest that we share with those nations held in bondage their aspirations for the recovery of their freedom and their independence;

Now, therefore, I, Francis W. Sargent, Governor of the Commonwealth of Massachusets do hereby proclaim July 12–18, 1970 as Captive Nations Week, and urge the citizens of the Commonwealth to join with President Nixon and myself in observing this most worthwhile week.

Given at the Executive Chamber in Boston, this first day of July, in the year of our Lord, one thousand nine hundred and seventy, and of the Independence of the United States of America, the one hundred and ninety-first.

By His Excellency the Governor:

FRANCIS W. SARGENT.
JOHN F. X. DAVOREN.
Secretary of the Commonwealth.

CITY OF LOS ANGELES PROCLAMATION

Whereas, the people of the Free World annually observe Captive Nations Week during the third week of July; and

Whereas, the aggressive policies of the Soviets led to a direct subjugation of the national independence of Armenia, Bulgaria, Byelorussia, Croatia, Cuba, Czechs, Slovaks, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Ukraine, and others; and

Whereas, these nations, through their former citizens who now reside in the City of Los Angeles as citizens of the United States, seek to place in proper perspective and exposure the deceit and trickery of the Soviets while the enslavement of their countries continues; and

Whereas, it is fitting to call attention to the plight of millions of people who have been deprived of their identity:

Now, therefore, I, Sam Yorty, Mayor of the City of Los Angeles, do hereby proclaim the week of July 11–18 as Captive Nations Week and commend the thousands of citizens of our City for being the conscience of brethren behind the Iron Curtain. I urge all citizens to join with me in support of their return to complete independence and freedom.

SAM YORTY,
Mayor.

A PROCLAMATION BY THE COMMISSIONER OF THE DISTRICT OF COLUMBIA: "CAPTIVE NATIONS WEEK," JULY 12–18, 1970

Whereas, by a joint resolution approved July 17, 1959, the Congress authorized and requested the President of the United States of America to issue a proclamation designating the third week in July as "Captive Nations Week," and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all captive nations of the world; and

Whereas, there is a strong belief that the observance of "Captive Nations Week" throughout our country and our community will serve the cause of America and the entire free world; that the keeping alive of the spirit of liberation is the free world's most effective instrument; and

Whereas, it is deemed appropriate and proper for the people of our community to extend to the peoples of the captive nations our support and sympathy for their just aspirations for freedom and national independence:

Now, therefore, I, the Acting Commissioner of the District of Columbia, do hereby proclaim the week of July 12–18, 1970, as "Captive Nations Week," and invite the people of the Nation's Capital to participate in the observance of this period by offering prayers in their churches and synagogues for the peaceful liberation of the peoples throughout the world who are denied their fundamental human rights.

GRAHAM W. WATT,
Acting Commissioner of the District of Columbia.

PROCLAMATION BY THE CITY OF MIAMI, FLA.

Whereas: the imperialistic policies of the Communist monolith, through direct and indirect aggression, have resulted in subjugation and enslavement of various peoples throughout the world, and

Whereas the overwhelming majority of the more than one billion residents in these conquered nations look to the people of America for assistance in eventually realizing their ever-consuming desire for freedom and independence, and

Whereas the Congress of the United States, by unanimous vote, passed the Public Law 86–90 establishing the third week in July annually as Captive Nations Week and further invited Americans to observe this week with appropriate prayers, ceremonies and activities, designed to express sympathy with and support for the captive peoples of the world,

Now, therefore, I, Stephen P. Clark, Mayor of the City of Miami, Florida, do hereby proclaim the week beginning Sunday, July 12, 1970, as Captive Nations Week.

In observance thereof I call upon my fellow Miamians to join with me in honoring the noble principles that guide the Captive Nations Committee in Washington, D.C., and to support, by both word and deed, the desire of captive peoples to eventually rid themselves of their shackling and binding yokes.

In witness whereof I hereunto set my hand and cause the seal of the City of Miami to be affixed.

Done in the office of the Mayor of the City of Miami, Florida.

STEPHEN P. CLARK,
Mayor.

July 9, 1970.

PHOENIX, ARIZ.: CAPTIVE NATIONS WEEK, JULY 23, 1970

(Joint resolution providing for the designation of the third week of July as "Captive Nations Week")

Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a

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warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet-Nam, and others; and

Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

Whereas the desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the third week in July 1959 as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

Approved July 17, 1959.

National Captive Nations Committee, Arizona Branch

Executive Committee: Walter Chopiwskyj, President; Vytas Mozart, Vice President; Albert T. Koen, Executive Director; Shirley Beckman, Secretary; Wayne Wallick, Treasurer; and Joe Jeziorski, Public Relations.

Committee Members: Mykola Burda, Don E. Clarke, Emily Josen, Eva A. Krone, Mintauts Kukainis, Genie Pidlashecky, Janina Rimavicius, Alimpija a Velimirovic, Bill Sawicky, Saveta Velimirovic, and Fern Wallick.

CAPTIVE NATIONS WEEK OBSERVANCE, PHOENIX, ARIZ.

(Rally, July 23, 1970—Grady Gammage Auditorium, Tempe, 8:00 P.M.)

Program

National and Marine Corps Colors, U.S. Marine Corps.

National Anthem, 541st Air Force Band.

Invocation, Rev. Charles S. Poling, D.D.

Pledge of Allegiance, Mr. Roger Pingree.

Role Call of Nations, Mr. George Archibald.

Welcoming Remarks and Resolution, Mr. Walter Chopiwskyj, President, Arizona Branch, NCNC.

Band Selection, 541st Air Force Band.

Proclamation, Hon. Jack Williams, Governor of Arizona.

Recognition of Distinguished Guests, Mr. George Archibald.

Tribute to Our Fighting Men, Albert T. Koen, Lt. Col. USAF (Ret.).

Taps and Salute, 541st Air Force Band.

Keynote Address, Hon. Paul J. Fannin.

Presentation of Captive Nations Award, Mr. Walter Chopiwskyj.

Band Concert, 541st Air Force Band.

Just To Die Free Men, Mr. Ned Mullan.

Songs, That Certain Sound.

Benediction, Rev. Wesley Darby.

Dismissal of Flags, Mr. George Archibald.

Master of Ceremonies, Mr. George Archibald, Executive Director, Young Americans For Freedom.

Patrons

Mr. George Archibald, Mr. Walter Chopiwskyj, Mr. and Mrs. Mykola Czopiwskyj, Friend, Mr. and Mrs. Jack Harris, Mr. and Mrs. Richard Johnson, Mrs. Emily Josen, Mr. and Mrs. Albert T. Koen, Mr. Kenneth E. Leach, Mr. Felix Milius, Mr. and Mrs. Vytas Mozart, Miss Genie Pidlashecky, Mr. and Mrs. Joseph Pidlashecky, Mr. and Mrs. Al Rimavicius, Mr. and Mrs. Leonard Strikauskas, Mr. Walter Taranowsky, Mrs. Antanas Urbotes, Mr. and Mrs. Wayne E. Wallick, Mr. and Mrs. John F. Whalen, Mr. and Mrs. V. L. Miezelis, and Mr. and Mrs. B. Uzemis.

Boosters

Mr. Tony Angell, Mr. Michael Bojeczko, Mr. and Mrs. Charles Frank, Friend, Mr. and Mrs. J. Nazarewitch, Mr. and Mrs. Gene Ong, Jr., Miss Helena Pidlashecky, Mr. and Mrs. Gregory Pomiak, Mr. and Mrs. Robert Ramirez, Mr. Paul Rihs, Miss Sharon Ritter, Mr. and Mrs. Wasyl Sawicky, Mr. Dushan Simich, Mr. B. Todorovich, Mr. Tony Troisi, Mr. and Mrs. Ilko Turchyn, Mr. Mitchel Turyl, and Mr. Benny Yee.

[From the Tempe (Ariz.) Daily News, July 21, 1970]

Captive Nations Day Program Set Thursday

The Arizona Branch, National Captive Nations Committee, will stage its sixth annual "Captive Nations Day" observance at Grady Gammage auditorium on the Arizona State University campus, Thursday night, President Walter Chopiwskyj has announced.

Open to the public, the 8 p.m. program honoring more than 20 nations subjugated by Communist rule throughout the world will feature U.S. Senator Paul Fannin (R-Ariz.) as keynote speaker.

Also features of the evening will be a concert by the 541st Air Force Band from Luke Air Force Base; songs by "That Certain Sound," a group of Valley young folk singers; presentation of colors by a Marine Corps contingent from the Ninth Engineering company; and Ned Mullan, prominent Phoenix civic leader and businessman, reciting a selection of his own poetry to musical accompaniment.

Senator Fannin earlier this year addressed the ninth annual Ukranian Congress in New York City. He is a member of the Arizona Captive Nations Committee's honorary advisory board along with Senator Barry Goldwater, honorary chairman; Congressmen John Rhodes and Sam Steiger, Governor Jack Williams and other government and business leaders.

President Richard Nixon and Governor Williams have both proclaimed Captive Nations Week observances this month, in accordance with a 1959 joint Congressional resolution calling for recognition of captive nations during July of each year.

"These submerged nations look to the United States as the citadel of freedom in the world," Chopiwskyj said. "Through this annual observance, we demonstrate to the people of these nations in Communist captivity that we share with them their aspirations for recovery of their freedom and independence."

Master of ceremonies for the program will be George Archibald, executive director of Arizona Young Americans for Freedom.

Admission charge for the program will be $1 for adults. Students and children will be admitted free.

[From the Arizona Republic, July 22, 1970]

Fannin To Speak at Captive Nations Program

Sen. Paul Fannin, R-Ariz., will be keynote speaker at the sixth annual program of the Arizona branch of the Captive Nations National Committee at 8 p.m. tomorrow at Grady Gammage Auditorium, Tempe. He will receive the Captive Nations Eisenhower Medal.

Other events will include a parade of flags with music by the 541st Air Force Band and entertainment by That Certain Sound. George Archibald of the Young Americans for Freedom will be master of ceremonies.

Admission price is $1.

Fannin Talk on Program

The Arizona Branch of the Captive Nations National Committee will hold its sixth annual program at 8 p.m. Thursday.

Master of ceremonies will be George Archabald of the Young Americans for Freedom. There will be a parade of the flags, with music provided by the 541st Air Force band. The keynote speaker will be Sen. Paul Fannin, R-Ariz., who will be awarded the Captive Nations Eisenhower Medal. This will be only the fourth one ever given an individual.

Entertainment will be provided by That Certain Sound, young singing group.

The program will be presented in Grady Gammage Auditorium. Admission will be $1.

[From the Phoenix Gazette, July 23, 1970]

Fannin Keynote Speaker at Tempe Meeting

Keynote speaker at an 8 o'clock National Captive Nations Committee program tonight in Grady Gammge Auditorium, Tempe, will be Sen. Paul Fannin, R-Ariz.

Sen. Fannin, who addressed the ninth annual Ukrainian Congress in New York City earlier this year, is a member of the Arizona committee's honorary advisory board. Sen. Barry Goldwater, R-Ariz., is chairman.

The musical program to honor the more than 20 nations subjugated by Communist rule throughout the world will include a concert by the 541st Air Force Band from Luke Air Force Base and selections by That Certain Sound, a group of young folk singers from Phoenix.

Ned Mullan, civil leader and businessman, will recite one of his own poems to musical accompaniment, and colors will be presented by a Marine Corps color guard.

President Nixon and Governor Williams have proclaimed Captive Nations Week observances this month in accordance with a 1969 joint congressional resolution calling for recognition of captive nations during July each year.

"These submerged nations look to the United States as the citadel of freedom in the world" said Walter Chopiwskyj, president of the committee's Arizona branch. "Through this annual observance, we demonstrate to the people of these nations in Communist captivity that we share with them their aspirations for recovery of their freedom and independence."

George Archibald, executive director of Arizona Young Americans for Freedom, will be master of ceremonies. Admission is $1 for adults and free for students and children.

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Washington, D.C.,
July 20, 1970.

Walter Chopiwsky,
President, Executive Committee, National Captive Nations Committee, Phoenix, Ariz.:

Sincerely regret I cannot be home Wednesday evening to participate in observance of Captive Nations Week, but wish to assure you of my continued concern for the captive peoples throughout the world and my dedication, with them, to the restoration of their freedoms.

John J. Rhodes,
Member of Congress.

I am pleased to add my voice to that of those who tonight meet to commemorate the captive nations.

The roll call of those nations reads like a Who's Who of the enslaved. What happened to them is one of the major tragedies of our century—indeed of any century. Our conscience cannot rest until the yoke of the oppressor is lifted from the neck of the people in those lands.

I sympathize with and share the aims of your organization. You may rest assured that our newspapers will remain forever on the side of those brave, subjugated people. We want the world never to forget what happened to them.

Eugene Pulliam,
Publisher, Arizona Republic and Phoenix Gazette.

Lt. President Chopiwskyj,
Captive Nations Week Rally,
Phoenix, Ariz.

The WACL China Chapter conveys its warmest wishes for a successful Arizona rally in support of justice human rights and captive nations and anticipates continuous joint endeavor for victory of freedom in the 1970's.

Kuchengkang,
WACL Honorary President.

U.S. Senate,
Washington, D.C., July 20, 1970.

Mr. Walter Chopiwskyj,
National Captive Nations Committee,
Phoenix, Ariz.

Dear Mr. Chopiwskyj: Please do me the kindness of extending my best wishes to the members of your Captive Nations Committee and expressing my hope that your July 23rd observance of Captive Nations Week will be a resounding success.

I know that it will be an important and significant occasion. With a keynote speaker like my great friend and able colleague, Paul Fannin, I believe your observance will be an uncommonly fine event.

It is unfortunate that in this day and age human freedom still requires the concerted efforts of organizations such as yours. I know that you will keep up the good work.

Sincerely,

Barry Goldwater.

Speech of Clarence Manion, Dean Emeritus of the Notre Dame Law School, to the Captive Nations Luncheon, Hilton Hotel, July 18, 1970

There is only one thing wrong with our Congressional Captive Nations Resolution. Its designation of the third week of July as Captive Nations Week foreclosed the possibility that the week would ever include the 4th of July. This was unfortunate, for without the immortal truths of the American Declaration of Independence, our Captive Nations Resolution would be exactly what Nikita Khrushchev said it was; namely, "a direct and gratuitous interference in the Soviet Union's internal affairs". Consequently, those of us who here and elsewhere gather to commemorate this annual observance must remember that the Captive Nations Resolution is not just a gesture of sympathy for the more than one billion people of many formerly independent nations who are now the victims of the communist conquest. The Resolution is much more than that. This unanimous 1959 declaration by Congress on the menacing wickedness of communist enslavement is the logical, appropriate and official application of the unanimous July 4, 1776, declaration of our Continental Congress on the subject of the God-given human liberty of all men everywhere on earth. The validity of the 1959 Captive Nations Resolution sits squarely upon the authority of our 1776 declaration, and without this moral and philosophical validation, the Captive Nations Resolution would not and could not have commanded the unanimous support of Congress and its subsequent annual reiteration by each succeeding President of the United States.

In this context of our own freedom, the Captive Nations Resolution commands more than an annual commemoration; it calls for constructive action and agitation by the American people and for leadership by their United States Government that is calculated to bring about the liberation and national independence of the people of the Captive Nations. The Resolution declares that the restoration of freedom to these communist enslaved people is vital to the national security of the United States and to the restoration of international peace in the world.

Unfortunately, throughout the eleven years that have elapsed since the Captive Nations Resolution was passed, we have "proclaimed", "paraded" and "orated" but we have, as a people and as a government, done precisely less than nothing to restore the liberty of the communist enslaved people that the Resolution talks about. On the contrary, we have ever more progressively aided and traded with the kidnapper communist governments of these people in a hypocritical spirit of "peaceful co-existence" which the Captive Nations Resolution expressly condemns as "a mockery." We have continued and are now continuing to aid and trade with these kidnapper communist governments right while each and every one of them is supplying arms and ammunition to North Vietnam with which to kill and maim our own American soldiers. I submit that this is a disgraceful side-light that is now turned by our government upon our commemoration of the Captive Nations Resolution here today. We are thus paying blackmail to the slaveholders whom the Captive Nations Resolution expressly condemns.

Off the coast of Cuba, the United States Coast Guard is openly protecting Castro's communist government against invasion by outraged Cuban refugees who attempt to invade their homeland and restore the freedom of its oppressed people. Does the Soviet government thank us for the service we thus render to their slave system and promise, as a consideration, to leave us in peace? Quite the contrary. Here is the *Chicago Tribune's* Moscow dispatch of last April 21, 1970, quoting Brezhnev's speech celebrating Lenin's 100th birthday anniversary:

"Moscow, April 21.—Leonid Brezhnev today urged Communists in western countries to be prepared to use violent and illegal means for the eventual overthrow of capitalism.

"In the capitalist countries, including the United States, a new political situation is taking shape which Communists there must be prepared to exploit.

"Brezhnev . . . confidently predicted the world-wide victory of communism . . . his sharpest words were saved for capitalism.

" 'This inhuman system holds only one prospect for the ordinary man: more blood and sweat, more prisoners in jails, more maimed and killed, and a still greater menace to the very existence of entire nations.

" 'But it will not collapse by itself. Active and determined action by all revolutionary forces is needed to overthrow it.

" 'Lenin's exhortation that Communists must be prepared for any change in the situation, for the use of any form of struggle—peaceful or nonpeaceful, legal or illegal—is particularly important today".

"Communists in capitalist countries remember he said 'mould the masses into an army of revolution and there is no doubt that coming years will witness new powerful blows on the still dangerous but already doomed fortress of imperialism.'

"He defended the 1968 invasion of Czechoslovakia as proof of communist solidarity.

" 'Today our friends and our enemies have no doubt about the efficacy of its strength, and that is very good'."

Now I submit, if Brezhnev dares to command his American communist agents to make a destructive revolution here against us, why do we not have the courage to urge the freedom lovers in the Captive Nations to make anti-communist trouble over there for him? And if they do so, let us make sure that we do not turn our back on them as we did on the Poles, the East Germans, the Hungarians and as we are doing now to the Cubans.

If we expect to be here as a Nation to celebrate the two-hundredth anniversary of the Declaration of Independence in 1976, then we will have to do something to restore the freedom of the Captive Nations in the meantime. We canont forever purchase our own precarious security at the price of other people's slavery. If we continue to do that, you may be sure that 1984 will move in on us well ahead of 1976.

"Captive Nations Week" Asks: Is USSR Really Russian?

(By Denis Dirscherl, S.J.)

Washington.—The Soviet Union like the United States, is currently taking a census of its citizens. If all predictions are on target, the results will show that Russians make up less than half the population. This fact has important implications for the nationality problem, a touchy situation at best.

The Soviet Union, unlike the United States, is divided into 15 republics, mostly along national and ethnic lines. They include the Armenian, Georgian, Latvian, Lithuanian and Ukrainian republics.

The actual redivision of that vast land once called Russia into a sort of "federalism" by the early Bolsheviks was motivated, above all, by a desire to win over the various ethnic groups to the revolutionary cause. A new age was supposedly symbolized by a new title for the land—Union of Soviet Socialist Republics, or the Soviet Union for short.

"Self-determination" was and is still proclaimed today for all the various republics and nationality groups within the Soviet Union. Each republic has its own constitution and state apparatus and, accordingly has the right to secede from the union if it wishes.

But after more than 50 years the 15 major groups have little of the freedom or sovereignty promised them by Lenin and each succeeding regime. When all the propaganda is pushed aside, the title "Soviet Union" remains a misnomer, a cover for the same old Russian Empire in a new form.

Realizing the vulnerability of the Soviet Union to the nationality issue, a group of Americans decided a little over a decade ago to focus attention on the problem. Gradually centers throughout the United States and abroad increased in size and devoted themselves to emphasizing the fact of "captive nations" within the Iron Curtain, observing an annual "Captive Nations Week" (July 12–18 this year). One of the major rallying factors behind the movement was the sensitive nature of this problem to the Soviet obligarchy.

It is paradoxical to note that though the Soviets base their world outlook on Marx's philosophy, Marx himself held Russia in low esteem, chiefly in military and diplomatic matters.

Writing for the New York Tribune on April 19, 1853, Marx said: "What had to happen? The ignorance, the laziness, the pusilanimity, the perceptual fickleness and the credulousness of Western Governments enabled Russia to achieve successively every one of her aims."

According to Marx, Russia's coveteous power-policies have a long tradition: "In the first place the policy of Russia is changeless, according to the admission of its official historian, the Muscovite Karamzin. Its methods, its tactics, its maneuvers may change, but the polar star of its policy—world domination—is a fixed star."

Marx called Russia "decidedly a conquering nation." Marx summarized Russia's spirit of aggrandizement under the categories of imperialism, Pan-Slavism and oriental despotism. That part of the Marxian corpus is not available to the public in the Soviet Union.

Reaction to oppressive conditions in the Soviet Empire was prepared through centuries of apathy under the czars. But dissent or disagreement have ways of being turned against the individuals who espouse them. The Soviet response to writer Yuri Daniel and Andrei Sinyavsky was to sentence them in 1966 to labor camps for "slandering" the state. There is also the case of former Maj. Gen. Peter Grigorenko, who was packed off to an insane asylum for his civil rights activities.

One of the most daring of the attacks on Russification is Ivan Dzyuba's "Internationalism or Russification." In his book Dzyuba suggests that the people of the Soviet Union have already had their minds dulled to the state's unjustices, to the mass resettlements, the dispersement of the population and economic inequities. The Ukraine has always been one of the testing grounds for the NKVD secret police because of the Ukrainian's love for independence and resistance to the arbitrary rule of the Soviets.

There is also the case of Vyacheslav Chornovil, who in the fall of 1965 was assigned to cover the trials of some Ukranian intellectuals. In the process he saw a travesty of law by the courts, and for making his views known he was sentenced to a forced labor camp. His letters were smuggled out along with the letters, petitions, and diaries of many others in labor camps.

Other Soviet citizens have spoken out against the "system" at their own personal peril. Nuclear physicist Andrei D. Sakharov, the author of "Progress, Coexistence and Intellectual Freedom," has called for greater collaboration between the U.S. and Soviet Union. Andrei Amalrik, author of "Will the Soviet Union Survive until 1984?" and who was recently sent off to prison, has emphatically declared: "I am against the system from organic revulsion. I cannot listen to the Soviet radio. I cannot read Pravda. It is crude, stupid and full of lies."

Recently a wave of protest has highlighted the Soviet practice of taking political prisoners to mental hospitals to discredit the personalities involved. Alexander Solzhenitsyn assailed this practice as "a variant of the gas chamber, and even more cruel." Another critic revealed his own despair: "I hate my own people. They are like cattle. They always have been. They always will be."

Captive Nations Week has put its focus on the Soviet empire as being grossly insecure and suffering pangs of inferiority, hidden behind concrete walls and no man's lands.

Captive Nations Week in Boston

Boston, Mass.—A motorcade of over forty cars through the main streets of downtown Boston and the placing of a wreath at the Washington Monument at Boston Public Garden highlighted the observance of the Captive Nations Week in this historic city on Saturday, July 18, 1970.

Held at noontime when hundreds of shoppers were on the streets, the motorcade proceeded through the busy streets in downtown Boston and attracted thousands of viewers. All cars were decorated with banners which called viewers' attention to the captive nations and their struggle for freedom: "Freedom for Ukraine and all captive nations," "Freedom for Latvia," "Freedom for Lithuania," "Yes, Virginia, Soviet Union is a prison of captive nations," "UN investigate poisoning of Ukrainian political prisoners" and others. The motorcade included a public address truck which transmitted to the public short messages about the purpose of the TNW. The announcements were delivered by Atty. Anna Chopek of the Ukrainian group.

The observance was sponsored by the Ukrainian Congress Committee of America (Boston Chapter), Latvian American National League of Boston and Lithuanian American Council of Greater Boston.

The ceremony at Boston Public Garden was opened with the singing of the American national anthem. Atty. Anna Chopek led the gathering with the recitation of the pledge of allegiance and also read Governor Francis W. Sargent's CNW proclamation. Rev. Oswald Blumit of the Latvian group delivered a prayer for the freedom of all captive nations. Representatives of Ukrainian, Latvian and Lithuanian organizations placed a wreath at the Washington Monument. Konrad Husak, president of the Boston UCCA, represented the Ukrainians. In conclusion, Orest Szczudluk, vice president of the parade, spoke briefly on the purpose of the CNW. The speaker, having enumerated all captive nations, called upon the assembled to work for the establishment of a Special Committee on Captive Nations in Congress.

All Boston newspapers, television and radio stations received a special press release about the parade and CNW. Channel 5—WHDH covered the parade in the evening news edition. The Boston Globe covered the TNW observance in the July 19th and 21st editions. Boston Record American carried a letter, under the heading "Not part of Russia," about the purpose of the CNW in the July 31st edition. Special articles also appeared in the Lithuanian weekly Keleivis and in the Armenian Weekly.

As in previous years, Governor Francis W. Sargent issued a proclamation, designating the week of July 12 to 18 as "Captive Nations Week" in Massachusetts. "During this annual celebration," it stated in part, "Americans of all extractions throughout our nation have the opportunity to manifest that we share with those nations held in bondage their aspirations for the recovery of their freedom and their independence."

At the signing ceremony in the Governor's office, the Boston Chapter of the Ukrainian Congress Committee of America was represented by Konrad Husak and Orest Szczudluk, president and vice president respectively.

[From the Oakland Tribune, July 24, 1970]

Park Dance for Captive Nations Week

The concluding ceremony of Captive Nations Week will be celebrated in the Golden Gate Park Music Concourse at 2 p.m. Sunday with music and dancing by persons from nations behind the Iron Curtain.

Performers will include Czechs, Poles, Croatians, Armenians, Ukrainians, and others.

Captive Nations Week was established by Congress July 17, 1959, to remind Americans of the plight of countries that have been subjugated directly or indirectly by Communist Russia.

Those who are celebrating this week are urging Americans to support U.S. policy in resisting Communist aggression throughout the world, and to manifest support for persons in the captive nations of Europe and Asia to gain their own independence.

[From the San Francisco Progress, July 22, 1970]

Folk Dances in the Park

In celebration of Captive Nations Day, a program of native folk dances and music will be presented in the Park's music concourse, at 2 p.m. Sunday.

The participating groups include, Armenia, Poland, Czechoslovakia, Croatia and Ukraine, with Nichalas K. Chargin, President of the Northern Branch of the Captive Nation Committee extending greetings.

The Armenian baritone, Vahan Toolajian, will be the featured soloist, with Taras M. Lukach, master of ceremonies. The Lithuanians will appear in native costume. The concert is directed by Ralph Murray.

Captive Nations Week Observance in the Bay Area

The Captive Nations Week established by the U.S. Congress on July 17, 1959 (Public Law 86–90) will be observed by a concluding ceremony in the Golden Gate Park Music Concourse on July 26, 1970 starting with 2 p.m., in the form of musical and dance numbers by different nationalities: Poles, Czechs, Croatians, Armenians, Ukrainians and others.

Each year observances marking this event are held throughout the country, serving as a powerful reminder to the American people and the world not to forget the captive nations or to approve their permanent captivity under the Communist enslavement, and are denied fundamental human rights and national liberties.

Public Law 86–90 defined the plight of the captive nations in the following words . . ." The imperialistic policies of Communist Russia have led, through direct or indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czecho-slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others."

Every year since observances of the Captive Nations Week have been held throughout the length and breadth of the United States, the official Soviet press and mass communication media in the Communist-controlled countries have untiringly attacked the Week as an instrument of the Cold War aimed at disrupting "peaceful coexistence" between the USSR and the United States. This reaction shows the deep concern of Moscow and its satellites over the Western interest in Captive Nations. Moreover, the Captive Nations movement has grown steadily, enlisting the staunch support of several countries of the free world, including the Republic of China, Korea, Turkey, West Germany, Argentina and Australia.

The worldwide captive nations movement received powerful and fresh impetus with the brutal and unprovoked suppression of the Berlin workers' strike. Budapest freedom rebellion and recently the Soviet invasion of Czechoslovakia in August 1968, and the subsequent enunciation of "Brezhnev Doctrine", by which the Soviet Union claims to possess a "legitimate" right to intervene in the internal affairs of any "socialist" country. There is no doubt that the "Brezhnev Doctrine" indicates Soviet determination to continue the oppression of the captive nations and to trample underfoot their fundamental human rights, although these rights to self-detemination and national sovereignty are expressly set forth in the Universal Declaration of Human

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Rights adopted unanimously by the U.N. General Assembly on December 10, 1948. The "Brezhnew Doctrine" further ascribes to the USSR a "mandate" to intervene at will in the internal affairs of neighboring states, in direct contravention to the principle enunciated in the Atlantic Charter and the Charter of the United Nations.

The contention of this spurious "doctrine" that Central and Eastern Europe is the exclusive domain of Moscow should be categorically rejected by the free world as immoral, imperialistic and dangerous to world peace.

Thus 25 years after the termination of the war in Europe for millions of Central and Eastern Europeans, as well as peoples of the USSR, Nazi domination has been replaced with brutal and ruthless Communist rule and Soviet Russian colonial hegemony. Soviet leaders, in attacking U.S. foreign policy would have us believe that all is well and orderly in the USSR and its far-extending Communist empire. Yet developments occurring daily behind the Iron Curtain speak of something else. Intellectual and economic life is stifled. Violation of human rights continues on a large scale. Censorship is reimposed, travel curtailed where there has been relaxation before as in Czechoslovakia.

In observing Captive Nations this year, we:

1. Express full support for U.S. policy in resisting Communist aggression and attempts at world domination; at the same time we ask that the U.S. Government adopt a firm policy with respect to the USSR and its subservient Communist regimes of Central and Eastern Europe by challenging their persecution and oppression and the captive nations.

2. We accuse the USSR of gross violations of its solemn promises of freedom and independence for the nations made captive during and after World War II, such as Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania.

3. We denounce the Soviet Russian government for the destruction of the independence of Ukraine and other non-Russian nations inside the USSR, and for depriving them of the right of national self-determination.

4. We condemn the Communist celebration of the 100th anniversary of Lenin's birth and its sponsorship by UNESCO and the U.N. Commission on Human Rights which bestowed international honor upon the originator of Communist terror and genocide.

5. We appeal to the U.S. and all other governments of the free world to undertake measures in the United Nations to insure that the "Declaration on the Right of Peoples and Nations to Self-Determination" adopted in 1952, the "Declaration on Granting of Independence to Colonial Countries," adopted by the U.N. on October 14, 1956, are applied to all the captive nations as enumerated in the U.S. Captive Nations Week Resolution of July 17, 1959.

6. Finally, we appeal to the American people to take an active part in the Captive Nations Week observances and to manifest their unstinting support and sympathy for the aspirations of all the captive nations of Europe and Asia, to express their full understanding and to pledge them moral support in their unequal struggle for freedom and national statehood.

STATEMENT OF U.S. SENATOR HUGH SCOTT ON CAPTIVE NATIONS WEEK

Mr. President. This week is Captive Nations Week. In observance, I call to the attention of the Senate that nine Central European nations still live unwillingly under Soviet repression.

For twenty-five years the people of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania have been pinioned by the iron hand of Soviet Russia. Their lands were forcibly annexed and their governments replaced by puppet regimes.

These actions are contrary to the principles of the United Nations and the free world.

Under the United Nations Charter, all member states pledged themselves to promote human rights and fundamental freedom for all. The Universal Declaration of Human Rights, adopted unanimously by the U.N. General Assembly in December of 1948, clearly established that human rights and fundamental freedoms include the sovereign right of each nation to live under a system of government of its own choosing.

The free world has a responsibility to encourage independence for all nations, and to support those nations which seek self-determination. Communism is still powerful, but not as monolithic as it once was.

The United Nations has a duty to uphold its basic principles, and the free world has the right to insist that the long-established agreements of the U.N. Charter be carried out.

PITTSBURGH, PA.,
July 27, 1970.

Hon. HUGH SCOTT,
U.S. Senator,
Washington, D.C.

DEAR SENATOR SCOTT: Reference is made to your press release received here at the radio station concerning your statement on the Captive Nations.

It is commendable of you to call attention to the nine Central European nations still under Soviet repression. However, failing to include the Ukrainians in your listing has disappointed me personally and many thousands of your Ukrainian-American constituents throughout Western Pennsylvania, in Lackawanna County, and the Philadelphia area.

As stated in your press release, "the free world has a responsibility to encourage independence for all nations," and that should include the non-Russian nations of the Soviet Union, among them the 45-million Ukrainian nation.

Respectfully,
MICHAEL KOMICHAK,
Station Manager.

WASHINGTON, D.C.

MICHAEL KOMICHAK,
Station Manager:

In regard to my statement noting Captive Nations Week, in no way did I neglect the similar plight of Ukrainians in central Europe. While it was simply an oversight on my part, not to have included this particular group in the listing, I want to give you my strong assurances that I am as concerned for the Ukrainians as I am for every other human being who must live under the iron hand of Soviet repression.

HUGH SCOTT,
U.S. Senator.

SUBCOMMITTEE REPORT, CAPTIVE NATIONS PROGRAM, AMERICANISM COMMITTEE, CHAMBER OF COMMERCE OF THE NEW ORLEANS AREA

The Subcommittee wishes to report that the Captive Nations program was carried out as planned and was quite successful. Good cooperation was received from the Chamber Publicity Department. Mayor Moon Landrieu complied with the request for a proclamation naming July 12–18, 1970, as Captive Nations Week.

The radio program on Station WTIX (690) was excellent. Mr. Joseph Culotta, Moderator, was well pleased with the presentation by our Chairman, Dr. Alton Ochsner, Jr., and our guests Reverend Walter J. Ciszek, S.J., who represented the nations behind the Iron Curtain and Mr. Carlos De La Vega, who represented the captive nation of Cuba. The two hour program from 10:00 a.m. until noon on July 12, 1970, reached over 80,000 listeners according to an estimate made by WTIX.

All churches, synagogues and convents were invited to participate in commemorating Captive Nations week through letters mailed a week earlier to each of them inclosing a statistic sheet showing that 70,000,000 victims of Communist aggression have died.

Archbishop Hannan responded by directing all Catholic Churches in the Archdiocese to insert prayers for the Captive Nations during the offertory prayers in all Masses on July 12, 1970. Bishop Caillouet published the Captive Nations program in the Church bulletin at the request of Mrs. Henry Hartman and made announcements of the radio broadcast to all parishioners. Many churches responded with bulletin notices. A most encouraging letter was received from the Blessed Sacrament Convent, 5116 Magazine Street.

A singular honor was extended to our guest, the Rev. Walter J. Ciszek, S.J., by Councilman Moreau presenting Father with a proclamation making him an honorary citizen of New Orleans and presenting the keys to the city at the ten o'clock program in the Chamber of Commerce Auditorium on Monday morning, July 13, 1970.

The experience of Father Ciszek during the twenty-three years he survived behind the Iron Curtain were quite revealing as to the method used by the USSR to keep the citizens in subjugation. The Times-Picayune had a reporter present and an excellent article was run on Tuesday, July 14, 1970, and a copy is herewith being made part of this report.

The Archdiocesan Council of Catholic Women were quite impressed with Father Ciszek and requested that he be permitted to address a group of priests, nuns and seminarians attending a seminar at Notre Dame Seminary. More than fifty of the group attended Father Ciszek's talk and were most interested in learning more about the activities of the Americanism Committee and how they can be better informed through the use of our library materials. The ACCW donated $35.00 to the Committee toward Father Ciszek's expenses.

About thirty copies of "With God in Russia," the autobiography of the Rev. Walter J. Ciszek, and other good literature was distributed at the Chamber meeting and the A.C.C.W. meeting. The full value of the program was in extending the education and alerting many citizens to their duties to help preserve this nation in freedom.

Respectfully submitted.
CARMELITE F. HARVEY,
Captive Nations Subcommittee.

MINUTES OF SUBCOMMITTEE MEETING

Review of Captive Nations program by Subcommittee: Mrs. James H. Harvey, Chairman, Mrs. Harvey Reboul, Mrs. H. B. Hartman, Dr. Alton Ochsner, Jr.

Rev. Walter J. Ciszek, veteran of 23 years in Russia and Siberia, arrived by air Saturday, July 11, spoke over WTIX (690) radio Sunday, 10 a.m. to 12 noon with Carlos de la Vega of New Orleans representing Cuba, and Chairman Alton Ochsner, Jr,. Fr. Ciszek also spoke and answered questions at the Chamber Auditorium Monday, 10:00 to 11:30 a.m. Councilman James Moreau at this meeting read Mayor Moon Landrieu's proclamation of Captive Nations Week, and presented the Mayor's certificate of Honorary Citizenship and a Key to the City of New Orleans.

At 1:00 p.m. Monday Fr. Ciszek addressed a meeting in Philosophy Hall, 2901 S. Carrollton Ave. which was largely attended by teaching nuns. On Tuesday morning the Times-Picayune published on p. 16, section 1, a summary of Fr. Ciszek's remarks. Mrs. Hartman and Mrs. Reboul maintained at the two meetings literature tables with copies of his book on *With God in Russia*, as well as the Lending Library Catalogue and other Americanism Committee literature.

Mr. Ochsner quoted Fr. Ciszek's comment that reports of our observance of Captive Nations Week would reach behind the iron curtain and create the implication that the United States supports fully the oppressed peoples, and the Communist oppressors to the bare minimum, which is as it should be, but the opposite of the present public opinion.

Mr. Ward moved to commend the Subcommittee for its fine program. The motion was seconded and unanimously carried. Appropriate suggestions were offered by several, including among others, Mr. Rhodes, the Chairman and visitor Melville that in future years we support the Subcommittee financially and otherwise to the end that we may have even more adequate observances of Captive Nations Week, that we plan to help the oppressed captive nations, and definitely disapprove of collaborating with the oppressors.

Captive Nations Week

The observance of Captive Nations Week began throughout the nation and in the New Orleans area last Sunday and will continue through tomorrow according to Dr. Alton Ochsner, Jr., chairman of the Chamber's Americanism Committee. Mayor Moon Landrieu proclaimed the observance in New Orleans.

Dr. Ochsner presented Walter J. Ciszek, S. J., in a program on WTIX Radio last Sunday and on Monday Father Ciszek was a guest speaker at a Captive Nations Week program in the Chamber's Auditorium. Father Ciszek spent 23 years in Soviet Russia and was a prisoner there for 15 years. A copy of his biography "With God in Russia" is available upon request to the Americanism Committee of the Chamber.

Dr. Ochsner said that the Americanism Committee has asked churches and synagogues of this area to offer prayers each Sunday on behalf of those suffering religious persecution. Dr. Ochsner pointed out that the observance of Captive Nations Week was decreed by Public Law 86–90 that was passed by the Congress of the United States in 1959.

[From the New Orleans (La.) Times-Picayune, July 14, 1970]

Catholic Priest Pictures Terrors in Soviet Russia

In the process of merely passing into the country of Russia, one is able to sense a fundamental difference, the communistic, socialistic, lack of freedom and the sense of terror everyone there is susceptible to, a Jesuit priest said Monday.

Telling his story of his 23 years behind the iron curtain in Soviet Russia, The Rev. Walter J. Ciszek, S.J., told guests at the Chamber of Commerce that man's great freedom, his free will coupled with God's gentle urging, is not found in Russia.

The Russian people have never tasted this freedom, he said, the freedom of being an individual. Their sole principal of morality stems from the concept of "what's good for the country," ultimately, "what's good for Communism."

The people have renounced their individualistic powers, the 66-year-old, hazel-eyed priest said. Personal development occurs only along the socialist lines. Personal credit or achievement is taboo, everything is accomplished for the state.

The greatest burden a man carries under the Communist system is his obliteration as an individual, Father Ciszek added. Under this system, government officials believe, man will eventually forget his personal interests and instincts and will only crave after the good of society as a whole.

The power of the system lies in the State control of the society, the priest explained. Everyone depends on the "goodwill" of the Central Committee and its branches for everything, including housing and jobs.

The people are forced to work, and all production is for the State. This is their great power, he noted, "they want your brain and they make you work." The entire system is enforced by the "fantastic" police system, he added. If a person refuses to work or is out of a job for more than two weeks, he is punished by temporary imprisonment.

The great aim of the entire system is the international movement, world-wide Communism, not just now or ten years to come, but in the thousands of years to come, Father Ciszek emphasized.

As Americans, we shouldn't fear the Communists or their ideology, he said. But we should never give them the chance to take advantage of the faults within our system.

"In our country, with a system more appropos to human nature, we must eradicate our own faults," both political and social, he said. "We have to appreciate the gifts we have in this country, the basic freedoms, respect for the rights of others and the right to develop our own personalities," he stressed. "If we lack appreciation for these gifts," he said, "we chance losing these freedoms and allowing infiltration."

Father Ciszek, who was presumed dead for eight years during his imprisonment, cited his achievements while behind the iron curtain as being essentially personal. While baptizing and hearing the confessions of hundreds, "I felt a personal confirmation of faith and learned that life itself leads you to what propensities you have," he said.

The Jesuit's speech was part of the Americanism Committee of the Chamber of Commerce's program commemorating Captive Nations Week.

Father Ciszek was presented with a certificate of honorary citizenship and the key to the city of New Orleans by Chairman James Moreau.

Captive Nations Week Observed

Saigon, July 17.—Dr. Jose Ma. Hernandez, WACL Secretary General, recently issued a circular urging all WACL member units to observe the Captive Nations Week from Thursday, July 16 to Wednesday, July 22.

The Captive Nations Week was first celebrated in the United States in 1959 by the people who escaped from Communist countries, immediately after the United States Congress passed the Captive Nations Week Resolution and the late President Eisenhower signed it into Public Law 86–90. Since then, the annual observances in symbolic behalf of the captive peoples has steadily grown and expanded among free nations.

Meanwhile, in Washington President Richard M. Nixon also issued a proclamation of Captive Nations Week beginning July 12, 1970. In the proclamation he called upon all Americans to observe this week with appropriate ceremonies and activities and urged them to renew their dedication to the cause of freedom and independence for all nations and to sustain these high ideals.

[From the Ukrainian Weekly, July 3, 1970]

Set Themes for CN Week Observances in July

Washington, D.C.—A concerted drive for the establishment of a special House Captive Nations Committee, the support of President Nixon's Cambodia action and a youth-to-youth program for the freedom of captive nations youth are some of the themes to be spotlighted during this year's Captive Nations Week observances, according to the national committee.

PLAN EVENTS

The Week, to be observed nationally beginning Sunday, July 12, will see scores of ethnic groups as well as civic and patriotic American organizations join in rallies, motorcades, religious services and other programs throughout the nation designed to give public exposure to the plight of the captive peoples behind the Iron and Bamboo Curtains.

The observances are held in line with Public Law 86–90, passed by the U.S. Congress in June of 1959 and signed into law by the late President Dwight D. Eisenhower. The law designates the third week in July as Captive Nations Week and "authorizes and requests" the President to issue a proclamation to that effect. Scores of Governors and Mayors issue separate proclamations calling on the citizenry to "initiate and join in appropriate observances."

The National Captive Nations Committee, which coordinates the observances, is headed by Dr. Lev E. Dobriansky, President of the Ukrainian Congress Committee of America and one of the architects of the congressional resolution.

In addition to observances throughout the nation, seventeen other countries across the world have adopted similar programs designed to dramatize the ideas incorporated in the CN Week resolution.

The CN has announced that starting with the Week, a two-month program of "Citizens Signatures for a Special House Committee on the Captive Nations" will be initiated. It calls for a cumulative petition, addressed to the President of the U.S. and to the Congressmen, for the establishment of a House CN Committee. The deadline for petitions to be sent to the national committee is September 17, 1970.

The committee also called for the widest possible dissemination of the House Document No. 91–184 on the "Captive Nations Week Movement," issued on the tenth anniversary of the observance. The document, containing pertinent material and Congressional Record reprints, is available upon request from Congressman Daniel E. Flood.

Last week, the Ukrainian Congress Committee of America issued a special appeal calling upon its member organizations and all Ukrainians to take part in the Captive Nations Week observances. As a rule, Ukrainian groups are in the forefront of various programs and events staged on this occasion.

Ex-Captive Warns of Red Peril

The 11th annual observance of Captive Nations Week was touched off yesterday with a warning by a priest—a former prisoner of the Chinese Reds—that Communist leaders have two primary goals—"the systematic destruction from within of the United States and the Catholic Church."

The Rev. Raymond J. de Jaegher, who was a missionary in China for 20 years and who is now vice chairman of the New York-based Free Pacific Association, made his comment at a special Eastern Catholic Rite Mass at St. Patrick's Cathedral. The Mass was offered by the Most Rev. Joseph M. Schmondink, bishop of the Ukrainian Catholic Diocese of Stamford, Conn., Cardinal Cooke presided.

After the Mass, participants in the observance marched up Fifth Ave. to the bandshell in Central Park, where they heard speeches and watched various national dances.

Michael Pizniak, an attorney who is vice chairman of the Ukrainian Congress Committee, told the gathering of about 1,000 that American youth should direct its criticism away from the establishment and toward the "tyranny of communism."

[From the Nationalities Reporter, July 1970]

The Double Standards in Freedom

Since Freedom is not a vested right, men must maintain eternal vigilance and be willing to pay the price so as to preserve it.

Our concern for the free to remain free is not enough. We must also keep faith with the enslaved, since a world half free and half slave cannot survive for too long. To achieve this, we must enlist the help of Freedom loving peoples everywhere.

In our world of today the forces of inter-

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national Communism, having already enslaved over 1 billion people, represent the greatest single threat to free and independent nations.

Yet, the Free world seems to be paralyzed and unable or unwilling to realistically cope with this threat to all mankind.

Eleven years ago, when Public Law 86–90 was unanimously passed by the 86th Congress, it was a sincere manifestation of concern for the communist enslaved countries.

Providing for an annual designation of the third week of July as Captive Nations Week, the United States Congress made it clear that proper observance of the Week is vital to the national security of this nation and that it is of great importance for the *extension* and *retention* of Freedom.

Somehow we have failed to utilize this excellent instrument to facilitate conditions favorable and conducive to a variety of peaceful acts leading to the eventual liberation of nations held captive by communist tyranny.

In contrast, we work vigorously through the United Nations and through diplomatic channels to bring about a change of direction in parts of Africa where racial oppression and residual colonialism still prevail.

This double standard approach is highly inconsistent with the ideals on which our nation was founded. It also contradicts the Universal Declaration of Human Rights which will become meaningless unless its pronouncements are impartially enforced.

The truth remains, that anything less than Western military superiority, dedication and firmness, will only stimulate the expansionist tendencies of the Communist world.

"The International Communist organization has consistently shown that it fears a growing world knowledge of and interest in the Captive Nations. We need to do everything we can to bring the facts to all the world", said Congressman Clark MacGregor and we agree with him.

According to Dr. Walter H. Judd, former U.S. Congressman and an undisputed expert on Communism "the strongest allies the Free world has, are the captive peoples enslaved by Communism." "They know the misery of serfdom first-hand and are most strategically located to turn the tide when the right moment arrives. We must never do anything to weaken their hope and their will to survive"—concludes Dr. Judd.

And above all, we must do away with our double standards in reasserting our alleged leadership of all free peoples.

The Free world and the Communist captives look upon President Nixon to reassert this leadership.

1. RUSSIA THE CAPTOR

The Soviet Union is a betrayer, a captor, and a cutthroat friend. Captive nations are its greatest accusers.

When World War II ended in victory for the Allies the whole world, except for the defeated enemy nations, had every reason for optimism. Had our enemies known just how the Allies would deal with them, they too would have been optimistic. As soon as it became evident that the Allies, and especially the United States, would give Germany, Italy, and Japan vast assistance in rebuilding their economy and redirecting their governmental powers they did become optimistic.

There was reason for optimism because the harsh, cold, and calculating state of slaves known as the U.S.S.R. had been literally saved from overwhelming defeat by the Western nations. Russia had been given a second chance. She had fought against the hordes of Hitler; the United States had supplied her with every known instrument for defense and war; the American people had made an intensive effort to open new avenues of understanding on a people to people basis; and the U.S.S.R. had been granted full and equal consideration at the highest levels of Allied effort.

The world dreamed that this demonstration of productive genius, military excellence, and free world determination would persuade Russia to join in a search for true peace.

But then the mailed fist of communism crushed that optimism like an eggshell and drew the infamous iron curtain across eastern Europe. For the citizens who lived in those once proud nations in the eastern part of Europe it was soon obvious that World War II had been fought in vain. One form of repressive rule had merely been exchanged for another.

Since the end of World War II the nations of the West have granted independence to territory that now belongs to more than fifty nations. During the same time the Soviet Union not only held fast to the 19th century empire which the Czars had assembled to the east and south but, after communism took over, had thrust toward the west seizing the ancient and proud peoples of eastern and middle Europe.

Lest we be deceived, those people thus captured did not meekly accept subjugation. They resisted. Time and again they resisted. There was a revolt in East Germany in 1953; the Polish Rebellion and the uprising of the heroic Hungarian Freedom Fighters, both in 1956. Then came the winds of change in Czechoslovakia, brutally cut off by that same mailed fist crushed the faint hopes of just a little bit of freedom even under communism.

To all those who have given their lives for freedom in middle and eastern Europe the rest of the world, wherever men are free, owes a vast debt of gratitude. They kept alive, even if for a brief time, the flame of liberty that Nazi and communist governments had worked to snuff out.

To the cruel rulers of Russia one of the most galling documents ever struck upon paper is Public Law 86–90: "Captive Nations Week Resolution." Adopted by the Congress of the United States July 17, 1959, the resolution speaks for itself:

"Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

"Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

"Whereas the enslavement of a substantial part of the world's population by communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

"Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

"Whereas the imperialist policies of communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet Nam, and others; and

"Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

"Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

"Whereas the desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

"Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence: Now therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the third week in July, 1959, as 'Captive Nations Week' and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world."

Every year since President Dwight D. Eisenhower issued the first Captive Nations Week Proclamation his successors have renewed the sense of this resolution and pledge.

As the 1970 Captive Nations Week enters the conscious thinking of our people, we must be reminded that these are still captive nations and their citizens are captive people.

American citizens who fled to this country from each of those lands enslaved by communist Russia have good reason to ask this nation and its leaders: "Why do you court, embrace, and favor Russian leaders and try so hard to forget that our former countrymen still languish in prisons or lie in forgotten graves because Russia is determined to rule the world?"

CAPTIVE NATIONS WEEK COMMEMORATION, STATUE OF LIBERTY, NEW YORK, N.Y. JULY 19, 1970

(Address by Laszlo C. Pasztor, director, Heritage Groups (Nationalities) Division, Republican National Committee)

Honored Guests, Members of the Clergy, Ladies and Gentlemen, Dear Friends, it is an honor to be with you the second year in a row and I am happy that I was able to join you again in your commemoration of the anniversary of the Captive Nations Week proclamation, jointly passed by the Senate and the House in 1959.

I am glad because you did not stay at home, you did not go on a picnic or to the beach. On the contrary, you dressed in your beautiful costumes and carrying your flags and signs you came here to this island to commemorate, to remember, and to demonstrate.

To commemorate and remember the nations which dared to dream of freedom and which fought courageously but unsuccessfully for national independence against world Communism and/or Russian imperialism under the guise of Communism.

We are here to remember the Armenians, the Azerbaijanians, the Byelorussians, the Cossacks, the Idel-Uralians, the North Caucasions, the people of the Democratic Republic of the Far East, the Siberyaks, and the Ukranians who lost their freedom and national independence and were subjugated by Communist imperialism in 1920. We are here to remember the Turkestanians who in 1922, the Estonians, Latvians, and Lithu-

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anians who in 1940, the Albanians, Bulgarians, Outer Mongolians, and the Serbians, Croatians, and Slovenians in Yugoslavia who in 1946, the Poles and Romanians who in 1947, the Czechs and the Slovaks in Czechoslovakia and the North Koreans who in 1948, the Hungarians, the East Germans, and the Mainland Chinese who in 1949, the Tibetans who in 1951, the North Vietnamese who in 1954, and the Cubans who in 1960 lost their freedom when world Communism forced on them the dictatorship of the proletariat and the oppressive rule of the Communist party.

We are here to remember those nations which lost their freedom not only once but twice to world Communism. The Hungarians who in 1956 rose against the corrupt Russian imposed Communist dictatorship and who after a glorious freedom fight were again oppressed with the help of the overwhelming military power of the Russian Communists, the Czechs and Slovaks in Czechoslovakia who tried through a peaceful process of liberalization (in place of a revolt) to regain their lost freedom, but whose hopes for freedom and national independence were also crushed a second time by Soviet armed aggression and invasion of their homeland.

Our presence here today demonstrates that we care about the future of the oppressed peoples. Our presence here demonstrates that we stand for freedom and the right to self-determination and independence for all nations. We are here to demonstrate that we have not forgotten the subjugation, the sufferings, and the plight of the captive nations.

I admire you for your dedication to the cause of freedom. I share your feelings that there can be no real peace in the world as long as totalitarian systems deprive hundreds of millions of people of their basic human rights and their right to national independence and sovereignty

Your presence here today has also another significance. Today the subversive forces of Communism and the ultra left (the same forces that deprived the captive nations of their freedom) not only try to poison the minds of our youth with Communist propaganda but go as far as advocating revolution and forceful overthrow of our freely elected government. Your presence here today therefore demonstrates your loyalty and dedication to the United States, which is not only our country but also the mightiest power on earth, the greatest champion of freedom, and the hope of all Communist oppressed nations. And we will do everything to keep it that way.

Since 1959 when the 86th Congress authorized and requested the President to proclaim the third week in July of each year Captive Nations Week, the presidents of the United States have reassured the captive nations that their cause is not forgotten. Depending upon the world situation and the diplomatic negotiations in progress on the problems of the world, the language of the proclamations has varied; but the essence of the message has remained the same. First, I shall read you an excerpt from the first Captive Nations Week proclamation, and I quote President Eisenhower and Secretary of State Christian A. Herter: "It is appropriate and proper to manifest to the peoples of the captive nations the support of the government and the people of the United States of America for their just aspirations for freedom and national independence." And if we compare it with this year's proclamation, issued July 7 by Mr. Nixon, we will see that he again reassures the captive nations—and I quote—that "the aspirations of the peoples of oppressed nations for independence and basic human freedoms are vital and inextinguishable. It is in keeping with our own principles and traditions as a free and independent nation that we should look with sympathy and understanding upon their hopes and efforts to realize these just goals." And in a later paragraph—and I quote Mr. Nixon again—he says, "I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and I urge them to renew their dedication to the cause of freedom and independence for all nations and to sustain these high ideals, which are both the previous heritage of this Republic and the foundation stone of lasting world peace."

But, my dear friends, it is not enough that our President declares the third week of July of every year Captive Nations Week.

It is not enough that our President calls the goals of the captive nations for freedom and independence just goals.

It is not enough that many of the best senators and congressmen make supportive speeches in connection with Captive Nations Week.

It is not enough that many of our good governors and mayors sign Captive Nations Week declarations.

It is not enough that we gather once a year to commemorate and to demonstrate.

Unfortunately, it is not enough, especially today, when all over the world the Communists, the subversive revolutionaries, and their opportunistic and ultra liberal allies increase their systematic attack on everything that is dear to our hearts by denouncing our country, our flag, our free society, and all who dare to stand up against Communist infiltration, subversion, and Communist goals for world domination.

The Communists and their ultra leftist fellow travelers continue their campaign to destroy the hope of the captive nations. They also try to discredit us and everyone who dares to support the just aspirations of the captive nations.

Let us not underestimate the Communists. As their position weakens at home and in many parts of the world, as the fight among the various factions in the Communist world increases, as nationalism gains ground behind the iron and bamboo curtains, and as the resistance against their rule increases, the more aggressive they became in areas of the world where their crimes and dictatorial tactics are not yet known.

Today they try to attack our system also from within. The targets of their attack are our love for country, flag, and president.

It is therefore not enough for us just to continue to fight for the basic rights, the national independence, and the sovereignty of the captive nations. We must also fight against every form of Communism and subversion and the ultra liberal whitewash of Communism and subversion right here in our country. It is our responsibility to counteract the Communist and ultra leftist propaganda. And who could do it better than we? We know the facts and we know the truth; moreover, many of us know from first hand experience the crimes, the oppression, the tortures, and the fallacies of Communist dictatorships.

But today it is not enough only to know. We must also spread the truth and carry the banner of freedom. We must show the real face of Communism and we must speak out about the oppression of the captive nations and the lack of freedom in Communist controlled countries. It is our duty to tell that Communism is not just another political system. We must tell the truth: Communism is the worst dictatorship and greatest danger to freedom and peace mankind has ever known.

Today we, as part of the "silent majority," can no longer remain silent. We must ardently support our country, our President, and the admirable stand of our beloved Vice President. We must speak for our country, which is the real hope for freedom not only for the free world but for the captive nations and which is the real hope for world peace with freedom for all.

We must support our President, Mr. Nixon, whom we all trust. He is a courageous and great president. He has the courage to do whatever is good for our country and for the free world, even if it is unpopular in influential leftist circles. He has the courage to do whatever is necessary to fight a just war in Vietnam against the Communist aggressor.

We must support our Vice President, Mr. Agnew, whom we all love and admire and who has the courage to say whatever is good for our country and for the freedom of the world.

The Communists are also aware of this and that is the reason why the overt and covert Communist and the ultra liberal continue to attack our President and his administration.

Unlike in Communist dominated countries, here in our free society, they can use the press, radio and even television for their attacks against our President, Vice President, and country. They can also demonstrate and organize violent revolutionary attacks against our society.

But the more violently they demonstrate, bomb, burn, loot, and cause disorder, the stronger we will support our country, our flag, and our President. And the more they try to spread their Communist lies and false accusations against our free society, the more ardently will we stand up for freedom and against the Communist lies and the Communist oppression of the captive nations.

And if we do this, then I am sure that it is only a matter of time before justice and truth win and we have real peace with freedom and all captive nations regain their freedom and national independence.

VETO: SAYING "NO" TO INFLATION

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, yesterday Congress voted to sustain President Nixon's veto of the HUD and independent agencies appropriations bill and voted to override his veto of the Office of Education appropriation bill. I voted to sustain both, for reasons which appear in the Congressional Record on pages 28777–28778.

Yesterday there were two editorials in support of the President's action. They are well written and make some excellent points. One point is that the growing deficit will have to be financed in large part by borrowing from the banking industry, which will make it very difficult for the Federal Reserve system to maintain a steady but somewhat slow growth in the money supply. Our present inflation was fed in the 1960's by the Federal Reserve's actions in expanding the money supply in order to finance the huge Government deficits of the time. We should have learned a lesson from those blunders.

Another point they make is that in the area of education, the programs which are receiving increased funding have not all been notably successful. Simply voting more Federal cash is not the solution to all of our education problems. New approaches may well be needed more than more money for the same approaches.

The third point is that the President's requests for fiscal year 1971 were substantially above the last requests by the Johnson administration. So it is not a question of less or more, but of "more or too much more. And a vote of too much more for some is a vote to increase further the cost of living for all," in the words of the Boston Herald Traveler.

The two editorials follow:

[From the Boston Herald Traveler, Aug. 13, 1970]

Nixon Sticks to His Guns

President Nixon's vetoes of the appropriations bills for the Office of Education and the omnibus independent agencies are entirely consistent with his administration's anti-inflation policies and with the forewarnings the President gave Congress about being prodigal with the taxpayers' money.

If the Congress is as determined as the President to hold the line against a debilitating budget deficit (already estimated at $1.3 billion) it will vote not to over-ride the President's vetoes and to prune its own election-year largesse. What is at issue is not a pro or con argument about federal support for education or housing or grants for sewerage systems, but the impact of the sum of federal spending for all programs.

To accept without complaint inflated appropriations for innumerable programs would be to consent to a deeper deficit, higher interest rates and higher prices for everyone. It would represent a kind of complicity in the robbery of inflation.

The perspective from the White House and the perspective from Capitol Hill can be quite different. George P. Schultz, head of the Office of Management and Budget, had advised the President that the inflationary consequences of the two measures would hobble the administration's anti-inflation strategy.

Congress, for reasons of its own, wants to vote to spend now and to let the administration worry about the effects later. But if the federal budget is thrust dangerously out of whack, inflation will continue to devour the purchasing power of the dollar—including every extra dollar Congress insists on spending.

Together, the appropriations bills President Nixon vetoed Tuesday amount to about $1 billion more than the administration had requested and more than it is willing to pump into a still volatile economy. Given the likelihood of partisan assertions that he is against the purpose of the programs to be funded. President Nixon's double-barreled veto was an act of political courage and fiscal responsibility.

The President, it must be remembered, does not have the power of item veto. He cannot pick and choose among the appropriations for individual agencies or among the numerous programs of those agencies. He must either accept or reject the lump sum, a constitutional ultimatum of which Congress, especially in an election year, takes full advantage.

President Nixon is sticking to his guns. Although Congress over-rode his veto of the inflationary Hill-Burton hospital construction appropriation, it took his veto of the labor-welfare appropriations bill seriously and chopped $600 million from it. Congress ought to take the latest vetoes seriously too. It is not a question of less or more. President Nixon's requests were far larger than the last requests by the Johnson administration. It is a question of more or too much more. And a vote for too much more for some is a vote to increase further the cost of living for all.

[From the Wall Street Journal, Aug. 13, 1970]

Saying "No" to Inflation

"I realize that an election year is a tempting time for people in politics to say 'yes' to every spending bill. But if I were to sign these bills that spend nearly $1 billion more than we can now afford, I would be saying 'yes' to higher prices, 'yes' to higher interest rates, 'yes' to higher taxes."

So saying, President Nixon surprised many Washington observers by vetoing two major appropriations bills that provided funds for such purposes as education aid and urban development. Whatever the eventual fate of the legislation, the President's action should underline some important points.

In the first place the nation must begin to recognize that, at this point in history, it simply cannot spend as much as it may want to. A large budget deficit is already assured for this fiscal year, with its actual size to be determined by what Congress and the Administration do, or don't do, in the months ahead.

If the Government merely takes money from the public, either through taxes or borrowing, and then spends it, it substitutes its judgments for the public's. Though its use of the resources isn't always wise, it isn't necessarily inflationary.

At the moment, though, the prospect is that the growing deficit will have to be financed in large part by borrowing from the banking system. One reason is that legal interest rate ceilings bar the sort of long-term Treasury securities that might appeal to individual investors.

When the Treasury turns to the banks for money, the Federal Reserve System must see to it that the banks have the necessary funds. However determined the Federal Reserve may be to check inflation, it cannot let a Treasury issue fail. And the bigger the deficit that must be financed, the more difficult it is for the Fed to cling to responsible monetary policy.

A second point made by Mr. Nixon is not only how much you spend but what you spend it for. In the area of education, Congress voted a sharp rise in spending on pretty much the same old programs, few of which have been notably successful.

In other fields there has been a growing realization that most problems cannot be solved merely by voting more Federal cash, but the idea does not appear to have permeated education. Whether the Administration's own education proposals are superior or not, it should be clear that new approaches of some sort are sorely needed.

Finally, the President stressed the irony of voting huge sums for urban development, including housing, and in the process inviting the continuance of the inflation and high interest rates that are now so hampering the housing industry. Too often the Government appears not to see that what it gives with one hand it takes away with the other.

The failure to look at the Government's entire operation, to gear it to the nation's needs and resources, is not the failure of Congress alone. Actually the major responsibility for coordination belongs to the Administration.

It's a responsibility that requires more than occasional lectures to Congress on extravagance, however justified the chiding may be. It also requires more than dramatic vetoes of appropriations bills, although those actions are plainly desirable.

In the circumstances the legislators meet every salvo from the President with charges that it's the Administration, not Congress, that's truly extravagant. And as long as the Administration continues to insist that defense spending can be reduced no further, as long as it fails to limit spending plans to the revenue that Congress can be realistically expected to provide, there will be something to what the lawmakers say.

Perhaps the new Office of Budget and Management will improve the Administration's performance, and maybe it will open the way to better cooperation with Congress. So far, unfortunately, neither the Administration nor the lawmakers are clearly and unequivocally saying "no" to inflation.

COMMISSION ON OBSCENITY AND PORNOGRAPHY—AN APPARENT SHAM

(Mr. HUNT asked and was given permission to extend his remarks at this point in the Record.)

Mr. HUNT. Mr. Speaker, I have read in the newspapers recently a preview of what appears to be the nature of the recommendations that we can expect to be included in the soon-to-be-released final report of the Commission on Obscenity and Pornography, established under the authority of Public Law 90–100, approved October 3, 1967.

If what I read is even remotely similar to the actual content of the report, it would be a fair conclusion that this entire episode has been a sham, a waste of more than $2 million in taxpayers' money, and an insult to the intelligence of the literally hundreds of thousands of concerned Americans who have expressed themselves on the subject, not to mention the overwhelming majority of the Members of this House who have so far this year had the opportunity to vote upon two antiobscenity measures.

Let me recap what I believe to have been the background behind the Commission and the congressional interest in legislation that might further curb the indiscriminate dissemination of pornographic and obscene matter, especially to the extent that such materials are readily finding their way into the hands of minors. Beginning with the U.S. Supreme Court decision in Roth against United States in 1957, followed by other major decisions on the subject of obscene matter in the early and mid-1960's, the ensuing glut of "pandering" advertisements and outright filth sent through the mail reached significant enough proportions for the Congress to finally approve the establishment of a Commission to scrutinize the problem and recommend corrective legislation so as to avoid the pitfalls ascertained from the vague guidelines set out in a series of Supreme Court decisions. A stopgap measure was provided for among the provisions of the Postal Revenue and Federal Salary Act of 1967 under a section prohibiting pandering advertisements in the mail. This part of existing law enables an individual to submit an order to the Post Office to forbid further mailings to him by the sender of any advertisement which is, in the sole opinion of the recipient, "erotically arousing or sexually provocative."

The act establishing the Commission declared in section 1:

> The Congress finds that the traffic in obscenity and pornography is a matter of national concern . . . It is the purpose of this Act to establish an advisory commission whose purpose shall be, after a thorough study which shall include a study of the causal relationship of such materials to antisocial behavior, to recommend advisable, appropriate, effective, and constitutional means to deal effectively with such traffic in obscenity and pornography.

I submit it was my impression of the act, and I firmly believe it was the general impression at the time, that it recognized a serious problem in such traffic and contemplated the Commission would show the way for the enactment

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of effective legislation to proscribe the indiscriminate distribution of obscene and pornographic matter in a manner that would reveal a discernible policy from among the many ambiguous and confusing Supreme Court decisions on the subject. To be sure, the House committee report accompanying the legislation contained an escape clause suggesting it might be found that the problem is not great enough to require legislation, but that was seen as nothing more than artful drafting and, indeed, the entire emphasis was on "finding constitutional means to deal effectively with such traffic in obscenity and pornography."

To go further with respect to the intent of Congress in pursuing the Commission approach, Senator KARL E. MUNDT, distinguished author of the Senate version of the legislation creating the Commission, had this to say when the bill was reported in the Senate on May 10, 1967:

> I speak with pride (in reporting the Senate bill) not because I have authored the bill, but because the committee on which I sit has so quickly and competently reacted to the most recent Supreme Court opinion dealing with obscenity or smut. I mean, of course, the ruling Monday by the High Court, which further muddied the waters of the laws against obscenity. There, by another divided decision, the Supreme Court ruled that certain magazines did not violate the existing laws against obscene publications.
>
> The most significant fact on this latest ruling is that we have a further demonstration of the vital need for legal definitions of what constitutes obscene materials from which uniform laws can be developed.
>
> I think there is a need for Congress to act. Surely there has been enough public outcry for action to merit legislation of this kind. If there had not been such a demand, I am sure the Senate would not have passed this bill three times without dissent.
>
> Mr. President, I also speak with resolve. A resolve to carry this battle through to completion and to take this first vital step to stop the flow of smut and filth that daily intrudes upon our lives . . . I believe we are on the verge of success in the big battle to develop effective laws to bring an end to a multimillion dollar racket which is not merely an under-the-counter traffic in pornography, but places in the hands of children the most vile and rotten trash imaginable.

The substance of Senator MUNDT's remarks was echoed again and again in debate before both bodies as the legislation was adopted without dissent.

With the antipandering law and the act creating the Commission on Obscenity and Pornography already on the books in the 90th Congress—1967–68—the persistence of large volumes of angry mail directed at the inaction by Congress on the problem of the increasing traffic in pornography no doubt motivated the introduction of literally hundreds of antiobscenity measures whose sponsors felt that some action could be taken by the Congress without having to wait for the final report of the Commission. On May 5, 1969, President Nixon submitted his message to the Congress on sex-oriented mail, stating:

> American homes are being bombarded with the largest volume of sex-oriented mail in history. Most of it is unsolicited, unwanted, and deeply offensive to those who receive it.
>
> There are constitutional means available to assist parents seeking to protect their children from the flood of sex-oriented materials moving through the mails. The Courts have not left society defenseless against the smut peddler; they have not ruled out reasonable government action.
>
> We believe we have discovered some untried and hopeful approaches that will enable the federal government to become a full partner with states and individual citizens in drying up a primary source of this social evil.

The attitude of this Congress on the subject has been forcefully demonstrated by the passage of two antiobscenity measures by the House. After extensive hearings begun last year by both the Judiciary, and Post Office, and Civil Service Committees, two bills were approved and reported to the House. On April 28, 1970, H.R. 15693—to protect those under 17 years of age from mailings harmful to minors and to protect the privacy of those mail patrons who do not want to receive sexually oriented advertising—was passed on a vote of 375 to 8. I am gratified to recognize the fact that those provisions relating to the protection of the privacy of mail patrons are incorporated in the newly enacted Postal Reorganization Act. By another overwhelming margin of 322 to 4, the House passed on August 3, 1970, H.R. 11032, prohibiting the use of interstate facilities, including the mails, for the transportation of salacious advertising.

It was not until early this year that it was suspected something had gone awry with the Commission's study. In a letter to our colleague, the Honorable HENRY C. SCHADEBERG, Commission member Rev. Morton A. Hill, S.J., brought to light a "secret" experiment, sanctioned by the Commission chairman, involving the disclosure of hard-core pornography to several young male volunteers, and suggested that the Commission's emphasis had strayed significantly from the congressional mandate to make the study relevant to finding appropriate means to deal effectively with the traffic in obscenity and pornography. Reverend Hill reported that until March 24, 1970—almost 3 months after the Commission study was originally to have been completed—the Commission had repeatedly refused to conduct public hearings.

It is in this context that I most strenuously protest and resent the apparent attempt on the part of the Commission majority to justify pornography and rationalize its baseless character rather than to assist the Congress in its efforts to curb the traffic in such matter. While the news media are sometimes inclined toward exaggeration, I have the feeling in this instance that they have only begun to scratch the surface of a very sordid study that may well be found to be nothing more than an expensive exposé on the moral degeneration of our society to which the Commission majority would ascribe a standard so low as to declare pornography and obscenity quite acceptable for public consumption.

It was noted in the committee report on the legislation creating the Commission that:

> It may be that after the final report of the Commission, *Congress may determine* (emphasis added) that the illicit traffic in pornography is not an evil of sufficient magnitude to require legislative action.

I can only hope that consolation will be found in the fact that it is the Congress that will be making the determination and that the Congress, at least theoretically, is the body most responsive to the electorate.

ON THE PROBLEM OF THE U.S. CAPITOL GUIDE SERVICE

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SCHWENGEL. Mr. Speaker, one provision which concerns me greatly is the revamping of the Capitol Guide Service. This is something which is long overdue, and the possibility that it might not come about if this bill languishes long enough to die would certainly be a tragedy for all involved. This is without doubt one of the worthiest aspects of the bill, and the committee is to be highly praised for recognizing the crying need for drastic change in this area.

I have always been impressed with the manner in which the Government has treated its employees under the civil service system, and I hope this will continue. I think, though, that the exclusion of the employees of the Capitol Guide Service from these ranks has been a great inequity. The 24 men and women who graciously guide the American public through our Capitol Building live under one of the worst employment plans in existence. Their only benefit, other than the pride which many of them have in their work and in their Capitol, is their salary.

I would like to review for a moment their situation. First, their salary is arrived at by a straight division of receipts among the guides on a given day. This has averaged $11,700 over the last 5 years, not including 1968, and this may seem a substantial figure to many, but we must remember that there is no assurance that it will be this high. Since it depends entirely upon the tourist trade, a year like 1968, in which civil disturbances caused the closing of the building for a time and a subsequent drop in tourism in the Capitol, can be disastrous to an employee's financial situation. This is hardly any kind of job security.

I think a comparison is in order between the benefits of a civil service employee—in this instance, one who worked for the National Park Service—and two of the current members of the Capitol guide force. This civil service employee served 26 years and retired at age 62 5 years ago. His retirement annuity after this service, during which his salary was a high of $10,000 for 3 consecutive years, would be $4,825 per year. On the other hand, Mrs. Irma Pope Curry, a member of the guide force for 41 years, or Mr. Floyd Kirby, a member for 32 years and captain for 12, will receive no benefit other than social security payments upon retirement, whether that retirement is voluntary or not. This is made worse by the fact that these people are required to pay both the employee's and the employer's portions of their social security.

Another area to which I point is vaca-

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tion pay and sick leave. The civil service offers 26 days of paid vacation per year after 15 years of service, and the employee is entitled to 13 days of sick leave. Capitol guides, on the other hand, have no such benefits. If they are not present at work, they do not get any money. Mrs. Curry, for example, injured her knee once on a tour and is now required to wear a brace in order to work. At the time, she missed several weeks of work and had to pay all her expenses, with no compensation under any employment plan. Had she been under civil service, all this would have been taken care of. She, of course, is but one example. Over the years many guides have suffered injury and disability which has forced them to retire, and none of them have received any retirement benefit whatsoever other than social security. I might note, I can list many other examples of which you would all be ashamed.

I have spoken with Mrs. Curry, and I can assure you that there is no more worthy employee in this country. She has a great love for her country and takes great pride in showing off the Capitol. She is greatly disturbed by the problems with which we are faced, as are we all, and she feels, and I agree with her, that she is performing an important service by acquainting Americans with their Capitol and with the foundations of this country. We need more people like her who are willing to dedicate their lives to this kind of service.

Surely, my fellow Members, this kind of person, and I can assure you that she is representative of the feeling and dedication of the entire guide force, deserves better treatment from this Government than she now receives. There has been an uproar recently about the conditions of other workers in this country, and I think that we should look in our back backyard—no, in our own frontyard—at the same time as we consider these other workers.

Finally, Mrs. Curry and her colleagues have long been upset by the number of people who complain about having to pay a quarter to see their own Capitol. I do not blame them one bit. This is one of the few, perhaps the only, Capitol Building of any kind in the world in which the people of the Nation must pay for a tour. This in itself is a disgrace. Many has been the time when Mrs. Curry has wanted to lead people through for free because they could not pay for it but she has been unable to do so.

The people of this country and their guides deserve better than this. The Congress has a responsibility to preserve the dignity of this Capitol and of the people who so proudly present it to the public. I urge all of you to consider this situation which now exists, and it is one of which I am deeply ashamed, and to press for passage of this section of the bill. In order that this be possible, I ask all of you to exert what pressure you can to see that this bill is given top priority in the next few days before the recess. I, for one do not want to leave here on August 14, knowing that we have yet to provide this minimal service.

DREW PEARSON

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. PEPPER. Mr. Speaker, it is almost a year since the sudden passing of Drew Pearson, whose crusading and dedicated journalistic brilliance had illumined the Washington scene for so many decades.

The frantic pace of our times makes the public memory a fleeting thing, and so I was especially pleased and touched recently to hear the moving tribute paid him by his good friend and journalistic colleague, Mrs. Jules Lederer—better known as Ann Landers.

I feel that my colleagues who were privileged to know this fine man intimately and enjoy the warmth and steadfastness of his friendship would like to share with me her comments about Drew Pearson. I insert Mrs. Lederer's remarks in the RECORD immediately following this statement:

DREW PEARSON

It will be exactly one year ago September first. I was in Midland, Michigan, giving a talk. Slim Rumple, the publisher of the Midland Daily News, was driving me to the airport. In the course of the conversation, Slim told me he had heard some sad news as he left his office. "It just came across the wire," he said. "Drew Pearson died." It didn't seem possible. Drew Pearson was in the middle of so many things. He had so much unfinished business. He had no time for sickness—let alone death. I couldn't believe it. And somehow, I still don't.

Every time I come to Washington, I expect to run into Drew Pearson. He could be one of a dozen places—usually in a hurry, but always smiling. I loved the way his eyes twinkled and his moustache twitched. He had what Lowell Thomas calls, "that vital spark"—tuned in . . . turned on . . . alert, responsive—one of the *few* men in Washington who could be genuinely interested in a conversation that wasn't about *him*. How rare—in this city of super-colossal egos—some so large they can be seen only from the air! How extraordinary to hear someone say, "that's enough about me. Now, let's talk about you."

It seems unreal that I should be in Washington giving the Drew Pearson Memorial. More than once while writing a talk to be given to a group of newspaper people or college students, I'd call Drew on the phone and ask if he had any ideas on what I might say. And he always came through.

If I could have asked Drew Pearson what to say to *this* audience tonight, I know what he'd tell me. He'd say "don't try to paint a halo around my head—and keep it short, Eppie." I remember how we used to agonize over Hubert Humphrey's incredible capacity for verbiage. We both loved Hubert and we wanted him to do well. Drew would say to me, "Why don't you suggest to Hubert that he wear a wrist watch with an alarm clock on it?" I'd say . . . "I *have*, but he doesn't listen to me. Why don't *you* suggest it." And Drew would reply, "I have, but he doesn't listen to me either." and we'd laugh.

Drew *loved* to laugh—and he loved to make others laugh—but more important Drew could laugh at himself. He once wrote an article for the Saturday Evening Post and called it, "confessions of an S.O.B." when he began his fertilizer business at his farm in Maryland, he advertised, "Drew Pearson's best manure. Guaranteed to be better than the column."

Even though I'm from Iowa, I'm not a very good judge of manure. I don't know if Drew Pearson's manure was actually better than his column, but I *do* know that *he* was. This is a strong statement, considering that his column exerted enormous influence on the political scene for over 40 years. Drew had tremendous courage, and he never hesitated to take on the darlings of *any* administration, whether it was a Senator Joseph McCarthy, a General Douglas MacArthur, a Harry Vaughan, or a Sherman Adams. Drew Pearson sent four congressmen to jail and was responsible for the resignation and the dismissal of dozens of men in high places. He may not have made the politicians more honest, but he certainly made 'em more careful.

On occasion, Drew, the columnist, *did* go too far—or perhaps not far enough, in checking his facts . . . and on those occasions his wife Luvie and I would sit in the library of their gracious Georgetown home and ask one another . . . "now what in the world did he write *that* for?"

Drew often told his friends that Luvie was the only woman in the world who could have lived with him for over 30 years—and made him like it. He not only adored her, but he admired her. Once he said to me, "I don't know *anyone* but Luvie who could be married to *me* and play bridge with Walter Lippmann twice a week."

It was Drew's wish that he be remembered for two things. As the organizer of the friendship train, which carried 700 carloads of food to the starving people of France and Italy after World War II. And, he wanted to be remembered as the man who rebuilt Tennessee's Clinton High School—bombed after the Supreme Court decision in 1954. These were tremendous achievements, to be sure. But *I'll* remember him in quite another way. Drew Pearson, the perfect gentleman. The friend you could count on. The thoroughbred with class.

It is traditional that the speaker who makes the memorial remarks, symbolically snuffs out the candle. With your kind permission, I would prefer to leave this candle burning. Thank you.

CRIME CONTROL

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the House Select Committee on Crime has done everything it could to induce the administration and the Congress, as well as State and local authorities, to provide adequate funds to meet the menacing challenge of crime in this country. We are told that crime is costing the American people some $40 to $50 billion a year while we are spending on the whole subject of crime only about $5 billion a year. No wonder, then, that our people are losing this fight daily against the criminal.

I wrote an article in the July 1970 issue of the American County emphasizing the importance of meeting the challenge of crime at the local level as well as the Federal responsibility to assist, under the title "Rhetoric Versus Cash for Crime Control," which I respectfully offer for the consideration of my colleagues in respect to this grievous national problem, and insert this article, appearing on pages 14 and 15 of this important national publication, following my remarks at this point in the RECORD:

RHETORIC VERSUS CASH FOR CRIME CONTROL

(By Representative CLAUDE PEPPER)

In the fight against crime in America, there is more rhetoric than cash flowing to the cities and counties of the country.

If the problem were not so urgent, if an effective solution were not so necessary, it would be trite to say that what most local governments need to fight crime is more financial assistance.

Mrs. Gladys Spellman, a county commissioner in Prince Georges County, Md., emphasized the problem in even more understandable terms during a hearing the House Select Committee on Crime held some months ago.

"We have quite a few ideas," she said. "But unfortunately, you can't fight crime with ideas. There is that other factor that enters into, M-O-N-E-Y, you know."

We do know.

It is this conviction which leads me to urge the Congress of the United States to more than double the Administration's request of $480 million for the fiscal year 1971 budget of the Law Enforcement Assistance Administration (LEAA). The $1 billion is the *minimum* amount we should spend on what we all acknowledge to be one of the nation's most important priorities.

This is not to say that I equate the simple allotment of more money to LEAA as some sort of wonder cure. We must also consider the changes in the disbursement of LEAA funds, changes which can be accomplished within the basic framework of the agency, as defined by Congress.

These changes were implied by Attorney General John N. Mitchell when he addressed our committee last year. Quoting from a few brief paragraphs of that testimony:

"*Rep. Pepper:* Mr. Attorney General, some of the witnesses who have appeared here from municipalities, mayors of some of our large cities, have indicated their belief that the cities under the LEAA program are not getting quite as large a share of the LEAA money as they should.

"*Attorney General Mitchell:* All this, of course, is a directive of Congress as to how we siphon the money from the federal government through the states. It involves primarily the block-grant concept, based on plans submitted by the state planning agencies.

"There are other funds in LEAA which provide the Administration with more discretion, and, as you probably know, we have to the extent that those monies are available to the larger metropolitan cities, where the need was greater."

The Attorney General was alluding to the discretionary funds held by the LEAA for direct grant applications—a route that bypasses regional and state planning boards and awards grants directly to the applying governmental body.

Unfortunately, the money in this fund is and continues to be too little to meet current needs and demands. Last year's fund totaled a mere $40 million in a budget of some $268 million for LEAA.

This is why I recommend that of the proposed $1 billion appropriated for LEAA, $650 million be disbursed through existing procedures—alone a significant increase over the agency budget request of $480 million—and *that an additional $350 million be added to LEAA's discretionary funds, to be spent for direct grants to county and city governments which take the initiative to develop programs on their own.*

This would allow us to spend more money for crime control and prevention measures of regional and state impact through the existing planning boards, and also permit funds to be channeled for innovative projects affecting police, the courts, corrections, and ment" should be broadened to include the other areas on a more specialized basis.

LOOKING TO NEW URBAN NEEDS

It is important to consider here that the characteristics of many counties across the country have changed dramatically through urbanization.

As Mayor Carl Stokes of Cleveland, Ohio pointed out in testimony before our committee:

"We have taken the correctional institutions, the courts, the juvenile courts, the trial courts, and the appellate courts, our federal prosecutors, the probation departments, the parole departments . . . representatives of the private sector . . . and have put all these people together to do what was indicated earlier—to develop an action program.

"We have had some very small successes. We don't know just how effective it is going to be over the long run, but we intend to stay with it as long as we can."

What the officials in Cleveland and in all of surrounding Cuyahoga County have banded together to do is to make application for crime funds for a wide range of programs and services which, in concert, will have a significant impact on the crime problem in that county.

Mayor Stokes and the other leaders in Cuyahoga County took these steps after a mere $40,000 in LEAA funds was awarded to Cleveland from a total allocation to the state of Ohio of more than $1.5 million!

We also found signs of countywide cooperation and pooling of effort in cities the committee visited—Boston and Miami, particularly.

TESTIMONY FROM ACROSS THE NATION

Another argument in favor of an expanded discretionary fund within LEAA came when the committee traveled to Boston and heard from Mayor Kevin White. Massachusetts is recognized to have one of the ablest state administrators of LEAA funds in Sheldon Krantz; but as Mayor White pointed out:

"In Massachusetts alone, the Governor's Committee on Law Enforcement has approximately 50 employees and consultants; the whole program in Washington has just under 100. So I hope two things will come from this committee—broader knowledge and more immediate, direct response to the problem of public safety in the American city."

These same thoughts were expressed by Professor James Vorenberg of Harvard Law School who served as Director of the President's Commission on Law Enforcement and Administration of Justice, the Commission which originally suggested the creation of the agency which became LEAA:

"I think it is nothing less than a disaster in the crime control area that Congress funneled the great bulk of these funds through the states rather than making grants directly to the cities. I think that is turning out to be so in a number of large cities, that all the problems I talked about of a bureaucracy at the local level are being repeated twice; first the state is hiring people and scraping off some of the funds at that level for administration, and then the funds are filtering through the state level down to the city level."

Bills have been introduced to Congress to cut drastically the percentage of LEAA funds available to states in block-grants. But any concerted effort to change the LEAA funding system is likely to cause the kind of political debate, and ensuing bitterness and delay, that the immediate concern of improving the criminal justice system can ill-afford.

This is what my recommendation seeks to avoid. In this time of great public concern over crime, it would be a mistake, I believe, to channel all LEAA funds into today's high-crime areas. It would be both unwise and dangerous to neglect fighting crime in areas where the problem has not yet become epidemic.

To accomplish this, the term "law enforce-

courts, corrections, probation, rehabilitation, and related social services.

I further recommend removing the prohibition against funding programs which ask for more than one third of the LEAA grant for personnel costs.

There is no disagreement, that, ideally, a police or sheriff's department should attract the highest caliber personnel, preferably persons with college training and backgrounds in criminology. Yet there is a city in my home state of Florida which is planning to upgrade materially its police force by providing for lateral entry from other departments and by seeking college-trained personnel. The department would, of course, offer these men significantly higher salaries than those normally paid police officers.

Yet it is just this type of program, which should be encouraged, that may not receive LEAA funds because such a progressive change may require more than one third of the grant to be spent for personnel.

It is time that we encourage, rather than impede, such far-sighted goals.

I don't need to tell you that the most overlooked governmental unit in the attempt to secure federal funds is the *county*. Many believe—and act on this belief—that the courts, corrections, and probation services are generally state functions. In innumerable instances, this is simply not the case.

In my own district, for example, the Metro-Dade County, Fla. government administers an 11-story jail which is presently well over capacity, a county home for delinquents, a dilapidated youth home for detaining juveniles, a barracks-like stockade and a metropolitan court (*see County Achievement Award story, p. 18 of this issue*) with an ever-increasing backlog problem.

Municipalities in the Miami metropolitan area experience financial difficulties maintaining, let alone upgrading, their police forces and courts.

There are many fledgling programs on a county scale in need of financing. A group of senior citizen volunteers, for example, saved Metro-Dade County an estimated $500,000 through a "release on recognizance program" which removes prisoners from the crowded jail and checks on their progress prior to trial. Yet the volunteers receive no funds, not even for transportation. There is the very real possibility that without funds, which the county is unable to provide, this volunteer-action effort may have to be disbanded.

We heard, too, in Miami from States Attorney Richard Gerstein, past president of the National District Attorney's Association, who said the Association's executive board considered ". . . LEAA a total failure insofar as prosecutors are concerned."

Statements such as Mr. Gerstein's clearly place in focus the piece-meal approach that is being taken toward a task which must involve a massive infusion of funds.

The county prosecutor's office, state and county correctional programs, the public defender's office, the improvement of court administration—these are areas where LEAA has yet to make any real impact.

A $1 billion commitment on the part of the federal government to be spent on programs affecting all elements of the criminal justice system is more than necessary, *it is imperative*.

Such is the scope of the challenge before us.

LINDSAY RAPS CRIME POLICY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Mayor John Lindsay of New York City, speaking before the American Bar Association in St. Louis on August 12, sharply criti-

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cized the rationale which dictates U.S. spending priorities—less than $500 for safety on our streets at home as contrasted with $80 billion for defense and war abroad. Mayor Lindsay said the Nixon administration should close "the vast distance between anticrime rhetoric and the reality of crime control."

Mr. Speaker, as chairman of the House Select Committee on Crime whose hearings throughout the Nation have confirmed the alarming increase of crime on all fronts, I am keenly aware that we must soon face up to the need for a drastic increase in spending in the area of prevention and rehabilitation if we are to make any real, long-range impression on this great national problem. I believe my colleagues and readers of this RECORD would find Mayor Lindsay's speech of great interest, and I respectfully include it in the RECORD immediately following these remarks:

[From the Washington (D.C.) Post,
Aug. 13, 1970]

LINDSAY RAPS CRIME POLICY

ST. LOUIS, August 12.—New York Mayor John V. Lindsay today criticized the Nixon administration for "talking tough" about crime but failing to follow through with an effective campaign to fight it.

In a speech to the American Bar Association convention, Lindsay said the administration should close "the vast distance between anti-crime rhetoric and the reality of crime control."

"Washington talks about unsafe streets and juvenile crime and drug abuse," he said. "Then it requests far less money than Congress has authorized" in federal aid to help localities combat crime.

"Washington talks about the dangers of recidivism, then it proposes a system of preventive detention that, according to its own studies, will not work," Lindsay said.

The New York mayor, who has quarreled with his state Capitol as well as with Washington about allocation of funds under the 1968 Safe Streets Act, said that talking tough "may satisfy some psychic longing, it may permit us to vent our anger and frustration, but it will win no victories over crime."

Lindsay spoke at a symposium on the problems of the coming decade. He received loud applause from an audience of 2,500 at Powell Symphony Hall when he rapped U.S. spending priorities—$80 billion for defense and war abroad, less than $500 million for safety in our streets at home."

Fellow panelist McGeorge Bundy, president of the Ford Foundation, agreed with Lindsay that defense costs were too high but said that as the Vietnam war winds down the military budget can be reduced by $5 billion to $10 billion each year.

On the problems facing higher education in the 1970s, William J. McGill, president-elect of Columbia University predicted that campuses will be further torn by friction between teachers and students condemning as "war research" virtually any scientific work done in a university under Defense Department sponsorship.

McGill, currently chancellor of the University of California at San Diego, said he expects colleges to reopen this fall in an orderly fashion. He predicted, however, that the new wave of student political activity will result in further youth disillusionment rather than any "lasting commitment" to the slow, tedious work of the political process.

Sen. Edmund S. Muskie (D-Me.) said that in coping with problems of the "quality of life," government must become better organized so that demands for more electric power and for pollution abatement, which are in conflict, can be met.

The bar association gave one of its annual gavel awards for legal reporting to the Evening Star in Washington for a series of articles on District of Columbia courts by Dana Bullen. Among the radio award winners were Stations WMAL in Washington and WEAM in Arlington for programs explaining the judicial process.

PSYCHEDELIC DRUGS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the House Select Committee on Crime has taken as one of its subjects of special interest the whole drug problem facing the country and particularly our younger people.

Through my good friend, Dr. Stanley R. Dean, I have been favored with some excerpts from the presidential address of Dr. Keith Yonge before the Canadian Psychiatric Association at Winnipeg, June 19, 1970, which I deem of great interest and a valuable contribution to the knowledge of the subject of drugs.

I include Dr. Yonge's able address at this point in the RECORD:

EXCERPTS FROM THE PRESIDENTIAL ADDRESS BY KEITH A. YONGE, M.D., AT THE CANADIAN PSYCHIATRIC ASSOCIATION ANNUAL MEETING, WINNIPEG, JUNE 19, 1970

The question is: do all the psychedelic drugs impair function; if so, in what way and to what extent? This is what the government and the public most need to know . . .

But how dare we declare all of these drugs, including cannabis, positively detrimental on the information we have available? . . . The effects produced by marijuana, however pleasant they may be, however transitory they may be, are, by our standard medical criteria, *of the same order, though not necessarily of the same magnitude, as psychotic disorder* . . . And in this regard there is a highly significant difference between the psychedelic drugs (including marijuana) and alcohol intoxication—a distinction which seems to have been overlooked in making the common crude comparison between the two. The prevailing property of the psychedelic drugs is of inducing illusions.

Although some sheer distortion of sensory-perception commonly occurs, the peculiarly insidious effects are in the exaggeration of sensory acuity. This gives rise to an illusory (quasi-delusional) sense of deepened appreciation of objects, of sounds, colors, sensations of any kind, a deeper understanding of their "meaning", and a presentiment of creativeness—*but all essentially sterile, because neither social conduct nor creativeness usually are actually enhanced at all.* The illusions pass with the clearing of the neurochemical disturbance, but there is likely to persist with the affected person the quasi-delusional conviction of having achieved special insight, an advanced, superior, even transcendental understanding and appreciation of life, a greater potential for self-fulfillment. And this leaves him with the impression of being in an exalted position of intellectual or aesthetic superiority.

Unlike the fastasies of normal dreaming which provide needful mental recreation without being subsequently confused with real experience, the drug-induced illusions do tend to be taken as *real* experience—an extended, expanded experience. And this tends to alter the person's basic perspective of life in reality—in his concept of himself and his relationships to others and to his total environment. The illusion of having achieved this special insight blinds him to realistic insight. He tends to lose his perspective of reality. Like the mirage which raises false hopes of achievement, the psychedelic experience is a phenomenon of self-deception. The very name "psychedelic"—purporting to expand the mind—is a deceptive misnomore. "Illusinogenic" is a truer name. These drugs essentially excite the sensory-perception mechanisms inducing usually illusions of magnificence and self-aggrandizement. Psychexcitant they are—and psychedeceptive.

Curiously, these primary illusinogenic effects of the drugs have seemed to many to be too inconsequential to mention. It is argued that over many centuries it has become an accepted practice in our society for a proportion of adults to intoxicate themselves from time to time. Should not our youth have the liberty to do the same? In fact, a proportion of youth always has—using as an intoxicant the same agent as the adult—alcohol. But with that there has never developed before the widespread changes in attitude and social behaviour that have occurred with the use of a psychedelic drug as the intoxicant of their choice.

ANGKOR WAT THREATENED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on a number of occasions, I have reported to this House the concern of so many of us over the possible destruction of Angkor Wat and Angkor Thom in Cambodia. Regrettably, our fears of imminent danger to these ancient temples appear to have been fulfilled. In the August 17, 1970, issue of Newsweek—on page 15—there is a report of an air attack on Angkor Wat. I have written to the President on a number of occasions urging that he submit to the Senate for ratification the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which if executed and subscribed to by the several countries involved in the Indochina conflict, would protect the ancient cities of Angkor Wat and Angkor Thom.

I urge my colleagues to write to the President in support of ratification of the Hague Convention. The letter which I have sent to the White House follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 14, 1970.

Mr. WILLIAM TIMMONS,
Special Assistant to the President, The White House, Washington, D.C.

DEAR MR. TIMMONS: I must, because of its urgency, again press that immediate consideration be given by the President to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. In my earlier correspondence of July 15, I pointed out that of all of the combatants in Cambodia, only the Cambodians have signed the Convention. On July 15, there was only the threat of damage to Angkor Wat; now it would appear that the threat has become a fact. In the August 17 issue of Newsweek, there is the following item:

"Despite strict no-fire orders, Thai planes have attacked targets in the off-limits Angkor Wat temple area. No one knows whether they hit any of the 1,000-year-old ruins (Cambodia's No. 1 tourist attraction), but the Cambodians have filed strong private protests with the Thais and with the U.S. command in Saigon. A U.S. forward air controller, it is charged, called in the Thai planes." (Newsweek, August 17, 1970, p. 15.)

It is important that the President request the Senate's ratification of the Hague Con-

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> vention and that he urge accession to it by the other countries involved in the Southeast Asian conflict. I realize that even an early submission of the treaty to the Senate would mean extended hearings, but it would have a great moral effect on other countries.
>
> If my letter appears insistent, it is because the dangers to Angkor Wat and Angkor Thom are so great. I hope the President will act on this immediately.
>
> Sincerely,
>
> Edward I. Koch.

DELAY OF VOTE ON POLITICAL BROADCASTING BILL MAKES IT INEFFECTIVE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, last night at the conclusion of our congressional business I flew to New York City to meet this morning with representatives of various community organizations to plan a public meeting to deal with critical problems in my district. I returned this morning to Washington so as to participate in the debate which was scheduled for this afternoon on the conference report on the political broadcasting bill.

I am very distressed, Mr. Speaker, that this important bill will not be voted on this afternoon. Even if we approve the conference report when we return from the recess in September, the spending limitations imposed on candidates and the reduction of broadcasting charges imposed on TV and radio stations will, for practical purposes, not apply to the November 1970 election. Consequently, the delay in approving the conference report will nullify the decision of the conferees that spending limitations should apply to the November 1970 elections.

I believe that a majority of us here today in this House would have voted for the conference report. And I therefore regret the decision to withdraw the conference report from today's agenda.

THE LIVING CONDITIONS RIVALING THOSE OF THE DAYS OF SLAVERY

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, I rise today to voice my disillusionment, no let me correct that, not my disillusionment, my disgust with a system that attempts to relegate a portion of our populace to living conditions which rival those known during the infamous days of slavery. Sitting in the Capitol of the most prosperous Nation on earth it is very difficult to close one's eyes and attempt to ignore the plight of 20,000,000 Americans. We do not have to travel to India or even to South America to be exposed to hunger and disease. We are confronted with this reality within our very shores. Without doubt every one of us here sympathizes with the plight of these unfortunate people, but let me assure you our sympathy will not rectify the situation, only our action will and this action has to be taken without delay.

Today I would like to direct our attention specifically to but one segment of this army of the poor, the migrant farmworker. Nearly every drop of juice we drink and every piece of fruit or vegetable we eat is laboriously gathered by the sweat of the brow of 2½ million farmworkers, a good percentage of whom belong to that overworked and underpaid strata of society known as the "migrant worker." The term the "forgotten man" is not new and perhaps has been overworked but to no group in the United States can it be better applied than to that group of which I now speak. The migrant worker has specifically been excluded from the minimum wage rate. He as an American citizen is guaranteed a wage of $1.30 an hour, less than that guaranteed to a worker imported from the West Indies to cut sugarcane in the Florida fields. The average annual income for working long gruelling days under the broiling sun is an incredible $891. Here in the richest country in the world a man is expected to survive on a little over $17 a week. Gentlemen if I did not know this was true I could not possibly believe such conditions exist, but unfortunately let me assure you they do. These people although anxious for employment are unable to work for days, weeks and many times months with the result that they cannot hope to earn any semblance of a decent wage.

The minimum wage laws are not the only laws that refuse them protection. There are no housing requirements, thus they are forced to live in hovels that I dare say are no improvement over what is to be found in some of the poorest areas of Mexico or any other underdeveloped country. In Florida alone over 100 of these migrant camps operate without any licenses whatsoever.

People throughout the world look with envy on the United States, the land of opportunity, the nation where every young boy can dream of achieving the status of a millionaire or possibly even the presidency itself. What an illusion this is.

Let us face reality. The child of a migrant family dreams not of fortune or fame but dreams of hopefully escaping the plight of his parents; dreams not in terms of luxuries but in terms of necessities; dreams not of something he is undeserving of, but dreams of the day when he will be able to share in some of the wealth of this great country, some of the wealth he is entitled to as an American citizen. Is this all it is, a dream? Evidently, the answer appears to be yes. Eighty percent of migrant children never enter a high school classroom, while one-half never even get to seventh grade. What else can be expected when it is necessary for every member of the family to slave in the fields in order to eke out a bare existence, coupled with the fact that there are no child labor laws in States such as Florida by which to set a minimum age for young farmers. The U.S. Subcommittee on Migratory Labor estimates that 100,000 children under 16 work as hired farmhands across the Nation. Almost one-half are between the ages of 10 and 13. There is escape for the migrant worker from this life, however: that offered by death. While we can hope to live over 70 years, he can hope to live—or should I say he can be forced to endure his existence?—for 49 long, hard "picking" seasons.

I would like to conclude with a statement made 10 years ago by a farmer being interviewed by Edward R. Murrow. It is a startling but unfortunately valid commentary on the migrant's life today, because in terms of real money he earns less now than he did then:

> We used to own our slaves, now we just rent them.

A DAY OF SHAME

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, I have today introduced a resolution, cosponsored by by colleagues Mr. Adair, Mr. Ashbrook, Mr. Buchanan, Mr. Collier, Mr. Crane, Mrs. May, Mr. Mize, Mr. Schadeberg, and Mr. Bob Wilson, which expresses the sense of the Congress that, with respect to the Soviet Union and those states which participated in the occupation of Czechoslovakia, the President should prohibit extension of any Government trade credits or guaranties to any of the intervening states. The resolution also calls for the prohibiting of sales and grants under the Agricultural Trade Development and Assistance Act of 1954, and suspension of all commercial air traffic between the United States and the Soviet Union. Expressed in the resolution is our support for the people of Czechoslovakia as they commemorate August 21, 1970, as the "Soviet Day of Shame" in their efforts to achieve the withdrawal of the troops of the Soviet Union from Czechoslovakia. The resolution calls upon the President, acting through the United Nations and other international organizations, to take such additional steps as may be necessary to end as quickly as possible the continuing intervention in Czechoslovakia by the Soviet Union.

May I remind the Members that the Republic of Czechoslovakia became the prey of Communism in 1948 and now—since August 1968—is a vassal of the Soviet Union, deprived of liberty, sovereignty, and independence. The people of Czechoslovakia are suffering from cultural stagnation, economic deprivation, and social starvation.

In the spring of 1968, the entire nation rose, in protest, against the inhuman Stalinist regime. Courageous writers, intellectuals, students, youth, workers, and peasants, banded together as the Republic toppled Moscow's most obedient servant, Antonin Novotny, and elected in his place Alexander Dubcek. A visible political relaxation followed.

Even this gradual, peaceful relaxation of dictatorial methods became unbearable to Moscow. The Soviet Union—under cover of night, August 20–21—invaded Czechoslovakia and now treats that nation as a conquered territory. The present puppet ruler is Soviet Quisling Gustav Husak.

The brotherly affirmation of Czechs and Slovaks, together, against the Soviet invaders is well known to all. They oppose them in all available ways, while democratic Czechs, Slovaks and Ruthenians—scattered throughout the world—join with them in continuing protest.

Mr. Speaker, it is my understanding that a similar resolution will be introduced in the Senate demonstrating the proper interest and humanitarian concern of Members of Congress in the plight of the people of Czechoslovakia, and represents our determination not to except as permanent the Soviet subjugation of that country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Flynt (at the request of Mr. Albert), for today, on account of official business.

Mr. Corbett (at the request of Mr. Gerald R. Ford), for August 14, on account of the requirement for a complete eye refractory.

Mr. Landgrebe (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Pryor of Arkansas (at the request of Mr. Albert), for today, on account of illness in the family.

Mr. Corman, for Friday, August 14, 1970, on account of official business.

Mr. Camp (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Shipley (at the request of Mr. Albert), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hogan), to revise and extend their remarks and to include extraneous matter to:)

Mr. Halpern, today, for 5 minutes.
Mr. Miller of Ohio, today, for 5 minutes.
Mr. Bush, today, for 5 minutes.

(The following Members (at the request of Mr. Jones of Tennessee), to revise and extend their remarks and to include extraneous matter to:)

Mr. Farbstein, today, for 20 minutes.
Mr. Reuss, today, for 60 minutes.
Mr. Kee, today, for 10 minutes.
Mr. Gonzalez, today, for 10 minutes.
Mr. Flood, today, for 15 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Perkins, and to include extraneous material.

Mr. Burke of Massachusetts and to include extraneous matter.

Mr. Ichord.

(The following Members (at the request of Mr. Hogan) and to include extraneous matter:)

Mr. Meskill.
Mr. Halpern.
Mr. Scherle in 15 instances.
Mr. Mailliard in three instances.
Mr. Hunt.
Mr. Gerald R. Ford in 10 instances.
Mr. Wyman in two instances.
Mr. Hosmer in six instances.
Mr. Weicker in two instances.
Mr. Bob Wilson in four instances.
Mr. Dellenback.
Mr. Carter.
Mr. Myers in six instances.
Mr. Shriver.
Mr. Saylor in 10 instances.
Mr. Adair in two instances.
Mr. Fish.
Mr. Buchanan.
Mr. Hogan in 10 instances.
Mr. Quillen in four instances.
Mr. Taft in five instances.
Mr. Kyl.

(The following Members (at the request of Mr. Jones of Tennessee), and to include extraneous matter:)

Mr. Fraser in 10 instances.
Mr. Giaimo in 10 instances.
Mr. Harrington.
Mr. Garmatz.
Mr. Fascell in three instances.
Mr. Rodino in two instances.
Mr. Anderson of California in two instances.
Mr. Gonzalez in two instances.
Mr. Patten.
Mr. Clark in two instances.
Mr. Bolling in two instances.
Mrs. Sullivan in two instances.
Mr. Slack.
Mr. Dingell in two instances.
Mr. Charles H. Wilson.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2176. An act to implement the Conven-Securities Act of 1933 to permit the exemption of security issues, not exceeding $500,000 in aggregate amount, from the provisions of such act; to the Committee on Interstate and Foreign Commerce.

S.2176. An act to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2336. An act relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia; to the Committee on the District of Columbia.

S. 3903. An act to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 3905. An act to authorize the District of Columbia Council to fix the rates charged by the District of Columbia for water and water services and for sanitary sewer services; to the Committee on the District of Columbia.

S. 3906. An act to authorize the government of the District of Columbia to fix certain fees; to the Committee on the District of Columbia.

ENROLLED BILL SIGNED

Mr. **FRIEDEL**, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 15381. An act to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3302. An act to amend the Defense Production Act of 1950, and for other purposes.

ADJOURNMENT TO SEPTEMBER 9, 1970

Mr. JONES of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The **SPEAKER**. In accordance with House Concurrent Resolution 689, 91st Congress, the Chair declares the House adjourned until 12 o'clock noon on September 9 next.

Thereupon (at 1 o'clock and 18 minutes p.m.), pursuant to House Concurrent Resolution 689, the House adjourned until Wednesday, September 9, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2308. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of the estimated value of support furnished from certain military appropriations for the fourth quarter of fiscal year 1970, pursuant to section 638 of Public Law 91–171; to the Committee on Appropriations.

2309. A letter from the Secretary of the Interior, transmitting the annual report of the Division of Coal Mine Safety, Bureau of Mines, for calendar year 1969, pursuant to 30 U.S.C. 451–483; to the Committee on Education and Labor.

RECEIVED FROM THE COMPTROLLER GENERAL

2310. A letter from the Comptroller General of the United States, transmitting a report on the need for improving the program for use and redistribution of excess materiel in the Pacific area, Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. Unmet training needs of the Federal Investigator and the consolidated Federal Law Enforcement Training Center (Rept. No. 91–1429). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 14678. A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; with amendments (Rept. No. 91–1430). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 13769. A bill to amend the act entitled "An Act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof," approved June 29, 1966, so as to include within its coverage the municipal government of the District of Columbia (Rept. No. 91-1432). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually; with an amendment (Rept. No. 91-1431). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEALL of Maryland:

H.R. 19027. A bill to amend title II of the Social Security Act to provide that the entitlement of a beneficiary who dies shall (if he is otherwise qualified) extend through the month of his death; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 19028. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. BUCHANAN:

H.R. 19029. A bill to establish a Consumer Affairs Service in order to secure within the Federal Government effective protection and representation of the interests of consumers and for other purposes; to the Committee on Government Operations.

By Mr. BURTON of California (for himself, Mr. Perkins, Mrs. Green of Oregon, Mr. Thompson of New Jersey, Mr. Dent, Mr. Pucinski, Mr. Daniels of New Jersey, Mr. Brademas, Mr. O'Hara, Mr. Carey, Mr. Hawkins, Mr. William D. Ford, Mr. Hathaway, Mrs. Mink, Mr. Scheuer, Mr. Meeds, Mr. Gaydos, Mr. Stokes, Mr. Flood, Mr. Morgan, Mr. Staggers, Mr. Hechler of West Virginia, Mr. Slack, Mr. Kee, and Mr. Mollohan):

H.R. 19030. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. BURTON of California (for himself, Mr. Holifield, Mr. Moss, Mr. Cohelan, Mr. Brown of California, Mr. Corman, Mr. Edwards of California, Mr. Hanna, Mr. Leggett, Mr. Roybal, Mr. Charles H. Wilson, Mr. Rees, Mr. Waldie, Mr. Anderson of California, Mr. Conyers, Mr. Eckhardt, Mr. Fraser, Mr. Koch, Mr. Mikva, Mr. Rosenthal, Mr. Ryan, Mr. Adams, Mr. Addabbo, Mr. Ashley, and Mr. Boland):

H.R. 19031. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. BURTON of California (for himself, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Diggs, Mr. Donohue, Mr. Foley, Mr. Gilbert, Mr. Green of Pennsylvania, Mr. Helstoski, Mr. Hicks, Mr. Howard, Mr. Jacobs, Mr. Karth, Mr. Matsunaga, Mr. McCarthy, Mr. Moorhead, Mr. Nedzi, Mr. Nix, Mr. O'Neill, of Massachusetts, Mr. Ottinger, Mr. Patten, Mr. Pepper, Mr. Philbin, Mr. Price of Illinois, and Mr. Roe):

H.R. 19032. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. BURTON of California (for himself, Mr. Rooney of Pennsylvania, Mr. Tiernan, Mr. Wolff, Mr. Yatron, Mr. Byrne of Pennsylvania, Mr. Gray, Mr. Kyros, Mr. Madden, Mr. Murphy of Illinois, Mr. Obey, Mr. Reuss, Mr. Annunzio, Mr. Biaggi, Mr. Bingham, Mr. Fulton of Tennessee, Mr. Garmatz, Mr. Podell, Mr. Zablocki, Mr. Blatnik, and Mr. Kastenmeier):

H.R. 19033. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. FARBSTEIN:

H.R. 19034. A bill to amend title XI of the Federal Aviation Act of 1958 to require the Civil Aeronautics Board to adjudicate any dispute between an air carrier and a passenger concerning a claim for loss or theft of, or damage to, the baggage of such passenger; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN (for himself and Mr. Eckhardt):

H.R. 19035. A bill to amend title 10 to require that enlisted members of the Armed Forces be given, upon request, certain examinations in Spanish; to the Committee on Armed Services.

By Mr. GALIFIANAKIS (for himself, Mr. Adams, Mr. Arends, Mr. Aspinall, Mr. Blanton Mr. Brinkley, Mr. Bush, Mr. Cleveland, Mr. Dowdy, Mr. Duncan, Mr. Gonzalez, Mr. Kazen, Mr. Kuykendall, Mr. Kyros, Mr. Lujan, Mr. Matsunaga, Mr. Mikva, Mrs. Mink, Mr. Pickle, Mr. Purcell, Mr. Minish, Mr. Rodino, Mr. Stafford, and Mr. Tunney):

H.R. 19036. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GIAIMO:

H.R. 19037. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. HALPERN (for himself, Mr. Addabbo, Mr. Delaney, Mr. Rosenthal, and Mr. Wolff):

H.R. 19038. A bill to provide for the construction of a Veterans' Administration hospital of 1,000 beds in the county of Queens, New York State; to the Committee on Veterans' Affairs.

By Mr. MONAGAN:

H.R. 19039. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Affairs.

H.R. 19040. A bill to carry out the recommendations of the Presidential task force on women's rights and responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Mrs. Chisholm, Mr. Culver, and Mr. Horton):

H.R. 19041. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER:

H.R. 19042. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. PUCINSKI:

H.R. 19043. A bill to amend the Internal Revenue Code of 1954 to allow percentage depletion at a 22-percent rate for low sulfur coal; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 19044. A bill to amend title 10 of the United States Code to permit a retarded or handicapped dependent of a member of the armed forces to continue to receive special care under section 1079(d) of such title if the member is killed in action; to the Committee on Armed Services.

By Mr. RUPPE:

H.R. 19045. A bill to amend titles XIX and XI of the Social Security Act to eliminate the provisions which were added by section 225 of the social security amendments of 1970 with respect to medicaid programs; to the Committee on Ways and Means.

By Mr. St GERMAIN:

H.R. 19046. A bill to amend section 403(b) of the Federal Aviation Act of 1958 to require reduced-rate air transportation for elderly people; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEEBELI:

H.R. 19047. A bill to amend the Internal Revenue Code of 1954 to provide a 25-percent maximum capital gains tax on the disposition of an interest in a closely held business held for at least 20 years; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 19048. A bill to appropriate funds for construction of State highway Loop 12 bridge, Trinity River, Tex.; to the Committee on Appropriations.

By Mr. BINGHAM:

H.R. 19049. A bill to provide for greater flexibility in Federal transportation funding; to permit the States to elect to use a portion of the funds received from certain Federal trust funds to meet local transportation priorities; and to create an Urban Mass Transportation Trust Fund; to the Committee on Public Works.

By Mr. DELLENBACK:

H.J. Res. 1356. Joint resolution to authorize the President to designate November 16 through November 22 as "National Good Grooming Week"; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H. Con. Res. 717. Concurrent resolution commemorating the 40th anniversary of Gardena, Calif., as a general law city; to the Committee on the Judiciary.

By Mr. DERWINSKI (for himself, Mr. Adair, Mr. Ashbrook, Mr. Buchanan, Mr. Collier, Mr. Crane, Mrs. May, Mr. Mize, Mr. Schadeberg, and Mr. Bob Wilson):

H. Con. Res. 718. Concurrent resolution expressing the sense of the Congress with respect to the intervention in Czechoslovakia in 1968 by the military forces of the Soviet Union and its satellites; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H. Con. Res. 719. Concurrent resolution expressing the sense of Congress that the Presi-

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dent should instruct the American delegation to the Diplomatic Conference to revise the Warsaw Convention as amended by the Hague Protocol to seek (1) at least a 12-fold increase in the 250 gold franc per kilogram limitation on baggage, cargo, and mail liability provided for under the Warsaw Convention of 1929; and (2) an automatic annual increase in the liability limit beyond the 12-fold increase; to the Committee on Foreign Affairs.

By Mr. HALPERN:

H. Res. 1200. Resolution to extend the congratulations of the House of Representatives to Jewish veterans of the United States of America; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

570. The SPEAKER presented a petition of Ida M. Dentler, Houston, Tex., relative to nursing home care for the indigent aged, which was referred to the Committee on Ways and Means.

SENATE—*Friday, August 14, 1970*

The Senate met at 10 a.m. and was called to order by Hon. Robert C. Byrd, a Senator from the State of West Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father who hast taught us "to do justly, to love mercy, and to walk humbly with Thy God," enable us so to live and labor and love as to fulfill the divine commandment. Grant us wisdom and strength to work for the welfare of this Nation and the advancement of Thy kingdom among the nations of the world.

And to Thee shall be all the glory and the praise for ever and ever. Amen.

At this point, Mr. Jordan of North Carolina took the chair as Presiding Officer.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. Jordan of North Carolina). The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. Russell).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., August 14, 1970.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. B. Everett Jordan, a Senator from the State of North Carolina, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. JORDAN of North Carolina thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 17548) entitled "An Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the amendment of the House to the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes, and it was signed by the Acting President pro tempore (Mr. Jordan of North Carolina).

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 13, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. ON MONDAY, AUGUST 17, 1970

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected to items on the calendar, beginning with Calendar No. 1102.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SPECIAL HEALTH CARE BENEFITS FOR CERTAIN SURVIVING DEPENDENTS

The bill, S. 4148, to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1079 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(g) When a member dies while he is eligible for receipt of hostile fire pay under section 310 of title 37, United States Code, or from a disease or injury incurred while eligible for such pay, his dependents who are receiving benefits under a plan covered by subsection (d) of this section shall continue to be eligible for such benefits until they pass their twenty-first birthday."

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1091), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to permit the surviving dependents of members of the Armed Forces who die while eligible for receipt of hostile fire pay, or from a disease or injury incurred while eligible for such pay, who are receiving benefits under the special program for the physically handicapped or mentally retarded provided the civilian health and medical program of the uniformed services (CHAMPUS) to continue to receive such benefits until they pass their 21st birthday.

EXPLANATION

The Military Medical Benefits Amendments of 1966 (Public Law 89–614) authorized the establishment of a unique and special program for the spouses and children of active duty members. Under this program eligible dependents who are moderately or severely mentally retarded or who have a serious physical handicap may obtain care for such conditions from civilian sources. The types of care authorized include the following:

Diagnosis.

Inpatient, outpatient, and home treatment.

Training, rehabilitation, and special education.

Institutional care in private nonprofit, public and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

Members are required to share in the cost of any benefits provided their dependents under this special program. Those in the lowest enlisted pay grade are required to pay the first $25 incurred each month and members in the highest commissioned grade are similarly required to pay $250 per month. Members in other pay grades are required to pay various amounts in between the maximum and minimum specified above. However, the Government's share of the costs in a particular case may not exceed $350 per month. Therefore, in a relatively small number of cases where the cost exceeds the member's normal share plus the Government's maximum share of $350 per month it is necessary for the member to pay an additional amount above those specified above.

Since existing law limits these special benefits under the CHAMPUS to the eligible dependents of active duty members, it follows that when a member is killed in Vietnam, for example, all benefits under this special program terminate as of midnight of the date of his death. This result places additional burdens on the families of men who have given their lives in the service of their country at a time when they are least able to bear them. Under the bill, eligible dependents

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who are receiving benefits under the "handicapped" section of the CHAMPUS on the date of the bill's enactment, or who subsequently receive such benefits, would continue to be under the present CHAMPUS cost-sharing arrangements until they pass their 21st birthday. The bill would not cover any costs for care obtained under the handicapped portion of the CHAMPUS before its enactment.

By providing that the benefits will continue until the dependent passes his 21st birthday places the period of eligibility on a basis comparable to the dependent of a person on active duty. The dependent would normally be about 21 years old when the parent is retired from active duty, with the result that the dependent will no longer be eligible for benefits.

The Committee on Armed Services considered the explanation regarding residency requirements offered by the Department of Defense in 1966 in seeking the original legislation for this program and recognizes that the surviving dependents of men killed in Vietnam would theoretically be free to select their areas of residence with due regard for the availability of suitable and economical facilities for those requiring special care. The committee believes, however, that an exception to this concept in the case of the surviving dependents in question is fully justified.

It should be pointed out that the special program enacted in 1966 providing for special care for the physically handicapped and mentally retarded dependents of active duty personnel was based on the difficulty of active duty military personnel meeting the residency requirements in the various States because of changing military assignments, thus depriving them of eligibility in the various State institutions. Upon retirement military personnel are in a position to establish their residency in a particular State and therefore acquire eligibility for dependents in State institutions just as other citizens. The committee continues to recognize this premise for the purpose of this special program. The special circumstances underlying this bill, however, fully justify departure from this concept.

The committee also considered the bill (S. 4111) dealing with this matter.

The committee believes that the bill which this report accompanies is more appropriate since it deals sufficiently with a particular problem at hand rather than the broader treatment proposed by the other legislation.

Under the law authorizing hostile fire pay (section 310 of title 37, United States Code), the Secretary of Defense may issue regulations designating areas in which members would be in imminent danger and subject to various hazards and therefore entitled to this special pay. In 1965, the Secretary of Defense designated all of Vietnam and the contiguous waters as a hostile fire area. In 1968, a small enclave along the western end of DMZ in Korea was also designated as a hostile fire area for this special pay purpose.

BILLS PASSED OVER

The bills, S. 437, to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; and S. 578, to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations, were announced.

Mr. KENNEDY. Mr. President, I ask that these two bills go over.

The ACTING PRESIDENT pro tempore. The two bills will be passed over.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The concurrent resolution (S. Con. Res. 79) favoring the suspension of deportation of certain aliens was considered and agreed to, as follows:

S. Con. Res. 79

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a) (2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

A-8812001, Ching, Tsing.
A-3601059, Lopez, Francisco Rodriguez.
A-3626010, Woo, Poy Tom.
A-6079487, Yip, Har.
A-11027900, Louie, Fook Leong.
A-14943777, Eng, Kung Doo.
A-2737095, Pinon-Granados, Remedios.
A-3135441, Rojas-Gutierrez, Eleodoro.
A-3254358, Romero, Fortunato.
A-8106820, Eha, Elmar.
A-12372117, Kowk, Kee Dong.
A-13069928, Fong, Shue Kee.
A-10712348, Gonzalez-Urena, Ramon.
A-7216780, Kowal, John.
A-14006061, Lee, Dom Min.
A-3854398, Spiegel, Max.
A-1975504, Abrams, Samuel S.
A-1473222, Asencio-Placencio, Pedro.
A-1472909, Baglieri, George.
A-13756892, Cu, Nee Chong.
A-8427555, Cooremans-Cruz, Eugenio Juan.
A-2569196, DeBravo, Cenovia Mesa.
A-5271262, De Luna-Segovia, Jose.
A-13756192, Gong, Yicke.
A-4164588, Gonzalez, Magana Luis.
A-2691116, Hagglund, Nils Ture.
A-5227719, Lee, High Suey.
A-1999784, Louie, Fung Leung.
A-13550905, Lum, Ting Kam.
A-1880149, Marcus, Harry Aaron.
A-10475692, Martinez-Figueroa, Samuel.
A-3253579, Riccioli, Paoli.
A-13518212, Smeriga, John.
A-9765182, Yim, Chee.
A-2894457, Chin Huey.
A-17140325, Chin, Kay Ming.
A-5069505, Fat, Tong Li.
A-14677835, Fong, Mun Quong.
A-6563286, Nebelsky, Manfred Robert.
A-5633712, Valencia-Sanchez, Enrique.
A-4129913, Araujo, Maria Freitas.
A-18495868, Chan, Yuen Hing.
A-12613969, Don, Hing Lew.
A-14219771, Russo, Maria Isaura.
A-4679692, Wong, Quong.
A-10491431, Wong, Yen Kwong.
A-14598116, Young, Gim Lung.
A-14196929, Yuen, Chung Ng.
A-7138470, Cuervo, Ester.
A-14218274, Hom, Wai Kwong.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1094), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE CONCURRENT RESOLUTION

The purpose of the concurrent resolution is to record congressional approval of suspension of deportation in certain cases in which the Attorney General has suspended deportation pursuant to section 244(a) (2) of the Immigration and Nationality Act, as amended. Under the prescribed procedure, affirmative approval by both the Senate and the House of Representatives is required before the status of the aliens may be adjusted to that of aliens lawfully admitted for permanent residence.

STATEMENT OF FACTS

The concurrent resolution relates to certain cases in which the Attorney General has suspended deportation under the provisions of section 244(a) (2) of the Immigration and Nationality Act, as amended. These cases are submitted to the Congress under the provisions of that section subsequent to its amendment by section 4 of Public Law 87-885. The aliens are deportable as former subversives, criminals, immoral persons, violators of the narcotic laws, or violators of the alien registration laws. The discretionary relief may be granted to an alien within these categories upon a showing (1) of 10 years' continuous physical presence in the United States following the commission of an act or the assumption of a status constituting a ground for deportation; (2) that he has not been served with a final order of deportation up to the time of his application for suspension of deportation, (3) that he has been a person of good moral character during the required period of physical presence; and (4) that his deportation would result in exception and extremely unusual hardship to himself or to his spouse, parent, or child, who is a citizen or an alien lawfully admitted for permanent residence.

Included in the concurrent resolution are 50 cases which were referred to the Congress between February 1, 1969, and December 1, 1969. One case referred during that period was withdrawn by the Attorney General, and two cases were not approved. Thirty-three of the cases included in the concurrent resolution were resubmitted by the Immigration and Naturalization Service after previously being approved by the Senate. However, final action on those cases was not completed in the House of Representatives. In each case included in the concurrent resolution, a careful check has been made to determine whether or not the alien (*a*) has met the requirements of the law; (*b*) is of good moral character; and (*c*) warrants the granting of suspension of deportation.

The committee, after consideration of all the facts in each case referred to in the concurrent resolution, is of the opinion that the concurrent resolution (S. Con. Res. 79) should be agreed to.

BILL PASSED OVER

The bill (S. 1943), for the relief of Arie Abramovich, was announced as next in order.

Mr. KENNEDY. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

DR. NAHID MANSOORI DIAZ

The bill (S. 3702), for the relief of Dr. Nahid Mansoori Diaz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Dr. Nahid Mansoori Diaz, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 28, 1960.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1096), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

REYNALDO CANLAS BAECHER

The bill (S. 3796) for the relief of Reynaldo Canlas Baecher was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3796

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 203(a)(1) and 204 of the Immigration and Nationality Act, Reynaldo Canlas Baecher shall be held and considered to be the natural-born alien son of Donald Leslie Baecher, a citizen of the United States. The natural parent, brother, or sister of the said Reynaldo Canlas Baecher, by virtue of such relationship, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1097), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for first-preference status as the unmarried son of a citizen of the United States.

BILLS PASSED OVER

The bills, S. 3853, for the relief of Mrs. Pang Tai Tai; H.R. 1749, for the relief of Eagle Lake Timber Co., a partnership of Susanville, Calif.; and H.R. 2849, for the relief of Anan Eldredge, were announced.

Mr. KENNEDY. Mr. President, I ask that these three bills go over.

The ACTING PRESIDENT pro tempore. The three bills will be passed over.

LOW YIN

The bill (H.R. 5655) for the relief of Low Yin (also known as Low Ying) was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1101), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission into the United States of the adopted son of citizens of the United States as a first-preference immigrant, which is the status normally enjoyed by the alien sons and daughters of citizens of the United States.

TAE PUNG HILLS

The bill (H.R. 12400) for the relief of Tae Pung Hills was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1102), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to classify the adopted son of citizens of the United States as an immediate relative.

JOSE GUADALUPE ESPARZA-MONTOYA

The bill (H.R. 12446) to confer U.S. citizenship posthumously upon Jose Guadalupe Esparza-Montoya was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1103), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows.

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon Jose Guadalupe Esparza-Montoya.

STATEMENT OF FACTS

Mr. Jose Guadalupe Esparza-Montoya was born in Mexico on July 8, 1948. He entered the United States for permanent residence on June 13, 1962, accompanied by his mother, two sisters, and two brothers. His father was lawfully admitted for permanent residence on November 7, 1955. He was inducted into the U.S. Army in August of 1968, where he served honorably until his death in Vietnam on May 20, 1969.

BILL PASSED OVER

The bill, H.R. 12959, for the relief of Gloria Jara Hease, was announced as next in order.

Mr. KENNEDY. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

CPL. FRANK J. KREE

The bill (H.R. 13265), to confer U.S. citizenship posthumously upon Lance Cpl. Frank J. Kree was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1105), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon Lance Cpl. Frank J. Kree.

STATEMENT OF FACTS

Lance Cpl. Frank J. Kree was born in Italy on December 17, 1943, and was lawfully admitted to the United States for permanent residence on December 23, 1958. His mother was lawfully admitted for permanent residence in 1947, and his stepfather is a U.S. citizen. The beneficiary enlisted in the U.S. Marine Corps on September 6, 1966, and served honorably until his death in Vietnam on March 2, 1968.

BILLS PASSED OVER

The bills, H.R. 13383, for the relief of Mrs. Marcella Coslovich Fabretto, and H.R. 13712, for the relief of Vincenzo Pellicano, were announced.

Mr. KENNEDY. Mr. President, I ask that these two bills go over.

The ACTING PRESIDENT pro tempore. The two bills will be passed over.

MRS. MARIA ELOISA PARDO HALL

The bill (H.R. 13895), for the relief of Mrs. Maria Eloisa Pardo Hall was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1108), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Mrs. Maria Eloisa Pardo Hall, the widow of a U.S. citizen, to qualify for immediate relative status, which is the status to which she would have been entitled were it not for the death of her husband.

THE FALLS OF THE OHIO INTERSTATE PARK COMPACT

The bill (H.R. 13971) granting the consent of Congress to the Falls of the Ohio Interstate Park Compact was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1109), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to grant the consent of Congress to the Falls of the Ohio Interstate Park Compact.

STATEMENT

Indiana and Kentucky have agreed to create and develop an interstate park known as Falls of the Ohio Interstate Park, located on the Ohio River in Clark and Floyd Counties, Ind., and Jefferson County, Ky., and to create a six-member commission to operate the park.

The Department of Justice, the Department of the Interior, and the Department of the Army have advised the Congress that they have no objection to the enactment of the legislation.

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

The committee is advised that on the Ohio River, near Louisville, Ky., there is a series of rapids dropping 26 feet in 3 miles. This stretch of the river is called Falls of the Ohio. The immediate area is rich in fossil corals, has been a nesting ground for migratory birds, and otherwise has great potential for outdoor recreation activities.

The committee notes that although the compact authorizes the States to acquire privately held property for the interstate park, nothing in the compact contemplates the acquisition of Federal property within the area of the proposed park.

SGT. RYUZO SOMMA

The bill (H.R. 13997) to confer U.S. citizenship posthumously upon S. Sgt. Ryuzo Somma was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1110), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon S. Sgt. Ryuzo Somma.

STATEMENT OF FACTS

S. Sgt. Ryuzo Somma, born September 21, 1946, was a native of Japan who entered the United States for permanent residence on October 11, 1958, on the basis of a visa petition filed in his behalf by his stepfather, a citizen of the United States. He was inducted into the U.S. Army on September 19, 1966, and served honorably until his death in Vietnam on March 4, 1969. Sergeant Somma's mother was naturalized in 1969, and she and her husband state that the young man's greatest wish was to become a citizen of the United States.

BILLS PASSED OVER

The bills, H.R. 15374, to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes, and H.R. 13810, for the relief of Lt. Col. Robert L. Poehlein, were announced.

Mr. KENNEDY. Mr. President, I ask that these two bills go over.

The ACTING PRESIDENT pro tempore. The two bills will be passed over.

KEUM JA FRANKS

The Senate proceeded to consider the bill (H.R. 2043) for the relief of Keum Ja Franks which had been reported from the Committee on the Judiciary with an amendment on page 1, line 4, after the word "Act,", strike out "Keum Jo Kim" and insert "Keum Ja Franks".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1115), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to classify the child adopted by citizens of the United States as an immediate relative. The bill has been amended to reflect the beneficiary's name by adoption in the body of the bill.

BILL PASSED OVER

The bill, S. 3419, for the relief of Captain Claire E. Brou, was announced as next in order.

Mr. KENNEDY. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

POTOMAC VALLEY CONSERVANCY DISTRICT COMPACT

The Senate proceeded to consider the joint resolution (S.J. Res. 67) granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin which had been reported from the Committee on the Judiciary with an amendment on page 10, line 5, after the word "compact," strike out the period, insert a semicolon and "and *Provided further*, That the consent herein given does not extend to section (F) (2) of article II of the amended compact."; so as to make the joint resolution read:

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia to adopt the aforementioned amendments and enter into the amended compact hereinbefore recited and every part and article thereof: *Provided*, That nothing contained in such amended compact shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of this compact; *and Provided further*, That the consent herein given does not extend to section (F) (2) of article II of the amended compact.

Sec. 2. The Commissioner of the District of Columbia is authorized to enter into, on behalf of the District of Columbia, the amended compact hereinbefore recited.

Sec. 3. The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to, as follows:

Whereas, by Public Resolution Numbered 93, Seventy-sixth Congress, third session, approved July 11, 1940 (54 Stat. 748), Congress granted consent to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, hereinafter designated signatory bodies, to enter into a compact for the creation of a Potomac Valley Conservancy District and the establishment of the Interstate Commission on the Potomac River Basin; and

Whereas, all said signatory bodies have entered into said compact; and

Whereas, all the said signatory bodies have adopted identical proposed amendments to said compact, for which they seek the consent of Congress, by virtue of which amendments said compact will read as follows:

"COMPACT

"Whereas, it is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several states located wholly or in part within the area drained by any such interstate stream; and

"Whereas, the Congress of the United States has given its consent to the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage base of the Potomac river and the main and tributary streams therein, for 'the purpose of regulating, controlling, preventing, or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes'; and

"Whereas, the regulation, control and prevention of pollution is directly affected by the quantities of water in said streams and the uses to which such water may be put, thereby requiring integration and coordination of the planning for the development and use of the water and associated land resources through cooperation with, and support and coordination of, the activities of Federal, State, local and private agencies, groups, and interests concerned with the development, utilization and conservation of the water and associated land resources of the said conservancy district;

"Now, therefore, the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia, hereinafter designated signatory bodies, do hereby create the Potomac Valley Conservancy District, hereinafter designated the Conservancy District, comprising all of the area drained by the Potomac River and its tributaries; and also, do hereby create, as an agency of each signatory body, the Interstate Commission on the Potomac River Basin, hereinafter designated the Commission, under the articles of organization as set forth below.

"ARTICLE I

"The Interstate Commission on the Potomac River Basin shall consist of three members from each signatory body and three members appointed by the President of the United States. Said Commissioners, other than those appointed by the President, shall be chosen in a manner and for the terms provided by law of the signatory body from which they are appointed and shall serve without compensation from the Commission but shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties.

"(A). The Commission shall meet and organize within thirty days after the effective date of this compact, shall elect from its number a chairman and vice-chairman, shall adopt suitable bylaws, shall make, adopt and promulgate such rules and regulations as are necessary for its management and control, and shall adopt a seal.

"(B). The Commission shall appoint and, at its pleasure, remove or discharge such officers and legal, engineering, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall determine their qualifications and fix their duties and compensation. Such personnel as may be employed shall be employed without regard to any civil service or other similar requirements for employees of any of the signatory bodies. The Commission may maintain one or more offices for the transaction of its business and may meet at any time or place within the area of the signatory bodies.

"(C). The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the

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operations and transactions conducted by it pursuant to this compact. The Commission, however, shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate to meet the same nor shall it in any way pledge the credit of any of the signatory bodies. Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the Commission.

"(D). A quorum of the Commission shall, for the transaction of business, the exercise of any powers, or the performance of any duties consist of at least six members of the Commission who shall represent at least a majority of the signatory bodies: *Provided, however,* That no action of the Commission relating to policy or stream classification or standards shall be binding on any one of the signatory bodies unless at least two of the Commissioners from such signatory body shall vote in favor thereof.

"ARTICLE II

"The Commission shall have the power:

"(A). To collect, analyze, interpret, coordinate, tabulate, summarize and distribute technical and other data relative to, and to conduct studies, sponsor research and prepare reports on, pollution and other water problems of the Conservancy District.

"(B). To cooperate with the legislative and administrative agencies of the signatory bodies, or the equivalent thereof, and with other commissions and Federal, local governmental and non-governmental agencies, organizations, groups and persons for the purpose of promoting uniform laws, rules or regulations for the abatement and control of pollution of streams and the utilization, conservation and development of the water and associated land resources in the said Conservancy District.

"(C). To disseminate to the public information in relation to stream pollution problems and the utilization, conservation and development of the water and associated land resources of the Conservancy District and on the aims, views, purposes and recommendations of the Commission in relation thereto.

"(D). To cooperate with, assist, and provide liaison for and among, public and nonpublic agencies and organizations concerned with pollution and other water problems in the formulation and coordination of plans, programs and other activities relating to stream pollution or to the utilization, conservation or development of water or associated land resources, and to sponsor cooperative action in connection with the foregoing

"(E). In its discretion and at any time during or after the formulation thereof, to review and to comment upon any plan or program of any public or private agency or organization relating to stream pollution or the utilization, conservation or development of water or associated land resources.

"(F)(1). To make, and, if needful from time to time, revise and to recommend to the signatory bodies, reasonable minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the Conservancy District, and also for cleanliness of the various streams in the Conservancy District.

"(2). To establish reasonable physical, chemical and bacteriological standards of water quality satisfactory for various classifications of use. It is agreed that each of the signatory bodies through appropriate agencies will prepare a classification of its interstate waters in the District in entirety or by portions according to present and proposed highest use, and for this purpose technical experts employed by appropriate state water pollution control agencies are authorized to confer on questions relating to classification of interstate waters affecting two or more states. Each signatory body agrees to submit its classification of its interstate waters to the Commission with its recommendations thereon.

"The Commission shall review such classification and recommendations and accept or return the same with its comments. In the event of return, the signatory body will consider the comments of the Commission and resubmit the classification proposal, with or without amendment, with any additional comments for further action by the Commission.

"It is agreed that after acceptance of such classification, the signatory body through its appropriate state water pollution control agencies will work to establish programs of treatment of sewage and industrial wastes which will meet or exceed standards established by the Commission for classified waters. The Commission may from time to time make such changes in definitions of classifications and in standards as may be required by changed conditions or as may be necessary for uniformity and in a manner similar to that in which these standards and classifications were originally established.

"It is recognized, owing to such variable factors as location, size, character and flow and the many varied uses of the waters subject to the terms of this compact, that no single standard of sewage and waste treatment and no single standard of quality of receiving waters is practical and that the degree of treatment of sewage and industrial wastes should take into account the classification of the receiving waters according to present and proposed highest use, such as for drinking water supply, bathing and other recreational purposes, maintenance and propagation of fish life, industrial and agricultural uses, navigation and disposal of wastes.

"ARTICLE III

"For the purpose of dealing with the problems of pollution and of water and associated land resources in specific areas which directly affect two or more, but not all, signatory bodies, the Commission may establish Sections of the Commission consisting of the Commissioners from such affected signatory bodies: *Provided, however,* That no signatory body may be excluded from any Section in which it wishes to participate. The Commissioners appointed by the President of the United States may participate in any Section. The Commission shall designate, and from time to time may change, the geographical area with respect to which each Section shall function. Each Section shall, to such extent as the Commission may from time to time authorize, have authority to exercise and perform with respect to its designated geographical area any power or function vested in the Commission, and in addition may exercise such other powers and perform such functions as may be vested in such Section by the laws of any signatory body or by the laws of the United States. The exercise or performance by a Section of any power or function vested in the Commission may be financed by the Commission, but the exercise or performance of powers or functions vested solely in a Section shall be financed through funds provided in advance by the bodies, including the United States, participating in such Section.

"ARTICLE IV

"The moneys necessary to finance the Commission in the administration of its business in the Conservancy District shall be provided through appropriations from the signatory bodies and the United States, in the manner prescribed by the laws of the several signatory bodies and of the United States, and in amounts as follows:

"The pro rata contribution shall be based on such factors as population; the amount of industrial and domestic pollution; and a flat service charge; as shall be determined from time to time by the Commission, subject, however, to the approval, ratification and appropriation of such contribution by the several signatory bodies.

"ARTICLE V

"Pursuant to the aims and purposes of this compact, the signatory bodies mutually agree:

"1. Faithful cooperation in the abatement of existing pollution and the prevention of future pollution in the streams of the Conservancy District and in planning for the utilization, conservation and development of the water and associated land resources thereof.

"2. The enactment of adequate and, insofar as is practicable, uniform legislation for the abatement and control of pollution and control and use of such streams.

"3. The appropriation of biennial sums on the proportionate basis as set forth in Article IV.

"ARTICLE VI

"This compact shall become effective immediately after it shall have been ratified by the majority of the legislature of the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and by the Commissioner of the District of Columbia, and approval by the Congress of the United States: *Provided, however,* That this compact shall not be effective as to any signatory body until ratified thereby.

"ARTICLE VII

"Any signatory body may, by legislative act, after one year's notice to the Commission, withdraw from this compact."

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1114), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The above amendment has been recommended by the Department of the Interior in its report on Senate Joint Resolution 67 and in that report states as follows:

"The Secretary has accepted as Federal standards, with some reservations, the water quality standards adopted by the four basin States and the District of Columbia for the interstate waters of the basin, pursuant to section 10 of the Federal Water Pollution Control Act, as amended. In our judgment, it would cause duplication, confusion, and delay in the implementation of enforcement conference recommendations and the achievement of water quality standards if the Interstate Commission on the Potomac River Basin were empowered to establish water quality standards. However, we approve the Commission's continued efforts to encourage and coordinate the activities of the signatories aimed at achieving and maintaining the highest possible standards of quality for all of the waters of the basin.

"We therefore recommend, in addition to the general proviso now in the consent legislation, which reserves the rights and jurisdiction of the United States in and over the region which forms the subject of the compact, that a further proviso be added to exclude expressly from the consent of Congress section (F)(2) of article II of the amended compact.

"We understand that the interstate commission would not object to the withholding of consent from this proposed amendment to the compact, since the amendments were developed before the enactment of the Water Quality Act of 1956, and the establishment of water quality standards would not be an appropriate commission activity under present circumstances."

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The Interstate Commission on the Potomac River Basin indicates in its report that it has no objection to the amendment recommended by the Department of the Interior.

STATEMENT

The legislatures and the Governors of the signatory States to this compact, Maryland, Virginia, Pennsylvania, West Virginia, and the Board of Commissioners of the District of Columbia, have approved this compact and such enabling acts are contained in the files of the committee.

The Interstate Commission on the Potomac River Basin has a long and very useful history of accomplishment in water pollution abatement, dating back to 1940. When plans were being made in the late thirties for the commission, some supporters urged a water resources compact not limited to pollution abatement. However, the majority felt that water pollution conditions were so critical that the commission should be quickly established to concentrate on pollution and that a broadened compact should come later.

In view of the growing complex of and seriousness of the water problems of today in the Potomac, the signatories have agreed that now it is necessary and desirable to broaden the authority of the compact. In summary, the proposed revision of the compact would achieve the following:

First. It would expand the commission's responsibilities and scope of operations so it may function in the area of water and associated land resources. At present, its authority is restricted to water pollution abatement.

Second. It will authorize the commission to cooperate, assist, and provide liaison for and among public and nonpublic agencies in the formulation and coordination of plans, programs, and other activities relating to stream pollution or to the utilization, conservation, or development of water and associated land resources.

Third. It will authorize the commission to review and comment on any plan or program of any public or private agency or organization relating to stream pollution or the utilization, conservation, or development of water or associated land resources.

Fourth. It will remove the present $30,000 ceiling on the total sum of annual contributions by the signatory bodies, and base the pro rata contribution of each body on such factors as population, the amount of industrial and domestic pollution, and a flat service charge which the commission can levy from time to time subject to the approval of the signatory bodies.

Fifth. It authorizes the commission to establish reasonable standards of water quality as developed by the responsible signatory bodies.

There are many problems that still remain to be solved in the Potomac and its tributaries. Acid mine drainage in the North Branch of the Potomac, sediment in all parts of the basin, land runoff, both rural and urban, and nutrient control represent some of the major challenges. Both critical water supply problems and flood control will require basinwide leadership for their solution.

The Potomac River has always had a prominent place in our Nation's history and geography. Our forefathers found it a stream of great charm and unmeasured usefulness. The States of the Potomac Basin—Maryland, Virginia, West Virginia, and Pennsylvania, and the District of Columbia—by unanimously seeking a more comprehensive compact, are demonstrating their commitment to future generations that the Potomac's natural values will be restored.

The committee has received, in addition to the reports of the Department of the Interior and the Interstate Commission on the Potomac River Basin, reports from the Office of the Attorney General, a further report from the Interstate Commission on the Potomac River Basin, and reports on Senate Joint Resolution 188 of the 90th Congress, which is an identical bill, from the General Counsel of the Department of Commerce, the Department of the Army, and the Government of the District of Columbia, all of which are hereto attached and made a part hereof.

A review of the entire situation as regards the Potomac River compact leads to the conclusion that these amendments are most desirable and necessary. The changes in the compact as set forth earlier in this statement broaden the compact so that the commission created thereunder may more efficiently program and take care of the needs of the Potomac Basin relating to stream pollution, utilization, conservation, development and water, and associated land resources in the conservancy district.

The committee concurs in the recommendations of the Department of the Interior in regard to withholding consent of the Congress to section (F)(2) of article II of the amended compact. It is therefore recommended that the joint resolution, Senate Joint Resolution 67, as amended, be considered favorably.

BILL PASSED OVER

The bill, S. 3529, for the relief of Johnny Trinidad Mason, Jr., was announced as next in order.

Mr. KENNEDY. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

MRS. LEONARDA BUENAVENDURA OCARIZA AND DAUGHTER, LUCILA B. OCARIZA

The Senate proceeded to consider the bill (S. 3032) for the relief of Mrs. Leonarda Buenavendura Ocariza and daughter, Lucila B. Ocariza, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Mrs. Leonarda Buenavendura Ocariza and her daughter, Lucila B. Ocariza, shall be held and considered to be within the purview of section 203(a)(2) of that Act and the provisions of section 204 of the said Act shall not be applicable in these cases.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1112), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to preserve second preference status in behalf of the widow and child of a lawful permanent resident of the United States. The bill as introduced would have granted the beneficiaries permanent residence in the United States. However, the committee feels that the appropriate relief would be to preserve the status to which they would have been entitled were it not for the death of the husband and father.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio (Mr. YOUNG) is now recognized for 15 minutes.

Mr. KENNEDY. Mr. President, will the distinguished Senator from Ohio yield to me briefly, without losing his right to the floor or any of his time?

Mr. YOUNG of Ohio. I am happy to yield to the Senator from Massachusetts.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Indiana (Mr. BAYH) today, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRAISE FOR SENATOR PROXMIRE'S COURAGEOUS FIGHT AGAINST PENTAGON WASTE OF TAXPAYERS' MONEY

Mr. YOUNG of Ohio. Mr. President, all the Pentagon press agentry in the world cannot hide the fact that billions of taxpayers' dollars are sacrificed annually to satisfy the whims and caprices of the military-industrial complex and the Department of Defense.

The American people are justifiably disturbed by our distorted budget priorities which place tremendous sums of money to build and make operational a supersonic plane for the jet set above desperately needed funds for hospitals, schools, homebuilding, eliminating slums, and providing gainful employment in our own country.

An indication of growing national concern can be found in the letters to the editor sections of our newspapers and magazines. Recently, one such letter came to my attention. It was written by Jerry Voorhis, of California, a dedicated American and a personal friend with whom I served years ago in the House of Representatives. Mr. Voorhis focuses particular attention on the fight that our distinguished colleague, the senior Senator from Wisconsin (Mr. PROXMIRE), has been waging over the years against unnecessary Defense Department spending and waste.

Mr. President, I hold in the highest admiration Senator PROXMIRE's continuing efforts to end wasteful and unnecessary expenditures of the Department of Defense. Jerry Voorhis very properly lauds Senator PROXMIRE for his courageous and tremendous Senate speeches and writings denouncing waste and unbelievable profiteering of the Department

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of Defense and of the military-industrial complex.

Mr. President, it is astonishing that our Defense Department is maintaining in its employ some 6,000 public relations men who do nothing more than act as lobbyists to persuade, or compel, the Congress and the public generally to boost and increase the Pentagon's annual budget which presently amounts to nearly $80 billion. No doubt some billions of dollars in this huge total are there due to the operations of these Pentagon public relations men. I suspect this unnecessary spending of the Department of Defense is escalated and increased just before appropriations bills are considered in the Congress by a steady stream of frightening news releases prepared and issued by these Pentagon public relations men exaggerating alleged nuclear achievements of Communist China and the Soviet Union in an effort to frighten American people by downgrading our military power and nuclear capabilities and falsely alleging nuclear threats from the Soviet Union which do not in fact exist. The purpose of this is that newspapers and the military-industrial complex will alarm our citizens and in turn furnish added ammunition to "warhawks" in the Congress.

Mr. President, I ask unanimous consent that this letter of Jerry Voorhis published in Chicago Today of July 31, 1970, be inserted in the RECORD at this point as part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PENTAGON'S BILLIONS

Today deserves a medal of honor for publishing Sen. Proxmires courageous articles about waste, unbelievable profiteering, and ardent devotion to a never-ending arms race in the Pentagon.

And while Congress is being accused, quite falsely, of causing inflation because it appropriates money for hospitals, schools and houses, it is well to remember that those appropriations are peanuts compared to the $60 billion the Pentagon gets.

A chunk of this is used to hire some 6,000 "public relations" men to lobby Congress and the public so as to boost the $80 billion. Nor should we forget the $4 billion planned to be spent on a supersonic airplane so some fools can get to Paris quicker or the $3 billion plus a year spent on moondoggling.

The administration vetoes money for schools and hosiptals. But it vigorously supports the Pentagon, the supersonic airplane and the moon.

We need to keep things in decent perspective.

JERRY VOORHIS.

BONN-MOSCOW TREATY—STEP TOWARD WORLD PEACE

Mr. YOUNG of Ohio. Mr. President, peace-loving people throughout the world today have new grounds for optimism and hope. Foreign Ministers Walter Scheel of West Germany and Andrei Gromyko of the Soviet Union have reached final agreement following extended negotiations on a momentous nonaggression treaty between the West German Republic and the Soviet Union. This agreement between these two of Europe's most powerful nations—nations which have experienced viciously hostile relations toward each other in the past—is an important landmark on the path toward international harmony and permanent peace.

Historically Russia has seldom been an aggressor against European nations. Russians have proven many, many times to be great defensive fighters in the world when their motherland has been invaded by forces of other European nations — British, Germans, French. Throughout the 18th and 19th centuries, Russian peasants and leaders suffered aggression and the loss of many thousands of lives during invasions by forces of Teutonic allies.

The Emperor Napoleon of France suffered the loss of his grand army in invading the Russian homeland. The Russians fought valiantly in many battles and even burned their beloved capital city, Moscow, rather than abandon it to the French following the battle of Borodino where Napoleon's army suffered tremendous losses before the Russians retreated. Then the Russian czar refused to make peace. Napoleon's army retreated from Moscow during the bitter winter weather, while Russian soldiers harassed and decimated his rear guard. He finally escaped to Paris in a phaeton with but a few attendants. The French Emperor Napoleon and his so-called grand army composed of the flower of French generals and army corps, along with allies he conscripted from conquered European nations—Austria, Prussia, Italy, and other countries—were destroyed in the 1812 invasion of Russia.

Again in 1854 the Armed Forces of Great Britain and of the French Empire invaded Russian territory in the Crimean War. The Russians won renown as defensive fighting men throughout that war.

In World War I and again in World War II, the German war machine invaded Russia. Their invasion in the First World War disclosed the corruption of the czar and the Russian nobles who controlled the Empire and neglected to maintain its forces, and to supply them with arms, ammunition, and transport. Their defenseless armies were crushed, and the revolution swept away the czar and the nobility. The people of Russia took over their own government.

In World War II Hitler, following his easy conquest of France, invaded the Soviet Union with millions of his soldiers and with soldiers of his Italian and Austrian allies. We should not forget that in the end the ground forces of the Soviet Union and their airpower crushed the German Armed Forces in Russia, captured one of its great armies, and finally joined our armies at the Elbe, completely surrounding the Germans. The armed might of the Soviet Union did not stop until it had blasted its way through Germany to Berlin. All Americans have every reason to be proud and thankful that the Soviet Union was our ally against Hitler's aggresssion.

It is well for all Americans to remember that 10,500,000 men of the Armed Forces of the Soviet Union were killed in combat or died of wounds in World War II. In addition, more than 1 million Russian Jews were exterminated by the Nazis in that war. More than 20 million Russian peasants, civilians—men, women, and children—were killed by German soldiers. Also in that same period, Hitler's soldiers overran Poland and Yugoslavia. Of the Polish and Yugoslav Armed Forces more than 2,300,000 were killed, wounded, or missing. More than 4,200,000 civilians were killed. And Hitler exterminated 4,500,000 Jewish civilians—men, women and children.

In agreeing to the nonaggression treaty officials of West Germany and the Soviet Union mutually renounced the use of force in future relations between the two countries. In addition, their leaders made a joint agreement to respect the territorial integrity of all European states with their existing borders as determined following the end of World War II.

This historic agreement opens the way to significant improvement in West Germany's relations with the Soviet Union and other members of the Warsaw Pact—the East European defense organization. One West German spokesman hailed the treaty as "the starting point for further cooperation."

Following months of conferences, the Foreign Minister of West Germany, Walter Scheel, and Andrei Gromyko of the Soviet Union produced a "renunciation of force" treaty. This treaty, signed by top representatives of the two Governments, provides in simple, direct language that the boundaries provided at the end of World War II are recognized as permanent boundaries and that the status quo in Europe, including the Polish-West German boundary along the Oder-Neisse line, is recognized as permanent. Trade, commerce, and diplomatic ties between the Governments and the East German regime of Walter Ulbricht are recognized. For European security there is a nonaggression agreement between West Germany and the Government of the Soviet Union with potentially lucrative economic arrangements between the Bonn government of West Germany and the Soviet Union.

The Government of West Germany has received Soviet Union guarantee that the reunification of West and East Germany sought by citizens and officials on both sides of the Berlin Wall will not be interfered with. It is hoped and expected that there will be German ratification of this pact in the Four Power Talks on Berlin due to resume this September.

Mr. President, this momentous Bonn-Moscow accord should make more clear than ever the folly of the United States maintaining huge armed forces in West Germany. It is absurd and an outrage against American taxpayers that more than a quarter of a century after World War II, the United States continues to maintain 320,000 troops and nearly 290,000 dependents in Western Europe.

Americans should know that at this time 125 generals, of course, with their families, are enjoying the good life in West Germany and other European countries. It is astonishing that 72 of the 125 generals are enjoying the good life in West Germany. Also, a total of 8,000 field grade officers are presently in Europe. More than one-half of these enjoy luxurious living with their families in West Germany, prolonged vacations on the French Riviera and in Spain and

Italy, plus skiing in Switzerland and northern France.

Throughout the past 24 years the United States has increased its military might by fantastic claims of an international Communist conspiracy allegedly by Communist China and the Soviet Union. With the recognition that there is no longer even a hint of a monolithic Communist conspiracy to conquer the world, the last vestige of reason for us to maintain armed forces in Western Europe has ceased to exist. Furthermore, Americans have reason to feel outraged that their President is sending thousands of draftees to fight in Vietnam following basic training of 4 months when seven divisions of highly trained, largely professional career officers and enlisted men are living the good life in West Germany. The officers from captain up to the generals never had it so good. They are living high on the hog with their wives and youngsters, with servants to spare, and enjoying their Mercedes automobiles, skiing in France, Norway, Sweden, and Switzerland, and traveling by air and automobile to the various spas and famed vacation areas in Italy, Spain, and elsewhere. Many of the noncommissioned officers, the backbone of our Army, are living in Western Europe—West Germany, Belgium, and elsewhere—like squawmen with their families. If there were a sudden grave emergency—a sudden invasion on the ground and in the air—one wonders if sergeants and other enlisted men with wives and children would consider their welfare and safety ahead of his Army duties. If we really need to maintain thousands of fighting men in Europe to protect the United States, then the term of duty should be no longer than 13 months; and no dependents.

Our balance-of-payments deficit constantly increases, while the West German mark has become one of the world's strongest currencies, considered more sound than the U.S. dollar. Why? In part because of our massive military presence in West Germany and elsewhere in Europe, together with the expenditures of billions of dollars for these forces, and the huge expenditures made over there by their wives and families. More than 100,000 civilians of West Germany and other European countries are employed at high wages in connection with our military presence on the continent.

The truth is, this administration is engaging in foreign aid and giveaways to West Germany—the third wealthiest nation in the entire world. Also, to other prosperous European countries including Belgium, Luxembourg, and Spain. This is really national insanity on our part.

New realities, which should have been faced in the 1960's, must certainly be recognized in 1970. There is no justification whatever for the United States to maintain in Europe any armed forces except liaison officers, some headquarters officers in Belgium and some Air Force and logistic support in West Germany, principally to show the flag. Our Government should bring home at least 200,000 ground troops from Europe and an equal number of dependents by September 30 of this year.

During the last few years the Soviet Union has withdrawn from Eastern Europe more than approximately 12 armored divisions of its Armed Forces. Most of these soldiers along with other ground forces of the Soviet Union are now stationed along the 6,500-mile common border separating the Soviet Union and Communist China. There has been fighting and bloodshed and the Russians have invaded sections of Mongolia slicing off Chinese territory. The border clashes are becoming more frequent. Possibly a war is imminent between the huge Communist nations China and the Soviet Union.

That "monolithic Communist conspiracy," which has served as the excuse for so many of our foreign policy blunders, no longer exists. The Russian-Chinese disputes threaten to explode into full-fledged war. It is well known that Rumania, Yugoslavia, and other Communist nations in Eastern Europe are considerably further from Soviet domination than they were 10 or 15 years ago. Very definitely, Hungary, Yugoslavia, and Rumania are not dependent on the Soviet Union nor are they, in fact, satellites of the Soviet Union. They are nationalist Communist countries.

It is clear that our Secretary of Defense and the generals of our Joint Chiefs of Staff continue to view the world through spectacles of the 1945 era, when a weak Western Europe faced a dynamic expansionist, cynical Soviet Union under Joseph Stalin. Following the death of dictator Stalin, the threat of invasion became more and more remote. President Nixon has emphasized the fact that the era of the "cold war" between our Nation and the Soviet Union no longer exists.

Mr. President, we should awaken to the fact that the nations of Western Europe no longer suffer from the economic prostration, military weakness, and political instability that characterized them when their cities and industries were lying in rubble more than a quarter of a century ago. Today, West Germany has become an economic superpower, the third wealthiest nation in the world.

Today, more than 220,000 American troops are stationed in West Germany alone. We are spending nearly $15 billion a year to support our NATO forces. In addition, we are paying 70,000 German nationals one-quarter of a billion dollars of American taxpayers' money each year to provide services for our troops stationed in the West Germany Republic. This does not include the vast sums spent in Germany by dependents of the American forces.

The tremendous cost to our taxpayers in maintaining 320,000 men of our Armed Forces in Western Europe and approximately 290,000 dependents and in addition more than 100,000 civilian employees has been increasing year after year. All of this unnecessary expenditure of billions of dollars has resulted in huge balance-of-payments deficits year after year. This has threatened the stability of our dollar.

The nations of Western Europe can certainly provide the necessary troops and air forces to defend themselves. It is ridiculous to believe that the 280 million people of Western Europe, with tremendous industrial resources and long military experience, are incapable of defending themselves against 240 million Russians. This at a time when the Russians are engaged in sporadic warfare with 800 million Chinese.

There is no reason for Europe to depend on us. Since the death of Stalin, the Soviet Union is no longer an aggressive threat to our NATO allies. The leaders of the Kremlin during the past 10 years have been intent on raising the standard of living of their own people. The Soviet Union, now a "have" nation, no longer a "have not" nation, is veering toward capitalism.

It may well be that the overwhelming presence of American military power in the past quarter century has foreclosed promising avenues of European development. It has prevented West European countries from developing their own military defense system to the extent they probably would have done otherwise. It has encouraged them to remain encased in the cradle of dependency.

The United States should leave only a strategic reserve in Western Europe. Our massive military presence in Western Europe has become merely foreign aid to the European countries—needless foreign aid costing taxpayers billions of dollars. The nations of Western Europe can unquestionably provide the necessary troops to defend themselves. There is no reason for them to depend on us.

Moreover, the United States has 656 missiles in Polaris submarines, more than 1,200 ICBM's and some 650 intercontinental bombers. It is this nuclear umbrella that provides the real protection for Europe, not excessive numbers of ground troops.

Mr. President, we must emerge from the dark shadows of the 1940's to the reality of the 1970's, close down our unnecessary military installations and make a sincere effort to solve the challenging crises facing us here at home. This would be a major step toward creating an international climate conducive to peace.

West Germany and the Soviet Union have indicated through their historic agreement a realization that armed might is not a satisfactory means of achieving peace. The United States would make a substantial contribution to world harmony by reaching the same conclusion and by withdrawing our armed forces from Western Europe without delay.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the able Senator from Indiana is recognized for not to exceed 45 minutes.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT—REPORT OF A COMMITTEE—INDIVIDUAL, SEPARATE, AND MINORITY VIEWS (S. REPT. NO. 91-1123)—ADDITIONAL COSPONSORS OF SENATE JOINT RESOLUTION 1

Mr. BAYH. Mr. President, from the Committee on the Judiciary, I report favorably, with an amendment, the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Michigan (Mr. GRIFFIN), the separate views of Senators GRIFFIN and TYDINGS, and the minority views of Senators EASTLAND, MCCLELLAN, ERVIN, HRUSKA, FONG, and THURMOND.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The report will be received and the joint resolution will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Indiana.

Mr. BAYH. Mr. President, I ask unanimous consent that at this printing the names of the Senator from Tennessee (Mr. BAKER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of Senate Joint Resolution 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I also ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 681, and that it be placed on the calendar.

I have discussed this matter with the Chairman of the Senate Committee on the Judiciary. It is a companion House joint resolution to Senate Joint Resolution 1, which Chairman CELLER and ranking minority Member MCCULLOCH have cosponsored in the House. Out of deference to their prestige and seniority, I ask unanimous consent that it be placed on the calendar at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAYH. Mr. President, today marks another milestone in an effort almost 200 years old—the effort to abolish our outdated and dangerous electoral college system.

Since the very beginning of our Nation, we have recognized the perils involved in a system that leaves the choice of a President to a group of independent electors, men whose freedom to disregard the will of the people is actually guaranteed by the Constitution. We have recognized the inequities in a scheme that allocates all of a State's electoral votes to the candidate who wins a popular vote plurality in that State—regardless of whether that plurality is 1 vote or 1 million votes. We have recognized the grave risks that the will of the people can easily be thwarted—either by the strange arithmetic of the electoral system or by the treacherous deeds of a few power brokers in the event no candidate could secure a majority of electoral votes.

Having recognized these blatant inadequacies, however, we have yet to correct them. Repeatedly, in the past, we have failed to achieve agreement as to the most desirable route to reform. There was always near-unanimous agreement as to the need for reform, but little consensus as to what particular type of reform.

We saw the need for reform in the near tragedy of 1968, when this country came within 42,000 votes of not electing any man President. If there had been a small change in three States or a change of less than one and a half percent of the popular vote in California, neither Mr. Nixon nor Mr. Humphrey would have had a majority of the electoral votes. The decision would have been then thrown to the third party candidate who, the record discloses, had 46 electors, most of whom had signed a pledge to do his will. He would have been in the driver's seat, so that he could have gone from one candidate to the other, saying, in essence, "Gentlemen, what is your bid to be President of the United States?"

I do not say that in derogation of the third party candidate, who would have been doing what the Constitution gives him a right to do. The question we have to ask is, Is this the way for the people in the world's most powerful democracy to elect their leaders?

We have seen a proliferation of support for the various types of proposals for change. Today this support continues, just as it has in the past. However, we are on the verge of achieving that long-sought-after national consensus. We see increasing support for the proposal embodied in Senate Joint Resolution 1, which has been reported to the Senate, and in the House companion joint resolution.

We are on the verge of eliminating one of the most imminent threats to the continuity and stability of American Government. We are on the verge of abolishing the outmoded electoral college system—and replacing it with direct popular election of the President. It is an effort to substitute popular choice for political chance.

This vital reform has achieved the most universal support and enthusiastic endorsement ever accorded a proposal for revising the antiquated electoral college. It is supported by the American Bar Association, the Chamber of Commerce, the National Association of Small Business, and the National Federation of Independent Business. It is also supported by the League of Women Voters, the AFL-CIO, and the UAW. Needless to say, this is a remarkable combination of supporters.

Direct popular election is supported by more than 80 percent of the American people, according to several polls that have been conducted.

Mr. President, in these troubled and critical times, I believe that is indeed a remarkable consensus on a major issue of public policy.

Direct popular election was supported by 65 percent of the legislators responding to a recent poll of the legislators of the 27 States thought least likely to approve of direct election.

I should say that our distinguished Republican whip, who initiated that poll, provided a great service to the Senate, and indeed to the Congress and the country, in wiping out the concern that a few people had about the possibility of ratification of direct election by the State legislatures.

In September of last year, the House of Representatives passed a direct popular election amendment by the lopsided margin of 339–70. That is an incredible show of strength, revealing the strong grassroots support direct election must have throughout the country.

With the filing of this report endorsing, by an 11-to-6 vote, the passage of Senate Joint Resolution 1, today we take another historic step on the road to reform. We are reporting the measure in a form identical to that passed by the House, with but one exception. The Senate amendment provides that direct election will go into effect 1 year after the April 15 following ratification rather than the January 20 date of the House resolution. This change provides some possibility—albeit a slim one—that direct popular election could be ratified by the States in time to be in effect for the 1972 election.

Mr. President, we face a very difficult struggle to secure Senate passage of Senate Joint Resolution 1. I wish I could say that victory was at hand, but at this time I admit to an uphill fight ahead. Frankly, I welcome it.

I hope our colleagues will read and consider the views set out in this report. I hope they will analyze the thousands of pages of hearing records that have been compiled since we began a study of the electoral college almost 5 years ago. I hope they will study the arguments made by both sides during the debates ahead. I am confident that when the question of electoral reform is analyzed on its merits, direct popular election will be found far and away the most necessary, the most desirable, the most effective reform.

Now is the time for action. And it is the Senate's turn to act. The people of the United States wil no longer put up with the electoral college. They want electoral reform. They want direct popular election of the President. They want the right to make this choice themselves. I hope we will act promptly and decisively to end the threat of electoral misfire now and for all time.

Mr. President, I might make an additional observation, too. First of all, I hope that our colleagues in the Senate, as they read the report, will recognize that with this major constitutional change, we are confronted, as in the passage of any other constitutional amendment, or any other law, with the possibility that men at some future date will try to distort the basic thrust of the legislation for their own personal gain.

Mr. President, the direct election proposal is not a perfect proposal. I know of no perfect law, because it always depends upon the honesty, the integrity, and the sincerity of those charged with the responsibility of administering it.

However, as Senators read these two reports, the majority report and the minority report, I hope that they will weigh the possibility of misfire under the direct election system against the possibility of misfire under any of the other well-intentioned alternatives that have been proposed.

There have been several concerns expressed by learned citizens throughout the country as to what will happen un-

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der a new system. I think each of these possibilities has to be weighed against what has happened and could happen under the present system, and under any of the other well-intentioned alternatives.

The possibility of fraud has been raised. Indeed, there is not a Member of this body who does not know that there are unscrupulous souls throughout the country who would like to distort any system to work their will. We must be careful that this does not happen. But I would suggest that a careful study of the reports will show, in my opinion, that the possibility of fraud would be less under the direct election proposal than under the system we now follow. A few fraudulent votes, under the present system, can result in casting an entire State's electoral vote for one candidate or the other. For example, in our most populous State, California, which has 40 electoral votes, a few fraudulent votes in a close race could throw the entire vote of California behind candidate X. Thus a few thousand fraudulent votes in one State would swing 15 percent of the votes necessary to elect a candidate as President of the United States. That impact would be infinitely greater than the impact 1,000 or 10,000 fraudulent votes would have if they had been commingled with approximately 70 million popular votes nationwide.

I would suggest that the incentive to become involved in fraud would be significantly less under a direct popular vote system. Also, I might add, the best way to prevent fraud is to watch the precinct, to watch the voting booth. Under a direct popular vote system, there is a greater incentive to watch each voting booth, and to make sure as many votes are cast as legally possible, no more and no less. The direct popular vote system is the only plan which really counts every vote, and which gives to each party the incentive to see that as many votes as possible are cast in each precinct in the country.

Under the present system, we know that if you lose a State by one vote, you might as well lose it by a million. If you know you are going to lose it, there is very little incentive to try to lessen the size of the loss. The converse is also true; if you know you are going to win a State by half a million, there is no incentive to try to win it by 750,000.

That is not true, let me suggest, under a direct popular vote system, because in that system we know that every vote cast is counted. If you win by a landslide and yet are able to add 100,000, or 10,000, or 10 votes to the count, your party is going to receive credit; and the same is true if you are going to be defeated. Why sit still and be defeated by 500,000, when you can whittle the margin to 300,000?

So I think, in addition to closer following of the precinct by each party to make sure that there are not some of these shenanigans going on, we would also see an increased degree of political activity in some of those precincts, States, and regions which have heretofore had a one-party political structure. The direct popular vote system would create an incentive for a two-party system with vigorous, active party organizations.

Mr. President, I do not intend to extend my remarks excessively. I think perhaps I should make one additional observation. We now have before the Senate a measure which, if passed by the House and if successful, would provide the 26th amendment to the Constitution, and would reform our electoral college system. The House of Representatives recently passed and the Senate leadership put directly on the calendar without its going to the Committee on the Judiciary, another proposed constitutional amendment. If it is passed and ratified, it would be the 26th or 27th amendment to the Constitution, if both of them are ratified—as I frankly hope they will be.

There is yet another measure which I am concerned about: namely, the effort to try to give the citizens of the Nation's Capital a voice in Congress. That, too, if it were passed, would result in an amendment to the Constitution. There is yet another possible measure which the Subcommittee on Constitutional Amendments has reported out, as our distinguished present Presiding Officer (Mr. Byrd of West Virginia) and our assistant minority leader realize, dealing with the lowering of the voting age. The question now before us, of course, is whether to proceed with it, because of the court tests which will be involved relative to the validity of a statute which has already passed.

I would ask my fellow Senators to consider all of these measures carefully, and on their merits. I think it is extremely important that we have action, that we show the people of this country that our system is able to purge itself of some of the inequities which exist. For example, some of the ladies in the country are not able to obtain equal jobs with their male counterparts, although they have equal talents. They are not able to obtain equal and adequate education compared to male students, and they are not able to go into business without going through additional legal steps not required of male citizens. I think it is important for us to wipe away these inequities, and also to show that, in our electoral process, we can have meaningful reform, and that we can give a voice to some 700,000 or 800,000 citizens in this country who now have no voice in establishing national policy which directly affects them and their sons and daughters.

But, Mr. President, I hope we will be very careful to proceed in a manner which will insure the success of each measure on its own merits. We must not do anything which would deter one or the other from being passed. I know it is difficult to decide how we should proceed, but I hope we will continue to keep the channels of consultation open.

I hope the Members of this body, those present and those not present, will continue to share their thoughts with the Senator from Indiana, who, as chairman of the Subcommittee on Constitutional Amendments, happens to be in the midst of these proposals for constitutional revision. I think these measures are important, and I hope we will be able to work together toward achieving success in all these proposed reforms. I think the Nation is watching us, to see whether this effort is viable or not. I think it is, but time alone will tell.

Mr. GRIFFIN. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I am glad to yield to my friend from Michigan. As I mentioned a moment ago, we are indebted to him for the policy he initiated, which gives us a better perspective of what the State legislatures will do. The Senator from Indiana had been suggesting that this was the case for some time, but I must say I was acting on a visceral feeling rather than the scientific evidence our distinguished colleague from Michigan has presented.

Mr. GRIFFIN. I have listened attentively and followed with interest the statement of the distinguished Senator from Indiana as he presented the report today on the resolution calling for a constitutional amendment to achieve electoral reform. Certainly this is an important day in the Senate and in Congress as we finally arrive at this stage in the process of amending the Constitution. The Senator from Indiana deserves great credit for his leadership in reaching this important step.

As he has indicated, the junior Senator from Michigan is a cosponsor of the reported resolution. Yet, I wish to note that, along with some other members of the committee, I believe I see ways in which this resolution could be improved. Many times, those of us in this body are confronted with situations when we support and vote for measures even though we do not agree 100 percent with every provision and sentence in a piece of legislation. In this instance, as in some others, the overall objective is so important that I am willing to go along to achieve that objective despite the fact that there are features about the measure with which I am not quite satisfied.

I point in particular to the runoff provision included in the reported resolution, providing that if no candidate in an election for President receives 40 percent of the popular vote, a runoff election will be held. Many serious students of this problem believe that the runoff provision would encourage third parties and would weaken the two-party system. I recognize, also, that there are serious students who say just the opposite.

The Senator from Maryland (Mr. Tydings) and I offered in the committee—and have referred in our separate views to—an amendment which would do away with the runoff provision and provide, instead, for an alternative procedure when no candidate received 40 percent of the popular vote. Our amendment provides that, in the event no candidate received 40 percent of the popular vote, we would then look to the electoral vote.

The electoral vote would be tabulated without the intervention or existence of any electors, to see if one of the candidates had received a majority of the electoral votes.

It will be recalled that when Abraham Lincoln became President, he received less than 40 percent of the popular vote, but, nevertheless, received a majority of the electoral vote.

Our proposed amendment provides for a further step in the event no candidate received 40 percent of the popular vote and no candidate received a majority of the electoral votes. In that event the President would be selected from between the two top candidates receiving the most votes, by a joint session of Congress, with each Senator and each Representative having one vote. Thus, our amendment would do away with the need for a runoff election.

I have the strong feeling—and it is only a feeling—that there would be more votes in the Senate for the direct election proposal if such an amendment were added. Furthermore, if such an amendment were added I believe it would be easier to get the legislatures of three-fourths of the States to ratify the constitutional amendment.

I appreciate the fact that the distinguished chairman of the subcommittee has asked that the report and the separate views be printed in the RECORD, so that the discussion therein of these points can be read and studied by those who are interested in this subject.

Mr. BAYH. I appreciate the thoughtful words of the Senator from Michigan, as well as his careful study and his faithful support of the overall proposition that we have change and that the most important element is the first step, the direct election, the popular vote.

I have been and will continue to be as honest as I know how in expressing my feelings to the Senator from Michigan. I cannot honestly say that I support his proposal as an alternative to the runoff, but neither can I honestly say that I am unalterably opposed to it.

As the Senator from Michigan knows, when I first introduced a direct election resolution, I shared the same concerns he had; and, as a result, my original proposal had a contingency of the House and Senate joint session. So this has a certain amount of appeal.

However, the more I have studied the matter, the more I have been concerned about the number one ingredient of any electoral system today, which is credibility. The possibility of a candidate being chosen by either the House or the electoral system, when a candidate who has fewer popular votes wins or a candidate who has a relatively small percentge of popular votes wins concerns me, as to whether this man can have the credentials necessary to really have the support of the people in what he does as President.

So I hope we can thresh this matter out on the floor and let the Senate work its will. If the Senate feels that the proposal of the Senator from Michigan and the Senator from Maryland is to be preferred to the position of the Senator from Indiana, I will enthusiastically support that on the final decision in the Senate.

I think it is important for us to recognize that, whether the Senator from Michigan is right or the Senator from Indiana is right relative to the contingency provision, with the exception of the Lincoln election in 1860, we have never had a President elected who had fewer than 40 percent of the popular vote.

Perhaps we ought to take a little closer look at the Lincoln election, because if a great President such as Lincoln would not have been elected under a system, we had better say, "Now, wait a minute. Maybe we had better take another look." But even in 1860, President Lincoln, under the electoral college, got 39.76 percent of the popular vote, and he was not on the ballot in 10 States. We are going to guarantee that all presidential candidates get on the ballot. So if that had been the criterion in 1860, President Lincoln would have had more than 40 percent of the popular vote.

So let us study this matter. I again thank my colleague, the Senator from Michigan, for his willingness to study this matter and to support the general thrust, which is so important, that we come up with a way to do away with the shortcomings of the present system and come as close to perfection as we possibly can.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield.

Mr. GRIFFIN. The junior Senator from Michigan is also concerned about the fact that the resolution, as reported, contains no absolute requirement for uniform standards of voting qualifications among the several States. I hope very much, now that the Senate has decided—I believe unwisely—to fix the voting age by statute at 18 years of age, that I may be wrong in terms of my judgment as to the constitutionality of that action. I hope the Supreme Court will to able to find it constitutional. I believe strongly that any provision calling for the direct election of the President should also provide for uniform qualifications for voters. It makes no sense to me to seek to elect a President of the United States by direct popular vote of the people, and then to count the votes of 19-year-olds in some States, 18-year-olds in some States, and 21-year-olds in other States.

The whole purpose, I take it, of the direct popular election proposal, is to assure that the vote of each person will be equal to the vote of every other person throughout the United States.

We would have an unfortunate situation, I suggest, if the Supreme Court should strike down the statute passed by Congress trying to provide for 18-year-olds to vote, and in the meantime, we should have approved this electoral reform proposal without inclusion of such a provision.

Mr. President, while I have the floor, I ask unanimous consent to have printed in the RECORD a number of newspaper articles and editorials commenting on the amendment to the resolution proposed by the Senator from Maryland (Mr. TYDINGS) and myself.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 23, 1970]

AN ALTERNATIVE TO PRESIDENTIAL RUNOFFS

As the Senate approaches a vote on the proposed constitutional amendment for direct election of the President, all of the lesser reforms designed to abolish the electoral college appear to have been discarded. The votes in the Senate Judiciary Committee two months ago clearly indicated, as did the previous action of the House, that only the direct-election plan has a chance of enactment. But the Bayh resolution adopted by the committee is still open to amendment, and efforts to improve it will continue on the floor.

The most interesting proposal of this sort to come to our attention is sponsored by Senators Griffin and Tydings. It is designed, as were some of the amendments considered by the Judiciary Committee, as a substitute for the runoff election contemplated by the Bayh resolution in case no candidate for President should receive at least 40 per cent of the popular vote. The two senators fear, as do many others, that resort to a runoff would encourage splinter parties and political bargaining. They have tried to give additional underpinning to the two-party system and to remove all incentive for the two front runners in a multiple-candidate contest to bargain with third or fourth parties.

The Griffin-Tydings mechanism would come into operation only if no candidate should win 40 percent of the vote. In that event, it would declare the front-runner elected if he "received the greatest number of the votes cast in each of several states which in combination are entitled to a number of senators and representatives in the Congress constituting a majority of the whole number of members of both houses of the Congress . . ." This is a technical way of saying that a candidate would win if he had a majority of electoral votes even if he did not have 40 percent of the popular vote. In effect it is a bow to Abraham Lincoln, as he is the only person who has won the presidency in the past with less than 40 percent of the popular vote. Lincoln had 39.9 percent.

If no candidate could qualify either of these tests, the Griffin-Tydings formula would have the President elected by a joint session of Congress, with each member casting one vote. A special session of the new Congress elected in November would meet on the first Monday in December and make the choice from the two top candidates. No minority party candidate would still be in the running at this point—a provision deliberately intended to discourage third parties and to eliminate bargaining for the presidency.

This contingency election plan is designed to discourage its own use. If it had been in the Constitution from the beginning, no presidential election in our entire history would have been decided by Congress. While electoral votes might still be used to determine the winner in rare cases, the unfaithful elector problem would be eliminated and electoral votes could not be used to put the popular-vote loser in the White House. Congress might, in one of those rare instances in which the choice would fall to it elect the second man in the popular-vote contest, but sponsors of this proposal feel that, with the country so divided, it would be better for the minority President to start his term with a working majority in Congress.

The fate of this proposal will depend upon whether a majority in the Senate is worried about the uncertainties of possible runoff elections. If a majority is so worried, it is good to have at hand a reasonable alternative. But the differences between Senators Griffin and Tydings on one hand and the Judiciary Committee on the other should not be allowed to imperil the enactment of the direct-election amendment. The American people have indicated in many ways that they want to elect their President's by their own direct votes, and we think the Senate and then the state legislatures should lose no time in giving them that right.

[From the Traverse City (Mich.) Record Eagle, July 11, 1970]

Safeguarding the Two-Party System

Traverse City's Senator Robert P. Griffin has teamed with Senator Joseph D. Tydings of Maryland to offer a safeguard amendment to current proposals for direct election of the President of the United States.

The constitutional amendment as now structured calls for a runoff election between the two leading candidates if no candidate receives at least 40 per cent of the total popular vote. Griffin and Tydings correctly see this as a danger to the two-party system, or as a "dangerous incentive to splinter party movements," as Griffin puts it. It could lead to the wooing of third and fourth party leaders and political commitments for their support in the runoff.

The present system of requiring an absolute majority of electoral college votes for election guarantees a two-party system, since no candidate can receive such a majority if the votes are divided by a multi-party system.

The Griffin-Tydings proposal would, in effect, restore the electoral college procedure if no candidate received 40 per cent. The front-runner would be declared elected if he "received the greatest number of the votes cast in each of several states which in combination are entitled to a number of senators and representatives in the Congress constituting a majority of the whole number of members of both houses of the Congress . . ." Abraham Lincoln, for example, received 39.9 per cent of the popular vote, but an absolute majority of the electoral college votes.

Griffin-Tydings would go a step further. If no candidate could be elected by either of these methods, the winner would be determined by a vote of Congress, each member, House and Senate, casting one vote. Congress would vote in December and choose between the two top candidates.

Why go to these lengths to bolster the two-party system? Because we have seen the disastrous effects of multi-party systems in other countries, France being a notable example. When power is diffused and deals must be made between so many diverse parties to patch together a government, stability is sacrificed and sometimes there is no government at all. The present system has its faults, but they are not as great as those so visible in the splintered, weakened governments shattered by numerous minority political parties.

[From the Muskegon (Mich.) Chronicle, July 20, 1970]

Griffin-Tydings Amendment Improves Prospect for Direct Election Reform

The time is fast approaching for U.S. Senate consideration of the proposal for a constitutional amendment providing for the direct election of the president. Various other suggestions for changing our dangerous and outmoded selection method have been studied and dropped, and it is now certain that Senate action will be based on the popular vote plan.

The House voted overwhelmingly (339 to 70) for direct election, and it is to be hoped this demonstrated zeal for reform will carry considerable weight in the Senate, where up to now opposition to change has appeared to be more formidable.

We said at the time of the House vote that no system can be perfect, and that while the popular vote plan has its flaws, it is vastly superior to the present antiquated Electoral College system. The feature often cited as the major weakness of the direct election proposal is the provision for a runoff if the leading popular candidate fails to get 40 per cent of the vote.

This is seen by a number of congressmen—notably by Sens. Robert P. Griffin, of Michigan, and Joseph D. Tydings, of Maryland—as a dangerous incentive to splinter party movements. They also believe the runoff feature may prevent the measure from receiving the two-thirds majority support required to send it to the state for ratification.

The have offered a solution in form of an amendment to the direct election measure (Senate Joint Resolution 1) which strikes us as eminently sensible. They propose to eliminate the runoff feature by a provision that in the event no candidate reecived at least 40 per cent of the popular vote, but the front-runner got a majority of the electoral votes the states have under the present system, he would be elected.

In the event the front-runner did not get such a majority, the election would then be decided by a joint session of Congress, each member having one vote. The choice would be between the top two vote-getters in the popular election.

It should be noted that only the two top candidates would be in the running if the election result is to be determined by congressional vote. There would be no minority party candidate in the field. The provision gives important protection to the two-party system, removing all incentive for the front-runners in a multicandidate race to bargain with third or fourth parties.

Sen. Griffin points out that in order to gain "tremendous political leverage" under the present runoff plan "all that one or several splinter parties need do is attract 20 per cent of the popular vote. Under the direct election amendment as written, the prospect of sectional or ideological parties crassly bargaining with the major parties in the first election or the runoff becomes too real.

"Widespread cynical dealing and permanent party fragmentation may cause the disappearance of our stable two-party system as we know it today."

[From the Battle Creek (Mich.), Enquirer & News, June 13, 1970]

Dropping Electoral College Urgent—Wallace Could Exploit It

George C. Wallace's return to the pinnacle of power in Alabama has given a dramatic boost to the proposed constitutional amendment authored by Sen. Birch Bayh, D–Ind., for the direct election of the President.

A growing sense of concern is evident around the country among Republicans and Democrats alike as the full impact sinks in of Wallace's recent victory in the Alabama run-off for the Democratic nomination for governor—a victory which assures his return to that office and probably the revival of his third party movement.

All at once the danger that Wallace, the arch segregationist, can jam up the archaic method by which presidents are elected seems very real. This, in turn, is fueling a drive in support of the Bayh amendment to abolish the electoral college and provide for the popular election of the president.

There is some difference of opinion among big states and small states on this issue, but fortunately the direct election movement has not become snarled in partisan politics. Sen. Robert P. Griffin, R-Mich., the Senator minority whip, has allied himself with Bayh in this cause.

That can be counted as good news for the backers of the amendment. The bad news has to do with timing. Political observers believe it will take a combined major effort by the White House, Congressional leaders of both parties and sympathetic state administrations throughout the nation to get the amendment ratified in time for the 1972 presidential election.

And that is the date when the direct election provision may be needed most, Wallace threatened to deadlock the 1968 election. There is a strong chance he actually could pull such a thing off in 1972.

Bayh drafted the direct election amendment on the basis of many detailed legal and political studies. The subject has cropped up now and then in American political life for at least the last 100 years.

Thus, while the amendment was not designed specifically to block Wallace and his political philosophy, the Alabaman has added a sense of urgency to the question by threatening to turn the 1972 election into a horse trading operation.

Declaring that the present electoral college system constitutes "a dangerous time bomb ticking away at the heart" of the American governmental system, Bayh told newsmen the other day:

"We cannot afford to have the most important officer in the free world chosen by power brokers behind a strategy of hate and division. I urge every American to join us in the fight to enact Senate Joint Resolution 1 providing for direct popular election of the President."

A constitutional amendment must be approved by a two-thirds of each chamber of Congress and ratified by three-quarters of the states. The House of Representatives has already approved an amendment almost identical to the one offered by Bayh by an overwhelming vote of 339 to 70.

As a third party candidate in 1972 Wallace would have no chance to win election as president just as was the case in 1968, but he could decide which of the two major party candidates to put into the White House.

Wallace's strategy to cut a deal became apparent in 1968. He hoped to keep the two major candidates from polling a majority of electoral votes. However, he did not visualize letting the contest go into the House of Representatives, as the system now provides, with each state delegation casting one vote. Instead he made it clear he would keep a tight grip on the electoral votes he received and switch them to the major candidate willing to make a deal with him.

On the basis of Wallace's campaign oratory such a deal would contain strong racial overtones. A reversal of school desegregation policies could be among Wallace's demands.

What chance does Wallace have of gaining such a balance-of-power position if the present electoral process remains unchanged? In 1968 Wallace took 46 of the 538 electoral votes and his strategy fell short.

The next time he apparently intends to limit his campaigning just to the South. This could put a big dent in the Nixon Administration's "southern strategy," which Republicans insist means bring the South into the mainstream of the American two party system.

President Nixon would have been denied an electoral majority last time without the electoral support of North Carolina, South Carolina, Florida and Tennessee. The prospect of a deadlocked election would become very real if Wallace took those four states and held the five he got last time—Alabama, Arkansas, Georgia, Louisiana and Mississippi.

This would particularly be the case if the Democratic candidate in 1972 took even one of five major states carried by Nixon in 1968—California, Illinois, Indiana, New Jersey or Ohio.

While Griffin said he "whole heartedly supported the direct election concept," he and Sen. Joseph D. Tydings, D-Md., have worked out an amendment which they believe will prevent Bayh's run-off provision from encouraging the proliferation of minor parties.

Bayh's plan calls for a run-off election if no candidate receives more than 40 per cent of the popular vote. The Griffin-Tydings plan would eliminate minor party candidates re-

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ceiving less than 20 per cent of the popular vote from the run-off.

Before going immediately to a run-off arrangements would be made to see if the popular vote leader automatically would have received a majority of electoral votes under the old (system.) If so he would be declared elected.

[From the Williamstown (Mich.) Press, June 19, 1970]

KEEP ELECTORAL COLLEGE: GRIFFIN—BUT ELECT PRESIDENT BY POPULAR VOTE, HIS AMENDMENT ASKS

(By Tom Ochiltree)

WASHINGTON.—Sen. Robert P. Griffin, R-Mich., has called for a change in the pending constitutional amendment for the direct election of the President which he believes will preserve America's stable two-party system.

Furthermore, he thinks the change will increase the chances of the amendment's final adoption.

Griffin and Sen. Joseph D. Tydings, D-Md., joined forces in an effort to strike out the run-off election provision contained now in the amendment. They wanted to preserve the direct election principle but they also would keep the present state electoral vote arrangement as an emergency standby.

As approved by the House and introduced in the Senate by Sen. Birch Bayh, D-Ind., the direct election amendment would provide for a run-off election if the leading popular candidate failed to capture 40 per cent of the vote.

Griffin and Tydings would change this to provide that a leading candidate receiving less than 40 per cent of the popular vote, nevertheless, would be elected President if he received a majority of electoral votes.

If no one received either 40 per cent of the popular vote or a majority of electoral votes, the newly chosen Congress, meeting in joint session, then would select the President from the two leading candidates in the popular election.

Both Griffin and Tydings are members of the Senate Judiciary Committee which has approved Bayh's bill. They told a joint news conference Thursday that Bayh's measure as it stands now, creates "a dangerous incentive to splinter party movements," such as exist in France and Italy.

It also could open the door, they said, to leaders of minority parties engaging in crass bargaining with major parties either in the first election or in the run off.

New interest in presidential election reform has arisen with the probability that Alabama's George Wallace will again be a third party presidential candidate in 1972. Wallace's chances to gain a commanding bargaining position are even greater under the present archaic electoral college system than they would be under Bayh's amendment.

While explaining they were wedded to the direct election principle, Griffin and Tydings said they wanted to add a needed safeguard. They said they tended to support Bayh's bill even if their suggested change was defeated.

Griffin thought abolition of the runoff would gain the amendments a half-dozen more votes in the Senate, and important consideration where a two-thirds vote is necessary. He predicted the House probably would accept the change he and Tydings favored. After approval by the necessary two-thirds vote of both houses of Congress, an amendment, to be adopted, must win the support of three-fourths of the State legislatures. Abolition of the runoff provision would increase support for the amendment at the state level, Griffin maintained.

Griffin pointed out that Abraham Lincoln, with the country on the eve of the Civil War, pulled only 39.9 per cent of the popular vote. Under Bayh's proposal, Lincoln would have had to stand in a runoff. Under the Griffin-Tydings change, however, Lincoln would have been elected since he won a majority of the electoral vote.

SUBMISSION OF SENATE RESOLUTION 447—A RESOLUTION URGING PRESIDENT NIXON TO FILL THE 21 VACANCIES ON THE NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Mr. BAYH. Mr. President, I submit for appropriate reference a resolution urging President Nixon to fill the 21 vacancies that now exist on the National Advisory Council on Economic Opportunity and to take whatever action is necessary to assure that the Council is able to carry out effectively its statutory functions.

The matter, I feel, is one of some urgency.

In 1966, at the suggestion of Senator WINSTON PROUTY, Congress established a new National Advisory Council on Economic Opportunity. Its primary purposes were to undertake regular review of the effectiveness of our poverty programs, and recommend improvements, ways to eliminate overlapping, and ways to promote better coordination between Federal and State officials.

A worthwhile objective, I think we would all still agree.

Responsibility for appointing the 21-member Council was left with the President, and President Johnson in 1967 appointed the members and named Morris I. Leibman, a Chicago attorney, as chairman.

Among members named were Whitney Young, Urban League director; Mayor Louis Welch of Houston; James Suffridge, president of the Retail Clerks; Mrs. Robert McNamara; the Most Reverend John Cody, archbishop of Chicago; and Dr. Otto Eckstein, Harvard professor of economics. One can see that the group possessed considerable expertise in many fields.

But today, because of the inaction of President Nixon, the Council is for all practical purposes nonexistent. It has not met since March 1969. It has no active members. Seven members' terms expired in March 1968. President Nixon has had more than 2 years to fill those positions, yet they remain vacant. Seven more terms expired in March, 1969, and the final seven, in March 1970. The President has persistently ignored these vacancies and has made no new appointments whatsoever since taking office. Even the Executive Director of the Council, Mr. Bradley Patterson, has been assigned other duties as of November, 1969, and has not been replaced.

Mr. Leibman, because of his interest, has continued to serve as chairman, even though he has no Council. And members did continue to serve as "holdovers" for a time after their terms expired, hoping that the Council's work would not be allowed to cease. But, in effect, it has.

Mr. President, we have here a Council without councilors. Why even bother keeping up the pretense of a National Advisory Council on Economic Opportunity if we are not serious about insuring its effective operation?

We have all heard from President Nixon of his interest in the problems of the poor and of his plans to coordinate efforts and bring about more effective management of the Federal Government's programs. Yet his action—or rather inaction—in this case would hardlly stand as proof of those intentions.

Though assigned a vast responsibility, the Council has performed useful services—quietly, efficiently and without fanfare—thanks to a dedicated director, a group of concerned citizens, and a small but diligent professional staff that has never numbered more than a dozen.

For instance, its first undertaking was a broad study of the OEO's often controversial community action programs. It made suggestions for their improvement and urged their retention. Mr. Leibman has testified that he believes the administration's decision to retain the action programs—in the face of heavy opposition—was partly due to the Council's recommendations.

The Council has compiled one of the most extensive libraries on problems of poverty, and has gathered together research on such questions from all over the Nation.

In its role of seeking out suggestions and criticisms of the poverty programs, the Council contacted every mayor, Governor, and county commissioner whose jurisdiction had an OEO program. It made similar requests for comments from Congressional offices.

Its reports have been circulated widely. Thirty thousand copies of its report on community action programs were distributed to OEO offices, universities, citizens groups, to the press and to other Federal agencies.

The Council has made detailed recommendations to the President on restructuring and reorienting OEO programs, on better management procedures, and on how to bring about better cooperation between Federal and State officials.

Several of those recommendations have been followed, and the Council's suggestions often correlate with actions eventually taken by OEO and by the administration. For instance, the Council recommended that OEO become more innovative and research-oriented, and the administration itself has taken this approach in its revisions of some aspects of the economic opportunity program.

The Advisory Council has managed to perform these services with a budget that averages $160,000 a year and has never exceeded $250,000 a year—certainly making it one of our better bargains.

I do not mean to contend today that the Advisory Council on Economic Opportunity has set the world on fire with its efforts, or that the Federal campaign against poverty will collapse in confusion without its guidance.

But the Council is a good example of a small group of dedicated citizens who were asked to perform an important task for their government, and who have done so.

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Its efforts have been sound enough to merit the approval of the General Accounting Office. The GAO, in its 14-month critique of the OEO programs, concluded in March 1969:

> The National Advisory Council on Economic Opportunity has served a useful purpose in its continued review of anti-poverty programs, and in providing information to the public, and it should be continued.

A spokesman for the Office of Economic Opportunity, in testifying before Representative MONAGAN's Special Study Subcommittee of the House Committee on Government Operations, went on record as stating:

> The OEO agrees with this recommendation (of the GAO) and believes that it is extremely helpful to have the advice and criticisms of an outside group . . . We strongly endorse the independence of this Council, and look forward to its reconstitution.

After hearing testimony, Chairman MONAGAN commended:

> It is unfortunate that when the executive does get a commission which functions effectively and unobtrusively, and has the support of the executive agency that is involved, that there isn't some continuity.

And the Senate Committee on Labor and Public Welfare reported in 1969:

> The committee hopes that the President and the director of OEO will fully utilize the abilities and potential of the Council.

But these words seem to have fallen on deaf or inattentive ears at the White House. Why has the President failed to keep the Council alive? Why has he allowed a promising citizen "watchdog" effort to fall apart in such a shabby fashion?

Mr. Leibman has speculated that perhaps the administration's concentration on legislative matters may explain it, plus the fact that "the squeaky wheel get the attention."

This may explain the President's inaction. But it cannot excuse it.

Therefore, I urge that the Senate approve the resolution I now introduce which calls upon the President to appoint or reappoint members to the National Advisory Council on Economic Opportunity as soon as possible. Its services are too valuable to fall victim to inattention and delay.

The **PRESIDING OFFICER** (Mr. McGOVERN). The resolution will be received and appropriately referred.

The resolution (S. Res. 447), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. RES. 447

Whereas the Congress, in 1966 amended the Economic Opportunity Act of 1964 to establish the National Advisory Council on Economic Opportunity to advise the Director of the Office of Economic Opportunity and to review the effectiveness and operation of poverty programs in order to recommend improvement, elimination of duplication, and coordination of all programs designed to assist low income people;

Whereas the President was authorized by Congress to appoint the 21 members of the Council with the intention that necessary appointments to vacancies would be filled from time to time in order that the operation of the Council could continue;

Whereas the original Council appointed by the President in 1967, under the leadership of its chairman, Morris I. Leibman, worked diligently at its tasks, performed valuable studies and made recommendations toward improving poverty program organization, management and functions;

Whereas the executive director of the Council was assigned other duties in November, 1969 and has not been replaced, thereby hampering effective operation of the Council;

Whereas the effectiveness of the Council has been further limited during the past 15 months by the failure of the President to appoint new members or reappoint former members upon expiration of their terms of office, with the result that the terms of all members have expired as of March, 1970;

Whereas, the Council, because it has lacked a quorum of appointed members, has been unable to meet formally since March, 1969, directly contradicting the intention of Congress in establishing the Council as an independent body to review the nation's anti-poverty programs; and

Whereas the work of the Council has been recognized as valuable and worth continuing by various Federal agencies, including the General Accounting Office and the Office of Economic Opportunity: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should, as soon as possible, appoint the 21 members of the National Advisory Council on Economic Opportunity, and it is the further sense of the Senate that the President should take whatever action is necessary to assure that the Council will be able to carry out effectively its statutory functions.

ORDER OF BUSINESS

The **PRESIDING OFFICER**. Under the previous order, the Senate will now proceed to the transaction of routine morning business with statements therein limited to 3 minutes.

ARMY'S PLAN TO DUMP NERVE GAS OFF THE FLORIDA COAST

Mr. **SPONG**. Mr. President, the American people are justifiably disturbed over the Army's plan to dump rockets containing 65 tons of nerve gas off the Florida coast. Despite the precautions that have been taken, these deadly weapons remain a serious potential threat to human and acquatic life. Not even the Army knows what will happen when they are sunk in 16,000 feet of water, and it appears no one has troubled to conduct tests to find out.

As a Senator from a coastal State and a member of the Subcommittee on Oceanography, I am deeply concerned about this abuse of our ocean resources, an abuse made all the worse by the fact that it is being perpetrated by a Federal agency.

The Federal Government should be showing the way for industry and others in the effort to stop the depredation of our environment. But, by its example in this case, it is endorsing the very kind of thoughtless and shortsighted action that has brought this Nation to the brink of an ecological disaster.

As it is, dumping the gas at sea is probably the best of the miserable set of alternatives now open to the Army. But it was the Army's own failure to plan for safe disposal methods that is responsible for this dilemma.

Most other means of disposal were precluded by the decision in 1968 to encase the rockets in concrete and steel coffins. At the time, no one bothered to note even the direction in which the rockets were pointed. That, and the fact that the weapons were encased fully loaded with their volatile fuel, make it too dangerous to attempt to reopen the concrete packages.

Even so, the encased rockets might have been disposed of through such means as underground nuclear explosion, a course of action recommended by a panel of eminent scientists. The Army, however, resisted that idea and now the opportunity for such disposal is passed.

The whole dismal history of the Army's failures in this matter were carefully traced by the distinguished Senator from South Carolina (Mr. HOLLINGS) in his excellent speech on Thursday.

So, we are all faced with the prospect of this deadly sea dump. It is, as I have said, the best of a miserable set of choices, a situation I hope we will not have to face again.

The ocean is not the inexhaustible repository for wastes that some people seem to imagine. Already thousands of square miles of our coastal areas have been made uninhabitable for forms of acquatic life by the steady stream of pollutants from shore-based activities. Unless we act now to prevent it, we are in danger of upsetting the entire ecological balance of those regions.

Mr. President, I believe the national interest demands an end to the dumping of chemicals at sea and for a beginning of intensive research into ways of preventing and correcting the damage to our marine resources.

Mr. **KENNEDY**. Mr. President, will the Senator from Virginia yield?

Mr. **SPONG**. I am happy to yield to the Senator from Massachusetts.

Mr. **KENNEDY**. I commend the Senator from Virginia for bringing this matter so forcefully before the Senate this morning. I have read with interest the reports of the action taken by the Federal court this morning, and the requests that were being made to the Army to respond to many of the questions which are in the minds of many people all over the country. But the Army seems unable or unprepared to respond as to what will really happen if the capsules of this gas actually reach the 16,000 feet level below the sea, and what full and adequate protection we are all going to be able to have if that procedure is followed.

I join the Senator from Virginia in hoping that the Army will supply full responses to those questions, and take whatever action is necessary for complete protection and safety, before there will be any movement of the ships toward the designated area.

I share fully the great reluctance to see these capsules of gas, under any circumstances, dumped beneath the sea.

I, too, come from a maritime State. The whole question of the pressure and the forces beneath the sea, at a depth of 16,000 feet, are virtually unknown to us. We have made great strides in under-

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standing outer space, but very little real progress in understanding the forces of the deep.

I share the sincere concern of my colleague from Virginia over the action taken by the Army. I am distressed that it has been unable to provide full and adequate responses to the questions which have been demanded of them by the Federal court.

Thus, I hope that the movement of ships carrying the nerve gas will be stopped—as I understand it is being stopped now—until we can have a complete, adequate, and full explanation from the Army.

The Senator from Virginia has brought this important matter to the attention of the Senate today. I know he speaks for many Members of this body in expressing his deep concern over the problem.

Mr. SPONG. I thank the Senator from Massachusetts. On yesterday, as I have said, the Senator from South Carolina (Mr. Hollings) made a very forceful speech as a result of the hearings he, the Senator from Kentucky (Mr. Cook), and I conducted. Also, on yesterday, we had extensive colloquy on the floor over the use of section 102.

Let me say that this is one example when the Army did fulfill the requirements under that section, but the information was sparse, indeed, and dealt only with chemical reactions rather than biological effect.

I am hopeful that this whole affair will result in a much better performance by Government agencies in the future, and I trust that nothing further will be done along this line until better answers are provided.

I thank the Senator from Massachusetts very much for his comments.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Jordan of North Carolina) laid before the Senate the following letters, which were referred as indicated:

Report of Number of Army Commissioned Officers and Warrant Officers Assigned to Headquarters, Department of the Army

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

Report of the Architect of the Capitol

A letter from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period January 1, 1970, through June 30, 1970, from moneys appropriated to the Architect of the Capitol; ordered to lie on the table and to be printed.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on action required to improve Department of Defense career program for procurement personnel, dated August 13, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on progress and problems in U.S. aid to the economic unification of Central America, Department of State, Agency for International Development, dated August 13, 1970 (with an accompanying report); to the Committee on Government Operations.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. Jordan of North Carolina) announced that on today, August 14, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act, and for other purposes.

H.R. 14956. An act to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. WILLIAMS of New Jersey, from the Committee on Banking and Currency, with amendments:

S. 3431. A bill to extend the coverage of sections 13(d), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors (Rept. No. 91-1125).

CONSUMER PROTECTION ACT OF 1970, S. 3201—REPORT OF A COMMITTEE (S. REPT. NO. 91-1124)—REFERRAL TO COMMITTEE ON THE JUDICIARY

Mr. MAGNUSON. Mr. President, I file a report from the Committee on Commerce on S. 3201, the Consumer Protection Act of 1970, and I ask unanimous consent that the report be printed, together with individual, separate, and supplemental views.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that S. 3201, as amended, which includes sections relating to consumer class action, be referred to the Committee on the Judiciary so that it may consider and recommend such modifications of the class action section provisions of the Committee on Commerce amendment as it deems appropriate, and that the bill be reported back to the Senate not later than September 14, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I have discussed this matter with the distinguished chairman of the Committee on the Judiciary and he is in agreement with the 30-day limitation.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. KENNEDY:

S. 4241. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially-oriented research and development activities, and for other purposes; to the Committee on Labor and Public Welfare, by unanimous consent.

(The remarks of Mr. Kennedy when he introduced the bill appear below under the appropriate heading.)

By Mr. STEVENS:

S. 4242. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture and Forestry.

S. 4243. A bill to amend title 5, United States Code, to provide additional cost-of-living adjustments in civil service retirement annuities of certain retired employees in Alaska as long as such retired employees continue to reside in Alaska, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Stevens when he introduced S. 4242 appear below under the appropriate heading.)

By Mr. JORDAN of North Carolina:

S. 4244. A bill to establish a Federal Commodity Account Insurance Corporation, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. MAGNUSON (for himself and Mr. Harris):

S. 4245. A bill designating certain election days as legal public holidays; to the Committee on the Judiciary.

(The remarks of Mr. Magnuson when he introduced the bill appear below under the appropriate heading.)

By Mr. WILLIAMS of New Jersey (for himself, Mr. Church, Mr. Eagleton, Mr. Fong, Mr. Miller, Mr. Mondale, Mr. Moss, Mr. Prouty, Mr. Randolph, and Mr. Young of Ohio):

S. 4246. A bill to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Williams of New Jersey when he introduced the bill appear below under the appropriate heading.)

S. 4241—INTRODUCTION OF THE CONVERSION RESEARCH, EDUCATION, AND ASSISTANCE ACT OF 1970

Mr. KENNEDY. Mr. President, as we reduce our involvement in Southeast Asia and as we attempt to curtail expenditures for unnecessary or wasteful defense systems, there is no higher priority than to redirect our national priorities to the resolution of our pressing social ills and the urgent needs of our people.

At the same time, we must take great care to cushion the impact on our economy and ease the transition of men and resources to civilian-oriented activities.

As a member of the Labor and Public Welfare Committee, I have participated in and conducted field hearings in Massachusetts on the problems of postwar economic conversion. The Congress and the nation have faced this problem in the past.

The periods following World War II and the Korean conflict were characterized by the need for serious adjustments in our manpower training programs and national economic policy.

These experiences were valuable lessons and should lay the basic foundation for dealing with the overall economic problems resulting from the end of our involvement in Southeast Asia. However, there are two additional factors present today which make the problem of economic conversion more complex than in the past.

First, in addition to the impact on the economy created by our disengagement from Southeast Asia, we must deal with the impact created by our efforts to reduce the overall budget of the Defense Department.

Second, we must recognize the unprecedented involvement of our scientific and technical community in defense-related work and plan for its reorientation to civilian-related research and development activities.

Massachusetts ranks sixth in the Nation in the amount of defense contracts.

The unrivalled combination of MIT, the NASA Research Center, and the research and development community centered along Route 128, have made Massachusetts one of the most important centers of this Nation's scientific and technical community.

And so, although I support strongly all efforts to end the war in Vietnam, and reduce the overall budget of the Defense Department, as a Senator from Massachusetts I feel it is my responsibility to lessen the economic impact of these actions and make responsible suggestions to ease the transition from war to peacetime activities.

Therefore, Mr. President, I introduce the Conversion Research, Education, and Assistance Act of 1970.

The principal purpose of the bill is to help the Nation convert its resources and talent from defense-related activities to socially productive civilian-oriented activities.

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The bill focuses its attention on the conversion of our vast national research and development effort.

Over $17 billion of America's $26 billion research and development industry is funded by the Federal Government. Of this Federal total, over $14 billion—or about 83 percent is accounted for by the Department of Defense, the Atomic Energy Commission, and the National Aeronautics, and Space Administration.

More than 2 million scientists, engineers and technicians are currently employed by industry and Government agencies.

One in every four technical personnel in industry is engaged in defense-related work, and one in every two scientists, engineers, and technicians in the Federal Government is employed by DOD, NASA, or AEC.

Thus research, development, and engineering now comprise a significant segment of the defense effort and must be carefully accounted for in any conversion to civilian activities.

This is not to say that the traditional conversion problems of industrial production do not need attention; they most certainly do require a concerted, cooperative effort on the part of Government and industry to forestall further unemployment by creating additional jobs in the civilian economy, which will be available to all segments of our population in all regions of the country.

But the problem of converting research, development, and engineering resources to civilian, socially oriented pursuits presents a major, new challenge to the Nation which can be met only through new approaches. This bill provides an innovative approach to a coordinated program of conversion research and education for defense oriented scientists, technicians, and management personnel.

The need for conversion is serious and immediate.

The impact of defense cutbacks is already being felt. In Massachusetts—and more so in California, Florida, Missouri, and other States where the economy is defense-oriented—corporate profits are down, there are fewer jobs, and there is more empty industrial space than at any time in a decade.

In the past year, the Greater Boston electronics work force suffered a loss of over 2,000 jobs.

Today, one of the State's largest employers is quietly dropping an additional 500 workers each month.

It is estimated that a total of 150,000 factory jobs will be lost throughout New England this year as a result of defense cutbacks.

Some 30,000 to 60,000 of these jobs will be lost in Massachusetts alone.

Mr. President, the Congress must act now to establish the programs and the policies necessary to achieve the national transition from war to peacetime. For the past 6 years, commissions have studied the problems of economic conversion and legislation has been introduced to establish a mechanism to oversee the conversion effort. All of these projects have been treated casually by the Congress and the administration.

Today, we are facing strong demands for Government involvement and leadership in this most important area and we find ourselves unprepared and unaware of how to proceed.

The bill I introduce today is a first step. It recognizes that true conversion cannot be achieved until the Congress and the administration are willing to allocate Federal resources into the areas of our most pressing domestic needs.

It calls for the national investment in science and technology to be maintained and broadened. It further demands that such investment of resources be concentrated in the civilian research and development area until that investment at least equals the Federal investment in defense-related research and development.

In addition, the bill suggests that conversion must be seen, not just as an economic, technical challenge, but as a human, social opportunity. Through the process of conversion, individual scientists, engineers, and technicians will be able to redirect their talents to resolving our pressing domestic problems; restoring the integrity of our environment; and enhancing the quality of our lives. The bill provides for a 3-year authorization of $450 million to redirect the vast reservoir of talent of our scientific and technical community to the deep, besetting problems of our Nation—unemployment, crime, racism, pollution, nutrition, housing, health care, transportation, and education.

To achieve the necessary talent conversion, the bill provides specific educational programs for scientists, technicians, and management personnel who must redirect their activities; and for the Federal, State, and local officials who must delineate the new markets for socially oriented research and development activity.

In addition, the bill provides special financial and educational assistance to small business firms in the defense industry to facilitate their conversion to civilian markets.

The bill is based on the thinking and the recommendations presented to me during hearings in Massachusetts.

I offer it today with the knowledge that it can and should be improved.

It is my firm hope that full hearings will be scheduled on the bill in the fall and that—recognizing the urgency of the situation—the committee will refine and perfect the legislation for presentation for full Senate consideration.

Mr. President, the future of the United States depends on the resolution of our domestic ills.

The resolution of these ills depends on the commitment of the minds and hearts of those with the creative talent and skills represented in our technical community.

Today, faced with the need to shift the basis of our economic prosperity, we have the opportunity to insure that the best talents of our Nation are devoted to its future.

It is my hope that we will grasp that opportunity.

I ask unanimous consent that the attached articles dealing with the subject of economic conversion be included at the conclusion of my remarks and that the bill itself be printed in the RECORD.

I further ask unanimous consent that the bill be referred to the Senate Labor and Public Welfare Committee for consideration and action.

The PRESIDING OFFICER (Mr. McGOVERN). The bill will be received and, without objection, will be referred to the Committee on Labor and Public Welfare; and, without objection, the articles and bill will be printed in the RECORD.

The bill (S. 4241) to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Labor and Public Welfare by unanimous consent and ordered to be printed in the RECORD, as follows:

S. 4241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Conversion Research and Education Act of 1970".

DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that—

(1) further declines in defense spending are likely because of diminished involvement in Indo-China and reductions in other defense programs, resulting from pressing domestic needs and shifting national priorities;

(2) to forestall and reduce unemployment and the related waste of national talent and resources, it is essential that the Federal

Government take effective steps now to assist in the conversion of defense related programs to civilian-oriented activities;

(3) since a substantial segment of the defense effort has been devoted to research, development, and engineering, it is imperative that Federal conversion programs encompass not only industrial production, but also place sufficient emphasis on the conversion of scientific and technical resources;

(4) the Federal investment in science and technology, especially in the education of scientists, engineers, and technicians, constitutes one of the Nation's most valuable resources, which is a prerequisite for America's continued progress in the future; and

(5) in these times of deepening concern over our domestic crises, it is essential that this vast potential of United States science and technology be converted not simply to serve civilian, consumer ends, but that it be specifically aimed at aiding in the resolution of our besetting social ills; science must serve society in coping with problems such as unemployment, poverty, crime, racism, pollution, nutrition, housing, health-care, transportation, education, and the alienation of youth.

(b) Accordingly, the Congress declares that it is the continuing policy and responsibility of the Federal Government to take appropriate measures directed toward achieving the following goals:

(1) scientists, engineers, and technicians, must have continuing opportunities for socially useful employment in positions commensurate with their professional, technical capabilities;

(2) the total Federal investment in science and technology must be restored to an adequate annual expenditure level, and then continue to grow annually in proportion to the growth in the Gross National Product;

(3) Federal obligations for civilian-oriented research and development activities must be increased so as to reach a level of parity with Federal obligations for defense related research and development activities, whereupon the level of parity must be maintained or exceeded, except when inconsistent with overriding considerations of national security.

TITLE I—RESEARCH AND DEVELOPMENT CONVERSION COORDINATION POLICY

NATIONAL SCIENCE FOUNDATION AUTHORITY

SEC. 101. It shall be the function of the National Science Foundation to—

(1) analyze data regarding Federal expenditures for research and development activities, and the employment and availability of scientific, engineering, and technical manpower, which the Foundation has assembled pursuant to sections 3(a) (1), (5), (6), and (7) of Public Law 81–507 as amended, in order to appraise the implementation of the policies set forth in section 2 of this Act;

(2) develop and recommend to the President programs and activities which will contribute to carrying out the policies set forth in section 2 of this Act;

(3) prepare and submit to the President for transmittal to the Congress not later than March 1 of each calendar year, ending prior to March 1, 1975, a report on its activities under this title and an appraisal of the extent to which the policies set forth in section 2 are being successfully implemented, together with such recommendations, including recommendations for additional legislation, as it deems appropriate.

CONSULTATION

SEC 102. The Director of the Foundation in carrying out the functions of the Foundation under this title shall consult with the Director of the Office of Management and Budget, the Director of the Office of Science and Technology, and the Advisory Commission on Research and Development Conversion Education (established under section 502 of this Act.)

TITLE II—NATIONAL SCIENCE FOUNDATION CONVERSION PROGRAM

RESEARCH PROGRAM

SEC. 201. (a) From funds available pursuant to section 506, the Foundation is authorized to make grants to, or to enter into contracts with, academic institutions, not-for-profit institutes and organizations, public agencies, and private business firms, for the conduct of basic and applied research designed to—

(1) study and appraise the social, economic, and managerial aspects of conversion from defense related research and development activities to civilian research and development activities;

(2) identify priority areas of civilian research and development activity likely to contribute to the resolution of the Nation's pressing domestic problems including but not limited to, unemployment, poverty, race relations, social alienation, crime, environmental pollution, urban problems, energy sources and natural resources, nutrition, housing, transportation, education, and health-care; and

(3) advance the scientific and technical state-of-the-art in priority areas identified under section 201(a)(2).

(b) From funds available pursuant to section 506, the Foundation is authorized to disseminate publicly, or enter into contracts with academic institutions, not-for-profit institutes and organizations, public agencies, and private business firms for the public dissemination of, the significant results of such research conducted under section 201(a), as appear likely to aid in the conversion from defense related research and development activities to civilian research and development activities, especially those aimed at the resolution of the Nation's social problems. Such dissemination may be carried out through publications, scientific symposiums, workshops demonstration projects, or other appropriate means of dissemination.

EDUCATION PROGRAM

SEC. 202. From funds available pursuant to section 506, the Foundation is authorized to make grants to, and to enter into contracts with academic institutions, not-for-profit institutes and organizations, and private business firms, for the purpose of their planning, developing, strengthening, or carrying out education programs designed to—

(a) retrain scientists, engineers, and technicians so that they can contribute constructively to civilian research and development activities by working effectively in scientific and technical fields, or problem areas, other than the ones in which they have been working or studying. The specific fields or problem areas for which such retraining programs will be designed will be designated by the National Science Foundation from among the priority areas identified under section 201(a)(2) of this Act;

(b) train or retrain officers and employees of Federal, State, and local government who will be responsible for, or participate in, determining or administering the government market demand for civilian, socially-oriented research and development activities, so that they can recognize the potential contributions of science and technology to the resolution of the Nation's social problems and obtain such contributions for society in the most effective and economical manner;

(c) provide courses and curriculums designed to prepare students for careers in civilian, socially oriented research and development activities.

FEES

SEC. 203. Under regulations prescribed by the National Science Foundation, grantees and contractors conducting educational programs under sections 202 (a) and (b) may charge minimum fees for each participant scientist, engineer, technician, government officer or employee. Such fees will be paid to the grantee or contractor by the participant's academic institution, not-for-profit institute or organization, private firm, or government agency; or by the individual participant. Grants, contracts, and fellowships under this title may not be used for the payment of such fees, except as provided for under sections 204 and 205.

GOVERNMENT EMPLOYEE PARTICIPATION

SEC. 204. (a) From funds available pursuant to section 506, the National Science Foundation is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, State and local government agencies for the purpose of assisting in paying the fees of government officers or employees who participate in the educational programs carried out under section 202.

(b) Executive agencies of Federal, State, and local government are urged, to the extent consistent with efficient administration, to provide opportunities for appropriate officers and employees of such agencies to participate in educational programs carried out under section 202.

FELLOWSHIPS

SEC. 205. (a) From funds available pursuant to section 506, the Foundation is authorized to award conversion fellowships to highly qualified scientists, engineers, and technicians to enable them to participate in educational programs carried out under section 202.

(b) The Foundation shall allocate fellowships under this section in such manner, insofar as practicable, as will—

(1) attract highly qualified applicants;

(2) provide an equitable distribution of such fellowships throughout the United States; and

(3) meet the requirements of subsection (c).

(c)(1) The Foundation shall accord priority to applicants under this section who have been or anticipate being out of work because of reductions in defense related research and development expenditures.

(2) The Foundation shall reserve at least 10 per centum but not to exceed 20 per centum of the fellowships awarded under this section to scientists, engineers, and technicians who have completed their academic training within a two-year period prior to award of the fellowship.

(d) The Foundation shall pay to persons awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as it may determine to be consistent with prevailing practices under comparable federally supported programs.

(e) Fellowships shall be awarded under this section upon application made at such times and containing such information as the Foundation shall by regulation require.

TITLE III—ECONOMIC DEVELOPMENT ADMINISTRATION CONVERSION PROGRAM

MANAGEMENT TRAINING GRANTS AND CONTRACTS

SEC. 301. (a) From funds available pursuant to section 506, the Secretary of Commerce is authorized, in accordance with the provisions of this title, to make grants to, and to enter into contracts with, academic institutions, not-for-profit institutes and organizations, and business firms for the purpose of developing, initiating, improving, or operating training programs for management personnel of business firms, to assist them in converting the research and development activities of such firms from defense related areas to civilian areas of work, especially those aimed at aiding in the resolution of the nation's domestic problems.

XUM

(b) In carrying out his functions under this section the Secretary shall, to the extent practicable, provide for a wide geographic distribution of contracts and grants throughout the States while at the same time giving a preference to such programs which show the greatest promise for effective training of management personnel for conversion activities.

FEES

Sec. 302. Under regulations prescribed by the Secretary of Commerce, grantees and contractors under this title shall charge minimum fees to participants in the programs assisted under this title. Grants and contracts under this title may not be used for the payment of such fees.

ADMINISTRATION

Sec. 303. The Secretary of Commerce shall carry out his functions under this title through the Economic Development Administration.

TITLE IV—SMALL BUSINESS CONVERSION PROGRAM

EDUCATION GRANTS

Sec. 401. (a) From funds available pursuant to section 506, the Small Business Administration is authorized to make grants to small business concerns which have engaged in defense related research and development activities within the three-year period immediately prior to the date of enactment of this Act, to pay up to 80 per centum of the cost of enrolling eligible personnel of such concerns in any program assisted under title II or title III of this Act.

(b) Grants under this section shall be made only upon applications made at such times and containing such information as the Administration shall require. The Administration is authorized to prepare recommended programs from among programs carried out under title II and III of this Act which the Administration determines are especially applicable to assisting small businesses in converting to civilian research and development activities.

(c) No small business concern may receive more than $25,000 in any fiscal year pursuant to this section.

(d) No small business concern may utilize funds received pursuant to this section to pay the expenses of any employee to attend any conversion education program for which he has also received a National Science Foundation Conversion Fellowship awarded pursuant to section 205.

LOAN GUARANTEE AND INTEREST PAYMENT PROGRAM

Sec. 402. Title IV of the Small Business Investment Act of 1958 is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—GUARANTEES

"Part A—Lease Guarantees";

(2) by striking out "this title", wherever it appears in sections 402 and 403, and inserting in lieu thereof "this part"; and

(3) by adding at the end thereof the following:

"Part B—Conversion Project Guarantees

"DEFINITIONS.

"Sec. 410. As used in this part—

"(1) The term 'eligible lender' means an eligible institution, an agency, or instrumentality of a State, or a financial or credit institution (including an insurance company) which is subject to examination and supervision by an agency of the United States or of any State, or a pension fund approved by the Administration for this purpose.

"(2) The term 'conversion project' means the planning and carrying out of any project by a business concern which is designed to facilitate that business concern's conversion of its defense related research and development activities to nondefense related research and development activities.

"(3) The term 'defense related research and development activities' means any activity—

"(A) which involves—

"(i) research, development, or engineering, including necessary supporting services, performed under grant from, or contract with, the Department of Defense, the Atomic Energy Commission, or the National Aeronautics and Space Administration, or under subcontract to such a grant or contract; or

"(ii) the construction, reconstruction, repair, or installation of any building, plant, structure, facility, or equipment connected or necessary to such research, development, engineering, or supporting services; and

"(B) which requires at least six months to complete.

"AUTHORIZATION OF THE ADMINISTRATION

"Sec. 411. (a) The Administration may, upon such terms and conditions as it may prescribe, enter into a contract and guarantee any loan for a conversion project made by an eligible lender against loss as a result of the failure of any person to meet the terms of such loan, subject to the following conditions:

"(1) The person to whom the loan is made is a small business concern.

"(2) The loan is required in order for such person to carry out a conversion project.

"(3) Such person is not able to obtain such loan on reasonable terms and conditions without a guarantee under this section.

"(4) The loan bears interest at a rate not in excess of 8 per centum a year.

"(5) The Administration determines that there is reasonable assurance that such person will repay the loan.

"(6) The conversion project for which the loan is made meets requirements established by the Administration for feasibility and reasonableness of costs.

"(b) When entering into a contract to guarantee a loan for a conversion project which meets the six conditions specified in section 411(a) above, the Administration will give preference to conversion projects aimed at aiding in the resolution of the Nation's pressing domestic problems.

"(c) Any contract of guarantee under this section shall obligate the Administration to pay upon default to an eligible lender the unpaid balance of the principal amount of the loan, other than interest added to principal.

"(d) The Administration shall fix a uniform annual fee for any guarantee under this section which shall be payable at such time as may be determined by the Administration. To the extent practicable, having due regard for the purpose of this section, the amount of any such fee shall be determined in accordance with sound actuarial practices and procedures. Any fee so established shall be subject to periodic review in order that the lowest fee that experience under the program shows to be justified will be placed into effect. The Administration may also fix such uniform fees for the processing of applications for guarantees under this section as it determines are reasonable and necessary to pay administrative expenses incurred in connection therewith.

"(e) The provisions of section 402 shall apply in the administration of this section.

"FUND

"Sec. 412. (a) There is established a revolving fund for use by the Administration in carrying out this part, except section 413 thereof. Initial capital for such fund shall consist of not to exceed $50,000,000 transferred from the fund established under section 4(c)(1)(B) of the Small Business Act, but paragraph (6) of such section shall not apply to any amounts so transferred.

"(b) There shall be deposited into the fund established by this section all receipts from the guarantee program authorized by this part. Money in such fund not needed for the payment of current operating expenses or for the payment of claims arising under such programs shall be invested in bonds or other obligations of, or guaranteed by, the United States; except that money provided as initial capital for such fund shall be returned to the fund established by section 4(c)(1)(B) of the Small Business Act, in such amounts and at such times as the Administration determines to be appropriate, whenever the level of the fund established by this section permits the return of such money without endangering the solvency of the program under this part.

"INTEREST ASSISTANCE PAYMENTS

"Sec. 413. (a) In addition to any contract of guarantee entered into pursuant to section 411 of this title the Administration is authorized to make, and to contract to make, interest assistance payments to any eligible lender which has made a loan subject to the provisions of such section 411, on behalf of any person to whom such loan is made. Such payments shall be made at such times and under such conditions as the Administration may by regulation provide. Interest assistance payments to any such lender shall be made only for the period equal to the repayment period as provided in the agreement evidencing such loan, but in no event for a period longer than five years.

"(b) No interest assistance payments made under this section for any loan for any year shall exceed the difference between 3 per centum and the interest such person would be required to pay under the agreement evidencing such loan.

"(c)(1) There are hereby authorized to be appropriated to the Administration such sums as may be necessary for the payment of interest assistance grants to eligible lenders in accordance with this Section.

"(2) Contracts for interest assistance grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts, and in any event the total amount of interest assistance grants which may be paid to eligible lenders in any year pursuant to contracts entered into under this section shall not exceed $15 million."

Sec. 403. From funds available pursuant to section 506, the Small Business Administration is authorized to establish and operate a computerized Conversion Information Service to acquaint small business concerns with—

(a) the conversion education programs and other forms of conversion assistance which are available; and

(b) with market needs and opportunities for civilian research and development activities, especially those directed toward assisting in the resolution of the nation's besetting social problems, to the extent that such market needs and opportunities are legitimately matters for the public record.

TITLE V—GENERAL PROVISIONS

DEFINITIONS

Sec. 501. (a) As used in this Act—

(1) The term "Foundation" means the National Science Foundation.

(2) The term "Director" means the Director of the National Science Foundation.

(3) The term "defense related research and development activities" means any activity—

(A) which involves—

(i) research, development, or engineering, including necessary supporting services, performed under grant from, or contract with, the Department of Defense, the Atomic Energy Commission, or the National Aeronautics and Space Administration, or under subcontract to such a grant or contract; or

(ii) the construction, reconstruction, repair, or installation of any building, plant structure, facility, or equipment connected or necessary to such research, development, engineering, or supporting services; and

(B) which requires at least six months to complete.

(4) The term "civilian research and development activities" means all nondefense related research and development activities as determined pursuant to regulations of the Director of the Foundation after consultation with the Directors of the Office of Management and Budget and the Office of Science and Technology, and with the Advisory Commission on Conversion Education Programs.

(5) The term "academic institution" means any United States university or four-year college, as well as technical institutions, two-year community colleges, and business schools.

(6) "Federal executive agency" means any department, agency, or independent establishment in the executive branch of the Government, including any wholly owned Government corporation;

(7) The term "State" includes each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

ADVISORY COMMISSION ON CONVERSION EDUCATION PROGRAMS

Sec. 502. (a) There is hereby established an Advisory Commission on Resarch and Development Conversion Education to be composed of fifteen members appointed by the President for terms of three years without regard to the provisions of title 5, United States Code, and of three ex officio members as designated in section 502(c) below. Appointed members shall be chosen from among persons who have by reason of experience or professional accomplishments demonstrated their special qualifications to serve on the Commission, in equal numbers from the following:

(1) Representatives of private industry with experience in nondefense related research and development activities;

(2) Engineers;

(3) Natural scientists;

(4) Social scientists; and

(5) Educators

(b)(1) Of the members first appointed five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years as designated by the President at the time of appointment.

(2) In order to enable the Commission to provide timely counsel on the urgent problems of conversion, the President is urged to appoint at least eight members of the Commission (sufficient to constitute a quorum necessary for the transaction of official business) not later than six months after enactment of this Act.

(3) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(4) Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(5) Appointed members of the Commission shall, while serving on business of the Commission, be entitled to receive compensation at rate not to exceed $125 per diem, including traveltime and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem, in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) The Commission shall annually elect one of its appointed members to serve as chairman until the next election. The Commission shall meet at the call of the chairman, but not less often than three times a year. The Secretary of Commerce, the Director, and the Assistant Secretary of Health, Education, and Welfare for Education shall be ex officio members of the Commission.

(d) The Commission shall—

(1) advise the Director and the Secretary of Commerce with respect to their respective responsibilities for education programs under this Act;

(2) review and evaluate the effectiveness of Federal educational assistance programs under this Act; and

(3) prepare and submit such interim reports as it deems advisable, and an annual report of its findings and recommendations, together with any recommendations for changes in the provisions of this Act.

(4) publicize its findings and recommendations to such extent and in such manner as it deems effective and advisable.

(e) The Director shall make available to the Commission such staff, information, and other assistance as it may require to carry out its activities.

ADMINISTRATIVE PROVISIONS

Sec. 503. (a) Except as otherwise provided in this title, the Foundation shall, in carrying out its functions under this title, have the same powers and authority it has under Public Law 81–507, as amended, to carry out its functions under that Law.

(b) In addition to any other authority vested in the head of any Federal executive agency by this Act, the Director, the Secretary of Commerce, and the Administrator of the Small Business Administration are, in order to carry out their respective functions under this Act, authorized to—

(1) promulgate such rules and regulations as may be necessary;

(2) appoint such advisory committees as may be advisable;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code; and

(4) use the services, personnel, facilities, and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies with or without reimbursement therefor.

(c) Upon request by the Director, the Secretary, or the Administrator, each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics, available to the greatest practicable extent to the appropriate officer in the performance of his functions under this Act.

(d) The Director shall establish such additional divisions or offices within the Foundation as he deems necessary to carry out his functions under this Act.

(e) The Secretary shall establish such additional offices within the Economic Development Administration as he deems necessary to carry out his functions under this Act.

(f) The Administrator shall estabish such additional offices within the Small Business Administration as he deems necessary to carry out his functions under this Act.

AUDIT

Sec. 504. The Director, the Secretary of Commerce, and the Administrator of the Small Business Administration for grants and contracts for which each official is responsible, and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee or contractor under this Act.

PAYMENTS AND WITHHOLDING

Sec. 505. (a) Payments under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

(b) Whenever the Director, the Secretary of Commerce, or the Administrator for the Small Business Administration for grants or contracts for which each officer is responsible under this Act, and after giving reasonable notice and opportunity for hearing to a grantee or contractor under this Act, finds—

(1) that the program or project for which such grant or contract was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the appropriate officer shall notify such grantee or contractor of his findings and no further payments may be made to such grantee or contractor by him until he is satisfied that such noncompliance has been, or will promptly be, corrected. The appropriate officer may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such grantee or contractor and which are not involved in the noncompliance.

AUTHORIZATION OF APPROPRIATIONS

Sec. 506. (a) There are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1972, of which $5,000,000 shall be available to carry out the provisions of section 201, $25,000,000 shall be available to carry out the provisions of section 202, $10,000,000 shall be available to carry out the provisions of section 204, $40,000,000 shall be available to carry out the provisions of section 205, $8,000,000 shall be available to carry out the provisions of section 301, and $12,000,000 shall be available to carry out the provisions of section 401; $150,000,000 for the fiscal year ending June 30, 1973, of which $8,000,000 shall be available to carry out the provisions of section 201, $35,000,000 shall be available to carry out the provisions of section 202, $20,000,000 shall be available to carry out the provisions of section 204, $60,000,000 shall be available to carry out the provisions of section 205, $10,000,000 shall be available to carry out the provisions of section 301, and $17,000,000 shall be available to carry out the provisions of section 401; $200,000,000 for the fiscal year ending June 30, 1974, of which $10,000,000 shall be available to carry out the provisions of section 201, $45,000,000 shall be available to carry out the provisions of section 202, $30,000,000 shall be available to carry out the provisions of section 204, $80,000,000 shall be available to carry out the provisions of section 205, $13,000,000 shall be available to carry out the provisions of section 301, and $22,000,000 shall be available to carry out the provisions of section 401.

(b) Funds appropriated pursuant to this section shall remain available until expended.

The material furnished by Mr. KENNEDY follows:

[From the New York Times, Dec. 4, 1969]

WHEN THE SHOOTING STOPS

Periodically some panel or other issues a glowing report on the potentialities for progress that will be open to the nation after the Vietnam war ends. Every such report stresses, however, that detailed advance planning is essential if these potentialities are to be realized without severe transitional pains. Regrettably, the thing in shortest supply in Washington is anything approaching a detailed plan for postwar reconversion.

That lack makes important the proposal put before a Senate committee this week by Walter P. Reuther of the United Auto Workers that defense contractors be required to put a quarter of their profits into a Government trust fund to help them shift from military to civilian production when the shooting stops. The money would be

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used to finance retraining and family benefits for workers displaced by the cancellation of war orders. As an incentive to adequate preplanning, the proposal calls for restoring to each company any eventual surplus in its conversion account.

The specifics of the Reuther plan are less significant than the push it should give to more active joint study by labor, industry and Government of detailed arrangements for insuring the smooth absorption into the civilian economy of Vietnam war veterans and the transfer to nonwar tasks of those now employed on defense contracts.

The kind of pent-up consumer demand that facilitated reconversion after World War II will provide no comparable cushion now. The "peace dividend" to be realized from the release of Federal money currently going into the Asian conflict becomes more amorphous with each new Administration computation. All of which speaks for the assignment of a much higher priority to realistic planning now.

[From the New York Times, Mar. 15, 1970]

U.S. Business: Defense Cutbacks Hit Economy of Boston Area

Boston, March 14.—Defense Department cutbacks hit Greater Boston area workers and the local economy hard last week, with the elimination of more than 4,000 jobs. This followed earlier sizable layoffs in some Route 128 electronics plants, the halting of a National Aeronautics and Space Administration project in Cambridge, and the three-month strike of General Electric workers in the Lynn-North Shore area settled earlier this year.

The Washington curtailment order is estimated to cost Massachusetts a total of $20-million. The stiffest jolt is the $14.3-million slash at the Boston Naval Shipyard with a loss of 1,400 of the yard's 7,400 jobs. To compensate partly for this, some transfer of skilled workers is possible by increased schedules at the General Dynamics Corporation's Fore River (Quincy) Yards. Voluntary retirement will account for 250 others.

Total jobs lost in the New England area (most of them in Massachusetts) under the curtailment program is set at 4,300. The biggest Massachusetts drop, next to the Boston yards, in civilian and military personnel are 518 at Westover Air Force Base, Chicopee; 364 at Fort Devens in Ayer; 334 at Hanscom Air Force Base, Bedford; and 80 each at Natick Quartermaster Labs, and Watertown Army Materials and Mechanics Research Center.

The Boston Yard slash will be felt before the end of this calendar year. The others will be spread over the fiscal year ending June 30, 1971. Outside of Massachusetts, the big cutbacks will be 1,500 workers at Portsmouth Navy Yard, Kittery, Me., as part of a phaseout announced six years ago and scheduled for completion in 1974.

The 364 job paring at Fort Devens, 350 military and 14 civilian, will mean a $2.8-million saving. Natick cutbacks are 80, all civilian, and will account for $1.3-million, and the 69 civilian and 11 military slashes at Watertown will eliminate $700,000 more.

One addition to the original Greater Boston list appeared at the weekend. The New England Division of the Army Corps of Engineers in Waltham announced the termination of 145 civilian jobs, cutting that work force to 628. No estimate was available of the dollar wage loss there.

[From the Boston Globe]

Lockheed Ills Pentagon Born

(By Donald White)

Lockheed Aircraft Corp. is in a spot of trouble.

It's like this. Lockheed, biggest U.S. defense contractor last year (and thus, without a doubt, the biggest defense firm in the world), has cash problems.

These cash problems are so acute that (a) it may not be able to meet its payroll, and (b) it may, as a result, have to stop work on its biggest defense projects.

How can a whopper of a firm like Lockheed get into so much trouble?

One way is to work for the Defense Department. Many a Rte. 128 company working on government contracts has lived—but barely—to rue the day.

Lockheed's headaches all appear to stem from its defense involvement, which is more than 90 percent of its total effort. They will undoubtedly affect its commercial work.

The company's top brass recognized early this year that a cash problem of magnitude was shaping up.

No less than four of the firm's military contracts are under dispute, the C–5A, the Cheyenne helicopter, the Air Force SRAM (short range air missile), and a group of shipbuilding contracts.

Total money involved is about $1 billion.

Lockheed calculated, probably correctly, that it would eventually get the money—or some of it, anyway—as a result of litigation. Trouble was that it could not wait until 1973 or maybe later. So the firm is asking the defense department for an advance of $641 million against the disputed cash.

It is very definitely a now problem. If Lockheed doesn't get the money it will have to cease work on the C–5A transport, center of the current dispute with the Pentagon.

Perhaps more important, however, it will be forced to shelve a plan to move back into the big-time of commercial aviation.

First there was the entry into the airbus field with the L–0111 trijet.

Then there was the attempt to turn the military Cheyenne helicopter into a vertical or short takeoff vehicle for swift intercity travel.

Finally there was a plan to turn the C-5A into a cargo carrier.

This three-pronged commercial plan now appears shot full of holes. The Pentagon has cancelled the Cheyenne (which means Lockheed having to shell out its own money to develop a civilian version) and lowered its requirement for the C-5A to 81 from 120.

All that is inconsequential now, however, because the whole Lockheed corporate setup is tottering.

The Lockheed affair is further illustration that the Pentagon's contracting methods are questionable.

Lockheed's C-5A contract was of the fixed-price type known as "total package procurement." It was instituted during Robert McNamara's days at the Pentagon.

McNamara, incidentally, described the Lockheed C-5A contract as "a model method of doing defense business . . . a damn good contract."

Total packaging falls down badly in a number of areas, most notably, perhaps, in design changes. From the time bids are requested until final delivery, many changes in specifications develop. These changes are often initiated by the DOD. Some reflect contractor production problems. In either case, costs change—usually justifiably but invariably upward as was the case with C-5A, which increased to $5 billion from $3 billion.

Defense Secretary Melvin Laird recently dropped the total package system. Just what sort of contract is best, however, still seems to be baffling the Pentagon.

With Pentagon practices under growing suspicion it is probably time for a full-scale re-evaluation of defense contracting systems. The Lockheed affair may well trigger just that.

More immediately, however, the Lockheed situation brings up the problem of whether the government should bail out the company, and if so, how.

Forced merger with another aircraft company is one possibility, though probably an unlikely one. Perhaps the only thing to do is to give Lockheed the money. The alternative—no Lockheed—is unlikely to do anyone any good.

[From the Boston Globe, Apr. 1, 1970]

More Lockheeds in the Wings and Bay State Could Suffer

(By Donald White)

The spectre of more Lockheed-type situations and the possible impact they might have upon Massachusetts' already hard-hit defense industry was raised in a conference in Framingham today.

Testifying before a hearing on economic conversion called by Sen. Edward M. Kennedy, Dana W. Atchley, chairman of Burlington-based Microwace Associates, suggested that there might be "other Lockheeds waiting in the wings."

The Lockheed Corp. is in critical financial straits because of its defense involvement has requested emergency funding from the government.

As Atchley noted, if Lockheed and other similar companies fold, or make severe cutbacks, subcontractors around the country will get hurt.

Massachusetts, one of the nation's biggest subcontract states, could get badly hurt, Atchley warned.

In his statement, Atchley was taking issue to some extent with a comment by Arthur S. Obermayer, president of Moleculon Research Corp., Cambridge, who suggested that small research and development get hit hardest in cutbacks because they lack a loud voice and formidable lobby in Washington.

"Lockheed might give you an argument on that," said Atchley.

Sen. Kennedy was accompanied by Sen. Thomas F. Eagleton of Missouri, whose state includes McDonnell Douglas, the nation's fourth largest defense contractor.

Also testifying was Joseph Hyman, president of Hycor, a 3-year-old, 30-man R&D firm in Woburn.

Hyman referred to the bleak situation around Rte. 128.

"During the past few months I've received countless calls from former associates and friends who have been laid off or who anticipate losing their jobs.

"These men usually have advanced degrees, are in their late 30's or early 40's with growing families, and have lived in New England 10 years or more.

"These people are not deadwood. They are highly skilled professionals who joined the the aerospace industry when our government assigned top priority to it. In the past I was able to suggest job opportunities in this area or in California, Texas, or Washington, D.C. Now I do not know of a single firm in the aerospace R&D complex on Route 128 or elsewhere in the country that I could suggest."

Hycor is making it "despite the capricious nature of doing business with the government."

Hycor is successful, Hyman surmised, "because we hustle more than the big companies. We don't have to go through the superstructure of management and mounds of paper. We can quickly define if a market exists."

He agreed with Sen. Eagleton that nothing can match the excitement of the aerospace industry. "Certainly you cannot match the excitement of a space launch with putting in a better sewer pump or air filter."

Hyman said he would not expect to get the same kind of commitment to a project in non-aerospace related projects.

Sen. Kennedy had earlier referred to the need for expansion into "the more human sides, R&D into the quality of life."

In another slap at government, Obermeyer spoke of what he called "the big business syndrome" in Washington.

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He claimed that the rapidly growing (nondefense) government agencies have received large increases in funding and considerable attendant publicity.

"All government contractors are thereby encouraged to solicit new business from these agencies and are encouraged by the large amounts of money they have available for contracts.

"At this stage most of these agencies are understaffed with technical personnel . . . They play it safe with the big name company which can take over the whole program and relieve the technical contract monitor from the responsibility for making a decision requiring considerable technical judgment."

[From the Boston Globe, Apr. 8, 1970]

It's Conversion Time on Route 128

(By Donald White)

Conversion.

Along Rte. 128. In Florida, Georgia, Missouri, California—wherever the economy is defense-oriented, conversion is a priority topic.

As the impact of defense cuts percolates deeper into the industrial economy, more and more companies realize that their only hope is conversion to commercial and consumer markets.

But how?

How indeed. By the time that question is answered it may be academic for many firms.

The fact is that any defense company that waited this long to begin worrying about conversion has probably waited too long. At very least, the managements of such companies are guilty of myopia.

Cuts are not made secretly and they take months to escalate. The smaller a company is, the longer the delay before slashed contracts make themselves felt down the subcontracting chain.

Massachusetts, specifically Rte. 128, is almost wholly a subcontracting region. Therefore it has longer than many regions to prepare for cuts.

Even that is apparently not time enough. Nine years is enough, though. That's how long it has been since electronics row went through the wringer last time.

Some companies did take measures, adding new commercial products, acquiring, diversifying, looking overseas, all of it without jettisoning defense work. They have something to fall back on this time.

Not all the companies currently undergoing withdrawal symptoms can be faulted for ignoring the events of 1961. Some were not even around then. For them, 1970 may well be what 1961 was to the older group—the year when they decided to dispense with dependency on Federal largesse.

There is some evidence that living through one such trauma is the most convincing argument for conversion.

Microwave Associates of Burlington is an example. Its case was stated by Dana W. Atchley, chairman, during a conference on conversion called the other day by Sen. Edward M. Kennedy.

"We had our nose bloodied in 1961," Atchley told Sens. Kennedy and Thomas Eagleton. This year, however, things are going remarkably well.

Atchley said the company's recently completed quarter was one of the best in the firm's history. Better than last year. Backlog is healthy, too.

Not too many companies on Rte. 128 can match those claims.

Atchley feels the situation is due in large measure to steps taken by Microwave after the 1961 crunch. "This time we were ready."

Microwave's countermeasures were twofold—expansion into communications and international markets. Both doubtless had a draggy effect upon earnings during the buildup phase, but who can quibble with that now?

Microwave's experience and its policy of self-help are a more valuable lesson than any number of soul-searching sessions on how to deal with conversion.

The trouble is that it is based upon the premise that you have to experience the worst before learning to cope with it. Many companies are beginning to experience precisely that right now. Whether they will be around to begin the countermeasures is open to question.

[From the Boston Globe, Apr. 12, 1970]

How Best to Handle Conversion?

(By Donald White)

How can government help the nation's defense industry with the problems of conversion?

A hearing called by Sen. Edward M. Kennedy the other day posed that question and—surprisingly—received some suggestions.

One of those invited to give testimony was Arthur S. Obermayer, president of Cambridge-based Moleculon Research Corp. He spoke from a six-page text, but was making suggestions by the second paragraph.

He took dead aim at Section 408 of the Independent Offices and Housing and Urban Development Appropriation Act which, he claimed, virtually excludes small research and development companies from doing business with a number of government agencies.

Section 408 states that no research contracts resulting from unsolicited proposals may be awarded unless they include cost sharing.

Obermayer said it is clear that small industrial organizations solely in the business of supply R&D for profit, and having no other fundamental long-term objectives (such as large systems management or production) were never even considered.

Yet, as he pointed out, most small companies in the government research business rely primarily on unsolicited proposals directed toward a specific problem. Another act which Obermayer said has a section discouraging conversion is the Department of Defense Military Procurement Authorization Act for 1970. It reduces to 93 percent from 100 percent the amount of overhead funds authorized to be spent under defense contracts for independent R&D, bid and proposal expense, and other technical effort.

Among other ways the government can help with the conversion problem, Obermayer suggested:

That the Small Business Administration be given the responsibility and authority to make low interest loans to defense contractors for the purpose of converting to nondefense business.

A certain percentage of non-defense government procurements, say 20 percent, should be set aside specifically for companies that have the basic technical expertise, but have not had previous direct experience with that particular government agency or in the particular technical field.

A strong program should be initiated for R&D set aside for small businesses, and for the representation of small R&D business of government procurement panels.

For Molleculon, the conversion road has been difficult, Obermeyer reported. "We have found that military research and development is usually directed toward high performance products requiring products requiring a significant advance in the state-of-the-art.

"By contrast, commercial objectives are usually the development of a better product at a competitive price. Such commercial activities don't require the same high level of technical sophistication, but they do generally require a very practical approach, including economic evaluations, cost analysis and market studies."

Obermeyer went on to say that in converting, Moleculon found its organization to be heavy with scientists and engineers and deficient in sales, marketing, production and financial areas.

So, defense contractors seeking to convert must spend more than a normal amount of time and money seeking out business in these new areas.

That, in turn, means learning new technologies through independent research and development activities and submitting more proposals to new government agencies—just the kind of expenses the new legislation discourages.

Obermayer contends that the new restriction on allowable overhead expenses for independent research and development, bid and proposal expenses, and other technical effort goes in the wrong direction. "This type of expense which is necessary for conversion should be encouraged, not curtailed."

[From the Boston Globe, June 18, 1970]

Vietnamitis Hits Highway: Conversion—A Pill That's Hard To Take

(By Donald White)

All is far from well on Rte. 128, the world's most famous industrial highway.

Corporate profits are down and in some cases there are no profits, simply increased losses.

There are fewer jobs—another way of saying more jobless.

There is more empty space for lease than at any time in a decade.

There is, in fact, a marked recession.

The reason is not a mystery. Everyone knows that Rte. 128 companies are heavily dependent upon the Washington spigot. When that spigot is partially closed, as it is now, Rte. 128 suffers.

In effect, Rte. 128 and the aerospace industry generally, is suffering from Vietnamitis. The funds that used to filter through from the Federal government—funds for research and development into all sorts of esoteric projects—are not coming through any more.

Some of the money that would have been spent thus has been used to buy guns and bullets and helicopters and bombs for the shooting war in Southeast Asia. Rte. 128 doesn't make that sort of project.

When it is defense-oriented, Rte. 128 is geared to war on a grander, more global scale. Its products are missiles, surveillance systems, softwear and strategems for World War III and some say chemical warfare. None of them any use in an off-the-shelf war.

Not all the Rte. 128 complex is geared to defense, of course. Trouble is that even the more worthwhile projects have been shelved, or left to idle. Money to fight pollution, cancer, crime and hunger, is diverted because of other priorities. People look for new jobs and find them even more difficult to come by.

Things could be worse, in fact are worse in other parts of the country. In California, Florida, Georgia, Missouri, states where there is far less diversification of industry than in Massachusetts, the situation is more acute.

The big question is: Why must it happen?

Even in dealing specifically with the local problem the question is difficult to answer. The temptation is to fall into the trap of saying: "Conversion is the answer. Why don't all these firms switch to something else that isn't so vulnerable?"

CONVERSION NOT EASY

But conversion is not a pill that can be popped any time to bring about instant surcease. In most cases it takes years to convert. It costs money. It requires commitment by management and investors. It calls for foresight. It can be a bloody nuisance for a chief executive called upon to explain about it to stockholders.

Conversion—and there are remarkably few

examples of any magnitude around Rt. 128—means taking a decision in good times, when corporate earnings are good, and using them to prepare for the bad times. Very unpopular with impatient stockholders.

It isn't the least use waiting until the bottom has fallen out of the defense business. By then it is too late. Earnings are down. Using what little profit there is to begin converting is out of the question.

That's about the spot that Rt. 128 is in at the moment. It is like this:

—The Greater Boston Electronics workforce slipped to 28,300 from 30,900 between March last year and April this year.

—There was a loss of 500 electronics jobs in April alone.

—A total of 150,000 factory jobs will be lost throughout New England this year as a result of the defense cutback.

WORST CUTBACK COMING

From a regional point of view, the worst may yet be coming. For suddenly, as the war in Vietnam is wound down, the few companies that have been thriving, the arms and ammunition and helicopter makers, will be drastically affected.

The prediction is from Prof. David Pinsky, a University of Connecticut labor education expert. Somewhat behind those industries in vulnerability will be boat-building and electronics.

Pinsky reckons there will be a loss of 150,000 jobs this year in the six-state region, 60,000 of them in Massachusetts.

Yet there are those who are more optimistic. Robert W. Eisenmenger, research director for the Federal Reserve Bank of Boston, sees the drop in employmnet as relatively mild. He reckons that non-defense industries will be able to absorb the additional workers. No need for elaborate planning games here, he said.

Comr. Carroll P. Sheehan of the State Department of Commerce and Development said industries involved with the environment, housing and oceanography could replace holders of defense contracts in providing jobs. No comment, however, on where those industries will be getting the funds to make them healthy.

FORMIDABLE HURDLES

Conversely, Thomas L. McGrath, director of research and development at the Greater Boston Chamber of Commerce, told a special legislative commission on Post Vietnam economy that shrinkage in the defense industry is "placing added burdens on our local economies."

McGrath noted the transition from defense business to non-defense takes time, talent and capital, "three formidable hurdles for smaller sized companies."

One of the few Rte. 128 companies to successfully undertake a dose of self-imposed conversion is Microwave Associates of Burlington. This year about $5 million of its $30 million volume will be non-defense.

Microwave's action was taken because it suffered in the 1961 technology recession. It used its expertise in radar technology to edge gradually into the communications field.

Other companies hurt in the early 1960s chose not to do anything. Today they are suffering anew. In addition there are dozens of neophyte firms along Rte. 128, all of them started since the early 1960s, experiencing defense jitters for the first time.

The companies weathering the storm best—apart from the few who chose to convert—were those who diversified via acquisitions. Raytheon is the prime local example.

That, however, is diversification, not conversion.

Conversion is an "in" topic these days. Commissions are being formed, task forces assembled and hearings staged all in the name of conversion. One such hearing was called in Massachusetts by Sen. Edward M. Kennedy. Surprisingly, he received some suggestions.

BIG BUSINESS SYNDROME

Arthur M. Obermeyer, president of Cambridge-based Moleculon Research Corp. became specific, pointing out government regulations which virtually exclude small R & D companies from doing business with government agencies.

He also drew attention to a "big business syndrome" in Washington which sees the rapidly growing non-defense contractors; that a certain amount business with big name companies.

Obermeyer suggested the Small Business Administration be given authority to make low interest "conversion" loans to defense contractors; that a certain amount of non-defense government be set aside for companies having no direct previous experience with a particular agency or a specific technical project; that a strong program be initiated for R&D set-aside for small businesses and that small R&D businesses be represented on government procurement panels.

There is obviously much that government can do, but the burden is upon individual companies. Those companies do best that help themselves. The trick seems to be to start before conditions begin to hurt.

CUTS FILTERING DOWN

For Massachusetts and Greater Boston things will probably get worse before they get better. Because it is primarily a subcontracting area, the effect of cuts among the prime contractors takes a while to filter through.

The cuts are nicely under way at the top. Lockheed, for example, announced a day or so ago it will have to pare about 13,000 from its payroll this year because of cuts in its government order book. The fallout from such an action will spread from tier to subcontracting tier.

As Dana W. Atchley, chairman of Microwave Associates, told the Kennedy hearing, there are probably other Lockheeds waiting in the wings. For Massachusetts that can mean only trouble.

[From the Boston Globe, June 18, 1970]

A PRESCRIPTION FOR AILING FIRMS?

(By Carl M. Cobb)

Solving problems in the nation's $60 billion health care industry is good business for a growing number of firms along Rte. 128, and as war-related defense contracts begin to fall off this may be just what the doctor ordered.

The management techniques and the team approach of many of these firms are being applied to the knotty problems of organization, planning and delivery of care.

A leader in this new field is Arthur D. Little, Inc., which recently acquired Lester Gorsline Associates, a California-based company specializing in the planning of health education facilities, hospitals, and university medical centers.

Contracts to solve health problems have not replaced contracts to build planes and tanks, but the infant field is growing fast, and just waiting for significant government participation.

Thus far government money has been limited, and private sources are just beginning to turn to private enterprise for this kind of service.

However, the picture at Arthur D. Little gives an idea of the direction things are headed. In 1966 contracts for ideas in the health field totaled just under $300,000. By 1970 this had climbed to roughly $1.5 million. Spokesmen at ADL are convinced this field is going to grow, and showed it when they bought out Gorsline Assoicates, an old line management ocnsulting firm in the health area.

It is reasonable to wonder who hires a firm like ADL and what do they expect this kind of an outfit to do for them. Nearly one-third of the money in health care contracts comes from the federal government, about 15 percent come from local and state governments, and the remainder is from the private sector.

One of ADL's big government contracts at the moment is with the Department of Defense, to look at the nation's military base hospitals in this country and come up with ideas and suggestions for saving money. The contract is still in force and ADL won't say too much about it, but one of the solutions is going to lie in the area of better use of non-M.D. personnel. Changes in this area will require legislative action since the number of corpsmen is set by law.

Other aspects of the contract include development of new hospital planning and design procedures which will make structures more adaptable; an improved management information system and development of incentives for improving efficiency of operation. More than 40 members of the ADL research, engineering and management consulting staff are working on the project.

In the private sector ADL was hired by the University of Vermont to help bring about the merger of two hospitals and their affiliation with the medical school as part of a medical center complex.

ADL staff worked closely with the boards of trustees and the administrative staffs of the Mary Fletcher and De Grosbriand Hospitals to assist them in the process of merging. The objectives were to identify problems that needed to be solved prior to amalgamation, to develop a framework for a suitable single board of trustees and administrative organization in the legal and financial aspects of the merger.

This was in large part a political problem, one of convincing all the parties to work together to submerge individual identities. ADL spent most of its man hours on the spot in Burlington working and talking directly with the parties involved.

A somewhat similar example from the local government area involved a contract with the city of Dayton, Ohio to help them bring about a merger of the health departments of the county and city governments. Again this was largely a political problem, with several previous attempts at merger unsuccessful because of civil service and seniority problems that could not be resolved by local officials.

Locally ADL has a continuing contract with Massachusetts Blue Cross to help top management formulate a working plan to deal with present and expected changes in rising health care costs, needs for broader and deeper protection of subscribers, and to develop ways to provide services as an intermediary between subscribers and government health care programs.

The range of talent and multi-disciplinary approach of a firm like ADL is their major selling point. The merger of city and county health departments, for example, involved an educational planner, financial manager, medical computer specialist, industrial sociologist, economist, architect and a city planner.

The size of the potential market for this kind of soft-ware, idea, problem solving service in the health industry is unknown. However, if two percent of the annual dollar volume were devoted to evaluation, planning or re-organization there is more than $100 million annually to be divided up among the growing number of firms going into this field.

The business is in a shake down period, and is not clear which firms are going to stay in, but new ones are joining all the time. Including some of the big ones like Thompson-Ramo-Woodridge-TRW Systems, United Aircraft and General Dynamics.

If the Federal government begins to spend

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some real money to solve social problems as the war in Vietnam winds down there are a number of firms along Rte. 128 ready to jump in for a profit.

[From the Boston Globe, June 18, 1970]

Few Options for Specialist Wanting Out

(By Thomas Oliphant)

There is no revolution brewing in the back offices and cubicles where the scientists and technicians toil out on Rte. 128.

Nor, except for a few isolated cases, are the actions of technical people below the top management level radically transforming the product or service mix of those companies now heavily dependent on Defense Department and NASA spending.

Generalizations are dangerous where several thousand people are involved. But it's safe to say that the typical highly trained specialist in Greater Boston's version of the military-industrial-university complex arrives at work on time, works hard, has no serious conscience pangs about what he does, and probably even finds it stimulating and satisfying.

Still, after all that's happened in the last five years (from the war to the ABM debate to the first concrete hint of spending cuts by the military) something is stirring, and the Rev. Scott I. Paradise calls it "malaise."

Rev. Paradise and his colleague, the Rev. Norman Faramelli, share a unique view of the Rte. 128 world as a result of their work for the Boston Industrial Mission.

Their effort here, now roughly two years old, is patterned after similar missions in England, New York City and Detroit.

In Boston, however, Revs. Paradise and Faramelli have dealt not so much with the way industrial systems stifle creativity and talent, as with the way they channel these precious energies.

Through such forums as general discussions on various current issues at regular luncheons and through research task forces now focusing primarily on ecological concerns, Rev. Paradise says the mission is in periodic contact with 200 scientists and technicians from this area.

In his view, this "malaise" is taking two forms.

"In the first place," he says, "more and more of these guys are really scared about jobs and futures because of the spending cutbacks.

"But beyond that, I can sense a marked change from the almost universally held view only a few years ago that all these military and space projects are new and exciting and vital to the national defense.

"What I hear more and more is the view that most of these projects are not just counter-productive from the standpoint of society's needs but also not very interesting anymore, either. And I've listened to some long discussions where these guys can sound very dubious about the value of technology, itself, given the present makeup of the society."

To a small extent, some of the larger local firms have made attempts to accommodate the desires of a number of their workers to participate in acivities well beyond the scope of their normal business operations.

For example, several Rte. 128 companies had tables full of their people at the famous "work stoppage" at MIT on March 4, 1969. In addition, a growing number of executives and technical people are hard at work on a variety of projects in Boston's black community.

At the same time, however, no company of significant size made any arrangements for workers who desired to participate in last October's moratorium demonstration.

Unfortunately, the fact is that for those afflicted or blessed (depending on your point of view) with the malaise Rev. Paradise describes, the genuine options are narrow indeed.

A few have been lucky enough to tap the relatively tiny vein of dollars the government has to fund commercial applications for technology developed on aerospace work in areas like communications, transportation, and pollution control.

For most, however, as Rev. Paradise puts it in the vernacular of his flock, "civilian things for their skills just aren't fundable."

The only alternative, except for staying put and getting depressed, then becomes resigning, and more and more one hears of such cases. For example:

The former vice president of one of Rte. 128's more prestigious residents is now making something less than a fortune running a small but innovative job-training program for prisoners.

An ex-military information systems specialist now uses his analytical skills on transportation problems

A young physicist, trapped at his present company in work intimately related to "the bomb," wants out and is taking a long look at coal mining, where the technology of safety is still seriously underdeveloped.

These and scores of other cases, however, are relatively small in number, and it's doubtful whether they provoke much soul-searching at the companies involved, since replacements are not that hard to find for the few who leave.

The result, of course, is that there is no "conversion"—an increasingly popular term among proponents of radical change, which involves the actual transformation of plants, laboratories, and the people who staff them, from military to social, or at least commercial, projects.

Perhaps a generation from now all this will have changed, but this seems more likely to come from an all-out war on the procurement section of the defense budget, than from the cumulative effect of the actions of workers on military projects along Rte. 128.

Addressing himself to this question in a speech after MIT's commencement a few weeks ago, Steven Carhart, the senior class president, predicted that significant numbers of his contemporaries would deny military and some space contractors their talents in coming years.

He may be right, but a serious question exists today whether enough viable alternatives exist for these committed young scientists, and their more elderly soul brothers.

It's one thing for a doctor to cease work on a new "instant" pain reliever and set up a clinic for the poor in Roxbury. For a disenchanted inertial guidance expert, the search for something "fundable" is infinitely more difficult.

[From the Washington Post, May 2, 1970]

Upper Bracket Jobs Scarce

(By Eugene L. Meyer)

Joe Smith is 45, married with three children and has a mortgage on a house in suburban Maryland. He has a degree in electrical engineering from the University of Colorado and 20 years of solid experience in his field.

Until six months ago, he was earning $20,000 a year working for a national firm with offices in the Washington area.

The company relied heavily on research and development contracts from the federal government. Many of these contracts were not renewed and as a result, Joe Smith is unemployed and finding it difficult to locate another job in his field in this area.

Joe Smith—a fictitious name—is a capsule portrait of a man in trouble, often repeated in the files of Washington job placement agencies.

Joe Smith is part of an increasingly large pool of unemployed professionals in the Washington area. These educated, experienced and capable men are, through no fault of their own, becoming a glut on a depressed market.

Area personnel agencies attribute the growth of the upper bracket "hard-core unemployed" to a slowing economy and government spending cutbacks—especially in defense-oriented industries.

As recently as a year ago people with Joe Smith's qualifications were in great demand and short supply. Today, as one professional "headhunter" put it, "It is an employer's market."

According to John Harmon, executive director of the National Employment Association, it is a national problem, but especially acute in regions such as Seattle, Southern California and Florida—areas where defense-aerospace industries and prosperity walk hand-in-hand.

"From a national standpoint, placements are off about 20 per cent," Harmon said. "The number of placements are off because the market is down. And many employers are slow in making their payments to recruiting agencies, which indicates tight money."

The problem exists in the Washington area because companies that thrive on government contracts like to be closer to the source.

Many of the large companies have virtually closed their Washington operations—firms such as Beckman Instruments, a California based electronic research firm, and Lear-Siegler, which makes jet parts and provides computer services. Boeing, whose home base is Seattle, has been hit worst.

There are also "hundreds" of small research and development firms in the Washington area, "and just about everyone is taking stock and really cutting the fat," says Ennis T. Ashby, president of a Falls Church employment service. "You just name a company and they've had a layoff."

Norman Rosenberg, president of the Capital Area Personnel Services Association says:

"The technical market as a whole in this area is quite depressed. Many software (computer services) companies have gone out of business. They had sprouted up quite heavily, but lack of borrowing capital and venture capital have forced these companies out of business."

The companies are less willing to discuss the matter, but they concede the market is tight generally, and especially in defense-oriented industries.

Raymond Curry, marketing director of Defense Electronics Industries, a manufacturer of communications equipment, said "It's tight, due to defense R and D (research and development) funds cutbacks, but we're not laying off anybody. We're not hiring either. We're letting attrition take care of it."

The post office systems division of Control Data Corp., of Arlington, reported about a 10 per cent force cutback.

A spokesman for Fairchild Hiller Corp conceded, "We sure aren't hiring," but added. "Fortunately, we're not affected by government cutbacks. Unlike other aero-space companies, we're diversified. We've been very lucky."

Even so, the spokesman continued, the company recently laid off nearly 100 workers.

Richard Cook, president of Alden Associates, an employment agency in Rockville, says, "Washington is in a very dire economic situation. Professionals are in worst shape than anytime since 1958."

Cook said the turnover rate from the time an individual starts job-hunting to his employment—in the defense-oriented and aerospace fields—has gone from one to seven weeks for individuals making above $15,000 a year.

Harold Gerick, Washington director of Career Management, a national talent search firm, noted, "I have four engineers from Fairchild I've been pushing for two weeks and I haven't even been able to get them an interview yet. Two of them moved here in October, the other two last summer. None want to relocate, but they're just going to have to."

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"The guy who gets laid off making $100 a week doesn't have a bad problem. He can get another job and survive," says Don Wallach, head of Wallach Associates, a large employment agency based in Rockville.

"But a guy making $18,000 or more has to sell his home and change his whole life style. I have a number of applications from guys with master's and Ph. Ds getting laid off due to lack of work. No one's in a position to hire them," Wallach says.

Ashby agrees: "The persons worst off are those 35 and older, senior people, with years of good experience and healthy salaries. I've been feeling it since about last June."

Ashby adds that air and water pollution engineers with experience, unlike their defense-oriented counterparts, are in great demand. "Things look pretty bright for them."

And Gerick says, "In the urban development area everyone's looking for someone to help them grab some of Uncle Sam's money."

Leslie Meil, president of Management Recruiters, of Chevy Chase, contends the market is "still very, very strong" for good individuals but concedes employers have become "very selective."

The situation has even affected the headhunters themselves. "Many employment firms are beginning to go under," says Wallach. "Guys are beginning to leave the business."

While the problem appears concentrated in government-dependent sectors, one recruiter reported another economic signpost. "I had a stockbroker call me last week for a $90-a-week clerk job in a bank," he said.

[From the Boston Globe, May 3, 1970]

RADAR A PRIME EXAMPLE: TECHNOLOGY OF WAR BENEFICIAL IN PEACE

(By Victor McElheny)

Not long before the surrender of Nazi Germany on May 7, 1945 the Luftwaffe was able to send aloft a few models of the first operational jet warplane—the Messerschmitt 262.

One of these planes—never made in sufficient numbers to threaten the never-ending wave of British and American bombers—now hangs in a hall of the Deutsches Museum in Munich.

There, hordes of tourists who have flown in jet airliners—the lineal descendants of World War II jets—can inspect the plane which might have crippled the Allied bombing offensive—it killed 500,000 civilians and eventually smashed Germany's railroad net.

The Me-262 is a symbol of the technologies developed at breakneck speed in the heat of World War II that have lingered to penetrate deeper and deeper into everyday life, bringing revolutions with them.

Radar was one of the most important of these revolutionary technologies. Radar first entered history as the "secret weapon" the Royal Air Force used to defeat Germany's 1940 air offensive over Britain.

This offensive, using light bombers, was designed to break Britain's resistance to an invasion planned for the Fall of 1940, but never carried out.

The so-called "few," the pilots of RAF fighter command, zeroed in on targets with the help of ground radar stations that Goering failed to knock out and thus inflicted crippling losses on the Luftwaffe.

Today, much more sophisticated versions of these radars help flight controllers at hundreds of city airports around the globe keep nervous track of fleets of incoming and outgoing jets, taking off and landing at rates of once a minute with hundreds of passengers.

The same branch of technology has penetrated the realm of communications, where micro-wave transmitters send signals as simple as telegraph codes and as complex as television whipping across the United States and other countries via microwave towers 40 miles apart.

They also send signals across the oceans via communication satellites—microwave towers in space—keeping station above the equator.

These satellites can reach their posts 22,300 miles above the earth, hovering in so-called "synchronous" orbit, because of the effort Germany made during World War II to develop a ballistic rocket that could hit London, and eventually New York.

Again the effort came just too late to give Germany a chance at victory or stalemate.

But the use of the rockets to launch communications, weather and navigation satellites is already having a deep effect on people's concept of each other and the world they inhabit.

The world can instantly share a prestigious American moon walk and a prestige-eroding view of incidents in Vietnam.

Soon the communications satellite will be used for domestic communications in Canada and for direct educational broadcasting to northern India.

Vital to developing the rockets and spacecraft was the technology of computers, first developed in World War II to do such jobs as help calculate the properties of the first atomic bomb.

The work on atomic bombs, carried out mostly in the United States, gave birth to nuclear reactors able to power missile-bearing submarines and run bigger and bigger electric power plants for cities around the world.

Nuclear power plants operate now not only in developed nations in North America and Europe but also in a poverty-stricken developing country like India.

Since World War II, India's population has increased from some 350 to 550 million, and life expectancy at birth has gone up from 27 to 50 years.

Helping this population explosion has been a major development of World War II: DDT—the killer of malaria carrying mosquitos.

Another development of World War II—penicillin—has led to a host of life-saving antibiotics which have sharply reduced infectious diseases as a factor in the health of developed nations.

The ripples from the technological explosions of World War II are still washing up on every shore.

S. 4242—INTRODUCTION OF A BILL TO AMEND THE FOOD STAMP ACT OF 1964, AS AMENDED

Mr. STEVENS. Mr. President, on a recent visit to my State of Alaska I discovered that a number of people visiting from the South 48 were purchasing food with food stamps. I wondered how these people, most of whom were on summer vacation, could be purchasing food stamps under a program designed to help the poor maintain an adequate diet. I was informed, much to my surprise, that in order for an individual 18 years or older to obtain food stamps, it was necessary only that he declare himself the head of a household and that his income be low enough to qualify. Individuals away from home and not working would easily meet these requirements. When they return to the South 48 in the fall, many of them to their homes where they are supported by their parents, they will no longer be able to maintain status as heads of households.

I am introducing legislation today that will put a stop to this abuse of the food stamp program. My bill will require that prior to receiving food stamps all able-bodied adults register with local State employment offices and accept work if it is available. The measure includes safeguards so that no individual will be required to work for less than the minimum wage or in a plant where a labor dispute has resulted in a strike. Of course, individuals in school who are not being supported by their parents and thus are legitimately heads of households will continue to be eligible for the food stamp program.

In addition, the bill will also make individuals who were claimed as dependents by their parents ineligible for the food stamp program.

The PRESIDING OFFICER (Mr. McGOVERN). The bill will be received and appropriately referred.

The bill (S. 4242) to amend the Food Stamp Act of 1964, as amended, introduced by Mr. STEVENS, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 4245—INTRODUCTION OF A BILL TO MAKE ELECTION DAY A NATIONAL HOLIDAY

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to make election day a national holiday. The purpose of this bill is to allow greater numbers of Americans to participate more fully in the electoral process.

Mr. President, every Member of this body is familiar with the fact that a great number of eligible voters each year do not register, and that a great number of those who are registered do not vote. This is a fact that is commonly lamented on the editorial pages and here in Congress each November. The low turnout phenomenon is a little like the weather: everybody talks about it, but nobody does anything about it.

Making election day a national holiday would be a first step in doing something about our low election turnouts, and would go a long way toward increasing the legitimacy of the electoral process by expanding the participation in that process. We tend to regard low turnouts as a sign of apathy, yet we know from our mail that few of our constituents are truly apathetic. It is reasonable to assume that many of those who are eligible to vote but fail to show up at the polls do so because of inconveniences that we can and should minimize.

Let me demonstrate why I think making election day a holiday is important. I will use the hypothetical case of Mr. Smith, a man who works in a location some miles from his home. On election day morning, Mr. Smith has to drive to work or ride a bus. He does not have time to vote before he goes; he has to be at the office by 8:45. At lunchtime, he does not have time to drive back to his home in order to vote. After work, he gets home at around 6 or 6:30 p.m. In less than 2 hours, the polls will be closed. Dinner may be delayed, the car may have problems, the weather may have turned very bad, his wife may not be able to find a babysitter for the children and she may not have had time to vote herself during the day. Both Mr. and Mrs. Smith may be tired from a long day. If they finally do get to the polls, they may find a long line of voters in exactly the

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same predicament, and they may have to wait so long that eventually they just go home. The net result is that two people who may have wanted to vote simply did not set foot in the polling booth.

I think it should be our goal to minimize the inconvenience of voting and the chanciness of individuals getting to the polls. Passage of this bill would eliminate most of the obstacles to voting that face millions of Americans like the Smiths. But the bill would serve another purpose: increasing the awareness of political issues and political candidates. This would be so because the average voter would recognize that a national holiday on election day would increase the likelihood of his getting to the polls. Knowing that he was likely to vote, and that most technical obstacles to his voting had been removed, he would be more inclined to think about the decisions he will have to make within the polling booth. And so, on the national holiday of election day, we not only would have more voters, but better informed voters as well.

There are other reasons for this proposal that I could go into, such as the social value of emphasizing the importance of election day. I honestly believe, however, that the burden of proof should lie with anyone—and I do not know of anyone—who opposes this proposal. The fact that election day is not a national holiday in the United States, as it is in so many other countries, probably indicates more of an oversight that a deliberate decision. If there is opposition to this proposal, I imagine it will come from those who feel it is in their own interest to keep voter turnouts from expanding. This position in itself argues more effectively for this bill than any argument I could devise.

Mr. President, I hope that the Senate will give this bill careful consideration, and I ask unanimous consent that it be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Baker in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4245) designating certain election days as legal public holidays, introduced by Mr. Magnuson (for himself and Mr. Harris), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 4245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6103 (a) of title 5, United States Code, as it will exist on and after January 1, 1971, pursuant to the first section of the Act entitled "An Act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes", approved June 28, 1968 (82 Stat. 250; Pub. L. 90-363), is amended by inserting between—

"Veterans Day, the fourth Monday in October." and

"Thanksgiving Day, the fourth Thursday in November." the following new item:

"Election Day, the first Tuesday after the first Monday in November in 1972, and in every even numbered year thereafter."

S. 4246—INTRODUCTION OF THE OLDER AMERICANS TRANSPORTATION SERVICES DEVELOPMENT ACT

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Hawaii (Mr. Fong), the Senator from Iowa (Mr. Miller), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Vermont (Mr. Prouty), the Senator from West Virginia (Mr. Randolph) and the Senator from Ohio (Mr. Young), I introduce for appropriate reference, a bill to amend the Older Americans Act to authorize a special emphasis transportation research and demonstration program to be administered by the Administration on Aging.

Today, older Americans—whether they live in congested cities or sparsely populated rural areas, are encountering serious transportation problems.

Many experience loneliness and frustration from needless isolation because of forced immobility.

Because of financial, health, or safety reasons, others no longer drive their own cars. Only about 42 percent have drivers' licenses.

Moreover, public transportation is often unavailable, inaccessible, inconvenient or physically difficult to use.

To make matters worse, a large number of older pedestrians are endangered by such hazards as short-cycle traffic lights, high curbs, and traffic patterns designed to benefit auto commuters.

For most aged persons, transportation is a major expense. A recent survey by the Bureau of Labor Statistics reveals that transportation accounts for 9 cents out of every dollar in the average retired couple's budget.

It is their third-ranking expenditure—just behind food and housing.

Routine tasks for most younger people—such as shopping, going to the doctor or visiting friends—become formidable obstacles for the aged, who are often confined to their homes or neighborhoods.

As a consequence, a significant proportion of the elderly—as well as younger handicapped individuals—are now denied equal opportunities to work, shop, and participate in their communities.

This not only accentuates the isolation of the aged, but it also denies them urgently needed services.

What we say about the elderly is also true for other age groups, but the transportation problems of older persons are usually more intense.

Obviously, any legislation to improve transportation will benefit all Americans, but for the elderly such improvements can be especially beneficial.

One such proposal is S. 1354—the Urban Mass Transportation Assistance Act—which passed the Senate in February by a vote of 82 to 4.

This legislation would for the first time allow the Federal Government to make major long-term commitments for transportation construction and improvement of transit systems.

One section in the bill requires State or local agencies applying for Federal grants or loans to certify that the project is consistent with the economic, social, environmental, and urban planning of the affected areas.

Under this requirement, the needs of the elderly should receive special attention since central urban areas ordinarily have high concentrations of aged and aging Americans.

The second part of my two-prong approach is the bill I introduce today—the Older Americans Transportation Services Development Act.

Under the Older Americans Act, $15 million is authorized for fiscal year 1971 for title IV research and demonstration projects and title V training. However, the administration has requested only $2.8 million for research and demonstration and $3 million for training. Moreover, this small amount for research and demonstration must cover the entire field of aging, including such important areas as nutrition, retirement planning, voluntary and paid employment opportunities, recreation and leisure, community services, and many others.

Only five transportation research projects are now funded under title IV by the Administration on Aging. They constitute only about 3 percent of the total amount expended for research and demonstration under the Older Americans Act.

Yet, the results from these pilot projects have been impressive.

For example, the Chicago YMCA portal-to-portal minibus service has helped to enrich the lives of withdrawn aged persons by allowing them to participate more fully in their community.

In addition, a research project conducted by the Division of Transportation Planning of the Polytechnic Institute of Brooklyn has studied the effects of the reduced fare plan for older persons in New York. This study revealed that the reduction in fares increased elderly ridership significantly—by at least 27 percent.

However, existing research and demonstration efforts are far too limited. Much more remains to be done since there is a pressing need for more transportation research in the field of aging.

For instance, in testimony on S. 3154 before the Housing Subcommittee of the House Banking and Currency Committee, John Martin, Commissioner on Aging, said:

> We don't know very much about the ways in which we could make it easier for older people to get to where they need to go and do the things they need to do.

My bill would help to provide this specific direction and at a modest cost—$3 million over a 22-year period.

It would help to build upon successful existing programs as well as provide badly needed funding for new research and demonstration.

It would concentrate on economic and service aspects of transportation for the elderly in urban and rural areas.

Moreover, the bill would authorize:

Feasibility studies on special transportation services in areas where large numbers of elderly persons live,

Research and demonstration on portal-to-portal service,

Additional studies on fare structures and the impact on the elderly's ridership, well-being, and morale, and

Demonstration projects to provide better coordinated transportation services rendered by social service agencies. The potential benefits of this undertaking are many.

For older Americans, it could provide a means to counteract isolation which often leads to loneliness, despair, and even death.

Lower cost transportation which is conveniently located would also help older persons economically.

Increased mobility would improve their ability to obtain needed services and products, as well as enable them to participate more actively in their communities.

Their children may also help because the aged would not be as dependent upon them for transportation.

In addition, the business community may be benefited since increased mobility will allow more senior citizens to purchase their goods and services.

Therefore, I urge prompt and favorable consideration of this legislation.

Mr. President, I also ask unanimous consent that the bill be printed in the Record.

The **PRESIDING OFFICER** (Mr. Baker). The bill will be received and appropriately referred; and, without objection will be printed in the Record.

The bill (S. 4246) to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program, introduced by Mr. Williams of New Jersey, for himself and other Senators, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 4246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Transportation Services Development Act".

Sec. 2. Title IV of the Older Americans Act of 1965 (42 U.S.C. 3031) is hereby amended by adding at the end thereof the following new section:

"SPECIAL EMPHASIS TRANSPORTATION RESEARCH AND DEMONSTRATION PROJECTS

"Sec. 403. (a) The Secretary is authorized to make grants to any public or nonprofit private agency, organization, or institution and to enter into contracts with any agency, organization, or institution, or with any individual—

"(1) to study the economic and service aspects of transportation for older persons living in urban or rural areas;

"(2) to conduct research and demonstration projects regarding the feasibility of special transportation subsystems for use by older persons or similar groups with similar mobility restrictions;

"(3) to conduct research and demonstration projects on portal to portal service and demand actuated services;

"(4) to conduct research and demonstration projects concerning the impact of pricing structures on the comfort, well-being, and morale of older persons;

"(5) to study transportation and social service delivery interface;

"(6) to conduct research and demonstration projects to coordinate and develop better transportation services rendered by social service agencies; or

"(7) to conduct research and demonstration projects concerning other relevant problems affecting the mobility of older persons.

"(b) There are authorized to be appropriated to carry out this section $1,000,000 for the fiscal year ending June 30, 1971; and $2,000,000 for the fiscal year ending June 30. 1972."

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that a statement prepared by the distinguished Senator from Vermont (Mr. Prouty) on this subject be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR PROUTY

Mr. Prouty. Mr. President, today the Senator from New Jersey (Mr. Williams) has introduced a bill to amend the Older Americans Act of 1965, so as to provide research and demonstration programs in transportation for the elderly. I am pleased to be a cosponsor of this bill and I would urge all Senators to give it every consideration.

Transportation for the elderly is a serious public problem. In most rural areas older people face isolation and confinement because they are unable to travel into the towns. Lack of adequate transportation can, therefore, mean lack of adequate nutrition, medicine and other necessities. As ranking minority member of the Senate Special Committee on Aging, I have learned first-hand the consequences of confinement and loneliness which result from inaccessability to transportation means.

Those who do travel usually must use public transportation, which is often inadequate and expensive—very few drive cars after reaching 75.

The bill offered today will specifically authorize demonstration transportation projects for the elderly under Title IV of the Older Americans Act. This approach will produce a two-fold effect; it will provide much-needed research and information on which to build sound programs, and at the same time will furnish a significant portion of the elderly with immediate transportation facilities.

I commend the Senator from New Jersey for his efforts to solve this problem, and I am pleased to be a wholehearted supporter and sponsor of the bill.

ADDITIONAL COSPONSORS OF BILLS—S. 3419

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Mississippi (Mr. Eastland), I ask unanimous consent that, at the next printing, the name of the Senator from Mississippi (Mr. Stennis) be added as a cosponsor of S. 3419, for the relief of Claire E. Brou.

The **PRESIDING OFFICER** (Mr. Baker). Without objection, it is so ordered.

S. 3614

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Kentucky (Mr. Cook), I ask unanimous consent that, at the next printing, the names of the Senator from Illinois (Mr. Percy), the Senator from New Mexico (Mr. Anderson), the Senator from Maryland (Mr. Tydings), the Senator from South Dakota (Mr. McGovern), the Senator from Texas (Mr. Yarborough), and the Senator from Minnesota (Mr. Mondale) be added as cosponsors of S. 3614, to amend the Federal Water Pollution Control Act and the Clean Air Act in order to provide assistance in enforcing such acts through Federal procurement contract procedures.

The **PRESIDING OFFICER** (Mr. Baker). Without objection, it is so ordered.

SENATE RESOLUTION 447—RESOLUTION SUBMITTED TO EXPRESS THE SENSE OF THE SENATE RELATING TO CONTINUANCE OF SERVICES OF THE NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Mr. BAYH submitted a resolution (S. Res. 447) to express the sense of the Senate that worthwhile services of the National Advisory Council on Economic Opportunity should be continued, which was referred to the Committee on Labor and Public Welfare.

(The remarks of Mr. Bayh when he submitted the resolution appear earlier in the Record under the appropriate heading.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 14, 1970, he presented to the President of the United States the following enrolled bills:

S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act, and for other purposes; and

S. 3302. An act to amend the Defense Production Act of 1950, and for other purposes.

THE FITZHUGH COMMISSION REPORT AND THE PROXMIRE AMENDMENT

Mr. GOLDWATER. Mr. President, I was not in the Chamber yesterday when the Senator from Wisconsin (Mr. Proxmire) offered his amendment to the military procurement bill. I would like to comment on the matter so that Senators who read the Record over the weekend may have some concept of what this amendment does.

Recently a report was made to the Defense Department by a blue ribbon commission, the Fitzhugh Commission, recommending that certain procedural changes be made in the Defense Department.

Mr. President, even those of us who serve on the Armed Services Committee and are charged with the responsibility of holding hearings on this report and

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reporting legislation to the Senate on this report, probably early next year, have not had a change to read the full report. The report in itself is a very voluminous one. I have had it in my briefcase for 2 weeks and I have only covered about half of it. I do not think that it is any way to legislate this drastic change in the Defense Department by amendment.

Once again the Senator from Wisconsin is resorting to this effort to bypass the normal routine, which calls for hearings before the Committees on Armed Services of the Senate and the House.

This is the most drastic change suggested in the Department of Defense since 1947, when the last changes were made in the Department of Defense.

I find many parts of this report with which I am in agreement, but I have not read it completely and I cannot say I agree with the entire report. I am sure all Senators have not read the entire report. Certainly, we have not had the time to do so because of the debate.

The amendment is taken verbatim, word for word, from the Fitzhugh report. We do not know if these things are good or not. For example, subparagraph (g) of the amendment states: "that elements of the systems or subsystems do not include 'gold plating.'"

What does he mean by this language? What does the Fitzhugh report mean by this language? We have many parts in avionics and communications equipment that are gold plated and many parts that are solid gold. Is he going to prohibit technology or using this improvement? What does "gold plating" mean? I have not had it explained yet.

Then, subparagraph (c) states: "that competitive prototypes have been used in addition to or in lieu of paper studies."

This is a very controversial area. We have been getting into this field for years and years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, this is something that has been going on in the Department of Defense for years. There is much argument for it and much argument against it. However, we cannot settle these matters on the floor of the Senate by 100 Senators, probably no one of the 100 knowing what the end result would be or who have read the Fitzhugh report.

Much of this amendment runs contrary to positions that have been taken by the Senator from Wisconsin, who has been opposed to independent research and development, or research and development in itself. Some of the language of this amendment asks for continuation of independent research and development, if I understand English; and I know the Senator from Wisconsin has repeatedly opposed expenditure of money for independent research and development. Yet how can we accomplish this without that?

Subparagraph (a) states: That exploratory and advanced development of selected subsystems and components of the weapons system have taken place independently of the development of the weapons system.

This is independent research and development. We just knocked the whole thing into a cocked hat a few weeks ago when we stopped independent research and development, substituted $650 million, and called for contract negotiations for all amounts above $2.5 million. This runs contrary to what Congress has just accomplished.

This is another part of the Fitzhugh report that puzzles me. Why would they make this recommendation in view of the fact that Congress, in effect, has just destroyed independent research and development in this country?

I might say parenthetically that out of independent research and development, although it has cost billions of dollars, have come many times those billions of dollars in returns to the people through work on projects or products produced by independent research and development. It adds tremendously to our understanding in technology, avionics, communications, and medicine; and yet here we are, we have just knocked it all out, and now the Senator wants to put it all back in.

I am for independent research and development. But this amendment is very dangerous and I hope the Senate will not agree to it. This is the same kind of approach to problems used before this year in this body trying to correct, by legislation when, in my humble opinion, those mistakes should only be corrected by constitutional amendment.

Even if I might agree with parts of this amendment, I think it is wrong to bypass the Committee on Armed Services which is charged with the responsibility of reporting to this body—probably sometime next year, although I have not discussed it with the chairman—on the soundness of the Fitzhugh report. We cannot judge the soundness of the Fitzhugh report in debate because nobody knows enough about it, including the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. The time of the Senator has expired. Is there further morning business?

Mr. STENNIS. Mr. President, I ask for recognition for 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I certainly am pleased that this amendment has come to the attention of the distinguished Senator from Arizona (Mr. GOLDWATER). Along with the Senator from Arizona, I, too, think there is a great deal of merit in this panel report; and we are really going forward to an analysis and study, and no doubt there will be recommendations from our committee. Every major suggestion in it is worth the most careful analysis and report to the Senate. However, we have not had time to even read all of it yet. We have not had the benefit of a staff analysis or a staff response, and, of course, it goes without saying that there has not been a chance to have hearings.

I certainly agree that this would be almost calamitous to start now before these things are done. Even though this amendment only calls for a report, it ties up the money in these instances until we have this report. So I think to adopt it now would spoil the chance for doing something constructive with it later. The situation would be all jumbled up; the Department of Defense would not be able to deal with it; the contractors would not be able to know how to submit bids. I believe the judgment of the great majority would be to not include the amendment; but they will not kill the ideas in the panel report. We are going to give this body the benefit of our best study and make recommendations.

I thank the Senator and I hope he will be present to hear the debate on Monday and take part in it.

Mr. GOLDWATER. Mr. President, I assure my chairman that I will be here, and loaded—in the proper way. [Laughter.]

I do not think this kind of amendment makes any sense. The thing that disturbs me is that some people are always picking on the Department of Defense. Why do we not have something like this for HEW; why do we not have something like this for the Department of Interior? No. It is always the Department of Defense. I do not think they will be happy until they eliminate the Department of Defense and take our defenses down to the disasters that will happen.

I am going to oppose this amendment with every fiber of my body and brain because it just does not make sense.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I thank the Senator.

AMERICAN PRISONERS OF WAR

Mr. CURTIS. Mr. President I often think of a sentence I read years ago in Longfellow's Hiawatha. It said simply that every human heart is human.

Today, over 1,400 American men are held prisoners of war by the North Vietnamese under conditions that violate the Geneva Convention; conditions that no civilized man with the slightest bit of decency or humanity in his heart would tolerate for a moment. Yet this condition persists month in, month out.

To deny the humanity of another man is not difficult. Proving it is difficult, but the North Vietnamese have managed to successfully demonstrate to all the world that to them, humanity is no more than an empty phrase—a bit of fluff, a word without meaning. There is no humanity in their hearts. No further proof is needed.

ADDITIONAL STATEMENTS OF SENATORS

COST OF SO-CALLED WELFARE REFORM LEGISLATION

Mr. TALMADGE. Mr. President, the President's veto of the education and housing bills would appear to indicate great concern on the part of the administration about restricting Federal spending. The President severely criticized

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Congress for going beyond his budget requests, and then moved to try to kill these two important pieces of legislation.

I can understand concern about restraining Federal spending in every possible area. The national economy is dislocated. Inflation is rampant. Interest rates are astronomical. Unemployment is already dangerously high, and in some parts of the Nation it is fast approaching the depression stage. The situation is grave, and I am sympathetic to the administration's apparent concern.

However, what I cannot understand is the angry denunciation of Congress by the administration for increasing education and housing spending by $1 billion, and then for the administration to send its spokesmen to Capitol Hill to push for the eactment of so-called welfare reform legislation that by their own estimates would cost at least $4 billion annually more than present welfare costs. Actually, the increase would probably run at least twice that amount. This is what I find difficult to comprehend: to complain about $1 billion in vitally needed education and housing programs, and then to propose a multibillion-dollar increase in welfare spending.

Through hearings by the Committee on Finance, we have established to my satisfaction that the Family Assistance Act in its present form was ill-conceived, hastily drawn, and seriously deficient in many areas—especially in providing incentives to work that can and should be acomplished through increased private and governmental educational and job training programs.

Mr. President, this morning's Washington Post contains an excellent editorial column, written by Kevin Phillips, discussing the welfare legislation and its likely devastating impact upon the economy.

I bring this to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEFICIT AND FAMILY AID

(By Kevin P. Phillips)

With evidence growing that a large federal budget deficit can be expected over the next three fiscal years (1971–73), the White House's bold Family Assistance Plan, now under close congressional scrutiny, is stirring economic concern. Under such deficit circumstances, the new multibillion-dollar welfare program—White House planners put its added cost at just over $4 billion annually while opponents double or triple the figure—could be financed only by increased taxes or accelerated inflation. Either way the scheme would be a blow to middle American pocketbooks and conceivably to the national economy.

The fiscal backdrop against which the administration continues to promote family assistance is bleak and growing bleaker. Secret budget trend projections leaked last month from the Western White House at San Clemente indicated that under highly adverse conditions, the federal budget deficit for Fiscal 1971 could reach $15 billion, the deficit for Fiscal 1972 could be $23 billion and that for Fiscal 1973, $20 billion. A three-year deficit of $58 billion (or even half as much), if not met with new taxes, must reinforce and accelerate the upward spiral of inflation.

Although the administration has not yet acknowledged these estimates or admitted that the Fiscal 1971 budget deficit will exceed the projected $1.3 billion, the evidence in the latter case is overwhelming.

Specifically, the outlays projected for the new welfare program appear to constitute a major ingredient of the deficit for all three fiscal years. Inasmuch as contingency projections of the welfare scheme's possible added cost in fiscal years 1972 and 1973 reportedly exceed the $10 billion a year level, it would be reasonable to single out the Family Assistance Plan, if enacted, as a principal cause of budgetary red ink and thus of any ensuing tax hike or inflation.

Certainly the White House does not look very creditable in its "economy" vetoes of appropriations bills while a massive additional welfare outlays remains on the agenda.

The President has apparently ruled out any further reduction of defense spending. (The slashes made to date have already brought economic doldrums to many aerospace communities and jeopardized U.S. military preparedness vis-a-vis the Soviet Union.) Therefore, unless Mr. Nixon changes his mind, cuts in proposed domestic spending offer the only alternative to increased taxation of a large, inflationary budget deficit. Administration conservatives are once again raising questions about the Family Assistance Plan.

Actually, if the new welfare proposal is enacted under deficit circumstances, its indirect impact could be considerable. Federal Reserve Board Chairman Arthur Burns, the President's former chief domestic policy adviser who now sits quite independently at the controls of the nation's money and credit supply, fought the Family Assistance Plan tooth and nail. He believes it is a misconceived, wasteful outlay, and that money and credit cannot be greatly expanded until excess federal spending is brought under control.

Burns' attitude is giving the White House concern. His past distate for the Family Assistance Plan suggests that he will resist any White House attempt to finance it through an inflationary deficit and that he will look particularly askance on any deficit caused by its enactment. If Burns counters a large deficit with tighter money, this could mean a continuing inflationary recession of rising prices, tight credit and unemployment, something the President and the country cannot afford. A tough-minded conservative, Burns means business in his opposition to increasing federal spending.

Under present budget circumstances, the launching of a possible $10-billion-a-year welfare program could play a major role in causing further dislocation of the economy. The President's reelection prospects would suffer accordingly. Some observers have speculated that the Democrats in the House of Representatives supported the Family Assistance Plan to entrap the Nixon administration. Perhaps Senate Democrats will see it through for the same reason.

CULEBRA

Mr. SYMINGTON. Mr. President, until recent months, the existence of the small island of Culebra about 20 miles east of Puerto Rico was not widely known. Intensified shelling and air bombardment of this island by the U.S. Navy, however, along with the latter's plans for expanding its holdings there, have stirred many to question the validity of the Navy's case that this island is an essential part of the Atlantic Fleet weapons range.

On March 13, 1970, the citizens of Culebra voted in a town meeting to ask the Navy to withdraw from their island; and later that same month, the Puerto Rican Senate passed unanimously a resolution requesting President Nixon to reexamine the Navy's activities in Culebra.

Numerous press reports have since spread the plight of the Culebrans; but of particular interest have been a series of articles appearing in the Journal of the Armed Forces—usually a promilitary publication—taking a strong stand against the Navy and in favor of the people of Culebra.

After studying this matter, it is difficult for me to understand why the Navy cannot find an uninhabited island for use as a target range; therefore, I plan to support the amendment offered by the Senator from New York and the Senator from California to the military procurement authorization bill which would prohibit the naval shelling or air bombardment of the island of Culebra and its adjacent keys and waters.

In this connection, I ask unanimous consent that an article entitled "Islanders Fighting Navy in Range War," published in the St. Louis Post-Dispatch of July 23, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, July 23, 1970]

ISLANDERS FIGHTING NAVY IN RANGE WAR

(By William K. Wyant, Jr.)

WASHINGTON, July 23.—The United States Navy has unchallenged supremacy in the Atlantic but is shipping water badly in the Caribbean, where citizens of Culebra have fired a broadside against use of their Puerto Rican island for target practice.

Two young lawyers from Dean G. Acheson's prestigious firm Covington & Burling, have been working night and day to shoot full of holes the Navy's case for retaining Culebra. The firm took the Culebra brief free, on a public service basis.

Rockets and flares have been fired on behalf of the Culebrans by major newspapers, magazines and television networks. Several heavy cruisers and dreadnoughts in Congress have come into the fray, tossing their salvos into the Navy's flank.

Last week, no fewer than three Democratic Senators—J. William Fulbright of Arkansas, Edward M. Kennedy of Massachusetts and Edmund S. Muskie of Maine—stood up to take the side of the Culebrans, who want an end to the Navy's bombs and shells.

A week earlier, on July 9, Republican Senator Charles E. Goodell of New York told the Senate the naval activities were restricting tourism and industrial development, frightening children in school and endangering lives.

Goodell introduced in the Congressional Record a detailed "fact sheet on Culebra" developed by the two Covington & Burling lawyers, Richard D. Copaken and Thomas C. Jones Jr. It can be said with accuracy that Copaken and Jones, each 29 years old, are giving the Navy fits.

Their law firm has powerful connections in the capital and other places. The name causes doors to open. The firm's offices occupy much of a new building on Sixteenth Street, Northwest, and have an aura of furniture polish and ducal elegance.

But the Navy is plowing through this tempest stubbornly and with hatches battened down. The Navy insists it needs Culebra as an essential part of the Atlantic Fleet Weapons Range and, in fact, would like to have more than the 36 per cent of the island it now owns.

Naval ships and aircraft have trained on and near Culebra since 1936. Until last year it sought to buy the entire island, but this was "not mutually agreeable," as the Navy put it, and a switch was made to a plan designed to give the Navy additional elbow room while offering some benefits to Culebrans.

The island is about seven miles long and three wide, between Puerto Rico and St. Thomas. There are 726 United States citizens living there, most of them poor farmers and fishermen. The per capita income is less than $400 a year.

The Ralston Purina Co. of St. Louis has operated a laboratory on Culebra since early in 1968, raising white rats that are shipped to research centers. The operation is part of the company's Manor Research Co., based in New York State. Manor Research raises several varieties of laboratory animals, a company spokesman said.

The Culebra operation, which has never employed more than 37 workers, is in a building owned by PRIDCO, the industrial development arm of the Puerto Rican government. Ralston Purina and PRIDCO are trying to find a successor to take over the laboratory, the spokesman said.

Ralston Purina decided to get out of the island operation for several reasons, chief of which was the death last summer of the laboratory founder in a boating accident. In addition, airline transportation of the rats posed too great a problem for the company, the spokesman said.

He said Ralston Purina planned to continue its New York State-based laboratory animal operation.

It is said that Culebra is the island Robert Louis Stevenson had in mind when he wrote "Treasure Island." There are fine beaches, a good climate and obvious possibilities for attracting more tourists if the Navy could be persuaded to take its shells and rockets elsewhere.

Intensified military activity, along with the Navy's plan for expanding its holdings, stirred Culebrans to protest this year and brought Culebra's Mayor Ramon Feliciano to Washington in search of assistance.

The island's cause was espoused on a public service basis by Covington & Burling because the firm thought it involved important public issues. Copaken was assigned to the matter in mid-May and enlisted his colleague, Jones, who is fluent in Spanish.

Copaken, from Kansas City, is a Harvard law school graduate who served a year as a White House Fellow. Jones, a Chicagoan, was in Copaken's class at Harvard but received his law degree from Columbia. He studied at the Sorbonne and in Munich and Madrid also.

It might have cost the Culebrans $75,000 to $100,000 to hire a big Washington law firm, but under the pro bono arrangement they have received free an intensive effort. Since May, Copaken and Jones have made three trips to Puerto Rico and Culebra.

Copaken said he went to the Pentagon and talked for more than five hours with Joseph A. Grimes Jr., special assistant to the Secretary of the Navy. Grimes told him, Copaken said, that Culebrans were content with the Navy's activities and the contemplated step-up, and that the dissent had been stimulated by real estate speculators.

Grimes speaks fluent Spanish. Copaken said he challenged Grimes to go to Culebra and speak to the people himself. He urged that the problem be put to a referendum under auspices of the International Red Cross. He said neither challenge was accepted.

Accordingly, Copaken and Jones flew to Puerto Rico and Jones interviewed more than 60 Culebrans, most of them heads of families. He reported that 95 percent opposed the Navy plan and 75 percent favored complete withdrawal of the navy from Culebra.

While the lawyers and Puerto Rico's governor, Luis Ferre, were at Culebra late in May, the Navy fired some mortar rounds near where children were bathing at Flamingo Bay on Culebra. Navy personnel at first denied it had happened, but the lawyers got a statement proving it had happened.

Copaken contended that the Navy had various options on Culebra. He and Jones argued that Culebra's usefulness to the Navy was limited and because of safety factors and because a missile the Navy said it wanted to test there, the Walleye, apparently was being phased out as obsolute.

Not only did the young lawyers stir up press and television interest in the plight of Culebrans, but they conferred with Puerto Rican politicians, including Gov. Ferre and the resident commissioner in Washington, Jorge L. Cordova. The resdent commissioner backed the Culebrans.

There appears to have been an understanding between the previous Puerto Rican administration and the Navy concerning Culebra's fate. In any event, the Navy is important to Puerto Rico's economy, and Ferre, perhaps for that reason, has seemed ambivalent in his support of the Culebrans.

Last week Copaken and Jones, along with Mayor Feliciano, endeavored to sound out the Governor. They went to San Juan and served notice on the Governor's staff they would hold a press conference last Thursday and challenge Ferre to take a clear public stand.

On Wednesday evening, the Governor called in the press and announced he had telephoned Secretary of Defense Melvin R. Laird and got his promise that an immediate re-evaluation of the Culebra problem would be made by the Navy, to be available in a week's time.

The Washington lawyers and Feliciana nevertheless held their press conference the next day, pointing out that the Governor still had not made his personal position clear.

Until the Governor speaks out strongly against use of Culebra as a naval target, they said, "there is very little hope for the future of Culebra as a part of the heritage of Puerto Rico."

Copaken, back in Washington, has been trying without success to find out how the new Pentagon study is coming. There is no danger he or Jones will give up the ship.

"The Navy's case," Copaken said, "is just not defensible."

THE ALEUTS OF ALASKA

Mr. STEVENS. Mr. President, the largest Aleut community in the world is dependent upon the annual harvest of Alaska for seals. The Aleuts are loyal Americans who pay taxes, help defend our Nation in time of crisis, and enjoy a unity unique to many peoples.

There is presently a move afoot to prevent the harvesting of the fur seals on the Pribilof Islands. The harvesting is done by Aleuts in accord with conservation practices devised by the Federal Government and prevents the wasteful death of countless numbers of seals from disease, malnutrition, and overpopulation.

I have recently received a letter from the Council President of the Aleut Community Council, St. Paul Island, Alaska, Mr. Terenty Philemonoff. I would like to call the attention of the Senate to the sentiment of the people of St. Paul Island in the matter of the harvest of the Pribilof fur seals.

Accordingly, I ask unanimous consent that the letter be printed immediately following my remarks.

Recently, Sandy Parker, an editor for the newspaper, Women's Wear Daily, went to the Pribilof Islands to observe the seal harvest. The information gathered were reported in a three-article series that appeared in Women's Wear Daily on July 14, 21, and 22. I ask unanimous consent that Sandy Parker's articles be printed in the Record following the letter from Mr. Terenty Philemonoff, St. Paul Island Council president.

There being no objection, the items were ordered to be printed in the Record, as follows:

The Aleut Community Council,
St. Paul Island, Alaska, July 13, 1970.

Hon. Ted Stevens,
U.S. Senate,
Washington, D.C.

My Dear Senator Stevens: We need your help to stop the Friends of Animals from trying to stop the Seal harvest on the Pribilof Islands. Recently the President of Friends of Animals, Inc. visited St. Paul Island accompanied by personnel who filmed the annual harvest of Alaska Fur Seals. We feel that the public should be alerted to the fact that in our opinion, the material filmed is far from an objective presentation of our only industry.

Friends of Animals, Inc. is dedicated to stopping the seals harvested, which for many generations of Aleuts, has been the only means of support. If the seal harvest is halted, biologists tell us Friends of Animals will have succeeded in contributing to the wasteful death of countless numbers of seals from disease, malnutrition and overpopulation. They also may succeed in destroying the unity of the largest Aleut Community in the World (about 630 persons), and the eventual disappearance of the Aleut race whose members happen to be loyal Americans who pay taxes and help fight our Nation's wars.

Respectfully yours,
Terenty Philemonoff,
Council President.

Seal Harvest—Part I

St. Paul, Pribilof Islands.—This year's harvest of Alaska seals, now nearing its end, should top 50,000 pelts, according to program officials and veteran observers. The number of skins already taken and the number of seals arriving at the island's 14 rookeries indicate the harvest will be at least 25 per cent over last year's 39,000.

The big increase is attributed to several factors. For one thing, last year's harvest stopped at the end of July, almost a week earlier than previous years. The seals have an unfailing tendency to return to the rookery of their birth each year, beginning with the older ones in May and June and continuing in descending order of age. Halting the harvest earlier spared many three-year-olds, now coming back in time for this year's kill.

Another consideration is that 1967 saw a good pup crop, which has increased the number of harvestable males now. Conditions at sea—where it is estimated up to 75 per cent of young seals are lost to sickness and predators—also apparently were good. This is based on observations of the present crop of pups and their state of health. Surveys are taken daily and dead pups are recovered for autopsies.

Some observers here also believe there is some correlation between seals and salmon. It seems that when the salmon fishermen do well, it turns out to be a good seal year. This is said to be a record salmon year. Both species, it is pointed out, have similar feed-

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ing habits and an abundance of feed for one usually means the same for the other.

Meanwhile, life here in the small village is hitting its seasonal stride. This is strictly a one-industry island, and when the harvest is on, everybody is working. But, beginning in September and lasting until next May, unemployment will again hit hard.

Isolated here in the middle of the Bering Sea, the islanders are almost totally unaware of what is going on in the outside world. There are no newspapers, radio or television, and the only contact with the Alaskan mainland is a radio-telephone that works only sporadically because of interference from the Coast Guard's powerful LORAN station nearby. Even brief emergency messages can take days to transmit or receive.

Whatever news is received here flies in aboard the weekly Reeve Aleution Airways plane, which brings people connected with the seal industry, government officials, conservationists and a handful of overnight tourists who either want to watch the sealing or observe the nearly 200 varieties of birds here.

INCREASED TOURISM

The controversy over the killing of seals, which has gathered steam in recent years, has substantially increased the island's tourism. But the limited plane accommodations insure there will be no strain on the facilities here, which are clean and comfortable, but primitive by modern standards.

The killing scene elicits surprising little reaction from the tourists. Most are impressed by the rapidity and efficiency with which it is carried out. The 36-man sealing crew breaks up into about a half-dozen teams, each with a specific job.

The actual clubbing is done by seven men wielding five-foot bats on "pods" of six to eight seals. That takes about 10 seconds and, although it is intended only to stun the seal before his heart is cut, it usually results in instant death.

Those who come here with a fairly open mind generally are satisfied the seals are dispatched humanely. The few who come for evidence to substantiate their established opposition can find that, too. Nothing here is hidden; nothing is off-limits, except the rookeries just before sealing time and only because newly arriving seals may be frightened back into the water.

DEATH IN 20 SECONDS

New tests now being carried out scientifically show just how quickly the seals die. Telemetry systems implanted surgically in test seals are monitored by an electromagnetic blood flow meter and an electroencephalograph, indicating technical death in about 20 seconds.

Government authorities here, as well as natives and others involved in the sealing, feel they are being unjustly maligned by critics of the program. They believe—and the statistics would appear to bear them out—that a controlled harvest is important to the preservation of the species and that the killing method used is still the best available.

Abandoning the program, they are convinced, would merely open the door to uncontrolled killing on the high seas, which is what nearly wiped out the seals before the international agreement in 1911. Even now, it is understood that Japan—one of the four parties to that agreement—favors a return to open sealing, but is kept in check by a 15 per cent share of the American and Russian harvests. A like share also goes to Canada.

The only way a cessation of the program might work, according to one leading veterinary researcher here, is if there were no demand for the fur. Then, the seal population would find its own natural balance, with the weaker ones losing out to disease and predators.

Even then, he would favor control "because seals should be a useful resource and commercially beneficial, if properly managed."

Seal Harvest—Part 2

St. Paul, Pribilof Islands, Alaska.—The Aleut natives split into two groups just after dawn and converged on about 1,000 noisy bachelor seals gathered on the beach and drove them inland several hundred yards. Farther up the beach, another native team brought in a few hundred more from another of the 14 rookeries around the island.

By the end of the day, some 2,000 Alaska seals were killed and pelted, the furs earmarked for the fashion industry and their carcasses destined for a variety of byproducts.

The six-week program is being carried out under the close supervision of the Interior Department Bureau of Commercial Fisheries, which has sent 10 men here to keep a close eye on the operation. It also is being observed by various conservation and humane society groups, veterinarians, biologists and other scientists, as well as a number of tourists on a one-day excursion from the Alaskan mainland.

If one accepts killing of the seals as important to the conservation of the species, which appears to be supported by experience of the past 60 years, then the scene meets with little objection from observers. The killing is instantaneous—a single blow from a 5-foot bat by one of the seven club-wielders shatters the seal's paper-thin skull. He literally doesn't know what hit him.

This is immediately followed by other teams of natives who slit the dead bodies and then remove the pelt in less than five seconds. The entire procedure is amazingly swift, taking only about six hours to harvest the 2,000. The six-week total may reach 50,000.

The killing takes place in the open. The island consists of about 45 square miles of tundra, covered with moss, lichen and other low-growing vegetation—no trees. The men, mostly residents of the small village here, are up at 4 each morning and, after a solid breakfast in the bunkhouse, travel to the rookeries in trucks over the bumpy, volcanic ash roads. The windy, usually wet weather in the 40's doesn't make it too pleasant.

But nature lends a hand in another way. The workers find the seals at the rookeries already split into two distinct groups: the bachelor males in one spot and the old bulls with their harems and broods in another. Thus, driving the surplus bachelors inland is relatively simple.

Once there, however, the supervisors do some culling of their own. Stray females who may have been caught up with the males, as well as those considered either too young or too old, will be separated and guided back to the rookery. Only males between two and six years old are taken, mostly around three and four. Some females also are taken, when considered necessary to control the population.

At the killing grounds, about six or eight seals are separated from the rest and taken in a batch. The men work in teams, and each team has its specific chore. Even the village's young boys get in on the act. They collect the male organs from the skinned carcasses and sell them for 9 cents a piece to a processor who ships them to the Orient, where they go into fertility drugs and aphrodisiacs.

The flippers are also salvaged. These are slated and cured and serve as delicacies in the village, as are the seal livers. The balance of the carcass is processed into mink feed and shipped south to ranchers, mostly in the Utah area.

The killing grounds, which vary each day as the teams go to different rookeries around the island, tend to wind up a bloody mess. But no slaughter is neat, especially when the animal serves so many different purposes. Skillful editing of films can easily make it appear far worse and even brutal.

Alice Herrington, president of Friends of Animals, probably the most outspoken critic of the seal program, recently viewed the scene and expressed horror. She came here with a professional cameraman and a director of films to support her campaign to end the program. Another conservationist, however, Margaret Stockton, who represents Cleveland Amory and his Fund for Animals, also witnessed the killing and appeared satisfied there was no brutality.

Among the tourists, each of whom paid about $200 for the 1,000-mile flight here from Anchorage, none liked the idea of slaughter, but felt this way about all animals. None who witnessed the seal killing, however, objected to the manner in which it was done.

Seal Harvest—Part 3

St. Paul, Pribilof Islands.—New techniques for killing seals are undergoing extensive testing here, but preliminary results indicate nothing yet that would warrant a change from the present method which employs clubs.

The experiments include some of the most sophisticated techniques to come out of modern science. But although the testing is not yet complete, many of the scientists concede privately they have come across nothing to compare with the primitive-sounding club for humaneness, speed and efficiency.

The testing is being done by a team from the Virginia Mason Research Center, Seattle, with the cooperation of veterinarians and biologists connected with the Bureau of Commercial Fisheries, which administers the sealing program in the Pribilofs for the Department of the Interior.

Among the techniques being investigated are those employing various gases and drugs, with a view toward minimizing the seal's anxiety, pain and suffering. Many other possibilities already have been considered and abandoned either because of ineffectiveness or impracticality. These included shooting, electrical shock and certain other gases and drugs.

POISONS RULED OUT

Among those considered were barbituarates used to put dogs and cats to sleep painlessly, but this was ruled out because it requires intravenous injection which is impractical with a wild animal. Other poisons and gases were discarded because they were difficult to control, posed a threat to the humans involved in the harvesting or rendered the meat unusable in the many byproducts.

The experimentation is intensive, one reason being that the Bureau wants to be ready with an iron-clad case should the present controversy bring pressure on Congress for an investigation. Not only are new techniques being measured, but animals to be clubbed also are being instrumented to gauge and record the time involved.

"I think it's something not quite short of sensational that we're here taking electroencephalograph tests on seals. It's never been done before." For these tests, certain devices are surgically implanted in the seals before they are killed under the various methods.

In defense of clubbing, Dr. Keyes also points out this method literally coincides with the language of the Humane Slaughter Act, which says ". . . all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast or cut . . ."

Two years ago, a task force consisting of university and Government scientists and the president of the U.S. Humane Society

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studied many alternatives and reported none readily adaptable to the harvest. The study also noted the seal's grouping instincts and dangerous nature made the task of moving large numbers and handling individual ones a difficult one from the standpoint of stress on the animal and hazard to the worker.

According to veterinarian Mark C. Keyes, the latter considerations are proving chief obstacles to a number of proposed methods. A drug that has been recommended by Government and industry sources is succinyl choline, a curare derivitive which depolarizes the motor nerve ends and brings on general paralysis, inducing death by suffocation. While the drug degenerates and doesn't affect the meat, it tends to raise the seal's anxieties in the nearly 15 minutes it takes to work.

Also being tested are gassing with carbon dioxide and with nitrogen. While both in themselves are harmless, they cause death by depriving the seal of oxygen within six to eight minutes. The difficulty here is the time lapse and the impracticality unless large numbers can be done at once.

From the standpoint of visual observation, clubbing still appears to be most effective and also eliminates anxiety factor on the seals about to be killed. For example, a pod of six or eight being clubbed stands still for the 10 seconds it usually takes. If there should be one among them to be spared because it is too young, too old, or a female, the sealers have difficulty getting it away from the rest of the pod. And when it does rejoin the main herd, it often becomes part of another pod and has to be weeded out again.

The task force reported the average killing time with the club at between 1.7 and 3 seconds per seal, with some dispatched as quickly as 1 second.

Dr. Keyes, who is with the U.S. Fish and Wildlife Service, leans toward the clubbing method. "I'm not defending the Government; as a veterinarian, I'm on the side of the animals."

But visual observation is not enough and the studies now in progress employ some sophisticated electronic telemetering devices that record exactly when blood oxygen drops to a critical level or when brain waves flatten out. "This," says Dr. Keyes, "is probably the ultimate criterion of death, as with organ transplants."

EARLIER RETIREMENT: VOLUNTARY OR INVOLUNTARY?

Mr. WILLIAMS of New Jersey. Mr. President, an alarmingly large number of older workers have dropped out of the labor force during the past two decades.

In 1969, there were 1.4 million males in the 55-to-64 age category who had withdrawn from the workforce, compared with 800,000 in 1949. This represents a 75-percent increase.

For males 65 and older, the "dropout" rate has jumped even more substantially, from 2.8 million in 1949 to 5.8 million in 1969—nearly a 107-percent increase.

If current labor force participation trends continue, one out of every six men aged 55 to 59 will no longer be in the workforce by the time he reaches his 64th birthday. Ten years ago that ratio was only one in eight.

Moreover, the one-out-of-six ratio is only for the short run. Unless major and far-reaching policy changes are made now, the proportion will grow during the 1970's.

A recent study conducted by the University of Oregon reveals the widespread extent of this unevaluated trend toward earlier retirement. Nearly one-half of all the retirees in this study retired before reaching mandatory retirement age.

Mr. President, I ask unanimous consent that an article about the University of Oregon study on "Early Job Retirement," dated July 22, and written by syndicated columnist Martin Segal, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SECURITY FOR YOU: EARLY JOB RETIREMENT IS STUDIED

(By Martin E. Segal)

Those who are eligible to take early retirement from their place of work are interested in the experiences of those who have made this move.

The growing financial impact of Social Security payments resulting from early retirement at age 62 is a matter of concern to the Social Security Administration. Employers are equally concerned about the loss of skilled employes who are exercising options to retire as early as age 55 under pension plans.

In an attempt to come up with answers about the early retirement trend, the University of Oregon, with federal financial support, made a nationwide study of early retirement. About 200 companies took part in this study. Early retirees were studied from 231 companies.

Nationwide, early retirement is extensive. About half of all retirees in the companies studies retired before mandatory retirement age. The percentage of salaried employes retiring early was slightly more than hourly employes. Over half of the companies reported that early retirement had increased in the last 10 years.

Both the size and the geographic location appear to be related to the rate of exercising the early retirement option. The larger the company, the higher the rate of early retirement. West Coast companies report a lower rate of early retirements than the East and Midwest.

Most companies reported that they neither encouraged nor discouraged early retirement. Less than 20 per cent of the companies reported that they encouraged early retirement, but less than 10 per cent of the companies which have early retirement provisions reported that there was some sort of financial incentive for early retirement. The most widely used incentive is some kind of supplemental pension payment until a person is eligible for Social Security. The retired person gets lower pension payments once his Social Security benefits start.

Of the companies which have early retirement provisions, about half have a restriction on reemployment of early retirees. A little more than one-third have prohibitions for a salaried employe being hired by a competitor.

Focusing on the early retiree, the University of Oregon researchers noted that since the majority of pension plans provide for reduced pensions benefits under early retirement, it was "somewhat surprising" to find that only 12 per cent received incomes of less than $300 per month and that 41 per cent received income in excess of $600 per month. The favorable income picture is believed attributable to the fact that the majority received income from sources other than their pensions.

CONGRESS' RIGHT TO KNOW

Mr. COOPER. Mr. President, I ask unanimous consent to have printed in the body of the CONGRESSIONAL RECORD an article entitled "Congress' Right To Know," written by the distinguished senior Senator from Missouri (Mr. SYMINGTON), and published in the New York Times Magazine of August 9.

Last year, the Committee on Foreign Relations established a subcommittee on United States Commitments and Agreements Abroad and selected Senator SYMINGTON as its chairman.

The subcommittee has held 37 days of hearings and has taken the testimony of 48 major witnesses from the executive branch with respect to our commitments in 27 countries. The staff of the subcommittee has visited 23 of these countries, and both the committee and the staff have spent hundreds of hours in research and discussion of problems which the work of the committee have disclosed.

The work of the committee is of critical importance to Congress and the people of our country. Its purpose has been to determine the extent of the commitments of the United States abroad, both in respect of financial arrangements and, of greater importance, any commitment of our country to engage in the defense of other countries.

As a member of the subcommittee, I consider that its work will result in the savings to our country of millions of dollars and the avoidance of situations which would lead our Nation into war.

Senator SYMINGTON is uniquely qualified to be the chairman of this subcommittee and its leader. He has had practical experience in business, and he has served in the executive branch of the Government as well as in the Senate. He is the only Member of either branch of Congress to sit on both the Armed Services Committee and the Foreign Relations Committee. He has given to the work of the committee great experience and knowledge. Congress and the country are indebted to Senator SYMINGTON for his leadership and courage in presenting to the country information which affect, as he has said so well, "the welfare and prosperity of the United States but also, and most significantly, the national security."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS' RIGHT TO KNOW

(By Stuart Symington)

WASHINGTON.—Executive secrecy surrounding the conduct of our foreign policy and its associated military operations is, I am convinced, endangering not only the welfare and prosperity of the United States but also, and most significantly, the national security.

This is a conclusion I have reached slowly, reluctantly, and from the unique vantage point of having been a Pentagon official and now being the only member of either branch of Congress to sit on both the Foreign Relations and Armed Service Committees.

The practice of either editing or wholly withholding military information from Congress and the public is not new; the present Administration is no better or worse than its predecessors. In recent years, the need for immediate reaction to a possible nuclear attack has made it necessary to transfer more authority to the executive branch, but this additional authority has apparently been carried over into the conventional military and foreign policy field. As a result, key foreign policy activities have not been properly debated in Congress, for we simply have not known enough to play our traditional and constitutional role in the formulation of foreign policy and the direction of the country.

A particularly heavy veil of secrecy has been drawn over one especially important and dangerous aspect of the foreign/military policy field: the production and deployment overseas of United States nuclear weapons. While some secrecy in the nuclear field is justified, much of it is a carry-over from the past and deserves the most searching review within the Government as well as more public disclosure and debate.

No one seriously concerned about the future can deny that our current worldwide military posture could be interpreted by a possible enemy—including the other superpower—as unnecessarily threatening, and in any case belying any real interest on our part for achieving, through the current SALT talks, a permanent peace by means of an agreement about the control of nuclear arms.

It seemed to me axiomatic that the American public should know and understand as fully as possible the implications of our current worldwide military deployment and the foreign policy commitments which this deployment presumably enforces. Yet the public in this country often knows less than much of the rest of the world. As a ranking Republican on the Foreign Relations Committee observed recently, "Our problem is that we don't take the Hong Kong newspapers."

My personal feeling of alarm began to stir in 1963, with the defense budget mounting toward $80-billion, and keen awareness based on personal experience that high cost and duplication are characteristic of our enormous military presence abroad. (Today, we have overseas more than 1,000,000 men in some 384 facilities and 3,000 minor installations, along with 300,000 at sea.) At best, an examination of this vast military position could point up waste and inefficiency; at worst, it presents—because of its high dollar cost and its direct relations to issues of war and peace—a serious present danger to the continued vitality of our free and democratic institutions.

It was against this background that the Senate Foreign Relations Committee decided to undertake a study of just what this nation's foreign policy commitments are. Senator Fulbright asked me to serve as head of the new subcommittee and we began work in February, 1969.

Seventeen months of investigating confirmed our already deep concern about executive branch secrecy surrounding much of our foreign policy and the military undertakings incident to those policies; secrecy which has now developed to a point where military activities often first create and then dominate foreign policy responses.

I do not refer to the concealment of military details which could aid the enemy, nor to the publication of the precise terms of negotiations or specific agreements which could frustrate their successful consummation. I do refer, however, to the continuing failure to reveal, explain or justify the true dimensions of our activities abroad, dimensions which are far better known by our adversaries than by the American public—and in some cases, by the American Congress.

As recent evidence, last month, for the first time in the history of the Senate Foreign Relations Committee, an ambassador refused to testify about United States activities in a country in which we are waging war, unless specific regulations laid down by the State Department were adhered to, including retention by the executive branch only of any written record.

Accordingly, rather than agreeing to State's stipulation that the written record of the testimony of G. McMurtrie Godley, the United States Ambassador to Laos—where he directs all military as well as political activities—not be retained by the committee, the committee elected to receive a briefing from the Ambassador, with no record being kept on either side.

Publicity, I know, may be occasionally inconvenient to those who supervise the functioning of a bureaucracy. The "system" works more smoothly if unexposed to questioning. But public disclosure is a truly vital safeguard against government adoption of positions and policies of unknown and potentially dangerous implications. And when it comes to issues which involve actual survival (even more than mere prosperity and the question of whether so much of our money should be spent for military rather than domestic social needs), there is obvious need for more careful examination.

Beyond any pragmatic concept is the philosophical. If this Government is one truly based upon the consent of the governed; if it is to function as the people's servant rather than their master, a proper measure of accurate information is essential for the people to determine whether their Government is wise and right in its response to their needs.

Today's danger resulting from increased secrecy with respect to foreign/military policy and programs exists at two levels: information denied the public and information denied the Congress itself.

As illustration, let us look briefly at the deep and costly American involvement in the secret war of northern Laos.

Hearings on that country, which were held by our subcommittee last October, gave members a fairly comprehensive view of just what has been going on, for years, in that part of Southeast Asia.

As shown by the transcripts, finally released six months after the hearings, the United States has been, and is, participating heavily in a secret war that has cost many American lives and billions of dollars. It is a war conducted far away from any Vietnam interdiction effort along the Ho Chi Minh Trail of southern Laos.

From a modest 1962 role as a supplier of equipment to the Government of Prince Souvanna Phouma, the United States has now become involved in fighting on a broad scale. Under the veil of what was officially termed "armed reconnaissance," American fighter bombers, as far back as 1964, began to attack Communist ground targets and troops—and therefore inevitably civilians—in northern Laos; and American air effort in that area has grown continuously since that time.

The air support took quantum leaps during the various bombing pauses over North Vietnam, reaching a peak after the 1968 Executive order to cease all raids over that latter country.

For over five years this secret American war has been going on in northern Laos; but until recently, the only reports on United States activities in that distant land were from representatives of the press who went to the scene. Some of these press stories contained much accurate detail; but almost without exception their accounts have understandably contained mistakes. It was the old case of blindfolded men touching the elephant, with each describing the part he touched; and with American diplomats, here and in Laos, never anxious to remove the blindfolds.

During the years 1964–69, as the clandestine American role in Laos grew steadily, executive branch discussions and presentations to Congress were extremely limited; in some cases they were actually misleading.

An illustration of the latter is the testimony in January, 1968, of William H. Sullivan—the United States Ambassador in Laos at the time—before the Senate Foreign Relations Committee. The Ambassador told the committee, "We do not have a military training and advisory organization in Laos . . . We don't have advisers with them (the Laotions). However, some of these units probably have been trained in Thailand under American supervision, though we don't have people with them. We don't have a military advisory group there."

When later asked whether Air America—the C.I.A. supported airline—was engaged in bombing, Ambassador Sullivan replied, "No, sir . . . They carry equipment for our AID program . . . But they are not engaged in combat operations. There are no Americans who fly Laotian planes." When asked whether the Royal Laotian Air Force was doing any fighting, he responded, "They are doing all the fighting."

This testimony was completely misleading. Nowhere did Ambassador Sullivan acknowledge the significant role of the United States Air Force, which for years has been bombing and napalming Laotians in northern Laos, actually closer to the border of Red China than to the Ho Chi Minh Trail. Even though I personally traveled all over Laos in 1966 and 1967, until these hearings in the fall of 1969 I never knew that United States pilots, flying out of Thailand, were bombing targets and napalming natives in that part of the country.

When confronted at our hearings with these earlier statements, Ambassador Sullivan, by then Deputy Assistant Secretary of State. stated the reason he had given this type of testimony was because he had not been asked any direct questions about American air operations in northern Laos. Senator Fulbright observed, "We do not know enough to ask you these questions unless you are willing to volunteer the information. There is no way for us to ask you questions about things we don't know you are doing."

The subcommittee finally heard testimony on all phases of Laos, including United States support of this war; but the American people are still being denied full information because of the continuing refusal of the executive branch to declassify portions of the transcript which, we think, should be in the public domain.

Also known throughout the Far East is the participation in said Laotian war by United States supported third country military forces; but the State Department to date has also refused to make public the extent of this participation.

Having achieved for the Congress during hearings last October a measure of disclosure about the situation in Laos, we turned our efforts to obtaining a release to the public of all testimony which would not help a possible enemy.

After more than six months of discussion with numerous officials of both the Defense and State Departments, during which period the President himself issued a statement containing some of the facts of United States involvement in Laos, the subcommitte finally obtained approval and then released what we considered to be a meaningful transcript of its hearings on this subject. Following this publicity, none of the negative results which the State Department had predicted as reasons for nondisclosure did in fact occur.

The implications of secrecy raised in connection with the war in Laos are more far-ranging than this particular episode. As example, the secrecy of the Laotian operation raises the fundamental constitutional question of the President's right to wage war without either a declaration from Congress or, as in the case of these United States military operations in northern Laos, even an authorization from Congress.

As the result of an arrangement between the United States Ambassador in Laos and the head of the Laotian Government, the bombing of northern Laos actually began in 1964. Funds for this operation, which involved the sending of American combat planes from Thailand to hit targets and people in the north, were obtained from the Defense Appropriation Act without any public discussion or specific authorization. Thus the executive branch, under a veil of strict

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secrecy, was not only permitted to wage an unauthorized war, but also to set a precedent for undertaking similar activities in other countries with which the United States has no formal treaty.

A corollary to this constitutional question is a specific foreign policy question also raised by this Laotian example: namely, does the executive branch have the right to make an agreement with a foreign government which would involve the use of American military forces, either air or ground, when part of that agreement includes a stipulation that the United States would not disclose such activities?

Also of grave concern is the fact that this secrecy concerning United States activities in northern Laos permitted the Administration to escalate heavily the fighting in that area while it was de-escalating, with much public fanfare, the war in South Vietnam. As a result, the American people were misled as to the over-all role of the United States in Southeast Asia; whereas the enemy—fully aware of the stepped-up United States bombing—received quite a different impression with respect to the actual intentions of our Government.

This secrecy also prevented any objective review by the Congress of our policy with respect to Laos. Only after a closed session of the Senate, in which some details of the heavily stepped-up bombing were first disclosed to the members, did the Congress finally take action by adopting an amendment which prohibited the sending of ground combat troops into that country. The vote on the amendment was 73 to 17.

As for the future, if the precedent of Laos secrecy had gone unchallenged, the President, in effect, would have been able to assume authority to undertake secret military operations in any country he desired, disregarding the necessity of having, through treaty arrangement, either the authorization or even the prior consent of the Congress. Moreover, if in the same manner the executive branch in the future chooses to deny Congress the opportunity to approve or disapprove such major foreign policy decisions, then at the same time it would be denying the right of the people in a democracy to have a voice in policies which involve the overriding issues of war and peace.

Another aspect of the problem of secrecy incident to the formulation of foreign/military policy is well illustrated by the developments which led to the United States' supplying financial and matériel support to the Philippine noncombatants who went to Vietnam.

At the request of Philippine Government leaders—who desire to hide the United States financial support from their own people—an official cloak of secrecy was dropped over United States participation and financial contributions. As a result, the American people, too, were kept ignorant of the fact their taxes had been used to pay for Philippine support in Vietnam; and, lacking the facts, were led to believe that the Philippine Government had spontaneously joined in with the United States in the common defense of South Vietnam.

A complicating factor arose during the 1965 Philippine elections. The successful candidate for President, Senator Ferdinand Marcos, who was running against incumbent President Macapagal, took a public position against the sending of Philippine combatants to Vietnam. After Marcos's victory and his assumption of the Presidency, however, he changed his position, but stated he would send only noncombatant troops.

One proviso of this agreement that the United States would grant extra allowances to individual Philippine soldiers and officers—allowances that would more than double their regular salaries—was that the terms of these allowances, as well as the allowances themselves, would be kept secret. Philippine officials feared that public knowledge of the payments would make the force appear to be a mercenary one.

At the request of the subcommittee, the manner in which this extraordinary arrangement was implemented has now been investigated by the General Accounting Office; and the subsequent G.A.O. report can only be described as incredible. True to past secrecy practice, however, the State Department has required the G.A.O., and therefore the subcommittee, to keep classified startling information about this questionable use of taxpayers' funds.

It is our conviction that the American people should have been informed when a decision was made initially by this Government to heavily finance Philippine noncombat forces to Vietnam. Such warranted use of secrecy—and the Philippine case is not unique—can only have serious implications far beyond the limited matter of these troops.

For example, when the rules of such secrecy are applied, they require that within the United States Government certain steps be taken to observe such rules. In this particular case, the secrecy ordered in turn required that United States military prepare highly questionable, if not actually illegal, documents in order to justify the payments and at the same time satisfy the requirements of the Philippine Government.

Secrecy enabled this Government to turn over to the Philippine Government millions of dollars, according to the G.A.O. report, without any U.S. control over the money's use, irrespective of the specific purpose for which the funds were made available in the first place.

Earlier this year open hearings on U.S. payments for Philippine forces in Vietnam were held in the Philippines, with the witnesses under oath. We had planned to have similar hearings on this matter in June, but we have just been advised by the State Department, they cannot furnish witnesses for the hearings until later this month. They also again bring up the question of secrecy, by demanding that any hearings on this subject held in this country be conducted in executive session.

All such actions by our Government could be interpreted by the governments of other countries as justification for not believing our claim that ours is an open society. Thus our policy of secrecy, in itself, could do serious damage to our present and future relations with other countries.

Significant as the disclosures to date of our foreign policy and conventional military activities in Southeast Asia may have been—all part of the subcommittee's effort to present the grave dangers of excessive secrecy—these developments pale compared with the need for more disclosure of our current worldwide deployment of nuclear weapons.

For reasons we are now asking to have explained, the executive branch continues to maintain a strict silence on this vital matter, refusing to disclose not only to the American people, but also to proper committees of the lars for various projects the desirability of which would be questionable.

Any possible enemy is certain to know as much about the approximate location and general number of these weapons as Congress is entitled to know. The executive branch has announced that in Europe alone the United States has positioned 7,000 nuclear warheads; and such information, along with the various political and military agreements covering their location and handling, must be a major factor in the formulation of foreign policy with each of the countries in question.

In 1957, a large stockpile of these weapons in Europe was approved by our NATO allies; and while the doctrine of "massive retaliation" was later changed to include that of "flexible response," this stockpile in Europe has nevertheless continued to grow. We of the Armed Services and Foreign Relations Committees, however, have never been given any details about the nature, or degree, or the reasons for that growth.

In 1966, Secretary of Defense Robert McNamara did make reference to said growth when he testified as follows before a joint meeting of the Senate Armed Services and Appropriations Committees:

"We believe that the need now is not for more tactical nuclear weapons, because by the end of June of this year we will have a 100 per cent increase in the number of tactical warheads in the soil of Western Europe compared with what we had in 1961, but rather for weapons which have a better chance of surviving in both nuclear and nonnuclear environments."

Previously a suggested freeze on further deployment, however, was met with stiff resistance by one country, and accordingly abandoned.

In 1962, the Soviet Union commenced the installation of medium-range nuclear missiles in Cuba. This touched off the well-known crisis; and President Kennedy described the danger to our shores as follows:

"This urgent transformation of Cuba into an important strategic base—by the presence of these large, long-range, and clearly offensive weapons of sudden mass destruction—constitutes an explicit threat to the peace and security of all the Americas.

"I call upon Chairman Khrushchev to halt and eliminate this clandestine, reckless, and provocative threat to world peace and to stable relations between our two nations."

The theory of overkill has been generally accepted. The "two scorpions in a bottle" concept is sound in that today neither of the two super powers could prevent destruction by the other. Every American who desires peace, therefore, has the right to ask—if this one deployment by the Soviets some 90 miles from our shores was considered to be such a threat to our security, why should not the Soviets consider as equally dangerous to them the deployment of nuclear weapons by the United States in countries even closer to their border?

ONLY CONGRESS CAN CUT THROUGH EXECUTIVE SECRECY

There was a touch of irony in the television address of Oct. 22, 1962, when President Kennedy assured the world that "our own strategic missiles have never been transferred to the territory of any other nation under a cloak of secrecy and deception. . . ." Perhaps these installations were not made without the knowledge of the other nations involved, but clearly such actions have been kept secret from the Congress and the American people.

In this connection, let us note how very little, if any, debate there has been in the Congress, or for that matter anywhere else in this country, about the deployment of nuclear weapons. Again, as has been true of many other weapons systems which in the past have cost the American taxpayer unnecessary billions of dollars, the more a policy of secrecy can be maintained about any such program, the better the chance for receiving the money from Congress and later covering up costly mistakes.

There are some who believe that if there had been more information about such matters as lethal fallout, required computerization, and possible electronic failures incident to multinuclear explosions, the Safeguard Antiballistic Missile System (ABM), which passed the Senate last year by one vote, would not have been approved.

One example of the continued use of secrecy in the effort to gain support for this weapons system: last June 4 Dr. John Foster Jr., Director of Defense Research and Engineering, in open testimony before the Senate, cited the "O'Neill Report," made last

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January to the Secretary of Defense by a panel of independent scientists; the report, Dr. Foster alleged, supported the view that the Safeguard ABM would "do what the Department of Defense wants it to do"; since the report is classified, Dr. Foster was not in a position to discuss the details which justified his statement.

Later, however, two members of the O'Neill Report panel flatly denied, in an open session before the Senate, that the findings of the panel contained the conclusions which Dr. Foster said it contained; so once more it became impossible to discuss the details of a proposed multibillion-dollar weapons system on its merits, a system which both of these experts opposed without reservation on the grounds that it was not cost effective and would not furnish the protection claimed.

In any case, a continuation of this policy of unwarranted secrecy is clearly as unwise as it is undemocratic. The citizens of this nation, conscious of the need for more and better housing, more and better schools, control of crime and pollution, etc., are nevertheless bending under increasing taxes along with reduced purchasing power due to inflation; and they have the right to know a lot more about the reasons for these multibillion-dollar expenditures. They are the ones who pay, and therefore the ones who should have more knowledge, and through that knowledge more say, in the establishment of priorities for our increasingly limited resources.

In addition, the people have the right to know more about who profits from the purchases and operations growing out of such defense programs.

A further problem presented by this policy of unprecedented secrecy has to do with the effect the deployment of these weapons abroad has on our agreements with countries in which such weapons are located.

Perhaps the most disturbing risk: What would happen if some nuclear weapons fell into the hands of a once friendly government turned possible enemy? As illustration of this possibility, in one country, at a time of international crisis, a local commander informed the American officer in charge that he intended to take possession of some of the nuclear weapons stationed there.

That confrontation was solved without publicity. But in this fast-moving world any change in the international game of relative force no doubt furnishes a temptation to the leaders of the host countries; and some of these nations are ruled by military dictatorships.

Knowledge of the deployment of our nuclear weapons in Europe is to my mind basic to any meaningful assessment by the Armed Services Committee of the number of troops and installations required in a particular area.

With respect to its efforts to define the United States' foreign policy commitments, the Foreign Relations Committee must of necessity be informed about what countries contain our nuclear weapons, along with what commitments have been made to those foreign governments which have such weapons on their soil.

The subcommittee investigated the legal issues raised by the position taken by the executive branch; it concluded that there is no indication, either in legislative history or precedent, for believing that Congress intended, in the Atomic Energy Act of 1946, to limit inquiry into matters which are clearly basic to our foreign/military policy.

On the subject of executive privilege, this investigation pointed up another unfortunate dimension in the policy of limited disclosure established in the past and carried on by this Administration; namely, any extension of this concept goes to the heart of the democratic process and raises more pointedly than ever the fundamental issue with respect to the proper distribution of authority between the executive branch and Congress.

It is axiomatic that the executive branch does not have sole discretion as to what information about the use of the taxpayers' money should be given and what should be given to the proper committees of Congress. Otherwise, in effect, Congress would be forced to appropriate blindly billions of dollars for various projects the desirability of which would be questionable.

In an extraordinary memorandum prepared in 1958, transmitted over the signature of the then Attorney General to a Senate Judiciary Subcommittee, the Justice Department asserted that it was within the power of the executive branch to determine what information it would provide the Congress. Coincidentally, that Attorney General, William P. Rogers, is now the Secretary of State.

Without adequate information, however, how can the Congress perform properly its constitutional obligations to enact laws, appropriate funds and ratify treaties?

As our self-appointed post-World War II mission to both defend and finance much if not most of the free world comes under increasingly skeptical surveillance, it would seem that proper disclosure to the Congress is essential to intelligent functioning under our Constitution.

The executive branch, as the party in original possession of pertinent information, will inevitably prevail unless the legislative branch, with the help of public opinion, can obtain disclosure. Such disclosure is essential, because a continuation of this policy of unnecessary secrecy could endanger the survival of the nation.

Only the Congress can cut through executive secrecy. Using appropriate committees in the foreign and military policy fields, Congress must increase overseeing responsibilities with systematic fact-finding inquiries, both in this country and abroad. In this way the people can be better informed and Senators can better meet their "advice and consent" role in the formulation of foreign policy.

Fifteen years ago Walter Lippmann wrote that foreign-policymaking officials ". . . rarely feel they can afford the luxury of telling the whole truth to the people. And since not telling it, though prudent, is uncomfortable, they find it easier if they themselves do not have to hear too often too much of the sour truth. The men under them who report and collect the news come to realize in their turn that it is safer to be wrong before it has become fashionable to be right."

The current domestic and international situation does not permit us the luxury of delay; and now it has fallen to the Congress, with the support of the people, to break this chain of automatically continuing policies; and in that way also to break through the government secrecy which has been and is being utilized both to defend the past and to limit the future.

IMPORTANCE OF AIR TRANSPORTATION INDUSTRY TO ALASKA

Mr. STEVENS. Mr. President, Anchorage, Alaska, was honored to be host to the 1970 Western Conference of Public Service Commissions this year, where Vice Chairman of the Civil Aeronautics Board, Whitney Gillilland, made an address relating to the uniqueness of the air transportation industry's importance to Alaska. The Civil Aeronautics Administration, predecessor of the present Board, made very special efforts to nurture air transportation in the Territory of Alaska as Judge Gillilland mentions in his address.

Alaska's special dependency on its air travel system is that it must be to Alaskans what the combination of air, rail, and highway service is to other States and be a communication link as well for rural communities. In many parts of my State, Alaska's transportation eggs are in one basket. And when the big silver bird does not nest in a community, that community is cut off from the 20th century.

Statehood in 1959 and air technology improvement have brought Alaska much closer to the "Lower 48." The demands upon air service by our scattered communities have grown as general transportation needs have grown all over the country. There is a dichotomy in the use of modern sophisticated air service for remote Alaskan communities where there is little other evidence of modern technology. But there is no other feasible rapid transportation. The airlines that serve Alaska must negotiate that technological chasm, and the Civil Aeronautics Board, as evinced by Vice Chairman Gillilland's address in Alaska, is cognizant of the challenge before it.

I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF WHITNEY GILLILLAND, VICE CHAIRMAN, CIVIL AERONAUTICS BOARD, AT THE 1970 WESTERN CONFERENCE OF PUBLIC SERVICE COMMISSIONS

It will be my purpose to deal primarily with the course of development of air transportation in Alaska, with the regulatory problems peculiar thereto, and with the methods undertaken to deal with them. I am going to do this for two reasons. First, because all of us here as citizens of the United States and as regulators have a considerable interest in this great beautiful state in its own right, a state which, as I view it, is destined to become at some point in time one of the nation's wealthiest and a state of origin and destination for one of the nation's major traffic flows. Second, because the very uniqueness of the regulatory problems connected with Alaska, and of the methods undertaken to solve them, may serve to highlight other problems shared by all of us. To these other problems i.e., those shared by all of us, I will also give some brief attention.

I am sure that it is not necessary for me to remind anyone sitting in this room today, of the indispensable contribution that air transportation has made in the development of this great state of Alaska. I know, that for a good part of the lives of most of us, we have been hearing about the heroic exploits of bush pilots, and the triumph of man and his machines over the wilderness. Much of that pioneering is now past and Alaska currently enjoys a broad range of air transportation services, rendered by stable, well managed air carriers, using the most modern equipment. The road from the earliest days of Alaskan aviation down to the present magnificent system has, however, been long and difficult, and I am proud to say that the Civil Aeronautic Board has played no little part, in building the Alaskan air transportation system we use so casually and confidently today.

To understand fully the Board's role in

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Alaskan air transportation it is necessary to go back into history a little bit.

We all know that the long distances, the rugged terrain, the climate, and the lack of any other adequate transportation in Alaska, created an ideal environment for the exploitation of commercial air transportation. The earliest records available to the Board indicate that the first air transportation services in Alaska started in the mid 1920's with the most primitive of aircraft. By the middle thirties a large number of small carriers had come into existence. Some of these carriers were in pretty precarious financial condition, but they were encouraged to keep trying by the vigorous growth of the industry. Figures in one of the Board's early cases indicate that the industry grew approximately tenfold between 1929 and 1935, and almost threefold between 1935 and 1940. While a number of passengers were carried, equally significant classes of traffic were freight and mail. The first substantial use of aircraft to carry the mail began in 1934. By 1938, the Post Office was requesting bids for 62 star routes covering approximately 6,000 route miles of service, and it was clear that the airplane had completely replaced the dog sled and riverboat, as the most reliable form of transportation in the territory.

What about the carriers that made up this Alaskan industry? In the very first Alaskan case, there were 39 separate applications for certificates. These 39 carriers operated about 100 aircraft of which only about eight were multi-engined, the balance being single-engined aircraft of from four to seven passenger capacity, some, even at that time, being of ancient vintage. Passengers accounted for only about 67 percent of the traffic. All traffic was subject to highly seasonal fluctuations. Many of the companies were one and two man outfits without great financial resources. They operated some scheduled service, but by and large they flew when and where they could find business. On most routes where business was good they had an aggressive price cutting competitor or were threatened with competition. Under conditions like these the immense potential of the airplane for developing Alaska might never have been realized. Now down in the 48 states a similar, if not quite so acute, situation had been developing, and it was partly to cure such chaotic conditions that the Congress in 1938 passed the Civil Aeronautics Act.

As I am sure many of you know, our Act is a multi-purpose instrument which in its Declaration of Policy charges the Board in the exercise and performance of its powers and duties to ". . . consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity:

(a) The encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(b) The regulation of air transportation in such manner as to recognize and preserve the inherent advantages of, assure the highest degree of safety in, and foster sound economic conditions in, such transportation, and to improve the relations between, and coordinate transportation by, air carriers;

(c) The promotion of adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices;

(d) Competition to the extent necessary to assure the sound development of an air-transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(e) The promotion of safety in air commerce; and

(f) the promotion, encouragement, and development of civil aeronautics."[1]

Armed with this far-reaching statute the Civil Aeronautics Board began the 32 years of development, promotion and regulation of air transportation, including that of Alaska, which has helped to bring about today's marvelous system.

Since Alaska was at that time a Federal territory, all carriage by air for hire, no matter how insignificant, theoretically came under the jurisdiction of the Board, and the Board immediately recognized that it had a difficult and unusual situation to deal with in its regulation and promotion of the Alaskan air transportation system. Very soon after the passage of the Act it commenced a comprehensive investigation, to determine the nature of the industry and its needs. This was known as the *Alaska Air Transportation Investigation*.[2] Out of that investigation, which had 39 applicants for route authority, 23 certificates were issued. It is worth noting that this large number of certificates was equivalent in number to the total granted to all non-Alaskan air carriers regulated by the Board.

The first opinion issued in the Investigation contains numerous passages reflecting the knowledge gained and the Board's awareness of the unique problems presented. At one point in considering the extent to which its Economic Regulations should apply to the industry the Board said:

"This proceeding has thus far demonstrated conclusively that the operations of these Alaskan carriers are affected by unusual circumstances. It seems unnecessary to discuss in detail the Regulations of the Board prescribed for air transportation operations in the States to support the further conclusion that such regulations are inappropriate for application in their entirety to, and would be an undue burden on Alaskan carriers. The public interest does not require that these carriers be subjected to any greater degree of regulation than is essential for the protection of the public and the benefit of the industry as a whole . . ."[3]

In view of the uniqueness of the industry, the Board decided that there were some very special things, not done in other areas of its jurisdiction, that it had to do to handle its Alaska matters, and its decision in the Investigation set forth a number of them. First, it stated its general policy in regard to regulation of Alaska air carriers, as being confined to a minimum consistent with carrying out the purposes of the Act. Second, the certificates it issued would, unlike the certificates issued to all other carriers, authorize two types of service, conventional regular route service, mail or nonmail, and irregular route service. Third, a broad charter authority was given. Fourth, it promulgated a special regulation under its exemption powers, to classify Alaskan air carriers in a separate category, and exempt them from certain provisions of the Act and the Board's Regulations. Finally, the Board stated its intention to establish an Alaskan office.

These imaginative conclusions laid the foundation for the subsequent development of the Alaskan industry. In its policy statement, the Board gave full recognition to the need of the infant industry for a relatively unrestricted environment in which to develop. The irregular route authority which allowed the carriers to serve any point, in any fashion, within a given area, gave the kind of maximum flexibility to the carriers, which was essential in developing new services, when they were needed. Further, even new regularly scheduled services could be operated under this authority, if they appeared needed. The liberal charter authority given was likewise fitted to the peculiar conditions in Alaska. With very few restrictions it permitted unlimited charter services anywhere in the territory, and prohibited charters in Alaska by non-Alaska carriers. The creation of a special class of carriers called "Alaskan Air Carriers" was extremely important because it enabled the Board, by regulation, to relieve these frail and almost experimental businesses from the full panoply of regulation that was required of carriers elsewhere, and it also enabled the Board to make other kinds of exceptions to regulation that were appropriate in the light of the special conditions in Alaska.

From the standpoint of administration, and the convenience of the local industry, an important step in those early days was the establishment of the Board's Alaska Office. The Alaska Office was in effect a miniature overall Board staff with substantial autonomy. Through this medium, the industry in Alaska was afforded the opportunity of doing nearly all its business with the Board right in Alaska. Tariffs, schedules, applications, agreements and many other matters could be filed and processed by the Alaska Office. Most of the hearings involving route licensing were heard on the spot by a hearing examiner stationed in Alaska. It was even possible to present oral argument to the Board through the Alaska Office.

Over the years since the inception of these very well planned beginnings, the Board has been ever watchful and ready to take whatever action, and make whatever changes, it deemed necessary to keep the Alaskan industry abreast, or ahead of, the air transportation requirements of the area. In implementing this program the Board has had a goal of providing better transportation for the public while at the same time strengthening the carriers financially.

An essential part of the Board's program, of course, has involved supporting with subsidy the air service to the approximately 270 points served in Alaska. This is about one-third of all points served by certificated carriers in the entire 50 states. Until only recently, most of this service was provided by small and costly to operate bush-type aircraft. A good deal still is. Although this large number of points produces only about two and one-half percent of the nation's subsidized passenger traffic, and a considerably smaller percentage of the total air traffic, it has regularly commanded about 10 to 12 percent of the total amount appropriated for air carrier subsidy. No other state receives as much regularly scheduled, subsidized service as Alaska.

As I stated earlier, a long range goal of the Board's program has been to nurture an industry of financially strong carriers who eventually, it may be hoped, will have little or no dependence on subsidy. I also earlier remarked upon the frail nature of the carriers who received the 23 grandfather certificates back in 1942, so you can imagine the task involved in helping such a large number of tiny carriers become strong, especially in the face of the natural obstacles in the territory. Moreover, Alaska had few good airfields, almost no navigational aids, all equipment and spare parts had to be brought in from the states and, generally, the costs of doing business were way out of line when compared with operations elsewhere.

In its efforts to help the carriers to better financial health, the Board has, over the years, held literally dozens of proceedings, almost all of them, incidentally taking place in Alaska. These have ranged from the sim-

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[1] Federal Aviation Act of 1958. Sec. 102. (72 Stat. 740, 49 U.S.C. 1302).

[2] Alaska Air Transportation Investigation. 2 C.A.B. 785 (1941).

[3] *Ibid.* 788.

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pler cases, to large complex area cases such as the current *Alaska Service Investigation.*[4] These cases have contained a wide variety of issues, designed to find answers for particular problems in the air route structure, which would lead to a strengthening of the industry. There have been cases which considered mergers and acquisitions, the complete termination of certificates, the transfer of routes, the deletion of one or two carriers in a thin market, the suspension of carriers at low traffic, money losing points, the award of new routes, the award of competitive routes and many other questions.

As a result of all these proceedings the Board has been able to build a system which has fewer, but much stronger carriers. There are now only five Alaskan carriers. Further, the Board through this process has been able to channel the efforts of the carriers into specializing in certain classes of transportation, i.e., some carriers concentrate their efforts on long-haul trunk-type routes while others specialize in a shorter-haul, local type of service. Such specialization has produced more efficient equipment and facilities for the carriers and improved service to the public. For example, certain long-haul jet aircraft are very suitable, operationally, for the Anchorage-Seattle route and are capable of making a lot of money for their operators. On the other hand, the use of this same equipment on some of the shorter, lower traffic density routes, which other classes of carriers serve, might be operationally impossible and even if it were operationally feasible, would surely bankrupt its owner in a short while.

The stronger carriers and the specialization which have emerged in the course of time are only one aspect of the change which has taken place in Alaska under the Board's guidance. The other is a vast improvement in service to the public in the form of new services. Almost as soon as the Alaska Air Transportation Investigation[5] was over in 1942 the Board became involved in additional cases whose central issues related to questions of new air service. From the original regular mail routes on which the Board certificated about 110 points, the Board authorized system eventually spread to cover the entire state and thus to the nearly 300 points presently served. Two of the early cases were especially noteworthy. In the Pacific Case[6] decided in 1946 and the United States-Alaska case[7] decided in 1951 the Board authorized sweeping new services between the 48 states and Alaska and Alaska and the Orient. In sum, in these two cases new or competitive services were authorized between Alaska, on the one hand, and the major gateways of Seattle, Portland, Chicago, Edmonton, and Tokyo on the other hand. By a process called tacking these new awards also opened up the possibility of new through services beyond these gateways on the existing routes of the carriers who received the new authority. For example, on its new Anchorage-Chicago route Northwest could provide through service beyond Chicago to New York or Washington. In addition, the same carrier on its Anchorage-Tokyo route could provide through services to places such as Seoul or Manila. These were extremely important awards because they put Alaska squarely on the international route map and established the basis for later expansions of air service by foreign air carriers. Following the trail blazed by the earlier awards, these carriers sought and received authorization from the Board for routes over the arctic between Europe and the Far East via Alaskan points, mainly Anchorage. Today seven foreign air carriers are authorized to serve Anchorage, providing direct service for Alaskans to such important world traffic centers, in addition to Tokyo, as London, Paris, Copenhagen, Dusseldorf, Frankfurt, Hamburg, Brussels and Amsterdam.

In the Transpacific Case[8] the Board awarded new routes which now permit Western to operate a direct service from Anchorage to Honolulu and thence to Los Angeles and permit Pan American to fly between New York and Tokyo via Fairbanks. The Board has also recently authorized Pan American to carry Fairbanks-New York traffic on this route thus providing a second direct air link between Alaska and the populous northeast section of the United States. In recent years other Board actions have made it possible for the public to enjoy competitive trunkline service in the Anchorage-Fairbanks market and new through service to southwestern points such as San Francisco, Los Angeles and Phoenix.

This long story of development pretty much brings us down to the present and I do not need to tell you that circumstances have changed mightily in Alaska since the early days of Civil Aeronautics Board concern with the air transportation matters in the area. In fact, some of the actions taken by the Board to improve the air transportation system have had a direct bearing on the way its own business is handled. For instance, the urgency of need for the Alaska Office has long since disappeared. The excellent direct air service now available makes it possible for Alaskans to deal directly with the Board's Washington Office by mail or by personal visits, and I can vouch for the fact that they often do that very thing. Furthermore, while the Board still has a regulation on its books establishing a class of Alaskan Air Carriers it has been amended many times and the sweeping exemptions contained in the earlier versions have been cut way back as both the Board and the carriers have realized the need for more sophisticated information and control in the conduct of their businesses.

Before going on to another subject, I would like to say that the Alaskan air transportation system is far from being completed. Demands for service in new areas are constantly arising at the same time as demand in other areas may be receding. These situations have to be recognized and acted upon as the Board did in authorizing new service to the north slope oil exploration region. There is also much to do in the area of rates and fares and the matter of the adequacy of service in particular markets is always with us. The Board has always had at its command reasonably current and definitive information on the economic and social conditions in Alaska and on the status of the air transportation system. It continues to have a similarly good understanding of current developments. Moreover, in the future we expect that the ever more capable Alaska Transportation Commission will be able to help us, in this respect, especially in matters where they have gained expertise.

I would like to turn briefly to some matters which I am sure are frequently on the minds of you gentlemen here today. Those are matters of the relations between the state aviation authorities and the Civil Aeronautics Board. Those questions are usually distilled into what it is legal for you to do and what it is legal for us to do.

As far as the Board is concerned, its jurisdiction is set forth in the Federal Aviation Act of 1958.

As a general proposition the Board's jurisdiction is limited to intertate and foreign air transportation. This is defined by the Federal Aviation Act and court decisions as (1) common-carrier operations between the States or between a State and a foreign country, (2) common-carrier operations between points in the same State which involve flight through the airspace outside of that State or which, although entirely the geographical limits of the State, are merely the intrastate leg of an interstate or foreign journey for more than an insignificant number of passengers; and (3) carriage of mail. It is not always fully appreciated that carriage of traffic in the latter category alone is all that is needed to lodge in the Board primary jurisdiction over a carrier's entire operation. If a carrier's operations do not fall into any of these categories, that is, if they are truly and solely intrastate, economic regulation, if any, has always been treated as a matter for the States, even where the intrastate carriers compete with and may have an adverse economic impact on the interstate carriers which are regulated by the Board under Federal law. In this connection, however, I would warn that there may be much hazard in undertaking to cure service deficiencies by authorizing competition between an intrastate carrier and a Federally certificated carrier. We have already had enough experience with these things to know that unless the market is truly dense enough to economically support the services of two carriers nothing will be gained by such action.

On the other hand, the States have occasionally asserted an authority to regulate various aspects of the operations of the Federally-regulated carriers. Before going to specifics, however, let me point out briefly the provisions of the Federal law which are likely to be involved. To begin with, they empower the Board to license interstate air transportation by issuing certificates of public convenience and necessity, and forbid such operations without a certificate. These certificates specify the points between which the carriers may operate; in other words, they describe the carriers' authorized routes. The Act also empowers the Board to take such steps as may be necessary to insure that the carriers provide adequate service to the public. Conversely, the Board may authorize carriers to suspend or permanently discontinue service at points on their routes. Finally, the Board has control over the carriers' rates and fares, and it supports services which are needed, but not self-sustaining, with Federal subsidy. In the performance of these functions the Board has been directed by Congress to act with the objective of promoting an economically sound air transportation system properly adapted to the needs of the country's domestic commerce, and this, I can assure you, includes the needs of intrastate travelers.

The Board has taken over steps to assure that the smaller intrastate points receive service. It has established the class of carriers known as the air taxi operators, or commuter airlines, and exempted them from most of the economic regulatory requirements of the Federal Aviation Act. In fact, in Alaska the Board has prohibited commuter carriers from operating without authority from the State. These carriers are today providing a large amount of service between intrastate points.

As I have said the Board has never sought to deprive the States of their rights to regulate. On the contrary, it has consistently disclaimed any contention that all economic regulation of interstate air carriers by the States is forbidden. For example, it was without objection by the Board that the State of California successfully asserted the right to regulate the rates charged by an interstate carrier for the carriage of intrastate traffic. It has not objected to requirements that State certificates be obtained for carriage of

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[4] Alaska Service Investigation, C.A.B. Docket 20826.

[5] Alaska Air Transportation Investigation, 3 C.A.B. 804 (1942).

[6] Pacific Case, 7 C.A.B. 209 (1946).

[7] United States-Alaska Service Case, 14 C.A.B. 122 (1951).

[8] Transpacific Route Investigation, C.A.B. Orders 69-1-11, January 4, 1969 and 69-4-90, April 24, 1969.

intrastate traffic between points in the same State which it has included in a certificate, nor has it claimed that the Federal Aviation Act would preclude a State from denying such a certificate. It has recognized that a State's denial of a certificate might be an unconstitutional burden on interstate commerce, but in the only case of which I am aware in which there was such a denial, the Board did not contend that the State's action was unconstitutional.

What I have been talking about are areas where the Federal and State bodies can act separately without substantial conflict. There are also many areas where they can act in concert. Each of the state agencies has a fund of expertise that would be useful to the Civil Aeronautics Board and we believe that we have similar contributions to make to the states. This kind of information has been exchanged on a number of occasions. State agencies frequently appear in Civil Aeronautics Board proceedings and the Board, in several instances, has filed statements on matters pending before state agencies. Whenever state agencies have presented their cases before the Board, the Board has been very much concerned with their interests and has given them the fullest consideration in reaching its decisions.

The Board presently has underway a proceeding, the *Alaska Service Investigation*,[9] which presents an unusual opportunity for state-federal cooperation. This is a route case which contains numerous and diverse issues relating to service authorizations throughout the entire state. The case therefore is of much importance. Likewise, it is also a case where the Board will be expecting substantial help from the State in the form of comprehensive recommendations from the Alaska Transportation Commission. There are many difficult problems to resolve. Some of them may not be fully recognized. I note that in a recent pleading dealing with general air transportation matters the Commission appears to express the belief that joint resolution is required and cites certain subcontracts between the certificated carriers and air taxi operators which it contends are outdated, inadequate and inappropriate. The case, however, contains specific and appropriate issues to deal with this question. The order of investigation states that the Board will determine whether the public convenience and necessity require the deletion or suspension of a carrier's authority to serve points with its own equipment. Should one of the existing carriers be suspended and not replaced by another Federally certificated carrier, presumably the state could authorize the service to be provided by an intrastate carrier. The Board would expect that the Commission would make a definitive recommendation on the disposition of such issues.

Another item in the State's pleading relates to its view that the subsidy needs of the Federally certificated carriers should be subject to a realistic and imaginative review, and this of course, is precisely one of the purposes of the Investigation. The Board's order states that as to a member of the markets at issue in the case, a determination shall be made as to whether the service authorized shall be eligible for subsidy. Again, the Board will be looking to the State for its views on this subject. In examining carefully the order of investigation it becomes clear that the case contains issues going to most of the route problems presently vexing the State.

It has been suggested by the Commission that the Board, under Section 204 of the Act, could hold a joint proceeding with the Commission and reach a joint decision. This has never been done, and I think our best legal opinion is that while there may be no bar to the holding of joint hearings and the use of the same record by each agency, there is no provision in Section 204 for a joint decision, and that in fact, it would be beyond the authority of the Board to share with any other body its decision-making role on purely Federal questions such as the requirements of the postal service, carrier selection, and the amount and allocation of subsidy payments.

It would appear to me that the existing procedures provide ample opportunity for the State to get its case before the Board. The Commission requested additional time to hold extensive field hearings of its own on some of the questions at issue in the case. Its request was granted by the Examiner. With the very complete record which it, and the other parties to the proceeding should be able to make in the case, the Commission should be in a good position to make informed recommendations to the Examiner and the Board on the kind of matters I have just mentioned.

There are other matters raised in Alaska's pleading, which are also frequently matters of concern in other states as well. Unfortunately, we usually hear about these things informally and in a very generalized sort of way. The Board just cannot deal with such matters on the basis of such limited knowledge. Sometimes, as in this instance, the route investigation is not the proper place to deal with rate matters or adequacy of service questions. The Board has remedies for those situations where the service provided by federally certified carriers within a state appears to be inadequate or other unsatisfactory. What is needed from the state bodies are pleadings detailing specifically the nature of the problems and factual circumstances related thereto, filed in accordance with the Board's procedural regulations. The Board would then have a basis to act on such complaints. The Board is as interested in the proper operation of the federal air transportation system within a state as it is between the states and, properly apprised of any deficiencies, it will act to resolve air transportation questions in the public interest.

To conclude, I think it may be said the Board's approach to the entire problem of Federal-State jurisdiction has been to exercise care that local action not run counter to Federal policies and directives which the Board is required to uphold. Perhaps the best way to sum up the matter, is to say that in the 32 year history of the Civil Aeronautics Board there have been only a handful of conflicts between the Board and State regulatory bodies. In view of the long history of understanding and mutual respect which have characterized Federal-State relationships in this area in the past, I am confident that the pattern will continue to prevail.

SENATOR SCOTT'S RECORD ON FOREIGN AFFAIRS LEGISLATION

Mr. CASE. Mr. President, it is a pleasure for me to ask unanimous consent that a memorandum outlining the foreign affairs legislative record of our distinguished minority leader, and my longtime friend and colleague, the Senator from Pennsylvania (Mr. SCOTT), be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SENATOR SCOTT'S RECORD ON FOREIGN AFFAIRS LEGISLATION

Because of its unique power to ratify treaties and to confirm presidential nominations, the U.S. Senate has traditionally played a significant role in foreign policy. The last five years have witnessed an unprecedented resurgence of that role. As the Republican Leader, Senator Hugh Scott knows that the Senate must continue to make its voice heard, and its views known, within the Executive branch of the government.

Senator Scott has recognized the dominant role of the United States in world affairs. But he also recognizes that the United States must not become the world's policeman. As a firm believer in the Nixon Doctrine, Senator Scott says that the United States must, and will, keep its commitments to other nations but, at the same time, insists that other nations do more for themselves.

The following summary outlines Senator Hugh Scott's record on foreign policy:

THE 91ST CONGRESS

Legislation

S. Res. 415—To express the sense of the Senate on the growing threat posed by Soviet pilots and technicians in the Middle East.

S. 2846—To authorize the Secretary of State to participate in development of a prototype desalting plant in Israel under the Foreign Assistance Act.

Votes

Voted to ratify the Nuclear Non-Proliferation Treaty denying the possession of nuclear weapons to nations who now do not have them.

Voted to declare that U.S. diplomatic recognition of foreign governments does not mean U.S. approval of those governments.

Voted to authorize $80 million to encourage Vietnamese land reform programs.

Voted to express the sense of the Senate favoring mutual suspension of further deployment of strategic weapons systems by the Soviet Union and the United States.

Voted to repeal the Gulf of Tonkin Resolution.

Voted to provide that nothing in the Cooper-Church amendment shall be deemed to impugn the powers of Congress, including the power to declare war and to make rules and regulations for the Government and regulation of the Armed Forces of the United States.

THE 90TH CONGRESS

Legislation

S. 2391—To establish a National Visitor Center in the District of Columbia.

Votes

Voted to ratify the Consular Convention with the Soviet Union.

Voted to ratify the Treaty on Outer Space.

Voted to establish a joint congressional committee to review U.S. foreign policy goals and its foreign assistance program in relation to that policy.

THE 89TH CONGRESS

Legislation

S. 1992—To establish a Peace by Investment Corporation to give financial aid to underdeveloped countries (and firms giving such aid) for the expansion of industrial and agricultural activity and to establish an insurance system to protect investments made by firms who give such aid to underdeveloped countries

Votes

Voted to condemn the Soviet persecution of Jews.

Voted to authorize increased foreign assistance through use of international lending organizations.

Voted to bar foreign assistance to the United Arab Republic so long as it committed aggression.

THE 88TH CONGRESS

Legislation

S. 15—To establish a National Academy of Foreign Affairs as a graduate level institution to train professional personnel of Government agencies.

S. Con. Res. 15—To request the President to express the concern of the American peo-

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[9] Alaska Service Investigation, C.A.B. Docket 20826.

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ple on behalf of the peoples of Lithuania, Estonia and Latvia.

S. Con. Res. 21—To express U.S. determination with respect to general disarmament and arms control.

S. Res. 148—To express the sense of the Senate in favor of banning all nuclear tests that contaminate the atmosphere or oceans.

S. 1376—to refuse aid to any nation which will be able to use it to further its military aggression.

S. Con. Res. 99—To express the sense of the Congress that the United Nations provide for the self-determination for the Baltic States.

Votes

Voted to ratify the Nuclear Test Ban Treaty.

Voted to deny assistance to any country which the President determined to be engaged in or preparing for aggressive military efforts against the United States or any country receiving assistance under this or any other act, or any country to which sales were made under the Food for Peace Act.

Voted to establish an Advisory Committee on Private Enterprise in Foreign Aid.

Voted to provide for appointment by the President of a committee to review, evaluate, and make recommendations respecting foreign aid programs.

THE 87TH CONGRESS

Legislation

S. Res. 393—To express the sense of the Senate in favor of a Western Hemisphere military alliance.

Votes

Voted to bar aid to Communist-controlled nations in arrears in their United Nations payments.

Voted to ratify the International Convention for the Prevention of Pollution of the Sea by Oil.

Voted to establish a comprehensive 10-year program of oceanographic research and surveys.

Voted to prohibit assistance to Communist dominated countries.

Voted to provide that no assistance could be furnished any country unless the President had determined that such country was not dominated by Communism.

Voted to prohibit aid to any country which exported to Communist-bloc nations arms, munitions and items used in the production of implements of war.

Voted to prohibit aid to any nation more than two years in arrears in payments of assessments and/or contributions to the United Nations, unless the President determined that said government had given reasonable assurance of paying.

Voted *against* reducing the fiscal year 1962 Peace Corps authorization from $40 million to $25 million.

Voted to express the sense of Congress against the seating of Communist China in the United Nations.

THE 86TH CONGRESS

Legislation

S. 50—To provide for admission of Hawaii into the Union.

S.J. Res. 208—To provide for a commission to study and report on influence of foreign trade upon business and industrial expansion in the U.S.

Votes

Voted for the Mutual Security Act of 1969.

Senator Hugh Scott will continue his efforts to enhance the United States' foreign policy record so, hopefully, future generations can live in a more peaceful world. They deserve no less.

ANOTHER SUCCESS AT PORTSMOUTH NAVAL SHIPYARD

Mr. McINTYRE. Mr. President, 6 years ago, the Department of Defense established, under the auspices of the Naval Ship Systems Command, a cost-reduction program for naval shipyards throughout the country.

It is my honor, indeed my pleasure, to announce to the Senate that the Portsmouth Naval Shipyard, Portsmouth, N.H., for fiscal year 1970, has ranked first among all naval installations in the amount of money saved under this program.

Final figures issued by the Naval Ship Systems Command has indicated that Portsmouth has attained a resounding 225.5 percent of its goal established a year ago. In addition, during each of the previous 6 years, this great shipyard has ranked among the leaders in reducing needless cost.

Charges are made from time to time that the Portsmouth Naval Shipyard is expensive. Obviously, from the facts I have presented here, this shipyard is efficient. Its record of efficiency has been continuing and it extends throughout the various departments and divisions of the shipyard.

But, the shipyard is efficient in another way for its provides our Navy with a competent, dedicated, well-staffed installation which provides vital undergirding to our defense structure. As I have said many times, the deterrent power of our Navy is one of the keystones of our Nation's protection against war. Without the kind of deterrent that the Portsmouth facility is capable of efficiently and expeditiously servicing, our defense would suffer.

The Portsmouth Naval Shipyard has served our Nation for decades in war and in peace. It must continue to so do in the future. I want to praise the record its officers and its dedicated personnel have written, and I am glad to bring it to the attention of all who hear these words.

Mr. President, I ask unanimous consent to have printed in the RECORD the report of the successful cost reduction program as it is contained in the August 7, 1970, issue of the Periscope, published at the shipyard.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHIPYARD SAVES $3,748,200 IN FISCAL YEAR 1970; 225.5 PER CENT OF GOAL

Portsmouth achieved $3,748,200 in the Cost Reduction Program for Fiscal Year 1970. This is 225.5 per cent of PNS's assigned goal. The Naval Ship Systems Command assigned Portsmouth a goal of $1,662,500 for Fiscal Year 1970. Portsmouth ranks first among all naval shipyards in the FY 1970 Cost Reduction Program.

Certificates of Merit will be awarded to 12 employees for outstanding contributions to PNS's Cost Reduction achievements for the past Fiscal Year. In addition, a Certificate of Merit will be awarded to PERA(SS) for outstanding support of the Program. These accomplishments will be featured in future Periscope issues. Captain Donald H. Kern, Shipyard Commander, commends everyone who contributed to Portsmouth's outstanding record in cost reduction. Each Shipyard department's contribution is shown in the chart on page two of today's Periscope. (See below.)

Portsmouth's goal for Fiscal Year 1971 is $2,250,000. The Program has been renamed the Resources Conservation Program by the Naval Ship Systems Command.

The Program is administered in the Management Engineering Office, Code 140. Doyle T. Sowerby is the Shipyard's Resources Conservation Program Manager.

Fiscal year 1970	Number of items submitted	Value of approved items	Percentage of total shipyard achievement
Q/R Assurance Department	9	$195,000	5.2
Planning and Estimating Division	3	14,400	.4
Design Division	40	1,108,200	29.5
Nuclear Power Division	1	120,000	3.3
Combat Systems Division	1	26,000	.7
PERA (SS)	22	1,766,000	47.4
Production Department	32	235,400	6.2
Public Works Department	8	25,200	.6
Supply Department	10	205,000	5.4
Comptroller Department	7	25,000	.6
Medical Department	1	17,000	.4
Administrative Department	2	11,000	.3
Total	136	3,748,200	100.0

PHILOSOPHY FOR USE OF FEDERALLY OWNED LANDS

Mr. METCALF. Mr. President, in his message to Congress on environmental quality on February 10, 1970, the President proposed "a new philosophy for the use of federally owned lands, treating them as a precious resource—like money itself—which should be made to serve the highest public good."

His actions since then have demonstrated what he meant by the words "precious resource—like money itself."

This declaration was followed 2 days later, on February 12, 1970, by Executive Order No. 11508, "Providing for the Identification of Unneeded Federal Real Property." This Executive order, a copy of which I shall provide for the RECORD, directed Federal departments and agencies to survey their holdings of real property and report to the General Services Administration that excess property that is "not utilized, is underutilized, or is not being put to its optimum use."

President Nixon was not satisfied with the reports he received. His displeasure was expressed in an "Administratively Confidential" memorandum dated July 24, 1970, and headed "Memorandum to the Heads of Departments and Agencies."

In the latter, he said the results of the Executive order "are unsatisfactory."

So the President ordered in the July 24 memorandum that each department and agency revise its previous report by August 15. The new report is to identify "in terms of real value that 10 percent of the property now held which is least utilized and has the lowest priority for retention."

The President continued:

> This report should be accompanied by a detailed plan for excessing these properties identified. If there are arguments against excessing certain properties on your list, they should be set forth as a part of the August 15, 1970, report. The remaining 90% of your Federal real properties, ranked according to priority for retention by your department or agency, should be separately reported . . . by Septetmber 30, 1970.

Doubtless the Federal departments and agencies will provide arguments against "excessing" certain property listed in their inventories. I, too, want to continue to be of assistance to the President.

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I call attention to the definition of the word "property" in paragraph 2, section 4 of Executive Order 11508. In that order, "property" includes "lands withdrawn or reserved from the public domain which are utilized by executive agencies for purposes other than national forests or national parks."

Mr. President, my service on the Migratory Bird Conservation Commission familiarized me with the national wildlife refuge system, which is basic to a major recreation and economic industry. I am sure President Nixon will be hearing from duck hunters, who have invested millions of dollars of their duck stamp money in the wildlife refuge system. I am sure they will argue that not only should President Nixon amend his Executive order to exclude refuge lands, but also may want to consider rewriting his memorandum of 24 July to make it absolutely clear that he does not propose to "excess" park, forest, and refuge lands.

Mr. President, I ask unanimous consent that Executive Order 11508 and the "Administratively Confidential" memorandum of July 24, 1970, entitled "Memorandum to the Heads of Departments and Agencies," be printed in the Record.

There being on objection, the items were ordered to be printed in the Record, as follows:

Executive Order 11508: Providing for the Identification of Unneeded Federal Real Property

Whereas proper management and use of the Nation's resources require a continuing and critical review of real property held by the Federal government in order to insure that each such property is promptly released by the agency concerned for appropriate disposition whenever changing program requirements of the agency, or other considerations, obviate the need of the agency for such property; and

Whereas existing law, including the Federal Property and Administrative Services Act of 1949, as amended (hereinafter referred to as "the Act"), authorizes the President to prescribe property utilization and disposal policies consistent with and deemed necessary to effectuate its provisions; and

Whereas I have determined that it would be in the public interest to enunciate a uniform policy for the Executive branch of the Government with respect to the identification of excess real property holdings, and to establish uniform procedures with respect thereto, in order to insure the prompt identification and release by executive agencies of real property holdings that are no longer essential to their activities and responsibilities:

Now, therefore, by virtue of the authority vested in me by section 205(a) of the Act (40 U.S.C. 486(a)), and as President of the United States, it is hereby ordered as follows:

Section 1. In conformity with sections 202 (b) and (c) of the Act (40 U.S.C. 483(b) and (c)), the head of each executive agency, consistent with the policies set forth in Bureau of the Budget Circular No. A-2, Revised, shall:

(1) institute immediately a vigorous and complete survey of all real property under his control; and

(2) make a report to the Administrator of General Services within sixty days of the date of this order, listing any such property or portion thereof, and state whether it is not utilized, is underutilized, or is not being put to its optimum use.

Sec. 2. The Administrator of General Services shall:

(1) within sixty days of the date of this order, and in implementation of the policies set forth in Bureau of the Budget Circular No. A-2, Revised, establish uniform standards and procedures for the identification of real property that is not utilized, is underutilized, or is not being put to its optimum use, and the heads of other executive agencies shall thereafter conform their policies, regulations, and practices to the provisions of such standards and procedures;

(2) within sixty days of the date of this order, institute, and thereafter conduct on a continuing basis, a survey of the real property holdings of all executive agencies to identify properties which in his judgment are not utilized, are underutilized, or are not being put to their optimum use; and

(3) makes reports to the President, listing any property or portion thereof (identified either by Executive agencies or as a result of the Administrator's survey) which has not been reported excess and which in the Administrator's judgment is either not utilized, is under-utilized, or is not being put to its optimum use, and which in his judgment should be reported as excess property.

Sec. 3. (a) The reports required of the Administrator of General Services by section 2 of this order shall be made to the President through a Property Review Board, which is hereby established.

(b) The members of the Property Review Board shall be the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, the Administrator of General Services, and such other officers or employees of the Executive branch as the President may from time to time designate. One of the members of the Board shall be designated by the President as Chairman. The Board shall have an Executive Secretary, who shall be appointed by the President.

(c) The Property Review Board shall review the reports made by the Administrator of General Services pursuant to section 2 of this order, as well as other reports to the President making recommendations for the use or disposition of specific parcels of real property, with particular attention to conflicting claims on, and alternative uses for, any property listed in such reports. The Board shall then make such recommendations to the President as it deems advisable regarding the use or disposal of such property.

Sec. 4. As used in this order:

(1) the term "executive agency" means "executive agency" as defined in section 3(a) of the Act (40 U.S.C. 472(a)):

(2) the term "property", however modified, means real property, or an interest therein, which is covered by the definition of "property" set forth in section 3(d) of the Act (40 U.S.C. 472(d)), and also lands withdrawn or reserved from the public domain which are utilized by executive agencies for purposes other than national forests or national parks; and

(3) the term "excess property" means "excess property" as defined in section 3(a) of the Act (40 U.S.C. 472(e)).

Richard Nixon.

The White House,
February 10, 1970.

[F.R. Doc. 70-1857; Filed, Feb. 10, 1970; 3:51 p.m.]

Memorandum to the Heads of Departments and Agencies

Executive Order 11508, February 10, 1970, directed all departments and agencies to survey their holdings of Federal real property and report to the General Services Administration that property which was not utilized, underutilized, or not being put to optimum use. These reports have been received and evaluated. The results are unsatisfactory.

In the interest of efficiency and economy, it is extremely important that all Federally owned properties be carefully reviewed. The Federal Government must become more responsible in utilizing and managing its real property assets. I therefore request each department and agency to revise its report submitted in response to my Executive Order 11508. By August 15, 1970, your new report should be submitted to both the Property Review Board and the General Services Administration identifying in terms of real value that 10% of the property now held which is least utilized and has the lowest priority for retention. This report should be accompanied by a detailed plan for excessing these properties identified. If there are arguments against excessing certain properties on your list, they should be set forth as a part of the August 15, 1970, report. The remaining 90% of your Federal real properties, ranked according to priority for retention by your department or agency, should be separately reported to the Board and Administration by September 30, 1970.

I have asked the Chairman of the Property Review Board, Bryce Harlow, to keep me fully informed of the progress of this program.

I also request that your department or agency immediately designate a policy level individual to work as needed with the Executive Secretary of the Property Review Board, Darrell Trent. As soon as this individual is designated, the Executive Secretary should be notified.

Proper management of all Federal resources, and especially real property, is in the best interest of the public we serve. Your vigorous support of this program is essential to its success.

Richard Nixon.

CHRISTOPHER SMITH—A COURAGEOUS YOUNG AMERICAN

Mr. SYMINGTON. Mr. President, a young St. Louisan is a good example of the individual courage and selflessness of many Americans.

Twenty-one-year-old Christopher Smith, a student at Lindenwood College, in St. Charles, Mo., was aboard the TWA jet on its flight from Phoenix to St. Louis, which Senators will remember was held up by an armed hijacker for $100 million ransom last June.

Christopher Smith opened the emergency exit when the jet landed here at Dulles International Airport and stood on the wing to help a dozen passengers out of the cabin, one by one.

He then returned to the cabin to make sure all of the other passengers were out, and only then did he jump from the wing of the plane to obtain safety.

His courageous efforts to help others was reported by the St. Louis Globe-Democrat and the St. Louis Post-Dispatch. I ask unanimous consent that both articles be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the St. Louis (Mo.) Dispatch, June 5, 1970]

Helped Passenger To Escape

"I figured that that guy was too busy up in the cabin to watch the crew and the passengers in the back, too, and now was the time to escape."

Christopher M. Smith, 4969 Wabada Avenue, was talking about the events that led

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to the end of the bizarre hijacking yesterday of a Trans World Airlines plane bound for St. Louis from Phoenix, Ariz. Smith was the only St. Louisan aboard the flight.

"The thing that really set me off was when the pilot walked back and he just didn't know what to do, he was in that position," Smith recalled. "He had a really morbid look on his face."

Smith, a senior at Lindenwood College, St. Charles, and two other passengers opened the plane's doors when it stopped for the second time at Dulles International Airport in Washington. It was the first action anyone on the plane had taken to break the web of events that had begun nearly eight hours earlier in Phoenix.

Twelve of the 51 passengers aboard the plane arrived in St. Louis shortly after midnight last night. Originally, 39 of the passengers were bound for St Louis, most of them to make airline connections to other destinations.

Most of the passengers were unaware at first that the plane had been hijacked. Stewardesses told them that its scheduled stop at Lambert-St. Louis Field would not be made because of bad weather.

The plane landed and refueled at Dulles and the hijacker, Arthur G. Barkley, was given $100,750 by TWA officers. It was when the plane left Dulles that most persons were told a hijacking was taking place.

"When I realized it was when we landed at Dulles and stayed so long to refuel," said Jerry Dorlac, a former high school teacher in DeSoto now living in Tucson.

"Then we headed north and I asked the hostess why we were going north," he continued. "She then told me we'd been hijacked, and I said, 'Okay, that's all I wanted to know.' "

When the plane landed sometime later at Dulles a second time, Smith went into action.

"After landing I walked forward and told some passengers there that I was going to pull off the emergency doors and the escape windows and asked them to help so we could escape" Smith told reporters.

"But a stewardess said that was too dangerous. So I sat back down."

Smith then talked with the shaken pilot, and decided it was time to act. After leading several persons onto a wing of the plane, Smith looked back and found few persons were leaving.

"I understand the hijacker had come back into the passenger section and threatened them," he recalled. "But Herb (Geshwind, of Phoenix) was in the plane at the time and he just looked at the hijacker and said bye-bye. The rest of the people began getting off then."

Smith is the son of the late Wayman F. Smith Jr., a St. Louis alderman for 12 years.

SAW HIJACKER TWICE

Dorlac said he saw the hijacker twice when the door to the cockpit was opened. The first time, when the plane first landed at Dulles, Dorlac said he did not realize the man had taken over the plane. He said the man appeared composed.

Dorlac's two sons, Walter, 9, and Warren, 7, said they were frightened when they learned the plane had been hijacked. They were coming to St. Louis to visit their grandparents, Mrs. Adele Dorlac and Mr. and Mrs. Walter Page of DeSoto.

An amateur photographer who persisted in taking pictures throughout the events on the plane endangered the lives of the other 50 passengers aboard, Dorlac said he believed. The young man left the group in Washington and did not return to St. Louis.

SHAKY AT 83

Mrs. Frieta Cressey, an 83-year-old passenger, said the experience left her "shaky." But when she stepped off the return flight to St. Louis, Mrs. Cressey was sure-footed and answered questions crisply.

"I went out a window," Mrs. Cressey said of the emergency exit at Dulles. "They told me to jump down. I jumped into the arms of a man standing below."

She was most frightened, she said, immediately afterward when "two men grabbed me and carried me behind a row of fire trucks. There was an officer there standing behind a machine gun or a tommy gun of some sort."

Mrs. Cressey, who lives in Phoenix, was en route to St. Louis to visit a son living in Belleville.

Matching wits with a reporter who asked her if she had reservations in Havana, Mrs. Cressey said: "We joked a lot about the weather in Cuba. But no more jokes about Cuba."

[From the St. Louis (Mo.) Globe-Democrat, June 5, 1970]

WHAT IT'S LIKE TO BE HIJACKED

(By Edward W. O'Brien)

WASHINGTON, D.C.—"I kept thinking of flying around in a pattern that had no pattern."

Those were the thoughts of Christopher Smith, 21-year-old St. Louisan who jumped from the wing of a TWA jet at Dulles International Airport here Thursday night, after several hours aboard the hijacked Phoenix-to-St. Louis flight.

"Once I was on the ground," he said, "I felt alright, since I knew we could take our chances. Earlier, in the air, I was afraid the hijacker would shoot the pilot or copilot.

"I'm glad it's over, I was scared," said Smith, son of Mrs. Wayman Smith Jr., of 4964 Wabada ave. His late father was an 18th ward alderman in St. Louis.

The youth, who just completed his junior year at the Lindenwood Colleges in St. Charles, had driven to Phoenix Sunday to deliver a car, and was returning home when an armed hijacker attempted to hold the plane for $100 million ransom.

"I was tired," he said, "so as soon as we had breakfast on the plane, I fell asleep."

Smith said he awoke near St. Louis, but fell asleep again and did not awaken again until the plane was approaching Dulles Airport.

"I looked out the window and recognized from the terminal building that we must be at Dulles Airport," he said.

The stewardess announced that bad weather over St. Louis has forced the detour, Smith said, but 40 minutes later the big plane lifted off the runway and headed south. He said:

"Oh, oh, we're going to Cuba, I thought."

After the plane landed a second time at Dulles, Smith told a stewardess he was going to "pop the emergency exit" as soon as the craft stopped rolling.

"No, don't do it," she replied. "It's too dangerous."

Later, Smith asked a crewman the same question, but the crewman "kept shaking his head no."

"But later," Smith said, "I grabbed a door on my side of the plane and another man grabbed one on the other side.

"I stood on the wing and helped a dozen passengers out of the cabin who jumped 6 to 8 feet to the ground. I returned to the cabin to make sure it was empty, and then jumped myself."

Smith said he and the others ran to a group of fire trucks pulled up to the rear of the plane.

"The fire trucks were there to protect us if there was any shooting," he said.

"We saw some government agents climb up on the plane and jump in. A few minutes latter, we saw someone being pulled off the plane. I did not hear any of the shots which I learned later were fired."

Smith, a highly articulate young man, was mobbed by reporters waiting at the terminal for his account of the flight.

His main concern, however, was to call his mother, and tell her he was all right and would be heading straight home—he hoped—to St. Louis.

BIG PLUS FOR THE NATION'S ECONOMY IN STRENGTH OF AGRICULTURE

Mr. DOLE. Mr. President, agriculture has been the backbone of the Nation's economy since the Declaration of Independence.

Today's economy is dominated by much discussion of gross national product, stock trends, conglomerates, and other exciting facets of this fast-moving society.

However, agriculture is still the largest single industry in the Nation. This fact is discussed in a recent editorial published in the Kansas City Star. The editorial is entitled "Big Plus for the Nation's Economy in Strength of Agriculture." I ask unanimous consent that the editorial be printed in the RECORD, so that it may receive the wide distribution it deserves.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BIG PLUS FOR THE NATION'S ECONOMY IN STRENGTH OF AGRICULTURE

American agriculture is doing relatively well in 1970. Its role obviously is not dominant as it was when the United States was primarily a rural country. But the agricultural sector is still sufficiently important to the economy so that its sound health can provide strong underpinning for the nation as a whole.

Agriculture can be pictured in many ways. One is that only about 5 per cent of the population now lives on farms. This figure often is mentioned to suggest that farmers no longer have political bloc power in the determination of policy by Congress and state legislatures.

But Clifford M. Hardin, the current secretary of agriculture, and those who have held the farm cabinet post before him have liked to point out that agriculture employs 5 million workers—more than the combined employment in transportation, public utilities, automotive manufacturing and the steel industry.

Agriculture is a 50-billion-dollar customer of the American economy. Farmers pay more than 4.8 billion dollars a year just for tractors. Out of a total of 17 million trucks in America, 3 million are used in agriculture. Farmers meet a transportation bill of over 4 billion dollars a year to move crops and livestock to market.

Agriculture sustains hundreds of agribusiness enterprises that provide jobs for millions of people in both cities and rural communities.

Agriculture, in the amount it spends for production and thus in its direct contribution to business activity as a whole, now is the biggest it ever has been in history.

It is true, as Secretary Hardin also points out, that farmers are in a continual struggle to get what they contend is their share of the national income. That is why federal farm programs are considered necessary. With parity as a measurement, farmers are falling short.

But relatively speaking, compared to other years, farmers are doing quite well today.

Now, early in the final half of 1970, it appears that gross farm income for the entire year may be up 2 billion dollars over the record total of 54.5 billion in 1969. Production expenses are also rising. So the final figure on net income, the U.S. Department of Agriculture predicts, will be around 16 billion dollars, about the same as in 1969 which was the third best year on record.

Compared to corporate profits and other indexes on the economy in 1970, the net farm income prediction becomes one of the more optimistic economic prospects of the year.

But the income figures, important as they are, do not tell the whole story on the contribution made by agriculture to the economy.

In these days of inflation, strikes and much emphasis on the output per man-hour of labor in industry, agriculture has an amazing record both for labor output and the yield from the land.

Consider these important accomplishments:

U.S. total farm production last year was at a record high, 1 per cent greater than in 1968 and 21 per cent above the 1957–59 average.

Crops were harvested from 294 million acres in 1969. This was 9 million fewer acres than in 1968 and 51 million fewer than in 1950.

Farm products exported last year accounted for the equivalent of the production from 58 million acres. Products exported do not always come from the current year's yield. But if they all had been from 1969 production, the exports last year would have taken the output of every fifth acre harvested.

Labor used on U.S. farms continued to decline while the output per man-hour was climbing, rising 4 per cent above the 1968 level.

In 1969 the total number of consumers to one American farmer was more than 45, an increase of 21 over just 10 years ago. The farmer is producing more, not less, for his day's wage.

The bulk of U.S. agricultural production, rather quickly it now seems, has fallen into the hands of the larger, commercial farmers. Acreage figures on the increase in the size of farms make this clear, but another indication comes from the trend to larger tractors.

In 1960, farm tractors averaged 33 maximum belt horsepower; this year the average is over 43 horsepower. The total available horsepower on farms has increased more than a third in the last 10 years while there has been a rise of only 2 per cent in the number of tractors. These figures point up the fact that farmers are buying bigger tractors. They are using more fertilizer, too. In few other economic activities has more new technology been adopted.

Obviously, farm efficiency has made tremendous gains in recent years—gains which are passed on to the remainder of the economy. The benefits are probably best illustrated by the fact that the people of this country pay a smaller share of their income for food than the people of any other nation in the world—about 16.5 per cent of total consumer expenditures.

The economy of Kansas City, from its first days to the present, always has been highly dependent on agriculture. More recently there has been a great diversification of agribusiness. In these times when so many business indicators are on the weak side, it is assuring to observe that the farm sector is holding the line both in this area and elsewhere around the nation.

FURTHER CLARIFICATION OF HUMAN RIGHTS

Mr. **PROXMIRE**. Mr. President, we have waited one lingering year after another for the ratification of a treaty not only beneficial but necessary to all of mankind. In order that all governments may join their efforts and ideals in one collected, organized, and respected code setting forth principles by which each and every nation can abide, this body must ratify the Genocide Convention and join nations that have placed their authority behind their rhetoric. As all peoples await the day when the international standards for human rights are a reality, we should not lose time in squabbles over our support of this vital treaty.

Some have said that any international law that can be applied to individuals committing ordinary common-law crimes and which may be invoked to raise discussion to an international level each time an individual commits a crime, would create more friction between countries than now exists, rather promoting war and violence than preserving peace. Yet it is abundantly clear that the prevention and punishment of crimes of genocide is an essential ingredient of a sound foreign policy. It is a powerful weapon in the struggle for human dignity: First, it is an effort to prevent aggression and an essential step toward preserving peace; second, it deals with the vital question of the dislocation of peoples with attendant international consequences; third, it represents our national participation in the suppression of what has been universally condemned by the family of nations; fourth, it is a strong deterrent to the heads of government, warning them that even they can be punished by successor governments.

How then can we hesitate to ratify a convention that assures the security of all peoples within the sacred domain of their natural human rights? At this time we can, with no loss of dignity, focus some long-deserved attention on this crucial issue, thus providing the harmony of peace and the preservation of racial, religious, and ethnic entities.

Therefore, I plead again, as I have for the past 3 years, for the early ratification of the genocide treaty.

A PORTRAIT OF OLDER AMERICANS IN NEW JERSEY

Mr. **WILLIAMS** of New Jersey. Mr. President, the first events leading to the White House Conference on Aging are only 1½ months away. During the week of September 20, governmental units on aging and private organizations will sponsor "Older Americans Speak Out" sessions. The elderly themselves will be asked to tell of the major issues in aging today as they see them.

It is important that Americans of all ages listen when our elders speak during that week. And it is important that all Americans understand more fully the problems—and the promise—of growing old in the United States today.

Recently, the Newark Star-Ledger carried an excellent series which drew a vivid picture of older Americans in New Jersey.

Much of the information for the series came from a hearing on "Sources of Community Support for Older Americans" conducted by the Senate Special Committee on Aging in Ocean Grove several months ago.

Still more, however, came from journalistic enterprise and skill of the author of the series, Mr. Gordon Bishop.

Mr. President, the facts that Mr. Bishop presents are applicable in many other States. He warns of retrenchment in promising programs. He describes problems which persist despite intense attention by private and public agencies. I ask unanimous consent that his series of articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE GOLDEN GENERATION, MANY SENIOR CITIZENS FIND IT TARNISHED

(By Gordon Bishop)

An elderly woman was found lying dead on the kitchen floor of her Jersey City apartment. In the ice box were two cold lollipops.

A volunteer from a senior citizens group brought a hot meal to a retired person in his home in Union. He was discovered dead in his bed, hat and coat on. He had been dead about a week.

A home visitor from a senior center in Trenton called upon an old woman with swollen feet, living on the third floor of a rat-roach infested apartment, unable to get out to shop for food because she cannot climb steps.

The only concern shown to this senior citizen was by the landlord, and he was interested only in his monthly rent and not the conditions under which she was living.

These conditions are prevalent throughout New Jersey and are constantly being investigated by some 30 county and municipal agencies, who are, themselves, usually understaffed and short of funds.

For those who reach the golden years, the age of retirement should be one of enjoyment and fulfillment.

Instead, here's what most face, according to the State Division on Aging:

Three out of five elderly persons enter a hospital suffering from malnutrition.

More than 60 per cent of the state's 70,000 senior citizens live in virtual poverty. They rarely admit they are living in poverty; they merely say "things are a little tight."

The average savings or net worth of a senior citizen is $300. The average pension for 1969 was $200 a month, with only 38,000 receiving pensions.

Social Security benefits, even with the latest 15 per cent increase, provide only $100 to $116 a month, while the average benefits for an aged couple are from $170 to $190 a month.

The 60 per cent living poverty must take money from their food budgets to meet the high costs of inflation. Almost any form of entertainment, travel and vacations are out completely.

Pride and the will to endure and remain independent as long as possible prevent many of them from resorting to food stamps to survive.

Most of them think taking food stamps is tantamount to going on welfare, since the stamps are issued through welfare offices.

An effort is now being made to have stamps distributed by a federal representative through senior citizens organizations. With $16 worth of stamps, a needy person, regardless of age, can buy $28 worth of food each month.

A program that could save the impoverished elderly from starving is the "Community Kitchen," which Jersey City is trying to establish through a federal agency.

The government provides surplus food as part of an after-school feeding program for youngsters from federal housing projects, but surplus is not made available for the elderly.

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Senior citizens are allowed to prepare the surplus food for after-school meals, but they are not permitted to eat any of it.

The staples provided by the government include hominy grits, butter, flour, corn, tomato paste, peanut butter, raisins, noodles, etc.

And, while community programs can sometimes help, even participation in these is out of the question for many of the elderly. To reach a Golden Age Club or recreational center, a senior citizen usually has to take a local bus and bus fares jumped to 30 cents a ride last month. This is a charge that's considered exorbitant by senior citizens' standards.

Even trying to supplement their meager income by working sometimes is a hardship.

In Bergen County, an elderly woman was trying to earn a few dollars doing house work. It costs her one dollar for bus fare each day she works, so she walks 15 blocks to save 30 cents each way.

And there is inequity in other ways.

A person who parks his car in a lot while shopping gets a rebate from the merchant for the parking rates.

A senior citizen who rides a bus to the same merchant's store receives no discount on the fare.

The Division on Aging tries to discourge older people from retiring in New Jersey becaus of the high cost of living. Yet less than 5 per cent of the elderly move to Florida or California or other "sunshine states."

In a national magazine "Harvest Years," the division listed New Jersey's attractions for retirees in one line: "Free fishing after 70 and some reduced theater admission."

But it's not only the lower income that creates problems. Just the act of retirement causes all sorts of situations.

For many, it's total frustration and gradual deprivation. Rare is the person who is adequately prepared for retirement.

The transition from the work-a-day world to the "leisure life" is usually a traumatic experience. The pattern of daily living completely changes, and there is no way a person can physically or psychologically prepare himself for it.

For the first time in his life, the retiree does not have to get up and go to work. There were many days as a working man he wished he had such freedom. Now that he has all he wants, he seldom knows how to handle it.

Many couples, after being happily married for 30 or 40 years, discover they are now in each other's way. The housewife has had to surrender some of her domestic freedom, since her husband is now her constant companion.

A Princeton University professor had to consult a marriage counselor about his parents, who, after almost a half-century of marriage, were on the verge of a divorce because they were getting on each other's nerves 24 hours a day, seven days a week.

A normal, even-tempered businessman who had just retired had to sell his home and move to Florida because he couldn't stand to live in a neighborhood where everybody else got up and went to work every day.

Another businessman, used to living with a host of credit cards, suddenly found himself on a fixed income, with no large company expense accounts at the end of the month to pay off the charge accounts. A compulsive charger, he suffered all kinds of "withdrawal symptoms" whenever he wanted to buy something and couldn't because he had to destroy his credit cards.

Almost to the day, a person who enters retirement finds himself in an entirely different world. His circle of friends from work is cut off, his carefree habits can no longer continue unchecked.

The Division on Aging says the rising cost of living has created serious problems in retired couples retaining their own homes.

Rising taxes have all but wiped out a property tax exemption of $80 afforded those retirees who have incomes of less than $5,000 per year.

To offset spiraling taxes, the State legislature is considering doubling the tax exemptions to $160, at the same time excluding Social Security from the annual salary total.

To be eligible for the $80 tax exemption now in effect, a homeowner cannot receive more than $5,000 a year, which includes Social Security, pensions or any other source of income.

Under the proposed bill, Social Security would not be figured in the annual income. If the bill passes through the Senate June 8, the tax abatement question will be placed on the ballot in a public referendum this November.

The state would pay the additional $80 exemption, for an annual estimated cost of $12 million.

The new bill would affect about 70,000 more senior citizens, those who are now excluded because their total income exceeds $5,000 a year because of Social Security benefits.

The state estimates more than 210,000 senior citizens will be eligible for the $160 exemption, if the referendum passes.

Living in their own homes affords the elderly the respectability and dignity they worked for all their life. They would prefer to give up practically everything—except their home.

But for those who do not live in their own home, the conditions of old age are far worse. Many are forced into apartment buildings which become storage places for people society has displaced simply because they are 62 years and older.

Many municipalities do not have senior citizens housing facilities, or apartment complexes with rents low enough an elderly person or couple can afford.

More than 25 per cent of the elderly in mental institutions could be released if they had somewhere to go, the Division on Aging reports.

Only 16 per cent live with their children or other relatives.

The 500 nursing and convalescent homes throughout the state have a capacity to accommodate less than 25,000 senior citizens.

And, the picture grows worse by the day, month and year as more and more people live longer and longer.

Oldster Power Backs Tax Relief

Several thousand of New Jersey's one million senior citizens are expected to participate in a "Senior Voter Power" rally June 8 at the State House in Trenton.

About one-third, or one million, of the state's voters are residents over the age of 60, according to Edwin Emrich, chairman of the Bergen County Economic Resources and Development Commission, which is supporting the rally.

"The sole intent of this rally is to present a dignified and orderly demonstration of the voting strength of the state's seniors, who represent the backbone of our economic and social structure and who are the staid, responsible and conservative members of their communities," said Edward L. Carr, legislative chairman of the steering committee which represents 95 senior citizens' clubs in Bergen County. Carr is also chairman of the June 8 rally.

The purpose of the rally is to urge the State Senate to pass a bill that had been voted 69–0 in the Assembly to increase property tax exemptions to seniors from $80 to $160. It would apply to seniors 65 and over with an income of $5,000 a year or less.

"This is the senior's last chance for tax relief this year," Carr said.

If the senate approves the measure June 8, the tax exemption question then goes on the ballot in November.

Under the proposed law, the state would pay the $80 increase to municipalities, who are now losing the first $80.

Golden Generation: Little Is Done To Cure Their Housing Crisis

(By Gordon Bishop)

There are no programs which would allow a nonprofit organization today to build a home for the aged in New Jersey.

The only federal program in existence that could provide senior citizen housing is bankrupt. Its funds for 1970—an anemic $25 million for the entire nation—are depleted.

Congress appropriated $170 million last year for senior citizen housing, but President Nixon excluded it from the final federal budget.

In New Jersey, nine senicr citizen housing projects have been built under a federal program which is now on its death bed. It provided 50-year loans from the government at an interest rate of 3 per cent. It also provided decent, low-income housing for about 4,000 elderly persons.

That program has been phased out and replaced with one whose funds already have been dried up for this year.

Next year, $125 million is earmarked for senior citizen housing throughout the comtry, but that can be cut drastically, as was the 1970 appropriation, which wound up at $25 million.

Future senior citizen projects, face still greater financial woes.

Take, for instance, Wesley Towers in Newark, which was built under the successful 50-year loan program and which houses 350 senior citizens. Wesley pays $50,000 in annual taxes to the City of Newark. This is based on 15 per cent of its gross rent receipts after utility expenses.

If Wesley were taxed 100 per cent, instead of the 15 per cent by a special state law, it would have to pay $218,000 a year in taxes.

Had Wesley been built under the conditions of the new federal program, it would have to pay 20 per cent under the New Jersey Limited Dividend Law. This increase would have to be passed on to the elderly.

"This 20 per cent will make it more difficult than ever for a non-profit organization to provide housing for the elderly with rents they can afford to pay," explained Rev. Virgil E. Mabrey, director of Wesley Towers.

He noted that states having no tax on projects for seniors have the greatest number of such facilities. Among those states are Florida and California.

Yet, he added, New Jersey ranks ninth in states having the greatest number of persons 65 and older. The other states, most of which have no tax on private, non-profit housing, are, in addition to California and Florida—Pennsylvania, Illinois, Ohio, Texas and Michigan.

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George A. Downs, an authority on senior citizen housing in New Jersey, was the first housing specialist for the State Division on Aging in the early '60s.

Downs today is housing coordinator for the Roman Catholic Diocese of Camden, which takes in six South Jersey counties with a senior citizen population of more than 100,000. These counties are Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem.

Of the 129 communties in these six counties, only 17 have housing authorities. There is only one county housing authority, in Salem.

Under all federal and state programs, only 2,000 of the six counties' 100,000 senior population are living in low-rent projects.

The Camden Diocese has no existing senior citizens projects. It has, however, six projects on the drawing boards. The total capacity: 1,000 units.

Three would be in Camden County, and

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three in the Diocese's other counties. Downs declined to disclose the exact locations, since he did not wish to jeopardize the outcome of the projects: Their success hinge on financial, as well as political considerations.

Although the government finances 100 per cent of the projects it selects, Downs says a significant amount of money is still required by the non-profit sponsor to complete the project.

The program does not provide money for acquisition of land, surveys, architectural and legal fees, part of which must be advanced prior to closing.

Like Camden, the Archdiocese of Newark is in the same situation.

The Archdiocese takes in four of the state's most densely populated counties: Essex, Union, Hudson and Bergen where there are well over a quarter of a million seniors living.

Only eight apartments are occupied under the Archdiocese's senior citizen housing program. They are part of a six-story complex in Englewood. When complete, the project will have 40 units.

The rest of the Archdiocese's housing is on paper. A 10-story, 90-unit structure is planned for Jersey City. Also, FHA is studying the feasibility of acquiring the Douglas Hotel on Hill Street, Newark, and renovating it for 154 senior citizen units. The hotel has 40 separate living units.

The Archdiocese is on the same waiting list for funds as other non-profit sponsors.

A different viewpoint is offered by Emile Gorham, chairman of the Task Force on Aging for the Bergen County Council of Churches.

He believes the profit motive must be "nurtured, encouraged and challenged" and not treated as a second-class motive. In this way, successful business enterprise will be attracted to senior citizen projects.

Gorham is seeking federal legislation which will assist the flow of money readily to housing developers, preferably private, to encourage the "private sector" to expand its operations to meet the challenges of today.

He recommends that existing housing legislation be phased out completely without disruption of programs in process, ending the "confusion and multiplicity of programs and efforts, some in competition with one another."

Gorham further suggests that any new legislation be kept simple, with "housing only" as the objective. Omnibus type legislation should be avoided.

He would also eliminate all classifications such as "low-income," "middle-income" or "elderly." He says you should not "legislate segregation by income or class."

And, finally, Gorham would give senior homeowners a 50 per cent break on local taxes, which he thinks, "is a fair percentage of the cost of schools, to which the elderly contribute no burden or problems."

To prevent communities from zoning out senior citizen projects. Gorham would end such discrimination through legislation and or court action. He observes that "home rule" was never intended to exclude, hurt or jeopardize "the people at home." It's a contradiction of democratic principles, he adds.

The resentment against senior citizen projects is evident in most municipalities. All too often, when a senior citizen proposal looms on the horizon, both residents and officials of a town raise their voices in protest.

A case in point is the Union Township senior citizen project which would provide rent supplements to assist those with low incomes. After being convinced of the need for moderate-income housing for seniors, the Union Township Council went ahead with plans for erecting a 158-unit complex, featuring colonial design, four elevators and a park.

The town's next-door neighbor, however, instituted suit to halt the project, charging it would create a serious drainage condition in Roselle Park, as well as adding to the traffic congestion.

The outcome of the housing project is pending in Superior Court.

Meanwhile, for those who can afford it, about 20 retirement villages in New Jersey offer the finest in convenient living.

A majority of the villages appeal to the middle-class couples, those with an income of $10,000 to $15,000 a year and who retired on sizable pensions.

The largest, Leisure Village in Lakewood, lures the retired executive or businessman. A one-story, one-family home in Leisure Village sells anywhere from $16,000 to $45,000, and service charges run from $17 to $34 a month, not including taxes and utilities, which the homeowner must pay.

Services include landscaping, snow shoveling, repairs, etc.

Leisure Village now has 4,500 residents, or approximately 2,200 families.

The second largest condominium operation in the state is Holiday City in Toms River. It has 1,600 families.

Both villages are continuing to expand as housing demands from retirees increase.

The greatest attraction to these villages, according to their promoters, is that they offer a pleasant environment for those who wish to continue living only a few miles from where they spent most of their life.

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Practically all of the village residents lived and worked in the metropolitan area, and they want to remain where their friends and families are.

The 20 retirement villages presently can accommodate about 15,000 persons.

Golden Generation: U.S. Programs Are Running Out Too Soon

(By Gordon Bishop)

The plight of New Jersey's senior citizens grows more desperate each year as the federal government continues to phase out programs and services needed to assure them of a decent life in their golden years.

Three years ago, Newark had 12 federally-funded golden age centers scattered throughout the city, staffed by 30 full-time professionals and 20 part-time senior citizens.

They provided 35 different kinds of activities, ranging from arts and crafts to housing, health, educational and employment services.

Today, there are eight centers staffed by 14 professionals and 49 seniors. The surplus food program has been superseded by the Food Stamp program, which is administered through welfare offices and does not reach most older people.

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In Jersey City, a "Meals-on-Wheels" program, which delivers hot meals to a senior's home, was started in the mid-'60s. Recently, the city was notified that the federal funding was being terminated and the program was being phased out.

Meals-on-Wheels has fed more than 75,000 seniors.

Of the state's 21 counties, only 10 have an Office on Aging. Identical to the State Division on Aging, these offices provide information and referral services to anyone affected by aging.

The fate of all but one of the offices hangs in the balance because of money. The only office whose future is financially secure—at least for the next three years—is Essex County. And that is because the Essex office is set to open June 1 and has three years to go before its funds expire.

The county offices are funded on a declining federal formula. The first year, the government shares 75 per cent of the costs; the second year, 60 per cent, and the third year, 50 per cent.

After the third year, the county is expected to assume the entire responsibility of operating the Office on Aging.

Three already have completed the end of their three-year cycle. They are Passaic, Bergen and Sussex Counties. But the state is temporarily subsidizing them until the end of this fiscal year, June 30. After that, either the counties come up with the money, or they close the offices.

The other counties reaching the end of their three-year federal cycle are: Camden, Cumberland, Hudson, Mercer, Middlesex and Ocean.

On the local level, the picture is even grimmer. Only five of the state's 576 municipalities have Offices on Aging. They are: Paterson, Jersey City, Cape May, Camden and Trenton.

These offices, identical to the county and state operation, are funded under the same federal formula. Except there are no state provisions when the towns finish their three-year cycle.

Paterson, which went off the cycle in January, was able to maintain its Office on Aging through city funds.

The other four communities will have to make the same fiscal commitments when their cycles expire, or shut down the local offices.

There is a bill in the State Senate which would fund county offices already in operation. The state funding, however, would be limited to 50 per cent of the costs, or a ceiling of $20,000 per year.

The bill is bogged down in the Senate's committee on county and municipal government. It is not expected to be brought out of committee, at the earliest, until the next session of the Legislature in the fall.

An identical bill in the Assembly already has passed.

As federal programs bow out, others make a miniscule effort at helping the elderly.

One example, is Jersey City where 60,000 senior citizens reside. Of the thousands available for part-time work, only 37 have been hired through Operation Service, now in its third year.

Administered by the Housing Authority, OS hires senior citizens to work at $1.65 an hour. They are assigned to routine jobs in City Hall.

The State Division on Aging admits that it's virtually impossible trying to coordinate senior citizens programs throughout the 21 counties, keeping each abreast of the services available and every law that comes out of the Legislature or on Capitol Hill.

The concern for the senior citizen must begin on the local level and be felt on the national level, the division points out.

Such concern was displayed by many service agencies and social clubs during hearings conducted since the beginning of the year by U.S. Sen. Harrison A. Williams (D-N.J.), who is chairman of the Senate's Special Committee on Aging.

In all almost totally uncoordinated movement, several groups in New Jersey have emerged to carry the senior citizens' cause to the Capitol, where, ultimately, their dream of a decent, not golden, retirement, can materialize.

Until then, here's what New Jersey's concerned citizens are trying to do:

In Passaic County, a survey was conducted to find out what was happening to the golden generation. The Passaic County Community Council found out and drew up a "profile of isolation . . . of older men and women shut up in furnished rooms, often hungry, often sick, lonely and far removed from the mainstream."

Paterson responded almost immediately to bring as many seniors as possible back into the mainstream of life.

The Paterson YWCA opened its idle food service department, backed by federal funds, and added a Meals-on-Wheels program for the ill and homebound aging.

Around the fellowship of food, a multi-purpose center had developed at the Y during the day when children are in school and young people are at work.

Services made available to the city's elderly were:

Health counseling from the city's health department.

Foot care from the Passaic-Bergen Podiatry Society.

Cultural, social, civic and current-interest programs arranged by the Paterson section of the National Council of Jewish Women.

Paterson State College professors have also volunteered their time for a number of courses at the Senior Citizens Center.

In Union County, two DISCs are attracting scores of senior citizens. A DISC is a Drop-in Senior Center. For only a dime donation, a senior can enjoy coffee (you can bring along a sandwich), arts and crafts, cards, social hour, service projects, counseling and educational entertainment.

Inadequate transportation, however, prohibits more seniors from participating in DISC activities. Limited transportation is available for a few who require it.

The biggest problem remains the hidden, isolated person.

Mrs. Evelyn Frank, chairman of the Anti-Poverty Council that sponsors DISC, says she has visited several golden age clubs and senior citizens centers in Union County, but "they show no or little participation from the black community. We know there was no intent of exclusion, but facts are facts. Centers may be too far from people—perhaps they feel the centers do not relate to them.

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"Triple jeopardy—poor, black and elderly—becomes evident and must be a focus for a program. With a county program operating from their neighborhood, aides can reach out into the community involving others and extending information and services to the entire older population."

In Middlesex County, the Office on Aging (OA) has called upon municipal health department to institute medical screening programs, for seniors. In communities where there were no certified health officer, the OA has gotten the municipal councils to sign a contract with the County Health Department.

In Mercer County, the majority of older people located by a Friends Center had been spending their time sitting by a window watching the traffic go by.

Most of these older people received visits from friends only five or six times a year.

The Home Visitor project is one of many in New Jersey that's trying to reach the elderly, those who have been either neglected or abandoned at a time when they needed help the most.

If there is a million dollars worth of service available in a city, it is effective only if it connects with the people who need the help.

An operation such as the Mercer Street Friends Center shows a senior citizen the way to community resources and public assistance, or to agencies such as Old Age Assistance, Disability, Food Stamps, Social Security, Medicare, Medicaid and New Jersey Rehabilitation.

Because they specialize, most agencies provide fragmented services. With the elderly, as with desperate people of all ages, a service must deal with the whole person.

A home visitor communicates with those who need to be treated as a whole person. As a trained volunteer or professional, a home visitor becomes, in effect, a substitute daughter or son of a senior citizen.

He is concerned with the "bread-and-butter" necessities of daily living. The home visitor gives baths, fixes hair, finds used clothing in the right sizes and in attractive colors, and also provides transportation to weekly luncheons at centers where older people congregate.

The home visitor goes far beyond the scope of the 500 social clubs that cater to the aged throughout the state. He acts as advocate to guarantee an older person the provisions he is entitled to under the law.

In Hudson County, there's a homemaker service run by the Senior Citizens Council. A homemaker provides care in the person's home. Priority is given the senile and the chronically ill.

"Many of our aged would rather die in their own homes than be placed in an institution under Medicare," said Mrs. Mary Johnson, president of the Hudson County Senior Citizens Council.

"If they could just have some assistance with their daily living, to sustain them with dignity, it would relieve the pressure and demands on old age homes and nursing homes and eliminate some of the really deplorable conditions existing today in homes for the aged and chronically ill," Mrs. Johnson said.

In Ocean County, the emphasis is on "Senior Power," OCEAN (Ocean Community Economic Action Now) points to the power of the elderly at the polls on election day. While they constitute only 10 per cent of the population, they represent more than 25 per cent of the voters.

"And senior citizens do not get out and vote on election day," says John J. Buday, OCEAN's senior citizens coordinator. There are about 55,000 seniors in Ocean County.

A year ago, Ocean County had 22 senior organizations. Today there are 48.

An example of senior power is the tax abatement bill now pending in the Legislature. The Ocean County Senior Coordinating Council catalyzed the action, which would double tax exemptions to $160 for homeowners over 65, and also exclude Social Security benefits from the annual gross income.

Senior power also was responsible for getting free checking privileges for seniors 62 years and over.

OCEAN is trying to involve every active senior citizen in the county. "We have the voting power, but what good is it if we don't use it effectively to secure a place under the sun for seniors?" Buday mused.

Golden Generation: Long-Term Care Reaches Only a Handful

(By Gordon Bishop)

New Jersey ranks ninth among states having the greatest number of persons 65 and over.

Yet long-term care reaches only 25,000 seniors in the Garden State. That's less than 1-25th of the state's senior population of 700,000.

Rising confusion, conflict and cost inhibit the growth of nursing and boarding homes, as well as contribute to the already inadequate services of many long-term care facilities.

There are 536 homes in New Jersey, ranging in size from the 500-bed facility at Bergen Pines in Paramus, Bergen County, to a 12-bed operation in a converted house in Montclair.

The cost per person in a nursing or boarding home ranges from $85 to more than $200 a week, depending upon the type of institution and the extent of services rendered.

The burdens of parental care often fall onto the children, who usually are struggling along raising their own families, with little or no money left to contribute to a grandparent or great-grandparent confined to a nursing home.

The problem is further compounded when the immediate children of an 85- or 90-year-old nursing home patient are themselves at retirement age and faced with the insecurities of old age.

The generation raising a family and getting ready to put their children through college are left with the problem of grandparents unable to bear the costs of growing old.

Since Medicare covers less than half the costs of medical debts incurred by senior citizens, the responsibility of subsidizing parents automatically falls on the next of kin and, if they are destitute, on the state.

Medicaid, a program which began in January, was designed to furnish the medical needs of the impoverished, including the elderly.

But the Medicare and Medicaid programs have not been applied effectively to the nursing and boarding homes. Hence, very few senior citizens are receiving nursing home care under either program.

Designed to help the majority of older people, the federal programs have practically excluded them. For example, of Ocean County's 55,000 senior citizens, only 40 are availing themselves of Medicare benefits in nursing homes at the present time, according to Eugene F. Friedman, president of the New Jersey Nursing Home Association.

He explains the situation this way:

A physician transfers his patient from the hospital to the nursing home as soon as he feels the acute stage of illness is over. He tells the family the patient no longer needs the hospital but will get the required service at the nursing home.

The patient is admitted—still under Medicare—on the certification of the doctor.

A registered nurse in the home fills out the patient's chart which goes to Medicare's fiscal intermediary, which in New Jersey is either Blue Cross or Prudential Insurance Co.

The intermediary then decides whether or not the government will continue to cover a case.

Until recently, a patient had to meet certain "medical criteria." Under the present system, the patient must meet a more stringent "insurance criteria"—a move designed to tighten up Medicare costs and prevent nursing homes from exploiting the system.

The latter has resulted in cut-off dates on day of admission into a nursing home.

"By moving the patient from the hospital to the nursing home, the government saved money, since hospital care costs more than double that of nursing home care," Friedman explains.

"Physicians are becoming more and more reluctant to transfer their patients out of hospitals, knowing they'll lose Medicare once they're admitted to nursing homes," he says. "Now patients stay longer in hospitals and cost the government additional millions of dollars. This cut-off date must be eliminated or it will destroy the Medicare program."

The State Department of Institutions and Agencies, which regulates nursing homes, has determined that about 40 per cent of the patients in the nursing homes do not require constant medical care and attention which the homes have to provide to receive Medicare approval.

The 40 per cent—or about 8,000 persons—require only custodial care, or supervision and guidance, I & A contends. They would not fall under Medicare.

This "gray area" is at the crux of the conflict between the fiscal intermediary, the doctor, the patient and the nursing home.

Meanwhile, the House of Representatives is planning a probe of nursing homes throughout the nation to determine if they are abusing the Medicare and Medicaid programs.

Led by Rep. David Pryor (D-Ark.), this Select Committee on Nursing Homes and

Homes for the Aged will investigate conditions in Medicare-approved institutions.

"Since the advent of Medicare and Medicaid," Congressman Pryor said, "the taxpayer has been subsidizing nursing homes at the rate of $2 billion a year."

He alleges that government outlays are luring "fast-buck entrepreneurs" into the nursing home business in the wrong way.

As the debate rages on, the senior citizen in dire need of help remains trapped in the middle. Since 250 of the state's 300 nursing homes participate in either Medicare or Medicaid, the greatest percentage of the 20,000 elderly requiring home confinement are affected by federal and state regulations and criteria.

The balance is affected by the inadequacies of the programs—programs which cover only about half the costs of the elderly's medical needs.

The amount paid by the aged under the Medicare and Medicaid programs remains higher per capita ($176) than for the nonaged ($153), according to U.S. Sen. Harrison A. Williams' Special Committee on Aging.

Other findings of the committee are:

There is some danger that the current investigations of fraud and near-fraud in Medicaid and Medicare may lead to a defeatist or negative attitude toward each program.

Medicare coverage is deficient or nonexistent in areas of special need, such as long-term care in hospitals or nursing homes and out-of-hospital drugs.

Some relief, however, may be forthcoming in the form of intermediate care. This new program, now under study by the state, would reach poor people who do not require skilled nursing care but nevertheless need some degree of supervision.

Under the new plan, a patient would be transferred from a nursing home to an intermediate care facility, where operating costs are far less because a "professional staff" is not necessary.

To be eligible, a person must be at an income level equivalent to welfare standards. Translated in terms of the aged, income cannot exceed $160 a month. Those with only Social Security benefits (from $100 to $116 per month) would qualify.

The new program would not fall under either Medicare or Medicaid since no medical services are required. The costs for intermediate care would have to be borne by the county, according to Edward Hahn, director of the State Division of Medical Assistance and Health Services.

Nursing homes could provide both skilled and unskilled assistance under the same roof but in different sections of a building, thus providing patient continuity from medical to intermediate care attention, observed Dr. Curtis L. Culp, who is in charge of the state's Medicare program.

Intermediate care also can be provided by boarding homes.

The New Jersey Association of Boarding Homes for Sheltered Care reports there are 236 such facilities in the state with a capacity of 5,265 beds.

Tom Armour, association president, said the elderly constitute more than 80 per cent of the residents. Most of them already are being subsidized by the state, he noted, but the assistance is not enough.

Last July, the state eliminated clothing allowance and replaced it with a $20 monthly stipend, which must cover not only the costs of clothing but all other personal incidentals such as razor blades for shaving, newspapers, magazines, pencils, pens, papers, postage for letters, etc., Armour enumerated.

"State inspectors come around and complain about the shabby clothes and shoes these people are wearing, but they don't do anything about it," he said.

Armour hopes the intermediate care proposal will answer the aged's problems. The state can initiate the program at any time; the county then must administer it.

The costs for the newly instituted Medicaid program, shared 50-50 by the state and federal governments, came to $14.7 million for the first quarter of 1970. Hahn expects the costs will exceed that amount for the next quarter and then level off by the last quarter of the year.

In 1969, the federally sponsored Medicare program in New Jersey cost more than $200 million.

GOLDEN GENERATION: BUREAUCRACY ISN'T HELPING MATTERS ANY

(By Gordon Bishop)

New Jersey's 536 nursing and boarding homes are the first to recognize the deficiencies in patient care, but they blame it on the federal government for creating a bureaucratic nightmare in which the aged ultimately suffer.

Rather than assisting the older person to live with a meaningful and indentifiable life pattern as a whole being, the current pattern of disjointed programs dismembers his humanity so he becomes a depersonalized object of a particular, peculiar program one day, and that of another tomorrow.

"We are forced to deal with a multiplicity of narrowly defined, segmented programs, uncoordinated and mostly unrelated to the continuity of needs of the elderly," summarizes the Rev. Howard W. Washburn, executive director of the Methodist Homes of New Jersey.

"The diversity of existing programs is commendable; the devisiveness of these programs as administered is abominable," Rev. Washburn declared.

"Our Ocean Grove home has been visited by three different inspection teams in the past three months. We believe their time and skills are valuable as are ours. To duplicate services and materials and forms, and hours of time of highly-trained, skilled personnel is not only economically wasteful, but administratively foolish," the minister went on.

He cited the greatest obstacles: different departments of government, different standards for certification (under Medicare, Medicaid, HUD), different programs of reimbursement, distinct and separate staffs and facilities, and endless differences in rules and regulations.

The elderly will continue to suffer, Rev. Washburn contends, until:

The federal government develops a philosophy of comprehensive health care that is directed toward the patient rather than at types and classifications of facilities.

The government develops a program of continuity of services based upon the health needs of the patient rather than, for example, on location of the patient's bed (bed must be moved from one part of a nursing home to another as patient's condition changes, otherwise he loses Medicare or Medicaid benefits).

The government establishes a coordinated program of standards for levels of care that allow for delivery of services at the patient's financial status, length of stay, spell of illness, or prior authorization for procession of health services.

Rev. Washburn poses the problem: How does one go about coordinating a program that involves two divisions of HUD (Housing and Urban Development) and one division of HEW (Health, Education and Welfare)—each with its own set of standards?

Further confusion is compounded when, either by legislative design or administrative interpretation, one program is so formulated to carefully exclude the other.

For example, under Federal Program 202 (HUD), which provided for low-moderate income housing, development of homes for the aged was excluded by administrative decision. A new program is now being worked out to include senior citizens projects.

For federal programs to be more pervasive and effective, uniform standards must be established, Rev. Washburn asserts. As a result of the current confusion and multistandards, here's what's happening to the federal programs, as exemplified by only two programs—Medicare and Medicaid:

If standards of care for Medicare are at one level and the standards for Medicaid are at a lower level, one of two possible solutions arise. The agency that qualifies for certification under Medicare may well refuse to serve the needs of Medicaid patients.

Or, conversely, the agency that does not wish to qualify for certification under Medicare may seek to qualify only for certification under the requirements of Medicaid, while charging private pay patients higher rates for lower levels of service, while, at the same time, receiving reimbursement from the state and federal government for Medicaid patients.

Rev. Washburn disclosed several cases in which both circumstances exist. In either case, services are lost to persons in need.

"A family in need of care for a patient all too often has to take what is available," Rev. Washburn said. "If low standards of care are given credibility, then all too many older persons are going to receive that low level of care."

Other critics of the present system charge that duplication also occurs on the state level.

In Jersey City, the State Division on Aging operated two offices within 50 yards of each other. Funded by the federal government at a cost of $30,000 the money went for two offices, two directors, two secretaries and "double bureaucracy," according to Conrad J. Vuocolo, director of Tenant Service for the Jersey City Housing Authority.

One of the offices, which closed Dec. 31, was the Jersey City Office on Aging. The other, still operating, is the Hudson County Office on Aging.

The state division contends the offices never duplicated each other's work. One handled only Jersey City cases, the other county cases, a division spokesman said.

He described the work in separate offices as a "coordination effort." The same double-office operation exists in Paterson, Passaic County; Camden, Camden County, and Trenton, Mercer County.

All the offices are on a three-year cycle of federal funds. The three-year cycles are nearing completion for most of them.

Another source of help for the elderly has been the church, but in recent years that source has been gradually disappearing.

Church groups have too many complicated financial demands and pressures to fund to keep funding community health care projects, according to Msgr. Theodore A. Opdenaker, executive director of Catholic Institutions for the Diocese of Trenton.

As a consequence, the church in the 1970s will provide long-term care on a limited and crisis basis only, the monsignor predicts.

"Today's health needs can only be met with more interdependence of facilities. The barriers must come down for more cooperative effort. But who will assume the overall coordinating and financial responsibility?" the prelate wondered.

"Payment plans and, in particular, prepayment plans, have offered either no benefits at all or only very limited ones. For the most part, payment has come from the individual's or his family's resources, or from government through categorical welfare payments, which have been all to permissive and minimal," the monsignor said.

He believes the government should not make commitments to the public and then force the providers of long-term care to try to fulfill them.

"The providers (nursing homes, etc.) bear the burden of blame and guilt when the government finds it difficult to pay its promissory notes," Msgr. Opdenaker said.

He sees the providers, on the other hand, having to make these commitments: meet-

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ing the needs of the community; working together, rather than separately; subordinating their own private interests to the interests of the people they serve, rather than concerning themselves "with their own salvation," and finally, a serious and honest effort at cost containment.

Golden Generation: New Laws Can Help Fill the Job Vacuum

(By Gordon Bishop)

New Jersey's 700,000 residents in the retirement age are looking forward hopefully to some promising programs for the '70s.

The thrust of the senior citizens reformation will culminate in the White House Conference on Aging next year.

On the local level, preparation for the conference is just beginning.

The three most critical needs to be met involve income, health and housing.

Social Security hopes to bridge the widening gap. By 1974, Social Security benefits to a retired individual will reach $340 a month, according to a bill proposed by U.S. Sen. Harrison A. Williams (D-N.J.), who is chairman of the Special Committee on Aging.

The bill, pending in the Senate, also includes:

Automatic increases in Social Security geared to costs-of-living.

A widow's benefit at age 65 equal to the husband's benefit (she now receives 82½ per cent of the benefit).

Improved benefits for workers retiring before age 65.

Elimination of the monthly Medicare premium of $5.30 under "doctor's insurance."

Extension of Medicare to out-of-hospital prescription drugs.

Medicare coverage for disabled persons under 65.

For the legions of older workers forced into voluntary retirement, there promises to be greater opportunities for employment. The Older American Community Service Employment Act, proposed by Senators Williams and Edward M. Kennedy (D-Mass.), is expected to provide thousands of part- and full-time jobs for still productive senior citizens.

Employment also will be extended to low-income persons 55 years and older. Work will include anti-pollution activities (clean-up operations, etc.) and conservation (planting trees, shrubs, terracing land, etc.)

To meet the rising demands for senior employment, existing work programs will have to be expanded. Under the federal Department of Labor, two Senior Aides Programs in New Jersey now offer jobs to only a handful of retirees.

One of them, administered by the National Council of Senior Citizens, has 16 aides on payrolls in Newark. Earning $1.75 an hour, the aides work in Martland and Beth Israel hospitals and also assist in training hard-core unemployed youth.

Rev. Elmo Porter, director of the Newark Senior Citizens Commission, says thousands more are begging for work. The commission, which also coordinates the senior aides, is funded by the federal Office of Economic Opportunity (OEO).

Despite drastic federal cuts in the last two years. Rev. Porter's office still manages to reach an average of 14,000 elderly citizens each month. Volunteers log more than 8,000 hours of service a month. Newark has 65,000 persons over 60.

The other Senior Aides Program, administered by the National Council on Aging, has only 44 seniors working in Trenton, and another 40 in Hoboken. They serve as teacher aides and outreach workers under the Model Cities Program, which is funded by HUD (Housing and Urban Development).

A more far-reaching federal program that shows favorable signs of growth involves the foster-grandparent. The state's 252 foster-grandparents currently are responsible for 1,600 disadvantaged children.

A foster-grandparent must be a person 60 years and older and on low income, or less than $3,000 a year. Once a child is assigned in a foster grandparent, his or her income is boosted to a "decent level of living," or just less than $5,000 a year. In this way, a senior will not lose his Social Security benefits.

The foster-grandparent receives $1,680 to take care of a child four hours a day. On an hourly basis, that comes to $1.60.

In helping the neglected, retarded and handicapped children, the government automatically is helping the elderly. The two-pronged program is perhaps the most successful in the nation in terms of meeting the many needs—environmental, emotional and psychological—of two greatly-deprived groups at opposite ends of the social spectrum.

On the community level, much more has to be done to provide seniors with jobs. Two organizations that have undertaken local programs have proven they can be be immensely successful and rewarding.

They are the Senior Citizens Placement Bureau in Montclair and OWL (Older Workers Lifeline) in Summit.

Last year,, the Montclair bureau placed more than 600 seniors in jobs ranging from babysitters and domestics to handymen and office help.

OWL, a newer organization, found jobs for 175 seniors. They included clerical, companions, sales, handymen and drivers for private vehicles.

Operating out of the Montclair YWCA, the bureau accepts applications for work from residents of the West Essex area: Montclair, Bloomfield, the Caldwells, and parts of the Oranges.

Started 10 years ago by the Montclair Junior League, the bureau today is funded by local, public monies, including the Community Chest.

OWL, now in its seventh year, covers Summit, New Providence, Berkeley Heights, Springfield, Chatham, Millburn and Mountainside. It is funded by SAGE, the Summit Area Association for Gerontology Endeavors.

For those who like the great outdoors, there are healthy jobs abounding through Green Thumb and Green Light in Trenton. Sponsored by the National Farmers Union under a grant from the Department of Labor, the green programs presently employ 158 persons 55 years and older. They earn $1.60 an hour and work a three-day week, or 24 hours. A foreman gets $1.85 an hour.

Green Thumb employs 142 persons, who, last year, planted more than 1,000 trees, shrubs and plants, helped to restore the historical Church of the Presidents in Long Branch, and rebuilt and refurbished 55 roadside parks.

Green Light, the companion program, is limited to low-income women 55 and over. Working under the same arrangements as Green Thumb, 16 Green Lights serve as guides at Ringwood Manor State Park in Passaic County.

The Garden State Parkway hires about 80 seniors in their 60s and 70s as toll collectors. Begun 10 years ago shortly after the Parkway opened, the part-time collectors earn $2.25 an hour and work an average of 20 hours a week.

No special consideration is given the elderly. They must take the same examinations—physical and mental—as their younger full-time counterparts. Very few who seek such employment fail to pass the tests, the Parkway Authority disclosed, noting that their ability to operate the booths is comparable to the regulars.

There are other programs on the same scale throughout the state, each with vast potentials. But most depend on federal funds for their existence, and future growth.

Some, like the Community Service Project under OEO, is tied into the local scene. Last year, more than 50 seniors supplemented their income with part-time work in Trenton.

Again, hundreds of community service projects are ready to be launched but they are all grounded for lack of funds. Urban centers faced with the most serious conditions of poverty, population and blight are given priority on the federal list of funds for community service projects.

More job opportunities hinge on an amendment to the Manpower Bill now before the U.S. Senate subcommittee on employment, manpower and poverty. The amendment is an abbreviated version of the Middle-aged and Older Workers Full Employment Act of 1968, which was introduced in the Senate but never passed.

Essentially, the bill would provide for use of retired personnel directors, training persons to train and retrain older workers, mid-career counseling and development services—all aimed at finding jobs for millions of able-bodied senior citizens.

Another bill pending in the Senate would serve a two-fold purpose—help the disabled senior while paying an able senior as a household aide.

It would be an amendment to Medicare. As part of the home health service plan, aides may provide care services for an individual released from a hospital or nursing home, so long as the patient is under a physician's care.

Some of these services include part-time nursing care, physical, occupational or speech therapy and medical social services under the direction of a physician.

A senior citizen could be trained as a household aide and then work through a certified home health agency. This could open the door to tens of thousands of jobs.

Also in the offing is an adult health protection plan. Introduced in the Senate in January, it would establish health screening programs' in a limited number of regional and community centers. Each center would be equipped with the latest instrumentation and communication systems.

The service, nicknamed "Preventicare" would be free and voluntary for persons over 50. It is the first national effort aimed at preventing or reducing chronic diseases by detecting them in their early stages.

* * * * *

As outlined, Preventicare would invite Americans over 50, at little or no cost, to get periodic diagnostic tests. The cost of screening one person would be in the $25–$30 range. Spending would be held to a modest $60 million for the first three years.

The total cost of chronic disease to the U.S. economy is about $60 billion a year. Nearly 90 million Americans suffer from one or more chronic conditions, most of which might have been prevented or controlled had they been discovered in time.

There are more than 47 million Americans over 50 who could benefit from Preventicare. The bill, now in committee, is expected to come up for a vote in the Senate during the next session, starting in September.

If all the bills now pending in both Congress and the State Legislature are enacted this or next year, and if the federal and state governments follow up by providing ample funds to administer these programs, then the seniors certainly can look forward to truly golden years in the decade of the '70s.

NEEDS OF MISSOURI SMALL CITIES AND TOWNS

Mr. SYMINGTON. Mr. President, in our concern over the financial conditions of our large cities and our small rural cities and towns, the difficulties of the suburban and satellite communities near the big cities are sometimes overlooked.

They, too, are caught in the money squeeze. On the one hand, their citizens also are demanding more and better community services, and the cost of providing these services is rising as steadily as our national inflation. On the other hand, the sources of revenue open to them are less and less adequate to the task, and Federal programs of assistance to local governments continue to be badly underfunded.

It is long past time for the Federal Government to come to the aid of cities of all sizes with adequately funded programs. Few of us will dispute the urgency of the problem, which is well into the critical stage.

Too, communications which I have received from Missouri serve to illustrate this serious problem, and I ask unanimous consent that they be printed in the RECORD.

The first is from Mayor Nathan B. Kaufman, of University City, a suburb of St. Louis. He has sent a resolution adopted by his city council, and his covering letter states that its wording "expresses the feeling of the council members as to the desperate need for changing national priorities and spending patterns." I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Vast areas of many central cities, suburbs and older neighborhoods are suffering from an accelerated decay and abandonment as exemplified by several thousand vacant and dilapidated buildings in cities adjacent to the city of University City, Missouri.

The spreading deterioration of these urban areas has been causing great economic losses to property owners while intensifying the deprivations of their residents and denying the opportunities for self help to many of these residents.

City governments serving areas where some 70% of the United States citizens reside have been receiving in recent years only about one-half of one percent of the Federal budgetary outlays for the hundreds of aid programs. (1)

On the other hand, in large measure the enormous Federal military expenditures (now over 70 billions annually) are among the prime causes of the inflationary cost pressures—which are strangling city services everywhere—and which are threatening to force reductions in services in University City.

This great Federal commitment to military expenditures also has caused exasperating delays in the implementation of aid programs to University City, and has curtailed heretofore promised federal aid to its programs in housing and urban renewal, as has been the case for hundreds of cities.

We believe the greatest threats to this nation's stability and security come from problems centered in urban areas, such as housing, education, employment, welfare, race, crime and pollution.

Therefore, the City Council of the city of University City, Missouri, urges the President and the Congress to immediately redirect the resources and to reestablish the priorities of the Federal Government so that far greater emphasis is placed on funding domestic needs in order to avoid a national catastrophe of American cities being destroyed by urban decay.

Adopted July 6, 1970.

NATHAN B. KAUFMAN,
Mayor.

Attest:

FRANCIS C. FLYNN,
City Clerk.

Year	Total direct Federal aid to all 20,000 U.S. city governments (in millions)[1]	Year	Total Federal budget outlays (in billions)[2]	Aid to cities as a percent of Federal outlays (percent)
1965-66	$601	1966	$134.6	0.45
1966-67	803	1967	158.2	0.51
1967-68	941	1968	178.8	0.52

[1] City Government Finances in 1967-68, series GF 68—No. 4, U.S. Bureau of the Census, p. 5.

[2] The Budget in Brief, Executive Office of the President—Fiscal year 1971, p. 72.

Mr. SYMINGTON. Mr. President, the second illustration of the critical needs of small cities comes from Mr. Arnold E. Davis, city administrator of Belton, which is just outside Kansas City. He has enclosed a resolution voted on by the Belton Board of Aldermen and signed by Mayor J. Wayne Willey which proposes that the Federal Government rebate 5 percent of the income taxes collected from Belton's citizens. The resolution was adopted July 14, 1970. I ask unanimous consent that the text be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, The City of Belton, Case County, Missouri, a municipal corporation, created under the constitution and laws of the State of Missouri as a fourth class city, can only legally speak as a city in the State of Missouri through a resolution of the Board of Aldermen; and,

Whereas, the City of Belton, similar to many small municipal cities, communities and towns in the United States of America, is in a critical, desperate financial situation; and

Whereas, the Board of Alderman of the City and its Mayor submit that further tax increases to raise revenues for the operations of the City will be met with resistance, animosity and overt rebellion; and,

Whereas, required services including police protection, fire protection, emergency ambulance service, and other services related to the health and welfare of the citizens of this City are the responsibility of the Board of Aldermen and the Mayor of this City and owed as a right under the constitution of the United States of America, the constitution of the State of Missouri, and the laws of the State of Missouri to the individual citizens; and,

Whereas, the rapid increase in costs for materials, supplies and labor exceeds the ability of the City to meet these additional demands by additional revenue; and,

Whereas, such revenue must be obtained from sources that are unique in nature and not common; and,

Now, therefore, be it resolved by the Board of Aldermen of the City of Belton, legally speaking through its duly elected Board of Aldermen and the Mayor, petitions Senator Stuart Symington, Senator Thomas F. Eagleton, Representative William J. Randall, Representative Richard Bolling, and Representative William J. Cason to initiate the proper legal procedures through the Treasurer of the United States of America to rebate and refund to the City of Belton, Cass County, Missouri, a portion of the personal income tax collected in the City of Belton equal to five per cent (5%) of that collected in the City of Belton to be used at the discretion of the officials of the City of Belton, Cass County, Missouri, to provide for the health, safety and welfare of the citizens of the City of Belton; and in the alternative, although the City of Belton, Cass County, Missouri, speaking through its board of Aldermen and its Mayor cannot legally speak for the State of Missouri and the County of Cass, petitions Senator Stuart Symington, Senator Thomas F. Eagleton, Representative William J. Randall, Representative Richard Bolling, and Representative William J. Cason to initiate the proper legal procedures through the Treasurer of the United States of America to rebate and refund equally to the State of Missouri, the County of Cass, and the City of Belton, a portion of the personal income tax collected equal to five per cent (5%) of that collected to be used at the discretion of the officials of the State of Missouri, County of Cass, and the City of Belton, to provide for the health, safety and welfare of the residents of these legal entities.

State of Missouri, County of Cass, City of Belton, ss:

I, Arnold E. Louis, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton, and that the foregoing resolution was regularly introduced at a meeting of the Board of Aldermen held July 14, 1970, and adopted at a regular meeting of the Board of Aldermen held July 14, 1970, by the following vote, to wit:

Ayes: Aldermen Bradley, Foate, Carder, Lane, Rhodes, Beever, Powell.

Noes: None.

Absent: Alderman Mosby.

ARNOLD E. LOUIS,
City of Clerk of the City of Belton.

THE NARROWS UNIT, MISSOURI RIVER BASIN PROJECT—CONFERENCE REPORT

Mr. ALLOTT. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of August 12, 1970, pages 28532–28533, CONGRESSIONAL RECORD.)

Mr. ALLOTT. Mr. President, the conference report represents a compromise between the differing versions of the Senate and House on three provisions.

First. The House version included a proviso in section 1 which would have required the identifiable return flows of irrigation water from the project to be treated to abate pollution and enhance water quality, as determined by the Secretary. The conference committee agreed upon substitute language which will require the project to be operated in conformance with the water quality standards which have been established by the State of Colorado pursuant to the Water Quality Act of 1965.

Second. The House version included a proviso in section 3 requiring the repayment contracts with the water users to extend up to a term of 50 years if necessary to accomplish repayment. The conference committee adopted the House proviso.

Third. The Senate version extended the exemption from the acreage limitation provision of reclamation law, which was previously given by Congress to the adjacent Colorado-Big Thompson project, to the Narrows unit. The conference committee adopted the Senate provision.

NARROWS

Mr. President, on August 10, 1970, a conference was held to iron out the differences between the House and Senate passed verisons of S. 3547. Only three differences existed between the two versions; and the Senate receded on one, the House receded on one, and substitute language was adopted in the case of the third difference.

The substitute language, in my opinion, improves the provision relating to water quality. The substitute language I proposed, and which was agreed to by the conference committee, sets forth precise water quality standards within which the Secretary of the Interior must operate the project. Under the language as adopted by the House, the requirements to preserve water quality were, in my opinion, fatally vague and unenforcible. The conference substitute language ties it directly to the Water Quality Act of 1965 and the standards adopted pursuant thereto.

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It should be noted, however, that the construction of the Narrows project will enhance water quality in the South Platte River. Such reclamation projects are deserving of our strongest support.

The Narrows project will enhance the environment in several aspects: It will improve water quality; it will provide exceptional recreational benefits in an area where such recreational opportunities are very limited; it will provide badly needed flood control to an area that has been subject to devastating floods in recent years; and it will improve the quality of life in the community by insuring a more stable economy.

With respect to the other differences, the Senate receded and the conference committee adopted the House language requiring that water user contracts extend for a full term of 50 years, if necessary, to accomplish irrigation repayment; and the House receded and the conference committee adopted the Senate language relating to the Colorado-Big Thompson project and the acreage limitation. Fifty years is the standard repayment period customarily adopted by the Congress with respect to irrigation repayment contracts, and the conference report is now in conformity with that practice. By adopting the language of the act which authorized the Colorado-Big Thompson project with respect to supplemental water and the acreage limitation, the conference report is in conformity with the longstanding policy of the Congress regarding exemption of areas in high altitudes with short growing seasons, and supplemental water supplies in areas where the landownership pattern has been long established.

Mr. President, the Narrows project enjoys a very good benefit-cost ratio of 1.89 to 1, and I believe it will be an excellent investment in the future of not only northeastern Colorado and its people, but the Nation as well. I urge the adoption of the conference report.

Mr. President, I move the adoption of the conference report.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Colorado.

The motion was agreed to.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is closed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The **PRESIDING OFFICER**. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state by title.

The LEGISLATIVE CLERK. Calendar No. 1020, H.R. 17123, a bill to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill.

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 816

Mr. **PROXMIRE**. Mr. President, as I understand, the pending amendment is the so-called "fly-before-you-buy" proposal that I have offered to make sure that this principle, which is a very good principle and one recommended by outstanding experts on the Fitzhugh Commission and endorsed warmly and enthusiastically by Secretary Laird, goes into effect, and that in the event the Pentagon departs from it on any weapons system for which they are asking funds, The Pentagon should notify Congress.

The **PRESIDING OFFICER**. That is the pending amendment, No. 816.

Mr. **PROXMIRE**. On any weapons system for which they are asking funds for production, and on which the testing has not been completed.

We are not asking them to hold it up. We are not asking them not to proceed when they have an emergency situation and they would like to get weapons in a hurry, and where therefore they have to forego this principle. We are just saying we would like to know about it, that we would like to be told and we would like to have advance notice.

Mr. President, in offering this amendment, as well as the other amendments which I have introduced, I am thinking, and most of those of us who have introduced amendments are thinking, in terms of reducing the cost and the impact of military spending on the economy and on the budget, and of having a more responsible fiscal position. In this connection, and in connection with both this amendment and the main efforts of those of us who are trying to reduce the pending defense procurement bill, it was reported in today's paper that, as measured in the national income accounts, the Federal budget deficit was running at an annual rate of over $14 billion in the second quarter. This was the largest quarterly deficit, on this national income account basis, since World War II. Another large deficit is anticipated during the present quarter.

How did this enormous second-quarter deficit come about? It was clearly not the result of spendthrift appropriations by the Congress. Congress cut the President's defense budget by $5.6 billion in fiscal year 1970. As seems to be true with any economic statistic, there were "special factors" contributing to this deficit—in this case the special factors were the retroactive social security benefit increases and Federal pay raise. These are actions the Congress took, and actions of which the Congress can be proud. They provided deserved and needed income increases for the recipients, and furthermore they were a major factor sustaining the level of economic activity in the second quarter—in keeping the economic slowdown from growing still worse.

Primarily, however, the second-quarter deficit was the result of the revenue gap resulting from the deliberately engineered, "made in Washington" economic slowdown. The loss of tax revenues due to the failure of the economy to operate at full employment is difficult to estimate precisely, and the administration has chosen not to supply us with estimates. According to the most reliable independent estimates available, Federal revenues in the first half were running $10 to $15 billion below what they would have been if the economy had been operating at full employment. The actual deficit in the first half was $8 billion. By looking at the figures for the entire first half, rather than for just the second quarter, most of the distortions in the statistics due to the timing of social security benefits and the Federal pay raise are eliminated.

If the full employment revenue potential had been realized in the first half, the budget would have shown, not a deficit of $8 billion but a surplus. The

Government would not have been borrowing in the credit markets. Funds would have been available for housing, for State and local government, for small business. Interest rates would have been lower.

Our budget deficit is part of the price we are paying for our failure to maintain full employment. Or I should say for our deliberate creation of unemployment and idle capacity, in an effort to halt inflation. The tragedy, of course, is that inflation has not been halted. We have paid the high costs of unemployment, of output and revenues forgone and have achieved only very limited results on the inflation front. We have overlooked, or have adamantly refused to employ, price and income guidelines and other policies which could have helped control inflation.

We are told that the economy "bottomed out" in the second quarter, that real growth will now begin again. No one seems entirely confident that this is true, however. Even if we do begin to grow again, it will be a long time before present economic policies bring us back to full employment. Unless we see some major new directions in economic policy, we will continue to have substantial unemployment throughout 1971 and 1972 and perhaps longer than that.

Among the costs of these economic policies will be the shortfall or gap in Federal revenues below what they would be at full employment. In fiscal 1971 this gap could be as large as $15 billion. These are revenues which could be used to finance needed Federal social programs, to sustain a budget surplus and make more credit available for housing, or to permit some tax relief for the average citizen. Let us be clear that this Federal deficit in the first half and the deficits we will see over the year ahead are a cost of economic slowdown, and an important cost. They are not the result of any congressional spending spree.

The reason why I raise that in connection with the pending bill and the pending amendment is that the President of the United States, as we know, has made a very dramatic and effective issue of excessive spending by Congress. It seems to me that if we are going to put that in perspective, we have to consider that many of us in Congress are trying to reduce his budget spending.

One of the most dramatic examples of this is what occurred on the floor of the Senate the other day, when the Senator from Iowa (Mr. HUGHES) offered an amendment to eliminate from the Safeguard program all funds except those for research and development. He would have stopped deployment generally. This was an amendment which would have cut $984 million from the Safeguard amount. This amendment would have cut all the money except that for research and development. In addition, the Armed Services Committee itself cut $10 million from the request. That is a total cut of $994 million, and that is precisely the amount by which the HUD and education bills exceeded the budget request.

The President has received national attention and national publicity and national credit for being against excessive spending by Congress. He has dramatized this by his veto. Yet, a vote on the floor of the Senate on this dramatic Safeguard proposal, which would have cut below the President's request by as much as the two bills exceeded his request, was ignored by the press in terms of saving money.

It seems to me that this unfair attitude is going to continue if we permit it to continue. The series of amendments which some of us are going to offer, which we hope the Senate will support, will, we hope, dramatize to the country that the big spenders are those who want to spend big money in the area where we have our biggest spending, and that is in the Defense Department.

In this morning's New York Times is a long article on the President's veto, and there is a fascinating analysis by Robert Semple, Jr., entitled "Nixon's Veto Strategy." I should like to read a paragraph or two from that article to indicate the kind of psychological reaction the White House feels it is getting from the vetoing of congressional spending bills:

> The decision by the House today to sustain President Nixon's veto of the independent offices appropriations bill but override him on the education money bill would appear on its face to be an even split. But inside the White House this afternoon there was much satisfaction at the outcome. Most of Mr. Nixon's political strategists believe that he emerged from his latest and perhaps most delicate confrontation with Congress with his reputation as a defender of the dollar against a "profligate" Congress not only intact but also enhanced.

The article goes on to say that the President feels that this is an issue which is going to be very important and that other White House aides feel it will be very important for the President in the coming elections.

The Wall Street Journal reinforces this. In a front-page column this morning, under "Washington Wire," the Wall Street Journal says the following:

> The President's vetoes of housing and education money bills underscore his effort to blame high prices on Democratic spending. The bills actually would have relatively little effect on inflation this year. An Agnew speech-writer promises: "We're going to be blasting Congress every chance we get" on the spending issue.

Of course, if one reads the actual veto message of President Nixon, he can get the same kind of flavor. The President says:

> I am determined to hold the line against a dangerous budget deficit.
>
> I am determined to hold the line against the kind of big spending that would drive up prices or demand higher taxes.
>
> For that reason, I am today returning, without my approval, two bills the Congress has passed that would increase the Federal budget deficit by nearly one billion dollars.
>
> * * * * *
>
> I am vetoing this bill because it would help drive up the cost of living, harming the people it is most designed to help. This kind of excessive spending would also help cause the kind of huge deficits that drive up interest rates, which make it impossible to speed the recovery of the housing industry.

He goes on to say:

> We cannot have something for nothing. When we spend more than our tax system can produce, the average American either has to pay for it in higher prices or in higher taxes.

Then he says this, and I think it is most significant and pertinent in terms of the pending bill:

> I flatly refuse to go along with the kind of big spending that is wrong for all the American people. That is why I must veto these bills which add an extra billion dollars of pressure on prices.
>
> Taken individually, there is much that can be said in favor of every spending bill, including the ones I have vetoed.
>
> But a President is not elected to see any one bill in isolation. He must see them as part of a whole, because his constituency is 200 million Americans.

Mr. President, that is just the point. In a few days from now, we are going to offer another amendment to this bill, and that amendment will cut not one billion dollars but several billion dollars from the Defense Department's request. That is really going to be an amendment to determine those who believe in fiscal responsibility. That is really going to be an amendment to determine those who feel that we should emphasize in our priorities a well educated, well housed country as essential to a strong military effort as the manpower and weapons we have in the military itself.

But I suspect, on the basis of past performance, that the press will largely overlook the economy, money-saving aspect of our efforts. I do not say that they will ignore it because there is anything wrong about the press or unfair about the press, but they are in a position where a President's veto is big news. It is on television and radio and in the newspapers, and one amendment on the floor of the Senate is likely to be reported, if at all, in the back pages of the newspaper.

In all fairness, I think that anybody who wants to look at who is really trying to hold down spending most will recognize that when we cut several billion dollars of military spending, it is at least as effective in combating inflation as the President in trying to cut back loans to students, loans for houses, scholarship money for students, and money in this other area.

A very strong economic case can be made that the most inflationary kind of spending the Federal Government engages in is military spending, because that spending does not meet any economic need. When you spend money to buy ammunition or planes or helicopters, you are not buying anything that somebody is going to go to a supermarket and pay for. When you spend money for manpower training or to provide more houses, you are increasing the supply of economic goods and you are helping to hold down prices.

It seems to me that the $1 billion that the President is making a great deal about in reducing domestic spending should be compared with the several billion dollars we are going to try to reduce in military spending.

Mr. GRIFFIN. Mr. President, will the Senator yield briefly for a comment or an observation?

Mr. PROXMIRE. I yield.

Mr. GRIFFIN. Of course, no one would take exception to the statement of the

Senator from Wisconsin that wherever we can justifiably cut out waste from Defense Department spending, or any place else in the Government, we should do it. We ought to do it.

But the point of difference between the distinguished Senator from Wisconsin and the administration—and those who support the administration on this argument—involves the question: What is essential for the national defense of our country?

The Senator from Wisconsin referred to the amendment offered by the distinguished Senator from Iowa (Mr. HUGHES), which would have gutted the ABM program—an amendment which, in the judgment of a majority of Senators in this body would have been unwise in terms of the security of the United States, which would have undercut our negotiators in the SALT talks, and which would have made it less likely that we could reach an arms control agreement with the Soviet Union.

I realize, of course, that reasonable minds can differ and that the Senator from Wisconsin does not agree with that conclusion. But the real point of difference is: What is needed for the defense of the United States.

Mr. PROXMIRE. Let me interject at that point, if I may, to say that we can make a strong argument that a powerful majority of the Senate feels that education is not only important in terms of building a better country and better individuals, but also for the defense of the United States. The President disagrees with us on that. He has a right to do so. All I am saying is the economic effect on inflation shows what the President was talking about. We can make an argument to cut billions of dollars from military spending, and that is far more effective than cutting $1 billion from the domestic side of expenditures.

Mr. GRIFFIN. Well, while we are discussing that point, I want to remind the Senator, and have the RECORD reflect, that this administration has gone a long way in reordering the priorities of this Nation. As we discuss this subject, it is important to remind those in this body and others around the country that President Nixon has cut back on the Defense budget by some $12 billion; that the cuts already made and in process will eliminate 600,000 jobs in the Defense Department, military and otherwise, and will eliminate about 600,000 civilian jobs in defense-related industries. Needless to say, that contributes to the unemployment which the Senator from Wisconsin complains about. I do not suggest that we should do otherwise. I think those cuts were necessary and justified, and they have been made. In fact, the administration has reordered our priorities. For example, in 1961 we were allocating 48 percent of the Nation's budget to defense spending.

Now, under the reordering of the priorities of the Nixon administration, we are now allocating not 48 percent of the national budget but only 37 percent of the budget for national defense.

This Nixon administration budget, for the first time in over 20 years, is allocating a larger percentage of our Federal spending for human needs, human problems, and human resources than it is for defense needs.

But there does come a point when we cannot cut back further on defense without impairing our security. There are responsible people in and out of the Senate who believe that we are in danger of cutting our defense appropriations below the minimum needs of national security.

I have the feeling—perhaps it is unjustified—that no matter how far back the Nixon administration would cut the Defense budget, there still would always be some in the Senate who would want to cut it still further; that no matter how much the Nixon administration might add to education appropriations, there would always be those who would want to add still more.

Mr. PROXMIRE. Mr. President, let me say to my good friend from Michigan that the facts are, No. 1, that the Nixon administration has not cut defense spending. Its requests have been lower but the amount of spending for the last fiscal year was on the same level as in 1969. They were not reduced. They were basing the lower requests on the fact that we were deescalating in Vietnam and cutting back both the level of activities there, which saves money, and in the cutting back of troops there, which saves money. That is fine. I have said again and again and again that President Nixon deserves credit. He has reversed the position of the Johnson administration. That is good. He deserves great credit for doing so. But if we consider the amount saved by cutting back in Vietnam and the amounts of the Nixon requests, we find that the rest of the military budget is at least as high, in fact, substantially higher than it was last year.

The saving was entirely effected by what happened in Vietnam recently. But the expenditures, for the rest of the military establishment, leaving out of account Vietnam will be higher, substantially higher.

In the second place, so far as cuts can be made in the military budget which go too far, the Senator from Michigan raises a good point. I am not one of those who believe that we should unilaterally disarm, or have a weak military force, or that we can get along spending less than the Russians do. I believe that we have to have a strong military force. We have that. The Office of Strategic Studies in London report that the Russians are spending $40 billion in an equivalent amount to our cost of living on the military. We are spending $70 billion.

I think that the military budget should be $60 billion to $65 billion and we could still have a strong military force, that we would still be able to defend our country, and that we would still be able to meet our commitments throughout the world.

Another element the Senator speaks of, about my inconsistency in agreeing that we should cut back on military spending but at the same time I criticize the unemployment situation as being the fault of the administration, what I am talking about on the unemployment situation is this: that the veto of the housing bill can be particularly damaging, because a relatively limited amount of money can go such a long way in providing jobs. The emergency housing legislation that the Committee on Banking and Currency reported, for which I provided an amendment, would increase spending in housing by a couple of hundred million dollars, and that couple of hundred million dollars would trigger several billion dollars of private spending, which would substantially increase employment and put people to work where unemployment is heavy—over 11 percent now in the construction trades. We are having a real recession or depression in the housing industry now.

Thus, it seems to me, that is consistent criticism of the President for a veto which will have serious economic consequences in the housing industry.

For a limited amount of Federal expenditure, we would get a substantial amount of private activity. In doing so, it would increase Federal revenues, it would increase employment, and diminish unemployment.

It is for these reasons I feel that the President's vetoes were unwise.

Now, Mr. President, I should like to point to the fact that this is not just idle talk on the part of a Senator, saying that Congress is going to cut the military budget. We cut it. We cut the overall budget last year substantially, I think. The final figure showed, for fiscal 1970, that $6.3 billion was cut.

The determination on the part of Members of the Senate and the House is that we will cut below the Nixon request again. Certainly it is a phony, unjustified argument to say that Congress and the Democratic Party, particularly, are big spenders, and for the White House to try to go out and defeat people for office on the ground of excessive spending, when the fact is that the record in the past and the developing record this year indicates that Congress is likely to reduce President Nixon's overall request.

Once again, I say, so far as spending is concerned, that is the issue the President has raised. Military spending is as inflationary as any nonmilitary spending. The Senate will have a real opportunity, as I say, to cut the President's request for military spending by several billion dollars, far below the level his vetoes would have reduced Federal spending.

PENDING PROXMIRE AMENDMENT

Now, Mr. President, let me get to the substance of the amendment by calling attention to some of the enormous overruns which have resulted in many cases because of the failure to follow the "fly-before-you-buy" principle, which my amendment would reinforce.

The Comptroller General made a report this year on the overruns in some of the major weapons systems we are constructing in this country and compared the planning estimates with the contract definition, the cost estimates, the early estimates adjusted for quantity changes, and the current estimates through program completion.

I think it is necessary for Congress to have these figures in mind when it votes on the amendment. What the amendment attempts to do is to eliminate or sharply reduce the colossal overruns we have had in the past. So much of it has been because we have proceeded with production without having had adequate testing. We have not known whether the weapons system would work. We have not known what the cost would be before proceeding to production.

The result has been that we have proceeded in some cases when we should not have done so because it was too costly, and in other cases we proceeded to produce equipment which has not worked.

It is not a matter of making that assertion as a bold assertion. The study made by Budget Bureau Expert Richard Stubbings showed that of 11 major electronic weapons systems, only 2 were able to meet standard specifications. More than half—six of them—failed to meet even 25 percent of their standard specifications. They fell far below the standard specifications.

That is why my amendment, it seems to me, makes sense. Let me run through some of the weapons systems listed by the Comptroller General.

The Shillelagh, for example, had planning estimates of $357.4 million. The cost of that is now $495.8 million.

The AH-10 was supposed to cost $49.8 million. The cost of that, adjusted and made comparable, is $561 million.

On the Safeguard system—the ABM which we have been debating for the last few weeks—the original planning estimate was $4.185 billion. The current estimate, because of the overrun, is $5.939 billion. That is an overrun on that one weapons system, the ABM system, of more than $1.7 billion.

The Gama Goat is one of the most spectacular examples of poor performance, late delivery, and excessive costs. This was designed to be an automobile. It was supposed to be able to travel in the water as well as on land. It was given to a firm which had no experience at all in constructing automobiles, or ships for that matter. But the Defense Department thought it would be a good idea to try and develop a new source.

The Gama Goat was originally supposed to cost $69.1 million. The cost now is $438.7 million. Think of that, Mr. President, from $69 million, the cost has soared to $438 million for that one weapons system. Furthermore, it is now found that the cargo-carrying capacity has not increased at all but the weight has increased threefold from the original requirement. It is not a satisfactory vehicle, though the cost has been increased by this fantastic amount.

This weapons system was not thoroughly tested and proven before being put into production.

The Sheridan tank has increased from $422.5 million to $498.1 million.

The Cheyenne increased from $125.9 million to $201.8 million.

The UH-IH has increased from $341.3 million to $1.235 billion.

Those are just some of the Army weapons which have increased in cost enormously, based on the verified checks by the Comptroller General, between the planning estimate and the current estimate.

I might point out that none of these is completed. Virtually all of them, based on past experience, will increase even more unless we take the kind of action which my amendment would put into effect.

Mr. President, I have been pointing out some of the enormous overruns that we have had in these weapons systems, the immense increases from the planning estimates to the current estimates, a major reason for those cost increases has been that Defense has moved from research and development without adequate testing.

In doing this, I am trying to justify my amendment which would, of course, provide that in the event that the Pentagon intended to proceed to production without fully testing, they would have to report that fact to the House and Senate Appropriations and Armed Services Committees.

Mr. President, on the Navy P-3C, the planning estimate was $1.294.2 billion. This current cost estimate is now $2.552.8 billion.

AN/BQQ2 has gone from $126.9 million to $269.9 million.

The Sparrow F has gone from $139.8 million to $1.2 billion. That is one small missile.

The Phoenix has increased from $370.8 million to $1.5 billion.

The Mark-46, model 1, has increased from $347 million to more than $1 billion.

The Mark-48, model 0, has increased from $682.4 million to $3.5 billion. That is an increase, Mr. President, of nearly $3 billion.

I think it does not help a great deal, those figures, without putting them in perspective. Three billion dollars is far more money than we spent last year for all low- and moderate-income housing in this country. It is about three times as much as the Federal Government spent on all low- and moderate-income housing last year. The overrun on that one system, the Mark-48, model 0, that torpedo, is almost $3 billion. It is $2.8 billion.

This is the kind of thing that should be put in perspective; the necessity for meaning business and cracking down on our waste in procurement. I am not saying we should not have these weapons. We have to have these weapons. The Mark-48, model 0 is necessary when our potential enemy has a big submarine fleet. It is important also to develop a weapon that will work. I am asking that when we go ahead we do so based on thorough testing in advance so that when we go into production we will know we will have a weapon that will work and we will not have to throw out models we produced.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, could the Senator from Wisconsin enlighten me as to the cost to the Government of the United States, just in dollars alone, of World War II?

Mr. PROXMIRE. I could not estimate exactly, but I am sure it would be several hundred billion dollars. The cost would be enormous.

I see the point of the Senator's question; that no cost is too great to prevent another war. I agree with that wholeheartedly. That is why I say these weapons are necessary; but I say that we should get weapons that work. We do not prevent war by spending a great deal of money wastefully and getting weapons that will not do the job.

Mr. HANSEN. Mr. President, will the Senator yield further?

Mr. PROXMIRE. I yield.

Mr. HANSEN. I appreciate the Senator's reading my mind. I was not sure what I was going to say next, but it is clear to me now what I should have said next. I think the point is well made I will not argue with the Senator because I think this seems a good point to make.

Would the Senator agree with me that insofar as total, or almost total, involvement goes, there has been no involvement since the end of World War II that has affected enough nations to characterize such involvement as World War III? Will the Senator agree with me that that is true.

Mr. PROXMIRE. I agree with that.

Mr. HANSEN. Could there be some validity to the belief that is held by the Senator from Wyoming that perhaps, taken in toto, it is not always necessary, in order to deter aggressive actions by another country, to be certain that everything we do will be effective.

I call attention to the fact that we have some nerve gas ready to dump into the ocean if the appropriate officials, including the courts, can be satisfied that there will be no violation of law. I do not know that that nerve gas was actually ever tried out on humans; but it is the opinion of the Senator from Wyoming, at least, that the fact that other nations throughout the world knew we were competent in the aera of biological warfare was a sufficient deterrent to them so that, insofar as I know, none of them—none of our potential enemies—have used nerve gas. They certainly have not used them extensively against us or against those countries that by treaty we were sworn and pledged to support, probably because they knew we had some gases, too.

Would the Senator agree with that?

Mr. PROXMIRE. I am not sure I agree with the Senator on that. This may or may not be the fact. I think the Department of Defense decided against our production of nerve gas and posion gases, and I think the decision to bury them at sea is a wise decision. I think it is based on the fact that we rely on our nuclear power. If any nation should be so stupid and brutal as to attack us with any biological weapons such as nerve gas and those vicious weapons, we would retaliate, and we would be able to do so with such devastating power that they could be deterred. We could wipe them off the face of the earth. I think Secretary of Defense Laird and Presi-

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dent Nixon were right in deciding we are not going to produce these poison gases.

Mr. HANSEN. I agree with the Senator's conclusion. I agree completely with the decison reached by the Department of Defense that there is no longer the need for these gases, which constituted much of our biological warfare weaponry; and yet I think at the time they were brought into being—and I do not know how old they are—I suspect they served a useful purpose.

I can recall, and I know the Senator from Wisconsin can recall, that following World War I there were dire predictions that the next war would wipe out much of humanity because with the gases that had been developed there would be little question they would be used and we would see gases released on the battlefield and into the atmosphere and whole populations would be be destroyed. Yet the Senator knows so well, that there was practically no use of poison gases in World War II.

The point I want to make is that I do not know that it is entirely valid to say that we have to test fly, so to speak, or test every piece of weaponry we have in order to bring about the deterrent effect that we would hope our arsenal, replete in all its ramifications, will have in order to achieve the objective of prevention.

Mr. PROXMIRE. I think this is a very good point. Some things we cannot test. For instance, we could not test the ABM. How could we test the ABM without having an attack; and, if we did, of course, we would have fallout, we would have violated the test ban treaty, we would have accidental deaths, and we would have pollution of the atmosphere. It cannot be done.

All I say is that where you cannot test the weapons before production you should have a report on it so that the committees and Congress are made aware and able to determine whether, in view of the fact it is untested, we should go ahead.

We have this long record of terrific overrun largely because we have gone into production before we had a proven model. This did not originate with me, but with the Department of Defense, with the Milestone concept a year ago, and reinforced this year with the "fly-before-you-buy" and once again by the Fitzhugh Commission, consisting largely of defense contractors who recommended that this is the kind of policy that should be followed.

We have a number of weapon systems, including the weapon systems in this bill, in which we are providing production money without testing in advance. Maybe that is all right, but we should have identification of the particular weapon system where this is true.

Mr. HANSEN. Mr. President, will the Senator yield further? I do not know whether the Senator has a prepared speech that he wishes to deliver at this time.

Mr. PROXMIRE. No. I have some matters I wish to bring to the attention of the Senate, but I think these questions are very helpful.

Mr. HANSEN. They are very helpful to me and I do appreciate the courtesy of the distinguished Senator from Wisconsin who has been most generous and gracious, as he always is.

I wish to ask the Senator this question. When was the estimate made on the Shillelagh, which was estimated at $357 million?

Mr. PROXMIRE. I am not sure when the date actually was. It was the date when they first made the request for the Shillelagh and made their palns. I cannot give the Senator the precise date on it.

Mr. HANSEN. It was a few years ago?

Mr. PROXMIRE. The general thrust of the Senator's question, which is perfectly proper to put this matter in perspective, is that the estimates, by and large, occurred several years ago, in most cases 3 or 4 or 5 years ago. In some cases it might go back beyond that, but generally it is 3 or 4 or 5 years. In that time we have had inflation. In that time we have had other problems. In almost every case, however, there is a built-in inflation factor so that the estimates take into account the assumption that there is going to be inflation.

It is true that in the last year inflation has exceeded the estimates, but very little of this increase, over a 3- or 4-year period, can be accounted for by inflation.

When the cost of the Mark 48–0 goes from an originally estimated cost of $682.4 million to $3,570 million, that obviously is not due to inflation. That is like buying a small house for $6,000 or $7,000—it would have to be a very small house—and finding after a few years it is going to cost $35,000. Inflation might be a part of it, but certainly it would not be most of it. Most of it is due to not knowing the kind of weapon that was going to be produced before they went ahead and produced it.

Mr. HANSEN. I am sure the Senator has more information on the Mark 48–0 than I have. Would it be the Senator's opinion that that estimate may have been made several years ago?

Mr. PROXMIRE. Yes. That was made in 1963.

Mr. HANSEN. 1963?

Mr. PROXMIRE. Yes. The program definition was in 1963.

Mr. HANSEN. And it is now estimated that it will cost $3.5 billion. Is that correct?

Mr. PROXMIRE. Yes. It is now estimated that it will cost five times as much. I do not think anything that has happened since 1963, particularly the cost of manufacturing equipment, can account for that difference. I do not have the economic indicators with me right here, but there has been far less inflation in that area than there has been in the cost of living. Most of the increase in the cost of living has been in services. The wholesale costs have not increased as much. The costs of manufacturing has gone up moderately. Wages have gone up a great deal, of course, but nothing like a fivefold increase since 1963.

Mr. HANSEN. If the Senator will yield further, I am very much interested, and appreciate his keen attention to this problem. It is a concern that I think all of us share. We certainly want to see our Government spend its money wisely, that the contracts entered into are discharged faithfully, and that there is just as strict an elimination of waste as can possibly take place.

Yet I must confess to an overriding, continuing, and agonizing concern that disturbs me. I was reminded yesterday of that when I read that the Israelis have charged a faithlessness on the part of at least one of the countries about the ceasefire that was called for by our country. We are being called upon now to see that the terms of the cease-fire are kept; that they are not violated.

I do not know what further action or what further response the nation of Israel may call upon us to perform or to do in order to hold them whole and immune from the damage that could result from actions that are not in keeping with the pledge that I understand was made by the countries that were in agreement on the cease-fire.

With a budget in excess of $200 billion, all of us have a responsibility and a duty to examine each expenditure closely and critically. But when it comes to the defense of our country, I feel somewhat differently than I do concerning ordinary expenditures.

I cannot be as disturbed if we do those things which reflect the consensus of persons in the administration and in the Defense Department upon whom we must rely. I know they are all good Americans. I think they are all reasonable people. I think they all pay taxes, the same as the Senator from Wisconsin and I do. I do not believe they want to see money wasted any more than anybody else does. But if we have to err—if occasionally we have to buy an item of weaponry without knowing precisely how it may perform—if it adds to the credibility of our defensive posture and discourages aggression by other nations that may not be as peacefully inclined as I continue to believe Americans are, then I am willing to go along with that overrun.

I ask the Senator from Wisconsin if he shares my feeling generally in this respect: That it is not like buying sacks of potatoes or bushels of wheat, that standards and uniformity are not established, if we are going to be able to compete with new weapons made by the Russians and by the Chinese, which may sometimes be necessary if we are going to call their bluff and persuade them from doing something aggressive, as we did so successfully when the late President Kennedy said, "Get your missiles out of Cuba." That was all he had to say. I think they got the message pretty well.

Would the Senator not agree that when we are dealing in this area we may not be able to employ the effective standards and the testing and the test flights as well as we can in other areas of our procurement?

Mr. PROXMIRE. If it were an occasional situation, where once in a while perhaps a weapon system cost much more than was originally estimated, I would agree there would be no reason to be alarmed. But it is not occasional; this is the rule.

The Comptroller General made a study of 38 major weapons systems. That was the number he examined into. The find-

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ing was that most of them cost far above their estimates, not as a matter of inflation, but a cost much more than possibly could be justified on the basis of inflation.

Mr. HANSEN. If the Senator would permit a question, Over what period of time are we talking about?

Mr. PROXMIRE. We are talking about 1963, 1964, 1965, and up to 1970, weapons systems now being developed.

Mr. HANSEN. Five, 6, or 7 years?

Mr. PROXMIRE. Five, 6, or 7 years; some less than that, some more.

There is a general agreement in the Pentagon, there is agreement among contractors, there is agreement by almost everybody, that we have made a mistake by proceeding too fast, by not testing thoroughly before we proceeded to get into production. Secretary Laird announced this principle of adequate testing a year ago, as the "Milestone Program." And yet Defense is still asking for weapon system after weapon system without testing. We are merely saying that when they do it, the Armed Services Committees of the Senate and the House and the Appropriations Committees of the Senate and the House are to be notified in advance, so that we in Congress will have the information and be in a positon to appraise whether or not we should go ahead with the production money.

This time the Senate Armed Services Committee had the good judgment and wisdom, in many cases, to deny production money to the Defense Department on the grounds that they did not follow this principle. I am saying this is good, and commending them for it; but I am saying in addition that all of us should be notified by the notice my amendment requires from the Pentagon whenever they are violating this principle and proceeding with production before testing is completed.

Mr. HANSEN. Is it the Senator's opinion, or did I understand the Senator to say that the Comptroller General has said we were proceeding too fast? Who was it that made that statement?

Mr. PROXMIRE. The Comptroller General, in his findings and conclusions, had a number of recommendations and suggestions dealing with this situation, and of course he is very careful not to criticize, but primarily to submit the facts and let Congress draw its own conclusions.

These were the conclusions of the Defense Department, of the Secretary of Defense, of the Fitzhugh Commission which made the study, and of the latest study made by a group of defense contractors, which came out just the other day.

Mr. HANSEN. Who was it that made the observation that our method of acquisition of weaponry reflected the fact that we were proceeding too fast? I am not sure that I got that.

Mr. PROXMIRE. Well, the Fitzhugh report indicated that they felt we were proceeding too fast, and that we should follow the so-called fly-before-you-buy procedure.

Mr. HANSEN. What is the prime purpose of our amazing arsenal of weaponry?

Mr. PROXMIRE. Well, of course, there are several purposes. One purpose, the strategic purpose, is to have a sufficient arsenal to discourage a nuclear attack, so that the opposition will know that, if they attack us, we can retaliate even more devastatingly with a second strike.

We have other purposes, of course. To help protect our interests throughout the world; our general purpose forces are for that purpose.

The main purpose, of course, is to keep the peace. That is the overall purpose in developing this arsenal.

Mr. HANSEN. I appreciate the last observation the Senator made, when he said the main purpose is to keep the peace. I quite agree with him that I think that is certainly one of our primary purposes.

When we were discussing these poisonous gases, the Senator said, in effect, that, now that greater reliance is placed upon our nuclear missile weaponry, we have found that in the judgment of the military it is no longer necessary to maintain an arsenal replete with poisonous gases. But might it not be said, in all honesty, that the philosophy which I think epitomized Secretary McNamara's tenure as Secretary of Defense probably placed too much reliance upon the ultimate weapon, the nuclear missile, and did not give sufficient credence to the intermediate weapons with which we can successfully pursue a war short of an all-out nuclear exchange?

Mr. PROXMIRE. I am not sure that that is correct. During Secretary McNamara's tenure as Secretary of Defense, we substantially increased the number of divisions we had, the amount of firepower we had, and the strength of our general purpose force as well as our nuclear force. We went, as I understand, from 12 divisions to 16 divisions, and we acquired far more firepower, of an order of 50 to 100 percent more firepower, in a period of relatively few years.

Mr. HANSEN. What was the reason for that, would the Senator know?

Mr. PROXMIRE. Well, the administrations were concerned with brush-fire wars. They were concerned with the situation in the world, which did seem to become more dangerous or difficult during that period of time than it had been before.

Mr. HANSEN. Was it also to make possible our sending of ground forces into Vietnam, under President Johnson?

Mr. PROXMIRE. I am talking primarily about before 1965, when we sent most of the men in. In March of 1965, our ground forces in Vietnam were 29,500, which was a lot of men, but only a tiny fraction of the number we have now, and the number we had later under the Johnson action.

Mr. HANSEN. I did not mean to interrupt the Senator. I appreciate his response.

Mr. PROXMIRE. Let us get back quickly to a question the Senator asked which relates to this amendment and the reason I am proposing it, when I said we should follow the "fly-before-you-buy" principle, and I indicated I did not know whether or not the GAO had made a specific recommendation in that area. I now find that they have. Here is what they said in connection with these overruns:

> The General Accounting Office believes that one of the most important causes for cost growth is starting the acquisition of a weapons system before it has been adequately demonstrated that there is reasonable expectation of successful development. Because of the substantial number of such cases found, GAO concluded that the Defense Department has not been effectively administering this process.

The date of this report was February 6, 1970. So this is a clear criticism by the General Accounting Office based on auditing our 38 major weapons systems.

Mr. HANSEN. Mr. President, if I could, I should like to observe that apparently, within the time frame that the Senator has been choosing for these comparisons, there was an elapsed period of some 5 to 7 years, and it is the opinion of at least this Senator that many times the then Secretary of Defense, Robert McNamara, overrode the recommendations of the military and of the Joint Chiefs of Staff. Despite their unfavorable reports on such weapons as the TFX, he proceeded unilaterally to insist that we had to go forward with these things, and I think we are paying for it now. We are catching up with a policy that I think was badly misdirected.

I do not question for a moment the sincerity of former Secretary McNamara; I have greatest respect and regard for him, but I think he was overconfident as to his own wisdom. He failed to heed those around him, those upon whom I think he might well have relied, or at least counseled with, in some good decisions that would have served this country well. But despite the protests of the various branches of the service, he tried to put all of the components that the Navy, the Army, and the Air Force wanted into one airplane, and wound up with a colossal blunder.

I have no doubt at all that many of the things we are talking about today reflect what I think of and what I characterize as his singular ineptitude in this one area.

Mr. PROXMIRE. I think there is plenty of blame to go around, because these costs have been scandalously high. There has been much ineptitude, as the Senator has said.

I do think, however, that Secretary McNamara was an extraordinarily able man in many respects. He had the capacity to come before a joint meeting of the Appropriations Committee and the Armed Services Committee without any aides or any notes, and answer questions for 8 or 10 hours, accurately and completely. I once asked him how he was able to do that. He said, "It is because I do my own work."

He was the kind of man who put together his own budgets. That tells a lot about him, both as to his weaknesses and his strengths. He was at the Harvard Business School when I was there, and we both took a course in business policy analysis. The purpose of the course was to teach students how to delegate authority. I do not want to criticize Bob McNamara too strongly—I think he was a fine, effective Secretary of Defense—but I do think perhaps the Senator is correct, that he should have delegated authority more effectively than he did in the procurement area. Obviously someone was not watching the shots the way he should have during those years when Secretary McNamara was working so hard with President Johnson on the Vietnam war, and could not concentrate on this enormously expensive area of procurement, where more attention was needed. I think the Senator makes a good point.

But I do not think the criticism is to be confined to Secretary McNamara. This criticism by the General Accounting Office relates to what was going on on February 6, 1970. They say that at that time the GAO concluded that the DOD had not been effectively administering this major weapons procurement process.

At that time, the present President had been in office for more than a year.

Mr. President, we cannot be political on this question. We all make mistakes and if there is any area in our Government which we try to isolate from politics, it is that of military policy. I believe we did not have a politically motivated Secretary of Defense in Robert McNamara, nor do we have one now. We have an able Secretary of Defense in Mel Laird. But I do think we should try, as we are trying, to correct these mistakes by our amendment.

Mr. HANSEN. I appreciate what the Senator is saying, and completely agree with his objectives.

I must say that I think it is a little unfair, though, to make the comparisons within the time frame that the Senator has chosen. I recognize his reasons for doing that: because these happen to be the times when the estimates were first made and reflect what the cost estimates are today.

I might point out that we could talk about many other things. Take medicare, for example. The medicare program initially was thought to have been actuarially sound. Every time it has been reviewed, every time a new estimate has been made of that program, the cost has escalated. So that today, from the information I have, which has been submitted to the Finance Committee, of which I am a member, the last figure I heard was that within 25 years, medicare will be in the red to the extent of $216 billion.

The point I want to make is this: To get back to the military, when we are comparing costs that were made 5 to 7 years ago, that seems to me not to be so much an indictment of the Department of Defense as would be the case if the Senator were able to show that in the last year, operating with a different Secretary of Defense, with a different administration the same overruns had occurred. I am not trying to put any politics into this; I do not mean that at all. I quite agree with the Senator from Wisconsin that Robert McNamara is a most unusual, a most talented, a most brilliant man. I am a greater admirer of his, as I know the Senator from Wisconsin is. Because he was so competent, because he did have a photographic mind and was able, as the Senator has said, to appear before committees and testify for 8 to 10 hours without a single person at his right or his left, certainly does attest to the fact that he has a keen, brilliant, retentive mind. Unfortunately—and I say this with a heavy heart—he was too confident in his own good judgment, in his own ability to make many judgments in many areas that I think were not the best and might have been made with greater soundness had he chosen, as I think he should have, to seek the advice of people in the military, people whose business it is to know about these things, as I now suggest is being done under the present Secretary.

Mr. PROXMIRE. Let me pick up that point.

The Senator says that the present Secretary is consulting with people in the business who know how this is operating. That is correct.

One of the purposes in appointing the Fitzhugh Commission was for that reason. I have criticized that Commission and I will continue to do so for many reasons, but I think that in recommending this principle they are right.

What I am trying to do is to take the principle these men recommended and write it into the law as part of my amendment. My amendment would say that what they said, what the Comptroller General says, what the Secretary of Defense now says, is that we should be notified in advance when they depart from this principle. That is all it says. It does not cut out any funds. It does not say, "You cannot go ahead with this program." It says, "We would like to know if you are going to proceed to production before you test, if you are going to buy before you fly. We want to know it."

Mr. HANSEN. Mr. President, the distinguished Senator from Wisconsin has been most generous to permit me to explore with him these questions of mutual concern. I do not think I should intrude further upon his time, but I would like to say how grateful I am to him, how very much I applaud his objectives, but how I am inclined to disagree with some of the approaches he makes in seeking those objectives.

I thank the Senator.

Mr. PROXMIRE. I thank the distinguished Senator from Wyoming. He has been very helpful in his questioning, extremely courteous, and I think he has brought out some points in the amendment very well.

Mr. President, in comparing these figures, I think we should keep in mind that, whereas the Mark 48, model 0 was something that goes back to 1963, some of these are much more recent in terms of their planning estimates than others. We have, therefore, a situation in which in a couple of years, in some cases, we have had an enormous increase in cost.

We have the S-3A, which went from $1.7 billion to $2.9 billion.

We have the F-14 fighter plane, which went from $6.1 billion to $8.2 billion.

We have the F-4J, which went from $770 million to $2.743 billion.

These are increases of approximately $1 billion, in some cases $1.5 billion—in one case, $2 billion—in another $3 billion, in single weapons systems.

Let me put that into perspective with the kind of action recently taken by the President in vetoing legislation. The amount we are going to spend in the budget, on the basis of President Nixon's recommendation, for example, for all the low-rent public housing in the country is $646 million. That is one-fourth to one-fifth as much as the overrun on just one of these weapons systems.

The amount on model cities, a great program, one of the most important and significant programs in this country, is $530 million. Again, that is approximately one-fifth or one-sixth as much as we spent in the overrun on the Mark 48A, model 0 torpedo.

I might point out that the Mark 48 torpedo has very serious technical problems. In fact, the Navy now says it will not deliver the model 0, on which we have spent so much money. Instead, they are going to try to revise versions model I and model II. They say that under present circumstances they have to be very careful about further production because model 0 is so noisy and, of course, the submarine can detect when the torpedo is coming and avoid it. The whole purpose is that the torpedo be able to approach a submarine so quietly that it cannot be detected.

Here, again, will we fly before we buy? I do not know that "fly" would apply to the submarine, but we should test before we produce.

Then we have the comparison of the amount we spend on housing for the elderly. I think all of us are aware of this very fine program and of its constructive health in building a more humane society and giving to the elderly a better opportunity. We spent $29 million on that program. That is approximately one one-hundredth of the overrun on one of these weapons systems.

Vocational education, $329 million. That is approximately one-tenth of the overrun on the Mark 48.

If we add up all the amounts, we spend on low-rent public housing, housing for the elderly, water and sewer grants, model cities, higher education, vocational education, and on-job training, it adds up to a fraction of the $23 billion overrun that we have on these major weapons systems.

Once again, I would agree with the thrust of what the Senator from Wyoming has been saying, that, of course, you have overruns when you have inflation, when you have a new state of the art, when you have a technology that changes. This is inevitable. I am saying, however, that we have an absolute duty to do our level best to hold down this excessive cost as much as we can; and one way we can do so moderately and in cooperation with the Pentagon is for them to let us know when they are proceeding with production without adequate testing.

Mr. President, let me proceed with a few more of these enormously costly weapons systems.

We have the LHA, $651 million to $1.427 billion—another huge increase in cost.

I should like to say at this point that the distinguished chairman of the committee has made available to me, through his staff, a letter from the Secretary of

Defense which opposes this amendment. I should like to read this letter on the amendment from Secretary Laird.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. STENNIS. I had a copy for the Senator. I was going to use the letter myself.

Mr. PROXMIRE. That is perfectly all right for the Senator to read it—

Mr. STENNIS. I feel that the Senator should.

Mr. PROXMIRE. The letter was addressed to the Senator, not to me.

Mr. STENNIS. Go ahead and read it.

Mr. PROXMIRE. I would be perfectly happy to have the Senator do so.

Mr. STENNIS. No. Go ahead. It is in line with the Senator's comments.

Mr. PROXMIRE. It is my fault. It was made available to me and I should have checked with the distinguished Senator from Mississippi who was the recipient of the letter. I want to say that his cooperation and that of his staff has been excellent. I certainly do not want to do anything to embarrass him or his staff. I would like to ask the Senator from Mississippi, if he cares to do so, if he would read it, as it would be better, under the circumstances, to read it, whenever he wishes, or to have it printed in the Record as I intended to, and then I can comment on it at a later time. That would be the proper procedure. I want to apologize——

Mr. STENNIS. That is all right. If the Senator will yield, I have other material here. I do not know whether I will get to use it or not. I may or may not use it. The Senator has it there. The Senator should go ahead and comment on it if the Senator wishes. It is entirely all right.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, regarding the amendment of the Senator from Wisconsin, a time for voting on it has already been agreed upon for Monday afternoon next. The amendment has been under discussion by the Senate this morning. I want to make clear that I favor full consideration of the Fitzhugh recommendations. They had an able panel. I understand that they really put in a lot of work on it. Mr. Fitzhugh is a man of fine background and tremendous business experience.

However, with the same emphasis, let me say to every Member, to the people of this country, to the press—to everyone—that no finer illustration exists of the necessity for examination and study by competent staff members, and a weighing and evaluation of the recommendations by men competent not only in business but also in connection with defense matters. We could have no better illustration than this of the necessity for this analysis and examination.

That is exactly what the Armed Services Committee proposes to do and plans to do. It is not under any pressure from anyone but proposes to make a study out of a sense of duty. This report has been out only 2 or 3 weeks and naturally there has not been time to get into it. I would not dare—I repeat, dare—make recommendations here for any of these policies and these recommendations about weapons systems to be written into law until they had been evaluated and analyzed.

I do not think there is any doubt that there is something of value here. The report of the committee which was filed is of value to the bill. The testimony we took is of value. It is also of value to our staff members. There is not a scintilla of evidence in the hearings about the recommendations of the Fitzhugh panel. There could not be, because they had not been made, although some of the things recommended are practiced and carried out in the committee's recommendations, and are also practiced by the Secretary of Defense.

But all the ordinary processes of legislation and safeguards for sound legislation are lacking—l-a-c-k-i-n-g—in this matter. We have before us only the recommendations for these far-reaching matters by the panel itself. I suppose that they would be disappointed to think that their report did not get any more study or any more consideration than just to be picked up here and put in an amendment on the floor by the Senate. It is unthinkable to me, but it is a challenge, too. We must get into it.

I am opposed to it, regardless of what the Secretary of Defense said. I do not have to read the letter from Secretary Laird to give my reasons, but he did write a letter about it and I am glad that he did and has supplied the Senator from Wisconsin with a copy of that letter.

But I am talking now not from the letter but from the practical side of these things. I have here a quotation from the report that I will state briefly:

> A new development policy—a new development policy for weapons systems and other hardware should be formulated and promulgated to cause reduction of technical risks through demonstrated hardware before full scale development and provide needed flexibility in acquisition.

The new policy should provide——

Then it sets forth those provisions.

We find here that this amendment just picks up those provisions and writes them in and proposes them as hard law.

Mr. President, these were recommended policies for consideration. The panel itself did not undertake to say that these policies should become law just as written. They were mere proposals for weapons systems. They did not undertake to describe weapons systems. This is all general language. It has value. It raises good points.

But the idea of their being put into the statute without any preliminary work, examination or weighing of all considerations is unwise unsound and dangerous. It will create confusion and cause uncertainty in the Department of Defense and in the business world so that it will undoubtedly not only cause a loss of time, but will also greatly increase the costs of the Department of Defense as they try to proceed.

I do not believe it would be possible to operate the Department of Defense with reference to these weapons systems if we had this written into law. I doubt if the Senator from Wisconsin has been given a full report. I know that we have not. I do not have available now a full report on the amount of paperwork and reporting and everything that could be and would be required under the sweeping provisions of this amendment.

The Department of Defense now has 38 systems in connection with weapons that they are reporting on to the Senate by way of selected acquisition reports.

There are over 90 systems large enough to require development concept papers—that is authorization from the Secretary of Defense to proceed from phase to phase under the present practice.

There are over 600 programs in the present Department of Defense budget. Most of these elements are divided into a number of projects, and each of these thousands of projects are now described in detail as a part of the detail for the budget.

This requires an analysis of the whys and wherefores on each of these projects and a report to Congress. It involves a phenomenal amount of paperwork both on the part of the Department of Defense and on the part of Congress.

The Department of Defense has been prodded. We have done some of that prodding. We have received some of those reports. We have also been prodded to keep down some of the paperwork and the number of reports and data required to be furnished.

I use this as an illustration of how carefully we ought to weigh and consider what would be helpful and essential and would be used by Congress and stop our legislative requirements right there.

It is a monumental task. It would take a lot of hard, dedicated work by capable staff members of the committee and also employees in the Pentagon.

The term "production," although in common use, is variously interpreted as it relates to different weapons systems. We refer to production. Then we refer to weapons systems. What is a weapons system? I would not think of having any legislation along this line, as I see it, without a very careful analysis and definition of a weapons system. There would then have to be one, two, three, or four paragraphs below that definition to point out what those provisions do not mean as well as what they do mean.

The F–14 has been mentioned here. That is one of the new planes that is coming along. That is a weapons system. It is a tactical aircraft. It is certainly a system of weapons.

What about all the different missiles that go into it? What about the bombs, rockets that are used? What about the guns? What about the engines themselves? What about the avionics that go with it?

That plane carries the Phoenix missile. The Phoenix missile is one of the important ones. It carries the Sparrow and the Sidewinder and many different types of bombs. It carries a special gun. There are two different engines that are related.

The plane is going to contain some of the most sophisticated electronic systems ever involved in any aircraft of any kind.

What is a weapons system? These all go together to make up one weapons system of one kind. Are the bombs that are used, the missiles, the Sparrow missile separate weapon systems?

That is just an illustration. I do not want to confuse the matter. However, I do want to point out that confusion must be eliminated before we can have any intelligent legislation here on this subject.

We use the expression "fly before you buy." That is a kind of catch phrase. It means to test out before going into production. That is a policy that we favor. Our committee favors it. We have insisted on it.

We have to make some exceptions to the systems. I know that Mr. Laird is wedded to that. He was as a legislator.

We had this matter in the Appropriations Committee for years. There is nothing new about this.

My point is that we can follow it to a degree without it being written into mandatory law. If we are going to put it into mandatory law, it must be put in in the right manner. It is a delicate matter, somewhat in the nature of a Swiss watch, when we go to make these mandatory requirements with reference to weapons systems and contracting therefor.

I think that more can be done. I mentioned the F–14 a few moments ago to illustrate about the weapons system. That is a program on which we made exceptions.

I do not find very much dissent about making exceptions with reference to the "fly before you buy" policy.

There was the case when they had the old TFX plan for the Navy. Year after year it failed to function properly. Still, because it was the only thing we had in that field, they kept putting it in the budget. Finally, Congress stopped that program. We said, "We will not give you any more money. We will take it out and end it right now."

We brought the Navy in and asked, "What plans do you have for a new plane?" They had plans. We included money for them to move forward. That was approved unanimously in the Senate. The House approved it. We were on the way to the F–14. We were years behind when the TFX Navy version did not pan out, and we are still years behind.

In that case we made an exception and decided we would push this program along; that we would accelerate it and permit them to make some prototypes of whatever type they might on experimental planes as rapidly as was feasible. So that means we buy a few, at least, before we fly. There is money in the bill and I believe if that were challenged here and tested, the commonsense and reasoning of this body would approve this rush order.

These are some of the things with which we are concerned. I think we should make a complete analysis of this particular panel report and its recommendations and that is what our committee proposes to do. In due time we will present, and as soon as possible, proposals for this body to pass upon. But that will take some time and very detailed consideration.

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With all due deference to the Senator from Wisconsin and the number of illustrations he talked about in overruns—I know he is very sincere in presenting those matters—but just to take those figures and go no further and analyze them without giving the reasons is to miss what is involved. I remember last year, with all good intentions, a number of missiles, not now in use, were listed, that had cost many billions of dollars. The speaker never did charge that the money was wasted, but he listed the figures. Someone else came along, saw the figures, and called it waste. The press picked it up and published many stories about the waste of moneys in the neighborhood of $23 billion on missiles that were worthless.

That is the what the story got to be. We took that list of missiles and we analyzed every one of them, and I made a speech setting forth the facts, and detailed how successful they were and how they became obsolete, as many things do in this fast-changing world.

One of them was the Atlas, which was the "Mr. Big" of missiledom for us for a long time. The only reason we do not have it now is that we passed on to something better, but it was the lone guardian at the bridge for quite some time for our side in this battle of words and in the cold war. So in connection with many of these illustrations that have been given here, there is a lot of explanation required when we talk about so-called overruns. We must find a sound spot to begin calculations about what a weapons system is going to cost, with all the research and development and the engineering. That has to be done before proceeding with any kind of base to make calculations on weapons as to the current estimated cost. I am going to try some kind of formula that I believe will point out what I believe is the reasonable spot at which we should start in determining what the probable cost of a weapon will be. If we can get that and make calculations for inflation and other cost changes in a rising economy, we will find these figures, or most of them, are not as bad as they are pictured. Many of them are weapons that do not pan out. There are setbacks in development. They do have trouble. It is always a question of when to abandon the investment in a weapon and change over to another weapon. Then, there are misfits or misfires. We have that in every other phase of life. We call it trial and error. So this picture is not all bad by any means, although I do not defend all these contracts or all that has been done. We have learned a lot and we are doing better.

Regarding this amendment, I have before me a letter from the Secretary of Defense dated today, August 14, 1970, addressed to me as chairman of the Committee on Armed Services. As I have said, my position is not based on what the Secretary of Defense says. It is based on my general knowledge of the problem and the subject matter. But I think he should be greatly concerned and I am sure he is. I just received this letter this morning and I wish to read it. I think it is worthy of being placed in the Record where everyone who wishes to can read it.

The letter states:

> Dear Mr. Chairman. The purpose of this letter is to advise you of my deep concern and strong opposition to amendment 765 to H.R. 17123. The amendment assumes——

Mr. President, if the Chair will indulge me, I picked up the wrong letter.

Mr. PROXMIRE. It states the same thing on all these amendments, presumably.

Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. PROXMIRE. I think that is a good point. The Secretary of Defense could duplicate his answer on all amendments. He could send in the same letter on all amendments.

Mr. STENNIS. I do not think that is accurate.

Mr. PROXMIRE. It comes out the same way.

Mr. STENNIS. This man is the Secretary of Defense. I do not have special praise for him but I personally know he is one of the most effective and finest legislators I ever knew.

Mr. PROXMIRE. Of course he is. But he is against amending the bill.

Mr. STENNIS. He has had experience along a number of lines. He was a member of the Committee on Appropriations where he acquired quite a bit of knowledge in connection with the very problem we are talking about. I think when he is called on he gives his opinion based on his official responsibility and learning, his judgment, and his character and integrity. If he did not, I would not ask him. I would not care how he felt.

FEDERAL RAILROAD SAFETY ACT OF 1970

Mr. MAGNUSON Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1933.

The PRESIDING OFFICER (Mr. Byrd of Virginia) laid before the Senate the amendment of the House of Representatives to the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control and for other purposes, which was to strike out all after the enacting clause, and insert:

TITLE I—PURPOSE

Sec. 101. Declaration of Purpose

The Congress declares that the purpose of this Act is to promote safety in all areas of railroad operations and to reduce railroad related accidents, and to reduce deaths and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials.

TITLE II—RAILROAD SAFETY

Sec. 201. Short Title

This title may be cited as the "Federal Railroad Safety Act of 1970".

Sec. 202. Rail Safety Regulations

(a) The Secretary of Transportation (hereafter in this title referred to as the "Secretary") shall (1) prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety supplementing provisions of law and regulations in effect on the date of enactment of this title, and (2) conduct, as necessary, research, development, testing, evaluation, and training for all areas of railroad safety. However, nothing in this title shall prohibit the bargaining representatives of common carriers and their employees from entering into collective bargaining agreements under the Railroad Labor Act, including agreements relating to qualifications of employees, which are not inconsistent with rules, regulations, orders, or standards prescribed by the Secretary under this title. Nothing in this title shall be construed to give the Secretary authority to issue rules, regulations, orders, and standards relating to qualifications of employees, except such qualifications as are specifically related to safety.

(b) Hearings shall be conducted in accordance with the provisions of section 553 of title 5 of the United States Code for all rules, regulations, orders, or standards issued by the Secretary including those establishing, amending, revoking, or waiving compliance with a railroad safety rule, regulation, order, or standard under this title, and an opportunity shall be provided for oral presentations.

(c) The Secretary may, after hearing in accordance with subsection (b) of this section, waive in whole or in part compliance with any rule, regulation, order, or standard established under this title, if he determines that such waiver of compliance is in the public interest and is consistent with railroad safety. The Secretary shall make public his reasons for granting any such waiver.

(d) In prescribing rules, regulations, orders, and standards under this section the Secretary shall consider relevant existing safety data and standards.

(e) The Secretary shall issue initial railroad safety rules, regulations, orders, and standards under this title based upon existing safety data and standards, not later than one year after the date of enactment of this title. The Secretary shall review and, after hearing in accordance with subsection (b) of this section, revise such rules, regulations, orders, and standards as necessary.

(f) Any final agency action taken under this section is subject to judicial review as provided in chapter 7 of title 5 of the United States Code.

Sec. 203. Emergency Powers

If, through testing, inspection, investigation, or research that any facility or piece of equipment is in unsafe condition carried out pursuant to this title, the Secretary, determines and thereby creates an emergency situation involving a hazard of death or injury to persons affected by it, the Secretary may immediately issue an order, without regard to the provisions of section 202(b) of this title, prohibiting the further use of such facility or equipment until the unsafe condition is corrected. Subsequent to the issuance of such order, opportunity for review shall be provided in accordance with section 554 of title 5 of the United States Code.

Sec. 204. Grade Crossings and Railroad Rights-of-Way

(a) The Secretary shall submit to the President for transmittal to the Congress, within one year after the date of enactment of this title, a comprehensive study of the problem of eliminating and protecting railroad grade crossings, including a study of measures to protect pedestrians in densely populated areas along railroad rights-of-way, together with his recommendations for appropriate action including, if relevant, a recommendation for equitable allocation of the economic costs of any program proposed as a result of such study.

(b) In addition the Secretary shall, insofar as practicable, under the authority provided by this title and pursuant to his authority over highway, traffic, and motor vehicle safety, and highway construction, undertake a coordinated effort toward the objective of developing and implementing solutions to the grade crossing problem, as well as measures to protect pedestrians in densely populated areas along railroad rights-of-way.

Sec. 205 State Regulation

The Congress declares that laws, rules, regulations, orders, and standards relating to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force any law, rule, regulation, order, or standard relating to railroad safety until such time as the Secretary has adopted a rule, regulation, order, or standard covering the subject matter of such State requirement. A State may adopt or continue in force an additional or more stringent law, rule, regulation, order, or standard relating to railroad safety when necessary to eliminate or reduce an essentially local safety hazard and when not incompatible with any Federal law, rule, regulation, order, or standard, and when not creating an undue burden on interstate commerce.

Sec. 206. State Participation

(a) A State may participate in carrying out investigative and surveillance activities in connection with any rule, regulation, order, or standard prescribed by the Secretary under this title if the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within such State are regulated by a State agency and such State agency submits to the Secretary an annual certification that such State agency—

(1) has regulatory jurisdiction over the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within the State concerned;

(2) has been furnished a copy of each Federal safety rule, regulation, order, and standard, applicable to any such railroad facility, equipment, rolling stock, or operation, established under this title as of the date of the certification.

(3) is conducting the investigative and surveillance activities prescribed by the Secretary as necessary for the enforcement by him for each rule, regulation, order, and standard referred to in paragraph (2) of this subsection, as interpreted by the Secretary. The Secretary shall retain the execlusive authority to assess and compromise penalties and (except as otherwise provided by section 207 of this title) to request injunctive relief for the violation of rules, regulations, orders, and standards prescribed by the Secretary under section 202(a) of this title and to recommend appropriate action as provided by sections 209 and 210 of this title.

(b) Each annual certification shall include a report, in such form as the Secretary may by regulation provide, showing—

(1) the name and address of each railroad subject to the safety jurisdiction of the State agency;

(2) all accidents or incidents reported during the preceding twelve months by each such railroad involving personal injury requiring hospitalization, fatality, or property damage exceeding $750 or such other higher amount as the Secretary may prescribe, together with a summary of the State agency's investigation as to the cause and circumstances surrounding each such accident or incident;

(3) the record maintenance, reporting, and inspection practices conducted by the State agency to aid the Secretary in his enforcement of rules, regulations, orders, and standards prescribed by him under section 202(a) of this title, including a detail of the number of inspections made of rail facilities, equipment, rolling stock, and operations by the State agency during the preceding twelve months; and

(4) such other information as the Secretary may require.

The report included with the first annual certification need not show information unavailable at that time. If after receipt of annual certification the Secretay determines that the State agency is not satisfactorily complying with the investigative and surveillance activities prescribed by him with respect to such safety rules, regulations, orders, and standards, he may, on reasonable notice and after opportunity for hearing, reject the certification, in whole or in part, or take such other action as he deems appropriate to achieve adequate enforcement. When such notice is given by the Secretary, the burden of proof shall be upon the State agency to show that it is satisfactorily complying with the investigative and surveillance activities prescribed by the Secretary with respect to such safety rules, regulations, orders, and standards.

(c) With respect to any railroad facility, equipment, rolling stock, or operation for which the Secretary does not receive an annual certification under subsection (a) of this section, the Secretary may enter into an agreement with the State agency to authorize such agency to provide all or any part of the investigative and surveillance activities prescribed by the Secretary as necessary to obtain compliance with any Federal safety rule, regulation, order, or standard applicable to any such railroad facility, equipment, rolling stock, or operation. An agreement entered into under this subsection, or any provision thereof, may be terminated by the Secretary if, after notice and opportunity for a hearing, he finds that the State agency has failed to provide all or any part of the investigative and surveillance activities to which the agreement relates. Such finding and termination shall be published in the Federal Register, and shall become effective no sooner than fifteen days after the date of publication.

(d) Upon application by any State agency which has submitted a certification under subsection (a) of this section, or entered into an agreement under subsection (c) of this section, the Secretary shall pay out of funds appropriated pursuant to this title or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of such State agency reasonably required, during the ensuing fiscal year, to carry out a safety program under such certification or agreement. No such payment may be made unless the State agency making application under this subsection gives assurances satisfactory to the Secretary that the State agency will provide the remaining cost of such a safety program and that the aggregate expenditures of funds of the State for the safety program will be maintained at a level which does not fall below the average level of such expenditures for the last two fiscal years preceding the date of enactment of this title.

(e) The Secretary is authorized to conduct such monitoring of State investigative and surveillance practices and such other inspection and investigation as may be necessary to aid in the enforcement of the provisions of this title.

(f) The certification which is in effect under subsection (a) of this section shall not apply with respect to any new or amended Federal safety rule, regulation, order, or standard for railroads established under this title after the date of such certification until the State agency has submitted an appropriate verification in accordance with the provisions of subsection (a) of this section to provide the necessary inspection and surveillance activities in accordance with the provisions of such subsection.

Sec. 207. Enforcing Compliance With Federal Railroad Safety Rules, Regulations, Orders, and Standards

In any case in which the Secretary has failed to assess the civil penalty applicable under section 209 of this title, or no civil action has been commenced to obtain injunctive relief under section 210 of this title, with respect to a violation of any railroad safety rule, regulation, order, or standard issued under this title, within 180 days after the date on which such violation occurred, a State agency participating in investigative and surveillance activities under the provisions of section 206 of this title within the State where the violation occurred, may apply to the district court of the United States within the jurisdiction of which the violation occurred for the enforcement of such rule, regulation, order, or standard. The court shall have jurisdiction to enforce compliance with such rule, regulation, order, or standard by injunction or other proper process to restrain further violation thereof, or to enjoin compliance therewith. The provisions of this section shall not apply with respect to the payment or collection of penalties incurred as a result of such violation or in any case in which the Secretary has affirmatively determined, in writing, that no violation has occurred.

Sec. 208. General Powers

(a) In carrying out his functions under this title, the Secretary is authorized to perform such acts including, but not limited to, conducting investigations, making reports, issuing subpenas, requiring production of documents, taking depositions, prescribing recordkeeping and reporting requirements, carrying out and contracting for research, development, testing, evaluation, and training (particularly with respect to those aspects of railroad safety which he finds to be in need of prompt attention), and delegating to any public bodies or qualified persons, functions respecting examination, inspecting, and testing of railroad facilities, equipment, rolling stock, operations, or persons, as he deems necessary to carry out the provisions of this title.

(b) The National Transportation Safety Board shall have the authority to determine the cause or probable cause and report the facts, conditions, and circumstances relating to accidents investigated under subsection (a) of this section, but may delegate such authority to any office or official of the Board or to any office or official of the Department of Transportation, with the approval of the Secretary, as it may determine appropriate.

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(c) To carry out the Secretary's and the Board's responsibilities under this title, officers, employees, or agents of the Secretary or the Board, as the case may be, are authorized to enter upon, inspect, and examine rail facilities, equipment, rolling stock, operations, and pertinent records at reasonable times and in a reasonable manner. Such officers, employees, or agents shall display proper credentials when requested.

(d) All orders, rules, regulations, standards, and requirements in force, or prescribed or issued by the Secretary under this title, or by any State agency which is participating in investigative and surveillance activities pursuant to section 206 of this title, shall have the same force and effect as a statute for purposes of the application of sections 3 and 4 of the Act of April 22, 1908 (45 U.S.C. 53 and 54), relating to the liability of common carriers by railroad for injuries to their employees.

Sec. 209. Penalties

(a) It shall be unlawful for any railroad to disobey, disregard, or fail to adhere to any rule, regulation, order, or standard prescribed by the Secretary under this title.

(b) The Secretary shall include in, or make applicable to, any railroad safety rule, regulation, order, or standard issued under this title a civil penalty for violation thereof in such amount, not less than $250 nor more than $2,500, as he deems reasonable.

(c) Any railroad violating any rule, regulation, order, or standard referred to in subsection (b) of this section shall be assessed by the Secretary the civil penalty applicable to the standard violated. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in subsection (b) of this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(d) In any action brought under this title, subpenas for witnesses who are required to attend a United States district court may run into any other district.

Sec. 210. Injunctive Relief

(a) The United States district court shall, at the request of the Secretary and upon petition by the Attorney General on behalf of the United States, or upon application by a State agency pursuant to section 207 of this title, have jurisdiction, subject to the provisions of rules 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title or to enforce rules, regulations, orders, or standards established under this title.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section or under section 207 of this title, which violation also constitutes a violation of this title, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

Sec. 211. Annual Report

(a) The Secretary shall prepare and submit to the President for transmittal to Congress on or before May 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include, but not be resstricted to—

(1) a thorough statistical compilation of the accidents and casualties by cause occurring in such year;

(2) a list of Federal railroad safety rules, regulations, orders, and standards issued under this title in effect or established in such year;

(3) a summary of the reasons for each waiver granted under section 202(c) of this title during such year;

(4) an evaluation of the degree of observance of applicable railroad safety rules, regulations, orders, and standards issued under this title;

(5) a summary of outstanding problems confronting the administratioin of Federal railroad safety rules, regulations, orders, and standards, issued under this title in order of priority;

(6) an analysis and evaluation of research and related activities completed (including the policy implications thereof) and technological progress achieved during such year;

(7) a list, with a brief statement of the issues, of completed or pending judicial actions for the enforcement of any Federal railroad safety rule, regulation, order, or standard issued under this title;

(8) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the public;

(9) a compilation of—

(A) certifications filed by State agencies under section 206(a) of this title which were in effect during the preceding calendar year, and

(B) certifications filed under section 206(a) of this title which were rejected, in whole or in part, by the Secretary during the preceding calendar year, together with a summary of the reasons for each such rejection; and

(10) a compilation of—

(A) agreements entered into with State agencies under section 206(c) of this title which were in effect during the preceding calendar year, and

(B) agreements entered into under section 206(c) of this title which were terminated by the Secretary, in whole or in part, during the preceding calendar year, together with a summary of the reasons for each such termination.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to strengthen the national railroad safety program.

Sec. 212 Authorization for Appropriations

There is authorized to be appropriated to carry out the provisions of this title not to exceed $21,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

TITLE III—HAZARDOUS MATERIALS CONTROL

Sec. 301. Short Title

This title may be cited as the "Hazardous Materials Transportation Control Act of 1970."

Sec. 302. General Authority

(a) The Secretary of Transportation (hereafter in this title referred to as the "Secretary") shall, within six months after the date of enactment of this title—

(1) establish facilities and technical staff to maintain within the Federal Government the capability to evaluate the hazards connected with and surrounding the various hazardous materials being shipped;

(2) establish a central reporting system for hazardous materials accidents to provide technical and other information and advice to the law-enforcement and firefighting personnel of communities and to carriers and shippers for meeting emergencies connected with the transportation of hazardous materials; and

(3) conduct a review of all aspects of hazardous materials transportation to determine and recommend appropriate steps which can be taken immediately to provide greater control over the safe movement of such materials.

(b) The authority granted the Secretary by this title shall be in addition to the authority granted by sections 831 to 835, inclusive, of title 18 of the United States Code.

(c) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before May 1 of each year a comprehensive report on the transporation of hazardous materials during the preceding calendar year. Such report shall include, but not be restricted to—

(1) a thorough statistical compilation of the accidents and casualties occurring in such year which involved the transportation of hazardous materials;

(2) a list of relevant Federal standards in effect or established in such year;

(3) a summary of the reason for each waiver or exemption granted pursuant to sections 831 to 835, inclusive, of title 18 of the United States Code;

(4) an evaluation of the degree of observance of safety standards for the transportation of hazardous materials; and

(5) a summary of outstanding problems created by the transportation of hazardous materials.

(d) The report required by subsection (c) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary.

Sec. 303. Authorization for Appropriations

There is authorized to be appropriated to carry out the provisions of this title not to exceed $1,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

TITLE IV—MISCELLANEOUS

SEC. 401. SEPARABILITY

If any provisions of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

Mr. MAGNUSON. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and ask for a conference with the House on the disagreeing votes thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BYRD of Virginia) appointed Mr. MAGNUSON, Mr. HARTKE, Mr. CANNON, Mr. SCOTT, and Mr. PROUTY conferees on the part of the Senate.

THE EQUAL TIME AMENDMENT

Mr. HANSEN. Mr. President, if I may, I should like to ask the assistant majority leader, who is now in the Chamber, if he could give us an idea as to when the conference report on equal time might be before the Senate?

Mr. KENNEDY. Mr. President, I would hope that the Senator from Wyoming would ask the leadership as to the general program for the early part of the coming week in about a half hour or 45 minutes from now, because attempts are still being made to work out agreements. I would expect that in about a half hour or 45 minutes those agreements would be worked out for the best information of the Senate and then, perhaps, we would know as well what action was taken by the House within that period of time on the conference report, and then I think I would be able to respond to the Senator more accurately.

Thus, if the Senator would withhold his request and make it at about 1:45 p.m., I believe I could then respond.

THE VETO OF THE EDUCATION APPROPRIATION BILL

Mr. HANSEN. Would I be presumptuous to assume that at that time, if I were to make inquiry then, we might also get an indication as to when the Senate will be voting on the bill to override the veto?

Mr. KENNEDY. We will try to make a complete report to the Senate as to the program for the early part of the week—Monday, Tuesday, and Wednesday next.

Mr. HANSEN. I thank the assistant majority leader very much.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, referring back to the letter of August 14, 1970, regarding the pending amendment, the letter from Secretary of Defense Laird reads as follows:

> DEAR MR. CHAIRMAN: I have received a copy of the proposed Amendment No. 816 to H.R. 17123. I'm sure you're aware that this was derived from the stipulations of Recommendations II-5 of the Blue Ribbon Defense Panel Report of 1 July 1970.
>
> Because of the importance and scope of the Report, and the far-reaching implications of its content, a complete analysis of all the recommendations is essential in order that we may retain the proper perspective both in Defense and in the Congress. I therefore believe that any Congressional action in this regard is premature until a thorough review has been completed.
>
> From a substantive standpoint, the incorporation of these acquisition principles in the law would defeat the stated purpose for which the Blue Ribbon Defense Panel recommended them. These principles were included in Recommendation No. II-5 of the Panel's report, the first paragraph of which states as their purpose "to provide the needed *flexibility* in acquisition strategies." Amendment 816 would eliminate flexibility in acquisition strategy, not increase it as the Panel recommended. Acquisition policy should continue to be in the form of Departmental policy in order to afford the flexibility needed effectively to deal with the variety of circumstances presented in different acquisitions.
>
> In a broad sense, the philosophy of the new development policy recommended by the Panel has already been adopted as the Department's policy. This new development policy has been developed over a period of more than a year, and was promulgated in the form of a memorandum by Deputy Secretary David Packard on 28 May 1970, a copy of which is attached. As the memorandum indicates, the process of reflecting the new policy in the appropriate form of DOD Directives and Instructions, and Service and Agency regulations is in progress. Included in this process is a review of all the applicable recommendations of the Blue Ribbon Defense Panel to determine any additional changes which are desirable.
>
> Also, because of my experience in Congress, particularly as a member of the House Appropriations Committee, and the experience I have gained here with the management problems in the Department, I feel it is most desirable for the cognizant Congressional committees to continue to have the opportunity to review the acquisition strategies proposed for each system in connection with the particular problems and circumstances involved in the individual system.
>
> For these reasons, I oppose the passage of the proposed amendment. In the interim, be assured that we concur with the general thrust of the Panel's recommendations. We will continue to keep the Congress informed as to all policy established within the Department of Defense.
>
> Sincerely,
>
> MELVIN R. LAIRD

Mr. President, I received that letter this morning. As a matter of fact, this is the first time I have completely read it, although I asked my valuable aide about its general contents.

I made most of those points yesterday afternoon, in a speech on this same amendment. I mention that to show that virtually the same thinking has come out of the conferences that the Secretary and I have been sitting in for years with reference to the same problem.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. PROXMIRE. I understand there are two main objections to my amendment in the letter. One is that it is premature. That is a point that really rankles the Senator from Wisconsin. Premature? Is it not about time that we got information when they are violating a principle that they say has been in effect for months? Why should we wait longer? All this amendment does is require them to tell us when they are departing from a principle which they say they have put into effect. They say it has been in effect for months. The Fitzhugh panel has recommended it. How long do we wait?

Mr. STENNIS. As I have been saying, this matter cannot be transformed just overnight. If we are going to write it into law, we are going to have to make exceptions for special cases in the "fly-before-you-buy" principle, for instance.

Mr. PROXMIRE. I recognize that there have to be exceptions. The exceptions would simply be explained in the reports. They have to report only when there are exceptions. That is all they have to do, which is not much of a sacrifice.

Mr. STENNIS. A great deal of headway has been made in the last 18 months.

Mr. PROXMIRE. The Senator has done an excellent job. He has given example after example where money has been refused when the weapons have not been tested. The fact that the committee has had to do it indicates that the Pentagon has not put the principle into effect.

The next major objection is stated as follows in the letter:

> Amendment 816 would eliminate flexibility in acquisition strategy, not increase it as the Panel recommended. Acquisition policy should continue to be in the form of Departmental policy in order to afford the flexibility needed effectively to deal with the variety of circumstances presented in different acquisitions.

That is gobbledygook, but if it means anything, it means that if they have to report in compliance with the "fly-before-you-buy" policy, they lose flexibility. How do they lose flexibility? All they have to do is let us know they are doing it.

Mr. STENNIS. I think the requirements in the Senator's amendment go further than he realizes, if he thinks that is all it does.

I will give the Senator an illustration of how difficult some of these matters are. Take a tank. It seems like a simple matter. I had some responsibility in connection with tanks for a few years before I became chairman. Frankly, I was highly dissatisfied with the progress, or lack of progress, they had made in perfecting the tank. We kept giving them money to carry on the research. Finally, we had three tanks going at the same time—the old standby, which was a workhorse, and then a variation of that, which would not work, and then we had need for a more advanced tank than that.

We had Mr. Packard in on that matter. He is a resourceful man and had fine experience, but it took him about a year to bring that all together. He canceled some of the work and made a new start. We went further than he did. We knocked out the one in the middle, which still would not work. I believe we are now on our way. But it took judgment and strategy on his part.

So there is no fixed, firm, inflexible way in which these things can be done. It is more than just building an automobile or something ordinary. I am just illustrating.

Mr. PROXMIRE. I think the Senator is exactly right. It is complicated. All I am asking is that a report come from the Defense Department. When there is an emergency situation, when a weapon is needed in a hurry and we cannot wait for full testing, the Department can go ahead. All I am saying is that a report be made.

All we are saying is that in weapon after weapon they have proceeded too rapidly in the past, because sufficient tests had not been made. The Fitzhugh panel said so. The Secretary of Defense himself has said he is going to follow this principle. All I say is, when the Department departs from it, let us know about it. I cannot understand why that in any way would interfere with the flexibility of the Department.

Then, the last point made in the letter is in the next to the last paragraph, in which the Secretary says:

> I feel it is most desirable for the cognizant Congressional committees to continue to have the opportunity to review the acquisition strategies proposed for each system in connection with the particular problems and circumstances involved in the individual system.

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That is exactly what the amendment recommends. We have not known in the past—at least, we have not been notified sufficiently—when they have gone into production without complete testing. All I am saying is that we ought to be told.

Mr. STENNIS. Well, I think the Senator has been told a great deal already, through the reports of the Armed Services Committee when they recommend money for these programs. I think Senators were told more this year than they have been told heretofore. We went into it further.

I do not disagree with the Senator at all on a lot of the things he advocates in connection with this whole problem. But I do think this is premature, and that it is too early to enact these recommendations into law.

I can say this to the Senator also: The study of the panel's report by the executive department will take some time and has yet to be done. The executive department is the one that can reach out and get the talent. The Armed Services Committee could not have gotten this gentleman and his coworkers on this panel to give them a year of their time, as the chairman did, and many others gave a lot of time. We could not have commanded their services. We could not have made it attractive enough for them to have done it. It is an executive function to get on top of these problems, get them studied, and then give us recommendations.

Where the Senator and I disagree is that this is something which should be legislated now. I say that to act now would represent premature congressional action on it.

Let me give an illustration of how complicated these matters are, for the Department of Defense as well as for us. There is what we call test and evaluation. We have research and development, engineering, testing, and evaluation. That is all preproduction, as the Senator knows.

The test and evaluation must overlap both development and production. We must test the development product to assure that the program is feasible. We must then test the production product to assure that it was produced properly.

To require the completion of all tests, even only all development testing, is very poor planning. To use an extreme to make a point, would you wait 5 years to prove that the prototype had a fatigue life of 5 years before producing the product?

There must be flexibility to examine each program in light of that program's peculiar problem. Tailoring programs to the situation is essential.

My point is that you cannot crank this thing up to too tight a point. There has got to be allowance for particular circumstances.

I believe we will be able to take these panel recommendations and evolve something out of them into a form of law, but I certainly will resist to the limit and to the end just cranking them up, phasing them in, and requiring these reports.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. STENNIS. I was ready to yield the floor. I yield for a question, though, if the Senator has a question.

Mr. MILLER. I would like to ask the distinguished chairman of the committee whether this requirement is practicable. I am reading from page 2 of the proposed amendment, item (C), which would require that competitive prototypes have been used in addition to or in lieu of paper studies.

It seems to me that with some of the very expensive sophisticated weapons systems, it would be very costly and it might not be feasible, because of the limited number of contractors who could even be interested in a particular weapons system, to have competitive prototypes actually used, as would be required by this proviso.

Mr. STENNIS. Mr. President, it is a highly controversial question as to whether or not it is practical and feasible to require the very thing the Senator mentioned—these competitive prototypes. As I understand it, in many cases it would just not be possible at all. This would freeze in, though, into hard law, this requirement for a report. When it is reported that this has not been done, that would touch off a barrage of charges and countercharges, and the Secretary of Defense rightly opposes it.

Mr. MILLER. It seems to me that to make this requirement practical, we would probably have to change our present method of reaching a decision on contractors by having the Federal Government itself actually be willing to pay for these prototypes by various competing contractors, which, as I understand, is not the case today. Otherwise, I can see that it would be virtually impossible to obtain enough contractors who would be interested in spending their own money to go into the prototype phase of an expensive weapons system.

Mr. PROXMIRE. Mr. President, will the Senator from Iowa yield on that point? I think the Senator has completely misunderstood what the amendment requires. All it requires is a report. All the Defense Department has to do is say that this clause is not pertinent to the particular weapons system, and that is it. We would agree with them in many cases, I think perhaps most cases.

Mr. MILLER. Well, Mr. President, that is not what the Senator's amendment says.

Mr. PROXMIRE. It certainly is what the amendment provides.

Mr. MILLER. May I read the amendment on this point? It says that no funds may be authorized or appropriated until the Secretary of Defense has submitted a report to the committees indicating the degree to which the Department of Defense has complied with the following conditions, and then it recites: "that competitive prototypes have been used in addition to or in lieu of paper studies."

The Senator says that in any example such as I put, all that the Secretary of Defense would have to report to the committee is that it is just not feasible to do that.

Mr. PROXMIRE. That is right. That is exactly right.

Mr. STENNIS. Mr. President, may I yield the floor? Will one of the other Senators take the floor?

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. MILLER. Mr. President, I think perhaps the Senator from Wisconsin and I could agree on a particular situation where such a negative report would be accepted, but I can see trouble ahead. I can see differences of views on the part of members of the committees as to whether indeed it is practical. I can understand how there could be a difference of opinion between the executive and the legislative branches on these points, and I think that what the Senator from Mississippi is getting at is that if there is that degree of difference in opinion between the two branches, then the Appropriations Committee will take care of the problem in their own way.

Mr. PROXMIRE. All the amendment provides is that whenever they depart from the "fly-before-you-buy" policy as defined by the Fitzhugh Commission—and we take their own specifications here—they file a report indicating that they have done so. That is all. Then we can proceed either to fund or not to fund; either to say, "We will not provide the funds until you test sufficiently before you go into production," or to say, "Go ahead." That is the whole purpose of it. It is for information. It is very clear that we are asking for the report. The Senator read the proper language, "until the Department of Defense has submitted a report to the Armed Services Committees." That is all. Then they can go ahead; there is no other inhibition on them.

Mr. MILLER. The Senator makes it sound very simple and, as I say, I can understand how the two of us could agree upon a certain report. But what I am getting at is that it seems to me that a prudent operation on the part of the Senate Armed Services Committee and the House Armed Services Committee and of our own Appropriations Committee is going to make sure that this is accomplished. It seems to me that if——

Mr. PROXMIRE. I serve on the Appropriations Committee. The Senator from Iowa serves on the Armed Services Committee. I do not know how we can accomplish this if we are not informed.

Mr. MILLER. I do not serve on the Armed Services Committee now, but I have had the privilege of serving on the Armed Services Committee, and I must say it was my observation that, between the members of the committee and the very capable staff that we had, I think we did a pretty good job most of the time of going into these various points.

Mr. PROXMIRE. May I say to the Senator——

Mr. MILLER. May I finish?

Mr. PROXMIRE. All right.

Mr. MILLER. There was one point where I think there was a slippage. The most dramatic one I can recall is when we went ahead and authorized the Navy version of the TFX. That was done before I moved on the committee, I might say. But the same members, substantially, were there, and the same staff was there, and later on we decided we would scrap the whole thing, instead of pouring more good money after bad.

That was a mistake on the part of the committees and on the part of the administration. But overall, I think what the Senator is suggesting is something that is going to be followed by our Senate committees and by the Defense Department; and, instead of writing it into law, I think we ought to have some indication that there is no intention on the part of our own committee and our chairmen to ignore this. I think the Senator has accomplished a purpose by bringing this out as he has done; and I would guess that he will have assurance, if he has not received it already, that the appropriate committee chairmen or subcommittee chairmen will indeed live up to the spirit of what he is advancing here, rather than having it locked into law.

Mr. PROXMIRE. The reason why I am locking it into law is that, frankly—I say this with great respect for all Members of this body—I think we have done a very poor job in procurement. We cannot simply blame Secretary McNamara or the present Secretary or anybody in the executive branch alone. It is a failure that Congress has to share, and it is a failure that is conspicuous. Again and again, we have gone ahead and authorized programs that have not performed well or where the cost has enormously exceeded the original estimate.

To recapitulate quickly, the C-5A went from $3.2 billion to $5.2 billion. The Gama Goat went from $69 million to $633 million. The Mark 48 torpedo went from $682 million to $3.8 billion. The submersible rescue vehicle—that was the granddaddy of all overruns—went from an original estimate of $3 million for each unit to $80 million. Minuteman II went from 2.8 to 4.2. Minuteman III went from 2.7 to 4.2.

What I am getting at is that we have done a poor job and we ought to recognize it. We should not be satisfied with saying, "Give us time. Do nothing and we will do better. We are sure that the cooperation between Congress and the Executive is improving. We have a fine Secretary of Defense—which we have—and on this basis we can expect that these principles will be put into effect, if we just give them time."

I think it is time we cracked down and acted. What I am proposing is such a mild amendment it almost embarrasses me to propose it. We are asking that they make a report when they depart from the principle of the Fitzhugh Commission has recommended. The Secretary of Defense says it has been in effect since May of this year.

Mr. MILLER. I think the Senator has publicly praised the Secretary of Defense for this innovation.

Mr. PROXMIRE. I do that right now. I think he is a fine and able man.

Mr. MILLER. This being so, it seems to me that we ought, with the cognizance of the committees, to let the Secretary of Defense go ahead on this and see how he does.

Mr. PROXMIRE. We ought to make the committees cognizant. He says the milestone concept has been in effect for some time. In a press conference on July 27 at San Clemente, Secretary Laird said this in answer to the question:

> Mr. Secretary, what is this fly-before-you-buy procedure?
>
> Secretary LAIRD. Fly before you buy, is a characterization of the kind of procurement policies that we will be following in this administration.

This is exactly what this amendment provides—that we follow this principle, and to the extent that they do not, they can depart from it at any time they wish, but let us know, so that we are in a position to make the decision responsibly and in an informed way.

Mr. MILLER. May I suggest this to the Senator: It seems to me that if his amendment would call for a report by the Secretary on any new expensive weapon system which would detail the methodology being followed under this new program and let it go at that, have it submitted to the two committees, then his amendment would be much more workable and acceptable. The Senator has made a record on the floor of the Senate, and he can do this under such an amendment, in dictating what he had in mind, but not tying it into the law, putting into the law the requirement that the report be furnished, but not getting into this massive detail. That is the usual procedure we follow, rather than putting all this detail into a law. So that the intention of Congress is reflected in that committee report. As the Senator well knows, the agencies pay a great deal of attention to the language in the committee reports, even to the extent of putting out regulations based upon them.

I think that what is objectionable in this amendment is that we are getting too specific and detailed in a law. So far as having them furnish a report to the committee with respect to weapons systems is concerned and letting it go at that, I think the Senator has a good point. I would suggest that in the normal course of events such a report should be submitted in one form or another to the committee, and in many cases it is. In fact, offhand, I cannot think of any situation in which there has not been such a report; because, unless such information is furnished the committee, they are not going to act.

But if the Senator wants to write into the law a requirement for a report without getting into all this detail, I, for one, would think that he would have a much more acceptable amendment.

I ask the Senator, since the Senate will not vote on this amendment until next Monday, whether he would think about this over the weekend, because I think the Senator from Wisconsin and the Senator from Mississippi are very close on their objectives. I would not like to see people of the same viewpoint depart over the specific language of an amendment if that can be avoided.

I think the Senator from Wisconsin understands that if he and I were on the Appropriations Committee and we were on this item right now, we might well agree that the bill be changed to require a report, and then in the committee report we would set forth in detail some of the things we had in mind.

Mr. PROXMIRE. The Senator from Iowa is very helpful, and I think this is a very interesting suggestion. I do think, however, that unless we provide some kind of specific detail, it would be very hard to be assured of a useful report.

I wonder whether the Senator would cosponsor an amendment requiring an annual report to the committee showing that "fly-before-you-buy" is being used in weapons systems over $100 million.

Mr. MILLER. Offhand, the Senator from Iowa would react favorably to such an amendment. Actually, what I had in mind was not necessarily an annual report. I was going to go further than that and suggest a report covering each major weapons system.

Mr. PROXMIRE. That is what I have in mind in my amendment.

Mr. MILLER. The Senator talks about an annual report, and I can understand how that would require just one report; whereas, what I had in mind might require two or three or four. I think we are talking here about relatively minor details.

But if the Senator would like to work something up along that line, the Senator from Iowa would be pleased to work with him on that, and I would hope that we might talk with the Senator from Mississippi about it. Perhaps we can get together on something that will be helpful, and there will be no need to argue about it.

Mr. PROXMIRE. I hope so. What I had in mind was that the report would contemplate that whenever they came in with a request, which is once a year, to authorize a weapon system in a procurement in the future, we would then have a report on each weapon system. That is what I asked for. It is simply saying the degree to which the Department of Defense has complied with the following conditions.

This is an attempt to spell out what "fly before you buy" means in the precise way that the Fitzhugh Commission did. I think most people agree that it was a competent commission. I think they were biased, but I think they were competent. By simply taking their own definition, it seems to me that we have an acceptable notion of what "fly before you buy" is, and something that would not be a big imposition, because it would only be required with a hundred million dollar major weapon system. Therefore, there would be relatively few reports, and it would be of great value to the Appropriations and Armed Services Committees.

Mr. MILLER. I think such information would be of substantial value to the committees.

The Senator knows that what I am getting at is that we have a requirement of a report, without specifying all the details that are going to be in it, and leave it up to the Secretary of Defense and his people to submit the report. If that report is not adequate, then we can always come back and either ask for further information or we can go to the point of legislating in greater detail.

Mr. PROXMIRE. I feel, at least once, before we get into production on these enormously expensive weapons systems, that we should be told whether the system has been tested. It is that simple, even though they can go ahead, but, we should know in advance, to spell it out in detail because the Fitzhugh way is the best way to get reports covering all the instances involved.

Mr. MILLER. By having the broad requirement of a report, supplemented by the legislative history made on the floor which can include all these things, I think the substance of what the Senator is getting at would be achieved. Thus, I would suggest to him that I do not think we should reach the point of saying there will not be any procurement unless there has been testing.

Mr. PROXMIRE. No, no. I am not saying that at all. No.

Mr. MILLER. Then I misunderstood the Senator.

Mr. PROXMIRE. I feel strongly about that. We must occasionally go ahead with procurement and production before testing is completed. But I am saying when we do that we should know they are doing it. It should be in a form that we know the kind of risk being taken, and go into it with our eyes open, because there is a great urgency to get a weapons system.

Mr. MILLER. I appreciate the Senator's response. I will be happy to try to work with him before we get to the hour of voting next Monday, in an effort to try to resolve this, so that we can get something that I would hope the Senator from Mississippi could accept.

Mr. PROXMIRE. I thank the Senator. Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 15381) to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies.

LEAVE OF ABSENCE

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be excused from attendance at the session of the Senate on Monday next, August 17, 1970.

The PRESIDING OFFICER (Mr. BAKER). Without objection, it is so ordered.

Mr. HOLLAND. I thank the Presiding Officer.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRIFFIN. Mr. President, I rise to inquire of the distinguished acting majority leader whether he will advise the Senate concerning the program for the rest of the day and the immediate future.

Mr. KENNEDY. Mr. President, I do not believe there will be any votes this afternoon. Senate agreement has been entered into and we will vote on Monday next on the Proxmire amendment at the designated time. It is the intention of the leadership to notify the membership that there will be a vote at that time, as well as the importance of such a vote, and to urge their presence in the Chamber. We are hopeful that after that amendment is considered, other amendments will be ready and available and brought up, so that we can have a productive afternoon on Monday next.

Then it is the intention of the leadership to proceed to the consideration of the veto of the fiscal 1971 education appropriations bill, which will be called up by the Senator from Washington (Mr. MAGNUSON) and the ranking Republican Member, the Senator from New Hampshire (Mr. COTTON). That debate will commence after the morning hour on Tuesday next.

It is my understanding, having talked with the Senator from Washington (Mr. MAGNUSON), that he does not believe there will be extensive debate on the veto message. However, we are not fixing any time at present. It is now the hope of the leadership to follow the recommendations made by the majority leader and get a vote on it on Tuesday.

Then we are hopeful, early Tuesday, that we can get some agreement in terms of time on the Brooke amendment and vote on it as shortly after consideration of the veto message as possible.

I would then urge, as the majority leader has urged previously, that those Members of the Senate who have amendments now at the desk, and any of those planning to have amendments, be prepared at that time for consideration. If Senators are ready with their additional amendments, and, if those who would be prepared to enter into a time agreement on their amendments would indicate accordingly to their respective leaders, we can move this forward as promptly and responsibly as we can.

Mr. GRIFFIN. Mr. President, my attention has been called to the fact that the public works appropriation bill is on the calendar. Does the acting majority leader see any prospect that we might deal with that?

Mr. KENNEDY. That would be late next week at the earliest.

Mr. GRIFFIN. I thank the Senator from Massachusetts very much.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 11 A.M. MONDAY, AUGUST 17, 1970

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order that the Senate stand in adjournment until 11 a.m. Monday.

The motion was agreed to; and (at 2 o'clock and 15 minutes p.m.) the Senate adjourned until Monday, August 17, 1970, at 11 a.m.

EXTENSIONS OF REMARKS

CAMBODIA AND LAOS BIBLIOGRAPHY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. WALDIE. Mr. Speaker, in addition to the bibliography I submitted for the Congressional Record on Vietnam, I would like to call to the attention of the House two more bibliographies concerned with both Cambodia and Laos.

These works were submitted to me by one of my constituents, Dr. Claude M. Ury of Kensington, Calif., and in substance, the books deal with the moral, economic, and political aspects of not only the war, but the indigenous cultural and historical aspects of the areas' rich heritage.

The bibliography follows:

August 19, 1970.

Dear Congressman Waldie: May I bring to your attention two additional bibliographies on Laos and Cambodia which I do hope that you will insert in the Record for the benefit of Congress and Readers of the Record?

I received numerous letters from members of Congress and teachers asking me if I could supply them with copies of the recent bibliography on Vietnam which I sent you and you inserted in the Record.

Yours most sincerely,

Claude M. Ury, Ph. D.

Cambodia: Selected Reading List

(Prepared by the staff of the Center for South/Southeast Asia Reading Rooms)

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*Smith, Roger, "Prince Norodom Sihanouk of Cambodia." _Asian Survey_. vol. 7, (June 1967), p. 353–362.

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Laos: Selected Reading List

(Prepared by the staff of the Center for South/Southeast Asia Reading Rooms)

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*Available at: Center for South/Southeast Asia Reading Rooms, University of California, 2420 Bowditch Street, Berkeley, California 94720. Phone: 642–3095, 642–3609.

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Also available at the Center for South/Southeast Asia Reading Rooms: Cambodia: Selected Reading List and Selected List on War in Vietnam.

STATUS OF THE APPROPRIATION BILLS AND CONGRESSIONAL ACTION ON THE BUDGET

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. MAHON. Mr. Speaker, with the action of the House today sustaining the President's veto of the independent offices-HUD bill significantly affecting the totals in respect to the appropriation bills for the current fiscal year 1971, I am inserting a summarization of the actions by Congress to date on the appropriation bills for 1971.

I am also including a résumé of the totals that are to appear in more detail in the more comprehensive budget "scorekeeping report" for August 13, now in preparation by the staff of the Joint Committee on Reduction of Federal Expenditures, which will be mailed to all Members the first of next week.

Recommendations on the spending side of the budget handled in the appropriation bills this session deal to some extent with supplements to fiscal 1970 but mainly with the budget for the current fiscal year 1971. A handful of items relate to fiscal 1972. But a number of actions with significant impact on the budget have been taken in bills out of the legislative committees, others are pending. All of these are reported on in the "scorekeeping report" of the joint committee staff.

THE APPROPRIATION BILLS FOR FISCAL 1971

Mr. Speaker, following is a capsule of the appropriation bill totals for the current fiscal year 1971:

THE APPROPRIATION BILLS—AT A GLANCE

[New budget obligational authority. Fiscal 1971 amounts only]

	Budget requests considered	Approved	Change, (+) or (−)
1. In the House:			
a. Subtotal, 13 bills	$68, 392, 995, 822	$67, 820, 835, 817	−$572, 160, 005
b. Deduct: Independent Office-HUD bill, veto sustained	−17, 216, 823, 500	−17, 390, 212, 300	+173. 388. 800
Net total, House bills	51, 176, 172, 322	50, 430, 623, 517	−745, 548, 805
. In the Senate:			
a. Subtotal, 6 bills	31, 553, 879, 499	34, 271, 990, 753	+2, 718, 111, 254
b. Deduct: Independent Offices-HUD bill, veto sustained in House	−17, 468, 223, 500	−18, 655, 019, 500	+1, 186, 796, 000
Net total, Senate bills	14, 085, 655, 999	15, 616, 971, 253	+1, 531, 315, 254
3. Enacted:			
a. Subtotal, 5 bills cleared Congress	23, 805, 524, 999	24, 787, 137, 220	+981, 612, 221
b. Deduct: Independent Offices-HUD bill, veto sustained	−17, 468, 223, 500	−18, 009, 525, 300	+541, 301, 800
Net total, bills enacted	6, 337, 301, 499	6, 777, 611, 920	+440, 310, 421

Note.—The House, on Aug. 13, overrode veto of education appropriation bill; totals included in "Enacted" figures.

THE APPROPRIATION BILLS FOR FISCAL 1971

IN THE HOUSE

Mr. Speaker, prior to today, the House had passed all the bills for 1971 except for Defense which is awaiting authorization.

In these bills, the House considered a total of $68.4 billion in administration budget requests; approved $67.8 billion; and made a net reduction of nearly $600 million—more precisely, $572,160,000. In reporting these bills, the Committee on Appropriations recommended a net total reduction of $919,187,000, but floor changes, both up and down, added $347,027,000 to the committee total.

The Defense appropriation bill still pending in committee involves budget requests of $68.7 billion.

IN THE SENATE

The Senate has passed six of the appropriation bills for 1971. In these bills, the Senate considered slightly over $31.5 billion in administration budget requests; approved nearly $34.3 billion; and made a net increase of $2.7 billion—more precisely, $2,718,111,000 above the related requests for new budget—obligational—authority.

CLEARED CONGRESS—ENACTED

Mr. Speaker, five of the fiscal 1971 appropriation bills have been sent to the President. He has returned two by way of veto—one overridden by the House today, one sustained by the House today.

As sent to the President, the five bills totaled $24.8 billion in new budget authority, which was, in total, $981,612,000 above the President's related budget requests of $23.8 billion.

The vetoed independent office-HUD bill involved $18 billion—a net of $541,301,000 above the related budget requests.

Omitting the independent offices-HUD bill, the veto of which the House sustained, but including the education bill, the veto of which the House overrode, the pertinent totals for the remaining four bills are: budget estimates, $6.3 billion; enacted, slightly less than $6.8 billion; a net total increase of over $400 million—more precisely, an increase of $440,310,000.

Of course, the Senate must also take action on the education bill veto before the question can be finally disposed of.

The ground rules of the continuing resolution for funding the operations with respect to agencies included in the vetoed independent offices-HUD bill are stated in House report 91–1220. In substance, the general rule is a rate not exceeding the fiscal 1970 rate or the rate permitted by the House-passed bill, whichever is lower.

Mr. Speaker, I include a tabulation showing the figures for each of the appropriation bills for fiscal 1971—both including and excluding the vetoed independent offices-HUD bill:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS, FISCAL YEAR 1971

[As to fiscal year 1971 amounts only]

Bill	Budget requests considered	Approved	Change, (+) or (−)
In the House:			
1. Legislative	$356, 043, 285	$346, 649, 230	−$9, 394, 055
2. Treasury-Post Office	3, 044, 755, 000	2, 971, 702, 000	−73, 053, 000
3. Education (veto overridden)	3, 807, 524, 000	4, 127, 114, 000	+319, 590, 000
4. Independent Offices-HUD (veto sustained)	17, 216, 823, 500	17, 390, 212, 300	+173, 388, 800
5. State-Justice-Commerce-Judiciary	3, 243, 905, 000	3, 106, 956, 500	−136, 948, 500
6. Interior	1, 610, 757, 600	1, 610, 026, 700	−730, 900
7. Transportation	2, 465, 814, 937	2, 429, 579, 937	−36, 235, 000
8. District of Columbia	109, 088, 000	108, 938, 000	−150, 000
9. Foreign Assistance	2, 876, 539, 000	2, 220, 961, 000	−655, 578, 000
10. Agriculture	7, 531, 775, 500	7, 450, 188, 150	−81, 587, 350
11. Military Construction	2, 134, 800, 000	1, 997, 037, 000	−137, 763, 000
12. Public Works-AEC	5, 263, 433, 000	5, 236, 808, 000	−26, 625, 000
13. Labor-HEW	18, 731, 737, 000	18, 824, 663, 000	+92, 926, 000
14. Defense	(68, 745, 666, 000)		
Subtotal, House bills	68, 392, 995, 822	67, 820, 835, 817	−572, 160, 005
Deduct: Independent Offices-HUD bill (veto sustained)	17, 216, 823, 500	17, 390, 212, 300	+173, 388, 800
Net total, House bills	51, 176, 172, 322	50, 430, 623, 517	−745, 548, 805
In the Senate:			
1. Legislative	$421, 414, 899	$413, 889, 653	−$7, 525, 246
2. Education	3, 966, 824, 000	4, 782, 871, 000	+816, 047, 000
3. Independent Offices-HUD	17, 468, 223, 500	18, 655, 019, 500	+1, 186, 796, 000
4. Interior	1, 839, 974, 600	1, 835, 337, 500	−4, 637, 100
5. District of Columbia	109, 088, 000	108, 938, 000	−150, 000
6. Agriculture	7, 748, 354, 500	8, 475, 935, 100	+727, 580, 600
Subtotal bills cleared Senate	31, 553, 879, 499	34, 271, 990, 753	+2, 718, 111, 254
Deduct: Independent Offices-HUD bill (veto sustained by House)	17, 468, 223, 500	18, 655, 019, 500	+1, 186, 796, 000
Net total, bills cleared Senate	14, 085, 655, 999	15, 616, 971, 253	+1, 531, 315, 254
Enacted:			
1. Education (veto overridden by House)	3, 966, 824, 000	4, 420, 145, 000	+453, 321, 000
2. Interior	1, 839, 974, 600	1, 835, 474, 700	−4, 499, 900
3. District of Columbia	109, 088, 000	108, 938, 000	−150, 000

XUM

Bill	Budget requests considered	Approved	Change, (+) or (−)
4. Independent Offices-HUD (veto sustained)	17,468,223,500	18,009,525,300	+541,301,800
5. Legislative	421,414,899	413,054,220	−8,360,679
Subtotal, bills cleared			
Congress	23,805,524,999	24,787,137,220	+981,612,221
Deduct: Independent Offices-HUD bill (veto sustained)	17,468,223,500	18,009,525,300	+541,301,800
Net total, bills enacted	6,337,301,499	6,777,611,920	+440,310,421

Prepared August 13, 1970, in the House Committee on Appropriations.

BUDGET SURPLUSES AND DEFICITS, FISCAL YEARS 1960–71

Mr. Speaker, apropos the question of budget spending in excess of budget revenues discussed in the House earlier today in connection with the veto messages, I am including here for general information a table of surpluses and deficits for each year from fiscal 1960 to fiscal 1971 as very tentatively estimated by the administration last May, under both the unified budget plan, and also on the Federal funds basis which prior to fiscal 1969 was called the "administrative budget":

BUDGET SURPLUS OR DEFICIT, 1960–1971

[In millions of dollars]

Fiscal year	Administrative budget	Unified budget
1960	+$1,224	+$269
1961	−3,856	−3,406
1962	−6,378	−7,137
1963	−6,266	−4,751
1964	−8,226	−5,922
1965	−3,435	−1,596
1966	−2,251	−3,796
1967	−9,869	−8,702
1968	−28,379	−25,161
1969	[1] −5,490	+3,236
1970 (Preliminary actual, July 28, 1970)	[1] −13,000	−2,908
1971 (estimate revised May 19, 1970)	[1] −10,000	−1,300

[1] Currently referred to as "Federal funds."

COMPREHENSIVE BUDGET SCOREKEEPING REPORT—AS OF AUGUST 13, 1970

Mr. Speaker, the more comprehensive budget "scorekeeping report" for August 13, now in preparation by the staff of the Joint Committee on Reduction of Federal Expenditures, will be available to all Members within a few days; however, the staff has extracted a summary of this "scorekeeping report" showing, to date, the net effect of all actions of the Congress, on the President's budget estimates.

The report covers not only the regular appropriation bills, but also the so-called "backdoor" appropriation bills, legislative bills authorizing spending of a mandatory nature, and legislative actions affecting the President's so-called negative spending proposals, such as postal rate increases.

The purpose of the scorekeeping report is to show how the actions or the inactions of the Congress on these many and varied pieces of the total legislative package affect the President's budget as originally submitted and as revised by him. It reports on congressional actions affecting the budget beginning with the actions of each committee as a bill is reported. It reflects—in separate columns—the actions of the House, the Senate, and final enactments by the Congress.

I include a tabulation tentatively summarizing congressional actions on these various measures affecting the President's budget estimates. It reflects the effects of congressional actions in terms of both budget authority and budget outlays.

FISCAL YEAR 1971 SCOREKEEPING REPORT AT A GLANCE—SPENDING SIDE OF BUDGET, AS OF AUG. 13, 1970

[In thousands]

	Changes from the budget					
	Budget authority [1]			Budget outlays [2]		
	House	Senate	Enacted	House	Senate	Enacted
1. Appropriation bills	−$745,549	[3] +$1,526,078	+$440,310	+$226,150	[3] +$1,114,250	+$352,550
2. Legislative bills with "backdoor" spending authorizations	+6,892,851	+224,851	+974,851			
3. Mandatory-type spending authorities in legislative bills	+418,433	+575,029	+560,011	+2,061,933	+558,529	+639,811
4. Legislation affecting proposals to reduce budget authority and outlays	+939,000	+784,000	+784,000	+934,000	+784,000	+784,000
Total (changes from the budget as of Aug. 13, 1970)	+7,504,735	+3,109,958	+2,759,172	+3,222,083	+2,456,779	+1,776,361

[1] Virtually every item under this heading is precise—exactly determinable (an exception would be the estimated effect of the postal reform bill).

[2] Virtually every item under this heading is inexact—represents a resonable approximation of the effect of actions on the spending side of the budget.

[3] Includes $5,238 reduction in budget authority and $24,000 increase in budget outlays relating to Public Works-AEC bill on the basis reported (but not proved) in the Senate August 12.

AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. ROONEY of Pennsylvania. Mr. Speaker, it gives me great pleasure to note and to have participated in the passage of House Joint Resolution 264, the equal rights amendment.

For many years, antifeminine discrimination has been rationalized as a measure designed to protect women from the treacheries of a world they were unable to cope with. Surely it has become obvious that the psychological and physiological differences that distinguish men from women are irrelevant in the matter of employment qualifications.

While I do not expect to witness a wholesale abandonment of motherhood on the part of the female sex, I applaud the action that will further emancipate those women who choose a career either before, during, after, or to the exclusion of marriage.

In any case, I feel this measure is a vital step forward in the process of insuring equal rights for all our citizens.

This is a fitting time, Mr. Speaker, to pay tribute to a woman who spent a major portion of her life fighting for women's suffrage. Mrs. Emma Guffy Miller was long revered as "Mrs. Democrat" in Pennsylvania and died on February 23, 1970, at the age of 95.

Mrs. Miller was Pennsylvania Democratic national committeewoman, from 1932 to the time of her death. Her political and Government career spanned more than 50 years and her efforts to improve the status of women gained her national headlines in the first quarter of the century.

At the 1924 Democratic Convention she became the first woman ever to receive votes for nomination for President of the United States.

A few of her national memberships and activities included:

Presidential elector in 1940 and 1944; League of Women Voters 1921–25; National Advisory Board Women Organization, National Prohibition Reform 1929–33; National Women's Party for Equal Rights Amendment, serving as first vice president 1950–70; national chairman, Distinguished Daughters of Pennsylvania; chairman of women's activities, Pennsylvania Federation Constitution Commemoration 1937–38; and president for life, National Women's Party.

Six months after Mrs. Miller's death the House of Representatives passed legislation making her life's dream a reality. As we reflect on this legislation we are reminded that this is the fulfillment of her personal dedication and political struggle.

MEDICINE FROM CONTINENT TO CONTINENT

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. ZABLOCKI. Mr. Speaker, for the past 2 years the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, of which I am chairman, has devoted itself to the study of foreign policy and international aspects of satellite communications.

In that regard, I recently was informed about a unique event held last March in which a program of medical training and information was telecast from the United States via communications satellite to 11 European cities.

The program was brought to my attention by Dr. Virgil T. DeVault, former director of the Office of International Health of the American Medical Association. Dr. DeVault participated in the telecast, together with a number of other distinguished American and European medical specialists.

The "Medicine from Continent to Continent" program was seen by some 30,000 European physicians and has been judged a successful use of a satellite telecommunications for medical education. As such, it points the way to future, regular use of intercontinental TV to bring increased knowledge and skill to medical personnel around the globe and thereby raise standards of health care for the world's people.

Because of the importance of this program, I am happy to place in the RECORD at this point a letter from Dr. DeVault explaining its scope and purpose, and other related materials:

HON. CLEMENT J. ZABLOCKI,
Chairman, Subcommittee on National Security Policy and Scientific Affairs, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: It is a pleasure for me to comply with your request for a letter describing the use of the media of satellite communications to transmit medical training and information programs. I attended the boldest of such programs on March 13, 1970. This telecast originated from the facilities of the United States National Aeronautics and Space Administration in Houston, Texas and was projected on to Eidophor screens in eleven European cities. Eidophor was introduced by CIBA eleven years ago and makes possible the projection of television pictures on a large size movie screen.

This "medicine from continent-to-continent" program was funded by CIBA, one of the six major drug companies in Switzerland. American and European medical authorities discussed current aspects of space medicine, early cancer detection and basic research as it relates to everyday medical practice.

A two-way voice transmission permitted a two and one-half hour dialogue to take place. The receiving center was Davos, Switzerland where the Eighteenth International Congress for Post-Graduate Medical Instruction organized by the College of Physicians of the German Federal Republic was in progress. From Davos, the telecast was relayed to auditoriums in Badgastein, Berlin, Berne, Bochum, Cologne, Frankfurt, Hamburg, Munich, Stuttgart, and Vienna. The program was witnessed by more than 30,000 physicians from several European countries.

This event was the product of scientific collaboration among CIBA, the German Senate for Post-Graduate Medical Instruction, which is a committee of the College of Physicians, and the German Medical Society of Chicago Education Foundation, and was the most ambitious venture of this nature to date. It was a dramatic success for the use of satellite telecommunications for international medical education.

The American dignitaries and medical specialists taking part were:

Dr. Gerald B. Dorman, President of the American Medical Association.

Dr. Charles A. Berry, Director of NASA Medical Research and Operations.

Dr. Eugene F. Lutterbeck, Assistant Professor of Radiology, Northwestern University Medical School, Chicago.

Dr. Franklin S. Alcorn, Assistant Professor of Radiology, University of Illinois College of Medicine, Chicago.

Dr. Paul H. Hollinger, Professor of Bronchoesophagology, University of Illinois College of Medicine, Chicago.

Dr. George L. Wied, Professor of Obstetrics and Gynecology, University of Chicago, Chicago.

Dr. Hans G. Clamann, Chief Scientist, Headquarters Aero-Space Medical Division, Brooks Air Force Base, San Antonio, Texas.

Our counterpart dignitaries and colleagues taking part in Europe were:

Professor Albert Schretzenmayr, President, German Senate for Post-Graduate Medical Instruction.

Professor Ernst Fromm, President of the College of Physicians of the Federal Republic of Germany and of the German Medical Council.

Professor E. H. Graul, Director of the Institute for Radiology and Nuclear Medicine, Philipps University, Marburg.

Professor P. Stoll, Director of Gynaecological Clinic, Klinikum Mannheim, University of Heidelberg.

Professor A. Sattler, former Director of the Department for Pulmonary Tuberculosis and Pulmonary Diseases, Municipal Hospital of Wien-Lainc.

Professor C. M. Gros, Director of the Central Radiological Service, Hospices civils, Strasbourg.

Professor J. P. Walter, Chief Radiologist, Strasbourg Hospital Service.

The program began at 2:00 PM in Houston (9:00 PM mid-European time) and required months of inter-continental preparation. It will be remembered as a milestone in the imaginative use of live audiovisual communication and the living exchange of information which they have made possible.

The success of the program was evidenced by the number of inquiries which expressed interest in future programs and suggested ways of expanding the principles of telecommunications to lesser developed countries and of improving medical standards worldwide.

Because this program was considered an experiment in International Medical Education via satellite telecommunications and as the material presented was highly technical, little publicity was given to this project.

I am pleased at this time to submit a copy of the program and hope that the above information will be of help to your Committee. I would be happy to meet with you or members of your Committee at any time.

Sincerely,

VIRGIL T. DEVAULT, M.D.

CIBA SPONSERS LIVE INTERCONTINENTAL SPACE MEDICAL PROGRAM

HOUSTON, TEX., March 13, 1970.—On of the boldest technical feats ever attempted in medical communications will be witnessed tonight by 30,000 European physicians.

A live telecast originating from the facilities of the U.S. National Aeronautics & Space Administration in Houston and San Antonio, Texas, will be transmitted by satellite and projected by Eidophor onto motion picture-size screens in 11 European cities.

"Medicine from Continent to Continent", sponsored by CIBA, will present American and European medical authorities discussing current aspects of space medicine, early cancer detection, and basic research in space medicine as it relates to everyday medical practice.

Video transmission and projection will be one way, from west to east. Two way voice transmission, however, will permit a two-and-a-half-hour dialogue to take place.

The receiving center will be the popular resort of Davos, Switzerland in the canton of Grisons, where the Eighteenth International Congress for Post-Graduate Medical Instruction, organized by the College of Physicians of the German Federal Republic, is in progress.

The program will be relayed and projected to auditoriums in Germany, Austria and Switzerland and will be linked by sound with Davos, thus making voice feedback possible. Those towns receiving the programs include Badgastein, Berlin, Berne, Bochum, Cologne, Frankfurt, Hamburg, Munich, Stuttgart and Vienna.

This event is a product of scientific collaboration between CIBA and the German Senate for Post-Graduate Medical Instruction, which is a committee of the College of Physicians.

The two partners have worked together on previous occasions to bring live Eidophor-projected demonstrations of medical subjects to large professional audiences, but "Medicine from Continent to Continent" is the most ambitious venture to date.

Eidophor, introduced by CIBA 11 years ago, has become the epitome of large-screen television projection in color and black-and-white. Continuous effort has been devoted to improving the original Eidophor version. There are more than 220 permanently installed projectors now in use throughout the world in studios, universities and flight training centers. The U.S. space authority, NASA, has 34 Ediophors in operation.

Among the American dignitaries taking part in the program are Dr. Gerald D. Dorman, President of the American Medical Association, and Dr. Charles A. Berry, Director of NASA Medical Research and Operations.

The colleagues with whom they will be talking in Europe are Professor Albert Schretzenmayr, President of the German Senate for Post-Graduate Medical instruction, and Professor Ernst Fromm, President of the College of Physicians of the Federal Republic of Germany and President of the German Medical Council. The presidents of the Austrian and Swiss medical associations are also participating.

The program will begin at 2:00 p.m. Houston time, (9:00 p.m. middle European time). "Medicine from Continent to Continent," after months of intercontinental preparation, will be remembered as a milestone in the imaginative use of audiovisual communications and the living exchange of information which they make possible.

The sponsor of the program, CIBA Limited of Basle, Switzerland is a world-renowned diversified chemical company supplying a variety of products such as dyestuffs, optical brighteners, pharmaceuticals, plastics, agrochemicals and photochemicals. CIBA Corporation of Summit, N.J. is the American subsidiary of the world-wide chemical firm. The U.S. operating divisions include: CIBA Pharmaceutical Company, CIBA Products Company and CIBA Agrochemical Company, all of Summit, N.J., CIBA Chemical & Dye Company, Fair Lawn, N.J., and CIBA Photochemicals, New York, N.Y.

MEDICINE FROM CONTINENT TO CONTINENT, MARCH 13, 1970

[Houston time]

13.55–14.00: Overture to the telecast. Prof. A. Schretzenmayr, President of the German Senate for Post-Graduate Medical Instruction.

14.00–14.03: Greetings form the U.S.A. Gerald D. Dorman, M.D., President of the American Medical Association.

14.03–14.05: Reply to Dr. Dorman's words of greeting. Prof. E. Fromm, President of the College of Physicians of the Federal Republic of Germany and of the German Medical Council.

Lead-in by: Prof. A. Schretzenmayr (Picture: panel inscribed "Aktuelle Weltraummedizin").

14.05–14.35: Current Aspects of Space Medicine. Charles A. Berry, M.D., Director of Medical Research and Operation, NASA Manned Spacecraft Center, Houston, Texas.

14.35–14.45: Discussion: Prof. E. H. Graul, Director of the Institute for Radiobiology and Nuclear Medicine, Philipps University, Marburg.

Lead-in by: Prof. A. Schretzenmayr (Picture: panel inscribed "Früherkennung des Krebses").

14.45–14.55: Early Cancer Detection. (a) The Role of Cytology in the Diagnosis of Cancer Today and Tomorrow, George L. Wied, M.D., Professor of Obstetrics and Gynaecology, University of Chicago, Chicago.

14.55–15.00: Discussion: Prof. P. Stoll, Director of the Gynaecological Clinic, Klinikum Mannheim, University of Heidelberg.

15.00–15.10: Early Cancer Detection. (b) Progress in the Early Detection of Lung Cancer by Endoscopy, Paul H. Hollinger, M.D., Professor of Broncho-Esophagology, University of Illinois College of Medicine, Chicago.

15.10–15.15: Discussion: Prof. A. Sattler, former Director of the Department for Pulmonary Tuberculosis and Pulmonary Diseases, Municipal Hospital of Wien-Lainz.

Lead-in by: Prof. A. Schretzenmayr.

15.15–15.25: Early Cancer Detection. (c) Mammography and Xeroradiography as Aids to the Early Recognition of Breast Cancer. Franklin S. Alcorn, M.D., Assistant Professor of Radiology, University of Illinois College of Medicine, Chicago; Eugene F. Lutterbeck, M.D., Assistant Professor of Radiology, Northwestern University Medical School, Chicago.

15.25–15.30: Discussion: Prof. C. M. Gros, Director of the Central Radiological Service, Hospices civils, Strasbourg; Prof. J. P. Walter, Chief Radiologist, Strasbourg Hospital Service.

Lead-in by: Prof. A. Schretzenmayr (Picture: panel inscribed "Weltraummedizin und Praxis").

15.30–16.05: Basic Research in Space Medicine and its Relevance to Everyday Medical Practice; Prof. Hans G. Clamann, Chief Scientist, Headquarters Aerospace Medical Division, Brooks Air Force Base, San Antonio, Texas.

16.05–16.15: Discussion: Prof. E. H. Graul.

16.15–16.28: General discussion: Prof. A. Schretzenmayr.

16.28–16.30: Closing remarks. Prof. A. Schretzenmayr.

MEDICINE FROM CONTINENT TO CONTINENT: WHO'S WHO AT THE TRANSMITTING END (IN THE ORDER OF THEIR APPEARANCE)

Gerald Dale Dorman, M.D.—President, American Medical Association: Born 1903 in Beirut, Lebanon, where father was dean of School of Medicine at the American University. Bachelor's degree from Harvard, 1925; medical degree from Columbia, 1929. Interned in surgery at St. Luke's Hospital, New York City, in 1930–31, and engaged in private practice as a surgeon until 1942. During World War II rose to lieutenant colonel on active duty; retired from the U.S. Army Reserve in 1963 with the rank of colonel, in command of the 307th General Hospital. From 1947 to 1960 medical director for employees' health in the New York Life Insurance Company. A past president of the Medical Society of the County of New York and has served as chairman of the World Medical Association Council. Was a delegate to the AMA from the Medical Society of the State of New York before his election to the Board of Trustees in 1960 and served the AMA in various capacities, among them as chairman of its Committee on Workmen's Compensation. Installed in July 1969 as the 124th President of the American Medical Association.

Eugene F. Lutterbeck, M.D.—Assistant Professor of Radiology, Northwestern University Medical School, Chicago: Born 1909 in Fuerth, Bavaria. M.D. degree: German Federal Diploma, University of Berlin, 1935; Medical Faculty of the University of Berne, 1936. After residency in surgery and radiology at the U. of Berne, became consulting radiologist at Elgin State Hospital, Illinois; at present he exercises this capacity at 17 institutions in the state. In addition to his professorship at Northwestern, has also been Professor of Radiology at Cook County Graduate School of Medicine, Chicago, since 1948. Has published 30 papers on subjects relating to his specialty, which he describes as "radiology including radium and radio-isotopes." A past president of the German Medical Society of Chicago. Among his awards are the Officers' Cross of the Order of Merit of the Federal Republic of Germany, conferred in 1962; and the Distinguished Achievement Award in recognition of outstanding services to the community, Immigrant Service League of the Travelers Aid Society, 1969.

Hans G. Clamann, M.D.—Chief Scientist, Headquarters Aerospace Medical Division, Brooks Air Force Base, San Antonio, Tex.: Born 1902 in Gross-Schwuelper, Germany. M.D. from Heidelberg University in 1929, followed by post-doctoral fellowship from the German Society for support of Sciences at the universities of Heidelberg and Wuerzburg (1930–34). Subsequently appointed Branch Chief at the Institute of Aviation Medicine, Berlin, where he designed a parasite rapid decompression chamber and a life support system for a sealed cabin with which he conducted pioneer studies on the effect of rapid decompression upon animals and men. Awarded the Lilienthal Plakette in 1939. In 1947 went to the School of Aviation Medicine, Randolph AFB, where he was assigned as a supervisory research physiologist to the Department of Physiology-Biophysics; named Chief of Department in 1959. Author or co-author of 63 papers on physiology and aerospace medicine. Areas of interest extended to metabolism in sealed cabins, life support systems (including metabolic and respiratory requirements), and studies in weightlessness. Among his numerous professional associations is membership of the International Academy of Astronautics, Paris.

Charles A. Berry, M.D.—Director of Medical Research and Operations, NASA Manned Spacecraft Center, Houston: Born 1923 in Rogers, Arkansas. Bachelor's degree from University of California, 1945; M.D. from U. of California Medical School, 1947; MPH/Cum laude from Harvard School of Public Health, 1956. Served in U.S. Air Force from 1951 to 1963 and is a lieutenant colonel in the reserve. Became Chief of the Department of Aviation Medicine at School of Aviation Medicine, Randolph Air Force Base, Texas, in 1958 and participated in selection of the original seven U.S. astronauts. Appointed Aeromedical Monitor for Project Mercury flight operations in 1959. 1959–1962: assigned to Office of the Surgeon General USAF as Chief of Flight Medicine and in July 1962 as Chief, Center Medical Operations, NASA Manned Spacecraft Center. Now one of five directors at the Center and Medical Director for the Apollo Program, a post he also held during the Gemini Program. In present capacity, responsible for planning, implementing and continually evaluating the Center's medical research and operations efforts and serving as medical spokesman and primary point of contact with the medical community. During missions he serves as Director of Medical Operations.

George L. Wied, M.D.—Professor of Obstetrics and Gynaecology, University of Chicago: Born 1921 in Carlsbad, Czechoslovakia. M.D. from Medical School of Charles University, Prague, 1945. After serving as associate chairman of the Department of Obstetrics and Gynaecology at Moabit Hospital, Free University of West Berlin, joined the faculty of the School of Medicine of the University of Chicago in 1954. Is at present The Blum-Riese Professor of Obstetrics and Gynaecology as well as professor in the Department of Pathology of that institution and Director of its School of Cytotechnology. Is also head of the Laboratory of Exfoliative Cytology at the Chicago Lying-in Hospital. An editor of numerous professional periodicals and serves as chairman or member of many committees in the field of cytology. Author or co-author of more than 130 medical papers.

Paul H. Holinger, M.D.—Professor of Bronchoesophagology, University of Illinois College of Medicine, Chicago: Born 1906 in Chicago, Illinois. B.S. from University of Chicago, 1928; M.S., 1930, and M.D., 1933, from Northwestern University. In addition to his present professorship in the Department of Otolarynology in the University of Illinois, is Attending Bronchoesophagologist and Head of Department, The Children's Memorial Hospital, Chicago and attending bronchoesophagologist at the Research & Educational Hospital, Illinois Eye and Ear Infirmary, U. of Illinois; at Presbyterian-St. Luke's Hospital, etc. Sits on numerous editorial boards, among which *Practica Oto-rhino-laryngologica* (Switzerland) and *Archiv für klinische und experimentelle Ohren-Nasen- und Kehlkopfheilkunde* (Germany). Since 1931 has authored or co-authored approx. 300 publications.

Franklin S. Alcorn, M.D.—Assistant Professor of Radiology, University of Illinois College of Medicine, Chicago: Born 1923 in New York City. Bachelor's degree from Hofstra College, 1947; M.D. from New York Medical College, 1951. Following internship and residency in radiology at Meadowbrook Hospital, Hemstead, N.Y., became attending radiologist at Presbyterian-St. Luke's Hospital, Chicago, a position he still occupies. Appointed to U. of Illinois medical faculty in 1959. Special research interests are lymphography and manmmography, on which he has prepared a number of award-winning exhibits. Has been Project Director, Mammography Training Program for Radiologists and Technologists, sponsored by the U.S. Department of Health, Education and Welfare (HEW), Cancer Control Branch, since 1966.

FILLING THE GAPS IN FEDERAL CIVIL RIGHTS LAWS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. MIKVA. Mr. Speaker, during the decade of the 1960's America took many significant steps along the road of redeeming her promises to members of minority groups. The most significant of these steps were the three monumental civil rights acts passed in 1964, 1965, and 1968. Although I was not privileged to be a Member during those years, the House Judiciary Committee on which I now serve, played a predominant role in the shaping of these important laws to guarantee human dignity.

But as great as our progress has been in enacting Federal laws to outlaw discrimination based on racial and religious discrimination, there are several significant tasks which remain undone. Today, I am introducing with a number of cosponsors two bills which I believe will go a long way toward providing full protection of the civil rights of all Americans.

The first bill would:

One, eliminate the exemption of State and local governments from the coverage of title VII of the Civil Rights Act of 1964—Equal Employment Opportunity;

Two, provide for the withholding of Federal funds from any State or local public agency found to be in noncompliance with a court order issued under title VII; and

Three, provide the Equal Employment Opportunity Commission with cease-and-desist power to enforce title VII.

Joining me in sponsoring both bills are Mr. BROWN of California, Mr. BURTON of California, Mrs. CHISHOLM, Mr. CONYERS, Mr. FRASER, Mr. ROSENTHAL, and Mr. RYAN.

The need for this bill has been amply documented in the November 1969 report of the U.S. Commission on Civil Rights entitled "For All the People . . . By All the People." Appended to my remarks today is a summary of the Commission's report as well as a staff memorandum on the bill which I am introducing to apply the equal employment opportunity protections of title VII to hiring by agencies of State and local government.

The second bill deals with the problem of access to public accommodations without discrimination or segregation on the basis of race, color, religion or national origin. Title II of the Civil Rights Act of 1964 dealt admirably with the problem of access to public accommodations on the basis of what Congress then believed to be its power under the Constitution. Since 1964, however, decisions of the Supreme Court have made clear that Congress has far broader power under the 13th amendment to the Constitution—which eliminated slavery—than was originally believed. This decision in *Jones* v. *Mayer*, 392 U.S. 409 (1968), which concluded that Congress had the power under the 13th amendment, and had intended in enacting the Civil Rights Act of 1866, to outlay discrimination in the sale of housing by a private party, provides an entirely new basis for congressional action in the area of public accommodations. Combined with the continuing power of Congress under the 14th amendment and under the Commerce Clause, *Jones* v. *Mayer* leaves little doubt that Congress can extend the protections of title II further than it did in 1964.

This second bill, then, would extend the coverage of title II to such important public facilities as barbershops, laundries, dry cleaners, funeral homes, bowling alleys, taverns, and other retail establishments. As is indicated in another letter from the U.S. Commission on Civil Rights which I am appending to my remarks, complaints about discrimination in public service establishments of this kind have been received by the Commission. Thus, in thousands of businesses serving the public throughout this Nation, citizens are still subjected to the humiliation and indignity of racial or religious discrimination. This bill would extend existing Federal law to ban discrimination in this broad range of public accommodations and facilities.

I include material furnished by the U.S. Commission on Civil Rights.

ATTACHMENT 1

UNITED STATES COMMISSION
ON CIVIL RIGHTS,
Washington, D.C., June 24, 1970.

Hon. ABNER J. MIKVA,
House of Representatives,
Washington, D.C.

DEAR MR. MIKVA: I am pleased to be able to send to you draft legislation implementing the recommendations of the report of the Commission on Civil Rights on equal employment opportunity in State and local government, For ALL The People . . . By ALL The People, as requested by your office.

The draft legislation would do the following:

1. Eliminate the exemption of State and local governments from the coverage of Title VII of the Civil Rights Act of 1964;
2. Confer on the Equal Employment Opportunity Commission the power to issue cease and desist orders to correct violations of Title VII; and
3. Provide for the withholding of Federal funds from any State or local public agency found to be in noncompliance with a court order issued under Title VII.

If you have further questions or if I can be of assistance, please contact my office.

Sincerely,

HOWARD A. GLICKSTEIN.

STAFF MEMORANDUM: STATE AND LOCAL GOVERNMENT EMPLOYMENT—PROPOSED AMENDMENTS TO TITLES VI AND VII OF THE CIVIL RIGHTS ACT OF 1964

SYNOPSIS

The proposed bill attached as appendix A is designed to implement, by amendment to the Civil Rights Act of 1964, recommendations IIA and IIB contained in the report of the U.S. Commission on Civil Rights on equal opportunity in State and local government employment, *For ALL the People . . . By ALL the People* (at pages 128–130).

Section 2 of the bill implements recommendation IIA(1), by providing for the elimination of the exemption of State and local governments from coverage under Title VII. Section 2 restates provisions of S. 2453, introduced by Senator Williams of New Jersey on June 19, 1969.

Section 3 of the bill confers cease and desist power upon the Equal Employment Opportunity Commission recommended in recommendation IIA(2). It incorporates provisions of S. 2453, modified to provide for the suspension of administrative proceedings in cases where the complainant invokes his private civil action remedy.

Sections 4(d–e) and 5 of the bill provide for the withholding of Federal funds from a State or local agency found to be in noncompliance with a court order issued under Title VII.

DISCUSSION

Coverage of State and local government

A major defect of Title VII, which Section 2 of the bill would remedy, is the exemption of State and local governmental employees from protection.

The need for this change is clear. State and local government ranks among the Nation's most important sources of employment, accounting for nearly thirteen million employees.[1] State and local governments offer a wide variety of jobs for all skill levels and in all areas of the country. This sector is growing at a rapid pace, which promises to increase if the revenue sharing and manpower training proposals presently under consideration are enacted.

The Commission's recent report, For ALL the People . . . By ALL the People, examines equal opportunity in public employment in seven separate urban areas across the country. The report finds widespread discrimination against minority group members in State, city, and suburban government. This discrimination was found to be attributable to a wide variety of discriminatory practices in hiring, placement, and promotion. Furthermore it was found that State personnel agencies have failed to monitor their own programs effectively:

"The basic finding of this report is that State and local governments have failed to fulfill their obligation to assure equal job opportunity. . . . Not only do State and local governments consciously and overtly discriminate in hiring and promoting minority group members, but they do not foster positive programs to deal with discriminatory treatment on the job."[2]

While State and local governmental employment discrimination is unlawful under the Fourteenth Amendment to the United States Constitution, an employee or potential employee can invoke this protection only by bringing a private court suit. Experience has shown that it is unrealistic to expect individuals to bear this burden. To do so, as *For ALL the People* points out, "makes compliance depend on the determination and financial ability of the victim to wage a time consuming and expensive lawsuit and his success in obtaining the evidence necessary to sustain the charge." The report goes on: "The fact that victims often are impoverished members of minority groups who are ignorant of their rights makes such a remedy even more unsuitable."

Cease and desist authority

The Commission reported in 1961 that a vicious cycle of discrimination in employment opportunities was prevalent.[3] Title VII of the Civil Rights Act of 1964—with its present limited enforcement machinery—was subsequently enacted and has functioned for five years. While the Commission strongly supported the adoption of Title VII, it has become increasingly clear that this legislation demands strengthening if it is to become effective. The Staff Director of the Civil Rights Commission appeared before the Senate Subcommittee on Labor on September 10, 1969, in support of pending legislation to strengthen Title VII. The Staff Director pointed out that the most critical defect of Title VII is its reliance upon informal methods of conciliation and persuasion to resolve charges of employment discrimination and

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Footnotes at end of article.

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its failure to grant the Equal Employment Opportunity Commission the power to impose sanctions.

The inadequacy of the EEOC's present operations is indicated by its performance during the first four years of its existence. During that time it recommended that 26,065 of the 40,000 charges filed with it be investigated. In 63% of the cases investigated the Commission found reasonable cause to believe that illegal discrimination had occurred. Conciliation was successful in less than half of those cases. The experience of the National Labor Relations Board, by contrast, suggests that one of the main advantages of granting enforcement power to a regulatory agency is the degree to which it facilitates voluntary compliance before the enforcement stage is reached. In 1967 in only 5.4% of the NLRB unfair labor practice cases closed was there issuance of a Board order; the remaining 94.6% were disposed of voluntarily. The experience of the more than thirty States enforcing fair employment laws through administrative cease and desist powers is similar. In one State, for example, 3,838 complaints were settled voluntarily while only 47 required cease and desist enforcement.

One alternative to the cease and desist mode of enforcement would be to give EEOC the power to enforce Title VII by Federal court litigation.[4] It does not seem likely, however, that this remedy would be as effective as cease and desist enforcement. Under Title VII as presently drawn, employers have concilated under the threat of private court suit, yet this has not resulted in a successful record of voluntary compliance. In addition, administrative proceedings ordinarily are less subject to delay and less burdensome for the parties than suit in Federal court. That cease and desist enforcement affords a more expeditious remedy than court suit should enhance its success in fostering voluntary compliance.

Section 3 of the proposed bill grants cease and desist powers to EEOC, incorporating sections of S. 2453. It provides that if voluntary conciliation attempts prove unsuccessful (in the view of either the Commission or the person aggrieved) the Commission shall issue a complaint and conduct a hearing—an administrative adversary proceeding—on the charge. Upon finding a violation of Title VII, the Commission shall issue an order for the respondent to cease and desist from unlawful employment practices. The order also may require the respondent to take remedial affirmative action, including reinstatement or hiring, with or without back pay. The final order of the Commission granting or denying relief is appealable to the United States Court of Appeals, and is enforceable by such court.

Finally, it should be noted that enforcement of an administrative order issued by a Federal agency against a State or local government, as provided in this section, is not subject to constitutional objection. It is well established that where a Federal administrative agency is empowered to issue cease and desist orders, and the courts to enforce them, this enforcement scheme may be directed against State or local governments. *United States* v. *City of Jackson, Mississippi*, 318 F 2d 1(5th Cir. 1963), for example, was a case in which the Interstate Commerce Commission sought enforcement of an order prohibiting the maintaining of segregated waiting rooms. Defendant City of Jackson argued that "under no circumstances can any relief be had against the City itself." The court rejected the argument:

"The Elkins Act, 49 U.S.C. 42, 43 vests jurisdiction in federal courts to issue injunctions to prevent violations of the Interstate Commerce Act. Anyone therefore who commands, induces, or causes another to violate [the Act] is subject to the court's injunctive power." (at p. 9)

The court added:

"There is no suggestion [in cases cited by the defendant City] that injunctive relief against a municipality to restrain violations of constitutional rights is improper. Indeed, such relief has long been recognized and frequently been granted in suits brought by private individuals as well as by the United States. There can be no relief except by an order binding upon the City. (at p. 11)

Private right of action

Like S. 2453, Section 3 retains the charging party's private civil remedy. H.R. 10113,[5] on the other hand, provides that the persons claiming to be aggrieved may institute civil action only if the Commission determines that no reasonable cause exists to believe the charge is true and dismisses the charge. (Sec. 2(o)). H.R. 6229 [6] and H.R. 6228,[7] provide a right of civil action arising either when the Commission dismisses the charge, or when, within one hundred eighty days after the charge is filed, the Commission has not issued a complaint, dismissed the charge, or entered into a conciliation agreement with the respondent acceptable to the Commission and the person aggrieved. (Sec. 6(1)).

Under Title VII as presently constituted, the private right of action arises within 60 or 120 days, depending on the circumstances,[8] after a charge has been filed. Section 3 of the proposed bill preserves this right of the complainant to bring a private civil action, as long as the EEOC has not earlier commenced a cease and desist proceeding in the matter by filing a complaint.

The advantages to a complainant of relying upon the administrative remedy afforded by the EEOC are considerable. The administrative remedy relieves the complainant of the expense and burden of litigating his complaint.

However, it also is essential that the private right of action be retained in cases where EEOC does not afford a prompt remedy. While, as noted above, the administrative remedy normally can be expected to produce more speedy relief, it is by no means certain that this will hold true in all cases, particularly with respect to interlocutory relief.[9]

Preservation of the private right of action is important not only with respect to guarding against unwanted delay in securing relief. Because the principal enforcement mechanism under Title VII for some time has been the private civil remedy, a significant capability in Title VII enforcement is emerging within the bar, particularly among private legal assistance groups. This resource should not be abandoned, particularly not before the EEOC's cease and desist mechanism has become fully established and proven itself.

Under present Title VII, where a private suit is filed, it may be stayed up to 60 days pending termination of the EEOC's efforts to obtain voluntary compliance (Section 706e). The proposed bill does not alter this arrangement. It is anticipated that EEOC, as at present, would continue its conciliation efforts after a private suit has been commenced, until such efforts have come to appear fruitless.

The proposed bill provides that EEOC may stay or terminate its administration proceedings once a private suit has been commenced. This would give the Commission flexibility to bring about the most effective combined use of the administrative and the civil action remedies. Where EEOC is satisfied that court suit (whether by a complainant under present Section 706(e) or by the Attorney General under present Section 707(a)) will achieve adequate adjudication of the matter, the EEOC presumably would defer to the court suit. Where the EEOC does elect to initiate a cease and desist proceeding by filing a complaint, there would be several ways it could avoid undesirable duplication of remedies with respect to a previously filed civil action. For example, EEOC could restrict the scope of the issues raised by it to issues not raised in the civil action. Alternatively, the EEOC could condition its prosecution of the cease and desist remedy—as to some or all of the issues raised in the complaint—upon the complaint foregoing his civil suit remedy.

Withholding of Federal financial assistance

Sections 4(d) and 5 of the proposed bill implement recommendation IIB by providing that where a federally assisted State or local agency has failed to comply with a court order issued under Title VII, on application by the EEOC the court may enjoin the expenditure by such government of Federal funds. The bill further provides that when such an order is issued Federal agencies shall withhold financial assistance covered by the order. The purpose of these provisions is to guard against subsidization by Federal funds of employment which is not open to all on a basis of equality.

Federal funds affect a large part of the country's work force. In addition to the millions of persons directly employed by the Federal Government, millions more are employed by recipients of Federal grants-in-aid. In large part, these recipients are State and local governments. Under these programs Congress grants assistance for specific programs which are locally administered in a manner prescribed by Congress.

In recognition of the national interest involved in the effective utilization of all available manpower, and the constitutional prohibition against governmental employment discrimination, the Federal Government has taken steps to insure that there be no discrimination with regard to its own employees or those who are employed under government contracts or federally assisted construction contracts.

By contrast, the only Federal law dealing with discrimination by recipients of Federal grants-in-aid, Title VI of the Civil Rights Act of 1964, is limited in coverage to instances of discrimination against intended beneficiaries of Federal programs. The Act prohibits employment discrimination only where employment is a primary program objective.

Under the bill's proposed amendments to Title VI and Title VII, responsibility for fund cut-off from federally assisted State and local government programs rests with the EEOC and the court in a Title VII proceeding, rather than with the funding Federal agency. This approach should help avoid unnecessary duplication of effort in the enforcement process, permitting the issue of discrimination to be adjudicated in a single forum. It should be noted that EEOC, and not a private plaintiff, is authorized to seek the fund cut-off. It is anticipated that EEOC would confer with concerned Federal program agencies in shaping any fund cut-off sought.

April 24, 1970.

FOOTNOTES

[1] U.S. Department of Labor Bulletin No. 1370–6, August, 1969.

[2] *For ALL the People . . . By ALL the People*, p. 131.

[3] *Employment*, 1961 U.S. Commission on Civil Rights Report.

[4] Proposed in S. 2806, the Administration's bill introduced by Senator Prouty on August 8, 1969.

[5] Introduced by Representative Diggs on April 15, 1969.

[6] Introduced by Representative Reid on February 5, 1969.

[7] Introduced by Representative Hawkins on February 5, 1969.

[8] Section 706(e) of the Act provides that the right to bring civil suit arises within 60 days after the charge is filed if the EEOC is unable to obtain satisfactory relief within that time. This period is extended to 120

days, however, in all states which afford effective fair employment practices enforcement machinery of their own, and to which EEOC accordingly is required to defer for a 60 day period under Section 706(b).

[9] As stated in the preceding note, the waiting period under Title VII as presently constituted generally is 60 or 120 days. Because prompt relief may be of great importance to a complainant, the waiting period for suit should not be extended beyond that now provided in Title VII. For this reason, the proposed bill does not lengthen the waiting period provided in present Title VII.

FOR ALL THE PEOPLE . . . BY ALL THE PEOPLE

(A summary of a report of the U.S. Commission on Civil Rights)

INTRODUCTION

If government is to be *for* all the people, it must be *by* all the people. This basic precept underlies this study by the U.S. Commission on Civil Rights on the status of equal opportunity in State and local government employment.

State and local government employment is growing rapidly in the number of persons employed, the range of services provided, and the occupational categories required to perform these services. In 1967, there were more than 80,000 units of State and local governments in the United States employing eight million persons. About 22,000 of these were responsible for meeting the public education needs of the Nation. More than 58,000 governmental units, employing 4.4 million persons, served all other functions of State and local government. It is with these units that the Commission's study is concerned.

These governments are in a unique position to offer employment opportunities on a scale that few other employers can match. And because government has the clear constitutional obligation to function without regard to race, color, religion, or national origin, these employers have a basic and unquestioned responsibility to provide equal employment opportunity.

Furthermore, the civil servant, in performing government's routine chores and housekeeping duties, makes many policy and administrative decisions which have a concrete and often immediate effect on the lives of the people living within the particular jurisdiction. If these decisions are to be responsive to the needs and desires of the people, then it is essential that those making them be truly representative of all segments of the population.

PATTERNS OF MILITARY GROUP EMPOYMENT IN STATE AND LOCAL GOVERNMENT

The basic finding of this study is that State and local governments have failed to fulfill their obligation to assure equal job opportunity. In many localities, minority group members are denied access to responsible government jobs and often are totally excluded from employment except in the most menial capacities. In many areas of government, minority group members are excluded almost entirely from decisionmaking positions, and, even in those instances where they hold jobs carrying higher status, these jobs usually involve work only with the problems of minority groups and tend to limit contact largely to other minority group members. Examples include managerial and professional positions in human relations commissions or in welfare agencies.

The Commission's study focused on government employment in seven major metropolitan areas—San Francisco-Oakland, Baton Rouge, Detroit, Philadelphia, Memphis, Houston, and Atlanta—representing 628 governmental units and nearly one-quarter of a million jobs. Negroes held about one-fourth of these jobs.

More than half of the Negro workers in State and local government were employed by central city governments. In San Francisco, Philadelphia, Detroit, and Memphis, Negroes held jobs equal to or in excess of their proportion of the population. In Baton Rouge and Oakland, the proportion of city jobs held by Negroes was half their proportion of the population.

In State, central county, and suburban employment, Negroes were generally employed in proportion to their populations in the northern governments surveyed but not in the southern governments. The poorest record was in the Louisiana State government, where only 3.5 percent of the noneducation jobs surveyed were held by Negroes, who made up 31.7 percent of the area population.

In every central city, except San Francisco and Oakland, Negroes held 70 percent or more of all laborer jobs. In the Southern cities—Baton Rouge, Memphis, Atlanta, and Houston—more than half of all Negro employees on their respective payrolls held such jobs. In Atlanta, where one-third of the 6,000 city jobs were held by Negroes, only 32 Negroes held white-collar positions. In only two cities—Philadelphia and Detroit—did the number of Negroes in white-collar positions come near to reflecting their proportion of the population.

Similar patterns were found in State, central county, and suburban governments. Baton Rouge and Atlanta, both State capitals, provide a significant number of State jobs. Yet there were only 23 Negroes, less than half of 1 percent, in the 4,800 white-collar State jobs in the Baton Rouge metropolitan area. In the Atlanta metropolitan area, less than 5 percent of the white-collar State jobs were held by Negroes, compared to 50 percent of the service worker jobs.

Despite the overall unfavorable occupational status of minority group members in State and local governments, they generally have better access to white-collar jobs than in private employment.

In the two metropolitan areas in which they are a significant minority—Houston and San Francisco-Oakland—Spanish Americans in public employment were more favorably distributed in white-collar jobs than Negroes but less favorably than Anglos.

Oriental Americans held a substantial number of State jobs in the San Francisco-Oakland area but were underrepresented in jobs with the cities of San Francisco and Oakland. In this metropolitan area the overall occupational status of Oriental Americans was more favorable than that of majority group employees although they tended to lag in managerial positions. (See Table 3, Page 27)

MINORITY WORKERS AND PERSONNEL SYSTEMS

The inequities in minority group employment in State and local government are caused by a variety of factors. The Commission found that State and local governments have often discriminated in hiring and promoting minority group members. Furthermore, these governments have failed to perceive the need for affirmative programs to recruit minority group members for jobs in which they are poorly represented. In addition, minority applicants frequently are subjected to a variety of screening and selection devices which bear little, if any, relation to the needs of the job, but which place them at a disadvantage in their effort to obtain government employment. There have been few efforts by State and local governments to eliminate such unequal selection devices.

RECRUITMENT

"After 300 years of rejection, it takes a certain type of person to even apply when the chances are that he will not be selected even if he is one of the most qualified."—Negro leader in Memphis—

The claim that qualified minority applicants are not available was made by many public officials in the cities surveyed. Yet very few governments had made any concerted attempts to seek out qualified minority applicants. In Baton Rouge, Atlanta, and Houston, for example, the minimal step of recruiting at the predominantly Negro colleges in the locality was rarely taken.

A few measures designed to attract minority group members have been adopted by several governments. These include advertising as an "Equal Opportunity Employer", mailing literature to predominantly Negro schools and organizations, and advertising through minority group news media. One weakness in these and other efforts made to recruit minority applicants is that the techniques have not been part of a systematic, comprehensive program but instead have been used on an *ad hoc* basis. Further, there has been no evaluation to determine if these techniques have been successful.

Despite all recruitment programs the most frequently cited means of learning about job opportunities for both whites and Negroes is the word-of-mouth referral. Because of rigid patterns of urban segregation, however, this network of communication rarely crosses racial or ethnic lines. Consequently, minority group members are least likely to learn about jobs in areas where few, if any, minorities are employed and are most likely to learn about jobs in those areas which traditionally employ minority group members. A comprehensive affirmative program to recruit minorities is essential if the patterns of employment segregation that exist in various departments and occupations in State and local government are to be broken.

Job requirements

"There is a great temptation to translate skills needed into concrete education and experience requirements arbitrarily."—Authority on Public Personnel Administration—

The most successful recruitment program is of no consequence if job requirements are unnecessarily high and unrealistic and if discrimination in the selection process eliminates capable minority group applicants.

The Commission found frequent examples of screening devices which were not valid indicators of ability to perform satisfactorily on the job. These include education and experience requirements, written and oral examinations, background and character checks, and residency and citizenship requirements. The Commission also found very little evidence that governments are reevaluating job requirements with a view toward increasing opportunities for minority group members.

In many instances education and experience requirements, set higher than necessary, eliminate minority group applicants who can actually perform the job. A Texas placement counselor recognized the problem:

"The jobs open are those requiring experienced people and minority group members just do not have the experience. It works sort of like the grandfather clause."

Written Examinations

In addition to education and experience requirements many governments require written examinations for most entry white-collar positions as well as for promotions. The written examination is a recognized handicap for many minority group members who, on the average, do not perform on such tests as well as members of the majority group. The tests used by most governments have not been validated—that is, there is no established correlation between how well an individual scores on the examination and how well he subsequently will perform on the job. When such a relationship has not been established, the written test becomes a means of discrimination against minority group members in that it eliminates from consideration, based on low examination scores, those who can actually perform the required duties of the jobs as readily and efficiently as majority group members who score higher on the examination.

Several governments have failed to recognize that tests can discriminate; others have undertaken minimum steps to improve minority test performance. These steps include providing applicants with preparatory material, increasing the time allowance, and lowering the passing score. The city of San Francisco has completely eliminated the written test for many lower level positions.

Oral Examinations

Oral examinations are frequently used in addition to, or in lieu of, written tests. The oral test seeks to measure attributes of behavior, such as poise, leadership, alertness, and speaking ability. Oral tests were the subject of considerable criticism in the northern jurisdictions studied where they were used more extensively than in the South. Because of the unavoidable element of subjectivity, the oral test can be manipulated to the detriment of minority group applicants. The charges reported to Commission staff included discrimination on the part of board members, lack of minority representatives on boards, emphasis on traits not related to the job, and the selection of board members with no experience in dealing with minority group members.

Steps have been taken by several governments to improve the performance of minority applicants on the oral examination. The State of California, for example, sends each applicant a pamphlet to prepare him for the interview. A briefing on the particular problems of minorities is given to board members who, if possible, include a minority person. In addition, the interview is tape-recorded to provide a record which can be consulted should any questions or complaints arise.

Performance Tests

A third means used to evaluate an applicant's qualifications is the performance test in which the applicant demonstrates his ability to do the actual tasks associated with the job. The Commission discovered an increasing interest in the potential which performance tests offer minority group members since they eliminate factors which may be arbitrary and irrelevant, such as verbal skills, inherent in written tests. A Detroit official stated that he believed that the only way to get equality of opportunity was through the use of performance testing. The International City Managers' Association accepts the relevance of the performance test for selection and states that: "Performance tests also make it more feasible to reduce or eliminate arbitrary minimum requirements yet assure that only qualified candidates will be placed on eligible lists."

Personnel administrators criticize the performance test primarily because it is time-consuming and expensive to administer. Nonetheless, both the State of California and the city of Philadelphia have experienced success with performance tests. A program to develop and use performance tests for a wider range of occupations was launched a few years ago by the California State Personnel Board. The board eventually increased its production and use of performance tests and found that they were more acceptable than written tests to most minority group members because they could see a direct application of the test to the job.

Arrest and Conviction Records

As part of the general background check, governments also investigate potential employees for possible police records. The use of arrest and conviction records as disqualification for public employment affects members of minority groups more adversely than the majority group. Negroes over 18 years of age, for example, are about five times more likely to have been arrested than whites. Negroes and other minorities are also more likely to have been arrested without probable cause. Information on arrests and convictions was almost always requested on the application form but very seldom was the applicant informed of the government's policy on hiring persons with police records. None of the governments surveyed automatically excluded an applicant with an arrest record from employment in nonpolice jobs. Only five jurisdictions automatically disqualified an applicant with a conviction record. However, many persons feel that the presence of the arrest and conviction question on the application discourages many minority group job seekers.

Most governments surveyed state that in evaluating an applicant with a police record, they consider such factors as age at the time, recency, frequency, type of offense, subsequent conduct, and nature of the job applied for. In most governments, however, there were few or no guidelines and supervision in implementing the stated policy concerning applicants with police records. Arrest and conviction policies which were liberal both in design and execution were reported by some jurisdictions. The San Francisco Civil Service Commission, for example, reported that 90 percent of the applicants with criminal records gained eligibility on civil service lists. The policy of the California State Personnel Board has been stated as follows:

"Persons with arrest and conviction records are entitled to receive thorough and tolerant consideration on an individual basis, taking into account the social and humane need for their rehabilitation as well as the requirements of the position for which they apply."

General Requirements

Most State and local governments studied also impose a variety of requirements on job applicants which are unrelated to the job. Examples of these are citizenship, residency, voter registration, and party affiliation. Among the jurisdictions covered by the Commission's study, citizenship requirements were a barrier only to the Spanish-speaking and Oriental aliens in California where a State statute prevents aliens from holding any State or local government job. The impact of this barrier was expressed by a Mexican construction worker:

". . . When we work on the highways, one of the requirements is that we be citizens of the United States. Why do we have to be citizens to dig a ditch or to pick up rocks? . . . My sons and my wife are all American citizens and I have to work to maintain them."

Of the 21 jurisdictions surveyed during the study's field investigation, all but five also had some form of residency requirement for public employees. However, the Commission found that residence rules, in general, present no major obstacle for minority group members who want to obtain public employment since most minority group members live in central cities where the greatest job opportunities in State and local government eixst. In communities with discriminatory housing policies, however, residency requirements necessarily prevent minority group members from gaining access to local government jobs.

Two governments—the State of Louisiana and the city of Baton Rouge—have provisos which give strong preference to registered voters. These requirements present a serious barrier to Negroes, many of whom are still disfranchised in many parts of the South. In Delaware County, Pennsylvania, party affiliation is a requirement for county jobs but has had no noticeable effect on minority group employment there.

The Probationary Period

The probationary period is the last step in the process of testing the applicant's qualifications. Although it is designed to allow employees to be easily dismissed if their performance is unsatisfactory, very few employees are ever dismissed during this period in the jurisdictions surveyed. There was also no evidence that minority group members were dismissed at a higher rate during this period.

Professional public personnel administrators recognize the "crucial importance" of the probationary period "since no job test yet devised is infallible." The probationary period, as a prolonged performance test, also offers considerable potential as a more productive selection device. By allowing personnel systems to experiment with traditional personnel techniques, the probationary period can be used to reject those who cannot satisfactorily perform the duties of the job.

Prejudiced attitudes and biased treatment

"I don't think it [desegregated washrooms] is healthy for the employees of this department. . . . There's no way they can get their mouth (sic) down on a drinking fountain."
—*Southern department official*—

Prejudiced attitudes and biased treatment of minority employees were reported in several governments. Segregated facilities, segregated work assignments, social ostracism, and lack of courtesy formed the work atmosphere for many Negro employees. Examples were numerous in both the North and South: A San Francisco department head reportedly referred to Negroes as "boys" and Orientals as "Chinamen." In Shelby County, Tennessee, a former Negro porter who was promoted to a technician position found he was not welcome at the lunch table with his white co-workers. In Detroit, it was reported that the public works department assigned workmen to crews on a segregated basis. The park commission in Memphis had integrated staffs on "integrated" playgrounds but no black recreation workers were assigned to white area playgrounds.

In Baton Rouge, a city official was asked if he would hire a Negro. His response: "Would you steal a million dollars?" The personnel director of a Georgia State Highway Department, explaining why there was no black secretarial help in the department said:

"There are no Negroes at all there. It will be a while before we do hire them. The people in the office don't want them. We are not required to hire them by the Civil Rights Act of 1964. . . . States and municipalities are excluded by the Civil Rights Act from hiring Negroes. . . . But I am sympathetic to them, I'm not opposed to hiring a nigger."

More common than these direct expressions of racial prejudice, however, were expressions of indifference to the subject of equal opportunity. Many officials felt that their responsibility was satisfied merely by avoiding specific acts of discrimination in hiring and promoting. Concern with some of the less obvious inequalities, such as excessively high qualifications or testing devices which do not fairly evaluate potential job performance, was not seen as part of the job.

A general lack of sensitivity to the reluctance of minorities to apply for jobs in governments and agencies with reputations for discrimination was evident in the South. The sentiments of the black community in Baton Rouge were expressed by a local civil rights leader:

Black people know that people at the Capitol are white. We know our place. We know we're not supposed to be there. . . . It's not a question of what's on the books—it doesn't need to be. We can get the picture in a lot of ways. . . . This fear of working in white men's jobs just permeates the State. Most Negroes are afraid of white people, afraid of working with them, and think they're inferior to them.

Promotions

"Many of the [Negro] laborers are plain darn lazy and satisfied with a laborer's salary."—Department official in Memphis.

Promotional opportunities for minority employees are critical factors in the achievement of equal employment opportunity. Minority group persons interviewed in all gov-

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ernments studied repeatedly complained of their limited access to higher level jobs and to supervisory positions.

Promotions are generally based on one or more of the following factors which present the same problems as those encountered in the initial selection process: education and experience, length of service, performance, written and oral examinations, and such subjective character traits as leadersip, personality, and cooperation.

The performance evaluation and length-of-service requirements present additional barriers to equal opportunity. The subjective nature of most performance evaluations allows for discrimination. An official of the Michigan State Civil Rights Commission said that it is quite common in Detroit for a Negro employee to get high efficiency ratings until he is eligible for promotion at which point his ratings begin to decrease. In Philadelphia, as well, two respondents charged that supervisors' evaluation were systematically lowered from "outstanding" to "satisfactory" when minority group employees became eligible for promotion.

Seniority, or length of service requirements, also limit promotional opportunities for minority group members. In areas where Negroes have been systematically excluded from employment in the past, they are not on equal footing with white employees. An Atlanta personnel official confirmed that black employees were not promoted at the same rate as whites because seniority is involved and "Negroes have not filled many jobs until recently."

Other charges of discrimination in promoting minority workers were found in several jurisdictions. In Oakland, a former consultant to the California State Fair Employment Practice Commission related an incident in which a dark skinned Mexican American had failed an oral promotion examination because of "personality and attitude." Although the FEPC ruled it was clear and conscious discrimination, the Oakland Civil Service Commission refused to reconsider the case, agreeing only to have a minority person as a member of the next oral panel.

Particularly evident in the South was the reluctance to allow Negroes to supervise whites. Personnel officials in Memphis stated that Negroes were a small minority among supervisors and that no Negroes supervised white employees. In the department of public works, for example, most of the laborers were black while most of their supervisors were white.

The merit system

"While it might be expected that city merit employment systems would answer nondiscrimination and high levels of minority worker participation in government employment, no general correlation can be made between the patterns of minority employment and the existence of such systems. . . ."—U.S. Conference of Mayors—

Although civil service merit systems generally have broadened opportunity for public service, they alone do not guarantee equal opportunity or equal treatment for minority group members.

Administrators of merit systems frequently were found to have violated the merit principle and to be practicing conscious discrimination. Many governments with merit systems, including Atlanta and Memphis, at one time maintained separate lists of eligible candidates—one white and one black.

In addition to overt discrimination, merit system structures often embody practices and procedures developed over the years which no longer meet current needs and which serve to inhibit the opportunities of minority group members. Among these are the written test and the education and experience requirements.

However, within a rigid framework, merit systems give the public administrator considerable discretion either to promote or to impede equal employment opportunity. The mechanics of the selection process, for example, lends itself to manipulation. Among the most easily manipulated are the examination "passing" score, the civil service register or list of eligibles, and the final selection procedure.

In many jurisdictions, the score which determines the eligibility of an individual for further consideration fluctuates from one test to the next according to the supply and demand of applicants. This indicates that merit system administrators can adjust their own definition of who is qualified for employment. The procedure may be used for or against minority applicants—the lower the passing score, the more minority applicants will pass the examination.

The civil service register—a list of names ranked from highest to lowest of all those who have passed the screening process—is another merit system mechanism which can be used by administrators to affect equal opportunity. There are two types of registers: a continuous register which contains the names of all eligibles from successive examination who are entered wherever they fit into the ranking, and the closed register which contains the result of one examination. Since minority candidates on the average are likely to pass with lower scores than majority candidates, their names may never be reached on the continuous register. However, the continuous register has certain advantages. It allows for an uninterrupted recruitment program and eliminates the long interval between examinations, which is found with the closed register, allowing candidates who have failed to retake the test within a short period of time. On the other hand, the closed register of long duration often enables eligible candidates with low scores to be hired if they are still available when their names are reached.

The final selection procedure, by which one candidate is selected for the job, offers considerable opportunity for manipulation to avoid hiring minority group members. In most of the 18 jurisdictions with merit systems in which interviews were conducted, at least one public official informed Commission staff that such manipulation was practiced. Even in San Francisco, where only the top name on the register is certified for consideration, officials stated that there have been instances when certain departments have left a secretarial job vacant until another department has selected the top person on the register if that person is a Negro. Other governments were said to have filled vacancies by transfer from another department to avoid hiring nonwhites.

Most governments select from among the top three candidates. In Baton Rouge, an official said that department heads have been reluctant to fill any vacancies with a black applicant when either of the other two applicants is white. A Pennsylvania official believed it was the practice of many white administrators to select a white secretary. He admitted that if given the choice he would "naturally" select a white secretary.

It is evident that the existence of a merit system alone is not a guarantee that all persons will be treated equally. The principles of merit and equal opportunity in public personnel systems are compatible but not always integral. The principles do not necessarily reflect the system in practice and the apparatus of the system is not in itself insurance that equal opportunity is a reality.

EQUAL OPPORTUNITY IN POLICE AND FIRE DEPARTMENTS

". . . the nine black policemen employed by Baton Rouge were assigned to Negro areas and were not allowed to give so much as a traffic ticket to a white person."—Negro leader in Baton Rouge—

Barriers to equal opportunity for minority group members are greater in police and fire departments than in any other area of State and local government. Many departments have only recently begun to hire minority group members. The city of Baton Rouge, for example, did not hire Negro policemen until 1963; the city of Memphis hired its first Negro fireman in 1955.

While 27 percent of all central city jobs surveyed were in police and fire departments, only 7 percent of the Negro employees were policemen. In Philadelphia, which employed proportionately more Negro policemen than any of the other central cities surveyed, 20 percent of the police force was Negro compared to 9 percent in Atlanta and less than 6 percent in the other survey cities. State police forces had an even worse record. Four States—Louisiana, Pennsylvania, Georgia, and Texas—employed no Negro Policemen in the metropolitan areas surveyed. Fire departments employed even fewer Negroes. At the time of the survey, the city of San Francisco, with more than 600 firemen, employed only one Negro fireman. In Philadelphia, Detroit, and Memphis the proportion of firemen jobs filled by Negroes was half or less than the proportion of police jobs. (See Table 4, Page 28)

In both police and fire departments, Negroes were conspicuously absent from positions above the level of patrolman or fireman. Of all the central city police departments surveyed, Oakland was the only one to have a Negro captain. In central city fire departments, only Philadelphia and Oakland had a Negro at the level of captain or above. Of the more than 2,000 sergeants and lieutenants in the eight cities surveyed, only 21 were Negroes.

Spanish Americans, similarly underrepresented, were employed in police and fire departments less than half as frequently as Anglos. In the Houston metropolitan area, there were no Spanish Americans employed by the Texas State Police Department.

The Commission found that police and fire departments have discouraged minority persons from joining their ranks by failure to recruit effectively and by permitting unequal treatment on the job, including unequal promotional opportunities, discriminatory job assignments, and harassment by fellow workers.

Many of the police departments studied have conducted vigorous recruitment programs, some of which have included specific attempts to recruit members of minority groups. For the most part these efforts have been unsuccessful. Among the obstacles to successful recruiting, mentioned by officials in many cities the Commission studied, are the tension and hostility that exist between the black community and the police department. The Michigan State Civil Rights Commission said:

"The Departments that are making the greatest headway in obtaining minority group applicants are those that have made headway in reversing their image in the minority community. . . ."

The greatest obstacle to minority hiring is the selection process. Among those Negroes who are recruited and do apply, the proportion which is finally accepted for the force is usually quite small. Proportionately more Negroes than whites are screened out by the written and oral examinations, the physical and medical examinations and, in particular, the background and character check.

The problems inherent in the written examination for police and firemen are comparable to those encountered in regular civil service examinations. Oral examinations and background investigations are also crucial areas for minority group applicants. The screening, almost always conducted by white policemen, tends to favor applicants whose background and character most closely resemble those of the investigating officer. In Detroit during one period, 49 percent of the

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Negro applicants who reached the preliminary oral examination stage were disqualified during the oral examination and background investigation, while only 22 percent of the whites were disqualified at this point.

The Michigan Civil Rights Commission characterized the screening process used by the Michigan State Police Department as one which provides several opportunities for persons harboring racial prejudice (consciously or unconsciously) to discriminate. An example was cited where seven black candidates for jobs as State troopers passed the written examination and five were eliminated during the field investigation. The Michigan Commission found that:

In at least one case, there was a serious question regarding the manner in which the applicant's credit record was evaluated by the investigating trooper. . . .

In San Francisco it was reported that police investigators were unusually meticulous during security checks of black candidates, digging into past criminal records, common law marriages, and other related matters in great detail. A case was cited in which a Negro had been rejected because of a juvenile arrest for stealing a jar of hair oil, even though he had never been convicted.

Discrimination on the job was reportedly more pervasive in police and fire departments than in other areas of government. The effect of these practices—segregated assignments, limited opportunity for promotion, hostility among co-workers—was unquestionably another significant factor in increasing the difficulty of recruiting minority group members for jobs with police and fire departments.

Segregated assignments were more prevalent in the Southern cities surveyed. In Baton Rouge, a Negro leader said that Negro policemen were assigned exclusively to Negro neighborhoods and were not allowed to issue traffic tickets to a white person. The chief of police denied the allegation, but he conceded that Negro patrol cars were limited to the Negro areas of the city. Negro policemen in Memphis were restricted to Negro areas and segregated in patrol cars until 1967. Some patrol cars now have been integrated but there were still no Negro policemen assigned to white areas at the time of the study.

Racial tension ran high between black and white policemen in many areas. A San Francisco official told of instances where white policemen used racial slurs in the presence of black policemen and where derogatory notes had been pasted on their lockers.

Working conditions in fire departments have been even more strained than those in police departments. Commission staff was told that problems in sharing facilities and equipment accompanied the integration of many fire departments. The first black fireman in San Francisco, for example, had to carry his own mattress with him when he moved from one station to another during the training period. He also had to bring his lunch because he was not allowed to use the firehouse range. During the early days of integration in Oakland, black firemen had to bring their own dinner plates while white firemen used those provided by the department. When Atlanta hired its first Negro firemen, a new fire station was built with a separate house for the 12 white officers and drivers. When Negro firemen were assigned to other stations the same number were assigned to each shift so that white firemen would not have to sleep in the same bed as black firemen.

Several of the cities surveyed hired their first black policemen and firemen in groups: for example, Memphis hired 12 Negro firemen in 1955, Baton Rouge hired six Negro policemen in 1963. If these departments had continued to recruit minority applicants with the success enjoyed during their initial year, it is likely that the number currently on the force would be substantially higher.

FEDERAL REQUIREMENTS FOR EQUAL OPPORTUNITY

Although State and local public employment is not now covered by the requirements of Title VII of the Civil Rights Act of 1964, the Federal Government does administer two policies designed to promote equal opportunities in certain programs of State and local government: (1) the Federal Standards for a Merit System of Personnel Administration, which primarily covers public assistance and State health programs, State employment and unemployment insurance programs and civil defense programs; and (2) a nondiscrimination requirement in contracts between the Department of Housing and Urban Development (HUD) and local public housing and urban renewal agencies. Neither program has been effective in providing equal opportunity for minority group members. No effective standards and guidelines have been established for an affirmative action program to correct past discriminatory practices and to increase opportunities for minorities. The limited efforts which have been made have not been successful.

The Federal merit standards

The Federal merit standards were established by statute in 1939 to improve the State administration of federally aided programs. In 1963 a prohibition against discrimination on the basis of race and national origin was added, and State regulations were required to provide for an appeal procedure in cases of alleged discrimination.

Noncompliance with the merit standards may result in (1) withdrawal of Federal funds; (2) the disallowance of a specific program expenditure; and (3) a Federal court suit seeking specific redress. Until 1968 none of these sanctions had ever been used to enforce compliance with the nondiscrimination clause. In 1968 the Department of Justice filed suit against the State of Alabama charging that it had refused to adopt explicit racial nondiscrimination regulations and that it had systematically denied employment to Negroes in the federally aided programs subject to the Federal merit standards.

The Federal merit standards do not now require an "affirmative action" program to increase employment opportunities of minorities. Because racial data are not collected for all the programs, it is difficult to measure the effects of the nondiscrimination clause. Judging from the data collected by the Commission and the limited data that are available elsewhere, however, the impact has been limited. The clause has not resulted in a reduction in the disparities nor has it significantly improved the performance of the States with the poorest records of minority employment.

Implementation of the merit standards is the responsibility of the Federal agency granting the assistance. Supervision, however, rests with the Office of State Merit Systems (OSMS) in the Department of Health, Education, and Welfare. OSMS has provided no definite procedure or written guidelines for State action either to eliminate discrimination or to increase opportunities for minority group members.

HUD contracts with local housing and urban renewal agencies

The contracts providing for Federal financial assistance to public housing and urban renewal agencies contain clauses prohibiting discrimination in local agency employment and requiring each local agency to take affirmative action to ensure equal employment opportunity. There has been no consistent and effective machinery in HUD to make the equal employment clauses effective instruments for assuring Negroes and other minority group members equal access to all jobs and equality in promotion and assignment. The provision, which provides for the filing of complaints by persons who believe they have experienced discrimination, places the burden of nondiscrimination compliance on the individual.

Violation of the HUD contract can result in (1) withholding of funds; (2) HUD's taking over a project or managing it directly (in the case of public housing); (3) a Federal court suit. Until 1968 when the Department of Justice filed suit against the Little Rock, Arkansas housing authority charging discrimination in its employment practices, none of these sanctions had been used as a result of violation of the equal employment clause.

In summary, the Federal Government has not exerted the leverage available to it through the Federal merit standards and other nondiscrimination requirements of federally assisted programs to provide equal employment opportunity in State and local government employment.

THE COMMISSION'S RECOMMENDATIONS

I. Action needed to achieve equality in state and local government employment

A. Every State and local government should adopt and maintain a program of employment equality adequate to fulfill its obligation under the equal protection clause of the 14th amendment to assure:

1. that current employment practices are nondiscriminatory; and

2. that the continuing effects of past discriminatory practices are undone.

B. Although the programs of employment equality adopted by individual State and local governments will vary widely with the particular needs and problems of each, all such programs should include the following three elements:

1. An evaluation of employment practices and employee utilization patterns adequate to show the nature and extent of barriers to equal opportunity for minorities and of any discriminatory underutilization of minorities;

2. Preparation and implementation of a program of action which is calculated:

a. to eliminate or neutralize all discriminatory barriers to equal employment opportunity; and

b. to undo any patterns of minority underutilization which have been brought about by past discrimination.

II. Methods of enforcement and assistance by the Federal Government to advance equality in employment in State and local government

A. Congress should amend Title VII of the Civil Rights Act of 1964 (1) by eliminating the exemption of State and local government from the coverage of Title VII, and (2) by conferring on the Equal Employment Opportunity Commission the power to issue cease and desist orders to correct violations of Title VII.

B. The President should seek and Congress should enact legislation authorizing the withholding of Federal funds from any State or local public agency that discriminates against any employee or applicant for employment who is or would be compensated in any part by or involved in administering the program or activity assisted by, the Federal funds.

C. Pending congressional action on Recommendation II B, the President should (1) direct the Attorney General to review each grant-in-aid statute under which Federal financial assistance is rendered to determine whether the statute gives the agency discretion to require an affirmative program of nondiscrimination in employment by recipients of funds under the program; and (2) require all Federal agencies administering statutes affording such discretion to impose such a requirement as a condition of assistance. In the event the Attorney General determines that under a particular statute the agency does not have the discretion to impose such a requirement, he should advise the President whether he has the power to

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direct the agency to do so. If the Attorney General advises the President that he lacks such power in a particular case, the President should seek appropriate legislation to amend the statute.

ELEMENTS OF AFFIRMATIVE ACTION

The first step in the program of employment equality is an assessment of needs and problems. This requires a thorough evaluation by the State or local government of the employment practices of each of its constituent agencies to determine the effect of its practices on utilization of minorities. Although the principal aim is to identify barriers to equal opportunity, the evaluation also should make note of those policies which have the positive effect of overcoming such barriers.

In order to make this assessment, and to identify patterns of minority underutilization, the State or local government will need to gather and review comprehensive information, by race and ethnic group, on employee distribution among the various agency components, job levels and locations, as well as data on referrals, applications, hires, promotions, and other personnel actions.

This initial evaluation should culminate in a written analysis of discriminatory barriers to equal employment opportunity in the State or local government, as well as an analysis of any patterns of minority underutilization which have resulted from the operation of such discriminatory barriers.

Having evaluated employment practices and assessed patterns of minority underutilization, the next step is to formulate a program which will overcome barriers to equal employment opportunity and, in addition, will bring about whatever changes in minority utilization are necessary to undo the effects of past discrimination. Where patterns of minority utilization are to be changed, the programs should include specific goals, or estimates, to be achieved within a specific period of time.

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Even in those cases where evaluation has disclosed that the present employment practices of a government, or of one of its component agencies, fully overcome all barriers to equal employment opportunity and that no pattern of discriminatorily created underutilization of minorities is present, formulation of relevant practices into a program is still desirable in order to help assure that nondiscriminatory practices continue to be followed.

Affirmative programs should be developed in a form which makes clear the obligations of each component agency of the government. Programs should be put in writing and made available upon request to public employees, minority leaders, and others with a legitimate interest in the status of minorities in public employment. Staff responsibilities for implementing the program should be allocated clearly, and employees informed of the program and of their rights, duties, and obligations under it.

The adoption of affirmative programs by State and local governments may be subject to limitations imposed by statute, State constitution, city charter, or the like, which require that certain employment policies be followed. Similar limitations may be created by the amount or terms of budgetary allocations made to governments or to their component agencies.

Questions of the right or duty of individual public agencies or officials faced with such restrictions can be resolved only on a case by case basis. However, inherent in the supremacy clause of the Constitution is the requirement that State and local governments must alter any laws, regulations, or practices which stand in the way of achieving the equality in public employment which is required by the equal protection clause of the 14th amendment.

The following is a sampling of the kind of actions which State and local governments will usually need to include in programs of employment equality.

Recruitment

a. Maintain consistent continuing communication with the State employment service and schools, colleges, community agencies, community leaders, minority organizations, publications, and other sources affording contact with potential minority applicants in the job area.

b. Thoroughly and continually inform these sources of potential minority applicants about current openings, about the government's recruiting and selection procedures, and about the positions (together with personnel specifications) for which applications may be made.

c. Inform all applicant sources, both generally and each time a specific request for referral is made, that minority applicants are welcome and that discrimination in referrals will not be tolerated.

d. Fully inform each applicant of the basis for all action taken on his or her application. Supply in detail the basis for rejection, including evaluation of tests and interviews. Suggest to rejected minority applicants possible methods for remedying disqualifying factors.

e. Make data on minority employment status available on request to employees, to minority leaders in the job area, and to others with a genuine concern in employment nondiscrimination.

f. Invite minority persons to visit State and local government facilities; explain employment opportunities and the equal opportunity program in effect.

g. Include minority persons among those who deal with persons applying for employment, with clientele, or with other members of the public, in order to communicate the fact of minority equal opportunity.

h. Coordinate the employment and placement activities of the various agencies of the State or local government, at least for the purpose of facilitating minority applications or requests for transfer. To the same end, maintain minority applications or transfer requests on an active basis for a substantial period of time.

i. Participate in Neighborhood Youth Corps, New Careers, other Federal job training or employment programs, or similar State or local programs. In connection with such programs, or otherwise, make a particular effort to design work in a way which gives rise to jobs which are suitable for minority group persons who are available for employment.

j. Independent of outside training programs, institute on-the-job training or work-study plans, in which persons are employed part-time while studying or otherwise seeking to satisfy employment requirements; this may include summertime employment for persons in school.

k. Solicit cooperation of academic and vocational schools to establish curriculums which will provide minority candidates with the skills and education necessary to fulfill manpower requirements.

Selection

a. Take steps to assure that tests used for the purpose of judging applicants are demonstrated to be valid in forecasting the job performance of minority applicants.

b. Pending validation, discontinue or modify the use of tests, minimum academic achievement, or other criteria which screen out a disproportionate number of minority applicants.

c. Do not in all cases give preference to nonminority applicants on the basis of higher performance on tests or other hiring criteria, as long as it is apparent that competing minority applicants, especially where they have waiting list seniority, are qualified to do the job.

d. Where tests are used, employ them as a guide to placement rather than as the determinant of whether an applicant is to be hired.

e. Make increased use of tests comprised of a work sample to be performed on the job.

f. Make increased use of the probationary period, affording an opportunity for on-the-job training and enabling the applicant's ability to be judged on the basis of job performance.

Placement and Promotion

a. Make available to minority applicants and to present minority employees a complete description of positions for which they may be eligible to apply.

b. In the initial placement of newly hired employees, wherever possible, place minority employees in positions or areas with low minority representation.

c. Broaden job experience and facilitate transfers of minority employees by creating a system of temporary assignments in other positions or agencies.

d. Individually appraise the promotion potential and training needs of minority employees, and take action necessary to permit advancement.

e. Announce all position openings on a basis which will bring them to the attention of minority employees and make clear that minority persons are eligible and encouraged to apply.

Discipline

a. Formulate disciplinary standards and procedures in writing, and distribute them to all employees.

b. In case of proposed disciplinary action, inform the employee of the infraction alleged and afford an opportunity for rebuttal. If the rebuttal is deemed unsatisfactory, clearly state the reasons why.

Facilities

Assure that facilities, including all work-related facilities and those used in employer-sponsored recreational or similar activities, are not subject to segregated use, whether by official policy or by employee practice.

In addition to the above actions, there is a need for a continuing review of employment practices and of their effect upon minority group persons. Such a review requires the regular collection and evaluation of data on employee distribution and personal actions.

These data afford an important measure of the effectiveness of steps taken to overcome barriers to minority employment by showing the actual impact of employment practices on minorities; the data may also indicate points at which changes are needed in the affirmative program to make it more effective. Similarly, where patterns of minority underutilization which arose from past discrimination are being corrected, comparative racial and ethnic data show the extent to which required changes in minority utilization are in fact being made.

Like the affirmative program itself, current data on minority employment should be made available to persons and groups with a legitimate interest in the status of minorities in public employment.

The following are illustrations of the steps necessary for an effective continuing review by State and local governments of their employment practices and of the status of minorities in employment.

a. Maintain records containing for the period covered, (and indicating nonminority-minority classifications and the positions involved), complete data on inquiries, applications, hires, rejections, promotions, terminations, and other personnel actions, as well as data as of the end of the period, (by nonminority-minority classification), on employee distribution within the work force.

b. Maintain on file for a reasonable period of time, (with nonminority-minority classification), a file on each applicant (including those listed on a civil service register) adequate to document the specific grounds for rejection or passing over of the applicant.

c. Maintain a record (with nonminority-minority classification), of applicants by job source, to facilitate review of the impact of each source upon minority utilization.

d. Where there are a substantial number of separate components within the State or local government, make periodic inspection and review of employment practices and minority status in the various component agencies.

e. Regularly interview minority employees upon termination to determine whether discriminatory acts or policies played a role in the termination.

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C.

Hon. ABNER J. MIKVA,
House of Representatives,
Washington, D.C.

DEAR MR. MIKVA: This is in further response to your letter of April 20, 1970, addressed to the Chairman of the Commission in which you request the Commission's view respecting the advisability of amending Title II of the Civil Rights Act of 1964 (42 U.S.C. § 2000a) to cover many establishments not now covered by the Act.

Since the Civil Rights Act of 1964 became effective in July 1964, the Commission has received complaints regarding a number of types of public accommodations not covered by the Act, including bars, taverns, barbershops, funeral homes, bowling alleys, laundries, dry cleaners and other retail establishments. Between January 1, 1966, and April 3, 1970, the Commission received 28 complaints against businesses which serve the public but which are not covered by the Act. A summary of the complaints received is attached to this letter as Attachment A. I am also enclosing copies (Attachment B) of several letters we have received complaining of racial discrimination by facilities not covered by the Act. In response to our inquiry, the Civil Rights Division of the Justice Department indicates that it does not have statistics on the number of public accommodations cases that were not prosecuted because the facilities were not covered by the Act.

In a recent case the Supreme Court has broadened the coverage of Title II so that now it would be construed to cover many establishments not previously thought to be covered. In *Daniel* v. *Paul,* 395 U.S. 298 (1969), the Court held that the Lake Nixon recreation area near Little Rock, Arkansas was covered by Title II.

In the course of that decision the Court held that recreational facilities are covered by Title II as a "place of entertainment" even though the patrons are not entertained as spectators or listeners but directly participate in the recreational activities. The Court found that an establishment affects commerce as defined under the Act even if the source of the entertainment is mechanical. Thus, the operations of the recreation area affected commerce because the club's juke box was manufactured outside the State and played records from outside the State. As a result of this decision, we have been advised that the Justice Department will now bring suits against bars and taverns and other places of entertainment that have a juke box or pin ball machine in the establishment. Prior to the *Daniel* decision, these suits would not have been brought.

However, despite the fact that the courts have taken a broad view of Title II, there are still a number of establishments not covered by the existing language of the Act. Therefore, we are transmitting draft legislation based on the current act and a model anti-discrimination statute found in a booklet entitled, *The Model Anti-Discrimination Act* (1966), (Attachment C). The recommended language provides an all inclusive definition of "public accommodations" that would necessarily include every type of establishment open to the public. It would end the limited list approach adopted in 1964 and would cover a number of establishments not covered by the present law even with the expanded definition of places and sources of entertainment.

The suggested legislation is based both on Congress' power under the Commerce clause and the State action requirement of the Fourteenth Amendment as is Title II of the Civil Rights Act of 1964. In addition, it may be argued that the Thirteenth Amendment to the Constitution would provide authority for an expanded public accommodations act. The Thirteenth Amendment states:

"Section 1. Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted, shall exist in the United States, or any place subject to their jurisdiction.

"Section 2. Congress shall have the power to enforce this article by appropriate legislation."

In the *Civil Rights Cases,* 109 U.S. 3 (1883), the Supreme Court concluded that while the Thirteenth Amendment authorized Congress to eradicate the last vestiges and incidents of slavery and secure to all citizens certain rights such as the right to make and enforce contracts, purchase, lease, sell and convey property, it would not apply the amendment to every act of discrimination including discrimination in public accommodations. At that time, the Court did not hold that denial of access to places of public accommodation could be "justly regarded as imposing any badge of slavery or servitude upon the applicant." 109 U.S. at 24.

In 1968 the Supreme Court in the *Jones* v. *Mayer* case, 392 U.S. 409 (1968) concluded that the Civil Rights Act of 1866 outlawed discrimination in the sale of housing by a private party. Congress' power to outlaw this type of discrimination was based, according to the Court, on the Thirteenth Amendment. In the course of its opinion, the Court noted that in the *Civil Rights Cases* the Court had taken a different position on the question of public accommodations. We think it is possible that the Court will in the future extend the "contract" doctrine of *Jones* v. *Mayer* to include access to all places of public accommodation should the question arise.

If we can be of further assistance to you in this or other matters, please call upon us.

Sincerely,

HOWARD A. GLICKSTEIN,
Staff Director.

LIST OF COMPLAINTS

The following is a list of complaints received by the U.S. Commission on Civil Rights from January 1, 1966 through April 3, 1970 against businesses which serve the public but which are not covered by the public accommodations section of the Civil Rights Act of 1964.

RECEIVED

***Bars and Taverns* (minority group persons denied service):**

Mallary Bar, Steele, Missouri, March 10, 1969.

Firestone Lounge, Memphis, Tennessee, April 7, 1969.

Olie's Lounge, Fort Worth, Texas, June 16, 1969.

Tim Buck Two Tavern, Dorsey, Maryland, April 1, 1968.

Dupree's Corner Bar, Atlanta, Georgia, April 8, 1968.

Plaza Inn, Atlanta, Georgia, April 8, 1968.

Ranger Lounge, Sidney, Montana, July 15, 1968.

Banks (these complaints relate only to general public services such as check cashing):

State National Bank, Southport, Connecticut, March 23, 1970.

Cairo Banking Company, Cairo, Georgia, April 22, 1968.

Newspapers (carry discriminatory classified employment advertising):

Raleigh News and Observer, Raleigh, N.C., January 13, 1969.

Confidential Flash, Savannah, Georgia, January 28, 1966.

Montgomery Advertiser, Montgomery, Alabama, August 15, 1966.

Birmingham News, Birmingham, Alabama, August 15, 1966.

Insurance companies (minority group persons charged higher rates or denied insurance coverage):

Atlas Insurance Agency, Sarasota, Florida, January 13, 1969.

Unnamed insurance company, Henderson, N.C., December 15, 1969.

Various insurance companies, Los Angeles, California, July 15, 1968.

Unnamed insurance company, New Orleans, La., January 30, 1967.

Williford Insurance Co., Drew, Mississippi, December 19, 1966.

Barber shops:

Avenue Barber Shop, Woodsboro, Texas (4 separate complaints received), May 19, 1969.

J. T. Mitchell Barber Shop, McMinnville, Tenn., May 8, 1967.

Gulf Gate Barber Shop, Houston, Texas, August 28, 1967.

James Haynie's Barber Shop, Munday, Texas, December 4, 1967.

Various beauty salons, Washington, D.C., September 26, 1966.

Shorty's Barber Shop, New Braunfels, Texas, October 10, 1966.

Buckhorn Barber Shop, New Braunfels, Texas, October 10, 1966.

Funeral Home: Watherford Funeral Home, San Marcos, Texas, September 23, 1968.

Dry Cleaners (advertise "white customers only"): Meadowview Cleaners, Bossier City, La., August 29, 1966.

Taxicab companies (refuse to pick up minority group passengers): Beck's Cab Co., Albany, Ga., September 26, 1966.

COMMUNITY RELATIONS COMMISSION,
Fort Worth, Tex., May 23, 1969.

Mr. J. RICHARD AVENA
U.S. Commision on Civil Rights,
San Antonio, Tex.

DEAR MR. AVENA: The Community Relations Commission of Fort Worth, has had numerous complaints filed with us alleging discrimination against Negroes in taverns and lounges.

Attached is a copy of one such complaint and a copy of the record of our efforts to negotiate, but we have been unsuccessful in resolving it. The lounge owner freely admits that he refuses service to Negroes and is unwilling to change his policy.

This is creating considerable difficulty within the community and we are very anxious to secure a policy of equal access regardless of race, color or creed. The Texas Brewers Association have also attempted unsuccessfully to obtain a change in policy.

We are referring this complaint to you for your consideration and assistance inasmuch as we do not have a local public accommodations ordinance at this time.

Sincerely yours,

ORRA G. COMPTON,
Executive Director.

PUEBLO, COLO.,
June 21, 1968.

U.S. CIVIL RIGHTS COMMISSION,
Washington, D.C.

DEAR SIRS: My husband, William W. Roybal, works for Civil Service out of the Pueblo Army Depot for Calibration Section. He travels to different army installations all over several states. Texas is one of them. My children and I visit him wherever he

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goes when we are able. Recently we were in Texas and visited the Hemisfair, Houston and Galveston, all of which we enjoyed very much. However, my reason for writing is a little unpleasant. On June 10, 1968 we were staying in Temple, Texas. I sent my children to a "Swim Park and Miniature Golf," 3615 South General Bruce Drive, Temple, Texas. They were refused the privilege of swimming, I am sure, because of their Mexican heritage. I assumed the place was a public pool since there is a big sign on the hi-way advertising the place. There are no visible signs stat- the place is private. I called the Chamber of Commerce in that city later and inquired about a public pool. This "Swim Park" was the first referred to me.

This type of incident is destructive of my efforts to teach my children democracy and equality. I habitually stress to them the importance of education for success in our nation. They take music and dancing lessons, belong to church choir, have belonged to Scouts, attend Catholic schools, etc. We give them all the opportunities possible to help them become solid citizens. It takes only one little act such as this to destroy much of what they have learned.

May I request that this situation be investigated. If a mistake has been made, may I suggest that this pool be advertised as private so that others such as myself need not experience the same unpleasant embarrassment.

Yours respectfully,
Mrs. TRINIDAD M. ROYBAL.

Please reply.

OMAHA, NEBR.,
February 23, 1969.

COMMISSIONER OF RIGHTS,
Washington, D.C.

DEAR SIR: I am typing this letter to you in regards to four brothers which I had in the service. One of my brothers was killed in Viet-Nam. I went to the funeral in Missouri. Then we were refused to be serviced in this Bar because we were "Black"! The place in which we were refused to be serviced was: Mallary Bar, 415 Maine St., Steele, Missouri.

The date in which this happened was Feb. 1, 1969 at the time of 8:30 P.M. on a Saturday.

Now I'm the sister of this man in which lived and fought for this Country and now that he is dead they make this insult on his family. I would like for you to "investigate."

Sincerely yours,
Mrs. ALICE HEGWOOD.

BREVARD COLLEGE STUDENT
GOVERNMENT ASSOCIATION,
Brevard, N.C., April 27, 1970.

DEAR SIR: We have a problem regarding the legality of the refusal in the barber shops of Brevard, N.C., to cut a black man's hair.

None of the shops are connected to any other kind of public accommodations.

If you could help us in any way concerning the legal aspects or the illegal aspects of this discrimination, we would like very much to hear from you.

Thank you for your concern.

Sincerely yours,
KEN EATON,
President, S.G.A.

DRAFT LEGISLATION AMENDING TITLE II OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. § 2000a (1964)

§ 2000a *Prohibition against discrimination or segregation in places of public accommodation—equal access.*

(a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public if its operations affect commerce, or if discrimination or segregation by it is supported by State action.

(c) By way of example, but not of limitation, "place of public accommodation" includes facilities of the following types:

(1) a facility providing service relating to travel or transportation;

(2) a barber shop, beauty shop, bath house, swimming pool, gymnasium, reducing salon, or other establishment conducted to serve the health, appearance, or physical conditions of individuals;

(3) a campsite or trailer park;

(4) a comfort station; a dispensary, clinic, hospital, convalescent home, or other institution for the infirm; a mortuary or undertaking parlor; and

(5) any establishment (A)(i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

(d) The operations of an establishment affect commerce within the meaning of this subchapter if it is an inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence; if it serves or offers to serve interstate travelers or a substantial portion of the food or beverages which it serves, or gasoline or other products which it sells, has moved in commerce; if it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce; and in the case of an establishment described in paragraph (5) of subsection (c) of this section, it has physically located within its premises, an establishment the operations of which affect commerce within the meaning of this subsection. For purposes of this section, "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through other State or the District of Columbia or a foreign country.

(e) Discrimination or segregation by an establishment is supported by State action within the meaning of this subchapter if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof, *or their agents;* or (3) is required or condoned by action of the State or political subdivision thereof.

(f) The provision of this subchapter shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to customers or patrons of an establishment within the scope of subsections (b) and (c) of this section.

HANOI MUST NOT CONTROL AMERICAN FOREIGN POLICY

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. LEGGETT. Mr. Speaker, a recent editorial in the Los Angeles Times brought out a point I feel cannot be overemphasized.

We must make our own foreign policy.

We must determine the right course, and set ourselves firmly upon it.

Now that we have decided to get out of Vietnam, we must decide how quickly we can safely move our troops, secure the return of the POW's, and proceed to get out. We must stop waiting for the other side to negotiate a settlement, or we will be waiting forever. We must stop letting Saigon have a veto over our actions, or Ky and Thieu will keep us there forever.

The three conditions of withdrawal set forth by President Nixon—the level of the fighting, the success of Vietnamization, and the progress of the negotiations—are all dependent on what the Vietnamese do. This will never work. The only way we are ever going to get out will be to resolutely decide to get out, and leave Vietnam to the Vietnamese.

I insert the editorial entitled "The Best Way Out of Vietnam," from the Los Angeles Times of July 20, 1970, in the RECORD at this point:

THE BEST WAY OUT OF VIETNAM

Issue: Are the current arguments in the administration really to the point of how best to get the U.S. out of Vietnam?

The recent public differences between the White House and Secretary of State William P. Rogers illustrate one of the reasons we believe that the Administration is not taking the surest road out of Vietnam.

The disagreements, now partly papered over by Rogers, were over the Communists' willingness to negotiate at Paris, and the effect of the Americans' Cambodian operation on the talks.

Rogers, who had evidently opposed the Cambodian venture, first appeared to be saying last week that the decision to send American troops into Cambodia made the North Vietnamese and the Viet Cong even less willing to negotiate than they had been before.

We are inclined to agree, but be that as it may, Rogers came around under White House prodding and said later that while the long-term prospects for peace had not been damaged by Cambodia, the other side, "probably because of Cambodia," will not even respond to American overtures for another month or so.

This quick footwork put Rogers in step with the White House, which apparently believes that the Communists will not respond with a yes or no to the new American overtures until the summer is past.

Who doesn't hope their answer will be yes?

One can imagine a series of events in which the North Vietnamese, lured by hints of American concessions on the one hand and pressed by the Soviet Union on the other, would enter into serious talks, perhaps linked to a conference on all Indochina. Such an outcome is what the Administration hopes for. American officials show keen interest in the latest wraith of a hint, by

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> way of India, that the Russians want a conference.
>
> But past history and current events lead us to think Rogers was right when he said that prospects for a negotiated end to the war are dim "because the enemy doesn't show any interest in wanting to end the war."
>
> The trouble with the Administration's current policy is that it rests upon hopes for negotiations. Which is to say it rests upon the willingness of the other side to negotiate. Which is to say the Administration's policy leaves the rate of American withdrawal to the Communists.
>
> Believing that for reasons both foreign and domestic it is urgently necessary for the United States to get out of Vietnam as fast as possible, we believe the United States should take wholly into its own hands the power of decision over the rate of withdrawal.
>
> The President can accomplish this end by publicly announcing his determination to withdraw all American forces from South Vietnam in the next year and a half.
>
> The withdrawal of the United States from Vietnam then would depend no longer upon decisions made in Hanoi.

FREEDOM CAN BE ALL OR NOTHING

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. FOREMAN. Mr. Speaker, to bring to mind to my colleagues, I should like to take this opportunity to comment on the August 21, 1968, invasion of Czechoslovakia. Let us not forget these people and their plight. Let us recognize the continued threat of Communist takeover and decay—both from without by force, and from within by complacency.

As we will be in recess next week, I hope all of us will, on August 21, 1970, bear in mind the words of our great General MacArthur, "Freedom can be all or nothing."

A quarter century and more has passed since Gov. Alfred E. Smith took his famous walk out of the Democratic Party, but his speech in 1936 sounds now as if it could be given today.

Governor Smith said on a January night in Washington:

> Let me give this solemn warning, there can be only one capital, Washington or Moscow! There can be only one atmosphere of government, the clear, pure, fresh air of free America, or the foul breath of communistic Russia.
>
> There can be only one flag, the Stars and Stripes, or the Red Flag of the Godless Union of the Soviet. There can be only one national anthem: The Star-Spangled Banner or the Internationale. There can be only one victor!"
>
> What has happened to the disciples of Jefferson and Jackson and Cleveland? There is only on thing we can do. We can either take on the mantle of hypocrisy or we can take a walk, and we will probably do the latter.

And take a walk, Al Smith did. His life-long party affiliation has prevented an open break. But, he told his friends, the steady movement of our country toward the left was too great not to be opposed now.

So spoke my mind and type of politician. I wish we had more men in government today who believed and thought and worked like Al Smith did.

Norman Thomas, three times defeated Socialist Party candidate for the Presidency, said the American people would never accept the Socialist Party platform, but, bit by bit, they have embraced it under other labels until they have even surpassed the original goals. Nikita Khrushchev, after his visit to the United States, said:

> When I was in America I told the people their grandchildren would be living under a red flag. What I didn't tell them was that they would hoist that red flag over themselves, but that they would call it something else.

HORTON SALUTES CHIEF CARLTON L. FITCH OF BRIGHTON POLICE UPON RETIREMENT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. HORTON. Mr. Speaker, it is always a pleasure to congratulate a man for a job well done, but when that job is terminating and the man is going into retirement, the congratulations are tempered somewhat with regrets at his leaving.

When that gentleman is an outstanding police officer, it is with even more mixed emotions that we see him go.

The man to whom I refer is Carlton L. Fitch, chief of the Brighton Police. I have known Carlton for many years and know him to be a most outstanding law enforcement officer, a truly splendid gentleman and a real friend to all who come in contact with him. Yes, I think, even those who have had cause to be arrested by Chief Fitch down through the years, would agree he is a fine man and very fair in his treatment of all.

Carleton has served with the Brighton Police Force for 28 years, the last 10 as chief. He has seen the community prosper and grow, and he has seen the police force expand from six men when he started, to a well organized, highly skilled force of 33 men now.

He has been shot at a few times, he has had to take part in chases of law violators at speeds of greater than 100 miles an hour, he has saved several lives, he has had to engage in rough and tumble arrests, and by the same token, he has used highly scientific methods of police skills in solving some very complex cases. Carlton is truly a police officer who has come up through the ranks to reach the top, and all the while he has gained the respect and admiration of the entire area.

Chief Fitch has now reached the age of 65 years and retirement. There will be another fine man to take his place as head of the Brighton force, but Carlton will be greatly missed. As he steps down and into retirement he has no intention of becoming inactive. He will carry on his work of helping others, which up until now has been only part time. He will now be able to devote more time to helping a fine group from the Rochester inner city, the Full Gospel Church of Joseph Avenue, in the building of their "Miracle Village" near Sodus in Wayne County. The church, the village, and Carlton's beloved Brighton are all within the 36th Congressional District of New York which I have the honor to represent in the Congress, so naturally I have a tremendous personal interest in all of this.

Recently the Brighton-Pittsford Post ran a feature story on the then imminent retirement of Chief Fitch. It was authored by Jeffery Parnall and gives some highly interesting facts and background on Chief Carlton L. Fitch. I would like to share it now with my colleagues so that they, too, may know more about this outstanding fine man:

> FOR CHIEF FITCH, "A SECLUDED LIFE"
>
> (By Jeffery Parnall)
>
> When Brighton Police Chief Carlton L. Fitch retires next week, he will move to an isolated "swiss chalet-type house" that he built himself, because he likes "the secluded life."
>
> "I guess I've seen too many people and their problems," the chief said.
>
> With the Brighton force for 28 years, the last 10 as chief, Fitch said, "What I like about the job is doing things for other people, but sometimes you need a place to get away."
>
> Silver-haired at 65, the chief has penetrating blue eyes and a face with many lines of worry, but he smiles easily and often.
>
> "You should retire at 65 and let the younger men have a chance to come up," he said in an interview this week.
>
> A journeyman in carpentry at age 20, Fitch in his younger days helped build 400 to 500 houses in the Brighton area as a building sub-contractor and built the home next to Camp Beechwood on Lake Ontario in Wayne County, where he will retire.
>
> Fitch joined the force as a constable in 1942 because "building was down during the war. I didn't want to work in a factory, and I guess I had it in the back of my mind that I wanted to do police work."
>
> "Back then, there were six men on the force and if you could breathe and felt warm, you were hired," the Chief said, smiling. "The job didn't require any schooling, the pay was $1,800, and we had to buy our own guns, and our duties were like those of a night watchman."
>
> "Now there are 33 highly skilled men on the force with 14 to 16 weeks' initial training at each promotion. There are in-service training refresher courses and special classes for things like judo and fingerprinting."
>
> Another change, said Fitch, has been the development of police science technology. For instance, Brighton Police got a conviction on a burglar arrested 50 times or more in the city due to a plaster cast of a tire the chief made.
>
> A resident of Brighton for most of his life, the chief said that when he built his house in 1938 at Edgewood and Warren avenues, "you could stand on the roof and see only six other houses.
>
> Deer used to walk within 30 feet of the house. People have built on every lot now."
>
> Recounting many experiences, Chief Fitch said "I've been shot at a few times." Once, after knocking on a door, someone fired a rifle through it. The man thought Fitch was a burglar.
>
> While giving chase in Brighton to a man in a stolen car the chief said casually, at 90 to 100 miles an hour, he fired a shot at the vehicle before the chase ended in Rochester.

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Years later the chief stopped the same man coincidentally at the same point where the chase had started, and the man showed Fitch something—the bullet the chief had fired years before.

"On one of my first days on the force I put some bullet holes into a stolen vehicle on the run—when the car was recovered, I can't tell you what the owner said to me."

"One time I was thrown off my motorcycle when I hit a dog by accident. I cracked three ribs and took six stitches in my elbow—still had to go to work the next day."

"Every day there is something to remember. Just a few weeks ago, when we were trying to capture a daylight burglar—a beagle puppy found him for us. The man was well hidden in the brush, out of sight of the officers—but the puppy went straight to the hiding place and started to wag its tail. We checked it out and found our man."

The chief has saved a few lives during his career including that of a fireman, unconscious from a fall, whom the chief crawled into a fire to save, and a man who panicked in a fire and was trying to save 30 suits and about 20 pairs of shoes.

"It was funny to see him trying to save them all—in the end he didn't save any," Fitch said.

Chief Fitch's main hobby is building. When he retires the Chief hopes to give more of his know-how to the Full Gospel Church of Joseph Ave. in building their "Miracle Village" near Sodus.

For his help to these people in the past and for his good record of service, the chief received from the Brighton Kiwanis Club, of which he is a member, the distinguished service award.

He also is a Shriner and a 32d degree Mason.

Many other awards also appear on the walls of the chief's Town Hall office, including one from Monroe Community College for his efforts in the formation of the police science course there. A troop of Explorer Scouts cited the chief for building a cabin cruiser for them from an old "liberty boat." One plaque honors Fitch as founder of the County Association of Chiefs of Police, including seven surrounding counties.

The chief's other hobbies include boating, feeding animals and shooting, though not at animals. "I spend about $5 weekly on bird seed," Fitch said.

Touching is the chief's affection for his deaf and blind English cocker spaniel, Windy. "I have to walk him all the time—I'm sort of his seeing-eye man," Fitch said.

Asked about the attitude of the community toward the police, Fitch said, "It's like waves in the sea. Two years ago we were often called 'pigs' and things such as that—now I think there is a strong upturn in respect for the police. People realize there is a thin line between them and the big problems and for reasons of self-preservation they respect the police."

No one has ever complained about the police budget, Fitch said. "We're hoping to expand the force by four men next week."

The best ratio of police to population is 1½ per thousand. Currently, Brighton has a ratio of about 1 per thousand.

How does Fitch feel about social problems? "I deplore drug taking—assurity of punishment not necessarily jail, is a solution to the problem. A child shouldn't go to jail for having one marijuana cigarette, but the sellers of it should. When we had the problem of the kids who burned the flag, we had them raise the flag at the Town Hall for a month."

On student unrest—"The injunction method we used at Monroe Community College is a good way to handle it—that way no one gets hurt. Publicity should also be limited."

The Vietnam War—"I figure if you elect a man for the job, you should stand by him for as long as he is in office."

Pollution—"The minimum fine for littering should be $5 to $10, up to $100, and it should be enforced. It would help if people would send letters to us when they see someone litter and we could warn the offender."

As Brighton's third police chief, Chief Fitch could not say who his successor would be. "Your guess is as good as mine," he said.

The chief and his wife, Mabel, have one son and two grandchildren.

MAHONEY TO HEAD CIVILIAN APPEALS AGENCY

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. LEGGETT. Mr. Speaker, I am pleased that the U.S. Army has decided to establish a civilian appelate review agency. This new agency, abbreviated CARA, has been in partial operation since July 1. Full operation will begin the first of the year, and the first-year funding will be $1.4 million.

CARA is designed to be as independent as possible from the regular chain of command. The main office is located in downtown Washington, not in the Pentagon. The seven field offices are located in civilian office buildings, rather than on military bases.

Under the present system, base commanders can operate with almost absolute authority. Grievance investigations, like courts-martial, are of questionable validity since the investigators, like the court-martial juries, are dependent upon the commanders for fitness reports and other considerations.

CARA will investigate complaints of discrimination, unfair adverse action and other grievances. Its investigators will be entirely independent of the local command, and will report directly to the highest authorities in Washington. It appears that justice is at last beginning to rear its head even within the Armed Forces.

One of the principal reasons for my confidence in the new agency is that it is directed by Paul Mahoney, whose efforts are largely responsible for the creation of CARA. I once had the pleasure of employing Mr. Mahoney as an associate member of my staff for 6 months, and I have the highest respect for his ability and dedication. Men of the caliber of Paul Mahoney are hard to find—they administer Government programs at their best. The Army is to be congratulated for this important action.

The Federal Times reports on the new agency as follows:

ARMY ESTABLISHES NEW CIVILIAN APPEALS AGENCY

(By Bob Williams)

WASHINGTON.—The Army Department has established a civilian appeals agency that when fully operational Jan. 1 will rule on grievance and discrimination complaints at seven offices around the world.

According to Paul Mahoney, who heads the Army Civilian Appellate Review Agency (CARA), "We have spent considerable effort in making this organization as objective as possible. We want to give employes a fair shake."

At an interview here, Mahoney said CARA field offices were purposely located away from Army posts, largely to "physically" separate them from management.

Offices in the United States were roughly placed along the lines of the numbered continental Armies, he said. Two other offices have been created in Heidelberg, Germany and Honolulu.

Since July 1, the offices have handled discrimination appeals, but Mahoney said it will not be until the first of the year that grievances are handled by trained investigators.

He said the agency has a first-year funding of $1.4 million. Its staff which numbers 74 full-time employes, represents some of the best talent the Army possesses, Mahoney asserted.

Designated as a class II facility, it has real clout, Mahoney feels. He said installation commanders "will really have to lay their reputations on the line" if they contest investigator findings.

His staff will have a three-fold mission that includes:

The responsibility to investigate discrimination complaints in this country and abroad. Staff members will make findings on the evidence they gather and prepare recommendations, including corrective action to comply with regulations and standards of the Army Department and the Civil Service Commission."

They will conduct similar full-scale probes of employe grievance and adverse action appeals. And as in the case with discrimination complaints, his staff will prepare a list of findings and recommendations to correct abuses as they occur.

Office chiefs also will keep in close touch with the "central and regional CSC offices on equal employment opportunity, grievances, appeals and related matters." They will represent the Army Department in the "field on employe complaints of discrimination and grievances and appeals."

"As things stand now, we have divided the grievance and discrimination complaint function, but I believe as we gain experience our investigators will be qualified to handle both types of reviews," said Mahoney.

He said the Army decided to create CARA because "employes generally had little faith in agency management." Under the previous system, management was "judge, jury and executioner." Mahoney added that the practice of using part-time investigators, "whose findings were not binding on installation commanders," left much to be desired.

The image his organization wishes to convey to the workforce, he said, is that we are not "a friend of management. We've got to prove our objectivity."

Investigators will have a great deal of freedom, he asserted. Most of them will be GS–13 level employes. They will possess top secret clearances which will enable them to enter just about every facility operated by the Army. They will have the authority to review records, personnel files, call witnesses, and if they decide hearings at the facility are not advisable, "my staff can arrange to have them off post, possibly at one of our field offices," Mahoney said.

He said, however, "If we cannot build credibility into this system, we will have nothing more than we had before."

One of the main advantages offered by the new system, Mahoney believes, is that the time to resolve cases will be sharply reduced. "We are aiming at 60 days, but I think this can be reduced as we gain some experience."

Many of the investigators have law degrees, Mahoney said, but he suggested that many other factors were considered when the initial selections were made. He cited

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a draft copy of the CARA manual, which says:

"The success of an investigator or examiner depends not only on how well he knows the methods and procedures of investigation, but also, to a great extent, on his own personality, attitude and character.

"In the course of his work, he will probably be called upon to interview a variety of witnesses, and he must of necessity adapt himself to changing situations as they occur. He should be politely circumspect in all his contacts. At the same time he should act with firmness and steadfastness of purpose."

Thus, a familiarity with Army, Defense Department and CSC regulations is of marked importance. "Also, investigators must possess adequate writing skills," he said.

He explained that staffers will report through their chiefs directly to him or his deputy, Dale Boundy. And Mahoney is responsible to Charles Mullaley, the Army's director of civilian personnel.

The upshot is that if serious problems arise, top officials at the Pentagon will be informed immediately. "I don't think you'll find too many persons risking their career when they realize this," Mahoney said.

He said the agency should be of real assistance to the unions, noting, "We have found that union representation is sometimes superior to that provided by management. CARA will add a new dimension of professionalism to the equation that, I think, all parties will appreciate."

His office, which was purposely removed from the Pentagon, is in Room 1013, 2nd and R Streets S.W., Washington, D.C. 20315. Mahoney and Boundy can be reached at Area Code 202-695-2807.

Office chiefs and their addresses follow:

Thomas McNeely, USACARO, Atlanta, Room 450, Citizens Trust Building, 75 Piedmont St. N.E., Atlanta, Ga. 30303. The telephone number is area code 404-363-5801.

Vernon Johnson (acting chief), USACARO, Dallas, c/o DCSPER OCP Field Representative, Room 114, Federal Building, 31 Hopkins Plaza, Baltimore, Md. 21201. Or area code 301-962-2350. Mahoney said this is a temporary location.

Vernon Bargainer, USACARO, Dallas, Room 601, Thomas Building, 1314 Wood St., Dallas, Tex. 75202.

Gil Yarchever, USACARO, Sacramento, Room 3542, Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814. Or area code 916-449-3257.

Ken Young, USACARO, St. Louis, c/o U.S. Army Administration Center, TAGO, 9700 Page Boulevard, St. Louis, Mo. 63132. This is a temporary address.

Jim Stamps, USACARO, Honolulu, Hawaiian Life Building, Room 205, 1311 Kapiolani Boulevard, Honolulu, Hawaii.

Bill Harris, USACARO Heidelberg, APO New York 09102.

PROGRESS UNDER LAW AND STUDENT VIOLENCE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. SPRINGER. Mr. Speaker, Mr. Thomas W. Samuels, a leading attorney in Decatur, Ill., has put the problem of campus unrest in its proper perspective.

In a Law Day address before the combined service clubs of Decatur, Mr. Samuels pointed out that the trouble with so many young people is that they do not know history, saying:

In their ignorance and immaturity they mistakenly believe that progress, reform and the correction of grievances can be accomplished only by rioting, violence and vandalism.

Tom Samuels may be aptly described as the elder statesman of the legal fraternity in our section of Illinois. He is a legal scholar of erudition and a keen student of current affairs. His trenchant wit enlivens his most serious discourses. His Law Day speech drew so much praise from his original audience that a local radio station later put it on the air. The station has since been flooded with requests for copies. I strongly recommend that my colleagues read his speech in its entirety:

Progress Under Law and Student Violence

The statement once made by Chief Justice Hughes, that the law is what the judges say it is, is true in a limited sense only. It certainly is not a complete definition of the law. By that statement Justice Hughes was referring, I think, to the power of the courts to interpret the law, rather than to the law itself. It is unquestionably true that where a passage in the law is unclear, the interpretation placed upon it by the courts of last resort is final. But the great bulk of the law is not unclear.

What then is the law, if it is not merely what the judges say it is, and how has it developed? Has it been responsive to human needs, and has it contributed to the reform of social ills and social injustice?

First, what is the law?

The law is that set of rules, regulations, standards and sanctions by which, with common consent, our personal relationships, business and commerce are regulated, and without which there would be utter chaos and anarchy.

One author has defined law as "the mechanism (for want of a better word) by which man has sought protection from the arbitrary despotisms of uncontrolled power; from the threat or fact of injustice to his person and to his property; from dispossession of his human and his civil rights; from the degradation that arises from social inequalities destructive of his personal significance and worth . . . and from the disruption of life by the irrational forces of passion, caprice and chance."

The law we know today has evolved slowly out of the experience and wisdom of the ages, and its evolution has kept pace (lagging sometimes behind) with the growth and needs of modern civilization.

Much of the law we know today and by which we are governed, was not the law 100 years ago, or even 50 years ago.

"At one stage of the development of our law," legal historians tell us, "a man charged with a crime was subjected to trial by fire. If he survived the ordeal, he was innocent; if not, he was guilty. That was barbarism. Cruel and excessive punishment for minor offenses at one time was the rule. Up until the middle of the fifteenth century, killing another, in self-defense, could not be pleaded as a defense in a murder case." Imprisonment for debt was a common punishment.

In 1776, one of the most notable years in the history of mankind for many reasons, Adam Smith published his "Wealth of Nations," a book long regarded by many economists as a sort of economic bible.

In this book he advocated allowing every man to pursue his own interests in his own way, with few, if any, restrictions. Every man, he said, should be permitted to bring his industry and his capital into the freest competition. In this way "only the strong and the fit would survive. Every man for himself and for himself alone."

This concept of the survival of the fittest became, and for many years was, the gospel of our economic life and was recognized by the law.

Under this philosophy:

(a) You could enslave human beings if you were strong enough;

(b) You could sell adulterated food and dangerous drugs with impunity;

(c) You could misbrand and falsely label your products;

(d) You could work your employees for unlimited hours a day and under the most unsanitary and hazardous conditions;

(e) You could work children long hours in mines and other dangerous places;

(f) You could conspire with others to fix prices. The Sherman Antitrust law was not passed for more than a hundred years after Adam Smith enunciated his *laissez faire* doctrine.

(g) You could, without fear of punishment, misrepresent what you sold; it was up to the purchaser to discover the facts. This was the doctrine of *caveat emptor* (let the purchaser beware).

"You could do all these things," it has been said, "and only the fit and the strong would survive. That was considered good economics, and it was all lawful."

But gradually we have changed all that. "We came to see," as one writer has put it, "that the ape and tiger method of the struggle for existence was not compatible with humane principles; that real progress depends not on imitating the jungle process, but in combating it. and that our efforts should be directed not so much toward survival of the fittest as toward fitting as many as possible for survival."

Under this new concept which over the years worked itself into law, we abolished slavery, enacted pure food and drug laws, abolished child labor, required safe, humane, and sanitary working conditions, imposed strong restrictions on the competitive process, recognized the basic rights of free speech, freedom of worship and all the other freedoms enumerated in the Bill of Rights of our Constitution. We substituted for the doctrine of *"caveat emptor"* (let the purchaser beware) the more enlightened doctrine of "let the seller beware." Under this new doctrine, if you are going to sell securities, for example, you had better make sure you do not misrepresent their worth or omit any information material to their worth.

Now all these great and beneficial improvements in the law and many, many others, have been brought about by peaceful and lawful means—not by violence, not by smashing windows and burning buildings, disrupting courts and flag-burning.

It is not true, as many misguided and ignorant young college students appear to believe, that the law over the years has not been responsive to human needs.

It is not true that the law has not adapted itself to the solution of new problems and new conditions.

It is not true that this country has been indifferent to the needs of the poor, the weak and the aged.

There are some well-intentioned people running around the country today telling impressionable student audiences that we are a sick and dying nation—dying from the sickness of poverty and indifference to human needs and human values.

Well, if poverty were a fatal illness we would have been dead long ago. In fact, there wouldn't be a nation alive today.

The Pilgrims who landed at Plymouth Rock knew nothing but poverty.

There was dire poverty among the Colonists.

Poverty stalked the trails of those hardy souls who crossed the mountains and prairies to settle the West.

Widespread poverty followed the Civil War.

There was poverty during and following the panics of 1873 and 1892.

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There was world-wide poverty during the depression years of the 30s.

There is poverty today—too much poverty. I don't condone it, and I am not saying that because we have always had poverty we should not be concerned about it. But I am saying that we have done something about it.

As one observer of our efforts in the field of social justice has said, "We are taking care of the poor, the aged and the sick on a scale never before dreamed of. By unemployment insurance, by Workmen's Compensation, by housing and welfare programs, by Medicare, by minimum wage legislation, by Social Security, and by support of farm prices, we have increased the material and spiritual well-being of many millions of people." And, we have done all this by law and without resort to rioting or vandalism.

We are not a sick and dying nation. We are a great and compassionate nation.

But to hear some of our young radicals—both students and professors—talk, you would think that our country is so completely indifferent to human needs and so completely rotten that it ought to be destroyed now, by violence, if necessary.

Students this week told our Legislature that campus turmoil and unrest would not cease until we do something about the social issues facing the nation. Since it didn't cost these students anything, they apparently do not realize that the American people have almost broken their backs in the cause of social justice and reform.

The fact is, there has been more social legislation—more awareness of and response to human needs in the last 50 years than in all the rest of our history, and I repeat, it has all been accomplished by lawful means.

Maybe not all of this legislation has been wise. Maybe some of it needs revision. It may be that we have placed too much emphasis on help and too little on self-help. Whether all this social legislation in the long run proves to be wise or not, it has at least been a sincere attempt to meet the needs of modern man. We have made progress and we have made it under the law and by lawful means.

True, progress has sometimes been slow, but all sound progress is slow. All sound growth, whether of nations or trees, is slow. But we have grown as a nation despite some cancerous spots on our body politic, and we have done it all under the law and by lawful means.

It is not so long ago that we burned people at the stake in this country. It has not been long since the mentally defective were objects of derision and laughter. Now we take care of them. It has not been long since lynching was a common and widely-condoned practice. The march of the human mind is slow, as Edmund Burke said, but it has marched during the short life of our republic.

The trouble with so many of our young people who believe all this talk about sickness is that they don't know history. They are not only ignorant of history, not only immature and without experience, they are, like children, impatient. In their ignorance and immaturity they mistakenly believe that progress, reform and the correction of grievances can be accomplished only by rioting, violence and vandalism.

Admittedly, there are wrongs and imbalances that remain to be corrected, but the point I am trying to make and the clear lesson of our history is, that you don't have to burn down the house because there are termites in the basement.

These impatient, ignorant and often arrogant youngsters like to talk about the "generation gap." If we oldsters were only younger and know as much as they know, we would understand the realities of life, and we would applaud their classroom boycotts, their sit-ins, their rioting and other mindless actions.

Now there is a generation gap. Obviously, there is a gap of an entire generation between the ages of 20 and 50. But the real gap—the gap they do not understand, is a gap, not merely in years, but a gap in knowledge and experience and in the practical judgment and wisdom that come only from experience and maturity. The gap they talk about is in their heads, but they don't know it. That's the real generation gap.

Maybe we oldsters are "squares."

Maybe we do believe in the old-fashioned decencies of life.

Maybe we do love our country and respect its laws and its courts.

Maybe we do believe in law and order.

Maybe we do thrill at the sight of the stars and stripes.

But at least we are not so ignorant and so incredibly stupid and naive as to think we can improve our country by tearing it down and defying its courts. Maybe we are not young enough to know everything, as James M. Barrie once said, but we are old enough to know a few things.

No people on earth enjoy greater freedom under the law—freedom of speech, of petition, of worship, and of assembly. Our rights and blessings transcend anything known in the entire history of the human race.

But the law is not all a matter of rights, as so many people seem to believe. There are definite limitations upon all our rights.

Thus, although I have the right of free speech, I do not have the right to slander my neighbor. In other words, there is a limitation on my right of free speech.

I have the right to build a fire on my premises, but not if it endangers my neighbor's house, for that would be an unlawful nuisance.

I have the right to march upon the streets, but not the right to join with others in rioting, window-smashing, rock-throwing and vandalism.

I can write as I please, but I have no right to forge your name on a check or a deed.

I have the right to drive a car, but not while intoxicated or at a high and dangerous rate of speed.

I have the right to speak, but not the right—certainly not the moral right—to cry "fire" in a crowded theatre, as Holmes once said.

I have a right to drive my fist back and forth, until it comes in contact with your nose, and then that right ends precisely where your nose begins.

"The essence of the law," someone has said, "the ideal of the law (not always attained) is justice and mutual respect for the rights of others." In the exercise and enjoyment of all our wonderful rights and freedoms for which mankind has struggled and died throughout the centuries, we must never lose sight of the fact that every right has its limitations and that every right must be measured against the rights of others.

No man exercises his rights in a vacuum, but only as a living part of society. It is an eternal truth that no man liveth unto himself. Each of us is but a single cell in that great human organism we call society, and each of us contributes to the health or disease and destruction of that organism in proportion as each of us is, or is not a sound cell in that organism.

I believe that students who destroy university property, who block the entrances to university buildings and by force prevent others from entering, who by force and violence seek to prevent and do prevent companies like Dow Chemical and General Electric from interviewing prospective employees among students, who riot and burn because they don't like the decisions of our courts, are law breakers and should be dealt with as such, promptly and vigorously.

"These young militants despise the universities for their research on the weaponry of war," as Eric Severeid has observed. "They withhold their respect for the universities' role in taming the beast in man and vastly improving his physical, material and psychic existence over the years.

"They claim they hate war, but they love their own substitute wars on campuses and elsewhere."

Some of these students are outright anarchists; some of them are Communist inspired. Some of them may be idealistic. However, the fact that they are young and idealistic and disenchanted with society as presently organized is no excuse for their senseless and unlawful acts; and those silly, muddle-headed, pusillanimous professors and administrators who can't distinguish academic freedom from academic license, who appease these young lawbreakers, negotiate with them, grant them amnesty and apologize for them, are, in my judgment, worse than the students, and deserve nothing but public contempt—and they have it.

Equally deserving of public contempt, in my opinion, are those so-called intellectuals (mostly of liberal persuasion) who profess to find idealism in the depredations against public order and decency by those left-wing militants recently involved in the bombing outrages.

I agree entirely with the New York Times which recently warned its readers that "Bombings must not be glossed over as merely the misguided actions of idealistic youth; they are the criminal acts of potential murderers."

Now, I have no quarrel with idealism. We have always been an idealistic nation, but our young idealists should be reminded, as President Henry has said, that "They are not the first idealists nor are they the first missionaries in social service or the first to dream of improvements in our social structure." Indeed, he says, "It has been theirs to reap the harvest of the efforts of many others in our history" who have dreamed of social change and who, by lawful means, have made their dream come true.

Nevertheless, many young radicals and revolutionaries, particularly the Students for a Democratic Society, contend that their fathers and grandfathers have made no meaningful contribution to the welfare of mankind; that they have succeeded only in making a mess of our society, and that it should therefore be destroyed, by violence if necessary.

Let us take a brief look at this "mess" our forefathers have created.

Mr. Eric A. Walker, President of Pennsylvania State University, drawing upon some facts gathered by Bergen Evans of Northwestern University, had this to say, in substance, to a graduating class:

"Your parents and grandparents are the people who within just five decades—1919–1969—have, by their work, increased your life expectancy by approximately 50 percent—who, while cutting the working day by a third, have more than doubled per capita output.

"These are the people who have given you a healthier world than they found, and because of this you no longer have to fear epidemic of 'flu, typhoid, smallpox, diphtheria, scarlet fever, measles or mumps that they knew in their youth, and the dread polio is no longer a medical factor, while TB is almost unheard of.

"These are the remarkable people who lived through history's greatest depression. Many of them know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you, that you would have food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeed than they had.

"Because they gave you the best, you are the tallest, heathiest, brightest, and probably the best looking generation to inhabit the land.

"Because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places and have more of a chance to follow your life's ambition.

"These are the people who fought man's greatest war. These are the people who defeated the tyranny of Hitler and who, when it was all over, had the compassion to spend billions of dollars to help their former enemies rebuild their homeland.

"And these are the people who had the sense to build the United Nations.

"It was representatives of these people who, through the highest court of the land, fought racial discrimination at every turn to begin a new era in civil rights.

"These are the people who have built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy few.

"They have made more progress by the sweat of their brows than in any previous era."

Some mess!

And, they have done it all within the framework of the law and under the protection of the law.

All I can say is: I hope those members of the present generation who, with no lack of modesty, place themselves at the knowledgeable end of the generation gap, will contribute in their lifetime one-tenth as much to the welfare of mankind as their forefathers have contributed.

"If they can make as much progress, if they can accomplish as much in as many areas as their forefathers have accomplished in just two generations, they should be able to solve a good many of the world's remaining ills.

"Maybe they can succeed, where we have failed, to find an alternative for war.

"Maybe they can find an answer to the problem of racial hatred."

This is their challenge. But they will never meet this challenge by violence and lawlessness.

Our young radicals, left-wing professors, some editorial writers and intellectual snobs like to sneer at what they call "the Establishment"—"our rotten, hypocritical establishment."

Just what is this so-called establishment that they are so eager to destroy?

I'll tell you what it is.

It's our churches, our police and fire departments, our stores and factories which produce the necessities and luxuries of life and furnish us with jobs.

It's baseball and football.

It's high school basketball.

It's our textile mills.

It's free public schools.

It's trade unions, collective bargaining, hard roads and automobiles.

It's airplanes.

It's radios and televisions.

It's pasteurized milk and unadulterated food.

It's modern farm machinery.

It's going to the moon.

It's a free press, free elections, Boy Scouts and Y.M.C.A.s.

It's our courts and our Constitution.

It's Social Security.

It's the finest telephone system in the world.

It's air conditioning.

It's the highest per capita income in the world.

It's our mounting war on pollution.

It's our hospitals, research centers, nursing homes, mental clinics, orphanages, banks and junior colleges—all developed under the law and protected by law.

In short, it is all those attainments and all those institutions, with all their flaws, that make up modern civilization and furnish us with a degree of affluence, protection, leisure, comfort and convenience such as has never before been experienced by mankind.

This is our "dirty, rotten establishment" which our radicals and left-wingers are out to destroy.

The Amercan people, the great silent majority, if you please, are fed up with these radicals and revolutionaries, these bombthrowers, anarchists, vandals and left-wingers who never miss an opportunity to downgrade our country. If they are not willing to work for reform within the framework of law, I say: let them go to some other country if they think they can find a better one, or let them go to jail, where most of them should be now.

I do not wish anyone to conclude from what I have said that I am against peaceful dissent. I am not. The right to dissent is one of our most precious heritages. We have had dissenters and healthy dissension throughout our history. In George Washington's time there were those who vigorously dissented against the war and loudly insisted that the Revolution was a tragic mistake.

There were those who dissented, almost to the point of treason, against our Civil War. They called it "Mr. Lincoln's war" and demanded that he throw in the sponge and let the South go its way. In a shouting, tumultuous, overflow peace meeting held in New York City on July 2, 1862, they adopted a resolution, amid hisses and boos at the mention of the President's name, reciting that "God never intended that we should succeed in this war." Stop it, they cried. This war between brothers is immoral. Bring the boys home now, they demanded. But Lincoln, resolutely facing the noisy dissenters of his day, stood fast. Fortunately, history has a way of reappraising the events of the day. I believe that history will reappraise the events of our time.

We should not be unduly alarmed, therefore, because we have dissenters among our students. We have had dissent and dissenters throughout our history, but a great deal of the collegiate dissent we are experiencing today is lawless and pointless, or so it seems to me.

What on earth did the students at Northwestern University expect to prove or gain by setting fire to the University's Traffic Institute or by blocking traffic on Sheridan Road and thereby infuriating the residents of Evanston?

What on earth did the students at Yale expect to gain or prove by setting fire to the Law School, or the students at Washington University by burning the ROTC Building, or the students at Illinois by smashing windows and forcing the merchants on Green Street to barricade their store windows, or the students at California by destroying manuscripts recording a lifetime of research, or by destroying a local bank building?

Mothers and fathers are breaking their backs to send their children to college. For what purpose? To dissent? Yes, peacefully, among other things, if they like, but not for rampaging on the streets, imprisoning deans in their offices, destroying college records, burning down buildings, throwing rocks at officers who try to quiet them down and engaging in other such senseless and mindless conduct.

As one editor recently commented:

"Students, like everyone else, have a right to speak their mind on any subject, but we have never envisioned the purpose of college as that of providing a base for marauding bands to embark on street rampages, arson, and worked-up confrontations with law enforcement organizations."

I ask you: How can such senseless conduct possibly help our country, or right any wrongs? How can it in any way serve to furnish a guide to our elected public officials or improve the lives and well-being of our citizens?

A few days ago I listened to a group of university presidents discussing the crisis on our campuses. They told us how deeply concerned the students are over the ills of society. Well, aren't we all? But we are not burning, bombing and rioting about it. We have seen that evils and grievances can be corrected by lawful means. If these students would spend more time reading the history of our country and less time listening to the detractors of our country, they would know that grievances can be corrected and that reforms can be brought about by lawful means.

While these educators did not expressly condone rioting and vandalism on the campuses, I did not hear them say one word about discipline, punishment or restitution for damages done to property. It seemed to me that the undertone of their remarks was one of apology for the actions of the students, rather than sorrow that such things could happen on our campuses. I detected no semblance of backbone in any of them, nor any indication of awareness of their responsibility to the thousands of students who are there for an education, nor to the frustrated parents and taxpayers of the nation who are footing the bills.

Much of the conduct we are now seeing on our college campuses is not peaceful dissent; it is sheer lawlessness; and in my opinion it would not be so widespread and serious today if our college administrators had not weakly tolerated it and condoned it when it first reared its ugly head.

President Nixon warned Columbia University two years ago that "If student violence is either rewarded or goes unpunished, then the administration will have guaranteed a new crisis on its own campus and invited student coups on other campuses all over the country."

I never thought I would live to see our university administrators and faculties cave in and close down our institutions of higher learning in the face of violence. They have yielded to the mob! What an example for the rest of us! The Chancellor of Northwestern University, on the closing down of that school, said it was done "in symbolic recognition of the concerns that trouble our campus." Academic hogwash! What an excuse for closing down an institution of higher learning! Closing down a college because students are seriously concerned with the ills of society, is about as weak, irresponsible and senseless as closing down a church because its members are seriously concerned with the sins of mankind.

When a university accepts tuition for a semester's schooling, it thereby enters into an implied contract to furnish a semester's schooling. When school authorities haven't the moral courage to stand up against the mob, I suppose it is too much to expect them to perceive the moral implications of breaking a contract.

In my opinion, we need a new set of leaders among our educators. What good is an education if it isn't backed up with judgment, horse sense and moral courage?

The time has come to reject, totally and forever, violence as a means of protest, not only on our campuses, but everywhere.

Before closing this talk, I want to make it "perfectly clear," in the words of Mr. Nixon, that I am not condemning all college students. I am convinced that it is a minority of students, frequently joined and urged on by outsiders, who are creating the havoc on our campuses, interfering with the rights of their fellow students, and seriously damaging the public's image of our institutions of higher education. The great majority of our youth are sincere, responsible, and wholly admirable. My only objection to them is that I am not one of them.

I began this talk in the hope that I might convince you that great progress and great reforms have been made, and can only be made, under law and by lawful means; that

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law in today's world is not "just a figure of speech or a rhetorical flourish, but our protector, our heritage, our refuge and our glory." Whether I have succeeded is for you to say.

It is only through law and order that we can survive and continue to progress.

Without it, we would revert to a jungle life.

Let us then respect the law and obey it. If we don't like it, let us strive to change it in the manner provided by law. If we don't like the decisions of our duly-elected leaders, let us express our dissent peacefully and without resort to senseless violence. There is no other defensible way. Any other way means anarchy.

We have grown and prospered as a nation by law and by lawful means. We still have our shortcomings, but we are nevertheless the greatest and freest nation on earth.

Let us therefore stand up for it, speak out for it, and defend it against the creeps, the weirdoes, bombers, haters, radicals and revolutionaries who, while enjoying its blessings, wish only to destroy it.

NATIONAL ENVIRONMENTAL CENTER

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. ERLENBORN. Mr. Speaker, a lot of people are surprised at the amount of environmental work now being done at Argonne National Laboratory, which is on the outskirts of Chicago.

Argonne is a facility of the Atomic Energy Commission, and its principal assignment, of course, is searching into the peaceful uses of the atom. It has been suggested, however, that Argonne would be a good location for a National Environmental Research and Development Center.

This suggestion comes from my colleague, Representative JOHN ANDERSON, and me.

Why? Because Argonne has the capability to carry on a large number of research projects. The people are there now. The know-how is there. The buildings are there and the laboratories are there.

A sizable part of Argonne's effort already has been turned toward environmental studies, including smogless propulsion of commercial vehicles and the ecology of the Great Lakes. Argonne has developed a system by which urban areas can forecast any period of heavy sulfur dioxide concentration in the atmosphere and is currently working with the National Air Pollution Control Board to design a national emergency operations control center for air pollution episode control.

Two of Argonne's major facilities are the Zero Gradient Synchrotron—ZGS—a 12.5-billion-electron-volt "atom smasher," and JANUS, a reactor designed to study the effects of neutrons on living organisms. The ZGS—fifth largest machine of its kind in the world—is used for high-energy physics experiments by scientists from midwestern universities. One of the most trouble-free machines of its kind, it has made possible experiments which have added to man's knowledge of the building blocks of nature. JANUS has recently begun its role as an outstanding irradiation facility in Argonne's radiobiology program.

Argonne's headquarters are in the district which I represent, but much of its work is done in Idaho. Representative ORVAL HANSEN of that State accompanied me on a visit to the Illinois facility in July. We were impressed by the possibilities.

"DOC" NELSON—UTAH AGGIE

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. LLOYD. Mr. Speaker, students who went to college at Utah State University are known as "Aggies," and all attempts to change the name into something more sophisticated have thus far failed.

One of the greatest "Aggies" of them all was George "Doc" Nelson, former light heavyweight wrestling champion of the world, and for many decades, trainer and wrestling coach at Utah State. He became so well-known and so beloved for his wonderful personality and his persistent kindness and consideration that a fieldhouse was named after him.

"Doc" Nelson died last week. He was in his advanced years. When I was an undergraduate at Utah State many years ago and a sports correspondent for Salt Lake City newspapers, "Doc" Nelson was my good friend and has remained so through the years. The Deseret News eulogized him in an editorial on August 10, which I wish to put in the CONGRESSIONAL RECORD as befitting the memory of a great human being:

GEORGE NELSON

If a man can leave a legacy of character, then George Nelson must have left a large one.

His obituary tells a lot about the man—that he was a top athlete, trainer of top Utah State University athletes, and active churchman. But it tells little of "Doc" Nelson's character.

It does not tell the kind of trust and admiration he inspired in Aggie athletes to help them turn in top performances. It does not tell the high regard that prompted the USU to name its fieldhouse after him. And his obituary does not tell the countless personal ways he helped his athletes.

"Doc" Nelson was blessed with an honesty and sense of humor that helped him talk many young athletes through their problems. "His stories are legend," says one sports writer. And he was blessed with a wife who loved the young men who were his pride, who cared for some of them when they needed nursing or a good meal.

But those who worked with "Doc" Nelson know he didn't hoard the blessings he received. They know he gave himself to others and he passed those blessings on. With his death the past weekend, Utah has lost one of its most outstanding citizens.

BROWNOUTS AHEAD FOR PACIFIC NORTHWEST, TOO

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. ULLMAN. Mr. Speaker, residents of the Pacific Northwest have become used to hearing about the power shortage problems of the rest of the Nation while feeling quite secure about their own resources. For 30 years, the Pacific Northwest, with its own great hydroelectric resources of the Columbia River and Canadian natural gas supply, has been the most power-rich region in the United States.

But this abundant power supply, once considered inexhaustible, is being threatened by an unprecedented demand for electric power by industry and the public. There is no definite agreement among experts on how much power actually will be needed during the next few years in the Pacific Northwest, but many have forecast power problems, beginning in the winter of 1971–72, and reaching a precarious imbalance during the winter of 1976–77. While over 3 million new kilowatts of new power will be added to the present supply by 1975, the region will still be 185,000 kilowatts behind the demands of consumers and industry and reserves established by the Federal Power Commission.

In view of these predictions, the Pacific Northwest and most of the Nation are being forced to deal with some complex questions: How much power will be needed in the closing decades of the 20th century? Are power demands unreasonable in light of environmental concerns? How much generation can the region build, or afford, without an excessive intrusion on the ecology? What is excessive environmental change? Recent articles in the East Oregonian in my congressional district and the Oregonian of Portland indicate forcefully the problems to be faced.

On July 28 of this year, I cosponsored a bill, H.R. 18666, which would establish a Commission on Fuels and Energy to study these and other important questions. The Commission would be designed to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low cost and adequate energy are met, and to reconcile environmental quality requirements with future energy needs. The possibility of a nationwide power shortage is real, and must be faced before it becomes critical.

I commend the articles to the attention of my colleagues:

[From the East Oregonian, Aug. 4, 1970]

NORTHWEST FACING POWER SHORTAGE

(By Bill Hill)

(EDITOR'S NOTE.—Utility spokesmen say a power crisis is developing in the Northwest both in electrical energy and gas supplies. The following analysis of the situation was produced by a writer close to the situation for more than a year.)

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For 30 years the Pacific Northwest has been the most power-rich region in the United States in terms of electrical energy. Electricity costs in the region are among the lowest in the nation.

But the picture is changing, changing in terms of methods used to generate electrical energy, and, perhaps, due to change in cost to consumers and industry.

After years of outcry by preservationists to end hydroelectric projects on the Columbia and Snake rivers, Northwest Utilities have focused attention on nuclear power for salvation in the production of electricity.

And now, antinuclear sentiment, along with waning water power and opposition to other kinds of utility plants and transmission lines, is growing faster than the demand for more electrical energy.

There is no agreement between utilities on how much power actually will be needed during the next few years. In some areas of the Northwest the picture is gloomier than in other areas. But the Bonneville Power Administration is forecasting an electrical energy gap as early as 1973.

Unless Canadian officials approve requests from Washington, Oregon, Idaho and Nevada natural gas companies for an additional three million cubic feet of natural gas daily, a problem is expected to develop for industry and consumers alike.

This shortage of fuel is viewed as a dangerous situation for such new industrial complexes as the Atlantic Richfield refinery near Ferndale and the Harvey Aluminum plant in Klickitat County, Wash., both requiring large quantities of natural gas.

The problems of power-producing energy for the Northwest no longer can be summed up in dollars and cents. They now are being viewed from the angle of availability. In some quarters it is said that a lack of power is going to start inhibiting living standards.

The Northwest already has turned, for the first time, to a coal-fired electrical plant. The huge complex is in construction near Centralia, Wash., site of the only major coal deposit in the Pacific Northwest. Power from this plant is scheduled to go "on the line" by the end of next year. It will amount to 700,000 kilowatts. The plant, sponsored by Pacific Power and Light, Portland, will consume up to 18,000 tons of coal daily.

At about the same time the Chelan County Public Utility District's Rocky Reach Dam improvement in generating capacities will put on the line 476,000 kilowatts of new power. The John Day Dam, near Rufus, Ore., will generate nearly a million new kilowatts of power by 1972. Despite all of this new electrical energy, the Northwest still will be 176,000 kilowatts behind the demands of consumers and industry and reserves established by the Federal Power Commission.

By 1975 the Northwest will be 185,000 kilowatts short despite the addition of nearly three million new kilowatts of power from various other generating facilities.

If all programed construction at Northwest generating plants is carried out on schedule—which they fear may not be done—the energy gap could be closed by 1976. Six facilities will put 2.1 million new kilowatts of power on the line during 1975–76, resulting in a surplus of 792,000 kilowatts.

The surplus would exist, utility officials say, as a percentage overage required by the FPC. But one thing obviously troubles regional power companies: the unexpected. A huge industrial complex in any of their areas requiring vast quantities of electrical energy could upset programs.

Robert D. Timm, Washington state's director of utilities and transportation, has warned industrial development leaders and legislators that strict adherence to timetables for construction of electrical generating plants is mandatory to prevent "brownouts" by 1975.

Loss of the power that would have been generated by the Eugene, Ore., nuclear plant—turned down by voters in May of this year—was a blow to Northwest utilities.

Eugene will share the power produced by Portland General Electric's Trojan plant at Rainier, Ore., the first Northwest nuclear-fueled plant, aside from the one in operation at the Hanford Atomic Energy Works near the Tri-Cities in southeastern Washington. The Hanford facility is operated by Washington Public Power Supply System.

A second nuclear plant, scheduled for Western Washington, is under study at Roosevelt Beach near Moclips, Wash., sponsored by WPPSS. Plant construction tentatively is scheduled for completion by late 1976 or early 1977.

The third Northwest nuclear plant, originally scheduled for construction at Kiket Island in Skagit County, is co-sponsored by Seattle City Light and Snohomish County Public Utility Dist. 1.

It, too, has faced area opposition which remains unresolved.

Because of public reaction, officials believe long delays in construction could be more costly than transporting the power to Puget Sound from a plant at Hanford, one alternative proposal.

In the meantime, a survey by the Bonneville Power Administration has indicated that existing transmission towers between Seattle and Hanford could accommodate 700-kilovolt lines in a manner that will provide seven times the transmission capability along existing rights-of-way.

In contrast to other areas of the Northwest which oppose nuclear generating plants, the Tri-City made a strong bid for siting nuclear plants in their area. Indications are, they may get their wish.

Having lived with nuclear energy for more than a quarter century, communities comprising the Tri-Cities are conditioned to nuclear power and view these plants as just another industrial development for the area providing more jobs and an additional economic base.

Exactly what view environmentalists are going to take of this situation remains to be seen. Their opposition could rise if a large cluster of nuclear plants is set along the Columbia, using river water to cool condensers.

On the other hand, indications are that such plants would use holding pools and cooling towers so that heated water would not be returned to the river. One plan is to use the heated water to irrigate farmland as far north as the Yakima Valley.

The average kilowatt hour production of these proposed nuclear plants is 1.1 million.

In examining the power generating capacities of federally financed dams along the Columbia, it seems environmentalists have missed a bet by not calling for installation of the 11 generating units originally designed, but not built, into the Chief Joseph Dam at Bridgeport, Wash.

Jim Green, project engineer at Chief Joseph Dam, who recently moved to the Grand Coulee project, says no funds have been approved to install generators in the 11 waterfall outlets built into the project.

The dam, 51 miles below Grand Coulee, is an Army Engineers project with 16 generators alread installed. The project's return on electrical energy—$145 million in 12 years—exceeds the total cost of the dam, $144.4 million.

But its power-producing potential hardly has been tapped. With installation of 11 other generating units, Chief Joseph Dam could produce in excess of 700,000 kilowatts of new power, equal to that of the Centralia coal-fired plant and nearly equal to the output of one nuclear-fueled plant.

With a moratorium on dam building along the Snake River approved by the U.S. Senate, no more dam sites on the Columbia for hydroelectric projects, the absence of Northwest coal fields for coal-fired electrical plants, an insufficient supply of natural gas to fire plants—Northwest utilities have but one alternative: nuclear-fueled generating plants.

By 1990 at least 20 Northwest nuclear plants will be needed, utilities say. Where the plants are sited will determine consumer cost of electricity for the region in the years ahead.

[From the Oregonian, Aug. 5, 1970]

NORTHWEST POWER SHORTAGE MAY BECOME CRITICAL

(By Gerry Pratt)

How do you like the idea of a power shortage where you are asked not to open the refrigerator door any more than you have to? Or to turn down the house temperature from 72 to 68 degrees? Or to reduce commercial lighting like neon signs?

It happened in California not long ago. It happened in Oregon in 1952 when the Defense Electric Power Administration issued an edict reducing all large power loads by 10 per cent.

It couldn't happen now? Listen to H. R. Richmond, administrator of the Bonneville Power Administration speaking of the critical power situation developing through 1970–1977. To successfully meet load demands, he says,

1—"All hydro and thermal generating units must be installed on schedule, a most difficult accomplishment;

2—Considerably better than critical water runoff conditions must evolve;

3—Wintertime temperatures must be normal or above;

4—There must be no forced outage failures of large generators, particularly during the critical years of 1972–73 and 1973–74.

"Should any of these conditions not be satisfied, the firm loads of the publicly, cooperatively and privately owned utilities probably could be met, but large loads would have to be curtailed."

If we go to California for replacement power the rate is roughly twice the rate what we pay locally for interruptible power.

Ironic? Here in the Northwest with the great power resources seeded in the Bonneville Dam and now reaching up into Canada?

MILLS TAKE MUCH ENERGY

Sure, we have lots of power. But a glance at the BPA contract schedule shows where it goes: Alcoa with aluminum plants at Wenatchee and Vancouver, Wash., 390 megawatts; Anaconda at Columbia Falls, 225 megawatts; Harvey at The Dalles, 180 megawatts with another plant coming on the line across the river sitting on a contract for an additional 105 megawatts of firm power; Intalco at Bellingham, Wash., with 280 megawatts; Kaiser with aluminum pot lines in Spokane and Tacoma, 490 megawatts; Reynolds with Longview and Troutdale plants, 422 megawatts. And now, still pledged but long past its original contract date, Northwest Aluminum at Astoria has a claim to an additional 240 megawatts to go on the line just when the power squeeze begins to tighten on the rest of industry in 1973.

Experts never questioned the value of an aluminum reduction plant until now, except the farmers who sued because they claimed the fumes damaged their crops and contaminated their cows. But now, with the arguments rising over the safety and ecology of the big scale atomic plants planned in our future to meet this mushrooming power demand, even aluminum plants are being measured for what they provide against what they take out of the Northwest's basic power resources.

Bonneville, which made the deal to sell off that last large block of low-cost firm power to Northwest Aluminum and then renewed the contract when Northwest failed to fulfill its contract, is quick to point out the plus side of the aluminum industry.

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In 1969 they say the industry in the Northwest produced 657,000 tons of aluminum, 36 percent of the entire aluminum production in the United States. Aluminum pot lines and their auxiliary works employed 12,000 people and paid $112 million in salaries and wages or something slightly more than $9 million a month scattered over the region. But at the same time those pot lines soaked up 2,352 megawatts of power. And Richmond expects the entire peak load of the Pacific Northwest Group Area to peak at 19,900 megawatts in the winter of 1970–71 with a deficiency of 230 megawatts on peak or just about what is planned for Northwest.

ELECTRIC SPREAD "BROAD"

Tektronix, one plant in Beaverton, paid salaries of $5.5 million a month and employed better than 8,300 people in that plant which used a mere 17 megawatts. The spread between the great electroprocessing pot lines consumption of power and what it takes to turn the wheels of normal industrial and manufacturing plants is that broad.

Even the big electro chemical plants such as Penn Salt in Portland takes only 34 megawatts; Hanna Nickel has a contract for 85 megawatts for the entire operation; Oregon Steel Mills take 20 megawatts; Crown Zellerbach's Camus layout takes 70 to 80 megawatts.

At Warrenton near Astoria, Northwest Aluminum proposes to use 240 megawatts to employ something between 600 and 700 people.

It is now too late, says Bonneville, to undo the extension granted Northwest Aluminum's power contract. But by the time they get going in October, 1973, the pact will have only 13 years to run. There are no options or extensions in a BPA contract of any kind.

What any aluminum plant builder would be facing is a whole new power ballgame after 13 years. There is room with that fact in mind, BPA sources admit, for negotiations to delay the plant—if we get down to regulating the refrigerator doors.

KLEPPE COMMENTS

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. KLEPPE. Mr. Speaker, at this point I include the text of my August 1970 newsletter to my constituents of the west district of North Dakota:

AGRICULTURE ACT OF 1970

After 38 days of public hearings, 92 executive sessions, 27 night meetings, and a year and a half of negotiating nearly every sentence and word of the 57-page Farm Bill, the House Agriculture Committee came up with a bill that was ultimately passed by the House and sent to the Senate where action is hoped for shortly.

There has been a lot of emotional dialogue about this bill. It has been made the "whipping boy" by many who are not satisfied with the provisions.

As a Member of the House Agriculture Committee, I sat through the long hours of debate and negotiation. This is not the bill I would have written personally, nor is it the kind of farm bill the Administration would write if it had the power to do so. It is a compromise bill which has the thoughts and writings of many. It had the support of the Chairman of our Committee and the ranking minority member. It had the support of the Republican and Democratic leadership of the House. It is a very minimum bill, but vital to agriculture in this Country.

If the Farm Bill had not passed the House (and it did so with only a majority of 41 votes) our Nation's farmers would have faced either a straight continuation of the 1965 Act or a reversion to the old laws in effect prior to 1965. As one North Dakota newspaper commented recently, "The cost to North Dakota if a farm bill is not approved in this session of Congress is staggering."

In many ways this bill is similar to legislation of the past, but it at least contains some movement and direction toward the free market. It suspends quotas and controls on wheat and cotton, and it establishes a set-aside system that should help provide farmers with greater flexibility in the management of their own farms. This year when we are suffering from some drought in sections of North Dakota, wheat certificates become that much more important because they can represent the only income that some farmers receive. Of major interest to North Dakota is my amendment which makes it mandatory that wheat certificate payments be at 100% of parity for the domestic portion.

Our national prosperity is directly linked with our farm prosperity. Without a sound agricultural economy we are not going to have a sound total economy. The assistance we provide in the new Farm Bill will be repaid many times over to American taxpayers and consumers. This bill represents the best bill possible at this time, even though it isn't the best possible bill.

THE ECONOMY

One of the most critical problems facing our country today is inflation. Much has been said concerning the causes of inflation and what the future holds for our economy. A brief review of the facts is in order.

From 1960 to 1970, the cost-of-living went up 25 percent. Because of the mismanagement of our economy during the two previous administrations, President Nixon assumed office facing a budget deficit of $60.6 billion.

What policies did President Nixon adopt when he took office? He has cut the national budget for 1971 by almost $20 billion. For the first time in twenty years, we are spending more on human resources than on defense. The President has outlined 57 saving actions (reducing or elimination of Federal programs) designed to save $2.5 billion, and hopefully, achieve a balanced budget for 1971.

While the Administration has been struggling to break the inflationary cycle, some Members of Congress still are intent upon increasing spending. I believe that this is one of the contributing factors to our present inflation and for this reason I have voted to cut government spending by more than $35 billion during my two terms in the House.

True, we are still feeling the grip of inflation. Inflation, created by a decade of massive fiscal irresponsibility, cannot be stopped overnight. The President's anti-inflationary policies are having some effect on the economy. The per capita income was at an all time peak in the second quarter of this year. Money is becoming more available. Interest rates have been edging downward. Housing is already improving. Commitments for mortgages are rising. All indications are for an improved economy during the last quarter of this year.

The time is long overdue for the "big spenders" of the Congress to assume their share of responsibilities if the economy is to continue to prosper once again. Continued reckless spending, as we have witnessed so often in the past, will only serve to fuel the fires of inflation.

CAMBODIA

When President Nixon announced his decision to send American troops into Cambodia to clean-out the Communist sanctuaries, he was viciously attacked by some Members of Congress, the press, and many college students. It is now obvious that his criticism was both unreasonable and unwarranted.

The President, in announcing his decision, promised that all American troops would be out of Cambodia by June 30, 1970. He has kept his word and we are now seeing the dividends from his bold move. Hostilities have sharply decreased in South Vietnam. Our casualties are at their lowest level in 3½ years. The North Vietnamese and Viet Cong forces have suffered a severe set-back. But most important, the endless list of enemy supplies and weapons captured in Cambodia can no longer be used against American troops.

I consider the remarks by one of our own servicemen who was there, Spec. 4. Jim Keler of Chicago, to be the best assessment when he said, "It was a lot better for us to come over and get the stuff this way, than them throwing it at us every day the other way. If they don't have it they can't shoot it. I think it will save a lot of lives. I think the President was right in doing it. I only wish somebody had had the guts to do it a long time ago."

SOUTH FLORIDA CITIZENS SUPPORT PRESIDENT NIXON

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. BURKE of Florida. Mr. Speaker, a few days ago I received in the mail more than 4,500 petitions signed by citizens of the 10th Congressional District of Florida which I represent.

These citizens were inspired to send forth the petition by Mr. John Powell, the publisher of the Fort Lauderdale Tribune, one of the outstanding weeklies in the State of Florida.

What surprised me least about the petitions was the fact that these citizens were not moaning because they are Americans nor were not urging the destruction of some American institution ridiculing the President or praising the Vietcong.

Far from it. They are American citizens pledging allegiance to America and to President Nixon. When I think of those who are causing trouble for our Nation in her time of need. I feel deep pride in the citizens I represent. Their pledge of allegiance speaks for itself.

In offering my thanks to John Powell and his petitioners, I urge my colleagues to read the petition. It makes a lot of sense.

The petition follows:

WE PLEDGE ALLEGIANCE: A PETITION TO PRESIDENT NIXON

We, members of the Silent Majority, object to demonstrations and desecrations to our flag promoted by professional revolutionaries.

The television networks are filled with interviews of people talking about being "turned off" and alienated from their country.

We, the undersigned, have been alienated, too. We are alienated by the unpatriotic rabble we see on our television screens.

If you are going to listen, don't forget that we, too, are Americans.

We want you to listen not only to the angry mob, but also to the loyal, taxpaying, concerned Americans who believe that change must come only through constitutional means—not by violence and threats of violence from a small minority who attract the television cameras.

Our message to you is that we also want the war in Vietnam to end. But we think your decisions in Vietnam and Cambodia are in the best interest of America.

Do not fail us now in the face of a mob brought to a frenzy by enemies of our country.

THE THIRD FOREST AND THE ECONOMICS OF SCARCITY

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. ABBITT. Mr. Speaker, on May 14, 1970, Mr. John E. Ray, third executive vice president of Union Camp Corp., delivered a splendid address entitled "The Third Forest and the Economics of Scarcity" at the Resources for the Seventies Cooperative Field Conference on Forestry and Natural Resources at Millarden Farms in Woodbury, Ga.

Mr. Ray is one of the outstanding forestry leaders in the Nation and his address is both eloquent and informative. I would like to include this herein with my remarks.

Mr. Ray and his associates in Union Camp Corp. are doing a splendid job not only in the promotion of the forestry industry but in working among community interests in all of the areas where the company has its plants. I know of no industry in the Nation which emphasizes more the obligations and responsibilities of its employees within the communities where they reside than does the Union Camp Corp. It is extremely active in the field of community and employee relations and its efforts in this connection are a benefit not only to the company's employees but to the communities and the Nation.

Mr. Ray's address follows:

THE THIRD FOREST AND THE ECONOMICS OF SCARCITY

(By John E. Ray III)

It's sort of ironic for me to address you in such a bountiful state as Georgia and after a fine and filling lunch . . . because what I plan to talk about is the Economics of Scarcity, the very real Economics of Scarcity that the forest products industry is approaching right now.

Economics of Scarcity! That's a phrase we haven't heard very often for 30 years or more. It sounded strange to me too when it first came to mind as I was preparing this talk. Here we are producing and consuming more forest products and in greater quantities than ever before in the history of man—576 pounds of paper and paperboard per American capita and an annual total of 43.7 billion board feet of lumber and plywood.

Yet the Economics of Scarcity is, I believe, not only accurate but—to use today's popular adjective—relevant in describing our current situation.

Now our current standard of living is fabulous compared to, say, the hard times of the thirties. But even the depressed thirties would have appeared luxurious to the people of Elizabethan times. And Elizabethan conditions were beyond the wildest dreams of people who lived a thousand years earlier. And so on back to what Thomas Hobbes called the "nasty, brutish, and short" life of primitive man.

The point is that scarcity is relative. Our current levels of consumption may seem like anything but scarcity by previous standards. But we don't live by or derive our feelings of well being from previous standards.

Let's look at it another way. Suppose we were forced back to the consumption levels of ten years ago. Suppose, on a per capita basis, we had only 433 pounds of paper at our disposal, and 17 per cent less lumber and plywood. We would, I'd venture to say, feel very deprived, very much up against it.

And yet that's precisely the kind of retrenchment that could lie ahead of us. Let's examine some trends.

Presently there are about 2½ acres of woodlands for every person in the United States. Based on population growth projections and the erosion of forests to make way for airports, highways, housing developments and other manifestations of urban spread, by the year 2000 there will be no more than 1½ acres of forest land per American—and at Union Camp we're very much aware that that's only one pine growth cycle away.

That's a major element of scarcity developing . . . in the form of a shrinking supply base for our raw materials.

There are scarcities developing too in the means of production for transforming the raw materials into forest products. The scarcity of labor to tap pine trees, for example, has seriously weakened the gum naval stores industry. Georgia, which produces 85 to 90 per cent of domestic output, has seen this product group go down during the soaring sixties from $25 million to less than $9 million.

In the prime forest product area of paper—where for a long while now we've grown accustomed to talking and thinking in terms of overcapacity—the situation has suddenly reversed itself. Tight money, the traditionally low return on the huge outlays required for new mills and papermaking machines, and, most fundamentally, the increasing difficulty and cost of acquiring backup resources of wool and water have reduced the oncoming increments to production potential very significantly. In 1969 only 2.7 percent was added to existing papermaking capacity. Compare that to the average annual increment of 4.6 per cent for the rest of the sixties. And current industry plans call for a continued lowering of that average.

It comes as a shock—it happened so quickly—to realize that the problems ahead will more likely be in the area of supplying paper demand rather than creating demand to absorb production capabilities.

Turning to lumber, a scarcity situation could be shaping up there as well. If deferred demand breaks through the tight money bind, we could be heading towards the near-term needs of 2.5 million new housing units a year specified by Housing and Urban Development Secretary George Romney. In 1968—not a boom year but more typical than 1969's depressed construction level—we started 1.5 million new dwellings and produced 43.7 billion board of lumber and plywood. Applying straight percentage increases, meeting new housing needs at a 2.5 million level will require production of 73 billion board feet of lumber and plywood.

How did it all happen? Why, after 25 years of plenty, are we abruptly up against limits not only in our wood supply but in resources which have heretofore seemed limitless such as usable air and water?

The answer, I believe, is that, over the past generation, we've become a nation of voracious consumers. We eat more, buy more durable and non-durable commodities, use more services, and enjoy more luxuries than any nation in history. The average American uses about 200 pounds more paper and paperboard than the average Swede who ranks next in per capita consumption and about nine to ten times as much as the average Russian who thinks he's coming along right well. Two-car American families are commonplace and some of our biggest cities are faced with the incredible problem of how to deal with abandoned cars, cars that people just walk away from when they break down. We consume so much that merely getting rid of our total refuse has become a major task.

Still it's a good life and I'm sure all of us would like to see continued improvement in living standards. With the accent on consumption, however, it's difficult to get across the problems of producers and ways of solving them.

But that's exactly what we have to do. By one tree growth cycle from now, demand for forest products is expected to double. And for the South, according to the Southern Resources Forest Committee, the rise will be even greater with wood usage going up 2.3 times current levels.

How do we go about combating the pending Economics of Scarcity in the forest products industry?

If we define Economics of Scarcity as a situation in which supply fails to keep pace with demand, a course of action emerges. We have to accelerate supply.

Generally speaking, there are two broad roads to this goal. One is through greater utilization of our wood resources.

Georgia has made remarkable advances in this direction. During the sixties, while state pulpwood production went up about 35 percent, the use of chips, sawdust, and other formerly wasted wood residues rose 250 per cent. That's had the impact of adding more than a million acres to Georgia timberlands. And, going by national and regional trends, it's reasonable to anticipate at least a doubling of current usage of wood residues over the next tree growth cycle.

I'm proud to say that Union Camp has contributed to Georgia's record, Our Savannah mill was the first in the state to use chips and pine slabs and today residues provide 21 per cent of our pulping needs.

We're also pursuing another form of increased utilization through two new Chip-N-Saw mills, now under construction in Georgia, which will enable us to process into lumber smaller diameter logs than was previously possible.

These and other utilization measures—like recovering more wood fiber in the pulping process—will help. But the most effective, direct approach to augmenting supply is by the other road . . . by increasing wood yield per acre.

That's where the Third Forest comes in. I'm sure most of you are as or more familiar with the idea of the Third Forest than I am . . . and that's a very good reason for me to clarify my use of the concept. The First Forest is the original virgin timberland, the forest primeval, and the Second is the Forest that replaced it according to the random forces of nature alone. The Third Forest is the scientifically managed Forest the one in which we—businessmen, public servants, and interested citizens—play or can play a role.

I'm going to cite figures that don't sound like much in themselves, but you have to realize that they are the backbone of our contribution—as people involved in the forest products industry—to the present peak in living standards. And what might read like slight changes in yield are reflected as thousands of tons of paper and millions of board feet of lumber.

Here again, Georgia shines. For the South as a whole, average annual forest yield per acre is .4 cords of wood. Georgia averages 25 per cent more or half a cord per acre.

As might be expected, companies in the forest products business do better. At Union Camp, for example, on our Georgia acreage

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we average .7 cords of wood per acre per year. On our best tree farms, under absolutely optimum conditions, we manage an annual acre yield of 2½ cords.

There's tremendous room for improvement in wood yield. But, by the nature of the slow-growing beast, that means sustained, consistent effort . . . continued research in growing bigger, more densely fibered trees and accelerating their growth; sharpening techniques of site preparation, seeding, fire and disease prevention, and harvesting efficiency.

Union Camp, for one, expects to be getting one to 1.2 cords of wood per average acre by the end of the seventies. Now, I realize that our company puts more time and money than most landowners into growing more wood. After all, it's a major aspect of our business. So I'm not suggesting our goal as a general standard to be achieved over the next ten years.

What I am suggesting is that we aim for that kind of average yield for the South by the year 2000, by the end of this beginning tree growth cycle. If we could by then attain a 1.2 cords average per Southern acre—with the progressive state of Georgia showing the way with a 1½ cords yield—and if we could generalize that same tripling rate of advance nationally, we would offset the 40 per cent shrinkage that will have taken place in our base of supply. We will be able—with the help of the increased utilization of wood I mentioned before—to provide the greater number of Americans living then with the 800 pounds of paper and paperboard each is projected to consume, to supply their increased lumber requirements, and, in short, meet the doubled demand on forest products brought on by continuously improving standards of living and communications.

I don't think that kind of increased yield is an unreasonable expectation. State and federal forestry agencies and forest products companies will, of course, continue their efforts in that direction.

But the real hope of improvement lies, I'm convinced, in the private sector of the forest economy. Simply because so much can be done there.

Take this state, for example. Seventy-eight per cent of Georgia's timberlands are privately held . . . by some 200,000 farmers and businessmen. Fifteen per cent is owned by industry and the remaining seven per cent by federal, state, and local government. Business and government, we can assume, utilize progressive methods of silviculture and so get better than average wood yield. That means that the private sector—about 20 million acres—is producing somewhere under the half cord average for Georgia as a whole.

How can we help to beef up yields of private holdings? One way is to continue and step up what we have been doing . . . spreading the message of good forestry practices.

Our Georgia Forestry Commission does itself proud along these lines. With its assistance in fire fighting and prevention, and its counseling of private landowners on advanced cultivation practices, it ranks with the best public agencies in the nation.

The Future Farmers of America is another group that is doing its share. It is helping to bring an awareness of the importance of trees and increasing know-how and interest in forest cultivation into the classrooms. That will certainly have long-run beneficial impact on private land yields.

And business, including Union Camp I'm happy to say, is actively spreading the word. Like other forest products companies, we have been and are educating everyone who will hold still long enough, cooperating with all other groups in the field, and distributing free seedlings to landowners, youth groups, and others.

These and other educational activities have helped and will continue to help importantly increase yield in the private sector.

Another area that is definitely worth investigating is that of incentives. I would point out that, while industry had been installing improved silviculture practices for years before 1944 when timber production became eligible for capital gains treatment, that incentive did provide much added impetus to such programs. I would suggest that a more equitable ad valorem tax structure applied to forest lands would greatly encourage improved wood yield. I'm sure too that incentives can play a roll in important special areas—such as hardwoods cultivation—where very little has been done and which involve inordinate expense for private enterprises or individuals.

It's interesting to note that the Third Forest started during a time of plenty. Companies were improving their forests and wood production 30 years ago, simply as good business practice, with no thought of imminent scarcities. Fortunately, with the help of public and private groups, a good start was made towards the higher wood yields we will need in the future.

Today with wood resources showing their limitations in the face of overwhelming growth in demand coupled with an eroding supply base, it is not too much to say that the Third Forest is as essential to the future progress of the forest products industry as the cotton gin was to the development of the early textile industry.

And I suspect the Third Forest will work in the same way. Just as volume production by the cotton gin put pressure on finding improved ways to pick cotton—and, incidentally, on increasing cotton yield per acre—so the Third Forest will generate pressure on the means of production.

Take, for example, the trend I described before in the slowed growth of new paper production capacity. If an increased flow of raw material is forthcoming from our lesser acreage, ways will be found—through equipment and processing advances, assuming that additional mills will not be feasible—to produce the greater quantities consistent with demand growth.

In housing, to take another example, production methods applied to the new factory built, modular homes indicate that 20 per cent more dwellings can be built from a given amount of lumber and plywood.

But again, whatever private enterprise can do is based upon the growth of the Third Forest. And that's a cooperative effort, entailing business and individuals, public and private organizations.

That brings up other resources which have become worrisome. Previously I mentioned usable air and water.

I'd like to make some remarks on them from a different viewpoint than that taken by the current chaotic concern. I find some very strong analogies between the need to combat pollution and the need to combat scarcity through the Third Forest.

I could say that the forest products industry has demonstrated concern with pollution long before it became a publicized problem. I could say that my company has spent $10 million over the past decade on preventing pollution and that we're continually upgrading our anti-pollution equipment and techniques.

All that is true, but it's beside the point. It's talking defensively and in no way induces a productive approach to the problem.

In reality, like the imminent scarcity of wood resources, the idea of air and water being in "short supply" has developed suddenly. It has taken us by surprise. Let's admit it. How many people really thought ten years ago that there might be limitations to these resources?

Let's also admit that we are all guilty. The consumer through his wants—and I dare say needs—for automobiles, paper, appliances, and most everything else; the producer through his desire to make a reasonable profit by satisfying these needs; the garbage-generating citizen is guilty; so is the tourist passing through; so is the Communist and the Capitalist, the Democrat and the Republican. We can all cry "Mea culpa!"

Once we get beyond the finger-pointing stage, we can think clearly. Like the Third Forest, combatting pollution of our elements is a collective project. It goes beyond the single company or the single industry, beyond the single state. It's as ridiculous to put a company out of the competitive running by laying on an exorbitant expense for pollution control as it is for a company to argue that it should continue to pollute air and water because it can't afford to install anti-pollution equipment. We don't even find general agreement as to what the most effective pollution control entails.

Conserving our air and water resources is at least a regional problem with strong federal overtones. It requires intensive, broad-based, coordinated action.

Despite the role of villain assigned to us by some groups, industry can be counted on to do its share. Looking at the forest products area, industry has certainly proven its cooperative, responsible attitude. Most companies have over the years, and despite satisfying ever rising consumption, planted millions more trees on the timberlands under their jurisdiction than they've cut down. Industrial woodlands have consistently promoted the multiple use concept, providing hunting, fishing, and other forest recreational opportunities to more people than ever before.

Those of us who are concerned with growing forests and producing forest products stand at the interface between rising demand and the resources needed to supply it. I think we're in excellent position not only to satisfy greater consumption but also to expand the productive conservation of these resources.

THE CALIFORNIA WATER PROJECT PRESENTS ANOTHER PUZZLE—EAST SIDE OR WEST SIDE?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. WALDIE. Mr. Speaker, 3 weeks ago I inserted a list of questions asked by California resources secretary, Norman B. Livermore, Jr., regarding the East Side canal project.

His questions, Mr. Speaker, were asked of the Bureau of Reclamation and centered on the environmental impact of the proposed East Side Division of the Central Valley project and the effect of the development of many thousands of acres of new cropbearing lands on the agricultural economy of California.

As a consequence of Mr. Livermore's asking those questions, East San Joaquin Valley interests correctly interpreted the State officials as favoring one project, the State water project, over another, the East Side Division of the federally financed Central Valley project.

The problem, Mr. Speaker, is that there is not enough water to supply the proposed needs of these two mammoth projects.

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The dissent among the water contractors in this matter is growing, despite the efforts of the State's "water company," the Department of Water Resources, which is trying to soothe both sides for fear that the real weaknesses of the water planning in California will be made apparent to the people of the State.

At a recent meeting of the State of California's Board of Agriculture, William R. Gianelli, director of the Department of Water Resources took note of the gathering clouds of competition for California's remaining water and suggested that the water users should not be fighting among themselves but, instead, should be fighting against the "extreme conservationists."

What Mr. Gianelli is really saying, Mr. Speaker, is that the water contractors of State and Federal water should band together and fight the people of the State who are very concerned about the effects of massive water development upon the environment of the areas of origin and the areas of receipt.

Mr. Speaker, "extreme conservationists" is a label fitting all conservationists. There is no half effort to preserve the environment.

I believe Mr. Gianelli knows that fact, and that he and the others who would peddle the State's water resources to those who would add to the rampaging and disastrous growth of the Los Angeles Basin and the very real economic problems facing the State's agricultural industry are deluding themselves if they think they are up against a handful of "extremists."

The people of the State are concerned—extremely concerned.

Mr. Speaker, I would like to place into the RECORD a letter to the State Agriculture Board from John Garabedian, a grower from Fresno, Calif., who is unhappy at the State's efforts to send water south at the expense of the East Side.

I would also like to place into the RECORD a response to that letter from Mr. Gianelli.

I would draw to the attention of those who read these letters the absence of consideration regarding what will happen to the areas of origin if the water they are bickering about is diverted.

The letters follow:

PETERS & GARABEDIAN,
Fresno, Calif., June 29, 1970.

ALLAN GRANT,
President, State Board of Agriculture,
Sacramento, Calif.

DEAR MR. GRANT: As you know, I will be unable to attend the meeting on Thursday. I am, therefore, writing this letter pertaining to our state water problems. Inasmuch as Mr. Gianelli is going to speak to the Board on this subject, I believe this letter is timely. Please read it after Mr. Gianelli's talk. I am in full agreement with practically all of Mr. Gianelli's thinking, but I cannot say the same about Mr. Livermore there in Sacramento.

I am particularly concerned that San Joaquin Valley water needs are being ignored while emphasis is being placed on moving water to Southern California. As an example of matters causing my concern, I have noted that in spite of the fact that the Proposed Feasibility Report for the East Side Division of the Central Valley Project to serve areas in the San Joaquin Valley was received by the State of California in December of 1968, no comments have yet been forwarded to the Department of the Interior.

In the meantime, the state has sent approving comments to the Department of the Interior on the Proposed Feasibility Report on the Peripheral Canal which report was received in Sacramento in July, 1969. Maybe it is significant that the Peripheral Canal would serve the State Water Project which would deliver water to *southern* California areas.

The East Side Canal will serve areas in Stanislaus, Merced, Madera, Fresno, Tulare, Kings and Kern Counties in addition to furnishing water in Sacramento and San Joaquin Counties as a supplement to the Folsom South Canal.

Many thousands of acres of already developed agricultural lands in the San Joaquin Valley must have the supplemental water supplies now available for the East Side Canal if they are to survive severe water shortages and rapidly falling water tables. In addition, predicted population increases in California will have both direct and indirect results in the worsening of the existing critical situations. Demands will increase for municipal as well as agricultural supplies.

There is a great danger that unless prompt action is taken by the state to advance the East Side Canal, this badly needed facility will have been sacrificed to satisfy environmentalists who want this long-allocated and available water for discharge to the delta and the ocean. Blithely, casually and unrealistically these people are saying that east side areas should look to the "north coast" for water while the environmentalists actively oppose such "north coast" development.

The unfortunate result is liable to be that the water needed for the initial phase of the East Side Project will be lost while over 2,000,000 acre feet of northern California water flows through central California and over the Tehachapi to serve southern California. 1,500,000 acre feet has been allocated to the East Side Division by state and federal agencies for years and until this water, made available by federal CVP storage and conveyance features can be delivered to the many applicants who have asked for over 4,000,000 acre feet per year from CVP, the present CVP water and power contractors will be liable for repayment of allocated construction costs.

The East Side Division and the Peripheral Canal will use the same take-out from the Sacramento River near Hood and will use several miles of joint canal. East Side and Peripheral Canal projects should be authorized together and constructed jointly by stages.

If Peripheral Canal is authorized ahead of the East Side Division, it is likely that the East Side Division will be set back years with the result that the water now available will go to other areas.

It is inconceivable that the state government can turn its back on this important part of our state's progress.

The East Side Canal will be able to improve delta water quality through discharges to east side streams; improve fish and wildlife conditions by releases at various points; make possible by means of the Hood-Clay Pump Connection of the East Side Division the delivery of adequate flows in the American River passing Sacramento; and will provide additional recreational facilities to meet growing demands from San Joaquin Valley people as well as Southern Californians.

Bankruptcy and devastation will result in large agricultural areas unless progress is made immediately to bring about construction and use of this vital project which is badly needed.

Very truly yours,
JOHN GARABEDIAN.

DEPARTMENT OF WATER RESOURCES,
Sacramento, Calif., July 3, 1970.

Mr. JOHN GARABEDIAN,
Member, State Board of Agriculture,
Fresno, Calif.

DEAR MR. GARABEDIAN: Don Weinland, Executive Officer for the State Board of Agriculture, read your letter of June 29 to Chairman Allan Grant at the meeting of the Board held yesterday at the Irvine Campus of the University of California. I responded briefly to the points raised in the letter, and I am sorry you were not there to hear my comments. Don Weinland asked me to respond to your letter, and I am pleased to do that at this time.

First of all, those of us in the Resources Agency, Mr. Norman B. Livermore and myself, are trying very hard to make certain that all areas of the State are given equal treatment insofar as the use of our water resources are concerned. As far as I know, I do not believe that any responsible state official with whom I am acquainted has recommended early authorization and construction of the Peripheral Canal solely on the basis that it would serve the State Water Project and deliver water to Southern California areas.

Permit me to elaborate. The Peripheral Canal is a *joint* federal-state facility which would serve the Federal Central Valley Project as well as the State Water Project. As a matter of fact, the present arrangement contemplates that 50 percent of the water which would be diverted through the Canal would be used for federal project purposes and 50 percent for State Water Project purposes, with the costs of this canal being shared on the same basis. The San Luis Unit of the Federal Central Valley Project, the exchange contract which allows many along the east side of the Valley to receive water from the Madera and the Friant-Kern canals, as well as water delivery by the Bureau of Reclamation along the route of the Delta Mendota Canal, are all direct federal project beneficiaries from the Peripheral Canal. Of the State's 50 percent share of the water which would be diverted through the canal, only slightly in excess of one-half would be diverted to areas south of the Tehachapi Mountains. From these figures, therefore, you can see that the Peripheral Canal will be used to the extent of about 75 percent in the San Joaquin Valley for agricultural purposes with the remaining approximate 25 percent being used in areas of Southern California. Hence, the Peripheral Canal is not a facility designed to serve water solely to Southern California—most of the use from it will be in the San Joaquin Valley.

As you correctly report, the East Side Project report was forwarded to the State for comments approximately a year and a half ago. The cost of the East Side Project is now approaching $1 billion, whereas the federal share of the Peripheral Canal is only slightly in excess of $100 million. As a consequence, the projects are of considerably different magnitudes as compared to costs and problems associated with federal authorization and funding. Also, one of the problems associated with the East Side Project which has caused delay has been the insistence of the Secretary of Interior that guarantees of adequate drainage be provided before the East Side Canal can proceed without suggestions as to how this might be done. Secretary Livermore has, on several occasions, corresponded with the Secretary of Interior in an attempt to clarify the federal position concerning the necessity for drainage facilities before the Project proceeds.

There are a number of other problems concerning the East Side Project upon which clarifications are being sought from the U.S. Bureau of Reclamation. It has been our general view that as many of these problems as possible should be cleared up at the State level instead of debating them in Washington or at the time of congressional hearings.

Let me assure you that we State agencies understand the problems of falling ground water levels on the east side of the San Joaquin Valley and recognize the importance of maintaining the existing agricultural economy in that area. We are hopeful that some of the problems concerning the Project can be resolved and the State's comments forwarded without undue delay.

Please let us know if you have any questions.

Sincerely yours,

W. R. GIANELLI,
Director.

MIDGET SOVIET PEACE STEPS TOUTED AS GIANT STRIDES

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. BOGGS. Mr. Speaker, the very able columnist, Joseph Kraft, has written a very perceptive article on the situation in the Middle East. I would like to share it with my colleagues:

[From the Baltimore Sun, Aug. 13, 1970]

MIDGET SOVIET PEACE STEPS TOUTED AS GIANT STRIDES

(By Joseph Kraft)

WASHINGTON.—The world has recently been wearing a more peaceful aspect because of some give on the Soviet side. But the Russians have been obliging on problems that are about as apt to go away as rheumatism.

Their concessions have been trivial and subject to easy reversal. So the Washington view is that the Russians are mainly trying to gain time for sorting out internal leadership problems that must be resolved before fundamental decisions can be taken.

The most striking sign of Soviet give has come in the agreement with West Germany to renounce the use of force. The agreement was tied up months ago in negotiations between Andrei Gromyko, Soviet foreign minister, and Egon Bahr, a special assistant to Chancellor Willy Brandt of West Germany.

For purely internal political reasons Bonn then decided to append to the agreement provisos that would keep open the questions of German reunification and a possible Big Four arrangement on the status of Berlin. The Russians could easily have balked, leaving the Brandt government in an awful hole. Instead they accepted gracefully. And when Chancellor Brandt decided to go to Moscow for the signing, Premier Alexei Kosygin even came off vacation to be present.

A similar show of pliability has marked the Soviet role in the Middle East. The Russians could have gone on using tension between Israel and Egypt to penetrate deeper and deeper into the area.

Instead they elected to favor the 90-day cease-fire proposed by the United States, and in the Moscow talks with President Gamal Abdel Nasser, they used their influence to foster Egyptian acceptance.

Lastly, there is the matter of the Strategic Arms Limitations Talks in Vienna. The proposals put forward by the United States could have been rejected by the Soviet Union on a number of plausible grounds. For example, they do not cover the MIRV, or multiple independently-targeted reentry vehicles, where this country is way ahead. They impose special limits on the biggest bombs and missiles where the Russians have put their energy.

Instead the Russians let these proposals go by without serious protest. And so the second, or Vienna phase of the marathon talks, has featured a note of amity.

Despite these pleasant atmospherics, however, the Soviet moves are trifling in their intrinsic significance. A settlement in Europe still turns on two almost primeval issues—the status of Berlin and the role of the two Germanies. In the Middle East, there are not even the beginnings of harmony on such basics as the status and the borders of Israel. And while an arms agreement is likely, the area covered seems to be shrinking with the final outcome not yet assured.

Indeed, the striking feature of current Soviet behavior is that minimal gestures are being made to look like major steps forward. And it is in this connection that the theory of unresolved internal problems comes on stage. For the existence of these problems is beyond question.

A new party congress, Russia's most important political forum was announced at the highest levels last month, only to be postponed a few days later, until next spring. Adoption of a long-overdue five-year plan has been similarly put off. A number of the highest Soviet leaders—including Premier Kosygin, President Nicolai Podgorny and Mikhail Suslov of the party secretariat—seem ripe for retirement. And continuing transfers of younger contenders—most recently the rumored shift of V. S. Tolstikov from party boss of Leningrad to ambassador to China—suggests that major shuffles are being prepared.

The best guess, in these circumstances, is that the Soviet leadership is easing presure on foreign fronts in order to gain a breathing spell for setting its own house in order. The big decisions are almost certainly yet to be made.

So while the harmony of the present moment is not to be wholly discounted, while indeed it makes sense to seize opportunities, the most important thing for the United States is to be ready for any outcome in the uncertain shifting now going on inside the Kremlin. In that connection, the Senate's narrow approval for continuing the anti-ballistic missile program seems about what the doctor ordered.

TRIBUTE TO GEORGE HOBERG

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. LEGGETT. Mr. Speaker, Lake County, Calif., the paradise of California's vacationland, lost its leading citizen last week, George Hoberg.

George pioneered the development of Lake County's Hoberg's Resort, the most notable in northern California. The Hoberg Resort over the past many decades catered to thousands of vacationers. Because of George Hoberg's management the lives of many people were made a little more plesant for a few weeks of the year.

George Hoberg was active in serving his community, a graduate of Cogswell College in San Francisco, became a leader in the State resort and tourism industry, and served as president of the California Hotel and Resort Owners Association, the Redwood Empire Association, and the Lake County Chamber of Commerce.

George Hoberg also was a leader in the effort to redevelop Lake County to achieve a southerly diversion of the Eel River.

George was a friend of mine and the kind of Californian that measurably helped make our State great.

SIXTH ANNUAL LEGISLATIVE QUESTIONNAIRE RESULTS 9TH DISTRICT—NEW JERSEY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. HELSTOSKI. Mr. Speaker, the response of my constituents to my sixth annual questionnaire is most gratifying. To date, I have received 24,485 responses to the questionnaire, which indicates to me the high degree of interest residents of the Ninth Congressional District of New Jersey have in their Federal Government and the critical issues of the day.

The questionnaire was sent to all households in the Ninth Congressional District. I feel that through such an extensive sampling I was able to obtain an accurate reflection of the prevailing opinion in my district on the most important issues facing our Nation.

There were many questionnaires that had additional comments attached to them. These are in the process of being answered individually. The enthusiastic response to my request for expanded individual opinions proves decisively that people are concerned about their Government.

I wish to take this opportunity to extend my thanks to all the residents of the ninth district who took the time and effort to study, evaluate, and respond to the questionnaire. It is an honor and a privilege to represent the people of the district.

At this point all 24,485 responses have been tabulated. It is my intention to send a copy of the results to every resident of the ninth district so that my constituents can compare their personal views with the concensus of opinion of the other residents of the district. The tabulation was a tremendous task, and I wish to express my appreciation publicly for the fine cooperation of the many volunteers and members of my staff who spent countless hours completing this tabulation.

Mr. Speaker, I find several points particularly clear in the responses on my constituents.

There continues to be a high degree of interest in the war in Southeast Asia. An overwhelming number of respondents opposed further escalation of the war, and a similar percentage backed the continuation of the dual policy of phased withdrawal and seeking peace at the negotiating table. Reaction to the extension of the war into Cambodia was strongly negative with considerable sentiment in favor of firmer congressional oversight of Presidential actions in conducting the war.

In connection with the question asking my constituents to rank issue areas according to their personal priorities for action, a large number placed ending environmental pollution at the top of the list, backing their choice with a resounding 95 percent vote in favor of fines for industrial polluters of the air and water. This obviously represents, Mr. Speaker, a clear mandate in favor of more vigorous Federal action in the field of pollution control.

Quite naturally, many residents of the Ninth District expressed concern about the troubled state of our economy, with a large number in favor of wage, price, profit, and credit controls to end inflation. I believe this suggests, Mr. Speaker, that perhaps by constituents are not completely satisfied with the administration's approach in redirecting the economy and expect more assertion on the part of Congress to restore the conditions of prosperity and economic growth which we experienced throughout the decade of the 1960's.

Certainly the indicated support of my constituents for programs to establish special institutions for the rehabilitation of criminals and narcotic addicts, to provide a guaranteed income for poor people, to increase the number of scholarships and loans to college students from low- and middle-income families, and to regulate marketing practices in order to better protect consumers reflects a concern on their part for domestic social improvement. This, in turn, signals Members of Congress to take cognizance of the need to reorder our spending priorities. My constituents' views regarding excessive military spending is confirmed in their opposition to further deployment of the ABM and MIRV systems, and their support for reductions in troop assignments in Europe and Asia.

Mr. Speaker, these are but some of the generalizations one can make on the basis of the questionnaire results. The statistical tabulations follow in two parts, and I commend them to the consideration of my colleagues in the hope that they will derive some insight from them as to the state of public opinion in the Nation at this time.

Mr. Speaker, for a long time we have been talking about reassessing our priorities. The results of the second part of the poll indicate that the conditions of our environment and the question of Vietnam are major concerns in the Ninth Congressional District. Inflation and narcotics traffic follow closely. The problems of hunger, the conquest of killer diseases and education also stand high on the list of priorities.

In presenting these results, Mr. Speaker, I feel that they represent a good cross-section of views and opinions of my constituents. I value their thinking and the care which they took in making their evaluations.

The listing of the results follow:

PT. I.—1970 LEGISLATIVE QUESTIONNAIRE

[In percent]

	Yes	No	Undecided
1. Our involvement in Vietnam has now reached the 14-year point. What course should we now pursue?			
(a) Step up military action to defeat North Vietnam and the Vietcong?	22.7	66.4	10.9
(b) Proceed with gradual withdrawal of our troops leaving the battlefield fighting to the South Vietnamese, but continuing our conference efforts to bring peace to the area?	64.2	29.6	6.1
(c) Should Congress set a definite date for withdrawal of our troops?	47.3	43.3	9.3
(d) Complete withdrawal of our military forces leaving the decision to be reached on the future of South Vietnam to those principally involved—South Vietnam, North Vietnam, and the Vietcong	53.0	36.4	10.5
(e) Do you favor the Cooper-Church amendment which would prohibit the use of funds to retain U.S. troops in Cambodia after July 1, 1970 (the deadline of the President) unless otherwise authorized by Congress	62.5	31.4	6.0
2. Would you favor enactment of legislation compelling a President to get congressional approval before sending or committing American troops to any foreign land?	59.9	33.4	6.6
3. Should we hold in abeyance further testing and development of the expensive Safeguard antiballistic missile system (ABM) and the multiple-war head missiles (MIRV) until an agreement is reached or not reached on arms control at the strategic arms limitation talks (SALT) being held by the United States and Russia?	49.8	39.1	11.0
4. Should we sharply reduce the size of our troop assignments in Europe and Asia with a twofold purpose—placing greater responsibility on other nations to maintain peace in their ares and to make more funds available for our domestic programs?	79.8	14.5	6.5
5. Do you favor the United States selling additional Phantom and Sky Hawk airplanes to Israel?	58.3	27.0	14.6
6. Do you favor a détente with mainland China directed at expanding trade and cultural relations and her admission to the United Nations?	54.2	31.9	13.8
7. Do you feel voluntary restraints by all sectors of the economy would be sufficient to slow down inflation?	32.4	53.7	13.8
8. As a last resort would you favor wage, price, profit, and credit controls?	65.4	23.3	11.2
9. With regard to the environment, do you favor:			
(a) Barring lead in gasoline?	81.4	7.4	11.1
(b) Fines for industrial pollution of the air and water?	95.1	2.4	2.4
10. Do you favor additional scholarships and loans for college students from low- and middle-income families?	71.5	20.3	8.1
11. Do you favor proposals pending before Congress which grant postal employees an 8-percent pay increase and creates a private Government corporation to operate the Post Office Department with the right to set mailing rates and wages of employees?	73.6	13.5	12.8
12. President Nixon has proposed a welfare plan under which a federally guaranteed income would be available to those on relief and which also provides benefits for the working poor. Do you think the idea is a good one?	51.1	33.2	15.6
13. Would you favor the establishment of a complete volunteer military force and the ending of selective service (the draft) keeping in mind it would mean greatly increased salary costs to attract volunteers?	44.3	43.5	12.1
14. Do you favor a system which provides for alternative services (governmental, Vista, Peace Corps, Red Cross) to military service?	58.6	29.7	11.6
15. Would you favor creation of a Federal-State program establishing special institutions for rehabilitating—academically and vocationally—those convicted of crimes for the 1st time and to keep them apart from hard-core criminals?	87.9	7.4	4.6
16. Would you favor making it a criminal offense to mail unsolicited or unasked for pornographic advertising to a person—adult or minor?	74.4	17.0	8.5
17. Do you favor election of Presidents by popular vote in place of the present Electoral College system?	80.5	12.7	6.7
18. Do you favor a requirement that packages be labeled to show the per unit cost of an item?	81.8	11.3	6.8
19. Do you favor legislation to protect individuals from receiving unsolicited credit cards through the mail?	87.1	8.3	4.5
20. Do you favor Federal funding for drug abuse education?	74.1	17.2	8.6
21. Do you favor additional funding of Federal rehabilitation programs for narcotic addicts?	69.8	19.8	10.3
22. The House recently passed a bill increasing social security benefits by 5 percent and with an escalator clause to keep pace with the cost of living. Do you think this is appropriate and adequate?	58.6	25.7	15.6

PART II—PRIORITIES

What is your order of priorities? Please mark the following numerically (1, 2, 3, etc.) in the order of their importance to you.

Relative standing in the group in terms of total number of responses:

1. Air, water pollution, environment.
2. End war in Vietnam.
3. Inflation, unemployment, cost-of-living.
4. Narcotics traffic and addiction.
5. Hunger and Malnutrition.
6. Conquering "killer" diseases.
7. Education.
8. Syndicate or organized crime.
9. Street, house-breaking crimes and root causes of them.
10. Housing.
11. Plight of Cities.
12. City, suburban transportation.
13. Racial discrimination.
14. Highway safety and construction.
15. Expanded job training for disadvantaged.
16. Space program.
17. Foreign Aid.

NATIONAL COUNCIL OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS ENDORSES THE ABOLITION OF THE DRAFT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, several weeks ago I and a group of 60 other Representatives introduced a bill to implement the Gates Commission's recommendations and establish an all-volunteer army.

This is an issue which has gained support from Members of both political parties and across the entire ideological spectrum. Many groups and associations realize the need to end the draft. One of these is the National Council of Young Men's Christian Associations.

At a recent meeting, the national council resolved that "the national administration and the Congress give very high priority to complete abolition of the draft at the very earliest possible date." The entire text of the resolution follows:

RESOLUTION OF THE NATIONAL COUNCIL OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS ON THE SELECTIVE SERVICE SYSTEM

Whereas, the issue of Selective Service is one of the deepest concern to the young people in whom the YMCA should have the greatest interest and to whom the YMCA should have the most desire to appeal; and

Whereas, the National Board of the YMCAs adopted on February 7, 1970, a comprehensive resolution on the subject of Selective Service based on a careful study by a well qualified, broad based task force;

Now, Therefore, be it resolved that the National Council of the YMCAs of the USA endorses and supports the Resolution adopted February 7, 1970 by the National Board of the YMCAs concerning Selective Service and urges its widespread dissemination and support; and

Resolved, further, that the National Council urges the national administration and the Congress to give very high priority to complete abolition of the draft at the very earliest possible date; and

Resolved, further, that copies of this Resolution and of the February 7, 1970 National Board Resolution be sent to the President, the Secretary of Defense, and every member of Congress.

RICHARD L. WEITZEL

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. GAYDOS. Mr. Speaker, the adults of each generation, it seems, view the youth of the day with extreme skepticism. They study the youth, their ideas and ideals, their fads and their interests, and they wonder what will become of the Nation when the boy becomes a man.

Strangely enough, the Nation has prospered under each generation. Each has produced outstanding men in every walk of life. The youth of today, I believe, will perform likewise.

For instance, Richard L. Weitzel, a 14-year-old boy from West Mifflin, Pa., in my 20th Congressional District, has all the earmarks of becoming such a leader of tomorrow. A son of Mr. and Mrs. Richard L. Weitzel, this young man was one of 34 boys in the entire Nation selected to the 1970 Pop Warner All-American Team of Little Scholars. He was chosen for his excellent performance as a scholar, an athlete, and a leader.

I would like to insert in the RECORD the letter announcing Richard's selection to the All-American team along with two articles from his community's newspaper, the New Daily Messenger. These articles summarize Richard's many accomplishments today and it is obvious why he was selected for the Pop Warner All-Stars.

Mr. Speaker, I believe the late Glenn Scobie Warner, for whom this national football organization was named, would have been proud of Richard. I know I am.

The material referred to follows:

POP WARNER LITTLE SCHOLARS, INC.,
Philadelphia, Pa., June 10, 1970.

Master RICHARD WEITZEL,
West Mifflin, Pa.

DEAR RICHIE: It is with great personal pleasure that I inform you officially of your selection to the 1970 Pop Warner All American Team of Little Scholars.

Your proven accomplishments in the field of scholarship, athletics, and community service have marked you as an ideal example of the finest qualities of American youth and eminently qualifies you to take part in this year's 19th annual Little Scholars' Pilgrimage to Cincinnati, Ohio from August 2 to August 9, 1970.

You and your parents can be justly proud of this recognition which places your name on a select list of scholar-athletes who have emulated the character building example of the late, great Glenn Scobie "Pop" Warner.

Congratulations and sincere best wishes for a wonderful and enlightening trip.

Yours truly,
ANTHONY F. VISCO, Jr.,
National Football Commissioner,
Pop Warner Junior League Football.

[From the Daily Messenger, June 20, 1970]

RICHARD WEITZEL NAMED TO POP WARNER TEAM

Richard L. Weitzel, son of Mr. and Mrs. Richard L. Weitzel, 101 5th Avenue, West Mifflin, Pennsylvania, has been selected as a member of the 1970 Pop Warner All American Team of Little Scholars.

Chosen for his excellent performance in the classrom, gridiron, and all-around leadership, Little Scholar Richard Weitzel will travel as part of a squad of 34 Little Americans for a one week pilgrimage to Cincinnati, Ohio.

Highlights of this trip will be their attendance at the opening day game at Cincinnati's new Riverfront Stadium between Paul Brown's Cincinnati Bengals and Vince Lombardi's Washington Redskins, a visit with Ohio Governor, James Rhodes, and trips to the professional football Hall of Fame in Canton and to the Air Force Museum in Dayton.

Richard is "a credit to his family and his community" according to the Hon. Joseph M. Gaydos, U.S. Congressman, House of Representatives, from Pennsylvania. Richard, the top student in the ninth grade class of 256 at Homeville Junior High is on the stage crew and editor of Homeville J. High School newspaper, and a member of the Knights of the Altar, Catholic Youth Organization, and the National Honor Society; he also received the American Legion Scholarship Award. Richard plays spit end and halfback for the West Mifflin Trojans, coached by Donald T. Polens, Steel Valley Football League. He was named "Most Valuable Player." Richard, 14 years old, would like to go to Notre Dame.

According to Herbert Barness, Pop Warner Board Chairman, each Scholar-Athlete represents an outstanding example of the qualities emulated by the late, great Glenn Scobie "Pop" Warner for whom the nationwide junior grid organization was named. All of the named Little Scholars will receive a framed certificate signifying their achievement and recognition as an outstanding American youth.

The nationwide youth football program that bears his illustrious name (Pop Warner Junior League Football), now in its 42nd year of operation, continues to innovate the grid game at the very grass roots level of pre-high school football.

Working with youngsters between the ages of seven and fifteen years, the Philadelphia headquartered Pop Warner Junior League Football program has pioneered safety-first football, where youthful grid opponents are carefully and strictly matched according to both maximum and minimum age and weight limitations.

[From the New Daily Messenger, July 1, 1970]

FROM THE SIDELINES

(By Ray P. Johnston)

Ray Weitzel is a perfectionist!

Whether behind his desk at Homeville Junior High, as a member of the Catholic Knights of the Altar, or as half-back and split end for the West Mifflin Trojans, Rich Weitzel is not satisfied with second-best.

The 14-year-old student has been selected as a member of the 1970 Pop Warner All American Team of Little Scholars; not an honor to be taken lightly—but then, Rich Weitzel doesn't take anything lightly.

Only the best can make the Pop Warner team. Needless to say the son of Mr. and Mrs. Richard L. Weitzel of 101 Fifth Ave., West Mifflin worked hard for the honor.

He was chosen for excellence; in the classroom, gridiron, and all-around citizenship and leadership. He'll travel as part of a squad of 34 Little All Americans for a one week pilgrimage to Cincinnati, Ohio.

He'll be there at the opening day game at Cincinnati's new Riverfront Stadium between Paul Brown's Cincinnati Bengals and Vince Lombardi's Washington Redskins.

He'll visit Ohio Governor James Rhodes. He'll take trips to the Professional Football Hall of Fame in Canton and the Air Force Museum in Dayton.

Richard Weitzel has proven himself worthy of the honor and his accomplishments have brought honor to his family, his school, his team and his community. Congressman Joseph M. Gaydos recently cited Richard for being a credit "to his family and his community."

They say that brains and football just don't go together. Rich Weitzel is proving that statement wrong, and he's spelling it out in capital letters.

Rich Weitzel is the top student at Homeville Junior High in a class of 256. He's on the stage crew. He's editor of the Homeville Junior High newspaper and he's a member of the Knights of the Altar, Catholic Youth Organization. The young athlete is a member of the National Honor Society. He also received the American Legion Scholarship Award.

When the young scholar sets his books down and picks up a football he means business. He plays split end and halfback for the West Mifflin Trojans, coached by Donald T. Polens, Steel Valley Football League.

Named the "Most Valuable Player," he has no doubts about his future. He wants to go to Notre Dame.

The way things look, he'll make it!

NAZI DOCUMENTATION CENTER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. WOLFF. Mr. Speaker, a distinguished constituent of mine, George H. Rausch, has called to my attention a problem regarding the threat to continued operation of the Nazi documentation center which has been operated by Simon Wiesenthal and which has been instrumental in bringing many former Nazi officials to justice.

Though we cannot bring back the 6 million dead we can bring to justice those responsible for the holocaust.

Mr. Rausch's letter and a letter he received from Mr. Wiesenthal fully explain the present situation confronting the documentation center.

Considering the importance of this matter in providing for international justice I commend these letters to my colleagues' attention and include them in the RECORD at this point:

JUNE 25, 1970.

Hon. LESTER D. WOLFF,
Cannon House Office Building,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WOLFF: You are aware, I am sure, of Simon Wiesenthal's great contribution to the cause of justice. It has been through his efforts that international criminals like Eichman were brought to the bar, and his Documentation Center, at this time, is the only agency in the whole world concerned with bringing to justice individuals of such infamy. It is unthinkable that the free peoples of this world should brook any interference with this man's work.

I am enclosing a copy of a letter we have just received from Mr. Wiesenthal.

We hope that you will find it possible to bring the potential threat to the Documentation Center to the attention of not only the Congress of the United States, but such other officials in our Government who can speak for the people of America and intervene in the Center's behalf.

It gives me a great sense of security to know that this matter will have the support of your influence in Washington.

Most cordially,

GEORGE RAUSCH.

DOKUMENTATIONSZENTRUM DES
BUNDES JUDISCHER VERFOLGTER
DES NAZIREGIMES,

June 16, 1970.

Dear Friends of the Documentation Center:

You have certainly read in the papers about the heavy attacks and defamations on the party-congress on June 11th of the Austrian Socialist Party which forms the Government, against me and the Documentation Center. Minister Leopold Gratz called the Documentation Center a "Feme- und Spitzerlorganisation", i.e. vehmic and secret-agent organisation.

We did not accept this silently, but brought an action against Minister Gratz. Our friends abroad—particularly the organisations of the Nazi-prosecuted, organisations of the Résistance, Jewish and non-Jewish—sent telegrams of protest to Chancellor Dr. Kreisky and to the Socialist Party.

We know very well that the Socialist Party needs the votes of the former Nazis for to reach the majority. It is reported that there might be a Nazi-amnesty.

In the present Austrian Government there are several Ministers with a Nazi past. Considering this the Documentation Center did not dare to let that pass without pointing to it. Our friends in Austria understood that the Minister threatened to have the Documentation Center closed.

Presently we are the only ones to be active against the Nazis. If you think the Documentation Center must not be silenced please cable your opinion to Chancellor Dr. Bruno Kreisky, Bundeskanzleramt, 1010 Vienna, Ballhausplatz, or to the Sozialistische Partei Österreichs, 1010 Vienna, Löwelstr. 18. If you think that some of your friends might be willing to do the same, please give them the address and our thanks.

With kindest regards,

SIMON WIESENTHAL, Dipl.—Ing.

CRIMINAL JUSTICE PROFESSIONS ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. MIKVA. Mr. Speaker, the years of neglect and distorted priorities which have led us to ignore the needs of our criminal justice system—our police departments, our courts, our jails and prisons, and our probation and parole services—have now resulted in the personnel who staff those institutions becoming the target of much unwarranted criticism and abuse.

Police and law enforcement officers—the vast majority of whom are dedicated and conscientious public servants—are criticized and ridiculed by those who have never faced the hard decisions which the policeman makes every day he is on the beat. Judges whose inadequate numbers and insufficient resources delay the trial process for months are accused of "coddling criminals," because we have not provided the wherewithal to bring defendants to trial fast enough. Overloaded parole and probation officers are asked to carry casework burdens which are twice or three times the optimum for adequate supervision. Jail and prison administrators are so shorthanded that 80 percent of their time and money must be spent on purely custodial functions, with no resources for the rehabilitation which is supposed to be the objective of a corrections system.

Staggering under these accumulated burdens of neglect, the morale of the men and women who staff the institutions of our criminal justice system is falling disastrously. Recruitment and training of new talent for these essential fields is often impossible because of inadequate pay and because of the low regard in which these occupations are held by some people. Even when pay and status are at acceptable levels, the danger involved in criminal justice occupations—especially in police work—often destroys morale and removes the incentive for aggressive and imaginative law enforcement work. In my home in Chicago, seven police officers were tragically shot in the line of duty during 1969. In the last month alone another three more officers were murdered while on duty.

Clearly some assistance from the Federal level is required on an emergency basis if we are to avoid having the administration of criminal justice break down entirely in our major metropolitan areas where crime is concentrated. For this reason I am introducing today a bill entitled the Criminal Justice Professions Act. This proposal would begin to revitalize the criminal justice occupations, to provide incentives for broader-based recruitment and better training and education, to supply the rewards of better pay and higher social status for the men and women in the criminal justice professions.

The bill has three main parts. First, it would provide for Federal programs to increase the educational and training opportunities open to police, court administrators, and corrections specialists. It would provide them fellowships of $3,500 per year for graduate or professional programs of study, it would subsidize travel to other jurisdictions within the United States and in foreign countries to study the advanced techniques of law enforcement and corrections in other locations. Finally, it would establish a program of local and regional seminars and for the exchange of modern, up-to-date approaches to the problems of administering the criminal law. All of these programs would be designed to increase the opportunities for criminal justice professionals.

A second part of the bill would go beyond improving opportunities to improve the incentives and rewards for criminal justice professionals. One section would authorize payments by the Law Enforcement Assistance Administration to State and local criminal justice agencies to pay educational achievement supplements to the salaries of their personnel. These supplements could be as much as 5 percent of the employee's basic salary for a degree from a 2-year accredited institution of higher education, 10 percent for a 4-year degree, and 15 percent for a graduate degree.

In addition there would be incentive payments—subsidized by the Federal Government—for service in high crime and high risk areas. The areas which qualify for such incentive pay would be determined by the IEAA Administrator in consultation with local police authorities.

I should add at this point that I sponsored another bill in July of last year, H.R. 13054, to extend Federal survivors' and disability benefits to local law enforcement and firemen, or their families, when these men are killed or totally disabled in the line of duty. This kind of guaranteed coverage would in some areas provide a significant additional incentive to recruitment and retention of men in these often hazardous occupations. I still find it difficult to understand why President Nixon's Attorney General and the Justice Department have opposed this proposal to benefit the courageous men of our local police and fire departments.

The third and final part of this bill would focus the efforts of our criminal justice professionals on those areas which are the proper concern of the criminal law—dangerous and harmful crimes against persons and against property. Title III of the Criminal Justice Professions Act would establish a Commission To Study the Limits of the Criminal Sanction. The Commission would be composed of the chief Federal law enforcement officer—the Attorney General—as well as the Secretary of Health, Education, and Welfare, Members of the House and Senate, and three criminologists from private life appointed by the President, one of whom would be designated Chairman.

The purpose of the Commission is to study these many areas of behavior which we are now trying to regulate or control using the criminal law, but which are, in reality, not suited to control through the criminal law. Such areas as drunkenness and alcoholism, family relations problems, traffic control and accident investigation, narcotics addiction, abortion, gambling, and vagrancy are social, medical, and economic problems. But perhaps they should not be criminal problems. Treating them as criminal problems means that the valuable skills and time of police, prosecutors, judges, and sometimes corrections, probation and prison personnel must be devoted to what are essentially social, medical, or economic problems.

The Commission would study which, if any, of these questionably criminal areas could be better controlled, regulated or treated through social or medical programs rather than through the criminal law. As just one example, over half of the arrests in the United States in a recent year were for drunkenness. The time which police and judges could save if these problems were handled by local Alcoholic Treatment Centers would be an invaluable contribution to the war against violent street crime. Similar savings might well be possible in analogous areas like traffic control, family relations, and so forth.

In addition to studying possible areas of decriminalization, the Commission would recommend the best types of incentives to encourage States and local governments to switch from criminal treatment to social or medical means for handling behavior which can best be controlled or regulated through noncriminal programs.

In the three principal ways described above—by creating additional opportunities, by providing real incentives to take advantage of those opportunities, and by focusing the skills and efforts of criminal justice personnel on serious crime problems, the Criminal Justice Professions Act could make a real contribution to revitalizing the police departments, criminal courts, and corrections programs of our Nation's cities. And revitalize them we must if we are ever, in the words of the Founding Fathers, "to insure domestic tranquillity."

VOTER REGISTRATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. BROWN of California. Mr. Speaker, once again I am contacting every resident of my district in an effort to aid in increasing voter registration. This year, I am pleased to note, two excellent civic-minded organizations are cooperating to make this a completely nonpartisan effort—the California League of Women Voters and the California Jaycees. I want to commend these two organizations and am inserting the text of the card I will send out at this point in the RECORD:

Voter Registration '70 (Sponsored by: California League of Women Voters and California Jaycees), Post Office Box #1765, Santa Monica, California 90406.

DEAR CONSTITUENT: The act of voting is fundamental to a democracy. But *you cannot vote unless you are registered*. If you, or anyone in your household, are eligible to vote but unregistered at this address, I urge you to register *before* September 10, so that you may vote in November.

To help you in this process, I am providing the attached form. If you are unregistered, please fill it out and mail it. It will be given to a Deputy Registrar and every effort will be made to register you to vote.

You are eligible to register to vote if by November 3: *you will be 21 years of age, have lived in California for one year and the county for 90 days.*

If you have any questions, please call one of the numbers below.

GEORGE E. BROWN, JR.,
Member of Congress.

Republican: 256-3121 (Northeast Los Angeles). 483-9550 (Los Angeles).

Democratic: 261-4122 (East Los Angeles—habla Espanol). 666-5171 (Northeast Los Angeles).

Registrar of Voters—628-9211.

Congressional Offices: 688-4644 (Los Angeles), 287-0302 (San Gabriel).

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If you are not now registered to vote fill in and return.

(Note: filling out and returning this card does not register you to vote, but every effort will be made to have a Deputy Registrar contact you).

To: Congressman George Brown:

We are presently not registered to vote:

(Please print)

Names: ________________________________
Address: ______________________________
City ____________________ Zip: __________
Phone: ________________________________

Best time to contact: In the evening, during the day, call first.

Please ask the Democratic, Republican, Peace and Freedom, American Independent, __________

Party to have a Deputy Registrar contact me.

Registration closes September 10.

IT IS POSSIBLE TO ERADICATE MARIHUANA

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. SPRINGER. Mr. Speaker, I append herewith the third article of a four part series written by Ed Borman, news editor of the News-Gazette, Champaign, Ill., on how it is possible to eradicate marihuana.

Dr. Ellery Knake of the University of Illinois is an agricultural expert on noxious weeds and their elimination.

Dr. Knake gives a simple explanation on how it is possible to control marihuana with a chemical spray provided that it is done at the right time and the spraying must be widespread.

In view of the many questions that have been asked members of the Interstate and Foreign Commerce Committee about marihuana eradication, I know that this article by Mr. Borman will be most informative.

The article follows:

IT'S POSSIBLE TO ERADICATE MARIHUANA

(By Ed Borman)

The University of Illinois' top weed specialist has told a congressional investigator that $1 worth of 2-4-D chemical will kill marijuana growing along two miles of fence row.

However, Dr. Ellery Knake emphasized that the chemical must be sprayed at the right time—when the marijuana is not more than two feet tall.

And, he said, the spraying must be widespread, not just here and there by a few conscientious farmers.

Dr. Knake and student associates at the UI have cultivated and sprayed marijuana at the Urbana municipal dump to demonstrate what can be done.

He provided reports to Robert Rebein, an investigator for the Interstate and Foreign Commerce Committee of the U.S. House of Representatives, with the hope that federal authorities will join in the efforts to get something done with Illinois marijuana that is being harvested and sold in nationwide narcotics traffic.

Dr. Knake's principal mission in life is to disseminate the know-how of the UI College of Agriculture to Illinois farmers. He has tried that on the marijuana problem—through pamphlets, newspaper stories, radio-tv, and stories in farm journals.

And still the marijuana flourishes within a few miles of the University campus and over much of the Midwest.

Dr. Knake told the congressional investigator who came here this week that he is convinced it will take something more than the "educational" and "voluntary" approach of the past.

He believes that more governmental action is required against the plant that was introduced into this area as part of a national effort and now has become a national social problem. Marijuana is wild hemp. Hemp is the source of fiber for rope. When normal supplies from the Philippines were shut off during World War I and II, Midwest farmers were encouraged to grow hemp to make rope for the Navy.

Old-timers can recall when there was 187 acres of hemp in one field near Thomasboro. The hardy plant now grows profusely in uncultivated areas such as along fence rows, ditch banks, and Interstate highways.

The problem of eradication, according to Dr. Knake, is that to be effective, spraying must be done in May, June or no later than July—when the marijuana plants are not more than two feet tall, preferably smaller.

At that time of the year, Illinois farmers are busy cultivating corn and soybeans.

In the "educational" and "voluntary" approach, farmers are being asked to leave their corn and soybean work—when "it may rain tomorrow"—and spray the marijuana that is doing the farmers no harm.

Human nature and modern farm problem being what they are, Dr. Knake concedes that is asking a lot.

To the credit of farmers, he points out that many of them make an effort to get rid of the weed later in the year—about this time, when the pickers start coming to Champaign County from all over the country. By then, the specialist explains, the weed is seven or eight feet tall and so tough that most feasible sprays won't kill it, and only the sharpest of blades will cut it.

Marijuana is an annual plant, which perpetuates itself with seeds. The seeds now forming will bring on an even larger crop next year.

The 1969 Illinois Legislature tried to attack the problem by declaring marijuana a "noxious weed" and attempted to apply the same procedures which eradicated Canadian thistle and other troublesome weeds from the state's farmland.

Chairman Wesley Schwengel of the Champaign County Board of Supervisors a farmer, told the congressional investigator that the board's Noxious Weed Committee, headed by Lowell Routh of St. Joseph, has made a conscientious effort to apply the new state law here, but it hasn't worked.

Weed commissioners were appointed in 12 Champaign County townships, but they have been ineffective and the illicit pickers are flocking to the fields again.

"We're going to have to have some help from somewhere," Schwengel told the congressional investigator.

Dr. Knake envisions a combination of township weed commissioners, who know their home areas and their neighbors well, and a concentrated government-financed spraying crew working steadily during the critical times of June and July, when the weed is susceptible to spraying with cheap chemicals without danger to farm crops. The local commissioners could report where the spray crew was needed.

The UI agronomist points out that marijuana eradication can not be an "overnight" or even one-year job. Because the hardy seeds can lay dormant in the soil, it will take two three or four years, but he says, "It is quite possible to get rid of it gradually and ultimately to get ahead of it."

Congressman William L. Springer arranged for the congressional investigator, a former FBI agent, to come here because the House Interstate and Foreign Commerce Committee has before it a bill which seeks to modernize the federal laws on narcotics and drugs. Springer is the senior Republican on the committee.

The pending bill, on which Springer is a principal sponsor, continues the classification of marijuana as an illegal narcotic and gives the U.S. attorney general authority to eradicate it.

However, the proposed law will not mean eradication unless some agency is given the direction and the funds to do something about it.

THE SST

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. CULVER. Mr. Speaker, of major concern to those who are interested in the preservation of the environment is the proposal for the development of the supersonic transport plane—SST. Scientists studying the SST are now learning that what may appear to be progress in air travel could actually result in the further deterioration of our environment.

The SST is designed to carry its passengers faster than the speed of sound everyone and everything within a 50-mile swath along the entire length of the supersonic flightpath will be struck by a severe shockwave. The SST under development now is being subsidized with Federal funds, and should not be confused with the new Boeing 747, the jumbo jet, which travels just below the speed of sound, produces no sonic boom, and has been financed entirely by the aviation industry.

Of the objections to the development of the SST raised by environmental groups such as the National Audubon Society and the Wilderness Society, the following seem to be the most significant:

First. Climatic change: Flying at altitudes between 60,000 and 70,000 feet, the SST will put large quantities of water, carbon dioxide, and nitrogen oxides into a section of the atmosphere that is isolated from the lower atmosphere.

Warning that—

> This is potentially such a significant problem that we really must understand it before proceeding in any way to alter the water vapor content of this part of the atmosphere—

Dr. Gordon J. F. McDonald, the scientist member of the Council on Environment Quality, pointed to two dangerous consequences: First, if the concentration of water is increased sufficiently, it could form high, thin layers of cloud in this part of the atmosphere that could persist for a long time, and potentially could have a very large effect on climate; second, putting water into this part of the atmosphere will decrease the amount of ozone which shields the earth from damaging radiation. If, by any agent, ozone is stripped from the atmosphere, life on earth, except in the oceans, would end.

Second. Sonic boom: A sonic boom arrives with a sudden, loud bang and a pressure disturbance capable of shattering windows, cracking plaster, vibrating shelves, and triggering rock slides. If overland supersonic flight is permitted, people working, relaxing, and sleeping will be disturbed repeatedly, and damage to glass, plaster, and other materials could amount to several million dollars per day.

An alternative is a total ban on all overland supersonic flight. The FAA has proposed such a regulation. But, if it should develop that the economic success of the SST depends on overland flight—as one Department of Transportation official put it, "It's easier to change a regulation than a law." The sonic boom problem will not end with restricting supersonic speeds to overwater flights. Every SST that would fly the Atlantic would boom an estimated 4,000 persons on the ocean. The booms would be especially intense just off the coast, the greatest concentration point of commercial shipping, fishing, and pleasure vessels. Persons on such ships must expect as many as one or two sonic booms per hour, day and night.

Third. Air pollution: While serving as Under Secretary of the Interior, Mr. Russell Train, Chairman of the Council on Environmental Quality, cited atmospheric pollution and ground contamination as yet another environmental hazard posed by the SST. The operation of SST's at subsonic speeds—including speeds necessary for takeoff and landing—results in inefficient fuel combustion which releases a heavy discharge of pollutants. Inefficient fuel combustion is no small problem when the amount of fuel consumed by the SST is taken into account: for instance, during takeoff the SST burns 1 ton of fuel each minute—far more than subsonic jets burn for the same operation.

Fourth. Airport noise: According to one scientist, when the SST on landing and takeoff tears down its 2-mile runway, it will be like 50 subsonic jets taking off simultaneously. These landings and takeoffs are expected to produce noise levels exceeding 100 decibels—a pavement breaker registers 115 decibels at the operator's ear—over an area 4 miles long and approximately 2 miles wide surrounding the runway. The noise field would be three to four times louder than current FAA standards permit.

The President's SST Ad Hoc Review Committee reported that the noise levels of SST operations will be intolerable and the apparent cause of a wide variety of adverse effects to the populations in communities bordering SST airports. Not only does prolonged exposure to intense noise produce permanent hearing loss, but recent studies show that such exposure may harm other organic, sensory, and physiologic functions of the human body.

The House of Representatives by a very close margin recently approved an additional $200 million in Federal funds for the development of the SST. Action in the Senate on the SST will be taken this fall.

The question of the SST is a critical problem for all Americans. As an industrialized society, we must control progress—progress cannot control us.

HOW TO RESPECT AND DISPLAY OUR FLAG

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. HELSTOSKI. Mr. Speaker, in recent weeks I have received numerous complaints about the misuse and defiling of the American flag. I know that other Members have heard similar protests from their constituents.

Americans are concerned about the desecration of the flag and the growing commercial and political abuse of it in violation of true patriotism and the laws of our land.

Many of those who have contacted me have asked for official information on the proper use and display of the flag. Thus, I am furnishing my constituents with copies of the pamphlet, "How To Respect and Display Our Flag", prepared by the Veterans Day National Committee based on House Resolution No. 408, adopted February 5, 1962.

I firmly believe in the provisions and rules set forth in this document and am having reprints made of it at my own expense so that my constituents will have as much information as possible about how to honor this valued part of our national heritage.

The American flag is one of our most hallowed national symbols. It was adopted by the Continental Congress on June 14, 1777, as our national emblem and stands, in effect, for the birth of our Nation and our democratic way of life.

Most Americans do honor and respect the flag and the things it stands for, but there are those who blatantly spit on it, burn it, drag it in the dirt, wear it as an article of clothing, employ it for advertising purposes and maliciously use it as part and parcel of their campaigns for political office.

To acquaint everyone with the provisions governing respect and display of our flag and the things that may and may not be done with it, I hereby place in the RECORD the text of the pamphlet published by the Veterans Day National Committee:

HOW TO RESPECT AND DISPLAY OUR FLAG

The Pledge of Allegiance to the Flag: "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

FLY YOUR FLAG REGULARLY AND CORRECTLY, HERE'S HOW!

The U.S. flag when carried in a procession with another or other flags, should be either on the marching right (the flag's own right) or, if there is a line of other flags, in front of the center of that line. Never display the U.S. flag from a float except from a staff, or so suspended that its folds fall free as though staffed.

The U.S. flag, when displayed with another flag against a wall from crossed staffs, should be on the U.S. flag's own right, and its staff should be in front of the staff of the other flag.

The U.S. flag should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

When other flags are flown from the same halyard, the U.S. flag should always be at the peak. When other flags are flown from adjacent staffs, the U.S. flag should be hoisted first and lowered last. No flag may fly above or to the right of the U.S. flag (except flags of other nations; see below).

When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

When the U.S. flag is displayed from a staff projecting from a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff. When suspended from a rope extending from the building to a pole, the flag should be hoisted out, union first, from the building.

When the U.S. flag is displayed other than from a staff, it should be displayed flat, or so suspended that its folds fall free. When displayed over a street, place the union so it faces north or east, depending upon the direction of the street.

In the chancel of a church or on a speaker's platform the U.S. flag is placed to the speaker's right. Other flags are to be placed to the speaker's left. When displayed elsewhere than on the platform, the U.S. flag should be placed at the right of the audience facing the platform. Other flags are to be to the left of the audience.

If displayed flat against the wall on a speaker's platform, the U.S. flag should be placed above and behind the speaker with the union of the flag in the upper left hand corner as the audience faces the flag.

The U.S. flag should form a distinctive feature at the ceremony of unveiling a statue or monument, but should never be used as the covering for the statue or monument.

When the U.S. flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground. The flag, when flown at half staff, should be first hoisted to the peak for a moment and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day.

During the ceremony of hoisting or lowering the flag or when the flag is passing in parade all persons should face the flag, stand at attention and salute. A man should remove his hat and hold it with the right hand over the heart. Men without hats, and women salute by placing the right hand over the heart. The salute to the flag in the moving column should be rendered at the moment the flag passes.

IMPORTANT DO'S

It is the universal custom to display the national flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open, but it should not be displayed on days when the weather is inclement. The U.S. flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

Display the U.S. flag on all days that weather permits but especially on national and state holidays and other days that may be proclaimed by the President of the United States. On Memorial Day, the U.S. flag should be half-staffed until noon.

The U.S. flag should be displayed on or near the main building of every public institution, during school days in or near every schoolhouse, and in or near every polling place on election days.

Always hoist the U.S. flag briskly. Lower it ceremoniously.

IMPORTANT DON'TS

Never in any way should any disrespect be shown the U.S. flag.

The U.S. flag should never be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are dipped as a mark of honor.

The U.S. flag should never be displayed with the union down except as a signal of dire distress.

The U.S. flag should never touch anything beneath it—ground, floor, water or merchandise.

The U.S. flag should never be carried horizontally, but always aloft and free.

Always allow the U.S. flag to fall free—never use the U.S. flag as drapery, festooned, drawn back, or up in folds. For draping platforms and decoration in general, use blue, white and red bunting. Always arrange the bunting with blue above, the white in the middle, and the red below.

The U.S. flag should never be fastened, displayed, used or stored in a manner which will permit it to be easily torn, soiled or damaged in any way.

Never use the U.S. flag as a covering or drape for a ceiling.

Never place anything on the U.S. flag. The U.S. flag should never have placed upon it, or on any part of it, or attached to it, any mark, insignia, letter, word, figure, design, picture or drawing of any nature.

Never use the U.S. flag for receiving, holding, carrying or delivering anything.

The U.S. flag should not be embroidered on such articles as cushions, handkerchiefs, and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard; or used as any portion of a costume or athletic uniform. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

When the U.S. flag is in such condition that it is no longer a fitting emblem for display, it should be destroyed in a dignified way, preferably by burning, privately.

DISPLAY THE FLAG DAILY, ESPECIALLY ON HOLIDAYS

New Year's Day, January 1.
Inauguration Day, January 20.
Lincoln's Birthday, February 12.
Washington's Birthday, February 22.
Easter Sunday (variable).
Mother's Day, second Sunday in May.
Armed Forces Day, third Saturday in May.
Memorial Day, May 30 (half staff until noon).
Father's Day, first Sunday in June.
Flag Day, June 14.
Independence Day, July 4.
Labor Day, first Monday in September.
Citizenship Day, September 17.
Columbus Day, October 12.
Veterans' Day, November 11.
Thanksgiving Day, fourth Thursday in November.
Christmas Day, December 25.
Other days as may be proclaimed by the President of the United States.
Birthdays of States (dates of admission).
All State and local holidays.
All election days.

DISCRIMINATION OF JEWS IN RUSSIA

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. PATTEN. Mr. Speaker, I would like to bring the plight of the Soviet Jews to the attention of the House. This tragic drama of discrimination on the part of the Soviet Government is an appalling situation which must be quickly remedied. I believe there can be no delay in letting the Russians know that the free world deplores this blatant persecution of the Jews in that nation. We must urge the Soviet Government to permit the Jewish people of Russia to fully enjoy the traditions of their faith.

Although under Lenin the Soviet Union had been a center of Jewish culture, present-day Russia has not yet emerged from the Stalinist persecution of the Jews. There are no Yiddish schools for teaching Hebrew and Jewish thought, only a few Jewish theaters—and these are not permanent—and only one Yiddish periodical, printed once a month. The dissemination of Jewish culture must be accomplished through "underground" presses and "underground" books on Jewish life. There are no seminaries to replace the now elderly rabbis and only 62 synagogues exist to service the nearly 3 million Soviet Jews. Attendance of Jewish services is discouraged by employers and school officials.

The masses appear to interpret the Soviets' new campaign against Zionism as an endorsement of anti-Semitism by their government. In the universities, there are higher barriers to entrance for applicants with Jewish names, and the job market also has barriers against advancement by Jews. In all, the present situation is bleak.

In spite of all opposition, however, the young Jews of Russia are becoming more aware of their ethnic background. They are demanding recognition and assistance from the Soviet Government. These people are courageous and need our support. I feel that this body, as a representative body of the American people, has an obligation to speak out against the injustices now suffered by the Jews of Russia. It is the only just action that we can pursue.

WE NEED ESTABLISHMENT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. ZWACH. Mr. Speaker, I read an interesting column, aptly named "To the Point" in the St. Cloud Visitor in our Minnesota Sixth Congressional District, which I would like to share with my colleagues by inserting it in the CONGRESSIONAL RECORD.

The column caught my attention because in these days of damning the Establishment, the young Catholic priest columnist, Father James Hahn, explains that the Establishment is a vital and necessary part of our way of life.

Mr. Speaker, I insert Father Hahn's column in the RECORD:

WE NEED ESTABLISHMENT

Early in basic sociology classes, students learn that some type of organization is needed wherever two or more individuals come together. A definite division of labor is needed if confusion is to be avoided.

Even social insects such as ants and bees demonstrate remarkably clear-cut responsi-

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bilities. Other gregarious creatures accept roles in their flocks and herds. People clustered into small tribes and clans curb their individual freedoms for the sake of some security in a large community.

Establishment is a "dirty word" for many. It is envisioned as a monstrous perversion, designed by a few crafty persons seeking positions of power to trample individual rights. They consider powerful organizations—civil or ecclesiastical—as inherently evil.

This view—while it claims a certain simplistic enthusiasm—cannot be true, let alone practical. While there is a constant danger of excessive repression found in all structures, chaos is the alternative. If individuals are to live and work in harmony, some order must be established and maintained. This fact is demonstrated by freedom and liberation movements themselves which are directed by a tightly structured and even autocratic nucleus of leaders.

To the point, we need some forms of structure—even the much-maligned establishment. Recognizing the necessity of organization, our efforts should be directed to evaluation and improvement. If a structure has become so antiquated or oppressive that it cannot be renovated, we had better prepare a notably improved alternative before we destroy what we have.

God created us as social beings. "Going it alone" might be a romantic idea, but it is doomed to failure. We should endeavor to make our systems of cooperative living the best possible—simply because we really do need each other!

DR. CLAUDE FLY—AMERICAN HOSTAGE IN URUGUAY

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. MIZE. Mr. Speaker, civilized men everywhere were shocked and saddened when the Tupamaros guerrillas kidnapped three diplomats, and murdered one in Uruguay.

Dr. Claude Fly, an agricultural scientist, remains a captive of this bloodthirsty band of terrorists.

Dr. Fly is a graduate of Colorado State University at Fort Collins. He began his career with the Soil Conservation Service in 1935, soon after that agency had been established to deal with the Dust Bowl emergency in the Great Plains area.

After transfer to the regional office of SCS at Lincoln, Nebr., in 1942, Dr. Fly worked as a soil science specialist making reconnaissance surveys of the Dust Bowl region. In 1948, he was transferred to Manhattan, Kans., and served as the Kansas State Soil Scientist for about 4 years.

In 1952, Dr. Fly took a leave of absence from the USDA to begin a career overseas in Afghanistan. Since that time, he has worked on important agricultural projects in various foreign countries and the United States. He has worked on the Volta River Valley irrigation project in Ghana and in several South American countries.

It is a terrible tragedy when men committed to elimination of hunger and malnutrition throughout the world, such as Dr. Fly, are made the victim of savage guerrillas. These innocent and completely dedicated men deserve the compassion and support of all people who value the rule of law above violence and justice above repression.

Dr. Fly's many friends in Manhattan, Kans., and Mrs. Mize join me in the prayerful hope that he may be returned safely to his family and to the service of humanity in a hungry world.

GOVERNORS APPROVE USE OF HIGHWAY FUNDS FOR OTHER TRANSPORTATION PURPOSES

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. BINGHAM. Mr. Speaker, as a sponsor in the House since 1965 of legislation that would permit the States to use a portion of the money they receive from the Federal highway trust fund for other transportation purposes, I was pleased to read in today's press of the action of the National Governors' Conference in support of a similar provision.

The resolution passed Wednesday by the conference, reversing its earlier action, supports an aviation trust fund and an urban mass transit fund trust in addition to the current highway trust fund, and declares:

> The Governor should be permitted to exercise his executive prerogatives in meeting the needs of his State by having the ability to transfer, upon a limited basis, funds among the various Federal transportation trust funds and grant programs to meet his own State's priority transportation needs.

The Governors' resolution calls specifically for amendment of existing Federal legislation "to allow each State executive the flexibility to carry out the State-determined priorities and needs for transportation development."

My legislation—H.R. 135—which is sponsored by Senator TYDINGS in the Senate, would largely achieve what the Governors have proposed, and I am greatly encouraged by their endorsement of the idea that highway funds should be available for other forms of transportation where needed.

Today's New York Times report of the action of the Governors' Conference on this matter follows:

GOVERNORS SEEK SHIFT IN FUND USE—ASK TO SPEND U.S. HIGHWAY MONEY ON OTHER PROJECTS

(By Warren Weaver, Jr.)

OSAGE BEACH, MO., August 12.—The nation's Governors closed their 62d annual conference today by urging Congress to let them spend a part of their Federal highway aid for other transportation projects such as urban transit.

Reversing a stand taken two days ago and rejecting pressure from the highway lobby, the National Governors Conference approved for the first time the use of gasoline taxes and similar revenue earmarked for roadbuilding to finance subways and commuter buses.

BACK TO COMMITTEE

When another form of the transportation proposal came up two days ago, the Governors voted 2-to-1 to send it back to committee. A number of its backers blamed lobbying by representatives of the highway and automobile interests for its demise.

Earlier this week, Secretary of Transportation John A. Volpe urged the conference to back a single transportation trust fund from which allocations would be made for all types of projects. The policy statement adopted today urged separate trust funds for highways, urban transit and airports with some transferring among them.

The highway issue produced one of the few controversies in an unusually quiet meeting, which lasted four days. For the first time in many years, the conference did not attract either the President or the Vice President or include a potential Presidential candidate among its participants.

On the question of the states' sharing in Federal tax revenues, there was some encouraging news from Washington: A report that the House Ways and Means Committee would soon schedule hearings on the Administration's tax-sharing proposal.

Gov. Buford Ellington of Tennessee reported that Representative Wilbur D. Mills of Arkansas, the committee chairman who is a critic of tax-sharing, told him he was ready to call hearings. Gov. Richard B. Ogilvie of Illinois said the White House was organizing to press for its revenue-sharing plan.

With these assurances, the Governors tabled proposals to bypass Congress by amending the Constitution or to force fiscal legislation out of committee. Instead, they passed a mild statement calling on Congress to act.

In other policy statements, the Governors voted in favor of the following:

Transferring the Federal juvenile delinquency program from the Department of Health, Education, and Welfare to the Justice Department, where it would be operated by the Law Enforcement Assistance Administration.

Recognizing the right of peaceful dissent, condemning lawlessness by those who criticize public policies as well as by those who support them, and recognizing the right of "the peace-keepers to use such force as may be necessary for their own protection."

Setting up a national clearinghouse to monitor the atmosphere and the water and prevent the release of chemicals with adverse ecological effects.

Requiring the Federal Water Quality Administration to set minimum standards for the discharge of mercury to avoid health hazards.

Chief Justice Warren E. Burger of the Supreme Court urged the Governors to undertake an active program of prison reform.

Describing the crowded conditions in most prisons, the Chief Justice said in a speech: "We are breeding antisocial people within this kind of a surrounding." If the Governors give prison reform high priority, he said, "changes can be made in a very short time."

Gov. Warren E. Hearnes of Missouri, a Democrat, was elected president of the conference, succeeding Gov. John A. Love, of Colorado, a Republican. The 1971 conference will be held in Puerto Rico.

VIETNAM—TWO VIEWS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. ROBISON. Mr. Speaker, there can be no doubt that U.S. involvement in Southeast Asia is the major issue of our time. American homes throughout the Nation have been touched—in the most profound way—by our continuing military presence in Indochina. The political dialog within and between our two major national parties has been poisoned by wide diversities of opinion as to our involvement. Student dissent—and the inevitable resentment of that dissent on the part of many other Americans—has resulted in pitting father against son; and the ugliest manifestations of that breach have resulted in violence and even death.

Yet, on this most important of issues, Congress has, as a legislative body, been silent. As I said in a letter to my colleagues:

> It is too late to redeem past Congresses from the stigma of standing idly by while the buildup in South Vietnam went on. But, as that process is now evidently being reversed, it is not too late for *this* Congress to share with the President the burden of framing a proper withdrawal policy.

With that framework in mind, I introduced House Concurrent Resolution 698—reintroduced as House Concurrent Resolution 703 with the cosponsorship of Mr. BUTTON, Mr. MATSUNAGA, and Mr. PREYER of North Carolina—the text of which follows these remarks.

At the same time that I was drafting my legislation, in another part of Washington a private citizen, with rather impressive credentials qualifying him to speak as an expert on Southeast Asia, was drafting his own resolution and statement on withdrawal from Vietnam. That statement and resolution drafted by Mr. David J. Steinberg are so similar to my own that I can only assume that he must have wrestled with the same thoughts, objectives, and priorities as did I in deciding on the final form of that resolution. I include both the statement and the resolution drafted by Mr. Steinberg herein.

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Mr. Speaker, the question is not who frames a resolution or who drafts the language of a statement, the question is how do we, representatives of a people tired of war, take the necessary initiative to show the President that we support withdrawal and accept the responsibility for such a policy. That unity has yet to be found, and, if it is not soon found, I fear that the American people will begin to question the wisdom of our representation and the value of the Congress as a legislative institution.

Mr. Speaker, the text of my resolution and the statement and resolution of Mr. Steinberg follow:

CONCURRENT RESOLUTION

(By Representative HOWARD W. ROBISON)

Whereas the United States of America heretofore undertook, wisely or not, to guarantee the right of the people of South Vietnam to "self-determination" in the face of what was considered to be externally-supported aggression; and

Whereas the people of the United States of America accordingly have made an unprecedented effort and sacrifice in support of that ambition including, despite the absence of any formal declaration of war on the part of the Congress of the United States, acceptance of a direct combat role for the armed forces of the United States of America in the aforesaid conflict for a longer period of time now than any other war in which they have ever been engaged; and

Whereas, while the people of South Vietnam have suffered grievous losses as a result of this protracted conflict, the number of American servicemen wounded in action in South Vietnam and adjoining areas already exceeds those wounded in World War I and the combat deaths of American servicemen in South Vietnam and adjoining areas will, at the present rate, also shortly exceed those sustained in World War I; and

Whereas it would seem that the people of the United States have met, many times over, whatever commitment they may have had to the people of South Vietnam; and

Whereas the Constitution of the United States expressly delegates to the President of the United States the authority to act as "Commander in Chief of the Army and Navy of the United States . . . when called into the actual service of the United States"; and

Whereas the President, acting in his capacity as Commander in Chief of such armed forces, is currently pursuing a policy of gradual withdrawal of the United States armed forces from both a direct combat or combat-supporting role in the aforesaid conflict, which policy is generally referred to as a policy of "Vietnamization" and includes the physical withdrawal of United States troops from South Vietnam and adjoining areas; and

Whereas the President has reported and other observers have confirmed that United States efforts to train and equip the armed forces of South Vietnam, in order to prepare them to assume full responsibility for securing internal order in their nation and the full burden of combat in protecting it against continued, externally-supported aggression, have been proceeding satisfactorily and that progress thereunder, so far, has even been exceeding our original expectations; and

Whereas, in furtherance of such policy and in light of its progress, the President, as Commander in Chief, has already physically withdrawn over 115,000 United States troops from South Vietnam and adjoining areas and has announced plans for a further reduction of 150,000 troops therein on or before May 1, 1971; and

Whereas this policy of a gradual withdrawal of the United States military presence in South Vietnam, leading eventually to a total military withdrawal therefrom, appears to now be our official policy regarding South Vietnam even though the same has not yet been formally recognized or endorsed as such by the Congress of the United States; and

Whereas there is broad support among the American people and within their Congress for such a policy of withdrawal, and a developing consensus to the effect that the United States has now done about all it can, militarily speaking, for the people of South Vietnam and that the time is fast approaching when they should be left to their own devices and determination; and

Whereas there are wide differences of opinion within the Congress regarding both the Constitutional and practical limits of the President's powers and responsibilities as Commander in Chief, especially when considered in conjunction with the broad powers and responsibilities concerning foreign policy separately delegated under the Constitution to the Congress, including specifically its sole power "To declare War . . . (and) To raise and support Armies"; and

Whereas those differences of opinion now largely center around the question of whether or not the Congress can or should, in a situation such as that now pertaining in South Vietnam, mandate upon the President, as Commander in Chief of United States armed forces already committed to combat, a date or deadline by which they should all be removed from such combat, and

Whereas it appears unlikely that these questions can be satisfactorily resolved one way or the other in the 91st Congress, now meeting in session in Washington, thus leaving open for the time being many questions concerning our Government's official policy regarding South Vietnam to which this Congress should nevertheless address itself in as positive and constructive a fashion as possible; and

Whereas a policy of "Vietnamization", standing by itself and no matter how successful, automatically raises certain questions, among which are: (a) Whether or not it is intended to be irreversible in nature; (b) Its failure to deal with the central, political issues underlying the Vietnam conflict, thus forecasting continued political and military strife in South Vietnam even after all United States troops have been withdrawn therefrom, and (c) Its failure to address itself to the developing and disturbing political and military problems now engaging our attention in such other nations of former Indochina as Laos and Cambodia; and

Whereas the President has repeatedly pledged, as did his predecessor, that "we seek no wider war" in Southeast Asia, and furthermore, has recently reaffirmed as a matter of national policy the fact that, in his words: "A political settlement is the heart of the matter . . . (and that) is what the fighting in Indochina has been about over the past 30 years"; and

Whereas the burden of United States efforts to bring peace to South Vietnam and to Southeast Asia, generally, whether those efforts are to be successful or not, should not fall solely on the President of the United States, but rather should be a responsibility shared both by the President and the Congress of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby declares that it is the national policy to avoid any further enlargement of the present conflict in South Vietnam and to do everything possible to bring a just peace to South Vietnam and to Southeast Asia, generally, by virtue of a negotiated settlement of the political issues now dividing the people and the nations thereof; and be it further

Resolved, That the Congress hereby declares its support of any and all efforts made or to be made by the President, and encourages further efforts on his part, to achieve such a negotiated settlement, including efforts to arrange a cease-fire in South Vietnam and surrounding countries and including efforts to involve the United Nations in whatever way can best encourage an end to this war; and pending any such form of settlement, be it further

Resolved, That the Congress hereby declares that it is the national policy to continue, on an irreversible basis, United States troop withdrawals from South Vietnam and adjoining areas, and be it further

Resolved, That it is the sense of Congress that all American servicemen in South Vietnam or adjoining areas should be withdrawn from any and all participation in ground combat activities therein on or before May 1, 1971, except insofar as it may be necessary for such troops remaining therein after such date to defend themselves or their positions; and be it further

Resolved, That it is further the sense of Congress that all other American servicemen, including those specifically engaged in combat-support activities, should be withdrawn from South Vietnam or adjoining areas on or before July 1, 1972, and be it further

Resolved, That the Congress hereby reaffirms its constitutional right and responsibility of consultation with the President on all matters mentioned within this resolution, and fully expects to be included in the decision-making process on all matters, now and henceforth, affecting grave national decisions of war and peace.

Time for Political Vietnamization of the War: We Have Won What Was Winnable

(By David J. Steinberg)[1]

The U.S. military thrust into Cambodia and renewed bombing of North Viet-Nam should not have shocked so many people, including so many members of Congress, both doves and hawks, Democrats and Republicans. These latest developments are a logical by-product of the Vietnamization policy.

Many who reacted with dismay and criticism against the Administration's latest move always harbored reservations about this policy—what it really meant and how it would be executed—but themselves offered no clear, coherent, constructive and credible policy proposal calculated, not only to wind down our military involvement, but to wind it up (i.e., end it) quickly, responsibly and honorably. Congress is particularly vulnerable to the sharpest criticism on this score.

Others who expressed shock and criticism betrayed their own lack of understanding of what President Nixon's Viet-Nam policy was all about. They mistakenly regarded Vietnamization and the past and programmed withdrawal of troops as proof positive of the President's determination to withdraw the United States militarily from Viet-Nam. They failed to recognize that the Vietnamization policy, completely military in character, bore serious potentials for prolongation of the war in south Viet-Nam and extension of the war to Cambodia and the North. Even if the United States had not moved in these directions, Saigon might well have done so on its own initiative sooner or later, translating its growing military responsibility into growing freedom of decision, including freedom to move against enemy sanctuaries to the west and the north.

The shifting of military responsibility, which is what the Vietnamization program is all about, does not clearly mean "out" as so many have supposed. Possibilities of frustration and humiliation clutter this policy road like the booby traps that have so perilously cluttered the trails of U.S. troops. As these policy perils detonated, Presidential determination to avoid national humiliation and defeat would delay our withdrawal interminably. Considering the military potentials and risks in Viet-Nam, Vietnamization is an endless road, despite occasional flickers of light at the end of the tunnel. Considering North Viet-Nam's present resolve and past disappointment with previous negotiations, the Paris talks are a dead-end street. What we would have to give to ensure agreement by Hanoi could amount to humiliation and defeat at the conference table we are so determined to prevent on the battlefield.

U.S. options are not limited to Vietnamization, agreement with Hanoi (following the forcing of a coalition government, including the Viet Cong, on the South), or humiliating withdrawal. There is a realistic option no U.S. administration has ever attempted to articulate, or that Congress, or any sector of the "peace movement," or any voice from academia, or anyone in the news media has ever proposed.

It calls for a clear and credible declaration that the United States has won whatever was winnable for U.S. involvement in Viet-Nam. That we have gone as far as we ever reasonably could have been expected to go. That we have completed anything definable as a realistic American mission there. That the time has come for Saigon to take the political initiative as well as assume greater military responsibility. That the time has come for Saigon to seek a cease fire and a political accommodation with South Vietnamese on the other side of the firing line.

To make this message from Washington loud and clear and believable, the time has come for Congress to redeem its many years of inadequate attention to the rationale and scope of our military involvement in Viet-Nam and insist upon a coherent, realistic strategy to end the war and build a sound peace. And the time has come for the "peace movement" and other critics of the war to convert their energies from what is at best a spinning of wheels, and at worst helping North Vietnamese strategy, into constructive support for a U.S. strategy to end the war and honorably terminate our involvement.

Since 1954 we have been helping our Vietnamese allies build a nation—one that we hoped would be broadly based politically and dedicated to the economic and social justice that ranks high in the traditional scale of Vietnamese values. In 1965 we used American combat troops to save that government from the brink of disaster. Through our continuing and costly military involvement, we have kept alive these ideals and strengthened the opportunity of our Vietnamese allies to proceed on their own if only they saw the imperatives of their overall national interest.

We have won for the non-Communist forces the opportunity to form a broadly based coalition representing all major factions of the Republic of Viet-Nam. Such a coalition should be formed without delay. We have won for such a coalition the opportunity to launch a political initiative aimed at South Vietnamese on the other side, looking toward a negotiated termination of hostilities and some kind of political accommodation uniquely Vietnamese in pattern and purpose. At great cost in men, resources and distorted priorities, we have won for the Republic of Viet-Nam the opportunity to build the foundations of a society that can serve the needs of all its people.

These opportunities must not be squandered, as have so many others. The personal, parochial stake of individual Vietnamese leaders in perpetuating themselves in power must be subordinated to the peace and the political, economic and social justice that are the most urgent needs of the Vietnamese people.

Such a South Vietnamese initiative is the most realistic next step for the Saigon administration to take and for the United States to urge. We should urge it now before something happens in Viet-Nam or in the United States that weakens the strength and leverage of the Saigon government. To maintain the American presence in Viet-Nam until political stability by our standards can be achieved and guaranteed is to adopt a mission civilisatrice, American-style, likely to be as unsuccessful and frustrating as the "civilizing mission" that originally motivated the French venture into Indo-China. It is essential that Vietnamese politics (Vietnamese-style, not something cut from American cloth) be allowed to work its unique will.

The success of such a political initiative would require the cooperation of Hanoi and Washington. But the all-South-Vietnamese initiative would sidetrack the Hanoi-Washington impasse, possibly loosening the logjam. It is likely to appeal to the parochial interest of South Vietnamese of all persuasions in holding off the traditionally aggressive and ambitious Vietnamese of the North.

A broadly based administration would first have to be formed in Saigon, one in which the always squabbling political forces on the non-Communist side subordinate their narrow self-interest to the broad national interest in an honorable peace. Full political freedom would have to be accorded all sectors of opinion, and a free press should be allowed to play its crucial role in influencing the course of events. Constitutional and other obstacles are formidable but not insuperable. Freedom of political expression and maneuver in the Republic of Viet-Nam, coupled with the launching of a political initiative to end the war, would probably attract more southerners and "overseas Vietnamese" to activist support for the Saigon side of the new initiative. A viable and stable Viet-Nam needs their involvement in their country's future.

The United States should emphasize the need for as cohesive a coalition of non-Communist Vietnamese as the country's traditionally fractured politics can possibly produce. Significant political shifts would probably take place. These need not weaken—if properly handled, they could strengthen—the political fabric and vitality of our side in the Viet-Nam struggle.

Encouraging such a peace initiative and declaring its mission in Viet-Nam as having been accomplished, the United States should expeditiously withdraw its military forces—phasing out its military involvement in such a way as not to weaken the new political initiative whose time has come. Whatever we do should at all times be strictly in accordance with the enlightened self-interest of the United States. We should invite the Soviet Union, France and other countries, and the United Nations itself, to promote such a political initiative and help ensure its success.

Shortly before his tragic death six years ago, President Kennedy said of the Viet-Nam problem: "In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them . . . but they have to win it, the people of Viet-Nam." Military Vietnamization is belatedly consistent with this thesis. But the proposition should be expanded into advocacy of political Vietnamization, stating: "A negotiated settlement by the South Vietnamese among themselves is the most urgent necessity. Hanoi and Washington must agree to abide by the result, and mutually withdraw their military involvement in accordance with the wishes of their South Vietnamese allies. We must stimulate this result. Other governments can help. Perhaps the United Nations can help. But in the final analysis it is their negotiation, that of the people of South Viet-Nam on both sides, followed by a negotiation between the South and the North to unify the country. They will have to initiate it, the embattled people and leaders of the Republic of Viet-Nam. The hour is late. The leaders of the Republic of Viet-Nam (those now in government and those outside) must not squander this opportunity, for which the American people and the Vietnamese themselves have paid such a high price."

Emphasis on this kind of political initiative is not now U.S. strategy. Yet such a settlement is the most likely outcome of the war. By anticipating it, we would be preserving what we have already won. The alternative is a war policy that would lead to the loss of what we have won, and an unceremonious withdrawal from Viet-Nam, with dire consequences in domestic politics and in our international position.

In his 1968 campaign for the White House the President said he had a plan to end the war. Late in his first year in office (his December 15 address to the nation), he said our "pursuit for peace" is on two fronts—"a peace settlement through negotiations, or if that fails, ending the war through Vietnamization." Vietnamization has already begun. We have begun the withdrawal of troops. But until Hanoi's withdrawal or the end of the insurgency in the south (the definitions of such contingencies are not clear), our withdrawal will not be a complete phasing-out but only a scaling-down.

We are attempting to negotiate a military agreement with Hanoi. We recognize the need for a political agreement between Saigon and

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[1] The author chaired a major research task force on Viet-Nam in 1955 and is the author of published material on Cambodia. He is currently an officer and chief economist of a prestigious committee of American businessmen.

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the National Liberation Front. But the Saigon government rejects a political accommodation with its South Vietnamese adversary, and the NLF will not yet talk to the present Saigon regime. The negotiating confrontation with Hanoi is at a standstill. Hanoi will not negotiate its abandonment of the NLF via withdrawal from South Vietnam or in any other way. The prolonged Paris talks themselves could be a way for Hanoi (relieved from U.S. bombing) to move more supplies and troops into the south, foment political unrest there, as well as strengthen the Viet Cong militarily—thus hoping to weaken the Saigon regime and increase the chances of a VC victory by force of arms. The Paris talks are not only unproductive; they may be counterproductive. An alternative is urgently needed.

Vietnamization of the war, notwithstanding the stalemate in negotiation with Hanoi, is the Administration's alternative, its "risk for peace." It is adaptable to Saigon's military capabilities and inclinations, and Hanoi's activity on the battlefield and pliability at the negotiating table. Siagon's military progress could prove as frustrating as Hanoi's negotiating recalcitrance.

If a weakening of Saigon's military position slows the withdrawal, or even leads to our escalation of the war, mounting political pressure at home could force a rapid withdrawal which, in these changed circumstances, could well pull the rug from the Saigon regime. The result would be an unceremonious U.S. withdrawal, an obvious defeat for the United States. In contrast to the current opportunity to stimulate a political solution and withdraw (credibly claiming the success of our mission), we would have instead snatched defeat from the jaws of victory. The political consequences in our own country are cause for pensive pause.

What the Administration now calls a "risk for peace" thus involves a huge risk at home and abroad—a more dangerous risk than the risk of the political Vietnamization I am proposing (and have been proposing publicly for the past three years). How much more credible and acceptable to the American people can the current "risk for peace" be, considering all that has been invested in the Paris talks, now deadlocked, and the justifications our government has given for being militarily involved in Viet-Nam? Hanoi will not negotiate, but we are withdrawing troops anyway. How well and how long can this kind of reasoning be accepted by a people that has sacrificed as much as the American people have sacrified in this war? A more credible, less confusing policy rationale is needed.

A few years ago, before "tracks" came into fashion in the diagramming of our Vietnamese policy, I suggested in a Washington television discussion of Viet-Nam a "track" delineation of new peace initiatives, but one that indicated a pattern of priorities. The tracks were drawn in concentric circles. The innermost circle—hence the highest priority—was a peace initiative by a broadly based Saigon administration vis-a-vis the South Vietnamese on the other side of the firing line. The next circle or track involved agreements by the major external benefactors of these respective camps—Washington and Hanoi—to cease hostilities, and withdraw their military forces in agreement with their respective South Vietnamese allies. A third track (the outermost circle) would represent any efforts of the United Nations, or other national or multinational sources, to help find an honorable solution to the conflict and help in the reconstruction to follow.

U.S. policy is not emphasizing the right track. We are consequently on the wrong one. Risks abound in whatever we do. The best risk for an honorable peace in Viet-Nam, as well as for healing our serious divisions at home and strengthening our policy posture abroad, is through the coherent U.S. policy and constructive political initiative which the following resolution is designed to stimulate.

If this resolution is passed by Congress, the Secretary of State and the Secretary of Defense should be asked to report each month to appropriate Congressional committees (in closed session, if necessary) on the progress being made toward carrying out this long overdue "sense of Congress". Lack of a coherent Congressional position on Viet-Nam, and of systematized surveillance of Administration implementation, has been one of the most injurious shortcomings of our Viet-Nam policy. This neglect should be stopped with something more positive and constructive than repeal of the Gulf of Tonkin resolution, and more conducive to the need for Presidential flexibility than setting a deadline for withdrawal. Within the parameters of constitutional niceties and the exigencies of effective administration of U.S. policy, there is much the Congress can and should do to achieve an honorable conclusion of our Viet-Nam involvement. The following draft resolution is designed to fit this standard and meet this need.

There is no certainty as to how the proposed initiative would work out, in the short run or the long. And the results may not measure up to American ideals, or satisfy the visceral urge to crush conclusively the well-documented barbarism of the Viet Cong. But there can be no certainty as to the outcome of any initiative attempted or settlement reached in Viet-Nam. What seems clear is that the Vietnamese crisis, and U.S. military involvement in it, cannot be allowed to continue indefinitely. A reasonable, respectable, realistic, and responsible start must be made to bring that crisis and that involvement to an end—in the enlightened self-interest of the Vietnamese people, the American people and all mankind.

Draft of a Congressional Resolution on Vietnam

(By David J. Steinberg)[1]

Whereas the declared objective of the military involvement of the United States in Viet-Nam has been to help the people of the Republic of Viet-Nam establish the conditions under which they may freely decide their own future, free from external coercion; and

Whereas the only practical route to a reasonable resolution of the current conflict engulfing the Republic of Viet-Nam is through a negotiated settlement; and

Whereas the most basic negotiation and settlement must be between the Republic of Viet-Nam and the South Vietnamese forces against which it is now engaged militarily—such a settlement to be supplemented by the complete withdrawal of all external forces now militarily involved south of the 17th parallel; and

Whereas the ability of the people and factions of the Republic of Viet-Nam to achieve their declared goal of political freedom—a goal to which the American people have committed and sacrificed so much—rests fundamentally on their ability to cooperate freely and effectively with one another, not only to accelerate and maximize progress toward political stability and economic and social justice for the people of that area, but also to hold their own in whatever arrangement may be negotiated with the forces (both south and north of the 17th parallel) with whom they are now engaged in military combat; and

Whereas the immediate formation of a meaningful coalition of all major non-Communist factions is a basic prerequisite for effective negotiation with South Vietnamese on the other side of the current military struggle, and for the durability of the non-Communist side in whatever political arrangement is negotiated; and

Whereas the initiative by a coalition of all major non-Communist factions to reach a settlement with South Vietnamese on the other side of the current military struggle can be a major step toward ensuring the withdrawal of all external forces; and

Whereas the United States has at great cost won for the people and political factions of the Republic of Viet-Nam the opportunity to build the foundations of a society that can serve the needs and achieve the aspirations of the people of that area; and

Whereas the United States has gone as far as it could reasonably be expected to go to help establish the political and administrative conditions under which a broadly based coalition of the major political factions of the Republic of Viet-Nam can be formed and under which a political initiative can be undertaken by such a government aimed at a cease-fire and a negotiated end of hostilities; and

Whereas the earliest feasible withdrawal of all U.S. forces in Viet-Nam is essential to the enlightened self-interest of the United States, and restoration of Viet-Nam to the Vietnamese is vital to the evolution of a neutral, independent Republic of Viet-Nam (and eventually a neurtal, independent Viet-Nam embracing both zones) in the community of nations;

Therefore, it is the sense of the Congress, that

(1) it is the overwhelming opinion of the American people that the military involvement of the United States in Viet-Nam should be terminated with all deliberate speed, and it is their hope that the huge sacrifices they have made have not been in vain;

(2) since the opportunity to form a genuine, broadly based coalition of the major non-Communist factions has been achieved, as has the opportunity of such a government of the Republic of Viet-Nam confidently to seek an honorable settlement with its South Vietnamese adversaries, the United States military mission in Viet-Nam may realistically be regarded as having been accomplished;

(3) a meaningful, effective, broadly based coalition of all significant non-Communist political factions in the Republic of Viet-Nam should be formed as quickly as possible and should proceed without delay to arrange a cease-fire with its military adversaries, to be followed by whatever political accommodation such a coalition regards as serving the needs of the Vietnamese people south of the 17th parallel;

(4) in this connection, the government of the Republic of Viet-Nam should now release from imprisonment all political prisoners incarcerated for advocating negotiations to end the war, and these individuals should be free to participate in the proposed coalition;

(5) having won for the Republic of Viet-Nam the opportunity to form a broadly representative government and to undertake the political initiative urged in this resolution—thus having gone as far as it could reasonably be expected to go through its military involvement in Viet-Nam—the United States should proceed with an orderly withdrawal of U.S. forces from Viet-Nam, with all deliberate speed, concentrating first on land forces and phasing out the rest of its military presence in such a way as not to weaken the new political initiative urged in this resolution and, above all, always in accordance with the enlightened self-interest of the United States;

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[1] Currently an officer and chief economist of a prestigious committee of American businessmen, the author of this resolution chaired a major research task force on Viet-Nam in 1955 and is the author of several pieces on Cambodia.

(6) this phasing-out of U.S. military involvement in Viet-Nam should include (a) the immediate limitation of the combat involvement of U.S. forces to the exigencies of their own defense, and (b) the orderly and deliberate transfer of all other military operations to the armed forces of the Republic of Viet-Nam;

(7) the United States should be ready, and urge the same on Hanoi, to accept whatever cease-fire and other accommodations are negotiated by the proposed South Vietnamese coalition and its South Vietnamese adversary;

(8) with the expectation that such a settlement will and should call for the exit of North Vietnamese and all other external forces from Viet-Nam south of the 17th parallel, the United States should call on world opinion to urge such removal of all external forces;

(9) the United States should call upon the United Nations or other international or multilateral institutions to be ready to render assistance in arranging a settlement and in achieving postwar economic reconstruction and neutrality for all of Viet-Nam; and

(10) the President of the United States should as quickly as possible take every appropiate step to facilitate and achieve the goals set forth in this resolution.

REPORT TO CONSTITUENTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. WOLFF. Mr. Speaker, I respectfully include in the Record at this point the most recent of my regular newsletters to my constituents:

August 1970.

Dear Friend and Constituent: In this regular issue of my Washington Report I am pleased to be able to report to you on my activities in a number of different areas, as well as indicating what action has been taken on a number of legislative matters.

This Second Session of the 91st Congress has been a busy one with a number of major bills already passed by the House of Representatives and others still awaiting consideration. Since so much is happening in Washington and back home in the Third Congressional District I shall endeavor to report to you again in the near future on still other subjects that should be of interest to you.

Once again, let me repeat my sincere hope that you will contact me at any time you feel I can be of service to you. Best wishes.

Sincerely yours,

Lester L. Wolff,
Member of Congress.

Controlling Jet Noise

In the six years I have been in Congress I have constantly fought for an end to the unhealthy, annoying and distracting jet noise that plagues this nation. My activities have been directed in all feasible directions with the immediate goal of relief from intolerable noise levels and the long-range goal of eliminating this problem by developing a quiet jet engine.

We have had some success. But one merely has to listen to the roar of jet aircraft in our area to know that the Federal Aviation Administration has let us down and failed to carry through on the mandate of the 1968 Aircraft Noise Abatement Act which I sponsored and worked very hard to pass.

I am committed to doing everything in my power to stop this unbearable noise. But I am interested, as I am sure you are, in accomplishments and not in empty, easy and cheap demagogy and publicity gestures.

For example I remember that back in 1966, when I was on the Science Committee, how I was instrumental in securing an increase in the appropriation for quiet jet engine research. The increased appropriation provided government scientists with all the money they felt they could responsibly spend at that time, considering the available manpower and status of the research.

Yet when the legislation came to the Floor an effort was made to appropriate an unrealistic and totally unusable sum of money to this program without the regulatory authority that was essential to control noise. This attempt was made, in full view of the press gallery, despite the fact that a NASA representative testified in answer to a question I had raised that the money could not and would not be used. And, as the Subcommittee Chairman then indicated, it would be "chasing a will-o'-the-wisp." The attempt to designate this money and thus waste it while raising false hopes was rightfully defeated by the House.

But there are substantive, meaningful actions that can and should be taken to solve the problems of jet noise. As part of my continuing effort in this direction I have recently taken the following steps:

(1) Demanded that the Department of Transportation and Federal Aviation Administration aggressively enforce the 1968 Aircraft Noise Abatement Act whereby Congress gave the FAA authority to control jet noise.

(2) Requested that Kennedy and LaGuardia Airports be closed to all non-essential jet aircraft, as is done at Washington's National Airport, between 11 p.m. and 7 a.m.

(3) Authored legislation to create a loan and matching grant program to finance the immediate installation of noise suppression devices on jet aircraft.

(4) Chaired a special hearing on jet noise in Mineola at which time three other Congressmen and I insisted that the FAA control jet noise or fire the Administrator.

Clearly, we must change existing air traffic procedures and control flight scheduling to ease the problem of jet noise for the present and develop effective noise control devices and quiet engines for a permanent end of this unbearable noise. I will continue my efforts until we bring lasting relief to those who are bombarded by some of the most offensive noise ever created by man.

Relief for Commuters

Help is on the way for those of you who use the Long Island Rail Road and know about doors that do not close, lights that do not light, heaters that do not work and overcrowding that never ends. The Congress has passed the Railroad Safety Act incorporating legislative amendments I recommended last year (H.R. 13852) to expand federal jurisdiction over the LIRR. The basic point of this legislation is to give the Department of Transportation new authority to establish and enforce standards to improve the safety and comfort of railroad users, which the MTA has failed to do, and perhaps finally make the LIRR "the best commuter railroad in the country."

Supports Equal Rights for Women and Public Voting in House

I recently supported and voted for two major legislative proposals which were passed by the House. The first reform would end secrecy in Members' voting. The second is a Constitutional amendment to guarantee Equal Rights for Women.

Crime: Its Control, Elimination, and Economic Impact

There continues to be a serious crime problem in this country; a problem that must be solved so all Americans can once again enjoy the basic right of living without fear.

Thus I was pleased that the House of Representatives passed legislation, which I supported and voted for, to extend and expand the Safe Streets Act. The main thrust of this legislation is federal assistance to localities for crime prevention, detection and prosecution. We included an open-ended funding authorization for this fight against crime since we are prepared to spend whatever is necessary to solve this problem. For as we allocate our limited federal funds, an end to crime must have a very high priority.

We must also recognize that the only long-range permanent solution to crime will be the elimination of the root causes of this problem. Sugstandard housing, narcotics addiction, unequal opportunity, inadequate schools and educational opportunities and unemployment—these are some of the basic breeders of crime. And no amount of police work can cope with the increasing crime rate unless we stop this problem at its source by correcting the social inequities listed above and give all Americans a stake in preserving social order.

There is one crime problem that sometimes receives too little attention but which costs you dearly in the form of inflation. I refer to the billions of dollars lost every year in pilfered and stolen cargo shipments, especially at our nation's airports. I have taken a leading role in the fight against this problem and am working closely with Sen. Alan Bible who is the Senate leader in the battle against cargo theft. Thus far we have taken the following steps:

Secured Customs Bureau cooperation in speeding the movement of international cargo to cut down on losses.

Arranged for more effective self-policing by the airlines and improved tracking of cargo at John F. Kennedy Airport where losses are the greatest.

Sponsored legislation (H.R. 18243) to create a Commission on Safety and Security of Cargo and additional legislation (H.J. Res. 1306) to enable New York and New Jersey to enter into a new compact to control theft and pilferage.

We have made progress, although we do have more to do, in controlling cargo losses. And Senator Bible and I feel confident that one long-range consequence of our efforts will be lower prices for you—the consumer—since businessmen will not have to pass multibillion theft losses along as a cost of their products.

Veterans Need Improved Medical Care

An American serviceman rightfully receives the finest in medical care while on the battlefield or at his base. However once discharged that same man is confronted with very different circumstances. As a veteran, judging by treatment received at Veterans Administration hospitals, he is relegated to second class citizenship.

It is a regrettable that inadequate funding of VA hospitals has resulted in poor facilities, inadequate diets, understaffing, makeshift equipment and deteriorating buildings. To correct this unacceptable situation, I have undertaken a campaign, since commended by the Veterans of Foreign Wars, to secure necessary funding so that veterans are given the best possible medical care. This is the very least we can do for those men who have done so much for their country.

I have first-hand knowledge of the situation in our VA hospitals after visits to several hospitals in the New York metropolitan area. Also I joined the House Hospitals Subcommittee on a visit to the Kingsbridge VA Hospital in the Bronx. What I witnessed was heartbreaking.

In one part of the hospital there were ninety paraplegics—men unable to move—in three wards on three different floors. Yet there was only ONE night nurse for all these men! The staff-patient ratio is also distressing. While most hospitals strive to main-

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tain two staff positions for every patient, VA hospitals consider themselves fortunate to have ⅓ less attendants for every patient.

Or consider the question of feeding these men. At Kingsbridge funds are so short that only $1.20 per day is budgeted to feed each patient. It is impossible to provide an adequate diet for an ill person on such limited funds. And, of course, this restriction makes it impossible to fully provide special diets for patients needing them.

The entire situation at Kingsbridge and other VA hospitals is a national disgrace. Conditions must be improved immediately.

This is why I have called time and again on the Floor of Congress for additional funding for VA hospitals. Thus far the appropriation has been increased by $100 million. But still more is needed and I shall continue my efforts until veterans are receiving the best possible medical care at fully-equipped adequately staffed hospitals.

PROGRESS MADE ON WOLFF L.I. SOUND BILL

The U.S. Senate Executive Reorganization Subcommittee recently held a hearing at the Merchant Marine Academy at Kings Point on the legislation Sen. Abraham Ribicoff and I authorized to create an Intergovernmental Commission to save Long Island Sound. New York Sen. Jacob Javits, a member of the Subcommittee, joined Senator Ribicoff and me at the hearing.

We agreed on the need to push ahead with a comprehensive master plan for the Sound under the aegis of the Commission proposed in the legislation or through another agency with proper authority.

Moreover we are proceeding on the next essntial step in saving the Sound—creating a regulatory body with authority to establish and enforce standards to cut pollution so that you can safely use the Sound for swimming, boating and fishing. This will ensure that this great natural resource will not be destroyed.

Further action will be taken in the next several weeks and Senator Ribicoff and I will determine the next step we must take to provide necessary protection for all who live near and use the Sound.

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INCREASED PENALTIES FOR THE ILLEGAL USE OR POSSESSION OF EXPLOSIVES

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. BURKE of Florida. Mr. Speaker, I want to bring to your attention and to the attention of my colleagues in the Congress, legislation which I have introduced which would substantially increase the penalties for the illegal use or possession of explosives.

In the first half of this year alone, bombings have maimed, injured and killed hundreds of persons and destroyed property in the millions of dollars, and I would like to cite some of the individual tragedies.

Last February, a time bomb saturated with staples blasted the police station in the Haight-Asbury section of San Francisco. It was the second such bombing in 4 days in that student-riot torn city. Police Sgt. Brian V. McDonnell, 45, suffered a total loss of his right eye, blinding injury to his left eye, and a severed jugular vein. Had he lived, he would have suffered permanent brain damage from fragments which lodged in his brain. Mercifully, however, Sergeant McDonnell did not live. Seven police officers were also injured and three cars on the police parking lot demolished also by the bomb. The San Francisco Police Department has offered a reward of $35,000 for the arrest and conviction of the bombers.

Three days after the San Francisco incident, across the bay in Oakland, 24 sticks of dynamite were found leaning against the wall of a paint plant. In Berkeley, this same day, incendiary bombs exploded one night in a department store.

Also this year, in Cleveland, Ohio, an explosion attributed to a bomb, demolished the Shaker Heights police station, injuring 15 persons including a judge, several clerks of the court, and a number of police officers. Two detectives were seriously injured when they were blown through the window.

In New York, Justice John M. Murtagh and his wife and four children were awakened at 4:30 a.m. by an explosion that ripped through their home in the Inwood section of Manhattan. Only a miracle prevented their deaths. Scrawled outside were the slogans "Free the Panther 21" and "The Vietcong Have Won."

In Denver, 10 schoolbuses were destroyed by bombs as they sat in their parking lot.

In New York, total bombings and bombing threats amounted to an astonishing 2.587 for the first 3 months of this year.

The most highly publicized of the bombings was the destruction of a $250,000 townhouse in Greenwich Village, which belonged to the father of one of the survivors, Cathlyn Wilkerson. Three persons were killed in the explosion including Theodore "Ted" Gold, 23, leader of the campus rebellion at Columbia University and a militant radical. Evidence indicates the house was being used as a bomb factory by radical leftists. Sixty sticks of dynamite, various homemade bombs, and literature from the Weathermen, a splinter group which has been sometimes associated with the Students for a Democratic Society—SDS—were found in the wreckage.

Prior to this, explosions rocked the Manhattan offices of the Mobil Oil Co., International Business Machines Corp.—IBM—and the General Telephone & Electronics Corp. An anonymous note sent to New York City police headquarters credits the Weathermen with these bombings.

The violence in New York reached such a crescendo that the Militant, a weekly publication of a group calling themselves the "Trotskyite Socialist Workers Party," whether meaning it or not, took to citing Lenin and Trotsky as opponents of such acts of terror and warned its readers that the concept of individual terror was counterproductive, hampering the winning over of the masses to a socialistic program.

Mr. Speaker, one can only ask: What type of person or people play with highly volatile explosives as causally as a 10-year-old youngster builds a model airplane? Obviously, they are amateurs in the art of explosives, many of which have destroyed the makers, are certainly not the work of professional explosives handlers but by students whose ability will someday be professional.

During the old gangland days of the 1920's and 1930's, we were told of the men called the "peterman." He was the gang's explosives handler, charged with the job of blowing up bank safes. He was an expert and he was as methodical and skilled in the handling of bombs as is a jeweler. He worked with precision and was fully knowledgeable of the potency of his explosive.

A careful appraisal of the list of those who have been arrested in connection with bombings, or those who have maimed or blown themselves to bits by their own ineptness, reveals that they are in the main Left Wing extremists. Many come from wealthy families, as in the case of two of the survivors of the demolished townhouse in New York, both of whom were young women graduates of highly rated colleges, Swarthmore and Bryn Mawr. I might add that it is interesting to note Bryn Mawr College last fall appointed to the post of professor of black studies, Herbert Aptheker, noted "theoretician" of the Communist Party in the United States.

Records indicate that most of those involved in these bombings traveled to Cuba, or rioted in Chicago, Berkeley, or elsewhere, and most belong to either the Weathermen or some other ultraviolent segment of the Students for a Democratic Society.

These facts are often denied by some of the press and they seem to startle the public, but they are no surprise to those who have become aware of the growing radical New Left and the aims of their radical tutors.

Mr. Speaker, bombings by anarchists are not new. In 1866, during the Chicago Haymarket riots, a bomb exploded among a crowd of demonstrators for an 8-hour workday. During the 1919 anarchist scares someone mailed bombs to 36 prominent Americans, but fortunately only one exploded. As a result nearly 10,000 persons were arrested and some were deported. The 1950's and 1960's saw bombings of churches and automobiles against civil rights activities. The anarchists in the United States have so far not followed the central European pattern of the 19th century anarchists who sought their way into power to enforce their version of the ideal society by the use of fear, force, coercion, and bombs.

We here today owe it to our fellow Americans to make certain that today's anarchists find their activities subject to severe punishment and this is the purpose of the legislation H.R. 16818, which I have sponsored.

Since 1968, 8,300 pounds of explosives—enough to blow up the Golden Gate Bridge—have been stolen in the State of California. Seven thousand highly volatile explosive detonators were stolen in Maryland shortly after the death by explosion of two associates of H. Rap Brown.

Although all 50 States have laws relating to explosives, most pertain to safety regulations and the use of explosives by known criminals. Unfortunately, most laws can be enforced only after explosives are converted into a device plainly intended to harm persons or property.

Because TNT, nitroglycerin, and other explosives have legitimate and necessary functions, particularly among builders and farmers, the sale of small amounts are routine and subject to little or no control. Similarly, formulas for the manufacture of homemade bombs are unfortunately readily available and can be learned from hobby magazines, scientific journals, and even encyclopedias. Even the Federal Government has technical manuals which explain how to make explosives of varying kinds and qualities.

Don Sisco, a member of the National Socialist White People's Party, formerly the American Nazi Party, who sold through the mails manuals on manufacturing homemade bombs, lost his left hand and sustained severe eye injury in testing one of his own devices. He continues to offer his manual for sale.

Mr. Speaker, the situation is now critical. We cannot afford to delay any longer the imposition of stringent penalties upon those who illegally possess, make, or use bombs. Action must be taken as a protective measure to guard our citizens and their property against the actions of emotionally unstable radicals.

I strongly urge the U.S. Congress to act swiftly and pass this much-needed deterrent against any further such crimes against the American people.

PRIORITIES OF SPENDING

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. BIAGGI. Mr. Speaker, in all the flurry of election year rhetoric, the question of priorities of spending and the need to control spending to curb inflation have come up over and over again. Yet essential projects still remain unfunded and inflation continues unabated, despite all the promises that we hear.

This body had an opportunity to take a step toward reordering priorities and at the same time cut Federal spending by rejecting H.R. 18546, the Agriculture Act of 1970. Yet, in the form this bill was reported out of committee, it will continue to line the pockets of fat-cat farmers at the taxpayers' expense while running the housewife's grocery bill up even higher.

When President Nixon took office last year he promised extensive reform of the agriculture price support programs, putting emphasis on raising farmers' incomes while lowering the prices for the goods on the grocery shelves. The present legislation falls far below these expectations.

This over $3 billion a year subsidy to millionaire and corporation farmers will do more to feed inflation and rising food prices than any health or education bill which this body has passed and the executive branch has vetoed or criticized. Higher food prices directly affect the inflation rate and this measure will keep those prices on the upswing. Moreover, eliminating the estimated $5 billion expenditure this bill authorized would have gone a long way toward guaranteeing a balanced budget for fiscal year 1971.

The talk about reordering priorities sounds great; but when it comes down to the nitty-gritty, it is a matter of how this Nation is going to spend its tax revenues. While we must cut Federal expenditures, it cannot come at the expense of the health and well-being of the people of this Nation.

For this reason I, for one, will continue to vote funds to provide health benefits to those who are sick, housing for those who have none, tools for our law-enforcement officers in their fight against crime, social security for those who have worked hard and feel the bite of continued inflation, and retirement benefits to those veterans of the Armed Forces to whom the debt this country owes can never be repaid.

But at the same time I assure you, Mr. Speaker, I will never vote to put money in the hands of those who refuse to work, or to feed the bank accounts of farmers whose activity can more accurately be described as nonfarming, or to subsidize the stockholders of giant aircraft corporations whose boondoggle supersonic transports will spell the end to what little peace and tranquility this country still retains or build palaces for petty foreign dictators whose support varies with the wind.

For these reasons I found it necessary to vote against final passage of the Agriculture Act. It would be impossible for me to vote "yes" knowing that the small homeowner and the average taxpayer must bear the resultant eroding of the dollar because of excessive spending that feeds inflation. The American taxpayer bears many things to be part of the greatest Nation in the world, but he should not have to tolerate the waste and inefficiency which this bill supports.

I would like to just spotlight some of the more flagrant abuses under the present program that this bill continues. In the State of California which soaks up over $64 million in subsidy money, two counties in particular get an overly good-sized chunk of the taxpayer's dollars.

In Fresno County one farm, Giffen, Inc., drew $3,333,385 in farm program payments from the U.S. Treasury. The year before the owners banked $2,772,187. The Federal Government would have been better off buying the farm lock, stock, and bank vault. By the way, the county as a whole managed to absorb over $17 million in payments including $147,462 for the owners of the appropriately named Comfort Farm, Inc.

Also in California, 63 Kings County farmers received $13,114,322 to subsidize their income. That county has less than 900,000 acres in total area with a population of less than 70,000. Had the Federal Government so desired, it could have paid $15 an acre and bought the county, vacant fields and all, instead of paying out what amounted to nearly $200 for every man, woman, and child who lives there.

But no, the Federal Government saw fit to send $4,370,657 of the American taxpayers' money to Kings County's J. G. Boswell Co. to make sure the poor boy's farm would not go under this year because of low farm prices. That little sum no doubt was stashed away with the $3,010,042 Uncle Sam paid the same farmer last year—I guess, so he could stay in business to collect this year's check.

Figures like these convinced me to support the efforts to limit farm payments to $20,000 annually. Although the $55,000 limit which was finally passed is a step in the right direction, it is just not far enough for me.

The intent of Congress over the years has been to guarantee an adequate income for the small American farmer, while also making sure that sufficient foodstuffs are available for the city dwellers and the export markets.

This farm bill clearly does not carry out that original intent of Congress. Food prices are skyrocketing. Farm stocks are overflowing in the graineries and warehouses of the country. And the really poor farmer is getting even poorer.

Why, I ask, would the State of Montana collect over $640,000 in farm subsidies? Or why else would the British-owned corporation called Delta & Pine Land Co. go into Mississippi other than to collect lucrative farm subsidies totaling over $700,000 as they did last year? And did Standard Oil in California find its fiscal situation in such serious straits—despite large oil depletion allowances—that it was forced to venture into farming to pick up over $120,000 in farm subsidies?

A housewife in the Bronx or Yonkers does not have to be a mathematical genius to know that the farm program is not working. All she has to do is go into her neighborhood foodstore once a week and watch the price of meat and milk and eggs and vegetables go up and up and up.

The only thing that is going up faster is the dollar figure on those big checks to the farming interests whose only relation to farming is in the way they milk the U.S. taxpayer dry.

Mr. Speaker, I also sponsored an amendment, along with the gentleman from Illinois (Mr. MIKVA), which would have guaranteed that farmworkers would be covered by the minimum of health and safety standards required by law. But, unfortunately, while some of the subsidized farmers ride to their banks in a finely appointed Cadillac, their workers in all too many cases eat little more than the dust of the passing car and live in buildings unfit to even serve as a garage.

Well, Mr. Speaker, despite all these inequities and despite the injustices not only to the farmworkers but to all Americans, a majority of this body saw fit to approve this measure.

There has been a running battle between the executive and legislative branches over who will be responsible for the deficit that this country is headed toward in the next fiscal year. The President blames Congress, saying he wants to stop spending dollars that build hospitals and help hold down health costs.

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And Congress blames the President, saying it wants to stop spending dollars for Government boondoggles. Yet, when the biggest giveaway program came up before this body, both the President and a majority of the Members here teamed up together to help the fat cats keep their Cadillacs well greased and their bank accounts bulging.

Let us hope that this temporary mood of fiscal insanity is ended and the remainder of the session will result in responsible spending programs that will meet the needs of the Nation as a whole. Let us hope that our final legislative scorecard will make winners of every American rather than the select few.

LAW ENFORCEMENT TECHNOLOGY

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. SYMINGTON. Mr. Speaker, the Federal Communication Commission recently awarded the St. Louis Police Department a license to operate a television station on the instructional television fixed service channel.

Because Federal grants were not available for this project, the St. Louis business community pledged the needed $200,000 to build and equip the station.

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The operation of this television station will connect nine separate district police stations and 130 law enforcement agencies in the 4,119-square-mile St. Louis metropolitan area containing 2 million people.

The relatively new concept of television in law enforcement will, it is hoped, afford not only communication within the department and local police agencies, but also better training and educational opportunities through the coordination of both the University of Missouri at St. Louis and the St. Louis Junior College district.

Of course, the most advantageous effect is instant inter- and intra-departmental communication of stolen and recovered auto information, photos or drawings of subjects wanted for major crimes, missing persons, stolen property, runaways, strikes in progress, and possible tense school situations.

Having been instrumental in obtaining the required FCC license, I am greatly encouraged and proud of the St. Louis Police Department's efforts and commend this initiative to my colleagues, as the law enforcement problems in the St. Louis area are common to all our urban centers. The project is discussed in the July 1970 Missouri Municipal Review which follows:

LAW ENFORCEMENT GOES "ON THE AIR" IN ST. LOUIS

While all law enforcement agencies today are faced with the problem of rising crime and increasing demands for police services, only a few have been able to enlarge their reservoir of available manpower enough to meet the challenge of their greatly-increased workload.

During the past 20 years in St. Louis, crimes have increased nearly 350 percent, and calls for police service have almost doubled, from 272,975 in 1949 to 633,911 in 1969, while the number of police officers available to handle them has remained about 2,000.

Also, the shortening of the police work week to industry's standard 40 hours, and the granting of holidays and more vacation time to police officers has resulted in a 17 percent decrease in the number of actual man-hours worked by the force during this period.

Thus, it has become apparent that the only practical way of minimizing the problem is to make more efficient and effective use of the man-power and other resources presently available. This realization has led to the birth and maturity of law enforcement technology during the past 20 years.

Two short decades ago, modern scientific methods and equipment were virtually unknown to police departments, most of which were operating in substantially the same manner as they had been a hundred years before.

The technological revolution which followed the Second World War did not bypass law enforcement agencies, however, and since then the application of scientific tools and methods to solving police problems has become an accepted, everyday part of law enforcement.

The St. Louis Police Department has always been a leader in applying modern scientific methods to the problems of law enforcement. At a time when the great majority of police departments were keeping an ever-growing number of records by hand, the Department in 1948 installed an automated data processing system to provide faster, more accurate information storage and retrieval.

In 1964, the first exclusively police-oriented real-time computer system in the nation was installed by the Department, and since then the system has been constantly updated to provide improved services.

Better communication has always been a key to improved law enforcement. Such developments as radio communication, point-to-point teletype and, recently, computer-to-computer hookups, have all greatly expanded police capabilities.

The City of St. Louis is divided into nine districts, each of which is policed from a separate command housed in its own district police station. In addition, there are approximately 130 other law enforcement agencies serving the St. Louis Metropolitan area, a 4,119 square mile tract containing over 2 million people in Missouri and Illinois.

One of the most urgent priorities for the Seventies is the establishment of better communication and coordination among these agencies.

The idea of utilizing tele-communication within the St. Louis Police Department was first conceived in 1948, when commercial television was still in its infancy. At that time, however, the cost of equipment for producing and transmitting television broadcasts was prohibitive, so the idea remained dormant, although not forgotten, for many years.

By 1967, the state of television science had changed drastically. The manufacture of relatively low-cost videotape recorders and cameras had made television an important internal communication tool of many business firms and governmental agencies.

During that year, a committee which had been formed to study the feasibility of installing and operating a television station within the Department recommended going ahead with the project. An application was submitted to the Federal Communications Commission for a license to construct and operate such a station.

As 1969 approached, it became evident that the Department had everything necessary for the successful use of television in police work—a need for instant communication, the technical knowledge necessary to operate a station, and sufficient funds for operation and upkeep. The only element missing was the $200,000 needed to build and equip the station.

St. Louis is not unique in the fact that local public dollars are in short supply.

Sources of funding from grants were not available for this project as they had been for other Department undertakings, so it was decided to seek help from the St. Louis business community.

A committee of five officers of local companies was formed, headed by W. R. Persons, Chairman of the Board of Emerson Electric Corp. These men contacted 80 St. Louis companies by mail and telephone, soliciting contributions for the system. Only five declined to participate, and within four months, the $200,000 needed had been pledged.

The system was submitted for bids through normal Department channels, and the AMPEX Corporation was awarded a contract to install the television equipment.

Meanwhile the license application had been renewed, and on November 25, 1969, the Federal Communications Commission awarded the St. Louis Police Department a license to operate a television station on an Instructional Television Fixed Service channel.

Construction began on the necessary building alterations and air-conditioning and electrical systems on December 8 and the system officially began broadcasting at a dedication ceremony on March 14, 1970.

The application of television communication to law enforcement problems is a relatively new and untried concept. However, it is believed that it will result in faster, more complete communication within the department and among local police agencies and in the general upgrading of law enforcement in the St. Louis area through better training and increased educational opportunities.

The St. Louis Police Department is the first law enforcement agency in the nation licensed to operate on an educational television channel, and educational applications form an important part of the programming.

Immediate plans call for the televising of law enforcement courses over the station by the St. Louis Junior College District, beginning with the 1970–71 school year.

About 200 St. Louis police officers are currently enrolled at the Junior College, but often find attending classes incompatible with the three-watch rotation schedule.

Under the proposed plan, certain college-credit courses will be broadcast at hours immediately preceding or following a normal tour of duty, and taped for re-broadcasting before or after later watches.

The University of Missouri at St. Louis, which is deeply involved in using television as an educational medium itself, also plans to offer courses over the television station through its Administration of Justice Program.

These courses will be available not only to St. Louis Police officers, but to all officers in the metropolitan area whose departments are hooked into the system.

Long-range plans call for the Department's television station to have access to television tape libraries kept by local colleges and universities for educational purposes.

Station WBF80 is not closed-circuit television. It broadcasts through the air, on such a high microwave frequency that it cannot be picked up on regular home television sets.

The broadcast studio is located in the Police Academy, next door to Police Headquarters in downtown St. Louis. From there, the signal is carried to receivers within the Headquarters complex by cable, and broadcast by microwave transmitters to outlying districts and other local law enforcement agencies.

Studio equipment includes two cameras for live transmissions or videotaping, a multiplex system for showing films and slides and two videotape recording systems.

One of these units is capable of recording or showing two-inch videotape, making it compatible with commercial television stations and educational institutions which use this size tape.

The five field videotape sub-systems, each consisting of a camera, recorder and monitor, use one-inch tape, and are compatible with the other studio videotape machines.

These units operate on conventional electrical power and can record using available light. Through the use of an inverter, they can be operated outdoors, powered by an automobile battery. None of the field units can telecast live.

No extensive or highly technical training is required to operate any of this equipment. Any police officer can learn to use a camera or videotape unit with about 20 minutes' instruction. Cameras in the Police Academy broadcast studio are operated by specially-trained Police Cadets.

A complete miniature broadcast studio is located in a mobile television van, which is equipped with cameras, videotape recorder, its own audio system and power supply and portable cables, lights and related equipment.

Monitors who are located at various points throughout the Police Academy and Headquarters and in each of the district police stations. Line-of-sight towers, required to pick up the microwave signal, are located at each outlying reception point.

Any law enforcement agency within the 20-mile radius of the transmitter can hook into the system by installing the necessary tower and receivers, at a cost of about $3500.

Station WBF80 is staffed by a full-time civilian director and three full-time police officers, in addition to the police cadets, who have other duties.

James J. Pentz, a native St. Louisan with extensive commercial radio and television experience, was named director of the station on January 16, 1970. He is responsible for both the prorgamming and technical functions of the station. Technicians from the Department's Communications Support Division keep the equipment in good operating condition.

Today's information explosion, new technological developments in the field of law enforcement, and landmark court decisions all present an awesome challenge to keep officers informed and up-to-date on their profession.

The versatility of televison makes it ideal for meeting this challenge through regular brief in-service classes for all officers, specialized courses for detectives, juvenile officers and other specialists and management training for supervisory and command personnel.

Heretofore, it has been virtually impossible to involve all Department members in short training sessions at relatively close intervals, because of the extensive travel required and resulting interrupted tours of duty. Another advantage to such televised training is that it is available to other area law enforcement agencies, many of which previously had no specialized training programs available.

An important advantage of television over other methods of training is that since only one taping session is necessary, which can take place at the instructor's convenience, the best teachers and top experts on a particular subject can instruct every officer in the Department on that subject.

During more informal, live broadcasts, a talk-back device located in each district station allows officers to ask questions and make comments to the instructor during the class.

Probably the biggest single advantage of the television system is in the area of inter- and intra-Departmental communication.

For the first time in history, instant communication is possible between police departments on all matters concerning law enforcement. Through use of the talk-back device, Chiefs or other commanders can hold meetings to discuss problems of mutual concern without leaving their own police stations.

Announcements from the Board of Police Commissions and Chief of Police can be taped at their convenience, and then broadcast at three successive roll-calls, reaching every member of the Department within a 16-hour period.

The transformation of roll-call briefings has also been accomplished through the use of television. Previously, each watch commander or desk sergeant read important teletype messages which had been received since that watch last went on duty to the assembled officers before they left the station.

Now such briefings are handled in a uniform manner by one person, and each officer receives the same information. In addition, up-to-the-minute stolen and recovered auto information is provided, as well as information about subjects wanted for major crimes, missing persons, stolen property to watch for, runaways, strikes in progress, possible tense school situation, etc.

Use of the mobile equipment allows officers to photograph crime scenes for instant as well as delayed study and evaluation, to get a picture, drawing or description of a suspect wanted for a major crime distributed throughout the metropolitan area within minutes of the incident, and to photograph drunk drivers in the act for later trial evidence.

Just as the automated data processing system which was introduced into the Department in 1948 was the forerunner of our ultramodern computer system, which is now linked on a computer-to-computer basis with data banks of law enforcement agencies all over the nation, probably the true value of Station WBF80 will not be known for several years.

The uses to which the system can be put are literally limitless, and quite possibly an application which has not yet been thought of or is currently considered minor may prove in the test of years to be a tremendously important advance in police science. For all of its immediate usefulness, we are only beginning to explore the potential of television as applied to law enforcement.

MISSISSIPPI HAS LOWEST CRIME RATE IN NATION

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. GRIFFIN. Mr. Speaker, it is my pleasure, and a nearly annual pleasure I might add, to call to the attention of my distinguished colleagues a few plain and simple facts about Mississippi and her citizens.

According to the latest uniform crime reports published today by the FBI, Mississippi has the lowest rate, 740 serious crimes per 100,000 population, in the Nation.

The credit for Mississippi's accomplishment obviously goes to her citizens and her hard-working and dependable law-enforcement officials.

The New York Times and the Washington Evening Star recently carried editorials highly critical of law enforcement in Mississippi.

Statistics prove that Mississippians are America's most peaceable and law abiding citizens and those two newspapers are, I feel, morally bound to apologize for their intemperate remarks.

Furthermore, the editors of those two newspapers would far better serve the interests of their readers by focusing their attention on the astounding crime problems of their respective cities rather than Mississippi.

With crime at rate of only 740 per hundred thousand, Mississippians are six times more peaceful than New Yorkers—FBI index, 4,731.5—and five times as law abiding as the citizens of Washington, D.C.—FBI, index, 4,018.8.

I am proud of Mississippians for contributing a social system which respects the law, the Constitution, and the rights and property of others.

We would live in a better nation, with less fear, if the residents of other States would follow Mississippi's example.

AFTER 18 MONTHS OF EFFORT, POSTAL REFORM IS NOW LAW

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. DULSKI. Mr. Speaker, on January 3, 1969, the opening day of the 91st Congress, I introduced H.R. 4, pioneering legislation to reform the Nation's postal system.

On Wednesday, August 12, 1970, President Nixon went to Post Office Department headquarters here in the Nation's Capital and signed into law a postal reform bill, H.R. 17070, which I introduced last April 16.

The Committee on Post Office and Civil Service, of which I am chairman, has been working on postal reform legislation for more than 18 months. No subject has been given more thorough discussion and consideration. This is a tribute to the dedication of the members and the staff of my committee, both Democrats and Republicans.

I am proud to be the father of postal reform. The law which the President signed on Wednesday represents the combined effort of many people. The proof of the pudding, of course, is not in the law itself, but rather in the way it is administered.

This means the way in which management and labor cooperate in installing the modern and efficient fully financed mail system which now becomes possible.

Postal reform is now law and we will watch carefully the steps toward implementation.

Mr. Speaker, I was honored to be present at the bill signing ceremony. As a part of my remarks, I include the verbatim transcript of the remarks of President Nixon, also the prepared text of the Postmaster General:

VERBATIM REMARKS OF PRESIDENT UPON SIGNING POSTAL REFORM BILL

Mr. Vice President, Members of the Cabinet, Members of the Congress, former Postmasters General, Mr. Postmaster General, all of our distinguished guests on this occasion:

As the Postmaster General has very eloquently pointed out, this is an historic occasion, because this particular Department is one that goes back earlier than the Constitution itself.

As I was reading some of the history of Postmasters General I have found there have been 63, 63 including the three who held this office before the Constitution. I also found that there have been some rather vivid struggles by Postmasters General to stay in President's Cabinets. Perhaps the most dramatic was Montgomery Blair, Lincoln's Postmaster General, who for three years was under attack and finally was removed from Lincoln's Cabinet.

I think what distinguishes the Postmaster General is that he is probably the first who holds this office, who instead of fighting to stay in the President's Cabinet has fought to get out. And now he is getting out of the President's Cabinet.

THERE WERE DOUBTS

I know that you are aware of the fact that when he assumed this office that the chances of this postal reform being approved, and now being signed today, were considered to be very, very small. I told him that, because he said, "I will not take the office unless the Kappel Commission's report can eventually be in whole or in part approved by the Congress and enacted into law."

But he continued to work. And when the odds seemed most difficult, he became stronger and stronger. And finally, this day has come, a day that many thought could not come when he assumed this office over 18 months ago.

I think perhaps the best way to describe the present Postmaster General, Mr. Blount, "Red" Blount as he is called, is to go back into our history to one of America's famous humorists, Josh Billings. He was referring to the postage stamp. He said, "Observe the postage stamp. Its usefulness depends on its ability to stick to something until it gets there."

Postmaster General Blount has shown that ability, the ability of the postage stamp, to stick to something until it gets there.

MANY GAVE SUPPORT

But I know that he would be the first to say that he could not have done this without a great deal of support.

First, the support of the Kappel Commission, the Kappel Commission appointed by President Johnson, supported by him, a bipartisan Commission. I am glad that so many members of that Commission are here today for this occasion.

And second, the support of the Congress of the United States, and I use the word Congress in terms that are not partisan. We could not have this measure, had it not been for the bipartisan support, Democrats and Republicans, working together for this reform legislation. And I am very happy that so many members of both the Post Office and Civil Service Committees of the House and Senate and of the House and Senate leadership are here today, because both parties and both Houses deserve credit for what has happened here today.

And third, the support of management in the Post Office Department, a fine team that the Postmaster General has assembled, who worked for the accomplishment of this reform.

And fourth, the support of the postal unions, the postal unions who represent hundreds of thousands of postal workers. Without their support and also the personal support of Mr. George Meany, and his organization, this reform could not have been accomplished. We are glad that they are all represented here today.

RESULT OF 18 MONTHS EFFORT

As a result of all of these groups working together, Republicans and Democrats, management and labor, public citizens and private citizens, we have accomplished something that very few thought could be accomplished even 18 months ago. This is the American system at its best. This is the American system working in a way that we all like to see it work, where we put the country above the party and where we put service to the people above any other interest.

And I perhaps could say on this occasion that as we stand here we recognize that as a result of what is being done today three things generally are going to be accomplished:

First, there is going to be better operation of this department, something that every Postmaster General, the many represented here and all of those in our history have always wanted, more efficiency.

Second, there is going to be better service to those that receive the mail. I wrote the Postmaster General three days ago telling him some of the things that I have said here today. I don't think he has received the letter yet.

But we also are going to see as a result of this better working conditions and better pay over the years for the hundreds of thousands of people who work very proudly for the Post Office Department here in Washington and across the country.

AN HISTORIC OCCASION

All of this has been accomplished because men and women worked together for a common purpose that we agree was in the interest of the whole nation.

And so I say on this occasion that it is historic, historic because the Postmaster General leaves the President's Cabinet and this new organization is set up.

I think it would only be proper on this occasion if we were to introduce those who are present who are former Postmasters General, because some of the great men in America's political history are here and two men who served for eight years as Postmasters General. I think there were only four in our history who served eight years or longer.

Mr. Jim Farley, would you please stand up?

Mr. Arthur Summerfield, who served under President Eisenhower;

Mr. Edward Day from Los Angeles, who served under President Kennedy;

Mr. Gronouski, who served not only in this position but as our Ambassador to Poland;

Mr. Larry O'Brien. I understand, incidentally, that among the many things that Mr. Larry O'Brien, and Mr. Rogers Morton discuss, there are very few that they agree upon, but there is one thing that they do agree upon: There is no Republican way or Democratic way to deliver the mail. There is only the right way and that is what this occasion is all about.

And Mr. Marvin Watson.

POST OFFICE DEPARTMENT HAS A PROUD RECORD

And now, finally, ladies and gentlemen, as we move from one era to another let me, in indicating the promise of the future, pay proper respect to the past. The Post Office Department has been a political department and as each Administration changes the offices have changed.

That does not mean, however, that within the postal service for over 195 years there have not been some of the most dedicated Americans.

I am very proud, as all of us are very proud, of the record of this department. We are proud of the men and women who have served in it, some of them I am sure under working conditions and for pay that was less than they perhaps could have received in other positions.

And as we look to that past, a very proud past, I think what we all feel today is that hundreds of thousands of people in the Post Office Department can look to a better future, a better future for them, and as the future is better for them it means better service for all of the American people.

Thank you very much.

PREPARED TEXT OF POSTMASTER GENERAL AT BILL SIGNING

Mr. President, Mr. Vice President, Members of the Cabinet, Members of the Congress, former Postmasters General, distinguished guests, I take great pleasure in welcoming all of you here today on this very historic occasion.

You know the United States Post Office Department started more or less when the British crown closed the doors of the New York Post Office on Christmas Day, 1775. It wasn't included in the Constitution of course until 1789, because we didn't have a Constitution until then.

The Congress actually first authorized it in 1782. It wasn't until President Andrew Jackson's time that the Post Office Department was officially included in the President's Cabinet.

And with the signing of this historic legislation today, within a year it will be taken out of the Cabinet again.

This is the end of a colorful period. It is not often in the history of government that there is a clear demarcation between the end of one era and the beginning of another, but this is such an occasion. This period began when the mails were used to tie a young nation together, and before it ended, that same nation had sent a letter to the moon and back.

But the great tradition of faithful service that characterized the United States mails will not end today. It will continue to serve as a tie that binds all that has gone in the past to all that is yet to come. That tradition served us well as we met the challenge of seeking postal reform. It will serve us well as we rise to the challenge of implementing reform.

It is my high honor today to present the President of the United States.

SAFEGUARD FOES INCONSISTENT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. BOB WILSON. Mr. Speaker, in an editorial entitled "Safeguard Foes Inconsistent," the San Diego Union states that some foes say the system is effective and would upset the nuclear balance while others say it is ineffective and a financial drain from domestic spending priorities.

The editorial points out the fallacy of both these arguments with the resulting conclusion that the United States should maintain its strategic deterrent forces in order to deal from a position of strength at the SALT talks.

I believe my colleagues will find this editorial of particular interest during the Safeguard debates and therefore I insert it in the RECORD:

Need for Missiles Is Twofold: Safeguard Foes Inconsistent

Senate critics of the $1.3 billion Phase II Safeguard anti-ballistic missile expansion base their opposition on contradictory beliefs.

Some say proceeding with two new ABM sites will harm the Strategic Arms Limitations Talks in Vienna, although last year's decision to begin Safeguard Phase I is credited with getting SALT under way. These critics assume that the Safeguard system would be effective enough to protect our strategic missiles from a Soviet attack. This, they say, would upset the tenuous nuclear balance of power between the United States of America and the Soviet Union and risk a rupture in disarmament negotiations.

Other opponents, despite assurances to the contrary from top military experts of the world's foremost technological nation, claim that Safeguard is ineffectual, and merely siphons off in an expensively hopeless venture funds needed for domestic projects.

One school of senatorial thought or the other is wrong. Indeed, facts argue that both are wrong, and consequently both invalid.

Safeguard is designed to protect the Minuteman ICBM system, the United States land-based nuclear missiles whose deterrent power protects all the free world. Expansion of Safeguard is critically essential both to that deterrent force and to any hope of meaningful results from SALT.

The Soviet Union, for its part, does not hesitate to put muscle behind its bargaining posture in Vienna. Last week it tested two SS11 advanced ICBMs in the northern Pacific, and resumed testing its Fractional Orbiting Bombardment System satellite missile. With an estimated 300 25-megaton SS9s and well over 1,000 lesser SS11s and SS13s already deployed throughout the U.S.S.R., and with Moscow already protected by an ABM screen of its own, the Kremlin is eroding any nuclear edge the United States may now possess. Concurrently, Communist China is preparing an intercontinental delivery system for its growing nuclear capabilities.

It is obvious that the Kremlin is not limiting deployment of strategic arms while waiting to see what the SALT conferees decide.

The conclusion has to be that unless the United States maintains its strategic deterrent forces at a credible level, we will be dealing from weakness at Vienna.

BILL TO BAN SEA DISPOSAL OF CHEMICAL AND BIOLOGICAL WARFARE WEAPONS

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. BROTZMAN. Mr. Speaker, I am today introducing legislation to make illegal the dumping of the agents, byproducts, and wastes of chemical, biological, and radiological warfare into the oceans and other bodies of water.

My bill would provide stiff penalties for any individual who violates its prohibitions. Fines of up to $10,000 and prison terms of up to 10 years could be assessed. The effective date would be the first of the year.

If this law had existed 2 years ago, the Army would never have considered sealing rockets in concrete in such a way that pollution dumping became the lesser of several evils. It is my understanding that this is the reason why containers are now moving across the country for sea disposal.

Mr. Speaker, the people of the Second District of Colorado, who I have the privilege of representing in Congress, are intimately familiar with the difficulties involved in the disposal of surplus chemical and biological warfare weapons. They, and I, strongly opposed the efforts to move toxic materials from the Rocky Mountain Arsenal for ocean burial off the coast of New Jersey last year. As a result, facilities at the arsenal are now being developed to detoxify and destroy the weapons on location in a safe manner.

There are a myriad of problems associated with the disposal of chemical and biological weapons. Indeed they are presently the subject of the arms limitations negotiations in Geneva which I attended earlier this year. The bill I am introducing covers only part of the spectrum in terms of bringing about a new national policy for handling these dangerous materials, but obviously, the current shipment demonstrates that emergency action is needed.

CONGRESSMAN SHRIVER ISSUES PERIODICAL NEWSLETTER

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. SHRIVER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following periodical newsletter which is being sent to constituents of mine in the Kansas Fourth Congressional District. I should especially like to call attention of my colleagues to the results of my annual opinion poll which are included in the newsletter.

Congressman Shriver's Newsletter, Summer, 1970

DEAR FRIENDS: In this issue of the newsletter I am pleased to submit for your information the final tabulations of my 1970 Kansas 4th District Opinion Poll taken this spring. The results are published on page 4. More than 21,000 questionnaires were returned to me by citizens throughout the District this year. This is the largest response in the 10-year history of the poll. It is indicative of the deep interest and concern of many citizens over the complex problems which confront us at home and abroad. I want to thank all of you who took the time to respond to the poll. Many took the opportunity to include additional comments and these have been read by me. Once again, I want to emphasize how helpful it is to me in making difficult decisions to have you share your opinions with me.

OPINION POLL HIGHLIGHTS

It is evident that three main issues are uppermost on the minds of Kansas 4th District citizens. These are: the state of the economy; the war in Southeast Asia; and problems relating to law and order. Many expressed concern, too, over campus unrest and violence and a need for national unity. As you know, the questionnaire was mailed shortly after the President's decision to conduct military operations against North Vietnamese sanctuaries in Cambodia. Sixty-nine percent of those responding to the poll expressed support for the President's action, and 75% indicated support for President Nixon's policy of Vietnamization of the war and U.S. troop withdrawals. The key domestic issue on the minds of most citizens continues to be inflation and the troubled economy. Sixty percent of those responding said they favor wage and price controls as an anti-inflation weapon.

Concern for our environment was evidenced by 47% backing for higher taxes, if necessary, to finance an all-out Federal attack on pollution. Strong support also was given by the 4th District resident to establishment of an all-volunteer army with 60% responding in favor of recommendations of the Gates Commission. Only 33% favored lowering the voting age but 76% favor electing the President by direct popular vote. I want to express my appreciation to the many volunteers throughout the 4th District who helped address the envelopes for the questionnaire. Their assistance helps make this yearly poll possible.

BUSINESS OPPORTUNITY/FEDERAL PROCUREMENT CONFERENCE PLANNED AUGUST 31

In an effort to assist small businessmen, industries, and stimulate job opportunities, I have requested Federal civilian and military agencies to conduct a Business Opportunity/Federal Procurement Conference in Wichita's Century II Center on Monday, August 31, under sponsorship of The Wichita Chamber of Commerce and in cooperation with the City of Wichita, Wichita Manufacturers' Club, Kansas Economic Development Commission, Kansas State Chamber of Commerce and Small Business Administration. Plans for the conference were discussed with Mr. William Busch, president of the Wichita Chamber last April in Washington. Fourteen civilian agencies, and all military departments, will send top-level procurement officers to the Conference to counsel those from the Kansas 4th District interested in doing business with the federal government. In addition, at least 10 major prime contractors will be represented at the Conference to discuss subcontracting opportunities. The Defense Department has informed me its procurement officers will bring procurement packages of more than $30 million in bidding opportunities to Wichita. Further information on the Conference is available from The Wichita Chamber of Commerce, Miller Building, Wichita.

ON THE HOUSE FLOOR

Social Security Amendments

The automatic cost of living adjustment for Social Security recipients has finally been adopted by the House of Representatives. I introduced my first bill to provide cost of living benefits in the 89th Congress nearly 4 years ago. The bill provides that benefits are increased automatically according to the rise in the cost of living. Other changes in the House-passed bill include a 5% increase in benefits effective Jan. 1, 1971, equalization of widows benefits, increased permitted earnings to $2,000, and includes provisions to reduce the costs of services for Medicare and Medicaid.

Postal Reform

As the newsletter went to press, it appeared that reorganization of the Post Office Department was about to become a reality. Final congressional action was being taken on a bill which establishes an 11-member Commission to operate the postal system, and removes the mail system from politics. The final version of the postal reform measure includes a House-passed amendment providing that postal employees have free-

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dom of choice regarding membership in a postal union, the so-called "right to work" amendment. I supported this provision which is in keeping with our Kansas Constitution.

Railroad Retirement

The House has approved final passage of a bill to provide a 15% increase in railroad retirement benefits to bring them up proportionately with Social Security. The increase is retroactive to January 1, 1970. The bill also calls for a study on how to handle the subsequent financing of the railroad retirement system to make it actuarially sound. I supported this legislation.

Lowering the voting age

The House of Representatives approved a Senate-passed amendment to the Voting Rights Act which lowers by statute the voting age to 18 for local, state and federal elections. I have previously supported voting rights legislation. However, I felt strongly that only states have the authority to determine voting qualifications and that the only constitutional manner in which the Federal government can take this responsibility is through an amendment to the Constitution. I believe that my constituents want an opportunity to express their opinion on lowering the voting age, and I did not propose to deprive you of that right by voting for the bill. Although the bill now has been signed by the President, it will be submitted for an early court opinion as to its constitutionality.

Unemployment insurance

On July 23 the House passed, and I supported, the final version of the unemployment compensation bill. The bill extends unemployment compensation to more than 4 million workers nationally. But of equal significance is the fact that the bill provides for an extended benefit period of at least 13 additional weeks for those who already have exhausted their benefits. The measure is now on its way to the President for signing.

SHRIVER BILLS PASSED

In recent weeks the House of Representatives has passed the following bills which I have introduced: A bill creating a *Joint Congressional Committee on the Environment;* and the *Clean Air Act Amendments* providing for national standards of air quality and expediting enforcement of air pollution control standards. Restoration of the *Golden Eagle Passport Program* which provides a use permit for federal recreation areas. Extension of the *Great Plains Conservation Program* to assist farmers and ranchers in applying conservation programs in 10 states including Kansas. A bill *making it a felony to mail or transport in interstate commerce any advertisements or solicitation intended to appeal to a wanton interest in sex.*

SHRIVER VOTING RECORD

The Clerk of the House of Representatives has provided each Congressman with a preliminary tabulation of voting in the House covering the period from January 19, 1970, through July 15, 1970. Your Congressman has maintained a better than 97 percent voting attendance record on the 123 roll call votes during that period. A final tabulation will be available following adjournment of the Congress later this year.

CONGRESSMAN SHRIVER'S 1970 OPINION POLL, KANSAS 4TH DISTRICT

[In percent]

	Yes	No	No opinion
1. Do you favor establishment of an all-volunteer Army as recommended by the President's Commission?	60	32	8
2. Should college deferments be eliminated from the selective service law?	54	41	5
3. Do you favor lowering the voting age?	33	64	3
4. The Safeguard antiballistic missile system (ABM) is currently planned to protect 2 of our missile sites. Should we expand the system to other sites in order to safeguard our nuclear deterrent?	50	30	20
5. What should we do about Vietnam:			
(a) Carry on limited military action and pursue peace talks in Paris?	25	35	40
(b) Follow the Nixon policy of gradually phasing out U.S. troops and replacing them with South Vietnamese?	75	12	13
(c) Withdraw immediately?	22	49	29
(d) Do you support the President's decision to conduct a military operation in Cambodia against North Vietnamese and Vietcong sanctuaries?	69	23	8
6. Would you be willing to pay higher taxes, if necessary, to finance an allout Federal attack on pollution of our environment?	47	44	9
7. Do you favor Federal subsidies for railroad passenger service?	32	54	14
8. Do you favor wage and price controls as an anti-inflation weapon?	60	31	9
9. Do you favor busing schoolchildren to achieve a better racial balance?	8	88	4
10. Should we elect the President by direct popular vote?	76	18	6
11. Should penalties for the use or possession of marihuana be reduced, and penalties for selling it be increased?	73	17	10
12. Do you feel economic equality for Kansas farmer can best be established by:			
(a) Maintaining present price support policies?	20	20	60
(b) Returning to free market operations?	46	9	45
(c) Providing increased bargaining power?	29	10	61
(d) Long-term retirement of crop acres?	12	21	67
13. Do you favor legislation which would limit daylight savings time to the 3 summer months only?	53	32	15
14. In your opinion, what is the Nation's No. 1 need today? Most frequent responses concerned:			
(1) Law and order.			
(2) Economy.			
(3) Vietnam.			

OVERRIDING THE PRESIDENT'S VETO

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. POWELL. Mr. Speaker, I am proud to have passed my vote today to override the President's veto. This bill was born under my chairmanship. It is a bill which transcends regionalism, racism, and partisanship.

Attached to my remarks are a few of the messages I have received from various people from various organizations:

WASHINGTON, D.C., *August 13, 1970.*

Hon. ADAM C. POWELL,
Washington, D.C.

Chamber of Commerce of United States urges you support President's veto of education and independent offices appropriation bill. Budget deficits in recent years especially 1968 major cause of painful inflation still not yet overcome. Continuing deficits are disservice to American citizens. Control of budget calls for highest degree of statesmanship if Congress fails sustain veto. Will reflect callous disregard for taxpayers who are getting fed up with high cost of Government.

HILTON DAVIS,
General Manager, Legislative Action Department.

NEW YORK, N.Y., *August 13, 1970.*

Hon. ADAM C. POWELL, Jr.,
House of Representatives,
Washington, D.C.:

United Federation of Teachers urges you to be present on Thursday, August 13th, and vote to override Mr. Nixon's irrational veto of Education Bill H.R. 16916. The way to fight inflation is to provide education to increase the productivity of our people who are our greatest resource.

Delay in financing public education dangerously postpones development of skills desperately needed for basic human dignity and an adequately functioning urban society. Public education must be strengthened to eradicate the burden of ignorance and incompetence now menacing the very existence of New York and other cities.

Full funding of authorizations is essential for initiation of innovations, and orderly planning requires prompt determination of appropriations.

ALBERT SHANKER,
President, United Federation of Teachers, AFL–CIO.

WASHINGTON, D.C., *August 13, 1970.*

Hon. ADAM C. POWELL,
Washington, D.C.

We urge that you vote to override vetoes of vitally needed housing and education appropriations.

JAMES T. HOUSEWRIGHT,
International President, Retail Clerks International Association.

NEW YORK, N.Y., *August 13, 1970.*

Hon. ADAM CLAYTON POWELL,
House Office Building,
Washington, D.C.:

Strongly urge that you vote to override Presidential veto of Education Bill. Any other action would be against the best interests of every parent and school child in your district.

MANUEL SIWEK,
President, Grosset & Dunlap.

ALBANY, N.Y., *August 13, 1970.*

Hon. ADAM C. POWELL,
House Office Building,
Washington, D.C.:

Federal financial support of the Nations public schools is critically needed therefore the NYS School Boards Association urges you to vote to override the presidential veto of HR 16916.

JOHN E. GINTER,
President.

WASHINGTON, D.C., *August 13, 1970.*

Hon. ADAM C. POWELL,
Rayburn Building,
Washington, D.C.:

The urgent needs of the citizens of the City of New York in education and urban renewal require that the appropriations bills on education and independent offices be passed by the Congress although current economic pressures must be recognized. There exist numerous other areas in which appropriate reductions can be made that do not relate to the highest priorities of this

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city and this Nation. Accordingly I urge you to do whatever you can to override the vetoes on these urgent measures.

JOHN V. LINDSAY,
Mayor, the City of New York.

WASHINGTON, D.C., *August 13, 1970.*
Hon. ADAM C. POWELL,
Washington, D.C.:

The American Institute of Architects is deeply concerned and disappointed over the President's veto of the fiscal 1971 HUD appropriations bill. In 1949, the Congress enacted the national housing goal of a "decent home and a suitable living environment for every American." Practically each year thereafter this goal has been reaffirmed. Despite these good intentions sufficient funds have not been appropriated to fulfill this national commitment. The AIA believes that adequate funding of housing programs is one of the highest ranking national priorities. Accordingly, we strongly urge that you vote to override the President's veto.

REX WHITAKER ALLEN,
FAIA President.

NEW YORK, N.Y., *August 13, 1970.*
Hon. ADAM C. POWELL,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN POWELL: Your continued support for housing and urban development programs will be crucial in overriding the President's disasterous veto of the Independent Offices Appropriation Bill which includes allocations for the Department of Housing and Urban Development. The $1.35 billion Conference Appropriation for Urban Renewal, while $350 million more than the presidential request, is still nowhere near the 3 billion to fund urban renewal applications presently pending at H.U.D. The funds appropriated in this bill are absolutely essential for the continued production of low and moderate income housing and the revitalization of our urban centers and metropolitan areas. Your vote and other efforts to secure these funds will be greatly appreciated.

ALBERT A. WALSH,
Administrator, New York City Housing and Development Administration.

NEW YORK, N.Y., *August 13, 1970.*
ADAM C. POWELL,
U.S. Capitol,
Washington, D.C.:

Respectfully request your vote for education appropriations bill. Maximum Federal support vital to Fordham University.

MICHAEL P. WALSH, S.J.,
President.

NEW YORK, N.Y., *August 13, 1970.*
Representative ADAM C. POWELL,
House of Representatives,
Washington, D.C.:

We urgently request your help in overriding the President's veto of the Office of Education appropriation bill. This is neither an appropriate nor effective place to fight inflation, and sustaining the veto would seriously delay the availability of important funds at all levels—colleges, schools and libraries.

JOHN T. SARGENT,
President, Doubleday and Company Inc.

WASHINGTON, D.C., *August 13, 1970.*
Hon. ADAM C. POWELL,
Washington, D.C.:

Full appropriations 235–236, sewer water essential to housing. Urge yes vote veto override Thursday.

LOUIS R. BARBA,
National Association of Home Builders.

WASHINGTON, D.C., *August 13, 1970.*
Hon. ADAM C. POWELL,
Washington, D.C.:

Urge your wholehearted support and vote for H.R. 17809 without amendments. Floor action scheduled Thursday. Passage vital to all Federal Wage Board employees. Thanks.

JOHN F. GRINER,
National President.

ALBANY, N.Y., *August 13, 1970.*
Hon. ADAM POWELL,
House Office Building,
Washington, D.C.:

On behalf of the New York State Personnel and Guidance Association, some 3,000 counselors and college personnel workers, I urge you to once again vote to over-ride the latest veto of education appropriation bill. We appreciate your January vote to over-ride. Loss of NDEA and higher education funds could jeopardize very seriously the educational programs urgently needed to avoid further alienation of many young people.

JOSEPH L. NORTON,
President, NYSPGA.

BROOKLYN, N.Y., *August 13, 1970.*
Congressman ADAM C. POWELL,
U.S. House of Representatives,
Washington D.C.:

It is imperative that you be present and join your colleagues to override the veto of the education aid bill by the President. It will be a disaster for the Nation and particularly for the children of New York City if the action of the President is not reversed.

MURRY BERGTRAUM,
President, New York City Board of Education.

BROOKLYN, N.Y., *August 13, 1970.*
Hon. ADAM C. POWELL,
House of Representatives,
Washington, D.C.:

On behalf of the New York Library Association, I strongly urge you to attend the floor debate on August 13 concerning the Appropriation Act of the U.S. Office of Education and to argue and vote for its passage over the President's veto.

JOHN C. FRANTZ,
Legislative Chairman, New York Library Association.

PROCEEDINGS BEFORE THE AD HOC INVESTIGATING COMMITTEE OF BLACK ILLINOIS STATE LEGISLATORS—II

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. MIKVA. Mr. Speaker, as I announced yesterday I am herewith including in the RECORD the second part of the transcript of hearings recently held before an ad hoc investigating committee of the Illinois State Legislature.

The document referred to follows:

Chairman NEWHOUSE. For the purpose of the press, I will read the names of the witnesses for today.

The next witness will be Patrolman Palmer, who is the Executive Director of the American Patrolmen's Association. Following him will be Reverend George Clements, from Holy Angels Church, who has done extensive work, and has extensive association with the Patrolmen's League. And Mr. Donald Duster, who is the Executive Chairman of the Chicago Forum.

That is our lineup. Would Patrolman Palmer come forward.

(Witness sworn.)

Edward L. Palmer, having been first duly sworn, was examined and testified as follows:

Chairman NEWHOUSE. Would you begin, please, by identifying yourself and telling us your position with the Association?

Mr. PALMER. My name is Edward L. Palmer. I am the Executive Director of the Afro-American Patrolmen's League.

I am a patrolman on leave of absence. I've been on leave of absence since last September.

Chairman NEWHOUSE. Can you tell us briefly, were you a founder of the Afro-American Patrolmen's Association?

Mr. PALMER. Yes, I was a founder.

Chairman NEWHOUSE. Can you tell us what it is all about?

Mr. PALMER. The reason why the league was formed, was for a number of reasons. One of the most cognizant was the picture which appeared in a national magazine of a little black kid, 12 years old, who was lying in a pool of blood. This was in Newark, New Jersey, in 1967.

What had happened was, two white police officers, with shotguns, came on the scene of a looting. In the process of their shooting, they shot at a looter coming out of a store with a six-pack of beer. They shot and killed this looter.

In the meantime, a half a block down the street there was this 12 year old child who had no particular reason for being there, but he ended up in a pool of blood.

The pictures indicated a complete callousness toward this particular kid's life. One of the inside pictures showed this white policeman with a shotgun, with a cigar in his mouth, arrogantly striding by this child lying in a pool of blood.

Chairman NEWHOUSE. Would you say that is bad police work?

Mr. PALMER. Yes. Because the shotgun is too indiscriminate a weapon. A shotgun has been outlawed by the Geneva Convention. It cannot be controlled. It fires nine to twelve projectiles. As soon as they leave the barrel, they begin scattering. It is a very dangerous weapon. It is a barbaric weapon.

It is a weapon that shouldn't be used at all in a highly populated area. And the majority of the cases that came up with the use of a shotgun in the Chicago area, have been on black citizens.

Chairman NEWHOUSE. Tell us the purpose of the League?

Mr. PALMER. The purpose of the League is to try to build a new meaning and role for the black policemen. Historically, black policemen only work in one community, and that is the black community.

This image and role that they portrayed, was the role of an "Uncle Tom;" a mercenary, an occupation army. In fact, there has been a number of allegations that the black police have been more brutal on their own people than other policemen have.

This has primarily been caused because they do believe they have no particular alliance to the community. What we are trying to do is to change that image, and the meaning and the name on the sign on the side of the squad car that we protect—that we protect anybody in the community, whether it be from the criminal element or the policemen that are not oriented towards self-service.

Chairman NEWHOUSE. Do you see that as being a conflict with the goal, or announced goals of the Chicago Police Department?

Mr. PALMER. There are many other reasons. There is covert and overt——

Chairman NEWHOUSE. Let's talk about the announced goals.

Mr. PALMER. Their announced goals is they do serve and protect the community.

Chairman NEWHOUSE. You are saying that what the Patrolmen's Association is all about was not inconsistent with the Police Department; as a matter of fact, with a view of making the Police Department a better Police Department, is that correct?

Mr. PALMER. It was making the Police Department live up to its promise. It was to make it a true toward the total community.

Chairman NEWHOUSE. Now, how long were you on the Police Department?

Mr. PALMER. Four and a half years.

Chairman NEWHOUSE. And when was the Partolmen's Association formed?

Mr. PALMER. Last year, in June. June the 13th, 1968.

Chairman NEWHOUSE. June 13th, 1968.

At that time, at the time that it was formed, what had been your record with the Police Department?

What kind of a cop were you?

Mr. PALMER. Well, I received—I have served in almost all of the specialized units from the Intelligence Division to the Youth Division, and in the Patrol Division. I never had a day off for disciplinary action.

I never had a day off for brutality. I have a number of accommodations for alleged bravery.

Chairman NEWHOUSE. What has been your record with the Department since the formation of the Afro-American Patrolmen's Association?

Mr. PALMER. When we were in the process of forming the League I was in the 4th Area Youth Division. I was—I had served there for a year.

My efficiency rating was 86. Within a couple of months it went down to 84 and they decided they would have to remove me from the Youth Division because there was something about "Black Power."

From there I was reassigned to almost a nearly all white district, which is the 9th District, one of the highest white districts.

At that time, there was a complement of 250 to 300 men, of which eight were black. Interestingly enough, in this particular district, the black policemen were always assigned to the black community.

Chairman NEWHOUSE. What is your—was your performance, in your opinion, any difference after you formed the association than before?

Mr. PALMER. Yes, I would say it was quite different. Before there was quite a bit of corruption on the Police Department, and at that particular time I felt I could justify this particular type of corruption.

Chairman NEWHOUSE. Let me make my question clear.

You were a patrolman at one point with an efficiency rating of 86, is that correct?

Mr. PALMER. Yes.

Chairman NEWHOUSE. Was there anything in the way you conducted yourself as a patrolman, after the Association was formed?

Were you a worse policeman after it was formed, or were you the same policeman, or were you better?

Mr. PALMER. I think I was a better policeman, because I no longer insisted on having new laws put in a hydraulic juicer and squeezing out the last nuances.

I believe I became more compassionate. That doesn't mean that I condone breaking the law. If a person breaks the law, he would have to be arrested.

There are, by the same token, a number of laws on the books dating back to the 18th Century.

One of the laws, if you drove an automobile, you'd have to have a man walking in front of it with a red lantern.

We have some laws on the books that are almost antiquated, or as antiquated as this particular law.

Chairman NEWHOUSE. You are among the officials of the Association, is that correct?

Mr. PALMER. That is correct.

Chairman NEWHOUSE. How many other officials of the Association are there, offhand? Can you tell us?

Mr. PALMER. There is between seven and eight hundred members.

Chairman NEWHOUSE. Tell us what happened with the hierarchy of the Association, the other officers, since it was formed?

What has happened to the—to their careers within the department?

Mr. PALMER. Most of our Board of Directors, the six of them—well let me start down the line.

One of our original founders, Frank Lee, was removed from the 10th District Vice. He was one of the leaders of that particular unit up until the time of the formation of the League.

He was removed from the Vice Unit and assigned to a Patrol Division.

Chairman NEWHOUSE. Is that a better or worse assignment?

Mr. PALMER. Worse. And there is Jack Dubonette. Jack Dubonette, after the formation of the League, was accused of being off post. He receive a couple of complaints on his hair.

Chairman NEWHOUSE. I beg your pardon?

Mr. PALMER. He was supposedly, or allegedly wearing his hair in a natural style.

At any rate, he eventually ended up being suspended for thirty days for allegedly being off his post.

Chairman NEWHOUSE. What had been his record prior to that?

Mr. PALMER. Again, exemplary policeman. After that he was then assigned to the Youth Division.

This man has a degree. He's been active with kids. He has a number of citations from community organizations, South Shore Commission, on how well he was handling kids in the South Shore area.

At that time, the Police Department contended that they only then found out he was suspended from the Police Department for thirty days, and they used this for justification for his removal from the Youth Division.

Directly after that, he was assigned to the Traffic Division in the middle of the winter, and put on one of the coldest corners in the Loop.

Chairman NEWHOUSE. Is that an advancement or demotion?

Mr. PALMER. Demotion again.

Chairman NEWHOUSE. Where was he placed?

Mr. PALMER. I believe it was at the corner of Wacker and State. I would have to check with him on the exact location. I can get that.

There is the matter of Curtis Carlson, our Vice President.

Curtis Carlson was on leave of absence. He was attending Roosevelt University at the time of the formation of the League. Up to that time, he was an evidence tech.

After the formation of the League he was removed from the Evidence Tech Division and put on the CTA Task Force Detail, which it is rumored, is the burial detail. This is a detail that has a particular onus to it.

Chairman NEWHOUSE. This was after, I take it, the League was formed?

Mr. PALMER. Yes.

Chairman NEWHOUSE. May I interrupt? I would like to acknowledge the presence of Senator Chew, that just came in.

Mr. PALMER. The next person is our secretary, Nate Silas.

He was working as an evidence tech. He was also attending Roosevelt University. Up until the time of the formation of the League, he could always work out with his Sergeant a schedule that would allow him to attend college.

At that time, they decided that he—he could not get a schedule that would allow him to continue college and remain an evidence tech. So he asked for a transfer, and in the transfer he was reassigned to the CTA Task Force.

Chairman NEWHOUSE. What happens to you when you go to the CTA Task Force?

Mr. PALMER. Well, when you go to the CTA Task Force, you are assigned to a post in one of the subways, where it is usually rather damp in the wintertime; rather cold.

It is a complete different experience. You are confined to a particular area. While in the Patrol Division, you are mobilized. You have a heater.

Chairman NEWHOUSE. It is one of the more undesirable tasks?

Mr. PALMER. Yes.

Chairman NEWHOUSE. The request that Silas made, was it a request that is normally granted?

Mr. PALMER. Up until the time of the formation of the League, he never experienced any difficulty in getting a particular assignment; working his hours so he could continue with his schooling.

Chairman NEWHOUSE. Please continue.

Mr. PALMER. Then there is a matter of one of our Board members that was formerly in the Gang Intelligence Unit.

At that time, he decided that his nature was not compatible with this particular unit and he asked for reassignment.

Chairman NEWHOUSE. Would you give us his name?

Mr. PALMER. Saffold.

Representative WASHINGTON. What was it?

Mr. PALMER. Harold Saffold. He was reassigned to the CTA Task Force.

Then there is myself, after the formation of the league. I was working in the 9th District. And after the formation of the League I was assigned to the CTA Task Force.

And then there is Renault Robinson, the President of our association. Prior to the formation of the League, he was again an exemplary policeman. He worked in the 10th District. He led the District in Vice arrests.

He had a number of condemnations. Directly after the formation of the League, he was transferred out of the Vice Unit and assigned to the 3rd District.

Chairman NEWHOUSE. Would you say that of the men you have named, who belong to the Patrolmen's Association, that these were men that were the best of the better type of policeman that you had?

Mr. PALMER. Yes. There were your younger police officers.

Chairman NEWHOUSE. I just wanted to go to the quality of their work.

Mr. PALMER. Yes. Either to get assignment to either the—as an evidence tech, the Vice Division, the Youth Division, all these are specialized fields, and they demand the best men.

All these men have worked in specialized units. According to the Police Department's own standards, they were above the average cut of policemen.

Representative WASHINGTON. In other words, these promotions, they were not lightly given?

Mr. PALMER. No. They were not lightly given.

Representative WASHINGTON. And presumably not lightly taken away?

Mr. PALMER. Yes. As a matter of fact, Patrolman Robinson was one of the younger vice detectives in the City. He also served as Vice Coordinator for the 10th District when Sgt. Barrett, the 10th District Coordinator was on vacation. They thought highly of him.

Chairman NEWHOUSE. Sen. Chew.

Senator CHEW. Mr. Palmer, as you know, I just got here. I called Sen. Newhouse and told him I would be late.

Am I to understand that after the formation of this League, that most of the members have been harassed by the hierarchy in the Police Department?

Mr. PALMER. Yes.

Senator CHEW. Do you have a future though that the hierarchy of the Police Department has in itself intention to actually get rid of the main body of your League and its members, in the sense of finding things to possibly fire them for?

Mr. PALMER. The only way that I could answer that, is that Patrolman Robinson is now under suspension. Our Sergeant-at-

Arms, Jack Dubonette, has been suspended for thirty days in the past.

Up to this time, there seemed to be some type of attempt to at least circumvent the League. Interestingly enough, when there was a breakdown in law and order at the U.S. Customs House, when they had Rev. C. T. Vivian trapped in a squad car for four hours, and the police were unable to do anything about it, and one of the State Senators tried to get into the building, and the police were not able to provide him that particular protection, yet when Rev. Jackson called upon the League and asked for protection in order to get him into a Federal Hearing, we supplied that protection, and C. R. numbers—complaints were registered against the members.

The only attempt they make, is not of a vigilante committee, but rather an organization which serves as a protection to people, and this is well within their scope. C. R. numbers are pending on these particular men.

Senator CHEW. That C. R. numbers are complaint numbers that are registered by the Police Department against the individuals who participated in the protection of Rev. Jackson?

Mr. PALMER. Yes.

Senator CHEW. Are you aware that there are some union officials that have round-the-clock protection from the Police Department, 365 days a year, on and off duty?

Mr. PALMER. As I understand it, some Aldermen have that protection, too.

Senator CHEW. Are you differentiating between you protecting Rev. Jackson and other members of the Department protecting citizens?

Mr. PALMER. Yes, I would say it was discriminatory. I would also say that if there is a vacuum that exists in the protection of human life, we have already saw what has happened to Dr. King. We have seen what happened to the Kennedy's, and we have seen what happened to Malcolm X.

All these people were killed by assassins bullets.

What the League is contending, the Department would not extend itself to overt protection of people. And someone has to fill that void.

Senator CHEW. Is there a police role where a policeman cannot wear his uniform unless he is pursuing his duty?

Mr. PALMER. According to the Director of the IID, he did some research, and he contends he can find no rule——

Senator CHEW. In other words, the complaints against the men who were protecting Rev. Jackson were filed because they were on—in official uniform?

Is that about the size of it?

Mr. PALMER. Well I, believe the Police Department backed away from that. They contend that they just want to set up a procedure to determine the propriety of the act itself. They have moved away from the idea of in uniform or out of uniform.

Senator CHEW. Do you feel if you disassociated yourself from the League you would be placed back in one of the positions you previously held?

Mr. PALMER. That is pure supposition. First of all, I doubt—if the police—of anybody getting a favorable assignment or getting some type of favor, in the light of the protection of people, then this is one of the things that I cannot bargain with.

Senator CHEW. I recall when Frank Terry was on active duty, he held the position of President of the Chicago Patrolmen's Association, and at that time Frank Terry did nothing but run the office, and he was paid by the taxpayers of the City of Chicago.

And that is an organization that has many members outside of the department. I believe subsequent to Superintendent Wilson it was desired that Frank Terry could no longer be a policeman and carry on this kind of activity, which he carried on with the Chicago Patrolmen's Association.

Do you feel you should have some leeway, as a policeman, to operate this organization within the Department as other organizations are being operated?

Mr. PALMER. Yes. We feel that one of the things that are particularly irritating to us, that where our posters are put on the bulletin board, they are ripped off.

As a matter of fact, there was one sign which we asked for approval by the Director of Public Information for the Police Department, and he contended that the word "Brother" was—would not be in the best interest of the Department.

It said, "Brothers, Unite." That would not be in the best interest of the Department. We wanted to use just the word "unite". Then he definitely said that the word "unite" was not within the best interest of the Department.

Senator CHEW. Is there another organization that is operating like the Black Patrolmen's League?

Mr. PALMER. I believe the organization that you are referring to is the Afro-American Negro Police Association.

Senator CHEW. Are they being harassed similar to your organizational members?

Mr. PALMER. I really couldn't tell you. You see different organizations pull different things.

We are not an association—a social club or social organization. What we are seriously engaged in is the protection of the community.

Senator CHEW. And they don't have that function at this time?

Mr. PALMER. No.

Senator CHEW. Thank you.

Chairman NEWHOUSE. Has there been any attempt to elicit the aid of the white policemen's organizations?

Mr. PALMER. A number of white policemen are becoming increasingly aware of the disparage of justice.

Chairman NEWHOUSE. I am concerned about the attitude of these organizations. Can you tell me what the attitude of the organizations has been?

Mr. PALMER. Yes. One of the organizations allegedly made the allegation that we are a Black Panther Organization.

When pressed on this issue, as to whether we were, the President of this particular organization, was pressed as to where he got this particular type of information, and he contended that he got it from informants.

Which brings out the idea in a Police Department who watches the police; the informants watch the police.

Chairman NEWHOUSE. Have you run into any problems with your fellow officers?

Mr. PALMER. Would you be more specific?

Chairman NEWHOUSE. With your colleagues; white, black.

Mr. PALMER. Yes. Well, yes. As this insistence for impartial justice increases, the casual brutality that goes on in the district stations, attempts to be cured.

I believe in one of the South Side districts, what happened was there was a black youth that was being beaten out in the parking lot of this particular station. A black policeman came on the scene and told them they would have to stop beating this kid or face the consequences.

The consequences we hope, were what has been happening in the Marine Corps, and what is happening in the United States Army.

Chairman NEWHOUSE. You then are aware of difficulties between fellow officers?

Mr. PALMER. Yes. There have been fisticuffs between black and white policemen. This is a dangerous element, for the simple reason that these men are armed.

Chairman NEWHOUSE. Is there a quota system for tickets and arrests within the Police Department?

Mr. PALMER. Yes. I believe the Chief of Patrol, eventually acknowledged there was a quota system on tickets.

And in the Task Force units, in order to work plainclothes, there is a point system. The number of arrests, what type of arrests, especially felony arrests, would give you the leeway to move out of the ranks of the uniformed and for a month, at least, work in plainclothes.

Chairman NEWHOUSE. Does this quota system encourage normally good cops to go out and harass the community in order to fulfill their quota?

Mr. PALMER. Yes. What happens at your rollcalls, the Watch Commander will come down and ask to see everyone's book; traffic book, ticket book, citation book. And he'll go through it and find out when's the last time you issued a citation.

If you haven't issued a citation in quite a while, you'll be assigned to an unfavorable detail. For example, parades—if you are working special equipment, you might be removed from special equipment.

Chairman NEWHOUSE. So there is things done subtly.

Does anyone ever say you have to get "X" number of tickets?

Mr. PALMER. When the Watch is first coming on, at roll call, this would be mentioned openly, that "I want you to get so many movers."

The term for a traffic violation, is "mover."

"I want everybody to get me a mover tonight." of course, this is never written down on a paper, for obvious reasons.

What happens, is the issuance of tickets has become a big business, and I would say that the take for traffic tickets reaches up in the millions.

Chairman NEWHOUSE. What affect does this have on community relations?

Mr. PALMER. Let me give you one particular unit. The Task Force has been involved for the purpose of going into a community, and experiencing a number of high—a higher index of crimes; burglaries, robberies, rapes, et cetera.

When they move into this particular area, they also move into it—with the area, the—the way they are going to have to curve this is traffic stops. They are going to stop "X" number of cars and search these cars.

First what becomes a laudable attempt to serve the community, it becomes where the citizens are jerked out of their cars and in the process they may be served a ticket.

You have more policemen in an area to give out tickets and they give out tickets.

The Task Force would work primarily in black communities. It has no control factor as the district has, where a resident can go in and see the District Commander and make a complaint.

What he does, if a Task Force is working in that community, there is no control by the community, because the Task Force only works in that community for four or five days.

In addition to that, over the District Commander you have a Deputy Chief that is stationed in this area. In this particular case, the Task Force does not have a Deputy Chief to report to.

Representative WASHINGTON. You have cited seven individual instances, which you call harassment of officers of the Afro-American Policemen's League; plus you cite, I guess you would call it, an harassment of the Afro-American Policemen's League that was escorting Rev. Jackson to the hearings two weeks ago.

Do you have any other incidents of harassment of members of the League, to the fact that they are affiliated with the Afro-American Patrolmen's Association?

Mr. Palmer. No. What you will find, that the members of the League are questioned by their white colleagues, "What side are you on?"

Their answer, they're on the side of justice. You'll find their boxes stuffed with garbage and words scrawled on the washroom walls.

Representative Washington. What about posted notices?

Do you get any cooperation?

Mr. Palmer. No cooperation in posting of our posters.

Representative Washington. Do other organizations, such as cited by Senator Chew?

Mr. Palmer. Yes. For some reason their posters seem to stay up.

There is a board right by the Sergeant's desk. And he is there to see. The COP FOP stickers are able to stay up there for some reason or other, where ours are torn down.

Representative Washington. Your organization is a legal organization, duly constituted?

Mr. Palmer. Yes.

Representative Washington. I had planned to ask you spell that out in a little more detail, the purpose of your organization.

You have here a statement of purpose here. Would you care to read it into the record?

Mr. Palmer. Yes.

"Whereas, the entire black population has a serious interest in improving the quality of life in the black community and

"Whereas, the historical role between black police officers and the black community has not been a constructive one, and

"Whereas, the time of social and economic crisis in which we live requires that the black community marshal all of its forces in a positive way and

"Whereas, the black police officers of the Afro-American Patrolmen's League have undertaken the task of improving their performance as police officers to the end that they may exercise their authority with compassion and understanding in order to be of positive benefit to the black community and

"Whereas, the black community is appreciative of this new orientation on the part of black police officers and

"Whereas, black policemen and the black community need to be supportive of each other in order to achieve the desired improvement in the quality of life in black neighborhoods,

"Be it resolved:

"1. That the Afro-American Patrolmen's League pledge itself to the support of all community efforts devoted to establishing respect for black manhood, black womenhood and black pride within the law;

"2. That the black community will accept and support the efforts of the Afro-American Patrolmen's League to reverse the distrust and hostility toward black police officers;

"3. That the black community and the Afro-American Patrolmen's League dedicate themselves to the proposition that law enforcement may be practiced by black police officers with compassion, understanding and efficiency;

"4. That the goal of law enforcement officers will become the employment of courtesy and compassion rather than the mere absence of brutality;

"5. That the black community and the black police officers will respect the sanctity of human life whether clothed in a police uniform; a prison uniform or civilian dress;

"6. That the black community and the black police officers will be mutually supportive of efforts to bring about a new community where unity of purpose and recognition of ability of the black heritage will be a deterrent to crime;"

Where moral authority imposed from within will govern human relationships rather than technical legalism;

And where those of us who are black will be able to live lives of beautiful fulfillment.

Representative Washington. Let me ask you one or two other questions.

One is, that it is bandied about in certain circles that your organization is racist.

Mr. Palmer. Yes. First of all. that is an area—we are not a racist organization. What we are talking about, since the only place the black police officers can serve is the black community, it is our first concern down in that area.

What we'd like to do, is to create impartial justice, fairness, the cessation of this brutality throughout the community.

On that one point I would like to make this particular statement:

That while we are an alleged racist organization, simply—simple reality demands we state for the record, we contend that the Chicago Police Department, as it is presently constituted, is both a segregationist in its structure and racist in the formation of its policy.

Representative Washington. In other words, you admit that the black police officer has a bad image in the black community, and you want to do something about it?

Mr. Palmer. Yes.

Representative Washington. What is the image of the black police officer in the white community?

Mr. Palmer. Obviously over the last four or five years almost all of the civil disturbances, riots, whatever you want to call it have been started by a particular police incident. We feel there are some white police officers that are oriented toward improvement and compassion for the particular community.

But the simple reality is, they are distrusted by the community. And if they are distrusted by the community, this makes their efforts largely ineffective.

Representative Washington. And this incident of white policemen and black people, simply gives credence to the image the white police officer has?

Mr. Palmer. Yes. And the white officer is not familiar with the life style and background of black people, just as I am not familiar with the life style of the people of Polish or Italian heritage.

Representative Washington. You are familiar with the discipline of police officers for alleged minor infractions?

Mr. Palmer. Yes.

Representative Washington. You previously detailed that for us.

Mr. Palmer. Yes. What would normally happen, the complaint would largely be registered either by a citizen or a supervisor.

This complaint would then be forwarded to the IID, Internal Investigation Division, where an investigation of the allegation or allegations would be made.

If an allegation was serious enough in nature, it would then be forwarded to the Police Board. At the Police Board, the patrolman in question would have the opportunity to explain his version of what happened.

However, he would not be afforded the possibility of legal service or legal counsel. At that time, if they so decided—see, there are two Boards—one is the Internal Police Board. That is composed of lieutenants and captains; that they make a recommendation.

Then it would go to another police board, which is composed of citizens. And if the allegation was serious enough, there could be grounds for dismissal.

But this is all done basically without due process, because the man is not given the opportunity to face his accuser or the privilege of counsel.

Representative Washington. In other words, it is possible under this system for an individual to be harassed by his superiors, and possible—possibility that he could be disciplined, suspended up to 30 days, without any recourse other than the internal investigating bodies?

Mr. Palmer. Right.

Representative Washington. And this is an area of dissension among police officers black and white?

Mr. Palmer. Black and white.

Representative Washington. Does it contribute to lowering the morale?

Mr. Palmer. Yes. Obviously it does involve the lowering of morale, for the simple fact that policemen are agencies of the law, and they enforce the law.

They are more cognizant perhaps of the manifestations of particular ordinances, et cetera. But by the same token, being aware of these particular manifestations of the law, they are then not given the same privilege that a criminal or a citizen, or anyone else in this society would normally be afforded.

Representative Washington. In other words, the so-called non-serious allegations, there are none of the procedural safeguards; counsel, right to cross examine, written notice, and appeal, and all of that sort of thing.

Mr. Palmer. Right.

Representative Washington. I take it then that your organization would welcome perhaps legislation in this field?

Mr. Palmer. Yes, we would definitely recommend legislation in this field.

Chairman Newhouse. Rep. Washington I believe said non-serious allegations.

Representative Washington. I was using his language.

Weren't some of the allegations, such as not wearing a hat, which is not serious?

Mr. Palmer. Yes.

Chairman Newhouse. We'll take a five minute recess.

(Short recess taken.)

Chairman Newhouse. I wonder, would Mr. Palmer resume his seat, please.

Senator Chew, I believe you were about to address some questions to Mr. Palmer.

Senator Chew. Mr. Palmer, for the record, I want this known that this fact-finding committee is not here to attack the police department as such, nor are we here to make any kind of indication that a police department is not necessary.

And I further want to state that I believe that within the police department we have some excellent, qualified officers, both black and white. And I further feel that the police department can also be improved. What we are trying to ascertain here, is a way to help the police department grow into a unit that can be recognized as ministering fairness throughout the department. Now, I am going to ask you some pretty strong questions.

Representative Washington. Senator Chew, won't you let Mr. Palmer comment on your remarks first.

Senator Chew. Yes. I'd like to have a comment.

Mr. Palmer. Obviously we are interested in the improvement of the department, because the way it is presently constituted, you have a number, as you stated, of very good police officers. And these are black and white police officers, that are doing a good job.

However, there are elements that almost negate the control of a man in a control position. When we say the Department is both segregated and racist in the implementation of its policy, if we can document it, the Police Department is segregated. This would be a strong and large segment.

It would have to be racist. We are talking about a police department.

Chairman Newhouse. We are covering some ground that we have covered previously, and we do have other witnesses.

Senator.

Senator Chew. Have you found any indication of harassment of members, black police officers that are not members of your League?

Mr. Palmer. Yes.

Senator Chew. Would you care to elaborate on that?

Mr. Palmer. Yes. There was an incident, this particular man was not a member of our organization, who was Patrolman Jennings.

Patrolman Jennings made an arrest of a white alderman's nephew. The normal processing of a complaint of brutality is handled by the Excessive Brutality Unit of IID.

In his case, it was not handled by the Excessive Brutality Unit, but rather a District Commander.

Chairman Newhouse. I believe that is in the record. I wonder if we could excuse this witness, and ask him if he will come back at some future date to be determined, to go into some aspects of the police department's allegations.

Thank you, very much, Mr. Palmer.

(Witness excused.)

Chairman Newhouse. We have three more witnesses. I'd like at this time to call Father George Clements to the stand.

Representative Washington. Father, will you forgive my presumption and raise your right hand.

(Witness sworn.)

Father George Clements, having been first duly sworn, was examined and testified as follows:

Chairman Newhouse. Father, would you identify yourself for the record.

Reverend Clements. I am Father George Clements. I am the pastor of Holy Angels Catholic Church and I am also the Chaplain of the Afro-American Patrolmen's League.

Chairman Newhouse. Father, you have had extensive association with the Patrolmen's League, and I believe you have some prepared remarks?

Reverend Clements. I have had extensive contact with the League. I don't have a prepared statement. I do have some remarks I would like to make prior to the questions that you ask.

Chairman Newhouse. Please go ahead, Father.

Reverend Clements. I would like to state, with all due respect to this body here, I feel that a much more important investigation should take place subsequent to this one. And that would be the investigation of the Chicago Police Department, and the fact that a stranglehold on the Police Department has been traditionally exercised and is exercised up to this moment by Irish Catholics.

I believe an investigation into the fact that a group of people, who comprise only 13 percent of the population of the City of Chicago, and who yet control 83 percent of the Command positions in the Police Department, I believe that that should be investigated and investigated thoroughly.

I do not think it is any accident that the men who command our Police Department, from the Superintendent on down to the lowest supervisor, that those men are predominantly Irish Catholic.

And I feel this is a measure that should definitely be taken, because I believe it has strong implications for all the people in the City of Chicago.

I mentioned to you that I am the Chaplain of the Patrolmen's League.

Chairman Newhouse. Father, may I clarify, you are a Catholic priest?

Reverend Clements. I am a Catholic priest. And I mentioned to you that I was the Chaplain of the Afro-American Patrolmen's League.

I think it would be rather interesting to the citizens of Chicago, if I were given a limousine to go around throughout the city. However, it is a fact that the Catholic Chaplain of the Chicago Police Department has a limousine furnished to him by the Department for his activities.

A Jewish Rabbi does not, nor does a Protestant Minister.

It should also be noted that the Chaplain for the Fire Department has a limousine furnished by the Fire Department, while there was none for the Protestant or the Rabbi Chaplain.

Senator Chew. Does the Chaplain of the St. Jude League have a car?

Reverend Clements. Not at this time. It was taken away from him, from the St. Judes League, by the former Commander—Wilson.

Chairman Newhouse. O. W. Wilson.

Reverend Clements. O. W. Wilson.

Chairman Newhouse. Go ahead, Father.

Reverend Clements. I believe until we get to the point where we can talk about things openly in the public, things that everyone knows that are true, then I don't think we are going to solve these things.

And I think it is no secret that the hierarchy, the political hierarchy, is synonymous with the religious hierarchy in the City of Chicago.

It is no secret that the mayor of our City and prior mayor were both Irish Catholics. And in this City, the Catholic Church has such a strong control over the major political departments of this City, and especially the Police Department. And I believe that if we get to the point that we can determine whether it is so structured, then and only then will we be able to do something about what I consider an abuse.

Chairman Newhouse. That is your preliminary statement?

Reverend Clements. Yes.

Chairman Newhouse. Father, you had some specific instances of contact with the Afro-American Patrolmen's Association, some of which have at least cast a suspicion that there is some differential treatment between the League's members and the other members of the Police Department.

Would you relate your experience?

Reverend Clements. Yes. First of all, it is no suspicion of anything in my mind. It is a conviction, since the League was formed last year.

I have made it a practice to stop black policemen and ask them if they are members of the Afro-American Patrolemen's League. And when we began the League there was some enthusiasm, particularly from the younger policemen.

As the months went by, and the harassment and pressure was backed up, then the younger ones when I would stop them, would say, "Father, I would like to get in but I have a family to feed," or, "Father, if I did get in, I would be shifted from the detail I am on," or, "Father, I am more than happy to donate money to the League or give my services, but I don't really want to be identified as a member of the League."

The implications being, Senator Newhouse, if this were—if they were so identified then they would be definitely put under the same kind of pressure that the members of the League are under today.

Chairman Newhouse. Could you be very specific in some instances, Father?

For example, I understand there were threats on the life of Patrolman Robinson's children, and some of the threats were made directly to you.

Is that correct?

Reverend Clements. Yes.

Chairman Newhouse. Would you recount for this Committee what happened?

For the record, Father, we are about to talk about Patrolman Renault Robinson, who was President of the Afro-American Patrolmen's League.

Reverend Clements. Patrolman Renault Robinson has, or had, rather, two children in Holy Angels Grammar School; one in the 3rd grade and one in the kindergarten.

Patrolman Robinson had a story written about him in the Chicago Sun-Times. I am not certain of this date, but I think it was September 28th.

The following Tuesday, a call came into the rectory, in which the caller used very obscene and abusive language, said that he was a policeman and stated that he was going to see to it that the heads of these two youngsters were blown off.

I have received—

Chairman Newhouse. Was that call to you, Father?

Reverend Clements. It was to me. It wasn't to me directly. I was in the rectory and I took the call.

He did not ask for me. I happened to pick it up, because it was early in the morning.

I then went over to the school about an hour or so later, perhaps around 9:30, and I had gone into the school building and was talking to the principal about this call, when the school secretary came running out into the corridor screaming there was someone on the phone who was threatening to come over that day to kill these children.

The principal then went into his office and made a call to the Watch Commander, Commander Harness.

Commander Harness was not available at that time, and so he spoke to his subordinate, whose name I don't know—I don't recall. Yes. It was Fahey.

This gentleman stated that we had a policeman assigned to our school and for us to let this policeman take care of the matter. We tried—

Chairman Newhouse. This is Policeman Fahey's response to the threat?

Reverend Clements. Yes. We tried to make it very clear to him that there was a lot of publicity about this case, about Patrolman Robinson, and there could very easily be something to these threats.

And they stated that they were too busy and have our own policeman handle it at the school.

Chairman Newhouse. Do you know what rank Fahey is?

Reverend Clements. I believe he is a Lieutenant.

Chairman Newhouse. And it was clear to you that your complaint stopped at Lt. Fahey, it wasn't going any further?

Reverend Clements. He made that very clear to me. We then tried to contact the policeman assigned to our school, and he was, as usual, unavailable.

Senator Chew. Father, would you hold your point right there.

Am I to understand that you have a policeman assigned to the school, and you attempted to contact this policeman and he was unavailable?

Reverend Clements. Yes. He had told the principal that he had to go to the station to fill out a written report.

The principal called the station and they said as far as they knew he was at the school. And he didn't show up until about an hour later.

Senator Chew. Let me understand this clear, so we can have this for the record.

Having a police officer assigned a given station, which we'll say for this instance would be your school, does he work the normal hours, say from 8:00 until 4:00?

Reverend Clements. He does.

Senator Chew. Well, isn't he supposed to be on the grounds, other than his lunch period, at all times?

Reverend Clements. If he is on the grounds, then he is supposed to let the principal know where he is.

And in this case, he told the principal he was at the station. When the principal called the station, they said he was at the school.

Senator Chew. What is this policeman's name?

Reverend Clements. Keene, K-e-e-n-e. Another good Irish Catholic.

Chairman Newhouse. You don't know his first name?

Reverend Clements. No.

Chairman Newhouse. You know his badge number?

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Reverend Clements. No, I don't. But he is the only policeman that we have.

Chairman Newhouse. He is out of the Wabash Avenue District?

Reverend Clements. Right.

Chairman Newhouse. I assume he is white?

Reverend Clements, Yes.

Chairman Newhouse. Go ahead, Father.

Reverend Clements. We then decided, since we hadn't gotten any kind of consideration from the station, that we would take it higher and we called downtown to the Central Police Headquarters.

We were told there, that there was nothing that they could do, because this was a local matter.

Chairman Newhouse. Do you know who you talked to Father?

Reverend Clements. I don't recall the man's name, sorry. I didn't get his name.

I then asked to speak to Superintendent Conlisk, and I was told that that was impossible and I said, "Well, go down the line until we can speak to somebody."

Chairman Newhouse. Did they say why you couldn't speak to the Superintendent?

Reverend Clements. You had to have an appointment.

Chairman Newhouse. Did you talk to him by telephone?

Reverend Clements. Yes.

Chairman Newhouse. Now, Father, let me understand this:

We have had some difficulty recently with the Superintendent. I don't want to be at all unfair, but are you saying that someone told you that you had to have an appointment to speak by telephone with the Superintendent?

Reverend Clements. He said we would first have to get an appointment.

Chairman Newhouse. Do you know who told you that?

Reverend Clements. No, I don't. I'm sorry. We then did get into contact with the Deputy Superintendent, whose name is Riordan. I believe his first name is James.

And this, by the way, is about 45 minutes after the call.

Chairman Newhouse. And there is no—still no policeman on the grounds?

Reverend Clements. Still no policeman on the grounds. He then realized the importance of the situation, and he said he would send some policemen over immediately, which he did.

During the interim period, we decided to call Patrolman Robinson's District, to let him know about the threats to his children.

We called the District and we were told they would send a policeman over to investigate. I said, "That is fine, but please tell Patrolman Robinson."

Then they said, "We are not going to tell him until after a patrolman had come over."

And I asked them why this had to take place and the policeman, whose name is Barrett said as far as he knew this could be any crackpot calling him up, and this would have to be verified.

I said, "I'll hang up, and you call the school, and I will verify I am the one that is talking to you, Father Clements."

He still stated that the departmental procedure was to send a policeman over and then and only then would they get into contact with Patrolman Robinson if they deemed it necessary.

We waited for this policeman to come, and he did in about 45 minutes. Still, Patrolman Robinson does not know as yet that his children's lives have been threatened.

We asked this policeman what he could do about it—his name, and the spelling, I don't know, was Bedeski. Something along those lines; Bedeski.

He stated that all he was supposed to do was simply take down the report and take it back to the station.

Chairman Newhouse. And take it back?

Reverend Clements. And take it back to the station. When we finished, we called the District station again, and again asked the Watch Commander to get in touch with Patrolman Robinson. He said that he didn't know where Patrolman Robinson was at that point, but he would try to locate him.

Chairman Newhouse. Who was the Watch Commander, Father?

Senator Chew. This is the 3rd District?

Reverend Clements. This is the 3rd District.

Senator Chew. For the record, that is Commander Griffin.

Reverend Clements. Yes. Griffin. However, we did not speak with him.

Chairman Newhouse. No, the Watch Commander. If you think of it.

Go ahead, Father.

Reverend Clements. Patrolman Robinson finally did call, oh, around a quarter to 12:00 and told us that he had been notified.

However, he also told us that all that morning he had been down to the offices of the Internal Investigation Division, and that he had been sent down there by his District Commander, so they knew exactly where he was during that entire morning, yet they deliberately chose not to inform him about the threats that had been made against his children.

Chairman Newhouse. He had been sent down there by the same Watch Commander that had talked to you?

Reverend Clements. Yes.

Chairman Newhouse. Go ahead, Father.

Senator Chew. Just a moment, Mr. Chairman, if I may.

I think we have just one conflicting element here. You said he had been sent down there by his Watch Commander, or by the station Commander?

Reverend Clements. He had been sent down there by the Watch Commander.

I think I used the words "District Commander" and I should not have used those words. It is Watch Commander.

Senator Chew. Watch Commander.

Reverend Clements. Patrolman Robinson has visited the rectory a number of times, at Holy Angels. Since the publicity that has been attached to his case, when he would arrive at our rectory, shortly thereafter, a police car would arrive and it would remain out there until he left.

Also, it is a known fact that people park their cars in front of churches, and that these churches—and policemen have been told by their District Commanders that the space is reserved for people coming to church and not to give tickets.

After this case, a black policeman in the 3rd District—and I am not going to give his name—told me that a policeman by the name of Laughran, and other people, were out to get me because of the affiliation we had with the Afro-American Patrolmen's League.

After threats, my car was parked in front of the Church of the Holy Angels, and I was given a ticket by this same officer, Laughran.

Chairman Newhouse. How do you spell that, Father?

Reverend Clements. L-a-u-g-h-r-a-n.

Senator Chew. Was that the first time you were ever given a ticket for parking in that vicinity?

Reverend Clements. That is the first time, to my knowledge, that anybody has been given a ticket for parking in front of a church.

On any given Sunday, if you go to 73rd and Stony Island, in front of St. Constantine's, a Greek Orthodox Church, you will find people parked on the sidewalks and every place else.

Senator Chew. You think this is a violation?

Reverend Clements. Yes.

Chairman Newhouse. Father, what we are talking about now is really hearsay information and secondary. I prefer to have you relate those experiences that you have had.

Reverend Clements. Right.

Chairman Newhouse. I don't want to summarily cut you off. I know you have another experience that you want to relate, that concerns the Rev. Jesse Jackson I believe.

Reverend Clements. Yes.

Chairman Newhouse. Would you move on to that?

Reverend Clements. Yes. On that day that Rev. Jackson was scheduled to testify at the Customs House, the Afro-American Patrolmen's League had eight members who were asked by Rev. Jackson to guard him, because he felt that his life would be in danger in attempting to get into the Customs House.

These men went down to the building, drove down to the building with Rev. Jackson, got out of the car and surrounded him as he was entering into the building. He had to go through a mob that was yelling and screaming and debris was being thrown at Rev. Jackson.

When he got inside, I was with them, when we got inside the building, a policeman who I later learned was Deputy Rockford, ran up to the elevator and told the black policeman that they had to come out of the elevator immediately and they were all subject to his command at this point.

I don't remember the exact words he used. These men then left, left Rev. Jackson, and we went up in the elevator. I subsequently learned they were reprimanded for having taken part in guarding him, of getting him into this building.

Chairman Newhouse. I want to thank you for your testimony. I wonder if you would be willing to come back at some future time, if we deem it necessary, in the interest of your inquiry?

Reverend Clements. Yes.

Representative Washington. Two questions.

You stated that certain black patrolmen in your experience would not join the Afro-American League, even though they had sympathies with its purpose, because they feared some reprisals against them.

Do you know of any officers that have quit the League because of any such experience?

Reverend Clements. I know of a black officer who was told by Commander Martin O'Connell, that he must get out of the Afro-American Patrolmen's League.

I know of an officer, and he was assigned on the southwest side, and he had been detailed to watch the—to watch LeClaire Court, which is the only section of that southwest side that black men are permitted to control. He was told by this commander that he'd have to get out of the League.

Representative Washington. Was he told a reason?

Reverend Clements. He was told because it was a racist organization.

I know of another police officer, Sullivan I believe in the—head of Communications.

Representative Washington. We are running into hearsay. I want to know——

Reverend Clements. This is not hearsay. I heard him myself.

Sullivan said that the Afro-American Patrolmen's League was a racist organization, racist garbage.

Representative Washington. Is that all he said?

What motivated this discussion?

Reverend Clements. The fact that the Patrolmen's League was holding a press conference down in the Police Department headquarters. He was irritated about that fact.

Representative Washington. We have been privy to some of your literature, your charter, something like that.

Reverend Clements. Yes.

Representative Washington. You were on

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the scene the day that Rev. Jesse Jackson was escorted to the Labor Department Hearing at the Custom House?

Reverend Clements. Yes.

Representative Washington. He had bodyguards assigned to him, is that correct?

Reverend Clements. That is correct, by the Federal Government.

Representative Washington. How many?

Reverend Clements. Two. Two that I know of.

Representative Washington. In light of your experiences there that day, and this is obvious public knowledge of what happened on the prior day, do you consider that sufficient bodyguards to get Rev. Jackson into the hearing?

Reverend Clements. Absolutely not.

Chairman Newhouse. Thank you, Father. (Witness excused.)

A CASE FOR CONTINUITY IN THE WEAPONS WAR

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. BOB WILSON. Mr. Speaker, in the July 25, 1970, issue of the Armed Forces Journal, there is an article by Mr. Frank Gard Jameson, president of Teledyne Ryan Aeronautical of San Diego, Calif. In this article, Mr. Jameson hits hard the fact that the United States is losing its technological edge in defense systems as compared to the U.S.S.R. Another important aspect of the commentary is Mr. Jameson's proposal for the restructuring of our weapons procurement practices. I believe these observations will benefit my colleagues and I insert the article in the Record:

A Case for Continuity in the Weapons War

(By Frank Gard Jameson)

President Richard M. Nixon: "If present trends continue, the United States, a very few years hence, will find itself clearly in second position—with the Soviet Union undisputably the greatest military power on earth."

America is losing the weapons war to Russia.

Why? Why are the Russians surpassing us in weapons technology? What is paralyzing the American military industry complex while the Soviets continue to build their military might?

We are losing the weapons war with Russia because of our methods of procurement of military hardware. Time, money, talent and technological advance are wasted because of the spasmodic, inefficient, feast-or-famine way we do business in the buying and selling of military goods.

Immediate remedial action is required. U.S. defense procurement practices must be restructured to more adequately respond to this direct Communist threat to our national security.

Some will term my solution radical. But I believe it is a direct and simple idea that merits serious consideration. I have discussed the basic outline of my proposal with our nation's leading thinkers in defense systems in the active military, in the Congress, in the Department of Defense, and in the aerospace industry. They agree in principle.

The labor of weapons manufacture should be organized something like this:

The Air Force, for example, wanted a new bomber aircraft. From among several bidders, three companies were selected and eventually the contract was awarded to North American Rockwell. I propose that a short competition should be held within the next year in which another company—one which is fully qualified to design and build a new bomber—should be awarded a new contract to design a follow-on, a second prototype Air Force bomber. This new bomber should be looking ahead at least four years in design, in technology, in threat analysis, and so forth. It should anticipate and incorporate technological advances that will be achieved in the next four years.

Likewise, another aircraft manufacturer should be selected *now* to build a follow-on to the Grumman/Navy F-14 fighter, while still another company should begin *now* to design a successor to the McDonnell-Douglas Air Force F-15 fighter.

In other words, Company A, which won the first production contract, would be going operational with its system about the time that the follow-on designs would be ready for a prototype competition. Meanwhile, Company A would be building improvements into its system. Thus, a follow-on design would always be ready to go into production while current production models would receive incremental improvements as long as they were cost effective.

In every case, the lion's share of the market would go to the best designer. And most importantly, we would have *continuity of production*. We would not be faced with a long period when our aircraft became obsolescent without suitable replacements available. And, if by chance, a production model turned out to be a lemon, we wouldn't have to continue production because there was nothing else on the horizon.

What we need, I believe, is a new program of military procurement that has continuity built into it. Technological advances should not be allowed to become a "horse race" with competing firms experiencing the costly inefficiencies of beginning from a dead start. Instead, technological advances should be allowed to come in the manner of a "leap frog," with each company competing to overtake the other with a better weapons system.

Individual firms would settle into a price-output position fairly satisfactory to all from the viewpoint of profit or "new capital." DoD would administer and adjudicate to ensure that the best national interest continued to be served. Production would continue as long as demand continues to exist, which in the nuclear age means as long as the United States and its allies are faced with the threat of Communist aggression.

Each firm would make improvements in each model as weapons systems technologies advance. We would not wait until our inventory aircraft were completely outdated to start mission requirements. Operational forces would be serviced continuously with updated, reliable weapons systems.

Similar long-term manufacturing programs could be established for military VTOL and V/STOL aircraft; Army vehicles and tanks; missiles, rockets and bombs of all types; even major ship systems. I believe this approach can find application to any major military supplier, to any prime military contractor.

WHAT WOULD BE GAINED?

Achieved through this approach will be the following benefits:

(1) America's national security will be better defended and protected.

(2) Weapons technology will be continuously updated and improved.

(3) The defense industry will become stabilized, with steadier production flows and levels of employment. Continuity of production and employment is one of the principal goals of my proposal.

(4) The value of independent research and development—the "lifeline" of growth and productivity—will be recognized and rewarded. R&D can be pursued with the knowledge that goals are firmly established and future markets fairly well assured.

(5) Although not "pure competition" in a sense, this system retains a strong element of free competition among companies for new business and follow-on business.

(6) Most importantly, the balance of weapons strength among the world's nuclear powers will be more likely to shift to America's favor once again. The Russians and the Red Chinese will be less likely to take that final step that risks world annihilation.

How does this procurement system differ from outright nationalization of the defense industry? Nationalization means the surrender of ownership of industrial firms to the national government. It also can mean the investment of *control* of industry in the national government.

In regard to the latter definition, we already have a form of nationalization of the defense industry. The national government already tells the defense contractor what he can build, how much he can build, what cost accounting formula he can use, how much profit he will be allowed, and so forth. In effect, the national government already *controls* the defense industry. The government controls both the demand for the product, as sole customer, and the supply of the product, as creator of the requirement. In fact, it is precisely because of the depth of this control that so many defense firms are being pushed toward diversification, toward the formation of conglomerates, and even toward stepping out of the defense business altogether.

My proposal offers a means to codify the limits of existing governmental control, and place this control within a manageable, mutually responsible, mutually beneficial relationship between government and industry. In no way does my proposal indicate nationalization of the ownership of industry. Ownership of industry would remain in the hands of company stockholders.

Under my proposal, the defense industry would have to be restructured. I see the new structure along lines similar to the automobile industry. Production should be established on a continuing assembly line basis, on-going, year after year. Right now the defense industry should be manufacturing the 1970 models of defense equipment and hardware. In the back shop we should be tooling up the scheduling for the 1971 and 1972 models. We should be ready so that on Friday when the 1970 production run is completed, we can start the 1971 model production on Monday, without missing a day and without experiencing a costly layoff.

At the same time, we should have designs in work of the 1975 models. We should be talking to our customers about improvements of the 1973 models. And in our "think tanks," our advanced systems specialists should be using their computers and creative talents to dream up the weapons systems of 1980 and 1990. At the least, we ought to be working and planning five years ahead. Many auto manufacturers are drawing designs and building mockups of automobiles that will roll off the Detroit production lines ten years from now, in 1980.

CONTRACTORS, NOT MANUFACTURERS

People think of the U.S. defense business as a manufacturing business. And it was for a brief time during World War II. Several contractors built the same weapons systems to the same design during that time of national mobilization. But during peacetime, the development and procurement of weapons systems bear no similarity whatsoever to the manufacturing business.

In truth, we are not in the "manufacturing business." We do not manufacture products in the sense of an organized systematic program of planning, designing, tooling, producing and marketing a specific

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weapons system for a long-term business cycle.

Instead, we are in the "contracting business." We are in a business full of costly, wasteful stops and starts, a business based more on short-term expediency than on long-term productivity. Dependent on annual budget renewals, we face a yearly battle for continued survival.

Being in the contracting business, the defense industry is really more similar to the housing industry than it is to the automobile industry.

The housing contractor hires his architect and before the first board is cut, unless he has another development down the road, the contractor has to let the architect go. The same thing follows with the carpenters, electricians, plumbers and roofers.

In the aerospace contracting business, a hard drive is made for a defense program. Some preliminary design is accomplished, some computer modeling, some independent R&D. Usually a large engineering team is amassed to demonstrate to the military buyers that the company has the capability "in being" to do the job. If contract award is delayed, as is too often the case, this high-cost team stands virtually idle for months. Costs to the company and to the government are astronomical.

The winner negotiates his schedule and costs, tools up and starts prototype assembly and production. Payments may be made incrementally, however, and rate of return on investment risk capital may be slow. Because of this, as milestones are passed, contractors cannot afford to maintain their engineering talent pools. The old program hangs fire while the new programs keep getting pushed further out of reach. Even the "winners" can lose because valuable skill strengths often must be sacrificed.

As for the losers, unless they have the resources to pursue another program, they suffer heavy layoffs. Thousands of men go home to tell their wives, "Darling, I just lost my job. We've got two weeks to relocate." Who wants to be in this kind of industry? At least in the military services, if a man pulls a less-than-desirable duty assignment, he knows he will move on in two years to another assignment that is likely to be better. Aerospace engineers shuttle around the country every few years, victims of short-sighted procurement policies. Time and dollars are wasted in retraining, travel reimbursement, dislocation allowances, recruitment and other costs associated with the hire and layoff of this so-called contract labor.

Actually, it is my estimation that with implementation of my proposal defense contractors will find they are able to conduct the same production jobs with thirty percent fewer people than they employ now. Again, continuity of production and employment is the key.

In recent years, the element of risk in military programs has increased tremendously. Traditionally, the net profit of the aerospace industry has averaged 3½ to 4 percent on sales before taxes. This was adequate when prime interest rates were low. In the past fifteen years, however, the prime rate has spiraled from 3 percent to 8½ percent. That doesn't leave the contractor much to grow on. The risks are becoming too great. Take the case of C–5A. Lockheed Aircraft, with a total net worth of about $350-million, was asked to assume an effective risk exposure of around $800-million, according to Lockheed Senior Vice President Dudley E. Browne.

Aerospace firms are being forced to seek financial backing from banks and large financial institutions. This backing is needed even to make a bid on a new program. Even the largest companies among DoD contractors are forced by this system to hold tight during periods of drought, and then risk the entire corporation on winning a single new program. Many a giant has been backed to the wall; some have fallen.

TWO-HEADED PARAGON

With restriction on the Defense dollar, we see the four services compete for funding. The two-headed paragon of cost and effectiveness is applied to each weapons system desired by a service branch; contractors, in turn, are forced to offer the most optimistic estimates to propose a "responsive" bid. Coupled with the virtual elimination of prototype hardware, this approach has resulted in program stretchouts, skyrocketing costs and overruns averaging more than 200 percent in the past fifteen years. The practice of annual contract renegotiation also mitigates against the contractor, leveling off profit peaks, but ignoring profit downcycles.

Much has also been said about the need to distinguish between development contracts and production contracts—the so-called "known unknowns" and the "unknown unknowns." Assistant Secretary of the Navy for Research and Development Dr. Robert Frosch has acknowledged that at best we can only estimate the costs of what we know and never the costs of what we do not know. Our present procurement system, however, demands that contractors put a dollar figure on development program unknowns in advance. This kind of procurement system must be changed.

My proposal will serve to rectify these imbalances. Risk will be more commensurate with return on sales. Development programs will be clearly identified. Prototype hardware will be tested and proven in an orderly fashion before production hardware is introduced into operational use. Engineering talent will be retained. Employment will be better stabilized. Continuity in production will be realized.

In conclusion, Americans are suddenly faced with the hard fact that this nation's technological edge in weapons superiority has been lost.

Corrective action is required urgently. Our recent thrust into Cambodia notwithstanding, the present trend toward unilateral disarmament by the United States is compounding the problem. The Soviet Union and Red China are continuing to increase their military capabilities. The Russians and the Red Chinese may be name-calling and bickering over national boundaries, but they are united in the goal of eventually destroying capitalism and the free democratic system. Make no mistake about it. They differ only in the method to cut us to pieces.

Representative L. Mendel Rivers, Chairman of the House Armed Services Committee, recently made a statement in which I am in complete agreement. "If we are weak and have inferior weapons, we will have war," Mr. Rivers said. "If we are strong, there will be no war." "I am for peace" he added, "and strength."

Our military strength must be maintained. Our weapons procurement practices must be restructured, or we shall surely fall into second position behind the military might of the Soviet Union.

FRANCHISING INDUSTRY

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. STUCKEY. Mr. Speaker, I am today introducing a bill to provide for the disclosure of certain information by franchisors to prospective franchisees. I feel that it is vital for those desiring to purchase a franchise to know the facts about the business they are entering—in advance—so that intelligent decisions can be made regarding the many types of franchises being offered for sale.

The growth of the franchising industry in recent years has indeed been meteoric. Estimates are that franchising now accounts for approximately $100 billion in annual sales, that there are some 1,000 franchisors with better than 500,000 franchisees in the United States today.

Franchising itself takes many forms—it encompasses everything from beauty salons to income taxes, from fish and chips to steak houses, from child care centers to personnel agencies, from automobile sales to automobile rentals to travel agencies, from transmission systems to business service systems, from variety stores to motels and many, many more.

Franchising can best be described as a system of marketing goods and services. Simply put, the franchisor agrees to let someone else—the franchisee—sell the goods or services manufactured by or supplied by the franchisor. The franchisee, in turn, agrees to sell the goods or service of the franchisor and pays the franchisor a fee or royalty for the use of the trademark or name of the franchisor or the right to sell the goods or services of the franchisor.

In viewing the testimony of the hearings held on a similar bill pending in the Senate, I found that both franchisors and franchisees and business and consumer witnesses alike stressed the need for a disclosure type bill to require that prospective franchisees receive—prior to the purchase of the franchise—complete information.

Under my bill, before a franchise can be sold, the franchisor must file with the Securities and Exchange Commission a registration statement containing information on the franchises to be sold. This information shall be made public and shall also be given to the prospective franchisee. The SEC will have the authority to approve or disapprove of the registration statement, and if it approves, the franchisor may only then offer his franchises for sale. The franchisor must furnish a prospectus to the franchisee at least 48 hours in advance of the signing of the contract or agreement for sale by the franchisee.

In addition, should the franchisee find that the facts as represented in the registration statement are incorrect or misrepresented, the franchisee could recover damages from the franchisor.

I have carefully limited the powers of the SEC in my bill so that there will be no question as to the interpretation of the act. In a sense the SEC will become the storehouse for information on franchises and the watchdog for prospective franchisees to see to it that they get enough information to properly make wise and prudent business decisions.

EQUAL RIGHTS FOR WOMEN

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. PRICE of Texas. Mr. Speaker, in an age when the greatest Nation on earth is landing Americans on the moon genious production techniques, are our edu- and is harnessing the atom for purposes of peace rather than war, it seems incredible to me that the very same Nation could order and operate its legal system on a philosophy more appropriate to the dark ages than to the 20th century.

What I am referring to, of course, is the fact that despite all protests to the contrary, women have not been accorded the same legal rights that men have long been accustomed to. Historically, there may have been good reasons for the differences in which the law treated men and women, but as is obvious to all but the insensitive, times have changed and the role of women in society has changed.

I think it is most regrettable that the Equal Rights Amendment has languished in the House of Representatives for four decades. To rectify this deplorable condition was why resort was made to the extraordinary power of the discharge petition, a device by which the jurisdiction of a House committee is superseded by the wishes of the general membership. To rectify this deplorable condition was why the protests of the distinguished chairman of the House Judiciary Committee, Mr. CELLER, were not controlling on the question of whether public hearings should be held before the measure is voted on.

Mr. Speaker, my name is numbered among those who voted for both the discharge petition and the equal rights amendment. While I still have lingering doubts about the legal ramifications of the amendment, I strongly believe Congress has the clear duty to act upon the issue.

As the equal rights of women is being formally recognized by Congress through constitutional amendment rather than by mere statute, the congressional action will have to be ratified by two-thirds of the States. This I feel is the proper way to obtain the greatest analysis and interpetation of possible effects of the Equal Rights Amendment on existing State laws. Ratification also provides a mechanism whereby the clearest expression of popular support for or against the proposal can be registered by the people of the United States.

Mr. Speaker, the House has fulfilled its responsibilities in this historic matter. I urge my colleagues in the other body to swiftly add their approval to the amendment. The cause of equal rights between the sexes is a just cause. It cannot be ignored by the institutions of Government any longer.

GRIM ANNIVERSARY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. FINDLEY. Mr. Speaker, August 21 is the second anniversary of the Soviet occupation of Czechoslovakia—one of the grimmest events of recent history.

For many people the intervening months have dimmed the memory of this action. Here in the United States, it is largely forgotten. But for those directly involved, the people of that unhappy land, August 21 will be marked with somber thoughts.

The occupation stripped away all prospect that the Soviet Union will permit the nations of Eastern Europe to return to basic freedoms for their peoples and independence for their nations. It showed that the Kremlin views such as a risk to its own position.

The action was justified by the Brezhnev doctrine, under which Moscow asserts its right and duty to prevent deviation from true Communist policy within its circle of "socialist" states. This doctrine raises questions of geography. Does this mean Moscow will extend this doctrine to "socialist" states like Cuba and Yugoslavia?

When will the highly intelligent, resourceful, skilled people of Eastern Europe be able to regain the human dignity and individual opportunities they once enjoyed?

These are questions for free people everywhere to ponder on August 21.

COMMENTS ON THE TRADE ACT OF 1970

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. DEVINE. Mr. Speaker, it is my understanding the Ways and Means Committee legislation involving the Trade Act of 1970 may shortly reach the floor for debate, consideration, and vote.

Before we get into the actual consideration of the bill, I am very happy to be able to provide our colleagues with the expertise of Charles Y. Lazarus, a highly competent and respected business leader in Columbus, Ohio, as well as chairman of the board of Lazarus Department Store which is in the Federated chain.

Mr. Lazarus wrote to me on August 10, and I would invite the attention of all Members to his remarks which follow:

LAZARUS,
Columbus, Ohio, August 10, 1970.

Hon. SAMUEL L. DEVINE,
Rayburn House Office Building,
Washington, D.C.

DEAR SAM: I am grateful to you for taking time the other day to discuss with me our current foreign trade posture and problems and their long range implication to America's economic well being. Because I feel so strongly that Congress is in the midst of considering steps that will do irreparable damage to the American economy, I thought it might be helpful if I would follow up our visit with a very brief summary of my beliefs.

The U.S. House of Representatives will have before it for debate and vote, very shortly, the Trade Act of 1970, which as you know, would impose mandatory quotas on certain types of apparel, textile and shoe imports, as well as other possible product areas. In taking this quota approach to world trade, to certain sectional problems and to our balance of payment situation, I believe that we are ignoring those traditional areas of greatest strength in America that have kept this country economically ahead of the rest of the world. These strengths, which have given rise both to a sophisticated labor force and in- cational processes, our research facilities and the technological advances that result therefrom. The application of these natural strengths to continuing the improvement of industrial manufacturing and distribution, as well as to consumer usage and the standard of living, both in America and abroad, have been and should continue to be the guiding thrust, not only of our foreign trade policy, but of our national economic philosophy.

Our primary national goal in trade matters should be to enhance these natural advantages as they are applicable both to imports and exports. In principle, the fewer restrictions which are placed in the way of the free flow of foreign trade, the greater will be the opportunities to take advantage of our natural strength for the good of all society.

We should, therefore, develop a foreign trade policy which assists those domestic industries that need a temporary readjustment in our national economy when injury is proven because of imports. To those segments, employers and employees alike, adequate assistance of various types should and must be temporarily available, both in terms of labor and capital.

Instead of this affirmative approach to world trade, the Congress seems to be seriously considering the adoption of a negative posture, which is what quotas are. By so doing, the Congress, at best, would be seeking to protect the past and to maintain the status quo. At worst, import quotas would seem to have as a national objective a repetition of our disastrous trade policies of forty years ago. The reaction of the world and our trading partners to this regressive policy position can only be one of erecting similar trade barriers. Those barriers, primarily, will fall against those products which are the result of our basic strengths in education, research and technology and products in which our natural advantages, thus, give us a commanding position in world trade.

Another important point, often overlooked, is that quotas administered abroad would subject buyers in this country to the decisions, powers and pressures of the sellers abroad. This would result in cartelization of the world textile and apparel markets, with resultant increased prices for the American consuming public and would, in all probability, hit hardest at the low-end American consumer.

Application of quotas in the United States would cause confuson, delay and uncertainty as to both placement and delivery of the goods. Buyers from America would not know what quotas were available for import purposes, and exporters from other countries would be similarly handicapped. Quotas, inevitably, would penalize the small and independent merchant to the economic advantage of both the larger operations and foreign suppliers. This would result, again, in greatly increased prices to the consuming public.

If the Congress does determine, therefore, that it is in the national interest to provide relief for injury to employees and industries which have been adversely affected by temporary and sectional dislocations, import quotas are not the answer. The better solution is one which affirmatively advances our strengths, minimizes our weaknesses, protects the interests of the consuming public and gives us time to redirect the thrust of affected capital and labor. Such redirection should then fairly adjust proven inequities which have resulted from our importing and exporting trade posture.

Together with adequate adjustment assistance and escape clause relief, the Congress might wish to consider a border tax of the value added type which would apply to both exports and imports. The experience of Common Market countries and the increasing usage of this type of tax abroad should not be overlooked.

XUM

The Congress should look into the possibility that a tax of this type not only may provide a basis for market equality between foreign and domestic products, but may have a salutary effect in reducing indirect trade barriers which impede the flow of U.S. goods abroad.

This, I believe, is an approach to our international trade problems in the seventies which will insure flexibility, fair treatment for all and has a long range beneficial effect on our balance of payments and on America's economic future.

My kindest regards.

Sincerely,

CHARLES Y. LAZARUS.

EXECUTIVE DEVELOPMENT FOR POLICE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. SPRINGER. Mr. Speaker, Director J. Edgar Hoover of the Federal Bureau of Investigation has called my attention to an excellent article appearing in the August issue of the FBI Enforcement Bulletin.

The article, entitled "Executive Development for Police," was written by Mr. Charles R. Taylor, director of the police training institute at the University of Illinois in Champaign-Urbana. I include the article at this point in my remarks:

EXECUTIVE DEVELOPMENT FOR POLICE

As a task, law enforcement has always been difficult; however, in recent years the magnitude of the total police task has been brought into sharp contrast with the traditionally popular conceptions of the police duties of crime prevention, protection, apprehension, and prosecution in accordance with prescribed rules of law. These differences have been caused by the increasingly wide range of functions, complex in nature and often involving difficult social, behavioral, and political ramifications and problems, which the police are expected to perform.

While public support of police and widespread understanding of their complex and difficult total tasks are neecssary, police must respond to this task with intelligently planned and implemented policies and practices commensurate with changing conditions.

"The Task Force Report: The Police," published in 1967 by the President's Commission on Law Enforcement and Administration of Justice, noted that the absence of carefully developed policies to guide officers in handling the wide variety of situations confronting them is in sharp contrast with the efforts taken to provide detailed guidance for other aspects of police operations. This same report also noted an attitude among some police administrators that criminal justice policy decisions are not their concern although such responsibility is shared with the legislature, the courts, the prosecutor, and other agencies.

One may reasonably presume that the police administrator, confident in his executive ability as manifested in intelligent, effective, and successful internal-management operations, would be amenable to more involvement in policy decisions affecting general public interest. He may desire to broaden the scope of his department's participation in the affairs of the community.

To better equip police administrators to meet this challenge, the Police Training Institute, University of Illinois, conducted a pilot training program. "Executive Development for Police," in two sessions during the spring and fall of 1967. This program was sponsored by the Illinois Association of Chiefs of Police, which provided full scholarship funds for a select class of 25 administrative and management personnel from municipal police departments throughout the State. The challenge was brought about, of course, by new developments, expanded research, improved methods and techniques, and legislated changes in the law that have necessitated periodic refresher courses for executives who administer the law enforcement agencies.

Prior to initiation of this program, the Police Training Institute had conducted, on a semiannual basis, 2-week, 80-hour police management and police supervision courses, with instruction directed almost entirely to organization and internal operations. These latter courses are continued in the Institute's overall inservice training program.

Currently, there is an increased emphasis on training of police officers generally. In the past, much attention has been devoted to instructing the police "recruit," to the exclusion of the more experienced officer who has not had the benefit of formal classroom and practical training. This is not to say, however, that the police "recruit" should be neglected in any training endeavor. It is no longer possible for any individual to undertake the complex duties and responsibilities of the law enforcement officer without the benefit of formal training, proper supervision, and challenging leadership.

This premise is equally true for the police executive. Experience has shown that often the police administrator is not properly prepared for the challenging demands of management. Police administration has many similarities to administration in other occupations and professions. Police planning, fiscal administration, public speaking, executive decisionmaking, and electrical data processing might well be areas in which a new police chief or sheriff is not fully conversant.

Provided with specialized management instruction by an experienced and qualified faculty, the police executive will not only be exposed to new concepts and developments in administrative procedures and principles but also to the rapid transitions within the day-to-day activities associated with law enforcement. The course transcends management and police techniques and incorporates both into a curriculum that will be advantageous to the new executive, the potential executive, or the chief who has had the burdens of management for some time.

CURRICULUM

The curriculum for the "Executive Development for Police" course was prepared with the counsel, guidance, and assistance of the curriculum committee of the Institute and the training committee of the Illinois Association of Chiefs of Police. The subjects were selected to provide a foundation not only in the effective management of internal police operations but also in the significant external aspects of police responsibilities. Comprehensive study and discussion in three specific areas were designed to lead to:

1. A better understanding of the functional areas of police administration.

2. Understanding and appreciation of the external environment in which law enforcement operates.

3. A more comprehensive appreciation of the goals, purposes, and social responsibilities of a police department in our present society.

Courses of study include police administration, fiscal matters, planning, new legislation and recent court decisions, municipal problems, electrical data processing, executive decision-making, press and community relations, social systems and institutions, case preparation and presentation, and others.

In addition to members of Police Training Institute, the faculty is made up of recognized authorities in various fields and professions. We have representatives from the University of Illinois, the FBI, the news media, municipal governments, and police agencies.

After the completion of the fall session of November 17, 1967, the program was evaluated, and the decision was made to place the course in the regular schedule of training offered by the Institute. Experience has shown that it is best to schedule this course in two separate sessions of 5 days each. This plan provides the executive with a total of 80 hours of instruction and still permits him to work this classroom time into a busy schedule at his home department.

With the many changes which occur in law enforcement and the community, attention to police policies will not and should not cease. It is the obligation of progressive law enforcement leadership to meet the challenge and to make available, in quantity and quality, the best police service possible. Along with the right of the citizen to expect efficient police service is, however, the commensurate responsibility to obey the law and support law enforcement.

The high-level training of officers, supervisors, and police management, officials is one of the best means of preparing law enforcement to fulfill its growing responsibilities in our complex society.

FRIDGE L. JESTER RETIRES

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. DUNCAN. Mr. Speaker, there is a familiar smile and a warm greeting missing in the Capitol these days. Fridge L. Jester has retired and no longer patiently tends the many Congressmen, Senators, aides, and visitors to the Prayer Room.

Mr. Jester befriended all who came his way, and made a point of helping each visitor with information about the beautiful Prayer Room and about the many fascinating areas of the Capitol.

Certainly he knew Capitol Hill well, having served for 23 years in various jobs.

In the 1940's Mr. Jester was a lieutenant on the Capitol Police Force, and throughout the years he held a variety of other assignments in the folding room, police force, furniture shop, and architect's office. He was a doorman for the House of Representatives 1955–57, worked in the folding room 1961–64, and from January 1, 1965, until his retirement at the end of July he served as attendant to the Prayer Room.

My congratulations and best wishes to our friend Mr. Jester. We wish him many happy years of retirement.

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SPEECH BY DR. FRANK SULLIVAN

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. BELL of California. Mr. Speaker, as the dropout rate increases in high schools across our country, and as drugs steal the minds and ambitions of so many of our young people, the resulting pessimism can darken even the brightest of days. Too many of our children have become bored. Learning is considered irrelevant by many of our most gifted students.

It is with a deepening concern for the isolation and alienation of our youth that I share with you the efforts of one fine man in the academic community. The following remarks are the work of Mr. Frank Sullivan, professor of English at Loyola University, located within my congressional district. In a recent speech to the National Council of Teachers of Math in San Diego, Calif., Mr. Sullivan talked of his work with students. He tells of his attempts to recapture the vital energy and potential excitement of the student generation, by making today's routines less routine, making our existing institutions and academics more meaningful. It is a privilege to commend his excellent remarks to the attention of my colleagues.

The speech follows:

SPEECH BY DR. FRANK SULLIVAN

According to Shakespeare's Theseus, poets, lovers, and lunatics are compounded from the same stuff. Karl Weierstrass has written that "No mathematician can be a complete mathematician unless he is also something of a poet."

As I drive the rush-hour Los Angeles freeways, I listen to the radio traffic reports, and never yet have I found myself in a bumper-to-bumper stall but that five minutes later I am told by the wonders of modern science that there is congestion in the very spot where I then sit congesting, and I am "advised to take an alternate route."

And as I read or look or listen to any thoughtful comment on our times, I am similarly told that everything is thoroughly messed-up, that to our dying day, if we live that long, we're going to regret the state of affairs that is as bad as it could possibly be and it's getting worse all the time and we can't go on and "that's life—and we're advised to take some alternate route."

We are informed that our youth is so hooked by the drug culture that if you try to discuss the square on the hypotenuse they think you are referring to a square who has got high on the use of pot.

The atmosphere is so polluted that we are advised to stop breathing. It doesn't make any difference what you eat or drink or smoke, there is a national organization headquartered in Washington that is totally, and completely, and absolutely committed to proving that it will kill you if it hasn't already. And down the block again in Washington there's another organization whose one dedicated frantic function is to warn you that millions of your fellow men are at this moment dying from the lack of the very same stuff in their diet that is supposed to be killing you.

That I find this infinite series of geometrically-expanded gloom-dooms inconsistent with my personal experience is of doubtful significance, and I shall not expand upon that inconsistency. However, I do not suffer from a terminal case of chronic euphoria. Nor am I opposed, on principle, to stop lights, red flags, skull-and-cross-bones-labels, baker pennants, sirens of all sorts, or fog horns.

All I wish to say is that I see no value in telling people that there is a scarcity of water on the desert, when they are there, deserted and dying of thirst. I feel that the purpose of voices crying in the wilderness is to shout directions to wells of sweet water. And such is my shout.

If there is one overwhelming disease of young people today it is boredom. Boredom has been with us, and with our fathers before us, but it has not usually been associated with the freely chosen intellectual life. The college student who is not excited by learning is like a fish who is afraid of the water or a hungry tiger on a diet.

When a philosophy major tells me that he is disinterested in abstract thought I am amazed. But when a major in mathematics tells me that he doesn't find problem-solving meaningful or an English major dismisses poetry as irrelevant then I feel that it is time to suggest "alternate routes." And such a route leads through shaded byways of beauty, excitement, pure pleasure, and play.

I am sure that in chasing a stick a dog prepares himself for the serious business of his dog's life: chasing cats, biting burglars, and perhaps herding sheep. But the dog doesn't chase so that he'll be hired by Chase First National, and I suspect that that is part of the reason why he'll run till he drops. I toss poetry to my students not because poetry is good for them, but because—if they once see the wonder of its curve and cast and bounce—they will pursue it (as a lover courts his lady) with gladness forever.

Give me my robe, put on my crown. I have
Immortal longings in me.

or

Nay then, farewell
I have touched the highest point of my
greatness,
And from that full meridian of my glory,
I haste now to my setting. I shall fall
Like a bright exhaltation in the evening,
And no man see me more.

Here is magic. And it seems to me that there is the same magic in—let us say—the binominal theorem if it is thrown with a fine swinging elegance into the springtime sky of marvel and amazement and gladness-at-glimpses-of-the-infinite.

Some scholars, some teachers, seem to be ashamed to admit that they find their discipline fun, or to truly affirm, in a reasonably loud voice, that they are interested in what they are doing—totally, mentally, morally, vitally, viscerably, lovingly, laughingly interested.

I know the scorn that is heaped on "mathematical mysticism' and I have heard some graduate students of mathematics speak with pride of seminars in which no participant understood any paper except his own. But Weierstrass, famed among mathematicians for his precision, for rigorous logic, and a zeal to clarify—it is Weierstrass who spoke of "the poet" in the mathematician. And Leibnitz wrote in his *Nova Methodus* that a "Great light suddenly appeared" while he was engaged in studies connected with a spherical surface, and that "wonderfully delighted" he discovered that what had been puzzling before now became "child's play and a jest."

And that it may not seem that Leibnitz is simply with becoming modesty dismissing his accomplishments, I would quote him again, this time from "Meditationes de Cognitione" (published November, 1684, in *Acta Euroditorum*) to clarify his use of play to describe mathematics. He begins to write in Latin: "Quoniam hodie inter Viros egregios . . ." Because today among men who stand apart from the crowd . . . there is great controversy concerning ideas: whether they are clear or obscure, whether the clear ones are confused or distinct, whether the distinct ones are adequate or inadequate—whether all ideas are, either but symbols of something else, or whether they are within us intuitively—and finally whether the perfect idea is that of adequate intuition." Then, in the thirty-sixth chapter of this most serious work, having shifted his language to French, he writes: "Car la felicite est aux personnes ce que la perfection est aux estres."

I find this difficult to translate completely, which is why I have given it in the original. In the context of Leibnitz, full exposition of his *Meditations* I suggest this great mathematician, who suddenly discovered that his calculus was "play," is saying "Joy, happiness, gladness is what defines and specifies a human being."

And mathematicians reserve a special honor for definitions. The first edition of the *Encyclopedia Britannica*, published 1773, gives "Mathematics" a half of a page of attention. It singles out for special praise the precision of mathematical definitions and states: "Pure mathematics have one peculiar advantage, that they occasion no disputes among wrangling disputants, as in other branches of knowledge."

However this precision is difficult when one strays outside the boundaries of mathematics itself. John Sergeant, seeking to present, in 1696, *The Method to Science*, admitted that mathematicians had advantages not permitted to other mortals. But Sergeant, who was sure that he had discovered the one and only possible road to wisdom, felt that success was available to all these who agreed with him and were willing to strain every fiber of their being "to have recourse to our notions, and to strive to make them Clear by Definitions."

I believe Sergeant would have permitted me to digress, in the interest of straining every fiber for clarification, to show that sometimes only by means of illustrative anecdote can a word be defined. For example the Yiddish word *chutzpa* can really only be understood by the classic instance of its quality as that possessed by the man who, having murdered his father and mother, asked a special mercy of his trial judge on the grounds that he was an orphan. That's *chutzpa!*

Chutzpa is the quality that encourages me, an English professor, to come to you and urge excitement in the teaching of mathematics. The two pieces of poetry which I quoted to you earlier, are not in English teaching circles treated with Leibnitzian child's play; in fact, in some circles it is forbidden to teach them as poetry.

"Give me my robe, put on my crown. I have Immortal longings in me" says Cleopatra, and I echo her desire with much the same longing to implant the burning bush of my delight. And I sow the seed, unterrified by the threat of the thundering silcence of colleagues or the lightning flash of boredom on the faces of my students.

But this is dangerous. The safest course of action is to use the speech as a spring board for leaping into the bottomless bog of source study and analogue. "Let us compare Shakespeare to North, and North to Plutarch, but hold ourselves impersonal and aloof," is more professional than, "I like it."

And the speech of Wolsey, whose indiscreet letters have been delivered to the King:

"I shall fall like a bright exhaltation in the evening, and no man see me more,"

is a safe and sure beginning of a learned discussion on history, law, politics, or the continuing need for postal reform. But to pursue its poetry is perilous.

In much the same way I came to the binominal theorem. It was good. It was useful. It saved a lot of multiplication. I learned it in terms of specific powers, and, as I recall, only far enough to cube things.

Late in life, in my professional researches as a historian of that most deadly of histories, religious controversy, I tripped over Isaac Barrow—whose writings sent me back in my great good luck to read in the original some of the writings of his most distinguished pupil, Isaac Newton. The pleasure I had in playing with the binominal coefficients as I had stumbled over them in some sixteenth century table continues to delight me, and I cannot explain why it is not diminished, but it is not, by Newton's erasing all my jugglings. ("The last number in each set is one, and the one before that grows by simple addition of units, and the one before that grows by triangles, and the number before that by the number in the set above plus the number to the left." And by now I have driven you into a sufficient state of boredom to make you realize that this learning of mine, despite the jokes, is no laughing matter.)

We are not equipped to receive mathematics by ear, yet I have an urge to attempt to recite the drum beat of the rhythmic development of "X plus Y to the power of N, which is X to power of N . . . Plus N . . . times X . . ." and the rhythms of the formula ride in elegance across a landscape of number bounded only by the limits of my needs, however extravagant. I think there is a special beauty that even invests the calligraphy of writing it.

And the eye, looking at symbols on a page, leaps beyond its outer power to see, beyond its inner power to imagine. When Descartes talked about "chiligons" (one-thousand sided polygons) the eye and the imagination were limited by physical difficulty, but when Weierstrass formulates a continuous curve having NO tangent at ANY of its points the mathematician steps into an area of perception for which there is no parallel in experience—except possibly in poetry.

Weierstrass says a mathematician is something of a poet, and Shakespeare, beginning with the twelfth line of the fifth act of *Midsummer Night's Dream* says things about a poet. By the simple mathematical operation of substituting equals for each other, I am able, without too much distortion, to make the passage read *mathematician* for *poet* so that statement becomes:

The mathematician's eye
Doth glance from heaven to earth, from earth to heaven,
And as imagination bodies forth
The forms of things unknown, mathematics' art
Turns them to shapes, and gives to airy nothing
A local habitation and a name.

This I take it is a fair description of mathematics. Now, just as *Hamlet* isn't about a fat boy who, after a lot of shilly-shallying about, finally stabs his stepfather, neither is the binominal theorem about a lot of "x" and "y" and "n." I don't think that mathematics is numbers-games any more than I think poetry is word-games.

Behind all the learning and beneath all the wisdom that has ever been used to discuss and evaluate poetry there is a mystery that continues to elude criticism and to fascinate critics. And the same holds true for mathematics—a branch of learning that can cause rude shouts of argument over whether it is an art or a science. In the debate of its first principles it aroused such murderous disagreement as to bring about the assassination of Professor Moritz Schlick in Vienna in 1936. No one word will do for poetry or mathematics, but in some ways "magic" must be made to serve.

Poets by their talents, by their training, by their industry, by accident often enough, and by the grace of God, sometimes manage to make their words fall in such a way that underneath the surface music of the poem there throbs the symphony of life and death itself, and the doors of ultimate reality, are, just for a fleeting, slashing, sudden moment opened barely wide enough for us to glimpse the almost unbearable beauty beyond.

And that moment is what I think Weierstrass means when he speaks of the poetry of mathematics. The binominal theorem suddenly opens one corner of the order of the universe. There before us is the sudden, surging, sweeping, shattering beauty of . . . (I need a word: *existence* has been deflated and its juices drained; *being* has lost its power to stand alone and apart from other verbs; I need a word and must make up one . . .) the beauty of the *that-which-really-truly-is-forever-ness*. Shakespeare says the poet sees "more than cool reason ever comprehends." And I say, "So does the mathematician."

Reason can understand numbers of cows and bulls, but I don't think that reason alone can understand that Archimedes' problem of Cattle of the Sun has nothing whatsoever to do with pasturage or grazing rights in Sicily. The problem is a famous one (given in the Loeb edition of *Greek Mathematicians*, "Indeterminate Analysis." 11. 202) which presents black, white, yellow, and spotted cattle in mind-numbing combinations of multiple fractional functions of color, and sex, and square and triagular number. A German scholar named Wurm (whose solution to the problem was published in volume 25 of *Zeitschrift fur Mathematic und Physik*) reported that the answer if actually printed in ordinary numbers would cover 660 pages.

If you are still with me, the answer to the size of the herd is a number beginning with 7,666 . . . and followed by another 206,541 other digits (more or less of your own choice).

This is fairly staggering, but the real knockout blow is delivered by Archimedes himself. Having laid out the problem in about 500 complicated words, he steps back and says: "Stranger, if you can immediately give me the exact total of the cattle belonging to the Sun God, no one could really call you unskilled, or ignorant of number—but you wouldn't (just for that accomplishment) be counted among the wise."

I'm sure you take pleasure in the sudden surprise of Archimedes' comment. But, although it makes me laugh—and I think that is a sufficient good—it still has something further to add to my pleasure. Even though the immensity of the number fascinates me, the fact that there IS such a number delights me further, and that there is a man with patience and skill enough to fix it exactly edifies me, even though I may not be inspired to imitation. But there is still more to the problem of the cattle. I ask you to bear with me while I seem once again to digress.

We are quite properly proud of our fellow countrymen who have walked on the distant surface of the moon. But the moon, however distant it may seem in terms of miles, is in terms of light, only one-and-a-quarter seconds away. The sun by the same measure is eight minutes, and the planet Pluto is five hours. Pluto could have blown to bits before you got up this morning and no one would know about it yet.

But Pluto is practically next door compared to the nearest star, which is four years away. And what they are just now studying at the farthest limits of the telescope at Palomar is—hang on, this is hard to handle—is out of date, to quote A. C. B. Lovell by "a few thousand million years," and the information received by Jodrell Bank is probably from even more distant reaches of space.

The earth spins at 1,000 miles per hour while circling the sun at 72,000 miles per hour and sun and earth and planets are all rush-off together towards a distant star cluster at 43,000 miles per hour. But this isn't all. There is another movement superimposed on our system, plus the ten thousand million systems of the Milky Way, and perhaps another two dozen similar super-galactic groups.

Now I simply am not able to comprehend this extravagant immensity. My reason crumples. My imagination blanks out. But the exploding reality of such vastness somehow relates me, in an inexplicable manner, to the problem of the cattle, to the unspeakably lavish splendor of existence, and the miracle without measure of a mind that can in some way conform to it.

In the time it takes me to say "Archimedes" the constellation Cygnus recedes from us another 10,000 miles, but the poetry of mathematics catches up with it, catches it, and brings it home to me to daudle on my desk. Descartes was of the opinion that the mind of man related more directly to God than to man himself. And I take it that Descartes meant by God, not a bearded figure in a picture by Michaelangelo, but the causeless cause of space and time and distance, and equally of love, and laughter, and joy.

Or let me try again to move with the poetry of mathematics to what the Byzantine Greek Theon called "pleurikoi kai diametrikoi arithmoi." Translated that would be "side and diagonal numbers," and a partial list would be 1–1; 2–3; 5–7; 12–17. The pairs can be produced by adding the two numbers of the last pair to get the first number of the next pair, and by adding this number to the first number of the past pair to get the second number of this pair. The interesting feature of these pairs is that twice the square of the first will always miss equalling the square of the second by just one unit. The largest pair I personally have worked out so far is 80,782–114,243, where the miss of the squares is one in thirteen billion.

My notes on Theon read: "Side plus diagonal gives the next side, And the side plus the next side gives the next diagonal." which may not be poetry, but which fits a nice tension-relieving beat on the maracas. And what Theon says has a cry of gladness when he summarizes: "For what a side is shown to do in two steps is done by a diagonal in one." Theon has looked into the eye of being and is glad, as Father Hopkins was glad when he said:

Brute beauty and valor and act, oh, air, pride, plume, here
Buckle! and the fire that breaks from thee then, a billion
Times told lovelier . . . .

Neither Theon nor Hopkins can be paraphrased or translated. Each has revealed his delight at what he has discovered. To understand either requires participation.

Kenneth May of the University of Toronto, in reviewing Rashevsky of M.I.T., protests that mathematics did not progress totally "from playful speculations," and his evidence is clearly convincing. But Rashevsky speaks of progress "made not by the invention of theories designed to explain specific phenomena" but by the study of "even unrealistic situations" "starting in fanciful hypotheses," and this is also clearly true.

Erwin Schrodinger in an essay titled "Science, Art and Play" says, "It is the duty of a teacher of science to impart to his listeners knowledge which will prove useful in their professions; but it still should be his intense desire to do it in a way to cause them pleasure." This has been my theme this afternoon. The banquet of learning must be nourishing, but need not include all the possible medicine a life might require. The banquet of learning must include the solid entree but should leave room for dessert.

I have come this afternoon to speak of the great symphony of all the branches of mathematics. But I am only a listener. The only music of mathematics I am able to play is scored for a small hand bell which I ring with vigor as I sing my joy. But before the trumpet tones of triumph at the solution of

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great problems I must sit silent, and silently must I listen to the violin music of the insoluble. I have come hopeful that we might listen here for a moment together.

To hear within the starry silence of the sky
The unheard song of surging marvel-filled
unmeasured empty space.
To surge in scorn of mighty most-times-
multiplied immensity,
Beyond time-meaningful, beyond before or
after,
Into the wonder land of infinite,
Whose fierce frontier turns back
All sensibles—where bleach
The bones of reasoned understanding
Where learning trembles at the border post
Without a passport, entry card, or visa,
But where the chosen mathematician comes
Up out of purblind bondages lit
Only by some Pharaoh's pharos,
To pitch his tent, and hunt the game, and
plow the fields,
Not as a stranger immigrant, but citizen.
To silently let down a spreading net
Into the deepest waters of that ocean-sea
reality.
To suddenly explode with sudden almost
fearful joy
As through the quickly closing doors of
mystery
You glimpse and recognize that
All-this-is.
And know its yours to seek to know to reach
to touch, and calculate.
Unspeakable the joy of highest human
miracle:
To share in tranquil union the great dis-
covery of the past,
And give, in loving exploration, direction to
the children-of-your-mind to come.

I have come here today not to remind, or to instruct you. But to elate you. The least common denominator of Weierstrass and Shakespeare—of mathematics and poetry—is hard to define in the slow moving line of reason. I suspect that it is best seen by metaphor.

Both mathematics and poetry touch reality with something like electric probes, differently grounded. But the shock of recognition that each produces when contract is made is equally unmistakable, and the excitement in many ways, I would suggest, identical.

I have tried to handle that electric current this afternoon, to connect it to you and wire you for its use.

The electricity of Shakespeare was poetry that warms the heart. The electricity of Weierstrass was mathematcs which illuminates the mind.

Bringing that same electricity, I have come to you, a better mathematician than Shakespeare, a better poet than Weierstrass, hoping very much to both warm and illuminate, but content if I have done nothing more than turn you on.

CORPUS CHRISTI, TEX., DESIGNATED AS DISASTER AREA

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. DADDARIO. Mr. Speaker, I rise today to extend my deep sense of sympathy to the people of Cuba, Florida, and Texas who were victims of the recent ravages of hurricane Celia.

I wholeheartedly support President Nixon's designation of Corpus Christi, Tex., the region most crippled by the hurricane, as a disaster area and commend him for his expeditious authorization of Federal funds for relief. These funds are essential for the welfare of the people of Corpus Christi as Celia left in her wake death and great suffering.

Citizens of Connecticut sympathize with and understand the grief of Celia's victims, recalling all too vividly the ruinous hurricanes of 1955 and 1958 which struck Connecticut.

The hurricanes which ravished Connecticut brought flooding, destruction, and death, and the same deep sense of grief which presently exists in the areas stricken by Celia.

When disaster strikes anywhere in America, it is an event of national concern and should be met by a national commitment of assistance. The damage done by Celia requires such a commitment, and it must continue until the damage is undone.

I strongly urge my colleagues in the Congress, in the wake of the disaster wrought by Celia, to resolve a continuing priority to the victims in disaster areas until their life styles are returned to normal.

THE CRIME BILL: A STUDY OF HOW THE DISTRICT OF COLUMBIA IS GOVERNED

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. HARRINGTON. Mr. Speaker, I have spoken a number of times about the seniority system in the House and its effect on the passage of legislation. On June 23 I spoke of the District of Columbia and the extraordinary control over the District which the District of Columbia Committee exercises. At that time I discussed the means by which the House District Committee drafted and reported to the House a bill to combat crime in the city.

I was then, and am now, shocked at the way this major piece of legislation was created. I voted against the District of Columbia crime bill because of its no-knock, preventive detention, juvenile age levels, wiretapping, and mandatory sentence provisions which I believe are repressive and unconstitutional.

James E. Clayton has discussed the District of Columbia crime bill in relation to the way the District of Columbia is governed in two articles in the Washington Post. His conclusions parallel my own.

Clayton notes that inadequate hearing notice both to witnesses and committee members and lack of balanced testimony of the major issues of the bill demonstrate clearly the power of a committee and its chairman to control hearings. Another weakness of the House was highlighted by Clayton when he discussed floor debate on this legislation. Secret, teller votes on major amendments striking many of the provisions cited above were defeated by very few votes—with more than 200 Members absent each time. The House has subsequently voted to make teller votes public, and for that I am thankful, but it is tragic that this amendment did not come sooner. If it had, perhaps some of these measures could have been deleted from the legislation and the District would have been provided with a just law.

I believe that Mr. Clayton's articles are timely and important, and I therefore submit them for the RECORD:

[From the Washington Post, Aug. 10, 1970]

THE CRIME BILL: A STUDY OF HOW D.C. IS GOVERNED

(By James E. Clayton)

It all started with four paragraphs in President Nixon's message to Congress on the District of Columbia. Among the many programs he outlined that day—January 31, 1969—the President asked for legislation to reorganize the courts, create a method of pretrial detention, establish a public defender system, and revise the juvenile laws.

On July 29, 1970—18 months later—Mr. Nixon signed the Omnibus Crime Bill that was the result of his request. It contained everything he had asked for and more; during those 18 months, a new branch of local government had been created and a substantial part of the District's criminal law had been rewritten. How this came about is a case study in the way the nation's capitol is governed. It is a study, not of local government, therefore, but of three men—Associate Deputy Attorney General Donald Santarelli, Senator Joseph Tydings (D-Md.) and Representative Thomas Abernethy (D-Miss.)—and the committee the latter two dominated. For, although Congress is the city's legislature and the President its governor, the two District committees and, on this subject, the Department of Justice, run the place.

The story actually began long before President Nixon made his proposals. For years the Senate and the House have battled over District anti-crime legislation with the House arguing for harsher laws as the solution to crime and the Senate taking a less repressive view. In 1966, this difference in philosophy led to a 6-month-long stalemate before a crime bill was passed and that bill was vetoed by President Johnson because he thought it contained too much of the House's view. A year later, the House view of crime control was frustrated again, this time in a conference committee whose Senate members refused to go along with several pet ideas of the House District Committee.

Against this background, Santarelli was put in charge of a Justice Department task force in February 1969 and directed to draw up specific legislative proposals. Five and a half months later, after consulting many local judges and lawyers, his task force produced four bills and Attorney General Mitchell sent them to Congress on July 11, 1969.

Two of these four were fairly simple. One, expanding the Bail Agency, resembled a bill which had already passed the Senate; the other created a public defender system. The other two bills were not so simple. One authorized pretrial detention of certain persons and the other was a massive, 300-page document entitled "District of Columbia Court Reorganization Act of 1969."

The Court reorganization bill alone was a legislative behemoth. It went beyond what anyone had proposed previously, creating, essentially, a local court system, by turning the local jurisdiction of the federal courts over to a new superior court and an expanded D.C. Court of Appeals.

This was the immediate equivalent of the judicial reform legislation that some state legislatures have debated for years, and it contained the material of several major controversies beginning with the basic question of whether it even was a good idea.

Tied to this bill were other matters which had nothing to do with court reorganization. The Justice Department, it seemed, was out to get, along with court reorganization, some of the things recommended by the District

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Crime Commission in 1966 as well as some of the changes in the criminal law that prosecutors, like Santarelli, had wanted for years. The bill contained provisions authorizing wiretapping and no-knock searches, reducing the age at which juveniles are to be treated as adults, making possible life sentences for persons convicted of third felonies and overturning a couple of court decisions that prosecutors disliked.

The Justice Department never explained why it put all these things into a court reorganization bill. One theory, perhaps the best, is that it saw a chance to appeal to the Senate with court reorganization and to the House with harsher laws, thus getting in one compromise package things it could not get if they stood alone. As time went by, the administration's tactics bore out this speculation. In the Senate, Deputy Attorney General Kleindienst put a priority on court reorganization. In the House Santarelli gave everything equal priority.

In any event, the administration lost credibility in the Senate by its handling of the combination. Sen. Sam J. Ervin of North Carolina, originally a sponsor of the legislation, became its principal opponent. He charged that at the beginning the Justice Department "personally" assured him that there were only technical changes in the criminal law involved when, in fact, there were major changes.

The Senate District Committee, headed by Senator Tydings, went to work promptly on the proposals and the care it devoted to court reorganization reflected its concern with improving the existing system of justice. After hearing from judges of all the local courts, a blue-ribbon committee of lawyers and representatives of 8 local organizations, as well as from the Department of Justice, the Senate committee split off all the proposed changes in criminal law and substantially modified the court reorganization proposals. Its version of the reorganization bill passed by the Senate on Sept. 18, 1969, 10 weeks after being introduced and about 30 seconds after being called up. Not one senator had anything to say about justice in Washington.

Subsequently, the committee reported a second bill composed of only about half of the changes in criminal law sought by the administration but these did include wiretapping and no-knock searches. This bill, bearing many of the measures that were later to become so controversial in the Senate, passed the full Senate on Dec. 5 with, perhaps, a dozen senators on the floor. Only three of them made any comment; seven months later many senators were to talk at length against wiretapping and no-knock searches.

The other two administration proposals raced through the Senate just as quickly once they came out of its District Committee. The public defender bill passed in mid-November and a new juvenile code proposed by the Justice Department in September, passed just before Christmas. There was no discussion of either on the Senate floor and no record votes; almost no one was present.

Thus, with the exception of pretrial detention the Senate—really its District committee—had completed work on the anti-crime package in five and half months—just the time the administration had found necessary to draft it in the first place. House action, which will be discussed in a second report, was something else again.

[From the Washington Post, Aug. 11, 1970]

THE DISTRICT OF COLUMBIA CRIME BILL (II)

(By James E. Clayton)

The House District Committee was much more casual than its Senate counterpart about the D.C. anti-crime proposals that were sent to Congress by Mr. Nixon on July 11, 1969. Ten full weeks after those proposals had reached the Hill and four days after the Senate had already passed its version of one of them (the court reorganization measure), the House District Committee had still done nothing about the President's package. Once House committee hearings did begin, moreover, they proved to be starkly superficial in relation to the hearings that had been held by the Senate District Committee.

On court reorganization, for example, no judges were asked to testify and the only detailed testimony the committee heard was Associate Deputy Attorney General Donald Santarelli's explanation of what the administration wanted and the District Bar Association's reaction to the extensive changes that were involved. In fact, there was almost no discussion of the substantial changes the Senate had *already* made in the administration's proposals, and no expert advice—except Santarelli's—was sought on a bill completely altering the administration of justice in the District of Columbia.

There were other peculiarities in the House committee's handling of the bill. It heard no testimony about the Commission on Law Revision, set up in 1967 at the urging of the Crime Commission, or on the burden of proof in criminal insanity cases: yet the committee voted to abolish the former and change the latter. The only testimony *on* mandatory sentences, a highly controversial subject, came from Santarelli and the chief of police; yet the committee voted in favor of mandatory prison terms despite the fact that the Crime Commission had opposed such sentences. One subcommittee did hear 11 days of testimony about conditions at the Lorton Reformatory before the full committee voted to transfer control of that institution to the Federal Bureau of Prisons—but it did so without asking the bureau of prisons about the transfer. One odd proposal—to require anyone who sues a policeman for false arrest to pay the policeman's legal fees—was supported only by the local police association; that proposal found its way into the committee's final bill too despite the expressed opposition of Santarelli, the chief of police and the District government.

Part of the reason for this lies in the way the House committee operates. One subcommittee, for instance, allotted only a single day to nongovernmental witnesses and did not announce until one Friday that the following Monday would be that day. Another subcommittee gave only 36 hours notice of the single hearing at which it would entertain such witnesses. Another part of the reason lies in the way the committee habitually treats witnesses. Many local groups and individuals believe there is nothing to be gained by telling the committee anything because it never seems to listen.

Perhaps the quality of the House committee's work is best illustrated by the pretrial detention section of the new law. The administration's original request had been referred in the House (as in the Senate) to its Judiciary committee because it was to apply nationwide. Both judiciary committees held hearings on the request in the fall of 1969. On January 29, 1970, however, Santarelli told the House District Committee that the administration wanted pretrial detention in the District Crime bill "because we do not see any action forthwith from the Judiciary Committee." *No hearings* were held by the District committee after that date and Santarelli was the *only witness* to devote more than one paragraph to the subject, although Washington is full of people with all kinds of views, and all kinds of statistical data on the effectiveness of such detention in reducing crime.

When the bill emerged from House committee, it was more than 500 pages long, and the debate on the floor lasted 10 hours—an extraordinary amount of time for the House to devote to anything. But the votes taken during the debate seemed to be a better indication of the House's real interest. An attempt to keep the age at which juveniles are treated as adults where it had been for years failed by 34 votes—with 333 members absent. An amendment to strike mandatory sentences was beaten by 17 votes—with 284 members absent. An attempt to remove a clause overturning a court decision on the use of prior convictions to impeach a defendant's credibility was beaten by 29 votes—with 344 members absent. At one point, the House had to suspend the debate because only 80 members answered a quorum call.

The differences between the bill that passed the House last March 19th and the four bills passed previously by the Senate were as monumental as the size of the House version (it had grown to more than 500 pages because the District committee had lumped everything, from court reorganization through the new juvenile code, into one package). For four months and through 24 meetings, conferees of the two houses then struggled to bridge the differences in philosophy as well as the differences in detail. Finally, Senator Tydings and Representative Abernethy, who did almost all the negotiating with Santarelli always nearby to provide advice, engineered a compromise. It gave the Senate most of what it wanted in court reorganization (its major concern) and the House a considerable amount of what it wanted in harsher criminal laws (its major concern) although several of the pet proposals of House members were eliminated.

The conference report whipped through the House less than two hours after printed copies of it became available. Not even the statement of managers describing the changes made by the conferees appeared in the Congressional Record until after the bill was passed. Debate in the Senate on that report lasted for a week, but few senators heard much of it. Many members, one senator explained, always seemed to find that the days when District affairs are under consideration are convenient days for politicking back home. Twice during the week the Senate had to suspend because it could not raise a quorum.

The final votes made clear that at least in its controversial aspects the 1970 crime bill embodies a politically popular, small town approach to large scale, big city crime. Fifty-five percent of the representatives from cities as large or larger than Washington opposed the bill; 90 percent of those from smaller places voted for the bill. Similarly, senators from non-Southern states containing urban areas of more than one million population voted against the bill 20 to 16; senators without such urban areas in their states or from the South, voted for the bill 41–16. Senators running for reelection this fall favored the bill 19 to 8; those not running until 1974 opposed it 17 to 16.

Local participation in the writing of this new law was minimal. The District government was heard but generally ignored; Santarelli told the House committee that on questions like these the Justice Department knows far more than the local government. The rest of the community simply was not heard, at least in public, on the House side.

The final bill was really the product of Santarelli and his staff, although the two District committees and their staffs did contribute substantially. The ultimate decision, however, came in the conference committee and there the future of the District's criminal law and its courts was decided by 12 men—2 each from Maryland, Virginia and Texas—and one each from Nevada, New Hampshire, South Carolina, Mississippi, Minnesota and Ohio.

CREATIVE FEDERAL HOUSING RESEARCH IS PAYING OFF

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. HOSMER. Mr. Speaker, several years ago, as a member of the Joint Committee on Atomic Energy, I had the opportunity to observe the work of a remarkable young man.

His name is Harold B. Finger, and at the time he was both Director of the Division of Space Nuclear Systems at the Atomic Energy Commission and head of the Space Nuclear Propulsion Office for NASA. He directed for both agencies the nuclear rocket program.

Today, at age 46, Mr. Finger is Assistant Secretary of Housing and Urban Development for Research and Technology. He is applying the same kind of foresight and imagination to the Nation's housing problems that he did to the space nuclear program.

Operation Breakthrough, one of the most important new initiatives in the field of housing research, is Harold Finger's prize project at the moment. Significant gains in housing technology will result from this program.

The August issue of Government Executive magazine has a fine story on Mr. Finger and the Operation Breakthrough program, which appears at this point:

IN THE GHETTO: A NEW BREED OF RESEARCH

(By Leon Shloss)

A unique U.S. Government research program, in being for only one year, has taken several "giant steps forward for mankind."

The program, directed by Harold B. Finger, assistant secretary of Housing and Urban Development for Research and Technology, has as its goals improvement of the total system of housing the population and providing a basis for improved urban operations by local and state governments.

The program, spearheaded by Operation *Breakthrough*, is unique because, in Finger's words: "It is not conducted in a laboratory atmosphere and the end product is for use by others, as compared to research and development (R&D) done, for instance by the Department of Defense (DOD) and the National Aeronautics and Space Administration (NASA), whose programs are aimed at fulfilling requirements of the agencies themselves."

As Finger put it in an interview with *Government Executive:* "Our laboratory is the ghetto itself and our product is provided to state and local governments and to industry, to implement programs that they cannot afford."

"We can't," Finger continued, "take the problem out of the ghetto. Sometimes the institutions that we work with present a problem, but that is the area in which we must work, because there are so many interests involved.

"Our major goals are to provide housing where it is needed and to provide information that will be helpful in coping with the many bugaboos of urban living—law enforcement, fire, vandalism, installation of utilities at lower cost and reduced pollution potential. We must be the catalyst for state and local programs that otherwise could not be started, for budgetary reasons. We also try to offer assistance in improving the budget process so that more can be accomplished with the money available."

On the day of the interview Finger was troubled. The House had cut his budget request from $55 million to $30 million.

"We simply cannot," he declared, "continue to program progress and activities that have been established, under such a fund limitation."

Two days later, the 46-year-old New York native who had a distinguished career with the Atomic Energy Commission, the National Aeronautics and Space Administration and NASA's predecessor—the National Advisory Committee for Aeronautics—dating back to 1944, was to testify before a Senate Appropriations subcommittee in an appeal for reinstatement of the full $55-million budget.

The House subcommittee which had recommended the $25-million slash said that the Department of Housing and Urban Development (HUD) was not specific enough in defining the results that have been obtained from its research and had not developed a sufficiently specific budget justification for Operation *Breakthrough*.

A glint in Finger's eyes suggested that he would be quite specific before the Senate subcommittee—and he was. Here, in his words, is some of his testimony:

Almost three-quarters of our Fiscal Year 1971 budget request is directed at efforts to improve all elements of the housing systems—to encourage new construction and bring modern methods into the production, management, marketing and design of housing; to preserve our existing stock of housing and to encourage a sense of occupant responsibility and satisfaction in housing provided.

Of the $55 million requested for urban research and technology, $35 million is for Operation *Breakthrough*. If this full sum is not available the substantial progress achieved to date and the stimulus provided to the business of housing would be sacrificed. We have been able to get broad participation in industry, local and state government, labor and consumers. This participation would also be seriously jeopardized if the Government's credibility with industry and the public is diminished as a result of a decrease in our budget.

The first discussion meetings on Operation *Breakthrough* were held only a year ago with labor, industry, mayors, governors and other state and local officials. The actions taken and completed in the year since those meetings are significant:

(1) Ten prototype sites and one subsite have been selected from 218 sites proposed to us.

(2) Eleven prototype site planners were selected from 82 proposers and they have developed preliminary prototype site plans.

(3) After a competition between 236 Housing System Producers, 22 were selected. Final contract negotiations are now underway.

(4) Three hundred and eighty-five Type B proposals (applied research and development of ideas or concepts not yet ready for prototype construction, or which provide individual elements of a total housing system) have also been received, are in process of review and we are nearing announcement of selections.

(5) HUD is in the process of selecting site developers for overall development, management and maintenance work on each of the prototype sites.

(6) HUD has obtained enactment of ordinances or resolutions by the local governing bodies of most of the 10 prototype sites; these ordinances provide flexibility to build without regard to local building codes and zoning ordinances.

Although the program has not yet entered the construction phase, numerous positive effects have already resulted, including:

(1) Many of the consortia formed as a result of the request for proposals for *Breakthrough* have indicated that they are committed to the industrialized housing business even though they are not among the finally selected producers.

(2) The aims of *Breakthrough* are reaching all levels of government. All 50 states and 23 municipalities have designed representatives to coordinate activities that relate to achievement of the objectives.

Once the prototype sites have been developed, they will serve as examples of new overall housing systems and environment approaches that can be viewed by local community groups, housing authorities, private developers, private builders and housing sponsors to permit them to identify the approaches they believe are best suited to their localities. Out of this evaluation, we would encourage orders to be placed. Incentives would be provided by establishing priority consideration for HUD operating program funds to those communities and groups that encourage modernization of the entire process of housing, using the examples set by *Breakthrough* as a model. It is in this phase of the program that we would expect large volume production and delivery of housing to be achieved.

The proposed Housing and Development Act of 1970 provides extended opportunities for home ownership by low-income families. Research has indicated that increased occupant responsibility and satisfaction will result and that better maintenance of property can also be expected under certain conditions. This research also demonstrates that home buyer opportunities for low-income families must be accompanied by suitable guidance and counseling.

Once housing developments have been built, many of them have been vandalized, have quickly deteriorated and have become unsuitable living areas. Methods that can be incorporated as improved operating programs must be defined to overcome those problems. Several research efforts are underway to define better management approaches.

Organizations have been established to assist low-income families in building their own homes or in rehabilitating existing housing for their use.

It is known that development of an urban area out of farm land has a significant effect on the environment. Air temperatures, cloud formation, rainfall, noise absorption, flood control, etc., are all changed by the process of urbanization. The environment in many of our established urban areas has now gotten to the point where a reversal is required, as much as possible, to create a suitable environment for living.

HUD has taken action in the area of noise control and in efforts to avoid thermal pollution by using the excess or waste heat generated in nuclear reactors of fossil fuel plants. A contract underway, to define the uses for waste heat from electric power plants and the distribution systems that could be established for such waste heat use, indicates that potential uses can be made of such heat that would serve to avoid thermal pollution and at the same time perform necessary urban functions.

Very few of the cities and states throughout the country have had the capability to develop and apply modern management techniques to the operations of their functions. Several efforts are underway to provide assistance in the development of improved management systems for urban areas.

Almost all of the states have areas in which geologic hazards such as earthquakes, flooding, mudflows, landslides or land subsidence, must be considered in urban planning and development much more than they have in the past in order to avoid the high cost resulting from loss of property or life. A joint research effort has been started to examine such problems, with the San Francisco Bay area serving as an example.

This department is planning to encourage the application of modern utilities technology through demonstrations in *Break-*

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through sites. To accomplish this we are relying on the technical capabilities of the Federal agencies with primary responsibility for the technology of such utilities. For example, we have reached agreement with the Department of Health, Education, and Welfare to have the Bureau of Solid Waste Management serve as the technical arm for demonstration of modern solid waste management technology in prototype sites. Other utility systems to be considered for demonstration on prototype sites include total energy systems (e.g., a single system providing for heating, cooling and lighting), central heating and cooling plants and total electric systems. The National Bureau of Standards' Building Research Division will act as the technical group to lead these latter efforts.

Nine research contracts have been awarded to develop new techniques to support Operation *Breakthrough*. They include development of design, production and distribution of suitable furniture to meet needs of low-income families; design of cost-savings techniques for conventional frame house construction, development of an electric power system for home use employing wire mesh instead of conventional wiring.

Finger summed up:

"These results and their applications are significant particularly when it is recognized that research generally requires a long lead time before its results can be fully analyzed and applied. This has been the case in areas in which the Federal Government contracts for research and development for its own use (e.g., DOD and NASA), but it is particularly true in areas related to urban problems where the Federal Government provides a supporting role, but is not itself usually responsible for carrying out and applying the results of its research.

"We are encouraging the earliest possible application of our research by working closely with state and local government officials, with private industry, with universities, with community groups, with labor. (At press time, the Senate had restored the $25-million House cut and the bill had gone to a Senate-House Conference.)

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HELP FOR MEDICALLY DEPRIVED AREAS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. BUSH. Mr. Speaker, I am introducing the Community Health Act of 1970, which will offer graduating physicians, dentists, and optometrists, who have borrowed money to get through school, the opportunity to begin practice debt free provided they agree to practice for 3 years in a medically deprived area.

The bill defines a medically deprived area as one in which the appropriate State health authority certifies has a shortage of these essential medical personnel. In addition, the bill could be expanded to other medical personnel should other critical shortages develop at the designation of the Secretary of Health, Education, and Welfare.

The United States is short 48,000 physicians and 17,800 dentists today. The outlook is not optimistic that this situation will improve. To make matters worse there is a serious misallocation of our available medical personnel. Most of them are clustered in urban areas while the needs of our rural areas go unheeded.

This is the situation in Texas. And, it seems to me that an answer would be to give these young people an incentive to practice in our rural areas. If they develop a practice there, they might decide to make it their home. This would clearly be in the best interests of rural America.

CRISES IN MEDICAL NEEDS FOR AMERICAN VETERANS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. PUCINSKI. Mr. Speaker, earlier today I voted for overriding President Nixon's veto of the independent agencies appropriation bill I did so because as a member of the House Committee on Veterans' Affairs, I have had an opportunity to examine the deplorable state of hospital needs for American veterans.

President Nixon did not have to veto this bill which carried a substantial appropriation for serving these veterans' hospital needs. The President knows full well he could have let the entire appropriation measure become law—and then merely not spend those funds he did not think necessary.

There is nothing in the Constitution which requires the President to spend money appropriated by Congress. But how could any President refuse to spend money on veterans' needs when these hospital needs are so crucial?

I am placing in the Record today a report prepared by our colleague, the gentleman from Florida (Mr. Haley), who is chairman of my Subcommittee on Hospitals in the Veterans' Affairs Committee. I believe Mr. Haley's report is the best argument for voting against the President's veto.

Mr. Haley's letter to the chairman of our full Committee on Veterans' Affairs follows:

House of Representatives,
Washington, D.C., August 5, 1970.

Hon. Olin E. Teague,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Now that the Congress has completed action on the Veterans Administration appropriation for fiscal year 1971, I wanted to convey to you some personal observations relating to the Veterans Administration hospital and medical program which has been under consideration for the past several months.

At your direction, in December 1969, the Hospital Subcommittee initiated an investigation to determine whether the Veterans Administration medical program was being properly funded and whether the hospital staffs were adequate to give prompt and proper care to veterans. On December 8, 1969, a special questionnaire was sent to the director of each hospital and independent outpatient clinic requesting detailed information about the hospitals' funding and staffing levels and information concerning deficiencies in equipment and maintenance and repair projects.

We also held extensive hearings in Washington and several hearings were held in other selected areas. The overall results of the investigation, which has been on-going for over six months, indicated that as of the end of December 1969, the VA medical program had fallen woefully behind in its ability to promptly and properly care for America's disabled veterans. While workloads in major medical care areas were rising sharply, personnel in the VA medical program were not increased to meet their higher workloads.

This staffing problem had its origin in the Revenue and Expenditures Control Act of 1968. The Veterans Administration was one of the few agencies in the federal government which complied with the personnel ceiling provision imposed by this law and when it was repealed by Congress in July, 1969, it was difficult for VA to make immediate and significant employment gains because of increased hospital operating costs which had to be met before employment could be significantly increased. Our December 1969 survey of the hospitals indicated that about 4000 unfilled hospital positions, which had been authorized, could not be filled because funds were insufficient at the various hospitals to fill them.

Tabulation and review of the December 1969 questionnaires from the hospitals and outpatient clinics disclosed well over $100 million in funding deficiencies for fiscal year 1970.

Briefly the investigation indicated the following:

1. Private sector general medical and surgical hospitals have an average ratio of 2.72 employees for each patient while the Veterans' Administration has only 1.5 staff for each patient. Some university hospitals operated in connection with medical schools have staffing ratios of over 3 employees for each patient. On the basis of consultations with many hospital directors, deans of medical schools, who are members of the Veterans Administrator's Special Medical Advisory Group, and a review of standards established within the Veterans' Administration for its various hospital services, it appears that the national staffing ratio for most VA general and medical and surgical hospitals should be about two employees for each patient and a one for one ratio should exist in psychiatric hospitals. To achieve this ratio, about 28,000 additional employees were needed as of December 31, 1969, which would cost about $240 million annually. According to the VA hospital directors, about 85% of these personnel could be recruited if funds were made available for their salaries. I believe that favorable action on H.R. 18252 will sufficiently improve recruitment and retention of career personnel in the Department of Medicine and Surgery so that the 15% reported by the hospital directors as not being recruitable can be recruited. This bill has been favorably reported by the Hospital Subcommittee and I hope will soon receive full Committee action. It should be of great help in providing the necessary personnel to properly operate the VA medical program and truly give veterans "second to none" medical care. Favorable action by the Congress on H.R. 18252 should eliminate the problem we found in a number of hospitals where on night shifts and weekends one nurse plus an attendant was responsible for more than one ward with the result that during emergencies large numbers of patients went unmonitored for long periods of time.

2. In order to pay hospital salaries and buy drugs and medical supplies the December 1969 questionnaire disclosed that millions of dollars were being diverted from equipment purchases and maintenance and repair funds which was impairing the care of hospitalized veterans because new life-saving and life-prolonging equipment could not be purchased by many VA hospitals. Late in fiscal year 1970, Congress appropriated in the Second Supplemental Appropriations Bill about $7 million in additional funds which was allocated to the various hospitals to eliminate some of their most critical and urgent equipment deficiencies. However, our July 1970

survey indicated that the initial 1971 funding allocation leaves a funding deficiency of about $63 million in equipment and maintenance and repair items in VA hospitals. Recent action by Congress to increase the 1971 appropriations should have a significant impact on this deficiency.

3. Education and training of medical personnel, serving veterans and the nation, was being seriously curtailed due to budgetary limitations.

4. Due to inadequate funding to provide necessary staffing of about 2700 employees, over $20 million in specialized medical services, such as coronory care, kidney dialysis, pulmonary emphysema, pulmonary function, and other intensive care units were idle or so inadequately staffed that they could not fully perform the innovative care needed for many sick veterans. The staffing of many of these units has been increased since last December but a great deal of this has been accomplished by transferring ward nursing personnel and other technicians from regular wards to the specialized medical services rather than through significant employment increases. This is borne out by a comparison of full time permanent personnel statistics furnished the Committee by the Veterans Administration as of June 30, 1969 and June 30, 1970. On June 30, 1969, the Veterans Administration reported to the Committee that there were 121,434 full time permanent "Medical Care" employees. As of June 30, 1970 the report showed a total of 121,868—an increase of only 434 throughout the VA system.

5. The 12 year long-range construction and modernization program has fallen woefully behind. This plan was devised in 1960 under a joint agreement with the Bureau of the Budget, the House Veterans Affairs Committee and the Appropriations Committee of Congress. The plan has been stretched out by several Administrations because of inadequate funding and it has now become a 20 year plan. There will be substantial obligation of funds, voted by previous Congresses, during fiscal 1971 for construction and modernization of hospital facilities, and $59 million in new obligational authority has been voted in the 1971 appropriation. Recent unfavorable public criticisms of the Bronx and Wadsworth VA hospitals are directly attributable to the inadequacy of construction funds over the past ten years because the physical plants at both of these installations are most inadequate to render proper patient care. This public embarrassment of the VA medical program could have been avoided if the original long range plan for hospital replacement and modernization had been followed. There are still over 40 unairconditioned VA hospitals and/or domiciliaries which qualify for air conditioning, but no design funds have been sought to start the planning. These conditions are shameful and should be corrected without further delay. I do not believe that the VA construction program can endure very long on the hit-or-miss basis which it has experienced over the past 10 years. Many VA hospital plants are deteriorating at alarming rates and this may seriously lower the quality of patient care.

6. An intolerable dental backlog built up in fiscal 1970 involving hundreds of thousands of returning Vietnam veterans who were having to wait from four to eight months to have their teeth fixed because of inadequate funding. On April 2, 1970, the Administration requested from the Congress $9.8 million which was supposed to substantially clear up this backlog; however, recent information obtained from the hospitals and outpatient clinics indicates that as of June 30, 1970, the end of the 1970 fiscal year, about 75,000 cases were still backlogged and that over $3.8 million more was needed to clear this up. On July 1, 1970, the directors of hospitals and outpatient clinics estimated that they were over $20 million short of fiscal year 1971 funds to meet their estimated dental needs. This situation must be carefully monitored in the future to be sure that the extra funds recently voted by the Congress are allocated to the hospitals on a timely basis to clear up existing backlogs and keep pace with new workloads.

7. The December 1969 questionnaire disclosed that funds were being denied many hospitals to provide community nursing care for eligible veterans who no longer needed expensive care in VA hospitals and could be transferred to community nursing homes at VA expense and be nearer their homes and relatives.

8. Drugs for patients on outpatient status were being curtailed because of lack of funds and needy veterans were being given prescriptions and told to have them filled at their own expense. Mail order prescriptions filled by VA pharmacies were running weeks behind normal schedules because of lack of funds.

9. During fiscal 1970, the medical care program was forced to "absorb" $26 million in unbudgeted costs, thus reducing patient care services to veterans. These "absorbed" costs included portions of pay hikes for personnel and new laws which the Congress enacted mostly to extend benefits to needy and sick disabled veterans. If Congress passes legislation which increases the cost of operating the VA medical program, the Administration should request and the Congress should appropriate the funds necessary to fully support the increased costs.

10. Old and chronically ill veterans were being denied needed hospitalization because staffing and funding problems at many hospitals made it desirable to attempt to treat the veteran on an outpatient basis at less cost rather than putting them into hospitals where they could receive more attention.

Some of these deficiencies have been corrected either administratively or by Congressional action in appropriating additional funds; however, major problems still exist which I believe we must continue to closely monitor.

The most recent survey conducted earlier this month of the VA hospitals and outpatient clinics indicates that as of July 10, 1970, there existed over $180 million in funding deficiencies. Congress has recently acted to add $155 million to the original budget request of the Veterans Administration medical care program for 1971 and the expenditure of these additional funds would correct a major portion of the most pressing deficiencies. Notwithstanding the Administrator's statement before the Appropriations Committee in the other body that the Veterans Administration could not use additional funds over and above those requested in the amended 1971 budget, it is evident from our July 1970 survey of all VA hospitals and outpatient clinics that the additional funding is needed to meet the medical needs of our nation's veterans. I hope that we will not experience a reluctance on the part of the Bureau of the Budget to release these funds. Over the years the Bureau of the Budget has been largely responsible for not permitting the Veterans Administration to seek adequate funds to keep the VA medical program on a par with private sector hospitals.

I am convinced the American people want its veterans to have the finest available medical care, and I believe that the Congress must be sure that it takes the action necessary to make veterans hospitals the nation's showcase of superb medical care.

Sincerely,

JAMES A. HALEY,
Chairman, Subcommittee on Hospitals.

BAY AREA RAPID TRANSIT—A DREAM COMING TRUE

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. MILLER of California. Mr. Speaker, we who come from the metropolitan San Francisco Bay area are extremely proud of the progress that has been made by the Bay Area Rapid Transit District.

BART is not the dream that some people have, who are charged with solving the transit problems of metropolitan areas; instead, it is in the process of construction, and within the next 2 years should be in use.

We are proud because ours is the first area in the United States to develop a comprehensive transit system.

The leadership in BART, under the direction of Mr. William R. Stokes, and its excellent engineering staff, are to be congratulated. Also, the people of the three bay area counties who are presently spending close to $1 billion for this transit system should be an example to other metropolitan areas. They have shown what can be done when the people make up their minds to do it.

For the edification of my colleagues, I am including as a part of these remarks an article by Norbert Yasharoff which appeared in a recent issue of California Living, outlining the uniqueness and great potential of BART:

ASSESSING THE RAPIDS

(By Norbert Yasharoff)

Shaken by an epidemic—strangulation by automobile—big cities around the globe have turned to rapid rail transit for the speedy, comfortable cure.

Stockholm, Oslo, Frankfurt, Cologne, Milan, Rotterdam, Lisbon, Rome. All have opened new rapid transit systems since the end of World War II. Cities with systems under construction or on the drawing board include Helsinki, Amsterdam, Brussels, Munich, Essen, Dortmund, Stuttgart, Hanover, Nuremberg, Dusseldorf and Bremen.

Canada now boasts two new subways—Montreal's with its handsome stations, and Toronto's $67 million, four and a half mile line that has sparked an unprecedented building boom.

Mexico has reason to be proud of its new Metro, completed in just two years. It now speeds passengers in noiseless comfort some seven miles under the clogged center of the city.

Compared with foreign achievements, the U.S. record is meager. Atlanta, Los Angeles and Seattle have plans but no money. But Washington D.C. is beginning construction of a $2.5 billion rapid transit system to serve the metropolitan area.

New lines are being installed in existing systems in New York, Chicago, Boston, Philadelphia and Cleveland. The latter now has the nation's first airport access link.

The boom in this country has been helped by establishment of federal and state aid to rapid transit projects.

Significantly, the San Francisco Bay Area Rapid Transit system is considered by both American and foreign experts to be the brightest spot on the U.S. mass transport horizon.

Gunther Gottfeld of the Massachusetts

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Bay Transportation Authority calls it "a venture unequalled to anything else in the world."

Another U.S. expert stresses that it is the first completely new metropolitan rail transit system in the nation in 60 years.

Spokesmen for the Bay Area Rapid Transit District point with unconcealed pride to the fact that, unlike any other transit system in the world, BART is being constructed "in one go, and not on an incremental basis."

They also point out BART's superiority in terms of over-all length (75 miles) and intervals between stations (more than 7 miles) over existing and planned systems in the U.S., Canada and Mexico.

But nothing gives them greater pleasure than telling the interested listener about the technological uniqueness of their network.

"To begin with, it is the first in the world to be *completely* automated," they say, adding:

"It is also the world's first rapid transport system to use computer-supervised transit control, which operates vehicles and regulates train scheduling and routing while automatically preventing collisions."

Even to the blase space-age layman this sounds like science fiction. But a visit to BART's central control complex, adjacent to its administration building near downtown Oakland, quickly dispels doubts.

There, in the spacious control room, the Kafkaesque austerity is matched only by the simple design of equipment. Your mind effortlessly adjusts to accepting the impossible. You find it less difficult to comprehend how two computers—one known as the "on-line unit" and the other as the "stand-by"—monitored by only three persons with the aid of an equal number of display boards, can control the operation of an entire train network without any on-the-spot human intervention.

In the words of one BART official, "our passengers will be completely in the hands of electronic equipment. Each train will have only one attendant located at the front end. While he will keep watch for obstacles in the train's path, or take action if any problem situation occurs within the train, his main job will be to stay in touch with the central control room by radio telephone."

The "electronic treatment" of passengers will extend even to ticket sale and collection. BART patrons will be able to purchase from vending machines at every station single or multi-fare tickets ranging in price from 25 cents to $20. The magnetically-coded ticket will automatically actuate the entrance gate, and the exit gate will subtract exact fare for miles traveled.

Another unique feature of the BART system will be its cars. One BART report describes them as "the most attractive rapid transit cars available anywhere."

They are 70-foot-long vehicles, seating 72 passengers and having carpeted floors, wide aisles, recessed lighting, automatic air conditioning and large, tinted windows.

BART will have as many as 105 trains in operation during peak hours, running on headways as close as 90 seconds through the Oakland "Y" area (MacArthur to 12th Street). The trains, up to 10 cars long, will be operated at speeds approaching 80 mph. Average speed, including 20-second station stops, will be 50 mph—about twice as fast as any existing urban transit system.

But BART's uniqueness does not end here.

Alone among the world's transit systems, it was created by a vote of the people whom it was designed to serve. The successful 1962 referendum approved a $792 million general obligation bond issue which has provided the backbone of BART's construction funding.

A comparison between BART and the Victoria Line extension of the London Transit System reveals yet another advantage of the Bay Area project. The latter's dependence on voter approval not only for its funds, but for execution, make BART one of the most democratically run public projects in the world.

In Britain the public would find it difficult to force a transit system underground as the voters in Berkeley did.

Londoners would regard it odd if the decision whether a new part of the system should be underground or overground were put to the electorate of Lambeth or Chelsea taxpayers, or if it were necessary at any point in the decision-making process to mount public relations campaigns. Such as those launched by BART over the years.

BART, experts believe, will revolutionize mass transportation thinking across the country.

This "revolutionization" has apparently started if we are to judge by this prognosis for the 1970s, advanced by a top transportation executive:

"All new transport lines will be automated to provide the maximum in safety, efficiency and passenger comfort.

"Specifically, new automated rapid transit systems will be built in: Los Angeles, Seattle, Atlanta, Pittsburgh, Baltimore, Buffalo, St. Louis, Dallas, Houston and Detroit. These cities need electrified rapid transit now to form the backbone arteries of their future transportation systems.

"The first half of the 70s will see high-speed, all-electric, completely automated Metroliner-type trains with every creature comfort, speeding between more and more of our 100 to 300 mile corridor cities.

"As roadbeds are improved, and grade level crossings eliminated, speeds will gradually be pushed up to 180 to 200 miles per hour.

"This period will see application of high-volume aerial transport systems for special applications, such as airport to downtown.

"During the '70s, development and demonstration projects will be pushed rapidly for wheelless, air cushion trains, capable of 200 to 500 miles per hour," supported on thin films of air.

But what about the disadvantages of rapid transit?

One of them is the danger of overbuilding. High-speed trains spark building booms wherever they roll. Land in the paths of new rapid transit lines turns into prime development sites overnight. Barns and silos give way to apartments and high-rise offices. Many projects are started at once, and all are only minutes apart. This leads to stiff competition and to a temptation to overbuild.

Most serious and least publicized flaw of the rapid transit concept is its potential for aggravating human congestion or—as some call it—its capacity for the "Manhattanization" of big cities. Easier access to downtown areas inevitably will transform them into New York-type human beehives.

This disconcerting aspect of rapid mass transportation is admitted but it is not a hopeless or irremediable one. A "natural" remedy is additional downtown development.

An encouraging facet of rapid transit is its ability to work in opposite directions: moving people from the city into suburbs or outlying areas undergoing intensive development and offering better job opportunities.

And because of this the view shared by most experts is that the advantages of rapid transit outweigh the disadvantages.

What, then, is needed to bolster its progress in this country? Technology? America's technological capabilities are considered more than adequate. Money? Money could be made available from user taxes and from general tax funds, as well as from private sources. Desire? We've proved that we can do what we want to do—go to the moon—if we want to bad enough.

But the majority of us still favor the privacy and mobility of the car, despite the daily anxiety and frustration of bottleneck traffic.

How can we change this attitude?

The San Francisco Planning and Urban Renewal Association (SPUR) has advanced the concept of "controlled congestion" as a not-so-pleasant means of reducing the number of commuters.

"We must maintain," SPUR leaders say, "a modicum of congestion at various points outside and inside The City—bottlenecks—to encourage the use of systems other than the private automobile."

Critics of this method describe it as a "safety hazard" and a "cruel maintenance of inconvenience."

But is there, you wonder, any other way of shaking American motorists out of their masochistic complacency?

COUNCIL ON ENVIRONMENTAL QUALITY AND PESTICIDES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. OBEY. Mr. Speaker, yesterday we all received copies of the first annual report of the Council on Environmental Quality along with a transmitted message from the President. While I have not as yet had the opportunity to review that report as well as I would like, and while I am sure—overall—it is a fine document, I did take the time to read what it had to say about pesticides.

I was not favorably impressed.

That report said, for example, that there is still relatively little information on the impact of persistent chlorinated hydrocarbon insecticides, such as DDT, on humans.

With that, Mr. Speaker, I cannot agree.

Just a bibliography of research done all over the world and indicating just the opposite would make very bulky reading. Among the most recent is the report on the hearing examiner for the Wisconsin Department of Natural Resources which concluded, after extensive hearings on DDT, that while ingestion and dosage—of DDT—cannot be controlled, minute amounts of the chemical "have biochemical, pharmacological, and neurophysiological effects of public health significance."

When it came to reporting what choices are available to reduce the dangers of pesticides in the environment, the report was less than sanguine. This, for example, is what it had to say about alternatives to the use of pesticides.

First. Nonchemical controls of pests almost all have disadvantages.

Second. Industry has invested little in this area, so public agencies are left with the leading role in research and development.

Third. Introducing pest-killing animals to new areas is risky.

Fourth. The use of pathogens—viruses, bacteria, and fungi—has had some success. But they may be dangerous to human health.

Fifth. Cultural control, based on selection and diversification of planting time, crop rotation, and water and fertilizer management, has proved effective in specific cases. However this technique or use of chemical sterilants appears to be limited to certain pests and also may be more expensive than the use of pesticides.

I wonder, Mr. Speaker, just who selected the list of materials reviewed by those who drafted this section when they

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were looking into the alternatives to hard pesticides—they seem to have overlooked a great deal of information.

For several months I have attempted to bring before the Members of this House new information which becomes available almost daily on breakthroughs in various kinds of nonchemical controls for pests.

Research has found a possible way to control disease-carrying mosquitoes. Arizona and California growers are finding cultural control techniques very useful in the control of cotton and citrus crop pests, while significantly decreasing their use of pesticides. Insect sterilization and the importation of one insect to control others have all proven successful. A host of other techniques have also been used, and for those who may be interested in this area, Senator GAYLORD NELSON and I outlined quite a number of them in greater detail during the debate in our respective Houses on the agriculture appropriation bill several weeks ago.

I am cetrainly not pleased that industry has invested little in this area. But neither am I surprised. Right now industry—the chemical industry—is making profits selling hard pesticides. Neither the Congress, nor this administration, nor any previous administration has taken steps to significantly reduce the amount of hard pesticides which we allow to enter the environment. Until we do, the investment by private industry in seeking alternatives to hard pesticides is likely to remain little.

And, if public agencies are to be the leaders in research and development in this area, so be it. But let us give these agencies funds which they can effectively use to find those choices which will reduce the danger to our environment from hard pesticides.

Mr. Speaker, the report dwells on a number of significant efforts which have been made during the past year to control pests.

To be sure some advances were made. But in a number of cases hardhitting pronouncements of positive action have turned out to be words in the wind.

The oftquoted announcement of November 20, 1969, in which DDT was cancelled for home, garden, aquatic and other uses has resulted in no DDT ban at all, as the DDT manufacturers involved have started a long and involved appeals process which allows them to continue to sell their products in interstate commerce.

The suspension of alkylmercury fungicide products in February and March 1970 was commendable indeed. But seed processors have appealed the case and are being allowed to continue to use their remaining stocks.

The suspension of 2,4,5-T for use around the home was also a breakthrough. But while its recall from retailer's shelves was requested, 6 million cans remain on shelves today, still being sold, and presumably used.

As the report says, a U.S. court of appeals for the District of Columbia did order the Secretary of Agriculture to suspend the registration of DDT within 30 days—effectively barring it from interstate commerce—or to show cause why he should not have to do so.

> As of July 31—

The Report says—

> the court has not yet heard arguments on the Secretary's reply.

What the report did not say, Mr. Speaker, is that the Secretary's reply was to refuse to immediately suspend the use of this pesticide and instead attempted to show the court why he should not have to do so.

That report does admit that there is little data available on hard pesticides in the air, largely because of a lack of adequate monitoring. It estimates that at the current growth rate of 15 percent a year, a billion pounds of hard pesticides will be applied annually in the United States. It contains its own list of horrors which hard pesticides have caused—a 1955 loss of 350,000 eggs removed from lake trout with DDT the suspected culprit, 2 million fish killed in a Florida marsh and over 5 million in the lower Mississippi, and a reduction in the ability of salmon to detect temperature changes, caused by DDT, which affects their ability to find their spawning grounds.

What then are the report's proposals for change? There are four.

First. The administration is considering a broad range of legislation and administrative proposals for more effective pesticides regulation.

Second. There is a need to insure that information on the dangers of pesticides is spread worldwide.

Third. Incentives to industry should be explored to induce them to carry out research and development on alternatives to persistent pesticides.

Fourth. The effects of pesticides on man and the environment must be vigorously studied.

Mr. Speaker, with all the knowledge we already have about the harmful effects pesticides have on our environment, we can hardly be pleased when the only proposals for action include further consideration, assurance that information will be made available, incentives—presumably economic—to the chemical industry, and vigorous study through controlled experiments.

We cannot stop studying. We cannot stop doing research. We should not stop the dissemination of information about pesticides. But I think it is about time that we take a little more honest to goodness action in this area too. The President's Science Advisory Council has asked for it. The Mrak Commission on pesticides has called for it. The future generation would certainly appreciate it.

POLITICAL EXPEDIENCY VERSUS HONESTY: THE PRESIDENTIAL VETO OF HEW AND HUD APPROPRIATIONS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. HANNA. Mr. Speaker, this week the President continued his campaign to shift the blame for inflation from his shoulders to those of the Congress. By the veto of two appropriation bills he implied that he was the lonely warrior battling an inflation fed by a free-spending Democratic-controlled Congress. Mr. Nixon's public relations specialists have striven mightily to paint this picture. They would have all America believe that Nixon—alone—stands at Thermopylae holding off legions of Democratic legislators whose only aim is to bankrupt the Nation.

Obviously, the President would like to hang the albatross of inflation about the neck of Congress. If successful, he would, in a single stroke, transform his administration's greatest liability—the failure to deal with inflation—into an asset, a campaign issue to be used against incumbent Democratic legislators. I am confident that the American public will not be fooled by this sleight of hand. I am sure they will recognize the President's play for what it is, a politically motivated attempt to obscure the fact that the responsibility for failing to deal with inflation adequately rests with the President. If the public considers the facts, they will recognize that the President, not Congress, has failed to cope with inflation.

The facts are:

First, that the two bills vetoed by the President would have a nominal effect on current Government spending. The single largest item in the Housing and Urban Development appropriation bill calls for future funding of the urban renewal program. No significant share of the funds appropriated this year will be spent within the next 24 months, therefore, no inflationary impact would result;

Second, that the fiscal 1971 budget recommended by the President has been cut nearly by $5 billion by the Congress; and

Third, that the single most significant factor in the fiscal 1971 projected Federal deficit of $15 billion is the decline in Federal tax revenue resulting from the depressed state of the economy.

The President has, in short, attempted to obfuscate the inflation issue. He has endeavored to divert attention from his administration's failure to deal effectively with inflation. This diversionary tactic should fail because it is patently erroneous. I trust that the American people will recognize that the basic answer to inflation is to restore our economy to a firm footing. The sooner the President begins to make the hard choices required to accomplish this, the sooner he abandons glib political answers to difficult problems which require bipartisan efforts, the sooner we will get out of the throes of this morass in which our economy wallows.

A recent editorial in the New York Times aptly articulated this position when it stated:

> To attach Congress for spending money on schools and hospitals may be good politics if the President is only concerned with shifting the blame for inflation. But, if he is interested in raising real living standards and in reducing scandalous levels of unemployment, he will join Congress in approving higher social expenditures. If he is interested in reducing inflation he must materially cut military spending. War and stable prices without stringent controls are incompatible.

Not even the most adept economic juggling or facile rhetoric can conceal that fundamental incompatibility.

IMMIGRATION AND NATIONALITY BILL

HON. CLARK MacGREGOR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. MACGREGOR. Mr. Speaker, I was pleased on yesterday, August 12 to join with Congressmen MCCULLOCH, MESKILL, DENNIS, and MAYNE in introducing an omnibus immigration and nationality bill drafted by the executive branch. This bill would make a number of amendments to our immigration and nationality laws; some of them technical in nature, but many of substance.

I shall not attempt to restate all of the provisions of this major bill. I believe, that a summary of some of the more important proposals will, however, serve to highlight the practicality that infuses this legislation.

The present system of immigration from the Eastern Hemisphere, with its system of preferences which the Congress enacted in 1965, has worked well since it came into effect. However, there have been certain areas in which the system did not provide adequately for the legitimate demand which arose. In particular, demand for entry into the United States by professionals, needed workers and refugees has been heavier than can be accommodated under the present law. While it is not desirable, or even possible, to reconcile and satisfy all demand for immigration, it does appear that these legitimate demands call for adjustment of the Eastern Hemisphere preference system at this time.

First, the bill reapportions allowable immigration within the several preference classes so that additional visa numbers will be available to the badly oversubscribed third-, sixth-, and seventh-preference classes. Minor changes are also made in the definition of two of the preference classes, one of which will accord second preference classification to the parents of adult permanent residents, and the other which would limit eligibility for fifth preference status in the future to unmarried brothers and sisters of U.S. citizens. A savings clause would, of course, preserve fifth preference status for those married brothers and sisters to whom this classification has already been accorded. In view of the fact that there are still changes emerging in the pattern of immigration, both in a geographic sense and with respect to types of demand, the bill wisely refrains from more drastic revision in the selection system at this time.

Next, the bill proposes to change the Western Hemisphere immigration picture in several ways. In the Western Hemisphere, the demand for immigrant visas has far exceeded the 120,000 limitation imposed by the Congress which took effect on July 1, 1968. This phenomenon has had a number of undesirable effects, including a drastic drop in immigration from Canada. The administration bill would make several changes in the present system to alleviate these effects. Canada and Mexico, our closest neighbors and with which we share common borders, would be removed from the general Western Hemisphere system and each would be granted separate numerical immigration ceilings of 35,000 annually.

For the rest of the Western Hemisphere the present annual ceiling of 120,000 would be reduced to compensate for the removal of Canada and Mexico, and a preference system identical to that for the Eastern Hemisphere would be established. The system of selecting immigrants through the use of preferences for certain categories of aliens is based on the concept that, so long as demand for immigration to this country exceeds the amount of immigration to be permitted, there should also be a system of selection and preferential treatment for certain categories of immigrants—skilled workers, close relatives, refugees, and so forth. At the present time this is not possible in the Western Hemisphere since the law does not provide for such a selection. This bill would place an alien born in the Western Hemisphere on the same footing as an alien born in the Eastern Hemisphere in this repect. It appears inconsistent to say that a brother of an American citizen born in France should have preferential treatment, but that another brother of the same citizen who happened to be born in Brazil should receive no preferential treatment whatsoever.

In addition to these major amendments, the bill would make a number of other changes of a useful and equitable nature, such as raising the limitation on immigration from areas of the world which are not independent countries and according the privilege of adjustment of status to permanent resident in the United States to all aliens born in the Western Hemisphere except those born in contiguous territory or islands adjacent to the United States. These two changes, both of which are technical in nature, are typical of a number of provisions which will make the administration of our immigration system fairer and more humane.

Included in this bill, as well, are a number of amendments to the deportation provisions and to the provisions relating to nationality, which are designed to eliminate inconsistencies and inequities in the present law or to bring the law into accord with recent court decisions in these fields. As cosponsors of the bill, we do not intend to indicate we are in complete agreement with every provision and technical change proposed by the administration. However, changes in our immigration law are urgently needed. The suggestions contained in this bill are based upon a careful review of our recent experience with the law and are worthy of most careful consideration. I hope that the bill will receive the prompt attention of the Immigration and Nationality Subcommittee.

ADMINISTRATION OMNIBUS IMMIGRATION BILL—HIGHLIGHTS

First. Applies a uniform preference system to both hemispheres but with separate numerical ceilings—170,000 Eastern, 80,000 Western—plus 35,000 each and no preference system for Canada and Mexico—20,000 maximum for all other countries.

Second. Permits religious workers—as well as ministers—to enter as special immigrants.

Third. Revises the preference system as follows:

Fourth preference: No change.

First preference: Cut from 20 percent to 10 percent.

Second preference: Adds parents of permanent resident aliens over 21.

Third preference: Increased to 15 percent—from 10 percent—plus falldown.

Fourth preference: No change.

Fifth preference: Cut to 20 percent—from 24 percent—and limited to unmarried brothers and sisters.

Sixth preference: Raised to 15 percent—from 10 percent.

Seventh preference: Refugees increased to 10 percent—from 6 percent—for both hemispheres.

Fourth. A visa waiver provision—H.R. 14596—for 90-day tourists is incorporated.

Fifth. The Attorney General's discretion to waive grounds of inadmissability for close relatives of U.S. citizens is broadened with other aliens also eligible for waiver if offenses were more than 10 years previous.

Sixth. Western Hemisphere aliens, except natives of Canada and Mexico, are permitted to adjust status in the United States.

Seventh. Employers who knowingly employ aliens ineligible to work or fail to inquire as to eligibility are subject to criminal penalties as are nonimmigrants who take gainful employment without permission.

Eighth. Naturalization procedures are updated and liberalized.

Ninth. The loss-of-nationality provisions of the present law for voting in foreign elections, desertion, and departure to avoid military service are repealed since they have been ruled unconstitutional by the Supreme Court.

Tenth. Cuban refugees who adjust status are excepted from the Western Hemisphere numerical ceiling.

Eleventh. Temporary workers in the Virgin Islands are made eligible for permanent residence.

JUST WATCH THOSE OVERDRAFTS IN THE NATIONAL DATA BANK

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. GALLAGHER. Mr. Speaker, columnist Arthur Hoppe, appearing in today's Washington Star, has revealed a previously ignored ramification of the national data bank. He points out that the bank will be a much desired status symbol for those who are to be included. Further, since we are a society which always preaches and almost always practices equality, it would be undemocratic to exclude anyone.

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Since my Special Subcommittee on Invasion of Privacy considered the Bureau of the Budget's proposal for a national data bank in 1966, few issues have caught the imagination of the American public with quite the same emotion. Much of that emotion is of the fearful, "1984" variety and the rest has been to point to the bank as the ultimate savior of a just society.

Mr. Hoppe's novel approach leads me to speculate that the only true status symbol in the data rich, privacy poor society will be a badge authorizing the wearer to pull dossiers from the bank. An open ended account, on which you can draw and everyone else can check, is funny in Mr. Hoppe's context, but deeply disturbing in other less graceful approaches.

Mr. Speaker, Mr. Hoppe's flight of fancy is a provocative addition to the continuing debate over whether the Age of Aquarius will actually be the Age of Aquariums in which we live most of our lives in a fishbowl. While we may be laughing all the way to the bank as described by Mr. Hoppe, I am very much concerned that unless the Congress begins to take positive action to control computer technology, this fine article will be characterized as "gallows humor." I am pleased to insert the column into the RECORD at this point:

EVERYBODY WANTS A DOSSIER

(By Arthur Hoppe)

Millions of Americans will naturally be outraged to learn that the government has, in effect, already established a National Data Bank—a network of computers that now keeps dossiers on several hundred thousand "persons of interest."

What will naturally outrage millions of Americans is the realization they've been left out. Who wants it known that his own government doesn't even consider him a "person of interest"?

Thus far, however, the only outraged American to take action is Mr. Norbert Phrang. Suspecting that he'd been overlooked, Mr. Phrang marched down to the First National Data Bank in Washington's financial district and demanded to open an account.

He was greeted rather coolly by the seventh vice president, Mr. Graspar Grommet, who was seated at a walnut desk behind a placard bearing the bank's motto:

"The bank that cares about you!"

"I'd like to open a special checking account," said Mr. Phrang airily, "so that the FBI, the Acme Credit Bureau and whoever-it-may-concern can run special checks on me."

"Not so fast, Mr. Phrang," said Mr. Grommet, drumming a pencil on his memo pad. "We do have a reputation to uphold. Now, let's see, have you ever been arrested?"

"Well," admitted Mr. Phrang nervously, "I've had three parking tickets and a speeding citation."

"Hmmm. Have you ever undergone bankruptcy, been denied credit or failed to pay your taxes?"

"Never! I've got an A-one credit rating."

"I see. Now then, have you ever engaged in adultery, homosexuality, child molesting or unnatural sex acts?"

"Good heavens, no! And I resent your prying questions."

"Easy does it, Mr. Phrang. We're only doing our job. Lastly, how do you feel about Vice President Agnew?"

"I think he's the third greatest living American—only a cut below President Nixon and Billy Graham. And when it comes to these long-haired peaceniks . . ."

"Look here, Phrang," interrupted Mr. Grommet with a scowl. "You're wasting my time. Obviously, you're a loyal, honest, normal member of the Silent Majority. As such, you're a person of no interest whatsoever. Please take your business elsewhere."

Mr. Phrang was so incensed by this rebuff, that he took his cause to the hustlings—calling on his fellow millions of forgotten Americans to rise up and demand their rightful place in the National Data Bank.

There was no question his campaign would have caught fire in this nation of status-seekers. But the Justice Department, fearing a run on the bank, declared his activities subversive and a personal account was promptly opened in his name.

Naturally, Mr. Phrang has not spoken to a person of no interest since.

But Mr. Phrang was simply a man ahead of his time. For with the advances in computer technology, our government will soon be able to take a personal interest in all of us—keeping a daily record of the morality, the political thinking and the comings and goings of each and every one of us.

After all, it's the only democratic way to run a bank like this.

CAMPUS UNREST: DON'T BLAME MR. NIXON

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. GERALD R. FORD. Mr. Speaker, as the Campus Commission on Unrest sets out to blame the President, the war, and a heartless society for the violent actions of some of our children, it is heartening to learn that not all of our children think burning buildings and throwing rocks is the answer to society's ills.

Douglas L. Hallett, a Yale University senior and editorial chairman of the Yale Daily News, has written another view for the Wall Street Journal. I commend it to the attention of my colleagues:

CAMPUS UNREST: DON'T BLAME MR. NIXON

(By Douglas L. Hallett)

WASHINGTON.—President Nixon has now had an opportunity to study the initial testimony of his Commission on Campus Unrest headed by William Scranton. He has also received a report from his special adviser on campus problems, Alexander Heard, chancellor of Vanderbilt University. Hopefully he will read both selectively. Although the commission and Mr. Heard have elucidated some of the problems facing universities, their basic thrust is much too one-sided and much too limited by contemporary events to be of any real value.

While the testimony before the Scranton commission and Mr. Heard's report make some reference to the need for reform on university campuses themselves, the dominant tone is somewhat different: The President is at fault. He must listen to the students, respond to their views, end the war, and if that cannot be done tomorrow, at least try to "communicate" with the nation's colleges and universities.

"It may well be that the only line in your report that will have meaning for our colleges and universities is the line that reads: 'This war must end'," said Sen. Edward M. Kennedy (D., Mass.). From Robben Flemming, president of the University of Michigan: "An end to the use of American troops in Vietnam will not still campus unrest, but it will do more than anything else to help contain it." From Charles Palmer, president of the National Student Association: "As long as there is substantial American military involvement in Indochina, students will continue to oppose it."

And the foundation of criticism of the war is always buttressed with the nation's other alleged failings. "Unless we can begin now (restoring youth's faith by doing their bidding)," testified Yale psychologist Kenneth Keniston, "ours will not only be a divided and sick society, but a society that has lost the best of its youth—a society on its deathbed." Even calm Mr. Heard recommended "that the President increase his exposure to campus representatives, including students, faculty and administrative officers, so that he can better take into account their views, and the intensity of those views, in formulating domestic and foreign policy."

There is, of course, some validity in these views. Certainly the war and the threat of the draft have created consternation on campus. Certainly many able students are shocked by the disparity between their own luxury and the deprivation around them when they leave comfortable suburban high schools for the dirt and tedium of urban university neighborhoods.

IMPORTANT SOCIAL FACTORS

Even more important are other social factors the Scranton Commission and Mr. Heard have yet to discuss. Students discover in college for the first time that they will not inherit the earth, that the increasingly centralized nature of the American economy has foreclosed many of the opportunities for self-expression they thought they would have. Thousands study international relations in college, but the State Department can use only 150 each year. Only a few in any profession can rise to positions where individual initiative and creativity are truly possible.

But no amount of frustration with society justifies or explains the destructive path some student protest has taken recently. President Nixon has withdrawn more than 100,000 troops from Vietnam and instituted draft reform that will lead to a voluntary army. He has proposed an income maintenance plan that would be the most revolutionary domestic program in a generation and he is already the first President since Franklin Roosevelt to spend more on domestic programs than on defense.

It can be argued that these steps are not enough. But can it really be argued that they are so unsatisfactory that burning buildings and disrupting classrooms become justifiable or even understandable?

Can it really be argued that students, a group possessing the luxury of time to use traditional political channels and the most potential for eventually controlling them, deserve the President's special attention?

Can it really be argued that students are doing anything more than indulging their own uncontrolled emotions when their activities polarize the society and undermine the political viability of issues with which they are supposedly concerned?

Mr. Keniston and others who have been counseling the President over the past few weeks may be optimistic about the students and their concerns, but the real radicals in this society fear them. They see many students, as indulging themselves at their expense. The Black Panthers denounced the white students who took to the streets during the May weekend demonstrations as "racist exhibitionists who know black people, and not they themselves, will have to face the repercussions of their madness."

And Steven Kelman, a Socialist and recent Harvard graduate whose book, "Push Comes to Shove," is the best yet on campus unrest, blasted his fellow students before the Scran-

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ton Commission for their "snobbish, arrogant and elitist attitude." He said unrest would continue "as long as students continue to regard the American people not as potential allies in solving problems but as an enemy to be confronted."

A FUNDAMENTAL REALIZATION

Neither the Panthers nor Mr. Kelman would appreciate being coupled with Vice President Agnew, but they share with him one fundamental realization: Most so-called student radicals cannot be trusted. Students don't know what they want. They identify for periods of time with anybody from Eugene McCarthy to Bobby Seale, but their commitments are transitory. The outrage that followed the Cambodian incursion has not been followed by sustained political activity among students. As president Kingman Brewster of Yale knew when he undertook his policy of generous tolerance last spring, students get bored easily when it comes to the hard work of political organization and stop when the initial enthusiasm has passed.

Worse, yet students are frighteningly ignorant of the problems the country faces and of the efforts that have been made to solve them. They react strongly to rhetoric because they have nothing else on which to rely. It can be argued that President Nixon's withdrawal from Vietnam is too slow, but those who make this point should be willing to acknowledge that Mr. Nixon is doing exactly what Robert Kennedy proposed in 1968.

Similarly, it is possible to quarrel with the "new urbanology" of Daniel Patrick Moynihan and Edward Banfield, but it should also be clear that their approach is designed partially to eliminate the statism that proved so ineffective in the Johnson Administration's "Great Society" programs. Students, in their false morality, refuse to make these acknowledgements because their historical sense is too weak to breed in them the tolerance that should come with learning.

Responsibility for this situation does not, as the Scranton commission testimony and Mr. Heard's report come close to implying, lie with Mr. Nixon. Rather, as only a few brave academic souls such as former Cornell President James Perkins have partially conceded, it lies with the very same people who have been devoting so much energy to blaming the President: The faculty and administrators of the nation's colleges and universities. During the Fifties, Mr. Perkins argues, universities became so distracted by the McCarthy furor that they failed to keep pace with changing historical currents. Instead of changing teaching content and academic structures, they just marked time.

On a public policy level, Mr. Perkins believes this led to the universities' advocating two premises that were "bankrupt" long before the academic community noticed. One was that the United States could intervene freely throughout the world. The other was that integration, accepted by both black and white, would be the answer to racial tensions.

Mr. Perkins says these faulty ideas have "chopped up" universities. And although he does not continue his argument, presumably he means that this has taken place at least partly because the universities have refused to accept responsibility for their views. Now, in their efforts to escape responsibility, they are blaming Mr. Nixon. In the process, they are breeding in their students the kind of rigidity that comes only with a one-sided historical analysis.

UNCHANGED SINCE THE MIDDLE AGES

The Perkins analysis can also be extended to the internal structure of universities. Universities are the only institutions in American society that have not fundamentally changed since the Middle Ages. They still maintain highly structured tenure systems that protect incompetence and cheat the student out of the personal tutoring that he is told the best universities offer. But the academic community's own rigidity does not stop it from lashing out at the political system and accusing it of the very same authoritarianism and repression academic institutions so perfectly exemplify. Learning from people who engage in this kind of self-delusion and self-projection, students naturally come away confused about their history and their place in it.

In fairness, it must be noted that the problem lies deeper than the campus. The loss of historical perspective and the diminished and unsure sense of the self that it brings have been encouraged by other institutions as well. Writes historian Daniel J. Boorstin, "In our churches the effort to see man sub specie aeternitatis has been displaced by the 'social gospel'—which is the polemic against the supposed special evils of our time. Our book publishers and literary reviewers no longer seek the timeless and durable, but spend most of their efforts in fruitless search for ala mode 'social commentary'—which they pray won't be out of date when the issue goes to press in two weeks or when the manuscript becomes a book in six months." Nor have the news media, in this day of up-to-the-minute television coverage, done much to develop in their audience a feel for the slow and deliberate character of social change.

But inevitably the universities must take primary responsibility for the confusion among many of our students. More than any other institution, they influence the thoughts and feelings of the brightest of our young. And more than any other institution, they are responsible for preserving our past and passing along the best of it to the next generation. They have failed miserably in that role. And only when they begin to succeed will students turn to move constructive paths for their emotional surges.

This does not mean President Nixon cannot take some steps to ease campus tensions. He can persuade his Vice President to soften his statements that appear to many students to be deliberate incitement to riot. He can make a far better intellectual presentation of his own views than he has so far. He can begin advocating the kinds of public and private decentralization that will create new opportunities for self-expression for students and others. But Mr. Nixon should resist, and resist vigorously, anybody who advises him to institute artificial consultation with students that cannot be followed by policy decisions the students desire. The problem goes far beyond anything symbolic gesturing could solve, and besides, students get too much of that already on their campuses.

PROPOSED ARMS SALE TO SOUTH AFRICA

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. REID of New York. Mr. Speaker, 46 Members of the House and the Senate have signed a letter to Secretary Rogers and issued a statement indicating our deep concern about the proposed sale of arms to South Africa by Great Britain. We are especially concerned that such a step will not encourage the growth of nonracialism or peaceful change to independence and majority rule that are crucial to the future of southern Africa.

I am including in the RECORD at this point a copy of our letter and statement, along with a list of all the signatories:

LETTER TO SECRETARY OF STATE ROGERS ON PROPOSED BRITISH ARMS SALE TO SOUTH AFRICA

AUGUST 11, 1970.

HON. WILLIAM P. ROGERS
Secretary of State.

DEAR MR. SECRETARY: We are writing to express our deep concern about the proposed decision of the new British Government to sell arms to South Africa, in implementation of the Simonstown Agreement of 1955.

In our view, an affirmative decision of this character would have the gravest international repercussions. Not only would the continued existence of the Commonwealth as a multi-racial organization be seriously in doubt, but the sale of arms may well be viewed as an invitation to increased militancy by the black African states.

The sale of arms to South Africa by any nation is in direct violation of a 1963 Security Council embargo. Moreover, any future arms deal with the Vorster govern-will plainly flout a new and tightened embargo voted unanimously by the Security Council on July 23 of this year. We applaud the U.S. reaffirmation in March of our own embargo on such sales, but surely respect for the rule of law will not be enhanced by disregard of these two forthright United Nations resolutions. While there is no question but that the Soviet Union is attempting to outflank NATO, to strengthen its position in the Near East, and to focus on the Persian Gulf, the response to this should not be further arming of South Africa.

Our chief concern, however, is that while the arms are intended solely for maritime defense, no paper promises will insure that the weapons will not be used to uphold white supremacist regimes at the expense of majority rule that must come to all of southern Africa. The sale of arms to the Vorster regime by Great Britain, or any other nation, regardless of the safeguards attached thereto, will regrettably enhance the diplomatic stature of the South African Government.

Consistent with the strong endorsement you and the President have given the Lusaka Manifesto, we would hope that the United States will take a strong stand on his issue at the United Nations. Further, we are sure that appropriate representations will be made to Her Majesty's Government to indicate the United States' view and to emphasize that the proposed British action could be widely misinterpreted throughout the world. As the very least, any British arms sale to South Africa may well dash the hopes held by many that peaceful change to independence and majority rule can prevail in that continent and throughout the underdeveloped nations of the world.

With best regards.

STATEMENT BY MEMBERS OF CONGRESS ON PROPOSED BRITISH ARMS SALE TO SOUTH AFRICA

As Members of the House and Senate who have long been concerned about Africa, we deplore the announced intention of the new British Government to resume the sale of arms to South Africa, in implementation of the Simonstown Agreement of 1955, providing for British-South African cooperation in the defense of the sea lanes around the Cape of Good Hope. While there is no question but that the Soviet Union is attempting to outflank NATO, strengthen its position in the Near East, and focus on the Persian Gulf, the response to this should not be further arming of South Africa.

The British Government has proposed to supply arms to a racist and repressive regime. While the arms are intended solely for maritime defense, no paper promises will insure that the weapons will not be used to uphold white supremacist regimes at the expense of majority rule that must come to all of southern Africa. The sale of arms to the Vorster regime by Great Britain or any other nation, regardless of the safeguards attached thereto, will regrettably enhance the diplomatic stature of the South African government.

Tanzania and Uganda have already indicated that they would withdraw from the Commonwealth if this plan were carried through; indeed, the viability, if not the very existence, of the Commonwealth as a multiracial organization is at stake. Moreover, the provision of arms to South Africa by Great Britain may well be an invitation to increased militancy by the black nations of the continent. Surely, a call to arms anywhere in Africa will not encourage the growth of non-racialism or peaceful change to independence and majority rule that are crucial to the future of the continent.

The sale of arms to South Africa by any nation is in direct violation of a 1963 Security Council embargo. Moreover, any future arms deal with the Vorster government will plainly flout a new and tightened embargo voted unanimously by the Security Council on July 23 of this year. This newest resolution calls for the embargo to be carried out "unconditionally and without reservations whatsoever."

As Members of Congress, we urge Members of Parliament, and the British Government to debate this issue fully and forthrightly, and to reverse the Government's intention before a tragic decision is taken.

LIST OF SIGNATORIES

CONGRESSMEN

Reid, Ogden (R-NY).
Bingham, Jonathan (D-NY).
Brademas, John (D-Ind.).
Brown, George, Jr. (D-Calif.).
Burton, Phillip (D-Calif.).
Chisholm, Shirley (D-NY).
Conyers, John, Jr. (D-Mich.).
Corman, James C. (D-Calif.).
Culver, John C. (D-Iowa).
Diggs, Charles C., Jr. (D-Mich.).
Edwards, Don (D-Calif.).
Fraser, Donald M. (D-Minn.).
Gude, Gilbert (R-Md.).
Halpern, Seymour (R-NY).
Harrington, Michael (D-Mass.).
Hawkins, Augustus F. (D-Calif.).
Helstoski, Henry (D-NJ).
Jacobs, Andrew, Jr. (D-Ind.).
Kastenmeier, Robert W. (D-Wis.).
Koch, Edward I. (D-NY).
Lowenstein, Allard K. (D-NY).
McCarthy, Richard D. (D-NY).
Mikva, Abner J. (D-Ill.).
Moorhead, William S. (D-Pa.).
Morse, F. Bradford (R-Mass.).
Moss, John E. (D-Calif.).
Nix, Robert N. C. (D-Pa.).
O'Neill, Thomas P., Jr. (D-Mass.).
Ottinger, Richard L. (D-NY).
Reuss, Henry S. (D-Wis.).
Rosenthal, Benjamin S. (D-NY).
Roybal, Edward R. (D-Calif.).
Ryan, William F. (D-NY).
Scheuer, James H. (D-NY).
Stokes, Louis (D-Ohio).
Thompson, Frank, Jr. (D-NJ).
Whalen, Charles W., Jr. (R-Ohio).
Tunney, John V. (D-Calif.).
Wolff, Lester L. (D-NY).

SENATORS

Brooke, Edward W. (R-Mass.).
Cranston, Alan (D-Calif.).
Goodell, Charles (R-NY).
Javits, Jacob K. (R-NY).
Kennedy, Edward M. (D-Mass.).
Moss, Frank E. (D-Utah).
Packwood, Robert (R-Oreg.).

THE 1½ WAR STRATEGY

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. MORSE. Mr. Speaker, in the past few years the Congress has become increasingly concerned over the volume and directions of our military growth. From the relatively restricted position of simple "massive retaliation" which was developed in the fifties we have moved to a much more complex position of "flexible response" which, quite apart from the specific issues of Vietnam, ABM, cost overrides, and disarmament, appears to have placed us in the questionable posture of preparing to meet headon any and all contingencies arising in any and all corners of the globe.

I think it is unwise to assume that we should, or indeed that we can be an effective policeman for the world. On the other hand, we would be equally unjustified in thinking that a fortress America, withdrawn from foreign involvements and defending itself with a huge nuclear arsenal, can serve our interest in security and international peace in the years ahead.

Consequently, I have been pleased with the initiatives taken by the Nixon administration to restructure our military position to more perfectly correspond with the real-world situation of today. As these policies take effect, I am confident that we will find it easier to keep military budgets within realistic and manageable limits while at the same time retaining the necessary ability to respond to international crises as the need arises.

The following article, which appeared in yesterday's Washington Post, presents what I believe to be a sound appraisal of the Nixon approach. Mr. Harwood's thoughts merit our considered attention at this critical juncture.

The article follows:

THE "1½ WAR STRATEGY"

(By Richard Harwood)

In the 1950s, the Eisenhower administration developed a military doctrine that came to be known as "massive retaliation." It was based on three assumptions: (a) that the Soviet Union and China were potential enemies; (b) that they could be "contained" or "deterred" with nuclear weapons; (c) that huge conventional armies were therefore unnecessary.

In accordance with that doctrine, the armed forces were cut back from 3 million to 2.5 million men between 1955 and 1960. The military budget leveled off at about $45 billion a year.

When the Kennedy administration came to power, a new doctrine was born. It was called "flexible response." It was based on the theory that the United States in the 1960s must be prepared to fight all kinds of wars, including guerrilla "wars of national liberation."

Accordingly, a substantial buildup of conventional forces began. The armed forces were enlarged by about 500,000 men between 1960 and 1965; another half-million were added in the last half of the decade.

Today, a new military doctrine based on a "1½ war strategy" is emerging. It strikes a compromise between "massive retaliation" and "flexible response." It involves fewer men and less money than the doctrine of the 1960s and, presumably, assumes that we will be involved in fewer wars. That seemed to be what the President was telling Congress a few months ago in explaining what he was up to:

"The stated basis of our conventional (military) posture in the 1960s was the so-called '2½ war' principle. According to it, U.S. forces would be maintained for a three-month conventional forward defense of NATO, a defense of Korea or Southeast Asia against a full-scale Chinese attack, and a minor contingency—all simultaneously. These force levels were never reached.

"In the effort to harmonize doctrine and capability, we chose what is best described as the '1½ war' strategy. Under it, we will maintain in peacetime general purpose forces adequate for simultaneously meeting a major Communist threat in either Europe or Asia, assisting allies against non-Chinese threats in Asia, and contending with a contingency elsewhere."

In the past 18 months, the strength of the armed forces has been cut by about 300,000 men. A further cut of 250,000 men by next summer has been promised by Secretary of Defense Melvin R. Laird. Still another reduction of 500,000 men by the summer of 1972 is contemplated in planning papers now circulating in the Pentagon.

If all these troop reductions come to pass, our conventional forces 24 months hence will be back to the levels of the late 1950s.

The social implications of this are substantial. Hundreds of thousands of jobs in defense-related industries already are being eliminated and that process probably will continue in the years just ahead.

The draft would cease to be a major irritant in our national life. An all-volunteer Army would be a practical, if perhaps unwise, option for the Pentagon. The "reordering of national priorities," which both the President and Laird have promised, could be speeded up.

For American liberals, there is great irony in these past 10 years of military history, as Richard Goodwin, one of the elders of the New Left, has noted.

They came to power in the 1960s to work a social revolution. They ended up with a bloated military establishment, a divisive war, and domestic chaos.

"Two of the villains," Goodwin has charged, ". . . are the Harvard University Department of Economics and the Harvard Business School: One for having introduced the 'new economies,' which persuaded the U.S. government that it was all right to spend enormous amounts of money—money for which the military became the natural outlet; and the other for introducing management techniques into the Pentagon that made the military far more efficient in pursuit of their requests than they ever were before . . . Maybe what I'm suggesting is almost a return to the doctrine of massive retaliation as a military strategy."

That's the difference a decade can make.

A 22-PERCENT DEPLETION ALLOWANCE PROPOSED TO STIMULATE INCREASED PRODUCTION OF LOW-SULFUR COAL IN WAR ON AIR POLLUTION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. PUCINSKI. Mr. Speaker, it is my intention on Friday to introduce legislation which will permit a 22-percent depletion allowance in earnings derived from the mining of low-sulfur coal or low-sulfur solvent refined coal.

I believe the only way we can meet the enormous problem of air pollution and still produce the energy we need to keep our industry going is through increased production of low-sulfur coal or low-sulfur byproducts from coal.

I am inserting in the RECORD today an excellent study prepared by Edward J. Petkus, research associate of the Chicago department of environmental control on the availability of low-sulfur deposits in Illinois and the rest of the Nation.

I believe this report will contribute toward a better understanding of my bill.

The report follows:

THE AVAILABILITY OF LOW SULFUR COAL IN CHICAGO

(By Edward J. Petkus, research associate, Department of Environmental Control, Chicago, Ill.)

SUMMARY

There is a nationwide shortage of coal and even a more severe shortage of low sulfur coal. Practically all the low sulfur coal now being mined is tied up in long term contracts with steel mills or utilities. Steel mills require low sulfur coal for metallurgical purposes and utilities such as Consolidated Edison of New York require it because New York City has had a 1% sulfur coal ordinance in effect for some time.

Nationwide the reserves of coal with less than 1.5% sulfur are enormous. Based upon the 1969 production rate of 580 million tons, there is sufficient quantities of 1.5% sulfur coal to last over 200 years at a 50% recovery rate. This assumes that there would be a demand for 1.5% sulfur coal for the entire 580 million tons. The only near term solution to the shortage of low sulfur coal is to open new mines in areas with this type of coal. The utilities can exert considerable leverage on coal mining companies to open the required mines because theirs is the only market that is expanding substantially in the usage of coal.

The Chicago area has traditionally received most of its coal from the Illinois-Indiana-West Kentucky coal field and particularly from Illinois because of low cost due to the very large efficient mines in Illinois and because of low transportation costs. Unfortunately coal from Illinois mines averages over 3% in sulfur and most of it is unsuitable to use in Chicago, where a city ordinance will require 2% sulfur coal this summer and ultimate stepwise reductions to 1.5% sulfur. The reserves of low sulfur coal are small in Illinois being only about 1.5% of the total reserves with a sulfur content less than 1.5%. However, there are fifty different coal seams in Illinois and 85 to 90% of the production to date has come from only two of these and the remainder from only four others. Therefore, the coal reserves of Illinois have been exploited in only a minor way and it is possible that large quantities of low sulfur coal may yet be discovered.

Commonwealth Edison Company burns about two-thirds of the coal used in the Chicago area. Recently, Edison announced that they will comply with the pending city ordinance by various expedients. Switching to use of imported fuel oil, natural gas and the use of coal from the west will substantially reduce their sulfur emissions. The largest coal burning stations in the Edison system all lie in one direction from Chicago, which is to the southwest. With a prevailing wind from this direction, all the exhaust SO_2 could be picked up and carried over or into Chicago's air. No further coal plants should be built in this general direction. The necessity of Edison to go to the west illustrates the lack of availability of low sulfur coal nearer to Chicago from Appalachia or Illinois.

The City of Chicago Purchasing Department has had difficulty in securing sufficient low sulfur coal for its needs. Only one of eight companies that specifically have mines yielding low sulfur coal submitted a bid to the City for 2.3% sulfur coal and this was a small company, which may not be able to deliver the entire yearly demand of 125,000 tons of bituminous coal.

A telephone survey of Chicago coal dealers found that the majority of coal in inventory had a sulfur content of less than 2.5%. None of the dealers foresaw any problems in bringing their inventory of high sulfur coal down to zero by this summer. An on-site verification of their file data may be sufficient to determine their inventory of coal with a sulfur content above 2.5% and also to gauge the high sulfur coal inventory of their customers.

NATIONAL LOW SULFUR COAL SUPPLY

The one over-riding fact is that there is a countrywide shortage of coal. Total coal demand in 1969, as in 1968, outstripped production by a margin of some 20 million tons. As a result, stockpiles were drawn down and are still being drawn down to meet the deficit. This countrywide shortage means that there is demand for any type of coal, either high or low in sulfur. Under these conditions, there is little incentive for producers to reduce their mining of high sulfur coal and increase their production of low sulfur coal. A bargraph breakdown of bituminous coal consumption in the Coal Age magazine issue of February, 1969, shows that steel and industrial consumption of coal has been relatively static during the past 10 years. Most of the expansion of consumption has been in the utility and export market. The retail consumption of coal has steadily decreased over the past decade. Following is the relative consumption of each classification: Utilities, 316 million tons (54.7%); steel, 102 million tons (17.6%); cement and other manufacturing, 94 million tons (16.3%); export, 31 million tons (6.8%); retail deliveries, 15 million tons (2.5%).

Total bituminous coal production was estimated to be 578 million tons in 1969 and 554 million tons in 1968. The all time high for bituminous production was 631 million tons in 1947. Coal Age magazine expects this production record to be surpassed in either 1970 or 1971.

This report deals almost exclusively with bituminous or soft coal. This is the overwhelming type of coal being mined and used in the States. The production of anthracite of hard coal represents only 2% of that of bituminous production and has been in a steady decline for many years. The other types of fossil fuels such as peat, brown coal, lignite and sub-bituminous are not in wide spread use in the United States. There are two main bituminous fields in the United States that supply practically all of the coal for Chicago and the Midwest. These are the Illinois-Indiana-West Kentucky field and the Appalachian field extending from Pennsylvania through West Virginia, East Kentucky and south to Alabama. Because of marketing and transportation patterns, most of the Appalachian coal sold to the Chicago area comes from East Kentucky or West Virginia. There are many smaller coal fields in the country but in general the coal is used locally and is not exported to other states. Bituminous coal is not a specific type of coal but represents a range of fossil fuels. Bituminous coal has a carbon content of 78–92%, hydrogen about 5.3%, and oxygen about 8%.

There are both long term and short term reasons for the countrywide shortage of coal. The long term reasons are the fundamental causes for the present shortage and began during the post World War II period. The all time record bituminous production was 631 million tons in 1947 and marked the beginning of a large scale switch to oil and gas energy by industrial and residential users. In particular, railroad usage went from a maximum of about 140 million tons to practically nothing now and space heating demands from 120 million tons to about 15 million tons now. In contrast, utility usage has expanded from about 80 million tons to about 320 million tons today. The overall result was a decrease in the total market for coal to about 360 million tons in 1954 from 630 million tons in 1947. This loss of markets caused a loss of profits and very little capital expenditures were made during this period not only by the mining companies, but also by the railroad companies. The railroad companies spent very little on railroad cars and appurtenant equipment during this period and the car shortage is persistent even to this day. In the 1950's, there was much propaganda espoused about the coming of nuclear power and the decrease in markets for coal. This also had a bad effect on capital expenditures by mining companies and railroads. It wasn't until the middle and late 1960's that the coal people finally realized that coal markets were expanding and that they had a definite future for many years in the overall energy picture in the United States, and this began an upsurge in capital expenditures.

In the short term, there is a very definite shortage of railroad cars. Some mines could only operate 2 or 3 days a week because of railroad car shortage during the current winter. The changing marketing pattern, caused by demands for low sulfur coal also is contributing and will contribute to the coal shortage. For example, large amounts of coal will now be shipped from Wyoming and Montana by Edison, which will mean a 1,200 mile shipment instead of perhaps 300 miles. This in effect will require four times as many coal cars to be used for transporting the western coal to Chicago. There is also a shortage of skilled help and supervisory help. Skilled help is now needed instead of ordinary labor because most of the mines are totally mechanized. Complex machinery has to be operated by trained pepole. On the supervisory level, only 100 mining engineers were graduated from 10 schools in 1969. Fifteen years ago 37 schools turned out 500 mining engineers.

The economic ties between the Utilities and the Coal Companies are very intimate and are the basis for expansion of coal production in the United States. First of all, the utilities used about 55% of the entire coal output in the United States in 1969 and they are the only consumer that is expanding usage of coal. Industrial, mining and export usage has been relatively static during the past few years. One mining company stated that no new mine can be developed unless a long term contract for the purchase of at least 2,000,000 tons per year is obtained and the great majority of these contracts are no doubt obtained from utilities. This long term contract is then submitted to various financial institutions to obtain a loan and cash for mine development. There is no question in my mind that considerable leverage can be exerted on the mining companies by the utilities to open low sulfur coal mines. Public opinion should continue to be applied to utilities to force them in the direction of low surfur coal usage. Commonwealth Edison Company has only this past week secured the necessary low sulfur coal to comply with the City ordinance.

Bureau of Mines data for the entire United States was presented by the Illinois State Geological Survey with corrected data from Illinois. This data is summarized below:

Sulfur range, percent	Tons × 10^6	Percent	Cumulative percent
0.7 and below	104,200	14.3	14.3
0.8 to 1	110,900	15.2	29.5
1.1 to 1.5	49,100	6.7	36.2
1.6 to 2	43,600	5.8	42.0
2.1 to 2.5	47,600	6.5	48.5
2.6 to 3	51,400	7.0	55.5
3.1 to 3.5	90,100	12.4	67.9
3.6 to 4	127,400	17.5	85.4
Over 4	105,200	14.4	99.8
Total	728,500	99.8	

Note: Years of production based upon 1969 output of 578×10^6 tons. Equal $(104{,}200+110{,}900+49{,}100)\times10^6$ over $578\times10^6 = 457$ years.

This shows that there is a tremendous amount of coal in the ground with a sulfur content of 1.5% or less. If only 50% of the reserves are recoverable, there would still be over 200 years of production possible at the 1969 rate. This assumes that the entire 1969 demand would be for 1.5% sulfur coal. There will probably always be a demand for higher sulfur coal in areas outside of metropolitan areas which do not have air pollution problems.

ILLINOIS LOW SULFUR COAL RESERVES

Illinois coal is of special interest to Chicago because of its proximity and low mining cost. Illinois coal is easy to mine because it is shallow, and occurs in relatively thick seams. Three of the four biggest mines in the country are Illinois mines with the top two being Peabody Coal's, River King mine and Southwestern Coal's. Captain each yielding over 5 million tons a year by stripping mining. Illinois has the larges bituminous coal reserves in the country of about 140 billion tons. In 1969, Illinois mines produced 64.8 million tons of coal and about 60 million tons in 1968. About 43.5 million tons were consumed in the state in 1968 leaving about 16.5 million tons for export from the state. Following are the consumption figures for 1968:

	Million tons	Percent
Electric utilities	28.2	64.8
Coke and gas plants	3.1	7.1
Retail	3.3	7.5
Industrial and other	8.9	20.6
Used in Illinois	43.5	100.0
Exported	16.5	
Total	60.0	

At the 1968 production rate of about 65 million tons, Illinois has enough coal to last over 2,000 years or 1,000 years at a 50% yield without regard to the sulfur content.

Recent testimony of Mr. Jack Simon of the Illinois State Geological Survey before the Illinois Commerce Commission stated that only 3% of the reserves of coal in Illinois have a sulfur content below 2.5% and perhaps half of this was coal with a sulfur content less than 1.5%. However, because the coal reserves are so vast and the production to date relatively small, these reserves have been exploited in only a minor way. There are fifty different coal seams in Illinois and 85 to 90% of the production to date has come from two of these, which are Herrin No. 6 seam and the Harrisburg-Springfield No. 5 seam. It is possible that much more testing, development and exploitation could reveal a great deal more low sulfur coal. There is a large disparity in estimates of reserves of low sulful coal for Illinois as reported by the Bureau of Mines in 1966 and present estimates by the Illinois State Geological Survey (ICGC). As explained by the ISGS, the Bureau estimates are based upon 1935 data obtained from the ISGS. Much of the low sulfur reserves have been mined out since then because of demand for premium coal and there were some large errors in the Bureau report. For example, one large area was estimated to contain over 8 billion tons of coal with less than 2% sulfur, but recent detailed studies by the ISGS have revealed only 1 billion tons of low sulfur coal for this particular area. It must be emphasized that the ISGS is the ultimate source of current data for the State of Illinois and that Bureau of Mines reports are compiled from ISGS data and data from similar organizations in the other coal producing states. These conclusions are corroborated by the fact that Edison has had to go outside of Illinois to the western states to secure low sulfur coal. The western coal is probably lower in quality and the transportation costs will be much higher.

COMMONWEALTH EDISON CO.

Since Commonwealth Edison Company burns about two-thirds of the high sulfur coal in the Chicago area, some comments regarding their coal consumption program are in order. Table I summarizes the coal usage for each of their power stations in 1967. There have been some recent changes in these figures for the Chicago area plants, but these overall consumption figures can still serve as a guide line. One outstanding fact, that is derived from this table, is that the percentage of Edison's coal burned in Chicago proper is relatively small, being only 20.5%. However, Edison includes the Ridgeland plant in their Chicago planning because of its immediate location to the City and this would bring the coal burned up to 28.4% or 4,333,000 tons per year for the Chicago area. The largest Edison stations are the Will County station with a coal burn of 2,918,000 tons per year and Joliet with 4,243,000 tons per year. An unfortunate conclusion becomes clear upon studying the location of these Edison stations. With a prevailing southwest wind all the exhaust SO_2 is picked up consecutively from the Joliet, Will County and Ridgeland plants and brought directly into or over Chicago. No doubt these plants were placed in this location because of the availability of cooling water along the Illinois waterway. However, no further coal burning plants should be placed along this general direction. Recently Edison announced that the entire Ridgeland plant coal burn will be converted to fuel oil provided that a foreign oil import quota is obtained. Also the Northwest plant which burns a relatively minor 170,000 tons per year will be retired. The small size of the Northwest plant suggests that it is probably old and obsolete anyway. All but one coal burnnig unit at the Calumet station will be retired. These changes would reduce the coal burn to 2,800,000 tons from a previous 4,333,000 tons for the Chicago area.

Edison burns about one-fourth of the output of Illinois mines or about 16.2 million tons per year. This will create a very large shift away from Illinois mine production during the next few years. For the short term, because of the overall coal shortage, other outlets can probably be found for this coal output. In the longer term, as restrictions on high sulfur coal become more widespread and even State wide, the sulfur must be removed from the coal at the mine and in the boilers to maintain Illinois markets for coal. These sulfur removal research and development programs should be greatly expanded because of the very large economic consequences of shifting fuel markets. Edison stated that its natural gas usage will be increased by 50% in 1970 over the 1969 level. However, when this fuel is burned is of the utmost importance. Natural gas is available on a low cost basis mainly when space heating requirements are low, that is, in the May to October non-heating season. Since Chicago's air pollution alerts are based mainly upon SO_2 concentration, these alerts occur mainly during the heating season. The switching to 1.5% S fuel oil at the Ridgeland plant from a nominal 3.0 % S Illinois coal would halve the SO_2 emissions there.

TABLE I.—TOTAL COAL USED BY COMMONWEALTH EDISON CO., IN 1967 (1969 KEYSTONE COAL DIRECTORY)

Plant and address	Tons per year	Percent coal
Fisk, 1111 Cermak Road, Chicago	1,175,000	88
Crawford, 3501 S. Pulaski Rd., Chicago.	1,539,000	85
Northwest, 3400 N. California Avenue.	170,000	100
Calumet, 3200 E. 100th Street	241,000	71
Total coal usage Chicago proper	3,125,000	
Ridgeland, 4300 S. Ridgeland, Berwyn.	1,208,000	71
Joliet, Joliet, Ill	4,243,000	100
Waukegan No. 1, Waukegan, Ill.	1,945,000	87
Will County, Lockport Township	2,918,000	100
Powerton, Pekin, Ill	554,000	100
Dixon, Dixon, Ill	169,000	63
Kincaid, Kincaid, Ill	1,093,000	100
Total coal used, entire system	15,255,000	

Note: Percent coal burned in Chicago proper equals 3,125,000 over $15{,}255{,}000\times100=20.5$ percent. Percent coal burned including Ridgeland equals 4,333,000 over $15{,}255{,}000\times100=28.4$ percent.

CHICAGO LOW SULFUR COAL SUPPLY

Data from the City Purchasing Department was obtained from Mr. John O'Connor to determine their problems in obtaining low sulfur coal. Table I summarizes the City's fuel requirements for 1970. Smokeless coal has a low sulfur content and low volatility and is used in five water pumping stations, some library buildings (including the Main Library Building) and at Navy Pier. This coal has been used in these buildings for the past several years because of concern over air pollution, even though the coal is relatively high cost at $21.00 per ton.

Bituminous coal is the main fuel used in the City and specifically is used for five pumping stations and the Municipal Heating plant at 54 West Hubbard Street. These buildings are in the process of being converted to the usage of natural gas. Peoples Gas has assured the City that an ample supply of gas will be available for all City plants and buildings now being converted. This conversion should be completed within two years. Bituminous coal supplied to the City has for years come from Illinois mines mainly because of low freight rates. The sulfur content has been about 3% because inherently most of the coal mined in Illinois has a sulfur content greater than 2.5%. The Purchasing Department recently contacted five companies in Illinois and three in Eastern Kentucky that specifically have mines that yield coal with a sulfur content less than 2.5% to determine availability of low sulfur coal. All of these companies, except one smaller producer in Eastern Kentucky (Rialto Coal Company) claimed that their entire production of low sulfur coal is committed to steel industries or utilities under long term contracts. This small company may not be able to supply the entire city demand of 125,000 tons, therefore, the Department is asking for bids on smaller batches of 25,000 tons each from other companies. None of the large companies contacted would admit that they have any further low sulfur coal mines under development. Another small Illinois company, Ayrshire Coal Company, stated that they have a mine under development that gives indication of producing low sulfur coal, but it would take two or more years before coal could be delivered. The coal from Eastern Kentucky will be delivered beginning April 1, 1970, but its use is not without problems. Because of its low ash content, upon burning, the grates are not readily covered with ash and come in contact with hot burning coal, which can then cause grate damage. Data for fuel oil, diesel fuel and LPG is also included because it is available. All of these fuels have low sulfur content.

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TABLE 2.—CITY OF CHICAGO FUEL USAGE PER ANNUM IN 1970

Type	Amount	Unit	Total	Sulfur	Other
Smokeless coal	7,000 tons	$21 per ton	$150,000	Less than 1.5 percent	3-4 percent ash.
Bituminous coal	125,000 tons	$9 per ton	1,125,000	Normally 3 percent	
Fuel oil No. 1 Fuel oil No. 2	About 2,000,000 gallons	$0.135 per gallon $0.1164 per gallon	327,000	Very low	
Fuel oil No. 5	1,060,000 gallons	$0.078 per gallon	84,500	Less than 1½ percent	
Fuel oil No. 6	5,000,000 gallons	$0.0627 per gallon	313,500	Less than 2 percent	
Propane fuel (L.P.G.)	350,000 gallons	$0.0558 per gallon	19,500	Very low	No lead.
Diesel fuel No. 1 Diesel fuel No. 2	135,000 gallons	$0.1325 per gallon $0.1225 per gallon	17,687	Less than 1 percent do	

A telephone survey of Chicago coal dealers was made to determine their problems in regard to supplying customers with low sulfur coal. A total of seven coal dealers were interviewed from all parts of the city to obtain a representative sample. Each dealer referred to the extremely tight coal situation. They all have coal on order, but are receiving very little from the mines. So far they have been able to meet all requests by depleting their stockpiles. Their stockpiles are usually built up during the summer when the demand for coal decreases. At the present time the majority of coal in inventory is that with a sulfur content below 2.5%. My estimate is that 25% or less of the coal in inventory has a sulfur content greater than 2.5%. They consistently reported that the only coal in inventory with a sulfur content greater than 2.5% was Western Kentucky coal from seam number 11. All of the Illinois, East Kentucky, West Virginia and West Kentucky seam number six coal on hand had less than 2.5% sulfur. None of the dealers foresee any problem in reducing their high sulfur coal inventory to zero by July 5, 1970. Of course this does not mean that all the high sulfur coal will be used up by the consumer by this date. No doubt some consumers will have coal in the bin with a high sulfur content after this date. One dealer reported that he is attempting to get any type of coal because his inventory is so low. This means that he may receive coal with a sulfur content greater than 2.5% even though the ordinance is pending. All of the dealers appeared to have good data on the sulfur content of their coal so that actual analysis of coal in inventory after July 5 may not be necessary. An on-site verification of their file data in regard to amount of inventory and sulfur analyses may suffice. Inspection of records of shipment to their customers would be useful to gauge the inventory of high sulfur coal in the bins.

The Engineering Services Division of the Department of Environmental Control has a record of coal usage for every residential, commercial, industrial and utility user on several thousand cards. These data were last compiled for 1965 and are as listed below with modifications for utility usage, which includes 1970 data:

Type	Coal tons/year	Year
Residential	1,570,000	1965
Commercial	519,000	1965
Industrial	949,000	1965
Utility	2,800,000	1970

There have been no doubt reductions in coal usage since 1965 residential, commercial and industrial users due to conversions and urban renewal. Based upon the above figures coal usage by the utility plants is approximately one-half of the entire amount in the City proper.

IN DEFENSE OF THE F-111

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. PRICE of Texas. Mr. Speaker, on July 4, 1970, the Washington Star carried a story about the F-111 aircraft. The story is so filled with inaccuracies and gross distortions that, after some reflection, I feel compelled to set the record straight.

My interest in the F-111 has several origins. First, as a former jet fighter pilot in the Korean war I have developed an abiding concern about the air arm of this country's national defense system. Second, I am one of the few Members of Congress who has been privileged to actually fly and check out in the F-111. And third, I am a Representative from the great State of Texas, the State in which the F-111 is produced. These factors aside, however, I would have responded to this article in any event, if for no other reason that to serve the interest of truth.

At the outset, I want to make my position on the F-111 clear. On the basis of my aviation experience, particularly with reference to military aircraft, coupled with my personal knowledge of the plane itself, I can unhesitantly state that the F-111 has remarkable and unique characteristics which make it the most advanced and most capable military aircraft possessed by any nation in the world today.

Mr. Speaker, we in this Chamber are all well aware of the controversy surrounding the F-111. As I said during an earlier floor statement on this issue:

> Certain individuals and interests have unfairly and prejudicially attacked the F-111 and with such regularity that on balance I would say that more heat than light has been shed on the subject.

In this regard the Washington Star article entitled "F-111 Performance Far Short, Costs Rising, Air Force Finds," is a perfect example of unfair and prejudicial reporting. The article is filled with misstatements and misrepresentations; consequently, not only does it not have any real news value, it obscures more than it clarifies, and creates altogether new problems of public acceptance for a much maligned aircraft.

I would like my colleagues to read the full text of this article. Then I would like to look at key areas in the article where the author committed particularly grievous reporting errors. It follows:

F-111 PERFORMANCE FAR SHORT, COST RISING, AIR FORCE FINDS

(By William Howard)

A newly updated catalogue of deficiencies in the swing-wing F111 reveals the fighter bomber is falling far short in performance while costs keep on soaring.

In a report to Congress, the Air Force says the plane is so overweight—by nearly 7 tons—that it has to be flown lower and slower and needs more runway to take off than specified in the contract with General Dynamics Corp.

Particularly crucial is the F111's combat ceiling. The specification was for 62,300 ft.; the demonstrated performance inflight tests shows a ceiling of 57,200, a loss of more than 1 mile. The MIG-23 Foxbat—Russia's hottest fighter—has a reported service ceiling of 80,000 ft.

MAXIMUM SPEED CUT

Several versions of the MIG-21 also have reported ceilings of 60,000 to 65,000 ft.—indicating the F111 would be at a clear disadvantage against the MIG-21.

The maximum speed of the F111 was supposed to be 1,875 m.p.h. This has been cut to 1,650 m.p.h. The Air Force says if it is flown any faster than 1,650 m.p.h. the engines may stall—the result of a troublesome air inlet.

One of the great advantages of undertaking the controversial plane, its backers claimed, was a 5,000 mile "ferry range"—allowing it to be based in the United States and quickly flown any place in the world. The actual ferry distance is turning out to be closer to 3,000 miles, which means it must be refueled to make it across the Atlantic.

The F111's 41-ton heft is partly to blame. But the Air Force says increases in drag and an engine that burns more fuel than expected also are responsible.

EFFECTIVENESS REDUCED

These deficiencies are also reducing the F111's effectiveness as a bomber.

The original specifications called for the plane to be able to dash over enemy territory at top speed of 1,875 m.p.h. for a distance of nearly 250 miles to limit exposure to antiaircraft fire. The actual dash distance has not been demonstrated yet but the Air Force estimates it will be only about 35 miles, and at the lower top speed of 1,650 m.p.h.

Thus, the bomb-run performance will be on a par with the Phantom F4, which has been America's mainstay for the past decade, but is considered no match for advanced antiaircraft missiles.

When the program was launched by then Defense Secretary Robert S. McNamara in 1961, Air Force expected to build 2,446 F111's for about $6 billion.

The total number of planes has since shrunk to 547 and the cost has jumped to $7.5 billion by today's estimates and may go higher. Put another way, the cost per plane has risen from $4 million in 1963 to nearly $14 million.

GROUNDED FOR TESTS

The 300 F111's that have been built are grounded while they undergo tests to determine whether their wings will crack off in flight—tests ordered in the wake of an accident last December.

The first batch of 19 planes has passed the proof test without a failure, but they all still must be tried in the air and it will take until 1972 to get them operational.

What's more, the Air Force says a new wing box must be installed in many models to correct another defect and this will entail further delays.

Mr. Speaker, in the second paragraph, the writer charges that the F-111 "needs more runway to take off than specified in the contract with General Dynamics." Indeed, the performance chart shows the F-111 requires 3,550 feet of runway for takeoff versus 2,780 feet as specified. No other fighter-bomber can take off in

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3,500 feet with even half the bomb load and half the range of the F–111.

In the third paragraph, reference is made to combat ceiling, and it is charged that although the F–111 specification was for 62,300 feet, in flight tests the airplane achieved only 57,200 feet—a loss of more than 1 mile. The difference between 62,300 feet and 57,200 feet is 5,100 feet and, as every schoolchild knows, a mile has 5,280 feet. Moreover, according to the Air Force, this measure has no tactical significance.

In paragraphs three and four, the writer departs from Air Force testimony to erroneously compare the combat ceiling of the F–111 with that of the Russian Mig–21 and the Mig–23. First of all the Soviet aircraft and the F–111 have different missions and cannot be compared in the first place. In the second place, wings of either Russian plane would sheer off in pursuit of an F–111 at its top speed at low level where it is built to operate.

In paragraph five, the writer again displays his lack of aeronautical knowledge. He charges that the top speed of the F–111 "was supposed to be 1,875 miles per hour" and says this "has been cut to 1,650 miles per hour." Then he notes that the F–111 may not be flown faster than 1,650 miles per hour lest the engines stall. Air Force charts, however, express the speed requirement of the F–111 in mach numbers, not miles per hour. The top speed required is shown to be mach 2.5, which at altitude is 1,650 miles per hour, not 1,875. In fact, 1,875 miles per hour at altitude is mach 2.83 and there is only one airplane in the U.S. inventory that fast, the SR–71.

In paragraph six, it is alleged that the F–111 failed to meet its specified ferry range of 5,000 miles and thus must be refueled "to make it across the Atlantic." Air Force charts show, however, that the specified ferry range is 4,180 nautical miles, not 5,000 miles. Given the fact that F–111's already have flown across the Atlantic without being refueled or without even carrying extra fuel tanks beneath their wings, one is left with the question, Has the writer erred again or have the continents moved apart since this accomplishment?

In paragraph nine, the writer again shows his inability to express mach numbers in miles per hour and introduces a new requirement for the airplane. There is no specification calling for a top speed of even 1,650 miles per hour over 250 or any other number of miles. The "supersonic dash" specification is for mach 1.2 at sea level, which amounts to 760 miles per hour, and the required number of miles is 210 not 250.

In paragraph 10, the reader is treated to yet another departure from the performance chart by the observation that the F–111's "bomb run performance will be on a par with the Phantom F–4." Any Air Force official would have told the author that the F–4, which has an admittedly distinguished record, cannot bomb at night or in bad weather, cannot bomb as accurately even in daylight, can carry only half as many bombs half as far, cannot fly bombing missions unescorted by tankers and other support aircraft, and can attain supersonic speed at sea level only for comparatively short periods of time. The F–111 has flown unescorted night missions against North Vietnamese targets, 80 percent of them in weather so foul all other aircraft were grounded, and put its bombs on target with fantastic accuracy.

In paragraphs 11 and 12, the F–111 is saddled with cost growth "from $4 million in 1965 to nearly $14 million." It is pointed out that the Air Force at the outset expected to buy 2,446 F–111's and that the number has shrunk to 547. Here the writer committed a sin of omission in not pointing out that this is precisely why the unit cost has risen, that unit price always go up when quantity procured comes down. He also failed to note that for an additional $1.5 billion in calendar years 1970, 1971, and 1972, the Air Force can procure an additional 300 F–111's because much of what has been spent went for the purchase of development, tooling, and components for future aircraft.

In paragraph 15, the author says:

> A new wing box must be installed in many models to correct another defect and this will entail further delays.

Had he been reading the newspapers he writes for, hopefully he would not have written this. The Department of Defense announced on April 20, 1970, that the wing carry-through box of the F–111 had met the Air Force requirement for a 10-year service life and that "the test results verify the structural fatigue life of the wing carry-through boxes installed in all production F–111 aircraft." Had he bothered to ask, he would have been advised that the tests have continued and that the wing carry-through box to date has exceeded the Air Force requirement by 50 percent.

Finally, I would like to point out that had the writer read page 733 of the record of the House appropriations hearing at which the F–111 performance chart was submitted by the Air Force, he would have noted the testimony of Maj. Gen. Otto J. Glasser, Assistant Deputy Chief of Staff, Research and Development, who said:

> Let me summarize by saying that operationally the Air Force is completely satisfied with the aircraft with respect to its ability to perform the mission for which it was designed.

Mr. Speaker, the facts speak for themselves. The writer of the article in question, has completely ignored either by choice or by chance the fundamental standards of professional journalism. That his employer, the Newhouse National News Service, and his syndicators, the Chicago Daily News utilize his articles, apparently without question, is shocking. For if the unsuspecting public does not have some reasonable assurance that the news is fairly and objectively reported at least in the news columns of the paper, then the fourth estate is indeed derelict in its public responsibilities.

It is instances like this that make me hope that journalism consider adopting some comprehensive code of conduct with appropriate procedures for profession redressing grievances, similar perhaps to the codes that exist in the medical and legal professions. I think it would be in the interests of both the general public and the journalism profession if an internal code of professional conduct were developed and enforced.

REMARKS BY REPRESENTATIVE OGDEN R. REID UPON INTRODUCING THE NEWSMEN'S PRIVILEGE ACT OF 1970

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. REID of New York. Mr. Speaker, I am introducing today the Newsmen's Privilege Act of 1970, a bill which will protect all newsmen and other persons directly engaged in the gathering or presentation of news for any newspaper, periodical, wire service, or radio or television station from the forced disclosure of their confidential information and the sources thereof.

While similar legislation in this area has already been introduced this session, it is my view that the bill I am introducing today offers a more complete and justified protection to newsmen. Specifically, my bill provides that in a civil action for damages a newsman will keep his privilege against forced disclosure of his source unless the court makes a finding that substantial injustice will result to the party seeking the information if the source remains anonymous. In other bills in this area, a newsman would automatically be forced to disclose his source in any civil suit for damages.

In my judgment, recent events have pointed out the crucial need for legislation of this type. In February, the Justice Department attempted to subpena notes, tapes, recordings, news film, and unedited files. As noted by former Attorney General Ramsey Clark, this type of action represented a sharp departure from previous Department policy. Also in February of this year, two CBS reporters were issued subpenas to testify before a Federal grand jury inquiry into the Black Panthers. In order to cover the vast number of possible instances in which protection for newsmen is needed, my bill extends its jurisdiction over all Federal courts, grand juries, agencies, commissions, the Congress, and all committees thereof.

The legislation realizes, and I believe rightly so, the preferred status accorded to the first amendment freedoms in recent years by the U.S. Supreme Court. Freedom of the press implies the free flow of news and information, within the limitations of libel and obscenity and, in essence, represents the public's right to know. Only the most overriding considerations of public policy or the individual's right to redress of grievances in civil actions through the courts should take precedence over the public's right to be informed on all subjects.

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This legislation does not intend to place newsmen above the law, but is designed to defend against possible repression of the news media which could conceivably transform our sources of news into little more than propaganda arms for the Government.

Section 2 of the bill refers to the nondisclosure of confidential information, while section 3 refers to the nondisclosure of sources of information. Section 4 contains several important qualifications to the privileges provided in the previous two sections: first, pertaining to the privilege conferred in section 2 concerning the information itself, the privilege shall not apply to any information which has been previously published or broadcast as to its contents by the person claiming the privilege. This provision is specifically drawn narrowly, so that only in the case where the newsmen had previously allowed the content of the material in question to become public, may he be denied his privilege of nondisclosure.

The second qualification pertains to the privilege of nondisclosure of the source of information in section 3. The most important point here is that which I mentioned at the beginning of my remarks: a newsman will only be required to name his source when the court finds that substantial injustice would result to the other party if the source remained anonymous. This provision applies only to civil actions for damages.

Yet another qualification limits the privilege concerning the source when it would apply to the details of any grand jury investigation or other proceeding required to be secret under the laws of the United States.

Section 4(c) provides that in any case where a person claims the privilege under section 2 or 3, the person seeking the information may apply to the appropriate Federal district court for an order divesting the privilege. The order shall be granted if, after a hearing, there is substantial evidence that disclosure of the information is required to prevent a threat to human life, espionage, or of foreign aggression. This interposition between prosecutor and newsman provides a buffer zone against "fishing expeditions" by requiring that the party seeking the information prove the existence of a legitimate and specific threat. It should be noted that this applies to both privileges, and is the rule for all cases except those which are of the nature of a civil suit for damages. In these particular cases, the rule of 4(b)(1) applies for the source of the information only. Otherwise, 4(c) governs.

In conclusion I would add that freedom of the press, like freedom of speech, can easily be emasculated. Sometimes this may occur at such an incremental pace that the erosion is difficult to see until the freedom is irrevocably impaired. In my view, legislation such as this bill will provide a formidable barrier to those who, whether the Government or private parties, seek to use the press to further their own interests—often which are not the interests of the public.

I am therefore hopeful that the House of Representatives will carefully consider this legislation, and pass favorably upon it.

A GROSS MIXTURE OF TRUTH AND ERROR?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. ASHBROOK. Mr. Speaker, there has been quite a bit said in recent days in the press concerning the President's Commission on Obscenity and Pornography and especially about alleged findings and recommendations of the Effects Panel of the Commission. As reported in the press, information from the Commission states that there is no evidence to support the belief that exposure to pornography will result in antisocial behavior on the part of adults or young people. In addition, it is reported that the Commission will recommend the repeal of all laws against providing penalties for the showing and selling of pornographic materials to consenting adults and will propose laws against exposing children to pornography only because such exposure is unpopular.

In August of last year I called to the attention of Members of Congress the dissenting opinion of one member of the Commission who had grave reservations at that time concerning the direction in which the Commission was headed. Later, through the CONGRESSIONAL RECORD, I added the comments of two additional Commission members who disagreed with the Commission's work. It comes as no surprise, then, that lately this body has come in for some criticism although the final report is not yet public.

On Tuesday of this week Congressman ROBERT NIX, chairman of the Postal Operations Subcommittee, held a hearing on the Commission's operation after viewing an advance copy of some Commission's findings. He was disturbed by the use of certain tests which had been reported in the CONGRESSIONAL RECORD by Congressman HENRY SCHADEBERG on April 7 of this year.

The leadoff witness at the hearing was Prof. Victor B. Cline of the department of psychology at the University of Utah. He also had received an advance copy of some of the Commission's findings and addressed his testimony to this area. Dr. Cline's background is as follows:

The writer is a Berkeley Ph. D., 1953, member of the American Psychological Association, a professor of psychology at the University of Utah—teaching courses in clinical, child and experimental psychology. He was formerly a research scientist with the human resources research office—George Washington University—is a practicing clinical psychologist engaging in psychotherapy, author of over 40 published research papers, principle investigator of a number of research projects funded by Office of Naval Research, National Institutes of Mental Health, Office of Education, and so forth. He is the program director of the Southern Utah Guidance Clinic—a traveling mental health clinic, consultant to various Government agencies, business firms, and so forth. The January 30, 1970, issue of Life reviewed in a picture-story his research assessing the effects of violence in the media on children.

In a letter of August 5 to the Chairman of the Commission, Dr. Cline stated:

> After reading the Effects Panel report I found it so badly flawed in so many respects, frequently drawing conclusions and making inferences unwarranted by the data, neglecting evidence showing contrary views, and ignoring issues which would seem logically to be in the purview of the report, etc., that I prepared a brief though necessarily limited critique (copy enclosed).

He further added:

> In my view, while this report presents itself on the surface as a fairly thoughtful rational review of the scientific evidence, it in fact is a gross mixture of truth and error, part science fiction, and certainly a travesty as a scientific document attempting to do a judicious and fair survey of the literature in this area.

Dr. Cline in his letter then recommended that an evaluation of the Commission's findings "of what they have done by those peers having high competence and professional ability." He also offered to make a more lengthy critique of the report, requesting access to the complete studies.

In addition, Dr. Cline stressed the importance which will be attached to this, the first comprehensive study of the issue of pornography:

> Since this Commission's report undoubtedly will have a profound effect on legislation before Congress, the judiciary, educators, the media, ministers and even parents, a flawed report being issued under the Commission's imprimatur would represent a major dereliction of responsibility as well as contributing even further to the tensions and conflicts which beset our society. This is especially so now, since in my view this report has limited credibility and is certain to be vigorously attacked by knowledgeable critics, as well as others.

I insert at this point in the RECORD his critique which was sent to the Commission and which was the basis of his testimony before the Postal Operations Subcommittee on Tuesday, August 11:

THE UNIVERSITY OF UTAH,
Salt Lake City, August 3, 1970.

To Commission on Obscenity and Pornography.
From Victor B. Cline, Ph. D., professor.
Re Evaluation of Effects Panel report.

1. This review is limited by the fact that I don't have most of the original studies which are cited and used as evidence in coming to many of their conclusions. It would be extremely helpful to obtain as many of these studies (a good share funded and sponsored by the Commission) giving complete details on methodology, etc. Despite this, enough details are given and I am acquainted with some of the studies sufficiently to comment on them.

2. First I might give a few overview comments:

(a) Time and again conclusions are drawn which are not warranted by the data presented.

(b) Most of the studies inevstigate "relationships" between things, but not causality. This means that they are not warranted in saying that pornography causes or does not cause specific behaviors. They just don't have the evidence. Example: There may be a relationship between a person's height and performance on a certain math test (because older, maturer children are taller). But from a scientific view, you would be in error to say that height was causally related to math ability. This would be because you hadn't controlled for age.

(c) In their review of the literature there are occasions when negative evidence is omitted (e.g., evidence which favors conservative views on pornography's influence). Example: In their survey of how professional workers view pornography they omit the 1967 survey by the Christian Communication Apostolate, Archdiocese of New Jersey (which shows views contrary to their own) *and which was available to them* in my May 4th presentation to the Commission.

(d) They indiscriminately mix good with poor studies (e.g., those having little worth because of crippling methodological weaknesses) making no distinction between the more valid and the virtually useless data. Not carefully evaluating the quality of the research they use in their report is an extremely serious shortcoming of their whole "effects panel report." Example: In my report to the Commission I note in great detail the grave shortcomings in the Lipkin and Carns study of professionals' attitudes toward pornography and how opposite conclusions could be drawn from their data (see page 13, Cline report to Commission). These shortcomings are never mentioned even though specifically pointed out to the Commission. To put it in a less charitable way, I doubt that any decent university psychology department would ever award a Master's thesis on the basis of such an incautious review of the literature as this is, and especially the unwarranted conclusions drawn from the data.

(e) There is neglect of consideration of a whole group of "negative effects" variables such as (i) spectacular increase in VD in the last 5 years; (ii) divorce rate, highest in 25 years (since war); (iii) aggressive rape (great recent increases); (iv) premarital sex pregnancies (spectacular 10-year increases). (These latter two items are discussed, but not adequately.) (v) child molest (not adequately considered by the panel); (vi) extramarital sex (not discussed or considered by panel). Since the Kinsey studies there should be recent data indicating if there has been significant changes in this area which would certainly have a significant implication for the stability of the family. This is not considered by the effects panel.

(f) There is a total neglect of the porno-violence problem, where pornography and sado-masochistic themes are combined and the influence of this type of material on the viewer. This is especially surprising since a majority of the so-called skin-flics link this material together (example: Russ Meyer's "Harry, Cherry and Raquel") as do also a great number of porno paperbacks (example: *Last Exit Brooklyn*). And there is a great deal of substantive literature (research) dealing with violence in the media. This problem was called to the attention of the Commission, so their neglect of it is obviously arbitrary.

(g) There are surprisingly few qualifications in either their conclusions or presentation of their research findings when such are repeatedly called for because of the flaws in many of their research studies cited. This suggests that those panel members reviewing the effects problem are either not properly trained in scientific methodology in the behavioral sciences, or did not get unbiased consultants to review their interpretations (report) of the research data. Since this report will have major status in the nonscientific world, the media, among the judiciary, and even with many parents, I feel that it is critically important that the major research studies as well as the conclusions drawn about their meaning be subject to an *unbiased* panel for review. Such a panel might include such people as Kenneth Clark, President of the American Psychological Association, etc. The report in its present form presents a major problem of credibility.

(h) Throughout much of this report there is a very slipshod and changing definition of what is meant by pornography and erotica. Sometimes it is written material of minor erotic content, or a film showing nudity but not much else, or a still picture showing a woman fellating a man, or a movie showing lesbian and heterosexual activity. Thus, in discussing "effects" there is a tacit assumption that all of this material is somewhat the same . . . and hence has probably an equivalent effect or non-effect on the viewer. Little recognition is given to these differences in summarizing the various research studies and making broad sweeping generalization about pornography's influence (or lack of it). Also running through most of this report (and the research papers included) too little attention is given to the *amount* of pornography consumed and over how long a period of time. Frequently a one-time viewing of pornography in a person's life is given the same weight as someone viewing it consistently over many years.

3. There are innumerable problems with conclusions drawn from inadequate data. For example: They conclude (item 6) that "Continued or repeated exposure to erotic stimuli results in satiation of sexual arousal and interest in such material." None of the experimental studies focusing on this problem went longer than several months, so they have no experimental evidence covering a longer period of time to justify such a statement. Their statement also rejects obvious clinical experience where a man may find himself stimulated by the nude body of his wife for 30 years, even though there may exist temporary periods of satiation (as to need for sex, and erotic stimulation). The periodicity of the sex drive suggests continued cycles of interest and satiation continuing throughout life. Their conclusions suggest that if we let people have all the pornography they want, they'll soon get tired of it and not want any more. Their evidence only shows that if you give people a great glut of pornography they will temporarily satiate. But the same may be said of having sexual intercourse, eating, drinking, etc.

4. Another example of an inadequate review of data is Kupperstein and Wilson's review of the statistics on illegitimate pregnancies over several decades (among other things). They conclude in reviewing these data that, "in view of the several-fold increase in erotica the data do not support the assertion that the heightened availability of erotica during the past decade has been accompanied by a parallel rise in the incidence of antisocial sex behavior among minors." A look at the full data (which they do not give) does not warrant such an assertion (see below):

Illegitimate births in America

[In thousands]

1940:	
Under 15 years	2.1
15 to 19 years	40.5
1950:	
Under 15 years	3.2
15 to 19 years	56.0
1955:	
Under 15 years	3.9
15 to 19 years	68.9
1960:	
Under 15 years	4.6
15 to 19 years	87.1
1965:	
Under 15 years	6.1
15 to 19 years	123.1
1967:	
Under 15 years	6.9
15 to 19 years	144.4

Source: U.S. Public Health Service.

In reviewing the statistics on the increase in forcible rape (a 55% increase from 1960 to 1968 in number of juveniles arrested for forcible rape) they concede that this was considerably greater than the increase in the juvenile population but that other juvenile crime increased at a much greater rate still (100%) and they conclude as above, ". . . the data do not support the assertion that the heightened availability of erotica during the past decade has been accompanied by a parallel rise in the incidence of antisocial and criminal sex behavior among minors."

The Commission report presents these conclusions, which represent an almost Alice in Wonderland type of distortion of the actual evidence, as "truth" without any remarks about their shortcomings and "falsity."

5. Most of the research commissioned and reviewed has another serious shortcoming. It treats pornography as a single unitary variable in its relationship to various potential antisocial behaviors. Actually most antisocial behavoir is multi-determined. A good example is juvenile delinquency which may be caused by one set of variables in one person and another set of variables in another. A multi-variate approach almost necessarily must be used in studying the causal correlates of something like rape, sexual maladjustment, child molest, etc. Thus it is conceivable that pornography and addiction to it, or porno violence, may be a contributing factor in only 26% of the rapes that occur. But unless the design of the research is quite sophisticated this will never show up in one's data analysis.

6. Another gross type of error made throughout much of the research reported on here is the uncritical reliance made on questionnaires and verbal report which assumes that people, especially sex criminals, will and can give undistorted truthful reports of activities engaged in many years previously. The fallibility of this kind of data has been demonstrated repeatedly, including the polls conducted in England up to four days before the English people voted out the Labour Party (in complete contradiction to the surveys of public opinion made by a number of professional polling groups).

7. On page 117 several studies are cited where adult bookstore and movie patrons are white, middleaged and middleclass who appear to be respectable members of our society. It is also noted that blacks are under-represented in these bookstores even though they are over-represented in crime statistics. Thus the Commission suggests that it is respectable people who prefer pornography. What they forget to say is that these adult bookstores and movies are located in downtown urban areas near hotels and businesses frequented by middle class whites. None of the researchers went into the Negro ghetto, or working class neighborhoods to assess the type of erotica purchased there. Many corner drug stores sell all types of literary pornography and soft core picture magazines. No mention is made of (or is it studied) mail order pornography. So to conclude that pornography is a special and even almost exclusive concern of middle class whites on the basis of the limited data presented cannot be substantiated by any study reported here.

8. Item 16 of the report states, "Sex offenders, compared to other adults, are generally less experienced and less interested in erotic materials during both adolescence and adulthood." This is not accurate. In the Gebhard study of sex offenders they found that about a third of their male controls said that they had owned or personally possessed pornography while a general prison group reported about half their number possessed it. When all sex offender types are combined they are above the normal controls but somewhat below the prison group in owning and possessing pornography. But when we look at the specific subgroups within the sex offenders we find that homosexuals who have committed sex crimes against adults *lead the list* with 54% possessing and owning pornography. The Commission completely over-

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looks these data and *never reports* on the sex offenders in subgroups. This is an extremely fatal flaw in their report. Psychologically the man who commits incest with a minor is an entirely different sort of person from the aggressive rapist or homosexual, and to combine them in any type of data analysis is scientifically unwarranted. The Gebhard data confirm this again and again in all sorts of comparisons of these different types of sex deviants. This is particularly glaring as an example of not reporting data which suggest findings different from the conclusions reached in their summary section.

9. One additional problem has to do with the report's omission of any reference to the studies of imitative and social learning of Albert Bandura and his associates. This series of researches suggest that a great deal of learning occurs through watching and imitating the behavior of others. Much of pornography is not just an obscene picture of a couple copulating. It involves literary depictions of sexual assault (as in the homosexual rape in "Myra Breckinridge"). A good share of pornographic (soft core and hard core) films model a variety of anti-social sexual behavior. If Bandura's research has any validity it would suggest that certain types of pornography involving whole sequences of behaviors probably would affect some individuals if they saw it consistently modeled on the screen or in fiction. This certainly has been true with certain types of delinquent behavior which juvenile offenders have in some instances repeated what they saw on the screen.

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10. No "attitude changed by pornography" study went longer than 30 days (based on information available from the report). To claim as they do that, "Exposure to erotic stimuli does not alter established attitudinal commitment regarding either sexuality or sexual morality" on the basis of such limited data would appear an unwarranted and injudicious claim. About all they can legitimately say is that no changes were found in this brief period of time under the conditions of this particular experiment. Their sweeping generalizations are not warranted by the data.

11. There is no study reported and no mention made of the problem that "addiction to pornography" might have relative to marital adjustment. The pattern of a husband preferring pornography (over his wife) for erotic stimulation and masturbation for sexual outlet does cause grave adjustment problems in some marriages. This information was in the data collected by Rene Nelson (which the Commission possesses) and was again suggested in the May 4, 1970 report to the Commission by this writer. The commission has totally neglected this type of "effect" or any other type of marital effects problem.

12. In their summary section the Commission states, "Professional workers in the area of human conduct generally believe that sexual materials do not have harmful effects." Yet in the Lipkin and Carns study (which they repeatedly quote from, which is severely flawed by sampling problems and other weaknesses) they use only that data which supports their position. They fail to state in actual numbers that 254 psychiatrists and psychologists had seen cases where they found a direct causal linkage between involvement with pornography and a sex crime, while another 324 professionals reported seeing cases where the relationship was suspected. While these 578 therapists represent a small group percentagewise, it would seem to this reviewer irresponsible to gloss over them as if they didn't exist. In addition, their neglect in citing other studies (also flawed) which show a *majority* of therapists (see 2 c) seeing cases where pornography and sex crimes are linked is difficult to comprehend.

13. Their report is lacking in any longitudinal studies (which would be the most revealing) or even any truth in-depth clinical studies of individuals. The vast majority of the studies involve either (a) a survey of some sort (asking questions about attitude, history, etc.) or (b) exposing people to pornography briefly then seeing what they say or do or feel. The problem with the questionnaire is that one never really knows (especially in the sexual area) how accurate or honest the respondents are. The problem with the short term experiment is that the samples (to begin with) are biased by excluding all those people (especially females) who refuse to submit to such an experiment. It's also highly unlikely that anybody will participate in anti-social sex activity when under such close observation, or admit to some criminal behavior (child molest, rape, exhibitionism, etc.) even if he did it as a result of the experiment. Also the brief time span of the experiments never allows one to determine if pornography has a long term effect in changing morals, attitudes, and behavior—which, one might more logically and realistically expect.

14. Probably the most important study funded and cited by the Commission is that by Abelson et al. wherein they survey a nationwide sample of Americans on their attitudes about pornography and associated subjects. But a close examination of their data suggests that their results are suspect and of questionable validity. In Kinsey's studies 77% of his male subjects and 32% of his females reported sexual arousal by erotic materials. In Abelson's survey only 23% of his men and 8% of his females admitted to this. This tremendous difference in findings raises serious questions about whether Abelson was getting honest and valid responses from his sample, especially when most other studies get figures closer to Kinsey's. Additionally most experimental studies show 60%–90% of *both* sexes being indeed sexually aroused by the erotic. Since Abelson's interviewers were for the most part middle aged housewives with little or no previous experience in this type of interviewing, it is possible that on a good share of the sex questions there would be some reluctance for many people to be completely candid with these "mother type" interviewers. So there exists serious questions about the validity of this keystone study, referred to so frequently throughout the report, and especially in the area of sexual attitudes, etc.

15. The Commission quotes researcher Gebhardt (Kinsey Sex Research Institute) as saying that in his study he found sex criminals as being sexually unresponsive to stories of rape, violence, and torture—inferring that this is the way all sex offenders are. They fail to state that Gebhardt was referring to only *one* type of sex offender (out of 21 types studied) who comprised only 14% of the total sample, or that this data was based on retrospective verbal self report, uncorroborated by any direct evidence and subject to the usual defenses, distortions, and inaccuracies of this type of data. They give over inflated and incorrect N's (199 actual figure, 1500 their figure) to emphasize their point.

Additionally if one looks at Gebhardt's original data we find that certain types of sex offenders score extremely high on being sexually aroused by pornography (e.g., heterosexual rapists of minors, homosexual offenders against adults). But this is not reported. It is effectively masked by combining all sex offenders together which includes certain types like those individuals committing incest against minors, for whom pornography "turns them off" (for the most part) hence they get very low scores on arousal (and depress mean group scores if combined with other offenders).

So when the Commission concludes that, "Sex offenders are less aroused by erotic stimuli . . . and less interested in the erotic than adults generally" they have manipulated and misreported their data and are not "telling it like it is."

16. In the overview and summary it states, "Studies indicate that exposure to sexual stimuli has no detrimental impact upon moral character, sexual orientation, or attitudes about sexuality among youth." This statement is made despite the fact that not a single longitudinal study, not a single experimental study, not a single definitive research of any kind has been done in this area relative to minors. The only information presented is inconclusive circumstantial evidence of very limited application and relevance. When they state that there is "no evidence", it means (but they don't state it) that there is no evidence both ways. Their conclusion of "no detrimental impact on youth" in the absence of any significant juvenile research reveals a shocking and almost unbelievable naivete or disregard for truth and the cannons of honest scientific inquiry. In this single instance they have revealed a bias so blatant as to instantly throw every other conclusion in this study into serious doubt. In making this statement I do not in any way refer to those researchers in the field who independently carried out studies to the best of their ability.

SECOND ANNIVERSARY OF INVASION OF CZECHOSLOVAKIA

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. DADDARIO. Mr. Speaker, August 21 will mark the second anniversary of the invasion of Czechoslovakia by Soviet troops. In an effort to suppress the growing liberality and individualism of Czech leaders, the Soviet Union resorted to this most blatant violation of Czechoslovakia's national integrity.

This completely unjustifiable military invasion constituted an obvious violation of no less than five provisions of the United Nations Charter. More important, it was a shameful and bloody denial of the basic right of the Czech people to determine their own destiny.

Halted by the Nazi occupation of the early 1940's, Czech progress toward the development of a modern democracy was again cut back by the successful Communist coup of 1948. Since that time, under the coercive influence of the Soviet Union, Czechoslovakia has been economically and politically dominated by the Russians. At this time the Soviet Union owes the Czech government over $1 billion in testimony to its failure to respect even its own unfair treaty agreements with Czechoslovakia.

In the Spring of 1968, new, creative leaders began to draw their country away from the Soviet influence, granting the Czech people their most basic freedoms, liberalizing censorship, and encouraging the development of free enterprise. Their efforts were ruthlessly crushed by armored Soviet divisions 2 years ago today. But those troops could not crush the spirit and resolve of the Czech people.

Representatives of all free peoples, the

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world over, must continue to press for the withdrawal of all Soviet troops from Czechoslovakia, and the restoration of the legitimate rights and national integrity of all the Eastern European people.

THE ANTI-MONTANA BALLISTICS—AMB'S—PART V: HOUSING, MEDICAL CARE, AND LAW ENFORCEMENT

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, August 14, 1970

Mr. METCALF. Mr. President, implementation of the Safeguard system in the Malmstrom deployment area will impose a financial hardship on the 20 communities most likely to be affected. According to figures presented in Safeguard System Command's Community Impact Report: Malmstrom Deployment Area, prepared by the Corps of Engineers, all of the communities involved would experience sharp increases in population, accompanied by the inherent necessity for more housing, more medical facilities and personnel and increased law enforcement expeditures.

Safeguard Command's Report indicates that the town of Brady, with a current estimated population of 200, should be expanded to accommodate a population of 1,000, an increase of 400 percent. Joplin would be expanded to provide for a peak population increase of more than 350 percent. Although the percentage increase in population in most cases would not be as great as in Brady or Joplin, all communities have been projected to accommodate a population increase of at least 50 percent, either on a peak or a temporary basis.

This section will consider the community impact of the Safeguard installation in the areas of housing, medical care, and law enforcement.

HOUSING

The state of the national economy, particularly the tight money situation in the mortgage area, will likely create an acute shortage of adequate housing in the Malmstrom deployment area. For example, Joplin which will probably experience an increase of more than 350 percent in population has no excess housing accommodations. Brady has existing housing for 302 people, yet it is projected to have an expanded population of 1,000.

The Defense Department suggests several sources of aid which are allegedly available to ease the financial burdens of securing the needed housing. Among the sources listed are several Federal Housing Administration programs, however, the programs listed do not appear to be relevant for the Montana deployment situation. For example, Public Law 73–479, Home Mortgage Insurance, is geared primarily to assist permanent residents and will not, in all probability, be used by the employees of this project, who will for the large part be temporary residents.

Public Law 84–574, mortgage insurance for armed services housing—civilian employees; Public Law 86–372, mortgage for defense housing-impacted areas; Public Law 83–560, mortgage insurance for moderate income homes, and Public Law 90–345, mortgage insurance in older, declining neighborhoods, are also not likely to be attractive to either temporary employees or to builders due to the long-term commitments of the loans and the short term of the deployment project.

It should be kept in mind that the tight money situation is likely to have a great deal of influence on the availability of housing and that the private vestment of about $27 million should not be taken for granted since the area involved is not the most desirable in which to make long-term investments.

MEDICAL CARE

Although Safeguard Command's Report alleges that medical facilities are adequate to support the total peak projected population increases except at Pondera County Hospital at Conrad, plate 6 of the appendix indicates a shortage of facilities and personnel in the immediate vicinity of the deployment area. Sites 2 and 3 appear to be particularly remote from adequate facilities, each being 10 to 20 miles from the nearest hospital, physician, or ambulance service. Plate 2 indicates that the transportation network between the sites and the nearest adequate facilities leave a lot to be desired.

The Safeguard report estimates that for an estimated population of 146,194 people in the entire Safeguard deployment area when the project is in full swing there will only be enough physicians to take care of 85,625 people, or a little over half.

In the individual case the situation is even worse. Brady, expected to grow to a population of 1,000 has not a single doctor nor a single dentist. Conrad, the nearest town with any medical facilities—three doctors and two dentists—will be hard pressed to meet the needs of its expected 5,000 people. Of the remaining 18 communities studied, Dutton, Fairfield Hingham, Inverness, Joplin, Kevin, Power, Rudyard, Sunburst, Valier, and Vaughn also have neither doctors nor dentists. And none of the remaining 30 "unstudied" communities have medical personnel.

The report's conclusion that "the various communities, through the State Department of Health, promptly should begin an active recruitment program to increase the number of physicians in the area, and more significantly, to expand the outpatient treatment capabilities" does not provide either suitable guidelines for the communities or a realistic appraisal of the situation since the recent veto of the Hill-Burton bill demonstrates that the administration does not have the proper concern to ease the financial burden on the local and State health agencies.

LAW ENFORCEMENT AND FIRE PROTECTION

Five of the communities involved in the study area do not have organized law enforcement agencies. The influx of large numbers of workers into the impact area will necessitate the establishment and/or the enlargement of law enforcement facilities in almost all of the communities involved. It is suggested that the communities make application through the State Law Enforcement Agency to the Law Enforcement Assistance Administration in accordance with Public Law 90–351. While LEAA might offer some assistance to the local communities, it must be kept in mind that here again State and local matching funds of up to 25 percent of Federal grants will be required. The House report on H.R. 17825, to amend the Omnibus Crime Control and Safe Streets Act of 1968, states:

> If the block grant approach is to work effectively the States must assume a greater financial responsibility than at present.

The State of Montana simply cannot assume any additional financial burdens at this time.

Eighteen of the 20 communities in the impact area do not have paid firemen. The report assumes that the volunteer status of the fire departments will continue and they need only be expanded to provide for the increases in population. However, the question must be raised as to whether the man who now voluteer their time to the fire departments will continue to do so when the inflation associated with construction projects of this type begins or whether they will seek some of the high-paying jobs that will be available. The report estimates the annual cost of increasing the police and fire departments to the strength necessary to provide protection for the temporary population to be $179,800. However, the report does not consider all 20 of these communities. When the minimum needs of all the communities are considered and assuming that the majority of the new firemen are volunteers, the annual increase for police and fire protection would be approximately $460,000. Unless some arrangement can be made to include such increases in costs as a part of the Safeguard appropriation, the local and State governments will be taxed beyond their means.

"COURSES OF ACTION"

Mr. President, the final summation of the Safeguard Command Report has the impressive caption, "Courses of Action," and it presumes to list the Federal assistance programs which are to provide the solution to the massive problems Safeguard will bring to the Montana communities. When one examines these suggestions in light of the facts I have outlined, however, he begins to notice an ironic discrepancy between the "hard data" and the soft solutions. In fact, not a single one of the programs listed can provide significant aid to the impact communities.

A school construction program that has 18 times more requests than funds, a sewage system program for which the Montana communities are ineligible, an admonition for the communities to "begin an active recruitment program to increase the number of physicians in the area"—these are the "solutions" suggested for the Safeguard impact in Mon-

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tana. What we really have is a smoke-screen of potential programs, none of which bear out under closer scrutiny.

A minimal estimate of the total cost to the 20 communities for public facilities necessitated by Safeguard is a whopping $12 million. This includes only schools, water and sewer systems, and police and fire protection. It does not include the costs for medical personnel and facilities, roads, new housing, or recreational facilities. It does not include any estimates for the 30 communities in the impact area not studied in the report. In short, $12 million is the minimum amount the communities are expected to raise immediately to prepare for the population peak in 1971–72.

Mr. President, I have detailed the drastic effects Safeguard construction, Phase I, will have on Montana communities for two reasons. First, the plight of the people in the Malmstrom impact area demands that real, not imaginary, Federal assistance be available. My colleague from Montana (Mr. MANSFIELD) and I intend to submit an amendment to this effect in the near future.

Second, the experience we are having in Montana may serve as an unhappy example for future such installations in other areas of the country. Once a weapons system has gained its own momentum, it simply crushes everything in its path. Now it seems we are to go on to Phase II in the onslaught of this weapons behemoth. It may be yet another irony of the 20th century that Safeguard becomes not as a noun but a word of warning, as we try to protect our communities from its every-extending reach.

CHAMPIONSHIP SPRINGFIELD HIGH SCHOOL BAND

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, August 14, 1970

Mr. SCHWEIKER. Mr. President, it has been brought to my attention that the Springfield High School Band of Springfield, Delaware County, Pa., recently won two first-prize awards in the World Band Festival in Kerkrade, Holland.

The band, which competed in the first division of the festival, won its initial honor in the show band division, which included marching and formation routines. It then scored a first in the concert division, as well.

The competition consisted of 86 bands, four from the United States, and I am honored that these young Pennsylvanians represented their country, their State, and their high school, so well. I commend them for their efforts and dedication and congratulate them for their fine showing and victory.

Now that the festival is over, the Springfield High School Band will tour Belgium, Germany, Switzerland, and Austria and present concerts in each country they visit. I know that my fellow Senators join me in wishing the band continuing success and a safe return home.

COLLECTIVE BARGAINING TODAY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. BOLLING. Mr. Speaker, the speech by Secretary of Labor Hodgson delivered before the meeting of the American Bar Association in St. Louis, Mo., is thoughtful and provocative. While I do not endorse everything he proposes, what he says is well worth reading. The speech follows:

COLLECTIVE BARGAINING TODAY A POTOMAC PERSPECTIVE

What happens to the views of a private sector labor relations practitioner who finds himself thrust into the role of a public policy maker? After performing for 30 years from a snail's eye view in the *real* world, how do things look from the rarified orbit of the Potomac other world? What old convictions stand up and what new impressions are gained?

Today I thought I might reflect on my 17 months as under secretary and 40 days as Secretary and see what answers might be framed to the foregoing questions as they relate to collective bargaining. Were I E. M. Forster, I might entitle this "A View from the Third Floor," my office situs in the main labor building in Washington.

I think I'll start by reversing the usual order of things—by introducing my summary impressions at the outset:

1. The institution of collective bargaining continues to serve the Nation well. In today's pluralistic America, it is valid in concept, versatile in performance and possesses a flinty durability that is withstanding the challenges of its detractors rather well.

2. The Nation's experience with the institution has exposed some deficiencies. Some desirable changes of a remedial and updating nature are on order.

3. In considering needed changes, we would be well advised to avoid a narrowly conceived passion for 100 percent efficiency in bargaining. But practitioners must also remember that their familiarity with the process often conditions them to a greater accommodation of its vagaries than the general public is willing to accommodate. It is my distinct impression that the public is less satisfied with today's bargaining structure and results than are the bargainers. Complacency would be a mistake.

I'll now try to put a little meat on these rather bare bones declarations. As I do, listeners should be aware of two things. Though I shall cite the need for several improvements, I must emphasize that the impression should not be gained that the institution itself is shakey. Nor will my expressed concern about needed improvements constitute a weakening of public policy endorsement of the efficacy of the institution. Rather, I shall simply be urging that we, as a Nation, be responsive to a few lessons learned from experience and adapt the institution to changing times.

I find the content of my ensuing remarks falls into a neat bracket of "twos."

Two groups of employers that need better coverage under the legal framework of collective bargaining

Two industries where collective bargaining is proving less than satisfactory

Two issues that need more attention by bargainers

Two public attitudes that may affect the future of bargaining.

I recognize that four aces, or four of most anything else, will beat my four twos, but that's my hand, and as my audience of the day, I'm afraid you are stuck with it.

Perhaps the best place to set this discourse in motion would be with respect to the people the institution affects. We must remember that one of the strengths of collective bargaining is that it is a "people centered" institution.

It seems to me that certain events of recent occurrence make it more than ever clear that there exist two groups of American workers who still lie well outside the legal framework of the institution and who need, in one way or another, to be brought further under its umbrella. It will not surprise you that the two I have in mind are public employees and farm workers.

When I was a labor relations practitioner in the private sector, I found it nearly overwhelming at times to realize that in granting a one percent increase to a workforce of 100,000, I was committing more than a million dollars of a corporation's money. Little did I think I would one day be a party to a collective bargaining experience that would find me talking in terms of nearly three billion dollars—dollars that would have to come from the American taxpayer.

Nonetheless, that is the experience I had in the postal union negotiations in which I participated early this year. Not that postal workers themselves received that sum, but their increases plus the related adjustments for other Federal employees amounted to that sum.

I recite this circumstance largely to dramatize the enormity and scope of public employee collective bargaining, particularly at the Federal level. Certainly implicit in this awesome circumstance is the need to give this subject area the level of attention it has hitherto escaped.

One of our first endeavors in the Nixon administration was to update the Presidential Executive order covering Federal labor relations. Nothing had been done in this area since 1962. Representation questions abounded. Several confusing categories of Federal employee representation existed and procedures for clarifying representation questions were largely non-existent. Such standard private sector labor relations ingredients as unfair labor practice procedures and grievance arbitration were equally non-existent.

In our revised order, we incorporated a number of reforms capitalizing on lessons learned from the private sector. And we provided represented Federal employees with at least a bit more of the substance of bargaining.

We've hardly scratched the surface of this subject. However, many major questions remain to be answered. For instance, how shall the Federal labor relations function be organized and managed? What subjects shall be appropriate for Federal bargaining? Shall employee wages and benefits continue to be set by Congress or by the executive branch? If they should be set by the executive branch, how shall wage levels for bargaining be determined? If, as is frequently suggested, the criteria of comparability with the private sector is to be used, how shall that criteria be established?

Then, there are a whole range of questions focusing on bagaining impasses. What kind of impasse procedure shall apply for what type of dispute? Shall closure on such issues as rate levels be concluded under procedures beyond the Federal Government's ultimate control? And what about strikes?

Here, I want to say that I cannot be numbered among those who consider the availability of the strike weapon to represented Federal employees to be a desirable condition. But to be for or against public employee strikes is perhaps less relevant today than doing something about conditions that may tempt employees to try this illegal weapon.

We in the Executive branch are working hard on devising suitable policy answers to these many and intermeshed questions. No doubt a step-by-step approach, rather than a complete one-time overhaul of existing circumstances, will be needed. But changes will be forthcoming. In devising these changes, we will need the counsel of many knowledgable groups. I would feel certain that upon occasion we would turn to this group for counsel and assistance.

The labor law section has in times past performed many notable services in the public interest and, no doubt, you will again have an opportunity to contribute further in this complex subject area I've been discussing.

Now let's go back to the farm, specifically to the farm worker. We find here a truly classic example of how force of circumstance can outrace ponderous government machinery. The law continues to view the Nation's agricultural industry as it was half a century ago—largely as a collection of family farms with the typical farm worker being the hired hand. But something has happened out there on the farm. Today much of our agricultural production is centered in corporate-type enterprises. Fifty percent of the Nation's farm workers are now found on two percent of the farms.

As we all know, a great contemporary drama in agricultural labor relations has been playing to a nationwide audience for the past few years in the table grape theater out in California's verdant valleys. That drama is now near curtain time. Organizing in act I, boycotts in act II, bargaining and contracts in act III—all without the benefit of a legislative framework. The absence of such a framework has produced unnecessary tensions and tactics. We must somehow find a key that will unlock the door to effective federal farm labor legislation—the other many sections of the Nation's agricultural complex should not have to witness a replay of the battle of the San Joaquin Valley.

When one sits in a government front office these days and observes the parade of labor disputes that reach a crisis stage, one thing soon becomes clear—a wildly disproportionate number of these disputes springs from bargaining conducted under the Railway Labor Act. To a lesser extent, this is true of all transportation. This, of course, is the circumstance that prompted the recent administration proposal for a new approach to emergency disputes—the emergency public interest protection act. It has two main features—it junks the emergency procedures under the Railway Labor Act and it provides the President with new options for dealing with transportation work stoppages.

Clearly, the Railway Labor Act has lost much of its efficacy. Since the passage of the act 45 years ago, the emergency provisions have been invoked 187 times—an average of four times yearly. Work stoppages following the procedure have occurred at a rate of more than one per year since 1947. Three times the President has had to request special legislation from the Congress to end a railroad dispute, most recently in the shopcraft dispute this spring.

Why does the Railway Labor Act have such a bad record? Simply because the act actually discourages genuine bargaining. Disputants have come to look upon a board recommendation as a basis for their bargaining. They have come to regard it as a routine part of the negotiation process. First a board, and then—maybe—bargaining.

One emergency board after another has examined this process and has concluded that little meaningful bargaining takes place before their involvement. Designed as a last resort, the emergency procedures have become almost a first resort. The fact that an official board recommendation is *possible* tends to make such a recommendation *necessary*.

Expecting that a board might *split* the difference in positions tomorrow, both parties find it to their advantage to *widen* that difference today. Thus, the gap between them broadens; the bargaining process deteriorates; Government intervention increases, and work stoppages continue. It's a sad spectacle.

What then has happened to our carefully devised proposal as sent to the Congress by the President last February? Well, as is true of a number of other presidential requests—nothing has happened. It seems reasonable to assume nothing will happen unless a public groundswell occurs or unless we again find ourselves with yet another insoluble transportation crisis on our hands.

Here most of us who sniff the political air in Washington observe another current phenomenon. Little appetite exists in Congress for entertaining changes in basic labor law these days. The climate is simply not conducive to major initiatives. One hears such phrases as "why open Pandora's box" or "why walk into a swamp" when new labor legislation is discussed.

All this leads me to conclude that changes that require labor legislation loom rather dimly if at all on the immediate horizon. It seems likely that either a change in congressional perspective or a major crisis must occur before major new labor legislation such as that we have proposed gets on the books. But one of these days, the Nation is going to need a new approach to transportation disputes. When it does, we believe it will find our proposed bill remarkably well-constructed.

Now I've suggested that the transportation industry leads the parade in triggering contemporary collective bargaining crises. Well, in that parade, another industry is not far behind—construction. Maybe it's even ahead. That's part of the problem. Bargaining in the construction industry is so fragmented—so localized—that it is hard to get a cohesive picture of total impact.

But some things we do know—both strike levels and wage settlements in construction are excessive. When in an industry one out of three negotiations winds up in a strike, collective bargaining in that industry must be considered to be in a sad state of disrepair. When wage settlements in an industry are consistently double national wage movement patterns, the result is bad news—bad news for the economy and bad news for the industry.

Regularly throughout the past several months, deputations have descended on government officials to describe this problem with eloquence, sincerity, and passion. Unfortunately, that is pretty much where the matter stood when the discussion ended—I mean it ended with a description of the problem. Solutions are hard to come by. Wage controls and compulsory arbitration are just not in the cards. Guidelines and jawboning have proven ineffective.

I know of no contemporary problem sphere of bargaining as resistant to ready resolution as that of the construction industry. This problem has now been on my pillow each night for the past fourteen months. It won't disappear in a hurry.

One might reasonably expect an emerging answer. I can't promise one. I do, however, believe there are two areas of activity that do hold long-range promise for the industry. The first is to make sure that additional manpower—newly trained people—are drawn into the industry in great numbers. Unquestionably a limitation on the industry's growth and an aggravation of its bargaining problems flows from an accumulating national shortage of skilled people. Through actions prompted by a presidential directive, by the cabinet committee on construction and by the construction industry collective bargaining commission, the administration is moving to remedy this shortage.

The second promising area for improvement has to do with the structure of bargaining in the industry. The current fragmented area-by-area, craft-by-craft, and branch-by-branch pattern of bargaining has a built-in guarantee of instability. This arrangement may have been suitable for earlier times when the Nation's economy was less interdependent and interrelated than it is today. But now, almost everyone believes some kind of remedial action is in order. Some headway can be made by the parties themselves. It may be, however, that legislation, if carefully devised, could speed the process.

Several objectives in this effort are worthy of attention. A fundamental goal should be the preservation of integrity of the unit in bargaining—something my ubiquitous friend Professor Dunlop labels "the sanctity of the bargaining unit." A second objective would be to expand the geographical scope of bargaining. It may be that pre-established dispute settlement procedures, which now prevail in some branches of the industry, could be broadened and strengthened. Finally, mechanisms might be created to encourage multi-craft bargaining such as occurred in Detroit early this year.

There exists little question that the construction industry is badly in need of greater bargaining stability. In the months to come, we will be working with the parties to help them toward this end. Help is clearly needed.

Now let's shift gears, alter course and turn to a discussion of a couple of issues—issues that are worth more attention than bargainers have been giving them. The two are productivity bargaining and pension assurance.

Three days ago I sat in the cabinet room with President Nixon and his new productivity commission in their first meeting. Top industry, union, and public figures were present. They were present for one reason—it is increasingly apparent that this Nation has a king-sized productivity problem. Basically, it's a problem in two parts—sagging performance at home and a tough competitive condition abroad.

In our meeting, Dr. Paul McCracken called attention to our post-World War II productivity record—a twenty year annual average increase of more than 3% before 1965, then a skid to a 2% average from 1965 to 1969 with really less than a 1% gain last year.

George Shultz, chairman of the commission, pointed to the performance of other western world nations who now consistently outscore us in percentage gain. The results of these trends are discomfiting. We feel the pinch in international trade. And sizable wage increases that may look good in a labor contract look less than good at the supermarket. A healthy upswing of productivity would ease both conditions.

With this in mind, it seems to me the parties to upcoming bargaining would profit both themselves and the nation by turning their attention to productivity bargaining. If we could engender the same interest and achieve the same success bargainers achieved in their constructive resolution of the automation issue several years ago, tremendous gains could be made. All that is needed is an infusion of innovative spirit and a willingness by all parties to risk a few changes. The risk is well worth taking. We know productivity bargaining is not the whole answer to restoring normal productivity growth. But it could be a big part of the answer. I urge bargainers to get with it.

Now let's take a look at issue number two—pensions—particularly at providing some assurance that workers covered by bargained pension plans will one day realize some benefit from those plans.

Although, as you know, I am firmly committed to the principle of collective bargaining—on occasion I am forced to wonder at some of the priorities of its practitioners. Today, we in the Department of Labor are repeatedly confronted by intense concern from many quarters over the security, sanctity and certainly of employee pension plans, many of which are not arrived at through collective bargaining. One of the reasons such concern exists is that the bargainers themselves haven't given these aspects of the subject top priority. This may be because pension issues are so complex and long range in effect that they do not generate vigorous employee interest or understanding. Accordingly, I'm afraid many have concluded that because of the intricacies involved, these serious issues are too complex for collective bargaining treatment. This leads them to conclude further that they are ripe for legislative solution.

In the department—when we consider legislative proposals to provide such pension regulation changes as fiduciary responsibility, vesting, funding controls, reinsurance and/or portability—we must first wrestle with the question of whether or not these are matters which can best be left to the collective bargaining process. We, of course, believe in minimal interference with the bargaining process. But steps are needed to ensure that pension plans meet legitimate employee expectations.

My advice to bargainers is, therefore, direct. If you want to keep these issues out of the legislative hopper, you had better hop to it and make headway with them at the bargaining table.

I said, in what at this point seems to me to be ages ago, I would conclude these remarks with observations on two emerging public attitudes that may affect collective bargaining. Observers know that major changes in the historic course of collective bargaining came about either in response to public clamor or, at minimum, in a climate of public acquiescence. So, public views must be carefully scrutinized by public officials. These views, in the end, both motivate and limit what we do.

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I sense two views emerging in the public domain that deserve our attention, one rather special, and the other general in nature. I will offer no conclusive reactions to either, but I will admit that both will be a matter of continuing study and concern by the Department of Labor.

The first centers on what I might call the area crisis—the fever pitch concern that grips a locality when some key collective bargaining dispute disrupts the services or the economy of an area. I have in mind such events as the Chicago teamster strike, the New York tugboat stoppage, the ruckus in Memphis over garbage and the Kansas City construction shutdown. None of these are in any sense national emergencies—events that can be dealt with by statutory emergency procedures. All involve massive local inconvenience. And their economic affect extends, often harshly, well beyond the disputants. The result is local, but not localized, outrage. Deputations from the respective localities descend on their congressional representatives and Federal officials in high dudgeon. In Washington, they are often labeled "the for-God-sakers" because of their plaintive and almost inevitable plea that we, for "God's sake", do something! The tools we have in our kit to treat with such events, of course, are limited. At this point, I'm not even certain these tools should be expanded. Washington is not a good place to settle local disputes as many have, to their peril, discovered.

I do believe the public reaction to these local bargaining standoffs, however, is increasing in crescendo. One must speculate on what may ensue if the disenchantment continues to accelerate. At minimum, bargainers in these key situations should exercise more than normal sensitivity and responsibility, in their own self-interest as well as in the interest of an increasingly indignant public.

Then, there is the second and more general area of public concern. As assessed from where we sit, it appears that the public increasingly reflects a view that has two elements. First, that in a strike—particularly a long one—the public gets mauled as much as or more than the disputants. Secondly, that many contract settlements, particularly those at higher economic levels, are made at the expense of the consumer. In both circumstances, you see, the impression exists that it's the public who pays.

This, of course, is not a wholly new reaction, but to me it appears a growing one. I doubt that it has reached anything approaching conclusive proportions at this point in time. But it does constitute a small black cloud on the horizon that those of us who champion the institution of free collective bargaining must regard with concern. Equally, it constitutes a challenge to us all to search constantly for ways to improve the performance and processes of bargaining.

Today I have ranged and ruminated rather widely over the bargaining landscape. This reminds me that in recent years, the Labor Department has added a wide spectrum of new functions to its more traditional labor relations concerns. I have in mind such activities as manpower programs, equal employment opportunity efforts and workplace standards. As we have expanded our concerns, some may have gained the impression that our interest in labor relations has waned. Not so. Today there is no higher priority on the Department agenda than the maintenance of a favorable climate for free collective bargaining. We are at once its protagonist and its defender. My comments this afternoon, as I repeatedly emphasized at the outset, should be viewed solely as suggestions for avenues and areas for making a good thing better.

When the long arm of Richard Nixon and the beguiling tongue of George Shultz plucked me from my role as a practitioner in the West and installed me as a Potomac public official, I anticipated both hazards and pleasures. Certainly the opportunity to share these views with this prestigious group here today constitutes one of the foremost of those pleasures. Thank you for listening.

ISELIN BAND IS MIAMI BOUND

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. PATTEN. Mr. Speaker, our excellent John F. Kennedy Memorial High School Band of Iselin, N.J. is trying to raise enough money to go to the Orange Bowl in Miami over this coming New Year's Day.

This group is really a great bunch of youngsters. Last year I saw them off as they went to the Peach Bowl in Atlanta and presented a pregame show.

I really am elated to think that this new high school, named after our beloved late President John F. Kennedy, is beginning to excell in many areas. Right now I am thinking of the band, which has won many awards. One dear to my own heart was a trophy for the best high school band in 1970 St. Patrick's Day Parade in New York City.

I hope all of our people will know that it will be a good investment to send this outstanding group of youngsters to the Orange Bowl and make a success of their endeavor.

MEET THE MEMBER

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. ALBERT. Mr. Speaker, Joseph McCaffrey, one of the most highly regarded newsmen in Washington, recently chose as the subject for his radio show "Meet the Member," the very able and distinguished gentleman from Pennsylvania (Mr. MOORHEAD).

The subject of the McCaffrey commentary concerns BILL MOORHEAD's efforts to educate the Congress and the country with respect to military spending. His service on the Committee on Banking and Currency, the Committee on Government Operations, and the Joint Economic Committee have allowed him to view this subject from several different perspectives.

While one might disagree with some of the conclusions reached by BILL MOORHEAD, all Members must surely agree that his efforts exemplify the dedication with which he served in this House. BILL MOORHEAD is an outstanding Member of the House of Representatives and I am pleased that Joe McCaffrey has recognized his work.

Under the unanimous-consent request, I include Mr. McCaffrey's script at this point in the RECORD:

MEET THE MEMBER

(By Joseph McCaffrey)

Pittsburgh's Bill Moorhead is such a nice guy that at first meeting no one would guess that he is the man who climbed up on a big white horse and did battle, successfully, with the greatest giant of them all: the Defense Department.

The blond, smiling Moorhead, who has been a member of the House of Representatives from the heart of the city of Pittsburgh since 1959, has taken as his text, "The military budget of the United States is not under effective constitutional control, and only the Congress can bring it under control."

With that theme, Moorhead has been taking on the heretofore sacred military establishment, and the reaction from the press and the public has been enthusiastic. For example, this quote from the Washington Post, "Under probing by Congressman Moorhead, an Air Force Colonel told a House Government Operations Subcommittee that his civilian superiors had approved an effort to cover up huge cost increases in building the C 5 because public disclosure 'might put the Lockheed position on the stock market in jeopardy'."

The New York Times said, "Thanks to persistent probing by Congressman William Moorhead, the public now has a fresh insight into the C 5 a scandal and the vast waste on faulty F–111 B fighter bombers."

In his own home town, the Post-Gazette said, ". . . Moorhead deserves broad public support to say nothing of praise for his courage in his rather lonely campaign to put a check rein on seemingly unrestrained Pentagon spending."

However, despite the exposure of defense waste which he has uncovered, Moorhead says, "Until Congress begins allocating more resources to modernize and expand its staffs, and until we find a way to inject more objectivity into our military authorization and appropriations committees, the Congress will continue to face problems in scrutinizing the military budget."

Congressman Moorhead has been playing just about every position on the ball club. He not only has been the leader in the fight against Defense Department waste, but he has been very active as a member of the House Banking-Currency Committee. It was Moorhead who pulled the long oar in getting through a bill which would force many of the growing number of one-bank holding companies to divest themselves of their banks.

Moorhead was one of the craftsman who put this highly regarded bill together and as one critic said, "The real trouble with the bill is that it is too good. It does too thorough a job. It would be better if it were not drawn so tightly, then there would be enough loopholes in it so we would live with it."

Not only has the Pittsburgh Congressman been deeply concerned over the war, but, unlike many others, he has already started to concern himself with what we should do with the resources freed by the end of that war.

He says, "In part, at least the Congress by the Tax Reform Act of 1969 has decided that the first benefit should go to the hard pressed taxpayer. Those of us who believe that funds must be found for improving education, environment, housing, cities mass transit and other crucial domestic needs believe that we must be sure that the military gets no more than is necessary for national security."

Moorhead has found out, from his long range studies, that more than ten billion dollars can be cut from our current military budget without significantly reducing our military capacity.

But he feels that not until we get out of Vietnam can we truly combat our internal ills. Meanwhile, he keeps working on them, helping chip away at them, piece by piece while, at the same time, saving the taxpayers more of their hard earned tax money.

E. HOFER & SONS—A UTILITY FLACK

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, August 14, 1970

Mr. METCALF. Mr. President, the propaganda machinery of the Nation's investor-owned utilities—IOU's—continue to operate more efficiently and more reliably than their electric generating machinery.

It is little wonder. The policymakers and spokesmen for the IOU's seem more intent on dressing up their own image and suppressing calling into disrepute any criticism or competition than they are on providing a reliable electric supply to their customers. The IOU's, especially along the east coast, face a reliability crisis of unprecedented proportion caused by their own inability to keep up with modern society.

In this context, it becomes particularly irresponsible for many of the Nation's IOU's to invest, as they have for more than half a century, in a prolific propaganda mill which peddles prehistoric political thought. The propaganda activities carried on in behalf of the IOU's and other barons of big industry—that is, railroads, airlines, oil—by E. Hofer & Sons of Hillsboro, Oreg., are amply documented in the records of the Congress. I will not elaborate here other than to outline briefly the operation of Industrial News Review, best known of the Hofer enterprises.

Each week editors of most of the small daily and weekly newspapers in the Nation receive a packet of 12 to 15 short "editorials," usually between 200 and 300 words, extolling the virtues of Hofer's clients and their industry trade associations.

Mr. President, upon that background I note the appearance of an editorial in the Glasgow, Ky., Daily Times, entitled "Private Business Most Efficient." Although the headline differed, the text of the editorial was identical, word for word, with one prepared and distributed by the Hofer agency under the title "Miniaturized Socialism." Nothing in the Kentucky newspaper would indicate to the reader that the editorial was anything other than a thoughtful analysis by the local editor.

The editorial alleges that, in many cities, taxpayers "are saddled with the burden of running school buses, transit systems, and other utilities including electric power." It went on to cite a "nationally known engineering firm" which had made a study of how much it would cost the city of San Diego, Calif., to take over the facilities of the "local electric company."

The article is a masterpiece of omission. It fails to mention that the engineering firm, Stone & Webster, receives extraordinary fees from numerous IOU's under contracts arranged without benefit of competitive bids. It fails to mention that the customers of the "local electric company," the San Diego Gas & Electric Co., were required to pay for the engineering study which was released by the company.

The editorial fails to point out, as did a leading member of the San Diego City Council, that the study was based on greatly inflated estimates of the value of the company's property.

Quite aside from the illusory credibility of the editorial, the readers in Glasgow, Ky., must have been surprised to read that communities were thought to be "saddled with" ownership and operation of electric utilities. Glasgow is one of the nearly 2,000 communities in the Nation which—far from being "saddled with"—are indeed "favored with" such an operation.

What the people of Glasgow are "saddled with," by owning and operating the city's electric plant, is the privilege of buying electricity at far lower cost than the people of San Diego. The 1969 edition of "Typical Electric Bills" published by the Federal Power Commission shows that the consumer in Glasgow who purchased 1,000 kilowatt hours of electricity in a month paid $10.93 whereas the consumer in San Diego who bought the same amount paid $16.07.

This summer, when the motors-run more slowly because power companies operate on low voltage, and utility rates go up again, the captive consumers of private power companies may become annoyed enough to wish they were "saddled with" the type of municipal utility that provides power at lower cost to the people of Glasgow, Los Angeles, Seattle, and Cleveland, to name but a few.

In fact, this editorial must have raised the hackles of many in Glasgow and would be of similar offense to many in nearly 2,000 other cities in the United States served by efficiently run municipal systems, who have wearied of this propaganda parade. More weary of these canned editorial services should be the captive IOU customers who pay for them.

Mr. President, to help illustrate the type of canned propaganda being financed through the electric rates of many millions of Americans, I ask unanimous consent to have printed in the RECORD the E. Hofer & Sons article entitled "Miniaturized Socialism" and the Glasgow Daily Times editorial entitled "Private Business Most Efficient."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

MINIATURIZED SOCIALISM

Quite frequently, in an attempt to escape economic reality, people will vote for public ownership of a taxpaying private enterprise. In this way, the taxpapers of local communities are saddled with the burden of running school buses, transit systems and other utilities including electric power.

The pitfalls of this kind of miniaturized socialism were brought to light with dramatic clarity recently when an analysis was made in San Diego, California, of how much it would cost the city to take over the local electric company's power distribution system. A nationally known engineering firm came up with figures that should be an eye-opener to taxpayers of San Diego or any other community contemplating a similar step.

The engineering firm's study showed that in the case of San Diego the residents would be burdened with between $4.5 million and $8.3 million a year in higher electric rates and additional taxes as a consequence of city operation of the power system. Some of the costs of such a move were detailed in the study. Not only would a bond issue be required in excess of $200 million to take over the company but once the city removed company property from the tax rolls, local taxpayers would be forced to assume a number of new burdens. Among these would be the cost of undergrounding powerlines which will run to the tune of more than a million dollars a year. In addition, the power company now pays more than $2.63 million annually in school taxes to the city. A municipally-operated power system is tax exempt so the taxpayers would have to make up this loss.

There is no magic in the operation of any commercial enterprise by a public agency. The arithmetic of economics remains unchanged, irrespective of who owns and runs the business. The only difference is that usually public ownership is less efficient than taxpaying private owernship.

PRIVATE BUSINESS MOST EFFICIENT

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TIMELY ADVICE

Nineteen hundred and seventy is an important election year. In these critical days of unrest and uncertainty, the one reassuring reality that every U.S. citizen can fall back upon is the all-important right to walk into a polling booth and express his choice, with a simple check mark on a ballot, of those who aspire to serve him in public office. Not only should all eligible persons exercise their right to vote, but they should also exercise it with the same care, wisdom and grasp of high principles that they expect of those they put into office.

A brief item in a national news release reminds us all that spring is here, and summer is just around the corner. "Before taking off, either for business or pleasure, there are many chores to delegate or complete. However, one chore should not be delegated. That is to determine your eligibility to vote. . . . Now is the time to prevent your being a political dropout by making sure that you are properly registered!" This is a timely word of advice for all good citizens.

A TRIBUTE TO VINCE LOMBARDI

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. WHALLEY. Mr. Speaker, one of the outstanding figures in professional football today is Coach Vince Lombardi of the Washington Redskins.

For 10 years he reigned at Green Bay, Wis., and established himself as one of the most successful coaches in the history of professional football.

Under his direction and stern discipline, the Green Bay Packers won the National Football League title on five separate occasions, and earned a prominent spot in the annals of sports history by taking the first two Super Bowls.

Moving to Washington, he brought the Redskins their first winning season in 8 years during his first year at the helm.

He is a man of determination; a leader of men and a symbol of American sportsmanship; an idol to the youth of America. We can all be proud of his accomplishments.

I heartily join the many friends and admirers of Coach Lombardi in paying tribute to this outstanding American.

VIOLATIONS OF INTERIM MANDATORY SAFETY STANDARDS ISSUED BY COAL MINE INSPECTORS

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CLARK. Mr. Speaker, I am submitting a letter which Mr. W. A. Boyle, president of the United Mine Workers of America has sent to Hon. Walter J. Hickel regarding violations of interim mandatory safety standards issued by coal mine inspectors. I believe that the Members of the House will find the contents of Mr. Boyle's letter quite interesting.

The letter follows:

UNITED MINE WORKERS OF AMERICA,
Washington, D.C., August 13, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: Our information indicates there have been approximately twelve thousand notices of violations of interim mandatory safety standards issued by the Interior Department's coal mine inspectors following inspections of various coal mines throughout the United States pursuant to the Federal Coal Mine Health and Safety Act of 1969. Approximately two thousand of such violations have been appealed and may proceed to hearing. To date, none of the hearings has had any reference to the fine that may have been assessed.

It cannot be overemphasized that a regulatory statute is only as sharp and effective as its penal provisions are strong. Section 109(a)(1) of the Federal Coal Mine Health and Safety Act of 1969 supplies precise penal provisions. It requires that "The operator of a coal mine in which a violation occurs of a mandatory health or safety standard or who violates any other provisions of this Act . . . shall be assessed a civil penalty by the Secretary . . . which penalty shall not be more than $10,000 for each such violation. . . ." Certain matters pertaining to the individual coal company to be fined must be considered in setting the exact amount of the individual fine.

The administration of this provision of the act has not demonstrated that the department is adhering to its requirements. First, on March 28, 1970 you promulgated a schedule of fines, 35 Fed. Reg. 5257 (1970). On May 7, 1970 the schedule of fines was amended, 35 Fed. Reg. 7183 (1970). Both the schedule and the amendment appear to be contrary to the provisions of the act, although we are aware the department takes the position that the schedule, in part, takes into consideration the provisions of section 109(a)(1) and renders the violator an option to pay the prescribed fine or to pursue his recourse under the statute on an individual basis.

The schedule of fines has been enjoined by a federal court in Virginia. We feel even though the injunction embraces the schedule of fines published by the department, it does not prohibit the assessment of the necessary fines pursuant to section 109 on a case by case basis, which is essential to orderly compliance with the act.

The United Mine Worker of America deems it imperative that these fines be assessed and, if this is not being done, demands such action commence immediately.

Sincerely yours,
W. A. BOYLE, *President,*
United Mine Workers of America.

LEGISLATIVE REORGANIZATION ACT OF 1970

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHWENGEL. Mr. Speaker, the following editorial is the one to which I referred in my 1 minute speech earlier today. The editorial is from the Washington Post's August 11 issue:

MODERNIZING THE CONGRESS

Like the king of France who "went up the hill and then came down again," the United States Congress in 1967 went through the motions of overhauling its antiquated procedures—and then adjourned without doing anything. And now, in 1970, it seems well on the way toward the same futility. Three years ago, the Senate spent six weeks in debate on an extensive reorganization measure and at last passed it—only to have the House let it languish and expire as the 90th Congress came to a close. This year the House has been discussing the issue for a month or more, and has adopted some significant reforms; but it has not yet gotten around to passing anything and seems in grave danger of letting it slide until it may be too late for the Senate to take concurrent action.

The reorganization of established institutions always encounters the obstacle of entrenched interests. Those who have come to power through the old ways of doing things rarely like to relinquish that power. Those who know the ropes—even though the ropes may be sadly worn and frayed—are often disinclined to see them replaced. The inertia is natural, and one may sympathize with its beneficiaries. But the United States Congress can no longer afford such sympathy. It is rapidly becoming an anachronism, inadequate to the needs of a great democracy.

Here it is, midsummer, a time when provident and industrious legislators ought to be on vacation or attending clambakes in their constituencies; and the members of Congress are not yet half through the inescapable obligations of the session. They are about to give themselves a respite, it is true; but it is hardly an earned respite or one that can be taken with clear consciences. The mechanism creaks. It puts despotic power into the hands of old men and frustrates initiative by the young and innovative. It shirks responsibility. It bamboozles the public.

The tragedy of what is now happening is that most of the Congress recognizes this and is prepared to accept a measure of reform. The Senate Government Operations Committee has approved a bill—much the same as the one the Senate as a whole passed three years ago—which would effect a modest streamlining. The House has tentatively approved a number of more radical changes—which may or may not be acceptable to the Senate if a completed bill ever goes over to that body.

Both chambers, however, have so much to do—so much that has been left undone—that they may end by ignoring their internal reform and marching down that hill again. The country, even more than Congress itself, would be the loser.

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QUESTIONNAIRE ON MAJOR NATIONAL ISSUES

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. DELLENBACK. Mr. Speaker, once again I am sending a questionnaire asking the residents of Oregon's Fourth Congressional District for their views on major national issues. The questionnaire is designed so that both husband and wife can express their opinions.

I have selected several issues which will be facing the Congress in the coming months. In addition I have listed 20 areas from which I am asking constituents to number in order the six which they consider the highest priority areas of national concern. I hope that this questionnaire will not only give me the help of the thinking of the district, but will also help citizens realize the tremendous difficulty of setting national priorities.

The questions follow:

1. United States military policy in Vietnam should be (check one; husband and wife):

a. Withdrawal of all U.S. troops by some set time.

b. Phased withdrawal of all U.S. troops based on progress of Vietnamization program.

c. Escalation of military effort.

2. What action should the Federal government take in connection with first-time use of marijuana? (Check one):

a. Eliminate present penalties.

b. Reduce present penalties.

c. Retain present penalties.

d. Increase present penalties.

3. Should the Federal government provide tax incentives for industry to install pollution control devices?

Yes.

No.

4. As an alternative to the present welfare system President Nixon has proposed a work incentive and job training program while calling for a basic level of financial assistance. Do you favor this proposal?

5. What action should the Federal government take to meet the U.S. population problem? (Check as many as are appropriate):

a. Promote distribution of birth control information

b. Promote distribution of birth control devices.

c. Relax restrictions in present abortion laws.

d. Reduce the number of income tax exemptions for dependents.

6. What action should the Federal government take in connection with student unrest? (Check one)

a. Cut off Federal aid to students participating in violent activities.

b. Cut off Federal aid to students participating in demonstrations.

c. Cut off Federal aid to colleges not controlling violent activities of their students.

d. Leave action to colleges and states involved.

Please number in order the six of the following which you consider the highest priority areas of national concern (Check one; husband wife):

1. ABM system.
2. Agriculture.
3. Conservation.
4. Crime.
5. Defense Budget.
6. Draft Reform.
7. Education.
8. Electoral reform.
9. Exploring space.
10. Gun control.
11. Housing.
12. Inflation.
13. Pollution.
14. Poverty.
15. Race Relations.
16. Social Security.
17. Student Unrest.
18. Tax Reduction.
19. Tax Reform.
20. Vietnam.

Party preference: Republican, Democrat, Independent: Husband—wife—.

Age: Under 30, 30-35, 46-65, over 65—husband—wife—.

YOUNG AMERICANS FOR FREEDOM ARE NOT THE ONLY PATRIOTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. WALDIE. Mr. Speaker, a recent solicitation for funds by the Young Americans for Freedom, a conservative political organization, included a letter from Senator BARRY GOLDWATER of Arizona in which it was stated that the Young Americans for Freedom are the "only patriotic youth force that is giving effective battle against the New Mobe Left revolutionaries."

I would quibble with that statement, Mr. Speaker, on a number of points, but I will only dwell on the Senator's inference that the YAF are the solitary patriotic group of young people in the Nation.

A constituent of mine, Mr. Calvin Williams of San Ramon, Calif., wrote the Senator of his own views on this subject. I found his statement to be most articulate and I would at this time take the opportunity to place it in the CONGRESSIONAL RECORD:

The letter follows:

AUGUST 6, 1970.

Senator BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOLDWATER: I received your letter last week in which you solicited contributions for the Young Americans for Freedom and in which you urged I sign a petition supporting our fighting men. Since having decided to do neither, I think a word of explanation is certainly in order.

First, I want you to know that I strenuously oppose the extremist New Left. Other than the fact that there has been nothing "new" in political radicalism since the Hellenic Age, the New Leftists appear to be more like the Hitler Youth than the Russian revolutionaries whom so many of them seem to wish to emanate.

Secondly, I am an ex-serviceman. I served in two wars for my country and, given similar circumstances, would do so again. I state that after working in a U.S. Army hospital and seeing—first hand—the endless chain of maimed bodies which the war delivered to us.

That, Senator Goldwater, is just as sickening as watching young extremists desecrate our flag.

Third, I am white, middle-class, residing in a comfortable home in Northern California and enjoying the security of a good income and solid neighbors.

And finally, I am a patriot. What is more, I sincerely believe that I am far more patriotic in terms of constructive reliability than the Young Americans for Freedom whom you describe as the ". . . only patriotic youth force that is giving effective battle against the New Mobe Left revolutionaries."

I seriously doubt the accuracy of that description. I doubt that burying the New Mobe Left alive would come anywhere close to resolving the problems which cause them to be active. You can stop their mouths, beat them bloody, and imprison them from now on, but for each one so treated, another will replace him whom is more belligerent than his predecessor. Or you can take a more rational approach using reason (if you are lucky enough to get them to listen). If you do, you most certainly will experience the frustration and exasperation of expending much energy for little or no return.

My point is this: we cannot change or even neutralize the effect or action of extremists from either left *or* right until we ourselves change. We cannot alter attitudes with force except on a temporary, tenuous basis. Nor can we stir them with words . . . not when the words are hollow. Young people from all over the United States are telling us that our words are indeed hollow and I believe they have good cause for saying so.

Can either of us convince any American family living on a desolate Indian Reservation in Arizona that our American way of life is the finest on earth? Can we convince any Mexican-American family living in a Texas barrio that our nation is of, by, and for the people? With what sort of enthusiasm will any white family from the massive slum of Appalachia react to being told that this is the land of plenty? You can bet that any Black family from the South Central Los Angeles ghetto, or Hunter's Point in San Francisco, or Chicago's South Side, or New York's Harlem will hurl their own special expletives at our suggestion that the United States offers equal opportunity for all.

And curiously enough, Senator Goldwater, there are a large number of well-to-do families—solid, respectable, dependable Republicans—who only recently learned how unresponsive our government can be. They live in lovely homes overlooking the Santa Barbara coast where the beaches were turned gummy black by off-shore oil drilling.

I believe our way of life really *can* be the finest on earth. I say that for myself and on your behalf and for a few others who agree, but it may be only for the time being. Those of us who make that assertion are rapidly becoming the minority voice in the face of an exploding population combined with depleting resources.

The answer to our dilemma does not lie in blind preservation of our institutions. We must *change*.

However, if in changing we choose to go to the far left we will succeed only in making all of us equally miserable. That is hardly the sort of equality that any of us want. And should we choose the opposite direction we would arrive at essentially the same condition.

I suggest that we must change in a far more drastic way. I suggest that we become what we tell everyone we are: a free and honest democratic nation. Free from exploitation of our resources (among which we come first). Free from prejudice and favoritism. Free from unequal justice. Free from ignorance and want and hypocracy.

We could begin by practicing what we preach. Our fighting men would realize far more benefit from that than from our "moral" support. Which brings me to my last point.

I *do* support our fighting men but I refuse to lend my support in such a way as to insure that they will continue to die for

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questionable causes on ennumerable battlefields scattered all over the world. If they are to give their lives, let it be for what is genuinely just not only for a few, or even for the nation, but rather for the peoples of the world. We can't possibly stop the communist (or fascist) tide any other way.

As one of our renowned spokesmen in the most powerful country in the world, Senator Goldwater, your constituency is the human being. Human beings populate more than Arizona and more than our own United States. Their survival and well-being are in your hands, but it may be only for the time being.

Sincerely,

CALVIN WILLIAMS.

SAN RAMON, CALIF.

THE ROLE OF THE PARTNERS OF THE ALLIANCE IN THE HEMISPHERE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FASCELL. Mr. Speaker, on August 17, 1961, 9 years ago next Monday, delegates from throughout the hemisphere approved the Charter of Punta del Este which set in motion the Alliance for Progress. That document formalized a plan of action by President John F. Kennedy when he "called on all the people of the hemisphere to join in—a vast cooperative effort."

Mr. Speaker, in any review of the Alliance for Progress, it seems clear that many of the goals set out by the charter remain unfulfilled. Yet, as I said during hearings before the Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs last year:

> Some of them may have continued validity which transcends both the expectations and the performance of the past."

It is also an undeniable fact that times change. The decade of the 1960's is behind us. We have found it necessary, as have other governments in the hemisphere, to change gears, to tailor new ideas and methods to fit changing conditions, and prepare new directions for the 1970's.

It is significant to me that the opening sentence of the charter stated:

> It is the purpose of the Alliance for Progress to enlist the full energies of the peoples and governments of the American republics. . . ."

We are all aware of the government-to-government program of the Alliance for Progress in which the nations of the hemisphere have given special attention to intrastructure and the building of development-oriented institutions. But, Mr. Speaker, too few of us are cognizant of the peoples effort in the hemisphere to help attain the goals of the Alliance for Progress.

In the earliest days of the Alliance, there were no means to translate the interest of private citizens and groups, who wanted to help, into active participation and commitment to development. However, in 1963, the organization of the Partners of the Alliance office under the auspices of the Agency for International Development was conceived, developed and implemented by James H. Boren. It provided the vehicle to utilize voluntary citizen interest and skills as a complement to the government-to-government program. The Partners in the hemisphere seek to provide effective response to self-help efforts of people working on small but important community development projects.

The Partners of the Alliance office in AID served as the catalyst in bringing together Partners committees in the United States and Latin America. By June of this year, when the Partners office was closed, 40 U.S. statewide Partners committees had been joined with 40 areas in 18 Latin American and Caribbean countries in partnership arrangements, bringing to bear voluntary technical skills and resources on numerous meaningful local projects. The key to the program is self-help and the U.S. committees respond to priority activities identified and undertaken by their counterpart committees in Latin America. The dollar value of partnership projects now reaches $15 million and does not reflect the intangible benefits of thousands of personal ties and people working with people.

Leadership of the Partners of the Alliance program in the United States is now lodged in the National Association of the Partners of the Alliance and in the hemisphere by the Inter-American Confederation of the Partners. Private leadership is continuing to expand citizen-to-citizen activities in the areas of education, public health, agriculture, cultural exchange, and business. The Partners are one of the voluntary groups responding to the Peruvian earthquake disaster. They are coordinating relief donations from nearly all 40 U.S. Partner committees and many types of supplies from counterpart Latin American partners.

On the occasion of the fourth Inter-American conference of the Partners of the Alliance, held in Utah in 1969, President Nixon's message to the delegates noted that—

> The Partners of the Alliance exemplify the best of the Hemisphere's joint efforts. Any working Alliance for Progress which has set challenging goals such as ours must be a partnership of people as well as nations . . . and . . . the Partners of the Alliance are in the vanguard of voluntarism in the Americas.

Another key element in the Partners program is the two-way street concept. Contributions which Latin Americans make to the United States in culture and language are encouraged. The Partners effort helps give expression to President Kennedy's remarks in announcing plans for the Alliance for Progress when he said:

> We invite our friends in Latin America to contribute to the enrichment of life and culture in the United States. We need teachers of your literature and history and tradition, opportunities for our young people to study in your universities, access to your music, your art, and the thought of your great philosophers. For we know we have much to learn.

Mr. Speaker, on this Alliance for Progress anniversary observance, at the beginning of a new decade, as we reflect and take stock of the successes and disappointments of the old, I hope that an ever greater source of strength in the Americas will be the continued efforts of voluntary groups, like the Partners, to work together. May we try, in the days ahead, to understand each others problems and shortcomings and strive through cooperation and unity of purpose to reach new goals of achievement and progress in the hemisphere.

THE FIGHT AGAINST FAMINE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. BOB WILSON. Mr. Speaker, a most exciting event has occurred in Washington this week—the Third International Congress of Food Science and Technology, which is also known as SOS/70.

This conference has explored in detail the problems of malnutrition and world hunger and I am hopeful that the international attention focused on this problem by SOS/70 will help to resolve what could become a disastrous future for the world.

Under unanimous consent, I include an editorial from the American Chemical Society Journal in the fight against famine:

THE FIGHT AGAINST FAMINE: HUNGER MAY ULTIMATELY OVERRIDE POLLUTION AS WORLD CRISIS UNLESS FOOD SCIENTISTS AND TECHNOLOGISTS REDOUBLE EFFORTS

Pollution has become a gut issue of *our* time, but we wonder if famine may not ultimately—perhaps sooner than we think—turn out to be the limiting crisis for all time. In the end, polluters can only continue to pollute while they've got food in their bellies.

This week, some 3000 scientists from 50 countries will come to Washington, D.C., to "create a plan of action." The occasion: 3rd International Congress of Food Science and Technology. Centered on the "science of survival," the congress calls itself SOS/70. The message: Present rates of growth of food production versus population spell eventual disaster. The third horseman, balance in hand, astride his black steed, will have trampled out life.

The thesis is unarguable, if SOS/70 statistics are accepted. By the year 2000, world population will have doubled to about 7 billion, while average daily per capita supply of calories will have dropped to 1350 compared to the required minimum of 2400—at present growth rates. The cure: more food or fewer people. SOS/70 is concentrating on the former.

Just whether this conference will produce anything substantive is problematic. International conferences can tend to be long on talk and short on action. Still, any catalytic effect generated by the meeting should be beneficial. We've allowed ourselves to become smog-ridden before picking up the gauntlet against pollution. Let's hope that we can begin moving *now* against future food problems.

Food science and technology and their crucial role in man's survival is yet another example of how science can be a benefactor and not the total *bête noire* pictured in some circles. Chemists and chemical en-

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gineers, almost needless to say, will man pivotal positions in almost every area of food production and food research—the development of high-yield seed, fertilizers, pesticides, preservatives, systems of food fortification with high-protein sources, and so forth.

Much has already been done. Agricultural productivity in the developed countries has increased so fast since World War II that surplus rather than starvation is the problem in large areas of the globe. Even India, which only four years ago seemingly faced the grim specter of mass famine according to then exaggeratedly gloomy reports, now enjoys surplus. This kind of progress must be continued and amplified. For as Dr. Max Milner, UNICEF senior food technologist, says: "There has been too much euphoria and not enough research."

Interestingly enough, in the U.S. much, perhaps most, of our agricultural research is now done by private industry. Peter Drucker points out in "The Age of Discontinuity" that the Government has pretty much moved out of agricultural research, leaving the field of private enterprises—seed companies, farm implement manufacturers, fertilizer makers, and, we might add, just plain chemical companies. And it has been private companies, through their expanded sales and service organizations, that have by and large moved new technology to the farmer.

They've done a good job. Such a good job, in fact, that we'd like to see them continue to play a similar role internationally in the developing countries. The ideal vehicle would seem to be the multinational company which has demonstrated its ability to straddle borders, bringing in technology, management concepts, jobs, and net benefits to the local people, in ways that governments and international organizations seldom match. It was encouraging to see names like Abbott, General Foods, ICI, Monsanto, Nestle, and Unilever among affiliations at SOS/70.

ADDRESS TO AMERICAN BAR ASSOCIATION CONVENTION SESSION ON CONSUMERISM

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mrs. SULLIVAN. Mr. Speaker, St. Louis this week is the host city for one of the biggest and most important conventions we have entertained in our city for many years, the annual convention of the American Bar Association and of many associated or related organizations. General chairman of the convention committee is Attorney John H. Lashley, and I believe he deserves great praise for the fine manner in which this huge convention has been fitted into the busy life of our community.

Mr. Speaker, it was my privilege to participate in one of the sessions of the convention devoted to the subject of consumerism. It was sponsored by the section of antitrust law of the ABA. In my talk, I discussed the problems we face in the Congress in trying to write effective consumer legislation, and called upon members of the legal profession to volunteer some of their own individual time and effort to help us write better consumer laws. As I pointed out, we get tremendous help from outstanding legal talent in writing our laws whenever the public interest happens to coincide with the particular legislative interests of an important client, but we could also use more of the disinterested and objective help lawyers can give us when they are just acting on their own behalf, as concerned citizens, when there is no client interest involved one way or the other.

As an example, I mentioned in my remarks some of the discussions and developments in connection with the fair credit reporting bill, H.R. 16340, now before my Subcommittee on Consumer Affairs of the House Committee on Banking and Currency. In view of the widespread interest among both business and consumer groups in the status of this legislation, as indicated by the many calls received by my subcommittee from congressional offices, I submit for inclusion in the RECORD the text of my speech at the American Bar Association convention Tuesday, as follows:

ADDRESS BY CONGRESSWOMAN LEONOR K. SULLIVAN, DEMOCRAT, OF ST. LOUIS, MO., CHAIRMAN, SUBCOMMITTEE ON CONSUMER AFFAIRS, HOUSE COMMITTEE ON BANKING AND CURRENCY, AT AMERICAN BAR ASSOCIATION ANNUAL MEETING, SECTION OF ANTI-TRUST LAW ON CONSUMERISM, COLONY MOTOR HOTEL, CLAYTON, MO., AUGUST 11, 1970

As a Representative of St. Louis in the Congress of the United States, I am delighted to be able to participate in a convention in my own city of the American Bar Association, and to join in welcoming you to the Gateway to the West. But when Mr. Ira Millstein first approached me about appearing on this panel, at a meeting we were both attending as members of the National Commission on Consumer Finance, it was a little difficult for me to see much connection between the work I do in the Congress on consumer issues and the legal interests the members of this audience pursue as members of the anti-trust bar.

I have served in Congress long enough to recognize the validity of the concept that the anti-trust laws help the consumer by preventing extremely low prices—that is, preventing big corporations from selling substantially below cost, even though most of the consumers I talk to or hear from love the idea of a good price war without realizing many of the real reasons or the eventual consequences. Furthermore, as a Member of the Small Business Subcommittee of the House Committee on Banking and Currency, I have had some exposure to the problems created not only for consumers but for the whole economy when below-cost selling is undertaken for the purpose of killing off competition so that prices can then go back up to where they were before and rise from that point to whatever level will eventually attract new competition. But I'm sure you didn't ask me here to discuss my limited knowledge in the field of anti-trust law.

However, it then occurred to me that some of the most effective legislation ever enacted in the consumer's behalf in the Congress of the United States has stemmed from the work of the Subcommittee on Anti-Trust and Monopoly of the Senate Committee on the Judiciary, first under the late Estes Kefauver, who may or may not have been a hero to most of you but was certainly one of the real movers and shakers of the consumer movement in this country; and now under Philip Hart of Michigan who has also used the mechanism of the Anti-Trust Subcommittee with great skill and courage to expose conditions which called for corrective consumer legislation. So the work of anti-trust lawyers—at least some of them—has been of monumental importance to all consumers. And that's reason enough for me to be here because, as a consumer-minded Member of Congress, I believe in getting my legislative allies wherever I can. Organizational names and specialized fields of interest no longer scare me away from seeking potential knowledgeable and influential converts to my legislative causes.

FEDERAL RESERVE BOARD'S PERFORMANCE AS A "CONSUMER AGENCY"

Along those lines, I have been pleasantly surprised—amazed, really—to find that one of the most important consumer agencies of the United States government is now, of all places, the Board of Governors of the Federal Reserve System. The members of that Board hate to hear me say it, because the last thing they want is any more responsibility in the consumer field, but I have been trying to give them some more consumer responsibilities ever since they did such a magnificent job of putting together Regulation Z to carry out the Federal Truth in Lending Act of 1968.

The only reason in the world the Federal Reserve ever got that assignment is that former Senator Paul H. Douglas of Illinois needed a jurisdictional hook on which to hang his innovative piece of legislation back in 1960. If he wrote his bill to give the regulatory authority to the Federal Trade Commission—as everybody urged him to do, and particularly the Federal Reserve and the FTC—the legislation would have gone not to Senator Douglas's Committee on Banking and Currency but to Senator Magnuson's Committee on Commerce. The Senate Commerce Committee is certainly no graveyard for consumer bills, but it was Paul Douglas who not only devised the Truth in Lending Act but, through his marathon hearings over six years, convincingly dramatized the need for a law such as we just have. Out of such seeming irrelevancies as Committee jurisdiction sometimes come remarkable legislative and administrative results, so the Federal Reserve has become, in my opinion, one of the top consumer agencies of government, at least in one field where we forced them to take such jurisdiction.

Hence, when the Fair Credit Reporting bill came along—a bill I call the "Good Name" Protection Act—it also placed jurisdiction for drafting and issuing regulations in the Federal Reserve, and you never heard such loud and anguished protests from any agency over the prospects of getting more powers than we have received from the Federal Reserve on that one. I am surprised that no one on our Committee suggested placing in the Federal Reserve the proposed powers to regulate prices, wages, salaries and rents under the House-passed Defense Protection Production Act Extension bill We have already given the "Fed" authority to regulate consumer credit along with any other form of credit, if the President should decide such controls are needed.

CENTRALIZING CONSUMER FUNCTIONS OF GOVERNMENTS

Actually, there is no clear-cut line of demarcation any more in the Executive branch as to what are and are not consumer functions of government. When Congressman Ben Rosenthal of New York, who served with me on the National Commission on Food Marketing several years ago, began a drive to concentrate all of the major consumer functions of government into one Cabinet-level Department of Consumer Affairs, he reported in somewhat horrified tones that there were in the neighborhood of 33 different agencies having important responsibilities in the consumer area. Instead of being horrified by that, however, I felt this diversification and division of authority in consumer programs on the whole to be a good thing, and I have not supported the idea of a centralized Department of Consumer Affairs. I think it would be the most administratively

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crippled and financially starved Department of any we ever had—for all the lobbyists with special interests in limiting or weakening governmental programs to aid the consumer would undoubtedly gang up to undermine the agency and do it in. Coordination of consumer programs in terms of policy and purpose—yes, I'm for that; but lumping diverse operating programs together in one Department where their only relationship to each other is that they serve consumers in different ways—no, it's too easy to cut the ground out from under the poor bureaucrat who would be supposed to run them all.

As a result of similar reservations and doubts expressed by such consumer people as Ralph Nader and Esther Peterson, and others, the Department of Consumer Affairs idea has now been shelved in favor of a proposed statutory office in the White House and an independent agency which would go to bat for the consumer before other agencies, including the regulatory agencies, which are all, now, experiencing the hot fire of consumer impatience and resentments over their previous imperviousness to the consumer aspects of their decisions.

The consumer is on the move, and, happily, he has many avenues for effective action in carrying his banners of reform. This is quite a change in political attitudes. Some of us who have spent years in the lonely wilderness of consumer legislation are now finding, like the traffic jams on what once used to be farm and country roads but are now eight-lane throughways, that like-minded legislators surround us on every side and are clamoring to travel along with missions into consumerland. What better illustration could there be of the new and widespread interest in consumerism than this panel of the American Bar Association's Anti-Trust Section?

DIFFICULTIES IN ENACTING STRONG CONSUMER LAWS

There are literally hundreds of consumer bills pending in both Houses of Congress right now—all intended to make the life of the average person a little or a lot happier or safer, or more rewarding, or less frustrating. Most of those bills will not pass, not because they do not spell out worthwhile objectives but because they either aren't workable or are not necessary. Most of their objectives can be achieved by courageous administration of existing laws. But some neglected consumer bills which are *very* necessary have been blocked for years because their need is not yet fully recognized. Eventually, they will pass—and I am thinking now of those bills which affect our lives and health and safety. I shudder, however, at what might happen to enough people to dramatize the need for one piece of legislation I have been introducing and pushing since 1954—16 years—to require that cosmetics, now a multi-billion-dollar-a-year industry, be proved safe before they can be offered for sale.

Once disaster has struck by accident or carelessness or avariciousness on the part of a few fly-by-nighters or even big corporations in this field, the industry itself will be camping in the corridors of the House and Senate Office Buildings pleading for immediate passage of a pre-testing law in order to try to save their industry from consumer vengeance. That is what happened in 1938 when the Food, Drug, and Cosmetic Act—stymied for years—suddenly went through; but first many people had to die from elixer of sulfanilimide, many women were blinded by dangerous eyelash dyes, many children were poisoned by adulterated foods.

I mentioned Senator Kefauver's monumental achievements in consumer legislation. His greatest achievement, the 1962 Drug Act—which I am immodest enough to say came largely from the provisions of a bill of mine first introduced in the House on January 31, 1961—sped to enactment only after thousands of unfortunate children were born abroad without limbs because their mothers had been prescribed or given a sleeping pill containing the seemingly harmless drug thalidomide. We were saved only by a hair's breadth and a few administrative technicalities and deliberate bureaucratic delays from having the same fate visited on American children.

These are prices which are too high—far too high—to have to pay for legislation to protect the people of this country from products which kill or maim or destroy. One of your other speakers this afternoon, Mr. Arnold Elkind, chairman of the National Commission on Product Safety, will tell you more about that from the standpoint of bombs, booby-traps, flame-throwers, guillotines, poisoned spears, eye-gougers and body crushers in and around the average home.

LAWYERS "MOONLIGHTING" FOR THEMSELVES AS CONSUMERS

As a legislator who has had to learn by painstaking hard work about consumer problems, and who has tried to be painstakingly careful in devising responsible legislative solutions for them, I find more and more that I need help from professional people like you who probably never get involved in legislation outside of your immediate fields. When you do get involved, it is usually in behalf of a particular client. In addition, I want you to moonlight a little for yourselves—as consumers, and as citizens. So Mr. Millstein didn't have to twist my arm too hard to get me to come here—we have no quid pro quo between us, that we must vote in the National Commission on Consumer Finance to recommend tighter curbs on garnishment than the ones we provided in Title III of the Consumer Credit Protection Act, or for the elimination of the holder in due course doctrine in consumer credit, in return for getting me here. His and your invitation provided me with a forum I feel can be valuable to me, in pursuit of my legislative objectives in behalf of consumers, and that's "pay-off" enough, at the moment, at least.

In moonlighting for yourselves as lawyers expert in the mechanics of the American economy and of the laws affecting commerce, there are many instances, I am sure, where you would encounter no conflict with your client's interests by volunteering some guidance to those of us working for the common interest. Unfortunately, we hear from you—if at all—only when you are pressing upon us some little twist in a bill to help a client corporation get away with something or get away from something. A politician is the last person in the world to appear to criticize someone else's manner of earning a living, but when you earn a big fee for getting a special provision in a law, or defeating the law in the courts, is this quite enough use of your precious legal talents? What about your kids at home? What are you doing generally out in the community and in Washington to help make their environment a bit safer, their education better, their health more secure, their cars less likely to kill them, their future more promising as citizens of a mixed-up world? Sure, those are among my legislative responsibilities, for which I get paid. But how well I can do my job in serving your children's causes depends to a large extent upon how much informed but disinterested information I can get in writing the laws—disinterested in terms of its objectivity, reliability, straightforwardness.

THE FAIR CREDIT REPORTING BILL

Right now I am deeply involved in trying to write a bill which will protect the rights of the individual in the increasingly computerized and all-pervasive field of consumer data. I have been fending off lawyers right and left who have been trying to give me a little language here, a proposed amendment there, a nudge or a push or a hard shove or a political scare toward the kind of bill which will make the credit reporting industry happy to be regulated by the Federal government, instead of by a variety of differing state laws of varying effectiveness. What started out as a consumer crusade in righteous indignation against invasions of personal privacy and snooping and the spreading of unverified or malicious gossip is now regarded almost universally, by the industry to be regulated as well as by consumers, as a necessary new area of Federal law.

My subcommittee on Consumer Affairs of the Banking and Currency Committee has been struggling with the details of proposed language to safeguard the consumer's rights to accuracy in the kind of information circulated about him by firms which make a business of compiling and selling this data to prospective creditors, insurers and employers. The Senate has passed a bill by Senator Proxmire which attacks this problem, but the industry was so pleased with the major features of the Senate bill—and its assurance of immunity to the credit reporting industry for its own mistakes and negligence in the handling of personal data—that I have introduced a much broader and tougher bill which is now the object of bitter controversy.

We have completed our hearings but not the mark-up of the legislation. We are in a fundamental split over the concept of enforcement, which has not yet been resolved. There is not too much disagreement in the Subcommittee over the need to prohibit unfair credit reporting practices and to provide access by the individual to find out the kind of information which is in his file. The big disagreement is over whether to have a Federal agency, or several agencies, look over the shoulders of the credit bureaus and enforce the consumer safeguards through administrative action and regulations, or try to write a law which is presumably so clear and unequivocal in all of its provisions that everyone knows exactly what it means; then if there are violations, the individual can go to court and sue. To me, this is an incredible way to cast a consumer protection statute. But it is the industry's primary objective on this legislation. When I asked what Federal law providing benefits or rights to an individual depends on individual lawsuits to bring relief from violations, with no regulations issued by any administrative agency, the only laws anyone could cite were the anti-trust laws. Nobody issues any regulations under those laws, I was told.

RELIANCE UPON INDIVIDUAL LAW SUITS AS ENFORCEMENT METHOD

Well, of course, a lot of private lawsuits are filed under the anti-trust laws but I am wondering how much enforcement there would be if the Department of Justice and FTC weren't also in the picture.

Since you are all anti-trust lawyers, perhaps you can tell me whether the anti-trust approach of individual suits against violations would work as regards the accuracy of your own file in the credit bureau, let alone that of some moderate-income wage earner whose remedy of going to court to protect his good name is a right he might find difficult to exercise. If the erroneous and damaging data relates to his character or reputation or personal affairs, what kind of skeletons might he feel would pour out of his closet in open court in trying to establish that he is really a decent fellow? I'm not a lawyer, and I don't know the pitfalls or consequences of this approach; all I know is that the credit investigation industry is pushing it as the quick and easy solution, and their lawyers are handing in a lot of pieces of paper with amendments in legal terminology written on them for consideration in our executive sessions.

Well, we aren't at the point yet in our

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deliberations where any damage has been done by these self-serving amendments but we're approaching the final Subcommittee mark-up and I want to know what I'm getting into. Some lawyers, along with some computer engineers, credit experts, and other knowledgeable people acting as private citizens interested in an effective consumer statue, rather than in a client account on this matter, have been of great help to us. Before we are finished, I hope to enlist more such help, from people who have knowledge of the law or of the technology, and I'm sure a lot of you could write intelligently and persuasively to your own congressmen on the fundamental issue in this controversy on the question of enforcement.

If we had provided for no regulations and no administrative enforcement for the Truth in Lending Act, I am wondering what chaos would have struck the consumer credit and real estate credit fields on July 1, 1969, when that law took effect. The Federal Reserve, which, as I said, did such an outstanding job in writing Regulation Z, issued the regulation in draft form many months before July 1, following more than a year of study and consultation and the aid of an advisory committee, but even so it was immediately called upon to issue numerous specialized interpretations, advisory opinions, and also some basic amendments because the industries affected needed guidance. Many of them also needed reassurance that a conscientious attempt to comply with the new law would not subject them to severe penalties for innocent errors in interpreting the statute.

The only reason I can imagine for the credit reporting industry's reluctance to have such supervision and assistance available in complying with a Fair Credit Reporting bill is that the case-by-case determination of what the law means could take years for adjudication; the average person would shrink from instituting lawsuits; and we would have a law with lots of requirements but no enforcement. Is that an unfair assessment? The lawyers for the industry affected claim my assessment is unfair. How do other lawyers, interested in this as private citizens, feel about it? Ralph Nader, I might add, is at least one lawyer who agrees with me on this point. I hope many of you do too, and will, as I said, give your views on it to your Congressmen, as well as to me.

OBJECTIVE, DISINTERESTED ADVICE NEEDED BY LEGISLATORS

After all, you have a big stake in this, too, as does everyone who uses credit cards, buys a home, applies for insurance, etc., and can be the victim of seemingly incorrectable computer goofs, or somebody's gossip, or an investigator's laziness.

In all of the consumer issues which confront us if we can get experts in every field to do the kind of moonlighting I have asked you to do, and do it in the interest of themselves and of their own families and thus in the public interest, too, all of our lives will be the more secure for it. Not every legislative issue involves your own clients—work for them all you like on whatever cause or issue your services are enlisted professionally, but work for yourselves also, and for the rest of us part of the time, too, on consumer legal issues, particularly when this presents you with no client conflict of interest problem.

I once told the American Chemists Association how a chemist had interested me in doing something about the use of continuous vapor strips as insecticides, which have just been outlawed for use around food. My first result was to require the manufacturers to place a warning on the label that when these products were used around food, the food had to be covered. This was significant, because up to then the vapor strips had been widely promoted for use in commercial kitchens on the claim that food did not have to be covered in their presence, whereas the sprays could be marketed only with a warning to cover all food first. The theory was that the continuous strips repelled the insects and kept them away. The fact was that, just as in the case of the sprays, the dead insects could easily fall into the food. Since then, the strips have been shown to be potentially dangerous by reason of the poisons they give off. But at the time I got into this, they were considered relatively harmless. The chemist who enlisted my interest happened to manufacture sprays. He gave me facts—true honest facts—but primarily because of a competitive battle in which he was engaged. We are always getting that kind of lead. In telling this incident to the chemical association, I pointed out that what I also wanted was advice on chemical dangers based not on one's own business problems, but on what the public safety required. Similarly, what I'd like to have more of, from more lawyers, is disinterested advice based on what you know as lawyers rather than just what you need to have done to help a client. We can always expect to hear from top legal talent on what to do in the public interest when it happens to coincide with the client's interests. How about the rest of the time?

OUTMODED STATE LAWS WHICH TRAP POOR CONSUMERS

During hearings of the National Commission on Consumer Finance in June on practices used in collecting disputed consumer debts, Mr. Millstein and our Chairman, Professor Robert Braucher of Harvard Law School, took the brunt of numerous protests of mine about how the legal profession as a profession seems to stand aside and permit some of the intolerably cruel practices to operate in this field of debt collection under default judgments obtained by lawyers working for sleazy clients cheating low income families. I wasn't blaming Mr. Millstein and Professor Braucher, although it sounded several time as if I was implying every lawyer is a crook, or the tool of crooks. God forbid any one should ever think that. My husband was a lawyer, and a good one. I admire your profession. He loved it.

But I think all of you—all of you—whether in anti-trust or space law or international law or whatever—should be ashamed as lawyers to have laws in effect in your states which reward lawyers for standing in small claims court or a similar court all morning obtaining default judgments for debts which may never be owed, so that the judgments can be used to hound the poor people who may not owe them but must pay them nevertheless, and whose wages are garnisheed to the point where they are unemployable. All right—I'm a politician. You might ask how can I tolerate political chicanery without doing something about it. But the difference is that we have laws to catch the political crook and punish him, and if exposed, he can't be elected. But instead of eliminating the laws which use the courts to harass poor people in behalf of crooked creditors, you shrug it off and say that you don't practice that kind of law. Those who do practice it say their oath requires them to serve their clients to the best of their ability under the laws as they exist. Well, then, let's absolve the default-judgment practitioners from the humiliation of invoking bad laws for bad people, by eliminating bad credit laws. Consumer credit is now so all-pervasive in our economy that every good man or woman trained in the law has an obligation, it seems to me, to force a change in those laws. I mentioned that Mr. Millstein and Professor Braucher took the brunt of my anti-lawyer comments at our recent hearing, and that wasn't fair because they both are serving unselfishly in an important assignment directed at doing something affirmative about these problems. Are you? Or will you? I hope so. Don't leave it up to the brand new lawyers, idealistic as many of them are. You've got the skills they're just starting to learn.

SERVICES MERITING SPECIAL HONOR

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. PERKINS. Mr. Speaker, the word "bureaucrat" frequently is used as an epithet to describe Government officials who are considered insensitive, insincere, or incompetent. I and my fellow Members know there are many thousands of Federal bureaucrats who do not fit this negative stereotype. We know there are many dedicated, intelligent, sensitive men and women who serve the people of this country exceedingly well as able, hardworking, imaginative, honest employees of the Federal Government. One such individual, a native of Utah and a resident of Virginia for many years, retired July 24, 1970, after 37 years of Federal service, the past 20 of it with the U.S. Office of Education. In recognition of the extraordinary dedication and skill which Mr. Benjamin Alden Lillywhite gave to his varied and complex duties with the Office of Education, the Secretary of the Department of Health, Education, and Welfare recently awarded him the Distinguished Service Award, the highest honor bestowed on employees of the Department.

Mr. Speaker, in order that my colleagues in the House can appreciate the services which Mr. Lillywhite rendered to the children and citizens of the Nation, I ask unanimous consent that a statement of the reasons he received the Distinguished Service Award of the Department of Health, Education, and Welfare be printed following my remarks.

The statement follows:

SERVICE MERITING SPECIAL HONOR

Mr. Benjamin Alden Lillywhite was awarded the Distinguished Service Award of the Department of Health, Education, and Welfare primarily in recognition of his nearly 30 years of extraordinary leadership in developing, implementing, and administering Federal programs which have improved elementary and secondary educational services for an aggregate of 50 million public school children, including the formulation of national policies which have made possible the dramatic expansion of Federal financial support for elementary and secondary education during the past decade.

Mr. Lillywhite developed and guided national education programs and policies within the American tradition of local direction, State responsibility, and Federal support without control—and skillfully maintained the sensitive balance among these three levels of government, avoiding interference or disruptive conflict with the legal and customary State and local responsibilities. The complexity of this task is indicated by the fact that the Federal assistance programs for which Mr. Lillywhite had major responsibility are governed by approximately 22,000 public school districts, 50 legislatures and education agencies, 5 education agencies in national jurisdictions outside the States, and major administrative units in the U.S. Departments of Interior and Defense which offer educational services to Indian children on reservations and to military dependents. Federal relations with these units require recognition of and response to intricate and often subtle legal and political interaction and differing modes of operation.

During and since the years of World War II, Mr. Lillywhite worked to ensure the local availability of educational services for more than 1 million children of American military personnel and 4 million children of other U.S. Government personnel stationed in every part of the Nation and remote territories. He helped determine educational needs and implement solutions to many of the problems created by vast and rapid population shifts during the war and post-war periods, thus insuring educational services which otherwise would have been totally inadequate to the needs of children of defense workers and Government personnel. Largely in recognition of these contributions, Mr. Lillywhite's advice and assistance were sought by Congress in 1950 when legislation became necessary to rationalize, systematize, and equalize the diverse and limited measures of Federal education assistance and administer them uniformly in hundreds of communities throughout the Nation. The result was the 1950 enactment of two new laws: Public Law 81-874 to provide Federal financial assistance for maintenance and operation of local educational programs in communities heavily impacted by Federal activity, and Public Law 81-815, which provided Federal assistance in the construction of school facilities in similar locales. That the basic principles embodied in these two acts have received sustained bipartisan Congressional support throughout the two ensuing decades is evidence of the knowledge, forethought, and careful consideration given to their development by Mr. Lillywhite in his role as advisor and confidante to the Congressional, Executive, and legal authorities involved. Broad principles designed to maintain and increase local support for public education were incorporated into these laws and most of the subsequent Federal programs of assistance to public education.

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In late 1950, Mr. Lillywhite was named to administer the impact aid laws, a position he held through fiscal year 1967. Whenever modifications of P.L. 81-815 and P.L. 81-874 have been considered during the 20 years since their enactment, Congressional and Executive officials and agencies have relied upon Mr. Lillywhite's exceptional understanding of the two laws. Recognizing his detailed knowledge coupled with sound judgment and honesty, these policymakers repeatedly have sought his views and opinions. His detailed and continuing analysis of administrative policies and procedures have suggested substantial changes which gradually have reduced both the clerical burden placed on local grantees and the need for additional Federal administrative personnel, despite an increase in participation from 1,172 school districts enrolling 439,000 Federally-connected children in fiscal year 1951 to approximately 4,500 districts enrolling more than 2.5 million Federally-connected children today. Participating districts in fiscal year 1969 enrolled approximately 60 percent of all children attending public schools in the United States.

Within the past three years, changes for which Mr. Lillywhite was largely responsible have cut the local workload for participating districts to approximately half what it formerly was.

While administering Public Laws 81-815 and 81-874, Mr. Lillywhite carried special responsibility for assistance to Dade County, Florida, for the education of Cuban refugees. He recommended the granting of funds for the education of some 19,000 Cuban refugee children in the public schools, for financing necessary vocational and adult education programs for 25,000 adult refugees, and for afterschool and summer recreation program for the Cuban refugee children. While credit for the recognized success of the Cuban Refugee Program belongs principally to the people of Miami and to the refugees themselves, Mr. Lillywhite's vision and guidance were important catalysts. The effect of his activities has extended beyond this particular program, by hastening the progress of resettlement and employment of the refugees throughout the United States.

Mr. Lillywhite also provided outstanding leadership to another significant phase of the school assistance programs by improving educational services to Indian children. For example, new school facilities were provided for some 40,000 Indian pupils in a number of school projects. These special projects and others designed to maintain and expand educational services for Indian pupils involved particularly complex and sensitive administrative skills which Mr. Lillywhite demonstrated in providing assistance under the laws and coordinating their implementation with other Federal agencies.

During the early part of the 1960s, Mr. Lillywhite was largely responsible for implementation of a Departmental policy which established desegregated education facilities for the first time for 7,300 children at eight large military bases, thus becoming deeply involved in one of the highly volatile social problems of the past decade to the time when the momentum of legislation and events involved many of his colleagues within the Office of Education and the Department in similar concerns. His experience during that period has proved to be of exceptional value and assistance during more recent school desegregation efforts.

After the inception of Public Laws 81-874 and 81-815, Mr. Lillywhite fostered local, State, and Federal understanding of the laws and their administration through extensive and successful efforts to become personally acquainted with those Congressional, Federal executive, State, and local officials most intimately concerned with these assistance programs. Largely because Mr. Lillywhite's dedication exceeded what would normally be expected, there have been few serious complaints based on local misunderstanding and only rare and usually minor financial audit exceptions to the use of approximately $5 billion in Federal funds during the 20-year life of the programs.

Scrupulous loyalty to the principle that policymakers have not only the responsibility but the right to determine policy, and that administrators are responsible for making those policies function efficiently and effectively has enabled Mr. Lillywhite to guide policy formulation without becoming so deeply committed to his own occasionally differing views that effective administration of the program would be impaired. Legislative and administrative policies which Mr. Lillywhite may have opposed in their formative stages have been administered with the same skill and commitment as policies which he initiated and recommended. His cordial relations and personal acquaintance with hundreds of local, State, and Federal officials and his knowledge of their views and the laws and policies governing their actions have been of exceptional value, both in his administrative activities and in the larger interest of Federal-State-local relations. His counsel to top officials of the U.S. Office of Education, the Department of Health, Education, and Welfare, legislative committees, and other government agencies not only facilitated legislative and administrative processes on many occasions, but also helped these officials anticipate and thereby forestall the kinds of crises which arise when decisions are made in the absence of full knowledge and consideration of all the factors.

Since August of 1967, Mr. Lillywhite has served in the various capacities of Acting Deputy, Deputy, and Acting Associate Commissioner for the Bureau of Elementary and Secondary Education, occupying the latter position just prior to his retirement and during an earlier interregnum between the departure and arrival of Associate Commissioners. Most recently, as Acting Associate Commissioner, he has guided the implementation of an extensive data collection and evaluation system for elementary and secondary education programs and the coordination of the Bureau's involvement and participation in several departmental task force study groups. In his regular capacity as Deputy, he was responsible for the execution of Bureau and Office of Education policy and the coordination of intra-Bureau operations. Division Directors conferred with Mr. Lillywhite on all operational problems and questions which required Bureau assistance, guidance, and interpretation. In his daily administration of approximately 24 assistance programs operated by the 400 Bureau personnel, he demonstrated his ability to meet urgent problems in a timely manner and to operationally and administratively apply the agency's policies both to internal administration and to program management.

His understanding of the social, economic, and educational problems of minority groups, as well as his familiarity with the needs of the children of migrant workers and Mexican Americans has been invaluable to the Bureau in focusing its priorities on the educational needs of the disadvantaged. He is keenly aware and concerned about the intensely personal effects of large-scale bureaucratic actions regarding these children. He never lost sight of children's needs in guiding development of program policies which will affect the educational services they receive

While contributing to the legislative and administrative development of many of the Bureau's programs, he continued to welcome new ideas and was most creative in translating concepts and generalized ideas into administrative and program policies. A recent example of this occurred when he moved the concept of educational accountability for student learning from an ideal into pilot and demonstration programs. He accomplished this by working with staff members and State officials to prepare regulations, guidelines, and practical and workable policies for introducing the concept into practice through the bilingual education and dropout prevention programs administered by the Bureau but operated by local education agencies.

Throughout his years of government service, Mr. Lillywhite's work was distinguished by the excellence of his performance and his skill in establishing and maintaining good relations with colleagues and an abiding concern for the quality of education which children receive. His personal and intellectual integrity are well known. His judgment is universally respected by educators, legislators and administrators from local school officials to members of Congress. He has unusually extensive contacts throughout the Nation and maintains friendly professional relationships with personnel in field offices, the States, State and local school districts, and educational organizations. He is frequently called upon to participate in educators' conferences, special task force studies on educational and social needs, and studies for special congressional committees. At the same time, he won the loyalty and respect of his co-administrators, the Bureau staff and field representatives. He is widely admired for his sound educational philosophy, his mature balance of judgment, his familiarity and concern with the problems of public policy, his crusading spirit in confronting them, and his personal and professional integrity.

The citation reads: B. Alden Lillywhite is hereby awarded this certificate of distinguished service for outstanding leadership in the Office of Education toward meeting the challenge of our expanded Federal commitment to the educational needs of the Nation's children and youth.

ON THE INVASION OF CZECHOSLOVAKIA

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MAILLIARD. Mr. Speaker, while August 21 may not as yet be remembered by many as a significant date, any follower of world affairs must be aware that this date marks a tragic event in the history of Eastern Europe. On this date, 2 years ago, the Russian army invaded the country of Czechoslovakia in flagrant violation of territorial integrity and the principle of self-determination. While our immediate reaction and that of many other countries throughout the world was one of outrage and condemnation of the Russian action, the incursion implies even graver consequences for peaceful international relations.

Whereas a thaw in the cold war had been perceptible in recent years, the Soviet invasion was a tragic reversal of the progress which had seemed apparent. The efforts to improve relations between the East and West were seemingly coming to fruition. Thus, there could have been no stronger source of disillusionment for those hoping for rapprochement than the Soviet Union's disregard for the sovereign rights of Czechoslovakia. The nations of the world who yearned for peaceful coexistence were compelled to reevaluate their opinion of the Soviet Union and its sincerity in striving for mutually satisfactory agreements with the West. As a result of the Soviet action, Western Governments became more wary in their dealings with Moscow, and justifiably so. Moderation replaced liberalization in our policies toward the Soviet Government.

In the weeks prior to the invasion, the movement led by Alexander Dubcek suggested that the Soviet Union was adopting a more lenient policy toward its satellite countries. This apparent moderation on the part of Moscow gave hope to many that peaceful coexistence could become a reality. But this positive trend was halted by the blatant squelching by the Soviet Union of signs of independence and freedom of thought which were emerging in Czechoslovakia. A glaring discrepancy became visible when the Soviet Union discarded its expressed belief in the cause of national liberation and gave priority to its own narrow self-interests. The earnest desire on the part of the Czechs for reform was not found to be compatible with Soviet goals, and their ruthless crushing of the movement evoked not only contempt for the Russians but a reawakened sense in the rest of the world of the vulnerability of a nascent democracy.

Today, in 1970, we are again striving for a policy which will lead to a greater understanding with the Soviet Union. We are working toward establishing concurrence on principles involving the rights of countries and their peoples. However, I believe we must be honest in saying that, were the Soviet Union to demonstrate again a lack of respect for the sovereign rights of nations around the world, we would be forced to reconsider our policy. If the Soviet Union were to suggest, in action or word, that it places its national goals above those of peace, then the establishment of world harmony will be impeded, and the chances for a lasting detente between our Nation and the Soviet Union will be seriously diminished.

THE LATE HONORABLE G. ROBERT WATKINS

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. WYLIE. Mr. Speaker, I had intended to participate in the special order paying tribute to Bob Watkins taken yesterday by the gentleman from Pennsylvania (Mr. Goodling). As frequently happens in this business, a constituent problem came up and before it could be resolved, the House had adjourned. I would be remiss if I did not take the opportunity of this forum to pay tribute publicly to this fine person. I told him once that he reminded me of my own father, who lost his father at an early age.

Bob Watkins was a high school "put out," as he used to say of himself. He worked hard, loved life, and died with his boots on. He is, I fear, a vanishing breed of American.

Bob Watkins is a classic example of the American dream becoming a reality for those with courage, persistence, and willingness to work. Much has been said of his early beginning and his rise to become the head of one of the largest transportation companies in the United States. This would be a success story in and of itself.

His friends persuaded him to enter public life, and his exemplary service can be seen by all accounts as a sheriff, county commissioner, a State senator, and a Member of Congress. In other words, whenever he undertook a venture, he rose to the top.

He also rose to the top as a person. His extraordinary sense of humor interspersed his serious, conscientious nature so that he was a person who was naturally liked by everyone

It was a great privilege for me to meet, know, and break bread frequently, with this fine man. I feel a profound sense of loss which words cannot adequately express. I extend my deepest sympathy to his family and loved ones. It is some conciliation to those near Bob that this country is a better place because he lived here.

BENTSEN VEERS LEFT IN SEARCH OF VOTES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. HUNT. Mr. Speaker, for the benefit of those who may not receive the publication, it is interesting to note an article that appeared in the August 15, 1970, issue of Human Events under the title: "Bentsen Veers Left in Search of Votes." It is indeed bewildering, and will serve as a warning to Texas voters, that Democratic senatorial candidate Lloyd Bentsen should have defeated his opponent in the senatorial primary while campaigning under the conservative banner, but now abandons those principles in a bold attempt to broaden his political base, unmindful of those who were lured into believing him in the first instance.

Changing the spots on the leopard is not unknown to politics, but those who have risked such expediency have come to know that it does not inspire voter trust and confidence. The article follows:

BENTSEN VEERS LEFT IN SEARCH OF VOTES

Former Congressman Lloyd Bentsen, who ran as a staunch conservative in defeating liberal Sen. Ralph Yarborough in Texas' Democratic senatorial primary, has changed his tune. Bentsen, who faces Republican Congressman George Bush this fall, is going all out to woo Texas liberals, specifically the 724,000 Democrats who supported Yarborough in the primary.

The Texas Observer, a liberal Journal which views Bentsen as a cynical opportunist, reports that the former conservative is criss-crossing the state, hitting the same theme over and over: "Can Texas afford the luxury of a disunified party? Can we afford to lose a major Democratic seat in the United States Senate?"

The Observer notes that Bentsen who "raved against Yarborough's alleged position on school busing, riots and prayer," now demonstrates sudden concern for Democratic solidarity, for an end to the Viet Nam war, for huge federal spending for education and welfare—an "about-face on all the things which Bentsen spots called 'un-Texan' just a few weeks ago."

Bentsen's cynicism was first evidenced in the primary, says Observer editor-at-large Bill Hamilton. On the one hand, Bentsen blanketed the state with radio and television commercials that "literally shouted on the evils of 'busing,'" and linked Yarborough to the liberal Northern wing of the Democratic party.

On the other hand, Bentsen distributed in Negro neighborhoods a special newspaper entitled "People's Voice." Designed to look like a normal paper, the "People's Voice" attacked Yarborough for a 1956 statement in which he allegedly opposed "forced integration" and for his coolness toward Hubert Humphrey.

Bentsen is quoted—but only in the Negro ghetto—as saying, "If we would have had the earlier support of Yarborough, we probably would have won the presidency (for Humphrey)."

Most cynical of all was Bentsen's attempt to link himself with black heroes. On the front page of his "People's Voice," under the headline of "People To Be Proud of," were photographs of four men:

Dr. Martin Luther King, slain leader of the Southern Christian Leadership Conference, President John F. Kennedy, the murdered President long identified with the civil rights

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cause, President Lyndon Johnson, who secured the passage of two monumental civil rights bills—and Lloyd Bentsen, candidate for the U.S. Senate.

The Bentsen ploy failed miserably. Yarborough carried black precincts overwhelmingly—probably because Negro voters saw the same hard-line TV commercials that Bentsen was aiming at Texas whites.

Though Bentsen is now playing up to the liberals, he had not yet won an endorsement from Yarborough, whom he clobbered in the primaries. At the recent fund-raising dinner for Yarborough in Houston, former President Johnson, Lt. Gov. Ben Barnes and several lesser politicos were all harmonious and unity-minded in their praise of Yarborough. But when Yarborough took to the podium, he unleashed a harsh attack against Bentsen and his tactics, much to the displeasure of Johnson and the Bentsen forces. So angry is Yarborough with Bentsen, in fact, that he has recently taken to praising Bush on the floor of the Senate.

DISTORTION OF GUN LEGISLATION

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. ULLMAN. Mr. Speaker, recent months have unfortunately brought an increasing tendency toward radicalism at both ends of the political spectrum, a trend that can only serve to undermine the best interests of the Nation.

I am particularly concerned about the techniques of the new radicals, who too often employ distortion and half-truths to construct their issues.

As a recent editorial in the Herald and News, of Klamath Falls, Oreg., in my district points out, a developing issue in this area concerns gun control regulations. Many people feel that the Omnibus Crime Control and Safe Streets Act of 1968, which I supported, is basically intended to legislate gun control. This act has been seized upon as an example of gun control legislation, but, in fact, of the 11 titles of the act, only one title that is operative, title VII, limits the sale, possession or transportation of firearms by felons, dishonorably discharged veterans, mental incompetents, aliens illegally in the country, and former citizens who renounced their citizenship.

The provisions of the act are essential to the establishment and maintenance of law and order in the Nation and are obviously not intended to impose restraints on the right of law-abiding citizens to own and bear arms for sports, hobby, and self-defense.

No one is more opposed than I am to any legislation that would abuse the rights of law-abiding citizens to bear arms. I helped lead the successful fight earlier in this Congress to repeal the recordkeeping features of the Gun Control Act of 1968 dealing with several types of sporting gun ammunition. I have also introduced a bill which would exempt .22-caliber cartridges from the registration laws, and the chairman of the Ways and Means Committee has assured me that the committee will move to take up the bill at the earliest date. In my judgment, the answer to crimes committed with guns is stricter penalties for criminals not undue restrictions on law-abiding citizens. This has been my position since I came to Congress in 1957, and it will continue to be my position while I am in Congress.

I hope that future reference to the bill and its inherent gun control legislation will be based on the facts of the bill rather than some vague suspicions.

The article follows:

IT IS NOT GUN CONTROLS

It seems that there are some people in Klamath County who still think that Title 1, Omnibus Crime Control and Safe Streets Act for 1969 is a road to gun control.

They still refer to the so-called Appendix B, a few pages of typewritten paragraphs, as the foot in the door to gun control.

The Herald and News investigated Appendix B. It was confirmed by the highest authorities that Appendix B is not a legal document, but a collection of recommendations by the President's Council on Crime, which were turned down by Congress.

In the course of the investigation we received a letter signed by Richard L. Levine, executive assistant to the U.S. Attorney General, Washington, D.C., U.S.A. It was dated April 1, 1970.

"Title One consists of six parts numbered from Section 101 through 601. Title One has no appendix," was Levine's answer.

We have pointed this out before and will do so again until some people start looking at the facts and not at what they would like to see.

WHAT DOES DR. DUBRIDGE MEAN?

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SLACK. Mr. Speaker, today the United Mine Workers of America issued a press release which I respectfully bring to the attention of the Members of the House:

UMWA PRESS RELEASE

W. A. (Tony) Boyle, president, United Mine Workers of America, today called for a public explanation by Dr. Lee A. DuBridge, President Nixon's top science advisor, of statements attribued to him by the July 1970 issue of *Government Executive Magazine.*

Boyle added that if the statements appearing in the magazine "mean what they appear to say" DuBridge believes the Federal Coal Mine Health and Safety Act is unfairly and unrealistically enforced, and is quoted as saying that "the sudden enforcement at this critical time has substantially decreased coal production capacity" which could cause a fuel shortage.

"I wonder what enforcement Dr. DuBridge is talking about. There has been loss of production in the mines because of protest against lack of enforcement. Fuel shortages can best be averted by moving without delay to enforce the law, by setting meaningful time limits upon procurement and installation of equipment and by insisting upon maximum possible enforcement now," Boyle said.

The UMW president pointed out that he has charged the Department of the Interior with "footdragging" on enforcement, and added that it now appears that this attitude also prevails among President Nixon's top advisors.

"President Nixon signed the Federal Coal Mine Health and Safety Act and it is now the law of the land. The law calls for regular full scale inspections which are not being made, and tragedy has already taken place because of their lack. Dr. DuBridge and the entire Administration must be made to recognize that production no longer can be pushed at the expense of mine worker life, health and limb," Boyle said.

TERRI TRIGG CHOSEN MISS BLACK NEW JERSEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. RODINO. Mr. Speaker, lovely Miss Terri Trigg of Newark was recently selected as Miss Black New Jersey in a statewide pageant.

The beauty queen, a junior at Trenton State College, has also been named Jerseyan of the Week by the Newark Star Ledger. This is a well deserved honor for this beautiful and talented young lady.

The Star-Ledger article follows:

STATE'S BLACK BEAUTY QUEEN: COED IS PART OF THE TIMES . . . AND IN TUNE

(By Curt Davis and Charles Q. Finley)

Dazzling Ida Teresa (Terri) Trigg of Newark, the 19-year-old new Miss Black New Jersey, is the "Typical American Girl" grown up—a thinker tuned in on the stirring 70s.

"I think America would be in good shape if the white race and the minority groups stopped pulling in opposite directions and tried to get together," she said.

With charm, grace and startling insight, she discused subjects ranging from children in the ghetto to miniskirts.

"Happiness is my main goal in life—success through self determination—and I don't mean financial success," she said. "I call being a good teacher of children being successful."

She plans on getting married "one day" and raising a family "because that's part of happiness."

Terri hadn't expected to win and didn't enter the contest with that as her aim.

"I knew it would be a rewarding experience working with the other girls," she said. "The night I won it was a complete shock, just like the time I was elected student council president at Clinton Place Junior High School when I was 13. This was a bit more fantastic but I suppose that earlier triumph meant just as much to me at a younger age."

She'll enter the contest for the national crown with much the same attitude—"I'm going to do the best I can because I represent the entire state but it won't really matter to me whether I win or lose. What matters is that someone wanted me to be there."

Miss Black New Jersey likes to think for herself. She does not identify totally with any one faction of the black movement but rather takes a little from each one and forms her own opinion.

Her philosophy of life?

"Striving to be better each day, but not just for that one day. If you improve yourself for just one day, and become the old self the next, that benefits no one."

"I believe in co-existence," she said. "We cannot segregate ourselves because a solely black country or a solely white country won't work out. Of all the political or racial figures of the past decade, Martin Luther King stands out for me."

A graduate of Weequahic High School in

Newark, she will begin her junior year majoring in elementary education at Trenton State in the fall. She wants to teach grades six through nine.

Her mother, Dorothy, and her father, Raleigh, foreman of the board of education's painting crew in Newark, were both pleased and shocked at the sudden turn in events.

"We were conditioned for losing gracefully," the beauty queen's mother said. "I can't think of anything that would surprise me now ever."

Terri's sister, Mrs. Iris Coleman, 28, also came in for some of the shock treatment—"I was shocked to see my little baby sister turn out to be the prettiest girl in the State of New Jersey. I've always called her 'kid,' but I guess I'll have to stop that now."

Terri's main interest in life is children.

"Children today grow up much faster than years ago and they learn too many of the wrong things at such a young age. This is true particularly in the ghetto areas where much too much responsibility is placed on shoulders that shouldn't have to bear such burdens until much later in life. Many of them go out into the streets because they don't have the love they need at home.

"On Sunday afternoons children can't even go to the movies anymore. I think there should be more family pictures. The young people would like them and it would be good for them.

"And you know, there's quite a bit of violence on television and it's not all after 10 p.m. Many children are exposed to it and I don't think that's good at all. There should be more educational programs on television for other than pre-school children."

How does she feel about long-hairs and hippies?

"I can't see anything wrong with young men wearing long hair. Jesus Christ did and so did the father of our country.

"In the hippie movement, they are just trying to express themselves but I wouldn't take part in it. I'd say they are a bit confused themselves."

Mini-skirts?

"I like mini-skirts. I think they are here to stay because they have satisfied the majority of American women."

Terri likes to model, likes to bowl and considers herself a typical American girl. She "loves animals because they need somebody to help them." She has a Collie-Shepherd named Jacoby which she received on her 12th birthday.

Terri likes rock 'n roll but she doesn't like "hard rock."

"Hard rock—the psychedelic kind, is hard on the ears. I also like the blues."

She became thoughtful when the generation gap was brought up.

"I suppose teenagers are always aware of a generation gap and I'm no exception," she said after a long pause. "Youth's values have changed so much in the past decade I suppose that seems to make it more pronounced."

How about the campus unrest across the nation?

"I go along with the on-campus unrest because the standards today at the colleges and the universities are not attuned to the needs of the students today. Those standards were set many years ago.

"I think the violence is provoked at times so the student can be caught in the wrong. But at other times the student is in the wrong in the first place."

And the riots in the streets of the big cities?

"It's a shame that any race of people has to resort to such means to get their comments heard by the government. The fact that the government has turned a deaf ear for so long seems to me to be one of the main causes of these riots.

At last week's state-wide pageant, Terri was congratulated by her good friend Newark Mayor Kenneth A. Gibson.

"I've known him for years," she said, "since I went to school with his daughter Cheryl. Under his leadership I see a great deal in store for Newark. The city has a chance for great improvement."

BLUE-COLLAR STRATEGY

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. HARRINGTON. Mr. Speaker, the words "silent majority" have become an integral part of our vocabulary—but have never really taken on substance.

Late last June a White House panel reported on the 70 million people in blue-collar families who earn between $5,000 and $10,000 per year. The major conclusion of this report is that these people are not much better off than they were 10 or 15 years ago. In fact, they are anxious about their future and frustrated with the lack of interest expressed by the Government in their problems.

Peter Schrag in an editorial entitled "Blue-Collar Strategy" in the July 25, 1970, issue of Saturday Review has discussed this report.

Schrag states that the report "describes people in this bracket as trapped by inflation, limited earning capacity, inadequate education, regressive State and local taxes, poor recreational facilities, a lack of child-care facilities, and a general social bias against people who work with their hands."

Mr. Speaker, it is about time we started remembering these forgotten Americans in substance rather than words. It is time we listened to them. Mr. Schrag's editorial makes a start. I, therefore, insert it in the RECORD at this point:

BLUE-COLLAR STRATEGY

The "forgotten man," the "silent majority", and the "lower middle class" have by now become clichés of American political discourse. Supporters of the Vietnam War invoke the name of the silent majority in its defense; radicals of the Left see a potential Fascist under every hardhat; and writers who once described every American workingman as affluent now regard him as a candidate for membership in the legions of repression and reaction. Like all generalizations, each of these descriptions falls short of accuracy and suggests a situation that is far more complex and, conceivably, more explosive.

Late in June, a White House panel submitted what was described as "a confidential study" dealing with one large segment of that silent majority, the approximately seventy million people in blue-collar families who live on incomes of between $5,000 and $10,000 a year. What is most significant in the report is not the economic data nor the observation that neglect of working Americans is politically dangerous, but the fact that the administration is interested in the problem. The document describes people in this bracket as trapped by inflation, limited earning capacity, inadequate education, regressive state and local taxes, poor recreational facilities, a lack of child-care facilities, and a general social bias against people who work with their hands. Most, although not all, are white; many did not complete high school. "To a considerable extent," the report says, "they feel like 'forgotten people'—those for whom the government and the society have limited, if any, direct concern and little visible action."

The panel that prepared the report was headed by George P. Shultz, who was Secretary of Labor until he assumed new duties as the administration's Director of Management and Budget, and included Attorney General John Mitchell, OEO Director Donald Rumsfeld, and Presidential assistants John Ehrlichman and Daniel Patrick Moynihan. It was written by Jerome M. Rosow, Assistant Secretary of Labor for Policy, Evaluation and Research.

Commissioned by the President last summer, the report may be more significant for what it omits than for what it includes. Although it recommends certain general measures to help workers upgrade their jobs and to find better jobs, as well as increased tax relief for child care, publicity to improve "the status of blue-collar work," and other steps, many of them vague, it does not deal with the overall climate of divisiveness and limited hope that now afflicts the country. The administration's appeals to "good Americans" and the silent majority have been directed not to hope but to frustration and anger, to people who resent long hair and protest, who fear students and blacks and who are told, again and again, that expenditures for war are necessities while domestic problems—medical care poverty, and improved education, transportation, and recreation—must be postponed in the cause against inflation. The politics of the so-called Southern strategy is presumably directed to the racial attitudes on which people like George C. Wallace are said to thrive; it is rarely suggested, however, that Wallace's appeal also contains a strong dose of Populism directed to the economic frustrations of the forgotten seventy million. A substantial number of the blue-collar people who voted for Wallace in 1968 had been supporters of Robert F. Kennedy before his death. In some way, both men spoke to their needs and beliefs. Scratch a bigot and you may find a democrat.

The issue raised by the blue-collar report—and it has been raised before—is whether the administration will speak to the causes of blue-collar tension and anxiety, or whether it will try to use that tension and anxiety against dissent and social reform. Will it try to lead all Americans to an understanding that they can make common cause against war, hunger, dead-end jobs, inadequate schools, and improper medical care? Or will it continue to foster the impression that the nation's problems are caused by the dissenters themselves?

The war in Vietnam and the nation's current economic problems—mounting inflation on one hand, and growing unemployment on the other—affect Americans of all classes and of every conceivable background, and the inaccurate notion that there is some sort of natural alliance on Vietnam between the President and the hardhats can lead only to more hopelessness and more violence.

The President commissioned the study of blue-collar workers; its recommendations—which fail to mention the war or the general mood of the nation—are plainly inadequate. But any perceptive reader of that study, or of other expressions of blue-collar discontent, cannot fail to understand that only a redirection of national objectives, and a change of national mood, can begin to resolve the problems of the American worker—and of the rest of the nation, whose problems he shares.

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DOES ANYONE CARE?

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. KYL. Mr. Speaker, there are Americans who are demonstrative, others who are silent, and some who speak softly but with impact. In the latter category is Sp4c. Steven Ohde, whose "letter to the editor" is submitted here:

DOES ANYONE CARE?

TO THE EDITOR:

For some time now I have been wanting to write this letter, but time is at a premium over here and haven't been able to devote enough time to construct my thoughts and put them down on paper.

Ever since I arrived in Vietnam I have subscribed to The Gazette and I find it very informative as to what is going on back in the world. I am especially interested in the general attitude of the public in the Midwest. I was quite surprised to read about the campus disruptions in Iowa. I never thought this kind of incident would reach Iowa, but I know differently now.

I have been in Vietnam for almost five months. I am a supply clerk for this company and therefore I am not out in the brush looking for "Charlie". But during these past five months I have seen much and experienced much to know a little more about the Vietnam war than many of the average campus protesters or congressional experts. I have received many letters from friends and family asking my personal opinion of what is going on over here and if we are doing the right thing. I can not answer this question, because only God knows and history may show if we are right or wrong.

Many of the letters I have received show concern over the expansion of the war into Cambodia. I do not know exactly how much is reported in the papers, but I am sure of one thing, and that is that the penetration into Cambodia was one of the wisest moves yet in this war.

For the short time our troops have been in Cambodia, they have uncovered enough food and weapons caches to put the enemy in a world of hurt for supplies. It is true we lost quite a few men during these operations, but there is no telling how many lives would have been lost if these supplies were used by the enemy.

These same letters ask me if I think it is wise for us to pull out of this war completely. Again this is a hard question to answer. Let us face that fact that there isn't a young man over here who wouldn't rather be home with his family and loved ones than be over here.

But I don't believe that we should pull out now after we have paid such a great price already. I think Abraham Lincoln put it real well in his Gettysburg address when he stated, "that we highly resolve that these dead shall not have died in vain." To pull out now would be like telling a family who lost a son over here that we don't really care.

This brings me to the main point of this letter. One of the hardest things to overcome while serving here is the thought that nobody really cares what we are doing over here. Whether we are doing the right thing here in Vietnam or not has yet to be seen. Wrong or right, the majority of the troops over here feel that the people should back us no matter what the cost.

There are many people who will disagree with me strongly, including veterans of this war. It is very disheartening to keep reading of all this opposition to the war and very little being said about the people who back the troops over here.

I know this might seem like a very old subject and usually causes quite an uproar whenever Vietnam is discussed. But I just sit and wonder if anybody back in the world really cares what we are doing over here. I know this isn't very well written, but if you could find space I would like you to print this in your paper. If anyone wants to reply to this, should it be printed, I will try and answer all letters, whether they agree with me or not.

In closing I would like to say this. The good Lord willing, I will be home in 236 days and I will be proud to say that I served my country so that our country can still be the land of the free.

RSVP—SOUTH CAROLINIANS SUPPORT AMERICAN FIGHTING MEN

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. WATSON. Mr. Speaker, for the past several years, the citizens of Columbia, S.C., and other South Carolina communities have given of their time and money to provide visible support for American fighting men in Vietnam. Under the dynamic leadership of some of the most prominent citizens of our State, a program entitled RSVP—rally support for Vietnam personnel—is acting as a liaison between the American forces and the folks back home.

Under the RSVP program, members of our Armed Forces have been provided with much needed personal items and in conjunction with the pacification program, items as large as tractors have been given to the South Vietnamese people. If RSVP had a motto, it would have to be "We care about others."

Mr. Speaker, as a part of my remarks I would like to enclose a few letters from the fighting men who are benefiting from RSVP. These letters are addressed to Mr. Reuben Grauer, who is doing a fantastic job as chairman of RSVP. They are as follows:

As newly appointed executive officer of the 227th Assault Battalion I would like to express my sincere gratitude to you and all the wonderful people who have so kindly taken the time and energy to send my battalion these shipments. I would like to extend the thanks of everyone here.

The month of May was a busy one for us. As you have surely read, the First Team is in Cambodia. Most of the planning and the initial lifts into Cambodia were made by your adopted battalion. We have since won a Valorous Unit Award and have been recommended for a Presidential Unit Citation. Since you are an honorary member of the battalion we thought you might like a copy of your orders for valor. The battalion has been flying more hours than ever before. Last month was a record month for our battalion and for the 11th Group of which we are a part. We've been busy.

This month we have received books from Mr. Joseph Russ, Mr. and Mrs. E. J. Warr and Mrs. C. H. Lesesne Jr., candy and snacks from Mr. Jasper Rawl and Mr. Johnson, also soap from Mr. Geiger and assorted goodies from Mr. Ivan Miller. Please thank these people for us for their contributions.

JANUARY 22, 1970.

DEAR SIR: Received your RSVP package today and would like to extend my thanks to you via this letter. It was very much appreciated and it's good to know that there are still many good and dedicated Americans who believe in our efforts here in the Republic of Vietnam.

Well, I must close, but again, thanks for the package. I remain,

Sincerely,

MIKE RAGIN,
First Lieutenant USMC.

Thank you very much for the cigars. They should last until I return home. It's nice to know that some people back in the States care.

Words cannot express the good you and your people are doing for our fighting men. They continually read about the uprisings in the States with regard to war. It is people like you and your organization that keep us going notwithstanding, it is our duty.

A MEMORIAL DAY PRAYER

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CHAPPELL. Mr. Speaker, I received a letter from one of my constituents, Dennis Stewart of Sanford, Fla., announcing his intention of organizing a group of people, children and adults, concerned with the future of America with a specific goal of working to prevent the spread of communism throughout the United States. With the letter, Dennis enclosed a poem by Ella B. Daniel entitled: "A Memorial Day Prayer." The poem portrays in old-fashioned patriotic simplicity a deep love of God and country. The poem follows:

A MEMORIAL DAY PRAYER

(By Ella B. Daniel)

God bless all the soldiers on land or on sea,
Who fight for freedom for you and for me.
Who left home and loved ones, when duty did call,
To protect flag and country and give of their all.
To keep our land free from turmoil and strife,
Where we, without fear, can lead a good life.
The soldiers, the sailors and the men in the air,
Each have a job and are doing their share.
For they're taking their places in peacetime or war;
Still we honor the memory of all those gone before.
So help and protect them until life here is done;
Bless all in the service; God bless everyone.
God bless the loved ones they have left behind;
Hearts brave and loyal you will always find.
Mothers and fathers and children who yearn
For one of their loved ones who may never return.
Give each of them courage and strength as they pray;
God bless wives and sweethearts and keep them each day.
Whatever the tasks they find they must do,
Give them faith and trust to see each day through.
Then God bless our nation let all others know

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The Star Spangled Banner forever will blow,
Over states all united, the great and the small;
So bless our dear country God bless one and all.
Bless our flag, stars increasing, our stripes all unfurled,
God make us be worthy to lead the whole world.
Dear God as we triumph we ask you again,
Bless soldiers and sailors, all our loved ones—
Amen.

Mr. Speaker, we are pleased to make this poem a part of the CONGRESSIONAL RECORD as an expression of faith and support of our great Nation.

LAWNORDER & THE 1899 REFUSE ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the CONGRESSIONAL RECORD an excellent article entitled "Lawnorder & the 1899 Refuse Act."

It is indeed sad commentary on our society and a law and order Attorney General who will not enforce laws against filling our waters with mercury poisons.

It is even more strange that that same law and order Attorney General refuses to utilize the law against determined, persistent, and continuing polluters of our waters by mercury, while he proposes to exercise the law against occasional or accidental polluters.

The sordid story is set out in detail in the excellent article appearing in the Conservation News, published by the National Wildlife Federation in its August 1, 1970, issue.

The article follows:

LAWNORDER & THE 1899 REFUSE ACT

At the urging of Interior Secretary Walter Hickel, who picked up the ball from some dedicated scientists in the Federal Water Quality Administration, the Justice Department is seeking immediate injunctions against industries dumping highly toxic mercury into public waters.

At this writing, the U.S. Attorney General has moved against ten plants in seven states:

The Diamond Shamrock Corp., Delaware City, Delaware—daily mercury discharge: 11.5 pounds into the Delaware River.

Allied Chemical Co., Solvay, N.Y.—daily discharge: 4.4 pounds into Lake Onondaga. Muscle Shoals, Alabama plant: 6.5 to 8.6 pounds into Pond Creek, a tributary of the Tennessee River.

Georgia Pacific Corporation, Bellingham, Washington—daily discharge: 41.5 pounds into Puget Sound.

International Mining and Chemical Company, Orrington, Maine—daily discharge: 2.6 pounds into the Penobscot River.

Olin Chemical Corporation, Augusta, Georgia—daily discharge: 8.7 to 12.9 pounds into the Savannah River, Niagara Falls, New York plant: 26.6 pounds into the Niagara River.

Oxford Paper Company, Rumford, Maine—daily discharge: 26.2 pounds into the Androscoggin River.

Pennwalt Chemical Company, Calvert City, Kentucky—daily discharge: 1.54 pounds into the Tennessee River.

Weyerhaeuser Company, Longview, Washington—daily discharge: 15.1 pounds into the Columbia River.

Secretary Hickel announced, ". . . this is just the start. We are developing hard evidence against other companies."

The injunctions were sought under the 1899 Refuse Act which requires polluters to get a Corps of Engineers permit before dumping into navigable waterways, and provides for immediate compliance. The "immediate" provision is the key, because under the contemporary Federal Water Quality Act, polluters have up to six months to clean up, and if they don't there's not a whole lot done about it.

The inability of contemporary pollution control laws to protect the public against immediate water pollution dangers became abundantly clear when the mercury crisis broke out around the country. And when the U.S. Justice Department finally had to resort to the 1899 Refuse Act to protect human lives, it put the finishing touches on another sordid chapter in the Nation's water pollution battle.

Faced with increasing water pollution and frustrated by politicians' emasculation of Federal enforcement powers, conservationists seized on the Refuse Act for swift, effective action against polluters. Hundreds of polluting industries were turned over to U.S. Attorneys in several states. But nothing happened, despite the Act's mandate for "vigorous prosecution."

Wisconsin Congressman Henry Reuss found out why when he complained to Justice that it was dragging its feet in prosecuting water polluters. Assistant U.S. Attorney General Shire Kashiwa told Reuss, ". . . it would not be in the genuine interest of the Government to bring an action under the Refuse Act. . . ."

That attitude quite naturally generated a storm of protest. Justice subsequently modified its stand, announcing it would invoke the Refuse Act only against "accidental and infrequent" polluters, claiming that "consistent" polluters were under the jurisdiction of the FWQA.

The Department modified its stand again when Michigan Senator Philip A. Hart and Congressmen John S. Monagan (Conn), Paul Rogers (Fla) and Richard L. Ottinger (NY) heatedly demanded its use to stem the immediate dangers of mercury poisoning. The mercury injunctions were sought under the Refuse Act, even though the mercury polluters were doing it "consistently."

The Justice Department may have to modify its stand on the Refuse Act again. Congressman Ottinger believes the Department's fluctuating attitude toward the law is not only inconsistent, it's illegal. He's announced filing a law suit to force the Justice Department to prosecute polluters under the Refuse Act.

The irony of a Congressman having to take a law 'n' order U.S. Attorney General to court to make him enforce the law is heady stuff for those on the sidelines. If the implication of "selective," albeit constantly changing, law enforcement weren't so frightening, one could amuse himself pondering how Justice's attitude toward polluters would work if applied say to pickpockets or armed robbers.

Or, as Representative Ottinger noted when he announced plans to sue, "On the one hand Mr. Mitchell calls for maximum enforcement of laws against individuals. On the other, he says he will not enforce the law against corporate polluters. It is this kind of uneven enforcement that breeds disrespect for the law."

—ED CHANEY.

STATEMENT BY THE HONORABLE SEYMOUR HALPERN ON THE HUNGARIAN MINORITY IN CZECHOSLOVAKIA

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. HALPERN. Mr. Speaker, on June 27, 1968, I spoke, together with several of my distinguished colleagues, on the developments in Czechoslovakia emphasizing their effects on the almost 1 million Hungarians of the Czechoslovak Republic.

In my speech, I reported hopeful trends in the relationship between Hungarians and Slovaks—promises of a new beginning in nationality policies and peace among the nationalities. Furthermore, I reported that the injustices inflicted upon the Hungarian minority after World War II were openly discussed and condemned by liberal Czechs, Slovaks, and Hungarians. My information proved that the leaders of the Hungarian minority were in the forefront of the liberalization movement. They were trying to create, along with some Czech and Slovak citizens, what they called a humane socialism instead of repressive Stalinism.

At that time, I expressed the hope that the federalization of Czechoslovakia would enhance the demands for local autonomy of the minority in the cultural sphere. I was hopeful that this would help to reconcile the nationalities of the Czechoslovak Republic. As we all know, this voluntary cooperation was suddenly interrupted by the Soviet Union's invasion. Even Hungary was forced to supply troops for the subjugation of Czechoslovakia. Federalization was only enacted after the Soviet invasion and did not fully encompass the ideals of Dubcek and his associates. However, Husak's commitment to a more independent position of Slovakia insured that some framework of autonomy would be implemented in the federalization statute. At present, the entire country is under Soviet rule and the "hard liners," like Indira and Strougal, often possess more power than the new secretary of the Czechoslovak Communist Party, Husak.

In the Western press there is no news on the Hungarian minority in Czechoslovakia. This speech seeks to add some information on this rarely mentioned subject and to give credit to the strength and commitment to freedom of the Hungarian minority in the face of Soviet occupation. There are both positive and negative elements.

On the positive side, here is now a Hungarian Under Secretary of State for Minority Affairs in the Slovak—not Czechoslovak—cabinet. This means the minority have a chance to have their grievances heard at the regional level.

Unfortunately, the negative elements predominate. No nationality statute was or will be passed; no self-administrative districts were established and they cannot even be mentioned. The 1968 leaders were either replaced by Communists who will toe the line of Stalin or they were relegated to the background—Lorincz. The school situation did not improve and the relative freedom of the press before the invasion has been completely revoked.

Politically, therefore, the Hungarian minority is sharing the common fate of all Czechoslovak citizens under Soviet-dominated rule. As a nationality, the Hungarians are looked upon with some distrust because Hungary participated in the invasion. This is particularly unfair because Hungary did not press any territorial claims and the Hungarians of Czechoslovakia behaved as completely loyal citizens during the invasion and its aftermath. The Soviet policy of playing one nationality against the other has worked. Culturally, and educationally, the rights of the minority have decreased and are back to the pre-1968 level although still better than in the late 1940's and 1960's.

The struggle for retaining as many of the 1968 freedoms as possible still characterizes the Csemadok leadership and the editors of the Uj Sze and A Het, but they must work with great care and considerable subterfuge. I salute the citizens of Czechoslovakia, including the Hungarians of Slovakia, for their persistent efforts to retain some of the vestiges of cultural freedom and a humane socialism in the face of Soviet and domestic hard line pressures.

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VETERANS DESERVE BETTER

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, it is gratifying to Members of Congress to know that the President has seen fit to sign the measure to increase disability compensation for veterans who have been disabled in the service of their country. It must be encouraging to those veterans to know that Mr. Nixon is willing to approve the additional $218 million the Congress voted in this bill, over the objections of the administration, in view of the fact that the President has just vetoed an appropriations bill that included $105 million for medical care for veterans.

Mr. Nixon has announced his plan to cut Federal spending in other areas to pay for the increased spending in the veterans disability measure. It is regrettable that he could not see his way clear to cutting Federal expenditures in areas where many Congressmen suggested in order to finance the appropriations bill that included funds for adequate medical care for wounded veterans returning from Vietnam. Many of these veterans have testified that they receive better medical care in Vietnam than they receive here at home. We owe them more than they are now receiving.

Surely an administration that maintains an Eastern and Western White House and a vacation resort in Florida can find a way to cut nonessential expenses in order that our veterans can get the kind of medical care they deserve.

STUDENTS' CONSTRUCTIVE ACTION AT LAWRENCEVILLE SCHOOL

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. WEICKER. Mr. Speaker, as an alumnus of Lawrenceville School in Lawrenceville, N.J., I am particularly proud of the positive contribution which the young people of this school are making in their community. It is inspiring to know that these young people will someday lead our Nation. I feel their positive contribution is a step in the right direction, and we as a Nation have a great deal to be proud of in these young people.

The following is an article which was forwarded to me, as an alumnus of Lawrenceville. I feel it merits the attention of not only myself, but other Members as well. We should all take pride in the accomplishments of our younger generation, and be proud that they will someday lead our country.

The article follows:

STUDENTS FOR CONSTRUCTIVE ACTION

Bare feet, long hair, sideburns! Bell bottoms, granny glasses! Sloppy clothes, dirty faces! A disgrace to Lawrenceville? No. One of the most inspiring sights of the year. . . . Students for Constructive Action.

During the three weeks immediately following Commencement in June, a group of 39 boys from the second through the fifth forms worked enthusiastically eight hours a day on the School's campus, wielding paint brushes, scrapers, hammers, garden tools and other implements. They moved and repaired furniture, moved and painted bleachers, and made themselves useful in a variety of jobs that needed doing.

Calling themselves Students for Constructive Action, the boys volunteered their time free to the School during periods from one to three weeks of their summer vacation, as an affirmative gesture. They differed widely in their political views, their philosophies, their backgrounds, and their motives. They were honor students, and boys who had been in academic difficulties; they were model students, and boys who had been subject to discipline for serious misconduct; they were wealthy boys and full scholarship boys. There was next year's School president (recruited on the spot for a week's work when he dropped in to visit one day), a member of the All America Prep School Swimming Team, a boy who wants to make religion more meaningful at Lawrenceville, even a boy who was dismissed from School for academic reasons before the program started, and several who had graduated the morning the program began. A diverse group! And they won praise from President Nixon.

Although diverse, they were, and are, united in a belief that the offer of their tangible physical labor within the framework of the Lawrenceville society could break down the polarization of faculty and students, "we vs. they," that inhibits constructive change. They were, and are, united in their interest in a more viable educational experience, in more responsibility, more freedom, and in a willingness to work with the adult society rather than against it.

The work program ended on June 27, but the group plans to recruit new members in the fall, and continue the project.

The leader and the originator of the program is Richard A. Farland '69, of Washington, D.C., son of the Honorable Joseph S. Farland, former U.S. Ambassador to Panama. The idea occurred to Richard when he was speaking with his father of his concern about campus dissent and negativism. He views the work program as a means of reversing the trend of apathy and unproductive griping that has characterized the majority of youth throughout the country, and as a very positive way of demonstrating to faculty and trustees that students do care, and can work constructively for change. The work, therefore, takes on a spiritual significance that transcends the mere physical, though even on those terms it was impressive.

In conjunction with the work program, the students have set up a scholarship fund effort to endow a scholarship for deserving applicants. They have made a good start, but they need help. "We've given time and labor," says Richard. "It's all we have. We need the support of the adult community to make the fund really amount to something."

Some unexpected benefits came out of the project, too.

During the three-week program, the group lived in Lodge with minimum supervision and regulations. They did their own housekeeping (though perhaps not to their mothers' standards). They demonstrated an ability to handle the obligations of additional freedom beyond that accorded them in the course of the normal school year. They developed a strong sense of community, a real *esprit de corps*, and a dedication to the job which on one occasion led them to forgo a suggested outing at the beach in favor of completing the painting of the bleachers.

The impact of the group on the adult community was impressive, too. Faculty who viewed the program with skepticism at the outset became enthusiastic supporters. And the boys earned the respect of the staff with whom they worked. The Superintendent of Grounds said simply, "Those boys were great. They are men. They really pulled their weight." They made discoveries, too. They found humanity in unexpected places . . . "Rent-a-Cops are people, too," marveled one after a contact with one of the School's security agents.

At the end of the period, the "gap" seemed a little narrower than it had at the start.

TENTH ANNIVERSARY OF GABONESE INDEPENDENCE

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. DIGGS. Mr. Speaker, on August 17 the Gabonese Republic celebrates the 10th anniversary of its independence. Like several other African countries, Gabon this year observes the date as one very special: the 10th anniversary of its independence. Gabon has made significant progress in those 10 years, establishing a sense of nationhood and striving to develop its economy. With its rich mineral deposits and forest resources the country offers even further prospects for increased development. Under its active and forward-looking leader, President Albert Bongo, Gabon follows a pro-Western policy, and extends wide investment opportunities in a climate of stability.

I am pleased to congratulate President Bongo and the Gabonese people on this 10th anniversary of independence, and to offer my best wishes for prosperity and continued progress in pursuit of Gabonese national goals.

PROSPECTS FOR A LASTING PEACE

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, all people interested in world peace must find encouragement in the recent developments which have taken place in the Middle East. Much of the credit for the ceasefire and the institution of talks must go to President Nixon and Secretary of State Rogers, through whose initiatives the major combatants have agreed to explore the possibilities of a negotiated settlement.

While the situation remains dangerous, especially due to the presence of Soviet personnel in the area, and while it would be premature to be overly optimistic about the prospects for a lasting peace, one cannot but be heartened by the progress which diplomatic efforts have made thus far.

The U.S. proposal involved primarily the acceptance by both sides of two principles: the establishment of a ceasefire and the beginning of direct talks. The full text of the proposal is contained in a letter sent by Secretary of State Rogers to the Foreign Minister of the United Arab Republic, which I insert in the RECORD at this time:

DEAR MR. FOREIGN MINISTER: I have read carefully President Nasser's statement of May 1 and your subsequent remarks to Mr. Bergus. Mr. Sisco has also reported fully on his conversations with President Nasser and you, and we have been giving serious thought to what can be done about the situation in the Near East. I agree that the situation is at a critical point and I think it is in our joint interest that the United States retain and strengthen friendly ties with all the peoples and states of the area. We hope this will prove possible and are prepared to do our part. We look to others concerned, and in particular to your government, which has so important a role to play, to move with us to seize this opportunity. If it is lost, we shall all suffer the consequences and we would regret such an outcome very much indeed. In this spirit, I urge that your government give the most careful consideration to the thoughts which I set forth below.

We are strongly interested in a lasting peace, and we would like to help the parties achieve it. We have made serious and practical proposals to that end, and we have counseled all parties on the need for compromise, and on the need to create an atmosphere in which peace is possible. By the latter we mean a reduction of tensions as well as clarifications of positions to give both Arabs and Israelis some confidence that the outcome will preserve their essential interests.

In our view, the most effective way to agree on a settlement would be for the parties to begin to work out under Ambassador Jarring's auspices the detailed steps necessary to carry out SC Resolution 242. Foreign Minister Eban of Israel has recently said that Israel would be prepared to make important concessions once talks got started. At the same time, Egyptian participation in such talks would go far towards overcoming Israeli doubts that your government does in fact seek to make peace with it. I understand the problems that direct negotiations pose for you, and we have made it clear from the beginning that we were not proposing such an arrangement be put into effect at the outset, although, depending on the progress of discussions, we believe the parties will find it necessary to meet together at some point if peace is to be established between them.

With the above thoughts in mind, the US puts forward the following proposal for consideration of the UAR.

(a) that both Israel and the UAR subscribe to a restoration of the ceasefire for at least a limited period;

(b) that Israel and the UAR (as well as Israel and Jordan) subscribe to the following statement which would be in the form of a report from Ambassador Jarring to the Secretary General U Thant:

The UAR (Jordan) and Israel advise me that they agree:

(a) that having accepted and indicated their willingness to carry out Resolution 242 in all its parts, they will designate representatives to discussions to be held under my auspices, according to such procedure and at such places and times as I may recommend, taking into account as appropriate each side's preference as to method of procedure and previous experience between the parties;

(b) that the purpose of the aforementioned discussions is to reach agreement on the establishment of a just and lasting peace between them based on (1) mutual acknowledgment by the UAR (Jordan) and Israel of each other's sovereignty, territorial integrity and political independence, and (2) Israeli withdrawal from territories occupied in the 1967 conflict, both in accordance with Resolution 242;

(c) that, to facilitate my task of promoting agreement as set forth in Resolution 242, the parties will strictly observe, effective July 1 until at least October 1, the ceasefire resolutions of the Security Council.

We hope the UAR will find this proposal acceptable; we are also seeking Israeli acceptance. In the meantime, I am sure you will share my conviction that everything be done to hold these proposals in confidence so as not to prejudice the prospects for their acceptance.

I am sending a similar message to Foreign Minister Rifai. I look forward to your early reply.

With all best wishes,

Sincerely,

WILLIAM P. ROGERS.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

"WHAT CAN WE DO"

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. ADAIR. Mr. Speaker, recently a speech was made by Mr. Ralph Frey, vice president and general manager of the C. & P. Telephone Co., of Washington, D.C., before the Annual Pioneer Meeting. This group comprised of people who have been employed by the C. & P. Telephone Co., for 21 or more years, and their spouses, numbered almost 2,000 on the occasion of Mr. Frey's remarks. Because it is so timely, I am including it herewith:

"WHAT CAN WE DO"

Somewhere, ages and ages hence
Two roads diverged in a woods
And I, I took the one less traveled by
And that made all the difference.

We all know that Abraham saw the world as a palace in flames. It's almost as if he were alive today, for we are truly living in troubled times. Our world does seem to be in flames. We are beset by war and by killing, by racial unrest and by bias, by mental illness, by drugs, by anti-religion and by material success.

There are ranges of mountains so vast and so high, the Sierras, the Himalayas, the Andes, that even when we have negotiated the passes and crossed over to the other side, we are not really aware that we have, in fact, crossed over them.

In our times, now and in the years immediately ahead, we may be crossing just such a divide in human history.

Crossing over to a significant change in philosophic, political and human values. Changes that are shaking our very foundations. What then can we, as concerned human beings do, in these times? What are we to do when decent people, looking at the same thing, see vastly different problems and solutions?

Well, I would say that we must not despair, but rather that we should seek a greater understanding of what our own individual purposes in life should be. And I believe that a starting point is to work hard at making ourselves responsible people. For it is personal responsibility that leads one to become exceptional. To become an exceptional person, not to make a lot of money or to achieve high status, but exceptional so that the quality of one's life is extraordinary. Exceptional so that this this quality is carried forward into all aspects of life.

It is not enough for us to have good motives, nor is it enough to have ability. Our tested wisdom of the ages has always told us these are not enough.

"Not by my might, nor by my power, but by my spirit saith the Lord." This word spirit is so old fashioned that it has lost much of its meaning. Yet, we must work hard on each one of our own souls if we are to be responsible people in these trying times. For surely the agony of modern man is that he is spiritually stunted. So, I would like to spend a couple of minutes talking about some of the dimensions that are important in building one's own spirit, one's own soul.

Now is this moment in time. It is the present. The Hebrews of old proclaimed, "This is the day which the Lord has made, rejoice and be glad in it." The prevailing thought for a person who is to strengthen his spirit is this. Now is the hour. I have known so many good and able people, who

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have been ineffective because they lived in a past which will never return or in a future that never will be, and they achieved nothing. Now is the hour, for better or for worse, it's all we have.

From listening comes wisdom, from speaking comes repentance and this is what openness is all about. An openness that will strengthen the spirit. Listening, not just to hear the words but an attitude. An attitude toward other people and what they are trying to say. An attitude that reflects a genuine interest in others, one that leads to understanding in depth, from whence cometh wisdom. My experience has been that some very bright people make some pretty stupid mistakes because they won't listen. Saint Francis said it well. "Lord grant that I may seek, not so much to be understood, as to understand."

And humor. True humor that springs from the heart, not from the head. A humor that shows itself in still smiles. A true humor that is really a sense of proportion. The relevance of humor to our spirit is that we can have this inward smile about ourselves in moments of introspection. The ability to laugh at one's own self is truly a priceless gift.

And finally determination. The will to stay with it. A type of determination that never lets go. The determination, with courage, to do what is right, to do what must be done. To fight the good fight.

We all know that what we must do as individuals, in these trying times, is complex. And whatever the individual answer may be for each one of us, I am convinced that we must work from the heart, from our soul, from our spirit. For it is only by means of hope that we can attain that which is beyond hope.

What shall it profit a man if he shall gain the whole world, and lose his own soul.

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COMMEMORATING THE 40TH ANNIVERSARY OF GARDENA, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. ANDERSON of California. Mr. Speaker, on September 11, the city of Gardena, in the 17th District of California, which I represent, will celebrate its 40th year of incorporation as a general law city. I would like to take this opportunity to review briefly the beginnings of this prosperous community and a few of its accomplishments since achieving cityhood.

The name Gardena derives from earlier reference to the area as a garden spot. Because of a sinuous fresh water slough that ran through the area and into San Pedro Bay, the Gardena Valley would be the only oasis of green in the bleak grey and brown landscape from Los Angeles to the harbor area, between the rainy seasons. There is much disagreement about who first used the name Gardena, but in "A Short History of Gardena Valley," by Olive Hensel Leonard and Emily D. Cost, the authors attributed the honor to a Mr. Harrison in 1887 when he laid out the first settlements in the area. The settlement was near the present intersection of 161st Street and Central Avenue, but that location had serious drawbacks, since tests revealed that the underground water was alkaline and drinking water had to be brought from the artesian wells of Compton to the east.

In April of 1890, a railroad began operation between Redondo Beach and Los Angeles, which led the Gardena residents to relocate their homes to the area around Vermont Avenue and Gardena Boulevard in order to be near the rail line.

There are many colorful aspects in the background of the community, such as the tale of how Don Manuel Dominguez came to give up 1,300 acres of what is now Gardena and neighboring Torrance, in order to settle a gambling debt at 50 cents an acre. The same land could not be purchased today for $60,000 an acre.

Perhaps this is the heritage which led Gardena, after its incorporation, to take advantage of a local option provision of California law and vote to allow draw poker to be played legally within the city. Men whose ancestors had won their land "by the turn of an ace" could easily recognize poker as a game of skill rather than pure chance.

Throughout the years of prosperity that followed settlement, Gardena—and the small communities of Moneta, Western City, and Strawberry Park—were content to remain unincorporated, but the depression provided the spur of cityhood in the form of a heavy tax burden to support the purchase of park land. A special assessment district had been formed in 1926 to purchase what is now Alondra Park for $1,114,000. After the stock market crash of 1929, many land owners could not pay their assessments for this district. To keep their citizens' property from being repossessed for taxes, the cities of Hawthorne, Inglewood, Torrance, and Redondo Beach withdrew from the park district and formed their own city park system, thus leaving an even heavier burden on those people who did not live in a city. The voters of the Gardena area decided to give themselves the same opportunity by the incorporation of the city of Gardena in a special election on August 5, 1930. To quote from authors Leonard and Cost, 4 years later:

> City officers were elected and a temporary shack erected on North Magnolia for a City Hall. So far, the policy of the city founders seems to be that of watchful waiting and keeping strictly out of debt. It is their slogan that Gardena is the youngest town in the State, and the only one with no indebtedness.

On September 11, 1930, when the election results were certified, Wayne A. Bogart was sworn in as mayor, along with Councilmen Charles A. Hale, Albert A. Bamford, Francis M. Sever, and Earl H. Stewart; Treasurer Bernice M. Bornett and City Clerk Caroline A. Gregory.

Although Gardena is no longer "the youngest town in the State" it still has no indebtedness because the present city council—Robert R. Kane, mayor; Edmund J. Russ, Kiyoto "Ken" Nakaoka, Donald L. Dear, and Vincent A. Bell, councilmen—have followed the wishes and cautious policies of their political forefathers. The city's consistently low tax rate has steadily dropped since 1964 to a present level of only 70 cents per $100 assessed valuation.

There were less than 3,500 residents of Gardena when the city was formed, but in its 40-year history, the population has grown to more than 45,000 and with the gradual annexation of surrounding territory, the city has grown to more than 5 square miles.

The "temporary shack" has long since been replaced by a complex of modern brick and glass buildings to house the city hall, police station, fire station, and public library in a spacious green civic center.

Mr. Speaker, great strides have been made in the last 40 years by the fine people of Gardena, and it is with great pride that I rise to pay tribute to that city and the progressive leadership and dedicated citizens who have guided her through the years.

COOLING OFF THE BILL OF RIGHTS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. GALLAGHER. Mr. Speaker, I have long been concerned about the implications of the new technology and the ability it gives to control and dominate thousands of people. Most often, I have pointed to computer technology as a potential destroyer of American traditions, but I have recently learned of a device based on radio technology which certainly destroys one tradition: An American's right to enjoy a hot shower.

Detroit Edison Co. has a radio control device wihch can automatically shut off hot water in a home. By sending a frequency modulated signal racing across a city, individual hot water heaters or thousands of hot water heaters can be turned off. The justification for this action is the typically short sighted rationale given by people who want to use a new technology: In the interests of preserving electrical power at peak moments of use, the device has been activated.

Perhaps a useful use of technology, but let us consider the ultimate impact of such a device.

First, Mr. Speaker, it has been stated that a massive collection of data on individuals in computerized information systems will have a "chilling effect" on the exercise of first amendment rights. The Detroit technology can have a chilling effect on a man's right to take a shower.

Second, if you miss your April bill, you are threatened with a cold April shower.

Third, that beam in Big Brother's eye can now shred the former iron curtain for privacy, the shower curtain, and as usual it will be the citizen who takes a bath.

Fourth, since refined applications of this technology might very well be used to turn on all water in a city, it allows Detroit Edison to play God by activating all water outlets in a city for 40 days and 40 nights. This shower power is translated into all power to Detroit Edison.

Fifth, to fight "brownouts" for a city, this device gives "blueouts" to the astonished man who finds all his hot water gone. Indeed, instead of giving someone who the company does not like a cold shoulder, it can now give him a cold shower.

Sixth, I would like to point out one extremely valuable use of this new technology. During the debate over the "no knock" portion of the District of Columbia crime bill, I proposed an amendment which would have made it a crime to have indoor plumbing. Since people could destroy the evidence by flushing it down the drain, it was felt that police should be given the right to burst into a home. But, if this technology can be developed to the point of turning off all water in a specific home, it could become the operational arm of my "no flush" amendment and actually help preserve the concept of a man's home as his castle.

Finally, I am compelled to alter the old nonsense saying in honor of Detroit Edison's breakthrough:

Rub a dub dub, no water in the tub
Zap, zap, zap, shut off the tap.

Mr. Speaker, this incredible use of technology is all too true, I regret to say, and I insert in the RECORD at this point an article from the Wall Street Journal of July 22, 1970:

DETROIT EDISON DEVICE TO CONSERVE POWER SPARKS SOME DISCORD

(By Michael J. Connor)

DETROIT—Picture it. You're standing in a nice, hot shower in the privacy of your home trying to forget a hard day at the office. Suddenly, you're standing in cold water.

The reason? An engineer sitting in the offices of your local electric company 10 miles away has pushed a button that sends a frequency modulated radio signal racing across the city. The signal activates an "energy control device" on the back of your basement water heater, which switches off the main supply of hot water.

The conjuring of a science fiction fiend? Not at all. Detroit Edison Co. is using such a radio control device here. And, because of it, they are in hot water with irate consumers. These consumers claim the electronic device not only shuts off hot water at the whim of the electric company, but also drives up their electric bills.

One suburban Detroit home builder, Henry Vartanian, is so angry that he is suing Detroit Edison, seeking $15,000 of damages, which he says stem from the utility's use of the device. Mr. Vartanian also has filed a formal complaint with the Michigan Public Service Commission, seeking to block Detroit Edison from using the device. He and other consumers will get a chance to voice their complaints today at the commission's public hearing.

Detroit Edison doesn't deny it uses the devices, but neither company officials nor their attorneys will discuss the Vartanian case or other consumers' complaints.

It's believed that Detroit Edison uses the devices to conserve power at peak demand periods. Technical men, familiar with the devices say they are the most efficient method of controlling energy ever put into widespread use.

Motorola Communications & Electronics Inc., a subsidiary of Motorola Inc., makes the devices for Detroit Edison. But it won't say whether it's selling them to other utilities across the country. It's believed that the Detroit-Area installation, which began about two years ago, is the first in the country.

Attorneys for the irate consumers claim other utilities across the country are watching the legal and regulatory commission proceedings here as a test of the devices. A victory for Detroit Edison would pave the way for their use elsewhere, they contend.

One of the main complaints about the devices is that they are used to cut back on hot water when demand is greatest—in the early evening when many people are taking showers and washing dishes.

"This is big brother," says Mr. Vartanian, who claims the hot water has been stopped too often. "They can't dictate to me when I can take baths and when I wash dishes." Mr. Vartanian asserts that the device, which is only a little larger than an ordinary water meter, enables Detroit Edison to control his water heater for up to four hours at a time.

The water heaters under question are divided into two parts: A lower element, which comprises three-fourths of the unit and should supply hot water for ordinary use, and an upper, or reserve, element, which comprises the remaining one-fourth. Electricity is supplied to the lower element at a flat rate which, in Mr. Vartanian's case, is $7 a month for a 110-gallon tank.

Some customers contend Detroit Edison has been using its radio device to turn off the power to the lower element. When that happens, they say the hot water supply gets low and the upper element is activated. But they say the upper element doesn't work on a flat rate—it's attached to the regular house meter and adds charges to the electric bill when it's functioning.

Mr. Vartanian says the radio device has doubled his electric bill. He might be able to bear that if the upper element were sufficient to provide him with hot water. But he says it isn't.

Richard Wines, another unhappy consumer, asserts a Detroit Edison salesman told him it would cost only $4 a month more if he purchased an electric water heater. But after Mr. Wines switched, he says his electric bill jumped to $45 from $17 every two months.

"My wife can't complete her washing cycle. I get half way through my shower and run out of water. It's a laugh to see on television." "All the hot water when you need it," says Mr. Wines. He says the salesman who sold him his 50-gallon heater "never did explain about that big brother on the back of my tank."

WINS FOUR STATE PRESS AWARDS

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. QUILLEN. Mr. Speaker, the Newport Plain Talk, published in Newport, Tenn., recently received four University of Tennessee-Tennessee Press Association Awards for outstanding achievements in journalism.

The awards were in recognition of the newspaper's editorial and public service, as well as its use of color. By winning four State press awards, the Plain Talk has established quite a record.

Mr. A. L. Petrey, editor of the paper, accepted the awards at the Tennessee Press Association's 101st Anniversary Convention in Memphis.

Mr. Petrey merits special praise for winning first place for the best single editorial in competition with 121 weekly newspapers throughout the State. I belive this is indicative of his skill as an editor and the high esteem in which he is held by members of his profession.

The entire staff, along with the owners and editor, deserve a pat on the back for making these awards possible, and I extend my congratulations.

The following story of these awards appeared on the front page of the Plain Talk:

AT 101ST ANNIVERSARY CONVENTION—PLAIN TALK WINS FOUR STATE PRESS AWARDS

The Newport Plain Talk is the winner of four University of Tennessee-Tennessee Press Association Awards for achievements in journalism.

The presentation was made to A. L. Petrey, editor, by Dr. Joseph E. Johnson, vice-president of The University of Tennessee Friday at an Awards luncheon held at the Holiday Inn-Rivermont, Memphis, where members of the Tennessee Press Association were assembled for its 101st Anniversay Convention, July 11–13.

The Newport Plain Talk was in competition with 154 Tennessee newspapers who had submitted 590 entries in the contest.

Judges for the contest included journalism professors at Wayne State University, The University of Alabama and Louisiana State University.

FIRST PLACE: BEST SINGLE EDITORIAL

The Newport Plain Talk received a First Place Award for the Best Single Editorial in competition with 121 weekly newspapers throughout the state. The award is a beautifully engraved, walnut plaque citing The Newport Plain Talk's editorial achievement.

The award-winning editorial was printed on page one of the December 29, 1969 issue. The editorial, entitled, "Which Will It Be . . . Clean-Up Or Cover-Up?" cited the newspaper's stand for law and order in the county and in the face of attempted intimidation and threats to the newspaper and staff, printed the news as it occurred.

The prize winning editorial stated the newspaper offered its columns to those who criticized its position to explain their views for public appraisal. The editorial further stated that the newspaper joined the people of Cocke County in the hope that those involved in alleged violations of the law will have their day in court so that Cocke County can clean-up what is wrong and institute changes that will give the people of the county greater protection and pride in the integrity and honesty of law enforcement here.

SECOND PLACE: IN PUBLIC SERVICE

The Newport Plain Talk received Second Place honors certificate for the newspapers efforts in Public Service. The Newport Plain Talk was nosed-out of first place by Sweepstake Winner, Giles Free Press of Pulaski.

The Newport Plain Talk's entry in the Public Service contest was the largest entered by any newspaper. The entry compiled editorials, pictures and articles carried by the newspaper over an eleven month period on local law enforcement and alleged irregularities under investigation by the State, TBI and finally Federal Court which looked into possible Civil Rights violations.

WINS EDWARD J. MEEMAN FOUNDATION AWARDS

The Newport Plain Talk was one of five newspapers in the state to receive the coveted Edward J. Meeman Foundation Award and earned $100 in cash for the Best Single Editorial for weeklies.

The Edward J. Meeman Foundation has for 19 years given these awards in honor of the late editor of the Memphis Press Semitar.

The five top winners include: The Newport Plain Talk (Allison Simonton Memorial Award for Best Single Editorial Weeklies); Giles Free Press (editorials); Kingsport

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Times (public service); Union City Daily Messenger (best single editorial for dailies); Rogersville Review (editorials).

RECEIVES HONORABLE MENTION FOR BEST USE OF COLOR

The Newport Plain Talk was in the top six weekly newspapers and received a certificiate For The Best Use of Color in competition with 121 other weekly newspapers throughout the state.

A. L. Petrey, editor, said, "Of course we are highly pleased that The Newport Plain Talk's efforts have been recognized by The University of Tennessee and The Tennessee Press Association which is a great tribute to the entire staff of the newspaper.

"The Newport Plain Talk is committed to serving the people of Newport and Cocke County. We believe in telling it like it is through responsible reporting. We report the news as it happens fairly, honestly and objectively."

SOMETHING NEW HAS BEEN ADDED

The Newport Plain Talk is proud to add the "Prize Winning Emblem" to its front page. The emblem appears at the top right corner today where it will remain until June 1971.

WILLIAMS ELECTED PRESIDENT OF PTA

W. Bryant Williams, editor and publisher of the Paris Post-Intelligencer was elected president of Tennessee Press Association. Williams succeeds Donald Brookhart of the Crossville Chronicle.

"DELTA QUEEN"

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SNYDER. Mr. Speaker, as you know, the day of decision for the *Delta Queen,* the last riverboat in America, is fast approaching. The fate of the 44-year-old *Queen* still hangs in the balance and the thought that she may be removed from the American scene—weighs heavily on all of us who revere and cherish her.

Kentuckians are fighting hard to save her. Following is a resolution from Gov. Louie B. Nunn:

RESOLUTION

Whereas The Delta Queen is being forced out of overnight passenger service in November, 1970, because she is primarily of wood construction and therefore does not comply with the federal Safety At Sea Law of 1966 and

Whereas The Delta Queen meets all other safety and navigation regulations of the federal government as enforced by the United States Coast Guard and is inspected annually by the United States Coast Guard and

Whereas Greene Line Steamers, owner of the Delta Queen, has operated 28 steamboats on the nation's rivers for more than 80 years without a single passenger fatality and

Whereas the condition, maintenance and inspection system of the Delta Queen and the safety record of Greene Line Steamers in comparison with airline, automobile and other records, indicates steamboat travel is one of the safest forms of transportation in existence today and

Whereas the public is not trapped by circumstances into traveling aboard the Delta Queen, can appraise the risk, if any, of traveling on a boat mostly of wood construction and can decline to do so without being denied public transportation and

Whereas the Delta Queen calls at the Kentucky ports of Maysville, Covington, Newport, Warsaw, Carrollton, Louisville, Owensboro, Henderson, Hickman, Paducah and Gilbertsville and thus brings tourism to the Commonwealth of Kentucky and

Whereas the Delta Queen is considered one of America's unique tourist attractions and

Whereas the American steamboat is close to the hearts and lives of millions of Americans who live along the nation's great rivers in the 16 states served by the Delta Queen and stimulates joy and love of country wherever she sails and

Whereas America's steamboats and the experience they provide are often imitated across the world, but the Delta Queen is the last remaining American steamboat in operation and the last place in the world where this experience may be had in its original form and

Whereas the public and especially the citizens of Kentucky, through their petitions, have well expressed their desire to have the Delta Queen continue in overnight passenger service,

Now therefore be it resolved this 3rd day of August, 1970, that Kentucky supports the petitions of its citizens and of Greene Line Steamers, Inc., and requests the President and Congress of the United States of America, The Secretary of Transportation and the Chairman of the Merchant Marine and Fisheries Committee of the U.S. House of Representatives to grant a permanent exemption to the Delta Queen from the provisions of the federal Safety At Sea Law of 1966 to the extent that she be allowed to continue overnight passenger service among American river cities.

LOUIE B. NUNN,
Governor of Kentucky.

FRASER JOINS SPONSORS OF OLDER AMERICAN COMMUNITY SERVICE ACT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FRASER. Mr. Speaker, I am happy to announce that I am joining 14 other Members of the House in sponsorship of the Older American Community Service Employment Act.

The Secretary of Labor would be authorized by this bill to provide part-time job opportunities for persons 55 and over who are on inadequate pensions and unable to find work. Those jobs would be with public and nonprofit agencies in service of the community. The authorization will be $35 million in fiscal year 1971, $60 million in fiscal year 1972, and $100 million in fiscal year 1973.

Demonstration programs are now being funded in 21 cities under the senior aids program. One of these demonstrations is in Minneapolis, my home district. The project there has been a big success, and similar successes in other cities have prompted the National Council of Senior Citizens to enthusiastically endorse the program's expansion.

This concept deserves to move on from the demonstration stage. Over 1.4 million Americans between the ages of 55 and 64 have dropped out of the labor force. This is up 78 percent since 1950. The great majority of these citizens have been honest, hard workers, and many still desire employment. I consider it a great tragedy that this considerable talent is going to waste—especially when the other side of the coin is often boredom, loneliness and despair for many who have done so much for this Nation.

I hope that the Committee on Education and Labor is able to give this prompt attention when the House reconvenes on September 9.

50TH ANNIVERSARY OF THE POLISH VICTORY AT VISTULA

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MESKILL. Mr. Speaker, tomorrow, August 15, is the 50th anniversary of the Battle of Vistula, a date traditionally known as Polish Army Day. I am honored to join with loyal Americans of Polish descent and with all Poles in the free world in their commemoration of the day when the Polish nation secured peace for herself and all Europe for nearly 20 years.

Poland has suffered a long and stormy history. Time and again her people have had their freedom smothered by the oppressive hands of neighboring countries. But out of the First World War Polish dreams of national rebirth materialized and in 1918 that great soldier and patriot, Joseph Pilsudski, proclaimed the Polish republic.

Shortly thereafter, however, Poland's cherished independence was threatened. In 1920 the Russian Bolsheviks, having successfully achieved their revolution at home, began their march on Central Europe. Receiving little else besides the sympathy of her allies, the Polish nation had to face the danger alone.

Despite overwhelming odds the Poles, bolstered by the leadership of Marshal Pilsudski and love of their homeland, made their stand on the banks of the Vistula and routed the Bolshevik invaders.

The news of the Polish victory on the Vistula was greeted with immense relief by all those who feared the consequences which would inevitably have followed if the Soviet troops had advanced deep into Central Europe, joining hands with the subversive Communist elements waiting to overthrow the "capitalist" governments.

By their victory at the Vistula the Polish people, in effect, saved Europe from devastation and oppression for nearly 20 years.

But fate was not to be so kind. Despite the courage of these freedom-loving peoples, in World War II the tiny Republic of Poland was crushed by the occupation forces of Nazi Germany and the Soviet Union. In the wake of the war the Polish nation returned not to independence but to the oppressive domination of the Soviet Union.

The persecution which the Soviet Union has inflicted upon these courageous people is intolerable. To deny the Poles their fundamental rights of freedom and self-determination is a violation of the essence of human dignity.

In recent years the world has witnessed fissures in the "monolithic" Soviet control. The differences which have developed between the Soviet Union and her "satellites" demonstrate the instability of a totalitarian system, the fragility of the Communist structure.

The repeated evidences that the spirit of Freedom and desire for liberty on the part of captive peoples are not dead but very much alive indeed strongly underscore the belief that freedom can never be suppressed and that captivity must never be accepted as inevitable. Truly the Communists have a tenuous hold over the hearts and minds of their captive peoples.

Mr. Speaker, 50 years after the Battle of Vistula, I would like to remind my colleagues and all freedom-loving peoples that the Poles, although still under the yoke of Soviet domination, maintain their strong desire for freedom. Their struggle continues.

The world cannot live at peace unless and until the territorial integrity and freedom of bondaged people are restored, so that once again they may enjoy the precious rights of self-determination and self-government.

Throughout her history Poland has stood as a monument to courage, constantly aspiring to self-determination and national independence. She has, moreover, aided other countries in their struggle for survival. Casimir Pulaski gave his life for our independence. We, in turn, cannot allow Poland, her liberties and her glory, to succumb. Poland is not to perish but to live.

STOP THE DRUNK DRIVER

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. KEITH. Mr. Speaker, one of my constituents, W. T. Ohman, Sr., of Harwich, Mass., recently wrote to me after he had returned from a vacation in Norway. In Mr. Ohman's own words:

> I visited several cousins whom I had not seen for 57 years. During the course of celebrations . . . it became very noticeable to us that the person driving that evening was not imbibing. Upon further investigation I found that to drive a car in conjunction with the use of alcohol in Norway, is absolutely forbidden. First offense is one year in jail; second offense, 5 years and license revoked forever. Needless to say, there are no accidents caused by drunken driving.

Mr. Ohman also enclosed an editorial from the Christian Science Monitor, describing how serious the situation is in the United States. As the Monitor points out, during the course of the Vietnam war, 43,000 Americans have been killed in combat while during the same period, 240,000 have died as a result of drunken driving.

In contrast with Norway, these statistics are shocking. I believe that our States, which have primary responsibility for punishing traffic violations, should seriously review their penalties for drunken driving and consider stiffening sentences as a deterrent. I would also hope that our National Highway Safety Bureau will devote more resources and energy in the future to assisting the States in eliminating the scourge of drunk driving.

Finally, Mr. Speaker, I include the Monitor editorial at this point in the RECORD:

[From the Christian Science Monitor, July 15, 1970]

STOP THE DRUNK DRIVER

The people of the United States are deeply, and rightly, concerned over the some 43,000 American troops who have lost their lives in the last nine and one-half years in Vietnam. There is, also, a growing national grief over the still far fewer yet far too many young people whose deaths are traceable to drugs.

It is all the more amazing therefore that the American conscience still on the whole appears unmoved at the presence of a far, far greater killer. We are referring to the drunken driver who, during the period when 43,000 were killed in Vietnam, slew some 240,000 persons on the nation's highways.

At the present time this newspaper is running a 10-article series on this stupendous national problem. And from these articles there emerge three main conclusions. One is the astronomical cost in grief, suffering, death, injury, and financial loss caused by drunken drivers. The second is the incomprehensible apathy shown by the general public towards this scourge. The third is the fact that there is ample proof that this toll in lives could be drastically reduced by the application of already known and tested methods of control and prevention.

The healthy harvest to be reaped from controlling the drunken driver is immense, even leaving aside the most important benefit of all, the saving of lives and the preventing of injury. Automobile insurance rates would immediately drop dramatically. The cost of highway patroling would fall. The pleasure of driving on the part of the sober driver would increase. Welfare costs would be favorably affected. So would the cost of maintaining hospital emergency wards. And the police, now forced to spend untold hours daily dealing with drunken driving, could spend more time protecting the community against crime.

Nor should steps such as alcohol breath tests, the lifting of driver licenses and penalties that hurt be looked upon as persecution of such drivers. Instead they should be viewed as doing him the greatest of possible favors—helping prevent him from killing or injuring himself or others.

There is, it is a true, a gradual awakening in the public mind of a desire to do something about this terrible national problem. But that desire is still not remotely strong enough in the country as a whole. Furthermore, far too many citizens continue to take a light-hearted view of what the mixture of alcohol and gasoline can do. Yet here is one, easily identifiable area in which a great step towards public safety can be taken. It is imperative that public officials have the courage and the general public have the wisdom to take this step.

STUDY ON DOGS AND SMOKING

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CARTER. Mr. Speaker, recently, Drs. Auerbach and Hammond reported results of a smoking dog study in an effort to show the relationship between smoking and health.

The scientific methods used in this study have been questioned. The American Medical Association and the new England Journal of Medicine rejected the research papers outright.

I enclose copy of a letter to Dr. Jesse L. Steinfeld for your perusal:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 11, 1970.

Dr. JESSE L. STEINFELD,
The Surgeon General, U.S. Public Health Service, Department of Health, Education, and Welfare, Washington, D.C.

DEAR JESSE: I have received your July 10th reply to my letter to you of May 19 concerning the Auerbach-Hammond smoking dog study. As you can imagine, I was shocked and disappointed to learn that in your letter of June 12 to the American Cancer Society you gave an unqualified endorsement to the validity of the study, based on nothing more tangible than hearsay reports of the findings and your own strong feelings about smoking and health. This seems to have been an irresponsible act on your part and not in keeping with the scientific objectivity which should accompany your high office. As you must have anticipated, the news bureau of the American Cancer Society promptly released your letter to the press in an attempt to bolster their position with the prestige of your office.

As I told you in my letter of May 19, serious questions about the validity of this study had been raised by a distinguished pathologist whose letter I forwarded to you. You may by now have seen the enclosed article from the *Wall Street Journal* of July 8. The article reports that the *Journal of the American Medical Association* has decided not to publish the Auerbach-Hammond papers on the basis of reviews by twelve independent authorities. The article pointed out that the number of reviewers assigned to the Auerbach-Hammond data was much greater than usual because of the controversial nature of the experiment.

When I attended the meeting of the American Medical Association in Chicago on June 22, I learned that the President of the AMA, Dr. Gerald Dorman, had determined from a conversation with the Editor of the *Journal of the American Medical Association* that the independent reviewers had unanimously recommended rejection of the article. I believe that Dr. Dorman would confirm that information if you were to inquire.

Among the things that particularly disturb me, as a physician, about your letter to the American Cancer Society is your insistence that no formal review is necessary to establish the validity of this study in view of (a) its eminent sponsorship, (b) the reputation of the investigators and (c) the fact that two scientists in government service had the opportunity to review the data and apparently agreed with the reported findings.

As to the past point, it seems you have had some bad advice. At the time you wrote your letter, one of the pathologists whose opinion you relied on, Dr. Raymond Yesner of the Veterans Administration, had already become the center of controversy in connection with another research study relating to cigarette smoking. It seems that at a medical meeting Dr. Yesner took the liberty of interpreting certain data from an unpublished study originated by Dr. Alvan Feinstein of Yale. As you will see from the enclosed Letter to the Editor of the *Journal of the American Medical Association*, Dr. Feinstein has publicly contradicted Dr. Yesner's interpretation of that data. You might also have taken account of the fact that Dr. Yesner is employed by the Veterans Administration which was a co-sponsor of the Auerbach-Hammond study. In view of these facts, I think you will agree that your reliance on Dr. Yesner was probably ill-advised.

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I think you might also agree that such considerations as the "eminent sponsorship" of the study and the "reputations" of the investigators are not proper criteria for judging validity. The American Cancer Society, as you probably know, has sponsored antismoking commercials featuring a movie star who was recently convicted of illegal possession of marijuana.

Moreover, the two investigators last February released their findings to the popular press before presenting them to their scientific colleagues, a procedure which is considered highly improper among scientific researchers. In fact, their action caused the authoritative *New England Journal of Medicine* to reject the research papers outright. I think you might have considered these facts in assessing the "reputations" of the organization and people involved.

In view of the judgment you have pronounced, the integrity of your office requires you to make every effort to determine what criticisms the *Journal of the American Medical Association* reviewers made of the study and to amend the comments which you made to the American Cancer Society in your letter of June 12 and to correct the erroneous impression your letter has left with the American public.

As you pointed out in your letter, your Department has the statutory responsibility of reporting to the Congress periodically on the state of scientific research concerning cigarette smoking and health. I fear that your uncritical acceptance of this research, which is to this date unpublished in any scientific journal, is a clear reflection of the superficial and biased manner in which the information which goes into those reports is evaluated. I also believe that your action in this matter casts serious doubts upon the integrity and authority of information issuing from the Public Health Service in regard to the health consequences of smoking, and that my colleagues and the American people should be so advised.

The Congress is increasingly called upon to make public policy in the fact of the proliferation health controversies which are confronting the American people. We must have objective scientists to guide our actions. The American people stand to lose much more than the right to smoke cigarettes if scientific judgments are made on such a capricious basis.

I would be most pleased to have your comments on the observations I have made in this letter.

Sincerely yours,

TIM LEE CARTER.

[From the Wall Street Journal, July 8, 1970]

AMA JOURNAL DECIDES TO WITHHOLD REPORTS ON DOGS AND SMOKING—CONTROVERSIAL TESTS SUPPOSEDLY CAUSED CANCER; THE MAGAZINE SAYS ARTICLES NEED REVISION

CHICAGO.—The Journal of the American Medical Association has decided not to publish two previously announced reports on a controversial experiment with dogs that is supposed to link cigaret smoking with lung cancer.

But the magazine, which is probably the most widely read medical journal in the U.S., insists that the articles haven't been rejected outright but simply returned for revision.

The reports have been causing controversy since early May, when the Tobacco Institute, the industry's trade association, announced it was mounting a major attack against the validity of the researchers' findings.

The articles describe the results of a 2½-year experiment on 94 pedigreed beagle dogs that was carried out by two eminent scientists. The American Cancer Society has claimed that the experiment was significant in at least two ways: It produced lung cancer as a result of cigaret smoking in a significantly large experimental animal, and it marked the first time that cancer had been induced in laboratory animals by causing them to inhale tobacco smoke.

REJECTION IS DENIED

Dr. Hugh H. Hussey, editor of the medical publication, denied in an interview that the articles had been rejected for publication. "They are not acceptable for publication in their present form," he said. The articles have been returned to their authors, he said, for "extensive revision."

The two scientists who carried out the experiment are Dr. E. Cuyler Hammond, a vice president of the American Cancer Society, and Dr. Oscar Auerbach, senior medical investigator for the Veterans Administration Hospital, East Orange, N.J.

In telephone interviews yesterday, both Dr. Hammond and Dr. Auerbach declined to criticize the medical journal for returning their articles. "We sent the articles to them in good faith, and we believe the American Medical Association also acts in good faith," said Dr. Auerbach.

Neither Dr. Hussey nor the two researchers would disclose details of the suggested changes. But Dr. Hammond said some of the objections centered on photographs accompanying the text. "There were complaints that the pictures were out of focus. But that's to be expected since the slides originally were in color but had to be printed in black and white (because) the magazine considers color pictures too expensive," he said.

REVIEWERS CALLED FAIR

Commented Dr. Auerbach: "The reviewers were as fair as they thought they could be. I may not agree with them, but it's all part of the give and take."

When the articles will appear in print is undecided. Dr. Hussey said the journal will reconsider the articles if they are resubmitted with the revisions. Or, he said, the authors may decide to submit them to another publication.

The two researchers said they haven't decided which course they will take.

Dr. Hussey rejected any suggestion of pressure on the magazine either from the tobacco industry or the American Medical Association not to publish the reports. "There was no pressure whatsoever," he said.

EXPERTS CONSULTED

The decision not to publish the articles, Dr. Hussey said, was made on the basis of reviews by about 12 independent authorities. These included an expert on veterinary medicine pathology, an expert in pulmonary disease and several pathologists. The number of reviewers, he said, was much greater than is usual for an article submitted for publication in the magazine "because of the great amount of publicity involved."

The experiment already has won the approval of the U.S. Surgeon General, who recently said it wasn't necessary to carry out a formal review of the experiment "to establish validity."

The surgeon general said in a letter to Dr. Auberbach that "if the question at issue is whether human-type lung cancer has been discovered in the lungs of dogs exposed to cigaret smoke, then the answer is yes." This finding he said, was the view of both Dr. John W. Berg a pathologist with the National Cancer Institute, and Dr. Raymond Yesner, associate professor of pathology at Yale University School of Medicine.

Dr. Auerbach said that the medical journal reviewers didn't dispute the claim that the tumors found in the dogs were of human type.

IMPACT WAS FORECAST

When the results of the experiment were first reported at a meeting of the American Cancer Society last February, a society spokesman said the experiment "should have a signficant impact on the smoking of cigarets in this country and will probably lead to a reassessment of advertising claims and polices of the cigaret industry."

A few weeks later the Tobacco Institute replied by challenging the Cancer Society to release the unpublished data on lung cancer in dogs for further scrutiny by "men of outstanding competence and integrity."

An institute spokesman said the "Tobacco Institute does not, and the public should not, accept at a face value the findings of this study."

[From JAMA, July 6, 1970]

SMOKING AND CANCER MORPHOLOGY

To the Editor: Having initiated the study of cigarette smoking and histologic morphology in patients with lung cancer that was "reported" in THE JOURNAL (211:2081, 1970), I regret its premature publication in your MEDICAL NEWS section.

Your report was based on material presented at the recent meeting of the American Association of Pathologists and Bacteriologists by Dr. Raymond Yesner who collaborated in this project and recorded many of the histologic findings. The results presented at that meeting were based on a preliminary analysis of the data, and they contain only Dr. Yesner's interpretations of those data.

The final report may show differences in the percentages because new statistical tabulations have been necessitated by a recent change in the criteria used for consolidation of histologic categories. Even if the percentages remain unchanged, however, I disagree with the interpretation that heavier smoking "caused" greater degrees of malignancy in lung cancer. The "base population" in this study consisted not of a general group of smokers and nonsmokers, but of people who already had lung cancer. Consequently, no causal inferences can be drawn about the role of smoking and creating either lung cancer or different cell types of cancer in a general population of smokers and nonsmokers. Furthermore, although increased rates of smoking were associated with increased rates of undifferentiated small cell cancers, such cancers were not found to be the most clinically "malignant" tumors in the patients we studied.

My own interpretation of the preliminary data is that they contradict a long-standing belief the pathogenesis of lung cancer. Although epidermoid carcinoma is generally regarded as exclusively a "cigarette smoker's cancer," four of the 42 people currently classified in our survey as having this type of cancer had not smoked cigarettes, and the rate of epidermoid carcinoma did not show an increase in association with increased amounts of smoking in the 449 patients we studied.

I apologize to any readers who assumed I had approved the contents of your report because they saw my name there, and I urge them to await formal publication of the complete results before drawing any conclusions.

ALVAN R. FEINSTEIN, M.D.

NEW HAVEN, CONN.

GUNS OR BUTTER—FREE OR SLAVE?

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the Westlake-Conejo Valley Times of July 29. 1970:

GUNS OR BUTTER—FREE OR SLAVE?

(By George Todt)

"The Soviets are capable of starting tomorrow one of the biggest wars there has ever been, and I am frankly not confident the outcome would be in our favor." (Admiral Hyman Rickover, USN—Testimony, U.S. House-Senate Committee on Atomic Energy, March, 1970.)

Last Sunday the Commander of the Soviet Navy flexed his chauvinist muscles in Moscow and vented his spleen on the Americans, as usual. Which is par for the course, ho hum.

His brand new fleet, which emphasizes missile-carrying ships—both above and below the water—has by this time "bound the hands of the imperialists" and now stands ready to deal a "crushing rebuff to any aggressor", Admiral Sergei Gorshkov proclaimed.

The Red's Arctic, Baltic, Black Sea, Mediterranean and Pacific Fleets presently number in excess of 350 first-class submarines, 75 of them nuclear-powered like ours. They need only a dozen more of the latter to catch up with the United States. Should pass us by the end of the year.

By contrast, Adolf Hitler had only some 60 submersibles to commence World War II. Also, Ivan has 25 modern cruisers, mostly guided-missile types, and 100 destroyers constructed since the end of World War II. Plus another 1500 smaller vessels of all kinds and two brand new helicopter carriers.

In contrast to the 90 per cent modern construction of the Soviet Navy, ours is almost all World War II vintage—armed mostly with guns instead of more deadly missiles in the case of the cruisers.

Without friendly air cover overhead, a gun-cruiser is probably a sitting duck for a missile cruiser in the event of hostilities.

This is only part of the deteriorating picture of national defense as observed from the viewpoint of the Republic of the United States.

The Soviets also are racing overtime, at superheated capacity, to build for themselves the greatest commercial maritime fleet afloat.

Let Soviet Defense Minister Andrei Grechko speak words of peace and friendship as he uttered them with typical restraint from Moscow last Sunday:

"The Soviet Union's peace-loving Leninist foreign policy," he shouted in a sabre-rattling, belligerent diatribe "is threatened by a complicated, present-day international situation in which the ruling circles of the United States and other Western powers are strengthening aggressive blocs, intensifying the arms race and staging dangerous military ventures."

"The United States' criminal war in Vietnam and Cambodia the Israeli aggression in the Middle East, the intrigues of revenge-seeking forces in West Germany—all this is the doing of world imperialism with the United States monopolies at the head."

It seems to this writer that the Soviet Union is girding itself for war, not peace. And with us the eventual target, of course. Our anti-war and peace-at-any-price people may hide their heads in the sand as long as they desire, but the armed forces of the USSR continue consistently to expand.

As the armed might of the Communist international warlords mushrooms, we will become increasing targets for nuclear blackmail. As seen on a graphic scale, their fantastically expanding military power is going up—ours is coming down.

How much more belligerent will the Reds become toward us and our treaty allies if their massive armed strength rises 50 per cent above ours? Or 100 per cent? Even two hundred per cent? How merciful are the hard-boiled Communist leaders?

Will they listen to the tender pleas for love and understanding from the American "peace generation"—our hippies, yippies, slackers, deserters, rioters, revolutionaries, drug-oriented types, et al—if they become powerful enough to issue us an ultimatum?

Let the students remember their counterparts in Hungary 14 years ago, more recently the ill-fated Communist nation of Czechoslovakia. The Politburo in the Kremlin is not tenderly merciful even to their own kind behind the Iron Curtain. Why be foolhardy here?

More than a year ago I heard a down-to-earth and enlightening address by Gen. Thomas S. Power, USAF, former Commanding General of the Strategic Air Command. He came through the courtesy of Patrick J. Frawley, Jr., a noted patriot of high distinction, and spoke to several hundred leaders of the American Legion in the Ambassador Hotel in Los Angeles.

The brilliant Power put it on the line and said the United States would be superseded in strength by the Soviets by 1970 or 1971 at the rate we were going on the graph.

"When that time comes," he stated simply, "look out for nuclear blackmail."

General Power had no illusions then about the greedy designs of the most rabid imperialists of our time—the Soviet Union—and neither does President Richard Nixon in the White House today.

The difficulty for the President, however, is that he is besieged literally by droves of anti-war peaceniks in positions of influence who desire the budget cut at the expense of guns over butter.

Let us remind them that if the United States is ever defeated on the world stage, there will be no further "war on poverty," "urban re-development," "operation head-start," "peace corps," or what have you?

All we will have left is the American version of the Siberian Salt Mines. Or, off to the newest in concentration camps, Tovarich!

ACHIEVEMENT ANALYSIS OF THE PILOT TRAINING CYCLE OF THE PITTSBURG-ANTIOCH INDUSTRIAL MANPOWER CENTER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. WALDIE. Mr. Speaker, I would like to call the attention of the House to a very successful manpower development program in my district. The name of the program is the Pittsburg-Antioch Industrial Manpower Center operated by the U.S. R. & D. Corp., in the northern California area east of San Francisco. In addition to the primary purpose of training in basic education, the industrial manpower center has had an enormous impact on the general community.

The following remarks serve to give an overall picture of the program and serve to enlighten the reader on the very successful practical results since its initiation:

ACHIEVEMENT ANALYSIS OF THE PILOT TRAINING CYCLE

INTRODUCTION

In May, 1968, private industry and government began a unique experiment in Antioch, California. The question the demonstration sought to answer was this:

Could private industry use its management and educational techniques to transform so-called hard core "Uneducables and unemployables" into employees who were attractive to industry and who had acquired the base to develop within a company:

On the other side of the coin was the question of whether industry, hostile and suspicious of government activities, could accept and adopt this concept. Could the project develop enough community support to change ingrained methods and procedures, not only within industry, but at the source of drop-outs, the school system.

On each of these questions industry and the community has answered with a resounding: "yes" and the answer was not only in words but in changed actions, changed attitudes and changed systems and procedures. The project, financed as a demonstration grant by the U.S. Department of Labor was managed by the United States Research & Development Corp., a subsidiary of Monogram Industries. The initial contract extended for one year and was renewed in May of 1969 extending through December 1970.

As of this evaluation 453 trainees have graduated from the program. Most were classified as hard core unemployables.

344 graduates or 71% of the trainees are now placed or employed including 27 placed in college. 118 of the 156 graduates or 75% of cycles, 1, 2 & 3 have been on the job for 6 months or longer. Of the total number working 48% have been employed for 6 months or more.

Out of the 4th, 5th, & 6th training cycles, 27 graduates entered college, a significant accomplishment considering most had failed to successfully handle high school curriculum. During the 10 week training cycle their attitude towards life and educational attainment improved considerably and upon graduation they were confident in their decisions to further their education. This was an unanticipated by product of the program. When they enter the job market, it will be at the management or white collar level, with open horizons for advancement.

Four graduates are now employed at the Center.

THE TRAINEE

The typical applicant is young, between 19 and 25, with no high school diploma and a low-level of academic achievement. He reports that he survives as a "part time hustler" and an occasional worker. He's sophisticated about street life and jaded about government programs. He is knowledgeable about drugs and, if not an addict, a frequent user. He's been promised a lot during his short life, but no one has delivered successfully, so he is cynical, frustrated, bitter, angry and frightened about life.

His driving license is suspended for possession and he has served time in local jails. He hates the police and distrusts anyone in the establishment, particularly public defenders, social workers and other agency officials who are charged with assisting him. He will often have employment aspirations beyond his educational and personal achievement. He needs money and wants to work, if not in a permanent position, at least for a few months. Upon entering training, he is belligerent and continues his life in the street.

He has an average reading level of 6.7 and his communication skills are poor. He lacks the desire to relate effectively with peer group members, Center staff or potential employers. His personal appearance is shabby and he cannot see any reason for improving his dress or personal hygiene.

The statistics on the following pages are indicative of the results of the basic thrust of the program: employment preparation, through a 10 week intensive training program of Basic Education and Human Resource Development; the former comprised of mathematical concepts, reading, vocabulary and writing skills and the latter stressing, but not limited to, those skills necessary to seek, gain and maintain a job, and function effectively within society.

The median education level of graduates was 9.3, a 2.6 grade increase. In addition, there was significant, but unmeasureable

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growth in the life skills necessary to become productive and useful citizens to seek and maintain a job, and provide a stable home for the next generation. They had broken the cycle of poverty.

SUMMARY

The Pittsburg-Antioch Industrial Manpower Center is located approximately 40 miles northeast of San Francisco, California in the city of Antioch (pop. 29,000).

Stated succinctly, the program is designed to take individuals who are unemployable or unemployed through an intensive 10 week training program of Basic Education and Human Resource Development (people to people communication through group discussion and group dynamics), and make them job ready and job placeable in entry level positions in the surrounding Industrial, Commercial, public and private sectors. For those individuals already employed, but lacking the necessary education or motivation for upgrading, the center offers an evening program geared toward the development of the necessary education and motivation for upward mobility.

In addition, the Center is now offering a basic remedial work preparation program for those individuals who are non-readers or have less than 4th grade achievement levels.

In keeping with the basic precepts of its 2nd year objectives, the Center is broadening its community outreach and expanding its programs into inplant industrial classrooms (Fibreboard Ind., Antioch, Shell Oil, Martinez); operating classrooms in the Pittsburg Unified School District Continuation School where significant and productive gains were made in the educational system by modifying the IMC program and curriculum to augment Delta High Schools material and teaching techniques. This program was designed to catch the potential drop-out before he completely abandoned the system.

In the first eight weeks of the high school operation 8 of 15 students were employed in part time jobs. And by the 10th week, 13 of 15 were working. Approximately 80% of the students in IMC's classes attend school everyday. This compares to 60% daily attendance in other classes at Delta High.

Further, the Center is conducting Management Training Seminars with supervisory personnel from education, city government, social services, industry and law enforcement, which are designed to make them more effective with and sensitive to, the employment problems of the multidisadvantaged employee.

Some individuals who had previously failed entrance tests for admission to college, have at the end of 10 weeks, passed the admission tests and are currently enrolled in college. Several trainees who felt that higher education is desirable for vocational and professional growth, have entered Diablo Valley College in Concord; Cal State at Hayward; and Chabot College at Hayward. One graduate was awarded a scholarship to Oregon State University, Oregon.

The Industrial Manpower Center Alumni has initiated a scholarship drive to augment this program for further college transfers. Industrial concerns, banks, private businesses and citizens from the surrounding communities have contributed substantially to this fund.[1]

While trainee transition to college is not the Center's main thrust, the program has afforded the educational and motivational tools for those individuals who feel strongly about furthering their education.

THE PROGRAM

The two main components of the program, Basic Education and Human Resource Development, are conducted on a daily basis. The Basic Education program uses the United States Research and Development Corp. system of conceptual learning. This system consists of use of individualized and classroom instruction using tapes, recorders, pre-recorded tapes and proprietary textbooks in a variety of subjects.

While a Basic Education trainer is always present in the group, the B.E. Trainer is not a traditionally certified teacher. Trainees often work individually utilizing normal group processes, teaching themselves and each other. Each moves at his own pace which quickly gains momentum as the group develops.

In Human Resources Development small group discussions are conducted by an HRD Trainer with a curriculum designed to equip trainees with those skills necessary to seek, gain and maintain a job. Topics include communication skills, employer-employee relations, consumer education, medical self-help, money management, motivation, behavior and attitude development.

In all aspects of the program, trainees are encouraged to examine their own ideas, feelings and attitudes, thereby learning skills which they can use in the future to resolve problems more effectively.

THE GRADUATES

The 453 Trainees graduated from the Industrial Manpower Center are classified by race, sex, age and status as follows:

(Composition of Class)

	Percent
Number of trainees enrolled	580
Number of graduates	453
Number of female	140
Number of male	313
Number of white female	36
Number of black female	82
Number of Mexican-American	22
Number of white male	99
Number of black male	144
Number of Mexican-American male	67
Number of Oriental female	0
Number of Oriental male	3
Percentage female	31
Percentage male	69

(Age Breakdown—Total)

Under 21	105
21–35	260
Over 35	88
Total	453

(Marital status)

Number married	184
Number single	165
Number divorced	52
Number separated	49
Number widows	3
Total	453

EDUCATIONAL ACCOMPLISHMENT

The Industrial Manpower Center's educational program is designed to impart those skills necessary for entry levels and upgraded positions within the business sector. In addition, the Center encourages those trainees who have not graduated from high school to further their education. Of 24 trainees who have taken the General Equivalency Diploma Test (equivalent of high school diploma), 23 have passed and received their GED'S.

The Stanford Achievement and Gates Reading test are administered to the trainees prior to their first day of training. In the final week of training, the test is given to measure their advancement. While the median grade increase of graduates was 2.6, there were several individuals who raised their educational skills 5 to 8 grade levels. Based on the tests, the trainees made the following academic gains:

As procedures and techniques were improved to meet the unique characteristics of the student body, the achievement rate noticeably increased. The grade increases are now consistently +3.0 for the 10 week program.

UPGRADING

Upgrading results for the 6 cycles were:

Graduates employed at beginning of training—78.

1. Changed to better jobs—26.
2. Received pay raise or promotion—9.
3. Quit or laid off from job—5.
4. No change in job or upgrading as yet—38.

THE UNEMPLOYED

Graduates unemployed at the beginning of training—375.

1. Now employed—266.
2. Unemployed to date—68.
3. Unemployed due to health—19.
4. Domestic & Seasonal—9.
5. Moved from area 13.

	Grade level before training	Grade level after training courses completed	Advance of training
Cycle I	6.6	8.2	1.6
Cycle II	6.6	8.7	2.1
Cycle III	6.6	8.9	2.3
Cycle IV	6.4	9.7	3.3
Cycle V	6.6	9.8	3.2
Cycle VI	7.0	10.0	3.0

RESULTS OF TRAINING

The training emphasizes "self-responsibility" so that the trainee will begin to assume IMC is not a crutch, or a hand-out, but a stepping stone.

While the immediate goal of the program is employment preparation and upgrading, the Center is dedicated to producing an individual who not only feels responsible for himself, but also possesses those attitudes indicative of a mature and responsible citizen.

GENERAL CONCLUSION

With the support and cooperation of the various Industrial concerns, County organizations, small businesses and private citizens that make up the community in which the Center serves, the goal of the program, moving people off of the Welfare Rolls or from Unemployment, is being realized.

Unquestionably, the results of the 6 training cycles are unparalleled in this area of California, and by any standard are extraordinary, bordering on the unbelieveable. To move a person destined for a life of poverty and misery to a college career in ten weeks, is an achievement without comparison. And to continue on the basic mission of providing a formerly skeptical industrial community with productive workers, while cooperating with the school system to reduce drop-outs, is a demonstration that private industry can successfully apply its techniques to the problems of society. That the results are replicable, is perhaps the most significant aspect of the program.

To date, the cost of the project is $724,223. The graduates of the U.S. R&D-IMC have an approximate annual increase in income of $842,565 and will pay the State and Federal governments an additional $168,597 per year in taxes, an approximate 21% return on investment. And, the yearly savings to the State in Welfare payments is $190,436.

Tax Consumers were given the opportunity to become viable, productive and employed citizens of their communities, through their experiences at the Industrial Manpower Center.

The Result: Tax Liabilities became Tax Payers.

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[1] United States Steel, Pittsburg, California; Bank of America, Antioch, California; John Burton Machine Corp., Concord, California; Antioch Recreation Center, Antioch, California; Tito's Men's Store, Antioch, California; Monogram Industries, Los Angeles, California and many others.

ASIANIZATION—NOT VIETNAMIZATION OF THE VIETNAM WAR

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. ADAIR. Mr. Speaker, among the more significant results of the destruction of the Communist sanctuaries in Cambodia has been the increasing cooperation among the free Asian nations in their efforts to escape Communist bondage. Thailand, South Vietnam, and Cambodia are all working actively together to form a united front against the Vietcong and North Vietnam. Other Asian nations such as Indonesia and Japan are furnishing economic aid to beleaguered Cambodia. Prof. Lev Dobriansky of Georgetown University actually foresaw some of this with a very perceptive article, which appeared in Insight for February 15, 1970. I commend his thoughts to the attention of my colleagues:

ASIANIZATION—NOT VIETNAMIZATION OF THE VIETNAM WAR

(By Dr. Lev Dobriansky)

To achieve "victory" in Vietnam, our policy has developed into a Vietnamization of the war there. This means a gradually staged withdrawal of American ground troops and their substitution by South Vietnamese personnel to undertake the burdens of the battle. American logistical and air and naval support will be continued as the capability of the South Vietnamese is enhanced. With augmented responsibility on the battlefield, it is expected that the Thieu government will also broaden the popular base in South Vietnam. The ideal objective in this application of the principle of implemented self-reliance are; (1) South Vietnamese self-determination in all spheres, including the military; (2) elimination of grounds for North Vietnamese charges of "U.S. Imperialism"; (3) a fading out of the war as the South Vietnamese extend their control to more than 90% of the territory; and (4) with security maintained, a rapid economic development of South Vietnam along the lines of the Republic of China and Korea.

Prayerfully, every right-thinking American hopes that the Vietnamization policy will bring these results, for the good of America as well as that of Vietnam. In the spirit of constructive criticism, however, it is necessary to point out certain contradictions, ifs, and assumptions involved in this policy, as well as to outline an alternative policy should the current one fail. First, it must be stressed that the war in Southeast Asia is not confined to the territory of South Vietnam but, actually and in varying degrees of political and guerrilla warfare, extends in arc-like shape from the Mekong Delta to Laos, northeastern Thailand, north Burma, over to Calcutta in India. South Vietnam is not the only target of Red aggression, though it be the most prominent one at the moment. The Red sanctuaries in Laos and Cambodia can insure a protracted and even a more intensified war against the South Vietnamese, thus impeding the Vietnamization process and aggravating the American position both in Paris and at home. Added Red pressures in Thailand and Burma would aggravate the situation further.

Second, by Vietnamizing the war, we shall inadvertently be giving credence to the myth that the war is a "civil" one. Basically supported by the Russian totalitarians, the war is international. Thirdly, this move also places in doubt the action to be taken by our allies in Vietnam. The Philippines has already begun its pull-out of 3000 men, and the question is what will be the fate of about 50,000 Koreans, 10,000 Thais, 7500 Australians and 500 New Zealanders now fighting in Vietnam? And lastly, with over 10,000 North Vietnamese having invaded the Mekong Delta in the past six months, it is becoming increasingly evident that Hanoi seeks to put the policy to a test in the near future.

The alternative policy is Asianization of the war, which emphatically it has been as shown by the embryonic presence of other Asian allies and logically is an Asian battle in the global conflict between freedom and basically Soviet Russian imperio-colonialism. This more realistic policy would augment the present Asian forces in Vietnam (e.g. an additional Korean division for a withdrawn American one sent for security duty in Korea) allow Chinese nationalist forces to cover the DMZ in Vietnam and extend into Laos, encourage Japanese road-building in the Delta and Laos, and also increase the capability of the South Vietnamese. The advantages of this more realistic policy are far greater than the current one and, paradoxically enough, the risks of protracted and even escalated warfare are less. These are:

(1) An accelerated cessation of the war itself in Vietnam, given U.S. logistical support throughout;

(2) Greater emphasis on the all-Asian nature of the war and its significance for the world struggle;

(3) An expanded framework for the sound policy of Asia for the Asians.

(4) Undermining of the general Red front from Calcutta to the Mekong;

(5) A catalyst for the formation of an Asian "NATO" against future Red aggressions.

The risks of Red Chinese or Russian armed intervention are negated by these factors: (1) Asianization only magnifies what essentially has been present in Vietnam; (2) Red China is in such chaos today that it wouldn't risk a repetition of Korea, which in itself was an unforgettable, sour experience for her; and (3) the USSR, which follows the necessary policy of not committing its unreliable forces in overt warefare, is so over-committed now in other Cold War ventures and is patently in an economic mess within its own empire-state that it would not entertain the risk. In short, the opportunity for Asianization now, with all realizable advantages, is golden, indeed.

AMERICANS OF THE JEWISH FAITH

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. HALPERN. Mr. Speaker, I would like to call the attention of my colleagues to a resolution which I have introduced in the House and which has been introduced in the other body by the able and distinguished Senator from Indiana, the Honorable VANCE HARTKE, conveying the sense of gratitude and pride of the House of Representatives and of the American people in the accomplishments and achievements of Americans of Jewish faith. These Americans have served in the Armed Forces of the United States in the defense of this Nation. The Jewish War Veterans of our country have served us well and it is only fitting that we salute them on this their 75th diamond jubilee anniversary. The resolution follows:

JEWISH WAR VETERANS

Whereas service in the military has special significance for Americans of the Jewish faith, since during the Middle Ages, their ancestors were denied the right to bear arms and the opporunities for citizenship which were granted to the citizen-soldier, and

Whereas, from the days in 1664, when Asser Levy successfully petitioned the military governor of New Amsterdam (now New York) to stand watch and subsequently gained rights of citizenship, Jews have participated in every war in our nations' defense, and

Whereas, cognizant of their obligations as citizens, Jewish veterans who fought in the Civil War in 1896 organized into an association to advance the principles of democracy for which they and their comrades in arms risked their lives in battle, and

Whereas, the Jewish War Veterans is now the oldest, active veterans organization in this country, and for the past seventy-five years since their founding, have been in the forefront to advance the rights of all minority groups who have sought freedom on these shores, have pursued diverse community service projects not only to provide aid and comfort to the less fortunate veteran and his dependents, but to extend their assistance to all in need in our society, and have staunchly backed the aspirations of Israel for freedom and independence,

Therefore be it resolved, That the United States House of Representatives express its sense of gratitude for the accomplishments and achievements of Americans of the Jewish faith who have served in the defense of this nation in the Armed Forces of the United States in all our Nation's wars and

That the U.S. House of Representatives offer its congratulations to the Jewish War Veterans of United States of America on their seventy-fifth, "Diamond Jubilee Anniverssary."

REGISTER TO VOTE

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. REES. Mr. Speaker, there is no privilege so important in our democracy as the right to vote, and yet millions of Americans are deprived of that privilege because of their failure to register to vote. To facilitate the registration of voters in my district regardless of political party, I am sending postcards to prospective voters notifying them of the deadline for registration for the coming election and offering the services of my office to help in the registration effort. I am inserting in the RECORD the text of this postcard for the benefit of other Members who may be interested:

House of Representatives, U.S.
Washington, D.C. 20818
Official Business

Thomas M. Rees
M.C.

ARE YOU REGISTERED TO VOTE?

DEAR FRIENDS: I am offering the services of my office to ensure that all eligible voters —regardless of political party—are registered

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to vote in the Statewide election November 3.

The law requires that you must re-register if you did not vote in the 1968 Presidential election, or if you are not registered at your present address.

And you must be registered *by September 10* to vote in November.

If you are not now registered, please fill in the attached form and mail it back to me. I will give it to a Deputy Registrar and every effort will be made to register you to vote.

Please call the County Registrar of Voters at 628-9211, or my office at 652-4000, if you have any questions.

Sincerely,

THOMAS M. REES,
U.S. Congressman.

IF YOU ARE NOT NOW REGISTERED TO VOTE FILL IN AND RETURN

(Note: This card does not register you to vote, but every effort will be made to have a Deputy Registrar contact you).

(Please print)

Names ________________________________

____

____

Address ________________________________

City ________________________ Zip ________

Phone ________________________________

Party preference:*

☐ Democratic
☐ Republican
☐ Other

(*Not required, but will help volunteer workers).

☐ Check here if registered at old address.

REGISTRATION CLOSES AT SEPTEMBER 10

[Place 5c stamp here]

Congressman Thomas M. Rees
816 South Robertson Boulevard
Los Angeles, California 90035

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WHAT OUR SCHOOLS NEED

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mrs. SULLIVAN. Mr. Speaker, St. Louis, as many other cities in this country, is presently faced with the task of securing a new superintendent of schools to replace Dr. William A. Kottmeyer who has resigned after 35 years of dedicated service.

In the CONGRESSIONAL RECORD of August 7, I inserted two articles presenting Dr. Kottmeyer's views of the changes that have occurred in our educational system and what may be expected in the future.

KMOX—CBS radio—in St. Louis broadcast an editorial recently which deserves the thoughtful attention of everyone interested in the future of our children. I commend it to all of my colleagues:

[KMOX radio, St. Louis, Aug. 5, 1970]

WHAT OUR SCHOOLS NEED

The public schools need more money. The public schools need better teachers. The public schools need modern buildings, improved textbooks and study materials.

But even if they got all these things the public schools still would have massive problems. For what our schools really need cannot be bought with bond issue money or higher tax levies. They need what money can't buy: more influence from the church and more stable family life.

That's the opinion of a man who should know. He's one of the nation's leading experts on public education, William A. Kottmeyer. He recently resigned as Superintendent of the St. Louis Public Schools after 15 years.

According to Dr. Kottmeyer, both religion and family used to be as important as the schools in educating and training a child for good citizenship. Church, home and school all taught the same message: work hard, study hard, obey the Commandments, respect your parents, teachers and clergyman, and you would be successful in life.

Now, Dr. Kottmeyer says, only the schools are expected to carry this message. The influence of the church has waned. Our homes are torn by divorce, separation, preoccupation of the father with earning a living.

The schools can't do the job alone, and they are bending, even breaking under the strain.

The solution goes back to a theme that KMOX Radio editorials have stressed so many times . . . a theme we believe cannot be stressed often enough. Individual responsibility. Individual moral and religious training in each of our homes. For without such training, our schools have no foundation on which to build. And they face increased problems of disobedience, vandalism and just plain indifference.

Blaming the educators is only passing the buck, KMOX Radio agrees with Dr. Kottmeyer that each mother and father in America must assume more responsibility for training children for good citizenship. Only then will the problems of public education be solved.

SCHOOL CATERER TO USE FISH FLOUR IN LUNCHES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. BOB WILSON. Mr. Speaker, one of the most exciting prospects for solving malnutrition and world hunger is the use of fish protein concentrate sometimes known as fish flour.

Although much progress has been made in the United States under various experimental processes, it is disturbing to me that a Swedish company appears to be making better progress than we are. I would hope the Food and Drug Administration would recognize the international importance of our leadership in this field and renew unnecessary restraints on the production of FPC here.

I recently had the privilege of attending the third International Congress of Food Science and Technology as a guest of Mrs. Edythe Robertson, one of the most distinguished nutritionists in this country. Mrs. Robertson is a pioneer in the use of fish protein concentrate and various types of food products. She recognized the tremendous potential of this new source of protein from the sea yet I am sure she, too, is frustrated by the bureaucratic limitations and restrictions placed on this product.

Under unanimous consent I include a recent newspaper article quoting Mrs. Robertson about the potential of FPC in school lunches:

[From the Washington Star, Aug. 13, 1970]

SCHOOL CATERER TO USE FISH FLOUR IN LUNCHES

(By William Hines)

The world's largest caterer of school lunches is prepared to start fortifying its pre-packaged meals with a nourishing "fish flour" just as soon as a reliable supply is established, according to a nutritionist for the Philadelphia-based company.

ARA Services Inc. is negotiating with Nabisco-Astra, a consortium of the National Biscuit Co. and the Swedish Astria industrial group, for a steady supply of EFP-90, a protein concentrate made from eviscerated herring, Mrs. Edythe Robertson said yesterday. The protein-rich substance will be added to such popular goods as pizza and other baked goods, she said.

Mrs. Robertson and officials of the U.S.-Swedish combine discussed the plans here at the third International Congress on Food Science and Technology.

STRONGLY REGULATED

Development of a large-scale fish protein industry in the United States has been held back by Food and Drug Administration regulations, which have virtually barred the material from domestic commerce. A product known as whole fish protein concentrate can be sold here only in one-pound packages labeled "for household use only."

This has made it impossible for manufacturers of the whole fish concentrate to put the powder in the hands of bakers and other food processors for use to reinforce the nutritional value of their products.

EFP-90, which contains more than 90 percent by weight of animal protein, can be used in commerce because it is made of fish from which the viscera have been removed. Non-eviscerated fish are a common item of interstate commerce under FDA regulations in the form of canned sardines.

USE NOW ALLOWED

Mrs. Robertson said that this year for the first time the Department of Agriculture has announced that fortified foods can be used in the "Type A" lunch that may be fed to children under the school lunch program. This lunch provides one-third of the minimum daily requirement of protein—the equivalent of two ounces of meat. Any additive not specifically forbidden may be used, and EFP-90 is not forbidden, she said.

"In a few years there will be 55 million children getting school lunches at a cost of $7 billion at 1936 price levels," Mrs. Robertson said. "Animal protein is now 60 percent of the cost of the meal, and we've simply got to hold costs down."

Fish protein as an additive will solve this problem, Mrs. Robertson said.

Mrs. Robertson said her company is "the largest contract feeder in the world," catering about 5,000,000 pre-packaged school lunches a day.

Per Hoel, Swedish president of Nabisco-Astra, said EFP-90, which his company makes from eviscerated herring, costs 48.5 cents a pound FOB Swedish ports.

MRS. STACEY YASKELL CELEBRATES 100 YEARS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. RODINO. Mr. Speaker, I wish to extend my warmest congratulations to my constituent, Mrs. Stacey Yaskell of 18 Roseville Place in Newark, on her

100th birthday. Her life has been marked by great service and good will. This is indeed a memorable occasion and she has my every good wish for the continued enjoyment of life's many blessings.

THE MINING INDUSTRY AND THE PUBLIC LAND LAW REVIEW COMMISSION REPORT

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr BURTON of Utah. Mr. Speaker, I would like to submit to the attention of my colleagues an article in the July 27 issue of Pay Dirt concerning the mining industry and the Public Land Law Review Commission report on which I served. The article titled, "PLLRC Report Recognizes Value of Mining Industry; Asks Many Land Law Changes," follows:

PLLRC REPORT RECOGNIZES VALUE OF MINING INDUSTRY; ASKS MANY LAND LAW CHANGES

The long-anticipated report of the Public Land Law Review Commission, nearly six years in the making, was submitted to the President and to Congress on June 23rd—and was immediately the subject of intense examination and study by all concerned with the public lands.

The report, compiled from a study that cost in excess of $7 million, is the only recent definitive study of a complex subject that involves a host of interrelated interests and groups concerned with utilization of the public lands, some of them diametrically opposed to each other.

The research material compiled by the PLLRC, much of it on a contractual basis, and the report will have far-reaching effects on public land matters. They will be the prime reference work upon which future laws and administrative policies will be based.

The report is some 342 pages in length. It contains 18 statements that the commission lists as "basic concepts and recommendations for long-range goals," 137 specific recommendations that are numbered and more than 200 unnumbered, supplemental recommendations that appear in italics.

Two points of great interest to all groups interested in the public lands are the commission recommendations that the policy of large-scale disposal of public lands be revised and that in the future disposals be made only to achieve maximum benefit for the general public, and, that the United States should receive full value for the use of the public lands.

In its recommendations regarding mineral resources, the commission states that federal policy "should encourage exploration, development and production of minerals from the public lands . . . Mineral exploration and development should have a preference over some or all other uses on much of our public lands."

In regards to that subject, the report states, in part, the following:

"Our industrial dependency on the production of fuel and non-fuel minerals is more significant than the substantial monetary values they contribute. Many of the factors we take for granted in our standard of living would be impossible without reliable and economic supplies of minerals.

"Likewise, our survival as a leading nation depends on our mineral supplies. The close relation between minerals and our national security is too apparent to require detailed explanation.

"As our demands for minerals have grown, we have become more dependent on foreign sources of supply. Over one-third of our mineral supplies are imported. This reliance on foreign sources may well increase according to current indications. Experience in Peru, the Middle East and elsewhere demonstrates that total reliance on foreign sources would be a hazardous economic and political policy. We strongly favor, therefore, an overriding national policy that encourages and supports the discovery and development of domestic sources of supply."

In regards to public land use, however, the report states Congress should continue to exclude some classes of public lands, such as national parks, from future mineral development, but federal agencies should make mineral examinations which will provide reliable information on lands recommended for exclusion as well as those where mineral activity is already excluded.

MINING LAW CHANGES

The commission recommends that the Mining Law of 1872 be modified to establish a system which incorporates the desirable features of this Act as well as the leasing laws. "Unless a public land area is closed to all mineral activity, we believe that all public lands should be open without charge for nonexclusive exploration . . . However, different conditions should prevail if the prospector desires an exclusive right," or if significant surface damage may result.

In this regard, the commission recommends the following:

"Whether a prospector has done preliminary exploration work or not, he should, by giving written notice to the appropriate federal land management agency, obtain an exclusive right to explore a claim of sufficient size to permit the use of advanced methods of exploration. As a means of assuring exploration, reasonable rentals should be charged for such claims, but actual expenditures for exploration and development work should be credited against the rentals.

"Upon receipt of the notice of location, a permit should be issued to the claimholder, including measures specifically authorized by statute necessary to maintain the quality of the environment, together with the type of rehabilitation that is required.

"When the claimholder is satisfied that he has discovered a commercially minable deposit, he should obtain firm development and production rights by entering into a contract with the United States to satisfy specified work or investment requirements over a reasonable period of time.

"When a claimholder begins to produce and market minerals, he should have the right to obtain a patent only to the mineral deposit, along with the right to utilize surface for production. He should have the option of acquiring title or lease to surface upon payment of market value.

"Patent fees should be increased and equitable royalties should be paid to the United States on all minerals produced and marketed whether before or after patent."

MORE RECOMMENDATIONS

Additional and clarifying commission recommendations included:

In regard to legal requirements for the discovery of valuable minerals: "Federal land agencies are poorly equipped to judge what is a prudent mining investment, and this issue should be closed when the mineral explorer is prepared to commit himself by contract to expend substantial effort and funds in the development of a mineral property."

State claims: "Congress should establish a fair notice procedure to clear the public lands of long-dormant mining claims."

Uniform federal requirements: Discovery work required by state law often serves no useful purpose. "Federal Statutes should fully prescribe uniform methods."

Common varieties: "Congress should define or list those minerals to which the location-claim and leasing system apply and provide that all other minerals be subject to sale under an act similar to the Materials Act."

A major chapter of the report is devoted to "Public Land Policy and the Environment." The report states that "those who use the public lands and resources should be required by statute to conduct their activities in a manner that avoids or minimizes adverse environmental impacts, and should be responsible for restoring areas to an acceptable standard."

As to withdrawals, the commission recommends that "large scale limited or single-use withdrawals of a permanent or indefinite term should be accomplished only by act of Congress. All other withdrawal authority should be expressly delegated with statutory guidelines to insure proper justification for proposed withdrawals, provide for public participation in their consideration, and establish criteria for executive action."

The commission recommends that the Forest Service be merged with the Department of the Interior into a new Department of Natural Resources.

DISCUSSES LEASING SYSTEM

In regard to the mineral leasing system, the commission recommends that:

Competitive sale of exploration permits or leases should be held whenever competitive interests can reasonably be expected.

Prospecting permits and leases should apply to all leasable minerals unless expressly excluded by the administrator in accordance with legislative guidelines.

All rights and obligations, including those related to maintenance of the environment, of mineral explorers and developers be clearly defined at the outset of their undertakings.

Provisions of existing law prohibiting the apportionment of royalties and imposing minimum production requirements on each lease should be modified to permit unitization of public land coal leases.

Restrictions upon leasing of public land coal deposits to railroad companies should be removed.

Commission Chairman Wayne N. Aspinall (D.-Colo.), who also is chairman of the House Interior Committee, has indicated that his commission intends to hold hearings in 1971 on proposed legislation designed to implement the commission's report.

"FREE TRADE" AS IT IS USED IN JAPAN

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. PREYER of North Carolina. Mr. Speaker, I recently had called to my attention a very interesting letter written by a Japanese reader to the editor of a Tokyo newspaper. The letter to the Asahi Evening News is a revealing commentary on the burden which our country has been asked to carry in our trade with Japan as well as how much that country has profited from our defense expenditures in Southeast Asia. It reads:

DEAR SIR: I would appreciate very much if someone can explain to me the term "Free Trade" as it is used in Japan.

In your paper of June 25 you carry a story on the current talks going on in Washington regarding the textile negotiations.

You quote Japanese International Trade Minister, Kiichi Miyazawa, as saying:

"GATT is based on the principle that where injury is proved or the threat of injury is proved a trading nation can seek compensation from the country causing the damage."

But the U.S. appears to be establishing other trading principles in which imports must be restricted to a certain percentage of national consumption. A rapidly growing country like Japan which embraces free trade principles cannot agree to this concept."

"Free Trade" for whom might I ask? Although a Japanese auto can be purchased in the U.S. for less than it costs in Japan, a Ford Mustang in this country costs about U.S. $14,000.00. It even costs more to park a foreign car, in spite of the fact it only takes up the same amount of space allowed to a Japanese car.

A package of 19-cent pipe tobacco costs 80 cents.

I just paid $5.00 duty for some shirts sent to me, as my size is not sold in Japan.

A trip through any department store or the American Pharmacy which sells foreign goods, will show you that items such as shaving lotion and toothpaste cost four times the price as in the country of origin. A pleasure boat of 25 feet which would cost $5,000.00 in the U.S. is $25,000.00 in Japan.

A water ski which is $60.00 in the U.S. is more than $225.00 in Japan.

The only way Japanese goods can compete in the U.S. is because they sell for a cheaper price than those manufactured in the U.S. The only way they can sell cheaper is to have the Japanese "Subsidize the Export", in other words, we must pay more in Japan for a Japanese car so that those going abroad can sell at a competitive price.

I had to pay $1,400.00 duty on a 1965 Volkswagen I brought to Japan in January 1970. And, I had to get a license from MITI to import it. Of course the duty was decided after arrival of the car. I would never have brought it in the first place had I known I would be charged more than the car is worth.

As far as I can determine, Japan imposes fantastic duties and restrictions on imports to Japan, while aggressively burying the rest of the world in Japanese products, made attractive price-wise at the expense of the domestic Japanese consumer.

A Japanese company can freely establish a Japanese subsidiary in the U.S., "Subaru of America," "Datsun of America," "American Honda," "JTB of America," "Takashimaya of America," "Seibu of America," etc. etc. etc. Yet we are subject to every kind of discrimination yet dreamed up, to keep us out of the Japanese market. Japan has the advantage of every unfair trade agreement yet thought up. These were of course made to help Japan after the war and when Japan was a "Poor Country," which is no longer the case. There is not one so called liberalized industry in Japan without strings. Hotels have been liberalized because the government here is fully aware that no foreign hotel company can pay the current market price of land and make a profit.

Japan spends less than 1% of her national budget on defense while much of what the U.S. spends for defense goes right into Japenese pockets. Not only what is spent here by U.S.servicemen and the fantastic sum it takes to maintain the U.S. facilities here, but, what about all of the industrialists who can attribute so much of their earnings to direct income from the manufacture of items being produced to prolong the war in Viet Nam.

The Japanese put on a pious anti-war face but do not miss a trick when it comes to making a buck from this unfortunate war.

There is no danger of the U.S. military being pushed out of Japan by any amount of student demonstrations. The Japanese government would never allow it considering the revenue it brings in. The Japanese government does allow it considering the revenue it brings in. The Japanese Government does allow (and I firmly believe encourage) anti-American demonstrations to be sensationalized in the press so they can get trade concessions in return for what they have convinced Washington is a super effort on the part of the government to allow the U.S. military to stay in Japan.

All U.S. government leaders should spend one year in a commercial company in Japan. That would hip them in a hurry to the devious tactics applied here.

The one who really has to pay for all of this is the Japanese domestic buyer. He has to pay outrageous prices for any imported goods, and outrageous prices for Japanese produced products to allow the same item to compete overseas. One day the people will wise up that "Free Trade" means higher prices at home.

A JAPANESE DOMESTIC BUYER.

CHINA APPLAUDS DISSENT IN THE UNITED STATES—REPRESSES OWN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the San Diego Union of July 29, 1970:

CHINA APPLAUDS DISSENT IN THE UNITED STATES—REPRESSES OWN

Because the problem of the generation gap is all-present today, let us for a moment discuss the situation with the youth in Red China.

First, let us look at the inconsistencies in Red China's policy. It has enthusiastically endorsed the protests, riots and revolutionary activity of young people in the United States and elsewhere in the world.

Yet, at the same time, it has adopted excessive repressive measures against China's own students and other dissenters.

To countract any stray thought of protest, there is now heavier indoctrination of teenagers to enforce an even greater awareness of communism and to deepen their "love" for the Communist Party chairman Mao Tsetung.

Peking's preoccupation with the younger generation also reflects a concern that the present political system may not endure under a Mao successor—at least so far as the young people are concerned.

China's leaders are attempting to insure that succeeding generations will provide Mao-type "revolutionary successors" who will not succumb to the "sugar-coated bullets" of enemies at home and abroad.

In their orientation of youth, they have two fears that they emphatically inject. One is that imperialist conspirators are determined to smash China.

The other is that young people know that many hundred youths were executed in Kwangtung Province for alleged crimes. The crimes consisted of rebellion against being sent to work in the countryside and in instances even lesser "crimes."

Most of the youths, especially since the cultural revolution of a couple years ago, are undergoing "re-education" at the hands of the peasants. Many of the urban colleges and universities have been emptied of youth and the young people sent to work under peasants.

They are made to understand that the rural assignment is not temporary, that students, especially those who fail to fully conform, are expected to spend the rest of their lives in agricultural work with the peasants.

Red China's youths are confronted with the Communist philosophy, and a constitutional dogma that makes a fine art out of repression and persecution.

CULVER ANNOUNCES RESULTS OF FIRST HIGH SCHOOL QUESTIONNAIRE

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, each year that I have been in the U.S. Congress, I have prepared a questionnaire on the issues before the Congress and the Nation in order to obtain the opinions of the people in the Second Congressional District of Iowa.

This year, for the first time, I have formulated a special questionnaire for the high school students in my district in order to increase their participation in the political process and to enhance my understanding of their views.

In my visits with the Second District high school students, I have been continually impressed with the depth of interest and understanding these students have shown on the crucial issues and am extremely pleased that over 5,000 of the 10th through 12th grade students were willing to share their opinions with me in this questionnaire. I include the tabulations at this point in the RECORD:

THE NATIONAL BUDGET

Present inflationary pressures require restraint in Federal spending. If you were required to make the choice as to where the budget should be cut, which areas would you select? (Figures in parentheses indicate percentage of 1969 budget allocated to each function).

	Percent
Defense	53.2
International Affairs, including economic assistance, Peace Corps, Food for Freedom, USIA	13.8
Space	48.1
Agriculture	4.2
Natural Resources, including pollution, recreation, flood control, conservation	2.3
Commerce and Transportation, including highways, airports, postal services, business assistance	12.7
Community Development and Housing	7.0
Education and Manpower	3.4
Social Security	13.2
Health and Welfare, including medicare, health research and manpower, food stamps, child nutrition, vocational rehabilitation	10.8
Veterans Benefits	9.7
General Government, including law enforcement, crime reduction, civil rights, Congress, and the courts	6.8

VIETNAM

Which one of the following do you consider to be the most preferable course in Vietnam at the present time?

Immediate withdrawal of all combat forces, while continuing economic and social assistance and maintaining military advisers	18.2
Continued phased withdrawal of American combat forces as South Vietnamese Army assumes more responsibility for conducting the war	54.6
Complete immediate removal of any American presence in Vietnam	11.0
Resumption of full scale attacks on the North with any necessary increase in American men and material	14.8
No response	1.4

FOREIGN COMMITMENTS

Would you favor a Congressional resolution requiring the President to obtain ap-

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proval of Congress before United States troops are committed to fight in foreign countries?

Yes	63.1
No	20.8
Undecided	15.5
No response	.6

NATIONAL SECURITY

Which one of the following do you feel poses the most immediate and serious threat to the security of the United States?

Foreign Communist aggression	25.1
Instability in the developing nations of Asia, Africa, and Latin America	6.1
Radicals in this country	33.3
Unmet domestic human needs which give rise to internal tensions	33.7
No response	1.7

CAMPUS DISORDERS

Who do you feel should have the *primary* responsibility for controlling campus unrest and disciplining students who disrupt the functions of the university? (please check only one)

The college or university itself	60.2
Local law enforcement officials	16.9
The Federal Government	21.5
No response	1.4

ABM

Do you approve of the proposed expanded deployment of the safeguard anti-ballistic missile system?

Yes	35.0
No	28.7
Undecided	34.7
No response	1.5

18-YEAR-OLD VOTING

Do you think that 18-year-olds should be able to vote in national elections?

Yes	79.0
No	15.1
Undecided	5.5
No response	.4

ELECTORAL COLLEGE

Do you favor abolition of the electoral college (in favor of direct popular elections)?

Yes	66.6
No	16.4
Undecided	16.1
No response	1.0

DRAFT

Should the present draft lottery system be changed in favor of an all volunteer army?

Yes	51.2
No	33.2
Undecided	14.8
No response	.7

YOUTH OPINIONS

Do you feel that your opinions are adequately considered by those governing this country?

Yes	27.5
No	53.5
Undecided	17.6
No response	1.4

Although a Congressman's consideration of legislation cannot be solely guided by opinion polls, this expression of views of Second District high school students and the results of my annual questionnaire will be helpful in my consideration of the issues before the House of Representatives. I have been particularly gratified to receive additional comments on the questionnaire and subsequent correspondence on these issues.

As in my last annual questionnaire, we examined the high school responses in terms of specific criteria—in this case, grade, political identification, size of high school and community, as well as the differences between male and female respondents. I include that analysis at this point in the RECORD:

Questions	Grade			Sex		Political preference				Size of school				Place of residence			
															Community—		
	10th	11th	12th	Male	Female	Republican	Democrat	Independent	Other	Under 200	200 to 400	400 to 1,000	Over 1,000	Farm	Under 2,500	From 2,500 to 10,000	Over 10,000
1. National budget:																	
Defense	46.9	49.7	61.2	56.9	49.3	48.6	51.9	57.1	66.2	45.3	44.0	57.4	57.1	49.6	43.7	56.6	58.5
International Affairs	13.9	13.0	14.5	17.8	9.8	17.1	13.0	12.4	15.2	10.8	11.6	13.3	16.7	11.0	14.1	12.6	16.4
Space	48.9	47.4	47.9	39.0	57.8	47.5	48.4	48.5	42.2	55.2	54.5	48.6	42.1	52.0	54.3	49.5	42.6
Agriculture	3.9	3.4	4.9	4.7	3.7	4.2	4.6	3.8	2.9	2.2	3.7	4.9	4.7	2.4	4.8	5.1	4.8
Natural Resources	1.7	2.5	2.6	2.6	2.0	2.1	2.3	2.6	.5	2.2	2.3	3.1	1.6	2.9	3.0	2.1	1.7
Commerce, Transportation	14.7	13.1	10.4	11.8	13.5	15.9	12.1	11.3	10.8	13.2	13.2	13.1	11.9	14.7	11.9	12.6	11.5
Community Development	8.0	6.9	6.2	7.9	6.2	8.9	6.2	7.7	5.4	7.5	8.1	6.2	7.1	7.8	8.0	5.1	6.9
Education and Manpower	3.4	3.3	3.6	3.7	3.2	4.5	3.2	3.5	1.0	2.5	3.2	5.3	2.3	4.5	3.7	3.6	2.6
Social Security	13.2	12.5	14.1	14.2	12.5	18.9	11.4	11.7	16.2	10.0	14.3	13.9	13.7	15.2	10.4	12.6	13.3
Health and Welfare	10.8	9.5	11.9	11.6	10.1	15.9	8.7	10.2	8.8	7.9	17.1	11.5	8.2	14.6	10.6	11.3	7.9
Veterans benefits	10.5	10.9	8.5	9.7	9.9	10.1	9.5	10.5	6.9	9.3	8.5	10.5	10.0	9.0	9.7	10.8	10.1
General Government	6.8	7.5	6.3	7.2	6.5	6.2	6.8	7.5	5.9	6.0	7.3	6.6	7.3	7.0	7.3	5.6	7.0
2. Vietnam:																	
Immediate withdrawal of combat forces	16.1	17.6	20.7	16.8	19.6	14.4	20.2	18.8	22.5	16.6	17.9	19.8	17.7	17.9	17.5	19.3	18.3
Continued phased withdrawal	55.5	56.9	52.1	53.0	56.4	61.1	54.1	51.8	46.6	55.1	51.7	54.1	56.6	54.7	55.2	53.6	55.0
Complete immediate withdrawal of all U.S. presence	11.1	9.0	12.0	10.3	11.4	7.0	10.0	13.5	16.7	11.7	10.9	11.4	9.8	10.4	9.9	11.7	11.1
Resumption of full-scale attacks on the North	16.1	14.6	14.0	18.6	11.0	16.8	14.4	14.5	12.3	14.9	18.0	13.8	14.5	15.7	15.8	14.5	14.3
No response	1.1	1.9	1.1	1.2	1.4	.6	1.3	1.5	2.0	1.8	1.5	.9	1.3	1.3	1.6	.8	1.3
3. Foreign commitments:																	
Yes	62.5	62.4	64.1	61.9	64.6	54.8	67.5	64.2	64.7	67.6	63.6	62.1	62.3	63.0	63.6	63.3	63.2
No	19.6	22.6	21.1	24.7	17.1	29.2	16.4	21.6	19.1	15.0	21.6	22.3	21.9	20.7	18.7	22.2	21.7
Undecided	17.3	14.3	14.4	12.9	17.6	15.7	15.6	13.7	13.7	17.2	14.2	15.1	15.1	15.9	17.0	14.1	14.5
No response	.6	.7	.4	.4	.7	.3	.5	.5	2.5	.1	.6	.5	.7	.4	.8	.4	.6
4. National security:																	
Foreign Communist agression	27.4	25.6	23.2	26.2	24.5	26.1	27.3	23.8	17.6	28.7	25.2	25.0	23.6	22.6	26.8	22.9	24.3
Instability in developing nations	5.3	6.1	6.5	7.2	4.8	6.8	6.4	5.4	4.4	6.3	4.3	6.3	6.5	6.4	5.7	5.3	6.2
Radicals in this country	33.8	33.5	33.4	33.8	33.3	38.0	33.5	31.0	26.0	38.7	37.6	31.2	32.0	36.8	35.6	33.3	30.5
Unmet domestic human needs	31.7	33.2	35.7	31.2	36.0	28.3	31.8	38.0	49.0	25.0	31.3	35.9	36.4	21.9	29.9	36.7	37.4
No response	1.8	1.6	1.2	1.6	1.5	.8	1.1	1.8	2.9	1.4	1.7	1.7	1.5	1.1	2.0	1.8	1.6
5. Campus disorders:																	
College or university	58.4	58.5	63.2	55.7	65.2	57.2	59.5	63.1	66.7	55.4	59.8	59.4	63.4	59.0	56.4	62.9	62.1
Local law enforcement	16.6	17.6	16.3	18.2	15.2	19.3	16.0	15.8	16.2	17.4	17.2	16.8	16.4	18.2	17.5	13.8	16.8
Federal Government	23.4	22.5	19.5	24.7	18.4	22.9	23.5	19.3	16.2	26.3	21.8	22.4	18.9	22.1	24.8	21.9	19.6
No response	1.5	1.3	1.0	1.4	1.1	.6	1.0	1.8	1.0	1.0	1.2	1.4	1.3	.7	1.3	1.4	1.5
6. Expanded ABM:																	
Yes	37.1	34.2	34.5	46.9	23.4	39.8	36.1	33.7	32.8	37.4	33.4	36.8	34.1	36.2	33.8	35.1	35.5
No	27.7	28.5	30.3	28.6	29.3	22.0	30.0	31.7	42.2	27.0	27.1	28.7	31.0	26.8	27.7	30.1	30.6
Undecided	34.1	36.1	34.0	23.7	45.8	37.3	32.9	33.4	24.5	34.5	38.0	33.5	33.9	35.9	36.4	34.0	33.0
No response	1.1	1.1	1.2	.8	1.4	.9	1.1	1.3	.5	1.1	1.4	1.0	1.0	1.1	2.1	.7	.9
7. 18-year-old voting:																	
Yes	78.6	78.8	80.4	81.9	76.5	77.1	81.2	79.4	84.3	83.9	77.4	79.2	78.8	78.1	80.2	79.7	79.8
No	15.5	14.6	15.4	12.9	17.7	17.8	13.3	14.9	12.3	11.1	16.2	15.8	15.7	16.1	14.2	15.1	14.9
Undecided	5.9	6.4	4.2	5.1	5.8	5.0	5.3	5.7	3.4	5.0	6.3	5.0	5.5	5.6	5.5	5.2	5.3
No response	.1	.1	.0	.1	.0	.0	.1	.0	.0	.0	.1	.1	.1	.1	.1	.0	.0
8. Abolition of the electoral college:																	
Yes	62.5	69.2	69.1	69.5	64.0	65.9	66.4	68.7	77.0	61.9	63.2	66.7	70.5	65.1	57.4	66.7	71.7
No	17.0	15.3	16.7	15.9	17.1	18.8	17.2	14.5	9.8	20.3	18.6	17.5	12.9	18.8	21.4	17.9	12.4
Undecided	20.1	14.5	13.7	14.1	18.2	14.8	15.7	16.4	12.7	17.7	17.8	14.9	16.1	15.7	19.7	15.1	15.3
No response	.4	1.1	.6	.6	.7	.5	.7	.4	.5	.1	.5	.9	.5	.4	1.4	.4	.6
9. Volunteer army:																	
Yes	45.6	49.1	58.0	59.5	42.8	49.2	48.9	55.6	62.7	46.5	43.2	54.3	53.8	50.3	47.5	51.6	53.5
No	38.8	36.4	26.8	27.8	39.6	35.2	36.9	30.2	21.1	38.0	43.1	3.7	30.6	34.4	37.7	35.1	30.7
Undecided	15.3	14.1	15.0	12.4	17.3	15.5	13.9	14.0	15.7	14.7	13.6	14.7	15.4	14.8	14.5	13.3	15.5
No response	.3	.4	.3	3	3	.1	.4	.2	.5	.8	.0	.3	.2	.5	.3	.0	.2
10. Adequate consideration of opinions:																	
Yes	28.6	27.7	26.5	28.4	26.9	33.0	30.0	22.5	20.1	28.0	29.1	29.1	25.5	30.3	27.0	28.7	24.9
No	52.1	52.4	56.1	54.0	53.4	48.3	51.8	58.7	69.6	51.6	50.2	53.1	56.6	49.2	54.0	52.7	57.8
Undecided	18.1	18.8	16.7	16.7	18.8	17.8	17.5	17.6	9.8	19.9	19.7	16.4	17.1	19.7	17.6	17.3	16.5
No response	1.3	1.1	.7	1.0	1.0	.8	.6	1.2	.5	.6	.9	1.4	.8	.7	1.3	1.3	.8

DR. HORACIO AGUIRRE, MAN OF THE YEAR

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FASCELL. Mr. Speaker, I would like to call to the attention of our colleagues the recent honoring of Dr. Horacio Aguirre as Man of the Year by Alianza Interamericana. The award bestowed upon Dr. Aguirre was established to give recognition to the citizen who has shown a continuing enthusiasm and effectiveness in increasing good will between men of Latin and North America. No better choice, in my opinion, could have been made than Horacio Aguirre, the dynamic editor and cofounder of Diario Las Americas, Daily of the Americas. Through the medium of print, Dr. Aguirre has worked tirelessly in the cause of promoting good will between our country and Latin America. I can only echo the praise of His Excellency, Dr. Gonzalo Facio, the Foreign Minister of Costa Rica, who delivered the main address at Dr. Aguirre's testimonial. I am certain our colleagues will find Dr. Facio's speech of interest.

The speech follows:

SPEECH BY DR. GONZALO FACIO

Mr. Chairman, Dr. Horacio Aguirre, former Presidents of Cuba, Guatemala, El Salvador, Honduras and Dominican Republic, distinguished guests, ladies and gentlemen: we are gathered tonight to do honor to a distinguished Western Hemisphere's citizen who is one of the most outstanding personalities in this fair city.

We are gathered under the auspices of "Alianza Interamericana", which, by its commendable efforts toward inter-American friendship, has become a remarkable forum for men of good will from all the Americas.

The award bestowed today on Horacio Aguirre as Man of the Year was established to give recognition to the citizen who, during the previous year, has shown more enthusiasm and effectiveness in increasing good will between the men from Anglo and Latin America, and who, thus, have contributed more toward the maintenance and promotion of a better understanding between our countries and the United States.

I cannot think of a better choice than that of Dr. Horacio Aguirre as Man of the Year 1970. Few citizens living in this cosmopolitan city have achieved so much in the field of inter-American relations as this courageous editor of The Americas Daily.

From the columns of this great newspaper, which honors its name by its dedication to the cause of the Americas, Horacio Aguirre has worked indefatigably to dispell the causes of misundertandings between our peoples, to inform the readers about what is really going on in our part of the Continent, to defend the just causes that Latin Americans are striving for, and to denounce the forces of evil which threaten to destroy our democratic freedoms.

Under the intelligent guidance of its Editor, Horacio Aguirre, Diario Las Americas has become the bastion of anti-Castroism, and the tribune for those who fight to liberate Cuba from its tyrants. This attitude, by itself, merits the award you are giving Horacio Aguirre, since the existence of a Communist regime in the heart of the Americas poses a clear and present danger to the inter-American solidarity.

THE CUBAN CASE

In effect, if the Cuban regime were no more than a national dictatorship, its incompatibility with the inter-American system would be no greater than that shown by the old-style dictatorships that still plague the Hemisphere.

But the tyranny that Cuba is suffering today cannot be considered as an isolated item in the world scene. It has the efficient propaganda support of the international communist movement and the economic and military support of the powerful governments of Red China and the Soviet Union.

Inasmuch as the Cuban Government has made its country the center of the totalitarian conspiracy against the free governments of Latin America, its actions should be restrained by means of the instruments of the inter-American System.

This is the thesis that has been held, from the beginning, by those of us who have directed and are directing our foreign policy. Costa Rica is not neutral in the case of Cuba. It is in favor of inter-American democracy. It is for the re-establishment of freedom in the beloved Antillean Island. It is for using the application of the methods of collective action to put a stop to the aggression that the communist regime carries every day, in providing money, propaganda and armaments to subversive groups that are conspiring to overthrow the Latin American democratic regimes.

The Resolution adopted at the Eighth Meeting of Consultation of Ministers of Foreign Affairs, by virtue of which the present Government of Cuba was logically excluded from participation in the inter-American System, has the determined support of my Government. Even if there is no specific legal standard regarding the expulsion of governments that defy the system, an elementary principle of equity prevents the parties who ignore the obligations imposed upon them by an international treaty from continuing to enjoy the benefits that that same treaty establishes for those who endeavor to comply with it in good faith.

My Government has always hoped that this Resolution will be only the first step toward a more effective collective action. Only through the elimination of the bloody dictatorship that is today oppressing our brother nation in the Antilles, can the long-suffering people of Cuba once more enjoy their right to self-determination. And now that it is rumored that some Foreign Ministries are thinking to ask for the re-admission of the Castro regime to the OAS, my Government declares in advance its most decided opposition.

It is also rumored that some governments are thinking of asking that the sanctions imposed upon the Castro regime by the Ninth Meeting of Consultation of Foreign Ministers be lifted. My Government maintains that the Fidelista dictatorship continues to be a serious threat to the people in America. It is a well-known fact that Cuba is today a center where guerrilla fighters are trained and financed and where asylum is given to the criminal terrorists and air pirates that are striving to destroy our democratic movements. Instead of thinking of lifting the sanctions against the Castro regime, we should be studying what other measures could be taken to stop Castroist aggression against its neighbors.

THE PRINCIPLE OF NON INTERVENTION

Each time that measures are proposed to thwart the illegal activities of the Cuban regime against its neighbors, and each time that measures are proposed to help the Cuban people to liberate themselves from their tyrant, there are opponents who resort to the Principle of Non Intervention as their main argument.

I maintain that this Principle, correctly interpreted, does not prevent the OAS from carrying out a collective action that really favors the cause of the good Cubans.

In effect, the Principle of Non Intervention, a true conquest for weak countries in their relation to the powerful ones, is based on the recognition of the personality of each State, on their legal equality and on the right of each people to get the Government it desires, provided that that right is limited by the obligations imposed by the international juridical order.

Non intervention rests ultimately on the sovereignity of each State. And sovereignty is nothing else than the power each people has to decide its own destiny. Then, those who really violate the sovereignty of the people are those who, like Castro, seize the State's instruments of power to impose their will over the sovereign will of the citizens. Consequently, no international measure that tends to guarantee the effective exercise of representative democracy can infringe the sovereignty of the people. On the contrary, it encourages and protects that sovereignty, making possible its free expression. And if it does not violate this sovereignty of the people, it cannot violate the Principle of Non Intervention.

THE EFFECTIVE SOLUTION

The only effective solution that I see to thwart the Castroist aggression against its own people and against the people of the rest of the Americas, is that of promoting an internal upheaval.

Is that possible? Of what I know about the internal situation of Cuba, my answer is a qualified yes.

The Castro regime has lost the backing of the majority of the population. Even without taking in consideration the exiles and those who want to leave the country, it is obvious that the peasants and the workers are not satisfied with the present situation. The declining production statistics and the frantic call to the workers made from time to time by prominent figures of the regime, are evidence enough of what I just have said.

The militia and the army are too numerous to be indifferent to the mood of the mass of the population. They ought to be against the regime in increasing quantities. And despite their government's claims, there are groups living in the countryside that provide the basis for insurrection. At present they lack food, equipment and ammunition. Therefore, they are lucky to survive, but the potential is there.

THE CATALYTIC ELEMENT

What has been lacking is an effective leadership that would act as a catalytic element of the situation of discontent against the Castro regime. This catalytic element, in order to be effective, must be appealing to the forces now in military control of the island. These forces should be assured that whenever some rebellion or insurrection takes place, it will be provided with the means required to resist the inevitable reaction of the forces still loyal to the communists. The success of any such attempt will be the most effective way to encourage others to follow the example.

I repeat that at this moment the Castro regime is discredited among its own people. Its precarious hold on his followers can be easily broken, provided he is given no time to recuperate. A few but immediate blows by the partisans of freedom can turn the tide and bring him down.

THE LEGAL AND HUMAN CONSIDERATIONS

Of course, this aid to the people of Cuba that want to liberate themselves from the communist tyranny may appear to be in violation of existing inter-American and international treaties. But against the narrow legal interpretations stands the fine tradition of this Continent of helping those oppressed peoples to get rid of their oppressors.

Since Benjamin Franklin sought and obtained in France armaments and loans to help his countrymen to fight their war of independence, a sentiment of human solidarity has always risen in this Hemisphere over legal obstacles to help those who are willing to fight for their country's freedom.

Now this sentiment of human solidarity is more apparent in the case of Cuba, in which the intervention of the Soviet powers tends to consolidate a communist regime that is being repudiated by an overwhelming majority of the Cuban people.

THE LONG RANGE SOLUTION

The eventual elimination of the Castro regime will not, of course, solve the problems raised in other countries by the self-betrayed Cuban revolution: the problem of the existence of a radical current that feeds on the frustration of the Latin American masses as a consequence of the impotence of the democratic governments to carry out a frontal attack on misery, ignorance and servitude.

The memory of an impoverished people is very short. The Cuban lesson may be rapidly forgotten if the economic and social conditions that have prevailed in Latin America are not strikingly improved in a short time. The Castroist regime could be overthrown by the combined efforts of the Cuban patriots and inter-American collective action, and yet be born again with more impetus in other countries of the Hemisphere.

The hopelessness of the impoverished people is the real challenge to our liberty in the West and in the World. It is at the same time a challenge to take action; action not by military strength, but by the exchange of ideas and ingenuity, and by dedicated energies.

Military strength you must have, to be sure, and enough of it. But the real job to be done is of the heart, not the trigger.

Military strength you must have in the United States, to be sure, and enough of it. But the real job to be done is of the heart, not the trigger.

The will to transform the life of the peoples of America through the exercise of freedom and the full guarantee of their well-being, should be as irrevocable, as irrevocable as our adversary's determination to conquer our countries and destroy our liberty.

THE ECONOMIC LEADERSHIP

If universal culture has developed a particular field of knowledge in the United States and has accumulated certain experiences there, it is logical that such knowledge and experience should be applied to those parts of the world that are willing to live in communion with the United States.

This spreading of knowledge may not be only generous but also necessary. Friendship only flourishes lastingly among equals. The rate at which the United States is separating itself from its friends is alarming. The only way to bring about stability is to urge friendly nations to apply the knowledge and experience accumulated in the United States.

The North American knowledge of how to produce abundance is not generally understood. It is assumed that straight production methods explain all success. Actually they only explain half. The other half is the simultaneous broadening of the market to absorb the increasing production.

The advantage of increasing consumption as productivity rises is a comparatively recent realization. Since the middle thirties higher industrial wages and better prices for the farmers, instead of ruining industry and the urban population, have made them richer. To become wealthier by outlaying more money, by paying higher wages and better prices, is a modern paradox. From President Figueres of Costa Rica, come these remarks:

"Since the time of Greek culture it has been understood that personal wisdom is a possession you increase by sharing, by teaching others. It took modern economic and social conditions (a rising productivity and an active labor movement) to produce a society in which wealth, too, is something you increase by sharing."

STABILIZATION OF PRICES AT A FAIR LEVEL

This brings us to one of the constant themes of my political party, the National Liberation Movement, when discussing hemispheric affairs. Let us apply to international trade the principles that have been proved successful in the internal economy of the United States. The best way to develop Latin America, the best way for all, including the United States, is to pay better prices for Latin American products. The Latin American Republics are now the proletarians of the Hemisphere. They are the suppliers as well as the customers of modern industry. North Americans can buy Latin American national output cheaply, just as it was possible to obtain North American labor cheaply thirty-five years ago. But this condition is meritless. A previous generation of Americans could use slave labor "free." But the sweat of the slaves did not make the nation rich. One can now drink cheap coffee when the low tide comes in the "free" market. But on these matters, the penny one saves makes him poorer.

If Latin America could stabilize the prices of its exports at a fair level, and receive more foreign investments—public and private—that will permit it to build up capital and raise productivity, we would stop the economic anemia which is the main cause of cultural and political backwardness.

ADVENTURE OF THE SPIRIT

If the present crisis of Inter-American relations is to be overcome, this great nation of yours has to become the guiding force of liberation. You will have to summon your strength and your will, your feeling for the value of human dignity and freedom; you will have to renew your creative sense of history, and make a real offer of your own to the millions of people of Latin America, not in the spirit of competitive bidding, but as you would do to your own fellow citizens. I do not mean showing a few examples of technological progress and saying: These come from a civilization in which freedom plays an important part. The Soviet Union can show very good technological progress that has occurred under quite different conditions. I mean to engage in a real adventure of the spirit.

Because peace, and with it freedom, are no longer threatened primarily by weapons. These are developing a coexistence of their own. The real threat to peace and freedom—a still more explosive threat than atomic fission—is the extreme poverty among great masses of mankind.

They say the United States never entered a war properly prepared. I think there never was a war for which the United States is so eminently prepared as for this war against want that looms before us.

The Communist Empires are shifting their strategy from total war, because it is obvious that it would mean indiscriminate annihilation of both sides.

Instead, they now bring to the poverty stricken people the helping hand that can so easily become the closed fist.

We should not rely on the belief that the material help they offer will always turn out to be meager, deceitful, illusory. If the communists' empires believe that their new method is effective for the purpose of conquering the underdeveloped countries, their own people will be made to shoulder in privations whatever the cost of the strategy may be. There is a significant chance that in their fight against poverty, the underdeveloped areas will get real aid from the Soviet Union and Red China.

This is why I do not think that the task of the United States should be looked at as simply a competition in the puissant arts of the investment, the loan and the handout. This is why I speak of a real adventure of the spirit.

And as you embark in this new adventure in true leadership, it should be remembered that the substance of freedom lies in concepts of equality, of human dignity, of free choice, not in any particular form of thinking, or dealing, or living. It is necessary to avoid a confusion that has sometimes stirred mistrust against the United States. We know that a free enterprise system is impossible without freedom. But it should not be assumed from that, that freedom is impossible without a free enterprise system. Capitalism is a dynamic social tool for the West. But freedom for those needing help is the right to accept capitalism or to reject it, or to compromise with it. The only thing freedom is not free to reject is freedom itself.

With the right kind of help, wisely given, the impoverished people of Latin America will develop tremendous unused energies and create a new civilization in our part of the Continent.

What I hope, then, is that the United States gives the people of Latin America not just the fullest economic support, but a spiritual welcome into the realm of freedom.

There should not be two separate Americas in the New World, if we are to save inter-America solidarity. But unfortunately there are two: the wealthy America of the North and the poor America of the South. And unless we take great measures to stop the rapid widening of the Rio Grande, the two Americas, instead of brightening the Earth with their unity, will make it bleaker by their strange and dismal coexistence, not only miles, but centuries apart.

But let the new blood of a larger and dependable income circulate through the veins of Latin America, and you will see the rise of new aptitudes and the vigor of new health, transforming squalor, ignorance and tyranny into plentiful living, progressive education and democratic freedom.

"HOPE"—GOOD WILL AMBASSADOR FOR THE UNITED STATES

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. GARMATZ. Mr. Speaker, last week the hospital ship *Hope* came to Baltimore and docked at the Maryland Shipbuilding & Drydock yards for an overhaul and a coat of paint. It was my privilege to be among a group of Baltimoreans who welcomed the staff and the founder of the project HOPE, Dr. William B. Walsh.

I know all of you are familiar to some extent with the work being carried on by this group. I am sure you will be interested in the splendid article in the Baltimore Evening Sun on the history of the project and the outstanding accomplishments of those serving on the *Hope*. Therefore, I am inserting the article in the RECORD for your thoughtful reading:

XUM

[From the Baltimore Evening Sun, Aug. 6, 1970]

WITH HER, SHE BRINGS HOPE: "YANQUI, COME BACK" IS MESSAGE OF "HOPE"

(By Jon Franklin)

A favored remnant of the Eisenhower era is getting an overhaul and a new coat of white paint at the Maryland Shipbuilding and Drydock yards.

It is the hospital ship *HOPE*, the steel plate and diesel engine epitome of one of the most idealistic ventures in American foreign policy.

"When you're with *HOPE*, you don't have to apologize when you say you're an American," said Captain Daniel Hollyer, who has commanded the ship for the last two and one-half years.

"At a time when there's so much harm being done in the world, this is one thing that's doing good," he said.

The gaunt, greying mariner, a veteran of almost a half-century at sea, was standing on the breezy starboard wing of *HOPE's* bridge as the 15,000-ton vessel slipped into Baltimore harbor last week.

NURSES LINE RAILS

A deck below almost 100 nurses lined the rails, waving to the escorting flotilla of pleasure craft and passing binoculars from hand to hand.

They were dressed in spotless, freshly laundered white uniforms and starched caps, Project HOPE insignia on their sleeves and collars.

As *HOPE* passed Fort McHenry the project's best-known personality emerged from his stateroom.

He was William B. Walsh, the 49-year-old Washington, cardiologist who founded Project HOPE a dozen years ago.

He recalls that his first donation came from Eugene M. Zuckert, one of his patients who later became Secretary of the Air Force in the Eisenhower administration.

TOLD OF IDEA

Dr. Walsh told Mr. Zuckert about his hospital ship idea in the course of a physical examination. Mr. Zuckert, an attorney, told him that the first step would be to incorporate as a charitable organization.

"He donated the $150 for that on the spot," Dr. Walsh said. That was in 1958.

At that time Dr. Walsh had close ties with the Eisenhower administration, and was appointed co-chairman of the People to People Program's committee on medicine and health professions.

He accepted the job with the unofficial understanding that the President would donate the hospital ship.

The vessel chosen was the mothballed Navy hospital ship Consolation.

BUILT IN 1945

Consolation was built in 1945 as Marine Walrus, a modified transport. The Navy converted her to a hospital ship, switched her name to Consolation and painted AH–15 on her hull.

She was sent to treat GI's and POW's in postwar Japan, and when the Korean War began she was sent there, eventually participating in the United Nations operations at Inchon, Wonsan and Hungnam.

After the war she was decommissioned and placed in reserve with the San Francisco mothball fleet. There she collected barnacles for five years until selected to become Project HOPE's floating medical center.

Originally affiliated with the People to People program, the HOPE project was soon severed so fund-raisers could collect money under the aegis of a non-profit organization.

The ship was donated and refitted by the United States government. The medical and other necessary equipment was contributed by manufacturing companies, and the necessary hard cash needed to pay salaries and purchase expendables was collected by fund-raisers.

INTENDED AS SCHOOL

Though *HOPE* is usually thought of in terms of a hospital, the ship is intended primarily as a school.

"To go to these areas of the world solely for the purpose of treatment would be like walking through quicksand," Dr. Walsh said on one occasion.

So the *HOPE's* capacity, 700 patients when it belonged to the Navy, was reduced to 110 beds to make room for books, teaching aids and related equipment.

When *HOPE* (Health Opportunity for People Everywhere) ties up at host country ports, local medical personnel are sent to train in the hospital as "counterparts."

Each professional crew member of the *HOPE* teaches one such counterpart at a time. Nurses train nurses, technicians train technicians, and doctors train doctors.

ADAPT TO COUNTRY

"But we don't try to Americanize them," insists one *HOPE* crew member.

"We adapt to the country. If we're where there are midwives, we don't tell them that midwives aren't the American way to do it. We train midwives."

Since *HOPE's* initial voyage, the project reports it has trained more than 5,400 physicians, dentists, nurses and technicians and treated more than 142,000.

When *HOPE* leaves a country, she routinely leaves a medical detachment behind to operate shore programs. Project Hope has also established centers in Laredo, Texas, and Ganado, Arizona.

As much as it is a medical center, *HOPE* is a political instrument, a gesture of friendship in keeping with the People to People philosophy from which it originated.

SYMBOL OF UNITED STATES

"I like to think of *HOPE* as a dramatic and effective symbol of the national trait that makes U.S. power bearable," said Dr. Walsh.

"As people, we reach out to other people with the wish to help them when we have little or nothing to gain from them, and it astonishes and disarms the people of other nations when they see and understand our crazy, personal generosity."

Because the ship does have political impact independent of the medical considerations of its mission, it has on occsion been caught up in the ideological battles raging in many of the countries she visits.

On her second voyage she entered Trujillo, in northern Peru, to face a welcoming committee of a grey mare and six bearded Peruvians shouting anti-American slogans.

SCENE RECALLED

Dr. Walsh recalls the scene in his book "Yanqui, Come Back!"

"The morning was bright and warm as the *HOPE* approached Salaverry," he wrote. "But the harbor itself was not a reassuring sight."

"As the ship drew closer, Dr. Arnie Smoller, who looks more like a halfback than a general practitioner, focused his binoculars on the small knot of people waiting on shore.

"Suddenly he stiffened and let out an exclamation. One of our greeters was holding a placard. In a strained voice he read out the wards: 'Beware of the Yankee Warmongers. Now they come shrouded in white like a dove of peace.' "

But with time and *HOPE's* presence, the "Yanqui No!" signs became rarer and, shortly after a military junta over-threw the local government, disorders began in the city when a rumor circulated that *HOPE* was about to pull out because of the chance of violence.

SOLDIERS VISIT

American medical crew members recall that the ship was quickly visited by an officer and a squad of soldiers who came with guarantees for the safety of the ship and, before they left, donated a pint of blood each.

Another of the times that *HOPE* was caught up in political crossfire was in Nicaragua in 1966, when medical crew-members were accused of practicing discrimination against their Latin American "counterparts."

But the longer *HOPE* remained the less validity the criticism seemed to have, and once again the day-to-day activities of the floating hospital outlasted the propaganda blasts leveled against it.

When the ship leaves a port, she is invited back. And the number of nations actively seeking a visit by *HOPE* continues to grow.

Today that list stands at about 30.

NEW SOVIET ESPIONAGE TACTIC DIRECTED AGAINST U.S. DEFENSE FACILITIES

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. ICHORD. Mr. Speaker, I call to your attention an interesting article, titled "The Role of Money in Soviet Espionage Operations," prepared by the distinguished Director of the Federal Bureau of Investigation, John Edgar Hoover, for the June 1970 issue of the professional publication, Industrial Security.

The Director points out a significant trend in current Soviet espionage operations. While noting that the Soviets have always used mercenary agents, the Soviets were especially successful during the 1930's and World War II in recruiting "ideological agents" whose motivating force was belief in the tenets of communism rather than the drive for money. He recalls the more notorious examples of the latter, particularly Dr. Klaus Fuchs and Harry Gold, atomic spies, who cheerfully and voluntarily cooperated in espionage on ideological grounds. This type of agent, expecting no material or monetary award, dedicated himself to the demands of the Soviet system and worked long hours at great personal sacrifice and inconvenience.

However, Mr. Hoover points out, in the current period the Soviets have found that ideological agents are becoming increasingly difficult to recruit. He attributes this fact largely to the revelation of Stalinist tyranny and the brutalities of Soviet policy, such as the invasions of Hungary, and Czechoslovakia, which have dispelled the magic pull of the "brave new world" across the seas.

The Soviets are now relying more and more on mercenary agents and meeting with some success. This, he observes, is largely because of some unfortunate trends in our society. The Soviets, Mr. Hoover said, have noticed and are taking advantage of what many observers have called a breakdown of certain key and basic values in our society, such as love

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of country, respect for law, personal integrity, honesty, and honor, values which historically have been important in holding the citizen firmly against betrayal and treason. The erosion of traditional values has been encouraged by the so-called student new left movement, and an increasing number of young Americans are becoming hostile to their native land. "Here," Mr. Hoover warns, "are seeds for espionage exploitation." He states:

> The Russians are well aware that there are Americans (some in responsible government, industrial, and military positions with access to data desired by Moscow) who are deeply in debt. The job of the Soviet intelligence officer is to make the personal contact, to develop the potential agent and to encourage him to accept money in exchange for information—and Moscow has been successful in far too many instances.

I am pleased to note that the increasing dangers of Soviet espionage have not gone unnoticed in the House of Representatives. The Members will recall the passage by this House on January 29, 1970, by an overwhelming vote of 274 to 65, of the bill H.R. 14864, titled the "Defense Facilities and Industrial Security Act of 1970," a bill reported from the House Committee on Internal Security. This measure would provide a solid legislative base for the maintenance of an industrial security program. I regret to advise that the bill has received no action as yet by the Senate to which it was transmitted following passage by the House several months ago.

Surely in light of the growing dangers we face at home and abroad, this is no time to relax our vigilance and efforts. In this connection, I would also take the opportunity to express my deep concern that a bill, S. 782, passed by the Senate and now pending before a subcommittee of the House, would appear to nullify those considerations which the Director of the Federal Bureau of Investigation warns are of increasing importance to our defense against foreign espionage operations.

Entitled a bill "to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their Constitutional rights," the bill in its literal terms would prohibit any inquiry with regard to a personal income from foreign espionage agents or agents of foreign powers. It would also prohibit any inquiry of Federal employees concerning subversive membership and associations. While I commend the distinguished Senator for his motivation in introducing the bill, it appears to me that the bill if enacted in its present form would have seriously detrimental effects on the Nation's internal security.

The Committee on Internal Security is now preparing for hearings during which we will examine the adequacy and effectiveness of Federal employee loyalty security programs. The inquiry will be one of oversight of existing laws and regulations, and their administration. Mr. Hoover's remarks amply demonstrate that there must be no complacency in this field.

The Director is to be commended for this timely and perspicacious article. I am personally grateful for his devotion to the Nation's welfare, and his unrelenting vigilance.

The article follows:

THE ROLE OF MONEY IN SOVIET ESPIONAGE OPERATIONS

(By John Edgar Hoover)

A white envelope addressed to a well-known business firm;

A cigarette package, tore open at the top, with several cigarettes missing;

A small aspirin box;

A rusty tin can wedged between broken stones in an old fence;

A rolled up newspaper.

An envelope, a torn cigarette package, an aspirin box, a rusty tin can, a rolled up newspaper—what do they have in common?

All contained money—$20 bills!

Not that the money was there just by chance. It wasn't.

The money was placed there purposely.

By whom?

The KGB and GRU—that is, by members of the Soviet intelligence services operating inside the United States.

For what reason?

For payment by the Russians for information given, documents supplied, or other services rendered by agents, that is, Americans who are spies for Moscow.

The envelope and cigarette package were passed by the Soviet officer to the agent while they were eating lunch. The aspirin box was handed to the American while he was walking down the street with the Soviet. The tin can was carefully placed in a stone fence for later retrieval. The rolled up newspaper was casually thrown on the seat of the agent's car.

By prior arrangement, the American knew that these items contained money—Soviet payment for services he had rendered.

If we counted up all the Russian payments, the total amount of money spent by Moscow on espionage in this country, how much would be involved?

It would run into thousands upon thousands of dollars.

The "capitalist" device of money—hard, cold cash—represents today one of the most effective espionage tools of the Soviets in this country. The Soviets have unlimited cash. They are ready to use money—and in large sums—if it will lead them to the data they seek.

Not that the Russians give money away promiscuously. They are pragmatic, shrewd bargainers. They will not pay unless absolutely convinced they will obtain full value and more in return. Once, however, they sense that money can bring them valuable information, they will pay quickly and in almost unlimited amounts.

The Soviets have always used mercenary agents. As far back as 1920, the early Bolsheviks were trying to smuggle diamonds into this country for espionage purposes. They realized that money could turn the loyalties of some men and women.

During the 1930's and especially during World War II, the so-called ideological agent proved a great bonanza for Moscow. The ideological agent is the individual, like Dr. Klaus Fuchs or Harry Gold (atomic spies of the 1940's), who gladly and voluntarily cooperates in espionage because he believes in the tenets of communism or otherwise supports the Soviet system.

The ideologically motivated agent works long hours at great personal sacrifice and inconvenience. He expects no material or monetary award. Fuchs, for example, once spurned a Soviet offer of money because he felt it would be an insult to his integrity. The Soviets frequently paid Gold expense money—but time after time this Philadelphia chemist spent money out of his own pocket for spy trips without a thought of financial reimbursement. To him, it was an "honor" to help the Soviet cause.

Today, however, the Russians realize that ideological agents are becoming increasingly difficult to find. The revelations of Stalinist tyranny and the brutalities of Soviet policy (such as the invasions of Hungary and Czechoslovakia) have rubbed the lustre off both communism as an ideology and the Soviet state. The magic ideological pull of the "brave, new world" across the seas has grown considerably weaker as an espionage incentive.

For this reason, the Soviets are relying more and more on the mercenary agent—and in their search, unfortunately, are being abetted by some current trends in our society.

First of all, the Soviets have noticed what many observers have called a breakdown of certain key and basic values, such as love of country, respect for the law, personal integrity, honesty and honor—those values which historically have been important in holding the citizen firm against betrayal and treason. Crime has increased dramatically in recent years. Civil disobedience has been rampant. An increasing number of individuals feel that to violate the law is not a crime but really the thing to do.

The erosion of patriotism has been encouraged by the growing nihilism and anarchism of the so-called student New Left movement, especially by groups such as the Students for a Democratic Society. "America is a Murderer"; "Down with the Establishment"; "Hurrah for Fidel, Mao and Ho"—the attitudes typified in these slogans are undermining citizen confidence in government, respect for the law and the ability to tell right from wrong. They are creating in some people a belief that this country is rotten, corrupt and despicable, certainly not worthy of support and allegiance.

More and more there are some Americans (especially among the young) who are bitterly hostile to their native land. Here are seeds for espionage exploitation.

This mood of alienation and lack of respect for the institutions of society is being supplemented by another trend the Russians have already seized upon—an increasing materialism in America which more and more emphasizes the dollar sign as the growing individual ambition.

The Russians are well aware that there are Americans (some in responsible government, industrial, and military positions with access to data desired by Moscow) who are deeply in debt, who are desperately trying to maintain a material standard of living in excess of their legitimate income, who crave the benefits of affluence, such as automobiles, homes, boats, clothes, vacation trips. The only answer in the minds of such persons is money. And the Russians have the money. The job of the Soviet intelligence officer is to make the personal contact, to develop the potential agent and to encourage him to accept money in exchange for information.

Such is the Russian task—and Moscow has been successful in far too many instances.

In one case, for example, the Soviets paid an American an estimated $10,000.

Who was this individual?

He held a prominent government job in Washington, D.C., where he had access to highly confidential documents.

How did the Russians make contact with him?

The American moved in Washington diplomatic circles where he met a number of Soviet officials. (It should be noted that Soviet officials assigned to the Russian Embassy in Washington, D.C., and the Russian Mission to the United Nations in New York City form the backbone of Moscow's spy services in the United States. A Soviet defector has estimated that some 70 to 80 percent of the Soviet officials in this country are also intelligence officers.)

The Russians obviously assessed this individual as an excellent prospect. The American and his wife were invited to dine at the residence of a Soviet attache—a most unusual event. Subsequently, the American's daughter received a birthday present from the Russian. (The giving of gifts, such as vodka, books, caviar, classical records, and jewelry, is a favorite Soviet device for ingratiating themselves with either potential or actual American agents. These gifts represent a type of monetary gain for the recipient.)

The American, as it turned out, was exactly the type the Soviets were seeking—an opportunist who craved social status, who enjoyed entertaining and associating with prominent people and who wanted in his neighborhood to be considered a "big shot." He purchased an expensive home and lavishly furnished it. He gave elegant gifts.

All of this cost money, much more than he earned. In years past his life had been one of hand-to-mouth financial juggling: borrowing on his insurance policies, negotiating loans, staying one step ahead of the bill collector.

The Soviet spy apparatus "turned" the American. At one meeting the Soviet officer, who was "developing" the American, made mention of some documents at the American's place of employment. Would he (the American) bring them to the Russian?

The man from Moscow was deadly serious. His eyes were firm. His jaw was set.

The American hesitated.

"We're friends," the Russian said. "We've known each other for a long time. We need your help." (To the Soviet, "friendship" was part of the development technique which would lead, he hoped, to "capture" of the agent.) Then came those fatal words: "You'll be paid for the information."

We can almost imagine the thought processes in the mind of that American in those crucial minutes: personally deep in debt, a keen desire for an expensive life style, a need for status in the eyes of others. All the time, these gnawing personal temptations and desires—a mercenary materialism, if you will—were unhinging and destroying all personal convictions and values which said: "No. Remember your country. What you are doing is wrong."

The dollar conquered!

The Soviet placed an envelope on the seat of the American's car—later determined to contain some $200. Other meetings followed, and more money. Sometimes the envelope contained as much as $1,000.

Now, with Soviet help, the American became "affluent." He helped his wife buy an expensive car. He renovated his home, bought trees and shrubbery, liquidated old debts and even spent $2,000 repairing the house of his mother-in-law. On his wife's birthday he used $200 of Soviet funds to buy her a gift.

To his friends, the agent explained his sudden affluence. He had outside income from a funeral parlor doing business in upstate New York. To his wife, he said the money emanated from real estate deals.

In another case, a young serviceman received approximately $24,000 from the Russians. From this money, he purchased, among other things, a bar and restaurant as well as automobiles. On one occasion, the Soviets gave the American a lump sum payment of $6,000. They often gave him amounts of $400 to $500. The information in his possession was so valuable that the Soviets, on one occasion, gave him a pencil which could be used to write normally (visibly) or invisibly. He was instructed to use this pencil to copy confidential data which was then to be placed in magnetic boxes. These containers would be secreted in a "dead drop" for later retrieval by the Russians.

Security officers in industrial plants should never underestimate the power of dollar bills to extract confidential documents or other classified material from their firms.

The security officer in making inquiries among employees and others should endeavor to determine the financial status suspects. Is this person in debt? Is the debt of recent origin or has it been accumulated over a considerable period? What specifically caused the debt—and expensive life style, illness in the family, gambling, personal escapades? How has the debt been managed—by renegotiated loans, loans from relatives, other ways? Has there been a note of desperateness on the part of the suspect to obtain money? Does he have a part-time job to earn more money?

The Soviets, in contacts with Americans, always (very diplomatically, of course) seek to determine the financial status of a prospective agent. They are looking for *points of vulnerability*. This is basic to any development process:

In one instance, during the course of a dinner conversation, the American mentioned that he badly needed a new car. He said he was so short of cash, however, that he would have to obtain a rather lengthy (three year) loan, and then he was worried about making payments. (The American's wife had an extremely serious illness which contributed to his financial problems.) The Russian said he was "sympathetic" and probably could help—which he did by later furnishing money for information.

Another American was so deeply in debt that his personal possessions had been attached by a creditor. The Russian duly noticed this fact.

Still another agent found the going tough financially because he had "expensive tastes and a very expensive girl friend." The Russians later gave the agent several hundred dollars to help defray the expenses of his romantic venture.

The Russians have become increasingly bold, so to speak, in waving dollar bills before the eyes of agents and potential agents.

On one occasion, a serviceman was approached on the streets (obviously the Russians had carefully investigated him in advance) and invited into a bar. The Soviet met again the following evening with the serviceman and made a definite proposition—if the American would obtain a definite document he would be paid $700. The Russian paid him the amount on the spot, in advance, for which the serviceman executed a receipt. Later the Russians used the receipt as blackmail and over the following years extracted a large amount of confidential information through the agent. (Coercion and blackmail are effective Soviet devices to keep the agent in line.)

On the second contact with one American, the Soviet inquired about his salary. When informed of the amount the Russian commented: "That's peanuts for a man of your talents." He then asked about a new home the American was buying. How much would it cost? How did he intend to pay for it? How big a down payment did he have? The American supplied the financial details and said the mortgage would be paid in 25 years. Terrible," sighed the Russian. "You'll be an old man by then." He then added that sometime he would tell the American how to make a lot of money. Which he did later!

Financial remuneration is given not alone in cash, but in many supplementary ways.

During World War II, the Soviets offered to send Harry Gold to the Massachusetts Institute of Technology and did finance in part his education at a university in the Midwest.

In another instance, the Russians offered an American a 20 percent commission to purchase certain ruby crystals utilized in lasers. (The Soviets may offer the American a type of business deal, especially through Amtorg, a Soviet commercial company which has long been a cover for Moscow spy activities.)

The American ostensibly is hired as a "consultant" for which he is given money.

The giving of expensive gifts: invitations to Russian-sponsored events, such as ballets, receptions, movies; payment for overseas trips; the purchase of furniture, etc.

One Russian diplomat offered to lend the American money.

Payment of "expense money" or even a "pension."

All of these devices, of course, are merely variations on the master theme—the putting of money in one form or another, in the pocket of the disloyal American espionage agent.

Very interestingly, one of the "appeals" of Soviet cash is that the amount *should not* be reported on income tax reports! Both like to laugh about this point.

Sometimes the Russians go to almost fantastic lengths in their hope that monetary enticement, this time in the form of a gift, might favorably affect an American. A Soviet officer, on one occasion, saw a wedding announcement in the newspaper. As a result he wrote the groom a most friendly letter, introducing himself, and offering his congratulations. He also offered to send a bottle of Russian vodka for the wedding party.

The Russian's generosity was probably somewhat influenced by a statement in the wedding announcement that the groom was employed in a highly sensitive division of an industrial firm having defense contracts!

Sometimes the mercenary agent becomes troublesome for the Soviet principal—leading to bitter and angry words. The Russians will keep demanding more data, more documents, claiming the information previously furnished was not too good or current. "My boss," he says "wasn't too impressed." "Can't you do better?" On the other hand, the agent is out to drive a hard bargain. He could not care less about the Soviet cause, the Russian's standing with the "boss" or just how valuable the data is. He wants money.

A Soviet KGB officer and an American agent had lunch in a Washington, D.C., restaurant. "How much money did you bring?" the agent asked to open the conversation. (Social amenities at this meeting were few). "Money," exclaimed the Russian in excellent English. (Russian diplomats are exceedingly well-trained, speak good English, dress in American clothes and know how to handle themselves with skill in our society). "You know, the last paper you brought was no good. It wasn't what we wanted, but even so I brought $500 for you to show you we appreciate the hard work you did to get it and to show you that we trust you."

The American snapped: "Let's not talk any more. First, give me the money. I want $5,000." The Russian gave him $500, but the American was unhappy. "That's not enough," the agent bellowed, his voice rising. The Russian trying to pacify the American, laughed slightly and said: "You ask for money like we just give it away. We do—but for the right information. Now, if you tell me what you can bring, then I can tell you the value of the information."

"I'm not going to talk any more," the agent replied in a haughty mood, "until you give me my $4,500. Otherwise we are finished."

They were not finished. It was a typical haggling interview—with two raven opportunists, one from Russia and the other from the United States, arguing over stolen information and dollar bills while eating chicken and French fried potatoes.

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These are some of the problems the Russians face in dealing with the mercenary agent. He is an opportunist who can on occasions become most difficult to handle, who can bid up the price, who can never be fully trusted. But the Soviets are knowledgeable of this kind of disreputable personality and are trained to deal with him.

The Russians are prone to make payment to their agents in $20 bills. In paying large sums (several hundred dollars), a group of $20 denominations does not make a large bundle. On the other hand, the $20 bill is readily negotiable. In person-to-person contacts, the money is often placed in envelopes, in rolled up newspapers or, as in one instance, in a program from a sports event. Briefcases which can be exchanged are also used. In some instances, elaborate advance instructions are followed whereby the money is hidden in "dead drops" in stone walls, in public parks, near telephone poles.

In doing his job, the industrial security officer must not become complacent. This is probably the greatest threat in counter-intelligence work. It is so easy to become complacent, to let standards sag, to not maintain a continuous security educational program for employees. Today, when the Soviet Union professes friendship with our country, it becomes easy to forget the deadly intent of the Soviet espionage services. The KGB and the GRU are just as dangerous today as five, ten or twenty years ago.

You in the industrial security field—the readers of INDUSTRIAL SECURITY—must be particularly alert to the increasing dangers of the mercenary agent. This type of spy is a current and continuing threat to your company and your country.

Remember the comment of one Soviet who boasted rather gleefully: "Money can do anything, including circumventing the American security program."

Here is our challenge.

GAO RECOMMENDATIONS ON TIMBERLANE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. WYMAN. Mr. Speaker, the rising costs of Federal and federally assisted educational programs make it essential that local school districts and State educational offices exercise effective controls over the expenditure of Federal funds. Because weaknesses were evident in such controls in the Timberlane Regional High School District, N.H., I requested the Comptroller General of the United States to examine certain aspects of Federal fund expenditures.

The Comptroller General's report, dated June 11, 1970, outlines a number of suggestions for improvement of controls exercised by the New Hampshire State educational agency and the Timberlane District over Federal grant funds in that district and provides guidance for measures to be taken to preclude recurrence of similar problems at other locations.

I want to commend Mr. Staats and the General Accounting Office for this constructive report and recommendations and also the superintendent and the staff of the Timberlane Regional High School District for taking the initiative in implementing corrective procedures. I enclose for the RECORD the digest of the GAO document along with the response of the Acting U.S. Commissioner of Education. This is an outstanding example of how the different levels of our Federal, State, and local governments can work together with success and harmony to achieve reform when it becomes apparent that reform is needed.

EXPENDITURE OF FEDERAL FUNDS BY TIMBERLANE REGIONAL HIGH SCHOOL DISTRICT, N.H.

WHY THE EXAMINATION WAS MADE

At the request of Congressman Wyman, the General Accounting Office (GAO) examined reported weaknesses in control over Federal grant funds used for equipment purchases, travel activities, and consultant services by the Timberlane Regional High School District, New Hampshire. Most of the funds came from programs administered either directly by the Office of Education, Department of Health, Education, and Welfare (HEW), or through the State educational agency.

During fiscal years 1966–69, Timberlane received Federal funds totaling $559,230 for the operation of various programs.

The matters in the report were discussed with the New Hampshire State educational agency and Timberlane. The Office of Education and HEW have not been given an opportunity to formally examine and comment on this report, although certain matters were discussed with the Office of Education officials.

FINDINGS AND CONCLUSIONS

Contracts awarded by Timberlane for the purchase of equipment may not always have been awarded to the low bidders.

Timberlane awarded a contract for a language laboratory system under a Federal grant program to the only company submitting a bid. At the direction of the former principal, the bid specifications were based on the specific capabilities of equipment sold by this company.

Officials of another company told GAO that they had attended planning conferences and had expressed interest in installing this equipment, but did not receive an invitation to bid.

To obtain suitable equipment at the lowest possible cost, all companies showing an interest in supplying items should be asked to submit bids. Specifications should not be based on characteristics of a particular brand.

In six other contracts involving Federal funds

—three were awarded to the low bidder,

—two were awarded on the basis of only one bid having been received, and

—one was awarded to other than the low bidder.

With respect to the latter, the basis for awarding it to a higher bidder could not be determined either from Timberlane records or available officials. GAO emphasizes the importance of the purchasing organization's documenting the basis for awarding contracts to other than the low bidder.

Prior to February 1968 there were weaknesses in Timberlane's controls over travel expenses charged to Federal grants. Thereafter, travel policies and procedures were strengthened as a result of suggestions made by the State auditor.

In June 1967 Timberlane paid Federal funds of $100 to an individual for services as a student consultant. He was subsequently determined to be unqualified scholastically. The individual represented himself to Timberlane as having a master's degree when in fact he had not graduated from high school. Timberlane informed GAO that the Federal Government would be reimbursed for the fee. Timberlane also strengthened its procedures for hiring consultants.

Funds awarded to Timberlane by the Office of Education were available for expenses incurred only during the period for which the grant was made. However, in several instances, Timberlane used the funds to make payments for personal services and travel which were to be performed after the grant period. GAO found no instances where the services did not relate to the project. Because of the resulting understated grant balances at the close of the preceding grant period, the amounts of continuation grants may have been higher than would otherwise have been the case

GAO also noted that Federal funds of $930 may have been spent for equipment and furniture related to arts and crafts which was ineligible for Federal funding.

Federal grant funds of $711 were paid to two Timberlane employees for services they did not perform. The payments were made to avoid lapsing of grant funds at the end of the grant period. The funds were later returned to the Timberlane business administrator and deposited in the joint personal savings account of the business administrator and the then project director along with $100 of unused travel funds previously advanced under the Federal grant.

Subsequently, the funds were returned to Timberlane's account and correctly reported to the Office of Education as unspent at the end of the grant period for which they were available.

RECOMMENDATIONS OR SUGGESTIONS

Provide the New Hampshire State educational agency with instructions so that appropriate guidelines will be devised for local educational agencies when buying equipment under the Federal program. Similar assistance may be needed in other states.

Seek recovery or take other action on the basis of the circumstances involved where funds awarded to Timberlane for a specific grant period were used to pay for personal services and travel to be rendered after the expiration of the grant period. Also, the Office of Education should satisfy itself, through the use of HEW's Audit Agency where necessary, that other local educational agencies are recording such costs correctly.

Make clear to State and local educational agencies that grant funds must be deposited only in an official bank account of the agency receiving such funds.

Take appropriate action to recover amounts which may have been paid to Timberlane for arts and crafts items not eligible for Federal reimbursement.

OFFICE OF EDUCATION,
Washington, D.C.

Hon. ELMER B. STAATS,
Comptroller General of the United States,
Washington, D.C.

DEAR MR. STAATS: Thank you for your letter of June 11, 1970, with which you forwarded copies of your report to Congressman Louis C. Wyman of New Hampshire regarding the General Accounting Office (GAO) examination into the expenditure of Federal funds by the Timberlane Regional High School District (Timberlane), New Hampshire. We appreciate the opportunity to review and comment on the findings and recommendations.

PROCUREMENT OF EQUIPMENT

We agree that maximum practicable use of solicited competitive bidding procedures in selecting suppliers is highly desirable in the acquisition of equipment with Federal grant funds provided to local educational agencies (LEAs) under Title III, National Defense Education Act (NDEA). We think it is equally desirable and appropriate that State educational agencies (SEAs), in discharging their responsibilities for leadership and control in the so-called State plan programs, such as that authorized by Title III, NDEA, issue guidelines and instructions designed to promote and regularize LEA use of such bidding procedures and assure adequate documentation of the basis for final supplier selection.

The Office of Education (OE) cannot, of course, dictate the procurement policies and procedures followed by any SEA or LEA in acquiring equipment with Federal grant funds. These matters must be governed by applicable State statutes and regulations, with due regard for local authority, responsibility, and initiative in dealing with local needs and circumstances. OE does, however, share with each SEA a clear responsibility to promote the economical use of Federal grant funds so as to yield maximum program effectiveness and educational benefits. Encouragement of equipment acquisition through solicited competitive bidding is a means to that end.

The OE guidelines for SEA administration of the Title III, NDEA program currently are under revision. In light of the GAO findings and recommendations in the Timberlane report, a statement substantially as follows is being considered for incorporation in the revised issuance:

EQUIPMENT PROCUREMENT POLICIES AND PROCEDURES

Equipment purchased through use of title III, NDEA funds will be acquired in accordance with established State and local procurement policies and procedures. In the absence of such policies and procedures, the procurement process, at least in the case of acquisition of a single item, two or more like items, or a group of related items (e.g., system components), having an estimated cost in excess of $1,000, should include: (a) solicited competitive bidding; (b) use of bid specifications drawn to permit and encourage submission of bids by at least three (3) qualified suppliers; and (c) documentation, in project records, of the basis for final supplier selection.

The same OE issuance will emphasize that the substance of procurement policies and procedures are matters solely for SEA determination in consonance with State statutes and regulations and in recognition of the operation of local rules and ordinances. The issuance also will stress, however, OE's readiness to render appropriate technical assistance in the installation of an equipment acquisition system at the SEA level after basic statutory and policy questions have been resolved.

In further response to the GAO findings and recommendations pertinent to equipment acquisition policies and procedures, and to reinforce the effect of the OE statements proposed above, this subject will be afforded greater emphasis in the course of subsequent State Management Reviews. These week-long SEA-level reviews, 19 of which are scheduled to be conducted during fiscal year 1971 by teams of program and management specialists from the Bureau of Elementary and Secondary Education, provide an excellent vehicle for on-site appraisal of SEA attention to, and effectiveness in, this area of management and for OE recommendations for further improvement therein. (It should be stated here that, while the State of New Hampshire is not among the 19 SEAs presently scheduled for a State Management Review in the current fiscal year, consideration now will be given to including that State in the schedule if one of the 19 selected States requests deferment until a later fiscal year. Addition of New Hampshire as a 20th target State in fiscal year 1971 is not feasible due to budget and manpower constraints.)

CONTROLS OVER TRAVEL EXPENDITURES

With regard to control and documentation of travel expenditures charged to Federal funds provided under title III, Elementary and Secondary Education Act (ESEA), we note the GAO finding that Timberlane began strengthening its pertinent policies and procedures as early as February 1968 and that the present system for travel regulations and documentation appears to provide adequate Federal fund control and accountability.

The necessity for improved LEA accounting for, and documenting of, costs charged to Federal funds was under active discussion with the New Hampshire SEA prior to issuance of the Timberlane report. A recent audit of SEA administration of the program authorized by Title I, ESEA, conducted by the Department of Health, Education, and Welfare (HEW) Audit Agency, indicated that a number of LEAs are deficient in maintaining accounting records and supporting documentation with respect to expenditures of Federal funds. Similar conditions have been noted in the course of recent HEW audits of other Federally funded educational programs in New Hampshire. The effectiveness of the SEA-administered program of local audits of Federally supported projects also is an open question under active OE consideration in conjunction with the SEA.

The findings and recommendations contained in the Timberlane report give added impetus to these ongoing actions which are designed to strengthen State agency fiscal management policies and procedures and LEA operational fund control and accountability performance.

CONSULTANT SERVICES

It appears from the Timberlane report that the earlier unsatisfactory procedures pertinent to engagement of consultants were rectified beginning in February 1968 and that present practices insure against the employment of unqualified personnel. With regard to LEA documentation of the nature and results of consultant services at the project level the Timberlane report notes OE issuance, in January 1970, of an administrative bulletin to all Chief State School Officers emphasizing the importance and value of such permanent documentation. Assessment of the extent and effectiveness of SEA implementation of that bulletin will be made during the current cycle of State Management Reviews discussed earlier herein. The matter also will be discussed during the next scheduled series of OE-sponsored regional meetings with State-level Title III, ESEA officials. We anticipate also that any significant deficiencies in SEA implementation of the aforementioned bulletin will be cited in subsequent reports of HEW Audit Agency review of the Title III, ESEA program.

FUNDS USED TO PAY FOR PERSONAL SERVICES AND TRAVEL TO BE PERFORMED AFTER THE EXPIRATION OF THE GRANT PERIOD

The Timberlane report cites numerous instances in which the LEA, in 1966 and 1967, charged to Title III, ESEA funds awarded for a specific grant period the costs of personal services and travel to be performed subsequent to the end of that period. As the report notes, such actions were clear violations of the pertinent Federal regulations. See 45 CFR 118.15(b)(4), which states, in part:

"Federal funds shall be considered to be expended by the local educational agency . . . on the basis of the time in which such [personal] services were rendered, such travel was performed. . . ."

The actions under discussion caused an understatement by the LEA of the unexpended fund balances reported to OE at the close of the grant periods during which the funds in question were available. This, in turn, invalidated the accuracy of OE determinations of the funding required by the LEA during subsequent budget periods of the projects involved.

We will make an immediate analysis of all grant awards, expenditure reports and allied fiscal data related to Timberlane's Title III, ESEA project(s) during the time span in question, to determine whether or not, at the termination of the entire project period, the LEA's reported and refunded balance of unexpended funds was adjusted to offset the effects of the earlier understatements of available funds. Should it appear that any additional refund is required, OE will take immediate recoupment action.

As noted in the Timberlane report, direct administration of the Title III, ESEA program now is the responsibility of the New Hampshire SEA, acting under an annual State plan approved by this Office. Therefore, to preclude recurrence of the regulatory violations under discussion, at timberlane or at other local agencies, we will take prompt action, in conjunction with SEA officials, to assure complete understanding of the funding principles involved and to stress the need for close SEA surveillance of LEA fiscal practices, through project monitoring and audit procedures.

OTHER MATTERS RELATING TO CONTROL OVER GRANT FUNDS

With respect to the questionable payment of Title III, NDEA funds to Timberlane in connection with purchase of arts and crafts equipment and furniture, we have learned that the New Hampshire SEA already has instructed Timberlane to refund $930, the Federal share of the total purchase price. OE will monitor this refund action to its completion and will request the SEA to adjust its annual financial report on Title III, NDEA funds to account for the refunded amount.

In the 1967 matter of deposit of Title III, ESEA funds in the joint personal savings account of two Timberlane officials, we note that the funds in question were later withdrawn from that account and were included in the unexpended balance to OE for the budget period during which they were available for expenditure. Nonetheless, we do not countenance either the deposit action or the earlier transactions whereby the same funds were paid to Timberlane employees—either as travel advances or for services never rendered—to avoid the lapsing of said funds at the end of the budget period.

A revision of the Title III, ESEA instrurctional manual now is in progress. That revision will incorporate a clear, unequivocal statement that Title III, ESEA funds distributed to a LEA are to be deposited in an official bank account held by, and in the name of, the recipient local agency. The instruction will emphasize SEA responsibility for strict enforcement of that banking procedure.

We have previously stated that the payment of Title III, ESEA funds for personal services which LEA officials knew had not been, and would not be, rendered—represent aggravated instances of that practice by Timberlane.

We have indicated previously our planned actions to assure full understanding of Title III, ESEA fund accountability regulations and procedures on the part of New Hampshire SEA officials and to stress the necessity for close supervision and surveillance of LEA fiscal practices. The transactions listed above will be cited to show the need for effective SEA programs of project monitoring and auditing of LEA accounts and procedures.

To augment and reinforce all of the specific remedial actions discussed herein, OE will request the HEW Audit Agency to schedule, as soon as practicable, reviews of New Hampshire SEA administration of the programs authorized by Title III, NDEA and Title III, ESEA. The results of those audits will permit OE to assess the current need for additional broad-based guidance and technical assistance at the State level.

Sincerely,

T. H. BELL,
Acting U.S. Commissioner of Education.

WORLD SANITY

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. WATSON. Mr. Speaker, during these troubled times, there are men of great faith who inspire others to lead a good life by their own example and ability to communicate. Such a man is the Reverend Dr. C. Newman Faulconer, pastor of the First Presbyterian Church, Greenville, S.C. Just recently, Dr. Faulconer delivered a magnificent sermon taken from I Thessalonians 4: 11–12. Because his message is so timely, I commend it to the attention of the people of this Nation and the Congress as follows:

WORLD SANITY

Text: I Thessalonians 4: 11–12—"Study to be quiet and to work with your own hands that ye may walk honestly and that you may have lack of nothing."

In the fourth chapter of Paul's epistle to the Thessalonians, he gives us a fivefold program for world sanity. Many times people ask me, "What is this world coming to?" Well, what is it coming to? We do not have any evidence that it is coming to its senses. We do not have any evidence that it is coming to its knees. But a more relevant question is not what is the world coming to, but what or who has come to the world. In the beginning of this chapter, Paul says, "I beg you, I pray you by the Lord Jesus, that you will continue to learn more and more about *the life that pleases God.*" The life that is pleasing to God is the only life that is satisfying to man. This particular epistle is the earliest of the writings of Paul. It is thought by many scholars to be the oldest book in the New Testament, written perhaps about twenty years after the death of Jesus Christ. In this fivefold program for world sanity, we find three of the ingredients of the program in the verses we have announced as our text, and the other two aspects of the program are found in the context.

I. QUIETNESS

If we are to have a sane, satisfying and satisfactory world, if we are to have a part in bringing sanity to this planet, we must learn, by the grace of God, how to live quietly. The New English Version of the New Testament puts it, "Let your ambition be to keep calm." We may learn a lesson, if we are interested in doing so, from a statement which throughout the years has challenged me: "I heard the guns at sunset roar, but I never heard the sun go down." Someone has said, "The gods come to us on feet of wool." I wonder why it is that we sing as one of the nativity hymns "Silent Night, Holy Night"? The Bible says, "In quietness and confidence shall be your strength," and God is still saying to a noisy, jittery, panicky world, "Keep still and know that I am God." There is great therapeutic, healing value in the sacrament of silence. "Forests were made that weary men might rest and find their souls again."

I have read about certain experiments which have been made in laboratories where experts have endeavored to discover the effects of sound on the muscles, nerves, the respiratory system, the mind, and even on the soul and the spirit. The National Council for Noise Abatement has indicated that noise is one of the dangerous areas of pollution in this age of a polluted world. We pollute our streams, we pollute the air, we pollute the minds of our young people, and noise is a type of pollution that is contributing to the unrest and tension of our neurotic age. In laboratory tests mice have been driven insane by noise. They have not only been driven insane, but they also have been driven to their death. Decades and decades ago some wise man said, "The salvation of our jittery civilization depends upon man's willingness and ability to learn how to sit quietly and alone for five minutes in a room." Paul said, *"Study* to be quiet." Make a deliberate effort to live a life of quietness and calmness.

II. INDUSTRY

If we are to have world sanity, we must not only learn to live quietly—we must learn how to live industriously. "Study to be quiet and *to tend to your own business and to work with your own hands.*" Happy indeed is the man who is gainfully employed. The happy individual in this world is the individual who is making a contribution by doing something worthwhile. And so Paul says, "We need to study to be quiet, and men need also to think very seriously about the imperative necessity of learning how to work with their own hands. Of course, it is not a laughing matter when we see certain deliberate efforts to encourage laziness and indolence on the part of multitudes of individuals. Let it never be said that the church lacks love or charity or sympathy, that the church has no concern for people who are down and out and underprivileged. *We are concerned* with such individuals, but I, for one, do not see how in the name of common sense, in the name of humanity, and in the name of God, we can be stupid enough to say that regardless of what your attitude is toward life, regardless of what you are willing or unwilling to do to contribute something to life, we are going to give you a guaranteed income. Methinks this is one of the problems of our jittery age today. Man *needs* to work; Man needs to engage in creative labor! So Paul says, "Study to be quiet and give some thought to the *necessity of working with your own hands.*"

Not a single week passes that this church does not give handouts in your name and in the name of Christ to needy persons who come by seeking help. We *want* to help, and we do help, but the best way to help men is to help them to learn how and to want to help themselves. Jesus said, "Work while it is day, for the night cometh when no man can work." In periods of old age and incapacitation, we can understand how individuals need to lean on someone else, but the Bible is right in saying, "Work when you can," remembering that the day will come when you can't. Jesus also said, "My Father worketh hitherto, and I work." Oh, Jesus was a dreamer, but He was never a drifter. Warren Beale in his prayer a moment ago, spoke of our world of beauty and of bounty, and indeed God has put up in His storehouse abundance and plenty. If you want coal, the law of toil says you must dig for it. If you want to harvest a crop, the law of toil says you must plough and sow and work for it. If you want to build up a bank account, the law of toil says you must work for it. Toil is one of the laws of life. Paul indicated that the world needs to know this, and that even Christians from time to time need to be reminded of it.

Paul lived and wrote in a time when people felt, as some people feel today, that the world was coming to an end. Someone spoke to me just yesterday about the nearness of the return of Christ and the end of this age. A self-appointed prophet had worked out a little formula whereby he could prove, with a guaranteed certainty, that within a certain number of years history will come to a climax and the world will end. Well, some of Paul's contemporaries thought the same thing, and, as a result of it, they said, "Why work any more? Let's just sit down and fold our hands, twiddle our thumbs, and wait for the Lord to come and receive us into glory." Paul said, "No, as long as you have even one day left, it must be a day of work and of toil." You remember these words of Paul. "If a man will not work, neither let him eat." Then Paul has something else to say not just about the necessity, the *imperative* necessity, of living industriously, but he indicates that in this way, and in this way alone, can man live with a sense of dignity. "Tend to your own business and work with your own hands, and *in this way you will earn for yourself a reputation of honesty in the outside world,* and you will achieve an honorable independence." Amen.

III. DECENCY

If we are to have world sanity, Paul indicates that there is a third thing we need. We need to learn how to live quietly, to live industriously, and *to live decently.* Now what is about to be said is not something I have thought up in my study or dreamed up on my pillow. This is something that is said very dogmatically and clearly in the revealed word of God, and Paul says more about this in this particular chapter than anything else. He wants men to learn how to live calmly and to live industriously, but the emphasis of this chapter is that *men should learn how to live decently.* He says, "You need to earn for yourself a reputation for honesty and honor," and indeed this is true. But how are we going to earn this reputation for honesty and honor? Paul speaks of "God's plan—But you can frustrate God's plan." Society can repudiate God's plan. But says Paul: "God's plan is to make you holy." And here in verse eight he uses a play on words: "It is not for nothing that the *Spirit* God gives is called the *Holy Spirit.*" God's plan is to make you *holy,* and the Spirit God gives is called the *Holy Spirit.*" God's plan cooperate with God in His plan to make you holy and to make this a holy world, to cleanse and purify our contaminated society, then you must, "make a clean cut with sexual immorality." I visited historic Corinth in the ancient world where travelers see nothing but crumbling ruins of what was once one of the busiest and most famous cities in the world. You can see huge stones which were parts of temples, but in that ancient and corrupt day in the temple, where people went presumably to worship God, they had more than one thousand temple prostitutes. Oh, Paul knew the problem of changing the attitude and changing the character of people who lived in this sensuous, pagan world. Paul insisted, "God's plan is to make you holy, and this means on your part, first of all, a clean cut with sexual immorality. Everyone of you should learn to control your body, keeping it pure and treating it with respect, and never regarding it as an instrument for self-gratification as pagans do who have no knowledge of God." Then Paul adds, "You cannot break this rule without suffering the consequences."

In a meeting just recently in a high church court, a paper was presented on the subject of sex. We are living in an age of sexual license, and even some of the leaders in the church are beginning to encourage sexual looseness and license. Some of you read portions of this paper which was to be presented to this church court. Excerpts of it appeared in *Parade* magazine. Some of the delegates attending this particular meeting were prepared to voice their pro-

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test and to make an effort to get the report changed; thus a resolution was introduced asking this high ecclesiastical court to label as sin adultery, fornication, premarital sex, and other aspects of this particular problem. Nearly four hundred persons at this particular ecclesiastical convention voted *not* to label these things sin. We can sympathize with our young people who have all the temptations that any age and any generation throughout the centuries have faced, but we are making it more difficult for them by taking down the fences and direction signs. Permissiveness is substituted for taboos and prohibitions, and it is more difficult to accomplish what Paul is begging for and praying for here. Those who would be Chistians need to be reminded that God's plan is to make you holy and to give you the grace and the ability to cut yourself loose from sexual promiscuity and license.

We are living in a world which is neither mentally nor morally mature, much less spiritually mature. In a program for world sanity we desperately need to do something about our salacious literature, our pornographic motion pictures, and the contaminating filth that is being dispensed in the world today. There is a quotation from the Old Testament prophet Jeremiah who was concerned about this same problem. He spoke of the idolatry and the sexual looseness of the people of his day who were corrupting his nation, and with a tone of sorrow and lamentation he said, "But my people love it so." Yes, we love to have it so. Read what Edward Gibbons says about the decline and downfall of Rome, and you see all of the elements of decay which destroyed ancient Rome working on our society today. Corruption ultimately and inevitably leads to collapse.

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IV. LOVE

The fourth ingredient that Paul indicates we find in verse nine when he says: "As touching brotherly love ye need not that I write unto you: for ye yourselves are taught by God to love one another." If we are to have world sanity, men must live quietly, men must live industriously, men must live decently, and men must live lovingly. Regarding brotherly love, Paul has something wonderful to say here. I can say it, too, about most of the members of this congregation. Paul affirms: "You don't have any need for written instructions. God Himself is teaching you how to love each other." And God is the only One who can teach us this important lesson of life. Dan Cupid can't teach it. I can't teach it. God, Who is a God of love and Who *is* Love, is the only Teacher Who can teach man how to live lovingly. Now this was somewhat of a startling novelty in Paul's day when the world was torn asunder by schisms and divisions. Paul declares, "You need to learn how to live lovingly, to quit fragmenting God's world, to quit dividing God's world." Yes, this is one of the scandals of the church. Even in the church we have somehow refused to learn how, by the enabling grace of the Spirit of God, to live lives of Love, in order to transform the world from a battlefield into a brotherhood. You have heard a little poem called "The Magic Circle":

> "He drew a circle to shut me out,
> Heretic, rebel, a thing to flout;
> But Love and I had the wit to win.
> We drew a circle that took him in."

What is the real answer to the generation gap, to the racial divisions, to all the schisms in the church? We need to draw a circle which is the magic circle of love that will take others in. I can't think of a better story than one I have shared with you before. In verse eight Paul uses the word "despiseth." In a certain community there was an old negro man who had the reputation of being the happiest individual in town. One day a minister stopped him on the street and said, "Uncle George, you know you have an enviable reputation in our community. Everyone speaks of you as the happiest man in our town. Explain to me the secret of your happiness." The Christian Negro gentleman replied: "Boss, I guess it's because I ain't got nobody in my despisery." Yes, the happy individual and the happy society is the individual and the society of individuals living in the radius of Christ's redeeming, transforming love!

V. HOPE

There is the fifth and final ingredient given in this program for world sanity. Lastly, Paul says, we must learn how, as children of God, to live hopefully. There are many things to discourage us and to drive us almost to despair, but I refuse to let the world situation drive me to despair. The Bible is a message of hope; it is a message of victory. It is not a message of defeat, defeatism or despair. So in the concluding part of chapter four, Paul says, "I would not have you to be ignorant brethren, concerning those who have died, that you sorrow not even as others who have no hope." Paul knew the hopelessness of a dark and pagan world, but Paul says, "I would not have you to live in this sort of ignorance, this kind of darkness, and in this realm of despair. I would not have you to be ignorant, brethren, as others who have no hope." We *do* have hope in time and in eternity, for "since we believe that Jesus died and rose again even so do we know that God will bring with Him those who sleep in Jesus."

What is this hope? It is a hope that we shall live again, that the grave is not the end, that there is life beyond this life and beyond this death. It is a hope that we shall live again with those we have loved and lost for a while. "For if we believe that Jesus died and rose again, then we also know that those who sleep in Christ we shall see again." An additional aspect of this hope is not just that we shall live again, not just that we will see again those we have loved and lost for a while, but that we shall live with them *throughout the endless ages of eternity in God's eternal Now, in the presence of the living Christ.*

The very final sentence in this chapter is this: "God has given me this message on this matter, so by all means *use it to* encourage one another." Let this be our program and our prayer that God will again bring sanity to our confused and insane world.

(Sermon by Dr. C. Newman Faulconer, June 14, 1970, First Presbyterian Church—Greenville, S.C. Preached extemporaneously and typed from tape recording.)

H.R. 18701—NATIONAL DEVELOPMENT BANK ACT OF 1970

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CONTE. Mr. Speaker, I have noted with particular interest the remarks of the gentleman from Texas (Mr. Patman) in the Record of July 29, 1970, made in connection with the introduction of the National Development Bank Act of 1970, H.R. 18701.

That bill would establish a National Development Bank for the purpose of making and guaranteeing loans to public and private entities to carry out economic development projects. The bill is grounded in a recognition that economic conditions have resulted in a period of scarce money and high interest rates. The bill's author has recognized that the bite of these conditions has been sharply felt by State and local governments which find it increasingly difficult to raise money to finance important public projects.

However, there is another segment of our economy which feels the tight pinch of inflation and high interest rates. I am referring to the Nation's small businesses. Their financial difficulties are always substantial, but in times such as these, the difficulties become acute. Probably no one is more familiar with these special problems of small business than is the distinguished gentleman from Texas who so ably serves this House as chairman of the Banking and Currency Committee.

Mr. Speaker, the special problems for small business in today's economy have also been recognized by President Nixon. On March 20, 1970, in a message to Congress, the President expressed his concern and suggested a comprehensive legislative program for meeting the special needs of the small businessmen. Those legislative proposals have been referred to the Congress, and in large part, are embodied in H.R. 16644, which Mr. Widnall and I introduced, the Small Business Amendments of 1970. Among the provisions of that bill of special interest is one that would allow the Small Business Administration, in connection with an SBA-guaranteed loan, to make interest assistance grants to the small business borrower. This, in my view, would be a very effective way for the small businessman to overcome the hardships of high interest rates.

H.R. 16644, is presently pending before the Banking and Currency Committee. I hope that hearings will be scheduled soon, and that favorable action on the administration proposals will result.

THE FORMOSA MYTH

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FRASER. Mr. Speaker, a few weeks ago I delivered a paper on Formosa at a Members of Congress for Peace Through Law—MCPL—luncheon. Dr. Marilyn B. Young, at my suggestion, has read my paper and in turn called to my attention an essay "Peking and Washington: Is Taiwan the Obstacle?" by Edward Friedman. I found this article very useful. It appears in the book "China and Ourselves," edited by R. Terrill, and I include a portion of Dr. Friedman's contribution at this point in the Record:

Leaving It Up to Peking

When a contingent of Harvard University's Committee of Concerned Asian Scholars visited Chinese diplomats in Paris in 1969, they told the Chinese that they supported China's claim to Formosa.[1] The Chinese diplomats, however, did not put forth such a claim. Instead they thanked these Americans for their support of China's just stand that the American military must leave the Formosa area. In short, aside from "October

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Footnotes at end of article.

First" rhetoric, there seems to be little evidence that China is demanding Formosa as the price of better relations with the United States. China's rational fear is armed, hostile powers at its door. It has compromised and will compromise much else to try to remove that danger.

THE CONTINUING POWER OF TAIPEI

Many people in the free world would cringe at the prospect of placing the people of Formosa under a dictatorship they do not want. Of course the people of Formosa already live under such a dictatorship, that of Chiang Kai-shek. But for power politics specialists, the fate of Formosa itself has never been viewed as a vital American concern. Therefore many foreign relations specialists in and out of the government are quite willing to sacrifice the Formosan people to America's broad interests or the administration's narrow political interests. Ambassador Reischauer, for example, "would not oppose reconciliation between Taiwan and the mainland if it should come." As Reischauer sees America's interests in the Formosa area, "we can accommodate ourselves almost any outcome without great menace to our own vital national interests."[2]

Peking is not suggesting that it favors an independent Formosa. Yet Peking certainly knows that Formosa, even without American military bases, would stay within America's or Japan's economic orbit. Peking seems to have been suggesting for fifteen years now that she is willing to risk that outcome in order to move America's military threat further from her borders. Is America willing to risk a Formosa open to economic and cultural relations, better able to decide her own fate, and free of American backing, for an aggressive Chiang Kai-shek? American politics would first have to free itself from Chiang Kai-shek before it could consider that alternative and open itself to a new relationship with China.

It is easy to believe that the days of McCarthyism are past and that America can now act rationally in its own interests and in the larger interests of peace in Asia. Unfortunately the evidence does not quite support such an optimistic assessment. In June 1969, when Secretary of State Rogers suggested that America recognize Mongolia and win for Washington "a valuable listening post," President Nixon reportedly resisted the proposal "primarily because of strong objections from the Chinese Nationalist Government in Taiwan—the same reason that made Washington back away from recognizing Mongolia in 1961."[3] Chiang Kai-shek still seems to have veto power over American policy. Perhaps he will change his mind on Mongolia as he moves closer to Moscow; he did that once before in 1946. Either way, Washington still does not seem able to decide America's China policy on any rational or national-interest basis. Chiang Kai-shek's view of Mongolia changes with his international political position. China's policy similarly is flexible with regard to Formosa. Only American policy remains frozen.

PEKING'S ERRORS AND TAIPEI'S PLOTS

This is not to suggest that China's policy has been all wise or entirely open. Peking's 1958 judgment on the state of relations between Chiang Kai-shek and America was in error. The policy of attacking the offshore islands based on that misjudgment was a serious blunder. In addition, China would do much better in the international arena if she openly said that she recognizes that twenty years of de facto independence of Formosa—or 75 years counting from the Japanese takeover—makes some difference. She could then say she sympathizes with the desire of the Formosan people to overthrow the military dictatorship of Chiang Kai-shek that rests on American military backing. She could say that while she hopes that in the long run that the people on Formosa will naturally choose to be one with their brothers on the mainland, their mainland brothers now support the people of Formosa in their immediate struggle against Chiang Kai-shek and the American military. Such a policy statement would place full blame for continuing armed hostilities against China on Chiang Kai-shek and the United States, and still not foreclose the nationalist aspirations of the leaders and people of China for a single, united Chinese nation.

Of course Chiang Kai-shek and his colleagues will do everything they can to prevent a smoothing of troubled waters between China and America. They will continue by armed acts to try to make the Formosa Straits a turbulent sea of war. They had Douglas MacArthur's backing and came close to succeeding in obtaining American support for attacking China late in 1950. They offered their troops for use in the Vietnam War, hoping that would induce a reaction from China and thus escalate the Peking-Washington confrontation. They urge Washington to bomb Peking's nuclear installations. They are happy to have Formosa used for U–2 spy flights over China and for training, supplying, and storing for wars in South and Southeast Asia, everywhere from Tibet, to Burma, to Vietnam, to Indonesia. Consequently, one can expect Chiang Kai-shek to try to get America to move missiles or atomic weapons or military bases and troops to Formosa—anything to keep Formosa a somewhat viable and threatening military worry for Peking so that China's relations with the United States cannot easily improve. Since there seems to be little organized opposition to Chiang Kai-shek's plans, he may yet succeed in further embroiling America against its own interests.

Silence seems to be the American stance with regard to its interests in the Formosa area. There was no public discussion of Washington's decision to approve Chiang Kai-shek's son as his successor on Formosa. There does not seem to be any move afoot to withdraw American backing for the military deployments on the islands of Quemoy and Matsu. Formosans in Japan deemed dangerous by Chiang Kai-shek's regime have been kidnaped, jailed, and deported. Formosans returning from America have been barbarously punished by Chiang Kai-shek for exercising American political rights while in the United States. There is no loud, sustained, and organized outcry from American academics (myself included). After all, why antagonize Chiang Kai-shek and lose access to research materials on Formosa, as a few courageous American scholars have done? And more important, why antagonize Chiang Kai-shek and endanger innocent and apolitical Chinese acquaintances on Formosa?

Elements in the Department of Justice continue to serve Chiang Kai-shek's interests. In the early 1950s they pressured Chinese students in America. In the late 1950s they successfully scared the Macmillan Publishing Company from distributing Ross Koen's book on the China lobby in American politics.[4] In the last days of the Johnson administration and again in the first days of the Nixon administration, the Internal Security Division of the Justice Department ordered the United Formosans in America for [Formosan] Independence to register as a foreign agent. Such registration could invite reprisals to the Formosans and their families still in Formosa. Has the political atmosphere which forced Harry Truman's hand in 1950 changed so very much? While it may well be true that Chiang Kai-shek and his people "have an ever diminishing potential to influence Washington's China policy,"[5] that influence does not seem yet to have diminished to a point that is safe for America, China, or peace in Asia.

THE FORMOSA MYTH

The point is not that Formosa *cannot* be an obstacle to better relations between China and America. Mao Tse-tung's successors who have been brought up on the rhetoric of "liberate Formosa" may come to believe and act on the slogan as he has not. The issue may get entangled in domestic Chinese politics, and men in Peking may find it no easier to seem soft on American imperialism than American politicians can readily afford to seem soft on communism.

Yet one point stands out clearly. The accepted belief about "the same old roadblock in the way: the fate of the island of Taiwan,"[6] is a myth. I would suggest that there is no cluster of fundamental, vital, irreconcilable interests separating the People's Republic of China from the United States of America. Rather, the prior concerns of moderate liberals for other areas has permitted extreme conservatives to win their way with regard to China because the liberals thought the sacrifice there would be worth the gain elsewhere. In a Cold War, anti-Communist climate that fears all revolution, the moderates have been forced out.

In the mid-1950s, in the early 1960s, and probably again today, China has been willing to discuss a settlement with America. Not once yet has America sat down seriously at the negotiating table with China to test the character of such a settlement. Meanwhile Chiang Kai-shek has done and continues to do all in his power to create situations that will prevent a settlement. The crux of the problem then is not an unproved and untested Chinese demand for Formosa but a weakness in the political system of the United States that permits America's foreign policy toward China to reflect the whims of a discredited general on Formosa more than the interests of the people of the United States and the conditions for a stable peace in Asia.

FOOTNOTES

[1] A report of the visit in *Far Eastern Economic Review*, May 22, 1969. The contingent's "Position Paper" appeared in the *Newsletter* of the CCAS, May 1969.

[2] Edwin O. Reischauer, "Transpacific Relations," in *Agenda for the Nation* (New York, 1968), pp. 423–24.

[3] *New York Times*, June 15, 1969.

[4] See *Bulletin of Concerned Asian Scholars*, May 1969, pp. 27–31.

[5] Louis Halasz, *Far Eastern Economic Review*, May 22, 1969, p. 445.

[6] *Ibid.*, p. 444.

Mr. Speaker, I am convinced that if both the United States and China recognize that the people living on Formosa are entitled to self-determination, United States–China relations will quickly improve. Dr. Friedman's view that "there is no cluster of fundamental, vital, irreconcilable interests separating the People's Republic of China from the United States of America" may or may not be valid. I hope it is. But it is my view that improved Chinese–United States relations should not depend upon sacrificing the people living on Formosa either to the Chiang Kai-shek regime or to the mainland Chinese.

UNIVERSITY OF NORTH CAROLINA TO CONDUCT A FAMILY PLANNING CENTER

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. PREYER of North Carolina. Mr. Speaker, the Office of Economic Opportunity has recently announced a $480,000

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grant to the Carolina Population Center at the University of North Carolina to conduct a family planning program in 19 counties.

The center will plan and conduct a program that will seek to increase the participation of private physicians as suppliers of such services to the poor. The program offers great potential for the delivery of such services to poor women in rural areas who have limited access to health clinics. Also, the project will involve feedback from the consumers of the services so we can gain knowledge from the participants for future programs.

In view of the fact that we will soon be looking at a Senate-passed bill that would increase this Nation's commitment of resources to the goal of providing family planning services to all women on a voluntary basis, I would like to place some articles on this project in the RECORD:

[From the Baltimore Afro-American, July 18, 1970]

PILOT PROJECT TO PROVIDE FAMILY PLANNING FOR POOR

WASHINGTON.—Low income couples will have the opportunity to seek family planning aid from private physicians in a pioneering program soon to be launched in 22 rural areas of North Carolina.

The program, announced in Washington this week will be carried out by the Carolina Population Center of the University of North Carolina at Chapel Hill under a $500,000 Office of Economic Opportunity grant.

The Center, established in 1966, conducts research, training and service activities extending from North Carolina and other Southern states to multiple relationships in Thailand, India, the Middle East and Latin America.

Participating in the conference were Congressmen L. Richardson Preyer, Democrat from North Carolina's Sixth District; Nick Galifianakis, Democrat from the Fourth District; and Roy Taylor of the 11th.

Representing the Center were Dr. Trois Johnson, associate director of the Carolina Population Center in charge of state and national projects; Dr. John B. Graham, chairman of the UNC Population Policy Board and State Representative Arthur Jones, population policy consultant.

The Office of Economic Opportunity was represented by Dr. George Contis, chief of Family Planning.

"The program will be an experiment in keeping with the American tradition of self-determination," Rep. Preyer said, "to find out whether the relatively high fertility rate of low income couples can be brought more nearly into balance with that of more economically favored couples by making it possible for them to go to prviate physicians of their own choice whose services they could not ordinarily afford.

"The aim is to help them to rise out of the cycle of poverty by enabling them to control the spacing of their children and the size of their families."

Forty-two per cent of births are unwanted among the poor, Rep. Preyer said, in comparison to 17 percent of unwanted births among the non-poor. He quoted a 1960–65 O.E.O. study which showed the non-poor had an average annual fertility rate of 98.1 births per 1,000 women age 15–44, while the rate of the poor and near poor was 152.5—a 55 per cent differential.

In a statement issued jointly by Rep. Preyer, Dr. Johnson and Dr. Contis, eight immediately foreseeable benefits were cited: increased material and in part of low income people to control their fertility; decrease in the numbers of unwanted pregnancies; decrease in the number of pregnancy timing errors; increased maternal and infant health; increased ability of the participating families to improve their economic status; introduction of the low income person to a private medical care system which can provide other health services as well as family planning; involvement of private physicians in family planning for low income couples, and valuable information to expedite establishment of similar programs in other parts of the country and world.

"Considerable data exist which show a direct relationship between family size and the incidence of poverty," Dr. Johnson said. "By making family planning services available in locations and at times dictated by the needs of the participants, as opposed to the interests of the dispensers, we believe participation will be greatly extended—particularly when the program is supported by an adequate information program so that eligible persons know of the availability of the services."

"Results of the program should provide important guidelines for aiding similar family planning programs in other parts of the United States and the world," he added.

The pilot project will seek to determine whether and how family planning services can be made available through private physicians to people who normally do not have access to private medical care and live in areas where family planning clinics are not established.

The program will be carried out in North Carolina's Coastal, Central and Western areas. Twenty-two counties are involved.

UNIVERSITY OF NORTH CAROLINA TO RUN 19-COUNTY FAMILY PLANNING PROJECT

[News from the Office of Economic Opportunity]

The Carolina Population Center, University of North Carolina, Chapel Hill, will receive a $480,341 federal grant to test delivery mechanisms and to provide family planning services to nearly 6,000 poor residents in 19 counties, it was announced today by Donald Rumsfeld, Director of the Office of Economic Opportunity.

The center will plan and conduct a comprehensive family planning program that will seek to increase the participation of private physicians as the suppliers of such services.

An unusual feature of the program is that it will record the comments and opinions of consumers of service and feed their advice back into the system.

In setting up the program, the Center will work with state and local medical societies, state departments of health and social services, and other agencies. Those served will be referred by community action agencies, ministerial associations, medical societies, civic clubs, hospitals and local government agencies.

Program advisory groups composed of representatives of the poor will be set up in three major areas in which the project will operate. A professional advisory group will contain representatives from social and local health agencies, and the community action agencies.

The Carolina Population Center has an extensive program of training family planning program administrators and has worked with public and private institutions providing services to the poor.

The program is tentatively scheduled to provide services in the following counties: Cleveland, Camden, Rutherford, McConnell, Currituck, Chowan, Dane, Gates, Hyde, Lee, Orange, Perquimans, Tyrrell, Washington, Caswell, Chatham, Person, Burke, and Caldwell counties.

Trois Johnson, M.D., of the University of North Carolina, will serve as project director.

COMMUNICATION AND COLLECTIVE INNOVATION-DECISIONS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. BURTON of Utah. Mr. Speaker, in response to the increasing need for reliable criteria for deciding among alternative patterns of resource use, this is the fifth in the series of articles I am calling to the attention of my colleagues. The article, written by Everett M. Rogers, and found in the January, 1970 issue of the Journal of the Water Pollution Control Federation, points out that decisions to be properly and effectively implemented must first be communicated effectively to the public. The article follows:

COMMUNICATION AND COLLECTIVE INNOVATION-DECISIONS

(By Everett M. Rogers)

My theme in this essay is that methods of water pollution control are *innovations*, defined as ideas, practices, or objects perceived as new by the individual, which must be communicated effectively to the public, for their collective decision to adopt. I assume that technically adequate methods of collecting and treating waste are known, and could be put into use, if this technical know-how were translated into action in the form of facilitating legislation, and community and state referenda.

So the problem of water pollution control, from a communication point of view, is (1) how to meet the felt needs of citizens with the technical innovations now available, and (2) how to translate the resulting climate of public opinion into action. I will not deal at this time with the formation of a favorable public opinion about water pollution control, as this positive belief generally has been developed in recent years. In fact, I sense that in many states and some nations, we already have a strong case of "overkill" on the issue of water pollution control. Due to effective communication campaigns, especially in the 1960's, much of the public is firmly convinced of the problem of water pollution. Even the hippies are talking about dead fish in our lakes, "no swimming" signs, and oil-smudged rivers. So we do not need simply to produce more messages about the severity of the problem.

The main communication problem, in my opinion, is how to crystallize this fund of good intentions, favorable attitudes, and well-meaning enthusiams, into decisions for action. Fortunately, social scientists have been studying this exact topic for several decades, in the case of municipal fluoridation, school bond issues, and other community decisions about innovations. The result is a model of the collective innovation-decision process, representing an approach potentially useful for those officials, leaders, and professionals who seek to secure the adoption of water pollution control measures.

The purpose of this essay is to convey an understanding of this collective innovation-decision process, and to apply it to the specific case of water pollution control.

TYPES OF INNOVATION-DECISIONS

Many innovations require individual decisions. Examples of such new ideas are a hybrid seed to be adopted by farmers, a new consumer product for housewives, or a new educational method for teachers. These innovation-decisions are optional, in that the individual has almost complete freedom to exercise his choice as to whether to adopt or reject.

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Collective innovation-decisions are those made by the members of a social system who adopt or reject by consensus, and all must conform to the system's decision. An example is the fluoridation of water supplies. Each citizen may vote in a fluoridation referendum, but once the community decision is made, all must abide by it. Unfortunately, these collective decisions are usually much slower than individual decisions. The more individuals involved in an innovation-decision, the slower it will proceed. When information about a new idea must be communicated to a greater number of individuals, there is greater opportunity for message distortion, more room for differential perceptions of an identical stimulus, and a likelihood that concensus will be reached more slowly. Each individual brings to a joint discussion his own storehouse of opinions and beliefs, and these color his attitudes toward the innovation in a way different from that of his peers.

I believe that most decisions about water pollution control are collective decisions. The system or collectively may be national, regional, state, or a local community. But the individual alone does not make optional decisions about water pollution. Solutions require collective action.

COMMUNITY POWER AND DECISIONMAKING

Social philosophers have concentrated on the concept of power since Plato's speculations about philosopher-kings in his utopian state. But the work that set off a flurry of scientific and empirical investigations into the nature of community power structure was undoubtedly Professor Floyd Hunter's study of "Regional City"[1] (1). This sociologist utilized the "reputational method" to identify a small, closely knit coterie of business executives who dominated the important community decisions of the city, such as the decision to construct a negro swimming pool. Hunter's approach consisted of first asking knowledgeable citizens to indicate the names of the main power holders in the city. Then, he interviewed the power leaders to determine their characteristics, the web of social relationships among them, and their roles in various community decisions. He found that occasionally the power holders played behind-the-scenes roles in the collective decision-making process by operating through lieutenants or by informally guiding figurehead "decision-makers."

Hunter's investigation immediately set off a barrage of criticism of his methods and results, largely from political scientists led by Professor Robert Dahl of Yale University (2). The opponents of Hunter's approach utilized a decision-making method of investigation in which collective decisions were analyzed retrospectively via a case study approach. Dahl's inquiry of power in New Haven, Connecticut, illustrates this decision-making approach. In this community, Dahl found a pluralistic power structure in which different leaders played different roles for different community decisions. Leadership was highly specialized; only three percent of New Haven's 1,029 leaders were engaged in more than one of the three major community issues (urban redevelopment, political nominations, and public education) studied by Dahl. "A leader in one issue-area is not likely to be influential in another. If he is, he is probably a public official and most likely the mayor (2)." This point illustrates another finding by Dahl and his disciples which contrasts with the results by Hunter and his students. The former report the importance of elected or appointed political leaders in community power analyses, while the latter stress the dominance of captains of industry.

During the 1960's, over 40 different studies of community power and collective innovations have been completed. The results provide the empirical basis for our present analysis, and extension to the case of water pollution control. Such extrapolation is somewhat risky because of the novel nature of water pollution control innovations. While the problem is highly visible, its solution is less so. And the innovation has much in common with automotive safety belts, family planning, and health insurance in that the results of its adoption are not very immediate. Nevertheless, water pollution control methods require collective decisions for adoption, just like the issues that have been analyzed in past studies: New swimming pools, recreation centers, or hospitals; creation of new formal organizations; urban redevelopment programs; fund-raising campaigns such as Community Chest; etc. All are ideas perceived as new by individuals. All are collective decisions in that the individuals in the social system agree to adopt or reject the innovation by some sort of consensus, and all must conform to the joint decision, once it is made.

STAGES AND ROLES IN COLLECTIVE DECISIONMAKING

It should be recognized at the outset that collective innovation decisions are considerably more complex than individual decisions. One reason for this is that the collective decision process is really composed of a multitude of individual decisions: To initiate a new idea in a social system, to adapt the new proposal to local conditions, to sanction the idea, to support the innovation, etc. Each of these different behaviors may be carried out by different individuals in the collectivity; in the case of optional innovation-decisions, all of these different activities occur within the mind of a single individual, and culminate in the adoption or rejection of the innovation.

Figure 1 presents a simplified paradigm or model of the collective innovation decision-making process. This process generally is viewed as a series of steps, stages, or subprocesses. These steps are not necessarily mutually exclusive, nor do they always occur in the exact chronological order depicted in Figure 1. Nevertheless, this over-simplified paradigm is useful because it provides a general framework for analyzing collective innovation-decisions.

Stimulation

Stimulation is the awareness by someone that a need for a certain innovation exists within a social system. Up to this point in time, neither the innovation, nor the need that the innovation might fulfill, are perceived to be important to members of the social system. This lack of awareness may result because none of the system's members know about the innovation, or because no individual recognizes the existing problem, or because no one has linked the existing problem to the innovation. The stimulator(s) very often is an outsider to the social system, or else is a member of the system who is oriented externally via social relationships with members of other systems. For example, a new school superintendent enters a community and realizes that the old school building is a fire trap. He plays the role of stimulator if he calls the inadequate school plant to public attention. So stimulators play an important role in relating the social system to the outside world.

Stimulators of collective innovation-decisions are more cosmopolite than other members of the social system. The cosmopoliteness of stimulators may be expressed by wide travel, readership of non-local publications, affiliation with national or international organizations, or by membership in professional occupations associated with occasional migration, such as teacher, minister, or salesman. Perhaps the stimulator may not even be a regular member of the social system, but only have some contact with it.

The cosmopoliteness of stimulators provides them with relatively early access to innovations, and with a comparative frame of mind which allows them to perceive acute needs and problems in the social system which are not seen by the system's more localite members. Cosmopoliteness also may lead the stimulator to have a generally favorable attitude toward change, relative to others in the local system. This desire for new approaches is not balanced by a vested interest in the status quo. Longevity in the system acts to inhibit stimulation activity.

Must the perceived need for a collective innovation originate inside a social system, or may such perceptions start with a state or national decision (such as for school desegregation) and then result in the innovation-decision being thrust on the local community? From the viewpoint of the decision-making paradigm, it does not matter whether the collective innovation-decision is directed by external sources or whether it arises spontaneously within the system. In most past inquiry, stimulation has come directly or indirectly from sources external to the system, but this may be due simply to the fact that all of the systems studied have been U.S. communities. But wherever perception of the need originates, the collective idea must enter the system in the form of a stimulator before the decision-making process can begin.

Initiation

Initiation is the sub-process by which the new idea receives increased attention by members of the social system, and is further adapted to the needs of the system. While stimulators perceive a need or problem in the system and suggest a new idea that might help solve the problem, initiators incorporate the innovation into a specific plan of action that is adapted to the conditions of the social system. This role involves intimate knowledge of the social system, including the ability to predict certain consequences of the new idea, once adopted. Thus, while the stimulator is an "outside man" with far-ranging contacts, the initiator is an insider, a localite. His forte is that he knows the system. The stimulator's expertise is that he knows the innovations; he is message-oriented. The initiator, in contrast, is receiver-oriented.

Initiation may result from the activities of more than one individual, and so we sometimes speak of an "initiating set." In an investigation of local decisions to construct new hospitals in 218 U.S. communities, one person initiated the action in only about one-third (32 percent) of the cases (3). There must, of course, be at least some communication between the stimulators and initiators. In some cases, the initiators may have acted as stimulators at the previous stage in the collective innovation-decision process.

A nice illustration of the intricate relationships between stimulator and initiator is provided by Dahl's (2) reconstruction of how urban redevelopment ideas occurred in New Haven. The cosmopolite stimulator was "an imaginative Frenchman, a professional city planner, who spun off ideas as a pin wheel throws off sparks. And, like sparks, his ideas often vanished into darkness. But his presence in New Haven, where he headed a firm of city planning consultants with a world-wide clientele, insured that his ideas would be heard. In a few places, the sparks fell on tinder, smoldered, and finally burst into flame." The man who helped the city planning consultant's innovations progress from idea into reality was the administra-

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[1] Said to be Atlanta, Ga.

tor of New Haven's urban redevelopment program. This initiator assessed the costs and potential gains of each proposal, and after judging the few that seemed worthwhile, passed them along to the city's mayor for approval. So we see that in New Haven, the chief stimulator was not an initiator, although the two were in close contact.

A division of labor is even more likely between the initiators and the legitimizers, those who sanction the idea for the social system. The functions in the collective decision process performed by initiators and by legitimizers are quite different, as are their social characteristics. For instance, legitimizers are usually found to have high social status in the system, while the initiators are more often noted for their highly favorable attitude toward change and for their intimate knowledge of the system.[1] *So initiators of collective innovation-decisions are unlikely to be the same individuals in a social system as the legitimizers.*

Legitimation

Legitimation is the approval or sanctioning of a collective innovation by those who informally represent the system's norms and who possess social power. While the role of the legitimizer is mainly that of screening new ideas for approval, he may often alter or modify the proposals put to him by the initiators. However, seldom will legitimizers actively promote a collective idea after giving their approval. They generally play a more passive role in the collective decision-making process.

The rate of adoption of a collective innovation is positively related to the degree to which the social system's legitimizers are involved in the decision-making process. It may be possible for the initiators to proceed successfully without consulting the legitimizers in a social system, but this decreases the chances of securing adoption of the collective innovation. Usually, the legitimizers can kill an idea if they are not consulted. Initiators may circumvent the legitimation stage in the process for three reasons: (1) because they do not know who the legitimizers are for the idea they are initiating; or (2) perhaps because the initiators know who the legitimizers are, but they lack social access to these power leaders;[2] or (3) because the initiators wish to save time. But for whatever reason, when legitimizers are ignored, they are more likely than not to scuttle the collective innovation.

Legitimizers of collective innovation-decisions possess higher social status than other members of the social system. Dahl found that power leaders in New Haven were typified by higher income, education, and other indicators of higher social status than their fellow citizens (2). A national investigation of community decisions to adopt new hospitals indicated that those in professional occupations were 90 times more likely to be legitimizers than were manual laborers (3).

Along with their high social status, legitimizers usually possess considerable social resources such as wealth, formal position, influence over others, and knowledge. They frequently hold high informal positions in powerful friendship cliques. Their high reputation in the system lends credibility to their decisions, an essential quality if their choices are to be accepted by the members of the social system. However measured or expressed, the legitimizer has a virtual monopoly on two of the scarce resources of any social system: status and power.

CONCENTRATION OF POWER

A general finding from past investigations on community power is that it is highly concentrated in the hands of a few persons. *Power* is defined as the degree to which an individual has the capacity to influence the beliefs, decisions, and actions of others.

Following are some reported results from inquiries into the concentration of community power.

1. In a New York rural village, "Springdale," important collective decisions were made by a political machine of four power leaders who worked behind the scenes to control the affairs of the community (4). Yet the residents of Springdale claimed that one advantage of their village life over city life was equality and neighborliness.

2. In Atlanta, a city of half a million population at the time of one study, 40 key power holders were influential in important community decisions such as expanding the city limits or starting a community fund (1). These first-rate power holders were supported by second-rate lieutenants, who helped to carry out the legitimizers' decisions.

3. Dahl who studied the community decision for urban redevelopment in New Haven, concluded: "In origins, conception, and execution, it is not too much to say that urban redevelopment has been the direct product of a small handful of leaders"(2). Furthermore, he found that only three to six leaders (about one-twentieth of one percent of the city's registered voters) controlled the political nominations in each of the two major political parties of the city (2).

4. In one midwestern state, the governor met with four key industrialists at a luncheon at which he presented the problem of water pollution. By the time for coffee, these power holders had agreed to police their companies' water pollution problems, and to launch a state-wide campaign, which terminated a year later in a multi-million dollar water pollution control referendum.

So we conclude that power is usually concentrated in a few hands. But it is important to remember that the exact degree to which power is concentrated varies widely from system to system. *Where power is more concentrated (and the power leaders are not opposed to change), innovations will be collectively adopted more rapidly because fewer individuals are involved in the decision-making process.* When power is more widely distributed, a longer period of time is necessary for adoption because more individuals must be informed, persuaded, and convinced of the innovation's merits.

PUBLIC VISIBILITY OF THE DECISION STAGES

Legitimizers must process informal power in the system; they also may have formal positions of high authority, but this is not necessary. The studies by Hunter's reputational school generally find that legitimizers are informal, "behind-the-scenes" manipulators of community power. In contrast, the key power-holder in New Haven was the chief executive of the city, the mayor. Whether the legitimizers are formal as well as informal power-wielders or not, their decision-making activities are usually private rather than public affairs. In fact, stimulation and initiation, as well as legitimation, commonly occur in smoke-filled rooms. The public often becomes informed about the collective innovation (and involved in it) only at the fourth and fifth stages in the decision-making model (Figure 1), when the decision to act is made by the members of the social system and when the decision is carried into action. This does not mean to imply that the public is simply a rubber stamp for the legitimizers; they can countervail against the power holders. However, this is unlikely because the legitimizers hold their influential (informal) position in the system because they represent the system's norms and values. Their decision must be made largely for the system's benefit, rather than for their own private gain. A legitimizer holds his leadership position only so long as he is responsive to the wishes of his followers.

So the legitimizers act as a type of normative screen for the social system, keeping out collective ideas that they feel would not benefit the system. Innovations also are selectively screened out at the stimulation and at the initiation stages, as implied earlier. So the stages in the decision-making process are like a series of sieves; at each stage many ideas are discarded. Only a small portion of the hopeful candidates for approval at the stimulation stage, survive the decision process and are put into action.

PARTICIPATION IN COLLECTIVE DECISIONS

At the fourth (and also at the last) stage in the collective decision-making process, the focus is on the decision to act by members of the social system. The public's preferences may be expressed in a variety of ways: A survey may be conducted, a referendum may be held on the issue, petitions may be circulated, or a public meeting or hearing may provide the means for expression. All of these methods of feeling the public pulse are utilized in water pollution control campaigns. In any event, it is usually thought to be advantageous to have widespread participation by members of the system in the choice process. This is because satisfaction with a collective innovation-decision, and acceptance of it, is positively related to the degree of participation of members of the social system in the decision.

Why should members of a social system be more satisfied with, and accepting of, collective decision if they feel they are involved in making that decision?

1. Through participation in the decision-making process, individual members learn that most others in the system also are willing to go along with the decision. So, participation is a means of revealing group consensus to the individual. If the individual member knows of group support for the decision, he is more likely to be satisfied with it himself.

2. The decision, whether to accept or to reject, is likely to be more appropriate to the needs of the system's members if they take part in reaching such a decision. In most cases we would expect a system's members to know their own needs more accurately than would their leaders.

ROLE OF PROFESSIONALS IN COLLECTIVE DECISIONS

Professionals in the field of water pollution control can perform the role of stimulators and perhaps initiators in the collective decision-making process, but seldom are they legitimizers. As we have pointed out previously, the legitimizer is usually characterized by seniority, high status, and established respect in a social system. Rarely do technical professionals possess these characteristics. They usually are perceived as social strangers temporarily alight in the system, of possibly high technical competence but of low general status and social power, and of relatively low credibility regarding decisions for members of the social system.

The professional possesses excellent qualifications, however, to function in stimulating and initiating collective innovations. His widespread social relationships and technical competence in his specialty provide a firm basis for calling new ideas to the attention of the system's leaders. The professional, for instance, can help identify legitimizers for a given issue and urge the initiators to utilize them. Also, he can help his clients more carefully evaluate the social costs of the collective decisions they are considering. Sometimes, for example, communities under-estimate the finances, time, energy, and other social resources that will be required to put a collective innovation into action. As a result, communities bite off more than they can chew, and the collective idea fails.

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[1] Obviously, the initiators must also possess social accessability to the legitimizers.

[2] Or else know that the legitimizers are opposed to the innovation.

Counter campaigns to new ideas often are launched by subgroups within the social system who oppose the collective innovation. An illustration comes from collective decisions by U.S. cities to adopt fluoridation of water supplies. The opponents of fluoridation are well organized and vocal, often claiming that fluorides are a type of rat poison; such techniques often have been quite successful in defeating fluoridation referenda. There is now some organized resistance to water pollution control. Professionals can help the proponents of collective innovations overcome these counterattacks, and perhaps they can prevent the formation of such opposition in the first place.

CONCLUSIONS

We have reviewed what is known or hypothesized about communication and collective innovation-decisions in order to suggest strategies for gaining control of water pollution. For it is through our understanding of the dark mysteries of community power and its workings, that we shall gain a fuller solution to this important social problem. I hope these notions will prove useful in your search for ways to guide efficiently our return to a state of clearer streams, purer water, and a healthier environment.

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THE PERIPHERAL CANAL WILL NOT PROTECT SAN FRANCISCO BAY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. WALDIE. Mr. Speaker, just a few days ago Governor Ronald Reagan of California promised to protect the State's environment and issued what his press release termed:

> A pledge to the people of California that the State will improve and protect the quality of life for future generations through the enhancement and protection of our environment.

The Governor's pledge was in the form of seven points. I would like to refer to two of those points and then note what appears to be a direct violation of the Governor's pledge—a violation made while the ink was hardly dry on the press release.

The Governor said:

> All State public development and public works programs will be conducted in such a way as to preserve, and wherever possible to enhance, environmental quality of California for the people.

The Governor's final point was equally important. He said:

> The State recognizes the Pacific Ocean and its estuaries as a resource that has heretofore not been thoroughly understood and, therefore, not fully utilized for its total multiple purposes, including underwater recreational opportunities. Working with the private sector, the State will encourage preservation, enhancement, and development of these important coastal and estuarine areas.

Those points are excellent ones, Mr. Speaker, but apparently the Governor is either unaware or unconcerned with efforts within his own administration to subvert his intentions and make hollow his pledge to the people of California.

Within days of the Governor's announcement, his resources agency secretary, Norman B. Livermore, Jr., revealed that a major State public works facility, the California water project, would, in fact, result in damaging fish life in the bay-delta estuary.

Appearing before the San Francisco Bay Conservation and Development Commission, Secretary Livermore revealed that damage to fish life in the delta area would occur within 2 years when the State begins to pump northern California water over the Tehachapi Mountains to the deserts of southern California.

Mr. Livermore said that the proposed peripheral canal project, which will insure the southern part of our State more efficient diversion of northern water to their pumps, will, in fact, lessen the damaging effects of the diversion on the fishery by releasing water into the delta.

That, Mr. Speaker, is extremely questionable.

What is crystal clear, however, is that the State is going to pump water without regard to the effects of that diversion, despite mounting evidence that this diversion will have tremendously harmful effects not only on the delta, but to the San Francisco Bay-Delta estuary.

In his appearance before the BCDC, Mr. Livermore promised that fresh water releases would be made to protect the delta. However, in response to the questions of newsmen following the meeting, he made the shocking disclosure that releases would not be made to protect the water quality of San Francisco Bay.

Without protecting the bay, Mr. Speaker, the entire estuarine ecosystem is threatened. The estuary is the "nursery" of aquatic life.

The estuary depends on the balance of fresh and salt water to foster this life. A drastic change in this balance will greatly jeopardize this delicate ecosystem. The State and Federal agencies charged with selling water to agriculture, industrial, and speculative interests have contracted for the sale of more water than is existent within the present Central Valley project and State water project areas of origin. The diversion of water to meet those contracts would result in the diversion of some 80 percent of the normal outflow of fresh water that flows into the bay-delta estuary. This, of course, would be a drastic and probably fatal change in the ecosystem.

Yet, even on the heels of Governor Reagan's pledge to protect the estuaries of the State, his resources secretary calmly admits that the State is not going to act to protect San Francisco Bay. He said that the delta has prior water rights, but the bay has none.

Such a statement displays total ignorance of the workings of an estuarine ecosystem and is in direct conflict with the Governor's pledge "to encourage preservation, enhancement, and development of important coastal and estuarine areas."

I would challenge the Governor and Mr. Livermore to guarantee the preservation of the San Francisco Bay-Delta Estuary by not shipping one drop of northern California water to the south and by halting the California water project until it can be completely reevaluated.

The Governor should agree to this or repudiate his pledge to the people of California.

Mr. Speaker, I would at this time insert a copy of the Governor's press release of July 31, 1970, and a copy of an Oakland Tribune story of August 7, 1970, regarding Mr. Livermore's appearance before the Bay Conservation and Development Commission.

The press release and news clipping follow:

PRESS RELEASE

Governor Ronald Reagan today announced a far-reaching seven-point policy to develop the state's recreational facilities while simultaneously preserving its natural scenic landscape and its cultural, historical and archaeological values.

"This action constitutes a pledge to the people of California that the state will improve and protect the quality of life for future generations through the enhancement and protection of our environment," the governor said.

"It also pledges that our citizens will have the opportunity to make full use of the recreational opportunities offered by our mountains, shorelines, deserts and valleys."

The policy, which will guide both private and public plans and actions for the years ahead, calls for:

(1) The resources of the state will be employed to stimulate the active, progressive and coordinated participation of appropriate federal and local government agencies and of the private sector in providing areas, facilities and services to meet present and future recreation needs and deficiencies. The state will cooperate in identifying deficiencies and will assist in alleviating those deficiencies according to a system of priorities.

(2) Recreational use of lands currently in public ownership will be encouraged. The people of California, acting through their elected representatives, will seek use of suitable lands currently held by all government agencies. Highest priority will be given to seeking prime access to beach and coastal lands near urban areas.

(3) Local government entities most closely related to the recreation resources and to the sources of recreation demand will be encouraged to provide recreational opportunities.

(4) The private sector will be encouraged to develop and operate appropriate recreation resources and recreational opportunities on both public and private lands, while giving full consideration to the quality of the environment.

(5) All state public development and public works programs will be conducted in such a way as to preserve, and wherever possible to enhance, environmental quality of California for the people.

(6) The state will encourage at all levels of government and within the private sector the utilization of natural, historical and

archeological values for outdoor educational interpretation so that the citizens of this state may be able to more adequately enjoy, appreciate and understand the ecology of this state.

(7) The state recognizes the Pacific Ocean and its estuaries as a resource that has heretofore not been thoroughly understood and therefore not fully utilized for its total multiple purposes, including underwater recreational opportunities. Working with the private sector, the state will encourage preservation, enhancement and development of these important coastal and estuarine areas.

TWO VIEWS ON CANAL BY EXPERT

(By Fred Garretson)

State Resources Secretary Norman Livermore told the Bay Conservation and Development Commission yesterday that water exports to Southern California would be reduced in future drought years in order to protect the environment of San Francisco Bay and the Delta.

But later, in a press conference outside the BCDC meeting room, Livermore reversed himself and said only the Sacramento-San Joaquin Delta—but not San Francisco Bay—would be protected by special water releases.

The question was raised by BCDC Chairman Melvin Lane at the commission' final public hearing before taking a vote on whether or not the commission should oppose construction of the controversial Delta Peripheral Canal.

In his prepared text, Livermore said that in a future drought the customers of the State Water Project and the U.S. Bureau of Reclamation "will be required to take the deficiency" because the Delta has "prior rights" to fresh water supplies flowing into the Delta.

Livermore told the commission that in drought years the agencies which buy water from the Department of Water Resources and the Reclamation Bureau "would have to go on paying for water they weren't receiving."

Lane attempted to pin down Livermore about protection of the Bay's environment and Livermore replied, "The Bay and the Delta have prior rights" to the water. Lane then dropped his questioning.

But at the press conference Livermore was asked about his statement that the Bay has prior water rights in view of statements by the State Water Resources Control Board that the Delta is entitled to such water releases, but not San Francisco Bay.

Livermore replied, "That statement (by the Water Resources Control Board) is correct. I was referring to the Delta with a capital D, and to the bay with a lower case b."

In his talk to the commission, Livermore said that Northern California is responsible for diverting much of the water that used to flow into the Delta, particularly diversions caused by farm development in the Sacramento-San Joaquin Valley.

Even when all agricultural uses are deducted from the total, Livermore said, only two million acre feet of water will be exported to the Metropolitan Water District of Southern California while the East Bay Municipal Utility District and the San Francisco Hetch Hetchy system will be diverting 1.5 million acre feet of water.

He noted that a large part of the Bay Area population gets its water "from desecrated Hetch Hetchy Valley," a twin to Yosemite Valley.

"It therefore appears to me to be unseemly, to say the least, for San Francisco Bay residents to criticize our neighbors to the south for doing the same thing we northerners are doing. Let him who is without guilt cast the first stone!" he said.

EQUAL RIGHTS AMENDMENT

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. KEITH. Mr. Speaker, in light of the recent passage of the equal rights amendment, I think this column which recently appeared in a newspaper in my district is of particular interest to all of us. The Sentinel column, by "Elwood," was sent to me by Mrs. Kay Nowak, who thought it would be an inspiration for those who read it in the RECORD.

Because I agree that this is an especially meaningful piece, I am now submitting it in full for reproduction in the RECORD:

EQUAL RIGHTS AMENDMENT

In this time of preoccupation with sex and nudity under the guise of freedom of expression, an "Open Letter to Man", as it is called and written in simple terms to describe the image of womanhood, is creating a lot of interest throughout the country. Many radio personalities have read it repeatedly on their radio programs. Newspapers and magazines, both religious and secular, are reprinting it. And private citizens are copying it for distribution to their friends.

This is what "Open Letter to Man" says:

"I am a Woman.

"I am your wife, your sweetheart, your mother, your daughter, your sister . . . your friend.

"I need your help.

"I was created to give to the world gentleness, understanding, serenity, beauty and love. I am finding it increasingly difficult to fulfill my purpose.

"Many people in advertising, motion pictures, television and radio have ignored my inner qualities and have repeatedly used me only as a symbol of

"SEX

"This humiliates me; it destroys my dignity; it prevents me from being what you want me to be—an example of—

"Beauty, Inspiration and love—

"Love for my children, love for my husband, love of my God and country.

"I need your help to restore me to my true position . . . to allow me to fulfill the purpose for which I was created.

"I know you will find a way."

This letter was written about ten years ago by songwriter Sy Miller and his wife, the former actress, Jill Jackson. But it wasn't until "Open Letter to Man" was discovered shortly over a year ago by the Rev. Francis J. Caffrey of the Maryknoll Fathers that it received widespread circulation.

Father Caffrey was so impressed with the letter that he got the Millers' permission to reproduce it. From that new beginning, it has developed its own quiet "underground movement" protesting the degradation of women as mere sex objects. Many prominent businessmen and entertainment personalities have assisted Father Caffrey in his efforts to help restore woman's proper image of love, beauty and dignity in our contemporary society.

R. D. Funk, Managing Editor of the Santa Monica (California) Evening Outlook was among the first to tell the story of the Millers', Father Caffrey and "Open Letter to Man" in his column. Since then the "Open Letter" has been reproduced and circulated widely in the U.S., in some foreign countries and is on its way to expanding its message of common decency throughout the world.

"Open Letter to Man" is a simple, powerful message challenging today's animalistic, sex-oriented image of womanhood. It's difficult today for a girl or young woman to believe anyone really cares about morality, femininity and virtue in our society. But the challenge is simply stated for all to meet, "I know you will find a way." My question to this is can we? Or is it now too late!

As ever,

ELWOOD.

ADAPT—A SUCCESSFUL EDUCATIONAL APPROACH TO THE PROBLEM OF DRUG ABUSE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FISH. Mr. Speaker, it gives me great pleasure to insert in the RECORD the project proposal for ADAPT, action for drug abuse prevention training—a program to combat drug abuse which has been accepted as part of the school curriculum by the Arlington School District in Dutchess County.

The ADAPT program was conceived by the parents of seven children, Raphael and Frances Mark, as an outgrowth of radio programs they were doing in local schools in Dutchess County, N.Y. Raphael Mark is employed as director of special events for radio station WEOK in Poughkeepsie.

In doing varied studies in school programs 5 years ago, the Marks began to take note of the beginnings of drug abuses starting at a very early age. Problems dealing with glue sniffing, paint remover sniffing, detergents, and other commodities not really classified as drugs per se, but nevertheless easily available to younger children. Indications were that these seemingly harmless and easily acquired abuses would lead to more dangerous and hazardous abuses as the children grew older. The general educational community and the parent community at that time found it hard to believe that the excesses the Marks were describing were in fact becoming a problem within the schools. It was necessary to implement parent education programs first to make the adults aware of the existence of these problems in order that an educational program for the young could be effective.

The principle feature of ADAPT is the education of the young, their parents and their teachers simultaneously and in small groups. It uses an effective technique of entertainment, supported by expertise in the field of drug abuse furnished by a team of experts who serve on an informal panel.

ADAPT teaches this technique to others as well as providing teams of speakers and teams of organizers to gather an audience for the teams of speakers. ADAPT has one concept—the concept that education ultimately will become one of the strongest weapons in the fight against drug abuse. ADAPT does not feel that it is or has all the answers, but the response to the ADAPT method has proved that education can be entertaining as well as meaningful. On an adult level, ADAPT works with PTA's, civic groups, or any interested group wishing to learn the technique of informing others on drug abuse.

In addition, ADAPT's team of speakers which includes a medical doctor, psychiatrist, psychologist, ex-addict, law enforcement official, and often an attorney—and by the way, these people appear as a team together and are headed by a team leader—will present a knowledgeable and helpful program free to any of the above-mentioned groups, as well as attempt to organize their audience and give them direction for local small discussions. Out of these programs and this research grew the specific part of the program which has been included as part of the general curriculum for the Arlington School District in Dutchess County. It will be implemented this fall and has been partially funded by the New York State Education Commission. The specific research and the basis for the ultimate implementation of the elementary and secondary educational phases of the ADAPT program follows:

Action for Drug Abuse Prevention Training (ADAPT)—A Preliminary Project Proposal

DESCRIPTION

Purpose. Inform and educate children, parents, teachers in the problems of drug use and abuse.

Goals. Education of non-users so that they do not become experimenters or users.

Train children, youth and adults to cope with their tension problems through desirable and acceptable means other than drugs.

Seek new ways of "turning on" our youngsters.

Educate our children and youth for intelligent decisionmaking.

Achieve the "we" approach; interaction between and among parents, children and teachers.

Participants. Over the past several months the following individuals (by title and/or name) and organizations have been involved in the planning, staffing, administering and evaluating phases of the experimental project. Budgeting, additional staffing, further evaluation, and reporting will be implemented if the project is approved.

Dutchess County Medical Association's Narcotic Council, Dr. Vincent Beltrani, Chairman. (Dr. Beltrani is also a member of Arlington Central School District Board of Education.)

The aforementioned Council's Drug Education Committee, Dr. Eleanor Peck, chairman, and including Dr. Stephan Rheingold (M.D.); Dennis Pearl (Arlington Central School District psychologist); Ralph Mark (Raphael) (WEOK AM-FM and Cablevision Programming Director who was prime originator of this "approach"); and Jeffrey S. Graham (lawyer).

Town of Poughkeepsie Narcotic Guidance Council, Dr. Ann Buckholz (Ph. D.) Chairman, and includes Mr. Pearl (previously mentioned); Paul Lacey (guidance counselor, Arlington Senior High School); Attorney Herbert Wallace; Dr. Arthur Robbins (M.D.); and Rev. Benjamin LeFevre (also a member of the Arlington Central School District Board of Education).

Representatives from Town of Wappingers and City of Poughkeepsie Narcotic Guidance Councils have also been involved in the planning stages, to include their Councils' participation and to afford coordination with Wappingers Central School and Poughkeepsie City School.

Adult Continuing Education Directors from Wappingers, Poughkeepsie and Arlington Schools have also been involved in the planning stages in order to coordinate the adult education aspects of the project, meeting with the three Town Narcotic Guidance Councils.

Parents, teachers and students in the Titusville Elementary School, Arlington Central School District, have been involved in the process as described in following sections.

Representatives of the parents (two PTA officers) and the teachers (librarian, 5th and 6th grade teachers) were involved in the evaluation sessions. Also involved in the evaluation process were Rev. LeFevre, Dr. Beltrani, Ralph Mark, Principal Joseph Kearney, Curriculum Director Miss Margaret Mary Walsh, Mr. Pearl, Mrs. Grace Donahue (Assistant Principal), and Lawrence A. Fallis (District Director of Federal Programs).

All of those in the evaluation process have observed and/or participated in the sessions and most have been involved in the various development stages.

A total of 350 children in grades 4, 5 and 6, 140 parents (both fathers and mothers) and 14 classroom teachers were involved in the sessions (both large and small groups) as described in the following sections.

Introduction. There is no drug problem in Dutchess County. In fact, there is no drug problem anywhere in the country. If you start from that premise, you are starting from the premise of ADAPT. ADAPT is an educational technique or approach that hopes to see itself go out of business. It is used in conjunction with existing programs because it is supplementary rather than initiative. ADAPT sells no theories. It deals only in facts. The fact is that ABUSE is the problem and it has become a household word.

The community of the school and the community of the home seem to run in separate paths. It has been shown in studies that many parents want the schools to assume the responsibilities that really should be theirs. It is only a natural course of events that the problems of abuse, whether they be drug oriented or environment oriented, should fall into this category.

ADAPT is an educational program that attempts to bridge the gap between home and school with a course of instruction that is focused on the young and old . . . children and their parents . . . at the same time. By using the common denominator of ABUSE, the program bridges this gap.

Described here is a specific program developed in terms of drug abuse.

Rationale. The program is based on the theory that ABUSE and specifically drug abuse is something that is not acceptable as an answer to problems and pressures by most families. Most people consider themselves average and the average attitude of these people is that, "Other families and other people's children are involved in wrongdoing and abuses, but not mine!"

Information learned through the types of youngsters calling YELL (a county-wide telephone answering and counseling service under the auspicies of the Dutchess County Medical Association and based at Vassar Hospital), 30% of the calls are parent-child problems, 30% are boy-girl problems (but not sex), 15% are from youngsters who "need someone to talk to," another 15% cover a wide variety of problems including attempted suicide, but only 10% are related to drug problems.

This ADAPT approach to the drug problem is designed to reach those 90% of the youngsters who have not yet experimented with drugs as a means to solving their tension problems.

In the area of drugs, we have found that while people are attentive, shocked and often willing to participate in discussions on drugs, the facts will never leave the room in which an ordinary discussion is held. People who attend these discussions often feel that they are quite knowledgeable on the subject and are interested in increasing their expertise perhaps, but not in learning anything: By combining youngsters, parents, and teachers, a genuine learning experience is entered into which results in continued discussion in the home and in the classroom. The total learning process is stimulated. A real awareness that drug abuse could strike their home results.

The thought behind this approach is centered in drawing an imaginary line through an age group. On one side are the older youngsters who may be experimenting with drugs or other abuse and who must be reached on a different level and in a different way. On the other side are youngsters who will experiment perhaps, but who are armed with no knowledge of any significance because there is no one to arm them with this knowledge. The parent community has taken great pains to warn its youngsters of the dangers inherent in hot stoves, poison and other obvious perils but drugs are a rather nebulous area because most parents do not know how to deal with the subject. This is often based on the fact that parents are on some sort of drug . . . from diet pills to pep pills and tranquilizers . . . which have been prescribed by physicians for health reasons. The confusion of the anti-drug campaign has promoted an attitude in many parents of confusion as to what to tell their youngsters since the young see their own families taking pills all the time.

ADAPT takes no position against pills in any form or in the legalization or theories of what should be done in areas of drug abuse. ADAPT says that abuse is dangerous and abuse must be corrected through continuing education and an open mind.

It is hoped that through continuation of this ADAPT program, youngsters who might be offered a pill or other stimulant or depressant will think twice before accepting it based on facts learned through the large and small group seminars. At least youngsters will be made aware of the consequences they can suffer if they do take a pill. By approaching children at an early age, in the intermediate grades (grades 4, 5, and 6) and by providing them with a method for easy discussion with their parents who will also accept the abuse rationale, hopefully, future generations of youth will not be subject to drug abuse problems.

Process. Described here are the first steps in the development of a model. This model or package eventually will include video-tapes, reference lists, resource center materials (software and printed material) for use by teachers and parents, and with children.

ADAPT thus far has been designed for children in the fourth, fifth and sixth grade level. A refresher meeting is conducted for those in seventh grade after they have spent the summer away from school. So that the facts are not dissipated, the same procedure is used with seventh grade students. There are a number of variants of the procedure, and each instructor, or team leader as he will be called, can adapt the procedure to his own particular style. Hence, the name ADAPT. It is a program that is used as an aid in teaching. The ADAPT program is not an end in itself, but rather a means to an end. To be totally effective, it must be carried through by trained, certified school teachers.

CLIMATE

To be most effective, the seminars are conducted in as informal an atmosphere as can be obtained. But it must be emphasized that the entire program is completely structured without appearing to be so. Plainly, the success of this program is its apparent informality. The success of any informal approach is discipline and the informality must appear to be present to the youngsters and other people in the room. The Team must be aware of what they are doing every minute of the time, similar to the cast of a play. In order to make the proper points when they can be made, the team leader must be able to seize the opportunity when it arises, rather than forcing an issue.

SUBJECT MATTER

It is important to cover the subject matter and the means of presentation together as one item. For purposes of this explanation, we will use as an example the course that was recently delivered at the Titusville Elementary School in the Arlington School District in Dutchess County. A detailed study of the types of youngsters and their families would not be relevant to this presentation, but can be furnished upon request. The course is divided into three parts: (1) Orientation; (2) seminar; (3) review; (4) followup.

Orientation

Children and parents are invited to attend a regular in-school assembly program. The team leader should be someone known to those who are assembled. This means a local official or personality who works with youth. In this case, a local radio figure. The program is no more than fifty minutes in length and in a very perfunctory fashion outlines what is planned.

Slides or other visual aids can be used, but only to supplement, never as the entire program. The lights in the room must be on and the entire program is on an informal basis. Youngsters, their parents and their teachers are urged to interrupt whenever feelings move them. During this orientation period, the subject matter is the general area of ABUSE. It is fast delivery designed to hold the attention of those gathered and involves outright show business techniques. The orientation period is one of the most important aspects, as it is the information gained here which is brought home by the youngsters whose parents were not in attendance and which determines some of the success of the program.

ADAPT, for its full impact, should have the parents and the children listening to the same things at the same time. It could develop an area where these young people can form a basis of discussion with their parents or guardians that will be carried home and will be the impetus for the parent to come to the next meeting. It must also be the impetus for the teacher to continue a program in her classroom along with her other curriculum. Therefore, this first meeting is of utmost value to the program and must in a short time delineate what is to follow without making it a bore and assuredly making it seem different.

The audience is told about abuse and how we will be discussing this in future sessions with smaller groups. The audience is told that there will be a team of knowledgeable people at future sessions and who these people will be, not necessarily their names but their positions (ex-addict, doctor, lawyer, etc.). In the general discussion, some pills are shown on the screen and the audience is asked to identify some if they can. The emphasis is made that these programs will be devoted to ABUSE and that drug abuse is just one of the many abuses throughout our world today. The youngsters are asked to define in their own terms the expression abuse. This can lead to a discussion even with so large a group. It is important that the questions be fielded in a specific fashion. (This technique has relevance later on.)

A microphone should never be used. If the speaker needs a mike to be heard, he should not be the lead speaker. Second, it is necessary to come as close to the youngsters asking the questions as possible in the large room. This means traveling about the room and when you hear the question, it must be repeated for all to hear. Answers must be swift and uncomplicated. As many questions as possible should be fielded in this exact manner. This is what is meant by the statement previously made that this must look like an informal, extemporaneous activity. Every move has a purpose. The program must conclude at exactly the fifty minute period and the up-coming programs must be explained during that time. It must be stated clearly that the team will be returning to the school in the near future and the dates must be set at once so that the assembled group has a clear idea of when and who will return. How the programs will run should also be clearly outlined, but briefly and tersely. There are many questions that will be asked as the students and parents leave. These should be left unanswered with the promise that they will be covered in the next sessions.

This is important. Should parents remain behind to ask about the program, time must be allowed for this type of answer session. No questions should be fielded as to specific information except about the concept of the program because the more parents talk to each other about it, the larger the audience will be in the smaller groups.

Orientation session ends.

Seminar

This takes place either in a classroom or cafetorium. Ideally, the seating should be informal. This can be accomplished in a classroom by removing the desks and leaving the chairs in a semicircle rather than in the standard arrangement. The parents and teachers should be grouped around the back of the students. There should be a facility for showing slides and there should be a blackboard. Posters and literature, as well as a brief description of what has been covered during the orientation discussion, should be made available for youngsters to take home. Naturally, due to the informality of the program, it is not always possible to outline all the matters that will be discussed. In the room it is extremely helpful to the informal atmosphere if soft drinks or milk are available for the youngsters and coffee for the adults. In the front of the group is the Team Leader and nearby the ex-addict. Others are scattered throughout the audience and may not speak at all during the Seminar. They will answer questions only as they are asked and only answer them at the request of the Team Leader.

It is important that the Seminar remain just that and that the speaking part be short, informal and, in a large part, involve the audience. Youngsters are again asked to identify different pills that are shown on the screen. They are asked to define ABUSE and the replies are all asked for in a spontaneous manner *so that there is noise* in the room and the youngsters are really participating in the program. This is done only at the outset in order to set the tone for the discussions and the Seminar. Gradually the focus . . . namely ABUSE . . . and in this case pill abuse . . . is brought to the surface. As much as possible, youngsters are encouraged to interrupt and the questions they ask are fielded by the person on the Team who has the expertise in that area. A summary period is left available during which the Leader sums up the fact that youngsters should not eat or swallow anything that looks like a pill unless he has been given it by his doctor, the school nurse, his mother or father or guardian. In general this is the method of the Seminar.

Review

Here we leave the classroom discipline and retire with teachers and interested persons who have attended to an informal setting again.

What did we accomplish and what are the problems?

This review is an important part of the total program because the program should be exceedingly flexible. There should be no secrets and no holds barred. In the very analysis of the program comes education that pertains to its continuing effect.

During the review, new ideas are considered, new methods of presentation discussed and continued discussion of abuses undertaken. *Review* is the starting point for an adult-parent program which is part of the ADAPT plan. Nucleus of the *Review* program will be the stimulating force behind discussions in the mature sessions. While the content of the sessions may differ, the same general outline can be followed with mature groups.

Adults are recruited to be "trained" as team discussion leaders for carrying on the adult continuing education portion of the ADAPT Plan.

Follow-up

In conjunction with existing programs in the school curriculum, the original youngsters who were involved in fourth grade seminars are contacted and a class is held to see where they have arrived over the year. They are followed as a group until the seventh grade after which the existing discipline takes over.

This, then, is the essence of the program.

Progress to Date. Parents and teachers in the try-out school (Titusville Elementary School, Arlington Central School District) have exhibited tremendous enthusiasm for this program. The 140 parents have reponded informally to many of the "participants" staff at Titusville School, and have "spread the word" to the extent that parents of children in other Arlington Elementary Schools as well as parents of junior high school students, are asking to have the program adapted to their schools.

Time-table. The adult continuing education phase of the Plan is being developed over the summer through the combined efforts of the three Guidance Councils and the three Adult Continuing Education Directors. Current planning calls for the final details of the adult portion to be worked out in September, October and November so that maximum utilization of parent-adult interest and involvement can be brought to bear on the Adult Program scheduled for the month of January in all three school districts.

Current time-table calls for the total plan to be implemented in the fall of 1970 in one of the elementary schools of the Arlington Central School District. By June of 1971 the full ADAPT Plan will have been effected and "packaged."

STAFFING

To be truly effective, the ADAPT team should have an ex-addict, a law-enforcement official, and a team leader who can establish immediate rapport with youngsters and involve them at any age in a discussion-type situation rather than a traditional classroom-type of climate. A knowledgeable mother is also desirable. The basic team can be added to or subtracted from as the situation demands.

For adult continuing education programs and teacher in-service sessions, other professionals from the local community and the State who are knowledgeable in drug abuse should be utilized.

Evaluation of the project requires considerable time from professionals who must be involved at every step in the process. Evaluation tools must be found or developed.

Audio-visual technicians will be needed to video-tape each session in order to provide recovery capabilities for evaluation, for documentation and for final "packaging."

All facilities and video taping equipment will be provided by the Arlington Central School District.

BUDGETING

1 team leader (75 sessions with people; considerable development time is needed; involvement suggested to equal one-half time)	$10,000
1 ex-addict with professional endorsements (75 sessions with people; development time one-half-time involvement)	5,000
Consultants at $150 per course of three sessions each plus program evaluator for 75 sessions plus writing time	10,000
Professionals and consultants needed for in-service training of 275 teachers and 150 adults to serve as small-group sessions leaders with adults	10,000
Purchase of blank video-tapes, books, posters, films, slides, and other appropriate software to be used with various age-groups, for take-home and for the library resource center	5,000
1 half-time technician to video-tape each session, seminar, sampling series of in-service training for teachers, and sampling series of adult sessions to train group leaders and carry out small group seminars.	5,000
Total	45,000

XUM